PUBLICATION NO: 2575

REEL NO: 168

TITLE: FEDERAL REGISTER

VOLUME: 37 DATE: January-February 1972

Notice: This periodical may be copyrighted, in which case the contents remain the property of the copyright owner. The microfilm edition is reproduced by agreement with the publisher. Extensive duplication or resale without permission is prohibited.

University Microfilms, A Xerox Company, Ann Arbor, Michigan

VOL 37

GS 4. 107:
37/1
DOCUMENTS

LIBRARY USE ONLY

federal register

TUESDAY, JANUARY 4, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 1

Pages 1–62

PART I

(Part II begins on page 45)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

HEALTH BENEFITS—CSC amendment extending enrollment period to 1–31–72 7

EXTRA LONG STAPLE COTTON—USDA announces 1972 county acreage allotment reserves; effective 1–3–72 7

SUGAR QUOTAS—USDA revised allotments for the Mainland Cane Sugar Area; effective 12–29–71 9

INTEREST RATES—FRB changes in bank lending rates 11

FOOD ADDITIVES—
- FDA approval of use of mineral oil as ingredient in feed grade biuret; effective 1–4–72 14
- FDA notices of filing of petitions on polysorbate 60 and sorbitan monostearate as beverage emulsifiers and use of paper and paperboard components for food-contact use (2 documents) 28
- FDA notice of withdrawal of petition on use of certain resins in food-contact articles 28

NEW ANIMAL DRUGS—
- FDA approval of use of sulfadimethoxine oral suspension for treatment of cats and dogs; effective 1–4–72 14
- FDA approval of use of tricaine methanesulfonate as anesthetic and tranquilizer for aquatic cold-blooded animals; effective 1–4–72 14

ANTIBIOTIC DRUGS—FDA revocation of certification of certain preparations containing oleandomycin phosphate 15

(Continued inside)

No. 1—Pt. I——1

JAN 26 1972

LIBRARY
EASTERN MICHIGAN UNIVERSITY

JAN 4 72
XUM

30-year Reference Volumes
Consolidated Indexes and Tables

Presidential Proclamations and Executive Orders

Consolidated subject indexes and tabular finding aids to Presidential proclamations, Executive orders, and certain other Presidential documents promulgated during a 30-year period (1936–1965) are now available in two separately bound volumes, published under Title 3 of the Code of Federal Regulations, priced as follows:

Title 3, 1936–1965 Consolidated Indexes $3.50

Title 3, 1936–1965 Consolidated Tables $5.25

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

INCOME TAX—IRS regulations concerning income from aircraft and vessels 16

COAL MINE SAFETY—Interior Dept. postponement of effective date to 4–29–72 of regulations on fire resistant hydraulic fluids and fire suppression devices 17

IMPORTS—Customs Bur. proposal on entry of merchandise into the U.S. Virgin Islands; comments within 30 days 19

MILK—USDA notice of price support program terms for 1972–73; comments in 30 days 20

FOOD STANDARDS—FDA proposal concerning assumption of sponsorship to establish identifying characteristics of cranberry juice cocktail 20

TARIFF SCHEDULES—Customs Bur. proposed change of classification for "Stelmor" cooled steel wire rods 23

HISTORIC PLACES—Interior Dept. additions to National Register 24

COMMENTS PERIOD—FDA notice to allow a 60 day comments filing time on proposed rule making 27

COLOR ADDITIVE—FDA notice of petition proposing use of canthaxanthin in chicken feed 28

STOCKYARDS—USDA notice identifying stockyards by facility number 46

RICE—USDA marketing quotas acreage allotments and notice of referendum for 1972 crop (2 documents); effective 12–29–71 ..... 8, 19

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Cotton; 1972 crop of extra long stable cotton; acreage allotments and marketing quotas; county reserves 7

Rice; marketing quota and national acreage allotment for 1972 crop 8

Sugar:
- Hawaii and Puerto Rico; establishment of quotas for local consumption in 1972 9
- Mainland cane sugar area; 1971 quota 9

Proposed Rule Making

Rice; marketing quota referendum for 1972 crop 19

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service; Packers and Stockyards Administration.

ATOMIC ENERGY COMMISSION

Notices

Availability of environmental report and statement:
- Elk River Reactor Dismantling, Elk River, Minn 28
- Pacific Gas and Electric Co 28

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
- Allegheny Airlines, Inc 29
- City of Palm Springs, Calif 31
- Ozark Air Lines, Inc 31
- Swift Home-Wrap, Inc 32
- Western Air Lines, Inc 32

CIVIL SERVICE COMMISSION

Rules and Regulations

Federal employees health benefits program 7

COMMERCE DEPARTMENT

See Maritime Administration.

COMMODITY CREDIT CORPORATION

Proposed Rule Making

Dairy products; loans, purchases, and other operations; price support program for milk 20

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Navel oranges grown in Arizona and California; handling limitations (2 documents) 10

Proposed Rule Making

Milk in middle Atlantic marketing area; suspension of certain provisions of order 20

Notices

Grain standards; Chattanooga, Tenn., grain inspection point 27

CUSTOMS BUREAU

Proposed Rule Making

Entry of merchandise into Virgin Islands; documents required 19

Notices

"Stelmor" cooled steel wire rods; proposed tariff classification 23

ECONOMIC OPPORTUNITY OFFICE

Notices

Availability of reports:
- Findings regarding employment policies 41
- Findings regarding learning 41

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives:
- Beech airplanes 11
- Beech Musketeer airplanes 12
- Belanca airplanes 12
- Prestolite belt driven alternator cooling fans 12

Area high routes; designation 13

Control zone and transition area; alteration 13

Transition areas:
- Alteration 13
- Designation 13

Proposed Rule Making

Control zone and transition area; designation 21

Transition area; alteration 21

(Continued on next page)

LIBRARY
EASTERN MICHIGAN UNIVERSITY
YPSILANTI
U. S. DEPOSITORY DOCUMENT

FEDERAL MARITIME COMMISSION

Notices

Japan-Atlantic & Gulf Freight Conference; agreement filed 33

FEDERAL POWER COMMISSION

Proposed Rule Making

Monthly report of cost and quality of fuels for steam-electric plant; extension of time 22

Notices

Hearings, etc.:
Alabama Power Co 33
Alabama-Tennessee Natural Gas Co 33
Arizona Public Service Co 34
Arkansas Louisiana Gas Co 34
Central Vermont Public Service Corp 34
Columbia Gas Transmission Corp 34
Georgia Power Co 35
Interstate Power Co 35
Michigan Wisconsin Pipe Line Co. and Natural Gas Pipeline Company of America 36
Northern Natural Gas Co 36
Northern States Power Co 36
Public Service of Indiana et al 37
Southern Natural Gas Co 37
Tennessee Gas Pipeline Co. (2 documents) 37, 38
Tennessee Gas Pipeline Co. et al 38
Transcontinental Gas Pipe Line Corp. (3 documents) 40
Trunkline Gas Co 40

FEDERAL RESERVE SYSTEM

Rules and Regulations

Advances and discounts by Federal Reserve banks; changes in rates 11

Notices

First National Co.; formation of one-bank holding company 41

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; mineral oil as permitted ingredient in feed grade biuret 14
New animal drugs:
Sulfadimethoxine oral suspension 14
Tricaine methanesulfonate 14
Oleandomycin phosphate; revocation 15

Proposed Rule Making

Cranberry juice cocktail drinks; definitions and standards of identity; withdrawal of petition and assumption of sponsorship 20

Notices

Filing of comments on proposed rule making; extension of time 27
Petitions for color and food additives:
Atlas Chemical Industries, Inc 28
Hoffmann-LaRoche, Inc 28
Houghton, E. F., & Co 28
Pennsylvania Industrial Chemical Corp 28

GEOLOGICAL SURVEY

Notices

San Pedro River, Ariz.; power site cancellation 24

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Rules and Regulations

Transportation and traffic management; exceptions to use of U.S. Government bill of lading forms 17

HEARINGS AND APPEALS OFFICE

Notices

Armco Steel Corp, et al.; petition regarding modification of interim mandatory safety standard 27

INTERIOR DEPARTMENT

See Geological Survey; Hearings and Appeals Office; Land Management Bureau; Mines Bureau; National Park Service.

INTERNAL REVENUE SERVICE

Rules and Regulations

Income tax; election regarding income from certain aircraft and vessels 16

Proposed Rule Making

Income tax:
Tax credit for foreign income taxes paid by controlled foreign corporations; correction 19
Use of full absorption or modified full absorption method of inventory valuation; correction 19

Notices

Granting of relief regarding firearms acquisition, shipment, possession, etc 19

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 42
Fourth section applications for relief (2 documents) 43
Motor carrier transfer proceedings 43

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:
Alaska (2 documents) 18
Idaho 18

Notices

Arizona; proposed withdrawal and reservation of lands 23

MARITIME ADMINISTRATION

Rules and Regulations

Capital construction fund; deposits for taxable years 1970 and 1971 16

MINES BUREAU

Rules and Regulations

Safety standards; fire suppression devices and fire-resistant hydraulic fluids on underground equipment 17

NATIONAL PARK SERVICE

Notices

Intention to issue concession permit and contract:
Blue Ridge Parkway, Va 24
National Capital Parks 24
National Register of Historic Places; additions, deletions, or corrections 24

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Designation of stockyards by posted stockyard facility number 46

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
GAC Income Fund, Inc 41
Royal Atlas Corp 42

STATE DEPARTMENT

Rules and Regulations

Nonresident alien Mexican border crossing cards 15

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Customs Bureau; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR
890 7

7 CFR
722 7
730 8
812 9
814 9
907 (2 documents) 10
PROPOSED RULES:
730 19
1004 20
1430 20

12 CFR
201 11

14 CFR
39 (4 documents) 11, 12
71 (3 documents) 13
75 13
PROPOSED RULES:
71 (2 documents) 21

18 CFR
PROPOSED RULES:
141 22

19 CFR
PROPOSED RULES:
Ch. I 19

21 CFR
121 14
135c 14
135f 14
148m 15
PROPOSED RULES:
27 20

22 CFR
41 15

26 CFR
12 16
PROPOSED RULES:
1 (2 documents) 19

30 CFR
75 17

41 CFR
103-40 17

43 CFR
PUBLIC LAND ORDERS:
1932 (amended by PLO 5147) 18
4582 (modified by PLO 5149) 18
4962 (see PLO 5149) 18
5081 (see PLO 5149) 18
5147 18
5148 18
5149 18

46 CFR
390 16

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Miscellaneous Amendments

By virtue of the authority vested in the U.S. Civil Service Commission by 5 U.S.C. section 8913, the health benefit regulations are hereby amended to (1) postpone the effective date of 1972 changes in enrollment charges for all plans except the Government-wide service benefit plan, (2) redetermine the Government's contribution, and (3) extend the 1971 health benefits open season through January 31, 1972. The Commission will schedule another open season before the effective date of 1972 changes in enrollment charges postponed by these amendments. The effective date of any open-season enrollment or change in enrollment made through January 31, 1972, will normally be the first day of the first pay period which begins in 1972.

These amendments to the health benefits regulations are made necessary by amendments to Title 6, Chapter III, Code of Federal Regulations, pertaining to price and rent stabilization, which amendments require application of new Price Commission guidelines to 1972 enrollment charges previously negotiated by the U.S. Civil Service Commission under guidelines issued by the Cost of Living Council. Since some provisions of the following amendments must be in effect on January 1, 1972, the Civil Service Commission has for good cause found that the urgency of publication and the need to prevent any disruption that would harm all concerned makes notice and public procedure impracticable and contrary to the public interest.

Accordingly, effective January 1, 1972, the health benefits regulations are amended as set out below.

1. Section 890.203 is amended by adding the following new paragraph (c):

§ 890.203 Application for approval of, and proposal of amendments to, health benefits plans.

* * * * *

(c) (1) Except as provided in subparagraph (2) of this paragraph, enrollment charges are (i) at the 1971 rates for a plan participating in both 1971 and 1972, (ii) at the 1971 rates of the predecessor plan having the largest 1971 enrollment for a new plan which is a successor to two or more 1971 plans, and (iii) at rates negotiated by the Commission for a new plan not described in subdivision (ii) of this subparagraph.

(2) The 1972 enrollment charges for the high-option Government-wide service benefit plan are the 1971 enrollment charges for that plan increased by 22 percent effective the first day of the first pay period which begins in 1972.

(3) Effective the first day of the first pay period which begins in 1972, and subject to § 890.501, the Government contribution for all plans is determined by using the high-option enrollment charges established under subparagraphs (1) and (2) of this paragraph.

(4) New enrollment charge proposals for 1972 for plans other than the Government-wide service benefit plan become effective on a date specified by the Commission after the proposals have been approved by an appropriate price control authority as meeting Price Commission guidelines.

(5) Notwithstanding § 890.503(c)(2), (3), and (4), the Commission pays to the carrier of each plan from its contingency reserve, to the extent there is a balance in that reserve, an amount equal to the difference between the amount paid the carrier for 1972 at 1971 enrollment charge rates and the amount which would have been paid at the 1972 enrollment charge rates approved by an appropriate price control authority as meeting Price Commission guidelines. This difference is paid as soon as the amount thereof is ascertained.

2. Section 890.301(d) is amended to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season.* During the period November 15, 1971, through January 31, 1972, and the period November 15 through November 30 of each year thereafter beginning with 1972, an employee who is not registered to be enrolled may register to be enrolled, and an enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self only to self and family, or both.

* * * * *

3. Section 890.306(c) is amended to read as follows:

§ 890.306 Effective dates.

* * * * *

(c) (1) The effective date of a change in enrollment under § 890.301(d) is the first day of the first pay period which begins in January of the next following year, except that a change in enrollment for the open season ending January 31, 1972, is effective on the first day of the first pay period which begins in 1972.

(2) The effective date of a new enrollment under § 890.301(d) is the first day of the first pay period which begins in the next following year and which follows a pay period during any part of which the employee is in pay status, except that the effective date of a new enrollment for the open season ending January 31, 1972, is the first day of the first pay period which begins in 1972 and which follows a pay period during any part of which the employee is in pay status.

* * * * *

(5 U.S.C. Section 8913)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-19169 Filed 12-29-71;3:59 pm]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1972 Crop of Extra Long Staple Cotton: Acreage Allotments and Marketing Quotas

COUNTY RESERVES

Section 722.563 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 *et seq.*). This section establishes the county reserves for the 1972 crop of extra long staple cotton. Such determinations were made initially by the respective county committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 35 F.R. 19798, 36 F.R. 6907, 21529).

Notice that the Secretary was preparing to establish State and county allotments and reserves was published in the FEDERAL REGISTER on September 14, 1971 (36 F.R. 18412), in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

Since the establishment of county reserves requires immediate action by the county committees, it is essential that § 722.563 be made effective as soon as

possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.563 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.563 County reserves for the 1972 crop of extra long staple cotton.

The county reserves for the 1972 crop of extra long staple cotton are established in accordance with § 722.509 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247, 13530, 32 F.R. 5416, 33 F.R. 8427, 16066, 16435, 34 F.R. 5, 806). The following table sets forth the county reserves:

County	County reserve (acres)
ARIZONA	
Cochise	4.1
Gila	0
Graham	6.4
Maricopa	11.0
Pima	1.3
Pinal	2.6
Yuma	1.3
CALIFORNIA	
Imperial	0
Riverside	3.5
FLORIDA	
Alachua	0
Hamilton	0
Jefferson	0
Madison	0
Marion	0
Suwannee	0
Union	0
GEORGIA	
Berrien	0.1
Cook	0.1
NEW MEXICO	
Chaves	0.9
Dona Ana	14.9
Eddy	2.1
Hidalgo	0.3
Luna	0.4
Otero	0
Sierra	0.1
TEXAS	
Brewster	0
Culberson	0.3
El Paso	6.5
Hudspeth	1.8
Loving	0
Pecos	1.2
Presidio	0.1
Reeves	0.6
Ward	2.1

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 27, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-68 Filed 1-3-72;8:50 am]

PART 730—RICE

Subpart—1972–73 Marketing Year

PROCLAMATIONS AND DETERMINATIONS WITH RESPECT TO MARKETING QUOTA AND NATIONAL ACREAGE ALLOTMENT FOR 1972 CROP RICE AMONG THE SEVERAL STATES

The provisions of §§ 730.1501 to 730.1503 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1972 crop of rice. The purpose of these provisions is to (1) proclaim that marketing quotas shall be in effect for the 1972 crop of rice, (2) establish the national acreage allotment for such crop, and (3) apportion the national acreage allotment among the States. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on July 27, 1971 (36 F.R. 13838) in accordance with the provisions of 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice and consideration was given thereto to the extent permitted by law.

It is essential that these provisions be made effective as soon as possible to allow rice growers ample time to make cropping plans for next year on land not used for rice. Also, a referendum to determine whether rice producers favor or oppose the quota must be held within 30 days after proclamation of the quotas. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 533 is impracticable and contrary to the public interest and §§ 730.1501 to 730.1503 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 730.1501 Marketing Quotas for the 1972 Crop of Rice.

The total supply of rice in the United States for the marketing year beginning August 1, 1971, is determined to be 104.4 million hundredweight (rough basis). The normal supply of rice for such marketing year is determined to be 103.8 million hundredweight (rough basis). Since the total supply of rice for the 1971–72 marketing year exceeds the normal supply for such marketing year, marketing quotas shall be in effect for the 1972 crop of rice.

§ 730.1502 National acreage allotment of rice for 1972.

The normal supply of rice for the marketing year commencing August 1, 1972, is determined to be 91.4 million hundredweight (rough basis). The carryover of rice on August 1, 1972, is estimated at 9.5 million hundredweight. Therefore, the production of rice needed in 1972 to make available a supply of rice for the 1972–73 marketing year equal to the normal supply for such marketing year is 81.9 million hundredweight. The national average yield of rice for the 5 calendar years 1967 through 1971 is determined to be 4,461 pounds per planted acre. The national acreage allotment of rice for 1972 computed on the basis of the normal supply for 1972, less estimated carryover, and the national average yield per planted acre for the 5 calendar years, 1967 through 1971, would be 1,836,461 acres. Since such amount is more than the minimum national acreage allotment of 1,652,596 acres prescribed under section 353(c)(6) of the act, the national acreage allotment for rice for the calendar year 1972 shall be 1,836,461 acres.

§ 730.1503 Apportionment of 1972 national acreage allotment of rice among the several States.

The national acreage allotment proclaimed in § 730.1502, less a reserve of 679 acres, is hereby apportioned among the several rice-producing States as follows:

State	Acres
Arizona	254
Arkansas	443,331
California	333,054
Florida	1,063
Illinois	22
Louisiana:	
Farm Administrative Area	506,923
Producer Administrative Area	16,833
State total	527,756
Mississippi	51,858
Missouri	5,286
North Carolina	43
Oklahoma	166
South Carolina	3,163
Tennessee	575
Texas	469,211
Total Apportioned to States	1,835,782
Unapportioned National Reserve	679
U.S. total	1,836,461

(Sec. 301, 352, 353, 354, 375, 52 Stat. 38, 60, 61, 66, as amended; 7 U.S.C. 1301, 1352, 1353, 1354, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on December 29, 1971.

CLARENCE D. PALMBY,
Acting Secretary.

Concurred:

CLARENCE D. PALMBY,
Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc. 71-19166 Filed 12-29-71;2:22 pm]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

Establishment of Quotas for Local Consumption in 1972

On page 23574 of the FEDERAL REGISTER of December 10, 1971, there was published a notice of proposed rule making to issue a regulation determining sugar requirements for 1972 and establishing quotas for Hawaii and Puerto Rico for the calendar year 1972. Interested persons were given until December 22, 1971, to submit written data, views, or arguments for consideration in connection with the proposed regulation.

No views or comments were received relative to the proposed regulation.

The proposed regulation is hereby adopted without change.

Effective date: January 1, 1972.

Signed at Washington, D.C., on December 28, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Basis and purpose. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas for the calendar year 1972. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Since the Act provides that the Secretary of Agriculture determine sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas to be effective on January 1, 1972, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements in 5 U.S.C. 553(d) (80 Stat. 378), and these regulations shall be effective January 1, 1972.

Sec.
812.1 Sugar requirements and quotas—Hawaii.
812.2 Sugar requirements and quotas—Puerto Rico.
812.3 Restrictions on marketing.

AUTHORITY: The provisions of these §§ 812.1 through 812.3 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 201, 203, 209, 211; 61 Stat. 923, as amended, 925, 928; 7 U.S.C. 1111, 1113, 1119, 1121.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1972 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1972.

§ 812.2 Sugar requirements and quotas—Puerto Rico.

It is hereby determined, pursuant to section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1972 is 140,000 short tons, raw value, and a quota of 140,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1972.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1972 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (33 F.R. 8495), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1972 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

Furthermore, pursuant to section 211(c) of the Act sugar may be unladed from a carrier and brought into a Foreign Trade Zone for manipulating therein or manufacturing therein another product for the subsequent entry into Hawaii or Puerto Rico for consumption only if such sugar is charged pursuant to S.R. 816 to the applicable respective local quota.

Statement of bases and consideration. Pursuant to section 203 of the Act, the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the 12-month period ended September 30, 1971, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charge to the local quotas, during such 12-month period are estimated to have been approximately 38,000 short tons of sugar, raw value, and 130,000 short tons of sugar, raw value, respectively.

Based on preliminary 1971 U.S. Census data the population of Hawaii as of April 1, 1971, was 789,000 and the population of Puerto Rico as of April 1, 1970, was 2,712,000.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1961 through 1971 the annual sugar consumption in this area has varied from approximately 93.5 to 130.5 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1972 than in the 12 months ended September 30, 1971, when sugar marketing approximated 37,000 short tons, raw value.

In Puerto Rico during the 12 months ended September 30, 1971, marketings of sugar for local consumption totalled approximately 130,000 short tons, raw value. After making allowance for possible consumption increases in 1972 resulting from probable population increases, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1972 may be approximately 140,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1972 local quota is not completely filled. It is, therefore, desirable to establish the 1972 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1972 have been determined to be 50,000 and 140,000 short tons, raw value, respectively.

[FR Doc.72-64 Filed 1-3-72;8:50 am]

[Sugar Reg. 814.9, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1971 Quota

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), as amended, hereinafter called the "Act," for the purpose of amending Sugar Regulation 814.9 (36 F.R. 24792) which established allotments for the Mainland Cane Sugar Area for the calendar year 1971.

This amendment it necessary to revise allotments to determine and prorate deficits in allotments.

On the basis of written advice from individual allottees, it is herein determined that four allottees are unable to fully utilize 1971 allotments of the Mainland Cane Sugar Area in excess of stated maximum quantities, and that there is a deficit in the allotments of such allottees amounting to 3,328 short tons, raw value, as follows:

Processors	Short tons, raw value
Frisco Cane Co., Inc.	676
Louisa Sugar Coop., Inc.	700
Louisiana State University	10
Vida Sugars, Inc.	1,742
	3,328

Accordingly, a deficit of 3,328 short tons, raw value, is declared and is herein prorated to other allottees on the basis of 1971 allotments made effective

by Sugar Regulation 814.9, Amendment 2 (36 F.R. 24792).

It was found after notice and public hearing that this order shall be revised, without further notice or hearing, for the purpose of allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (36 F.R. 24792).

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the Act: *It is hereby ordered*, That paragraph (a) of § 814.9, be amended to read as follows:

§ 814.9 Allotment of the 1971 sugar quota for the Mainland Cane Sugar Area.

(a) *Allotments.* The 1971 sugar quota for the Mainland Cane Sugar Area of 1,256,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (Short tons, raw value)
Albania Sugar Co	10,642
Alma Plantation, Ltd	10,490
J. Aron & Co., Inc	16,900
Billeaud Sugar Factory	12,631
Breaux Bridge Sugar Co-op	11,284
Wm. T. Burton Industries, Inc	7,581
Caire & Graugnard	6,423
Cajun Sugar Co-op., Inc	26,232
Caldwell Sugars Co-op., Inc	17,795
Columbia Sugar Co	9,294
Cora-Texas Manufacturing Co., Inc	9,835
Dugas & LeBlanc, Ltd	19,231
Duhe & Bourgeois Sugar Co	13,727
Evan Hall Sugar Co-op., Inc	26,709
Frisco Cane Co., Inc	1,496
Glenwood Co-op., Inc	19,923
Helvetia Sugar Co-op., Inc	14,748
Iberia Sugar Co-op., Inc	21,585
LaFourche Sugar Co	26,774
Harry L. Laws & Co., Inc	16,447
Levert-St. John, Inc	14,252
Louisa Sugar Co-op., Inc	10,591
Louisiana State Penitentiary	3,740
Louisiana State University	15
Meaker Sugar Co-op., Inc	19,808
Milliken & Farwell, Inc	11,108
M. A. Patout & Son, Ltd	21,107
Poplar Grove Planting & Refining Co	9,142
Savoie Industries	17,064
St. James Sugar Co-op., Inc	24,419
St. Mary Sugar Co-op., Inc	17,165
South Coast Corp., Inc	67,716
Southdown Sugars, Inc	48,287
Sterling Sugars, Inc	30,980
J. Supple's Sons Planting Co., Ltd	5,629
Valentine Sugars, Inc	14,370
Vida Sugars, Inc	4,560
A. Wilbert's Sons Lumber & Shingle Co	10,050
Louisiana subtotal	615,957
Atlantic Sugar Association, Inc	23,151
Florida Sugar Corp	22,568
Glades County Sugar Growers Co-op., Association	48,118
Gulf & Western Food Products Co	87,638
Osceola Farms Co	54,316
Sugarcane Growers Co-op., of Florida	117,044
Talisman Sugar Corp	40,003
United States Sugar Corp	231,206
Florida subtotal	640,043
Total all mainland cane	1,256,000

(Sec. 408, 61 Stat. 932; 7 U.S.C. interprets or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Effective date. Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest date in order to permit processors to fully utilize the entire quota for the area. Accordingly, it is hereby found that compliance with the 30-day effective date requirement in 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on December 28, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-19163 Filed 12-29-71;12:24 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 247, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i) of § 907.547 (Navel Orange Regulation 247, 36 F.R. 24794) are hereby amended to read as follows:

§ 907.547 Navel Orange Regulation 247.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 700,000 cartons.

* * * * *

(Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-90 Filed 1-3-72;8:50 am]

[Navel Orange Reg. 248]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.548 Navel Orange Regulation 248.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 28, 1971.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 31, 1971, through January 6, 1972, are hereby fixed as follows:

(i) District 1: 700,000 cartons;

(ii) District 2: 84,430 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-19162 Filed 12-29-71;11:26 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	4½	Dec. 13, 1971
New York	4½	Dec. 17, 1971
Philadelphia	4½	Dec. 17, 1971
Cleveland	4½	Dec. 17, 1971
Richmond	4½	Dec. 24, 1971
Atlanta	4½	Dec. 28, 1971
Chicago	4½	Dec. 17, 1971
St. Louis	4½	Dec. 13, 1971
Minneapolis	4½	Dec. 28, 1971
Kansas City	4½	Dec. 13, 1971
Dallas	4½	Dec. 24, 1971
San Francisco	4½	Dec. 13, 1971

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	5	Dec. 13, 1971
New York	5	Dec. 17, 1971
Philadelphia	5	Dec. 17, 1971
Cleveland	5	Dec. 17, 1971
Richmond	5	Dec. 24, 1971
Atlanta	5	Dec. 28, 1971
Chicago	5	Dec. 17, 1971
St. Louis	5	Dec. 13, 1971
Minneapolis	5	Dec. 28, 1971
Kansas City	5	Dec. 13, 1971
Dallas	5	Dec. 24, 1971
San Francisco	5	Dec. 13, 1971

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of	Rate	Effective
Boston	6½	Dec. 13, 1971
New York	6½	Dec. 17, 1971
Philadelphia	6½	Dec. 17, 1971
Cleveland	6½	Dec. 17, 1971
Richmond	6½	Dec. 24, 1971
Atlanta	6½	Dec. 28, 1971
Chicago	6½	Dec. 17, 1971
St. Louis	6½	Dec. 13, 1971
Minneapolis	6½	Dec. 28, 1971
Kansas City	6½	Dec. 13, 1971
Dallas	6½	Dec. 24, 1971
San Francisco	6½	Dec. 13, 1971

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, December 27, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.72-9 Filed 1-3-72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-35-AD, Amdt. 39-1371]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 95-55 and 58 Series Airplanes

There have been reports of inflight loss of lubricant from engines installed in Beech Models 95-55 and 58 series airplanes occasioned by age hardening of the plastic drain tube to the point where engine movement causes a tube in this condition to apply sufficient upward force from contact with the lower cowling to open the oil sump quick drain valve. Since loss of engine lubricant can result in inflight engine seizure, the manufacturer has requested that the Federal Aviation Administration issue an airworthiness directive requiring removal of the oil drain hose. After analyzing the problem, and since the condition described herein exists or is likely to develop in other airplanes of the same type design, the agency concurs with the manufacturer that such an AD is required in the interest of safety.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to following airplanes:

Models	Serial Numbers Affected
95-55	TC-1 through TC-190.
95-A55	TC-191 through TC-501 (except TC-350 and TC-371).
95-B55 and 95-B55A	TC-371, TC-520 through TC-1409.
95-B55B	TF-1 through TF-70.
95-C55 and 95-C55A	TC-350, TE-1 through TE-451.
D55 and D55A	TE-452 through TE-767
E55 and E55A	TE-768 through TE-846
58 and 58A	TH-1 through TH-173.

Compliance: Required as indicated, unless already accomplished:

To prevent engine damage from loss of lubricant due to accidental opening of oil sump drains by age stiffened plastic drain hoses, within 25 hours' time in service after the effective date of this AD, accomplish the following:

Remove the oil drain tubes from the sump drain valves.

Beechcraft Service Instructions No. 0473–241 pertains to this same subject.

This amendment becomes effective January 5, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 22, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72–18 Filed 1–3–72;8:46 am]

[Docket No. 71–CE–36–AD, Amdt. 39–1372]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Musketeer Airplanes

There have been reports of air box valve failures on Beech Musketeer airplanes equipped with carburetor engines, which resulted in engine malfunction. The manufacturer has requested that the Federal Aviation Administration issue an airworthiness directive requiring modification of the carburetor air box valve in accordance with Beechcraft Service Instructions No. 0471–241. After analyzing the problem and since the condition described herein exists or is likely to develop in other airplanes of the same type design, the agency concurs with the manufacturer that such an Airworthiness Directive is required in the interest of safety.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 23, Serial Nos. M–2 and M–4 through M–554; B23 and C23, Serial Nos. M–1095 through 1368; and A23–19, 19A, M19A, and B19 Serial Nos. MB–1 through MB–522 airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent engine power loss caused by ingestion of pieces of failed carburetor air box valves, within the next 25 hours' time in service after the effective date of this AD on airplanes having 500 hours' or more time in service, or within 525 total hours time in service on airplanes having less than 500 hours, accomplish the following:

Replace existing carburetor air box valve with a valve of double thickness (two Beech P/Ns 169–810027–29 valves riveted together), and if the valve shaft is aluminum replace it with Beech P/N 169–810049–27 steel shaft assembly, in accordance with Beechcraft Service Instructions No. 0471–241, or any alternate methods of compliance referred to and approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective January 5, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 22, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72–19 Filed 1–3–72;8:46 am]

[Docket No. 71–CE–32–AD, Amdt. 39–1373]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Models 17–30A, 17–31A, and 17–31ATC Airplanes

An airworthiness directive was adopted on December 17, 1971, and made effective immediately as to all known owners of Bellanca Models 17–30A, 17–31A, and 17–31ATC airplanes. This AD was issued because of the likelihood of engine power loss in these model airplanes resulting from the collapse of the main fuel supply hose (Aeroquip Hose P/N 359–8D–0153) located between the firewall and the engine driven fuel pump. In order to correct this condition the directive requires, before further flight, replacement of this hose with Bellanca P/N 198003–10 hose.

Since it was found that immediate corrective action was required, notice and public procedure hereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately to the owners of Bellanca Models 17–30A, 17–31A, and 17–31ATC airplanes by telegram dated December 17, 1971. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BELLANCA. Applies to Models 17–30A (Serial Nos. 30394, 30395, 30396, 30397, 30398, 30399, 30400, 30401, 30402, 30403, and 30404); 17–31A (Serial No. 32–58); and 17–31ATC (Serial Nos. 31023, 31024 and 31025) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent loss of engine power due to fuel starvation, accomplished the following:

Prior to next flight replace hose Aeroquip P/N 359–8D–0153, located between the firewall and engine driven fuel pump, with hose Bellanca P/N 198003–10, or an equivalent method of compliance approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Bellanca Service Letter No. 68 dated December 8, 1971, pertains to this subject.

This amendment becomes effective January 5, 1972, to all persons except those to whom it was made effective by telegram dated December 17, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 22, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72–20 Filed 1–3–72;8:46 am]

[Docket No. 71–CE–34–AD, Amdt. 39–1370]

PART 39—AIRWORTHINESS DIRECTIVES

Prestolite Belt Driven Alternator Cooling Fans

There have been failures of Prestolite belt driven alternators installed on various makes and models of aircraft engines. These failures consist of the alternator cooling fan breaking or coming apart resulting in engine damage that can be hazardous to the safe operation of affected aircraft. One reported failure resulted in an engine fire caused by fuel that spilled from a damaged line which had been cut by a piece that broke off from the alternator cooling fan.

Since the condition described herein exists or is likely to develop on other type design engines utilizing these belt driven alternators, an Airworthiness Directive is being issued requiring repetitive inspections of the alternator cooling fan and the replacement of this fan where necessary. As a result of tests being conducted by the manufacturer, it may be necessary to amend the AD to require replacement of existing fans with one of an improved design.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

PRESTOLITE. Applies to Prestolite alternator cooling fans, P/N PU1609A installed on Prestolite Model ALV–8402 and P/N's PU1606 and PU1606A installed on Prestolite Models ALE 6406, ALE 6406R, ALE 8105A, ALE 8106S, ALE 8406, ALE 8406R, ALE 8406, ALE 8406R; ALH 5105, ALH 5105S, ALH 5106S, ALT 5101A, ALT 5101R, ALT 5102S, ALT 8403, ALT 8404, 8404R, ALT 8404RS, ALT 8404LS, ALU 8403, ALU 8403R, ALU 8403RS, ALU 8403LS, ALX 6406, ALX 8406, ALX 8403R, ALX 8403RS, ALX 8403LS, ALY 6406, ALY 6406R, ALY 6407, ALY 6408, ALY 6409, ALY 8402, ALY 8408, ALY 8403R, ALY 8403RS, ALY 8403LS, ALY 8405, ALY 8405R, ALY 8410, ALY 8410R, ALZ 8401, ALZ 8401R, alternators utilized in various makes and models of aircraft engines.

Compliance: Required as indicated, unless already accomplished.

To detect defective alternator cooling fans and minimize the probability of in-service failures, accomplish the following:

(A) On all aircraft with more than 100 hours' time in service, within the next 25 hours' time in service, unless already accomplished within the previous 75 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, remove and visually inspect the alternator cooling fan for damage, distortion, cracks, or breaks. Replace all alternator cooling fans found damaged, distorted, cracked, or broken with an airworthy fan prior to return to service. Replacement and/or reinstallation of the fan should be accomplished in accordance with the directions set forth in Prestolite Service Bulletin No. ASM–4 revised December 27, 1971.

NOTE: When removing and replacing the pulley retaining nut do not use the cooling fan to prevent rotation of the alternator shaft. Use of the fan to prevent shaft rotation can result in bending and distortion of the fan that will require it to be replaced.

(B) Notification in writing must be sent to Chief, Engineering and Manufacturing Branch, FAA, Central Region, of any defective condition found during inspections required by this AD, including alternator model and serial number. Malfunction or Defect Report, FAA, Form 8330–2, may be used for this purpose. (Report approved by the Bureau of the Budget under BOB No. 04–R0174.)

This amendment becomes effective January 5, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 22, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72–21 Filed 1–3–72;8:46 am]

[Airspace Docket No. 71–NE–6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 19398 of the FEDERAL REGISTER dated October 5, 1971, the Federal Aviation Administration published a notice of proposed rule making which would alter the Montpelier, Vt., control zone (36 F.R. 2107) and transition area (36 F.R. 2236).

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 2, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on December 16, 1971.

W. E. CROSBY, JR.,
Deputy Director, New England Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Montpelier, Vt., Control Zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 44°12'15" N., 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 3 miles each side of the Montpelier VOR 163° radial extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the centerline of Runway 23 extending from the 5-mile radius zone to 8 miles southwest of the end of Runway 23.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Montpelier, Vt., 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°12'15" N., 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 6.5 miles west and 5 miles east of the Montpelier VOR 163° radial extending from the 10-mile radius zone to 11.5 miles south of the VOR.

[FR Doc.72–22 Filed 1–3–72;8:46 am]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On November 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21601) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Pasco, Wash., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t. 2 March 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1659(c))

Issued in Seattle, Wash, on December 23, 1971.

C. B. WALK, JR.,
Director.

In § 71.181 (36 F.R. 15113) the description of the Pasco, Wash. transition area is amended as follows:

Add: "• • • that air space extending upward from 1,200 feet above the surface, southwest of Pasco, Wash., bounded on the north by the south edge of V–298, on the east by the west edge of V–112W and on the southwest by the northeast edge of V–4."

[FR Doc.72–23 Filed 1–3–72;8:46 am]

[Airspace Docket No. 71–SO–167]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22071), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Americus, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

AMERICUS, GA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Souther Field (lat. 32°07'00" N., long. 84°11'30" W.); within 3 miles each side of the 047° bearing from Souther RBN (lat. 32°07'00" N., long. 84°11'30" W.), extending from the 6.5-mile-radius area to 8.5 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 23, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72–24 Filed 1–3–72;8:47 am]

[Airspace Docket No. 71–WA–2B]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On November 3, 1971, F.R. Doc. 71–15970 was published in the FEDERAL REGISTER (36 F.R. 21030) with an effective date of January 6, 1972.

This document amended Part 75 of the Federal Aviation Regulations, in part, by establishing area navigation routes J826R, J827R, J830R, J834R, J836R, J839R, J846R, and J849R serving parts of the central and eastern United States.

New area high route, J836R, between Kansas City, Mo., and Chicago, Ill., inadvertantly listed Dubuque, Iowa, as the reference facility for the "Bradford, Ill." waypoint. Also, new area high route, J839R, between Jacksonville, Fla., and Atlanta, Ga., listed "Woodbine, Ga," as the name for the first waypoint. However, this waypoint location is nearly coincident with the "Kings" intersection on low altitude airway Victor 267; therefore, the waypoint should also be named "Kings." Action is taken herein to reflect these two changes.

Since this amendment is minor in nature with no substantive change in the regulation, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (1-4-72), F.R. Doc. 71-15970 (36 F.R. 21030) is amended as hereinafter set forth.

In J826R delete second waypoint information "Bradford, Ill., 41°09'35"/89°35'16" Dubuque, Iowa" and substitute "Bradford, Ill., 41°09'35"/89°35'16" Iowa City, Iowa" therefor. Also, in J839R delete first waypoint information "Woodbine, Ga., 30°45'00"/81°44'02" Savannah, Ga." and substitute "Kings, Ga., 30°45'00"/81°44'02" Savannah, Ga." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a)); sec. 6(c); Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 23, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-25 Filed 1-3-72;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

MINERAL OIL AS A PERMITTED INGREDIENT IN FEED GRADE BIURET

The Commissioner of Food and Drugs, having evaluated data in a petition (MF-3370V) filed by The Dow Chemical Co., Post Office Box 1706, Midland, Mich. 48640, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of mineral oil as a permitted ingredient in feed grade biuret.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

1. In § 121.246(b) by adding a new subparagraph, as follows:

§ 121.246 Mineral oil.

* * * * * *

(b) * * *

(4) To serve as a diluent carrier in the manufacture of feed grade biuret in accordance with good manufacturing practice.

2. In § 121.328 by revising paragraph (a), as follows:

§ 121.328 Feed grade biuret.

* * * * * *

(a) The food additive is the product resulting from the controlled pyrolysis of urea conforming to the following specifications:

	Percent
Biuret	60.0 minimum.
Urea	15.0 maximum.
Cyanuric acid and triuret	21.0 maximum.
Mineral oil	0.5 maximum.
Total nitrogen (equivalent to 35.0 minimum, 218.75 percent crude protein).	

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-4-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 21, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-69 Filed 1-3-72;8:50 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sulfadimethoxine Oral Suspension

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (43-785V) filed by Hoffman-La Roche, Inc., Nutley, N.J. 07110 proposing the safe and effective use of sulfadimethoxine oral suspension for the treatment of cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.46 by revising paragraph (d)(1) as follows:

§ 135c.46 Sulfadimethoxine oral suspension.

* * * * * *

(d) * * *

(1) It is intended for use in the treatment of sulfonamide susceptible bacterial infections in dogs and cats and enteritis associated with coccidiosis in dogs.

* * * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1-4-72).

(Sec. 512(i) 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: December 21, 1971.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.72-71 Filed 1-3-72;8:51 am]

PART 135f—NEW ANIMAL DRUGS FOR MISCELLANEOUS USE

The Commissioner of Food and Drugs has evaluated an application (42-427V) filed by Ayerst Laboratories, Inc., proposing the safe and effective use of tricaine methanesulfonate as an anesthetic and tranquilizer in fish and other cold-blooded animals. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), a new Part 135f consisting at this time of one section is added to Title 21, as follows:

§ 135f.2 Tricaine methanesulfonate.

(a) *Chemical name.* Ethyl-*m*-aminobenzoate methanesulfonate.

(b) *Sponsor.* See code No. 038 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used for the temporary immobilization of fish, amphibians, and other aquatic cold-blooded animals (poikilotherms) as an aid in handling during manual spawning (fish stripping), weighing, measuring, marking, surgical operations, transport, photography, and research.

(2) It is used as follows:

(i) For fish the drug is added to ambient water at a concentration of from 15 to 330 milligrams per liter depending upon the degree of anesthetization or sedation desired, the species and size of the fish, and the temperature and softness of the water. Preliminary tests of solutions must be made with small numbers of fish to determine the desired rates of sedation or anesthesia and the appropriate exposure times for the specific lots of fish under prevailing conditions.

(ii) For amphibians and other aquatic cold-blooded animals, the drug is added to ambient water in concentrations of from 1:1000 to 1:20,000 depending upon species and stage of development.

(iii) Do not use within 21 days of harvesting fish for food. Use in fish intended for food should be restricted to Ictaluridae, Salmonidae, Esocidae, and Percidae, and water temperature should exceed 10° C. (50° F.). In other fish and in cold-blooded animals, the drug should be limited to hatchery or laboratory use.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1-4-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: December 21, 1971.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.72-72 Filed 1-3-72;8:51 am]

PART 148m—OLEANDOMYCIN

Oleandomycin Phosphate; Revocation

In a notice (DESI 10902) published in the FEDERAL REGISTER of October 15, 1970 (35 F.R. 16199), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following preparations containing oleandomycin phosphate, marketed by Chas. Pfizer and Co., 235 East 42nd Street, New York, N.Y. 10017:

1. Matromycin Capsules (NDA 10-551);

2. Oleandomycin Intramuscular (NDA 10-902); and

3. Oleandomycin Parenteral (NDA 10-902).

The notice stated that these drugs were regarded as possibly effective for certain of their labeled indications. These indications have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted pursuant to the notice of October 15, 1970. Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended as follows to revoke provisions for certification of such drugs.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148m is amended as follows:

§ 148m.1 [Revoked]

1. Section 148m.1 *Oleandomycin phosphate* is revoked.

2. Section 148m.2 is revised in paragraph (b)(1)(ii) and (iii) to read as follows:

§ 148m.2 Troleandomycin

* * * * * *

(b) * * *

(1) * * *

(ii) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve the sample in sufficient 80 percent isopropyl alcohol solution (solution 15) to give a stock solution of convenient concentration. Further dilute an aliquot in 0.2*M* potassium phosphate buffer, pH 10.5 (solution 10), to the reference concentration of 15 micrograms of troleandomycin per milliliter (estimated).

(iii) *Microbiological turbidimetric assay.* Proceed as directed in § 141.111 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 80 percent isopropyl alcohol solution (solution 15) to give a stock solution containing 1,000 micrograms per milliliter. Further dilute the stock solution with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

* * * * * *

Any person who will be adversely affected by the removal of any such drugs from the market may file objections to this order and request a hearing, showing reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended, and shall include a well organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order stating his findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

Dated: December 27, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-53 Filed 1-3-72;8:50 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.651]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT AS AMENDED

Nonresident Alien Mexican Border Crossing Cards

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to provide that an application for a Mexican nonresident alien border crossing card be made on Form I-190, Form FS-257 or Form FS-257a.

Section 41.128(b) is amended to read as follows:

§ 41.128 Nonresident alien Mexican border crossing cards.

* * * * * *

(b) *Application for nonresident alien Mexican border crossing card.* A citizen of Mexico shall apply on Form I-190, Form FS-257 or Form FS-257a for a nonresident alien border crossing card, supporting his application with evidence of Mexican citizenship and residence, a valid unexpired Mexican passport, and one photograph, 1½ inches square. Each applicant applying at a consular office, except a child under 14 years of age, shall appear in person before a consular officer and be interrogated regarding his eligibility for a temporary visitor visa.

* * * * * *

Effective date. The amendment to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER (1-4-72).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

DECEMBER 17, 1971.

[FR Doc.72-62 Filed 1-3-72;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7168]

PART 12—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

Election Regarding Income From Certain Aircraft and Vessels

The following regulations relate to the application of section 861(e) of the Internal Revenue Code of 1954, as added by section 314 of the Revenue Act of 1971 (Public Law 92-178, 89 Stat. 497), to the election to treat income from certain aircraft and vessels as income from sources within the United States.

The regulations set forth herein are temporary and are designed to inform taxpayers of the time and manner of electing to treat income from certain aircraft and vessels as income from sources within the United States under subsection (e) of section 861 with respect to elections made after December 10, 1971, and before the issuance of regulations to be prescribed by the Commissioner and approved by the Secretary or his delegate.

In order to provide such temporary regulations under section 861(e) of the Internal Revenue Code of 1954, the following regulations are adopted:

§ 12.1 Election to treat income from certain aircraft and vessels as income from sources within the United States.

(a) *In general.* Under section 861(e) a taxpayer owning certain aircraft or vessels manufactured in the United States who leases them to certain United States persons may elect to treat amounts includible in gross income with respect to such aircraft or vessels as income from sources within the United States. A vessel or aircraft with respect to which an election was made carries that election with it if it is transferred pursuant to a transaction described in section 861(e)(4).

(b) *Time and manner of making election.* The election by a taxpayer to treat income from certain aircraft and vessels as income from sources within the United must be made not later than the time, including extensions thereof, prescribed by law for filing the income tax return for the first taxable year selected by the taxpayer for application of the rules of section 861(e) or March 31, 1972, whichever is later. The election shall be made by a statement attached to the taxpayer's return (or an amended return) for the first taxable year for which it is to be effective. The statement shall indicate that the election is made under section 861(e), shall set forth information to identify the vessel or aircraft to which it applies, and shall state that the electing taxpayer is the owner of the aircraft or vessel. In addition the statement shall represent:

(1) That the vessel is section 38 property or would be section 38 property but for section 48(a)(5);

(2) That the vessel or aircraft is leased to a United States person who is not a member of the same controlled group of corporations (as defined in section 1563) as the taxpayer and shall include the name and taxpayer identification number of the lessee; and

(3) That the vessel or aircraft was manufactured or constructed in the United States.

A copy of the statement of election shall be sent by the taxpayer to the Commissioner of Internal Revenue (Attention ACTS:A:P:), Washington, D.C. 20224.

(c) *Special rules concerning revocation of elections and permanent regulations.* (1) An election made in accordance with paragraph (b) of this section shall be binding unless consent to revoke is obtained from the Commissioner. An application to revoke the election will not be accepted before the promulgation of the permanent regulations under section 861(e).

(2) If the permanent regulations which are issued under section 861(e) require the furnishing of information additional to that which was furnished with the statement of election filed pursuant to paragraph (b) of this section the taxpayer must furnish such additional information in a statement addressed to the district director, or the director of the Internal Revenue service center, with whom the election was filed. This statement must clearly identify the election and the taxable year for which it was made.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: December 29, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[FR Doc.71-19170 Filed 12-30-71;8:49 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91-469

[General Order 100, Rev., Amdt. 2]

PART 390—CAPITAL CONSTRUCTION FUND

Deposits for Taxable Years 1970 and 1971

The following regulations relate to the application of section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177), as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026) and to the requirements of the execution of agreements relating to capital construction funds and deposits therein. The regulations set forth herein are temporary and are designed to provide transitional rules with respect to the execution of agreements relating to capital construction funds and deposits therein. The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary or his delegate and prescribed by the Secretary of Commerce or his delegate.

In order to extend the time within which deposits may be made in capital construction funds with respect to income reported on the taxpayer's 1970 or 1971 return, § 390.1 is amended to read as follows:

§ 390.1 Deposits for taxable years 1970 and 1971.

In the case of a taxable year of a taxpayer beginning after December 31, 1969, and before January 1, 1972, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

(a) A capital construction fund agreement executed and entered into by the taxpayer on or prior to the due date, with extensions, for the filing of his Federal income tax return for such taxable year or years will be deemed to be effective on the date of the execution of such agreement or as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates, whichever day is earlier.

(b) Notwithstanding the provisions of paragraph (a) of this section, where (1) for taxable years beginning after December 31, 1969, and prior to January 1, 1971, an application for a capital construction fund agreement is filed by a taxpayer prior to January 1, 1972, and a capital construction fund agreement is executed and entered into by the taxpayer prior to March 1, 1972, and (2) for taxable years beginning after December 31, 1970, and prior to January 1, 1972, an application for a capital construction fund agreement is filed by a taxpayer prior to January 1, 1973, and a capital construction fund agreement is executed and entered into by the taxpayer prior to March 1, 1973 (or, if earlier, 60 days after the publication of final joint regulations under section 607 of the Merchant Marine Act, 1936, as amended); then such a capital construction fund agreement will be deemed to be effective as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates.

(c) Deposits made in a capital construction fund pursuant to such an agreement within 60 days after the date of execution of the agreement, or on or prior to the due date, with extensions, for the filing of his Federal income tax return for such taxable year or years, whichever date shall be later, shall be deemed to have been made on the date of the actual deposit or as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates, whichever day is earlier.

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years other than a taxable year or years beginning after December 31, 1969, and before January 1, 1972.

(Sec. 204(g), 49 Stat. 1987, as amended; 46 U.S.C. 1114; Public Law 91-469, 84 Stat. 1018; Sec. 21(a), 84 Stat. 1026)

Dated: December 30, 1971.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.72-153 Filed 1-3-72;8:53 am]

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75 — MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Fire Suppression Devices and Fire-Resistant Hydraulic Fluids on Underground Equipment; Notice of Extension of Effective Date

On Friday, October 8, 1971 there was promulgated in the FEDERAL REGISTER (36 F.R. 19583), §§ 75.1107-1 through 75.1107-15 of Part 75 of Chapter I, Subchapter O, Title 30, Code of Federal Regulations, which set forth specifications for fire suppression devices required to be installed on attended and unattended underground equipment and designated suitable fire-resistant hydraulic fluids approved by the Secretary for use in hydraulic systems of such equipment. Due to a work stoppage which was in effect in numerous coal mines when the standards were promulgated their effective date was extended from November 22, 1971 to December 31, 1971 by a notice published in the FEDERAL REGISTER of December 9, 1971 (36 F.R. 370).

Since the original promulgation of the standards on October 8, 1971, meetings have been held with representatives of manufacturers of fire protection equipment designed for use in mines and representative of the coal mining industry. These meetings have disclosed that the standards as promulgated would preclude the use of several innovative fire protection devices, systems and methods which would provide equivalent or superior fire protection to those required under the standards. Other deficiencies in the standards of a minor nature have also been called to our attention.

Installation of fire suppression devices and systems is a major undertaking. Once such devices and systems are installed they are not easily modified and in any case could not be modified and remain within the requirements of the standards.

Accordingly, the effective date of the standards relating to fire suppression devices and fire resistant hydraulic fluids which were promulgated October 8, 1971 (36 F.R. 19583) is extended for 120 days from December 31, 1971, to April 29, 1972. Consultations and studies intended to improve the standards and to make them more flexible will be completed shortly at which time amendments and revisions of the standards will be published as proposed rule making. In the interim all of the other mandatory standards relating to fire protection in underground coal mines which are currently in effect (see §§ 75.1100 through 75.1108-1, Part 75, Title 30, Code of Federal Regulations) will, of course, remain in effect and will be rigorously enforced.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

DECEMBER 28, 1971.

[FR Doc.72-15 Filed 1-3-72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 103—Department of Health, Education, and Welfare

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 103-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 103-40.53—Bills of Lading

EXCEPTIONS TO USE OF U.S. GOVERNMENT BILL OF LADING FORMS

Chapter 103, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to provide for the settlement of transportation charges on small shipments by the imprest fund method of payment when advantageous to the Government and acceptable to the carrier involved.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment contained herein is minor and entirely administrative in nature. Therefore, the public rule making process is waived in this instance.

Section 103-40.5310 is amended by revising paragraph (b) and adding paragraph (c) as follows:

§ 103-40.5310 Exceptions to use of U.S. Government Bill of Lading forms.

* * * * * *

(b) *Payment from imprest funds.* Comptroller General Decision B-163758, dated May 6, 1971, and Treasury Department Circular No. 1030, Second Revision, Amendment No. 1, dated July 6, 1971, authorizes settlement of transportation charges on small shipments by the imprest fund method of payment when advantageous to the Government and agreeable to the carrier involved. The use of imprest funds for such shipments shall be in accordance with the provisions of FPR 1-3.604 and HEWPR 3-3.604, and subject to the following limitations:

(1) Transportation charges paid pursuant to the imprest fund procedures shall not exceed $25 for any one transaction.

(2) Imprest funds shall not be used to pay for international shipments or for household goods van shipments.

(3) Payment of transportation charges shall not be made prior to performance of the service.

(c) *Use of commercial forms and procedures.* (Applicable only to Government property.) Subject to the following limitations and instructions, the head of a procuring activity or his designee (see § 3-75.103 HEWPR), may for specific circumstances, approve the use of commercial forms and procedures to procure freight or express transportation services for designated types of small shipments when he determines that this procedure is more efficient and economical than the use of Government bills of lading or the imprest fund method of payment set forth in paragraph (b) of this section. This discretionary authority is directed toward those shipping situations wherein it is cumbersome and impractical to issue Government bills of lading at origin, and relatively expensive to convert commercial bills to Government bills of lading at destination, for small shipments bearing a nominal transportation charge.

(1) *Limitations on the use of commercial forms.* The discretionary authority to approve the use of commercial bills of lading or express receipts, for shipping property for the account of the United States, is subject to the following limitations:

(i) The administrative authorization to use commercial forms and procedures must clearly define and describe the particular shipping circumstances and conditions in which they may be used for small shipments, following an administrative determination that commercial forms and procedures will be more efficient and economical than standard Government forms and procedures for the particular circumstances considered. A copy of each such authorization and any amendments extending, curtailing, or canceling an authorization shall be sent to the Transportation Division, U.S. General Accounting Office, Washington, D.C. 20548.

(ii) In no circumstances shall the use of commercial forms and procedures be authorized, unless the transportation charges ordinarily do not exceed $25 per shipment and the occasional exception does not exceed this monetary limitation by an unreasonable amount.

(iii) A letter of agreement must be executed by each participating carrier (or its agent) signifying acceptance of

the arrangements to use commercial bills and procedures. The letter shall contain the following provision: "The shipments covered by this agreement are subject to the terms and conditions set forth in the standard form of the U.S. Government Bill of Lading and any other applicable contract or agreement of the carrier for the transportation of shipments for the United States on Government bills of lading." The head of the procuring activity approving the use of commercial forms and procedures shall advise each participating carrier (or its agent) of this requirement. A copy of each such agreement shall be retained by the head of the procuring activity. Each participating carrier (or its agent) shall be required to file a copy of each such agreement with the appropriate fiscal office (organization and address) responsible for payment of transportation charges.

(2) *Agreements.* Agreements have been accepted by GSA with certain carriers for use by civilian agencies for shipments on commercial bills of lading. Such agreements are announced and published in GSA Bulletins to the Federal Property Management regulations. These agreements may be utilized when advantageous. Additional agreements, when accepted by GSA, will be announced and become available for use in a similar manner.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (1-4-72).

Dated: December 16, 1971.

NORMAN B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.72-55 Filed 1-3-72;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5147]

[F-019126]

ALASKA

Transfer of Lands From Jurisdiction of the Department of the Air Force to Jurisdiction of the Department of the Navy; Partial Amendment of Public Land Order No. 1932

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands, which were withdrawn for use of the Department of the Air Force as a part of the Point Barrow Air Force Station by Public Land Order No. 1932 of July 31, 1959, are hereby transferred to the jurisdiction of the Department of the Navy for use in conjunction with the Arctic Research Laboratory.

BARROW, ALASKA

A parcel of land located approximately 4.5 miles northeast of Barrow, in the Second Judicial District, State of Alaska, more specifically described as follows:

Commencing at U.S.C. & G.S. Station Point Barrow—South Base; thence west a distance of 4,662.88 feet; thence north a distance of 146 feet, more or less, to the mean high waterline of Imikpuk Lake; thence northerly a distance of 3,550 feet, more or less, along said mean high waterline to a point, said point being the true point of beginning of this description; thence N. 50° E., a distance of 700 feet; thence south a distance of 312 feet; thence S. 50° W., a distance of 490 feet, more or less, to said mean high waterline; thence northerly along said line to the true point of beginning, containing 3.32 acres, more or less.

2. This order does not otherwise serve to change the provisions of Public Land Order No. 1932, withdrawing and reserving the lands for military purposes.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 27, 1971.

[FR Doc.72-11 Filed 1-3-72;8:45 am]

[Public Land Order 5148]

[Idaho 07547]

IDAHO

Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

PAYETTE NATIONAL FOREST

BOISE MERIDIAN

Warren Ranger Station House Lot Addition

T. 22 N., R. 8 E.,
Sec. 12, that portion described as follows:
Commencing at corner No. 3 of Warren Ranger Station House Lot, thence S. 35° 00' W., 124.08 feet along the southeast boundary line of Warren Ranger House Lot to corner No. 4; S. 35°00' W., 50 feet to corner No. 5; S. 45°45' E., 45 feet to corner No. 6; N. 41°36' E., 173.56 feet to corner No. 7; N. 49°15' W., 65 feet to corner No. 3 the point of beginning.

The area described contains 0.22 acre in Idaho County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 27, 1971.

[FR Doc.72-12 Filed 1-3-72;8:45 am]

[Public Land Order 5149]

[AA-5697]

ALASKA

Withdrawal of Public Land and Modification of Public Land Order No. 4582, as Amended

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), and from leasing under the mineral leasing laws, and reserved for use by the Bureau of Land Management, Department of the Interior, as an administrative site:

COPPER RIVER MERIDIAN

T. 4 N., R. 2 W.,
Sec. 23: E½SW¼, that portion lying south of the centerline of the Glenn Highway.

Containing 26.8 acres at Glennallen, Alaska.

2. Of the above-described lands, 2.5 acres comprising the SE¼SE¼SE¼SW¼, have been patented under the Recreation and Public Purposes Act of June 14, 1926, 44 Stat. 471, as amended, 43 U.S.C. 869 et seq. (1970).

3. The remaining 24.3 acres of land described in paragraph 1 of this order are hereby removed from the terms and provisions of Public Land Order No. 4582 of January 17, 1969, as amended by Public Land Order No. 4962 of December 8, 1970, and Public Land Order No. 5081 of June 17, 1971, withdrawing all unreserved public lands in Alaska for the determination and protection of the rights of Native Aleuts, Eskimos, and Indians of Alaska.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 27, 1971.

[FR Doc.72-13 Filed 1-3-72;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Ch. I]

ENTRY OF MERCHANDISE INTO VIRGIN ISLANDS

Proposal Regarding Required Documents

Under Danish Law No. 64 of April 1, 1914, as amended, continued in force in the Virgin Islands of the United States by section 4 of the Act of March 3, 1917, as amended (48 U.S.C. 1395), and section 36 of the Act of June 22, 1936 (48 U.S.C. 1406i), merchandise of foreign origin imported into the Virgin Islands from the Customs territory of the United States is dutiable regardless of whether duty was paid on its entry into the Customs territory of the United States. Merchandise which is the growth, product, or manufacture of the Customs territory of the United States, however, may be admitted into the Virgin Islands free of duty.

To enable Customs officers to determine the origin of merchandise entered in the Virgin Islands from the Customs territory of the United States so as to insure the collection of the proper amount of duty, notice is hereby given that under the authority vested in the Secretary of the Treasury by section 36 of the Act of June 22, 1936, to make rules and regulations deemed necessary for the administration of the Customs laws in the Virgin Islands, delegated to the Commissioner of Customs by Treasury Department Order No. 165, Revised (T.D. 53654, 19 F.R. 7241), it is proposed to issue a ruling in tentative form as follows:

Upon entry into the Virgin Islands of the United States from the Customs territory of the United States of merchandise claimed to be duty-free as the growth, product, or manufacture of the Customs territory of the United States, the following documents shall be filed in addition to the documents ordinarily required:

(1) When the entire shipment of merchandise is claimed to be duty-free as the growth, product, or manufacture of the Customs territory of the United States, a declaration, in duplicate, by the importer, owner, consignee, or agent, in substantially the following form:

Vessel or Aircraft _____
Bill of Lading No. _____
Date of Arrival _____
I, _____ of _____
(Importer, owner, consignee, or agent) (Name of firm)
do hereby declare that the above-described shipment contains only merchandise which is the growth, product, or manufacture of the Customs territory of the United States.
Signature _____
Date _____

(2) When a part, but not the entire shipment, is claimed to be duty-free as the growth, product, or manufacture of the Customs territory of the United States, a declaration shall be made, in duplicate, by the importer, owner, consignee, or agent, in substantially the following form:

Vessel or Aircraft _____
Bill of Lading No. _____
Date of Arrival _____
I, _____ of _____
(Importer, owner, consignee, or agent) (Name of firm)
do hereby declare that the above-described shipment contains merchandise which is not the growth, product, or manufacture of the Customs territory of the United States. An entry will be made for that part of the shipment which is not the growth, product, or manufacture of the Customs territory of the United States within the prescribed time limits.
Signature _____
Date _____

(3) A copy of the Commercial invoice or, if necessary, a pro forma invoice. Each line or item of the invoice shall be marked by the importer, owner, consignee, or agent, to indicate the country of origin of the imported merchandise.

If the District Director in the Virgin Islands is satisfied that all the requirements of the law have been met, he may waive the requirement for filing the documents provided for in (1), (2), and (3) above.

As used in this section the term "Customs territory of the United States" includes the States, the District of Columbia, and Puerto Rico.

Prior to the issuance of the proposed ruling, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)) at the Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: December 15, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-89 Filed 1-3-72;8:52 am]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Use of the Full Absorption or Modified Full Absorption Method of Inventory Valuation

Correction

In F.R. Doc. 71-18321 appearing at page 23809 in the issue of Wednesday, December 15, 1971, the following corrections should be made in Example (1)(i) of § 1.471-11(d)(3)(v) (page 23813, third column):

1. The second and third lines should refer to "the FIFO method of inventory identification".

2. The second figure in the second column of the table, "1,000", should be underscored.

[26 CFR Part 1]

INCOME TAX

Special Rules for Determining Tax Credit for Foreign Income Taxes Paid by Controlled Foreign Corporations

Correction

In F.R. Doc. 71-18670 appearing at page 24816 in the issue of Thursday, December 23, 1971, the following changes should be made:

1. In § 1.960-1(c)(3)(ii) the period at the end of the 12th line should be a comma.

2. In § 1.960-1(c)(4) the formula that appears under the "attributable to other income" category of the "earnings and profits" section of the table in Example 6 reading "($250[$250×0.40])" should read "($250−[$250×0.40])".

3. In § 1.960-2(c)(2)(ii) the period at the end of the 12th line should be a comma.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Notice of Marketing Quota Referendum for the 1972 Crop

Marketing quotas for the crop of rice to be produced in 1972 have been duly proclaimed pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended. Said act requires a referendum to be conducted within 30 days after the date of the issuance of said proclamation of farmers who were engaged in the production of rice in 1971 to determine whether such farmers are in favor of or opposed to such quotas. Prior to establishing the date for the referendum on the 1972 crop rice, public notice (36 F.R. 13838) was given in accordance with 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice. They have been considered to the extent permitted by law. It is hereby determined that the rice marketing quota referendum under said act for the 1972

crop of rice shall be held during the period January 17 to 21, 1972, each inclusive by mail ballot in accordance with Part 717 of this chapter (33 F.R. 18345, 34 F.R. 12940, 36 F.R. 12730).

Signed at Washington, D.C., on December 28, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-19167 Filed 12-29-71;2:23 pm]

Commodity Credit Corporation

[7 CFR Part 1430]

DAIRY PRODUCTS

Loans, Purchases, and Other Operations; Price Support Program for Milk

Notice is hereby given that the Secretary of Agriculture, under authority of section 210(c) of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1446), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c), is considering the terms and conditions of the price support program for milk, for the 1972-73 marketing year beginning April 1, 1972, including the general level of prices to producers for milk and the prices for and terms of purchase by CCC of butter, nonfat dry milk, and cheddar cheese. Section 201(c) of the Agricultural Act of 1949, as amended, provides as follows: "The price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply. Such price support shall be provided through purchases of milk and the products of milk."

Consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Livestock and Dairy Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m.-4:45 p.m.). (7 CFR 1.27(b))

Signed at Washington, D.C., on December 27, 1971.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-66 Filed 1-3-72;8:50 am]

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Middle Atlantic marketing area is being considered for the months of January and February 1972.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are the provisions of paragraph (c) of § 1004.15 (Producer) that follow the parenthetical text "(other than a producer-handler plant)" as it appears in the first sentence.

If this proposed action is taken, paragraph (c) of § 1004.15 would read as follows:

§ 1004.15 Producer.

* * * * *

(c) A dairy farmer with respect to milk which is diverted to a nonpool plant (other than a producer-handler plant).

* * * * *

The proposed suspension would remove all limitations on producer milk diverted to nonpool plants during the months of January and February 1972. Milk diversions otherwise are limited (during the months of September through February) to not more than 10 days' production of an individual producer or in the alternative, in the case of a cooperative association diverting milk for its account to nonpool plants, not more than 25 percent of the volume of milk of all members of such cooperative association received at all pool plants during the month. Likewise, a proprietary handler may divert milk under the alternative 25 percent limitation. This limitation applies to the proprietary plant's nonmember producers.

This suspension was requested on behalf of 23 nonmember producers who ship to a proprietary handler operating both a pool plant and a nonpool manufacturing plant in Philadelphia, Pa. The handler has advised these producers that on or about January 1, 1972, they may not have a market with him unless relief sought through this proposed suspension is granted.

Loss of a substantial Government contract effective January 1, 1972, decreases the handler's need for milk for Class I use. Petitioning producers claim the diversion provisions are too stringent to permit the handler to divert their milk to his nonpool manufacturing plant while maintaining producer status for all producers currently shipping to his plant. Thus, they say the producers' market for milk is in jeopardy. The suspension is requested to insure a continuing market for these producers during January and February when the diversion limitations are operative.

Signed at Washington, D.C., on December 27, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-6 Filed 1-3-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CRANBERRY JUICE COCKTAIL DRINKS

Definitions and Standards of Identity; Notice of Withdrawal of Petition and of Assumption of Sponsorship of All Further Activity in the Matter by the Commissioner of Food and Drugs

In the matter of establishing definitions and standards of identity for cranberry juice cocktail—a juice drink and for artificially sweetened cranberry juice cocktail—a juice drink:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of March 2, 1967 (32 F.R. 3469), based on a petition filed by Ocean Spray Cranberries, Inc., Hanson, Mass. 02341. An order establishing definitions and standards of identity was published on April 11, 1968 (33 F.R. 5617). Because of objections filed, a notice staying the effective date of the order pending a hearing was published on July 13, 1968 (33 F.R. 10088).

In a letter to the Commissioner, Ocean Spray Cranberries, Inc., has withdrawn its petition to establish definitions and standards of identity for cranberry juice cocktail—a juice drink and for artificially sweetened cranberry juice cocktail—a juice drink. The Commissioner considers the definitions and standards of identity to be in the interest of consumers; he does not wish to cancel them at this time. Accordingly, he assumes sponsorship in lieu of the original petitioner for all further activity regarding this matter.

This action is taken pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: December 22, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-73 Filed 1-3-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-WE-59]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would establish a control zone and transition area for Thermal Airport, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

A new instrument approach procedure (VOR/DME Rwy 35/30) has been developed for Thermal Airport. The Thermal VORTAC 155° T (140° M) radial is utilized for final approach course and 13 NM DME transition is incorporated extending clockwise from the 107° M to the 140° M radial.

The airspace requirements for Thermal and Bermuda Dunes, Calif., have been reviewed in accordance with criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPs). The review revealed that a control zone and a small portion of 700 foot and 1,200 for transition area is required to provide controlled airspace protection for aircraft executing prescribed instrument procedures at Thermal Airport. The 700-foot portion of the transition area for Bermuda Dunes Airport remains unchanged.

If the proposed airspace actions are adopted the Twentynine Palms, Calif., transition area will be amended to reflect the transition area changes.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (36 F.R. 2055) the following control zone is added:

THERMAL, CALIF.

Within a 5-mile radius of Thermal Airport (latitude 33°37'40" N., longitude 116°09'45" W.)

In § 71.181 (36 F.R. 2140) the following transition area is added:

THERMAL, CALIF.

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Thermal VORTAC 140° radial, extending from the VORTAC to 8 miles southeast of the VORTAC, within 3.5 miles southwest of and parallel to the Thermal VORTAC 155° radial, extending from the VORTAC to 6.5 miles southeast of the VORTAC and within 3 miles each side of the Thermal VORTAC 324° radial, extending from the VORTAC to 16 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Thermal VORTAC 140° radial extending from the VORTAC to 20 miles southeast of the VORTAC, excluding the portion within R-2501.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on December 22, 1971.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-27 Filed 1-3-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-64]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Marysville, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

A new VOR-A instrument approach procedure has been developed for Oroville Municipal Airport, Calif., utilizing the Marysville VOR 355° T (337° M) radial for final approach radial. The additional 760-foot portion of the transition area is required to provide controlled airspace protection for that portion of the approach not contained in existing controlled airspace.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Marysville, Calif. transition area is amended as follows:

In the third line of the text delete the numeral "* * * 8 * * *" and substitute "* * * 9 * * *" therefor. In the fourth line of the text delete "* * * 6.5 * * *" and substitute "* * * 17 * * *" therefor.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on December 22, 1971.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-28 Filed 1-3-72;8:47 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-469]

MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR STEAM-ELECTRIC PLANT

Notice of Extension of Time

DECEMBER 27, 1971.

On December 17, 1971, Edison Electric Institute filed a request for an extension of time of 30 days within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including January 11, 1972, within which any interested person may submit data, views, comments, or suggestions in writing concerning the notice of proposed rule making, issued November 26, 1971 (36 F.R. 23163), in the above-designated matter.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-34 Filed 1-3-72;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[422.2]

"STELMOR" COOLED STEEL WIRE RODS

Proposed Tariff Classification

Steel wire rods, subjected to the "Stelmor" controlled cooling process, appear to be classifiable under item 608.73 or 608.75, Tariff Schedules of the United States (TSUS), as wire rods of iron or steel, other than alloy iron or steel, tempered, treated, or partly manufactured, valued not over 4 cents per pound or valued over 4 cents per pound, dutiable at the rates of 0.2 cent and 0.375 cent per pound, respectively.

This classification appears to be necessary because merchandise so processed has been tempered, treated, or partly manufactured.

Pursuant to § 16.10a(d) of the Customs regulations, notice is hereby given that there is under review in the Bureau of Customs the existing and uniform practice of classifying "Stelmor" controlled cooled steel wire rods under the provisions for rods of iron or steel, other than alloy iron or steel, not tempered, not treated, and not partly manufactured, valued not over 4 cents per pound or valued over 4 cents per pound, in item 608.70 or 608.71, TSUS.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226. To assure consideration, such communication must be received in the Bureau not later than 30 days from the date of publication of this notice.

[SEAL] EDWIN F. RAINS,
Commissioner of Customs.

Approved: December 17, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-88 Filed 1-3-72;8:52 am]

Internal Revenue Service

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public safety.

Buckmeyer, John Fred, 805 Southeast Tenino Street, Portland, OR, convicted on December 14, 1959, in the Circuit Court of Multnomah County, Oreg.

Coon, Jack Lynne, 802 South Lucas, Iowa City, IA, convicted on November 20, 1962, by the District Court, Council Bluffs, Iowa; and on April 24, 1964, by the District Court, Logan, Iowa.

Davidson, Carl L., Jr., 1120 North Holly, Sioux Falls, SD, convicted on May 28, 1964, by the Circuit Court of Minnehaha County, Sioux Falls, S. Dak.

Femiani, Ernest Eugene, 4300 Government Road, Richmond, VA, convicted on December 24, 1969, in the Henrico County Circuit Court, Va.

Guadagno, Rosolino, 1120 59th Street, Brooklyn, NY convicted on May 6, 1937, in the U.S. District Court for the Eastern District of New York.

Hamilton, James Wesley, 10 High Street, Millinocket, ME, convicted on April 29, 1968, in the U.S. District Court for the Eastern District of Texas.

Heika, Ronald William, 10786 Haverhill, Detroit, MI, convicted on July 17, 1956, by the Recorder's Court of the City of Detroit, Mich.

King, James, Sr., 4758 Sturtevant, Detroit, MI, convicted on September 17, 1957, by the U.S. District Court in and for the Eastern District of Michigan.

Kutsoginis, William B., 5366 Pontiac Lake Road, Pontiac, MI, convicted on December 23, 1946, by the Detroit Recorder's Court, Detroit, Mich.

Lee, James S., 805 Russell Lane, Yakima, WA, convicted on December 13, 1961, in the Superior Court of the State of Washington, in and for Yakima County.

Long, George, 5301 Heath Street, Clarkston, MI, convicted on July 15, 1957, in the Circuit Court for the County of Oakland, Mich.

Longpree, Ferdinand Ernest, 8127 Abington, Post Office Box 4434, Detroit, MI, convicted on November 22, 1954, by the Recorder's Court of the City of Detroit, Mich.

McMahon, Joseph Patrick, 300 North Sumner, Box 38, Tombstone, AR, convicted on January 6, 1956, by the Circuit Court of the 19th Judicial Circuit, in and for the County of Lake, Ill.

Manges, Clinton, 6701 Blanco Road, San Antonio, TX, convicted on October 8, 1965, in the U.S. District Court for the Northern District of Texas.

Miller, Wilbur Gene, 417 North Michigan, Lake City, Iowa, convicted on August 1, 1960, in the U.S. District Court, Northern District of Iowa, Central Division.

Moore, Thomas L., Jr., 1219 Barracks Street, New Orleans, LA, convicted on February 25, 1969, in the U.S. District Court Augusta, Ga.

Nelson, Robert C., 1411 North Dakota Avenue, Sioux Falls, SD, convicted on June 3, 1968, in Minnehaha County Circuit Court, South Dakota.

Parsons, Gerald Lee, 1734 Northeast 146th Street, Seattle, WA, convicted on September 11, 1961, in the 17th Judicial District Court, Adams County, Colo.

Pyburn, Ralph Waldo, 5215 Southeast 79th Avenue, Portland, OR, convicted on December 20, 1935, by the Circuit Court, in and for the County of Union, La Grande, Oreg.

Shillinger, Charles Eugene, 23591 Lawson, Warren, MI, convicted on January 6, 1958, by the Macomb County Circuit Court, Macomb County, Mich.

Tate, Thomas, 3917 Sheridan Avenue, Detroit, MI, convicted on January 4, 1940, in the Recorder's Court for the City of Detroit, Mich.; and on February 21, 1950, in the Wayne County, Mich., Circuit Court.

Signed at Washington, D.C., this 17th day of December 1971.

[SEAL] REX D. DAVIS,
Director, Alcohol, Tobacco and Firearms Division.

[FR Doc.72-67 Filed 1-3-72;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6451]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. A 6451, for the withdrawal of the lands described below from all forms of disposal or appropriation, including the mining laws, except that the land will remain open to the operation of the mineral leasing laws. The withdrawal would be made subject to valid existing rights.

The Bureau of Land Management desires these lands for protection of the scenic, wildlife, archeological, and recreational values of the Virgin Gorge Recreation Lands area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 40 N., R. 14 W.,
Sec. 5, lot 4;
Sec. 6, lots 1, 2, and 3.
T. 41 N., R. 13 W.,
Sec. 1, W½SW¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lot 1, S½NE¼, and S½;
Sec. 4, lots 3 and 4, S½NW¼, SW¼, and SE¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Secs. 8, 9, and 10;
Sec. 11, N½ and N½S½;
Sec. 12, W½NW¼, SE¼NW¼, SW¼, and SW¼SE¼;
Sec. 15, N½NW¼;
Sec. 16, N½NE¼, SW¼NE¼, NW¼, and NW¼SW¼;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 19, lots 1 to 4, inclusive, NE¼NE¼, W½NE¼, and E½NW¼;
Sec. 30, lots 1 to 4, inclusive.
T. 41 N., R. 14 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 2, lots 1 and 2, S½NE¼, S½SW¼, and SE¼;
Sec. 3, S½SE¼;
Sec. 9, E½;
Secs. 10 to 15, inclusive;
Sec. 16, NE¼, S½, and E½NW¼;
Sec. 20, NE¼SE¼, S½SE¼, and SE¼NE¼;
Secs. 21 to 25, inclusive;
Sec. 26, N½NE¼ and NW¼;
Secs. 27, 28 and 29;
Sec. 30, lots 2 and 3, SE¼NW¼, S½NE¼, E½SW¼, and SE¼;
Sec. 31, lots 1 and 2, NE¼, E½NW¼, and E½SE¼;
Sec. 32;
Sec. 33, N½NE¼, SW¼NE¼, and W½;
Sec. 34, N½N½;
Sec. 35, N½N½;
T. 42 N., R. 13 W.,
Sec. 31, lot 6, SE¼SW¼, and SW¼SE¼;
Sec. 32, E½SW¼, and SE¼;
Sec. 33, SW¼.
T. 42 N., R. 14 W.,
Sec. 35, E½SE¼;
Sec. 36, S½.

The areas described above aggregate approximately 23,070.31 acres.

Dated: December 22, 1971.

JOE T. FALLINI,
State Director.

[FR Doc.72-14 Filed 1-3-72;8:46 am]

Geological Survey

[Power Site Cancellation 311]

SAN PEDRO RIVER, ARIZ.

Power Site Cancellation

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 438 of November 16, 1956, is hereby canceled to the extent that it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 16 E.,
Sec. 1, SW¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 3, lot 1;
Sec. 4, lot 14;
Sec. 10, lot 7 and SE¼SE¼;
Sec. 11, S½S½;
Sec. 12, S½SW¼;
Sec. 13, W½W½;
Sec. 14;
Sec. 15, lots 10 and 12, and NE¼NE¼;
Sec. 23, E½, E½NW¼, and NW¼NW¼;
Sec. 24, W½W½, SE¼NW¼, and NE¼SW¼;
Sec. 25, W½ and SW¼SE¼;
Sec. 26, E½NE¼, NW¼NE¼, and NE¼SE¼.
T. 8 S., R. 16 E.,
Sec. 1, lot 1;
Sec. 2, lot 1 and SE¼NE¼;
Sec. 12, E½NW¼.
T. 7 S., R. 17 E.,
Sec. 6, W½SE¼.
T. 8 S., R. 17 E.,
Sec. 6, lot 6;
Sec. 7, E½NW¼.

The area described aggregates about 3,647 acres.

W. A. RADLINSKI,
Acting Director.

DECEMBER 28, 1971.

[FR Doc.72-56 Filed 1-3-72;8:49 am]

National Park Service

BLUE RIDGE PARKWAY, VA.

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Blue Ridge Parkway, proposes to issue a concession permit to Richard Brogan authorizing him to provide concession facilities and services for the public at Roanoke Mountain Campground on the Blue Ridge Parkway for the period from January 1, 1972, through December 31, 1973.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Blue Ridge Parkway, Post Office Box 1710, Roanoke, VA 24008, for information as to the requirements of the proposed permit.

GRANVILLE B. LILES,
Superintendent,
Blue Ridge Parkway.

NOVEMBER 19, 1971.

[FR Doc. 72-57 Filed 1-3-72;8:49 am]

NATIONAL CAPITAL PARKS

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with S. G. Loeffler Co. authorizing it to provide concession facilities and services for the public within the National Capital Parks, for a period of two (2) years from January 1, 1972 through December 31, 1973.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

LAURENCE C. HADLEY,
Assistant Director,
National Park Service.

DECEMBER 21, 1971.

[FR Doc.72-60 Filed 1-3-72;8:49 am]

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of February 20, 1971, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 2 (pp. 3930–31), April 6 (pp. 6526–28), May 4 (pp. 8333–36), June 3 (pp. 10811–13), July 8 (pp. 12868–70), August 3 (pp. 14275–76), September 8 (pp. 18016–19), October 5 (pp. 19409–10), November 2 (pp. 20995–96), and December 7 (p. 23258). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following property has been removed from the Register:

GEORGIA

Jackson County

Jefferson, *Crawford W. Long Medical Museum*, U.S. 129.

The following properties have been added to the National Register since December 7:

ARIZONA

Pima County

Tucson, *El Tiradito (Wishing Shrine)*, 221 South Main.

Santa Cruz County

Nogales vicinity, *Guevavi Mission Ruins*, approximately 6 miles above the international boundary.

Yavapai County

Camp Verde, *Fort Verde District*, bounded by Hance Street on the north, Coppinger Street on the east, and Woods Street on the west.
Prescott, *Old Governor's Mansion*, 400 block of West Gurley.

CALIFORNIA

Alameda County

Oakland, *Mills Hall, Mills College*, Mills College.

Contra Costa County

Byron vicinity, *Marsh, John, Home*, Marsh Creek Road, approximately 6 miles west of Byron.

Fresno County

Fresno, *Old Fresno Water Tower*, 2444 Fresno Street.

Los Angeles County

Los Angeles, *Ennis House*, 2607 Glendower Avenue.
Los Angeles, *Freeman, Samuel, House*, 1962 Glencoe Way.
Los Angeles, *Lovell House*, 4616 Dundee Drive.

Marin County

Tiburon vicinity, *Angel Island*, southeast of Tiburon in San Francisco Bay.

Orange County

San Juan Capistrano, *Mission San Juan Capistrano*, Camino Capistrano and Ortega Highway.

Sacramento County

Locke vicinity, *Delta Meadows Site*, 1 mile northeast of Locke.
Sacramento, *Joe Mound*, Discovery Park, 0.5 mile east of Interstate 5.
Sacramento, *Stanford-Lathrop Home*, 800 N Street.

San Diego County

San Diego, *Old Town San Diego Historic District*, approximately from the easterly line of Wallace and Washington Streets to the westerly line of Twiggs Street, and from the northerly line of Congress Street to the southerly line of Juan Street.

San Francisco County

San Francisco, *U.S. Post Office and Courthouse*, northeast corner of Seventh and Mission Streets.

Shasta County

Millville vicinity, *Cow Creek Petroglyphs*, 2.25 miles east of Millville.
Millville vicinity, *Dersch-Taylor Petroglyphs*, on Dersch Road, 5 miles east of Deschutes Road, southeast of Millville.
Shasta, *Shasta State Historic Park*, U.S. 299.

Sierra County

Verdi vicinity, *Stampede Site*, west of Verdi, sec. 17, T. 19 N., R. 17 E.

Yolo County

Woodland, *Woodland (Hershey) Opera House*, 320 Second Street.

DELAWARE

New Castle County

Wilmington, *Breck's Mill Area (Henry Clay Village)*, Breck's Lane and Creek Road.
Wilmington, *Louviers (Upper Louviers and Black Gates)*, 10 Black Gates Road.

DISTRICT OF COLUMBIA

Washington, *Church of the Epiphany*, 1317 G Street NW.

GEORGIA

Glynn County

Jekyll Island, *Horton-duBignon House, Brewery Ruins, duBignon Cemetery*, Riverview Drive.

ILLINOIS

Cook County

Chicago, *Kimball, William W., House*, 1801 South Prairie Avenue.

Fulton County

Canton, *Orendorf, Ulysses G., House*, 345 West Elm Street.

Morgan County

Jacksonville, *Duncan Mansion (Elm Grove)*, 4 Duncan Place.

INDIANA

Washington County

Salem, *Hay-Morrison House*, 106 South College Avenue.

Wayne County

Centerville, *Centerville Historic District*, bounded on the north by the corporation line, on the east by Third Street, on the south by South Street, and on the west by Willow Grove Road.

KANSAS

Allen County

Iola vicinity, *Funston Home*, 4 miles north of Iola on U.S. 69.

Doniphan County

White Cloud, *Poulet House*, Poplar Street between First and Second Streets.

Shawnee County

Topeka, *Kansas State Capitol*, bounded by Eighth and 10th Avenues and Jackson and Harrison Streets.
Topeka, *Pottawatomie Baptist Mission Building*, off West Sixth Street, 0.5 mile west of Wanamaker Road.

Sumner County

Argonia, *Salter Home*, 220 West Garfield Street.

Wyandotte County

Kansas City, *Huron Cemetery*, Minnesota Avenue between Sixth and Seventh Streets.

LOUISIANA

Orleans Parish

New Orleans, *Pilot House (Ducayet House)*, 1440 Moss Street.

MARYLAND

Baltimore (independent city)

Franklin Street Presbyterian Church and Parsonage, 504 Cathedral Street (parsonage), 100 West Franklin Street.

Frederick County

Frederick, *Rose Hill Manor*, 1611 North Market Street.

Somerset County

Princess Anne, *Teackle Mansion (Beckford Mansion)*, Mansion Street.

Wicomico County

Salisbury, *Poplar Hill Mansion*, 117 Elizabeth Street.

MASSACHUSETTS

Essex County

Beverly, *Fish Flake Hill (Front Street) Historic District*, north and south sides of Front Street from Cabot to Bartlett Streets (excluding the lot on the northwest corner of Front and Cabot Streets).
Thacher's Island, *Twin Lights*, 1 mile off the coast, east of Rockport.

Middlesex County

Woburn, *Baldwin, Loammi Mansion*, 12 Elm Street.

Norfolk-Suffolk County

Boston-Brookline, *Olmsted Park System*, encompassing the Back Bay Fens, Muddy River, Olmsted (Leverett) Park, Jamaica Park, Arborway, and Franklin Park.

MICHIGAN

Calhoun County

Marshall, *Wagner's Block*, 143 West Michigan.

Delta County

Summer Island, *Summer Island Site*, Summer Harbor, SE¼NW¼ sec. 27, T. 37 N., R. 19 W.

Eaton County

Vermontville, *First Congregational Church*, 341 South Main Street.

Huron County

Grindstone City, *Grindstone City Historic District*, on U.S. 25.

Ingham County

East Lansing, *Eustace Hall (Horticultural Laboratory Building)*, Michigan State University campus.
Mason, *Ingham County Courthouse*, Jefferson and Ash Streets.

Kent County

Grand Rapids, *Ladies' Literary Club*, 61 Sheldon SE.
Grand Rapids, *St. Cecilia Society Building*, 24–30 Ransom Avenue NE.

Lapeer County

Lapeer, *Lapeer County Courthouse*, Courthouse Square, Nepessing Street.

Lenawee County

Blissfield, *First Presbyterian Church of Blissfield*, 306 Franklin Street.

Mackinac County

City of Mackinac Island, *Indian Dormitory*, Huron Street.

Macomb County

Washington, *Washington Octagon House*, 5763 Van Dyke.

Marquette County

Negaunee vicinity, *Jackson Mine*, west of Negaunee, sec. 1, T. 47 N., R. 27 W.

Monroe County

Monroe, *McClelland, Governor Robert, House*, 47 East Elm.

Shiawassee County

Owosso, *Curwood Castle*, 224 John Street.

Wayne County

Detroit, *Fort Street Presbyterian Church*, 631 West Fort Street.
Detroit, *Hecker, Colonel Frank J., House*, 5510 Woodward Avenue.
Detroit, *Pewabic Pottery*, 10125 East Jefferson Avenue.
Detroit, *SS. Peter and Paul Church (Roman Catholic)*, 620 East Jefferson Avenue.
Grosse Pointe Farms, *Dodge Mansion (Rose Terrace)*, 12 Lakeshore Drive.

MINNESOTA

St. Louis County

Duluth, *Duluth Union Depot*, Fifth Avenue West and Michigan Street.

MISSISSIPPI

Claiborne County

Port Gibson vicinity, *Windsor Ruins*, 12 miles southwest of Port Gibson on Mississippi 552.

Hinds County

Bolton vicinity, *Champion Hill Battlefield*, approximately 4 miles southwest of Bolton.

Hinds County (also in Warren County)

Smith's Station vicinity, *Big Black River Battlefield*, on both banks of the Big Black River between Smith's Station and Bovina.

Jefferson County

Fayette vicinity, *Springfield Plantation*, 8 miles west of Fayette via Mississippi 553.

Lauderdale County

Meridian, *Merrehope*, 905 31st Avenue.

Warren County (also in Hinds County)

Bovina vicinity, *Big Black River Battlefield*.
Vicksburg, *Belfour House*, 1002 Crawford Street.

MISSOURI

Barry County

Monett vicinity, *Courdin, David W., House*, 2.4 miles southeast of Monett on Blacktop Road.

NEBRASKA

Lancaster County

Lincoln, *Rock Island Depot*, 1044 O Street.

Otoe County

Nebraska City, *U.S. Post Office*, 202 South Eighth Street.

NEVADA

Nye County

Berlin, *Berlin Historic District*, sec. 29, T. 12 N., R. 30 E.

NEW HAMPSHIRE

Rockingham County

Portsmouth, *Whidden-Ward House*, 117 Deer Street.

NEW JERSEY

Burlington County

Batsto, *Batsto Village*, Route 542, 10 miles east of Hammonton.

Camden County

Camden, *Newton Friends' Meetinghouse*, 722 Cooper Street.

Mercer County

Trenton, *The Old Eyre Farm*, 2306 Pennington Road.

Monmouth County

Middletown, *Christ Church, Middletown*, 92 King's Highway.

NEW YORK

Oneida County

Utica, *Utica State Hospital*, 1213 Court Street.

Tompkins County

Ithaca, *Clinton House*, 116 North Cayuga Street.

Ulster County

Kingston, *Kingston City Hall*, 406 Broadway.

NORTH CAROLINA

Catawba County

Newton vicinity, *St. Paul's Church and Cemetery (Lutheran)*, junction of North Carolina 1149 and North Carolina 1164.

Craven County

New Bern, *Blades House*, 602 Middle Street.
New Bern, *Harvey Mansion*, 219 Tryon Palace Drive.

Richmond County

Rockingham, *Great Falls Mill*, West Washington and Broad Avenue.

Wake County

Raleigh, *Dodd-Hinsdale House*, 330 Hillsborough Street.

Benson County

Fort Totten vicinity, *Fort Totten*, south of Fort Totten.

OHIO

Athens County

The Plains, *Hartman Mound (Connett Mound)*, Ohio 682, 0.1 mile west on small road.

Brown County

Fincastle vicinity, *Eagle Township Works I Mound*, southeast of Fincastle off Mound Road.

Butler County

Hamilton vicinity, *Fairfield Township Works I*, about 3.6 miles northeast of Hamilton between Ohio 4 and the Great Miami River.
Fitch vicinity, *Union Township Works II*, about 1 mile south of Fitch.

Greene County

Cedarville vicinity, *Williamson Mound State Memorial*, northwest of Cedarville near U.S. 42.

Hamilton County

Elizabethtown vicinity, *Fort Hill (Fort Miami)*, approximately 3 miles south of Elizabethtown on Brower Road.

Highland County

Pricetown vicinity, *Workman Works*, approximately 1.3 miles south of Pricetown.

Lake County

Fairport Harbor, *Fairport Marine Museum*, 129 Second Street.

Licking County

Granville vicinity, *Alligator Effigy Mound*, east of Granville off Ohio 16.

Perry County

Glenford vicinity, *Glenford Fort*, approximately 0.75 mile south of Glenford.

Preble County

College Corner vicinity, *Hueston Woods Park Mound*, northeast of College Corner near Little Four Mile Creek.

Trumbull County

Warren, *Mahoning Avenue Historic District*, 241–391 Mahoning Avenue NW.

Warren County

Franklin vicinity, *Hill-Kinder Mound*, northeast of Franklin off Deardoff Road.

OKLAHOMA

Johnston County

Tishomingo, *Chickasaw National Capitals*, Capitol Avenue, between Eighth and Ninth Streets.

Mayes County

Mazie vicinity, *Union Mission Site*, about 5 miles northeast of Mazie.

Wagoner County

Tullahassee vicinity, *Tullahassee Mission Site*, northeast of Tullahassee.

OREGON

Baker County

Sumpter, *Sumpter Valley Gold Dredge*, southwest of town near Cracker Creek.

Klamath County

Fort Klamath vicinity, *Fort Klamath Site*, approximately 1.25 miles southeast of Fort Klamath.

Multnomah County

Portland, *Brown, Captain John A., House* 525 Northwest 19th Avenue.

PENNSYLVANIA

Delaware County

Haverford, *Federal School*, Haverford-Darby Road.

Luzerne County

Eckley, *Eckley Historic District*.

Philadelphia County

Philadelphia, *Billmeyer, Daniel, House*, 6504 Germantown Avenue.
Philadelphia, *Wanamaker, John, House*, 2062 Walnut Street.
Philadelphia, *Wyck House*, 6026 Germantown Avenue.

York County

York, *Gates, Horatio, House and Golden Plough Tavern*, 157–159 West Market Street.

RHODE ISLAND

Newport County

Newport, *Stevens, Robert, House*, 261–265 Thames Street.

Providence County

Providence, *Elizabeth Building*, 100 North Main Street.

SOUTH CAROLINA

Anderson County

Anderson, *Anderson Historic District*, 14 blocks in the city of Anderson, bounded by Hampton, Main, Franklin, McDuffie, Benson, and Fant Streets.
Anderson, *Johnson-Morris Cottage*, 220 East Morris Street.

Colleton County

Walterboro, *Walterboro Library Society Building*, 801 Wichman Street.

Edgefield County

Edgefield vicinity, *Cedar Grove*, 5 miles northwest of Edgefield on U.S. 25.

Fairfield County

Winnsboro, *Winnsboro Historic District*, bounded on the west by Garden Street; on the south by Buchanan Street, Fairfield Country Club, and Moultrie Street; on the east by Congress Street, Zion Street, Walnut Street, and Gooding Street; and on the north by a line running from Roosevelt Street to Woodland Terrace.

Georgetown County

Georgetown, *City of Georgetown Historic District*, the Old City of Georgetown, bounded on the south by the Sampit River; on the west by Wood Street; on the north by U.S. 17; and on the east by Meeting Street.

Pickens County

Pendleton vicinity, *Old Stone Church and Cemetery*, off U.S. 76 1.5 miles north of Pendleton at the intersection of County Route 37.

Spartanburg County

Spartanburg, *Seay, Jammie, House*, Darby Road off Crescent Avenue, within the city limits.

TENNESSEE

Davidson County

Nashville, *Jubilee Hall, Fisk University*, 17th Avenue North.

Washington County

Jonesboro vicinity, *Taylor, Christopher, House*, southwest of Jonesboro off Old U.S. 11–E.

TEXAS

Maverick County

Eagle Pass, *Fort Duncan*, bounded on the east by Monroe, on the north by Garrison, on the south by the city limits, and on the west by the Rio Grande.

VIRGINIA

Henrico County

Richmond vicinity, *Flood Marker of 1771*, 0.8 mile southeast of the intersection of Routes 5 and 156.

WASHINGTON

King County

Seattle, *Fire Station No. 23*, 18th and Columbia.

Whatcom County

Bellingham, *Pickett House*, 910 Bancroft Street.

WISCONSIN

Sheboygan County

Greenbush, *Wade, Sylvanus, House*, intersection of Wisconsin 23 and Kettle Moraine Drive in Old Wade House State Park.

ERNEST ALLEN CONNALLY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.72–107 Filed 1–3–72;8:32 am]

Office of Hearings and Appeals

[Docket No. M71–1]

ARMCO STEEL CORP., ET AL.

Petition Regarding Modification of an Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173, 30 U.S.C. section 801, et seq.), notice is hereby given that the petitioners herein have filed an amendment to their Petition to Modify Application of Interim Mandatory Safety Standard (section 303(y)(1)) which substitutes the following language for the modification which petitioners seek in this proceeding:

In any coal mine the entries used as intake and return air courses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to ventilate adequately such entries as prescribed in section 303(b) and to insure that the air therein shall contain less than 1 volume per centum of methane. Air coursed through belt haulage entries may be used to ventilate active working places, provided that an authorized representative of the Secretary, after inspection of such coal mine, may limit the velocity of or prohibit the use of the coursed air where such limitation or prohibition clearly outweighs the safety benefits of supplying such air to dilute methane and respirable dust concentrations in active working places.

This matter is scheduled for hearing before Hearing Examiner William Fauver, commencing at 9:30 a.m., February 1, 1972, in Hearing Room B, 11th Floor, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA.

A copy of the original petition and the amendment to petition are available for inspection in the Office of Hearings and Appeals at the above address.

OFFICE OF HEARINGS AND APPEALS,
JAMES M. DAY,
Director.

DECEMBER 10, 1971.

[FR Doc.72–16 Filed 1–3–72;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

GRAIN STANDARDS

Chattanooga, Tenn., Grain Inspection Point

Statement of considerations. On October 30, 1971, there was published in the FEDERAL REGISTER (36 F.R. 20903) a notice announcing (1) a proposed transfer of the designation to operate the official grain inspection agency, as defined in section 3(m) of the U.S. Grain Standards Act (7 U.S.C. 75(m)), at Chattanooga, Tenn., and (2) the application by George E. Butler, Chattanooga, Tenn., for designation to operate the official grain inspection agency. Inspection agencies, members of the grain trade, and other interested parties were given until November 30, 1971, to submit written data, views, or arguments with respect to the proposed transfer and to make application for designation.

Comments were received from three members of the grain trade recommending that George E. Butler be designated to operate the official grain inspection agency at Chattanooga. No applications for designation were received other than the application from George E. Butler, and no adverse comments were received.

After due consideration of all submissions made pursuant to the notice of October 30, 1971, and all other relevant matters, and pursuant to the authority contained in sections 3(m) and 7(f) of the U.S. Grain Standards Act (7 U.S.C. 75(m) and 79(f)), the designation as the official grain inspection agency at Chattanooga, Tenn., is hereby transferred from the Chattanooga Chamber of Commerce to George E. Butler.

Effective date. This notice shall become effective February 1, 1972.

Done in Washington, D.C., this 28th day of December 1971.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.72–7 Filed 1–3–72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FILING OF COMMENTS ON PROPOSED RULE MAKING

Notice Regarding Extension of Time

In the past the Food and Drug Administration has ordinarily allowed a period of 30 days for interested persons to file comments regarding FDA notices of proposed rule making published in the FEDERAL REGISTER. In many instances the Commissioner of Food and Drugs has extended, usually for an additional 30 days, the time allowed for filing comments regarding such proposals on the basis of requests from interested persons who provided good reason for such extensions.

The Commissioner is aware that 30 days is frequently insufficient time for interested consumer, industry, or professional groups to distribute proposals to their members, hold meetings and discussions, and formulate meaningful comments regarding FDA proposed rule making. Accordingly, in the interest of obtaining as much public comment as possible on FDA proposals, the Commissioner hereby gives notice that future FDA notices of proposed rule making will ordinarily allow a period of 60 days for

interested persons to file comments unless safety or other considerations require a shorter period or unless there is a good reason for allowing a longer period of time.

Dated: December 21, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-3 Filed 1-3-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786, 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2A2746) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del. 19899, proposing that § 121.1029 *Sorbitan monostearate* and § 121.1030 *Polysorbate 60* (21 CFR 121.1029, 121.1030) be amended to provide for the safe use of polysorbate 60 and sorbitan monostearate as emulsifiers in water-fat emulsion beverages.

Dated: December 17, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-74 Filed 1-3-72;8:51 am]

HOFFMANN-LAROCHE, INC.

Notice of Filing of Petition Regarding Color Additive Canthaxanthin

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(d), 74 Stat. 403, 21 U.S.C. 376(d)), notice is given that a petition (CAP 1C9101) has been filed by Hoffmann-LaRoche, Inc., Nutley, N.J. 07110, proposing that § 8.326 *Canthaxanthin* (21 CFR 8.326) be amended to provide for the safe use of the color additive, canthaxanthin, in chicken feed as an aid in the pigmentation of chicken skin.

Dated: December 17, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-54 Filed 1-3-72;8:50 am]

E. F. HOUGHTON & CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786, 21 U.S.C. 348(b)(5)) notice is given that a petition (FAP 2B2756) has been filed by E. F. Houghton & Co., 303 West Lehigh Avenue, Philadelphia, Pa. 19133, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of polyamide polyamine-epichlorohydrin water-soluble thermosetting resins, prepared by reacting 1-(carboxy pentyl)-4-carboxy pyrrolidone with caprolactam, diethylenetriamine, and epichlorohydrin to form a basic polyamide and further reacting the polyamide with epichlorohydrin, as components of paper and paperboard for food contact use.

Dated: December 17, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-76 Filed 1-3-72;8:51 am]

PENNSYLVANIA INDUSTRIAL CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786, 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Pennsylvania Industrial Chemical Corp., 120 State Street, Clairton, Pa. 15025, has withdrawn its petition (FAP 1B2695), notice of which was published in the FEDERAL REGISTER of July 24, 1971 (36 F.R. 13805), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of α-methylstyrene-vinyltoluene copolymer resins as a component of food-contact articles.

Dated: December 17, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-75 Filed 1-3-72;8:51 am]

ATOMIC ENERGY COMMISSION

ELK RIVER REACTOR DISMANTLING, ELK RIVER, MINN.

Notice of Availability of the General Manager's Draft Environmental Statement

Notice is hereby given that a document entitled, "Draft Environmental Statement—Elk River Reactor Dismantling, Elk River, Minn.," issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704. This statement is issued in support of administrative action related to decommissioning of the Elk River Reactor by the U.S. Atomic Energy Commission.

The draft environmental statement will be furnished upon request addressed to the Assistant General Manager for Environment and Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 27th day of December 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-29 Filed 1-3-72;8:47 am]

[Dockets Nos. 50-275, 50-323]

PACIFIC GAS AND ELECTRIC CO.

Notice of Availability of Applicant's Environmental Report and Supplements to Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that an Environmental Report and Supplement Nos. 1 and 2 to the Environmental Report for the Diablo Canyon Nuclear Plant, Units 1 and 2, submitted by the Pacific Gas and Electric Co., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the San Luis Obispo County Free Library, 1354 Bishop Street, San Luis Obispo, CA 93401. The reports are also being made available to the public at the Office of the Lieutenant Governor, Office of Intergovernmental Management, State Capitol, Sacramento, Calif. 95814.

These reports discuss environmental considerations related to the proposed construction of the Diablo Canyon Nuclear Plant, Units 1 and 2, located in San Luis Obispo County, Calif.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 22d day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-8 Filed 1-3-72; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22058; Order 71-12-128]

ALLEGHENY AIRLINES, INC.

Order Granting Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of December 1971.

On October 14, 1971, Allegheny Airlines, Inc. (Allegheny) filed a petition for reconsideration of Order 71-10-15, dated October 4, 1971, insofar as it amended the carrier's certificate for Route 97 so as to redesignate the point Martinsburg as "Hagerstown-Martinsburg" on segment 8 of Route 97. Allegheny does not request reconsideration of the hyphenation of "Hagerstown-Martinsburg" on segment 1.

In support of its petition Allegheny asserts, inter alia, that its application in Docket No. 22058 requested the deletion of Martinsburg as an intermediate point on segment 8—rather than redesignation of Martinsburg as "Hagerstown-Martinsburg;"—that by hyphenating Hagerstown and Martinsburg on segment 8, Allegheny has, in effect, been certificated to provide service to Hagerstown in markets for which no need for new service has been demonstrated. As an alternative to deletion of Martinsburg from segment 8, Allegheny requests that the Board amend its certificate to specify that service to Hagerstown-Martinsburg shall be through the Hagerstown airport.

No answers to Allegheny's petition have been received.

Upon consideration of the foregoing and all the relevant facts, we have decided to grant Allegheny's petition for reconsideration and issue an amended certificate deleting Martinsburg from segment 8. We agree with the carrier that addition of Hagerstown-Martinsburg to segment 8 could create new responsibilities for the carrier, which was not the intention of Order 71-10-15. On the other hand, the addition of Hagerstown-Martinsburg to segment 1—which Allegheny does not contest—will insure that Martinsburg will receive the benefits of being retained in Allegheny's certificate, as part of a hyphenated point. Accordingly, we conclude that the public convenience and necessity require the amendment of Allegheny's certificate for route 97 in the form and manner set forth in the attached certificate. We further find that the carrier is fit, willing and able properly to perform the transportation authorized herein and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder.

For the purposes of determining a license fee, the fee set forth in § 389.25 of the Board's organization regulations for deletion of a single point will be applicable.

Accordingly, it is ordered, That:

1. An amended certificate of public convenience and necessity for route 97 in the form attached hereto be issued to Allegheny Airlines, Inc.;

2. Said certificate shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board, and shall be effective on February 2, 1972: *Provided, however,* That the effective date of said certificate shall be automatically postponed until further Board order if the appropriate license fee is not paid pursuant to § 389.21(b) of the regulations; and

3. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[Issued pursuant to Order 71-12-128]

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE (AS AMENDED) FOR ROUTE 97

Allegheny Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the coterminal points Washington, D.C., and Baltimore, Md., the intermediate points Hagerstown, Md.-Martinsburg, W. Va., Harrisburg-York, Williamsport, Altoona, Johnstown, Pittsburgh, Oil City-Franklin, and Bradford, Pa., and Jamestown, N.Y., and the terminal point Buffalo, N.Y.;

2. Between the coterminal points Washington, D.C., and Baltimore, Md., the intermediate points Salisbury, Md., Cape May and Atlantic City, N.J., Wilmington, Del., Philadelphia, Pa.-Camden, N.J., and Trenton, N.J., and (a) beyond Trenton, the intermediate points New York, N.Y.-Newark, N.J., Islip, N.Y., Bridgeport and New Haven, Conn., Hartford, Conn.-Springfield, Mass., New London-Groton, Conn., and Providence, R.I., and the terminal point Boston, Mass., and (b) beyond Trenton, the terminal point Albany, N.Y.;

3. Between the coterminal points Memphis and Nashville, Tenn., the intermediate points Lexington, Ky., Huntington, Parkersburg, and Wheeling, W. Va., and Pittsburgh, Pa., and (a) beyond Pittsburgh, the intermediate points Oil City-Franklin and Bradford, Pa., and Jamestown, N.Y., and the terminal point Buffalo, N.Y., and (b) beyond Pittsburgh, the intermediate points Johnstown, Altoona, and Harrisburg-York, Pa., and (i) beyond Harrisburg-York, the intermediate points Allentown-Bethlehem-Easton, Pa., and the coterminal points New York, N.Y., and Newark, N.J., and (ii) beyond Harrisburg-York, the intermediate points Lancaster and Reading, Pa., and Philadelphia, Pa.-Camden, N.J., and the terminal point Atlantic City, N.J.;

4. Between the terminal point Pittsburgh, Pa., the intermediate points Johnstown, Altoona, Du Bois, Clearfield-Philipsburg, Belefonte-State College, Williamsport, Harrisburg-York, Hazelton, Scranton-Wilkes-Barre, and Allentown-Bethlehem-Easton, Pa., New York, N.Y.-Newark, N.J., Islip, N.Y., Bridgeport and New Haven, Conn., Hartford, Conn.-Springfield, Mass., New London-Groton, Conn., and Providence, R.I., and the terminal point Boston, Mass.;

5. Between the terminal point Detroit, Mich., the intermediate points Cleveland, Ohio, Erie, Pa., Jamestown, N.Y., and Bradford, Williamsport, and Harrisburg-York, Pa., and (a) beyond Harrisburg-York, the coterminal points Washington, D.C., and Baltimore, Md., and (b) beyond Harrisburg-York, the intermediate points Lancaster, Reading, and Allentown-Bethlehem-Easton, Pa., and (i) beyond Allentown-Bethlehem-Easton, the intermediate points Scranton-Wilkes-Barre, Pa., Islip, N.Y., Bridgeport and New Haven, Conn., Hartford, Conn.-Springfield, Mass., the New London-Groton, Conn., and Providence, R.I., and the terminal point Boston, Mass., and (ii) beyond Allentown-Bethlehem-Easton, the intermediate points Philadelphia, Pa.-Camden, N.J., and Atlantic City, N.J., and the coterminal points New York, N.Y., and Newark, N.J.;

6. Between the terminal point Philadelphia, Pa.-Camden, N.J., and the coterminal points Norfolk-Virginia Beach-Portsmouth-Chesapeake and Newport News-Hampton-Williamsburg-Yorktown, Va.;

7. Between the terminal point Louisville, Ky., and the terminal point Pittsburgh, Pa.;

8. Between the coterminal points Washington, D.C. and Baltimore, Md., the intermediate point Elkins, W. Va., and (a) beyond Elkins, the terminal point Charleston, W. Va., and (b) beyond Elkins, the intermediate points Clarksburg-Fairmont, W. Va., Parkersburg, W. Va.-Marietta, Ohio, Cincinnati, Ohio, Indianapolis and South Bend, Ind., and Kalamazoo, Mich., and the terminal point Grand Rapids, Mich.;

9. Between the terminal point Chicago, Ill., the intermediate point Lafayette, Ind., and (a) beyond Lafayette, the terminal point Indianapolis, Ind., and (b) beyond Lafayette, the intermediate points Kokomo-Logansport-Peru and Marion, Ind., and (i) beyond Marion, the intermediate points Lima and Mansfield, Ohio, and the terminal point Pittsburgh, Pa., and (ii) beyond Marion, the intermediate point Muncie-Anderson-New Castle, Ind., and the terminal point Cincinnati, Ohio;

10. Between the terminal point Chicago, Ill., the intermediate points Danville, Ill., and Terre Haute, Ind., and (a) beyond Terre Haute, the intermediate point Indianapolis, Ind., and (i) beyond Indianapolis, the terminal point Evansville Ind., and (ii) beyond Indianapolis, the intermediate points Dayton and Columbus, Ohio, and (1) beyond Columbus, the intermediate point Mansfield, Ohio, and the terminal point Cleveland, Ohio, and (2) beyond Columbus, the intermediate points Akron-Canton and Youngstown, Ohio, and Erie, Pa., and the terminal point Buffalo, N.Y., and (b) beyond Terre Haute, the intermediate point Bloomington, Ind., and (i) beyond Bloomington, the terminal point Indianapolis, Ind., and (ii) beyond Bloomington, the terminal point Cincinnati, Ohio, and (c) beyond Terre Haute, the intermediate point Lawrenceville, Ill.-Vincennes, Ind., and the terminal point Evansville, Ind.;

11. Between the alternate terminal points Louisville, Ky., and Evansville, Ind., the intermediate points Cincinnati, Dayton, Columbus, Lima, and Toledo, Ohio, and the terminal point Detroit, Mich.;

12. Between the terminal point Detroit, Mich., the intermediate points Toledo, Sandusky, Cleveland, Akron-Canton, and Youngstown, Ohio, and the terminal point Pittsburgh, Pa.;

13. Between the terminal point Charleston, W. Va., the intermediate points Clarksburg-Fairmont, Morgantown, and Wheeling, W. Va., and Pittsburgh, Pa., and the terminal point Erie, Pa.;

14. Between the terminal point Dayton, Ohio, the intermediate points Columbus and Zanesville-Cambridge, Ohio, and (a) beyond Zanesville-Cambridge, the terminal point Pittsburgh, Pa., and (b) beyond Zanesville-Cambridge, the intermediate points Wheeling and Morgantown, W. Va., and the coterminal points Washington, D.C., and Baltimore, Md.;

15. Between the terminal point Louisville, Ky., and the terminal point Indianapolis, Ind.;

16. Between the terminal point St. Louis, Mo., the intermediate point Terre Haute, Ind., and the terminal point Indianapolis, Ind.;

17. Between the terminal point Indianapolis, Ind., and the terminal point New York, N.Y.-Newark, N.J.;

18. Between the terminal point St. Louis, Mo., the intermediate points Dayton and Columbus, Ohio, and the terminal point Pittsburgh, Pa.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein, other than a point required to be served through a single airport, through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of a segment other than segment 6, 7, 15, 17, or 18, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) paragraph (4), (5), or (6) below is applicable.

(4) If the holder has scheduled two daily round trips to a given intermediate point on a segment other than segment 6, 7, 15, 17, or 18, it may omit such point on any additional trips scheduled over all or part of such segment, subject to the following limitations:

(a) The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:

Baltimore, Md., and Buffalo, N.Y., or Dayton, Ohio.
Boston, Mass., and Buffalo, N.Y., or Detroit, Mich.
Bridgeport, Conn., and Buffalo, N.Y.
Buffalo, N.Y., and Islip, N.Y., or Washington, D.C.
Cleveland, Ohio, and Islip, N.Y., or New York, N.Y.-Newark, N.J.
Dayton, Ohio, and Washington, D.C.
Detroit, Mich., and Hartford, Conn.-Springfield, Mass., Islip, N.Y., or New York, N.Y.-Newark, N.J.

Provided, That if Scranton-Wilkes-Barre or Williamsport, Pa., is scheduled as an intermediate point between Detroit and Boston or Hartford-Springfield, no other intermediate point need be scheduled.

(b) The holder shall schedule service to a minimum of one intermediate point between the following pairs of points:

Baltimore, Md., and Cleveland or Columbus, Ohio, or Detroit, Mich.
Boston, Mass., and Cleveland, Ohio, Erie, Pa., Jamestown, N.Y., or New York, N.Y.-Newark, N.J.
Bridgeport, Conn., and Detroit, Mich.
Buffalo, N.Y., and Columbus, Ohio, or Memphis or Nashville, Tenn.
Charleston, W. Va., and Pittsburgh, Pa., or Washington, D.C.
Chicago, Ill., and Cincinnati or Dayton, Ohio, or Evansville, Ind.
Cincinnati, Ohio, and Washington, D.C.
Cleveland, Ohio, and Hartford, Conn.-Springfield, Mass., Indianapolis, Ind., Philadelphia, Pa.-Camden, N.J., Providence, R.I., or Washington, D.C.
Columbus, Ohio, and Washington, D.C.
Detroit, Mich., and Evansville, Ind., Hartford, Conn.-Springfield, Mass., Philadelphia, Pa.-Camden, N.J., Providence, R.I., or Washington, D.C.
Detroit, Mich., and Pittsburgh, Pa. (exclusive of Cleveland, Ohio).
Erie, Pa., and Hartford, Conn.-Springfield, Mass., or Providence, R.I.
Hartford, Conn.-Springfield, Mass., and Jamestown, N.Y.
Jamestown, N.Y., and Providence, R.I.
New York, N.Y.-Newark, N.J., and Lexington, Ky., Memphis or Nashville, Tenn., or Washington, D.C.
Pittsburgh, Pa., and Washington, D.C.
Albany, N.Y., and Washington, D.C.: *Provided*, That this condition shall not prevent the holder from providing nonstop service between Albany, N.Y., and Friendship Airport and from holding out such service as service to Washington, D.C., so long as the holder apprises the public of the airport through which such Albany-Washington nonstop service is being provided.

(5) Notwithstanding the provisions of paragraph (4) above, the holder may schedule nonstop service between Columbus and Youngstown, Ohio.

(6) If the holder has scheduled one daily round trip to Hagerstown, Md.-Martinsburg, W. Va., on segment 1, Salisbury, Md., or Cape May or Atlantic City, N.J., on segment 2, or Erie, Pa., on segment 4, the holder may omit service to such point on any additional trips scheduled over all or part of the segment on which such point is named.

(7) Flights serving Boston, Mass., on the one hand, and Providence, R.I., or Hartford, Conn.-Springfield, Mass., on the other hand, shall originate or terminate at a point south or west of New York, N.Y.-Newark, N.J.

(8) Flights serving Memphis and Nashville, Tenn., shall originate or terminate at a point north and east of Nashville.

(9) The holder shall schedule nonstop service (a) between Detroit, Mich., and Cleveland, Ohio, only on flights originating or terminating at a point east or south of Cleveland; and (b) between Pittsburgh, Pa., and Cleveland, Ohio, only on flights which also serve a point beyond either Pittsburgh or Cleveland.

(10) Flights scheduled over segment 10 to serve Chicago, Ill., on the one hand, and Columbus, Cleveland, Akron-Canton or Youngstown, Ohio, Erie, Pa., or Buffalo, N.Y., on the other hand, shall also serve Indianapolis, Ind.

(11) Flights scheduled to serve Washington, D.C., on the one hand, and Grand Rapids or Kalamazoo, Mich., South Bend or Indianapolis, Ind., or Cincinnati, Ohio, on the other hand, shall also serve one intermediate point east of Cincinnati on segment 8.

(12) Flights scheduled to serve Cincinnati, Ohio, and Indianapolis, Ind., shall also serve a point beyond Cincinnati or Indianapolis.

(13) Flights scheduled to serve Louisville, Ky., and any other point on segment 11 shall also serve Cincinnati, Ohio.

(14) The holder shall not serve Cleveland, Ohio, or Detroit, Mich., on nonstop flights scheduled between Baltimore, Md., and Pittsburgh, Pa.

(15) The holder shall not schedule single-plane service between Albany, N.Y., on the one hand, and Pittsburgh, Pa., or New York, N.Y.-Newark, N.J., on the other hand.

(16) Harrisburg-York, Pa., on segments 1, 3, 4, and 5 shall be served through a single airport.

(17) The intermediate point Cape May, N.J., shall be served only during the period commencing not earlier than June 1, or later than June 15, and terminating not earlier than September 1, or later than September 15, inclusive, of each year, except that the Board may enlarge said period if the Board determines that said period does not permit adequate seasonal service.

(18) The holder is authorized to render flagstop service by omitting the physical landing of its aircraft at any intermediate point or (on segments 8 through 18) at any segment junction point scheduled to be served on a particular flight: *Provided*, That there are no persons, property, or mail on the aircraft destined for such point, and no such traffic available at such point for the flight at the scheduled time of departure.

(19) Notwithstanding the linear route description in this certificate, the holder may schedule nonstop service between Grand Rapids, Mich., and Toledo, Ohio.

(20) The holder's authority to engage in the transportation of mail with respect to those operations set forth in Appendix A to Order 71-6-53, as amended by Order 71-7-191, is limited to the carriage of mail on a non-subsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General, and the holder shall not be entitled to any subsidy with respect to such operations.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate, the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendered solely in connection with operations specified in paragraph (20), and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

This certificate shall be effective on February 2, 1972: *Provided, however*, That the effective date of said certificate shall be automatically postponed until further Board order if the appropriate license fee is not paid pursuant to section 389.21(b) of the regulations.

The authorizations to serve (a) the portion of segment 8 east of Cincinnati, Ohio, (b) between Columbus and Akron-Canton, Ohio, on segment 10, (c) Cincinnati, Ohio, on segment 10, and (d) segment 14, exclusive of segment 14(a), shall expire on December 23, 1985.[3]

[3] On June 11, 1965, an application was filed in Docket No. 16232 for renewal of these authorizations.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the 28th day of December 1971.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-78 Filed 1-3-72;8:51 am]

[Docket No. 14235; Order 71-12-132]

OZARK AIRLINES, INC., ET AL.

Order Regarding Fares for Foreign Visitors

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1971. Agreement among certain air carriers concerning promotional area-fare tariffs for foreign visitors, Docket 14235, Agreement CAB 17281-A8.

On December 14, 1971, Ozark Airlines, Inc., on behalf of itself and certain other air carriers[1] filed with the Board an amendment of an existing agreement concerning the "Visit USA" tariff. The existing agreement was first approved by Order E-19961, on August 29, 1963, and by subsequent amendments the carriers have continued it in effect through December 31, 1971.[2] By the instant amendment the carriers would extend the expiration date on the current tariff for 1 year, to December 31, 1972 and, in addition, Frontier would limit its participation to the provision of nonreservation service beginning with February 1, 1972.

In view of the nature of the amendment, and for the same reasons as were stated by the Board in Order E-19961, the Board does not find Agreement CAB 17281-A8 to be adverse to the public interest or in violation of the Act.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 412 and 414 thereof,

It is ordered, That:

1. Agreement CAB 17281-A8 is approved; and

2. Any air carrier party to the agreement, or any interested person, may within 10 days from the date of service of this order submit statements in writing containing reasons deemed appropriate, together with supporting data in support of or in opposition to the Board's action herein. An original and nineteen copies of the statement should be filed with the Board's docket section. The Board may, upon consideration of any statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-79 Filed 1-3-72;8:51 am]

[Docket No. 24060; Order 71-12-74]

CITY OF PALM SPRINGS, CALIF.

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of December 1971.

By telegraphic application filed on December 16, 1971, the city of Palm Springs, Calif., requests that the Board grant American Airlines, Inc. (American) an emergency temporary exemption from condition (26) of its certificate for route 4 so as to permit American to carry Palm Springs-Los Angeles/Phoenix local traffic[1] during the pendency of the current strike against Air West.

In support of its request, the city asserts, inter alia, that the strike against Air West has eliminated 80 percent of the Palm Springs-Los Angeles nonstop service and 100 percent of the Palm Springs-Phoenix service; and that since Palm Springs is beginning its peak winter season, the elimination of service between these points will seriously inconvenience the traveling public. Palm Springs further states that Western Air Lines has advised that they will not interpose an objection to the instant request.[2]

In light of the unusual circumstances raised by the instant application, we are taking action pursuant to Rule 410 of the Board's rules of practice without awaiting the filing of answers or replies thereto.[3]

Upon consideration of the application and all the relevant facts, we have decided to exempt American from section 401 of the Act and the terms, conditions, and limitations of its certificate for route 4 to the extent necessary to enable American to carry local traffic between Palm Springs, on the one hand, and Phoenix and Los Angeles, on the other hand, pending resumption of service by Air West.[4] We will also exempt American from the tariff filing provisions of section 403 of the Act with respect to the markets herein in issue, so long as the carrier charges the Palm Springs-Los Angeles, or Palm Springs-Phoenix fares set forth in its current tariff on file with the Board, used in making involuntary refunds.

The demand for replacement service arising from the Air West strike constitutes unusual circumstances affecting American's operations. In these circumstances, enforcement of the certification requirements of the Act would preclude the provision of needed public service and enforcement of these requirements would be an undue burden on American.[5] We find that enforcement of the provisions of sections 401 and 403 of the Act, and the terms, conditions, and limitations of the carrier's certificate of public convenience and necessity for route 4, insofar as they would otherwise prohibit the service herein authorized would be an undue burden on American by reason of the limited extent of and unusual circumstances affecting its operations and not in the public interest.

Accordingly, it is ordered, That:

1. American Airlines, Inc. be and it hereby is temporarily exempted from the provisions of section 401 of the Act and the terms, conditions, and limitations of its certificate of public convenience and necessity for route 4 insofar as they would otherwise prevent it from carrying traffic between Palm Springs, Calif., on the one hand, and Phoenix, Ariz., and Los Angeles, Calif., on the other hand;

2. American Airlines, Inc. be and it hereby is exempted from section 403 of the Act insofar as that section would require the filing of a tariff for the carriage of local traffic in the Palm Springs-Phoenix/Los Angeles markets, so long as American charges the Palm Springs-Los Angeles, or Palm Springs-Phoenix fares set forth in its current tariff on file with the Board, used in making involuntary refunds;

3. The authority granted herein shall become effective on the date of this order and shall continue in effect until such time as Air West resumes service in the Palm Springs-Phoenix and Palm Springs-Los Angeles markets; and

4. This order may be amended or revoked at any time in the discretion of the Board without notice or hearing.

[1] Hughes Air Corp., d.b.a. Air West, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Piedmont Airlines, Southern Airways, Inc., Texas International Airlines, Inc.

[2] Orders E-21851 (February 26, 1965); E-22975 (December 7, 1965); E-24508 (December 9, 1966); E-26100 (December 11, 1967); 68-11-18 (November 5, 1968); 69-10-58 (October 13, 1969); and 70-12-69 (December 14, 1970).

[1] Condition (26) of American's route 4 states as follows: "(26) On flights serving Palm Springs, Calif., on the one hand, and Los Angeles, Calif., or Phoenix, Ariz., on the other hand, the holder shall not discharge at Palm Springs persons, property, or mail enplaned at Los Angeles or Phoenix and shall not discharge at Los Angeles or Phoenix persons, property, or mail enplaned at Palm Springs."

[2] American filed an answer in support of Palm Springs' request.

[3] As stated above, we are advised by Palm Springs that Western Air Lines has no objection to Palm Springs' request. In addition, Air West has advised the Board's staff that it has no objection to the award to American so long as the authority terminates when Air West resumes service.

[4] Both Palm Springs and American request that American's exemption authority continue until 1 week after Air West resumes service. We do not find it to be necessary to extend the authority herein granted beyond the date when Air West resumes service in the market.

[5] Moreover, to require the carrier to engage in a certification proceeding in order to provide the service would subject it to a financial burden wholly disproportionate to the revenues to be derived from the proposed operations.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-80 Filed 1-3-72;8:51 am]

[Order 71-12-130]

SWIFT HOME-WRAP, INC.

Order Granting Temporary Relief

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of December 1971.

From time to time, at the request of the Department of Defense (DOD), the Board has granted temporary relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit 34 unauthorized indirect air carriers [1] to transport by air, used household goods [2] of Department of Defense personnel. The relief will expire 180 days after the Board's decision in Docket No. 20812 becomes final or, as to each individual company named in the appendix to Orders 71-10-56 and 71-11-74, upon Board disposition of such company's application for air freight forwarder and/or international air freight forwarder authority, whichever event shall occur first.[3]

By letter dated November 18, 1971, the Department of the Army, acting on behalf of DOD, stated that, in addition to the 34 carriers already exempted, it now has a requirement for the services of Swift Home-Wrap, Inc., an unauthorized indirect air carrier, and requests that it be similarly relieved from the requirements of the Act.

In view of the foregoing circumstances, the Board finds that it is in the public interest to temporarily relieve from the provisions of the Act Swift Home-Wrap, Inc. to transport by air used household goods of personnel of DOD.

Accordingly, it is ordered,

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, Swift Home-Wrap, Inc. is hereby relieved from the provisions of Title IV and section 610(a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department;

2. That the relief granted herein shall terminate 180 days after the Board's decision in Docket 20812 becomes final or upon Board disposition of Swift Home-Wrap, Inc.'s application for air freight forwarder and/or international air freight forwarder authority, whichever event shall occur first;

3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and Swift Home-Wrap, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-81 Filed 1-3-72;8:51 am]

[Docket No. 24085; Order 71-12-133]

WESTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of December 1971.

By tariff revisions [1] marked to become effective December 30, 1971, Western Air Lines, Inc. (Western) proposes to extend the expiration of its circle-trip excursion fares from December 31, 1971 to May 31, 1972. The fares are available from numerous western U.S. points to Alaska, Hawaii and return and offer discounts in the 20- to 40-percent range depending on the routing chosen. Free stopovers at any or all points on a particular routing are permitted and travel is permitted at any time.

In support of its proposal, Western alleges that during the entire period the fares have been in effect the growth of air travel has been adversely affected by the economic recession, and that as a result an accurate testing of the fares' generative effect has not been possible. The carrier believes that with the current signs of potential improvement in traffic growth the fares may prove to be an effective stimulant, and accordingly wishes to extend their availability for an additional 5-month period.

Aloha Airlines, Inc., (Aloha) and Hawaiian Airlines, Inc., (Hawaiian) have filed a joint complaint requesting suspension and investigation of the proposed extension in view of the absence of a Hawaiian common-fare provision. These carriers contend that extension of the fares without applicability of this provision violates Western's certificates for routes 35 and 139, which provide that authority to serve Hilo shall be contingent upon its filing and keeping on file with the Board tariffs providing for common fares. Aloha and Hawaiian further contend that the Board removed all doubts as to the scope of this condition when it suspended United's recent proposal to establish one-way affinity group fares which likewise did not provide for intra-Hawaii common fares.[2]

In answer to the complaint Western alleges that the fares are intended to encourage passengers to visit Hawaii as an intermediate point on trips between west coast cities and Alaska, and that they were set at a level essentially equal to direct mainland-Anchorage fares except where the resulting yields would be below 4 cents per mile. The carrier contends that this level was needed to generate traffic on its new nonstop Honolulu-Anchorage segment and that, had it been required to offer common-fare privileges, it is doubtful that it would have implemented the fares because of the expected revenue dilution.

Western also alleges that its certificate provision regarding Hawaiian common fares does not apply to this tariff since the fares are essentially for mainland-Alaska service, although routed via Hawaii in one direction. It asserts that its circle-trip fares are comparable to the Los Angeles-Hong Kong, Los Angeles-Tokyo, and New York-Sydney round trip fares of transpacific carriers, all of which permit stopovers in Hawaii without availability of the common-fare privilege.

Upon consideration of the tariff proposal and all other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or otherwise unlawful and should be investigated. The Board further concludes that the fares should be suspended pending investigation.

By Order 71-9-113, September 29, 1971, the Board suspended affinity group fares proposed in the Hawaiian market because such fares did not provide for common fares and stopovers provided free or at a nominal charge within the state of Hawaii, as required by the carriers' authority to serve Hilo. Western's certificate authority contains a similar requirement which, as we indicated, applies to all classes of fares to Hawaii which the carriers publish.

Western's allegation that its circle-trip fares are comparable to fares applied by other carriers on transpacific services has little bearing on the issue at hand. While those carriers offer stopover privileges at Honolulu, without providing common fare privileges within the State, their certificates for transpacific service do not contain the common-fare condition attached to their domestic certificate authority to serve Hawaii. Since the tariff proposal relates to operations conducted under Western's domestic certificate, it is prima facie a violation of a certificate condition similar to that interpreted in Order 71-9-113 and therefore should be suspended.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the expiration date of May 31, 1972, on the Fourth Revised Title Page of Western Air Lines, Inc.'s CAB No. 87 and rules, regulations or practices affected by such expiration date are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful expiration date (if any) and rules, regulations, or practices affecting such expiration date;

2. Pending hearing and decision by the Board, the expiration date of May 31, 1972, on Fourth Revised Title Page of Western Air Lines, Inc.'s CAB No. 87 is suspended and its use deferred to and including March 28, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. Except to the extent granted herein, the complaint in Docket No. 24053 is dismissed; and

5. Copies of this order be filed with the aforesaid tariff and be served upon Aloha Airlines, Inc., Hawaiian Airlines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-82 Filed 1-3-72;8:52 am]

FEDERAL MARITIME COMMISSION

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. A. Cole, Jr., Chairman, Japan-Atlantic & Gulf Freight Conference, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-Ku, Tokyo 104, Japan.

Agreement No. 3103-48 supersedes Agreement No. 3101-47 (which appeared in the FEDERAL REGISTER of December 15, 1971). In addition to containing all new matters appearing in Agreement No. 3103-47, Agreement No. 3103-48 also amends Article 3, Freight Charges and Filing of Documents, of the basic agreement, to include transportation "to United States Atlantic and Gulf Ports or points within the scope of section 18(b) of the Shipping Act, 1916, as amended."

Dated: December 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-87 Filed 1-3-72;8:52 am]

FEDERAL POWER COMMISSION

[Project 2146]

ALABAMA POWER CO.

Notice of Application for Change in Land Rights

DECEMBER 22, 1971.

Public notice is hereby given that application for approval of the conveyance of an easement on project property to the State of Alabama Highway Department, to permit raising and maintaining a bridge and approaches, has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Alabama Power Co. (correspondence to Mr. S. R. Hart, Jr., vice-president—engineering, Alabama Power Co., Birmingham, Ala. 35202) in Project No. 2146 located on the Coosa River in St. Clair, Elmore, Chilton, Coosa, Shelby, Calhoun, Etowah, and Cherokee Counties in Alabama and Floyd County, Ga. The project land to be conveyed is in St. Clair and Talladega Counties, Ala.

The application seeks Commission approval of a proposed conveyance of an easement on project lands, covering about 5.9 acres of project land, in order to allow construction and maintenance of a bridge and approaches on U.S. Highway 78 where it crosses Logan Martin Reservoir in St. Clair and Talladega Counties. Raising of the bridge would increase the clearance from 5 feet to about 14.5 feet above full reservoir level. Applicant states that such easement will not be inconsistent with project operations or recreational uses of project land or waters, and that the State of Alabama will be required to protect the reservoir from pollution during bridge construction and maintenance.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceedings. Persons wishing to become parties to a proceeding must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.72-30 Filed 1-3-72;8:47 am]

[Docket No. CP72-152]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application

DECEMBER 28, 1971.

Take notice that on December 7, 1971, Alabama-Tennessee Natural Gas Co. (applicant), Post Office Box 918, Florence, AL 35630, filed in Docket No. CP72-152 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to increase its sales on a temporary basis to the town of Selmer, Tenn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks authority to increase sales and deliveries up to 800 Mcf per day to the town to Selmer, Tenn., an existing customer of applicant, on a temporary basis until November 1, 1973. Applicant states that no additional facilities or gas supply are required to enable it to render the increased service to Selmer. The increased volumes for the proposed service to Selmer will be obtained through a temporary exchange agreement whereby the town of Moulton,

[1] American Ensign Van Service, Inc., Asiatic Forwarders, Inc., CTI-Container Transport International, Inc., Four Winds Forwarding, Inc., HC&D Moving & Storage, Imperial Household Shipping Co., Inc., International Sea Van, Inc., North American Van Lines, Inc., Aero Mayflower Transit Co., Inc., Allied Van Lines, Inc., Astron Forwarding Company, Davidson Forwarding Company, Fernstrom Storage and Van Co., Home-Pack Transport, Inc., King Van Lines, Inc., Richardson Transfer & Storage Co., Inc., Smyth Worldwide Movers, Inc., Air Van Lines, Inc., Burnham Van Service, Inc., Suddath Van Lines, Inc., United Van Lines, Inc., Von der Ahe Van Lines, Inc., Door to Door International, Inc., Republic Van & Storage Co., Inc., Trans-American Van Service, Inc., American Red Ball Transit Company, Getz Bros. and Co., U.S., Neptune Thru-Container Corp., Karevan, Inc., DeWitt Freight Forwarding, Delcher Intercontinental Moving Service (DIMSS), Garrett Forwarding Co., Pyramid Van Lines, Inc., and Rocky-Ford Moving Van, Inc.

[2] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[3] See Order 71-10-56, dated October 12, 1971.

[1] Revisions to Western Air Lines, Inc.'s Tariff CAB No. 87.

[2] Order 71-9-113.

Ala., and Reynolds Metals Co., existing customers of applicant, will reduce their present contract volumes by 300 and 500 Mcf per day, respectively, to enable applicant to serve Selmer.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-38 Filed 1-3-72;8:48 am]

[Docket No. E-7689]

ARIZONA PUBLIC SERVICE CO.

Notice of Application for Initial Rate Schedule

DECEMBER 28, 1971.

Take notice that on November 15, 1971, Arizona Public Service Co. filed in Docket No. E-7689 an application for an initial rate schedule. The company's letter of transmittal appears below.[1]

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 7, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. The company's application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-39 Filed 1-3-72;8:48 am]

[Docket No. CP71-311]

ARKANSAS LOUISIANA GAS CO.

Order Setting Date for Prehearing Conference and Prescribing Procedures

DECEMBER 28, 1971.

On June 24, 1971, Arkansas Louisiana Gas Co. (applicant) filed an application in Docket No. CP71-311 to acquire by purchase and operate facilities in interstate commerce consisting of 3.7 miles of 6-inch diameter pipeline and appurtenant facilities from Bromet Co., Columbia County, Ark. for $52,610.

On April 1, 1969, in Docket No. CP69-209 (41 FPC 440), Arkansas Louisiana was authorized by the Commission to commence a direct sale of natural gas to Bromet. An industrial gas sales contract dated January 27, 1969, between Arkansas Louisiana and Bromet has a term of 2 years and an option allowing Bromet to extend the term of the contract to December 31, 1985. On March 2, 1971, Bromet exercised its right to extend the term to 1985 and, pursuant to the contract, tendered to Arkansas Louisiana the pipeline for purchase pursuant to section 3(c) of the pipeline agreement dated February 25, 1969, and section 13(b) of the industrial gas sales contract. The said contract provisions are subject to the receipt by Arkansas Louisiana of the necessary regulatory approvals.

Pursuant to the foregoing, Arkansas Louisiana has applied for authorization from the Commission under section 7(c) of the Natural Gas Act to acquire and operate the existing pipeline facility. Arkansas Louisiana stated that, to its knowledge, Bromet had received no authorization from the Federal Power Commission to operate the 3.7 mile line between Arkansas Louisiana's facilities and the Bromet Co. plant.

In Docket No. RP71-122, applicant's gas supply deficiency situation reveals a need to conserve deliverability to meet human needs and applicant is curtailing industrial customers this year. Curtailments in the next year appear likely. Because of gas supply deficiencies on applicant's system this application should be disposed of only after formal hearing thereof. No petition to intervene or notice of intervention was filed on or before July 26, 1971, as required by the Commission's notice of application issued July 2, 1971 and published in the FEDERAL REGISTER on July 13, 1971, 36 F.R. 13061.

The Commission finds: (1) The above matters relating to the application of Arkansas Louisiana Gas Co. in Docket No. CP71-311 should be disposed of upon hearing thereof;

(2) The disposition of the above matters will be facilitated and the proceeding expedited by the setting of a prehearing conference before a presiding examiner pursuant to § 1.18 of the Commission's rules of practice and procedure; and

(3) The grant of the application in this proceeding may not be in the public interest due to the present gas supply deficiency existing on applicant's system.

The Commission orders: (A) Pursuant to sections 7, 15, and 16 of the Natural Gas Act, a prehearing conference will be held at 10 a.m. (e.s.t.), January 18, 1972, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, before a presiding examiner to be designated by the Chief Examiner.

(B) The prehearing conference set in paragraph (A) above will be pursuant to § 1.18 of the Commission's rules of practice and procedure to consider the means by which the hearing may be facilitated and expedited.

(C) The Chief Examiner will designate an examiner to preside at the prehearing conference herein and to control proceedings thereafter in his discretion pursuant to the Commission's rules and regulations.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-40 Filed 1-3-72;8:48 am]

[Docket No. E-7685]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Extension of Time

DECEMBER 22, 1971.

On December 20, 1971, The Vermont Electric Cooperative, Inc., filed a request for an extension of time within which to file protests or petitions to intervene in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including January 7, 1972, within which protests or petitions to intervene may be filed in the above-designated matter.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-31 Filed 1-3-72;8:47 am]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Filing of Proposed Curtailment Plan

DECEMBER 23, 1971.

Take notice that, on December 15, 1971, Columbia Gas Transmission Corp. (Columbia) tendered for filing First Revised Sheet Nos. 1, 18, 19, 20, 28, 29, 30, 33, 47, and 62 and Original Sheet Nos. 19A, 28A, 28B, 47A, 62A, 62B, 90, 91, 92, 93, and 94 to its FPC Gas Tariff Original Volume No. 1, which constitute its curtailment plan pursuant to Order No. 431.

Columbia requests that the tendered tariff sheets become effective January 15, 1972.

The proposed curtailment procedures contained in these tariff sheets continues to recognize Columbia's primary public service obligation to domestic customers. The basic change made by this filing is the addition of limitations of service and curtailment provisions under gas supply deficiency conditions. Section 14.2 limits Columbia's obligation to deliver maximum monthly volumes of gas to its customers, except those who purchase under Rate Schedule SGS. Such monthly volumes are set forth on Original Sheet Nos. 90-94 of the tariff.

Section 14.3 sets forth the curtailment procedures for storage protection and gas supply deficiency curtailment when Columbia is not able to deliver the maximum monthly volumes or to inject the necessary volumes of gas into its underground storage fields. In such event, Columbia will ratably curtail all customers, except those who purchase under Rate Schedule SGS.

The tariff changes further provide that if such ratable curtailment, after utilization of all other sources of gas supply including peak shaving and after full interruption and curtailment of interruptible and curtailable loads and firm industrial loads, would result in inadequate gas supply for customer's remaining markets, then, upon a satisfactory verified notification to Columbia, Columbia to the extent possible will not curtail such customer below that level and such volumes not curtailed will be assigned to the remaining customers of Columbia as additional curtailment, for which the customers shall be compensated by a credit to their bills at the rate of 25 cents per Mcf.

Identical new sections 6(c) of the CDS and G Rate Schedules are penalty provisions for volumes taken in excess of the volumes specified in the limitations and curtailment procedures. A penalty of $10 per Mcf is imposed for each Mcf in excess of 103 percent of the total winter month volumes (November through March) provided for in §§ 14.2 and 14.3; however, a buyer which has utilized the 3 percent allowable overrun or any part thereof during the winter months will have its maximum monthly volumes reduced during the subsequent summer months (April through October) by an amount equal to the excess volumes up to 3 percent taken during the winter period with 75 percent of such reduction to be reflected in the 4-month period ending with the July billing month. In the event that a buyer exceeds 101 percent of the total of its maximum monthly volumes for the November-October period, a penalty of $10 per Mcf will be assessed for volumes in excess of 101 percent excluding volumes for which penalties were previously imposed. New section 6(d) provides that there will be deducted from penalties imposed as a result of section 6(c) any penalties otherwise payable under other tariff provisions.

Section 14.5 provides for a commodity rate adjustment whereby Columbia's rates shall be increased or decreased to reflect the net of credits made to buyers and penalties received by accumulating any penalties paid together with the credits made to customers to compensate them for additional ordered curtailment and annually such net of the credits and penalties shall be divided by the sales of Columbia to all customers (except those under Rate Schedule SGS) to determine a rate adjustment to be effective for the next calendar year.

Columbia is also proposing to eliminate the demand charge credit in instances where curtailments are under conditions of storage protection and gas supply deficiency or result from operating conditions.

The "free" day currently provided for in the CDS and G Rate Schedules for excess takes by customers and for underdeliveries by Columbia has been eliminated. In addition to the above, minor changes have been made to the current tariff in order to accommodate the proposed curtailment procedures.

The above recitation summarizes Columbia's proposed curtailment plan. The full proposal is on file with the Commission and is available for public inspection.

Columbia states that copies of its filing have been mailed to all of its jurisdictional customers and interested State Commissions. Additionally, Columbia states that a copy of its filing is available for public inspection in its office in Wilmington, Del.

Any person desiring to be heard or to make any protest with reference to this filing should on or before January 5, 1972, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Any order issued in this proceeding will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order 11615 including such amendments as the Commission may require.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-32 Filed 1-3-72;8:47 am]

[Project No. 2336]

GEORGIA POWER CO.

Notice of Application for Change in Land Rights

DECEMBER 22, 1971.

Public notice is hereby given that application for approval of the conveyance of project property to Property Management Services, Inc. (PMS), a subsidiary of Georgia Kraft Co., for development as a vacation home area, has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Georgia Power Co. (correspondence to Mr. I. S. Mitchell III, vice president and secretary, Georgia Power Co., 270 Peachtree Street, Post Office Box 4545, Atlanta, GA 30302) in Project No. 2336, located in Jasper, Butts, and Newton Counties, Ga., near Monticello and Jackson, and on the Ocmulgee River. The project land to be conveyed is in Jasper County, Ga.

The application seeks Commission approval of a proposed conveyance of 5.9 acres of shoreline land within the project boundary. The project land to be conveyed is bounded by the project reservoir (Jackson Lake) and land now owned by PMS. The project land will be incorporated into PMS's recently begun 1,560-acre Turtle Cove vacation development on the eastern shore of the lake. The applicant states that it cannot utilize whatever recreational potential the parcel may have because the land is isolated from its other holdings and access is lacking. This conveyance will also serve to complement Exhibit R, the applicant's own plan for recreational use of project lands and waters.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-33 Filed 1-3-72; 8:47 am]

[Docket No. E-7692]

INTERSTATE POWER CO.

Notice of Application for Increase in Resale Rates

DECEMBER 28, 1971.

Take notice that on December 14, 1971, Interstate Power Co. filed in Docket No. E-7692 an application for an increase in its resale rates. The company's letter of transmittal appears below.[1]

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure

[1] Filed as part of the original.

[1] Filed as part of the original.

(18 CFR 1.8, 1.10). All petitions or protests should be filed on or before January 17, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-41 Filed 1-3-72;8:48 am]

[Docket No. CP69-251]

MICHIGAN WISCONSIN PIPE LINE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Supplement to Petition To Amend

DECEMBER 28, 1971.

Take notice that on December 8, 1971, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP69-251 a supplement to petition to amend filed September 22, 1971, by itself and Natural Gas Pipeline Company of America (Natural) by requesting authorization for the construction and operation of a pipeline and the related gas purchase meter at the Bass wellhead located in the Deep Bayou Field, Cameron, Parish, La., all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

By order issued in this proceeding on May 20, 1969 (41 FPC 655), as amended, the Commission issued a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the exchange of natural gas between Michigan Wisconsin and Natural. On September 22, 1971, Michigan Wisconsin and Natural filed a petition to amend said order by authorizing a new point of delivery of gas by Michigan Wisconsin to Natural to enable Michigan Wisconsin, in the most economic manner, to accept delivery of gas it has contracted to purchase from Perry R. Bass in Cameron Parish.

In the instant supplement, Michigan Wisconsin requests that it be authorized to construct and operate 1.5 miles of 6-inch pipeline extending from the Bass well to the new delivery point located on Natural's 30-inch pipeline in Cameron Parish where Michigan Wisconsin will deliver the gas purchased from Bass to Natural for exchange. Michigan Wisconsin had heretofore contemplated constructing the facilities under budget authorization.

Michigan Wisconsin states that the estimated cost of $114,220 will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before January 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have already filed petitions to intervene or protests with regard to the petition to amend of September 22, 1971, need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-42 Filed 1-3-72;8:48 am]

[Docket No. CP72-154]

NORTHERN NATURAL GAS CO.

Notice of Application

DECEMBER 23, 1971.

Take notice that on December 8, 1971, Northern Natural Gas Company (applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP72-154 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas compressor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install one 350 horsepower compressor unit at its Hobbs, N. Mex., Compressor Station and Treating Plant Complex in order to take into its transmission line approximately 3,500 Mcf per day of natural gas formerly utilized for plant fuel which has been displaced by applicant's recent purchase of an intrastate supply of natural gas. Applicant plans to utilize the 350 horsepower compressor unit scheduled to be abandoned and removed from its North Gomez Gathering System in Pecos County, Tex., for installation at the Hobbs Plant. The estimated cost of the project is $78,600, which applicant states will be financed from cash on hand and from funds generated through operations. Applicant says that this proposal will provide for the conservation of its Lea County, N. Mex., gas reserved by displacing those volumes previously used for fuel with an intrastate supply.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to became a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-35 Filed 1-3-72;8:48 am]

[Docket No. E-7694]

NORTHERN STATES POWER CO.

Notice of Application

DECEMBER 27, 1971.

Take notice that on December 16, 1971, Northern States Power Co. (applicant) filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of $50 million principal amount of first mortgage bonds (bonds).

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minn., and is engaged primarily in the electric utility business in central and southern Minnesota, southeastern South Dakota, and in the Fargo-Grand Forks and Minot areas of N. Dak.

The bonds are to be issued at competitive bidding pursuant to the Commission's regulations under the Federal Power Act. Applicant has scheduled February 23, 1972, as the date for the opening of bids. The bonds will be dated as of March 1, 1972, and will mature on March 1, 2002.

None of the bonds will be redeemable prior to March 1, 1977, other than for the sinking fund, with money borrowed at a lower cost.

The proceeds from the sale of the new bonds will be added to the general funds of NSP-MINN which are estimated at approximately $50 million as of the date of the issuance and delivery of the new bonds. If the short-term borrowings at the date of the issuance and delivery of the new bonds total less than $50 million, then the balance of the proceeds not used to prepay short-term borrowings will be used for construction expenditures. The short-term borrowings have been or will be incurred in connection with the construction program of NSP-MINN.

Expenditures during 1972 for the construction program of applicant are estimated at $184 million, of which $167 million is for electric facilities, $7 million for gas facilities, and $10 million for heating, telephone, and general facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before January 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-43 Filed 1-3-72;8:48 am]

[Docket No. E-7669]

PUBLIC SERVICE OF INDIANA ET AL.

Notice of Rate Schedule Changes

DECEMBER 28, 1971.

Take notice that on August 2, 1971, Public Service Co. of Indiana, Inc. (PSI) submitted for filing certain proposed rate schedule changes to the Kentucky Indiana Pool Planning and Operating Agreement (KIP Agreement) designated Rate Schedule FPC No. 217. The KIP Agreement to be superseded is an agreement between PSI, Indianapolis Power & Light Co. (IPL) and Kentucky Utilities Company (KU) and was dated September 5, 1968.

The proposed rate schedule changes are filed in the form of an agreement between PSCI, IPL, KU, and Eastern Kentucky Rural Electric Cooperative Corp. (EK), and is dated July 9, 1971.

The new agreement proposes to effect revisions in the existing KIP Pool Agreement by the addition of a new member, EK.

The proposed rate schedule changes embodied in the new agreement are as follows:

(a) Diversity power:

Energy delivered under this service schedule will be billed at 110 percent of suppliers out-of-pocket cost.

(b) Unit power:

Demand charges will be computed annually using the most recent plant cost and expenses and each party's annual fixed charged rate. Energy charges will be determined using a fuel adjustment formula.

(c) Back up power:

The applicable demand charge is to be $0.06 per kilowatt per day or $0.35 per kilowatt for any 7 consecutive days. Energy will be billed at 110 percent of suppliers out-of-pocket cost.

(d) Emergency power:

Will be compensated for by return of equivalent energy or billed at 110 percent of suppliers out-of-pocket cost.

(e) Economy energy:

Displacement energies; to be billed on split savings basis. Surplus energy: Non-displacement energy; compensated for by the return of equivalent energy or billed at 110 percent of suppliers out-of-pocket cost.

(f) Short term power:

Demand charge will be $0.40 per kilowatt per week; energy charge will be 110 percent of suppliers out-of-pocket cost.

In addition to superseding the present KIP Agreement the proposed rate schedule changes provide for the suspension of certain articles in two interconnection agreements one between PSCI and IPL Rate Schedule FPC No. 48; and the other between KU and EK, Rate Schedule FPC No. 73.

PSCI has requested waiver of the Commission's notice requirement to permit an effective date of September 1, 1971.

Any person desiring to be heard or to make any protest with any reference to said application should on or before January 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-44 Filed 1-3-72;8:48 am]

[Docket No. CP72-153]

SOUTHERN NATURAL GAS CO.

Notice of Application

DECEMBER 28, 1971.

Take notice that on December 8, 1971, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP72-153 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale to Alabama Gas Corp. (Alabama Gas) approximately 2,060 feet of applicant's existing Opelika No. 2 lateral line in Lee County, Ala., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Alabama Gas desires to integrate its distribution facilities in the area of the Opelika No. 2 line by purchase of said line. Applicant proposes to continue serving Alabama Gas through the existing measuring station and states that no service would be discontinued as a result of the proposed abandonment. The sale price of the lateral is $22,435.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-45 Filed 1-3-72;8:48 am]

[Docket No. CP72-163]

TENNESSEE GAS PIPELINE CO.

Notice of Application

DECEMBER 29, 1971.

Take notice that on December 21, 1971, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP 72-163 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Worcester Gas Light Co. (Worcester) for the limited term ending October 31, 1972, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 15,300 Mcf of natural gas per day, for the limited term ending October 31, 1972, for Worcester from the Hopkinton LNG Corp. in Hopkinton, Mass., to existing points of interconnection between applicant's and Worcester's facilities located within the Commonwealth of Massachusetts. Applicant proposes to charge a monthly transportation charge comprised of a demand rate of 29.41 cents

multiplied by the daily transportation quantity plus a volume rate of 4.9 cents multiplied by the volume of transportation gas actually delivered, subject to certain minimum bill provisions. Applicant states that all deliveries will be made through existing facilities and that the proposed service can be rendered without affecting applicant's ability to render its presently authorized firm service to existing customers.

Applicant states that the purpose of the application is to enable Worcester to utilize the natural gas received under this transportation arrangement for winter peak shaving purposes in lieu of propane-air.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 1.57.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-36 Filed 1-3-72;8:48 am]

[Docket Nos. RP71-6, etc.]

TENNESSEE GAS PIPELINE CO.

Order Postponing Consideration of Motion to Approve Settlement Agreement and Setting Hearing

DECEMBER 23, 1971.

On August 16, 1971, Tennessee Gas Pipeline Co. (Tennessee) filed a motion for approval of a settlement in Docket Nos. RP71-6, RP71-57, and RP72-1, together with a proposed settlement agreement. The settlement agreement would resolve all issues in these proceedings, with the exception of the allocation of total Tenneco, Inc., interest for the purpose of determining the Federal income tax expense includable in Tennessee's cost of service and in issue of normalization of liberalized tax depreciation for ratemaking purposes.

The company filed in Docket No. RP71-6 for an increase in basic rates of $106,400,000. In Docket Nos. RP71-57 and RP72-1, the company filed for rate increases to track purchased gas costs of $18,243,397 and $4,591,876, respectively. Tennessee states in its motion that during settlement discussions it indicated a test period revenue deficiency of $117,200,000. Based upon the filing tendered by Tennessee, and upon its own cost analysis, the Commission staff determined a revenue deficiency of $23,782,721. The proffered settlement would increase Tennessee's basic rates by approximately $71.5 million annually plus the purchased gas tracking costs for a total rate increase of $94,335,273 annually.

Numerous answers were filed to indicate support or no opposition to the settlement agreement. Objections were raised by the staff, Valley Gas Co., the General Services Administration, and the Tennessee Valley Municipal Gas Association.[1]

The present posture of the case is that the direct evidence of both Tennessee and Commission staff have been filed and served upon all parties. Service dates for all other parties have been suspended by the Presiding Examiner, pending our determination of Tennessee's motion to approve the proposed Stipulation and Agreement. No opportunity for cross-examination of witnesses has been given.

In support of the proposed settlement, Tennessee relies upon an undertaking to expend its system by increments of up to $100 million for each of the next 5 years, subject to certain conditions. In apparent contradiction, Tennessee seeks in the Settlement Agreement to increase its composite depreciation rate because of its diminishing gas reserve life index. Further, in its response to Staff's contention that the settlement agreement should be rejected, Tennessee stated that:

[b]ecause of certain certificate conditions related to the acquisition of producing properties by the Company in earlier years, the settlement cost of service excludes millions of dollars in costs actually incurred by the Company in connection with such gas producing properties since the certificate conditions limit the Company to an allowance for such production not to exceed area rates where area rates are less than the unit cost of service.

[1] The Association is composed of Alabama, Mississippi, and Tennessee municipalities that own and operate natural gas distribution systems. The present members of the Association are Athens, Decatur, Florence, Huntsville, Russellville, Sheffield, and Tuscumbia, Ala.; Iuka, Miss.; and Selmer, Tenn.

Although this request for modification of previously issued certificates granted in Tennessee Gas Pipeline Co. (Red Snapper), 38 FPC 691 (1967), and in Tennessee Gas Pipeline Co. (Ship Shoal), 42 FPC 1228 (1969), is improperly raised in responsive pleadings with respect to a proffered settlement agreement, Tennessee always has the opportunity pursuant to our rules and regulations to raise this issue by petitioning to amend those certificates and present evidence thereon in an appropriate manner.

In the instant proceeding both Tennessee and Staff have included Tennessee's Bastian Bay production at cost in their respective costs of service. This issue is before the Commission in Bastian Bay. Accordingly, provision should be made in this proceeding for the rate adjustments, if any, which would be appropriate in the event we subsequently determine that some other cost treatment of such produced gas is in the public interest.

These proceedings were instituted by Tennessee's filing of its proposed tariff on September 17, 1970. The filed rates were made effective, subject to refund, for sales made on and after March 17, 1971. The public interest will not be served by delay in the final disposition of this case. Accordingly, we shall set dates for the expeditious filing of additional evidence and a public hearing for the purpose of cross-examination of all evidence. In so doing, we neither accept nor reject the proposed settlement agreement offered or comments and contentions made thereon. The Commission stands ready to consider settlement agreements demonstrably in the public interest which dispose of all disputed issues in all cases involving Tennessee.

The Commission orders: (A) Consideration of Tennessee's motion to approve the tendered settlement agreement is postponed without prejudice until after the close of the record herein.

(B) On or before January 17, 1972, parties shall serve their prepared direct testimony and exhibits. Any rebuttal evidence by Tennessee shall be served on or before February 7, 1972. Cross-examination of the evidence shall commence on February 22, 1972.

By the Commission.[2]

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-51 Filed 1-3-72;8:49 am]

[Docket No. CP66-269, etc.]

TENNESSEE GAS PIPELINE CO. ET AL.

Order Remanding Proceedings, Setting Date for Filing of Evidence, and Setting Date for Hearings

DECEMBER 23, 1971.

Tennessee Gas Pipeline Co., a division of Tenneco Inc., Docket No. CP66-269; Amoco Production Co.,[1] Docket No. CI66-910, et al.; The Delta Development Co., Inc., Docket No. CI67-1805; Moise W. Dennery, Docket No. CI67-1806; Charles William Fasterling, Docket No. CI67-1807; Gertrude Jeakmen Fasterling, Docket No. CI67-1808; John Bernard Fasterling, III, Docket No. CI67-1809; The Louisiana Land and Exploration Co., Docket No. CI67-1810; Joseph McCloskey, Docket No. CI67-1811; Joan B. Fasterling Meyers, Docket No. CI67-1812; and Edith Fasterling McGee, and Kenneth C. McGee, Docket No. CI67-1813.

[2] Commissioner Brooke, dissenting, joined by Commissioner Walker, issued a separate statement, filed as part of the original.

This proceeding involves a lease-sale by Amoco Production Co. (Amoco) and other producers of gas from certain reserves in the Bastian Bay Field located onshore in Plaquemines Parish, La., to Tennessee Gas Pipeline Co. (Tennessee). Pursuant to our order on December 12, 1963 (30 FPC 1477), Tennessee filed in Docket No. CP66-269 an application for authority under section 7(c) of the Natural Gas Act to construct and operate 2.63 miles of line, the line already being in operation, and Amoco filed an application in Docket No. CI66-910 for authority covering the lease-sale noted above.

The other dockets consolidated herein represent responses to our order of June 29, 1967 (37 FPC 1195), by royalty owners in the Bastian Bay Field who were required by that order to file applications for certificates of public convenience and necessity, or to show cause why they should not file.

At the time Amoco's application for a certificate reached the prehearing conference stage on September 25, 1967, the Presiding Examiner announced that after receiving all evidence tendered he would not certificate the lease-sale without, at the very least, several conditions. The parties then agreed to waive cross-examination and briefs (except as to the issue of jurisdiction over royalty interests). The direct evidence was introduced into the record on November 21, 1967, and the Examiner's decision was issued a year later on November 22, 1968.

Briefly, the Examiner would grant certificates to Tennessee and Amoco but would require them to cancel and rescind the lease-sale. He recommended that a proceeding be started to determine whether Tennessee had earned a fair return from 1960 to 1968, and to the extent that it had, that Tennessee be required to make refunds to its customers. The filing of exceptions to that decision and replies thereto was completed on January 27, 1969. Oral argument was held on November 14, 1969.

The primary question is whether the lease-sale should be adopted in the form created by the parties, whether it should be conditioned to reflect, inter alia, the applicable area prices (i.e., conventionalized,[2] or whether it should be treated in some other manner. We have concluded that this and subsidiary questions cannot be properly determined on the basis of the present record. We do not have sufficient information as to past costs or future expectations with respect to the operation of the Bastian Bay Field either assuming continuation of operations under the lease-sale transaction or assuming the delivered gas is priced at the applicable area rate under conventionalization, and thus the record is insufficient to make a proper comparison of the costs, in the light of all pertinent and relevant factors, as between an unconditioned lease-sale and one conditioned to the area rate. We thus remand these proceedings for the purposes of making a full evidentiary record upon all issues related to these proceedings and for the purpose of bringing up to date the quantitative evidence now in the record related to the operations resulting from the Bastian Bay Field lease-sale transaction for both past and future periods.

Our remand will afford an opportunity to weigh, with benefit of a full and updated record, the pricing aspects of the lease-sale, as the Court directed in the first Rayne Field appeal, P.S.C.N.Y. v. F.P.C., 287 F. 2d 143 (CADC, 1960) as well as permit us to weigh other factors affecting the question of whether the lease-sale is required by the public convenience and necessity. Cf. Texas Eastern Transmission Corporation (Rayne Field), 21 FPC 860 (1959), rev'd sub nom. P.S.C.N.Y. v. F.P.C., 287 F. 2d 143 (1960); 29 FPC 249 (1963), 30 FPC 153 (1963), aff'd sub nom. United Gas Improvement Company v. Continental Oil Company, 381 U.S. 392 (1965); 42 FPC 376 (1969), 44 FPC 1079 (1970), appeal docketed, Nos. 24716, et al., CADC, October 19, 1970.

Issues to be considered on remand with appropriate supporting exhibits and testimony are first, of course, whether the lease-sale should be certificated as proposed or if it should be certificated with conditions designed to reflect the applicable area price and other conventional producer-purchaser relationships (conventionalization), or if it should be treated in another manner. We leave for the applicants to decide whether to merely update existing exhibits and testimony in the record or to file entirely new exhibits and testimony in support of their respective positions which may or may not vary from positions set forth during the earlier phase of these proceedings.

In addition, whether the lease-sale is certificated as proposed or whether it is conditioned to the applicable area rate, the issue of the method to be used by Tennessee in accounting for the Bastian Bay properties and production therefrom must be considered, including its method of accounting for its note payments, costs of field development, costs of operating the field, and reimbursement thereof. The extent to which rates collected by Tennessee from customers have recouped its Bastian Bay costs must also be detailed fully.

The refund or other treatment to be accorded the royalty owners in Docket Nos. CI67-1805-1813, assuming they are found jurisdictional, remains an issue on which an evidentiary record is necessary. The issue of our jurisdiction over royalty owners here has already been well briefed and further evidence or discussion is not required on this point, but we defer ruling upon the question pending our ruling upon the entire proceedings.

Other issues must also be considered on remand in the event the Commission determines the sale should be reflected at the applicable area rate, e.g., whether refunds or excess payments to Amoco from Tennessee should be made and, if so, in what amount, and whether a portion of that amount should be treated as prepayments; whether Amoco should be charged interest on any refund ordered and, if so, at what percentage rate; and whether refunds received by Tennessee should be flowed through to its customers and, if so, what amounts.

We are also today remanding for full evidentiary proceedings the pending filings of Tennessee for rate increases in Docket Nos. RP71-6, et al. Because the outcome of these proceedings has a bearing upon the rates of Tennessee, we are providing that hearings in the remanded proceedings there be commenced on February 22, 1972, in the hope that both these remanded proceedings will move forward with all due dispatch and come before us at approximately the same time to be decided together.

The Commission finds: (1) The record is insufficient to resolve the issues presented in this proceeding.

(2) The proceedings should be remanded and reopened for the purpose of conducting a full evidentiary proceeding with opportunity for cross-examination upon all issues in this proceeding.

The Commission orders: (A) The proceedings in the above dockets are reopened and further hearings shall be held to permit all parties to adduce and present such further evidence as they deem necessary and appropriate to meet the issues in the proceeding in the light of the above discussion.

(B) The applicants herein, the royalty holders in Docket Nos. CI67-1805-1813 and parties in support of the applicants shall file upon all parties and the Commission staff updated or new evidence comprising their cases-in-chief on or before January 31, 1972, and indicate the extent they rely upon the record to date in these proceedings with transcript designations of testimony and exhibit numbers still relied upon.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held at 10 a.m. on February 29, 1972, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the

[1] Formerly Pan American Petroleum Corp., redesignated by Notice of Redesignation issued April 21, 1971, in Docket Nos. G-8780, et al., pursuant to corporate name change effective February 1, 1971.

[2] As used herein, conventionalization is the conditioning of a certificate for the sale of gas so that the producer and the purchaser bear the cost burdens which they would in a conventional sale.

matters involved in and the issues presented by these proceedings.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-50 Filed 1-3-72;8:49 am]

[Docket No. CP70-58]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

DECEMBER 28, 1971.

Take notice that on December 17, 1971, Transcontinental Gas Pipe Line Corp. (petitioner), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP70-58 a petition to amend further the order granting a certificate of public convenience and necessity in said docket (42 FPC 1015), as amended, pursuant to section 7(c) of the Natural Gas Act authorizing the elimination and substitution of delivery points in Allen and Evangeline Parishes, La., respectively, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that due to certain changes in transportation arrangements from offshore fields, it will receive natural gas, which it in turn delivers in Pennsylvania to Consolidated Gas Supply Corp., at a new delivery point in Evangeline Parish, La., from Columbia Gulf Transmission Co. Applicant proposes to eliminate the Kinder delivery point in Allen Parish, La., where Tennessee Gas Pipeline Co., a Division of Tenneco Inc., presently delivers the gas to applicant.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-46 Filed 1-3-72;8:48 am]

[Docket No. CP69-199]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition to Amend

DECEMBER 28, 1971.

Take notice that on December 20, 1971, Transcontinental Gas Pipe Line Corp. (petitioner), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP69-199 a petition to amend the order granting a certificate of public convenience and necessity issued June 21, 1971, in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing petitioner to transport natural gas for delivery to Southern Natural Gas Co. (Southern) for an additional 12 months from January 29, 1971, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is presently authorized to transport for and to deliver to Southern up to 5,000 Mcf of natural gas per day for the period ending January 29, 1972. Petitioner receives Southern's gas in Pointe Coupee Parish, La., and delivers it to Southern near Selma, Ala., and Jonesboro, Ga. Applicant states that it initiated such service because of a break in Southern's pipeline at the Whiskey Bay Pilot Channel in Louisiana and that Southern does not plan to repair the line until after the U.S. Army Corps of Engineers has completed dredging the Whiskey Bay Pilot Channel in the vicinity of Southern's river crossing. Petitioner has been informed by Southern that it will be more economical to have the gas transported by Petitioner during the interim period than it would be to repair the pipeline in advance of the dredging operation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-47 Filed 1-3-72;8:49 am]

[Docket No. CP72-32]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition to Amend

DECEMBER 28, 1971.

Take notice that on December 20, 1971, Transcontinental Gas Pipe Line Corp. (petitioner), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP72-32 a petition to amend the order heretofore issued in said docket on November 17, 1971, pursuant to section 7(c) of the Natural Gas Act by deleting the volumetric limitation on gas delivered by means of facilities authorized in said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is presently authorized in subject docket to deliver to South Jersey Gas Co. (South Jersey) at the West Deptford delivery point a quantity of natural gas not to exceed 360 Mcf per day. Applicant states that South Jersey anticipates considerable growth in service from this delivery point reaching a maximum volume of 4,000 Mcf of natural gas per day in the third year of operation, and that with such a limitation, the certificate would have to be amended continually to permit adequate service to be rendered by South Jersey.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-48 Filed 1-3-72;8:49 am]

[Docket No. CP72-155]

TRUNKLINE GAS CO.

Notice of Application

DECEMBER 28, 1971.

Take notice that on December 9, 1971, Trunkline Gas Co. (applicant), Post Office Box 1642, Houston, TX 77001, filed in docket No. CP72-155 a budget-type application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1972, and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this application is to augment its ability to act with reasonable dispatch in connecting to its pipeline system additional supplies of natural gas in numerous areas generally coextensive with its system.

The total cost of the proposed facilities is not to exceed $7 million, with no single onshore project to cost in excess of $1 million and no single offshore project to cost in excess of $1,750,000. Applicant plans to finance these costs from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-49 Filed 1-3-72;8:49 am]

FEDERAL RESERVE SYSTEM

FIRST NATIONAL CO.

Formation of One-Bank Holding Company

The First National Co., Storm Lake, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of the Citizens First National Bank of Storm Lake, Storm Lake, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than January 20, 1972.

Pursuant to § 225.3(b) of Regulation Y, this application shall be deemed to be approved on February 4, 1972, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, December 28, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 72-10 Filed 1-3-72;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

[Contract B00-5135]

REPORTED FINDINGS REGARDING LEARNING

Notice of Availability

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, it is announced that under Contract No. B00-5135, the University of California at Riverdale has furnished to the Office of Economic Opportunity two reports entitled, "Are There Two Kinds of Thinking," and "Cognitive Styles and the Social Order."

These reports advance the theory that there are basically two alternative approaches to problem solving. One, a deductive approach, is commonly taught in the formal education system. The other, an inductive approach, is utilized in experience-based learning. Minority groups which have been turned away from formal education channels are hypothesized to concentrate their intellectual development in the direction of inductive interpretation of experience. Advantaged groups, on the other hand, are underdeveloped in inductive reasoning, but highly developed in deductive processes. An array of sociological and neurological data are brought to bear in support of these hypotheses. Survey data to test the hypotheses were collected among several populations.

Copies of these reports have been filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

WESLEY L. HJORNEVIK,
Deputy Director,
Office of Economic Opportunity.

[FR Doc.72-65 Filed 1-3-72;8:50 am]

[Contract B99-4858]

REPORTED FINDINGS REGARDING EMPLOYMENT POLICIES

Notice of Availability

Pursuant to Section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, it is announced that under Contract No. B99-4858, Stanford University, Stanford, Calif., has furnished to the Office of Economic Opportunity a report consisting of two papers, "Racial Discrimination in American Industry" by William S. Comanor and "Large-Firm Employment Policies Toward Blacks and Women" by William G. Shepherd and Sharon C. Levin.

"Racial Discrimination in American Industry" develops a measure of discrimination in an industry which takes account of the effects of market discrimination on wages and of racial differences in productivity. It is used to measure racial discrimination in 30 industries and six blue-collar and clerical sex-occupation groups, and uses regression analysis to explain the resultant measure by characteristics of industries and geographic areas. It is found that in almost all industries the degree of discrimination increases with the skill level of the occupation group, and that profitability of the industry and size of the metropolitan area are positively related to discrimination.

"Large-Firm Employment Policies Toward Blacks and Women" attempts to measure the effects of market power on discrimination in managerial, professional, and technical occupations. Regression analysis is used to explain the percentage of blacks and women in these positions across large firms, and changes between 1966 and 1970 in their employment. There is a finding that blacks and women are greatly under-represented in the upper white-collar occupations, and that while employment of blacks as officials and managers, professionals, and technicians by large firms have increased considerably between 1966 and 1970, no such improvement has occurred for women.

A copy of this report has been filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

WESLEY L. HJORNEVIK,
Deputy Director,
Office of Economic Opportunity.

[FR Doc.72-68 Filed 1-3-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[811-2194]

GAC INCOME FUND, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

DECEMBER 27, 1971.

Notice is hereby given that GAC Income Fund, Inc. (Applicant), 1040 Bayview Drive, Fort Lauderdale, FL 33304, a Maryland corporation registered as a diversified open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states, among other things, that on October 21, 1971, Applicant's board of directors determined that

Applicant should be dissolved; that Applicant has issued no securities and has no assets; that Applicant does not intend to proceed with the completion of its registration statement filed under the Securities Act of 1933 because of general market conditions and that the proposed public offering has been abandoned and the registration statement is to be withdrawn.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 18, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-61 Filed 1-3-72;8:49 am]

[File No. 1-5906]

ROYAL ATLAS CORP.

Notice of Amended Application To Withdraw From Listing and Registration

DECEMBER 23, 1971.

On October 27, 1971, the above named issuer (Common stock—$1 par value) filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the National Stock Exchange. On November 5, 1971, the Commission gave notice of the filing of such application pursuant to Rule 12d2-2(d) and, subsequently, on or about December 20, 1971, the said issuer filed with the Commission certain amendments to the said application.

The reasons alleged in the amended application for withdrawing this security from listing and registration include the following:

The Board of Directors has determined that the interests of the company's shareholders can best be served by being in the NASDAQ quotation system. In a letter dated October 27, 1971, which is on file with the delisting application, the Exchange disagrees with the company's reasons for filing such delisting application.

Any interested person may, on or before January 10, 1972, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application as amended has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. An order granting the application will be issued after the date mentioned above, on the basis of the application and any other information furnished to the Commission, unless it orders a hearing on the matter.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-4 Filed 1-3-72;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

DECEMBER 29, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106533 Sub 44, Overnite Transportation Co., now assigned January 10, 1972, at Lexington, Ky., postponed indefinitely.

MC 113666 Sub 239, International Transport, Inc., assigned February 7, 1972, at Minneapolis, Minn., canceled and application dismissed.

MC 117799 Sub 16, Best Way Frozen Express, Inc., now being assigned February 7, 1972, at Minneapolis, Minn., in a hearing room to be later designated.

No. 35478, Flour, Arkansas City, Kans., to Memphis, Tenn., now assigned January 5, 1972, at Washington, D.C., postponed to February 2, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 112304 Sub 46, Ace Doran Hauling & Rigging Co., assigned January 17, 1972, at Louisville, Ky., canceled and application dismissed.

MC 2860 Sub 56, National Freight, Inc., now assigned January 17, 1972, at Washington, D.C., postponed to a date to be hereafter fixed.

MC 135141 Sub 1, H & H Expediting Service, Inc., assigned January 5, 1972, at Washington, D.C., is postponed to February 9, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135825, Panhandle Freight System, Inc., assigned January 19, 1972, will be held in room 4210 U.S. Courthouse and Office Building, Oklahoma City, Okla.

MC 134886 Sub 2, U & Me Transfer, Inc., assigned January 19, 1972, will be held in the Florida Public Service Commission, 8720 SW. 17th Street, Miami, Fl.

MC 135413, Henry's Transfer, Inc., assigned January 12, 1972, will be held in room 1510 Federal Office Building, 51 SW. First Street, Miami, FL.

MC 10172 Sub 12, Marvin Hayes Lines, Inc., assigned January 10, 1972, will be held in room 651 U.S. Courthouse, 801 Broadway, Nashville, TN.

MC 115826 Sub 224m, W. J. Digby, Inc., now being assigned January 26, 1972, in room 905A, 536 South Clark Street, Chicago, IL.

MC 107818 Sub 56, Greenstein Trucking Co., now being assigned January 27, 1972, in room 905A, 536 South Clark Street, Chicago, IL.

MC 134022 Sub 6, Richard A. Zima, doing business as Zipco, now being assigned January 27, 1972, in room 905A, 536 South Clark Street, Chicago, IL.

MC-C 7166, Travel Center of Waterbury, Inc. v. Continental Trailways, Inc., et al., assigned January 10, 1972, at New York, N.Y. is postponed indefinitely.

MC 135334, Lilliam Koppel, doing business as USA Driveaway, assigned January 17, 1972, at Chicago, Ill., is postponed indefinitely.

MC 126346 Sub 9, Haupt Contract Carriers, Inc., assigned January 26, 1972, at Chicago, Ill., canceled and transferred to Modified Procedure.

FD 25726, Wellsville, Addison & Galeton Railroad Corp. Abandonment between Wellsville, N.Y., and Galeton, Pa., assigned February 22, 1972, will be held in the Public Library, Main Street, Route 17, Wellsville, NY.

MC 107456 Sub 16, Harry L. Young & Sons, Inc., assigned January 31, 1972, at Washington, D.C., postponed indefinitely.

MC 115826 Sub 215, W. J. Digby, Inc., assigned January 31, 1972, at Atlanta, Ga., postponed indefinitely.

MC 103993 Sub 619, Morgan Drive-Away, Inc., now assigned January 6, 1972, at Washington, D.C., postponed indefinitely.

MC 119774 Sub 34, Eagle Trucking Co., assigned February 25, 1972, at New Orelans, La., is canceled and transferred to Modified Procedure.

MC 106497 Sub 59, Parkhill Truck Co., now being assigned February 8, 1972, at Denver, Colo., in a hearing room to be designated later.

MC 116763 Sub 204, Carl Subler Trucking, Inc., now being assigned February 9, 1972, at Denver, Colo., in a hearing room to be later designated.

MC-F-11291, American Van & Storage, Purchase-Trans Universal Van Lines, now assigned January 13, 1972, at Miami, Fla., postponed to January 14, 1972, in the Du Pont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, FL.

MC 121533 Sub 6, Western Hauling, Inc., now being assigned February 7, 1972, at Olympia, Wash., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-83 Filed 1-3-72;8:52 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 28, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42327—*Pipeline rates—petroleum products from the Southwest,* filed by Williams Brothers Pipe Line Co. (No. 3), for and on behalf of carriers parties to its schedules as shown in the application. Rates on petroleum products from points in Kansas, New Mexico, Oklahoma, and Texas to Eldena (Amboy), Ill., Iowa City, Iowa, and Columbia, Mo., and from Borger, Tex., to Iowa City, Iowa, and Columbia, Mo.

Grounds for relief—Market and carrier competition.

Tariffs—Supplements 19 and 14 to Williams Brothers Pipe Line Co. tariffs Nos. I.C.C. 15 and 25, respectively. Publication is scheduled to become effective January 27, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-84 Filed 1-3-72;8:52 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 29, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 42328—*Sugar to the Southwest and West,* filed by Trans-Continental Freight Bureau, agent (No. 472), for and on behalf of carriers parties to the schedules listed below. Rates on sugar; beet or cane, in bulk, in carloads, as described in the application, from points in Arizona, California, Idaho, Oregon, Utah, Washington, and Wyoming, to points in Arkansas, Illinois, Indiana, Iowa, Minnesota, Missouri, Oklahoma, Texas, and Wisconsin.

Grounds for relief—Rate relationship.

Tariffs—Supplement 90 to Trans-Continental Freight Bureau, agent, tariff ICC 1822, and supplement 123 to Western Trunk Line Committee, agent, tariff ICC A-4481. Publication is scheduled to become effective January 27, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-85 Filed 1-3-72;8:52 am]

[Notice 902]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72829. By order of December 23, 1971, Division 3, acting as an Appellate Division, approved the transfer to G. Raymond, Inc., Norristown, Pa., of the operating rights in Permit No. MC-94635 issued March 4, 1963, to Interstate Sand & Gravel Transportation, Inc., Vineland, N.J., authorizing the transportation of sand, gravel, stone, and clay, from points in Burlington, Camden, Gloucester, Salem, Cumberland, Cape May, and Atlantic Counties, N.J., to points in Bucks, Berks, Lehigh, Lebanon, Lancaster, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., subject to a restriction that no transportation service may be performed under continuing contract or contracts with George F. Pettinos, Inc., of Bala-Cynwyd, Pa. V. Baker Smith, 123 South Broad Street, Philadelphia, PA 19109, attorney for applicants.

No. MC-FC-73052. By order of December 23, 1971, Division 3, acting as an Appellate Division, approved the transfer to General Road Trucking Corp., East Providence, R.I., of certificate No. MC-119327 issued March 28, 1960, to Apex Transportation, Inc., Worcester, Mass., authorizing the transportation of liquid petroleum products, in bulk, in tank vehicles, from Povidence, R.I., to Worcester, Mass., serving no intermediate points. Frank J. Weiner, 6 Beacon Street, Boston, MA 02108, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-86 Filed 1-3-72;8:52 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*
1-62	Jan. 4

federal register

TUESDAY, JANUARY 4, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 1

PART II

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

■

DESIGNATION OF STOCKYARDS BY POSTED STOCKYARD FACILITY NUMBER

No. 1—Pt. II——1

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

STOCKYARDS

Designation by Posted Stockyard Facility Number

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), it was ascertained on the respective dates specified below, that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given at that time to the owners and to the public by posting notices at the stockyards as required by said section 302, and by publishing such notice in the FEDERAL REGISTER.

Effective January 1, 1972, § 201.5 of the regulations promulgated under the Packers and Stockyards Act was amended to provide for the posting of livestock markets by facility numbers rather than by the names of the facilities (9 CFR 201.5). Accordingly, notice is hereby given to the owners and operators of the stockyards listed below and to the public that such stockyards shall be hereafter designated by the respective facility numbers:

ALABAMA

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Henry County Livestock Assn., Inc.	Abbeville	5-15-59	AL-100
Sand Mountain Sales Barn	Albertville	5-21-59	AL-101
Pickens County Livestock Commission Company	Aliceville	6-19-62	AL-102
Arab Stock Yard	Arab	5-22-59	AL-103
Arlton Livestock Auction	Arlton	5-26-59	AL-104
Wallace Stockyards	Ashville	1-30-65	AL-105
Athens Stockyard	Athens	11-16-71	AL-106
Limestone County Stock Yard	Athens	5-21-59	AL-107
Atmore Truckers Association, Inc.	Atmore	5-16-59	AL-108
Escambia County Cooperative, Inc.	Brewton	5-21-59	AL-109
C. L. Chambers and Son	Brundidge	5-25-59	AL-110
Cherokee County Stockyard	Centre	5-18-59	AL-111
Washington County Stockyard	Chatom	3-24-69	AL-112
Gray & Sons Stockyards	Clanton	8-12-67	AL-113
The Cullinan Stock Yard	Cullman	5-15-59	AL-114
Dadeville Stockyards, Inc.	Dadeville	5-18-59	AL-115
Valley Stock Yard	Decatur	5-18-59	AL-116
Demopolis Stock Yards	Demopolis	5-18-59	AL-117
Farmers Livestock Cooperative	Elba	7-10-59	AL-118
Enterprise Livestock Co.	Enterprise	7-11-59	AL-119
West Alabama Stock Yards	Eutaw	5-19-59	AL-120
Conecuh Stockyards	Evergreen	10-3-59	AL-121
Fayette Stock Yard, Inc.	Fayette	5-19-59	AL-122
Florence Trading Post	Florence	8-22-67	AL-123
Fort Payne Stockyard	Fort Payne	6-11-65	AL-124
Farmers Cooperative Market, Inc.	Frisco City	5-28-59	AL-125
Gadsden Livestock Market	Gadsden	10- 1-65	AL-126
Geneva Stock Yards	Geneva	8-27-59	AL-127
Georgiana Stock Yards, Inc.	Georgiana	1-15-60	AL-128
Clarke County Stock Yards, Inc.	Grove Hill	5-20-59	AL-129
Kennamer Livestock Co., Inc.	Guntersville	7-10-59	AL-130
Hamilton Stockyards, Inc.	Hamilton	5-11-71	AL-131
Headland Stock Yards, Inc.	Headland	5-18-59	AL-132
Madison County Livestock Market	Hunterville	7-13-59	AL-133
Tri County Livestock Auction	Hurtsboro	10- 1-69	AL-134
Walker County Livestock	Jasper	12- 8-61	AL-135
Linden Stock Yard	Linden	6-14-59	AL-136
Livingston Stock Yards	Livingston	5-14-59	AL-137
Louisville Livestock Co., Inc.	Louisville	5-15-59	AL-138
Adams and Eagle, Inc.	Marion	3-29-60	AL-139
Hodges Stock Yards of Alabama	Montgomery	9-30-46	AL-140

ALABAMA—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Hooper Auction Co., Inc.	Montgomery	3-20-59	AL-141
White Livestock Commission Company, Inc.	Morris	5- 1-67	AL-142
Moulton Stockyard, Inc.	Moulton	6-22-70	AL-143
Farmers Co-operative Market	Opp	6-30-59	AL-144
Roanoke Stockyards, Inc.	Roanoke	5-29-59	AL-145
Robertsdale Livestock Auction, Inc.	Robertsdale	5-18-59	AL-146
White Livestock Commission Company, Inc.	Russellville	9-28-59	AL-147
Jackson Co. Livestock Co.	Scottsboro	11-21-69	AL-148
Hodges Stock Yards of Alabama	Selma	1-14-36	AL-149
Westbrook Livestock Auction Sales	Troy	5-18-59	AL-150
Alabama Livestock Auction, Inc.	Uniontown	11-15-68	AL-151
Winfield Livestock Commission Company	Winfield	5-18-59	AL-152

ARIZONA

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Arizona Livestock Auction, Inc.	Phoenix	11- 5-67	AZ-100
Cornelius Livestock Co.	Phoenix	10-18-67	AZ-101
Phoenix Livestock Auction Company, Inc.	Tempe	11- 7-69	AZ-102
Wents Brothers Livestock Auction, Inc.	Tucson	10-11-67	AZ-103
Nelson Livestock Auction, Inc.	Wilcox	10-18-67	AZ-104

ARKANSAS

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Clark County Livestock Auction, Inc.	Arkadelphia	6-21-67	AR-100
Ash Flat Livestock Auction	Ash Flat	9-18-50	AR-101
Atkins Livestock Auction	Atkins	1-18-70	AR-102
Davis Livestock Auction	Batesville	6-26-67	AR-103
Nual Hill Livestock Auction	Batesville	7-10-63	AR-104
Beebe Community Auction	Beebe	2-16-59	AR-106
Bentonville Livestock Auction	Bentonville	12-11-68	AR-109
Carroll County Livestock Auction Co.	Berryville	6-11-67	AR-107
Van Buren County Auction Sales	Clinton	4-23-59	AR-108
Major Lewis Livestock Auction Sales	Conway	2-16-59	AR-109
Corning Livestock Auction, Inc.	Corning	2-20-59	AR-110
Decatur Livestock Auction	Decatur	11- 2-65	AR-111
Eudora Livestock Auction Company, Inc.	Eudora	8-18-58	AR-112
Washington County Sales Co., Inc.	Fayetteville	12-12-58	AR-113
Fort Smith Stockyards	Fort Smith	1-15-55	AR-114
Glenwood Commission Company	Glenwood	9-24-65	AR-115
Gravette Community Sale	Gravette	12-10-68	AR-116
North Arkansas Livestock Auction, Inc.	Green Forest	11- 6-59	AR-117
Harrison Stockyard Auction, Inc.	Harrison	5-12-67	AR-118
Cleburne County Livestock Auction Sale	Heber Springs	2-17-59	AR-119
Hope Livestock Commission Co.	Hope	10- 6-69	AR-120
Huntsville Livestock Auction Company	Huntsville	12-12-68	AR-121
MFA Livestock Association, Inc., (Marshall, Mo.) Concentration Point.	Imboden	2-19-70	AR-122
Farmer's Livestock Commission Company	Jonesboro	5-19-59	AR-123
Nettleton Stockyards	Jonesboro	6-29-67	AR-124
Arkansas National Stockyards Co.	Little Rock	12-17-59	AR-125
Allen Brothers Magnolia Livestock Auction	Magnolia	9-11-59	AR-126
Malvern Livestock Auction Co.	Malvern	6-21-67	AR-127
Searcy County Auction Co.	Marshall	2-18-59	AR-128
Bob Garden Livestock Auction	Mena	12- 3-68	AR-129
Drew County Auction Sale	Monticello	2-24-59	AR-130
Central Arkansas Auction Sale, Inc.	Morrilton	9-30-59	AR-131
Mountain Home Livestock Auction	Mountain Home	2-18-59	AR-132
Montgomery County Auction, Inc.	Mount Ida	6-13-67	AR-133
Shanta & Rodman Livestock Commission Company, Inc.	North Little Rock	5- 1-65	AR-134
Ola Livestock Auction	Ola	12-15-58	AR-135
Glover Livestock Commission Company, Inc.	Pine Bluff	6-26-57	AR-136
Randolph County Livestock Auction Company	Pocahontas	2- 1-68	AR-137
County Line Sale Barn, Inc.	Ratcliff	12-16-58	AR-138
White Auction Company	Russellville	12-15-58	AR-139
Salem Livestock Auction	Salem	5- 6-60	AR-140
Montgomery Livestock Auction	Searcy	2-17-59	AR-141

ARKANSAS—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Siloam Springs Sale Barn	Siloam Springs	12-11-68	AR-142
Farmers Livestock Auction, Inc.	Springdale	12-11-68	AR-143
Walker Livestock Auction	Van Buren	7-19-71	AR-144
Scott County Livestock Auction, Inc.	Waldron	12-17-58	AR-145

CALIFORNIA

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Modoc Auction Yard	Alturas	10-29-59	CA-100
Chas. Adams Dairy Auction Yards	Artesia	1- 6-47	CA-101
Atwater Livestock Auction Company	Atwater	10- 1-69	CA-102
Bakersfield Cattle Auction	Bakersfield	7-29-70	CA-103
Big Valley Livestock Auction	Bakersfield	11-25-67	CA-104
Beaumont Horse Market	Beaumont	10- 6-69	CA-105
Rebik Auction Yard	Brawley	11- 1-59	CA-106
Santa Ynez Valley Sales Yard, Inc.	Buellton	11- 5-59	CA-107
Chino Stockyards Company	Chino	10-12-66	CA-108
Stiefel Bros. Livestock Market	Chino	7-26-68	CA-109
Chowchilla Livestock Auction Yards	Chowchilla	11-20-59	CA-110
Maclin-Caldwell Auction Co.	Colton	10- 1-59	CA-111
Corona Livestock Auction	Corona	10- 3-59	CA-112
Shasta Livestock Auction Yard, Inc.	Cottonwood	10- 7-70	CA-113
Alta Sales Yard	Dinuba	10-19-59	CA-114
Dixon Livestock Auction	Dixon	10- 6-59	CA-115
Schene Sheep Auction	Dixon	11- 6-59	CA-116
Dos Palos Y Auction Yard	Dos Palos	11-15-59	CA-117
L. A. Horse and Mule Auction	El Monte	12-26-69	CA-118
Cattle Palace Auction	Elk Grove	10- 1-59	CA-119
Escalon Livestock Auction	Escalon	11-27-59	CA-120
Escondido Livestock Auction	Escondido	10-28-59	CA-121
Carl Johnson Co.	Eureka	10-15-59	CA-122
Western Stockman's Market	Famosa	1-20-64	CA-123
Humboldt Auction Yard, Inc.	Fortuna	10- 2-59	CA-124
Stockton Livestock Auction Yards	French Camp	2-21-51	CA-125
Cherry Auction	Fresno	10- 6-59	CA-126
L & M Sales Yard	Fresno	9-30-59	CA-127
Cattlemen's Livestock Market	Galt	9-26-68	CA-128
A and M Livestock Auction	Hanford	5- 4-67	CA-129
Overland Stockyards	Hanford	11- 3-69	CA-130
Reed's Auction	Hayward	4-19-61	CA-131
Lancaster Sales Yard	Lancaster	12- 1-59	CA-132
Camden Livestock Sales Yard	Laton	11-10-59	CA-133
Los Banos Livestock Market	Los Banos	12- 1-59	CA-134
Madera County Farm Bureau Sales Yard	Madera	10- 1-59	CA-135
McNutt Livestock Auction	Modesto	11- 4-59	CA-136
Modesto Livestock Commission Co.	Modesto	10-15-59	CA-137
"Silva-Haglund" Livestock Auction	Modesto	11-23-59	CA-138
West Side Auction Yard	Newman	10-26-60	CA-139
Oakdale Livestock Auction Co.	Oakdale	4- 1-59	CA-140
Los Angeles Producers Stockyards	Ontario	12-31-70	CA-141
Maclin-Caldwell Auction Co.	Ontario	10- 1-59	CA-142
Orland Auction Yard, Inc.	Orland	10-10-69	CA-143
Orland Livestock Commission Yard, Inc.	Orland	11-13-59	CA-144
Pedley Horse Sales	Pedley	5-30-66	CA-145
Petaluma Livestock Commission Co.	Petaluma	10-10-59	CA-146
Del Stoneburner Livestock Auction	Petaluma	4- 1-64	CA-147
Red Bluff Livestock Auction	Red Bluff	10- 5-59	CA-148
Riverbank Livestock Auction	Riverbank	5-10-61	CA-149
Roseville Livestock Auction	Roseville	11- 5-59	CA-150
Salinas Livestock Auction Yard, Inc.	Salinas	10- 3-59	CA-151
San Jacinto Livestock Auction	San Jacinto	10-19 59	CA-152
101 Livestock Commission Co.	Santa Cruz	10- 6-59	CA-153
Santa Rosa Livestock Auction	Santa Rosa	10-20-59	CA-154
Stockton Livestock Market, Inc.	Stockton	2-21-34	CA-155
Templeton Livestock Market	Templeton	10- 5-59	CA-156
A and M Livestock Auction	Tulare	9-20-60	CA-157
Tulare Sales Yard, Inc.	Tulare	10- 7-59	CA-158
Turlock Sales Yard	Turlock	10- 5-59	CA-159
El Roble Auction Yard	Ukiah	10-29-59	CA-160

CALIFORNIA—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
L. A. Horse and Mule Auction	Vernon	5-16-30	CA-161
Tulare County Farm Bureau Sales Yard	Visalia	10- 1-59	CA-162
Williams Livestock Auction Co.	Williams	10-12-59	CA-163
Siskiyou Stockyards, Inc.	Yreka	10- 5-59	CA-164
Yuba City Auction Yard	Yuba City	11- 9-59	CA-165

COLORADO

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Alamosa Auction	Alamosa	5- 7-67	CO-100
K & R Livestock Comm. Co., Inc.	Broomfield	12-28-62	CO-101
Brush Livestock Commission Co.	Brush	8-20-60	CO-102
Livestock Exchange, Inc.	Brush	11-14-66	CO-103
Burlington Livestock Sales Co.	Burlington	5-30-60	CO-104
Burlington Producers Livestock Marketing Association	Burlington	10-28-68	CO-105
Calhan Cash Auction Market	Calhan	10- 2-63	CO-106
Skaggs Ranch/Sales Arena	Colorado Springs	4-19-61	CO-107
Cortez Livestock Commission Company	Cortez	5- 5-67	CO-108
Craig Sales Barn	Craig	5-21-67	CO-109
Delta Sales Yard	Delta	5- 9-67	CO-110
A. A. Blakley Livestock Commission Co., Inc. Stockyards	Denver	10-28-68	CO-111
The Denver Livestock Market, Inc.	Denver	11- 1-61	CO-112
Basin Livestock Commission Company	Durango	5- 8-60	CO-113
Elizabeth Livestock Auction	Elizabeth	10- 2-59	CO-114
Farmer and Rancher Livestock Commission Company, Inc.	Fort Collins	4-20-67	CO-115
Davis Ranch Horse Sale	Fort Morgan	11-23-61	CO-116
Fowler Auction Company	Fowler	6-13-67	CO-117
Alsbury Sales Pavilion, Inc.	Glenwood Springs	5-26-67	CO-118
Grand Junction Livestock Center	Grand Junction	11- 4-66	CO-119
Valley Livestock Auction Company	Grand Junction	5- 9-67	CO-120
Greeley Producers Livestock Marketing Ass'n.	Greeley	7-17-62	CO-121
Sunset Livestock Commission Co.	Greeley	5-26-67	CO-122
Weld County Livestock Commission Company	Greeley	5-26-67	CO-123
Haxtun Sale Barn	Haxtun	10- 7-69	CO-124
Hotchkiss Sale Yard	Hotchkiss	10-26-59	CO-126
La Junta Livestock Commission Co.	La Junta	4-30-68	CO-128
R. P. Lewis & Son Auction Co.	La Junta	6-11-67	CO-127
Winter Livestock Commission Company	La Junta	8-16-60	CO-129
McCanless Livestock Co.	Lamar	5- 4-67	CO-129
Limon Livestock Commission Co.	Limon	5- 9-67	CO-130
Longmont Livestock Commission Co.	Longmont	10- 3-59	CO-131
Monte Vista Livestock Commission Company, Inc.	Monte Vista	2-28-66	CO-132
Western Slope Livestock Commission Company	Montrose	5-11-67	CO-133
Melott Livestock Commission Co.	Pueblo	5- 7-67	CO-134
Zevisian Livestock Commission Co.	Pueblo	9-18-59	CO-135
Rifle Sales Yard	Rifle	5-22-67	CO-136
Rocky Mountain Livestock Markets, Inc.	Salida	5-11-67	CO-137
Springfield Livestock Commission Co.	Springfield	5- 5-67	CO-138
Steamboat Sales Barn	Steamboat Springs	5-20-67	CO-139
Sterling Livestock Commission Company, Inc.	Sterling	5-12-67	CO-140
Trinidad Livestock Auction	Trinidad	5- 7-67	CO-141
Ranchland Livestock Commission Company, Inc.	Wray	5- 6-67	CO-142
Yuma Livestock Auction	Yuma	5- 4-67	CO-143

CONNECTICUT

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Madow Sales Stables	East Canaan	1-14-69	CT-100
Hebron Horse Auction	Hebron	1- 1-69	CT-101
Middlesex Livestock Auction	Middlefield	5-22-71	CT-102
Kahn's Stockyard	North Franklin	12- 7-60	CT-103

DELAWARE

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Carroll's Sales Company	Felton	5-20-63	DE-100

Florida

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Arcadia State Livestock Market	Arcadia	2-26-60	FL-100
Florida Agricultural Marketing Association, Inc	Belle Glade	2-26-60	FL-101
Chipley Livestock Company	Chipley	8- 7-60	FL-102
Gainesville Livestock Market, Inc	Gainesville	2- 1-60	FL-103
Tindell Livestock Auction Market, Inc	Gainesville	2-26-60	FL-104
Jay Livestock Auction Market	Jay	8- 8-60	FL-105
Kissimmee Live Stock Market, Inc	Kissimmee	2-26-60	FL-106
Columbia Livestock Market	Lake City	2- 2-60	FL-107
Cattleman's Livestock Auction Market, Inc	Lakeland	2-26-60	FL-108
Hooten Livestock Auction Co	Lakeland	7-31-69	FL-109
Suwannee Valley Livestock Market	Live Oak	2- 2-60	FL-110
Madison Stock Yard	Madison	7-13-60	FL-111
West Florida Livestock Auction Market, Inc	Marianna	2- 1-60	FL-112
Monticello Livestock Market, Inc	Monticello	2-15-60	FL-113
Mills Auction Market	Ocala	2-15-60	FL-114
Okeechobee Livestock Market, Inc	Okeechobee	2- 1-60	FL-115
Mid Florida Livestock Market, Inc	Orlando	2- 9-60	FL-116
Paxton Livestock Cooperative Association	Paxton	2-29-60	FL-117
Gadsden County Livestock Auction Market	Quincy	2-26-60	FL-118
Interstate Livestock Auction Market, Inc	Seffner	12- 4-63	FL-119
Cattlemen's Livestock Auction Market	Tampa	2-26-60	FL-120
Hardee Livestock Market, Inc	Wauchula	2-26-60	FL-121
[illegible]	Webster	2- 1-60	FL-122
Jacksonville Livestock Auction Co., Inc	Whitehouse	6-15-62	FL-123

Georgia

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Union Stock Yards	Albany	12-22-37	GA-100
Bacon County Stockyard, Inc	Alma	5-20-59	GA-101
Sumter Livestock Association, Inc	Americus	5-15-59	GA-102
Citizens Stock Yard, Inc	Arlington	5-21-59	GA-103
Turner County Stockyards	Ashburn	5-19-59	GA-104
North Georgia Livestock Auction, Inc	Athens	5-15-59	GA-105
Bainbridge Auction Market	Bainbridge	5-15-59	GA-106
Flint River Livestock Auction	Bainbridge	5-15-59	GA-107
Smith Brothers Livestock Yard	Bartow	7- 1-59	GA-108
Miles Stockyard	Baxley	6-15-59	GA-109
Pierce County Stockyard, Inc	Blackshear	5-15-59	GA-110
W. L. Moseley Livestock Company	Blakely	12-15-59	GA-111
Mitchell County Livestock Market, Inc	Camilla	5-15-59	GA-112
Franklin County Livestock Market, Inc	Carnesville	4- 2-68	GA-113
Carroll County Livestock Sales Barn, Inc	Carrollton	12-28-70	GA-114
Bartow Livestock Commission Company	Cartersville	4-11-63	GA-115
Seaboard Stock Yard	Colquitt	5-15-59	GA-116
Columbus-Muscogee Livestock Auction, Inc	Columbus	5-15-59	GA-117
Cordele Livestock Co	Cordele	5-15-59	GA-118
Southeastern Livestock Market, Inc	Covington	2- 2-71	GA-119
Georgia Farmers Livestock, Inc	Cumming	6-10-66	GA-120
North Georgia Farmers Livestock Market, Inc	Cumming	11-26-63	GA-121
Peoples Stockyard	Cuthbert	7-20-59	GA-122
Dawson Livestock Company	Dawson	5-16-59	GA-123
Seminole Livestock, Inc	Donalsonville	5-25-59	GA-124
Farmers Livestock Market	Douglas	5-15-59	GA-125
Livestock Marketers, Inc	Douglas	5-25-59	GA-126
Dublin Livestock Commission Co	Dublin	5-26-59	GA-127
Jepeway-Craig Commission Company, Inc	Dublin	5-22-59	GA-128
Stephens County Livestock Auction	Eastanollee	8- 2-71	GA-129
Dodge County Livestock Sale Barn	Eastman	5-22-59	GA-130
Fitzgerald Farmers Auctions, Inc	Fitzgerald	5-15-59	GA-131
Gainesville Livestock Auction, Inc	Gainesville	12-12-69	GA-132
Tattnall Livestock Market	Glennville	6-15-59	GA-133
Duvall & Wheeler Livestock Barn	Greensboro	5-21-59	GA-134
Hagan Stockyard	Hagan	5-20-59	GA-135
Pulaski Stockyard, Inc	Hawkinsville	8- 2-59	GA-136
Hazelhurst Livestock Market	Hazelhurst	5-20-59	GA-137

Georgia—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Middle Georgia Livestock Sales Co	Jackson	9-30-59	GA-138
Wayne County Stockyard	Jesup	5-15-59	GA-139
LaGrange Stockyards	LaGrange	6-15-59	GA-140
Toombs County Stockyard	Lyons	5-26-59	GA-141
Georgia Livestock Market, Inc	Macon	1-15-68	GA-142
Farmer's Stockyard of McRae, Inc	McRae	4-26-62	GA-143
Metter Livestock Market	Metter	5-15-59	GA-144
Milan Livestock Market, Inc	Milan	5-27-59	GA-145
Milan Livestock Market	Milan	5-15-59	GA-146
Moultrie Livestock Company	Moultrie	5-15-59	GA-147
Farmers Livestock Auction Co., Inc	Nashville	5-15-59	GA-148
Irwin County Livestock Co., Inc	Ocilla	5-15-59	GA-149
Pearson Livestock Market	Pearson	11- 1-65	GA-150
County Line Milling Co., Inc	Pelham	4- 8-70	GA-151
Walker Horse and Mule Co	Quitman	5-26-64	GA-152
McClure-Burnett Livestock Market, Inc	Rome	4-26-62	GA-153
County Stock Barn	Sandersville	4-15-59	GA-154
Tri-County Livestock Auction Company	Social Circle	8- 1-69	GA-155
Soperton Stockyard	Soperton	5-15-59	GA-156
Effingham County Stockyard	Springfield	4-26-62	GA-157
Bulloch Stockyard, Inc	Statesboro	11-15-65	GA-158
Statesboro Livestock Auction	Statesboro	11-15-65	GA-159
Swainsboro Stock Yard	Swainsboro	1-14-69	GA-160
Farmers Stockyard	Sylvania	5-15-59	GA-161
Sylvania Stockyard	Sylvania	5-14-59	GA-162
Sinlon Livestock Company, Inc	Sylvester	5-26-59	GA-163
Georgia Farm Products Sales Corp	Thomaston	5-15-59	GA-164
Thomas County Stockyards, Inc	Thomasville	12-11-59	GA-165
Thomson Stock Yard, Inc	Thomson	4- 2-59	GA-166
Tifton Stockyards, Inc	Tifton	5-14-59	GA-167
Toccoa Livestock Auction	Toccoa	5- 1-69	GA-168
Valdosta Livestock Co., Inc	Valdosta	7-16-59	GA-169
Vidalia Livestock Auction, Inc	Vidalia	4-21-61	GA-170
Wilkes County Stockyard	Washington	5-15-59	GA-171
Waycross Livestock Market	Waycross	7-15-59	GA-172

Idaho

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Blackfoot Livestock Commission Co	Blackfoot	4- 1-69	ID-100
Bonners Ferry Livestock, Inc	Bonners Ferry	10-15-68	ID-101
Burley Livestock Commission Company	Burley	5-21-59	ID-102
OK Livestock Markets and Feed Yards	Caldwell	5-21-59	ID-103
Treasure Valley Livestock Auction, Inc	Caldwell	12-22-37	ID-104
Coeur d'Alene Livestock, Inc	Coeur d'Alene	5-15-59	ID-105
Cottonwood Sales Yard	Cottonwood	10- 7-68	ID-106
Council Livestock Sale	Council	5-26-59	ID-107
Emmett Livestock Commission Co., Inc	Emmett	4- 4-69	ID-108
Gooding Livestock Commission Co., Inc	Gooding	12-15-61	ID-109
Idaho Falls Live Stock Commission Company	Idaho Falls	5-15-59	ID-110
Jerome Producers Livestock Marketing Association	Jerome	5-15-57	ID-111
Spencer Livestock Commission Company	Lewiston	5-20-59	ID-112
Twin City Sales Yard, Inc	Lewiston	1- 6-69	ID-113
Custer County Livestock Marketing Ass'n	Mackay	3- 5-67	ID-114
Meridian Sales Yard	Meridian	8-28-61	ID-115
Nampa Livestock Markets, Inc	Nampa	1-14-69	ID-116
Cache Valley Livestock Auction	Preston	9-15-59	ID-117
Rexburg Livestock Auction, Inc	Rexburg	1- 7-65	ID-118
Valley Livestock Commission Co	Rupert	4- 3-60	ID-119
Salmon River Livestock Commission, Inc	Salmon	8-11-67	ID-120
Shoshone Sale Yard, Inc	Shoshone	9-14-68	ID-121
Prescott's Pony and Horse Sale	Twin Falls	11- 2-59	ID-122
Stockgrowers Commission Co	Twin Falls	5-16-68	ID-123
Twin Falls Livestock Commission Co	Twin Falls	5-27-59	ID-124
Weiser Livestock Commission Co	Weiser	11-10-67	ID-125
		5-26-59	ID-126

Illinois

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Hilltop Sales Barn	Alton	11-17-59	IL-100
Arthur Auction Co	Arthur	11-20-59	IL-101
Central Illinois Horse Auction	Arthur	11-20-59	IL-102
Ashland Auction Co	Ashland	6- 1-61	IL-103
Chicago Stockyards—Atkinson Market	Atkinson	10-12-65	IL-104
DeWolfe's Livestock Exchange	Belvidere	11-20-59	IL-106
Bloomington Livestock Commission Co	Bloomington	4-12-60	IL-106
Kankakee Livestock Company	Bourbonnais	11-17-59	IL-107
Byron Livestock Commission Company	Byron	11-20-59	IL-108
Ketes Sales Company	Canton	9-16-60	IL-109
Carrollton Auction Sales	Carrollton	11-17-59	IL-110
Carthage Community Sales Company	Carthage	12- 2-59	IL-111
Roe's Consignment Sale	Chana	11-20-59	IL-112
Cisna Park Livestock Sales	Cisna Park	11-18-59	IL-113
Trainor Livestock Sales	Clinton	5-11-64	IL-114
Farmers Livestock Sale, Inc	Coatsburg	7-22-63	IL-115
Harry Schrader Marketing Center	Dakota	11-23-59	IL-116
Danville Livestock Commission Co	Danville	11-20-59	IL-117
Breeds Livestock Sale	Elizabeth	4-12-60	IL-118
Heinold Cattle Market	El Paso	11-20-59	IL-119
Wilson Sale Company	Fairview	11-24-59	IL-120
Forrest Livestock Sales	Forrest	11-19-59	IL-121
Galesburg Livestock Sales, Inc	Galesburg	7-27-60	IL-122
Greenville Livestock, Inc	Greenville	12-27-61	IL-123
Chicago-Joliet Livestock Marketing Center, Inc	Joliet	10-27-71	IL-124
Kewanee Sale Barn	Kewanee	12- 2-59	IL-126
Knoxville Community Sale Co., Inc	Knoxville	12- 2-59	IL-126
Jennings Sales Company, Inc	Macomb	12- 2-59	IL-127
Maple Park Livestock Sales	Maple Park	11-18-59	IL-128
Decker's Livestock, Inc	Milford	11-18-59	IL-129
Warren County Livestock Auction, Inc	Monmouth	11-18-59	IL-130
Brown County Sales Association	Mount Sterling	8-10-61	IL-131
Jefferson County Sale	Mount Vernon	9-19-61	IL-132
Jackson County Auction Sales	Murphysboro	5- 8-61	IL-133
St. Louis National Stock Yards	National Stockyards	11- 1-21	IL-134
Neoga Livestock Commission Company	Neoga	6-16-61	IL-135
Olney Livestock Comm. Co	Olney	11-20-59	IL-136
LaSalle County Livestock Marketing Center	Peru	11-23-59	IL-137
Palmyra Sales Company	Palmyra	5-31-61	IL-138
Pinkston Sale Pavilion	Pana	11-19-59	IL-139
Illinois Auction Commission Co	Paris	11-20-59	IL-140
Paris Livestock Sales Co	Paris	11-20-59	IL-141
Pearl City Sale Barn	Pearl City	11-25-59	IL-142
Pecatonica Livestock Exchange, Inc	Pecatonica	11-23-59	IL-143
Penfield Livestock Commission Co	Penfield	11-20-59	IL-144
Union Stock Yards	Peoria	11- 1-21	IL-145
Pittsfield Community Sale	Pittsfield	11-17-59	IL-146
Pontiac Livestock Sales	Pontiac	11-19-59	IL-147
Princeton Livestock Auction	Princeton	9-13-60	IL-148
Princeville Livestock Sales	Princeville	11-20-59	IL-149
Rock Island Auction Sales, Inc	Rock Island	11-27-59	IL-150
Schuyler Livestock Sales	Rushville	12-12-60	IL-151
Price's Livestock Marketing Co	Salem	1-18-60	IL-152
Savanna Livestock Sales Barn	Savanna	11-25-59	IL-153
Interstate Producers Livestock Ass'n	Shelbyville	3-21-61	IL-154
Springfield Stock Yards	Springfield	2-11-26	IL-155
Stoutenborough Auction	Springfield	11-18-59	IL-156
Interstate Producers Livestock Association	Sullivan	11-19-59	IL-157
Dameron Livestock Auction, Inc	Vienna	10-26-60	IL-158
Mercer County Livestock Auction	Viola	11-30-59	IL-159
Walnut Auction Sales	Walnut	11-23-59	IL-160
Barnard Livestock Auction Market	Wayne City	3- 4-66	IL-161
Winslow Marketing Center, Inc	Winslow	11-24-59	IL-162
Woodson Sale Barn	Woodson	5-25-61	IL-163
Peterson Livestock Auction	Wyoming	11-30-59	IL-164

Indiana

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Anderson Sale Barn	Anderson	5-28-59	IN-100
Geneva-Berne Livestock Sales Co	Berne	5- 5-59	IN-101

Indiana—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Bloomington Sale Barn	Bloomington	9-28-59	IN-102
Boswell Livestock Commission Co	Boswell	6-11-59	IN-103
Brookville Sale Barn	Brookville	4-23-59	IN-104
Producers Marketing Assn., Inc	Centerville	4-27-59	IN-105
Producers Marketing Assn., Inc	Columbia City	4-27-59	IN-106
Crawfordsville Live Stock Commission	Crawfordsville	4- 7-04	IN-107
Montgomery County Sale Pavilion	Crawfordsville	6-10-59	IN-108
Evansville Union Stockyards	Evansville	11- 1-21	IN-109
Dalta Livestock Auction & Commission Co	Evansville	11- 1-21	IN-110
Johnson Co. Sales Pavilion	Franklin	6- 9-59	IN-111
Goshen Community Auction, Inc	Goshen	6-17-59	IN-112
Morton Sale Barn	Greencastle	4-27-59	IN-113
Star Sale Barn	Greensburg	4-27-59	IN-114
Hilltop Auction Sale	Hanover	4-21-59	IN-115
Smyser Sale Barn	Huntington	5-23-59	IN-116
Indianapolis Stockyards Corporation	Indianapolis	11- 1-21	IN-117
Knightstown Sale Co	Knightstown	5-19-59	IN-118
Producers Marketing Assn., Inc	Lafayette	4-27-59	IN-119
LaFontaine Livestock Sale	LaFontaine	5-20-59	IN-120
Boone Co. Sale Barn	Lebanon	6-10-59	IN-121
Stony Pike Sale Barn	Logansport	4-30-59	IN-122
Lowell Livestock Auction, Inc	Lowell	1-11-67	IN-123
Middletown Sale Barn	Middletown	11- 4-59	IN-124
Producers Marketing Assn., Inc	Montpelier	4-27-59	IN-125
Henry County Livestock Auction	New Castle	11-19-59	IN-126
Hamilton County Livestock Auction	Noblesville	3- 1-71	IN-127
North Judson Livestock Market	North Judson	5- 4-60	IN-128
Southeastern Indiana Feeder Auction Association	Osgood	5- 5-64	IN-129
Loys Sale Barn	Portland	5-21-59	IN-130
Reynolds Sale Barn	Reynolds	6-11-59	IN-131
Ridgeville Livestock, Inc	Ridgeville	9-10-63	IN-132
Rochester Sale Barn	Rochester	6-17-59	IN-133
Parke County Sales Pavilion	Rockville	4-23-59	IN-134
Royal Center Community Sale Barn	Royal Center	6-11-59	IN-135
Rushville Commmunity Sale Barn	Rushville	4-23-59	IN-136
Werline & Halbleib	Rushville	10- 5-67	IN-137
Scottsburg Sales Barn	Scottsburg	3-17-60	IN-138
Southern Indiana Livestock Exchange, Inc	Scottsburg	11-19-66	IN-139
Shipshewana Livestock Auction, Inc	Shipshewana	4-21-59	IN-140
Claypool Sales, Inc	Silver Lake	6-16-59	IN-141
Owen-Monroe CountyFeeder Association, Inc	Spencer	10- 5-62	IN-142
The Springville Feeder Auction Association	Springville	4- 4-63	IN-143
Producers Marketing Assn., Inc	Terre Haute	4-27-59	IN-144
Topeka Livestock Auction, Inc	Topeka	6-16-59	IN-145
Valparaiso Community Sale	Valparaiso	4-30-59	IN-146
Fountain County Livestock Commission Company	Veedersburg	5- 7-59	IN-147
Producers Livestock Association	Vincennes	4-28-59	IN-148
Walkerton Livestock Sales, Inc	Walkerton	6-17-59	IN-149
White River Valley Feeder Auction Association	Worthington	4- 8-63	IN-150

Iowa

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Ackley Sales Pavilion	Ackley	5-26-59	IA-100
Adel Sales Pavilion	Adel	5-15-59	IA-101
Albia Sales Company, Inc	Albia	4-26-41	IA-102
Algona Livestock Auction	Algona	5-15-59	IA-103
Allerton Sale Co	Allerton	5-15-59	IA-104
Northwest Iowa Livestock Exchange, Inc	Alta	5- 1-67	IA-105
Anamosa Livestock Auction	Anamosa	5- 2-67	IA-106
Anita Auction Company	Anita	5-15-67	IA-107
Ankeny Sales	Ankeny	4-20-67	IA-108
Aplington Livestock Auction, Inc	Aplington	3-11-67	IA-109
Armstrong Sales Co	Armstrong	5- 3-59	IA-110
Audubon Auction Company, Inc	Audubon	5-28-59	IA-111
Avoca Auction Company	Avoca	1-16-58	IA-112
Baxter Sale Company	Baxter	6- 8-59	IA-113
Bedford Sales Company	Bedford	5-22-59	IA-114
Belle Plaine Livestock Auction, Inc	Belle Plaine	4- 2-67	IA-115
Belmond Sale Pavilion	Belmond	5-19-59	IA-116
Davis County Sale Company	Bloomfield	5-20-59	IA-117

IOWA—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Boone Sales Co.	Boone	5-18-59	IA-118
DeVries Auction Company	Buffalo Center	4-19-60	IA-119
Carroll Livestock Sales	Carroll	11-10-71	IA-120
Cascade Sales Barn	Cascade	11- 2-71	IA-121
Centerville Sale Company	Centerville	11-18-66	IA-122
McCreary Sale Company	Centerville	5-18-59	IA-123
Charlton Sales Company	Charlton	5-22-59	IA-124
Clarinda Auction Co.	Clarinda	5-18-59	IA-125
Clear Lake Auction Company	Clear Lake	3-13-67	IA-126
Coggon Livestock Sales Co.	Coggon	5-18-59	IA-127
Colfax Livestock Sales Co.	Colfax	6- 6-59	IA-128
Smylie-Haupert Livestock, Inc.	Columbus Junction	5-29-59	IA-129
Adams County Auction Co., Inc.	Corning	5- 1-59	IA-130
Iowa Nebraska Sale Yards	Council Bluffs	5-29-59	IA-131
Knickman Livestock Sales Company	Council Bluffs	12-14-55	IA-132
Cresco Livestock Market	Cresco	6- 4-59	IA-133
Creston Livestock Auction	Creston	5-22-59	IA-134
Decorah Sales Commission	Decorah	6- 5-59	IA-135
Winnebiek Cooperative Association	Decorah	5-20-59	IA-136
Livestock Auction Co.	Denison	5-18-59	IA-137
Diagonal Livestock Auction, Inc.	Diagonal	5-18-59	IA-138
Donnellson Livestock Sales, Inc.	Donnellson	5-22-59	IA-139
Dunlap Livestock Auction	Dunlap	5-10-59	IA-140
Dyersville Sale Barn	Dyersville	6- 1-59	IA-141
Umstead Livestock Auction	Eagle Grove	6- 5-59	IA-142
Eddyville Sale Company	Eddyville	5-28-59	IA-143
Edgewood Sales Barn, Inc.	Edgewood	11- 5-63	IA-144
Eldora Livestock Sales, Incorporated	Eldora	3-11-67	IA-145
Farmers Auction Market	Eldora	12- 5-61	IA-146
Elkader Sales Barn	Elkader	5-16-59	IA-147
Hawks Livestock Auction	Fairfax	3- 1-60	IA-148
Fairfield Livestock Commission, Inc.	Fairfield	6-10-59	IA-149
Fonda Livestock Sales	Fonda	6- 4-59	IA-150
Jennings Brothers, Inc.	Forest City	5-16-59	IA-151
Spencer Bros. Livestock Auction	Fort Dodge	5-20-59	IA-152
Garner Livestock Sales, Inc.	Garner	1- 5-67	IA-153
Lizar's Livestock Auction	Gowrie	5-20-59	IA-154
Greenfield Community Sales, Inc.	Greenfield	12-11-69	IA-155
Grinnell Livestock Exchange	Grinnell	5-20-59	IA-156
Keith E. Myers Enterprises, a division of Keith E. Myers, Inc.	Grundy Center	6-24-65	IA-157
Guthrie Stock Pavilion Co., Inc.	Gutherie Center	4-30-67	IA-158
Hampton Auction, Inc.	Hampton	12-11-61	IA-159
Sales Company of Hawarden, Inc.	Hawarden	1- 7-67	IA-160
Humeston Sale Barn	Humeston	5-22-59	IA-161
McIntosh Livestock Auction Company	Ida Grove	3-14-68	IA-162
Independence Sales Co., Inc.	Independence	5-23-59	IA-163
Indianola Sales Company, Inc.	Indianola	6-10-59	IA-164
Iowa Falls Livestock	Iowa Falls	6- 9-59	IA-165
Irwin Sales Company	Irwin	5-24-59	IA-166
Kalona Sales Barn, Inc.	Kalona	4- 2-67	IA-167
Keosauqua Sales Co., Inc.	Keosauqua	3-11-68	IA-168
Kimballton Auction Company	Kimballton	5-20-59	IA-169
Bingley Sales Co.	Knoxville	4-30-57	IA-170
Phil Clark and Sons Sales Co.	Knoxville	6-15-71	IA-171
Lake City Sales Pavilion	Lake City	5- 2-67	IA-172
Lamoni Livestock Sales Co., Inc.	Lamoni	5-22-59	IA-173
Lawton Sale Barn	Lawton	5-20-59	IA-174
LeMars Sales Company	LeMars	5-29-59	IA-175
Lenox Livestock Auction	Lenox	5-18-59	IA-176
Leon Sale	Leon	5-18-59	IA-177
Leonards Auction Sale	Manchester	5-20-59	IA-178
Mapleton Livestock Sales	Mapleton	5- 7-63	IA-179
Maquoketa Sales Co.	Maquoketa	1-19-65	IA-180
United Livestock Auction, Inc.	Maquoketa	6-23-65	IA-181
Marengo Livestock Commission Co.	Marengo	6- 3-59	IA-182
Marshalltown Livestock Auction, Inc.	Marshalltown	5-22-59	IA-183
Massena Livestock Auction Market	Massena	5- 2-62	IA-184
Eastern Iowa Livestock Comm., Inc.	Mechanicsville	5-20-59	IA-185
Middletown Auction Sales, Inc.	Middletown	6-10-59	IA-186
Montezuma Sale Company	Montezuma	6- 9-59	IA-187
Monticello Sale Barn	Monticello	10-13-64	IA-188

IOWA—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Moorhead Auction Company	Moorhead	5-18-59	IA-189
Mount Ayr Livestock Market	Mount Ayr	5-20-59	IA-190
Sweetland Livestock Auction, Inc.	Muscatine	6-26-68	IA-191
New Liberty Sale Barn	New Liberty	5-22-59	IA-192
New Sharon Sales Co., Inc.	New Sharon	5-19-59	IA-193
Oelwein Livestock Exchange	Oelwein	6- 3-60	IA-194
Ollie Livestock Exchange	Ollie	5- 9-59	IA-195
Orient Sales Co., Inc.	Orient	5-18-59	IA-196
Osceola Sale Company, Inc.	Osceola	6- 4-59	IA-197
Mahaska Sale Co.	Oskaloosa	5-20-64	IA-198
Oskaloosa Livestock Auction, Inc.	Oskaloosa	1-17-62	IA-199
Oesian Livestock Exchange	Oesian	5- 6-59	IA-200
Oxford Sale Barn	Oxford	3-20-59	IA-201
Pella Sales Co.	Pella	5-20-59	IA-202
Perry Sales Pavilion	Perry	5-21-59	IA-203
Postville Sales Commission	Postville	5-19-59	IA-204
Bradley Livestock Auction	Red Oak	6-11-59	IA-205
Rubey Auction Co., Inc.	Red Oak	10-13-64	IA-206
Riceville Sales Pavilion	Riceville	5-18-59	IA-207
Rock Valley Sale Company	Rock Valley	6- 3-59	IA-208
Russell Sales Company	Russell	4-30-57	IA-209
Sheldon Livestock Company, Inc.	Sheldon	1- 7-57	IA-210
Nishna Valley Auction Company	Shenandoah	5-26-59	IA-211
Northside Sales Company	Sibley	5-19-59	IA-212
Keoo Auction Co.	Sigourney	5- 1-57	IA-213
Tri-State Livestock Auction Co., Inc.	Sioux Center	1-26-67	IA-214
Sioux City Stock Yards	Sioux City	11- 1-21	IA-215
Spencer Livestock Sales, Inc.	Spencer	4-16-68	IA-216
Spencer North Y Auction, Inc.	Spencer	6- 9-61	IA-217
Stanton Livestock Auction Market	Stanton	5-26-59	IA-218
Gaffney's Storm Lake Auction Co.	Storm Lake	5-16-59	IA-219
Story City Auction Sales	Story City	5-26-59	IA-220
Stuart Horse Sale	Stuart	5- 2-67	IA-221
Stuart Sales Co.	Stuart	5- 2-59	IA-222
Sumner Livestock Auction	Sumner	5-22-59	IA-223
Tama Livestock Auction Co.	Tama	6-21-71	IA-224
Trser Auction Company, Inc.	Trser	3-11-67	IA-225
Cedar Valley Livestock Exchange, Inc.	Vinton	5-23-59	IA-226
G. and W. Auction Markets	Wadena	5-18-59	IA-227
Walker Sales Co.	Walker	5-21-59	IA-228
Wapello Livestock Sales, Inc.	Wapello	4- 3-67	IA-229
Washington Livestock Auction Market, Inc.	Washington	4- 5-67	IA-230
Interstate Producers Livestock Association Waukon Livestock Marketing Center	Waukon	5-25-59	IA-231
Northeast Iowa Sales Commission	Waukon	6- 9-59	IA-232
Waverly Sales Company, Inc.	Waverly	3-13-67	IA-233
Wayland Sales Co., Inc.	Wayland	5- 7-67	IA-234
West Union Auction Exchange	West Union	3- 5-67	IA-235
Madison County Auction	Winterset	5-16-59	IA-236

KANSAS

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Abilene Livestock Sales Co.	Abilene	3-30-50	KS-100
Anthony Livestock Co.	Anthony	6-16-59	KS-101
Atchison County Auction Co., Inc.	Atchison	5-23-59	KS-102
Atwood Sale Barn, Inc.	Atwood	4-22-60	KS-103
Belleville Livestock Comm. Co., Inc.	Belleville	10- 1-69	KS-104
Beloit Livestock Auction, Inc.	Beloit	3-22-60	KS-105
Coffee County Livestock Market	Burlington	6-18-59	KS-106
Caldwell Community Sale	Caldwell	6-11-63	KS-107
Cedar Vale Sales Company	Cedar Vale	5-26-59	KS-108
Chanute Livestock Auction	Chanute	5-26-59	KS-109
Clay Center Sales Co., Inc.	Clay Center	3-29-60	KS-110
Coffeyville Livestock Sales Co., Inc.	Coffeyville	10-28-38	KS-111
Colby Livestock Auction	Colby	12-6 -60	KS-112
Coldwater Sales Company, Inc.	Coldwater	4-12-60	KS-113
Concordia Sales Company	Concordia	5-20-59	KS-114
Hansen Livestock Auction	Concordia	5- 7-62	KS-115

KANSAS—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Council Grove Livestock Auction	Council Grove	3-31-60	KS-116
The Dighton Livestock Auction Market, Inc.	Dighton	4-18-60	KS-117
Dodge City Livestock Commission Co.	Dodge City	6-27-67	KS-118
The McKinley-Winter Livestock Commission Company, Inc.	Dodge City	9- 4-39	KS-119
Douglass Livestock Commission Company	Douglass	5-27-59	KS-120
Downs Sales Company	Downs	4-25-60	KS-121
Effingham Auction Co.	Effingham	6-22-59	KS-122
El Dorado Livestock Auction, Inc.	El Dorado	5-27-59	KS-123
Tri-State Sales Company	Elkhart	4-18-60	KS-124
Zinn Livestock Sales Company	Emmett	6- 1-59	KS-125
Peak & Hatcher Stockyards	Emporia	5-28-62	KS-126
Flint Hills Livestock Auction	Eskridge	6-15-63	KS-127
Eureka Auction Sale	Eureka	6-17-59	KS-128
Fort Scott Sale Co., Inc.	Fort Scott	6- 6-59	KS-129
Frankfort Community Sale	Frankfort	5-25-59	KS-130
Fredonia Livestock Sale Co., Inc.	Fredonia	5-26-59	KS-131
The Garden City Sale Company, Inc.	Garden City	10- 4-39	KS-132
Anderson County Sales Company	Garnett	5-26-59	KS-133
Allen County Livestock Auction	Gas	5-29-59	KS-134
Glasco Livestock Exchange	Glasco	12- 2-59	KS-135
Goodland Livestock Commission Company, Inc.	Goodland	4-21-60	KS-136
Great Bend Livestock Commission, Inc.	Great Bend	4-18-60	KS-137
Harper Livestock Sales Company	Harper	6- 8-59	KS-138
Hays Livestock Market Center	Hays	9- 4-68	KS-139
Hiawatha Auction Company	Hiawatha	5-25-59	KS-140
The Hill City Sale Barn	Hill City	10-18-56	KS-141
Holton Community Sale	Holton	5-28-59	KS-142
Holton Livestock Exchange, Inc.	Holton	5-26-59	KS-143
Horton Livestock Sale	Hoxie	3-22-66	KS-144
Hutchinson Livestock Commission Company	Hutchinson	5-10-60	KS-145
Central Livestock Corporation	South Hutchinson	4-10-50	KS-146
Iola Community Sale	Iola	5-28-59	KS-147
J. C. Livestock Sales, Inc.	Junction City	6-10-59	KS-148
Kingman Community Sale Co.	Kingman	7- 7-59	KS-149
Kiowa Sales Company, Inc.	Kiowa	4-11-60	KS-150
Rush County Sales	La Crosse	4-17-60	KS-151
Larned Livestock Commission Co., Inc.	Larned	4-18-60	KS-152
Lawrence Livestock Sale, Inc.	Lawrence	2-15-68	KS-153
Leavenworth Livestock Auction Co.	Leavenworth	7-23-68	KS-154
Liberal Sales Company	Liberal	4-13-61	KS-155
Manhattan Commission Company, Inc.	Manhattan	10-28-57	KS-156
Mankato Livestock Commission Company	Mankato	10- 7-59	KS-157
Marion Livestock Sales & Commission Co.	Marion	6- 2-59	KS-158
Marysville Livestock and Commission Co.	Marysville	4-21-60	KS-159
McPherson Sales Company	McPherson	6- 2-59	KS-160
Medicine Lodge Sales Company, Incorporated	Medicine Lodge	5-24-61	KS-161
Moline Auction Company	Moline	12-10-64	KS-162
Natoma Livestock Company	Natoma	5-28-59	KS-163
The Newton Livestock & Commission Company	Newton	12- 9-59	KS-164
Norton Livestock Auction, Inc.	Norton	12- 4-61	KS-165
Norton Livestock Commission Company	Norton	4-22-60	KS-166
Oakley Livestock Commission Co., Inc.	Oakley	4-21-60	KS-167
Oberlin Livestock Commission Company, Inc.	Oberlin	10-16-56	KS-168
Onaga Community Sale	Onaga	5-27-59	KS-169
Osage City Livestock Sales Pavilion	Osage City	3-31-60	KS-170
Osborne Livestock Commission, Inc.	Osborne	4-24-50	KS-171
Franklin County Sales Company, Inc.	Ottawa	2-12-63	KS-172
Overbrook Livestock Market	Overbrook	5-27-59	KS-173
Parsons Stock Yards	Parsons	12- 8-52	KS-174
Phillipsburg Sales Company, Inc.	Phillipsburg	4-24-50	KS-175
Plainville Livestock Commission Co., Inc.	Plainville	5-23-61	KS-176
Pratt Livestock Commission Co.	Pratt	12- 4-62	KS-177
Quinter Livestock Commission Company	Quinter	4-20-50	KS-178
Russell Livestock Commission Company	Russell	5-10-60	KS-179
Sabetha Livestock Auction	Sabetha	5-23-59	KS-180
St. Francis Livestock Sales Company	St. Francis	6- 8-59	KS-181
Reese Livestock Commission Company	St. Marys	6-11-59	KS-182
Beverley Stockyards Co., Inc.	Salina	1-21-36	KS-183
Farmers & Ranchers Livestock Commission Co.	Salina	9-22-66	KS-184
Wilson Livestock Auction	Salina	7-14-34	KS-185
Chandler Livestock Auction, Inc.	Smith Center	10-22-57	KS-186

KANSAS—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Sylvan Sales Company, Inc.	Sylvan Grove	4-26-60	KS-187
Syracuse Sale Company	Syracuse	4-18-60	KS-188
Turon Sales Co.	Turon	6- 9-59	KS-189
Farmers Livestock Exchange	Wakarusa	2-14-63	KS-190
Wakeeney Livestock Commission Co.	Wakeeney	4-20-60	KS-191
Washington Sale Company, Inc.	Washington	6-18-59	KS-192
Waverley Livestock Sales Barn	Waverley	5-26-59	KS-193
Wichita Union Stock Yards	Wichita	11- 1-21	KS-194
Winfield Auction Company	Winfield	2- 8-60	KS-196

KENTUCKY

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Albany Stock Yards	Albany	12- 9-59	KY-100
Jolly's Feeder Pig Market	Albany	5- 9-66	KY-101
Bowling Green Livestock Market, Inc.	Bowling Green	12-17-59	KY-102
Warren County Farm Marketing Cooperative, Inc.	Bowling Green	1- 7-65	KY-103
Burkesville Stockyard	Burkesville	12-10-59	KY-104
Taylor County Stock Yards	Campbellsville	12-18-59	KY-105
Catlettsburg Livestock Sales Co.	Catlettsburg	1- 4-60	KY-106
Adair County Stock Yards Co.	Columbia	12- 9-59	KY-107
Cynthiana Live Stock Sales Company Yards	Cynthiana	3- 3-31	KY-108
Boyle County Stockyards	Danville	2-26-31	KY-109
Edmonton Livestock Market	Edmonton	2-26-60	KY-110
Farmers Stockyards	Flemingsburg	3- 3-31	KY-111
Franklin Livestock Market	Franklin	12-12-59	KY-112
Farmers Livestock Market of Glasgow, Inc.	Glasgow	12-11-59	KY-113
Glasgow Live Stock Market Incorporated	Glasgow	12-11-59	KY-114
Green County Stock Yards	Greensburg	12-19-59	KY-115
Kentucky-Tennessee Livestock Market, Inc.	Guthrie	8-19-60	KY-116
Christian County Livestock Market, Inc.	Hopkinsville	12-11-60	KY-117
Horse Cave Livestock Market, Inc.	Horse Cave	2-24-60	KY-118
Wigwam Hog and Feeder Pig Market, Inc.	Horse Cave	10-22-59	KY-119
Breckinridge Co. Livestock Center, Inc.	Irvington	2- 8-60	KY-120
Garrard County Stockyards Co.	Lancaster	3- 2-61	KY-121
Lebanon Stockyard, Inc.	Lebanon	12-19-59	KY-122
Paducah Livestock Auction	Ledbetter	12- 9-59	KY-123
Grayson County Livestock Market	Leitchfield	12- 8-59	KY-124
Blue Grass Stockyards	Lexington	2-16-43	KY-125
Clay-Wachs Stockyards, Inc.	Lexington	2-26-31	KY-126
Farmers Livestock Market	London	12- 7-59	KY-127
Laurel Sales Co.	London	12- 9-59	KY-128
Bourbon Stock Yards	Louisville	12- 9-59	KY-129
West Kentucky Land and Cattle Company, Inc.	Marion	1- 6-66	KY-130
Farmers Livestock Co.	Mayfield	9- 9-63	KY-131
Mayfield Feeder Pig Sale	Mayfield	10-21-70	KY-132
Mayfield Livestock Market	Mayfield	12- 9-59	KY-133
Maysville Stock Yards	Maysville	9- 9-31	KY-134
O. K. Stock Yards	Maysville	5-15-45	KY-135
Middlesboro Livestock Auction Co.	Middlesboro	12- 8-60	KY-136
Wayne County Livestock Market, Inc.	Monticello	12-10-60	KY-137
The Farmers Stockyards Company	Mount Sterling	10-19-66	KY-138
Ratliff Stockyards	Mount Sterling	9-20-66	KY-139
Hart County Livestock Market	Munfordville	9-26-68	KY-140
Murray Livestock Company, Inc.	Murray	12-10-60	KY-141
Olive Hill Stockyards	Olive Hill	5-12-60	KY-142
Kentuckiana Livestock Market, Inc.	Owensboro	11-15-63	KY-143
Paris Stockyards, Inc.	Paris	10-12-65	KY-144
Madison Sales Company Stockyards	Richmond	9- 9-31	KY-145
Madison Sales Company, Inc.	Richmond	10- 9-61	KY-146
Russell County Stock Yards	Russell Springs	12- 9-59	KY-147
Logan County Livestock Market, Inc.	Russellville	12-11-59	KY-148
Allen County Livestock Market, Inc.	Scottsville	12-11-60	KY-149
Mammoth Cave Marketing Corporation	Smiths Grove	6-10-71	KY-150
Somerset and Pulaski County Livestock Market, Inc.	Somerset	1-25-66	KY-151
Washington County Stock Yards Company, Inc.	Springfield	12-26-50	KY-152
Paintsville Livestock Market	Staffordsville	1- 5-60	KY-153
Farmers Commission Company, Inc.	Tompkinsville	12-10-59	KY-154
Williamstown Stock Yards	Williamstown	12-26-50	KY-155
Winchester Stockyards, Inc.	Winchester	2-27-31	KY-156

LIBRARY
EASTERN MICHIGAN UNIVERSITY
YPSILANTI
U. S. GOVERNMENT DOCUMENT

LOUISIANA

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Abbeville Commission Co.	Abbeville	3-10-59	LA-100
Dominique's Livestock Auction, Inc.	Alexandria	5- 8-48	LA-101
W. H. Hodges & Company, Inc.	Alexandria	7-26-46	LA-102
Amite Livestock Company, Inc.	Amite	5-22-67	LA-103
Bastrop Livestock Auction	Bastrop	4- 9-57	LA-104
Alsbrooks-Guilbeau Stockyards, Inc.	Baton Rouge	7-25-57	LA-106
Dominique's Stockyard, Inc.	Baton Rouge	6-13-57	LA-106
Clark Livestock Commission Company	Benton	4-10-57	LA-107
Farmer and Stockman Auction, Inc.	Clarence	4-11-57	LA-108
Red River Livestock Auction, Inc.	Coushatta	4-10-57	LA-109
W. H. Hodges & Company, Inc.	Crowley	6-12-57	LA-110
Livestock Producers, Inc.	Curtis	1-20-59	LA-111
Delhi Livestock Auction	Delhi	5- 3-70	LA-112
DeQuincy Livestock Commission Company	DeQuincy	4- 6-63	LA-113
Calhary's Livestock Market	DeRidder	6-11-57	LA-114
Miller & Dominique Stockyards	Eunice	6-13-57	LA-115
Franklinton Stock Yards, Inc.	Franklinton	4-21-67	LA-116
Bill Lyles Auction Company	Grand Cane	3-11-59	LA-117
Homer Livestock Commission Company	Homer	4- 9-57	LA-118
Kentwood Livestock Sales Inc.	Kentwood	12- 9-59	LA-119
North Tangipahoa Stockyard Inc.	Kentwood	12-28-66	LA-120
Lacassine Stockyard	Lacassine	6-12-57	LA-121
A. Dominique's Stockyard, Inc.	Lafayette	6-13-57	LA-122
Micelle's Commission Yard, Inc.	Lake Charles	3- 6-59	LA-123
Joe Tate Commission Barn, Inc.	Lebeau	10-5-64	LA-124
Mansfield Livestock Auction Company	Mansfield	4-10-57	LA-125
Avoyelles Livestock Auction Market	Mansura	3-28-57	LA-126
A. Dominique's Cow Palace, Inc.	Marksville	6-26-62	LA-127
W. H. Hodges & Company, Inc.	New Roads	6-20-57	LA-128
Alsbrooks-Guilbeau Stockyards, Inc.	Opelousas	7-25-57	LA-129
Dominique's Inc.	Opelousas	6-13-57	LA-130
W. H. Hodges & Company, Inc.	Raceland	5- 5-59	LA-131
Rayville Livestock Auction, Inc.	Rayville	7-13-60	LA-132
Velron Stockyard, Inc.	Thibodaux	5- 3-66	LA-133
Lum Bros. Stockyards, Inc.	Vidalia	8-22-58	LA-134
Joe Tate Commission Barn, Inc.	Ville Platte	5-22-59	LA-135
West Monroe Livestock Auction, Inc.	West Monroe	3-29-57	LA-136
Franklin Livestock Auction	Winnsboro	5-23-67	LA-137
Zachary Stock Yards	Zachary	11-19-58	LA-138

MAINE

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Line Road Auction House	Buxton	8- 4-71	ME-100
Benjamin R. Tilton	East Corinth	11-17-70	ME-101
Raynor I. Crosman	Corinna	5-23-67	ME-102
Central Maine Livestock Auction	Randolph	11-30-59	ME-103

MARYLAND

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Aberdeen Sales Co.	Aberdeen	10-27-59	MD-100
Friend's Stockyard, Inc.	Accident	11-26-64	MD-101
The Farmers Live Stock Exchange, Inc.	Boonsboro	10-14-59	MD-102
Barens Livestock Sales	Centreville	12-15-66	MD-103
Cumberland Stockyards, Inc.	Cumberland	10-28-59	MD-104
The Caroline Sales Company	Denton	10-28-59	MD-105
Dukes Brothers Stockyard, Inc.	Eden	12-12-66	MD-106
Frederick Livestock Auction, Inc.	Frederick	11-28-59	MD-107
Harry Rudnick and Sons, Inc.	Galena	10-21-59	MD-108
Grantsville Community Sales, Inc.	Grantsville	10-29-59	MD-109
Four States Livestock Sales, Inc.	Hagerstown	10-14-59	MD-110
Bar-J Stables, Inc.	Manchester	10-21-64	MD-111
Burnopp Stables, Inc.	Millersville	10-24-59	MD-112
West Nottingham Auction	Rising Sun	7-26-61	MD-113
Eyler Stables	Thurmont	7-29-64	MD-114
Baltimore Live Stock Exchange, Inc.	West Friendship	7-14-65	MD-115
Western Maryland Stockyards, Inc.	Westminster	11-16-59	MD-116
Woodsboro Livestock Sales, Inc.	Woodsboro	11-10-59	MD-117

MASSACHUSETTS

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Farmer's Live Animal Market Exchange, Inc.	Littleton	4-19-67	MA-100
Buttonwood Auction Sales, Inc.	Shrewsbury	9-13-67	MA-101
Michelson's Livestock Commission Auctions, Inc.	So. Easton	4-26-60	MA-102
Northampton Coop Auction Assoc., Inc.	Whately	1-16-68	MA-103

MICHIGAN

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Alpena Livestock Commission Co., Inc.	Alpena	4-26-59	MI-100
Thumb Auction Markets, Inc.	Bad Axe	5-18-59	MI-101
Michigan Live Stock Exchange	Battle Creek	4-24-59	MI-102
Big Rapids Livestock Sales	Big Rapids	5- 4-59	MI-103
Breckenridge Auction & Sales Company	Breckenridge	4-24-59	MI-104
Thumb Auction Markets, Inc.	Caro	4-24-59	MI-105
Carson City Stockyards	Carson City	4-29-59	MI-106
Michigan Live Stock Exchange	Cass City	6-24-64	MI-107
Michigan Livestock Exchange	Cassopolis	4-21-59	MI-108
Charlotte Livestock Commission	Charlotte	5-13-59	MI-109
Clare Stockyards	Clare	4-27-59	MI-110
Colchester Stockyard	Colchester	4-29-59	MI-111
Coopersville Livestock Sales	Coopersville	4-29-59	MI-112
Croswell Stockyards	Croswell	4-27-59	MI-113
Detroit Stock Yards	Detroit	11- 1-21	MI-114
Dundee Livestock Sales, Inc.	Dundee	4-23-59	MI-115
Escanaba Livestock Auction	Escanaba	5- 5-59	MI-116
Gaylord Live Stock Auction	Gaylord	4-26-59	MI-117
Hastings Livestock Sales Co.	Hastings	5- 5-59	MI-118
Andy Adams Sale Barn	Hillsdale	4-27-59	MI-119
Hopkins Livestock Auction Yards	Hopkins	4-27-59	MI-120
Howell Livestock Auction	Howell	1- 4-60	MI-121
Michigan Agricultural Cooperative Marketing Assn., Feeder Pig Division.	Lake City	6-15-71	MI-122
Lake Odessa Livestock Auction	Lake Odessa	4-23-59	MI-123
Lapeer Stockyards	Lapeer	4-25-59	MI-124
Lincoln Livestock Auction Yards	Lincoln	4-23-59	MI-125
Marion Livestock Auction	Marion	4-23-59	MI-126
Marlette Livestock Auction Co.	Marlette	4-27-59	MI-127
Linsmeier Livestock Auction	Menominee	5- 5-59	MI-128
Napoleon Livestock Comm. Co.	Napoleon	4-28-59	MI-129
Owosso Live Stock Sales Co.	Owosso	4-23-59	MI-130
Ravenna Livestock Sales	Ravenna	5- 4-59	MI-131
Cloverland Livestock Auction, Inc.	Rudyard	5- 9-59	MI-132
St. Johns Stockyards	St. Johns	1- 8-36	MI-133
Michigan Live Stock Exchange	St. Louis	4-24-59	MI-134
Thumb Auction Markets, Inc.	Sandusky	4-22-59	MI-135
Scottville Livestock Sales	Scottville	5-14-59	MI-136
Hanchett Livestock Yards, Inc.	Standish	4-24-59	MI-137
Sturgis Livestock Auction Market	Sturgis	9-21-61	MI-138
Three Rivers Livestock Auction, Inc.	Three Rivers	5-17-62	MI-139
Traverse City Livestock Commission Co., Inc.	Traverse City	5- 5-59	MI-140
Trufant Livestock Sales	Trufant	1-14-60	MI-141
Wayland Livestock Auction, Inc.	Wayland	4-28-59	MI-412

MINNESOTA

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Aitkin Livestock Sales Barn	Aitkin	10- 6-59	MN-100
Belgrade Livestock Auction Market	Belgrade	12- 4-59	MN-101
Belle Plaine Commission Co.	Belle Plaine	10-29-59	MN-102
Bemidji Sales Barn, Inc.	Bemidji	6-30-65	MN-103
Benson Sales Pavilion, Inc.	Benson	9-24-59	MN-104
Arends Sale Yard	Blue Earth	11-16-59	MN-105
Farmers Livestock Auction Market	Caledonia	10-23-59	MN-106
Canby Livestock Sales Company	Canby	3-17-60	MN-107
Dawson Sales Barn	Dawson	1-23-65	MN-108
Dales Sales Barn	Detroit Lakes	11- 5-59	MN-109
Detroit Lakes Auction Market	Detroit Lakes	8-21-65	MN-110
Eagle Bend Sales Barn	Eagle Bend	1-18-60	MN-111
Top Livestock Auction	Edgerton	12-26-70	MN-112
Elbow Lake Sales Co.	Elbow Lake	3- 1-60	MN-113

MINNESOTA—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Heimer & Jim Nielsen Diary Cattle Market	Emmons	3-21-61	MN-114
Faribault Livestock Sales	Faribault	10-24-63	MN-115
Fergus Falls Auction Market	Fergus Falls	11-12-59	MN-116
Geneva Livestock Exchange	Geneva	12-29-59	MN-117
Arrowhead Sales Barn	Grand Rapids	10-31-60	MN-118
Granite Falls Sales Co.	Granite Falls	9-19-59	MN-119
Hutchinson Sales Pavilion	Hutchinson	10-19-59	MN-120
Jackson Livestock Exchange	Jackson	12-24-59	MN-121
Kasson Livestock Exchange	Kasson	9-21-59	MN-122
Kiester Sales Co.	Kiester	10-14-59	MN-123
Lafayette Livestock Yards	Lafayette	10- 6-59	MN-124
Lansboro Sales Commission, Inc.	Lansboro	12- 1-59	MN-126
Le Sueur Livestock Commission Company	Le Sueur	10-17-59	MN-126
Lewiston Livestock Market	Lewiston	4-25-60	MN-127
Long Prairie Sales Barn	Long Prairie	11- 1-60	MN-128
Luverne Livestock Auction	Luverne	9-23-59	MN-129
Mahnomen Livestock Sales	Mahnomen	12-21-53	MN-130
Mankato Livestock Commission Co.	Mankato	10-29-59	MN-131
Montevideo Sales Company	Montevideo	4-19-60	MN-132
S & M Livestock Sales	Mora	7-13-60	MN-133
Motley Livestock Sales	Motley	1- 9-63	MN-134
Olivia Livestock Sales Ring	Olivia	6-18-64	MN-135
Park Rapids Sales Co.	Park Rapids	10- 2-59	MN-136
Pine City Livestock Sales	Pine City	10-14-59	MN-137
Pipestone Livestock Auction Market	Pipestone	9-29-59	MN-138
Porter Livestock Auction Market Co.	Porter	4- 6-66	MN-139
Princeton Livestock Market	Princeton	10-15-59	MN-140
Renville Sales Pavilion	Renville	9-15-59	MN-141
Rush City Livestock Sales, Inc.	Rush City	4- 1-60	MN-142
Rushford Sale Barn	Rushford	3-15-71	MN-143
Granite City Livestock Sales	St. Cloud	11- 7-62	MN-144
St. Cloud Livestock Market	St. Cloud	11- 4-59	MN-145
Sauk Centre Sale Barn	Sauk Centre	9-15-59	MN-146
Wisconsin Feeder Pig Marketing Cooperative	Sauk Centre	8-31-70	MN-147
Slayton Livestock Sales Pavilion	Slayton	12- 8-59	MN-148
Sleepy Eye Auction Market	Sleepy Eye	10-10-60	MN-149
St. Paul Union Stockyards	South St. Paul	11- 1-21	MN-150
Spring Grove Livestock Exchange	Spring Grove	10-20-59	MN-151
Spring Valley Sales Co., Inc.	Spring Valley	11-13-59	MN-152
Joppru Sales Barn	Thief River Falls	9-21-59	MN-153
Thief River Livestock Auction, Inc.	Thief River Falls	10- 2-61	MN-154
Truman Livestock Sales Company	Truman	9-15-59	MN-155
Wadena Auction Market	Wadena	9-22-59	MN-156
Walnut Grove Sales Pavilion	Walnut Grove	9-28-59	MK-157
Willmar Sheep and Cattle Company	Willmar	9-26-59	MN-158
Windom Sales Co.	Windom	10-21-59	MN-159
Winger Sale Barn	Winger	8-10-61	MN-160
Southwestern Minnesota Livestock Sales Pavilion	Worthington	11- 9-59	MN-161
Worthington Livestock Sale Co.	Worthington	9-15-59	MN-162
Zumbrota Livestock Auction Market, Inc.	Zumbrota	3- 5-63	MN-163

MISSISSIPPI

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Batesville Livestock Commission Company	Batesville	1-13-59	MS-100
Booneville Commission Company	Booneville	2-11-59	MS-101
Lincoln County Livestock Commission Co., Inc.	Brookhaven	2-17-59	MS-102
Central Mississippi Livestock Commission Co.	Carthage	11-15-71	MS-103
Knight Stockyard	Carthage	2- 9-59	MS-104
Clarksdale Livestock Sales Co.	Clarksdale	1-13-59	MS-105
Stringer Sale Barn	Columbia	1- 5-59	MS-106
Lipscomb Commission Company	Como	2- 2-59	MS-107
Alcorn County Stockyard	Corinth	10-25-66	MS-108
Corinth Livestock Commission Company	Corinth	2-10-59	MS-109
Decatur Stockyards, Inc.	Decatur	1- 7-59	MS-110
Tadlock Stockyard	Forest	2-27-62	MS-111
Tri-State Stock Yards, Inc.	Greenville	1-13-59	MS-112
Grenada Livestock Exchange	Grenada	1-14-59	MS-113
Forrest County Livestock Market	Hattiesburg	1- 6-59	MS-114
Southeast Mississippi Livestock Farmers Association	Hattiesburg	8-14-67	MS-115

MISSISSIPPI—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Fairchild Livestock Commission, Inc.	Hazlehurst	2-17-59	MS-116
Chickasaw Commission Company	Houston	2- 9-59	MS-117
Mississippi Livestock Producers Association, Producers Stockyards.	Jackson	1- 7-59	MS-118
Feeler's Livestock Sales	Kosciusko	5-15-68	MS-119
Laurel Stock Yards	Laurel	1- 5-59	MS-120
Lexington Sales Company	Lexington	1-15-59	MS-121
Southwest Mississippi Livestock Producers Association	Liberty	2-17-59	MS-122
Southwest Livestock, Inc.	Lorman	8-31-71	MS-123
Winston County Community Sales	Louisville	2- 9-59	MS-124
George County Stockyard, Inc.	Lucedale	2-18-59	MS-125
Moore & Woods	Macon	2-11-59	MS-126
Dixie Stock Yards, Inc.	Meridian	1- 7-59	MS-127
Meridian Stock Yards, Inc.	Meridian	1- 7-59	MS-128
Riverside Stockyards, Inc.	Monticello	9-20-66	MS-129
Natchez Stockyards	Natchez	5- 3-62	MS-130
New Albany Sales Co.	New Albany	2-10-59	MS-131
Olive Branch Sales Co.	Olive Branch	5-26-59	MS-132
Oxford Livestock Commission Company	Oxford	9-18-61	MS-133
East Mississippi Farmers Livestock Company	Philadelphia	10-16-70	MS-134
Philadelphia Stockyard, Inc.	Philadelphia	2-10-59	MS-135
Pontotoc Livestock Commission Co.	Pontotoc	2- 9-59	MS-136
Pearl River County Stockyards, Inc.	Poplarville	2-15-71	MS-137
Ripley Sales Company	Ripley	2-10-59	MS-138
Billingsley Auction Sale	Senatobia	1-14-59	MS-139
Starkville Livestock Auction Co.	Starkville	2-11-59	MS-140
Felders Livestock Sales Co.	Summit	2-17-59	MS-141
Tupelo Stock Yard, Inc.	Tupelo	1-17-62	MS-142
Livestock Producers Assn.	Tylertown	5- 7-68	MS-143
Lum's Commission Company	Vicksburg	2-16-59	MS-144
Walnut Sales Company	Walnut	12- 4-61	MS-145
West Point Livestock Auction, Inc.	West Point	2-11-59	MS-146
Graves Livestock Co.	Winona	1-14-59	MS-147

MISSOURI

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Alton Sales Company	Alton	4-21-60	MO-100
M.F.A. Livestock Association, Inc., Alton Concentration Point.	Alton	8-28-68	MO-101
W. R. Cantrell & Sons	Archie	8-31-64	MO-102
Ava Sales Company	Ava	5-27-59	MO-103
Sho Me Feeder Pigs, Inc.	Ava	7-26-71	MO-104
Weddles Sale Barn	Bethany	4- 4-71	MO-105
Robert Bros. Livestock Commission Co.	Bolivar	3-17-60	MO-106
Mezna Auction Company	Boonville	5-13-59	MO-107
Pike County Livestock Market	Bowling Green	5- 5-59	MO-108
Linn County Auction Company	Brookfield	7-25-67	MO-109
Brunswick Sale Company	Brunswick	5-19-59	MO-110
Buffalo Sale Barn	Buffalo	5-25-59	MO-111
Butler Community Sale	Butler	6- 5-59	MO-112
Jack Sivils Sale Company	Butler	9- 5-67	MO-113
Cabool Livestock Market, Inc.	Cabool	11-17-59	MO-114
Stewart's Sale Pavilion	Cameron	5-12-59	MO-115
Carrollton Livestock Auction, Inc.	Carrollton	5-15-59	MO-116
Charleston Auction Company	Charleston	7-15-67	MO-117
Chillicothe Livestock Auction	Chillicothe	7-24-67	MO-118
M.F.A. Livestock Association, Inc., Chillicothe Concentration Point.	Chillicothe	1- 5-60	MO-119
Clinton Community Sale	Clinton	5-27-59	MO-120
Columbia Livestock Auction	Columbia	5-20-59	MO-121
Concordia Livestock Auction	Concordia	5-12-65	MO-122
Doniphan Auction Sales Co.	Doniphan	5-11-60	MO-123
Edina Aqction Co., Inc.	Edina	5-29-59	MO-124
El Dorado Sales Company	El Dorado	4-12-61	MO-125
MFA Livestock Association, Inc., Ellington Concentration Point.	Ellington	12- 1-69	MO-126
Fair Play Sales and Auction Co.	Fair Play	9-15-59	MO-127
Farmington Auction Market, Inc.	Farmington	5-13-60	MO-128
Fredericktown Auction Co., Inc.	Fredericktown	5-15-59	MO-129
Fruitland Livestock Auction, Inc.	Fruitland	12-30-70	MO-130

XUM

MISSOURI—Continued

Current name of stockyard	Location	Date posted	Posted stockyard facility number
Callaway Stock Sales Company	Fulton	5-11-59	MO-131
Gallatin Livestock Auction, Inc.	Gallatin	5-20-59	MO-132
Goodman Livestock Auction, Inc.	Goodman	5-11-59	MO-133
Grant City Livestock Market	Grant City	5-15-59	MO-134
Green City Sale Company, Inc.	Green City	8-14-57	MO-135
H RH Auction Co.	Hamilton	9-26-66	MO-136
Hannibal Sales Co., Inc.	Hannibal	5- 8-59	MO-137
Joplin Stockyards	Joplin	10- 7-61	MO-138
Clark County Sale Co.	Kahoka	2- 7-62	MO-139
Kahoka Sale Co., Inc.	Kahoka	2- 7-62	MO-140
Griffin Horse & Mule Auction	Kansas City	12-16-60	MO-141
Kansas City Horse Auction	Kansas City	12-11-64	MO-142
Kansas City Stock Yards	Kansas City	11- 1-21	MO-143
Kennett Sale Company, Inc.	Kennett	8- 8-59	MO-144
Van Meter Auction Company	Kingsville	11-30-59	MO-145
Kirksville Community Sale	Kirksville	5- 9-59	MO-146
Lamar Community Sale, Inc.	Lamar	5-26-59	MO-147
Schuyler County Sales Co.	Lancaster	5-14-59	MO-148
Payne Auction Sale	Lebanon	5- 5-59	MO-149
Lewis County Auction Co.	Lewistown	5-11-59	MO-150
Lexington Livestock Auction	Lexington	5-16-59	MO-151
Liberty Auction Sales Co.	Liberty	11-15-61	MO-152
Lockwood Community Sale, Inc.	Lockwood	11-14-62	MO-153
Lolli Sale Pavilion	Macon	5-11-59	MO-154
M.F.A. Livestock Association, Inc. Mansfield Concentration Point.	Mansfield	10- 4-66	MO-155
Mansfield Livestock Auction	Mansfield	5- 8-59	MO-156
Four-Square Markets, Inc.	Marshall	10- 3-69	MO-157
Haley & Riley Sales Co., Inc.	Marshall	4-23-59	MO-158
M.F.A. Livestock Association, Inc. Marshall Concentration Point.	Marshall	4- 1-68	MO-159
Maryville Auction Co., Inc.	Maryville	5- 9-59	MO-160
Merrigan Brothers Livestock Auction Market, Inc.	Maryville	10-12-66	MO-161
Hinds Sale Co.	Memphis	2- 2-62	MO-162
Missouri Livestock Market Center, Inc.	Mexico	8- 8-60	MO-163
Milan Livestock Auction, Inc.	Milan	7-28-57	MO-164
Moberly Livestock Auction Company	Moberly	5- 9-59	MO-165
Monett Sale Co.	Monett	5- 4-59	MO-166
Montgomery County Livestock Auction Co.	Montgomery City	12- 4-69	MO-167
Mountain Grove Auction Co., Inc.	Mountain Grove	5-13-59	MO-168
Farmers Auction Company	Mountain View	5-21-59	MO-169
Neosho Livestock Auction Co.	Neosho	5- 4-59	MO-170
Bull Shippers, Incorporated	Nevada	5-18-59	MO-171
Wally Sales Pavilion	Nevada	5-11-59	MO-172
New Cambria Sale Barn	New Cambria	5-11-59	MO-173
Odessa Community Sale	Odessa	5-25-59	MO-174
Olean Sales Company	Olean	5-22-59	MO-175
Oregon Livestock Sales Company	Oregon	10-24-60	MO-176
Pasley Auction Co.	Osceola	5- 4-59	MO-177
Noel Cox Livestock Auction	Ozark	5-15-59	MO-178
Farmers and Traders Commission Co., Inc.	Palmyra	5-20-59	MO-179
Palmyra Livestock Auction Market	Palmyra	3-14-63	MO-180
Platte County Sale Company, Inc.	Platte City	1-13-60	MO-181
Poplar Bluff Sales Company, Inc.	Poplar Bluff	6- 5-59	MO-182
Potosi Auction Co.	Potosi	5- 9-59	MO-183
M.F.A. Livestock Association, Inc. Princeton Concentration Point.	Princeton	1- 8-69	MO-184
Mercer County Sale Co.	Princeton	5-20-59	MO-185
Purico Stockyards and Auction Co., Inc.	Purico	12-22-64	MO-186
Horsemans Paradise Barn	Raymondville	11-18-68	MO-187
C & S Livestock Co.	Rich Hill	8- 7-64	MO-188
Rock Port Sale Pavilion, Inc.	Rock Port	7-27-57	MO-189
MFA Livestock Association, Inc., Rolla Concentration Point.	Rolla	6-28-71	MO-190
St. James Auction Company	St. James	8- 9-61	MO-191
Salem Auction Company	Salem	5- 9-59	MO-192
M.F.A. Livestock Association, Inc., Salisbury Concentration Point.	Salisbury	1- 8-69	MO-193

MISSOURI—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Savannah Sales Co., Inc.	Savannah	5-16-62	MO-194
Central Missouri Sales Co.	Sedalia	6- 8-59	MO-195
M.F.A. Livestock Association, Inc., Sedalia Concentration Point.	Sedalia	8-15-68	MO-196
Sedgewickville Auction Company	Sedgewickville	11-25-69	MO-197
Seneca Community Sale	Seneca	5-22-59	MO-198
Shelbina Auction Company	Shelbina	5-14-59	MO-199
Beck & McCord Auction Co., Inc.	Sikeston	9-27-70	MO-200
St. Joseph Stock Yards	South St. Joseph	11- 1-21	MO-201
Union Stock Yards	Springfield	12- 8-20	MO-202
Circle 8 Livestock Auction	Stanberry	3-26-63	MO-203
MFA Livestock Association, Inc., Stockton Concentration Point.	Stockton	7-30-70	MO-204
Summersville Auction Sale	Summersville	5-19-59	MO-205
MFA Livestock Association, Inc., Taneyville Concentration Point.	Taneyville	8-11-70	MO-206
Sho Me Feeder Pigs, Inc.	Thayer	5-18-59	MO-207
North Missouri Sales Pavilion	Trenton	10- 1-69	MO-208
Lincoln County Livestock Market	Troy	5-26-59	MO-209
Unionville Sale Co.	Unionville	11-26-57	MO-210
Urbana Sale Barn	Urbana	2- 2-62	MO-211
Versailles Auction Company	Versailles	5-23-59	MO-212
Johnson County Livestock Market, Inc.	Warrensburg	7-23-57	MO-213
Warsaw Auction Company	Warsaw	5-11-59	MO-214
Central Ozarks Livestock Auction Market, Inc.	West Plains	7- 1-68	MO-215
City Scales	West Plains	10-10-67	MO-216
West Plains Livestock Auction	West Plains	5-12-59	MO-217
M.F.A. Livestock Association, Inc. Westphalia Concentration Point.	Westphalia	8-27-68	MO-218
Wheaton Livestock Auction	Wheaton	9-18-59	MO-219
Windsor Auction Co.	Windsor	6- 3-59	MO-220

MONTANA

Baker Livestock Auction, Inc.	Baker	11-16-70	MT-100
Pierce Packing Company Yards	Billings	2-28-35	MT-101
Public Auction Yards of Billings	Billings	12-18-40	MT-102
Bozeman Livestock Market Center	Bozeman	8-11-60	MT-103
Montana Livestock Auction, Inc.	Butte	2-14-60	MT-104
Dillion Livestock Market, Inc.	Dillon	11-30-61	MT-105
Glasgow Livestock Sales Company	Glasgow	2-22-60	MT-106
Glendive Livestock Sales Company	Glendive	2-27-60	MT-107
Great Falls Livestock Market Center	Great Falls	11-15-66	MT-108
Bitter Root Livestock Market	Hamilton	4- 9-59	MT-109
Havre Livestock Commission Co.	Havre	2-20-60	MT-110
Kalispell Livestock Auction	Kalispell	12-13-65	MT-111
Central Montana Auction	Lewistown	5-17-61	MT-112
Miles City Saleyards Company	Miles City	11- 9-61	MT-113
Northern Pacific Stockyards	Missoula	3-26-41	MT-114
Shelby Stockyards Company, Inc.	Shelby	3-18-66	MT-115
Sidney Livestock Market Center	Sidney	2-24-60	MT-116

NEBRASKA

Ainsworth Livestock Market	Ainsworth	9- 6-66	NB-100
Albion Livestock Market, Inc.	Albion	2- 4-65	NB-101
Alliance Livestock Auction Company	Alliance	2-15-40	NB-102
Alma Sale Barn	Alma	8-22-57	NB-103
Arnold Livestock Sales Company	Arnold	1-10-57	NB-104
Arthur Livestock Commission Company	Arthur	2- 6-60	NB-105
Ashland Sale Barn	Ashland	4-24-59	NB-106
Atkinson Livestock Market	Atkinson	8-19-39	NB-107
Aurora Auction Market	Aurora	10- 8-69	NB-108
Bassett Livestock Auction, Inc	Bassett	6-19-39	NB-109
Beatrice Sales Pavilion	Beatrice	8-15-55	NB-110
Beatrice 77 Livestock Sales Co.	Beatrice	11- 9-62	NB-111
Farmers Livestock Sales Company	Benkelman	10-12-38	BN-112
Bloomfield Livestock Auction	Bloomfield	4-27-59	NB-113

NEBRASKA—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Blue Hill Livestock Co., Inc.	Blue Hill	12-16-58	NB-114
Central Nebraska Commission Company Stockyards	Broken Bow	9-15-39	NB-115
Burwell Livestock Market, Incorporated	Burwell	1-26-60	NB-116
Butte Livestock Market	Butte	10-16-40	NB-117
Community Sale	Central City	4-28-59	NB-118
Chadron Sales Co.	Chadron	2-16-40	NB-119
Chappell Livestock Auction, Inc.	Chappell	9-11-39	NB-120
Columbus Sales Pavilion	Columbus	12-18-36	NB-121
Crawford Livestock Auction Market, Inc.	Crawford	11-27-65	NB-122
Creighton Livestock Market, Inc.	Creighton	1-15-56	NB-123
Crete Livestock Market	Crete	4-23-59	NB-124
Curtis Livestock Commission Co.	Curtis	9-10-58	NB-125
Elgin Livestock Commission Company	Elgin	2- 2-55	NB-126
Ericson Livestock Commission Co., Inc.	Ericson	7- 3-67	NB-127
Ewing Livestock Market, Inc.	Ewing	1-26-60	NB-128
Fairbury Livestock Company	Fairbury	8-11-38	NB-129
Falls City Auction Co., Inc.	Falls City	9-27-67	NB-130
Republican Valley Livestock Auction, Inc.	Franklin	12-16-55	NB-131
Wells Commission Company	Fremont	6- 7-41	NB-132
Fullerton Livestock Market, Inc.	Fullerton	4-24-59	NB-133
Geneva Sale Barn	Geneva	6- 9-59	NB-134
Platte Valley Livestock	Gering	4- 8-59	NB-135
Gordon Livestock Auction Company, Inc.	Gordon	11- 7-40	NB-136
Gothenburg Livestock Commission Company	Gothenburg	11- 9-37	NB-137
Grand Island Livestock Sale Yards	Grand Island	12-17-31	NB-138
Grand Island Stockyards	Grand Island	10-24-27	NB-139
Grant Sales Company	Grant	4-27-59	NB-140
Sioux County Live Stock Auction	Harrison	1-10-50	NB-141
Hebron Livestock Commission Company	Hebron	1-30-62	NB-142
Holdrege Livestock Commission Company	Holdrege	8-12-67	NB-143
Humboldt Sale Barn	Humboldt	6-16-59	NB-144
Imperial Market, Inc.	Imperial	9- 2-66	NB-145
Kearney Livestock Commission Company	Kearney	2-23-38	NB-146
Producers-Platte Valley Livestock Auction Public Stockyards	Kearney	11-22-47	NB-147
Kimball Livestock Auction	Kimball	4-23-59	NB-148
Laurel Sales Company, Inc.	Laurel	1-24-50	NB-149
Lexington Livestock Commission Company	Lexington	2- 4-55	NB-150
Nebraska Livestock Sales, Inc.	Lincln	6-27-58	NB-151
Loup City Commission Company	Loup City	1-18-56	NB-152
Prudencn Livestock Marketing Association	McCook	3- 5-58	NB-153
Tri-State Livestock Commission Company, Inc.	McCook	12- 4-37	NB-154
Minden Livestock Sales Co., Inc.	Minden	3- 1-60	NB-155
Nebraska City Sale Barn, Inc.	Nebraska City	6-19-65	NB-156
Neligh Livestock, Inc.	Neligh	4-27-59	NB-157
Newman Grove Livestock Market, Inc.	Newman Grove	8- 6-59	NB-158
Norfolk Live Stock Sales Company	Norfolk	10-30-31	NB-159
Western Livestock Auction Co.	North Platte	7-30-59	NB-160
Ogallala Livestock Commission Co., Inc.	Ogallala	8-26-68	NB-161
Union Stock Yards	Omaha	11- 1-21	NB-162
O'Neill Livestock Market	O'Neill	6-20-30	NB-163
Ord Livestock Market	Ord	1-19-56	NB-164
Orford Livestock Commission Company	Orford	12-17-56	NB-165
Pawnee Livestock Co.	Pawnee City	4- 6-59	NB-166
Pender Livestock Sales Company	Pender	1-28-60	NB-167
Plainview Sales Pavilion, Inc.	Plainview	6-8-59	NB-168
Plattsmouth Livestock Auction	Plattsmouth	4-20-59	NB-169
Ravenna Livestock Commission Co.	Ravenna	3- 5-60	NB-170
Red Cloud Livestock Commission Co., Inc.	Red Cloud	4-24-59	NB-171
Sheridan Livestock Commission Co.	Rushville	1-11-60	NB-172
Sargent Livestock Commission Company, Inc.	Sargent	11-14-66	NB-173
Morrison's Twin City Livestock Auction Co.	Scottsbluff	11-26-68	NB-174
Western Plains Stockyards, Inc.	Sidney	1-20-63	NB-175
Lechwood Livestock Auction	South Sioux City	6-20-59	NB-176
Spalding Livestock Market	Spalding	1-27-60	NB-177
Superior Livestock Commission Company, Inc.	Superior	8-15-55	NB-178
Sutton Sales Pavilion	Sutton	4-28-59	NB-179
Syracuse Sales Pavilion Co., Inc.	Syracuse	6- 8-59	NB-180
Tecumseh Livestock Market	Tecumseh	6-16-59	NB-181
Thedford Livestock Commission Co.	Thedford	2- 9-60	NB-182
Valentine Livestock Auction Co.	Valentine	8- 8-57	NB-183
Verdigre Livestock Market	Verdigre	5-10-59	NB-184
Wahoo Livestock Auction Market	Wahoo	4-15-59	NB-185

NEBRASKA—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Wayne Livestock Auction, Inc.	Wayne	6-10-60	NB-186
West Point Sales Company	West Point	5- 5-58	NB-187
York Livestock Sales Company	York	5-15-61	NB-188

NEVADA

Gallagher Livestock, Inc.	Fallon	10- 1-69	NV-100
Western States Livestock Marketing Center of Nevada, Inc.	Fallon	7- 8-67	NV-101
Stardust Horseman's Park Horse Auction	Las Vegas	8-15-71	NV-102

NEW JERSEY

Roosevelt Sales Stables	Edison	11- 7-63	NJ-100
Flemington Agricultural Marketing Coop Association Inc.	Flemington	9- 9-66	NJ-101
Henry Zlotkin Auction	Freehold	8-26-60	NJ-102
Livestock Cooperative Auction Market Association of North Jersey, Inc.	Hackettstown	10-14-60	NJ-103
Jaeger Livestock Auction Market	Sussex	12-22-59	NJ-104
Earl H. Harker & Sons	Vincentown	7-21-69	NJ-105
Community Livestock Auction Co., Inc.	Woodstown	12-21-60	NJ-106
Cowtown Auctioneers, Inc.	Woodstown	12-21-60	NJ-107

NEW MEXICO

Bunker Livestock Commission, Inc.	Albuquerque	1-24-67	NM-100
Valley Livestock Auction, Inc.	Albuquerque	1-15-68	NM-101
Artesia Livestock Commission Company	Artesia	11-23-60	NM-102
Co-op Sales Ring	Aztec	3-26-66	NM-103
Belen Livestock Commission Co., Inc.	Belen	9-12-63	NM-104
Five States Livestock Auction Company	Clayton	1- 4-63	NM-105
Ranchers and Farmers Livestock Auction Co., Inc.	Clovis	11-17-66	NM-106
Ranchers and Farmers Livestock Auction Co., Inc.	Clovis	1-17-67	NM-107
Deming Cattle Sales Company	Deming	7-24-63	NM-108
Dulce Livestock Commission, Inc.	Dulce	5-31-68	NM-109
Las Vegas Livestock Commission Co., Inc.	Las Vegas	11-19-57	NM-110
Lea County Livestock Auction, Inc.	Lovington	12-15-69	NM-111
Portales Livestock Commission Company	Portales	6- 7-66	NM-112
Roswell Livestock Commission Co., Inc.	Roswell	2-14-67	NM-113
Penasco Area Development Association	Vadito	11-25-69	NM-114

NEW YORK

Adams Commission Sales	Adams	8- 4-60	NY-100
County Livestock Market	Amsterdam	8-16-60	NY-101
Central Livestock	Apulia	8-29-61	NY-102
Miller's Livestock Market	Argyle	6-30-60	NY-103
Empire Livestock Marketing Cooperative, Inc. (Market 2)	Bath	2-17-71	NY-104
Empire Livestock Marketing Cooperative, Inc.	Bath	8- 8-60	NY-105
Sunny Acres Livestock Market	Bombay	9-20-60	NY-106
Buffalo Stockyards Company, Inc.	Buffalo	8-14-62	NY-107
Empire Livestock Marketing Cooperative, Inc.	Caledonia	8- 8-60	NY-108
Cambridge Valley Livestock Market, Inc.	Cambridge	8-16-60	NY-109
Camillus Livestock Sales, Inc.	Camillus	7-12-60	NY-110
Finger Lakes Livestock Market, Inc.	Canandaigua	10-20-64	NY-111
Chatham Area Auction Co-operative, Inc.	Chatham	5-26-66	NY-112
North Country Livestock Exchange, Inc.	Chazy	12- 7-60	NY-113
Condon's Auction Service, Ltd.	Cherry Creek	11- 4-68	NY-114
Bartholomew Commission Sales	Cobleskill	8-14-63	NY-115
Seymour Commission Sale	Dekalb Junction	8- 8-60	NY-116
Empire Livestock Marketing Cooperative, Inc.	Dryden	8- 8-60	NY-117
Mohawk Valley Commission Sales, Inc.	Fort Plain	7-15-60	NY-118
Empire Livestock Marketing Cooperative, Inc.	Gouverneur	8- 8-60	NY-119
Ben Dibello Commission Sales	Hannibal	8-15-60	NY-120
Hillsdale Farmers Auction, Inc.	Hillsdale	8-15-60	NY-121
Maplehurst Livestock Market	Hinsdale	6- 6-60	NY-122

NEW YORK—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Circle K Livestock Co., Inc.	Hudson Falls	7-24-67	NY-123
Norvel Reed & Sons, Inc.	Jamestown	8-11-60	NY-124
Peters Livestock Exchange	Jeffersonville	4-26-61	NY-125
Miller's Livestock Market of Johnstown	Johnstown	6-14-65	NY-126
Mohawk Valley Commission Sales, Inc.	Little Falls	7-15-60	NY-127
Empire Livestock Marketing Cooperative, Inc.	Lowville	8- 8-60	NY-128
Lawrence's Livestock Commission Sales	Malone	12- 7-60	NY-129
Thomas Commission Stables	Malone	12- 7-60	NY-130
Milford Comm. Sales Stables, Inc.	Milford	8-17-60	NY-131
J. M. Kaplan & Sons, Inc.	Millerton	8-15-60	NY-132
Newman's Livestock Exchange, Inc.	Newport	9-15-62	NY-133
Lacy S Livestock Market	Norwich	7-12-59	NY-134
Empire Livestock Marketing Cooperative, Inc.	Oneonta	8- 8-60	NY-135
Owego Livestock Sales	Owego	7-11-60	NY-136
Pavilion Livestock Market, Inc.	Pavilion	7-11-60	NY-137
Sennett Sales Company	Sennett	5-19-61	NY-138
Norvel Reed & Sons, Inc.	Sherman	9-26-60	NY-139
Raymond N. Gentner Commission Market	Springville	7-12-60	NY-140
D. R. Chambers & Sons, Inc.	Unadilla	9-15-60	NY-141
Sullivan Bros.	Utica	7-22-60	NY-142
[illegible]	[illegible]	[illegible]	[illegible]
Wallkill Livestock Market	Walden	8- 8-60	NY-144
Luther's Livestock Commission Market	Wassaic	8-17-60	NY-145
Empire Livestock Marketing Cooperative, Inc.	Watertown	8- 8-60	NY-146
Welch Livestock Market, Inc.	West Edmeston	8-18-61	NY-147
Lewis County Livestock Market	West Lowville	3- 2-70	NY-148
East Winfield Livestock Market	West Winfield	11-14-68	NY-149
Mohawk Valley Beef Sales, Inc.	Westernville	10-14-71	NY-150
Empire Livestock Marketing Cooperative, Inc.	Whitney Point	9-20-61	NY-151

NORTH CAROLINA

Western Carolina Livestock Market, Inc.	Asheville	9-27-67	NC-100
Benson Hog and Livestock Market	Benson	7- 8-59	NC-101
Watauga Co. Livestock Market, Inc.	Boone	7- 9-68	NC-102
Cattleman's Livestock Yard, Incorporated	Canton	8-30-66	NC-103
Morris Livestock Company	Charlotte	4- 1-59	NC-104
Farmers Livestock & Auction Market	Clinton	9-25-67	NC-105
Farmers Livestock Barn	Concord	7- 5-59	NC-106
Brite and Tatum Livestock Company, Inc.	Elizabeth City	5- 8-61	NC-107
Carolina Stockyards Co.	Fayetteville	6-23-67	NC-108
Franklin Livestock Auction	Franklin	4- 3-59	NC-109
D. F. Foust Livestock Auction Market, Inc.	Greensboro	4- 7-59	NC-110
Greenville Live Stock Sales	Greenville	4-30-59	NC-111
Jarman Stables	Greenville	5-15-67	NC-112
Hickory Livestock and Commission Co., Inc.	Hickory	7-15-66	NC-113
Farmers Exchange Livestock Market	Hillsboro	4-13-59	NC-114
Hill's Stockyard	Kinston	5-13-59	NC-115
Farmers Cooperative Livestock Market	Lexington	4- 4-59	NC-116
Bethune Stockyards	Lillington	5-11-59	NC-117
Lumberton Auction Company, Inc.	Lumberton	7-10-59	NC-118
Farmers Livestock Exchange	Marshallville	5-15-59	NC-119
Union County Livestock Auction, Inc.	Mineral Springs	4- 1-59	NC-120
Mount Airy Livestock Market, Inc.	Mount Airy	4- 2-59	NC-121
Mount Olive Livestock Market	Mount Olive	7- 9-59	NC-122
Murphy Livestock Auction Company	Murphy	4-10-59	NC-123
Creech Livestock Market, Inc.	Norlina	7- 1-59	NC-124
Riley's Livestock Market, Inc.	North Wilkesboro	4- 6-59	NC-125
Norwood Stock Yard	Norwood	3-13-61	NC-126
Oxford Livestock Market, Inc.	Oxford	6-28-59	NC-127
Pates Stockyard	Pembroke	7-11-59	NC-128
Howell Stables	Pikeville	6- 5-68	NC-129
Benthall's Stockyard	Rich Square	4- 1-59	NC-130
Gus Z. Lancaster Stock Yards, Inc.	Rocky Mount	4-10-59	NC-131
Dedmon's Livestock Yards	Shelby	4- 2-59	NC-132
Shelby Sales Barn	Shelby	4- 1-59	NC-133
Carolina Stock Yards, Company	Siler City	4- 8-61	NC-134
Powell Livestock Company of Smithfield	Smithfield	9- 4-68	NC-135
Iredell Livestock Company	Statesville	4- 8-59	NC-136
Iredell Livestock Company	Turnersburg	6- 6-69	NC-137

NORTH CAROLINA—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Wells Livestock Market, Inc.	Wallace	7-10-59	NC-138
West Jefferson Livestock Market	West Jefferson	4- 5-59	NC-139
Whiteville Livestock Auction, Inc.	Whiteville	7-10-59	NC-140
Carolina-Virginia Stockyard	Windsor	5-11-59	NC-141

NORTH DAKOTA

Ashley Livestock Sales Company	Ashley	7- 9-59	ND-100
Beulah Livestock Auction Market, Incorporated	Beulah	2-27-64	ND-101
Missouri Slope Livestock Auction, Inc.	Bismarck	6- 1-59	ND-102
Home Base Auction Market, Inc.	Bowman	5-13-59	ND-103
Carrington Livestock Sales, Inc.	Carrington	12-10-64	ND-104
Lake Region Livestock Sales, Inc.	Devils Lake	12-12-59	ND-105
Schnell Dickinson Livestock Sales Co.	Dickinson	5- 9-59	ND-106
Western Livestock Co., Inc.	Dickinson	5-11-59	ND-107
Edgeley Livestock Sales, Inc.	Edgeley	8-23-71	ND-108
Ellendale Live Stock Sales Co.	Ellendale	6- 6-59	ND-109
Harvey Livestock Auction	Harvey	6-15-59	ND-110
Lorenz Livestock Sales	Hazen	4- 6-64	ND-111
Hettinger Livestock Sales	Hettinger	5-22-59	ND-112
Jamestown Livestock Sales	Jamestown	5-20-59	ND-113
Linton Livestock Sales, Inc.	Linton	5- 9-59	ND-114
Kist Livestock Auction Company	Mandan	5-20-59	ND-115
Harrington Brothers Livestock Auction Market, Inc.	Minot	6- 1-59	ND-116
Minot Livestock Auction	Minot	11- 1-69	ND-117
Kamrath Sales Pavilion	Mott	5-27-69	ND-118
Napoleon Livestock Auction	Napoleon	11- 5-59	ND-119
Oakes Livestock Commission Co.	Oakes	5-13-59	ND-120
Park River Livestock Sales, Inc.	Park River	6- 9-59	ND-121
Rugby Livestock Sales, Inc.	Rugby	8- 1-60	ND-122
Williston Sales Company	Stanley	6-11-60	ND-123
Schlichenmayer Livestock Sales	Turtle Lake	5- 6-59	ND-124
Triple S Cattle Co.	Valley City	6-18-59	ND-125
Watford City Livestock Auction	Watford City	6- 1-59	ND-126
Union Stockyards	West Fargo	10-11-58	ND-127
Sitting Bull Auction Company	Williston	5-21-65	ND-128
Williston Sales Ring	Williston	6-19-59	ND-129
Wishek Livestock Market, Inc.	Wishek	5-18-59	ND-130

OHIO

Lugbill Bros., Inc.	Archbold	6-12-59	OH-100
Athena Livestock Sales Co., Inc.	Athens	12-11-63	OH-101
Barnesville Livestock	Barnesville	6- 9-59	OH-102
Producers Livestock Association	Bucyrus	6- 2-67	OH-103
Canfield Livestock Auction	Canfield	6- 1-59	OH-104
Carrollton Livestock Auction	Carrollton	6- 1-59	OH-105
Western Ohio Livestock Exchange	Celina	6-10-59	OH-106
Scioto Livestock Sales Co.	Chillicothe	5-13-64	OH-107
Cincinnati Union Stock Yards	Cincinnati	11- 1-21	OH-108
The Bowling Stock Yards Company	Circleville	6- 2-59	OH-109
Union Stock Yards	Cleveland	11- 1-21	OH-110
Lugbill Bros., Inc.	Columbus Grove	6- 2-59	OH-111
Producers Livestock Association	Coshocton	6- 3-59	OH-112
Creston Live Stock Sales	Creston	6- 1-59	OH-113
Damascus Livestock Auction	Damascus	6- 1-59	OH-114
DeGraff Livestock Sales	DeGraff	6-29-59	OH-115
Delta Livestock Auction	Delta	6-27-59	OH-116
Producers Livestock Association	Eaton	6- 1-59	OH-117
Farmerstown Sale, Inc.	Farmerstown	6- 9-59	OH-118
Producers Livestock Association	Findlay	6- 1-59	OH-119
Fremont Livestock Exchange	Fremont	7- 6-59	OH-120
Ohio Valley Livestock Co.	Gallipolis	6-24-59	OH-121
Granville Community Live Stock Sale	Granville	6-24-59	OH-122
Peoples Livestock Exchange	Greenville	6- 4-59	OH-123
Producers Livestock Association	Hillsboro	6- 3-59	OH-124
The Union Stock Yards Co.	Hillsboro	6-11-59	OH-125
Kenton Farmer's Marketing Corp.	Kenton	6- 3-59	OH-126

OHIO—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
The Kidron Auction, Inc.	Kidron	6- 1-59	OH-127
Producers Livestock Association	Lancaster	6- 1-59	OH-128
Farmers Livestock Auction Co.	Marietta	6- 2-59	OH-129
Producers Livestock Association	Marion	2- 5-34	OH-130
Producers Livestock Association	Marysville	3-29-71	OH-131
Geauga Livestock Commission	Middlefield	11-24-59	OH-132
Mt. Hope Anction	Mount Hope	6- 3-59	OH-133
Producers Livestock Association	Mount Vernon	3-24-54	OH-134
Bloomfield Livestock Auction	North Bloomfield	5-11-59	OH-135
Scio Auction	Scio	12-18-59	OH-136
Producers Livestock Association	Springfield	5-29-59	OH-137
Sugarcreek Livestock Auction	Sugarcreek	9-14-59	OH-138
Tiffin Livestock	Tiffin	3-29-64	OH-139
Champaign Livestock Sales	Urbana	6-26-59	OH-140
Producers Livestock Association	Wapakoneta	6- 1-59	OH-141
Producers Livestock Association	Washington Court House	1- 7-47	OH-142
Producers Livestock Association	Wilmington	6- 2-59	OH-143
Woodsfield Livestock Sales, Inc.	Woodsfield	7- 8-59	OH-144
Muskingum Livestock Sales Co.	Zanesville	6- 8-59	OH-145
Zanesville Community Sales Company, Inc.	Zanesville	6- 5-59	OH-146

OKLAHOMA

Ada Livestock Auction	Ada	7-21-58	OK-100
Altus Livestock, Inc.	Altus	12-24-69	OK-101
Triangle Livestock Company	Alva	10-10-49	OK-102
J & B Livestock Auction	Anadarko	9- 7-61	OK-103
Antlers Livestock Auction	Antlers	11-29-49	OK-104
Apache Livestock Sale Co.	Apache	2- 7-58	OK-105
Ardmore Livestock Auction, Incorporated	Ardmore	11-15-49	OK-106
Atoka Livestock Auction	Atoka	11-29-49	OK-107
Beaver Sales	Beaver	5-13-41	OK-108
Blackwell Livestock Auction	Blackwell	10- 3-63	OK-109
Mid America Stockyards	Bristow	4-10-70	OK-110
Buffalo Livestock Commission Company	Buffalo	8-12-52	OK-111
Carmen Livestock Exchange	Carmen	4-29-59	OK-112
Carnegie Livestock Auction	Carnegie	8-22-68	OK-113
Chandler Auction Company	Chandler	4-27-59	OK-114
Cherokee Sales Company	Cherokee	6- 2-59	OK-115
Chickasha Livestock Sale	Chickasha	4- 8-59	OK-116
Clinton Livestock Auction, Inc.	Clinton	11- 3-62	OK-117
Collinsville Livestock Exchange, Inc.	Collinsville	9- 1-71	OK-118
Farmers & Ranchers Stockyard	Comanche	9- 2-64	OK-119
Cordell Livestock Auction, Inc.	Cordell	4- 9-59	OK-120
Covington Commission Sales Company	Covington	4-28-59	OK-121
Dewey Livestock Sale Company	Dewey	8-31-64	OK-122
Duncan Livestock Auction	Duncan	11-15-49	OK-123
Durant Stockyards Co., Inc.	Durant	10-21-52	OK-124
Elk City Livestock Auction, Inc.	Elk City	3-10-50	OK-125
Western Oklahoma Livestock Auction, Inc.	Elk City	6-13-66	OK-126
Enid Livestock Market, Inc.	Enid	1- 4-37	OK-127
Osage County Livestock Auction	Fairfax	7-18-67	OK-128
Fairview Sale Barn	Fairview	4-29-59	OK-129
Big Pasture Auction Co.	Frederick	1-19-62	OK-130
Geary Community Sale	Geary	5-25-61	OK-131
Grandfield Stockyards	Grandfield	4- 4-63	OK-132
Grove Sales Company, Inc.	Grove	5- 1-59	OK-133
Panhandle Livestock Commission Company	Guymon	5- 7-64	OK-134
Hennessey Sale	Hennessey	5-25-59	OK-135
Hobart Stockyards	Hobart	2- 5-58	OK-136
AgMarkets, Inc.	Holdenville	8-28-70	OK-137
Hollis Livestock Commission Company	Hollis	10-24-49	OK-138
Oklahoma Auction Yards	Hominy	10-20-49	OK-139
Hugo Sales Commission, Inc.	Hugo	2-25-54	OK-140
Idabel Livestock Commission Company, Inc.	Idabel	1-13-55	OK-141
Lawton Stockyards	Lawton	12-20-49	OK-142
Locust Grove Sale Barn	Locust Grove	8- 1-69	OK-143
Mangum Livestock Company	Mangum	12-14-49	OK-144
Marietta Auction Sale	Marietta	4- 7-59	OK-145
Marlow Livestock Sale	Marlow	7-24-67	OK-146

OKLAHOMA—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Maysville Livestock Auction	Maysville	2-26-71	OK-147
Union Stockyards	McAlester	8-12-58	OK-148
Meeker Livestock Auction	Meeker	10- 9-62	OK-149
Mountain View Livestock Auction	Mount View	4- 9-59	OK-150
Muskogee Stockyards & Livestock Auction, Inc.	Muskogee	10- 2-58	OK-151
Newkirk Sales Company	Newkirk	12- 1-50	OK-152
Oklahoma National Stock Yards	Oklahoma City	11- 1-21	OK-153
Okmulgee Livestock Auction and Stockyards	Okmulgee	8- 2-60	OK-154
Pauls Valley Livestock Sale	Pauls Valley	9-21-62	OK-155
Farmers Livestock Exchange	Pauls Valley	11- 4-59	OK-156
Pauls Valley Livestock Auction	Pauls Valley	4- 6-59	OK-157
Pawnee Livestock Marketing Center, Inc.	Pawnee	4-27-59	OK-158
Perkins "Y" Livestock Auction	Perkins	4-27-59	OK-159
Perry Livestock, Inc.	Perry	11-20-50	OK-160
Poteau Livestock Commission Co., Inc.	Poteau	10-19-66	OK-161
Prague Stockyards	Prague	8-27-69	OK-162
Pryor Livestock Commission Company, Inc.	Pryor	7- 6-59	OK-163
Ringling Community Livestock Auction Sale	Ringling	3- 6-59	OK-164
Sallisaw Sale Barn	Sallisaw	8-20-64	OK-165
Webb Livestock Auction	Sayre	7- 9-59	OK-166
Selling Sales Association, Inc.	Selling	8-12-58	OK-167
Shawnee-Tecumseh Livestock Auction	Shawnee	8-11-70	OK-168
Snyder Stockyards	Snyder	2-12-59	OK-169
Mason Sales Company	South Coffeyville	10-14-59	OK-170
Stigler Sale Barn	Stigler	5-28-57	OK-171
Loopers Auction	Stillwater	10- 1-59	OK-172
Adair County Livestock Auction Company	Stilwell	8-20-64	OK-173
Freeman's Livestock Auction	Sulphur	2- 1-67	OK-174
Tahlequah Sale Barn	Tahlequah	5-16-59	OK-175
Texhoma Livestock Commission Company, Inc.	Texhoma	10-11-49	OK-176
Tonkawa Livestock Auction Company, Inc.	Tonkawa	4-29-59	OK-177
Tulsa Agriculture Center, Inc., d. b. a. Tulsa Cow Palace	Tulsa	12- 7-53	OK-178
Tulsa Stockyards	Tulsa	3-19-35	OK-179
Farmers and Ranchers Livestock Auction Company	Vinita	9- 9-60	OK-180
Walters Livestock Auction	Walters	2-12-59	OK-181
Watonga Livestock Auction, Inc.	Watonga	8-26-65	OK-182
Waurika Livestock Market	Waurika	3-26-71	OK-183
Maxson Sales Company	Welch	1-11-68	OK-184
LeFlore County Livestock Auction	Wister	4- 2-68	OK-185
Woodward Livestock Auction Market, Inc.	Woodward	7-23-40	OK-186

OREGON

Roth's	Albany	8-15-61	OR-100
Baker Livestock Auction, Inc.	Baker	10-15-59	OR-101
Coos Curry Livestock Auction, Inc.	Bandon	10-14-59	OR-102
Corvallis Livestock Market, Inc.	Corvallis	9-23-59	OR-103
Eastern Livestock Auction	Creswell	9-30-60	OR-104
The Dalles Auction Yard	The Dalles	5- 2-60	OR-105
Enterprise Livestock Auction Co.	Enterprise	10-16-59	OR-106
Hermiston Livestock Auction, Inc.	Hermiston	10-13-59	OR-107
Northwestern Livestock Commission Co.	Hermiston	11- 3-59	OR-108
Eugene Livestock Auction, Inc.	Junction City	4-27-67	OR-109
Klamath Livestock Auction	Klamath Falls	9-25-59	OR-110
La Grande Livestock Commission Company	La Grande	10-26-59	OR-111
Valley Livestock Sales	Lebanon	3-25-61	OR-112
Madras Livestock Auction, Inc.	Madras	9-16-63	OR-113
McMinnville Auction Yard	McMinnville	9-30-59	OR-114
Rogue Valley Livestock Auction, Inc.	Medford	9-30-59	OR-115
Portland Union Stock Yards	North Portland	11- 1-21	OR-116
Ontario Livestock Commission Company	Ontario	1-27-38	OR-117
Redmond Auction Yard, Inc.	Redmond	10- 1-59	OR-118
Salem Auction Yard	Salem	10-14-59	OR-119
Schricker's Livestock Auction, Inc.	Sutherlin	10-10-59	OR-120
Tillamook County Farm Bureau Marketing Association, Inc.	Tillamook	4-18-61	OR-121
Vale Livestock Auction Co.	Vale	10-12-59	OR-122
Douglas Livestock Market, Inc.	Wilbur	9-29-60	OR-123
Woodburn Auction Yard	Woodburn	10-10-59	OR-124

PENNSYLVANIA

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Valley Stock Yards, Inc.	Athens	11- 3-59	PA-100
Bellefonte Livestock Market, Inc.	Bellefonte	11-25-59	PA-101
Farmer's Livestock Market	Blairsville	7-31-69	PA-102
Tri County Livestock Auction, Inc.	Brockway	2- 3-60	PA-103
Carlisle Livestock Market, Inc.	Carlisle	9-12-69	PA-104
Penns Valley Livestock Auction, Inc.	Centre Hall	2-23-60	PA-105
Chambersburg Livestock Sales, Inc.	Chambersburg	12- 3-59	PA-106
Coudersport Livestock Market, Inc.	Coudersport	11- 2-59	PA-107
Montour Farmers Livestock Market, Inc.	Danville	11-23-59	PA-108
Bolknap Livestock Market, Inc.	Dayton	2- 3-60	PA-109
DeWart Livestock Market	Dewart	11-24-59	PA-110
Ball's Sales Arena	Dillsburg	11-19-69	PA-111
Showalter's Livestock Exchange	Duncansville	12- 3-59	PA-112
Eighty Four Auction Sales, Inc.	Eighty Four	2- 1-60	PA-113
Enon Valley Community Sale	Enon Valley	12-11-59	PA-114
Farmers Market and Auction, Inc.	Ephrata	12-10-59	PA-115
Lebanon Valley Live Stock Market, Inc.	Fredericksburg	11-23-59	PA-116
Greencastle Livestock Market, Inc.	Greencastle	12- 3-59	PA-117
Greenville Livestock Auction	Greenville	1-15-60	PA-118
Hickory Auction and Sales, Inc.	Hickory	1-25-60	PA-119
[illegible]	Homer City	2- 1-60	PA-120
Wayne County Livestock Exchange, Inc.	Honesdale	11- 4-59	PA-121
Jamestown Livestock Commission Market	Jamestown	12-10-59	PA-122
Jersey Shore Livestock, Inc.	Jersey Shore	5-12-70	PA-123
Cornwallis Valley Livestock Market	Knoxville	10-31-68	PA-124
Union Stock Yards	Lancaster	1- 1-21	PA-125
Lexsport Market and Auction, Inc.	Lexsport	11-18-59	PA-126
Cheeley's Sales, Inc.	Little Hope	12- 9-59	PA-127
Mortisons Cove Livestock Market	Martinsburg	12- 3-59	PA-128
Silver Spring Livestock Market, Inc.	Mechanicsburg	11-27-59	PA-129
Mercer Livestock Yards	Mercer	11-20-61	PA-130
Middlebury Auction Sales, Inc.	Middlebury	2-23-60	PA-131
New Holland Sales Stables, Inc.	New Holland	8-11-52	PA-132
New Wilmington Livestock Auction, Inc.	New Wilmington	12-10-69	PA-133
Nicholson Sales Co.	Nicholson	11- 4-59	PA-134
Vintage Sale Stables, Inc.	Paradise	10-26-59	PA-135
Perkiomenville Sales Stables, Inc.	Perkiomenville	11-10-59	PA-136
Quakertown Livestock Sales	Quakertown	11-18-59	PA-137
Meadville Livestock Auction	Saegertown	12- 9-59	PA-138
The Farmer's Tri County Auction, Inc.	Scenery Hill	2- 2-60	PA-139
Sechrist Sales Company, Inc.	South of Stewartstown	10-14-64	PA-140
Troy Sales Co-op.	Troy	3-17-60	PA-141
Montague Livestock Auction, Inc.	Union City	12- 9-59	PA-142
Fayette Stock Yard Co.	Uniontown	2- 2-60	PA-143
Pennsylvania Livestock Auction, Inc.	Waynesburg	2- 2-60	PA-144
Wyalusing Livestock Market	Wyalusing	2-26-69	PA-145
York Livestock Market, Inc.	York	12- 2-59	PA-146

SOUTH CAROLINA

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Joe C. Taylor Stockyards	Anderson	5- 2-60	SC-100
Farmers County Line Stockyard	Andrews	4-20-61	SC-101
Bennettsville Stock Yards	Bennettsville	10-25-67	SC-102
B and T Stockyard	Bennettsville	2-20-60	SC-103
Chesnee Livestock Company	Chesnee	2- 4-60	SC-104
Darlington Auction Market, Inc.	Darlington	2- 1-60	SC-105
Herndon Stock Yard, Inc.	Ehrhardt	2- 1-60	SC-106
Farmers Market	Estill	2-26-60	SC-107
P. L. Bruce Livestock Company	Greenville	1-26-60	SC-108
Greenwood Livestock Market, Inc.	Greenwood	2- 8-60	SC-109
Hemingway Livestock Market	Hemingway	12- 5-60	SC-110
Hoito Stock Yard, Inc.	Holly Hill	2-15-60	SC-111
Farmers Livestock Market, Inc.	Leesville	1-28-60	SC-112
Central Carolina Livestock Market, Inc.	Lugoff	2-24-69	SC-113
Clarendon Auction Sales, Inc.	Manning	8-15-60	SC-114
Nichols Auction Market	Nichols	10-19-69	SC-115
Orangeburg Stock Yards, Inc.	Orangeburg	5-11-60	SC-116
Pickens Livestock Auction Market	Pickens	2- 3-60	SC-117
Dorchester Marketing Association	St. George	7-26-61	SC-118
Saluda County Stock Yard, Inc.	Saluda	2-15-60	SC-119

SOUTH CAROLINA—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Spartanburg Livestock Yard, Inc.	Spartanburg	1-28-60	SC-120
Springfield Stockyard	Springfield	2- 2-60	SC-121
Stamey Livestock Co.	Sumter	6-12-61	SC-122
Walterboro Stockyards, Company, Inc.	Walterboro	2- 1-60	SC-123
Herndon Stockyard Inc.	Yemassee	7- 6-61	SC-124
York County Stockyard Sales, Inc.	York	6- 2-60	SC-125

SOUTH DAKOTA

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Aberdeen Livestock Sales Company, Inc.	Aberdeen	6-14-67	SD-100
Hub City Livestock Sales, Inc.	Aberdeen	8-15-67	SD-101
Avon Livestock Auction	Avon	8-23-60	SD-102
Belle Fourche Livestock Exchange, Inc.	Belle Fourche	4-15-41	SD-103
Bowdle Livestock Sales Company	Bowdle	4-25-67	SD-104
Marshall Livestock Auction Co.	Britton	5-18-60	SD-105
Brookings Livestock Auction Co.	Brookings	6- 1-60	SD-106
Burke Livestock Auction Company	Burke	5-19-60	SD-107
Canton Livestock Sales Company	Canton	2- 2-60	SD-108
Centerville Livestock Auction, Inc.	Centerville	5-19-59	SD-109
Chamberlain Livestock Sales, Inc.	Chamberlain	10-13-65	SD-110
Corsica Livestock Sales Co.	Corsica	4-25-67	SD-111
De Smet Livestock Exchange	De Smet	5-26-59	SD-112
Cheyenne River Sales Pavilion	Eagle Butte	12-13-63	SD-113
Edgemont Livestock Sales Company, Inc.	Edgemont	8-15-64	SD-114
Eureka Livestock Sales Commission Company, Inc.	Eureka	4-25-67	SD-115
Faith Livestock Commission Company, Inc.	Faith	8-17-60	SD-116
Magness-Faulkton Livestock Exchange, Inc.	Faulkton	6- 2-60	SD-117
Ft. Pierre Livestock Commission Company	Fort Pierre	12- 2-60	SD-118
Volmer Livestock Auction	Fort Pierre	9-20-67	SD-119
Gettysburg Livestock Sales Company, Inc.	Gettysburg	6-26-56	SD-120
Gregory Livestock Auction	Gregory	4-19-60	SD-121
Herreid Livestock Commission Company, Inc.	Herreid	6-22-64	SD-122
Highmore Livestock Exchange	Highmore	1-10-61	SD-123
Hales Continental Livestock Commission Co., Inc.	Huron	5- 2-62	SD-124
Magness Huron Livestock Exchange, Inc.	Huron	2-26-70	SD-125
Kimball Livestock Exchange	Kimball	12- 2-60	SD-126
Lemmon Livestock Yards, Inc.	Lemmon	12- 2-61	SD-127
Leola Livestock Sales Co.	Leola	6-18-60	SD-128
Madison Livestock Auction Co.	Madison	5-10-60	SD-130
Martin Auction Co., Inc.	Martin	12- 4-60	SD-130
McLaughlin Commission Company, Inc.	McLaughlin	4-21-66	SD-131
Menno Livestock Auction Co.	Menno	6- 2-60	SD-132
Miller Livestock Sales Co.	Miller	12- 2-60	SD-133
Mitchell Livestock Sales Company	Mitchell	10- 5-61	SD-134
Palace City Auction, Inc.	Mitchell	5-24-65	SD-135
Mobridge Livestock Auction Sales, Inc.	Mobridge	12- 1-60	SD-136
Newell Stockyards, Inc.	Newell	9-10-68	SD-137
Philip Livestock Auction, Inc.	Philip	12- 2-60	SD-138
Platte Livestock Auction Company	Platte	10-13-61	SD-139
Presho Livestock Auction Company	Presho	1-30-67	SD-140
Rapid City Livestock Market, Inc.	Rapid City	1-24-67	SD-141
Redfield Livestock Auction, Inc.	Redfield	8-15-69	SD-142
Madden's Livestock Market, Inc.	St. Onge	12- 7-61	SD-143
Selby Livestock Sales Company	Selby	6- 5-60	SD-144
Kramer's Stockyards	Sioux Falls	3- 9-60	SD-145
Sioux Falls Stock Yards	Sioux Falls	11- 1-21	SD-146
Sisseton Livestock Auction, Inc.	Sisseton	10- 5-64	SD-147
Sturgis Livestock Exchange, Inc.	Sturgis	11-30-60	SD-148
Timber Lake Livestock Auction	Timber Lake	6-27-67	SD-149
Wagner Livestock Sales Company	Wagner	6-22-64	SD-150
Wall Livestock Auction, Inc.	Wall	5-30-59	SD-151
Loken's Watertown Sales Pavilion, Inc.	Watertown	8-18-65	SD-152
South Dakota Livestock Sales Company	Watertown	5- 5-60	SD-153
Webster Livestock Exchange	Webster	5-20-59	SD-154
Wessington Springs Live Stock Auction Co.	Wessington Springs	6-20-59	SD-155
Willow Lake Livestock Auction	Willow Lake	6-24-59	SD-156
Winner Stockyards Company	Winner	9-25-62	SD-157
Stockmen's Livestock Auction Company	Yankton	11-20-53	SD-158
Yankton Livestock Auction Market	Yankton	1-18-44	SD-159

TENNESSEE

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
DeKalb County Livestock Co.	Alexandria	5- 7-69	TN-100
Athens Livestock Auction Co.	Athens	5-15-59	TN-101
Farmers Commission Co.	Carthage	5-11-59	TN-102
Smith County Commission Co.	Carthage	5-29-59	TN-103
Chattanooga Union Stock Yards	Chattanooga	11- 1-21	TN-104
Tri-State Livestock Commission Co., Inc.	Chattanooga	5- 5-59	TN-105
Cleveland Livestock Auction Co., Inc.	Cleveland	5-14-71	TN-106
Clinton Livestock Auction Co., Inc.	Clinton	5- 7-59	TN-107
Collierville Auction Company	Collierville	5-25-59	TN-108
Mid-South Livestock Commission Company	Columbia	5- 4-59	TN-109
Southern Livestock & Auction Company	Columbia	8-30-61	TN-110
Cookeville Livestock Company, Inc.	Cookeville	12- 8-66	TN-111
Peoples Stockyards	Cookeville	5-29-59	TN-112
Covington Sales Company	Covington	6-19-59	TN-113
Plateau Livestock Exchange	Crossville	8-17-63	TN-114
Cumberland City Stockyard	Cumberland City	5- 9-59	TN-115
Tri-County Livestock Auction Co.	Dickson	12-21-70	TN-116
Peoples Stockyards	Fayetteville	5-26-59	TN-117
Farmers Auction Co.	Fayetteville	6-29-59	TN-118
Tennessee Producers Livestock Marketing Ass'n.	Fayetteville	11-27-61	TN-119
Jackson County Commission Company	Gainesboro	5-11-59	TN-120
Farmers Livestock Market, Inc.	Greeneville	3- 2-48	TN-121
Greenville Livestock Company, Inc.	Greeneville	8-24-38	TN-122
Hartsville Livestock Market	Hartsville	1-29-69	TN-123
Trousdale County Livestock Market	Hartsville	5-14-59	TN-124
Henderson Sales Company	Henderson	5- 9-59	TN-125
Lewis County Stockyards	Hohenwald	5-27-59	TN-126
Southwestern Sales Company, Inc.	Huntington	5- 7-59	TN-127
C & M Livestock Market, Inc.	Jamestown	12- 1-69	TN-128
Johnson City Livestock Market, Inc.	Johnson City	6-10-59	TN-129
Kingsport Live Stock Auction Corp.	Kingsport	2-22-64	TN-130
Union Livestock Yards, Inc.	Knoxville	5- 4-60	TN-131
Macon County Livestock Market	Lafayette	5- 6-59	TN-132
Lawrence County Stock Yard	Lawrenceburg	10-28-60	TN-133
Wilson County Livestock Market	Lebanon	5-21-59	TN-134
Wilson Livestock Market	Lewisburg	5- 5-59	TN-135
Lexington Sales Company	Lexington	5-11-59	TN-136
Gumallad Livestock Market, Inc.	Macon County	3-31-64	TN-137
Coffee County Livestock Market	Manchester	5- 5-59	TN-138
West Tennessee Auction Co.	Martin	5-18-59	TN-139
Crockett County Sales Company	Maury City	1-28-60	TN-140
Tri-County Stockyards	McKenzie	5- 5-59	TN-141
Warren County Live Stock Co.	McMinnville	5-11-59	TN-142
South Memphis Stock Yards	Memphis	11- 1-21	TN-143
Middleton Sales Company	Middleton	6-19-59	TN-144
Morristown Stock Yards, Inc.	Morristown	5-26-59	TN-145
Murfreesboro Livestock Market	Murfreesboro	5- 9-59	TN-146
Union Stock Yards	Nashville	11- 1-21	TN-147
Newbern Sales Company, Inc.	Newbern	5-26-59	TN-148
Newport Livestock Auction Company	Newport	6-19-59	TN-149
Wilson Livestock Market	Newport	6-16-67	TN-150
New Tazewell Livestock Market	New Tazewell	5-11-59	TN-151
Paris Livestock Commission Company	Paris	5-26-59	TN-152
Giles County Stock Yards	Pulaski	5- 5-59	TN-153
Pulaski Stockyard	Pulaski	5- 8-59	TN-154
Rogersville Livestock Market	Rogersville	5-11-59	TN-155
Hardin County Stock Yards	Savannah	7-17-59	TN-156
Scotts Hill Auction Company	Scotts Hill	5- 7-59	TN-157
McNairy Livestock and Auction Corp.	Selmer	2-26-70	TN-158
Seyier County Livestock Auction Company, Inc.	Seymour	5- 5-60	TN-159
Shelbyville Stockyards	Shelbyville	6- 8-59	TN-160
Smithville Stockyards	Smithville	5-30-59	TN-161
West Tennessee Horse Auction	Somerville	4-15-66	TN-162
White County Livestock Market	Sparta	5-14-59	TN-163
East Tennessee Sales Center, Inc.	Sweetwater	5- 4-62	TN-164
Payne's Livestock Market	Telford	1- 7-70	TN-165
Nichols and Moore Sales Barn	Thompson Station	5- 6-59	TN-166
Trenton Livestock Sales Company, Incorporated	Trenton	5-20-59	TN-167
Unionville Livestock Mkt.	Unionville	5-17-59	TN-168
Tennessee Producers Livestock Marketing Ass'n.	Woodbury	4-26-67	TN-169

TEXAS

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Abilene Auction	Abilene	3-17-41	TX-100
Ranchers and Farmers Livestock Commission Company	Abilene	11-19-48	TX-101
South Texas Auction Company	Alice	5- 1-67	TX-102
Brazoria County Livestock Barn	Alvin	6-21-67	TX-103
Amarillo Horse Auction	Amarillo	9-11-68	TX-104
Amarillo Livestock Auction Company	Amarillo	11-15-38	TX-105
Angleton Livestock Commission Co., Inc.	Angleton	10-11-67	TX-106
Athens Commission Company	Athens	1- 9-67	TX-107
Henderson County Livestock Auction, Inc.	Athens	1- 9-67	TX-108
Capitol Livestock Commission, Inc.	Austin	1- 2-67	TX-109
Runnels County Auction Co.	Ballinger	3- 6-59	TX-110
Baycity Livestock Commission Company	Bay City	5- 1-67	TX-111
Beaumont Livestock Commission Company	Beaumont	1-15-67	TX-112
Bee County Livestock Market, Inc.	Beeville	4-30-67	TX-113
Belton Livestock Auction, Inc.	Belton	9-10-63	TX-114
Big Spring Livestock Auction	Big Spring	11-29-66	TX-115
Blanco Livestock Commission Company	Blanco	8-18-61	TX-116
Bonham Stockyards	Bonham	10- 6-59	TX-117
Bowie Livestock Commission Company	Bowie	8-14-63	TX-118
Brady Livestock Commission Company	Brady	4- 3-67	TX-119
Cattleman's McCulloch County Livestock Commission Company	Brady	6-17-70	TX-120
Breckenridge Livestock Exchange	Breckenridge	8-16-63	TX-121
Brenham Livestock Auction Company	Brenham	4- 3-67	TX-122
Bridgeport Auction Barn	Bridgeport	2-15-60	TX-123
Brownwood Cattle Auction, Inc.	Brownwood	2-28-67	TX-124
Central Texas Livestock Auction	Brownwood	2-28-67	TX-125
Bryan Livestock Commission Company, Inc.	Bryan	9-23-64	TX-126
Buffalo Livestock Auction, Inc.	Buffalo	1-15-67	TX-127
Burkburnett Livestock Commission Company	Burkburnett	4- 4-59	TX-128
Burleson Dairy Cow Sales, Inc.	Burleson	1-10-59	TX-129
Caldwell Livestock Commission Company, Inc.	Caldwell	3- 6-59	TX-130
Calvert Commission Company	Calvert	2-28-67	TX-131
Cameron Livestock Auction, Inc.	Cameron	2-28-67	TX-132
Canton Livestock Commission Company	Canton	9-19-61	TX-133
Canyon Livestock Commission Company	Canyon	10-21-66	TX-134
Carrollton Livestock Commission Co.	Carrollton	5- 6-59	TX-135
Panola County Livestock Commission Co., Inc.	Carthage	1-10-67	TX-136
Center Auction Company	Center	6- 4-67	TX-137
Childress Livestock Auction	Childress	11- 9-66	TX-138
Clarksville Livestock Exchange, Inc.	Clarksville	4- 7-60	TX-139
Cleburne Livestock Auction	Cleburne	1-19-59	TX-140
Cleveland Livestock Market	Cleveland	4-14-59	TX-141
Clifton Livestock Commission Company	Clifton	3-19-57	TX-142
Coleman Live Stock Auction Commission Co., Inc.	Coleman	12-11-61	TX-143
Colorado City Livestock Auction	Colorado City	1-15-67	TX-144
Columbus Livestock Commission Company	Columbus	4- 2-67	TX-145
McDougal's Livestock Auction Barn	Comanche	2-28-67	TX-146
Conroe Livestock Commission Company	Conroe	5-15-62	TX-147
Corsicana Livestock Market, Inc.	Corsicana	1-11-67	TX-148
Jesse Young Livestock Commission	Corsicana	4-16-58	TX-149
Cotulla Livestock Commission Company, Inc.	Cotulla	11-17-60	TX-150
Crockett Livestock Auction, Inc.	Crockett	1-16-67	TX-151
Cuero Livestock Commission, Inc.	Cuero	5- 3-67	TX-152
Dalhart Auction Company	Dalhart	11- 8-56	TX-153
Decatur Auction Sale	Decatur	1-21-60	TX-154
Denton Livestock Commission, Inc.	Denton	1-21-69	TX-155
Dublin Auction Sale	Dublin	10-31-62	TX-156
Eastland Auction Co.	Eastland	11-30-56	TX-157
Cattleman's Exchange, Inc.	Edinburg	2-25-60	TX-158
Community Sales Yard Co.	Edinburg	11-20-56	TX-159
Jackson County Livestock Exchange	Edna	5- 3-67	TX-160
El Campo Livestock Commission Co., Inc.	El Campo	5- 1-67	TX-161
El Paso Livestock Auction Co., Inc.	El Paso	11-15-67	TX-162
Delta Sales Yard	Elsa	3- 6-59	TX-163
Rains County Livestock Commission Company	Emory	11-22-66	TX-164
Ennis Auction Co., Inc.	Ennis	1- 9-67	TX-165
Evant Commission Company	Evant	2-27-67	TX-166
Flatonia Livestock Commission Company	Flatonia	4-29-67	TX-167
Floresville Livestock Commission Co.	Floresville	3- 6-59	TX-168
Floydada Livestock Sales Company	Floydada	5-19-61	TX-169
Fort Worth Stock Yards	Fort Worth	11- 1-21	TX-170

TEXAS—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Gillespie Livestock Company, Inc.	Fredericksburg	6-14-57	TX-171
Gainsville Livestock Auction	Gainsville	7-18-57	TX-172
Gatesville Commission Company	Gatesville	3-19-57	TX-173
Georgetown Commission Company	Georgetown	3-27-59	TX-174
Cen-Tex Livestock Commission Co., Inc.	Giddings	7-11-60	TX-175
Mills County Commission Company	Goldthwaite	4- 2-57	TX-176
Gonzales Commission Company	Gonzales	4-30-57	TX-177
Graham Livestock Commission, Inc.	Graham	11-13-56	TX-178
Grapevine Auction, Inc.	Grapevine	4-17-67	TX-179
Greenville Comm. Company	Greenville	11-21-56	TX-180
Grossbeck Commission Company	Grossbeck	4-29-57	TX-181
Groveton Auction Barn	Groveton	9-19-58	TX-182
Hallettsville Livestock Commission Company	Hallettsville	8- 3-57	TX-183
Hamilton Commission Company	Hamilton	3-28-57	TX-184
Haskell Livestock Auction, Co.	Haskell	10-11-63	TX-185
Hebbronville Auction & Commission Co.	Hebbronville	9-15-60	TX-186
Henderson Livestock Commission Company	Henderson	1-10-67	TX-187
Rusk County Auction	Henderson	3- 6-50	TX-188
Hico Commission Company	Hico	9-11-61	TX-189
Hockley Livestock Commission Co.	Hockley	4-30-57	TX-190
Hondo Livestock Auction Company, Inc.	Hondo	5- 7-58	TX-191
North Houston Livestock, Inc.	Houston	9-30-65	TX-192
Hubbard Auction Sale	Hubbard	11-23-70	TX-193
Huntsville Auction Company	Huntsville	8-12-59	TX-194
Jacksonville Livestock Market, Inc.	Jacksonville	12-17-66	TX-195
Junction Stockyards	Junction	9-14-62	TX-196
Karnes City Livestock Auction, Inc.	Karnes City	11-14-62	TX-197
Karnes County Livestock Exchange	Kenedy	4-30-57	TX-198
Kennedale Auction Barn	Kennedale	10-20-71	TX-199
Kerens Auction Barn	Kerens	1-29-60	TX-200
Kerrville Auction Company	Kerrville	6-14-57	TX-201
Kirbyville Auction Barn	Kirbyville	3- 6-59	TX-202
LaGrange Livestock Auction Company	LaGrange	6-11-57	TX-203
Tate Livestock Auction Company	Lamesa	1-15-57	TX-204
Lampasas Auction, Inc.	Lampasas	10- 9-59	TX-205
The Lexington Livestock Commission	Lexington	4- 3-57	TX-206
Livingston Livestock Exchange	Livingston	4-14-60	TY-207
Llano Livestock Auction Company	Llano	2-12-60	TX-208
Lometa Commission Co.	Lometa	2-27-57	TX-209
Longview Livestock Commission Company	Longview	1-10-57	TX-210
Cattleman's Commission Company	Lubbock	11-27-68	TX-211
Farmers and Ranchers Commission Company	Lubbock	11- 5-56	TX-212
Lubbock Livestock Auction Company	Lubbock	11-14-38	TX-213
Lufkin Livestock Exchange	Lufkin	3- 6-59	TX-214
Caldwell County Livestock Exchange	Luling	5- 1-60	TX-215
Madison County Livestock Commission Company, Inc.	Madisonville	3-18-57	TX-216
Mansfield Livestock Commission Company	Mansfield	3- 6-59	TX-217
Falls County Livestock Auction	Marlin	2-26-57	TX-218
Marshall Livestock Commission Co.	Marshall	3- 3-59	TX-219
Mason Auction Co., Inc.	Mason	4- 2-57	TX-220
Craig & Price Comm. Company	McKinney	1-19-59	TX-221
Moore's Livestock Commission Co., Inc.	McKinney	3-30-67	TX-222
Memphis Livestock Auction Company, Inc.	Memphis	3- 1-61	TX-223
Valley Stock Yark	Mercedes	10-30-64	TX-224
Meridian Livestock Auction	Meridian	7-11-60	TX-225
Mesquite Livestock Commission Co.	Mesquite	1-21-59	TY-226
Midland Livestock Market Inc.	Midland	7-23-59	TX-227
Wood County Livestock Auction Co., Inc.	Mineola	12-18-59	TX-228
Mineral Wells Stockyards Company	Mineral Wells	1-11-67	TX-229
Morton Livestock Auction Co.	Morton	9- 1-70	TY-230
C. L. Colley Livestock Commission Company	Mount Pleasant	8-15-60	TX-231
Franklin County Livestock Commission Co.	Mount Vernon	8-20-71	TX-232
Muenster Livestock Auction Commission Company	Muenster	4-26-57	TX-233
Muleshoe Livestock Auction	Muleshoe	7-13-60	TX-234
Havard's Horse Sale	Nacogdoches	2- 7-67	TX-235
Patton's Auction Barn	Nacogdoches	1-14-57	TY-236
Navasota Livestock Auction Company	Navasota	10- 1-65	TX-237
Olney Livestock Auction, Inc.	Olney	11-14-66	TX-238
Palestine Commission Company	Palestine	6- 5-67	TX-239
Palestine Livestock Commission Company	Palestine	10- 3-68	TX-240
Farmers and Ranchers Livestock Commission Company	Paris	8-28-57	TX-241
Paris Livestock Commission Company, Inc.	Paris	11-20-56	TX-242

TEXAS—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Frio Livestock Sales Company	Pearsall	6-12-57	TX-243
Pilot Point Livestock Exchange, Inc.	Pilot Point	9-11-62	TX-244
Pittsburg Livestock Marketing Company	Pittsburg	1-23-59	TX-245
West Texas Livestock Sales Co.	Plainview	4-30-64	TX-246
Atascosa Livestock Exchange, Inc.	Pleasanton	3- 9-59	TX-247
Quanah Livestock Commission Company, Inc.	Quanah	11-10-58	TX-248
Ranger Livestock Auction Company	Ranger	8-15-59	TX-249
Cleveland Commission Company, Inc.	Raywood	2-27-61	TX-250
Southwest Livestock Sales Co.	Round Mountain	10-15-68	TX-251
Producers Livestock Auction Company	San Angelo	4- 1-57	TX-252
Union Stock Yards	San Antonio	11- 1-21	TX-253
Matthews Livestock Commission Co.	San Saba	3-13-59	TX-254
Schulenburg Livestock Commission Co.	Schulenburg	3- 6-59	TX-255
Sealy Livestock Auction—A Part of Port City Stockyards Co., Inc.	Sealy	4-30-57	TX-256
Sequin Cattle Co.	Sequin	3- 6-59	TX-257
Seymour Stockyards Company	Seymour	11-14-66	TX-258
Smithville Livestock Commission Company, a corporation	Smithville	9-17-68	TX-259
Sonora Livestock Exchange Company	Sonora	5-13-59	TX-260
Stephenville Auction Company	Stephenville	3-18-57	TX-261
Hopkins County Livestock Commission	Sulphur Springs	9-26-62	TX-262
Sulphur Springs Livestock Commission, Inc.	Sulphur Springs	1-11-67	TX-263
Sweetwater Livestock Auction, Inc.	Sweetwater	11-26-56	TX-264
Taylor Livestock Auction, Inc.	Taylor	2-27-67	TX-265
Temple Livestock Auction, Inc.	Temple	2-26-57	TX-266
Terrell Livestock Exchange	Terrell	4-24-61	TX-267
J & J Livestock Commission Company, Inc.	Texarkana	11- 7-68	TX-268
Texarkana Stockyards	Texarkana	6-19-40	TX-269
Live Oak Livestock Auction, Inc.	Three Rivers	10-16-67	TX-270
Tomball Livestock Commission Company	Tomball	11-14-68	TX-271
Tulia Livestock Auction, Inc.	Tulia	8-26-58	TX-272
Tyler Livestock Marketing Company	Tyler	1-11-67	TX-273
Southwest Livestock Exchange, Inc.	Uvalde	6-13-57	TX-274
Southwest Livestock Exchange, Inc.	Uvalde	6-13-57	TX-275
Vernon Stockyards Company	Vernon	4-23-60	TX-276
Victoria Livestock Commission, Inc.	Victoria	3- 1-57	TX-277
Leggett Livestock Auction	Waco	2-26-57	TX-278
Waxahachie Live Stock Commission, Inc.	Waxahachie	9- 1-70	TX-279
Weatherford Livestock Commission Company	Weatherford	5-13-60	TX-280
Wellington Livestock Commission Co.	Wellington	3- 6-59	TX-281
Wharton County Livestock Market, Inc.	Wharton	10-26-59	TX-282
Whitesboro Livestock and Commission Company	Whitesboro	3-14-68	TX-283
Wichita Livestock Auction	Wichita Falls	3-22-60	TX-284
Wills Point Livestock Commission Company	Wills Point	4- 3-57	TX-285
Winnie Livestock Exchange	Winnie	3-18-71	TX-286
Winnsboro Livestock Commission Company	Winnsboro	11-22-66	TX-287
Woodville Livestock Commission Company	Woodville	3- 6-59	TX-288

UTAH

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Uneva Livestock Auction	Cedar City	10-26-59	UT-100
Delta Livestock Auction Co.	Delta	1-26-55	UT-101
J-B Land Company	North Salt Lake	3- 6-68	UT-102
Producers Livestock Marketing Association	North Salt Lake	7- 3-68	UT-103
Golden Spike Coliseum	Ogden	11- 4-71	UT-104
Union Stock Yards	Ogden	11- 1-21	UT-105
Richfield Auction Co.	Richfield	1-27-55	UT-106
Uinta Sales Barn, Inc.	Roosevelt	1-26-55	UT-107
Dixie Livestock Sales, Inc.	St. George	7-31-69	UT-108
Producers Livestock Marketing Association	Salina	1-26-55	UT-109
Beehive Horse Sale Corporation	Salt Lake City	10- 3-69	UT-110
Smithfield Livestock Auction, Inc.	Smithfield	10-24-69	UT-111
Spanish Fork Livestock Auction Co.	Spanish Fork	10-26-59	UT-112
Utah Valley Auction Company	Spanish Fork	5-24-55	UT-113
Vernal Livestock Auction, Incorporated	Vernal	10-28-59	UT-114

VERMONT

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Addison County Commission Sale	East Middlebury	11-20-59	VT-100
East Thetford Commission Sale	East Thetford	2- 3-60	VT-101
Hicks Commission Sales	Morrisville	11-18-59	VT-102
Campbell's Commission Sales, Inc.	Newport	5-28-65	VT-103
Orleans Commission Sales	Orleans	11-18-59	VT-104
St. Albans Commission Sales	St. Albans	11-19-59	VT-106
Vergennes Livestock Commission Sales	Vergennes	11-19-59	VT-106
Westminster Commission Sale	Westminster	12-31-61	VT-107
Crosby's Livestock Commission Sales	Whiting	5-16-61	VT-108

VIRGINIA

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Abingdon Livestock Market, Inc.	Abingdon	7-23-53	VA-100
Tri-State Livestock Market, Inc.	Abingdon	11-26-69	VA-101
Bedford Livestock Market, Inc.	Bedford	3-11-59	VA-102
Southside Stockyards, Inc.	Blackstone	3- 9-59	VA-103
RockbridgeLivestock Market, Inc.	Buena Vista	3-11-59	VA-104
Albermarle Livestock Market, Inc.	Charlottesville	3- 4-59	VA-105
Christiansburg Livestock Market, Inc.	Christiansburg	3- 4-59	VA-106
Old Dominion Stockyards Company	Culpeper	7- 7-59	VA-107
Pulaski Livestock Market	Dublin	4-10-59	VA-108
Farmers Livestock Market	Ewing	3- 3-59	VA-109
Farmville Livestock Market, Inc.	Farmville	3-20-61	VA-110
Fredericksburg Stock Yards Co.	Fredericksburg	3- 4-59	VA-111
Front Royal Livestock Market, Inc.	Front Royal	2- 2-59	VA-112
Galax Livestock Market, Inc.	Galax	4-13-59	VA-113
Scott County Livestock Market	Gate City	2-16-59	VA-114
Halifax County Livestock Market	Halifax	9-30-70	VA-115
Rockingham Livestock Sales, Inc.	Harrisonburg	4- 8-59	VA-116
Shenandoah Valley Livestock Sales, Inc.	Harrisonburg	3- 3-59	VA-117
Roanoke-Hollins Stock Yard	Hollins	3-11-59	VA-118
Lee Farmers Livestock Market, Inc.	Jonesville	3- 3-59	VA-119
Loudoun County Live Stock Market	Leesburg	7- 7-59	VA-120
Lynchburg Livestock Market, Inc.	Lynchburg	3-11-59	VA-121
Madison Livestock Market, Inc.	Madison Mills	3- 4-59	VA-122
Fauquier Livestock Exchange, Inc.	Marshall	11-21-63	VA-123
Marshall Auction Sales	Marshall	3- 2-59	VA-124
Monterey Livestock Sales, Inc.	Monterey	2-12-59	VA-125
Narrows Livestock Market, Inc.	Narrows	3- 2-59	VA-126
Nokesville Livestock Auction, Inc.	Nokesville	5- 9-59	VA-127
Orange Livestock Market, Inc.	Orange	3- 4-59	VA-128
Southside Stockyards, Inc.	Petersburg	3- 9-59	VA-129
Phenix Livestock Market	Phenix	3-11-59	VA-130
Union Stock Yards	Richmond	10-31-21	VA-131
Roanoke Livestock Market, Inc.	Roanoke	3-11-59	VA-132
Smithfield Livestock Market, Inc.	Smithfield	3- 9-59	VA-133
South Boston Livestock Market	South Boston	3-10-59	VA-134
South Hill Stockyards	South Hill	3- 9-59	VA-135
Staunton Livestock Market, Inc.	Staunton	4- 8-59	VA-136
Staunton Union Stock Yards, Inc.	Staunton	3- 3-59	VA-137
Jarman Stockyard	Suffolk	8- 7-61	VA-138
Tappahannock Livestock Market, Inc.	Tappahannock	3-19-59	VA-139
Tazewell Livestock Market, Inc.	Tazewell	3- 3-59	VA-140
Victoria Stockyards, Inc.	Victoria	3- 9-59	VA-141
Farmer Livestock Exchange, Inc.	Winchester	3- 2-59	VA-142
Woodstock Livestock Market, Inc.	Woodstock	6-10-59	VA-143
Wytheville Livestock Market, Inc.	Wytheville	3- 4-59	VA-144

WASHINGTON

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Auburn Livestock, Inc.	Auburn	10-16-59	WA-100
Burlington Sales Pavilion, Inc.	Burlington	10- 8-59	WA-101
Vancouver Livestock Auction Market	Camas	6-30-64	WA-102
Twin City Sale	Centralia	9-23-59	WA-103
Chehalis Livestock Market	Chehalis	1-26-67	WA-104
Colville Auction Company	Colville	9-28-59	WA-105
Davenport Livestock Auction, Inc.	Davenport	7-12-62	WA-106
Deer Park Livestock Auction	Deer Park	10- 1-59	WA-107
Producers Livestock Marketing Association	Ellensburg	11-30-67	WA-108

WASHINGTON—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Enumclaw Sales Pavilion	Enumclaw	1- 2-60	WA-109
Farmer's Auction	Everson	10- 5-59	WA-110
Lynden Auction Market	Lynden	1-18-60	WA-111
Marysville Livestock Auction, Inc.	Marysville	2-27-62	WA-112
Moses Lake Livestock Market	Moses Lake	9-24-59	WA-113
Okanogan Livestock Market, Inc.	Okanogan	10- 6-59	WA-114
Prosser Commission Company, Inc.	Prosser	9-22-59	WA-115
Britton Bros. Snohomish Auction Market—West Barn	Snohomish	12- 1-66	WA-116
Britton Brothers Snohomish Auction Market	Snohomish	9-23-59	WA-117
The Farmers Auction Sale Barn, Inc.	Snohomish	10- 5-59	WA-118
Tacoma Livestock Market	Spanaway	1-26-67	WA-119
StockLand Union Stockyards, Inc.	Spokane	11- 1-21	WA-120
Sunnyside Market Sale	Sunnyside	10- 5-59	WA-121
Okanogan Livestock Market, Inc., d.b.a. Tonasket Livestock Market	Tonasket	10- 9-59	WA-122
Toppenish Sales Yard, Inc.	Toppenish	10- 2-59	WA-123
Columbia Auction Market	Vancouver	9-28-59	WA-124
Walla Walla Livestock Commission Co., Inc.	Walla Walla	6-11-68	WA-126

WEST VIRGINIA

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Alderson Livestock Market	Alderson	11- 3-59	WV-100
New River Livestock Market, Inc.	Beckley	2- 3-60	WV-101
Bridgeport Stockyard, Inc.	Bridgeport	11- 3-59	WV-102
Buckhannon Stockyards	Buckhannon	11- 3-59	WV-103
Bluegrass Market, Inc.	Caldwell	11- 3-59	WV-104
Blue Ridge Livestock Sales, Inc.	Charles Town	11-10-59	WV-105
Elkins Stockyard, Inc.	Elkins	11- 3-59	WV-106
Mannington Live Stock Sales Co., Inc.	Mannington	11- 3-59	WV-107
Pocahontas Producers Coop., Ass'n., Inc.	Marlinton	11- 3-59	WV-108
South Branch Stockyards, Inc.	Moorefield	11-10-59	WV-109
Moundsville Livestock Auction Co.	Moundsville	11- 6-59	WV-110
Ohio County Livestock Auction, Inc.	Ohio County	11- 6-59	WV-111
Union Livestock Sales Co., Inc.	Parkersburg	11- 5-59	WV-112
Point Pleasant Livestock Co., Inc.	Point Pleasant	11- 5-59	WV-113
Jackson County Livestock Market, Inc.	Ripley	11- 4-59	WV-114
Spencer Live Stock Exchange Company	Spencer	8-22-62	WV-115
Terra Alta Stockyard, Inc.	Terra Alta	11- 9-59	WV-116
Weston Livestock Sales Company	Weston	8-28-56	WV-117

WISCONSIN

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Central Wisconsin Livestock, Inc.	Augusta	9-17-69	WI-100
Equity Livestock Auction Market	Alicorn	8-14-59	WI-101
Belmont Livestock Market, Inc.	Belmont	11- 1-59	WI-102
Equity Livestock Auction Market	Bonduel	5-15-59	WI-103
Clear Lake Livestock Market	Clear Lake	5-30-68	WI-104
De Garmo Livestock Sales	Coon Valley	10-27-60	WI-105
Iowa County Livestock Marketing Co-op.	Dodgeville	10-24-61	WI-106
Midwest Livestock Producers Cooperative	Ettrick	4-14-71	WI-107
Midwest Livestock Producers Cooperative	Fennimore	4-20-60	WI-108
Midwest Livestock Producers Cooperative	Granton	12-20-62	WI-109
Equity Livestock Auction Market	Johnson Creek	1-26-61	WI-110
R. Brandau Livestock Auction	Kendall	4-10-70	WI-111
Wisconsin Feeder Pig Marketing Cooperative	Lancaster	5-12-71	WI-112
Midwest Livestock Producers Cooperative	Lenore	12-12-63	WI-113
Midwest Livestock Producers Cooperative	Marion	4-27-60	WI-114
Milwaukee Stock Yards	Milwaukee	5-27-29	WI-115
Monticello Livestock Sales	Monticello	5- 2-60	WI-116
Drees Livestock Co.	Pashtigo	5- 7-59	WI-117
Plain Sale Barn	Plain	2-15-61	WI-118
South Central Livestock Exchange, Inc.	Portage	9-19-69	WI-119
Equity Livestock Auction Market	Reedsville	5-15-59	WI-120
Equity Livestock Auction Market	Richland Center	5-15-59	WI-121
Equity Livestock Auction Market	Ripon	5-15-59	WI-122
Kuehne Livestock Sales, Inc.	Seymour	6- 2-59	WI-123
Midwest Livestock Producers Cooperative	Shullsburg	4-15-71	WI-124

WISCONSIN—Continued

Current Name of Stockyard	Location	Date Posted	Posted Stockyard Facility Number
Equity Livestock Auction Market	Sparta	3-28-60	WI-125
Equity Livestock Auction Market	Stratford	3-16-60	WI-126
Mattes Livestock Auction Market, Inc.	Thorp	5- 7-59	WI-127
Matthes Farms	Viola	9-17-64	WI-128

WYOMING

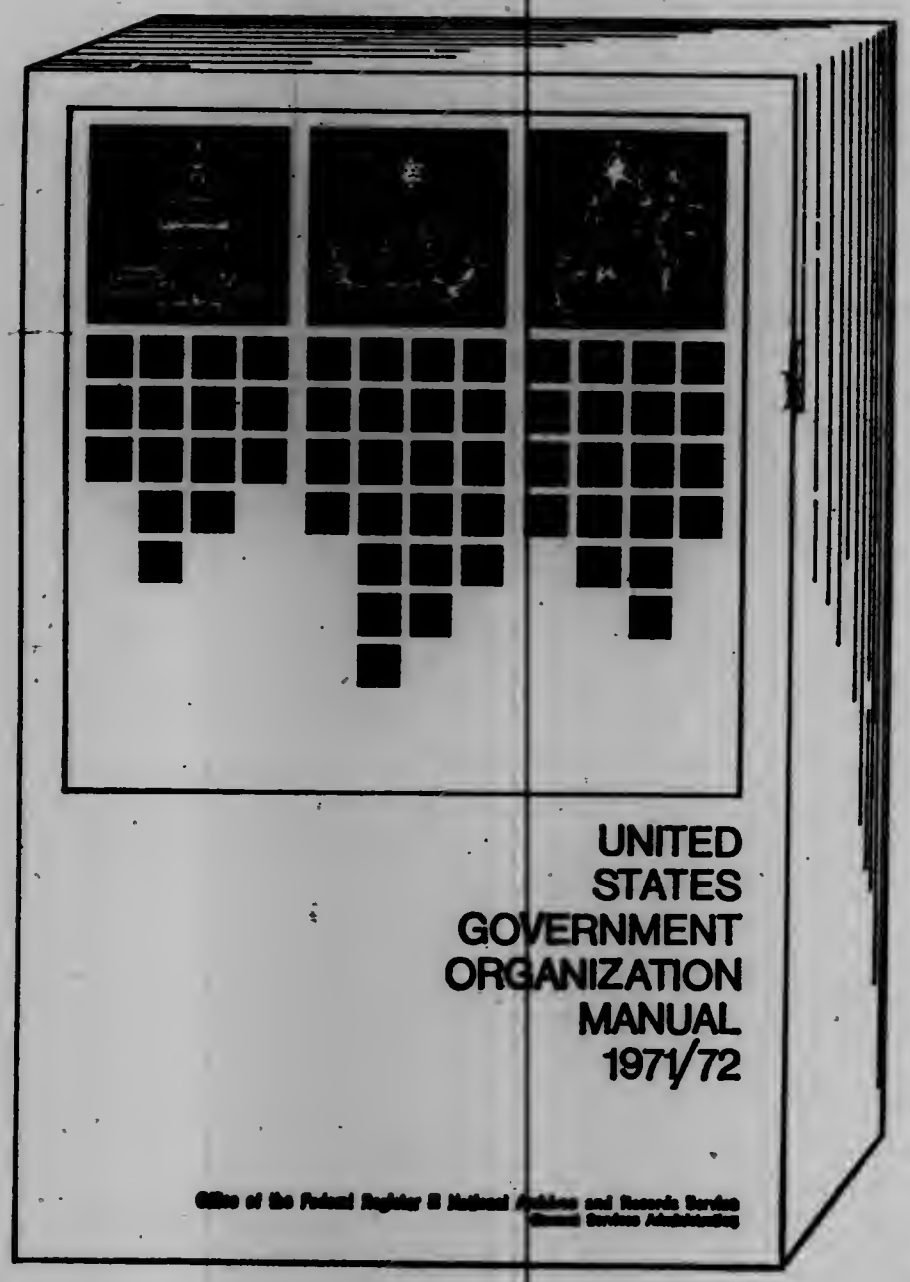
Douglas Livestock Exchange Company	Douglas	6- 3-63	WY-100
Gillette Livestock Exchange	Gillette	5-18-51	WY-101
Greybull Livestock Auction, Inc.	Greybull	6-28-50	WY-102
Lander Sales Commission Company	Lander	6-27-57	WY-103
Laramie Livestock Exchange, Inc.	Laramie	11- 7-65	WY-104
Lusk Livestock Exchange Co.	Lusk	2-17-40	WY-105
Powell Auction Market	Powell	6-29-50	WY-106
Riverton Auction & Livestock Co.	Riverton	6-27-50	WY-107
Sheridan Livestock Exchange, Inc.	Sheridan	6-30-50	WY-108
Stockman Livestock Commission, Inc.	Torrington	12-21-66	WY-109
Torrington Live Stock Commission Company	Torrington	7- 5-35	WY-110
Wheatland Sale Barn	Wheatland	1-25-51	WY-111
Worland Livestock Auction	Worland	6-28-50	WY-112

Done at Washington, D.C., the 15th day of December 1971.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch,
Livestock Marketing Division, Packers and Stockyards Administration.

[FR Doc.72-1 Filed 1-3-72;8:45 am]

V
37
1
JA
N
4
7
2
XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

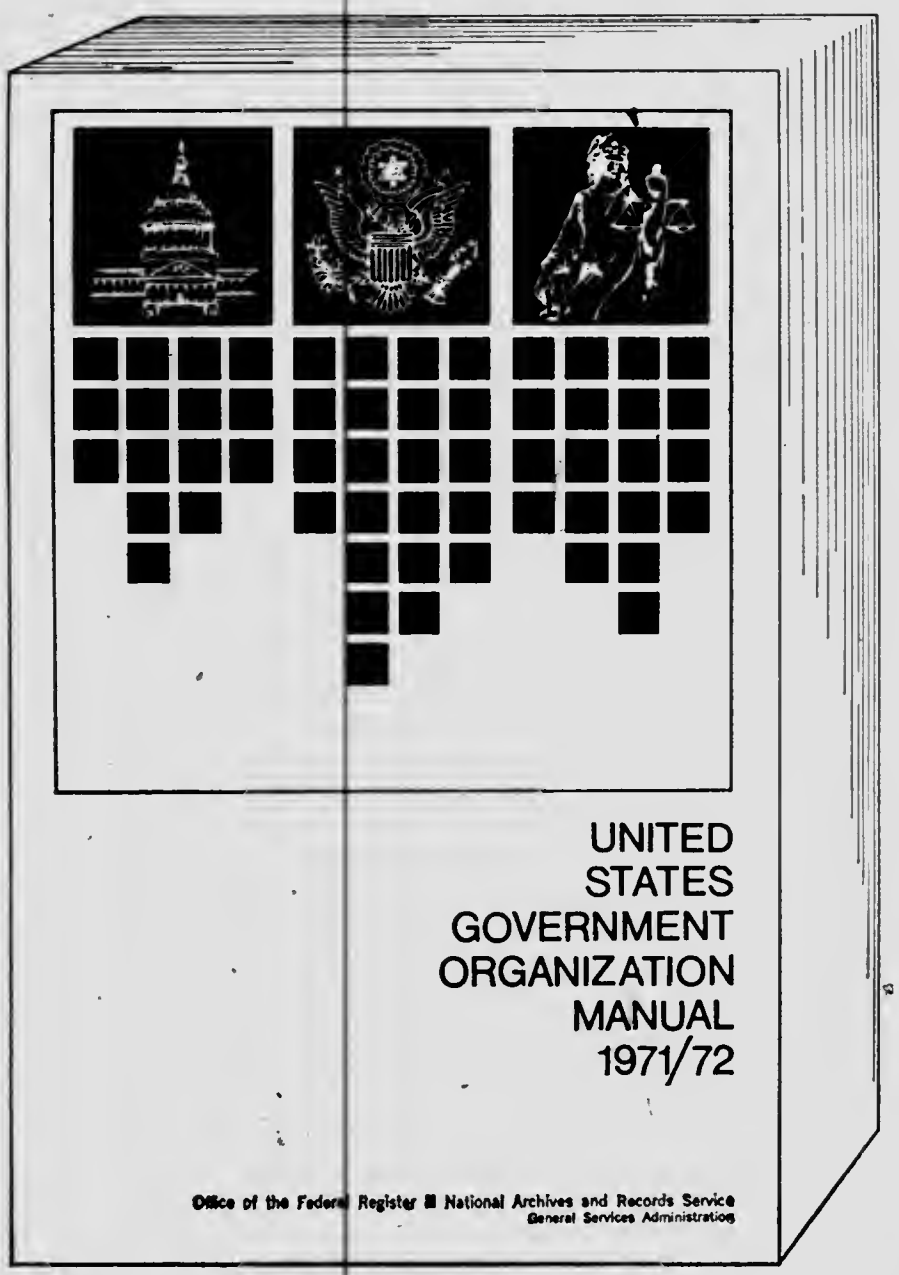
This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

JAN 4 72
XUM

Know your Government...



The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

WEDNESDAY, JANUARY 5, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 2

Pages 63–123

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FEDERAL CREDIT UNIONS—
National Credit Union Admin. regulation..... 70
National Credit Union Admin. proposal on suspension or revocation procedures; comments by 2–7–72..... 95

TRADE AGREEMENTS—CAB renewal of authorization for one year; effective 12–30–71..... 72

SECURITIES BROKERS/DEALERS—SEC adoption of amendment to hypothecation rules extending exemption for clearing house liens to registered national securities association..... 73

NEW ANIMAL DRUGS—FDA approval of ammonium chloride for use as a feed grade product for cattle and sheep; effective 1–5–72..... 74

FOOD ADDITIVE—EPA establishment of food additive tolerances for combined residues of 3',4'-dichlorapropionanilide; effective 1–5–72.... 74

FAIR HOUSING—HUD regulations on affirmative marketing; effective 2–25–72..... 75

MORTGAGE INSURANCE—HUD regulations to permit insurance of mortgages on dwellings owned by servicemen; effective 1–5–72..... 76

MILITARY RESERVATION—Panama Canal Co. amendment to regulations; effective 1–5–72..... 77

HERBICIDE—EPA establishment of tolerances for 3',4'-dichloropropionanilide; effective 1–5–72 78

(Continued inside)

V 37 2 JAN 5 72
XUM

Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements; and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. It includes an Index of Contents and a system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist of White House releases, and a digest of other White House announcements.

This systematic publication of Presidential items provides users with up-to-date information and a permanent reference source concerning Presidential policies and pronouncements.

Subscription Price: $9.00 per year

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from: Superintendent of Documents
U.S. Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

POTATO RESEARCH AND PROMOTION PLAN—USDA decision and referendum order on proposal 81

MEAT AND MEAT PRODUCTS—USDA proposal to allow importation of meat from El Salvador; comments within 30 days 85

NEW DRUGS—FDA proposal concerning classification of over-the-counter drugs generally recognized as safe and effective and not misbranded; comments within 60 days 85

MEDICARE—HEW proposal relating to review procedures and suspensions of payment to providers and suppliers; comments by 2–4–72 89

FOREIGN ATOMIC ENERGY PROGRAMS—AEC proposal on unclassified activities; comments within 30 days 92

PESTICIDES—EPA proposals on tolerances and exemptions for certain pesticide chemicals (4 documents) 92–94

BIO-MEDICAL TELEMETRY—FCC extension of waivers for exemption of the duty cycle limitation 94

RENEGOTIATION BOARD—Renegotiation Board proposal regarding modifications of regulations; comments within 30 days 99

ANTACID DRUGS—FDA notice requesting data and information for safety and efficacy review 102

ENVIRONMENTAL REPORTS—
AEC notice of applicant's report for proposed Mendocino Power Plant, Units 1 and 2, in California 105
AEC notice of applicant's supplemental report for Midland Plant, Units 1 and 2, in Michigan 104

AIR FREIGHT RATES—CAB notice of suspension, pending investigation, blocked-space general commodity container rates and charges proposed by American 105

FUNGICIDE—EPA notice proposing establishment of tolerance for residues of the fungicide benomyl 107

SHEET GLASS (BLOWN OR DRAWN FLAT GLASS)—Tariff Comm. notice of report to the President on continuation of modified escape-clause rates 118

MEDICARE PREMIUM—HEW announcement of rate for supplementary benefits 103

INCOME TAX—IRS notice of hearing 1–21–72 on proposal relating to information to be furnished on qualified and nonqualified plans of deferred compensation 99

Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations
Public information; organizational changes 69

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Consumer and Marketing Service.

Notices
Louisiana; designation of emergency loan area 101

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Rules and Regulations
Fair housing regulations; affirmative marketing 75
Servicemen's mortgage insurance; eligibility requirements 76

ATOMIC ENERGY COMMISSION

Proposed Rule Making
Foreign atomic energy programs; unclassified activities 92

Notices
Consumers Power Co.; availability of applicant's supplemental environmental report 104
Kerr-McGee Corp.; determination not to suspend operations pending completion of NEPA environmental review 104
Pacific Gas and Electric Co.; availability of applicant's environmental report 105
Wisconsin Electric Power Co. and Wisconsin-Michigan Power Co.; order reconvening evidentiary hearings 105

CIVIL AERONAUTICS BOARD

Rules and Regulations
Trade agreements; renewal of authorization for one year 72

Notices
Hearings, etc.:
Alaska Service Investigation 105
Allegheny Airlines, Inc 105
American Airlines, Inc 105
American-Western Merger Case 106
Compania Mexicana de Aviacion, S.A 106
International Air Transport Association 107
WTC Air Freight 107

COMMERCE DEPARTMENT

See International Commerce Bureau.

CONSUMER AND MARKETING SERVICE

Rules and Regulations
Lemons grown in Calif. and Ariz.; limitation of handling 70

(Continued on next page)

V 37 ■ 2
JAN 5 72
XUM

Proposed Rule Making

Importation of meat and meat products; proposal to add El Salvador to list of countries ---- 85
Potato research and promotion plan; decision and referendum order on proposed plan ---- 81
Tomatoes grown in Florida; proposed import regulations ---- 81

DEFENSE DEPARTMENT

Rules and Regulations

Employee-management cooperation; discontinuance of regulations ---- 77

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Rohm and Haas Co.; approval of petition and establishment of tolerances for 3',4'-dichloropropionanilide ---- 78

Proposed Rule Making

Certain pesticide chemicals in or on raw agricultural commodities; proposed tolerances (4 documents) ---- 92–94

Notices

Du Pont de Nemours, E.I., & Co., Inc.; filing of petition regarding pesticide chemical ---- 107

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Beech 99 series airplanes; airworthiness directive ----
Federal airway segments alteration and Federal airway and jet route designations ----
Standard instrument approach procedures; miscellaneous amendments ----

Proposed Rule Making

Transition area; designation ----

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Bio-medical radio telemetry systems; extension of waivers for exemption of the duty cycle limitation ----

Notices

Cease and desist orders:
Clark, Jeff, Jr ----
Palmer, Donald E ----
Common carrier services information; domestic public radio services applications accepted for filing ----
Standard broadcast application ready and available for processing ----

FEDERAL MARITIME COMMISSION

Notices

Bakke Steamship Corp.; withdrawal of order for production of documents ---- 115
Brito Forwarding Co.; revocation of license ---- 116

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Atkins, Tommy H ---- 116
Gulf Oil Corp. et al ---- 116

FEDERAL RESERVE SYSTEM

Notices

Nonbanking activities:
CPC International, Inc ---- 117
Milton Hershey School and School Trust ---- 117
Minnesota Mining and Manufacturing Co ---- 118

FISH AND WILDLIFE SERVICE

Rules and Regulations

Havasu National Wildlife Refuge, Ariz. and Calif.; public access, use and recreation ---- 79
Sport fishing:
Brazoria National Wildlife Refuge, Tex ---- 80
Havasu National Wildlife Refuge, Ariz. and Calif ---- 79
Tishomingo National Wildlife Refuge, Okla ----

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Ammonium chloride; approval for use as a feed grade product for cattle and sheep ----
Rohm and Haas Co.; approval of petition and establishment of tolerances for combined residues of 3',4'-dichloropropionanilide ----

Proposed Rule Making

Over-the-counter drugs; proposal establishing rule making procedures for classification ----

Notices

Over-the-counter antacid drug products safety and efficacy review; request for data and information ----

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Construction and alteration of public buildings; intergovernmental consultation on Federal projects ----

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Social Security Administration.

Notices

Supplementary medical insurance for the aged; notice of premium rate ---- 103

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Assistant Secretary for Housing Production and Mortgage Credit Office.

Notices

Regional Administrators et al.; redelegation of authority regarding loan and contract servicing ---- 104

INTERIOR DEPARTMENT

See Fish and Wildlife Service.

INTERNAL REVENUE SERVICE

Proposed Rule Making

Income tax; hearing on qualified and nonqualified plans for deferred compensation ---- 99

INTERNATIONAL COMMERCE BUREAU

Notices

Treyvaud, Rene, and Geoconsult; order denying export privileges ---- 101

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ---- 119
Fourth section application for relief ---- 119
Motor carriers:
Alternate route deviation notices (2 documents) ---- 119, 120
Applications and certain other proceedings (2 documents) ---- 120, 122
Intrastate applications ---- 122

NATIONAL CREDIT UNION ADMINISTRATION

Rules and Regulations

Reserves; technical change ---- 70

Proposed Rule Making

Suspension or revocation of charter; proposed revision of procedures regarding involuntary liquidation ---- 95

PANAMA CANAL

Rules and Regulations

Corozal Army Reservation; revision of boundary ---- 77

POSTAL SERVICE

Rules and Regulations

Civil defense; updating of emergency lines of succession for better continuity in time of national emergency ---- 77

Notices

Mail reclassification; notice of public meeting ---- 118

RENEGOTIATION BOARD

Proposed Rule Making

Standard commercial articles or services; mandatory exemption of contracts and subcontracts ---- 99

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Hypothecation rules exempting clearing house liens of registered national securities associations; adoption of rules ---- 73

Proposed Rule Making

Registered investment companies and their portfolio companies; disclosure of involvement, extension of time for comment ---- 99

SMALL BUSINESS ADMINISTRATION

Notices

Missouri; disaster loan area declaration ---- 118

SOCIAL SECURITY ADMINISTRATION

Proposed Rule Making

Federal health insurance for the aged; provider review procedures and suspension of payments under medicare ---- 89

TARIFF COMMISSION

Notices

Sheet glass; report to the President ---- 118

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

7 CFR
510 ---- 69
910 ---- 70
PROPOSED RULES:
966 ---- 81
980 ---- 81
1207 ---- 81

9 CFR
PROPOSED RULES:
327 ---- 85

10 CFR
PROPOSED RULES:
110 ---- 92

12 CFR
702 ---- 70
PROPOSED RULES:
715 ---- 95

14 CFR
39 ---- 70
71 ---- 71
75 ---- 71
97 ---- 71
225 ---- 72
PROPOSED RULES:
71 ---- 91

17 CFR
240 ---- 73
PROPOSED RULES:
274 ---- 99

20 CFR
PROPOSED RULES:
405 ---- 89

21 CFR
121 (2 documents) ---- 74
135e ---- 74
PROPOSED RULES:
130 ---- 85

24 CFR
200 ---- 75
222 ---- 76

26 CFR
PROPOSED RULES:
1 ---- 99

32 CFR
270 ---- 77
PROPOSED RULES:
1467 ---- 99

35 CFR
5 ---- 77

39 CFR
235 ---- 77

40 CFR
180 ---- 78
PROPOSED RULES:
180 (4 documents) ---- 92–94

41 CFR
101–17 ---- 78

47 CFR
PROPOSED RULES:
15 ---- 94

50 CFR
28 ---- 79
33 (3 documents) ---- 79, 80

V37-2
JAN 5 72
XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter V—Agricultural Research Service, Department of Agriculture

PART 510—PUBLIC INFORMATION

Organizational Changes

By order (36 F.R. 20207), effective October 31, 1971, the Secretary of Agriculture established the Animal and Plant Health Service in the Department of Agriculture and transferred certain functions and responsibilities of the Agricultural Research Service to the Director of Science and Education.

On Friday, December 24, 1971, the Animal and Plant Health Service revised the provisions of Part 370, relating to Public Information, to make them applicable only to that agency. This part was formerly applicable to the Agricultural Research Service prior to its reorganization, and appropriate public information provisions should also be made applicable to the Agricultural Research Service. Accordingly, pursuant to the public information provisions in 5 U.S.C. 552 and the provisions in 5 U.S.C. 301 and 559, a new Part 510 in Chapter 5 of Title 7, CFR, is issued to read as follows:

Subpart A. General

Sec.
510.1 General statement.
510.2 Organizational description.

Subpart B—Availability of Publications, Rules and Regulations, Staff Manuals and Instructions, and Related Material

510.3 ARS publications.
510.4 ARS rules and regulations.
510.5 Indices.
510.6 Records available from indices.
510.7 Facilities for inspection and copies.

Subpart C—Availability of Identifiable Records

510.10 Requests.
510.11 Delegation of authority.
510.12 Available records.
510.13 Exempt records.
510.14 Determinations.
510.15 Appeals.

AUTHORITY: The provisions of this Part 510 issued under 5 U.S.C. 301; 5 U.S.C. 552(a), (2), (3), and 552(b); 5 U.S.C. 559.

Subpart A—General

§ 510.1 General statement.

This part is issued in accordance with and subject to the regulations of the Secretary of Agriculture, §§ 1.1 through 1.4 of this title, and governs the availability of records of the Agricultural Research Service (ARS) to the public upon request.

§ 510.2 Organizational description.

The description of the central and field organization of ARS, is published as a notice in the FEDERAL REGISTER and may be revised from time to time in a like manner.

Subpart B—Availability of Publications, Rules and Regulations, Staff Manuals and Instructions and Related Material

§ 510.3 ARS publications.

The ARS issues publications covering results of completed research and furnishing technical agricultural information. Most of these publications are available free from the USDA Publication Division, Office of Information, or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at established rates. Publications not available from these sources will be made available for public inspection and copying.

§ 510.4 ARS rules and regulations.

The ARS continuously publishes and maintains current rules and regulations covering its research responsibilities. Such rules and regulations are set forth in this chapter and Chapter IV, Title 9 of the Code of Federal Regulations and are made currently available to the public by publication in the daily FEDERAL REGISTER, which is available to the public, as published, from the Government Printing Office.

§ 510.5 Indices.

ARS will maintain and make available at each office listed in § 510.7 for public inspection and copying a current index providing identifying information with respect to the records referred to in § 510.6.

§ 510.6 Records available from indices.

Records listed in the indices will include final opinions and orders, statements of policy and interpretation, and administrative staff manuals and instructions, except those exempt from disclosure as described in § 510.13.

§ 510.7 Facilities for inspection and copies.

Facilities for public inspection and copying of the material described in the foregoing sections will be provided by ARS at the addresses listed below during regular working hours. Copies of such material may also be obtained in person or by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations, USDA.

I. Plant Science and Entomology—Material concerning Plant Science and Entomology research programs:

Deputy Administrator, Plant Science and Entomology ARS, Room 324–A, Administration Building, 14th and Independence Avenue SW, Washington, DC 20250.

II. Soils, Water and Engineering—Material concerning Soils, Water and Engineering research programs:

Deputy Administrator, Soils, Water, and Engineering, ARS, Room 330–A, Administration Building, 14th and Independence Avenue SW, Washington, DC 20250.

III. Livestock Research—Material concerning Livestock research programs:

Deputy Administrator, Livestock Research, ARS, Room 340–A, Administration Building, 14th and Independence Avenue SW, Washington, DC 20250.

IV. Marketing and Nutrition—Material concerning Marketing and Nutrition research programs:

Deputy Administrator, Marketing and Nutrition, ARS, Room 338–A, Administration Building, 14th and Independence Avenue SW., Washington, DC 20250.

V. Administrative Management—Material concerning administrative management activities:

Deputy Administrator, Administrative Management, ARS, Room 302–A, Administration Building, 14th and Independence Avenue SW., Washington, DC 20250.

VI. International Programs—Materials concerning foreign research contract and grant activities for the Department carried out by foreign governments and scientific organizations under Public Law 480 and related programs:

Director, International Programs Division, ARS, Room 1671, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250.

VII. Information Division—Published material concerning research activities including press releases, special articles, periodicals:

Director, Information Division, ARS, Room 5133, South Agriculture Building, 14th and Independence Avenue SW., Washington, DC 20250.

Subpart C—Availability of Identifiable Records

§ 510.10 Requests.

Requests for ARS records, other than those available under Subpart B, shall be made in writing to the appropriate Deputy Administrator or Division Director responsible for the program. Each record sought must be identified with reasonable specificity. Requests may be submitted in person or by mail.

The above does not preclude persons from requesting such material in person, or in writing, directly from a field office, if it has been customary to obtain the information in this manner and the request is made during the local working hours of the office involved.

§ 510.11 Delegation of authority.

Subject to § 510.15, the Deputy Administrators or the Directors of the Information or International Programs Division are authorized to act on behalf of ARS, on all such requests in accordance with 5 U.S.C. 552, as implemented by this subpart.

§ 510.12 Available records.

ARS will promptly make available all ARS records requested in accordance with § 510.10 except exempt records as described in § 510.13.

V37-2
JAN 5 72
XUM

§ 510.13 Exempt records.

Exempt records of ARS include the following:

(a) Matters specifically required by executive order to be kept secret.

(b) Matters related solely to the internal personnel rules and practices of the agency.

(c) Matters specifically exempted from disclosure by statute.

(d) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential. This would include but would not be limited to:

(1) Scientific and technical data on products or processing methods submitted by contractor, grantee, cooperator, and manufacturer or processor.

(2) Data in research studies including information on commercial facilities and procedures where disclosure would adversely affect the respondent.

(3) Records concerning research project descriptions, progress reports or information concerning incomplete research prior to formal publication when such release would adversely affect the public interest.

(e) Interagency or intraagency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. This would include but would not be limited to:

(1) Records involving any pending or expected claim actions against the Government resulting from property damage or personal injury.

(2) Documents covering agency plans which may be subject to revision before presentation.

(3) Reports of internal deliberations where premature release could harm the authorized and appropriate purpose for which they are being used.

(4) Preparatory budget material.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

§ 510.14 Determinations.

The appropriate Deputy Administrator or Division Director shall promptly make available any ARS records requested in accordance with § 510.10, unless he determines that it is an exempt record. He shall give prompt written notice of any such determination together with the reasons therefor.

§ 510.15 Appeals.

The denial of any request for an ARS record or records may be appealed by the person who made the request to the Administrator of ARS. The appeal shall be made in writing within 30 days of the date of the notice of denial. The Administrator will give written notice of the final determination of ARS.

The foregoing action is taken to reflect organizational changes within the Department of Agriculture and does not substantially affect the rights or obligation of any member of the public.

These regulations shall become effective upon publication in the FEDERAL REGISTER (1-5-72).

Done at Washington, D.C., this 30th day of December 1971.

J. P. MCAULEY,
Acting Administrator,
Agricultural Research Service.

[FR Doc.72-128 Filed 1-4-72;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 514]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.814 Lemon Regulation 514.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 29, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 2, 1971, through January 8, 1971, is hereby fixed at 180,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 30, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer Marketing Service.

[FR Doc.71-19175 Filed 12-30-71;11:14 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 702—RESERVES

Technical Change

Pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, § 702.1 of Part 702 (12 CFR 702.1) is amended as set forth below. This amendment is purely a technical change and is effective immediately.

HERMAN NICKERSON, Jr.,
Administrator.

DECEMBER 28, 1971.

§ 702.1 Reserves in general.

Federal credit unions shall establish and maintain such reserves as may be required by the Act, by regulation, or in special cases by the Administrator on his finding that the reserves of the Federal credit union concerned are insufficient to protect the interests of its members.

[FR Doc.72-98 Filed 1-4-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-33-AD; Amdt. 39-1368]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 99 Series Airplanes

An airworthiness directive was adopted on December 18, 1971, and made effective immediately as to all known owners/operators of Beech 99 series airplanes.

This AD was issued because of landing gear retraction system malfunctions on these series aircraft which have resulted in accidents or incidents. Since these conditions were likely to exist or develop in airplanes of the same or similar type design, the AD was issued and requires inspection, parts replacement as necessary, lubrication and rerigging of the landing gear retraction system on Beech 99 series airplanes to reduce the probability of such occurrences in the future.

Since it was found that immediate corrective action was required, notice and public procedure hereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately to the owners/operators of Beech 99 series airplanes by telegrams dated December 18, 1971. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to 99 series airplanes (Serial Numbers U-1 through U-145).

Compliance: Required as indicated, unless already accomplished.

To reduce probability of landing gear retraction system malfunction, within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 500 hours' time in service, accomplish the following:

(A) Inspect the complete landing gear retraction system for wear, deterioration and rigging.

(B) Disassemble as required and lubricate all retraction system components with special emphasis on actuators, drive chain, and emergency extension systems.

(C) Replace all defective or excessively worn parts. Reassemble and rerig entire landing gear retraction system.

(D) Paragraphs A, B, and C must be accomplished in accordance with the current Beech 99 Airliner Shop Manual, Part No. 99-590015B, section 5 entitled "Landing Gear and Brake System" and section 15 entitled "Overhaul and Replacement Schedule", or by any equivalent methods approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(E) Report all defects found in complying with this AD. Such reports must be made in writing and sent to Chief, Engineering and Manufacturing Branch, FAA, Central Region, and should include such items as aircraft serial number, total time in service, nature of defect and corrective action accomplished. (Report approved by Bureau of Budget under BOB No. 04-R0174.)

(F) To accomplish the requirements of this AD the airplane may be flown to a base in accordance with FAR 21.197.

This amendment becomes effective January 5, 1972, to all persons except those to whom it was made effective by telegram dated December 18, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on December 23, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-99 Filed 1-4-72;8:46 am]

[Airspace Docket No. 70-AL-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airway Segments and Designation of Federal Airway and Jet Routes

On October 15, 1971, F.R. Doc. 71-15046 was published in the FEDERAL REGISTER (36 F.R. 20036). Item 1. C. of this document amended Part 71 of the Federal Aviation Regulations by adding a west alternate to V-506 between Bethel, Alaska, and Nome, Alaska.

As stated in the notice of proposed rule making (36 F.R. 12112), the west alternate to V-506 should have been between Nome, Alaska, and Kotzebue, Alaska. Action is taken herein to show this change.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing, F.R. Doc. 71-15046 is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Item 1.C. § 71.125 (36 F.R. 2042, 1249 and 20036) is amended to read as follows:

In V-506 the phrase "Kotzebue, Alaska." is deleted and the phrase "Kotzebue, Alaska, including a west alternate." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854, 24 F.R. 9565, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on December 30, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-102 Filed 1-4-72;8:46 am]

[Docket No. 11624; Amdt. No. 789]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective January 27, 1972.

San Bernardino, Calif.—Tri-City Airport; ADF-1, Amdt. 1; Canceled.
Kingman, Ariz.—Kingman Airport; VOR-2, Amdt. 1; Canceled.

2. Section 97.13 is amended by establishing, revising or canceling the following Ter VOR SIAPs, effective January 27, 1972.

La Verne, Calif.—Brackett Field; VOR R-164, Amdt. 2; Canceled.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME, SIAPs, effective January 27, 1972.

Alpena, Mich.—Phelps-Collins Airport; VOR Runway 12, Amdt. 3; Revised.
Alpena, Mich.—Phelps-Collins Airport; VOR Runway 18, Amdt. 4; Revised.
Alpena, Mich.—Phelps-Collins Airport; VOR Runway 36, Amdt. 4; Revised.
Cape Girardeau, Mo.—Cape Girardeau Municipal Airport; VOR-A, Amdt. 4; Revised.
Cape Girardeau, Mo.—Cape Girardeau Municipal Airport; VOR Runway 2, Amdt. 4; Revised.
Cape Girardeau, Mo.—Cape Girardeau Municipal Airport; VOR Runway 10, Amdt. 1; Revised.
Chicago, Ill. (Wheeling)—Pal Waukee Airport; VOR Runway 16, Amdt. 13; Revised.
Dallas, Tex.—Addison Airport; VOR-A, Original; Established.

V 37 2
JAN 5 72
XUM

Dallas, Tex.—Addison Airport; VOR Runway 33, Amdt. 12; Revised.
Everett, Wash.—Snohomish County (Paine Field); VOR Runway 16, Original; Established.
Kenosha, Wis.—Kenosha Municipal Airport; VOR Runway 14, Amdt. 1; Canceled.
Kingman, Ariz.—Kingman Municipal Airport; VOR Runway 21, Original; Established.
La Verne, Calif.—Brackett Field; VOR-A, Original; Established.
McAllen, Tex.—Miller International Airport; VOR-A, Amdt. 6; Revised.
McAllen, Tex.—Miller International Airport; VOR Runway 13, Amdt. 7; Revised.
McGregor, Tex.—McGregor Municipal Airport; VOR Runway 17, Amdt. 2; Revised.
Menominee, Mich.—Menominee County Airport; VOR Runway 18, Amdt. 5; Revised.
Missoula, Mont.—Johnson-Bell Field; VOR-A, Amdt. 12; Revised.
Northbrook, Ill.—Sky Harbor Airport; VOR-A, Amdt. 7; Revised.
Oklahoma City, Okla.—Wiley Post Airport; VOR-A, Amdt. 9; Revised.
Pontiac, Mich.—Oakland-Pontiac Airport; VOR Runway 9, Amdt. 13; Revised.
Pontiac, Mich.—Oakland-Pontiac Airport; VOR Runway 27, Amdt. 6; Revised.
Pueblo, Colo.—Pueblo Memorial Airport; VOR Runway 25R, Amdt. 15; Revised.
San Jose, Calif.—San Jose Municipal Airport; VOR-A, Amdt. 1; Revised.
San Jose, Calif.—San Jose Municipal Airport; VOR Runway 12R/L, Amdt. 12; Revised.
Upland, Calif.—Cable Airport; VOR Runway 6, Amdt. 2; Revised.
Worthington, Minn.—Worthington Municipal Airport; VOR Runway 17, Amdt. 5; Revised.
Worthington, Minn.—Worthington Municipal Airport; VOR Runway 35, Amdt. 1; Revised.

4. Section 97.23 is amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective January 27, 1972.

Grayslake, Ill.—Campbell Airport; VOR/DME-A, Original; Established.
Fond du Lac, Wis.—Fond du Lac Co. Airport; VOR/DME Runway 18, Amdt. 1; Revised.
Raton, N. Mex.—Crews Field; VOR/DME Runway 2, Amdt. 1; Revised.
San Jose, Calif.—San Jose Municipal Airport; VOR/DME Runway 12R/L, Original; Established.
San Jose, Calif.—San Jose Municipal Airport; VOR/DME Runway 30L/R, Amdt. 1; Revised.
Watsonville, Calim.—Watsonville Municipal Airport; VOR/DME-A, Original; Established.

5. Section 97.25 is amended by establishing, revising or canceling the following SDF-LOC-LDA SIAPs effective January 27, 1972.

Colorado Springs, Colo.—Peterson Field; LOC (BC) Runway 17, Amdt. 8; Revised.
San Jose, Calif.—San Jose Municipal Airport; LOC (BC) Runway 12R, Amdt. 8; Revised.
San Jose, Calif.—San Jose Municipal Airport; LOC/DME Runway 30L, Amdt. 1; Revised.

6. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective January 27, 1972.

Crockston, Minn.—Crockston Municipal Kirkwood Field; NDE Runway 13, Amdt. 1; Revised.
Decorah, Iowa—Decorah Municipal Airport; NDB Runway 29, Amdt. 3; Revised.
Graham, Tex.—Graham Municipal Airport; NDB Runway 17, Amdt. 1; Revised.
Killeen, Tex.—Killeen Municipal Airport; NDB-A, Original; Established.
San Bernardino, Calif.—Tri-City Airport; NDB Runway 7, Original; Established.
Sioux Falls, S. Dak.—Joe Foss Field; NDB Runway 3, Amdt. 14; Revised.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective January 27, 1972.

Anchorage, Alaska—Anchorage International Airport; ILS Runway 6L, Original; Established.
Great Falls, Mont.—Great Falls International Airport; ILS Runway 34, Amdt. 15; Revised.
Morgantown, W. Va.—Morgantown Municipal Airport; ILS Runway 18, Original; Established.
Oakland, Calif.—Metropolitan Oakland International Airport; Parallel ILS Runway 27R, Amdt. 1; Cancelled.
Oakland, Calif.—Metropolitan Oakland International Airport; Parallel ILS Runway 29, Amdt. 1; Cancelled.
San Jose, Calif.—San Jose Municipal Airport; ILS Runway 30L, Amdt. 10; Revised.
Sioux Falls, S. Dak.—Joe Foss Field; ILS Runway 3, Amdt. 16; Revised.
Washington, D.C.—Dulles International Airport; ILS Runway 19L, Original; Established.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective January 27, 1972.

Minneapolis, Minn.—Minneapolis-St. Paul International Wold Chamberlain Airport; RADAR-1, Amdt. 22; Revised.
Oklahoma City, Okla.—Will Rogers World Airport; RADAR-1, Amdt. 10; Revised.
St. Louis, Mo.—St. Louis International Airport; RADAR-1, Amdt. 15; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 522(a)(1))

Issued in Washington, D.C., on December 22, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-26 Filed 1-4-72;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-718, Amdt. 9]

PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

Renewal of Part for One Year

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1971.

By EDR-217, dated November 5, 1971,[1] the Board proposed to extend Part 225 of the Economic Regulations for an addition 2 years.[2]

Comments in response to the notice of proposed rule making were filed by Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Air Corp. (Air West),[3] Mohawk Airlines, Inc., and North Central Airlines, Inc., jointly, Ozark Air Lines Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and United Air Lines, Inc. (United). Upon consideration we have determined to adopt the proposal except as modified herein.[4]

All of the commenting parties except United support the proposal to extend the part.[5] United argues that the reason underlying our previous and instant extensions of the part—i.e., the deteriorating financial conditions of the local carriers and attendant subsidy requirements—is not, and has never been, a sufficient legal justification for continuing the exemption. United further submits that the Board has not made the findings which are required by section 416(b)(1) of the Act.

United points out that the size and resources of the local carriers have increased since Part 225 was originally promulgated, and that local carriers now have nonsubsidized long-haul route segments which compete with segments of trunk carriers. In this connection, United offers statistics to show that, in the second quarter of 1970, 43 percent of the local service carriers' revenue passenger miles (807.6 million RPM's) were in markets competitive with trunk carriers.[6] However, the total number of domestic RPM's operated in that same quarter by the trunk carriers was more than 23.2 billion.[7] Thus, the RPM's operated by local service carriers in markets competitive with trunk carriers amounted to approximately 3½ percent of the trunk carriers' total domestic RPM's for the period in question. In view of this, it does not appear that failure to extend Part 225 at this time would result in any significant benefit to the trunk carriers, but, rather, would be likely to result in an increase in the local service carriers' need for subsidy.

The local service carriers, as a class, have historically been unable to earn revenues sufficient to meet the costs of their operations. This inability, in turn, stems from the short-haul, low density nature of their route systems, and requires the payment of substantial subsidies to support their operations. The trade agreements authorized under Part 225 have provided some degree of assistance in reducing cash needs and facilitating advertsing and promotion and thereby reducing dependence upon subsidy. To the extent that enforcement of the pertinent provisions of section 403 of the Act and Part 221 of the regulations would prevent the use of trade agreements during the term of the extension of this part, we find that such enforcement would constitute an undue burden on the carriers by reason of these unusual circumstances affecting their operations and would not be in the public interest.

Nevertheless, while the trade agreement program has been useful in the development of local service and other subsidized carriers, we recognize that the situation of the local service carriers vis-a-vis the trunk carriers has changed considerably from that which obtained when the program was initiated, in that there is now a significant amount of head-to-head competition between the two classes of carrier. For this reason, we have determined to renew the part for 1 year, rather than the proposed 2 years. Moreover, we intend to issue a notice of rule making in early 1972 proposing to phase out the trade agreement program within the next 3 or 4 years by annual reductions in the trade-out allowance.

Since this amendment continues an exemption and imposes no burden upon any person, it may become effective immediately.

In consideration of the foregoing, the Board hereby amends Part 225 of its Economic Regulations (14 CFR Part 225), effective December 30, 1971, as follows:

1. Amend paragraph (a) of § 225.2 to read as follows:

§ 225.2 Filing of notice of trade agreement and cancellation of such agreement.

(a) *Notice of trade agreement.* Any airline may at any time prior to December 18, 1972, file with the Board a notice of its intention to furnish air transportation in exchange for services or goods for advertising purposes. Every such notice shall be accompanied by an executed counterpart of a written agreement, containing all the terms of the agreement between the parties thereto, duly entered into by such air carrier with the supplier, and by an affidavit by the chief financial officer or other responsible officer of the airline having knowledge of the transaction in the form required by § 225.4. Every such notice shall be filed at least 14 days prior to the effective date specified in the trade agreement. Within the meaning of this part, air transportation shall be deemed to be furnished when the passenger is actually enplaned.

* * * * * * *

2. Amend paragraph (a) of § 225.5 to read as follows:

§ 225.5 Provisions of agreement.

Each trade agreement entered into by an airline hereunder shall provide:

(a) That it shall become effective on a specified day, on or before January 1, 1973;

* * * * * * *

(Secs. 204(a), 403, 404, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 [as amended by 74 Stat. 445], 760 and 771; 49 U.S.C. 1324, 1374, and 1386)

Effective: December 30, 1971.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-154 Filed 1-4-72;8:51 am]

[1] 36 F.R. 21601, November 11, 1971; Docket 23967.

[2] Part 225 exempts local service and certain other categories of carrier from certain provisions of Section 403 of the Act and Part 2221 of the Economic Regulations, insofar as such provisions would bar such carriers from exchanging transportation for advertising goods or services up to maximum specified amounts for each category. The exemption expired by its terms, on December 18, 1971.

[3] The comment of Air West was received by the Board several days after the expiration of the time for filing comments in this proceeding. However, by a letter of December 6, 1971, counsel for Air West states that the document was mailed from California on November 26, which would normally have permitted ample time for it to arrive on the due date, November 29. In view of this, we have determined to accept the comment.

[4] On November 2, 1971, Air West filed a petition to extend Part 225 for 2 years (Docket 23957). In view of our action herein, the Air West petition is hereby dismissed.

[5] Air West suggests that the Board increase the limitation of trade agreement advertising by at least 30 percent. No other party has raised this issue and, in view of the considerations expressed further herein, we have determined to deny Air West's request.

[6] A competitive market is defined as being one in which the local carrier and a trunk carrier each have 10 percent or more participation.

[7] Air Carrier Traffic Statistics, April, May, and June of 1970.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9428]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Hypothecation Rules Exempting Clearing House Liens of Registered National Securities Associations

The Securities and Exchange Commission announced today that it has amended Rules 8c-1 (17 CFR 240.8c-1) and 15c2-1 (17 CFR 240.15c2-1) ("the hypothecation rules") under the Securities Exchange Act of 1934 (Exchange Act) by including within the exemption in paragraph (d) of each of those rules for clearing house liens, the liens or claims of a clearing corporation, or similar department or association, of a national securities association registered with the Commission pursuant to section 15A of the Exchange Act. In essence, the hypothecation rules prohibit the commingling under the same lien of securities of margin customers (a) with other customers without their written consent and (b) with persons other than customers. They also prohibit the rehypothecation of customers' margin securities for a sum in excess of the aggregate indebtedness of customers on securities.

Presently, paragraph (d) of both Rules 8c-1 and 15c2-1 provides a limited exemption from the prohibitions of these rules with respect to certain liens or claims of a clearing corporation, or similar department or association, of a national securities exchange. The National Association of Securities Dealers, Inc. (NASD), a national securities association registered with the Commission under section 15A of the Act, is now in the process of furnishing clearing and settlement facilities through its wholly owned subsidiary, the National Clearing Corp., in order to provide the broker-dealer community with additional and expanded facilities for the improvement of operations and the reduction of the back office paperwork. The Commission, accordingly, has amended paragraph (d) of the hypothecation rules by including in its exemptive reach the liens and claims of clearing corporations, or similar departments or associations, of registered national securities associations.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 8(c), 15(c)(2), and 23(a) thereof, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting the following amendments to §§ 240.8c-1 and 240.15c2-1:

Section 240.8c-1 is amended by adding immediately preceding the words ", for a loan made and to be repaid on the same calendar day", the following words, "or a registered national securities association." As amended, § 240.8c-1 will read as follows:

§ 240.8c-1 Hypothecation of customers' securities.

* * * * * * *

(d) *Exemption for clearinghouse liens.* The provisions of paragraphs (a)(2), (a)(3), and (f) of this section shall not apply to any lien or claim of the clearing corporation, or similar department or association, of a national securities exchange or a registered national securities association for a loan made and to be repaid on the same calendar day, which is incidental to the clearing of transactions in securities or loans through such corporation, department, or association: *Provided, however,* That for the purpose of paragraph (a)(3) of this section, "aggregate indebtedness of all customers in respect of securities carried for their accounts" shall not include indebtedness in respect of any securities subject to any lien or claim exempted by this paragraph.

* * * * * * *

Section 240.15c2-1 is amended by adding immediately preceding the words ", for a loan made and to be repaid on the same calendar day", the following words, "or a registered national securities association." As amended, § 240.15c2-1 will read as follows:

§ 240.15c2-1 Hypothecation of customers' securities.

* * * * * * *

(d) *Exemption for clearing house liens.* The provisions of paragraphs (a)(2), (a)(3), and (f) of this section shall not apply to any lien or claim of the clearing corporation, or similar department or

V37-2 JAN 5 72 XUM

association, of a national securities exchange or a registered national securities association, for a loan made and to be repaid on the same calendar day, which is incidental to the clearing of transactions in securities or loans through such corporation, department, or association: *Provided, however,* That for the purpose of paragraph (a) (3) of this section, "aggregate indebtedness of all customers in respect of securities carried for their accounts" shall not include indebtedness in respect of any securities subject to any lien or claim exempted by this paragraph.

* * * * *

Because the effect of the above described amendments would be to relax certain of the requirements of Rules 8c–1 and 15c2–1 under the Exchange Act, the Commission finds that, for good cause the notice and procedure specified in the Administrative Procedure Act, 5 U.S.C. 553, is unnecessary, and accordingly it adopts the foregoing amendments effective immediately.

(Sec. 8(c), 48 Stat. 888, Sec. 15(c)(2), 15 U.S.C. 78h; 48 Stat. 895, as amended 52 Stat. 1075, Sec. 2, 15 U.S.C. 780; Sec. 23(a), 48 Stat. 901, as amended 49 Stat. 1379, 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

DECEMBER 29, 1971.

[FR Doc.72–109 Filed 1–4–72;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

3',4'-DICHLOROPROPIONANILIDE

A petition (FAP 0H2501) was filed with the Environmental Protection Agency by the Rohm and Haas Co., Philadelphia, Pa. 19105, proposing establishment of food additive tolerances for the combined residues of 3',4'-dichloropropionanilide and its metabolites in or on rice bran, rice polishings, and other milling fractions at 10 parts per million and in or on rice hulls at 6 parts per million, resulting from application of the subject herbicide to growing rice. Subsequently, the petitioner amended the petition by increasing the tolerance level requested on rice hulls to 10 parts per million.

3',4'-dichloropropionanilide qualifies both as a pesticide chemical and a food additive, as defined by the Federal Food, Drug, and Cosmetic Act (sec. 201(q) and (s), 68 Stat. 511, 72 Stat. 1784, 21 U.S.C. 321 (q) and (s)).

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerances should be established.

Therefore, pursuant to provisions of the Act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 121 is amended by adding the following new section to Subpart C:

§ 121.336 3',4'-Dichloropropionanilide.

A tolerance of 10 parts per million is established for the combined residues of the herbicide 3',4'-dichloropropionanilide and its metabolites (calculated as 3',4'-dichloropropionanilide) in or on rice bran, rice hulls, rice polishings, and other milling fractions resulting from application of the herbicide to the growing raw agricultural commodity rice.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–5–71).

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–127 Filed 1–4–72;8:49 am]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Ammonium Chloride, Feed Grade

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34–253V) filed by Allied Chemical Corp., Agricultural Division, 40 Rector Street, New York, NY 10006, proposing revised labeling regarding the safe and effective use of ammonium chloride as a feed grade product. The supplemental application is approved.

The order also provides for recodification of the regulation concerning ammonium chloride from Part 121 to Part 135e in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. Part 121 is amended in Subpart C by deleting § 121.312 *Ammonium chloride* which is being recodified into Part 135e.

2. Part 135e is amended by adding the following new section:

§ 135e.43 Ammonium chloride, feed grade.

(a) *Chemical name.* Ammonium chloride.

(b) *Specifications.* The ammonium chloride conforms to the following:

(1) Assay after drying: 99 percent minimum.

(2) Sodium chloride: 0.6 percent maximum.

(3) Loss on drying: 0.5 percent maximum.

(4) Arsenic (as As): 3 parts per million maximum.

(5) Heavy metals (as Pb): 10 parts per million maximum.

(c) *Approvals.* Premix level of 99 percent has been granted; for sponsors see code Nos. 002 and 050 in § 135.501(c) of this chapter.

(d) *Assay limits.* Finished feed must contain not less than 85 percent nor more than 115 percent of labeled amount.

(e) *Special considerations.* Maximum level permitted in medicated concentrate is 8 percent for administration to cattle and 6 percent for administration to sheep.

(f) *Conditions of use.* It is used as follows:

AMMONIUM CHLORIDE IN FEED OF CATTLE AND SHEEP

	Amount	Limitations	Indications for use
	Grams per head per day		
1. Ammonium chloride.	21.3–35.5 (0.75–1.25 ozs.)	For range cattle	Reduction of the incidence of urinary calculi.
2. Ammonium chloride.	28.4–42.5 (1.0–1.5 ozs.)	For fattening cattle	Do.
3. Ammonium chloride.	7.1 (0.25 oz.)	For sheep	Do.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1–5–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(b)(i))

Dated: December 21, 1971.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.72–70 Filed 1–4–72;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[Docket No. R–71–118]

PART 200—INTRODUCTION

Subpart M—Affirmative Fair Housing Marketing Regulations

The purpose of these regulations is to promote a condition in which individuals of similar income levels in the same housing market area have available to them a like range of choices in housing regardless of the individuals' race, color, religion, or national origin.

Notice of a proposed amendment to 24 CFR Part 200 was published in the FEDERAL REGISTER on June 22, 1971 (36 F.R. 11869) and comments were received from interested persons and organizations. The Department determined that several significant changes should be made, and deemed it appropriate to republish the proposed regulations for further comment in the FEDERAL REGISTER on October 2, 1971 (36 F.R. 19320/21). Eighteen comments were received from interested persons and organizations and consideration has been given to each comment.

In response to the comments received, § 200.615 (a) and (b) has been reworded to clarify the basis for applicability of the regulations. Section 200.620(a) was changed to make it clear that the requirement for an affirmative marketing program for each multifamily project applies throughout the life of the mortgage as well as to initial sale or rental. Paragraph (e) of § 200.620 now makes it clear that Fair Housing materials must be displayed in all offices in which sale or rental activity pertaining to the project or subdivision takes place. Also in response to comments received, § 200.625 was modified to provide that the form for the affirmative fair housing marketing plan be made available for public inspection at the sales or rental offices of the applicant.

A new § 200.640 was added to make it clear that compliance with this rule is in addition to any other requirements of Executive Order 11063 and title VIII of the Civil Rights Act of 1968.

Several minor changes were made for purposes of clarity and specificity, and an appendix has been added to specify the Equal Housing Opportunity logo, statement and slogan referenced in the rule.

Comments were received from several interested organizations suggesting that the regulations be made to apply to all housing, whether or not already in existence, and without regard to whether FHA programs are involved. While it is recognized that the recommendations have merit, they have not been incorporated in the final rule. These are the Department's initial regulations in the field of affirmative marketing, and the Department considers it appropriate to evaluate their efficacy with respect to the FHA subsidized and unsubsidized housing covered by the rule before determining whether to extend its applicability.

Accordingly, Part 200 of Title 24 is amended by including a new Subpart M to read as follows:

Subpart M—Affirmative Fair Housing Marketing Regulations

Sec.
200.600 Purpose.
200.605 Authority.
200.610 Policy.
200.615 Applicability.
200.620 Requirements.
200.625 Affirmative fair housing marketing plan.
200.630 Notice of housing opportunities.
200.635 Compliance.
200.640 Effect on other requirements.

Appendix—Equal Housing Opportunity Insignia.

AUTHORITY: The provisions of this Subpart M issued under section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d).

Subpart M—Affirmative Fair Housing Marketing Regulations

§ 200.600 Purpose.

The purpose of this subpart is to set forth the Department's equal opportunity regulations for affirmative fair housing marketing under FHA subsidized and unsubsidized housing programs.

§ 200.605 Authority.

The regulations in this subpart are issued pursuant to the authority to issue regulations granted to the Secretary by section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d), and implement the functions, powers, and duties imposed on the Secretary by Executive Order 11063, 27 F.R. 11527, and title VIII of the Civil Rights Act of 1968, Public Law 90–284, 42 U.S.C. 3608.

§ 200.610 Policy.

It is the policy of the Department to administer its FHA housing programs affirmatively, so as to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, or national origin. Each applicant for participation in FHA subsidized and unsubsidized housing programs shall pursue affirmative fair housing marketing policies in soliciting buyers and tenants, in determining their eligibility, and in concluding sales and rental transactions.

§ 200.615 Applicability.

The affirmative fair housing marketing requirements, as set forth in paragraphs (a) through (f) of § 200.620, shall apply to all applicants for participation in FHA subsidized and unsubsidized housing programs whose application is hereafter approved for development or rehabilitation of:

(a) Subdivisions, multifamily projects and mobile home parks of five or more lots, units or spaces; or

(b) Dwelling units, when the applicant's participation in FHA housing programs had exceeded or would thereby exceed development of five or more such dwelling units during the year preceding the application, except that there shall not be included in a determination of the number of dwelling units developed by an applicant those in which a single family dwelling is constructed or rehabilitated for occupancy by a mortgagor on property owned by the mortgagor and in which the applicant had no interest prior to entering into the contract for construction or rehabilitation.

§ 200.620 Requirements.

With respect to all FHA subsidized or unsubsidized programs in which the applicant hereafter participates (except for housing for which a conditional commitment has been issued prior to the effective date of these regulations), the applicant shall meet the following requirements or, if he contracts marketing responsibility to another party, be responsible for that party's carrying out the requirements:

(a) Carry out an affirmative program to attract buyers or tenants of all minority and majority groups to the housing for initial sale or rental. An affirmative marketing program shall be in effect for each multifamily project throughout

V372 JAN 5 72 XUM

the life of the mortgage. Such a program shall typically involve publicizing to minority persons the availability of housing opportunities through the type of media customarily utilized by the applicant, including minority publications or other minority outlets which are available in the housing market area. All advertising shall include either the Department-approved Equal Housing Opportunity logo or slogan or statement and all advertising depicting persons shall depict persons of majority and minority groups.

(b) Maintain a nondiscriminatory hiring policy in recruiting from both minority and majority groups for staff engaged in the sale or rental of properties.

(c) Instruct all employees and agents in writing and orally in the policy of nondiscrimination and fair housing.

(d) Specifically solicit eligible buyers or tenants reported to the applicant by the Area or Insuring Office.

(e) Prominently display in all offices in which sale or rental activity pertaining to the project or subdivision takes place the Department-approved Fair Housing Poster and include in any printed material used in connection with sales or rentals, the Department-approved Equal Housing Opportunity logo or slogan or statement.

(f) Post in a conspicuous position on all FHA project sites a sign displaying prominently either the Department-approved Equal Housing Opportunity logo or slogan or statement.

§ 200.625 Affirmative fair housing marketing plan.

Each applicant for participation in FHA housing programs to which these regulations apply shall provide on a form to be supplied by the Department information indicating his affirmative fair housing marketing plan to comply with the requirements set forth in § 200.620. This form, once approved by HUD, will be available for public inspection at the sales or rental offices of the applicant.

§ 200.630 Notice of housing opportunities.

The Director of each Area and Insuring Office shall prepare monthly a list of all projects and subdivisions covered by this subpart on which commitments have been issued during the preceding 30 days. The Director shall maintain a roster of interested organizations and individuals, including public agencies responsible for providing relocation assistance and local housing authorities, desiring to receive the monthly list and shall provide the list to them.

§ 200.635 Compliance.

Applicants failing to comply with the requirements of this subpart will make themselves liable to sanctions authorized by regulations, rules or policies governing the program pursuant to which the application was made, including but not limited to denial of further participation in departmental programs and referral to the Department of Justice for suit by the United States for injunctive or other appropriate relief.

§ 200.640 Effect on other requirements.

The requirement for compliance with this part is in addition to and not in substitution for any other requirements imposed by or under Executive Order 11063 or title VIII of the Civil Rights Act of 1968.

Effective date. This part shall be effective February 25, 1972.

RICHARD C. VAN DUSEN,
Undersecretary, Department of Housing and Urban Development.

APPENDIX: EQUAL HOUSING OPPORTUNITY INSIGNIA

The Equal Housing Opportunity insignia are as follows:

Equal Housing Opportunity logo:

EQUAL HOUSING OPPORTUNITY

Equal Housing Opportunity statement: "We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, or national origin."

Equal Housing Opportunity slogan: "Equal Housing Opportunity."

[FR Doc.72-17 Filed 1-4-72;8:45 am]

[Docket No. R-71-159]

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

Eligibility Requirements

In section 7(b) of Public Law 91-621, Section 222 of the National Housing Act was amended to permit the insurance of mortgages on dwellings owned by servicemen in the U.S. National Oceanic and Atmospheric Administration. The present amendment to Part 222 merely reflects this statutory change. Therefore, I find that notice and public procedure and a deferred effective date are unnecessary and contrary to the public interest.

Accordingly, Part 222 of Title 24 of the Code of Federal Regulations is amended as follows:

1. In § 222.2, paragraphs (a) and (d) are revised. As amended, 222.2 reads as follows:

§ 222.2 Definition of terms.

• • • • •

(a) "Secretary" shall mean the Secretary of Defense, or, in the case of the U.S. Coast Guard, the Secretary of Transportation, or, in the case of the U.S. National Oceanic and Atmospheric Administration, the Secretary of Commerce. "Secretary" shall also mean any officer or employee designated by the above-named Secretaries to issue certificates of eligibility and certificates of termination.

• • • • •

(d) "Period of ownership by serviceman," means that period of time during which a service branch is required to pay mortgage insurance premiums to the Federal Housing Commissioner, commencing with the date the Commissioner endorses a mortgage for insurance and terminating when the Secretary furnishes the Commissioner with a certificate indicating that the service branch will no longer be liable for payment of the insurance premiums to the Commissioner.

2. Section 222.50 is revised. As amended, § 222.50 reads as follows:

§ 222.50 Transfer of insurance.

The insurance of a mortgage pursuant to §§ 203.1 et seq. (Part 203, Subpart A); §§ 213.501 et seq. (Part 213, Subpart C); §§ 220.1 et seq. (Part 220, Subpart A); §§ 221.1 et seq. (Part 221, Subpart A); §§ 234.1 et seq. (Part 234, Subpart A); §§ 235.1 et seq. (Part 235, Subpart A); §§ 237.1 et seq. (Part 237, Subpart A); §§ 809.1 et seq. (Part 809, Subpart A); or §§ 810.1 et seq. (Part 810, Subpart C), all of this chapter, covering a single-family dwelling or a family unit in a condominium project may, with the approval of the Commissioner and upon the request by the mortgagee, be transferred for insurance under this subpart, if the mortgage indebtedness has been assumed by a serviceman who holds a certificate of eligibility issued by the Secretary and who becomes the owner of the property and either occupies the property or certifies that his failure to do so is the result of his military assignment, or, in the case of the Coast Guard or U.S. National Oceanic and Atmospheric Administration, other assignment.

3. In § 222.252, paragraph (a) is revised. As amended, § 222.252 reads as follows:

§ 222.252 Definition of terms.

• • • • •

(a) "Service branch" means the military service, Coast Guard, or U.S. National Oceanic and Atmospheric Administration of which the mortgagor is a member at the time of the issuance of a mortgage insurance certificate or the endorsement of the credit instrument by the Commissioner pursuant to section 222 of the National Housing Act.

• • • • •

(Sec. 7(b), 84 Stat. 1865; 12 U.S.C. 1715m)

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (1-5-72).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72-114 Filed 1-4-72;8:47 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 270—EMPLOYEE-MANAGEMENT COOPERATION

Discontinuance of Part

Codification of DOD Directive 1426.1, dated August 18, 1964, is no longer necessary. Therefore Part 270 is hereby discontinued effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.72-133 Filed 1-4-72;8:49 am]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 5—PUBLIC LANDS; MILITARY RESERVATIONS

Revision of Boundary of Corozal Army Reservation

Effective on publication in the FEDERAL REGISTER (1-5-72), § 5.25 of Title 35, Code of Federal Regulations, is amended to read as follows:

§ 5.25 Corozal Army Reservation.

• • • • •

PARCEL NO. 2

(WEST OF GAILLARD HIGHWAY)

Beginning at monument "A", which is a 3-inch iron pipe set in concrete, located on the easterly bank of the Rio Grande, approximately 800 feet southerly from the junction of the Rio Cardenas, the geodetic position of which is in latitude 8°59' N. plus 2353.3 feet and longitude 79°34' W. plus 5,915.7 feet;

Thence from said initial point by metes and bounds:

East, 24.6 feet, to monument "B", which is a 2-inch iron pipe set in concrete;

S. 54°11'30" E., 668.4 feet, to monument "E", which is a 1½-inch iron pipe set in concrete, located at the northeasterly side of a cyclone fence;

S. 49°58'30" E., 1,289.4 feet, along the above-mentioned cyclone fence, to monument "G", which is a 3-inch iron pipe set in concrete;

S. 23°20'30" E., 139 feet, along the above-mentioned cyclone fence, to monument "H", which is a 3-inch iron pipe set in concrete;

S. 18°50'20" E., 173.1 feet, along the above-mentioned cyclone fence, to monument "I", which is a 3-inch iron pipe set in concrete;

N. 74°18'00" E., 20.9 feet, along the above-mentioned cyclone fence, to monument "J", which is a 3-inch iron pipe set in concrete;

S. 23°00'30" E., 83 feet, along the above-mentioned cyclone fence, to monument "K", which is a brass plug set in a concrete platform;

S. 29°02'00" W., 4.9 feet, through the above-mentioned cyclone fence, to monument "L", which is a 3-inch iron pipe set in concrete;

S. 38°11'30" E., 149.9 feet, along the above-mentioned cyclone fence, to monument "M", which is a brass plug set in a concrete platform;

S. 53°12'50" E., 145.3 feet, to monument "N", which is a 3-inch iron pipe set in concrete;

N. 37°55'30" E., 235.4 feet, to monument "O", which is a 3-inch iron pipe set in concrete, located on the northeasterly side of a cyclone fence, on the southwesterly side of the Panama Railroad tracks;

S. 57°11'30" E., 231.7 feet, along the above-mentioned cyclone fence, to monument "P", which is a brass plug in the pavement of the north entrance road to the Quartermaster Area;

S. 53°23'00" E., 428.3 feet, along the above-mentioned cyclone fence, to monument "Q", which is a 3-inch iron pipe set in concrete;

S. 49°42'30" E., 250.3 feet, along the above-mentioned cyclone fence, to monument "R", which is a 3-inch iron pipe set in concrete;

S. 22°44'20" E., 74 feet, to monument "S", which is a 3-inch iron pipe set in concrete;

S. 46°01'40" E., 161.5 feet, along the above-mentioned cyclone fence, on the westerly side of Barth Road, to monument "T", which is a 3-inch iron pipe set in concrete;

S. 41°28'20" E., 200.2 feet, along the above-mentioned cyclone fence, to monument "U", which is a 3-inch iron pipe set in concrete;

S. 37°31'30" E., 261.9 feet, along the above-mentioned cyclone fence, to monument "V", which is a 3-inch iron pipe set in concrete;

S. 32°47'40" E., 998.5 feet, to monument "W", which is a 3-inch iron pipe set in concrete, located on the easterly side of a cyclone fence, on the westerly side of Barth Road;

S. 34°02'20" E., 301.7 feet, along the above-mentioned cyclone fence, to monument "X", which is a brass plug set in a concrete pavement;

N. 58°08'10" E., 23.4 feet, along the above-mentioned cyclone fence, to monument "Y", which is a brass plug set in a concrete pavement;

S. 32°57'00" E., 256.8 feet, along the above-mentioned cyclone fence, to monument "Z", which is a brass plug set in the westerly curb of Barth Road;

S. 31°45'00" E., 557.2 feet, along the above-mentioned cyclone fence, to monument "Z-1", which is a 3-inch iron pipe set in concrete;

S. 30°08'20" E., 78 feet, along the above-mentioned cyclone fence, to monument Z-2, which is a 3-inch iron pipe set in concrete;

S. 30°08'21" E., 913.9 feet, to monument No. 1, which is a 1½-inch pipe in concrete;

S. 20°49'50" E., 89.3 feet, to monument No. 2, which is a 2-inch pipe in concrete;

N. 64°21'10" W., 175.9 feet, to monument No. 3, which is a brass plug in concrete on the fence line east of the Ice Plant;

S. 25°18'53" W., 465.6 feet, along the cyclone fence to an unmarked point 3-A, where the fence crosses a 1-foot concrete ditch;

S. 51°19'59" W., 171.8 feet, to an unmarked point called No. 3-B on the drawing;

N. 88°12'04" W., 4 feet, more or less, to an unmarked point called No. 3-C on the drawing;

Southwesterly and northwesterly, 235.9 feet along the southerly edge of the concrete ditch, to monument No. 4, which is a brass plug set in the corner of the ditch where it angles to the left;

N. 59°04'46" W., 56.9 feet, to an unmarked point called No. 5 on the drawing, located in the center of a 9-foot concrete ditch, midway between two reference brass plugs set in both sides of the ditch 9.8 feet apart, and on the bearing from monument No. 4 to No. 5;

S. 19°34'34" W., 171.6 feet, to an unmarked point called No. 6 on the drawing;

S. 66°56'00" W., 179.1 feet, to an unmarked point called No. 7 on the drawing;

S. 24°56'06" W., 245 feet, to an unmarked point called No. 8-B on the drawing;

S. 43°33'20" W., 1,550 feet, to an unmarked point called No. 8-C on the drawing;

N. 46°39'24" W., 850 feet, to monument No. 9, which is a 2½-inch pipe in concrete;

S. 66°56'00" W., 80 feet, to monument No. 9-A, which is an iron rod in concrete;

N. 21°17'17" W., 2,418.7 feet, through monuments 9-B, 9-C, 9-D, 9-E, 9-F, and 9-G, which are iron rods in concrete, to monument 9-H, which is a 2½-inch galvanized iron pipe in concrete, the distance being 11.5 feet, 436 feet, 462.2 feet, 385.9 feet, 454.3 feet, 474.9 feet, and 194 feet, successively from beginning of the course;

N. 89°59'16" W., 42.1 feet, to an unmarked and unnumbered point on the +10-foot contour on the easterly bank of the Panama Canal, the geodetic position of said unmarked point is in latitude 8°58' N. plus 3,880.6 feet and longitude 79°34' W. plus 4,769.7 feet;

In a northerly direction, following the +10-foot contour (except where drainage ditches extend inland from the shoreline) along the easterly bank of the Panama Canal and the left bank of the Rio Grande, to monument "A", the point of beginning.

The directions of the lines refer to the true meridian. All geographic positions are referred to the Panama-Colon datum of the Canal Zone triangulation system.

The total area of Corozal Army Reservation is 440.9 acres, more or less (Parcel No. 1 is 37.4 acres, more or less; Parcel No. 1-A, Revised, is 35.5 acres, more or less, and Parcel No. 2 is 368 acres, more or less) and is as shown on Canal Zone Government Drawing No. 6116-34 (Revision No. 7, dated June 7, 1971), entitled "Map Showing U.S. Army and U.S. Air Force Reservations—Fort Clayton, Corozal, Curundu, and Albrook Air Force Base, Canal Zone" scale 1:10,000 dated May 29, 1952, as modified by Canal Zone Government Drawing No. M-6116-89, entitled "Map Showing Boundary of Parcel No. 1-A, Revised Corozal Army Reservation, Canal Zone, to include Former Parcel Nos. 1-A, 1-B, and Adjacent Land," scale 1:2000, dated August 12, 1953. Such maps are on file in the office of the Governor, Balboa Heights, Canal Zone.

(2 C.Z.C. 31, 76A, Stat. 7, 35 CFR 3.3(c))

Dated: December 18, 1971.

DAVID S. PARKER,
Governor of the Canal Zone.

Approved: December 29, 1971.

ROBERT F. FROEHLKE,
Secretary of the Army.

[FR Doc.71-19174 Filed 12-30-71;11:01 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 235—DEFENSE DEPARTMENT LIAISON

Civil Defense

Regulations in § 235.2 of Title 39, Code of Federal Regulations (36 F.R. 19483)

V37-2 JAN 5 72 XUM

are updated to reflect changes in emergency lines of succession which will provide for better continuity in time of a national emergency.

In § 235.2 *Civil Defense,* amend paragraphs (c) and (d) to read as follows:

§ 235.2 Civil Defense.

• • • • •

(c) Postmaster General emergency line of succession: (1) Deputy Postmaster General; (2) Senior Assistant Postmaster General, Support Group; (3) Senior Assistant Postmaster General, Mail Processing Group; (4) Senior Assistant Postmaster General, Customer Services Group; (5) General Counsel; (6) Assistant Postmaster General, Inspection Service; (7) Regional Postmaster General, Western Region; (8) Regional Postmaster General, Southern Region; (9) Regional Postmaster General, Central Region; (10) Regional Postmaster General, Eastern Region; (11) Regional Postmaster General, New York Region; (12) Assistant Postmaster General, Logistics and Engineering Department; (13) Assistant Postmaster General, Administration.

(d) Group, department, and field lines of succession: Each group and department shall establish its own internal line of succession to provide for continuity under emergency conditions. Each Regional Postmaster General, Postal Data Center Director, Regional Chief Inspector, and postmaster at first-class post offices shall prepare a succession list of officials who will act in his stead in the event he is incapacitated or absent in any emergency. Orders of succession shall be shown by position titles, except that within Inspection Divisions orders of succession may be shown by names.

• • • • •

(39 U.S.C. 401(2), 402, 403, 404)

LOUIS A. COX,
Solicitor.

[FR Doc.72-120 Filed 1-4-72;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

3',4'-Dichloropropionanilide

A petition (PP 0F0932) was filed by the Rohm and Hass Co., Philadelphia, Pa. 19105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for the combined residues of the herbicide 3',4'-dichloropropionanilide and its metabolites (calculated as 3',4'-dichloropropionanilide) in or on the raw agricultural commodities rice at 2 parts per million; meat byproducts of poultry at 0.1 part per million (negligible residue); milk, meat, fat, and meat byproducts of cattle at 0.05 part per million (negligible residue); and eggs, and meat of poultry at 0.05 part per million (negligible residue).

Subsequently the petitioner amended the petition by proposing the following tolerances:

75 parts per million in or on rice straw.

2 parts per million in or on rice.

0.1 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, sheep, and poultry.

0.05 part per million in eggs and milk.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service, U.S. Department of the Interior, advised that it has no objection to these tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Part 180 is amended by adding to Subpart C the following new section:

§ 180.274 3',4'-Dichloropropionanilide; tolerances for residues.

Tolerances are established for the combined residues of the herbicide 3',4'-dichloropropionanilide and its metabolites (calculated as 3',4'-dichloropropionanilide) in or on raw agricultural commodities as follows:

75 parts per million in or on rice straw.

2 parts per million in or on rice.

0.1 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

0.05 part per million (negligible residue) in eggs and milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-5-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-126 Filed 1-4-72; 8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-17—CONSTRUCTION AND ALTERATION OF PUBLIC BUILDINGS

Subpart 101-17.1—General

INTERGOVERNMENTAL CONSULTATION ON FEDERAL PROJECTS

Section 101-17.103 is amended to implement those portions of the Office of Management and Budget Circular No. A-95, revised February 9, 1971, which require that Federal agencies obtain information on the possible impact on the environment of proposed Federal plans and projects, and that Federal, State, metropolitan, regional, and local agencies be provided opportunity to review and comment on such plans and projects.

Sections 101-17.103 (a)(1) and (d) are revised and §§ 101-17.103 (e) and (f) are added as follows:

§ 101-17.103 Intergovernmental consultation on Federal projects.

(a) • • •

(1) *Planning agencies.* Planning agencies are defined as the Governor of a State or, if there is one, the appropriate planning and development clearinghouse of the State, region, or metropolitan area, and the appropriate local, county, metropolitan, regional, and State planning authorities.

• • • • •

(d) The provisions of paragraph (c) of this § 101-17.103 shall not be applied when the Administrator of General Services deems that the application thereof would adversely affect the best interest of the Government.

(e) If GSA has determined that any Federal project under its jurisdiction may significantly affect the quality of the human environment, prior to a final decision concerning that project, GSA will provide Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, and planning agencies which are authorized to develop and enforce environmental standards, and others as appropriate, with an adequate opportunity to review such projects pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the regulations of the Council on Environmental Quality (CEQ).

(f) The Federal agencies, planning agencies, and others referred to in paragraph (e) of this § 101-17.103 will be notified as follows concerning Federal projects under GSA jurisdiction that are determined to have a significant effect on the human environment:

(1) GSA will transmit copies of the draft environmental statement, prepared in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act and the regulations of the Council on Environmental Quality to the CEQ and to the Governor of the State, the U.S. Senators of the State, and the U.S. Representative from the congressional district of the State where the project will be located.

(2) Thereafter, GSA will submit copies of the draft statement to the appropriate city mayor and to the Federal, State, and local agencies for comment. The allowable period for comment shall be 30 calendar days, except that the Environmental Protection Agency (EPA) shall have 45 calendar days to submit comments. If requests for extension are made, a maximum period of 15 calendar days may be granted, except for EPA which shall be held to its 45-day review period.

(3) Comments received from the Federal agencies, planning agencies, and others will be reconciled through coordination with the Federal and State agencies concerned. The environmental statement may be revised to reflect the additional data and comments obtained. In any event, a discussion of problems and objections by Federal agencies and State and local entities in the review process and the recommended disposition of the issues involved will be appended to the final text of the environmental statement.

(4) Copies of the final environmental statement will be transmitted to the Council on Environmental Quality.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (1-5-72).

Dated: December 27, 1971.

HAROLD S. TRIMMER, Jr.,
Acting Administrator of General Services.

[FR Doc.72-92 Filed 1-4-72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-5-72).

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Havasu National Wildlife Refuge, Needles, Calif. is open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Water skiing is permitted in the channelized segment of the Colorado River, as designated by signs, from 1.7 miles south of Topock, Ariz., to the north boundary of the refuge; and on that portion of Lake Havasu, as designated by signs, laying south of the Island.

(2) Camping is limited to 7 days unless otherwise posted and is permitted only at designated sites.

(3) Boating is permitted in all waters of the refuge except where restricted by appropriate signs.

(4) Vehicle access is permitted on all refuge roads except where restricted by appropriate signs.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

STANLEY S. CORNELIUS,
Acting Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

DECEMBER 14, 1971.

[FR Doc.72-94 Filed 1-4-72;8:46 am]

PART 33—SPORT FISHING

Havasu National Wildlife Refuge, Ariz. and Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-5-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu National Wildlife Refuge, Ariz. and Calif., is permitted on waters designated as open to fishing. These waters, comprising 12,388 acres, are delineated on maps available at the refuge headquarters, Needles, Calif., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1972, inclusive, except that the area closed in Topock Marsh is closed to fishing from January 1 through January 31, 1972, and October 1, 1972 through January 31, 1973, inclusive.

(2) The taking of fish with bow and arrow is prohibited. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through January 31, 1973.

STANLEY S. CORNELIUS,
Acting Refuge Manager, Havasu National Wildlife Refuge, Needles, Calif.

DECEMBER 14, 1971.

[FR Doc.72-95 Filed 1-4-72;8:46 am]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-5-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1972, inclusive, on the waters of Lake Texoma east of the north-south center line of secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; and from April 1 through September 30, 1972, inclusive, for waters of Lake Texoma west of the north-south center line of secs. 19, 30, and 31, T. 4 S., R. 7 E.

(2) The open season for sport fishing on the Tishomingo Management Unit extends from March 1, 1972, through September 30, 1972, inclusive. Fishing with trotlines in Lost Lake, Bobcat Gulch, and McAdams Pond is prohibited during open season.

V 37 2 JAN 5 72 XUM

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

ERNEST S. JEMISON,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

DECEMBER 9, 1971.

[FR Doc.72-96 Filed 1-4-72;8:46 am]

PART 33—SPORT FISHING

Brazoria National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-5-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Brazoria National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 900 acres of inland salt lakes and 6 miles of shoreline, are delineated on maps available at refuge headquarters, Angleton Tex. and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing is not permitted on interior waters except Nicks and Salt Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

RUSSEL W. CLAPPER,
Refuge Manager, Brazoria National Wildlife Refuge, Angleton, Tex.

DECEMBER 1, 1971.

[FR Doc.72-97 Filed 1-4-72;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 966, 980]

TOMATOES GROWN IN FLORIDA

Proposed Import Regulations

Consideration is being given to the issuance of an amendment to the limitation of shipments regulation, as hereinafter set forth. This proposal was recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Marketing Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the Florida production area. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The Committee's recommendation was formulated during a scheduled meeting on December 16, 1971, open to the public and attended by producers, a representative of the Department, and representatives of the tomato distributive trade including importers of Mexican tomatoes. Everyone in attendance was afforded an opportunity to take part in the analysis of supply and market conditions. The record of the meeting will be available for consideration in connection with the proposed issuance of regulations.

All persons who desire to submit data, views, or arguments with respect to this proposal may file the same in quadruplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 10 days after the publication of this notice in the FEDERAL REGISTER. Written submissions received pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

An opportunity for oral presentation, following written submissions of data, views, and argument, is not provided. Since winter tomatoes are marketed nationwide, data, views, and arguments may be presented from interested parties throughout the United States. In the event a single location was selected, there would be some interested parties who would find it inconvenient or impossible to utilize an opportunity for an oral presentation, and thus it would be necessary to provide multiple locations for such presentations. This approach would be impracticable in view of the urgency of the market situation. Therefore, the submission of data, views, and argument in written form would appear to be more equitable since each party is held to the same requirements of presentation. Further, basic considerations involved in the issuance of regulations such as proposed herein recently were the subject of intensive review at a 5-week public hearing held from October 4 through November 4, 1971, concerning such issues at which all interested parties were afforded complete and adequate opportunity to present their views and evidence for the record. Such record is available for consideration in connection with the proposed issuance of these regulations.

Tomato supplies for U.S. markets were below average through mid-December. However, Florida's shipments have increased to such an extent that producers are receiving depressed prices for the smaller sizes. In addition, Florida's acreage for early winter harvest is substantially above a year earlier and due to warm weather plant growth is ahead of normal. Barring unforeseeable adverse weather, supplies from Florida and other sources are expected to become more burdensome in coming weeks and cause depressed prices to producers for all tomatoes.

If these conditions develop, it is anticipated that the minimum size requirements for tomatoes may be as restrictive as indicated in the following proposal:

1. In § 966.309 (36 F.R. 21449), paragraph (a) would be amended to read as follows:

§ 966.309 Limitation of shipments.

* * * * *

(a) *Minimum size and size classification requirements.*—(1) *Minimum size requirements.* (i) For mature green tomatoes, over $2^{9}/_{32}$ inches in diameter; (ii) for all other tomatoes, over $2\frac{1}{4}$ inches in diameter; and (iii) for all tomatoes, not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(2) *Size classifications.* (i) No person shall handle any lot of tomatoes unless they are sized in one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
6 x 7	Over $2^{9}/_{32}$ to $2^{17}/_{32}$, inclusive.
6 x 6	Over $2^{17}/_{32}$ to $2^{25}/_{32}$, inclusive.
5 x 6 and larger	Over $2^{25}/_{32}$.

(ii) Tomatoes of designated sizes may not be commingled unless they are over $2\frac{1}{4}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

* * * * *

2. *Applicability to imports.* Pursuant to section 8e-1 of the Act (7 U.S.C. 608e-1) imports of tomatoes, Part 980, would be subject to the same minimum grade, size, quality and maturity requirements.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

Dated: December 30, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-153 Filed 1-4-72;8:52 am]

[7 CFR Part 1207]

[PRPA1]

POTATO RESEARCH AND PROMOTION PLAN

Decision and Referendum Order on Proposed Plan

Pursuant to the Potato Research and Promotion Act (title III of Public Law 91-670, 91st Congress, approved January 11, 1971, 84 Stat. 2041) and the applicable rules of practice and procedure governing proceedings to formulate a plan (7 CFR Part 1207; 36 F.R. 3194), a public hearing was held at Denver, Colo., June 22 and 23, at San Francisco, Calif., June 29, and at Washington, D.C., on July 7, 1971. This hearing was for the purpose of receiving evidence with respect to a proposed research and promotion plan set forth in the notice of hearing which was published in the May 8, 1971, issue of the FEDERAL REGISTER (36 F.R. 8588).

On the basis of the evidence presented at the hearing and the record thereof, a recommended decision in this proceeding was filed on November 17, 1971, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof was published in the November 20, 1971, issue of the FEDERAL REGISTER (36 F.R. 22168). The notice allowed 15 days after publication (or until December 6, 1971) for filing exceptions thereto. This time was extended until December 16, 1971. No exceptions were received.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (36 F.R. 22168) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Annexed hereto and made a part hereof is a document entitled "Potato Research and Promotion Plan," which has been decided upon as the appropriate

V372 JAN 5 72 XUM

and detailed means of effecting the foregoing conclusions. This plan shall not become effective unless and until the requirements of § 1207.15 of the aforesaid rules of practice and procedure governing proceedings to formulate a plan have been met.

Referendum order. Pursuant to the applicable provisions of the Potato Research and Promotion Act (84 Stat. 2041), it is hereby directed that a referendum be conducted among the potato producers who were engaged in the production of 5 or more acres of potatoes to be harvested during the representative period. The period January 1 through December 31, 1971, otherwise known as the 1971 crop year, is hereby determined to be the representative period for the purpose of such referendum. The referendum is to determine whether such producers favor the issuance of the said annexed Potato Research and Promotion Plan.

Charls R. Brader and Francis N. Andary of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly. The said agents may appoint subagents to assist them in performing their functions hereunder.

The procedure applicable to the referendum shall be the procedure for the conduct of referenda in connection with a proposed potato research and promotion plan (7 CFR 1207.200 et seq.) as published in the December 29, 1971, issue of the FEDERAL REGISTER (36 F.R. 25147).

If any eligible voter does not receive a ballot by the beginning date of the referendum, he may obtain one during the referendum period from his county agent or from the Fruit and Vegetable Division, C&MS, U.S. Department of Agriculture, Washington, D.C. 20250. Also, single copies of the complete text of the proposed potato research and promotion plan may be obtained from the Fruit and Vegetable Division.

It is hereby ordered, That this decision, referendum order and the annexed Potato Research and Promotion Plan be published in the FEDERAL REGISTER.

Dated: December 30, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Subpart—Potato Research and Promotion Plan

DEFINITIONS

Sec.
1207.301 Secretary.
1207.302 Act.
1207.303 Plan.
1207.304 Person.
1207.305 Producer.
1207.306 Potatoes.
1207.307 Handle.
1207.308 Handler.
1207.309 Board.
1207.310 Fiscal period and marketing year.
1207.311 Programs and projects.

NATIONAL POTATO PROMOTION BOARD

1207.320 Establishment and membership.
1207.321 Term of office.
1207.322 Nominations and selection.
1207.323 Acceptance.
1207.324 Vacancies.
1207.325 Procedure.
1207.326 Compensation and reimbursement.
1207.327 Powers.
1207.328 Duties.

RESEARCH AND PROMOTION

1207.335 Research and promotion.

EXPENSES AND ASSESSMENTS

1207.341 Budget and expenses.
1207.342 Assessments.
1207.343 Producer refunds.
1207.344 Operating reserve.

REPORTS, BOOKS, AND RECORDS

1207.350 Reports.
1207.351 Books and records.
1207.352 Confidential treatment.

MISCELLANEOUS

1207.360 Influencing governmental action.
1207.361 Right of the Secretary.
1207.362 Suspension or termination.
1207.363 Proceedings after termination.
1207.364 Effect of termination or amendment.
1207.365 Personal liability.
1207.366 Separability.

DEFINITIONS

§ 1207.301 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1207.302 Act.

"Act" means the Potato Research and Promotion Act (title III of Public Law 91-670, 91st Congress, approved January 11, 1971, 84 Stat. 2041).

§ 1207.303 Plan.

"Plan" means this potato research and promotion plan issued by the Secretary pursuant to the act.

§ 1207.304 Person.

"Person" means any individual, partnership, corporation, association, or other entity.

§ 1207.305 Producer.

"Producer" means any person engaged in the growing of 5 or more acres of potatoes who owns or shares the ownership and risk of loss of such potato crop.

§ 1207.306 Potatoes.

"Potatoes" means any or all varieties of Irish potatoes grown by producers in the 48 continguous States of the United States.

§ 1207.307 Handle.

"Handle" means to grade, pack, process, sell, transport, purchase, or in any other way to place potatoes or cause potatoes to be placed in the current of commerce. Such term shall not include the transportation or delivery of field-run potatoes by the producer thereof to a handler for grading, storage, or processing.

§ 1207.308 Handler.

"Handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes, including a producer who handles potatoes of his own production.

§ 1207.309 Board.

"Board" means the National Potato Promotion Board, hereinafter established pursuant to § 1207.320.

§ 1207.310 Fiscal period and marketing year.

"Fiscal period" and "marketing year" mean the 12-month period from July 1 through June 30 of the following year or such other period which may be approved by the Secretary.

§ 1207.311 Programs and projects.

"Programs" and "projects" mean those research, development, advertising or promotion programs or projects developed by the Board pursuant to § 1207.335.

NATIONAL POTATO PROMOTION BOARD

§ 1207.320 Establishment and membership.

(a) There is hereby established a National Potato Promotion Board, hereinafter called the "Board," composed of producers selected by the Secretary from nominations submitted by producers in the various States or groups of States pursuant to § 1207.322.

(b) Membership on the Board shall be determined on the basis of the potato production set forth in the latest Crop Production Annual Summary Report issued by the Crop Reporting Board, U.S. Department of Agriculture. Each of the 48 contiguous States' membership shall be initially determined on the basis of one member for each 5 million hundredweight of production, or major fraction thereof, produced within such State. Each State initially shall be entitled to at least one member on the Board. The basis for determining the membership of future boards shall be determined by the Secretary upon recommendation of the Board.

(c) Any State in which the potato producers fail to respond to an officially called nomination meeting may be combined with an adjacent State for the purpose of representation on the Board, in which case the Board member selected by the Secretary will represent both States but his voting power under § 1207.325 shall not be increased.

(d) The Secretary, upon recommendation of the Board, may establish, through rule making procedure, districts or groups of States in order to change the representation requirements for membership on the Board. In such event the voting power of members under § 1207.325 would be based upon the total production within the new district or group of States.

§ 1207.321 Term of office.

(a) The term of office of Board members shall be 3 years, beginning July 1, or such other beginning date as may be approved pursuant to regulations.

(b) The terms of office of the Board's initial members shall be so determined that approximately one-third of the terms will expire each year, i.e., the terms of approximately one-third will be for 1 year, one-third for 2 years and one-third for 3 years.

(c) Board members shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No member shall serve for more than two full successive terms.

§ 1207.322 Nominations and selection.

The Secretary shall select the members of the Board from nominations which may be made in the following manner.

(a) A meeting or meetings of producers shall be held in each State to nominate members for the Board. For nominations to the initial Board the meetings shall be announced by the U.S. Department of Agriculture. The Department may call upon other organizations to assist in conducting the meetings such as State and national organizations of potato producers. Such nomination meetings shall be held not later than 60 days after the issuance of this subpart. Any organization designated to hold such nomination meetings shall give adequate notice of such meetings to the potato producers affected; also to the Secretary so that a representative of the Secretary, if available, may conduct such meetings or act as secretary of such nomination meetings.

(b) After the establishment of the initial Board, the nominations for subsequent Board members shall be made by producers at meetings in the producing sections or States. The Board shall hold such meetings, or cause them to be held, in accordance with rules established pursuant to recommendation of the Board.

(c) Only producers may participate in designating nominees. Each producer is entitled to one vote only on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives for each position for which nominations are being held. If a producer is engaged in producing potatoes in more than one State, he shall elect the State in which he shall vote. In no event shall he vote in nominations in more than one meeting.

§ 1207.323 Acceptance.

Each person selected by the Secretary as a member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1207.324 Vacancies.

To fill any vacancy caused by the failure of any person selected as a member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member, a successor shall be nominated and selected in the manner specified in § 1207.322. In the event of failure to provide nominees for such vacancies, the Secretary may select other eligible persons.

§ 1207.325 Procedure.

(a) Each State (or district or group of States established pursuant to § 1207.320 (d)) which has a member on the Board shall be entitled to not less than one vote for any production up to 1 million hundredweight, plus one additional vote for each additional 1 million hundredweight of production, or major fraction thereof, as determined by the latest crop production annual summary report issued by the Crop Reporting Board, U.S. Department of Agriculture. The casting of the votes for each State shall be determined by the members of the Board from that State.

(b) A majority of the Board members shall constitute a quorum and any action of the Board shall require a majority of concurring votes of those present and voting. At assembled meetings all votes shall be cast in person or by duly authorized proxy.

(c) For routine and noncontroversial matters which do not require deliberation and the exchange of views, and for matters of an emergency nature when there is not enough time to call an assembled meeting, the Board may act upon a majority of concurring votes of its members cast by mail, telegraph, or telephone. Any vote cast by telephone shall be confirmed promptly in writing.

§ 1207.326 Compensation and reimbursement.

Members of the Board shall serve without compensation but shall be reimbursed for reasonable expenses incurred by them in the performance of their duties as members of the Board.

§ 1207.327 Powers.

The Board shall have the following powers subject to § 1207.361:

(a) To administer the provisions of this plan in accordance with its terms and conditions;

(b) To make rules and regulations to effectuate the terms and conditions of this plan;

(c) To receive, investigate, and report to the Secretary complaints of violations of this plan; and

(d) To recommend to the Secretary amendments to this plan.

§ 1207.328 Duties.

The Board shall, among other things, have the following duties:

(a) To meet and organize and to select from among its members a president and such other officers as may be necessary; to select committees and subcommittees of Board members; to adopt such rules for the conduct of its business as it may deem advisable; and it may establish advisory committees of persons other than Board members;

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) At the beginning of each fiscal period, to prepare and submit to the Secretary for his approval a budget on a fiscal period basis of the anticipated expenses in the administration of this plan including the probable costs of all programs or projects and to recommend a rate of assessment with respect thereto;

(d) To develop programs and projects and to enter into contracts or agreements for the development and carrying out of programs or projects of research, development, advertising or promotion, and the payment of the costs thereof with funds collected pursuant to this plan;

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(f) To cause the books of the Board to be audited by a certified public accountant at least once each fiscal period, and at such other time as the Board may deem necessary. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be funrished to the Secretary and a copy of each such report shall be made available at the principal office of the Board for inspection by producers and handlers;

(g) To give the Secretary the same notice of meetings of the Board and its subcommittees as is given to its members;

(h) To act as intermediary between the Secretary and any producer or handler; and

(i) To furnish the Secretary such information as he may request.

RESEARCH AND PROMOTION

§ 1207.335 Research and promotion.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for the advertising and promotion of potatoes and potato products: *Provided, however,* That any such program or project shall be directed toward increasing the general demand for potatoes and potato products;

(b) Establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient; *Provided,* That quality control, grade standards and supply management programs shall not be conducted under, or as a part of, this plan; and

(c) The development and expansion of potato and potato product sales in foreign markets.

(d) No advertising or promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products.

V 37 2
JAN 5 72
XUM

EXPENSES AND ASSESSMENTS

§ 1207.341 Budget and expenses.

(a) At the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated expenses and disbursements in the administration of this plan, including probable costs of research, development, advertising, and promotion. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1207.344.

(b) The Board is authorized to incur such expenses for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the Board as are approved pursuant to § 1207.361.

§ 1207.342 Assessments.

(a) The funds to cover the Board's expenses shall be acquired by the levying of assessments upon handlers as designated in regulations issued by the Board. Such assessments shall be levied at a rate fixed by the Secretary which shall not exceed 1 cent per hundredweight of potatoes handled and not more than one assessment may be collected on any potatoes.

(b) Each designated handler, as specified in regulations, shall pay assessments to the Board on all potatoes handled by him, including potatoes he produced. Assessments shall be paid to the Board at such time and in such manner as the Board shall direct pursuant to regulations issued hereunder. The designated handler may collect the assessments from the producer, or deduct such assessments from the proceeds paid to the producer on whose potatoes the assessments are made, provided he furnishes the producer with evidence of such payment.

(c) The Board may authorize other organizations to collect assessments in its behalf.

(d) The Board may exempt potatoes used for nonfood purposes, other than seed, from the provisions of this plan and shall establish adequate safeguards against improper use of such exemptions.

§ 1207.343 Producer refunds.

Any producer who has paid an assessment under this plan and who is not in favor of supporting the research and promotion program as provided for in this plan shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that he paid the assessment for which refund is sought. Any such demand shall be made personally by such producer on a form which he shall sign and within a time period prescribed by the Board pursuant to regulations. Such time period shall give the producer at least 90 days from the date of collection to submit the refund request form to the Board. Any such refund shall be made within 60 days after demand therefor. No handler shall be eligible for a refund except on potatoes produced by him.

§ 1207.344 Operating reserve.

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used to defray any expenses authorized under this part.

REPORTS, BOOKS, AND RECORDS

§ 1207.350 Reports.

Each designated handler shall maintain a record with respect to each producer for whom he handled potatoes and for potatoes handled which he himself producer. He shall report to the Board at such times and in such manner as it may prescribe by regulations such information as may be necessary for the Board to perform its duties under this part. Such reports may include, but shall not be limited to, the following:

(a) Total quantity of potatoes handled for each producer and for himself, including those which are exempt under the plan;

(b) Total quantity of potatoes handled for each producer and for himself subject to the plan and assessments, and

(c) Name and address of each person from whom he collected an assessment, the amount collected from each person, and the date such collection was made.

§ 1207.351 Books and records.

Each handler subject to this part shall maintain and make available for inspection by authorized employees of the Board and the Secretary, but not to persons not subject to the provisions of Section 310(c) of the act, such books and records as are appropriate and necessary to carry out the provisions of this plan and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be maintained for at least 2 years beyond the marketing year of their applicability.

§ 1207.352 Confidential treatment.

All information obtained from such books, records, or reports shall be kept confidential by all employees of the Department of Agriculture and of the Board, and by all contractors and agents retained by the Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving this plan. Nothing in this section shall be deemed to prohibit (a) the issuance of general statements based upon the reports of a number of handlers subject to this plan, which statements do not identify the information furnished by any person, or (b) the publication by direction of the Secretary, of the name of any person violating this plan, together with a statement of the particular provisions of this plan violated by such person.

MISCELLANEOUS

§ 1207.360 Influencing governmental action.

No funds collected by the Board under this plan shall in any matter be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

§ 1207.361 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

§ 1207.362 Suspension or termination.

(a) The Secretary shall, whenever he finds that this plan or any provision thereof obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or of 10 percent or more of the potato producers to determine whether potato producers favor the termination or suspension of this plan. He shall suspend or terminate such plan at the end of the marketing year whenever he determines that its suspension or termination is favored by a majority of the potato producers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of potatoes and who produced more than 50 percent of the volume of the potatoes produced by the producers voting in the referendum.

§ 1207.363 Proceedings after termination.

(a) Upon the termination of this plan, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in the possession or under control of the Board including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to this plan; (3) account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all

of the funds, property, and claims vested in the Board of the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the Board and upon the trustee.

(d) A reasonable effort shall be made by the Board or its trustees to return to producers any residual funds not required to defray the necessary expenses of liquidation. If it is found impractical to return such remaining funds to producers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1207.364 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this plan or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this plan or any regulation issued thereunder, or (b) release or extinguish any violation of this plan or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

§ 1207.365 Personal liability.

No member of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgments, mistakes, or other acts, either of commission or omission, as such member except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1207.366 Separability.

If any provision of this plan is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this plan or applicability thereof to other persons or circumstances shall not be affected thereby.

[FR Doc.72-105 Filed 1-4-72;8:47 am]

[9 CFR Part 327]

IMPORTATION OF MEAT AND MEAT PRODUCTS

Proposed Addition of El Salvador to List of Approved Countries

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the authority contained in the Federal Meat Inspection Act (34 Stat. 2160, as amended, 21 U.S.C. 601 et seq.), the Consumer and Marketing Service is considering amending § 327.2(b) of the Federal meat inspection regulations (9 CFR Part 327) by adding El Salvador to the list of countries specified therein.

Statement of considerations. The Federal Meat Inspection Act prohibits the importation into the United States of carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, or equines, capable of use as human food, unless they comply with all the provisions of the Act and regulations issued thereunder applicable to such articles in commerce within the United States. Such articles from approved plants in the countries listed in § 327.2 (b) are eligible for importation into the United States as provided in the regulations. The laws and regulations of El Salvador concerning these matters have been reviewed and appear to be acceptable. Further, on-site reviews of the export meat inspection program of El Salvador indicate that it is equal to our program in the United States. Certificates issued by the El Salvador officials for export of carcasses, parts thereof, meat and meat food products to the United States are reliable.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to the Director, Field Operations Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views within the 30-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on December 29, 1971.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-104 Filed 1-4-72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

OVER-THE-COUNTER DRUGS

Proposal Establishing Rule Making Procedures for Classification

Because self-medication is essential to the Nation's health care system, it is imperative that over-the-counter (OTC) drugs available for human use be safe and effective and bear fully informative labeling. The Food and Drug Administration is concerned that some formulations presently on the market do not have their claimed effect and/or do not bear adequate labeling for safe and effective use by the laity.

Prior to the enactment in 1938 of the Federal Food, Drug, and Cosmetic Act, all drugs were marketed without first undergoing review by the Food and Drug Administration. Under the 1938 act, the Food and Drug Administration was given authority to review, prior to marketing, the safety data on those drugs not generally recognized as safe under their intended uses. Under the Drug Amendments of 1962, which amended the Federal Food, Drug, and Cosmetic Act, the Food and Drug Administration was given authority to review, prior to marketing, the safety and effectiveness of those drugs not generally recognized as safe and effective for their intended use. Pursuant to the 1962 amendments, the Food and Drug Administration was also required to review the efficacy claims of those new drugs introduced into the market between 1938 and 1962. Because of the greater potential for harm of prescription drugs, the review of such drugs was conducted as a matter of first priority and is nearing completion. It is now appropriate to conduct a similar review of OTC drugs.

Cause for concern is illustrated by recent Drug Efficacy Study evaluations of the National Academy of Science-National Research Council. The NAS–NRC reviewed 420 OTC drugs which were broadly representative of the whole range of the OTC market. The NAS–NRC panels' conclusions, which were based upon supporting data submitted by manufacturers, were that approximately 25 percent of the drugs reviewed had an indication that was classifiable as effective. These evaluations, when viewed in the context of the entire OTC drug field, present questions that must be confronted by industry and government.

Estimates of the number of OTC drug products on the market vary from 100,000 to one-half million. Extremely few of these drugs have been approved through the new-drug procedures set forth in section 505 of the act. Some OTC drugs may be excluded from the definition of a new drug by reason of the so-called 1938 grandfather clause in section 201

V 37 I 2
JAN 5 72
XUM

(p)(1) of the act, and others may be excluded from application of the Drug Amendments of 1962 by reason of the so-called 1962 grandfather clause in section 107(c) of those amendments. Any OTC drug excluded from new-drug status by reason of the 1938 or 1962 grandfather clause is, however, subject to other requirements for drugs in Chapter V of the act, and in particular may not be misbranded under section 502.

The Food and Drug Administration intends to require that all unapproved new drugs and misbranded drugs either be reformulated and/or relabeled to meet all requirements of the act or be removed from the market. In carrying out its responsibilities in this area, the Food and Drug Administration may either initiate a separate court action with respect to each violative OTC drug or deal with all OTC drugs through rulemaking by therapeutic classes on an industrywide basis. It has been determined that the latter approach should be pursued. In making this decision, the following factors were considered:

1. The limited resources of the Food and Drug Administration would be overwhelmed by attempting to review separately the labeling and the data on the safety and effectiveness for each OTC drug now on the market. This would be further complicated by the almost daily growth in the number of drugs being marketed and the changes in formulation and labeling of previously marketed drugs. In large measure, this is the result of a tendency on the part of some manufacturers to develop new mixtures and adjust formulations and labeling for competitive reasons. The prospects of completing a detailed drug-by-drug review of the OTC market in a reasonable time are extremely remote.

2. Litigation to remove violative OTC preparations from the market would necessarily be on a drug-by-drug basis. Such proceedings would place an enormous burden on the courts which must hear the cases, on the agency which must prepare them, on the community of medical and scientific experts who must testify, and on the members of the pharmaceutical industry who are affected. Such litigation is time-consuming and expensive and is sometimes ineffective because manufacturers may change the formulation of the drug in question and/or its labeling claims and reintroduce the product into the market, thus requiring still further litigation.

3. Litigation to delineate the precise scope of the 1938 and 1962 grandfather clauses in order to determine exactly which of the thousands of OTC drugs on the market may validly claim exemption from new-drug status under those clauses and then to determine on a drug-by-drug basis which of those grandfathered claims and formulations are safe and effective under the prescribed, recommended, or suggested conditions of use, and thus not misbranded, would more than exhaust all present resources of the agency. There is no feasible way to determine what formulations and claims may properly be regarded as grandfathered, and in any event the date of entry into the market has no bearing whatever on the safety and effectiveness of the drug and the truthfulness and adequacy of its labeling. It would be unreasonable and unjust to permit grandfathered drugs to remain on the market unchanged while competitive items must be reformulated and/or relabeled or removed from the market. The same scientific and medical determinations involved in reviewing the safety and effectiveness of nongrandfathered OTC drugs are also involved in determining whether grandfathered drugs are misbranded and thus are properly made in a single proceeding that will apply across the board to all products in a single therapeutic class.

4. Of paramount concern is the inadequate consumer protection produced by a product-by-product review and case-by-case litigation against each drug. It is not unreasonable to expect that a very large number of violative drugs would remain on the market for long periods of time because of the limited resources of the agency to evaluate and proceed against such drugs and the delays inherent in complicated litigation through trial and appellate courts.

5. It is impossible to proceed simultaneously by litigation against all manufacturers of similar preparations or their drugs. The situation will arise, as it has before, that preparations similar to those proceeded against will remain on the market long after their less fortunate counterparts have been removed. This situation must be avoided for two reasons. First, and most important, the public is not sufficiently protected when violative drugs remain on the market. Second, equitable enforcement of the law requires that the agency proceed against all manufacturers of similar preparations, since those not proceeded against would have an unfair competitive advantage.

6. Practically all of the thousands of OTC drugs now marketed are compounded from only an estimated 200 active ingredients which are used either alone or in varying combinations. Many thousands of these drugs are readily comparable in that the labeling is similar and the active ingredients are the same, or are essentially the same, but are present in slightly different dosages. Although each is a separate product, the same scientific and medical evidence is relevant in reviewing all OTC drugs within a given therapeutic class.

7. Any approach to the review of the safety and effectiveness of OTC drugs must be consistent with the mandates of the Federal Food, Drug, and Cosmetic Act. In carrying out its responsibilities under the act through administrative proceedings and litigation in Federal courts, the agency has required the presence in published literature of adequate and appropriate medical documentation, consisting at least in part of controlled clinical investigations, as the test of whether a drug is no longer a new drug within the meaning of section 201(p)(1) of the act. Unpublished and uncontrolled studies and data may corroborate published and controlled findings.

Accordingly, the Commissioner proposes to establish procedures for rule making which will result in classifying some OTC drugs as generally recognized among qualified experts as safe and effective and not misbranded under prescribed, recommended, or suggested conditions of use. Any OTC drug not meeting the requirements established for such drugs pursuant to this procedure will have to be the subject of an approved new-drug application prior to marketing. (Since a grandfathered drug that is found to be misbranded would be required to change its formulation and/or labeling and thus lose its grandfathered status, any such product must either meet the applicable monograph or be the subject of an approved new-drug application in order to be legally marketed.) A deviation from a monograph will be approved for an individual manufacturer through approval of a new-drug application justifying such a deviation. Shipment of a nonconforming OTC drug (one neither classified as generally recognized as safe and effective and not misbranded, nor subject to an approved NDA) in interstate commerce will be prohibited. Responsible persons and the manufacturer and distributor will be subject to criminal prosecution and injunctive action, and the drug will be subject to seizure and injunction on the ground that the drug is an unapproved new-drug or is a misbranded drug (if it is exempt from the new-drug definition under the 1938 or 1962 grandfather clause).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1050–53 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702, 703, 704) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 130 be amended by adding a new subpart D consisting at this time of one section, as follows:

Subpart D—Over-the-Counter Drugs Which Are Generally Recognized as Safe and Effective and Not Misbranded

§ 130.301 Over-the-counter (OTC) drugs for human use; procedures for rule making for the classification of OTC drugs as generally recognized as safe and effective and not misbranded under prescribed, recommended, or suggested conditions of use.

For purposes of classifying over-the-counter (OTC) drugs as drugs generally recognized among qualified experts as safe and effective for use and as not misbranded drugs, the following regulations shall apply:

(a) *Procedure for establishing OTC drug monographs.*—(1) *Advisory review panels.* The Commissioner shall appoint advisory review panels of qualified experts to evaluate the safety and effectiveness of OTC drugs, to review OTC drug labeling, and to advise him on the promulgation of monographs establishing conditions under which OTC drugs are generally recognized as safe and effective and not misbranded. A single advisory review panel shall be established for each designated category of OTC drugs and every OTC drug category will be considered by a panel. The members of a panel shall be qualified experts (appointed by the Commissioner) and may include persons from lists submitted by organizations representing professional, consumer, and industry interests. The Commissioner shall deignate the chairman of each panel. Summary minutes of all meetings shall be made.

(2) *Request for data and views.* The Commissioner will publish a notice in the FEDERAL REGISTER requesting interested persons to submit, for review and evaluation by an advisory review panel, published and unpublished data and information pertinent to a designated category of OTC drugs. Data and information submitted pursuant to a published notice, and falling within the confidentiality provisions of 18 U.S.C. 1905, 5 U.S.C. 552(b), or 21 U.S.C. 331(j), shall be handled by the advisory review panel and the Food and Drug Administration as confidential until publication of a proposed monograph and the full report(s) of the panel. Thirty days thereafter such data and information shall be made publicly available and may be viewed at the Office of the Hearing Clerk of the Food and Drug Administration, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of one or more of those statutes. To be considered, seven copies of the data and/or views on any marketed drug within the class must be submitted in the following format:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling.
II. A statement of the complete quantitative composition of the drug.
III. Animal safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
IV. Human safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.
V. Efficacy data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

(3) *Deliberations of an advisory review panel.* An advisory review panel will meet as often and for as long as is appropriate to review the data submitted to it and to prepare a report containing its conclusions and recommendations to the Commissioner with respect to the safety and effectiveness of the drugs in a designated category of OTC drugs. A panel may consult any individual or group. Any interested person may request an opportunity to present oral views to the panel; such request may be granted or denied by th panel. Such requests for oral presentations should be in written form including a summarization of the data to be presented to the panel. Any interested person may present written data and views which shall be considered by the panel. This information shall be presented to the panel in the format set forth in subparagraph (2) of this paragraph and within the time period established for the drug category in the notice for review by a panel.

(4) *Standards for safety, effectiveness, and labeling.* The advisory review panel, in reviewing the data submitted to it and preparing its conclusions and recommendations, and the Commissioner, in reviewing the conclusions and recommendations of the panel and the published proposed, tentative, and final monographs, shall apply the following standards to determine general recognition that a category of OTC drugs is safe and effective and not misbranded:

(i) Safety means a low incidence of adverse reactions or significant side effects under adequate directions for use and warnings against unsafe use as well as low potential for harm which may result from abuse under conditions of widespread availability. Proof of safety shall consist of adequate tests by all methods reasonably applicable to show the drug is safe under the prescribed, recommended, or suggested conditions of use; such tests may be corroborated by reports of significant human experience during marketing. General recognition of safety shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data.

(ii) Effectiveness means a reasonable expectation that, in a significant proportion of the target population, the pharmacological effect of the drug, when used under adequate directions for use and warnings against unsafe use, will provide clinically significant relief of the type claimed. Proof of effectiveness shall consist of controlled clinical investigations as defined in § 130.12(a)(5)(ii), unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation is adequate to substantiate effectiveness. Investigations may be corroborated by partially controlled or uncontrolled studies, documented clinical studies by qualified experts, and reports of significant human experience during marketing. Isolated case reports, random experience, and reports lacking the details which permit scientific evaluation will not be considered. General recognition of effectiveness shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data.

(iii) The benefit-to-risk ratio of a drug shall be considered in determining safety and effectiveness.

(iv) An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

(v) Labeling shall be clear and truthful in all respects and may not be false or misleading in any particular. It shall state the intended uses and results of the product; adequate directions for proper use; and warnings against unsafe use, side effects, and adverse reactions in such terms as to render them likely to be read and understood by the ordinary

V 37 2 JAN 5 72 XUM

individual, including individuals of low comprehension, under customary conditions of purchase and use.

(vi) A drug shall be permitted for OTC sale and use by the laity unless, because of its toxicity or other potential for harmful effect or because of the method of or collateral measures necessary to its use, it may safely be sold and used only under a practitioner's prescription.

(5) *Advisory review panel report to the Commissioner.* An advisory review panel shall submit to the Commissioner a report containing its conclusions and recommendations with respect to the conditions under which OTC drugs falling within the category covered by the panel are generally recognized as safe and effective and not misbranded. Included within this report shall be:

(i) A recommended monograph or monographs covering the category of OTC drugs and establishing conditions under which the drugs involved are generally recognized as safe and effective and not misbranded. This monograph may include any conditions relating to active ingredients, labeling indications, warnings and adequate directions for use, prescription or OTC status, and any other conditions necessary and appropriate for the safety and effectiveness of drugs covered by the monograph.

(ii) A statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding.

(iii) A statement of all active ingredients, inactive ingredients, labeling claims or other statements, manufacturing procedures, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that the available data are insufficient to classify such conditions under either subdivision (i) or (ii) of this subparagraph and for which further testing is therefore required. The report may recommend the type of further testing required and the time period within which it might reasonably be concluded.

(6) *Proposed monograph.* After reviewing the conclusions and recommendations of the advisory review panel, the Commissioner shall publish in the FEDERAL REGISTER a proposed order containing:

(i) A monograph or monographs establishing conditions under which a categroy of OTC drugs is generally recognized as safe and effective and not misbranded.

(ii) A statement of the conditions excluded from the monograph on the basis of the Commissioner's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding.

(iii) A statement of the conditions excluded from the monograph on the basis of the Commissioner's determination that the available data are insufficient to classify such conditions under either subdivision (i) or (ii) of this subparagraph.

(iv) The full report(s) of the panel to the Commissioner.

The proposed order shall specify a reasonable period of time within which conditions falling within subdivision (iii) of this subparagraph may be continued in marketed products while the data necessary to support them are being obtained for evaluation by the Food and Drug Administration. The summary minutes of the panel meetings shall be made available to interested persons upon request. Any interested person may, within 60 days after publication of the proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Food and Drug Administration written comments in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed at the Office of the Hearing Clerk during regular working hours, Monday through Friday. Within 30 days after the final day for submission of comments, reply comments may be filed with the Hearing Clerk; these comments shall be utilized to reply to comments made by other interested persons and not to reiterate a position.

(7) *Tentative final monograph.* After reviewing all comments and reply comments, the Commissioner shall publish in the FEDERAL REGISTER a tentative order containing a monograph establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded. Within 30 days; any interested party may file with the Hearing Clerk of the Food and Drug Administration written objections specifying with particularity the omissions or additions requested. These objections are to be supported by a brief statement of the grounds therefor. A request for an oral hearing may accompany such objections.

(8) *Oral hearing before the Commissioner.* After reviewing objections filed in response to the tentative final monograph, the Commissioner, if he finds reasonable grounds in support thereof, shall by notice in the FEDERAL REGISTER schedule an oral hearing which shall last no longer than 3 hours. The notice scheduling an oral hearing shall specify the length of the hearing and how the time shall be divided among the parties requesting the hearing. The hearing shall be conducted by the Commissioner and may not be delegated.

(9) *Final monograph.* After reviewing the objections and considering the arguments made at any oral hearing, the Commissioner shall publish in the FEDERAL REGISTER a final order containing a monograph establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded. The monograph shall become effective as specified in the order.

(10) *Court appeal.* The monograph contained in the final order constitutes final agency action from which appeal lies to the courts. The Food and Drug Administration will request consolidation of all appeals in a single court. Upon court appeal, the Commissioner may, at his discretion, stay the effective date for part or all of the monograph pending appeal and final court adjudication.

(11) *Amendment of monographs.* The Commissioner may propose on his own initiative to amend or repeal any monograph established pursuant to this section. Any interested person may petition the Commissioner for such proposal. A petition shall set forth the action requested and a detailed statement of the grounds in support of such action. After review of a petition, the Commissioner may deny the petition if he finds a lack of substantial support for safety or effectiveness (in which case the appeal provisions of subparagraph (10) of this paragraph shall apply) or may publish a proposed amendment or repeal in the FEDERAL REGISTER if he finds substantial support for safety and effectiveness (in which case the provisions of subparagraphs (6), (7), (8), and (9) of this paragraph shall apply). A new-drug application may be submitted in lieu of or in addition to a petition under this paragraph.

(b) *Legal status of monographs.* (1) After its effective date, a monograph or any part thereof contained in a final order which is not the subject of a timely court appeal or which is the subject of a timely appeal and is affirmed by a court constitutes a binding substantive rule.

(2) Once a monograph or any part thereof becomes a binding substantive rule pursuant to subparagraph (1) of this paragraph, an OTC drug which falls within the category of drugs covered by that monograph shall be deemed not to be generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof, unless it complies with all of the conditions established by that monograph.

(3) Once a monograph or any part thereof becomes a binding substantive rule pursuant to subparagraph (1) of this paragraph, an OTC drug which falls within the category of drugs covered by that monograph and which is exempt from the definition of a new drug in section 201(p)(1) of the act as a result of the so-called 1938 grandfather clause or which is not subject to the Drug Amendments of 1962 as a result of the so-called 1962 grandfather clause in section 107(c) of those amendments shall be deemed to be misbranded and in violation of section 502 of the act, unless it complies with all of the conditions established by that monograph.

(4) Once a monograph becomes a binding substantive rule pursuant to subparagraph (1) of this paragraph, an OTC drug falling within the category of drugs covered by that monograph shall, prior to its marketing, either comply with all of the conditions established in that monograph or be the subject of an approved new-drug application. Any such drug which fails to meet one or the other of these two conditions shall be in violation of the act and shall be subject to summary court procdeure for a determination of illegality. Persons and companies responsible for marketing a drug in violation of this provision are subject to criminal prosecution and injunction, and the violative drug is subject to seizure and injunction. The Commissioner will request recall of such products from the market.

(5) A new-drug application requesting approval of an OTC drug deviating in any respect from a monograph that has become a binding substantive rule pursuant to subparagraph (1) of this paragraph shall be in the form required by § 130.4(a)(2) but shall include a statement that the product meets all conditions of the applicable monograph except for the deviation for which approval is requested and may omit all information except that pertinent to the deviation for which approval is requested.

(c) The monographs promulgated pursuant to the provisions of this section shall be established in this Subpart D and shall consist of the following designated categories:

(1) Antacids.
(2) Laxatives.
(3) Antidiarrheal products.
(4) Emetics.
(5) Antiemetics.
(6) Antiperspirants.
(7) Sunburn prevention and treatment products.
(8) Vitamin-mineral products.
(9) Antiinfective products.
(10) Dandruff products.
(11) Mouthwash products.
(12) Hemorrhoidal products.
(13) Hematinics.
(14) Bronchodilator and antiasthmatic products.
(15) Analgesics.
(16) Sedatives and sleep aids.
(17) Stimulants.
(18) Antitussives.
(19) Antihistamines.
(20) Cold remedies.
(21) Antirheumatic products.
(22) Ophthalmic products.
(23) Contraceptive products.
(24) Menstrual products.
(25) Dentifrices and dental products such as analgesics, antiseptics, etc.
(26) Miscellaneous (all other OTC drugs not falling within one of the above therapeutic categories).

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 30, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-147 Filed 1-4-72;8:50 am]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Provider Review Procedures and Suspension of Payments Under Medicare

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments (1) require intermediaries to institute review procedures for providers dissatisfied with intermediaries' determinations on cost reports; and (2) provide that payments to providers and suppliers of services could be suspended to recover overpayments to them only after such providers and suppliers have been afforded an opportunity to present evidence on the issue of the overpayment, and where a suspension of payments is put into effect there would be an expeditious settlement of the issues involved. It is intended that regulations dealing with provider reviews be effective for cost reporting periods ending on or after December 31, 1971, and that the regulations on suspensions be effective January 1, 1972.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed regulations are to be issued under the authority contained in sections 1102, 1815, and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 322, and 331, as amended; 42 U.S.C. 1302, 1395 et seq.

Dated: December 2, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: December 29, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Regulation No. 5 of the Social Security Administration (20 CFR Part 405) is further amended as follows:

1. The heading to Subpart C is revised to read as follows: Subpart C—Exclusions, Recovery of Overpayment, Liability of a Certifying Officer, and Suspension of Payment.

2. Section 405.301 is revised to read as follows:

§ 405.301 Scope of subpart.

Sections 405.310 to 405.320 describe certain exclusions from coverage applicable to hospital insurance benefits (part A of title XVIII) and supplementary medical insurance benefits (part B of title XVIII). The exclusions in this subpart are applicable in addition to any other conditions and limitations in this part 405 and in title XVIII of the Act. Sections 405.350 to 405.359 relate to the adjustment or recovery of an incorrect payment, or a payment made under section 1814(e) of the Health Insurance for the Aged Act. Sections 405.370 to 405.373 relate to the suspension of payments to a provider of services or other supplier of services where there is evidence that such provider or supplier has been or may have been overpaid.

3. New §§ 405.370–405.373 are added to read as follows:

§ 405.370 Suspension of payments to providers of services and other suppliers of services.

(a) Payments otherwise authorized to be made to providers of services and other suppliers of services in accordance with subpart A or subpart B of this part 405 (but excluding payments to entitled individuals and payments under § 405.251 (a)) may be suspended, in whole or in part, by an intermediary or a carrier when:

(1) The intermediary or carrier has determined that the provider or other supplier to whom such payments are to be made has been overpaid under title XVIII of the Social Security Act, or

(2) The intermediary or carrier has some evidence, although additional evidence may be needed for a determination, that such overpayment exists or that the payments to be made may not be correct.

(b) A suspension shall be put into effect only after the provisions in §§ 405.371 and 405.372 have been complied with and the intermediary or carrier has determined that the suspension of payments, in whole or in part, is needed to protect the program against financial loss. The provisions of this section and §§ 405.371–405.373 shall be effective on January 1, 1972.

V 37-2 JAN 5 72 XUM

§ 405.371 Proceeding for suspension.

(a) *General.* Whenever the intermediary or carrier has determined that a suspension of payments under § 405.370 should be put into effect with respect to a provider of services or other supplier of services, the intermediary or carrier shall notify the provider or other supplier of its intention to suspend payments, in whole or in part, and the reasons for making such suspension. The provider or other supplier will be given the opportunity to submit any statement (including any pertinent evidence) as to why the suspension shall not be put into effect and shall have 15 days following the date of notification to submit such statement, unless the intermediary or carrier for good cause imposes a shorter period. The intermediary or carrier may, for good cause shown, extend the time within which the statement may be submitted. If no statement is received within the 15-day period or such other period as specified in the notice, the suspension shall go into effect.

(b) *Fraud or misrepresentation.* The provisions of paragraph (a) of this section shall not apply where the intermediary or carrier has reason to believe that the circumstances giving rise to the need for a suspension of payments involves fraud or willful misrepresentation. Instead, the intermediary or carrier may suspend payments without first notifying the provider or other supplier of an intention to suspend payments. The provider or other supplier will be notified of such suspension and the reasons for taking such action.

(c) *Notice of amount of program reimbursement.* The provisions of paragraph (a) of this section shall not apply where the intermediary, after furnishing a provider a written notice of the amount of program reimbursement pursuant to § 405.491, suspends payment under paragraph (b) of such § 405.491.

(d) *Failure to furnish information requested.* The provisions of paragraph (a) of this section shall not apply where the intermediary or carrier suspends payments to a provider or other supplier of services because such provider or supplier of services has failed to submit evidence requested by such intermediary or carrier which is needed to determine the amounts due such provider or supplier under the program (sections 1815 and 1833(e) of the Act).

§ 405.372 Submission of evidence and notification of administrative determination to suspend.

When pursuant to § 405.371(a) the provider or other supplier submits a statement, the intermediary or carrier shall consider such statement (including any pertinent evidence submitted), together with any other material bearing upon the case, and make a determination as to whether the facts justify a suspension authorized by § 405.373. If the intermediary or carrier determines that a suspension should go into effect, written notice of such determination will be sent to the provider or other supplier. Such notice will contain specific findings on the conditions upon which the suspension was based, and an explanatory statement for the final decision.

§ 405.373 Subsequent action by intermediary or carrier.

(a) Where a suspension is put into effect by reason of § 405.370(a), such suspension shall remain in effect until whichever of the following first occurs: (1) The overpayment is liquidated, (2) the intermediary or carrier enters into an agreement with the provider or other supplier for liquidation of the overpayment, or (3) the intermediary or carrier, on the basis of subsequently acquired evidence or otherwise, determines that there is no overpayment; except that the intermediary or carrier may at any time adjust such suspension for an appropriate period if it determines that continuation of the suspension would cause irreparable harm to the provider or other supplier.

(b) Where the suspension is put into effect by reason of § 405.370(b), the intermediary or carrier will take timely action after such suspension to obtain such additional evidence it may need to make a determination as to whether an overpayment exists or the payments may be made (i.e., evidence from the records of the provider or other supplier of services). All reasonable efforts will be made by the intermediary or carrier to expedite such determinations. As soon as such determination is made, the provider or other supplier will be informed and, where appropriate such suspension will be rescinded or adjusted to take into account such determination. If such suspension is not rescinded, it shall remain in effect as specified in paragraph (a) of this section.

(c) The provisions of this section shall not apply where the intermediary or carrier, in suspending payments pursuant to § 405.370, had reason to believe that the circumstances giving rise to such suspension involve fraud or serious misrepresentation.

4. The heading to Subpart D is amended to read as follows:

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

5. New §§ 405.490–405.499f are added to read as follows:

§ 405.490 Intermediary-provider reimbursement determination hearing procedure.

Under its agreement with the Secretary of Health, Education, and Welfare, each intermediary is required to establish and maintain procedures for resolving any controversy which may arise between the intermediary and a provider as to the amount of program reimbursement due the provider or due the health insurance program. These procedures shall provide for a hearing on the intermediary's reasonable cost determination contained in a notice of program reimbursement (see § 405.491) when a timely filed request for a hearing on this determination is made by the provider. Each intermediary must set forth its hearing procedure in writing and furnish written notice of the availability of the procedure to the providers it services. The provisions of this section and §§ 405.491–405.499f shall be effective with cost reporting periods ending on or after December 31, 1971.

§ 405.491 Notice of amount of program reimbursement.

(a) Upon receipt of a provider's cost report, or amended cost report where permitted or required, the intermediary shall as expeditiously as possible analyze the report and thereafter commence any necessary audit of the report. Following receipt and analysis of any audit findings pertaining to the report, the intermediary shall furnish the provider a written notice of amount of program reimbursement. The notice shall (1) explain the intermediary's determination of total program reimbursement due the provider for the reporting period covered by the cost report or amended cost report; (2) relate this determination to the provider's claimed total reimburseable costs for this period; (3) explain the amount(s) and the reason(s) why, by appropriate reference to law, regulations, or program policy and procedure, this determination may differ from the provider's claim; and (4) inform the provider of its right to have the determination reviewed at a hearing.

(b) The intermediary's determination as contained in a notice of amount of program reimbursement shall constitute the basis for making the retroactive adjustment (required by § 405.454(f)) to any program payments made to the provider during the period to which the determination applies, including the suspending of further payments to the provider in order to recover, or to aid in the recovery of, any overpayment identified in the determination to have been made to the provider, notwithstanding any request for hearing on the determination the provider may make under § 405.492(a). Any such suspension shall remain in effect as specified in § 405.373(a).

§ 405.492 Right to hearing on a notice of program reimbursement determination or notice of suspension of program reimbursement.

(a) A provider dissatisfied with the intermediary determination contained in a notice of amount of program reimbursement may request an intermediary hearing of the determination. Such request must be in writing and be filed with the intermediary within 60 calendar days after the date of the notice of program reimbursement.

(b) Such request must (1) identify the aspect(s) of the determination with which the provider is dissatisfied, and (2) explain why the provider believes the determination on these matters is incorrect, and (3) be submitted with any documentary evidence the provider considers necessary to support its position.

(c) Following the timely filing of the request for hearing, the provider may identify in writing, prior to the onset of the hearings proceedings, additional aspects of the determination with which it is dissatisfied and furnish any documentary evidence in support thereof.

§ 405.493 Failure to timely request a hearing on a notice of program reimbursement determination.

Where a provider requests a hearing on a notice of amount of program reimbursement determination after the time limit prescribed in § 405.492(a), the designated individual(s) of the intermediary responsible for the hearing procedure shall dismiss the request and furnish the provider a written notice which explains the time limitation, except that for good cause shown the time limit prescribed in § 405.492(a) may be extended.

§ 405.494 Parties to the hearing.

The parties to the hearing shall be the provider and any other person who makes a showing that his rights may be prejudiced by the hearing officer's decision. Neither the intermediary nor the Social Security Administration may be made a party.

§ 405.495 Hearing officer or panel of hearing officers.

The hearing provided for in § 405.492 shall be conducted by a hearing officer or panel of hearing officers designated by the intermediary. Such hearing officer or officers shall be persons knowledgeable in the field of cost reimbursement. The hearing officer or officers shall not have had any direct responsibility for the program reimbursement determination with respect to which a request for hearing is filed.

§ 405.496 Conduct of hearing.

The hearing shall be open to the provider, its representatives, intermediary representatives, and representatives of the Bureau of Health Insurance. The hearing officer(s) shall inquire fully into all of the matters at issue and shall receive into evidence the testimony and any documents which are relevant and material to such matters. If the hearing officer(s) believe that there is relevant and material evidence available which has not been presented at the hearing, he (they) may at any time prior to the mailing of notice of the decision, reopen the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the hearing officer(s).

§ 405.497 Prehearing discovery and other prehearing proceedings.

(a) Prehearing discovery, including inspection of audit workpapers, shall be permitted upon timely request of the provider or his representative. To be timely a request for discovery and inspection shall be made before the beginning of the hearing. A reasonable time for inspection and reproduction of documents shall be provided by order of the hearing officer(s).

(b) If, in the discretion of the hearing officer(s), the purpose of defining the issues more clearly would be served, the hearing officer(s) may schedule a prehearing conference.

§ 405.498 Evidence.

Evidence may be received at the hearing even though inadmissible under the rules of evidence applicable to court procedure. The hearing officer(s) shall rule on the admissibility of evidence.

§ 405.499 Witnesses.

The hearing officer(s) may examine the witnesses and shall allow the parties or their representatives to do so. Parties to the proceedings may also cross-examine witnesses.

§ 405.499a Record of hearing.

A complete record of the proceedings at the hearing shall be made and transcribed in all cases. It shall be made available to the provider upon request.

§ 405.499b Authority of hearing officer(s).

The hearing officer(s) in exercising their authority must comply with all the provisions of title XVIII of the Act and regulations issued thereunder as well as with policy statements, instructions, and other guides issued by the Social Security Administration in accordance with the Secretary's agreement with the intermediary.

§ 405.499c Notice of hearing decision.

The hearing officer(s) shall render a decision in writing with a citation of applicable law, regulations, and Social Security Administration instructions as well as findings on all the matters in controversy at the hearing and the record will not be closed until the issuance of said decision. A copy of the decision will be provided all parties to the hearing.

§ 405.499d Effect of hearing decision.

The hearing decision provided for in § 405.499c shall be final and binding upon all parties to the hearing.

§ 405.499e Appointment of representative.

A provider may appoint as its representative any person to act as representative at the proceedings conducted in accordance with § 405.490ff.

§ 405.499f Authority of representative.

A representative appointed by a provider may accept or give on behalf of the party he represents any request or notice relative to any proceeding before the intermediary. A representative shall be entitled to present evidence and allegations as to facts and law in any proceeding affecting the party he represents and to obtain information with respect to a request for hearing made in accordance with § 405.492(a) to the same extent as the party he represents. Notice to a provider of any action, determination, or decision, or a request for the production of evidence by the intermediary sent to the representative of the provider shall have the same force and effect as if it had been sent to the provider.

[FR Doc.72-135 Filed 1-4-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SW-72]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Mineola, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

MINEOLA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wisener Airport (latitude 32°40'47" N., longitude 95°30'45" W.) and within 2 miles each side of the Quitman, Tex., VORTAC 211° radial extending from the airport to 6 miles northeast of the airport.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at Wisener Airport, Mineola, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C.

V 37 N 5 JAN 72 XUM

1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 22, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-100 Filed 1-4-72;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 110]

FOREIGN ATOMIC ENERGY PROGRAMS

Unclassified Activities

The provisions of section 57(b) of the Atomic Energy Act of 1954, as amended, make it unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States except (1) under an Agreement for Cooperation made pursuant to section 123, or (2) upon authorization by the Commission after a determination that such activity will not be inimical to the interest of the United States. Under the Treaty on the Non-Proliferation of Nuclear Weapons, the United States undertakes not to assist, encourage, or induce any nonnuclear-weapon State to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices or control over such weapons or devices. Furthermore, under the terms of the Treaty, the United States has obligated itself not to provide equipment or material especially designed or prepared for the processing, use, or production of special nuclear material to any such State for peaceful purposes unless the source or special nuclear material shall be subject to the required safeguards. Each nonnuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency, designed to verify the fulfillment of that State's obligations assumed under the Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

The Commission's regulation, 10 CFR, Part 110, which was promulgated prior to U.S. ratification of the NPT, provides a general authorization, if not in violation of other provisions of law, to engage in unclassified activities of the type covered by section 57(b) of the Act in foreign countries except certain countries in the Sino-Soviet bloc. This general authorization is in terms broad enough to permit unclassified assistance to uranium isotope separation plants, chemical processing plants, and heavy water plants (provided such activities are not in violation of other provisions of law). Although the safeguards requirements of the Non-Proliferation Treaty relate to many areas of activity including the three areas mentioned in the preceding sentence, the Commission believes that some activities in these three areas should also be subject to its approval in each case to assure that such activities will not be inimical to the interest of the United States. In addition, the Commission believes that it should be in a position to review assistance involving the communication of technology, which is not subject to NPT safeguards, in the three areas above mentioned. The Commission is, therefore, considering amendment of Part 110 in order to require specific Commission authorization to engage, directly or indirectly, in any of the following activities outside the United States:

(a) Designing or assisting in the design of facilities for the chemical processing of irradiated special nuclear material, facilities for the production of heavy water, facilities for the separation of isotopes of uranium or equipment or components especially designed for any of the foregoing; or

(b) Constructing or fabricating such facilities; or

(c) Fabricating or furnishing equipment or components especially designed for use in such facilities; or

(d) Training foreign personnel in the design, construction, operation, or maintenance of such facilities or equipment or components especially designed therefor; or

(e) Furnishing information not available to the public in published form for use in the design, construction, fabrication, operation, or maintenance of such facilities or equipment or components especially designed therefor.

It is not the intention of the Commission to prevent by this regulation the transfer of standard, off-the-shelf items or the communication of information which is available to the public in published form. In considering requests for authorization the Commission will give special attention to the extent to which the communication of information, the provision of services, and the export of equipment and components are of significant or substantial assistance to the foreign activity.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 110 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Section 110.7 of 10 CFR, Part 110 is amended by redesignating subparagraph (a)(4) as subparagraph (a)(5), and adding a new subparagraph (a)(4) to read as follows:

§ 110.7 Generally authorized activities.

(a) Pursuant to section 57b(2) of the Act, the Atomic Energy Commission has determined that any activity which:

* * * * *

(4) Does not involve directly or indirectly engaging in any of the following activities outside the United States:

(i) Designing or assisting in the design of facilities for the chemical processing of irradiated special nuclear material, facilities for the production of heavy water, facilities for the separation of isotopes of uranium or equipment or components especially designed for any of the foregoing; or

(ii) Constructing or fabricating such facilities; or

(iii) Fabricating or furnishing equipment or components especially designed for use in such facilities; or

(iv) Training foreign personnel in the design, construction, operation, or maintenance of such facilities or equipment or components especially designed therefor; or

(v) Furnishing information not available to the public in published form for use in the design, construction, fabrication, operation, or maintenance of such facilities or equipment or components especially designed therefor; and

* * * * *

will not be inimical to the interest of the United States and is authorized by the Atomic Energy Commission.

* * * * *

(Secs. 57, 161, 68 Stat. 932, 948, as amended; 42 U.S.C. 2077, 2201. For the purposes of sec. 223, 68 Stat. 958, as amended; 42 U.S.C. 2273, sections 110.10 and 110.11 issued under sec. 161o, 68 Stat. 950, as amended; 42 U.S.C. 2201(o))

Dated at Germantown, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-125 Filed 1-4-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

α-NAPHTHALENEACETAMIDE

Proposed Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Research Stations of Idaho, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Utah, Virginia, and Washington, submitted a petition (PP 1E1094) proposing establishment of tolerances for combined negligible residues of the plant regulator α-naphthaleneacetamide and its metabolite α-naphthaleneacetic acid (calculated as α-naphthaleneacetic acid) in or on apples and pears at 0.1 part per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. This pesticide is useful for the purpose for which the tolerances are proposed.

2. There is no reasonable expectancy of residues of α-naphthaleneacetamide or its metabolite α-naphthaleneacetic acid in eggs, meat, milk, and poultry from the proposed usage. The usage is classified in the category specified in § 180.6(a)(3).

3. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that Part 180 be amended as follows:

1. In Subpart A, by adding a new subparagraph (7) to § 180.3(d), as follows, to avoid a conflict when two different tolerances for the subject pesticide are established on the same commodity:

§ 180.3 Tolerances for related pesticide chemicals.

* * * * * *

(d) * * *

(7) Where tolerances are established for residues of α-naphthaleneacetamide and/or α-naphthaleneacetic acid in or on the same raw agricultural commodity, the total amount of such pesticides shall not yield more residue than that permitted by the higher of the two tolerances, calculated as α-naphthaleneacetic acid.

2. In subpart C, by adding a new section thereto, as follows:

§ 180.309 α-naphthaleneacetamide; tolerances for residues.

Tolerances are established for combined negligible residues of the plant regulator α-naphthaleneacetamide and its metabolite α-naphthaleneacetic acid (calculated as α-naphthaleneacetic acid) in or on the raw agricultural commodities apples and pears at 0.1 part per million.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 22, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-115 Filed 1-4-72;8:47 am]

[40 CFR Part 180]

SODIUM TRICHLOROACETATE

Proposed Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Experiment Stations of Maine, Michigan, Minnesota, North Dakota, and Wisconsin, the U.S. Department of Agriculture, The Beet Sugar Development Foundation, and the American Sugar Cane League submitted a petition proposing establishment of tolerances for residues of the herbicide sodium trichloroacetate in or on the raw agricultural commodities sugar beet roots at 1 part per million and sugarcane at 0.5 part per million.

Subsequently, the petitioner amended the petition by reducing the proposed tolerance level of 1 part per million on sugar beet roots to 0.5 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerances are proposed.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

3. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9083), it is proposed that Part 180 be amended as follows:

1. In § 180.3(e)(4) by alphabetically inserting in the list of chlorinated organic pesticides a new item, as follows:

§ 180.3 Tolerances for related pesticide chemicals.

(e) * * *

(4) * * *

Sodium trichloroacetate.

* * * * * *

2. By adding the following new section:

§ 180.310 Sodium trichloroacetate; tolerances for residues.

A tolerance of 0.5 part per million is established for residues of the herbicide sodium trichloroacetate in or on the raw agricultural commodities sugarbeet roots and sugarcane.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 22, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-118 Filed 1-4-72;8:48 am]

[40 CFR Part 180]

PARATHION OR ITS METHYL HOMOLOG

Proposed Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

The University of Nevada, Reno, Nev. 89507, submitted a petition proposing establishment of a tolerance for residues of the insecticide parathion or its methyl homolog on alfalfa hay at 10 parts per million.

Subsequently, the petitioner amended the petition by proposing tolerances for residues of parathion or its methyl homolog on alfalfa hay at 5 parts per million and fresh alfalfa at 1.25 parts per million.

Prior to December 2, 1970, the U.S. Department of Agriculture advised that this pesticide chemical is useful for the purpose for which tolerances are proposed, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

V37-2 JAN 5 72 XUM

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

2. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that § 180.121 *Parathion or its methyl homolog; tolerances for residues*, be amended by:

1. Inserting the two new paragraphs "5 parts per million in or on alfalfa hay" and "1.25 parts per million in or on alfalfa (fresh)" before the paragraph "1 part per million • • •" and

2. Deleting the word "alfalfa" from the paragraph "1 part per million • • •".

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-117 Filed 1-4-72;8:48 am]

[40 CFR Part 180]

O,O,-DIETHYL O-(2-DIETHYLAMINO-6-METHYL-4-PYRIMIDINYL) PHOSPHOROTHIOATE; AND ITS OXYGEN ANALOG

Proposed Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

ICI Plant Protection Ltd., Fernhurst, Haslemere, Surrey, England, has requested a tolerance of 0.02 part per million for negligible residues of the insecticide *O,O*-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl phosphorothioate and its oxygen analog diethyl 2-diethylamino-6-methyl-4-pyrimidinyl phosphate in or on bananas.

The agency reports that this insecticide is useful for the purpose for which the tolerance is proposed.

Based on consideration given the data submitted and other relevant material, it is concluded that the proposed tolerance is safe and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that Part 180 be amended as follows:

In § 180.3(e)(5), by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 180.3 Tolerances for related pesticide chemicals.

• • • • • • •

(e) • • •
(5) • • •

O,O-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate and its oxygen analog diethyl 2-diethylamino-6-methyl-4-pyrimidinyl phosphate.

• • • • • • •

2. In Subpart C, by adding a new section, as follows:

§ 180.308 *O,O*-Diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate and its oxygen analog; tolerances for residues.

A tolerance of 0.02 part per million is established for negligible residues of the insecticide *O,O*-diethyl *O*-(2-diethylamino-6-methyl-4-pyrimidinyl) phosphorothioate and its oxygen analog diethyl 2-diethylamino-6-methyl-4-pyrimidinyl phosphate in or on the raw agricultural commodity bananas.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-116 Filed 1-4-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 19231; FCC 71-1286]

BIOMEDICAL RADIO TELEMETRY SYSTEMS

Notice of Proposed Rule Making

Order. In the matter of amendment of Part 15 of the Commission's rules to exclude from the duty cycle requirement biomedical radio telemetry systems operating above 70 MHz, Docket No. 19231, RM-1727, RM-1739.

1. On May 19, 1971, the Commission adopted a combined notice of inquiry and notice of proposed rule making in Docket 19231, looking toward amending Part 15 to exclude biomedical telemetry devices from the duty cycle limitation in § 15.211 of the rules.

2. Several months earlier the Commission had issued waivers to Spacelabs, Inc.[1] and Laser Systems and Electronics, Inc.[2] authorizing marketing and use until June 30, 1971, of cardiac monitoring equipment which compiled with all requirements of Part 15 except the duty cycle. Authority was delegated to the staff to grant similar waivers to other manufacturers and some nine waivers were granted under this delegation. Subsequently these waivers were extended until December 31, 1971.

3. It appears that adoption of final rules in this proceeding will be delayed beyond December 31, 1971. Accordingly, subject to the conditions listed below, these waivers are now extended for biomedical equipment which does not meet the duty cycle limitation in § 15.211(a)(3) but which otherwise complies with the requirements of Part 15 for operation above 70 MHz.

(a) The biomedical telemetry device operates on a frequency above 70 MHz and meets the requirements of § 15.211(a)(1) and (2) with respect to the emission of RF energy as measured by the field strength. This does not apply to telemetering devices operating in the band 88–108 MHz and has no effect on § 15.212.

(b) Manufacturers marketing equipment under this waiver must agree to conform all such equipment to the final rules that may be adopted.

4. *Accordingly, it is ordered,* That biomedical telemetry devices manufactured by the following companies are excluded from the duty cycle limitation of § 15.211(a)(3) of Part 15 of the Commission's rules and may be marketed and used subject to the conditions set out in paragraph 3, above:

Medtronix, Inc.; New Glarus, Wis.
American Optical Corp., Medical Div.; Bedford, Mass.
Mennen-Greatbatch Electronics, Inc.; Clarence, N.Y.
Care Electronics, Inc.; Huntsville, Ala.
Spacelabs, Inc.; Washington, D.C.
Laser Systems and Electronics, Inc.; Washington, D.C.
Abbott Medical Electronics Co.; North Chicago, Ill.
Bio Sentry Telemetry, Inc.; Gardena, Calif.
section 109 of the Renegotiation Act of
Statham Instruments, Inc.; Oxnard, Calif.
Dallons Instruments; El Segundo, Calif.

5. *It is further ordered,* That this order shall continue in effect until March 15, 1972.

Adopted: December 28, 1971.

Released: December 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-131 Filed 1-4-72;8:49 am]

[1] Memorandum Opinion and Order, adopted September 30, 1970.
[2] Memorandum Opinion and Order, adopted October 9, 1970.
[3] Commissioners Johnson and H. Rex Lee absent.

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 715]

SUSPENSION OR REVOCATION OF CHARTER; INVOLUNTARY LIQUIDATION

Proposed Revision of Procedures

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes to revise the entire Part 715 (12 CFR Part 715) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than February 7, 1972.

HERMAN NICKERSON, JR.,
Administrator.

PART 715—SUSPENSION OR REVOCATION OF CHARTER, INVOLUNTARY LIQUIDATION

Subpart A—Rules and Procedures Applicable to Procedures for Suspension or Revocation of Charters and Involuntary Liquidation

Sec.
715.1 Scope.
715.2 Grounds for suspension or revocation of charter and involuntary liquidation.
715.3 Notice of intention to suspend or revoke a charter.
715.4 Order directing suspension or revocation and involuntary liquidation.

Subpart B—Rules of Practice and Procedure Applicable to Hearings Pursuant to Subpart A Above

Sec.
715.5 Scope.
715.6 Notice of hearing.
715.7 Appearance and practice before the Administration.
715.8 Answer.
715.9 Conduct of hearings.
715.10 Rules of evidence.
715.11 Motions.
715.12 Proposed findings and conclusions and recoinmended decision.
715.13 Exceptions.
715.14 Briefs.
715.15 Oral argument before the Administrator.
715.16 Notice of submissions to the Administrator.
715.17 Decision of the Administrator.
715.18 Filing papers.
715.19 Service.
715.20 Copies.
715.21 Computing time.
715.22 Documents in proceedings confidential.
715.23 Formal requirements as to papers filed.

Subpart C—Procedures Applicable to Immediate Suspension of Charter; Cancellation of Charter

715.24 Scope.
715.25 Immediate suspension.
715.26 Cancellation of charter.

AUTHORITY: The provision of this Part 715 pursuant to section 120, 73 Stat. 635, 12 U.S.C. 1766.

Subpart A—Rules and Procedures Applicable to Procedures for Suspension or Revocation of Charters and Involuntary Liquidation

§ 715.1 Scope.

This subpart prescribes the grounds and procedures for the suspension or revocation of the charter of a Federal credit union and, where applicable, the placing of such Federal credit union in involuntary liquidation.

§ 715.2 Grounds for suspension or revocation of charter and involuntary liquidation.

The charter of any Federal credit union may be suspended or revoked, the Federal credit union placed in involuntary liquidation and a liquidating agent appointed therefor upon a finding by the Administrator that the Federal credit union concerned is insolvent or bankrupt, has violated any provisions of its charter, its bylaws, the Federal Credit Union Act, any Regulation issued by the Administration, or has failed to obtain share insurance in accordance with the provisions of section 201 of the Federal Credit Union Act.

§ 715.3 Notice of intention to suspend or revoke a charter.

(a) Upon a determination that one or more of the grounds listed in § 715.2 of this subpart apply to a particular Federal credit union, the Administrator shall cause to be served on that Federal credit union a notice of intention to suspend or revoke its charter and, if applicable, the intent to place such Federal credit union in involuntary liquidation. Such notice shall contain a statement of the facts which constitute the alleged grounds for suspension or revocation of the charter of the Federal credit union concerned.

(b) Upon receipt of the notice of intention to suspend or revoke its charter and not later than twenty (20) days thereafter, the Federal credit union concerned shall: (1) File with the Administrator a statement in writing setting forth the grounds and reasons why its charter should not be suspended or revoked and, where applicable, why it should not be placed in involuntary liquidation, or (2) in lieu of a written statement, it may request an oral hearing which shall be conducted in accordance with the procedures set forth in this part. This statement or request shall be accompanied by a certified copy of a resolution of the board of directors of the Federal credit union concerned authorizing such statement or request.

(c) If the Federal credit union concerned does not exercise either alternative available in paragraph (b) of this section within the time required, it shall be deemed to have admitted the facts alleged in the notice of intent to suspend or revoke and shall be deemed to have consented to the relief sought.

§ 715.4 Order directing suspension or revocation and involuntary liquidation.

(a) If, after reviewing all relevant materials or the record of the hearing as the case may be, the Administrator finds that the charter of the Federal credit union concerned should be suspended or revoked and, where applicable, the Federal credit union placed in involuntary liquidation, he shall cause to be served on the Federal credit union concerned an order directing the suspension or revocation of its charter and, where applicable, directing that it be placed in involuntary liquidation and the appointment of a liquidating agent. Such order shall contain a statement of the findings upon which the order is based. The provisions of this section are also applicable to situations arising under § 715.3(c).

(b) The Administrator shall arrive at his decision and cause such order to be served not later than forty-five (45) days after receipt of the written statement of record of the hearing as the case may be.

(c) On the receipt of a copy of the order which provides that the Federal credit union concerned be placed in involuntary liquidation, the officers and directors of that Federal credit union shall immediately deliver to the liquidating agent possession and control of all books, records, assets, and property of every description of the Federal credit union, and the liquidating agent shall proceed to convert said assets to cash, collect all debts due to said Federal credit union and to wind up its affairs in accordance with the provisions of the Federal Credit Union Act.

V37-2
JAN 5 72
XUM

Subpart B—Rules of Practice and Procedure Applicable to Hearings Pursuant to Subpart A Above

§ 715.5 Scope.

This subpart prescribes the rules of practice and procedure followed by the National Credit Union Administration in hearings held pursuant to the provisions of Subpart A of this part.

§ 715.6 Notice of hearing.

(a) Immediately upon receipt of a request for an oral hearing pursuant to § 715.3(b), the Administrator shall notify, in writing, the Federal credit union making such request of the time, place, and nature of such hearing. Such hearing shall be fixed for a date not earlier than thirty (30) days nor later than sixty (60) days after service of such notice unless an earlier or later date is requested by the Federal credit union concerned and is granted by the Administrator in his discretion.

(b) Unless the Federal credit union shall appear at such hearing by a duly authorized representative, it shall be deemed to have consented to the suspension or revocation of its charter and, where applicable, the placing of said Federal credit union in involuntary liquidation.

§ 715.7 Appearance and practice before the Administration.

(a) *Power of attorney.* Any person who is a member in good standing of the bar of the highest court of any State, possession, or territory of the United States, Commonwealth, or the District of Columbia may represent a Federal credit union before the Administration upon filing with the Administrator a written declaration that he is currently qualified as provided by this paragraph, and is authorized to represent the particular Federal credit union on whose behalf he acts. Any other person desiring to appear before or transact business with the Administration in a representative capacity may be required to file with the Administrator a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the Administrator that he has the requisite qualifications.

(b) *Notice of appearance.* Attorneys and representatives of parties to proceedings shall file a written notice of appearance with the Administrator.

(c) *Summary suspension.* Contemptuous conduct at such an oral hearing shall be ground for exclusion therefrom and suspension for the duration of the hearing.

§ 715.8 Answer.

(a) *When required.* In any notice of hearing issued by the Administrator, the Administrator may direct the party or parties afforded the hearing to file an answer to the allegations contained in the notice of intention to suspend or revoke its charter, and any party to any proceeding may file an answer. Except where a different period of not less than 10 days after service of a notice of hearing is specified by the Administrator, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Administrator within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party does not have sufficient information to admit or deny each allegation in the notice of intention to suspend or revoke its charter. A statement of lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the notice of intention to suspend or revoke its charter and to authorize the hearing officer, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Administrator a recommended decision containing such findings and appropriate conclusions. The Administrator or the hearing officer may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

(d) *Opportunity for informal settlement.* Any interested party may, at any time, submit to the Administrator, for consideration, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No such offer or proposal, or counteroffer or proposal, shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this section shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in this section.

§ 715.9 Conduct of hearings.

(a) *Hearing officer.* A hearing held under the provisions of this subpart shall be before the Administrator or his designee, hereinafter referred to as the hearing officer.

(b) *Place of hearing.* A hearing provided for in this subpart shall be held in the National Credit Union Administration Regional Office having jurisdiction over the region in which the particular Federal credit union is located, unless such Federal credit union requests a different location and the Administrator, in his discretion, approves such request.

(c) *Authority of hearing officer.* All hearings governed by this part shall be conducted in accordance with the provisions of chapter 5 of title 5 of the United States Code. The hearing officer designated by the Administrator to preside at any such hearing shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. Such hearing officer shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To receive relevant evidence and to rule upon the admission of evidence and offers of proof;

(3) To regulate the course of the hearing and the conduct of the parties and their counsel;

(4) To hold conferences for the settlement of simplification of issues or for any other proper purpose; and

(5) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, except that a hearing officer shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings. Without limitation on the foregoing provisions of this paragraph, the hearing officer shall, subject to the provisions of this part, have all authority of section 556(c) of title 5 of the United States Code.

(d) *Prehearing conference.* The hearing officer may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues;

(2) Stipulations, admissions of fact and of the contents, and authenticity of documents;

(3) Matters of which official notice will be taken; and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

Such conferences shall, at the request of any party, be recorded and at the conclusions thereof the hearing officer shall enter in the record an order which recites the results of the conference. Such order shall include the hearing officer's rulings upon matters considered at the conference, together with appropriate directions to the parties, if any; and such order shall control the subsequent course of the proceedings, unless modified at the hearing to prevent manifest injustice. Except as authorized by law, the hearing officer shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions. No officer, employee, or agent engaged in the performance of investigative of prosecuting function in

any case shall, in that case or a factually related case, participate or advise in the decision of the hearing officer except as a witness or counsel in the proceedings.

(e) *Attendance at hearings.* A hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representatives of the Administrator, or on the Administrator's own motion, the Administrator, in his discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public.

(f) *Transcript of testimony.* Hearings shall be recorded and transcripts will be available to any party upon payment of the cost thereof, and, in the event the hearing is public, shall be furnished on similar payment to the other interested persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, together with all exhibits, all papers and requests filed in the proceeding, shall be filed with the Administrator, who shall transmit the same to the hearing officer. The Administrator shall promptly serve notice upon each of the parties of such filing and transmittal. The hearing officer shall have authority to rule upon motions to correct the record.

(g) *Order of procedure.* The counsel for the Administration shall open and close.

(h) *Continuances and changes or extention of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Administrator may, by the notice of hearing or subsequent order, provide time limits different from those specified in this part, and the Administrator may, on his own initiative or for good cause shown, change or extend any time limit prescribed by these rules or, with the consent of the Federal credit union afforded the hearing, change the time and place for beginning any hearing hereunder. The hearing officer may continue or adjourn a hearing from time to time and, as permitted by law or agreed to by parties, from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a proceeding may be granted by the hearing officer for good cause shown.

(i) *Call for further evidence, oral argument, briefs, reopening of hearing.* The hearing officer may call for the production of further evidence upon any issue, may permit oral argument and submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the Administrator. The Administrator shall render his decision within forty-five (45) days after the parties have been notified pursuant to § 715.16 that the case has been submitted to the Administrator for final decision, unless within such forty-five (45) day period the Administrator shall order that such notice be set aside and the case reopened for further proceedings.

§ 715.10 Rules of evidence.

(a) Evidence: Every party shall have the right to present his case of defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) Objections to the admission or exclusion of evidence shall be in short form, stating the grounds relied upon, and the transcript shall not include argument therein except as ordered, allowed, or requested by the hearing officer. Rulings of objections and on any other matter shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) Official notice: All matters officially noticed by the hearing officer shall appear on the record.

§ 715.11 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a hearing officer has been designated and before the filing with the Administrator of his recommended decision, such applications or requests shall be addressed to and filed with the hearing officer. At all other times motions shall be addressed to and filed with the Administrator. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the hearing officer directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period as may be fixed by the hearing officer or the Administrator, any party may file a written answer or objections to such motion. The moving party shall have no right to reply, except as permitted by the hearing officer or the Administrator. As a matter of discretion, the hearing officer or the Administrator may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the hearing officer of the Administrator. Written memoranda or briefs may be filed with motions or answers or objections thereto, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the hearing officer shall rule upon all motions properly addressed to him and upon such other motions as the Administrator directs, except that if the hearing officer finds that a prompt decision by the Administrator on a motion is essential to the proper conduct of the proceeding, he may refer that motion to the Administrator for decision. The Administrator shall rule upon all motions properly submitted to him for decision;

(e) *Appeal from rulings on motions.* All motions and answers or objections thereto and rulings thereon shall become a part of the record. Rulings of a hearing officer on any motion may not be appealed to the Administrator prior to his consideration of the hearing officer's recommended decision, findings, and conclusions except by special permission of the Administrator; but they shall be considered by the Administrator in reviewing the record. Requests to the Administrator for special permission to appeal from such rulings of the hearing officer shall be filed promptly, in writing, and shall briefly state the grounds relied upon. The moving party shall immediately serve a copy thereof on every other party to the proceeding.

(f) *Continuation of hearing.* Unless otherwise ordered by the hearing officer or the Administrator, the hearing shall be continued pending the determination of any motion by the Administrator.

§ 715.12 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions by parties.* Each party to a hearing shall have a period of 15 days after service of the Administrator's notice of the filing and transmittal of the record as provided in § 715.9(f), or such further time as the hearing officer for good cause shall determine, to file with the hearing officer proposed findings of fact, conclusions of law, and orders which may be accompanied by a brief or memorandum in support thereof. Such proposals shall be supported by citation of those statutes, decisions, and other authorities which may be relevant and by page references to appropriate parts of the record. All such proposals, briefs, and memoranda shall become a part of the record.

(b) *Recommended decision and filing of record.* The hearing officer shall, within 30 days after the expiration of the time allowed for the filing of proposed findings, conclusions, and order, or within such further time as the Administrator for good cause shall determine, file with and certify to the Administrator for decision the entire record of the hearing, which shall include his recommended decision, findings of fact, conclusions of law, and proposed order, the transcript, exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Administrator shall serve upon each party to the proceeding a copy of the hearing officer's recommended decision, findings, conclusions and proposed order. The provisions of this paragraph and § 715.13 shall not apply, however, in any case where the hearing was held before the Administrator.

V 37 2 JAN 5 72 XUM

§ 715.13 Exceptions.

(a) *Filing.* Within 15 days after service of the recommended decision, findings, conclusions, and proposed order of the hearing officer, of such further time as the Administrator for good cause shall determine any party (other than a party who has not filed an answer in accordance with paragraphs (a) and (c) of § 715.8, unless no answer was required of such party by the Administrator) may file with the Administrator exceptions thereto or any part thereof, or to the failure of the hearing officer, supported by such brief as may appear advisable.

(b) *Waiver.* Failure of a party to file exceptions to the recommended decision, findings, conclusions, and proposed order of the hearing officer, or any portion thereof, or to his failure to adopt a proposed finding or conclusions, or to the admission or exclusion of evidence or other ruling of the hearing officer, within the time prescribed in paragraph (a) of this section, shall be deemed a waiver of objection thereto.

§ 715.14 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page references to such portions of the record or recommended decision of the hearing officer as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed with the hearing officer within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties. Further briefs may be filed only with the permission of the Administrator.

(c) *Delays.* Briefs not filed on or before the time fixed in this subpart will be received only upon special permission of the Administrator.

§ 715.15 Oral argument before the Administrator.

Upon its own initiative, or upon the written request of any party made within the time prescribed for the filing of exceptions, a brief in support thereof, or a reply brief, if any, for oral argument on the findings, conclusions, and recommended decision of the hearing officer, the Administrator, if he considers that justice will best be served, may order the matter to be set down for oral argument before him. Oral argument before the Administrator shall be recorded unless otherwise ordered by the Administrator.

§ 715.16 Notice of submission to the Administrator.

Upon filing of the record with the Administrator, and upon the expiration of the time for the filing of exceptions and all briefs, including reply briefs or any further briefs permitted by the Administrator and upon the hearing of oral argument by the Administrator if ordered by the Administrator, the Administrator shall notify the parties that the case has been submitted to him for final decision.

§ 715.17 Decision of the Administrator.

Appropriate members of the staff of the National Credit Union Administration, who are not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Administrator in the consideration of the case and in the preparation of appropriate documents for its disposition. Copies of the decision and order of the Administrator shall be furnished to the Federal credit union concerned.

§ 715.18 Filing papers.

Recommended decisions, exceptions, briefs and other papers required to be filed with the Administrator in any proceeding shall be filed with the Administrator, National Credit Union Administration, Washington, D.C. 20456. Any such papers may be sent to the Administrator by mail but must be received in the office of the Administrator in Washington, D.C. or post marked by a post office, within the time limit for such filing.

§ 715.19 Service.

(a) *By the Administrator.* All documents or papers required to be served by the Administrator upon any party afforded a hearing shall be served by him or his duly authorized representative. Such service, except for service upon counsel for the Administration, shall be made by personal service or by registered or certified mail, addressed to the last known address as shown on the records of such party, provided that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Administration. Such service may also be made in such other manner reasonably calculated to give actual notice as the Administrator may by regulation or otherwise provide. The provisions of this section are also applicable to service required in Subpart A of this part.

(b) *By the parties.* Except as otherwise expressly provided in this part, all documents or papers filed in a proceeding under this part shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered or certified mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers shall, when tendered to the Administrator or hearing officer for filing, show that such service has been made.

§ 715.20 Copies.

Unless otherwise specifically provided in the notice of hearlig, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Administrator under this part, except the transcript of testimony and exhibits, shall be furnished to the Administrator.

§ 715.21 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begin to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday, or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor such legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays, and legal holidays shall not be included.

(b) *Service by mail.* Whenever any party has the right or is required to do some act or take some proceeding, within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, 3 days shall be added to the prescribed period from the date when the matter served is deposited in the U.S. mail.

§ 715.22 Documents in proceedings confidential.

Unless and until otherwise ordered by the Administrator, the notice of intent to suspend or revoke, the notice of hearing, the transcript, the recommended decision of the hearing officer, exceptions thereto, proposed findings or conclusions, the findings and conclusions of the Administrator and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Administrator, the hearing officer, the parties and appropriate authorities. The provisions of this section also apply to all papers concerned where the particular Federal credit union elects to submit a written statement under § 715.3(b)(1).

§ 715.23 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten, or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* The original of all papers filed by the Federal credit union shall be signed by an officer thereof, and if filed by another party shall be signed by said party, or by the duly authorized agent or attorney of the Federal credit union or other party, and in all such cases shall show the signer's address. Counsel for the Administration shall sign the original of all papers filed by him.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Administration, the name of the party, and the subject of the particular paper.

Subpart C—Procedures Applicable to Immediate Suspension of Charter; Cancellation of Charter

§ 715.24 Scope.

This subpart prescribes the procedures to be used by the National Credit Union Administration when immediate suspension of a Federal credit union's charter is necessary. Also contained is the provision for cancellation of the charter of a Federal credit union upon completion of the liquidation thereof.

§ 715.25 Immediate suspension.

(a) In any case where the Administrator shall find that a Federal credit union is insolvent or that the interest of its members require immediate action, he may order, without prior notice, the immediate suspension of the charter of the Federal credit union concerned. The Administrator shall cause to be served upon such Federal credit union a notice of suspension of its charter. Such notice shall contain a statement of the grounds for the immediate suspension. The notice shall also contain an order for the Federal credit union concerned to show cause why its charter should not be revoked and the Federal credit union placed in involuntary liquidation. The Federal credit union shall have twenty (20) days from the date of receipt of such notice and order to exercise its options as listed in § 715.3(b).

(b) Should the Federal credit union concerned fail to exercise either alternative provided in § 715.3(b) within the prescribed time, it shall be deemed to have consented to the revocation of its charter and the involuntary liquidation sought under paragraph (a) of this section.

§ 715.26 Cancellation of charter.

On the completion of the liquidation and certification by the liquidating agent that the distribution of the assets of the Federal credit union has been completed, the Administrator shall cancel the charter of the Federal credit union concerned.

[FR Doc.72-108 Filed 1-4-72;8:47 am]

RENEGOTIATION BOARD

[32 CFR Part 1467]

CONTRACTS AND SUBCONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Proposed Mandatory Exemption

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, as amended (50 U.S.C.A., App. section 1211 et seq.), proposes to issue the following regulation not less than thirty (30) days after the date of this publication in the FEDERAL REGISTER.

Interested persons are hereby notified that any changes, to be considered, must be presented, in writing, to the Renegotiation Board, 1910 K Street NW., Washington, DC 20446, within thirty (30) days after the date of this publication in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 1910 K Street NW., Washington, DC.

Dated: December 30, 1971.

RICHARD T. BURRESS,
Chairman.

Section 1467.47 *The term "article"* is amended by adding at the end thereof a new paragraph (c) to read as follows:

§ 1467.47 The term "article."

* * * * *

(c) *Modifications of an article*—(1) *Definitions.* For the purposes of this paragraph, the term "modification" means any accessory, change, or addition to an article; and the term "modified article" means an article containing one or more modifications.

(2) *Separate consideration of article and modifications.* If, notwithstanding the modifications of an article, the article and the modified article are articles of the same kind within the meaning of § 1467.51(d), a sale of the modified article will, for the purposes of section 106(e) of the Act, be deemed to consist of a sale of the article and a sale of each modification, and each such item will be considered a separate article, without regard to whether the consideration for each item is separately stated in the contract or invoice. Accordingly, the provisions of section 106(e) of the Act will be applied separately to each part of the price of the modified article, to wit, the part attributable to the article and the parts attributable to the respective modifications.

(3) *Example.* (i) A machine having both commercial and military uses is commonly sold with differing accessories, changes, and additions. The contractor's catalog or price schedule quotes separate prices for the basic machine and each such modification. The Navy buys a quantity of the basic machines plus certain of the available accessories. In addition, the position of a certain component of the machine must be slightly altered by the contractor to serve a particular Navy need.

(ii) For exemption purposes, the basic machine will be considered a separate article and the subject of a separate sale to the Government or to a commercial customer, as the case may be. Accordingly, if the statutory requirements are otherwise met, exemption may be claimed for the related portion of the contract price, either by self-application under § 1467.48 or by application on a class basis under § 1467.51, as the facts may warrant. Each accessory will likewise be considered a separate article and the subject of a separate sale and eligible for exemption in the same manner. The repositioning of the machine component does not involve the sale of an article, or the performance of a service as defined in § 1467.52, hence the portion of the contract price attributable to such work does not qualify for exemption.

(Sec. 109, 85 Stat. 22; 50 U.S.C.A., App. sec. 1219)

[FR Doc.72-113 Filed 1-4-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 274]

[Release Nos. 33-5220, 34-9436, IC-6922]

REGISTERED INVESTMENT COMPANIES AND THEIR PORTFOLIO COMPANIES

Proposed Disclosure of Involvement; Extension of Time for Submission of Comments

The Securities and Exchange Commission has extended from December 31, 1971, until January 31, 1972, the period within which written views and comments may be submitted on the proposed amendments to Forms N-8B-1, N-8B-3, N-8B-4, N-5, and N-1Q under the Investment Company Act of 1940. The proposed amendments were announced on December 1, 1971 (Investment Company Act Release No. 6853; 36 F.R. 25434) and would require registered investment companies to discolse with greater specificity their policies on involvement in the affairs of their portfolio companies.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JANUARY 3, 1972.

[FR Doc.72-110 Filed 1-4-72;8:47 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Information To Be Furnished With Respect to Qualified and Nonqualified Plans of Deferred Compensation; Notice of Hearing

Proposed regulations under sections 381, 401, 404, and 6033 of the Internal Revenue Code of 1954, relating to information to be furnished with respect to qualified and nonqualified plans of deferred compensation, appear in the FEDERAL REGISTER for December 18, 1971 (36 F.R. 24068).

V 37 ■ 2
JAN 5 72
XUM

A public hearing on the provisions of these proposed regulations will be held on Friday, January 21, 1972, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments at such hearing should by January 14, 1972, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by January 17, 1972. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is 25 cents ($0.25) per page, subject to a minimum charge of $1.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.72-251 Filed 1-4-72;11:06 am]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA

Designation of Area for Emergency Loan

For the purpose of making Emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following parish in the State of Louisiana, a natural disaster has caused a general need for agricultural credit:

PARISH

Avoyelles.

Emergency loans will not be made in the above-named parish under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for an Emergency loan in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 29th day of December 1971.

CLARENCE D. PALMBY,
Acting Secretary.

[FR Doc.72-106 Filed 1-4-72;8:47 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

RENE TREYVAUD AND GEOCONSULT

Order Denying Export Privileges

In the matter of Rene Treyvaud and Geoconsult, Les Bergieres, Ch. du Grey 26, Lausanne, Switzerland, respondents; Case No. 424-A.

By charging letter dated April 20, 1971, the above respondents[1] were charged with violations of the regulations issued under the Export Control Act of 1949.[2] The charging letter was duly served on respondents in accordance with the usual procedure in such cases, and they failed to answer the charges. Pursuant to § 388.4 of the Export Control regulations they were held in default. There was an informal presentation of documentary evidence in support of the charges on behalf of the Investigations Division (now called Compliance Division) before the Compliance Commissioner. He considered the evidence and submitted to the undersigned a report which summarizes the essential evidence, considers the charges, and which includes findings of fact and conclusions. The Compliance Commissioner recommended the sanction that should be imposed.

After considering the evidence in the case, I adopt the findings of fact made by the Compliance Commissioner, as follows:

FINDINGS OF FACT

1. The respondent Geoconsult is a firm in Lausanne, Switzerland, operating as consulting geologists. The respondent Rene Treyvaud is one of the principals of said firm and acted on behalf of the firm in the transactions hereinafter described.

Charge I. 2. At the time here material Thomas H. Gifft was owner of the firm T. H. Gifft Co. of Anaheim, Calif. This firm engaged in research and manufacturing electronic equipment, including sonar and oceanographic equipment.

3. In June 1968, Geoconsult ordered from Gifft a depth recorder to be used in underwater exploration for measuring and registering seismic waves. This recorder was to be used in conjunction with certain underwater seismic equipment that Geoconsult at about the same time ordered from Geodyne Division, EG&G International, Waltham, Mass.

4. On July 15, 1968 Geodyne wrote to Geoconsult acknowledging the order for the equipment which was to be interfaced with the Gifft recorder. Certain technical specifications for the recorder were given to permit interfacing. This letter advised Geoconsult that this equipment could not be exported from the United States without a proper export license from the Department of Commerce and that it would probably take 2 weeks to process the application. This equipment did, in fact, require a validated export license for exportation from the United States to all destinations except Canada. No such license was ever applied for or obtained.

5. Pursuant to a request from Geoconsult, Geodyne arranged to have the integrated system tested in Boston Harbor on July 30, 1968. In accordance with arrangements, acceptance tests were carried out on July 30, 1968 with Treyvaud, Gifft, and an engineer from Geodyne being present. Treyvaud was satisfied with the tests.

6. On completion of the tests the equipment was turned over to Treyvaud. He said that he would make the necessary arrangements for exportation to Switzerland. Treyvaud stated that he desired to take the equipment with him to Switzerland that evening. He was informed at that time by a representative of Geodyne that a validated license was necessary for the exportation.

7. Treyvaud, accompanied by Gifft, transported the equipment from Geodyne's plant to the office of an airfreight carrier at the Logan Airport, Boston. Treyvaud made arrangements with the carrier for immediate shipment of the equipment to Switzerland. In order to effect such shipment Treyvaud had a Shipper's Export Declaration prepared in which it was stated that the commodity was not under validated license control to Switzerland and in which the symbol "C-Dest" was used indicating that the commodities were exportable to Switzerland under general license.

8. Treyvaud knew that a validated export license was required to lawfully export the equipment in question to Switzerland and he also knew that no application for such a license had been made and that such a license had not been issued.

9. Pursuant to instructions from Treyvaud the commodities in question were exported from the United States without a validated export license on July 30 or 31, 1968, and were entered into Swiss Customs on August 2, 1968.

Charge II. 10. On July 23, 1969, Geoconsult wrote to Geodyne confirming an order placed by telephone on July 11, 1969, for certain underwater seismographic equipment. The equipment required a validated export license for exportation to Switzerland. The letter expressed urgency for delivery.

11. At the request of Geoconsult, a firm in New York acted on behalf of Geoconsult to expedite the exportation. The New York firm by letter dated July 28, 1969, to Geodyne requested that the equipment be sent to a freight forwarder in New York for on-shipment to Lausanne, Switzerland.

12. By letter dated September 11, 1969, Geodyne wrote to Geoconsult advising that delivery date would be about November 1. This letter also advised Geoconsult to furnish an FC-842 (Single Transaction Statement by Consignee and Purchaser) or a Swiss Blue Import Certificate.

13. Geodyne received an FC-842 signed by Treyvaud on behalf of Geoconsult. On October 10, 1969, Geodyne submitted to the Office of Export Control an application for an export license for the commodities in question and transmitted the FC-842. OEC returned these to Geodyne with the note that a Swiss Blue Import Certificate was required for this export to Switzerland.

[1] Charges against other parties who were also named as respondents in said letter are being handled separately.

[2] This act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, approved Dec. 30, 1969, 50 U.S.C. App. sec. 2401-2413. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked remain in full force and effect, the same as if promulgated under this Act."

V 37 2 JAN 5 72 XUM

14. On October 24, 1969, Geodyne sent the equipment to the freight forwarder in New York. The understanding was that the freight forwarder would hold the equipment until the exportation could properly be made.

15. On October 24, 1969 and again on November 20 and 25, the New York firm that was attempting to expedite the exportation sent cables to Treyvaud requesting the Swiss Blue Import Certificate.

16. The freight forwarder held the equipment until January 7, 1970. On that day Treyvaud visited the office of the freight forwarder and told one of the officials of the company that a validated license was not necessary for this exportation. On the basis of this statement a Shipper's Export Declaration was prepared in which the forwarder was shown as exporter and the consignee was shown as Treyvaud, Geneva, Switzerland.

17. In reliance on the statement of Treyvaud that a validated license was not necessary, the forwarder used a Schedule B number in the SED for geophysical and prospecting instruments that did not require a validated license. The SED showed that the goods were exportable under general license "G-Dest" and that a validated license was not necessary for exportation to Switzerland.

18. At all times here material Treyvaud knew that a validated export license was necessary to lawfully export the commodities in question from the United States to Switzerland.

19. The commodities were exported from New York to Geneva, Switzerland on January 10, 1970 consigned to Rene Treyvaud, Geneva Airport.

Based on the foregoing I have concluded that in July 1968 and again in January 1970 the respondents violated §§387.2 and 387.6 of the Export Control regulations in that they knowingly exported and caused to be exported commodities from the United States without the requisite validated export license as required by §372.1(b) of said regulations.

Having considered the record in the case and the report and recommendation of the Compliance Commission and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just, and calculated to achieve effective enforcement of the law: *It is hereby ordered,*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondents for a period of 2 years from the effective date of this order are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export control regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Four months after the effective date hereof, without further order of the Bureau of International Commerce, the respondents shall have their export privileges restored conditionally and thereafter for the remainder of the denial period the respondents shall be on probation. The conditions of probation are that the respondents shall fully comply with all requirements of the Export Administration Act of 1969 and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondents have knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation, said official at any time, with or without prior notice to said respondents, by supplemental order, may revoke the probation of said respondents, revoke all outstanding validated export licenses to which said respondents may be parties and deny to said respondents all export privileges for a period up to 3 years. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as shall be warranted. On the entry of a supplemental order revoking respondents' probation without notice, they may file objections and request that such order be set aside, and may request an oral hearing, as provided in section 388.16 of the Export Control regulations, but pending such further proceedings, the order of revocation shall remain in effect.

VI. During the time when the respondents or other persons within the scope of this order are prohibited from engaging in any activity within the scope of part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondents or other persons denied export privileges within the scope of this order, or whereby said respondents or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondents or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on January 5, 1972.

Dated: December 21, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-77 Filed 1-4-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SAFETY AND EFFICACY REVIEW OF OVER-THE-COUNTER ANTACID DRUG PRODUCTS

Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice of proposed rule making outlining procedures and explaining the purpose for this review is published elsewhere in this issue of the FEDERAL REGISTER.

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for these antacid drug products we are inviting submission of data, published and unpublished, and other information pertinent to all active ingredients utilized in antacid products.

FDA is aware that the following active ingredients are used in antacid products:

Sodium bicarbonate.
Calcium carbonate.
Aluminum hydroxide.
Magnesium oxide.
Magnesium hydroxide.
Magnesium trisilicate.
Dihydroxyaluminum aminoacetate.

Interested parties are also invited to submit data on any other active antacid ingredients which they may wish to be considered.

To be considered, seven copies of the data and/or views must be submitted in the following format:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling.
II. A statement of the complete quantitative composition of the drug.
III. Animal safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
IV. Human safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.
V. Efficacy data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

Data should be submitted to:

Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD-106), 5600 Fishers Lane, Rockville, Maryland 20852.

These data shall be submitted within 30 days from date of this publication.

(Federal Food, Drug, and Cosmetic Act, sec. 701; 21 U.S.C. 371)

Dated: December 30, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-148 Filed 1-4-72;8:51 am]

Office of the Secretary

SUPPLEMENTARY MEDICAL INSURANCE FOR THE AGED

Notice of Premium Rate

Title XVIII of the Social Security Act—health insurance for the aged.

Pursuant to authority contained in section 1839(b)(2) of the Social Security Act (42 U.S.C. 1395r(b)(2)), as amended by Public Law 90-248, I hereby determine and announce that the dollar amount which shall be applicable for premiums, for purposes of section 1839(b)(2) of the Act, as amended, shall be $5.80 for months in the 12-month period beginning July 1972 and ending June 1973.

Dated: December 30, 1971.

ELLIOTT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

STATEMENT OF ACTUARIAL ASSUMPTIONS AND BASES EMPLOYED IN ARRIVING AT THE AMOUNT OF THE STANDARD PREMIUM RATE FOR THE SUPPLEMENTARY MEDICAL INSURANCE PROGRAM BEGINNING JULY 1972

This is a statement of actuarial assumptions and bases employed in arriving at $5.80 as the amount of the standard monthly premium rate for the Supplementary Medical Insurance program for the period July 1972 through June 1973.

The actuarial determination has been made on the basis of the actual operating experience under the program, projected through the year beginning July 1972. Virtually complete operating experience figures through June 30, 1971, are now available, as to the cash income and disbursements under the program, and some data is available for the early months of fiscal 1972. The premium rate, however, must be adequate to cover benefits and related administrative costs for all services performed in the period to which the premium rate is applicable. Experience on such a basis (hereafter called an "incurred" basis) is available for most components of the program through calendar 1970; that for the other components must be estimated.

Analysis of supplementary medical insurance trust fund. The balance on the SMI trust fund at the end of each of the last 3 fiscal years, the liability outstanding for benefits and related administrative costs for services performed prior to the end of that fiscal year but not yet paid for at the end of that fiscal year ("liability for incurred but unpaid services"), and the monthly premium rate in effect for each of these fiscal years are as follows:

Period ending June 30	Monthly premium rate	Fund at end of period	Liability for incurred but unpaid services
		(In millions)	*(In millions)*
1969	$4.00	$378	$928
1970	4.00	57	823
1971	5.30	290	894

The liabilities outstanding on June 30, 1971, for incurred but unpaid services, are estimated to have been $894 million, while the balance in the trust fund on the same date amounted to $290 million. Due to past deficiencies in the premium rate, the fund on June 30, 1971, was about 32 percent of this liability.

It is expected that the trust fund balance will continue to increase during fiscal year 1972. As of October 31, 1971, the fund had almost reached $385 million. By the end of June 1972 the trust fund balance is estimated to be about $490 million, about 50 percent of the liability for incurred but unpaid services then outstanding.

Analysis of past experience. Estimates of the basic premium necessary to finance both benefit payments and administrative expenses are shown below, on both a cash and an incurred basis. Under the law the premium rate must be set on an incurred basis. Cash figures must be adjusted for the estimated increase in liability for incurred but unpaid services. Monthly premium rates on both the cash and incurred bases are compared for the three most recent fiscal years with the premium rate actually charged.

Fiscal year ending June 30	Premium rate charged	Premium rate required for benefits and administrative expenses	
		Cash basis	Incurred basis
1969	$4.00	$4.07	$4.23
1970	4.00	4.47	4.56
1971	5.30	4.82	4.89

Basic estimates for future experience on an incurred basis. In estimating the cost of the program for July 1972 through June 1973, it is first necessary to project incurred results for fiscal year 1972, and then to continue the projection for 1 more year. The assumptions used for the purpose of these projections are shown below:

AVERAGE INCREASE ASSUMED OVER PREVIOUS YEAR

Calendar year	Physicians' services		Institutional services	
	Fees [1]	Number and mix [2]	Unit costs	Number and mix [2]
	Percent	*Percent*	*Percent*	*Percent*
1971	6.2	2.0	7.1	3.9
1972	2.5	2.0	4.9	4.7
1973	2.5	2.0	4.7	5.1

[1] As charged by physicians.
[2] Increase in the number of services received per capita or greater relative use of more expensive services.

V 37 2 JAN 5 72 XUM

The Price Commission has promulgated a guideline for physicians' services which on the average limits the increase in the price a physician receives for any service to 2½ percent per year. The Price Commission has also determined that the reasonable charge for any procedure for any physician will also be increased no more than 2½ percent per year.

Administrative expenses in fiscal 1973 are estimated to be 13 percent of benefits paid, reflecting a moderate trend to higher administrative costs per dollar of benefits paid.

On the basis of the foregoing assumptions it is now estimated that the monthly basic premium rate necessary to cover both benefit payments and administrative expenses on an incurred basis is $5.40 for fiscal year 1972, and $5.81 for fiscal year 1973. An allowance was included for the average cost of influenza or other epidemics, none of which occurred in the base period.

The $5.81 figure for fiscal year 1973 is rounded down to $5.80.

Contingency margin. There is a $0.01 deficiency arising from the rounding indicated above. The interest earnings on the trust fund (estimated to be the equivalent of about $0.06 in terms of the premium rate) are available to make up this deficiency, and to provide a very small margin for contingencies.

Recommendation and summary. Based on all available evidence and analysis, the standard premium rate for fiscal 1973 should be promulgated at $5.80 per month, up $0.20 (or about 3½ percent) from the current $5.60 rate. This recommended rate contains an estimated $0.05 margin for contingencies, when interest earnings are taken into account.

The explanation of the $0.20 increase in the standard monthly premium rate for the new premium period can be summarized as follows:

(a) The level of physicians' fees recognized by the program is assumed to be higher in the new period, as physicians' fees increased modestly under wage-price guidelines—about $0.14.

(b) Use of more physicians' services per capita and some shift toward more expensive services—about $0.21.

(c) Increase in cost, quality, and utilization of the institutional services covered by the program—about $0.06.

These added costs would require an increase of $0.41 in the premium rate. However, the more favorable experience now projected for fiscal 1972 than was previously assumed (18 cents) and a small difference (3 cents) in the effects of rounding the premium to the nearest $0.10, hold the increase in premium to $0.20.

[FR Doc.72-208 Filed 1-4-72;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-138]

REGIONAL ADMINISTRATORS ET AL.

Redelegation of Authority Regarding Loan and Contract Servicing

The Redelegation of Authority to Regional Administrators et al., with respect to Loan and Contract Servicing published at 35 F.R. 16104, October 14, 1970, and amended at 36 F.R. 1488, January 30, 1971, and 36 F.R. 21539, November 10, 1971, is amended as follows:

1. In section A.1, a new paragraph k is added to read as follows:

k. To close audit findings on insured and HUD-held multifamily projects.

2. In subpart A, section 2 is deleted and a new section 2 added to read as follows:

2. Each Director, Housing Management Division, Area Office, and each Chief, Mortgages and Properties Division, HUD-FHA Insuring Office, is authorized to exercise the power and authority under section A.1, paragraphs d-k.

(Secretary's delegation of authority published at 36 F.R. 5005, Mar. 16, 1971)

Effective date. This amendment to redelegation of authority is effective September 13, 1971.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.72-151 Filed 1-4-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-329, 50-330]

CONSUMERS POWER CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Applicant's Supplemental Environmental Report on the Midland Plant, Units 1 and 2," submitted by the Consumers Power Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, MI 48640. The report is also being made available to the public at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48913.

This report discusses environmental considerations related to the proposed construction of the Midland Plant, Units 1 and 2, located in Midland County, Mich.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-93 Filed 1-4-72;8:45 am]

[Docket No. 70-1193]

KERR-McGEE CORP.

Determination Not To Suspend Operations Pending Completion of NEPA Environmental Review

The Kerr-McGee Corp. of Oklahoma City, Okla., holds Materials License No. SNM-1174, issued by the Atomic Energy Commission on April 2, 1970. The license authorizes the licensee to operate a plutonium plant at a site in Logan County, Okla. The plant is designed for the processing and fabrication operations associated with the manufacture of mixed plutonium-uranium oxide fuels for nuclear reactors.

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 CFR Part 50, the licensee has furnished to the Commission a written statement of reasons, with supporting factual submission, why the license should not be suspended, in whole or in part, pending completion of the NEPA environmental review. This statement of reasons was furnished to the Commission on October 15, 1971, and supplemented on November 13, 1971. The Director of Regulation has considered the licensee's submission in the light of the criteria set out in section E.2 of Appendix D, and has determined, after considering and balancing the criteria in section E.2 of Appendix D, that operations at the Kerr-McGee Cimarron Plutonium Plant authorized pursuant to License No. SNM-1174 should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Materials Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Operating License for the Kerr-McGee Cimarron Plutonium Plant, AEC Docket No. 70-1193, November 29, 1971." Pending completion of the full NEPA review, the holder of License No. SNM-1174 proceeds with operations at its own risk. The determination herein and the discussion and findings hereinabove referred to do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying, or terminating the license or from appropriately amending the license to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of this determination in the FEDERAL REGISTER. Such a request shall set forth the matters, with reference to the factors set out in section E.2 of Appendix D, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such a request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

The licensee's statement of reasons, furnished pursuant to section E.3 of Appendix D, as to why the license should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Materials Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Operating License for the Kerr-McGee Cimarron Plutonium Plant, AEC Docket No. 70-1193, November 29, 1971," are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Carnegie Library, 402 East Oklahoma Street, Guthrie, OK 73044. Copies of the "Discussion and Findings * * *" document may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director Division of Materials Licensing.

Dated at Bethesda, Md., this 27th day of December 1971.

For the Atomic Energy Commission.

CLIFFORD K. BECK,
Acting Director of Regulation.

[FR Doc.72-103 Filed 1-4-72;8:46 am]

[Dockets Nos. 50-398, 50-399]

PACIFIC GAS AND ELECTRIC CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Environmental Report—Construction Permit Stage" for the Mendocino Power Plant, Units 1 and 2, submitted by the Pacific Gas and Electric Co. is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, in the Public Information Office of the Commission's San Francisco office at 2111 Bancroft Way, Berkeley, CA 94704, and in the Mendocino County Library, 108 West Clay Street, Ukiah, CA 95482. The report is also being made available to the public at the office of the Lieutenant Governor, Office of Intergovernmental Management, State Capitol, Sacramento, Calif. 95814.

This report discusses environmental considerations related to the proposed Mendocino Power Plant Units 1 and 2 to be located in Mendocino County, Calif.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the applicant's Environmental Report and the draft detailed statement. The summary notice will request comments from Federal agencies, State and local officials, and interested persons on the applicant's Environmental Report and the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 23d day of December 1971.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-91 Filed 1-4-72;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN-MICHIGAN POWER CO.

Order Reconvening Evidentiary Hearings

In the matter of Wisconsin Electric Power Co. and Wisconsin-Michigan Power Co., Point Beach Nuclear Plant, Unit 2, Docket No. 50-301.

The Board by order of December 23, served notice that evidentiary hearings will reconvene on January 4, 1972, or January 6, 1972, subject to the resolution of certain conditions prior to January 4.

The hearing, when it reconvenes, will be held in the International Room of the Holiday Inn, 3801 North Manhein Road, Schiller Park, IL 60176, or such other place as may be designated. The hearing will convene at 10 a.m., c.s.t., on the first day of the reconvened session, and at such times thereafter as may be indicated.

Dated this 30th day of December 1971, at Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.72-144 Filed 1-4-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20826]

ALASKA SERVICE INVESTIGATION

Notice of Oral Argument Regarding Bush Routes Phase

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on January 26, 1972, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., December 29, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-159 Filed 1-4-72;8:51 am]

ALLEGHENY AIRLINES, INC.

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

DECEMBER 29, 1971.

Notice is hereby given that the Civil Aeronautics Board on December 29, 1971, received an application, Docket No. 24088, from Allegheny Airlines, Inc. for amendment of its certificate of public convenience and necessity under Subpart M of the Board's procedural regulations for route 97 to provide nonstop service between Louisville, Ky., and Memphis, Tenn. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-155 Filed 1-4-72;8:51 am]

[Docket No. 24082; Order 71-12-123]

AMERICAN AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of December 1971.

By tariff[1] bearing a posting date of November 17, 1971, and marked to become effective January 1, 1972, American Airlines, Inc. (American) proposes to establish blocked-space general commodity container rates and charges in 52 markets, including Boston, Chicago, Dallas, Detroit, Los Angeles, New York, Newark, San Francisco, Tucson, and Washington. The proposal applies on airport-to-airport transportation of not less than five type LD-3 containers during a 7-day period, for a minimum term of 90 days, from one origin to one destination on specific flights scheduled to depart on Saturday or Sunday, or between the hours of 6 a.m. and 9 p.m. (inclusive) on Monday through Friday. The tariff is scheduled to expire on December 31, 1972.

The proposal contains a schedule of (1) basic charges per container for containers tendered pursuant to the blocked-space agreement up to a minimum weight of 1,500 pounds per container, (2) basic charges per container for containers tendered in excess of the number contracted

[1] American Airlines, Inc., Tariff CAB 265.

V 37 2 JAN 5 72 XUM

for pursuant to the blocked-space agreement with weight up to 1,500 pounds per container, and (3) the rate for weight in each container in excess of 1,500 pounds.[2]

The proposal results in reductions below the presently applicable standard service LD–3 general commodity rates and charges ranging from 25 to 54 percent for containers tendered under the blocked-space agreement, and from 21 to 52 percent below standard service charges for containers tendered in excess of the specified number of containers indicated in the blocked-space agreement for 9- and 18-pounds per cubic foot density traffic, respectively. The proposed rates will be substantially at the level of currently available specific commodity LD–3 container rates and charges in the same markets.

Complaints against this proposal have been filed by Braniff Airways, Inc. (Braniff) and The Flying Tiger Line Inc. (Tiger).[3] The complaints assert, inter alia, that (1) the proposed rates and charges are prima facie unjust, unreasonable, and prejudicial, and proponent has failed to establish that such rates are necessary, (2) the proposed level should not be spread to markets in which "daylight" general commodity rates are not already available, (3) the proposal substantially undercuts existing LD–3 and Type A container general commodity charges, as well as currently effective specific commodity rates and charges in the involved markets, (4) the proposed tariff is substantially similar to the blocked-space multicontainer filing recently proposed by Airlift and suspended by the Board under Order 71–11–50, dated November 12, 1971, (5) the proponent has submitted no cost justification, nor has it justified these rates and charges on promotional grounds or on value of service, (6) the tariff is based upon byproduct costing in the prime direction of traffic flow and is unreasonable, (7) the proposal violates the Board's consistent findings that multicontainer discounts unrelated to cost savings are unjustly discriminatory, and (8) that the proposed level will divert excess of prime nighttime traffic carried during daylight hours due to lack of capacity on nighttime flights.

In justification of its proposal, American asserts, among other things, that (1) the basic charge per container is at the same level as the existing minimum charge for specific commodity rated traffic, and the rates are reasonably related to currently available type LD–3 container general commodity rates and charges, (2) American must publish rates competitive with currently effective TWA "daylight" LD–3 charges, (3) rates and charges subject to a space commitment must be lower than those without such restriction, (4) the proposal will increase utilization of wide-bodied aircraft, whose belly load factors averaged only 16.6 percent during the first 6 months of 1971, (5) the proposed level will be competitive with surface freight and divert such traffic, (6) the proposed rate level is offset by cost savings achieved through scheduling and efficient use of personnel due to regular and consistent use of space, and (7) the impact of self-dilution is minimized since most freight traffic moves at night in narrow-bodied all-cargo aircraft and not in wide-bodied aircraft.

The Board, in its decision in Docket 22340, Container Rates for B–747 Aircraft Proposed by Continental Air Lines, Inc., Order 71–7–156, found that discounts for shipments of 10 or more containers proposed by the carrier were unjustly discriminatory because they were not justified by cost of service, value of service, or promotional considerations. In Order 71–11–50, November 12, 1971, the Board suspended pending investigation a proposal by Airlift International Inc., to establish reduced blocked-space rates for two or more containers per day.[4]

American's proposal involves significant discounts for the tender of at least five containers per week, but the carrier has not shown that the amount of the discount is reasonably related to the savings that may accrue to it.

Consistent with the above orders and upon consideration of all relevant factors, the Board finds that American's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated and suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates, charges and provisions of American Airlines, Inc.'s CAB No. 265 and rules, regulations, or practices affecting such rates, charges and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, American Airlines, Inc.'s CAB No. 265 is suspended and its use deferred to and including March 30, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints filed by Braniff Airways, Inc., in Docket 24030 and The Flying Tiger Line Inc., in Docket 24032, are dismissed except to the extent granted herein;

4. The proceeding herein designated Docket 24082, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

5. The motion of American Airlines, Inc., to accept a late-filed answer to the complaint is denied; and

6. Copies of this order shall be filed with the tariff and served upon American Airlines, Inc., Braniff Airways, Inc., and The Flying Tiger Line Inc., which are hereby made parties to Docket 24082.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-157 Filed 1-4-72;8:51 am]

[Docket No. 22916]

AMERICAN-WESTERN MERGER CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on February 16, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., December 29, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-158 Filed 1-4-72;8:51 am]

[Order 71-12-114]

COMPANIA MEXICANA DE AVIACION, S.A.

Order Regarding Petition for Review

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of December 1971.

Under authority delegated by the Board's regulations, 14 CFR 385.15, the Chief, Tariffs Section, on July 9, 1971, rejected tariff revisions containing youth and senior-citizen fares between Los Angeles and Acapulco/Mexico City and from Chicago and Miami to Mexico City filed on behalf of CMA pursuant to an order from the government of Mexico. The tariff revisions were rejected because they were not received at least 45 days before the proposed effective date, as required by the bilateral agreement between the United States and Mexico.

CMA, by petition of July 19, 1971, requested that the Board review the staff's action in rejecting the proposed fares and that (1) the rejection be rescinded, (2) the tariff pages containing the proposed fares be permitted to become effective, and (3) the Tariffs Section be instructed to apply the same tariff notice filing requirements to any United States-Mexico tariff filing whether made by a Mexican or United States carrier. In support of its petition CMA contends that (1) it is unfair and discriminatory to require it to file on 45 days' notice, but to permit U.S. carriers to file on 30 days' notice, and (2) the staff did not act within the proper scope of its delegated authority in rejecting a tariff for reasons of noncompliance with the United States-Mexico bilateral Air Transport Agreement.

The Mexican Government subsequently amended its order so as to delete senior-citizen fares and to exclude Miami from the points covered. CMA thereafter sought and was granted special tariff permission to establish Los Angeles-Acapulco/Mexico City youth fares effective July 13, 1971, on 1 day's notice and Chicago-Mexico City fares effective August 17, 1971, on 5 days' notice. Accordingly, the petition is moot and will be dismissed.

Despite our dismissal of the petition, we believe it appropriate to comment on the issues raised. Although section 403 of the Federal Aviation Act requires only 30 days' notice of tariff changes, the U.S.-Mexican bilateral agreement (Agreement, with Schedule, between the United States of America and Mexico as amended—Article 11 thereof), provides that carriers of each country will file tariffs with the aeronautical authorities of the other government on 45 days' notice unless shorter notice is permitted. In addition, CMA's permit includes the standard condition that the permit shall be subject to "all applicable provisions of any treaty, convention, or agreement affecting international air transportation * * * to which the United States and Mexico shall be parties." Thus, the tariff filed by CMA on less than 45 days' notice was properly rejected as inconsistent with its permit condition incorporating the bilateral requirement. However, there is no similar requirement that U.S. air carriers file tariffs with the U.S. Government on 45 days' notice and hence no basis for rejection of tariffs filed on 30 days' notice. The Board further considers that it is within the authority delegated to the staff to reject tariffs not filed in accordance with bilateral and permit conditions.

Accordingly, it is ordered, That:

1. The petition of CMA is dismissed.

2. A copy of this order be served upon Compania Mexicana de Aviacion, S.A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-160 Filed 1-4-72;8:51 am]

[Docket No. 20993; Order 71-12-92]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Issued under delegated authority December 21, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 and part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1–2 of the International Air Transport Association (IATA). The agreement, which was adopted at the North Atlantic cargo rate conference in Geneva for early effectiveness commencing January 15, 1972, has been assigned CAB agreement number 22855.

The agreement would revalidate the application/substantiation form for North Atlantic specific commodity rates and would amend such form for the purpose of enabling carriers to request exceptions to resolutions which otherwise govern minimum charges (Resolution 501) and cargo having a low density (Resolution 502).

We propose herein to approve the agreement. In the current absence of a basic rate agreement governing charges for the carriage of North Atlantic cargo, the subject agreement is merely pro forma, inasmuch as it was adopted in the early stages of the Geneva Conference in anticipation that such conference would reach accord on a North Atlantic rate structure, including specific commodity rates which the subject agreement is intended to accommodate.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolution, which is incorporated in Agreement CAB 22855, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
22855	590a	Application/Substantiation Form for Specific Commodity Rates (Expedited).	1/2 (North Atlantic).

Accordingly, it is ordered, That:

Action on Agreement CAB 22855 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-156 Filed 1-4-72;8:51 am]

[Docket No. 22617]

WTC AIR FREIGHT

Notice of Oral Argument Regarding Revised Aggregate Rates

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on February 9, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., December 29, 1971.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-161 Filed 1-4-72;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1212) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing establishment of a tolerance (40 CFR Part 180) for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl) - 2 - benzimidazolecarbamate) in or on the raw agricultural commodity strawberries at 5 parts per million.

The analytical method proposed in the petition for determining residues of the fungicide is that of H. L. Pease and J. A. Gardiner, "Journal of Agricultural and Food Chemistry," vol. 17, pp. 267–270 (1969).

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-119 Filed 1-4-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[SS-084-72]

JEFF CLARK, JR.

Order to Cease and Desist

In the matter of Cease and Desist Order to be directed against Jeff Clark, Jr., 18890 Fenelon, Detroit, MI 48234.

PRELIMINARY STATEMENT

1. On September 3, 1971, the Commission, by the Chief, Safety and Special

[2] American's type LD–3 containers are subject to a maximum gross weight of 2,830 pounds when carried in B–747 aircraft and 3,500 pounds when carried in a DC–10 aircraft.

[3] Braniff, on December 2, 1971, requested leave to file a late complaint against the involved tariff. However, previously, on November 23, Tiger requested and obtained an extension of the complaint due date from November 29 to December 3, 1971. American's answer to the Tiger complaint was filed after the 6-day period allowed by the Board's procedural regulations (14 CFR 302.505) and its motion to accept the answer will be denied.

[4] In a series of other orders, the Board suspended multicontainer proposals essentially on the ground that discounts below the single container rates were not justified by an indication of lower costs, Orders 70–7–1, 70–7–29, and 71–1–53.

V37-2 JAN 5 72 XUM

Radio Services Bureau, released an Order directing Jeff Clark, Jr., to show cause why he should not be ordered to cease and desist from unauthorized operation of radio transmitting apparatus on citizens radio channels, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended. The Order directed Clark to appear and give evidence in respect thereto at a hearing.

2. The Order alleged that subsequent to the revocation of his license for citizens radio station KDP–2596 on August 4, 1971, for numerous violations of the Commission's rules, Clark has continued to operate citizens radio transmitting equipment in violation of section 301 of the Communications Act of 1934, as amended. It was also alleged that Clark's unlicensed transmissions would be in violation of numerous rules of the Commission if he were licensed.

3. The procedural rights of Clark, including the right to a hearing, or, in lieu thereof, to submit a written statement were detailed in the Order to Show Cause. No response was made to the Order to Show Cause nor did Clark request a hearing or submit a written statement. Accordingly, on October 6, 1971, the Acting Chief Hearing Examiner ordered the proceeding terminated and certified the matter to the Commission for disposition in accordance with § 1.92 of the Commission's rules.

FINDINGS OF FACT

4. On February 12, 1971, Jeff Clark, Jr., of 18890 Fenelon, Detroit, MI, was issued an Order to Show Cause (SS–191–71) why his license for citizens radio station KDP–2596 should not be revoked for numerous violations of the Commission's rules governing the Citizens Radio Service and for prior unlicensed operation. Personnel of the Commission's Detroit office had monitored Clark's radio transmissions and by close-in direction finding techniques conclusively established that they were coming from his residence. They had also attempted to inspect Clark's station on May 18 and September 15, 1970, but on both occasions, Clark refused to permit it. On the latter date, the Commission personnel were accompanied by uniformed police officers. The violations observed included transmissions with excessive power, use of an overheight antenna, hobby-type communications, failure to identify properly, interstation communications on an intrastation frequency and transmissions exceeding the time limitations.

5. Despite written notice of these violations by the Detroit office, Clark continued operating almost daily in violation of the Commission's rules. When no reply was received to the Order to Show Cause and in light of the continuing violations, and Order of Revocation was released on June 30, 1971, revoking Clark's citizens radio station license effective August 4, 1971 (SS–191–71).

6. Since the effective date of revocation, Clark has continued to transmit illegal radiocommunications of the type mentioned in paragraph 4, above, on an almost daily basis, in violation of section 301 of the Communications Act of 1934, as amended, which expressly prohibits operation of radio transmitting apparatus by anyone unless he is licensed under the provisions of the Act.

7. In addition, numerous items of official correspondence from the Commission have been mailed to Clark. If sent by certified mail, they have either been refused or unclaimed. Several pieces of correspondence sent by regular mail to him have been returned unopened, or, if opened, in another envelope without comment.

CONCLUSIONS

In view of the foregoing, it is concluded that Clark has repeatedly and wilfully violated and will continue to violate section 301 of the Communications Act of 1934, as amended, by transmitting radiocommunications over his citizens radio apparatus. His transmissions are of such a nature as to threaten the utility of the Citizens Radio Service for those using the service for the purposes intended. There is no basis in the record of this case for any action other than the issuance of a cease and desist order to be directed against Clark.

Accordingly, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules: *It is ordered*, this 21st day of October 1971, That Jeff Clark, Jr., cease and desist from further unauthorized operation of radio transmitting apparatus.

It is further ordered, That a copy of this order to cease and desist be served upon the licensee at his last known address as shown in the caption.

Adopted: October 21, 1971.

Released: October 21, 1971.

Chief, Safety and Special Radio Services Bureau.

[SEAL] J. RUSSEL SMITH,
Chief, Legal, Advisory and Enforcement Division.

NOTE: Within 30 days from the release date of this Order to Cease and Desist, a petition for reconsideration thereof by the Chief of the Safety and Special Radio Services Bureau or a petition for review thereof by the Commission en banc may be filed. (See sections 5(d)(4) and 405 of the Communications Act of 1934, as amended, and §§ 1.101, 1.102, 1.104, 1.106, and 1.115 of the Commission's rules.) Neither a petition for reconsideration nor for review of staff action will postpone automatically the effective date of this Order to Cease and Desist; but a stay or postponement of the effect of the action ordered herein may be ordered by the Commission or the staff, as appropriate.

[FR Doc.72–129 Filed 1–4–72;8:49 am]

[SS–143–72]

DONALD E. PALMER

Order to Cease and Desist

In the matter of cease and desist order to be directed against Donald E. Palmer, 7306 Lugo Street, Southgate, CA 92080.

PRELIMINARY STATEMENT

1. On September 29, 1971, the Commission, by the Chief, Safety and Special Radio Services Bureau, released an order directing Donald E. Palmer, to show cause why he should not be ordered to cease and desist from unauthorized operation of radio transmitting apparatus, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended. The order directed Palmer to appear and give evidence in respect thereto at a hearing.

2. The order alleged that subsequent to the revocation of his license for citizens radio station KCW–2842 on September 7, 1971, for numerous violations of the Commission's rules, Palmer has continued to operate citizens radio transmitting equipment in violation of section 301 of the Communications Act of 1934, as amended. It was also alleged that Palmer's unlicensed transmissions would be in violation of numerous rules of the Commission if he were licensed. In addition it was alleged that Palmer is also transmitting on a frequency allocated for the exclusive use of the U.S. Government.

3. The procedural rights of Palmer, including the right to a hearing, were detailed in the order to show cause. The order to show cause was mailed by Certified Mail—Return Receipt Requested to Palmer's last known address as shown in the caption and was delivered on October 4, 1971. No response was made to the order to show cause nor did Palmer request a hearing or submit a written statement. Accordingly, on November 3, 1971, the Chief Hearing Examiner ordered the proceeding terminated and certified the matter to the Commission for disposition in accordance with § 1.92 of the Commission's rules.

FINDINGS OF FACT

4. On April 7, 1971, Donald E. Palmer of 7306 Lugo Street, Southgate, CA, was issued an order to show cause (SS–246–71) why his license for citizens radio station KCW–2842 should not be revoked for numerous violations of the Commission's rules governing the Citizens Radio Service. Personnel of the Commission's Los Angeles office had monitored Palmer's radio transmissions and by close-in direction finding techniques conclusively established that they were coming from his residence, and on one occasion, from his car. They had also attempted to inspect Palmer's station on September 22 and 26, and November 30, 1970, but on all three occasions, it was not permitted. The violations observed included use of an overheight antenna, hobby-type communications, failure to identify properly, interstation communications on an intrastation frequency and transmissions exceeding the time limitations.

5. Despite written notice of these violations by the Los Angeles office, Palmer continued operating almost daily in violation of the Commission's rules. In addition to the violations mentioned above, Palmer began transmitting extensively on the frequency 26.800 MHz, a frequency assigned for the exclusive use of the U.S. Government. When no reply was received to the order to show cause and in light of the continuing violations, an order of revocation was released on August 2, 1971, revoking Palmer's citizens radio station license effective September 7, 1971 (SS–246–71).

6. Since the effective date of revocation, Palmer has continued to transmit illegal radiocommunications of the type mentioned in paragraphs 4 and 5, above, on an almost daily basis, in violation of section 301 of the Communications Act of 1934, as amended, which expressly prohibits operation of radio transmitting apparatus by anyone unless he is licensed under the provisions of the Act.

7. In addition, numerous items of official correspondence from the Commission have been mailed to Palmer by certified mail as well as by regular mail. There has been no response to this correspondence.

CONCLUSIONS

In view of the foregoing, it is concluded that Palmer has repeatedly and wilfully violated and will continue to violate section 301 of the Communications Act of 1934, as amended, by transmitting radiocommunications over his citizens radio apparatus. His transmissions on Citizens Radio Service frequencies are of such a nature to threaten the utility of the Citizens Radio Service for those using the Service for the purposes intended. Moreover, his transmissions on a U.S. Government frequency, adversely affects the use of such frequency for official communications and cannot be tolerated. There is no basis in the record of this case for any action other than the issuance of a cease and desist order to be directed against Palmer.

Accordingly, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended, and § 0.331(b)(8) of the Commission's rules: *It is ordered*, This fifth day of November, 1971, that Donald E. Palmer cease and desist from further unauthorized operation of radio transmitting apparatus.

It is further ordered, That a copy of this order to cease and desist be served upon the licensee at his address as shown in the caption and also to 11617 Clarkman, Santa Fe Springs, CA 90670.

Adopted: November 5, 1971.

Released: November 5, 1971.

Chief, Safety and Special Radio Services Bureau.

[SEAL] J. RUSSEL SMITH,
Chief, Legal, Advisory and Enforcement Division.

NOTE: Within 30 days from the release date of this order to cease and desist, a petition for reconsideration thereof by the Chief of the Safety and Special Radio Services Bureau or a petition for review thereof by the Commission en banc may be filed. (See sections 5(d)(4) and 405 of the Communications Act of 1934, as amended, and §§ 1.101, 1.102, 1.104, 1.106, and 1.115 of the Commission's rules.) Neither a petition for reconsideration nor for review of staff action will postpone automatically the effective date of this order to cease and desist; but a stay or postponement of the effect of the action ordered herein may be ordered by the Commission or the staff, as appropriate.

[FR Doc.72–130 Filed 1–4–72;8:49 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on February 10, 1972, the following application by station KOPO for increase in daytime power or its class IV standard broadcast station, will be considered as ready and available for processing:

BP–19117 KOPO, Tucson, Ariz.
KOPO Broadcasting Co., Inc.
Has: 1450 kc., 250 w., U.
Req: 1450 kc., 250 w., 1 kw–LS, U.

The purpose of this notice is not to invite applications which may conflict with the listed application, but to apprise any party in interest who desires to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(d) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: December 27, 1971.

Released: December 28, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[FR Doc.72–132 Filed 1–4–72;8:49 am]

[Report No. 576]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 27, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

---

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

3539–C2–AL–(2)–72—Bluegrass Radiotelephone, consent to assignment of license from Guy P. McSweeney and Richard L. Plessinger, doing business as Bluegrass Radiotelephone, Assignor, to Guy P. McSweeney, doing business as Radio Telephone Service, Assignee. Stations: KIY781, Lexington, Ky., and KRH665, Lexington, Ky. (one-way).

3540–C2–P–72—General Telephone Co. (New), for a new two-way station to be located at 6706 212th SW., Lynnwood, WA, to operate on frequency 454.400 MHz.

3566–C2–P–72—Morris Communications, Inc. (KIY731), for additional facilities to operate on frequency 454.100 MHz located at Paris Mountain, Lake Circle Drive, 8 miles north of Greenville, S.C.

3567–C2–P–(2)–72—RCA Alaska Communications, Inc. (KWA670), to change the antenna system and relocate facilities operating on 162.54 and 152.60 MHz to Tin City AF Radome, 105 miles from Nome and 61 miles from Teller, Alaska.

3568–C2–P–72—Metro Fone Communications, Inc. (KRS655), replace transmitter operating on 152.180 MHz located at 4659 Stinson Boulevard NE., Columbia Heights, MN.

V37-1-72
JAN 5 72
XUM

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

3579–C2–P–72—Joseph N. Thomason, doing business as Auto Page Northwest (KLF622), relocate facilities operating on 152.24 MHz to Inspiration Point, 2.75 miles south of Kennewick, Kennewick, Wash.

3641–C2–P–72—Hopkinton Telephone Co. (KCI302), for additional facilities to operate on 152.72 MHz located at Gould Hill, approximately 1 mile east of Contoocook, N.H.

3642–C2–TC–72—Answering Service of Trenton, Inc., consent to transfer of control from Gertrude Kaufman, Transferor, to Ira Magod, Transferee. Station: KED352, Trenton, N.J.

3643–C2–P–72—Intrastate Radio Telephone, Inc. of San Francisco (KMA833), for additional facilities to operate on 454.125 MHz at location No. 4: San Bruno Peak, near South San Francisco, Calif.

RURAL RADIO SERVICE

3565–C1–P/L–72—Mountain States Telephone & Telegraph Co. (New), for a new rural subscriber station to be located at the Meteor Crater Museum Building, 19 miles west of Winslow, Ariz., to operate on 157.77 and 158.01 MHz communicating with station KON915, Flagstaff, Ariz.

3568–C1–P–72—RCA Alaska Communications, Inc. (New), for a new rural subscriber station to be located at village store located at East End of Brevig Mission, Alaska, to operate on 157.80 and 157.86 MHz.

3569–C1–P–72—RCA Alaska Communications, Inc. (New), for a new rural subscriber station to be located at Diomede (Ignaluk) Village Public Building, Little Diomede Island, Alaska, to operate on 157.80 and 157.86 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

(INFORMATIVE: Applicant, MCI-North Central States, Inc., is modifying its original proposal for Specialized Common Carrier Radio Service between Chicago, Ill., and Minneapolis, Minn., and points in between, by filing the 13 new applications listed below.)

3552–C1–P–72—MCI-North Central States, Inc. (New), Site 3, Coates, Minn. C.P. for a new station 8.7 miles northwest of Coates, Minn., at latitude 44°47'17", longitude 93°11'50". Frequencies 6197.2 MHz on azimuth 25°31' toward St. Paul, Minn., and 6256.5 MHz on azimuth 139°30' toward Hampton, Minn.

3553–C1–P–72—MCI-North Central States, Inc. (New), Site 4, Hampton, Minn. C.P. for a new station 0.5 mile east-northeast of Hampton, Minn., at latitude 44°36'40", longitude 92°59'09". Frequencies 5974.8 MHz on azimuth 319°38' toward Coates, Minn., and 5974.8 MHz on azimuth 194°11' toward Nerstrand, Minn.

3554–C1–P–72—MCI-North Central States, Inc. (New), Site 5, Nerstrand, Minn. C.P. for a new station 0.5 mile west of Nerstrand, Minn., at latitude 44°20'26", longitude 93°04'52". Frequencies 6226.9 MHz on azimuth 14°07' toward Hampton, Minn., and 6197.2 MHz on azimuth 173°59' toward Merton, Minn.

3555–C1–P–72—MCI-North Central States, Inc. (New), Site 6, Merton, Minn. C.P. for a new station 5.8 miles east of Merton, Minn., at latitude 44°08'49", longitude 93°03'10". Frequencies 5974.8 MHz on azimuth 354°00' toward Nerstrand, Minn., and 5945.2 MHz on azimuth 102°51' toward Mantorville, Minn.

3556–C1–P–72—MCI-North Central States, Inc. (New), Site 7, Mantorville, Minn. C.P. for a new station 1.6 miles north-northeast of Mantorville, Minn., at latitude 44°05'38", longitude 92°43'58". Frequencies 6197.2 MHz on azimuth 283°04' toward Merton, Minn., and 6197.2 MHz on azimuth 132°29' toward Rochester R, Minn.

3557–C1–P–72—MCI-North Central States, Inc. (New), Site 10, Chatfield, Minn. C.P. for a new station 4.9 miles northwest of Chatfield, Minn., at latitude 43°54'06", longitude 92°16'14". Frequencies 6226.9 MHz on azimuth 287°07' toward Rochester R, Minn., and 6197.2 MHz on azimuth 106°56' toward Arendahl, Minn.

3558–C1–P–72—MCI-North Central States, Inc. (New), Site 13, Fargo, Wis. C.P. for a new station 0.2 mile southwest of Fargo, Wis., at latitude 43°27'14", longitude 90°57'25". Frequencies 5945.2 MHz on azimuth 303°18' toward Caledonia, Minn., and 5974.8 MHz on azimuth 98°13' toward Boaz, Wis.

3559–C1–P–72—MCI-North Central States, Inc. (New), Site 17, Middleton, Wis. C.P. for a new station 4 miles south of Middleton, Wis., at latitude 43°02'07", longitude 89°30'24". Frequencies 11,665.0, 11,265.0 MHz on azimuth 66°50' toward Madison, Wis., and 11,665.0, 11,265.0 MHz on azimuth 15°29' toward Waunakee, Wis.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

3560–C1–P–72—MCI-North Central States, Inc. (New), Site 20, Watertown, Wis. C.P. for a new station 3.8 miles southeast of Watertown, Wis., at latitude 43°07'58", longitude 88°40'28". Frequencies 6197.2 MHz on azimuth 286°06' toward Waterloo, Wis., and 6197.2 MHz on azimuth 137°39' toward North Prairie, Wis.

3561–C1–P–72—MCI-North Central States, Inc. (New), Site 22, Hales Corners, Wis. C.P. for a new station 12270 West Belott Road, Hales Corners, WI at latitude 42°57'56", longitude 88°04'05". Frequencies 6197.2 MHz on azimuth 269°29' toward North Prairie, Wis., and 6226.9 MHz on azimuth 160°52' toward Franksville, Wis., and 10,735.0, 11,135.0 MHz on azimuth 56°39' toward Milwaukee, Wis.

3562–C1–P–72—MCI-North Central States, Inc. (New), Site 24, Franksville, Wis. C.P. for a new station 2.6 miles southwest-south of Franksville, Wis., at latitude 42°44'41", longitude 87°57'51". Frequencies 5974.8 MHz on azimuth 340°57' toward Hales Corners, Wis., and 5945.2 MHz on azimuth 183°48' toward Antioch, Ill., and 10,735.0, 11,135.0 MHz on azimuth 97°38' toward Racine, Wis.

3563–C1–P–72—MCI-North Central States, Inc. (New), Site 26, Antioch, Ill. C.P. for a new station 4.8 miles east of Antioch, Ill., at latitude 42°29'40", longitude 87°55'12". Frequencies 6197.2 MHz on azimuth 08°47' toward Franksville, Wis., and 6226.9 MHz on azimuth 168°20' toward Libertyville, Ill.

3564–C1–P–72—MCI-North Central States, Inc. (New), Site 27, Libertyville, Ill. C.P. for a new station 0.6 mile southeast of Libertyville, Ill., at latitude 42°15'35", longitude 87°55'17", Frequencies 5974.8 MHz on azimuth 348°22' toward Antioch, Ill., and 5945.2 MHz on azimuth 142°42' toward Chicago North, Ill., and 11,665.0, 11,265.0 MHz on azimuth 34°16' toward Waukegan, Ill.

3572–C1–P–72—Southwestern Bell Telephone Co. (KAD26), location: Third and Oakley Streets, Topeka, KS. Latitude 39°03'46" N., longitude 95°42'56" W. To replace transmitter and change frequency 6062.5 MHz to 11,685 MHz toward Topeka, Kans. (KTWU–TV).

3573–C1–P–72—American Telephone & Telegraph Co. (KQA67), location: 2.2 miles northeast of Richfield, Ohio. Latitude 41°15'43" N., longitude 81°36'19" W. To add frequency 5630 MHz toward Akron, Ohio.

3574–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPC70), location: Mingus Mountain, 7.5 miles south of Jerome, Ariz. Latitude 34°41'12" N., longitude 112°06'59" W. Frequencies: 11,365 and 11,525 MHz toward Sedona, Ariz. via passive reflector.

3575–C1–P–72—The Mountain States Telephone & Telegraph Co. (New), a new station at 1 Smith Road, Sedona, AZ. Latitude 34°52'08" N., longitude 111°45'45" W. Frequencies: 10,915 and 11,075 MHz toward Mingus Mountain, Ariz., via passive reflector.

1599–C1–P–72—American Telephone & Telegraph Co. (KRR69), location: 70 South State Street, Salt Lake City, UT. Frequencies: 11,425 and 11,585 MHz toward Salt Lake City, Utah. Resubmitted.

1600–C1–P–72—American Telephone & Telegraph Co. (KOB26), location: 3100 Kennedy Drive, Salt Lake City Junction, UT. Latitude 40°45'06" N., longitude 111°48'03" W. Frequencies: 11,015 and 10,935 MHz toward Salt Lake City, Utah. Resubmitted.

1601–C1–P–72—American Telephone & Telegraph Co. (KNE66), location: 9.2 miles northwest of Kelso, Calif. Latitude 35°06'14" N., longitude 115°46'33" W. Frequency: 3730 MHz toward Cima, Calif. Resubmitted.

1602–C1–P–72—American Telephone & Telegraph Co. (KNB54), location: 4.5 miles east of Cima, Calif. Latitude 35°14'12" N, longitude 115°25'22" W. Frequency: 3770 MHz toward Beer Bottle, Nev. Resubmitted.

1603–C1–P–72—American Telephone & Telegraph Co. (KPM79), location: Beer Bottle, 10.4 miles southeast of Jean, Nev. Latitude 35°37'41" N., longitude 115°18'24" W. Frequency: 3730 MHz toward Arden, Nev. Resubmitted.

1604–C1–P–72—American Telephone & Telegraph Co. (KPM78), location: Arden, 9.3 miles east of Sloan, Nev. Latitude 35°56'50" N., longitude 115°02'55" W. Frequency: 3770 MHz toward Arrow Canyon, Nev. Resubmitted.

1605–C1–P–72—American Telephone & Telegraph Co. (KPM77), location: Arrow Canyon, 12.4 miles southwest of Moapa, Nev. Latitude 36°33'35" N., longitude 114°47'56" W. Frequency: 3730 MHz toward Mormon Mesa, Nev. Resubmitted.

1606–C1–P–72—American Telephone & Telegraph Co. (KPM76), location: 12.5 miles northwest of Mesquite, Nev. Latitude 36°53'47" N., longitude 114°17'23" W. Frequency: 3770 MHz toward Santa Clara, Utah. Resubmitted.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1607–C1–P–72—American Telephone & Telegraph Co. (KPM75), location: 9.5 miles west-southwest of Santa Clara, Utah. Latitude 37°06'08" N., longitude 113°49'31" W. Frequency: 3730 MHz toward Enterprise, Utah. Resubmitted.

1608–C1–P–72—American Telephone & Telegraph Co. (KPM74), location: 5 miles southeast of Enterprise, Utah. Latitude 37°30'48" N., longitude 113°39'15" W. Frequency: 3770 MHz toward Lund, Utah. Resubmitted.

1609–C1–P–72—American Telephone & Telegraph Co. (KPM73), location: 7.5 miles north of Lund, Utah. Latitude 38°06'51" N., longitude 113°24'30" W. Frequency: 3730 MHz toward Milford, Utah. Resubmitted.

1610–C1–P–72—American Telephone & Telegraph Co. (KPM72), location: 6 miles southeast of Milford, Utah. Latitude 38°21'39" N., longitude 112°54'24" W. Frequency: 3770 MHz toward Cricket Mountain, Utah. Resubmitted.

1611–C1–P–72—American Telephone & Telegraph Co. (KPM71), location: 9 miles northeast of Black Rock, Utah. Latitude 38°50'06" N., longitude 112°52'42" W. Frequency: 3730 MHz toward Meadow, Utah. Resubmitted.

1612–C1–P–72—American Telephone & Telegraph Co. (KPM70), location: 1.5 miles northeast of Meadow, Utah. Frequency: 3770 MHz toward Scipio, Utah. Latitude 38°53'59" N., longitude 112°22'29" W. Resubmitted.

1613–C1–P–72—American Telephone & Telegraph Co. (KMJ86), location: 434 South Grand Avenue, Los Angeles, CA. Latitude 34°03'02" N., longitude 118°15'08" W. Frequency: 3990 MHz toward Corona Del Mar, Calif. Resubmitted.

1614–C1–P–72—American Telephone & Telegraph Co. (KNL24), location: 3.5 miles east of Corona Del Mar, Calif. Latitude 33°36'20" N., longitude 117°48'35" W. Frequency: 3950 MHz toward Los Angeles and San Clemente, Calif. Resubmitted.

1615–C1–P–72—American Telephone & Telegraph Co. (KNL25), location: 2 miles northeast of San Clemente, Calif. Latitude 33°26'37" N., longitude 117°35'15" W. Frequency: 3990 MHz toward Corona Del Mar and San Marcos, Calif. Resubmitted.

1616–C1–P–72—American Telephone & Telegraph Co. (KNL26), location: 3.5 miles northeast of San Marcos, Calif. Latitude 33°11'05" N., longitude 117°07'44" W. Frequency: 3950 MHz toward San Clemente and Julian, Calif. Resubmitted.

1617–C1–P–72—American Telephone & Telegraph Co. (KTO86), location: 5.6 miles north of Julian, Calif. Latitude 33°09'33" N., longitude 116°36'53" W. Frequency: 3990 MHz toward San Marcos, and 4070 MHz toward Salton, Calif. Resubmitted.

1618–C1–P–72—American Telephone & Telegraph Co. (KNL28), location: Salton, 9.5 miles north-northeast of Ocotillo, Calif. Frequency: 4030 MHz toward Julian and Brawley, Calif. Latitude 33°16'48" N., longitude 116°05'04" W. Resubmitted.

1619–C1–P–72—American Telephone & Telegraph Co. (KNL29), location: 1.4 miles west-southwest of Brawley, Calif. Latitude 32°58'41" N., longitude 115°33'19" W. Frequency: 4070 MHz toward Salton and Glamis, Calif. Resubmitted.

1620–C1–P–72—American Telephone & Telegraph Co. (KNL30), location: 14.8 miles east-northeast of Glamis, Calif. Frequency: 4030 MHz toward Brawley, Calif., and Castle Dome Mountain, Ariz. Latitude 33°03'07" N., longitude 114°49'36" W. Resubmitted.

1621–C1–P–72—American Telephone & Telegraph Co. (KPW93), location: Castle Dome Mountain, 29 miles south of Quartzsite, Ariz. Latitude 33°14'23" N., longitude 114°15'32" W. Frequency: 4070 MHz toward Glamis, Calif., and Quartzsite, Ariz. Resubmitted.

1622–C1–P–72—American Telephone & Telegraph Co. (KPW94), location: 15.2 miles southeast of Quartzsite, Ariz. Latitude 33°28'32" N., longitude 114°05'16" W. Frequency: 4030 MHz toward Castle Dome Mountain and Salome, Ariz. Resubmitted.

1623–C1–P–72—American Telephone & Telegraph Co. (KPW95), location: 17 miles southsoutheast of Salome, Ariz. Latitude 33°32'38" N., longitude 113°33'41" W. Frequency: 4070 MHz toward Quartzsite and Aguila, Ariz. Resubmitted.

1624–C1–P–72—American Telephone & Telegraph Co. (KPW96), location: 18 miles southsoutheast of Aguila, Ariz. Latitude 33°41'28" N., longitude 113°05'35" W. Frequency: 4030 MHz toward Salome and Morristown, Ariz. Resubmitted.

1625–C1–P–72—American Telephone & Telegraph Co. (KPW97), location: 11 miles northeast of Morristown, Ariz. Latitude 33°57'21" N., longitude 112°38'34" W. Frequency: 4070 MHz toward Aguila and Cave Creek, Ariz. Resubmitted.

1626–C1–P–72—American Telephone & Telegraph Co. (KPW98), location: 6.2 miles east of Cave Creek, Ariz. Latitude 33°50'54" N., longitude 111°49'56" W. Frequency: 4030 MHz toward Morristown and Apache Junction, Ariz. Resubmitted.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1627–C1–P–72—American Telephone & Telegraph Co. (KPV21), location: 7.5 miles northwest of Apache, Ariz. Latitude 33°29'39" N., longitude 111°38'26" W. Frequency: 4070 MHz toward Cave Creek and 5974.8 MHz toward Chandler Heights, Ariz. Resubmitted.

1628–C1–P–72—American Telephone & Telegraph Co. (WDE88), location: Chandler Heights, 5 miles northwest of Chandler, Ariz. Latitude 33°14'05" N., longitude 111°43'28" W. Frequency: 6226.9 MHz toward Apache Junction and Sacaton, Ariz. Resubmitted.

1629–C1–P–72—American Telephone & Telegraph Co. (WDE87), location: 7 miles southeast of Casa Grande, Ariz. Latitude 33°03'01" N., longitude 111°49'22" W. Frequency: 5974.8 MHz toward Chandler Heights and Casa Grande, Ariz. Resubmitted.

1630–C1–P–72—American Telephone & Telegraph Co. (WAD44), location: 4 miles west of Casa Grande, Ariz. Latitude 32°51'57" N., longitude 111°49'42" W. Frequency: 6226.9 MHz toward Sacaton, Ariz., and 6256.5 MHz and 6375.2 MHz toward Florence, Ariz. Resubmitted.

1631–C1–P–72—American Telephone & Telegraph Co. (WAD43), location: 6 miles southwest of Florence, Ariz. Latitude 32°57'54" N., longitude 111°26'19" W. Frequency 6004.5 and 6123.1 MHz toward Casa Grande and Miami, Ariz. Resubmitted.

1632–C1–P–72—American Telephone & Telegraph Co. (WAD42), location: 7 miles southsoutheast of Miami, Ariz. Latitude 33°17'55" N., longitude 110°50'28" W. Frequencies: 6256.5 and 6375.2 MHz toward Florence and Seneca, Ariz. Resubmitted.

1633–C1–P–72—American Telephone & Telegraph Co (WAD41), location: 7 miles southwest of Seneca, Ariz. Latitude 33°39'37" N., longitude 110°33'39" W. Frequencies: 6004.5 and 6123.1 MHz toward Miami and McNary, Ariz. Resubmitted.

1634–C1–P–72—American Telephone & Telegraph Co. (WAD40), location: 3 miles westsouthwest of McNary, Ariz. Latitude 34°03'43" N., longitude 109°54'20" W. Frequencies: 6256.5 and 6375.2 MHz toward Seneca and Greer, Ariz. Resubmitted.

1635–C1–P–72—American Telephone & Telegraph Co. (WAD39), location: 6.2 miles northwest of Greer, Ariz. Latitude 34°02'57" N., longitude 109°34'00" W. Frequencies: 6004.5 and 6123.1 MHz toward McNary, Ariz., and toward Red Hill, N. Mex. Resubmitted.

1636–C1–P–72—American Telephone & Telegraph Co. (WAD45), location: 6.4 miles southwest of Red Hill, N. Mex. Latitude 34°10'54" N., longitude 108°57'48" W. Frequencies: 6256.5 and 6375.2 MHz toward Greer, Ariz., and Quemado, N. Mex. Resubmitted.

1637–C1–P–72—American Telephone & Telegraph Co. (WAD38), location: 6.7 miles southwest of Quemado, N. Mex. Latitude 34°18'24" N., longitude 108°36'09" W. Frequencies: 6004.5 and 6123.1 MHz toward Red Hill, and Datil, N. Mex. Resubmitted.

1638–C1–P–72—American Telephone & Telegraph Co. (WAD37), location: 9.7 miles northwest of Datil, N. Mex. Latitude 34°15'00" N., longitude 107°57'15" W. Frequencies: 6256.5 and 6375.2 MHz toward Quemado and Magdalena, N. Mex. Resubmitted.

1639–C1–P–72—American Telephone & Telegraph Co. (WAD36), location: 12.5 miles southwest of Magdalena, N. Mex. Latitude 34°02'15" N., longitude 107°26'45" W. Frequencies: 6004.5 and 6123.1 MHz toward Datil and La Joya, N. Mex. Resubmitted.

1640–C1–P–72—American Telephone & Telegraph Co. (WAD35), location: 10.5 miles westnorthwest of La Joya, N. Mex. Latitude 34°23'44" N., longitude 107°00'42" W. Frequencies: 6256.5 and 6375.2 MHz toward Magdalena and Las Nutrias, N. Mex. Resubmitted.

1641–C1–P–72—American Telephone & Telegraph Co. (WAD34), location: 4.2 miles southeast of Las Nutrias, N. Mex. Latitude 34°25'17" N., longitude 106°42'29" W. Frequencies: 6004.5 and 6123.1 MHz toward La Joya and Los Lunas, N. Mex. Resubmitted.

1642–C1–P–72—American Telephone & Telegraph Co. (KKW32), location: 4.8 miles west of Los Lunas, N. Mex. Latitude 34°47'50" N., longitude 106°49'10" W. Frequencies: 6256.5 and 6375.2 MHz toward Las Nutrias, N. Mex., and 6345.5 MHz toward Scholle, N. Mex. Resubmitted.

1643–C1–P–72—American Telephone & Telegraph Co. (WDE89), location: 2.2 miles southwest of Scholle, N. Mex. Latitude 34°24'27" N., longitude 106°27'03" W. Frequencies: 6093.5 MHz toward Los Lunas and Mountainair, N. Mex. Resubmitted.

1644–C1–P–72—American Telephone & Telegraph Co. (WDE90), location: 2.5 miles eastnortheast of Mountainair, N. Mex. Latitude 34°30'18" N., longitude 106°11'54" W. Frequency: 6345.5 MHz toward Scholle and Pedernal, N. Mex. Resubmitted.

1645–C1–P–72—American Telephone & Telegraph Co. (WDE91), location: 4 miles northnorthwest of Pedernal, N. Mex. Latitude 34°40'48" N., longitude 105°41'15" W. Frequency: 6093.5 MHz toward Mountainair and Carnero, N. Mex. Resubmitted.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1646–C1–P–72—American Telephone & Telegraph Co. (WDE92), location: 3.3 miles southsoutheast of Carnero, N. Mex. Latitude 34°34'24" N., longitude 105°20'54" W. Frequency: 6345.5 MHz toward Pedernal and Cardenas, N. Mex. Resubmitted.

1647–C1–P–72—American Telephone & Telegraph Co. (WDE93), location: Cardenas, 5.5 miles north-northwest of Buchanan, N. Mex. Latitude 34°30'12" N., longitude 104°49'30" W. Frequency: 6345.5 MHz toward Pedernal and Cardenas, N. Mex. Resubmitted.

1648–C1–P–72—American Telephone & Telegraph Co. (WDE94), location: 3.5 miles north of Taiban, N. Mex. Latitude 34°29'36" N., longitude 104°00'21" W. Frequency: 6345.5 MHz toward Cardenas and Field, N. Mex. Resubmitted.

1649–C1–P–72—American Telephone & Telegraph Co. (WDE98), location: 0.7 mile northeast of Field, N. Mex. Latitude 34°38'05" N., longitude 103°33'25" W. Frequency: 6093.5 MHz toward Taiban and Broadview, N. Mex. Resubmitted.

1650–C1–P–72—American Telephone & Telegraph Co. (WDE97), location: Broadview, 4.1 miles northwest of Hollene, N. Mex. Latitude 34°42'48" N., longitude 103°05'25" W. Frequency: 6345.5 MHz toward Field, N. Mex., and Black, Tex. Resubmitted.

1651–C1–P–72—American Telephone & Telegraph Co. (WDE99), frequency: 6093.5 MHz toward Broadview, N. Mex., and Nazareth, Tex. Location: 5.7 miles south-southeast of Black, Tex. Latitude 34°36'47" N., longitude 102°34'10" W. Resubmitted.

1652–C1–P–72—American Telephone & Telegraph Co. (WDE95), location: 10.3 miles northnortheast of Nazareth, Tex. Latitude 34°41'10" N., longitude 102°02'58" W. Frequency: 6286.2 MHz toward Black, Tex., and 6345.5 MHz toward Wayside, Tex. Resubmitted.

1653–C1–P–72—American Telephone & Telegraph Co. (KLN81), location: 2 miles northnorthwest of Wayside, Tex. Latitude 34°49'27" N., longitude 101°33'36" W. Frequency: 6152.8 MHz toward Nazareth, Tex. Resubmitted.

3542–C1–P–72—The Chesapeake & Potomac Telephone Co. of West Virginia (KYJ69), location: 2.5 miles northwest of Rainelle, W. Va. Latitude 37°58'52" N., longitude 80°49'20" W. To add frequency: 11,365 MHz toward Layland, W. Va.

3543–C1–P–72—The Chesapeake & Potomac Telephone Co. of West Virginia (KXR62), location: 3.9 miles north of Layland, W. Va. Latitude 37°55'38" N., longitude 80°58'14" W. To add frequency 11,115 MHz toward Beckley, W. Va.

3544–C1–P–72—General Telephone Co. of Florida (KJD20), location: 2.8 miles north of Knights, Fla. Latitude 28°06'56" N., longitude 82°08'52" W. To add frequency: 3970 MHz toward Tampa, Fla.

3636–C1–P–72—General Telephone Co. of Wisconsin (New), a new station at Woodruff, Wis. Latitude 45°53'19" N., longitude 89°36'34" W. Frequency: 6404.8 MHz toward Rhinelander, Wis., and 6375.2 MHz toward Lac du Flambeau, Wis.

3637–C1–P–72—General Telephone Co. of Wisconsin (New), a new station located at Lac du Flambeau, Wis. Latitude 45°58'31" N., longitude 89°53'06" W. Frequency: 6152.8 MHz toward Clear Lake, Wis., and 6123.1 MHz toward Manitowish Waters, Wis.

3638–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPV91), location: Bainville Junction, 7.2 miles north-northeast of Bainville, Mont. Latitude 48°14'16" N., longitude 104°11'14" W. To change points of communication to Plentywood Junction, Mont., via passive reflector on frequencies 5945.2 and 6063.8 MHz.

3639–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPX85), location: 115 West Second Avenue, Plentywood, MT. Latitude 48°46'18" N., longitude 104°33'25" W. To add frequencies 6226.9 and 6345.5 MHz toward Bainville, Mont. via passive reflector.

3679–C1–P–72—The Mountain States Telephone & Telegraph Co. (KYJ78), location: 13.6 miles southwest of Rawlins, Wyo. Latitude 41°38'15" N., longitude 107°23'11" W. To add frequency 6271.4 MHz toward Encampment, Wyo. via passive reflector.

3680–C1–P–72—The Mountain States Telephone & Telegraph Co. (New), a new station at the Corner of Freeman Avenue and Fifth Street, Encampment, WY. Latitude 41°12'31" N., longitude 106°47'26" W. Frequency: 6019.3 MHz toward Separation Peak, Wyo. via passive reflector.

3681–C1–P–72—Pacific Northwest Bell Telephone Co. (KPE30), location: 8.7 miles westsouthwest of Ritzville, Wash. latitude 47°04'32" N., longitude 118°32'58" W. Frequency: 2120.4 MHz toward Odessa, Wash. via passive reflector.

3682–C1–P–72—Pacific Northwest Bell Telephone Co. (New), a new station located south side of Marjorie Avenue between Fourth and Fifth, Odessa, WA. Latitude 47°20'03" N., longitude 118°41'20" W. Frequency: 2170.4 MHz toward Ritzville, Wash. via passive reflector.

21 C.P. Applications To Be Part of a Proposed Data Communications Service Across the United States

3615–C1–P–72—Data Transmission Co. (New), a new station located at 260 Sheridan Avenue, Palo Alto, CA. Latitude 37°25'36" N., longitude 122°08'23" W. Frequency 6404.8H MHz on azimuth 144°59' toward Tomita Hill, Calif.

3616–C1–P–72—Data Transmission Co. (New), a new station located 1.8 miles southwest of Casitas Springs, Calif. Latitude 34°20'58" N., longitude 119°20'08" W. Frequency 6093.5V MHz on azimuth 289°00' toward Broadcast Peak, Calif., and 6197.2H MHz on azimuth 78°53' toward Piru, Calif.

3617–C1–P–72—Data Transmission Co. (New), a new station located 1.8 miles northwest of Piru, Calif. Latitude 34°26'00" N., longitude 118°48'48" W. Frequency 5945.2H MHz on azimuth 259°11' toward Casitas Springs, Calif., 6152.8V MHz on azimuth 76°56' toward Sierra Pelona, Calif., and 11,525V MHz on azimuth 108°51' toward Mt. Lukens, Calif.

3618–C1–P–72—Data Transmission Co. (New), a new station (Sierra Pelona), located 7 miles southwest of Palmdale, Calif. Latitude 34°32'36" N., longitude 118°14'00" W. Frequency 6404.8V MHz on azimuth 257°16' toward Piru, and 6404.8H MHz on azimuth 104°19' toward Mescal Creek.

3619–C1–P–72—Data Transmission Co. (New), a new station (Mescal Creek), located 7 miles east of Valyermo, Calif. Latitude 34°26'50" N., longitude 117°46'44" W. Frequency 6152.8V MHz on azimuth 284°27' toward Sierra Pelona, and 6152.8V MHz on azimuth 78°33' toward Sidewinder Mountain, Calif.

3620–C1–P–72—Data Transmission Co. (New), a new station (Sidewinder Mountain), located 10 miles northeast of Apple Valley, Calif. Latitude 34°34'11" N., longitude 117°02'04" W. Frequency 6404.8V MHz on azimuth 258°58' toward Mescal Creek, and 6404.8V MHz on azimuth 144°23' toward Onyx, Calif.

3621–C1–P–72—Data Transmission Co. (New), a new station (Onyx), located 8 miles southeast of Sugarloaf, Calif. Latitude 34°11'30" N., longitude 116°42'32" W. Frequency 6152.8V MHz on azimuth 324°34' toward Sidewinder Mountain, and 6152.8H MHz on azimuth 131°04' toward Mecca Hills, Calif.

3622–C1–P–72—Data Transmission Co. (New), a new station (Mecca Hills), located 2 miles southwest of Cactus City, Calif. Latitude 33°39'27" N., longitude 115°58'43" W. Frequency 6404.8H MHz on azimuth 311°28' toward Onyx, and 6404.8H MHz on azimuth 90°11' toward Desert Center, Calif.

3623–C1–P–72—Data Transmission Co. (New), a new station located at 5 miles southwest of Desert Center, Calif. Latitude 33°39'18" N., longitude 115°27'11" W. Frequency 6152.8H MHz on azimuth 270°26' toward Mecca Hills, Calif., and 6152.8V MHz on azimuth 93°50' toward McCoy, Calif.

3624–C1–P–72—Data Transmission Co. (New), a new station (McCoy), located 10 miles west of Blythe, Calif. Latitude 33°36'53" N., longitude 114°46'09" W. Frequency 6404.8V MHz on azimuth 274°13' toward Desert Center, Calif., and 6404.8V MHz on azimuth 97°07' toward Cunningham Mountain, Ariz.

3625–C1–P–72—Data Transmission Co. (New), a new station (Cunningham Mountain), located 14.5 miles east of Blythe, Calif. Latitude 33°34'13" N., longitude 114°21'01" W. Frequency 6152.8V MHz on azimuth 277°20' toward McCoy, Calif., and 6152.8V MHz on azimuth 45°32' toward Midway, Ariz.

3626–C1–P–72—Data Transmission Co. (New), a new station located 7 miles east-southeast of Midway, Ariz. Latitude 34°02'54" N., longitude 113°45'49" W. Frequency 6404.8V MHz on azimuth 225°51' toward Cunningham Mountain, and 6404.8H MHz on azimuth 86°59' toward Pete Smith Peak.

3627–C1–P–72—Data Transmission Co. (New), a new station (Pete Smith Peak), located 12 miles north-northeast of Gladden, Ariz. Latitude 34°03'56" N., longitude 113°21'18" W. Frequency 6152.8H MHz on azimuth 121°26' toward White Tank Mountain, and 6152.8H MHz on azimuth 267°13' toward Midway.

3628–C1–P–72—Data Transmission Co. (New), a new station (Thompson Peak), located 15 miles north of Mesa, Ariz. Latitude 33°38'39" N., longitude 111°48'41" W. Frequency 6152.8V MHz on azimuth 270°37' toward White Tank Mountain, 11,365V MHz on azimuth 126°56' toward Florence Junction, and 6093.5H MHz on azimuth 235°14' toward Phoenix.

3629–C1–P–72—Data Transmission Co. (New), a new station located 5.8 miles north of Florence Junction, Ariz. Latitude 33°20'15" N., longitude 111°19'37" W. Frequency 10,775V MHz on azimuth 307°12' toward Thompson Peak, and 6404.8V MHz on azimuth 115°25' toward Ray, Ariz.

21 C.P. Applications To Be Part of a Proposed Data Communications Service Across the United States—Continued

3630–C1–P–72—Data Transmission Co. (New), a new station located 2.6 miles north-northeast of Ray, Ariz. Latitude 33°11'15" N., longitude 110°57'11" W. Frequency 6152.8V MHz on azimuth 295°38' toward Florence Junction, 6093.5V MHz on azimuth 119°55' toward Buford Hill, Ariz.

3631–C1–P–72—Data Transmission Co. (New), a new station (Buford Hill), located 5.3 miles east of Klondyke, Ariz. Latitude 32°50'13" N., longitude 110°14'08" W. Frequency 6404.8H MHz on azimuth 300°18' toward Ray, and 6404.8V MHz on azimuth 100°03' toward Thatcher, Ariz.

3632–C1–P–72—Data Transmission Co. (New), a new station (Thatcher), located 9 miles northeast of Stafford, Ariz. Latitude 32°46'30" N., longitude 109°49'35" W. Frequency 6152.8V MHz on azimuth 280°16' toward Buford Hill, and 6152.8H MHz on azimuth 100°00' toward Duncan, Ariz.

3633–C1–P–72—Data Transmission Co. (New), a new station (Hueco Mountain), located 25 miles east of El Paso, Tex. Latitude 31°52'59" N., longitude 105°55'13" W. Frequency 6093.5V MHz on azimuth 284°48' toward Anthony Gap, and 6152.8V MHz on azimuth 113°57' toward Black Mountain, Tex.

3634–C1–P–72—Data Transmission Co. (New), a new station (Black Mountain), located 11.5 miles south-southwest of Salt Flat, Tex. Latitude 31°35'38" N., longitude 105°09'57" W. Frequency 6404.8V MHz on azimuth 294°21' toward Hueco Mountain, and 6345.5V MHz on azimuth 109°24' toward Delaware Ranch, Tex.

3635–C1–P–72—Data Transmission Co. (New), a new station (Delaware Ranch), located 24.2 miles north of Plateau, Tex. Latitude 31°24'54" N., longitude 104°34'40" W. Frequency 6152.8V MHz on azimuth 289°42' toward Black Mountain, Tex., and 6152.8H MHz on azimuth 127°09' toward Levinson, Tex.

The following Applicants proposes to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

3541–C1–P–72—Delta Valley Radiotelephone Co., Inc. (New), a new station at 3502 Kroy Way, Sacramento, CA. Latitude 38°32'37" N., longitude 121°25'21" W. Frequencies: 2152.325 MHz (Visual) and 2150.200 MHz (Aural), toward various receiving points of system and 2158.500 MHz (Visual) and 2154.000 MHz (Aural), toward various receiving points of system.

3613–C1–P–72—Western Tele-Communications, Inc. (New), a new station at 2 miles southwest of Golden, Colo. (Denver). Latitude 39°43'54" N., longitude 105°14'58" W. Frequencies: 2152.325 MHz (Visual) and 2150.200 MHz (Aural), toward various receiving points of system and 2158.500 MHz (Visual) and 2154.000 MHz (Aural), toward various receiving points of system.

3614–C1–P–72—Alfred E. Anscombe (New), a new station at Rand Building, Washington and Broadway, Buffalo, NY. Latitude 42°53'10" N., longitude 78°52'26" W. Frequencies: 2152.325 MHz (Visual) and 2150.20 MHz (Aural), toward various receiving points of system and 2158.50 MHz (Visual) and 2154.00 MHz (Aural), toward various receiving points of system.

3678–C1–P–72—Century Cable Communications, Inc. (New), a new station at 926 J Street, Sacramento, CA. Latitude 38°34'49" N., longitude 121°29'34" W. Frequencies: 2152.325 MHz (Visual) and 2150.20 MHz (Aural), toward various receiving points of system and 2158.50 MHz (Visual) and 2154.00 MHz (Aural), toward various receiving points of system.

INFORMATIVE: It appears that the following Applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

California

Microband Corp. of America (New), File No. 1977–C1–P–72.
Microwave Transmission Corp. (New), File No. 2814–C1–P–72.
Delta Valley Radiotelephone Co., Inc. (New), File No. 3541–C1–P–72.

Colorado

Western Tele-Communications, Inc. (New), File No. 3613–C1–P–72.
Tekkom, Inc. (New), File No. 1986–C1–P–72.
Microband Corp. of America (New), File No. 2274–C1–P–72.

New York

Alfred E. Anscombe (New), File No. 3614–C1–P–72.
Microband Corp. of America (New), File No. 978–C1–P–72.
Eastern Microwave, Inc. (New), File No. 3086–C1–P–72.

Major Amendments

2868–C1–P–70—MCI-North Central States, Inc. (New), Site 1, Minneapolis, Minn. Change proposed station location to a new station at Seventh and Marquette Avenue, Minneapolis, MN. Change proposed station location to latitude 44°58'34", longitude 93°16'16". Correct azimuths and frequencies to 11,665.0, 11,265.0, MHz on azimuth 102°52' toward St. Paul, Minn. Delete Cannon Falls, Minn., as a point of communication. Delete frequencies 5989.7, 6108.3 MHz.

2869–C1–P–70—MCI-North Central States, Inc. (New), Site 2, St. Paul, Minn. Change proposed station location to a new station at Fourth and Minnesota Streets, St. Paul, MN at latitude 44°56'48", longitude 93°05'26". Correct azimuths and frequencies to 10,735.0, 11,135.0, MHz toward Minneapolis, Minn. on azimuth 283°00' and 5945.2 MHz on azimuth 205°36' toward Coates, Minn. Delete Rochester R, Minn. as a point of communication. Delete frequencies 6182.4, 6301.0 MHz and 6212.0, 6330.7 MHz.

2870–C1–P–70—MCI-North Central States, Inc. (New), Site 8, Rochester R, Minn. Change proposed station location to a new station 4.2 miles southwest of Rochester, Minn. at latitude 43°57'35", longitude 92°31'49". Correct frequencies and azimuths to 5945.2 MHz on azimuth 312°38' toward Mantorville, Minn., 5974.8 MHz on azimuth 106°56' toward Chatfield, Minn. and 11,665.0, 11,265.0, MHz on azimuth 36°17' toward Rochester, Minn. Delete Cannon Falls, Arendahl, and Rochester, Minn. as points of communication. Delete frequencies 5950.0H, 6078.6H MHz and 5989.7, 6108.3, MHz, 11,015.0, 11,175.0 MHz.

2871–C1–P–70—MCI-North Central States, Inc. (New), Site 9, Rochester, Minn. C.P. for a new station at 20 Second Avenue SW., Rochester, MN., at latitude 44°01'24", longitude 92°27'56". Correct frequencies and azimuths to 10,735.0, 11,135.0 MHz on azimuth 216°19' toward Rochester R, Minn. Delete frequencies 11,625.0, 11,305.0 MHz.

2872–C1–P–70—MCI-North Central States, Inc. (New), Site 11, Arendahl, Minn. Change proposed station location to 0.2 mile south of Arendahl, Minn. at latitude 43°49'19", longitude 91°54'32", Correct frequencies and azimuths to 5945.2 MHz on azimuth 287°11' toward Chatfield, Minn. and 5974.8 MHz on azimuth 112°23' toward Caledonia, Minn. Delete Rochester and Freeburg, Minn., as points of communication. Delete frequencies 6241.7, 6360.3 MHz and 6212.0, 6330.7 MHz.

2873–C1–P–70—MCI-North Central States, Inc. (New), Site 12, Caledonia, Minn. Change proposed station location to 3.6 miles northeast of Caledonia, Minn., at latitude 43°40'36", longitude 91°25'34", Correct frequencies and azimuths to 6226.9 MHz on azimuths 292°43' toward Arendahl, Minn., and 6197.2 MHz on azimuth 122°59' toward Fargo, Wis. Delete Sylvan, Wis., as a point of communication and frequencies 6019.3, 6137.9 MHz and 5989.7, 6108.3 MHz.

2874–C1–P–70—MCI-North Central States, Inc. (New), Site 14, Boaz, Wis. Change proposed station location to 5.1 miles north-northeast of Boaz, Wis., at latitude 43°24'18", longitude 90°30'05", Correct frequencies and azimuths to 6226.9 MHz on azimuth 278°32' toward Fargo, Wis., and 6197.2 MHz on azimuth 93°19' toward Leland, Wis. Delete Freeburg and North Freedom, Wis., as points of communication. Delete frequencies 6241.7, 6360.3 MHz and 6212.0, 6330.7 MHz.

2875–C1–P–70—MCI-North Central States, Inc. (New), Site 15, Leland, Wis. Change proposed station location to 3 miles north-northeast of Leland, Wis., at latitude 43°22'47", longitude 89°58'13", Correct azimuths and frequencies to 5945.2 MHz on azimuth 273°42' toward Boaz, Wis., and 5974.8 MHz on azimuth 113°46' toward Waunakee, Wis. Delete Sylvan and Sun Prairie, Wis., as points of communication. Delete frequencies 6019.3, 6137.9 MHz and 5989.7, 6108.3 MHz.

2876–C1–P–70—MCI-North Central States, Inc. (New), Site 16, Waunakee, Wis. Change proposed station location to 2 miles northeast of Waunakee, Wis. at latitude 43°13'04", longitude 89°26'15", Correct azimuths and frequencies to 6226.9 MHz on azimuth 294°07' toward Leland, Wis., and 6197.2 MHz on azimuth 91°22' toward Waterloo, Wis., and 10,735.0, 11,135.0 MHz on azimuth 195°32' toward Middleton, Wis. Delete North Freedom, Lake Mills, and Madison, Wis., as points of communication. Delete frequencies 6241.7, 6360.3 MHz, 6212.0, 6330.7 MHz, and 11,305.0, 11,625.0 MHz.

Major Amendments—Continued

2877–C1–P–70—MCI-North Central States, Inc. (New), Site 18, Madison, Wis. Change proposed station location to 322 West Washing Street, Madison, WI, at latitude 43°04'22", longitude 89°23'13". Correct frequencies and azimuths to 10,735.0, 11,135.0 MHz on azimuth 246°55' toward Middleton, Wis. Delete Sun Prairie, Wis., as a point of communication. Delete frequencies 11,015, 11,175.0 MHz.

2878–C1–P–70—MCI-North Central States, Inc. (New), Site 19, Waterloo, Wis. Change proposed station location to 3.2 miles northwest of Waterloo, Wis., at latitude 43°12'37", longitude 89°02'39". Correct frequencies and azimuths to 5945.2 MHz on azimuth 271°38' toward Waunakee, Wis., and 5974.8 MHz on azimuth 105°51' toward Watertown, Wis. Delete Sun Prairie and Wales, Wis., as points of communication. Delete frequencies 5960.0, 6078.6 MHz and 5989.7, 6108.3 MHz.

2879–C1–P–70—MCI-North Central States, Inc. (New), Site 21, North Prairie, Wis. Change proposed station location to 3.2 miles northwest of North Prairie, Wis., at latitude 42°-57'44", longitude 88°27'47". Correct frequencies and azimuths to 5945.2 MHz on azimuth 317°48' toward Watertown, Wis., and 5940.2 MHz on azimuth 89°12' toward Hales Corners, Wis. Delete Lake Mills and Milwaukee, Wis., as points of communication. Delete frequencies 6241.7, 6360.3 MHz and 6212.0, 6330.7 MHz.

2880–C1–P–70—MCI-North Central States, Inc. (New), Site 23, Milwaukee, Wis. Station location 1009 North Jackson, Milwaukee, WI, at latitude 43°02'39", longitude 87°54'18". Correct azimuths and frequencies to 11,665.0, 11,265.0 MHz on azimuth 236°45' toward Hales Corners, Wis. Delete Wales and Racine, Wis., as points of communication. Delete frequencies 5960.0, 6078.6 MHz and 5989.7, 6108.3 MHz.

2881–C1–P–70—MCI-North Central States, Inc. (New), Site 25, Racine, Wis. Change proposed station location to 610 Main Street, Racine, WI, at latitude 42°43'36", longitude 87°46'59". Correct frequencies to 11,665.0, 11,265.0 MHz on azimuth 277°46' toward Franksville, Wis. Delete Milwaukee, Wis., and Waukegan, Ill., as points of communication. Delete frequencies 6241.7, 6360.3 MHz and 6212.0, 6330.7 MHz.

2882–C1–P–70—MCI-North Central States, Inc. (New), Site 26, Waukegan, Ill. C.P. for new station 4 South Genesee, Waukegan, IL, at latitude 42°21'33", longitude 87°49'46". Correct frequencies and azimuths to 10,735.0, 11,135.0 MHz on azimuth 214°20' toward Libertyville, Ill. Delete Racine, Wis., and Des Plaines, Ill., as points of communication. Delete frequencies 5960.0, 6078.6 MHz and 5974.8, 6093.5 MHz.

2048–C1–P–71—MCI-North Central States, Inc. (New), Site 29, Chicago North, Ill. Change proposed station location to 1791 West Howard Street, Chicago North, IL, at latitude 42°-01'08", longitude 87°40'32". Correct frequencies to 11,665.0, 11,265.0 MHz on azimuth 161°54' toward Chicago, Ill., and 6197.2 MHz on azimuth 322°51' toward Libertyville, Ill. Delete Waukegan, Ill., as a point of communication. Delete frequencies 6226.9, 6345.5 MHz and 11,425.0 MHz.

2883–C1–P–70—MCI-North Central States, Inc. (New), Site 30, Chicago, Ill. Change proposed station location to the John Hancock Building, Chicago, Ill., at latitude 41°53'56", longitude 87°37'24". Correct frequencies to 10,735.0, 11,135.0 MHz on azimuth 342°01' toward Chicago North, Ill. Delete Des Plaines, Ill., as a point of communication. Delete frequencies 10,775.0, 11,015.0 MHz.

2928–C1–P–70—Data Transmission Co. (New), change station location to Tomita Hill, 3.3 miles east of Aldercroft Heights, Calif., latitude 37°09'37" N., longitude 121°54'24" W. Change frequencies to 6152.8 MHz on azimuth 325°07' toward Palo Alto and 6152.8 MHz on azimuth 141°04' toward Fremont Peak, Calif. Delete point of communication at San Bruno Mountain. Change antennas to UHX12–59D toward Palo Alto and to UHX10–59D toward Fremont Peak.

2929–C1–P–70—Data Transmission Co. (New), a new station at Fremont Peak, 10 miles northeast of Salinas, Calif. Employ frequency 6376.2 MHz on azimuth 321°19' toward a new point of communication at Tomita Hill. Delete point of communication at Mount Chual.

2933–C1–P–70—Data Transmission Co. (New), a new station located at Broadcast Peak, 10 miles northwest of Goleta, Calif. Change frequency to 6345.5 MHz on azimuth 108°39' toward Casitas Springs, a new point of communication. Delete point of communication at Frazier Mountain.

Major Amendments—Continued

2935–C1–P–70—Data Transmission Co. (New), a new station at Mount Lukens, 3.5 miles north of LaCrescenta, Calif. Change frequencies to 10,795 MHz on azimuth 289°11' toward a new point of communication at Piru, to 10,795 MHz on azimuth 205°44' toward Los Angeles, Calif. Delete points of communication at Frazier Mountain and Modjeska Peak.

2936–C1–P–70—Data Transmission Co. (New), a new station located at 5900 Wilshire Boulevard, Los Angeles, CA. Change frequency to 11,525 MHz on azimuth 25°40' toward Mount Lukens, using antenna HPX8–107.

2945–C1–P–70—Data Transmission Co. (New), change location to 7.5 miles west-northwest of Waddell, Ariz., latitude 33°38'55" N., longitude 112°32'40" W. Change frequencies to 6404.8 MHz on azimuth 301°53' toward Pete Smith Peak, a new point of communication. Frequency 6404.8 MHz on azimuth 90°13' toward a new point of communication at Thompson Peak. Delete points of communication at Oatman Mountain, Mount Ord, and Phoenix.

2946–C1–P–70—Data Transmission Co. (New), a new station at Clarendon and Central Avenue, Phoenix, AZ. Change frequency to 6345.5 MHz on azimuth 55°05' toward a new point of communication, Thompson Peak. Delete point of communication at White Tank Mountain.

468–C1–P–71—Data Transmission Co. (New), a new station located at 6.7 miles southwest of Duncan, Ariz. Change frequencies to 6375.2 MHz on azimuth 98°17' toward Jacks Mountain, and 6404.8 MHz on azimuth 280°20' toward Thatcher. Delete point of communication at Lonestar Mountain.

2950–C1–P–70—Data Transmission Co. (New), a new station located at Jacks Mountain, 15.5 miles southwest of Silver City, N. Mex. Change frequency to 6152.8 MHz on azimuth 278°42' toward Duncan.

2952–C1–P–70—Data Transmission Co. (New), change location to Aden Hills, 3.5 miles northeast of Aden, N. Mex., latitude 32°11'25" N., longitude 107°05'28" W.

2953–C1–P–70—Data Transmission Co. (New), a new station at Anthony Gap, 4.3 miles east of Anthony, N. Mex. Change frequency to 6345.5 MHz on azimuth 104°29' toward a new point of communication at Hueco Mountain. Delete point of communication at Escondida Tank.

2957–C1–P–70—Data Transmission Co. (New), a new station at 2 miles east of Levinson, Tex. Employ frequency 6404.8 MHz on azimuth 307°24' toward a new point of communication at Delaware Ranch. Delete point of communication at Corral Peak.

2973–C1–P–70—Data Transmission Co. (New), a new station located at Santa Rita, 1.7 miles southwest of Best, Tex. Use frequency 6152.8 MHz on azimuth 20°21' toward a new point of communication at Windmill Flats. Delete point of communication at Magruder Ranch.

472–C1–P–71—Data Transmission Co. (New), change station location to Windmill Flats, 17 miles south of Garden City, Tex., latitude 31°36'24" N., longitude 101°28'06" W. Transmit frequency 6404.8 MHz on azimuth 200°26' toward Santa Rita. Transmit frequency 6404.8 MHz on azimuth 81°30' toward Sterling City using antenna HP8–59D.

473–C1–P–71—Data Transmission Co. (New), a new station at 13 miles south of Sterling City, Tex. Employ frequency 6152.8H MHz on azimuth 261°45' toward Windmill Flats, a new point of communication. Delete Magruder Ranch as a point of communication.

475–C1–P–71—Data Transmission Co. (New), change location to 0.8 mile northwest of Norton, Tex., latitude 31°52'58" N., longitude 100°07'57" W.

478–C1–P–71—Data Transmission Co. (New), a new station located at 2 miles northnortheast of Sipe Springs, Tex. Employ frequency 6404.8H MHz on azimuth 48°53' toward a new point of communication at Twin Mountains. Delete point of communication at Lingleville.

479–C1–P–71—Data Transmission Co. (New), change station location to Twin Mountains, 7.4 miles west-northwest of Huckaby, Tex., latitude 32°22'47" N., longitude 98°24'57" W. Transmit frequency 6152.8H MHz on azimuth 229°05' toward Sipe Springs. Transmit frequency 6152.8V MHz on azimuth 85°31' toward Tolar. Delete point of communication at Comanche Peak.

480–C1–P–71—Data Transmission Co. (New), change station location to Tolar, 4.5 miles south of Granbury, Tex., latitude 32°24'31" N., longitude 97°58'11" W. Transmit frequency 6404.8V MHz on azimuth 265°45' toward Twin Mountains. Transmit frequency 6404.8H MHz on azimuth 36°46' toward Weatherford. Delete points of communication at Lingleville and Burleson.

Major Amendments—Continued

2984–C1–P–70—Data Transmission Co. (New), change location to 7 miles south-southeast of Weatherford, latitude 32°40'21" N., longitude 97°44'11" W. Transmit frequency 6152.8H MHz on azimuth 216°54' toward Tolar a new point of communication. Transmit frequency 6063.8V MHz on azimuth 129°02' toward Primrose a new point of communication. Delete point of communication at Burleson.

2985–C1–P–70—Data Transmission Co. (New), change station location to Primrose, 4.5 miles north-northeast of Godley, Tex., latitude 32°30'10" N., longitude 97°29'23" W. Transmit frequency 6404.8V MHz on azimuth 309°10' toward Weatherford. Change frequency 6404.8H on azimuth 82°29' toward Cedar Hill. Delete point of communication at Comanche Peak.

2986–C1–P–70—Data Transmission Co. (New), change location to 2 miles south-southwest of Cedar Hill, latitude 32°33'35" N., longitude 96°58'16" W. Change frequency to 6152.8H MHz on azimuth 262°45' toward Primrose, a new point of communication. Change frequency to 6034.2H on azimuth 16°46' toward Dallas. Delete point of communication at Burleson.

2987–C1–P–70—Data Transmission Co. (New), change location to 7220 North Stemmons Freeway, Dallas, TX, latitude 32°49'04" N., longitude 96°52'02" W. Change frequency to 6404.8H MHz on azimuth 196°50' toward Cedar Hill. (All other particulars same as reported on Public Notices dated Dec. 15, 1969 and Aug. 3, 1970.)

INFORMATIVE: Western Tele-Communications, Inc., is amending 13 of its 26 applications proposing specialized common carrier service between San Diego, Calif., and Seattle, Wash., and intermediate points. The applications were filed on February 6, 1970 and appeared on Public Notice on February 16, 1970, FCC Report No. 479. Subsequent amendments appeared on Public Notice on July 10, 1971, FCC Report No. 553, July 26, 1971, Report No. 554, and August 30, 1971, Report No. 559.

4267–C1–P–70—Western Tele-Communications, Inc. (New), station location: Elsinore Peak, 4.5 miles south of Elsinore, Calif. Change frequency to 6167.6V MHz towards Toro Peak, azimuth 95°42'.

4268–C1–P–70—Western Tele-Communications, Inc. (New), station location: Santa Catalina, 2.5 miles west-northwest of Avalon, Calif. Change frequencies to 6241.7H and 6360.3H MHz towards Saddle Peak, azimuth 341°27'.

4269–C1–P–70—Western Tele-Communications, Inc. (New), station location: Saddle Peak, 3.5 miles north-northeast of Malibu Beach, Calif. Change frequency to 4050V MHz towards Los Angeles, azimuth 117°17' and change frequencies to 5989.7H and 6108.3H MHz towards Santa Catalina, azimuth 161°18'.

4270–C1–P–70—Western Tele-Communications, Inc. (New), station location: 8801 Bellanca Avenue, Los Angeles, CA. Change frequency to 3750H MHz towards Saddle Peak, azimuth 297°26'.

4271–C1–P–70—Western Tele-Communications, Inc. (New), station location: 950 Stockton Street, San Francisco, CA. Change frequency to 6093.5H MHz towards Mount Vaca, azimuth 20°32'.

4272–C1–P–70—Western Tele-Communications, Inc. (New), station location: Mount Vaca, 8 miles northwest of Vacaville, Calif. Change frequency to 6345.5H MHz towards San Francisco, azimuth 200°43'.

4279–C1–P–70—Western Tele-Communications, Inc. (New), station location: Soda Mountain, 15 miles southeast of Ashland, Oreg. Change frequency to 6256.5H MHz towards Mount Bradley, azimuth 171°27'.

4280–C1–P–70—Western Tele-Communications, Inc. (New), station location: King Mountain, 19 miles north-northeast of Grants Pass, Oreg. Change polarization of frequency 6093.5 MHz to vertical towards Soda Mountain, azimuth 138°30'.

4281–C1–P–70—Western Tele-Communications Inc. (New), station location: Harness Mountain, 13.6 miles northeast of Southerlin, Oreg. Change polarization of frequency 6345.5 MHz to vertical towards Blanton Heights, azimuth 359°04'.

4383–C1–P–70—Western Tele-Communications Inc. (New), station location: Vineyard Hill, 3.8 miles north of Corvallis, Oreg. Change coordinates to latitude 44°38'47" N., longitude 123°16'11" W.

4386–C1–P–70—Western Tele-Communications, Inc. (New), station location: 511 Southwest 10th Avenue, Portland, OR. Change frequency to 11445V MHz towards Scappoose, azimuth 319°26'.

Major Amendments—Continued

4288–C1–P–70—Western Tele-Communications, Inc. (New), station location: Capitol Peak, 11.5 miles west-southwest of Olympia, Wash. Change polarization of frequency 6241.7 MHz to vertical toward Tacoma, azimuth 59°26'.

4290–C1–P–70—Western Tele-Communications, Inc. (New), station location: Corner of 15th and K Streets, Tacoma, WA. Change frequency to 6137.9V MHz towards Capitol Peak, azimuth 239°57'.

6116–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6204.7H, 6323.3H, 11,405V, and 11,565V MHz on azimuth 312°48' to read: 6256.5V MHz.

6117–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 5952.6H, 11,116V, 6071.2H, and 10,955V MHz on azimuth 132°39' to read; 6004.5H MHz and frequencies 6056.4V and 10,765H MHz on azimuth 4°51' to read: 6004.5V MHz.

6118–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6308.4V and 11,685H MHz on azimuth 184°51' to read: 6256.5H MHz and frequencies 6323.3V and 11,405H MHz on azimuth 9°01' to read: 6256.5 MHz.

6119–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6071.2V and 10,955V MHz on azimuth 189°04' to read; 6004.5H MHz, and frequencies 6056.4H and 10,755V MHz on azimuth 344°32' to read: 6004.5 MHz.

6120–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6308.7H and 11,685V MHz on azimuth 164°29' to read: 6256.5H MHz and frequencies 6323.3H and 11,405V MHz on azimuth 329°38' to read: 6256.5V MHz.

6121–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6071.2H and 10,955V MHz on azimuth 149°35' to read: 6004.5H MHz and frequencies 6056.4V and 10,755H MHz on azimuth 305°05' to read: 6004.5V MHz.

6122–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6308.4V and 11,685H MHz on azimuth 124°51' to read: 6256.5 MHz and frequencies 6323.3V and 11,405H MHz on azimuth 331°58' to read: 6256.5V MHz.

6123–C1–P–71—Southwestern Bell Telephone Co. Change frequencies 6071.2V and 10,955V MHz on azimuth 151°55' to read: 6004.5H MHz. (All other particulars to remain the same as reported on Public Notice dated May 10, 1971.)

6426–C1–P–70—Telephone Utilities Services Corp. (New), for specialized (data) microwave station at Alvin, Tex., latitude 29°31'04" N., longitude 95°17'41" W. Amended to change the frequency on azimuth 314°40' (toward Houston) to 6315.9 MHz and the frequency on azimuth 54°58' (toward Baytown) to 6197.2 MHz. Other particulars as in Public Notices of June 29, 1970 and July 26, 1971.

Corrections

3355–C1–P–72—Pilot Butte Transmission Co., Inc. (KPK29), change identity of signals to KSL–TV, KCPX–TV, KUED–TV, and KUTV of Salt Lake City, Utah for delivery to a master antenna television system in Little America, Wyo. All other particulars same as reported in Public Notice dated December 13, 1971.

1828–C1–P–72—Nebraska Consolidated Communications Corp. (New), add frequencies 6197.2V, 6286.2H, 6315.9V, 6345.5V, and 6404.8H MHz on azimuth 203°13'. All other particulars the same as reported on Public Notice, Report No. 565, dated October 12, 1971.

[FR Doc.72–5 Filed 1–4–72;8:45 am]

FEDERAL MARITIME COMMISSION

BAKKE STEAMSHIP CORP.

Withdrawal of Order for Production of Documents

Withdrawal of order for the production of documents by Bakke Steamship Corporation, agents for Tokai Shipping Co., Ltd. (Tokai Line).

Settlement has been reached on the alleged violations by Tokai Line of section 18(b) which were the subject of the section 21 order served on July 16, 1971, upon Bakke Steamship Corp., agent for Tokai Line.

Accordingly, the issues in this case have now become moot.

It is ordered, That said section 21 order as extended is hereby withdrawn.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–145 Filed 1–4–72;8:50 am]

[Independent Ocean Freight Forwarder License No. 123]

BRITO FORWARDING CO.

Order of Revocation

By letter dated November 17, 1971, Brito Forwarding Co., Post Office Box 450, Brownsville, TX 78520, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 123 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 14, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.5 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

John L. Brito, doing business as Brito Forwarding Co., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License of Brito Forwarding Co. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Brito Forwarding Co. be and is hereby revoked effective December 14, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon John L. Brito, doing business as Brito Forwarding Co.

AARON W. REESE,
Managing Director.

[FR Doc.72-148 Filed 1-4-72;8:5[illegible] am]

FEDERAL POWER COMMISSION

[Docket No. CS72-460, etc.]

TOMMY H. ATKINS ET AL.

Notice of Applications for "Small Producer" Certificates [1]

DECEMBER 22, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 13, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

Docket No.	Date filed	Name of Applicant
CS72-460	12- 2-71	Tommy H. Atkins, 1405 Cherry Laurel St., Norman, OK 73069.
CS72-461	12- 2-71	Thomas E. Berry, et al., Post Office Box 528, Stillwater, OK 74074.
CS72-462	12- 2-71	D. Nealy, c/o Powers Operating Co., 1816 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS72-463	12- 6-71	T. J. Jackson, Post Office Box 812, Roswell, NM 88201.
CS72-464	12- 6-71	George Etz, Sr., 2003 17th St., Lubbock, TX 79401.
CS72-465	12- 6-71	Olivia W. Etz, 2003 17th St., Lubbock, TX 79401.
CS72-466	12- 6-71	George Etz, Jr., 1122 La Vista Dr., McAllen, TX 78501.
CS72-467	12- 6-71	George Etz, Jr., Trustee for Benjamin Cole Etz and George H. Etz III, 1122 La Vista Dr., McAllen, TX 78501.
CS72-468	12- 6-71	Bonnie R. Etz, Post Office Box 1992, Roswell, NM 88201.
CS72-469	12- 6-71	Alva N. Etz II, Post Office Box 1992, Roswell, NM 88201.
CS72-470	12- 6-71	Robert W. Etz, Post Office Box 1992, Roswell, NM 88201.
CS72-471	12- 6-71	James B. Bauchman, Post Office Box 231, Seguin, TX 78155.
CS72-472	12- 6-71	John A. Bauchman, Post Office Box 231, Seguin, TX 78155.
CS72-473	12- 6-71	Jane W. Blumberg, Post Office Box 231, Seguin, TX 78155.
CS72-474	12- 6-71	Lella Bauchman Goddard, Post Office Box 231, Seguin, TX 78155.
CS72-475	12- 6-71	Estate of Hilda B. Weinert, Post Office Box 231, Seguin, TX 78155.
CS72-476	12- 6-71	E. A. Tapp Estate, Post Office Box 231, Seguin, TX 78155.
CS72-477	12- 6-71	Albert B. Fay, 515 Houston Avenue, Houston, TX 77007.
CS72-478	12-6-71	Equity Oil Co., 806 American Oil Bldg., Salt Lake City, Utah 84101.
CS72-479	12-6-71	Cummins & Walker Oil Co., Inc., Post Office Box 718, Corpus Christi, TX 78403.
CS72-480	12-7-71	W. L. Pickens, 800 Preston Bank Bldg., Dallas, Tex. 75225.
CS72-481	12-6-71	Lenoir M. Josey, Inc. (Operator), et al., 504 Waugh Dr., Houston, TX 77019.
CS72-482	12-7-71	Butler-Johnson, Inc., Post Office Box 306, Shreveport, LA 71162.
CS72-483	12-8-71	Antares Oil Corp., 801 Patterson Bldg., Denver, Colo. 80202.

[FR Doc.72-52 Filed 1-4-72;8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Dockets Nos. RI72-159, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund [1]

DECEMBER 23, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR Ch. I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent, or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI72-159	Gulf Oil Corp.	190	[4] 10	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex. (San Juan Basin).	$21,151	11-26-71		1-27-72	15.2869	21.33	RI69-708.
	do	202	7	do	34,446	11-26-71		1-27-72	15.2869	21.33	RI69-708.
	do	351	[4] 11	do	14,926	11-26-71		1-27-72	15.2869	21.33	RI70-1062.
	do	150	13	Bisti Lower Gallup Field, San Juan County, N. Mex. (San Juan Basin).	242	11-26-71		1-27-72	15.2869	21.33	RI69-709.
	do	348	8		(2)	11-26-71		1-27-72	15.2869	21.33	RI71-502.
	do	38	6	Blanco Mesa Verde Field, San Juan County, N. Mex. (San Juan Basin).	1,602	11-26-71		1-27-72	15.2686	21.33	RI69-708.
	do	47	9	Ballard Pictured Cliffs Field, Rio Arriba County, N. Mex. (San Juan Basin).	5,980	11-26-71		1-27-72	13.2486	21.33	RI69-708.
RI72-160	Hunt Oil Co.	68	1	El Paso Natural Gas Co., Leases in Eddy County, N. Mex. (Permian Basin).	6,050	12- 6-71		[10] 2- 6-72	[6] [8] 24.5	[9] 30.0	
RI72-161	Northern Natural Gas Producing Co.	25	[4] 19	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex. (San Juan Basin).	1,424	12- 3-71		7-11-72	14.2343	29.23	RI69-856.
	do	26	[7] 18	do	20,854	12- 3-71		7-11-72	14.2343	29.23	RI69-432.
	do	27	[4] 19	do	29,246	12- 3-71		7-11-72	14.2343	29.23	RI69-432.
RI72-162	Hunt Industries	9	1	El Paso Natural Gas Co., Brown Bassett Field, Terrell County, Tex. (Permian Basin).	312	12- 9-71		2- 9-72	[6] [8] 21.62	[8] 22.0	

*Pressure base is 15.025 p.s.i.a., unless otherwise stated.
[1] Not applicable to production from acreage added by Supplements Nos. 4 and 5.
[2] Not applicable to production from acreage added by Supplement No. 4.
[3] Gas presently being used in field operations.
[4] Initial rate under Mitchell type certificate.
[5] Pressure base is 14.65 p.s.i.a.
[6] Does not include gas from acreage added by Supplements Nos. 3, 4, and 5.
[7] Does not include gas from acreage added by Supplements Nos. 2, 3, and 4.
[8] 22-cent base rate minus downward B.t.u. adjustment.
[9] Contract does not include downward B.t.u. adjustment which was required in the temporary certificate issued in Docket No. CI71-707.
[10] Or 1 day after date of first deliveries, whichever is later.

The proposed increases for sales to El Paso in San Juan Basin are based on favored-nation clauses which were allegedly activated indirectly by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents which became effective subject to refund in Docket No. RI71-744 on August 1, 1971. The purchaser, El Paso Natural Gas Co. and Southern California Gas Co. are expected to protest these favored-nation increases on the basis that they are not contractually authorized. In view of the contractual problem presented, the hearings herein shall concern themselves with the contractual basis for these favored-nation filings, as well as the justness and reasonableness of the proposed increased rates. Gulf has fractured its proposed increases to 21.33 cents per Mcf and has waived its right to file for a higher rate for a period of 1 year from the date of filing unless the Commission establishes a higher area rate for the San Juan Basin or El Paso and Gulf agree to a higher contract rate during such period. A 1-day suspension is therefore appropriate for Gulf's increases.[1] Since Northern's proposed rates exceed the corresponding rate filing limitations imposed in southern Louisiana, they should be suspended for 5 months.

The initial rates for the sales involved here by Hunt Oil Co. and Hunt Industries are authorized under Mitchell type certificates. A 1-day suspension period is therefore appropriate for their rate increases.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

In view of all the facts and circumstances in this case, the Commission's action herein of permitting the subject rate increases to become effective, subject to refund, at the expiration of the respective suspension periods ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

[FR Doc.72-37 Filed 1-4-72;8:45 am]

[1] See order issued December 17, 1971, in Amoco Production Co., Docket No. RI72-70.

FEDERAL RESERVE SYSTEM

CPC INTERNATIONAL, INC.

Nonbanking Activities

CPC International, Inc., Englewood Cliffs, N.J., has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the Act limiting the nonbanking activities of a bank holding company. Applicant controls Argo State Bank, Summit, Ill.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 31, 1972.

Board of Governors of the Federal Reserve System, December 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-121 Filed 1-4-72;8:48 am]

MILTON HERSHEY SCHOOL AND SCHOOL TRUST

Nonbanking Activities

Milton Hershey School and School Trust, Hershey, Pa., has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the provisions of the act limiting the nonbanking activities of a bank holding company. Applicant controls The Hershey National Bank, Hershey, Pa.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood

V37-2 JAN 5 72 XUM

that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 31, 1972.

Board of Governors of the Federal Reserve System, December 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-122 Filed 1-4-72;8:48 am]

MINNESOTA MINING AND MANUFACTURING CO.

Nonbanking Activities

Minnesota Mining and Manufacturing Company, St. Paul, Minn., has applied, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843 (d)), for an exemption from the provisions of the act limiting the nonbanking activities of a bank holding company. Applicant controls Eastern Heights State Bank of St. Paul, St. Paul, Minn.

Under section 4(d), the exemption may be granted "(1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved, or (2) to avoid forced sales of small locally-owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests."

Interested persons may express their views on this matter. The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 31, 1972.

Board of Governors of the Federal Reserve System, December 29, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-123 Filed 1-4-72;8:48 am]

POSTAL SERVICE

MAIL RECLASSIFICATION

Notice of Public Meeting

The U.S. Postal Service will hold a public forum on mail reclassification on January 17, 1972, at 9:30 a.m. The meeting will be held in the Departmental Auditorium, north side of Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.

The Postal Reorganization Act requires submission of a proposed mail classification schedule to the Postal Rate Commission by January 20, 1973. (See 39 U.S.C. 3623, which became effective on Jan. 20, 1971, 36 F.R. 785.) In developing its proposals, the Postal Service is seeking the views of business mailers and the general public. Business mailers have regular opportunities for dialogue with the Postal Service through the Mailers' Technical Advisory Committee, the more than 500 Postal Customer Councils throughout the country, and the annual National Postal Forum in Washington, D.C. The January 17 meeting is intended specifically to give private citizens the opportunity to offer suggestions for reclassification of postal products.

Individuals who are unable to attend the meeting may submit written suggestions to the Director, Office of Sales, U.S. Postal Service, Post Office Box 603, Washington, DC 20044.

The foregoing notice was published earlier in the daily issue of December 22, 1971 (36 F.R. 24246).

LOUIS A. COX,
Solicitor.

[FR Doc.72-112 Filed 1-4-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 861 (Class B)]

MISSOURI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to business and residence property located in the State of Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Greene County, Mo., suffered damage or destruction resulting from a tornado on December 14, 1971.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, MO 64106.

2. A temporary office will be established in Greene County, Mo., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1972.

Dated: December 16, 1971.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-121 Filed 1-4-72;8:48 am]

TARIFF COMMISSION

SHEET GLASS

Report to the President

The U.S. Tariff Commission today released a report to the President on the results of an investigation conducted under section 351(d)(3) of the Trade Expansion Act of 1962 pertaining to sheet glass. In February 1970, following an "escape clause" investigation by the Tariff Commission in which the Commission split 3–3 as to whether imports of sheet glass were causing injury to the domestic industry, the President continued the modified escape-clause rates applicable to certain sheet glass (i.e., to window glass), that had been in effect since January 11, 1967. The Presidential proclamation continuing these rates provides for their termination in three annual stages, the first to take place on January 31, 1972.

Under the provisions of section 351(d)(3), the Commission, under specified conditions, is required to advise the President of its judgment as to the probable economic effect of the termination of escape-clause rates of duty on the industry concerned. In the report, the Commission indicated that in its opinion, the termination of the first stage of the current modified escape-action rates of duty on imported window glass would impair the efforts of the domestic industry producing sheet glass to achieve viable operations. Commissioners Leonard and Young did not participate in the decision.

The report released today contains statistical data and other information on developments in the sheet glass industry. Some of the material reported to the President may not be made public since it includes information that would disclose certain operations of individual firms. Such information, therefore, has been omitted from the report released to the public.

Copies of the public report (TC Publication 449) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC 20436.

By direction of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-111 Filed 1-4-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

DECEMBER 30, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 12131, Boston and Providence Railroad Corp. Reorganization now assigned January 4, 1972, at Washington, D.C., postponed indefinitely.

MC 70083, Sub 19, Drake Motor Lines, assigned January 19, 1972, MC 116763 Sub 190, Carl Subler Trucking, assigned January 13, 1972, MC 127957 Sub 2, Dominick Spinelli, doing business as Direct Way Auto Shippers, assigned January 11, 1972, MC 135544, Harley-Davidson of Miami & Orlando, assigned January 17, 1972, will be held in the Du Pont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, FL.

FD 26525, Chicago, Milwaukee, St. Paul & Pacific Railroad Co.—Trackage Rights—Louisville & Nashville Railroad Co. between Bedford Ind. and New Albany, Ind., also over Kentucky & Indiana Terminal, Railroad Co., between New Albany, Ind. and Louisville, Ky., assigned January 24, 1972, FD 26526, Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Assumption of Obligation and Liability, assigned January 24, 1972, FD 26887, Chicago, Milwaukee, St. Paul & Pacific Railroad Co. and Kentucky & Indiana Railroad Co., Joint Use of Terminal—Louisville, Ky. assigned January 24, 1972, MC 126537, Sub 23, Kent L. Turner, Kenneth E. Turner and Ervin L. Turner, a partnership doing business as Turner Expediting Service, assigned January 19, 1972, will be held in Room 829, Federal Building, 600 Federal Place, Louisville, KY.

MC 127689 Sub 42, Pascagoula Drayage Co., Inc., now being assigned February 25, 1972, at New Orleans, La., in a hearing room to be designated later.

MC 100666 Sub 188, Melton Truck Lines, Inc., now being assigned February 25, 1972, at New Orleans, La., in a hearing room to be designated later.

MC 128404 Sub 3, Blackwood Crane & Truck Service, Inc., assigned January 24, 1972, at Atlanta, Ga., will be held in Room 556, Federal Office Building, 275 Peachtree Street NE.

MC 51146 Sub 212, Schneider Transport & Storage, Inc., assigned January 26, 1972, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street, Atlanta, GA.

MC 133220 Sub 3, Record Truck Line, Inc., assigned January 27, 1972, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree Street.

MC 103926 Sub 26, W. T. Mayfield Sons Trucking Co., assigned for hearing January 31, 1972, at Atlanta, Ga., will be held in Room 556, Federal Office Building, 275 Peachtree Street NE., Atlanta, GA.

No. FF-359, Auto Trip USA, Inc., Freight Forwarder Application assigned January 17, 1972, MC-C-7287, AAACon Auto Transport, Inc., Investigation and Revocation of Certificate, assigned January 17, 1972, MC-C-7287 Sub 1, AAACon Auto Transport, Petition for Declaratory Order assigned January 17, 1972, will be held in Room 1510, Federal Office Building, 51 Southwest First Street, Miami, FL.

MC 107295 Sub 543, Pre-Fab Transit Co., now being assigned January 31, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 133470 Sub 4, S. J. Durrance Co., Inc., now being assigned February 1, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 107515 Sub 780, Refrigerated Transport Co., Inc., now being assigned February 2, 1972, in Room 305, West Peachtree Street NW., Atlanta, GA.

MC 129054 Sub 11, Glider Trucking Co., now being assigned February 3, 1972, in Room 305, West Peachtree Street NW., Atlanta, GA.

MC 51146 Sub 232, Schneider Transport & Storage, Inc., assigned January 17, 1972, at Chicago, Ill., postponed indefinitely.

MC-F-11094, Navajo Freight Lines, Inc.—Investigation of Control—Garrett Freight Lines, Inc., MC-F-11198, Navajo Freight Lines, Inc.—Control—Garrett Freight Lines, Inc., continued to February 8, 1972, in Room 1430, Federal Building, 1961 Stout Street, Denver, CO.

No. 34543 Increased Suburban Fares—New Jersey and New York Railroad Co. and Erie Lackawanna Railroad Co., now being assigned February 15, 1972, at New York, N.Y., in a hearing room to be designated later.

MC 89684 Sub 78, Wycoff Co., Inc., now being assigned February 28, 1972, in Room 314, Annex Building, 135 South State Street, Salt Lake City, UT.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-143 Filed 1-4-72;8:50 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 30, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 42329—*Grain products between points in Indiana and points in southern territory*, filed by M. B. Hart, Jr., Agent (No. A6290), for and on behalf of Louisville and Nashville Railroad Co. and Seaboard Coast Line Railroad Co. Rates on grain products, in carloads, as described in the application, between L&N points in Indiana, on the one hand, and L&N points in southern territory, also SCL points in Alabama, Florida, and Georgia, on the other.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 6 to Southern Freight Association, Agent, tariff I.C.C. S-999. Publication is scheduled to become effective February 9, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-137 Filed 1-4-72;8:49 am]

[Notice 36]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 30, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operation unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 601), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed December 17, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction unnumbered highway and U.S. Highway 101 (San Lucas Junction) over U.S. Highway 101 to junction unnumbered highway (San Ardo Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From San Francisco,

V 37 2 JAN 5 72 XUM

Calif., over U.S. Highway 101 to junction unnumbered highway (Santa Rita Junction), thence over unnumbered highway to junction U.S. Highway 101 (Sherwood Park Junction, Salinas), thence over U.S. Highway 101 to junction unnumbered highway (North Gonzales Junction), thence over unnumbered highway via Gonzales to junction U.S. Highway 101 (South Gonzales Junction), thence over U.S. Highway 101 to junction unnumbered highway (San Lucas Junction), thence over unnumbered highway to junction U.S. Highway 101 (San Ardo Junction), thence over U.S. Highway 101 to junction unnumbered highway (North Bradley Junction), thence over unnumbered highway to junction U.S. Highway 101 (Camp Roberts Junction), thence over U.S. Highway 101 to San Luis Obispo, Calif., and return over the same route.

No. MC-1515 (Deviation No. 602), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed December 21, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 80, U.S. Highway 30–S and Interstate Highway 80–N (Echo Junction, Utah), over Interstate Highway 80–N to junction U.S. Highway 30–S (Devil's Slide Interchange), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From the Wyoming-Utah State line over Interstate Highway 80 to junction U.S. Highway 30–S (Echo Junction), thence over U.S. Highway 30–S to junction Interstate Highway 80–N (Devil's Slide Interchange), thence over Interstate Highway 80–N to Salt Lake City, Utah (connects with Wyoming Route 1).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-139 Filed 1-4-72;8:50 am]

[Notice 41]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

DECEMBER 30, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-33641 (Deviation No. 37), IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, UT 84110, filed December 21, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Los Angeles, Calif., over California Highway 99 (also over Interstate Highway 5) to Sacramento, Calif., thence over U.S. Highway 30 (Interstate Highway 80) to Winnemucca, Nev., thence over U.S. Highway 95 to the junction of Idaho Highway 55 near Marsh ing, Idaho, thence over Idaho Highway 55 to junction U.S. Highway 30 near Nampa, Idaho, thence over U.S. Highway 30 to Boise, Idaho, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Los Angeles, Calif., over U.S. Highway 66 to Barstow, Calif., then over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 30 S to Burley, Idaho, thence over U.S. Highway 30 to Boise, Idaho, and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-140 Filed 1-4-72;8:50 am]

[Notice 104]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 30, 1971.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 115162 (Sub-No. 230) (Republication), filed May 24, 1971, published in the FEDERAL REGISTER issue of June 17, 1971, and republished this issue. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). An order of the Commission, Operating Rights Board, dated November 29, 1971, and served December 17, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes of urethane, urethane products, roofing and roofing materials, insulating materials, composition board, and gypsum products and materials used in the installation thereof except (a) chemicals and (b) commodities in bulk, from the plantsite and storage facilities of the Celotex Corp., at Charleston, Ill., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, restricted to the transportation of traffic originating at the plantsite and storage facilities of the Celotex Corp. at Charleston, Ill. Since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 134337 (Sub-No. 4) (Republication), filed May 27, 1971, published in the FEDERAL REGISTER issue of June 24, 1971, and republished this issue. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. The modified procedure has been followed in this proceeding, and an order of the Commission, Operating Rights Board, dated November 29, 1971, and served December 27, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) metal cans and can ends, from points in Orange County, Calif., to Sparks, Nev., and to points in Clark County, Nev.; and (2) empty glass containers, from points in Orange County, Calif., to points in Maricopa County, Ariz. That the holding by applicant of the certificate authorized to be issued in this proceeding and of the permits issued in No. MC-127952 and various subs thereunder, will be consistent with the public interest and the national transportation policy, subject to the right of the Commission, which is hereby expressly reserved to impose such terms, conditions, or limitations in the future as it may find necessary to insure that applicant's operations shall conform to the provisions of section 210 of the Interstate Commerce Act. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading setting forth in precise detail the manner in which it has been so prejudiced.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 2234 (Sub-No. 2), filed December 8, 1971. Applicant: SEAVER'S EXPRESS, INC., 25 East Main Street, Milford, MA 01757. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Massachusetts as intermediate and off-route points in connection with applicant's authorized regular route authority under MC 2234. NOTE: The instant application is a matter directly related to MC-F 11397 published in the FEDERAL REGISTER issue of December 15, 1971. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 108382 (Sub-No. 13), filed December 7, 1971. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, MI 48706. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular route: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Ohio as off-route points in connection with presently authorized regular route service at Elmore, Ohio. Restriction: Service is restricted against commercial zone points located outside of Ohio. (2) Irregular route: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Elmore, Ohio, on the one hand, and, on the other, points in Ohio. Restriction: Service is restricted against commercial zone points located outside of Ohio. NOTE: The instant application is a matter directly related to MC-F 11396 published in the FEDERAL REGISTER issue of December 15, 1971. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11412. Authority sought for purchase by GARDINER'S EXPRESS, INC., mailing address: Post Office Box MR1, Hammonton, NJ 08037, of a portion of the operating rights and property of RICH'S EXPRESS, INC., Old Delsea Drive, Malaga, N.J. 08328, and for acquisition by WILLIAM JACOBS, Moss Mill Road, Mullica Township, N.J. 08037, of control of such rights through the purchase. Applicant's attorneys: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, and J. Raymond Clark, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, except those of unusual value, livestock dairy products as defined by the Commission, alcoholic beverages, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Cumberland, Gloucester, and Salem Counties, N.J. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11413. Authority sought for control by NATIONAL CITY LINES, INC., 2598 74th Street, Post Office Box 10127, Lubbock, TX 79408, of HOWARD SOBER, INC., 2400 West St. Joseph Street, Post Office Box 1288, Lansing, MI 48904. Applicants' attorneys: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226, and Albert F. Beasley, 1015 Investment Building, 1511 K Street NW., Washington, DC 20005. Operating rights sought to be controlled: Motor vehicles and accessories, as a *common carrier*, over irregular routes, from, to, and between all points in the United States (except Alaska and Hawaii), with certain restrictions, as more specifically described in Docket No. MC-8989 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. NATIONAL CITY LINES, INC., holds no authority from this Commission. However, it is affiliated with (1) AUTOMOBILE CARRIERS, INC., 3401 North Dort Highway, Flint, MI 48501, (2) T.I.M.E.-DC, INC., Post Office Box 2550, Lubbock, TX 79408, and (3) JANESVILLE AUTO TRANSPORT COMPANY, 1263 South Cherry Street, Post Office Box 959, Janesville, WI, which are authorized to operate as *common carriers* in (1) Michigan, Nebraska, Alabama, Illinois, Georgia, Indiana, Iowa, Missouri, Tennessee, Ohio, Wisconsin, and Kentucky, (2) Texas, Oklahoma, New Mexico, New Jersey, Arizona, California, Tennessee, Kansas, Massachusetts, Rhode Island, Connecticut, Arkansas, Kentucky, Maryland, Ohio, Georgia, Missouri, Virginia, Illinois, Indiana, Pennsylvania, New York, Alabama, West Virginia, Oregon, Washington, Colorado, Wyoming, Utah, Idaho, Nebraska, and Michigan, and (3) Wisconsin, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, Colorado, Idaho, Kansas, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11414. Authority sought for merger into ASSOCIATED FREIGHT LINES, 841 Folger Avenue, Berkeley, CA 94710, of the operating rights of LAS VEGAS TANK LINES, INC., doing business as LAS VEGAS TRUCK LINE, 3900 Oquendo Avenue, Las Vegas, NV 89103, and for acquisition by JOHN A. PIFER, also of Berkeley, Calif., of control of such rights through the transaction. Applicants' attorney: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. Operating rights sought to be merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Lakeview, Calif., and junction unnumbered highway and Interstate Highway 15, near Nipton, Calif., between Los Angeles, Calif., and Las Vegas, Nev., serving all intermediate points, serving as off-route points those in that part of California and Nevada within 50 miles of Nipton, Calif., including Nipton, and the off-route points within the Los Angeles Basin Territory; *ore and ore concentrates, machinery, supplies and equipment used or useful in mining, including particularly petroleum products in containers, coal, and lumber*, between Searchlight, Nev., Nipton, Calif., Oatman, Ariz., and Boulder City, Nev., serving the intermediate and off-route points in Nevada within 25 miles of Searchlight, Nev.; *mines ores*, from Searchlight, Nev., to Chloride, Ariz., serving the intermediate point of Nelson, Nev., and the off-route points within 5

V372 JAN 5 72 XUM

miles of the described route, for pickup only; *petroleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, over irregular routes, between Las Vegas, Nev., and the Nevada Test Site near Mercury, Nev., from Las Vegas, Nev., and points within 10 miles thereof to points in Arizona and Utah. ASSOCIATED FREIGHT LINES, is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a(b). NOTE: Pursuant to order dated January 27, 1970, in MC–F–10465 transferee acquired control of transferor.

No. MC–F–11415. Authority sought for control by WHEATON VAN LINES, INC., 2525 East 56th Street (Post Office Box 55191), Indianapolis, IN 46205, of HAWAIIAN VAN & STORAGE CO., LTD., 601 Middle Street, Honolulu, HI 96819, and for acquisition by E. S. WHEATON, also of Indianapolis, Ind., of control of HAWAIIAN VAN & STORAGE CO., LTD., through the acquisition by WHEATON VAN LINES, INC. Applicants' attorney: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Operating rights sought to be controlled: In pending docket No. MC–127631 Sub-1 TA, household goods, as defined by the Commission, as a common carrier over irregular routes, between points in Hawaii, restricted to the handling of traffic originating at or destined to out-of-State points; thereby negating the restrictions in the first ordering paragraph herein. WHEATON VAN LINES, INC., is authorized to operate as a *common carrier* in Arkansas, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, Wisconsin, Colorado, Florida, Kansas, District of Columbia, Alabama, Delaware, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, New Hampshire, Maine, Vermont, Massachusetts, Connecticut, Rhode Island, California, Nevada, Arizona, New Mexico, Wyoming, Idaho, Utah, Washington, Montana, Oregon, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–141 Filed 1–4–72;8:50 am]

[Notice 106]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 30, 1971.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No amendments will be entertained after the date of this publication.

No. MC 52709 (Sub-No. 315) (Republication), filed October 29, 1971, published FEDERAL REGISTER, issue of December 16, 1971, and republished this issue. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince Street, Post Office Box 192, Littleton, CO 80120. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo vans and/or containers and empty cargo vans and containers, between ports of entry located in California, Oregon, and Washington, on the one hand, and, on the other, points in the continental United States, restricted to shipments having a prior or subsequent movement by water or air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to include the hearing information. Hearing: January 17, 1972, Miyako Hotel, Post and Laguna Street, San Francisco, CA.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–142 Filed 1–4–72;8:50 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 30, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. L–14769 filed November 23, 1971. Applicant: WEISS TRANSPORTATION CO., INC., 14660 Sherwood Court, Oak Park, MI. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *new furniture and new household appliances* from Detroit to various points of delivery in the State of Michigan with return of damaged or refused shipments to Detroit, including transporting of said commodities delivered to Detroit by common carrier for a predetermined destination in Michigan. Both intrastate and interstate authority sought.

HEARING: February 9, 1972, 9:30 a.m., Michigan Public Service Commission, 525 West Ottawa Street, Seven Story State Office Building, Lansing, MI 48913. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Michigan Public Service Commission, Department of Commerce, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–138 Filed 1–4–72;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

5 CFR — Page
890 — 7

7 CFR
510 — 69
722 — 7
730 — 8
812 — 9
814 — 9
907 — 10
910 — 70
PROPOSED RULES:
730 — 19
966 — 81
980 — 81
1004 — 20
1207 — 81
1430 — 20

9 CFR
PROPOSED RULES:
327 — 85

10 CFR
PROPOSED RULES:
110 — 92

12 CFR
201 — 11
702 — 70
PROPOSED RULES:
715 — 95

14 CFR
39 — 11, 12, 70
71 — 13, 71
75 — 13, 71
97 — 71
225 — 72
PROPOSED RULES:
71 — 21, 91

17 CFR
240 — 73
PROPOSED RULES:
274 — 99

18 CFR
PROPOSED RULES:
141 — 22

19 CFR
PROPOSED RULES:
Ch. I — 19

20 CFR
PROPOSED RULES:
405 — 89

21 CFR
121 — 14, 74
135c — 14
135e — 74
135f — 14
148m — 15
PROPOSED RULES:
27 — 20
130 — 85

22 CFR
41 — 15

24 CFR
200 — 75
222 — 76

26 CFR
12 — 16
PROPOSED RULES:
1 — 19, 99

30 CFR
75 — 17

32 CFR
270 — 77
PROPOSED RULES:
1467 — 99

35 CFR
5 — 77

39 CFR
235 — 77

40 CFR
180 — 78
PROPOSED RULES:
180 — 92–94

41 CFR
101–17 — 78
103–40 — 17

43 CFR
PUBLIC LAND ORDERS:
1932 (amended by PLO 5147) — 18
4582 (modified by PLO 5149) — 18
4962 (see PLO 5149) — 18
5081 (see PLO 5149) — 18
5147 — 18
5148 — 18
5149 — 18

46 CFR
390 — 16

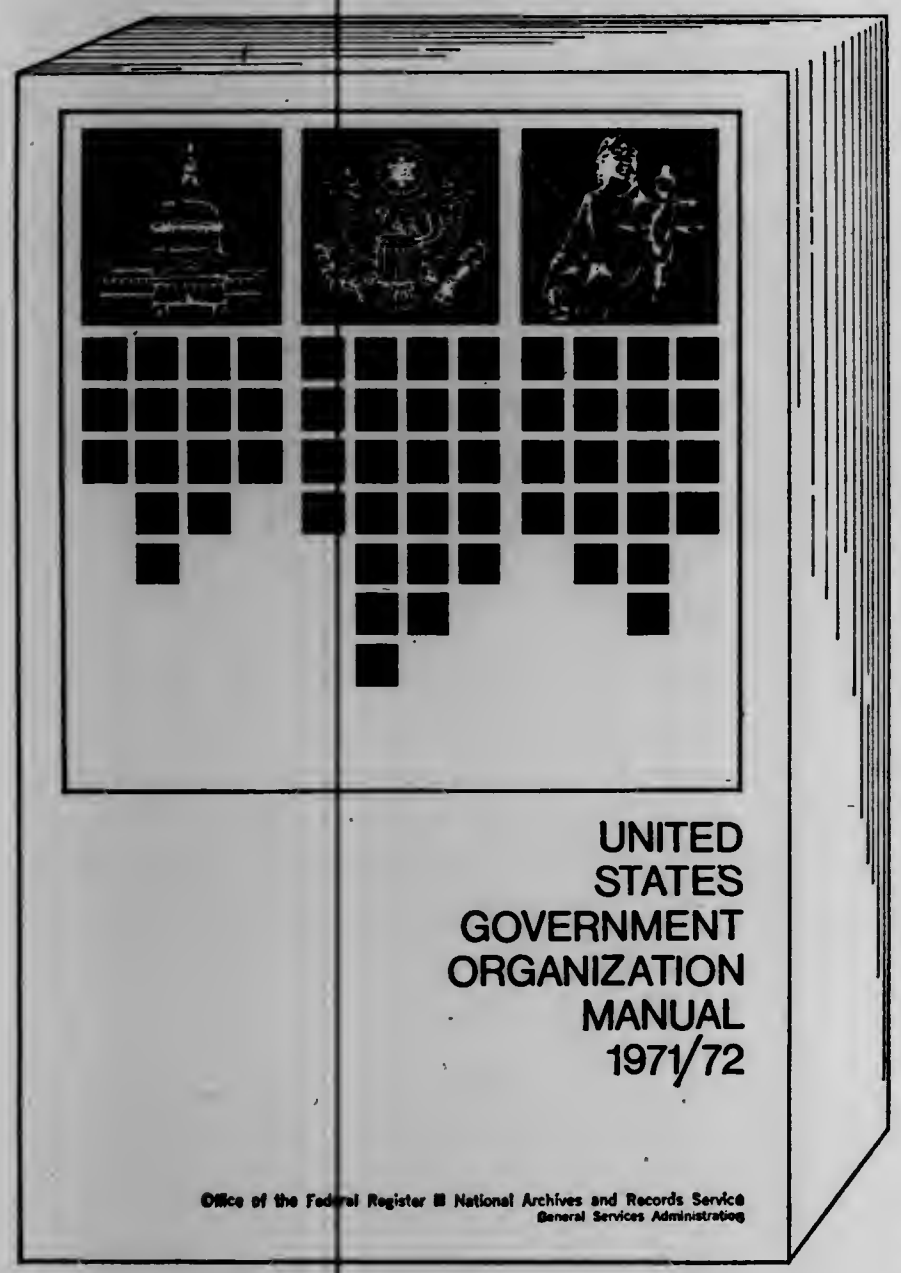
47 CFR
PROPOSED RULES:
15 — 94

50 CFR
28 — 79
33 — 79, 80

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*
1–62	Jan. 4
63–123	5

V 37 2 JAN 5 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

THURSDAY, JANUARY 6, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 3

Pages 125–193

PART I

(Part II begins on page 181)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

PEANUT BUTTER—USDA regulation on revised grade standards 131

SUGARCANE—USDA revision of abandonment and deficiency payment regulations for Hawaii; effective 1–1–72 133

POULTRY AND BIRDS—USDA regulations regarding exotic Newcastle disease (2 documents); effective 12–30–71 ..... 134, 135

AVAILABILITY OF INFORMATION—ARS regulations on disclosure of records 135

NEW ANIMAL DRUG—FDA regulation on oral use of piperazine adipate for treatment of horses, dogs, and cats; effective 1–6–72 137

DRUGS—Justice Dept. amendment extending time for compliance on registration and security requirements to 3–1–72 137

INMATE ACCIDENT COMPENSATION—Justice Dept. regulation relating to the Federal Prison Industries Fund; effective 1–6–72 138

PESTICIDES—EPA establishes tolerances and exemptions for certain pesticide chemicals (3 documents); effective 1–6–72 ..... 140, 141

PROCUREMENT—GSA regulations relating to negotiation and contracts 141

(Continued inside)

No. 3—Pt. I——1

V37-3
JAN 6 72
XUM

MICROFILM EDITION
FEDERAL REGISTER
35mm MICROFILM

Complete Set 1936–70, 189 Rolls $1,342

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	$7	13	1948	$28	25	1960	$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42			

Order Microfilm Edition from Publications Sales Branch
National Archives and Records Service
Washington, D.C. 20408

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

MORTGAGE INSURANCE—HUD proposal on claim requirements; comments within 30 days.... 144

PIPELINE SAFETY—DoT proposal to establish Federal safety standards for liquified natural gas; comments by 2–15–72..... 145

NEAR MIDAIR COLLISIONS—FAA notice on terminating immunity policy on reporting near midair collisions..... 148

HAZARDOUS MATERIALS—
DoT notice on termination of special permits; effective 6–30–72..... 149
DoT notice on request for public participation; comments by 2–24–72..... 149

NUCLEAR POWER PLANTS—AEC notice of issuance of new safety guides..... 150

AIR RATES AND FARES—CAB notices on IATA agreements (2 documents)..... 153, 154

COTTON TEXTILES—Textile Advisory Committee notice on imports from China and Korea (2 documents)..... 160, 161

MEDICAL FACILITIES—HEW regulations on Federal assistance for construction and modernization; effective 1–6–72..... 181

DEBENTURE INTEREST RATES—HUD amendments changing rates; effective 1–1–72..... 137

Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Availability of information..... 135

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Hawaiian sugar; 1972 and subsequent crops..... 133

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Agricultural Stabilization and Conservation Service; Animal and Plant Health Service; Consumer and Marketing Service.

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations

Communicable diseases of livestock or poultry; determination of existence of disease; agreements with States..... 134

Exotic Newcastle disease and psittacosis or ornithosis in poultry; general restrictions..... 135

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Rules and Regulations

Debenture interest rates..... 137

Proposed Rule Making

Mutual mortgage insurance and insured home improvement loans; contract rights and obligations..... 144

ATOMIC ENERGY COMMISSION

Notices

Availability of applicants' environmental reports:
Arkansas Power & Light Co..... 150
Consumers Power Co..... 150
Duquesne Light Co. et al..... 151
Florida Power & Light Co..... 151
Florida Power Corp..... 151
Indiana & Michigan Power Co. and Indiana & Michigan Electric Co..... 151
Louisiana Power & Light Co..... 152
Northern States Power Co..... 152
Sacramento Municipal Utility District..... 152
Wisconsin Public Service Corp.. 153

Water cooled nuclear power plants; new safety guides..... 150

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
International Air Transport Association..... 153
Flair Ltd..... 154
WTC Air Freight..... 154

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Navel oranges grown in Arizona and designated part of California; handling limitation..... 134

Peanut butter; standards for grades..... 131

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Tolerances for pesticide chemicals in or on raw agricultural commodities:
Benomyl..... 140
2 - Chloro - 2',6' - diethyl - *N* - (methoxymethyl) acetanilide.. 140
2,6 - Dinitro - *N,N* - dipropylcumidine..... 141

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Transition areas:
Alteration and revocation..... 135
Alterations (3 documents)..... 135, 136
Designation and alteration..... 136
Designations (2 documents)..... 136

Proposed Rule Making

Alterations:
Control zone and transition area..... 144
Transition area..... 145

Notices

Reports on near midair collisions; termination of policy..... 148

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Extensions of time for filing comments:
Allocation..... 146
Electronic video recorders..... 146
Equipment authorization of RF devices..... 145
Identification of RF devices..... 146

(Continued on next page)

V 37 I 3
JAN 6 72
XUM

Notices

"Prime time" waivers:
- National Broadcasting Co., A... 155
- Station WTVJ, Miami, Fla..... 154

West Indies Communications, Inc., et al.; memorandum opinion and order designating applications for consolidated hearing on stated issues..... 155

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Distrigas Corp. (2 documents)... 156, 157
- Lundgren, Leonard..... 157
- Macho, Inc..... 157
- Montana Power Co..... 158
- Pacific Gas and Electric Co..... 158
- Shell Oil Co..... 158
- Southern Natural Gas Co. (2 documents)..... 158, 159

FEDERAL PRISON INDUSTRIES

Rules and Regulations

Inmate accident compensation... 138

FEDERAL RESERVE SYSTEM

Notices

Commerce Baneshares, Inc.; order approving acquisition of bank... 159

Connecticut Bancshares Corp.; order approving formation of bank holding company..... 159

Marshall & Ilsley Bank Stock Corp.; order approving acquisition of First National Leasing Corp..... 160

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

New animal drugs; piperazine adipate..... 137

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Preproduction samples and repurchase against contractor's account..... 141

HAZARDOUS MATERIALS OFFICE

Notices

Request for public participation; exemptions..... 149

HAZARDOUS MATERIALS REGULATIONS BOARD

Notices

Transportation of hazardous materials; Board action..... 149

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Public Health Service.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Assistant Secretary for Housing Production and Mortgage Credit Office.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Cotton textiles and products; entry or withdrawal from warehouse for consumption:
- Republic of China..... 160
- Republic of Korea..... 161

INTERIOR DEPARTMENT

See also Land Management Bureau.

Notices

Puerto Rico; maximum level of imports of finished oil products.. 148

Statements of changes in financial interests:
- Hall, Elmer S..... 148
- Van Horn, Hugh C..... 148

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings..... 162

Motor carrier, broker, water carrier and freight forwarder applications..... 169

Motor carriers:
- Temporary authority applications (3 documents)... 162, 164, 167
- Transfer proceedings..... 169

JUSTICE DEPARTMENT

See Federal Prison Industries; Narcotics and Dangerous Drugs Bureau.

LAND MANAGEMENT BUREAU

Rules and Regulations

Alaska; public land orders (2 documents)..... 142

NARCOTICS AND DANGEROUS DRUGS BUREAU

Rules and Regulations

Amphetamine and methamphetamine products; extension of time to comply with certain security requirements..... 137

Proposed Rule Making

Records and reports of registrants; extension of time to file comments..... 144

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Loan applications:
- Feener, James F..... 148
- Warren, Clarence..... 148

PIPELINE SAFETY OFFICE

Proposed Rule Making

Liquid natural gas safety standards..... 145

PUBLIC HEALTH SERVICE

Rules and Regulations

Grants, loans and loan guarantees for construction and modernization of hospitals and medical facilities..... 182

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Hazardous Materials Office; Hazardous Materials Regulations Board; Pipeline Safety Office.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

7 CFR
- 52..... 131
- 846..... 133
- 907..... 134

9 CFR
- 53..... 134
- 82..... 135
- 400..... 135

14 CFR
- 71 (7 documents)..... 135, 136

PROPOSED RULES:
- 71 (2 documents)..... 144, 145

21 CFR
- 135..... 137
- 135c..... 137
- 301..... 137

PROPOSED RULES:
- 304..... 144

24 CFR
- 203..... 138
- 207..... 138
- 220..... 138

PROPOSED RULES:
- 203..... 144

28 CFR
- 301..... 138

40 CFR
- 180 (3 documents)..... 140, 141

41 CFR
- 5A-3..... 141
- 5A-7..... 141
- 5A-8..... 142

42 CFR
- 53..... 182

43 CFR

PUBLIC LAND ORDERS:
- 5150..... 142
  - Amended by PLO 5151..... 142
- 5151..... 142

47 CFR

PROPOSED RULES:
- 0..... 145
- 2 (3 documents)..... 145, 146
- 15..... 146
- 21..... 146
- 89..... 146

49 CFR

PROPOSED RULES:
- 192..... 145

V 37 3
JAN 6 72
XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Peanut Butter [1]

On pages 19976, 19977, and 19978 of the FEDERAL REGISTER of October 14, 1971, there was published a notice of proposed rule making to revise the U.S. Standards for Grades of Peanut Butter. Interested persons were given 60 days in which to submit written data, views, or arguments regarding the proposed revision.

Of the nearly 30 comments received, all dealt with labeling and ingredient requirements that are in the Food and Drug Administration's purview. None were relevant to the U.S. Standards. The proposed revisions are hereby adopted without change, and are set forth below.

Effective date. In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the revised standards shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Dated: December 30, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

Subpart—United States Standards for Grades of Peanut Butter

PRODUCT DESCRIPTION, TEXTURES, TYPES, STYLES, GRADES

Sec.
52.3061 Product description.
52.3062 Textures of peanut butter.
52.3063 Types of peanut butter.
52.3064 Styles of peanut butter.
52.3065 Grades of peanut butter.

FACTORS OF QUALITY

52.3066 Ascertaining the grade.
52.3067 Ascertaining the rating for the factors which are scored.
52.3068 Color.
52.3069 Consistency.
52.3070 Absence of defects.
52.3071 Flavor and aroma.

[1] NOTE: Compliance with the provisions of the standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

EXPLANATIONS AND METHODS OF ANALYSES

Sec.
52.3072 Methods of analysis for water-insoluble inorganic residue and salt.

LOT COMPLIANCE

52.3073 Ascertaining the grade of a lot.

SCORE SHEET

52.3074 Score sheet for peanut butter.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, TEXTURES, TYPES, STYLES, GRADES

§ 52.3061 Product description.

"Peanut butter" means a product represented as the product defined in the Standards of Identity for Peanut Butter (21 CFR 46.1) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.3062 Textures of peanut butter.

(a) "Smooth" texture means the peanut butter has a very fine, very even texture with no perceptible grainy peanut particles.

(b) "Medium" texture means the peanut butter has a definite grainy texture with perceptible peanut particles approximating not more than $\frac{1}{16}$ inch in any dimension.

(c) "Chunky" or "crunchy" texture means peanut butter which has a partially fine or partially grainy texture with substantial amounts of peanut particles larger than $\frac{1}{16}$ inch in any dimension.

§ 52.3063 Types of peanut butter.

(a) *Stabilized type.* Stabilized peanut butter is prepared by any special process and/or with any suitable added ingredient(s) designed to prevent oil separation.

(b) *Nonstabilized type.* Nonstabilized peanut butter is prepared without special process or added ingredient(s) to prevent oil separation.

§ 52.3064 Styles of peanut butter.

(a) *Regular pack style.* Regular pack peanut butter is a stabilized type peanut butter prepared from peanuts from which the skins have been removed and to which salt and suitable nutritive sweetener(s) have been added.

(b) *Specialty-pack style.* Specialty pack peanut butter is any type or style of peanut butter that is not described in paragraph (a) of this section. This style includes, but is not limited to, peanut butter that is made from unblanched peanuts, and to which salt and/or a nutritive sweetener may or may not have been added.

§ 52.3065 Grades of peanut butter.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of peanut butter that has a good color, that has a good consistency, that is practically free from defects, that has a good flavor and good aroma, that has uniform dispersion of any added ingredient(s), and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or "U.S. Choice") is the quality of peanut butter that has a reasonably good color, that has a reasonably good consistency, that is reasonably free from defects, that has a reasonably good flavor and aroma, that has reasonably uniform dispersion of any added ingredient(s), and that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of peanut butter that fails to meet the requirements of U.S. Grade B.

FACTORS OF QUALITY

§ 52.3066 Ascertaining the grade.

The grade of peanut butter may be ascertained by considering, in addition to other requirements of the respective grade, the following factors: Color, consistency, absence of defects, and flavor and aroma. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
(1) Color	20
(2) Consistency	20
(3) Absence of defects	30
(4) Flavor and aroma	30
Total score	100

§ 52.3067 Ascertaining the rating for the factors which are scored.

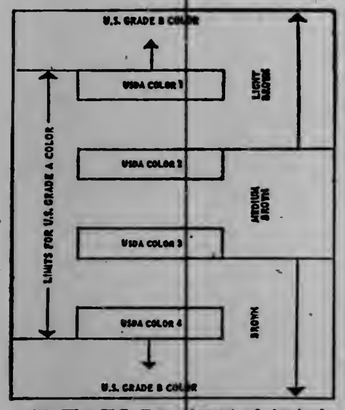
The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.3068 Color.

(a) General: The color of peanut butter refers to the color hue and color intensity of the overall mass, regardless of the texture and regardless of the variety of peanuts from which prepared.

(b) Color standards: Peanut butter color may be classified in accordance with the following outline for the applicable U.S. Department of Agriculture Color Standards (hereinafter referred to as "USDA Colors"):

V 37 3
JAN 6 72
XUM



(c) The U.S. Department of Agriculture Color Standards shall be viewed under standard lighting conditions as follows: Compare the color of the color standard with a representative sample of peanut butter having an area and depth approximately equal to the color standard. A suitable light source of approximately 250 foot candle intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7500 degrees Kelvin ±200 degrees is preferable. With the light source directly over the color standard and product, observation is made at an angle of 45 degrees and at a distance of about 24 inches from the product.

(d) The USDA Color Standards are available only from the licensed supplier:

Magnuson Engineers, Inc., 1010 Timothy Drive, San Jose, CA 95133

(e) (A) classification: Peanut butter that has a good color may be given a score of 18 to 20 points. "Good color" means a rich color typical of peanut butter prepared from properly roasted peanuts and otherwise properly processed peanut buttter; such typical color is no less brown than USDA Color 1 or no more brown than USDA Color 4, and is without any tinge of a dull, grey, or other abnormal cast.

(f) (B) classification: Peanut butter that has a reasonably good color may be given a score of 16 or 17 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means color typical of peanut butter prepared from properly roasted peanuts and otherwise properly processed peanut butter; such typical color may be slightly dull and/or may have a slight grey cast; may be lighter brown in color than USDA Color 1 but is not excessively pale as indicative of insufficient roasting; or, such typical color may be more brown than USDA Color 4 but is not excessively brown as indicative of excessive roasting.

(g) (SStd) classification: Peanut butter that is off color for any reason or that fails to meet the requirements of paragraph (f) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3069 Consistency.

(a) General: The factor of consistency refers to the spreadability of the product, and to the degree of oil separation, if any.

(b) Determination of consistency: Consistency of peanut butter is determined at a product temperature of not less than 70° F. nor more than 80° F. without mixing the product in the stabilized type, and after reasonable mixing of the product in the nonstabilized type.

(c) (A) classification: Peanut butter that has good consistency may be given a score of 18 to 20 points. "Good consistency" means that the peanut butter shall spread easily, shall not be thin nor more than slightly stiff; and, in addition to the foregoing: (1) In stabilized type of peanut butter, there is no noticeable oil separation or (2) in nonstabilized type of peanut butter, there is no more than slight mixing required to disperse any separated oil.

(d) (B) classification: Peanut butter that has reasonably good consistency may be given a score of 16 or 17 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the peanut butter is spreadable; may be moderately, but not excessively, thin; may be moderately, but not excessively, stiff; and, in addition to the foregoing: (1) In stabilized type of peanut butter, there may be no more than slightly noticeable oil separation or (2) in nonstabilized peanut butter, there may be no excessive oil separation that causes noticeable dryness or that requires more than moderate mixing to disperse the oil.

(e) (SStd) classification: Peanut butter that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3070 Absence of defects.

(a) General: The factor of absence of defects refers to the degree of freedom from dark particles and from any other defects (including water-insoluble inorganic residue) which affect the wholesomeness or detract from the appearance or edibility of the product: *Provided*, That in the specialty-pack style of peanut butter made from unblanched peanuts, particles of dark skins shall not be considered as defects.

(b) Definition of water-insoluble inorganic residue: "Water-insoluble inorganic residue" means the residue as determined in accordance with the method referenced in § 52.3072.

(c) (A) classification: Peanut butter that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the presence of dark particles and any other defects does not more than slightly affect the appearance or eating quality of the product; and means that there may be present not more than 8 milligrams of water-insoluble inorganic residue per 100 grams of peanut butter: *Provided*, That such residue which may be present does not affect the edibility or wholesomeness of the product.

(d) (B) classification: Peanut butter that is reasonably free from defects may be given a score of 24 to 26 points. Peanut butter that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the presence of dark particles and any other defects does not seriously detract from the appearance or eating quality of the product; and means that there may be present not more than 20 milligrams of water-insoluble inorganic residue per 100 grams of peanut butter: *Provided*, That such residue which may be present does not affect the edibility or wholesomeness of the product.

(e) (SStd) classification. Peanut butter that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3071 Flavor and aroma.

(a) (A) classification: Peanut butter that has a good flavor and good aroma may be given a score of 27 to 30 points. "Good flavor and good aroma" means a flavor and aroma: Typical of freshly roasted and freshly ground peanuts; when applicable, of properly proportioned and blended ingredients; free from staleness; free from rancidity; and free from objectionable flavors and objectionable odors of any kind. To score in this classification, there may be not less than 1.0 percent, nor more than 1.8 percent, by weight, of salt in the finished peanut butter: *Provided*, That the requirements for salt in the finished peanut butter of an unsalted "specialty-pack" style are waived.

(b) (B) classification: Peanut butter that has reasonably good flavor and reasonably good aroma may be given a score of 24 to 26 points. Peanut butter that scores in this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor and reasonably good aroma" means a flavor and aroma that is typical of properly prepared peanut butter, which may be lacking good flavor and good aroma, but is free of objectionable flavors and objectionable aromas of any kind. To score in this classification there may be not less than 0.5 percent, nor more than 2.5 percent, by weight, of salt in the finished peanut butter: *Provided*, That the requirements for salt in the finished peanut butter of an unsalted "specialty-pack" style are waived.

(c) (SStd) classification: Peanut butter that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 23 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.3072 Methods of analysis for water-insoluble inorganic residue and salt.

The water-insoluble inorganic residue and salt in peanut butter is determined in accordance with the latest official method outlined in the Official Methods of Analysis of the Association of Official Analytical Chemists or any other method that gives equivalent results.

LOT COMPLIANCE

§ 52.3073 Ascertaining the grade of a lot.

The grade of a lot of peanut butter covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.3074 Score sheet for peanut butter.

Size and kind of container	
Container marks or identification	
Label	
Net weight (ounces)	
Texture (smooth, medium, chunky)	
Type (Stabilized, Non-Stabilized)	
Style	
Water insoluble inorganic residue (mg./100 grams)	
Salt (percent by weight) (when applicable)	
Color	

	Score points		
Color	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[1] 0–15
Consistency	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[1] 0–15
Absence of defects	30	(A)	27–30
		(B)	[1] 24–26
		(SStd)	[1] 0–23
Flavor and aroma	30	(A)	27–30
		(B)	[1] 24–26
		(SStd)	[1] 0–23
Total score	100		
Grade			

[1] Indicates limiting rule.

[FR Doc.72-203 Filed 1-5-72;8:48 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

PART 846—HAWAII

On pages 23071 and 23072 of the FEDERAL REGISTER of December 3, 1971, there was published a notice of proposed rule making to revise Sugar Regulation 846 (7 CFR Part 846) relating to determining eligibility of sugarcane farms in Hawaii for abandonment and crop deficiency payments made pursuant to the Sugar Act of 1948, as amended. Interested persons were given 15 days in which to submit written data, views, or arguments regarding the proposed revision.

No objections have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. As Public Law 92-138 approved October 14, 1971, provides that effective January 1, 1972, payments are authorized to be made to sugarcane producers in Hawaii on an individual farm basis for acreage abandonment of planted acres and crop deficiencies of harvested acres, it is hereby determined and found that there is insufficient time to comply with the effective date requirement of 5 U.S.C. 533 and this revision shall be effective January 1, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

DECEMBER 30, 1971.

Sec.
846.1 Introduction.
846.2 Definitions.
846.3 Farm normal yield.
846.4 Eligibility for abandonment and deficiency payments.
846.5 Approval and certification.

AUTHORITY: The provisions of this Part 846 issued under secs. 303, 403, 61 Stat. 930, as amended, 932, as amended; 7 U.S.C. 1133, 1153, and secs. 13, 19, Public Law 92-138, approved Oct. 14, 1971.

§ 846.1 Introduction.

In accordance with the provisions of the "Sugar Act Amendments of 1971," Public Law 92-138, approved October 14, 1971, this revision of Part 846 is issued to provide that, effective January 1, 1972, payments under section 303 of the Sugar Act of 1948, as amended, with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage of 1972 and subsequent crops of sugarcane shall be made on an individual farm basis. The regulations in the following §§ 846.2 through 846.5 are effective on January 1, 1972, and thereafter until amended, superseded, or revoked.

§ 846.2 Definitions.

For the purpose of this part, the terms:

(a) "State Committee," "County Committee," and designation of a crop of sugarcane by year shall have the meanings set forth in § 894.1 of this chapter. "Act" means the Sugar Act of 1948, as amended.

(b) "Planted acre," "planted acres," or "planted acreage" means the acreage of sugarcane planted which is either harvested for the extraction of sugar or liquid sugar or is abandoned (bona fide), insofar as its use in sugar production is concerned, because of drought, flood, storm, freeze, disease, or insects.

(c) "Annual yield" for a farm for a calendar year means the yield per planted acre in that year expressed in hundredweight of sugar commercially recoverable as computed by the use of the planted acres for the farm for such year and the amount of sugar commercially recoverable as determined for the farm for such year in accordance with § 836.1 of this chapter.

(d) "Base period" for each farm for a calendar year means all of the most recent calendar years in each of which there were planted acres on the farm, not to exceed 5 years within the preceding 10-year period.

(e) "Farm" shall have the meaning set forth in Part 826 of this chapter.

§ 846.3 Farm normal yield.

The normal yield per acre of each sugarcane farm in Hawaii shall be established for each calendar year as follows:

(a) For a farm having a base period of three or more calendar years, the normal yield shall be the simple average of the annual yields for the farm for all of such years.

(b) For a farm having a base period of less than 3 calendar years, or no base period, the normal yield shall be that established by the county committee on the basis of the normal yields of other farms in the same locality, variations in soil productivity, climatic conditions, cultural practices and other pertinent factors.

§ 846.4 Eligibility for abandonment and deficiency payments.

For each calendar year, each farm having abandonment of planted sugarcane acreage, or having a crop deficiency of harvested sugarcane acreage below 80 percent of the normal yield for such acreage, or having both such abandonment and deficiency, shall be approved by the county committee for payments relating thereto if the following conditions with respect to the farm are met:

(a) The abandonment or deficiency was caused directly by drought, flood, storm, freeze, disease, or insects.

(b) The planted acres that were abandoned, or the harvested acres with respect to which there was such a crop deficiency, were suitable for the production of sugarcane and were cared for up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane.

(c) With respect to acreage abandonment, the county office was notified of the intention to abandon the acreage before the sugarcane was destroyed or the acreage was used for other purposes: *Provided*, That the county committee may waive the requirement of prior notification if such committee (1) has knowledge that sugarcane was planted on the abandoned acreage and the extent of such plantings, (2) has knowledge of widespread crop damage in the locality where the farm is located, and (3) is satisfied that the abandonment on the farm in question resulted directly from drought, flood, storm, freeze, disease, or insects.

(d) There was compliance with all the other conditions for payment prescribed by the Act.

V 37 I 3
JAN 6 72
XUM

§ 846.5 Approval and certification.

Approval by a member of the county committee on behalf of such committee of an application for an abandonment payment or a crop deficiency payment, or both, shall constitute a determination that the farm with respect to such application is made is eligible for an abandonment or a deficiency payment, or both, as the case may be.

STATEMENT OF BASES AND CONSIDERATIONS

Pursuant to the amendment, effective January 1, 1972, of section 303 of the Sugar Act of 1948, as provided in Public Law 92-136, approved October 14, 1971, this revision of regulations authorizes payment for abandoned acreage and for deficiency of production on an individual farm basis. Heretofore, to receive payment the farm must have been located in an approved local producing area wherein damage to the crop had to affect 10 percent of the farm or 10 percent of the planted acres in the area.

A further eligibility requirement is made. Producers must notify the county office of the intention to abandon the acreage before the sugarcane is destroyed or the acreage is used for other purposes. This provides an opportunity for a representative of the office to determine whether or not the abandonment resulted directly from one of the causes specified in the Act. All of the other eligibility requirements for approving abandonment and deficiency for the farm which were included in § 846.2 (26 F.R. 91) approved December 30, 1960, remain unchanged. The county committee in which the farm headquarters is located must determine that (1) the abandonment or deficiency was caused by drought, flood, storm, freeze, disease, or insects; and (2) the acres that were abandoned or the harvested acres from which there was crop deficiency were suitable for the production of sugarcane and were cared for up to the time of abandonment or harvest in a manner which would produce a normal crop under average conditions.

[FR Doc.72-200 Filed 1-5-72;8:48 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 249]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.549 Navel Orange Regulation 249.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 4, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 7, 1972, through January 13, 1972, are hereby fixed as follows:

(i) District 1: 774,000 cartons.

(ii) District 2: 126,000 cartons.

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 5, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-300 Filed 1-5-72;11:18 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION AND ANIMAL PRODUCTS

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK OR POULTRY

Determination of Existence of Disease; Agreements With States

Pursuant to the provisions of the Act of May 29, 1884, as amended, and the Act of February 2, 1903, as amended (21 U.S.C. 111, 114, 114a), Part 53, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 53.2(b), the third proviso is amended to read:

§ 53.2 Determination of existence of disease; agreements with States.

* * * * *

(b) * * * *And provided, further,* That the cooperative program for the purchase, destruction, and disposition of birds shall be limited to birds as referred to in § 82.2(a) of this chapter, and which are identified in documentation pursuant to Cooperative Agreements,[1] as constituting a threat to the poultry industry of the United States.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111, 114, 114a; 29 F.R. 16210, as amended, 36 F.R. 20707)

Effective date. The foregoing amendment shall become effective upon issuance.

The foregoing amendment provides for the purchase, destruction, and disposition of birds of any species (other than poultry) when such birds constitute a threat to the poultry industry of the United States.

This amendment should be made effective as soon as possible in order to facilitate the control and eradication of Exotic Newcastle Disease, an exotic communicable disease of poultry which currently exists in certain areas in the States of California, New Mexico, and Texas, and to prevent the spread of such disease in the interests of the poultry industry and the public. Accordingly, under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

[1] Agreements between the Department and the particular State involved relating to cooperative animal (including poultry) disease prevention, control, and eradication.

Done at Washington, D.C., this 30th day of December 1971.

G. H. WISE,
Acting Administrator, Animal and Plant Health Service.

[FR Doc.72-201 Filed 1-5-72;8:48 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

General Restrictions

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.2, paragraph (a) is amended to read:

§ 82.2 General restrictions.

(a) Notice is hereby given that psittacine and mynah birds and birds of all other species are susceptible to Exotic Newcastle Disease and that the Administrator has determined that, in order to prevent the interstate dissemination of such disease to poultry and to effectuate the eradication of such disease, it is necessary to make all of the provisions of this Part 82 relating to poultry applicable to psittacine and mynah birds and birds of all other species, of all ages, which are under any form of confinement, including eggs from such birds. Accordingly, the provisions of this Part 82 shall be applicable in relation to such birds in the same manner, and to the same extent as such provisions are applicable in relation to poultry.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707)

Effective date. The foregoing amendment shall become effective upon issuance.

This amendment includes confined birds (including eggs) of all species in restrictions imposed to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of December 1971.

G. H. WISE,
Acting Administrator, Animal and Plant Health Service.

[FR Doc.72-202 Filed 1-5-72;8:48 am]

Chapter IV—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—PUBLIC INFORMATION

PART 400—AVAILABILITY OF INFORMATION

Part 400 is added to Title 9 as follows:

§ 400.1 Availability of Information.

The Agricultural Research Service regulations relating to availability of information to the public and disclosure of records under 5 U.S.C. 552, which are set forth in Part 510 of this title, are incorporated into this subchapter.

Done at Washington, D.C., this 3d day of January 1972.

(5 U.S.C. 552, 559)

J. P. MCAULEY,
Acting Administrator, Agricultural Research Service.

[FR Doc.72-235 Filed 1-5-72;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-EA-126]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 21064 of the FEDERAL REGISTER for November 3, 1971, the Federal Aviation Administration published a proposed rule which would alter the Galeton, Pa., transition area (36 F.R. 2192).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t. March 2, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 20, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to delete the description of the Galeton, Pa. 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°40'00" N., 77°49'15" W. of Cherry Springs Airport, Galeton, Pa.

[FR Doc.72-192 Filed 1-5-72;8:47 am]

[Airspace Docket No. 71-EA-128]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Transition Area

On page 21065 of the FEDERAL REGISTER for November 3, 1971, the Federal Aviation Administration published a proposed rule so as to alter the Lewisburg, W. Va., transition area (36 F.R. 2219) and revoke the White Sulphur Springs, W. Va., transition area (36 F.R. 2294).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t. March 2, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on December 20, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to delete the description of the Lewisburg, W. Va. 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center (37°51'35" N., 80°23'55" W.) of Greenbrier Valley Airport, Lewisburg, W. Va., extending clockwise from the 252° bearing to the 278° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 278° bearing to the 291° bearing from the airport; within a 16-mile radius of Greenbrier Valley Airport, extending clockwise from the 291° bearing to the 301° bearing from the airport; within a 21.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 301° bearing to the 332° bearing from the airport; within a 22.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 332° bearing to the 347° bearing from the airport; within a 23.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 347° bearing to the 357° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 357° bearing to the 030° bearing from the airport; within an 18.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 030° bearing to the 066° bearing from the airport; within a 16-mile radius of Greenbrier Valley Airport, extending clockwise from the 066° bearing to the 143° bearing from the

V 37 I 3
JAN 6 72
XUM

airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 143° bearing to the 192° bearing from the airport; within a 14-mile radius of Greenbrier Valley Airport, extending clockwise from the 192° bearing to the 252° bearing from the airport; within 3 miles each side of the 216° bearing from the Lewisburg, W. Va., RBN (37°46'52" N., 80°28'10" W.) extending from the RBN to 8.5 miles southwest and within 3 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial, extending from the VOR to 8.5 miles southeast.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to revoke the White Sulphur Springs, W. Va., 700-foot floor transition area.

[FR Doc.72-193 Filed 1-5-72;8:48 am]

[Airspace Docket No. 71-EA-140]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 21065 of the FEDERAL REGISTER for November 3, 1971, the Federal Aviation Administration published a proposed rule so as to alter the Washington, D.C., transition area (36 F.R. 2290, 9130).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 2, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on December 20, 1971.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the Washington, D.C. 700-foot floor transition area by inserting, "; within a 6.5-mile radius of the center of 38°43'30" N., 77°31'00" W., of Manassas Municipal Airport (Harry P. Davies Field), Manassas, Va., and within 2.5 miles each side of a line bearing 329° from the airport geographical position to a point 12 miles northwest of said position;" following, "39°05'32" N., 77°27'30" W.,".

[FR Doc.72-194 Filed 1-5-72;8:48 am]

[Airspace Docket No. 71-SO-161]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22071), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Cleveland, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

CLEVELAND, MISS.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Cleveland Municipal Airport (lat. 33°45'30" N., long. 90°45'15" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 23, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-195 Filed 1-5-72;8:48 am]

[Airspace Docket No. 71-SO-168]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22070), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Albertville, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by American Air Service, Inc., Gadsden, Ala., who objected on the basis that the lack of direct pilot-to-controller communication capabilities in the Albertville area would cause undue delays to IFR operations at Gadsden Airport. A review of the proposal, in light of this comment, disclosed that communication capabilities exist down to the runway surface with aircraft transmitting to Anniston Flight Service Station on frequency 122.6 and receiving on Gadsden VOR frequency 112.3.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

ALBERTVILLE, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Albertville Municipal Airport (latitude 34°13'54" N., longitude 86°15'08" W.); within 3 miles each side of the 048° bearing from Saratoga RBN (latitude 34°15'09" N., longitude 86°13'25" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 23, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-196 Filed 1-5-72;8:48 am]

[Airspace Docket No. 71-SO-169]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On November 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22070), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Nashville, Tenn., transition area (36 F.R. 18511) is amended as follows: "• • • longitude 86°24'30" W. • • •" is deleted and "• • • longitude 86°24'30" W.); within an 8-mile radius of Lebanon Municipal Airport (latitude 36°11'22" N., longitude 86°18'55" W.) • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 23, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-197 Filed 1-5-72;8:48 am]

[Airspace Docket No. 71-NE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Alteration of Transition Areas

On page 21293 of the FEDERAL REGISTER dated November 5, 1971, the Federal Aviation Administration published a notice of proposed rule making which would designate a Greenville, Maine 700-foot transition area, amend the Millinocket, Maine 1,200-foot transition area (36 F.R. 2232), and cancel the Bangor, Maine 5,500-foot transition area (36 F.R. 2150).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

One portion of the proposed amendatory language which contained the reference to the Millinocket, Maine 1,200-foot transition area was inadvertently omitted from paragraph 2 of the notice. However, the notice did set forth, in full, all of the proposed amended language for that transition area. Since the descriptive reference to the Millinocket 1,200-foot transition area was set forth in the preamble of the notice and the intent of the proposed amendment was obvious from a reading of the entire notice, this omission is considered minor in nature.

Accordingly, action is taken herein to correct this nonsubstantive omission, and the language of paragraph 2 has been modified to include the omitted phrase.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 2, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on December 23, 1971.

W. E. CROSBY,
Deputy Director,
New England Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Greenville, Maine 700-foot transition area described as follows:

That airspace extending upwards from 700 feet above the surface within an 8.5-mile radius of the center (45°27'47" N., 69°33'21" W.) Greenville Municipal Airport, Greenville, Maine, within 2.5 miles each side of a 212° bearing from the Greenville, Maine, NDB, extending from the 8.5-mile-radius area to a point 10 miles southwest of the Greenville NDB, within a 6.5-mile radius of the center (45°28'10" N., 69°36'00" W.) Greenville Seaplane Base, Greenville, Maine, within 3.5 miles each side of a 181° bearing from the Greenville NDB extending from the 6.5-mile-radius area to a point 9.5 miles south of the Greenville NDB.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Millinocket, Maine 1,200-foot transition area by deleting the coordinates "45°23'00" N., 69°30'00" W." and inserting the coordinates "45°15'00" N., 69°50'00" W., to 45°07'30" N., 69°50'00" W., to 45°07'30" N., 69°28'00" W., to 45°12'00" N., 69°23'00" W.", in lieu thereof.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bangor, Maine 5,500-foot transition area.

[FR Doc.72-252 Filed 1-5-72;8:52 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORM

Piperazine Adipate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (9-961V) filed by Carson Chemicals, Inc., New Castle, Ind. 47362, proposing the safe and effective oral use of piperazine adipate for the treatment of horses, dogs and cats. The supplemental application is approved.

To facilitate referencing, Carson Chemicals, Inc. is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under the authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 063 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

• • • • • •

(c) • • •

Code No.	*Firm name and address*
• • •	• • •
063	Carson Chemicals, Inc., New Castle, Ind. 47362.

2. Part 135c is amended by adding the following new section:

§ 135c.54 Piperazine adipate.

(a) *Specifications.* The drug contains 98.5 percent minimum piperazine adipate.

(b) *Sponsor.* See code No. 063 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is administered to dogs and cats for the removal of ascarids (*Toxocara canis* and *Toxascaris leonina*) and in horses for the removal of ascarids (*Parascaris equorum*), strongyles (*Strongylus vulgaris*), small strongyles, and pinworms (*Oxyuris equi*).

(2) Administer orally as a drench or in as much drinking water or feed as the animals will consume in one day at a dosage level of ½ oz. per 100 pounds of body weight to horses and at a dosage level of 1 gram per 18 pounds of body weight to dogs and cats.

(3) May be repeated at intervals of 3 weeks should reinfection occur.

(4) Do not use in horses intended for food.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1-6-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: December 28, 1971.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.72-214 Filed 1-5-72;8:49 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 301—REGISTRATION OF MANUFACTURERS, DISTRIBUTORS, AND DISPENSERS OF CONTROLLED SUBSTANCES

Notice of Extension of Time for Practitioners To Comply With the Security Requirements for Amphetamine and Methamphetamine Products Listed in Schedule II

In the FEDERAL REGISTER dated September 21, 1971 (36 F.R. 18727), it was announced that amphetamine and methamphetamine products listed in Schedule II need not be stored by practitioners in a locked cabinet, as required in § 301.75(a), until January 1, 1972.

By letter to the Director, Bureau of Narcotics and Dangerous Drugs dated December 10, 1971, the National Association of Retail Druggists requested an extension of time beyond January 1, 1972, for practitioners to comply with the security requirements for amphetamine and methamphetamine products listed in Schedule II. On December 21, 1971, the Director granted this request.

It is therefore ordered that the effective date for practitioners to comply with the security requirements for amphetamine and methamphetamine products listed in Schedule II is March 1, 1972.

This notice is effective upon publication in the FEDERAL REGISTER (1-6-72).

Dated: December 29, 1971.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-211 Filed 1-5-72;8:49 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[Docket No. R-72-160]

PART 207—DEBENTURE INTEREST RATES

The following amendments have been made to this chapter to change the debenture interest rate. The Secretary has determined that advance publication and

V 37 N 3 JAN 6 72 XUM

notice and public procedure are unnecessary since the debenture interest rate is set by the Secretary of the Treasury in accordance with a procedure established by statute and that said cause exists for making this amendment effective upon publication in the FEDERAL REGISTER (1-6-72).

Accordingly, Chapter II is amended as follows:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

1. Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5½%	Jan. 1, 1968	July 1, 1969
5⅞%	July 1, 1969	Jan. 1, 1970
6⅛%	Jan. 1, 1970	July 1, 1970
6⅜%	July 1, 1970	Jan. 1, 1971
6½%	Jan. 1, 1971	July 1, 1971
5⅞%	July 1, 1971	Jan. 1, 1972
6⅛%	Jan. 1, 1972	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

2. Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5½%	Jan. 1, 1968	July 1, 1969
5⅞%	July 1, 1969	Jan. 1, 1970
6⅛%	Jan. 1, 1970	July 1, 1970
6⅜%	July 1, 1970	Jan. 1, 1971
6½%	Jan. 1, 1971	July 1, 1971
5⅞%	July 1, 1971	Jan. 1, 1972
6⅛%	Jan. 1, 1972	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies to sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5½%	Jan. 1, 1968	July 1, 1969
5⅞%	July 1, 1969	Jan. 1, 1970
6⅛%	Jan. 1, 1970	July 1, 1970
6⅜%	July 1, 1970	Jan. 1, 1971
6½%	Jan. 1, 1971	July 1, 1971
5⅞%	July 1, 1971	Jan. 1, 1972
6⅛%	Jan. 1, 1972	

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
5½%	Jan. 1, 1968	July 1, 1969
5⅞%	July 1, 1969	Jan. 1, 1970
6⅛%	Jan. 1, 1970	July 1, 1970
6⅜%	July 1, 1970	Jan. 1, 1971
6½%	Jan. 1, 1971	July 1, 1971
5⅞%	July 1, 1971	Jan. 1, 1972
6⅛%	Jan. 1, 1972	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Effective date. These amendments are effective as of January 1, 1972.

Issued at Washington, D.C., December 30, 1971.

HARRY T. MORLEY,
Deputy Assistant Secretary-Commissioner.

[FR Doc.72-149 Filed 1-5-72;8:45 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter III—Federal Prison Industries, Department of Justice

PART 301—INMATE ACCIDENT COMPENSATION

Section 4126 of title 18, United States Code, authorizes Federal Prison Industries, Inc., to employ the Prison Industries Fund in paying compensation to inmates or their dependents for injuries suffered in any work activity in connection with the maintenance or operation of the institution where confined, pursuant to rules and regulations promulgated by the Attorney General. The authority to issue rules and regulations under this provision has been delegated by the Attorney General to the Board of Directors of Federal Prison industries, or such officer of the corporation as the Board may designate. 28 CFR 0.99. These regulations replace those published in 28 CFR Part 301, and are effective upon publication.

By virtue of the authority vested in the Attorney General by 18 U.S.C. 4126 and delegated by the Attorney General by 28 CFR 0.99 and by the Board of Directors of Federal Prison Industries, Inc., Part 301 of Chapter III of Title 28, Code of Federal Regulations, is revised to read as follows:

Sec.
301.1 Purpose and scope.
301.2 Medical attention.
301.3 Record of injury and initial claim.
301.4 Report of injury.
301.5 Pre-release claim for compensation.
301.6 Report of death.
301.7 Report of repetitious accidents.
301.8 Inmate work assignments.
301.9 Noncompensable injuries.
301.10 Compensation for lost time.
301.11 Compensation awards.
301.12 Establishing the amount of the award.
301.13 Time and method of payment of compensation claim.
301.14 Compensation suspended by misconduct.
301.15 Medical treatment required following discharge.
301.16 Civilian compensation laws distinguished.
301.17 Employment of attorneys.
301.18 Exclusive remedy.

AUTHORITY: The provisions of this Part 301 issued under 18 U.S.C. 4126, 28 CFR 0.99 and by Board of Directors of Federal Prison Industries, Inc.

§ 301.1 Purpose and scope.

The following procedures are prescribed to insure complete reports covering all work-related injuries and full information to permit prompt action on claims submitted. They carry out the intent of Congress in authorizing the payment of accident compensation to inmates or their dependents for injuries sustained while employed by Federal Prison Industries, Inc. They also include any work activity in connection with the maintenance or operation of the institution where confined.

§ 301.2 Medical attention.

Whenever an inmate worker is injured while in the performance of assigned duty, regardless of how trivial the hurt may appear, he shall immediately report the injury to his official superior. The employee will take whatever action is necessary to secure for the injured such first aid, medical, or hospital treatment as may be necessary for the proper treatment of the injury. Medical, surgical, and hospital service will be furnished by the medical officers of the institution. Refusal by an inmate worker to accept such medical, surgical, hospital, or first aid treatment may cause forfeiture of any claim for accident compensation for disability resulting therefrom.

§ 301.3 Record of injury and initial claim.

After initiating necessary action for medical attention the work detail supervisor shall immediately secure a record of the cause, nature and exact extent of the injury, and shall see that the injured inmate submits within 48 hours Administrative Form 19, Report of Injury (Inmate). The names and testimony of all witnesses shall be secured. If the injury resulted from the operation of mechanical equipment, an identifying description of the machine or instrument causing the injury shall be given.

§ 301.4 Report of injury.

(a) All injuries resulting in disability of the injured shall be reported by the inmate's work detail supervisor on Administrative Form 19, Report of Injury (Inmate). After review by the institution safety officer, or his appointed representative, for completeness, the report shall be delivered to the warden or superintendent of the institution; and then forwarded promptly to the Safety Administrator in the Washington office. All questions on Form 19 shall be answered in complete detail. The physician's statement must be secured on Administrative Form 19 whenever the injury is such as to require the attention of a physician.

(b) In the case of injury to an inmate sustained while employed in any work activity in connection with the maintenance or operation of the institution where confined, the reports and treatment of such injured inmate shall be made under the regulations in effect at the time of such injury. The reports as to treatment and the cause, nature, and extent of the injury shall be made to comply as nearly as possible with the requirements of §§ 301.2, 301.3, and this § 301.4.

§ 301.5 Prerelease claim for compensation.

(a) As soon as release date is determined, but not in advance of 30 days prior to release date, each inmate injured in Industries or on an institutional work assignment during his confinement, who has a residual impairment from a work-related accident, shall be given FPI Form 43 Revised, and advised of his rights to make out his claim for compensation. Every assistance will be given him to properly prepare the claim if he wishes to file. Claims must be made within 60 days following release from the institution when circumstances preclude submission prior to release. However, a claim for disability may be allowed within 1 year after release from Federal custody, for reasonable cause shown. In each case a physical examination shall be given and a definite statement made as to the effect of the alleged injury on the inmate's work capacity after release. Failure to submit to a final physical examination before release shall result in the forfeiture of all rights to compensation and future medical treatment. In each case of visible impairment, disfigurement, or loss of member, photographs shall be taken to show actual condition and shall be transmitted with FPI Form 43.

(b) The claim, after preparation and execution by the inmate, shall be completed by the physician making the final examination. It shall be forwarded promptly to the office of General Counsel and Review, Federal Bureau of Prisons, in Washington, D.C., accompanied by, or with reference made to, Form 19, Report of Institutional Injury (Inmate).

§ 301.6 Report of death.

If a work-related injury results in death, an FPI Form 43, an Administrative Form 19, and the findings of the local Board of Inquiry will be promptly forwarded to the office of General Counsel and Review in the Washington office.

§ 301.7 Report of repetitious accidents.

If an inmate worker is injured more than once in a comparatively short time and the circumstances of the injury indicates awkwardness or ineptitude that in the opinion of his work supervisor implies a danger of further accidents in the tasks assigned, the inmate shall be relieved of the performance of the task, and assigned another task.

§ 301.8 Inmate work assignments.

The classification committee of each institution, which normally designates inmate work assignments, or whoever makes institutional work assignments will review appropriate medical records, presentence reports, admission summaries, and the like in order to preclude the assignment of individuals to work tasks not compatible with their physical condition at the time of admission. A careful review of all records available is also imperative when inmate workers are reassigned to new and different tasks during their incarceration.

§ 301.9 Noncompensable injuries.

Injuries sustained by inmate workers willfully or with intent to injure someone else, or injuries suffered in any activity not directly related to their work assignment are not compensable, and no claim for compensation for such injuries will be considered. Any injury resulting from willful violation of rules and regulations may prevent award of compensation.

§ 301.10 Compensation for lost time.

No accident compensation will be paid for compensable injuries while the injured inmate remains in custody. However, inmates assigned to Industries will be paid wages for the number of regular work hours in excess of three consecutive inmate mandays they are absent from work because of injuries suffered while in the performance of their work assignments. The rate of pay shall be 66⅔ percent of the standard hourly rate for the grade if the injured is not helping to support dependents, and 75 percent of the standard hourly rate if the injured is helping to support dependents. No claim for compensation will be considered if full recovery occurs while the injured is in custody and no significant disability remains after release.

§ 301.11 Compensation awards.

The amount of accident compensation shall be determined at the time of release regardless of when during the periods of incarceration of the applicant the injury was sustained or of any payment made in lieu of regular earnings or any medical or surgical services furnished prior to such release.

§ 301.12 Establishing the amount of the award.

In determining the amount of accident compensation to be paid consideration will be given to the permanency and severity of the injury and its resulting effect on the work capacity of the inmate in connection with employment after release. The provisions of the Federal Employees' Compensation Act shall be followed when applicable. The minimum wage prescribed by the Fair Labor Standards Act applicable at the time of release shall be used as the wage basis in determining the amount of such compensation. In no event shall compensation be paid in greater amount than that provided in the Federal Employees' Compensation Act. (Title 18, United States Code 4126.)

§ 301.13 Time and method of payment of compensation claim.

(a) Upon determination of the amount of compensation to be paid, a copy of the award will be furnished the claimant and monthly payments will usually begin about the 10th day of the first month following the month in which the award is effective. Payments shall normally be made through the office of the U.S. Probation Officer of the district in which the claimant resides. When the amount of the award exceeds $500, lump sum payments will rarely be made, and only in exceptional cases where it is clearly shown to be beneficial and necessary for the support of the claimant or dependents.

(b) When requested by the claimant and approved by the Corporation, accident compensation may be paid to dependents of the claimant. In all cases

V 37 ■ 3
JAN 6 72
XUM

claimant must indicate in detail those persons who are dependent on him, their relationship, and any other relevant facts, including residence and income, so that the Corporation will be able to determine to what extent they are dependent on the claimant. In the event of death, compensation may be paid to dependents under the provisions of the Federal Employees' Compensation Act, if it is determined that the death was causally related to the work-related injury.

§ 301.14 Compensation suspended by misconduct.

Awarded compensation shall be paid only so long as the claimant conducts himself or herself in a lawful manner and shall be immediately suspended upon conviction and incarceration in any jail, correctional, or penal institution. However, the Corporation may pay such compensation or any part of it to the inmate or any dependents of such inmate where and as long as it is deemed to be in the public interest.

§ 301.15 Medical treatment required following discharge.

If medical or hospital treatment is required subsequent to discharge from the institution, for an injury sustained while employed by Federal Prison Industries, Inc., or on an institutional work assignment, claimant should advise the Commissioner of Industries and if the cost of such treatment is allowed by the Corporation, advice to this effect and instructions for obtaining such services will be forwarded. The Corporation will under no circumstances pay the cost of medical, hospital treatment, or any related expense not previously authorized by it.

§ 301.16 Civilian compensation laws distinguished.

Compensation awarded hereunder differs from awards made under civilian workmen's compensation laws in that hospitalization is usually completed prior to the inmate's release from the institution and, except for a 3-day waiting period, the inmate receives wages while absent from work. Other factors necessarily must be considered that do not enter into the administration of civilian workman's compensation laws. As in the case of Federal employees who allege they have sustained work-related injuries, the burden of proof lies with the claimant to establish that his claimed disability is causally related to his assigned institution employment.

§ 301.17 Employment of attorneys.

It is not necessary that claimants employ attorneys or others to assert the claim or effect collection of their claim, and under no circumstances will the assignment of any claim be recognized.

§ 301.18 Exclusive remedy.

Inmates who are protected by these accident compensation laws are barred from recovering under the Federal Tort Claims Act. Recovery under the compensation law was declared by the U.S. Supreme Court to be the exclusive remedy in the case of "U.S. v. Demko," 385 U.S. 149, in December of 1966.

Dated: December 27, 1971.

NORMAN A. CARLSON,
Commissioner,
Federal Prison Industries, Inc.

[FR Doc.72-185 Filed 1-5-72;8:47 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-2',6'-Diethyl-*N*-(Methoxymethyl)acetanilide

A petition (PP 1F1009) was filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide and its metabolites calculated as 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide in or on the raw agricultural commodities black-eyed peas, cabbage, dry beans, lima beans, peas with pods, and pea forage, snap beans, sweet corn, and sweet corn fodder and forage at 0.2 part per million. Subsequently, the petitioner withdrew all of the proposed tolerances on all the commodities except sweet corn and its fodder and forage. The proposed tolerance level was changed to 0.05 part per million (negligible residue) in or on sweet corn (kernels plus cob with husk removed).

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerances are being established.

2. The established tolerance of 0.02 part per million (negligible residue) for residues in milk, eggs, meat, fat, and meat byproducts is adequate to cover any additional residues which may occur in these items from the ingestion of any feed item derived from treated sweet corn. The established tolerance of 0.2 part per million for negligible residues in or on corn fodder and forage provides for the residues in or on sweet corn fodder and forage resulting from the proposed use.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.249 is amended by revising the paragraph "0.05 part per million * * *," as follows:

§ 180.249 2-Chloro-2',6'-diethyl-*N*-(methoxymethyl)acetanilide; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in or on cottonseed, fresh corn including sweet corn (kernels plus cob with husk removed), and peanuts.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-6-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-177 Filed 1-5-72;8:46 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Benomyl

A petition (PP 1F1045) was filed by E. I. du Pont de Nemours and Co., Inc., Wilmington, Del. 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) in or on the raw agricultural commodities cucumbers, melons, pumpkins, summer squash, and winter squash at 1 part per million. Subsequently, the petitioner amended the petition by withdrawing the proposed tolerance for residues of benomyl in or on pumpkins.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21, was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. Benomyl is useful for the purpose for which the tolerances are being established.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in meat, milk, poultry, and eggs. The usage is classified in the category specified in § 180.6(a)(3).

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.294 is amended by inserting before the paragraph "0.2 part per million * * *" a new paragraph "1 part per million * * *", as follows:

§ 180.294 Benomyl tolerances for residues.

* * * * *

1 part per million in or on cucumbers, melons, summer squash, and winter squash.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-6-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-176 Filed 1-5-72;8:46 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,6-Dinitro-*N*,*N*-Dipropylcumidine

A petition (PP OF0968) was filed by Elanco Products Co., Post Office Box 1750, Indianapolis, IN 46206, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide isopropalin (2,6-dinitro-*N*,*N*-dipropylcumidine) in or on the raw agricultural commodity tomatoes at 0.05 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which a tolerance is being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to this tolerance.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), the following new section is added to Part 180:

§ 180.313 Isopropalin; tolerance for residues.

A tolerance of 0.05 part per million is established for negligible residues of the herbicide isopropalin (2,6-dinitro-*N*,*N*-di-propylcumidine) in or on tomatoes.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-6-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 23, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-178 Filed 1-5-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PREPRODUCTION SAMPLES AND REPURCHASE AGAINST CONTRACTOR'S ACCOUNT

Chapter 5A of Title 41 is amended as follows:

PART 5A-3—PROCUREMENT BY NEGOTIATION

Subpart 5A-3.2—Circumstances Permitting Negotiation

Section 5A-3.270 is revised as follows:

§ 5A-3.270 Negotiation after termination for default.

Contracting officers are authorized to use negotiation where purchase is required as the result of the termination of a previous contract for default of the contractor pursuant to instructions set forth in §§ 1-8.602-6 and 5A-8.602-6. Such purchases should not be made by negotiation, however, where the supplies may be obtained readily, within sufficient time, by formal advertising. As in the case of any other purchase, adequate competition should be sought irrespective of whether negotiation or advertising is used. Every contract that is negotiated as a result of the termination of a previous contract for the default of the contractor shall be accompanied by a signed statement of the contracting officer justifying the use of negotiation and making appropriate reference to the fact that the purchase was the result of a termination of a previous contract for default.

PART 5A-7—CONTRACT CLAUSES

Subpart 5A-7.1—Fixed-Price Supply Contracts

The Preproduction Samples clause in § 5A-7.170-2 is revised to read as follows:

V 37 N 3 JAN 6 72 XUM

§ 5A–7.170–2 Preproduction samples.

• • • • •

PREPRODUCTION SAMPLES

The contractor shall have available at his expense within (specify appropriate number of days) calendar days after receipt of notice of award two (2) preproduction samples of each item to be delivered under the contract for inspection and determination by the Government as to compliance with the specifications. The contractor shall notify the contracting officer and the regional Quality Control Division set forth in the notice of award, in writing, of the availability of the samples for inspection, the notification to be made (specify appropriate number of days) calendar days prior to the date the contractor proposes to have the samples available. The contractor shall without any additional charge provide all necessary facilities for inspection of the samples.

Preproduction samples required by this contract must conform to all specification requirements. The acceptance of any previous preproduction samples or the granting of any deviations on previous preproduction samples or on supplies required by previous contracts for the same item(s) shall in no way be considered as justification for assuming that the preproduction samples submitted under this contract will be accepted unless they fully meet specifications or that deviations will be granted.

When the preproduction samples are approved, the Government shall notify the contractor of their acceptance in writing. After acceptance, one preproduction sample shall be retained by the contractor and made available to the Government without additional cost to the Government, at the location where the material is offered to the Government for inspection, until completion of the contract, at which time it may be delivered in "like new" condition as part of the last scheduled delivery under the contract. The other preproduction sample shall be delivered to the Government in accordance with instructions to be furnished by the contracting officer and upon acceptance shall be deemed an item delivered under the contract.

If the contractor fails to deliver the preproduction samples, or if the Government disapproves the preproduction samples, the contractor shall be deemed to have failed to make delivery within the meaning of the "Default" clause of this contract and this contract shall be subject to termination for default, provided that failure of the Government in such an event to terminate this contract for default shall not relieve the contractor of his responsibility to meet the delivery schedule for production quantities.

The Government reserves the right to waive the requirement for preproduction samples as to those bidders offering a product which has been previously procured and approved by General Services Administration under the same specifications applicable to this procurement.

PART 5A–8—TERMINATION OF CONTRACTS

Subpart 5A–8.6—Termination for Default

Section 5A–8.602–6(a) is amended as follows:

§ 5A–8.602–6 Repurchase against contractor's account.

(a) • • •

(4) If the repurchase is to be made by formal advertising, the usual Formal Advertising procedures shall apply.

(5) If the purchase is to be made by negotiation (see § 5A–3.270), the contracting officer may either (i) use the appropriate circumstance authorizing negotiation, in accordance with §§ 1–3.201 through 1–3.215, or (ii) identify the procurement as a repurchase under the provisions of the Default clause in accordance with § 1–8.602–6. In the latter case, the authority to be cited in Block 25 of SF 33 shall be "41 U.S.C. 252(c)(15); FPR 1–8.6" and on GSA Form 1535 shall be "302(c)(15); FPR 1–8.6."

• • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This regulation is effective 30 days after the date shown below, but may be observed earlier.

Dated: December 23, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.72–187 Filed 1–5–72;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5150]

[Fairbanks 14223, Anchorage 6473]

ALASKA

Withdrawal of Public Lands for a Utility Corridor

Correction

In F.R. Doc. 71–19157 appearing at page 25410 in the issue for Friday, December 31, 1971, in the second column, line 25, on page 25411, following "9," insert "S."

[Public Land Order 5151]

[Fairbanks 14223 and Anchorage 6473]

ALASKA

Amendment of Public Land Order No. 5150

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 5150 of December 28, 1971, which withdrew lands for a utility and transportation corridor in Alaska, is hereby amended by adding the following described lands to paragraph 1 thereof:

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 18 S., R. 11 E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 22 S., R. 12 E.,
Secs. 3, 4, 5, 8, 9, 10;
Secs. 15 to 22, inclusive;
Secs. 28 to 32, inclusive.

COPPER RIVER MERIDIAN

SURVEYED DESCRIPTIONS

T. 1 N., R. 1 E.,
Sec. 5, E½;
Sec. 6, N½, SE¼;
Sec. 8, NW¼, SE¼;
Secs. 9 and 22.
T. 2 N., R. 1 E.,
Sec. 19;
Sec. 30, W½;
Sec. 31, W½.
T. 2 N., R. 1 W.,
Secs. 2, 3, 10, 11, 14, 15, 23, 24;
Sec. 25, N½, SE¼.
T. 3 N., R. 1 W.,
Sec. 8, SW¼SE¼;
Sec. 17, E½.
T. 4 N., R. 1 W.,
Sec. 30, N½NE¼, SW¼NE¼, W½;
Sec. 31;
Sec. 32, SW¼.
T. 4 N., R. 2 W.,
Sec. 24, S½;
Sec. 25.
T. 1 S., R. 1 E.,
Secs. 2 and 3;
Secs. 10 and 11;
Secs. 14 and 15;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., R. 1 W.,
Secs. 1, 2, 12.
T. 2 N., R. 1 W.,
Secs. 4 and 9.
T. 6 N., R. 1 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 7 N., R. 1 W.,
Secs. 3 to 11, inclusive;
Secs. 24 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 8 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 9 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 10 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 11 N., R. 1 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Sec. 27;
Sec. 28, E½;
Secs. 30 to 34, inclusive.
T. 12 N., R. 1 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 13 N., R. 1 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 14 N., R. 1 W.,
Secs. 31, 32, 33.
T. 3 N., R. 2 W.,
Secs. 1, 2, 11, 12, 13, 24.
T. 4 N., R. 2 W.,
Sec. 36.
T. 5 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.

T. 6 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 7 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 8 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 9 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 10 N., R. 2 W.,
Secs. 1, 2, 3;
Secs. 10 to 15, inclusive;
Secs. 22 to 27, inclusive;
Secs. 34, 35, 36.
T. 6 S., R. 1 W.,
Secs. 12 and 13;
Secs. 24 and 25.
T. 7 S., R. 1 W.,
Secs. 13 and 14;
Secs. 22 to 27, inclusive;
Secs. 31 to 36, inclusive.
T. 8 S., R. 1 W.,
Secs. 2 to 9, inclusive.
T. 8 S., R. 2 W.,
Secs. 1 to 18, inclusive.
T. 8 S., R. 3 W.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 22 to 26, inclusive;
Secs. 33, 34, 35.
T. 9 S., R. 4 W.,
Secs. 12, 13, 14;
Secs. 23 to 35, inclusive.
T. 9 S., R. 6 W.,
Secs. 13 to 25, inclusive.
T. 1 S., R. 1 E.,
Secs. 4 and 9.
T. 2 S., R. 1 E.,
Secs. 1, 2, 3;
Secs. 10 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 33 to 36, inclusive.
T. 3 S., R. 1 E.,
Secs. 2 to 5, inclusive;
Secs. 8, 9, 10;
Secs. 15, 16, 17;
Secs. 20, 21, 22;
Secs. 27, 28, 29;
Secs. 32, 33, 34.
T. 4 S., R. 1 E.,
Secs. 3, 4, 5;
Secs. 8, 9, 10;
Secs. 14 to 17, inclusive;
Secs. 21 to 27, inclusive;
Secs. 34, 35, 36.
T. 5 S., R. 1 E.,
Secs. 1 and 2;
Secs. 11 to 14, inclusive;
Secs. 23 to 26, inclusive;
Secs. 31 to 34, inclusive.
T. 6 S., R. 1 E.,
Secs. 4 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 33, inclusive.
T. 7 S., R. 1 E.,
Secs. 4 to 9, inclusive;
Secs. 17 to 20, inclusive.
T. 4 S., R. 2 E.,
Secs. 30 and 31.
T. 5 S., R. 2 E.,
Secs. 5 to 8, inclusive;
Secs. 18 and 19.

The areas described above aggregate approximately 371,200 acres.

This order does not otherwise serve to change the provisions and limitations of Public Land Order No. 5150 as herein amended.

HARRISON LOESCH,
Assistant Secretary of the Interior.

DECEMBER 29, 1971.

[FR Doc.72–162 Filed 1–5–72;8:45 am]

V 37 N 3 JAN 6 72 XUM

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 304]

RECORDS AND REPORTS OF REGISTRANTS

Notice of Extension of Time in Which To File Comments

A notice was published in the FEDERAL REGISTER of December 8, 1971 (36 F.R. 23304), proposing amendments to Part 304 of Title 21 of the Code of Federal Regulations. All interested persons were given until January 7, 1972, to submit comments and objections.

Pursuant to a request from the Pharmaceutical Manufacturers Association, the period for filing comments has been extended to January 17, 1972.

This notice is effective upon publication in the FEDERAL REGISTER (1–6–72).

Dated: January 3, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72–212 Filed 1–5–72;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[24 CFR Part 203]

[Docket No. R–72–181]

MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Contract Rights and Obligations

Pursuant to section 203 of the National Housing Act (12 U.S.C. 1709) it is proposed to amend Part 203 of the Department's regulations governing contract rights and obligations for mutual mortgage insurance and insured home improvement loans on one to four-family dwellings. The amendments would permit the Commissioner to accept the assignment of a mortgage, in connection with a mortgage insurance claim, without requiring that title evidence be extended to cover the recordation of the assignment. The claiming mortgagee will be required to furnish all title evidence held by the mortgagee. If a mortgagee's title policy is furnished, the Commissioner must be a beneficiary under the policy.

This change in mortgage insurance claim requirements eliminates a former requirement that title evidence furnished by the mortgagee be extended to include the assignment of the mortgage to the Commissioner.

All interested persons are invited to submit written comments or suggestions with respect to this proposal. Communications should identify the proposed rule by the docket number and title and should be filed in triplicate with the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All material received within 30 days after publication of these proposed amendments in the FEDERAL REGISTER will be considered before taking action on the proposal.

Accordingly, the proposed changes, issued in accordance with section 7(d) of the Housing and Urban Development Act, 42 U.S.C. 3535(d), are set out below.

1. In § 203.351, a new paragraph (a) (8) is added to read as follows:

§ 203.351 Application for insurance benefits and fiscal data.

(a) • • •

(8) *Title evidence.* All title evidence held by the mortgagee. It need not be extended to include the recordation of the assignment. If a mortgagee's title policy is furnished, the Commissioner shall be a named insured under such policy.

• • • • •

§ 203.352 [Revoked]

2. Section 203.352, *Title evidence upon assignment,* is revoked.

Issued at Washington, D.C., December 31, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72–207 Filed 1–5–72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–EA–161]

TRANSITION AREA AND CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to issue a rule altering the Charleston, W. Va., control zone (36 F.R. 2067) and transition area (36 F.R. 2164).

A review of the controlled airspace requirements for the Charleston, W. Va., terminal area in consonance with the U.S. Standard for Terminal Instrument Procedures indicates that alteration of the Charleston, W. Va., control zone (36 F.R. 2067) and 700-foot floor transition area (36 F.R. 2164) will be required to provide the controlled airspace required to protect aircraft executing the revised and new instrument approach procedures for Kanawha Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Charleston, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Charleston, W. Va., control zone and substitute the following in lieu thereof:

Within a 5.5-mile radius of the center, 38°-22'22" N., 81°35'35" W., of the Kanawha Airport, Charleston, W. Va., extending clockwise from a 229° bearing to a 319° bearing from the airport; within a 6-mile radius of the center of Kanawha Airport, extending clockwise from a 319° bearing to a 229° bearing from the airport; within 1.5 miles each side of a 141° bearing from the center of Kanawha Airport, extending from the 6-mile radius to 6.5 miles southeast of the airport and within 2 miles each side of the Charleston VORTAC 081° radial extending from the 5.5-mile radius to 2 miles east of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Charleston, W. Va., 700-foot floor transition area and substitute the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center 38°22'22" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within 6.5 miles southwest and 5 miles northeast of a line bearing 321° from a point 38°-26'25" N., 81°39'50" W., extending from said point to 11.5 miles northwest; within 6.5 miles northeast and 5 miles southwest of a line bearing 141° from a point 38°17'12" N., 81°30'30" W., extending from said point to 11.5 miles southeast; and within 8 miles northwest and 5 miles southeast of the Kanawha Airport ILS localizer northeast course, extending from the 14-mile radius area to 13 miles northeast of the OM.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 16, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72–198 Filed 1–5–72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71–EA–162]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wellsville, N.Y. transition area (36 F.R. 2292, 18193, 18575).

A new NDB instrument approach procedure has been developed for Wellsville Municipal (Tarantine) Airport, Wellsville, N.Y., and will require alteration of the Wellsville, N.Y. 700-foot floor transition area (36 F.R. 2292, 18193, 18575) to provide controlled airspace to protect aircraft executing the new procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wellsville, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Wellsville, N.Y. 700-foot floor transition area by inserting after the words "Wellsville Municipal (Tarantine) Airport, Wellsville, N.Y.," the following: "; within 4 miles each side of the 090° bearing from the Hallsport RBN, 42°06'34" N., 77°54'33" W., extending from the 9-mile radius area to 11.5 miles east of the RBN"

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 16, 1971.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc. 72–199 Filed 1–5–72;8:48 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice No. 72–1; Docket No. OPS–14]

LIQUID NATURAL GAS SAFETY STANDARDS

Notice of Proposed Rule Making

The Department of Transportation is considering amending Part 192 to create a new § 192.12 that would establish minimum Federal safety standards for liquefied natural gas (LNG). This would be accomplished by incorporating into the regulations by reference, standards developed in the revised and enlarged version of Standard 59A approved by the National Fire Protection Association (NFPA) on May 19, 1971.

At the present time the Department has not developed regulations specifically applicable to natural gas in liquid form. The process of liquefication of natural gas does not alter the chemical composition or molecular structure of natural gas, and the chemical qualities are the same in both the liquid and gaseous states. Consequently, regulation under this part is required. Any distinction that exists, vis a vis liquid and gas, disappears entirely when liquefied natural gas is exposed to normal pressures and temperatures as would be the case if it were to leak from a pipeline or pipeline facility. The hazard is the same.

As an interim measure, until additional regulations can be developed, it is proposed that the new 1971 NFPA Standard 59A be incorporated into Part 192 by reference. By so doing the production, storage, and handling of LNG will be regulated, with a guide for good design and safety, while the Department has the time and opportunity to study the entire matter of the regulation of LNG in detail.

Interested persons are invited to comment on the proposed amendment by submitting written information, views, or arguments. Communications should be identified by the notice number and docket number and submitted in duplicate to the Office of Pipeline Safety, 400 Sixth Street SW., Washington, DC 20590. Comments received by February 15, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons in the rules docket at the Office of Pipeline Safety, 400 Sixth Street SW., Washington, DC 20590.

In consideration of the foregoing, the Department proposes to amend Part 192 of Title 49 of the Code of Federal Regulations by adding a section to read as follows:

§ 192.12 Liquefied natural gas systems.

No operator may store, process, or transport liquefied natural gas in a system unless that system meets the requirements of this part and of NFPA Standard No. 59A–1971. In the event of a conflict, the requirements of this part prevail.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. sec. 1671 et seq.), Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C. on January 3, 1972.

JOSEPH C. CALDWELL,
Acting Director, Office of Pipeline Safety.

[FR Doc.72–213 Filed 1–5–72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 0, 2]

[Docket No. 19356]

EQUIPMENT AUTHORIZATION OF RF SERVICES

Extension of Time for Filing Comments

Order. In the matter of amendment of Parts 0 and 2 of the rules relating to equipment authorization of RF devices, Docket No. 19356.

1. The Commission has before it a number of petitions requesting additional time in which to file comments in the

V 37 3
JAN 6 72
XUM

above-described proceeding.[1] The Commission's notice of proposed rule making in this matter (FCC 71-1194, released December 3, 1971), —— FCC 2d ——, 36 F.R. 23313 (December 8, 1971), called for comments on or before December 30, 1971, and reply comments on or before January 17, 1972. The various petitions request extensions ranging from 30 days to 90 days.

2. The reasons for the extension requests can be summarized, generally, by language in the petition from the EIA Consumer Electronics Group, Note 1, supra, which states:

> They [EIA] are studying the docket; however, they find they are unable to carefully review the considerable detail and still respond within the prescribed time limit.
>
> The response in the docket, which proposes such comprehensive rule changes, falls at a time of the year when most manufacturing facilities are closed for the holidays and management personnel are inaccessible and preoccupied with year end corporate decisions.

3. While the Commission feels that there is a strong need to streamline its equipment authorization rules on an expeditious basis, it recognizes the merit in petitioners' contentions. It is believed, however, that an extension of 45 days from the originally specified dates—for both original and reply comments respectively—is adequate for the purposes desired.

4. *Accordingly, it is ordered,* That, pursuant to section 4(j) of the Communications Act of 1934, as amended (47 U.S.C. Section 154(j)) and §§ 1.46 and 0.251(b) of the Commission's rules (47 CFR 1.46 and 0.251(b)), the time for filing comments in the above-described proceeding is extended until February 15, 1972, and the time for filing reply comments thereto is extended until March 1, 1972.

Adopted: December 27, 1971.

Released: December 29, 1971.

[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.72-231 Filed 1-5-72;8:51 am]

[1] To date, requests have been received from: American Telephone and Telegraph Co. (A.T. & T.) (filed December 20, 1971); Door Operator and Remote Controls Manufacturers Association (DORCMA) (filed December 22, 1971); and, Electronics Industries Association (EIA) whose Communications and Industrial Electronic Division filed on December 17, 1971, and whose Consumer Electronics Group filed on December 20, 1971.

[47 CFR Part 2]

[Docket No. 19357]

IDENTIFICATION OF RF DEVICES

Extension of Time for Filing Comments

Order. In the matter of amendment of Part 2 of the Commission's rules to prescribe regulations governing the identification of RF devices being marketed, Docket No. 19357.

1. The Commission has before it a number of petitions requesting additional time in which to file comments in the above-described proceeding.[1] The Commission's notice of proposed rule making in this matter (FCC 71-1195, released November 30, 1971), —— FCC 2d ——, 36 F.R. 23322 (December 8, 1971), called for comments on or before December 30, 1971, and reply comments on or before January 17, 1972. The petitions request extensions ranging from 60 to 90 days.

2. The reasons for the extension requests can be summarized, generally by language in the petition from the DORCMA, Note 1, supra, which states:

> The notice of proposed rule making in Docket No. 19357 was not published in the FEDERAL REGISTER until December 8, 1971, and did not come to the attention of the undersigned Executive Secretary and General Counsel of the Association until December 10, 1971.
>
> The members of DORCMA are located in various parts of the United States, with some members being on the West Coast, some on the East Coast, some in Florida and some in other areas. It is difficult, therefore, to call and hold on short notice a meeting of interested companies to consider the implications and effect of the proposed rule making.

3. The Commission recognizes the merit in petitioners' contentions; additionally, we wish to permit interested government agencies ample opportunity to comment on the proposed rule. It is believed, however, that an extension of 45 days from the originally specified dates—for both original and reply comments respectively—is adequate for the purposes desired.

4. *Accordingly, it is ordered,* That, pursuant to section 4(j) of the Communications Act of 1934, as amended (47 U.S.C. secs. 154(j), 1.46 and 0.251(b) of the Commission's rules (47 CFR 1.46 and 0.251(b)), the time for filing comments in the above-described proceeding is extended until February 15, 1972, and the time for filing reply comments thereto is extended until March 1, 1972.

Adopted: December 27, 1971.

Released: December 29, 1971.

[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.72-232 Filed 1-5-72;8:51 am]

[1] To date, requests have been received from: Door Operators and Remote Controls Manufacturers Association (DORCMA) (filed December 22, 1971); and, Electronics Industries Association (EIA) whose Communications and Industrial Electronic Division filed on December 17, 1971, and whose Consumer Electronics Group filed on December 20, 1971.

[47 CFR Parts 2, 21, 89, 91]

[Docket No. 19327]

ALLOCATION OF FREQUENCIES

Order Extending Time To File Reply Comments

In the matter of amendment of Parts 2, 21, 89, and 91 of the Commission's rules with regard to allocation of frequencies in the bands 35.19-35.69 MHz and 43.19-43.69 MHz; Docket No. 19327, RM 1069.

1. A motion for extension of time to file reply comments in the above-mentioned proceeding has been filed by Airsignal International, Inc. (Airsignal) requesting an extension of the reply comment filing deadline from December 28, 1971, to January 24, 1972.

2. Airsignal states that the comments submitted by National Association of Radiotelephone Systems and other interested parties have effected a shift in the engineering emphasis of this proceeding which will require a good deal of study before a suitable reply can be prepared.

3. The Commission certainly desires to be fully informed of all engineering considerations and believes Airsignal's motion is justified and that such an extension would not seriously delay the proceeding or inconvenience other interested parties.

Accordingly, it is ordered, Pursuant to authority contained in section 5(d) of the Communications Act of 1934, as amended (47 U.S.C. 155(d)), and § 0.251 (b) of the Commission's rules (47 CFR 0.251(b)), that the date for filing reply comments in this proceeding is extended from December 28, 1971, to January 28, 1972.

Adopted: December 28, 1971.

Released: December 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.72-233 Filed 1-5-72;8:51 am]

[47 CFR Part 15]

[Docket No. 19281]

ELECTRONIC VIDEO RECORDERS

Order Granting Petition to Extend Date for Reply Comments

Order. In the matter of amendment of Part 15 of the Commission's rules to regulate the operation of a Class I TV device—a new restricted radiation device which produces an RF carrier modulated by a TV signal, Docket No. 19281, RM-1610.

1. The Commission has before it in the above-entitled proceeding, a petition filed on December 21, 1971, by the Association of Maximum Service Telecasters, Inc. (MST) to extend the time for reply comments to matter submitted by Dell-Star Corp. pursuant to the Commission's order of December 1, 1971, (FCC 71-1203) in this Docket.

2. Specifically, MST requests that the time for reply comments to Dell-Star's filing be extended from December 29, 1971,[1] until January 28, 1972, i.e., 30 days. MST notes that the system Dell-Star proposes would operate in the frequencies between 470 and 890 MHz and, therefore, "that Dell-Star's proposal requires careful engineering scrutiny."

3. In its December 1, 1971 order, the Commission acknowledged this very fact when it granted Dell-Star's petition and stated:

> Because of the more serious interference problems anticipated in connection with "wireless" TV devices of the type Dell-Star apparently wishes to accommodate, the Commission will need extensive information, comment and the time to analyze such data. We do not think that the public interest would be served—nor would the interest of Dell-Star—by a hasty consideration of this data.

Indeed, on December 15, 1971, and pursuant to the Commission's December 1 Order, Dell-Star submitted a lengthy petition for rule making to accommodate its device and the Commission is interested in obtaining responses to Dell-Star's position. Certainly the parties represented by MST have a real interest in this matter.

4. *Accordingly, it is ordered,* That the above-described petition of the Association of Maximum Service Telecasters, Inc. to extend the date for receipt of reply comments to Dell-Star's petition in this proceeding until January 28, 1972, is granted.

5. *It is further ordered,* That all interested parties wishing to comment on the merits of Dell-Star's petition for rule making may so file on or before January 28, 1972.

Adopted: December 28, 1971.

Released: December 29, 1971.

[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.72-234 Filed 1-5-72;8:51 am]

[1] Commission order of December 1, 1971 (FCC 71-1203).

V 37 N 3 JAN 6 72 XUM

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ELMER S. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 6, 1971.

Dated: December 6, 1971.

E. S. HALL.

[FR Doc. 72-182 Filed 1-5-72;8:47 am]

HUGH C. VAN HORN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 16, 1971.

Dated: December 16, 1971.

H. C. VAN HORN.

[FR Doc.72-183 Filed 1-5-72;8:47 am]

PUERTO RICO

Maximum Level of Imports of Finished Products (Excluding Residual Fuel Oil To Be Used as Fuel)

Pursuant to Proclamation 3279, as amended, I prescribe that for the allocation period January 1, 1972 through December 31, 1972, the maximum level of imports of finished products (excluding residual fuel oil to be used as fuel) into Puerto Rico established by section 14 of Oil Import Regulation 1, as revised, is adjusted upward by 1,366 average barrels daily to permit the importation of asphalt, Stoddard Solvent, and aviation jet fuel.

HARRY L. MOFFETT,
Deputy Assistant Secretary of the Interior.

DECEMBER 29, 1971.

[FR Doc.72-190 Filed 1-5-72;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-529]

JAMES F. FEENER

Notice of Loan Application

DECEMBER 30, 1971.

James F. Feener, Post Office Box 858, Gloucester, MA 01930, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new fiber glass vessel, about 17 feet in length, to engage in the fishery for lobsters.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-174 Filed 1-5-72;8:46 am]

[Docket No. G-523]

CLARENCE WARREN

Notice of Loan Application

DECEMBER 30, 1971.

Clarence Warren, 11010 Southview, Houston, TX 77052, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 66 feet in length, to engage in the fishery for shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury:

PHILIP M. ROEDEL,
Director.

[FR Doc.72-175 Filed 1-5-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 8555]

REPORTS ON NEAR MIDAIR COLLISIONS

Termination of Policy

The Federal Aviation Administration policy on the reporting of near midair collisions made effective in 1968 (32 F.R. 16539) and continued in effect since that time will terminate on December 31, 1971.

This policy prescribed that the Administrator would take no enforcement or other adverse action, remedial or disciplinary, against any person involved in a near midair collision reported to the FAA during the effective period of the policy. Furthermore, the Administrator would, upon written request of the person making the report, withhold that report and the identity of those persons involved, from public disclosure in accordance with section 1104 of the Federal Aviation Act of 1958. The final report based upon the 1968 study has been issued, and the recommended actions to reduce the midair collision potential have been initiated. The additional reports received subsequent to the issuance of the final report substantiate the 1968 data. Accordingly, the FAA proposed to permit the present policy to terminate on December 31, 1971. This proposal was published in the FEDERAL REGISTER on October 28, 1971 (36 F.R. 20709) and interested persons were invited to submit such written data, views, or arguments as they desired with regard to termination of the policy.

Comments were received from 26 interested individuals and organizations. Many of these comments recommended continuation of the present policy beyond the December 31, 1971, termination date and expressed the belief that if it is discontinued, pilots will not report near midair collisions. On the other hand, comments in favor of discontinuing the policy took the position that the policy contributes to a lack of vigilance on the part of pilots due to the knowledge that no action will be taken against violators; and that enforcement action resulting from termination of the immunity policy would greatly reduce the incidence of near midair collisions. None of the comments received provided the FAA with any new information to substantiate the assumptions underlying the views expressed.

After careful review and consideration of all comments received, the FAA has concluded that its policy on the reporting of near midair collisions will be permitted to terminate on December 31, 1971.

Issued under the authority of sections 305, 307(c), 312(c), 313(a), 601(a), 701(a), and 1104 of the Federal Aviation Act of 1958 (49 U.S.C. 1346, 1348(c), 1353(c), 1354(a), 1421(a), 1441(a), and 1504), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 29, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.72-191 Filed 1-5-72;8:47 am]

Hazardous Materials Regulations Board

[Docket No. HM-88]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Board Action

On July 15, 1971, the Hazardous Materials Regulations Board published a notice of proposed action, Docket No. HM-88 (36 F.R. 13173) with respect to bulk rail shipment of propylene in DOT Specification 112A340W and 114A340W tank cars.

In that notice, the Board expressed its opinion that the standard design relationship between a tank car's test pressure and its maximum authorized operating pressure should be preserved as a principle of transportation safety. It observed that there were several special permits outstanding for propylene shipment in cars not in accord with that regulatory principle. The vapor pressure of propylene at 115° F. is at least 259 p.s.i.g. This exceeds the upper limit of 255 p.s.i.g. prescribed for Specification 112A340W and 114A340W tank cars. Based on these considerations, the Board proposed rescission of these special permits.

Persons objecting to the Board's proposed rescission of the permits did not present engineering or design data that would support continuance of the present departures from the current regulatory principles. The Board further notes that DOT Specification 114A400W was authorized for use in propylene service by a recent amendment to the Hazardous Materials Regulations thereby providing another specification car for use by shippers.

In consideration of the foregoing, the Hazardous Materials Regulations Board hereby establishes June 30, 1972, as the expiration date for all special permits issued to authorize the transportation of propylene having a pressure in the tank car over 255 p.s.i.g. but not over 259 p.s.i.g. at 115° F. New permits may be issued until that date, and existing permits will be renewed if necessary, but all permits will terminate simultaneously on June 30, 1972.

Issued in Washington, D.C., on January 3, 1972.

MAC E. ROGERS,
Board Member for the Federal Railroad Administration.

[FR Doc.72-205 Filed 1-5-72;8:49 am]

Office of Hazardous Materials

REQUEST FOR PUBLIC PARTICIPATION

Exemptions

It has been claimed that the Hazardous Materials Regulations of the Department of Transportation impose some requirements that are unnecessary from the standpoint of transportation safety. Except for instances when data are presented to justify modifications of particular requirements for certain materials, there have been no substantiated presentations to support such claims, only statements of viewpoint. If any of the claims are true, the Department is involved in (1) imposing unnecessary costs on the movement of certain goods; (2) detracting from matters that need greater attention; (3) some inefficiency in its regulatory program by misallocation of resources; and (4) bad government practice.

Once a material is classed as a hazardous material in accordance with one of the definitions set forth in Part 173 of Title 49, Code of Federal Regulations, it is then "regulated" (meaning the people who package, mark, label, describe, certify, ship, and carry the material are subject to the requirements of the regulations, and the penalties prescribed in 18 U.S.C. 831-835). If a material is "regulated" it is then covered by the regulations in one of three general areas:

1. It is not subject to the overall requirements of the regulations, in some cases following compliance with some affirmative requirement (see § 173.114(c));

2. It is not subject to the specification packaging, marking, and labeling requirements of the regulations, always following compliance with some affirmative requirement (see § 173.118); or

3. It is fully subject to the regulations.

Materials covered by 2 above are usually described as "exempt" materials but more appropriately they should be described as "partially exempt" materials since they are subject to several significant requirements that involve cost, e.g., the shipping paper and certification requirements specified in sections 173.427 and 173.430. Packages of these materials must also be labeled when shipped by air, and marked to identify their contents when shipped by water. Also, each truck driver, train conductor, aircraft pilot and master of a vessel must have shipping papers in his possession during transportation.

When does a material classed as a hazardous material constitute a potential hazard in transportation that should be especially recognized? Some of the criteria for this determination are: (1) Quantity of material available in each packaging; (2) degree of hazard of the material, e.g., is it extremely toxic, self-reactive, etc.; (3) the effectiveness of the packaging; and (4) the potential for dangerous reactions with or contamination of materials in other packagings. There have been many viewpoints expressed concerning the adequacy and inadequacy of the "partial exemptions." There is some reason to believe that in certain instances they provide overregulation and in others underregulation when the factors stated above are considered.

It is contemplated that the Hazardous Materials Regulations Board will address itself to the inconsistent modal applications mentioned above sometime in the future. Before consideration begins in that area, we believe it desirous that we undertake a project to obtain supported information for use in making a proper recommendation to the Board concerning exemptions.

Any interested person is invited to participate in this project by submission of supported information that will lead to the development of an appropriate rule making proposal. Keeping in mind the background provided above, participants are requested to develop and submit data that will be responsive to the following question: If at all, at what maximum weight or volume should each of the various classes of hazardous materials be totally exempt from the requirements of the Hazardous Materials Regulations and under what circumstances?

It is suggested that tests be conducted for use as the basis for supported information when practicable. For example, if producers of cosmetics believe that certain of their products, classed and shipped as flammable liquids under a "partial exemption," should be totally exempt from the regulations, they may elect to conduct a fire test under simulated transportation conditions. It is

V 37 I 3
JAN 6 72
XUM

recommended that tests be conducted under the guidance and observation of a fire protection organization such as the National Fire Protection Association. We would appreciate input from any carrier or public protection organization early in the development of any proposal.

Expressions of interest in the project are requested by February 24, 1972. They should be addressed to Chief, Regulations Division, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590. They should contain a reference to OHM project 176–71 and an indication of the amount of time necessary to provide complete input.

It is stressed that this document is only for the solicitation of information and is not a rule making action. Any rule making which might result from the receipt of information gathered would follow the published rule making procedures of the Hazardous Materials Regulations Board, contained in 49 CFR Part 170.

Issued in Washington, D.C., on January 3, 1972.

W. J. BURNS,
Director,
Office of Hazardous Materials.

[FR Doc.72–204 Filed 1–5–72;8:49 am]

ATOMIC ENERGY COMMISSION

WATER COOLED NUCLEAR POWER PLANTS

New Safety Guides

The Atomic Energy Commission has issued three new safety guides which have been developed to provide guidance on the acceptability of specific safety-related features of water cooled nuclear power plants.

A total of 21 of these guides has been completed since the Commission, on November 13, 1970, announced development of a series of these guides.

The primary purpose of the safety guides is to make available to the industry positions that have been developed by the Regulatory Staff and the Commission's Advisory Committee on Reactor Safeguards on safety issues. Although the safety guides are not regulatory requirements, they do specifically identify safety issues that should be considered in the design and in the evaluation of water cooled nuclear power plants and describe a set of principles and specifications which will represent an acceptable solution to the Regulatory Staff and Advisory Committee on Reactor Safeguards on these issues. Their use by an applicant will expedite the licensing review process.

Titles of the new guides are:

Safety Guide No. 19—Nondestructive Examination of Primary Containment Liners.
Safety Guide No. 20—Vibration Measurements on Reactor Internals.
Safety Guide No. 21—Measuring and Reporting of Effluents from Nuclear Power Plants.

Other safety guides currently being developed include the following:

Assumptions Used for Evaluating the Potential Radiological Consequences of a Fuel Handling Accident for Boiling and Pressurized Water Reactors.
Radioactive Gas Storage Tank Failure Assumptions.
Reactor Coolant Pressure Boundary Leakage Detection.
Quality Assurance for Design of Nuclear Power Plants.
Ultimate Heat Sink.
Quality Standards for Systems and Components.
Seismic Design Classification for Structures, Systems and Components.
On-Site Meteorological Programs.
Liquid Radioactive Waste Accident Assumptions.
Supplementary Quality Assurance Criteria for Operation.
Monitoring and Reporting of Environmental Levels.
Periodic Testing of Actuation Functions of Protection Systems.

Comments and suggestions for improvements in the guides are encouraged. Comments and requests for copies of the guides should be sent to the Director, Division of Reactor Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 30th day of December 1971.

For the Atomic Energy Commission.

EDWARD J. BLOCH,
Deputy Director of Regulation for Reactor Licensing.

[FR Doc.72–163 Filed 1–5–72;8:45 am]

[Docket No. 50–368]

ARKANSAS POWER & LIGHT CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Applicant's Supplement No. 1 to Environmental Report," for Arkansas Nuclear One, Unit 2, submitted by the Arkansas Power and Light Co. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Arkansas River Valley Regional Library, Dardanelle, Ark. 72834. The report is also being made available to the public at the Arkansas Planning Commission, Room 300, Game and Fish Commission Building, Little Rock, Ark. 72201 and the West Central Arkansas Planning and Development District, Municipal Building, Box "R", Hot Springs, Ark. 71901. This report discusses environmental considerations related to the proposed construction of Arkansas Nuclear One, Unit 2, located on the Dardanelle Reservoir on the Arkansas River in Pope County, Ark. This report supersedes the September 10, 1970, Arkansas Nuclear One, Unit 2 Environmental Report in its entirety.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72–164 Filed 1–5–72;8:45 am]

[Docket No. 50–255]

CONSUMERS POWER CO.

Notice of Availability of Applicant's Supplemental Environmental Reports

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Supplemental Information on Environmental Impact of Palisades Plant," and "Requests for Additional Information on Environmental Considerations—Palisades Plant—Docket No. 50–255," submitted by the Consumers Power Co. have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Kalamazoo City Hall, 241 West South Street, Kalamazoo, MI 49006. The reports are also being made available to the public at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48913.

These documents discuss environmental considerations related to the operation of the Palisades Plant located in Covert Township, Van Buren County, Mich.

After these supplemental reports have been analyzed by the Commission's Director of Regulation or his designee, a supplemental draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the supplemental draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the supplemental draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the supplemental draft statement. The summary notice will also contain a statement to the effect

that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72–165 Filed 1–5–72;8:45 am]

[Docket No. 50–334]

DUQUESNE LIGHT CO. ET AL.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Beaver Valley Power Station Unit 1 Environmental Report—Operating License Stage, September 24, 1971" (the report) for the Beaver Valley Power Station Unit 1, submitted by the Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Beaver Area Memorial Library, 100 College Avenue, Beaver, PA 15009. The report is also being made available to the public at the Pennsylvania State Planning Board, 503 Finance Building, State Capitol, Harrisburg, Pa. 17120 and at the Southwestern Pennsylvania Regional Planning Commission, 564 Forbes Avenue, Pittsburgh, PA 15219.

The report discusses environmental considerations related to the proposed operation of the Beaver Valley Power Station, located on the south bank of the Ohio River in Beaver County, Pa., approximately 1 mile from Midland, Pa.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72–166 Filed 1–5–72;8:45 am]

[Dockets Nos. 50–250, 50–251]

FLORIDA POWER & LIGHT CO.

Notice of Availability of Applicant's Environmental Report Supplement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Florida Power & Light Co. Turkey Point Plant Units Nos. 3 and 4 Environmental Report Supplement" dated November 8, 1971 (the report), submitted by the Florida Power & Light Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Lily Lawrence Row Public Library, 212 Northwest First Avenue, Homestead, FL 33030. The report supersedes in their entirety previous, now obsolete reports dated September 2, 1970, December 3, 1970, and April 7, 1970. The report is also being made available to the public at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, FL 32304, and at the Metropolitan Dade County Planning Department, 702 Justice Building, 1351 Northwest 12th Street, Miami, FL 33125.

The report discusses environmental considerations related to the proposed operation of the Turkey Point Nuclear Generating Station, Units 3 and 4 located on the company's site at Turkey Point, Dade County, approximately 25 miles south of Miami, Fla.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72–167 Filed 1–5–72;8:45 am]

[Docket No. 50–302]

FLORIDA POWER CORP.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Crystal River Unit 3 Nuclear Generating Plant Environmental Report, February 1971" (the report) for the Crystal River Nuclear Generating Plant Unit 3 submitted by the Florida Power Corp. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Crystal River Public Library, Crystal River, Fla. 32629. The report is also being made available to the public at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, FL 32304 and at the Tampa Bay Regional Planning Council, 3151 Third Avenue N., St. Petersburg, FL 33713.

The report discusses environmental considerations related to the proposed operation of the Crystal River Nuclear Generating Plant Unit 3, located on the corporation's site on the Gulf of Mexico, 70 miles north of Tampa, Fla., and 7½ miles northwest of Crystal River, Citrus County, Fla.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement.

The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72–168 Filed 1–5–72;8:45 am]

[Dockets Nos. 50–315, 50–316]

INDIANA & MICHIGAN POWER CO. AND INDIANA & MICHIGAN ELECTRIC CO.

Notice of Availability of Applicants' Environmental Report and Supplement to Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Donald C. Cook Nuclear Plant Environmental Report, February 1, 1971," and "Donald C. Cook Nuclear Plant Supplement to Environmental Report, November 8, 1971" (the reports) for the Donald C. Cook Nuclear Plant Units 1 and 2 have

V 37 N 3 JAN 6 72 XUM

been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the St. Joseph Public Library, 500 Market Street, St. Joseph, MI 49085. The reports are also being made available to the public at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48913, and at the Kalamazoo Metropolitan County Planning Commission, 418 West Kalamazoo Avenue, Kalamazoo, MI 49006, at the Office of the Governor, 206 State House, Indianapolis, Ind. 46204, at the Lake-Porter County Regional Transportation and Planning Commission, 9290 Taft Place, Crown Point, IN 46307, at the Michiana Area Council of Governments, 214 West Wayne Street, South Bend, IN 46601, at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, Ill. 62706, and at the Northeastern Illinois Planning Commission, 400 West Madison Street, Chicago IL 60606.

These reports discuss environmental considerations related to the proposed operation of the Donald C. Cook Nuclear Plant, Units 1 and 2, located on the shore of Lake Michigan in Lake Township, near Bridgman, Mich.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-169 Filed 1-5-72;8:46 am]

[Docket No. 50-382]

LOUISIANA POWER & LIGHT CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Applicant's Environmental Report—Construction Permit Stage, January 15, 1971" (the report) for the Waterford Steam Electric Station Unit 3, submitted by the Louisiana Power & Light Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the St. Charles Parish Library, Hahnville, La. 70057. The report is also being made available to the public at the Commission on Intergovernmental Relations, Post Office Box 44316, Baton Rouge, LA 70804, and at the Secretary of the Teche District Clearinghouse, County Agent, Convent Courthouse, Convent, La. 70723.

The report discusses environmental considerations related to the proposed construction of the Waterford Steam Electric Station Unit No. 3 (plans have been canceled for Unit No. 4) located on the company's site on the west bank of the Mississippi River near the town of Taft in St. Charles Parish, about 20 miles west of New Orleans, La.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December, 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-170 Filed 1-5-72;8:46 am]

[Dockets Nos. 50-282, 50-306]

NORTHERN STATES POWER CO.

Notice of Availability of Applicant's Environmental Report and Environmental Report Supplement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Prairie Island Environmental Report-Operating License Stage, May 12, 1971" and "Prairie Island Environmental Report Supplement and Updated Pages, November 5, 1971", submitted by the Northern States Power Co., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Red Wing Public Library, 225 Broadway Street, Red Wing, MN 55066. The reports are also being made available to the public at the Minnesota State Planning Agency, Suite 603, 550 Cedar Street, St. Paul, MN 55101, and in the Metropolitan Council, 101 Capitol Square Building, 10th and Cedar Streets, St. Paul, MN 55101.

These reports discuss environmental considerations related to the proposed operation of the Prairie Island Nuclear Generating Plant, Units 1 and 2 located on the company's site near Red Wing, in Goodhue County, Minn., about 28 miles southeast of the Minneapolis-St. Paul metropolitan area.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-171 Filed 1-5-72;8:46 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Availability of Applicant's Environmental Report and Supplement to Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Applicant's Environmental Report and Supplement thereto for the Rancho Seco Nuclear Generating Station, Unit No. 1 (which the applicant refers to as Amendment No. 1) submited by the Sacramento Municipal Utility District, have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Sacramento City County Library, Sacramento, Calif. 95814. The reports are also being made available to the public at the Office of the Lieutenant Governor, Office of Intergovermental Management, State Capitol, Sacramento, Calif. 95814 and at the Sacramento Regional Area Planning Commission, Suite 1100, 926 J Building, Sacramento, CA 95814.

These reports discuss environmental considerations related to the proposed operation of the Rancho Seco Nuclear Generating Station Unit No. 1 located in Sacramento County, Calif.

After the report and the supplement have been analyzed by the Commission's Director of Regulation or his designee,

a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-172 Filed 1-5-72;8:46 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Availability of Applicant's Revised Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Environmental Report Operating License Stage, January 1971, Revised November 1971" (the report) for the Kewaunee Nuclear Power Plant submitted by the Wisconsin Public Service Corp. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, WI 54216. The report contains all the information incorporated in previous, now obsolete, submittals dated January 1971 and June 22, 1971. The report is also being made available to the public at the State Planning Bureau, Department of Administration, 1 West Wilson Street, State Office Building, Madison, WI 53701, and at the Brown County Planning Commission, 100 North Jefferson Street, Green Bay, WI 54301.

The report discusses environmental considerations related to the proposed operation of the Kewaunee Nuclear Power Plant, located on the west shore of Lake Michigan about 30 miles east-southeast of Green Bay in the Town of Carlton, Kewaunee County, Wis.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of December 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-173 Filed 1-5-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 71-12-140]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares Over the Pacific

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to fares to apply over the Pacific, Docket 23486, Agreement CAB 22663, R-3.

By Order 71-12-10, dated December 2, 1971, the Board established a schedule for the receipt of comments on various IATA agreements submitted pursuant to section 412 of the Federal Aviation Act of 1958. Among other things, comments were requested on certain North/Central Pacific promotional fares which have an intended effectiveness date of January 1, 1972, and would continue in effect through March 31, 1972. These promotional fares (group inclusive tour fares) were described in the Board's procedural order and provide reductions from present levels of up to $50. In addition to changes in the provisions governing ground accommodations, the maximum length of stay has been extended from 30 to 35 days and the minimum group size for travel during the basic season has been reduced from 15 to 10 passengers.

The three U.S. carriers serving the North/Central Pacific have indicated that the changes in the group inclusive tour fares, both in the level and the conditions of travel, would assist in the development of travel over the Pacific by generating new traffic. Comments opposed to these particular fares have been received from the Aviation Consumer Action Project (ACAP) which contend that because of the directional nature of the fares to and from Japan, they are adverse to the national interest and should be rejected summarily. ACAP argues that the directionality during the basic season ($500 eastbound and $450 westbound) will accelerate the outflow of U.S. dollars, thereby increasing the U.S. travel deficit and worsening the U.S. balance of payment situation.

Pan American World Airways, Inc. (PAA) has replied to the comments of ACAP. The carrier points out that the directional fares exist only during the basic season and not during the peak season, and that the directional pattern must be considered in relation to the contract bulk inclusive tour (CBIT) fares which are at lower levels than the group inclusive tour fares at issue and are available only for Japan-originating passengers. These CBIT fares, PAA contends, have attracted thousands of Japanese visitors to Hawaii and the U.S. mainland.

Northwest Airlines, Inc. (Northwest) likewise points out that the primary fare used by Japanese tourists is the CBIT fare, which has allegedly been one of the most significant contributions to the U.S. balance of payments. Northwest states that small group GIT fares from Japan have little saleable significance and are largely unused because of the nature of the Japanese market. The carrier requests expedited action, stating that numerous groups have already been formed on the basis of the reduced fares and the smaller minimum group size. Should the smaller group size not become effective, the tour groups with only 10 passengers would have to be canceled, and a delay in implementation of the effectiveness date would result in many passengers being faced with considerable additional cash outlays or with a cancellation of travel plans.

The principal point of contention is not with the level of the fares as such, but whether or not a directional differential should be permitted to and from Japan during the basic season. This eastbound-westbound differential exists today, although it would be somewhat broadened by the agreement before us, and stems from the carriers' desire to maintain a relatively low inclusive tour fare for travel to Japan where the westbound CBIT fare was canceled for lack of productivity. On the other hand, the CBIT fare continues to be available for outbound travel from Japan at a level significantly below that of the fares here being considered, and has apparently proven to be very attractive in that market. In light of the availability of this eastbound fare, the limited 3-month duration of the agreement, and since the reduced GIT fares should improve the generative effect of the transpacific fare structure during the off-season, we believe approval is warranted. The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds the subject agreement not to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 22663, R-3, is approved subject to the following:

(a) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added cost;

(b) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be

V 37-3
JAN 6 72
XUM

applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin;

(c) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel; and

(d) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal-fare transportation from point of origin to point of cancellation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-225 Filed 1-5-72;8:50 am]

[Docket No. 24024]

PIAIR LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 20, 1972, at 10 a.m. (local time) in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Henry Whitehouse.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 14, 1972.

Dated at Washington, D.C., December 30, 1971.

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.72-224 Filed 1-5-72;8:50 am]

[Docket No. 24090; Order 71-12-141]

WTC AIR FREIGHT

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1971.

By tariff revisions filed December 1, 1971, and marked to become effective January 1, 1972, WTC Air Freight (WTC), an air freight forwarder, proposes to increase most of its rates, including all of its general commodity rates and most of its specific commodity rates. No increases are being filed in military rates, assembly and distribution charges, excess value charges or on certain specific commodity rates. Although no increases are now proposed in pick-up and delivery rates, such increases will be filed subsequently, according to the carrier; as a matter of fact, since many of WTC's rates in effect or proposed apply from door-to-door, most of the proposed higher rates cover pick-up and delivery service. The proposals will involve increases averaging approximately 2.5 percent, although some increases would be as high as 7 percent and some less than 1 percent.

The forwarder bases its proposed increases chiefly upon alleged unsatisfactory financial results for the period June-October 1971. WTC submitted data purporting to show that its profit margin was 2.0 percent during the June-October period as compared with 4.8 percent for the January-May period. It is stated that the decline for the June-October 1971 period was predominantly due to increased airline rates and reductions in WTC's own rates due to a "rate war." WTC asserts that its proposed increases would not have widened its profit margin for the January-October 1971 period of 3.3 percent of revenues in excess of the average for 1968-69 base period of 5.4 percent.

The Board is not persuaded that WTC has shown that its proposed increases are within the stabilization guidelines or otherwise consistent with the purpose of the Stabilization Act of 1970 as required by Order 71-11-97 of November 24, 1971. First, the above profit margins differ significantly from the margins computed from the Form 244 reports submitted by WTC.

Secondly, in its reconstruction of January-October 1971 financial results to reflect the proposed rate increases, WTC does not consider certain increases in a number of specific commodity rates effective November 15, 1971.[1] WTC presents no estimate of the revenue results of the above increases, stating that they would provide "some relief, not definitively measurable at this time." It appears to us, however, that neglecting the effects of the above rate increases may significantly understate WTC's profit margin subsequent to November 15, 1971, and that the forwarder's reconstruction of the January-October 1971 financial results may similarly understate the actual results that would have occurred from subsequent rate increases.

Upon consideration of the foregoing, and all relevant factors, the Board finds that the increased rates proposed by WTC may be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful and the Board will institute an investigation of the rates and suspend them for a period of 90 days.

Accordingly, it is ordered, That:

1. An investigation be instituted to determine whether the rates, charges, and provisions described in Appendix A hereto,[2] and rules, regulations, and practices affecting such rates, charges, and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates, charges and provisions, and rules, regulations, or practices affecting such rates, charges and provisions;

2. Pending hearing and decision by the Board the rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including March 30, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 24090 be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon WTC Air Freight, which is hereby made a party to Docket 24090.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-226 Filed 1-5-72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 71-1287]

STATION WTVJ, MIAMI, FLA.

Order Granting Waiver for "Prime Time"

1. The Commission here considers a letter request filed December 9, 1971, on behalf of Station WTVJ, Miami, Fla., for waiver of the "prime time access" rule, § 73.658(k). In general, this rule limits television stations in the top 50 markets (including Miami) to the presentation of no more than 3 hours of network programing during "prime time" each evening. "Prime time" here is 7-11 p.m., e.s.t.

2. The request is for a "one-time waiver", to permit Station WTVJ to carry on Saturday, January 1, 1972 (in addition to the regular 3 hours of CBS material scheduled that evening) the well-known CBS children's program "Cinderella", from 6:30 to 8 p.m., thus requiring a waiver to the extent of 1 hour. This program is scheduled on the network the previous evening, Friday, December 31, 1971, but WTVJ will not carry it then in order to present coverage of the annual Orange Bowl Parade, a matter of special local interest. WTVJ points out that even with the waiver it would still be presenting less over a two-night period than the permissible total (5½ hours compared to 6 hours permitted), and asserts that the CBS program mentioned is "more attractive and valuable for our audience" than the off-network rerun material (Perry Mason and Primus) which it normally presents from 6:30 to 8 p.m. on Saturday and would otherwise carry.

3. It appears that in view of all of the circumstances of this case—including the "one time" nature of the request, the special character of both the local programing causing the preemption and the network programing being preempted and sought to be "made up", and the fact that even with the waiver the total network prime-time material over a two-night period would be less than that permissible—waiver is appropriate.

4. *Accordingly, it is ordered,* That request of Wometco Enterprises, Inc. (WTVJ, Miami), filed December 9, 1971, is granted; and the provisions of § 73.658(k)(1) are waived, with respect to Station WTVJ, Miami, Fla., for Saturday, January 1, 1972.

Adopted: December 29, 1971.

Released: December 30, 1971.

FEDERAL COMMUNICAITONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-229 Filed 1-5-72;8:51 am]

[FCC 71-1288]

NATIONAL BROADCASTING CO.

Memorandum Opinion and Order Granting "Prime Time" Waiver in Connection With Dallas-San Francisco Playoff Game

1. The Commission has before it a request for waiver of the "prime time access" rule, § 73.658(k), which was adopted in May 1970, affirmed (with some modifications not pertinent here) in August 1970, and became effective October 1, 1971.[1]

2. National Broadcasting Co.'s (NBC) request for waiver of § 73.658(k) of the Commission's rules to permit affiliates of the NBC network in the eastern and central time zones to accept 4 hours of network programing between 7-11 p.m., e.s.t., (6-10 p.m., c.s.t.) on Sunday, January 2, 1972.

3. The waiver is requested so as to permit NBC to accommodate a request by the National Football League, on behalf of the Dallas Cowboys football team, at the National Football Conference playoff game presently scheduled to begin in Dallas at noon Dallas time (1:30 p.m., e.s.t.). They desire to schedule the commencement of the Dallas-San Francisco game at a later time on that date so as to better accommodate attendance at regular church services by people who also wish to attend the playoff games (regular season Dallas' football games commence at 1 p.m. Dallas time (2 p.m., e.s.t.) so that the noon commencement of this playoff game would be different from the usual Dallas pattern).)

4. The NBC request for a waiver is stated to be an attempt to accommodate this request because of the special circumstances:

(1) Under contractual arrangements, Columbia Broadcasting System, Inc. (CBS) is now scheduled to carry the National Football Conference playoff for which Dallas will be the home team on January 2, 1972, commencing at 1 p.m., e.s.t. (noon Dallas time).

(2) NBC is scheduled to carry the American Football Conference playoff game at Miami to commence at 4 p.m., e.s.t. The arrangements the league has undertaken with the networks provide for nonconflicting broadcasts of these playoff games so that the NBC coverage commences at the conclusion of the Dallas game.

(3) Only in the event that the American Football Conference playoff game at Miami can be broadcast from 4:30 to 7:30 p.m., e.s.t. could the game in Dallas be scheduled to commence at 1:30 p.m., e.s.t. (12:30 p.m., Dallas time). In view of the national public interest by television viewers in seeing both games, the opportunity should be granted.

(4) NBC would not be willing to accommodate the request by the National Football League to delay the Dallas game in the event it would be required to conform to the requirements of § 73.658(k) by reducing its regular programing that night because of hour structural schedules.

(5) We believe waiver of the rule to be warranted in these situations involving popular sports events. However, this conclusion is limited to the event in connection with the matter which has been raised and not to be taken as an indication that waiver will generally be granted with respect to sports events occurring during prime time hours or started earlier and running into prime time.

5. In view of the foregoing: *It is ordered,* That: the request of National Broadcasting Co., Inc. (NBC) for waiver of § 73.658(k) on January 2, 1972, is granted, so that stations in the top 50 markets may carry the additional half hour of network coverage of the American Football Conference playoff game between 7-7:30 p.m. (e.s.t.) without having that time counted against the hours of permissible programing during the 7-11 p.m. period.

Adopted: December 29, 1971.

Released: December 30, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-230 Filed 1-5-72;8:51 am]

[Dockets Nos. 19367-19372; FCC 71-1250]

WEST INDIES COMMUNICATIONS, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of application of West Indies Communications, Inc. for a Class II-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19367, File No. 301-M-L-81; application of Robert L. Smith and William K. Beer doing business as Virgin Islands Radio for a Class II-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19368, File No. 115-M-L-71; application of Command Communications for a Class II-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19369, File No. 498-M-L-111; application of West Indies Communications, Inc. for a Class III-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19370, File No. 156-M-L-71; application of Robert L. Smith and William K. Beer doing business as Virgin Islands Radio for a Class III-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19371, File No. 116-M-L-71; application of Command Communications for a Class III-B public coast station to be located at St. Thomas, U.S. Virgin Islands, Docket No. 19372, File No. 977-M-L-61.

1. The above-captioned applications all involve proposals to provide shipshore radiotelephone common carrier service to the U.S. Virgin Islands. Two classes of public coast stations are involved, i.e., Class II and Class III coast stations. A Class II station provides service of a primarily regional character. A Class III coast station provides service primarily of a local character.[1]

2. On July 12, 1971, Hickory House, Inc. doing business as Radio Telecommunications (Hickory House) filed an Application for Consent to Assignment of its license for a Class II public coast station in St. Thomas, U.S. Virgin Islands.[2] Hickory House also filed an Application for Modification of Station License to permit a change of control point. The purpose of these applications was to effect the transfer of Station WAH from Hickory House to West Indies Communications, Inc. (West Indies). On July 16, 1971, William K. Beer and Robert L. Smith doing business as Virgin Islands Radio (Virgin Islands Radio) filed a pleading denominated a "Complaint and Request for Cancellation of License" and an application for a Class II public coast station which it proposed to locate in St. Thomas. In its complaint, Virgin Islands Radio made allegations concerning Hickory House which, if true, might have rendered its license void or revocable. It is not necessary to determine whether the license formerly held by Hickory House

[1] These rates were permitted to become effective inasmuch as they did not exceed the levels of WTC's May 25, 1970, rates on the commodities involved.

[2] Filed as part of the original document.

[3] Commissioner Bartley dissenting; Commissioners H. Rex Lee and Johnson absent.

[1] Report & Order in Docket 12782, released May 4, 1970, 23 FCC 2d 382; Memorandum Opinion & Order on reconsideration, released Aug. 14, 1970, 25 FCC 2d, 318.

[3] Commissioner Bartley dissenting; Commissioners Johnson and H. Rex Lee absent.

[1] See § 81.3 (i) and (j) of the rules.

[2] The license here involved is numbered 531-M-L-60, call letters WAH.

V 37 N 7 3 JAN 6 72 XUM

was, in fact, void or revocable because it was allowed to expire by its terms on September 7, 1971. The expiration renders moot the Application for Consent to Assignment, the Application for Modification of Station License and the "Complaint and Request for Cancellation." Accordingly, these applications and the complaint and request will be dismissed in the ordering paragraphs below. The application of Virgin Islands for a Class II public coast station, which was filed concurrently with its "Complaint and Request for Cancellation" is not moot. By letter dated August 30, 1971, Virgin Islands Radio requested grant of this application upon expiration of the Hickory House license. Grant of this application is not possible without a hearing because of the filing of the mutually exclusive applications of West Indies and Command Communications (Command).

3. The remaining six above-captioned applications seek new authorizations for Class II and Class III public coast stations to be located in St. Thomas, U.S. Virgin Islands. All applicants have applied for both a Class II and a Class III station license. With respect to each class, the applications are mutually exclusive. The Class II applications are mutually exclusive because § 83.354 of the rules provides for only one station of this class in the Virgin Islands. The Class III applications are mutually exclusive because the Commission, pursuant to § 81.303 of the rules, does not grant more than one application for a station of this class to serve the same locality absent a special showing of need for more than one station. No such showing has been made in any of the applications here involved. The Class III applications are also mutually exclusive because they all apply for the same working frequency, namely 162.0 MHz, which would cause mutually destructive electrical interference if more than one of these applications were granted. Because all the applications involve the same applicants, the same locality and substantially the same issues, a consolidated hearing pursuant to § 1.227 of the rules will best conduce to the dispatch of public business.

4. By letters dated August 17, 1971, and September 29, 1971, Command petitioned the Commission to "disallow" the application of West Indies for a Class III station. By similar letters, dated August 18, 1971, and September 14, 1971, Command petitioned the Commission to "disallow" the application of Virgin Islands Radio for a Class III station. To the extent that these letters constitute an attempt to file a petition to deny, they will be denied in the ordering paragraphs below for failure to comply with the requirements of service and affidavit of section 309(d)(1) of the Communications Act of 1934, as amended, and because the applications of West Indies and Virgin Islands Radio are being designated for comparative hearing with that of Command. Accordingly, Command will have adequate opportunity to be heard concerning the allegations and conclusions raised in the above described letters to the Commission insofar as those allegations and conclusions may be relevant to the issues designated herein.

5. Except for the issues specified herein, each applicant is otherwise qualified to be a Commission licensee. The Chief, Safety and Special Radio Services Bureau, and the Chief, Common Carrier Bureau, are parties to this proceeding.

6. In view of the foregoing: *It is ordered:* That the above-captioned applications of Command Communications, West Indies Communications, Inc. and Virgin Islands Radio for Class II–B and Class III–B public coast stations are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order on the following issues:

a. To determine comparatively which applicant will provide the public with the best public coast station service in each class of service based on the following considerations:

(1) Coverage area of the proposed Class III–B stations and its relationship to the greatest number of potential users;

(2) Hours of operation;

(3) Ability to effectively participate in the maritime mobile safety system;

(4) Rates and charges;

(5) Qualifications of management, operators, and other personnel;

(6) Interconnection with landline facilities; and

(7) Reliability and efficiency of service, including equipment and availability of maintenance service.

b. To determine the availability of appropriate site locations to each applicant for its proposed services.

c. To determine whether the public interest, convenience, and necessity will be better served by the grant of both Class II and Class III applications to the same applicant or to different applicants.

d. To determine, in light of the evidence adduced on the foregoing issues, which application should be granted, and to which applicant, in each class of station.

7. *It is further ordered,* That the applications of Hickory House, Inc. for Consent to Assignment and for Modification of License to permit new control point with respect to the now expired license numbered 531–M–L–69, call letters WAH, and the "Complaint and Request" of Virgin Islands Radio, are dismissed as moot.

8. *It is further ordered,* That the letters submitted herein by Command Communications against the applications of West Indies Communications, Inc. and against the applications of Virgin Islands Radio are granted to the extent indicated herein and are otherwise denied.

9. *It is further ordered,* That coverage areas of Class III stations will be computed on the basis of the proposals in Commission notice of proposed rule making, Docket No. 18944.

10. *It is further ordered,* That the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its applications except on issue (d) which is conclusory.

11. *It is further ordered,* That to avail themselves of an opportunity to be heard, Command Communications, Virgin Islands Radio, and West Indies Communications, Inc. pursuant to § 1.221(c) of the rules of the Commission, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

Adopted: December 15, 1971.

Released: December 22, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-228 Filed 1-5-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-167]

DISTRIGAS CORP.

Notice of Application

JANUARY 3, 1972.

Take notice that on December 28, 1971, Distrigas Corp. (applicant), 125 High Street, Boston, MA 02110, filed in Docket No. CP72-167, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale to Algonquin Gas Transmission Co. (Algonquin) this winter of a volume of liquefied natural gas (LNG) equivalent to 1.05 trillion B.t.u. all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Algonquin for resale to various of its customers in New England a portion of the LNG which applicant proposes to import from Algeria this winter beginning in January 1972, in accordance with an application filed under section 3 of the Natural Gas Act on December 21, 1971, in Docket No. CP72-165. Applicant states that the proposed sale to Algonquin will be made f.o.b. Applicant's LNG terminal at Everett, Mass., at a price of $1.625 per million B.t.u. plus 10 cents per million B.t.u. for vaporization. No additional facilities are proposed.

Applicant states that the purpose of the proposed sale is to provide a supplemental supply vitally needed by a number of New England distribution companies served by Algonquin in order that their winter peak requirements beginning in January 1972 may be met.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-220 Filed 1-5-72;8:50 am]

[Docket No. CP72-168]

DISTRIGAS CORP.

Notice of Application

JANUARY 3, 1972.

Take notice that on December 28, 1971, Distrigas Corp. (applicant), 125 High Street, Boston, MA 02110, filed in Docket No. CP72-168, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale in interstate commerce of a limited volume of liquefied natural gas (LNG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to a number of New England and other Northeastern distributors LNG which it proposes to import from Algeria this winter beginning in January 1972, in accordance with an application filed under section 3 of the Natural Gas Act on December 21, 1971, in Docket No. CP72-165. Applicant states that the proposed sales will be made f.o.b. applicant's LNG terminal at Everett, Mass., during brief periods this winter at a price of $1.70 per million B.t.u. plus 10 cents per million B.t.u. if delivery to the customer requires vaporization. No additional facilities are proposed.

Applicant states that the purpose of the proposed sales is to provide a supplemental supply vitally needed by a number of east coast distribution companies to meet winter peak requirements beginning in January 1972. Applicant proposes to make the following interstate sales:

Customer:	*Total volume (million B.t.u.)*
Elizabethtown Gas Co	3,000
South Jersey Gas Co	60,000
UGI Corp. (Reading, Pa.)	25,000
Valley Gas Co	60,000

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-221 Filed 1-5-72;8:50 am]

[Project 1097]

LEONARD LUNDGREN

Notice of Issuance of Annual License

DECEMBER 30, 1971.

On December 12, 1969, Leonard Lundgren, licensee for Jack Creek Project No. 1097 located in Jefferson County, Oreg., on Jack Creek, a tributary of the Metolius River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The present license for Project No. 1097 was issued effective January 1, 1952, for a period ending December 31, 1971. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Leonard Lundgren for continued operation and maintenance of Project No. 1097.

Take notice that an annual license is issued to Leonard Lundgren (licensee) under section 15 of the Federal Power Act for the period January 1, 1972 to December 31, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Jack Creek Project No. 1097, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-236 Filed 1-5-72;8:51 am]

[Docket No. CI72-368]

MACHO, INC.

Notice of Application

JANUARY 3, 1972.

Take notice that on December 20, 1971, Macho, Inc., 236 Building, Jackson, Miss. 39201, filed in Docket No. CI72-368 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Gwinville Field, Jefferson Davis County, Miss., all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that is proposes to sell natural gas to United within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) for 1 year from the date of certificate authorization at the rate of 30.0 cents per Mcf at 15.025 p.s.i.a.

It is reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but

[1] Commissioner Johnson absent.

V 37 I 3
JAN 6 72
XUM

will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein; if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-222 Filed 1-5-72;8:50 am]

[Project 2301]

MONTANA POWER CO.

Notice of Issuance of Annual License

DECEMBER 30, 1971.

On December 23, 1968, the Montana Power Co., licensee for Mystic Lake Project No. 2301 located in Stillwater County, Mont., on West Rosebud Creek and Mystic Lake filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 23, 1969, and a supplemental filing pursuant to Commission Order No. 415 on October 29, 1970.

The license for Project No. 2301 was issued effective December 1, 1961, for a period ending December 31, 1969. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to the Montana Power Co. for continued operation and maintenance of Project No. 2301.

Take notice that an annual license is issued to the Montana Power Co. (licensee) under section 15 of the Federal Power Act for the period January 1, 1972, to December 31, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mystic Lake Project No. 2301, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-237 Filed 1-5-72;8:51 am]

[Project 619]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Annual License

DECEMBER 30, 1971.

On December 22, 1967, Pacific Gas and Electric Co., licensee for Bucks Creek Project No. 619 located in the vicinity of Quincy, County of Plumas, Calif., on Bucks Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on March 2, 1970, and a supplemental filing pursuant to Commission Order No. 415 on November 18, 1970.

The license for Project No. 619 was issued effective April 14, 1926, for a period ending December 31, 1968. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Co. for continued operation and maintenance of Project No. 619.

Take notice that an annual license is issued to Pacific Gas and Electric Co. (licensee) under section 15 of the Federal Power Act for the period January 1, 1972 to December 31, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bucks Creek Project No. 619, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-238 Filed 1-5-72;8:51 am]

[Docket No. CI72-375]

SHELL OIL CO.

Notice of Application

JANUARY 3, 1972.

Take notice that on December 27, 1971, Shell Oil Co. (applicant), Post Office Box 2463, Houston, TX 77001, filed in Docket No. CI72-375 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. (Transco) from the Gibson Field, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas to Transco within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) at the rate of 35.0 cents per Mcf at 15.025 p.s.i.a. The term of the proposed sale is 1 year from the date of initial delivery, or until the first day of the month next following the month in which 18 million Mcf of gas have been delivered, or until March 1, 1973, or until Shell cancels the contract between it and Transco, whichever occurs first. Shell has reserved the right to cancel the contract by 30 days' notice given on or after August 1, 1972.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-223 Filed 1-5-72;8:50 am]

[Dockets Nos. RP70-5, RP70-16, and RP71-4]

SOUTHERN NATURAL GAS CO.

Notice of Extension of Time

DECEMBER 27, 1971.

On December 14, 1971, the Georgia Industrial Group filed a motion requesting an extension of time to and including January 17, 1972, within which to file comments on the proposed Stipulation and Agreement filed on November 24, 1971, by Southern Natural Gas Co.

Upon consideration, notice is hereby given that the time is extended to and including January 17, 1972, within which comments may be filed on the proposed Stipulation and Agreement, in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-239 Filed 1-5-72;8:52 am]

[Docket No. RP72-91]

SOUTHERN NATURAL GAS CO.

Notice of Application for Increase in Resale Rates

DECEMBER 29, 1971.

Take notice that on December 16, 1971, Southern Natural Gas Co. filed in Docket No. RP72-91 an application for an increase in its resale rates. The company's letter of transmittal appears below.[1]

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 14, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-240 Filed 1-5-72;8:52 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Clay County State Bank, Excelsior Springs, Mo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the second largest bank holding company and the second largest banking organization in Missouri, has 20 subsidiary banks with $936.7 million in deposits, representing 6.2 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions approved by the Board through November 30, 1971.)

Bank ($8.3 million deposits), located approximately 28 miles northeast of downtown Kansas City, is the smaller of two banks in Excelsior Springs, and the third largest of eight banks competing in Bank's primary service area. Applicant's lead bank and closest subsidiary to bank is located in downtown Kansas City; however, the record discloses that there is no significant competition between them, primarily because of the disparity in their size and the nature of their banking business. Furthermore, the development of competition between applicant and Bank is considered unlikely in light of Missouri's restrictive branching law, the distances separating applicant's subsidiaries and Bank, and the presence of numerous banking alternatives. The Board concludes, therefore, that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

Considerations relating to the financial and managerial resources as they relate to applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Upon consummation of the proposal, applicant proposes expanding Bank's range of services to include real estate financing, industrial and agricultural development, and fiduciary services. Thus, considerations relating to convenience and needs lend weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] December 30, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-179 Filed 1-5-72;8:47 am]

CONNECTICUT BANCSHARES CORP.

Order Approving Formation of Bank Holding Company

Connecticut Bancshares Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of not less than 50.9 percent of the voting shares of Northern Connecticut National Bank, Windsor Locks, Conn. (Bank). The main office of applicant will be transferred from New York to Windsor Locks, Conn., provided the Board approves the proposed formation.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a nonoperating corporation which was formed for the express purpose of acquiring Bank ($29 million deposits). (All banking data are as of June 30, 1971.) The purpose of the proposed transaction is to effect a corporate ownership of Bank, and a fair and equivalent exchange offer will be made to all shareholders. Since applicant has no present operations or subsidiaries, it appears that consummation of the proposal would neither eliminate existing competition, significantly affect potential competition, nor have an adverse effect on other area banks.

The financial and managerial resources and future prospects of Bank are satisfactory and consistent with approval of the application. Applicant was recently organized and its financial condition, management and future prospects appear to be satisfactory. Applicant's ability and plans to furnish management to Bank as needed lend some weight toward approval of the application. Applicant would incur a substantial debt in the proposed acquisition, but proposes to reduce promptly the debt with the proceeds of a planned public offering of stock. It appears further that consummation of the proposal would have no immediate effect on the convenience and needs of the community. However, applicant has long range plans to enter into bank-related activities made available to it through the bank holding company structure, which together with its projected new and improved services should serve to benefit the public. It is the Board's judgment that the transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] December 30, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-180 Filed 1-5-72;8:47 am]

[1] Filed as part of the original document.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns.

V 37 I 3
JAN 6 72
XUM

MARSHALL & ILSLEY BANK STOCK CORP.

Order Approving Acquisition of First National Leasing Corporation

Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis., a bank holding company registered under the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4 (b)(2) of the Board's Regulation Y to acquire the assets and assume the liabilities of First National Leasing Corp., Milwaukee, Wis. Notice of the application, affording opportunity for interested persons to submit comments and views, was duly published (36 F.R. 21624). The time for filing comments and views has expired and none have been received.

Leasing personal property and equipment, under certain circumstances, is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(6)). A bank holding company may acquire a company engaged in this activity so long as the proposed acquisition is consistent with the relevant factors specified in section 4(c)(8) of the Act.

Applicant is the second largest banking organization in Wisconsin, controlling 13 banks with aggregate deposits of $668 million. First National Leasing Corp. (First National) leases a wide variety of equipment and machinery, mostly to industrial, construction, and retail firms and to hospitals and nursing homes. The gross value of its outstanding lease contracts—all of the type described in 12 CFR 225.4(a)(6)—is $35 million.

The relevant product market is the leasing of capital equipment other than transportation and computer equipment, and the relevant geographic market is the entire United States. Since none of applicant's subsidiaries engages in leasing, consummation of the proposal would eliminate no existing competition. Applicant could enter this leasing market de novo through its sole national bank subsidiary, First National Bank of Superior ($16 million in deposits), or through the formation of a leasing subsidiary. Although applicant has no expertise in leasing, no contacts with suppliers of equipment, and no qualified sales force, de novo entry is possible. Nonetheless, the geographic market is so extensive and the number of participants so large that the potential competition that would be eliminated by the proposed transaction is not considered significant.

Vertical anticompetitive effects—that applicant's banks may cease to be a source of credit for competitors of First National or that First National may cease to be a source of loan business for competitors of applicant's banks—do not appear to be serious.

First National is a small leasing company[1] and has only limited access to additional capital. Consummation of the proposal would allow First National, through access to applicant's financial resources, to expand its activities geographically and permit the company to lease more costly equipment. On balance, the Board concludes that these public benefits outweigh any possible adverse effect on competition.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved, and the Applicant is hereby permitted to engage in the activities now conducted by First National that are authorized by 12 CFR 225.4(a)(6). This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] December 30, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-181 Filed 1-5-72;8:47 am]

[1] Annual business volume of $6 million; its market share is less than 0.5 percent of the total product and geographic market as defined earlier.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 30, 1971.

On December 30, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of the Republic of China concerning exports of cotton textiles and cotton textile products from the Republic of China to the United States. Among the provisions of the agreement are those establishing specific export limitations on Categories 5/6, 9/10, 15/16, 18/19, 20/21, 22/23, 24/25, 26/27, 28/29, 30, 32, 34/35, 41/42, 43, and part of 62 (other knit shirts and blouses), 44, 45, 46/47, 50, 51, 52, 53, 54, 57, 59, 60, part of 62 (other knit wearing apparel), 63, and 64 for the agreement year beginning January 1, 1972.

Accordingly, there is published below a letter of December 30, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories produced or manufactured in the Republic of China which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning January 1, 1972, and extending through December 31, 1972, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 30, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 30, 1971, between the Governments of the United States and the Republic of China, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1972, and for the 12-month period extending through December 31, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 5/6, 9/10, 15/16, 18/19, 20/21, 22/23, 24/25, 26/27, 28/29, 30, 32, 34/35, 41/42, 43, and part of 62 (other knit shirts and blouses), 44, 45, 46/47, 50, 51, 52, 53, 54, 57, 59, 60, part of 62 (other knit wearing apparel), 63, and 64, produced or manufactured in the Republic of China in excess of the following 12-month levels of restraint:

Category	12-month level of restraint
5/6	2,525,599 square yards.
9/10	29,662,235 square yards.
15/16	1,380,593 square yards.
18/19	1,606,913 square yards.
20/21	1,047,144 square yards.
22/23	3,187,102 square yards.
24/26	3,109,369 square yards.
26/27	5,244,961 square yards (of which not more than 3,109,369 square yards may be in duck fabric[1]).
28/29	1,939,934 pieces.
30	2,571,060 pieces.
32	383,228 dozen.
34/35	289,383 pieces.
41/42	133,180 dozen.
43 and part of 62 (only T.S.U.S.A. Nos. 382.0002, 382.0605 and 382.0610).	97,984 dozen.
44	25,711 dozen.
45	15,428 dozen.
46/47	10,382,711 square yards.
50	209,133 dozen.
51	335,951 dozen.
52	214,255 dozen.
53	17,139 dozen.
54	35,996 dozen.
57	171,404 dozen.
59	42,851 dozen.
60	32,395 dozen.
Part of 62 (all T.S.U.S.A. numbers except those included in part of 62 combined in 43).	40,268 pounds.
63	214,255 pounds.
64	202,732 pounds.

[1] The T.S.U.S.A. Nos. for duck fabric are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories produced or manufactured in the Republic of China, which have been exported to the United States from the Republic of China prior to January 1, 1972, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning January 1, 1971, and extending through December 31, 1971. In the event that the level of restraint for the 12-month period ending December 31, 1971, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 30, 1971, between the Governments of the United States and the Republic of China which provide in part that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ROBERT A. PODESTA,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.72-188 Filed 1-5-72;8:47 am]

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns.

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 30, 1971.

On December 30, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral agreement with the Government of the Republic of Korea concerning exports of cotton textiles and cotton textile products from Korea to the United States. Among the provisions of the agreement are those establishing specific export limitations on Categories 7, 9/10, 18/19/26 (print cloth), 22/23, 26 (duck fabric), 27/26 (other than duck fabric and print cloth), 31, 34/35, 38, 39, 45, 46/47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 63, and parts of 64 (tablecloths, napkins, and zipper tapes only), produced or manufactured in the Republic of Korea in excess of the following 9-month levels of restraint:

Category	9-month level of restraint
7 ---square yards--	550,397
9-10 ---do---	3,329,900
18-19-26 (print cloth only[1]) ---do---	2,118,675
22-23 ---do---	1,458,553
26 (duck fabric[2]) ---do---	12,106,722
27-26 (other than duck fabric and print cloth) ---do---	1,596,502
31 ---pieces---	1,046,855
34-35 ---do---	191,183
38 ---pounds---	142,444
39 ---dozen pairs---	120,434
45 ---dozen---	33,025
46-47 ---square yards---	1,227,618
48 ---dozen---	10,484
49 ---do---	27,520
50 ---do---	46,235
51 ---do---	62,746
52 ---do---	33,025
53 ---do---	10,484
54 ---do---	49,536
55 ---do---	10,484
60 ---do---	28,622
63 ---pounds---	92,342
64 (only T.S.U.S.A. Nos.: 366.4500, 366.4600, and 366.4700) ---do---	503,063
64 (only T.S.U.S.A. No. 347.3340) ---do---	61,644

[1] In Category 26, the T.S.U.S.A. Nos. for print cloth are:
320.--34 322.--34 327.--34
321.--34 326.--34 328.--34

[2] The T.S.U.S.A. Nos. for duck fabric are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories produced or manufactured in the Republic of Korea, which have been exported to the United States from the Republic of Korea prior to January 1, 1972, shall, to the extent of any unfilled balances be charged against the level of restraint established for such goods for the 12-month period beginning January 1, 1971, and extending through December 31, 1971. In the

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DECEMBER 30, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of December 30, 1971, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective January 1, 1972, and for the 9-month period extending through September 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in Categories 7, 9/10, 18/19/26 (print cloth only), 22/23, 26 (duck fabric), 27/26 (other than duck fabric and print cloth), 31, 34/35, 38, 39, 45, 46/47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 63, and parts of 64 (tablecloths, napkins, and zipper tapes only), produced or manufactured in the Republic of Korea in excess of the following 9-month levels of restraint:

JAN 6 72

event that the level of restraint for the 12-month period ending December 31, 1971 has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 30, 1971, between the Governments of the United States and the Republic of Korea which provide, in part, that within the aggregate limit, the limits of certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ROBERT A. PODESTA,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.72-189 Filed 1-5-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 3, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115826 Sub 219, W. J. Digby, Inc., now being assigned February 14, 1972, at Denver, Colo., in a hearing room to be later designated.

MC 119700 Sub 17, Steel Haulers, Inc., assigned, January 25, 1972, at Memphis, Tenn., is postponed indefinitely.

MC 108119 Sub 32, E. L. Murphy Trucking Co., assigned February 14, 1972, at Minneapolis, Minn., canceled and application dismissed.

MC 124174 Sub 87, Momsen Trucking Co., now being assigned hearing February 15, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 133327 Sub 2, Melburn Truck Lines Co., Ltd., assigned January 31, 1972, at New York, N.Y., is postponed indefinitely.

MC 119670 Sub 18, The Victor Transit Corp., assigned for hearing January 24, 1972, at Columbus, Ohio, is canceled and the application is dismissed.

MC 95876 Sub 117, Anderson Trucking Service, now being assigned hearing February 14, 1972, at Minneapolis, Minn., in a hearing room to be designated later.

MC 134533 Sub 1, Mid North Furniture Transport, Inc., now being assigned hearing February 16, 1972, at Minneapolis, Minn., in a hearing room to be designated later.

MC 106274 Sub 15, Raeford Trucking Co., now assigned January 24, 1972, at Washington, D.C., is canceled and the application dismissed.

MC 1367 Sub 5, Owl Transfer & Storage Co., Inc., assigned for hearing February 14, 1972, in Room 1155, Federal Office Building, 909 First Avenue, Seattle, WA.

MC 115667 Sub 5, Arrow Transfer Co., Ltd., now being assigned February 28, 1972, in Room 1057, Federal Office Building, 909 First Avenue, Seattle, WA.

MC 134060 Sub 6, Davinder Freightways, Ltd., assigned for hearing March 13, 1972, in Room 1057, Federal Office Building, 909 First Avenue, Seattle, WA.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-215 Filed 1-5-72;8:49 am]

[Notice 1]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 3, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 116077 (Sub-No. 320 TA), filed December 20, 1971. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from the plantsite of Mobay Chemical Co., located in Chambers County, near Baytown, Tex., to Natrium, W. Va., for 180 days. Supporting shipper: Mobay Chemical Co. (Paul A. Harmon, Manager of Distribution), Penn Lincoln Parkway West, Pittsburgh, Pa. 15205. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 123685 (Sub-No. 12 TA), filed December 21, 1971. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, OH 44646. Applicant's representative: Jas. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and pesticides*, in bags, from Wadsworth, Ohio, to points in Indiana, Illinois, Kentucky, Michigan, Pennsylvania, New York, and West Virginia, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 111 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 128007 (Sub-No. 38 TA), filed December 22, 1971. Applicant: HOFER, INC., Post Office Box 583 (4032 Parkview Drive), Pittsburg, KS 66762. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed meal and soybean meal*, from Little Rock, Newport, Pine Bluff, Van Buren, and Wilson, Ark., Memphis, Tenn., Clarksdale, Greenwood, Greenville, Jackson, Hollandale, Marks, and Vicksburg, Miss., and West Monroe, Natchitoches, New Roads, and Shreveport, La., to points in Oklahoma and Texas, for 180 days. Supporting shipper: J. Paul Smith Co., 518 Fort Worth Club Building, Fort Worth, Tex. 76102. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 128235 (Sub-No. 9 TA), filed December 22, 1971. Applicant: ALVIN JOHNSON, 137-13th Avenue NE., Minneapolis, MN 55413. Applicant's representative: Earl Hacking, 503-11th Avenue South, Minneapolis, MN 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from St. Louis, Mo., to Virginia, Minn., for 180 days. Supporting shipper: Harvey Alumi Distributing Co., Virginia, Minn. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 133565 (Sub-No. 4 TA), filed December 22, 1971. Applicant: TRUE TRANSPORT, INC., Starboard and Export Streets, Port Newark, NJ 07114. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, in containers or trailers, in foreign commerce, having a prior or subsequent movement by water) (1) between those ports of entry on the United States-Canada boundary line at or near Rouses Point and Champlain, N.Y., and Calais, Maine; and (2) between Boston, Mass., for purposes of interlining only traffic moving in foreign commerce, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, those in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to the Pennsylvania-Maryland State line, those in that part of New York on and east of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glen Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4 at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., and points in Rhode Island, for 180 days. Supported by: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 133565 (Sub-No. 5 TA), filed December 22, 1971. Applicant: TRUE TRANSPORT, INC., Starboard and Export Streets, Port Newark, NJ 07114. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, in containers or trailers, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in that part of New York, on, west and north of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glen Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4, at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., on traffic having a prior or subsequent movement by water, for 180 days. Supported by: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 133599 (Sub-No. 2 TA), filed December 27, 1971. Applicant: BIG VALLEY SUPPLY & ENTERPRISES, LTD., 4150 F-14A Street Southeast, Calgary, Canada. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *All-terrain vehicles, amphibious vehicles* (except boats) off-highway vehicles and trailers equipped with multi-composition longitudinal belts, from points located on the international boundary between the United States and Canada, located at or near Champlain, N.Y.; Sweetgrass, Mont.; Blaine, Wash.; Detroit, Mich.; Noyes, Minn.; and Penbia, N. Dak.; to points with the commercial zones, as defined by the Commission, of Montgomery, Selma, and Mobile, Ala.; Anchorage and Fairbanks, Alaska; Yuma, Ariz.; Little Rock and Pine Bluff, Ark.; Lynwood, Los Angeles, Squaw Valley, Wrightwood, and San Francisco, Calif.; Denver, Grand Junction, Aspen, Trinidad, and Colorado Springs, Colo.; Hartford, Conn.; Hialeah, Daytona Beach, Tampa, Tallahassee, Perry, and Orlando, Fla.; Atlanta, Augusta, and Macon, Ga.; Sun Valley and Mullen, Idaho; Chicago and Aurora, Ill.; Delphia and Indianapolis, Ind.; Houghton, Iron City, and Lansing, Mich.; Minneapolis, St. Paul, Duluth, and Minnetonka, Minn.; St. Louis, Mo.; Shelby and Dillon, Mont.; Carson City, Nev.; Newark, N.J.; Albany, Watertown, Lewiston, Massena, New York, Rochester, Webbi, and Moon Valley, N.Y.; Winston-Salem, Charlotte, Englehard, Raleigh, Fayetteville, and Washington, N.C.; Cincinnati and Cleveland, Ohio; Enid, Oklahoma City, and Tulsa, Okla.; Klamath Falls, Portland, Eugene, and Dallas, Oreg.; Harrisburg, Pa.; Providence and Davisville, R.I.; Columbia, Florence, and Georgetown, S.C.; Nashville, Knoxville, Asheville, and Memphis, Tenn.; Karnack, Odessa, Houston, and Corpus Christi, Tex.; Salt Lake City, Eden, and Cedar City, Utah; Rutland, Vt.; Richmond and Roanoke, Va.; Centralia, Seattle, Spokane, Yakima, and Longview, Wash.; Madison, Wis.; and the District of Columbia; (B) parts, sections, pieces, and accessories of the commodities described in A above, from points within the commercial zones, as defined by the Commission, of Detroit and Kalamazoo, Mich.; Pittsburgh, Pa.; Oshkosh, Wis.; Portland, Maine; Reno, Nev., and the destinations listed in (A) above, to the origins listed in (A) above, for 180 days. Restriction: Restricted to the performance of service under a continuing contract or contracts with Flextrac Nodwell, Ltd. Supporting shipper: Flextrac Nodwell, Post Office Box 5544 Station A,9, Calgary, AB, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133973 (Sub-No. 5 TA), filed December 21, 1971. Applicant: HUNTINGTON MOVING & STORAGE COMPANY, 1102 Vernon Street, Huntington, WV 25719. Applicant's representative: Joseph F. Mullins, Jr., 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement beyond said points, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, points in West Virginia, and points in the Ohio Counties of Adams, Allen, Athens, Augliaze, Brown, Butler, Carrol, Champaign, Clark, Clermont, Clinton, Coshocton, Defiance, Delaware, Drake, Gallia, Greene, Fairfield, Fayette, Franklin, Fulton, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Holmes, Jackson, Knox, Lawrence, Licking, Logan, Madison, Marion, Meigs, Mercer, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingham,

JAN 6 1972 XUM

Noble, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Ross, Scioto, Shelby, Tuscarawas, Union, Vanwert, Vinton, Warren, Washington, Williams, and Wyandot; and Kentucky Counties of Anderson, Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford, for 180 days. Supporting shippers: Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115 (Att: Jerry Jarrett, vice president; Jet Forwarding, Inc., 200 West Central Avenue, Santa Ana, CA 92707, Att: L. V. Cupp, vice president operations; Trans-American World Transit, Inc., 7540 South Western Avenue, Chicago, IL 60620, Att: Ronald E. Timm, traffic manager; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, CA 94801, Att: Robert M. Graham, operations manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 136249 (Sub-No. 1 TA), filed December 22, 1971. Applicant: JAMES R. GALBRAITH, JR., Route 1, Box 123, Camanche, IA 52730. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material*, from Milwaukee, Wis., Minneapolis-St. Paul, Minn. (and commercial zone points); and South Bend, Ind., to Clinton, Iowa, *with return of empties*, from Clinton, Iowa, to Milwaukee, Wis., Minneapolis-St. Paul, Minn. (and commercial zone points); and South Bend, Ind., for 180 days. Supporting shipper: John Roach Distributing Co., Post Office Box 107, Clinton, IA 52732. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

MOTOR CARRIER OF PASSENGERS

No. MC 136260 TA, filed December 27, 1971. Applicant: EXECUTIVE TRAVEL SERVICE, doing business as COLUMBINE SKI TOURS, 2991 Peak Avenue, Boulder, CO 80301. Applicant's representative: Howard R. Peters, 2991 Peak Avenue, Boulder, CO 80301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groups of passengers and their baggage* arriving at Stapleton International Airport, Denver, Colo., and Walker Field, Grand Junction, Colo., having prior and subsequent movement by air in interstate or foreign commerce, between Stapleton International Airport and Walker Field and the following ski areas in the State of Colorado: Steamboat Springs, Winter Park, Aspen, Vail, Keystone, Breckenridge, Arapahoe, Loveland, Copper Mountain, Purgatory, Crested Butte, Monarch, Powderhorn, Eldora, Sunlight; over various roads as weather conditions allow, through points in the following Colorado counties: Moffat, Routt, Jackson, Chaffee, Saguache, Gunnison, Pitkin, Lake, Eagle, Summit, Rio Blanco, Garfield, Mesa, Montrose, Ouray, San Juan, La Plata, Delta, Denver, Grand, Boulder, Gilpin, Clear Creek, Jefferson, Park, for 180 days. NOTE: Applicant proposes to interline with various airlines at Stapleton International Airport and Walker Field. Supported by: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, Room 2022, Federal Building, 1961 Stout Street, Denver, CO 80221.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-216 Filed 1-5-72;8:49 am]

[Notice 416]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 29, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16672 (Sub-No. 18 TA), filed December 17, 1971. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wyliesburg, Va. 23976. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, boxes, and shooks*, from Keysville, Va., to points in West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, District of Columbia, Ohio, and North Carolina, for 180 days. Supporting shipper: Spaulding Lumber Co., Chase City, Va. 23924. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 35358 (Sub-No. 27 TA), filed December 20, 1971. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, MN 55421. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing and wearing apparel*, from Secaucus, N.J., to Minneapolis, Minn., for 180 days. Supporting shipper: Dayton's, division of Dayton Hudson Corp., Minneapolis, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 56679 (Sub-No. 59 TA), filed December 1, 1971. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Post Office Box 6985, Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring the use of special equipment because of size or weight), (1) between Covington, Ga. and Milledgeville, Ga., via Georgia Highway 36 to Stewart, Ga., thence over Georgia Highway 212 to Milledgeville, Ga., via Monticello, Ga., serving all intermediate points, and (2) between Milledgeville, and Macon, Ga., via Georgia Highway 49 serving all intermediate points, for 180 days. NOTE: Applicant proposes to join the above routes with its present authority held in Docket MC 56679 and effective subs thereunder, using Covington, Milledgeville, and Macon, Ga., as points of joinder. Applicant also proposes to combine and join the above routes in order to provide through service to, from, and between the above-named points and routes on the one hand, and, on the other, Atlanta and Macon, Ga., for the purpose of interchanging with connecting carriers at Atlanta and Macon, Ga. Supporting shippers: Monticello Bobbin Co., Post Office Box 230, Monticello, GA, 31064, Dexter Axle Co. of Georgia, Inc., Post Office Drawer 71, Monticello, GA 31064, Feldspar Corp., Monticello, GA 31064, The Weston & Brooker Co., Columbia, S.C. 29202. Send protests to: William L. Scorggs, District Supervisor, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 72423 (Sub-No. 2 TA), filed December 20, 1971. Applicant: R. D. HOUNSHELL, doing business as STERLING TRANSFER CO., 111 East Chestnut Street, Sterling, CO 80751. Applicant's representative: John P. Thompson, 450 Capitol Life Building, East 16th Avenue, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver and Julesburg, Colo., over U.S. Highways 6 and 138 and Interstate Highway 80S, serving Fort Morgan and Julesburg, Colo., and all points intermediate between Fort Morgan and Julesburg, Colo., for 180 days. Supported by: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, Room 2022, Federal Building, 1961 Stout Street, Denver, CO 80221.

No. MC 75651 (Sub-No. 70 TA), filed December 20, 1971. Applicant: R. C. MOTOR LINES, INC., 1851 Executive Center Drive, Post Office Box 2501, 2500 Laura Street, Jacksonville, FL 32207. Applicant's representative: J. Edward Allen, 1205 Universal Marion Building, Jacksonville, FL 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission and articles of unusual value, and articles which, because of size or weight, require specialized equipment), between Alpine, Anniston, Bessemer, Birmingham, Blue Mountain, Gadsden, Homewood, and Talladega, Ala., on the one hand, and Columbus, Albany, Macon, Mountain View, and St. Marys, Ga., on the other, with a right of joinder with applicant's existing interstate operating authorities in Docket No. MC 75761, and Subs thereunder, serving terminal areas, commercial zones and interlining with motor common carriers. Restriction: The authority sought is restricted against service to any point in Georgia, except Augusta, Savannah, and St. Marys, for 180 days. Supported by: There are approximately 43 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 103993 (Sub-No. 684 TA), filed December 16, 1971. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Madison County, N.Y., to points in the United States, east of the Mississippi River, Minnesota, and Louisiana, for 180 days. Supporting shipper: Champion Home Builders Co., Dryden, Mich. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 106644 (Sub-No. 132 TA), filed December 16, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 916 (Chattanoochee Station) 30321, 2770 Peyton Road NW., Atlanta, GA 30301. Applicant's representative: Lamar Kennedy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rediwash units*, which because of size and weight require the use of special equipment, *parts and equipment* necessary for the installation thereof, from Port Washington, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Jadair, 516 South Ravine Street, Port Washington, WI 53074. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107002 (Sub-No. 413 TA), filed December 16, 1971. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123 (U.S. Highway 80 West), Jackson, MS 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent caustic soda*, in bulk, in tank vehicles, from Pascagoula, Miss., to Mobile, Ala., for 180 days. Supporting shipper: Standard Oil Co., Post Office Box 1446, Louisville, KY 40201. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Street, Jackson, MS 39201.

No. MC 107227 (Sub-No. 125 TA), filed December 17, 1971. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, Post Office Box 1697, San Leandro, CA 94577. Applicant's representative: Howard W. Berry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign made automobiles, trucks and buses* in secondary movements, in truck-away service, in interstate or foreign commerce, from points in California on the international boundary between the United States and Mexico, to (1) San Diego, Calif., and points in California north of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, (2) points in Nevada, excepting Las Vegas, Nev., and (3) points in Utah, restricted to shipments having a prior movement by water, for 180 days. Supporting shipper: Reynold C. Johnson Co., 7100 Johnson Industrial Drive, Pleasanton, CA 94566. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 110525 (Sub-No. 1023 TA), filed December 16, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium stearate*, in bulk, in tank vehicle, from Perth Amboy, N.J., to Minninocket, Bucksport, and Rumford, Maine, for 180 days. Supporting shipper: Witco Chemical Corp., 277 Park Avenue, New York, NY 10017. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111729 (Sub-No. 330 TA), filed December 20, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *business papers, records and audit and accounting media of all kinds, and advertising material moving therewith*, (a) between Piscataway, N.J., on the one hand, and, on the other, Fairless Hills, Hamburg, and Hanover, Pa.; Cambridge, Md., Danbury, Conn., and Millis, Mass., (b) between Lincoln, R.I., and New York, N.Y., (c) between Marseilles, Ill., and Des Moines, Iowa; (d) between Bradley, Ill., and Munster, Ind.; (e) between Waldorf, Md., and Manassas, Va., (2) *small plumbing and heating supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Waldorf, Md., and Manassas, Va.; (3) *whole human blood and blood derivatives*, between Washington, D.C., on the one hand, and, on the other, Charlottesville, Culpeper, Fort Belvoir, Front Royal, Fredericksburg, Gordonsville, Harrisonburg, Leesburg, Louisa, Luray, Manassas, Quantico, Warrenton, Winchester, and Woodstock, Va., and Berkeley Springs, Martinsburg, Petersburg, Ranson, and Rommey, W. Va., and Clinton, Frederick, Hagerstown, La Plata, Leonardtown, Lexington Park, Olney, and Prince Frederick, Md., for 180 days. Supporting shippers: National Can Corp., 2200 East Adams Avenue, Philadelphia, PA 19124; American Cord & Webbing Co., Inc., 505 Eighth Avenue,

JAN 6 72 XUM

New York, NY 10018; Pittsburgh-Des Moines Steel Co., Post Office Box 210, Marseilles, IL 61341; Scott Lad Foods, Inc., 670 West Broadway, Bradley, IL 60915; Waldorf Supply, Inc., Post Office Box 304, Route 5, Waldorf, MD 20601; American Red Cross, Washington Regional Blood Center, 2025 E Street NW., Washington 6, DC. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117940 (Sub-No. 75 TA), filed December 17, 1971. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: M. James Levitus (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phonograph records and tapes, phonograph and tape players and recorders, radio and television receivers, musical instruments, wire and wood racks*, from Pitman and Mountainside, N.J., Gloversville, Hauppauge, Oceanside and New York, N.Y., and its commercial zone and Allentown, Pa., to Minneapolis and St. Paul, Minn., for 180 days. Supporting shipper: Hellicher Brothers Inc., 7600 Wayzata Boulevard, Minneapolis, MN 55426. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 124170 (Sub-No. 24 TA), filed December 17, 1971. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, MI 48209. Applicant's representative: Robert D. Schuler, Suite 1700, One Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities*, exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed loads with bananas, in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 127355 (Sub-No. 7 TA), filed December 20, 1971. Applicant: M & N GRAIN COMPANY, 902 East Wooter, Nevada, MO 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides and pelts*, from Butler, Mo.; to Los Angeles, Calif.; Chicago, Ill.; New Orleans, La.; South Paris, Maine; Danversport, and Peabody, Mass.; Detroit, Mich.; New York, N.Y.; Brownsville, Houston, and Laredo, Tex.; Fond du Lac, Hartford, Kenosha, and Milwaukee, Wis., to Butler, Mo., from Fort Smith, Ark.; Greeley, Monte Vista, Rocky Ford and Stratton, Colo.; Des Moines and Marshalltown, Iowa; Ellis, Seneca, and Solomon, Kans., Bismarck, Dickinson, Fargo, Jamestown, Minot, and Williston, N. Dak., Enid and Oklahoma City, Okla., Mitchell, Rapid City, and Sioux Falls, S. Dak., Amarillo, Fort Worth, Palestine, Paris, San Angelo and San Antonio, Tex., for 180 days. Supporting shipper: Cox Bros. & Co., Butler, Mo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 133119 (Sub-No. 9 TA), filed December 16, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Post Office Box 206, Akron, IA 51001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, plantains, pineapples, and other agricultural commodities*, exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Morehead City, N.C., to (1) points in North Dakota, Minnesota, Wisconsin, Iowa, Michigan, Illinois, Indiana, Ohio, and Kentucky, and (2) to ports of entry on the international boundary line between the United States and Canada located in the States of North Dakota and Minnesota, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, FL 33101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133119 (Sub-No. 10 TA), filed December 16, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Post Office Box 206, Akron, IA 51001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Tampa, Fla., to (1) points in North Dakota, Minnesota, Wisconsin, Iowa, Michigan, Illinois, and Indiana, and (2) to ports of entry on the international boundary line between the United States and Canada located in North Dakota and Minnesota, for 180 days. Supporting shipper: West Indies Fruit Co., 1201 Brickell Avenue, Miami, FL 33101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133119 (Sub-No. 11 TA), filed December 16, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Post Office Box 206, Akron, IA 51001. Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses, as defined by the Commission, from Boyden, Iowa to points in the commercial zone of Chicago, Ill., for 180 days. Supporting shipper: Smit & Son Packing Co., Boyden, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135754 (Sub-No. 2 TA), filed December 16, 1971. Applicant: ROBERT E. WILLIAMSON, JR., doing business as HILTON HEAD ISLAND TRANSPORTATION CENTER, Post Office Box 5185, Hilton Head Island, SC 29928. Applicant's representative: Albert Waton, Suite 403, Security Federal Building, Post Office Box 722, Columbia, SC 29202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Light express freight*, including mail and newspapers, up to 100 pound carton, from Hilton Head Island, S.C., to Savannah and Savannah Airport, Ga., and from Savannah and Savannah Airport, Ga., to Hilton Head Island, S.C., for 180 days. Supporting shippers: Peoples Bank, Pope Avenue, Hilton Head Island, S.C.; Bank of Beaufort, Coligny Circle, Hilton Head Island, S.C.; Port Royal Inn and Golf Club, Hilton Head Island, S.C.; Palmetto Dunes Resort, Hilton Head Island, S.C.; and Sheraton Adventure Inn, Hilton Head Island, S.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 136210 (Sub-No. 1 TA), filed December 17, 1971. Applicant: MOUNTAIN TRUCKING CORPORATION, 131 West Kirk Avenue, Roanoke, VA 24011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ungraded lumber, and wood chips*, from points in Bland, Carroll, and Tazewell Counties, Va., to Lexington and Winston-Salem, N.C., Saint Marys, W. Va., and Kingsport, Tenn., for 180 days. Supporting shipper: Hubbard Lumber Corp., Bland, Va. 24315. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

MOTOR CARRIER OF PASSENGERS

No. MC 136256 TA, filed December 16, 1971. Applicant: THE YELLOW CAB COMPANY OF SAVANNAH, INC., doing business as SAVANNAH AIRLINE LIMOUSINES, 315 East Congress Street, Savannah, GA 31401. Applicant's representative: Spencer Connerat, Jr., Post Office Box 9848, Savannah, GA 31402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Hilton Head Island, S.C., on the one hand, and, on the other, the Savannah Airport, Savannah, Ga., for 180 days. Supporting shippers: Port Royal Plantation Group, Hilton Head Island; S.C. 29928; Sea Pines Plantation Co., Hilton Head Island, S.C. 29928; Sheraton Adverture Inn, Hilton Head Island, S.C. 29928; Sea Crest Motel, Post Office Box 6126, Hilton Head Island, SC 29928; Palmetto Dunes Resort, Inc., Post Office Box 5008, Hilton Head Island, SC 29928. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-218 Filed 1-5-72;8:50 am]

[Notice 417]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 30, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9050 (Sub-No. 31 TA) (Amendment), filed October 26, 1971, published FEDERAL REGISTER, November 13, 1971, amended and republished as amended this issue. Applicant: SEEGER BROS., Hillside Avenue, Kenvil, N.J. 07847. Applicant's representative: James J. Farrell, 206 North Boulevard, Belmar, NJ 07719. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting materials and blasting supplies including nitro-carbo-nitrate*, between McAdory, Ala., on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: Hercules Inc., 910 Market Street, Wilmington, DE 19899. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102. NOTE: The purpose of this republication is to redescribe the authority sought and to delete West Virginia and Virginia.

No. MC 61396 (Sub-No. 230 TA), filed December 16, 1971. Applicant: HERMAN BROS. INC., 2501 No. 11 Street, Post Office Box 189, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from plantsite of Arco Chemical Co., in Cerro Gordo County, Iowa to points in Minnesota, for 180 days. Supporting shipper: Arco Chemical Co., Division of Atlantic Richfield Co., Post Office Box 238, Fort Madison, IA 52627. Send protests to: Carroll Russell, District Supervisor, 711 Federal Office Building, Interstate Commerce Commission, Bureau of Operations, Omaha, Nebr. 68102.

No. MC 112854 (Sub-No. 28 TA), filed December 20, 1971. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Macedon Center Road, Ontario Center, NY 14520. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* when mixed in loads with bananas, from Albany, N.Y., to points in New Jersey, New York, Ohio, and Pennsylvania, for 180 days. Supporting shipper: Peter Comtabad, Traffic Manager, Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Room 104 O'Donnell Building, 301 Erie Boulevard, West Syracuse, NY 13202.

No. MC 114106 (Sub-No. 91 TA), filed December 20, 1971. Applicant: MAYBELLE TRANSPORT COMPANY, Post Office Box 849, 1820 South Main Street, Lexington, NC 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, from Atlanta, Ga., to points in North Carolina, for 90 days. Supporting shipper: The South Coast Corp., Carondelet Building, New Orleans, La. 70130. Send protests to: Frank H. Wait Jr., District Supervisor, Interstate Commerce Commission, 316 East Morehead Street, Suite 417, Charlotte, NC 28202.

No. MC 114239 (Sub-No. 29 TA), filed December 20, 1971. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. 64448. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, except in tank vehicles, from the plantsite and warehouse facilities of Atlas Chemical Industries, Inc., located at or near Atlans, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Nebraska, and Oklahoma, for 180 days. Supporting shipper: W. R. Grace & Co., Post Office Box 277, Memphis, TN. Send protests to: Vernon V. Coble, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 115654 (Sub-No. 14 TA) (Amendment), filed November 29, 1971. Applicant: TENNESSEE CARTAGE CO., INC., 809 Ewing Avenue, Post Office Box 1193, Nashville, TN 37202. Applicant's representative: Walter Harwood, 404 James Robertson Parkway, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, confectionery products, chocolates and related chocolate items, and advertising and promotional materials moving in conjunction with said commodities* (except in bulk), in vehicles mechanically equipped for protection against heat and cold, from Nashville, Tenn., to points in Tennessee east of U.S. Highway 127, points in Montgomery and Robertson Counties, Tenn.; Barren, Christian, Logan, and Warren Counties, Ky.; Jackson, Limestone, and Madison Counties, Ala.; and points in Dade, Catoosa, Murray, Walker, and Whitfield Counties, Ga., for 180 days. NOTE: Applicant proposes to tack with other authority and to interline traffic at Nashville, Tenn. Supporting shippers: Hershey Foods, Hershey, Pa. 17033; Hollywood Brands, Centralia, Ill. 62801; Brach & Sons, Box 802, Chicago, IL 60690; Peter Paul, Inc., Naugatuck, Conn.; M&M Mars, Hackettstown, N.J.; Crown Candy Corp., Post Office Box 3256, Atlanta, GA 30302; King Candy Co., Post Office Box 2080, Fort Worth, TX 76101; Standard Candy Co., Nashville, Tenn. 37202; Whitman's Chocolates Division, East Point, Ga. 30044, and Deran Confectionery Co., Inc., 4715 Frederick Drive SW., Atlanta, GA 30336. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 803, 1808 West End Building, Nashville, Tenn. NOTE: The purpose of this republication is to redescribe the territorial scope of the application.

No. MC 117980 (Sub-No. 5 TA), filed December 20, 1971. Applicant: WILLIAM BADGIO AND SONS, INC., 291 Green Street, Brockton, MA 02401. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Wilmington, Del., and Albany, N.Y., to New Bedford, Brockton, Cambridge, and Worcester, Mass.; Providence, R.I., and Manchester, N.H., for 180 days. Supporting shipper: Tropical Supply Co., Inc., 24 White Avenue, Brockton, MA 02403. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Room 2211-B, Government Center, Boston, Mass. 02203.

No. MC 119660 (Sub-No. 2 TA), filed December 20, 1971. Applicant: ALASKA AGGREGATE CORPORATION, doing business as PACIFIC WESTERN LINES,

JAN 6 1972 XUM

Post Office Box 3-3788, 1300 A Street, Anchorage, AK 99501. Applicant's representative: Donald Ille (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections and *double wide mobile homes* on wheeled undercarriages equipped with hitch-ball connector, from Anchorage and Seward, Alaska, to (1) Alaska Highway 1 between and including Homer and Tok, Alaska; (2) Alaska Highway 2 between and including Tok and Tofty, Alaska; (3) Alaska Highway 4 between and including Valdez and Buffalo Center, Alaska; (4) Alaska Highway 6 between and including Fairbanks and Circle, Alaska; and (5) Alaska Highway 9 between and including the junction of Alaska Highways 1 and 9 northwest of Moses Pass and Seward, Alaska, for 90 days. NOTE: Applicant states it does intend to tack the authority here applied for to other authority held by it. Supporting shipper: McGrath Corp., 2255 116th Avenue NE., Bellevue, WA 98004; Heritage Investors, Big Lake, Alaska. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 1932, Anchorage, AK 99510.

No. MC 124796 (Sub-No. 92 TA), filed December 20, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Buffing, polishing, cleaning, scouring, and washing compounds, solvents, starch, bleach, lubricating oil, carbon, gum, and sludge removing compounds, disinfectants, softeners, sizing and janitorial supplies*, from Berkeley, R.I., Danville, Ill., and Santa Fe Springs, Calif., to Birmingham, Ala., Phoenix, Ariz., Los Angeles, and San Francisco, Calif., Denver, Colo., Jacksonville, Fla., Chicago and Kankakee, Ill., Baltimore, Md., Minneapolis, Minn., Kansas City, Mo., Piscataway, N.J., Buffalo, N.Y., Cincinnati, and Cleveland, Ohio; Saylesville, R.I., Greenville and Mauldin, S.C., Dallas and Palestine, Tex., Richmond, Va., Seattle, Wash., and Milwaukee, Wis., and (2) *returned, refused or rejected shipments* of the commodities described in (1) above, from the destinations shown to Berkeley, R.I., Danville, Ill., and Santa Fe Springs, Calif. Restriction: The operations are restricted against the transportation of commodities in bulk and are limited to a transportation service to be performed under a continuing contract, or contracts, with Morton-Norwich Products, Inc., its divisions and affiliates, for 180 days. Supporting shipper: Texie Chemicals, Inc., Post Office Box 368, Greenville, SC 29602. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 Los Angeles Street, Los Angeles, CA 90012.

No. MC 126514 (Sub-No. 34 TA) (Correction), filed November 17, 1971, published FEDERAL REGISTER December 18, 1971, corrected and republished as corrected this issue. Applicants: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, 5200 West Bethany Home Road, Glendale, AZ 85301, Mailing: Post Office Box 392, Phoenix, AZ 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes*, from New York, and Knoxville, Tenn., to Anaheim, Calif., for 150 days. Supporting shipper: Business Envelope Manufacture Inc., 2350 Lafayette Avenue, Bronx, NY 10473. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, Phoenix, Ariz. 85025. NOTE: The purpose of this republication is to broaden the territorial scope.

No. MC 128007 (Sub-No. 37 TA), filed December 20, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients, such as defluorinated phosphate, dicalcium phosphate, monoammonium phosphate*, in bulk, in bags, from Beaumont, Tex., to points in Louisiana, Arkansas, Oklahoma, Kansas, Missouri, New Mexico, Colorado, and Mississippi, for 180 days. Supporting shipper: Borden Chemical, Borden, Inc., 50 West Broad Street, Columbus, OH 43215. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 133065 (Sub-No. 18 TA), filed December 20, 1971. Applicant: ECKLEY TRUCKING AND LEASING, INC., Box 156, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air handling units, makeup air systems, heating and ventilating units, gas unit heaters, and cooling and heating systems, and equipment, materials and supplies* used in the manufacture and production thereof, from Hastings, Nebr., to points in Washington, Wyoming, Florida, North Carolina, Utah, Idaho, and Oklahoma, under continuing contract with Hastings Industries, Inc., for 180 days. Supporting shipper: Charles I. Magee, Jr., traffic supervisor, Hastings Industries, Inc., 108 South Colorado Avenue, Hastings, NE 68901. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 134531 (Sub-No. 2 TA), filed December 20, 1971. Applicant: AGGREGATE HAULERS, INC., Post Office Box 386, 2019 State Street, Cayce, SC 29033. Applicant's representative: Edward J. Morrison, Post Office Box 67, Lexington, SC 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aggregates, sand* (not dry processed), *gravel, crushed stone, and stabilizing material* such as used in highway construction, from points in North Carolina (except crushed stone, in bulk, from points in Mecklenberg County, N.C., to points in York and Chester Counties, S.C.), and from points in Georgia to points in South Carolina (except crushed stone, sand, sand clay, in bulk, from points in Columbia and Richmond Counties, Ga., to points in Aiken, Allendale, Bamberg, Barnwell, Beaufort, Colleton, Dorchester, Hampton, Jasper, and Orangeburg Counties, S.C.); (2) *plant mix asphalt*, from points in South Carolina to points in Georgia and North Carolina; and from points in Georgia and North Carolina to points in South Carolina; (3) *sand, dry processed, and ornamental aggregates*, in bags and in bulk, from points in South Carolina to points in Georgia and North Carolina; and from points in Georgia and North Carolina to points in South Carolina; (4) *fertilizer and fertilizer material*, in bags and in bulk, in vans, flat bed trailers, and killebrews, from points in Charleston County, S.C., to points in Georgia and North Carolina; and from points in Chatham and Richmond Counties, Ga., to points in South Carolina; and (5) *prestress and precast concrete products*, from points in Lexington, Richland, Sumter and Florence Counties, S.C., to points in Georgia and North Carolina, for 180 days. Supporting shippers: Macon Prestressed Concrete Co., Cayce, S.C.; Castastone Products of South Carolina, Inc., Columbia, S.C.; Columbia Silica Sand Co., Columbia, S.C.; Kaiser Agricultural Chemicals, Savannah, Ga.; Florence Concrete Products, Inc., Florence, S.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 136159 (Sub-No. 2 TA), filed December 20, 1971. Applicant: AVIS HIGGINS, doing business as A.B.S. MOVERS, 824 Valley View Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wyngaard, 135 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fiberglass reinforced panels*, from Gainesville, Fla., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used or useful in the manufacture, sale, production, or distribution of the commodities named in part (1) of this application, from points in Illinois north of U.S. Highway 24 to Gainesville, Fla., for 180 days. Supporting shipper: Panelcomb Industries Corp., 2833 North Main Street, Gainesville, FL 32601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

MOTOR CARRIER OF PASSENGERS

No. MC 125021 (Sub-No. 1 TA), filed December 20, 1971. Applicant: BOISE-WINNEMUCCA STAGES, INC., 1105 La Pointe Street, Boise, ID 83706. Applicant's representative: Adolph J. Achabal (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (aliens), from points in Malheur and Baker Counties, Oreg., and Idaho south of the Salmon River, to points in California, for 180 days. NOTE: Carrier does not intend to tack or interline authority herein applied for with any other carrier. Supporting shipper: U.S. Department of Justice, Immigration and Naturalization Service, 417 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 136255 TA, filed December 20, 1971. Applicant: ISLAND AVIATION, INC. Post Office Box 1267, Hilton Head Island, SC 29928. Applicant's representative: E. F. Jungemann (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, newspaper, and passenger baggage*, in the same vehicle, between Hilton Head Island, S.C., and Municipal Airport (Travis Field), Savannah, Ga., for 180 days. Supporting shippers: Port Royal Plantation Inn, Hilton Head Island, S.C.; Sheraton Adventure Inn, Hilton Head Island, S.C.; Sea Crest Motel, Hilton Head Island, S.C.; Hilton Head Inn, Hilton Head Island, S.C.; Sea Pines Plantation Co., Hilton Head Island, S.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-219 Filed 1-5-72;8:50 am]

[Notice 1]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72745. By order of December 30, 1971, the Motor Carrier Board approved the transfer to Whitfield Associated Transport, Inc., a New Mexico corporation, Las Cruces, N. Mex., of the operating rights issued to Whitfield Transportation, Inc., a Delaware corporation, El Paso, Tex., in the No. MC-108461 series, authorizing the transportation of numerous specified commodities, including cement, lumber, compressed nitrogen, in bulk, cottonseed meal, flour, copper ore, in bulk, potash, phosphate, soil conditioners, and copper sulphate, to and from points as specified in Texas, New Mexico, Arizona, Utah, California, Colorado, Wyoming, and Idaho. O. Russell Jones, 215 Lincoln Avenue, Post Office Box 2228, Santa Fe, NM 87501, attorney for applicants.

No. MC-FC-73253. By order of December 27, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Priority Freight Systems, Inc., Elberton, Ga., of that portion of the operating rights in certificate No. MC-31438 issued November 10, 1949, to Roy O. Wetz, doing business as R. O. Wetz Transportation, Marietta, Ohio, authorizing the transportation of general commodities, with usual exceptions, between points and places in Washington County, Ohio, on the one hand, and, on the other, points in Ohio and points in specified portions of Pennsylvania and West Virginia. A. Charles Tell, 100 East Broad Street, Columbus, OH 43215, attorney for applicants.

No. MC-FC-73306. By order of December 29, 1971, the Motor Carrier Board approved the transfer to State Wide Trucking, Inc., Dallas, Tex., of Certificate of Registration No. MC-98649 (Sub-No. 3), issued June 24, 1971, to Lenox Carruth, Dallas, Tex., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 5132, as was embraced in predecessor's certificate of registration transferred and reissued January 8, 1971, by the Railroad Commission of Texas. James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-217 Filed 1-5-72;8:49 am]

[Notice 105]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 30, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 921 (Sub-No. 21), filed December 8, 1971. Applicant: DEAN TRUCK LINE, INC., Post Office Drawer 631, Fulton Drive, Corinth, MS 38834. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting:

[1] Copies of Special Rule 247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

JAN 6 72

General commodities (except those of unusual value, classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock, commodities in bulk, and articles which because of size or weight require special handling). Regular routes: (1) Between Tupelo, Miss., and Pensacola, Fla., from Tupelo, Miss., over U.S. Highway 78 to Birmingham, Ala., thence on Interstate Highway 65 to Montgomery, Ala., thence over U.S. Highway 31 and/or Interstate Highway 65 to Evergreen, Ala., thence over U.S. Highway 31 to Brewton, Ala., thence over U.S. Highway 29 to Pensacola, Fla., and return over the same route, serving all intermediate points, and serving all points in Escambia and Santa Rosa Counties, Fla., as off-route points; (2) between Tupelo, Miss., and Montgomery, Ala., from Tupelo, Miss., over U.S. Highway Alternate 45 to its junction with U.S. Highway 82, thence over U.S. Highway 82 to Tuscaloosa, Ala., thence over U.S. Highway 43 to Demopolis, Ala., thence over U.S. Highway 80 to Montgomery, Ala., and return over the same route, serving all intermediate points; (3) between Tuscaloosa and Birmingham, Ala., from Tuscaloosa, Ala., to Birmingham, Ala., over Interstate Highways 20 and 59, and return over the same route, serving all intermediate points; and (4) between Tuscaloosa and Montgomery, Ala., from Tuscaloosa, Ala., to Montgomery, Ala., over U.S. Highway 82, and return over the same route, serving all intermediate points;

Alternate routes: (1) Between Columbus, Miss., and Eutaw, Ala., from Columbus, Miss., over Mississippi Highway 69 to the Mississippi-Alabama State line, thence over Alabama Highway 14 to Eutaw, Ala., and return over the same route, serving no intermediate points; (2) between Demopolis, Ala., and Meridian, Miss., from Demopolis, Ala., to Kewanee, Miss., over U.S. Highway 80, thence over Interstate Highways 20 and 59 to Meridian, Miss., and return over the same route, serving no intermediate points; (3) between Pensacola, Fla., and Hattiesburg, Miss., from Pensacola, over U.S. Highway 90 to Mobile, Ala., thence over U.S. Highway 98 to Hattiesburg, Miss., and return over the same route, serving no intermediate points; (4) between Evergreen, Ala., and Laurel, Miss., from Evergreen, over U.S. Highway 84 to Laurel, Miss., and return over the same route, serving no intermediate points; (5) between Pensacola, Fla., and Meridian, Miss., from Pensacola, to Mobile, Ala., over Interstate Highway 10, thence over U.S. Highway 45 to Meridian, Miss., and return over the same route, serving no intermediate points; (6) between Grove Hill, and Demopolis, Ala., from Grove Hill over U.S. Highway 43 to Demopolis, Ala., and return over the same route, serving no intermediate points; and (7) between New Augusta and Ellisville, Miss., from New Augusta, Miss., over Mississippi Highway 29 to Ellisville, Miss., and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in 1 thru 7 above, in connection with applicants regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala., or Pensacola, Fla.

No. MC 1693 (Sub-No. 5), filed October 25, 1971. Applicant: P. J. FLYNN, INC., 1000 Coolidge Street, South Plainfield, NJ 07080. Applicant's representative: Robert J. Lyon, c/o P. J. Flynn, Inc., 1000 Coolidge Street, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay, colors, and minerals*, from South Plainfield, Union County, N.J., to points in Suffolk County, Long Island, N.Y., under contract with Whittaker, Clark & Daniels, Inc., South Plainfield, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, or Trenton, N.J.

No. MC 4405 (Sub-No. 490), filed November 22, 1971. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment; and *self-propelled articles* weighing 15,000 pounds or more, moving on trailers: (1) Between points in Wisconsin, Iowa, and Illinois; (2) between points in Wisconsin, Illinois, and Iowa, on the one hand, and, on the other, points in Indiana; and (3) between points in Wisconsin, on the one hand, and, on the other, points in Missouri. NOTE: Applicant states it intends to tack with various authorities in its MC 4405 and subs to provide a through service. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 20042 (Sub-No. 2), filed November 18, 1971. Applicant: FAT'S EXPRESS, INC., 501 South Second Street, Belleville, IL 62222. Applicant's representative: B. W. LaTourette, Jr., 611 Olive Street, Suite 1850, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A & B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and Collinsville, and Wood River, Ill.; and (2) between High Ridge, Mo., and Collinsville, Wood River, and Belleville, Ill., and St. Charles, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 22182 (Sub-No. 21), filed November 24, 1971. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, Post Office Box 172, Bryn Mawr, PA 19010. Applicant's representative: Gerald K. Gimmel, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting; *Motor buses*, in secondary movements, in truckaway service, (1) from New York, N.Y., and Baltimore, Md., to points in the United States (except Alaska and Hawaii), and (2) between points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, West Virginia, Ohio, North Carolina, South Carolina, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29886 (Sub-No. 275), filed December 8, 1971. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Buses and bus chassis and parts thereof*, in initial movements, in driveaway and truckaway service, from the plantsite of AM General Corp. in St. Joseph County, Ind., to points in the United States (excepting Hawaii but including Alaska), and in secondary movements from points in the United States to the plantsite of AM General Corp.; and (b) *passengers*, who are, at the time, representatives of manufacturers or purchasers of new buses and who have been designated by their principals to accompany such buses during the transportation thereof, and the *baggage* of such representatives, from the plantsite of AM General Corp. in St. Joseph County, Ind., to points in the United States (excepting Hawaii but including Alaska). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50544 (Sub-No. 65), filed December 23, 1971. Applicant: THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 210 North 13th Street, St. Louis, MO 63103. Applicant's representative: Robert S. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in service auxiliary to and supplemental of rail service of Texas and Pacific Railway Co., as follows: Between Shreveport, La., and Arcadia, La., over Interstate Highway 20 (U.S. 80), serving no intermediate points and not serving Arcadia, La., except to interchange Texas and Pacific Railway–Missouri Pacific Railroad traffic in through trailers with affiliated Missouri Pacific Truck Lines, Inc. NOTE: The sole purpose of this application (and companion Missouri Pacific Truck Lines, Inc. application under Docket MC 89723 sub 62 appearing in this publication) is to secure a shorter closed-door route in conjunction with the Missouri Pacific Truck Lines, Inc. for operating convenience only, to, from, and between Shreveport, La. and Monroe, La., via Arcadia, La., in lieu of and in addition to the presently authorized route of these two companies between Shreveport, La., and Monroe, La., via Alexandria, La. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Shreveport, or Monroe, La.

No. MC 51146 (Sub-No. 244), filed December 6, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter, and paper, and paper products and material, equipment, and supplies* used in the manufacture of such products, from Philadelphia, Pa., to points in the United States (except Alaska and Hawaii), and (2) *returned and rejected* shipments of the above-described commodities and *paper and paper products*, from points in the United States (except Alaska and Hawaii) to Philadelphia, Pa. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 245), filed December 6, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, plastic materials and products, paper and paper products (except commodities in bulk), between the plantsites and storage facilities of Will Ross, Inc., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the plant and storage facilities of Will Ross, Inc., restricted to traffic originating at and destined to the named plant and storage facilities. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 51146 (Sub-No. 246), filed December 6, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter and paper and paper products and materials, equipment, and supplies* used in the manufacture of such products, from Milwaukee, Wis., Chicago, Ill.; and Kokomo, Ind., to points in the United States (except Alaska and Hawaii); and (2) *returned and rejected shipments* of the above-described commodities and *paper and paper products*, from points in the United States (except Alaska and Hawaii) to the above origin points. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52953 (Sub-No. 39), filed December 20, 1971. Applicant: ET & WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, TN 37601. Applicant's representative: H. M. Cook, Post Office Box 449, Johnson City, TN 37601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Greenville, Miss., and West Monroe, La., as follows: From Greenville over U.S. Highway 82 to junction U.S. Highway 165, thence over U.S. Highway 165 to Monroe, thence over U.S. Highway 80 to West Monroe, and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 56679 (Sub-No. 60), filed December 13, 1971. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry phosphatic animal* and *poultry feed ingredients*, from Rogers, Minn., to Birmingham, Ala., Loganville, Ga., and Tampa, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 59680 (Sub-No. 196), filed December 6, 1971. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Furniture and furniture parts*, serving the warehouse facility of Singer Co. at or near Warwick, N.Y. as an off-route point in connection with Strickland's authority to serve New York, N.Y. Restriction: This authority is restricted to traffic originating at Singer Co. plant at or near Trumann, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Dallas, Tex.; or New York, N.Y.

No. MC 59680 (Sub-No. 197), filed December 6, 1971. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, TX 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving Harrisburg, New Kingstown, and Carlisle, Pa., as off-route points in connection with carrier's regular route operations. Restriction: Restricted to interchange of traffic with motor common carriers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, or Philadelphia, Pa.

No. MC 60122 (Sub-No. 6), filed December 7, 1971. Applicant: JOHN VIANO AND EDWARD VIANO, a partnership doing business as VIANO BROTHERS, Harding Highway, Landisville, NJ 08326. Applicant's representative: J. Raymond Clark, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Winston-Salem, N.C., to Landisville, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Atlantic City or Trenton, N.J., or Wilmington, Del.

No. MC 61592 (Sub-No. 253), filed December 3, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredder harvesters and stack movers*, from ports of entry on the international boundary line between the United States and Canada to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 255), filed December 13, 1971. Applicant: JENKINS

JAN 6 1972 XUM

TRUCK LINE, INC., 3700 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooked or precooked poultry parts*, (2) *cooked or precooked, breaded, battered, and marinated poultry or poultry parts, and* (3) *poultry skins and fats, uncooked, cooked, or precooked*, (a) between the plants and warehouse sites of McCormick Foods, Inc., located at or near Bedford, Va., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Michigan, Arkansas, Texas, California, Minnesota, Iowa, North Carolina, South Carolina, and Illinois, and, (b) between the plant and warehouse sites of McCormick Foods, Inc., located at or near Bedford, Va., on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, New Jersey, New York, Pennsylvania, Michigan, Arkansas, Texas, California, Minnesota, Iowa, North Carolina, South Carolina, and Illinois). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 69833 (Sub-No. 101), filed October 29, 1971. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Earl E. Meisenbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving the plant of the Stauffer Wacker Silicone Corp., Raisin Township, Lenawee County, Mich., as an off-route point in connection with applicant's regular route operations over Michigan Highway 50 or U.S. Highway 223. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, or Detroit, Mich.

No. MC 76629 (Sub-No. 4), filed December 3, 1971. Applicant: OVERLAND FREIGHT LINES, INC., 576 Reno Street, Indianapolis, IN 46206. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, and commodities* produced or distributed by manufacturers and converters of paper and paper products, from the plantsite of Inland Container Corp. at Crawfordsville, Ind., to points in Illinois, Kentucky, Michigan, Missouri, and Ohio; and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above, from points in the above-described destination territory to the plantsite of Inland Container Corp. at Crawfordsville, Ind. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 87720 (Sub-No. 122), filed November 23, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, paint additives, ink, ink additives, resin and resin materials or products*, between Belleville, Burlington, Carlstadt, East Rutherford, Elizabeth, Flemington, Fords, Garfield, Moonachie, Nixon, Paterson, Piscataway, and Rockaway, N.J.; Reading, Pa., and Chestertown, Md., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, between Lobeco, S.C., on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania; and (2) *materials, equipment, and supplies* utilized in the manufacture, sale and distribution of the commodities described above, from the named destination States to the above-described origin points. Restriction: The proposed service to be restricted against the transportation of commodities in bulk; and to be performed under contract or continuing contracts with Tenneco Chemicals, Inc. (Intermediates Division), subsidiary of Tenneco, Inc. NOTE: Applicant presently holds a portion of the authority as sought; no duplicating authority is requested. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 89084 (Sub-No. 4), filed December 13, 1971. Applicant: INTERSTATE HEAVY HAULING, INC. 2035 Northeast Columbia Boulevard, Portland, OR 97211. Applicant's representative: Duane A. Bartsch, 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which by reason of size or weight, require special handling or the use of special equipment, and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles, transported on trailers, and related machinery, tools, parts, and supplies* moving in connection therewith; (3) *iron and steel articles* as described in appendix 5 to the Commission's report in *Descriptions in Motor Carrier Certificates*, Ex Parte MC 45, 61 M.C.C. 209 and 766; (4) *pipe other than iron or steel, together with fittings;* and (5) *construction materials*, between points in California, on the one hand, and, on the other, points in Oregon, Washington, Idaho, Montana, Nevada, Utah, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 89684 (Sub-No. 79), filed November 8, 1971. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West, Salt Lake City, UT 84110. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Merchandise, equipment, and supplies* sold, used, or distributed by a manufacturer of cosmetics, (a) from Salt Lake City, Utah, to points in Idaho south of the southern boundary of Idaho County, and to points in Utah, and (b) from Pocatello and Boise, Idaho, to points in Idaho south of the southern boundary of Idaho County. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 89723 (Sub-No. 62), filed December 23, 1971. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103. Applicant's representative: Robert S. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co., as follows: Between Monroe, La., and Arcadia, La., over Interstate Highway 20 (U.S. 80) serving no intermediate points and not serving Arcadia, La., except to interchange Missouri Pacific Railroad-Texas and Pacific Railway traffic in through trailers with affiliated Texas and Pacific Motor Transport Co. NOTE: The sole purpose of this application (and companion Texas and Pacific Motor Transport Co. application under Docket MC 50544 (Sub-No. 65), appearing in this publication) is to secure a shorter closed door route in conjunction with the Texas and Pacific Motor Transport Co. for operating convenience only, to, from, and between Monroe, La., and Shreveport, La., via Arcadia, La., in lieu of and in addition to the presently authorized route of these two companies between Monroe, La., and Shreveport, La., via Alexandria, La. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 95540 (Sub-No. 827), filed December 9, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses* as described in appendix I, sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from Emporia, Kans., to points in Louisiana, Mississippi, and Tennessee, and (b) from Dakota City, Nebr., to points in Florida. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (Sub-No. 830), filed December 13, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charlotte and Concord, N.C., to points in Arkansas, Florida, Georgia, and Virginia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority under MC 95540 (Sub-No. 242), for service to points in Alabama and Oklahoma, but has no intention of tacking at this time as other gateways are currently available. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 104523 (Sub-No. 49), filed December 13, 1971. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. 68359. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile, and material, equipment, and supplies used in connection therewith*, from Fort Worth, Tex., to points in Arkansas, Arizona, California, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Fort Worth, Tex.

No. MC 106943 (Sub-No. 104), filed December 8, 1971. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, IN 47808. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of the Public Service Co. of Indiana at or near East Mount Carmel, Ind., as an off-route point in connection with carrier's authorized regular-route operations to and from Evansville, Ind. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify location.

No. MC 108053 (Sub-No. 109) (Correction), filed November 12, 1971, published in the FEDERAL REGISTER issue of December 23, 1971, and republished in part as corrected this issue. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned thereto as MC 108053 in lieu of MC 108350 which was in error in previous publication. The rest of the application remains the same.

No. MC 113959 (Sub-No. 4), filed December 7, 1971. Applicant: LEMMON TRANSPORT, INCORPORATED, Post Office Box 580, Marion, VA 24354. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste products*, in bulk, from the plantsite of Hercules, Inc., Radford Army Ammunition Plant, at or near Radford, Va., to the plantsite of Champion Paper, Inc., Division of U.S. Plywood, at or near Canton, N.C., under contract with Hercules, Inc. and Radford Army Ammunition Plant. NOTE: Applicant now holds common carrier authority under its No. MC 107544 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 114533 (Sub-No. 242), filed November 26, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, IL 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restorative dentistry products*, (a) between Kansas City, Mo., on the one hand, and, on the other, points in Kansas; and (b) between Kansas City, and Mission, Kans., on the one hand, and, on the other, points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 128616 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, or St. Louis, Mo., or Chicago, Ill.

No. MC 115311 (Sub-No. 129), filed December 6, 1971. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High temperature bonding mortar, insulating cement, and firebrick*, from points in Sumter County, Ga., to points in Alabama, Georgia, Florida, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115669 (Sub-No. 126), filed December 6, 1971. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia, fertilizer solutions, liquid feed and liquid feed supplements*, from the plantsite of Phillips Petroleum Co., at or near Aurora, Nebr., to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and Wyoming, and (2) *anhydrous ammonia and fertilizer solutions*, from the plantsite of Phillips Petroleum Co., at or near Hoag, Nebr., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, Oklahoma, South Dakota, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115793 (Sub-No. 14), filed December 7, 1971. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, Post Office Box 672, Lenoir, NC 28645. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products, bakery mixes, and bases for bakery products*, from Alton, Ill., to points in North Carolina on and west of U.S. Highway 301, those in South Carolina on and north of U.S. Highway 29, those in Georgia on and north of U.S. Highway 78 (except Atlanta, Ga.), those in Tennessee on and east of Alternate U.S. Highway 41 and those in Kentucky within the area bounded by U.S. Highway 41 from the Tennessee-Kentucky State line north of U.S. Highway 62, thence northeast along U.S. Highway 62 to U.S. Highway 231, thence southeast along U.S. Highway 231 to U.S. Highway 80, thence east along U.S. Highway 80 to Interstate Highway 75, thence south along Interstate Highway 75 to the Tennessee-Kentucky State line and westward along that State line to point of beginning, including points on all designated boundary lines. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing

V 37 13
JAN 6 72
XUM

is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116763 (Sub-No. 215), filed November 15, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains and varnishes, caulking and glazing compounds, roofing cement, petroleum oils and greases, and related products*, from Cleveland, Ohio to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the facilities of Parr, Inc., at or near Cleveland, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 117686 (Sub-No. 126), filed November 18, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51105. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Hospers, Iowa, to points in Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Sioux Falls, S. Dak.

No. MC 117883 (Sub-No. 164), filed December 3, 1971. Applicant: SUBLER TRANSFER, INC., Post Office Box 62, Versailles, OH 45380. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour, prepared flour mixes, frosting mixes, and icing mixes*, from Chelsea, Mich., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New York, New Jersey, New Hampshire, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at Chelsea Milling Co. at Chelsea, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117940 (Sub-No. 74), filed November 18, 1971. Applicant: NATIONWIDE CARRIERS, INC., Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Television receiving antennas*, from Sherburne and Norwich, N.Y., to Minneapolis, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 114789 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118535 (Sub-No. 46), filed December 6, 1971. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dog food*, from the facilities of Allen Canning Co. at or near Alma, Van Buren, Gentry, Siloam Springs, and a point located approximately 10 miles east of Siloam Springs, Ark., and Proctor, and Kansas, Okla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Little Rock, Ark.

No. MC 118535 (Sub-No. 47), filed November 22, 1971. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, (1) from Kansas City, Mo., and the facilities of Kansas City Power & Light Co. at or near Clinton, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Nebraska, and Oklahoma; and (2) from the facilities of Kansas City Power & Light Co. at or near LaCygne, Kans., to points in Arkansas, Illinois, Iowa, Missouri, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No MC 119639 (Sub-No. 5), filed November 24, 1971. Applicant: INCO EXPRESS, INC., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth or fabric coated with plastic and/or liquid plastic*, between points in King and Snohomish Counties, Wash., on the one hand, and, on the other, points in Alameda, Contra Costa, Los Angeles, and Orange Counties, Calif., restricted to traffic requiring refrigeration. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 119670 (Sub-No. 21), filed November 29, 1971. Applicant: THE VICTOR TRANSIT CORPORATION, Post Office Box, 115, Winton Place Station, Cincinnati, OH 45232. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from the plantsite of CF Industries, Inc., Terre Haute Nitrogen Complex, at or near Terre Haute, Ind., to points in Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 119762 (Sub-No. 4), filed December 8, 1971. Applicant: KIMBERLAIN TRUCKING, INC., 5307 Cynthia Lane, Racine, WI 53406. Applicant's representative: Paul Pike Pullen, 4920 West Vliet Street, Milwaukee, WI 53208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fermented malt beverages* and *empty containers* or other such incidental facilities used in transporting said commodity, from South Bend, Ind., to Racine and Kenosha, Wis., under contract with Triangle Wholesale Co., Inc., and Rapids Beer Distributors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Racine, Wis.

No. MC 119789 (Sub-No. 110), filed December 6, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Winston M. Boggs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods, commodities in bulk, in tank vehicles, meats and meat byproducts), from Delaware and Defiance, Ohio, to points in Texas, California, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 119934 (Sub-No. 174), filed December 9, 1971. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry in bulk, from St. Bernard Parish, La., to points in Arkansas, and Texas. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.; New Orleans, La., or Washington, D.C.

No. MC 119988 (Sub-No. 48), filed December 6, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Lufkin, TX 75901. Applicant's representative: Bennie W. Haskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation pursuant to section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter from the plantsite or warehouses of Web Offset Division of the Oklahoma Publishing Co., at or near Oklahoma City, Okla., to points in Alabama (except Birmingham), Arkansas, Colorado (except Denver), Delaware, Florida, Georgia, Idaho, Illinois (except Chicago), Iowa, Kansas, Kentucky (except Louisville), Maine, Massachusetts (except Boston), Maryland, Mississippi, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, New York (except New York City), North Dakota, Oregon, Pennsylvania east of U.S. Highway 219, South Carolina, South Dakota, Tennessee, Texas (except Dallas), Utah, Vermont, Virginia, Washington, West Virginia (except Wheeling), Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, or Dallas, Tex.

No. MC 123048 (Sub-No. 204), filed December 8, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Engine-cooling radiators;* and (2) *racks* for engine-cooling radiators, between Kenosha, Wis., on the one hand, and, on the other, Paducah, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 123407 (Sub-No. 98), filed November 18, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor tile, flooring adhesives, flooring materials, supplies, and accessories*, used in the installation thereof (except commodities in bulk), from Kankakee, Ill., to points in Minnesota, North Dakota, South Dakota, Nebraska, Wisconsin, and the Upper Peninsula of Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 125338 (Sub-No. 7), filed December 14, 1971. Applicant: SUPER SPEED TRANSPORT, INC., Post Office Box 755, Waterloo, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles and snowplow tractors*, from the port of entry on the international boundary line between the United States and Canada at or near Trout River, N.Y., to Malone, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Plattsburgh, N.Y.; Montpelier, Vt., or Boston, Mass.

No. MC 125433 (Sub-No. 31), filed December 2, 1971. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quick freezing systems, carbon dioxide recovery systems, vaporizers, converters, and liquefiers*, from the plantsite of Airco Cryogenics at or near Irvine, Calif., to points in the United States (except Hawaii and Alaska). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Salt Lake City, Utah.

No. MC 125497 (Sub-No. 15), filed November 26, 1971. Applicant: L. WOODS & SON TRANSPORT LTD., 5005 Irwin Avenue, LaSalle, PQ, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles and trail bikes*, between ports of entry on the international boundary line between the United States and Canada and points in the United States on the one hand, and, on the other, points in Massachusetts, restricted to foreign commerce only. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126198 (Sub-No. 12), filed November 3, 1971. Applicant: MICHAUD TRUCKING, INCORPORATED, 133 Birch Street, Kingsford, MI 49801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, namely beer, ale, and malt*, from St. Louis, Mo., to Escanaba (Delta County), Mich., and empty containers on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 128273 (Sub-No. 116), filed December 3, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Franklin, Va., to points in Ohio, Indiana (points on and north of U.S. Highway 40), Michigan (points on and south of Michigan Highway 21) and Chicago, Ill., and its commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 117), filed December 3, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, from Olmstead, Ill., and Paris, Tenn., to points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Texas, Louisiana, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 129613 (Sub-No. 8), filed December 2, 1971. Applicant: ARTHUR FULTON, Stephens City, Va. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Articles*, normally sold in department or variety stores, from the Silco Stores, Inc., warehouse at or near Winchester, Va., to points in Delaware, Maryland, North Carolina, New Jersey, Ohio, Pennsylvania, Virginia, and West Virginia and from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and Washington, D.C., to Silco Stores, Inc., warehouse at or near Winchester, Va., under contract with Silco Stores, Inc., Huntington Valley, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Winchester, Va., or Washington, D.C.

V 37 N 3 JAN 6 72 XUM

No. MC 129631 (Sub-No. 24), filed November 29, 1971. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Applicant's representative: Max D. Eliason, Post Office Box 2602, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, valves, fittings and hydrants, and the stringing thereof* (except those commodities which because of size or weight require special equipment), from Provo and Ironton, Utah to points in Oregon and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 101741. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133562 (Sub-No. 10), filed December 13, 1971. Applicant: HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Estherville, IA 51334. Applicant's representative: Merle Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Spencer Foods, Inc., at or near Hartley and Spencer, Iowa, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or St. Paul, Minn.

No. MC 133591 (Sub-No. 1), filed November 24, 1971. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL TRUCK, Post Office Box 303, Mount Vernon, MO 65712. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries*, from plantsites and storage facilities of L. S. Heath & Sons, Inc. at or near Robinson, Ill., and from plantsites and storage facilities of Fred W. Amend Co. at or near Danville, Ill., to points in California, Oregon, Washington, Idaho, Utah, Colorado, Arizona, New Mexico, and Nevada. NOTE: Applicant holds contract carrier authority under its No. MC 134494 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133741 (Sub-No. 11), filed October 26, 1971. Applicant: OSBORNE TRUCKING CO., INC., 1008 Sierra Drive, Riverton, WY 82501. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Montana, to points in Arkansas, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah, and Wisconsin, under contract with U.S. Plywood-Champion Papers, Inc. NOTE: Applicant holds common carrier authority under MC 134370 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Billings, Mont., or Cheyenne, Wyo.

No. MC 133854 (Sub-No. 4), filed December 6, 1971. Applicant: DOYLE REASNOR AND LEO REASNOR, a partnership, doing business as REASNOR CONSTRUCTION COMPANY, Post Office Box 148, Kinta, OK 75442. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from the mine site of Kerr-McGee Corp. near Stigler, Okla., to Sansbois Creek 3 miles west of Keota, Okla., restricted to the transportation of traffic having a subsequent movement by water, under contract with Kerr-McGee Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 133966 (Sub-No. 11), filed August 10, 1971. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular or expanded plastic sheet*, from West Hazleton, Pa., to points in Indiana, Illinois, Massachusetts, Michigan, Ohio, Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 134387 (Sub-No. 9), filed December 6, 1971. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, Los Angeles, CA 90280. Applicant's representative: Warren N. Grossman, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal cans and can ends*, from points in Alameda, Los Angeles, Orange, San Bernardino, Santa Clara, Stanislaus, San Francisco, and San Mateo Counties, Calif., to points in Hood River, Clackamas, Lane, Lynn, Polk, Marion, Multomah, Umatilla, Washington, Yamhill, and Clatsop Counties, Oreg., and to points in Benton, Clark, King, Lewis, Pierce, Thurston, Walla Walla, Yakima, Skagit, Snohomish, and Watcom Counties, Wash., and (2) *glass containers and closures* therefor, from points in Los Angeles and Alameda Counties, Calif., to points in King, Pierce and Benton Counties, Wash., and to points in Multnomah County, Oreg. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 127952 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134922 (Sub-No. 21) (Amendment), filed December 6, 1971, published in the FEDERAL REGISTER issue of December 30, 1971, and republished as amended this issue. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: George Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hartford, Bailey and Grawn, Mich., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add Mississippi as a destination state. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135681 (Sub-No. 1), filed December 3, 1971. Applicant: LEONARD JACKSON, doing business as L. M. JACKSON AND SONS, Post Office Box 94, Daleville, IN 47334. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble and granite monuments*, and *materials* and *supplies* used in their preparation, from Muncie, Ind., to points in Indiana; points in Champaign, Clark, Clay, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Hamilton, Iroquois, Jasper, Jefferson, Lawrence, Livingston, McLean, Macon, Marion, Moultrie, Piatt, Richland, Saline, Shelby, Vermilion, Wabash, Wayne, White, and Williamson Counties, Ill.; points in Darke, Preble, Mercer and Van Wert Counties, Ohio; and Owensboro, Louisville, Elizabethtown, Glasgow, Frankfort, and Lexington, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 135900 (Sub-No. 1), filed August 16, 1971. Applicant: ROBERT B. JONES, Post Office Box 141, Lake Stevens, WA 98298. Applicant's representative: Patrick D. Sutherland, Suite 900 Capitol Center Building, Olympia, Wash. 98501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by surplus and

discount stores, between Seattle warehouses and only the Worldwide Distributors affiliated stores in Multnomah, Marion, Jackson, Wasco and Umatilla Counties, Oreg., and Latah County, Idaho, under contract with World Wide Distributors affiliate stores only in Washington, Oregon, and Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 135942 (Sub-No. 2), filed December 8, 1971. Applicant: MAX BRONES, doing business as BRONES LIVESTOCK, Joice, Iowa 50446. Applicant's representative: Clayton L. Wornson, 824 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated plastic tubing* and (on return) *material, equipment and supplies*, used in manufacture, distribution and installation of corrugated plastic tubing (except in bulk, from Lake Mills, Iowa to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, and on return from points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin to Lake Mills, Iowa, under contract with Certain-Teed/Daymond Co., Valley Forge, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mason City, or Des Moines, Iowa.

No. MC 135974 (Sub-No. 1), filed November 15, 1971. Applicant: DONALD W. LEMMONS, doing business as INTERSTATE WOOD PRODUCTS, 107 Johnson Lane, Kelso, WA 98626. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, shavings and hogged fuel*, (1) from points in Lewis County, Wash., to points in Grays Harbor and Cowlitz Counties, Wash., and Clackamas, Clatsop, and Columbia Counties, Oreg., and (2) from points in Hood River County, Oreg., to Longview, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 135999 (Sub-No. 2), filed December 8, 1971. Applicant: HARRY PATTERSON, doing business as PATTERSON TRUCK LINE, Box 192, Salisbury, MO 65281. Applicant's representative: Dale E. Sporleder, 614 Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsite of Semco Manufacturing, Inc., at or near Salisbury, Mo., to points in the United States (except Alaska and Hawaii), under contract with Semco Mfg., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, or Kansas City, Mo.

No. MC 136179 (correction), filed November 9, 1971, published FEDERAL REGISTER, issue of December 16, 1971, and republished as corrected this issue. Applicant: CHARLES A. NOLLMAN, Route 6, Box 662, Ringgold, GA 30736. NOTE: The purpose of this republication is to show the correct docket number assigned hereto, No. MC 136179, in lieu of No. MC 136180, which was in error. The rest of the notice remains as previously published.

No. MC 136185, filed November 15, 1971. Applicant: FLEETWOOD HOMES OF TEXAS, INC., 2901 Industrial Road, Waco, TX 70703. Applicant's representative: Coke Mills, Jr., 604 First National Building, Waco, Tex. 76701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Extruded polyethylene film, liners and bags* (except in tank vehicles), from Waco, Tex., to points in Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif., Cooke, DuPage, and Lake Counties, Ill., Columbus, Ohio, Atlanta, Ga., New Orleans, La., Little Rock, Ark., St. Louis, Mo., Oklahoma City, Okla., Louisville, Ky., Phoenix, Ariz., and Albuquerque, N. Mex., under contract with Pakrite Plastic Corp., of Waco, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 136206, filed December 9, 1971. Applicant: TWIN COUNTY TRUCKING & DELIVERY SERVICE, INC., 810 Fourth Avenue, Asbury Park, NJ 07712. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Trenton, N.J., on the one hand, and, on the other, points in Monmouth and Ocean Counties, N.J., and those in Middlesex County, N.J., on and south of the Raritan River, restricted to shipments having a prior or subsequent movement by other carriers. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or Philadelphia, Pa.

No. MC 136217 (Sub-No. 1), filed December 6, 1971. Applicant: HRH TRUCKING, INC., 19-95 Linden Boulevard, Elmhurst, NY 11368. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Citrus fruit juice crystals, citrus fruit juice powder, nonalcoholic beverage mix and beverage dispenser, beverage preparations, aromatic bitters, flavoring syrup, rock crystal syrup, and advertising matter*, from Carteret, N.J., to points in New York, N.Y., commercial zone as defined in the Fifth Supplemental Report in commercial zones and terminal areas, 53 M.C.C. 451, within which local operations may be conducted under exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), under a continuing contract or contracts with the Angostura-Wuppermann Corp., and Cramore Products, Inc., a subsidiary of Iroquois Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136219, filed November 22, 1971. Applicant: ACKERMAN MOTOR LINES, INC., 208 Alpine Trail, Sparta, NJ 07870. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and materials, equipment and supplies* used or useful in the manufacture and sale of textiles, between Washington, N.J., on the one hand, and, on the other, Newburgh and points in the New York, N.Y., commercial zone as defined by the Commission, Carlstadt and Paramus, N.J., and points in Pennsylvania east of the Susquehanna River, under contract with Millville Dyeing Finishing Co. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136241, filed December 9, 1971. Applicant: GEORGE A. FAGUE, 246 Woonasquatucket Avenue, North Providence, RI 02911. Applicant's representative: Martin Johnson, 638 Hospital Trust Building, Providence, R.I. 02903. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger vehicles*, by drive-away method in secondary movement, between points in Rhode Island on the one hand, and, on the other, points in the continental United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 136245, filed December 3, 1971. Applicant: HARVEY L. DAVIS, doing business as DAVIS GARAGE AND WELDING SHOP, 1024 Northwest Boulevard W, Winston-Salem, NC 27104. Applicant's representative: W. Leslie Johnson, Jr., 203 Northwestern Bank Building, Corner Cherry and Third Streets, Winston-Salem, NC 27101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked cars and trucks*, between points in eastern United States (except Wisconsin, Michigan, Minnesota, New Hampshire, Vermont, and Maine), under contract with Carolina Garage, Anchor Motor Freight and McLean Trucking Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Winston-Salem or Charlotte, N.C.

No. MC 136247, filed December 6, 1971. Applicant: WRIGHT TRUCKING, INC., 1303 10th Street SE., Jamestown, ND 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Author-

V 37 I 3
JAN 6 72
XUM

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, dealt in by wholesale food and beverage distributors, from Jamestown, N. Dak., to points in North Dakota except Fargo an Portland, and the facilities of Valley Sales Co., Inc., at Jamestown and Valley City, N. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo. N. Dak., or St. Paul, Minn.

No. MC 136257, filed December 8, 1971. Applicant: JOE EDGEWORTH, doing business as EDGEWORTH TRUCKING, 4484 South K Street, Tulare, CA 93274. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, CA 90057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, expanded, having a density of less than 6 pounds per cubic foot, from points in Los Angeles and Orange Counties, Calif., to points in Nevada, Arizona, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136100 (Sub-No. 1), filed December 3, 1971. Applicant: K & K TRANSPORTATION CORP., 4515 North 24 Street, Omaha, NE 68110. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Folding cartons and corrugated cases*, from Omaha, Nebr., to points in the United States, (b) *carton forming machinery* to and from Omaha, Nebr., to the aforesaid destinations and between the aforesaid destinations, and (c) *plastic film*, from Chicago, Ill., and Bridgeport, Conn., to Omaha, Nebr., under contract with Midwest Supply Co., Omaha, Nebr., and Malnove Specialty Box Co., Omaha, Nebr. NOTE: Applicant states commodities destined for Nassau, Bahamas; Honolulu, Hawaii; and Pago, Pago, will be delivered to the port of embarcation. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

MOTOR CARRIER OF PASSENGERS

No. MC 135854 (Sub-No. 1), filed December 7, 1971. Applicant: GINO PAUL DEFENT, doing business as GINO'S BUS SERVICE, 186 Canterbury Street, Ingersoll, ON Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Passengers and their baggage* in the same vehicle with passengers, in special operations in round trip, sightseeing and pleasure tours, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in New York and Michigan and extending to points in Michigan and New York, and (b) *passengers and their baggage* in charter operations from ports of entry on the international boundary line between the United States and Canada located in Michigan and New York to points in New York and Michigan, and return. Restriction: The transportation authorized herein is restricted to foreign transportation only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-136 Filed 1-5-72;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

5 CFR — Page
890 — 7

7 CFR
52 — 131
510 — 69
722 — 7
730 — 8
812 — 9
814 — 9
846 — 133
907 — 10, 134
910 — 70
PROPOSED RULES:
730 — 19
966 — 81
980 — 81
1004 — 20
1207 — 81
1430 — 20

9 CFR
53 — 134
82 — 135
400 — 135
PROPOSED RULES:
327 — 85

10 CFR
PROPOSED RULES:
110 — 92

12 CFR
201 — 11
702 — 70
PROPOSED RULES:
715 — 95

14 CFR
39 — 11, 12, 70
71 — 13, 71, 135, 136
75 — 13, 71
97 — 71
225 — 72
PROPOSED RULES:
71 — 21, 91, 144, 145

17 CFR
240 — 73
PROPOSED RULES:
274 — 99

18 CFR — Page
PROPOSED RULES:
141 — 22

19 CFR
PROPOSED RULES:
Ch. I — 19

20 CFR
PROPOSED RULES:
405 — 89

21 CFR
121 — 14, 74
135 — 137
135c — 14, 137
135e — 74
135f — 14
148m — 15
301 — 137
PROPOSED RULES:
27 — 20
130 — 85
304 — 144

22 CFR
41 — 15

24 CFR
200 — 75
203 — 138
207 — 138
220 — 138
222 — 76
PROPOSED RULES:
203 — 144

26 CFR
12 — 16
PROPOSED RULES:
1 — 19, 99

28 CFR
301 — 138

30 CFR
75 — 17

32 CFR
270 — 77
PROPOSED RULES:
1467 — 99

35 CFR — Page
5 — 77

39 CFR
235 — 77

40 CFR
180 — 78, 140, 141
PROPOSED RULES:
180 — 92–94

41 CFR
5A–3 — 141
5A–7 — 141
5A–8 — 142
101–17 — 78
103–40 — 17

42 CFR
53 — 182

43 CFR
PUBLIC LAND ORDERS:
1932 (amended by PLO 5147) — 18
4582 (modified by PLO 5149) — 18
4962 (see PLO 5149) — 18
5081 (see PLO 5149) — 18
5147 — 18
5148 — 18
5149 — 18
5150 — 142
Amended by PLO 5151 — 142
5151 — 142

46 CFR
390 — 16

47 CFR
PROPOSED RULES:
0 — 145
2 — 145, 146
15 — 94, 146
21 — 146
89 — 146

49 CFR
PROPOSED RULES:
192 — 145

50 CFR
28 — 79
33 — 79, 80

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*
1–62	Jan. 4
63–123	5
125–193	6

V 37 I 3 JAN 6 72 XUM

federal register

THURSDAY, JANUARY 6, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 3

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

Grants, Loans, and Loan Guarantees for Construction and Modernization of Hospitals and Medical Facilities

No. 3—Pt. II——1

V 37 3
JAN 6 72
XUM

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 53—GRANTS, LOANS AND LOAN GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

On July 29, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14016) proposing a revision of 42 CFR Part 53, relating to grants, loans and loan guarantees for the construction and modernization of hospitals and medical facilities under Title VI of the Public Health Service Act (42 U.S.C. 291 et seq.).

Interested persons were invited to submit, within 30 days, written comments, suggestions or objections regarding the proposed regulations.

A number of responses were received. The substance of these comments, and the Department's response thereto, is summarized below.

Changes have been made in the final regulations as a result of the following comments on the proposal:

1. *Allotment of direct loan and loan guarantee funds.* It was pointed out that the proposed formula for allotment of loan and loan guarantee funds to States did not include the element "need for construction", which is required by statute (sec. 622(a), Public Health Service Act).

The omission of the element "need for construction" was inadvertent. It has now been included in the formula (§ 53.92).

2. *Size criteria for mental and tuberculosis hospitals.* It was suggested that the 3,000-bed maximum size for mental hospital projects is contrary to the Federal policy of encouraging a trend away from large State or municipal "warehouses" for the mentally ill; and that the 100-bed minimum size for tuberculosis hospitals is contrary to the policy of the program to include necessary TB beds as units of general hospitals, rather than as separate entities.

The size criteria for both mental health and TB hospitals (§§ 53.102 and 53.103 of the proposal) have been deleted.

3. *Review of State plans by areawide health planning agencies.* It was suggested that, in addition to the review of individual projects by areawide health planning agencies required by statute, the State plan itself should be submitted in draft form to such agencies for review and comment.

Although this suggested addition has been program policy since January 1971, it constitutes a step in the plan review process which should more logically be included in the regulations. Accordingly, a provision has been added (§ 53.121(b)) requiring that the State Hill-Burton agency submit the State plan and any modifications thereof in final draft, before submission to the Secretary, to each agency which has developed an areawide health plan pursuant to section 314(b) of the Public Health Service Act with respect to an area in the State and, with respect to any area in which there is no such agency, to the agency administering the State plan under section 314(a) of the Act.

4. *Assurance of reasonable volume of services to persons unable to pay therefor.* Several comments related to the assurance which has been authorized by statute (section 603(e)(2), PHS Act) and required by regulation since the program's inception, and which was restated in § 53.111(b) of the proposal, with respect to the provision of a reasonable volume of services for persons unable to pay therefor.

That assurance is currently the subject of litigation in a number of suits in which the Secretary has been named or joined as a defendant. A new regulation designed to define the scope of the assurance more clearly and to govern its enforcement is under preparation in the Department and will be published separately in the near future as a notice of proposed rule making with invitation for public comment. In the interim, the assurance of a reasonable volume of services for persons unable to pay therefor has been revised so as to restate the statutory language, and has been placed in a separate section (§ 53.111). In addition, the provisions relating to community service (§ 53.111(a) of the proposal), nondiscrimination on account of creed (§ 53.111(c)), Title VI of the Civil Rights Act of 1964 (§ 53.112), and nondiscrimination in construction contracts (§ 53.113) have been placed in a new § 53.112, as paragraphs (a)(1), (a)(2), (c), and (b), respectively.

5. *Use of 1960 data in determining poverty areas.* Objection was raised to the fact that "the latest available published data from the Bureau of the Census", which State agencies are required to use in determining rural and urban poverty areas under § 53.129 of the proposal, is currently the data from the 1960 census—1970 census data will not be available until at least February 1972.

To alleviate this problem, a paragraph has been added providing that if States can demonstrate to the satisfaction of the Secretary that the income levels of families in particular areas have changed sufficiently since the date of the latest available census data to justify changes in the ranking of such areas, they may qualify as rural or urban poverty areas.

In addition, the following comments were received:

6. *Fifty-year title requirement.* Objection was raised to the requirement that an applicant provide assurance that he has or will have a fee simple or other interest in the construction site sufficient to assure undisturbed use of the facility for a period of 50 years (§ 53.128(a) of the proposal).

The 50-year title requirement is statutory (see section 645(1), PHS Act).

7. *Services in outpatient facilities.* It was suggested that a more specific list of minimum services to be provided in outpatient facilities be developed (§ 53.1(j) of the proposal).

It is the Department's judgment that no inclusion of specific types of outpatient services is necessary, since the emphasis is on the comprehensiveness of such facilities. Policy guidelines specify that single purpose outpatient facilities such as alcoholic or narcotic addiction centers are eligible where they serve one or more general hospitals within the same service area under formal written agreements. This same arrangement has been made for other types of single purpose facilities eligible in the past, such as laboratory or laundry facilities to be used by a number of general hospitals. Maintaining this concept strengthens the emphasis on shared services and reduction of duplication of functions.

8. *"Comprehensive health care".* It was suggested that the term "comprehensive" as used in § 53.81(a) of the proposal is too general, and that a list of basic minimum services should be included by way of definition.

"Comprehensive health care" is deliberately left undefined, since it is to be construed in relation to the need of a community/service area. To spell out a list of services invites duplication of those services by applicants in order to qualify for assistance. Priority judgment will be applied in favor of the applicant who presents the best program to meet the largest share of the defined needs.

In addition to the changes described in paragraphs 1–5 above, a number of editorial and technical changes have been included.

After consideration of all the comments and suggestions received, the revision as proposed is hereby adopted, subject to the following changes:

1. The first sentence of § 53.42 is revised to read as set forth below.

2. Paragraph (c) of § 53.84 is changed by inserting ")" immediately after the word "section".

3. Subparagraph (2) of § 53.92(a) is revised to read as set forth below.

4. Paragraph (b) of § 53.94 is revised to read as set forth below.

5. Sections 53.102 and 53.103 are deleted, and § 53.104 is renumbered as § 53.102.

6. Subpart L is revised to read as set forth below.

7. Section 53.121 is revised to read as set forth below.

8. Subdivision (i) of § 53.128(1)(2) is revised to read as set forth below.

9. Paragraph (c) of § 53.129 is redesignated as paragraph (d) of such section, and a new paragraph (c) is inserted.

Effective date. These regulations shall be effective upon publication in the FEDERAL REGISTER (1–6–72).

Dated: December 6, 1971.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: December 30, 1971.

ELLIOT L. RICHARDSON,
Secretary.

Subpart A—Definitions

Sec.
53.1 Definitions.

Subpart B—Distribution of Beds for Acute and Long-Term Illness (Excluding Mental and Tuberculosis)

53.11 State need (standards of adequacy).
53.12 Service areas.
53.13 Existing general hospital beds and long-term care beds.

Subpart C—Distribution of Tuberculosis Hospital Beds

53.21 State need (standards of adequacy).
53.22 Distribution.
53.23 Existing tuberculosis hospital beds.

Subpart D—Eligibility, Distribution and Priority of Beds for the Mentally Ill

53.31 Mental health services principally for persons residing in the community.
53.32 Mental health services not principally for persons residing in the community.
53.33 Distribution.
53.34 Existing mental hospital beds.

Subpart E—Distribution of Public Health Centers

53.41 State need (standards of adequacy).
53.42 Distribution.
53.43 Existing public health centers.

Subpart F—Distribution of Outpatient Facilities

53.51 State need (standards of adequacy).
53.52 Distribution (service areas).
53.53 Existing outpatient facilities.

Subpart G—Distribution of Rehabilitation Facilities

53.61 State need (standards of adequacy).
53.62 Distribution.
53.63 Existing rehabilitation facilities.

Subpart H—Distribution of Modernization Projects for All Categories of Facilities

53.71 Determination of need.
53.72 Distribution.

Subpart I—Priority of Projects

53.81 General.
53.82 Hospitals (new construction).
53.83 Facilities for long-term care (new construction).
53.84 Outpatient facilities (new construction and modernization).
53.85 Rehabilitation facilities (new construction).
53.86 Public health centers (new construction).
53.87 Modernization.

Subpart J—Allotments for Modernization Grants and for Loans and Loan Guarantees, and Transfer of State Allotments

53.91 Allotments for modernization grants.
53.92 Allotments for direct loans and loan guarantees.
53.93 Transfer of allotments to another State.
53.94 Transfer of grant allotments to another category within a State.

Subpart K—General Standards of Construction and Equipment

53.101 General.
53.102 Size of facilities for long-term care.

Subpart L—Services for Persons Unable to Pay; Community Service; Nondiscrimination

53.111 Services for persons unable to pay.
53.112 Community service; nondiscrimination.

Subpart M—Methods of Administration of the State Plan

Sec.
53.121 General; review and comment by areawide health planning agencies.
53.122 Construction program.
53.123 Personnel administration.
53.124 Fair hearings.
53.125 Construction standards.
53.126 Minimum standards of maintenance and operation.
53.127 Application; submittal; amendment; processing.
53.128 Assurances from applicant.
53.129 Determination of rural or urban poverty areas.
53.130 Certification to the Secretary.
53.131 Requests for construction payments for grants.
53.132 Fiscal and accounting requirements.
53.133 Access by Comptroller General.
53.134 Notice of change of status of facility.
53.135 Good cause for other use of facility.

Subpart N—Loan Guarantees and Direct Loans

53.141 Applicability.
53.142 Definitions.
53.143 Eligibility for loan guarantees and direct loans.
53.144 Approval of applications.
53.145 Maximum amount of direct loan or guaranteed loan.
53.146 Forms of evidence of indebtedness.
53.147 Security for loans.
53.148 Opinion of legal counsel.
53.149 Length and maturity of loans.
53.150 Interest on direct loans.
53.151 Repayment.
53.152 Loan Guarantee Agreement and Direct Loan Agreement.
53.153 Loan closing.
53.154 Waiver of right of recovery.

AUTHORITY: The provisions of this Part 53 issued under secs. 215, 603, 623(b), Public Health Service Act as amended, 58 Stat. 690, 78 Stat. 451, 84 Stat. 346; 42 U.S.C. 216, 291o, 291j–3(b).

Subpart A—Definitions

§ 53.1 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this part:

(a) "Act" means title VI of the Public Health Service Act, as amended (42 U.S.C. 291 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "State agency" means the agency designated by a State pursuant to section 604(a)(1) of the Act.

(d) "Service area" means the geographic territory from which patients come or are expected to come to existing or proposed hospitals or existing or proposed public health centers, or existing or proposed medical facilities (i.e., facilities for long-term care, outpatient facilities, rehabilitation facilities), the delineation of which is based on such factors as population distributon, natural geographic boundaries, and transportation and trade patterns, and all parts of which are reasonably accessible to existing or proposed hospitals, public health centers, or medical facilities. When appropriate, interstate areas may be formed with the mutual agreement of the States concerned.

(e) "Hospital" means general, tuberculosis, mental, and other types of hospitals, and related facilities such as laboratories, outpatient departments, nurses' home facilities, extended care facilities, facilities related to programs for home health services, self-care units, education or training facilities for health professions personnel operated as an integral part of a hospital, and central service facilities operated in connection with hospitals, but does not include any hospital providing primarily domiciliary care.

(f) "General hospital" means any hospital for short-term inpatient medical or surgical care of illness or injury, which may include obstetrical care.

(g) "Mental hospital" means a hospital (including long-term care, intensive care, or both) for the diagnosis and treatment of mental illness.

(h) "Tuberculosis hospital" means a hospital for the diagnosis and treatment of tuberculosis.

(i) "Facility for long-term care" means a facility (including an extended care facility) providing community service for inpatient care for convalescent or chronic disease patients who require skilled nursing care and related medical services

(1) Which is a hospital (other than a hospital primarily for the care and treatment of mentally ill or tuberculosis patients) or is operated in connection with a hospital, or

(2) In which such nursing care and medical services are prescribed by, or are performed under the general direction of, persons licensed to practice medicine or surgery in the State. Institutions furnishing primarily domiciliary care are not included.

"Chronic disease hospitals" and "nursing homes" as used in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities," incorporated by reference in § 53.101(a), constitute "facilities for long-term care."

(j) "Outpatient facility" means a facility, located in or apart from a hospital, providing community service for the diagnosis or diagnosis and treatment of ambulatory patients (including ambulatory inpatients) in need of physical and/or mental care

(1) Which is operated in connection with a hospital; or

(2) In which patient care is under the professional supervision of persons licensed to practice medicine or surgery in the State or, in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State; or

(3) Which offers to patients not requiring hospitalization the services of licensed physicians in various medical specialities, and which makes provision for its patients to receive a reasonably full range of diagnostic and treatment services.

V 37 I 3
JAN 6 72
XUM

(k) "Rehabilitation facility" means a facility providing community service which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program under competent professional supervision of: Medical evaluation and services; and psychological, social, or vocational evaluation and services. The major portion of the required evaluation and services must be furnished within the facility; and the facility must be operated either in connection with a hospital or as a facility in which all medical and related health services are prescribed by, or are under the general direction of, persons licensed to practice medicine or surgery in the State. For purposes of this paragraph:

(1) An integrated program brings together as a team specialized personnel from the (i) medical, and (ii) psychological, social, or vocational areas for the purpose of pooling information, interpretations and opinions for the development of a rehabilitation plan of services in which the disabled individual is viewed as a whole. When members of the team contribute to the diagnosis and treatment of illness, their contributions must be coordinated under medical responsibility.

(2) A disabled person is an individual who has a physical or mental condition which, to a material degree, limits, contributes to limiting, or if not corrected, will probably result in limiting, the individual's performance of activities to the extent of constituting a substantial physical, mental, or vocational handicap.

(3) Medical service, in the case of a rehabilitation facility operated in connection with a hospital, means a service under the direct personal supervision of a medical director, varied and extensive availability of specialized consultants, physical and occupational therapy department and occupation therapy services, and medical evaluation.

(4) Medical service, in the case of a rehabilitation facility not operated in connection with a hospital, means medical supervision, availability by agreement of medical consultants, and evaluation and services suitable to the needs of the disabled persons to be served.

(5) Social service means evaluation and services by a qualified social worker in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(6) Psychological service means evaluation and services by a qualified psychologist in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(7) Vocational service, in the case of a rehabilitation facility operated in connection with a hospital, means evaluation and services by a qualified vocational rehabilitation counselor in amounts and variety appropriate to the rehabilitation needs of the disabled persons to be served.

(8) Vocational service, in the case of a rehabilitation facility not operated in connection with a hospital, means those vocational services required in hospitals, plus a variety of vocational services appropriate to the program and the persons to be served, such as prevocational exploration, work evaluation and vocational training.

(l) "Public health center" means a publicly owned facility utilized by a local health unit for the provision of public health services, including related publicly owned facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

(m) "Local health unit" means a single county, city, county-city, or local district health unit, as well as a State health district unit where the primary function of the State district unit is the direct provision of public health services to the population under its jurisdiction.

(n) "Public health services" means services provided through organized community effort in the endeavor to prevent disease, prolong life, and maintain a high degree of physical and mental efficiency.

(o) "Hospital bed" means a bed for an adult or child patient. Bassinets for the newborn in a maternity unit nursery, beds in labor rooms, recovery rooms, and other beds used exclusively for emergency purposes are not included in this definition.

(p) "Population", with respect to any State or any area thereof, means the latest figures of civilian population certified by the U.S. Department of Commerce.

(q) "Projected population" means the projected State population estimates obtained from the U.S. Department of Commerce and provided to the State agency by the Secretary. The State agency shall distribute such population among the various areas, provided that the sum of the projected populations distributed among the various areas shall not exceed the figures provided by the Secretary.

(r) "Nonprofit hospital," "nonprofit outpatient facility," "nonprofit rehabilitation facility," and "nonprofit facility for long-term care" means any hospital, outpatient facility, rehabilitation facility, or facility for long-term care, as the case may be, owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(s) "Community service", when applied to any facility, means that (1) the services furnished are available to the general public, or (2) admission is limited only on the basis of age, medical indigency, or type or kind of medical or mental disability, or (3) the facility constitutes a medical or nursing care unit of a home or other institution which home or other institution is available in accordance with subparagraph (1) or (2) of this paragraph.

(t) "Modernization" includes alteration, major repair, remodeling, replacement, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete, built-in equipment of existing buildings. It does not include the replacement of a facility or a portion of a facility to an inpatient capacity greater than the capacity of the existing facility.

(u) "Equipment" includes those items which are necessary for the functioning of the facility but does not include items of current operating expense such as food, fuel, drugs, dressings, paper, printed forms, and soap.

(v) "Built-in equipment" means that equipment which is affixed to the facility, and usually included in the construction contract.

(w) "Major repair" means those repairs to an existing building excluding routine maintenance which restore the building to a sound state, the cost of which is no less than $100,000.

(x) "State" means the 50 States, Puerto Rico, Guam, the Virgin Islands, American Samoa, the District of Columbia, and the Trust Territories of the Pacific Islands.

Subpart B—Distribution of Beds for Acute and Long-Term Illness (Excluding Mental and Tuberculosis)

§ 53.11 State need (standards of adequacy).

The total number of beds for acute and long-term illness required to provide adequate service to the people residing an any State shall be the total of such beds required for individual service areas within the State. The number of beds required for each service area shall be determined by the State agency as follows:

(a) For general hospitals,

(1) Step (i): Multiply the current area use rate (area patient days per 1,000 current area population per year) by the projected area population (in thousands) and divide by 365 to obtain a projected area average daily census; Step (ii): Divide the projected area average daily census by 0.85 (occupancy factor) and add 10 to obtain the number of beds needed in the area, or

(2) By a different method which shall (i) incorporate, as a minimum, area utilization experience, projected area population and a desirable occupancy factor, and (ii) be submitted to the Secretary for approval prior to its use in the State plan.

(3) State agencies may adjust the bed need, as determined by one of the above methods, for specific areas with unusual circumstances or conditions; any such adjustment must be fully explained and justified in the State plan.

(b) For facilities for long-term care,

(1) Step (i): Multiply the current area use rate (area patient days per 1,000 current area population per year) by the projected area population (in thousands) and divide by 365 to obtain a projected area average daily census; Step (ii) Divide the projected area average daily census by 0.90 (occupancy factor) and add 10 to obtain the number of beds needed in the area, or

(2) By a different method which shall (i) incorporate, as a minimum, area utilization experience, projected area population and a desirable occupancy factor, and (ii) be submitted to the Secretary for approval prior to its use in the State plan.

(3) State agencies shall take into consideration (i) adjustment of bed need, as determined by one of the above methods, for areas in which a change in use rate is anticipated, and (ii) the use of area population age 65 and over, where appropriate, in place of total area population in determining bed need for long-term care.

§ 53.12 Service areas.

(a) The same service areas shall be used for planning general hospital facilities and facilities for long-term care, except that State agencies may use different areas for planning facilities for long-term care when this is consistent with effective relationships between the location of facilities and the need for services.

(b) Each service area shall have sufficient population that it may have general hospital or long-term care services appropriately planned in one or more facilities.

(c) The State agency shall describe in the State plan the population characteristics of each service area and outline a program for the distribution of beds and facilities for general hospital and long-term care.

§ 53.13 Existing general hospital beds and long-term care beds.

(a) The count of existing general hospital beds shall include the beds in the hospitals of this category as defined in Subpart A, which are not included in the count of beds for any other category under this part, and beds in any mental hospital, tuberculosis hospital or facility for long-term care which are specifically assigned for general hospital care, provided the beds so assigned in any such facility number 10 or more.

(b) The count of existing beds in facilities for long-term care shall include the beds in the facilities of this category as defined in Subpart A, which are not included in the count of beds in any other category under this part, and beds in any general, mental or tuberculosis hospital which are specifically assigned to long-term care other than mental or tuberculosis, provided the beds so assigned to any such facility number 10 or more.

(c) The count of existing beds described in paragraphs (a) and (b) of this section shall: (1) Include beds in all nursing units, including those currently closed or assigned to easily convertible nonpatient use, and bed space under construction, and (2) exclude beds in labor rooms, recovery rooms, emergency rooms, beds used intermittently for diagnosis or treatment, beds set up for temporary use, bassinets in new-born nurseries in maternity units, and unfinished bed space not under construction.

(d) The number of existing facilities in each category referred to in this subpart shall be counted.

(e) Existing beds described in paragraphs (a) and (b) of this section shall be classified as conforming or nonconforming according to specific standards of plant evaluation. Such standards shall include:

(1) Fire-resistivity of each building;

(2) Fire and other safety factors of each building;

(3) Design and structural factors affecting the function of nursing units;

(4) Design and structural factors affecting the function of service departments.

Subpart C—Distribution of Tuberculosis Hospital Beds

§ 53.21 State need (standards of adequacy).

The number of beds required to provide adequate hospital services for tuberculosis patients in any State or service area shall be determined by the following method: Divide the current average daily census of each hospital by 0.90 (occupancy factor).

§ 53.22 Distribution.

Tuberculosis hospitals receiving grants under the Act shall be built in centers of population, in proximity to general hospitals, with a view to developing community based inpatient and outpatient programs rather than isolated inpatient programs.

§ 53.23 Existing tuberculosis hospital beds.

(a) The count of existing tuberculosis hospital beds shall include the beds in tuberculosis hospitals, which are not included in the count of beds for any other category, and also beds in any general hospital which are specifically assigned for the care of patients with tuberculosis, provided the beds so assigned in any such general hospital number 10 or more.

(b) Existing tuberculosis hospital beds shall be classified as conforming or nonconforming according to plant evaluation standards as set forth in Subpart B of this part.

Subpart D—Eligibility, Distribution and Priority of Beds for the Mentally Ill

§ 53.31 Mental health services principally for persons residing in the community.

(a) For the purpose of determining need and priority, the State plan approved or approvable under the Community Mental Health Centers Act (42 U.S.C. 2681 et seq.) shall constitute that portion of the plan under the Act for construction of facilities for providing services principally for persons residing in a particular community or communities in or near which the facility is situated for the prevention or diagnosis of mental illness, or care and treatment of mentally ill patients, or rehabilitation of such persons.

(b) Special consideration shall be given to those projects for which the applicant sets forth in his application a reasonable and feasible proposal for the development, within a reasonable period of time, of a program for the provision of those essential elements of comprehensive mental health services prescribed in § 54.212 of this chapter relating to community mental health centers.

(c) An application for the construction of facilities specified in paragraph (a) of this section may be approved under this part only if the Secretary determines that funds are not available under the Community Mental Health Centers construction grant program (Part 54, Subpart C, of this chapter).

§ 53.32 Mental health services not principally for persons residing in the community.

(a) With respect to facilities for the mentally ill which do not provide services principally for persons residing in a particular community in or near which the facility is situated, special consideration shall be given to those projects for remodeling or replacing services and facilities which do not increase bed capacity, or if services are being expanded, the applicant demonstrates that no alternative plan for provision of such expanded services is feasible.

(b) An application for construction of facilities specified in paragraph (a) of this section may be approved only if it conforms with the State plan approved under the Act.

§ 53.33 Distribution.

Mental hospitals receiving grants under the Act shall be built in centers of population, as a part of or in proximity to general hospitals, with a view to developing community based inpatient and outpatient programs rather than isolated inpatient programs.

§ 53.34 Existing mental hospital beds.

(a) The count of existing mental hospital beds shall include the beds in mental hospitals, which are not included in the count of beds in any other category, and also beds in any general hospital which are specifically assigned for the comprehensive inpatient care of patients with mental illness.

(b) Existing mental hospital beds shall be classified as conforming or nonconforming according to plant evaluation standards as set forth in Subpart B of this part.

Subpart E—Distribution of Public Health Centers

§ 53.41 State need (standards of adequacy).

(a) The number of public health centers to be planned in a State shall be adequate to meet the needs of the people of that State.

(b) The need shall be determined after consultation with the State health authority (where the State agency is not the State health authority) and with local health departments where such departments are independent operating units.

V 37 I 3
JAN 6 72
XUM

§ 53.42 Distribution.

The general method of distribution of public health centers throughout the State shall conform to the plan of organization of local health units within the State. In instances where the State agency is not the State health authority, the method of distribution shall be determined after consultation with the State health authority.

§ 53.43 Existing public health centers.

(a) Where the State agency is not the State health authority, the number of existing public health centers shall be determined after consultation with the State health authority.

(b) Existing public health centers shall be classified as conforming or nonconforming according to plant evaluation standards, which shall include:

(1) Fire-resistivity of each building;

(2) Fire and other safety factors of each building;

(3) Design and structural factors affecting the function of the center.

Subpart F—Distribution of Outpatient Facilities

§ 53.51 State need (standards of adequacy).

Outpatient facilities shall be planned in sufficient number to make at least the basic minimum services readily available to all persons in the State. Provision of the basic minimum services requires facilities for examination of patients by a physician or a dentist, and the provision of clinical laboratory and diagnostic X-ray services.

§ 53.52 Distribution (service areas).

In determining the need for additional outpatient facilities in an area as a basis for distribution of such facilities, special consideration shall be given to areas in which there is a shortage of services provided by private physicians and dentists. Outpatient facilities should be planned in the same service areas used for planning hospitals except that more than one outpatient facility service area may be planned in such hospital service area, resulting in a subdivision of the hospital service area into a number of outpatient facility service areas.

§ 53.53 Existing outpatient facilities.

(a) The count of existing outpatient facilities shall exclude:

(1) Offices of private physicians and dentists, whether for individual or group practice;

(2) Industrial clinics for employees only, first aid clinics, and similar facilities not furnishing a community service.

(b) Existing outpatient facilities shall be classified as conforming or nonconforming according to plant evaluation standards as set forth in Subpart E of this part.

Subpart G—Distribution of Rehabilitation Facilities

§ 53.61 State need (standards of adequacy).

Rehabilitation facilities shall be planned by each State so that all persons in the State shall have access to integrated rehabilitation services for all types of disabilities. The facility or facilities may be programmed in the State or by joint planning with one or more other States to serve the residents of such States. In determining the number of rehabilitation facilities and services needed, the State shall consider such factors as the particular needs of the population to be served and the scope and nature of service of the existing and proposed facilities.

§ 53.62 Distribution.

In determining the need for additional rehabilitation services as a basis for distribution of rehabilitation facilities, consideration shall be given to (a) rehabilitation services provided in existing facilities, avoiding duplication and overlapping of services; and (b) availability of rehabilitation services to people in all geographical areas.

§ 53.63 Existing rehabilitation facilities.

The count of existing rehabilitation facilities shall include existing beds in such facilities. Such beds shall be classified in accordance with the procedures set forth in Subpart B of this part.

Subpart H—Distribution of Modernization Projects for All Categories of Facilities

§ 53.71 Determination of need.

(a) The need for modernization shall be determined for each category of facilities by evaluation of existing facilities and with initial consideration being given to the most densely populated areas of the State. The evaluation shall be based on specific standards of plant evaluation, which shall include:

(1) Fire-resistivity of each building;

(2) Fire and other safety factors of each building;

(3) Design and structural factors affecting the function of the facility.

(b) Based on the evaluation, beds or facilities shall be classified as conforming or nonconforming. Those beds or facilities which are classified as nonconforming shall represent the beds and facilities in need of modernization.

(c) In the event that a service area has a total of existing conforming beds or facilities and existing nonconforming beds or facilities needing modernization which exceeds the total need for the service area, the number of beds or facilities to be modernized shall be reduced accordingly. At no time shall the beds or facilities to be modernized, when added to the existing conforming beds or facilities, be greater than the total beds or facilities needed in any one category.

§ 53.72 Distribution.

Modernization shall be planned for general hospitals, facilities for long-term care, and outpatient facilities in the service areas used for planning new construction. For other categories of facilities, modernization may be planned on a statewide basis.

Subpart I—Priority of Projects

§ 53.81 General.

The general manner in which the State agency shall determine the priority of projects included in the State construction program shall be based on the relative need of different service areas lacking adequate facilities and shall conform to the principles set out in this subpart. In addition to the specific considerations set forth in this subpart with respect to particular types of projects, special consideration shall be given.

(a) To facilities which, alone or in conjunction with other facilities, will provide comprehensive health care, including outpatient and preventive care as well as hospitalization;

(b) To facilities which will provide training in health or allied health professions; and

(c) To facilities which will provide to a significant extent for the treatment of alcoholism.

§ 53.82 Hospitals (new construction).

In determining the priority of projects for new construction of hospitals, special consideration shall be given to hospitals serving areas with relatively small financial resources and, at the option of each State, to hospitals serving rural communities. Relative need for new construction of hospitals shall be expressed in terms of the ratio of existing beds to total beds needed in the service area.

§ 53.83 Facilities for long-term care (new construction).

Priority shall be determined on the basis of the relative need for beds in facilities for long-term care in the area to be served by the project taking into account the utilization of existing beds and giving special consideration to projects operated by or affiliated with hospitals. Relative need for new construction shall be expressed in terms of the ratio of existing beds to total beds needed in each service area.

§ 53.84 Outpatient facilities (new construction and modernization).

(a) In determining the priority of projects for construction or modernization of outpatient facilities, special consideration shall be given to any outpatient facility that will be located in, and provide services for residents of, an area determined by the Secretary pursuant to § 53.129 to be a rural or urban poverty area.

(b) Subject to the provisions of paragraph (a) of this section priority of projects for new construction of outpatient facilities shall be determined on the basis of the relative need for additional outpatient facilities in the area to be served by the facility, taking into account existing services available and their utilization.

(c) In determining the priority of projects for modernization of outpatient facilities, special consideration shall be given (in addition to that specified in paragraph (a) of this section) to facilities serving areas of high population density.

§ 53.85 Rehabilitation facilities (new construction).

Priority shall be given to rehabilitation facility projects in the order of importance as given below, taking into consideration existing rehabilitation services in the community and the need for additional services in the community.

(a) Facilities operated in connection with a university teaching hospital which will provide an integrated program of medical, psychological, social, and vocational evaluation and services under competent supervision.

(b) Facilities offering rehabilitation services for multiple disabilities in hospitals and medical facilities capable of sustaining an organized department of physical medicine and rehabilitation.

(c) All other rehabilitation facilities.

§ 53.86 Public health centers (new construction).

Highest priority in this category shall be given to the provision of facilities for local health units serving rural communities and communities with relatively small financial resources. Where the State agency is not the State health authority, the State agency shall determine the relative priorities to be established after consultation with the State health authority.

§ 53.87 Modernization.

In determining the priority of projects for modernization, special consideration shall be given to facilities serving areas of high population density. With respect to each category, relative need shall be expressed

(a) For facilities for inpatient care, in terms of the ratio of existing conforming beds in each service area to (1) total existing beds in such area or (2) total beds needed in such area, whichever is less; and

(b) For facilities for outpatient care, in terms of the ratio of existing conforming facilities for outpatient care in each service area to (1) total existing facilities for outpatient care in such area or (2) total facilities for outpatient care needed in such area, whichever is less.

Subpart J—Allotments for Modernization Grants and for[1] Loans and Loan Guarantees, and Transfer of State Allotments

§ 53.91 Allotments for modernization grants.

The allotments to the several States under section 602(a)(2) of the Act for grants for modernization shall be computed as follows:

(a) 33⅓ percent will be allotted to each State on the basis of population weighted by per capita income; and

(b) 66⅔ percent will be allotted to each State on the basis of the extent of the need for modernization of the facilities.

§ 53.92 Allotments for direct loans and loan guarantees.

(a) *Allotment formula.* The total of the amount of principal of loans to nonprofit private agencies which may be guaranteed and loans to public agencies which may be directly made under Part B of the Act with respect to any fiscal year shall be allotted among the several States as follows:

(1) A portion of such total which bears the same ratio to such total as the number of general hospital beds which the Secretary determines will be modernized in all States bears to the sum of the general hospital beds in all States which the Secretary determines will be modernized and added through new construction will be allotted to the States on the basis of the formula set forth in § 53.91 for allotments for modernization grants. The Secretary's determinations under this paragraph will be made on the basis of State plans for the latest year for which all States desiring to participate under Part B of the Act have submitted approved State plans.

(2) The remainder of such total will be allotted to the States on the basis of each State's relative population weighted by (i) the square of such State's allotment percentage, as determined in accordance with sec. 602(c) of the Act, and (ii) the relative need of such State for construction of general hospital beds.

(b) *Period of availability.* Subject to the provisions of § 53.93(b) (relating to transfers of allotments to another State), any amount allotted under paragraph (a) of this section to a State for a fiscal year ending before July 1, 1973, and remaining unobligated at the end of such fiscal year shall remain available to such State, for the purpose for which made, for the next 2 fiscal years, and any such amount shall be in addition to the amounts allotted to such State for such purpose for each of such next 2 fiscal years.

§ 53.93 Transfer of allotments to another State.

(a) With respect to allotments under Part A of the Act, a State may submit a request in writing to the Secretary that a specified portion of its allotment for the construction of hospitals and public health centers, facilities for long-term care, outpatient facilities, rehabilitation facilities, or for modernization, be added to the corresponding allotment of another State for the purpose of meeting a portion of the Federal share of the cost of a project for the construction or modernization of a facility of the type authorized under the allotments in such other State. In determining whether the facility with respect to which the request is made will meet the needs of the State making the request and that use of the specified portion of such State's allotment as requested by it will assist in carrying out the purposes of the Act, the Secretary shall consider the accessibility of the facility and the extent to which services will be made available to the residents of the State making the request for the transfer.

(b) With respect to allotments under Part B of the Act, any such allotment to a State for a fiscal year ending before July 1, 1973, and remaining unobligated at the end of such year may, with the consent of such State, be reallotted by the Secretary to other States which the Secretary determines have need therefor. Such reallotment shall be on such basis as the Secretary finds consistent with the purposes of Part B of the Act, and any amount so reallotted to another State shall be available for the purposes for which made until the close of the second fiscal year after the fiscal year for which such funds were initially allotted and shall be in addition to the amount allotted and available to such State for the same period.

§ 53.94 Transfer of grant allotments to another category within a State.

(a) For the purpose of transfer of allotments as authorized by section 602(e)(2) of the Act, the State agency shall, together with the certification required by that subsection, set forth the method by which a reasonable opportunity has been afforded applicants to submit applications for projects from the portion of the allotment to be transferred.

(b) A determination under section 602(e)(3) of the Act that the need for new public or other nonprofit hospitals and public health centers is substantially greater than the need for modernization projects shall be made only after completion of the determination of the State's need for modernization projects pursuant to Subpart H of this part and in accordance with the approved State plan.

Subpart K—General Standards of Construction and Equipment

§ 53.101 General.

(a) Plans and specifications for each project submitted to the Secretary for approval shall be prepared in accordance with "General Standards of Construction and Equipment for Hospital and Medical Facilities" (PHS No. 930–A–7), and any amendments or revisions thereof, which document is hereby incorporated by reference and deemed published herein. Said document will be provided to all applicants for assistance under this part, and is available to any interested person, whether or not affected by the provisions of this part, upon request to the Health Care Facilities Service,[1] Health Services and Mental Health Administration, Department of Health, Education, and Welfare, or to the Health Services and Mental Health Information Center or Regional Office Information Center as listed in 45 CFR 5.31. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed if he is satisfied that the purposes of such requirements have been fulfilled.

(b) The design and construction covered by the plans and specifications must conform with the applicable State and local laws, codes, and ordinances and with the approved State plan. The plans

[1] The Health Care Facilities Service also maintains an official historic file of PHS No. 930–A–7.

V 37 I 3
JAN 6 72
XUM

and specifications must be complete and adequate for contract purposes and have the approval and recommendation of the State agency.

(c) Equipment shall be provided in the kind and to the extent necessary for the proper functioning of the facility as planned.

§ 53.102 Size of facilities for long-term care.

No application shall be approved for construction of a facility for long-term care, not an addition to a hospital, with a capacity of less than 10 beds.

Subpart L—Services for Persons Unable To Pay; Community Service; Nondiscrimination

§ 53.111 Services for persons unable to pay.

Before an application under this part is recommended by a State agency to the Secretary for approval, the State agency shall obtain an assurance from the applicant that there will be made available in the facility or portion thereof to be constructed or modernized a reasonable volume of services to persons unable to pay therefor. The requirement of an assurance from an applicant shall be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Secretary, that such a requirement is not feasible from a financial viewpoint.

§ 53.112 Community service; nondiscrimination.

(a) Before an application under this part is recommended by a State agency to the Secretary for approval, the State agency shall obtain assurances from the applicant that:

(1) The facility will furnish a community service; and

(2) All portions and services of the entire facility for the construction or modernization of which, or in connection with which, aid under the Act is sought will be made available without discrimination on account of creed, and no professionally qualified person will be discriminated against on account of creed with respect to the privilege of professional practice in the facility.

(b) Each construction contract is subject to the condition that the applicant shall comply with the requirements of Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, and the applicable rules, regulations, and procedures prescribed pursuant thereto.

(c) Attention is called to the requirement of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, applicable to assistance under this part for construction and modernization of hospitals and medical facilities, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 53.121 General; review and comment by areawide health planning agencies.

(a) The State plan shall provide for general methods of administration which are in accord with the principles set out in this subpart.

(b) Prior to submission of the State plan or any modifications thereof to the Secretary, the State agency shall submit such plan or modifications for review and comment to each agency or organization which has developed an areawide health plan pursuant to section 314(b) of the Public Health Service Act with respect to any area in such State for which there is no such agency or organization, to the State agency administering or supervising the administration of the State plan approved under section 314(a) of the Public Health Service Act. Comments from any such agency received by the State agency within 30 days after such submission shall be considered by the State agency prior to submission of the State plan to the Secretary.

Subpart M—Methods of Administration of the State Plan

§ 53.122 Construction program.

The State programs for hospitals, facilities for long-term care, outpatient facilities, rehabilitation facilities, public health centers, and modernization shall be developed in the following manner:

(a) The State agency shall determine the need for additional hospital facilities of all types, facilities for long-term care, outpatient facilities, rehabilitation facilities, public health centers, and for modernization of such facilities in accordance with the provisions of Subpart B through Subpart H.

(b) The State agency shall determine through field investigation, and otherwise, the approximate locations in each area in which the various types of health facilities identified in paragraph (a) of this section should most appropriately be built and the locations at which modernization projects are needed.

(c) After having determined the hospital, long-term care facilities, outpatient facility, rehabilitation facilities, public health center and modernization needs, the State agency shall establish an overall construction program. This program shall set forth all such needs in accordance with the standards specified in Subpart B through Subpart H and shall show the relative need for each project included, irrespective of the availability of funds for construction and for maintenance and operation of such project.

(d) The State agency shall from time to time as necessary, but not less often than annually, review the State plan, including the overall program for the construction of hospitals, long-term care facilities, outpatient facilities, rehabilitation facilities, public health centers and for modernization, and shall submit to the Secretary any modifications of the plan and the construction program as the State agency considers necessary to administer the plan and the annual allotment.

(e) At least 30 days prior to the submission of the State plan or any modification thereof to the Secretary, the State agency shall publish in newspapers having general circulation throughout the State a general description of the proposed plan or any such modification, and the State plan shall be available for examination and comment by interested persons prior to submission to the Secretary.

(f) The State agency shall establish a separate construction schedule on such forms and for such periods as the Secretary may prescribe. Insofar as funds are available for construction and for maintenance and operation, construction shall be scheduled in the order of relative need.

§ 53.123 Personnel administration.

(a) *Merit system.* The State plan shall provide for the establishment and maintenance of personnel standards on a merit basis for persons employed in the administration of the State plan. Conformity with the Standards for a Merit System of Personnel Administration, 45 CFR Part 70, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91-648; 84 Stat. 1915) modifying or superseding such Standards, will be deemed to meet this requirement as determined by said Commission.

(b) *Conflict of interest.* No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs, shall receive funds from the applicant, directly or indirectly, in payment for services provided in connection with the planning, design, construction or equipping of the project.

§ 53.124 Fair hearings.

The State agency shall establish such rules and regulations as will provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with any action of the State agency regarding its application.

§ 53.125 Construction standards.

The State agency shall adopt general standards of construction and equipment for the various types of hospitals, facilities for long-term care, outpatient facilities, rehabilitation facilities, and public health centers assisted under this program. The standards adopted shall not be less than the general standards prescribed by the Public Health Service and set forth in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities", as incorporated by reference in § 53.101(a).

§ 53.126 Minimum standards of maintenance and operation.

The State plan shall provide for minimum standards of maintenance and operation of facilities providing inpatient care which receive aid under the Act, and shall provide for enforcement of such standards.

§ 53.127 Application; submittal; amendment; processing.

(a) *Submittal of application.* Applications for grants, loan guarantees, and direct loans under the Act, including both detailed narrative descriptions and detailed estimates of the cost of the respective projects, shall be submitted to the Secretary through the State agency in such form as the Secretary may prescribe.

(b) *Amendment to application.* An amendment to any application approved by the Secretary shall be processed in the same manner as an original application, except that the original application's conformity with the priority regulations shall suffice for an amendment which does not modify the factors on which the priority was granted.

(c) *Processing of application.* The State agency shall approve, recommend, and forward applications received in the order of priority, except that the State agency may approve, recommend, and forward to the Secretary applications out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority; and

(2) The State agency certifies to the Secretary that financial resources for the construction, maintenance, and operation of projects of higher priority are not then available.

§ 53.128 Assurances from applicant.

In addition to any other requirements imposed by law, each construction grant, loan guarantee, and direct loan shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Secretary may at any time approve exceptions to those conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) That the applicant (or other public or nonprofit agency which is to operate the facility) has or will have a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(b) That the Secretary's approval of the final working drawings and specifications, which conform to the general standards of construction and equipment, will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the State agency and the Secretary, upon written justification by the applicant, to be required by the needs of the program;

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Secretary;

(e) That applicant will submit to the Secretary for prior approval changes that substantially alter the scope of work, function, utilities, or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times. All records shall be retained for 3 years after the close of the fiscal year in which construction is completed. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified by the end of such 3-year period, such records shall be retained (1) for 5 years after the close of the fiscal year in which construction is completed or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions;

(h) That applicant will furnish progress reports and such other information as the Secretary may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276 et seq.) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327-332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) The provisions set forth in "DHEW Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities," Form DHEW 514 (April 1969) (issued by the Office of Grants Administration Policy, U.S. Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of $2,000 or less; and pertaining to Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of $10,000 or less;

(ii) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance;

(iii) Representatives of the Secretary and State agency will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection;

(m) That a facility providing inpatient care will be operated and maintained in accordance with minimum standards prescribed by the State agency for the maintenance and operation of such facilities;

(n) (1) That, in the case of any project for construction or modernization of a general hospital, there will be adequate provision for extended care services to patients of such hospital when such services are medically appropriate for them. Subject to the provisions of subparagraph (2) of this paragraph, such services must be provided in facilities which—

(i) Are structurally part of, physically connected with, or in immediate proximity to, such hospital; and

(ii) Either are under the supervision of the professional staff of such hospital or have organized medical staffs and have in effect written transfer agreements with such hospital which provide for:

JAN 6 72 XUM

(a) The transfer of patients between the hospital and the long-term care facility(s) whenever such transfer is determined to be medically appropriate;

(b) The exchange between the facilities of appropriate medical and other information relating to the care and treatment of patients;

(c) Prompt initiation of transfer of the patient to the hospital for acute care should there be a reversal in the patient's medical condition requiring more intensive medical and nursing care;

(d) The amount and types of services offered in the long-term care facility(s) which correspond to those specified for reimbursement eligibility for the skilled nursing home care category under titles XVIII and XIX of the Social Security Act, as amended; and

(e) The general availability of the medical, diagnostic, and rehabilitative services of the hospital to any patient of the long-term care facility(s) who requires them.

(2) The Secretary may, at the request of the State agency, waive compliance with the requirements of subparagraph (1) (i) or (ii), or both of this paragraph, in the case of any project if the State agency has determined that compliance with such subsection or subsections would be inadvisable;

(o) That, in the case of any project for construction or modernization of an outpatient facility, the services of a general hospital will be available to patients of such outpatient facility who are in need of hospital care. Such assurance may be provided by a written transfer agreement with one or more general hospitals which provides for

(1) The transfer of patients from the outpatient facility to the general hospital where such transfer is determined to be medically appropriate;

(2) The exchange of appropriate medical and other information relating to the care and treatment of patients between the facilities; and

(3) The amount and types of services offered in the general hospital which correspond to those specified for reimbursement eligibility under Titles XVIII and XIX of the Social Security Act, as amended;

(p) That, in the case of any project solely for the purpose of the acquisition of equipment, other than initial equipment for new buildings or for existing buildings which are expanded, remodeled or altered, such project will help to provide a service not previously provided in the community. For purposes of this paragraph, "community" shall mean a geographic area encompassing one or more neighborhoods having a population and geographic size sufficiently large as normally to be served by and support the particular service to be provided;

(q) That the applicant will file at least annually with the State agency a statement, in such form and containing such information as the Secretary may require to show (1) the financial operations of the facility, and (2) the costs to the facility of providing health services in the facility and the charges made by the facility for providing such services during the period with respect to which the statement is filed;

(r) That the applicant will conform to all the applicable requirements of the State plan and the regulations of this part.

§ 53.129 Determination of rural or urban poverty areas.

For purposes of determining the priority of projects for construction or modernization of outpatient facilities pursuant to section 603(a)(4) of the Act and of establishing a Federal share of any project (not to exceed 90 per centum of the cost of construction) pursuant to section 645(b)(4) of the Act, the State plan shall include a designation of areas in the State which are proposed by the State agency, in accordance with this section, to be rural or urban poverty areas. For purposes of this section, "area" means a service area (or the nearest approximation thereto for which current census data are available, based on geographic boundaries such as counties or census tracts) or a subservice area which is designated in the State plan as providing the basis for the provision of outpatient services.

(a) The Secretary will determine to be a rural or urban poverty area any area which has been found by the State agency, on the basis of the latest available published data from the Bureau of the Census, to be an area in which the median annual family income ranks in or below the 20th percentile of the median family incomes for all areas in the State.

(b) The Secretary may determine to be a rural or urban poverty area any area which

(1) has been found by the State agency to be an area in which the median family income ranks above the 20th percentile of the median family incomes for all areas in the State but in or below the 30th percentile of the median family incomes for all areas in the State;

(2) has been designated by the State agency as a rural or urban poverty area, and

(3) has been determined by the Secretary, on the basis of information set forth in the State plan, to have special characteristics related to poverty which are not adequately reflected in its median family income percentile rank, such as (i) subareas of extreme poverty or (ii) high costs of obtaining hospital services when compared to other areas in the State.

(c) The Secretary may also determine to be a rural or urban poverty area any area in which, on the basis of the latest available published data from the Bureau of the Census, the median family income ranks above the 30th percentile of median family incomes for all areas in the State but with respect to which the State agency demonstrates to the satisfaction of the Secretary that the income level of families in such area has changed sufficiently since the date of such latest available published data to justify classification of the area as a rural or urban poverty area under the criteria set forth in paragraph (a) or (b) of this section.

(d) The State agency shall reevaluate its designation of proposed rural or urban poverty areas every 2 years, and will make such revisions in such designation as it finds necessary in accordance with the provisions of this section.

§ 53.130 Certification to the Secretary.

After the State agency has approved an application for a construction grant, it shall recommend it to the Secretary for approval and shall certify:

(a) That the application contains reasonable assurance as to the availability of funds for the cost of construction and the entire cost of maintenance and operation when completed:

(1) Availability of funds for the non-Federal share of construction costs shall mean (i) funds immediately available, placed in escrow, or acceptably pledged, or (ii) funds or fund sources specifically earmarked in a sum sufficient for that purpose, or (iii) other assurances acceptable to the Secretary;

(2) To assure the availability of funds for maintenance and operation the application for the construction of a new project must include a proposed operating budget, on a form prescribed by the Secretary, for the 2-year period immediately following its completion. In the case of an addition to an existing facility, the application must include a statement showing that funds are or will be available to meet any excess of proposed expenditures over anticipated income from the operation of the constructed addition for the 2-year period immediately following its completion.

(b) That the application is in conformity with and contains the assurances required by the State plan and these regulations.

§ 53.131 Requests for construction payments for grants.

(a) *Certification by State agency.* The State agency shall certify to the Secretary the amount of payments due an applicant for a construction grant under Part A of the Act for the cost of work performed and materials and equipment furnished.

(b) *Inspection by State agency.* As a basis for certification by the State agency in accordance with paragraph (a) of this section that payment of an installment is due an applicant, the State agency shall make adequate inspections to determine that the work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications.

§ 53.132 Fiscal and accounting requirements.

(a) *Construction allotments.* (1) The State agency shall be responsible for establishing and maintaining accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(2) The fiscal records shall be so designed as to show at any given time the Federal funds allotted, encumbered, and unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(b) *Construction payments.* (1) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, adequate records of account and fiscal controls shall be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local or other funds used for matching purposes.

(2) The State agency shall require that applicants receiving Federal funds establish and maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds allotted and paid for construction projects.

(3) The States which by law are authorized to make payments to applicants shall promptly pay such applicants funds certified for payment by the Secretary for approved construction projects.

§ 53.133 Access by Comptroller General.

The State plan shall provide that the Comptroller General of the United States or his duly authorized representatives will have access for purposes of audit and examination to such records of the State agency as are required to be maintained by the Secretary.

§ 53.134 Notice of change of status of facility.

The State agency shall promptly notify the Secretary in writing if, at any time within 20 years after completion of construction, any facility which received funds under the Act is transferred to any person, agency or organization, not qualified to file an application under the Federal Act or not approved as a transferee by the State agency; or ceases to be a public health center or a public or other nonprofit hospital, outpatient facility, facility for long-term care or rehabilitation facility, as defined in the Federal Act.

§ 53.135 Good cause for other use of facility.

If within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be a public health center or a public or other nonprofit hospital, outpatient facility, facility for long-term care, or rehabilitation facility the Secretary, in determining whether there is good cause for releasing the applicant or other owner of the facility from its obligation shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to use for another public or nonprofit purpose which will promote the purpose of the Act;

(b) There are reasonable assurances that for the remainder of the 20-year period other public or nonprofit facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes; or

(c) The facility has been acquired from an agency of the United States (e.g., the Federal Housing Administration under its mortgage insurance commitment program) which has made a reasonable effort to dispose of it for operation as a public or nonprofit facility.

Subpart N—Loan Guarantees and Direct Loans

§ 53.141 Applicability.

In addition to the other provisions of this part, the following provisions of this Subpart N are also applicable to loans to public agencies and loan guarantees to nonprofit private agencies under part B of the Act.

§ 53.142 Definitions.

(a) All terms used in this subpart and defined in the Act or in § 53.1 shall have the same meaning as there given them.

(b) When used in this subpart, the term "public agency" shall include any private organization the income from whose bonds or other obligations issued as security for a loan with respect to a project under part B of the Act is exempt from Federal income taxation.

§ 53.143 Eligibility for loan guarantees and direct loans.

(a) *Loan guarantees.* The Secretary may, in accordance with part B of the Act and these regulations, guarantee to non-Federal lenders payment of principal of and interest on loans made to nonprofit private agencies to carry out projects for the construction or modernization of nonprofit private hospitals, facilities for long-term care, outpatient facilities and rehabilitation facilities.

(b) *Direct loans.* The Secretary may, in accordance with Part B of the Act and these regulations, make direct loans to public agencies to carry out projects for the construction or modernization of public health centers and public hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities.

§ 53.144 Approval of applications.

(a) *Applications for loan guarantees.* An application for a loan guarantee submitted through the State agency and in accordance with the requirements of § 53.127 may be approved by the Secretary only if he makes each of the findings required pursuant to section 623(b) of the Act, and determines:

(1) That the applicant will have sufficient financial resources to enable him to comply with the terms and conditions of the loan with respect to which the guarantee is sought;

(2) That the applicant has the necessary legal authority to finance, construct, and maintain the proposed project, to apply for and receive the loan with respect to which the guarantee is sought, and to pledge or mortgage any assets or revenues to be given as security for such loan or against other satisfactory security specified in § 53.147;

(3) That the loan with respect to which the guarantee is sought will be secured by a first lien against the facility to be constructed or against other security satisfactory to the Secretary specified in § 53.147.

(4) That the loan with respect to which the guarantee is sought will be made only with respect to the initial permanent financing of the project;

(5) That the rate of interest on the loan with respect to which a guarantee is sought does not exceed such per centum per annum as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States; and

(6) Such additional determinations as the Secretary finds necessary with respect to particular applications in order to protect the financial interests of the United States.

(b) *Applications for direct loans.* An application for a direct loan submitted through the State agency and in accordance with the requirements of § 53.127 may be approved by the Secretary only if he makes each of the applicable findings required pursuant to sections 623(b) and 627(a)(2) of the Act, and determines:

(1) That the applicant will have sufficient financial resources to enable him to comply with the terms and conditions of the direct loan;

(2) That the applicant has the necessary legal authority to finance, construct, and maintain the proposed project, to apply for and receive the direct loan, and to pledge or mortgage any assets or reserves to be given as security for such direct loan;

(3) That the direct loan will be secured by a first lien against the facility to be constructed or against other security satisfactory to the Secretary specified in § 53.147;

(4) That the direct loan will be made only with respect to the initial permanent financing of the project; and

(5) Such additional determinations as the Secretary finds necessary with respect to the particular application in order to protect the financial interests of the United States.

JAN 6 72 XUM

§ 53.145 Maximum amount of direct loan or guaranteed loan.

No direct loan or loan with respect to which a guarantee is made for any project under Part B of the Act may be in an amount which, when added to the amount of any grant or loan under Part A of the Act with respect to such project, exceeds 90 per centum of the cost of such project: *Provided*, That, in determining the actual cost of the construction of the project, there shall be excluded from such cost all fees, interest, and other charges relating or attributable to the financing of the project.

§ 53.146 Forms of evidence of indebtedness.

The evidence of indebtedness with respect to direct loans with respect to which a guarantee is made shall be in such form as may be acceptable to the Secretary.

§ 53.147 Security for loans.

All direct loans and loans with respect to which a guarantee is made shall be secured in a manner which the Secretary finds reasonably sufficient to insure repayment. The security may be one or a combination of the following:

(a) A first mortgage on the facility and site thereof.

(b) Negotiable stocks or bonds of a quality and value acceptable to the Secretary.

(c) A pledge of unrestricted and unencumbered income from an endowment or other trust funds acceptable to the Secretary.

(d) A pledge of a specified portion of annual general or special revenues of the applicant, acceptable to the Secretary.

(e) Full faith and credit (tax supported) obligations of a State or local public body.

(f) Such other security as the Secretary may find acceptable in specific instances.

§ 53.148 Opinion of legal counsel.

At appropriate stages in the application and approval procedure for direct loans and loan guarantees, the applicant shall furnish to the Secretary a memorandum or opinion of legal counsel with respect to the legality of any proposed bond or note issue, the legal authority of the applicant to offer the issue and secure it by the proposed collateral, and the legality of the issue upon delivery. "Legal counsel" means either a law firm or individual lawyer, thoroughly experienced in the long-term financing of construction projects, and whose approving opinions have previously been accepted by lenders or lending institutions. In addition, in the case of a direct loan to a public agency, the legal counsel shall be a recognized bond counsel in the municipal field. The legal memorandum or opinion to be provided by legal counsel in each case shall be as follows:

(a) A memorandum, submitted with the application for a direct loan or loan guarantee, stating that there is or will be authority to finance, construct and maintain the project, and to issue the proposed obligations and to pledge or mortgage the assets and/or revenues offered to secure the direct loan or the loan with respect to which a guarantee is sought, as the case may be, citing the basis for such authority; and

(b) A final approving opinion, delivered to the Secretary at the same time as the delivery of the bonds to the Secretary (in the case of a direct loan) or to the lender (in the case of a loan guarantee), stating that the indebtedness of the applicant is duly authorized, sold, and delivered, and that such indebtedness is valid, binding and payable in accordance with the terms on which the direct loan or loan guarantee was approved by the Secretary.

§ 53.149 Length and maturity of loans.

The repayment period for direct loans and loans with respect to which a guarantee is made shall be limited to 25 years: *Provided*, That—

(a) The Secretary may, in particular cases where he determines that a repayment period of less than 25 years is more appropriate to an applicant's total financial plan, approve such shorter repayment period; and

(b) In no case shall a loan repayment period exceed the estimated useful life of the facility to be constructed with the assistance of the loan.

§ 53.150 Interest on direct loans.

Each direct loan shall require the borrower to pay to the Secretary, or as directed by him, interest thereon at a rate determined by the Secretary to be comparable to the current rate of interest prevailing with respect to loans to nonprofit private agencies which are guaranteed under part B of the Act, for the modernization on construction of similar facilities in the same or similar areas, minus 3 per centum per annum.

§ 53.151 Repayment.

Unless otherwise specifically authorized by the Secretary, each direct loan and loan with respect to which a guarantee is made shall be repayable in substantially level total annual installments of principal and interest, sufficient to amortize the loan through the final year of the life of the loan.

§ 53.152 Loan Guarantee Agreement and Direct Loan Agreement.

(a) *Loan Guarantee Agreement.* (1) For each application for a loan guarantee which is approved by the Secretary, an offer of a loan guarantee will be sent to the applicant, setting forth the pertinent terms and conditions for the loan guarantee, and will be conditioned upon the fulfillment of these terms and conditions. The accepted loan guarantee offer will constitute the Loan Guarantee Agreement between the Secretary and the applicant.

(2) Each Loan Guarantee Agreement shall include the following provisions:

(i) That the loan guarantee evidenced by the Agreement shall be incontestable (*a*) in the hands of the applicant on whose behalf such loan guarantee is made except for fraud or misrepresentation on the part of such applicant, and (*b*) as to any person who makes or contracts to make a loan to such applicant in reliance on such loan guarantee, except for fraud or misrepresentation on the part of such other person.

(ii) That if the applicant shall default in making payment, when due, of the principal and interest on the loan with respect to which the guarantee is made, and such default is not cured within 90 days after the happening thereof, the holder of such loan shall have the right to make demand in writing upon the Secretary for the purchase by the Secretary of such loan.

(iii) That each holder of a loan to an applicant on whose behalf the loan guarantee evidenced by such Agreement is made shall have a contractual right to receive from the United States interest payments in an amount sufficient to reduce by 3 per centum per annum the net effective interest rate determined by the Secretary to be otherwise payable on the loan with respect to which such guarantee is made.

(iv) That payments of interest pursuant to subdivision (iii) of this subparagraph will be made by the Secretary, in accordance with the terms of the loan with respect to which the guarantee is made, directly to the holder of such loan or to a trustee or agent designated in writing to the Secretary by such holder until such time as the Secretary is notified in writing by the holder that such loan has been transferred. Pursuant to such written notification of transfer, the Secretary will make such interest payments directly to the new holder (transferee) of the loan.

(v) That the applicant shall be permitted to prepay up to 15 per centum of the original principal amount of such loan in any calendar year without additional charge.

(vi) Such other provisions as the Secretary finds necessary in order to protect the financial interests of the United States.

(b) *Direct Loan Agreement.* (1) For each application for a direct loan which is approved by the Secretary, an offer of a direct loan will be sent to the applicant, setting forth the pertinent terms and conditions for the direct loan, and will be conditioned upon the fulfillment of those terms and conditions. The accepted direct loan offer will constitute the Direct Loan Agreement between the Secretary and the applicant.

(2) Each Direct Loan Agreement shall include such provisions as the Secretary finds necessary in order to protect the financial interests of the United States.

§ 53.153 Loan closing.

(a) *Loan guarantees.* Closing for any loan with respect to which a guarantee is made shall be accomplished at such time as may be agreed upon by the parties to such loan and found acceptable by the Secretary.

(b) *Direct loans.* Closing for any direct loan shall be accomplished at such time as may be determined by the Secretary.

§ 53.154 Waiver of right of recovery.

In determining whether there is good cause for waiver of any right of recovery which he may have against a nonprofit private agency by reason of any payments made pursuant to a loan guarantee, or against a public agency by reason of the failure of such agency to make payments of principal and interest on a direct loan to such agency, the Secretary shall take into consideration the extent to which:

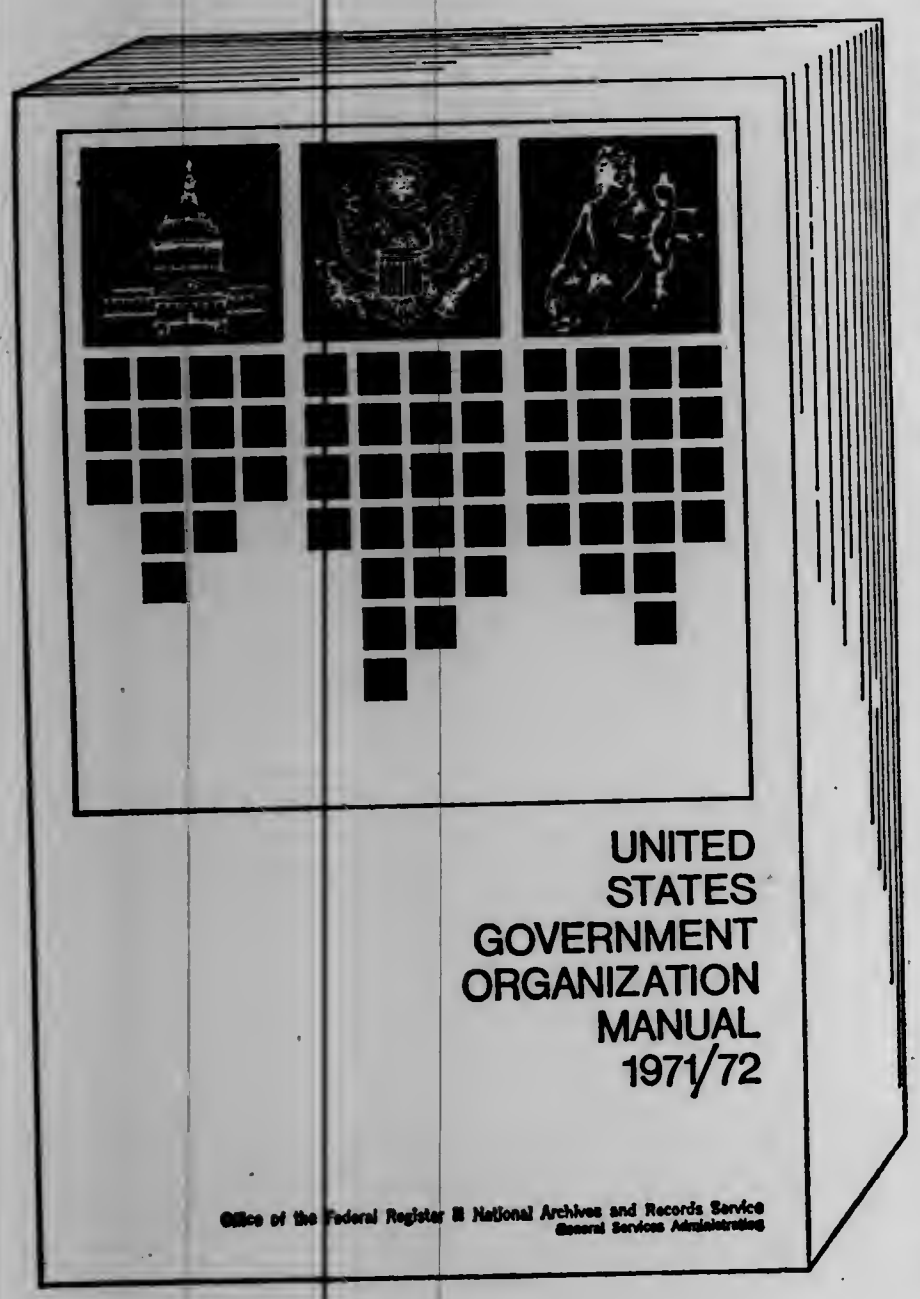
(a) The facility with respect to which the loan guarantee or direct loan was made will continue to be devoted by the applicant or other owner to use for the purpose for which it was constructed or another public or nonprofit purpose which will promote the purposes of the Act;

(b) There are reasonable assurances that for the remainder of the repayment period of the loan other public or nonprofit facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes; and

(c) Such recovery would seriously curtail the provision of medical services to persons in need of such services in the area.

[FR Doc.72-134 Filed 1-5-72;8:45 am]

JAN 6 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

FRIDAY, JANUARY 7, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 4

Pages 195–249

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

NATIONAL PARKS CENTENNIAL YEAR—Presidential proclamation 199

NEW DRUGS—FDA rules for long-term study and determination on levodopa 201

HOUSING—HUD criteria for project and rent supplement funding; effective 2–7–72 203

GRAZING FEES—USDA and Interior Dept. rules on fee increases on public lands (2 documents); effective 1–7–72 ..... 211, 213

PLANT QUARANTINES—USDA proposals on European chafer, gypsy and browntail moths, and Japanese beetle (3 documents); comments by 2–7–72, 2–8–72, and 2–15–72, respectively .. 217, 218

MULTIENGINE AIRPLANES—FAA extension of comment time to 2–7–72 on proposed operating and maintenance rules 222

CHARTER AIR TRAVEL—CAB proposal on new category for any group of 50 or more; comments by 2–7–72 222

DRUG AND COSMETIC SAFETY—

FDA proposal for review of over-the-counter antibacterial agents; comments within 60 days 235

FDA request for submission of data within 30 days on antibacterial drug ingredients 219

(Continued inside)

V37-4 JAN 7 72 XUM

Now Available

LIST OF CFR SECTIONS AFFECTED

1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Price: $6.75

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

PUBLIC LANDS—Interior Dept. extension of comment time to 2–29–72 for proposals on rights-of-way 217

DANGEROUS CARGOES—Coast Guard proposal on etiologic (disease-causing) agents; comments by 4–4–72 220

MOTOR VEHICLE SAFETY—DoT extension of comment time to 3–1–72 on proposal for post-impact light operation 222

ENVIRONMENT—
- Interior Dept. notice on preparation of Geological Survey impact statements 233
- AEC notice of availability of report on proposed Colorado nuclear facility 236

WATCHES—Commerce Dept. quotas for producers in the Virgin Islands, Guam and American Samoa; effective 1–6–72 233

MINIMUM WAGES—Labor Dept. new determinations for Federal and federally assisted construction in specified localities 243

POSTAL SERVICE—Implementation of authority to sell securities 211

LICENSING FEES—ICC designation of effective date 215

ECONOMIC STABILIZATION—
- IRS notice on Cost of Living Council ruling for State and local taxes, salary increases, and unemployment compensation 247
- IRS notice on Cost of Living Council and Price Commission ruling for sale of imported materials 247
- IRS notices on Price Commission rulings for school busing rates, manufacturers' prices, sale of used property, and professional service fees (4 documents) 247, 248

Contents

THE PRESIDENT

PROCLAMATION

National Parks Centennial Year 199

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Animal and Plant Health Service; Forest Service.

ANIMAL AND PLANT HEALTH SERVICE

Proposed Rule Making

Plant quarantines; certain insects (3 documents) 217, 218

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Rules and Regulations

Miscellaneous amendments to chapter 209
Project selection criteria 203

ATOMIC ENERGY COMMISSION

Notices

Pacific Gas and Electric Co.; order extending completion date of construction 236
Public Service Company of Colorado; availability of supplemental environmental report 236
Statitrol Corp.; issuance of amendment to byproduct material license 236

CIVIL AERONAUTICS BOARD

Proposed Rule Making

Charter air travel new category for any group of 50 or more 222

Notices

Hearings, etc.:
Aerlinte Eireann Teoranta 236
Aloha Airlines, Inc., et al 236
Eastern Air Lines, Inc 238
International Air Transport Association 237

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
Housing and Urban Development Department 201
Overseas Private Investment Corporation 201

Notices

Grants of or revocations of authority to make noncareer executive assignments:
Action 238
General Services Administration (2 documents) 238
Justice Department 238

COAST GUARD

Proposed Rule Making

Dangerous cargoes; etiologic disease-causing agents 220

COMMERCE DEPARTMENT

Notices

Watches and watch movements; quotas for producers in Virgin Islands, Guam and American Samoa 233

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages; new determination for Federal and federally assisted construction in specified localities 243

FARM CREDIT ADMINISTRATION

Notices

Certain officials; authority delegation 238

FEDERAL AVIATION ADMINISTRATION

Proposed Rule Making

Multiengine airplanes; proposed operating and maintenance rules 222

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Mobile relay systems, fixed relay stations, and repeater stations; operation 213

(Continued on next page)

V 37-4

JAN 7 72

XUM

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:
Global Terminal & Container Services, Inc., et al. 239
Philadelphia Port Commission and Delaware River Terminal and Stevedoring Co., Inc. 238

FEDERAL RESERVE SYSTEM

Notices

Acquisition of Banks:
Barnett Banks of Florida, Inc. 239
North American Mortgage Corp 239
Weerva, Inc. 240

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

New drugs; long-term study and determination on levodopa 201

Proposed Rule Making

Drug and cosmetic safety; request for submission of data on antibacterial drug ingredients 219

Notices

Drug and cosmetic safety; review of over-the-counter antibacterial agents 235

FOREIGN TRADE ZONES BOARD

Notices

New Orleans, La.; voluntary relinquishment of grant 240

FOREST SERVICE

Rules and Regulations

Grazing fees; increases on public lands 211

GEOLOGICAL SURVEY

Notices

Environmental impact statements 233

HEALTH, EDUCATION AND WELFARE DEPARTMENT

See Food and Drug Administration; Public Health Service.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Assistant Secretary for Housing Production and Mortgage Credit–Federal Housing Commissioner.

INTERIOR DEPARTMENT

See also Geological Survey; Land Management Bureau.

Notices

Watches and watch movements; quotas for producers in Virgin Islands, Guam and American Samoa 233

INTERNAL REVENUE SERVICE

Notices

Economic stabilization; certain rulings (6 documents) 247, 248

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Licensing fees; designation of effective date 215

Notices

Assignment of hearings 242
Fourth section application for relief 243

LABOR DEPARTMENT

See Employment Standards Administration.

LAND MANAGEMENT BUREAU

Rules and Regulations

Grazing fees; increases on public lands 213

Proposed Rule Making

Public lands; rights-of-way 217

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Proposed Rule Making

Exterior protection; extension of time for comment 222

POSTAL SERVICE

Rules and Regulations

Authority to borrow money by selling securities; implementation 211

PUBLIC HEALTH SERVICE

Notices

Regional Health Directors; delegation of authority 235

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Israel Development Corp. 240
Shearson Appreciation Fund, Inc., and Shearson Capital Fund, Inc. 241
Venture Special Fund, Inc. 242

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration.

Rules and Regulations

Organization; miscellaneous amendments 214

TREASURY DEPARTMENT

See Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

PROCLAMATION:
4100 199

5 CFR

213 (2 documents) 201

7 CFR

PROPOSED RULES:
301 (3 documents) 217, 218

14 CFR

PROPOSED RULES:
43 222
91 222
135 222
207 226
208 226
212 226
214 226
372a 226

21 CFR

130 201

PROPOSED RULES:
3 219

24 CFR

200 (2 documents) 203, 209
201 210
275 211

36 CFR

231 211

39 CFR

760 211
761 211

43 CFR

4110 213

PROPOSED RULES:
2800 217
2810 217

46 CFR

PROPOSED RULES:
146 220

47 CFR

89 213

49 CFR

7 214
301 214
1002 215

PROPOSED RULES:
571 222

Presidential Documents

Title 3—The President

PROCLAMATION 4100

National Parks Centennial Year

By the President of the United States of America

A Proclamation

In John Colter's saga of adventure, we find the genesis of an idea which was to change man from nature's ancient adversary to its friend and preserver. In 1806, this guide and trapper for Lewis and Clark left the expedition on its return journey and set off on a series of exploits that brought him, alone and on foot, into an unknown wilderness of majestic splendor. He carried back tales which prompted scoffing disbelief, then awe, and finally an unending cavalcade to the headwaters of the Yellowstone River. Years later, on March 1, 1872, in an Act signed by President Grant, Colter's discovery was established as the first national park for the people of the Nation and of the world.

A century has come and gone, and in that time the National Park System has grown to include 280 areas embracing the most magnificent examples of America's natural and historical heritage. In every time and season, our parks give of their joys and beauties. They have enriched the citizens of this land beyond measure, and have inspired more than 100 nations to set aside over 1,200 national parks and reserves. Truly, "one touch of nature makes the whole world kin." And this past year, through the Legacy of the Parks, we have embarked on a new era of bringing parks to the people with the opening of vast new tracts of wilderness and recreation land, a fitting close to the first 100 years of our National Park System and a proper beginning for the next 100 years.

As directed by the Congress in a joint resolution of July 10, 1970 (84 Stat. 427), the Secretary of the Interior has requested me to issue a proclamation designating the year 1972 as National Parks Centennial Year in recognition of the establishment in 1872 of Yellowstone National Park, the world's first national park.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the year 1972 as National Parks Centennial Year.

I urge appropriate Federal, State, and local government officials to cooperate in the observance of that year with activities that will not only

V 37 4
JAN 7 72
XUM

honor the past but will provide a focus for understanding the increasing importance of the National Park System in the lives of all Americans, establish an atmosphere of cooperation among private citizens and local, State, and Federal governments regarding the national park concept, and encourage our citizens and our friends beyond our borders to participate in Centennial activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of January, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-375 Filed 1-6-72; 11:47 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Overseas Private Investment Corp.

Section 213.3317 is amended to show that one position of Secretary to the Executive Vice President, Overseas Private Investment Corp., is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1-7-72), paragraph (d) is added to § 213.3317 as set out below.

§ 213.3317 Overseas Private Investment Corporation.

* * * * * *

(d) One Secretary to the Executive Vice President.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-257 Filed 1-6-72;8:46 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy Assistant for Problems of the Elderly and the Handicapped, Office of the Assistant Secretary for Housing Management, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1-7-72), subparagraph (6) of paragraph (c) of § 213.3384 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-258 Filed 1-6-72;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

APPROVED NEW DRUGS THAT REQUIRE CONTINUATION OF LONG-TERM STUDIES, RECORDS, AND REPORTS; LISTING OF LEVODOPA

In the FEDERAL REGISTER of September 23, 1970 (35 F.R. 14784), the Commissioner of Food and Drugs proposed adding § 130.47 and § 130.48 to Part 130 (21 CFR Part 130) in order to provide for continuation of long-term studies on certain drugs after new-drug applications have been approved. Levodopa was proposed as a drug that would require continuation of such long-term studies. At the request of the pharmaceutical industry, a notice was published in the FEDERAL REGISTER of November 3, 1970 (35 F.R. 16937) extending the time for filing comments until November 22, 1970.

Eleven comments were received in response to the proposal. Seven of these were from the pharmaceutical industry, and four were from individuals associated with academic hospitals. A majority of the comments agreed that in exceptional cases the benefit to the public would warrant approval of a new-drug application on condition that necessary long-term studies would be conducted. Most of those that favored the basic concept also agreed that levodopa is a drug that would require such long-term studies. The comments can be summarized as follows:

1. There was concern that the concept might be extended to require post-marketing studies on well established drugs and that further studies would be forced on the agency from outside influences not possessing the necessary expertise. To avoid such pressures, it was felt that criteria to be applied in determining which drugs should be made subject to the provision should be carefully spelled out.

2. It was assumed that the provision in § 130.47(b) for proposals made by the Commissioner on behalf of interested persons would not apply to drugs covered by paragraph (a) of that section.

3. The point was raised that, if a drug's usefulness resulted in its approval and continuing studies were required, substantial evidence of effectiveness would have already been shown. Therefore, the condition for approval should be only that continuing studies on safety be conducted.

4. Comment was made that it should be clear that continuation of the studies on a drug would not be permanent, and a provision should be included for periodic review by the Food and Drug Administration and the applicant as to the necessity for continued formal testing.

5. Concern was expressed in several comments that FDA could require additional tests for well established drugs without offering an opportunity for a hearing or even providing an opportunity for a conference with agency officials. The question was raised as to whether the hearing rights under section 505 of the Federal Food, Drug, and Cosmetic Act would apply.

6. Objection was raised to the provisions of § 130.48(a)(1)(vi) which would make the results of the additional studies available to other application holders conducting similar studies.

7. Several comments indicated that the solution to the problem presented by the proposal should be sought through improving adverse reaction reporting systems.

8. The opinion was expressed that FDA has a responsibility to make a judgment as to whether a drug is safe and effective under proposed labeling before approval. In exercising such judgment, the Commissioner can limit the use of the drug through labeling until further data are available.

Having considered the comments received and other relevant information, the Commissioner concludes that:

1. While it is anticipated that this provision will be applied for the most part to new entities as they are introduced into the market, it is possible that a drug already approved for marketing will require further testing. The need for such additional studies becomes necessary occasionally as advances in knowledge raise questions that must be clarified to justify continued marketing of a drug and to assure that the continued availability of the drug while such studies are being conducted is in the public interest. In addition, because marketing experiences with a drug may indicate problems not anticipated from the more limited clinical trials, it is desirable that interested persons bring to the attention of the Commissioner the need for continued or additional studies of a drug. The procedure provided for in this regulation will be applied as is necessary and appropri-

V37-4
JAN 7 72
XUM

ate to obtain needed data. To provide the needed flexibility for unusual situations, it is desirable that the criteria for inclusion of drugs be broadly stated.

2. The assumed distinctions between paragraphs (a) and (b) of § 130.47 regarding proposals made by the Commissioner on behalf of interested persons is not appropriate. The final order is revised to more clearly indicate that these paragraphs are complementary and that no distinction should be made.

3. Where efficacy may be brought into question or where data on long term effectiveness are needed, such data must be provided.

4. As additional data are available to resolve the outstanding questions, no further testing will be required. Until adequate data are available, any applicants wishing to market the drug will be required to perform the studies. Periodic review of the data is provided for in § 130.48(a)(5).

5. Where questions of safety or efficacy of useful drugs are raised and must be answered to justify continued marketing, FDA must seek additional data to determine if the benefit-to-risk ratio of the drug has been altered to the extent that removal of the drug from the market, revision of the labeling, or some other course of action would be in the public interest. Applicants would be requested to perform the studies. It would be FDA's intent to explore the problem thoroughly with the applicants and outside experts prior to publishing such a requirement. When a drug is not approved for marketing, the applicant has the right to file the application over protest and to seek a hearing in accordance with § 130.5(d) (21 CFR 130.5(d)). When the drug in question has already been approved for marketing, the applicant can refuse to perform the studies, and FDA either would have to seek the data elsewhere or, if warranted, would have to follow the procedures of section 505(e) of the act to withdraw approval of the new-drug application.

6. In view of objections to § 130.48(a)(1)(vi) which would make the results of studies conducted by one applicant available to other applicants and since the Food and Drug Administration is currently reviewing its policy on this matter, this provision should be deleted from the final order.

7. An improved adverse reaction reporting system is desirable and would improve discovery of effects not previously known. However, a very good system would not necessarily answer questions that reflect a need for more or different knowledge regarding the drug's action or effects. Studies of an entirely different type than were previously undertaken with the drug may be necessary, and provisions should be made for these studies.

8. FDA has the responsibility to assure the safety and effectiveness of all drugs on the market. In exercising this responsibility, FDA does limit drug labeling to the extent that safety and efficacy data dictate. However, labeling restrictions are inadequate under circumstances such as those concerning levodopa in which it is clearly in the public interest for the drug to be available for clinical use and for which additional data obtained from widespread clinical use is necessary. Furthermore, to consider the authority to obtain data on a drug as being limited to drugs prior to their approval would be disregarding new data as it becomes available and would be a derogation of the agency's responsibility to the public.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505(j), 701(a), 52 Stat. 1053 as amended by 76 Stat. 782–83, 1055; 21 U.S.C. 355(j), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), two new sections are added to Part 130, Subpart A, as follows:

§ 130.47 Continuation of long-term studies, records, and reports on certain drugs for which new-drug applications have been approved.

(a) A new drug may not be approved for marketing unless it has been shown to be safe and effective for its intended use(s). After approval, the applicant is required to establish and maintain records and make reports related to clinical experience or other data or information necessary to make or facilitate a determination of whether there are or may be grounds under section 505(e) of the act for suspending or withdrawing approval of the application. Some drugs, because of the nature of the condition for which they are intended, must be used for long periods of time—even a lifetime. To acquire necessary data for determining the safety and effectiveness of long-term use of such drugs, extensive animal and clinical tests are required as a condition of approval. Nonetheless, the therapeutic or prophylactic usefulness of such drugs may make it inadvisable in the public interest to delay the availability of the drugs for widespread clinical use pending completion of such long-term studies. In such cases, the Food and Drug Administration may approve the new-drug application on condition that the necessary long-term studies will be conducted and the results recorded and reported in an organized fashion. The procedures required by paragraph (b) of this section will be followed in order to list such a drug in § 130.48.

(b) A proposal to require additional or continued studies with a drug for which a new-drug application has been approved may be made by the Commissioner on his own initiative or on behalf of any interested person. Prior to issuance of such a proposal, the applicant will be provided an opportunity for a conference with representatives of the Food and Drug Administration. When appropriate, investigators or other individuals may be invited to participate in the conference. Such proposal and a summary of the grounds upon which it is proposed will be published in the FEDERAL REGISTER and written comments thereon invited. After considering all available data, the Commissioner will publish an order in the FEDERAL REGISTER acting on the proposal. Proposals submitted by interested persons may be refused by written notice from the Commissioner if the proposal is not supported by reasonable grounds. Upon final determination that special studies, records, and reports are required for a drug, such requirements will be published in § 130.48.

§ 130.48 Drugs that are subjects of approved new-drug applications and that require special studies, records, and reports.

Listed below are the new drugs and requirements referred to in § 130.47:

(a) *Levodopa.* Levodopa has been shown to be of value for symptomatic relief in the treatment of Parkinson's disease. The nature of this disease requires that the drug be taken over a protracted period of time—even a lifetime. In view of the benefits attributable to levodopa, the Commissioner finds that it is not in the public interest to withhold the drug from the market until very long-term or lifetime studies have been completed for a determination of its long-term safety and effectiveness. The Food and Drug Administration has, by letters to applicants, approved new-drug applications for levodopa for use in the treatment of Parkinson's disease. In view of the known adverse effects associated with its use and considering its indicated long-term use, the Commissioner finds that holders of approved new-drug applications for levodopa should be required to continue studies with the drug as described below and to monitor such records and make such reports as are necessary with respect to the continuing studies. These studies are necessary for acquiring an organized body of information on the safety and effectiveness of levodopa in long-term use.

(1) The applicant is to carry to conclusion the 1-year chronic toxicity studies in dogs and 18-month chronic toxicity studies in rats, including the necessary histopathology.

(2) The clinical studies now being conducted under a standard protocol are to be extended in at least 600 of the patients now under treatment. This will include the blood chemistry and medical evaluation currently being done under the existing protocol.

(3) The applicant is to arrange for a central tissue registry to examine human autopsy material obtained from patients in the study who died while under treatment with levodopa.

(4) Reports on the studies will be submitted under § 130.13.

(5) At the end of each year after the date of approval of the application, representatives of the Food and Drug Administration, the applicant, and, if necessary, the investigators will meet to determine on the basis of available information whether or not clinical studies should be continued.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

Dated: December 17, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-248 Filed 1-6-72;8:49 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[Docket No. R-71-119]

PART 200—INTRODUCTION

Subpart N—Project Selection Criteria

EVALUATION OF RENT SUPPLEMENT PROJECTS AND LOW-RENT HOUSING ASSISTANCE APPLICATIONS

The purpose of these regulations is to set forth criteria by which the Department will evaluate applications for funding of housing projects under sections 235(i) and 236 of the National Housing Act, rent supplement projects and low-rent housing assistance applications under the U.S. Housing Act of 1937.

On June 24, 1971 (36 F.R. 12032) the Department first published these criteria for public comment as a notice of proposed rule making. In view of changes made in the criteria as a result of ensuing comments, the Department republished the criteria in revised form for further public comment on October 2, 1971 (36 F.R. 19316). The Department received more than 80 sets of comments after each publication.

The Department has now considered each comment received and publishes these regulations in final form to be effective February 7, 1972. Principal changes and the Department's response to significant comments are set forth below.

Although some comments recommended the use of a two-grade system (acceptable or unacceptable) and others suggested that within each criterion a range of points should be awarded, such as 5, 4, 3, 2, or 1, the Department believes that the three-grade system (superior, adequate, poor) is best. An acceptable-unacceptable rating system would not provide an order of priority for funding. On the other hand, a multipoint system is not necessary because the three-grade system gives a sufficiently wide range of priorities, and the assignment of a numerical range of point values within each criterion would require drawing impractically fine distinctions with respect to factors which often involve broad judgments.

Some comments objected to the procedure of project-by-project evaluation and to the use of uniform, national standards. In view of the fact that HUD's statutory function is to approve proposals submitted, rather than to prescribe areawide plans, the Department believes that the new evaluation system is appropriate. The criteria are sufficiently general to apply across the country without doing violence to local conditions, while at the same time establishing national standards to assure equitable treatment of all areas.

Some comments noted that the criteria duplicate in some respects other program feasibility or processing requirements. While this may be true, the purpose of the criteria is to provide at an early time a means of eliminating clearly unacceptable proposals and assigning priorities in funding to assure that the best proposals are funded first. The criteria will thus serve as a screen, relieving HUD's Area and Insuring Offices from performing the detailed processing required by each program on applications which would never be funded.

Several comments questioned possible conflicts among various criteria. For example, as some comments noted, criterion 6, which relates to efficient production, may conflict with criterion 7, which encourages training. Other comments evidenced a related misunderstanding: They seemed to assume that proposals must get a "superior" rating on every criterion. The purpose of the criteria is to take into account a range of project characteristics and weigh them appropriately in relation to broad policy objectives. Some conflicts are unavoidable. Most proposals cannot be expected to satisfy all criteria equally well, but each of the criteria relates to desirable qualities of a proposed project and will be considered by HUD in its evaluation.

Some comments asserted that the project selection criteria will result in too few projects being built in the inner cities, and others asserted that the criteria will result in too many projects being built there. In the same vein, some comments suggested that the criteria emphasized and encouraged one factor too much or too little. The Department has considered such comments, but believes that the present system gives each of the criteria proper weight and achieves a proper balance of countervailing needs and interests.

It was suggested that the term "housing market area," used several times in the criteria, should be defined to coincide with boundaries of local political jurisdictions. It was also suggested that certain parts of housing market areas should be allotted housing funds irrespective of ratings on the criteria. The Department has declined to adopt these suggestions because housing market areas often are independent of arbitrary political boundaries and allotments to certain parts of those areas could result in the Department's approving projects which would be less than the best that could be created for the people of each housing market area.

Some comments misconstrued the purpose of the project selection criteria as being confined to site selection. In its decision to fund or not to fund a project, the Department believes that it should take into consideration other factors in addition to proposed location of the housing.

A number of civil rights organizations objected that the instructions fail to provide an explicit role for Equal Opportunity officials in evaluation of applications. First, these regulations are not delegations of authority, and therefore are not a proper vehicle for designating which HUD official will evaluate the criteria. Moreover, HUD Equal Opportunity personnel already advise field processing staff on matters of racially impacted areas and other equal opportunity matters which need to be considered in processing housing proposals. The responsibility for evaluating and processing applications is assigned to the Assistant Secretary for Housing Production and Mortgage Credit (HPMC), and under his direction to processing staff in the HUD Field Offices. Other comments also related to internal and administrative procedures of the Department. The Department believes that how the criteria are implemented and processed within the Department is not properly part of the criteria themselves.

The NAACP and others questioned the fact that one "poor" rating can veto an otherwise worthwhile housing proposal. The evaluation system limits the criteria to those elements considered to be important or essential to a desirable proposal. The Department believes that it is appropriate to require a proposal rate at least "adequate" on all criteria in order to receive funding.

Several comments requested definitions of technical terms. The Department believes that definitions of such terms are not necessary, at least at this time.

There were several comments which suggested special treatment for proposals in which the commenter had a high degree of interest. The Department feels that such special and automatic ratings for proposals are not necessary or wise. If a proposal meets the general language of a "superior" rating, it will receive a "superior" without overburdening the criteria with lists of special cases and without danger of rating as "superior" projects which do not deserve it.

Criterion 9, Homeownership, which appeared on the public housing form in the June 24 version has been deleted in response to comments from local housing authorities that the requirement would limit their choice and discriminate against the more typical nonhomeownership low-rent housing programs as opposed to public housing homeownership programs. Groups active in the cooperative housing field suggested that the former criterion 9 for public housing proposals be required also for section 236 evaluation. Because the Department is carrying on a broad effort through all subsidized programs to promote homeownership opportunities for lower income families, it is not necessary to use these criteria as a vehicle for encouraging homeownership.

Some urged that the criteria will impose new and great administrative burdens on applicants, working to the detriment of all, but particularly the smaller or less experienced ones. The Department does not anticipate that the burden

V37-4 JAN 7 72 XUM

will be great and is convinced that information of the kind called for by the criteria is necessary to enable the Department to choose the best proposals submitted. Local housing authorities pointed out that sites for public housing generally are not known at the application stage. However, administrative procedures with respect to local housing authority applications will provide for statements of intent to be accepted as to some criteria in the absence of exact knowledge; subsequent approval will depend upon meeting the terms of those statements.

Many comments suggested alternative terms, phrases, objectives, and criteria. The Department has adopted those which are appropriate to the regulations and improve the clarity and precision of the criteria.

The regulations now combine the form and the instructions of the previous two versions into a single format. The principal changes and comments with respect to each criterion are summarized below.

Criterion No. 1, Need for Low(er) Income Housing. In response to suggestions for improved clarity over the June version, the instructions now specify the concept of need in terms of number of rooms and structure type. The instructions omit, as unnecessary, references in the October version to specific markets (such as large families and the elderly) because consideration of these factors is included in the broad language of the criterion. The "poor" rating of the October version has been rephrased to eliminate reference to vacancy rates and to add a reference to "comparably priced, standard unsubsidized housing." Several of the comments, such as the one received from the U.S. Civil Rights Commission, pointed out that overall vacancy rates may not be an accurate reflection of ability to satisfy lower income housing needs. As suggested by NAHRO, the "superior" rating now contains the phrase "as a relocation resource" to clarify the connection between housing need and provision of housing for displacees.

Although some comments suggested that the criterion should be more specific with respect to defining housing market areas, measuring elements of housing need, or describing degrees of need, the Department believes that the criterion is now sufficiently clear. Greater detail as needed is contained in HUD market analysis and similar guidelines and is not appropriate for these regulations.

Criterion No. 2, Minority Housing Opportunities. This criterion has been rephrased to clearly distinguish between three kinds of areas: (1) Areas of minority concentration, (2) substantially racially mixed areas, and (3) areas which are outside of (1) and (2).

A phrase has been added which permits building in areas of minority concentration if there exist "sufficient, comparable opportunities * * * for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration." This is designed to assure that building in minority areas goes forward only after there truly exist housing opportunities for minorities elsewhere. The phrase "sufficient, comparable opportunities" is designed to assure that the housing available to minorities outside areas of minority concentration is more than a token amount of so few units that there is in fact no true opportunity. At the same time the phrase is not tied to any rigid formula.

The provision for building inside areas of minority concentration if prospective residents of the project or residents of the project area express a desire for it has been stricken and will not be used. The Department is convinced that such a provision is unworkable and would have been abused, as comments, such as that of the League of Women Voters, suggested. Other examples of overriding need which cannot be feasibly met elsewhere were merely explanatory and not necessary to the regulations. For similar reasons, the phrase "on the basis of factors such as existing demographic trends" was removed.

Housing proposed to be built in substantially racially mixed areas has been omitted from the alternatives of the "superior" rating. Although building in such areas is now permitted under "adequate" where the proposed project will not cause the proportion of minority to nonminority residents to increase significantly, the Department deems it undesirable to encourage projects in those areas by giving them "superior" ratings because such projects in the large numbers a high rating could generate might contribute to a stable racially mixed area's becoming one of minority concentration.

The alternative under "superior" in the October version which referred specifically to Urban Renewal and Model Cities areas was removed because many such areas could not be expected to serve a wide range of income levels and a racially varied population. The phrase "in or near an area of minority concentration" has been shortened throughout to "in an area of minority concentration." Avoidance of adverse impact on transitional areas is addressed elsewhere in the criterion.

An additional provision (4) was added to "adequate" to accommodate housing market areas in which there is little or no minority population. Documentation requirements have been extended to all "superior" and "adequate" ratings.

Criterion 3, Improved Location for Low(er) Income Families. The phrase "similar market value" is substituted throughout for "similar price range," used in the October version of this criterion, and the phrase "unsubsidized housing" has been clarified to "standard unsubsidized housing." These revisions are intended to make clear that in considering a proposed site, HUD will compare facilities and services in the neighborhood surrounding the site with facilities and services in other neighborhoods which are made up of standard, unsubsidized housing similar in market value to the housing in the neighborhood of the proposed project.

Other changes include redefinition of the word "section," from "the project neighborhood and surrounding neighborhoods" to "the project neighborhood and contiguous neighborhoods." Under the former definition a "section" could be construed as so large that it would have defeated the purposes of the criterion. The qualifier "federally" was added to "subsidized housing" so that middle-income subsidized housing (such as that constructed under New York's Mitchell-Lama program) would not be considered as contributing to a concentration of subsidized units. The term "in the near future" has been replaced with "by the occupancy date or very shortly thereafter" to provide a time frame for provision of services and facilities to the neighborhood.

In the "adequate" rating as it appeared in October, "a significant amount of" has been deleted as a modifier of "subsidized housing." The basic consideration is whether the section will be dominated by subsidized housing after completion of the proposed project; the quantity of subsidized housing before the addition of the project is not necessarily the determining factor. The revision makes clear the policy of the criterion that an undeveloped area or one containing little subsidized housing must not be overwhelmed by new subsidized housing.

The regulations continue to base determinations under this criterion on "subsidized" housing, rather than adopting suggestions that the criterion be based on avoiding concentrations of housing for low-income or lower income families. References to Urban Renewal and Model Cities programs have been moved from "superior" to "adequate," as housing in such areas is frequently not up to the standards of a "superior" for this criterion. Nevertheless, if a proposal in an Urban Renewal or Model Cities Area meets the general standards of "superior," such a rating will be given.

Criterion 4, Relationship to Orderly Growth and Development. Although there are many areas without plans which will met this criterion, and the Department will not itself develop such plans, as comments suggested, the Department hopes this criterion will encourage their adoption. The statement of objectives and the "superior" rating specify that acceptable planning should contain a housing element, as suggested by the U.S. Civil Rights Commission and others. However, other comments regarding what details a plan should contain and how it should be adopted have not been incorporated into the criterion as it is thought best to leave such matters up to each planning agency.

To dispel some confusion the "superior" instructions add a parenthetical statement that "zoning alone does not constitute an officially approved land use or other development plan." A "superior" rating now specifically recognizes a planning policy for dispersal of subsidized housing adopted by a State housing or metropolitan areawide development agency, in addition to plans of a local agency. The provision under "adequate" concerning the absence of, or inconsistency with, metropolitan or regional plans was removed because it was contradictory to the objectives of this criterion.

Criterion 5, Relationship of Proposed Project to Physical Environment. In order to remove any ambiguity in the June version and to relate this criterion to considerations of the National Environmental Policy Act, the revised criterion focuses upon the physical aspects of project design and location and is now a required criterion, as requested by the Chairman of the Council on Environmental Quality.

The treatment of ecological considerations in the instructions for "superior" has been revised in accordance with suggestions from the Environmental Protection Agency and others. The revision, inter alia, makes clear that evaluation of environmental impact must take into account both long-term and short-term effects of the proposed project. The Department has decided not to include several suggestions for addition of specific terms because the added materials are encompassed within other criteria or are already part of feasibility requirements which must be met in later processing.

Criterion 6, Ability to Perform. For clarity, this criterion is revised slightly over the October version. The most important change is use of the phrase "each of the following" which removes difficulty regarding how to rate an efficient contractor who ignores Equal Opportunity guidelines and requirements.

Some comments urged that this criterion will be too harsh on minority or nonprofit sponsors. However, the Department considers the present language is sufficiently lenient without making the criterion meaningless. To achieve national housing goals, ability to perform must be a consideration.

Criterion 7, Project Potential for Creating Minority Employment and Business Opportunities. Comments objected that the June version would have hindered minority firms and workers residing in the inner city some distance from proposed locations. For this reason, the criterion no longer refers to lower-income persons or project area.

The requirements for utilizing business concerns in the "superior" instructions adds to the October version the parenthetical phrase "including but not limited to the prime contractor" to assure that a whole range of minority enterprises, not just the general construction contractor, should have access to business opportunities created by a project. In response to comments by the National Committee Against Discrimination in Housing, the instructions for a "poor" rating have been revised by substituting "could feasibly" for "would customarily." The intent is to assure that no possible source of minority labor or business skills is overlooked. For purposes of consistency, this clause was moved up to "adequate."

Criterion 8, Provision for Sound Housing Management. This criterion has been revised to distinguish between proposals for low-rent public housing on the one hand and 236 and rent supplement projects on the other, and to make the criterion generally more concise. Details of management requirements have not been included in the criteria, as some suggested, for they are too lengthy.

Pursuant to the National Environmental Policy Act of 1969 (Public Law 91-190) and the guidelines of the Council on Environmental Quality of April 23, 1971 (36 F.R. 7724), a document entitled "Final Environmental Statement on Proposed HUD Project Selection Criteria for Subsidized Housing" is being placed in the following locations where it will be available for inspection by members of the public: Program Information Division, Room 1202, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, and in Information Centers of the HUD Regional Offices. Single copies of the statement may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Accordingly, Title 24 is amended by adding to Part 200 as follows:

Subpart N—Project Selection Criteria

Sec.

200.700 Purpose.
200.705 Authority.
200.710 Requests for priority registration, early feasibility, or reservation of contract authority for section 235(i), rent supplement, or section 236 projects and evaluation of applications for low-rent public housing.

AUTHORITY: The provisions of this Subpart N are issued pursuant to section 7(d) of the Department of Housing and Urban Development Act of 1965 (42 U.S.C. 3535(d)), sections 235(i) and 236 of the National Housing Act (12 U.S.C. 1715z(i) and 1715 z-1), and the U.S. Housing Act of 1937 (42 U.S.C. 1401 et seq.).

Subpart N—Project Selection Criteria

§ 200.700 Purpose.

The purpose of this subpart is to set forth the project selection criteria to be used in evaluating (a) requests for priority registration and reservation of contract authority for projects under section 235(i) of the National Housing Act; (b) requests for early feasibility and reservation of contract authority for projects under section 236 of the Act; (c) requests for reservation of contract authority for rent supplement projects; and (d) applications for low-rent housing assistance under the U.S. Housing Act of 1937.

§ 200.705 Authority.

The regulations in this subpart are issued pursuant to section 7(d) of the Department of Housing and Urban Development Act of 1965, 42 U.S.C. 3535(d), sections 235(i) and 236 of the National Housing Act (12 U.S.C. 1715z(i) and 1715z-1); and the U.S. Housing Act of 1937 (42 U.S.C. 1401 et seq.). They implement Executive Order 11063, 27 F.R. 11527; title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3608; and the Department of Housing and Urban Development regulations approved by the President under title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-1, in Part 1 of this title.

§ 200.710 Requests for priority registration, early feasibility, or reservation of contract authority for section 235 (i), rent supplement, or section 236 projects and evaluation of applications for low-rent public housing.

A request for priority registration, early feasibility, or reservation of contract authority for section 235(i), rent supplement, or section 236 projects and applications for low-rent public housing shall be evaluated and processed in accordance with the following Evaluation of Requests:

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING ADMINISTRATION

Evaluation of requests for priority registration, early feasibility, reservation of contract authority (section 235(i), rent supplement, section 236) or evaluation of application for low-rent public housing.

☐ 235(i) ☐ 221d3 rent supplement ☐ low-rent public housing ☐ 236 ☐ rent supplement.

Sponsorship: ☐ Profit ☐ Nonprofit ☐ Lim. Div. ☐ Public

☐ Priority registration ☐ Early feasibility ☐ Reservation ☐ App. public housing

Area or insuring office_____

Applicant (name and address)_____

Census tract (where available)_____

Date of initial application_____

Identification of subdivision/location of proposed project_____

Case or application number_____

General instructions: In evaluating proposals involving five (5) or more dwelling units (25 or more in the case of public housing acquisition or leasing), the Area or Insuring Office shall utilize the following Project Selection Criteria. Enter a brief explanation on the lines provided of the way in which the proposal satisfies each applicable consideration, so that the factual basis for the evaluation and rating assigned is clear. Attach supporting documentation and extra sheet(s), if necessary for a complete explanation. Evaluate each criterion by checking the appropriate box—Superior, Adequate, or Poor.

Final feasibility approval is dependent upon satisfying all statutory and administrative requirements which are a normal part of processing. Rehabilitation projects, Indian Reservation Housing, section 235 existing housing, public housing acquisition or leasing of existing housing of fewer than 25 units not requiring rehabilitation, and proposed construction project of fewer than five (5) dwelling units are excluded.

V37-4 JAN 7 72 XUM

1. *Need for low(er) income housing* ☐ Superior ☐ Adequate ☐ Poor

Objective: To identify the proposed projects which will best serve the most urgent unmet needs for housing for low(er) income households.

(A) A *superior* rating shall be given to a proposed project:

(1) Which responds well to the most urgent housing needs of low(er) income households in the market area in terms of number of bedrooms and structure type; or,

(2) As to which there is documented evidence that the housing is needed as a relocation resource to serve families displaced or to be displaced by governmental action, including families or individuals being displaced by the proposed project, and that the applicant will give preference to those so displaced

(B) An *adequate* rating shall be given to a proposed project which responds to housing needs of low(er) income households in the market area in terms of number of bedrooms and structure type

(C) A *poor* rating shall be given to a proposed project which:

(1) Does not respond to housing needs of low(er) income households in the market area; or,

(2) Duplicates or competes unreasonably with other subsidized or comparably-priced, standard unsubsidized housing projects in the same locality in such a way as to overbuild the market

2. *Minority Housing opportunities* ☐ Superior ☐ Adequate ☐ Poor

Objectives:

To provide minority families with opportunities for housing in a wide range of locations.

To open up nonsegregated housing opportunities that will contribute to decreasing the effects of past housing discrimination.

(A) A *superior* rating shall be given if the proposed project will be located:

(1) So that, within the housing market area, it will provide opportunities for minorities for housing outside existing areas of minority concentration and outside areas which are already substantially racially mixed; or,

(2) In an area of minority concentration, but the area is part of an official State or local agency development plan, and sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration

(B) An *adequate* rating shall be given if the proposed project will be located:

(1) Outside an area of minority concentration, but the area is racially mixed, and the proposed project will not cause a significant increase in the proportion of minority to nonminority residents in the area; or,

(2) In an area of minority concentration and sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration; or,

(3) In an area of minority concentration, but is necessary to meet overriding housing needs which cannot otherwise feasibly be met in that housing market area. (An "overriding need" may not serve as the basis for an "adequate" rating if the only reason the need cannot otherwise feasibly be met is that discrimination on the basis of race, color or national origin renders sites outside areas of minority concentration unavailable); or,

(4) In a housing market area with few or no minority group residents.

All "superior" and "adequate" ratings shall be accompanied by documented findings based upon relevant racial, socioeconomic, and other data and information.

(C) A *poor* rating shall be given if the proposed project does not satisfy any of the above conditions, e.g., will cause a significant increase in the proportion of minority residents in an area which is not one of minority concentration, but which is racially mixed

3. *Improved location for low(er) income families* ☐ Superior ☐ Adequate ☐ Poor

Objectives:

To avoid concentrating subsidized housing in any one section of a metropolitan area or town.

To provide low(er) income households with opportunities for housing in a wide range of locations.

To locate subsidized housing in sections containing facilities and services that are typical of those found in neighborhoods consisting largely of standard, unsubsidized housing of a similar market value.

To locate subsidized housing in areas reasonably accessible to job opportunities.

(A) A *superior* rating shall be given if the proposed project:

(1) Will be located in a section (consisting of the project neighborhood and contiguous neighborhoods) that contains little or no federally-subsidized housing and (a) the proposed project is, or will be by the occupancy date or very shortly thereafter, accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal services that are equivalent to or better than those typically found in neighborhoods consisting largely of standard, unsubsidized housing of a similar market value, and (b) travel time and cost via public transportation or private auto from the neighborhood to employment providing a range of jobs for low(er) income workers is considered excellent for such families in the metropolitan area or town. (While it is important that elderly housing not be totally isolated from all employment opportunities, for such projects the requirements of (b) above need not be adhered to rigidly); or,

(2) Is part of a New Community Development Plan approved under Title VII of the Housing and Urban Development Act of 1970

(B) An *adequate* rating shall be given to a proposed project which will be located:

(1) In a section already containing federally-subsidized housing if, with the addition of the proposed housing, the resulting number of federally-subsidized units will not establish the character of the section as one of subsidized housing and the housing will provide an expanded range of housing opportunity for low(er) income families; or,

(2) In an undeveloped area, but the scale of the project will not be such that it establishes the character of the section as one of subsidized housing;

(3) *And,* in the event of either (1) or (2): (a) The project is, or will be by the occupancy date or very shortly thereafter, accessible to social recreational, educational, commercial, and health facilities and services, and other municipal services that are equivalent to those typically found in neighborhoods consisting largely of unsubsidized standard housing of a similar market value, and (b) traveltime and cost via public transportation or private auto from the neighborhood to employment providing a range of jobs for low(er) income workers is reasonable for such families in the metropolitan area or town. (While it is important that elderly housing not be totally isolated from all employment opportunities, for such projects the requirements of (b) above need not be adhered to rigidly); or,

(4) In an Urban Renewal or Model Cities area and such housing is required to fulfill, respectively, the Urban Renewal Plan or the Comprehensive City Demonstration Program

(C) A *poor* rating shall be given if:

(1) The proposed project will be located in a section characterized as one of subsidized housing; or,

(2) The proposed project will establish the character of the section as one of subsidized housing; or,

(3) Social, recreational, educational, commercial, and health facilities and services, and other municipal services: (a) are not, or will not be by the occupancy date or very shortly thereafter, accessible to the project; or (b) although accessible to the project, are inferior to those generally found in neighborhoods consisting largely of standard, unsubsidized housing of a similar market value; or,

(4) Travel time and cost via public transportation or private auto from the neighborhood to employment providing a range of jobs for low(er) income workers will be appreciably greater than that usually required in the metropolitan area or town.

4. *Relationship to orderly growth and development* ☐ Superior ☐ Adequate ☐ Poor

Objectives:

To assure that the proposed development is consistent with principles of orderly growth and development.

To prevent urban sprawl and the premature development or overdevelopment of land before supporting facilities are available.

To develop housing consistent with officially approved State or multijurisdictional plans.

To encourage formulation of area-wide plans which include a housing element relative to needs and goals for low- and moderate-income housing as well as balanced production throughout a metropolitan area.

(A) A *superior* rating shall be given if the proposed project:

(1) Will be consistent with the housing element of a local, officially-approved land use or other development plan which is consistent with metropolitan or regional plans (zoning alone does not constitute an officially-approved land use or other development plan); or,

(2) Will be located in and be consistent with plans for a neighborhood that is undergoing improvement via Urban Renewal, Model Cities, New Communities or other similar Federal, State, or local development programs; or,

(3) Is consistent with a policy adopted by a State housing or metropolitan areawide development agency or the local governing body (especially where this policy implements a multijurisdictional approach) for providing for and dispersing housing for low- and moderate-income families

(B) An *adequate* rating shall be given if the proposed project:

(1) Is consistent with a local, officially-approved land use or development plan; or,

(2) Is consistent with sound growth patterns, although located in a community that does not have officially-approved land use or other development plans

(C) A *poor* rating shall be given if the proposed project:

(1) Does not satisfy any of the above conditions; or,

(2) Is contrary to sound growth patterns

5. *Relationship of proposed project to physical environment* ☐ Superior ☐ Adequate ☐ Poor

Objectives:

To provide an attractive and well-planned physical environment.

To prevent any adverse impact on the environment resulting from construction of the proposed housing.

To avoid site locations whose environmental conditions would be detrimental to the success of an otherwise sound project.

(A) A *superior* rating shall be given if the proposed housing will:

(1) Embody outstanding land use planning and excellent architectural treatment, *and*

(2) Be free from adverse environmental conditions, natural or manmade, such as instability, flooding, septic tank backups, sewage hazards, or mudslide; harmful air pollution, smoke or dust; excessive noise, vibration, or vehicular traffic; unsanitary rodent or vermin infestation; or dangerous fire hazards; *and*,

(3) Not, considering both long-term and short-term effects, impact or impair ecologically valuable or significant natural areas, such as wildlife areas, ground water or surface water areas and parklands, or significant historical or archeological areas.

(B) An *adequate* rating shall be given if the proposed project will:

(1) Embody sound land use planning and good architectural treatment; *and*

(2) Be free from adverse environmental conditions that cannot be corrected; *and*

(3) Not have an unreasonably adverse impact on the environment.

(C) A *poor* rating shall be given if the proposed project will:

(1) Embody poor land use planning or poor architectural treatment; *or*,

(2) Be subject to serious environmental conditions which cannot be corrected; *or*,

(3) Will substantially or unreasonably disrupt the environment or ecologically valuable or unique natural areas.

6. *Ability to perform* ☐ Superior ☐ Adequate ☐ Poor

Objective: To produce housing promptly and to provide quality housing at a reasonable cost, taking into account Equal Opportunity guidelines and requirements.

(A) A *superior* rating shall be given if the applicant, his staff, or other personnel which he will utilize (including contractors, subcontractors, architects, consultants, etc.), and help he will receive, considered together, have demonstrated good ability in past performance (in either subsidized, unsubsidized, conventionally-financed developments or related fields), based on each of the following considerations: (a) Ability to perform well within program target dates; (b) high quality of housing produced; (c) ability to produce housing at a cost at or below similar units of comparable quality; (d) compliance with Equal Opportunity guidelines and requirements.

(B) An *adequate* rating shall be given if the applicant, his staff, or other personnel which he will utilize (including contractors, subcontractors, architects, consultants, etc.), and help he will receive, considered together have demonstrated an acceptable ability in past performance (in either subsidized, unsubsidized, conventionally-financed developments or related fields), based on each of the following considerations: (a) Ability to meet program target dates; (b) good quality of housing produced; (c) ability to produce housing at a cost equivalent to that of similar units of comparable quality; (d) compliance with Equal Opportunity guidelines and requirements. In the case of an applicant without previous experience in housing or related fields or an LHA with no units under management, an adequate rating will be given if there is no demonstrable reason to believe that it will be unable to meet the above conditions.

(C) A *poor* rating shall be given to any proposal which does not meet the above conditions.

7. *Project potential for creating minority employment and business opportunities* ☐ Superior ☐ Adequate ☐ Poor

Objectives:

To encourage housing proposals which will generate job opportunities for minority workers.

To provide opportunities for business concerns owned in substantial part by minority persons.

(A) A *superior* rating will be given if the proposal shows good potential, based on the applicant's stated, specific goals, hiring timetables, and past performance, if any, for:

(1) Providing training and/or employment for minority persons; *and*

(2) Utilizing business concerns (including but not limited to the prime contractor) owned, controlled or managed in substantial part by minority persons. This potential may include training, employment and business opportunities in all phases of development, including but not limited to planning, site development, building, maintenance, and management.

(B) An *adequate* rating will be given if:

(1) The proposal has good potential, based on the above factors, for satisfying either of the two conditions set forth for a "superior" rating; *or*,

(2) The housing market area has no minority population or the area from which labor could feasibly be recruited and business concerns feasibly contracted has a minority population so low that it would be impossible for the applicant to achieve a "superior" or "adequate" rating.

(C) A *poor* rating shall be given to a proposal which shows poor or no potential for satisfying any of the above conditions.

FEDERAL REGISTER, VOL. 37, NO. 4, SUNDAY, JANUARY 9, 1972

8. *Provision for sound housing management*

Objective: To encourage the development of well-managed and well-maintained projects so as to significantly increase their potential for successful, long-term operation and to foster good relations between tenants and management and the surrounding community.

(A) A *superior* rating shall be given to a proposed project which:

(1) If submitted under the section 236 or Rent Supplement programs (a) includes a management plan (based on "Management Plan Requirements"), which significantly exceeds present HUD requirements and guidelines in terms of the quality of management proposed and the services to be provided; *and* (b) has a sponsor and, if applicable, management agent which have demonstrated, through past performance, superior: Maintenance policies, financial stability, tenant-management relations, and overall management practices (with due consideration for past performance in regard to avoiding defaults, need for mortgage payment relief or other significant problems); *or*,

(2) If submitted by a Local Housing Authority, the Authority has demonstrated superior: Maintenance policies, financial stability, tenant-management relations and overall management practices.

(B) An *adequate* rating shall be given to a proposed project which:

(1) If submitted under the Section 236 or Rent Supplement programs, (a) includes a management plan (based on "Management Plan Requirements"), which meets current HUD requirements and guidelines in terms of the quality of management proposed and the services to be provided; and (b) has a sponsor and, if applicable, management agent which have demonstrated their ability or show potential for meeting project management requirements; *or*,

(2) If submitted by a Local Housing Authority, (a) the Authority has demonstrated by its past performance adequate: maintenance policies, financial stability, tenant-management relations and overall management policies; *or*,

(3) If submitted by a Local Housing Authority with no units under management, the Authority demonstrates the potential to meet project management requirements.

(C) A *poor* rating shall be given to any proposal project which does not meet any of the above requirements.

SUMMARY OF RATINGS

Priority group. Check only one box shown below representing the total number of ratings assigned on the form; or *disapproval*. A Superior or Adequate rating is required for all criteria.

Section 235(i) [1]				Rent supplement, section 236 or low-rent public housing			
Priority group	Ratings			Priority group	Ratings		
	Superior	Adequate	Poor		Superior	Adequate	Poor
1. ☐	7	0	0	1. ☐	8	0	0
2. ☐	6	1	0	2. ☐	7	1	0
3. ☐	5	2	0	3. ☐	6	2	0
4. ☐	4	3	0	4. ☐	5	3	0
5. ☐	3	4	0	5. ☐	4	4	0
6. ☐	2	5	0	6. ☐	3	5	0
7. ☐	1	6	0	7. ☐	2	6	0
8. ☐	0	7	0	8. ☐	1	7	0
				9. ☐	0	8	0

☐ Disapproval. A *Poor* rating on any criterion.

[1] Criterion #8 (Management) is not applicable to Section 235.

☐ Disapproval. A *Poor* rating on any criterion.

NOTE: Proposals shall be evaluated when received and shall not be stockpiled unreasonably. After rating has been assigned above, proposals in priority group 1 shall be funded ahead of those in priority group 2, proposals in priority group 2 shall be funded ahead of those in group 3, and so on. Within each group, proposals shall be funded in order of date of receipt of applications suitable for processing.

EVALUATION PREPARED BY

(Date) (Name and title)

The above ratings have been assigned with my approval.

(Date) Director, Operations Division Area Office or Chief Underwriter, Insuring Office

Effective date. This part shall be effective February 7, 1972.

RICHARD C. VAN DUSEN,
Under Secretary, Department of Housing and Urban Development.

[FR Doc.72-150 Filed 1-6-72;8:45 am]

MISCELLANEOUS AMENDMENTS

In the recodification and republication of the regulations of the Department of Housing and Urban Development appearing at 36 F.R. 24402, December 22, 1971, miscellaneous amendments originally published at 36 F.R. 23799, December 15, 1971 and 36 F.R. 24056, December 18, 1971, were omitted. These amendments are reprinted below without change except to renumber them where necessary to conform to the new codification of Title 24 of the Code of Federal Regulations.

PART 200—INTRODUCTION

1. In § 200.77, paragraphs (n), (x), (aa) (3), and (cc) (3) are amended and paragraphs (jj), (kk), and (ll) are added to read as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

* * * * *

(n) To keep, or cause to be kept under

his direction, a seal of the Department of Housing and Urban Development; to certify as to delegations of authority by the Assistant Secretary-Commissioner, and as to the truth or accuracy of copies of original papers or documents in the possession of the FHA; to prepare and execute, or cause to be prepared and executed, certified and notarized affidavits for the use of U.S. Attorneys in presenting the fiscal status of Secretary-held mortgages at foreclosure trials, and to maintain the Archives files of FHA.

• • • • • •

(x) To take any action authorized to be taken by any division or office within his jurisdiction.

• • • • • •

(aa) • • •

(3) To collect, or cause to be collected, the loan repayments and interest thereon, and to execute, or cause to be executed, the satisfaction of loan and trust agreements when the loan indebtedness has been paid in full or canceled.

• • • • • •

(cc) • • •

(3) To collect, or cause to be collected, the loan repayments, and to execute, or cause to be executed, the satisfaction of loan and trust agreements when the loan indebtedness has been paid in full or canceled.

• • • • • •

(jj) To establish and maintain, or cause to be established and maintained under his direction, an account for the deposit of Excess Rental Income collected under section 236 of the National Housing Act.

(kk) To prepare and execute, or cause to be prepared and executed, certified statements of account on Secretary-held home properties for the General Counsel as requested by the Department of Justice.

(ll) To execute, or cause to be executed, agreements with mortgagors that provide for the deposit of the mortgagors' reserve for replacement funds in federally insured depositories when the Secretary is the holder of a multifamily mortgage; to open, or cause to be opened, for this purpose appropriate accounts with federally insured depositories and to deposit and withdraw, or cause to be deposited and withdrawn, funds in these accounts.

2. In § 200.78, paragraphs (g), (k) (3) and (m) (3) are amended and paragraphs (p), (q), (r), and (s) are added to read as follows:

§ 200.78 Director Accounting Division and Deputy.

(g) To endorse mortgage notes for insurance; to take any action necessary to consummate the sale of Secretary-held mortgages to purchasers of such mortgages, and to execute the satisfactions of Secretary-held mortgages when the mortgage indebtedness has been paid in full.

(k) • • •

(3) To collect the loan repayments and interest thereon, and to execute the satisfaction of the loan and trust agreements when the loan indebtedness has been paid in full or canceled.

• • • • • •

(m) • • •

(3) To collect the loan repayments and to execute the satisfaction of loan and trust agreements when the loan indebtedness has been paid in full or canceled.

• • • • • •

(p) To prepare and execute certified and notarized affidavits for the use of U.S. Attorneys in presenting the fiscal status of Secretary-held mortgages at foreclosure trials.

(q) To establish and maintain an account for the deposit of Excess Rental Income collected under section 236 of the National Housing Act.

(r) To issue duplicate or corrective Mortgage Insurance Certificates in connection with mortgages insured under the Government National Mortgage Association and/or Federal National Mortgage Association direct sales program.

(s) To prepare and execute certified statements of account on Secretary-held home properties for the General Counsel as requested by the Department of Justice.

3. In § 200.79, paragraph (q) is added to read as follows:

§ 200.79 Director Insurance Division and Deputy.

• • • • • •

(q) To execute agreements with mortgagors that provide for the deposit of the mortgagors' reserve for replacement funds in federally insured depositories when the Secretary is the holder of a multifamily mortgage; to open for this purpose appropriate accounts with federally insured depositories and to deposit and withdraw funds in these accounts.

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

4. In § 201.2, paragraph (c) is amended to read:

§ 201.2 Eligible notes.

• • • • • •

(c) *Payments.* The note shall be payable in equal installments falling due monthly or every 2 weeks, unless a different payment schedule is approved by the Commissioner. The first payment shall be due no later than 2 months from the date of the note. Where the borrower has an irregular flow of income, the note may be payable at intervals corresponding with the borrower's flow of income, and in such instance, the first payment shall fall due no later than 1 year from the date of the note with subsequent payments to be made at least once a year. The note may provide for a first or final payment in an amount other than the regular installment. In such instance, the installment shall not be less than one-half nor more than 1½ times the amount of the regular installment.

• • • • • •

5. In § 201.5, paragraph (e) is amended to read:

§ 201.5 Credits and collections.

• • • • • •

(e) *Prior approval by Commissioner.* In connection with all class 1 and class 2 loans, the approval of the Commissioner is required prior to disbursing any loan which will increase the total obligation of a borrower, or of a comaker or cosigner of the note, to more than $15,000 exclusive of financing charges.

• • • • • •

6. In § 201.6, paragraph (g) is redesignated as paragraph (h) and a new paragraph (g) is added to read:

§ 201.6 Eligible loans.

• • • • • •

(g) *Use of proceeds—Carpeting.* Any part of the proceeds of a loan may be used for the installation of carpeting provided that:

(1) The carpeting meets minimum standards prescribed by the Commissioner.

(2) The carpeting will be in fact installed and affixed so as to become a permanent part of the real estate.

(3) The improved property is a residential structure owned by the borrower or is held under a lease having an original term of not less than 99 years which is renewable.

(4) Prior to disbursing the proceeds, the insured obtains (i) a certification signed by the borrower stating that the borrower is the owner of the property to be improved or a lessee under a lease which has an original term of not less than 99 years and is renewable, and that it is the borrower's intention to install and affix the carpeting so that it will become a permanent part of the real property and will not be installed in the kitchen, bathroom or patio, and (ii) an additional certification signed by the dealer or seller certifying that the carpeting meets minimum standards prescribed by the Commissioner.

• • • • • •

7. In § 201.9, paragraph (e) is deleted as follows:

§ 201.9 Refinancing.

• • • • • •

(e) *Deferred payments.* [Deleted]

8. In § 201.11, paragraph (e) is amended by adding a new subparagraph (4) (iii) to read:

§ 201.11 Claims.

• • • • • •

(e) *Claim amount.* • • •

(4) • • •

(iii) $25 for expenses in recording of assignments of security to the United States.

• • • • • •

PART 275—LOW-RENT PUBLIC HOUSING

9. In Part 275, the appendix (formerly published as the appendix to Chapter III, 36 F.R. 8213–8232, May 1, 1971) is amended by deleting the Newark, Asbury Park, North Bergen, and Freehold, N.J. schedules under Region II and substituting the revised prototype per unit costs as follows:

PROTOTYPE PER UNIT COST SCHEDULE

REGION II

	Number of bedrooms						
	0	1	2	3	4	5	6
Newark, N.J.:							
Detached and semi-detached	10,900	13,000	14,450	17,200	20,700	23,000	24,100
Row dwellings	10,450	12,400	13,750	16,350	19,700	21,950	22,950
Walk-up	10,350	12,850	14,600	17,300	20,050	22,100	23,250
Elevator-structure	14,700	17,100	21,600				
Ashury Park, N.J.:							
Detached and semi-detached	10,900	13,000	14,450	17,200	20,700	23,000	24,100
Row dwellings	10,450	12,400	13,750	16,350	19,700	21,950	22,950
Walk-up	10,350	12,850	14,600	17,300	20,050	22,100	23,250
Elevator-structure	14,100	16,400	20,700				
North Berren, N.J.:							
Detached and semi-detached	10,900	13,000	14,450	17,200	20,700	23,000	24,100
Row dwellings	10,450	12,400	13,750	16,350	19,700	21,950	22,950
Walk-up	10,350	12,850	14,600	17,300	20,050	22,100	23,250
Elevator-structure	14,700	17,100	21,600				
Freehold, N.J.:							
Detached and semi-detached	10,900	13,000	14,450	17,200	20,700	23,000	24,100
Row dwellings	10,450	12,400	13,750	16,350	19,700	21,950	22,950
Walk-up	10,350	12,850	14,600	17,300	20,050	22,100	23,250
Elevator-structure	14,100	16,400	20,700				

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72-274 Filed 1-6-72;8:47 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 231—GRAZING

1972 Grazing Fees

Section 231.5 of Title 36, Code of Federal Regulations, is amended by revising subparagraph (4) of paragraph (a) to read as follows:

§ 231.5 Fees, payments, and refunds or credits.

(a) *Fees.* • • •

(4) Conversion to 1966 base rates for the National Forests in the six western Forest Service Regions will be carried out during a 12-year period beginning in 1969. The difference between fees paid in 1966 and the 1966 base rate of $1.23 will be made in installments of 10 percent per year, except for the years 1970 and 1972. Installments were made in 1969 and 1971. Increases or decreases in the base rate because of changes in the index of private grazing land lease rates will be made each year, except for the years 1970 and 1972. Fees in 1972 will be increased in each fee area by 3 percent over the 1971 fee levels, except that in no case will a fee be increased above the 1972 fair market value. Changes in the fair market value between 1966 and 1971 increased the base rate by 14 cents to $1.37 per animal unit month in 1972. Fees which had previously been established through appraisals and were above the 1966 base rate in 1969 were reduced to fair market value in 1969. Fees which have been established by competitive bid will remain unchanged during the period specified in the bid. Fees on National Grasslands and Land Utilization Projects will be limited in 1972 to a 3 percent increase above their 1971 levels.

• • • • • •

(Sec. 1, 30 Stat. 35, as amended, sec. 1, 33 Stat. 628; 16 U.S.C. 551, 472; sec. 32, 50 Stat. 525, as amended; 7 U.S.C. 1011; sec. 501, 65 Stat. 290, 5 U.S.C. 140)

Limiting the fee increase to 3 percent will serve to hold the line on ranch operating costs in 1972 and will thereby support the President's Economic Stabilization Program.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (1-7-72).

It is the policy of the Department of Agriculture to give notice of proposed rule making and to invite the public to participate in rule making except where such participation would be impracticable, unnecessary, or contrary to the public interest (36 F.R. 13804, July 24, 1971). In amending its regulations to establish the fee for the 1972 fee year for grazing livestock on the public lands administered by the Department of the Interior, that Department has concluded that proposed rule making is impracticable and not in the public interest since it would delay timely issuance of grazing leases and licenses because the billing of affected livestock operators could not be accomplished until some time in late February or early March 1972. Inasmuch as it is necessary to afford uniform treatment to lands administered by the Department of the Interior and this Department, it is also found impracticable and not in the public interest for the Department of Agriculture to follow proposed rule making procedures.

T. K. COWDEN,
Assistant Secretary of Agriculture.

JANUARY 4, 1972.

[FR Doc.72-262 Filed 1-6-72;8:47 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

SUBCHAPTER M—POSTAL SERVICE DEBT OBLIGATIONS

PART 760—APPLICABILITY OF TREASURY DEPARTMENT REGULATIONS

PART 761—BOOK-ENTRY PROCEDURES

Authority Implementation of Postal Service To Borrow Money By Selling Securities

Section 2005 of title 39, United States Code, authorizes the Postal Service to issue and sell obligations as it deems necessary to carry out the purposes of the Postal Reorganization Act. In preparing to implement this authority the Postal Service has made arrangements for such securities to be held in book-entry form if they are deposited in qualified accounts with the Federal Reserve Bank of New York. Part 761 of the following regulations, which is patterned after Subpart O of Treasury Department Circular No. 300 (Subpart O of 31 CFR Part 306, as amended 36 F.R. 6749), therefore provides the legal authority for the holding of postal securities on a book-entry basis. The Postal Service understands that certain revisions in Subpart O are currently under consideration. Such revisions will presumably be incorporated into Part 761 when and if issued. In view, however, of the forthcoming offering of postal obligations, the terms of which provide for a book-entry option, it appears desirable to promulgate the regulations in their present form and to make changes later rather than to sell the bonds without any extent regulation on book-entry.

Part 760 of the regulations generally applies other parts of Treasury Department Circular No. 300 (31 CFR Part 306) to the Postal Service.

Accordingly, a new Subchapter M (previously reserved) is added to Title 39, Code of Federal Regulations, to read as follows:

§ 760.1 Treasury Department regulations; applicability to Postal Service.

The provisions of Treasury Department Circular No. 300, 31 CFR Part 306 (other than Subpart O), as amended from time to time, shall apply insofar as appropriate to obligations of the U.S. Postal Service to the extent they are consistent with the Trust Indenture of the Postal Service and the agreement between the Postal Service and the Federal Reserve Bank of New York acting as

V 37 4 JAN 7 72 XUM

Fiscal Agent of the United States on behalf of the Postal Service. Definitions and terms used in Treasury Department Circular 300 should be read as though modified to effectuate the application of the regulations to the U.S. Postal Service.

(39 U.S.C. secs. 401; 402; 2005)

Sec.
761.1 Definition of terms.
761.2 Authority of Reserve Bank.
761.3 Scope and effect of book-entry procedure.
761.4 Pledges.
761.5 Limitations on transfers or pledges.
761.6 Withdrawals and transfers.
761.7 Delivery of Postal Service securities.
761.8 Registered bonds and notes.
761.9 Servicing book-entry Postal Service securities; payment of interest, payment at maturity or upon call.

AUTHORITY: The provisions of this Part 761 are issued under 39 U.S.C. secs. 401; 402; 2005.

§ 761.1 Definition of terms.

In this part, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means the Federal Reserve Bank of New York as Fiscal Agent of the United States acting on behalf of the Postal Service and when indicated acting in its individual capacity.

(b) "Postal Service security" means any obligation of the Postal Service issued under 39 U.S.C. sec. 2005, in the form of a definitive Postal Service security or a book-entry Postal Service security.

(c) "Definitive Postal Service security" means a Postal Service security in engraved or printed form.

(d) "Book-entry Postal Service security" means a Postal Service security in the form of an entry made as prescribed in these regulations on the records of the Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in, Postal Service securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" is the date fixed in the authorizing resolution of the Board of Governors of the Postal Service on which the obligor will make payment of the security before maturity in accordance with its terms.

(g) "Member bank" means any national bank, State bank, or bank or trust company which is a member of the Reserve Bank.

(h) "Book-entry custodian" means a bank, banking institution, financial firm, or similar party, which (1) regularly accepts in the course of its business Postal Service securities as a custodial service for customers, (2) maintains accounts in the name of such customers reflecting ownership of or interest in such securities which are deposited in a book-entry account under § 761.3(a)(3) with such customers' consent, and (3) complies with the procedures and conditions for maintaining such accounts prescribed by the Reserve Bank.

§ 761.2 Authority of Reserve Bank.

The Reserve Bank is hereby authorized, in accordance with the provisions of this part, to (a) issue book-entry Postal Service securities by means of entries on its record which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry Postal Service securities and definitive Postal Service securities; (c) otherwise service and maintain book-entry Postal Service securities; and (d) issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities, that is, loan title (or series) and maturity date, sold or transferred and the date of the transaction.

§ 761.3 Scope and effect of book-entry procedure.

(a) The Reserve Bank as Fiscal Agent of the United States acting on behalf of the Postal Service may apply the book-entry procedure provided for in this part to any Postal Service securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to the Reserve Bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or,

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts. The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between the Reserve Bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Postal Service securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depository with respect to such Postal Service securities.

(b) The Reserve Bank as Fiscal Agent of the United States acting on behalf of the Postal Service may apply the book-entry procedure to Postal Service securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Postal Service securities deposited with the Reserve Bank as Fiscal Agent of the United States.

(c) Any person having an interest in Postal Service securities which are deposited with the Reserve Bank (in either its individual capacity or as Fiscal Agent) for any purpose shall be deemed to have consented to their conversion to book-entry Postal Service securities pursuant to the provisions of this part, and in the manner and under the procedures prescribed by the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 761.4 Pledges.

(a) (1) A pledge of book-entry Postal Service securities maintained under § 761.3 is effected, notwithstanding any provisions of law to the contrary, by the Reserve Bank making an appropriate entry in its records of the amount of the securities pledged.

(2) In addition, a pledge of transferable book-entry Postal Service securities maintained under § 761.3(a)(3), or under any other provisions of § 761.3 to the extent and in the manner provided under procedures prescribed by the Reserve Bank maintaining the book-entry Postal Service securities, may be affected by (i) the making of appropriate entries on the books of a member bank or other book-entry custodian which evidence that such Postal Service securities are held by it for the account of the pledgee, and (ii) issuance by such member bank or book-entry custodian of an advice directed to the pledgee reflecting such entries and acknowledging such holding.

(b) The making of such entries under paragraph (a) of this section, and issuance of any required advice as provided for in paragraph (a)(2) of this section, (1) shall have the effect of a delivery of definitive Postal Service securities in bearer form in the amount of the obligations pledged; (2) shall have the effect of a taking of delivery by the pledgee; (3) shall effect a perfected security interest therein in favor of the pledgee; and (4) shall constitute such pledgee a holder.

(c) No filing or recording with a public recording office or officer shall be necessary to perfect any pledge in any book-entry Postal Service securities under this part.

(d) The Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Postal Service securities into definitive Postal Service securities and deliver them to its depositor; and the pledge interest of the pledgee in such book-entry Postal Service securities prior to conversion to definitive securities shall continue without interruption to be fully effective with respect to such definitive securities.

§ 761.5 Limitations on transfers or pledges.

Except as provided in this part, book-entry Postal Service securities may not be assigned, transferred, hypothecated, pledged as collateral, or used as security for the performance of an obligation.

§ 761.6 Withdrawals and transfers.

(a) (1) Withdrawals and transfers of book-entry Postal Service securities may be made upon a depositor of the Reserve Bank requesting (i) delivery of like definitive Postal Service securities to itself or on its order to a transferee, or (ii) transfer to any transferee eligible to maintain a book-entry account in its name with the Reserve Bank under § 761.3.

(2) In addition, a transfer of transferable book-entry Postal Service securities maintained under § 761.3(a)(3) may be effected, by (i) the making of appropriate entries on the books of a member bank or other book-entry custodian which evidence that such Postal Service securities are held by it for account of the transferee, and (ii) issuance by such member bank or book-entry custodian of an advice directed to the transferee reflecting such entries and acknowledging such holding.

(b) The transfer of book-entry Postal Service securities as provided in this section shall have the same effect as a delivery to the transferee of definitive Postal Service securities in bearer form. The transfer of book-entry Postal Service securities within the Reserve Bank will be made in accordance with procedures established by the latter not inconsistent with this part.

(c) All requests for withdrawal or for transfer must be made prior to the maturity or date of call of the securities. Postal Service securities which are actually to be delivered upon withdrawal or transfer may be issued either in registered or in bearer form.

§ 761.7 Delivery of Postal Service securities.

The Reserve Bank shall be fully discharged of its obligations under this part by the delivery of Postal Service securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other book-entry custodian may receive Postal Service security in definitive form only by making an appropriate demand to such member bank or book-entry custodian.

§ 761.8 Registered bonds and notes.

Registered Postal Service securities deposited after the effective date of these regulations with the Reserve Bank for any purpose specified in § 761.3 shall be assigned for conversion to book-entry Postal Service securities. The assignment, which shall be executed in accordance with the provisions of Part 760 of this subchapter and Subpart F of 31 CFR Part 306, so far as applicable, shall be to "Federal Reserve Bank of New York, as Fiscal Agent of the United States acting on behalf of the Postal Service for conversion to book-entry Postal Service securities."

§ 761.9 Servicing book-entry Postal Service securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Postal Service securities shall be charged in the Postal Service Fund on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the Postal Service Fund on the date of maturity, call or advance refunding, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

LOUIS A. COX,
Solicitor.

[FR Doc.72-296 Filed 1-6-72;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 2319]

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

Grazing Fees

In conformance with the objectives of the President's Economic Stabilization Program, and pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act (48 Stat. 1269, 43 U.S.C. 315 et seq.), notice is hereby given that the fee for grazing livestock on the public lands for the 1972 fee year is hereby set at 3 percent above that of the current year, and that 50 percent of said fee increase which shall be collected within statutory grazing districts is hereby established as a range improvement fee for the 1972 fee year.

Additionally, 43 CFR 4115.2-1(k)(1)(ii) of the grazing regulations is amended as follows:

§ 4115.2-1 Licenses and permit procedures; requirements and conditions.

* * * * *

(k) *Fees, payments and refunds*—(1) *Fees.* * * *

(ii) Fees will be established by the Secretary in eight equal annual increments, effective with the fee year beginning March 1, 1973, to attain the fair market value of range forage at the 1960 fee year. Fair market value is that value established by the Western Livestock Grazing Survey of 1966 or as determined by a similar study which may be conducted periodically to update the fee base, if deemed necessary. Annual adjustments will also be made for any of the 1973–80 fee years, and thereafter, to reflect current market values.

* * * * *

It is the policy of the Department of the Interior to give notice of proposed rule making and to invite the public to participate in rule making except where such participation would be impracticable, unnecessary, or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 F.R. 8336, May 4, 1971). In this case proposed rule making is impracticable and not in the public interest since it would delay timely issuance of grazing leases and licenses because the billing of affected livestock operators could not be accomplished until sometime in late February or early March 1972. The Department's regulations provide that the grazing year shall begin on March 1, 1972, and that no grazing license or permit may be issued until the fees have been paid. The issuance of billings at such a late date would therefore result in disruption of the Department's administration of the Taylor Grazing Act, and would impose an undue burden upon users of the range. In addition, such a delay with attendant price uncertainties would not be consonant with the the President's Economic Stabilization Program.

Effective date: January 7, 1972.

W. T. PECORA,
Acting Secretary of the Interior.

DECEMBER 30, 1971.

[FR Doc.72-263 Filed 1-6-72;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18643]

PART 89—PUBLIC SAFETY RADIO SERVICES

Operation of Mobile Relay Systems, Fixed Relay Stations and Repeater Stations; Correction

The Commission's Report and Order, FCC 71-1212 (36 F.R. 23567), released December 6, 1971, is corrected by changing paragraphs (b)(3) and (b)(6) of § 89.12 to read as follows:

§ 89.12 Relay, Repeater and Control Stations.

* * * * *

(b) * * *

(3) Each new mobile relay system authorized after January 1, 1972, that is activated by signals below 50 MHz shall be so designed that cessation of reception of the activating continuous coded tone signal will deactivate the station. Licensees may utilize a combination of

V37-4 JAN 7 72 XUM

digital selection and continuous coded tone control where required to insure selection of only the desired mobile relay station. Additionally, applicants are required to furnish a description of tone codes utilized to the Commission and to the coordinating committees involved.

• • • • •

(6) Each new mobile relay station authorized after January 1, 1972, during periods that it is not controlled from a manned fixed control point, shall be provided with an automatic time delay or clock device that will deactivate the station not more than 3 minutes after its activation by a mobile unit.

• • • • •

Released: December 29, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-277 Filed 1-6-72;8:48 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Chapter III—Federal Highway Administration, Department of Transportation

PART 301—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES OF THE FEDERAL HIGHWAY ADMINISTRATION

Changes in Federal Highway Administration Organization

The Federal Highway Administration has recently undergone changes in its organization. Additional changes will take effect on January 1, 1972, when the boundaries of the Federal Highway Administration's regions will be altered to conform, with slight modifications, to the system of Federal standard regions.

In light of these changes, the Administrator is revising Appendix D to the regulations of the Office of the Secretary pertaining to public availability of information to inform the public of the current locations of document inspection facilities and to supply current, correct designations of organizational elements concerned with public availability of information. The Administrator is also adding a new Part 301 to Chapter III of Title 49, CFR. The new part is intended to contain information relating to the organization of the Federal Highway Administration and the delegations of authority within the Federal Highway Administration.

Since these amendments relate to management, procedures, and practices within the Federal Highway Administration, notice and public procedure are unnecessary, and they are effective on January 1, 1972.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended as set forth below.

The revision of Appendix D to Part 7 in Subtitle A is issued under the authority of section 9 of the Department of Transportation Act, 49 U.S.C. 1657, and the delegation of authority by the Secretary of Transportation at 49 CFR 7.1.

The amendment to Chapter III in Subtitle B is issued under the authority of section 3 of the Department of Transportation Act, 49 U.S.C. 1652, 23 U.S.C. 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48.

Issued on December 27, 1971.

F. C. TURNER,
Federal Highway Administrator.

I. Appendix D to Part 7 of Subtitle A is revised to read as follows:

APPENDIX D—FEDERAL HIGHWAY ADMINISTRATION

1. *General.* This appendix describes the document inspection facilities of the Federal Highway Administration (FHWA), the kinds of records that are available for public inspection and copying at these facilities, and the procedures by which members of the public may make requests for identifiable records.

2. *Document inspection facilities.* Document inspection facilities are maintained at FHWA Headquarters, each FHWA regional office, and each FHWA division office. These facilities are open to the public during regular working hours at the following addresses:

WASHINGTON HEADQUARTERS

Federal Highway Administration, Office of the Records Officer, 400 Seventh Street SW., Washington, DC 20590.

REGIONAL OFFICES

Regional Federal Highway Administrator, Region 1, Federal Highway Administration, 4 Normanskill Boulevard (Elsmere), Delmar, NY 12504.

Regional Federal Highway Administrator, Region 3, Federal Highway Administration, 31 Hopkins Plaza, Baltimore, MD 21201.

Regional Federal Highway Administrator, Region 4, Federal Highway Administration, 1720 Peachtree Road NW., Atlanta, GA 30309.

Regional Federal Highway Administrator, Region 5, Federal Highway Administration, 18209 Dixie Highway, Homewood, IL 60430.

Regional Federal Highway Administrator, Region 6, Federal Highway Administration, 819 Taylor Street, Fort Worth, TX 76102.

Regional Federal Highway Administrator, Region 7, Federal Highway Administration, 6301 Rockhill Road, Kansas City, MO 64131.

Regional Federal Highway Administrator, Region 8, Federal Highway Administration, Room 242, Building 40, Denver Federal Center, Denver CO 80225.

Regional Federal Highway Administrator, Region 9, Federal Highway Administration, 450 Golden Gate Avenue, San Francisco, CA 94102.

Regional Federal Highway Administrator, Region 10, Federal Highway Administration, 222 Southwest Morrison Street, Portland, OR 97204.

Eastern Federal Highway Projects Office (Region 15), Federal Highway Administration, 1000 North Glebe Road, Arlington, VA 22201.

DIVISION OFFICES

Alabama, 441 High Street, Montgomery, AL 36104.
Alaska, Federal Building, 709 West Ninth Street, Juneau, AK 99801.
Arizona, Federal Building, 230 North First Avenue, Room 5404, Phoenix, AZ 85025.
Arkansas, Room 3128, Federal Office Building, 700 West Capitol Avenue, Little Rock, AR 72201.
California, Federal Building, Room 270A, 801 I Street, Sacramento, CA 95809.
Colorado, Room 118, Building 40, Denver Federal Center, Denver, Colo. 80225.
Connecticut, 990 Wethersfield Avenue, Hartford, CT 06114.
Delaware, Willard Hall, Second Floor, 5 East Reed Street, Dover, DE 19901.
District of Columbia, Room 1248, Pennsylvania Building, 425 13th Street NW., Washington, DC 20004.
Florida, The Petroleum Building, 222 West Pensacola Street, Tallahassee, FL 32302.
Georgia, 900 Peachtree Street NE., Atlanta, GA 30309.
Hawaii, Pacific International Building, Suite 1002, 677 Ala Moana Boulevard, Honolulu, HI 96803.
Idaho, 3010 West State Street, Boise, ID 83707.
Illinois, 200 West Washington Street, Springfield, IL 62705.
Indiana, Room 707, I.S.T.A. Center, 150 West Market Street, Indianapolis, IN 46204.
Iowa, Second Floor, Post Office Building, Sixth and Kellog Streets, Ames, IA 50010.
Kansas, 512 West Sixth Street, Topeka, KS 66603.
Kentucky, 151 Elkhorn Court, Frankfort, KY 40601.
Louisiana, Federal Office Building, Room 239, 750 Florida Boulevard, Baton Rouge, LA 70801.
Maine, Federal Building, U.S. Post Office, Room 614, 40 Western Avenue, Augusta, ME 04330.
Maryland, Room 206, George H. Fallon Federal Building, 31 Hopkins Plaza, Baltimore, Md. 21201.
Massachusetts, John F. Kennedy Federal Building, Government Center, Room 612, Boston, Mass. 02203.
Michigan, Room 211, Federal Building, Lansing, Mich. 48901.
Minnesota, 461 Rice Street, St. Paul, MN 55103.
Mississippi, 301 North Lamar Street, Jackson, MS 39202.
Missouri, 209 Adams Street, Jefferson City, MO 65101.
Montana, 11th and Fee Streets, Helena, MT 59601.
Nebraska, 1701 South 17th Street, Lincoln, NE 68502.
Nevada, 106 East Adams Street, Carson City, NV 89701.
New Hampshire, Federal Building, 55 Pleasant Street, Concord, NH 03301.
New Jersey, Suburban Square Building, 25 Scotch Road, Trenton, NJ 08628.
New Mexico, 117 U.S. Courthouse, Santa Fe, N. Mex. 87501.
New York, 12–14 Russell Road, Albany, NY 12206.
North Carolina, 310 New Bern Avenue, Raleigh, NC 27611.
North Dakota, New Federal Building, Bismark, N. Dak. 58501.
Ohio, Room 333 Bryson Building, 700 Bryden Road, Columbus, OH 43215.
Oklahoma, 2409 North Broadway, Oklahoma City, OK 73103.
Oregon, Standard Insurance Building, 477 Cottage Street NE., Salem, OR 97306.
Pennsylvania, 228 Walnut Street, Harrisburg, PA 17108.
Puerto Rico, 407 Del Parque Street, Santurce, PR 00912.
Rhode Island, Gardner Building, Third Floor, 40 Fountain Street, Providence, RI 02903.
South Carolina, 2001 Assembly Street, Suite 203, Columbia, SC 29201.
South Dakota, Federal Office Building, Pierre, S. Dak. 57501.
Tennessee, 226 Capitol Boulevard Building, Suite 414, Nashville, TN 37219.
Texas, 826 Federal Office Building, 300 East Eighth Street, Austin, TX 78701.
Utah, New Federal Building, 125 South State Street, Salt Lake City, UT 84111.
Vermont, Federal Building, Montpelier, VT 05602.
Virginia, Federal Building, 10th Floor, 400 North Eighth Street, Richmond, VA 23240.
Washington, 1007 South Washington Street, Olympia, WA 98507.
West Virginia, 2000 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.
Wisconsin, 4502 North Vernon Boulevard, Madison, WI 53705
Wyoming, O'Mahoney Federal Center, 2120 Capitol Street, Cheyenne, WY 82001.

3. *Records available at document inspection facilities.* (a) The following records are available at the FHWA headquarters document inspection facility:

(1) Final opinions (including concurring and dissenting opinions, if any) and orders made in the adjudication of cases and issued from within the Federal Highway Administration.

(2) Any policy or interpretation issued within the Federal Highway Administration, including any policy or interpretation concerning a particular factual situation, if that policy or interpretation can reasonably be expected to have precedential value in any case involving a member of the public in a similar situation.

(b) The following records are available at all FHWA document inspection facilities:

(1) *FHWA Orders.* These orders are issued by the Federal Highway Administration and contain policy, instructions, and general guidance.

(2) *FHWA Manuals.* These manuals are issued by the Federal Highway Administration and contain more detailed procedures relating to policies and program responsibilities. They include the following:

(i) Organization Manual.
(ii) Administrative Manual.
(iii) Audit Manual.
(iv) Labor Compliance Manual.
(v) Civil Rights Manual.
(vi) Highway Planning Program Manual.
(vii) Construction Manual.
(viii) Emergency Planning and Operations Manual.
(ix) Research and Development Program Manual.
(x) Right-of-way Operations Manual.

(3) *FHWA Notices.* These notices are issued by the Federal Highway Administration and transmit one-time or short-term announcements or temporary directives (90 days or less).

(4) *Policy and Procedure Memorandums (PPMs).* PPMs state official Federal Highway Administration policy and provide procedural direction.

(5) *Instructional Memorandums (IMs).* IMs are temporary in nature. They are issued by the Federal Highway Administration to state official policies and procedures until such time as those policies and procedures can be incorporated into a directive of a more permanent nature, such as a PPM.

(6) *Highway Safety Standards.* These standards, issued by the Federal Highway Administration, apply to the aspects of State highway safety programs for which responsibility resides in the Federal Highway Administration under the Highway Safety Act of 1966 and delegations of authority by the Secretary of Transportation.

(7) *Motor Carrier Safety Operations Manuals.* These manuals, issued by the Bureau of Motor Carrier Safety, contain details of compliance programs, accident investigations, enforcement programs, and interpretations.

(8) *Motor Carrier Safety Administrative Rulings.*

(9) *Motor Carrier Safety Waivers From Regulations.*

4. *Requests for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or to obtain a copy thereof, may submit his request, in writing, to any FHWA document inspection facility. If that facility does not have custody of the record, it will forward the request to the appropriate office. Each request must be accompanied by the appropriate fee prescribed in Subpart H of this part.

5. *Reconsideration of determinations not to disclose records.* Any person to whom a record is not made available within a reasonable time after his request, and any person who has been notified that a record he has requested cannot be disclosed, may apply, in writing, to the Associate Administrator for Administration, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590 for reconsideration of his request. The decision of the Associate Administrator for Administration is administratively final.

II. Chapter III in Subtitle B is amended by adding a new Part 301 as follows:

Sec.
301.50 Regional offices; general description.
301.52 Jurisdiction of regional offices.

AUTHORITY: The provisions of this Part 301 issued under sec. 3 of the Department of Transportation Act, 49 U.S.C. 1652, 23 U.S.C. 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48.

§ 301.50 Regional offices; general description.

The Federal Highway Administration has regional offices, commonly referred to as Regional Administrations, which are numerically identified as Region 1 and 3 through 10. Each regional office has jurisdiction over a geographical area consisting of a designated group of States. Each regional office is headed by a Regional Federal Highway Administrator (commonly called the Regional Administrator for ease of reference), who is assisted by a regional headquarters staff of legal, administrative, and program specialists, and who is responsible for directing at local levels the Federal Highway Administration responsibilities for administration of the direct Federal, Federal-aid, and other highway and traffic safety programs, as well as the motor carrier safety programs.

§ 301.52 Jurisdiction of regional offices.

The specific composition of each Federal Highway Administration region is as follows:

Region No.	Territory included	Location of regional office
1 [1]	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, and Vermont.	4 Normanskill Blvd., Delmar, NY 12054.
3	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.	31 Hopkins Plaza, Baltimore, MD 21201.
4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.	1720 Peachtree Rd. NW., Atlanta, GA 30309.
5	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.	18209 Dixie Highway, Homewood, IL 60430.
6	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.	819 Taylor St., Fort Worth, TX 76102.
7	Iowa, Kansas, Missouri, and Nebraska.	Post Office Box 7186, Country Club Station, Kansas City, MO 64113.
8	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.	Room 242, Bldg. 40, Denver Federal Center, Denver, CO 80225.
9	Arizona, California, Hawaii, and Nevada.	450 Golden Gate Ave., San Francisco, CA 94102.
10	Alaska, Idaho, Oregon, and Washington.	222 Southwest Morrison St., Portland, OR 97204.

[1] Conforms to Standard Federal Regions 1 and 2.

[FR Doc.72-186 Filed 1-6-72;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 246]

PART 1002—FEES

Fees for Services Performed in Connection With Licensing and Related Services

Present: George M. Stafford, Chairman, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding (36 F.R. 11294, 17432), and;

It appearing, that by report and order of May 19, 1971, reported at 339 ICC 555, as modified by order of August 17, 1971, the Commission, prescribed fees and regulations covering services performed in connection with licensing and related services;

It further appearing, that by order of August 17, 1971, the effective date of the fees and regulations described in the preceding paragraph was indefinitely postponed after it appeared that the President of the United States by executive order of August 15, 1971, entitled Providing For Stabilization of Prices, Rents, Wages, and Salaries, among other things, had ordered a stabilization of prices for services for a period of 90 days from the

V 37 4
JAN 7 72
XUM

date of the said order, at the level generally prevailing during the 30-day period ending August 14, 1971, as more fully described in the said order; and good cause appearing therefor:

It is ordered, That the said order of postponement entered August 17, 1971, be, and it is hereby, vacated and set aside.

It is further ordered, That the effective date of the fees and regulations prescribed in the report and order of the Commission of May 19, 1971, reported at 339 ICC 553, as modified by the said modifying order of August 17, 1971, be, and it is hereby, fixed as January 12, 1972.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 5th day of January 1972.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-335 Filed 1-6-72;10:18 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 2800, 2810]

RIGHTS-OF-WAY, TERMS AND CONDITIONS

Extension of Time

On page 18953 of the FEDERAL REGISTER of September 24, 1971, there was a notice and text of a proposed amendment to Part 2800 of Title 43 of the Code of Federal Regulations. The proposed amendment is to provide for: (1) Protection of the environment; (2) preservation of other resource values in a multiple-use management program; (3) public safety; and (4) equal employment opportunity on rights-of-way across public lands administered by the Bureau of Land Management.

Interested persons were given until October 26, 1971, to submit written comments, suggestions, or objections respecting the amendment to the Bureau of Land Management (210), Department of the Interior, 18th and C Streets NW., Washington, DC 20240.

The period for submitting written comments, suggestions, or objections is hereby extended until February 29, 1972.

HARRISON LEESCH,
Assistant Secretary of the Interior.

DECEMBER 30, 1971.

[FR Doc.72-249 Filed 1-6-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Service

[7 CFR Part 301]

EUROPEAN CHAFER

Notice of Public Hearing and Proposed Rule Making for Extending Quarantine to States of New Jersey, Ohio, and Rhode Island, or Alternatively Terminating the Quarantine

Notice is hereby given of a public hearing, under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to determine whether it is necessary to extend the European chafer quarantine and regulations (7 CFR 301.77, 301.77-1 et seq.) to the States of New Jersey, Ohio, and Rhode Island, or to terminate the quarantine and regulations.

Further, notice is hereby given under the administrative procedure provisions of 5 U.S.C. 553, that the Animal and Plant Health Service proposes if it is determined that such action is necessary, to terminate the European chafer quarantine and regulations or to amend the European chafer quarantine and regulations by adding New Jersey, Ohio, and Rhode Island to the States designated as quarantined and specifying regulated areas in said States for purposes of the regulations.

The Administrator has received information that the European chafer, *Amphimallon majalis* (Razoumowsky), a dangerous insect injurious to cultivated crops, lawns, and pastures has been discovered in certain parts of the States of New Jersey, Ohio, and Rhode Island. The States of Connecticut, Massachusetts, New York, and Pennsylvania are currently quarantined under said Acts because of this pest.

Under the proposal to extend the European chafer quarantine and regulations to the States of New Jersey, Ohio, and Rhode Island, movement of the following articles from the regulated portions of said States into or through any other State, Territory, or District of the United States, and related activities, generally would be restricted: (1) Soil, compost, decomposed manure, humus, muck, and peat, separately or with other things; (2) plants with roots, except soil-free aquatic plants, moss, and Lycopodium (clubmoss, ground pine, running pine); (3) grass sod; (4) plant crowns and roots for propagation; (5) true bulbs, corms, rhizomes, and tubers of ornamental plants, when freshly harvested or uncured; (6) used mechanized soil-moving equipment; and (7) any other products, articles, or means of conveyance of any character whatsoever when it is determined by an inspector that they present a hazard of spread of the European chafer, and the person in possession thereof has been so notified.

However, if it should be determined that the provisions of the quarantine and regulations are no longer necessary to prevent the spread of the European chafer as a dangerous insect infestation, the Service proposes to terminate such provisions.

A public hearing to consider the above proposals will be held before a representative of the Animal and Plant Health Service in Room 171, Administration Building, Social Security Headquarters, 6401 Security Boulevard, Baltimore, MD, at 10 a.m., e.s.t., on February 7, 1972, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before February 7, 1972, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

After consideration of all information presented at the hearing or otherwise available to the Department, a determination will be made as to whether the quarantine will be terminated or extended.

Done at Washington, D.C., this 3d day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-253 Filed 1-6-72;8:49 am]

[7 CFR Part 301]

GYPSY MOTH AND BROWNTAIL MOTH

Notice of Public Hearing and Proposed Rule Making for Extending Quarantine to Certain Other States and on Proposal to Add Certain Articles to the List of Gypsy Moth Regulated Articles

Notice is hereby given of a public hearing under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to determine whether it is necessary to quarantine the States of Alabama, Delaware, Florida, Maryland, North Carolina, Ohio, South Carolina, Virginia, Wisconsin, and the District of Columbia because of the gypsy moth and to determine whether it is necessary to add to the list of gypsy moth regulated articles, under specified circumstances, mobile homes, and other recreational-type vehicles, and associated equipment.

Further notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Animal and Plant Health Service proposes to amend the gypsy moth and browntail moth quarantine and regulations (7 CFR 301.45, 301.45-1 et seq.) by adding Alabama, Delaware, Florida, Maryland, North Carolina, Ohio, South Carolina, Virginia, and Wisconsin, and the District of Columbia, to the list of States designated as quarantined against the spread of the gypsy moth and specifying regulated areas in said States and District for purposes of the regulations, and proposes to amend the list of gypsy moth regulated articles to add mobile homes, and other recreational-type vehicles, and associated equipment, under specified circumstances, if it is determined that such action is necessary.

V 37 - 4
JAN 7 72
XUM

The Administrator of the Animal and Plant Health Service has received information that the gypsy moth, *Porthetria dispar*, a dangerous insect injurious to forest and shade trees, has been discovered in certain parts of the States of Alabama, Delaware, Florida, Maryland, North Carolina, Ohio, South Carolina, Virginia, Wisconsin, and the District of Columbia. The States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont are currently quarantined under said Acts because of this pest.

The gypsy moth and brown-tail moth quarantine and regulations regulate the interstate movement from the regulated area in any quarantined State into or through any other State, Territory, or District of the United States of the following gypsy moth regulated articles: (1) Trees, shrubs with persistent woody stems, and parts of such trees and shrubs, except seeds, fruits, and cones; (2) timber and timber products, including but not limited to lumber, planks, poles, logs, cordwood, and pulpwood; (3) stone and quarry products; and (4) any other products, articles, or means of conveyance of any character whatsoever when it is determined by an inspector that they present a hazard of spread of the gypsy moth and the person in possession thereof has been so notified.

Most of the restrictions apply to the movement of regulated articles from regulated areas. Regulated areas are restricted to portions of the State or District in which infestations have been found or which it is deemed necessary to regulate because of their proximity to infestation, provided that less than an entire State would be designated as a regulated area only if the State is undertaking sufficient quarantine action to prevent the intrastate spread of the gypsy moth and if the regulation of less than an entire State would otherwise be sufficient to prevent the interstate spread of the pest. Effective and practical treatments or other procedures have been developed to allow the interstate movement of regulated articles from regulated areas. The only restriction which would apply to the interstate movement of regulated articles from nonregulated portions of the quarantined States relate to proof of origin of the regulated articles and to safeguarding the articles from infestation if they traverse a regulated area.

In addition, the Administrator of the Animal and Plant Health Service has received information that mobile homes, and other recreational-type vehicles, and associated equipment are likely to spread the gypsy moth after they have visited a park that was not treated against the spread of the gypsy moth. Therefore, the proposed amendment to the regulations involving the said articles would require a certificate or permit issued pursuant to § 301.45–3 of the regulations (7 CFR 301.45–3) prior to any interstate movement of said articles from a park listed in the regulations as hazardous including interstate movement involving contiguous generally infested areas and suppressive areas.

A public hearing to consider the above proposals will be held before a representative of the Animal and Plant Health Service in Room 171, Administration Building, Social Security Headquarters, 6401 Security Boulevard, Baltimore, Md., at 10 a.m., e.s.t., on February 8, 1972, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, on or before February 8, 1972, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

After consideration of all information presented at the hearing or otherwise available to the Department, a determination will be made as to whether the quarantine will be extended and the regulations amended.

Done at Washington, D.C., this 3d day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72–254 Filed 1–6–72;8:49 am]

[7 CFR Part 301]

JAPANESE BEETLE

Notice of Public Hearing and Proposed Rule Making for Extending Quarantine to States of Alabama and Missouri

Notice is hereby given of a public hearing under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), to determine whether it is necessary to quarantine the States of Alabama and Missouri because of the Japanese beetle.

Further notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Animal and Plant Health Service proposes to amend the Japanese beetle quarantine and regulations (7 CFR 301.48, 301.48–1 et seq.) by adding Alabama and Missouri to the States designated as quarantined and specifying regulated areas in said States for purposes of the regulations, if it is determined that such action is necessary.

The Administrator of the Animal and Plant Health Service has received information that the Japanese beetle, *Popillia japonica*, a dangerous insect injurious to cultivated crops, lawns, and pastures, has been discovered in certain parts of the States of Alabama and Missouri. The States of Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, and the District of Columbia are currently quarantined under said Acts because of this pest.

The Japanese beetle quarantine and regulations regulate the interstate movement from the regulated area in any quarantined State into or through any other State, Territory, or District of the United States of: (1) Soil, compost, decomposed manure, humus, muck, and peat, separately or with other things; (2) plants with roots, except soil-free aquatic plants, moss, and Lycopodium (clubmoss, ground pine, running pine); (3) grass sod; (4) plant crowns and roots for propagation; (5) true bulbs, corms, rhizomes, and tubers of ornamental plants, when freshly harvested or uncured; (6) used mechanized soil-moving equipment; and (7) any other products, articles, or means of conveyance of any character whatsoever when it is determined by an inspector that they present a hazard of spread of the Japanese beetle, and the person in possession thereof has been so notified.

Most of the restrictions apply to the movement of regulated articles from regulated areas. Regulated areas are restricted to portions of the States in which infestations have been found or which it is deemed necessary to regulate because of their proximity to infestation, provided that less than an entire State would be designated as a regulated area only if the State is undertaking sufficient quarantine action to prevent the intrastate spread of the Japanese beetle and if the regulation of less than an entire State would otherwise be sufficient to prevent the interstate spread of the pest. Effective and practical treatments or other procedures have been developed to allow the interstate movement of regulated articles from regulated areas. The only restriction which would apply to the interstate movement of regulated articles from nonregulated portions of the quarantined State relate to proof of origin of the regulated articles and to safeguarding the articles from infestation if they traverse a regulated area.

A public hearing to consider the above proposals will be held before a representative of the Animal and Plant Health Service in Room B, Albert Pick Motor Inn, 300 North Second Street, Memphis, TN, at 10 a.m., c.s.t., on February 15, 1972, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782,

on or before February 15, 1972, or with the presiding officer at the hearing. All written submissions received pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

After consideration of all information presented at the hearing or otherwise available to the Department, a determination will be made as to whether the quarantine will be extended.

Done at Washington, D.C., this 3d day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72–255 Filed 1–6–72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

ANTIBACTERIAL INGREDIENTS IN DRUG AND COSMETIC PRODUCTS FOR REPEATED DAILY HUMAN USE

Proposed Statement of Policy

Many over-the-counter drug and cosmetic products intended for repeated daily human use contain one or more antibacterial ingredients, to achieve a specific drug or cosmetic purpose or to act as a preservative or both. Recent reports have raised questions about the widespread use of hexachlorophene in such products. These questions cannot be answered without consideration of the safety and effectiveness, of this entire class of antibacterial ingredients, for daily consumer use over long periods of time.

Any restrictions placed upon the use of one antibacterial ingredient in OTC drug and cosmetic products will undoubtedly result in a corresponding increase in the use of other antibacterial ingredients for the same purposes. Steps must therefore be taken to determine that every antibacterial ingredient intended for chronic daily use is adequately tested for safety.

Questions have also been raised about the medical justification for OTC antibacterial products designed for repeated daily use as prophylaxis against minor skin infections or transmission of disease. Most of these products are effective only against gram positive organisms and provide no protection against gram negative organisms. The total reduction in skin bacteria may not be significant in terms of prophylactic benefit. On the other hand, it is entirely possible that some individuals or conditions may benefit from the antibacterial action of these products, for example, food handlers, populations living under insanitary conditions, other persons subject to constant contact with potential disease-causing bacteria, and perhaps even the population at large. It is apparent that a full evaluation of the medical and scientific information available for this class of products is needed to resolve these issues before any final conclusion may be reached on the safety and effectiveness of these products.

The Food and Drug Administration is not aware of human toxicity produced from the use of hexachlorophene under recommended or normal conditions of use. However, animal studies and abnormal human use have shown toxicity, repeated daily use of drug and cosmetic products containing hexachlorophene has resulted in significant human blood hexachlorophene levels, and the margin of safety between present human exposure and the threshold toxicity level is uncertain. It appears that the toxicity of hexachlorophene is related to its concentration in the blood, and that the amount of hexachlorophene in human blood increases with the amount of exposure to hexachlorophene. Insufficient information is available on the number of consumer products containing hexachlorophene, their patterns of daily use, and the hexachlorophene blood levels resulting from their use singly or in combination. It is therefore prudent to reduce the total human exposure to hexachlorophene, in order to reduce any potential hazard, by eliminating its least important uses until adequate data are available to justify wider use.

Regulation of the use of hexachlorophene in all consumer products applied daily to the skin, whether they be legally classified as drugs or cosmetics, must be undertaken in order to prevent any potential human hazard. Serious consideration must be given not only to the safety and effectiveness of hexachlorophene, but also to the safety and effectiveness of alternative antibacterial ingredients that may be used as substitutes for hexachlorophene in drug and cosmetic products. In some instances, inadequate data are available to evaluate these ingredients. Manufacturers and the Food and Drug Administration must ascertain that such alternative ingredients are adequately tested and shown to be safe and effective prior to marketing.

It is fundamental that no manufacturer of a consumer product has the right to place that product on the market without first substantiating its safety. The marketing of a product constitutes an inherent implied warranty of fitness for its labeled purpose, including safety in use. In the case of a drug, the Federal Food, Drug, and Cosmetic Act requires approval by the Food and Drug Administration prior to marketing unless the drug is generally recognized as safe and effective. In the case of a cosmetic, although the act does not require approval by FDA prior to marketing, it necessarily contemplates that the manufacturer has obtained all data and information necessary and appropriate to substantiate the product's safety before marketing. Any product whose safety is not adequately substantiated prior to marketing may be adulterated, and would in any event be misbranded unless it candidly and prominently warns that the product has not been adequately tested for safety and may be hazardous.

On the basis of the animal and human data presently available on hexachlorophene and on alternative antibacterial ingredients, and in view of the gaps in present knowledge about these ingredients, and pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502(a), (f), (j), 503(b), 505, 601(a), 602(a), (c), 701(a), 52 Stat. 1041, 1050–55 as amended; 21 U.S.C. 321(n), 352(a), (f), (j), 353(b), 355, 361(a), 362(a), (c), 371(a)) and under the authority delegated to him (21 CFR 2.120), the Commissioner proposes to add the following new section to Part 3:

§ 3.____ Antibacterial ingredients in drug and cosmetic products for repeated daily human use.

(a) An OTC drug advisory review panel is being convened under the procedures proposed in the FEDERAL REGISTER of January 5, 1972, to review the safety and effectiveness of all antibacterial ingredients used in OTC drugs for repeated daily consumer use as prophylaxis against minor skin infections or transmission of disease.

(1) On an interim basis, pending completion of such review, such products may contain hexachlorophene as an active ingredient at a level not greater than 0.75 percent. Such products are regarded as new drugs requiring an approved new-drug application. The marketing of these products may be continued if all the following conditions are met:

(i) Within 30 days following the date of publication of this section in the FEDERAL REGISTER, the label bears the statement:

"Caution: Contains Hexachlorophene. For external washing only. Rinse thoroughly."

(ii) Within 60 days following the date of publication of this section in the FEDERAL REGISTER, the holder of an approved new-drug application submits a supplement to provide for the revised label under which a consumer may use the drug safely and effectively.

(iii) Within 90 days following the date of publication of this section in the FEDERAL REGISTER, the holder of an approved new drug application submits a supplement to provide for the reformulation in accord with this section. Appropriate notices to withdraw existing approvals of nonconforming new-drug applications will be prepared for FEDERAL REGISTER publication.

(iv) Within 90 days from the date of publication of this section in the FEDERAL REGISTER, the manufacturer or distributor of such a drug for which a new-drug approval is not in effect submits a new-drug application in accord with § 130.4 of the new-drug regulations (21 CFR 130.4).

(2) On an interim basis, pending completion of such review, OTC drug products may contain hexachlorophene as a preservative at a level that is no higher than necessary to achieve the intended

V 37-4 JAN 7 72 XUM

preservative function, and in no event higher than 0.1 percent. Such use of hexachlorophene shall be limited to situations where an alternative preservative has not yet been shown to be as effective or where adequate integrity and stability data for the reformulated product are not yet available. This use of hexachlorophene will not, by itself, require an approved new drug application. Use of hexachlorophene as a preservative at a level higher than 0.1 percent is regarded as a new-drug use requiring an approved new-drug application, which must be submitted within the time limits set out in subparagraph (1) (ii) and (iii) of this paragraph.

(b) Hexachlorophene may be used as a bacteriostatic skin cleanser, including use of a surgical scrub, and in hospitals or other institutions for infection control, at a level higher than 0.75 percent. Such products are regarded as new drugs requiring a new-drug application and are not suitable for over-the-counter use. The marketing of these products may be continued if all the following conditions are met:

(1) Within 30 days following the date of publication of this section in the FEDERAL REGISTER, the label bears the legend:

"Caution: Federal law prohibits dispensing without prescription."

(2) Within 60 days following the date of publication of this section in the FEDERAL REGISTER, the holder of an approved new-drug application submits a supplement to provide for the revised label and full disclosure information under which a physician may use the drug safely and effectively.

(3) Within 90 days from the date of publication of this section in the FEDERAL REGISTER, the manufacturer or distributor of such a drug for which a new-drug approval is not in effect submits a new-drug application in accord with § 130.4 of the new-drug regulations (21 CFR 130.4).

(c) Hexachlorophene may be used as a preservative in cosmetic products, at a level that is no higher than necessary to achieve the intended preservative function, and in no event higher than 0.1 percent. Such use of hexachlorophene shall be limited to situations where an alternative preservative has not yet been shown to be as effective or where adequate integrity and stability data for the reformulated product are not yet available.

(1) Adequate safety data do not presently exist to justify wider use of hexachlorophene in cosmetics. Until such data are available, all such products shall be reformulated to comply with this subsection.

(2) Antibacterial ingredients used as substitutes for hexachlorophene in cosmetic products, and finished cosmetic products containing such ingredients, shall be adequately tested for safety prior to marketing. Any such ingredient or product whose safety is not adequately substantiated prior to marketing may be adulterated and will in any event be deemed misbranded unless it contains a conspicuous front panel statement that the product has not been adequately tested for safety and may be hazardous.

(d) Shipments of products falling within the scope of paragraph (a), (b), or (c) of this section which are not in compliance with the guidelines stated herein shall be the subject of regulatory proceedings after the effective date of the final order.

To the extent that they are consistent with this publication, the following prior notices are hereby superseded:

DESI No. 4749 (34 F.R. 15389, October 2, 1969), "Certain OTC Drugs for Topical Use," DESI No. 2855 (35 F.R. 12423, August 4, 1970), "Certain Mouthwash and Gargle Preparations," DESI No. 8940 (36 F.R. 14510, August 6, 1971), "Topical Cream Containing Pyrilamine Maleate, Benzocaine, Hexachlorophene, and Cetrimonium Bromide," and DESI No. 6270 (36 F.R. 23330, December 8, 1971), "Certain Preparations Containing Hexachlorophene."

The warning against total body bathing and rinsing thoroughly after use as required by DESI 6270 is not affected by this proposal.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 3, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-209 Filed 1-6-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-170]

DANGEROUS CARGOES

Proposed Classification of Etiologic Agents

The Coast Guard is considering amending the dangerous cargoes regulations to add a new classification (etiologic agents) and to prescribe that they cannot be shipped except under special authorization of the Commandant.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the U.S. Coast Guard (MHM), 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address, identify the notice (CGFR 71-170), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold an informal hearing on March 28, 1972, at 9:30 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. It is requested that anyone desiring to attend the hearing notify the U.S. Coast Guard (MHM), 400 Seventh Street SW., Washington, DC 20590.

The Commandant will evaluate all communications received before April 4, 1972 and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

By a separate document published at page 25163 of the December 29, 1971 FEDERAL REGISTER (36 F.R. 25163), the Hazardous Materials regulations Board of the Department of Transportation proposes amendments to Part 172 of Title 49, Code of Federal Regulations. For reasons fully stated in that document the Board has proposed these changes.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

The Coast Guard proposes to incorporate the substance of the Board's proposal in 46 CFR 146.

In consideration of the foregoing, it is proposed that Part 146 of Title 46 of the Code of Federal Regulations be amended as follows:

1. By adding to § 146.05–4 "List of explosives and other dangerous articles and combustible liquids" in proper alphabetical sequence the following:

Article ,	Classed as	Label required
Etiologic agent, n.o.s.	Etiologic agent..	Etiologic agent.

2. By revising § 146.05–15 (a), (b), and (e)(1) by adding a new subparagraph (15) to paragraph (g), to read as follows:

§ 146.05–15 Marking and labeling.

(a) Department of Transportation regulations in effect at the time of shipments with respect to the marking and labeling of containers of explosives, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous articles, and etiologic agents apply to shippers preparing shipments for transportation or storage on board vessels that are common carrier vessels and subject to the regulations of this part.

(b) Provisions of the regulations of the Department of Transportation with respect to marking and labeling of containers of explosives, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisonous articles, and etiologic agents as applicable to shipments thereof on board common carrier vessels are adopted and form part of the regulations in this part for any such shipments on vessels that are not common carriers and shall apply to all shippers preparing such shipments for transportation or storage on board such vessels except as may be otherwise required by the regulations herein.

* * * * * *

(e) * * *

(1) Each package containing inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, poisons, and etiologic agents as defined herein shall be marked with the proper shipping name as shown in the commodity list of the regulations in this part. For tank cars this marking shall appear either on the placards or commodity cards. For other than domestic shipments, where the proper shipping name of a commodity is an "N.O.S." entry in the particular table, this marking shall be qualified by the chemical name of the commodity in parentheses e.g. "Corrosive liquid, N.O.S. (caprylyl chloride)."

* * * * * *

(g) * * *

(15) The etiologic agent label as described and illustrated in § 146.05–17(w) on packages of etiologic agents except when exempted by the regulations in this part. If the etiologic agent is also a class A poison or a radioactive material the "poison gas" label or "radioactive" label must also be applied to the package.

* * * * * *

3. By adding to § 146.05–17 a new paragraph (w):

§ 146.05–17 Labels.

* * * * * *

(w) Labels for packages of etiologic agents must be diamond shape, measuring 4 inches (10 cm.) on each side, and white in color. Printing must be black, except for the symbol which is to be red, inside of a black borderline ¼ inch (6 mm.) inside the edge and parallel to the edge as illustrated below:



4. By adding Subpart 146.30 "Detailed regulations governing etiologic agents" as follows:

Subpart 146.30—Detailed Regulations Governing Etiologic Agents

§ 146.30–1 Definition of Etiologic Agents.

An etiologic agent is defined by the DOT regulations as a viable microorganism or its toxin which causes or is suspected to cause human disease. Such definition is binding upon all shippers making shipments of etiologic agents by common carrier vessels engaged in interstate or foreign commerce by water. This definition is accepted and adopted and forms part of the regulations in this subchapter applying to all shippers making shipments of etiologic agents by any vessel, and shall apply to owners, charterers, agents, or other persons transporting, carrying, conveying, storing, stowing, or using etiologic agents on board any vessel subject to R.S. 4472 as amended and this subchapter.

§ 146.30–2 Scope.

The requirements specified in this section are applicable to the packaging and shipment of materials containing or suspected of containing any of the etiologic agents listed in the regulations of the Department of Health, Education, and Welfare (42 CFR 72.25(c)).

§ 146.30–3 Packaging requirements for etiologic agents.

(a) Shipment of packages containing over 4 liters gross volume of an etiologic agent are not authorized, except as specifically approved by the Commandant pursuant to § 146.02–25 of this chapter.

(b) In addition to the requirements of 42 CFR 72.25 (e), (f), and (g), any package containing an etiologic agent must be designed and constructed so that, if it were subject to the environment and test conditions prescribed in this paragraph, there would be no release of the contents to the environment, and the effectiveness of the packaging would not be substantially reduced.

(1) *Environmental conditions* — (i) *Heat.* Direct sunlight in an ambient temperature of 130° F. in still air.

(ii) *Cold.* An ambient temperature of −40° F. in still air and shade.

(iii) *Reduced pressure.* Ambient atmospheric pressure of 0.5 atmosphere (absolute) (7.3 p.s.i.a.).

(iv) *Vibration.* Vibration normally incident to transportation.

(2) *Test conditions*—(i) *Water spray.* A water spray heavy enough to keep the entire exposed surface of the package (except the bottom) continuously wet during a period of 30 minutes. Packages for which the outer layer consists of metal, wood, ceramic, or plastic, or combination thereof, are exempt from this test.

(ii) *Free drop.* A free drop through a distance of 30 feet onto a flat, essentially unyielding horizontal target surface, striking the surface in a position for which maximum damage is expected.

(iii) *Penetration.* Impact of the hemispheric end of a steel cylinder 1.25 inches in diameter and weighing 15 pounds, dropped from a height of 40 inches onto the exposed surface of the package expected to be most vulnerable to puncture. The long axis of the cylinder must be perpendicular to the impacted surface. This test is not required for a package subject to subparagraph (2)(iv) of this paragraph.

(iv) *Penetration (required for packages exceeding 15 pounds gross weight only).* A free drop of the package through a distance of 40 inches, striking the top end of a vertical cylindrical mild steel solid bar on an essentially unyielding surface, in a position for which maximum damage is expected. The bar must be 1.5 inches in diameter. The top of the bar must be horizontal, with its edge rounded to a radius not exceeding ¼ inch. The bar must be of such length as to cause maximum damage to the package, but not less than 8 inches long. The long axis of the bar must be vertical to the unyielding horizontal impact surface of the package.

(3) *Testing procedure.* (i) At least one sample of each type package (maximum size and gross weight), filled with water, must be subjected to the water spray test unless exempted by subparagraph (2)(i) of this paragraph.

(ii) This sample package then must be given the free drop and one of the penetration tests, as applicable. Separate wetted sample packages may be used for the free drop and the penetration test.

(iii) If the sample package is exempted from the water spray test by subparagraph (2)(i) of this paragraph, at least one sample of each type package (maximum size and gross weight), filled with water, must be subjected consecutively to the free drop and the penetration test.

§ 146.30–4 Exemptions.

(a) The following substances are not subject to any requirements of Part 146 of this chapter:

(1) Diagnostic specimens;

(2) Finished biological products for human or veterinary use bearing the U.S. Government license number of the manufacturer; or

(3) Finished biological products shipped prior to licensing for development or investigational purposes in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and rules and regulations promulgated thereunder.

V 37 4 JAN 7 72 XUM

§ 146.30–100 Table K—Classification: Etiologic agents.

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessels	Passenger vessel	Ferry vessel, passenger or vehicle	R.R car ferry, passenger or vehicle
Etiologic agents, N.O.S.	*Solutions; cultures, mixtures preparations etc. of solid liquid or gaseous substances which consist of viable microorganisms or toxins thereof, which cause or are expected to cause human disease.*	Etiologic agent.	Can be shipped only under authorization of the Commandant (see §146.02-25).	Not permitted.....	Not permitted.....	Not permitted.

(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 stat. 252, 49 stat. 1889, sec. 6(b)(1), 80 stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: December 27, 1971.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72-206 Filed 1-6-72;8:45 am]

Federal Aviation Administration

[14 CFR Parts 43, 91, and 135]

[Docket No. 11437; Notice 71-32A]

LARGE AND TURBINE-POWERED MULTIENGINE AIRPLANES

Extension of Comment Period

The Federal Aviation Administration proposed in Notice 71-32 published in the FEDERAL REGISTER on October 19, 1971 (36 F.R. 19507) to amend Parts 43, 91, and 135 of the Federal Aviation regulations by adding a new Subpart D containing general operating rules and an inspection program for large and turbine-powered multiengine airplanes. As proposed, the inspection program would also apply to turbine-powered multiengine airplanes operated by the holder of an ATCO certificate issued under Part 135.

The National Business Aircraft Association (NBAA) has requested a 30-day extension of time for submission of comments. The extension is requested to enable the NBAA to conduct a broad-scale evaluation and report its findings in order to assist in the FAA's goal of safe aircraft utilization.

I find that the petitioner has shown a substantive interest in the proposed rule and good cause exists for the extension and that the extension is in the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 71-32 will be received is extended to February 7, 1972.

Issued in Washington, D.C., on January 4, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.72-291 Filed 1-6-72;8:49 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Dockets No. 1-9 and 1-10]

EXTERIOR PROTECTION

Extension of Time to Comment

The purpose of this notice is to extend the comment period on Notice 9 of Dockets Nos. 1-9 and 1-10 (36 F.R. 23831, December 15, 1971) from January 17, 1972, to March 1, 1972. This action is in response to timely requests filed by General Motors, American Motors, and the Automobile Manufacturers' Association, to allow additional time for development of a response.

Issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on January 3, 1972.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.72-272 Filed 1-6-72;8:48 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 372a]

[Docket No. 23055]

CHARTER AIR TRAVEL

Proposed New Class

DECEMBER 30, 1971.

For the reasons set forth in the attached explanatory statement, the Board has determined to issue this notice of proposed rule making to consider the amendment of Parts 207, 208, 212, and 214 of its Economic Regulations (14 CFR Parts 207, 208, 212, and 214), and the adoption of a new Part 372a of its Special Regulations (14 CFR Part 372a), establishing a new class of charter to be called "Travel Group Charter." The principal features of the proposals are described in the explanatory statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 101(3), 204(a), 401, 402, 407, 416(a), and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before February 7, 1972, and reply comments thereon received on or before February 22, 1972, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

By SPDR-22, January 29, 1971 (36 F.R. 2514), the Board gave notice that it was considering issuing a notice of proposed rule making to consider the establishment of a new category of charter tentatively denominated as "Non-Affinity Charter." The Board was of the view that the practice of limiting group charters to groups having a prior affinity may discriminate against persons who are either not members of any charterworthy organizations or are members of organizations to small to mount an extensive and attractive charter program, and embodies a concept very difficult, if not impossible, to enforce. The Board stated that the new class of charter was intended to be applicable to all direct air carriers and foreign air carriers, as an additional alternative to the kinds of affinity charters presently authorized under Parts 207, 208, 212, and 214 of the economic regulations and to inclusive tour charters under Part 378. The essential purpose of the proposed new type of charter rule would be to enable any group of 50 or more persons to form a charter group at least 6 months prior to flight departure, if each member paid by that time a nonrefundable deposit equal to not less that 25 percent of the transportation charges.[1]

Responses have been received from 10 trunkline carriers, Alaska Airlines, several foreign scheduled carriers, supplemental carriers, the travel agency industry, consumer oriented groups, and airline employee unions.

The scheduled carriers strongly oppose the proposed charter concept. They claim that such charters would cause substantial diversion of traffic from the scheduled services, thereby impairing the entire scheduled service network. The carriers also state that there are no public interest considerations which militate in favor of establishing such charters. In addition, the scheduled carriers argue that the proposed charters cannot be established because they would violate the provisions of the Act.

The supplemental carriers support the charter proposal. They contend that the markets for scheduled and supplemental traffic are separate and distinct, and therefore the scheduled carriers will suffer no diversion from such new charters. The supplemental carriers argue, however, that many of the Board's proposed conditions are overly restrictive.

The vast majority of the travel agency industry supports the proposed charter concept. However, they contend that the proposed prohibition on commissions is totally unacceptable and contrary to the public interest.

Consumer groups voiced their support for the proposal on the basis of need for low cost, charter travel. However, some concern was expressed that the implementing regulations would prove overly restrictive and burdensome.

[1] Other conditions to the new type of charter, as set forth in the advance notice were as follows: (1) 6 months prior to scheduled departure the carrier must file with the Board; (a) a charter contract setting forth the dates of the flights, the price, origin and destination; (b) the names, addresses and telephone numbers of the main list charter participants; (c) a statement that it has received a deposit of 25 percent of the total charter price from the main list participants; and (d) a list of standby members, if any, which list is no larger than three times the size of the main list; (2) the deposits made by main list participants would ordinarily not be refundable unless a replacement participant is obtained; (3) 80 percent of the charter participants must be on the main list and the remaining 20 percent can be secured only from the standby list; (4) within 7 days after flight departure, the carrier must file with the Board a manifest containing the names, addresses and telephone numbers of the charter participants; (5) intermingling of charter participants would be restricted the same as under existing charter rules; (6) solicitation materials shall separately state the cost of ground arrangements, if any, the cost of air transportation, the service charges, and the total cost of the entire trip; (7) there will be no fixed limit on service charges, but they must be broken out separately and prorated equally among the participants; (8) there will be no commissions and no mass media advertising; and (9) split charters will be permitted so that these new charters may be combined with other types of passenger charters.

Unions representing employees of the scheduled carriers argued, in opposition to the proposal, that the new type of charter would divert substantial traffic from the scheduled services, and ultimately force the scheduled carriers to reduce employment.[2]

Upon consideration of the foregoing, the Board has decided to propose and hereby submits for public comment, a charter rule along the lines set forth in the advance notice (SPDR-22).[3] Although we have decided, for reasons discussed below, to redesignate the proposed class of charter as "Travel Group Charter," the proposed rule is based essentially upon the conditions set forth in the advance notice.

Legality of "Travel Group" charters. As indicated above, some of the comments question whether charters for travel groups having no preexisting affinity can be established under the Act. The Board is of the view that the type of charter concept which is reflected in the proposed rules may satisfy the legal requirements of a charter. Traditionally, the question of the legality of charters by, or on behalf of, groups of persons has turned upon a determination whether the charter participants are engaged in bona fide group travel. Group travel, in turn, has connoted some degree of affinity (using that term in its broadest sense) among charter participants.[4] That affinity can be of the "prior affinity" type, as in the case of bona fide members of preexisting chartering organizations; or it can be the type of affinity resulting from the mere fact that the charter participants have been formed into a group which travels together, as in the case of inclusive tours bound by common travel objectives and itineraries.

Thus, under our existing rules, unless persons are willing to participate in a "package tour," at a fixed price which includes the cost of accommodations and services other than the price of the charter, the services are available only to those who are eligible for a pro rata charter flight through membership in a qualified "chartering organization." In the past it has been felt necessary to so restrict charter eligibility in order to assure that charter services do not impinge on scheduled services and that the distinction between individually ticketed services and charter services is maintained. It was believed that a feasible method to achieve this objective was by permitting only those groups which are formed independently of travel oriented purposes to charter aircraft. Otherwise, it was feared, group travel could be used as a subterfuge for what was in fact individually ticketed services.

Nevertheless, it has always been recognized that it may be inherently discriminatory to confine the benefits to persons who happen to belong to groups formed for nontransportation purposes, while members of the general public who do not belong to such groups are ineligible for these benefits. Moreover, enforcement of the affinity charter concept has proven to be very difficult, particularly in the area of assuring that charter participants are in fact bona fide members of a bona fide organization, and because of the ease with which travel promoters have been able to form groups for ostensible nontransportation purposes but which are in fact subterfuges for the furnishing of individually ticketed transportation.

In light of the foregoing, the Board has tentatively concluded that there may be a strong public interest in making group travel charters, other than inclusive tour charters, available to the public on a basis broader than the prior affinity concept, while maintaining the requisite distinction between charter travel and individually ticketed travel. We believe that the proposed travel group charter rules provide the means for accomplishing this purpose.

Our tentative designation of the proposal, in the advance notice, as "Non-Affinity Charters" was not meant to suggest that there is no common bond among the chartering group. That designation simply reflected our acknowledgment of the fact that, in the context of group transportation, the popular and unanalytic usage of the term "affinity" is equated with "prior affinity." Under the proposed rules, the bond among the participants arises, not from their preexisting membership in an organization, but from the fact that they are engaged in a joint undertaking to charter all, or part of, an aircraft for their own transportation, sharing equally in the cost of the transportation. Since the comments received on the advance notice reveal that the designation, "Non-Affinity Charters," has apparently contributed to misunderstanding of the substantive aspects of our proposal, we have decided to replace it with the neutral designation, "Travel Group Charters."

The proposed rule was prepared to conform to the legal requirement that a distinction be maintained between charter service and individually ticketed

[2] The representatives of the professional airline pilots employed by certain supplementals (Capitol, Modern, ONA, Saturn, TIA, Universal, and World) filed a motion for permission to file their comments out of time, together with a copy of the comments they wished to file. Good cause not having been shown for the late filing, their comments will not be accepted.

[3] In view of the action taken herein on the proposed rule for charters to groups having no prior affinity, we have determined to defer action on the rule making proceeding which seeks to amend the tariff regulations and the adoption of a statement of policy so as to: (1) Require all air carriers and foreign air carriers to specify in their tariffs the rules applicable to group fare services on scheduled services, and (2) require that conditions related to group fare travel on scheduled services in foreign air transportation (other than inclusive tour basing fares) shall conform to the Board's regulations governing requirements for pro rata charters (EDR-190/PSDR-27).

[4] The term "affinity" in this sense is used to denote that degree of cohesiveness which qualifies a particular number of persons for group travel under charter arrangements. It should be noted that nonaffinity group fare tariffs have been in effect for many years in scheduled services.

V 37-4 JAN 7 72 XUM

service. The pro rata nature of the proposed group travel arrangement distinguishes it from individually ticketed services, since the concept of individually ticketed services has been deemed to imply the sale of tickets at a fixed price, whereas under the instant proposal the passenger does not purchase an individual ticket, but rather becomes a party to the charter contract itself and bears a pro rata share of its cost. Thus, unlike the conventional case of individually ticketed transportation, the cost to the participant in a travel group charter may well vary, depending on the load factor achieved on the flight, and the precise charge may not be known until flight departure. Moreover, the travel group charter participant will have to assume the risk of flight cancellation if a sufficient number of participants do not sign up for the flight, or if there are subsequent defaults by participants who have become parties to the charter contract. The foregoing risks, plus the requirements that the group must be formed at least 6 months prior to the departure date, by which time each main list participant must make a substantial nonrefundable deposit, and that all passengers travel together as a group, on a round trip basis, with no intermingling of persons from other charters and no one-way passengers, appears to distinguish participation in such charters from individually ticketed travel.

Impact on scheduled services. We have taken into account the contentions of the route carriers that the proposed new class of charter will divert vast amounts of traffic from scheduled service and would impair the ability of the scheduled carriers to provide adequate service on their routes. The Board is of the view the rule which we are now proposing will not have such an effect. Undoubtedly the cost savings obtainable through the use of pro rata charters will generate significant additional charter traffic, and may well divert some traffic which would otherwise travel on scheduled services. However, we believe that such diversion may be minimized by the very nature of the proposed regulations. To begin with, the charter participant will be required to make his payment well in advance of the 6-month filing period if the charter is to be organized and the appropriate filings made prior to the 6-month deadline. Secondly, the charter participant will have to commit himself to a nonrefundable 25 percent deposit and in addition will have to assume the risks, previously described, associated with a joint chartering venture, including the risk that the charter will ultimately be canceled or that the price will be higher than he anticipated.

The nonvacationing traveler does not appear to be a likely candidate for a pro rata charter. Nor, in view of the conditions surrounding the proposed travel group charter rules, does it appear that the mainstream of the vacation travelers in the dense North Atlantic market is apt to be diverted to such charters.[5] In our judgment, these charters will tend to attract primarily those price-conscious travelers who might not utilize scheduled services in any event.

The Board wishes to emphasize that, in proposing these travel group charter rules, it has no purpose or intention of impairing the viability of scheduled services. In assessing the contentions of the route carriers that such will be its effect, we cannot ignore the fact that these carriers have in the past made similar predictions in response to proposals to expand the authorization of supplemental air carriers or to liberalize the conditions under which they operate.[6] Notwithstanding these predictions, the traffic carried by route carriers in their scheduled services has continued to grow in the markets most competitive with charters.[7]

Of course, the exact degree of the generation of new traffic and the diversion of existing traffic can be ascertained only after some period of experimentation with the rules.[8] However, the 6-month deadline specified in the regulations for the filing of lists of charter participants, together with the required nonrefundable 25-percent deposit, will require participants to make travel plans as early as the fall preceding the next summer season, and it is not likely, in the Board's judgment, that large numbers of persons who would otherwise utilize individually ticketed services will be in a position to make firm plans that far in advance. If, contrary to our expectations, large scale diversion does begin to threaten, it would be our intention to amend the regulation to provide for an earlier filing date, a higher deposit requirement, or both, if such action appears necessary in order to prevent undue diversion from scheduled services.

We may also note that among the competitive countermeasures which the route carriers will be in a position to take is the mounting of their own travel group charter program, since we are here proposing to authorize all classes of carriers to engage in this type of charter.

Scheme of proposed rules. As previously stated, the basic concept underlying the proposed rules is that of a pro rata charter in which each participant pays his share of the total charter price charged by the direct air carrier. The participants would be brought together by a charter organizer who would be permitted to assess a service charge for performing this function.[9]

The general outline of the proposed rule follows closely that of the advance notice of rule making.[10] Persons eligible for the charter must be on either a main list or a standby list, which must be filed with the Board no later than 6 months prior to departure date. The main list consists of persons who have paid a nonrefundable (but assignable) deposit of 25 percent, and the standby list may not exceed three times the number on the main list. The charter organizer is permitted to solicit from the general public but is not permitted to use mass media advertising.

The operation of a travel group charter would involve several stages, as described in more detail below:

1. Prior to any solicitations, the charter organizer and direct air carrier must first file with the Board a commitment from a direct air carrier to furnish the transportation, copies of the proposed charter contract with the direct air carrier and the proposed contract between the charter organizer and the charter participants, a bond with a surety company, an escrow agreement with a bank into which all moneys would be deposited, and samples of promotional material. Unless advised by the Board that the filing is not in compliance with the regulation, the organizer may begin to solicit the public and receive deposits 15 days after the foregoing documents have been filed.

2. Persons signing the main list would make a deposit of no less than 25 percent of the minimum pro rata charter price, which is computed on the assumption that all seats will be sold. The 25-percent deposit becomes nonrefundable to any participant who wishes to cancel within 7 months of the date of scheduled flight departure. When the charter organizer has accumulated enough names on the main list to fill all of the seats contracted

[5] Indeed we would anticipate that much of the travel group charter market will be diverted from the existing charter market, since bona fide groups would form the nucleus for the new charter program, with fill-in passengers coming from friends and relatives of the group members who would not be eligible under the present rules.

[6] Supplemental Air Service Proceeding, Opinion and Order E-23350, March 11, 1966 (mimeo. pp. 13–15); Transatlantic Charter Investigation, 40 CAB 233, 253–256 (1964).

[7] IATA North Atlantic traffic reports 1963–70.

[8] It is for this reason that the Board has tentatively concluded that a hearing on this matter would not serve a useful porpose at this time.

[9] The proposed rule would not regulate the amount of the service charge imposed by the charter organizer other than to require that such charge shall be broken out separately and shall be equal for all participants (§ 372a.22(c), infra). There is also a provision for prohibiting the payment of any commission, fees or other compensation by the direct air carrier to the charter organizer or to any other person in connection with the charter trip (§ 372a.42, infra). However, we are not proposing to preclude a charter organizer from paying any portion of the service charge, or otherwise compensating, any other person who renders services in connection with the travel group charter. It is thus clear that a travel agent may receive commissions from the charter organizer.

[10] In only one respect does the proposed rule differ materially from the one described in the advance notice. Whereas in the advance notice, intermingling of charter participants was to be restricted only to the same extent as under existing charter regulations, the rule we are proposing herein totally prohibits intermingling of charter participants. See § 372a.18, infra.

for, he shall file the main and standby lists with the Board no sooner than 7 months, but no later than 6 months, prior to the date of flight departure. In the event of failure to sign up enough main list participants so as to permit the filing prior to the 6-month deadline, all moneys are refunded to the charter participants and the direct air carrier's option to furnish transportation expires.

It should be noted that although the proposed rule provides (§ 372a.13, infra) for a full refund of a deposit upon cancellation by a charter participant at any time prior to 7 months preceding the scheduled flight departure date, the Board might, upon further consideration, prefer a substitute provision which would make the deposit entirely nonrefundable to a canceling participant. Such a nonrefundable deposit provision would clearly facilitate the administration of travel group charters by the charter organizer and might therefore be regarded as an additional risk which the charter participant could reasonably be expected to assume.

3. No later than 60 day before flight departure each main list participant must pay for the balance of the pro rata charter price, including the organizer's service charge. For this purpose, the balance is computed on the basis of the minimum, or full load, pro rata charter price, plus a discretionary reserve deposit to cover pro rata adjusted increases resulting from defaults. The reserve deposit is refundable to the extent not needed. Upon payment of this balance the total deposit becomes nonrefundable to a canceling participant, unless the entire charter is canceled. Persons failing to pay the billed amount by the 60-day deadline will forfeit their 25-percent deposits.

4. No later than 45 days prior to flight departure, the organizer will compute an adjusted charter price, reflecting any increase in the pro rata charter price resulting from defaults, after crediting the forfeited 25-percent deposits of defaulting participants. If the tentatively adjusted price is 20 percent or more above the price computed on a full-load basis, then the charter must be canceled. In such event, the forfeited deposits of defaulting participants are payable as liquidated damages to the air carrier and the organizer, but all other payments are refunded in full to the main list participants or their assignees.

5. Although, as previously indicated, deposits are nonrefundable to canceling participants within 7 months preceding flight departure, the interest of any participant may be assigned to a person on the standby list, provided that no more than 20 percent of the ultimate flight participants are drawn from the standby list. In order to avoid exceeding the maximum permissible number of assignments, the charter organizer will effect all assignments, for which he may charge the assignor a 5-percent transfer fee.

6. In the event that there are additional assignments by defaulting participants after the 45-day tentative adjustment, the final pro rata price must be reduced and appropriate refund made to those participants who paid the tentative adjusted price. Since assignments may be made until flight departure time, the final pro rata price will not be known until passenger check-in is completed. The organizer is therefore required to submit a postflight accounting report to all participants within 10 days after completion of the charters, accompanying such report with the refund due.

7. In order to facilitate enforcement of the basic requirement that passengers be from the main list and standby list only, the carrier will have the responsibility to verify the identity of enplaning passengers. On international flights, the carrier will be required to examine the passport of each person and note each passport number on the manifest. On domestic flights, the carrier will be required to use reasonable efforts to verify the identity of enplaning passengers, and make appropriate notations on the manifest.

8. The bond and escrow provisions have been adapted from similar provisions applicable to tour operators; however, unlike other charter operators, the travel group charter organizer will not have the option of filing a bond only. It will be noted that a higher bond would be required if the charter organizer furnishes ground accommodations, and that the escrow arrangement governs payments both for air transportation and for ground accommodations, if any.

9. The Board's pro rata charter regulations generally require that all participants pay an equal share of the charter cost, but permit an exception for reduced fares for children. Because the subject charters will be held out to the general public, this exception does not appear desirable. Since the price to an individual participant would necessarily vary with the number of children accompanying other participants, reduced children's fares would produce an inequitable result and would add a further element of complexity and uncertainty in estimating the minimum pro rata price to be paid if all seats are sold.

Charter organizer as indirect air carrier. The advance notice invited comments particularly with respect to the limitations and safeguards which should be imposed on the intermediaries, or charter organizers, and the extent, if any, to which they should be allowed to serve as indirect air carriers. The comments differed on the advisability of making the charter organizers indirect air carriers. The National Air Carrier Association (NACA) and the American Society of Travel Agents (ASTA) oppose having the organizers authorized as indirect air carriers. On the other hand, the trunkline carriers maintain that under the guidelines outlined in the advance notice, the intermediaries or charter organizers would unquestionably be carriers and should be required to secure certificates of public convenience and necessity after due notice and hearing. Also, according to the trunklines, the Board should impose on such intermediaries bonding requirements and tariff filing requirements.

Consistent with the essential concept of the rule which we are proposing, it is clear that charter organizers are to act solely as agents for the travel group members with respect to air transportation. The organizer is to be neither a principal in the provision of air transportation nor an agent of the direct air carrier. Thus the travel group charter organizer will be engaged in the business of forming groups of persons, from among the general public, who will become parties to a charter contract with a direct air carrier. For his services to the group, in negotiating the charter contract, making the escrow arrangement and, in general, performing the functions prescribed in the proposed regulations, the organizer is to be paid a service charge as his compensation from the charter participants.

Although the charter organizer's role in air transportation is different from that of established classes of indirect air carriers, such as passenger consolidators and freight forwarders, the Board has tentatively concluded that, considering the scope of the charter organizers' activities and their impact on the public, and in light of the broad purposes of the Act, the charter organizers are subject to our jurisdiction as indirect air carriers. Cf. Consolidated Flower Shipments, Inc. v. C.A.B., 213 F. 2d 814 (9th Cir. 1954).

Form of charter contract and contract between charter organizer and charter participants. The proposed rule contemplates (§§ 372a.22(a) and 372a.29) the use of standard forms of the charter contract and the contract between the charter organizer and the participants. It is our tentative view that the use of standard forms of these contracts will greatly facilitate the enforcement of this class of charter, by obviating the need to determine individually, with respect to each separate charter, whether there has been full compliance with applicable regulations. However, no proposed standard contract forms are being circulated herewith. Instead we invite interested persons to include in their comments on the proposed rule a draft of their suggested form for a standard charter contract and for a standard contract between the charter organizer and the charter participants. On the basis of these submissions and other data available to the Board, the Board intends to adopt the appropriate standard forms for these contracts which will be attached to the final rule as appendices. As set forth in the proposed rule, the prescribed form of the charter contract would allow for insertion of specific terms and conditions, including the number of seats, the type of aircraft, the departure and return dates and points, and the minimum and maximum pro rata charter price (§ 372a.22(a)). Similarly, the prescribed form of contract between the charter organizer and the charter participants would include provisions for

V 37 ■ 4
JAN 7 72
XUM

the items which § 372a.29 requires be covered in such contracts.

Effective period of regulation. In view of the experimental character of the proposals, the regulation provides that it will expire 3 years from the effective date. Prior to the expiration of that period, the Board would consider the propriety of instituting a rule making proceeding to extend indefinitely the effectiveness of the part.

Matters relating to final rule. 1. If the Board finally adopts the subject proposal, the issued rule would include a "truth in chartering" provision. This would be reflected in a form, prescribed as an appendix to the rule, which travel group charter organizers would be required to complete and deliver to members of the charter group (all persons whose names appear on the main list and the standby list). The purpose of this provision would be to inform actual and prospective charter participants as to their contractual rights and obligations, and to summarize pertinent provisions of the Board's travel group charter rules.

2. The proposed rule contemplates a minimum 6-month lead time between the formation of the travel group and scheduled flight departure, and the organizer is required to file by that time certain documents relating to the travel group charter, such as a fully executed charter contract with the direct air carrier, a main list of charter participants, a standby list, etc. Considering the current stage of this rule making proceeding, it is apparent that even if the proposal is finally adopted, a 6-month lead time would, as a practical matter, render the rule inapplicable to the 1972 charter season. Therefore, if the Board does finally adopt the subject proposal, we would consider reducing the rule's 6-month lead time to 4 months, for the 1972 charter season only, so that it could have some practical, as well as legal, effectiveness in its first year.

It is proposed to amend Parts 207, 208, 212 and 214 of the Board's Economic Regulations (14 CFR Parts 207, 208, 212 and 214) and to adopt a new Part 372a of the Special Regulations as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. Amend § 207.11 (b) and (c) by adding new subparagraphs (6) and (4), respectively, as follows:

§ 207.11 Charter flight limitations.

Charter flights (trips) in air transportation shall be limited to the following:

* * * * *

(b) * * *

(6) By a travel group charter organizer on behalf of a travel group pursuant to Part 372a of this chapter, or

(c) * * *

(3) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter;

(4) By a travel group charter organizer on behalf of a travel group pursuant to Part 372a of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except as may otherwise be provided in this chapter:

And provided further, That paragraph (c) of this section shall not be construed to apply to movements of property.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

2. Amend § 208.3 by revising the definition of "Indirect air carrier" in paragraph (u) to read as follows:

§ 208.3 Definitions.

* * * * *

(u) "Indirect air carrier" means any citizen of the United States who engages indirectly in air transportation including air freight forwarders, persons authorized by the Board to transport by air used household goods of personnel of the Department of Defense, tour operators, study group charterers, and travel group charter organizers.

* * * * *

3. Amend § 208.6 (b) and (c) by adding new subparagraphs (6) and (5), respectively, as follows:

§ 208.6 Charter flight limitations.

Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

* * * * *

(b) * * *

(6) By a travel group charter organizer on behalf of a travel group pursuant to Part 372a of this chapter; or

(c) * * *

(4) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter; or

(5) By a travel group charter organizer on behalf of a travel group pursuant to Part 372a of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except as may otherwise be provided in this chapter:

And provided, further, That paragraph (c) of this section shall not be construed to apply to movements of property.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

4. Amend § 212.8(a) and (b) by adding new subparagraphs (6) and (4), respectively, as follows:

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually way-billed basis—

(a) * * *

(6) By a travel group charter organizer on behalf of a travel group, pursuant to Part 372a of this chapter.

(b) * * *

(3) By a study group charterer or foreign study group charterer as defined in Part 372 of this chapter;

(4) By a travel group charter organizer on behalf of a travel group, pursuant to Part 372a of this chapter.

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats, except as may otherwise be provided in this chapter,

And provided further, That paragraph (b) of this section shall not be construed to apply to movements of property.

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

5. Amend § 214.7 (a) and (b) by adding new subparagraphs (4) and (4), respectively, as follows:

§ 214.7 Charter flight limitations.

Charter flights shall be limited to air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where—

(a) * * *

(4) By a travel group charter organizer on behalf of a travel group, pursuant to Part 372 a of this chapter; or

(b) * * *

(3) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter;

(4) By a travel group charter organizer on behalf of a travel group, pursuant to Part 372a of this chapter:

Provided, That paragraph (b) of this section shall not apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "planeload" charter foreign air transportation of persons: *Provided further,* That with respect to paragraph (b) of this section each person engaging less than the entire capacity of the aircraft shall contract and pay for 40 or more seats, except as may otherwise be provided in this chapter.

6. Adopt a new Part 372a as follows:

PART 372a—TRAVEL GROUP CHARTERS

Subpart A—General Provisions

Sec.
372a.1 Applicability.
372a.2 Definitions.
372a.3 Waivers.
372a.4 Enforcement.
372a.5 Termination of part.

Subpart B—General Conditions and Limitations

Sec.
372a.10 Travel group charter general requirements.
372a.11 Solicitation in mass media prohibited.
372a.12 Initial deposits.
372a.13 Conditions precedent to contracts.
372a.14 Assignments.
372a.15 Pro rata charter price; minimum, maximum, adjusted.
372a.16 Full payment of charter price; refunds.
372a.17 Payment to direct air carrier.
372a.18 No intermingling of passengers.
372a.19 Cancellation of charter.

Subpart C—Requirements Applicable to Charter Organizer

372a.20 Exemption.
372a.21 Suspension of exemption authority.
372a.22 Operating authorization of charter organizer.
372a.23 Discrimination.
372a.24 Methods of competition.
372a.25 Surety bond and depository agreement.
372a.26 Prohibition on operations unless tariffs are observed.
372a.27 Charter costs.
372a.28 Statements of charges.
372a.29 Contract between charter organizer and charter participants.
372a.30 Postflight accounting report.
372a.31 Record retention.

Subpart D—Requirements Applicable To Direct Air Carrier

372a.40 Charter not to be performed unless compliance with part.
372a.41 Direct air carrier to identify enplanements.
372a.42 No commissions to be paid.

Subpart E—Reporting Requirements

372a.50 Reporting requirements.

Subpart A—General Provisions

§ 372a.1 Applicability.

This part establishes the terms and conditions governing the furnishing of travel group charters in air transportation by direct air carriers, including foreign air carriers, and by travel group charter organizers. This part also relieves such charter organizers from various provisions of title IV of the Federal Aviation Act of 1958, as amended, for the purpose of enabling them to provide travel group charters utilizing aircraft chartered from such direct air carriers. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

§ 372a.2 Definitions.

As used in this part, unless the context otherwise requires—

"Charter" means a travel group charter.

"Charter contract" means a contract for air transportation made by and between a direct air carrier and charter participants acting through a charter organizer.

"Charter organizer" means a travel group charter organizer.

"Charter participant" means a member of a travel group who is a party to a charter contract, either as a main list participant or as an assignee of a main list participant.

"Direct air carrier" means (a) an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401 of the Act, or (b) a foreign air carrier which holds a permit issued under section 402 of the Act.

"Main list participant" means a member of a travel group who has duly authorized a charter organizer to enter his name on the main list filed with the Board pursuant to this part.

"Person" means any individual, firm, association, partnership, or corporation.

"Pro rata charter price" means each participant's share of the total charter price payable to the direct air carrier, plus service charge.

"Service charge" means the compensation which the charter organizer may receive from each charter participant for organizing the group and acting as its agent in arranging for the charter transportation and services related thereto.

"Standby list member" means a member of a travel group who has duly authorized a charter organizer to enter his name on the standby list filed with the Board pursuant to this part.

"Travel group" means the aggregate of main list participants and standby list members.

"Travel group charter" means a round trip charter arranged and sponsored by a charter organizer for a travel group and meeting the requirements set forth in § 372a.10.

"Travel group charter organizer" means any citizen of the United States (other than a direct air carrier), as defined in section 101(13) of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1301(13)), who is an indirect carrier authorized hereunder to engage in the formation of travel groups in accordance with the provisions of this part. With respect to the charter contract, such charter organizer acts solely as agent for, and holds all moneys received from any source in connection therewith as agent for, the members of the travel group.

§ 372a.3 Waivers.

A waiver of any of the provisions of this part may be granted by the Board upon its own initiative, or upon the joint submission by a direct air carrier and a charter organizer of a written request therefor not less than 30 days prior to the flight to which it relates, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 372a.4 Enforcement.

In case of any violation of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. district court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 901(a) of the Act, or in the case of willful violation, to criminal penalties pursuant to the provisions of section 902(a) of the Act; or other lawful sanctions.

§ 372a.5 Termination of part.

The exemption provided by this part shall terminate 3 years from the effective date hereof and shall not apply to any charter flight scheduled to depart subsequent to such date of termination.

Subpart B—General Conditions and Limitations

§ 372a.10 Travel group charter general requirements.

A travel group charter authorized under this part shall meet the following requirements:

(a) The charter must be arranged for and sponsored by a charter organizer whose sole interest in the charter contract is as agent for the charter group and not as a principal or as agent for the direct air carrier.

(b) The charter contract must be for 50 or more seats.

(c) It must be on a round trip basis.

(d) The air transportation portion thereof must be performed by a direct air carrier which holds a certificate of public convenience and necessity under section 401 of the Act or a permit under section 402 of the Act.

(e) Passengers transported pursuant to the charter shall consist solely of charter participants, no less than 80 percent of whom shall be main list participants.

(f) The total cost to each participant shall be the sum of the pro rata cost of air transportation, the service charge of the charter organizer, and the charge for land accommodations, if any.

(g) The sole compensation to be received by the charter organizer with respect to air transportation shall be the service charge paid by the charter participants.

§ 372a.11 Solicitation in mass media prohibited.

Members of the charter group may not be brought together by means of a solicitation through mass media advertising. The proscribed solicitation includes air transportation services, or ground services in connection therewith, offered by a direct air carrier or charter organizer under circumstances in which the services are advertised in mass media, regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media. After a charter option which has been given by a direct air carrier to a charter organizer is filed with the Board (see § 372a.22, infra), copies of solicitation material shall be furnished such carrier at the

V37-4 JAN 7 72 XUM

same time it is distributed to prospective charter participants.

§ 372a.12 Initial deposits.

Each main list participant, upon executing the contract between participants and organizer, shall pay at least an initial deposit of 25 percent of the minimum pro rata charter price specified in the charter contract. This initial 25-percent deposit shall be nonrefundable to a charter participant who defaults in making any payment on the pro rata charter price subsequent to the filing of the charter contract, except as provided in § 372a.19.

§ 372a.13 Conditions precedent to contracts.

(a) The charter contract and the contract between the charter participants and the charter organizer shall become binding on the participants only upon the occurrence of all the following conditions precedent:

(1) The number of main list participants is equal to the number of seats specified in the charter contract;

(2) Each main list participant has paid at least an initial deposit of 25 percent of the minimum pro rata charter price specified in the charter contract; and

(3) The charter contract has been timely filed with the Board.

(b) At any time prior to the 7 months preceding the scheduled flight departure date, a participant may submit to the organizer written notice of his cancellation and he shall thereupon be entitled to receive forthwith a refund of all moneys credited to his account, without deduction or penalty of any kind.

§ 372a.14 Assignments.

At any time during the 7 months preceding the scheduled flight departure date, a charter participant may assign his interest in the charter, but only in accordance with the following:

(a) The assignee must be a standby list member.

(b) No more than 20 percent of the main list participants may assign their interests.

(c) An assignment may be effected only by the charter organizer.

(d) The price for an assigned interest shall not exceed the total amount of pro rata charter price installments theretofore paid by the assignor, which amount shall then be credited to the account of the assignee.

(e) The charter organizer may charge the assignor a transfer fee not in excess of 5 percent of the minimum pro rata charter price.

(f) The charter organizer shall use his best efforts to effect an assignment, either at the request of a charter participant or upon the default of a charter participant in making any payment on the pro rata charter price.

§ 372a.15 Pro rata charter price; minimum, maximum, adjusted.

(a) The amount of the minimum pro rata charter price shall be equal to the total charter price divided by the total number of seats specified in the contract, plus the service charge.

(b) The amount of the maximum pro rata charter price shall be equal to 20 percent more than the minimum.

(c) The adjusted pro rata charter price shall reflect the pro rata increase resulting from defaults in payments by participants.

(d) The cost of charter flights shall be prorated equally among all charter participants and no charter participant shall be allowed free or reduced-rate transportation.

§ 372a.16 Full payment of charter price; refunds.

(a) No later than 60 days prior to the scheduled date of flight departure, there shall be due from each charter participant full payment of the minimum pro rata charter price. The contract between the participants and the organizer may also provide for the payment at the same time of a pro rata reserve deposit which shall be applied, as needed, toward payment of any adjustment in pro rata charter price resulting from defaults in payments by participants: *Provided, however,* That the total sum of the minimum pro rata charter price plus such reserve deposit shall not be greater than the maximum pro rata charter price, less service charge; *And provided further,* That any portion of such reserve deposit as is not needed shall be forthwith refunded pro rata.

(b) Upon default by any participant in making such payment the charter organizer shall use his best efforts to effect assignment of his interest, in accordance with the provisions of § 372a.14, and the assignee shall thereupon become liable in place and instead of the assignor for the amount payable under paragraph (a) of this section.

(c) If the interest of any defaulting participant has not been assigned by the 45th day prior to the scheduled date of departure, then the initial 25-percent deposit of each such defaulting participant shall be applied toward payment of the charter price, and the pro rata charter price for each remaining participant shall be increased by an amount equal to his pro rata share in the unpaid balance of the charter price.

(d) If the tentative adjusted pro rata charter price, as computed on the 45th day prior to the scheduled date of flight departure exceeds the specified maximum, then the charter shall be canceled and all moneys paid by the charter participants shall be refunded to them forthwith, without deduction or penalty of any kind: *Provided, however,* That the initial 25-percent deposit of each defaulting participant may be paid over as liquidated damages to the direct air carrier and the charter organizer pursuant to the terms of the charter contract and the contract between the organizer and participants.

(e) If the tentative adjusted pro rata charter price, as computed on the 45th day prior to the scheduled date of flight departure, does not exceed the specified maximum, then each participant shall forthwith pay the balance, if any, due on such adjusted pro rata charter price and all moneys theretofore paid by charter participants shall be nonrefundable, except as provided in paragraph (f) of this section: *Provided, however,* That if the charter contract is subsequently canceled for any of the reasons set forth in § 372a.19, then all moneys paid by the charter participants shall be refunded to them forthwith, without deduction or penalty of any kind.

(f) The final adjusted pro rata price shall represent the tentative adjusted pro rata price as reduced by each participant's pro rata share of the total of any defaulted payments made subsequent to the date on which the tentative adjusted price was computed, and the amount by which the tentative adjusted price exceeds the final adjusted price shall be refunded by the organizer at the time he submits the postflight accounting report required by § 372a.30.

§ 372a.17 Payment to direct air carrier.

The direct air carrier shall be paid in full for the cost of the roundtrip charter transportation prior to scheduled date of flight departure.

§ 372a.18 No intermingling of passengers.

There shall be no intermingling of passengers and each planeload group, or less-than-planeload group, shall move as a unit in both directions, except under emergency circumstances provided for in the basic charter regulations applicable to the direct air carrier under Parts 207, 208, 212, and 214 of this title, as the case may be.

§ 372a.19 Cancellation of charter.

A charter authorized pursuant to this part shall be canceled and all payments by the charter participants shall be refunded in full if any of the following events occur:

(a) The charter contract is not timely filed with the Board, in accordance with § 372a.22;

(b) The charter organizer's authority is suspended;

(c) A charter organizer's surety bond is canceled without substitution of a replacement satisfactory to the Board (see § 372a.25);

(d) The direct air carrier cancels the charter pursuant to the terms of the charter contract;

(e) Where the charter is for less than the entire capacity of an aircraft and the remaining capacity of the aircraft is not chartered to one or more other eligible persons in accordance with the applicable provisions of Parts 207, 208, 212, or 214, as the case may be.

Subpart C—Requirements Applicable To Charter Organizer

§ 372a.20 Exemption.

Subject to the provisions of this part and the conditions imposed herein, charter organizers are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to organize and arrange travel group charters:

Section 401.
Section 403.
Section 404(a), except the requirement to provide adequate service in connection with travel group charters operated hereunder.
Section 405(b).
Sections 407(b) and (c).
Sections 408(a) and 409, except control or interlocking relationships with direct air carriers.
Section 412.

§ 372a.21 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any charter organizer, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

§ 372a.22 Operating authorization of charter organizer.

A charter organizer is authorized hereunder to organize and operate a travel group charter only in accordance with the provisions of this part, and subject to the following conditions:

(a) No charter organizer shall sell or offer to sell, solicit, or advertise a charter trip, until at least 15 days after he and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights) in duplicate: (1) An option from a direct air carrier under which the carrier obligates itself for a specified period, which shall expire no later than 6 months prior to scheduled date of departure, to enter into a charter contract with the charter organizer as agent for the charter participants; (2) a copy of the proposed charter contract, in the form prescribed in appendix A, setting forth specific terms and conditions upon which the carrier will perform the charter, including the number of seats, the type of aircraft, the departure and return dates and points, and the minimum and maximum pro rata charter price; (3) a copy of the proposed contract between the organizer and the participants in the form prescribed in appendix B; (4) a duly subscribed and sealed surety bond, and a copy of a fully executed depository agreement, as provided in § 372a.25; and (5) samples of the promotional material which the charter organizer plans to use in his solicitation for charter participants: *Provided, however,* That if during the 15-day period following filing hereunder, the charter organizer has been notified that the Board has rejected such filing for noncompliance with this part, then he shall not sell or offer to sell, solicit or advertise such charter trip until he has subsequently been notified by the Board that the filing has been accepted.

(b) No earlier than 7 months, and no later than 6 months, prior to the scheduled date of departure, the charter organizer and the direct air carrier must jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate:

(1) A fully executed charter contract;

(2) A main list setting forth the names, addresses, and telephone numbers of all the charter participants;

(3) A standby list, no larger than three times the number of main list participants, setting forth the names, addresses, and telephone numbers of participants who have authorized the organizer to include them in such list, as prospective assignees of main list participants; or, a statement that there are no standby list members;

(4) A statement of the charter organizer affirming that each main list participant has entered into a contract with the organizer as provided in this part, and has paid his initial 25-percent deposit; and

(5) A statement of the depository bank affirming that it has received a deposit of no less than 25 percent of the total charter price payable to the direct air carrier.

(c) The service charge shall be broken out separately and shall be equal for all participants.

§ 372a.23 Discrimination.

No charter organizer shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 372a.24 Methods of competition.

No charter organizer shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof.

§ 372a.25 Surety bond and depository agreement.

(a) Before selling or offering to sell, soliciting, or advertising any charter flight, a charter organizer shall furnish and file with the Board:

(1) A surety bond in the following minimum amounts: (i) If the charter is for air transportation only, a bond in the amount of $5,000 per round trip charter flight, up to a maximum of $50,000 for a series of 10 or more round trip flights; or (ii) if the charter is for any land accommodations in addition to air transportation, a bond in the amount of $10,000 per round trip flight, up to a maximum amount of $100,000 for a series of 10 or more round trip flights. The bond shall be for the protection of the charter participants and shall commence not later than the date on which it is filed with the Board and shall continue in effect until completion of the charter or series of charters: *Provided, however,* That the liability of the surety to any charter participant shall not exceed the amounts paid by him to the charter organizer with respect to the charter; and

(2) A copy of an agreement made between the direct air carrier, the charter organizer and a designated bank, by the terms of which all sums paid by participants to the charter organizer shall be deposited with and maintained by the bank in a separate escrow account, subject to the following conditions:

(i) The participants shall pay by check or money order payable to the bank; and any cash received by the charter organizer from a participant shall be deposited in, or mailed to, the bank no later than the close of the business day following the receipt of the cash;

(ii) The bank shall pay the direct air carrier the round trip charter price for the transportation upon certification of the departure and return dates by the direct air carrier;

(iii) Refund to participants from sums in the escrow account shall be paid by the bank directly to such participants, upon receipt of written notification from the charter organizer or the direct air carrier specifying the facts warranting such refund under this part;

(iv) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(v) The bank shall maintain a separate accounting for each charter;

(vi) After the charter price has been paid in full to the direct air carrier, the bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing surface accommodations or services, if any, in connection with the charter or series of charters, upon presentation to the bank of vendors' bills and upon certification by the charter organizer of the amounts payable for such surface accommodations or services and the persons or companies to whom payment is to be made: *Provided, however,* That the total amounts paid by the bank pursuant to subdivisions (ii) and (vi) of this subparagraph shall not exceed 80 percent of the total deposits received by the bank less any refunds made to charter participants pursuant to subdivision (iii) of this subparagraph;

(vii) Except as provided in subdivisions (ii), (iii), and (vi) of this subparagraph, the bank shall not pay out any funds from the account prior to 2 banking days after completion of each charter, when the balance in the account shall be paid to the charter organizer, upon certification of the completion date by the direct air carrier.

(b) The bond required under paragraph (a) of this section shall insure the financial responsibility of the charter organizer only to the extent of turning over to the depository account all moneys collected from participants in accordance with the contract between the charter organizer and the participants, and shall be in the form set forth as Appendix C. Such bond shall be issued by a bonding or surety company whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6, and which is listed in Best's Insurance Reports (Fire and Casualty)

V 37-4
JAN 7 72
XUM

with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the charter originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific charter or charters to which it relates. It shall be effective on or before the date it is filed with the Board. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the charter organizer by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject charter or charters shall be canceled.

(c) The bond required by this section shall provide that unless the charter participant files a claim with the charter organizer or, if he is unavailable, with the surety, within sixty (60) days after completion of the charter, the surety shall be released from all liability under the bond to such participant. The contract between the charter organizer and the charter participant shall contain notice of this provision.

§ 372a.26 Prohibition on operations unless tariffs are observed.

No charter organizer shall charter aircraft to provide air transportation to charter participants, and no direct air carrier shall operate such aircraft, except in accordance with the rates, fares, and charges and all applicable rules, regulations, and other provisions for such transportation as set forth in the currently effective tariff or tariffs of the direct air carrier transporting charter participants; and no such organizer shall demand, collect, accept, or receive, in any manner or by any device, directly or indirectly, or through any agent or broker, or otherwise, any portion of the rates, fares, or charges so specified in the tariffs of such direct air carrier, and shall not demand, accept, or receive, either directly or indirectly, any privilege, service, or facility except those specified in the currently effective tariffs of such direct air carrier.

§ 372a.27 Charter costs.

(a) The charter organizer shall not make any charges to the charter participants other than his service charge for consummating the charter (or liquidated damages, as permitted hereunder, if the charter is canceled upon default of participants), and such transfer fees as may be due him from an individual participant for effecting an assignment.

(b) No part of the service charge shall be retained by the charter organizer unless the charter is completed: *Provided, however,* That the charter organizer may retain as liquidated damages a portion of the initial 25-percent deposits forfeited by defaulting participants in the event of cancellation of a charter, pursuant to the provisions of the charter contract and the contract between the charter participants and the charter organizer and in accordance with § 372a.16 of this part. Neither the charter organizer nor any member of the charter group may receive any gratuities or compensation, direct or indirect, from the carrier, or any organization which provides any service to the charter group with respect to air transportation. Nothing in this section shall prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

§ 372a.28 Statements of charges.

Any announcement or statement to prospective charter participants giving price per seat shall state that the price is dependent upon the number of seats sold and shall also set forth the total cost of the charter including the minimum and maximum pro rata charter price, the total service charge and the transfer fee. It shall also state that the minimum pro rata price is subject to an increase of no more than 20 percent as a result of defaults by participants, and that the charter will be canceled if the price per seat increases by more than 20 percent over the minimum pro rata charter price. All announcements shall also identify the carrier, and the type of aircraft to be used for the charter. Solicitation materials shall separately state the cost of ground arrangements, if any, the cost of air transportation, the service charge, and the total cost of the entire trip. Solicitation material shall also state that for a person to be eligible to be a passenger on a charter flight he must be included in the main list or the standby list to be filed no later than 6 months before flight departure. All billings to charter participants shall separately state the pro rata cost of air transportation, the service charge and the cost of land accommodations, if any.

§ 372a.29 Contract between charter organizer and charter participants.

The contract between the charter organizer and participants shall be in the form prescribed in Appendix B, and shall set forth the specific terms and conditions upon which the charter will be performed, including:

(a) The terms required by § 372a.22 to be specifically set forth in the charter contract.

(b) The terms required by § 372a.28 to be specifically set forth in statements of charges.

(c) The schedule of payments and the date by which the minimum price must be fully paid, which date shall not be later than 60 days before the scheduled departure date;

(d) The date on which the tentative adjusted pro rata price shall be computed, which date shall not be later than 45 days before the scheduled departure date;

(e) The name and address of the depository bank and a statement that all installment payments are to be by check or money order made payable to the designated depository bank;

(f) The conditions upon which the contract between the charter organizer and the charter participants may be canceled, and the rights and obligations of all parties in the event of such cancellation;

(g) The conditions upon which the charter contract may be canceled, and the rights and obligations of all parties in the event of such cancellation;

(h) The conditions governing assignment of a participant's interest;

(i) The dollar amounts of the direct air carrier's liability limitations for passengers' baggage, as set forth in the carrier's tariff.

(j) The name and address of the surety and a statement that unless the charter participant files a claim with the charter organizer or, if he is unavailable, with the surety, within sixty (60) days after completion of the charter, the surety shall be released from all liability under the bond to such charter participant.

§ 372a.30 Post-flight accounting report.

Not later than 10 days following completion of the charter, the charter organizer shall submit to each participant a statement in the form prescribed in appendix D, setting forth the final adjusted pro rata price, which shall take into account all payments made by charter participants subsequent to the date on which the tentative adjusted price was computed, and such statement shall be accompanied by any refunds then due to the participants.

§ 372a.31 Record retention.[1]

(a) Every charter organizer conducting a travel group charter pursuant to this part shall retain for 2 years after completion of the charter or series of charters true copies of the following documents at its principal or general office in the United States:

(1) All documents which evidence or reflect deposits made by, and refunds made to, each charter participant;

(2) All statements, invoices, bills and receipts from suppliers or furnishers of goods and services in connection with the travel group charter or series of charters.

(b) Every charter organizer shall make the documents listed in this section available upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

[1] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. section 1001.

Subpart D—Requirements Applicable to Direct Air Carrier

§ 372a.40 Charter not to be performed unless compliance with part.

A direct air carrier shall not perform air transportation in connection with a travel group charter unless it has made a reasonable effort to verify that all provisions of this part have been complied with, and that the charter organizer's authority under this part has not been suspended by the Board.

§ 372a.41 Direct air carrier to identify enplanements.

The direct air carrier shall make reasonable efforts to verify the identity of all enplaning charter participants, and the documentary source of such verification shall be noted on the passenger manifest: *Provided, however,* That in the case of international flights the identity of each enplaning charter participant shall be verified by means of his passport and the passport number shall be entered on the passenger manifest.

§ 372a.42 No commissions to be paid.

No commissions, fees or other compensation shall be paid by the direct air carrier to the charter organizer or to any other person in connection with the charter trip.

Subpart E—Reporting Requirements

§ 372a.50 Reporting requirements.

(a) Each direct air carrier shall prepare and file with the Board's Bureau of Enforcement within 7 days after flight departure, a manifest containing the names, addresses, telephone numbers, on which shall be noted the carriers verification of each enplaning passenger's identity, as provided in § 372a.41.

(b) The direct air carrier shall promptly notify the Board regarding any travel group charter flight covered by a filing under § 372a.22 which is subsequently canceled.

(c) The following monthly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (1) By the depository bank showing the total amount of deposits received and disbursed during the month; and (2) by the charter organizer showing, for the reporting period, the total amount of customer payments received by him or his agents, and the amount of refunds made by the bank to charter participants: *Provided,* That the depository bank may, in lieu of subparagraph (1) of this paragraph, elect to file a duplicate monthly statement of the same type it provides to depositors and, when so elected, the reporting period for the charter organizer hereunder shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 372a.25. The reports shall be certified by the officer in charge of the bank's or the charter organizer's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION [2]

I, the undersigned _____
(Title of officer in charge of accounts)

of the _____
(Full name of reporting company)

do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

_____
(Signature)

_____
(Bank or charter organizer's post office address)

Date _____, 19___.

APPENDIX C

TRAVEL GROUP CHARTER ORGANIZER'S SURETY BOND UNDER PART 372a OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 372a)

Know all men by these presents, That we _____ of
(Name of Travel Group charter organizer)

_____, _____ as Principal
(City) (State)

(hereinafter called Principal), and _____
a corporation created and
(Name of Surety)

existing under the laws of the State of _____ as Surety (hereinafter called
(State)

Surety), are held and firmly bound unto the United States of America in the sum of _____ for which payment (see § 372a.25 of Part 372a)

well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Whereas, the Principal intends to become a travel group charter organizer pursuant to the provisions of Part 372a of the Board's Special Regulations and other rules and regulations of the Board relating to insurance or other security for the protection of travel group charter participants, and has elected to file with the Civil Aeronautics Board such a bond as will insure financial responsibility with respect to all monies received from charter participants for services in connection with a travel group charter to be operated subject to Part 372a of the Board's Special Regulations in accordance with contracts, agreements, or arrangements therefor, and

Whereas, this bond is written to assure compliance by the Principal as an authorized travel group charter organizer with Part 372a of the Board's Special Regulations, and other rules and regulations of the Board relating to insurance or other security for the protection of charter participants, and shall inure to the benefit of any and all charter participants to whom the Principal may be held legally liable for any of the damages herein described.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to charter participants any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts, agreements, and arrangements made by the Principal while this bond is in effect with respect to the receipt of monies from charter participants and the proper disbursement thereof pursuant to and in accordance with the provisions of Part 372a of the Board's Special Regulations, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety with respect to any charter participant shall not exceed the amounts paid by such participant or on his behalf to the charter organizer with respect to the charter.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or shall amount in the aggregate to the penalty of the bond, but in no event shall the Surety's obligation hereunder exceed the amount of said penalty. The Surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

The bond shall cover the following round trip flights:

Surety company's bond No.	Dates of flight (departure and return)	Places of flight (departure and return)

This bond is effective upon its filing with the Civil Aeronautics Board and shall continue in force until terminated as hereinafter provided. The principal or the surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The surety shall not be liable hereunder for the payment of any of the damages hereinbefore described which arises as the result of any contracts, agreements, undertakings, or arrangements made by the principal in connection with transportation and other services after the termination of this bond as herein provided, but such termination shall not affect the liability of the surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements made by the principal in connection with transportation and other services prior to the date such termination becomes effective. Liability of the surety under this bond shall in all events be limited only to a charter participant or charter participants who shall within sixty (60) days after the termination of the particular charter described herein give written notice of claim to the charter organizer or, if he is unavailable, to the surety, and all liability on this bond shall automatically terminate sixty (60) days after the termination date of the particular travel group charter covered by this bond except for claims filed within the time provided herein.

IN WITNESS WHEREOF, the said principal and surety have executed this instrument on the _____ day of _____, 19___.

[2] Title 18 U.S.C. sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

V 37 N 4 JAN 7 72 XUM

PRINCIPAL

Name _____
By _____
(Signature and title)
Witness _____

SURETY

Name _____ [SEAL]
By _____
(Signature and title)
Witness _____

Only corporations may qualify to act as surety and they must meet the requirements set forth in § 372a.25(b) of Part 372a.

APPENDIX D

POST-FLIGHT ACCOUNTING REPORT

Instructions:

The charter organizer shall furnish a report in this form to each charter participant not later than 10 days following completion of the charter.

1. Name of carrier: _____
2. Name and address of charter organizer: _____
3. Reconciliation of price computations:
   (a) Minimum pro rata charter price, computed on basis of _____ seats, at $_____ per seat, plus service charge of $_____. $_____
   (b) Maximum pro rata charter price. _____
   (c) Tentative adjusted pro rata charter price, as computed on _____. _____
   (d) (1) Total payments received from charter participants subsequent to date on which tentative price computed.
   (2) Equal pro rata share of said total payments, credited to each participant not in default. _____
   (e) Final adjusted pro rata charter price. _____
   (f) Amount by which tentative adjusted price exceeds final adjusted price. (This is the amount of refund due each participant who paid the tentative adjusted price, and which must accompany this report.) _____

VERIFICATION [3]

State of _____ }
County of _____ } SS:

I, _____, being duly sworn, hereby depose and say that this report has been prepared by me or under my direction, that I have carefully examined it and that to the best of my knowledge and belief it is a complete and accurate statement, and a copy hereof has been distributed to each charter participant.

_____
(Signature of charter organizer)

Sworn to before me this day, the _____ of _____, 197_____.

_____
(Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)

[FR Doc.72-227 Filed 1-6-72;8:45 am]

[3] Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., section 1621.

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

ENVIRONMENTAL STATEMENTS

Issuance of Directives Regarding Preparation

Notice is hereby given of the publication of procedures of the Geological Survey to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970); section 2(f) of Executive Order 11514 (March 5, 1970); the guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); Office of Management and Budget Bulletin No. 72-6 (September 14, 1971), and Departmental Manual (516 DM 2, September 27, 1971).

Set forth below is the Geological Survey Manual Part 516, Chapter 2, entitled "Environmental Impact Statements." The numbering system used is that of the Survey Manual.

R. E. MCKELVEY,
Director.

ENVIRONMENTAL QUALITY

Part 516—Survey Program Policies

Chapter 2—Environmental Impact Statements

.1 *Purpose.* These procedures are to implement the policy and directives of the National Environmental Policy Act of 1969, and to provide guidance in the preparation of environmental statements for major Federal actions, conducted by the Geological Survey and which significantly affect the quality of the human environment. (516 DM 2)

.2 *Policy.* All major actions proposed or recommended by the Geological Survey will be assessed for their environmental impact. Environmental impact statements will be prepared on all legislation or major actions proposed by the Survey, which are determined to have significant impact on the quality of the environment. When suitable, Geological Survey Circular No. 645 can be used as a basic guide in making such determinations. Decision that certain major actions will not require an environmental impact statement will be documented, and a memorandum for the record will be filed.

.3 *Scope.* The provisions of this chapter apply to continuing major actions that have a significant effect on the environment, even though they arise from projects or programs that began before the effective date of the National Environmental Policy Act of 1969.

.4 *Major actions whose environmental impacts will be considered.* A. *Federal lessee mining plans and applications to drill exploratory oil and gas, and geothermal wells.* Applications to drill exploratory oil and gas or geothermal steam wells and original mining plans or major changes in mining plans affecting mineral leases on Federal lands, submitted for approval, will be analyzed for their impact on the environment. If it is concluded that the proposed action will not have a significant impact on the environment, this determination will be stated in a memorandum for the record. Where it is determined that any of these proposed actions will have a significant impact on the quality of environment, an environmental impact statement will be prepared prior to approval of the application to drill or mine.

B. *Applications for financial assistance under the Minerals Discovery Loan Program.* For applications for financial assistance under the Minerals Discovery Loan Program, the Field Examination Report prepared by the Survey examiner will include a statement covering environmental considerations of the project involved in the Office of Minerals Exploration contract. If it is concluded that the project will not have a significant impact on the environment, this determination will be stated in the examination report. If it is concluded by the Survey examiner that the project will have a significant impact on the environment, an environmental impact statement will be prepared.

C. *Program areas requiring environmental impact statements.* Major actions which involve controversial environmental issues or which involve large-scale operations should be carefully assessed and an environmental impact statement filed on such actions to assure that all environmental considerations are weighed before a specific activity is undertaken. Examples of these cases are major applications for radioactive tracer investigations, major extensive earthquake control experiments, extensive exploratory drilling programs, and installation of additional platforms for OCS oil and gas operations.

D. *Program areas generally not requiring environmental impact statements.* All undertakings of the Geological Survey will be assessed for their impact on the environment early in the decision-making process in accord with section .2, "Policy." Except as noted in paragraphs A., B., and C. above, the following activities are examples of the types which generally will not require filing an environmental impact statement: (1) Mapping and surveying activities in connection with the National Topographic Mapping Program.

(2) Surveying and mapping activities in connection with geologic and mineral resources investigations.

(3) Data-gathering activities in connection with water resources investigations.

.5 *Responsibilities.* A. The Assistant Director—Research, in consultation with the appropriate Division Chief(s), shall designate the officials responsible for reviewing Survey actions which have been identified as having a significant impact on the environment and for preparing the environmental impact statement. He may assign primary responsibility to individuals or to organizational units, in the field or at headquarters level, for coordinating the viewpoints of all interested Survey organizational units, as well as other governmental or private groups, and for preparing the statement. He may also assign this responsibility to a Task Force under the chairmanship of the organizational unit having primary interest.

B. Division Chiefs or heads of other Survey organizational units shall be responsible for identifying actions that have a significant impact on the environment among the activities initiated or implemented in their Divisions or organizational units.

C. Officials designated as responsible for preparation of impact statements shall be responsible for: (1) Consulting with appropriate bureaus or offices, other Federal agencies, and other appropriate sources of special environmental expertise not available within the Survey;

(2) Preparing the proposed draft statements and ensuring that they fully consider and reflect the information obtained;

(3) Transmitting copies of draft environmental statements, as endorsed by the Assistant Secretary—Program Policy, to Federal agencies with jurisdiction by law or special environmental expertise, to State and local agencies authorized to develop or enforce environmental standards, and to private organizations with an expressed or known interest in the proposal;

(4) Giving public notice in the manner provided (516 DM 2) of the availability of draft environmental statements and inviting comments;

(5) Consulting with all bureaus and offices and other Federal agencies submitting comments, where appropriate;

(6) Preparing proposed final environmental statements and ensuring that all relevant comments are considered therein;

(7) Transmitting copies of final environmental statements, as endorsed by the Assistant Secretary—Program Policy, to all Interior Department bureaus and offices; other Federal, State, and local agencies; and private organizations from whom comments were solicited.

.6 *Procedures.* All environmental impact statements shall be prepared and processed in accordance with guidelines contained in 516 DM 2.

[FR Doc.72-241 Filed 1-6-72;8:48 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Rules for Allocation of Quotas for Calendar Year 1972 Among Producers Located in the Virgin Islands, Guam, and American Samoa

CROSS REFERENCE: For a document relating to watch and watch movements quotas in the areas designated above, see F.R. Doc. 72-282, under the Secretary, Department of Commerce, *infra*.

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Rules for Allocation of Quotas for Calendar Year 1972 Among Producers Located in the Virgin Islands, Guam, and American Samoa

On December 1, 1971, the Department of Commerce and the Interior published a joint notice of proposed rule making under Public Law 89-805, setting out the proposed formula for allocation of 1972 watch quotas among producers located in the Virgin Islands, Guam, and American Samoa (36 F.R. 22857). Interested parties were invited to participate in the proposed rule making by submitting their written views within 15 days from

V 37 ■ 4
JAN 7 72
XUM

the filing date of the notice of proposed rule making with the FEDERAL REGISTER.

The Departments have reviewed carefully the comments received and have concluded that the proposed rules should not be changed or modified in substance. Accordingly, the following rules shall be effective as of the date of filing with the FEDERAL REGISTER.

SECTION 1. (Virgin Islands and Guam) Upon effective date of these rules, or as soon thereafter as practicable, each producer located in the Virgin Islands and Guam which received a duty-free watch quota allocation for calendar year 1971, will receive an initial quota allocation for calendar year 1972 equal to 50 percent of the number of watch units assembled by such firm in the particular territory and entered duty-free into the customs territory of the United States during the first 10 months of calendar year 1971, or 5,000 units, whichever is greater.

SEC. 2. (Virgin Islands and Guam). Each firm to which an initial quota has been allocated pursuant to section 1 hereof must, on or before April 1, 1972, have assembled and entered duty-free into the customs territory of the United States at least 30 percent of its initial quota allocation. Any firm failing to enter duty-free into the customs territory of the United States on or before April 1, 1972, a number of watch units assembled by it in a particular territory equal to, or greater than, 30 percent of the number of units initially allocated to such firm for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be canceled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1972, by any firm under the quota allocated to it for calendar year 1972 will be less than 90 percent of the number of units allocated to it. Upon failure of any such firm to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be canceled or reduced, said remaining, unused portion of its quota shall be either canceled or reduced, whichever is appropriate under the show cause order. In the event of a quota cancellation or reduction under this section, the Departments will promptly reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining firms: *Provided, however*, That if in the judgment of the Departments it is appropriate, competitive bids from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder. Every firm to which a quota is granted is required to file a report on April 15, July 15, and on October 15, of each year covering the periods January 1 to March 31, April 1 to June 30, and July 1 to September 30 respectively via registered mail on Form OIPF–844, copies of which will be forwarded to each firm at its territorial address of record at least 15 days prior to the required reporting date. Copies of this form may also be obtained from the Special Import Programs Division, Office of Import Programs, U.S. Department of Commerce, Washington, D.C. 20230. Form OIPF–844 will provide the Departments with information regarding the firm's watch movement assembly operation in the insular possessions. Such information may include the status of beginning and ending finished watch movement and component parts inventories, scheduled delivery dates and number of watch movement parts and components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States prior to December 31, 1972. Each firm to which a quota is granted will also report on Form OIPF–844 any change in ownership and control of the firm which has occurred subsequent to the filing of an application for a watch quota on Form OIPF–764 (see section 8, below).

SEC. 3. (Virgin Islands only) The annual quotas for calendar year 1972 for the Virgin Islands will be allocated as soon as practicable after April 1, 1972, on the basis of (1) the number of units assembled by each firm in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1971, (2) the total dollar amount of wages subject to FICA taxes paid by such firm in the territory during calendar year 1971 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation, and (3) the total combined net dollar amount of income taxes, gross receipts taxes, trade and excise taxes and customs duties (on imports into the territory of watch parts and watch components, attributable to its Headnote 3(a) watch assembly operation) applicable to its calendar year 1971 Headnote 3(a) watch assembly operation, irrespective of whether such taxes are partially or fully exempt by the territorial government. In making allocations under this formula, an equal weight of 40 percent will be assigned to production and shipment history and to wages subject to FICA taxes, and a weight of 20 percent will be assigned to the combined net dollar amount of the four above stated taxes applicable to calendar year 1971 Headnote 3(a) watch assembly operations.

SEC. 4. (Guam only) The annual quotas for calendar year 1972 for Guam will be allocated as soon as practicable after April 1, 1972, on the basis of the number of units assembled by each firm in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1971, and the total dollar amount of wages subject to FICA taxes paid by such firm in the territory during calendar year 1971 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, equal weight will be assigned to production and shipment history and to wages subject to FICA taxes.

SEC. 5. (Virgin Islands and Guam) For purposes of allocating watch quotas for calendar year 1972 under sections 3 and 4 above, any watches or watch movements shipped from the Virgin Islands or Guam during calendar year 1971 for duty-free entry into the customs territory of the United States against a firm's 1971 watch quota, and which were lost prior to admission into the customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory for purposes of quota fulfillment: *Provided*, That the Departments have been satisfied that shipment was in fact made but lost prior to admission into the customs territory.

SEC. 6. (Virgin Islands and Guam) Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1972. All data required must be supplied as a condition for annual allocations and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 15, 1972, in Guam and beginning on or about March 1, 1972, in the Virgin Islands, and will contact each firm locally regarding the verification of its data.

SEC. 7. (American Samoa only) By notice published in the FEDERAL REGISTER on March 20, 1971 (36 F.R. 5372), the Departments of Commerce and the Interior allocated the American Samoa duty-free watch quota for calendar year 1971 to the Bulova Watch Co., Inc. In this notice the Departments stated that "Because of the time and investment costs required to establish a watch movement assembly operation which will make a substantial and lasting contribution to the economy of American Samoa, the Departments do not intend to invite applications from new entrants for the allocable calendar year 1972 American Samoa watch quota unless (1) the recipient of the 1971 calendar year quota fails to abide substantially with the terms and conditions in its application upon which the Departments relied in making the quota allocation for calendar year 1971, or (2) the amount of the duty-free watch quota available to American Samoa for calendar year 1972 is sufficiently greater than that available for calendar year 1971 as to sustain more than one economically viable watch assembly operation in American Samoa."

As the recipient of the 1971 Samoan watch quota has abided substantially with the terms and conditions of its application, the Departments will not invite applications from new entrants for the allocable calendar year 1972 American Samoa watch quota unless the amount of such quota is sufficiently greater than the available 1971 calendar year quota as to sustain more than one economically viable watch assembly operation in American Samoa. Such information will become available to the Departments on or about April 1, 1972, at which time, in the unlikely event that the quota for calendar year 1972 avers to be substantially greater than for calendar year 1971, the Departments would consider the possibility of inviting applications from new entrants. A decision to issue such an invitation would be published in the FEDERAL REGISTER before June 1, 1972.

SEC. 8. The rules restricting transfers of duty-free quotas issued on January 29, 1968, and published in the FEDERAL REGISTER on January 31, 1968 (33 F.R. 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1972 except that detailed reporting of ownership and control will be reported on an annual basis on Form OIPF–764 at the time the firm applies for an annual duty-free watch quota for calendar year 1972. Subsequent change in ownership and control will be reported on April 15, July 15, and October 15, 1972, on Form OIPF–844 required in section 2 above.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the Interior which were published in the FEDERAL REGISTER on November 17, 1967 (32 F.R. 15818).

Dated: January 3, 1972.

HARRISON LOESCH,
Assistant Secretary for Public Land Management, Department of the Interior.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources, Department of Commerce.

[FR Doc.72–282 Filed 1–6–72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OVER-THE-COUNTER ANTIBACTERIAL INGREDIENTS IN DRUG PRODUCTS FOR REPEATED DAILY HUMAN USE

Request for Data and Information Regarding Safety and Efficacy Review

The FDA is undertaking a review of all over-the-counter (OTC) drug products currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice of proposed rule making outlining procedures and explaining the purpose for this review was published in the FEDERAL REGISTER of January 5, 1972.

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for these drug products that contain antibacterial ingredients, we are inviting submission of data, published and unpublished, and other information pertinent to all active ingredients utilized as antibacterial components of drug products for repeated human use.

FDA is aware that the following active ingredients are used in such products:

Hexachlorophene.
Resorcinol.
Salicylic acid.
Zinc sulfate.
Benzethonium chloride.
Triclocarban (TCC).
Cloflucarban.
Tribromsalan (TBS).

Interested parties are also invited to submit data on any other active antibacterial ingredients which they may wish to be considered.

To be considered, seven copies of the data and/or views must be submitted in the following format:

OTC DRUG-REVIEW INFORMATION

I. Label(s) and all labeling.

II. A statement of the complete quantitative composition of the drug.

III. Animal safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

IV. Human safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports (not testimonial reports).

4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports (not testimonial reports.)

4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports (not testimonial reports).

4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.

V. Efficacy data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports (not testimonial reports).

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports (not testimonial reports).

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

Data should be submitted to:

Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD–106), 5600 Fishers Lane, Rockville, Maryland 20852.

These data shall be submitted within 30 days from date of this publication.

(Federal Food, Drug, and Cosmetic Act, sec. 701; 21 U.S.C. 371)

Dated: January 3, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72–210 Filed 1–6–72;8:45 am]

Public Health Service

REGIONAL HEALTH DIRECTORS

Delegation of Authority

I hereby delegate to the Regional Health Directors the authority to make grants to units of general local government in any State of their respective regions following the provisions of title I and title II of Public Law 91–695 (42 U.S.C. 4801–4811), the Lead-Based Paint Poisoning Prevention Act.

VERNON E. WILSON, M.D.,
Administrator.

DECEMBER 29, 1971.

[FR Doc.72–244 Filed 1–6–72;8:45 am]

V 37 - 4
JAN 7 72
XUM

ATOMIC ENERGY COMMISSION

[Docket No. 50-275]

PACIFIC GAS & ELECTRIC CO.

Order Extending Completion Date

Pacific Gas & Electric Co. has filed a request dated December 21, 1971, for an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-39, for construction of a 3,250 megawatt (thermal) pressurized water nuclear reactor, designated as the Diablo Canyon Nuclear Plant, Unit No. 1 at the applicant's site in San Luis Obispo County, Calif. Good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered, That the latest completion date is extended from December 31, 1971 to July 1, 1974.

Date of issuance: December 30, 1971.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-264 Filed 1-6-72;8:47 am]

[Docket No. 50-267]

PUBLIC SERVICE COMPANY OF COLORADO

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commisison's regulations, notice is hereby given that a report entitled "Supplement Number 1, Applicant's Environmental Report, Operating License Stage, Fort St. Vrain Nuclear Generating Station" submitted by the Public Service Company of Colorado, is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Greeley Public Library, City Complex Building, Greeley, Colo. 80631. The report is also being made available to the public at the Office of the Executive Director, Department of Local Affairs, 1550 Lincoln Street, Denver, CO 80203.

This report discusses environmental considerations related to the proposed operation of the Fort St. Vrain Nuclear Generating Station located near Platteville in Weld County, Colo.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the Applicant's supplemental Environmental Report and the draft detailed statement. The summary notice will request, within thirty (30) days, comments from interested persons on the Applicant's supplemental Environmental Report and the draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 30th day of December 1971.

For the Atomic Energy Commission.

DONALD F. KNUTH,
Acting Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-271 Filed 1-6-72;8:48 am]

[License 05-13943-01E]

STATITROL CORP.

Notice of Issuance of Amendment to Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued Amendment No. 1 to License No. 05-13943-01E to Statitrol Corp., 140 South Union Boulevard, Lakewood, CO 80228, which authorizes the distribution of the Model 700 ionization fire detector to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR Part 30.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of the detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium-241.

2. The byproduct material incorporated in the detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A-001) or by the Radiochemical Centre (Model AMM). The maximum activity contained in the unit is 1.3 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (Statitrol Corp.) and the byproduct material (americium-241) contained in the unit and recommending that the unit be returned to the Statitrol Corp. for repair or disposal.

A copy of the amended license and a safety evaluation containing additional information, prepared by the Division of Materials Licensing, is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., December 30, 1971.

For the Atomic Energy Commission.

S. H. SMILEY,
Director, Division of Materials Licensing.

[FR Doc.72-268 Filed 1-6-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23976]

AERLINTE EIREANN TEORANTA

Notice of Postponement of Prehearing Conference Regarding New York Deletion

Notice is hereby given that the prehearing conference in the above-entitled proceeding, now assigned to be held on January 19, 1972, is postponed to January 24, 1972. The date for the circulation of material by the Bureau of Operating Rights is changed to January 3, 1972. The date for circulation of material by other parties is changed to January 17, 1972. The prehearing conference will be held in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, beginning at 10 a.m.

Dated at Washington, D.C., January 3, 1972.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[FR Doc.72-278 Filed 1-6-72;8:48 am]

[Dockets Nos. 23354, etc.; Order 71-12-143]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

Order Approving Agreement and Dismissing Enforcement Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of December 1971. Agreement of Aloha Airlines, Inc., and Hawaiian Airlines, Inc. relating to schedules over their respective routes, Agreement CAB 22539, Amendment 1. Docket 23354; Aloha Airlines, Inc. v. Hawaiian Airlines, Inc., enforcement proceeding, Docket 21604; Hawaiian Airlines, Inc. v. Aloha Airlines, Inc., enforcement proceeding, Docket 21695.

By Order 71-6-124, the Board authorized scheduling discussions between Aloha Airlines, Inc. (Aloha) and Hawaiian Airlines, Inc. (Hawaiian). Pursuant to that order, the carriers met and negotiated an agreement which was signed and submitted to the Board on July 15, 1971. By Order 71-8-58, dated August 12, 1971, the Board approved agreement CAB 22539, in part,[1] for 90 days, and authorized discussions for the purpose of amending the agreement to correct certain deficiencies therein. Pursuant to that order, the carriers met and negotiated Amendment 1 to the agreement.

On November 3, 1971, the carriers petitioned the Board for approval of Agreement CAB 22539 dated July 16, 1971, and Amendment 1 thereto, dated November 3, 1971.

[1] The Board deferred action on paragraph (9)(b) of the agreement which states "It is expressly understood that this agreement shall be of no effect unless the agreement is acceptable to the Board as constituting a settlement or dismissal of the cases covered by Dockets 21604 and 21695".

The amendment provided that neither carrier will increase its present schedules in the "four major markets"[2] until the summer schedules are put into effect on or about June 15, 1972. Hawaiian agreed that in the summer of 1972, it will decrease its 1971 summer schedules by 28 weekly segment flights in the "four major markets" and Aloha may increase its 1971 summer schedules by up to 28 weekly segment flights in the "four major markets." The carriers agreed that if they forecast any growth from 1971 to 1972, they will increase the schedules by the forecast percentage. If the forecast results in the addition of 28 or fewer flights, Aloha will add them all. Any schedules to be added over 28 will be added by each carrier on a 50-50 basis. The carriers have agreed that if their forecasts of growth for 1972 differ, and they are unable themselves to resolve their differences, the dispute shall be resolved by an arbitration panel of three members, one appointed by each carrier and a third selected by the two arbitrators.

Upon consideration of the material contained in the record, we have decided to approve the amended agreement for a period of 2 years from the date of the original agreement. The fall schedules now being operated provide a satisfactory level of service to the public, and, by improving Aloha's share of capacity without increasing total schedules in the major markets, the agreement is making a substantial contribution to viable competition in the intra-Hawaiian markets. Aloha is operating 43.6 percent of the fall schedules in the four major markets.

We find that the 1972 summer schedules proposed by Amendment 1 to this agreement will not result in a deterioration of service to the public and that the agreement, as amended, represents progress toward alleviating overcapacity problems and holds promise of continuing to insure the survival of Aloha while allowing Hawaiian to operate at a profit.[3] In the summer of 1971, the carriers had a combined system load factor of 58.1 percent. The carriers will continue the same level of service, unless they anticipate growth, in which case schedules will be added to maintain the same load factor as the summer of 1971. Thus, service to the traveling public will be unimpaired by the amended agreement. Aloha's share of the schedules to be offered will be increased from the 40 percent of 1971 schedules to 43.1 percent of 1972 summer schedules assuming no growth. With a good growth rate, Aloha can expect to operate about 45 percent of the 1972 summer schedules. In these circumstances, implementation of the proposed schedules should afford both Aloha and Hawaiian a reasonable opportunity to operate at a profit during the summer of 1972.

In view of the foregoing, we find that agreement CAB 22539, and Amendment 1 thereto, will not be adverse to the public interest or in violation of the Act, and should be approved.[4] We reiterate our prior finding[5] that our action approving this amended agreement is predicated upon the unique circumstances surrounding the agreement and affecting the operations of Aloha and Hawaiian, and the necessity for extraordinary measures to preserve competitive intra-Hawaiian service.

Accordingly, it is ordered, That:

1. Agreement CAB 22539, and Amendment 1 thereto, be and they hereby are approved;

2. Aloha and Hawaiian be and they hereby are authorized to engage in discussions in implementation of this agreement as amended, pursuant to the terms and conditions of Order 71-6-124, dated June 24, 1971;

3. The approvals granted herein shall expire July 15, 1973.

4. Pursuant to 49 U.S.C. 1382(b), the Board will retain continuing jurisdiction over this agreement and may modify its approval of, or disapprove the agreement at any time without hearing, or take whatever action may be deemed appropriate; and

5. The enforcement proceedings in Dockets 21604 and 21695, be and they hereby are dismissed without prejudice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-280 Filed 1-6-72;8:48 am]

[Docket No. 23486; Order 71-12-135]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Free and Reduced Fare Transportation for Passenger Sales Agents and Tour Conductors

Issued under delegated authority December 30, 1971.

By Order 71-12-39, dated December 8, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA). The agreement, which was adopted as a result of the Fourth Meeting of the Passenger Agency Committee held August 16-21, 1971, in Geneva, would amend resolutions governing free or reduced fare transportation for passenger sales agents and tour conductors.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 71-12-39 will herein be made final.

Accordingly, it is ordered, That:

1. Agreement CAB 22766, R-2, be and hereby is approved: *Provided*, That:

Approval of said resolution, insofar as it is applicable in air transportation as defined by the Federal Aviation Act of 1958, shall not be construed as:

(a) An exemption from the requirements of filing tariff provisions as a condition precedent under section 403 of the Federal Aviation Act of 1958 to the issuance of passes to any person described in said resolution;

(b) A determination as to whether a violation of section 404 of the Federal Aviation Act of 1958 would result from the issuance of passes pursuant to such resolution whether or not tariff provisions applicable thereto have previously been filed with the Board; and

(c) An exemption from the provisions of the Board's economic regulations relating to tariffs for free or reduced rate transportation.

2. Agreement CAB 22766, R-3, be and hereby is approved: *Provided*, That:

(1) Free or reduced rate transportation for U.S.-based agents shall be limited to the extent permitted by the provisions of Resolution 203 (U.S.A.) and shall not be provided under entertainment or instruction provisions of other passenger agency resolutions, e.g., Resolution 810a (U.S.A.)—Section J;

(2) Approval of said resolution, insofar as it is applicable in air transportation as defined by the Federal Aviation Act of 1958, shall not be construed as:

(a) An exemption from the requirements of filing tariff provisions as a condition precedent under section 403 of the Federal Aviation Act of 1958 to the issuance of passes to any person described in said resolution;

(b) A determination as to whether a violation of section 404 of the Federal Aviation Act of 1958 would result from the issuance of passes pursuant to such resolution whether or not tariff provisions applicable thereto have previously been filed with the Board; and

(c) An exemption from the provisions of the Board's economic regulations relating to tariffs for free or reduced rate transportation.

3. Agreement CAB 22766, R-4, be and hereby is approved: *Provided*, That:

(1) Approval shall not extend to U.S.-based agents: *Provided further*, That free or reduced rate transportation for U.S.-based agents may not be provided under entertainment or instruction provisions of other passenger agency resolutions, e.g., Resolution 810a (U.S.A.)—section J:

[2] Honolulu-Hilo, Honolulu-Kauai, Honolulu-Maui, and Maui-Kona.

[3] On the other hand, absent this agreement, and failing alternative Board action, Aloha's chances of survival would be significantly lessened. Should Aloha fail, the public would, at least initially, be deprived of the significant benefits of competitive intra-Hawaiian service. Thus, we believe that the approval of the amended agreement is required by an important transportation need.

[4] We will also dismiss the enforcement proceedings in Dockets 21604 and 21695 without prejudice. In view of the agreement approved herein, there is a substantial prospect that the relief requested in the enforcement proceeding will be unnecessary.

[5] Order 71-8-58, dated Aug. 12, 1971.

V 37 4 JAN 7 72 XUM

(2) Approval of said resolution, insofar as it is applicable in air transportation as defined by the Federal Aviation Act of 1958, shall not be construed as:

(a) An exemption from the requirements of filing tariff provisions as a condition precedent under section 403 of the Federal Aviation Act of 1958 to the issuance of passes to any person described in said resolution;

(b) A determination as to whether a violation of section 404 of the Federal Aviation Act of 1958 would result from the issuance of passes pursuant to such resolution whether or not tariff provisions applicable thereto have previously been filed with the Board; and

(c) An exemption from the provisions of the Board's economic regulations relating to tariffs for free or reduced rate transportation.

4. Agreement CAB 22766, R-5, be and hereby is approved: *Provided*, That:

Approval of said resolution, insofar as it is applicable in air transportation as defined by the Federal Aviation Act of 1958, shall not be construed as:

(a) An exemption from the requirements of filing tariff provisions as a condition precedent under section 403 of the Federal Aviation Act of 1958 to the issuance of passes to any person described in said resolution;

(b) A determination as to whether a violation of section 404 of the Federal Aviation Act of 1958 would result from the issuance of passes pursuant to such resolution whether or not tariff provisions applicable thereto have previously been filed with the Board; and

(c) An exemption from the provisions of the Board's economic regulations relating to tariffs for free or reduced rate transportation.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-279 Filed 1-6-72;8:48 am]

[Docket No. 23224]

EASTERN AIR LINES, INC.

Notice of Hearing Regarding Waycross Deletion Case

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 1, 1972 at 2 p.m. (local time) in the U.S. District Court, Post Office Building, 605 Elizabeth Street, Waycross, GA, before the undersigned Examiner.

Dated at Washington, D.C., January 3, 1972.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[FR Doc.72-281 Filed 1-6-72;8:48 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Economic Stabilization Section, Civil Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-258 Filed 1-6-72;8:46 am]

GENERAL SERVICES ADMINISTRATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Congressional Affairs, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-260 Filed 1-6-72;8:46 am]

ACTION

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of ACTION to fill by noncareer executive assignment in the excepted service the position of Deputy Associate Director for Older Americans Programs, Office of the Associate Director for Domestic and Anti-Poverty Operations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-261 Filed 1-6-72;8:46 am]

GENERAL SERVICES ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Director of Public affairs, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-259 Filed 1-6-72;8:46 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 748]

DEPUTY GOVERNOR AND DIRECTOR OF COOPERATIVE BANK SERVICE

Authority and Order of Precedence

JANUARY 1, 1972.

1. The Deputy Governor and Director of Cooperative Bank Service shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all functions, powers, authority, and duties relative to cooperative banks and to matters incidental thereto, and the administration of the provisions of law relative to banks for cooperatives.

2. In the event that the Deputy Governor and Director of Cooperative Bank Service, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Cooperative Bank Service:

(1) Noel G. Stocker, Senior Loan and Operations Officer, Cooperative Bank Service.

(2) Earl R. Kittredge, Loan and Operations Officer, Cooperative Bank Service.

(3) Samuel E. Davis, Loan and Operations Officer, Cooperative Bank Service.

(4) C. David Hollis, Loan and Operations Specialist, Cooperative Bank Service.

3. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 745 (36 F.R. 4901).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.72-242 Filed 1-6-72;8:45 am]

FEDERAL MARITIME COMMISSION

PHILADELPHIA PORT CORP. AND DELAWARE RIVER TERMINAL AND STEVEDORING CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Robert A. Peavy, Esq., Morgan, Lewis & Bockius, 1140 Connecticut Avenue NW., Washington, DC 20036.

Notice of Agreement No. T-2455, between the Philadelphia Port Corp. (Port) and Delaware River Terminal and Stevedoring Co., Inc. (DRTS), appeared in the FEDERAL REGISTER on September 26, 1970 (Vol. 35, No. 188, p. 15027). The agreement has been refiled for approval with certain changes. The refiled agreement provides for the 5-year lease, with renewal options, of Berths 4 and 5 of Tioga Terminal and approximately 22 acres of contiguous land area at Philadelphia, Pa. DRTS will use the premises as a marine terminal and, as rental, will pay the Port an annual payment of $100,000 plus certain rents and taxes. The original agreement has now been modified to delete items providing that (1) rates charged for container handling at this facility and at a proposed Packer Avenue container terminal be equal and subject to the Port's approval; (2) rental terms for the container berths at both Packer Avenue Terminal and at the Tioga Terminal be equal; (3) the Port has the right to direct DRTS to adjust its operations should interference in the handling of containers be apparent; (4) the Port has the right to review containership schedules and direct the transfer of vessels between Port owned container terminals should a terminal be unable to accept a scheduled vessel; and (5) DRTS may assign the lease to International Terminal Operating Co., Inc. of New York.

Dated: January 3, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-273 Filed 1-6-72;8:47 am]

GLOBAL TERMINAL & CONTAINER SERVICES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Global Terminal & Container Services, Inc., Japan Line, Ltd., Kawaski Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, and Yamashita Shinnihon Steamship Co., Ltd.

Agreement No. 9977, between Global Terminal & Container Services, Inc. (Global) and Japan Line, Ltd.; Kawaski Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; and Yamashita Shinnihon Steamship Co., Ltd. (the "Lines"), is a cooperative working arrangement wherein Global will provide the Lines for a term of 3 years (with renewal options), container terminal, stevedore, and LCL (container freight station) services. The Lines are bound by the agreement to use Global's facilities exclusively for their containership operations between the Ports of New York and Japan. Compensation for services performed by Global are set forth in detail in the agreement.

Dated: January 4, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-265 Filed 1-6-72;8:47 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Barnett Bank of West Orlando, Orlando, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 3, 1972.

Board of Governors of the Federal Reserve System, January 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-245 Filed 1-6-72;8:46 am]

NORTH AMERICAN MORTGAGE CORP.

Acquisition of Bank

North American Mortgage Corp., St. Petersburg, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 23.9 percent or more of the voting shares of The American Bank, St. Petersburg, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 31, 1972.

Board of Governors of the Federal Reserve System, December 30, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-246 Filed 1-6-72;8:46 am]

V 37-4
JAN 7 72
XUM

WEERVA, INC.

Acquisition of Banks

Weerva, Inc., Lakewood, Colo., has applied in five separate applications as listed below for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of:

(1) First Westland National Bank, Lakewood, Colo.;

(2) The Erie Bank, Erie, Colo.;

(3) The Bank of Vail, Vail, Colo.;

(4) Eagle Valley Bank, Minturn, Colo.; and

(5) Westland National Bank, Longmont, Colo.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 3, 1972.

Board of Governors of the Federal Reserve System, January 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-247 Filed 1-6-72;8:46 am]

FOREIGN-TRADE ZONES BOARD

[Order 87; Sub-Zone No. 2-B]

NEW ORLEANS, LA.

Voluntary Relinquishment of Grant for Foreign-Trade Sub-Zone

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board has adopted the following order:

Whereas, on November 19, 1969, the Foreign-Trade Zones Board, by Order No. 78 (33 F.R. 17378), issued a grant to the Board of Commissioners of the Port of New Orleans, a public corporation and and agency of the State of Louisiana, to establish and operate Foreign-Trade Sub-Zone No. 2-B on the Inner Harbor Navigation Canal, New Orleans, La.;

Whereas, Foreign-Trade Sub-Zone No. 2-B was opened on May 14, 1969;

Whereas, the Board of Commissioners of the Port of New Orleans petitioned the Foreign-Trade Zones Board on August 19, 1971, requesting its approval of the voluntary relinquishment of the subzone grant because authorized subzone perations have been completed and there operations have been completed and there is no immediate prospect of future operations which would serve the purpose for which the subzone was authorized; and

Whereas, the District Director of Customs, New Orleans, La., has stated that all accounts and administrative matters concerning U.S. Customs have been closed, and that all operations conducted at the subzone site utilizing foreign-trade zone privileges were terminated prior to August 27, 1971;

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that approval of the grantee's petition for voluntary relinquishment of the grant for Sub-Zone No. 2-B is in the public interest, hereby revokes said grant effective August 27, 1971, and rescinds Order No. 78 under which this grant was issued.

Signed at Washington, D.C., this 23d day of December 1971.

[SEAL] MAURICE H. STANS,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:
JOHN J. DAPONTE, JR.,
Acting Executive Secretary.

[FR Doc.72-250 Filed 1-6-72;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3036]

ISRAEL DEVELOPMENT CORP.

Notice of Filing of Application for Order Permitting Joint Participation

DECEMBER 29, 1971.

Notice is hereby given that Israel Development Corp. (Applicant), 30 East 42d Street, New York, NY 10017, a New York corporation registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order permitting the joint participation by Applicant and Ampal-American Israel Corp. (Ampal) in an exchange offer to be made in connection with the voluntary reorganization of Sefen Ltd. (Sefen), a corporation organized and existing under the laws of the State of Israel.

All interest persons are referred to the amended application on file with the Commission for a full statement of the representations therein, which are summarized below.

The parties. Ampal was organized under the laws of the State of New York on February 6, 1942, for the purposes of developing trade between the United States and Israel and otherwise assisting in the economic development of Israel, principally through making loans to and investments in various Israeli business enterprises. Applicant was organized in 1951 by Ampal to provide a medium for public investment by American citizens in Israel's economy. As of May 31, 1971, Applicant had outstanding 1,222,678 shares of common stock, of which 83,022 shares or 6.8 percent was owned by Ampal. By reason of such stock ownership, Applicant and Ampal are affiliated persons within the meaning of section 2(a)(3) of the Act.

Sefen was organized on May 24, 1951, and is primarily engaged within the boundaries of the State of Israel in the manufacture of laminated plastics, soft and hard board, and insulating materials. Sefen had on March 31, 1971, issued and paid up capital in the amount of 4,459,220 Israel Pounds (IL.). Sefen's voting securities consist of 19,631 Ordinary "A" Shares and 19,631 Ordinary "B" Shares, each share having one vote. The Ordinary "A" Shares and Ordinary "B" Shares have a par value of IL. 100 each and are linked to the U.S. Dollar at varying rates ranging from $1=IL. 1 to $1=IL. 3.50. These varying linkage rates reflect the respective rates of exchange of the Israel Pound to the U.S. Dollar that were prevailing on the dates of issuance of Sefen's securities. The prevailing exchange rate of the Israel Pound to the U.S. Dollar as of December 1, 1971 was $1=IL. 4.20. In addition, Sefen's Ordinary "B" Shares carry a right of preference to a 7 percent dividend before any dividend may be paid to the holders of Sefen's Ordinary "A" Shares. Sefen also has outstanding several classes of nonvoting securities including Deferred Shares "B" par value IL. 0.10 each.

Applicant and Ampal held on March 31, 1971, 13,969 or 71.2 percent and 5,662 or 28.8 percent respectively, of Sefen's Ordinary "B" Shares and Applicant also held 100 of Sefen's Deferred Shares "B". Thus Applicant and Ampal together, hold 100 percent of Sefen's Ordinary "B" Shares which constitutes 50 percent of Sefen's outstanding voting Shares.

The proposed transaction. It is proposed that Sefen be reorganized by forming a new company to be called Industries and Investments of Sefen Limited (Industries) which will function as the parent and holding company for Sefen and various other proposed business ventures. The application states that the reorganization is necessary to permit Industries to diversify and expand into new enterprises some of which are presently outside the scope of the objects and powers of Sefen as set forth in its Memorandum of Association. It is further stated that the reorganization will result in certain tax advantages to Industries under Israel's Law for the Encouragement of Capital Investments, which are not presently available to Sefen.

The reorganization is to be accomplished through the voluntary exchange of Sefen's voting securities, including the "B" Shares held by Applicant and Ampal on a one-for-one basis, for shares of Industries.

Upon completion of the proposed exchange the voting securities of Sefen will be wholly owned by Industries and Sefen will be a wholly owned subsidiary of Industries. The outstanding voting securities of Industries will be held by the present holders of Sefen's voting securinonvoting securities (including the Deferred "B" shares held by Applicant) will continue to be owned directly by the present shareholders of such securities, with the exception of 830 nonvoting shares, par IL. 100 held by an individual, which will be exchanged for an equal number of comparable nonvoting securities of Industries.

The application states that the securities of Industries which are to be exchanged for Sefen's voting securities will be of the same classes with the same linkages to the U.S. Dollar (i.e., Ordinary "A" and Ordinary "B" voting shares) and will carry rights and privileges equal to or greater than Sefen's securities except that Industries' Ordinary "B" voting shares will not contain provisions for a dividend preference over any of its other securities.) In addition, the application states that the shares of Industries will provide greater rights with respect to the convertibility to U.S. Dollars of dividends and amounts which would be paid upon winding up and would permit full conversion of the proceeds of the sale of such shares into U.S. Dollars. In this connection, a permit of the Minister of Finance of the State of Israel with respect to investments in Sefen recognizes total investments in Sefen by Applicant and Ampal (on a pro rata basis) of $520,000 which may be removed from Israel in U.S. Dollars and limits the convertibility on a pro rata basis into U.S. Dollars of dividends on Sefen's shares to 10 percent per annum. Any amounts in excess of the above limits could be received by Applicant and Ampal only in Israel Pounds. A similar permit granted with respect to Industries will recognize total investments in that company by Applicant and Ampal (on a pro rata basis) in the amount of $967,971, thereby taking into account various stock dividends distributed by Sefen since 1957, and contains no limits on the convertibility of dividends or amounts which may be paid upon the winding-up of Industries. The new permit also allows full convertibility into U.S. Dollars of the proceeds upon the sale of Industries shares.

Supporting statements. Applicant represents that it and the management of Ampal have determined that it is desirable and in the best interest of both companies to exchange their holdings in Sefen for shares of Industries because they will receive advantageous treatment in regard to the receipt of foreign exchange. In this connection, Applicant represents that under the terms of approval of the proposed reorganization by the Controller of Foreign Exchange of Israel, there are no limitations on the convertibility into U.S. Dollars of amounts to be paid Applicant upon winding-up of Industries or resale of the investment in Industries.

Applicant further represents that the proposed participation of Applicant in the exchange of shares will be undertaken on a basis neither different from nor less advantageous than that of Ampal, in that the relative ownership of the securities of Industries by Applicant and Ampal will be unchanged.

Statutory provisions. Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provided, as here pertinent, that no affiliated person of any registered investment company, shall, acting, as principal, participate, in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company, is a participant, unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the Commission will consider whether the participation of the registered or controlled company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than January 20, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commisson's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-243 Filed 1-6-72;8:45 am]

[812-3072]

SHEARSON APPRECIATION FUND, INC. AND SHEARSON CAPITAL FUND, INC.

Notice of Application for Order Providing That a Director of the Funds Shall Not Be Deemed an "Interested Person" of the Funds or Their Principal Underwriter Solely Because of Another Directorship

JANUARY 3, 1972.

Notice is hereby given that The Shearson Appreciation Fund, Inc., and The Shearson Capital Fund, Inc. (the Funds), 14 Wall Street, New York, NY 10005, both open-end diversified, management investment companies registered as such under the Investment Company Act of 1940, as amended (Act), have filed an application pursuant to section 6(c) of the Act for an order providing that Harry W. Knight (Knight) a director of each of the Funds, shall not be deemed an "interested person" of the Funds' principal underwriter (or of the Funds) within the meaning of section 2(a)(19) of the Act solely by reason of his status as a director of INA Life Insurance Company of New York. All interested persons are referred to the application on file with the Commission for a statement of representations made therein, which are summarized below.

Shares in both Funds are offered for sale pursuant to principal underwriting contracts with Shearson, Hammill & Co. Inc. (Shearson). Pursuant to section 10(b) of the Act, the Funds are required to have, as a majority of their directors, persons who are not "interested persons" of Shearson within the meaning of section 2(a)(19) of the Act. The present composition of the boards of directors of both Funds is identical, and is such that changes in the boards or positions held by certain dircetors would be required if Knight were an "interested person" of Shearson.

The application pertains solely to the status of Knight under the Act as it is affected by his position as a director or INA Life Insurance Company of New York (INA New York). INA New York is a wholly owned subsidiary of the Insurance Company of North America which is in turn a wholly owned subsidiary of INA Corp. (INA). INA has three other wholly owned subsidiary corporations, INA Securities Corp., INA Trading Corp., and Blyth & Co., not parents or subsidiaries of INA New York, which are registered broker-dealers under the Securities Exchange Act of 1934. Thus, Knight's connection with the three broker-dealers is that a corporation, INA, which is a parent of corporation of which he is an outside director is also the parent of the broker-dealers.

Section 2(a)(19)(B)(v), with respect to an interested person of a principal underwriter to an investment company,

JAN 7 1972 XUM

and section 2(a)(19)(A)(iii), with respect to an interested person of an investment company, define an "interested person" to include "any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer".

On the foregoing facts, if INA were found to "control" Knight because he is a director of INA New York, Mr. Knight would be an "affiliated person" of the INA subsidiary broker-dealers and, pursuant to section 2(a)(19)(B)(v) of the Act an "interested person" of Shearson and per section 2(a)(19)(A)(iii) of the Act, of the Funds. By filing this application the Funds do not admit that Knight is "controlled" by INA, but the basis of the application is that even if Knight were technically an "interested person" of Shearson, his connection with the INA broker-dealer subsidiaries is so remote to his functioning as an independent director of the Funds that an exemption pursuant to 6(c) is appropriate.

Knight's remote connection with the broker-dealers is such that he apparently has no personal interest in their business. On the other hand, INA has only a very limited power to affect Mr. Knight, i.e., by declining to reelect him to the board of INA New York. Knight is a man of independent means and standing in the business community, his remuneration as a director of INA New York is an insignificant portion of his total income and there is no other way in which he is affiliated with or dependent upon INA. Thus, Funds believe it would be consistent with the Act to disregard the remote relationship to the broker-dealers that results from Mr. Knight's position with INA New York in determining whether he is an "interested person" of Shearson and the Funds. Further, the Funds represent and warrant that so long as Knight remains a director, they will not transact business with the INA subsidiary broker-dealers as portfolio brokers or distributors of Fund shares.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the procedure fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than 5:30 p.m. on January 17, 1972, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–266 Filed 1–6–72;8:47 am]

[811–2069]

VENTURE SPECIAL FUND, INC.

Notice of Filing of Application an Order Declaring That Company Has Ceased To Be an Investment Company

DECEMBER 30, 1971.

Notice is hereby given that Venture Special Fund, Inc. (Applicant), 1 Wall Street, New York, NY 10005, registered under the Investment Company Act of 1940 (Act) as an open-end nondiversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated on December 15, 1969, under the laws of the State of Maryland, and registered under the Act on June 9, 1970.

Applicant represents, among other things, that it has issued no securities; that it has no assets; that a proposed public offering has been abandoned; that it does not intend to proceed with the completion of its registration statement under the Securities Act of 1933 because of market conditions in general; and that said registration statement was withdrawn on November 19, 1971.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 21, 1972, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by a certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–267 Filed 1–6–72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 4, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107576 Sub 20, Silver Wheel Freightlines, Inc., now assigned January 4, 1972, at Spokane, Wash., and January 10, 1972, at Portland Oreg., postponed indefinitely.

MC 127957 Sub 2, Dominick Spinelli, doing business as Direct Way Auto Shippers now assigned January 11, 1972, at Miami, Fla., postponed indefinitely.

MC–C–7397, Paul V. Adams Trucking, Inc.—Investigation and Revocation of Certificates, MC 9429, Sub 7, Paul V. Adams Trucking, now being assigned hearing February 14, 1972, at Boston, Mass., in a hearing room to be designated later.

MC–F–11160 and MC 3005 Sub 10, Chicago Kansas City Freight Line, Inc.—Purchase—Pride Motors, Inc., assigned January 31, 1972, MC 111375 Sub 48, Pirkle Refrigerated Freight Lines, Inc., assigned January 28, 1972, MC 112822 Sub 194, Bray Lines, Inc., assigned January 27, 1972, MC 113678 Sub 422, Curtis, Inc., assigned January 24, 1972, MC 117574 Sub 201, Daily Express, Inc., assigned January 25, 1972, will be held in Room 1736 Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 124211 Sub 184, Hilt Truck Line, Inc., assigned January 26, 1972, will be held in Room 1430, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 117574 Sub 184, Daily Express, Inc., MC 117574 Sub 191, Daily Express, Inc., now being assigned for hearing March 6, 1972, in New York, N.Y., in a hearing room to be designated later.

MC 98499 Sub 9, White Truck Line, Inc., now being assigned March 6, 1972, at the Ramada Inn, South Pleasantburg Drive, Greenville, S.C.

MC 46280 Sub 70, Key Line Freight, Inc., assigned January 31, 1972, MC 95084 Sub 81, Hove Truck Line, assigned January 24, 1972, MC 116073 Sub 165, Barrett Mobile Home Transport, Inc., assigned January 26, 1972, MC 127042 Sub 72, Hagen, Inc., assigned February 2, 1972, will be held in Room 1738A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 98499 Sub 10, White Truck Line, Inc., now being assigned March 6, 1972, at the Ramada Inn, South Pleasantburg Drive, Greenville, S.C.

MC 61592 Sub 222, Jenkins Truck Line, Inc., assigned January 24, 1972, MC 115841 Sub 410, assigned January 26, 1972, MC 59680 Sub 190, Strickland Transportation Co., Inc., assigned January 27, 1972, at Memphis, Tenn., will be held in Room 204, Federal Office Building, 167 North Main Street.

MC 83835 Sub 79, Wales Transportation, assigned January 27, 1972, MC 105045 Sub 26, R. L. Jeffries Trucking Co., assigned January 27, 1972, MC 113459 Sub 63, J. H. Jeffries Truck Line, assigned January 27, 1972, MC 117574 Sub 204, Daily Express, assigned February 1, 1972, MC 129340 Sub 1, A. C. Enterprises, assigned February 2, 1972, MC 135232, Crown Metal & Salvage, assigned January 21, 1972, MC 135580, Lambert Transfer & Storage, assigned January 25, 1972, at Columbus, Ohio, will be held in Room 2, State Office Building, 65 South Front Street.

MC–F–11169, International Cartage, Inc.—Purchase (Portion)—Mohawk Motor, Inc., assigned January 25, 1972, MC 22254 Sub 56, Trans-American Van Service, Inc., assigned January 31, 1972, MC 29886 Sub 270, Dallas & Mavis Forwarding Co., Inc., assigned February 3, 1972, MC 114457 Sub 108, Dart Transit Co., assigned January 24, 1972, MC 114569 Subs 93 and 94, Shaffer Trucking, Inc., assigned January 27, 1972, will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 86913 Sub 33, Eastern Motor Lines, Inc., now assigned January 10, 1972, at Washington, D.C., postponed to March 6, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 2860 Sub 96, National Freight, assigned February 3, 1972, 105813 Sub 177, Belford Trucking Co., assigned January 31, 1972, MC 111729 Sub 306, American Courier, assigned January 25, 1972, MC 119777 Sub 206, Ligon Specialized Hauler, assigned January 24, 1972, MC 135257 Sub 1, The Big E Corp. assigned January 27, 1972, at Jacksonville, Fla., will be held in Room 714, Federal Office Building, 400 West Bay Street.

MC 129708 Sub 1, McRay Truck Line, Inc., Common Carrier Application, assigned January 31, 1972, MC 119777 Sub 207, Ligon Specialized Haulers, Inc., assigned February 3, 1972, MC 109540 Sub 24, Yeary Transfer Co. assigned February 1, 1972, in Louisville, Ky., in Room 829 Federal Building, 600 Federal Place.

MC 119632 Sub 44, Reed Lines, Inc., assigned January 24, 1972, at Columbus, Ohio, is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–276 Filed 1–6–72;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 4, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42330—*Liquefied Carbon Dioxide from New Orleans, La.* Filed by M. B. Hart, Jr., Agent (No. A6291), for interested rail carriers. Rates on carbon dioxide, liquefied, in tank-car loads, as described in the application, from New Orleans, La., to Jacksonville and South Jacksonville, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 213 to Southern Freight Association, Agent, tariff I.C.C. S–699. Rates are published to become effective on February 10, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–275 Filed 1–6–72;8:48 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions and Modifications; New Determinations

There is set forth below general Area Wage Determination Decision No. AM–5969 of the Secretary of Labor. This decision specifies in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the locality specified therein. The decision is applicable to Federal and federally assisted construction in the described locality situated within the State of Pennsylvania.

The determination in this decision of such prevailing rates and fringe benefits has been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 12–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in this decision shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the locality described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of this determination as prescribed in 5 U.S.C. 533, and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes such procedures to be impractical and contrary to the public interest.

This wage determination is effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and is to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

The area wage determination decision for the locality within the above State is set forth below.

MODIFICATION TO AREA WAGE DETERMINATION DECISIONS

Modification to Area Wage Determination Decisions for specified localities in Alabama, Florida, Illinois, Maryland, Pennsylvania, Tennessee, and Virginia, and Washington, D.C.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	
AM–334, AM–337, AM–348, AM–349	Aug. 13, 1971
AM–443, AM–458, AM–504, AM–1842, AM–1843, AM–5068	Aug. 20, 1971

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes

V 37 N 7 4
JAN 7 72
XUM

in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended 46 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following the Secretary of Labor's Order No. 24–70) containing provisions for payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified were issued and are to be used in accordance with the provisions of 29 CFR Part 5. The modifications to the area wage determination decisions listed above are set forth below.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. section 553 is set forth in the document being modified.

Signed at Washington, D.C., this 30th day of December 1971.

HORACE E. MENASCO,
Acting Assistant Secretary for Employment Standards.

U.S. DEPARTMENT OF LABOR

State: Pennsylvania; Counties: Centre, Clearfield, Jefferson, and Greene; Decision No. AM-5969; date of decision, January 7, 1972.

Description of work: Heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
PA-5-LAB-2-3-K:						
Heavy and highway construction:						
Laborers:						
Common laborers, carpenters' tenders handling salamanders, L. D. gas heaters of similar, fence construction and rip rap work	$4.51	$0.20	$0.20			
Batcherman (weight), blaster's helper, brakeman, drill runner's helper (includes drill mounted on truck, track, or similar), form stripper and mover, handyman, scaffolds and runways, sheeters and shorers	4.58	.20	.20			
Asphalt tampers, blower man (bulk cement), concrete pitman, puddler (including vibrator operators), air tamper operators, Y-gun	4.63	.20	.20			
Asphalt rakers, asphalt, batch and concrete plant operators (all manually operated plants), burner, caisson men (working in open air), carryable pumps, chain saw operator, chipping hammer, concrete buster (paving breaker) operator, concrete cribbing, curb machine operator, form setter (road forms lineman), highway slab, reinforcement placers, jackhammer man, joint and basket setters, mechanical joint sealer, pin driver or puller (power highway), pipe layers, plant setup, maintenance men, portable single unit conveyor, power fence operator, power wheel barrows and buggies, rail porter or similar, screed operator, signalman, walk behind forklift, whacker	4.81	.20	.20			
All railroad track work:						
Spike drivers, spike pullers, adzing machine, bolting machine, rail drills, rail saws, tamping machine, and power jacks	4.84	.20	.20			
Cement mortar pipe reline, cement mortar mixer, concrete saw operator (all walk behind), grout machine operator	5.02	.20	.20			
Blaster, cement mortar lining car pusher, form setter (road forms lead man), gunite (nozzle and machineman), paving block rammers, structural concrete top surface (leveling of concrete), wagon drill (operators) and air track or similar, walk behind power roller (one (1) or two (2) barrel), combination tamper and vibrator walk behind roller and tamper	5.13	.20	.20			
Blacksmith, welder	5.20	.20	.20			
Curb cutter and setters, brick and block pavers (wood, Belgian and asphalt), manhole or catch basin builders (brick, block concrete or any prefabrication), steel cribbing	5.25	.20	.20			
Reinforcing steel placers, bending, alining and securing	5.75	.20	.20			
Tunnel work and shaft (inside):						
Caisson and tunnel men under pressure (0-18 lbs.)	5.25	.30	.30			
Reinforcing steel placers, bending, alining and securing	5.75	.20	.20			
Miners and drillers (including lining supporting and form workmen)	5.01	.20	.20			
Drill runners' helper and signalmen	4.84	.20	.20			
Muckers, brakemen, and all other labor	4.72	.20	.20			
Change house attendant	4.51	.20	.20			
Laborers in trenches over ten (10) feet shall receive ten cents (10 cents) above their normal rate.						
Carpenters (by counties):						
Centre, Clearfield, Jefferson	6.23	4%	3%			
Greene	6.59	4%	3%			
Cement masons	6.45	.387	.645			
Piledrivermen	7.65	4%	5%			

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
PA-2-PEO-2-3-D						
Heavy and highway construction:						
Power equipment operators:						
Austin Western or similar (25 ton and over), Austin Western or similar (under 25 ton), Autograder (C.M.I. and similar), backfiller, backhoe—360 Swing, cableway, caisson drill (similar to Hugh Williams), central mix plant, cooling plant, concrete paving mixer, cranes, cranes (tower—stationary—climbing tower crane), derrick, boat, dragline, dredge, dredge hydraulic (1 leverman—1 oiler-apprentice), elevating grader, Franki pile machine, Gradall (remote control or otherwise), grader (power-fine grade), guard rail post driver (truck mounted), guard rail post driver (skid type), (self-propelled—Arrow or similar), helicopter (over 1,500-lb. lift), helicopter (under 1,500-lb. lift), Hilift (4 cylinders and over), hoists 2 drums or more (in one unit), Kocal, Koering Skooper, lead mechanic, locomotive (standard gage), mix mobile, mix mobile (with self-loading attachment), mucking machine (tunnel), pile driver machine, pipe extrusion machine, presplitter drill (self-contained), Quad Nine, refrigeration plant (soil stabilization), scraper (multibowl), shovel—power, slip form paver C.M.I. and similar), trenching machine (30,000 lbs. and over), trenching machine (under 30,000 lbs.), tunnel machine (Mark XXI Jarva, or similar), Whirley	7.03	.35	.50		$0.04	
Asphalt paving machine (spreader), asphalt plant operator, Athey loader, Auger (tractor mounted,) Auger (truck mounted), backhoe (rear pivotal swing) (180 swing), boring machine, cable placer or layer, compactor with blade, concrete batch plant (electronically synchronized), concrete belt placer (C.M.I. and similar), concrete mixer (over 1 cylinder), concrete pump, core drill (truck or skid mounted—similar to Penn drill), dozer, Euclid loader, grader—power, grease unit operator (head), hilift (under 4 cylinders), job work boat (powered), jumbo operator, locomotive (narrow gage), mechanic, monor equipment operator (accumulative four units), mucking machine, overhead crane, roller—power—asphalt, Ross carrier, scraper, side boom or tractor mounted boom, stone crusher (screening-washing plants), stone spreader (self-propelled), truck mounted drill (Davey or similar), welder and repairman, well point pump operator	6.77	.35	.50		.04	
Compactors/Rollers (static or vibratory) (self-propelled), minor equipment operator (two to three units), soil stabilizer machine; tire repairman, tube finisher (C.M.I. or similar), well driller and horizontal	5.31	.35	.50		.04	
Ballast Regulator, Compressor, Concrete Finishing Machine and Spreader, Concrete Mixer (1 cy. and under with Skip) Concrete Saw (Ridden or self-propelled) Conveyor, Curb Builder (Self-propelled) Elevator (Material hauling only) Forklift (Ridden or self-propelled) Form line Machine, Generator, Grout Pump, Heater (Mechanical) Hoist (single drum) ladavator, Light Plant, Mulching Machine, Mulching Machine, Pavement Breaker (self-propelled or ridden) Personnel Boat (Powered) Pulverizer, Pumps, Seeding Machine, Spray Cure Machine (Power driven) Subgrader, Tie Puller, Tie Tamper (Multi-head) Tractor-snaking and hauling, Tugger, Welding Machine (Gas or Diesel) Winch or Hydraulic Boom Truck (when hoisting and placing)	4.86	.35	.50		.04	
Deck Hand, Farm Tractor, Fireman on Boiler, Mechanic's Helper, Oiler, Power Broom, Side Delivery Shoulder Spreader	4.71	.35	.50		.04	
PA-2-TD-2-3-D						
Heavy and highway construction:						
Truck drivers:						
Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup, and similar equipment, parts man and warehouseman)	5.34	.25	.15			
Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease	5.50	.25	.15			
Tri-axle trucks	5.60	.25	.15			
Heavy equipment whose capactiy exceeds that for which State licenses are issued—specifically refers to units in excess of 8 ft. width (such as euclids: end or belly dump, single twin-engined or tandem: Athey wagon: payloader, tournawagons, and similar equipment when not self-loaded), rated under 45 tons	5.60	.25	.15			
Heavy off-the-road equipment rated at 45 tons	5.70	.25	.15			
Heavy duty trailer, such as low boy, hi-boy, pole trailer, A-frames (when used for transporting materials), dumpsters, ross carriers, form trucks, dual-purpose trucks (when load has been loaded or unloaded with truck winch, loading, hauling, and unloading), mechanical tailgate trucks, bucket self-loading trucks, farm tractors (when pulling and hauling), forklift trucks (in storage areas and warehouses)	5.68	.25	.15			
Ready-mixed concrete trucks licensed under 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.40	.25	.15			
Ready-mixed concrete trucks licensed over 33,000 lbs. (such as agitators, barrel, redi-mix concrete trucks, etc.)	5.50	.25	.15			
Tar and asphalt distributing trucks (all liquid tank trucks, straight and semi, including water, sprinkler, oil trucks, etc.)	5.50	.25	.15			
Trucks with dolly or trailer	5.45	.25	.15			
Tractor-dump trailer	5.60	.25	.15			

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-443—36 F.R. 16358, Mobile County, Ala., Modification No. 3						
CHANGE:						
Roofers	$6.45	$0.10			f	
Kettlemen	5.67	.10			f	
Helper	4.62	.10			f	
WD No. AM-458—36 F.R. 16390, Escambia, Okaloosa, Walton and Santa Rosa Counties, Fla., Modification No. 2						
CHANGE:						
Painters:						
Commercial	6.88					
Industrial	7.13					
Hazardous	7.38					
WD No. AM-534—36 F.R. 15175, Madison County, Ill., Modification No. 3						
CHANGE:						
Carpenters (building, heavy, and highway)	8.235	.35	$0.30			
Millwrights	8.235	.35	.30			
Piledrivermen	8.235	.35	.30			
Soft floor layers	8.235	.35	.30			
WD No. AM-537—36 F.R. 15194, St. Clair County, Ill., Modification No. 3						
CHANGE:						
Carpenters (building, heavy, and highway)	8.255	.25	.25			
Millwrights	8.255	.25	.25			
Piledrivermen	8.255	.25	.25			
Soft floor layers	8.255	.25	.25			

V37-4 JAN 7 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-348—36 F.R. 15868, Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawrence, Marion, Richland, Wabash, Wayne, and White Counties, Ill., Modification No. 2						
CHANGE:						
Carpenters and piledrivermen:						
Portion of District No. 7 under jurisdiction of Local No. 347—Mattoon including Effingham County and west of Highway No. 130 in Jasper County including Newton, carpenters and piledrivermen	6.30	.25	.20		$0.02	
Remainder of District No. 7, carpenters and piledrivermen	6.26	.25	.25		.01	
WD No. AM-349—36 F.R. 15877, Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair and Washington Counties, Ill., Modification No. 3						
CHANGE:						
Carpenters and piledrivermen:						
Bond, Calhoun, Greene, Jersey, and Madison Counties	8.235	.35	.30			
Clinton, Monroe, St. Clair, and Washington Counties	8.385	.25	.30			
WD No. AM-5,908—36 F.R. 24028, Armstrong, Blair, Crawford, Indiana, McKean, Venango, and Warren Counties, Pa., Modification No. 1						
OMIT:						
Under counties: Centre, Clearfield, Jefferson, and Greene						
Laborers, power equipment operators, and truck drivers						
CHANGE:						
Tennessee—Zone 1–II						
WD No. AM-50;—36 F.R. 16498 Tennessee (Statewide), Modification No. 1						
OMIT: Wage schedule as issued.						
ADD:						
Bricklayers	4.91					
Carpenters	4.07					
Cement masons	3.97					
Ironworkers, reinforcing	3.98					
Ironworkers, structural	4.38					
Painter or sandblaster	3.84					
Laborers:						
Laborers, unskilled	2.50					
Air tool operator	2.72					
Mortar mixer, chain saw, pipelayer, concrete rubber	2.70					
Concrete saw operator, guardrail erector, sign erector	2.79					
Fireman	2.76					
Asphalt raker	2.87					
Concrete edger	2.89					
Powderman	3.25					
Form setter, steel rowd	2.94					
Nozzleman or gunman (gunite)	3.97					
Flagman	2.50					
Operating engineers:						
Dragline operator, shovel operator, crane operator, end loader, 5 yds. and over, pile driver operator, motor patrol finish, mechanic (class I)	4.07					
Backhoe operator, concrete paver operator	4.03					
End loader under 5 yds., mechanic, class II, motor patrol (rough), central mixing (asphalt or concrete), concrete finishing machine, soil cement machine, asphalt paver	3.65					
Bulldozer or push dozer operator, scraper operator, trenching machine, tractor (boom and hoist)	3.69					
Roller (high type)	3.54					
Spreader (self-propelled)	3.48					
Distributor (bituminous)	3.37					
Roller, other than finish, dozer or loader—stock pile only	3.24					
Tractor, crawler, utility	3.31					
Concrete mixer, less than 1 yd., earth drill	3.02					
Mulcher or seeder, scale operator, motor crane driver, and oiler	3.00					
Tractor, farm	2.78					
Curb machine	2.77					
Ditch paver, mechanic helpers	2.74					
Pump operator, welder helper	2.71					
Track drill operator	2.84					
Oiler	2.77					
Truck drivers:						
2 axles	2.77					
3 axles	2.82					
4 axles	2.97					
5 axles or more or heavy off the road trucks or haulers	3.18					
WD No. AM-1,812—36 F.R. 16238, Montgomery and Prince Georges Counties, MD.; City of Alexandria, Va.; Arlington County, Va.; Dulles International Airport, Modification No. 5						
CHANGE:						
Building construction:						
Elevator constructors	8.58	.195	.20	½%+a+b	.005	
Elevator constructors' helpers	6.01	.195	.20	½%+a+b	.005	
Elevator constructors' helpers (prob.)	4.29					
WD No. AM-1,843—36 F.R. 17941, Washington, D.C. Modification No. 7						
CHANGE:						
Building construction:						
Elevator constructors	8.58	.195	.20	½%+a+b	.005	
Elevator constructors' helpers	6.01	.195	.20	½%+a+b	.005	
Elevator constructors' helpers (prob.)	4.29					

[FR Doc.72-101 Filed 1-6-72; 8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972-1]

STATE AND LOCAL INCOME TAXES, SALES TAXES, REAL ESTATE TAXES, AND UNEMPLOYMENT COMPENSATION PAYMENTS

Cost of Living Council Ruling

Facts. State A wishes to increase its income and sales taxes and its unemployment compensation payments. City B wishes to raise its real estate taxes. Both state A and city B also want to grant salary increases to their employees, effective January 1, 1972.

Issue. Are these proposed increases covered by Price Commission or Pay Board Regulations?

Ruling. State and local income taxes, sales taxes, and real estate taxes, and unemployment compensation payments are not prices, rents, wages, or salaries within the meaning of the Economic Stabilization Act of 1970, as amended, and accordingly are not subject to Price Commission and Pay Board Regulations. Commission and Pay Board Regulations. Economic Stabilization Regulations § 101.1(c). On the other hand, salaries and wages of state and local employees are covered by Pay Board Regulations.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: January 5, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved:

SAMUEL R. PIERCE, Jr.
General Counsel,
Department of the Treasury.

[FR Doc.72-373 Filed 1-6-72;11:30 am]

[Cost of Living Council Ruling 1972-2; Price Commission Ruling 1972-3]

FOREIGN EXPORTER AND U.S. IMPORTER

Cost of Living Council and Price Commission Ruling

Facts. A U.S. corporation, A, buys raw leather from a foreign dealer who delivers the leather to corporation A in the United States. Upon receipt of the leather, corporation A manufactures leather jackets that it sells to clothing wholesalers in the United States. The jackets are not custom made to order.

Issue. How are these two transactions covered by the regulations?

Ruling. The first sale of an import into the customs territory of the United States is exempt. Economic Stabilization Regulations § 101.32(d)(2). The price may be whatever is agreed upon between the foreign exporter and U.S. importer. Therefore, in the example above, the sale of the leather goods by the foreign dealer to corporation A is exempt. When the importer sells the article (whether changed or not, or incorporated into another product) to a U.S. purchaser, that sale is subject to control and the rules of the Price Commission apply. Thus, the sale by corporation A to the U.S. retailers is subject to the rules of the Price Commission. The price charged by corporation A to the U.S. wholesalers may exceed corporation A's base price (as defined in Subpart F of the regulations) only if it reflects cost increases, subject to adjustments for productivity gains and subject to the rule that its profit margin as a percentage of sales may not be greater than the average of the best two of the last 3 fiscal years ended prior to August 15, 1971. Economic Stabilization Regulations, § 300.12.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: January 5, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved:

SAMUEL R. PIERCE, Jr.
General Counsel,
Department of the Treasury.

[FR Doc.72-374 Filed 1-6-72;11:30 am]

[Price Commission Ruling 1972-1]

BUS OPERATORS

Price Commission Ruling

Facts. An operator of school buses holds contracts for the transportation of school children with several school districts. The contracts are negotiated each year during June and July. All the contracts for the school year 1971–72 were signed in June, 1971 except one with School District A which was signed July 20, 1971. Wages of his drivers were increased by 5 percent in contracts signed July 27, 1971.

Issue. May the operator increase his service charges for transportation for the school year 1972–73 to be negotiated next summer?

Ruling. The bus operator may increase his charges to all school districts with which he will contract to furnish transportation services for 1972–73. However, in accordance with the conditions in § 300.14 of the Economic Stabilization Regulations, increases in charges are authorized only to reflect allowable costs in effect on November 14, 1971, and cost increases incurred after November 14, 1971, reduced to reflect productivity gains, and only if the increased prices do not increase the firm's total profits, as a percentage of sales, before income taxes, over those which prevailed during the base period.

The base price from which the allowable increase is to be computed is the price of the contract with School District A which was entered into during the freeze base period—July 16 to August 14, 1971. Accordingly, the bus operator may charge in excess of the price in this contract so much as is necessary to absorb increases in allowable costs, such as wages (subject generally to a limitation of 5.5 percent on increases made after November 8, 1971), maintenance, replacements, licenses, etc.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 5, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved:

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-369 Filed 1-6-72;11:30 am]

[Price Commission Ruling 1972-2]

CRITERIA FOR CORPORATE PRICE INCREASES

Price Commission Ruling

Facts. A manufacturer, a corporation, manufactures three separate items. The corporation has been actively engaged in the business since 1967. It computes its net income on the basis of a calendar year. In the year 1968 the corporation had net income, before income taxes and extraordinary items, were 8 percent and 7 percent. Beginning December 31, 1971, the corporation proposes to increase the prices of each of its three products by 3 percent because the cost of certain raw materials used in the products has increased by 4 percent and many of its employees have received a 2 percent wage increase. Annual sales of the corporation do not and have never exceeded $1 million.

Issue. May the corporation increase its prices by more than 2.5 percent after November 13, 1971, and, if so, what factors would determine the amount of the increase?

Ruling. It is possible that the corporation may increase its prices more than 2.5 percent. Prices after November 13, 1971, are to be established in accordance with Price Commission guidelines. The 2.5 percent figure represents a goal for average price increases across the entire economy, but individual price changes may be above or below that figure, depending upon allowable cost increases and net profit margins. Under Economic Stabilization Regulation § 300.12, manufacturers may charge prices for products in excess of the base prices to reflect increases in allowable costs in effect on November 14, 1971, and cost increases incurred after November 14, 1971 reduced to reflect productivity gains. However, the effect of all of a manufacturer's price

V37-4 JAN 7 72 XUM

changes cannot be to increase its profit margin as a percentage of dollar sales, before income taxes, over that which prevailed during the base period. The "base period", as defined in Economic Stabilization Regulations § 300.5 means the average of any two of a person's last three fiscal years ended prior to August 15, 1971. The selection of such two fiscal years is to be made by the person. Therefore, increases in the manufacturer's prices of the three products would be determined by reference to the profit margin determinations for any two of the years 1968, 1969 and 1970. It would also be determined by reference to increases in allowable costs and by productivity gains. However, the profit margin determinations are to be made by reference to the three products manufactured and not merely to each product individually.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 5, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved:

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-370 Filed 1-6-72;11:30 am]

[Price Commission Ruling 1972-4]

SALE OF PERSONAL PROPERTY BY INDIVIDUALS

Price Commission Ruling

Facts. Citizen A wishes to sell a television set he purchased from a retailer 2 weeks ago and used in his home but which he no longer needs because he just received a better model as a gift.

Issue. Is citizen A's sale of this television set exempt from the controls of the economic stabilization program?

Ruling. Yes. Sales of used products are exempt from controls. Economic Stabilization Regulations § 101.32(e). To qualify as a used product, the product must have been acquired and used by an end user, such as citizen A. Temporary holding for purposes of resale, however, does not make a product a used product, unless it is used for demonstration purposes, such as a demonstration or floor sample.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 5, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved:

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-371 Filed 1-6-72;11:30 am]

[Price Commission Ruling 1972-5]

CRITERIA FOR INCREASES IN PROFESSIONAL SERVICE FEES

Price Commission Ruling

Facts. A, B, and *C* are certified public accountants practicing their profession as a partnership, A, B, C & Co. They bill clients for services rendered, taking into account such factors as their costs in performing accounting work and results achieved in the event they represent clients in business negotiations.

Issue. May the partnership of A, B, C & Co. increase the fees which it charges its clients after November 13, 1971?

Ruling. The partnership A, B, C & Co. may increase its fees depending on the circumstances. The fees charged by the firm of certified public accountants are prices which are governed by the regulations of the Price Commission dealing with services. See Economic Stabilization Regulations, §§ 300.5 and 300.14. Even though the fees charged for services rendered after November 13, 1971, may take into account costs in effect on that date and cost increases after that date, reduced to reflect productivity gains, such increased fees shall not result in an increase in the partnership's profit margin as a percentage of sales, before income taxes, over that which prevailed during the base period. To the extent that charges are based on results achieved in business negotiations (e.g., on a percentage basis), without regard to cost, such charges cannot exceed the higher of (1) charges made for the same or similar services during the period beginning August 15, 1971, and ending November 13, 1971, or (2) the highest charge made to a specific class of clients in a substantial number of transactions involving such services during the freeze base period (as defined in section 300.5 of the Regulations).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 5, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved:

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-372 Filed 1-6-72;11:30 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR — Page

PROCLAMATION:
4100 — 199

5 CFR
213 — 201
890 — 7

7 CFR
52 — 131
510 — 69
722 — 7
730 — 8
812 — 9
814 — 9
846 — 133
907 — 10, 134
910 — 70
PROPOSED RULES:
301 — 217, 218
730 — 19
966 — 81
980 — 81
1004 — 20
1207 — 81
1430 — 20

9 CFR
53 — 134
82 — 135
400 — 135
PROPOSED RULES:
327 — 85

10 CFR
PROPOSED RULES:
110 — 92

12 CFR
201 — 11
702 — 70
PROPOSED RULES:
715 — 95

14 CFR
39 — 11, 12, 70
71 — 13, 71, 135, 136
75 — 13, 71
97 — 71
225 — 72
PROPOSED RULES:
43 — 222
71 — 21, 91, 144, 145
91 — 222
135 — 222
207 — 226
208 — 226
212 — 226
214 — 226
372a — 226

17 CFR
240 — 73
PROPOSED RULES:
274 — 99

18 CFR — Page

PROPOSED RULES:
141 — 22

19 CFR
PROPOSED RULES:
Ch. I — 19

20 CFR
PROPOSED RULES:
405 — 89

21 CFR
121 — 14, 74
130 — 201
135 — 137
135c — 14, 137
135e — 74
135f — 14
148m — 15
301 — 137
PROPOSED RULES:
3 — 219
27 — 20
130 — 85
304 — 144

22 CFR
41 — 15

24 CFR
200 — 75, 203, 209
201 — 210
203 — 138
207 — 138
220 — 138
222 — 76
275 — 211
PROPOSED RULES:
203 — 144

26 CFR
12 — 16
PROPOSED RULES:
1 — 19, 99

28 CFR
301 — 138

30 CFR
75 — 17

32 CFR
270 — 77
PROPOSED RULES:
1467 — 99

35 CFR
5 — 77

36 CFR
231 — 211

39 CFR — Page

235 — 77
760 — 211
761 — 211

40 CFR
180 — 78, 140, 141
PROPOSED RULES:
180 — 92-94

41 CFR
5A-3 — 141
5A-7 — 141
5A-8 — 142
101-17 — 78
103-40 — 17

42 CFR
53 — 182

43 CFR
4110 — 213
PUBLIC LAND ORDERS:
1932 (amended by PLO 5147) — 18
4582 (modified by PLO 5149) — 18
4962 (see PLO 5149) — 18
5081 (see PLO 5149) — 18
5147 — 18
5148 — 18
5149 — 18
5150 — 142
Amended by PLO 5151 — 142
5151 — 142
PROPOSED RULES:
2800 — 217
2810 — 217

46 CFR
390 — 16
PROPOSED RULES:
146 — 220

47 CFR
89 — 213
PROPOSED RULES:
0 — 145
2 — 145, 146
15 — 94, 146
21 — 146
89 — 146
91 — 146

49 CFR
7 — 214
301 — 214
1002 — 215
PROPOSED RULES:
192 — 145
571 — 222

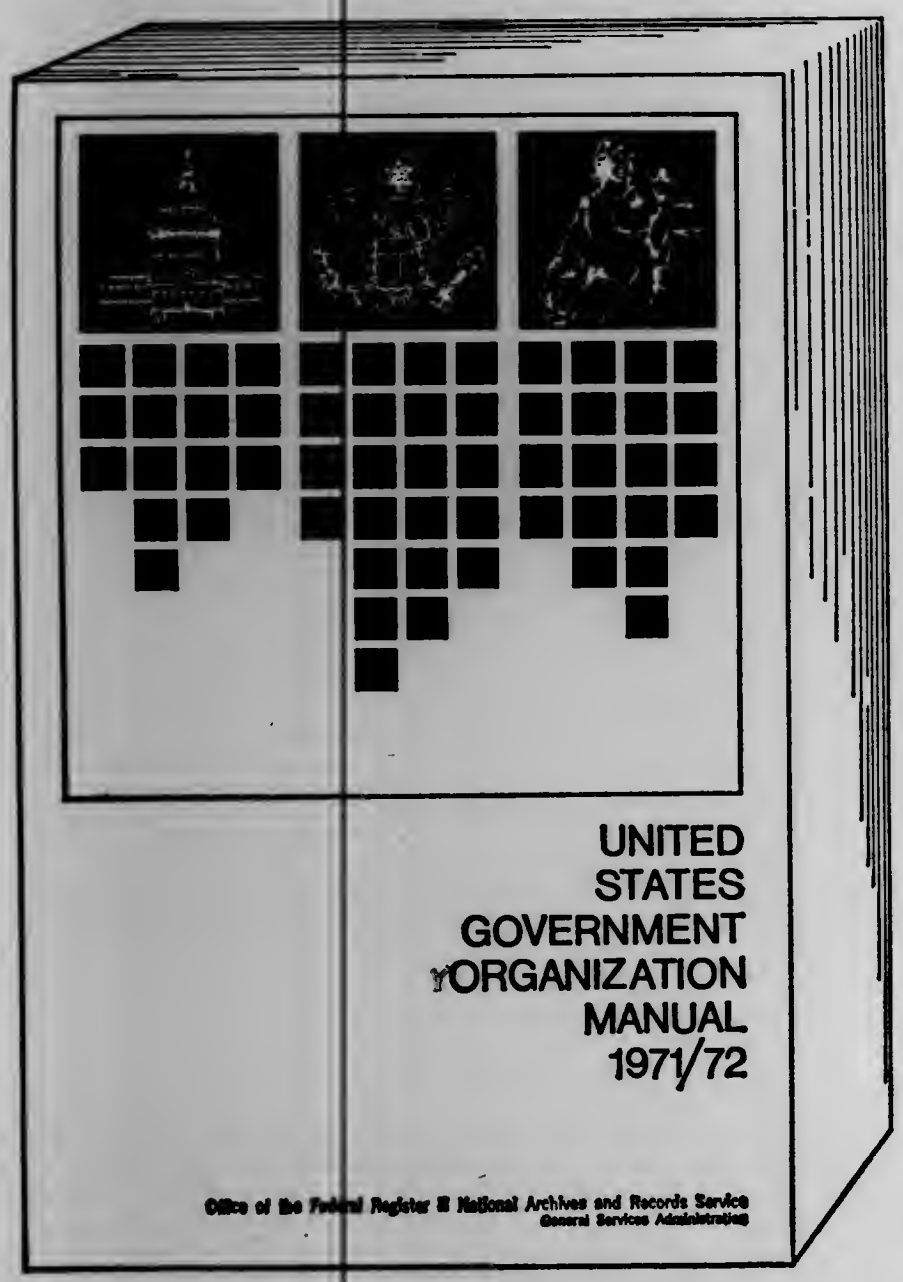
50 CFR
28 — 79
33 — 79, 80

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date
1-62	Jan. 4	125-193	6
63-123	5	195-249	7

V 37-4 JAN 7 72 XUM

Know your Government...



The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

SATURDAY, JANUARY 8, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 5

Pages 251–315

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

PRICE STABILIZATION—Price Commission miscellaneous amendments 284

EXTRA LONG STAPLE COTTON—USDA amendment making known the results of the national marketing quota referendum for the 1972 crop; effective 1–6–72 272

RURAL TELEPHONE BANK—USDA regulations setting up a loan program; effective 1–8–72 275

PACKERS AND STOCKYARDS—USDA amendment providing guidelines for the voluntary filing of surety bonds; effective 1–8–72 276

SMALL BUSINESS—SBA revision of size standards; effective 12–31–71 258

FLOOD INSURANCE—HUD additions to the lists of hazard areas and eligible 280, 281

VETERANS BENEFITS—VA regulations for mortgage life insurance; effective 8–11–71 282

TELECOMMUNICATION—
FCC amendment to the rules of operation for mobile relay stations 283
FCC notice extending time for comments on the handling of public issues under the fairness doctrine 303

MOTOR VEHICLE SAFETY—DoT amendment extending lock standards to all side doors of passenger compartments; effective 9–1–72 284

INCOME TAX—IRS announcement of a hearing on 2–23–72 concerning the percentage depletion deduction for minerals other than oil and gas 286

(Continued Inside)

V37-5
JAN 8 72
XUM

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1971]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 90-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,200 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: $1.00

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

RADIOACTIVITY—AEC notices establishing detailed procedures for the rule making hearing on nuclear reactor effluents and emergency core cooling systems (2 documents) 287, 288

SECURITIES—SEC proposed format for quarterly reports from issuers of periodic payment plan certificates 289

AIR TRAFFIC CONFERENCES—CAB notice inviting comments within 14 days on proposed changes in organization and services 292

ENVIRONMENT—Council of Environmental Quality listing of impact statements 299

MOTOR VEHICLE POLLUTION CONTROL—EPA notice of a hearing on 2-8-72 concerning the proposed waiver of Federal emission standards in California 302

INSURED BANKS—
FDIC, Comptroller of the Currency, and FRS joint notice calling for reports of condition 303
FDIC notices calling for annual reports of income (2 documents) 304

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Cotton:
Extra long staple; national marketing quota referendum result 272
Upland; State reserves and county base acreage allotments; correction 272

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service; Packers and Stockyards Administration; Rural Telephone Bank.

ATOMIC ENERGY COMMISSION
Proposed Rule Making
Light water-cooled nuclear power reactors; hearings:
Acceptance criteria for emergency core cooling systems 288
Effluents 287
Notices
Consumers Power Co.; order for hearing 292

CIVIL AERONAUTICS BOARD
Rules and Regulations
Economic proceedings; offers of settlement 277
Notices
Hearings, etc.:
International Air Transport Association 292
New England service investigation 294
United Air Lines, Inc 299

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service:
Action 257
Department of Agriculture 257
Department of Commerce 257
Department of Housing and Urban Development 258
Department of Justice 257
Environmental Protection Agency 257
Office of Economic Opportunity 257
Notices
Office of Economic Opportunity:
Grant of authority to make noncareer executive assignment 299
Revocation of authority to make noncareer executive assignment 299

COMPTROLLER OF THE CURRENCY
Notices
Insured banks; joint call for report of condition; cross reference 291

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Fresh pears, plums, and peaches grown in California; expenses and rate of assessment 273
Handling limitations:
Cherries grown in certain States 273
Grapefruit grown in Indian River district in Florida 273
Lemons grown in California and Arizona 272
Proposed Rule Making
Irish potatoes grown in southeastern States; redistricting and reapportionment 286
Notices
Humanely slaughtered livestock; identification of carcasses; changes in lists of establishments 292

ENVIRONMENTAL PROTECTION AGENCY
Notices
Motor vehicle pollution control; California State standards; public hearing 302

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental impact statements; public availability 299

FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
Transition area; designation (2 documents) 276
Proposed Rule Making
Transition areas:
Alteration and revocation 286
Designation 287

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
Industrial radio services; relay and control stations; correction 283
Notices
Fairness doctrine and public interest standards; handling of public issues; extension of time 303

(Continued on next page)

V 37 5
JAN 8 72
XUM

FEDERAL DEPOSIT INSURANCE CORPORATION

Notices

Call for annual reports of income:
- Insured mutual savings banks not members of the Federal Reserve System ... 304
- Insured State banks not members of the Federal Reserve System except banks in District of Columbia and mutual savings banks ... 304

Insured banks; joint call for report of condition ... 303

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations

Flood insurance program:
- Areas eligible for the sale of insurance ... 280
- Identification of special hazard areas ... 281

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
- City of Richmond, Calif., and Pasha Truckaway, Inc ... 305
- North Atlantic Continental Freight Conference and North Atlantic French Atlantic Freight Conference ... 305
- Philadelphia Port Corp. and Lavino Shipping Co ... 305

Caribe Hydro-Trailer, Inc.; order of investigation and suspension ... 304

Circle Forwarders, Inc.; revocation of independent ocean freight forwarder license ... 305

Sea-Land Service, Inc.; possible violations of Shipping Act; correction ... 306

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Alabama Power Co ... 306
- Cities Service Gas Co. et al ... 307
- Citizens Utilities Co ... 309
- Northern Natural Gas Co ... 308
- United Gas Pipe Line Co ... 309

FEDERAL RESERVE SYSTEM

Notices

Insured banks; joint call for report of condition; cross reference ... 309

Orders approving acquisition of banks:
- BancOhio Corp ... 309
- Jacob Schmidt Co. and American Bancorporation, Inc ... 310

R.I.H.T. Corp.; proposed retention of Washington Row Co ... 310

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INTERIOR DEPARTMENT

See National Park Service.

INTERNAL REVENUE SERVICE

Rules and Regulations

Income tax; election regarding income from certain aircraft and vessels; correction ... 281

Proposed Rule Making

Income tax; percentage depletion; gross income from property in case of minerals other than oil and gas; hearing ... 286

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ... 312

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules and Regulations

Federal motor vehicle safety standards; door locks and retention components ... 284

NATIONAL PARK SERVICE

Notices

Public hearings regarding wilderness proposals:
- Grand Teton National Park, Wyo ... 291
- Yellowstone National Park, Wyo., Idaho, Mont ... 291

PACKERS AND STOCKYARDS ADMINISTRATION

Rules and Regulations

Voluntary filing of surety bonds ... 276

PANAMA CANAL

Rules and Regulations

Employment and compensation in Canal Zone; exclusions ... 281

PAY BOARD

Rules and Regulations

Stabilization of wages and salaries; standards, exceptions, and violations; correction ... 284

PRICE COMMISSION

Rules and Regulations

Price stabilization; miscellaneous amendments ... 284

RURAL TELEPHONE BANK

Rules and Regulations

Loan policies ... 275

SECURITIES AND EXCHANGE COMMISSION

Proposed Rule Making

Quarterly reports of issuers of periodic payment plan certificates ... 289

Notices

Hearings, etc.:
- California-Western States Life Insurance Co. and Cal-Western Variable Fund C ... 311
- Consultant's Mutual Investments, Inc ... 311
- Ecological Science Corp ... 312

SMALL BUSINESS ADMINISTRATION

Rules and Regulations

Small business size standards ... 258

STATE DEPARTMENT

Rules and Regulations

Appointment of Foreign Service officers; lateral entry appointments to Classes 1 through 7 ... 277

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Comptroller of the Currency; Internal Revenue Service.

VETERANS ADMINISTRATION

Rules and Regulations

Veterans mortgage life insurance ... 282

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR

213 (7 documents) ... 257, 258

6 CFR

201 ... 284
300 ... 284

7 CFR

722 (2 documents) ... 272
910 ... 272
912 ... 273
917 ... 273
930 ... 273
1610 ... 275

PROPOSED RULES:

953 ... 286

9 CFR

203 ... 276

10 CFR

PROPOSED RULES:

50 (2 documents) ... 287, 288

13 CFR

121 ... 258

14 CFR

71 (2 documents) ... 276
302 ... 277

PROPOSED RULES:

71 (2 documents) ... 286, 287

17 CFR

PROPOSED RULES:

270 ... 289
274 ... 289

22 CFR

11 ... 277

24 CFR

1914 ... 280
1915 ... 281

26 CFR

12 ... 281

PROPOSED RULES:

1 ... 286

35 CFR

253 ... 281

38 CFR

8a ... 282

47 CFR

91 ... 283

49 CFR

571 ... 284

V 37-5 JAN 8 72 XUM

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to show that, regardless of job category, positions of agents engaged in field work jointly financed by the Consumer and Marketing Service and a non-Federal cooperating organization may be filled under Schedule A when selection is jointly made by the Department and the cooperating organization.

Effective on publication (1–8–72), subparagraph (1) of paragraph (a) of § 213.3113 is amended as set out below.

§ 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. This authority is not applicable to positions in the Agricultural Research Service, positions in the Animal and Plant Health Service, or positions in the Statistical Reporting Service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to the following positions in the Consumer and Marketing Service: Agricultural commodity grader (grain) and (meat), agricultural commodity aid (grain), and poultry and tobacco inspection positions.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–304 Filed 1–7–72;8:47 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3214 is amended to show that not to exceed 35 positions of Minority Business Opportunity Specialist at grades GS–9 through GS–15 in the Office of Minority Business Enterprise are excepted under Schedule B until December 31, 1973.

Effective on publication in the FEDERAL REGISTER (1–8–72), paragraph (c) is added to § 213.3214 as set out below.

§ 213.3214 Department of Commerce.

• • • • • •

(c) *Office of Minority Business Enterprise.* (1) Until December 31, 1973, not to exceed 35 positions of Minority Business Opportunity Specialist at grades GS–9 through GS–15.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–305 Filed 1–7–72;8:47 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Chief, Field Office, Anti-Trust Division, and one position of Special Assistant to the Assistant Attorney General, Internal Security Division, are no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1–8–72), subparagraph (1) of paragraph (d) and subparagraph (5) of paragraph (p) of § 213.3310 are amended as set out below:

§ 213.3310 Department of Justice.

• • • • • •

(d) *Anti-Trust Division.* (1) Chief, Field Office (two positions).

• • • • • •

(p) *Internal Security Division.* • • •

(5) One Special Assistant to the Assistant Attorney General.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–308 Filed 1–7–72;8:48 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Special Assistant to the Assistant Administrator for Air and Water Programs (Intergovernmental Relations) is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1–8–72), paragraph (i) is added to § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

• • • • • •

(i) *Office of the Assistant Administrator for Air and Water Programs.* (1) One Special Assistant to the Assistant Administrator (Intergovernmental Relations).

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–307 Filed 1–7–72;8:47 am]

PART 213—EXCEPTED SERVICE

Action

Section 213.3359 is amended to show that one position of Deputy Associate Director for SCORE/ACE, Office of the Associate Director for Domestic and Anti-Poverty Operations, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1–8–72), paragraph (d) is added to § 213.3359 as set out below.

§ 213.3359 Action.

• • • • • •

(d) One Deputy Associate Director for SCORE/ACE.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–303 Filed 1–7–72;8:47 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Confidential Secretary to the Associate Director for Health Affairs is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1–8–72), paragraph (h) is added to § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

• • • • • •

(h) *Office of the Associate Director for Health Affairs.* (1) One Confidential Secretary to the Associate Director.

V 37 5
JAN 8 72
XUM

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-309 Filed 1-7-72;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that a second position of Assistant (Special Projects) to the Commissioner, Federal Housing Administration, is excepted under Schedule C. This section is further amended to show that the position of Assistant to the Assistant Commissioner for Programs, Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1-8-72), subparagraph (3) is amended and subparagraph (5) of paragraph (b) of § 213.3384 is revoked as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner.* * * *

(3) Two Assistants to the Commissioner (Special Projects).

* * * * *

(5) [Revoked]

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-306 Filed 1-7-72;8:47 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 11]

PART 121—SMALL BUSINESS SIZE STANDARDS

Revision of Small Business Size Standards Regulation Revision 11 of Part 121 rescinds Revision 10, including Amendments 1 through 11 thereof, of the Code of Federal Regulations. In addition to incorporating the amendments to Revision 10, this revision revises § 121.3–4, Size Determinations to give SBA regional directors or their delegatees additional authority to make size determinations for the purpose of the Government Timber Sales Program. Part 121 of Chapter 1 of Title 13 of the Code of Federal Regulations is hereby revised to read as follows:

Sec.
121.3 Statutory provisions.
121.3–1 Purpose and method of establishing size standards.
121.3–2 Definition of terms used in this part.
121.3–3 Organization—size functions.
121.3–4 Size determinations.
121.3–5 Protest of small business status.
121.3–6 Appeals.
121.3–7 Differentials.
121.3–8 Definition of small business for Government procurement.
121.3–9 Definition of small business for sales of Government property.
121.3–10 Definition of small business for SBA loans.
121.3–11 Definition of small business for assistance by small business investment companies or by development companies.
121.3–12 Definition of small business Government subcontractors.
121.3–13 Definition of small business for the purpose of lease guarantee.
121.3–14 Interpretations.

AUTHORITY: The provisions of this Part 121 issued under Public Law 85–536, sec. 5(b)6, 72 Stat. 385.

§ 121.3 Statutory provisions.

(a) Small Business Act, as amended.

SEC. 3. For the purpose of this Act, a small business concern shall be deemed to be one which is independently owned and operated and which is not dominant in its field of operation. In addition to the foregoing criteria the Administrator, in making a detailed definition, may use these criteria, among others. Number of employees and dollar volume of business. Where the number of employees is used as one of the criteria in making such definition for any of the purposes of this Act, the maximum number of employees which a small business concern may have under the definition shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries and to take proper account of other relevant factors.

* * * * *

SEC. 8(b). It shall also be the duty of the Administration and it is hereby empowered, whenever it determines such action is necessary—

* * * * *

(8) To determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of effectuating the provisions of this Act. To carry out this purpose the Administrator, when requested to do so, shall issue in response to each such request an appropriate certificate certifying an individual concern as a "small business concern" in accordance with the criteria expressed in this Act. Any such certificate shall be subject to revocation when the concern covered thereby ceases to be a "small business concern." Offices of the Government having procurement or lending powers, or engaged in the disposal of Federal property or allocating materials or supplies, or promulgating regulations affecting the distribution of materials or supplies, shall accept as conclusive the Administration's determination as to which enterprises are to be designated "small business concerns," as authorized and directed under this paragraph.

(b) Small Business Investment Act of 1958, as amended.

SEC. 103. As used in this Act—

* * * * *

RULES AND REGULATIONS

(5) The term "small business concern" shall have the same meaning as in the "Small Business Act."

* * * * *

§ 121.3–1 Purpose and method of establishing size standards.

(a) *Purpose.* This part defines "small business concerns" and establishes standards, criteria, and procedures to determine which concerns are "small business concerns" within the meaning of the Small Business Act, as amended (hereinafter referred to as the "Act") and the Small Business Investment Act of 1958, as amended (hereinafter referred to as the "Investment Act").

(b) *Method of establishing size standards*—(1) *Use of Standard Industrial Classification Manual.* The Standard Industrial Classification (SIC) Manual, as amended, prepared and published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President, will be used by SBA as a guide in defining industries. Its use therefore is advisory and not mandatory.

(2) *Size standards policy.* (i) The fundamental purpose of Small Business Administration assistance is to preserve free competitive enterprise by strengthening the competitive position of small business concerns.

(ii) It is the Small Business Administration's view that, in the absence of proof to the contrary, there is a segment of each industry wherein concerns by reason of their small size are at a competitive disadvantage. Therefore, the definition of small business for each industry should be limited to that segment of the industry struggling to become or remain competitive.

(iii) Smaller concerns often are forced to compete with middle-sized as compared with very large concerns. In consideration of this fact, the standard for each industry should be established as low as reasonably possible. It should be lowered in any case where the SBA determines that a few concerns under the size standard umbrella have, because of their size, gained undue competitive strength as compared with other concerns under the umbrella.

(iv) It is the Small Business Administration view that concerns which, with or without assistance under the Small Business Act, have grown to a size which exceeds the applicable small business size standard, should compete for Government contracts not reserved for small business concerns or should seek commercial markets in the same or related fields. Under such circumstances small business concerns should not rely on continuing assistance under the Small Business Act from the cradle to the grave, but should plan for the day on which they become other than small business and should be able to compete without assistance.

(3) *Factors in formulating size standards.* The following factors shall be considered in formulating industry size standards:

(i) Concentration of output; that is, the portion of the total output of an industry which is accounted for by a limited number of companies.

(ii) Coverage ratio; that is, the ratio of the industry's shipments of its primary products, to the total shipments by all industries of the primary products of the industry in question.

(iii) Specialization ratio; that is, the ratio of the industry's shipments of its primary products to its total shipments of primary and secondary products.

(iv) The total number of concerns in the industry.

(v) The size of industry leaders.

(vi) The SBA program for which the size standard is established.

In formulating industry size standards for the purpose of Government procurement, the additional factor of Government procurement history shall be used. The use of this additional factor may cause the size standards for the purpose of Government procurement and the size standards for the purpose of financial assistance to differ for the same industry.

(4) *Product classification.* For size standards purposes, a product or service shall be classified into only one industry, even though, for other purposes, it could be classified into more than one industry. In determining the SIC industry into which particular products shall be classified for size standard purposes, consideration shall be given to all appropriate factors including:

(i) Alphabetic indices published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President, Bureau of the Census, and the Business and Defense Services Administration.

(ii) Description of the product under consideration.

(iii) Previous Government procurements for the same or similar products, and

(iv) Published information concerning the nature of companies which manufacture such products.

A product or service shall be classified in the industry whose definition best describes the principal nature of the product or service being procured. The end use of a product does not govern the industry into which it is to be classified. In a borderline situation the product or service shall be classified in the industry whose size standard would best serve to accomplish the purposes of the Small Business Act. When a procurement is for two or more items with different size standards a bidder must qualify as a small business under the definition of a small business applicable to any item on which it bids. If a multiitem procurement requires the successful bidder to deliver all items and/or perform all services being procured the applicable size standard is that for the industry whose products or services account for the greatest proportion of the contract price.

(5) *Product classification decision.* The SBA Regional Director or his delegatee of the SBA Region in which the principal office of the applicant, not including its affiliates, is located, shall determine the appropriate SIC classification, except that for procurement purposes the determination shall be made by the official specified in § 121.3–8, and for lease guarantee reinsurance purposes the determination shall be made by the Associate Administrator for Financial Assistance. Such determination shall be subject to appeal in the manner provided in § 121.3–6.

§ 121.3–2 Definition of terms used in this part.

(a) Affiliates: Concerns are affiliates of each other when either directly or indirectly (1) one concern (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control the other, or (2) a third party or parties (other than an investment company licensed under the Small Business Investment Act of 1958 or registered under the Investment Company Act of 1940, as amended), controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships: *Provided, however,* That restraints imposed on a franchisee by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, if the franchisee has the right to profit from his effort, commensurate with ownership, and bears the risk of loss or failure. Where a concern is a subcontractor pursuant to section 8(a)(2) of the Small Business Act and, in connection therewith, is the subject of a Divestiture Agreement approved by SBA for the benefit of socially or economically disadvantaged individuals, the receipts, employment, and other factors of the concern attributable to the section 8(a)(2) subcontract shall not be included in determining the size of either concern during the term of such divestiture agreement. Other contracts and business of such subcontractor may also be excluded in determining the size if, in the judgment of SBA, substantial beneficiaries of such other contracts and business will be the socially or economically disadvantaged individuals in question.

(b) "Annual receipts" means the gross income (less returns and allowances, sales of fixed assets and interaffiliate transactions) of a concern (and its domestic and foreign affiliates) from sales of products and services, interest, rents, fees, commissions, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year (whether on a cash, accrual, completed contracts, percentage of completion, or other acceptable accounting basis) and, in the case of a concern subject to U.S. Federal income taxation, reported or to be reported to the U.S. Treasury Department, Internal Revenue Service, for Federal income tax purposes. If a concern has been in business less than a year its annual receipts shall be computed by determining its average weekly receipts for the period in which it has been in business and multiplying such figure by 52. Except as set forth in § 121.3–10, if a concern has acquired an affiliate during the applicable accounting period it is necessary in computing the applicant's annual receipts, to include the affiliates receipts during the entire applicable accounting period, rather than only its receipts during the period in which it has been an affiliate. The receipts of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

(c) "Appeal" means a written communication addressed to the Size Appeals Board requesting it to review a determination relating to a size matter made by a district director or his delegatee, or by a Contracting Officer.

(d) "Area of substantial unemployment," for the purpose of small business size determination, means a geographical area within the United States which:

(1) Is classified by the Department of Labor either as an "Area of Substantial Unemployment," or an "Area of Substantial and Persistent Unemployment," and such classification has been listed in that Department's publication "Area Labor Market Trends" continuously from September 15, 1961, until a size determination is made; or

(2) Is individually certified by the Department of Labor as an "Area of Substantial Unemployment" and has been eligible for such certification continuously since September 15, 1961. If an area has been removed from the publication, "Area Labor Market Trends," or if an area becomes ineligible for certification at any time, such area is excluded from the above definition and cannot be reinstated for the purpose of size determinations unless it is designated as a Redevelopment Area by the Department of Commerce. (See paragraph (v) of this section.)

(e) "Base maintenance" means furnishing at an installation within the several States, Commonwealth of Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands, or the District of Columbia, three or more services which may include but are not limited to such maintenance activities as janitorial and custodial services, protective guard services, commissary services, base housing maintenance, fire prevention services, safety engineering services, messenger services, grounds maintenance and landscaping services, and

FEDERAL REGISTER, VOL. 37, NO. 5—SATURDAY, JANUARY 8, 1972

V 37 N 5 JAN 8 72 XUM

air-conditioning and refrigeration maintenance: *Provided, however,* That whenever the contracting officer determines prior to the issuance of bids that the estimated value of one of the foregoing services constitutes more than 50 percent of the estimated value of the entire contract, the contract shall not be classified as base maintenance but in the industry in which such service is classified.

(f) "Bona fide feed stocks" means crude and any other hydrocarbon material actually charged to refinery processing units, as distinguished from materials used as components in products to be delivered after merely filtering, settling, or blending.

(g) "Crude-oil capacity" means the maximum daily average crude throughput of a refinery in complete operation, with allowance for necessary shutdown time for routine maintenance, repairs, etc. It approximates the maximum daily average crude runs to stills that can be maintained for an extended period.

(h) "Certificate of competency" means a certificate issued by SBA pursuant to the authority contained in section 8(b)(7) of the Act stating that the holder of the certificate is competent as to capacity and credit to perform a specific Government procurement or sales contract.

(i) "Concern" means any business entity organized for profit with a place of business located in the United States, including, but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see paragraph (a) of this section) any business entity, whether organized for profit or not, and any foreign business entity shall be included.

(j) "Contracting officer" means the person executing a particular contract on behalf of the Government and any other employee who is properly designated contracting officer; the term includes the authorized representative of a contracting officer acting within the limits of his authority.

(k) "Convalescent or nursing home" means those facilities for the accommodation of convalescents or other persons who are not acutely ill or not in need of hospital care but who may require nursing care and related medical services, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(l) "Department store" means a concern employing twenty-five (25) or more persons engaged in the retail sale of some items in each of the following merchandise lines: (1) Furniture, home furnishings, appliances, radio, and television sets; (2) a general line of apparel for the family; and (3) household linens and dry goods: *Provided, however,* That sales within any one of the preceding merchandise lines do not exceed eighty percent (80%) of the concern's total sales and the aggregate of such merchandise lines account for at least fifty percent (50%) of the concern's total sales.

(m) "Forest products industry" as used in § 121.3-9(b) means logging, wood preserving, and the manufacture of lumber and wood-related products such as veneer, plywood, hardboard, particle board, or wood pulp, and of products of which lumber or wood-related products are the principal raw material.

(n) "Gross leasable area" means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of a joint partition and from outside wall faces.

(o) "Hospital" means a health facility duly licensed as a hospital providing in-patient medical or surgical care of the sick or injured, including obstetrics, which facility is privately owned and operated for the purpose of obtaining profits which shall inure to the benefits of its owner, stockholders, or members.

(p) "Industry" means a grouping of establishments primarily engaged in similar lines of activity as listed and described in the Standard Industrial Classification Manual, as amended (SIC Manual), prepared and published by the Bureau of the Budget (now office of Management and Budget), Executive Office of the President.

(q) "Medical and dental laboratory" means those facilities which provide services to doctors, dentists, hospitals, and similar health facilities, which facilities are privately owned and operated for the purpose of obtaining profits which shall inure to the benefit of its owners, stockholders, or members.

(r) "Nonmanufacturer" means any concern which in connection with a specific Government procurement contract, other than a construction or service contract, does not manufacture or produce the products required to be furnished by such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement.

(s) A concern is "not dominant in its field of operation" when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

(t) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the last day of each month. If a concern has acquired an affiliate during the applicable accounting period it is necessary in computing the applicant's number of employees, to include the affiliates' number of employees during the entire applicable accounting period rather than only its employees during the period in which it has been an affiliate. The employees of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

(u) "Protest" means a statement in writing from any bidder or offeror on a particular procurement or disposal (or from any other party interested therein), alleging that another bidder or offeror on such procurement is not a small business concern. Such statement shall contain the basis for the protest, together with specific detailed evidence in support of the protestant's claim. A protest received after the time limits set forth in § 121.3-5(a) shall be acted on but such determination shall not apply to the procurement in question.

(v) "Redevelopment area" for the purpose of small business size determinations means a geographical area within the United States which has been designated as a "redevelopment area" in accordance with the Public Works and Economic Development Act of 1965 (Public Law 89-136, sec. 401, 75 Stat. 48).

(w) "Shopping center" means a group of commercial establishments planned, developed, owned, and managed as a unit with off-street parking provided on the property.

(x) "Size determination" means an SBA ruling, in writing, that a concern is or is not, or was or was not, a small business within the meaning of this part. An opinion rendered by SBA to a contracting officer on the basis of published or commonly known information and without the benefit of a formal SBA inquiry, is not a "size determination" as that term is used in this part.

(y) "United States" as used in this regulation includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia.

§ 121.3-3 Organization—size functions.

The Assistant Administrator for Administration shall:

(a) Develop and recommend small business size standards to the Administrator of SBA for promulgation;

(b) Conduct industry hearings pertaining to size matters;

(c) In concert with the Office of General Counsel, issue interpretations of the Size Standards Regulation;

(d) Consider and take appropriate action on written petitions objecting to or requesting amendments or recision of a published size standard;

(e) Establish procedures for the implementation of all size programs; and

(f) Perform such other related functions as may be appropriate to administer the SBA size program.

§ 121.3-4 Size determinations.

Original size determinations shall be made by the Regional Director, or his delegatee, serving the region in which the principal office of the concern (not including its affiliates) whose size is in question is located, except that for lease guarantee reinsurance purposes such determinations shall be made by the Associate Administrator for Financial Assistance. The Regional Director, or his delegatee, or the Associate Administrator for Financial Assistance, promptly shall notify, in writing by certified mail, return receipt requested, the concern in question and other interested persons of his decision. Such determination shall be final unless appealed in the manner provided in § 121.3-6. For the purpose of Government procurements a size determination shall be made only in the event of a protest pursuant to § 121.3-5, a request for a redetermination pursuant to § 121.3-14(e), a request for a Certificate of Competency, or on request by the U.S. General Accounting Office, provided however that a Regional Director or his delegatee may, whenever he deems such action necessary, determine the size status of a concern for the purpose of the Government Timber Sales Program.

§ 121.3-5 Protest of small business status.

(a) How to protest: Any bidder or offeror or other interested party may challenge the small business status of any other bidder or offeror on a particular procurement or disposal. Such challenge shall be made by delivering a protest to the contracting officer responsible for the particular procurement involved. Such protest must be filed prior to the close of business on the fifth day, exclusive of Saturdays, Sundays, and legal holidays, after bid or proposal opening, except that in the case of negotiated procurements, a protest may be filed by any other offeror or other interested party within five (5) days exclusive of Saturdays, Sundays, and legal holidays after receipt from the contracting officer of notification of the identity of the offeror being protested. *Provided, however,* That a protest received after such time shall be deemed to be timely for the purpose of the procurement in question, if, in the case of mailed protest, such protest is sent by registered or certified mail and the postmark thereon indicates that the protest would have been delivered within this time limit but for delays beyond the control of the protestant or, in the case of telegraphed protests, the telegram date and time line indicate that the protest would have been delivered within this time limit but for delays beyond the control of the protestant. Any contracting officer who receives a protest shall promptly forward such protest to the SBA district office serving the geographical area in which the principal office of the protested concern, not including its affiliates, is located. A contracting officer may at any time after bid opening question the small business status of any bidder or offeror for the purpose of a particular procurement by filing a protest with the SBA district office serving the area in which the principal office of the protested concern, not including its affiliates, is located. A protest by a contracting officer shall be timely for the purpose of the procurement in question whether filed before or after award.

(b) Notification of protest: Upon receipt of such protest, the SBA district director or his delegatee shall immediately notify the Contracting Officer and the protestant of the date such protest has been received and that the size of the concern being protested is being considered by SBA. The district director or his delegatee shall also advise the protested bidder or offeror of the receipt of the protest and shall forward to the protested bidder or offeror a copy of the protest and a blank SBA Form 355, Application for Small Business Size Determination, by certified mail, return receipt requested. Such bidder must, within three (3) working days after receipt of the copy of the protest and SBA Form 355, file the completed form as directed by SBA, and must attach thereto a statement in answer to the allegations of the letter of protest, together with evidence to support such position. If such bidder or offeror does not submit the completed SBA Form 355 within the filing period provided above, or within any additional period of time granted by SBA for cause, SBA will rule the protested concern is other than a small business.

(c) Notification of determination: After receipt of a protest and responses thereto, SBA shall determine the small business status of the protested bidder or offeror and, by certified mail, return receipt requested, notify the Contracting Officer, the protestant, and the protested bidder or offeror of its decision within 10 working days if possible.

(d) If SBA has determined that a concern is ineligible as a small business for the purpose of a particular procurement, it cannot thereafter become eligible for the purpose of such procurement by taking affirmative acts to constitute itself a small business.

§ 121.3-6 Appeals.

(a) *Organization.* The Size Appeals Board shall review appeals from size determinations made pursuant to §§ 121.3-4 and 121.3-5 and from product classifications made pursuant to §§ 121.-3-8 and 121.3-10 and shall make final decisions as to whether such determinations or classifications should be affirmed, reversed or modified. Size Appeals Board proceedings are essentially factfinding and nonadversary in nature. The Size Appeals Board shall conduct such proceedings as it determines appropriate to enable it to discharge its duties.

(1) The Size Appeals Board shall consist of five members, to wit: The Deputy Administrator (Chairman), the Associate Administrator for Procurement and Management Assistance (Vice Chairman), the Associate Administrator for Financial Assistance, the Assistant Administrator for Planning, Research and Analysis, and the Associate Administrator for Investment.

(2) Each member of the Size Appeals Board shall, in writing, designate one or more alternates to serve in his stead in the event of absence or disability. Each member or his alternate shall have one vote, except that the Chairman, or the Vice Chairman acting in his stead, shall vote only in the event of a tie.

(b) *Method of appeal.*—(1) *Who may appeal.* An appeal may be filed by:

(i) Any concern or other interested party which has protested the small business status of another concern pursuant to § 121.3-5 and whose protest has been denied by a Regional Director or his delegatee;

(ii) Any concern or other interested party which has been adversely affected by a decision of a Regional Director or his delegatee or by the Associate Administrator for Financial Assistance pursuant to §§ 121.3-4 and 121.3-5;

(iii) Any concern or other interested party which has been adversely affected by a decision of a Contracting Officer regarding product classification pursuant to § 121.3-8; and

(iv) The Small Business Administration Associate Administrator for the Small Business Administration program involved.

(2) *Where to appeal.* Written notices of appeal shall be addressed to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416.

(3) *Time for appeal.* (i) An appeal from a size determination or product classification by a Regional Director, or his delegatee, may be taken at any time, except that because of the urgency of pending procurements, appeals concerning the small business status of a bidder or offeror in a pending procurement may be taken within five (5) days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a decision by a Regional Director or his delegatee. Unless written notice of such appeal is received by the Size Appeals Board before the close of business on the fifth day, the appellant will be deemed to have waived its rights of appeal insofar as the pending procurement is concerned.

(ii) An appeal from a product classification determination by a Contracting Officer may be taken: (*a*) Not less than 10 days, exclusive of Saturdays, Sundays, and legal holidays, before bid opening day or deadline for submitting proposals or quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is more than 30 days after the issuance of the invitation for bids or request for proposals or quotations, or (*b*) not less than five (5) days, exclusive of Saturdays, Sundays, and legal holidays, before the bid opening day or deadline for submitting proposals or

V 37 I 5 JAN 8 72 XUM

quotations, in cases wherein the bid opening date or last date to submit proposals or quotations is 30 or less days after the issuance of the invitation for bids or request for proposals or quotations, and

(iii) The timeliness of an appeal under subdivisions (i) and (ii) of this subparagraph shall be determined by the time of receipt of the appeal by the Size Appeals Board: *Provided, however,* That an appeal received after such time limits have expired shall be deemed to be timely and shall be considered if, in the case of mailed appeals, such appeal is sent by registered or certified mail and the postmark thereon indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant, or in the case of telegraphed appeals, the telegram date and time line indicates that the appeal would have been received within the requisite time limit but for delays beyond the control of the appellant.

(4) *Notice of appeal.* No particular form is prescribed for the notice of appeal. However, the appellant shall submit to the Board an original and four legible copies of such notice and, to avoid time-consuming correspondence, the notice should include the following information:

(i) Name and address of concern on which the size determination was made;

(ii) The character of the determination from which appeal is taken and its date;

(iii) If applicable, the IFB or contract number and date, and the name and address of the contracting officer;

(iv) A concise and direct statement of the reasons why the decision of a Regional Director, or his delegatee, the Contracting Officer or the Associate Administrator for Financial Assistance is alleged to be erroneous;

(v) Documentary evidence in support of such allegations; and

(vi) Action sought by the appellant.

(c) *Notice to interested parties.* The Size Appeals Board shall promptly acknowledge receipt of the Notice of Appeal and shall send a copy of such Notice of Appeal to the appropriate Regional Director or his delegatee and to the Contracting Officer (if a pending procurement is involved). If the appellant is not the concern whose size status is in question, the Board shall also send a copy of the notice to such concern. The Board shall notify all known interested parties that the appeal has been filed. The Board in its discretion may also provide any of such interested parties with copies of applicant's Notice of Appeal, or parts thereof, when the Board determines that this would be in the interest of fairness or would assist it in the performance of its functions.

(d) *Statement of interested parties.* After an appeal has been filed, any other interested parties may file with the Board a signed statement, together with four legible copies thereof, as to why the appeal should or should not be denied. Such statement shall be accompanied by appropriate evidence. Such statements and supporting evidence shall be mailed or delivered to the Chairman, Size Appeals Board, Small Business Administration, Washington, D.C. 20416, within five (5) days of the receipt of appropriate notification of appeal or other action in the proceeding unless an extension is for cause granted by the Chairman of the Size Appeals Board. If the appellant is the concern whose size status is in question, the Board will provide copies of such statements and appropriate evidence submitted in connection with the appeal or a reconsideration thereof to such appellant.

(e) *Consideration by the Size Appeals Board.* (1) The Size Appeals Board shall consider the appeal on the written submission of the parties, the Board may also, in its discretion, conduct an oral inquiry. After consideration of all relevant information, the Board shall promptly render a decision which shall state the reason for such decision.

(2) Procedures in oral inquiries. In considering size appeals, and in reconsidering size appeals decisions, the Size Appeals Board may hold an oral inquiry to assist it in arriving at facts necessary in deciding the appeal. The following rules shall govern such oral inquiries:

(i) Oral inquiries may be held by the Size Appeals Board upon the request of any party to a size appeal or by the Board on its own motion. The Board will, in its discretion, determine whether an oral inquiry will be of assistance in its determination of a size appeal. The Board shall inform the party making a request for oral inquiry whether its request is granted. If the Board grants the request for an oral inquiry, it will so notify all other interested parties.

(ii) Oral inquiries held by the Board are investigative in nature and not adversary. Such inquiries shall be conducted informally in a manner which will facilitate the Board's factfinding function and insure fairness to all participants.

(iii) Whenever the Board permits the appearance of two or more parties before it in an oral inquiry, cross-examination shall not be permitted between or among such parties; however, any party appearing in such oral inquiry may suggest questions for the Board to direct to other parties which may assist the Board in its determination of relevant facts.

(f) *Decision of the Size Appeals Board.* The decision of the Size Appeals Board shall be predicated upon the entire record, and it shall state in writing the basis for its findings and conclusions. The Chairman shall promptly notify, in writing, the appellant and the other interested parties of the Board's decision together with the reasons therefor.

(g) *Reconsiderations.* (1) Following any decision in a size appeals case, an interested party, within no more than five (5) business days following the decision, may petition the Board for reconsideration upon presentation of appropriate justification therefor. The petition for reconsideration to the Board may be in any form, with an original and four copies. The Board will notify interested parties that a petition for reconsideration has been received.

(2) The Board shall consider the petition for reconsideration upon the statement and other evidence presented by the petitioners and any other evidence the Board, in its discretion, deems necessary.

(3) Grounds for reconsideration. Grounds for reconsideration shall be:

(i) A material error of fact in the original decision; or

(ii) Relevant information not previously considered by the Board or relevant information not previously available to any of the parties involved;

(iii) When a request for reconsideration is made by any of the interested parties, such requesting party must demonstrate to the Board that the grounds for reconsideration involve facts or information which were not previously presented to the Board through no fault or omission of such party.

(4) If the Board denies the request for reconsideration, it shall notify all parties. If the request for reconsideration is granted, the Board shall so notify all interested parties, setting forth a reasonable time within which the interested parties may, if appropriate, submit additional information. The Board may, in its discretion, provide interested parties with copies of appropriate information submitted by other parties where it determines that this is necessary in the interest of fairness or to better assist the Board in performing its factfinding functions.

(5) Following its reconsideration of the matter, the Board will promptly render a decision pursuant to paragraph (f) of this section. The decision of the Board shall constitute the final administrative remedy afforded by this Agency.

§ 121.3–7 Differentials.

(a) Alaska: If an applicant for a size determination is a concern which has fifty percent (50%) or more of its annual sales or receipts attributable to business activity within Alaska then, whenever "annual sales or annual receipts" are used in any size definition contained in this part, said dollar limitation is increased by twenty-five percent (25%) of the amount set forth therein.

(b) Substantial or persistent unemployment areas; areas of concentrated unemployment or underemployment; certified eligible concerns; and redevelopment areas—(1) Assistance under sections 7(a) and 8(a) of the Small Business Act. Notwithstanding any other provision of this part, the applicable size standards for the purposes of assistance under sections 7(a) and 8(a) of the Act are increased by twenty-five percent (25%) whenever the concern maintains or operates a plant, facility, or other business establishment within an Area of Substantial Unemployment or Underemployment or Redevelopment Area as defined in § 121.3–2 (d) and (v) or is designated as a Certified Eligible concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) Small business investment companies and development companies. Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with section 501 or section 502 loan is increased by twenty-five percent (25%) whenever such concern qualifies for a similar differential under subparagraph (1) of this paragraph.

(3) Government procurement assistance, sales of Government property and Government subcontracting. Except as is provided in subparagraphs (1) and (2) of this paragraph, this paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property or Government subcontracting.

§ 121.3–8 Definition of small business for Government procurement.

A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts and can further qualify under the criteria set forth in this section. When computing the size status of a bidder or offerer, the number of employees, annual receipts, or other applicable standards of the bidder or offerer and all of its affiliates shall be included. In the submission of a bid or proposal on a Government procurement, a concern which meets the criteria provided in this section and which either has not been determined by SBA to be ineligible, or has been determined to be ineligible but subsequently has on the basis of a significant change in ownership, management or contractual relations, applied for recertification and had its application granted, may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the Contracting Officer shall accept the self-certification at face value for the particular procurement involved. If the contracting officer has cause to question the veracity of a self-certification and elects to do so, he shall refer the eligibility issue to SBA by filing a formal protest pursuant to § 121.3–5. If a procurement calls for more than one item and the bidder can bid on any or all items, the bidder must meet the size standard for each item for which it submits a bid. If the procurement calls for more than one item and a bidder is required to bid on all or none of such items, the bidder can qualify as small business for such procurement if it meets the size standard for the item accounting for the greatest percentage of the total contract value. The determination of the appropriate classification of a product or service shall be made by the contracting officer. Both classification and the applicable size standard (number of employees, average annual receipts, etc.) shall be set forth in the solicitation and such determination of the contracting officer shall be final unless appealed in the manner provided in § 121.3–6. If no standard for an industry, field of operation or activity (e.g., animal specialty; fin fish; management-logistics support to be performed outside of the several States, Commonwealth of Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands, or the District of Columbia) has been set forth in this section, a concern bidding on a Government contract is a small business, if including its affiliates, it is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and has 500 employees or less.

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared and published by the Bureau of the Budget (now Office of Management and Budget), Executive Office of the President, is:

(1) Small if its average annual receipts for its preceding three (3) fiscal years do not exceed $7½ million.

(2) Small if it is bidding on a contract for dredging and its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(b) *Manufacturing.* Any concern bidding on a contract for a product it manufactured is classified:

(1) As small if it is bidding on a contract for food canning and preserving and its number of employees does not exceed 500 persons, exclusive of agricultural labor as defined in section (k) of the Federal Unemployment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(2) As small if it is bidding on a contract for a product classified within an industry set forth in Schedule B of this part and its number of employees does not exceed the size standard established for that industry.

(3) As small if it is bidding on a contract for a product classified within an industry not set forth in Schedule B of this part and its number of employees does not exceed 500 persons.

(4) As small if it is bidding on a contract for pneumatic tires within Census Classification Codes 30111 and 30112: *Provided,* That (i) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured in the United States during the preceding calendar year is more than 50 percent of the value of its total worldwide manufacture, (ii) the value of the pneumatic tires within Census Classification Codes 30111 and 30112 which it manufactured worldwide during the preceding calendar year was less than five percent (5%) of the value of all such tires manufactured in the United States during said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold worldwide during the preceding calendar year is less than ten percent (10%) of the total value of such products manufactured or otherwise produced or sold in the United States during said period.

(5) As small if it is bidding on a contract for passenger cars within Census Classification Code 37171: *Provided,* That (i) the value of the passenger cars within Census Classification Code 37171 which it manufactured or otherwise produced in the United States during the preceding calendar year is more than fifty percent (50%) of the value of its total worldwide manufacture or production of such passenger cars, (ii) the value of the passenger cars within Census Classification Code 37171, which it manufactured or otherwise produced during the preceding calendar year was less than five percent (5%) of the total value of all such manufactured or produced in the United States during the said period, and (iii) the value of the principal products which it manufactured or otherwise produced or sold during the preceding calendar year is less than ten percent (10%) of the total value of such product manufactured or otherwise produced or sold in the United States during said period.

(6) Rebuilding on a factory basis or equivalent: As small if it is bidding on a contract for rebuilding machinery or equipment on a factory basis, the purpose of which is to restore such machinery or equipment to as serviceable and as like new condition as possible and its number of employees does not exceed the number of employees specified for the classification code applicable to the manufacturer of the original item.

NOTE: The size standard contained herein is not limited to concerns who are manufacturers of the original item but it is applicable to all bidders or offerers. The term "rebuilding on a factory basis" as used in this subsection does not include ordinary repair services such as those involving minor repair and/or preservation operations.

(c) *Nonmanufacturing.* Any concern which submits a bid or offer in its own name, other than on a construction or service contract, but which proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) Its number of employees does not exceed 500 persons, and

(2) (i) In the case of Government procurement reserved for or involving the preferential treatment of small businesses, such nonmanufacturer furnishes in the performance of the contract the products of a small business manufacturer or producer whose products are manufactured or produced in the United States; *Provided, however,* If the goods to be furnished are woolen, worsted, knitwear, duck, and webbing, dealers and converters shall furnish such products which have been manufactured or produced by a small weaver (small knitter

V 37 5
JAN 8 72
XUM

for knitwear), and if finishing is required, by a small finisher. If the procurement is for thread, dealers and converters shall furnish such products which have been finished by a small finisher. (Finishing of thread is defined as all "dyeing, bleaching, glazing, mildew proofing, coating, waxing, and other applications required by the pertinent specifications but excluding, mercerizing, spinning, throwing, or twisting operations.")

(ii) If the procurement is for a refined petroleum product, other than a product classified in Standard Industrial Classification Industries No. 2951, Paving Mixtures and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Greases; or No. 2999, Products of Petroleum and Coal, Not Elsewhere Classified; paragraph (g) of this section is for application.

(d) *Research, development, and testing.* Any concern bidding on a contract for research, development, and/or testing is classified:

(1) As small if it is bidding on a contract for research and/or development which requires delivery of a manufactured product and (i) it qualifies as a small business manufacturer within the meaning of paragraph (b) of this section for the industry into which the product is classified, or (ii) it qualifies as a small business nonmanufacturer within the meaning of paragraph (c) of this section.

(2) As small if it is bidding on a contract for research and/or development which does not require delivery of a manufactured product or on a contract for testing and its number of employees does not exceed 500 persons.

(e) *Services.* Any concern bidding on a contract for services, not elsewhere defined in this section, is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

(1) Any concern bidding on a contract for engineering services other than marine engineering services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(2) Any concern bidding on a contract for motion picture production or motion picture services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) Any concern bidding on a contract for janitorial and custodial services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(4) Any concern bidding on a contract for base maintenance is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(5) Any concern bidding on a contract for marine cargo handling services is classified as small if its annual receipts do not exceed $5 million for the preceding three (3) fiscal years.

(6) Any concern bidding on a contract for naval architectural and marine engineering services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $6 million.

(7) Any concern bidding on a contract for food services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $4 million.

(8) (i) Any concern bidding on a contract for laundry services including linen supply, diaper services, and industrial laundering is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(ii) Any concern bidding on a contract for cleaning and dyeing including rug cleaning services is classified as small if its average annual receipts for the preceding three (3) fiscal years do not exceed $1 million.

(9) Any concern bidding on a contract for computer programing services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(10) Any concern bidding on a contract for flight training services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(11) Any concern bidding on a contract for motorcar rental and leasing services or truck rental and leasing services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(12) Any concern bidding on a contract for tire recapping services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(13) Any concern bidding on a contract for data processing services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $3 million.

(14) Any concern bidding on a contract for computer maintenance services is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(f) *Transportation.* Any concern bidding on a contract for passenger or freight transportation, not elsewhere defined in this section, is classified:

(1) As small if its number of employees does not exceed 500 persons.

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,500 persons.

(3) As small if it is bidding on a contract for either trucking (local and long-distance), warehousing, packing, and crating and/or freight forwarding, and its annual receipts do not exceed $5 million.

(g) *Refined petroleum products.* Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving Mixtures and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Greases; or No. 2999, Products of Petroleum and Coal, Not Elsewhere Classified; is classified as small if (1) its number of employees does not exceed 1,000 persons; (ii) it does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned or leased facilities or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis), or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased; and (iii) the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks; *Provided, however,* That a petroleum refining concern which meets the requirements in subdivisions (i) and (ii) of this subparagraph may furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, in effect on the date of the bid or offer, between the bidder or offeror and the refiner of the product to be delivered to the Government which requires exchanges in a stated ratio on a refined petroleum product for a refined petroleum product basis, and precludes a monetary settlement, and that the products exchanged for the products offered and to be delivered to the Government meet the requirement in subdivision (iii): *And, provided further,* That the exchange of products for products to be delivered to the Government, will be completed within 90 days after the expiration of the delivery period under the Government contract: and that any product furnished pursuant to a bona fide exchange agreement must be for delivery in the same Petroleum Administration for Defense (PAD) District pursuant to Schedule G of Part 121, as that in which the small refinery is located; or (2) its number of employees does not exceed 500 persons and the product to be delivered to the Government has been refined by a concern which qualifies under subparagraph (1) of this paragraph.

§ 121.3–9 Definition of small business for sales of Government property.

In the submission of a bid or proposal for the purchase of Government-owned property, a concern which meets the criteria provided in this section may represent that it is a small business. In the absence of a written protest or other information which would cause him to question the veracity of the self-certification, the contracting officer shall accept the self-certification at face value for the particular sale involved.

(a) *Sales of Government-owned property other than timber.* A small business concern for the purpose of the sale of Government-owned property other than timber is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field operation, and can further qualify under the following criteria.

(1) *Manufacturers.* Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons; *Provided, however,* That a concern primarily engaged in SIC Industry 2911, Petroleum Refining, is small if its number of employees does not exceed 1,000 persons and it does not have more than 30,000 barrels-per-day crude oil or bona fide stock capacity from owned and/or leased facilities, or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis) or a throughput or other forms of processing agreement, with the same effect as though such facilities had been leased.

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its annual receipts for its preceding three (3) fiscal years do not exceed $5 million.

(3) *Stockpile purchasers.* Any concern primarily engaged in the purchase of materials which are not domestic products is small if its annual sales or annual receipts for its preceding three (3) fiscal years do not exceed $25 million.

(b) *Sales of Government-owned timber.* (1) In connection with sale of Government-owned timber a small business is a concern that:

(i) Is primarily engaged in the logging or forest products industry;

(ii) Is independently owned and operated;

(iii) Is not dominant in its field of operation; and

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

(2) In the case of Government sales of timber reserved for or involving preferential treatment of small businesses, when the Government timber being purchased is to be resold, a concern is a small business when:

(i) It is a small business within the meaning of subparagraph (1) of this paragraph, and

(ii) It agrees that it will not sell to a concern which is not a small business within the meaning of this paragraph more than thirty percent (30%) of such timber or, in the case of timber from certain geographical areas set forth in Schedule E of this part, more than the percentage established therein for such area.

(3) In the case of Government sales reserved for or involving preferential treatment of small businesses, when the Government timber purchased is not to be resold in the form of sawlogs to be manufactured into lumber and timbers, a concern is a small business when:

(i) It meets the criteria contained in subparagraph (1) of this paragraph, and

(ii) It agrees that in manufacturing lumber or timbers from such sawlogs cut from the Government timber, it will do so only with its own facilities or those of concerns that qualify under subparagraph (1) of this paragraph as a small business.

§ 121.3–10 Definition of small business for SBA loans.

A small business concern for the purpose of receiving an SBA loan is a concern, including its affiliates, which is independently owned and operated, is not dominant in its field of operation, and can further qualify under the criteria set forth below. A concern which is a small business under § 121.3–8 which has applied for or received a Certificate of Competency is a small business eligible for an SBA loan to finance the contract covered by the Certificate of Competency. If no standard for an industry, field of operation, or activity has been set forth in this section, a concern seeking determination shall submit SBA Form 355 to the Assistant Administrator for Administration, Washington, D.C. 20416. If an applicant for an SBA loan has one or more affiliates primarily engaged in industries different than that of the applicant, the applicant's size status shall be determined by computing the percentage that the applicant's size is of the size standard for the industry in which it is primarily engaged and adding it to the percentage that the size of each of its affiliates is of the size standard for the industry in which each affiliate is primarily engaged. In order for the applicant to be eligible under this revision, the total of such percentages must not exceed one hundred percent (100%). A concern's primary industry is that which produced the greatest percentage of gross receipts for its past fiscal year.

(a) *Construction.* Any construction concern is small if its average annual receipts do not exceed $5 million for the preceding three (3) fiscal years.

(b) *Manufacturing.* Any manufacturing concern is classified:

(1) As small if its number of employees does not exceed 250 persons;

(2) As large if its number of employees exceeds, 1,500 persons;

(3) Either as small or large depending on its industry and in accordance with the employment size standards set forth in Schedule "A" of this part, if its number of employees exceeds 250 persons, but not more than 1,500 persons;

(4) As small if it is primarily engaged in the food canning and preserving industry and its number of employees does not exceed 500 persons exclusive of agricultural labor as defined in subsection (k) of the Federal Employment Tax Act, 68A Stat. 454, 26 U.S.C. (I.R.C. 1954) 3306.

(c) *Retail.* (1) Any retailing concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule D of this part and its annual receipts do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule D of this part and its annual sales do not exceed $1 million.

(d) *Services.* Any service concern is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the hotel and motel industry and its annual receipts do not exceed $2 million;

(3) As small if it is primarily engaged in the power laundry industry and its annual receipts do not exceed $2 million;

(4) As small if it is primarily engaged in the trailer court and parks industry and its annual receipts do not exceed $1 million: *Provided,* That a minimum of fifty percent (50%) of the annual receipts is derived from the rental of space to tourist trailers for periods not in excess of thirty (30) days.

(5) As small if it is primarily engaged in owning and operating a hospital and its capacity does not exceed 150 beds (excluding cribs and bassinets);

(6) As small if it is primarily engaged in owning and operating a convalescent or nursing home and its annual receipts do not exceed $1 million;

(7) As small if it is primarily engaged in owning and operating a medical or dental laboratory and (i) it is operated in connection with an eligible proprietary hospital or (ii) it is not operated in connection with an eligible proprietary hospital and its annual receipts do not exceed $1 million;

(8) As small if it is primarily engaged in the motion picture production industry and its annual receipts do not exceed $5 million;

(9) As small if it is primarily engaged in the motion picture services industry and its annual receipts do not exceed $5 million;

(10) As small if it is primarily engaged in rendering engineering services and its annual receipts do not exceed $2.5 million.

(e) *Shopping centers.* (1) Any concern primarily engaged in operating shopping centers is small if (i) it does not have assets exceeding $5 million, (ii) it does not have net worth in excess of $2½ million, (iii) it does not have an average net income, after Federal Income Taxes, for the preceding two (2) fiscal years in excess of $250,000 (average net income to be computed without benefit of any carryover loss), and (iv) it does not lease more than twenty-five percent (25%) of the gross leasable area to concerns which do not meet the small business definitions contained in this section.

(2) For the purpose of size determinations, shopping center operators will not be considered affiliated with their tenants merely because of lease agreements.

(f) *Transportation and warehousing.* Any concern primarily engaged in passenger and freight transportation or warehousing is classified:

(1) As small if its annual receipts do not exceed $1 million;

(2) As small if it is primarily engaged in the air transportation industry and its number of employees does not exceed 1,000 persons;

(3) As small if it is primarily engaged in the storage of grain and it does not

V 37 N 5 JAN 8 72 XUM

have more than 1 million bushels capacity in owned and leased facilities, and its annual receipts do not exceed $1 million;

(4) As small if it is primarily engaged in trucking, warehousing, packing, and crating and/or freight forwarding and its annual receipts do not exceed $5 million.

(g) *Wholesale.* (1) Any wholesaling concern is classified:

(i) As small if it is primarily engaged in an industry or subindustry set forth in Schedule C of this part and its annual receipts do not exceed the size standard established therein for that industry or subindustry.

(ii) As small if it is primarily engaged in an industry or subindustry not set forth in Schedule C of this part and its annual receipts do not exceed $5 million.

(2) Any concern primarily engaged in wholesaling, but also engaged in manufacturing, is not a "small business concern" unless it qualifies under both the manufacturing and wholesaling standards.

(h) *Custom livestock feeding.* Any concern primarily engaged in custom livestock feeding is classified as small if its annual receipts do not exceed $2 million.

§ 121.3–11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is one which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding $7½ million, does not have net worth in excess of $2½ million, and does not have an average net income, after Federal Income Taxes, for the preceding 2 years in excess of $250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3–10.

§ 121.3–12 Definition of small business Government subcontractors.

(a) Any concern in connection with subcontracts of $2,500 or less which relate to Government procurements will be considered a small business concern if, including its affiliates, its number of employees does not exceed 500 persons.

(b) Any concern in connection with subcontracts exceeding $2,500 which relate to Government procurements will be considered a small business concern if it qualifies as such under § 121.3–8: *Provided, however,* That a nonmanufacturer is considered as small business for the purpose of Government subcontracting if, including its affiliates, its number of employees does not exceed 500 persons.

§ 121.3–13 Definition of small business for the purpose of lease guarantee.

A small business concern for the purpose of lease guarantee is a concern that qualifies as a small business under § 121.3–11.

§ 121.3–14 Interpretations.

(a) [Reserved]

(b) *Section 121.3–9(b), "Sales of Government-owned timber."* Any concern which self-certifies as a small business concern for the purpose of the sale of Government-owned timber is expected to maintain sufficient documentary evidence to show that it did so in good faith. This means that a concern which sells more than 30 percent (30%) of the purchased timber will have to maintain the names and addresses of the concerns to whom the timber is sold and the size status of such concerns, unless an exemption has been granted on sales of mixed stumpage of hardwood and softwood species. Further, if the timber purchased is not to be resold in the form of sawlogs, but is to be manufactured into lumber and timber by a concern other than the bidder, the bidder must maintain records to show the name, address, and size status of the concern manufacturing the timber into lumber or timbers.

(c) *Section 121.3–2(a), "Affiliates"*—(1) *Nature of Control.* Every business concern is considered as having one or more parties who directly or indirectly control or have the power to control it. Control may be affirmative or negative and it is immaterial whether it is exercised so long as the power to control exists.

EXAMPLE. A party owning 50 percent of the voting stock of a concern would have negative power to control such concern since he can block any action of the other stockholders. Also, the bylaws of a corporation may be drawn up in such a manner which would permit a stockholder with less than 50 percent of the voting stock to block any actions taken by the other stockholders. Affiliation exists when one or more parties have the power to control a concern while at the same time another party, or other parties, may be in control of the concern at the will of the party or parties with the power to control.

(2) *Meaning of "party or parties."* The term "party or parties" includes, but is not limited to, two or more persons with an identity of interest such as members of the same family or persons with common investments in more than one concern. In determining who controls or has the power to control a concern, persons with an identity of interest may be treated as though they were one person.

(3) *Control through stock ownership.* (i) A party is considered to control or have the power to control a concern if he controls or has the power to control 50 percent or more of its voting stock.

(ii) A party is considered to control or have the power to control a concern even though he owns, controls, or has the power to control less than 50 percent of the concern's voting stock if the block of stock he owns, controls, or has the power to control is large as compared with any other outstanding block of stock. If two or more parties each own, control or have the power to control less than 50 percent of the voting stock of a concern and such minority blocks are (a) equal or substantially equal in size, and (b) large as compared with any other block outstanding, there is a presumption that each of such parties controls or has the power to control such concern; however, such presumption may be rebutted by a showing that such control or power to control, in fact, does not exist.

(iii) If a concern's voting stock is distributed other than as described above, its management (officers and directors) is deemed to be in control of such concern.

EXAMPLE. In a corporation where the officers and directors own various size blocks of stock totalling 40 percent of a concern's voting stock but no officer or director has a block sufficient to give him control or the power to control and remaining 60 percent is widely distributed with no individual stockholder having a stock interest greater than 10 percent, management has the power to control.

(4) *Stock options, convertible debentures, and agreements to merge.* Stock options and convertible debentures exercisable at the time of, or within a relatively short time after a size determination, and agreements to merge in the future, are considered as having a present effect on the power to control the concern. Therefore, in making a size determination, such options, debentures, and agreements are treated as though the rights held thereunder had been exercised prior to the date of the determination.

EXAMPLE. If, on the date of the determination, Company "A" holds an option to purchase a controlling interest in Company "B" and such option can be exercised at any time by Company "A", the situation is treated as though Company "A" had exercised its rights and had become owner of a controlling interest in Company "B" prior to the determination. Further, if, as of the date of a determination, Company "A" has entered into an agreement to merge with Company "B" in the future, the situation is treated as though the merger had taken place prior to the date of the determination.

(5) *Voting trusts.* If the purpose of a voting trust or similar agreement is to separate voting power from beneficial ownership of voting stock, for the purpose of shifting control of, or the power to control a concern, in order that such concern or another concern may qualify as a small business within the size regulation, such voting trust shall not be considered valid for this purpose, regardless of whether the trust is or is not valid within the appropriate jurisdiction. However, if a voting trust is entered into for a legitimate purpose other than that described above, and it is a valid trust within the appropriate jurisdiction, it may be considered valid for the purpose of a size determination, provided such consideration is determined to be in the best interest of the small business program.

(6) *Control through common management.* A concern is considered as controlling or having the power to control another concern when one or more of the following circumstances are found to exist, and it is reasonable to conclude

that under the circumstances, such concern is directing or influencing, or has the power to direct or influence the operation of such other concern.

(i) *Interlocking management.* Officers, directors, employees, or principal stockholders of one concern serve as a working majority of the board of directors or officers of another concern.

(ii) *Common facilities.* One concern shares common office space, and/or employees and/or other facilities with another concern, particularly where such concerns are in the same or related industry or field of operation, or where such concerns were formerly affiliated.

(iii) *Newly organized concern.* Former officers, directors, principal stockholders, and/or key employees of one concern organize a new concern in the same or a related industry or field of operation, and serve as its officers, directors, principal stockholders, and/or key employees, and one concern is furnishing or will furnish the other concern with subcontracts, financial or technical assistance, and/or other facilities, whether for a fee or otherwise.

(7) *Control through contractual relationships*—(i) *Definition of a joint venture for size determination purposes.* A joint venture, for size determination purposes, is an association of persons or concerns with interest in any degree or proportion by way of contract, express or implied, consorting to engage in and carry out a single business venture, such as a Government contract, for joint profit, for which purpose they combine their efforts, property, money, skill, or knowledge, but without creating a corporation or partnership in the legal or technical sense of the term.

(ii) *Joint ventures—financial assistance.* For the purpose of financial assistance to a joint venture, the parties thereto are considered as controlling or having the power to control each other and are considered as being affiliated. For the purpose of financial assistance to a concern which has requested assistance for its own use, but which is incidentally a party to a joint venture, such concern is not considered as being affiliated with its joint venturer.

(iii) *Joint venture—procurement assistance.* Concerns bidding on a particular procurement as joint venturers are considered as controlling or having the power to control each other with regard to performance of the contract, and therefore are considered as being affiliated. However, a concern which is a party to one or more joint ventures, but which is bidding on a procurement as an individual concern, is not considered as being affiliated with its joint venturers since they have no power to control its performance of the contract being bid on. Where a concern is not considered as being an affiliate of a concern with which it is participating in a joint venture, it is necessary, nevertheless, in computing annual receipts, etc., for the purpose of applying size standards to include such concern's share of the joint venture receipts (as distinguished from its share of the profits of such venture).

(iv) *Franchise and license agreements.* If a concern operates or is to operate under a franchise (or a license) agreement, the following policy is applicable: In determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, the restraints imposed on a franchisee by its franchise agreement shall not be considered, provided that the franchisee has the right to profit from its effort and the risk of loss or failure, commensurate with ownership. Even though a franchisee may not be controlled by the franchisor by virtue of the contractual relationship between them, the franchisee may be controlled by the franchisor or others through common ownership or common management, in which case they would be considered as affiliated.

(d) *Section 121.3–8, Definition of small business for Government procurement*—(1) *Sawmills.* For the purpose of a size determination, a sawmill is considered as the manufacturer of treated lumber, even if it contracts out the treatment of the lumber. Therefore, a small business sawmill can deliver in the performance of a set-aside procurement lumber which has been treated by a concern which does not qualify as a small business concern.

(2) *Oxygen converters.* For the purpose of a size determination, a concern which converts liquid oxygen to gaseous oxygen with or without additives, is a nonmanufacturer of the gaseous oxygen and therefore must furnish gaseous oxygen converted from liquid oxygen manufactured by a small business concern.

(e) *Section 121.3–8.* Section 121.3–8 provides that, in the submission of a bid or proposal on a Government procurement, a concern which meets the size standards criteria provided in § 121.3–8, may represent that it is a small business, provided further, however, that a concern which has been determined by SBA to be ineligible as a small business under a particular size standard: (1) Shall, if it has self-certified as a small business on a pending procurement subject to the same or lower number of employees or annual receipts size standard (whichever is applicable), immediately notify the contracting officer of such adverse size determination and, (2) shall not thereafter self-certify on a procurement subject to the same or a lower employee or annual receipts size standard (whichever is applicable) until it has applied for recertification based on a significant change in its ownership, management or contractural relations, and has been determined eligible as a small business under such size standards by either the regional office which issued the adverse determination or the Small Business Size Appeals Board.

(f) *Section 121.3–4 "Application for small business size status determination."* Contracting officers, in order to determine whether to set particular contracts aside for exclusive award to small business concerns or whether to send invitations for bids to particular concerns, may require information from SBA concerning the small business size status of such concerns and be unable to wait for a formal small business size determination. In such cases, informal advice or information may be given based on the best evidence available concerning the small business size of such a concern. However, such informal advice is not a small business size determination within the meaning of that term in the Small Business Size Standards Regulation and is not binding with respect to eligibility as a small business for the purpose of a particular Government procurement. Further, an opinion as to a concern's future small business size status, based on proposed but unexecuted changes in its organization, management, or contractual relations, is not a small business size determination.

(g) *Section 121.3–6 "Appeals."* The Size Appeals Board only has jurisdiction to consider appeals from formal determinations as to a concern's small business size status and appeals from product or service classification determination made by contracting officers for the purpose of Government procurements. It has no jurisdiction to consider an appeal from an informal opinion or advice concerning a company's small business size status, an opinion as to a company's future small business size status based on proposed but unexecuted changes in its organization, management, or contractual relations, or an appeal based on an allegation that the small business size standard established by SBA for a particular industry or field of operation is improper for the purpose intended.

(h) *Sections 121.3–2(s) and 121.3–8(c) "Definition of nonmanufacturer."* For size determination purposes there can only be one manufacturer of the end item being procured. The manufacturer of the end item being procured is the concern which with its own forces transforms inorganic or organic substances including raw materials and/or miscellaneous parts or components into such end item. Whether a bidder on a particular procurement is the manufacturer or a nonmanufacturer for the purpose of a size determination is not for determination by the contracting officer. The decision shall be made by the appropriate SBA regional director or his delegate and need not be consistent with the contracting officer's decision as to whether such concern is or is not a manufacturer for the purpose of the Walsh-Healey Act, etc.

(i) *Section 121.3–8(g) "Refined petroleum products."* The proviso in § 121.3–8(g)(1)(iii) that the product to be delivered in the performance of the contract will contain at least 90 percent components refined by the bidder from either crude oil or bona fide feed stocks, contemplates that, in accomplishing such refining, the bidder will utilize its own employees and facilities which it owns or obtains under a bona fide lease as distinguished from any other arrangement having the same effect as a lease.

V 37 N 8 JAN 72 XUM

The proviso in § 121.3–8(g) permitting a concern which meets the requirements in subdivisions (i) and (ii) of § 121.3–8(g)(1) to furnish the product of a refinery not qualified as small business if such product is obtained pursuant to a bona fide exchange agreement, which meets prescribed requirements, contemplates that the product exchanged by the bidder for the product to be furnished, shall have been refined by the bidder utilizing only its own employees and its own facilities or facilities obtained through a bona fide lease.

(j) *Section 121.3–10 Definition of Small Business for SBA Loans.* Following is an example of the method to be utilized in computing a diversified concern's size status for the purpose of an SBA loan:

Concern A applies for an SBA loan. It is affiliated with Concern B. Concern A has 15 employees and $2.5 million in receipts and is primarily engaged in the retail sale of groceries (Industry No. 5411) for which the size standard is $5 million in annual receipts. Concern B has 100 employees and $3 million in receipts and is primarily engaged in the manufacture of macaroni (Industry No. 2098) for which the size standard is 250 employees. The receipts of Concern A are only 50 percent of the size standard for its industry and the employment of Concern B is only 40 percent of the size standard for its industry. Since the combined percentages are less than 100 percent, Concern A can qualify for an SBA loan.

(k) *Section 121.3–8(e)(12).* The Small Business Size Appeals Board has interpreted this section to apply only to procurements requiring the services of tire retreading and repair shops (Standard Industrial Classification Industry No. 7534, Tire Retreading and Repair Shops) and not to procurements for the repairing and/or retreading of pneumatic aircraft tires which, by reason of the extent and nature of the equipment and operations required, is considered for size standards purposes to be manufactured within the meaning of Standard Industrial Classification Industry No. 3011, Tires and Inner Tubes.

(l) *Section 121.3–8(c) "Definition of Nonmanufacturer."* The Government often purchases items in the form of kits such as, but not limited to, tool kits and survival kits, which are not manufactured items but merely assemblages of separate manufactured items. Accordingly, a concern which purchases some or all of such items and packages them into kit form is considered to be a nonmanufacturer for size determination purposes. Such a concern can qualify as a small business only if it meets all other qualifications of a small nonmanufacturer set forth in this part and if more than 50 percent of the total value of the kit and its contents is accounted for by items manufactured by small business.

Effective date. This revision shall become effective December 31, 1971.

Dated: December 22, 1971.

THOMAS S. KLEPPE,
Administrator.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING

(The following size standards are to be used when determining the size status of applicants for SBA business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans, and SBIC assistance)

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
	Major Group 23—Apparel and Related Products (except men's dress shirts and nightwear)	250
2321	Men's dress shirts and nightwear	500
	Major Group 28—Chemicals and Allied Products:	
2879	Agricultural chemicals, n.e.c.	500
2873	Agricultural pesticides and other agricultural chemicals, n.e.c.	500
2812	Alkalies and chlorine	1,000
2831	Biological products	250
2895	Carbon, black	500
2823	Cellulose manmade fibers	1,000
2899	Chemicals and chemical preparations, n.e.c. (except fatty acids)	250
28151	Cyclic (coal tar) crudes	500
2815	Cyclic intermediates, dyes, organic pigments (lakes and toners) except cyclic (coal tar) crudes	750
2892	Explosives	750
28992	Fatty acids	500
2871	Fertilizers	500
2872	Fertilizers, mixing only	500
2891	Glue and gelatin	250
2861	Gum and wood chemicals	500
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	1,000
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2851	Paints, varnishes, lacquers, enamels and allied products	250
2844	Perfumes, cosmetics, and other toilet preparations	500
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2893	Printing ink	250
2841	Soap and other detergents, except specialty cleaners	750
2842	Specialty cleaning, polishing, and sanitation preparations, except soap and detergents	500
2843	Surface active agents, finishing agents, sulfonated oils and assistants	250
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 36—Electrical Machinery, Equipment, and Supplies:	
3624	Carbon and graphite products	750
3672	Cathode ray picture tubes	750
3643	Current-carrying wiring devices	500
3634	Electric housewares and fans	750
3641	Electric lamps	1,000
3611	Electric measuring instruments and test equipment	500
3694	Electrical equipment for internal combustion engines	750
3629	Electrical industrial apparatus, n.e.c.	500
3699	Electrical machinery, equipment and supplies, n.e.c.	500
3679	Electronic components and accessories, n.e.c.	500
3639	Household appliances, n.e.c.	500
3631	Household cooking equipment	750
3633	Household laundry equipment	1,000
3632	Household refrigerators and home and farm freezers	1,000
3635	Household vacuum cleaners	750
3622	Industrial controls	750
3642	Lighting fixtures	250
3621	Motors and generators	1,000
3644	Noncurrent carrying wiring devices	500
3652	Phonograph records	750
3612	Power, distribution and specialty transformers	750
3692	Primary batteries, dry and wet	1,000
3651	Radio and television receiving sets, except communication types	750
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3662	Radio and television transmitting-signaling, and detection equipment, and apparatus [2]	750
3693	Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes	500
3674	Semiconductors and related devices	500
3636	Sewing machines	750
3691	Storage batteries	500
3613	Switchgear and switchboard apparatus	750
3661	Telephone and telegraph apparatus	1,000
3673	Transmitting, industrial and special purpose electron tubes	750
3623	Welding apparatus	250
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3446	Architectural and ornamental metal work	250
3452	Bolts, nuts, screws, rivets and washers	500
3479	Coating, engraving, and allied services, n.e.c.	250
3496	Collapsible tubes	250
3421	Cutlery	500
3471	Electroplating, plating, polishing, anodizing and coloring	250
3431	Enameled iron and metal sanitary ware	750
3499	Fabricated metal products, n.e.c.	250
3498	Fabricated pipe and fabricated pipe fittings	250
3443	Fabricated platework (boiler shops)	250
3441	Fabricated structural steel	250
3423	Hand and edge tools, except machine tools and hand saws	250
3425	Hand saws and saw blades	250
3429	Hardware, n.e.c.	250
3433	Heating equipment, except electric	500
3411	Metal cans	1,000
3442	Metal doors, sash, frames, molding, and trim	250
3497	Metal foil and leaf	500
3491	Metal shipping barrels, drums, kegs, and pails	500
3461	Metal stampings	250
3481	Miscellaneous fabricated wire products	250
3449	Miscellaneous metal work	250
3432	Plumbing fixture fittings and trim (brass goods)	500
3492	Safes and vaults	500
3451	Screw machine products	250
3444	Sheet metal work	250
3493	Steel springs	500
3494	Valves and pipe fittings, except plumbers' brass goods	500
	Major Group 20—Food and Kindred Products:	
2094	Animal and marine fats and oils	250
2063	Beet sugar	750
2052	Biscuit, cracker, and pretzels	750
2045	Blended and prepared flour	500
2086	Bottled and canned soft drinks and carbonated waters	250
2051	Bread and other bakery products, except biscuit, cracker, and pretzels	250
2071	Candy and other confectionery products	250
2061	Cane sugar, except refining only	250
2062	Cane sugar refining	750
2031	Canned and cured seafoods	250
2033	Canned fruits, vegetables, preserves, jams and jellies	500
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2022	Cheese, natural and processed	250
2073	Chewing gum	500
2072	Chocolate and cocoa products	500
2023	Condensed and evaporated milk	500
2091	Cottonseed oil mills	250
2021	Creamery butter	250
2085	Distilled, rectified, and blended liquors	750
2034	Dried and dehydrated fruits and vegetables	500

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
2087	Flavoring extracts and flavoring syrups, n.e.c.	500
2041	Flour and other grain mill products	500
2026	Fluid milk	500
2099	Food preparations, n.e.c.	250
20991	Desserts (ready-to-mix)	500
20994	Baking powder and yeast	500
2036	Fresh or frozen packaged fish	250
2037	Frozen fruits, fruit juices, vegetables and specialities	500
2024	Ice cream and frozen desserts	500
2098	Macaroni, spaghetti, vermicelli, and noodles	250
2083	Malt	250
2082	Malt liquors	500
2097	Manufactured ice	250
2011	Meatpacking plants	500
2035	Pickled fruits and vegetables; vegetable sauces and seasonings; salad dressings	250
2015	Poultry and small game dressing and packing, wholesale	250
2042	Prepared feeds for animals and fowls	250
2044	Rice milling	250
2095	Roasted coffee	250
2013	Sausage and other prepared meat products	500
2096	Shortening, table oils, margarine, and other edible fats and oils, n.e.c.	750
2092	Soybean oil mills	500
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2046	Wet corn milling	750
2084	Wines, brandy, and brandy spirits	250
	Major Group 25—Furniture and Fixtures:	
2599	Furniture and fixtures, n.e.c.	250
2519	Household furniture, n.e.c.	250
2515	Mattresses and bedsprings	250
2514	Metal household furniture	250
2522	Metal office furniture	500
2542	Metal partitions, shelving, lockers, and office and store fixtures	250
2531	Public building and related furniture	250
2591	Venetian blinds and shades	250
2511	Wood household furniture, except upholstered	250
2512	Wood household furniture, upholstered	250
2521	Wood office furniture	250
2541	Wood partitions, shelving, lockers, and office and store fixtures	250
	Major Group 31—Leather and Leather Products:	
3131	Boot and shoe cut stock and findings	250
3141	Footwear, except house slippers and rubber footwear	500
3142	House slippers	250
3121	Industrial leather belting and packing	250
3151	Leather dress, semidress, and work gloves	250
3199	Leather goods, n.e.c.	250
3111	Leather tanning and finishing	250
3161	Luggage	250
3172	Personal leather goods, except handbags and purses	250
3171	Women's handbags and purses	250
	Major Group 24—Lumber and Wood Products, Except Furniture	250
	Major Group 35—Machinery, Except Electrical:	
3581	Automatic merchandising machines	250
3562	Ball and roller bearings	750
3564	Blowers, exhaust and ventilating fans	250
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3582	Commercial laundry, drycleaning and pressing machines	250
3531	Construction machinery and equipment	750
3535	Conveyors and conveying equipment	250
3573	Electronic computing equipment	1,000
3534	Elevators and moving stairways	500
3522	Farm machinery and equipment	500
3551	Food products machinery	250
3569	General industrial machinery and equipment, n.e.c.	250
3536	Hoists, industrial cranes and monorail systems	500
3565	Industrial patterns	250
3567	Industrial process furnaces and ovens	250
3537	Industrial trucks, tractor trailers, and stackers	750
3519	Internal combustion engines, n.e.c.	1,000
3545	Machine tool accessories and measuring devices	250
35452	Precision-measuring tools	500
3541	Machine tools, metal cutting types	500
3542	Machine tools, metal forming types	500
3586	Measuring and dispensing pumps	500
3566	Mechanical power transmission equipment, except ball and roller bearings	500
3548	Metal working machinery, except machine tools	500
3532	Mining machinery and equipment, except oilfield machinery and equipment	500
3599	Miscellaneous machinery, except electrical	250
3579	Office machines, n.e.c.	500
3533	Oilfield machinery and equipment	500
3554	Paper industries machinery	250
3555	Printing trades machinery and equipment	500
3561	Pumps, air and gas compressors, and pumping equipment	500
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
3576	Scales and balances, except laboratory	250
3589	Service industry machines, n.e.c.	250
3544	Special dies and tools, die sets, jigs, and fixtures	250
3559	Special industry machinery, n.e.c.	250
3511	Steam engines; steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine generator set units	1,000
3552	Textile machinery	250
3572	Typewriters	1,000
3553	Woodworking machinery	250
	Major Group 39—Miscellaneous Manufacturing Industries:	
3991	Brooms and brushes	250
3963	Buttons	250
3955	Carbon paper and inked ribbons	250
3943	Children's vehicles, except bicycles	250
3961	Costume jewelry and costume novelties, except precious metal	250
3942	Dolls	250
3962	Feathers, plumes and artificial flowers	250
3941	Games and toys, except dolls and children's vehicles	250
3912	Jewelers' findings and materials	250
3911	Jewelry; precious metal	250
3913	Lapidary work and cutting and polishing diamonds	250
3952	Lead pencils, crayons, and artists' materials	250
3996	Linoleum, asphalted-felt base, and other hard surface floor coverings, n.e.c.	750
3999	Manufacturing industries, n.e.c.	250
3953	Marking devices	250
39993	Matches	500
3994	Morticians' goods	250
3931	Musical instruments and parts	500
3964	Needles, pins, hooks and eyes, and similar notions	250
3951	Pens, pen points, fountain pens, ball point pens, mechanical pencils and parts	500
3993	Signs and advertising displays	250
3914	Silverware and plated ware	500
3949	Sporting and athletic goods, n.e.c.	250
	Major Group 19—Ordnance and Accessories:	
1929	Ammunition, except for small arms, n.e.c.	1,000
1955	Guided missiles and space vehicles, completely assembled	250
1911	Guns, howitzers, mortars, and related equipment	250
1999	Ordnance and accessories, n.e.c.	250
1941	Sighting and fire-control equipment	250
1951	Small arms	1,000
1961	Small arms ammunition	1,000
1931	Tanks and tank components	1,000
	Major Group 26—Paper and Allied Products:	
2643	Bags, except textile bags	500
2661	Building paper and building board mills	750
2649	Converted paper and paperboard products, n.e.c.	500
2653	Corrugated and solid-fiber boxes	250
2645	Die cut paper and paperboard; and cardboard	250
2642	Envelopes	250
2655	Fiber cans, tubes, drums, and similar products	250
2651	Folding paperboard boxes	250
2641	Paper coating and glazing	500
2621	Paper mills, except building-paper mills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
2647	Sanitary paper products	500
2652	Setup paperboard boxes	250
2644	Wallpaper	250
	Major Group 29—Petroleum Refining and Related Industries:	
2952	Asphalt felts and coatings	750
2992	Lubricating oils and greases	500
2951	Paving mixtures and blocks	250
2911	Petroleum refining [3]	1,000
2999	Products of petroleum and coal, n.e.c.	250
	Major Group 33—Primary Metal Industries:	
3361	Aluminum castings	250
3312	Blast furnaces (including coke ovens) steel works, and rolling mills	1,000
3362	Brass, bronze, copper, copper base alloy castings	250
3316	Cold rolled sheet, strip and bars	1,000
3357	Drawing and insulating of nonferrous wire	1,000
3313	Electrometallurgical products	750
3321	Gray iron foundries	500
3391	Iron and steel forgings	500
3322	Malleable iron foundries	500
3369	Nonferrous castings, n.e.c.	250
3392	Nonferrous forgings	250
3399	Primary metal industries, n.e.c.	750
3334	Primary production of aluminum	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3333	Primary smelting and refining of zinc	750
3352	Rolling, drawing, and extruding of aluminum	750
3351	Rolling, drawing, and extruding of copper	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3341	Secondary smelting, refining and alloying of nonferrous metals and alloys	250
3323	Steel foundries	500
3317	Steel pipe and tubes	1,000
3315	Steel wire drawing and steel nails and spikes	1,000
	Major Group 27—Printing and Publishing Industries	250
	Major Group 38—Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks:	
3822	Automatic temperature controls	500
3843	Dental equipment and supplies	250
3811	Engineering, laboratory, and scientific and research instruments and associated equipment	500
3821	Mechanical measuring and controlling instruments, except automatic temperature controls	500
3851	Ophthalmic goods	250
3831	Optical instruments and lenses	250

See footnotes at end of table.

V 37 I 5
JAN 8 72
XUM

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
3842	Orthopedic, prosthetic, and surgical appliances and supplies	250
3861	Photographic equipment and supplies	500
3841	Surgical and medical instruments and apparatus	250
3872	Watchcases	250
3871	Watches, clocks, and parts except watchcases	500
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3069	Fabricated rubber products, n.e.c.	500
3079	Miscellaneous plastics products	250
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
3011	Tires and inner tubes	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3291	Abrasive products	250
3292	Asbestos products	750
3251	Brick and structural clay tile	250
3241	Cement, hydraulic	750
3253	Ceramic wall and floor tile	500
3255	Clay refractories	250
3271	Concrete block and brick	250
3272	Concrete products, except block and brick	250
3281	Cut stone and stone products	250
3263	Fine earthenware (whiteware), table and kitchen articles	500
3211	Flat glass	1,000
3221	Glass containers	750
3231	Glass products, made of purchased glass	250
3275	Gypsum products	1,000
3274	Lime	500
3296	Mineral wool	750
3295	Minerals and earths, ground or otherwise treated	250
3297	Nonclay refractories	750
3299	Nonmetallic mineral products, n.e.c.	250
3264	Porcelain electrical supplies	500
3269	Pottery products, n.e.c.	250
3229	Pressed and blown glass and glassware, n.e.c.	750
3273	Ready-mixed concrete	250
3293	Steam and other packing and pipe and boiler covering	500
3259	Structural clay products, n.e.c.	250
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3262	Vitreous china table and kitchen articles	500
	Major Group 22—Textile Mill Products:	
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	250
2211	Broad-woven fabric mills, cotton	1,000
2221	Broad-woven fabric mills, manmade fiber and silk	500
2231	Broad-woven fabric mills, wool: including dyeing and finishing	250
2279	Carpets, rugs, and mats, n.e.c.	500
2298	Cordage and twine	250
2269	Dyeing and finishing textiles, n.e.c.	250
2291	Felt goods, except woven felts and hats	250
2261	Finishers of broad-woven fabric of cotton	500
2262	Finishers of broad-woven fabrics of manmade fiber and silk	500
2251	Full-fashioned hosiery mills	250
2256	Knit fabric mills	250
2253	Knit outerwear mills	250
2254	Knit underwear mills	250
2259	Knitting mills, n.e.c.	250
2292	Lace goods	250
2241	Narrow fabrics and other smallwares mills: cotton, wool, silk, and manmade fiber	250
2293	Paddings and upholstery filling	250
2294	Processed waste and recovered fibers and flock	250
2252	Seamless hosiery mills	250
2299	Textile goods, n.e.c.	250
2284	Thread mills	500
2296	Tire cord and fabric	1,000
2272	Tufted carpets and rugs	500

See footnotes at end of table.

SCHEDULE A—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MANUFACTURING—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
2297	Wool scouring, worsted combing, and tow to top mills	250
2271	Woven carpets and rugs	750
2283	Yarn mills, wool, including carpet and rug yarn	250
2281	Yarn spinning mills, cotton, manmade fibers and silk	500
2282	Yarn throwing, twisting, and winding mills, cotton, manmade fibers and silk	250
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
2121	Cigars	500
2131	Tobacco (chewing and smoking) and snuff	500
2141	Tobacco stemming and redrying	500
	Major Group 37—Transportation Equipment:	
3721	Aircraft [4]	1,500
3722	Aircraft engines and engine parts [2]	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c. [3]	1,000
3723	Aircraft propellers and propeller parts	1,000
3732	Boat building and repairing	1,000
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [4]	1,000
3751	Motorcycles, bicycles, and parts	500
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
3791	Trailer coaches	250
3799	Transportation equipment, n.e.c.	250
3713	Truck and bus bodies	250
3715	Truck trailers	500

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[2] Together with its affiliates does not employ more than 1,000 persons and does not have more than 30,000 barrels-per-day crude oil or bona fide feed stock capacity from owned and/or leased facilities or from facilities made available to such concern under an arrangement such as, but not limited to, an exchange agreement (except one on a refined product for refined product basis) or a throughput or other form of processing agreement, with the same effect as though such facilities had been leased.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations "'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance. 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[4] The three Standard Industrial Classification industries (3711, 3712 and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
	Major Group 19—Ordnance and Accessories:	
1925	Guided missiles and space vehicles, completely assembled	1,000
1929	Ammunition, except for small arms, n.e.c.	1,500
1931	Tanks and tank components	1,000
1951	Small Arms	1,000
1961	Small arms ammunition	1,000
	Major Group 20—Food and Kindred Products:	
2026	Fluid Milk	750
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2046	Wet corn milling	750
2052	Biscuits, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2096	Shortening, table oils, margarine and other edible fats and oils, n.e.c.	750
	Major Group 21—Tobacco Manufactures:	
2111	Cigarettes	1,000
	Major Group 22—Textile Mill Products:	
2211	Broad-woven fabric mills, cotton	1,000
2261	Finishers of broad-woven fabrics of cotton	1,000
2271	Woven carpets and rugs	750
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized	1,000
2296	Tire cord and fabric	1,000
	Major Group 26—Paper and Allied Products:	
2661	Building paper and building board mills	750
2621	Papermills, except building papermills	750
2631	Paperboard mills	750
2646	Pressed and molded pulp goods	750
2611	Pulp mills	750
2654	Sanitary food containers	750
	Major Group 28—Chemicals and Allied Products:	
2812	Alkalies and Chlorine	1,000
2823	Cellulose manmade fibers	1,000
2815	Dyes, dye (cyclic) intermediates and organic pigments (lakes and toners)	750
2892	Explosives	750
2813	Industrial gases	1,000
2819	Industrial inorganic chemicals, n.e.c.	1,000
2818	Industrial organic chemicals, n.e.c.	1,000
2816	Inorganic pigments	1,000
2833	Medicinal chemicals and botanical products	750
2834	Pharmaceutical preparations	750
2821	Plastics materials, synthetic resins, and nonvulcanizable elastomers	750
2841	Soap and other detergents, except specialty cleaners	750
2824	Synthetic organic fibers, except cellulosic	1,000
2822	Synthetic rubber (vulcanizable elastomers)	1,000
	Major Group 29—Petroleum Refining and Related Industries: [2]	
2952	Asphalt felts and coatings	750
	Major Group 30—Rubber and Miscellaneous Plastics Products:	
3011	Tires and innertubes	1,000
30111	Passenger car and motorcycle pneumatic tires (casings). [3]	
30112	Truck and bus (and off-the-road) pneumatic tires. [3]	
3031	Reclaimed rubber	750
3021	Rubber footwear	1,000
	Major Group 32—Stone, Clay, and Glass Products:	
3211	Flat glass	1,000
3221	Glass containers	750
3229	Pressed and blown glass and glassware, n.e.c.	750
3241	Cement, hydraulic	750
3261	Vitreous china plumbing fixtures and china and earthenware fittings and bathroom accessories	750
3275	Gypsum products	1,000
3292	Asbestos products	750
3296	Mineral wool	750
3297	Nonclay refractories	750
	Major Group 33—Primary Metal Industries:	
3312	Blast furnaces (including coke ovens), steel works, and rolling mills	1,000
3313	Electrometallurgical products	750
3315	Steel wire drawing and steel nails and spikes	1,000

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
3316	Cold rolled sheet, strip and bars	1,000
3317	Steel pipe and tubes	1,000
3331	Primary smelting and refining of copper	1,000
3332	Primary smelting and refining of lead	1,000
3333	Primary smelting and refining of zinc	750
3334	Primary production of aluminum	1,000
3339	Primary smelting and refining of nonferrous metals, n.e.c.	750
3351	Rolling, drawing, and extruding of copper	750
3352	Rolling, drawing, and extruding of aluminum	750
3356	Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum	750
3357	Drawing and insulating of nonferrous wire	1,000
3399	Primary metal industries, n.e.c.	750
	Major Group 34—Fabricated Metal Products, Except Ordnance, Machinery, and Transportation Equipment:	
3411	Metal cans	1,000
3431	Enameled iron and metal sanitary ware	750
	Major Group 35—Machinery, Except Electrical:	
3511	Steam engines: steam, gas, and hydraulic turbines; and steam, gas, and hydraulic turbine-generator set units	1,000
3519	Internal combustion engines, n.e.c.	1,000
3531	Construction machinery and equipment	750
3537	Industrial Trucks, Tractors, Trailers and Stackers	750
3562	Ball and roller bearings	750
3574	Calculating and accounting machines, except electronic computing equipment	1,000
3573	Electronic computing equipment	1,000
3572	Typewriters	1,000
3585	Refrigerators; refrigeration machinery, except household; and complete air-conditioning units	750
	Major Group 36—Electrical Machinery, Equipment and Supplies:	
3612	Power, distribution, and specialty transformers	750
3613	Switchgear and switchboard apparatus	750
3621	Motors and generators	1,000
3622	Industrial controls	750
3624	Carbon and graphite products	750
3631	Household cooking equipment	750
3632	Household refrigerators and home and farm freezers	1,000
3633	Household laundry equipment	1,000
3634	Electric housewares and fans	750
3635	Household vacuum cleaners	750
3636	Sewing machines	750
3641	Electric lamps	1,000
3651	Radio and television receiving sets, except communication types	750
3652	Phonograph records	750
3661	Telephone and telegraph apparatus	1,000
3662	Radio and television transmitting, signaling, and detection equipment and apparatus [4]	750
3672	Cathode ray picture tubes	750
3694	Electrical equipment for internal combustion engines	750
3692	Primary batteries, dry and wet	1,000
3671	Radio and television receiving type electron tubes, except cathode ray	1,000
3673	Transmitting, industrial, and special purpose electron tubes	750
	Major Group 37—Transportation Equipment:	
3721	Aircraft [4]	1,500
3722	Aircraft engines and engine parts [4] [5]	1,000
3723	Aircraft propellers and propeller parts	1,000
3729	Aircraft parts and auxiliary equipment, n.e.c. [4]	1,000

See footnotes at end of table.

SCHEDULE B—INDUSTRY EMPLOYMENT SIZE STANDARDS FOR THE PURPOSE OF GOVERNMENT PROCUREMENT (MANUFACTURING)—Continued

Census classification code	Industry or class of products	Employment size standard (number of employees) [1]
3741	Locomotives and parts	1,000
3717	Motor vehicles and parts [4]	1,000
37171	Passenger cars (knocked down or assembled)	(*)
3742	Railroad and street cars	750
3731	Shipbuilding and repairing	1,000
	Major Group 39—Miscellaneous Manufacturing Industries:	
3996	Linoleum, asphalted-felt-base, and other hard surface floor coverings, n.e.c.	750

[1] The "number of employees" means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters.

[2] The size standard for SIC 2911 is set forth in § 121.3-8(c).

[3] The size standards for SIC 30111, 30112, and 37171 are set forth in section 121.3-8(b)(4) and section 121.3-8(b)(5), respectively of this part.

[4] Guided missile engines and engine parts are classified in SIC 3722. Missile control systems are classified in SIC 3662.

[4] Includes maintenance as defined in the Federal Aviation Regulations (14 CFR 1.1) but excludes contracts solely for preventive maintenance as defined in 14 CFR 1.1. As defined in the Federal Aviation Regulations: "'Maintenance' means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance. 'Preventive maintenance' means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations."

[4] The three Standard Industrial Classification industries (3711, 3712, and 3714) have been combined because of a major problem of defining the reporting unit in terms of these industries. This difficulty arises from the fact that many large establishments have integrated operations which include the production of parts or bodies and the assembly of complete vehicles at the same location.

SCHEDULE C—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN WHOLESALING

(The following size standards are to be used when determining the size status of wholesaling concerns for the purpose of SBA Business loans, displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans and SBIC assistance.) (Where code is followed by letter, size standard applies only to class of product designated.)

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
5099a	Amusement, sporting goods	$10
5091a	Coal	10
5096b	Construction materials (excluding lumber and millwork)	10
5082	Construction and mining machinery and equipment	10
5043	Dairy products	10
5022	Drugs, drug proprietaries, druggists' sundries	10
5064	Electrical appliances, televisions and radio sets	10
5039	Footwear	10
5063	Grain	10
5049	Groceries and related products, not elsewhere classified	10
5097b	Home furnishings, floor coverings	10
5084	Industrial machinery and equipment	10
5085	Industrial supplies	10
5054	Livestock (except horses and mules)	10
5047	Meats and meat products	10
5091b	Metal service centers	10
5034	Notions and other dry goods	10
5083	Piece goods (woven fabrics)	10
5096a	Printing and writing paper	10
5094	Tobacco and its products	10
5012	Automobiles and other motor vehicles	25

SCHEDULE C—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN WHOLESALING—Continued

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
5029	Chemicals and allied products, not elsewhere classified	$15
5081	Commercial machines and equipment	15
5052	Cotton	15
5063	Electrical apparatus and equipment, wiring supplies and construction materials	15
5083	Farm machinery and equipment	15
5042	Frozen foods	15
5041	Groceries, general line	15
5096b	Industrial and personal service paper only	15
5091c	Metal sales offices	15
5028	Paints and varnishes	15
5092	Petroleum and petroleum products	15
5014	Tires and tubes	15
5095b	Wines and distilled alcoholic spirits	15

SCHEDULE D—ANNUAL RECEIPTS SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN RETAILING

(The following size standards are to be used when determining the size status of retailing concerns for the purpose of SBA loans, displaced business loans, economic opportunities loans, and as alternate standards for sections 505 and 502 loans SBIC assistance.) Where code is followed by letter size standard applies only to class of product designated.

Industry or subindustry code	Industry, subindustry or class of products	Annual sales size standard (maximum) (in millions)
	Major Group 56—Apparel and Accessory Stores:	
5651	Family clothing stores	$1.5
5611	Men's and boys' clothing and furnishings	1.5
5661	Shoe stores	1.5
5621	Women's ready-to-wear stores	1.5
	Major Group 55—Automotive Dealers and Gasoline Service Stations:	
5599a	Aircraft (a part of aircraft and automotive dealers, not elsewhere classified)	3.0
5511	Motor vehicle dealers (new and used cars)	5.0
5521	Motor vehicle dealers (used cars only)	5.0
	Major Group 54—Food Stores:	
5411	Grocery stores	5.0
5421a	Meat markets (a part of meat and fish (seafood) markets)	5.0
	Major Group 57—Furniture, Home Furnishings and Equipment Stores:	
5722	Household appliance stores	1.5
5733	Radio and Television stores	1.5
	Major Group 53—General Merchandise:	
5311	Department stores	5.0
5321	Mail order houses	5.0
5331	Variety stores	2.0
	Major Group 53—Material, Hardware and Farm Equipment Dealers:	
5252	Farm equipment dealers	3.0

SCHEDULE E—GOVERNMENT-OWNED TIMBER RESALE STANDARDS FOR SPECIFIC GEOGRAPHICAL AREAS

Area from which timber is cut:	Percentage of timber purchased that may be sold to other than small business
Alaska	50 percent

V37-5
JAN 8 72
XUM

SCHEDULE F—EMPLOYMENT SIZE STANDARDS FOR CONCERNS PRIMARILY ENGAGED IN MINING AND MINING SERVICES

(The following size standards are to be used when determining the size status of mining and mining services concerns for the purpose of SBA business loans (or loan guarantees), displaced business loans, economic opportunity loans, and as alternate standards for sections 501 and 502 loans and Small Business Investment Company assistance.)

Census classification code	Industry or class of products	Employment size standard (number of employees)
1111	Anthracite	250
1112	Anthracite Mining Services	250
1211	Bituminous Coal	500
1213	Bituminous Coal and Lignite Mining Services	250

SCHEDULE G—PETROLEUM ADMINISTRATION FOR DEFENSE (PAD) DISTRICTS AS UTILIZED BY THE DEFENSE FUEL SUPPLY CENTER IN THE PROCUREMENT OF REFINED PETROLEUM PRODUCTS

PAD District and States included in PAD District:
1. Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida.
2. North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, and Tennessee.
3. New Mexico, Texas, Arkansas, Louisiana, Mississippi, and Alabama.
4. Montana, Idaho, Wyoming, Utah, and Colorado.
5. Alaska, Hawaii, Washington, Oregon, Nevada, California, and Arizona.

[FR Doc.72-184 Filed 1-7-72;8:45 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1972 Crop of Upland Cotton; Base Acreage Allotments and State Reserves and County Base Acreage Allotments

Correction

In F.R. Doc. 71-17724 appearing at page 22966 of the issue of Thursday, December 2, 1971, in § 722.467(b)(2), in the table on page 22972 entitled "Tennessee", the first figure in the second column, opposite "Bedford", now reading "339", should read "399".

PART 722—COTTON

Subpart—1972 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 722.564 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1972 crop of extra long staple cotton held during the period December 6 to 10, 1971, each inclusive.

Since the only purpose of § 722.564 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.564 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.564 Result of the national marketing quota referendum for the 1972 crop of extra long staple cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1972 crop of extra long staple cotton was held by mail ballot during the period December 6 to 10, 1971, each inclusive in accordance with § 722.561 (36 F.R. 20215) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 1,956 farmers engaged in the production of the 1971 crop of extra long staple cotton voted in the referendum. Of those voting, 1,853 farmers, or 94.7 percent, favored the 1972 national marketing quota, and 103 farmers, or 5.3 percent, opposed the 1972 national marketing quota.

(c) *1972 national marketing quota continues in effect.* The national marketing quota for the 1972 crop of extra long staple cotton of 115,800 bales proclaimed in § 722.558 (36 F.R. 20215) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended; 7 U.S.C. 1343)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 6, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-378 Filed 1-6-72;12:34 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 515]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.815 Lemon Regulation 515.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 4, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 9 through January 15, 1972, is hereby fixed at 190,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 5, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-364 Filed 1-7-72;8:50 am]

[Grapefruit Reg. 84]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.384 Grapefruit Regulation 84.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 6, 1972.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period January 10, 1972, through January 16, 1972, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 46 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 6, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-441 Filed 1-7-72;11:36 am]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

Notice was published in the December 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 24943) that consideration was being given to a proposal regarding an increase in the expenses previously approved for the fiscal period March 1, 1971, through February 29, 1972, pursuant to the amended marketing agreement and Order No. 917 (7 CFR Part 917; 36 F.R. 7510, 14381), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted.

a. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice and the recommendation thereof which was submitted by the Control Committee (established pursuant to the said marketing agreement and order): *It is hereby ordered*, That the provisions pertaining to expenses in paragraph (a) of § 917.210 *Expenses and rate of assessment* (36 F.R. 12089) be, and hereby are, amended to read as follows:

§ 917.210 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1971, through February 29, 1972, will amount to $472,250.

* * * * *

b. It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the increase in the budget set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (36 F.R. 12089); (2) the said committee has incurred expenses in excess of that previously thought likely to be incurred; and (3) it is essential that the specification of expenses herein provided be issued immediately so as that said committee can meet its obligations and perform its duties and functions within the fiscal period in accordance with the said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-311 Filed 1-7-72;8:48 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Subpart—Rules and Regulations

Notice was published in the FEDERAL REGISTER issue of November 16, 1971 (36 F.R. 21818), that the Department was giving consideration to proposed rules and regulations (§§ 930.101 through 930.107) hereinafter designated as Subpart—Rules and Regulations, pursuant to the applicable provisions of marketing Order No. 930 (7 CFR Part 930; 36 F.R. 1088) regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, hereinafter referred to collectively as the "order". This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The aforesaid rules and regulations were proposed by the Cherry Administrative Board, the agency established under said order to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

The rules and regulations hereinafter set forth are issued pursuant to §§ 930.54; 930.56; and 930.58 and would establish: (1) The procedure to be used in making application for and accomplishing diversion and the fee involved according to acreage; (2) the form for reserve pool cherries; (3) a processing factor, when used in relation to raw cherry receipts, which would determine reserve pool obligation; (4) period for the submission to the board by each individual handler data on the yearly total tonnage of cherries handled; and (5) an assessment procedure.

The procedures for making application for diversion and for filing certain information by the specified dates, as required by § 930.101, is needed to insure that the Board has adequate available information and time for the consideration of an application for diversion and supervision of such diversion's implementation as required by § 930.56(b).

The order (§ 930.56(a)(1)), requires the cost of supervising such diversion to

V 37 I 5
JAN 8 72
XUM

be borne by the applicant. In recommending the schedule of fees which appears in § 930.102 the Board took into consideration the anticipated expenses which would be directly involved with said supervision, some of which are: Employment of orchard inspectors; vehicle and travel expenses; administrative expenses; and computer use and programing. It is expected that the cost of some of the aforementioned items will remain the same irregardless of the acreage involved in the diversion application while some will increase with the number of acres and sites involved.

Section 930.103 requires diversion to be accomplished by leaving cherries designated as being diverted, unharvested. To facilitate the certification that diversion has been accomplished by this means, the cherries are to remain on the tree until final inspection. Recognizing the fact that to leave such cherries on the tree after final inspection would hinder the vigor of the producing tree and introduce a medium for the culture of harmful insects and diseases, this section also requires that the aforementioned diverted cherries remain on the premises, and not be removed unless approval of the Board is received. This procedure insures that any movement of such cherries will be under the Board's supervision and control as is required by the order and only for the above stated reason.

In prescribing the manner and form for reserve pool cherries as 5 plus 1 (5 pounds of raw pitted cherries combined with 1 pound of sugar) frozen cherries packed in new 30-pound metal cans, the Board recognizes that this style of pack represents the largest percentage of the total tart cherry pack and as such is readily acceptable by all segments of the cherry industry and is the most practicable and convenient for the majority of handlers. The provision of § 930.104 requiring the grade, grade percentage, quality and condition, as stated therein, is necessary to insure that handlers do not use the reserve pool to dispose of all low-grade or poor-quality cherries they may pack. It also assures when reserve pool cherries are made available by the Board to the handlers that, if a handler still has rights to purchase the cherries he packed, the handler will be able to supply his customers with cherries of like grade, grade percentage, quality, and condition as were offered when marketing free percentage cherries.

The processing factor, as described in § 930.105 recognizes shrinkage and loss resulting from processing. It supplies a readily adaptable formula by which a comparison may be made, with respect to raw cherries received and finished frozen cherries processed in the approved reserve pool form, to determine the reserve pool obligation of each handler.

The requirement of § 930.106 that each handler shall submit to the Board, within the specified time, a report of received and first handled cherries is necessary to the Board for the performance of its functions under the order. The furnishing of such information would not constitute an undue burden on handlers under the order.

The amount of interest payment required by § 930.107 for delinquent payment was recommended by the Board to stimulate prompt payment of assessments. An amount less than that specified in this section would from time to time put the interest charge for delinquent payments on the same financial basis as that charged for short term commercial notes, thus making the order a source of short term funding which is not within the scope or intent of the Agricultural Marketing Agreement Act of 1937, as amended, and of this order. The imposition of an interest charge of 1 percent per month for unpaid balances and assessments should discourage handlers from, in effect, borrowing from the assessment fund.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that issuance, as hereinafter set forth, of said rules and regulations is in accordance with said order and will tend to effectuate the declared policy of the act.

The rules and regulations are as follows:

Subpart—Rules and Regulations

Sec.
930.101 Diversion application.
930.102 Diversion fees.
930.103 Diversion.
930.104 Reserve pool requirements.
930.105 Processing factor.
930.106 Pack report.
930.107 Assessment procedure.

AUTHORITY: The provisions of this subpart issued under the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601–674.

§ 930.101 Diversion application.

(a) Prior to March 1st of each fiscal year each producer, in order that his application for diversion be eligible for consideration by the Cherry Administrative Board for the forthcoming fiscal year, shall submit to, or have on file with the board the following information.

(1) Name and address of the applicant.

(2) District or Districts in which applicant's orchard sites are located.

(3) Age of trees, number of rows of trees, number of trees in each row, number of rows in each block and a diagram of each block referencing the compass points.

(4) Total of applicant's acreage devoted to cherry production with a subtotal for each definable block included in this total.

Such information submitted as above shall not be considered as application for diversion.

(b) Each producer who elects to divert cherries into an outlet as the Board with the approval of the Secretary may designate as specified in § 930.56, shall, prior to such diversion, submit to the Cherry Administrative Board at its office in Hartford, Mich., or such other location as may be specified by the board, on forms provided by the board, an application to divert cherries as required by § 930.56(a)(1). Such application shall be filed with the board not later than July 1 of the current fiscal year: *Provided*, That, such application for growers who will harvest cherries prior to July 1 of any fiscal year, shall be filed on such earlier date as may be specified by the board or if not so specified, prior to harvest of such cherries.

§ 930.102 Diversion fees.

(a) Each producer who makes application to divert cherries pursuant to § 930.56 shall pay to the board the direct cost of supervision of the diversion as specified in the order. Such direct costs are hereby established as follows:

(1) Schedule of fees to be assessed applicant:

Fee:	*Total acres to be diverted in each district*
$25.00 ------	Acreage up to and including 25 acres.
$50.00 ------	26–75 acres.
$75.00 ------	76–150 acres.
$100.00 -----	151 or more acres.

(i) In addition to the above fee, there would be assessed $10.00 per site not contiguous to any other site specified in the application: *Provided*, That said sites shall be considered as contiguous if said sites and the connecting properties are owned or controlled by the applicant.

(ii) Each application shall be accompanied by the full fee applicable to such diversion request. Such payment shall be in the form of cash, or check made payable to the Cherry Administrative Board: *Provided*, That said fee, minus costs incurred by the board in connection with said application, shall be refunded or credited to the account of the applicant if said application does not receive approval. If the application is denied, the applicant shall be informed by telephone or telegram including the reasons for such denial. Telephone notification shall be confirmed immediately in writing.

§ 930.103 Diversion.

Diversion shall be accomplished by leaving such cherries unharvested: *Provided*, That such cherries shall remain on the tree until final inspection and shall not be removed from the premises other than by board approval.

§ 930.104 Reserve pool requirements.

(a) Reserve pool cherries shall be set aside in the form of 5 plus 1 (5 pounds of raw pitted cherries combined with 1 pound of sugar) frozen cherries packed in new 30-pound metal cans. Such cherries shall be graded and certified by the U.S. Department of Agriculture.

(b) Such cherries shall be (as specified in § 930.54(c)) stored separate and apart from all other frozen cherries and in accordance with good commercial practices with said certification and warehouse receipt stating lot and code number constituting proof of physical separation.

(c) Such cherries, for each handler who freezes cherries, shall reflect not less than the overall grade, quality and condition of the total frozen production of said handler: *Provided*, That said reserve pool cherries shall not grade lower than 50 percent U.S. Grade "A" unless otherwise exempted by the board.

(d) Such cherries, for each handler who does not freeze cherries and therefore obtains reserve pool cherries from another handler who does freeze cherries, shall reflect not less than the overall grade, quality, and condition of the total frozen production of the handler who freezes such cherries: *Provided*, That said reserve pool cherries shall not grade lower than 50 percent U.S. Grade "A" unless otherwise exempted by the board.

§ 930.105 Processing factor.

The factor (ratio of raw cherries to finished processed cherries, including sugar) to be used in accordance with § 930.54(a) to determine the total amount of processed cherries each handler shall set aside in the reserve pool shall be computed on the basis that each 33 pounds of raw cherries shall equal one 30-pound can of 5 plus 1 frozen cherries (25 pounds of processed cherries and 5 pounds of sugar) for a ratio of 1.1 to 1.

§ 930.106 Pack report.

Each handler, in accordance with § 930.62 shall submit to the Cherry Administrative Board at its office in Hartford, Mich., or such other location as may be specified by the Board, within 30 days after date of pack completion a written report containing the total amount of cherries received for processing: *Provided*, That such amounts of cherries that are to be considered as first handled shall be so designated.

§ 930.107 Assessment procedure.

Upon receipt of pack completion report as required by § 930.104, each handler shall be assessed an amount per ton as determined by the board and approved by the Secretary, on all cherries handled. Each handler shall pay interest of 1 percent per month on any unpaid balance beginning 30 days after date of billing.

Dated January 5, 1972, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-312 Filed 1-7-72;8:48 am]

Chapter XVI—Rural Telephone Bank, Department of Agriculture

PART 1610—LOAN POLICIES

The text of the Rural Telephone Bank's proposed regulations with respect to its loan policies was published in the proposed rule making section of the FEDERAL REGISTER of October 23, 1971, on page 20533.

The notice gave interested persons 30 days within which to submit written data, views, or arguments pertaining to the proposed regulations. No written comments have been received. The proposed regulations, with § 1610.6 modified as a result of some unwritten comments, are hereby adopted and are set forth below. These regulations shall become effective upon publication in the FEDERAL REGISTER and will be incorporated as Part 1610 of a new Chapter XVI in Title 7 of the Code of Federal Regulations.

Dated: January 3, 1972.

DAVID A. HAMIL,
Governor, Rural Telephone Bank.

Sec.
1610.1 General.
1610.2 Loan authorizations.
1610.3 Loan applications.
1610.4 Minimum Bank loan.
1610.5 Concurrent REA and Bank loans.
1610.6 Exclusive Bank financing for current loan needs.
1610.7 Acquisition of certain exchange facilities.
1610.8 Adoption of applicable REA policies.

AUTHORITY: The provisions of this Part 1610 issued under 65 Stat. 29 et seq.; 7 U.S.C. 931 et seq.

§ 1610.1 General.

Loans made by the Governor of the Rural Telephone Bank (the "Bank") will be made in conformance with Title IV of the Rural Electrification Act of 1936 (the "Act"), as amended (7 U.S.C. 941 et seq.), and this Part 1610. The making of loans will commence as soon as practicable after January 1, 1972.

§ 1610.2 Loan authorizations.

The aggregate amount of loans made will not exceed the amount authorized by the Board of Directors (the "Board") of the Bank.

NOTE: At its October 14, 1971, meeting the Board authorized $63 million for loans in the fiscal year ending June 30, 1972.

§ 1610.3 Loan applications.

No application for a loan will be considered by the Bank until it has been reviewed by the Rural Electrification Administration (REA), and the Governor has determined, based on such review, the eligibility of the applicant for a Bank loan and the amount thereof. Loan application forms are available from REA on request. Applications previously submitted to REA need not be resubmitted to be considered for partial or complete Bank financing. In accordance with section 408(b)(2) of the Act (7 U.S.C. 948 (b)(2)), an application for a loan from a telephone system with an average subscriber density of three or fewer per mile will be processed for a Bank loan if the applicant elects to be considered for such a loan in preference to a loan from REA.

§ 1610.4 Minimum Bank loan.

A Bank loan will not be made unless the applicant qualifies for a Bank loan of at least $50,000.

§ 1610.5 Concurrent REA and Bank loans.

The Bank will consider making a loan concurrently with REA when the Governor finds that the applicant could, consistently with achieving the objectives of the Act and with prudent operations, produce net income or margins before interest at least equal to 150 percent of the interest requirements on all its outstanding and proposed loans, assuming a composite annual interest cost on the loans for current needs of between 2 percent and 4 percent. If made, the Bank's concurrent loan will be conditioned on REA's making the minimum loan that is necessary to enable the applicant to qualify for a Bank loan with an interest rate of 4 percent covering the balance of its current loan needs, as determined by the Governor, and subject to § 1610.4, the Bank loan will be for the balance of such current loan needs.

§ 1610.6 Exclusive Bank financing for current loan needs.

The Bank will consider making a loan for the applicant's total current loan needs as determined by the Governor when the Governor finds that the applicant could, consistently with achieving the objectives of the Act and with prudent operations, produce net income or margins before interest at least equal to 150 percent of the interest requirements on all its outstanding and proposed loans, assuming an annual interest rate on the loan for the current needs of at least 4 percent. If made, such loan will bear interest at the highest annual rate (expressed as a multiple of one-half percent) which the borrower can pay and meet the aforesaid interest coverage and related criteria, but not less than 4 percent nor more than the maximum practicable rate as set by the Board from time to time.

§ 1610.7 Acquisition of certain exchange facilities.

In the interest of making optimum use of the Bank's loan funds, a Bank loan for the acquisition of exchange facilities under section 408(a)(2) of the Act (7 U.S.C. 948(a)(2)) will not be recommended by the Governor for approval by the Secretary of Agriculture unless the Governor determines that the acquisition is reasonably necessary to improve the efficiency, effectiveness, or financial stability of the borrower's telephone system, that the location and character of the proposed acquisition are such that the acquisition is reasonably necessary to accomplish such improvement, and that the amount of the requested loan for such acquisition is reasonably justified by the nature and scope of the improvement which the acquisition would effect.

§ 1610.8 Adoption of applicable REA policies.

The policies embodied in the REA Bulletins identified below, as they may be amended or supplemented from time to time, will, insofar as applicable, be utilized by the Governor in carrying out the Bank's loan program to the extent that (a) such policies are consistent with title IV of the Act (7 U.S.C. 941 et seq.) and with specific policies approved by the Board from time to time, and (b) such policies have not been rescinded, modified, or superseded by the Board with respect to the Bank's lending program. The aforesaid bulletins are as follows:

V 37 N 5 JAN 8 72 XUM

Bulletin series:	*Subject matter*
300–309	General.
320–327	Loans.
340–388	Design and Construction.
400–415	General Operations.
440–448	Technical Operation and Maintenance.
460–466	Accounting and Examination.

NOTE: A current list and summary description of the REA Bulletins referred to above appeared in Volume 36, No. 188 of the FEDERAL REGISTER issued September 28, 1971, at page 19069 as an amendment to Part 1701, Title 7, of the Code of Federal Regulations.

[FR Doc.72-310 Filed 1-7-72;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

Voluntary Filing of Surety Bonds

On July 30, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 14143) of a proposed Statement of General Policy Under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 et seq.) regarding the voluntary filing of surety bonds by persons not specifically required to file bonds under §§ 201.27 through 201.38 of the regulations promulgated under the Packers and Stockyards Act (9 CFR 201.27–201.38).

Interested persons were given an opportunity to submit written data, views, or arguments concerning the proposed statement. After consideration of all relevant matters, the proposed statement is hereby adopted without change and is set forth below.

This statement is for the purpose of setting forth the views of the Packers and Stockyards Administration to guide those persons not specifically required to file surety bonds under §§ 201.27 through 201.38 of the regulations promulgated under the Packers and Stockyards Act who desire to file bonds with the Administration voluntarily.

§ 203.13 Statement with respect to voluntary filing of surety bonds under the Packers and Stockyards Act.

(a) In recent years, an increasing number of persons not specifically required to file bonds under §§ 201.27 through 201.38 of the regulations promulgated under the Packers and Stockyards Act have nonetheless voluntarily filed copies of various types of surety bonds with the Packers and Stockyards Administration. Such bonds have been filed by these persons, primarily meat packers, as a showing of good faith and assurance of payment to those with whom they engage in livestock purchase transactions. Since such bonds were not specifically required or requested of these persons under the regulations, and because many such bonds did not fully meet the requirements for bonds to be filed under the Act, the Administration accepted such bonds for filing for informational purposes only. However, under many of these surety bonds, the Packers and Stockyards Administration has rendered assistance to claimants, surety companies, and trustees to bring about proper payment and settlement of claims when the conditions of the bonds were breached.

(b) The Packers and Stockyards Administration is concerned that misunderstandings may arise either with respect to the protection provided by these bonds or the statutory or other authority under which such bonds may be filed voluntarily. In order to better protect livestock producers and the integrity of bonds in fact required to be filed under the Act, this Agency will in the future only accept for filing on a voluntary basis surety bonds which meet the same conditions required of bonds filed under §§ 201.27 through 201.38 of the regulations in this chapter promulgated under the Act. The amount of the bond must be at least as large as if the person were required to file as a dealer under the Act. As in the past, in the event of default by the principals named therein, assistance will be furnished in bringing bona fide bond claims to a prompt and satisfactory conclusion.

(c) This policy statement will in no way alter or affect the present requirements of the Act and regulations as they apply to persons engaged in business as market agencies and dealers who are now subject to bonding under §§ 201.27 through 201.38 of the regulations in this chapter promulgated under the Packers and Stockyards Act.

This statement shall become effective upon publication in the FEDERAL REGISTER (1–8–72).

Done at Washington, D.C., this 4th day of January 1971.

ODIN LANGEN,
Administrator, Packers and Stockyards Administration.

[FR Doc.72-325 Filed 1-7-72;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SO-172]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 27, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22686), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Brewton, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

BREWTON, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Brewton Municipal Airport (lat. 31°03'00" N., long. 87°04'00" W.); within 5 miles each side of Crestview, Fla., VORTAC 303° radial, extending from the 6.5-mile-radius area to 16 miles northwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-292 Filed 1-7-72;8:46 am]

[Airspace Docket No. 71-SO-173]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 27, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22687), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Meridian, Miss. (OLF Bravo Field), transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

MERIDIAN, MISS. (OLF BRAVO FIELD)

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of OLF Bravo Field (lat. 32°47'33" N., long. 88°49'40" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on December 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-293 Filed 1-7-72;8:46 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-124, Amdt. 8]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Offers of Settlement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of January 1972.

By PR-122, effective October 6, 1971, and published at 36 F.R. 19678, the Board amended Rule 215 of its rules of practice.[1] Prior to the amendment, Rule 215 consisted of a single paragraph. It was the intention of the Board in PR-122 to label that paragraph as paragraph (a), and to add a new paragraph (b). However, the form of the amendment was such that this intention was not clearly expressed. This amendment corrects the error.

This regulation is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on January 28, 1972. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 and 385.54).

Accordingly, the Board hereby amends § 302.215 of the Procedural Regulations (14 CFR Part 302), effective January 28, 1972, to read as follows:

§ 302.215 Offers of settlement.

(a) Any party to an economic enforcement proceeding at any time prior to final decision thereof may submit offers of settlement or proposals of adjustment. Each such offer or proposal shall be submitted in writing and addressed to the Director of the Bureau of Enforcement, who will promptly advise the party or parties submitting same whether he will recommend acceptance thereof to the Board. If the Director of the Bureau of Enforcement advises the party or parties that he will not recommend acceptance, and the party or parties so request in writing, he will transmit such offer or proposal directly to the Board for its consideration and acceptance or rejection. The submission of such offer or proposal shall not alter or delay the course of the proceeding unless so ordered by the Board.

(b) Any offer or proposal submitted pursuant to paragraph (a) of this section, any responses thereto, any memoranda filed in support thereof or in opposition thereto, and any other settlement documentation, shall be withheld from public disclosure until 5 days after the issuance of a final order of the Board either accepting or rejecting the offer or proposal. At any time prior to the expiration of the time prescribed herein for the withholding of information from public disclosure, a party may file a request for further withholding from public disclosure. Such a request must be filed in the form prescribed in § 302.39(d), and must provide reasons legally sufficient to support withholding the information under section 1104 of the Act. In any case where such a request is timely and properly filed, the information which is the subject of the request shall be withheld from public disclosure pending the Board's disposition of the request.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] R. TENNEY JOHNSON,
General Counsel.

[FR Doc.72-323 Filed 1-7-72;8:49 am]

[1] The amendment related to the confidential treatment of settlement documentation in enforcement proceedings.

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.652]

PART 11—APPOINTMENT OF FOREIGN SERVICE OFFICERS

Lateral Entry Appointments to Classes 1 Through 7

Part 11, Chapter I, Title 22 of the Code of Federal Regulations is revised and amended to provide for the appointment of a limited number of officers to the Foreign Service who possess skills and experience which will enrich the Service and to liberalize the eligibility and examination requirements for career Department officers who are examined by December 31, 1973.

§ 11.11 Lateral entry appointments of Foreign Service officers to classes 1 through 7.

Appointments of Foreign Service officers, under the provisions of section 517 of the Foreign Service Act of 1946, as amended, are governed by the regulations in this section.

(a) *Purpose of lateral entry appointment.* (1) The lateral entry program is a means by which the intake of Foreign Service officers through the junior Foreign Service officer examination can be supplemented to meet total requirements for Foreign Service officers. Lateral entry appointments are made ordinarily only to classes 1 through 6, insuring retention of the career principle of entry primarily at classes 7 and 8 through competitive examination. Additional appointments will be made to class 7 from the Foreign Service Staff officer, Foreign Service Reserve officer, and Civil Service officer categories who are currently receiving a base salary equivalent to that of an FSO–7 who are examined and found qualified by December 31, 1973.

(2) The great majority of lateral entrants are drawn from officers of the Department and the Foreign Service of proven ability who possess high potential for advancement, or similar personnel of other foreign affairs agencies who may be appointed based on agreements between the Department and those agencies.

(3) Other lateral entrants will be drawn from applicants who possess skills and abilities in short supply in the Foreign Service who have capabilities, insights, techniques, experiences, and differences of outlook which would serve to enrich and stimulate the Foreign Service and enable them to perform effectively in assignments both abroad and in the Department.

(b) *Magnitude.* (1) The Department places no numerical limitation on the lateral appointment of Foreign Service Reserve, Foreign Service Staff, and Civil Service officers on its rolls who apply and are certified on the basis of need by personnel management authorities for examination, except as provided in paragraph (d)(4)(ii) of this section, and are found qualified by the Board of Examiners.

(2) Lateral entry from other sources will be limited to an annual total to be determined by the Department at the beginning of each fiscal year in the light of overall Foreign Service officer manpower and functional requirements. Appointments will, in any event, be restricted to classes 2 through 5.

(c) *Nondiscrimination.* The religion, race, sex, marital status, color, creed, national origins, physical handicaps, political affiliations, or initiation of or participation in grievance procedures of a candidate will not be considered in designations, examinations, or certifications.

(d) *Eligibility requirements*—(1) *Citizenship.* Each person appointed as a Foreign Service officer must have been a citizen of the United States for at least 10 years and, if married, shall be married to a citizen of the United States.

(2) *Service.* (i) On the date of appointment, each applicant must have completed at least 3 years of service (4 years if under age 31) in a position of responsibility in a Federal Government agency or agencies. For this purpose, a position of responsibility is defined as service as a Foreign Service Reserve officer at class 7, as Foreign Service Staff officer at class 6, in the Civil Service at GS–9, and in the Armed Forces of the United States at the grade of first lieutenant or lieutenant junior grade, or higher or, if the provisions of subparagraph (4)(ii) of this paragraph are applicable to the applicant, in any officer designated position in the Department or Foreign Service. The duties and responsibilities of the position occupied by the applicant must have been similar or closely related to that of a Foreign Service officer in terms of knowledge, skills, abilities, and overseas work experience. To be eligible, an applicant must have been in or currently be in a grade or class comparable to FSO–6, (FSO–7 if the provisions of subparagraph (4)(ii) of this paragraph are applicable to the applicant), or be receiving a base salary at least equal to the first salary step of that class.

VOL 37 NO 5 JAN 8 72 XUM

(ii) Candidates who lack the required number of years of Federal service will be considered if they apply under the provisions of paragraph (b)(2) of this section. If found qualified, the candidate will be employed as a Foreign Service Reserve officer (FSO candidate). At the conclusion of the required 3 years of service, the candidate's performance record will be reviewed by the Board of Examiners to determine if it is sufficiently meritorious to justify appointment as a Foreign Service officer. If there is an affirmative finding, the candidate will be certified for such an appointment. If his performance record does not justify such a certification, his candidacy is terminated.

(3) *Age.* (i) On the date of application, an applicant for lateral entry must be at least 30 years old and under 54 (under 50 if applying for appointment initially as a Foreign Service Reserve officer (FSO candidate)). The minimum age for appointment under the lateral entry program is 31, either as an FSO or as an FSR (FSO candidate), and in addition, candidates must be no younger than the average of the youngest 5 percent of the officers already in the class for which they are applying. The maximum age for a Foreign Service officer appointment is age 54 and the maximum age for appointment as a Foreign Service Reserve officer (FSO candidate) is age 50.

(ii) The foregoing limitations regarding minimum and maximum ages are not applicable to applicants covered by the provisions of subparagraph (4)(ii) of this paragraph for whom the minimum age is 21 and the maximum age is 59.

(4) *Certification of need.* The Department must certify that there is a need for the applicant as an additional Foreign Service officer in all cases except:

(i) Candidates who, if appointed, will be charged to the quota of lateral entry appointments from non-Department sources established for each year; or

(ii) Candidates who (a) are career officers occupying positions designated for staffing by Foreign Service officers; (b) were appointed to the Department or the Foreign Service on or before January 1, 1971; (c) have completed at least 3 consecutive years of satisfactory service since appointment; and (d) are examined and found qualified for lateral entry by December 31, 1973.

(e) *Recruitment.* (1) It is the Department's policy to encourage eligible personnel on its rolls to apply for lateral entry as Foreign Service officers, including, in particular, the following categories:

(i) Foreign Service Reserve officers who, in competition with Foreign Service officers, are either recommended for promotion or ranked in the upper percentage groups of their class;

(ii) Foreign Service Staff officers who are recommended for consideration for lateral entry by a Staff Officer Selection Board, whose performance has been consistently of a high caliber and whose background, experience, and general qualifications indicate they can compete favorably with Foreign Service officers;

(iii) Civil Service officers in the Department who are serving in positions to which Foreign Service officers are normally assigned, who have superior records, and who can compete favorably with Foreign Service officers.

(2) The Department also considers highly qualified applicants from other agencies of the Government and from outside the Federal service who meet the statutory and other eligibility requirements, and for whom there has been a certification of need as an additional Foreign Service officer, except as provided in paragraph (d)(4)(i) of this section. Appointments from these sources for the limited vacancies available are made on a competitive basis to fill specific needs after assuring that the vacancies cannot be filled by Foreign Service officers.

(f) *Methods of application*—(1) *Forms.* Application is made for a Foreign Service officer appointment but not for a specific class. Applicants for lateral entry must complete Standard Form 171, Personal Qualifications Statement, and Form DSP-34, Supplement to Application for Federal Employment, and forward them together with an autobiography not exceeding 4 typewritten pages to the Board of Examiners for the Foreign Service, Department of State, Washington, D.C. 20520.

(2) *Board action.* The Board of Examiners establishes a file for each applicant, placing therein all available documentation of value in evaluating the applicant's potential for appointment as a Foreign Service officer. The file is reviewed initially to determine if the applicant meets the statutory and other eligibility requirements and to assess his skills relative to the needs of the Service. The examination of candidates is based on the needs of the Service for specific skills and experience.

(g) *Examination for lateral entry*—(1) *General provisions.* The filing of an application with the Board of Examiners for the Foreign Service does not in itself entitle an applicant to examination. The decision whether to proceed with an oral examination, as well as with a detailed background investigation, is made by the Board of Examiners after determining eligibility for appointment, medical qualifications, and a thorough review of the applicant's qualifications. Each applicant's background, experience, performance, and other related documentation are carefully studied and evaluated. Careful consideration is given to the functional needs of the Service in making this assessment. A certification of need to the Board of Examiners by the Department's personnel management authorities is required before proceeding further with the examination, unless the provisions of paragraph (d)(4) of this section apply. An oral examination is granted only in those cases where the applicant is found to possess superior qualifications, proven ability, and, at the middle levels, high potential for advancement.

(2) *Class of appointment.* In determining the class at which applicants are considered for appointment, the initial presumption is that the applicant is eligible for examination for the Foreign Service officer class which equates with his salary level at the time of examination. In evaluating qualifications and in conducting oral examinations, panels carefully assess applicants to determine whether their total qualifications compare favorably with officers at their current class level. However, the Board of Examiners, at its discretion, may certify an applicant for appointment as a Foreign Service officer at a class other than that equating to his salary in those instances where the Board determines that the applicant's qualifications clearly warrant such action. An applicant's total qualifications, as evaluated by the examining panels and the Board, will have an important bearing on the decision to certify an applicant for appointment at a class other than that which equates to the applicant's current salary.

(3) *Application validity and termination.* If an applicant is not called for examination within 2 years from the date of application, or, if based on the qualifications review it is decided not to proceed further with the application, or if the applicant is not certified as a successful applicant following the examination, the candidacy will be terminated. However, the applicant may reapply after 12 months by submitting a new application.

(4) *Purpose of examination.* The purpose of the examination is to determine an applicant's fitness and aptitude for the work of the Foreign Service and fitness for a Foreign Service career.

(h) *Nature of examination*—(1) *Medical.* A medical examination is required for the applicant and any dependents who will reside with the applicant on tours abroad. Applicants and their dependents shall meet the physical requirements for full Foreign Service duty. Normally, failure to meet the medical requirements will preclude appointment as a Foreign Service officer. In exceptional cases, the Director General of the Foreign Service may grant a waiver of the physical requirements in the interest of the Service.

(2) *Security.* Applicants shall have demonstrated their loyalty to the Government of the United States and their attachment to the principles of the Constitution. A background investigation shall be conducted or appropriate security clearance shall be assured.

(3) *Qualifications evaluation.* An evaluation is made of the education, training, experience, and work performance of applicants based on their application forms, records of performance, interviews, background investigative reports, and other available information.

(4) *Written examination.* A written examination will not normally be required of applicants for lateral entry appointments. However, if the volume of applications for a given class or classes, or a particular functional specialty within a class or classes is such as to make it unfeasible to orally examine applicants within a reasonable time, applicants may be required to take the Federal Service Entrance Examination or other appropriate examination. Only those who score a grade on such an examination above a point determined by the Executive Director of the Board of Examiners will be eligible to take an oral examination.

(5) *Written essay.* Applicants other than Department officers scheduled to take an oral examination will usually be asked to write an essay on the day of the examination on a topic to be specified to enable the panel of deputy examiners to judge the ability of the applicant to express himself effectively and appropriately in writing.

(6) *Oral examination.* (i) Applicants recommended for further consideration after completion of the qualifications review and evaluation are given oral examinations by a panel of deputy examiners appointed by the Board of Examiners from a roster of Foreign Service officers, Civil Service officers of the Department, officers of other Federal agencies, and from members of the public. The panel shall include at least one officer from the same professional specialty as that for which the applicant is being examined.

(ii) The panel is responsible for determining whether the applicant is functionally qualified for work in the Foreign Service and whether they: (*a*) would be a suitable representative abroad for the United States; (*b*) have the potential to advance in the Foreign Service; and (*c*) have the background and experience to make a contribution to the Foreign Service.

(iii) With these considerations in mind the panel will normally question applicants regarding their functional preference or specialty; their knowledge of American history, government and other important features of the American heritage; familiarity with current events and international affairs; and other matters relevant to their qualifications for appointment. In considering applicants covered by the provisions of paragraph (d)(4)(ii) of this section, the panel will give special weight to the performance record in the applicants functional field and particular attention to their qualifications for service abroad and their willingness and availability to serve abroad as needed.

(iv) Applicants taking the oral examination will be graded on a "recommended" or "not recommended" basis. Grades will be assigned to "recommended" applicants who are applying for appointment under the quota established by the Department.

(v) The oral examination is normally given in Washington, but may, in exceptional circumstances, be given at Foreign Service posts selected by the Board of Examiners.

(7) *Language aptitude or proficiency.* All applicants who pass the oral examination are required to take a test, whenever feasible, to gauge either their fluency in foreign languages or aptitude in learning foreign languages. The tests will be given either by the Foreign Service Institute or in accordance with other standards approved by the Foreign Service Institute. While present knowledge of foreign languages is not required, an apparent aptitude for learning a foreign language is a factor that will be considered in determining whether an applicant should be recommended for appointment.

(8) *Findings of examining panels.* Determination of duty constituted panels of examiners and deputy examiners are final, unless modified by specific action of the Board of Examiners for the Foreign Service for applicants already employed by the Department for whom a certification of need has been issued or is not required. The applications of all other applicants will be considered by a Final Review Panel after the results of security, medical and reference checks and languages tests are at hand. The Final Review Panel shall take into account the grade assigned by the examining panel as well as information developed subsequently concerning the applicant and a final numerical grade will be given. The applicant's file will then be placed before the Board of Examiners for review. If approved by the Board, the applicant's name will be entered on the rank-order register for the class and functional specialty for which they are qualified.

(i) *Certification for appointment.* (1) Applicants already employed by the Department for whom a certificate of need has been issued or is not required will be certified by the Board of Examiners for appointment after satisfactorily completing all aspects of the examination. The class and salary for which they have been found qualified will be specified in the certification.

(2) Other successful applicants, including any who will be initially employed as Foreign Service Reserve officers (FSO candidates), will, after being approved by the Board of Examiners, have their names placed on the rank-order register for the class and functional specialty for which they have been found qualified in the order of the numerical grades assigned by the Final Review Panel. Appointments to available openings will be made from the top five candidates or top 10 percent of candidates, whichever is the larger number of candidates entered on the register for the class and specialty of the position to be filled.

(j) *Termination of eligibility.* Applicants who have qualified but have not been appointed because of lack of vacancies will be dropped from the rank-order register 24 months after their names are entered on the register. The Chairman of the Board of Examiners may extend their eligibility period when, in his judgment, such extension is justified.

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER (1-8-72).

(Secs. 212, 302, 303, 516, 517, 60 Stat. 1001, as amended, 1002, 1008, as amended; 22 U.S.C. 827, 842, 843, 911, 912)

For the Secretary of State.

WILLIAM B. MACOMBER, JR.,
Deputy Under Secretary for Management.

DECEMBER 30, 1971.

[FR Doc.72-382 Filed 1-7-72;8:50 am]

JAN 8 72

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Mobile	Unincorporated areas.	I 01 097 0000 04 through I 01 097 0000 40	Alabama Development Office, State Office Bldg., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	County Engineer's Office, County Courthouse, 101 Government St., Mobile, AL 36601.	Jan. 7, 1972.
California	San Diego	San Marcos				Do.
Massachusetts	Plymouth	Scituate				Do.
New Jersey	Bergen	Bergenfield				Do.
Do.	do.	River Vale Township.				Do.
Do.	Somerset	Far Hills Borough.				Do.
Do.	Essex	South Orange				Do.
Pennsylvania	Dauphin	Steelton Borough				Do.
Tennessee	Blount	Alcoa	I 47 009 0030 02 through I 47 009 0030 05	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Office of the City Recorder, Municipal Bldg., Alcoa, Tenn. 37701.	Do.
Do.	Lawrence	Lawrenceburg				Do.
Virginia	Fairfax	Unincorporated areas.	I 51 059 0000 03 through I 51 059 0000 30	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Office of the Director of Public Works, Fairfax County, 4100 Chain Bridge Rd., Fairfax, VA 22030.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 30, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–269 Filed 1–7–72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Mobile	Unincorporated areas.	H 01 097 0000 04 through H 01 097 0000 40	Alabama Development Office, State Office Bldg., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	County Engineer's Office, County Courthouse, 101 Government St., Mobile, AL 36601.	Dec. 15, 1970.
California	San Diego	San Marcos				Jan. 7, 1972.
Massachusetts	Plymouth	Scituate				Do.
New Jersey	Bergen	Bergenfield				Do.
Do.	do.	River Vale Township.				Do.
Do.	Somerset	Far Hills Borough.				Do.
Do.	Essex	South Orange				Do.
Pennsylvania	Dauphin	Steelton Borough.				Do.
Tennessee	Blount	Alcoa	H 47 009 0030 02 through H 47 009 0030 05	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Office of the City Recorder, Municipal Bldg., Alcoa, Tenn. 37701.	Jan. 15, 1971.
Do.	Lawrence	Lawrenceburg				Jan. 7, 1972.
Virginia	Fairfax	Unincorporated areas.	H 51 059 0000 03 through H 51 059 0000 30	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Office of the Director of Public Works, Fairfax County, 4100 Chain Bridge Rd., Fairfax, VA 22030.	June 17, 1970.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: December 30, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 72-270 Filed 1-7-72; 8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7158]

PART 12—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

Election Regarding Income From Certain Aircraft and Vessels

Correction

In F.R. Doc. 71-19170 appearing on page 16 in the issue of Tuesday, January 4, 1972, the fifth line of § 12.1(b), reading "United must be made not later than the", should read "United States must be made not later than the".

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart A—General Provisions

EXCLUSIONS

Effective upon publication in the FEDERAL REGISTER (1–8–72), paragraph (c) of § 253.8 is amended by adding a new subparagraph (13), reading as follows:

§ 253.8 Exclusions.

• • • • • •

(c) • • •

(13) Positions when filled by mentally retarded persons in accordance with written agreements between an agency and the Canal Zone Civilian Personnel Policy Coordinating Board. Provisions to be included in such agreements are to be consonant with those identified in Subchapter 6, Chapter 306 of the Federal Personnel Manual.

• • • • • •

(2 CZC 142, 155, 76A Stat. 16, 19; 35 CFR 251.2)

ROBERT F. FROEHLKE,
Secretary of the Army.

DECEMBER 22, 1971.

[FR Doc.72-283 Filed 1-7-72;8:45 am]

JAN 8 72 XUM

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8a—VETERANS MORTGAGE LIFE INSURANCE

A new Part 8a is added to read as follows:

Sec.
8a.1 Definitions.
8a.2 Maximum amount of insurance.
8a.3 Effective date.
8a.4 Coverage.
8a.5 Beneficiaries.
8a.6 Payment of premiums.
8a.7 Termination.

AUTHORITY: The provisions of this Part 8a issued under 72 Stat. 1114, 85 Stat. 320; 38 U.S.C. 210, 806.

§ 8a.1 Definitions.

(a) The term "eligible veteran" means any veteran who is or has been granted assistance in securing a suitable housing unit under chapter 21 of title 38, United States Code, and who has not attained his 70th birthday.

(b) The term "grant" means the monetary assistance given to a veteran in acquiring a suitable housing unit under chapter 21 of title 38, United States Code.

(c) The term "housing unit" means a family dwelling or unit, together with the necessary land therefor, that has been or will be purchased, constructed, or remodeled with a grant to meet the needs of an eligible veteran and of his family, and is or will be owned and occupied by him as his home, or a family dwelling or unit, including the necessary land therefor, acquired by an eligible veteran to be used as his residence after selling or otherwise disposing of title to the housing unit for which his grant was made.

(d) The term "Veterans Mortgage Life Insurance" means the mortgage protection life insurance authorized for veterans under 38 U.S.C. 806.

(e) The term "initial amount of insurance" means the amount of insurance corresponding in amount to the unpaid principal of a mortgage loan outstanding on a housing unit owned or to be acquired by an eligible veteran on August 11, 1971, or on the date of approval of his grant made under chapter 21 of title 38, United States Code, whichever is the later date.

(f) The term "mortgage loan" means any loan, lien, or other indebtedness incurred by an eligible veteran to buy, build, remodel, or enlarge a housing unit, the payment of which loan, lien, or indebtedness is secured by a mortgage lien, or other equivalent security of record, on the housing unit in the usual legal form employed in the community in which the property is situated. The term also includes refinancing of such an indebtedness to avoid a default, to consolidate liens, to renew or extend the time for payment of the indebtedness, and in cases where the housing unit is being bought, built, remodeled, or enlarged by increasing the amount of such an indebtedness.

(g) The term "owned" means the eligible veteran has or will acquire an interest in the housing unit which is:

(1) A fee simple estate, or

(2) A leasehold estate, the unexpired term of which, including renewals at the option of the lessee, is not less than 50 years, or

(3) An interest in a residential unit in a cooperative or a condominium type development which in the judgment of the Chief Benefits Director or the Director, Loan Guaranty Service, provides a right of occupancy for a period of not less than 50 years: *Provided*, The title to such estate or interest is or shall be such as is acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community.

(h) Whenever in the regulations relating to Veterans Mortgage Life Insurance, a personal pronoun in the masculine gender is used or appears, it shall be taken to include the feminine also, unless the context clearly indicates the contrary.

§ 8a.2 Maximum amount of insurance.

(a) Each eligible veteran is authorized a life-time maximum amount of insurance under section 806 of title 38, United States Code, not to exceed $30,000, to be used as needed for insurance on his life during periods he is obligated under a mortgage loan. Whenever insurance on the life of an eligible veteran is reduced because of a reduction of the principal of his mortgage loan, or in accordance with the amortization schedule of his mortgage loan, his life-time maximum of $30,000 is permanently reduced by such an amount, except in the case of a reduction of the principal of the mortgage loan resulting from a sale of the property or a refinancing of the loan.

(b) The maximum amount of insurance in force on any one life at one time shall not exceed the lesser of the following amounts:

(1) $30,000.

(2) The reduced maximum amount of insurance available to an eligible veteran.

(3) Where the grant was approved and fully disbursed prior to August 11, 1971, the amount of the unpaid principal of the mortgage loan outstanding on that date on a housing unit then owned and occupied by the eligible veteran.

(4) Where the grant was approved prior to August 11, 1971, but had not been fully disbursed on that date, the amount of the unpaid principal of the mortgage loan outstanding on that date on a housing unit then owned and occupied by the eligible veteran, or on a housing unit then in the process of construction or remodeling for him, and such initial amount of insurance may be adjusted upward, subject to the maximum insurance available to the eligible veteran, or downward, depending upon the amount of the mortgage loans outstanding on the date of full disbursement of the grant, or on the date of the final settlement of the purchase, construction, or remodeling agreement, whichever date is the later date.

(5) Where the grant is approved on or after August 11, 1971, the amount of the unpaid principal of the mortgage loan outstanding on the date of approval of the grant on a housing unit then owned and occupied by the eligible veteran, or on a housing unit being or to be constructed or remodeled for him, and such initial amount of insurance may be adjusted upward, subject to the maximum insurance available to the eligible veteran, or downward, depending upon the amount of the mortgage loans outstanding on the date of full disbursement of the grant, or on the date of final settlement of the purchase, construction, or remodeling agreement, whichever date is the later date.

(6) Where an eligible veteran ceases to own the housing unit purchased in part with a grant, or a subsequently acquired housing unit which was subject to a mortgage loan that resulted in his life being insured under Veterans Mortgage Life Insurance, and becomes obligated under a mortgage loan on another housing unit occupied or to be occupied by him, the amount of the unpaid principal outstanding on the mortgage loan on the newly acquired housing unit on the date insurance hereunder is placed in effect.

(7) Where an eligible veteran incurs or refinances a mortgage loan, the amount of the incurred or refinanced mortgage loan.

(8) Where the title to a housing unit is or will be vested in an eligible veteran and his spouse, the amount of insurance shall not exceed the principal amount of the outstanding mortgage loans. If title to an undivided interest in a housing unit is or will be vested in a person other than the spouse of an eligible veteran, the amount of Veterans Mortgage Life Insurance on his life shall be computed to be such part of the total of the unpaid principal of the loan outstanding on the housing unit as is proportionate to the undivided interest of the veteran in the entire property.

§ 8a.3 Effective date.

(a) Where the grant was approved prior to August 11, 1971, Veterans Mortgage Life Insurance shall be effective August 11, 1971, if on that date, the eligible veteran was obligated under a mortgage loan, and any such eligible veteran is automatically insured, unless he elects in writing not to be insured, or fails to respond within 60 days after the date a final request is made or mailed to him for information on which his premium can be based.

(b) Where the grant is approved on or after August 11, 1971, Veterans Mortgage Life Insurance shall be effective on the date of approval of the grant, if on that date the eligible veteran is obligated under a mortgage loan, and any such eligible veteran is automatically insured, unless he elects in writing not to be insured, or fails to respond within 60 days after the date a final request is made or mailed to him for information on which his premium can be based.

(c) In any case in which a veteran would have been eligible for Veterans Mortgage Life Insurance on August 11, 1971, or on the date of approval of his grant, whichever date is the later date, but such insurance did not become effective because he was not obligated under a mortgage loan on that date, or because he elected in writing not to be insured, or failed to timely respond to a request for information on which his premium could be based, the insurance will be effective on a date agreed upon by the veteran and the Administrator, but only if the veteran files an application in writing with the Veterans' Administration for such insurance, submits evidence that he meets the health requirements of the Administrator, together with information on which his premiums can be based, and is or becomes obligated under a mortgage loan upon the date agreed upon as the effective date of his insurance.

(d) In any case in which an eligible veteran disposes of the housing unit purchased, constructed or remodeled in part with a grant, or a subsequently acquired housing unit, and becomes obligated under a mortgage loan on another housing unit occupied or to be occupied by him, the insurance will be effective upon a date requested by the veteran and agreed to by the Administrator, but only if the eligible veteran files an application for such insurance, submits evidence that he meets the health requirements of the Administrator, furnishes information on which his premium can be based, and is or becomes obligated under a mortgage loan on the date the insurance is to become effective.

(e) In any case where an eligible veteran insured under Veterans Mortgage Life Insurance, refinances the mortgage loan which is the basis for such insurance on his life, any increase in the amount of insurance or any delay in the rate of reduction of insurance will be effective only if the eligible veteran files an application for insurance, submits evidence that he meets the health requirements of the Administrator, and furnishes information on which his premium can be based.

§ 8a.4 Coverage.

(a) Veterans Mortgage Life Insurance shall provide protection against the death of an eligible veteran insured thereunder, but only if death occurs while such insurance is in force.

(b) The $30,000 life-time maximum amount of Veterans Mortgage Life Insurance available to an eligible veteran shall be permanently reduced, and the amount of such insurance in force on his life at any one time shall be reduced simultaneously (1) with the reduction in the principal of the mortgage loan, whether or not the mortgage loan is amortized, and (2) in addition, if the mortgage loan is amortized, according to the schedule for the reduction of the principal of the mortgage loan whether or not the scheduled payments are timely made.

(c) If the amount of the mortgage loan exceeds $30,000, or the reduced maximum amount of insurance available to an eligible veteran, whichever amount is the lesser, the amount of insurance in force on the life of the veteran shall remain at a constant level until the principal amount of the mortgage loan which is basis for establishing the amount of insurance is reduced to $30,000, or to the amount of the reduced maximum amount of insurance available to the veteran, at which time the amount of insurance in force on his life shall be reduced in accordance with the schedule for the reduction of the principal of the mortgage loan, and whether or not the scheduled payments are timely made.

(d) Subject to the $30,000 life-time maximum amount of insurance, and to the reduced maximum amount of insurance available to him, an eligible veteran is entitled to be insured under Veterans Mortgage Life Insurance or to apply for such insurance as often as he becomes obligated under a mortgage loan or a refinanced mortgage loan on a housing unit or a successor housing unit owned and occupied by him. Where a veteran who is not automatically insured under Veterans Mortgage Life Insurance applies for such insurance, he shall be required to meet the health standards and other conditions established by the Administrator for such insureds.

§ 8a.5 Beneficiaries.

Any amount of Veterans Mortgage Life Insurance in force on the date of death of an eligible veteran shall be paid only to the holder of the mortgage loan. If the Administrator is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and, as appropriate, deposited in either the direct loan or the loan guaranty revolving fund established by section 1823 or 1824 of title 38, respectively. If there is more than one mortgage loan on a housing unit at the time the insurance matures, the proceeds will be payable to the holder of the mortgage loans in the order of the priority of the liens.

§ 8a.6 Payment of premiums.

Premiums for Veterans Mortgage Life Insurance will be established by the Administrator and based on such mortality data as appropriate to cover only the mortality cost of insuring standard lives. If the veteran is receiving compensation or other cash benefits from the Veterans Administration, the necessary premiums will be deducted from such payments. If the veteran is not receiving payments from the Veterans Administration, premiums must be paid directly by the veterans to the insurer.

§ 8a.7 Termination.

Veterans Mortgage Life Insurance shall terminate upon whichever of the following events first occurs:

(a) Satisfaction of the veteran's indebtedness under the mortgage upon which the loan is based.

(b) The veteran's 70th birthday.

(c) Termination of the veteran's ownership of the property securing the mortgage.

(d) Request of the veteran.

(e) Discontinuance of payment of premiums by the veteran.

(f) Discontinuance of the entire insurance contract or agreement.

This new part is effective August 11, 1971.

Approved: January 4, 1972.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.72-316 Filed 1-7-72;8:48 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18643]

PART 91—INDUSTRIAL RADIO SERVICES

Operation of Mobile Relay Stations, Fixed Relay Stations, and Repeater Stations; Correction

In the matter of amendment of Parts 89 and 91 of the Commission's rules governing the operation of mobile relay systems, fixed relay stations and repeater stations, Docket No. 18643.

The Commission's Report and Order, FCC 71-1212 (36 F.R. 23567), released December 6, 1971, is corrected as follows:

1. In § 91.7, paragraph (b)(3) is corrected as follows:

§ 91.7 Relay and control stations.

• • • • • •

(b) • • •

(3) Each new mobile relay system, with power greater than 1 watt, authorized after January 1, 1972, that is activated by signals below 50 MHz shall be so designed that cessation of reception of the activating continuous coded tone signal will deactivate the station. Licensees may utilize a combination of digital selection and continuous coded tone control where required to insure selection of only the desired mobile relay station. Additionally, applicants are required to furnish a description of tone codes utilized to the Commission and to the coordinating committees involved.

• • • • • •

Released: January 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-333 Filed 1-7-72;8:50 am]

JAN 8 72

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71-5; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Door Locks and Door Retention Components

The purpose of this notice is to amend Standard No. 206, Door Locks and Door Retention Components, to require that all side doors leading into a passenger compartment containing one or more seating accommodations meet the requirements of the standard, regardless of seat location or whether the seats are within the definition of designated seating positions. This notice also amends the standard to make clear the distinction between front and rear doors.

I. A notice of proposed rule making proposing the extension of the requirements of the standard to all side doors leading into passenger compartments was published in the FEDERAL REGISTER on February 3, 1971 (36 F.R. 1913). The three comments which were received in response to the notice were carefully considered. All of them supported the proposed amendment. The amendment in this notice is identical to the proposed amendment except for the effective date. That date has been changed to September 1, 1972 to permit adequate time for compliance.

II. The standard specifies in S4.1.3 different door lock requirements for front and rear doors. The Standard does not, however, precisely differentiate between these two types of doors. The problem of determining whether a door is to be treated as a front or rear door arises particularly in connection with multipurpose passenger vehicles having a single right side door.

To clarify the application of the requirements of S4.1.3, this notice amends the Standard by adding the word "Side" to the titles of S4.1.3.1 and S4.1.3.2 and by adding definitions of "Side front door" and "Side rear door" to S3. The definitions adopt, as the reference point for differentiating between front and rear doors, the rearmost point on the driver's seatback, when the driver's seat is adjusted to its most vertical and rearward position. A door with 50 percent or more of its opening area in a side view forward of that point is a "side front door". A door with more than 50 percent of its opening area in a side view to the rear of that point is a "side rear door".

These amendments to Standard No. 206 are clarifying and interpretive in nature. Consequently, it is found that notice and opportunity to comment are unnecessary and that, for good cause shown, an effective date earlier than 30 days after issuance is in the public interest.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 206, § 571.206 of Title 49, Code of Federal Regulations, is amended as follows:

1. Paragraph S4 is amended to read as follows:

S4. *Requirements.* Components on any side door leading directly into a compartment that contains one or more seating accommodations shall conform to this standard. However, components on folding doors, roll-up doors and doors that are designed to be easily attached to or removed from motor vehicles manufactured for operation without doors need not conform to this standard.

2. Paragraph S3. is amended by adding the following definitions in the proper alphabetical positions:

"Side front door" means a door that in a side view, has 50 percent or more of its opening area forward of the rearmost point on the driver's seatback, when the driver's seat is adjusted to its most vertical and rearward position.

"Side rear door" means a door that, in a side view, has more than 50 percent of its opening area to the rear of the rearmost point on the driver's seatback, when the driver's seat is adjusted to its most vertical and rearward position.

3. The title of paragraph S4.1.3.1 is amended to read: "Side Front Door Locks".

4. The title of paragraph S4.1.3.2 is amended to read: "Side Rear Door Locks".

Effective dates. Amendment 1. concerning the application of the standard is effective September 1, 1972. Amendments 2. through 4. concerning the distinction between front and rear doors are effective January 8, 1972.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on January 4, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-290 Filed 1-7-72;8:46 am]

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

PART 201—STABILIZATION OF WAGES AND SALARIES

Reaffirming the General Wage and Salary Standard, Providing for Certain Criteria for Exceptions and Specifying Certain Violations

Correction

In F.R. Doc. 71-19172 appearing at page 25427 in the issue of Friday, December 31, 1971, the second sentence should read as follows: "These amendments reaffirm the general wage and salary standard, presently 5.5 percent, for new contracts and pay practices, presently incorporated in § 201.10; incorporate under § 201.11 certain criteria for wage and salary increases under new contracts and pay practices in excess of the standard; and specify certain violations of the regulations in a new § 201.17."

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Miscellaneous Amendments

The purpose of these amendments is to correct certain typographical errors, to delete obsolete material, and to clarify certain provisions of Part 300—Price Stabilization.

Because the purpose of this amendment is to provide immediate guidance and information as to the price stabilization rules in effect, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

As printed in Part II of the FEDERAL REGISTER on December 16, 1971 (36 F.R. 23976), the word "or" which should have appeared between the words "property" and "services" in § 300.11 was omitted; and the word "that" which appears in § 300.13(a)(1), should have been omitted. These corrections are made.

Section 300.13(a), which states the general rules for price increases by retailers and wholesalers, is revised to make it clear that the intent of the regulation, so far as it relates to the period for determining customary initial percentage markup, is to allow a choice between the last customary initial percentage markup prior to November 14, 1971, or at the firm's option its customary initial percentage markup during its last fiscal year ending prior to August 15, 1971.

Section 300.51(c), which provides for treatment of requests for approvals of price increases by prenotification firms on a 72-hour basis, expired as of December 31, 1971, and is therefore being deleted.

Section 300.52(a), which provides for quarterly reports from reporting firms, is being amended to make it clear that quarterly reports are required from all firms covered by the section, regardless of whether they normally issue quarterly reports.

Paragraph (c) of § 300.52, which was added as a part of the publication on December 30, 1971 (36 F.R. 25385) of regulations for providers of health services, excused those providers from reporting under § 300.52. It was not the intention of the Price Commission to accomplish this result, so the paragraph is being deleted. Providers of health services that are reporting firms will be required to report under § 300.52.

Section 300.501(c) which sets forth a special rule for stating in a transaction the amount of any import surcharge imposed by the President, is being deleted on the basis of the cancellation of the import surcharges by the President.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11627, 36 F.R. 20139, Oct. 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations, is amended as follows, effective January 6, 1972.

Issued in Washington, D.C., on January 6, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

1. Section 300.11 is amended by inserting the word "or" between the words "property" and "services."

2. Paragraph (a) of § 300.13 is amended to read as follows:

§ 300.13 Retailers and wholesalers.

(a) *General.* A retailer or wholesaler may charge a price in excess of the base price whenever—

(1) Its customary initial percentage markup after November 13, 1971, with respect to the property sold is equal to or less than its last customary initial percentage markup before November 14, 1971, or, at its option, its customary initial percentage markup during its last fiscal year ending before August 15, 1971.

(2) The aggregate effect of all of its price changes is not to increase its profit margin over that which prevailed during the base period.

* * * * *

§ 300.51 [Amended]

3. Paragraph (c) of § 300.51 is revoked.

§ 300.52 [Amended]

4. Section 300.52(a) is amended by inserting the words "in any event" between the words "but" and "not."

5. Paragraph (c) of § 300.52 is revoked.

6. Section 300.121 is amended to read as follows:

§ 300.121 Price Commission address.

Each form or report prescribed by the Price Commission shall be sent to the address specified on that form or report. Each other document, report, or other item furnished under this part, shall be sent to the—Price Commission, 2000 M Street NW., Washington, DC 20508.

§ 300.501 [Amended]

7. Paragraph (c) of § 300.501 is revoked.

8. The heading of § 300.515, inadvertently printed as § 300.15, is corrected to read as follows:

§ 300.515 Failure to obtain relief.

* * * * *

[FR Doc.72-414 Filed 1-7-72;8:54 am]

JAN 8 72
XUM

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part]

INCOME TAX

Percentage Depletion; Gross Income From the Property in the Case of Minerals Other Than Oil and Gas; Notice of Hearing

Proposed regulations under sections 381, 482, 611, 613, and 614 of the Internal Revenue Code of 1954, relating to the percentage depletion deduction in the case of minerals other than oil and gas, appear in the FEDERAL REGISTER for October 1 and 9, 1971 (36 F.R. 19256, 19702).

A public hearing on the provisions of the proposed regulations will be held on Wednesday, February 23, 1972, at 10 a.m., e.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments at such hearing should by February 9, 1972, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by February 16, 1972. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

RICHARD M. HAHN,
Acting Chief Counsel.

[FR Doc.72-337 Filed 1-7-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Proposed Redistricting and Reapportionment

Consideration is being given to the approval of proposed redistricting and reapportionment which were unanimously recommended by the Southeastern Potato Committee established pursuant to Marketing Agreement No. 104 and Marketing Order No. 953, both as amended (7 CFR Part 953).

This marketing order program regulates the handling of Irish potatoes grown in designated counties in Virginia and North Carolina, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Statement of consideration. The order provides in § 953.12 that the committee may recommend and the Secretary may approve the reapportionment of committee members and the reestablishment of districts within the production area.

The Southeastern Potato Committee consists of 12 members representing five districts. The present committee representation provides one producer member and one handler member each for Districts No. 1, No. 2, and No. 3. However, District No. 3 has become urbanized and there are only two known commercial potato producers remaining, who together grow approximately 100 acres of potatoes.

Under present circumstances this district has an equal vote on the committee with the other two Virginia districts having approximately 200 producers and 29,000 acres of potatoes. In order to correct this inequitable representation, the committee, after giving due consideration to the criteria in § 953.12, unanimously recommended that District No. 3 be merged with District No. 2. These two districts are contiguous and their production and marketing practices are similar.

The committee also recommended that the District No. 3 committee positions (one producer member and one handler member) be terminated and an additional producer member be added to both Districts No. 1 and No. 2. However, this representation would be contrary to the order and the Secretary's decision as the record indicates that "the authority should not be provided for shifts in committee representation between handlers and producers."

Therefore, one producer member and one handler member should be reassigned among Districts No. 1 and No. 2. Since census figures show District No. 1 has the larger acreage and production, the producer member should be selected from there while District No. 2 should get the handler member.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same in quadruplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days following publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 953.123 Reestablishment of districts and reapportionment of committee membership.

(a) Pursuant to § 953.12: (1) The counties of James City and Nansemond and the cities of Chesapeake and Virginia Beach (currently District No. 3) are reestablished as a part of District No. 2; (2) the membership of the Southeastern Potato Committee shall be apportioned among the districts of the production area so as to provide the following representation: Two producer members and one handler member from each of Districts No. 1, 4 and 5; one producer member and two handler members from District No. 2. The respective alternates shall be selected on the same basis of representation as the members.

(b) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

Dated: January 4, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-313 Filed 1-7-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SW-73]

TRANSITION AREA

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Dallas-Fort Worth, Tex., transition area and revoke the Bridgeport, Tex., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Dallas-Fort Worth, Tex., transition area is amended by deleting "to longitude 97° 28'00" W.; thence north to point of beginning." and substituting therefor "to latitude 32°55'00" N.; to latitude 33°13' 00" N., longitude 97°56'00" W.; to latitude 33°15'30" N., longitude 97°49'00" W.; to point of beginning."

In § 71.181 (36 F.R. 2140), the Bridgeport, Tex., transition area is revoked.

Proposed alteration of the Dallas-Fort Worth, Tex., 700-foot transition area will provide controlled airspace to accommodate the instrument approach procedure proposed to serve the Springtown, Tex., Municipal Airport. This procedure will be based on utilization of the Bridgeport VORTAC navigational aid. As the Bridgeport VORTAC currently provides approach capability for the Bridgeport Municipal Airport which is in the same general geographical area, it is proposed to expand the Dallas-Fort Worth 700-foot transition area to fully encompass the Bridgeport 700-foot transition area to afford more legible charting of this area. This will also permit revocation of the separate Bridgeport, Tex., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on December 29, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-294 Filed 1-7-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-187]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Roanoke Rapids, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Roanoke Rapids transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Halifax County Airport (lat. 36°26'29" N., long. 77°43'00" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at Halifax County Airport. A prescribed instrument approach procedure to this airport, utilizing the Rocky Mount, N.C. VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 27, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-295 Filed 1-7-72;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

[Docket No. RM-50-2]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Effluents From Light Water-Cooled Nuclear Power Reactors; Supplemental Notice of Hearing

On November 30, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 22775) a notice scheduling a legislative-type public rule making hearing on January 20, 1972, before a hearing board consisting of Algie A. Wells, Esq., Chairman, Dr. Walter H. Jordan, and Dr. John C. Geyer, concerning proposed amendments to its regulations, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would supplement the regulation with a new Appendix I to that part to provide numerical guides for design objectives and technical specification requirements for limiting conditions for operation of light water-cooled nuclear power reactors to keep radioactivity in effluents as low as practicable, published on June 9, 1971 (36 F.R. 11113).

The notice published on November 30, 1971, provided in general terms how the hearing would be conducted and its provisions remain in effect. This supplemental notice outlines more detailed procedures that will be followed in the scheduled rule making hearing, as follows:

1. All persons admitted as participants will present their testimony under oath and will be afforded the opportunity for relevant questioning of the witnesses of other participants as may be required for full and true disclosure of the facts.

2. The Commission's determination in the rule making proceeding will be supported by the record; if reliance is placed on information which is not in the record, notice will be given of such information and an opportunity provided to comment thereon and to request an opportunity to respond thereto.

3. Participants will make appropriate documents available to the extent practicable and will reference and produce on request the documents on which they rely. Requests for interrogatories, depositions, or formal discovery will not be entertained unless, in exceptional circumstances, the presiding board finds that there is compelling justification therefor.

4. The AEC will make available appropriate witnesses to explain the background, purpose, and rationale of its proposed numerical guides for design objectives and technical specification requirements for limiting conditions for operation of light water-cooled nuclear power reactors to keep radioactivity in effluents as low as practicable, published on June 9, 1971. Other participants, to the extent practicable, are expected to make available knowledgeable persons. No subpoenas requiring the testimony of witnesses will be issued by the presiding board. Participants may request specified witnesses and, if such request is made, the presiding board, upon determining that the request is relevant, nonduplicative, and meritorious, will encourage such witnesses to testify. The presiding board may, upon a showing of exceptional circumstances, such as a case in which a particular named person has direct personal knowledge of a material fact not known to the witnesses in the proceeding, certify directly to the Commission for determination of whether the testimony of a named person should be included in the record of the proceeding.

JAN 8 72
XUM

5. All direct testimony, and, to the extent appropriate, all redirect testimony and rebuttal testimony shall be submitted in writing and copies served on the Commission (Attention: Chief, Public Proceedings Branch), the presiding board and all participants at least 5 days prior to the session of the hearing at which such testimony is to be presented. Such written testimony will be incorporated in the transcript of the hearing after identification and upon sponsorship by an expert witness without reading, but each witness will be permitted to make a brief oral summary under oath of his written testimony.

6. Participants are required to identify in writing the subject matter and portions of written testimony on which questioning is sought to be conducted prior to the session of the hearing in which such questioning will be conducted.

7. At the request of a participant, the presiding board may permit a qualified individual who has scientific or technical training or experience to participate on behalf of that participant in the examination and questioning of expert witnesses. Attorneys sponsoring such interrogatories must assume full responsibility for the interrogator's performance.

8. Two members of the presiding board will constitute a quorum, if one of those members is the chairman. Upon agreement of the participants, the Chairman alone may preside over sessions of the hearing. It is expected that the entire presiding board will be present at all sessions to the extent practicable.

9. Consistent with the full and true disclosure of the facts, duplicative, redundant or nonproductive testimony or questioning will not be permitted and the presiding board will impose suitable restrictions to that end.

10. The presiding board will set appropriate, reasonable time limits on the questioning of witnesses.

11. The presiding board is authorized to take appropriate action to control the course of the hearing, including the authority to administer oaths and affirmations; rule on offers of, and receive, evidence; regulate the course of the hearing and the conduct of the participants, provide for consolidation of presentations and questioning as appropriate, dispose of procedural requests or similar matters; examine witnesses; hold conferences before or during the hearing; and certify questions to the Commission for its determination, either in its discretion or on direction of the Commission.

Notice should also be taken that the conduct of a rule making hearing on the subject matter of this notice will not affect the orderly resolution, under the Commission's existing regulations, of the matter of radioactivity in effluents in hearings on applications for light water-cooled power reactors pending before atomic safety and licensing boards.

Dated at Germantown, Md., this 6th day of January 1972.

For the Atomic Energy Commission.

FREDERICK T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-380 Filed 1-7-72;8:50 am]

[10 CFR Part 50]

[Docket No. RM-50-1]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Acceptance Criteria for Emergency Core Cooling Systems for Light Water-Cooled Nuclear Power Reactors; Supplemental Notice of Hearing

On November 30, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 22774) a notice scheduling a legislative-type public rule making hearing on January 27, 1972, before a hearing board consisting of Nathaniel H. Goodrich, Esq., Chairman, Dr. Lawrence R. Quarles, and Dr. John H. Buck, concerning its interim statement of policy establishing acceptance criteria for emergency core cooling systems for light water-cooled nuclear power reactors, published June 29, 1971 (36 F.R. 12247). Amendments to the interim criteria were published in the FEDERAL REGISTER on December 18, 1971 (36 F.R. 24082) in a notice that stated that the amendments would also be considered at the rule making hearing.

The notice published on November 30, 1971, provided in general terms how the hearing would be conducted and its provisions remain in effect. This supplemental notice outlines more detailed procedures that will be followed in the scheduled rule making hearing, as follows:

1. All persons admitted as participants will present their testimony under oath and will be afforded the opportunity for relevant questioning of the witnesses of other participants as may be required for full and true disclosure of the facts.

2. The Commission's determination in the rule making proceeding will be supported by the record; if reliance is placed on information which is not in the record, notice will be given of such information and an opportunity provided to comment thereon and to request an opportunity to respond thereto.

3. Participants will make appropriate documents available to the extent practicable and will reference and produce on request the documents on which they rely. Requests for interrogatories, depositions or formal discovery will not be entertained unless, in exceptional circumstances, the presiding board finds that there is compelling justification therefor.

4. The AEC will make available appropriate witnesses to explain the background, purpose and rationale of its interim statement of policy establishing acceptance criteria for emergency core cooling systems for light water-cooled nuclear power reactors, published June 29, 1971, and the amendments thereto published December 18, 1971. Other participants, to the extent practicable, are expected to make available knowledgeable persons. No subpoenas requiring the testimony of witnesses will be issued by the presiding board. Participants may request specified witnesses and, if such request is made, the presiding board, upon determining that the request is relevant, nonduplicative and meritorious, will encourage such witnesses to testify. The presiding board may, upon a showing of exceptional circumstances, such as a case in which a particular named person has direct personal knowledge of a material fact not known to the witnesses in the proceeding, certify directly to the Commission for determination of whether the testimony of a named person should be included in the record of the proceeding.

5. All direct testimony, and, to the extent appropriate, all redirect testimony and rebuttal testimony shall be submitted in writing and copies served on the Commission (Attention: Chief, Public Proceedings Branch), the presiding board and all participants at least 5 days prior to the session of the hearing at which such testimony is to be presented. Such written testimony will be incorporated in the transcript of the hearing after identification and upon sponsorship by an expert witness without reading, but each witness will be permitted to make a brief oral summary under oath of his written testimony.

6. Participants are required to identify in writing the subject matter and portions of written testimony on which questioning is sought to be conducted prior to the session of the hearing in which such questioning will be conducted.

7. At the request of a participant, the presiding board may permit a qualified individual who has scientific or technical training or experience to participate on behalf of that participant in the examination and questioning of expert witnesses. Attorneys sponsoring such interrogatories must assume full reponsibility for the interrogator's performance.

8. Two members of the presiding board will constitute a quorum, if one of those members is the chairman. Upon agreement of the participants, the Chairman alone may preside over sessions of the hearing. It is expected that the entire presiding board will be present at all sessions to the extent practicable.

9. Consistent with the full and true disclosure of the facts, duplicative, redundant or nonproductive testimony or questioning will not be permitted and the presiding board will impose suitable restrictions to that end.

10. The presiding board will set appropriate, reasonable time limits on the questioning of witnesses.

11. The presiding board is authorized to take appropriate action to control the course of the hearing, including the authority to administer oaths and affirmations; rule on offers of, and receive, evidence; regulate the course of the hearing and the conduct of the participants, provide for consolidation of presentations and questioning as appropriate, dispose of procedural requests or similar matters, examine witnesses; hold conferences before or during the hearing; and certify questions to the Commission for its determination, either in its discretion or on direction of the Commission.

Notice should also be taken that the conduct of a rule making hearing on the subject matter of this notice will not affect the orderly resolution, under the Commission's existing regulations, of the matter of emergency core cooling, in hearings on applications for light water-cooled power reactors pending before atomic safety and licensing boards.

Dated at Germantown, Md., this 6th day of January 1972.

For the Atomic Energy Commission.

FREDERICK T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-381 Filed 1-7-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 270, 274]

[Release No. IC-6878]

QUARTERLY REPORTS OF ISSUERS OF PERIODIC PAYMENT PLAN CERTIFICATES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 27d-3 (17 CFR 270.27d-3) and Form N-27D-2 (17 CFR 274.127d-2) under the Investment Company Act of 1940 (Act), as amended by the Investment Company Amendments Act of 1970 (the "1970 Act"), as more particularly described below. The proposed rule and form are designed to facilitate the Commission's review of the experience and operations of issuers of periodic payment plan certificates in connection with rights of withdrawal and surrender arising under the 1970 Act and the reserves required to be established and maintained in accordance with Rule 27d-1 under the Act. The proposed rule and form would be adopted pursuant to the authority granted the Commission in sections 27 (d), 27(f), 30(b), and 38(a) of the Act (15 U.S.C. 80a-27(d), 80a-27(f), 80a-29 (b), 80a-27(a)).

Section 30(b) of the Act provides that the Commission may require registered investment companies to file information and documents, on a semi-annual or quarterly basis, to keep reasonably current the information and documents contained in the registration statements of such companies. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred the Commission in the Act, including prescribing the forms upon which information required in reports to the Commission shall be set forth.

Under section 27(d) [of the Act], periodic payment plan certificates, typically issued with a 50 percent "front-end load," must provide that the certificate holder may surrender his certificate at any time prior to the expiration of 18 months after issuance of the certificate and receive in payment thereof, in cash, the value of his account plus an amount from the underwriter for, or depositor of, the issue equal to that part of the excess paid for sales loading which exceeds 15 percent of the gross payments made by the certificate holder.

Under section 27(f) [of the Act], a certificate holder, within 60 days after the issuance to him of his periodic payment plan certificate, must be given a written notice of his right to withdraw from the plan within 45 days of the date of mailing the notice. Any certificate holder who exercises his right of withdrawal is entitled to receive a refund of the amount equal to the value of his account plus an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested, i.e., a complete refund of all charges.

Sections 27(d) and 27(f) of the Act also provide that the Commission may make rules and regulations applicable to underwriters for or depositors of registered investment companies issuing periodic payment plan certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund charges as required by those sections. On July 2, 1971 (Investment Company Act Release No. 6600), the Securities and Exchange Commission adopted Rules 27d-1, 27d-2, and 27f-1 under the Act which, among other things, relate to reserve and refund requirements in connection with sales of periodic payment plan certificates (36 F.R. 13134).

RESERVE REQUIREMENTS

Rule 27d-1 (17 CFR 270.27d-1) provides that every depositor of, or principal underwriter for, the issuer of a periodic payment plan certificate issued subject to section 27(d) or section 27(f) of the Act, or both, shall deposit and maintain funds in a segregated trust account as a reserve and as security for the purpose of assuring the refund of charges required by sections 27(d) and 27(f) [of the Act]. Under the Rule (§ 270.27d-1), depositors or principal underwriters are required to deposit at least 45 percent of the excess sales load on each monthly payment made on periodic payment plan certificates sold subject to section 27(d) [of the Act]. For all certificates for which they are liable for the refund of any sales load they are required to maintain in the segregated trust account an amount equal to not less than 35 percent of the refundable sales load. On certificates sold subject to only the 45-day refund right, an amount equal to 20 percent of the charges subject to refund must be deposited and maintained in the segregated trust account, except that on plans requiring monthly payments in excess of $100 the applicable rate is 30 percent.

The determination of the amounts required to be deposited and maintained in the segregated trust account was based upon the actual redemption experience of certificates sold during January and May of 1969 by 11 plan sponsors representing 70 percent of the industry's total agreed payments, combined with a conservative estimate of the effect of the refund and withdrawal rights added by sections 27(d) and 27(f) [of the Act]. When it adopted Rule 27d-1, the Commission stated that it

> • • • intends to review the reserve requirements in light of actual experience as soon as sufficient data becomes available. Such data would include numbers and frequency of payments and refunds, sales volume, aggregate indebtedness, net capital and excess net capital of principal underwriters and depositors. In order to facilitate such review the Commission may propose the filing of appropriate forms and also require the maintenance of certain records not now required to be kept.

PROPOSED FORM N-27D-2 (17 CFR 274.127d-2)

Proposed Form N-27D-2 is a quarterly report to be filed by registered unit investment trusts and management investment companies issuing periodic payment plan certificates. It captures data on the number of such certificates sold, the number of monthly payments made on them, the number of withdrawals and surrenders pursuant to sections 27(d) and 27(f) [of the Act] and the number of payments made on certificates withdrawn and surrendered. It should provide timely reports on trends in the level of surrenders and withdrawals and data with respect to the variability of surrenders and withdrawals in different periods.

The form would be required to be filed for each calendar quarter ending on or after December 31, 1971 by issuers of the following periodic payment plan certificates subject to the 45-day withdrawal right of section 27(f) [of the Act]:

1. Certificates issued during the calendar quarter;

2. Certificates outstanding at the beginning of the calendar quarter which were issued less than 105 days prior to the beginning of the calendar quarter; and

3. Certificates also subject to the 18-month surrender right of section 27(d) [of the Act] which were outstanding at the beginning of the calendar quarter and were issued less than 18 months prior to the beginning of the calendar quarter.

Issuers of periodic payment plan certificates which are exempt from the provisions of section 27(f) of the Act would not be required to file the form. Nor would issuers of periodic payment plan

513 V
JAN 8 72
XUM

certificates be required to file the form if the depositor or underwriter has obtained an insurance company undertaking, pursuant to Rule 27d–2 (§ 270.27d–2 of this chapter), to guarantee the performance of all of its obligations to refund charges pursuant to sections 27(d) and 27(f) [of the Act]. However, such issuers would be required to file the form if some of the certificates outstanding at the beginning of, or sold during, the calendar quarter were not covered by the guarantee.

GENERAL FORMAT

The form contains eight items. Item 1 provides a capsule description of the issuer and of the certificates. Items 2 through 8 provide the basic information with respect to the current status and activity of certificates issued during the reporting quarter and each of the six preceding quarters. The certificates issued during any quarter are traced for the next six quarters and would thus appear in a total of seven quarterly reports. However, the item number of certificates issued in any quarter changes from one quarterly report to another. Thus, information concerning certificates issued during the fourth calendar quarter of 1971 would be reported first in Item 2 of the December 31, 1971, report. It would appear next in Item 3 of the March 31, 1972, report and would appear in Items 4 through 8 in successive reports. Appendix A to the Instructions for Form N–27D–2 contains a schedule of the contents of Items 2 through 8 for the quarterly reports from December 31, 1972, through June 30, 1973.

BASIC PRINCIPLES OF FORM N–27D–2 (17 CFR 274.127d–2)

The form employs the following basic principles:

1. All certificates issued in a particular calendar quarter are to be reported separately and not combined with the certificates issued in any other quarter. Thus, in any given quarterly report, the status of certificates sold in the reporting quarter and in each preceding calendar quarter could be determined separately.

2. Certificate activity data is to be reported in two categories on an aggregate basis according to the denomination of the regular payments required on each certificate. Certificates that provide for monthly payments, or their equivalent, of $100 or less are to be reported in one category and higher denomination certificates in another category.

3. Certificates outstanding at the end of the reporting quarter or which were surrendered or withdrawn during the reporting quarter are to be reported according to the total number of monthly payments, or their equivalent, which were actually made on the certificates from the date of issue until the end of the reporting quarter, rather than according to the payments made during the reporting quarter.

4. All information reported in Items 2 through 8 of the form is to be expressed in terms of the number of certificates rather than the actual dollar amounts of sales and other charges paid and refunded.

5. Issuers of certificates which are subject to only 45-day withdrawal provision of section 27(f) [of the Act] are required to answer only four of the eight items.

6. Only certificates issued on or after July 1, 1971 are required to be included in the form.

REPORTING DATES

The first report on Form N–27D–2 would be due March 15, 1972, for the quarter ending December 31, 1971. This report would contain a special report, Item 3a, providing information on certificates which were issued during the third calendar quarter of 1971 and which were surrendered or withdrawn during the same quarter. Item 3a would not be included in any other quarterly report. Subsequent reports for calendar quarters ending on or after March 31, 1972, would be required to be filed within 30 days after the end of each calendar quarter.

After issuers and the Commission have obtained sufficient experience with the use of Form N–27D–2, the Commission intends to explore the possibility of permitting Form N–27D–2 to be filed by means of punched cards, magnetic tapes or other media suitable for direct processing by electronic data processing equipment.

Proposed Form N–27D–2 would be adopted pursuant to sections 27, 30, and 38 of the Investment Company Act of 1940. All interested persons are invited to submit views and comments with respect to the adoption of Rule 27d–3 and Form N–27D–2. They should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before January 17, 1972. All such communications should refer to File No. S7–421, and they will be available for public inspection.

PROPOSED ACTION

Parts 270 and 274 of Chapter II of Title 17 of the Code of Federal Regulations would be amended by adding thereunder new §§ 270.27d–3 and 274.127d–2 respectively, to read as follows:

§ 270.27d–3 Form for quarterly report of issuers of periodic payment plan certificates.

Form N–27D–2 (17 CFR 274.127d–2) is hereby prescribed pursuant to sections 27(d), 27(f), 30(b), and 38 of the Act as the form for quarterly reports which shall be filed for each calendar quarter by registered investment companies.

§ 274.127D–2 Form N–27D–2 for issuers of periodic payment plan certificates.

(a) This form shall be filed pursuant to § 270.27d–3 of this chapter for each calendar quarter ending on or after December 31, 1971, by registered investment companies that are issuers of periodic payment plan certificates subject to section 27(f) of the Act and shall cover (1) certificates issued during the calendar quarter; (2) certificates outstanding at the beginning of the calendar quarter which were issued on or after July 1, 1971, and less than 105 days prior to the beginning of the calendar quarter; and (3) certificates also subject to the 18 months surrender right specified in section 27(d) of the Act which were issued on or after July 1, 1971, and less than 18 months prior to the beginning of the calendar quarter.

(b) Notwithstanding paragraph (a) of this section, registered investment companies that are issuers of periodic payment plan certificates for which an undertaking has been obtained from an insurance company pursuant to § 270.27d–2 of this chapter to guarantee the performance of all obligations to refund charges under sections 27(d) and 27(f) of the Act for all certificates outstanding at the beginning of, and sold during, the calendar quarter are not required to file a report on this Form N–27D–2.

NOTE: The text of the proposed form is contained in Release No. IC–6878, copies of which have been filed with the Office of the Federal Register, and may be obtained upon request from the Securities and Exchange Commission, Washington, D.C. 20549.

(Secs. 27(d), 27(f), 30(b), 38(a); 54 Stat. 829, 836, 841, 15 U.S.C. 80a–27(d), 80a–27(f), 80a–37(a), Public Law 91–547, 84 Stat. 1424–1425)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 10, 1971.

[FR Doc.72–347 Filed 1–7–72;8:50 am]

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 72–297, Federal Deposit Insurance Corporation, *infra.*

DEPARTMENT OF THE INTERIOR

National Park Service

GRAND TETON NATIONAL PARK, WYO.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5 that a public hearing will be held beginning at 2 p.m., on March 10, 1972, at the Pink Garter Theater, Jackson, Wyo., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 110,700 acres within the Grand Teton National Park, Teton County, Wyo. The hearing will run until approximately 5 p.m. and will resume at 7 p.m. if necessary.

A packet containing a draft master plan and preliminary wilderness study report, and providing additional information about the proposal, may be obtained from the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, WY 83012, or from the Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, NE 68102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above office and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, WY 83012, by March 7 of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the county in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: December 21, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.72–58 Filed 1–7–72;8:45 am]

YELLOWSTONE NATIONAL PARK, WYO., IDAHO, AND MONT.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5 that public hearings will be held beginning at 2 p.m. on March 11, 1972, at the Pink Garter Theater, Jackson, Wyo.; on March 13, 1972, at the Stardust Motel, Idaho Falls, Idaho; and on March 15, 1972, at the Livingston Elks Club, Livingston, Mont., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 1,963,000 acres within the Yellowstone National Park. The park is located in Park and Teton Counties, Wyo.; in Fremont County, Idaho; and in Gallatin and Park Counties, Mont. The hearings will run until approximately 5 p.m. and will resume at 7 p.m. if necessary.

A packet containing a draft master plan and preliminary wilderness study report and providing additional information about the proposal may be obtained from the Superintendent, Yellowstone National Park, Yellowstone National Park, Wyo. 82190; or from the Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, NE 68102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above office and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Yellowstone National Park, Yellowstone National Park, Wyo. 82190, by March 7 of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governors of the States or their representatives.

JAN 8 72 XUM

(2) Members of Congress.
(3) Members of the State Legislatures.
(4) Official representatives of the counties in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: December 21, 1971.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.72-59 Filed 1-7-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (36 F.R. 17451, 19270, 20538, 22691, and 23834) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments and additional species at a previously listed establishment that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Mid-States Packers, Inc.	476A	(*)					
Haviland Brothers Frozen Food Lockers	8565	(*)				(*)	
Caprock Beef Packers, Inc.	7089	(*)					
New establishments reported: 3.							
Kenneth E. Baker	7815					(*)	(*)
Species added: 2.							

Done at Washington, D.C., on January 4, 1972.

DONALD L. HOUSTON,
Acting Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.72-314 Filed 1-7-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-255]

CONSUMERS POWER CO.

Order for Hearing

In the matter of Consumers Power Co. (Palisades Plant), Docket No. 50-255.

The parties to this proceeding have today indicated that they are ready to proceed to hearing with the presentation of evidence.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that an evidentiary hearing shall convene at 9:30 a.m. on Tuesday, January 25, 1972, in the Van Deusen Auditorium of the City Library System, 312 South Rose Street, Kalamazoo, MI.

Issued January 4, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-348 Filed 1-7-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20291; Order 72-1-7]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Deferring Action and Requesting Comments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of January 1972.

On November 29, 1971, there were filed with the Board certain amendments to section XII of the Provisions for the Regulation and Conduct of the IATA Traffic Conferences, resulting from action of the 82d Meeting of the Executive Committee, which was held in Honolulu on November 19, 1971. Under the proposed changes, the Traffic Conference organization and services and the employment of IATA compliance machinery would apply to agreements among any number of Conference members where unanimous Conference agreement is not achieved. The amendments are reproduced in the attachments hereto.

The Board shall defer action on the filed amendments pending the receipt of comments thereon. We shall, therefore, direct that U.S. member carriers file comments, and we invite other interested persons to do so as well, addressed to whether the amendments should be approved or disapproved under section 412 of the Federal Aviation Act.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 1175-A29 be and it hereby is deferred;
2. Each U.S. certificated air carrier who is a member of IATA [1] shall file comments with respect to the agreement: *Provided,* That associate members may file comments;
3. Any interested persons may file comments with respect to the agreement;
4. Comments shall be filed within a period of 14 days from the date of this order; [2] and
5. This order shall be served upon all certificated air carriers, the International Air Transport Association, the National Air Carrier Association, the Department of Transportation, the Department of Justice, and the Department of State.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

AMENDMENTS TO TRAFFIC CONFERENCE PROVISIONS

Amend section XII as follows:

Paragraph 1, add a new subparagraph (c).

1. (a) Any alleged breach by a member of a Traffic Conference of action taken by that Conference binding upon such member (hereinafter referred to as a "violation of a Resolution") may be reported to the Director General for appropriate action. This report shall be in the form of a written complaint which shall contain a detailed statement of the nature of the alleged breach and the evidence in reliance upon which the complaining party is making the complaint. The Director General shall not act on any complaint based on an alleged breach which occurred more than 2 years prior to the receipt by the Director General of a report including such complaint.

(b) Any action taken, either directly or indirectly by an operator of aircraft in scheduled commercial services, which is not an IATA Member (i) a majority of the voting shares of which are owned by an IATA Member, or with which an IATA Member has financial arrangements, such as a guarantee of profit, a guarantee of return to shareholders, or a management agreement, through which such IATA Member may control such operator of aircraft or (ii) which is under common control with an IATA Member, shall be deemed for compliance purposes to be the action of the said IATA Member.

(c) Any alleged breach by a member of a Traffic Conference of an agreement between that member and any other member(s) of the conference(s), resulting from negotiations undertaken pursuant to section V, VI, or VIII of these provisions, relating to fares, rates, or charges for passengers or cargo or conditions of services relating thereto may also be reported to the Director General for appropriate action in the same manner as a violation of a Resolution of the Traffic Conference provided that:

(i) Said agreement has been filed with the Secretary of the Traffic Conferences who has notified all Conferences or joint Conference members within the area in which the agreement is to be applicable and the period of its effectiveness,

(ii) Said agreement is not inconsistent with any effective Conference Resolution determining the fares, rates, charges, or conditions of services which are the subject of the agreement within the area and during the period of effectiveness of said agreements,

(iii) The terms of the agreement are included in participating Members' regulations,

(iv) The agreement is not disapproved by the appropriate government authorities,

(v) The Director General agrees to extend the provisions of this section on Compliance to the agreement,

(vi) Any member of the Conference or joint Conferences of the area in which the agreement is applicable may adhere to the agreement upon giving notice to the Secretary of the Traffic Conferences, which notice shall be circulated to all members of the Conference or joint Conferences.

Paragraph 2(c).

Inform the complaining Member that in his opinion there has been no violation of a resolution or agreement, and that he will not refer the matter to a Commission unless such Member is prepared to pay all costs if his complaint is eventually dismissed by the Commission.

Paragraph 5.

The Director General may also, from time to time at his discretion, direct the IATA Compliance Office to investigate particular traffic incidents coming to his attention without a formal complaint if they appear to indicate violations of a resolution or agreement, or to investigate general traffic conditions in any particular area.

Paragraph 7.

Upon completion of any investigation based on a complaint, the IATA Compliance Office shall make a written report of the results of such investigation to the Director General. Upon completion of any other investigation the IATA Compliance Office shall likewise make a report to the Director General and shall present a written complaint to the Director General against any Member which, in the opinion of the IATA Compliance Office, has been guilty of a violation of a resolution or agreement as disclosed by such investigation. The Compliance Office may also make a complaint to the Director General against any Member which has failed, neglected or refused to permit the IATA Compliance Office to carry out the investigation authorized by this section XII. On receipt of any such complaint from the Compliance Office the Director General shall forward a copy to the Member complained against and require an answer as provided in paragraph 2 above. On the receipt of such answer the Director General shall either

(a) Dismiss the complaint and so advise the Member concerned, or

(b) Refer the complaint and answer to a Commission for hearing and decision.

Paragraph 11.

If the complaint filed by a Member is based on the construction of a resolution or agreement, and if, in the opinion of the Director General, after receiving an answer from the Member complained against or if such Member fails to file an answer within the prescribed period such Member complained against is acting contrary to or in violation of such resolution or agreement, and if the Director General determines that the competitive position between the complaining Member and the Member complained against is being seriously affected, the Director General may, after consultation with any members of his staff present when the resolution or agreement was adopted, issue an order addressed to the Member complained against requiring such Member to cease immediately the actions complained of pending the decision of the case by the Commission. However, such order of the Director General shall not affect the decision of the Commission. The Commission may at its discretion vacate the order of the Director General or continue it in effect pending final disposal of the case. The Commission may also assess a penalty against the Member complained against, within the limit of penalties provided for breaches of Traffic Conference obligations by the Annual General Meeting, if such Member complained against has not complied with the above mentioned temporary order of the Director General.

Paragraph 13(b).

Shall, when interpreting a Conference resolution, be bound by interpretations of such resolution included in decisions of a Commission unless a subsequent Conference amends the resolution in question, or the participants in the agreement referred to in 1(c) above amend the agreement.

Paragraph 14.

The Commission shall decide the issues presented to it and may impose on any Member found to be guilty of a violation of any resolution or agreement such penalties as have been authorized by the General Meeting of IATA. Fines shall be related to the breach and to that end shall be based upon a consideration of the disruptive effects of the breach of duty in question upon the traffic of, and upon the relations between the interested persons, or any of them, the wilful or wanton nature of the breach, any fact in mitigation of the breach and any other relevant circumstances. If a Member complained against has based its defense on the grounds of the interpretation of Conference resolutions or agreements (as distinguished from a mere dispute in regard to the facts), the decision of the Commission shall rule on such defense and state the grounds for its decision. The Commission may also assess a penalty against the Member complained against within the limits of penalties provided for breaches of Traffic Conference obligations by the General Meeting if such Member complained against has failed, neglected or refused to permit the IATA Compliance Office to carry out any investigation authorized by this section XII.

Paragraph 20.

The following summary procedure shall be used in disposing of certain complaints of minor importance made by the IATA Compliance Office, against any Member, notwithstanding contrary provisions in the foregoing paragraphs 12-19 inclusive:

The Commissioner after receipt from the Director General of any complaint, reply and other documentation may advise the Director General that he deems that no new interpretation of a resolution or agreement is required, that the fine, if any, against any one Member ought in no event to be in excess of a specified amount, which amount shall be as established from time to time by the Executive Committee, and that the complaint might therefore appropriately be dealt with by summary procedure. The Director General shall thereupon give any Member complained against notice in writing that it has the option within such period, as be established from time to time by the Executive Committee, of the date of such notice of accepting the summary procedure hereby provided or of having the complaint assigned for a regular hearing under the normal procedures fixed by these regulations. If the Member accepts summary procedure within the time stated the Commissioner will without further notice proceed to a final decision. The Member complained against in accepting summary procedure thereby waives any further reply, any hearing and any application to the Executive Committee for reconsideration of the decision when rendered, and further agrees that the fine, if any, shall be payable immediately on receipt from the Director General of notice of the Commissioner's decision. Such decision need include only a statement of the resolution or resolutions, agreement or agreements involved, a brief indication of the nature of the breach, the name of the Member or Members complained against and the fine if any. The latter shall in no event exceed the specified amount, as established by the Executive Committee—against any one Member. If the Member does not accept the foregoing summary procedure within the time stated the complaint and answer will be heard as soon as practical and the normal procedures provided by these regulations shall apply. In rendering a final decision in such event the Commission shall be in no way bound by any prior consideration as to the penalty or otherwise. The Director General shall from time to time notify all Members of decisions that may be rendered by the Commission under this summary procedure.

Paragraph 21.

Apart from rendering interpretations of resolutions or agreements in connection with complaints filed pursuant to paragraph 1 of this section, the Commissioner shall render interpretations of resolutions or agreements or parts thereof upon the written request of a Member. Unless otherwise provided by applicable Traffic Conference resolution(s) or agreement(s), the rendering of such interpretations shall be subject to, and in accordance with, the following procedures.

Paragraph 21(a).

The Member's request shall be in writing, shall describe in reasonable detail the justification for the requested interpretation and the Member's views as to the correct meaning of the resolution or agreement or part thereof involved, and shall state whether the Member desires an oral hearing on this matter. The request shall also state whether it originated with a request for an interpretation filed by an IATA Sales Agent pursuant to applicable IATA Traffic Conferences Sales Agency resolutions.

Paragraph 21(c).

Any other Member may file with the Commissioner a statement of its views as to the correct meaning of the resolution or agreement, or part thereof, and may simultaneously request an oral hearing.

Subparagraphs (i) and (ii) remain unchanged.

EXPLANATORY MEMORANDUM

Following is a summary of events leading up to adoption and filing of amendments to section XII of the Provisions for the Regulation and Conduct of the IATA Traffic Conferences adopted by the 82d Meeting of the

[1] American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Mohawk Airlines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[2] An original and 19 copies of such comments shall be filed with the Board's Docket Section.

JAN 8 1972 XUM

IATA Executive Committee on November 19, 1971.

2. In the discharge of its continuing responsibility for endeavoring to develop means for improving the efficiency and efficacy of the Traffic Conference Organization and Procedures, the IATA Traffic Advisory Committee has given further study to proposals for partial and limited agreements, particularly in context of the length, number and extent of success of the many Conference meetings required to date, and now in prospect, following the 1970 Honolulu Passenger Traffic Conference and 1971 Singapore Cargo Traffic Conference. At its 43d (September 1971, Miami) Meeting, the TAC concluded that it should recommend action by the Executive Committee to amend the Traffic Conference Provisions so as to permit use of the Traffic Conference organization and services and application of Compliance machinery, if approved by the Director General, to agreements among any number of Conference members covering any portion or all of any individual or joint Conference area, where unanimous Conference agreement is not achieved. In adopting such recommendation, the meeting noted that one TAC Member, who was not present at the meeting, had cabled his opposition to any change in the Conference Provisions which would depart from the unanimity rule and another TAC member stated that his support of the recommendation was based upon the assumption that the Director General would never authorize Enforcement machinery against any fares or rates agreement in which Third and Fourth Freedom Operators were not participants.

3. The recommendation of the TAC was considered at the 81st (pre-AGM) Executive Committee Meeting (November 11–12, Hawaii) and endorsed in principle subject to reporting the matter and affording opportunity for its discussion at the ensuing 27th Annual General Meeting (November 15–18, 1971, Honolulu). The report of the Executive Committee to the AGM stated:

"16. Your Committee has considered and decided to accept a majority recommendation of the Traffic Advisory Committee to amend in a suitable manner, the Provisions for the Regulation and Conduct of the Traffic Conferences so as to permit use of the Tarffic Conference organization and services and application of the IATA Compliance machinery, where unanimous Conference action is not achieved and subject to the Director General's approval, to rates, fares, and related agreements among any number of Members concerning any portion or all of any individual or joint Conference area. It is intended that final action to implement this decision will be taken at the post-AGM Executive Committee meeting here in Honolulu subject to affording the opportunity for its discussion at this Annual General Meeting.

"17. It should be clearly understood and, therefore, it is emphasized that this new approach does not deprive anyone of present voting rights in the Traffic Conferences nor is anyone asked or expected to be bound to any agreement without his consent. The emphasis still will be upon unanimity for Conference action but where that unanimity is not obtainable and carriers otherwise would have to resort to bilateral agreements as the only alternative to chaos and confusion, the IATA Traffic Conference and Compliance machinery can be made available to formalize and enforce such partial agreements with the Director General's concurrence."

4. At the time of presentation of the matter to the Annual General Meeting, representatives of only two IATA Members raised questions or indicated any concern with the purpose of the recommendation. Subsequently, the reports to the AGM included the report of Traffic Conference meetings held since the time of the previous Annual General Meeting, which report listed the number of both successful and unsuccessful Traffic Conference meetings and stated:

"1970 should have been a year in which we had only a worldwide Cargo Traffic Conference, and theoretically, no Passenger Traffic Conference meetings. Instead, with the amount of unsettled business left over from the Honolulu Passenger Traffic Conferences in 1970 and the short term duration of agreements subsequently achieved, one or another Conference Area or Joint Area has been in formal session for an aggregate period of what amounts to approximately (now) 7 months out of the 12 since the time of the Teheran AGM."

5. Thereafter, the 82d (post-AGM) Executive Committee Meeting, taking note of the fact that the Annual General Meeting had been informed of the intended action, had been afforded opportunity for discussion and had not registered disapproval, unanimously agreed that the form the action should take should be amendments to section XII of the Traffic Conference Provisions including not only the safeguard of requiring the Director General's approval for IATA's services but also a condition relating to appropriate government approvals of such agreements. The effective date of the amendments is to be established by the Director General after the required processing and approval has been completed.

6. The text of the amendments as adopted and explanation thereof was notified to all IATA Members by Memorandum dated November 24, 1971, from the Secretary, copy of which is attached hereto.

[FR Doc.72-322 Filed 1-7-72;8:50 am]

[Docket No. 22973; Order 72-1-4]

NEW ENGLAND SERVICE INVESTIGATION

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of January 1972.

By Order 71-6-60, the Board modified the scope of the New England Service Investigation in a number of respects. Petitions for reconsideration and/or clarification of Order 71-6-60, motions for consolidation, answers, replies, petitions for leave to intervene, and various procedural motions have been filed by a number of parties.[1] These pleadings raise a variety of issues with respect to the proper scope of the Investigation each of which will be discussed in turn.

A preliminary comment with respect to the priority assigned to this case is in order. Various parties have filed suggestions as to the procedural dates which the Board should establish in this proceeding. In general, Allegheny, Mohawk, Northeast, and Delta appear to call for delay in the processing of the Investigation, at least in part, until the conclusion of their pending mergers while the civic parties have generally urged the Board to conduct the proceeding on an expedited basis. All parties are here put on notice that the Board has assigned high priority to this proceeding and that long delays to permit the resolution of matters pending in other dockets will not be tolerated. Rather, the Board expects that the Investigation will proceed as rapidly as possible, with due regard for its complexity and the large number of parties involved. Moreover, the carriers holding certificates within the geographic area of the proceeding will be expected to file service plans setting forth their proposed operations in the markets at issue on the date information responses are exchanged. The date for information responses should be a sufficient time after the prehearing conference so as to permit careful evaluation of the information requests approved by the examiner, and well in advance of the date for the exchange of direct exhibits, so as to permit the parties to formulate plans for the prosecution of their applications in light of the service plans submitted. Should the respective mergers be approved, Delta and Allegheny, as successors in interest to Northeast and Mohawk, will be fully bound by the Board's decision in this proceeding. To the extent that either carrier feels that full protection of its interest so requires, it should participate in this proceeding through separate counsel and, if necessary, prosecute its own case on alternate assumptions regarding the outcome of its merger.

Expansion of Northern New England Service Issues. Numerous parties have filed petitions and motions seeking expansion of the issues herein to include additional service possibilities within Northern New England and between Northern New England points and the designated hub cities. As presently structured this case promises to be one of the largest and most complex route proceedings considered by the Board in recent years. For this reason, we are extremely reluctant to expand its scope and, by so doing, to increase the chances for delay in the implementation of a new air service plan for Northern New England. Nonetheless, the Board believes that a full and comprehensive review of local air service in Northern New England is required. Accordingly, although each additional issue adds to the proceeding's complexity, we have been generally disposed to grant those petitions seeking expansion of the issues within the geographic area involved to include the consideration of additional service possibilities. Therefore, after careful consideration of the foregoing pleadings and the relevant facts, the Board has determined that: (1) All Northern New England points in issue should be considered for service to both New York and Boston;[2] (2) seven additional communities should be considered for new or additional air service; and (3) the proceeding will include consideration of the authorization of service between all of the nonhub points in issue.

[1] A list of the pleadings filed is included as an Appendix hereto, filed as part of the original.

[2] Those communities in close proximity to Albany will continue to receive consideration for service to that hub as well.

First, in response to the pleadings of various carriers and civic parties[3] and in order to afford the Board the widest possible range of choices in fashioning a route structure for the New England markets at issue in this proceeding, we will add New York-Newark[4] as a second hub-city for all of the Maine points and as a third hub-city for Burlington and we will add Boston as a third hub-city for Rutland.

Second, various parties have sought the inclusion of seven additional cities in Northern New England as points at which the authorization of new air service should be considered, viz, Bangor, Portland, Presque Isle, and Brunswick, Maine, Whitefield and Portsmouth, N.H., and Pittsfield, Mass. Brunswick, Whitefield, and Portsmouth are presently involved in the proceeding by virtue of ordering paragraph 1(g) of Order 70-12-164, as amended by Order 71-6-60. The issue with respect to each of these communities, however, involves the single question of whether it should be deleted from Northeast's certificate. The remaining points—Pittsfield, Bangor, Portland, and Presque Isle—are not presently included in the proceeding.[5]

With respect to the three last-named points, the State of Maine and the Bangor and Portland parties argue that the Board cannot fully explore the service needs of the smaller Maine communities without considering the extent to which service can be provided to those communities by means of connections at Bangor, Portland, and Presque Isle. Moreover, the State argues, a full exploration of the service needs of Maine must include consideration of possible new services between the three larger points, and between those points and Boston. On consideration of these arguments we have concluded that Bangor, Portland, and Presque Isle should be added to the proceeding and considered for new and/or additional services in the same manner as the other Maine points. However, by inclusion of these issues we do not intend to place in issue the elimination of Northeast's existing authority between Portland, Bangor, and Presque Isle, on the one hand, and Boston and points south thereof, on the other hand.

With respect to Brunswick, the State argues that the lack of a suitable airport which has been largely responsible for Northeast's suspension at Brunswick since 1950[6] may soon be cured as a result of efforts by local interests to obtain permission to use a naval air facility for civil air transport purposes. Moreover, it is argued, the city is one of the largest population and marketing centers in Maine and experiences a substantial influx of summer residents and tourists and, therefore, it is entitled to a chance to demonstrate that it needs and can support air service. Similarly, the State of New Hampshire argues that Whitefield and Portsmouth,[7] like the other communities involved in this proceeding, are entitled to receive consideration for alternatives other than deletion and the State adds, with respect to Whitefield, that a new airport is now available. Executive Airlines urges that Pittsfield be included so as to make possible service to that city as an intermediate point on flights serving one or more of the hub cities and such smaller cities as Keene or Worcester.

Upon consideration of the foregoing pleadings, we have decided to expand the scope of the proceeding so as to consider new service in the following city-pairs:

Brunswick-Boston/New York-Newark.
Portsmouth-Boston/New York-Newark.
Whitefield-Boston/New York-Newark.
Pittsfield-Albany / Boston / New York-Newark.

Although none of the parties has made a showing sufficient to justify the institution of a proceeding for the specific purpose of considering the authorization of new air service at these communities, we believe that consideration of their service needs is warranted in the context of the present area-type proceeding and we note as well that each of the points is now, or in the past has been, included in Northeast's certificate.

Third, in response to the requests of the State of Maine, the Commonwealth of Massachusetts, and the New England Council, we are deleting the pretrial restriction imposed by ordering paragraph 1(d)(2)(a), so as to make possible the award of route segments not including a hub point.[8]

Restriction to Northern New England Service Issues. Numerous parties have also filed pleadings seeking a geographic expansion of the scope of the proceeding beyond the issues of local service within Northern New England. In order to keep the proceeding within manageable bounds, and particularly in light of the significant expansions in the proceeding's scope set forth above, we have determined that those pleadings seeking further expansion of the proceeding so as to include the consideration of issues beyond New England must be denied. Moreover, we believe that in order to avoid undue delay in the conclusion of the Investigation we must delete from the proceeding those issues presently included within its scope which do not bear directly on the service needs of Northern New England.

Specifically, the Board is convinced that expansion of the geographic scope of the proceeding to include consideration of additional connecting points (as, e.g., Hartford-Springfield) or consideration of direct service beyond the hub cities already designated (as, e.g., between Northern New England communities and Philadelphia or Washington as urged by the State of New Hampshire)[9] would distort the focus of the proceeding and add substantially to its complexity without contributing in a significant way to the development of worthwhile solutions to the service needs of Northern New England. Authorization of service to additional hub cities such as Hartford would, of course, provide additional service for the New England communities in issue and would make additional connections available to points beyond New England. Historically, however, there has been relatively little traffic flow between Hartford and the Northern New England communities. Rather, the traffic generated by these points has generally flowed to, from, and through the hub cities for which each is to be considered. Moreover, relatively few connections are available at Hartford in comparison with Boston and New York. Thus, in the Board's view, inclusion of Hartford as a hub point would dilute the traffic available to support service to the other hub cities, with the likely result that the communities in Northern New England would receive less frequent patterns of service to their principal communities of interest. On the other hand, limitation of this proceeding to consideration of the three hubs presently designated should permit the development of an overall service pattern fully responsive to the primary needs of the markets in issue.[10] Similarly, the inclusion of beyond-hub service issues would result in a massive expansion of the proceeding without making possible the authorization of a signficant increase in service. Accordingly, those pleadings

[3] Petitions for reconsideration filed by Air North and Executive; answers filed by the State of Maine and the Burlington parties. Mohawk has filed an answer opposing inclusion of the Burlington-New York nonstop market.

[4] In response to Northeast's petition for reconsideration the hub-city New York will be redesignated "New York-Newark."

[5] Pittsfield was deleted from Northeast's certificate in 1963 by Order E-19880 in the New England Regional Airport Investigation. In indicating that Pittsfield had never been certificated, Order 71-6-60 was in error.

[6] Orders E-4698 and E-5433.

[7] Northeast has apparently never inaugurated service at Whitefield. The carrier was suspended at Portsmouth "until such time as an adequate airport is available" by Order E-6756 (1952).

[8] Thus, e.g., a route segment might be awarded authorizing service between several of the smaller Maine communities and Portland, with south-of-Portland service to be provided for the smaller Maine communities by means of connections at Portland.

[9] Of course, to the extent that carriers having beyond-New England authority are authorized to serve routes in issue in this proceeding, single-plane service beyond Boston, Albany, and New York can be offered.

[10] Accordingly, we will deny Mohawk's petition for reconsideration and motion to consolidate its Docket 23640 application for Burlington-Hartford-Springfield authority (supported by the Burlington-Lake Champlain parties and opposed by Northeast). We will also deny the petitions for reconsideration of Bangor and the States of Maine and New Hampshire—as supported by the New England Council—insofar as they seek the inclusion of Hartford-Springfield in this proceeding. Our exclusion of Hartford-Springfield from this proceeding is not intended to bar consideration of service between that point and the various communities here in issue in a future, more limited proceeding which could be instituted after experience is gained with the air service patterns to be established in this case.

JAN 8 72

seeking the expansion of the proceeding's scope through the addition of additional hub cities or by adding beyond-hub markets will be denied.[11] Finally, since this proceeding was instituted to focus on the needs of the nonhub cities and is not designed to consider the award of competitive hub-to-hub authority, we will deny the request of Air North that the pretrial restriction imposed by paragraph 1(d)(1) of Order 71-6-60 be deleted insofar as it applies to the city-pair Albany-New York.[12]

To further sharpen the proceeding's focus on New England service problems, we will eliminate several extraneous issues presently included within its scope. First, we will delete from the Investigation a broad-scale consideration of the realignment of portions of Mohawk's routes 72 and 94.

In response to Order 71-5-60, Mohawk has filed an application for an amended certificate pursuant to a proposed realignment plan together with a motion to consolidate that application for hearing in this proceeding. Allegheny Airlines, American Airlines, and Pilgrim Aviation and Airlines have filed pleadings opposing consideration, in whole or in part, of Mohawk's proposed route realignment in this proceeding.

Examination of the realignment plan submitted by Mohawk in Docket 23811 convinces us that realignment of Mohawk's routes is a matter not properly in issue in this proceeding, except to the extent that Mohawk seeks deletion at Keene, Rutland, and Worcester.[13] On the one hand, inclusion of the realignment issues would substantially complicate and delay the proceeding.[14] On the other hand, effectuation of the carrier's proposed realignment would make possible no new services envisioned by the scope of this proceeding as it is presently structured and, indeed, would provide Mohawk with new authority at only one of the nonhub points here in issue, viz., Burlington, where the realignment would provide Mohawk with new nonstop authority in the Burlington-Providence/Hartford-Springfield/Bridgeport-New Haven/Islip markets and between Burlington and various west-of-Albany points on segments 3, 4, 5, and 7 of Mohawk's existing route 94.[15]

For the reasons which lead us to exclude consideration of Mohawk's realignment proposal in this proceeding, we wil deny the motion of Bridgeport, Conn., for consolidation of its application in Docket 23639 seeking the amendment of Mohawk's certificate for route 94 so as to permit nonstop service between Bridgeport, on the one hand, and Cleveland and Detroit, on the other hand. The New England Service Investigation will not consider issues of new service at any points in Southern New England (Connecticut and Rhode Island) and Bridgeport's application should be considered in another proceeding.

We will also exclude from the proceeding any consideration of the authorization of new air service between points in New England, on the one hand, and points in Canada, on the other hand. The authorization of new United States-Canada service was placed in issue by Order 71-6-60 which consolidated Mohawk's application in Docket 18133 and Northeast's application in Docket 21332. Moreover, several parties seek expanded consideration of New England-Canada service.[15a] After careful consideration the Board has determined that inclusion of these issues, like the inclusion of Mohawk's realignment proposal, would substantially complicate the proceeding without adding significantly to the development of solutions to the primary service needs of the New England communities which are the focus of this proceeding. In our view, the questions of new and improved transborder service[16] raised by the several applications and petitions can best be resolved in a separate and more limited proceeding for consideration at a later date.[17]

Other issues. By Order 71-6-60 the Board denied Executive's request that this proceeding include the issue of whether any air taxi operator awarded a certificate herein should also be authorized to continue operations as an air taxi under Part 298 of the Board's regulations (14 CFR Part 298). The Board noted that trial of that issue herein

would complicate and delay resolution of New England's air service needs and, on the basis of the matters presented to us thus far, we are not persuaded that inclusion of the issue is warranted. However, we invite interested persons to comment further on this issue in petitions for reconsideration of this order.

In response to that invitation, Air North and Executive filed petitions for reconsideration in which they urged the Board to permit them to argue in this proceeding that they should be able to retain routes operated as Part 298 carriers while serving other routes as certificated carriers.[18] Denial of that opportunity would present them with exceedingly difficult choices and might undermine their ability to operate successfully under either rubric after the investigation is concluded. Moreover, both carriers argued, an abrupt termination of air taxi operations during the first

[11] Insofar as Executive's petition for reconsideration seeks the addition of Monticello, N.Y., as a point in issue in this proceeding it will be denied. Only points in Massachusetts and Northern New England will be considered herein for new or improved air service.

[12] Pursuant to the restriction in question any authority awarded herein shall be subject to a two-stop restriction between the hub cities.

[13] In its answer to petitions, Delta has requested clarification of Order 71-6-60 insofar as that order placed in issue the realignment of "points north of New York-Newark" on segments 1, 2, 3, 4, and 5 of Northeast's route 27. Delta interprets the Board's language as placing in issue "all possible realignments • • • and deletions" with respect to these points. Mohawk has filed a reply in which it advanced a more restricted interpretation of Order 71-6-60. (Mohawk has also filed a motion for leave to file its reply, which motion will be granted). It is the Board's intention that realignment of Northeast's routes be in issue only to the extent that such realignment involves authority to perform service otherwise in issue in this proceeding. We do not intend to consider herein the award of new authority to Northeast in markets not in issue.

[14] The magnitude of the problems beyond the scope of this proceeding which would be encompassed in a consideration of Mohawk's realignment proposal is suggested by the petition for reconsideration filed by American Airlines which lists 17 major markets not otherwise in issue in which Mohawk could obtain new nonstop authority as a result of realignment pursuant to paragraph 1(b) of Order 70-12-164, as amended by Order 71-6-60.

Similarly, consideration of Mohawk's realignment plan would require consolidation of competing applications filed by other carriers. Thus, e.g., Pilgrim Aviation and Airlines, Inc. has filed a motion to consolidate its application in Docket 23845. By that application, filed in part as a defensive response to Mohawk's realignment plan, Pilgrim seeks, inter alia, new authority between Hartford/Springfield and New Haven and between Hartford/Springfield and New Haven, on the one hand, and New York-Newark, on the other hand.

[15] As noted, we are also denying Mohawk's motion for consolidation of its Docket 23640 application for Burlington-Hartford/Springfield authority. Moreover, for reasons discussed below, we are vacating that portion of Order 71-6-60 which consolidated the carrier's Docket 18133 application for Burlington-Montreal authority. Accordingly, exclusion of Mohawk's route realignment, except for the deletion issues, will leave Mohawk in this proceeding with only its Docket 21333 application for authority over two new segments which include the Burlington-Boston and Lebanon-White River Junction / Keene / Manchester-Concord / Worcester-New York-Newark nonstop markets served by Mohawk as a replacement for Northeast pursuant to the exemption granted by Order 69-12-73. By letter of September 9, Mohawk has indicated that it may not prosecute that application. If Mohawk or any certificated applicant follows this course of action, however, the Board will still have the power to require the carrier to serve a new route within its general area of operations, without regard to the carrier's willingness to do so. Panagra Terminal Investigation, 4 C.A.B. 670 (1944).

[15a] The New England Council, the Bangor parties, and Pilgrim.

[16] In addition to new authority, Northeast seeks to have two existing route segments removed from its certificate.

[17] Ordering paragraph 4 of Order 71-6-60 will be vacated insofar as it consolidated Mohawk's application in Docket 18133 and Northeast's application in Docket 21332 for hearing in this proceeding and those applications will be dismissed.

[18] Inclusion is supported by the Burlington-Lake Champlain parties and the New England Council and opposed by the States of Maine and New Hampshire.

years of transition to certificated service would work severe financial hardship on the carrier and would disrupt the settled transportation patterns of the communities they serve. Executive, in particular, notes that because various air taxi applicants serve routes not involved in this proceeding, the Board's refusal to hear the dual authority issue could require it to reach a decision in this proceeding which would have adverse consequences in other areas of the country.

Upon consideration of the foregoing pleadings and all of the relevant facts, we are persuaded that the Investigation should include the issue of whether a Part 298 carrier awarded a certificate herein should be allowed to continue operations in other markets under Part 298 of the Board's regulations, subject to a pretrial restriction prohibiting air taxi operations by a carrier in city-pair markets for which it holds a certificate. However, the Board adheres to its view that simultaneous operations should be permitted only in unusual circumstances and, ordinarily, for a limited period of time. Accordingly, each applicant for dual authority carries a substantial responsibility for showing, inter alia, that continuation of its air taxi operations after certification is required by the public interest and that it can successfully maintain the necessary separation between its operations.

In considering the service needs of the Augusta-Waterville, Me. and Lebanon, N.H.-White River Junction, Vt. communities, the Board will consider whether the points should continue to be hyphenated, with certificated service to be provided through a single airport, or whether either city in the pairs should receive separate service through its own airport.[19]

In its answer to motions and petitions the State of Maine has urged that the issues somehow be expanded so as to include the question of whether Allegheny Airlines should be certificated at any of the points in issue, with certification followed by the suspension of Allegheny's authority in favor of a commuter carrier which would "replace" Allegheny in the same manner in which "Allegheny Commuters" have been employed at other points on Allegheny's system. Allegheny has filed a reply in opposition to the proposal together with a motion for leave to file. Since the matter in question was first raised in an answer, Allegheny has shown good cause for receipt of its otherwise unauthorized pleading and its motion will be granted.

In the first place, the Board will not place in issue, over Allegheny's objection, the extension of that carrier's routes to a geographic area it does not now serve. Nor is the Board persuaded that the suspension of certificated carriers in favor of commuter carriers provides a long-run solution to the service needs of small communities. Indeed, the present proceeding was instituted, in part, because Northern New England presently receives a substantial portion of its air service under suspension/substitution arrangements. On the other hand, as noted in Order 71-6-60, we do not preclude consideration of proposals contemplating the continuation or expansion of existing substitution arrangements, as well as additional substitution arrangements.

By Order 71-10-115 the Board granted the motion of the State of Maine for access to the traffic data for all Maine markets reported on Schedule T-1 of CAB Form 298-C by all commuter carriers serving the State of Maine. Upon further consideration of that action the Board has determined that similar access to the Schedule T-1 traffic data should be granted with respect to every point in issue in this proceeding. Moreover, we believe that in order to permit a full exploration of the historic traffic in the New England markets similar access should be granted with respect to the service segment data filed by the certificated carriers serving markets here in issue. Accordingly, acting pursuant to sections 241.19-6 and 298.66 of its regulations, the Board will grant permission to all parties to inspect the service segment data filed by all certificated carriers with respect to segments in issue in this proceeding and the traffic data for all points in issue herein reported on Schedule T-1 of CAB Form 298-C by all commuter carriers.

To the extent that they conform to the scope of the Investigation the applications of Air New England in Docket 23635, Air North in Docket 23571, Mohawk in Docket 23711, Northeast in Docket 21331, and Pilgrim in Docket 23845 will be consolidated for hearing in this proceeding.

On October 17, 1971, Eastern Air Lines, Inc., filed a motion in which it requested: (a) That the Board expand the scope of the Investigation to include the issue of whether Eastern should be authorized to provide service over the routes of Northeast, both within New England and over the New England-Great Lakes Route, such expansion of the issues to take place only in the event that: (1) The pending Delta-Northeast merger is not consummated; and (2) Northeast elects to terminate service; and (b) that the Board consolidate in this proceeding Eastern's Docket 23900 application for authority to provide such service. Answers in opposition to Eastern's motion have been filed by Delta, Executive Northeast,[20] and the States of Maine and New Hampshire. Qualified support has been expressed by the city of Bangor, the Burlington-Lake Champlain parties, the Dartmouth parties, the Lebanon Regional Airport Authority and the city of Lewiston. The principal arguments against Eastern's motion are: That the Board lacks the power to grant a conditional motion; that grant of the motion would unduly delay the proceeding; and that the motion is merely a self-serving document in Eastern's efforts to obtain Board disapproval of the Delta-Northeast merger.

Eastern has set forth no reason why the Board should expand the scope of this proceeding on the basis of contingencies as to what might happen in the future. Should the combination of events on which Eastern's contingent motion is predicated actually come to pass, the Board will take such steps as it deems necessary. On the other hand, we see no reason for denying Eastern's motion for consolidation of its Docket 23900 application, insofar as that application conforms to the scope of the Investigation. While it is possible that Eastern will not actually prosecute its application, the Board is unwilling at this point to foreclose a possible alternative solution to New England's service needs. Applications are frequently filed by carriers which ultimately determine not to prosecute them, but the mere possibility of nonprosecution has not been held to bar consolidation in other cases and we see no reason for departing from our standard practice in the present proceeding. Moreover, we are not persuaded that consolidation of Eastern's application, to the extent that it conforms to the scope of the proceeding, would in any way delay the processing of the Investigation.[21]

Petitions for leave to intervene have been filed by Allegheny Airlines, Inc.; city of Bridgeport, Conn.; Connecticut Department of Transportation; Greater Hartford Chamber of Commerce; Lebanon Regional Airport Authority; city of Lewiston, Maine; State of Maine; Manchester Airport Authority; Commonwealth of Massachusetts; Massachusetts Port Authority; State of New Hampshire; Pilgrim Aviation & Airlines, Inc.; United Air Lines, Inc.; State of Vermont; and city of Worcester, Mass. The foregoing petitions will be granted. The Board finds that each of the petitioners has a sufficient interest in this proceeding, which interest may not be ade-

[19] Accordingly, the application of the State of New Hampshire et al., in Docket 23304, will be consolidated herein.

[20] Eastern has filed a reply to Northeast's answer together with a motion for leave to file. Eastern's motion will be denied for failure to state good cause.

[21] Order 71-6-60 required that motions to consolidate applications (except realignment applications) be filed within 20 days after service of that order (i.e., June 29, 1971). Accordingly, the motions to consolidate filed by Air North, Eastern, and Pilgrim are late. However, Rule 12(b) normally permits motions for the consolidation of applications to be filed until the prehearing conference. In order to permit the fullest participation in this proceeding by potential applicants we will accept the late-filed motions of Air North, Eastern, and Pilgrim and will permit further motions for consolidation, limited to applications seeking authority at issue in this proceeding, until the prehearing conference, pursuant to Rule 12(b).

JAN 8 72 XUM

quately represented by other parties, to justify grant of the petitions.[22]

The Board has carefully considered each of the arguments advanced by the parties in the pleadings listed in the Appendix hereto and is not persuaded that the scope of the proceeding should be modified except in the respects specifically mentioned herein. Accordingly, all petitions and motions will be denied except to the extent specifically granted by this order.

Finally, in order to expedite the investigation, the Board will entertain petitions for reconsideration of this order only to the extent that the Board has herein modified the scope of the proceeding sua sponte. Petitions for reconsideration challenging actions here taken by the Board in response to earlier petitions for reconsideration, further petitions which reargue matters already presented to the Board or which challenge actions taken by the Board in previous orders will not be entertained.

Accordingly, it is ordered, That:

1. Ordering paragraph 1 of Order 70–12–164, as amended by ordering paragraph 1 of Order 71–6–60, be and it hereby is amended to read as follows:

1. An investigation, to be designated as the New England Service Investigation, be and it hereby is instituted in Docket 22973, pursuant to sections 204(a), 401(g), 401(h), 401(j), 404(a), 408, and 412 of the Federal Aviation Act of 1958, as amended, to determine,

(a) Whether the public convenience and necessity require the alteration, amendment or modification of Northeast Airlines, Inc.'s certificate of public convenience and necessity for route 27 to effect a realignment of points north of New York-Newark on segments 1, 2, 3, 4, and 5 of route 27: *Provided,* That no new authority may be awarded to Northeast except in markets otherwise in issue in this proceeding, and *Provided further,* That the amendment of Northeast's certificate so as to delete from segment 1 thereof the points Bangor, Portland, and Presque Isle, Maine, shall not be in issue;

(b) Whether the public convenience and necessity require the suspension of service by, or the deletion, suspension, or transfer to other carriers of the existing authority of: (1) Northeast Airlines, Inc., at the following points: Bar Harbor, Augusta-Waterville, Rockland, Lewiston, and Brunswick, Maine; Lebanon, N.H.-White River Junction, Vt.; Manchester, Keene, Laconia, Berlin, and Portsmouth, N.H.; Worcester, Hyannis, Nantucket, Martha's Vineyard, and New Bedford, Mass.; and Burlington, Montpelier, and Newport, Vt.: *Provided,* That none of the foregoing points shall be in issue for suspension, deletion, or transfer with respect to segment 8 of Northeast's route 27; (2) Mohawk Airlines, Inc., at the following points: Rutland, Vt.; Keene, N.H.; and Worcester, Mass.;

(c) Whether the public convenience and necessity require the authorization of additional air service, and whether the Board should authorize such air service by the issuance of certificates of public convenience and necessity, or by the alteration, amendment or modification of the certificates of public convenience and necessity of Northeast Airlines for route 27 or Mohawk Airlines for route 72 or 94: (1) in the following markets:

	Hub Cities
Maine:	
1. Bangor	Boston/New York-Newark.
2. Portland	Do.
3. Presque Isle	Do.
4. Bar Harbor	Do.
5. August/Waterville.	Do.
6. Rockland	Do.
7. Lewiston	Do.
8. Brunswick	Do.
New Hampshire:	
9. Lebanon-White River Junction, Vt.	Do.
10. Manchester	Do.
11. Keene	Albany/Boston/New York-Newark.
12. Laconia	Boston/New York-Newark.
13. Berlin	Do.
14. Portsmouth	Do.
Massachusetts:	
15. Worcester	Albany/Boston/New York-Newark.
16. Hyannis	Boston/New York-Newark.
17. Nantucket	Do.
18. Martha's Vineyard.	Do.
19. New Bedford	Do.
20. Pittsfield	Albany/Boston/New York-Newark.
Vermont:	
21. Burlington	Do.
22. Rutland	Do.
23. Montpelier	Boston/New York-Newark.
24. Newport	Do.

(2) between or among the foregoing points: *Provided,* That (a) any new authority awarded in these markets shall be subject to a two-stop restriction between the hub cities set forth above; and (b) any route segment awarded in the proceeding may include more than one nonhub and more than one hub point, so long as at least two nonhub points are included between any two hub points; and *Provided further,* That notwithstanding their inclusion in the foregoing list as hyphenated points, Lebanon, N.H., White River Junction, Vt., and Augusta and Waterville, Maine, will each be considered for the authorization of additional air service both as individual points and as hyphenated points;

(d) Whether the exemption of air taxi operators under Part 298 of the Board's economic regulations should be amended to prohibit air taxis from operating in any markets set forth in 1(c) above in which new air service is authorized;

(e) Whether any carrier receiving a certificate of public convenience and necessity in this proceeding should be permitted to continue operations as an air taxi operator pursuant to 14 CFR Part 298 while operating pursuant to its certificate; *Provided,* That no carrier shall be permitted to operate pursuant to Part 298 in any city-pair market for which it holds a certificate;

(f) Whether new air service which is authorized in this investigation should be subsidy-eligible or ineligible;

(g) Whether the public convenience and necessity require the deletion of Northeast Airlines, Inc.'s authority at New London, Conn.;

2. Ordering paragraph 4 of Order 71–6–60, be and it hereby is amended to read as follows:

4. The applications of Northeast Airlines, Inc., in Docket 21331, together with Amendments Nos. 1 and 2 thereto, Mohawk Airlines, Inc., in Docket 21333, and Executive Airlines, Inc., in Docket 23067, be and they hereby are consolidated for hearing in the New England Service Investigation, to the extent they conform with the scope of the proceeding as set forth in ordering paragraph 1, *supra;*

3. The motions of Allegheny Airlines, Inc. and Mohawk Airlines, Inc., for leave to file otherwise unauthorized documents, be and they hereby are granted;

4. The applications of Air New England in Docket 23635, Air North, Inc. in Docket 23571, Eastern Air Lines, Inc., in Docket 23900, Mohawk Airlines, Inc., in Docket 23811, the State of New Hampshire, the city of Lebanon, and the Lebanon Regional Airport Authority in Docket 23305, and Pilgrim Aviation and Airlines, Inc. in Docket 23845, be and they hereby are consolidated for hearing in the New England Service Investigation to the extent they conform with the scope of the proceeding as set forth in ordering paragraph 1, supra; to the extent not consolidated herein, the foregoing applications and the applications of Mohawk Airlines, Inc., in Docket 18133 and Northeast Airlines, Inc., in Docket 21332, be and they hereby are dismissed without prejudice;

5. The petitions for leave to intervene filed by or on behalf of the following, be and they hereby are granted: Allegheny Airlines, Inc.; city of Bridgeport, Conn.; Connecticut Department of Transportation; Greater Hartford Chamber of Commerce; Lebanon Regional Airport Authority; city of Lewiston, Maine; State of Maine; Manchester Airport Authority; Commonwealth of Massachusetts; Massachusetts Port Authority; State of New Hampshire; Pilgrim Aviation & Airlines, Inc.; United Air Lines, Inc.; State of Vermont; and city of Worcester, Mass.; in addition, Airline Pilots Association, International, city of Bangor, Maine, and the Greater Bangor Area Chamber of Commerce, and the Greater Portland Chamber of Commerce, be and they hereby are granted leave to intervene;

6. All parties to this proceeding be and they hereby are granted permission to inspect, copy, and use in connection with this proceeding: (a) Service segment data with respect to markets in issue in this proceeding reported to the Board by all certificated carriers serving such markets; and (b) data reported on schedule T–1 of CAB Form 298–C with respect to every point in issue in this proceeding by all commuter carriers serving such points;

7. To the extent not specifically granted herein, all petitions and motions filed in this proceeding, be and they hereby are denied;

8. Petitions for reconsideration of this order, limited to petitions challenging actions taken by the Board herein on its own motion, may be filed no later than 10 days after service of this order; answers to such pleadings may be filed no later than 10 days thereafter;

9. This order shall be served upon Airlift International, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; The Flying Tiger Line Inc.; National Airlines, Inc.; New York Airways, Inc.; North Central Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Seaboard World Airlines, Inc.; Southern Airways, Inc.; Trans World Airlines, Inc.; the city of Bangor, Maine, and the Greater Bangor Area Chamber of Commerce; Dartmouth College, the town of Hanover, N.H., the Chamber of Commerce of Hanover, N.H. and Mary Hitchcock Memorial Hospital; the chief executive of each community mentioned in ordering paragraphs 1(c) and 1(g), supra, the Governors and the State commissioners having jurisdiction over air transportation of the following States: Connecticut, Maine, Massachusetts, New Hampshire, New York, and Vermont; the Environmental Protection Agency; and the Council on Environmental Quality.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–324 Filed 1–7–72;8:49 am]

[22] By this order we will correct the record to reflect the intervention of the Airline Pilots Association, International, city of Bangor, Maine and the Greater Bangor Area Chamber of Commerce, and the Greater Portland Chamber of Commerce. The petition of the Local Airline Service Action Committee for leave to intervene will be denied without prejudice for failure to demonstrate the nature of its interest in this proceeding and that its interest will not be adequately represented by other parties. Nationals' conditional petition for leave to intervene will also be denied without prejudice.

[Docket No. 24086; Order 72–1–6]

UNITED AIR LINES, INC.

Order Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of January 1972.

By application filed December 29, 1971, United Air Lines, Inc. (United), requests an exemption pursuant to section 403 of the Federal Aviation Act of 1958 to permit it to provide transportation from Denver to San Francisco on January 4, 1972, at the applicable coach fare, for Mr. Rush Loving, Associate Editor of Fortune Magazine.

In support of its application United states that Mr. Loving has been touring United's facilities and interviewing personnel as a basis for a forthcoming story on United in Fortune Magazine, and that he desires to have a firsthand observation of United's cargo operations including a ride on one of its cargo flights. United does not publish a fare for transportation on all cargo aircraft except in the case of cargo attendants which is not applicable here. Accordingly, United requests authority to charge the applicable coach fare for this segment—Denver to San Francisco—or $75 tax included (cargo flight No. 2775).

The Board finds that the enforcement of section 403 of the Act would be an undue burden upon United because of the limited extent of, and the unusual circumstances affecting, such operation and would not be in the public interest.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 416(b) thereof,

It is ordered, That:

United Air Lines, Inc., is hereby exempted from section 403 of the Act and Part 221 of the economic regulations insofar as necessary to permit it to provide the transportation described in its application in Docket 24086.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–321 Filed 1–7–72;8:49 am]

CIVIL SERVICE COMMISSION

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Headquarters Operations Office, Office of Operations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–301 Filed 1–7–72;8:47 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Office of Research and Evaluation, Office of Planning, Research and Evaluation, Office of Research and Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–302 Filed 1–7–72;8:47 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality, December 20–December 31, 1971.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250 (202) 388–7803.

FOREST SERVICE

Draft, December 15
Construction of a 403-mile 345 kv. powerline from Waterflow, N. Mex. to Tucson, Ariz. by the Tucson Gas and Electric Co. (ELR Order No. 1458, 90 pages) (NTIS Order No. PB–204 960–D).

OFFICE OF THE SECRETARY

Final, December 13
Establishment of Scapegoat Wilderness, now a part of Helena, Lewis and Clark, and Lolo National Forests, Mont. Involves about 233,000 acres in northern Rocky Mountains. (ELR Order No. 1451, 17 pages) (NTIS Order No. PB–204 956–F)

SOIL CONSERVATION SERVICE

Final, December 16
Tekamah-Mud Creek Watershed, Nebr. A multipurpose reservoir, 4 combination floodwater retarding-grade stabilization structures and 10 grade stabilization structures. Will inundate 8 miles of intermittently flowing streams. Purpose is to reduce erosion and land destruction. Comments made by DOI, DOA, EPA, HEW, Governor of Nebraska and State Soil and Water Conservation Comm. (ELR Order No. 1475, 33 pages) (NTIS Order No. PB–199 326–F)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545 (202) 973–5391.
For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545 (202) 973–7531.

Draft, December 23
Elk River Reactor dismantling, Minnesota. Contaminated materials to be disposed of at AEC approved burial grounds. (ELR Order No. 1507, 42 pages) (NTIS Order No. PB–205 234–D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310 (202) OX 4–4269.

JAN 8 72 XUM

Final, December 22
Deactivation of anticrop biological agent at Fort Detrick, Md. (No draft statement received.) A separate statement will be filed on the disposal of the inactivated waste. Comments made by HEW, DOI, USDA, EPA, State of Maryland, Metropolitan Washington Council of Governments. (ELR Order No. 1505, 75 pages) (NTIS Order No. PB-205 225-F)

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314 (202) 693-6346 or 693-6329.

Draft, December 13
Mississippi River, East Bank, Warren to Wilkinson Counties, Miss. (Vicksburg-Yazoo area). Construction of 11.3 miles of loop-levee, 16.1 miles of channel improvements within the interior drainage aystem, installation of a water level control weir and a 200 c.f.s. pumping station with floodgates, and development of 1,000 acres of bottomland outside the leveed area. Will involve loss of 4,300 acres of bottomland wildlife habitat. (ELR Order No. 1460, 27 pages) (NTIS Order No. PB-204 964-D).

Draft, December 17
Farmers Levee and Drainage District, Mason County, Ill. Levee improvement on the Sangamon River by raising the low sections and extension of levee 2.4 miles downstream, with alteration of interior drainage facilities, underseepage controls and closure structures. (ELR Order No. 1463, 13 pages) (NTIS Order No. PB-204 964-D).

Draft, December 22
Snagging and clearing project on Gallinas River, Las Vegas, N. Mex. Removal of sediment and vegetation from 5,200' of channel to provide emergency flood relief. In addition to snagging and clearing, project involves excavating a pilot channel. (ELR Order No. 1484, 16 pages) (NTIS Order No. PB-205 194-D).

Draft, December 27
Dively Drainage and Levee District, Ill. Construction of 3.53-mile earth levee, 3 gravity drains and 3 collector ditches. Approximately 3,800' of Kaskia River left bank will be riprapped. (ELR Order No. 1508, 24 pages) (NTIS Order No. PB-205 236-D).

Draft, December 13
Clifty Creek Lake, Clifty Lake, Wabash River Basin, Ind. Construction of a dam and lake for flood control, recreation, etc. Will inundate 2,300 acres and 6 miles of free-flowing stream. (ELR Order No. 1515, 6 pages) (NTIS Order No. PB-205 229-D).

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration-AD, Washington, D.C. 20405 (202) 343-6077.

Alternate Contact: Aaron Wolpshin, Director, Office of Environmental Affairs, General Services Administration-AD (202) 343-4161.

Final, December 17
Disposal of Philadelphia Army Supply Base, Philadelphia, Pa., by negotiated sale to the city of Philadelphia for continued use as a pier facility. Comments made by EPA, mayor of Philadelphia and city of Philadelphia. (ELR Order No. 1462, 8 pages) (NTIS Order No. PB-203 886-F).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410 (202) 755-6186.

Final, December 15
Nationwide promulgation of HUD Handbook I, Comprehensive Planning Assistance Leading to a Grant. Comments made by AEC, EPA, HEW, and DOI. (ELR Order No. 1464, 16 pages) (NTIS Order No. PB-200 380-F).

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240 (202) 343-6416.

BUREAU OF RECLAMATION

Draft, December 22
Joshua Tree National Monument Wilderness, Calif. Designation of 10 units totaling 325,200 acres as Wilderness. (Includes statements on both the legislative proposal and the master plan for managing the monument.) (ELR Order No. 1514, 101 pages) (NTIS Order No. PB-205 237-D).

NATIONAL SCIENCE FOUNDATION

Contact: Dr. Thomas B. Owen, Assistant Director for National and International Programs, 1800 G Street NW., Washington, DC. 20550 (202) 632-7300.

Final, December 29
Winter orographic cloud modification experiment, Colorado. Random seeding of clouds with silver iodide in the area of Climax to study cloud and precipitation processes involved in increasing the snowpack. Study in progress since 1960. Comments made by USDA, EPA, DOI, and Rocky Mountain Center on Environment. (ELR Order No. 1509, 20 pages) (NTIS Order No. PB-205 227-F).

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401 (615) 755-2002).

Final December 6
Policies relating to sources of coal used by TVA for electric power generation. Comments made by USDA, DOI, EPA, Appalachian Regional Commission, Alabama, Development Office, Indiana Department of Commerce; 6 Kentucky agencies, Pennyrile Area Development District, Lake Cumberland Area Development District, 2 Oklahoma agencies, 2 Tennessee agencies, Virginia Department of Conservation and Economic Development, LENOWISCO Planning District Commission, Cumberland Planning District Commission (ELR Order No. 1500, 145 pages) (NTIS Order No. PB-205 225-F).

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,[1] Director, Office of Program Coordination, 400 Seventh Street SW., Washington, DC 20590, (202) 462-4357

FEDERAL AVIATION ADMINISTRATION

Draft, December 15
Pocatello Municipal Airport, Power County, Idaho. Extension of runway and lights, ramp lighting, overlay of taxiway and apron, and construction of taxiway. (ELR Order No. 1455, 24 pages) (NTIS Order No. PB-204 958-D)

Jasper-Pickens County Airport, Jasper, Ga. Construction of general utility airport to accommodate propeller aircraft of less than 12,500 pounds. (ELR Order No. 1456, 23 pages) (NTIS Order No. PB-204 959-D)

Hannibal Municipal Airport, Marion County, Mo. Construction of taxiway and runway; extension of runway; installation of runway lights, and indicator lights and visual slope indicators; improvement of auto parking and tiedown areas; fencing; and a deep well. (ELR Order No. 1457, 31 pages) (NTIS Order No. PB-204 962-D)

Grand Coulee Dam Airport, Grant County, Wash. Construction of a general aviation airport. (ELR Order No. 1473, 8 pages) (NTIS Order No. PB-205 196-D)

Draft, December 16
Auburn Municipal Airport, Auburn, Placer County, Calif. Reconstruction of runway, taxiway, drainage and lighting system. (ELR Order No. 1474, 17 pages) (NTIS Order No. PB-205 197-D)

Draft, December 20
Nut Tree Airport, Vacaville, Calif. Involves the second development project for the airport which consists primarily of extending the runway to 3,800 feet and adding a parking apron. (A final statement on the master plan for the development of the airport was sent on October 1, 1971.) (ELR Order No. 1483, 33 pages) (NTIS Order No PB-205 198-D)

Draft, December 29
Dallas-Fort Worth Regional Airport, Dallas-Fort Worth, Tex. Involves acquisition of 17,520 acres of land and construction by stages of a new air carrier airport. (ELR Order No. 1489, 15 pages) (NTIS Order No. PB-205 202-D)

Draft, December 20
Chemung County Airport, Big Flats (Elmira), N.Y. Extension of the secondary runway by 1200' to the east. (ELR Order No. 1490, 16 pages) (NTIS Order No. PB-205 194-D)

Draft, December 14
Sitka Airport, Sitka, Alaska. Construction of an extension to the runway safety area, extension of high intensity lighting system possible acquisition of land, etc. (ELR Order No. 1491, 15 pages) (NTIS Order No. PB-205 193-D)

Final, December 14
Ohio State University Airport, Franklin County, Ohio. Construction of runway, taxiway, and parking apron and lighting of runway and taxiway. Comments made by USDA, Army COE, EPA, DOI, DOT, Ohio Department of Natural Resources, Ohio Department of Development and Mid-Ohio Regional Planning Commission. (ELR Order No. 1447, 20 pages) (NTIS Order No. PB-201 706-F)

Danbury Municipal Airport, Danbury, Conn. Relocation of airfield lighting vault, installation of drainage culverts, security fencing and runway end identifier lighting system. Comments made by AEC, EPA, FPC, Tri-State Transportation Commission, Tri-State Regional Planning Commission, State Clearinghouse and Housatanic Valley Council of Elected Officials. (ELR Order No. 1448, 32 pages) (NTIS Order No. PB-202 979-F)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

Gillette-Campbell County Airport, Gillette, Wyo. Extension of runway; extension of MIRL system with VASI system; overlay of runway, taxiway and apron; and fencing. Comments made by USDA, Army COE and EPA. (ELR Order No. 1449, 20 pages) (NTIS Order No. PB-201 579-F)

Muscle Shoals Airport, Muscle Shoals, Colbert County, Ala. Upgrading of runway to DC-9 aircraft standards by extending, strengthening and lighting runway; constructing and lighting taxiway; constructing fire crash building; and grading glide slope. Comments made by USDA, EPA, DOI, Alabama Development Office, and Muscle Shoals Council of Local Governments. (ELR Order No. 1450, 29 pages) (NTIS Order No. PB-202 720-F)

Thompson-Robbins Field, Helena-West Helena, Phillips County, Ark. Overlaying and extension of runways, reconstruction of taxiway, installation of segmented circle and lighted wind cone, incidental marking and clearing approaches. Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, State Clearinghouse and East Arkansas Planning and Development District. (ELR Order No. 1459, 32 pages) (NTIS Order No. PB-201 521-F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, December 22
Supplement to draft (8/20), 4(f) information relating to use of part of Guilford College campus. Friendly Road project, Greensboro, N.C. Projects 6.801924 and 9.8070830. (ELR Order No. 582, supplement—13 pages) (NTIS Order No. PB-202 090-D)

Draft, December 15
I-5: Sacramento County, Calif. Addition of connecting ramps at Elk Grove Boulevard crossing between Lambert Road and Beach Lake. Will use 36 acres of pasture land. Project 03-Sac-5-4.6/13.0. (ELR Order No. 1453, 16 pages) (NTIS Order No. PB-204 961-D)

Draft, December 13
Harlan - Cumberland - Whitesburg Road: Harlan County, Ky. Construction from proposed U.S.-421/U.S.-119 intersection at Baxter to 3,500 feet east of Putney (6.05 miles). Involves loss of 325 acres, displacement of 30 residences and relocation of 7,300 feet of channel on Poor Fork and two stream crossings. Project APD 140 (10)-AP 48-8-5L. (ELR Order No. 1454, 27 pages) (NTIS Order No. PB-204 957-D)

Draft, December 15
U.S.-17 Business: Elizabeth City, Pasquotank County, N.C. Widening Ehringhaus Street from U.S.-17 bypass intersection to McMorrine Street (2.07 miles). Will dislocate 15 families and four businesses. Project 9.8011107. (ELR Order No. 1461, 15 pages) (NTIS Order No. PB-204 963-D)

Draft, December 17
I-5: Multonomah and Washington Counties, Oreg. Widening to six lanes from North Tigard interchange to South Tigard interchange, revision of North Tigard interchange and Haines Road interchange and construction of a truck lane from North Tigard interchange to Southwest Capitol Highway. Will displace 16 residential units. Project I-5-6( )293. (ELR Order No. 1465, 12 pages) (NTIS Order No. PB-204 965-D)

Draft, December 16
C-SAH 13: St. Louis County, Minn. Reconstruction between STH-2 and STH-194 (4.2 miles). Project S.P. 69-613-09. (ELR Order No. 1466, 13 pages) (NTIS Order No. PB-204 966-D)

Draft, December 17
SH-199: Carter County, Okla. Development of a new segment from junction of U.S. 77/U.S.-77B 1 mile south of Ardmore east to Marshall County line (10.5 miles). 4(f) determination required for use of Lake Murray State Park land. Project S-1021. (ELR Order No. 1467, 23 pages) (NTIS Order No. PB-204 967-D)

Draft, December 16
FA-77 (Illinois 59): Du Page County, Ill. Widening to four lanes of East-West Tollway to Illinois 64 (7.81 miles) 4(f) determination relates to crossing the Illinois Prairie Path. Project F-176(20) (ELR Order No. 1472, 82 pages) (NTIS Order No. PB-205 195-D)

Draft, December 21
Ogdensburg Area Transportation Plan: Ogdensburg and Oswegatchie, St. Lawrence County, N.Y. Plan consists of an east-west arterial, a connection from the arterial to Main Street, etc. Project PIN 7272.01. (ELR Order No. 1485, 25 pages) (NTIS Order No. PB-205 200-D)

SR-21: Calhoun County, Ala. Widening route from two to four lanes between Jacksonville and Piedmont (9.5 miles). Alternative one and two involve the displacement of families and businesses. Project F-52( ). (ELR Order No. 1486, 13 pages) (NTIS Order No. PB-205 201-D)

Draft, December 23
U.S.-61: Fort Madison, Lee County, Iowa. Reconstruction and widening to a four-lane divided highway through Fort Madison (8.2 miles). Will displace over 140 families. Project U-61-1. (ELR Order No. 1492, 17 pages) (NTIS Order No. PB-205 203-D)

Draft, December 21
U.S.-95: Clark County, Nev. Location and construction of controlled access, four-lane highway from Russell Road to Railroad Pass (12 miles). Estimate need of 396.4 acres of land for right-of-way. (ELR Order No. 1495, 49 pages) (NTIS Order No. PB-205 192-D)

Dayville Highway: Dayville, Alaska. Relocation and upgrading of road from the Richardson Highway to Dayville (6.5 miles). Planned in anticipation of Dayville being the terminus for the Alaska pipeline. Project S-0863(1). (ELR Order No. 1501, 46 pages) (NTIS Order No. PB-205 204-D)

Draft, December 23
S.H.-79: Donge and Saunders Counties, Nebr. Replacement of bridge over the Platte River and upgrading of approaches between North Bend and Morse Bluff. Involves partial removal of an island in the River. Project S-338(17). (ELR Order No. 1504, 10 pages) (NTIS Order No. PB-205 233-D)

Draft, December 21
S.R.-241: Massillon, Stark County, Ohio. Relocation from U.S.-30 interchange to Oberlin Road. Viaduct over S.R.-21 and the Tuscarawas River (3.6 miles). Will dislocate 87 families and four businesses. (ELR Order No. 1506, 13 pages) (NTIS Order No. PB-205 235-D)

Draft, December 27
Route 72: Cape Girardeau County, Mo. Relocation from 4 miles west of Jackson southeast to I-55 (9 miles). Requires 300 acres of farm and grazing land. Job 10-P-72-44. (ELR Order No. 1510, 8 pages) (NTIS Order No. PB-205 230-D).

Draft, December 28
Route 206 Freeway-Newton Bypass: Sussex County, N.J. Construction from northern borough line to Route 15 freeway. Will displace families and businesses. (ELR Order No. 1512, 41 pages) (NTIS Order No. PB-205 231-D)

S.R.-39: Tuscarawas County, Ohio. Relocation between Sugarcreek and Dover. Will use 65 acres of tillable land and displace five residences. Project TUS-39-2.91. (ELR Order No. 1513, 9 pages) (NTIS Order No. PB-205 232-D)

Final, December 14
I-90 (S.R.-90): Kittitas County, Wash. Improvement from top of Easton Hill to just east of Easton (5.25 miles). 4(f) approval for use of Lake East Park lands. Comments made by USDA, HUD, DOI, DOT, and seven State agencies. (ELR Order No. 1452, 53 pages) (NTIS Order No. PB-204 945-F)

S.R.-87 (Stewart Street): Milton, Santa Rosa County, Fla. Construction of four-lane highway from S.R.-10 to S.R.-191 (1.7 miles). Job 58050-1505. Comments made by HUD, DOI, DOT, and Escambia-Santa Rosa Regional Planning Council. (ELR Order No. 1468, 16 pages) (NTIS Order No. PB-204 969-F)

Route 227: San Luis Obispo, Calif. Improvement between Edna and High Street in San Luis Obispo (5.3 miles). Project 05-SLO-227-7.5/12.9. Comments made by Army COE, EPA, DOI, DOT, six State agencies and the University of California. (ELR Order No. 1469, 34 pages) (NTIS Order No. PB-199 237-F)

S.R.-41: Adams County, Ohio. Relocation of 1.8 miles from near Ohio Brush Creek to 0.3 mile north of its intersection with CR-134 (1.8 miles). Project ADA-41-22.40, S-1378(3). Comments made by HUD, DOI, DOT, and State Clearinghouse. (ELR Order No. 1470, 22 pages) (NTIS Order No. PB-200 388-F)

S.R.-424-A (Fairbanks Avenue): Orange County, Fla. Improvement from S.R.-400 (I-4) to S.R.-15-600 (U.S. 17-92) (1 mile). Project U.S.-707(1), 75006-1501. Comments made by EPA, DOI, and Florida Game and Fresh Water Fish Commission. (ELR Order No. 1471, 62 pages) (NTIS Order No. PB-200 525-F)

L.R. 1052, section 2, River Street Exchange, Cross Valley Expressway: Luzerne County, Pa. Four-lane divided highway through Forty Fort Township (0.5 mile). Project 3-1052-4-2-043. Comments made by DOC, DOI, DOT, HUD, EPA, six State agencies, Economic Development Council of Northeastern Pennsylvania and Luzerne County Planning Commission. (ELR Order No. 1476, 49 pages) (NTIS Order No. PB-199 242-F)

Final, December 15
Thorn Hill Industrial Park Access Road: Allegheny and Butler Counties, Pa. Construction of access road approximately 1,000' west of the Pennsylvania Turnpike. (1.3 miles). Comments made by HUD, Appalachian Regional Commission, EPA, DOT, 10 State agencies, Butler County Planning Commission, Allegheny County Planning Commission, and towns of Cranberry and Marshall. (ELR Order No. 1477, 46 pages) (NTIS Order No. PB-201 990-F)

Cliff Avenue: Sioux Falls, Minnehaha County, S. Dak. Upgrading and widening between 8th and 17th Streets and construction of bridge over the Big Sioux River. Attached 4(f) determination relates to Nelson Park land. Project F 057-1. Comments made by DOI, DOC, Army COE, USDA, and city of Sioux Falls. (ELR Order No. 1478, 29 pages) (NTIS Order No. PB-201 692-F)

JAN 8 72
XUM

Final, December 14

S.R.–131: Kittitas County, Wash. Realignment and widening from S.R.–10 to intersection with Hungry Junction Road (1.5 miles). Comments made by DOT, USDA, HUD, DOI, EPA, and five State agencies. (ELR Order No. 1479, 30 pages) (NTIS Order No. PB–199 005–F)

S.R.–26: Adams and Whitman Counties, Wash. Reconstruction on new alignment between Washtucna and Hooper (10.5 miles). Comments made by DOT, Army COE, HUD, USDA and four State agencies. (ELR Order No. 1480, 27 pages) (NTIS Order No. PB–199 605–F)

Final, December 15

Route C(106): Shannon County, Mo. Construction of an all-weather crossing of the Current River and upgrading approaches between Eminence and Ellington. Attached 4(f) determination regards Missouri Department of Conservation land. Job No. 9–S–106–14, RS–726 (2). Comments made by DOT, DOI, EPA, USDA, State Clearinghouse and Missouri Department of Conservation. (ELR Order No. 1481, 36 pages) (NTIS Order No. PB–205 223–F)

TH–60: Watonwan County, Minn. Construction of 19.6 miles of four-lane divided highway from Butterfield to TH–15, bypassing St. James (19.6 miles). Attached 4(f) relates to Madelia Game Center. Project S.P. 8308–10 (TH 60=16) F016–1 and S.P. 8309–12 (TH 60=16) F016–1. Comments made by DOT, Army COE, DOI, USDA, HUD, FPC, EPA, three State agencies and St. James City Council. (ELR Order No. 1482, 97 pages) (NTIS Order No. PB–199 196–F)

Final, December 21

Loop Highway 143: Perrytown, Ochiltree County, Tex. Construction of 1.7 miles of two-lane highway in northeast part of the highway. Comments made by HEW, USDA, DOT, EPA, and Panhandle Regional Planning Commission. (ELR Order No. 1487, 18 pages) (NTIS Order No. PB–200 194–F)

Final, December 10

U.S.–30 (Delphos Bypass): Van Wert, Putnam, and Allen Counties, Ohio. Involves connecting relocated U.S.–30, east of Van Wert, to relocated U.S.–30N, east of Delphos (12.1 miles). Also to be constructed is a connection on new location between U.S.–30S and U.S.–30N. Project VAN/PUT/ALL–30–16.28/0.00/0.00. Comments made by DOI and DOT. (ELR Order No. 1488, 18 pages) (NTIS Order No. PB–200 751–F)

Final, December 20

Georgia Project F–010–1(9) and Spur: Troup County, Ga. Replacement of bridge over the Chattahoochee River and upgrading of approaches to provide a better facility between West Point, Ga., and Lanett, Ala. Comments made by Army COE, HUD, EPA, DOT, and two State agencies. (ELR Order No. 1494, 33 pages) (NTIS Order No. PB–200 193–F)

S.R.–3: Dyer County, Tenn. Involves relocation of S.R.–3 and S.R.–20 and extension of I–155 to provide a bypass for city of Dyersburg and municipality of Newbern. Project F–003–4( ). Comments made by DOT, USDA, DOI, Army COE, nine State agencies and Dyer County Court. (ELR Order No. 1498, 35 pages) (NTIS Order No. PB–205 221–F)

71st Street (Kinosha): Broken Arrow, Okla. Construction of a four-lane divided facility from intersection of 161st East Avenue and South 71st Street to Broken Arrow Expressway (1.5 miles). Project SU–7238(100)c. Comments made by DOT, DOI, HEW, three State agencies, Tulsa Metropolitan Area Planning Commission. (ELR Order No. 1497, 65 pages) (NTIS Order No. PB–205 220–F)

Final, December 22

Raceland-Gibson Highway, La. 308—U.S.–90 (Gibson): Lafourche Parish, La. Relocation of U.S.–90 beginning north of Louisiana 308 and Bayou Lafourche east of Raceland, extending easterly through Lafourche and Terrebonne Parishes (29.2 miles). Federal Aid project F–155(9), State project 700–06–83. Comments made by DOC, FPC, DOI, AEC, HEW, USDA, three State agencies and Louisiana State University. (ELR Order No. 1498, 41 pages) (NTIS Order No. PB–205 222–F)

Final, December 20

Kenner overpass and approaches (U.S.–61): Jefferson Parish, La. Upgrading 2.2-mile segment of road to a four-lane divided facility to improve route into New Orleans and Moisant International Airport. Will displace 76 people and one business. Federal Aid project U–173(19), State project 7–02–51. Comments made by Army COE, USDA, DOI, HEW, EPA, FPC, GSA, OEO, three State agencies. (ELR Order No. 1499, 49 pages) (NTIS Order No. PB–201 524–F)

S.R.–57: Martinsville, Henry County, Va. Relocation and widening of road southeast of Martinsville. Project S–324( ). State project 0057–044–111, PE–101. Comments made by DOI, HEW, and two State agencies. (ELR Order No. 1502, 17 pages) (NTIS Order No. PB–198 964–F)

FHWA 4(f) Statements: The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under section 4(f) of the Department of Transportation Act, 49 U.S.C. 1653(f).

November 11

TH–3: Dakota and Ramsey Counties, Minn. Use of land from McGroarty and Kaposia Parks for highway purposes. (Order through ELR by title, date and Department—8 pages)

U.S. COAST GUARD

Contact: D. B. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 Seventh Street SW., Washington, DC 20591. (202) 426–9573

Draft, December 28

Issuance of Oil Pollution Regulations governing design, construction and operation of vessels operating in navigable waters and contiguous zone of the United States and governing design, construction and operation of onshore and offshore facilities engaged in transferring oil in bulk (over 10,000 gallons). State certification will be required prior to issuance of Coast Guard permit for a facility. (ELR Order No. 1511, 4 pages) (NTIS Order No. PB–205 228–D)

U.S. WATER RESOURCES COUNCIL

Contact: W. Don Maughan, U.S. Water Resources Council, 2120 L Street NW., Washington, DC 20037 (202) 254–6408.

Draft, December 21

Establishment of Principles and Standards for Planning Water and Land Resources to enhance national economic development, the quality of the environment and regional development, with application of Principles and Standards applied at all levels of planning. (ELR Order No. 1493, 17 pages) (NTIS Order No. PB–205 224–D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.72–315 Filed 1–7–72;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

MOTOR VEHICLE POLLUTION CONTROL

California State Standards; Notice of Public Hearing

Whereas the Clean Air Act, as amended, section 209(a), 42 U.S.C. 1857f–6a(a) 81 Stat. 501 (Public Law 91–604) provides, "No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines subject to this part. No State shall require certification, inspection, or any other approval relating to the control of emissions from any new motor vehicle or new motor vehicle engine as condition precedent to the initial retail sale, titling (if any), or registration of such motor vehicle, motor vehicle engine, or equipment," and

Whereas section 209(b) of said Act directs the Administrator of the Environmental Protection Agency, after notice and opportunity for public hearing, to waive application of the prohibitions of said section 209 to any State which had adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines prior to March 30, 1966, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act, and

Whereas, the State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles or new motor vehicle engines.

Now, therefore, I hereby give notice that the State of California has requested waiver of the application of the prohibitions of section 209(a). Pursuant to section 209(b) of the Clean Air Act, as amended, I hereby give notice of a public hearing on this request to be held in Los Angeles, Calif., at the Customs Courtroom, 300 North Los Angeles Street, on Tuesday, February 8, 1972, commencing at 10 a.m., P.s.t.

The hearing is intended to provide an opportunity for interested persons to state their views or arguments, or to provide pertinent information relating to the action proposed to be taken by the Administrator.

Dr. Norman D. Shutler of the Environmental Protection Agency is hereby designated as Presiding Officer to conduct the hearing. Any person desiring to make a statement at the hearing or to submit material for the record of the hearing should file a notice of such intention and, if practicable, five copies of his proposed statement (and other relevant material) with the Presiding Officer, Mobile Source Enforcement Division, Environmental Protection Agency, Room 16B06, 5600 Fishers Lane, Rockville, MD 20852, not later than February 4, 1972.

The pertinent standards, requirements, conditions, and test procedures for 1973 through 1976 model year gasoline-powered motor vehicles under 6,001 lbs. G.V.W. are contained in the following identified publications:

FEDERAL

45 CFR Part 85 (Supp. 1971, as amended by 36 F.R. 5342, et seq., March 20, 1971, 36 F.R. 12652 et seq., July 2, 1971, and 36 F.R. 16905, et seq., August 26, 1971).

CALIFORNIA

Sections 1946, 2109 and 2208, Title 13 California Administrative Code, and in "California exhaust emission standards and test procedures for 1973 through 1976 models gasoline-powered motor vehicles under 6,001 pounds gross vehicle weight", dated September 15, 1971.

A copy of the above-described material is available for inspection at the office of the Presiding Officer at the foregoing address. Copies of the Federal regulations will be provided upon request to that office. Copies of the California standards and test procedures are available upon request to the California Air Resources Board, 434 South San Pedro Street, Los Angeles, CA 90013, or 1025 P Street, Sacramento, CA 95814.

Procedures. Since the public hearing is designed to give interested persons an opportunity to participate in this proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's proposed action, there are no adversary parties as such. Statements by the participants will not be made under oath and the participants will not be subject to cross-examination

Presentations by the participants should be addressed to the following considerations:

1. Whether the specific standards and related test procedures applicable to the control of emissions from 1973 through 1976 model year new motor vehicles or new motor vehicle engines adopted by the State of California and identified above are more stringent than the Federal standards and related test procedures applicable to the pertinent model year new motor vehicles or new motor vehicle engines;

2. Whether such standards and related test procedures adopted by the State of California are required to meet compelling and extraordinary conditions in the State of California; and

3. Whether such standards and related test procedures (and accompanying enforcement procedures) adopted by the State of California are consistent with section 202(a) of the Clean Air Act, as amended.

In order to assure full opportunity for the presentation of data, views, and arguments by participants, the Presiding Officer will, upon request of the participants, allow a reasonable time after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included as part of the record of the public hearing.

A verbatim record of the proceeding will be made and a copy of the transcript will be made available on request at the expense of the person so requesting.

The determination of the Administrator regarding the action to be taken under section 209(b) of the Clean Air Act with respect to the waiver of the application of the prohibition of section 209(a) to the State of California is not required to be made solely on the record of the public hearing. Other scientific, engineering, and related pertinent information, not included in the transcript of the public hearing, may also be considered.

Dated: January 5, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72–346 Filed 1–7–72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19260]

FAIRNESS DOCTRINE AND PUBLIC INTEREST STANDARDS

Handling of Public Issues; Order Extending Time

1. The Commission has previously extended the time for filing comments under part IV of this proceeding,[1] which relates to access generally to the broadcast media for the discussion of public issues, until January 10, 1972, on the ground that the question of access is closely tied to pending litigation. See Business Executives' Move for Vietnam Peace v. Federal Communications Commission, Case No. 24,492, C.A.D.C., decided August 3, 1971. The basis of the previous extensions still obtains, since the Commission intends shortly to file a petition for a writ of certiorari in the Supreme Court of the United States.

2. *Accordingly, it is ordered*, This 30th day of December 1971, that the time for filing comments and reply comments in part IV of the above-entitled inquiry is extended to dates subsequently to be specified by further order. This action is taken pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.281(d) of the Commission's rules and regulations, 47 CFR 0.281(d).

Adopted: December 30, 1971.

Released: January 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72–334 Filed 1–7–72;8:50 am]

[1] Original notice of inquiry published at 36 F.R. 11625; extensions of time published at 36 F.R. 18117, 36 F.R. 19622, and 36 F.R. 22622.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business December 31, 1971, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 480,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call No. 202,[1] and shall send the same to the Federal Reserve bank of the district wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 98,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and a copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1971.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance

[1] Filed as part of original document.

VOL 37 NO 5 JAN 8 72 XUM

Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by the State Member Banks of the Federal Reserve System," dated December 1970, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Mutual Savings Banks," dated December 1971,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.

WILLIAM B. CAMP,
Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[FR Doc.72-297 Filed 1-7-72;8:46 am]

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

Call for Annual Report of Income

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured mutual savings bank not a member of the Federal Reserve System is required to make a Report of Income for the calendar year 1971 on Form 73 (Savings), revised December 1971,[1] to the Federal Deposit Insurance Corporation within 30 days after December 31, 1971. Said Report of Income shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings)," dated December 1971.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.72-299 Filed 1-7-72;8:46 am]

[1] Filed as part of original document.

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

Call for Annual Report of Income

Pursuant to the provisions of section 7(a) of the Federal Deposit Insurance Act each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is required to make a Report of Income for the calendar year 1971 on Form 73 (revised December 1969)[1] to the Federal Deposit Insurance Corporation within 30 days after December 31, 1971. Said Report of Income shall be prepared in accordance with "Instructions for the Preparation of Report of Income on Form 73," dated December 1970.[1]

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.72-298 Filed 1-7-72;8:46 am]

FEDERAL MARITIME COMMISSION

[Docket No. 72-1]

CARIBE HYDRO-TRAILER, INC.

Substituted Service Between Jacksonville and Puerto Rico Via Port of Miami; Order of Investigation and Suspension

Caribe Hydro-Trailer, Inc., by its Agent, W. F. Roush, has filed with the Federal Maritime Commission various revised pages (see appendix A[1]) to its Tariff FMC-F No. 1 to become effective January 6, 1972. These revised pages propose to provide service out of the port of Jacksonville by substituted motor carrier service to the port of Miami for final discharge at ports in Puerto Rico and further provide for the absorption of the inland motor freight charges from Jacksonville to Miami.

Upon consideration of revised pages and protests filed thereto, the Commission is of the opinion that the above designated tariff matter may be prejudicial and preferential or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under sections 16, first, and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said tariff matter with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the revised pages as shown in appendix A hereto are suspended and the use thereof deferred to and including May 5, 1972, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Agent W. F. Roush, a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state the aforesaid matter is suspended and may not be used until May 6, 1972, unless otherwise authorized by the Commission; and the tariff matter heretofore in effect, and which was to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provisions of rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Caribe Hydro-Trailer, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (a) a copy of this order shall forthwith be served on the respondent herein, the petitioners, TMT Trailer Ferry, Inc., Sea-Land Service, Inc., and the Port of Jacksonville Authority and published in the FEDERAL REGISTER; and (b) the said respondent and petitioners be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-326 Filed 1-7-72;8:49 am]

[1] Filed as part of original document.

[Independent Ocean Freight Forwarder License 990]

CIRCLE FORWARDERS, INC.

Order of Revocation

By letter dated November 29, 1971, Circle Forwarders, Inc., 1300 West Fort Street, Detroit, MI 48226 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 990 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 28, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Circle Forwarders, Inc. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated September 29, 1970).

It is ordered, That the Independent Ocean Freight Forwarder License of Circle Forwarders, Inc. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Circle Forwarders, Inc. be and is hereby revoked effective December 28, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Circle Forwarders, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-327 Filed 1-7-72;8:49 am]

CITY OF RICHMOND, CALIF., AND PASHA TRUCKAWAY, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Samuel V. McGrath, Deputy City Attorney, City of Richmond, Calif. 94804.

Agreement No. T-2427-1, between the Surplus Property Authority of the City of Richmond (Authority) and Pasha Truckaway, Inc. (Pasha), as assigned to Canal Industrial Park, Inc., modifies the basic agreement which provides for the lease to Pasha of a portion of the Maritime Richmond Reserve Shipyard to be used for the assembly and storage of cargo, particularly automobiles. The purpose of the modification is to: (1) Reduce the rental for a portion of the leased premises; (2) amend the provision covering default of payments; (3) amend the payment of utilities; and (4) provide for payment of utilities furnished prior to the period covered by item (3) above.

Dated: January 5, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-328 Filed 1-7-72;8:49 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE AND NORTH ATLANTIC FRENCH FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Richard W. Kurrus, Esq., Kurrus & Jacobi, 2000 K Street NW., Washington, DC 20006.

Agreement No. 9978 establishes a cooperative working arrangement between the above named conferences in the trades between the United States and Europe entitled the Associated North Atlantic Freight Conferences. Under the agreement, the signatory conferences agree to (1) discuss and confer on nonratemaking matters of common concern relating to and affecting ocean transportation and (2) establish and maintain a joint self-policing body to police the activities of both. Provision is also made in the agreement for entry of other conferences and nonconference lines as members.

Dated: January 5, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-329 Filed 1-7-72;8:49 am]

PHILADELPHIA PORT CORP. AND LAVINO SHIPPING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hear-

V 37 N 5 JAN 8 72 XUM

ing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Robert A. Peavy, Esq., Morgan, Lewis & Bockius, 1140 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. T-2553, between the Philadelphia Port Corp. (Port) and Lavino Shipping Co. (Lavino), provides for the 5-year lease with renewal options of Berths 4 and 5 of Packer Avenue Terminal and approximately 20 acres of contiguous land area at Philadelphia, Pa. Lavino will use the premises as a marine terminal and, as rental, will pay the Port an annual rental based on the number of containers handled with a minimum annual payment of $100,008 plus certain rents and taxes.

Dated: January 5, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-330 Filed 1-7-72;8:49 am]

[Docket No. 71-68]

SEA-LAND SERVICE INC.

Order To Show Cause Regarding Possible Violations of Shipping Act; Correction

JANUARY 3, 1972.

In the Commission's Order To Show Cause served December 28, 1971, in this proceeding, the last sentence of the first paragraph should read: "These rates have been accepted by MSC and are required to be filed with the Commission as part of the MSC Container Agreement and Rate Guide (RG-2) in lieu of a tariff in accordance with General Order 13; Amendment 1, 46 CFR 536.14."

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-331 Filed 1-7-72;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. E-7674]

ALABAMA POWER CO.

Order Denying Motions To Reject Rate Filing, Suspending Increased Rates and Charges, Providing for Hearing, and Granting Petitions To Intervene

DECEMBER 30, 1971.

The Alabama Power Co. (Alabama Power), a public utility subject to the jurisdiction of this Commission, on November 1, 1971, tendered for filing in Docket No. E-7674, changes in the form[1] and rate levels of its currently effective rate schedules covering sales in interstate commerce for resale to municipals and cooperatives. The rate schedules[2] in addition to setting out the proposed billing demand and energy charges also provide for adjustments relating to local and other taxes, and increases in fuel costs. The general terms and conditions among other things, contain a form of service agreement, which upon acceptance by the Commission, and in conjunction with the proposed rate schedules, shall completely supersede presently effective rate schedules as such may be contractually permitted.

By its tender Alabama Power proposes to increase annual charges to cooperatives by $1,148,329 and to the Municipal's by $1,603,156, per annum based on operations for the 12-month period ended December 31, 1970. The company requests an effective date of January 3, 1972, as to new delivery points, and with respect to existing delivery points, January 3, 1972, or the earliest date thereafter as permitted by the contracts constituting its presently effective rate schedules.

In support of its filing, Alabama Power states that based on 1970 operations the company realized an overall rate of return of 3.34 percent on the properties devoted to serving its municipal customers and that the proposed rates would increase this return to 6.67 percent. The comparable overall returns on properties devoted to serving REA customers are stated to be 3.07 percent for calendar year 1970, under existing rates, and 6.60 percent under the proposed rates. The company's filing reflects a demand allocation for production, transmission, and distribution facilities based on annual coincident peak hour responsibility, increases in operating costs, and a direct assignment of certain transmission and other facilities to its wholesale services.

Notice of the filing was published November 15, 1971 (36 F.R. 22198). Said notice provided that any person desiring to be heard or to make protest concerning such tender should on or before November 26, 1971,[3] file petitions to intervene or protests with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure.

On November 24, 1971, Baldwin County Electric Membership Corp. joined by eight other distribution cooperatives,[4] and Alabama Electric Cooperative, Inc. (AEC), a generation and transmission cooperative, filed a joint motion to reject the filing and in event such motion was denied, filed a protest with respect to the amount and form of the increase and petitioned to intervene. On December 20, 1971, Black Warrior Electric Membership Corp. filed a motion for leave to be included as a party to the foregoing filing of the cooperatives. On December 1, 1971, 12 municipalities,[5] joined by the Municipal Electric Utility Association of Alabama, jointly filed a motion to reject the tender and in the event such motion was denied, a protest and petition to intervene.

Among the reasons set out by aforementioned municipals and cooperatives supporting rejection are: (1) That presently effective contracts do not permit the company to make unilateral rate changes within the 90-day time limit when such rates may become effective as required by the Commission's regulations, and (2) that the increase of approximately 35 percent is violative of the standards and principles set forth in the Economic Stabilization Act. In support of the 5-month suspension, the protesters state that the company adjustments to 1970 revenues and expenses, the determination of necessary working capital, the claimed rate of return, and the method of allocating demand responsibility, as well as the proposed fuel and tax clauses, the ratchet provisions, the quality of service rendered, and the proposed terms and conditions, as filed, should be tested at hearing.

Alabama Power on December 20, 1971, filed an objection to the petition to intervene as such relates to the Alabama Electric Cooperative in that "as a consumer it is not affected" since, in certain

[1] Changes in form relate to the conversion of contractual form of rate schedules to the conventional tariff form. The tariff and sheets therein are designated as "FPC Electric Tariff, Original Volume No. 1, of Alabama Power Co., Original Sheets Nos. 1 through and including Original Sheet No. 39.

[2] Rate Schedule REA-1 (Original Sheets Nos. 5, 6, and 7) is applicable to service to electric membership and electric cooperative corporations and Rate Schedule MUN-1 (Original Sheets Nos. 8, 9, and 10) is applicable to municipalities operating electric distribution systems for the resale of electric power.

[3] Subsequently extended to December 6, 1971.

[4] Central Alabama Electric Cooperative, Inc., Clarke-Washington Electric Membership Cooperative; Coosa Valley Electric Cooperative, Inc.; Dixie Electric Cooperative, Inc.; Pea River Electric Cooperative, Inc.; Pioneer Electric Cooperative, Inc.; Tallapoosa River Electric Cooperative, Inc.; and Wiregrass Electric Cooperative, Inc.

[5] City of Alexander City; city of Dothan; city of Fairhope; The Utilities Board of the city of Foley; city of La Fayette; city of Lanett; city of Luverne; city of Opelika; city of Piedmont; The Utilities Board of the city of Sylacauga; city of Troy; and city of Tuskegee.

stated respects, it acts as agent for the distribution cooperatives. The company also takes issue with statements to the effect that its filing is in circumvention of the Economic Stabilization Act and that it is untimely made.

Examinations of the filings, motions, protests, and petitions to intervene and the answers thereto, indicate that the tender should be accetped for filing, that Alabama Electric Cooperative may have an interest not adequately represented by other parties, and that certain issues raised by the pleadings should be resolved on the basis of an evidentiary record. However, our examination of the aforestated filings does not appear to warrant suspension of the increased rates for the periods as hereinbefore setout. Accordingly, we shall suspend the operation of the tendered rate schedules for a period of thirty (30) days and direct that a public hearing be held with respect to the lawfulness of such rates.

The Commission finds: (1) The rate schedules hereinbefore designated as filed on November 1, 1971, may be unjust, unlawful, unduly discriminatory, or preferential, or otherwise unlawful under the Federal Power Act.

(2) It is necessary and appropriate in the enforcement of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the aforementioned tendered schedules and that said schedules be suspended and the use thereof be deferred and a public hearing be initiated in accordance with the procedures set forth below, all as hereinafter provided.

(3) Participation by the aforementioned named petitioners for leave to intervene in this proceeding may be in the public interest.

The Commission orders: (A) FPC Electric Tariff, Original Volume No. 1, of Alabama Power Co., composed of Original Sheets Nos. 1 through 39, is hereby accepted for filing subject to the terms and conditions of this order.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure issued thereunder, a public hearing shall be convened at the Office of the Federal Power Commission, in Washington, D.C., concerning the lawfulness of Alabama Power's schedules hereinbefore identified.

(C) Pending such hearing and decision thereon, the tendered Rate Schedules REA-1 and MUN-1 are hereby suspended and the use there of deferred until February 2, 1972. On that day those schedules shall take effect in the manner prescribed by the Federal Power Act, and Alabama Power, subject to further orders of the Commission, shall charge and collect the increased rates set forth in such rate schedules for all the power sold and delivered thereunder.

(D) Interveners and the Commission Staff evidence to be considered in this matter, including testimony and exhibits, shall be served upon the Commission and all parties on or before February 29, 1972. The Company's rebuttal evidence shall be served on or before March 31, 1972. Cross examination of all witnesses on testimony so submitted shall commence on May 2, 1972. Any further and necessary matters including the setting of other dates shall be by direction of the Presiding Examiner.

(E) Alabama Power shall refund at such times and in such manner as may be required by final order of the Commission that portion of the increased rates and charges, if any, found by the Commission in this proceeding not justified, together with interest thereon at the rate of seven percent (7%) per annum from the date of payment until refunded; shall bear all cost of such refunding; shall keep accurate records in detail of all amounts received by reason of the increased rates and charges effective as of February 2, 1972, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, the billing determinants of electric energy sold and delivered to each customer under the subject rate schedules, and the revenues resulting therefrom as computed under the rates in effect immediately prior to February 2, 1972, and the rates and charges made effective by this order, together with the differences in revenues so computed.

(F) The Baldwin County Electric Membership Corp., Central Alabama Electric Cooperative, Clarke-Washington Electric Membership Cooperative, Coosa Valley Electric Cooperative, Dixie Electric Cooperative, Pea River Electric Cooperative, Pioneer Electric Cooperative, Tallapoosa River Electric Cooperative, Wiregrass Electric Cooperative, Black Warrier Electric Membership Cooperative, Alabama Electric Cooperative, cities of Alexander City, Dothan, Fairhope, La Fayette, Lanett, Luverne, Opelika, Piedmont, Troy, and Tuskegee and the Utilities Boards of the cities of Foley and Sylacauga are hereby permitted to intervene in this proceeding subject to the Commission's rules of practice and procedure: *Provided, however,* The participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(G) Unless otherwise ordered by the Commission, Alabama Power shall not change the terms or provisions of the subject rate schedules or its presently effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-316 Filed 1-7-72;8:48 am]

CITIES SERVICE GAS CO. ET AL.

Order Denying Rehearing and Request for Stay

DECEMBER 30, 1971.

Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Orders No. 11615 and 11627, Docket No. R-427; Cities Service Gas Co., Docket No. RP71-106; Northern Natural Gas Co., Docket No. RP71-107; Panhandle Eastern Pipe Line Co., Docket No. RP71-108; Central Telephone & Utilities Corp., Docket No. E-7602.

On November 16, 1971, we issued our Amended Statement of Policy, Order No. 437A,[1] implementing Executive Order No. 11627 and Price Commission regulations at 6 CFR 300.016, which provided, inter alia, that rate increases which would have become effective but for Order No. 437,[2] will be reviewed for consistency with the Economic Stabilization Act of 1970, and that if such increases are determined to be consistent, they will be reported as supplements to be effective November 14, 1971. Pursuant to Order No. 437A, we issued three supplementary orders on November 19, 1971. Orders Nos. 437A-1 and 437A-2, permitted rate increase filings by seven natural gas pipeline companies to become effective November 14, 1971, while Order No. 437A-3 provided for the same treatment of rate increases by three public utilities. Such rate increases were allowed to become effective subject to refund and were certified as consistent with the purposes of the Economic Stabilization Act of 1970 and 6 CFR 300.016(b). The rate increases in the four cases in question had been suspended for the maximum 5-month statutory period and would have become effective except for Order No. 437, which provided for a freeze on such rate increases for 90 days ending November 13, 1971.

On November 30, 1971, the Municipal Intervenors Group (Municipals) filed an application for rehearing and request for stay of Orders Nos. 437A, 437A-1, 437A-2, and 437A-3, as those orders related to the rate increases of three natural gas

[1] Chairman Nassikas and Commissioner Moody, dissenting, would suspend the increase for the full statutory 5-month period permitted under the Federal Power Act.

[1] 18 CFR 2.90, 2.90a.

[2] 36 F.R. 16902.

V 37 N 5 JAN 8 72 XUM

pipelines and one public utility.[1] For the reasons stated herein we deny the application for rehearing and request for stay.[2]

Municipals contend that by permitting the rate increases of Cities, Northern, Panhandle, and Central to go into effect, we acted contrary to the Price Commission regulations, 6 CFR 300.016. The basic argument of Municipals is that we cannot permit rate increases to go into effect until we have approved them on their merits; in other words, after we have made a finding as to their justness and reasonableness. We reject, at the outset, this interpretation of our regulatory responsibilities.

We approved rate increases to go into effect in Orders Nos. 437A–1, 437A–2, and 437A–3, subject to refund, after having determined their consistency with the purposes of the Economic Stabilization Act and 6 CFR 300.016(b). The Price Commission likewise stated it had no objections to the proposed increase of Cities, as conditioned by Order No. 437A–2.[3] We do not find that our approval requires a finding as to the justness and reasonableness of rate increases in this case prior to permitting such rates to go into effect, subject to refund. Nor do we find any compelling authority in Municipals' application that such an interpretation is justified.[4]

Additionally, we must point out that the practical effect of granting Municipals' application would be for us to ignore section 205(e) of the Federal Power Act and section 4(e) of the Natural Gas Act which permit us to suspend rate increases up to 5 months. The challenged rate increases were suspended for the maximum period allowed by statute and would have gone into effect but for the 90-day freeze. Where such increases are consistent with the Economic Stabilization Act and Executive Order No. 11627, we cannot, contrary to Municipals' position, choose to suspend rate increases beyond our statutory authority.[5]

In support of its request for stay, Municipals allege that irreparable injury will result because the rate increases will go into effect and that the refund protection provided is inadequate. Inasmuch as the rate increases have been approved as consistent with the Economic Stabilization Act and 6 CFR 300.016(b) and the rates are being collected subject to refund pending a determination as to their justness and reasonableness, we reject Municipals' contention that it will suffer irreparable injury.[6] By suspending the rate filings we have kept the burden on the applicants to justify the rate increase. Had we chosen not to suspend, which we clearly could have done, there would be no refund protection available.[7]

One final comment is necessary. The thrust of Municipals' position is that the Commission is required to hold the line on rates, allegedly to protect the consumers. They have used the Economic Stabilization Act and Price Commission regulations as vehicles in support of their claims. However, Municipals' arguments are without merit. Our duty in determining the public interest is to determine the lowest reasonable rate consistent with the maintenance of adequate service. As the Supreme Court has stated (United Gas Pipe Line Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103, 113 (1958)):

> Business reality demands that natural gas companies should not be precluded by law from increasing the prices of their product whenever that is the economically necessary means of keeping the intake and outgo of their revenues in balance; otherwise the vast sums necessary for the maintenance and expansion of their system through equity and debt financing would become most difficult, if not impossible.

We thus reject Municipals' arguments inasmuch as the Natural Gas Act and Federal Power Act, read in light of the Economic Stabilization Act and the Price Commission's regulations, do require consideration by us of the need to maintain adequate and reliable service to the consumer. We are acutely aware of the numerous pipeline curtailment proceedings presently before us. Where refunds are provided and we have suspended for the maximum period, we are not obliged to deprive the applicants of revenues to maintain such service.

The Commission finds: The Emergency Application for Rehearing and for Stay filed herein by Municipal Intervenors Group on November 30, 1971, presents no further facts or principles of law which were not fully considered by the Commission in Orders Nos. 437A, 437A–1, 437A–2, and 437A–3, or which having now been considered warrant any change or modification of those orders.

The Commission orders: The above application for rehearing and motion for stay is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–317 Filed 1–7–72;8:48 am]

[Docket No. CP67–260]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

JANUARY 3, 1972.

Take notice that on December 21, 1971, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP67–260, a petition to amend the order of the Commission issued in subject docket (39 FPC 459) pursuant to section 7(c) of the Natural Gas Act by authorizing a decrease in the volume of natural gas delivered to the municipality of Brooklyn, Iowa (Brooklyn), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is currently authorized in said docket to sell and deliver to Brooklyn a third-year contract demand volume of 818 Mcf of natural gas per day. Applicant states that Brooklyn's markets have not developed to the extent originally projected and that a reduction of contract demand to 600 Mcf of natural gas per day will adequately serve Brooklyn's market requirements for the foreseeable future. Northern proposes to apply the 218 Mcf of natural gas per day of available capacity resulting from this reduction to unallocated system saleable capacity.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–319 Filed 1–7–72;8:48 am]

---

[1] Cities Service Co. (Cities), Northern Natural Gas Co. (Northern), Panhandle Eastern Pipe Line Co. (Panhandle), and Central Telephone & Utilities Corp. (Central).

[2] Applications for rehearing of orders under the Federal Power Act must be brought under section 313(a) of that Act, 16 U.S.C. 825*l*. Municipals seek rehearing of Order No. 437A–3, regarding rate increases under section 205(e) of the Federal Power Act, under section 19 of the Natural Gas Act. While we do not regard Municipals' application, as it relates to Central, as having been properly brought, we will nevertheless deny the application on its merits. Cf. Department of Fish and Game v. F.P.C., 359 F.2d 165 (CA9), certiorari denied, 385 U.S. 932 (1966).

[3] Letter of Nov. 29, 1971, filed in Docket No. RP71–106 on Dec. 8, 1971.

[4] Municipals concede that the 2.5 percent targeted goal for price increases, and price increases which result in increased profits have no application to either the Federal Power Act or the Natural Gas Act (Application 3). However, Municipals contend that the rate increases in question are greater than 2.5 percent and should therefore be stricken (Application 4). These inconsistencies serve to detract from whatever weight Municipals' arguments are entitled.

[5] Associated Press v. F.C.C., CADC, No. 23,833, July 12, 1971, Slip op. at 17. Cf. Municipal Light Boards of Reading and Wakefield, Mass. v. F.P.C., CADC, No. 24,450, Oct. 14, 1971, Slip op. at 17–8.

[6] In considering a request for a stay, one court has indicated that:

> The possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation, weighs heavily against a claim of irreparable harm. Virginia Petroleum Jobbers Ass'n. v. F.P.C., 259 F.2d 921, 925 (CADC, 1958).

[7] Municipal Light Boards, supra, Slip op. at 16–7.

[Docket No. CP72–162]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 3, 1972.

Take notice that on December 20, 1971, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP72–162 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of service to East Texas Municipal Gas Corp. (East Texas) and removal of certain related measuring facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is delivering natural gas to East Texas at Garrison, Nacogdoches County, Tex., and Joaquin, Shelby County, Tex., under authorization granted in Docket No. CP64–185 (31 FPC 1038). Applicant states that since 1967 when East Texas purchased the assets of the predecessor company, East Texas has continually been behind in full payment of its monthly gas bill and as of November 19, 1971, it was delinquent in the amount of $17,753.21. Applicant states that it is willing to continue rendering service to East Texas if the delinquent account is paid by March 1, 1972; but in the event the account is not settled, applicant seeks permission and approval to abandon service to East Texas and to remove measuring facilities at Garrison, Nacogdoches County, Tex., and, Joaquin, Shelby County, Tex., used for such service.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–320 Filed 1–7–72;8:48 am]

[Docket No. E–7616]

CITIZENS UTILITIES CO.

Notice of Application

JANUARY 6, 1972.

Take notice that on January 5, 1972, Citizens Utilities Company (applicant) filed a supplementary application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term promissory notes in an increased aggregate principal amount, not to exceed $12 million outstanding at any one time.

The applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho, and Vermont.

The notes are to be issued pursuant to a credit arrangement, as amended, with Marine Midland Bank—New York, or, in the alternative, to commercial paper dealers. All notes are to have a final maturity on or before April 10, 1972. The interest rate for notes issued pursuant to the bank credit agreement shall be at the New York prime commercial interest rate for 90-day notes as of the date of issuance. The maximum principal amount of all notes to be issued pursuant to the supplemental application shall not exceed $12 million outstanding at any one time.

The net proceeds from the sale of the notes will be used together with other funds of the applicant to reimburse the corporate treasury for acquisition and construction expenditures heretofore made, or to be made, through April 10, 1972.

Any person desiring to be heard or to make any protest with reference to this application should on or before January 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petition or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1:10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–376 Filed 1–7–72;8:50 am]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 72–297, Federal Deposit Insurance Corporation, *supra*.

BANCOHIO CORP.

Order Approving Acquisition of Bank

JANUARY 4, 1972.

BancOhio Corp., Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Community National Bank, Loveland, Ohio (Bank), a proposed new bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the second largest banking organization in Ohio, controls 29 banks with aggregate deposits of $1.6 billion, representing 7.3 percent of total commercial bank deposits in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through November 30, 1971.)

Bank will be located in the town of Loveland which is part of the Cincinnati banking market. The banking needs of the community have been served since 1958 by a branch of a bank headquartered in Milford. Because Loveland is located in three counties, Bank will have the future possibility of branching into these counties. Applicant has no subsidiaries in these counties and the nearest office of a subsidiary, located 30 miles from Bank, draws no business from Loveland. Since Bank is a new bank, approval of the acquisition would not result in the elimination of existing competition nor in the foreclosure of future competition. Based on the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. In fact, competition may be stimulated by the provision of a new banking alternative in the area.

The financial and managerial resources and prospects of applicant, its subsidiary banks, and Bank are regarded as satisfactory and these considerations are consistent with approval of the application. Applicant has stated that citizens of Loveland were seeking additional banking facilities. It appears that residents and businessmen would benefit from an additional banking source and

V 37 N 5 JAN 8 72 XUM

hence considerations related to convenience and needs of the community favor approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order; and (c) The Community National Bank, Loveland, Ohio, shall be opened for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] January 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-284 Filed 1-7-72;8:45 am]

JACOB SCHMIDT CO. AND AMERICAN BANCORPORATION, INC.

Order Approving Acquisition of Bank

Jacob Schmidt Co. and American Bancorporation, Inc., both of St. Paul, Minn. (hereinafter jointly referred to as "Applicant"), are bank holding companies within the meaning of the Bank Holding Company Act and have applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) for American Bancorporation to acquire 100 percent of the voting shares (less directors' qualifying shares) of Lake City State Bank, Lake City, Minnesota (Bank). Jacob Schmidt Co., which owns 57.8 percent of American Bancorporation, Inc.'s outstanding voting stock, would acquire indirect control of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls two banks with aggregate deposits of $197 million, representing 2.1 percent of the total commercial bank deposits in the State, and is the fifth largest bank holding company in Minnesota. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through November 30, 1971.) Applicant's acquisition of Bank ($11 million in deposits) would increase Applicant's share of deposits in the State by 0.1 percentage point. Bank, the only bank located in Lake City (estimated population: 3,600), is the third largest of five banks in the Red Wing banking market which is approximated by the northeast section of Wabasha County and the southwest section of Goodhue County, and holds 16.8 percent of deposits in that market. Applicant's subsidiary located closest to Bank is about 55 miles distant; and it appears that consummation of the transaction would not eliminate existing competition. On the facts of record, notably the distances involved, the number of banks in the intervening areas between Bank and Applicant's subsidiaries, and Minnesota's prohibitive branching law, there appears to be little likelihood that significant competition between Bank and Applicant would develop in the future. The Board concludes, therefore, that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

Bank appears to be satisfactorily serving the financial needs of the community it serves; however, affiliation with Applicant would improve the quality, and expand the number of services Bank currently offers to the community. Affiliation with Applicant would increase the lending capability of Bank through participation arrangements with Applicant's present subsidiary banks, and would enable Bank to benefit from certain internal efficiencies resulting from a holding company structure. Additionally, Bank will be in a position to provide trust, travel and international services. Applicant also proposes to build a new facility for Bank, including in such plans drive-in facilities, off-street parking, and a "community room". Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval.

Considerations relating to financial and managerial resources and future prospects as they relate to Applicant, its subsidiaries and Bank, are regarded as satisfactory. Applicant's proposed public offering will retire the debt incurred in the acquisition of Bank. Management expertise to be made available to Bank by Applicant lends weight toward approval of the application. Banking factors are believed consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[1] January 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-285 Filed 1-7-72;8:45 am]

R.I.H.T. CORP.

Proposed Retention of The Washington Row Co.

R.I.H.T. Corp., Providence, R.I., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of The Washington Row Co., Providence, R.I. Notice of the application was published on December 1, 1971, in the Pawtucket Times, a newspaper circulated in Pawtucket, R.I., and on December 2, 1971, in The Providence Journal and Evening Bulletin, a newspaper circulated in Providence, R.I.

Applicant states that the proposed subsidiary would engage in the activity of investing as a limited partner in Slater Mall Associates, a Rhode Island limited partnership which is the developer of a parcel of real estate in the urban renewal project known as "Slater Mall Urban Renewal Area Project R.I. R-11" in the city of Pawtucket, R.I.

Interested persons may express their views on whether the proposed activity is so closely related to banking or managing banks as to be a proper incident thereto and on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 3, 1972.

Board of Governors of the Federal Reserve System, January 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-286 Filed 1-7-72;8:45 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, and Brimmer. Absent and not voting: Chairman Burns and Governor Maisel.

SECURITIES AND EXCHANGE COMMISSION

[812-3063]

CALIFORNIA-WESTERN STATES LIFE INSURANCE CO. AND CAL-WESTERN VARIABLE FUND C

Notice of Filing of Application for Exemption From Provisions

DECEMBER 29, 1971.

Notice is hereby given that California-Western States Life Insurance Co. (Insurance Company) and Cal-Western Variable Fund C (Variable Fund C) (hereinafter collectively referred to as "Applicants") 2020 L Street, Sacramento, CA 95804, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting Applicants from the provisions of section 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Insurance Company established Variable Fund C on September 11, 1969, pursuant to the Insurance Code of California to receive purchase payments, after certain deductions, made under individual and group variable annuity contracts to be sold by Insurance Company. Such contracts are not designed to qualify for tax benefits under either section 401 or 403(b) of the Internal Revenue Code of 1954. Variable Fund C is an open-end, diversified management investment company registered under the Act.

Section 27(c)(2). Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales load, are deposited with a bank having the qualifications prescribed in section 26(a)(1) and held by it as trustee or custodian under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants request an exemption from the requirements of section 27(c)(2) on the grounds that Insurance Company is a regulated insurance company, and is subject to extensive and detailed supervision and inspection by the Insurance Commissioner of California. Applicants assert that such control provides ample assurance against misfeasance, and affords the essential protection which a trusteeship under section 26(a)(2) would provide. Applicants further state that Insurance Company will undertake binding commitments to contract owners to provide them with variable annuity benefits and that under no condition can it legally abrogate such undertakings. The application also states that Insurance Company has substantial capital and surplus to insure that it will be able to meet its obligations and that Insurance Company's status as a regulated insurance company provides the substantial protections of section 27(c)(2).

Applicants consent to the requested exemption being made subject to the conditions (1) that the deductions under the contracts for administrative expenses shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of Variable Fund C shall not be deemed to be exempted from regulation by the Commission by reason of the requested order: *Provided*, That Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets of Variable Fund C other than charges for administrative services. Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 20, 1972, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-287 Filed 1-7-72;8:45 am]

[812-3175]

CONSULTANT'S MUTUAL INVESTMENTS, INC.

Notice of Filing of Application for Order Exempting Applicant From Provisions

DECEMBER 30, 1971.

Notice is hereby given that Consultant's Mutual Investments, Inc. (Applicant), 211 South Broad Street, Philadelphia, PA 19107, an open-end, diversified management investment company, registered under the Investment Company Act of 1940 (the Act), has filed an application pursuant to section 6(c) of the Act for an order of the Commission granting a temporary exemption from the provisions of sections 2(a)(4) and 15 of the Act.

All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Applicant is a party to an Investment Advisory Agreement and a Distribution Agreement (Agreement) with Burnham and Co. (Burnham), each dated October 30, 1969. The Agreements, which became effective on October 31, 1969, were approved by the vote of a majority of Applicant's outstanding shares of capital stock at a special meeting of stockholders held on October 29, 1969. Applicant's Board of Directors, including a majority of Applicant's directors who are not "interested persons" within the meaning of section 2(a)(19) of the Act, approved the renewal of the Agreements on October 14, 1970, and October 29, 1971, the last of which approvals renewed the Agreements for a term ending October 31, 1972. Burnham is a limited partnership of which I. W. Burnham II is senior managing partner. There are currently two additional senior partners, 38 additional general partners and 30 limited partners. Burnham is a member of the New York, American, Boston, Philadelphia-Baltimore-Washington, Midwest and Pacific Coast Stock Exchange, and had a net capital as of August 26, 1971, of approximately $27,540,000. The market value of Applicant's total net assets as of September 30, 1971, was $15,435,926.

V 37 5 JAN 8 72 XUM

Burnham has advised Applicant that on or about December 31, 1971, it intends to incorporate and carry on its business thereafter as a Delaware corporation. Applicant has been advised by Burnham that as a result of such incorporation: (a) The business of Burnham and its related liabilities will be transferred to Burnham & Co., Inc. (Burnham Corporation), which will have a pro forma net capital (computed on the basis of August 26, 1971, figures) of approximately $27,876,000; (b) the partners of Burnham will become stockholders of Burnham Corporation, with their proportionate shareholdings in Burnham Corporation to be substantially the same as their proportionate partnership interests in Burnham; and (c) the principal executive officers of Burnham Corporation will be the principal general partners of Burnham. As a consequence, those persons who at present control Burnham will continue to control Burnham Corporation and have substantially the same equity interest in its business.

Section 15 of the Act provides that it is unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract with such registered investment company, which contract provides for its automatic termination in the event of its assignment, or for any distributor for a registered open-end investment company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, except pursuant to a written contract with such company, which contract provides for its automatic termination in the event of its assignment. Section 2(a)(4) of the Act provides that an assignment includes any direct or indirect transfer or hypothecation of a contract by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. Paragraph 6 of the Investment Advisory Agreement and paragraph 11 of the Distribution Agreement provide that the Agreements will automatically terminate in the event of their assignment by Burnham. The Agreements further provide that the term "assignment" means an assignment as defined in section 2(a)(4) of the Act.

To the extent that sections 2(a)(4) and 15 of the Act may be construed to require that the contracts under which Burnham Corporation is to serve as Applicant's investment adviser and distributor must automatically terminate upon the incorporation of Burnham, Applicant seeks a temporary exemption from the provisions of those sections; such exemption to continue only until such time as the shareholders of the Fund may vote in the next meeting of shareholders, either annual or special, upon the continuation of the contracts. Applicant further requests that, in the event that the Commission issues an order granting such exemption after January 1, 1972, the order be made retroactive to that date. In support of its requests, Applicant undertakes to submit the renewal of the Investment Advisory Agreement and Distribution Agreement with Burnham Corporation for specific approval by vote of a majority of the outstanding voting securities of the Fund at the next annual or special meeting of the shareholders of the Fund.

Applicant submits that the granting of the application would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, for the following reasons:

1. The incorporation of Burnham will not have the substantive effect of an "assignment" as defined by section 2(a)(4) of the Act and should therefore not result in the termination of the Agreements by virtue of section 15 of the Act since Applicant's investment adviser and distributor will merely be changing its form from a limited partnership to a corporation with no substantial change in control, financial position or business operations of the investment adviser and distributor.

2. The exemption will permit Applicant to continue its present relationship with its investment adviser and distributor and prevent Applicant's stockholders from having to incur the expense of a proxy solicitation and special meeting of stockholders only 4 months before it will have to incur such expenses in connection with its annual meeting.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January 20, 1972, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-288 Filed 1-7-72;8:46 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

JANUARY 3, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 4, 1972, through January 13, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-269 Filed 1-7-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 5, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 26747, Baltimore & Ohio Railroad Co. abandonment between National Road and Shawnee, in Licking and Perry Counties, Ohio, now being assigned January 26, 1972, at Newark, Ohio, in a hearing room to be later designated.

MC 133240 Sub 16, West End Trucking Co., Inc., assigned January 27, 1972, at Washington, D.C., is canceled and application dismissed.

MC-F 11174, George Transfer and Rigging Co., Inc.—Control and Merge—Mack Brothers, Inc., assigned January 12, 1972, is canceled and transferred to Modified Procedure.

MC 72442 Sub 32, Akers Motor Lines, now assigned January 31, 1972, will be held in the G.S.A. Training Room, 3d Floor, 1776 Peachtree Road NW., and in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 107515 Sub 763, Refrigerated Transport Co., Inc., MC 112822 Sub 200, Bray Lines, Inc., MC 128273 Sub 96, Midwestern Express, Inc., heard December 13 through December 20, 1971, at Washington, D.C., and continued to February 29, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 10173 Sub 12, Marvin Hayes Lines, now assigned Jan. 10, 1972, at Nashville, Tenn., postponed to February 15, 1972, at Hopkinsville, Ky., in the Holiday Inn, Fort Campbell Boulevard, Highway 41A.

MC 117940 Sub 54, Nationwide Carriers, Inc., now being assigned February 2, 1972, in Room E-2222, 26 Federal Plaza, New York, NY.

MC 10173 Sub 12, Marvin Hayes Lines, now assigned January 10, 1972, at Nashville, Tenn., is postponed to February 15, 1972, in the Holiday Inn, Fort Campbell Boulevard, Highway 41A, Hopkinsville, Ky.

W 497 Sub 7, United States Lines, Inc., assigned January 26, 1972, at Washington, D.C., is postponed to April 3, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115840 Sub 72, Colonial Fast Freight Lines, now being assigned hearing March 6, 1972, in Room 8212, Federal Building, 515 Rusk Street, Houston, TX.

MC 133265 Sub 3, Consolidated Carriers, assigned January 10, 1972, will be held in Room E-2222, 26 Federal Plaza, New York, NY.

MC 134194 Sub 3, Norman C. Emerson, assigned January 31, 1972, at Boston, Mass., is postponed to February 7, 1972, at Boston, Mass., in a hearing room to be later designated.

MC 135602, Road Hog, Inc., assigned January 24, 1972, will be held in Room A-2231, 26 Federal Plaza, New York, NY.

MC 134356, Gale Delivery, now assigned February 2, 1972, at New York City, N.Y., cancelled and transferred to modified procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-336 Filed 1-7-72;8:49 am]

V 37 5 JAN 8 72 XUM

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATION:	
4100	199

5 CFR

	Page
213	201, 257, 258
890	7

6 CFR

	Page
201	284
300	284

7 CFR

	Page
52	131
510	69
722	7, 272
730	8
812	9
814	9
846	133
907	10, 134
910	70, 272
912	273
917	273
930	273
1610	275
PROPOSED RULES:	
301	217, 218
730	19
953	286
966	81
980	81
1004	20
1207	81
1430	20

9 CFR

	Page
53	134
82	135
203	276
400	135
PROPOSED RULES:	
327	85

10 CFR

	Page
PROPOSED RULES:	
50	287, 288
110	92

12 CFR

	Page
201	11
702	70
PROPOSED RULES:	
715	95

13 CFR

	Page
121	258

14 CFR

	Page
39	11, 12, 70
71	13, 71, 135, 136, 276
75	13, 71
97	71

14 CFR—Continued

	Page
225	72
302	277
PROPOSED RULES:	
43	222
71	21, 91, 144, 146, 286, 287
91	222
135	222
207	222
208	222
212	222
214	222
372a	222

17 CFR

	Page
240	73
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

	Page
PROPOSED RULES:	
141	22

19 CFR

	Page
PROPOSED RULES:	
Ch. I	19

20 CFR

	Page
PROPOSED RULES:	
405	89

21 CFR

	Page
121	14, 74
130	201
135	137
135c	14, 137
135e	74
135f	14
148m	15
301	137
PROPOSED RULES:	
3	219
27	20
130	85
304	144

22 CFR

	Page
11	277
41	15

24 CFR

	Page
200	75, 203, 209
201	210
203	138
207	138
220	138
222	76

24 CFR—Continued

	Page
275	211
1914	280
1915	281
PROPOSED RULES:	
203	144

26 CFR

	Page
12	16, 281
PROPOSED RULES:	
1	19, 99, 286

28 CFR

	Page
301	138

30 CFR

	Page
75	17

32 CFR

	Page
270	77
PROPOSED RULES:	
1467	99

35 CFR

	Page
5	77
253	281

36 CFR

	Page
231	211

38 CFR

	Page
8a	282

39 CFR

	Page
235	77
760	211
761	211

40 CFR

	Page
180	78, 140, 141
PROPOSED RULES:	
180	92–94

41 CFR

	Page
5A–3	141
5A–7	141
5A–8	142
101–17	78
103–40	17

42 CFR

	Page
53	182

43 CFR

	Page
4110	213
PUBLIC LAND ORDERS:	
1932 (amended by PLO 5147)	18
4582 (modified by PLO 5149)	18
4962 (see PLO 5149)	18
5081 (see PLO 5149)	18
5147	18
5148	18
5149	18
5150	142
Amended by PLO 5151	142
5151	142
PROPOSED RULES:	
2800	217
2810	217

46 CFR

	Page
390	16
PROPOSED RULES:	
146	220

47 CFR

	Page
89	213
91	283
PROPOSED RULES:	
0	145
2	145, 146
15	94, 146
21	146
89	146
91	146

49 CFR

	Page
7	214
301	214
571	284
1002	215
PROPOSED RULES:	
192	145
571	222

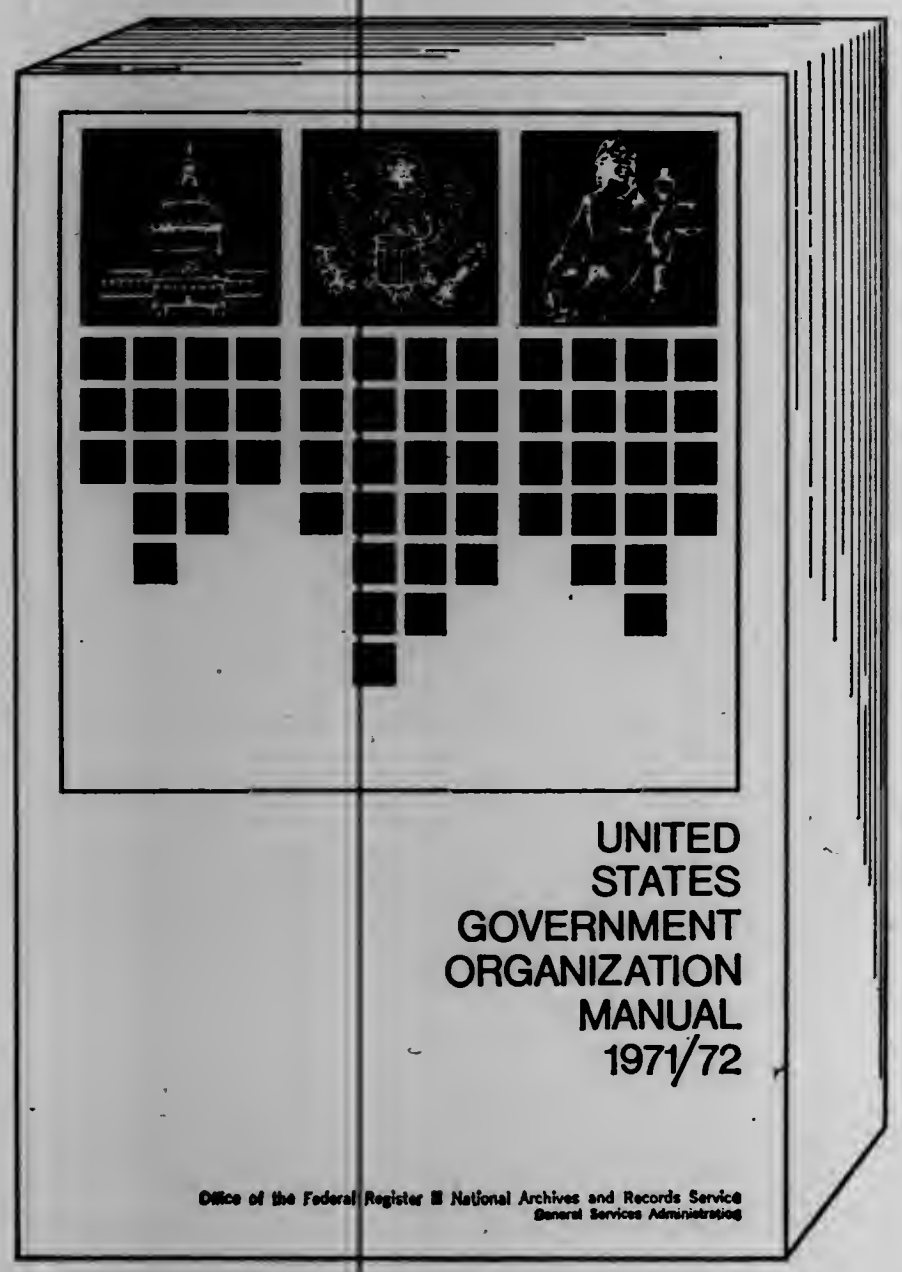
50 CFR

	Page
28	79
33	79, 80

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date
1–62	Jan. 4	195–249	Jan. 7
63–123	5	251–315	8
125–193	6		

V 37 5
JAN 8 72
XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-2

federal register

TUESDAY, JANUARY 11, 1972
WASHINGTON, D.C.

Pages 317–427

Volume 37 ■ Number 6

PART I

(Part II begins on page 425)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ECONOMIC STABILIZATION—Price Comm. regulation on rate increases by insurers; effective 1–11–72 425

NONIMMIGRANT STUDENTS—Justice Dept. amendment on admission and school transfers; effective 1–15–72 328

FOOD ADDITIVES—FDA approval of sodium polyacrylate-acrylamide resin for use in certain sugar products; effective 1–11–72 329

ANTIBIOTICS—
FDA confirmation of repeal of certification of combination drugs containing erythromycin and triple sulfonamides 330
FDA proposed statement of policy on potency of drugs at certification 336

OCCUPATIONAL SAFETY AND HEALTH—Labor Dept. standards for exposure to asbestos dust for maritime industry; effective 1–11–72 332

PESTICIDES—
EPA establishment of tolerances for residues of certain insecticides (3 documents) and a herbicide (1 document) 332, 333, 334
EPA proposed tolerance for residues of the herbicide linuron; comments within 30 days 337
EPA notices of filing of petitions (2 documents) 411

(Continued inside)

No. 6—Pt. I——1

V37 ■ 6
JAN 11 72
XUM

30-year Reference Volumes
Consolidated Indexes and Tables

Presidential Proclamations and Executive Orders

Consolidated subject indexes and tabular finding aids to Presidential proclamations, Executive orders, and certain other Presidential documents promulgated during a 30-year period (1936–1965) are now available in two separately bound volumes, published under Title 3 of the Code of Federal Regulations, priced as follows:

Title 3, 1936–1965 Consolidated Indexes **$3.50**

Title 3, 1936–1965 Consolidated Tables **$5.25**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended, 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

SMALL BUSINESS—GSA determination allocating certain construction to smaller concerns; effective 1–3–72 334

STUDENT LOANS—HEW authorization for special allowance payment to lenders 335

CREDIT UNIONS—Nat'l Credit Union Admin. proposed incorporation by reference of agency publications; comments by 2–15–72 339

NEW ANIMAL DRUGS—FDA notices of withdrawal of approval (3 documents) 409

TIRE CODES—DoT listings of code numbers for manufacturers of new and retreaded tires 342

INCOME TAX—IRS extensions of comments date to 2–15–72 and 3–15–72 on certain proposals (2 documents) 336

Contents

AGRICULTURE DEPARTMENT
Notices
See also Animal and Plant Health Service; Consumer and Marketing Service.
Assistant Secretary for Administration; delegation of authority 407
Office of Equal Opportunity; delegation of authority 407
Winema and Fremont National Forests, Oregon; modification of boundaries 407

ANIMAL AND PLANT HEALTH SERVICE
Rules and Regulations
Hog cholera and other communicable swine diseases; areas quarantined 329

ATOMIC ENERGY COMMISSION
Notices
Consumers Power Co.; availability of applicant's environmental report and AEC draft detailed statement on environmental considerations 410
Georgia Power Co.; availability of applicant's environmental report and supplement 410
Iowa Electric Light and Power Co.; availability of applicant's environmental report 410
University of Illinois at Urbana-Champaign; issuance of facility license 410

COMMERCE DEPARTMENT
See International Commerce Bureau; Maritime Administration.

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED
Proposed Rule Making
Certain severely handicapped individuals; proposal to establish criteria for handicapped individuals 336

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Milk in Georgia marketing area; order amending order 323
Olives grown in California; increase in assessment rate for 1971–72 fiscal year 323

EDUCATION OFFICE
Rules and Regulations
Student loans; authorization for special allowance payment to lenders 335

ENVIRONMENTAL PROTECTION AGENCY
Rules and Regulations
Certain pesticide chemicals in or on raw agricultural commodities; establishment of tolerances (4 documents) 332–334
Proposed Rule Making
Linuron; proposed tolerance for pesticide chemicals in or on raw agricultural commodities 337
Notices
Pesticide chemicals; filing of petitions:
Amchem Products, Inc 411
Ciba-Geigy Corp 411

FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
Transition area; alteration; correction 323

FEDERAL COMMUNICATIONS COMMISSION
Notices
Common carrier services information; domestic public radio services applications accepted for filing 411

FEDERAL POWER COMMISSION
Proposed Rule Making
Net realizable value of hydrocarbon reserves; uniform system of accounts 337
Notices
Hearings, etc.:
Algonquin Gas Transmission Co. (2 documents) 415
Amoco Production Co 415
Lone Star Gas Co 416
Natural Gas Pipeline Company of America 416
United Gas Pipe Line Co 416

FISCAL SERVICE
Notices
Equitable Fire and Marine Insurance Co. change of name to Travelers Indemnity Company of Rhode Island; surety companies acceptable on Federal bonds 341
Parliament Insurance Co.; surety company acceptable on Federal bond 341

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Acrylate-acrylamide resins; food additives permitted in food for human consumption 329
Erythromycin-sulfonamide combination products for oral administration; final order ruling on objections and requests 330
Proposed Rule Making
Potency of antibiotic-containing drugs at time of certification; proposed statement of policy 336
Notices
Kasco-Efco Laboratories, Inc. and Haver-Lockhart Laboratories, Inc.; drug deemed adulterated 409
New animal drug applications; withdrawals of approval:
Hess & Clark 409
Hilltop Laboratories, Inc., et al 409

(Continued on next page)

V 37-6
JAN 11 72
XUM

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Small business concerns; set-asides ---------- 334

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Deputy Regional Administrator et al.; designation to serve as Acting Regional Administrator---- 409

IMMIGRATION AND NATURALIZATION SERVICE

Rules and Regulations

Nonimmigrant students; admission and school transfers------- 328

INTERIOR DEPARTMENT

See Land Management Bureau.

INTERNAL REVENUE SERVICE

Proposed Rule Making

Income tax:
- Accounting for long-term contracts; extension of time for comments ---------- 336
- Full absorption or modified full absorption method of inventory valuation; extension of time for comments---------- 336

INTERNATIONAL COMMERCE BUREAU

Notices

Gifft, Thomas H., and T. H. Gifft Co.; order denying export privileges ---------- 407

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Alaska and Hawaiian Islands; changes in freight rates-------- 335

Notices

Assignment of hearings---------- 418
Fourth section applications for relief ---------- 419
Motor carrier temporary authority ---------- 419

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LABOR DEPARTMENT

See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Notices

Chief, Division of Management Services, Alaska State Office et al.; delegation of authority regarding contracts and leases_ 341

MARITIME ADMINISTRATION

Rules and Regulations

Training of cadets; pay rate while attached to merchant vessels-- 335

NATIONAL CREDIT UNION ADMINISTRATION

Rules and Regulations

Definitions; revision---------- 329

Proposed Rule Making

Publications; incorporation by reference ---------- 339

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Tire code marks assignment; new tire manufacturers and retreaded tire manufacturers---- 342

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules and Regulations

Asbestos dust in ship repairing, shipbuilding, shipbreaking, and longshoring; standard for exposure ---------- 332

PRICE COMMISSION

Rules and Regulations

Price stabilization; rate increase provisions relating to insurers-- 426

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
- Coatings Unlimited, Inc------- 417
- Continental Vending Machine Corp ---------- 417

SMALL BUSINESS ADMINISTRATION

Notices

Small business investment companies; surrender of licenses:
- Avionics Investing Corp------- 417
- Gibraltar Capital Corp-------- 417
- Superior Business Assistance Corp ---------- 418
- Texas Equity Corp---------- 418

Transfer of control of licensed small business investment company; approval of applications:
- Kent Capital Corp---------- 418
- Lake Success Capital Corp----- 418

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Fiscal Service; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

6 CFR
300---------- 426

7 CFR
932---------- 323
1007---------- 323

8 CFR
214---------- 328

9 CFR
76---------- 329

12 CFR
700---------- 329
PROPOSED RULES:
701---------- 339

14 CFR
71---------- 323

18 CFR
PROPOSED RULES:
201---------- 337
204---------- 337
205---------- 337
260---------- 337

21 CFR
121---------- 329
148e---------- 330
PROPOSED RULES:
145---------- 336

26 CFR
PROPOSED RULES:
1 (2 documents)---------- 336

29 CFR
1910---------- 332

40 CFR
180 (4 documents)---------- 332–334
PROPOSED RULES:
180---------- 337

41 CFR
5B–1---------- 334
PROPOSED RULES:
51–1---------- 336

45 CFR
177---------- 335

46 CFR
310---------- 335

49 CFR
1300---------- 335

V 37-6 JAN 11 72 XUM

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-NW-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

Correction

In F.R. Doc. 72-23 appearing at page 13 in the issue of Tuesday, January 4, 1972, the Airspace Docket No. in brackets should be added to read as set forth above.

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 932—OLIVES GROWN IN CALIFORNIA

Increase in Assessment Rate for 1971-72 Fiscal Year

On December 23, 1971, notice of rule making was published in the FEDERAL REGISTER (36 F.R. 24820) regarding a proposed increase in the rate of assessment previously approved for the fiscal year ending August 31, 1972, pursuant to the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932; 36 F.R. 20355), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice afforded interested persons an opportunity to submit written data, views, or arguments in connection with the proposal. None were submitted within the prescribed time.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Olive Administrative Committee (established pursuant to said amended marketing agreement and order): *It is hereby ordered*, That the provisions of paragraph (b) of § 932.208 *Expenses, rate of assessment, and carryover of unexpended funds* (36 F.R. 22223) be amended to read as follows:

§ 932.208 Expenses, rate of assessment, and carryover of unexpended funds.

* * * * * *

(b) *Rate of assessment.* The rate of assessment for said period, payable by each first handler in accordance with § 932.39, is fixed at $13 per ton of olives.

* * * * * *

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) 1971-72 olive production is considerably less than committee's preseason estimates, (2) the increased rate of assessment is necessary to maintain the approved level and duration of current production research and marketing research and development projects, (3) it is essential that the assessment rate specified herein be authorized immediately so that said committee can effect the timely performance of its duties and functions, within the fiscal year, in accordance with said amended marketing agreement and order, and (4) the relevant provisions of said marketing agreement and this part require that the amended rate of assessment herein fixed shall be applicable to all assessable olives handled during the 1971-72 fiscal year which began on September 1, 1971.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 6, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-410 Filed 1-10-72;8:48 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Docket No. AO-336-A7; Milk Order 107]

PART 1007—MILK IN GEORGIA MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tenative marketing agreement and to the order regulating the handling of milk in the Georgia marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulating the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) or more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended;

(3) The issuance of the order, exclusive of the Class I base plan of payment to producers, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area; and

(4) The issuance of the Class I base plan of payment to producers, which is included in this order, is approved or favored by at least two-thirds of the producers who participated in a separate referendum in which each individual

V 37-6 JAN 11 72 XUM

producer had one vote and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Georgia marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1007.10 the introductory text is revised and a new paragraph (c) is added to read as follows:

§ 1007.10 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b), or (c) of this section that is not an other order plant, a producer handler plant, or an exempt distributing plant.

* * * * *

(c) For the purpose of qualifying a supply plant under paragraph (b) of this section, a cooperative association supplying pool distributing plants during the month at least two-thirds of the producer milk of its members (including both milk delivered directly from their farms and that transferred from the supply plant(s) of the cooperative) may count (irrespective of other requirements of § 1007.13(d)) as shipments from the plant to pool distributing plants the milk delivered to pool distributing plants under § 1007.13(d); in the event the cooperative operates more than one supply plant, all such deliveries shall be assigned, for this purpose, to the supply plant nearest Atlanta, Ga.

2. In § 1007.14, a new paragraph (e) is added to read as follows:

§ 1007.14 Producer-handler.

* * * * *

(e) If such person had been a producer to whom a Class I base had been assigned pursuant to § 1007.114, has forfeited such Class I base in accordance with the requirement of § 1007.116(c).

§§ 1007.22, 1007.23 [Revoked]

2a. Revoke §§ 1007.22 and 1007.23.

3. Revise § 1007.61a to read as follows:

§ 1007.61a Computation of uniform prices for base milk and excess milk.

The market administrator shall compute uniform prices for base milk and excess milk each month as follows:

(a) Determine the aggregate amount of producer milk in each class included in the computation pursuant to § 1007.61 and the hundredweight of such milk that is base milk and that is excess milk;

(b) Determine the value of the total hundredweight of milk of producers specified in § 1007.114 (c) and (d) to whom no base milk has been assigned by multiplying such volume by the Class II price;

(c) Determine the total value of excess milk by assigning such milk in series beginning with Class II to the hundredweight of milk in each class as determined pursuant to paragraph (a) of this section, multiplying the quantities so assigned by the respective class prices and adding together the resulting amounts;

(d) Divide the total value of excess milk in paragraph (c) of this section by the total hundredweight of such milk. The quotient, rounded to the nearest cent, shall be the uniform price for excess milk;

(e) Multiply the total hundredweight of excess milk by the uniform price for excess milk computed pursuant to paragraph (c) of this section;

(f) Multiply the hundredweight of milk specified in § 1007.61(e)(2) by the uniform price for the month;

(g) Subtract the total values arrived at in paragraphs (b), (e), and (f) of this section from the amount resulting from the computations pursuant to paragraphs (a) through (e) of § 1007.61; and

(h) Divide the amount obtained in paragraph (g) of this section by the total hundredweight of base milk determined in paragraph (a) of this section and subtract not less than 4 nor more than 5 cents per hundredweight. The resulting figure rounded to the nearest cent, shall be the uniform price for base milk.

4. In § 1007.70 paragraph (a)(2) is revised and a new paragraph (a)(3) is added to read as follows:

§ 1007.70 Time and method of payment.

(a) * * *

(2) On or before the 15th day of each month at not less than the applicable uniform prices for the quantities of base milk and excess milk received adjusted by the butterfat differential computed pursuant to § 1007.71, and in the case of base milk by the location differential computed pursuant to § 1007.72, subject to the following:

(i) Less payments made pursuant to subparagraph (1) of this paragraph;

(ii) Less proper deductions authorized by such producer; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1007.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator; and

(3) On or before the 15th day of the month at not less than the Class II price adjusted by the butterfat differential computed pursuant to § 1007.71 for the quantity of milk received from producers described in § 1007.114 (c) and (d) for whom no base milk has been computed.

5. The centerhead immediately preceding § 1007.110 and §§ 1007.110, 1007.111, and 1007.112 are revoked and a new centerhead and new §§ 1007.110 through 1007.117 are substituted therefor.

CLASS I BASE PLAN

§ 1007.110 Definition of terms relating to the Class I base plan.

For purposes of determination and assignment of the Class I base of each producer the following terms are defined:

(a) "Production history" means the average daily marketings of a producer during the production history period used for the determination of bases or the future updating of bases.

(b) "Production history base" means a quantity of milk in pounds per day as computed pursuant to § 1007.111.

(c) "Production history period" means the days or months to be used for the computation of the production history base of a producer.

(d) "Average daily producer milk deliveries" of any producer in any specified period used for computing a production history base means the total pounds of producer milk delivered by the producer divided by the number of days' production represented by such deliveries: *Provided,* That for any September–January period, the divisor shall be the actual days of production, or 145 whichever is greater.

(e) "Class I base" means a quantity of milk in pounds per day computed pursuant to § 1007.114 for which a producer may receive the base milk price.

(f) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base multiplied by the number of days of production of producer milk delivered during the month; and

(2) Milk received from a producer to whom no Class I base has been issued in the amount determined for such producer pursuant to § 1007.114 (c) and (d).

(g) "Excess milk" means milk received in excess of base milk from a producer who is delivering base milk during such month.

§ 1007.111 Computation of production history base.

A "production history base" shall be determined by the market administrator for each producer eligible for such base on the effective date of this provision and on March 1 of each year thereafter. The computation of production history base shall be subject to adjustments due to acquisition or disposition by transfer of Class I base or other modifications of Class I base due to hardship or loss of Class I base because of underdelivery of base. For purposes of computation of his production history base, a producer shall be considered as having been on the market during any specified period if: As a producer he delivered milk of his own production during the designated period without interruption sufficient to cause forfeiture of base pursuant to § 1007.116(a); and during such period (after the effective date of this provision) did not dispose of all his Class I base by transfer. The production history base for each producer on the effective date of this provision shall be determined by the market administrator as follows:

(a) The market administrator shall determine a production history base for each producer who delivered at least 100 days' production during the immediately preceding period of September–January by computing his average daily producer milk deliveries as defined in § 1007.110 (d) during such period.

(b) For producers who delivered milk on less than 100 days during the immediately preceding period of September–January, but at least 90 days prior to March 1, the market administrator shall determine a production history base by multiplying such producer's average daily producer milk deliveries during the months in which milk was delivered prior to March 1, by .80 and adjusting by a ratio obtained by dividing the average daily deliveries per producer during the most recent September–January period by the average daily producer milk deliveries during the same months used for such producer.

(c) Producers who have delivered milk for less than 90 days prior to March 1 shall have no initial production history base but shall be assigned a history of production in accordance with the provisions applicable for new producers.

(d) For each producer not subject to § 1007.114(d) who became a producer for this market subsequent to September 1, 1971, because the plant to which he regularly delivered milk became a fully regulated plant pursuant to this order, a production history base shall be determined, if possible pursuant to paragraph (a) or (b) of this section based on his deliveries of milk as if the nonpool plant to which he delivered had been a pool plant during the representative period.

(e) A producer not described pursuant to paragraph (d) of this section who delivered milk to a nonpool plant(s) prior to becoming a producer and who is not subject to the provisions of § 1007.114(c), shall have a production history base effective on the first day of the second month following the month in which he began delivereies of producer milk to a pool plant if a production history base can be computed pursuant to paragraph (a) or (b) of this section based on deliveries of milk from the same farm on which he is now a producer as if the plant(s) to which he delivered had been a pool plant(s) during the preceding 12 months.

(f) For a producer who held producer-handler status at any time subsequent to September 1, 1971, a production history base shall be calculated as prescribed in paragraph (a) of this section as if the milk of his own production received at his producer-handler plant had been received at a pool plant.

(g) With respect to the computation of production history base pursuant to this section, the following rules shall apply:

(1) If a producer operated more than one farm at the same time, a separate computation shall be made with respect to the average daily producer milk deliveries from each farm except that only one computation shall be made with respect to milk production resources and facilities of a producer-handler.

(2) Only one production history base shall be allowed with respect to milk produced by one or more persons where the land, buildings, and equipment are jointly used, owned or operated.

§ 1007.112 Updating of production history bases.

The production history base for each producer who has neither disposed of his entire base by transfer nor forfeited his base pursuant to § 1007.116(a) or after having disposed of his entire base by transfer or forfeiture, has met the delivery requirements prescribed in § 1007.113 shall be determined by the market administrator on March 1 of each year as follows:

(a) Effective March 1, 1973, the market administrator shall update the production history base for each producer as follows:

(1) Subject to the provisions of subdivisions (i) and (ii) of this subparagraph for a producer who is assigned an initial history of production pursuant to § 1007.111 (a) or (b) on the effective date of this order, add the average daily milk deliveries of such producer during the period September 1972 through January 1973 to the production history bases computed for such producer on the effective date of this order and divide the result by 2. (i) If during the immediately preceding September through January period a producer delivered not less than his daily Class I base multiplied by the number of days in such period, then his production history base shall not be reduced. (ii) If during the immediately preceding period of September through January the producer's average daily producer milk deliveries were less than his daily Class I base then such producer's production history base shall be reduced in an amount proportionate to the amount that his daily Class I base exceeds his daily deliveries during the immediately preceding September through January period but in no event, shall such producer's production history base be reduced by more than 25 percent.

(2) For producers who had not previously been assigned a production history base, a history of production shall be determined by calculating such producer's average daily producer milk deliveries during the period September 1972 through January 1973 and multiplying the result by 0.80.

(b) Effective March 1, 1974, the market administrator shall update the production history base for each producer as follows:

(1) Subject to the provisions of subdivisions (i) and (ii) of this subparagraph for a producer who had a production history base for the 2 most recent years, determine the average daily producer milk deliveries during the immediately preceding period September through January. Add the resulting amount to the production history base determined for each of the 2 most recent years and divide the result by 3: (i) If during the immediately preceding September through January period a producer delivered not less than his daily Class I base multiplied by the number of days in such period, then his production history base shall not be reduced: (ii) If during the immediately preceding period of September through January the producer's average daily producer milk deliveries were less than his daily Class I base then such producer's production history base shall be reduced in an amount proportionate to the amount that his daily Class I base exceeds his average daily deliveries during the immediately preceding September through January period but in no event shall such producer's production history base be reduced by more than 25 percent.

(2) Subject to the provisions of subdivisions (i) and (ii) of this subparagraph for a producer who had a production history base for 1 year, the market administrator shall determine his average daily producer milk deliveries during the immediately preceding period of September through January and add such amount to the producer's previous production history base and divide the result by 2: (i) If during the immediately preceding period of September through January a producer delivered not less than his daily Class I base multiplied by the number of days in such period, then his production history base shall not be reduced: (ii) If during the immediately preceding period of September through January the producer's average daily producer milk deliveries were less than his daily Class I base, then such producer's production history base shall be reduced in an amount proportionate to the amount that his daily Class I base exceeds his average daily deliveries during the immediately preceding September through January period, but in no event shall such producer's production history base be reduced by more than 25 percent.

(3) For producers who have not previously been assigned a production history base, the market administrator shall assign a production history equal to such producer's average daily producer milk deliveries during the immediately preceding period of September through January and multiply the result by 0.80; and

(c) Effective March 1, 1975, and on March 1 of each year thereafter the market administrator shall update the history of production for each producer as follows:

(1) Subject to the provisions of subdivisions (i) and (ii) of this subparagraph for producers who have a production history base covering 3 or more years, the market administrator shall compute the average daily producer milk deliveries for such producer during the immediately preceding period of September through January and shall add such figure to the average daily producer milk deliveries of the preceding two years and divide the result by 3. (i) If during the immediately preceding September through January period a producer delivered not less than his daily Class I base multiplied by the number of days in such period, then his production

V 37-6 JAN 11 72 XUM

history base shall not be reduced. (ii) If during the immediately preceding September through January period the producer's average daily producer milk deliveries were less than his daily Class I base then such producer's production history base shall be reduced in an amount proportionate to the amount that his daily Class I base exceeds his average daily deliveries during the immediately preceding September through January period, but in no event shall such producer's production history base be reduced by more than 25 percent.

(2) Subject to the provisions of subdivisions (i) and (ii) of this subparagraph for a producer who had a production history base for the two most recent periods, determine the average producer milk deliveries during the immediately preceding period September through January. Add the resulting amount to the production history base determined for each of the two most recent periods and divide the result by 3. (i) If during the immediately preceding September through January period a producer delivered not less than his daily Class I base multiplied by the number of days in such period, then his production history base shall not be reduced. (ii) If during the immediately preceding period of September through January the producer's average daily producer milk deliveries were less than his daily Class I base then such producer's production history base shall be reduced in an amount proportionate to the amount that his daily Class I base exceeds his daily deliveries during the immediately preceding September through January period, but in no event shall such producer's production history base be reduced by more than 25 percent.

(3) Subject to the provisions of subdivisions (i) and (ii) of this subparagraph for a producer who had a production history base for 1 year, the market administrator shall determine his average daily producer milk deliveries during the immediately preceding period of September through January and add such amount to the producer's previous production history base and divide the result by 2. (i) If during the immediately preceding period of September through January a producer delivered not less than his daily Class I base multiplied by the number of days in such period, then his production history base shall not be reduced. (ii) If during the immediately preceding period of September through January the producer's average daily producer milk deliveries were less than his daily Class I base then such producer's production history base shall be reduced in an amount proportionate to the amount that his daily Class I base exceeds his average daily deliveries during the immediately preceding September through January period, but in no event shall such producer's production history base be reduced by more than 25 percent.

(4) For producers who have not previously been assigned a production history base, the market administrator shall assign a production history equal to such producer's average daily producer milk deliveries during the immediately preceding period of September through January and multiply the result by 0.80; and

(5) On March 1 of each year of which this plan is in effect, the market administrator shall determine a production history base for producers who delivered milk for less than 100 days in the immediately preceding period of September through January but who delivered milk for at least 90 days prior to March 1 by determining such producers average daily producer milk deliveries during the first 3 months in which the producer delivered milk to the market, multiplying the result by 0.80 and adjusting by a ratio obtained by dividing the average daily deliveries per producer during the most recent September–January period by the average daily deliveries per producer during the same months used for such producer.

§ 1007.113 New producers.

The market administrator shall determine a history of production for each producer for whom a production history base was not determined pursuant to § 1007.111 as follows:

(a) Any producer who during the immediately preceding September through January period delivered his milk to a nonpool plant which became a pool plant shall be assigned a history of production on the same basis as other producers under the order as though the deliveries to the nonpool plant had been deliveries to a pool plant.

(b) Effective on the first day of the second month following the month in which he began deliveries of producer milk to a pool plant a producer who delivered milk to a nonpool plant prior to becoming a producer as defined in this order shall be assigned a production history base on the same basis as if he had been a producer under the order and his deliveries to the nonpool plant had been deliveries to a pool plant provided that in no event shall the production history base exceed the amount of milk actually delivered by such producer under this order.

(c) A producer who delivered no milk to a nonpool plant or who delivered milk to a pool plant for less than 90 days prior to March 1 of any year and who has not acquired a history of production by transfer shall be assigned Class I base milk pursuant to the provisions of § 1007.114(c).

§ 1007.114 Computation of Class I base or base milk for each producer.

On the effective date of this provision and on March 1 of each subsequent year the market administrator shall assign a Class I base to each producer who has a production history base. Class I bases shall be assigned to producers described in § 1007.113 when they are issued production history bases. Class I bases shall be computed as follows:

(a) Compute a "Class I base percentage" as follows:

(1) Determine the sum of Class I dispositions during the preceding period of September through January:

(i) Class I producer milk pursuant to § 1007.45(c),

(ii) The Class I disposition of plants during the period when they were nonpool plants, if such plants were pool plants in the preceding January, and

(iii) The Class I disposition of his own production of a person who was a producer-handler during a portion of the year and who held producer status in the preceding January.

Multiply the sum by 1.15 and divide the result by 153:

(2) Divide the quantity computed pursuant to subparagraph (1) of this paragraph by a quantity which is the total of production history bases computed pursuant to § 1007.111 or § 1007.112, whichever is applicable. The result shall be converted to a percentage by multiplying by 100 and rounding to the third decimal place. Such percentage shall be known as the "Class I base percentage."

(b) The Class I base of each producer with a production history base shall be determined by multiplying his production history base by the "Class I base percentage." For each of the months of June, July, and August the Class I base so computed shall be reduced by the percentage that the average daily pounds of producer milk classified as Class I in June, July, and August of the preceding year were less than the average daily pounds of producer milk classified as Class I in the preceding months of September through May.

(c) A producer, other than a producer pursuant to paragraph (d) of this section, who has no production history base shall be assigned base milk each month until the first March 1 on which he is eligible for a Class I base in an amount equal to 50 percent of his average daily deliveries of producer milk in such month multiplied by the number of days' production delivered by such producer during the month (1) effective with his first delivery of producer milk if he begins deliveries in the months of September through January, and (2) effective on the first day of the second month following the month in which he began delivery if he begins deliveries in the months of February through August. For each of the months of June, July, and August the base milk so computed shall be reduced by the percentage that the average daily pounds of producer milk classified as Class I in June, July, and August of the preceding year were less than the average daily pounds of producer milk classified as Class I in the immediately preceding months of September through May.

(d) (1) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk equal to 50 percent of his average daily deliveries of producer milk in such month multiplied by the number of days' production delivered by such producer during the month, such assignment to be effective on the later of the following dates: the first day of the third month following the month in which he recommences deliveries of producer milk on the market, or the first day of the twelfth month following the month in which a producer who forfeits his base ceases deliveries or a producer disposes of his Class I base. For each of the months of June, July, and August the base milk so computed shall be reduced by the percentage that the average daily pounds of producer milk classified as Class I in June, July, and August of the preceding year were less than the average daily pounds of producer milk classified as Class I in the immediately preceding months of September through May. The production history period of such producer shall begin on the later of the following dates: The date on which he first received payment for base milk or the first day of the first month eligible for use in a production history period pursuant to § 1007.113.

(2) In the application of this provision, use of the same production facilities by another person (or the same person under a different name) to produce milk after the above described forfeiture or transfer of base shall be considered as a continuation of the operation by the previous operator if the new operator is a member of the immediate family of the previous operator. It shall be applied also to any production facility to which a Class I base has not been assigned, wherever located, operated by a person in which the producer who forfeited or transferred his base has a financial interest if such facility commences production on or after the effective date of the transfer or forfeiture, or such producer acquired his financial interest in such person later than 3 months prior to the effective date of the base transfer or forfeiture.

§ 1007.115 Transfer of bases.

Production history and Class I base may be transferred pursuant to the following rules and conditions:

(a) A transfer of base means the transfer of both the production history base and the Class I base associated with it at the time of transfer. The percentage of Class I base transferred shall be applied to the total production history base held at the time of transfer to determine the corresponding amount of production history transferred.

(b) The market administrator must be notified in writing by the holder of Class I base of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer, and the amount of base to be transferred. Application for transfer must be made to the market administrator on forms approved by the market administrator and signed by the base holder(s), his heirs, executor, or trustee and by the person to whom such base is to be transferred.

(c) A transfer of an entire base may be made effective on any day of the month if application for such transfer is filed with the market administrator within 5 days thereafter. Otherwise, such transfer shall be effective on the first day of the month following that in which application is made.

(d) A transfer of a portion of a base shall be effective the first day of the month following that in which application for which such transfer is made to the market administrator, except that a portion of a base may be transferred to be effective on March 1 of any year if application for such transfer is filed with the market administrator no later than March 15.

(e) A producer who has received base by transfer on or after March 1 of any year may not transfer any portion of the base for 3 full months following the effective date of such transfer.

(f) A producer who has transferred base on or after March 1 of any year may not receive additional base by transfer for 3 full months from the effective date of such transfer.

(g) A base which is jointly held or in a partnership may be transferred in part or in its entirety only upon application signed by each joint holder or partner, his heirs, executors, or trustee and by the person to whom such base is to be transferred.

(h) A base which has been established by two or more persons operating a dairy farm jointly or as a partnership may be divided among the joint holders or partners if written notification of the agreed division of base signed by each joint holder or partner, his heirs, executor, or trustee, is received by the market administrator prior to the first day of the month on which such division is to be effective.

(i) It must be established to the satisfaction of the market administrator that the conveyance of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this section.

(j) A transfer may be made only to a producer (a person who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer).

(k) In the case of an intrafamily transfer (including transfers to an estate and from an estate to a member of the immediate family) all restrictions on transferring base applicable to the transferor producer shall also apply to the transferee.

(l) A producer who receives a base pursuant to § 1007.111 (c) or (d) may not transfer such base, other than pursuant to paragraph (k) of this section, for 1 year from the date of receipt.

(m) A producer-handler who becomes a producer and receives a base may not transfer that base for a period of 1 year from the date of receipt, except to a member of the immediate family pursuant to paragraph (k) of this section.

(n) A base which has been computed from less than a full production history period may not be transferred, except as an intrafamily transfer pursuant to paragraph (k) of this section.

(o) If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons other than a member of the immediate family of the person transferring such stock will require a transfer of bases and compliance with all base rules therein.

§ 1007.116 Miscellaneous base rules.

The following base rules shall be observed in the determination of bases:

(a) A person who discontinues delivery of producer milk for a period of 90 consecutive days after a Class I base is issued to him shall forfeit his production history, together with any Class I base and production history base held pursuant to the provisions of this order, except that a person entering the military service may retain them until 1 year after being released from active military service.

(b) As soon as production history bases and Class I bases are computed by the market administrator, notice of the amount of each producer's production history base and Class I base shall be given by the market administrator to the producer, to the handler receiving such producer's milk, and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place in his plant a list or lists showing the Class I base of each producer whose milk is received at such plant.

(c) As a condition for designation as a producer-handler pursuant to § 1007.14, any person (including any member of the immediate family of such a person, any affiliate of such a person, or any business of which such a person is a part) who has held Class I base any time during the 12-month period prior to such designation shall forfeit the maximum amount of Class I and production history base held at any time during such 12-month period.

§ 1007.117 Hardship provisions.

Requests of producers for relief from hardship or inequity arising under the provisions of §§ 1007.111 through 1007.116 will be subject to the following:

(a) After bases are first issued under this plan and after bases are issued on each succeeding March 1, a producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base;

(2) His production history base is not appropriate because of unusual conditions during the base-earning period such as loss of buildings, herds, or other facilities by fire, flood or storms, official quarantine, disease, pesticide residue, condemnation of milk, or military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1007.116(a);

(4) Loss or potential loss of Class I base because of underdeliveries pursuant to § 1007.112; and

(5) Inability to transfer base due to the provisions of § 1007.115 (l), (m), and (n).

V 37 • 6 JAN 11 72 XUM

(b) The producer shall file with the market administrator a request in writing for review of hardship or inequity not later than 45 days after notice pursuant to § 1007.116 with respect to requests pursuant to paragraph (a) (1) or (2) of this section, or not later than 45 days after the occurrence with respect to requests pursuant to paragraph (a) (3), (4), or (5) of this section, setting forth:

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of five producers appointed by the market administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator at a meeting in which the market administrator or his representative serves as recording secretary and at which the applicant may appear in person if he so requests.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least three committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), (4), or (5) of this section, grant or adjust production history bases and average daily producer milk deliveries for prior years where it appears appropriate, delay forfeiture of Class I base, restore forfeited base or reduced average daily producer milk deliveries where appropriate, and permit transfer of base not otherwise possible under the order provisions.

(ii) With respect to requests pursuant to paragraph (a) (2) of this section, either reject the request or provide adjustment in the form of additional production history base and average daily producer milk deliveries for prior years where it appears appropriate and the effective date thereof of such adjustment. In considering such requests the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(*a*) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(*b*) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production;

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, be final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division, within 45 days after such notification; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmitted.

(5) Committee members shall be reimbursed by the market administrator from the funds collected under § 1007.77 for their services at $30 per day or portion thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

(d) The market administrator shall maintain files of all requests for alleviation of hardship and the disposition of such requests. These files shall be open to the inspection of any interested person during the regular office hours of the market administrator.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C.

Effective date: March 1, 1972.

Signed at Washington, D.C., on January 5, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-365 Filed 1-10-72;8:46 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Students

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on November 30, 1971 (36 F.R. 22753) pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set forth the proposed amendments to § 214.2(f) pertaining to students, their admission, and transfer to another school. Many representations concerning the proposed rule making have been received and considered. The representations were overwhelmingly in support of the proposed amendments. the proposed rules have been amended in the following respect only: In the first sentence of § 214.2(f)(2) the date has been changed from "January 1, 1972" to "January 15, 1972". The proposed rules, as modified, are hereby adopted:

1. Subparagraph (1) of paragraph (f) of § 214.2 is amended, existing subparagraphs (2), (3), and (4) are redesignated subparagraphs (5), (6), and (7), respectively and new subparagraphs (2), (3), and (4) are added to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Students*—(1) *General.* A student seeking admission to the United States under section 101(a)(15)(F)(i) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless he presents Form I–20 properly filled out by himself and the school to which he is destined. The student's spouse and minor children following to join him shall not be eligible for admission into the United States unless they present Form I–20 from the school in which the student is enrolled stating that he is taking a full course of study and noted by the school to indicate the date of expiration of his authorized stay in the United States as shown on the student's Form I–94.

(2) *Admission.* An applicant for his first admission with a nonimmigrant student visa issued on or after January 15, 1972, shall not be eligible for admission unless he establishes that he is destined to and intends to attend the school specified in his visa. Any other applicant for admission as a nonimmigrant student shall not be eligible for admission unless he establishes that he is destined to and intends to attend the school which issued the Form I–20 presented by him to the examining immigration officer at the port of arrival or the school specified on Form I–94 presented in accordance with subparagraph (3) of this paragraph. In all cases, the name of the school a student is authorized to attend shall be endorsed by the examining immigration officer on the student's Form I–94. The period of admission of a nonimmigrant student shall not exceed 1 year.

(3) *Temporary absence.* Form I–20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within 1 year of the date of its issuance. However, a Canadian national or an alien landed immigrant of Canada who has a common nationality with Canadian nationals who has been temporarily absent in Canada, or any alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f)(2) or is within the purview of that regulation except that his nonimmigrant visa has not expired, returning to the United States as a nonimmigrant under section 101(a)(15)(F) of the Act, shall, if otherwise admissible, be readmitted, without presentation of Form I–20, for the remainder of his initial admission or current extension of stay as shown on his Form I–94.

(4) *School transfer.* A student shall not be eligible to transfer to another school unless he submits a valid Form I–20 completed by that school and the Service grants him permission to transfer. Application for transfer shall be made on Form I–538 and shall be filed in the Service office having jurisdiction over the school which he was last authorized by the Service to attend. Permission to transfer may be granted only if the applicant establishes that he is a bona fide nonimmigrant student, that he intends to take a full course of study at the school to which he wishes to transfer, and that he in fact was a full-time student at the school which he was last authorized by the Service to attend, unless failure to commence or continue full-time attendance was due to circumstances beyond his control or was otherwise justified. The name of the school to which transfer is authorized shall be endorsed on the student's Form I–94.

* * * * *

(Sec. 103; 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above prescribed regulations are to ensure that a nonimmigrant student applicant for admission is destined to and intends to attend the school particularly designated by him and specified in his visa or other valid entry document, and to provide that a transfer of school may be authorized only upon a showing that he is a bona fide student and, with certain exceptions, that he was, in fact, a full-time student at the school which he was last authorized by the Service to attend.

This order shall be effective on January 15, 1972. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383) as to delayed effective date is unnecessary in this instance and would serve no useful purpose because the persons affected thereby will not require additional time to prepare for the effective date of the regulations.

Dated: January 6, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72-379 Filed 1-10-72;8:49 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 72-501]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(1) relating to the State of Texas, a new subdivision (iii) relating to Wilson County is added to read:

(1) *Texas.* * * *

(iii) That portion of Wilson County bounded by a line beginning at the junction of the Wilson-Bexar County line and U.S. Highway 181; thence, following the Wilson-Bexar County line in a northeasterly direction to U.S. Highway 87; thence, following U.S. Highway 87 in an easterly, then southeasterly direction to State Highway 123; thence, following State Highway 123 in a southerly direction to the Wilson-Karnes County line; thence, following the Wilson-Karnes County line in a southwesterly direction to U.S. Highway 181; thence, following U.S. Highway 181 in a generally northwesterly direction to its junction with the Wilson-Bexar County line.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 36 F.R. 20707)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Wilson County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of January 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Service.

[FR Doc.72-409 Filed 1-10-72;8:48 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 700—DEFINITIONS

Revision of Certain Definitions

On page 22776 of the FEDERAL REGISTER of November 30, 1971, there was published a proposed revision of certain definitions. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed revision.

No comments have been received and the proposed revision is hereby adopted without change as set forth below.

Effective date. This revision shall be effective as of February 1, 1972.

HERMAN NICKERSON, JR.,
Administrator.

JANUARY 5, 1972.

§ 700.1 Definitions.

As used in this chapter:

(a) "Act" means the Federal Credit Union Act (73 Stat. 628, 84 Stat. 944, 12 U.S.C. 1751–1790).

(b) "Administration" means the National Credit Union Administration.

(c) "Administrator" means the Administrator of the National Credit Union Administration.

(d) "Credit Union" means a credit union chartered under the Federal Credit Union Act or, as the context permits, under the laws of any State.

(e) "Regional Director" means the representative of the Administration in the designated geographical area in which the office of the Federal credit union is located.

(f) "Regional Office" means the office of the Administration located in the designated geographical area in which the office of the Federal credit union is located.

(g) "State" means a State of the United States, the District of Columbia, any of the several Territories and possessions of the United States, the Panama Canal Zone, and the Commonwealth of Puerto Rico.

(h) Pursuant to section 101(4) of the Federal Credit Union Act, the term "low income members" shall include (1) those members whose annual income falls at or below the lower level Standard of Living classification as established by the Bureau of Labor Statistics, U.S. Department of Labor, (2) those members who are residents of a public housing project who qualify for such residency because of low income, and (3) members who qualify as recipients in a community action program.

(i) As used in section 101(4) of the Federal Credit Union Act, the term "predominantly" is defined as a simple majority.

[FR Doc.72-404 Filed 1-10-72;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ACRYLATE-ACRYLAMIDE RESINS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2B2717) filed by Buckman Laboratories, Inc., Memphis, Tenn. 38108, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of

V 37 N 6 JAN 11 72 XUM

sodium polyacrylate-acrylamide resin for control of organic and mineral scale in beet sugar juice and liquor or cane sugar juice and liquor.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1092 is revised to read as follows:

§ 121.1092 Acrylate-acrylamide resins.

Acrylate-Acrylamide resins may be safely used in food under the following prescribed conditions:

(a) The additive consists of one of the following:

(1) Acrylamide-acrylic acid resin (hydrolyzed polyacrylamide) is produced by the polymerization of acrylamide with partial hydrolysis, or by copolymerization of acrylamide and acrylic acid, with the greater part of the polymer being composed of acrylamide units.

(2) Sodium polyacrylate-acrylamide resin is produced by the polymerization and subsequent hydrolysis of acrylonitrile in a sodium silicate-sodium hydroxide aqueous solution, with the greater part of the polymer being composed of acrylate units.

(b) The additive contains not more than 0.05 percent of residual monomer calculated as acrylamide.

(c) The additive is used or intended for use as follows:

(1) The additive identified in paragraph (a)(1) of this section is used as a flocculent in the clarification of beet sugar juice or cane sugar juice in an amount not to exceed 5 parts per million by weight of the juice.

(2) The additive identified in paragraph (a)(2) of this section is used to control organic and mineral scale in beet sugar juice and liquor or cane sugar juice and liquor in an amount not to exceed 2.5 parts per million by weight of the juice or liquor.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-11-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: December 30, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-400 Filed 1-10-72;8:50 am]

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Erythromycin—Sulfonamide Combination Products for Oral Administration; Final Order Ruling on Objections and Requests

An order was published in the FEDERAL REGISTER of September 27, 1969 (34 F.R. 14890) (DESI 8957), to become effective in 40 days, amending Part 148e of the antibiotic drug regulations by repealing provisions for certification of combination drugs containing erythromycin and triple sulfonamides for oral administration. Thirty days were allowed for filing proper objections to the order, and a showing of reasonable grounds for a hearing.

Objections and requests for a hearing were submitted by Eli Lilly and Company and Abbott Laboratories on October 27, 1969. Eli Lilly subsequently amended its request by letter dated December 2, 1969; Abbott Laboratories amended its request on June 5, 1970, in response to the order promulgated May 8, 1970 (35 F.R. 7250), which established the procedural and interpretive rules applicable to requests for hearing. The Upjohn Co., by letter dated November 25, 1969, adopted and incorporated by reference the objections filed by Eli Lilly and Abbott. Subsequently by notice published in the FEDERAL REGISTER on November 8, 1969 (34 F.R. 8087) and January 3, 1970 (35 F.R. 77) the effective date of the order was postponed pending a rule on the objections and requests for hearing filed.

The medical presentations of both firms have been considered, and the Commissioner of Food and Drugs concludes that there is no genuine and substantial issue of fact requiring a hearing and that the legal arguments offered are insubstantial, all as explained in more detail below.

I. *The drugs.* The drugs involved contain erythromycin and triple sulfonamides in the following combinations:

ABBOTT LABORATORIES

Erythrocin Ethyl Succinate-Sulfas Chewable Tablets and Granules. These contain erythromycin ethylsuccinate together with sulfadiazine, sulfamerazine and sulfamethazine in a 1:1:1 ratio.

Erythrocin Stearate-Sulfas Filmtabs. This contains erythromycin stearate, with sulfadiazine, sulfamerazine and sulfamethazine in a 1:1:1 ratio.

Each product contains, per unit dose (tablet or 5 cc. teaspooon), 125 mg. erythromycin and 500 mg. triple sulfas.

ELI LILLY AND CO.

Ilosone Sulfa, for oral suspension and tablets. These contain 200 mg. erythromycin estolate, with 500 mg. triple sulfas consisting of sulfadiazine, sulfamerazine, and sulfamethazine in a 1:1:1 ratio.

Ilotycin-Sulfa Tablets, which contains 79 mg. erythromycin with 333 mg. triple sulfas as sulfadiazine, sulfamerzine, and sulfamethazine in a 1:1:1 ratio.

UPJOHN CO.

Erythrosulfa Tablets, containing erythromycin, with sulfadiazine, sulfamerazine, and sulfamethazine in a 1:1:1 ratio. Each unit dose contains 100 mg. erythromycin and 250 mg. triple sulfas.

II. *Recommended uses and rationale.* These products are recommended for use in mixed infections, infections more susceptible to the combination than to either component alone, and for gram-negative and/or mixed infections of the urinary tract.

The rationale for use in "mixed infections" seems to be that the components complement each other in that the erythromycin acts against gram-positive and the triple sulfas against gram-negative organisms. With respect to "infections more susceptible to the combination than to either alone," the rationale apparently is supplementation of the effect of erythromycin with the effect of triple sulfas so that concentrations that are suboptimal for either agent are effective in combination.

The recommended treatment schedules for the various products vary from 948 mg. to 1.6 grams of erythromycin per day; all products recommend a total dosage of 4 grams of triple sulfas per day.

III. *The data to support claims of effectiveness*—(a) *Unpublished studies.* In response to the notice, Abbott submitted two volumes with eight appendixes containing a summary of 226 patients treated with erythromycin-sulfonamide combination drugs as compared to 346 patients treated with erythromycin alone; in vitro studies on erythromycin-sulfonamide combinations; and, blood-level data.

The in vitro data does not rise to the level of adequate and well-controlled clinical investigations and cannot be extrapolated to human experience. The blood level data contained some data respecting a proposed sulfonamide formulation in a 1:1:4 ration; this is irrelevant to the products' sulfonamide formulation in a 1:1:1 ratio. The data which relates to the 1:1:1 preparation involved a dose twice that recommended in the package insert; no comparison is made with the blood levels produced by erythromycin alone.

The clinical data shows a total cured and improved rate of 90.51 percent for those patients treated with the combination as compared with a total cured and improved rate of 95.07 percent for the patients treated with erythromycin alone. This does not establish the superiority of the combination, but of one of the components. In addition, the data are unreliable because of a wide variability in

clinical diagnosis; a lack of post-treatment bacteriologic work with the exception of one investigator working with a 1:1:4 ratio sulfonamide product, which is irrelevant here; the data is pooled data drawn from dissimilar studies in which clinical observations were not made consistently; so many cultures showed normal flora that it is evident that many of the infections must have been viral in etiology and therefore nonresponsive to either antibacterial therapy, and there is no way of knowing the distribution of viral infections in both groups; some of the patients received rectal or intramuscular erythromycin as well as oral erythromycin. No valid conclusions can be based on such uncontrolled data.

With respect to the claim that the erythromycin-sulfa combination is effective in urinary infections with gram-negative and gram-positive mixed infections, Abbott states that a study submitted to the FDA showed a significantly greater number of sterile post-therapy cultures when the isolates in pretherapy cultures were all gram-positive or mixed, when treated with a combination rather than with sulfa alone.

Although it is not further identified, the study referred to is believed to be a composite study submitted by Abbott in a 1968 Experience Report, in which four separate investigations were conducted. A detailed protocol of this study was not submitted. Therefore, FDA does not know the doses used in the study, nor the identity of the sulfa used.

In this study, a total of 63 patients with urinary tract infections were treated with erythrocin-sulfa; 67 were treated with sulfa alone. Adverse drug reactions were higher on the combination (7.6 percent), than on sulfa alone (3 percent). By the monitor's evaluation, the cure rate for the combination (28.6 percent) was much lower than for sulfa (40 percent). Over 80 percent of the organisms cultured before therapy were gram-negative, as would be expected. 77.4 percent of the gram-negative organisms were eradicated after therapy with sulfa, but only 63.2 percent after the combination. Only 3 percent of the infections treated (2 patients in each group) were due to "mixed" gram-negative and gram-positive organisms. The statement that "a significantly greater number of sterile posttherapy cultures when the isolates in pretherapy cultures were all gram-positive or mixed, when treated with a combination rather than with sulfa alone," is unsupported in that over 80 percent of the urinary infections were neither gram-positive nor mixed, and in this large percentage (as in the group as a whole), the combination was considerably less effective than sulfa alone.

(b) *Published studies.* Lilly specifically referred to two published studies which purport to establish that antibiotic sulfonamide combination products are effective. Neither study supports the claimed superiority of erythromycin-sulfonamide products, however, The Nilson, et al. study: "Acute Otitis Media: Treatment Results in Relation to Bacterial Etiology," Pediatrics 43(3): 351-358 (Mar.), 1969, compared penicillin V, penicillin V plus triple sulfa in a 1:1:1 ratio, and Ampicillin in 306 children with otitis media. The authors concluded that either penicillin plus sulfonamide or ampicillin had a better therapeutic response than penicillin V alone. This study is not relevant here.

The second study, Howie and Plousard: The "In Vivo Sensitivity Test"—"Bacteriology of Middle Ear Exudate During Antimicrobial Therapy in Otitis Media," Pediatrics 44:940-944 (Dec.), 1969, compared penicillin with sulfonamides, penicillin, ampicillin, erythromycin, erythromycin plus sulfonamides, triple sulfas, sulfamethoxazole or sulfadimethoxine, and tetracycline in unequal groups of children. The authors concluded ampicillin, penicillin-sulfa, and erythromycin-sulfas to be the most bacteriocidal. The authors also state that the information "was not collected in a large double blind study with multiple safeguards against the opinions of the authors influencing the results." No conclusion can be drawn from his uncontrolled study.

Abbott referred to 24 references from the published literature. All but one of the references are not entitled to consideration for various reasons, including the lack of controls, employment of different doses, different drugs: One study is relevant. Lenoski, et al.: "Drug Trials in Acute Otitis Media," Curr. Ther. Res. 10:630, December 1968. In this study 293 children with acute otitis media were treated on a randomized basis with either erythromycin alone, Abbott's fixed combination of erythromycin succinate-triple sulfas, triple sulfas alone, ampicillin or placebo. Ninty-four percent of those on erythromycin alone were cured; 87.5 percent on erythromycin-sulfa combined were cured. The authors concluded that addition of triple sulfonamide to errythromycin did not improve the outcome of the acute purulent cases at 14 days regardless of the dose schedule used for the combination drug. Moreover, the combination drug was associated with 2.6 percent incidence of skin rashes which were typical allergic drug reactions. In this controlled study, erythromycin alone was shown to be more effective than the fixed combination.

A published controlled study which was not referred to by either Abbott or Lilly is Hughes and Collier: "Streptococcal Pharyngitis, Am. J. Dis. Child. 118: 700-707, 1969. In this study, children with betahemolytic streptococcal pharyngitis were treated with Abbott's erythromycin-sulfas or with erythromycin alone. The cure rate for erythromycin alone was 84.2 percent; for the combination, 68.5 percent.

Thus, there is a lack of substantial evidence consisting of adequate and well-controlled clinical studies that the fixed combination products consisting of erythromycin plus sulfonamides will have the result claimed for them. On the contrary, the controlled studies establish that the fixed combination products are less effective than either the erythromycin or sulfonamide components.

IV. *Legal objections.* The legal objections raised to the proposed order have been resolved in "Upjohn Co. v. Finch," 422 F. 2d 944 (C.A. 6, 1970); "Pfizer, Inc. v. Richardson," 434 F. 2d 536 (C.A. 2, 1970); and "Pharmaceutical Manufacturers Association v. Richardson," 318 F. Supp. 301 (D. Del., 1970). The contentions that Abbott's products are not subject to the efficacy review under the statute because they were not reviewed by the NAS-NRC and because the products were approved for marketing after the 1962 Drug Amendments are insubstantial. The NAS-NRC was advisory to the Food and Drug Administration and their review of a particular product's claims is not a condition precedent to the FDA's action in reviewing claims of drug effectiveness. In addition, the NAS-NRC did evaluate the other firms' products. All the triple sulfas are identical and all in a 1:1:1 ratio; the active forms of erythromycin are identical in all three firms' products although there are variations in the formulations. The NAS-NRC concluded that there is an "absence of clinical evidence supporting the use of erythromycin-sulfonamides in the therapy of any disease." The Food and Drug Administration agrees. In this connection, the fact that Abbott's products were approved for marketing in 1966 and 1967 does not compel the conclusion that these products should remain on the market while the competitive products reviewed by NAS-NRC are removed. The NAS-NRC review of erythromycin-sulfonamide products and the controlled studies establishing the combination to be less effective than its components are "new information" within the meaning of the statute.

V. *Findings.* The Commissioner, based on the review of the medical documentation offered to support the claims of efficacy for these fixed combination erythromycin-sulfonamide products, finds that Abbott, Lilly and Upjohn have failed to present substantial evidence of effectiveness for these products. In recognition of the known hazards associated with the use of each component, e.g. hypersensitivity reactions, gastrointestinal irritation, and overgrowth of nonsusceptible bacteria or fungi from erythromycin, and sensitization reactions from sulfonamides including drug fever, serum sickness, hematologic reactions including aplastic anemia, and renal damage, the regulations for certification of antibiotic drugs should be amended to delete these fixed combination erythromycin-sulfonamide products from the list of drugs acceptable for certification. The Commissioner further finds that the certificates of safety and effectiveness heretofore issued for these fixed combination erythromycin-sulfonamide products should be revoked on the basis of a lack of substantial evidence of effectiveness and an unwarranted hazard from this fixed combination antibiotic therapy.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic

V 37 6 JAN 11 72 XUM

Act (secs. 502, 507, 701, 52 Stat. 1050–53, as amended, 59 Stat. 463, as amended, 76 Stats. 785–787; 21 U.S.C. 352, 357, 371), and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the order of September 27, 1969 (34 F.R. 14990), to the extent that the provisions contained therein conform to those of Part 148e as republished in the FEDERAL REGISTER of December 5, 1970 (35 F.R. 18613), will become effective 30 days after the date of publication hereof in the FEDERAL REGISTER to allow time for recall of outstanding stocks of effected drugs. Certificates of safety and effectiveness previously issued for such drugs for human use under these regulations will be revoked. No new certificates will be issued.

Dated: January 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-350 Filed 1-10-72;8:50 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Standard for Exposure to Asbestos Dust in Ship Repairing, Shipbuilding, Shipbreaking, and Longshoring

Pursuant to section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and Secretary of Labor's Order No. 12–71 (36 F.R. 8754), 29 CFR 1910.13, 1910.14, 1910.15, and 1910.16 are hereby amended as set forth below, in order to prescribe an emergency temporary standard concerning the exposure of employees to asbestos dust.

Sections 1910.13, 1910.14, 1910.15, and 1910.16 adopt, and extend the applicability of, maritime safety and health standards originally published in 29 CFR Parts 1501, 1502, 1503, and 1504, now redesignated as 29 CFR Parts 1915, 1916, 1917, and 1918 (see 36 F.R. 25232). Those standards permit the exposure of employees to concentrations of asbestos dust so high as to constitute a great danger to the employees. The immediate adoption of the emergency temporary standard set forth below, which is the same as that promulgated for industries in general on December 7, 1971 (36 F.R. 23207) is necessary to protect employees from that danger.

In addition, 29 CFR 1910.93a (36 F.R. 23208) is amended by correcting a clerical error in paragraph (g) thereof.

Part 1910 of Title 29 of the Code of Federal Regulations is amended as follows:

1. In § 1910.13, a new paragraph (c) is added, reading as follows:

§ 1910.13 Ship repairing.

* * * * *

(c) The standards prescribed in § 1910.93a shall apply in the case of exposure of any employee to asbestos dust, in lieu of any different standards otherwise required by Part 1915 of this chapter (formerly Part 1501 of this title).

2. In § 1910.14, a new paragraph (c) is added, reading as follows:

§ 1910.14 Shipbuilding.

* * * * *

(c) The standards prescribed in § 1910.93a shall apply in the case of the exposure of any employee to asbestos dust, in lieu of any different standards otherwise required by Part 1916 of this chapter (formerly Part 1502 of this title).

3. In § 1910.15, a new paragraph (c) is added, reading as follows:

§ 1910.15 Shipbreaking.

* * * * *

(c) The standards prescribed in § 1910.93a shall apply in the case of exposure of any employee to asbestos dust, in lieu of any different standards otherwise required by Part 1917 of this chapter (formerly Part 1503 of this title).

4. In § 1910.16, a new paragraph (c) is added, reading as follows:

§ 1910.16 Longshoring.

* * * * *

(c) The standards prescribed in § 1910.93a shall apply in the case of exposure of any employee to asbestos dust, in lieu of any different standards otherwise required by Part 1918 of this chapter (formerly Part 1504 of this title).

5. In § 1910.93a (36 F.R. 23208), paragraph (g) is revised to read as follows:

§ 1910.93a Asbestos dust.

* * * * *

(g) All cleanup of asbestos dust shall be performed by vacuum cleaners. No dry sweeping or blowing of dust shall be performed.

(Sec. 6(c), 84 Stat. 1596; 29 U.S.C. 655. Secretary's Order No. 12–71, 36 F.R. 8754)

Effective date. These amendments shall become effective immediately upon publication in the FEDERAL REGISTER (1–11–72).

Signed at Washington, D.C., this 6th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-401 Filed 1-10-72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dimethoate

A petition (PP 0F0999) was filed by the American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, NJ 08540, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide dimethoate (*O,O*-dimethyl-*S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog (*O,O*-dimethyl-*S*-(*N*-methylcarbamoylmethyl) phosphorothioate) in or on the raw agricultural commodities cucumbers at 2 parts per million, sorghum forage at 0.5 part per million, and sorghum grain at 0.1 part per million (negligible residue).

The petitioner subsequently amended the petition by withdrawing the request for a tolerance for residues in or on cucumbers and reducing the proposed tolerance for residues in or on sorghum forage to 0.2 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that the pesticide is useful for the purpose for which tolerances are proposed, and the Fish and Wildlife Service, Department of the Interior, stated that it has no objection to the proposed tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. Establishes tolerances for residues of the pesticide in eggs, meat, milk, and poultry are adequate to cover combined residues from the proposed and established uses.

2. The proposed tolerance of 0.1 part per million on sorghum grain is not a negligible residue.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.204 is amended by revising the paragraphs "0.02 part per million * * *" and "0.1 part per million * * *", as follows:

§ 180.204 Dimethoate including its oxygen analog; tolerances for residues.

* * * * *

0.2 part per million in or on potatoes and sorghum forage.

0.1 part per million in or on cottonseed, pecans, safflower seed, and sorghum grain.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–11–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-341 Filed 1-10-72;8:49 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Carbofuran

A petition (PP 1F1146) was filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing that the established tolerance of 0.5 part per million for residues of the insecticide carbofuran and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl *N*-methylcarbamate in or on the raw agricultural commodities corn fodder and forage be increased to 5 parts per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the increased tolerance is being established.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in meat, poultry, and eggs. The usage is classified in the category specified in § 180.6(a)(3) for these commodities. The established tolerance for residues in milk is adequate to cover residues that could occur from feeding corn fodder and forage at the increased tolerance.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.254 is amended by deleting the paragraph "0.5 part per million * * *" and by revising the paragraph "5 parts per million * * *", as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

5 parts per million in or on alfalfa (fresh) and corn fodder and forage.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–11–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-340 Filed 1-10-72;8:49 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Formetanate Hydrochloride

A petition (PP 1F1141) was filed by Nor-Am Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances (21 CFR Part 420) for residues of the insecticide formetanate hydrochloride (*m*-[[(dimethylamino)methylene]amino]phenyl methylcarbamate hydrochloride) in or on the raw agricultural commodities grapefruit and tangerines at 4 parts per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapetr III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerances are being established.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.276 is amended by revising the paragraph "4 parts per million * * *" as follows:

§ 180.276 Formetanate hydrochloride; tolerances for residues.

* * * * *

Four parts per million in or on grapefruit, lemons, limes, oranges, and tangerines.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must

V 37 N 11 JAN 72 XUM

state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-11-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-342 Filed 1-10-72;8:49 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

3-(4-Bromo-3-Chlorophenyl)-1-Methoxy-1-Methylurea

A petition (PP 0F0993) was filed by Ciba Agrochemical Co., Division of Ciba-Geigy Corp., Post Office Box Box 1090, Vero Beach, FL 32960, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide 3-(4-bromo-3-chlorophenyl)-1-methoxy-1-methylurea in or on the raw agricultural commodities potatoes, soybeans, and soybean forage at 0.2 part per million.

Subsequently, the petitioner amended the petition by proposing establishment of tolerances for combined negligible residues of the herbicide 3-(4-bromo-3-chlorophenyl-1-methoxy-1-methyl-urea and its metabolites containing the 4-bromo-3-chloroaniline moiety in or on the raw agricultural commodities potatoes, soybeans, and soybean forage at 0.2 part per million and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in the combined residues of the herbicide and its metabolites in eggs and milk. The usage is classified in the category specified in § 180.6(a)(3).

2. The proposed usage is not expected to result in the combined residues of the herbicide and its metabolites exceeding the tolerance which is being established for meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended by revising § 180.279 to read as follows:

§ 180.279 3-(4-Bromo-3-chlorophenyl)-1-methoxy-1-methylurea; tolerances for residues.

Tolerances are established for combined residues of the herbicide 3-(4-bromo-3-chlorophenyl-1-methoxy-1-methylurea and its metabolites containing the 4-bromo-3-chloroaniline moiety in or on raw agricultural commodities as follows:

0.2 part per million (negligible residue) in or on corn in grain or ear form (including field corn, popcorn, and sweet corn), corn fodder and forage (including field corn, popcorn, and sweet corn), potatoes, soybeans, and soybean forage.

0.1 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-11-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 12, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-338 Filed 1-10-72;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B-1—GENERAL

Small Business Concerns

Pursuant to the procedures relating to the small business set-aside program in the procurement of construction, Part 5B-1 is amended by adding a new subpart as set forth below.

Part 5B-1 is amended to read new Subpart 5B-1.7, as follows:

Subpart 5B-1.7—Small Business Concerns

Sec.
5B-1.706 Procurement set-asides for small business.
5B-1.706-70 Unilateral class set-asides (construction).

AUTHORITY: The provisions of this Subpart 5B-1.7 issued under section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5B-1.7—Small Business Concerns

§ 5B-1.706 Procurement set-asides for small business.

§ 5B-1.706-70 Unilateral class set-asides (construction).

(a) In addition to the set-aside program described in § 5-1.706-1(b), the following determination is made:

UNILATERAL SMALL BUSINESS CLASS SET-ASIDE DETERMINATION

In accordance with FPR 1-1.706 and GSPR 5-1.706 it is hereby determined that procurements by the Public Buildings Service for construction, including alteration, maintenance, and repairs, estimated to cost between $500,000 and $1 million, shall be set aside for small business concerns on a class basis. This determination shall be reviewed not later than 1 year after the date of publication. This determination does not apply to any individual procurement for which small purchase procedures are to be used or when repair work is required on installed mechanical systems, such as elevators, steam generators, airconditioners, or distributing systems.

(b) In the case of any individual procurement action where a set-aside is not considered feasible, the reasons for not making a set-aside shall be summarized in the procurement contract file.

(c) This determination shall not be construed as preventing PBS contracting officers from making unilateral small business set-asides on larger contracting actions which qualify therefor.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (1-11-72).

Dated: January 3, 1972.

W. H. SANDERS,
Acting Commissioner, Public Buildings Service.

[FR Doc.72-384 Filed 1-10-72;8:46 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of § 177.4(c), *Special allowances*, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91-95) is amended to provide for the payment of such an allowance for the period of October 1, 1971, through December 31, 1971, inclusive.

As so amended § 177.4(c)(3) reads as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowances.

* * * * *

(c) * * *

(3) Special allowances are authorized to be paid as follows:

* * * * *

(x) For the period October 1, 1971, through December 31, 1971, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of three fourths of 1 percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

Dated: January 4, 1972.

PETER P. MUIRHEAD,
Executive Deputy Commissioner of Education.

Approved:

ELLIOT L. RICHARDSON,
Secretary.

JANUARY 5, 1972.

[FR Doc.72-383 Filed 1-10-72;8:46 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 97, Rev., Amdt. 9]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Cadets at the United States Merchant Marine Academy

PAY RATES

Effective November 14, 1971, § 310.58 of this subpart is amended by changing the first sentence of paragraph (c) thereof to read as follows:

§ 310.58 Training on subsidized vessels.

* * * * *

(c) *Pay.* Cadets, while attached to merchant vessels, shall receive pay at the rate of $247.50 per month from their steamship company employers.

* * * * *

(Section 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: January 6, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-479 Filed 1-10-72;8:50 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

PART 1300—FREIGHT SCHEDULES; RAILROADS

Changes in Rates Within Alaska and the Hawaiian Islands

Revocation of 49 CFR 1300.62 (Rule 62 of Tariff Circular No. 20) (Notice for changes in rates within Alaska and the Hawaiian Islands).

At a session of the Interstate Commerce Commission, Tariff Rules Board, held at its office in Washington, D.C., on the 29th day of December 1971.

It appearing, that on November 19, 1971, notice of proposed rule making was given to the public announcing the proposed cancellation of § 1300.62 of Title 49 of the Code of Federal Regulations (Rule 62 of Tariff Circular No. 20) which provides that rates on freight traffic from a point in the Territory of Alaska to another point in the Territory of Alaska and from a point in the Territory of Hawaii to another point in the Territory of Hawaii may be changed upon notice of ten days as to reductions in rates given to the Commission and to the public in a manner prescribed by law;

It further appearing, that such notice of proposed rule making was published in the FEDERAL REGISTER on November 23, 1971 (36 F.R. 22241).

And it further appearing, that such notice provided that written statements of facts, views, and arguments from interested persons had to be filed with the Commission on or before December 27, 1971, and none were received.

And for good cause appearing therefor:

It is ordered, That § 1300.62 of Title 49 of the Code of Federal Regulations (Rule 62 of Tariff Circular No. 20) be, and it is hereby, revoked.

It is further ordered, That this order shall become effective on January 1, 1972.

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and that another copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Tariff Rules Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-406 Filed 1-10-72;8:46 am]

V 37 6 JAN 11 72 XUM

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Accounting for Long-Term Contracts; Notice of Extension of Time for Comments

Proposed amendments to the regulations under sections 451 and 471 of the Internal Revenue Code of 1954, relating to long-term contracts, appear in the FEDERAL REGISTER for December 15, 1971 (36 F.R. 23805).

Written comments or suggestions pertaining to the proposed amendments were required by January 14, 1972. The time for submission of written comments pertaining to the proposed regulations is hereby extended to February 15, 1972.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.72-481 Filed 1-10-72;10:40 am]

[26 CFR Part 1]

INCOME TAX

Use of the Full Absorption or Modified Full Absorption Method of Inventory Valuation; Notice of Extension of Time for Comments

Proposed amendments to the regulations under sections 61, 446, and 471 of the Internal Revenue Code of 1954, relating to gross income, methods of accounting and inventory valuation, appear in the FEDERAL REGISTER for December 15, 1971 (36 F.R. 23809).

Written comments or suggestions pertaining to the proposed amendments were required by January 14, 1972. The time of submission of written comments pertaining to the proposed regulations is hereby extended to March 15, 1972.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.72-482 Filed 1-10-72;10:40 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 145]

POTENCY OF ANTIBIOTIC-CONTAINING DRUGS AT TIME OF CERTIFICATION

Proposed Statement of Policy

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 701(a), 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) it is proposed that Subpart B of Part 145 be amended by adding a new section as follows:

§ 145._____ Potency of antibiotic-containing drugs at the time of certification; statement of policy.

(a) Antibiotic drug regulations (21 CFR Part 141 et al.) promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act provide for antibiotic drugs to be certified within certain limits of acceptance below which a drug will not be regarded as meeting its declared strength and potency. This range of limits is necessary because there may be some loss of strength or potency as a product is being stored, shipped, and marketed and because of the vagaries of the assay procedures. The limits set must be such that even at the lowest limit the drug will remain efficacious for the conditions for which it is represented.

(b) The rate of loss of strength or potency under normal storage and handling conditions must be determined on the basis of each finished product, and provision is made in the regulations for appropriate expiration dates based on stability studies submitted to the Commissioner. These stability studies, however, are based on drugs which contain at least 100 percent of the declared potency at the time the studies are started.

(c) The Commissioner concludes that while the lower limits prescribed by the regulations are suitable for use in assaying market samples, the application of such lower limits at the time of certification does not assure that the drug will have appropriate strength and potency when dispensed and administered to patients throughout the time period preceding the approved expiration date.

(d) In view of the foregoing, the Commissioner has determined that no preparation containing antibiotic drugs will be certified or released unless the batch complies with the regulations of this chapter; conforms to the applicable standards of identity, strength, quality, and purity prescribed by the regulations in this chapter; and contains not less than the declared amount of antibiotic drug(s). If a specific regulation requires a preparation to have an antibiotic content higher than 100 percent of the declared amount, no such preparation will be certified or released unless the batch contains not less than this higher amount.

(e) This does not preclude certification of a batch of antibiotic drugs which shows minor deviations from 100 percent of potency, if the Commissioner in the light of other factors deems such minor deviations acceptable.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-399 Filed 1-10-72;8:50 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

[41 CFR Part 51-1]

CERTAIN SEVERELY HANDICAPPED INDIVIDUALS

Proposed Criteria

Pursuant to the provisions of section 5(2) of the Act to Create a Committee on Purchases of Blind-Made Products, as amended, 85 Stat. 81, the Committee, after consultation with appropriate entities of the Government, proposes to establish the following Criteria for "Other Severely Handicapped Individuals," together with some specific categories thereof:

1. Generally, a severely handicapped person (other than a blind person) is "any person who is so severely handicapped by any physical or mental disability that he cannot find a job in the Nation's normal work force."

Some specific categories of severely handicapped persons are those disabled by:

(1) Paraplegia.
(2) Total deafness.
(3) Cerebral palsy.
(4) Muscular dystrophy (Adults).
(5) Multiple sclerosis.
(6) Mental retardation, except for borderline cases.
(7) Severe orthopedic handicaps.
(8) Epilepsy in some cases.
(9) Multiple disabilities.
(10) Personality or behavioral disorders.

2. Unusual persons even though "severely handicapped" can, and often do, find it possible to engage, and sometimes with distinction, in normal competitive employment. These persons exclude themselves from any category of "other severely handicapped." Excluded, also, are those persons who have had their conditions substantially corrected, such as a multiple amputee with artificial limbs which he has mastered sufficiently to function with a degree of normality that permits him to engage in normal competitive employment.

3. Capability for normal competitive employment shall be determined from information developed by an on-going placement program conducted by the Workshop. Such placement program shall include at least (1) a preadmission evaluation and annual review to determine each worker's capability for normal competitive employment, and (2) maintenance of liaison with appropriate community services for the placement in such employment of any of its workers who may qualify for such placement.

4. The staff of the Committee will establish a reporting system which will require each Workshop to certify, at appropriate intervals, that the criteria for severely handicapped are being met in each instance.

Nongovernment organizations or individuals representing the handicapped are invited to submit written comments on the proposed criteria and categories not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 1511 K Street NW., Washington, DC 20005.

By the Committee.

L. F. DONAHUE,
Acting Executive Director.

[FR Doc.72-363 Filed 1-10-72;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

LINURON

Proposed Tolerance for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Experiment Stations of California, Florida, and Michigan has requested a tolerance for residues of the herbicide linuron (3-(3,4-dichlorophenyl) - 1 - methoxy-1-methylurea) in or on celery at 0.5 part per million.

Based on consideration given the data submitted, and other relevant material, it is concluded that the pesticide is useful and the proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that § 180.184 be amended by revising the paragraph "0.5 part per million • • •", as follows:

§ 180.184 Linuron; tolerances for residues.

• • • • •

0.5 part per million in or on celery; parsnips (with or without tops) and parsnip tops; and the forage, hay, and straw of barley, oats, rye, and wheat.

• • • • •

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-343 Filed 1-10-72;8:49 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 201, 204, 205, 260]

NET REALIZABLE VALUE OF HYDROCARBON RESERVES

Uniform System of Accounts

JANUARY 5, 1972.

Revisions in Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) and Annual Report Form No. 2 to provide that the determination of natural gas reserves on acreage acquired after October 7, 1969, shall be made and attested to by independent appraisers, to disclose the net realizable value and related costs of hydrocarbon reserves, and to eliminate an allowance for equity funds on exploration and development expenditures incurred on or related to acreage acquired after October 7, 1969, Docket No. R-435.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend, effective for the reporting year 1972:

A. Certain instructions in the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

B. Certain instructions in the Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

C. Certain instructions in the Uniform System of Accounts for Class D Natural Gas Companies, prescribed by Part 205, Chapter I, Title 18, CFR.

D. Certain schedules of FPC Form No. 2, Annual Report for Class A and Class B Natural Gas Companies, prescribed by § 260.1, Chapter I, Title 18, CFR.

In Commission Order No. 440, issued on November 5, 1971 (36 F.R. 21963, November 18, 1971) amended by Order 440A, issued January 5, 1972, we prescribed full-cost accounting in the Uniform Systems of Accounts for Natural Gas Companies for exploration and development costs on leases acquired after October 7, 1969. We directed our staff to prepare a notice of proposed rule making with proposals to modify the Commission's Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) which would consider the feasibility of requiring that the determination of recoverable reserves on leases acquired after October 7, 1969, be done by qualified independent consultants and with proposals to modify the Commission's Annual Report Form No. 2 for Natural Gas Companies (Classes A and B), which would consider, among other things, disclosure of the net realizable value of recoverable hydrocarbon reserves certified to periodically by independent consultants. The rule making was also to explore the propriety of including an allowance for funds used during construction on costs related to leases acquired after October 7, 1969.

In the modifications to the Uniform Systems of Accounts in Order 440, we provided that the costs recorded in the natural gas production accounts related to exploration and development on leases acquired after October 7, 1969, shall, in general, not exceed the net realizable value of recoverable hydrocarbon reserves. We believe that the determination of recoverable hydrocarbon reserves should be performed by appraisers not in the employ of the pipeline company. Accordingly, we are proposing modifications to our Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) which would require that the determination of recoverable hydrocarbon reserves be made and attested to each year by an independent appraiser. The proposed modification would amend the preface to the natural gas production accounts.

We are at the same time proposing modifications to two schedules in our FPC Form No. 2, Annual Report for Natural Gas Companies (Classes A and B), and the addition of four new schedules to FPC Form No. 2. The following schedules are proposed for modification:

1. Natural Gas Reserves and Land Acreage (Schedule pages 547 and 548).

2. Changes in Estimated Natural Gas Reserves (Schedule page 549).

The proposed modifications to schedule pages 547 and 548 would separate the natural gas reserves on acreage acquired

V 37-6 JAN 11 72 XUM

before October 8, 1969, and acreage acquired after October 7, 1969, and require the reporting of proven and unproven natural gas reserves on acreage acquired after October 7, 1969. Reserves on acreage acquired after October 7, 1969, would be required to be attested to each year by an independent appraiser. Schedule page 549 would be modified to apply only to natural gas reserves on acreage acquired before October 8, 1969.

The four new schedules proposed to be added to FPC Form No. 2 would apply to hydrocarbon reserves on acreage acquired after October 7, 1969. These schedules as set out in detail in Attachment A are entitled and numbered as follows:

1. Changes in Estimated Natural Gas Reserves, Costs and Net Realizable Values (page 549A).

2. Changes in Estimated Crude Oil Reserves, Costs and Net Realizable Values (page 549B).

3. Changes in Estimated Natural Gas Liquid Reserves, Costs and Net Realizable Values (page 549C).

4. Explanation of Changes in Estimated Crude Oil, Natural Gas and Natural Gas Liquid Reserves and Net Realizable Values (page 549D).

New schedule pages 549A, 549B, and 549C, would require the reporting of natural gas, crude oil, and natural gas liquid proven and unproven reserves, the net realizable value of such reserves and the related costs. The reserves would be required to be attested to each year by an independent appraiser and the attestation filed with the Commission by the pipeline respondent. New schedule page 549D would be used to provide explanations of items on the new schedules, and an explanation of the criteria used to determine the net realizable value of reserves shown on the new schedules. The information reported on the new schedule pages 549A, 549B, and 549C and the criteria for determining net realizable values would also be required to be reported in the utility's annual report to stockholders.

Since exploration and development costs incurred on or related to leases acquired after October 7, 1969, will not be included in the cost of service for pipeline companies or be part of the rate base, we do not believe that an allowance for a pipeline's own funds used for exploration and development on such leases should be included in the gas plant accounts. We propose to amend the applicable gas plant instructions in our Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) to exclude an allowance on the pipeline's own funds used for exploration and development on leases acquired after October 7, 1969.

The proposed amendments to the Commission's Uniform Systems of Accounts under the Natural Gas Act and to FPC Form No. 2 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 10 and 16 (52 Stat. 825, 826, 830 (1938); 15 U.S.C. 717g, 717h, 717l, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than February 22, 1972, data, views, comments, or suggestions in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms pursuant to 44 U.S.C. 3501–3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Office, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conference.

A. The following are proposed amendments and revisions to the Uniform System of Accounts for Class A and Class B Natural Gas Companies, in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend subparagraph "(17) Allowance for funds used during construction" of Gas Plant Instruction "3. Components of Construction Cost" by revising the first sentence. As amended, subparagraph (17) will read:

Gas Plant Instructions

* * * * * * *

3. *Components of construction cost.* * * *

* * * * * * *

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used, except when such other funds are used for exploration and development on leases acquired after October 7, 1969, no allowance on such other funds shall be included in these accounts. No interest charges shall be included in these accounts upon expenditures for construction projects which have been abandoned.

NOTE: * * *

* * * * * * *

2. In the text of Gas Plant accounts, following the heading "B. Natural Gas Production Plant" and the subheading "B.1. Natural Gas Production and Gathering Plant", amend the text following the subheading entitled "Special Instructions—Costs Related to Leases Acquired After October 7, 1969" by adding a new sentence immediately following the second sentence. As revised, the text will read:

Gas Plant Accounts

* * * * * * *

2. PRODUCTION PLANT

* * * * * * *

B. NATURAL GAS PRODUCTION PLANT

B.1 Natural Gas Production and Gathering Plant

Special Instructions—Costs Related to Leases Acquired After October 7, 1969. The net book value of amounts recorded in the natural gas production accounts incurred on or related to leases acquired after October 7, 1969, shall, in general, not exceed the net realizable value (estimated selling price less estimated costs of extraction, completion, and disposal) of recoverable hydrocarbon reserves discovered on such leases. After initiation of exploration and development on leases acquired after October 7, 1969, the utility must determine after a reasonable period of time, and annually thereafter, whether the net realizable value of recoverable reserves on such leases will be sufficient to absorb the net book value of the amounts recorded in the accounts. The recoverable hydrocarbon reserves shall be attested to each year by an independent appraiser. If the net realizable value of recoverable reserves are not sufficient to absorb the net book value of amounts in the production accounts, the utility shall reduce the net book value of the amounts in the accounts to net realizable value of recoverable reserves. The reduction shall be done by first reducing the unamortized amounts recorded in account 338, Unsuccessful Exploration and Development Costs, by debiting account 404.1, Amortization and Depletion of Producing Land and Land Rights. Next, if the net book value related to successful costs exceeds the net realizable value of the recoverable reserves, the production plant accounts shall be written down to such net realizable value by appropriate charges and credits to the expense and valuation accounts.

* * * * * * *

(B) The following are proposed amendments and revisions to the Uniform System of Accounts for Class C Natural Gas Companies, in Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

1. Gas Plant Instruction "2. Components of Construction Cost." is amended by adding a new sentence thereto. As revised, Gas Plant Instruction 2 will read:

Gas Plant Instructions

* * * * * * *

2. *Components of Construction Cost.* The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, fees for construction certificate applications paid after grant of certificate, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance, taxes and other analogous items as may be properly includible in construction costs. When the utility employs its own funds in exploration and development on leases acquired after October 7, 1969, no interest on such funds shall be included in these accounts.

* * * * * * *

2. In the text of Gas Plant accounts, following the heading "B. Natural Gas Production Plant" and the subheading "B.1. Natural Gas Production and Gathering Plant", amend the text following the subheading entitled "Special Instructions—Costs Related to Leases Acquired After October 7, 1969" by adding a new sentence immediately following the second sentence. As revised, the text will read:

Gas Plant Accounts

* * * * * * *

2. PRODUCTION PLANT

* * * * * * *

B. NATURAL GAS PRODUCTION PLANT

B.1 Natural Gas Production and Gathering Plant

Special Instructions—Costs Related to Leases Acquired After October 7, 1969. The net book value of amounts recorded in the natural gas production accounts incurred on or related to leases acquired after October 7, 1969, shall, in general, not exceed the net realizable value (estimated selling price less estimated costs of extraction, completion and disposal) of recoverable hydrocarbon reserves discovered on such leases. After initiation of exploration and development on leases acquired after October 7, 1969, the utility must determine after a reasonable period of time, and annually thereafter, whether the net realizable value of recoverable reserves on such leases will be sufficient to absorb the net book value of the amounts recorded in the accounts. The recoverable hydrocarbon reserves shall be attested to each year by an independent appraiser. If the net realizable value of recoverable reserves are not sufficient to absorb the net book value of amounts in the production accounts, the utility shall reduce the net book value of the amounts in the accounts to net realizable value of recoverable reserves. The reduction shall be done by first reducing the unamortized amounts recorded in account 338, Unsuccessful Exploration and Development Costs, by debiting account 404.1, Amortization and Depletion of Producing Land and Land Rights. Next, if the net book value related to successful costs exceeds the net realizable value of the recoverable reserves, the production plant accounts shall be written down to such net realizable value by appropriate charges and credits to the expense and valuation accounts.

(C) The following are proposed amendments and revisions to the Uniform System of Accounts for Class D Natural Gas Companies, in Part 205, Chapter I, Title 18 of the Code of Federal Regulations:

1. Gas Plant Instruction "2. Components of Construction Cost." is amended by adding a new sentence thereto. As revised, Gas Plant Instruction 2 will read:

Gas Plant Instructions

* * * * * * *

2. *Components of Construction Cost.* The cost of construction of property chargeable to the gas plant accounts shall include where applicable, fees for construction certificate applications paid after grant of certificate, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, and such portion of general engineering, administrative salaries and expenses, insurance, taxes and other analogous items as may be properly includible in construction costs. When the utility employs its own funds in exploration and development on leases acquired after October 7, 1969, no allowance on such funds shall be included in these accounts.

* * * * * * *

2. In the text of Gas Plant accounts, following the heading "3. Natural Gas Production and Gathering" amend the text following the subheading *"Special Instructions—Costs Related to Leases Acquired After October 7, 1969"* by adding a new sentence immediately following the second sentence. As revised, the text will read:

Gas Plant Accounts

* * * * * * *

3. NATURAL GAS PRODUCTION AND GATHERING PLANT

Special Instructions—Costs Related to Leases Acquired After October 7, 1969. The net book value of amounts recorded in the natural gas production accounts incurred on or related to leases acquired after October 7, 1969, shall, in general, not exceed the net realizable value (estimated selling price less estimated costs of extraction, completion and disposal) of recoverable hydrocarbon reserves discovered on such leases. After initiation of exploration and development on leases acquired after October 7, 1969, the utility must determine after a reasonable period of time, and annually thereafter, whether the net realizable value of recoverable reserves on such leases will be sufficient to absorb the net book value of the amounts recorded in the accounts. The recoverable hydrocarbon reserves shall be attested to each year by an independent appraiser. If the net realizable value of recoverable reserves are not sufficient to absorb the net book value of amounts in the production accounts, the utility shall reduce the net book value of the amounts in the accounts to net realizable value of recoverable reserves. The reduction shall be done by first reducing the unamortized amounts recorded in account 338, Unsuccessful Exploration and Development Costs, by debiting account 404.1, Amortization and Depletion of Producing Land and Land Rights. Next, if the net book value related to successful costs exceeds the net realizable value of the recoverable reserves, the production plant accounts shall be written down to such net realizable value by appropriate charges and credits to the expense and valuation accounts.

(D) Effective for the reporting year 1972, it is proposed to revise certain pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A hereto.[1]

[1] Attachment A filed as part of the original.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-387 Filed 1-10-72;8:47 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

PUBLICATIONS

Proposed Incorporation by Reference

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes to revise the introductory paragraphs of §§ 701.14 and 701.15 (12 CFR 701.14, 701.15), and to add § 701.2 to Part 701, as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Administrator, National Credit Union Administration, 1325 K Street, NW., Washington, DC 20456, to be received not later than February 15, 1972.

HERMAN NICKERSON, Jr.,
Administrator.

JANUARY 5, 1972.

§ 701.2 Incorporation by reference.

(a) The publications used by Federal credit unions, which are identified and described in this chapter, are hereby incorporated by reference pursuant to 5 U.S.C. 552(a)(1) and the regulations issued thereunder.

(b) Copies of the publications prescribed in this chapter may be obtained on request addressed to National Credit Union Administration, 1325 K Street NW., Washington, DC 20456.

(c) Revisions or amendments of the publications may be issued from time to time by the National Credit Union Administration. An historic file of such amendments or revisions is maintained and made available for inspection at the National Credit Union Administration, 1325 K Street NW., Washington, DC 20456.

(d) The publications listed below, and more fully described in §§ 701.14 and 701.15, are hereby incorporated by reference:

(1) Handbook for Federal Credit Unions,

(2) Accounting Manual for Federal Credit Unions,

(3) Supervisory Committee Manual for Federal Credit Unions,

(4) Credit Manual for Federal Credit Unions,

V 37 6 JAN 11 72 XUM

(5) Federal Credit Union Bylaws,
(6) Guide to Standard Amendments to the Federal Credit Union Charter and Bylaws,
(7) Organizing a Federal Credit Union,
(8) Data Processing guidelines for Federal Credit Unions,
(9) Sale and Redemption of U.S. Savings Bonds by Federal Credit Unions,
(10) NCUA Bulletin,
(11) Annual Report of Operations,
(12) Selected Operating Statistics for Federal Credit Unions,
(13) State Chartered Credit Unions,
(14) Effective Collection Procedures for Federal Credit Unions, and
(15) Accounting Machine Handbook for Federal Credit Unions.

(e) Copies of these publications are on file with the Director, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408. The text of any changes in said publications will be filed with the Director, Office of the Federal Register, and a notice thereof will be periodically published in the FEDERAL REGISTER.

§ 701.14 Instructions for officials.

The National Credit Union Administration has published a number of manuals and booklets for use by officials of Federal credit unions in carrying out their duties. These publications, as listed and described below, are hereby incorporated by reference.

* * * * *

§ 701.15 Other publications.

In addition to the publications listed in § 701.14 the National Credit Union Administration publishes the following materials which are hereby incorporated by reference.

* * * * *

[FR Doc.72-403 Filed 1-10-72;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1971 Rev., Supp. No. 8]

PARLIAMENT INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $235,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Parliament Insurance Company
Chicago, Illinois
Illinois

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: January 4, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-368 Filed 1-10-72;8:46 am]

[Dept. Circ. 570, 1971 Rev., Supp. No. 9]

EQUITABLE FIRE AND MARINE INSURANCE COMPANY CHANGE OF NAME TO THE TRAVELERS INDEMNITY COMPANY OF RHODE ISLAND

Surety Companies Acceptable on Federal Bonds

The Equitable Fire and Marine Insurance Company, a Rhode Island corporation, has formally changed its name to The Travelers Indemnity Company of Rhode Island. A copy of the Act of the General Assembly of the State of Rhode Island, approved by the Governor of Rhode Island June 25, 1971 changing the name of the Equitable Fire and Marine Insurance Company to The Travelers Indemnity Company of Rhode Island has been received and filed in the Treasury.

A new Certificate of Authority as an acceptable surety on Federal bonds has been issued to The Travelers Indemnity Company of Rhode Island under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued July 1, 1971 to the Company under its former name Equitable Fire and Marine Insurance Company. The underwriting limitation of $2,300,000 previously established for the Company remains unchanged.

The change in name of the Equitable Fire and Marine Insurance Company does not affect its status or liability with respect to any obligations in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A listing of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other informaton. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: January 4, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-367 Filed 1-10-72;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, DIVISION OF MANAGEMENT SERVICES, ALASKA STATE OFFICE, ET AL.

Delegation of Authority Regarding Contracts and Leases

A. Pursuant to delegation of authority contained in Bureau Manual 1510-03B2, the

Chief, Division of Management Services, State Office.
Chief, Branch of Administrative Management, State Office.
Chief, Procurement and Property Section, State Office.
District Managers.
District Chiefs, Division of Administration.

are authorized:

1. To enter into contracts with established sources for supplies and services, excluding capitalized equipment, regardless of amount, and

2. To enter into contracts on the open market for supplies and materials, excluding capitalized equipment, not to exceed $2,500 per transaction ($2,000 for construction), provided that the requirement is not available from established sources. (Section 302(c)(3) of the FPAS Act)

3. To enter into contracts in an unlimited amount for necessary procurements in the case of emergency fire suppression work for the rental of equipment and aircraft and for supplies and materials, excluding capitalized equipment, required in such operations. (Section 302(c)(2) of the FPAS Act)

B. The Chief, Division of Management Services, and Chief, Branch of Administrative Services, are delegated authority to negotiate contracts in excess of $2,500, under section 302(c)(10) of the FPAS Act of 1949, for air transportation services not related to emergency fire presuppression or suppression, in accordance with the following:

1. *Limitations.* This authority may be used only:

(a) To hire aircraft with crew for transportation of persons or cargo, not for project work.

(b) To hire such aircraft for unforeseeable short term needs, where lead time is not available to permit Portland Service Center to handle the contract.

(c) After it has been determined that Bureau-owned aircraft, or aircraft available under existing contracts or offers (when appropriate) cannot satisfy the need.

C. District Managers may redelegate the authority granted in A. above.

D. All previous delegations of procurement authority are hereby canceled.

CURTIS V. MCVEE,
State Director.

Approved:

CURTIS V. MCVEE,
State Director.

[FR Doc.72-352 Filed 1-10-72;8:45 am]

JAN 11 72

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

TIRE CODE MARKS ASSIGNED NEW TIRE MANUFACTURERS AND RETREADED TIRE MANUFACTURERS

The purpose of this notice is to publish the code numbers assigned to manufacturers of retreaded tires under the Tire Identification and Record Keeping Regulation, 49 CFR Part 574 (36 F.R. 1196), and to update the list of codes assigned new tire manufacturers published in the FEDERAL REGISTER of April 21, 1971 (36 F.R. 7539).

The Tire Identification and Recordkeeping Regulation (hereafter Part 574) requires that new tires manufactured after May 22, 1971, be marked with a two-symbol code and retreaded tires manufactured after May 22, 1971, be marked with a three-symbol manufacturer's code. The manufacturer's code is the first grouping within the tire identification number after the symbol "DOT" in the case of new tires and after the symbol "R" in the case of retread tires.

Under Part 574 a separate code mark is assigned to each manufacturer's plant. Table 1 of this notice lists the code assigned new tire manufacturers and the manufacturer that received each code. Table 2 lists new tire manufacturers alphabetically and the code assigned each manufacturer. Table 3 lists the code numbers assigned retreaded tire manufacturers and 4 lists the retreaders and the number each retreader received. The manufacturer's plant and its location (city and State) are included in the tables. Additional information such as street address, ZIP code and address of the parent company (if any) is available for inspection or purchase (computer printout or tape) in the Docket Section, Room No. 5221, 400 Seventh Street SW., Washington, DC 20590.

Where one or more retread plants with different plant names are affiliated with a parent company, these plants are listed under their own name as well as under the name of the parent company.

This notice is issued under the authority of sections 103, 113, 119, 201, and 206 of the National Traffic Safety Act of 1966 as amended (15 U.S.C. 1392, 1402, 1407, 1421, 1426); and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on December 15, 1971.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

TABLE I

NEW TIRE MANUFACTURES

AA	The General Tire & Rubber Co., 1 General St.	Akron, OH 44309.
AB	The General Tire & Rubber Co., South Loop Highway, Post Office Box 2080.	Waco, TX 76704.
AC	The General Tire & Rubber Co., 1110 Continental Blvd., Post Office Box 15215.	Charlotte, NC 28210.
AD	The General Tire & Rubber Co., Paducah Highway, U.S. 45, Post Office Box 329.	Mayfield, KY 42066.
AE	General Fabrica Espanola Del Caucho S.A., Apartado 4 (General Tire International).	Torrelavego, Santander, Spain.
AF	Manufactura Nacional De Borracha S.A.R.L., Apartado 71 (General Tire International).	Porto, Portugal.
AH	General Popo, S.A., Apartado 17-700 (General Tire International).	Mexico City 17, D.F. Mexico.
AJ	Uniroyal Tire Co., 6600 East Jefferson.	Detroit, MI 48232.
AK	Uniroyal Tire Co., 154 Grove St.	Chicopee Falls, MA 01020.
AL	Uniroyal Tire Co., 799 Wisconsin St.	Eau Claire, WI 54701.
AM	Uniroyal Tire Co., 5675 Anaheim-Telegraph Rd.	Los Angeles, CA 90022.
AN	Uniroyal Tire Co., Uniroyal Rd. and Highway 169.	Opelika, AL 36801.
AP	Uniroyal Tire Co.	Ardmore, OK 73401.
AT	Avon Rubber Co., Ltd., Tyre Division.	Melksham, Wiltshire, England.
AU	Uniroyal, Ltd., Strange St.	Kitchener, Ontario, Canada.
AV	Seiberling Tire & Rubber Co., 345 15th St. (Division of the Firestone Tire & Rubber Co.).	Barberton, Ohio 44203.
AW	Samson Tire & Rubber Co., Ltd., Kiryat Aryeh, Petah Tikva.	Post Office Box 2581, Tel Aviv, Israel.
AX	Phoenix Gummiwerke, A.G., Hannoversche Strasse 88, Postfach 53.	2000 Hamburg-90, West Germany.
AY	Phoenix Gummiwerke, A.G., Werk Reinsdorf.	3331 Reinsdorf (Uber Helmstedt) West Germany.
A1	Manufacture Francaise Des Pneumatics Michelin Zone Industrielle de la Republique, B.P. 203.	86-Poitiers, France.
BA	B. F. Goodrich Tire Co., 500 South Main St.	Akron, OH 44318.
BB	B. F. Goodrich Tire Co., 5400 East Olympic Blvd.	Los Angeles, CA 90022.
BC	B. F. Goodrich Tire Co., Montgomery Ave.	Oaks, PA 19456.
BD	B. F. Goodrich Tire Co., 500 Goodrich Blvd.	Miami, OK 74354.
BE	B. F. Goodrich Tire Co., U.S. Route 11 West.	Tuscaloosa, AL 35401.
BF	B. F. Goodrich Tire Co., U.S. Route 24.	Woodburn, IN 46797.
BH	B. F. Goodrich Canada, Ltd., 409 Weber St.	Kitchener, Ontario, Canada.
BJ	B. F. Goodrich G.m.b.H., 54 Koblenz/RH, August Horst Strasse Postfach 1629.	Koblenz, West Germany.
BK	B. F. Goodrich do Brasil Caixa Postal 591, Estado de Sao Paulo.	Campinas, Brazil.
BL	Industria Colombiana de Llantas S.A., Apartado 45-07 (B. F. Goodrich International).	Bogata, Colombia.
BM	B. F. Goodrich Australia Pty., Ltd., Private Bag No. 7.	Campbellfield, Victoria, Australia.
BN	B. F. Goodrich Philippines, Inc., Post Office Box 423 Makati Commercial Center.	Makti, Rizal, Philippines.
BP	B. F. Goodrich Iran, S.A., Post Office Box 12.	Tehran, Iran.
BT	Semperit, A.G., Wienersdorferstrasse.	A-2514 Traiskirchen, Austria.
BU	Semperit Ireland Ltd., Killeen Rd.	Dublin 10, Ireland.
BV	International Rubber Industries, 2500 Grassland Dr., Jeffersontown, Ky.	Post Office Box 99307, Louisville, KY 40299.
BW	The Gates Rubber Co., 999 South Broadway.	Denver, CO 80217.
BX	The Gates Rubber Co., Post Office Box 5306, East Station, Gallatin Rd.	Nashville, TN 37216.
BY	The Gates Rubber Co., 8000 South Etati.	Littleton, CO 80120.
B1	Manufacture francaise des Pneumatics Michelin, Zone Industrielle Sainte Anne B.P. 422	85-La Rochesur-You, France.
CA	The Mohawk Rubber Co., 1236 Second Ave.	Akron, OH 44305.
CB	The Mohawk Rubber Co., Highway 49.	Helena, AR 72342.
CC	The Mohawk Rubber Co., 1500 Indiana St.	Salem, VA 24153.
CD	Alliance Tire & Rubber Co., Ltd.	Hadera, Israel.
CE	The Amstrong Rubber Co., 475 Elm St.	West Haven, CT 06516.
CF	The Amstrong Rubber Co., 2345 East Market St.	Des Moines, IA 50306.
CH	The Amstrong Rubber Co., 10753 Idaho Ave.	Hanford, CA 93221.
CJ	Inque Rubber Co., Ltd., 38 Funakata Chitose-Cho.	Atsuta-ku, Nagoyo, Japan
CL	Contitalia S.P.A., address mail to, Continental, A.C., Koenigsworther Platz 1, D-3000 Hannover, West Germany.	I—30042 Bressanone, Italy.
CM	Continental Gummi-Werke, A.G., Vahrenwalder Str.	D-3000 Hannover, West Germany.
CN	Usine Francaise des Pneumatics, Continental S.A.R.L.	F-57 Sarreguemines, France.
CP	Continental Gummi-Werke, A.G., Continental Str. 3 to 5.	D-354 Korbach, West Germany.
CT	Continental Gummi-Werke, A.G., Continental Str. 1.	D-3138 Dannenberg, West Germany.
CU	Continental Gummi-Werke, A.C., Stockner Str. 132.	D-3000 Hannover-Stocken, West Germany.
CV	The Armstrong Rubber Co., Brenham and Kelly Aves.	Natchez, MS 39121.
CW	The Toyo Rubber Industry Co., Ltd., Itami Plant: 80 Amatsu Fujinkoi.	Itami, Hyogo, Japan.
CX	The Toyo Rubber Industry Co., Ltd., Sendai Plant: Fukiage Iwanuma.	Natori-Gun, Miyagi, Japan.
CY	McCreary Tire & Rubber Co., Post Office Box 749.	Indiana, PA 15701.
C1	Michelin (Nigeria), Ltd., Post Office Box 527, Port-Harcourt River-state.	Port-Harcourt, Nigeria.
DA	The Dunlop Tire & Rubber Corp., Post Office Box 1109, Sheridan Drive and River Road.	Buffalo, NY 14240.
DB	The Dunlop Tire & Rubber Corp., Post Office Box 1141.	Huntsville, AL 35807.
DC	Dunlop Canada, Ltd., Dunlop Dr.	Whitby, Ontario Canada.
DD	The Dunlop Co., Ltd., Fort Dunlop.	Birmingham, 24 England.
DE	The Dunlop Co., Ltd., Wear Industrial Estate.	Washington, Durham, England.
DF	The Dunlop Co., Ltd., Speke	Liverpool 24, England.
DH	The Dunlop Co., Ltd., Post Office Box No. 5.	Inchinnan, Renfrewshire, Scotland.
DJ	The Irish Dunlop Co., Ltd., Dunlop House, Centre Park Rd.	Cork, Ireland.
DK	Dunlop SA., Rue de Pasquis, Boite Postale 539.	03-Montlucon, France.
DL	Dunlop, S.A., Zone Industrielle, Boite Postale 1018.	80-Amiens, France.
DM	Dunlop, A.G., Dunlopstrasse 2.	645 Hanau Am Main, West Germany.
DN	Dunlop, A.G., Rheinland Pfalz.	Wittlich, West Germany.
DP	The Dunlop Co., Ltd., St. Mary's Mills.	Leicester, England.
DT	Dunlop Australia, Ltd., Montague Plant, G.P.O. Box 7772H.	Melbourne, Victoria 3001, Australia.
DU	Dunlop Australia, Ltd., Drummoyne Plant, Cary St.	Drummoyne, New South Wales 2047, Australia.
DV	N.V. Nederlandsch-Amerikaansche, Autobandenfabriek Vredestein, Post Office Box 27.	Enschnede, The Netherlands.
DW	Rubberfabriek Vredestein, Doetinchem N.V., Broekweg 29.	Doetinchem, The Netherlands.
DX	N.V. Bataafsche Rubber Industrie Radium, Post Office Box 1038 (Vredestein).	Maastricht, The Netherlands.
DY	Deuman Rubber Manufacturing Co., Diehl South Rd., Leavittsburg, OH 44430.	Post Office Box 961 Warren, OH 44482.
DI	Viking Askim	1800 Askim, Norway.
EA	Metzler, A.G., Postfach 201726	8 Munchen 2, West Germany.
EB	Metzler, A.G., Zweigwerk Neustadt.	6129 Neustadt/Odenwald, West Germany.
EC	Metzler, A.G., Gummiwerk Odenwald, Postfach 66.	6128 Hochst, West Germany.
ED	Okamoto Riken Gomu Co., Ltd., 27-12, 3-Chome, Hongo.	Bunkyo-ku, Tokyo, Japan.
EE	Nitto Tire Co., Ltd., 2001 Ichinomiya, Samukawa-Machi.	Kanagawa-ken, Japan.
EF	Hung Ah Tire Co., Ltd., 50-10, 2KA, Chungmu-ro, Chungku.	Seoul, Korea.
EH	Bridgestone Tire Co., Ltd., Kurme: 105, Kyomachi, Kurme-shi.	Fukuoka-ken, Japan.
EJ	Bridgestone Tire Co., Ltd., Tosu: 1000, Todoroki-cho, Tosu-shi.	Saga-ken, Japan.
EK	Bridgestone Tire Co., Ltd., Amagi: Fukuda, Amagi-shi.	Fukuoka-ken, Japan.
EL	Bridgestone Tire Co., Ltd., Hikone: 221, Takamiya-cho, Hikone-shi.	Shiga-ken, Japan.
EM	Bridgestone Tire Co., Ltd., No. 1, 1-Chome, Kyobashi Chuo-ku (Main Office).	Tokyo, Japan.
EN	Bridgestone Tire Co., Ltd., Nasu: 3-1, Yamato-cho Kuroiso-shi.	Tochigi-ken, Japan.
EP	Bridgestone Tire Co., Ltd., Tochigi: 10, Oaza-Kaminakano, Kuroiso-shi.	Do.
ET	Sumitomo Rubber Industries, 20, 1-Chome, Tsutsui-cho.	Fukiai-ku, Kobe, Japan.
EU	Sumitomo Rubber Industries, 1, 4-Chome Shinsei-cho. Toyota City.	Aichi Prefecture, Japan.
EV	Kleber Colombes Co., 34 Boulevard D'Acheres (Colombes Plant).	Colombes (Haut-de-Seine), France.
EW	Kleber-Colombes, Co., Croix de Metz (Toul Plant).	Toul (Meurthe-et-Moselle), France.
EX	Kleber-Colombes Co. (Troyes Plant).	La Chapelle St.-Luc (Aube), France.
EY	Kleber-Colombes, A.G. (St. Ingbert Plant).	667 St.-Ingbert (Saar), West Germany.
E1	Chung Hsing Industrial Co., Ltd., Office: 281 Sec. 1 Chung Hsiao West Road, Taipei.	Taichung Hsien, Taiwan.
FA	The Yokohama Rubber Co., Ltd., No. 150 Shinshuku.	Hiratsuka, Kanagawa-Pref, Japan.
FB	The Yokohama Rubber Co., Ltd., No. 1038 Takabuku, Misono Mura.	Watari-gun, Miye-Pref, Japan.
FC	The Yokohama Rubber Co., Ltd., No. 8-1 Minami Futsuka Machi.	Mishima, Shizuoka-Pref, Japan.
FD	The Yokohama Rubber Co., Ltd., No. 1 Aza Furuyashiki, Noda.	Shinsharo, Aichi-Pref, Japan.
FE	The Yokohama Rubber Co., Ltd., No. 3-1-22, Atago.	Ageo, Saitama-Pref, Japan.
FF	Manufacture Francaise des Pneumatiques Michelin, Usine des Carmes.	63-Clermont-Ferrand, France.
FH	Manufacture Francaise des Pneumatics Michelin. Usine de Cataroux.	Do.
FJ	Manufacture Francaise des Pneumatics Michelin, 18-St. Doulchard BP 2.	Bourges, France.
FK	Manufacture Francaise des Pneumatics Michelin, 49-Cholet BP 226.	Cholet, France.
FL	Manufacture Francaise des Pnuematics, Michelin, 71 Montceau-les-Mines BP 104.	Montceau-les-Mines, France.
FM	Manufacture Francaise des Pneumatics Michelin, La Chapelle St 45-Mesmin.	Orleans, France.
FN	Manufacture Francaise des Pneumatics Michelin, BP-18, 37-Joue les Tours.	Tours, France.
FP	Ste. d'Applications Techniques Industrielles (SATI), BP 72, Hussein-Dey (Michelin).	Algiers, Algeria.
FT	Michelin Reifenwerke, A.G., Binger Strasse Postfach 129.	6550 Bad/Kreuznach, West Germany.
FU	Michelin Reifenwerke, A.G., 8605 Hallstadt Postfach 1140.	Bamberg, West Germany.
FV	Michelin Reifenwerke, A.G., 665-Homburg (Saar), Postfach 230.	Homburg, West Germany.
FW	Michelin Reifenwerke, A.G., Vogesenstrasse-4, Postfach 210-760.	Karlsruhe, West Germany.

NEW TIRE MANUFACTURES

FX	S.A. Belge du Pneumatique Michelin, 71 Chaussee de Mons, Leeuw-St. Pierre.	Zuen, Belgium.
FY	N.V. Nederlandsche Banden, Industries Michelin, Poste Box 209, S'Hertogenbosch.	Bois-le-Duc, Holland.
FI	Michelin Tyre Co., Ltd., Baldovie House, Baldovie Road.	Dundee, Scotland.
HA	S.A.F.E.N.M. (Michelin), Apartado 151, Aranda de Duero.	Aranda, Spain.
HB	S.A.F.E.N.M. Lasarte (Guipuzcoa) (Michelin), Apartado 139, San Sebastian.	Lasarte, Spain.
HC	S.A.F.E.N.M. (Michelin), Apartado 301, Vitoria (Alava).	Vitoria, Spain.
HD	Societa per Azoni, Michelin Italiana, Casella Postale 125.	Cuneo, Italy.
HE	Societa per Azoni, S.p.A. Michelin Italiana, Casella Postale 1-10-100.	Marengo, Italy.
HF	Societa per Azoni, Michelin Italiana, Casella Postale 462 1-10-100 Turin.	Turin (Dora), Italy.
HH	Societa per Azoni Michelin Italiana, Casella Postale 462 1-10-100.	Turin (Stura), Italy.
HJ	Michelin Tyre Co., Ltd., Broughshane Road (County Antrim).	Ballymena, North Ireland.
HK	Michelin (Belfast) Ltd., Derry Rd., Mallusk Newtown Abbey (County Antrim).	Belfast, North Ireland.
HL	Michelin Tyre Co., Ltd., Heasandford Estate.	Burnley (Lanc.), England.
HM	Michelin Tyre Co., Ltd., Stoke-on-Trent (Staff.).	Stoke-on-Trent, England.
HN	Michelin Tire Manufacturing Co. of Canada, Ltd., Post Office Box 399.	New Glasgow, Nova Scotia.
HP	Manufacture Saigonnalse des Pneumatiques Michelin, B.P. 308.	Saigon, South Vietnam.
HT	Ceat, S.p.A. Pneumatici via Leoncavallo, Mailing Address P.O.B. 509-10100 Torino, Italy.	25-10154 Torino, Italy.
HU	Ceat 10036	Settimo Torinese, Italy.
HV	Ceat 03012	Anagni (Frosinone), Italy.
HW	Rudy Rijen, Narodni Podnik	04 Gottwaldov, Czechoslovakia.
HX	The Dayton Tire & Rubber Co., 2342 West Riverview Ave.	Dayton, OH 45407.
HY	The Dayton Tire & Rubber Co., 2500 South Council Rd.	Oklahoma City, OK 73124.
JA	The Lee Tire & Rubber Co. (the Goodyear Tire & Rubber Co., Plant, No. 1), 1144 East Market St.	Akron, OH 44316.
JB	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Plant No. 2), Martha Ave.	Akron, Ohio 44316.
JC	The Lee Tire & Rubber Co., Hector St.	Conshohocken, PA 19428.
JD	The Lee Tire & Rubber Co. (The Kelly-Springfield Tire Co., 800 Kelly Rd.).	Cumberland, MD 21501.
JE	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Danville Plant).	Danville, Va. 24541.
JF	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Fayetteville Plant).	Fayetteville, NC 28302.
JH	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Freeport Plant).	Freeport, Ill. 61032.
JJ	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Gadsden Plant), 464 Goodyear Ave.	Gadsden, AL 35902.
JK	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., 2219 Chapin St.).	Jackson, MI 49204.
JL	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., 6701 South Central Ave.).	Los Angeles, CA 90054.
JM	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., 545 Orchard St.).	New Bedford, MA 02745.
JN	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co.).	Topeka, Kans. 66601.
JP	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. Forrest Hill Station).	Tyler, Tex. 75703.
JT	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co.).	Union City, Tenn. 38261.
JU	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. of Canada, Ltd.), Post Office Box 750.	Medicine Hat, AB Canada.
JV	The Lee Tire & Rubber Co. (The Goodyear-Tire & Rubber Co. of Canada Ltd.), 3060 Lake Shore Boulevard.	Toronto 14, ON Canada.
JW	The Lee Tire & Rubber Co. (Seiberling Rubber Co. of Canada), 99 Paton Rd. (Goodyear International).	Toronto 9, ON Canada.
JX	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. of Canada, Ltd.) Boulevard Mgr. Langlois.	Valleyfield, PQ Canada.
JY	The Lee Tire & Rubber Co. (Neumaticos Goodyear S.A.).	Hurlingham, F.C.N.S.M. Argentina.
KA	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. (Australia) Pty. Ltd.) Grand Ave.	Granville, New South Wales, Australia.
KB	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. (Australia) Pty. Ltd.).	Thomastown, Victoria, Australia.
KC	The Lee Tire & Rubber Co. (Companhia Goodyear do Brasil Rue Dos Prazeres 281).	Sao Paulo, Brazil.
KD	The Lee Tire & Rubber Co. (Goodyear de Colombia S.A., Yumbo (Valle), Colombia).	Cali, Colombia.
KE	The Lee Tire & Rubber Co. (Goodyear Congo, Kinshasa 2).	Republic of the Congo.
KF	The Lee Tire & Rubber Co. (Compagnie Francaise Goodyear S.A., Longpre-les-Amiens).	80 Amiens-Somme, France.
KH	The Lee Tire & Rubber Co. Rote Torststrasse 10 (Deutsche Goodyear G.m.b.H.).	Phillipsburg/Bruckeal, West Germany.
KJ	The Lee Tire & Rubber Co. Gummiwerke Fulda G.m.b.H., Kunzeller Strasse 59/61 (Goodyear International).	64 Fulda, West Germany.
KK	The Lee Tire & Rubber Co. (Goodyear Hellas S.A.I.C).	Thessaloniki, Greece.
KL	The Lee Tire & Rubber Co. Gran Industria de Neumaticos. S.A. (Goodyear International).	Guatemala City, Guatemala.
KM	The Lee Tire & Rubber Co. (Goodyear S.A. Colmar-Berg).	Grand Duchy of Luxembourg.
KN	The Lee Tire & Rubber Co. (Goodyear India Ltd., Factory Ballabgarh).	District Gurgaon (Hariana State), India.
KP	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Ltd.).	Bogor, Republic of Indonesia.
KT	The Lee Tire & Rubber Co. (Goodyear Italiana SpA Casella Postale 99).	04012, Latina, Italy.
KU	The Lee Tire & Rubber Co. (Goodyear Jamaica Ltd., Parish of St. Thomas).	Springfield, Morant Bay, Jamaica, West Indies.
KV	The Lee Tire & Rubber Co. (Compania Hulera Goodyear-Oxo, Lecheria, Edo de Mexico).	Mexico City 1, D.F., Mexico.
KW	The Lee Tire & Rubber Co. (Compania Goodyear del Peru, Ave. Republica, Argentina 6037).	Lima, Peru.
KX	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. of the Philippines).	Las Pinas, Rizal, Philippines.
KY	The Lee Tire & Rubber Co. (Goodyear Tire & Rubber Co. (GB) Ltd., 2366 Great Western Rd.).	Glasgow, W.5, Scotland.
LA	The Lee Tire & Rubber Co. (The Goodyear Tyre & Rubber Co., S.A. Pry. Ltd., Cape Province).	Uitenhage, South Africa.

JAN 11 1972 XUM

NEW TIRE MANUFACTURERS

LB	The Lee Tire & Rubber Co. (Goodyear Gummi Fabics Aktirbolag, Lindovagen 65).	Norrkoping 1, Sweden.
LC	The Lee Tire & Rubber Co. Sirinee Bldg. 518/4 Ploechitr Road (Goodyear International).	Bangkok, Thailand.
LD	The Lee Tire & Rubber Co. PK2 Izmit (Goodyear International).	Kocaeli, Turkey.
LE	The Lee Tire & Rubber Co. (CA Goodyear de Venezuela).	Valencia, Edo Carabobo, Venezuela.
LF	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. (GB) Ltd.).	Wolverhampton, England.
LH	Uniroyal S.A., Rubber Mills Pty. Ltd., 1038-1042 South Rd., Post Office Box 90.	Edwardstown, South Australia.
LJ	Uniroyal Englebert Belgique, S.A., Parc Industriel des Hauts Sarts.	Herstal-lez-Liege, Belgium.
LK	Uniroyal Croycon, S.A., Carrera 7A., No. 22-1.	Cali, Colombia.
LL	Uniroyal Englebert France, S.A., Usines Clairoix, Post Office Box 163.	60 Compiegne, France.
LM	Uniroyal Englebert Deutschland, A.G., Buttenstrasse 7.	5100 Aachen 1, West Germany.
LN	Uniroyal, S.A. Lago Aullagas 60.	Mexico City 17, D.F., Mexico.
LP	Uniroyal, Ltd., Tyre & General Products Division.	Newbridge, Midlothian, Scotland.
LT	Uniroyal Endustri Turk Anonim Sirketi, Fabrika Posta Kutusu 27.	Adapazari, Turkey.
LU	Uniroyal, C.A., Apartado 98	Valencia, Venezuela.
LV	Mansfield—Duncan General Co., Ltd., John St.	Barrie, ON Canada.
LW	Trelleborg Gummifabriks Aktiebolag	S-23101 Trelleborg, Sweden.
LX	Mitsuboshi Belting Ltd., 4-Chome, Hamazoedori, Nagataku.	Kobe, Japan.
LY	Mitsuboshi Belting Ltd., Hara Tsuda-cho Okawa-gun.	Shikoku, Japan.
MA	The Goodyear Tire & Rubber Co. 1144 East Market St., Plant No. 1.	Akron, OH 44316.
MB	The Goodyear Tire & Rubber Co., Martha Ave., Plant 2.	Akron, OH 44316.
MC	The Goodyear Tire & Rubber Co., Post Office Box 920.	Danville, VA 24541.
MD	The Goodyear Tire & Rubber Co., 464 Goodyear Ave.	Gadsen, AL 35902.
ME	The Goodyear Tire & Rubber Co., 2219 Chapin St.	Jackson, MI 49204.
MF	The Goodyear Tire & Rubber Co., 6701 South Central Ave., Post Office Box 3339, Terminal Annex.	Los Angeles, CA 90054.
MH	The Goodyear Tire & Rubber Co., 545 Orchard St.	New Bedford, ME 02741.
MJ	The Goodyear Tire & Rubber Co., Post Office Box 1069.	Topeka, KS 66601.
MK	The Goodyear Tire & Rubber Co., Post Office Box 57.	Union City, TN 38261.
ML	The Goodyear Tire & Rubber Co., 800 Kelly Rd., Post Office Box 300 (Kelly-Springfield).	Cumberland, MD 21502.
MM	The Goodyear Tire & Rubber Co., Post Office Box 1907 (Kelly-Springfield).	Fayetteville, NC 28302.
MN	The Goodyear Tire & Rubber Co., Route 20 East.	Freeport, IL 61032.
MP	The Goodyear Tire & Rubber Co., Forrest Hill Station.	Tyler, TX 75703.
MT	The Goodyear Tire & Rubber Co., Hector St. (Lee Tire & Rubber Co.).	Conshohocken, PA 19428.
MU	Neumaticos Goodyear, S.A. (Goodyear International).	Hurlingham F.C.N.O.S.M., Argentina.
MV	The Goodyear Tyre & Rubber Co. (Australia) Ltd., Grand Ave.	Granville, New South Wales, Australia.
MW	The Goodyear Tyre & Rubber Co., Ltd., Post Office Box 22.	Thomastown, Victoria, Australia.
MX	Companhia Goodyear do Brasil, Rue dos Prazeres 284.	Sao Paulo, Brazil.
MY	Goodyear de Colombia, S.A., Yumbo (Valle), Colombia.	Cali, Colombia.
NA	Goodyear Congo, Kinshasa 2.	Republic of the Congo.
NB	The Goodyear Tyre & Rubber Co. (Great Britain) Ltd.	Wolverhampton, England.
NC	Compagnie Francaise Goodyear, S.A., Zone Industriele, Longpre-les-Amiens.	80 Amiens-Somme, France.
ND	Deutsche Goodyear G.m.b.H., Rote Torstrasse 10.	7522 Phillipsburg/Bruchsal, West Germany.

NEW TIRE MANUFACTURERS

NE	Gummiwerke Fulda G.m.b.H., Kunseller Strasse 59/61 (Goodyear International), Postfach 440.	64 Fulda, West Germany.
NF	Goodyear Hellas S.A.I.C., Post-Office Box 164.	Thessaloniki, Greece.
NH	Gran Industria de Neumaticos Centro American S.A. (Goodyear International).	Guatemala City, Guatemala.
NJ	Goodyear, S.A., Colmar—Berg.	Grand Duchy of Luxembourg.
NK	Goodyear India Ltd., Factory Ballabgarh.	Distric Gurgaon (Harians State), India.
NL	The Goodyear Tire & Rubber Co., Ltd.	Bogor, Republic of Indonesia.
NM	Goodyear Italiana S.p.A., Casella Postale 99.	04012-Latina, Italy.
NN	Goodyear Jamaica Ltd., Parish of St. Thomas.	Springfield, Morant Bay, Jamaica, West Indies.
NP	Compania Hulera Goodyear-Oxo, S.A., Lecheria, Edo do Mexico, Apartado 1028.	Mexico City 1, D.F., Mexico.
NT	Companie Goodyear del Peru, Ave. Republica, Argentina 6037.	Lima, Peru.
NU	The Goodyear Tire & Rubber Co. of the Philippines, Ltd.	Las Pinas, Rizal, Philippines.
NV	Goodyear Tyre & Rubber Co. (G.B.) Ltd., 2366 Great Western Rd.	Glasgow, W.5., Scotland.
NW	The Goodyear Tyre & Rubber Co.(S.A.) (Pty.) Ltd., Cape Province, Post Office Box 126.	Uitenhage, South Africa.
NX	Goodyear Gummi Fabriks Aktirbolag, Lindovagen 65.	Norrkoping 1, Sweden.
NY	Goodyear (Thailand) Ltd., Sirinee Bldg., 518/4 Ploechitr Rd.	Bangkok, Thailand.
PA	Goodyear Lastikleri Tas, Pk 2 Izmit.	Kocaeli, Turkey.
PB	CA Goodyear de Venezuela, Apartado 186.	Valencia, Edo Carabobo, Venezuela.
PC	The Goodyear Tire & Rubber Co. of Canada, Ltd., Post Office Box 750.	Medicine Hat, AB Canada.
PD	The Goodyear Tire & Rubber Co. of Canada, Ltd., Blvd. Mgr. Langlois.	Valleyfield, PQ Canada.
PE	Selberling Rubber Co. of Canada, 99 Paton Rd. (Goodyear International).	Toronto 9, ON Canada.
PF	The Goodyear Tire & Rubber Co. of Canada, Ltd., 3050 Lake Shore Blvd.	Toronto 14, ON Canada.
PH	The Kelly-Springfield Tire Co., 800 Kelly Rd., Post Office Box 300.	Cumberland, MD 21502.
PJ	The Kelly-Springfield Tire Co., Post Office Box 1907.	Fayetteville, NC 28302.
PK	The Kelly-Springfield Tire Co., Route 20 East (Goodyear Tire & Rubber Co.).	Freeport, IL 61032.
PL	The Kelly-Springfield Tire Co., Forrest Hill Station (Goodyear Tire & Rubber Co.).	Tyler, TX 75703.
PM	The Kelly-Springfield Tire Co., Hector St. (Goodyear Tire & Rubber Co.).	Conshohocken, PA 19428.
PN	The Kelly-Springfield Tire Co., Plant No. 1, 1144 East Market St. (Goodyear Tire & Rubber Co.).	Akron, OH 44316.
PP	The Kelly-Springfield Tire Co., Plant No. 2, Martha Ave. (Goodyear Tire & Rubber Co.).	Akron, OH 44316.
PT	The Kelly-Springfield Tire Co., Post Office Box 3400 (Goodyear Tire & Rubber Co.).	Danville, VA 24541.
PU	The Kelly-Springfield Tire Co., 464 Goodyear Ave. (Goodyear Tire & Rubber Co.).	Gadsen, AL 35902.
PV	The Kelly-Springfield Tire Co., 2219 Chapin St. (Goodyear Tire & Rubber Co.).	Jackson, MI 49204.
PW	The Kelly-Springfield Tire Co., 6701 South Central Ave., Post Office Box 3339 Terminal Annex (Goodyear Tire & Rubber Co.).	Los Angeles, CA 90054.
PX	The Kelly-Springfield Tire Co., 545 Orchard St. (Goodyear Tire & Rubber Co.).	New Bedford, ME 02741.
PY	The Kelly-Springfield Tire Co., Post Office Box 1069 (Goodyear Tire & Rubber Co.).	Topeka, KS 66601.

NEW TIRE MANUFACTURERS

TA	The Kelly-Springfield Tire Co., Post Office Box 57 (Goodyear Tire & Rubber Co.).	Union City, TN 38261.
TB	The Kelly-Springfield Tire Co., (Neumaticos Goodyear S.A.).	Hurlingham F.C.N.O.S.M., Argentina.
TC	The Kelly-Springfield Tire Co. (The Goodyear Tyre & Rubber Co., Ltd., Grand Ave.).	Granville, New South Wales, Australia.
TD	The Kelly-Springfield Tire Co. (The Goodyear Tyre & Rubber Co.).	Thomastown, Victoria, Australia.
TE	The Kelly-Springfield Tire Co. (Companhia Goodyear do Brasil, Rue dos Prazeres 284).	Sao Paulo, Brazil.
TF	The Kelly-Springfield Tire Co. (Goodyear de Colombia, S.A., Yumbo (Valle), Colombia).	Cali, Colombia.
TH	The Kelly-Springfield Tire Co. (Goodyear Congo).	Kinshasa 2, Republic of the Congo.
TJ	The Kelly-Springfield Tire Co. (Goodyear Tyre & Rubber Co. (Great Britain) Ltd.).	Wolverhampton, England.
TK	The Kelly-Springfield Tire Co. (Compagnie Francaise Goodyear S.A., Zone Industriels, Longpre-les-amiens).	80 Amiens-Somme, France.
TL	The Kelly-Springfield Tire Co., Rote Torstrasse 10 (Deutsche Goodyear G.m.b.H.).	7522 Phillipsburg/Bruchsal, West Germany.
TM	The Kelly-Springfield Tire Co., Gummiwerke Fulda G.m.b.H., Kunseller Strasse 59/61 (Goodyear International).	64 Fulda, West Germany.
TN	The Kelly-Springfield Tire Co. (Goodyear Hellas S.A.I.C.), Post Office Box 164.	Thessaloniki, Greece.
TP	The Kelly-Springfield Tire Co., Gran Industria de Neumaticos S.A. (Goodyear International).	Guatemala City, Guatemala.
TT	The Kelly-Springfield Tire Co. (Goodyear S.A., Colmar-Berg).	Grand Duchy of Luxembourg.
TU	The Kelly-Springfield Tire Co. (Goodyear India Ltd., Factory Ballabgarh).	District Gurgaon (Hariana State), India.
TV	The Kelly-Springfield Tire Co. (The Goodyear Tire & Rubber Co., Ltd.).	Bogor, Republic of Indonesia.
TW	The Kelly-Springfield Tire Co. (Goodyear Italiana SpA, Casella Postale 99).	04012-Latina, Italy.
TX	The Kelly-Springfield Tire Co. (Goodyear Jamaica Ltd., Parish of St. Thomas).	Springfield, Morant Bay, Jamaica, West Indies.
TY	The Kelly Springfield Tire Co. (Compania Hulera Goodyear-Oxo S.A., Lecheria, Edo de Mexico).	Mexico City, I.D.F. Mexico.
UA	The Kelly-Springfield Tire Co. (Compania Goodyear del Peru, Ave. Republica, Argentina 6037).	Lima, Peru.
UB	The Kelly-Springfield Tire Co. (The Goodyear Tire & Rubber Co. of the Philippines).	Las Pinas, Rizal Philippines.
UC	The Kelly-Springfield Tire Co. (Goodyear Tyre & Rubber Co. (G.B.) Ltd., 2366 Great Western Rd.).	Glasgow W.S., Scotland.
UD	The Kelly-Springfield Tire Co. (The Goodyear Tyre & Rubber Co., S.A. Pty. Ltd., Cape Province).	Uitenhage, South Africa.
UE	The Kelly-Springfield Tire Co. (Goodyear Gummi Fabriks Aktiebolag, Lindovagen 65).	Norrkoping 1, Sweden.
UF	The Kelly-Springfield Tire Co. (Goodyear (Thailand) Ltd., Sirinee Bldg., 518/4 Ploechitr Rd.).	Bangkok, Thailand.
UH	The Kelly-Springfield Tire Co. (Goodyear Lastikleri Tas Pk 2 Izmit).	Kocaeli, Turkey.
UJ	The Kelly-Springfield Tire Co. (CA Goodyear de Venezuela. Valencia).	Edo Carabobo, Venezuela.
UK	The Kelly-Springfield Tire Co. (The Goodyear Tire & Rubber Co. of Canada Ltd.), Post Office Box 750.	Medicine Hat, AB Canada.
UL	The Kelly-Springfield Tire Co., The Goodyear Tire & Rubber Co. of Canada, Ltd., Blvd. Mgr. Langlois.	Valleyfield, PQ Canada.

NEW TIRE MANUFACTURERS

UM	The Kelly-Springfield Tire Co., Selberling Rubber Co. of Canada, 99 Paton Rd. (Goovear Iternational).	Toronto 9, ON Canada.
UN	The Kelly-Springfield Tire Co., The Goodyear Tire & Rubber Co. of Canada, Ltd., 3050 Lake Shore Blvd.	Toronto 14, ON Canada.
UP	Cooper Tire & Rubber Co., Lima and Western Aves.	Findlay, OH 45840.
UT	Cooper Tire & Rubber Co., East Washington Rd., Post Office Box 1977.	Texarkana, AR 75501.
UU	Carlisle Tire & Rubber Division, College and C Sts., Post Office Box 99.	Carlisle, PA 17013.
UV	Kzowa Rubber Industry Co., Ltd., No. 7 Sakuradori 8-Chome.	Nishinariku, Osaka, Japan.
UW	Okada Tire Industry Ltd., 1-1, 2-Chome, Shirotori.	Katsushika-ku, Tokyo, Japan.
UX	Tay Feng Tire Co., Ltd., 1, Nan King East Rd., Sec. 3.	Taipei, Taiwan.
UY	Cheng Shin Rubber Ind. Co. Ltd., 18 Chung Shan Rd., Post Office Box 139, Yuanlin.	Meei Kong, Teipi, Taiwan.
VA	The Firestone Tire & Rubber Co., Plant No. 1, 1200 Firestone Parkway.	Akron, OH 44317.
VB	The Firestone Tire & Rubber Co., Plant No. 2, 1200 Firestone Parkway.	Akron, OH 44317.
VC	The Firestone Tire & Rubber Co., 3300 Sylvester Rd., Post Office Box 1078.	Albany, GA 31702.
VD	The Firestone Tire & Rubber Co., 2500 North 22d St., Post Office Box 1320.	Decatur, IL 62525.
VE	The Firestone Tire & Rubber Co., 2d and Hoffman Rd., Post Office Box 1295.	Des Moines, IA 50306.
VF	The Firestone Tire & Rubber Co., 2525 Firestone Blvd., Post Office Box 1692.	South Gate, CA 90280.
VH	The Firestone Tire & Rubber Co., Firestone Blvd., Post Office Box 7128.	Memphis, TN 38107.
VJ	The Firestone Tire & Rubber Co., Firestone Blvd., Post Office Box 699.	Pottstown, PA 19464.
VK	The Firestone Tire & Rubber Co. 340 El Camino Real South, Post Office Box 2069.	Salinas, CA 93904.
VL	The Firestone Tire & Rubber Co. of Canada, Ltd., 5179 Burlington St. East, Post Office Box 400.	Hamilton, ON Canada.
VM	The Firestone Tire & Rubber Co. of Canada, Ltd., No. 2 Highway and Blackfoot Trail, Post Office Box 867.	Calgary, AB Canada.
VN	The Firestone Tire & Rubber Co. of Canada, Ltd., 1200 Firestone Blvd., Post Office Box 100.	Joliette, PQ Canada.
VP	The Firestone Tire & Rubber Co., Brems S.p.A., Casella Postale 87;	Bari, Italy.
VT	The Firestone Tire & Rubber Co., Firestone Hispania S.A., Apartado 406.	Bilbao, Spain.
VU	Universal Tire Co., 2650 Columbia Ave.	Lancaster, PA 17603.
VV	The Firestone Tire & Rubber Co., Firestone-Viskafors A.B.	Viskafors, Sweden.
VW	Ohtsu Tire & Rubber Co., Ltd., 232 Kawahara-cho, Izumi-Ohtsu City.	Osaka, Japan.
VX	Firestone Tyre & Rubber Co., Ltd., Great West Rd.	Brentford. Middlesex, England.
VY	Firestone Tyre & Rubber Co., Ltd., Wrexham Industrial Estates.	Denbighshire, Wrexham, Wales.
WA	Firestone-France S.A., B.P. 121.	62 Bethune, France.
WB	Industria Firestone de Costa Rica, S.A., Apartado 4018.	San Jose, Costa Rica, S.A.
WC	Firestone Australia Pty. Ltd., 113 York St., Box 68.	Sydney, New South Wales, Australia.
WD	Fabrik fur Firestone, Produkte A.G.	4133 Prattlen, Switzerland.
WE	Nankang Rubber Tire Corp., 66-1 Nanking Rd.	West Taipei, Taiwan.
WF	The Firestone Tire & Rubber Co., Firestone Hispania, S.A.	Burgos, Spain.
WH	The Firestone Tire & Rubber Co., Firestone-Boras, Osterlangratan 40, Box 167.	Boras 1, Sweden.
WK	Pennsylvania Tire & Rubber Co. of Mississippi, Post Office Box 140, South Green St.	Tupelo, MS 38801.
WL	The Mansfield Tire & Rubber Co., 515 Newman St.	Mansfield, OH 44902.

NEW TIRE MANUFACTURERS

WM	The Olympic Tyre & Rubber Co. Pty. Ltd., Post Office Box 1.	West Footscray, Victoria, Australia 3012.
WN	The Olympic Tyre & Rubber Co. Pty. Ltd., One at Robinson Rd.	Geebung, Queensland, Australia.
WP	Schenuit Industries Inc	Baltimore, MD 21211.
WT	Madras Rubber Factory Ltd., 175/1 Mount Rd., Post Office Box 3760.	Madras 2, India.
WU	Ceat Tyres of India Ltd., Bbandup.	Bombay 78, India.
WV	General Rubber Corp., No. 71, Sec. 2, East Nan-king Rd.	Taipei, Taiwan.
WW	Euzkadi, Compania Hulera Euzkadi, S.A., Lago Alberto No. 366, Apartado 130, Bis Mexico.	Mexico City, D.F. 17, Mexico.
WX	Euzkadi, Compania Hulera Euzkadi, S.A.	La Presa, Edo de, Mexico.
WY	Euzkadi, Compania Hulera Euzkadi, S.A., Apartado Postal 1117.	Guadaljara, Jalisco, Mexico.
XA	Industrie Pirelli S.p.A., V. le sarca, 202.	Milan, Italy.
XB	Industrie Pirelli S.p.A., Strada Statale, II.	Settimo Torinese, Torino, Italy.
XC	Industrie Pirelli S.p.A., Villa Adriana.	Tivoli-Roma, Italy.
XD	Industrie Pirelli S.p.A., Villafranca Tirrena.	Messina, Italy.
XE	Industrie Pirelli S.p.A	Ferrandina (Maters), Italy.
XF	Productos Pirelli, S.A., Manresa.	Barcelona, Spain.
XH	Pirelli Hellas, S.A	Patrasso, Greece.
XJ	Turk Pirelli Lastikleri, A.S., Izmit.	Istanbul, Turkey.
XK	Pirelli, S.A., South Andre	Sao Paulo, Brazil.
XL	Pirelli, S.A., Estado Sao Paulo.	Campinas, Brazil.
XM	Pirelli Compania Platense de Neumaticos, Merlo.	Buenos Aires, Argentina.
XN	Pirelli Ltd., Cumberland	Carlisle, England.
XP	Pirelli Ltd., Staffordshire	Burton-on-Trent, England.
XT	Velth-Pirelli, A.G., 6128 Hoechst/Odenwald.	Sandbach, West Germany.
XU	Sam Yang Tire Manufacturing Co., Ltd., Sam Yang Bldg., 43-6 Kwanchul-Dong.	Chonogro-ku, Seoul, Korea.
XV	Dayton Tire & Rubber Co., 5179 Burlington St. East, Post Office Box 400 (Firestone Tire & Rubber Co.).	Hamilton, Ont., Canada.
XW	Dayton Tire & Rubber Co., No. 2 Highway and Blackfoot Trail, Post Office Box 867 (Firestone Tire & Rubber Co.).	Calgary, Alb. Canada.
XX	Bandag Inc., 1056 Hersey Ave	Muscatine, IA 52761.
XY	Dayton Tire & Rubber Co., 1200 Firestone Blvd., Post Office Box 100 (Firestone Tire & Rubber Co.).	Joliette, PQ Canada.
YA	The Dayton Tire & Rubber Co. (Plant No. 1, 1200 Firestone Parkway) (Firestone Tire & Rubber Co.).	Akron, OH 44317.
YB	The Dayton Tire & Rubber Co., Plant No. 2, 1200 Firestone Parkway (Firestone Tire & Rubber Co.).	Akron, OH 44317.
YC	The Dayton Tire & Rubber Co., 3300 Sylvester Rd., Post Office Box 1078 (Firestone Tire & Rubber Co.).	Albany, GA 31702.
YD	The Dayton Tire & Rubber Co., 2500 North 22d St., Post Office Box 1320 (Firestone Tire & Rubber Co.).	Decatur, IL 62525.
YE	Co., 2500 North 22d St., Post Tire and Rubber Co.). The Dayton Tire & Rubber Co., 2d and Hoffman Rd., Post Office Box 1295 (Firestone Tire & Rubber Co.).	Des Moines, IA 50306.
YF	The Dayton Tire & Rubber Co., 2525 Firestone Blvd., Post Office Box 1692 (Firestone Tire & Rubber Co.).	South Gate, CA 90280.
YH	The Dayton Tire & Rubber Co., Firestone Blvd., Post Office Box 7128 (Firestone Tire & Rubber Co.).	Memphis, TN 38107.
YJ	The Dayton Tire & Rubber Co., Firestone Blvd., Post Office Box 699 (Firestone Tire & Rubber Co.).	Pottstown, PA 19464.

NEW TIRE MANUFACTURERS

YK	The Dayton Tire & Rubber Co., 340 El Camino Real South Post Office Box 2069 (Firestone Tire & Rubber Co.).	Salinas, CA 93904.
YL	Oy Nokia A.B.,Kumitebdas Tyre Department.	Nokia, Finland.
YM	Seiberling Tire & Rubber Co., Plant No. 1, 1200 Firestone Parkway (Firestone Tire & Rubber Co.).	Akron, OH 44317.
YN	Seiberling Tire & Rubber Co., Plant No. 2, 1200 Firestone Parkway (Firestone Tire & Rubber Co.).	Akron, OH 44317
YP	Seiberling Tire & Rubber Co., 3300 Sylvester Rd., Post Office Box 1078 (Firestone Tire & Rubber Co.).	Albany, GA 31702.
YT	Seiberling Tire & Rubber Co., 2500 North 22d St., Post Office Box 1320 (Firestone Tire & Rubber Co.).	Decatur, IL 62525.
YU	Seiberling Tire & Rubber Co., 2d and Hoffman Rd., Post Office Box 1295 (Firestone Tire & Rubber Co.).	Des Moines, IA 50306.
YV	Seiberling Tire & Rubber Co., 2525 Firestone Blvd., Post Office Box 1592 (Firestone Tire & Rubber Co.).	South Gate, CA 90280.
YW	Seiberling Tire & Rubber Co., Firestone Blvd., Box 7128 (Firestone Tire & Rubber Co.).	Memphis, TN 38107.
YX	Seiberling Tire & Rubber Co., Firestone Blvd., Post Office Box 699 (Firestone Tire & Rubber Co.).	Pottstown, PA 19464.
YY	Seiberling Tire & Rubber Co., 340 El Camino Real South, Post Office Box 2069 (Firestone Tire & Rubber Co.).	Salinas, CA 93904.

TABLE II

NEW TIRE MANUFACTURERS

EF	Hung Ah Tire Co., Ltd., 50-10, 2KA, Chungmu-ro, Chung-Ku.	Seoul, Korea.
CD	Alliance Tire & Rubber Co., Ltd.	Hadera, Israel.
CE	The Armstrong Rubber Co., 475 Elm St.	West Haven, Ct 06516.
CF	The Armstrong Rubber Co., 2345 East Market St.	Des Moines, IA 50306.
CH	The Armstrong Rubber Co., 10753 Idaho Ave.	Hanford, CA 93231.
CV	The Armstrong Rubber Co., Brenham and Kelly Aves.	Natchez, MS 39121.
AT	Avon Rubber Co., Ltd., Tyre Division.	Melksham, Wiltshire, England.
XX	Bandag Inc., 1056 Hershey Ave.	Muscatine, IA 52761.
EM	Bridgestone Tire Co., Ltd., No. 1, 1-Chome, Kyobashi Chuo-ku (Main Office).	Tokyo, Japan.
EN	Bridgestone Tire Co., Ltd., Nasu: 3-1 Yamato-chi Kuroiso-shi.	Tochigi-Ken, Japan.
EP	Bridgestone Tire Co., Ltd., Tochigi: 10, Oaza-Kaminakano, Kuroiso-shi.	Tochigi-Ken, Japan.
EH	Bridgestone Tire Co., Ltd., Kurme: 105, Kyomachi, Kurme-shi.	Fukuoka-Ken, Japan.
EJ	Bridgestone Tire Co., Ltd., Tosu: 1000, Todoroki-cho, Tosu-shi.	Saga-Ken, Japan.
EK	Bridgestone Tire Co., Ltd., Amagi: Fukuda, Amagi-shi.	Funucka-Ken, Japan.
EL	Bridgestone Tire Co., Ltd., Hikone: 221, Takamiya-cho, Hikone-shi.	Shiga-Ken, Japan.
UU	Carlisle Tire & Rubber Division, College and C Sts., Post Office Box 99.	Carlisle, PA 17013.
HT	Ceat S.p.A. Pneumatici via Leoncavallo, Mailing Address, P.O.B. 509-10100 Torino, Italy.	25-10154 Torino, Italy.
HU	Ceat 10036	Settimo Torinese, Italy.
HV	Ceat 03012	Anagni (Frosinone), Italy.
WU	Ceat Tyres of India Ltd., Bhandup.	Bombay 78, India.
CL	Contitalia S.p.A., Address mail to Continental A.G., Koenigsworther Platz 1 D-3000 Hannover, West Germany.	I-39042 Bressanone, Italy.

JAN 11 72 XUM

NEW TIRE MANUFACTURES

CM	Continental Gummi-Werke, A.G., Vahrenwalder Str.	D–3000 Hannover, West Germany.
CN	Usine Francaise des Pneumatics, Continental S.A.R.L.	F–57 Sarreguemines, France.
CP	Continental Gummi-Werke, A.G., Continental Str. 3 to 5.	D–354 Korbach, West Germany.
CT	Continental Gummi-Werke, A.G., Continental Str. 1.	D–3138 Dannenberg, West Germany.
CU	Continental Gunmi-Werke, A.G., Stockner Str. 132.	D–3000 Hannover-Stocken, West Germany.
UP	Cooper, Tire & Rubber Co., Lima and Western Avee.	Findlay, OH 45840.
UT	Cooper Tire & Rubber Co., East Washington Rd., Post Office Box 1077.	Texarkana, AR 75501.
HX	The Dayton Tire & Rubber Co., 2342 West Riverview Ave.	Dayton, OH 45407.
HY	The Dayton Tire & Rubber Co., 2500 South Council Rd.	Oklahoma City, OK 73124.
XV	Dayton Tire & Rubber Co., 5179 Burlington St. East, Post Office Box 400 (Firestone Tire and Rubber Co.).	Hamilton, ON Canada.
XW	Dayton Tire & Rubber Co., No. 2 Highway and Blackfoot Trail, Post Office Box 867 (Firestone Tire and Rubber Co.)	Calgary, AB Canada.
XY	Dayton Tire & Rubber Co., 1200 Firestone Blvd., Post Office Box 100 (Firestone Tire and Rubber Co.).	Joliette, PQ Canada.
YA	The Dayton Tire & Rubber Co., (Plant No. 1, 1200 Firestone Parkway) (Firestone Tire and Rubber Co.).	Akron, OH 44317.
YB	The Dayton Tire & Rubber Co., Plant No. 2, 1200 Firestone Parkway (Firestone Tire and Rubber Co.).	Akron, OH 44317.
YC	The Dayton Tire & Rubber Co., 3300 Sylvester Rd., Post Office Box 1078 (Firestone Tire and Rubber Co.).	Albany, GA 31702.
YD	The Dayton Tire & Rubber Co., 2500 North 22d St., Post Office Box 1320 (Firestone Tire and Rubber Co.).	Decatur, IL 62525.
YE	The Dayton Tire & Rubber Co., 2d, and Hoffman Rd., Post Office Box 1295 (Firestone Tire and Rubber Co.).	Des Moines, IA 50305.
YF	The Dayton Tire & Rubber Co., 2525 Firestone Blvd., Post Office Box 1502, (Firestone Tire and Rubber Co.).	South Gate, CA 90280.
YH	The Dayton Tire & Rubber Co., Firestone Blvd., Post Office Box 712 (Firestone Tire & Rubber Co.).	Memphis, TN 38107.
YJ	The Dayton Tire & Rubber Co., Firestone Blvd., Post Office Box 699 (Firestone Tire & Rubber Co.).	Pottstown, PA 19464.
YK	The Dayton Tire & Rubber Co., 340 El Camino Real South, Post Office Box 2069 (Firestone Tire & Rubber Co.).	Salinas, CA 93904.
DY	Denman Rubber Manufacturing Co., Post Office Box 961, Diehl South Rd., Leavittsburg, OH 44430.	Warren, OH 44482.
DA	The Dunlop Tire & Rubber Corp., Post Office Box 1109, Sheridan Dr. and River Rd.	Buffalo, NY 14240.
DB	The Dunlop Tire & Rubber Corp., Post Office Box 1141.	Huntsville, AL 35807.
DC	Dunlop Canada Ltd., Dunlop Dr.	Whitby, ON Canada.
DD	The Dunlop Co. Ltd., Fort Dunlop.	Birmingham 24, England.
DE	The Dunlop Co. Ltd., Wear Industrial Estate.	Washington, Durham, England.
DF	The Dunlop Co. Ltd., Speke.	Liverpool 24, England.
DP	The Dunlop Co. Ltd., St. Mary's Mills.	Leicester, England.
DH	The Dunlop Co. Ltd., Post Office Box No. 6.	Inchinnan, Renfrewshire, Scotland.
DJ	The Irish Dunlop Co., Ltd., Dunlop House, Centre Park Rd.	Cork, Ireland.
DK	Dunlop, S.A., Rue de Pasquis, Boite Postale 622.	03-Montlucon, France.
DL	Dunlop, S.A., Zone Industrielle, Boite Postale 1018.	80-Amiens, France.

NEW TIRE MANUFACTURES

DM	Dunlop, A.G., Dunlopstrasse 2.	645 Hanau am Main, West Germany.
DN	Dunlop, A.G., Rheinland Pfalz.	Wittlich, West Germany.
DT	Dunlop Australia Ltd., Montague Plant, G.P.O., Box 2196.	Melbourne, Victoria 3001, Australia.
DU	Dunlop Australia Ltd., Drummoyne Plant, Cary St.	Drummoyne, New South Wales 2047, Australia.
WW	Euzkadi, Compania Hulera Euzkadi S.A., Lago Alberto No. 366, Apartado 130 Bis Mexico.	Mexico City, D.F. 17, Mexico.
WX	Euzkadi, Compania Hulera Euzkadi S.A.	La Presa, Edo de Mexico.
WY	Euzkadi, Compania Hulera Euzkadi S.A., Apartado Postal 1117.	Guadaljara, Jalisco, Mexico.
UX	Tay Feng Tire Co., Ltd., 1, Nan King East Rd.	Sec. 3, Taipei, Taiwan.
VA	The Firestone Tire & Rubber Co., Plant No. 1, 1200 Firestone Parkway.	Akron, OH 44317.
VB	The Firestone Tire & Rubber Co., Plant No. 2, 1200 Firestone Parkway.	Akron, OH 44317.
VC	The Firestone Tire & Rubber Co., 3300 Sylvester Rd., Post Office Box 1078.	Albany, GA 31702.
VD	The Firestone Tire & Rubber Co., 2500 North 22d St., Post Office Box 1320.	Decatur, IL 62525.
VE	The Firestone Tire & Rubber Co., 2d and Hoffman Rd., Post Office Box 1295.	Des Moines, IA 50305.
VF	The Firestone Tire & Rubber Co., 2525 Firestone Blvd., Post Office Box 1592.	South Gate, CA 90280.
VH	The Firestone Tire & Rubber Co., Firestone Blvd., Post Office Box 7128.	Memphis, TN 38107.
VJ	The Firestone Tire & Rubber Co., Firestone Blvd., Post Office Box 699.	Pottstown, PA 19464.
VK	The Firestone Tire & Rubber Co., 340 El Camino Real South, Post Office Box 2069.	Salinas, CA 93904.
VL	The Firestone Tire & Rubber Co. of Canada, Ltd., 5179 Burlington St. East, Post Office Box 400.	Hamilton, ON Canada.
VM	The Firestone Tire & Rubber Co. of Canada, Ltd., No. 2 Highway and Blackfoot Trail, Post Office Box 867.	Calgary, AB Canada.
V	The Firestone Tire & Rubber Co. of Canada, Ltd., 1200 Firestone Blvd., Post Office Box 100.	Joliette, PQ Canada.
VP	The Firestone Tire & Rubber Co., Brema S.p.A., Casella Postale 87.	Bari, Italy.
VT	The Firestone Tire & Rubber Co., Firestone Hispania S.A., Apartado 406.	Bilbao, Spain.
WF	The Firestone Tire & Rubber Co., Firestone Hispania S.A.	Burgos, Spain.
VV	The Firestone Tire & Rubber Co., Firestone-Viskafors A.B.	Viskafors, Sweden.
WH	The Firestone Tire & Rubber Co., Firestone-Boras, Osterlangsgaten 40, Box 167.	Boras 1, Sweden.
VX	Firestone Tyre & Rubber Co., Ltd., Great West Rd.	Brentford, Middlesex, England.
VY	Firestone Tyre & Rubber Co., Ltd., Wrexham Industrial Estates.	Denbighshire, Wrexham, Wales.
WA	Firestone-France, S.A., B.P. 121.	62 Bethune, France.
WB	Industria Firestone de Costa Rica, S.A., Apartado 4018.	San Jose, Costa Rica, S.A.
WC	Firestone Australia Pty. Ltd., 113 York St., Box 68.	Sydney, New South Wales, Australia.
WD	Fabrik fur Firestone Produkte, A.G.	4133 Prattlen, Switzerland.
BW	The Gates Rubber Co., 999 South Broadway.	Denver, CO 80217.
BX	The Gates Rubber Co., Post Office Box 5206, East Station, Gallatin Rd.	Nashville, TN 37216.
BY	The Gates Rubber Co., 8000 South Elati.	Littleton, CO 80120.
WV	General Rubber Corp., No. 71, Sec. 2, East Nan-King Rd.	Taipei, Taiwan.
AA	The General Tire & Rubber Co., One General St.	Akron, OH 44309.
AB	The General Tire & Rubber Co., South Loop Highway, Post Office Box 2030.	Waco, TX 76704.

NEW TIRE MANUFACTURES

AC	The General Tire & Rubber Co., 1110 Continental Blvd., Post Office Box 18215.	Charlotte, NC 28210.
AD	The General Tire & Rubber Co., Paducah Highway, U.S. 45, Post Office Box 229.	Mayfield, KY 42066.
AE	General Fabrica Espanola del Caucho S.A., Apartado 4 (General Tire International).	Torrelavego, Santander, Spain.
AF	Manufactura Nacional de Borracha S.A.R.L., Apartado 71 (General Tire International).	Porto, Portugal.
AH	General Popo, S.A., Apartado 17–700 (General Tire International).	Mexico City 17, D.F., Mexico.
BA	B. F. Goodrich Tire Co., 500 South Main St.	Akron, OH 44318.
BB	B. F. Goodrich Tire Co., 5400 East Olympic Blvd.	Los Angeles, CA 90022
BC	B. F. Goodrich Tire Co., Montgomery Ave.	Oaks, PA 19456.
BD	B. F. Goodrich Tire Co., 500 Goodrich Blvd.	Miami, OK 74354.
BE	B. F. Goodrich Tire Co., U.S. Route 11 West.	Tuscaloosa, AL 35401.
BF	B. F. Goodrich Tire Co., U.S. Route 24.	Woodburn, IN 46797.
BH	B. F. Goodrich Canada Ltd., 409 Weber St.	Kitchner, ON Canada.
BJ	B. F. Goodrich G.m.b.H., 54 Koblenz/RH, August Horst Strasse Postfach 1629.	Koblenz, West Germany.
BK	B. F. Goodrich do Brasil, Caixa Postal 691, Estado de Sao Paulo.	Campinas, Brazil.
BL	Industria Colombiana de Llantas S.A., Apartado 45–07 (B. F. Goodrich International.)	Bogata, Colombia.
BM	B. F. Goodrich Australia Pty. Ltd., Private Bag No. 7.	Campbellfield, Victoria, Australia.
BN	B. F. Goodrich Philippines, Inc., Post Office Box 423, Makati Commercial Center.	Makti, Rizal, Philippines.
BP	B. F. Goodrich Iran, S.A. Post Office Box 12.	Tehran, Iran.
MA	The Goodyear Tire & Rubber Co., 1144 East Market St., Plant No. 1.	Akron, OH 44316.
MB	The Goodyear Tire & Rubber Co., Martha Ave., Plant 2.	Akron, OH 44316.
MC	The Goodyear Tire & Rubber Co., Post Office Box 920.	Danville, VA 24541.
MD	The Goodyear Tire & Rubber Co., 464 Goodyear Ave.	Gadsen, AL 35902.
ME	The Goodyear Tire & Rubber Co., 2219 Chapin St.	Jackson, MI 49204.
MF	The Goodyear Tire & Rubber, Co., 6701 South Central Ave., Post Office Box 3339, Terminal Annex.	Los Angeles, CA 90064.
MH	The Goodyear Tire & Rubber Co., 545 Orchard St.	New Bedford, ME 02741.
MJ	The Goodyear Tire & Rubber Co., Post Office Box 1069.	Topeka, KS 66601.
MK	The Goodyear Tire & Rubber Co., Post Office Box 57.	Union City, TN 38261.
ML	The Goodyear Tire & Rubber Co., 800 Kelly Rd., Post Office Box 300 (Kelly-Springfield).	Cumberland, MD 21502.
MM	The Goodyear Tire & Rubber Co., Post Office Box 1907 (Kelly-Springfield).	Fayetteville, NC 28302.
MN	The Goodyear Tire & Rubber Co., Route 20 East.	Freeport, IL 61032.
MP	The Goodyear Tire & Rubber Co., Forrest Hill Station.	Tyler, TX 75703.
MT	The Goodyear Tire & Rubber Co., Hector St. (Lee Tire & Rubber Co.)	Conchohocken, PA 19428.
MU	Neumaticos Goodyear, S.A. (Goodyear International).	Hurlingham, F.C.N.G.S.M., Argentina.
MV	The Goodyear Tyre & Rubber Co. (Australia) Ltd., Grand Ave.	Granville, New South Wales, Australia.
MW	The Goodyear Tyre & Rubber Co., Ltd., Post Office Box 22.	Thomastown, Victoria, Australia.
MX	Companhia Goodyear do Brasil, Rue Dos Prazeres 284.	Sao Paulo, Brazil.
MY	Goodyear de Colombia S.A., Yumbo (Valle), Colombia.	Cali, Colombia.
NA	Goodyear Congo, Kinshasa 2...	Republic of the Congo.
NB	The Goodyear Tyre & Rubber Co. (Great Britain) Ltd.	Wolverhampton, England.
NC	Compagnie Francaise Goodyear S.A., Zone Industriele, Longpre-les-amiens.	80 Amiens-Somme, France.
ND	Deutsche Goodyear G.m.b.h., Rote Torstrasse 10.	7822 Philippsburg/Bruchsal, West Germany.

NEW TIRE MANUFACTURES

NE	Gummiwerke Fulca G.m.b.h., Kunzeller Strasse 59/61 (Goodyear International) Postfach 440.	46 Fulda, West Germany.
NF	Goodyear Fellas S.A.I.C., Post Office Box 164.	Thessaloniki, Greece.
NH	Gran Industria de Neumaticos Centro American S.A. (Goodyear International).	Guatemala City, Guatemala.
NJ	Goodyear S.A., Colmar-Berg...	Grand Duchy of Luxembourg.
NK	Goodyear India Ltd., Factory Ballabgarh.	Distric Gurgaon (Hariana State), India.
NL	The Goodyear Tire & Rubber Co., Ltd.	Bogor, Republic of Indonesia.
NM	Goodyear Italiana, S.p.A., Casella Postale 99.	04012-Latina, Italy.
NN	Goodyear, Jamaica Ltd., Parish of St. Thomas.	Springfield, Morant Bay, Jamaica, West Indies.
NP	Compania, Hulera Goodyear-Oxo S.A., Lecheria, edo do Mexico, Apartado 1028.	Mexico City, 1, C.F., Mexico.
NT	Compania Goodyear del Peru, Ave. Republica, Argentina 6037.	Lima, Peru.
NU	The Goodyear Tire & Rubber Co. of the Philippines, Ltd.	Las Pinas, Rizal, Philippines.
NV	Goodyear Tyre & Rubber Co. (GB) Ltd., 2366 Great Western Rd.	Glasgow, W.S., Scotland.
NW	The Goodyear Tyre & Rubber Co. (SA) (Pty) Ltd., Cape Province, Post Office Box 126.	Uitenhage, South Africa.
NX	Goodyear Gummi Fabriks Aktiebolag, Lindovagen 65.	Norrkoping I, Sweden.
NY	Goodyear (Thailand) Ltd., Sirinee Bldg., 518/4 Ploechitr Rd.	Bangkok, Thailand.
PA	Goodyear Lastikleri Tas Pk 2 Izmit.	Kocaeli, Turkey.
PB	C.A. Goodyear de Venezuela, Apartado 186.	Valencia, Edo Carabobo, Venezuela.
PC	The Goodyear Tire & Rubber Co. of Canada, Ltd., Post office box 750.	Medicine Hat, AB Canada.
PD	The Goodyear Tire & Rubber Co. of Canada, Ltd., Blvd. Mgr. Langlois.	Valleyfield, PQ, Canada.
PF	The Goodyear Tire & Rubber Co. of Canada, Ltd., 3050 Lake Shore Blvd.	Toronto, 14 ON Canada.
EI	Chung Hsing Industrial Co., Ltd., Office: 281 Sec. 1, Chung Hsiao West Rd., Taipei.	Taichung Hsien Taiwan.
CJ	Inoue Rubber Co., Ltd., 38 Funakata Chitose-cho.	Atsuta-Ku, Nagoyo, Japan.
BV	International Rubber Industries, Post Office Box 99307, 2500 Grassland Dr., Jeffersontown, Ky.	Louisville, KY 40299.
PH	The Kelly-Springfield Tire Co., 800 Kelly Rd., Post Office Box 300.	Cumberland, MD 21502.
PJ	The Kelly-Springfield Tire Co., Post Office Box 1907.	Fayetteville, NC 28302.
PK	The Kelly-Springfield Tire Co., Route 20 East (Goodyear Tire & Rubber Co.).	Freeport, IL 61032.
PL	The Kelly-Springfield Tire Co., Forrest Hill Station (Goodyear Tire & Rubber Co.).	Tyler, TX 75703.
PM	The Kelly-Springfield Tire Co., Hector St. (Goodyear Tire & Rubber Co.).	Conshohocken, PA 19428.
PN	The Kelly-Springfield Tire Co., Plant No. 1, 1144 East Market St. (Gooyear Tire & Rubber Co).	Akron, OH 44316.
PP	The Kelly-Springfield Tire Co., Plant No. 2, Martha Ave. (Goodyear Tire & Rubber Co.).	Akron, OH 44316.
PT	The Kelly-Springfield Tire Co., Post Office Box 3400 (Goodyear Tire & Rubber Co.).	Danville, VA 24541.
PU	The Kelly-Springfield Tire Co., 464 Goodyear Ave. (Goodyear Tire & Rubber Co.).	Gadsen, AL 35902.
PV	The Kelly-Springfield Tire Co., 2219 Chapin St. (Goodyear Tire & Rubber Co.).	Jackson, MI 49204.
PW	The Kelly-Springfield Tire Co., 6701 South Central Ave., Post Office Box 3339, Terminal Annex (Goodyear Tire & Rubber Co.).	Los Angeles, CA 90064.

NEW TIRE MANUFACTURES

PX	The Kelly-Springfield Tire Co., 545 Orchard St. (Goodyear Tire & Rubber Co.).	New Bedford, ME 02741.
PY	The Kelly-Springfield Tire Co., Post Office Box 1069 (Goodyear Tire & Rubber Co.).	Topeka, KS 66601.
TA	The Kelly-Springfield Tire Co., Post Office Box 57 (Goodyear Tire & Rubber Co.).	Union City, TN 38261.
TB	The Kelly-Springfield Tire Co. (Neumaticos Goodyear S.A.).	Hurlingham F.C.N.G.S.M., Argentina.
TC	The Kelly-Springfield Tire Co. (The Goodyear Tyre & Rubber Co., Ltd., Grand Ave.).	Granville, New South Wales, Australia.
TD	The Kelly-Springfield Tire Co. (The Goodyear Tyre & Rubber Co.).	Thomastown, Victoria, Australia.
TE	The Kelly-Springfield Tire Co. (Companhia Goodyear do Brasil, Ruc dos Prazeres 284).	Sao Paulo, Brazil.
TF	The Kelly-Springfield Tire Co. (Goodyear de Colombia, S.A., Yumbo (Valle), Colombia).	Cali, Colombia.
TH	The Kelly-Springfield Tire Co. (Goodyear Congo).	Kinshasa 2, Republic of the Congo.
TJ	The Kelly-Springfield Tire Co. (Goodyear Tyre & Rubber Co. (Great Britian) Ltd.).	Wolverhampton, England.
TK	The Kelly-Springfield Tire Co. (Compagnie Francaise Goodyear S.A., Zone Industriele, Longpre-les-Amiens).	80 Amiens-Somme, France.
TL	The Kelly-Springfield Tire Co., Rote Torstrasse 10 (Deutsche Goodyear G.m.b.H.).	7522 Philippsburg/Bruchsal, West Germany.
TM	The Kelly-Springfield Tire Co., Gummiwerke Fulda G.m.b.H., Kunzeller Strasse 59/61 (Goodyear International).	64 Fulda, West Germany.
TN	The Kelly-Springfield Tire Co. (Goodyear Hellas S.A.I.C.) Post Office Box 164.	Thessaloniki, Greece.
TP	The Kelly-Springfield Tire Co., Gran Industria de Neumaticos S.A. (Goodyear International).	Guatemala City, Guatemala.
TT	The Kelly-Springfield Tire Co. (Goodyear S.A., Colmar-Berg).	Grand Duchy of Luxembourg.
TU	The Kelly-Springfield Tire Co. (Goodyear India Ltd., Factory Ballabgarh).	District Gurgaon (Harlana State), India.
TV	The Kelly-Springfield Tire Co. (The Goodyear Tire & Rubber Co., Ltd.).	Bogor, Republic of Indonesia.
TW	The Kelly-Springfield Tyre Co. (Goodyear Italiana, S.p.A Casella Postale 99).	04012-Latina, Italy.
TX	The Kelly-Springfield Tire Co. (Goodyear Jamaica Ltd., Parish of St. Thomas).	Springfield, Morant Bay, Jamaica, West Indies.
TY	The Kelly-Springfield Tire Co. (Companis Hulera Goodyear-Oxo S.A., Lecheria, Edo de Mexico).	Mexico City 1, D.F., Mexico.
UA	The Kelly-Springfield Tire Co. (Compania Goodyear del Peru, Ave. Republica, Argentina 6037).	Lima, Peru.
UB	The Kelly-Springfield Tire Co. (The Goodyear Tire & Rubber Co. of the Philippines).	Las Pinas, Rizal, Philippines.
UC	The Kelly-Springfield Tire Co., (Goodyear Tyre & Rubber Co. (GB) Ltd. 2366 Great Western Rd.).	Glasgow W.S. Scotland.
UD	The Kelly-Springfield Tire Co. (The Goodyear Tyre & Rubber Co., S.A. Pty. Ltd., Cape Province).	Uitenhage, South Africa.
UE	The Kelly-Springfield Tire Co. (Goodyear Gummi Fabriks Aktirbolag, Lindovagen 65).	Norrkoping 1, Sweden.
UF	The Kelly-Springfield Tire Co. (Goodyear (Thailand) Ltd., Sirinee Bldg., 518/4 Ploechitr Rd.).	Bangkok, Thailand.
UH	The Kelly-Springfield Tire Co. (Goodyear Lastikleri Tas PK 2 Izmit).	Kocaeli, Turkey.

NEW TIRE MANUFACTURES

UJ	The Kelly-Springfield Tire Co. (C.A. Goodyear de Venezuela, Valencia).	Edo. Carabobo, Venezuela.
UK	The Kelly-Springfield Tire Co. (The Goodyear Tire & Rubber Co. of Canada, Ltd.) Post Office Box 750.	Medicine Hat, AB, Canada.
UL	The Kelly-Springfield Tire Co., The Goodyear Tire & Rubber Co. of Canada, Ltd.	Valleyfield, P.Q., Canada.
UM	The Kelly-Springfield Tire Co., Selberling Rubber Co. of Canada, 99 Paton Rd. (Goodyear International).	Toronto 9, ON. Canada.
UN	The Kelly-Springfield Tire Co., The Goodyear Tire & Rubber Co. of Canada, Ltd., 3050 Lake Shore Blvd.	Toronto 14, ON, Canada.
EV	Kleber Colombes Co., 34 Boulevard d'Acheres (Colombes Plant).	Colombes (Haut-de-Seine), France.
EW	Kleber-Colombes Co., Croix de Metz (Toul Plant).	Toul (Meurthe-et-Moselle), France.
EX	Kleber-Colombes Co. (Troyes Plant).	La Chapelle St.-Luc (Aube), France.
EY	Kleber-Colombes A.G. (St.-Ingbert Plant).	667 St.-Ingbert (Saar), West Germany.
UV	Kyowa Rubber Industry Co., Ltd., No. 7 Sakuradori 8-Chome.	Nishinariku Osaka, Japan.
JA	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Plant No. 1,) 1144 East Market St.	Akron, OH 44316.
JB	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Plant No. 2,) Martha Ave.	Akron OH 44316.
JC	The Lee Tire & Rubber Co. Hector St.	Conshohocken, PA 19428.
JD	The Lee Tire & Rubber Co. (The Kelly-Springfield Tire Co. 800 Kelly Rd.).	Cumberland, MD 21501.
JE	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Danville Plant).	Danville, VA 24541.
JF	The Lee Tire & Rubber Co. (The Goodyear Tire & Co., Fayetteville Plant).	Fayetteville, NC 28302.
JH	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Freeport Plant).	Freeport, IL 61032.
JJ	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Gadsden Plant) 464 Goodyear Ave.	Gadsden, AL 35902.
JK	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., 2219 Chapin St.).	Jackson, MI 49204.
JL	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., 6701 South Central Ave.).	Los Angeles, CA 90064.
JM	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., 545 Orchard St.).	New Bedford, ME 02741.
JN	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co.).	Topeka, KS 66601.
JP	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Forrest Hill Station).	Tyler, TX 75703.
JT	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co.).	Union City, TN 38261.
JU	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. of Canada, Ltd.) Post Office Box 750.	Medicine Hat, AB Canada.
JV	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. of Canada, Ltd.) 3050 Lake Shora Blvd.	Toronto, 14, ON Canada.
JW	The Lee Tire & Rubber Co. (Selberling Rubber Co. of Canada) 99 Paton Rd. (Goodyear International).	Toronto 9, ON Canada.
JX	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. of Canada, Ltd.) Blvd. Mgr. Langlois.	Valleyfield, PQ Canada.
JY	The Lee Tire & Rubber Co. (Neumaticos Goodyear S.A.).	Hurlingham F.C.N.S.M., Argentina.
KA	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. (Australia) Pty. Ltd.) Grand Ave.	Granville, New South Wales, Australia.

JAN 11 1972 XUM

NEW TIRE MANUFACTURES

KB	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co (Australia) Pty. Ltd.).	Thomastown, Victoria, Australia.
KC	The Lee Tire & Rubber Co. (Companhia Goodyear do Brazil, Rua dos Prazeres 284).	Sao Paulo, Brazil.
KD	The Lee Tire & Rubber Co. (Goodyear de Colombia S.A., Yumbo (Valle), Colombia).	Cali, Colombia.
KE	The Lee Tire & Rubber Co. (Goodyear Congo, Kinshasa 2,).	Republic of the Congo.
KF	The Lee Tire & Rubber Co. (Compagnie Francaise Goodyear S.A., Longpre-les-Amiens.).	80 Amiens-Somme, France.
KH	The Lee Tire & Rubber Co. (Rote Tonstrasse 10 (Deutsche Goodyear G.m.b.H.).	Phillipsburg/ Brucksal, West Germany.
KJ	The Lee Tire & Rubber Co. Gummiwerke Fulda G.m.b. H., Kunstseide Strasse 59/61 (Goodyear International).	64 Fulda, West Germany.
KK	The Lee Tire & Rubber Co. (Goodyear Hellas S.A.I.C.).	Thessaloniki, Greece.
KL	The Lee Tire & Rubber Co. Gran Industria de Neumaticos, S.A. (Goodyear International).	Guatemala City, Guatemala.
KM	The Lee Tire & Rubber Co. (Goodyear S.A., Colmar-Berg).	Grand Duchy of Luxembourg.
KN	The Lee Tire & Rubber Co. (Goodyear India Ltd., Factory Ballabgarh).	District Gurgaon (Hariana State), India.
KP	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., Ltd.).	Bogor, Republic of Indonesia.
KT	The Lee Tire & Rubber Co. (Goodyear Italiana S.p.A., Casella Postale 99).	04012, Latina, Italy.
KU	The Lee Tire & Rubber Co. (Goodyear Jamaica Ltd., Parish of St. Thomas).	Springfield, Morant Bay, Jamaica, West Indies.
KV	The Lee Tire & Rubber Co. (Compania Hulera Goodyear-Oxo, Lecheria, Edo de Mexico).	Mexico City 1, D.F., Mexico.
KW	The Lee Tire & Rubber Co. (Compania Goodyear del Peru, Ave. Republica, Argentina 3037).	Lima, Peru.
KX	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. of the Philippines).	Las Pinas, Rizal, Philippines.
KY	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. (GB) Ltd., 2366 Great Western Rd.).	Glasgow, W. 5, Scotland.
LA	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co., S.A., Pty. Ltd., Cape Province).	Ultenhage, South Africa.
LB	The Lee Tire & Rubber Co. (Goodyear Gummi Fabics Aktirbolag, Lindovagen 65).	Norrkoping 1, Sweden.
LC	The Lee Tire & Rubber Co., Sirinee Bldg., 518/4 Ploechitr Rd. (Goodyear International).	Bangkok, Thailand.
LD	The Lee Tire & Rubber Co., PK 2 Izmit (Goodyear International).	Kocaeli, Turkey.
LE	The Lee Tire & Rubber Co. (CA Goodyear de Venezuela).	Valencia, Edo Carabobo, Venezuela.
LF	The Lee Tire & Rubber Co. (The Goodyear Tire & Rubber Co. (GB) Ltd.).	Wolverhampton, England.
WT	Madras Rubber Factory Ltd., 175/1 Mount Rd., Post Office Box 3760.	Madras 2, India.
WL	The Mansfield Tire & Rubber Co., 515 Newman St.	Mansfield, OH 44902.
LV	Mansfield-Dunlop General Co., Ltd., John St.	Barrie, ON Canada.
CY	McCreary Tire & Rubber Co., Post Office Box 749.	Indiana, PA 15701.
EA	Metzler A.G., Postfach 201726.	8 Munchen 2, West Germany.
EB	Metzler A.G., Zweigwerk Neustadt.	6129 Neustadt/ Odenwald, West Germany.
EC	Metzler A.G., Gummiwerk Odenwald, Postfach 66.	6128 Hochst, West Germany.

NEW TIRE MANUFACTURES

FF	Manufacture Francaise des Pneumatiques Michelin, Usine des Carmes.	63-Clermont-Ferrand, France.
FH	Manufacture Francaise des Pneumatics Michelin, Usine de Cataroux.	63-Clermont-Ferrand, France.
FJ	Manufacture Francaise des Pneumatics Michelin, 18-St. Doulchard BP 2.	Bourges, France.
FK	Manufacture Francaise des Pneumatics Michelin, 49-Cholet BP 228.	Cholet, France.
FL	Manufacture Francaise des Pneumatics Michelin, 71 Montceau-les-Mines BP 104.	Montceau-les-Mines, France.
FM	Manufacture Francaise des Pneumatics Michelin, La Chapelle St., 45-Mesmin.	Orleans, France.
FN	Manufacture Francaise des Pneumatics Michelin, BP-18, 37-Joue les Tours.	Tours, France.
FP	Ste. d'Applications Techniques Industrielles (SATI), BP 72, Hussein-Dey (Michelin).	Algiers, Algeria.
FT	Michelin Reifenwerke A.G., Binger Strasse Postfach 129.	6550 Bad Kreuznach, West Germany.
FU	Michelin Reifenwerke A.G., 8605 Hallstadt Postfach 1140.	Bamberg, West Germany.
FV	Michelin Reifenwerke, A.G., 665-Homburg (Saar), Postfach 230.	Homburg, West Germany.
FW	Michelin Reifenwerke, A.G., Vogesenstrasse-4, Postfach 210-760.	Karlsruhe, West Germany.
FX	S.A. Belge du Pneumatique Michelin, 71 Chaussee de Mons, Leeuw-St. Pierre.	Zuen, Belgium.
FY	N.V. Nederlandsche Banden Industries Michelin, Poste Box 209, S'Hertogenbosch.	Bois-Le-Duc, Holland.
HA	S.A.F.E.N.M. (Michelin), Apartado 151, Aranda de Duero.	Aranda, Spain.
HB	S.A.F.E.N.M. Lasarte (Guipuzcoa) (Michelin), Apartado 139, San Sebastian.	Lasarte, Spain.
HC	S.A.F.E.N.M. (Michelin), Apartado 301, Vitoria (Alava).	Vitoria, Spain.
HD	Societa per Azoni. Michelin Italiana, Casella Postale 125.	Cuneo, Italy.
HE	Societa per Azoni. S.P.A. Michelin Italiana, Casella Postale 1-10-100.	Marengo, Italy.
HF	Societa per Azoni. Michelin Italiana. Casella Postale 162, 1-10-100 Turin.	Turin (Dora), Italy.
HH	Societa per Azoni, Michelin Italiana, Casella Postale 462, 1-10-100.	Turin (Stura), Italy.
HJ	Michelin Tyre Co., Ltd., Broughshane Rd., (County Antrim).	Ballymena, North Ireland.
HK	Michelin (Belfast) Ltd., Derry Rd., Mallusk Newtown Abbey (County Antrim).	Belfast, North Ireland.
HL	Michelin Tyre Co., Ltd., Heasandford Estate.	Burnley (Lanc.), England.
HM	Michelin Tyre Co., Ltd., Stoke-on-Trent (STAFF.).	Stoke-on-Trent, England.
HN	Michelin Tire Manufacturing Co. of Canada, Ltd., Post Office Box 399.	New Glasgow, Nova Scotia.
HP	Manufacture Saigonnaise des Pneumatiques Michelin, B.P. 306.	Saigon, South Vietnam.
A1	Manufacture Francaise des Pneumatics Michelin, Zone Industrielle de la Republique B.P. 203.	86-Poitiers, France.
B1	Manufacture Francaise des Pneumatics Michelin, Zone Industrielle Sainte Anne B.P. 422.	85-La Roche-Sur-Yon, France.
C1	Michelin (Nigeria) Ltd., Post Office Box 527, Port-Harcourt Riverstate.	Port-Harcourt, Nigeria.
F1	Michelin Tyre Co., Ltd., Baldovie House, Baldovie Rd.	Dundee, Scotland.
LX	Mitsuboshi Belting Ltd., 4-Chome, Hamazoedori, Nagataku.	Kobe, Japan.
LY	Mitsuboshi Belting Ltd., Hara Tsuda-cho Okawa-gun.	Shikoku, Japan.
CA	The Mohawk Rubber Co., 1235 2d Ave.	Akron, OH 44306.
CB	The Mohawk Rubber Co., Highway 49.	Helena, AR 72342.
CC	The Mohawk Rubber Co., 1500 Indiana St.	Salem, VA 24153.
WE	Nankang Rubber Tire Corp., 66-1 Nanking Rd.	West Taipei, Taiwan.

NEW TIRE MANUFACTURES

EE	Nitto Tire Co., Ltd., 2001 Ichinomiya, Samukawa-Machi.	Kanagawa-Ken, Japan.
YL	Oy Nokia A.B., Kumitehdas Tyre Department.	Nokia, Finland.
VW	Ohtsu Tire & Rubber Co., Ltd., 232 Kawahara-cho, Izumi-Ohtsu City.	Osaka, Japan.
UW	Okada Tire Industry Ltd., 1-1, 2-Chome, Shirotori.	Katsushika-ku, Tokyo, Japan.
ED	Okamoto Riken Gomu Co., Ltd., 27-12, 3-Chome, Hongo.	Bunkyo-ku, Tokyo, Japan.
WM	The Olympic Tyre & Rubber Co. Pty. Ltd., Post Office Box 1.	West Footscray, Victoria, Australia 3012.
WN	The Olympic Tyre & Rubber Co. Pty. Ltd., One at Robinson Rd.	Geebung, Queensland, Australia.
WK	Pennsylvania Tire & Rubber Co. of Mississippi, Post Office Box 140, South Green St.	Tupelo, MS 38801.
AX	Phoenix Gummiwerke A.G., Hannoversche Strasse 88, Postfach 53.	2000 Hamburg-90, West Germany.
AY	Phoenix Gummiwerke A.G., Werk Reinsdorf.	3331 Reinsdorf (Uber Helmstedt), West Germany.
XA	Industrie Pirelli, S.P.A., V. Le Sarca, 202.	Milan, Italy.
XB	Industrie Pirelli, S.p.A., Straca Statale, 11.	Settimo Torinese, Torino, Italy.
XC	Industrie Pirelli, S.p.A., Villa Adriana.	Tivoli-Roma, Italy.
XD	Industrie Pirelli, S.p.A., Villatranca Tirrena.	Messina, Italy.
XE	Industrie Pirelli, S.p.A.	Ferrandina (Matera), Italy.
XF	Productos Pirelli, S.A., Manresa.	Barcelona, Spain.
XH	Pirelli Hellas, S.A.	Patrasso, Greece.
XJ	Turk Pirelli Lastikleri A.S., Izmit.	Istanbul, Turkey.
XK	Pirelli, S.A., South Andre.	Sao Paulo, Brazil.
XL	Pirelli, S.A., Estaco Sao Paulo.	Campinas, Brazil.
XM	Pirelli Compania Platense de Neumaticos, Merlo.	Buenos Aires, Argentina.
XN	Pirelli Ltd., Cumberland.	Carlisle, England.
XP	Pirelli Ltd., Staffordshire.	Burton-on-Trent, England.
DX	N.V. Bataafsche Rubber Industrie Radium, Post Office Box 1058 (Vredestein).	Maastricht, The Netherlands.
HW	Rudy Rijen, Narodni Podnik.	04 Gottwaldov, Czechoslovakia.
AW	Samson Tire & Rubber Co., Ltd., Post Office Box 2581, Kiryat Aryeh, Petah Tikva.	Tel Aviv, Israel.
WP	Schenuit Industries Inc.	Baltimore, MD 21211.
PE	Seiberling Rubber Co. of Canada, 99 Paton Rd. (Goodyear International).	Toronto 9, ON Canada.
AV	Seiberling Tire & Rubber Co., 345 15th St. (Division of the Firestone Tire & Rubber Co.).	Barberton, OH 44203.
YM	Seiberling Tire & Rubber Co., Plant No. 1, 1200 Firestone Parkway (Firestone Tire & Rubber Co.).	Akron, OH 44317.
YN	Seiberling Tire & Rubber Co., Plant No. 2, 1200 Firestone Parkway (Firestone Tire & Rubber Co.).	Akron, OH 44317.
YP	Seiberling Tire & Rubber Co., 3300 Sylvester Rd., Post Office Box 1078 (Firestone Tire & Rubber Co.).	Albany, GA 31702.
YT	Seiberling Tire & Rubber Co., 2500 North 22d St., Post Office Box 1320 (Firestone Tire & Rubber Co.).	Decatur, IL 62525.
YU	Seiberling Tire & Rubber Co., 2d and Hoffman Rd., Post Office Box 1295 (Firestone Tire & Rubber Co.).	Des Moines, IA 50305.
YV	Seiberling Tire & Rubber Co., 2525 Firestone Blvd., Post Office Box 1592 (Firestone Tire & Rubber Co.).	South Gate, CA 90280.
YW	Seiberling Tire & Rubber Co., Firestone Blvd., Box 7128 (Firestone Tire & Rubber Co.).	Memphis, TN 38107.
YX	Seiberling Tire & Rubber Co., Firestone Blvd., Post Office Box 699 (Firestone Tire & Rubber Co.).	Pottstown, PA 19464.

NEW TIRE MANUFACTURES

YY	Seiberling Tire & Rubber Co., 340 El Camino Real South, Post Office Box 2069 (Firestone Tire & Rubber Co.).	Salinas, CA 93904.
BT	Semperit, A.G., Wienersodorferstrasse.	A-2514 Traiskirchen, Austria.
BU	Semperit Ireland Ltd., Killeen Rd.	Ballyfermont, Dublin 10, Ireland.
UY	Cheng Shin Rubber Ind. Co., Ltd., 18 Chung Shan Rd., Post Office Box 139, Yuanlin.	Meei Kong, Teipi, Taiwan.
ET	Sumitomo Rubber Industries, 20, 1-Chome, Tsutsui-cho.	Fukiai-ku, Kobe, Japan.
EU	Sumitomo Rubber Industries, 1, 4-Chome Shinsei-cho, Toyota City.	Aichi Prefecture, Japan.
CW	The Toyo Rubber Industry Co., Ltd., Itami Plant: 80 Amatsu Fujinkoi.	Itami, Hyogo, Japan.
CX	The Toyo Rubber Industry Co., Ltd., Sendai Plant: Fukiage Iwanuma.	Natori-gun, Miyagi, Japan.
LW	Trelleborg Gummifarlks Aktiebolag.	S-23101 Trelleborg, Sweden.
AJ	Uniroyal Tire Co., 6600 East Jefferson.	Detroit, MI 48232.
AK	Uniroyal Tire Co., 154 Grove St.	Chicopee Falls, MA 01020.
AL	Uniroyal Tire Co., 799 Wisconsin St.	Eau Claire, WI 54701.
AM	Uniroyal Tire Co., 5675 Anaheim-Telegraph Rd.	Los Angeles, CA 90022.
AN	Uniroyal Tire Co., Uniroyal Rd. and Highway 169.	Opelika, AL 36801.
AP	Uniroyal Tire Co.	Ardmore, OK 73401.
LH	Uniroyal S.A. Rubber Mills Pty. Ltd., 1028-1042 South Rd., Post Office Box 90.	Edwardstown, South Australia.
LJ	Uniroyal Englebert Belgique, S.A., Parc Industriel des Hauts Sarts.	Herstal-les-llege, Belgium.
LK	Uniroyal Croydon, S.A., Carrera 7A, No. 22-1.	Cali, Colombia.
LL	Uniroyal Englebert France, S.A., Usines de Clairoix, Post Office Box 163.	60 Complegne, France.
LM	Uniroyal Englebert Deutschland, A.G., Huttenstrasse 7.	5100 Aachen I, West Germany.
LN	Uniroyal, S.A., Lago Aullagas 60.	Mexico City 17, D.F., Mexico.
LP	Uniroyal, Ltd., Tyre & General Products Division.	Newbridge, Midlothian, Scotland.
LT	Uniroyal Endustri Turk Anonim Sirketi, Fabrika Posta Kutusu 27.	Adapazari, Turkey.
LU	Uniroyal, C.A., Apartado 98.	Valencia, Venezuela.
AU	Uniroyal Ltd., Strange St.	Kitchener, ON Canada.
VU	Universal Tire Co., 2650 Columbia Ave.	Lancaster, PA 17603.
XT	Veith-Pirelli, A G, 6128 Hoechst/Odenwald.	Sandbach, West Germany.
DI	Viking Askim.	1800 Askim, Norway.
DV	N.V. Nederlandsch-Amerikaansche, Autobanden-Fabriek Vredestein, Post Office Box 27.	Enschnede, The Netherlands.
DW	Rubberfabriek Vredestein, Doetinchem N.V., Broekweg 29.	Doetinchem, The Netherlands.
XU	Sam Yang Tire Manufacturing Co., Ltd., Sam Yang Bldg., 43-6 Kwanchul-dong.	Chonogro-Ku, Seoul, Korea.
FA	The Yokohama Rubber Co., Ptd., No. 150 Shinsbuku.	Hiratsuka, Kanagawa-Pref, Japan.
FB	The Yokohama Rubber Co., Ltd., No. 1036 Takabuku, Misono Mura.	Watari-Gun, Miye-Pref, Japan.
FC	The Yokohama Rubber Co., Ltd., No. 8-1 Minami Futsuka Machi.	Mishima, Shizucka-Pref, Japan.
FD	The Yokohama Rubber Co., Ltd., No. 1 Aza Furuyashiki, Noda.	Shinsharo, Aichi-Pref, Japan.
FE	The Yokohama Rubber Co., Ltd., No. 3-1-22, Atago.	Ageo, Saitama-Pref, Japan.

TABLE III

Code No.	Retreader's name	Location
AAB	Martin Tire & Supply, Inc.	Wichita, Kans.
AAD	McCreary Tire & Rubber Co.	Indiana, Pa.
AAF	O.K. Tire Stores.	Rocky Mount, N.C.
AAH	Douglas Pearce, Inc.	Harrisburg, Va.
AAJ	Hicks Tire Service.	Richmond, Va.
AAL	Wilkerson Co., Inc.	Crewe, Va.
AAM	Friendly Tire Service, Inc.	Waynesboro, Va.
AAN	Custom Tire & Retreading Corp.	Roanoke, Va.
AAP	Northern Neck Tire & Recapping Co., Inc.	Warsaw, Va.
AAT	Little Tire Co., Inc.	Fredericksburg, Va.
AAU	Dix Tire Service.	Cedar City, Utah.
AAV	Big O Tires, Inc.	Salt Lake City, Utah.
AAW	Settle Tire & Supply Co., Inc.	Charlottesville, Va.
AAX	Newman Tire Co., Inc.	Farmville, Va.
AAY	Southside Auto Supply, Inc.	Richmond, Va.
ABA	Hogan Truck Tire Sales, Inc.	Woburn, Mass.
ABB	Tire Jobbers, Inc.	Grandview, Wash.
ABC	Charles L. Fannell.	Claremont, N.C.
ABD	Hagan OK Tire Store, Inc.	Eau Claire, Wis.
ABE	Nelson Tire Service, Inc.	Madison, Wis.
ABF	Lerman Tire Service, Ltd.	Milwaukee, Wis.
ABH	Roger's Tire Service, Inc.	Waukesha, Wis.
ABJ	Ambrosiani Hnos, Inc.	San Juan, P.R.
ABK	Wimer Tire Service.	Joplin, Mo.
ABL	McCaul Tire & Appliance Store.	Kennett, Mo.
ABM	Vol Co Cap, Inc.	St. Louis, Mo.
ABN	Tony's Tire Service.	Phillipsburg, N.J.
ABP	Allens Tire Service, Inc.	Toms River, N.J.
ABT	Alba Tire Co.	Albuquerque, N. Mex.
ABU	BTS Tire & Welding Sales, Inc.	Binghamton N.Y.
ABV	Rua & Sons, Inc.	Cobleskill, N.Y.
ABW	W. Glenn Sedam, Inc.	Perry, N.Y.
ABX	Pat's Tire Service.	Rome, N.Y.
ABY	George Cline's Tire Service, Inc.	Charlotte, N.C.
ACA	Coats Tire Service.	Coats, N.C.
ACB	Ivie Retreading Co., Inc.	Eden, N.C.
ACC	Elkins Tire Co., Inc.	Greensboro, N.C.
ACE	Catawba Supply Co.	Hickory, N.C.
ACF	King-Mickey Tire Sales, Inc.	High Point, N.C.
ACH	Blackwell Tire Co., Inc.	Roanoke Rapids, N.C.
ACJ	S. & S. Tire Service.	Smithfield, N.C.
ACK	Parrish Tire Co., Inc.	Winston-Salem, N.C.
ACL	Maxie Tire & Supply Co.	Norwalk, Ohio.
ACM	Hoppes Tire Service, Inc.	Salem, Ohio.
ACN	O.K. Tire Store.	Brookings, Oreg.
ACP	Howard Herider Tires.	Eugene, Oreg.
ACT	Willamette Retreading, Inc.	Newberg, Oreg.
ACU	Butler's Tire & Battery Co., Inc.	Portland, Oreg.
ACV	Carter Tire Co.	Roseberg, Oreg.
ACW	Master Service Center, Inc.	Salem, Oreg.
ACX	Coast Tire Shop.	Tillamook, Oreg.
ACY	Pyramid Tire & Rubber Co.	Philadelphia, Pa.
ADA	Taylor Tire Co.	Pottsville, Pa.
ADB	Sandone Tire & Battery.	Scranton, Pa.
ADC	Clark & Hoag Tire Sales, Inc.	Williamsport, Pa.
ADD	City Tire Co.	Providence, R.I.
ADE	Palmetto Tire Retreaders, Inc.	Florence, S.C.
ADF	Gambrell's Electric Co.	Pendleton, S.C.
ADH	Dakota Auto Parts Co.	Sioux Falls, S. Dak.
ADJ	Steepleton General Tire Co.	Memphis, Tenn.
ADK	Ted Lokey Tire Co.	Amarillo, Tex.
ADL	Homer Duncum Tire Co.	Brady, Tex.
ADM	Russey Tire Co.	Fort Worth, Tex.
ADN	McWhorter's, Inc.	Lubbock, Tex.
ADP	Owens Tire, Inc.	Palestine, Tex.
ADT	Handley Tire Store.	Raymondville, Tex.
ADU	Littleton Tire Co.	San Antonio Tex.
ADV	Fred Luderus Tire Service, Inc.	Do.
ADW	Tex-Ark Retread & Tire Co.	Texarkana, Tex.
ADX	Southern Wholesale Distributors, Inc.	Jacksonville, Fla.
ADY	Dade Tire Co., Inc.	Miami, Fla.
AEA	Jim McConnell's Tires Inc.	Orlando, Fla.
AEB	Kelly Tire Service, Inc.	Bainbridge, Ga.
AEC	Hobbs Auto Supply, Inc.	Blackshear, Ga.
AED	Lambert Tire Co.	Carrollton, Ga.
AEE	Tire Engineering & Retreading Co.	Decatur, Ga.
AEF	Boyd Tire Co.	East Point, Ga.
AEH	Pruitt Tire Co.	Tucker, Ga.
AEJ	Wall Tire Distributors, Inc.	Warner Robins, Ga.
AEK	Pacific Service & Development Corp.	Lihue, Hawaii.
AEL	Motor Tire Service.	Boise, Idaho.
AEM	Evergreen Tire, Inc.	Lewiston, Idaho.
AEN	Big O Tires of Idaho, Inc.	Rupert, Idaho.
AEP	Magel Tire Co.	Twin Falls, Idaho.
AET	Midwest Tire Service.	Chicago, Ill.
AEU	Stan the Tire Man, Inc.	Mount Vernon, Ill.
AEV	Modern Tire Treaders, Inc.	Evansville, Ind.
AEW	Fortmeyer's Tire Center, Inc.	Fort Wayne, Ind.
AEX	Don Shane Tire Co.	Marion, Ind.
AEY	Blackie Tire & Battery Co.	Tell City, Ind.
AFA	Rainbo Tire Service.	Dubuque, Iowa.
AFB	Dorfman Auto Supply, Inc.	Waverly, Iowa.
AFC	O.K. Tire Service.	Dodge City, Kans.
AFD	Parrott-Hodnett, Inc.	Hutchinson, Kans.
AFE	W. F. Holleicke Tire Co., Inc.	Wichita, Kans.
AFF	Bailey's Tire Service.	Hazard, Ky.
AFH	Houma Tire Service, Inc.	Houma, La.
AFJ	AAA Tires, Inc.	Metairie, La.
AFK	Tommy's Tire Service.	Minden, La.
AFL	Guidry Tire Co.	Rayne, La.
AFM	L. & A. Tire Co.	Lewiston, Maine.
AFN	Arsenault Tire Co.	Winslow, Maine.
AFP	D. & D. Tire Co., Inc.	Brentwood, Md.
AFT	Southern Maryland Tires, Inc.	Waldorf, Md.
AFU	Aronson Tire Co., Inc.	Auburn, Mass.
AFV	Henry's Tire Service, Inc.	Fall River, Mass.
AFW	Master-ride Tire Co.	Granby, Mass.
AFX	Mansfield Tire, Inc.	Mansfield, Mass.
AFY	King, Inc.	Westfield, Mass.
AHA	Ideal Tire Co.	Willimantic, Conn.
AHB	Sintz Seiberling Tires.	Hollywood, Fla.
AHC	Tom Smith Tire Co., Inc.	Florence Ala.
AHD	Tom Sharp Tire Service.	Huntsville, Ala.
AHE	General Tire Co. of Phoenix, Inc.	Phoenix, Ariz.
AHF	Lee Grant Tire & Recapping Co.	Little Rock, Ark.
AHH	Davis Tire Shop.	Davis, Calif.
AHJ	AAA Tire Service.	Fullerton, Calif.
AHK	Carl's Brake & Tire Service.	Lomita, Calif.
AHL	Cal-State Tire.	Los Angeles, Calif.
AHM	Jacks Recap Service, Inc.	Baltimore, Md.
AHN	Jones Tire & Recapping Co., Inc.	Montgomery, Ala.
AHP	Wayne Glass & Tire Co.	Mount Olive, N.C
AHT	Guaranteed Tires, Inc.	Port Huron, Mich.
AHU	Griffin Tire Service.	Aikens, S.C.

JAN 11 1972 XUM

Code No.	Retreader's name	Location
AHV	5 Star Auto Service & parts	New London, Conn.
AHW	Youngstown Tire & Supply Co.	Youngstown, Ohio
AHX	Ralph Barber Tire Co.	Memphis, Tenn.
AHY	Stamps-Brown Tire Co., Inc.	Atlanta, Ga.
AJA	Glenn's Tire & Recapping Service, Inc.	Melbourne, Fla.
AJB	Baker's Tire Service	Sidney, Nebr.
AJC	Ryder Distribution Center	Doraville, Ga.
AJD	Taylor Tire Co., Inc.	Waynesville, N.C.
AJE	Interstate Tire & Brake Stores, Inc.	Springfield, Mass.
AJF	Tampa Recapping & Tire Co.	Tampa, Fla.
AJH	Holt Tire Service, Inc.	Memphis, Tenn.
AJJ	Youngstown Tire Service, Inc.	Youngstown, Pa.
AJK	Cleverleaf Tire Service	Latrobe, Pa.
AJL	L. F. Anderson Tire Co., Inc.	Billings, Mont.
AJM	Wake Tire Co.	Raleigh, N.C.
AJN	Doyle's Tire Service, Inc.	Johnson City, Tenn.
AJP	P-R-C Sales Co.	Southfield, Mich.
AJT	Schneider Tire Supply	Fort Pierce, Fla.
AJU	Tire Engineering Service, Inc.	Hazel Park, Mich.
AJV	Cooper-Hewkinson Treads, Inc.	Du Bois, Pa.
AJW	Mac's Tire Service, Inc.	Chelan, Wash.
AJX	City Tire Co.	Elizabeth City, N.C.
AJY	Grandmother's Tire Co., Inc.	Eastlake, Ohio.
AKA	Quality Retreaders, Inc.	Kalamazoo, Mich.
AKB	Dixie Tire & Automotive Service.	Union Springs, Ala.
AKC	Plonk Oil Co., Inc.	Kings Mountain, N.C.
AKD	J. & J. Tire Sales, Inc.	Rochester, N.Y.
AKE	Taggart Tire Service	Winona, Minn.
AKF	Auburn Crown Tire Co., Inc.	Auburn, N.Y.
AKH	Webster Recapping Co., Inc.	Webster, N.Y.
AKJ	Ross Tire & Battery Co., Inc.	Greenville, S.C.
AKK	Sonny's Tire & Recapping	Do.
AKL	City Tire & Recapping Co.	Greer, S.C.
AKM	The Tire Exchange of Greer, Inc.	Do.
AKN	Lawton Tire & Recapping Co. Inc.	Hampton, S.C.
AKP	Chad's Tire Service	Lancaster, S.C.
AKT	Marietta Tire Shop	Marietta, S.C.
AKU	Martin Tire & Retreading Co.	Newberry, S.C.
AKV	C. & N. Tire Service, Inc.	Walterboro, S.C.
AKW	Nell's Tire Service	Rapid City, S. Dak.
AKX	Central Tire Co., Inc.	Chattanooga, Tenn.
AKY	Jones Tire & Appliance Co.	Lebanon, Tenn.
ALA	Southern Tire Co., Inc.	Sheffield, Ala.
ALB	Hobbs Tire Shop	McMinnville, Tenn.
ALC	Tire Recappers of Nashville, Inc.	Nashville, Tenn.
ALD	Great Southern Tire Distributors, Inc.	Conroe, Tex.
ALE	Bandag of Dallas, Inc.	Dallas, Tex.
ALF	Round Tire, Inc.	Harlingen, Tex.
ALH	Ward's Tire Shop	Logan, Utah.
ALJ	Cheever Tire Service, Inc.	Bellow Falls, Vt.
ALK	Ray Reilly's Tire Mart	Rutland, Vt.
ALL	Buckingham Service Center	Buckingham, Va.
ALM	Castleberry Tire Co.	Hampton, Va.
ALN	Tom Frost Firestone, Inc.	Warrenton, Va.
ALP	Tires, Inc.	Chehalis, Wash.
ALT	Dick's Tirecap, Inc.	Kennewick, Wash.
ALU	Anderson Tire Service, Inc.	Mount Vernon, Wash.
ALV	Gates Tire Center	Spokane, Wash.
ALW	Morlan Tire Co.	Do.
ALX	T. & T. Tire Center	Tacoma, Wash.
ALY	Lovering Tire Co.	Yakima, Wash.
AMA	Smith's Tire & Recapping Service.	Hamlin, W. Va.
AMB	Bowie Tire Co.	Aberdeen, Ohio.
AMC	Tire Distributors, Inc.	Parkersburg, W. Va.
AMD	Lubeck Tire Service	Kenosha, Wis.
AME	Bergstrom Tire Center	River Falls, Wis.
AMF	Town & Country Tire Centers, Inc.	Wausau, Wis.
AMH	Commercial Tire Service, Inc.	Provo, Utah.
AMJ	Clem Tire & Appliance	Athens, Ala.
AML	A. & A. Tire Co., Inc.	Oklahoma City, Okla.
AMM	Mac's Tire Sales, Inc.	St. Albans, Vt.
AMN	T.R.L. Tire Service Corp.	South Chicago Heights, Ill.
AMP	Tyrco Industries	Emeryville, Calif.
AMT	Tyrco Industries	Richfield, Ohio.
AMU	C. & C. Tire Co.	Denver, Colo.
AMV	C. & C. Tire Co.	Rapid City, S. Dak.
AMW	John C. Kacur Tire Service	Uniontown, Pa.
AMX	Nygard & Steen, Inc.	Madison, Wis.
AMY	3 D Tire Sales, Inc.	North Attleboro, Mass.
ANA	Bills Tire Service	Indianapolis, Ind.
ANB	Ganberts Great Southern Tire Co.	Thibodaux, La.
ANC	Henise Tire Service, Inc.	Cleona, Pa.
AND	Middlesex Tire Co.	Middlesex, N.C.
ANE	Colony Tire Service, Inc.	Bridgeport, Conn.
ANF	Broadway Tire Shop	Council Bluffs, Iowa.
ANH	Vaughans Tire Service, Inc.	Ellensburg, Wash.
ANJ	Pope Tire Service	Columbia, Miss.
ANK	Portland Tire Co.	Portland, Oreg.
ANL	Texas Tire Co.	Houston, Tex.
ANM	Bunn & Harris General Tire Co.	Waco, Tex.
ANP	Quality Tire Center	Chattanooga, Tenn.
ANT	Re-New Tires, Inc.	Quakertown, Pa.
ANU	Kaprals Tire Service, Inc.	Corning, N.Y.
ANV	Deans, Inc.	Caldwell, Idaho.
ANW	Detroit Recapping Co.	Detroit, Mich.
ANX	Annears Tire Mart, Inc.	Richland, Wis.
ANY	Longs Tire Service	Bozeman, Mont.
APA	Zuber Tire Co.	Houston, Tex.
APB	Sharkey Tire & Rubber Co., Inc.	New Bedford, Mass.
APC	Tires Inc.	San Jose, Calif.
APD	Tires Inc.	Vancouver, Wash.
APE	Tires Inc.	Sacramento, Calif.
APF	Rex Tire Inc.	Colorado Springs, Colo.
APH	Barry Hollander TBA, Inc.	Everett, Wash.
APJ	Tri Valley Tire, Inc.	Winchester, Va.
APK	Hopper Recapping Co., Inc.	Gulfport, Miss.
APL	Burnetts Royal Tire Service	Blytheville, Ark.
APM	E. H. Campbell Tire Co., Ltd.	Honolulu, Hawaii.
APN	Freys Tire Shop, Inc.	Williamsport, Pa.
APP	Meltons Home & Auto Supplies	Clover, S.C.
APT	Bob Lee's, Inc.	St. Petersburg, Fla.
APU	Frankel & Son Tire Co.	Cleveland, Ohio.
APV	Peck Bros.	Eugene, Oreg.
APW	New England Tire Co.	Williamantic, Conn.
APX	R. & N. Tire Center, Inc.	East Granby, Conn.
APY	West Point Tire Co.	West Point, Ga.
ATA	Firestone Home & Auto.	Albemarle, N.C.
ATB	Tibar Tire Co.	Reidsville, N.C.
ATC	The Auto Inn of Shelby, Inc.	Shelby, N.C.
ATD	Tillmans Inc.	Do.
ATE	Lebes Tire Service, Inc.	Statesville, N.C.
ATF	Fountain Tire Service, Inc.	Wilmington, N.C.
ATH	Slaughters Tire Service	Akron, Ohio.
ATJ	A-One Tire Co.	Cleveland, Ohio.
ATK	Automotive Center, Inc.	Do.
ATL	Victor Bodie Tire Co.	Do.
ATM	Cheviot Tire	Cincinnati, Ohio.
ATN	General Tire Sales, Inc.	Columbus, Ohio.
ATP	Pat Wood Tire & Supply Co.	Do.
ATT	Flickinger Inc.	Euclid, Ohio.
ATU	B. & M. Tire	Fremont, Ohio.
ATV	Nu-Tread Tire & Retread Center, Inc.	Do.
ATW	George Ziegler Tire Service, Inc.	Hanoverton, Ohio.
ATX	Huddles, Inc.	Lancaster, Ohio.
ATY	Baney Tire Co.	Wooster, Ohio
AUA	Jim Row Tire Service	Grants Pass, Oreg.
AUB	Hartley's Tire Center	Portland, Oreg.
AUC	Woolach Tire & Auto Service Centers.	Do.
AUD	Penn Tire Co.	Bedford, Pa.
AUE	Ray Andre, Inc.	Butler, Pa.
AUF	Pocono Tire Co., Inc.	East Stroudsburg, Pa.
AUH	J. & F. Tire, Inc.	Houston, Pa.
AUJ	Super Tire Co.	Johnstown, Pa.
AUK	K. & W. Tire Co., Inc.	Lancaster, Pa.
AUL	Jim Okonak Tire Service	Latrobe, Pa.
AUM	Plaza Rubber Corp.	McKeesport, Pa.
AUN	Clausner's Recapping	Mount Pleasant, Pa.
AUP	King's Tire Service	Do.
AUT	Bandag of Philadelphia, Inc.	Norristown, Pa.
AUU	Walker's Tire Service	Wellsboro, Pa.
AUV	All-Good Tire Co., Inc.	Anderson, S.C.
AUW	Welborn Tire Service, Inc.	Do.
AUX	Camden Tire Co.	Camden, S.C.
AUY	Tire Service Co.	Sequim, Wash.
AVA	Brandon's, Inc.	Chickasaw, Ala.
AVB	Patterson Tire Co.	Seattle, Wash.
AVC	Wilson Tire & Service Co.	Charleston, S.C.
AVD	Alco Rubber Co., Inc.	Garden City Park, N.Y.
AVE	Fayette Tire Co.	Uniontown, Pa.
AVF	Harvey's Tire Exchange, Inc.	Denver, Colo.
AVH	White Front Recapping Co.	Richlands, Va.
AVJ	Kelsey Tire Co., Inc.	Pikeville, Ky.
AVK	Kelsey Tire Co., Inc.	Grundy, Va.
AVL	Thompson's O.K. Tire, Inc.	Beloit, Kans.
AVM	Detroit Tire Service, Inc.	Detroit, Maine.
AVN	Western Maryland General	Frederick, Md.
AVP	The Grier Tire Co.	Salisbury, Md.
AVT	Merchant's Distributors, Inc.	Boston, Mass.
AVU	Roland's Tire & Rubber Co., Inc.	Fairhaven, Mass.
AVV	Brigida Tire Co.	Plymouth, Mass.
AVW	Wetmore Safety Service, Inc.	Ferndale, Mich.
AVX	Ronda Tire, Inc.	Grand Rapids, Mich.
AVY	Tire Recappers of Lansing, Inc.	Lansing, Mich.
AWA	Madison Tire & Recapping, Inc.	Madison Heights, Mich.
AWB	Mankato Oil Co., Inc.	Mankato, Minn.
AWC	Royal Tire Sales Co.	Minneapolis, Minn.
AWD	Charlie's Tire Service, Inc.	Thief River Falls, Minn.
AWE	Worthington Tire Service	Worthington, Minn.
AWF	B. & M. Tire Sales	Gulfport, Miss.
AWH	Bond Tire Service	Wiggins, Miss.
AWJ	McDowell Truck Tire Center	Kansas City, Mo.
AWK	Stephens Tire Mart	St. Joseph, Mo.
AWL	MFA Oil Co.—Tire Division	Columbia, Mo.
AWM	Gates Tire Co.	Grand Island, Nebr.
AWN	Haas Tire Co., Inc.	Lincoln, Nebr.
AWP	Role's Car Care Center, Inc.	Colebrook, N.H.
AWT	Bartal Tire Co.	Camden, N.J.
AWU	Melini Bros., Inc.	Vineland, N.J.
AWV	Western Tire Co.	Farmington, N. Mex.

Code No.	Retreader's name	Location
AWW	Doty's Tire Service	Raton, N. Mex.
AWX	Parrish Distributing Co.	Silver City, N. Mex.
AWY	Vic Schrader Tire Service, Inc.	Eden, N.Y.
AXA	Ranger Manufacturing Corp.	Farmingdale, N.Y.
AXB	Gateway Tire Corp.	Freeport, N.Y.
AXC	Kiskis Tire Co., Inc.	Latham, N.Y.
AXD	Robert Paul, Inc.	Oneida, N.Y.
AXE	Johnny Antonelli Tire Co., Inc.	Rochester, N.Y.
AXF	Goodland-Hoffman, Inc.	Do.
AXH	Eggers Caryl & Corrigan, Inc.	Utica, N.Y.
AXJ	Davis Tire Service	Asheboro, N.C.
AXK	Mack's Service Station	Do.
AXL	City Tire Co.	Charlotte, N.C.
AXM	Grubb Tire & Auto, Inc.	Do.
AXN	Earl's Tire Store, Inc.	Concord, N.C.
AXP	Rigsbee Tire Sales, Inc.	Durham, N.C.
AXT	Bladen Tire Co., Inc.	Elizabethtown, N.C.
AXU	C. & C. Recapping Service	West Jefferson, N.C.
AXV	Haney's Tire & Recapping Service, Inc.	Laurinburg, N.C.
AXW	Superior Tire Service	Malden, N.C.
AXX	Warren Tire & Battery, Inc.	Mount Airy, N.C.
AXY	Royal Tire & Alinement Co., Inc.	Raleigh, N.C.
AYA	M. & M. Rubber Co.	Reidsville, N.C.
AYB	Super Retread Tire Co., Inc.	Stratford, Conn.
AYC	All Service Tire Co.	Cocoa, Fla.
AYD	Tire City	Do.
AYE	Pierce Tire Co., Inc.	Delray Beach, Fla.
AYF	Dunn Tires, Inc.	Fort Pierce, Fla.
AYH	O.K. Production Plant & Warehouse, Inc.	Lakeland, Fla.
AYJ	Dotson Tire Co.	Miami, Fla.
AYK	Hercules Tire Sales & Service Corp.	Chickasaw, Ala.
AYL	Norton Tire Co., Inc.	Do.
AYM	J. C. Lewis	Orlando, Fla.
AYN	Wilson Tire & Recapping, Inc.	Pompano Beach, Fla.
AYP	M. & G. Tire Co., Inc.	Tampa, Fla.
AYT	Snow Tire Co.	Athens, Ga.
AYU	Sutton Tire, Inc.	Clarkesville, Ga.
AYV	Goodwear Tire Co., Inc.	Columbus, Ga.
AYW	Master Recapping Service	Sandersville, Ga.
AYX	Vhy Recap	Honolulu, Hawaii.
AYY	Hill's B. F. Goodrich, Inc.	Boise, Idaho.
BAA	Sink's Tire & Recapping Service, Inc.	Lexington, N.C.
BAB	Fleet Service Tire & Retread	Grand Junction, Colo.
BAC	Quitman Tire & Recapping Service.	Quitman, Ga.
BAE	Decicco Tire Co.	Portland, Oreg.
BAF	Southern Tire & Auto Service, Inc.	Richmond, Va.
BAH	Cammer Tire Co., Inc.	Winchester, Va.
BAJ	Morrison Tire Service	Grenada, Miss.
BAL	Leonard Tire Co., Inc.	Albuquerque, N. Mex.
BAM	Walt Wilger Tire Co.	Do.
BAN	Joe Esco Tire Co.	Oklahoma City, Okla.
BAP	Fleming Tire Service	Mars, Pa.
BAT	Forde Johnson Oil Co., Inc.	Idaho Falls, Idaho.
BAU	Vandalia Recapping Co.—a Corporation.	Vandalia, Ill.
BAV	John Richards Tire Co., Inc.	Wabash, Ind.
BAW	Ben Fish & Son	Sioux City, Iowa.
BAX	Kemp Service Co.	Do.
BAY	Foree Tire & Treading Service, Inc.	Great Bend, Kans.
BBA	Milne & Mann Tire & Recapping Co., Inc.	Icia, Kans.
BBB	Scates Retreading Service, Inc.	Fulton, Ky.
BBD	R. L. Waldrip Tire Sales, Inc.	Bossier City, La.
BBE	Morris Tire Service, Inc.	De Ridder, La.
BBF	Wim & Krogh Tire Service, Inc.	Carmichael, Calif.
BBH	Crosby Tire Co.	Hawthorne, Calif.
BBJ	Johnny Gillette Tire Co.	Long Beach, Calif.
BBK	Valley Tire Co.	Marysville, Calif.
BBL	La Core Tire Co.	Modesto, Calif.
BBM	Redding Valley Tire, Inc.	Redding, Calif.
BBP	Georges Tire Service	San Bruno, Calif.
BBT	Douglas Tire Co.	San Diego, Calif.
BBU	Lutz Tire & Supply Co., Inc.	Do.
BBV	Transport Tire Co., Inc.	San Francisco, Calif.
BBW	Kuhn's Tire Service	Vallejo, Calif.
BBX	J. & W. Tire Service	Valley Center, Calif.
BBY	Trinity Tire Service	Weaverville, Calif.
BCA	Economy Tire, Inc.	Colorado Springs, Colo.
BCB	McGraw Tire Shop	Do.
BCC	Tire Mileage, Inc.	Pueblo, Colo.
BCD	Bristol Auto Arcade, Inc.	Bristol, Conn.
BCE	The City Tire Co., Inc.	Middleton, Conn.
BCF	Armstrong & Holton Tire Service, Inc.	Lancaster, Pa.
BCH	Duke Tire Sales, Inc.	Scranton, Pa.
BCJ	Kelleher's Tire & Battery Service.	Do.
BCK	Dumbauld's Tire Service	Somerset, Pa.
BCL	Walter's Tire Service, Inc.	Do.
BCM	Adney Tire Service, Inc.	West Chester, Pa.
BCN	Fenstermacher's	Wilkes-Barre, Pa.
BCP	Joseph's Tire Service	Do.
BCT	Nationwide Tire Co., Inc.	Do.
BCU	Easy Pay Tire Store	Lewisburg, Tenn.
BCV	Reynolds Bros. Tire Co., Inc.	Union City, Tenn.
BCW	The Tire Center, Inc.	Charlottesville, Va.
BCX	Lugee Tire Co., Inc.	Clarkesville, Va.
BCY	Hunt Oil & Tire Co., Inc.	Gretna, Va.
BDA	U.S. Tire Service, Inc.	Hampton, Va.
BDC	Burnett Tire Co.	Lynchburg, Va.
BDD	Merchant's, Inc.	Manassas, Va.
BDE	Highway Service Stores, Inc.	Norfolk, Va.
BDF	Kramer Tire Co., Inc.	Do.
BDH	Leete Tire & Battery Co., Inc.	Petersburg, Va.
BDJ	Ray's Auto Supply, Inc.	Do.
BDK	Johnson's Tire & Recap Service, Inc.	Richmond, Va.
BDL	Tri-County Tire Service, Inc.	St. Paul, Va.
BDM	Freed Co., Inc.	Waynesboro, Va.
BDN	Duncan Bros. Tire Co., Inc.	Winchester, Va.
BDP	Discount Tire Service, Inc.	Clarksburg, W. Va.
BDT	Wholesale Tire, Inc.	Do.
BDU	Rader's Recapping Service	Spencer, W. Va.
BDV	Fulton Tire, Inc.	Wheeling, W. Va.
BDW	Bauer Built, Inc.	Durand, Wis.
BDX	Hamlin's Auto Service & Treading Co.	Aliceville, Ala.
BDY	Chace Rubber Co.	Birmingham, Ala.
BEA	Southern Rubber Co., Inc.	Do.
BEB	Dothan Tire Co.	Dothan, Ala.
BEC	Bailey General Tire, Inc.	Tuscaloosa, Ala.
BED	Tire Mileage, Inc.	Phoenix, Ariz.
BEE	Batco, Inc.	Tucson, Ariz.
BEF	Tire King, Inc.	Do.
BEH	McKinney Tire Co.	Conway, Ark.
BEJ	Galloway Oil & Tire Co.	Fort Smith, Ark.
BEK	Berl Brown Tire Co.	Jonesboro, Ark.
BEL	Precision Retreading Co., Inc.	Little Rock, Ark.
BEM	Miller Tire Co., Inc.	North Little Rock, Ark.
BEN	Twin City Tire Co.	Little Rock, Ark.
BEP	Taylor-Hall Tire, Inc.	Russellville, Ark.
BET	Curt's Wheel & Tire Co.	Bellflower, Calif.
BEU	Rubber Car-Go Corp.	Plantsville, Calif.
BEV	George's Tire Shop, Inc.	Torrington, Conn.
BEW	Capitol Tire Co.	Wethersfield, Conn.
BEX	Continental Tire Co.	Columbus, Ga.
BEY	United Oil Corp.	Do.
BFA	Viking Tire Service, Inc.	Brainerd, Minn.
BFB	Tire Service, Inc.	Jackson, Miss.
BFC	Rice's, Inc.	Bow, N.H.
BFD	Cheshire Oil Co., Inc.	Keene, N.H.
BFE	Perth Amboy	Perth Amboy, N.J.
BFF	Sam Boren Tire Co., Inc.	Alberquerque, N. Mex.
BFH	Shook Tire Co.	Las Cruces, N. Mex.
BFJ	J. & J. Miles Rubber Co.	Freeport N.Y.
BFK	Griffin Central Tire Service, Inc.	Hurmell, N.Y.
BFL	Stone Tire Co.	Greensboro, N.C.
BFM	Buck's Tire Service	Icard, N.C.
BFN	Williams Tire Service, Inc.	Lenoir, N.C.
BFP	Thomas Tires, Inc.	Roxboro, N.C.
BFT	S. S. Tire	Barberton, Ohio.
BFU	Cardinal Tire Co.	Cleveland, Ohio.
BFV	Raney Tire, Inc.	Do.
BFW	Ohio Recapping, Inc.	Geneva, Ohio.
BFX	Walt Green, Inc.	Massillon, Ohio.
BFY	Bennett Tire Service Co.	Claysburg, Pa.
BHA	Singer General Tire, Inc.	South Bend, Ind.
BHB	Roberts & Hudson Tire Co.	Erlanger, Ky.
BHC	Central Tire Co., Inc.	Lexington, Ky.
BHD	Yudy's, Inc.	Biddeford, Maine.
BHE	Maine Rubber Mfg., Inc.	Lewiston, Maine.
BHF	Armor Tread Tire, Inc.	Baltimore, Md.
BHH	Hillen Tire & Rubber Corp.	Do.
BHJ	O. P. Bohman, Inc.	Hagerstown, Md.
BHK	Armstrong Tire & Accessory Corp.	Laytonsville, Md.
BHL	The Sawyer Tire Co.	Everett, Mass.
BHM	Milford Products Co.	Hopedale, Mass.
BHN	Broadway Vulcanizing & Tire Co.	Lawrence, Mass.
BHP	Mathisen Tire Co.	Duluth, Minn.
BHT	Lyon County Tire Center	Marshall, Minn.
BHU	Ellingson Tire Service, Inc.	Minneapolis, Minn.
BHV	Kampa Tire Co., Inc.	Do.
BHW	W. F. Smith Tire & Battery Co., Inc.	St. Paul, Minn.
BHX	Tire Retread Co., Inc.	Virginia, Minn.
BHY	Plaza Tire Service	Cape Girardeau, Mo.
BJA	Diehl Tire Co., Inc.	Clinton, Mo.
BJB	Vowels Tire Co.	Dexter, Mo.
BJC	Somerset Tire Service	Bound Brook, N.J.
BJD	Custom Tire Associates	Bradley Beach, N.J.
BJE	Trio Tire Service, Inc.	Clementon, N.J.
BJF	Banks Tire Co.	Jersey City, N.J.
BJH	B. & S. Tire Co., Inc.	Newark, N.J.
BJJ	Volk Tire Corp.	Trenton, N.J.
BJK	Advance Tire Corp.	Bronx, N.Y.
BJL	Grossman's Tire Service	Liberty, N.Y.
BJM	Vulcap Corp.	Long Island City, N.Y.
BJN	Lazar's Tire Service, Inc.	Peekskill, N.Y.
BJP	E. J. Zibro Tire & Appliance Co., Inc.	Troy, N.Y.
BJT	Montgomery & Aldridge Tire Co., Inc.	Durham, N.C.
BJU	Nu-Tread Tire Co.	Do.
BJV	Corder-Vossler Co., Inc.	Fayetteville, N.C.
BJW	Town Tire Service	Mount Airy, N.C.
BJX	Smokes Tire Rebuilders	Washington, N.C.
BJY	Preston Grace Tire Co., Inc.	Batesville, Ark.
BKB	Schaer Norvell Tire Co.	Little Rock, Ark.
BKC	Bailey Tire Co.	El Monte, Calif.
BKD	Barnes & Delaney	Long Beach, Calif.
BKE	Sherman Tire Corp.	Los Angeles, Calif.

JAN 11 72 XUM

Code No.	Retreader's name	Location
BKF	Daniels Tire Service, Inc.	Whittier, Calif.
BKH	Danielson Oil Co., Inc.	Danielson, Conn.
BKJ	Edison Tire & Supply Corp.	Miami, Fla.
BKK	Leesburg Tire & Battery Co., Inc.	Leesburg, Fla.
BKL	George Schumann Tire Co.	Jacksonville, Fla.
BKM	Morton Tire Service	Anderson, S.C.
BKN	Safe-Way Retreads	Decatur, Ga.
BKP	Mattoon Neal Tire & Associates, Inc.	Mattoon, Ill.
BKT	Paris General Tire, Inc.	Paris, Ill.
BKU	Bliss Tire Service	Carroll, Iowa
BKV	Pat Southerland's Tire Center, Inc.	Bossier City, La.
BKW	C. E. Noyes Co.	Westbrook, Maine.
BKX	Demers Tire, Inc.	Fitchburg, Mass.
BKY	Arnold & Dean Tire Service	Bartlesville, Okla.
BLA	O. K. Tire Co.	McAlester, Okla.
BLB	Swansons Tire Co., Inc.	Oklahoma City, Okla.
BLC	Goldstrom Tire Service	Vandergrift, Pa.
BLD	Bert's Treads, Inc.	Wyomissing, Pa.
BLE	Messinger Tire Co	Sioux Falls, S. Dak.
BLF	Thornton Tire Co., Inc.	Houston, Tex.
BLH	Central Tire & Battery	Verona, Va.
BLJ	Sugg Tire Service	Wenatchee, Wash.
BLK	Bob Dinsmore Tire Service	Morgantown, W. Va.
BLM	Shank's Oil Co., Inc.	Huntington, W. Va.
BLN	Badger Tires, Inc.	Fond du Lac, Wis.
BLP	Kelley Tire Service, Inc.	Marshfield, Wis.
BLT	Adnac Tire & Retreaders, Ltd.	Edmonton, Alberta, Canada.
BLU	Turner's Cavalier Tire Corp.	Wytheville, Va.
BLV	Quality Retreads, Inc.	Scottsboro, Ala.
BLW	El Campo Tire	Tucson, Ariz.
BLX	McElroy's Tire Shop	Do.
BLY	Newton's, Inc.	Russellville, Ark.
BMA	McCoy Truck Tire Recap Co., Inc.	Bakersfield, Calif.
BMB	Howards	San Diego, Calif.
BMC	Bob's Quality Tire Store	Denver, Colo.
BMD	Buchmann Tire & Recapping Co., Inc.	Cullman, Ala.
BME	McGriff Tire Co.	Do.
BMF	Nu-Tred Tire Co., Inc.	Phoenix, Ariz.
BMH	Thompson's O.K. Tire Store	Harrison, Ark.
BMJ	Malvern Tire Co.	Malvern, Ark.
BMK	Lutz Tire, Inc.	Benicia, Calif.
BML	Jordan Tire Service, Inc.	Hemet, Calif.
BMM	Wayne's Tire, Inc.	Santa Maria, Calif.
BMN	Thomas Tire Recapping, Inc.	Moultrie, Ga.
BMP	Quality Tires, Inc.	Nampa, Idaho.
BMT	Zinser Tire Shop	Joliet, Ill.
BMU	Sumner Tire Shop, Inc.	Sumner, Iowa.
BMV	Otto Kihm Tire Co.	Kalamazoo, Mich.
BMW	Tony's Tire & Service	West Point, Mo.
BMX	Daniels Tire Shop	Willow Springs Mo.
BMY	Triangle Tire Co.	Black Eagle, Mont.
BNA	Salta's Tire Co., Inc.	Laconia, N.H.
BNB	Haines Garage, Inc.	Catskill, N.Y.
BNC	Retreadsof Long Island, Inc.	Farmingdale, N.Y.
BNE	Smith's Auto Service	Denton, N.C.
BNF	McPherson Bros. Auto Supply, Inc.	Elizabeth City, N.C.
BNH	Baird Tire & Battery Co.	Ashtabula, Ohio.
BNK	Radial Recapping, Inc.	West Sacramento, Calif.
BNL	Vule Rite Tire Co.	Chicago, Ill.
BNN	T/A Modr's Texaco	West Point, Va.
BNP	Gretna Tire & Recapping Co.	Gretna, Va.
BNT	Wilson Tire Service	Covington, Va.
BNU	Stickney's, Inc.	Scottsbluff, Nebr.
BNV	----do	McCook, Nebr.
BNW	Taylor's Tire Service, Inc.	Weston, W. Va.
BNX	Triangle Recapping Service, Inc.	Triangle, Va.
BNY	Dorman's Inc.	San Diego, Calif.
BPA	Danzey Oil & Tire Co., Inc.	Dothan, Ala.
BPB	Retread, Inc.	Colorado Springs, Colo.
BPC	Montrose Tire Co.	Montrose, Colo.
BPD	Princeton Tire & Recapping Co.	Princeton, Ky.
BPH	Kenny Bob Tire Sales, Inc.	Marion, Ind.
BPJ	Kearns Tire Co., Ltd.	Scottsbluff, Nebr.
BPK	Vulcan Tire Service, Inc.	Wheatridge, Colo.
BPL	Spikes-Mitchel Tire Co.	Columbus, Ga.
BPM	Lee Rodgers Tire Co.	Birmingham, Ala.
BPN	Rishmague Tire, Inc.	Miami, Fla.
BPP	Odom's Tire Service	St. Pauls, N.C.
BPT	Moote Tire Co., Inc.	Roanoke, Va.
BPU	Salem Rubber Co.	Wichita Falls, Tex.
BPV	Pomp's Tire & Recap Service	Green Bay, Wis.
BPW	Super Tread Co.	West Sacramento, Calif.
BPX	Cenpro, Inc.	West Point, Ga.
BPY	McDade & Deason Tire Co.	Milledgeville, Ga.
BTA	Briscoe's Tire Service	Shelbyville, Ky.
BTB	Laney's Tires Batteries & Accessories.	Phenix City, Ala.
BTC	Track Treads, Inc.	Norcross, Ga.
BTD	Hashi Tires, Inc.	Wailuku, Hawaii.
BTE	Kress Bros. Co.	Pittsburgh, Pa.
BTF	Crowell Tire Service, Inc.	South Boston, Va.
BTH	W. J. Kuhn Warehouse Sales, Inc.	Oak Creek, Wis.
BTJ	Alker Tire & Supply, Inc.	Clarksburg, W. Va.
BTK	Nesmith Tire & Recapping Co.	Perry, Ga.
BTL	Garner Tire Co.	Sulphur Springs, Tex.
BTN	Doherty Tire Corp.	Stockton, Calif.
BTP	Knox Retread, Inc.	Knoxville, Tenn.
BTT	King Tire Service	Elizabeth, Pa.
BTU	Caulkins Tire Service, Inc.	Seneca Falls, N.Y.
BTV	Montgomery Tire Service, Inc.	Christiansburg, Va.
BTW	Chapel Hill Tire Co.	Chapel Hill, N.C.
BTX	Lucas General Tire, Inc.	Beckley, W. Va.
BUA	Tyre Treds, Inc.	Hayward, Calif.
BUB	Ray's Tire & Appliances	New Iberia, La.
BUC	Broadway Tire Service	Vallejo, Calif.
BUD	Kent Sussex Service Co.	Milford, Del.
BUE	City Recappers, Inc.	Monroe, Ga.
BUF	City Recappers	Lawrenceville, Ga.
BUH	Mexirado Tire Co.	Cortez, Colo.
BUJ	Barker's Tire Service, Inc.	Burlington, N.C.
BUK	Gilliland Bros. Tire Co.	Chattanooga, Tenn.
BUL	Pine Bluff Tire & Rubber Co.	Pine Bluff, Ark.
BUN	Paul Anthony Tire, Inc.	Dayton, Ohio.
BUP	Grady's Tire & Auto Service	Opelika, Ala.
BUT	Bain & Holden Tire Co.	Englewood, Tenn.
BUU	Pridgen Tire Co.	Rocky Mount, N.C.
BUV	Budd's Master Tire Service	Sanford, N.C.
BUW	Schwalb Tire Co.	Dover, N.J.
BUY	Jay Stern, Inc.	Las Vegas, N. Mex.
BVA	Flake's Tire Service, Inc.	Clinton, N.C.
BVB	W. & W. Tire Service	Greenville, Ala.
BVC	Hoosier Racing Tire Corp.	South Bend, Ind.
BVD	MacGregor Tire Co.	Flint, Mich.
BVE	Tire Retreading & Vulcanizing.	Montgomery, Ala.
BVF	Wilbanks Tire Service	Alexander City, Ala.
BVH	Little's Esso Service	Denver, N.C.
BVJ	Coll Tire Distributors, Inc.	Burgettstown, Pa.
BVK	The Tire Center, Inc.	Winston-Salem, N.C.
BVL	Piedmont Tire Recapping	Do.
BVM	United Tire Sales	Greensboro, N.C.
BVN	Cairo Recapping Shop	Cairo, Ga.
BVP	Elberton Tire & Recapping Co., Inc.	Elberton, Ga.
BVT	Besher's Tire Recapping Service	Greenwood, S.C.
BVU	Prior Tire Co.	Atlanta, Ga.
BVV	Jack's Tire Service Co.	Algona, Iowa.
BVW	Firestone Home & Auto Supply.	Union Springs, Ala.
BVX	Conley Bros. Tire Service, Inc.	Phoenix, Ariz.
BVY	Fargo Tire Co.	Fargo, N. Dak.
BWA	Marsh's Racing Tires, Inc.	Siloam Springs, Ark.
BWB	Chase City Tire & Recapping, Inc.	Chase City, Va.
BWC	Nevada Tire Service, Inc.	Nevada, Mo.
BWD	Barr Tire Co., Inc.	Charlottesville, Va.
BWE	Evert Bros. Tire Service, Inc.	Bellevue, Ohio.
BWF	Pace Service Co.	Bowling Green, Ky.
BWH	Fuller Tire Co., Inc.	Martinsville, Va.
BWJ	Iles-McKinney & Wolf	Des Moines, Iowa.
BWK	Nelson Tire Service, Inc.	Winona, Minn.
BWL	The Tire & Battery Corp.	Hutchins, Tex.
BWM	Brattleboro Tire Service, Inc.	Brattleboro, Vt.
BWN	Northern General Tire, Inc.	Greeley, Colo.
BWP	Holloway's Tire Co.	Thomaston, Ga.
BWT	Boone Supply Co., Inc.	Boone, N.C.
BWU	Crider Tire Service	Chatham, Va.
BWV	Jack Hadley Tire & Appliance, Inc.	Neosho, Mo.
BWW	Southern Tire Distributors	Somerset, Ky.
BWX	Charlie's Tires	Tampa, Fla.
BWY	Allen Tire & Recapping Co.	Georgetown, Ga.
BXA	Gay Johnson's, Inc.	Grand Junction, Colo.
BXB	Commercial Tire & Recapping, Inc.	Norwalk, Conn.
BXD	O.K. Tire Store	Albertville, Ala.
BXE	Princess Anne Tire Co., Inc.	Fredericksburg, Va.
BXF	Matthews Tire Sales, Inc.	Richmond, Va.
BXH	Eigene Tire Co.	Union, N.J.
BXJ	S. & W. Tire Service, Inc.	Valdosta, Ga.
BXK	Mikes Tire Recapping Service	Ordinary, Va.
BXL	Ferguson Tire Service Co.	Weirton, W. Va.
BXM	Moore's Recapping Co., Inc.	Troy, N.C.
BXN	Fleet Tire Service, Inc.	Hope, Ark.
BXP	Strong Tire Service, Inc.	Greensboro, N.C.
BXT	Amos Tire Shop, Inc.	Lancaster, Ohio.
BXV	Penn-Sierra Tire Distributors	Loomis, Calif.
BXW	Jim Paris Tire City, Inc.	Longmont, Colo.
BXX	Dale's Tire & Retreading, Inc.	Deadwood, S. Dak.
BXY	North Avenue Recap	Grand Junction, Colo.
BYA	Plains A To Z Tire Co., Inc.	Cheyenne, Wyo.
BYB	Raton Tire Service	Raton, N. Mex.
BYC	Amherst Tire Rebuilders	Amherst, Va.
BYD	Patterick's Distributing Co., Inc.	Grand Junction, Colo.
BYE	Plains Tire & Battery Co.	Laramie, Wyo.
BYF	Dinsmore Tire, Inc.	Uniontown, Pa.
BYH	Viall Tire Service, Inc.	Akron, Ohio.
BYJ	Craven Tire Co.	Merrifield, Va.
BYK	Philadelphia Tire Co.	Philadelphia, Pa.
BYL	Fred's Tire Shop	Mount Pleasant, Pa.

Code No.	Retreader's name	Location
BYM	Stan Velinek Tire Co.	Carmichael, Calif.
BYN	Strader Tire Co.	Knoxville, Tenn.
BYP	Tommy Tire Co.	Irving, Tex.
BYT	C&D Bamdag, Inc.	Preston, Md.
BYU	Anderson Tire Co., Inc.	Allison Park, Pa.
BYV	United Recapping Co., Ltd.	Honolulu, Hawaii.
BYW	Jimmy High's Tires, Inc.	Miami, Fla.
BYX	Talbert Tire Service	Somerset, Pa.
BYY	Athens OK Tire Service	Athens, Ala.
CAA	T/A Mecklenburg Tire & Recapping.	Chase City, Va.
CAB	Seneca Tire Co.	Elkins, W. Va.
CAC	Independence Retread Co.	Independence, Va.
CAD	Truckers 3T Equipment & Service, Inc.	Lake Charles, La.
CAE	Miller Tire, Inc.	Antigo, Wis.
CAF	Hardinsburg Tire Service, Inc.	Hardinsburg, Ky.
CAH	Central Tire Co., Inc.	Gaffney, S.C.
CAJ	Carolina Southern Tire Co., Inc.	Loris, S.C.
CAK	Tic Toc Tire, Inc.	Charleston, W. Va.
CAL	C. R. Case & Sons, Inc.	Honesdale, Pa.
CAM	Sultan of Tires	Asheville, N.C.
CAN	Wholesale Tire & Muffler Co., Inc.	Princeton, W. Va.
CAP	J. E. Young & Sons Tire	Gardena, Calif.
CAT	Foote Tire Co.	Hastings, Nebr.
CAU	Miami Valley Bandag, Co.	Dayton, Ohio.
CAV	Chabots Super Service, Inc.	Portsmouth, Ohio.
CAW	Parks Tire Co., Inc.	Galaz, Va.
CAX	Custom Tire & Brake	San Francisco, Calif.
CAY	Jennings Bros., Inc.	West Warwick, R.I.
CBA	E. & P. Tire Service	Hanford, Calif.
CBB	Service Tire Inc.	Shreveport, La.
CBC	Master Tire Service, Inc.	Murray, Ky.
CBD	Harvey Bros., Inc.	Newburgh, N.Y.
CBE	Mid-State Tire Co., Inc.	Orlando, Fla.
CBF	New Ken Tire Service	New Kensington, Pa.
CBH	Easter Tire Co.	Lima, Ohio.
CBJ	Osceola Tire Service	Kissimmee, Fla.
CBK	Leaman Tire Co., Inc.	Mount Joy, Pa.
CBL	Dumark Industries, Inc.	Dumas, Ark.
CBM	Mayo Tire Co.	Tarrant, Ala.
CBN	Rudder Tire Service, Inc.	Salem, Ind.
CBP	Hughes Tire Service	Do.
CBT	Empire Tire Service	Goshen, N.Y.
CBU	Strock Tire Service	Columbia, S.C.
CBV	Carl's Recapping Service, Inc.	Rochester, Mich.
CBW	Motor Mart Safety Center, Inc.	Pontiac, Mich.
CBX	Hunter's Tire Service	Greenville, S.C.
CBY	Oklahoma Bandag Supply Co.	Oklahoma City, Okla.
CCA	Walters & Fisher, Inc.	Lancaster, Pa.
CCB	Bartlett & Johnston Bandag Recapping.	Heber Springs, Ark.
CCC	Kentucky Tire Exchange	Bowling Green, Ky.
CCD	Lundberg Tire Service	Waseca, Minn.
CCE	Vandever Tire Co.	Joplin, Mo.
CCF	Burch Tire Co.	New Orleans, La.
CCH	Max-Gard Retreads	Paragould, Ark.
CCJ	Cal's Tire Shop	Alexandria, Minn.
CCK	Montclair Tire Co.	Montclair, Calif.
CCL	Guest Tire Service	Pottstown, Pa.
CCM	Elmwood Tire Co.	Syracuse, N.Y.
CCN	Perry & Cummins Tire Co.	Oklahoma City, Okla.
CCP	Chaney Tire Service, Inc.	Darien, Wis.
CCT	Broderick Tire Service	Monticello, Utah.
CCU	Carolina Tire Co.	Rocky Mount, N.C.
CCV	Ariail Tire Co.	Cornelia, Ga.
CCW	OK Tire & Rubber Co.	Huntsville, Ala.
CCX	Babcock & Son Tire Service	Lancaster, Calif.
CCY	Mitchell Tire Shop	Madison, W. Va.
CDA	Mid-Georgia Bandag, Inc.	Griffin, Ga.
CDB	L. & M. Tire Co.	Escondido, Calif.
CDC	Henry Tire Co., Inc.	Plainview, Tex.
CDE	Cash Larimer Tire Co.	Ponca City, Okla.
CDF	Faulkner Tire Center, Inc.	Nacogdoches, Tex.
CDH	Del Norte Tire Service	Crescent City, Calif.
CDJ	Fred's Tire & Retreading Service.	Hays, Kans.
CDK	Savannah Tire & Rubber Co., Inc.	Savannah, Ga.
CDL	McNiff's Tire Shop	Danbury, Conn.
CDM	D & B OK Tire Store	Oakley, Kans.
CDN	C. & J. Tire Service, Inc.	Chadbourn, N.C.
CDP	Mobley's Tire Service	Washington, N.C.
CDT	Willie's Recapping Service	Bunzaw, N.C.
CDU	Hawkinson Tread Tire Service Co.	St. Louis, Mo.
CDV	Ellis Tire Service	Newcastle, Wyo.
CDW	Orland Tire Service	Orland, Calif.
CDX	Burney Tire Service	Burney, Calif.
CDY	Yarbrough Tire Service	Sebring, Fla.
CEA	U.S. Tire Supply Co., Inc.	New York, N.Y.
CEB	H. & K. Recapping Co., Inc.	St. Joseph, Tenn.
CEC	Enterprise Tire Co.	Cadiz, Ohio.
CED	Tri-State Rubber Sales, Inc.	Weirton, W. Va.
CEE	Moore Tire Service, Inc.	Greensburg, Pa.
CEF	Johnson's Recap Shop	Grove Hill, Ga.
CEH	Slaughter Tire Co.	Macon, Ga.
CEJ	Bob Storms Tire Service	Chino, Calif.
CEK	Moremann Tire Co., Inc.	Corpus Christi, Tex.
CEL	Bayshore Bandag	Cuffwood Beach, N.J.
CEM	Smoky Mountain Tire Co.	Bryson City, N.C.
CEN	Rusher's Tire Service, Inc.	Salisbury, N.C.
CEP	Quality Tire Service	Sparta, N.C.
CET	Davis Auto Parts Co., Inc.	Mocksville, N.C.
CEU	Armor Tread Tire Co.	Charlotte, N.C.
CEV	Quality Tire Co., Inc.	Henderson-ville, N.C.
CEW	Turner Tire Service, Inc.	Raleigh, N.C.
CEX	Caln Tire & Parts Co.	Cary, N.C.
CEY	Bech's Recapping Service, Inc.	Creedmoor, N.C.
CFA	Taylorsville Recapping Co.	Taylorsville, N.C.
CFB	Valley Supply Co.	Chinchilla, Pa.
CFC	Prince Tire Co., Inc.	Goldsboro, N.C.
CFD	T/A Brookneal Tire Sales & Service.	Brookneal, Va.
CFE	Tires Sales & Service.	Pittsboro, N.C.
CFF	West Yadkin Tire Service, Inc.	Hamptonville, N.C.
CFH	Bentonville Tire & Battery Shop.	Bentonville, Ark.
CFJ	Cowan Tire & Battery Co.	Forest City, N.C.
CFK	El Cerrito Tire Service, Inc.	Richmond, Calif.
CFL	Sutherlin Tire Sales & Service.	Sutherlin, Oreg.
CFM	G. & R. Tire Distributors, Inc.	Stafford Springs, Conn.
CFN	Hoffman's OK Tire Store	Goshen, Ind.
CFP	Banner Retreading Co., Inc.	Bridgeport, Conn.
CFT	Byerly Tire	Brookville, Pa.
CFV	Fedele Tire Service	Madison, Wis.
CFW	Prillaman Tire Service	Rocky Mount, Va.
CFX	Valley Recapping Service of Bogalusa.	Bogalusa, La.
CFY	Iron Station Recapping	Iron Station, N.C.
CHD	Dunlop Retreaders	Edmonton, Alberta, Canada.
CHE	-----do	Vancouver, British Columbia, Canada.
CHF	Dunlop Retreaders	Dorval, Quebec, Canada.
CHH	By Pass Recapping	Newberry, S.C.
CHJ	Dodson Tire Service	Bassett, Va.
CHK	Fleet Tread Service, Inc.	Birmingham, Ala.
CHL	Willie Andrews Tire Co.	Slocomb, Ala.
CHM	Tuf-Grip Rubber Co.	Anaheim, Calif.
CHN	City Tire Service	Toppenish, Wash.
CHP	Miller Tire Sales Co.	Denver, Colo.
CHT	Interstate Tire & Brake Stores, Inc.	Enfield, Conn.
CHU	Tire Service Co.	New London, Conn.
CHV	Tyler Tire Sales	West Hartford, Conn.
CHW	Donald E. Peat, Inc.	Woodbridge, Conn.
CHX	Action Tire Center, Inc.	Sarasota, Fla.
CHY	Willis Quick Tire Service, Inc.	Griffin, Ga.
CJA	Bill's Auto Parts	Carydon, Md.
CJB	Southwest Oil & Supply Co.	Dodge City, Kans.
CJC	Mock Brothers Corp.	Ashland, Ky.
CJD	Sager General Tire Service, Inc.	Monroe, La.
CJE	M. L. Coffin Co., Inc.	Bangor, Maine
CJF	Central Tire Retreading Co., Inc.	Springvale, Maine.
CJH	Capitol Tire & Rubber Co.	Boston, Mass.
CJJ	Paul Bros. Tire Co., Inc.	Dorchester, Mass.
CJK	Al's Tire Shop, Inc.	Fall River, Mass.
CJL	J&K Tire Co., Inc.	Hudson, Mass.
CJM	Boulevard Tire & Battery Service.	New Bedford, Mass.
CJN	Glen's Tire Hospital, Inc.	Mora, Minn.
CJP	Belknap Tire Co., Inc.	Laconia, N.H
CJT	Bernard Tire Co., Inc.	Manchester, N.H.
CJU	Marks Brothers	Rocky Mount, N.C.
CJV	B. & W. Tire Co.	Williamston, N.C.
CJW	Motyre, Inc.	Athens, Ohio.
CJX	Capital City Tire & Retread, Inc.	Columbus, Ohio.
CJY	Needham Tire Co.	Tulsa, Okla.
CKA	Tire Treads, Inc.	Sherwood, Oreg.
CKB	Tire Center, Inc.	Springfield, Oreg.
CKC	Hoffman Tire Service	Duncannon, Pa.
CKD	Lifecap Tire Service, Inc.	Providence, R.I.
CKE	Tom Chapman Tire Service	Anderson, S.C.
CKF	Snell's Tire Service	Mitchell, S. Dak.
CKH	Wortman Tire & Battery Service.	Winner, S. Dak.
CKK	Master Auto Service Corp.	Norfolk, Va.
CKL	Stinson Tire Co., Inc.	Danville, Va.
CKM	Brimmer Tire Service	Yakima, Wash.
CKN	B. & H. Tire & Supply Co., Inc.	Buckhannon, W. Va.
CKP	Farmers Tire Mart, Inc.	Newport, Ark.
CKT	Pedersen Tire Co.	Long Beach, Calif.
CKU	Nichols Manchester Tire, Inc.	Manchester, Conn.
CKV	Allen County Tire Stores, Inc.	Fort Wayne, Ind.
CKW	Polk Tire Service	South Bend, Ind.
CKX	WFYL-Bausch Tire Co., Inc.	Wichita, Kans.
CKY	B. F. Goodrich Retread Plant	Albany, N.Y.
CLA	-----do	Atlanta, Ga.
CLB	-----do	Buffalo, N.Y.
CLC	-----do	Charlotte, N.C.
CLD	-----do	Chattanooga, Tenn.
CLE	-----do	Cincinnati, Ohio.
CLF	-----do	Cleveland, Ohio.
CLH	-----do	Dallas, Tex.
CLJ	-----do	Denver, Colo.
CLK	-----do	Detroit, Mich.
CLL	-----do	Franklin Park, Ill.
CLM	-----do	Fresno, Calif.
CLN	-----do	Houston, Tex.
CLP	-----do	Jackson, Miss.
CLT	-----do	Kansas City, Mo.

JAN 11 1972 XUM

Code No.	Retreader's name	Location
CLU	B. F. Goodrich Retread Plant	Kernersville, N.C.
CLV	do	Kingsport, Tenn.
CLW	do	Little Rock, Ark.
CLX	do	Los Angeles, Calif.
CLY	do	Louisville, Ky.
CMA	do	Maple Shade, N.J.
CMB	do	Memphis, Tenn.
CMC	do	Minneapolis, Minn.
CMD	do	Mobile, Ala.
CME	do	Nashville, Tenn.
CMF	do	New Orleans, La.
CMH	do	Oakland, Calif.
CMJ	do	Olivette, Mo.
CMK	do	Omaha, Nebr.
CML	do	Phoenix, Ariz.
CMM	do	Pittsburgh, Pa.
CMN	do	Richmond, Va.
CMP	do	Seattle, Wash.
CMT	do	Wheeling, W. Va.
CMU	do	Wichita, Kans.
CMV	Gordy Tire Co	Atlanta, Ga.
CMW	C&F Tire Service, Inc	Fort Smith, Ark.
CMX	Ingram Tire Service	Clinton, Ark.
CMY	Sweat Tire Co	Robertsdale, Ala.
CNA	Virgil Coker Tire Service, Ltd.	Anniston, Ala.
CNB	Ed's Tire Sales, Inc	Oakdale, Conn.
CNC	Bando Tire Co., Inc	Fort Worth, Tex.
CND	Hegarty & Jordon	Redwood City, Calif.
CNE	McCord Auto Supply, Inc	Watseka, Ill.
CNF	Hill Tire Service	Newton, N.C.
CNH	Franklin Tire & Appliance Co.	Franklin, N.C.
CNJ	John Kudas & Sons	Bentleyville, Ala.
CNK	Fowler-Dozier Tire Service	Montgomery, Ala.
CNL	St. John Tire Store	Salem, Mo.
CNM	Marshall Jackson Motor Co., Inc.	Rome, Ga.
CNN	Blue & White Service, Inc	Indianapolis, Ind.
CNP	Big O Tire Sales, Inc	Littleton, Colo.
CNT	Big O Production Plant	Oakland, Calif.
CNU	Kahn & Kevill	San Francisco, Calif.
CNV	Noyes Tire Co	Biddeford, Maine.
CNW	Patterson Oil Co	Torrington, Conn.
CNX	Carolina Tire Co	Salisbury, N.C.
CNY	Carolina Tire Co. of Kentucky	Winchester, Ky.
CPA	Mac's Tire Service	Harrisburg, Ill.
CPB	Carolina Tire Co. of Virginia	Salem, Va.
CPC	City Tire & Appliance	Jasper, Ala.
CPD	Earnhardt Tire Co	Salisbury, N.C.
CPE	Carolina Tire Co	Spruce Pine, N.C.
CPF	Waynesville Tire & Appliance Co.	Waynesville, N.C.
CPH	Murphy Tire & Appliance Co	Murphy, N.C.
CPJ	C. & D. Sales, Inc	Boykins, Va.
CPK	Gunby for Tires	Denver, Colo.
CPL	Karl's Tire & Circle	Farmington, N. Mex.
CPM	Hayward Tire Co., Inc	Fond du Lac, Wis.
CPN	Barskite Retreading	Finleyville, Pa.
CPP	Vineville Tire Co	Macon, Ga.
CPT	Main Auto Parts & Glass Co	Dayton, Ohio.
CPU	Sampson Tire Co., Inc	Clinton, N.C.
CPV	Holmes Tire & Supply, Inc	Madison, Wis.
CPW	Huber Tire Co	Louisville, Ky.
CPX	Grady General Tire, Inc	East Syracuse, N.Y.
CPY	Haisley & Hocker, Inc	Marysville, Pa.
CTA	Harris Tire Service, Inc	Norfolk, Va.
CTB	Oklahoma Tire Center, Inc	Tulsa, Okla.
CTC	D. & L. Tire Co	Luverne, Ala.
CTD	Southern Tire Service	Nashville, Tenn.
CTE	Laurens Tire & Recapping, Inc.	Laurens, S.C.
CTF	Land O'Lakes, Inc	Minneapolis, Minn.
CTH	Rush's Tire Service, Inc	Clarksburg, W. Va.
CTJ	Watson Tire & Supply	Fountain Inn, S.C.
CTL	Northern Auto Supply, Inc	St. Johnsbury, Vt.
CTM	Allied Rubber, Inc	Braddock, Pa.
CTN	Sam's Tire Service, Inc	Tacoma, Wash.
CTP	Henderson Tire & Retreading, Inc.	Henderson, Ky.
CTT	Ken's Tire Service, Inc	Monroe, N.C.
CTU	Rainbow Tire Service, Inc	Everett, Wash.
CTV	Jim's Inc	Pascagoula, Miss.
CTX	H. & L. Auto Supply Co., Inc.	Morgantown, W. Va.
CTY	Virginia Carolina Tire Co., Inc.	Norfolk, Va.
CUA	Teco Firestone Sales, Inc	Williamson, W. Va.
CUB	Dura-Tuf Treads, Inc	Jackson, Miss.
CUC	Kenny's Tire Sales, Inc	Anderson, Ind.
CUD	Joe's Tire Mart	Rochester, N.Y.
CUE	Foree Tire & Supply Co	O'Neill, Nebr.
CUF	Watson's Goodyear Sales & Service.	Rogers, Ark.
CUH	Gell & Nix Recapping Service	Gulfport, Miss.
CUJ	Bluefield Retread & Vulc. Co., Inc.	Bluefield, W. Va.
CUK	National Tire Sales, Inc	Rochester, N.Y.
CUL	Bulla Tire Service, Inc	Graham, N.C.
CUM	King Tire Service	Roanoke Rapids, N.C.
CUN	Swofford's, Inc	North Wilkesboro, N.C.
CUP	Bahner Tire & Recapping, Inc.	Williston, N. Dak.
CUT	Action Tire Center, Inc	Anchorage, Alaska.
CUU	The Gauthier Tire & Recapping Co.	Willimantic, Conn.
CUV	City Tire Sales	Modesto, Calif.
CUW	O.K. Tires of Florida, Inc	Tampa, Fla.
CUX	Ken's Retread, Inc	Honolulu, Hawaii.
CVA	Indiana Petroleum Co., Inc	Bedford, Ind.
CVB	Rogers Bros. Tire Co	Mountain Grove, Mo.
CVC	The Tire Mart of Montana	Butte, Mont.
CVD	Broad Street Tire Service, Inc	Bridgeton, N.J.
CVE	Max Tire Co	Roswell, N. Mex.
CVF	Jefferson Tire Corp	Freeport, N.Y.
CVH	Carriker Bros. Tire Co	Charlotte, N.C.
CVJ	The Astro Co	Cincinnati, Ohio.
CVK	Tom P. McDermott, Inc	Tulsa, Okla.
CVL	Lovell-McCall Tire Service, Inc.	Astoria, Oreg.
CVM	Pat & Red's Tire Shop	Carbondale, Pa.
CVN	Prices Tire Service	Nanticoke, Pa.
CVP	Black's Tire & Recapping Co	Greenville, S.C.
CVT	Bryant & Lell Tire Center, Inc	Travelers Rest, S.C.
CVU	Dominick's Esso Service	Newberry, S.C.
CVV	Ed Hiestand Tire Co	Nashville, Tenn.
CVW	Southeast Texas Retreading, Inc.	Beaumont, Tex.
CVX	Big B Tire Service	Borger, Tex.
CVY	Ed Robertson Tire Co	Dallas, Tex.
CWA	Tire Tread Service	Fredericksburg, Va.
CWB	Wiggins Tire Store	Unionville, Va.
CWC	Zeller Tire Service	Sheboygan, Wis.
CWD	Sterling Center	Parkersburg, W. Va.
CWE	Cribbs Tire Service	Albertville, Ala.
CWF	Midtown Tire Service	Springfield, Ill.
CWH	Wholesale Tire & Battery Co. of Connecticut.	Hartford, Conn.
CWJ	Boggy's Tire Town, Inc	Fort Lauderdale, Fla.
CWL	Johnson Tire Service, Inc	Marietta, Ga.
CWM	E. B. Creager Tire & Battery Service.	Corpus Christi, Tex.
CWN	Belle Retread Co	Belle Fourche, S. Dak.
CWP	Jesup Tire Shop	Jesup, Ga.
CWT	Sylva Tire Co	Sylvia, N.C.
CWU	General Tire Co., Inc	Fort Wayne, Ind.
CWV	Graham Tire Co., Inc	Sioux Falls, S. Dak.
CWW	Williams Tire Co	Cornelia, Ga.
CWX	Nelson Tire Town	Rochester, Minn.
CWY	Penn-Aire Tire, Inc	Franklin, Pa.
CXA	York Tire & Recapping Co., Inc	West Point, Va.
CXB	Jack's Tire & Oil Co	Logan, Utah.
CXC	Hudson Tire Service	Crane, Mo.
CXD	T. T. "Tom" Potter & Son, Inc.	Morehead, N.C.
CXE	Hosking Tire, Inc	Kingsford, Mich.
CXF	Royal Tire Service	Decatur, Ala.
CXH	Gene Parlette Co	Erie, Pa.
CXJ	B.R.I.T. Tire Co	Charleston, W. Va.
CXK	Vaughan Motor Co., Inc	Lynchburg, Va.
CXL	Vaughan Tire & Appliance Co., Inc.	Charlottesville, Va.
CXM	Smith Tire Co	Cassville, Mo.
CXN	Modern Recapping & Tire Sales.	Oak Ridge, Tenn.
CXP	Dominion Tires, Inc	Richmond, Va.
CXT	Dicks Place, Inc	Amelia, Va.
CXU	Little America Refining Co	Salt Lake City, Utah.
CXV	Tire Service Co	Indianapolis, Ind.
CXY	Robinson Tire Co	Calhoun, Ga.
CYA	Gilbert Tire Service	Liberty, N.C.
CYB	Peterson Tire Co	Mansfield, Ohio.
CYC	Culpeper Appliances, Inc	Culpeper, Va.
CYD	Hawkinson Tire Mileage, Inc	San Antonio, Tex.
CYE	Holloway Tire Co	Barnesville, Ga.
CYF	Tire Town	Augusta, Ga.
CYH	Herndon Oil & Tire Co	Eufaula, Ala.
CYJ	King Tire & Recapping Co	Talladega, Ala.
CYK	Morrison Bros., Inc	Greenville, Ohio.
CYL	Barnwell Home & Auto	Barnwell, S.C.
CYM	Petree's O.K. Tire Store, Inc	Santa Fe, N. Mex.
CYN	Hudson Tire & Battery	Harrison, Ark.
CYP	N.F.L. Tire Service, Inc	Warren, Mich.
CYT	Lifsey's, Inc	West Point, Ga.
CYU	Big 10 Recapping, Inc	Tallahassee, Fla.
CYV	J & J Tire Service	Forest, Miss.
CYW	Saltus Tire Co., Inc	Meriden, Conn.
CYX	Binion Tire Co., Inc	Newman, Ga.
CYY	U.S. Royal Tire Sales, Inc	Beckley, W. Va.
DAA	Firestone Retread Shop	Baltimore, Md.
DAB	do	Salisbury, Md.
DAC	do	Brockton, Mass.
DAD	do	Cambridge, Mass.
DAE	do	New York, N.Y.
DAF	do	South Norwalk, Conn.
DAH	do	Allentown, Pa.
DAJ	do	Philadelphia, Pa.
DAK	do	Scranton, Pa.
DAL	do	Shamokin, Pa.
DAN	do	Thorndale, Pa.
DAP	do	Altoona, Pa.
DAT	do	Harrisburg, Pa.
DAU	do	Murrysville, Pa.
DAV	do	Lemont Furnace, Pa.
DAW	do	Norfolk, Va.
DAX	do	Richmond, Va.
DAY	do	Lynchburg, Va.

Code No.	Retreader's name	Location
DBA	Firestone Retread Shop	Latham, N.Y.
DBB	do	Syracuse, N.Y.
DBC	do	Metuchen, N.J.
DBD	do	Akron, Ohio.
DBE	do	Youngtown, Ohio.
DBF	do	Dunkirk, N.Y.
DBH	do	Louisville, Ky.
DBJ	do	Ashtabula, Ohio.
DBK	do	Columbus, Ohio.
DBL	do	Parkerburg, W. Va.
DBM	do	Zanesville, Ohio.
DBN	do	Allen Park, Mich.
DBP	do	Jenison, Mich.
DBT	do	Kalamazoo, Mich.
DBU	do	Lansing, Mich.
DBV	do	Saginaw, Mich.
DBW	do	Indianapolis, Ind.
DBX	do	Bowling Green, Ky.
DBY	do	Bristol, Tenn.
DCA	do	Knoxville, Tenn.
DCB	do	Nashville, Tenn.
DCC	do	Cleveland, Ohio.
DCD	do	Bensenville, Ill.
DCE	do	Markham, Ill.
DCF	do	Denver, Colo.
DCH	do	Aberdeen, S. Dak.
DCJ	do	Fargo, N. Dak.
DCK	do	Joplin, Mo.
DCL	do	Kansas City, Mo.
DCM	do	Springfield, Mo.
DCN	do	Wichita, Kans.
DCP	do	La Crosse, Wis.
DCT	do	Madison, Wis.
DCU	do	Milwaukee, Wis.
DCV	do	Duluth, Minn.
DCW	do	Rochester, Minn.
DCX	do	St. Cloud, Minn.
DCY	do	Worthington, Minn.
DDA	do	Osseo, Minn.
DDB	do	Amarillo, Tex.
DDC	do	Oklahoma City, Okla.
DDD	do	Grand Island, Nebr.
DDE	do	Omaha, Nebr.
DDF	do	Sioux City, Iowa.
DDH	do	Quincy, Ill.
DDJ	do	Peoria, Ill.
DDK	do	Des Moines, Iowa.
DDL	do	Albany, Ga.
DDM	do	Atlanta, Ga.
DDN	do	Chattanooga, Tenn.
DDP	do	Savannah, Ga.
DDU	do	Mobile, Ala.
DDV	do	Birmingham, Ala.
DDW	do	Kinston, N.C.
DDX	do	Charlotte, N.C.
DDY	do	Kernersville, N.C.
DEA	do	Spartanburg, S.C.
DEB	do	Dallas, Tex.
DEC	do	Houston, Tex.
DED	do	Jackson, Miss.
DEE	do	Memphis, Tenn.
DEF	do	Miami, Fla.
DEH	do	Bossier City, La.
DEJ	do	New Orleans, La.
DEK	Firestone Retread Shop	San Antonio, Tex.
DEL	do	Tampa, Fla.
DEM	do	Jacksonville, Fla.
DEN	do	East Los Angeles, Calif.
DEP	do	West Los Angeles, Calif.
DET	do	Albuquerque, N. Mex.
DEU	do	Phoenix, Ariz.
DEV	do	Eugene, Oreg.
DEW	do	Portland, Oreg.
DEX	do	Billings, Mont.
DEY	do	Boise, Idaho.
DFA	do	Salt Lake City, Utah.
DFB	do	Berkeley, Calif.
DFC	do	Reno, Nev.
DFD	do	Sacramento, Calif.
DFE	do	Sunnyvale, Calif.
DFF	do	Seattle, Wash.
DFH	do	Paramount, Calif.
DFJ	do	San Diego, Calif.
DFK	do	South Windsor, Conn.
DFL	Lindsey General Tire Service, Inc.	Glasgow, Ky.
DFM	Bluestone Tire Service, Inc	Pearlsburg, Va.
DFN	Standard Recap Co	Grand Junction, Colo.
DFP	Gay Johnson's Super Service	Delta, Colo.
DFT	Marler Tire, Inc	Salt Lake City, Utah.
DFY	Linscott & Son Tire Service	Zanesville, Ohio.
DHA	Holser's Tire Service	Santa Cruz, Calif.
DHB	Newberry Recapping Co	Newberry, S.C.
DHC	Fieldale Union 76	Fieldale, Va.
DHD	Dieter, Inc	Jamestown, N.Y.
DHE	Cain's Tire, Inc	Greenbrae, Calif.
DHF	Rissone's	Reno, Nev.
DHH	Plummer Tire & Supply Co	Chillicothe, Mo.
DHJ	Santa Rosa Tire & Supply	Santa Rosa, Calif.
DHK	Wilbur Salmon's Recapping Service.	Gaffney, S.C.
DHL	King's Tire Service, Inc	Attleboro, Mass.
DHM	E&M Tire Sales	Fort Wayne, Ind.
DHN	Grantsville Tire Shop	Grantsville, W. Va.
DHP	Sprinkle's Tire & Appliance, Inc.	Jonesville, N.C.
DHT	J&J Tire Co	San Francisco, Calif.
DHU	Central Valley Cold Cap	Stockton, Calif.
DHV	Dal Pozzo Tire Corp	Santa Barbara, Calif.
DHW	Consolidated Tire Co	Louisville, Ky.
DHX	T. B. A. Supply Co	Denver, Colo.
DHY	Jack Williams Tire Co	Luzerne, Pa.
DJA	Phillips & Anderson Tire Co	Denver, Colo
DJB	Heitzig & Shirkey	Fresno, Calif.
DJC	Tire Service Center, Inc	Santa Cruz, Calif.
DJD	Logan Tire Co	Logan, Utah.
DJE	Vic's Tire Service, Inc	Fort Smith, Ark.
DJF	Huber Tire Co	York, Pa.
DJH	Recaps, Inc	Charleston Heights, S.C.
DJJ	Pete's Road Service, Inc	Anaheim, Calif.
DJL	Palmer & Albert Tire Co	Compton, Calif.
DJM	Ray Jackson Tire Center	Huntington Park, Calif.
DJN	Baldwin Tire Co	Los Angeles, Calif.
DJP	Frank Fargo Tire Co	Do.
DJT	Mission Tire & Rubber Co	Do.
DJU	Leininger & Short	Ontario, Calif.
DJV	Cogg's Tire Service	Oxnard, Calif.
DJW	Les Magnuson Tire, Inc	Riverside, Calif.
DJX	Tom Farrington, Inc	San Bernardino, Calif.
DJY	R&R Tire Service	Do.
DKA	George F. Kennedy, Inc	San Diego, Calif.
DKB	J. M. Tire Co., Inc	San Pedro, Calif.
DKC	Bradford Tire Co	Atlanta, Ga.
DKD	Emmett OK Tire Store	Emmett, Idaho.
DKE	Harris Tire Co	Rockford, Ill.
DKF	Sumerel Tire Service, Inc	Newport, Ky.
DKK	Tucker Tire Service	St. Louis, Mo.
DKL	Eagle Tire Service	Thayer, Mo.
DKM	Mitchell's Recapping & Service Station, Inc.	Bedford, Ohio.
DKN	The Ziegler Tire & Supply Co	Canton, Ohio.
DKP	Century Tire Co., Inc	Cincinnati, Ohio.
DKT	Almira Tire & Supply Co	Cleveland, Ohio.
DKU	Bell Tire Co	Do.
DKV	Llewellyn Tire Co	Columbus, Ohio.
DKW	Grismer Tire Co	Dayton, Ohio.
DKX	Hollingsworth Tire Co., Inc	Mansfield, Ohio.
DKY	Cole's Tire & Supply, Inc	Marietta, Ohio.
DLA	Jack Summers Tire Sales	Miamisburg, Ohio.
DLB	Ault's Tire, Inc	Woodsfield, Ohio.
DLC	City Tire Service	Zanesville, Ohio.
DLD	Central Tire Works	Pampa, Tex.
DLE	Lunt-Heywood Co	Cedar City, Utah.
DLF	Clyde Gibson Tire Shop	Tooele, Utah.
DLH	Miller Vulcanizing Co	Chicago, Ill.
DLJ	Dellwood Tire Co., Inc	Lockport, Ill.
DLK	Yoder Tire Service, Inc	Towanda, Pa.
DLL	Carr Brothers, Inc	Luray, Va.
DLM	Don Hultz General Tire	Salinas, Calif.
DLN	Bremen Tire Center	Bremen, Ga.
DLP	Mac's Tire Service, Inc	Johnstown, Pa.
DLT	Matthews, Inc	Texas City, Tex.
DLU	Pussyfoot Threads	Tucson, Ariz.
DLV	United Western Tire Corp	Inglewood, Calif.
DLW	Bill Anderson Tire Co	San Marcos, Calif.
DLX	Korte Tire & Oil Co	Longmont, Colo.
DLY	Mike's Tire Shop	Waterville, Conn.
DMA	Tuttle Tire Service, Inc	Terre Haute, Ind.
DMB	Hurry Up Broadway, Inc	Louisville, Ky.
DMC	Nu-Tread Tire Co., Inc	East Boston, Mass.
DMD	Bakke Tire Service	Missoula, Mont.
DME	Mueller Tire Co	Do.
DMF	R. A. McDonough Retread Co.	Orange, N.J.
DMH	Hahn Tire & Recapping Co	Asheville, N.C.
DMJ	Roosevelt Tire Service, Inc	Gastonia, N.C.
DMK	Bulla-Warren Tire Co., Inc	Graham, N.C.
DML	AAA Tire Service	Havelock, N.C.
DMM	City Tire & Recapping	Marion, N.C.
DMN	Ray Grimshaw, Inc	Portland, Oreg.
DMP	do	Do.
DMT	Mulhollen Tire Service	Portage, Pa.
DMU	Hefny General Tire Co., Inc	Williamsport, Pa.
DMV	Bill Hamlett Tire Shop	Austin, Tex.
DMW	Fakler Tire Service, Inc	Provo, Utah.
DMX	Kaukauna Tire Co., Inc	Kaukauna, Wis.
DMY	Orandall, Inc	Monroe, Wis.
DNA	Warren Tire Service	Cincinnati, Ohio.
DNB	Atlanta Tire Tread Service, Inc.	East Point, Ga.
DNC	Ollie's Tire Supply	Salt Lake City, Utah.
DND	Tire Treading Co., Inc	East Point, Ga.

JAN 11 72 XUM

Code No.	Retreader's name	Location
DNE	Fleet Maintenance, Inc.	York Haven, Pa.
DNF	Myers Tire Service	Martinsville, Va.
DNH	Perkasie Vulcanizing Co., Inc.	Sellersville, Pa.
DNJ	Les Schwab Warehouse Center, Inc.	Prineville, Oreg.
DNK	All Tire Co.	San Diego, Calif.
DNL	McCarthy Tire Service Co.	Wilkes-Barre, Pa.
DNM	Murphy's, Inc.	Oakland, Calif.
DNN	Tony Gosselin Tire Service	Eureka, Calif.
DNP	Mulkey-Kovacovich	Do.
DNT	Bill Ayres, Inc.	Auburn, Calif.
DNU	Mile-O-Tiser Sales	Akron, Ohio.
DNV	Floyd C. Thomas & Son, Inc.	Greensburg, Pa.
DNW	Wilson Motor, Inc.	Corvallis, Oreg.
DNX	Easton Tire Service, Co.	Easton, Pa.
DNY	Associated Rubber Co.	Tallapoosa, Ga.
DPA	Standard Tire Co.	Columbus, Ohio.
DPB	Hazelwood Royal Tire Co.	Wichita Falls, Tex.
DPC	Gay Johnson's Tire & Auto Service.	Montrose, Colo.
DPD	C. & H. Tire Co.	Lexington, Tenn.
DPE	Cascade Tire Co.	Wenatchee, Wash.
DPF	South Shore Tire & Rubber Co.	Richmond Hill, N.Y.
DPH	Meade Tire Sales	London, Ohio.
DPJ	Dice Tire Service, Inc.	Crawfordsville, Ind.
DPK	Jones-Lanham Tire Co., Inc.	Fayetteville, N.C.
DPL	Coker Tire Co.	Chattanooga, Tenn.
DPM	Harvey Tire Service	Oneonta, Ala.
DPN	Gallon Tire Shop, Inc.	Gallon, Ohio.
DPP	Twin City Tire & Recapping Co., Inc.	Monroe, La.
DPT	Coulson Tire Service	Galax, Va.
DPV	Buck Auto Supply	Athens, Ohio.
DPW	Quality Tire Service, Inc.	Pulaski, Va.
DPX	Pat Lanigan Service & Supply	Michigan City, Ind.
DPY	Jennings Tire Co., Inc.	Murfreesboro, Tenn.
DTA	Universal Bandag, Inc.	Lansing, Mich.
DTB	Boyd Oil Co.	Concordia, Kans.
DTD	Shelby Tire Co.	Memphis, Tenn.
DTE	McCarthy Tire, Inc.	Bryan, Ohio.
DTF	Atlanta General Tires, Inc.	Atlanta, Ga.
DTH	Norwest Retreaders, Inc.	Portland, Oreg.
DTJ	Tire Jobbers	Tucson, Ariz.
DTK	A. & H. Tire Co., Inc.	Meridian, Miss.
DTL	Main Tire Store, Inc.	Paris, Tex.
DTM	Luther's Recapping Shop	Carthage, N.C.
DTN	Ernie's Hawkinson Tread Service.	Logan, Ohio.
DTP	Speedway Tire Service	Fairmont, W. Va.
DTT	Jones Bros. & Sons	Fillmore, Calif.
DTU	Morris & Snyder Tire Service, Inc.	Zanesville, Ohio.
DTV	Brown's Discount Tire Center	Marshall, Tex.
DTW	Johnson Tire Co.	Mount Pleasant, Tex.
DTX	Idaho Falls Battery Co., Inc.	Idaho Falls, Idaho.
DTY	Garvin Tire Co., Inc.	Columbia, S.C.
DUA	Bittner's Service Center	Salisbury, Pa.
DUB	W. B. Wagner Hawkinson Tire Tread Service.	Yeagertown, Pa.
DUC	Mitchell Tire Co., Inc.	Decatur, Ga.
DUE	Richardson Tire Co.	Long Beach, Calif.
DUH	O.K. Tire & Rubber Co., Inc.	Littleton, Colo.
DUJ	Golden State Tire Service Co.	Richmond, Calif.
DUK	Knight Tire Co.	Gillette, Wyo.
DUL	Busb, Inc.	Salt Lake City, Utah.
DUM	Turner Bros. Tire	Chesapeake, Ohio.
DUN	Gene Richard & Sons, Inc.	Toledo, Ohio.
DUP	East Tabor Tire Service	Tabor City, N.C.
DUT	Bill Canaga Tire Co., Inc.	Lebanon, Oreg.
DUU	Springdale Recappers	Springdale, Ark.
DUV	Tire Specialist, Inc.	Pueblo, Colo.
DUW	Freed Tire Co.	Pottsville, Pa.
DUX	Davis Tire Co., Inc.	North East, Pa.
DUY	Ruffners	Indiana, Pa.
DVA	Gallaghers Tire Service	Parker, Pa.
DVB	Willard Tire Store	Spartanburg, S.C.
DVC	Stockton Tires, Inc.	Canton, Ohio.
DVD	Thomas Tire Service, Inc.	Nitro, W. Va.
DVE	Smith Tire Co.	Springdale, Ark.
DVF	Neal-Gentry Tire Co.	Columbus, Ga.
DVH	Bishop Tire & Retreading Co.	Clinton, S.C.
DVJ	Jepco Tire Service, Inc.	Wheeling, W. Va.
DVK	Dallas Royal Tire Co.	Dallas, Tex.
DVL	Cohill & Low Tire Co., Inc.	Phoenix, Ariz.
DVM	Hobbs Tire & Supply, Inc.	Chester, W. Va.
DVN	Boisel Tires	Springfield, Ohio.
DVP	Beesley Tire Co., Inc.	Do.
DVT	Safeway Tire Co.	Cleveland, Ohio.
DVU	Hawkinson Tread Service	Oakland, Md.
DVV	Stuby-Gudgel Tire Co., Inc.	Muncie, Ind.
DVW	Clarke's Tire & Retreading	Chula, Mo.
DVX	Tire Sales & Service	Yakima, Wash.
DVY	Bluestone Tire Service, Inc.	Hinton, W. Va.
DWB	Fayette Tire Co.	Mount Hope, W. Va.
DWC	Bob's Esso Service	Grantsville, W. Va.
DWD	Phillipi Tire & Recapping Service.	Phillipi, W. Va.
DWE	Mountain Tire	Prosperity, W. Va.
DWF	Best Buy, Inc.	Wall, Pa.
DWH	Ray's Tire Service	Merriam, Kans.
DWJ	Welcome Tire & Recapping	Greenville, S.C.
DWK	Interstate Tire Co.	Seattle, Wash.
DWL	Consolidated Retreaders, Inc.	Asheville, N.C.
DWM	Brannock Esso Servicecenter	Mount Airy, N.C.
DWN	Original Tire Co.	Slidell, La.
DWU	Massart Supply, Inc.	Lafayette, La.
DWV	Nevada General Tire	Reno, Nev.
DWW	Post Street Tire, Inc.	Spokane, Wash.
DWX	Keller Tire Co.	Weirton, W. Va.
DWY	O.K. Rubber Welders	Aberdeen, S. Dak.
DXA	Amelia Tire Co.	Amelia, Ohio.
DXB	Gus' Automotive Tire Center	Reno, Nev.
DXC	Dunlap & Kyle Co., Inc.	Batesville, Miss.
DXD	Osborn Retreaders Corp.	Augusta, Ga.
DXE	Shaub-Ellison Co.	Bremerton, Wash.
DXF	do	Tacoma, Wash.
DXH	Doss Recapping service	Summerfield, N.C.
DXJ	The Tire Rack	Newark, N.Y.
DXK	Aurora Recapping	Aurora, Mo.
DXL	Blake's Recapping Service	Salemburg, N.C.
DXN	Riverton Tire & Oil Co., Inc.	Riverton, Wyo.
DXP	J. & R. Tire Store	Albuquerque, N. Mex.
DXT	Warren Tire & Retreading Co.	Brazil, Ind.
DXU	Bassett Forks Tire Service	Bassett, Va.
DXV	United Recapping & Distributing.	Denver, Colo.
DXW	Leonard's Tire Co., Inc.	Lynchburg, Va.
DXX	The Pitts Retreading & Tire Co., Inc.	Tallmadge, Ohio.
DXY	Bob's Tire Co.	Gilbertsville, Pa.
DYA	Butler Vulcanizing Co.	Butler, Pa.
DYB	Community Tire Co., Inc.	St. Louis, Mo.
DYC	Len's Tire Service, Inc.	Thief River Falls, Minn.
DYD	Purcell Tire & Rubber Co.	Potosi, Mo.
DYE	Murray Wells Tire Co., Inc.	Ozark, Ala.
DYF	Spindale Tire Service, Inc.	Spindale, N.C.
DYH	Butterworth Tire Co.	Des Moines, Iowa.
DYJ	The E. T. Paul Co., Inc.	Columbus, Ohio.
DYK	Carneal's Tire & Recapping	Tappahannock, Va.
DYL	Cate McLaurin Co.	Columbia, S.C.
DYM	Pippitts Tire Service	Lodi, Calif.
DYN	Stephens Tire Co., Inc.	Savannah, Ga.
DYP	Suburban Tire	Minneapolis, Minn.
DYT	H. M. Peterson Tire Co., Inc.	Coleville, Wash.
DYU	Hedrick Tire Shop, Inc.	Vinton, Va.
DYV	Freeman Tire & Retreading	Covington, Ga.
DYW	Momtgomery Tire Service, Inc.	Gaithersburg, Md.
DYX	Recappers, Inc.	Atlanta, Ga.
DYY	Jim Moore Tire Service, Inc.	Lexington, N.C.
EAA	Security Tire & Rubber Co., Inc.	Richmond, Va.
EAB	Waverly Tires	Waverly, Ohio.
EAC	Peiffer Brothers	Lebanon, Pa.
EAD	Bennett & Felmet Auto Service.	Asheville, N.C.
EAE	H. & L. Tire Co.	Linton, Ind.
EAF	New England Tire Co., Inc.	Danbury, Conn.
EAH	Fort Bragg Tire Service, Inc.	Fort Bragg, N.C.
EAJ	Harry Flournoy Tire Service	Palestine, Tex.
EAK	Airport Tire Service	Gainesville, Ga.
EAL	Union Tire Co., Inc.	Eldorado, Ark.
EAM	Franklin Service & Supply, Inc.	Franklin, Pa.
EAN	Marik Tire	Bellaire, Ohio.
EAT	Princeton Tire Service	Princeton, N.C.
EAU	Carlton Russell Co., Inc.	East Peoria, Ill.
EAV	Junek Bros.	Spearfish, S. Dak.
EAW	Bill's Tire Service, Inc.	Waterville, Maine.
EAX	Central Tire Co., Inc.	Barre, Vt.
EAY	Bartlett's Tire Service	Bridgeport, W. Va.
EBA	Dollar Tire Service	West Jefferson, N.C.
EBB	Johnson Tire Service	Springville, Utah.
EBC	Discount Tire Co.	Claxton, Ga.
EBD	Loftin Tire Co.	Bessemer, Ala.
EBE	R. B. Wicker Tire & Rubber Co.	El Paso, Tex.
EBF	Tweedy's Tire Service	Sonora, Calif.
EBH	Dixie Tire Co.	Toccoa, Ga.
EBJ	Paul Glass Service Station	Jacksonville, Tex.
EBK	Parkers Recapping & Service, Inc.	Harmony, N.C.
EBL	Hixson's	Manhattan, Kans.
EBM	Morgan Brothers Tire Service	Houston, Tex.
EBN	Gwynn Tire Service, Inc.	Fairmont, W. Va.
EBP	Hookerton-Recappers	Hookerton, N.C.
EBT	Dillon Tire Service	Dillon, S.C.
EBU	Carson's OK tire	Branson, MO.
EBV	Kauffman Bandag Corp.	Wooster, Ohio.
EBW	Camfield Tire Leasing, Inc.	Boise, Idaho.
EBX	Camfield Tires, Inc.	Springdale, Ark.
EBY	Al's Tire Service	Latrobe, Pa.
ECA	Clark's Tire Service	Huntington, W. Va.
ECB	The Tire Shop	Marietta, Ohio.
ECC	Harris Tire Co., Inc.	Lynchburg, Va.
ECD	M&R Tire Service	Macon, Ga.
ECE	Ravenna Tire Service, Inc.	Ravenna, Ohio.
ECF	Richardson Tire Service Inc.	Cape Girardeau, Mo.
ECH	Perry Tire Store	Elizabeth City, N.C.
ECJ	Bacon Tire Service	Willow Springs, MO.
ECK	Kramer Tire Co., Inc.	Minneapolis, Minn.
ECL	Talch Tire & Battery, Inc.	Chicago, Ill.
ECM	Lynchburg General Tire, Inc.	Lynchburg, Va.
ECN	Jones Tire Service, Inc.	Fort Smith, Ark.
ECP	Albemarle Retreading, Inc.	Albemarle, N.C.
ECT	Pell City Tire Rebuilders	Pell City, Ala.
ECU	OK Rubber Welders	Scottsbluff, Nebr.

Code No.	Retreader's name	Location
ECV	Crawford Tire Co.	Marshfield, Mo.
ECW	Dodson Tire Service, Inc.	Charleston, W. Va.
ECX	Church treet Pure Oil Station	Martinsville, Va.
EDA	Hub Tire Co.	Alice, Tex.
EDB	Al Roush Tire Service	Hayward, Calif.
EDC	Bill Fox Tire Service	Kittanning, Pa.
EDD	Safety Recap Tire Shop, Inc.	Warren, Mich.
EDE	Cuyuna Range Tire Service	Crosby, Minn.
EDF	Consolidated Tire Co.	Greenwood, S.C.
EDH	Hallman Retreading Co.	Fayette, Ala.
EDJ	Howley General Tire Service, Inc.	Washington, Pa.
EDK	Bayant General Tire Service	Birmingham, Ala.
EDM	Wheeling's Tire Center, Inc.	Wheeling, W. Va.
EDN	Royal Tire & Supply	St. Cloud, Minn.
EDP	Boucher's Tire Service	Vandergrift, Pa.
EDT	Wested Tire Co.	Tacoma, Wash.
EDU	Ed's Tire Service	Princeton, Minn.
EDV	J. & H. Recapping	Longview, Wash.
EDW	Al Archard, Inc.	El Cajon, Calif.
EDX	Norman's Tire Service, Inc.	Clute, Tex.
EDY	Ezrine Retreading Co.	Baltimore, Md.
EEA	Tiffin Tire Tread Co.	Tiffin, Ohio.
EEB	Tyre Sales of Tampa, Inc.	Tampa, Fla.
EEC	Krist Oil Co.	Caspian, Mich.
EED	Superior Tire, Inc.	Las Vegas, Nev.
EEE	Alta Vista Tire Service	Alta Vista, Va.
EEF	Tucker Tire Co.	Caseyville, Ill.
EEH	Jessup Vulcanizing Works	Lindsey, Calif.
EEJ	Casselman Motor Co.	Grantsville, Md.
EEK	Strauss Bros. General Tire Service, Inc.	Vineland, N.J.
EEL	Les Thompson Tire Service	Salinas, Calif.
EEM	Superior Retreading Service	Rocky Mount, Va.
EEN	Olin Mott Tire Co., Inc.	Tampa, Fla.
EEP	Albert Tire Service	Reading, Pa.
EET	Excel Tire Co., Inc.	Cadiz, Ohio
EEU	Mike's Retread Service	Pasco, Wasn.
EEV	Daniel Tire Co.	Houston, Tex.
EEW	Abe Ruben	Donora, Pa.
EEX	Ava Tire & Body Shop	Ava, Mo.
EEY	Morgan & Son Tire Service	Houston, Tex.
EFA	Harrison Tire Service	Gainesville, Ga.
EFB	Park Tire Co., Inc.	Charleston, W. Va.
EFC	Christopher Tiro Service	Athens, Ala.
EFD	Willis Tire Co.	Gallipolis, Ohio.
EFE	Morrison Cadillac-Pontiac Inc.	Zanesville, Ohio.
EFF	Martin's Auto Service Centers, Inc.	Moscow, Idaho.
EFH	Rader Bros. Tire Co.	Lebanon, Mo.
EFJ	C. & L. Tire Co.	Boston, Mass.
EFK	Bastian Retread Manufacturing, Inc.	Williamsport, Pa.
EFL	Y. Tire Sales	Los Angeles, Calif.
EFM	Hertel General Tire Co.	Fort Worth, Tex.
EFN	Jack's Tire & Recapping Service.	Lynchburg, Va.
EFP	O. Kenton Jones	Edinburg, Tex.
EFT	Car & Home Supply Store	Springfield, Tenn.
EFU	Acheson Tire Co.	Grand Rapids, Minn.
EFV	Jerome H. Rhoads, Inc.	Lancaster, Pa.
EFW	Guarantee Tire Co., Inc.	Richmond, Va.
EFX	J. Cabot Tire Service	Uniontown, Pa.
EFY	Kost Tire Sales	Forest City, Pa.
EHA	Bradshaw Tire Store, Inc.	Rome, Ga.
EHB	B. & C. Tire Co., Inc.	E. Gadsden, Ala.
EHC	Bi-County Tire Co.	Garden Grove, Calif.
EHD	Ed Menasco Tire Co.	Ada, Okla.
EHE	Big V Tire Center	Twentynine Palms, Calif.
EHF	Westmorland Tire Co.	Greensburg, Pa.
EHH	Roy Allison Tire Service	Mount Pleasant, Pa.
EHJ	John Krynicky	Do.
EHK	Gebe & Skocik	Uniontown, Pa.
EHL	Mitchell Bros. Klondike Tire	Masontown, Pa.
EHM	Sabatine's Tire Mart	Greensburg, Pa.
EHN	Tillamook Tire Service, Inc.	Tillamook, Oreg.
EHP	Waywood Tire Shop	Brookville, Ind.
EHT	Bill's Servicenter, Inc.	Bowling Green, Ky.
EHU	McAtee Tire Service	Jefferson, Iowa.
EHV	Southside Recapping, Inc.	Albemarle, N.C.
EHW	Anderson Tire Service	Hollister, Calif.
EHX	Westside Auto Parts, Inc.	San Luis Obispo, Calif.
EJA	Ralph's OK Tire Store, Inc.	Okanogan, Wash.
EJB	Rising Bros.	Indiana, Pa.
EJC	Scott Tire & Recapping Co.	Edenton, N.C.
EJD	City Tire Service	Fairmont, N.C.
EJE	Kelly Sales Corp.	Madrid, N.Y.
EJF	P. P. King Tire Co.	Midland City, Ala.
EJH	Flagstaff Tire Co.	Flagstaff, Ariz.
EJJ	Gunnell's Big O Tires	Mesa, Ariz.
EJK	Hixson Tire Service	Do.
EJL	Buchanan Tire Service	Phoenix, Ariz.
EJM	Cordova Tires & Wheels Co.	Do.
EJN	Evans Tire, Inc.	Do.
EJP	Force Tire Co.	Do.
EJT	George's Tire Center, Inc.	Jacksonville, Ark.
EJU	Ralls' Big "O" Tire & Safety Service, Inc.	Little Rock, Ark.
EJV	Primm Tire & Retread Co., Inc.	North Little Rock, Ark.
EJX	Brookshire Tire & Retread	Searcy, Ark.
EJY	Jones Recapping Co., Inc.	Springdale, Ark.
EKB	Dean Tire, Inc.	Madera, Calif.
EKC	Woolever Tire Service, Inc.	Santa Barbara, Calif.
EKD	Burns Tire Service, Inc.	Ukiah, Calif.
EKF	B. & F. Recapping Service	Wheat Ridge, Colo.
EKH	Kells, Inc.	Wilmington, Del.
EKJ	Sanders Bros. Service, Inc.	Fort Myers, Fla.
EKK	East Coast Tire & Recapping, Inc.	Fort Pierce, Fla.
EKL	Sunrise Tire Co., Inc.	Pompano Beach, Fla.
EKM	Capital Treads	Tallahassee, Fla.
EKN	Dodd's Mid Coast Tire Co.	Vero Beach, Fla.
EKP	Burkett & Ware	West Palm Beach, Fla.
EKT	Hay's Tire & Recapping	Adel, Ga.
EKU	McCollum Tire Co., Inc.	Atlanta, Ga.
EKV	Stanfa Bros. Tire Co., Inc.	Blue Island, Ill.
EKW	Kap, Inc.	South Bend, Ind.
EKX	Fansler Tires, Inc.	Garden City, Kans.
EKY	Cooper Tire Service, Inc.	Hutchinson, Kans.
ELA	Peery's Tire Supply Co.	Kansas City, Kans.
ELB	Alkar Tire Service	Smith Center, Kans.
ELD	Gregg Tire Co.	Topeka, Kans.
ELE	Shamrock Tire, Inc.	Wichita, Kans.
ELF	Wilder Tire Service	Barrier City, La.
ELH	Central States Bandag, Inc.	Benton Harbor, Mich.
ELJ	Wadena Recappers	Wadena, Minn.
ELK	Pennock Oil Co., Inc.	Wilmar, Minn.
ELL	Gil Worth Tire Co.	Greenville, Miss.
ELM	Nunnery Tire Service	McComb, Miss.
ELN	Cabool Tires, Inc.	Cabool, Mo.
ELP	Jim Carroll Tire Service	St. Genevieve, Mo.
ELT	Rudy & George Tire Co.	St. Louis, Mo.
ELU	Nelson Tire Co.	Great Falls, Mont.
ELV	L. & W. Retread Plant	Kearney, Nebr.
ELW	Barney & Neil Tire Service	Omaha, Nebr.
ELX	Reno Vulcanizing Works	Reno, Nev.
ELY	Fastway Tire Co., Inc.	Boone, N.C.
EMA	Vance Recapping Co., Inc.	Do.
EMB	Gilliam Tire Co., Inc.	Burlington, N.C.
EMC	Phil's Tire Service	Burnsville, N.C.
EMD	Quality Recapping Co.	Canton, N.C.
EME	Diamond Point Line Co., Inc.	Charlotte, N.C.
EMF	Beam's, Inc.	Cherryville, N.C.
EMH	Clayton Tire Service, Inc.	Clayton, N.C.
EMJ	Shoffner Cook Tire Corp.	Graham, N.C.
EMK	Denny's Tire Service	Kannapolis, N.C.
EML	Brothers Tire Sales	Do.
EMM	Wilson Tire Shop, Inc.	Kernersville, N.C.
EMN	Carolina Tire & Appliance Co., Inc.	Lenoir, N.C.
EMP	Hemphill Tire, Inc.	Marion, N.C.
EMT	Marion Tire Center	Do.
EMU	Phillips Tire Service, Inc.	North Wilkesboro, N.C.
EMV	Gay Tire & Oil Co.	Rolesville, N.C.
EMW	Xcel Tire & Sunoco	Salisbury, N.C.
EMX	Tri-County Tire Co.	Spruce Pine, N.C.
EMY	Martin Custom Recapping	Statesville, N.C.
ENA	Walkertown Tire Shop	Walkertown, N.C.
ENB	Hughes Bros., Inc.	Wilmington, N.C.
ENC	Griffin Retreading Service	Winston-Salem N.C.
END	Murphy's Tire Service, Inc.	Sandusky, Ohio.
ENE	Homer's Tire Service	Lawton, Okla.
ENF	Remac Tire Co.	Oklahoma City, Okla.
ENH	Ross & Copus Tires, Inc.	Erie, Pa.
ENJ	Simon S. Kettering & Sons, Inc.	Lebanon, Pa.
ENK	Quality Rubber Co., Inc.	Nanty Glo, Pa.
ENL	Allen Rubber Co.	Philadelphia, Pa.
ENM	W. P. Cooke, Inc.	Do.
ENN	Towanda Glass Co., Inc.	Towanda, Pa.
ENP	Super Service Station	Walhalla, S.C.
ENT	Tire Engineers, Inc.	Jackson, Tenn.
ENU	Tennessee Farmers Co-Op	Lavergne, Tenn.
ENV	Core Tire Service	Madison, Tenn.
ENW	Ericson Tire Service, Inc.	Nashville, Tenn.
ENX	Holmes Tire Service	Mount Airy, Md.
ENY	Peters Tire Service	Columbus, Tex.
EPA	Driver Tire Store	Dallas, Tex.
EPB	Johnnie Johnson Tire Co., Inc.	Fort Worth, Tex.
EPC	Bussey & Clark, Inc.	Houston, Tex.
EPD	T & L Tire Sales	Do.
EPE	W. G. Van Cleave Tire Co.	Do.
EPF	Grady Weathers Tire Service	Longview, Tex.
EPH	Kelly Tire Service, Inc.	Pasadena, Tex.
EPJ	Perryton O.K. Rubber Welders.	Perryton, Tex.
EPK	Central Tire Service	Synder, Tex.
EPL	Kendrick Tire Co.	Waco, Tex.
EPM	Quality Oil & Tire Co.	Murray, Utah.
EPN	Superior Tire Service, Inc.	Vernal, Utah.
EPT	Webb's Tire Co., Inc.	Appomattox, Va.
EPU	Martinsville Retreading Service, Inc.	Martinsville, Va.
EPV	Interstate Tire Co.	Richmond, Va.
EPW	Boyle-Swecker Tire Co., Inc.	Roanoke, Va.
EPX	Earley Tire Co. (a corporation).	Aberdeen, Wash.
EPY	Dilk Tire Service, Inc.	Raymond, Wash.
ETA	Feldman Bros. Tire Service	Rosalia, Wash.
ETB	Phelps Tire Co.	Seattle, Wash.
ETC	Merv's Tirecap, Inc.	Shelton, Wash.
ETD	Bonnie & Clydes Tire Center	Yakima, Wash.
ETE	G. & W. Auto Center & Recapping.	Bridgeport, W. Va.
ETF	Buck's Tire Service	Torrington, Wyo.
ETH	Butler Tire Brake & Allgament.	Butler, Wis.

JAN 11 1972 XUM

Code No.	Retreader's name	Location
ETJ	Breeding Service & Supply Co., Inc.	Tulsa, Okla.
ETK	Craig Tire Mileage, Inc.	Craig, Colo.
ETL	Williams Tire Co.	Becket, Mass.
ETM	Beaver Valley Tire Service	West Bridgewater, Pa.
ETN	American Tire Corp.	Flushing, Ohio.
ETP	The C.M. & H. Tire Co.	Grand Junction, Colo.
ETT	Nelsen Tire Center	Portland, Oreg.
ETU	Al Silver Tire Co.	Akron, Ohio.
ETW	Parker Tirecap Co. (a corporation).	Roseburg, Oreg.
ETX	M. & H. Tire Co.	Xenia, Ohio.
ETY	Fabi Tire Co.	Madison, Wis.
EUA	Albany General Tire Service, Inc.	Albany, Ga.
EUC	Philip & Sons Tire Co.	Baltimore, Md.
EUD	Olyphant Tire Co.	Dickson City, Pa.
EUE	Battle Ground Tire, Inc.	Greensboro, N.C.
EUF	Western Tire Centers, Inc.	Tucson, Ariz.
EUH	Bergman's Tire & Motor Sales, Inc.	Johnstown, Pa.
EUJ	Coast Tire Service, Inc.	Gulfport, Miss.
EUM	Tri-County Tire Service, Inc.	Unlontown, Pa.
EUN	Smiley Tire & Battery Co.	Freemont, Ohlo.
EUP	Dunkin Tire Co.	South Pasadena, Calif.
EUT	do	Azusa, Calif.
EUU	Ridgway Tire Service	Denver, Colo.
EUV	Canyon Tire	Phoenix, Ariz.
EUW	Wellbaum Tire Service	Monett, Mo.
EUX	Tire Treads, Inc.	Montevideo, Minn.
EUY	do	St. Cloud, Minn.
EVA	Friendly Tire & Recapping Co.	Greensboro, N.C.
EVB	O.K. Rubber Welders	Centre, Ala.
EVC	King & Daul Tire Co.	Bellingham, Wash.
EVD	Vet Tire Service	Pittsburg, Calif.
EVE	Bobbitt's Recap Shop, Inc.	Macon, Ga.
EVF	Lon's O.K. Tire Store	Clay Center, Kans.
EVH	Twin City Recapping Co., Inc.	Newton, N.C.
EVJ	O.K. Tire & Retreaders, Inc.	Elba, Ala.
EVK	T. & W. Tire & Recapping Co., Inc.	Panama City, Fla.
EVL	Dewey Martin Tire Service	Chesnee, S.C.
EVN	Five Bros., Inc.	Los Angeles, Calif.
EVP	Wilson Way Tire Co., Inc.	Stockton, Calif.
EVT	Wright & Walker Tire Service	San Bernardino, Calif.
EVU	Nu-Tread Tire Service, Inc.	Vinton, Va.
EVV	Kisor Tire Co.	Olympia, Wash.
EVW	Alex Tire Service, Inc.	Rochester, N.Y.
EVX	Super Retreads, Inc.	Westover, W. Va.
EVY	Moretti Tire Service	San Pedro, Calif.
EWA	O.K. Rubber Welders	Tulsa, Okla.
EWB	Jackman's Tire Service	Jackson, Mich.
EWC	Lyster Conoco	Las Vegas, N. Mex.
EWD	Wholesale Recappers, Inc.	Douglasville, Ga.
EWE	Parsleys General Tire, Inc.	London, Ky.
EWF	Quality Oil & Tire Co., Inc.	Winnsboro, La.
EWH	East Point Tire Co.	East Point, Ga.
EWJ	Clapp Tire Co., Inc.	Knoxville, Tenn.
EWK	General Lee's Tire Care, Inc.	Hempstead, N.Y.
EWL	Levinson's Tire Service	Youngstown, Ohio.
EWM	Superior Tire Service, Inc.	Anniston, Ala.
EWV	Presque Isle Tire	Fairview, Pa.
EWX	Goeser Tire Service, Inc.	Vandergrift, Pa.
EWY	Beardshaw General Tire Co.	Springfield, Ohio.
EXA	Monessen Vulc. & Ret. Co.	Monessen, Pa.
EXB	C. J. Skirvin	Santa Ana, Calif.
EXC	Double Seven Tire Service, Inc.	New Albany, Ind.
EXD	King Tire & Muffler Sales	Xenia, Ohlo.
EXE	Pruitt Tire Co.	Cedartown, Ga.
EXF	O.K. Tire Store	Roanoke, Ala.
EXH	Barrett Tire Service	Curwensville, Pa.
EXJ	Pulaski Tire Service	Winston-Salem, N.C.
EXK	Claybrook's Garage & Recapping Service.	Stoneville, N.C.
EXL	Goodwear Tire Co.	Opa Locka, Fla.
EXM	Espie Joyce Motors, Inc.	Madison, N.C.
EXN	Montgomery Brackett & Watkins, Inc.	Lebanon, Mo.
EXP	Thomas Tire Co.	Clairton, Pa.
EXT	McClure Tire Service, Inc.	Salamanca, N.Y.
EXU	Barmore-Sellstrom, Inc.	Jamestown, N.Y.
EXV	Silver Street Tire Co.	Sharon, Pa.
EXW	Andy's Tire Shop	Fresno, Calif.
EXX	General Tire & Supply Co., Inc.	Augusta, Ga.
EYA	The Pioneer Tire Co., Inc.	Tampa, Fla.
EYB	Vista Tire Center	Vista, Calif.
EYC	J. P. Stevens & Co., Inc.	Greensboro, N.C.
EYD	Youngk Tire Service, Inc.	Portsmouth, Va.
EYE	TicToc Tire Co.	Huntington, W. Va.
EYF	Davis Tire Shop	Purcell, Okla.
EYH	Somerset Tire & Battery Service, Inc.	Somerset, Pa.
EYJ	Kost Tire Sales	Binghamton, N.Y.
EYK	Tru Tread Tire Co.	New Bern, N.C.
EYL	Renfroe Tire Service	Pensacola, Fla.
EYM	Valley Cap & Tire	Cosehella, Calif.
EYN	Vienna Recapping Shop, Inc.	Pfaftown, N.C.
EYP	Evans Recapping Service	Madison, N.C.
EYT	Wright-Cook Tire Co.	Gastonia, N.C.
EYU	Glades Tire & Recap Co.	Belle Glade, Fla.
EYV	Fox Tire Co.	Menasha, Wis.
EYW	The Maryland Tire Co.	Baltimore, Md.
EYX	Bonner Tire Co.	Dallas, Tex.
EYY	Stilwell's Tire Clinic	Rockingham, N.C.
FAB	Saylor Tire Service	Somerset, Pa.
FAC	Foster Tire Co., Inc.	Reidsville, N.C.
FAD	Justis Tire Service	Colorado Springs, Colo.
FAE	Walters Tire Service	Lawton, Okla.
FAF	Sam Cabot Tire	Unlontown, Pa.
FAH	Norris Retreading Service	New Martinsville, W. Va.
FAJ	Star Vulcanizing Co.	Steubenville, Ohio.
FAK	Montgomery Tire Sales & Service.	Do.
FAL	Mercer Tire & Recapping Co.	Harrodsburg, Ky.
FAM	Miller Tire Co.	Mexico, Mo.
FAN	Tread Craftsmen, Inc.	Port Jervis, N.Y.
FAP	Butner Tire Service	Vinita, Okla.
FAT	Brown's Tire Service	Scranton, Pa.
FAU	Don's Tire Service	Springfield, Mo.
FAW	Bandag Retreading Division	Muscatine, Iowa.
FAX	Byrd Tire Co., Inc.	El Dorado, Ark.
FBA	Western Tire Co.	Gold Beach, Oreg.
FBB	King Tire Service, Inc.	Burlington, N.C.
FBC	Copa Tire Service, Inc.	East Haven, Conn.
FBD	Wally lor Tires	Great Falls, Mont.
FBE	Wally for Tires, Inc.	Billings, Mont.
FBF	K4E—Bandag Recapping Co.	Indianapolis, Ind.
FBH	Czegledi Industries	Mickleton, N.J.
FBJ	Tire Stores, Inc.	Commerce City, Colo.
FBK	G&S Recapping Service, Inc.	Greensboro, N.C.
FBL	Supercap Corp.	Pennsauken, N.J.
FBM	Doco Service, Inc.	Norwich, Conn.
FBN	Salina Retread, Inc.	Salina, Kans.
FBP	Stevens Tire Co.	Thomaston, Ga.
FBT	Sullivan & Murray, Inc.	Olean, N.Y.
FBU	The Tire Mart	Merced, Calif.
FBV	Twin Tires, Inc.	St. Paul, Minn.
FBW	Porta's Tire Service	Altoona, Pa.
FBX	Roberts Tire Service	Do.
FBY	Sig's Service, Inc.	Longmont, Colo.
FCA	Central Tire Co.	Macon, Ga.
FCD	Turnbull Tire, Inc.	Albert Lea, Minn.
FCE	Wallace & Son's Tire Center	Rockingham, N.C.
FCF	Fishel Tire Inc.	New Philadelphia, Ohio.
FCH	Oswalt-Thomas Sales & Service.	Wabash, Ind.
FCJ	Rome's Tire Service, Inc.	Riverside, Calif.
FCL	K. & H. Royal Tire Co., Inc.	Atlanta, Ga.
FCM	Grand Tire Co.	Kansas City, Mo.
FCN	Black's Tire Service, Inc.	Whiteville, N.C.
FCP	OK Tire Store	Pomeroy, Wash.
FCT	Dial & Hunt Recapping Service.	Pembroke, N.C.
FCU	Ellis Tire Service	Jamesville, N.C.
FCV	Hudson & Odom Tire Co., Inc.	Kansas City, Kans.
FCW	Shear Tire Co.	Carrollton, Mich.
FCX	E. & M. Firestone Service	Dadeville, Ala.
FCY	Panama City Tire & Recapping Co.	Panama City, Fla.
FDA	South Hill Tire & Recapping Co., Inc.	South Hill, Va.
FDB	Portage Tire Mart, Inc.	Portage, Wis.
FDD	Frank Hall Tire Service, Inc.	Spartanburg, S.C.
FDE	Jasper Recapping Co.	Jasper, Ga.
FDF	Tire City, Inc.	Williamstown, Ky.
FDH	City Tire Service	Searcy, Ark.
FDJ	Tire Engineering, Inc.	Orlando, Fla.
FDK	Tallmadge Tire Service, Inc.	Cortland, N.Y.
FDL	Hoover Tire & Battery Co.	Odgen, Utah.
FDM	Cody Tire Co.	Cody, Wyo.
FDN	Sehman's Tire Service, Inc.	Franklin, Pa.
FDP	Sykes Tire Service	New Kensington, Pa.
FDT	Natchez Tire Service, Inc.	Natchez, Miss.
FDU	J. D. Byrne & Co., Inc.	Syracuse, N.Y.
FDV	Tire City	Jacksonville, Fla.
FDW	Advance Tire Service	Denver, Colo.
FDX	John Sheehan Recapping, Inc.	Bridgeport, Conn.
FDY	Charlie's Tire Repair, Inc.	West Haven, Conn.
FEA	B. & B. Tire Co.	Billings, Mont.
FEB	Geyer & Jones, Inc.	Downey, Calif.
FEC	Charles Tire Co.	Philadelphia, Pa.
FED	Laningham Tire Co.	Pennington Gap, Va.
FEE	Conner Tire Co.	Yuma, Ariz.
FEF	C. E. Erdman Tire Co.	Baltimore, Md.
FEH	Waldeim Tire Treads, Inc.	Kearny, N.J.
FEJ	Malerba's Silver City Tire Co., Inc.	Meriden, Conn.
FEK	C. H. Goss Co.	St. Johnsbury, Vt.
FEL	Prescott Tire Co.	Prescott, Ariz.
FEN	Trinidad Tire Shop	Trinidad, Colo.
FEP	Le Moss Radial Tire, Inc.	Fresno, Calif.
FET	Tosh Tire Town	Collinsville, Va.
FEU	Janet Tire Co.	Mill Hall, Pa.
FEV	Mount Morris Tire Service	Mount Morris, Pa.
FEW	O.K. Tire Stores of Chattanoogs.	Chattanooga, Tenn.
FEX	Jim Scott Tire Co.	Do.
FEY	O.K. Distributors, Inc.	Memphis, Tenn.
FFA	Ford Tire Co.	Amarillo, Tex.
FFB	Rogers Tire Service	Beaumont, Tex.
FFC	Sullivan Tire Co.	Dallas, Tex.
FFD	Abel's Tire Corp.	Rutland, Vt.
FFE	Tadlock Tire Service	Suffolk, Va.

Code No.	Retreader's name	Location
FFF	Rus Dampster General Tire Sales.	Middletown, Ohio.
FFH	Clifford Motor Service, Inc.	St. Clairsville, Ohio.
FFJ	Mobley Tire & Recap Service, Inc.	Decatur, Ga.
FFK	Hall Tire & Supply Co.	Gainesville, Ga.
FFL	H. & H. Tire Co.	Chicago, Ill.
FFM	Richmond Tire Service	Do.
FFN	Werd & Schaefer Tire Co., Inc.	Do.
FFP	King Tire Corp.	Columbus, Ind.
FFT	Lockyear's Tire Shop	Evansville, Ind.
FFU	Square Deal Tire Co.	Indianapolis, Ind.
FFV	Hy Firehammer Tires, Inc.	Benton Harbor, Mich.
FFW	Mount Pleasant Tire Service, Inc.	Mount Pleasant, Mich.
FFX	Ginman Tire Co.	Muskegon, Mich.
FFY	Brownie's Tire Service	Glenwood, Minn.
FHB	Wheelis Tire Service, Inc.	Laurel, Miss.
FHC	L&M Tire Service, Inc.	McComb, Miss.
FHD	S&V Tire Service, Inc.	Starkville, Miss.
FHE	Medlin Tire Market	Joplin, Mo.
FHF	Big O Service & Supply, Inc.	Mira Loma, Calif.
FHH	Caldwell Tire, Inc.	Pasadena, Calif.
FHJ	Super Tread Tire Co.	Modesto, Calif.
FHK	The Tire Exchange	Placerville, Calif.
FHL	Art Berg Tire Service, Inc.	Sand City, Calif.
FHM	D'Amico Tire Service Co.	San Jose, Calif.
FHN	Waters & Peterson Tire Service.	South Gate, Calif.
FHP	Loule's Tire Service	Weed, Calif.
FHT	Sutter Tire Service, Inc.	Yuba City, Calif.
FHU	Larry's Tire Service	La Grande, Oreg.
FHV	Tire Town	Springfield, Mo.
FHX	City Tire Co.	Dothan, Ala.
FHY	Easy Pay Tire Store	Eufaula, Ala.
FJB	J. P. Casedly Tire Co.	Dover, N.H.
FJC	Tire Sales, Inc.	Triadelphia, W. Va.
FJD	Lane Tire & Supply Co.	Freeport, Pa.
FJE	Nix Bros. Tire & Recapping Co.	Greenville, S.C.
FJF	Moody Bros.	Franklin, Tenn.
FJH	Deal & Davie Service	Susanville, Calif.
FJJ	Art Erickson Tire Service, Inc.	Estacada, Oreg.
FJK	Bill Hinson's Tire Service	Morrow Bay, Calif.
FJL	Montgomery Tire Service	San Rafael, Calif.
FJM	Weldon's Tire Service	Yreka, Calif.
FJN	O.K. Tire Store	Montgomery, Ala.
FJP	Bud & Mike's Tire Service	Granger, Utah
FJT	General Tire of Owensboro	Owensboro, Ky.
FJU	Alfred Stidham Tire Treading Co., Inc.	Leudover, Md.
FJV	Bill Valentine Truck Retreading.	Dallas, Tex.
FJW	McGinnis Service	Lincolnton, N.C.
FJX	Wisconsin Bandag, Inc.	Fond du Lac, Wis.
FJY	Dillons Tire Shop, Inc.	Huntington, W. Va.
FKA	Foster & Vencel Tire Sales, Inc.	Warren, Ohio.
FKB	Knox Service Center	Radcliff, Ky.
FKD	Stoneman Tire Service	Galax, Va.
FKE	Frank's Tire Service	Bryson City, N.C.
FKF	Allied Tire Jobbers, Inc.	Evansville, Ind.
FKH	Martin's Texaco & Tire Recapping.	Patrick, Va.
FKJ	Johnny's Tire Service, Inc.	Irwindale, Calif.
FKK	Federal Tire Co.	Hollywood, Fla.
FKL	Red Stone Tire Center	Westerly, R.I.
FKM	Denver Recapping Service	Denver, N.C.
FKN	L. & M. Recapping Co., Inc.	Ellenboro, N.C.
FKP	Jim Brown's Service Station & Tire Recapping.	North Wilkesboro, N.C.
FKT	Bill Weems, Inc.	Dallas, Tex.
FKU	Wadesboro Tire Service, Inc.	Wadesboro, N.C.
FKV	J. T. Miller	Butler, Pa.
FKW	Central Tire Service	Asheville, N.C.
FKX	Becker's Auto Service	Marysville, Calif.
FKY	Bob's S. & S. Tire Service	Tacoma, Wash.
FLA	Tire Distributing, Inc.	Pittsfield, Mass.
FLB	Britts Tire Service	Bethlehem, Pa.
FLC	Tire Service of Everett	Everett, Pa.
FLD	Greenville Tire Co., Inc.	Emporia, Va.
FLE	Darr's Esso & Recapping	Thomasville, N.C.
FLF	Newcome Service Center, Inc.	Brookville, Pa.
FLH	Boaz Tire & Appliance, Inc.	Parsons, Tenn.
FLJ	Glen Shomo, Inc.	Harrisonburg, Va.
FLK	Clairon Vulcanizing Co.	Clarion, Pa.
FLL	City Tire & Recapping Co., Inc.	Morristown, Tenn.
FLM	Skander Tire Service	Evans City, Pa.
FLN	Posey Tire Co.	Braunen, Ga.
FLP	Thrower-Van Ness Tire Service, Inc.	Charleston, S.C.
FLT	Toccoa Tire & Recapping Co.	Toccoa, Ga.
FLV	Gibson Tire Service	Pennington Gap, Va.
FLW	O.K. Tire Store	Columbus, Ohio.
FLX	Lowe Bros. Tire Service	Cleveland, Tex.
FLY	Webbs Tire Service	Raeford, N.C.
FMA	S. & S. Tire Co., Inc.	Auburn, Ind.
FMB	Staggs General Tire	Logansport, Ind.
FMC	Cooper Bros. Tire, Inc.	Woodstoc , Va.
FMD	Lawrenceville Tire & Recapping Co., Inc.	Lawrenceville, Va.
FME	McGinnis Bros.	Lincointon, N.C.
FMF	Johnson & Flick Tire Service	Erie, Pa.
FMH	Rosemead Truck Tire Repair & Sales.	South El Monte, Calif.
FMJ	Dublin Tire Co.	Dublin, Ga.
FMK	Roberts Tire & Recapping	Weber City, Va.
FML	Commies Tire Sales	Elmira, N.Y.
FMM	Peterson & Sons, Inc.	Homer City, Pa.
FMN	Ramona Tire Service	Baldwin Park, Calif.
FMP	Lake Rim Tire Service	Fayetteville, N.C.
FMT	Huff's Texaco & Recapping Service.	Statesville, N.C.
FMU	Royal Tire Service, Inc.	Columbus, Ga.
FMV	Huntingdon Retread Service	Huntingdon, Tenn.
FMW	Woody Tire Co.	Lubbock, Tex.
FMX	Zimmerman Tire Service	Commerce, Calif.
FMY	Creech Tire Service	Camden, Ark.
FNA	Lepier Oil Co.	Foeston, Minn.
FNB	Four Oaks Tire Services	Four Oaks, N.C.
FNC	Pitt Tire Service	Greenville, N.C.
FND	Glenn's O.K. Tire Store	Huron, S. Dak.
FNE	Northwest Tire Co.	Portland, Oreg.
FNF	West Pitt Tire Co.	Carnegie, Pa.
FNH	Blue Lakes Tire Service Co.	Marquette, Mich.
FNJ	Scott Tire Service	Dickson, Tenn.
FNK	B. & L. Tire Co., Inc.	Barre, Vt.
FNL	Chief Tire Sales, Inc.	Pocatello, Idaho.
FNM	Roberts Tire & Recapping	Abingdon, Va.
FNN	Kieran Tire Co., Inc.	Staten Island, N.Y.
FNP	Montross Tire & Recapping Co.	Montross, Va.
FNT	Taylor Enterprises, Inc.	Kalispell, Mont.
FNV	(E. & B.) Tire Sales Co., Inc.	Wallace, N.C.
FNW	Hawkinson Treads, Inc.	Hibbing, Minn.
FNX	General Tire Service of Muskegon.	Muskegon Heights, Mich.
FNY	Commerce Tire Co.	Commerce, Ga.
FPA	Rupp, Inc.	Ephrata, Pa.
FPB	Premium Tire Co., Inc.	Commerce, Ga.
FPD	Micsit Tire, Inc.	Glenshaw, Pa.
FPE	Elkan Tire Service, Inc.	Blairsville, Pa.
FPF	Great Olympic Tire Co.	San Antonio, Tex.
FPH	Leonard Tire Co.	Roanoke Rapids, N.C.
FPJ	Mac's Tire Center	Easley, S.C.
FPK	Gerry Stevens, Inc.	New Haven, Conn.
FPL	Arch's Tire Service	Sacramento, Calif.
FPM	Central Illinois Bandag, Inc.	Creve Coeur, Ill.
FPN	Don's Tire Shop	Fillmore, Utah.
FPP	OK Tire Store of Dothan, Inc.	Dothan, Ala.
FPT	Martin Tire Service	Fort Lauderdale, Fla.
FPU	Hanna Ford Tire Service	Gainesville, Mo.
FPV	General Tire Sales, Inc.	Ashland, Ky.
FPW	West Side Tire Co.	Kingston, Pa.
FPX	Frank's Tire & Supply Co., Inc.	Fairmont, W. Va.
FPY	Hilliard's Tire Sale	San Francisco, Calif.
FTA	Kaiser Tire Service	Smock, Pa.
FTB	Millersburg Tire Service, Inc.	Millersburg, Ohio.
FTC	Crow Tire Co.	Poplar Bluff, Mo.
FTD	Smith Tire Co.	Berryville, Ark.
FTE	Norm's O.K. Tire Stores, Inc.	Twin Falls, Idaho.
FTF	O.K. Tire Stores	Crescent City, Calif.
FTH	Suburban Treds, Inc.	Apollo, Pa.
FTJ	White's Tire Service of Wilson, Inc.	Wilson, N.C.
FTK	Fort Western Tire Co., Inc.	Augusta, Maine.
FTL	Larry's Dep. Tire Service, Inc.	Minneapolis, Minn.
FTM	Page & Nixon Tire Co.	Dunn, N.C.
FTN	Bellby's Tire Shop	Watsonville, Calif.
FTP	Abadie Tire Co.	Houston, Tex.
FTT	Clark Tire Co.	Orangeburg, S.C.
FTU	D.R.D. Tire Co., Inc.	Buffalo, N.Y.
FTV	Carr's Tire Distributors, Inc.	Harrisonburg, Va.
FTW	G-G Tire Co.	Plattsburgh, N.Y.
FTX	O.K. Tire Store	Monroeville, Ala.
FTY	Chicago Bandag, Inc.	Melrose Park, Ill.
FUA	Dick's Tire Service	Key West, Fla.
FUB	Robbin's Tire Service	Greenville, S.C.
FUC	McKenzie Tire Service	St. Marys, Pa.
FUD	Corner Service Station	Bentonville, Ark.
FUE	L. & N. Tire Co.	East St. Louis Ill.
FUF	Valley Tires, Inc.	Columbus, Ga.
FUH	Schulze Tire Service	Klamath Falls, Oreg.
FUJ	Central Tire Exchange	Springfield, Mo.
FUK	Dixie Tire & Fuels, Inc.	Spartanburg, S.C.
FUL	Merit Gas & Tire Service	Milledgeville, Ga.
FUM	Dick's Tire Center	Smithers, W. Va.
FUN	Flatt Tire Service	Des Moines, Iowa.
FUP	Tires, Inc.	Greenville, S.C.
FUT	The Cove Supply Co., Inc.	New Brighton Pa.
FUU	Bearman Tire Service	New Orleans, La.
FUV	OK Tire Store	Bend, Oreg.
FUW	Tire City	Tucson, Ariz.
FUY	Williamston Tire Service, Inc.	Williamston, N.C.
FVA	Morgan's Tire Service	Kingsport, Tenn.
FVB	Clark's Retreading & Service	Jefferson City, Mo.
FVC	B. & O. Tire Co., Inc.	Moncks Corner S.C.
FVD	Anaheim Tire Service	Long Beach, Calif.
FVE	Farmofi Inc.	Rockville, Conn.
FVF	Jenkins Tire Co.	Tifton, Ga.

JAN 11 72 XUM

Code No.	Retreader's name	Location
FVH	Floyd Wilson Tire Service	Santa Cruz, Calif.
FVJ	Litten Motor Sales	East Liverpool, Ohio.
FVK	Stevens Tire Service	Fort Collins, Colo.
FVL	Lynn Strickland Sales & Service, Inc.	Birmingham, Ala.
FVM	Sterbutzel Service, Inc.	Connellsville, Pa.
FVN	Landers Quality Recappers	Shelbyville, Tenn.
FVP	Truck Tred, Inc.	Cornwells Heights, Pa.
FVT	Taylor Tire & Equipment Corp.	Caledonia, N.Y.
FVU	Stone's Super Service	Pensacola, Fla.
FVV	Jepsen Tire Co., Inc.	McHenry, Ill.
FVW	Hohenwald Tire Co.	Hohenwald, Tenn.
FVX	Bloom Tire Co.	Mansfield, Ohio.
FVY	Zimmie's Tire Service, Inc.	Lockport, N.Y.
FWA	Yellville Tire & Retreading	Yellville, Ark.
FWB	The General Tire & Rubber Co.	Akron, Ohio.
FWC	do	East Point, Ga.
FWD	do	Cranston, R.I.
FWE	do	Lisle, Ill.
FWF	do	Dallas, Tex.
FWH	do	North Kansas City, Mo.
FWJ	do	City of Industry, Calif.
FWK	do	Hempstead, N.Y.
FWL	do	Scranton, Pa.
FWM	do	East Hartford, Conn.
FWN	do	Philadelphia, Pa.
FWP	do	Boise, Idaho.
FWT	do	Pittsburgh, Pa.
FWU	do	Buffalo, N.Y.
FWV	do	East Rutherford, N.J.
FWW	do	Charlotte, N.C.
FWX	General Tire Service	Flagstaff, Ariz.
FWY	do	Los Angeles, Calif.
FXA	do	Oakland, Calif.
FXB	do	Ventura, Calif.
FXC	do	Denver, Colo.
FXE	do	Fort Lauderdale, Fla.
FXF	do	Orlando, Fla.
FXH	do	Indianapolis, Ind.
FXJ	do	Baton Rouge, La.
FXK	do	Salisbury, Md.
FXL	do	Detroit, Mich.
FXM	do	St. Louis, Mo.
FXN	do	Springfield, Mo.
FXP	do	Albuquerque, N. Mex.
FXT	do	Fayetteville, N.C.
FXU	do	Greensboro, N.C.
FXV	do	Cincinnati, Ohio.
FXW	do	Cleveland, Ohio.
FXX	do	Greenville, S.C.
FXY	do	Chattanooga, Tenn.
FYA	Lloyd's General Tire	Corpus Christi, Tex.
FYB	General Tire Service	Salt Lake City, Utah.
FYC	do	Hampton, Va.
FYD	do	Seattle, Wash.
FYE	do	Spokane, Wash.
FYF	do	Bluefield, W. Va.
FYH	do	Milwaukee, Wis.
FYJ	do	Mobile, Ala.
FYK	do	Chico, Calif.
FYL	do	Fresno, Calif.
FYM	do	Modesto, Calif.
FYN	do	Porterville, Calif.
FYP	do	Sacramento, Calif.
FYT	do	San Diego, Calif.
FYU	Cumming-Henderson	Santa Clara, Calif.
FYV	General Tire Service	Santa Monica, Calif.
FYW	do	Santa Rosa, Calif.
FYX	do	Miami, Fla.
HAA	do	Waterloo, Iowa
HAB	do	Topeka, Kans.
HAC	General Tire Service	Wichita, Kans.
HAD	do	Saginaw, Mich.
HAE	do	Minneapolis, Minn.
HAF	do	Jackson, Miss.
HAJ	do	Billings, Mont.
HAL	do	Farmington, N. Mex.
HAM	do	Hobbs, N. Mex.
HAN	do	Bismarck, N. Dak.
HAP	do	Oklahoma City, Okla.
HAT	do	Tulsa, Okla.
HAU	do	Eugene, Oreg.
HAV	do	Medford, Oreg.
HAW	do	Portland, Oreg.
HAX	do	Erie, Pa.
HAY	do	Harrisburg, Pa.
HBA	do	Reading, Pa.
HBB	do	Knoxville, Tenn.
HBC	do	Dallas, Tex.
HBD	do	El Paso, Tex.
HBE	do	Houston, Tex.
HBF	do	Longview, Tex.
HBJ	do	San Antonio, Tex.
HBK	do	Honolulu, Hawaii
HBL	do	Gary, Ind.
HBM	do	Grand Rapids, Mich.
HBN	do	Muskogee, Okla.
HBP	do	Aberdeen, Wash.
HBT	Tire Sales & Service	Clinton, N.C.
HBU	Pons Tire Service	Morganton, N.C.
HBV	Avery County Recapping Co., Inc.	Newland, N.C.
HBW	Bull Bros. Tire Co.	Luzerne, Pa.
HBX	Balsiger Motor Co.	Klamath Falls, Oreg.
HBY	Hardy Tire Co	Birmingham, Ala.
HCA	Crichton Tire & Recapping Co., Inc.	Mobile, Ala.
HCB	Garvin Tire Co.	Resida, Calif.
HCC	Orlando Tire Exchange	Orlando, Fla.
HCD	Brown Tire Co.	Atlanta, Ga.
HCE	Doyle Hayes Tire Service, Inc.	Dalton, Ga.
HCF	Pennington Tire Co.	Milledgeville, Ga.
HCH	Singletary Tire Service, Inc.	Thomasville, Ga.
HCJ	Baggett Tire Co.	Indianapolis, Ind.
HCK	Battery Distributing Co.	Louisville, Ky.
HCL	Ray's Tire Service, Inc.	Do.
HCM	Cable Tire & Appliance Co., Inc.	Maysville, Ky.
HCN	Mason's Tire Service	Minden, La.
HCP	Century Tire Co.	Portland, Maine.
HCT	Burnett-White of Pocomoke, Inc.	Pocomoke City, Md.
HCU	Burnett-White of Salisbury, Inc.	Salisbury, Md.
HCV	Jereco	Westfield, Mass.
HCW	Kahler-Moore Tire Co.	Grand Rapids, Mich.
HCX	Stock Tire Co.	Cloquet, Minn.
HCY	Eagan Tire Service	Jefferson City, Mo.
HDA	Gus & Jack's Tire Shop	Great Falls, Mont.
HDB	Daleley Tire Scrieve, Inc.	Monsey, N.Y.
HDC	E. I. Sain Store	Vale, N.C.
HDD	Columbus Retreading Co.	Columbus, Ohio.
HDE	Stamper Retread Co.	Coos Bay, Oreg.
HDF	Jim's Tire Service	Cottage Grove, Oreg.
HDH	Export Recapping Co.	Export, Pa.
HDJ	Greensburg Tire Service	Greensburg, Pa.
HDK	Hitchens Auto Supply	Millsboro, Del.
HDL	Venango Tire & Recapping Co.	Oil City, Pa.
HDM	Rite-Cap, Inc.	Woonsocket, R.I.
HDN	Bates Tire Service	Centerville, Tenn.
HDP	Ratchford Tire Service	Clarksville, Tenn.
HDT	L&M Recapping	Longview, Wash.
HDU	G&B Tire Service	Ferguson, Ky.
HDW	George S. Swafford Recapping Co.	Little Rock, Ark.
HDX	George Ray, Inc.	Dunkirk, N.Y.
HDY	Maetyres, Inc.	Espanola, N. Mex.
HEA	C. P. Tire Service, Inc.	Red Bluff, Calif.
HEB	Dave Elliot Tire & Brake	San Francisco, Calif.
HEC	Ballenger Tire Co.	Tallapoosa, Ga.
HED	Hartley's Esso Service	Lexington, N.C.
HEE	Lanes Tire Service	Myrtle Beach, S.C.
HEF	Hofman & Lewis Tire Service	Delano, Calif.
HEH	L. & M. Tire Service, Inc.	Mount Vernon, Mo.
HEJ	D. C. Heatwole Tire Co.	Harrisonburg, Va.
HEK	Gallaghers Garage	Parker, Pa.
HEL	Spot Cash Recap & Accounting Co.	Kosciusko, Miss.
HEM	Goodwin Tire & Recapping	Prescott, Ariz.
HEN	Saluda Tire Service	Saluda, S.C.
HEP	Leonard & Nicholson Royal Tire Service, Inc.,	Charlotte, N.C.
HET	Bailey Tire Co.	Atlanta, Ga.
HEU	Johnson's Garage	Beattyville, Ky.
HEV	Hartwell Tire & Recapping Co.	Hartwell, Ga.
HEW	B. & B. Tire Center	Birmingham, Ala.
HEX	United Tire Co.	Iola, Kans.
HEY	Redding Tire Service, Inc.	Redding, Calif.
HFA	Roger Padron Tire Service	Portsmouth, Ohio.
HFB	Fulkerson Tire Treading Service, Inc.	Owensboro, Ky.
HFC	Barker-Hamlin Tire Co.	Danville, Va.
HFD	American Tire Recapping, Inc.	Honolulu, Hawaii.
HFE	Hodges Tire & White Truck, Inc.	Wichita Falls, Tex.
HFF	E. & E. Tire Co., Inc.	Burlington, Vt.
HFH	J&M Tire Co., Inc.	El Dorado, Ark.
HFJ	Barnett's Superior Tire Co., Inc.	Bakersfield, Calif.
HFK	Joplin Tire Service, Inc.	Joplin, Mo.
HFL	Mountain Tire Service, Inc.	Paintsville, Ky.
HFM	Pat's Tire Service, Inc.	El Segundo, Calif.
HFN	Certified Tire Co., Inc.	Lexington, N.C.
HFP	Watkins Motor Lines, Inc.	Lakeland, Fla.
HFT	Dolrn Transfer Co.	Galesburg, Ill.
HFU	Paris Tire & Recapping	Paris, Tenn.
HFV	Scanlon Tire Co., Inc.	Rochester, N.Y.
HFW	Copperstate Tire Co., Inc.	Phoenix, Ariz.
HFX	Hoblitt's Recapping	Hamilton, Mont.
HFY	Tri-State Radial Tire Co., Inc.	Warwick, R.I.
HHA	Foster Tire Co.	Green Forest, Ark.
HHB	Del Val Tire Co., Inc.	Pennsyville, N.J.
HHC	Village Tire Service	Rosemead, Calif.
HHD	C. & M. Tire Co.	Ardmore, Okla.
HHE	Bogle's Tire Shop	Clinton, Okla.
HHF	O.K. Tire Store	Helena, Mont.
HHH	Fred Norman's Super Tire Service.	Elkin, N.C.
HHJ	C&R Tire Co., Inc.	Martinez, Calif.
HHK	Safety Tire Co.	Youngstown, Ohio.
HHL	Central Tire Service, Inc.	Auburndale, Fla.
HHM	Yazoo Tire Shop	Yazoo City, Mo.
HHN	Bybee Tire, Inc.	Denton, Tex.
HHP	O.K. Tire Store	Cullman, Ala.
HHT	Bolstrum Tire Service	Mount Carmel, Pa.
HHU	Webb Bratz Tire Co.	Palestine, Tex.
HHV	B&G Tire & Supply, Inc.	Jasper, Ind.
HHW	Cascade Recapping Co.	Mooresville, N.C.
HHX	Southern Tire & Battery Co., Inc.	Bainbridge, Ga.

Code No.	Retreader's name	Location
HHY	Cherryville Recapping	Cherryville, N.C.
HJA	City Tire Center	Youngstown, Ohio.
HJB	Economy Tire Service	Freedom, Pa.
HJC	Paul's Tire Co.	Chester, S.C.
HJD	Speedy's Tire Center	Mandan, N. Dak.
HJE	Town & Country Tire Service	Raleigh, N.C.
HJF	Art Fisher Tire Co., Inc.	Buffalo, N.Y.
HJH	Miller Tire Service, Inc.	Roanoke, Va.
HJK	Cunningham Evans Tire Co.	Butte, Mont.
HJL	H. O. Kreger Recapping Plant.	Houston, Tex.
HJM	Stearly Tire Center	Collegeville, Pa.
HJN	Lee Dougherty Tire Co.	Albuquerque, N. Mex.
HJP	McWhirter & Sons, Inc.	Van Nuys, Calif.
HJT	Valley Tire Centers Co., Inc.	Myrtle Creek, Oreg.
HJU	Elmer W. Griset & Son	Santa Maria, Calif.
HJV	Jack Hamilton Tire Co.	Brownfield, Tex.
HJW	B&B Tire Service, Inc.	Bear Creek, N.C.
HJX	Adams Tire Service	Long Beach, Calif.
HJY	Cheek & Pressley Recapping	Abbeville, S.C.
HKA	Hensley Tire Co.	Sylva, N.C.
HKB	Tire City Inc.	Newport News, Va.
HKC	Super Retread Center, Inc.	Goldsboro, N.C.
HKD	Schmidt's Tire & Supply Co.	Wichita, Kans.
HKE	Ernie Bears Tire Center	Gresham, Oreg.
HKF	Larimer Tire Co.	Enid, Okla.
HKH	Halifax Tire Co., Inc.	Halifax, Va.
HKJ	Slead Tire Co., Inc.	San Diego, Calif.
HKK	Peaden's Tire Service	Fountain, N.C.
HKL	Jarman Recapping Service, Inc.	Kinston, N.C.
HKM	L. & R. Recapping	North Wilkesboro, N.C.
HKN	Chatham Heights Gulf	Martinsville, Va.
HKP	Roadrunner Tire Recapping Co.	Deerfield Beach, Fla.
HKT	Tidewater Tire Corp.	Lottsburg, Va.
HKU	Oehmig Truck Plaza	Duncan, S.C.
HKV	Rice Lake Retreading Service, Inc.	Rice Lake, Wis.
HKW	Walker Sales Co.	Berryville, Ark.
HKY	Oglesby Recapping Shop	Dewey Rose, Ga.
HLA	Central Tire & Retreading Co., Inc.	Oakwood, Va.
HLB	New Garden Tire Service	Honaker, Va.
HLC	Cleveland Service Shop	Cleveland, Va.
HLD	Funk Tire & Recapping Co.	Coeburn, Va.
HLE	Indian Creek Recapping	Norton, Va.
HLF	Herrington Tire Co.	Buford, Ga.
HLH	Austin Tire & Battery	Winder, Ga.
HLJ	Larry's Easy Pay Tire Store	Do.
HLK	Herrington Bros. Tire Co.	Gainesville, Ga.
HLL	L. E. Morris	Lula, Ga.
HLM	Broome Tire Co.	Royston, Ga.
HLN	Central Tire Retreading, Inc.	Yorktown, Ind.
HLP	Modern Tire Sales & Service	Marion, Ohio.
HLT	Coy Wiles Tire Co.	De Queen, Ark.
HLU	Universal Tire & Appliance Co., Inc.	Nashville, Tenn.
HLV	Universal Tire & Appliance Co., Ltd.	Chattanooga, Tenn.
HLW	Al's Tire Service of Middletown, Inc.	Middletown, N.Y.
HLX	Clayton's O.K. Tire Store	Garysville, Ala.
HLY	Tripp's Tire Service	Ayden, N.C.
HMA	Stillman Tire Co., Inc.	Brockton, Mass.
HMB	Fontana Tire & Battery Co.	Fontana, Calif.
HMC	California National Tire Co.	South Elmonte, Calif.
HMD	Neal's Auto Service	High Point, N.C.
HME	Hornsby Tire Co.	Newport News, Va.
HMF	A & B Tire Co.	Memphis, Tenn.
HMH	Charles Tire Service	Inglewood, Calif.
HMJ	Conley Tire Co.	Spokane, Wash.
HMK	Henryetta Tire Shop	Henryetta, Okla.
HML	Applachian Tire Products, Inc.	Charleston, W. Va.
HMM	do	Lewisburg, W. Va.
HMN	do	Pulaski, Va.
HMP	Valley Tire Shop	Taft, Calif.
HMT	Devaney Tire, Inc.	East Providence, R.I.
HMU	Parkway Tire Co.	Brackenridge, Pa.
HMV	Deep South Wholesale & Tire Co.	Prentiss, Miss.
HMW	Burroughs Tire Service	Whiteville, N.C.
HMX	Zig's Tire Service	Oneida, N.Y.
HMY	Mohawk Service, Inc.	Stamford, Conn.
HNB	Summerfield Tire Co.	Summerfield, N.C.
HNC	Veltre-Burrell Sales & Service, Inc.	New Castle, Pa.
HND	Brothers Tire Co., Inc.	Syracuse, N.Y.
HNE	Best Wholesale Tire Co.	Gibson, Pa.
HNF	Bedford Tire & Battery Co.	Bedford, Va.
HNH	AAA Retreaders, Inc.	Tampa, Fla.
HNJ	Valentines Tire Sales & Service.	Whiteville, N.C.
HNK	Tom-Kay Tire Service	Jacksonville, Tex.
HNL	Floyd Tire Shop	Floyd Va.
HNM	Turnage Tire Rebuilders	Wilson, N.C.
HNN	Halpin Tire Service, Inc.	Prairie du Chien, Wis.
HNP	Lafayette Tire Exchange	Lafayette, Tenn.
HNT	Bill Bailey For Tires	Mount Vernon, Wash.
HNU	Robinson Tire Service	Anniston, Ala.
HNV	Brodie Thompson & Sons	Marion, Va.
HNW	Northern Illinois Tire Recapping, Inc.	De Kalb, Ill.
HNX	Richard's Tire Co.	Ottawa, Ill.
HNY	Cincinnati Bandag, Inc.	Cincinnati, Ohio.
HPA	Carrollton Tire & Recapping	Carrollton, Ga.
HPB	Brownie's Sales Service	Sharon, S.C.
HPC	J. R. Freeman & Sons	Welcome, N.C.
HPD	Jones Recapping Service	Charlotte, N.C.
HPE	West Texas Bandag Recapping, Inc.	Midland, Tex.
HPF	Shetter's Tire Service	Biglerville, Pa.
HPH	Irby-Davis Tire Co.	Ava, Mo.
HPJ	Faw Recapping Service	West Jefferson, N.C.
HPK	J. W. Brewer Service Corp.	Ogden, Utah.
HPL	Perry Tire Co.	Silver City, N.C.
HPM	Clamp's Gas & Recapping Station.	Ware Shoals, S.C.
HPN	Beeman's O.K. Tire Store	Union, Mo.
HPP	Wright Tire & Battery Co., Inc.	Charleston, W. Va.
HPT	George's Tire Shop, Inc.	Providence, R.I.
HPU	P. & J. Tire Service	Jewett City, Conn.
HPV	Hurst Tire Co.	San Diego, Calif.
HPW	Super Tire Co.	Cortez, Colo.
HPX	Superior Tire Service	Denver, Colo.
HPY	Diorio Tire Service	Roseto Pa.
HTA	Hartman-Neal Tire Co., Inc.	Danville, Va.
HTB	George Minas Tire Co.	Hamilton, Ohio.
HTC	Tire Distributors, Inc.	Portland, Oreg.
HTD	Garland's Retreading	Erwin, Tenn.
HTE	Clemmons Tire Service	Clemmons, N.C.
HTF	Bryan's, Inc.	Clearwater, Fla.
HTH	Coeur d'Alene Tire Service	Coeur d'Alene, Idaho.
HTJ	Tom Polk Tire Service, Inc.	Nashville, Tenn.
HTK	Firestone Retread Shop	Moonachie, N.J.
HTL	do	Cincinnati, Ohio.
HTM	do	Davenport, Iowa.
HTN	do	Hazelwood, Mo.
HTP	do	West Palm Beach, Fla.
HTT	do	Spokane, Wash.
HTV	Hodge Tire Service	Williamsburg, Va.
HTW	Wallbrown Tires, Inc.	Parkersburg, W. Va.
HTX	O.K. Tire Store	Dillion, Mont.
HTY	Fraser Tire Service	East Brady, Pa.
HUA	Shell Station & Recapping Co.	Easley, S.C.
HUB	Landino's Service Station	New Britain, Conn
HUC	O.K. Rubber Welders	Corbin, Ky.
HUD	Big O Tires	Albuquerque, N. Mex.
HUE	Alford & Bob's Tire Service	El Dorado, Ark.
HUF	Theis Bros., Inc.	Minneapolis, Minn.
HUH	White Plains Tire Co., Inc.	North White Plains, N.Y.
HUJ	Uhl Rubber Co.	Visalia, Calif.
HUK	K&W Tire Sales & Service	East Avon, N.Y.
HUL	Yingling General Tire Service, Inc.	Westminster, Md.
HUM	O.K. Tire Store	Lineville, Ala.
HUN	San Jose Tire Co., Inc.	San Jose, Calif.
HUP	Ole Miss Recapping & Motor Service.	Oxford, Miss.
HUT	Johnson Tire Service	Pittsburg, Kans.
HUU	Valley Tire Co., Inc.	San Bernardino, Calif.
HUV	Featherstone's Service Station.	Belmont N.C.
HUW	Scott & Thompson Tire Service, Inc.	Beaver Falls, Pa.
HUX	Sunnyslope Tire Co.	Phoenix, Ariz.
HUY	Fleet Tire Co., Inc.	Charleston Heights, S.C.
HVA	Loritts Tire Service	Lincolnton, N.C.
HVB	Jensen Bros. General Tire Co.	Ogden, Utah.
HVC	Jewel Tire Co.	West Chester, Pa.
HVD	Spence Tire Service	Walla Walla, Wash
HVE	Tower Service Co.	San Diego, Calif.
HVF	Bud Harris Tire Shop	The Dalles, Oreg.
HVH	Bass Tire Division	Statesville, N.C.
HVJ	Bandag of Nassau, Inc.	Deer Park, N.Y.
HVK	Davis O.K. Tire Store	Hartford, Ala.
HVL	Bishop Tire & Supply Co.	Greenville, S.C.
HVM	Stone Tire Service Co.	Los Angeles, Calif.
HVN	Iowa Illinois Tire Service Co.	Davenport, Iowa.
HVP	Hawkinson Tread Service, Inc.	Macon, Ga.
HVT	Super Treads, Inc.	Do.
HVU	Burrow Tire Service, Inc.	High Point, N.C.
HVV	Shartzer Tire Co.	Farmington, Pa.
HVW	Holcomb Tire Service	Fort Valley, Ga.
HVX	Consumers Oil Co.	Greeley, Colo.
HVY	Arrowhead Tire & Battery Co.	San Bernardino, Calif.
HWA	Kamp de Vries Tire, Inc.	Greenville, Mich.
HWB	Mac's Tire Center	Tupelo, Miss.
HWC	Young's Recapping	Oil City, Pa.
HWD	Kuess Bros. Tire Service	Mount Jewett, Pa.
HWE	Clearfield Recapping Co.	Clearfield, Pa.
HWF	Bob & Don's Recapping Service.	Kansas City, Kans.
HWH	Church Tire Co.	Clarkesville Ga.
HWJ	Albany Tire Service	Albany, Calif.
HWK	Palmer's Tire Service	Dahlonega, Ga.
HWL	U.S. Tire Sales & Service	Modesto, Calif.
HWM	Rogers Tire & Recapping Co.	Denmark, S.C.
HWN	Tomlin Tire Service	Tyler, Tex.
HWP	Ratchford's Esso & Tire Service, Inc.	Dalas, N.C.
HWT	The Better Tires Sales Co. Inc.	Windber, Pa.
HWU	A-1 Racing Tire	Rosemead, Calif.
HWW	Royal Tire Service	Camden, S.C.
HWX	Ozark Tire Shop	Ozark, Mo.
HWY	Orval Davis Tire Co., Inc.	Bolivar, Mo.
HXA	Tire Wholesale	Portland, Oreg.

JAN 11 72

Code No.	Retreader's name	Location
HXB	Tire Mart, Inc.	Owensboro, Ky.
HXC	Orangevale Tire Service, Inc.	Orangevale, Calif.
HXD	Guest & Hough Tire Service	Scottdale, Pa.
HXE	Farmer's Tire Center	Abbeville, Ala.
HXF	Duarte's Sales & Service, Ltd.	Kalaheo Kauai, Hawaii.
HXH	Fleet Tire Co., Inc.	Baton Rouge, La.
HXJ	State Tire & Rubber Co.	Mountain Home, Ark
HXK	Samuelson-Randkley Tire Co.	Port Angeles, Wash.
HXL	Myers Tire Service	Burton, W. Va.
HXM	Community Tire & Battery, Inc.	Timberville, Va.
HXN	Samson Tire Service	Samson, Ala.
HXP	Woodland Recapping & Tire Service.	York, S.C.
HXT	Salmon & Crossland Tire Co.	Muskogee, Okla.
HXU	Menlo Park Service	Tucson, Ariz.
HXV	M. & C. Tire Service	St. Clairsville, Ohio.
HXW	Sherling Tire & Rubber Co.	Nasbville, Tenn.
HXY	Skaggs Rubber Co.	Longview, Tex.
HYA	Meherrin Valley Dairy, Inc.	Emporia, Va.
HYB	A. C. Tire Co.	Washington, D.C.
HYC	Mel Dahle Tire Co.	Watertown, S. Dak.
HYD	Eaton Tire Service	Charlotte, N.C.
HYE	Federal Reformatory	Petersburg, Va.
HYF	Marshall Tire & Recapping Center.	Marshall, N.C.
HYH	W. & L. Recapping Co., Inc.	Quincy, Fla.
HYJ	O.K. Tire Store	Tulelake, Calif.
HYK	Goshen Tire Service	Goshen, N.Y.
HYL	Chucks Tire Service	Milwaukee, Wis.
HYM	Limongelli Tire, Inc.	Elmira, N.Y.
HYN	Ed Daugherty General Tires Co.	Dallas, Tex.
HYP	D. & W. Tire Co.	Philadelphia, Miss.
HYT	Jack Vonderlehr Tire Co.	Richmond, Va.
HYU	Holcomb Recapping Service	Russellville, Ala.
HYV	Matthews Tire & Tread Co., Inc.	Faleoner, N.Y.
HYW	Fukuda Tire Shop	Honolulu, Hawaii.
HYX	Deincia's Tire Shop	New Haven, Conn.
HYY	Broadway Tire Service	Sacramento, Calif.
JAA	T. K. Stewart Tire Shop	Portersville, Ala.
JAB	Boynton Bros., Inc.	Bakersfield, Calif.
JAC	Davis Bandag & Recapping Co.	Frostproof, Fla.
JAD	Olson Tire Service	Woodlake, Calif.
JAE	Leflore Tire Service	Greenwood, Miss.
JAF	Taylor County Tire Sales, Inc.	Campbellsville, Ky.
JAH	Foxhavens, Inc.	Sterling, Colo.
JAJ	Bennett Tire Service	Estacada, Oreg.
JAK	Guarantee Recapping & Tire Co.	Jasper, Ala.
JAL	City Tire & Recapping	Robbinsville, N.C.
JAM	St. Cloud Tire & Tread Co.	St. Cloud, Minn.
JAN	McKenzie Tire	Youngstown, Ohio.
JAP	Kemp Bros. Tire Service	Phoenix, Ariz.
JAT	Lowery Bros. Tire Service	Pocola, Okla.
JAU	Santa Maria Tire, Inc.	Santa Maria, Calif.
JAX	Zelher's Inc.	Newark, Ohio.
JAY	Bob's Recapping Shop	Bentonville, Ark.
JBA	Hughes Oil Co.	Richmond, Va.
JBB	Reid Tire Service	Riverside, Calif.
JBC	Motor Tire Service	Redmond, Oreg.
JBD	Dunbar Retreading Service, Inc.	Dunbar, W.Va.
JBE	Kirkwood & Son, Inc.	Whittier, Calif.
JBF	Mansfield Tire Service	Mansfield, Mo.
JBH	Hampton Tire & Retreading	Hampton, Tenn.
JBJ	Jim's Tire Service	Azusa, Calif.
JBK	Hill Top Tire Service, Inc.	Middlesboro, Ky.
JBL	O.K. Rubber Welders	Tullahoma, Tenn.
JBN	Colonial Tire & Recapping, Inc.	Williamsburg, Va.
JBP	C. & W. Tire Service	Long Beach, Calif.
JBT	O.K. Tire & Rubber Co.	Hopewell, Va.
JBU	Cruse Tire Co.	Wichita Falls, Tex.
JBV	Prairie Tire Service, Inc.	Grangeville, Idaho.
JBW	Metro Tire Service	Marietta, Ga.
JBX	Federal Correctional Institution.	Texarkana, Tex.
JBY	Elder's Tire Service	Auburn, Calif.
JCA	Brisentine Oil Co., Inc.	Farmville, Va.
JCB	Phil's Indp. Service	Marshville, N.C.
JCC	City Tire Service	Clarksburg, W. Va.
JCD	Wood Tire Co.	Jasper, Tex.
JCE	Royal Tire Service	Kingston, N.Y.
JCF	Romeo Tire Co.	Peckville, Pa.
JCH	Holloway Tire & Recapping Co.	Augusta, Ga.
JCJ	Meera Service Center, Inc.	Buffalo, Ky.
JCK	Blue Grass Central Production & Warehouse, Inc.	Greeneville, Tenn.
JCL	Hank's Tire Service	Burnet, Tex.
JCM	Shallotte Auto Parts	Shallotte, N.C.
JCP	Turner Tire Service, Inc.	Opelika, Ala.
JCT	A. R. Christiano Hardware & Implement Co., Inc.	Leicester, N.Y.
JCU	Wilson Tire Co.	Albany, Ky.
JCV	O.K. Tire Store	Washington, Iowa.
JCW	Reid's Recap Shop	Century, Fla.
JCX	East Aurora Tire Corp.	East Aurora, N.Y.
JCY	Southeastern Tire Co., Inc.	Miami, Fla.
JDA	McDonald's Tire Recapping Service.	Raeford N.C.
JDB	Rebco	Clinton, Md.
JDC	Shoaf's Recapping Service	Lexington, N.C.
JDD	Burris Tire & Recapping Co.	Albemarle, N.C.
JDE	F. & M. Tire Service	Bristol, Tenn.
JDF	Sig's Tire Service	Conover, N.C.
JDH	Northern Tire Co.	Havre, Mont.
JDJ	Cree Tire Shop, Inc.	Dover, Ohio.
JDK	Foster Tire Service	Lexington, N.C.
JDL	O'Connor's Tire Town	Statesville, N.C.
JDM	Marietta Tire Co.	Marietta, Okla.
JDN	Cape Fear Tire & Auto Sales, Inc.	Elizabethtown, N.C.
JDP	Randall Tire Shop	Nowata, Okla.
JDT	Brooks Auto & Home Supply	Marion, N.C.
JDU	Otero Tire Co.	La Junta, Colo.
JDV	Godwins Recapping Service	Polkton, N.C.
JDW	Sharon Tires, Inc.	Sharon, Pa.
JDY	Cardinal Tire Co.	Winston-Salem, N.C.
JEA	Carpenter Tire Service, Inc.	Shelby, N.C.
JEB	Cagle's Tire Co.	Lubbock, Tex.
JEC	Cooprider Tire Sales	Decatur, Ill.
JED	White's Tire Service	Lafayette, La.
JEE	Fulkerson Tire Service	Oroville, Calif.
JEF	Reliable Tire Shop, Inc.	Taft, Calif.
JEH	Acme Tire of Grand Rapids, Inc.	Grand Rapids, Mich.
JEJ	Haddock's Recapping Center	Washington, N.C.
JEK	L. T. Tire	Fowler, Calif.
JEL	Delano Tire Shop	Delano, Calif.
JEM	Retread Tire Shop	Eugene, Oreg.
JEN	Arnold Tire Co.	Hot Springs, Ark.
JEP	Blevins Tire & Recapping	Fort Payne, Ala.
JET	Coshocton Tire & Retreading	Coshocton, Ohio.
JEU	Custom Tires	Redmond, Oreg.
JEV	Smith's Recapping Service	Asheville, N.C.
JEW	Central Service Station	Eden, N.C.
JEX	Cliff's Tire Shop	Keenersville, N.C.
JEY	Roy Dixon Tire Co.	Sanford, N.C.
JFA	N. M. Boydston Tire Shop	Decatur, Tex.
JFB	Scoter Tire Co.	Dixon, Mo.
JFC	Lawrence Tire Shop	San Diego, Calif.
JFD	Village Tire Sales	Lebanon, Ohio.
JFE	Roberts & Son Recapping Co.	Jackson, Ala.
JFF	Soisson Service, Inc.	Connellsville, Pa.
JFH	Hensley Tire Service	Ellijay, Ga.
JFJ	Larkins Bros. Tire Co.	San Francisco, Calif.
JFL	Walter's Recapping	Wattsburg, Pa.
JFM	Graham's Service Station	Crestview, Fla.
JFN	Dillingham Bros., Ltd.	Hilo, Hawaii.
JFP	Western Tire Sales	San Francisco, Calif.
JFT	Wilson General Tire Service	Casper, Wyo.
JFU	Jay Recap Shop	Jay, Fla.
JFV	Lowe's Tire Service	Venice, Calif.
JFW	Andy's Inc.	Great Falls, Mont.
JFX	D. O. Curtis & Son, Inc.	Marietta, Ohio.
JFY	Lewis General Tires, Inc.	Rochester, N.Y.
JHA	Jim Martin Tire Co.	Jacksonville, Fla.
JHB	R & C Recapping Co.	Athol Springs, N.Y.
JHC	Hutton Tire Service	Sharon, Pa.
JHD	Charleston Tires, Inc.	Charleston, W. Va.
JHE	Al Foster's Tire Service	Ukiah, Calif.
JHF	Wahiawa Recap Tire Center	Wahiawa, Hawaii.
JHH	Arroyo Tire Co., Inc.	Los Angeles, Calif.
JHJ	Plaza Tire Co., Inc.	Nevada City, Calif.
JHK	H. & M. Tire & Furniture	Monroe, N.C.
JHL	Tri-City Tires, Inc.	Wakefield, Va.
JHM	Mercer Tire Co.	Hohenwald, Tenn.
JHN	Santa Ana Recap & Brake Service.	Santa Ana, Calif.
JHP	Barnet-Hewett Tire Co., Inc.	Syracuse, N.Y.
JHT	Leonard Tire & Battery Co.	Dodge City, Kans.
JHU	Jim Grizzle Tire Co., Inc.	Fort Smith, Ark.
JHV	Robinson Tire & Recapping Co.	Gainesville, Ga.
JHW	Los Altos Tire Service	Los Altos, Calif.
JHX	Pope's Tire Recapping & Manufacturing.	Los Angeles, Calif.
JHY	Tony's Tire Service	Charleston, W. Va.
JKA	My Tire Supply	Uhrichsville, Ohio.
JKB	Tire Engineers, Inc.	Birmingham, Ala.
JKC	Walker Tire & Recapping, Inc.	Fort Lauderdale, Fla.
JKD	Rowe Tire Co.	Birmingham, Ala.
JKE	Windham Tire Co.	Do.
JKF	S. & W. Retreading, Inc.	Centralia, Ill.
JKH	Troy Tire Service	Wilkes-Barre, Pa.
JKJ	Bobby's Tire Service	Emporia, Miss.
JKK	Fesmire Tire Co.	Lexington, Tenn.
JKL	Barnes Retread Service	Belpre, Ohio.
JKM	Caswell Tire Service, Inc.	Yanceyville, N.C.
JKN	Smith's Tire Service, Inc.	Hudson, N.Y.
JKP	McCart's Tire Service	Atlanta, Ga.
JKU	Beckley, Tire & Recapping	Beckley, W. Va.
JKV	Thompson Tire Co., Inc.	Christansburg, Va.
JKW	Quality Tire Service	Independence, Va.
JKX	Atkins Tire & Battery Service	Wytheville, Va.
JKY	Pugh-Pearcey Tire Co., Inc.	Marion, Va.
JLA	Watts Recapping	Mayking, Ky.
JLB	Blevins Tire & Recapping Co.	Bristol, Va.
JLC	Wheeler Tire & Recapping Center.	Louisa, Ky.
JLD	Cardwells E. & J. Tire	Pittsburg, Calif.

Code No.	Retreader's name	Location
JLE	Murfine & Flower O.K. Tire Store.	Mountain Grove, Mo.
JLF	do.	Houston, Mo.
JLH	Stewart's Tire Shop	Mountain View, Ark.
JLJ	Paso Robles Tire Co.	Paso Robles, Calif.
JLK	Griffin Tire Co.	Albany, Ga.
JLL	Murray Tire Service, Inc.	Raleigh, N.C.
JLM	O.K. Tire Stores	Del Rio, Tex.
JLN	Borino's O.K. Tire	Swoyersville, Pa.
JLP	Richburg's O.K. Tire Store	Luverne, Ala.
JLT	United Vulcanizing Co.	Los Angeles, Calif.
JLU	O.K. Tire Stores	American Fork, Utah.
JLV	Center Tire Store	Center, Colo.
JLW	Koonce Tire Co.	Kinston, N.C.
JLX	Lennie's Recapping	Do.
JLY	Bissett's Tire Store	Ballinger, Tex.
JMA	Lowry & Mustain Tire Service	Clifton Forge, Va.
JMB	Jack & Harry Cabe	Canton, N.C.
JMC	Hercules Tire of Denver, Inc.	Denver, Colo.
JMD	Young's Tire Co.	Magnolia, Ark.
JME	Radial Tire Center	Salt Lake City, Utah.
JMF	Wagner Tire Service of High Point, Inc.	High Point, N.C.
JMH	Williams Service Station	Pine Hall, N.C.
JMJ	Tire N Tube	Jacksonville, Fla.
JMK	Jack Crawford Tire Shop	Aurora, Mo.
JML	White Tire Service	Statesville, N.C.
JMM	Pendleton Complete Tire Service.	Shelly, N.C.
JMN	Lumary's Tire Service	Los Angeles, Calif.
JMP	Cole Tire Co.	Crystal City, Mo.
JMT	High Speed Recap Co.	Bloomington, Ind.
JMU	Sam's O.K. Tire Service	Rolla, Mo.
JMV	Clapp's Tire Service, Inc.	Redlands, Calif.
JMW	Tire Mart	Waynesville, N.C.
JMX	Vermal Bros. Tire Recapping	Ashley, Pa.
JMY	Peterson Tire Co.	San Diego, Calif.
JNA	Steed's Tire Service	Warsaw, N.C.
JNB	Conners Retreading Service	Kings Mountain, N.C.
JNC	Gelesky Tire, Inc.	Canton, Ohio.
JND	Richfield Wholesalers	Richfield Springs, N.Y.
JNE	Two State Tire Co., Inc.	Wister, Okla.
JNF	O.K. Tire Store	Grangeville, Idaho.
JNH	Gold Coast O.K. Tire Co., Inc.	Fort Lauderdale, Fla.
JNJ	Casa Grande Recap	Casa Grande, Ariz.
JNK	Peterson-Anderson Tires, Inc.	Fort Collins, Colo.
JNL	Dawson Tire Co.	San Diego, Calif.
JNM	Steve Hoyt (RTD)	Seattle, Wash.
JNN	Joseph D. Lyons	West Palm Beach, Fla.
JNP	Chadron Tire Shop, Inc.	Chadron, Nebr.
JNT	The Wright Co., Inc.	Rock Hill, S.C.
JNU	Terry's Tire Center	Pageland, S.C.
JNV	Davis Tire Sales	Lawrenceville, Ill.
JNW	Colburn Tire Service	Paris, Ark.
JNX	F. & H. Tire Recapping, Inc.	Arvada, Colo.
JNY	Butler Tire Service	Emopolls, Ala.
JPA	Glen Park Tire Co.	Gary, Ind.
JPB	Brookhollow Wholesale Tire Co.	Dallas, Tex.
JPC	Fisher Tire Co., Inc.	Knoxville, Tenn.
JPD	Morris Miller Tire Co.	Cleveland, Ohio.
JPE	Kentucky Recapping Co.	Newport, Ky.
JPF	Smith Oil Retreading (SOARC).	Rockford, Ill.
JPH	Newnam Tire Service, Inc.	Angola, Ind.
JPJ	Wasco Tire Center	Wasco, Calif.
JPK	D. & R. Recappers	Gentry, Ark.
JPL	Hopkins O.K. Tire Store	Fulton, Miss.
JPM	Southern Pines Recapping Co.	Southern Pines, N.C.
JPN	Dockery's Tire Stores	Birmingham, Ala.
JPT	Holt's Tire Service, Inc.	Portersville, Calif.
JPU	C. E. Noyes Co.	Bangor, Maine.
JPV	Weaver's Tire Co.	Georgetown, S.C.
JPW	Central Tire Service, Inc.	Hamilton, Ohio.
JPX	O.K. Recapping Co.	Statesville, N.C.
JPY	3 M Tire Shop, Inc.	Alum Creek, W. Va.
JTA	Jones Tire Sales, Inc.	Charlotte, N.C.
JTB	Young & Lana Tire Co., Inc.	Costa Mesa, Calif.
JTC	Murphy's Tire Service	Canadalgua, N.Y.
JTD	Atlanta Tire Co., Inc.	Atlanta, Tex.
JTE	Spillman's Tire Service No. 2	Advance, N.C.
JTF	Stidham's Recapping Service	Saltville, Va.
JTH	Lamar Tire Service	Lamar, Colo.
JTJ	Clingan Tires, Inc.	Liberal, Kans.
JTK	Swink's Recapping Service	Winston-Salem, N.C.
JTL	Quality Tire Service	Morganton, N.C.
JTM	South Side Tire Co.	Pittsburgh, Pa.
JTN	C. C. Rosen & Sons	New Market, Va.
JTP	Reed-Faris Tire Co.	Amarillo, Tex.
JTT	Stony Point Tire Service	Stony Point, N.C.
JTU	Howe General Tire Service	Titusville, Pa.
JTV	Carlton's Tire Service	Shafter, Calif.
JTW	Charles' Tire & Recapping	Westminster, S.C.
JTX	Goleta Recapping Service	Goleta, Calif.
JTY	Rudy's Tire Service	East St. Louis, Ill.
JUA	Smith Tire & Battery Service	Do.
JUB	Gibson Tire Co.	Hannibal, Mo.
JUC	Good-Wal & OK Tire Co.	Independence, Mo.
JUD	O.K. Tire Store	Marshall, Ark.
JUE	Fort Smith Tire Service	Fort Smith, Ark.
JUF	O.K. Tire Store of Jefferson City, Inc.	Jefferson City, Mo.
JUJ	Pete's OK Tire	Butte, Mont.
JUK	Pippen Tire & Recapping Co.	Blountstown, Fla.
JUL	Tryon Retreading, Inc.	Tryon, N.C.
JUM	Darr Tire Service	Seneca, Mo.
JUN	G. & W. Recapping Co.	Haleyville, Ala.
JUP	Latimer Tire Co.	Gainesville, Fla.
JUU	Guinn Tire Shop	Morriton, Ark.
JUV	Whiting Oil Co., Inc.	Roanoke, Va.
JUW	C. T. Roberson Tire Co.	Williamston, N.C.
JUX	Gadsden Recapping Co.	Gadsden, Ala.
JUY	Venice Tire Service	Venice, Calif.
JVA	McKnight Tire	Columbia, Mo.
JVB	R.B.L. Leasing, Inc.	Tylersport, Pa.
JVC	York Tire Store	York, S.C.
JVD	Moody Tire Service, Inc.	Montgomery, Ala.
JVE	Johnson Tire Co., Inc.	Espanola, N. Mex.
JVF	Liberty Tire & Battery Supply, Inc.	Knoxville, Tenn.
JVH	Bryson City Tire Co.	Bryson City, N.C.
JVJ	Madison Tire Co., Inc.	Jackson, Tenn.
JVK	Cam's Recapping Service	Charlotte, N.C.
JVL	Goldsboro Tire Service	Goldsboro, N.C.
JVM	Baskin Tire Sales, Inc.	Harrisburg, Pa.
JVN	Hall Tire & Battery Co.	Greensboro, N.C.
JVP	Cotney Tire Service, Inc.	Jacksonville, Fla.
JVT	Pond Motor Sales	Mount Vernon, Ohio.
JVU	Industrial Retreaders, Inc.	Smyrna, Ga.
JVV	Blackford Tire Co.	Russellville, Ark.
JVW	Howlett Tire Co.	Green Bay, Wis.
JVX	Modern Tire Service	Vallejo, Calif.
JVY	Farnholtz Tire Service	Bakersfield, Calif.
JWA	Baden Tire, Inc.	St. Louis, Mo.
JWB	Auto Sav Recapping Co., Inc.	Opp, Ala.
JWD	Tony's Tire Service	Los Angeles, Calif.
JWE	Tommy's Retread Service	Oklahoma City, Okla.
JWF	Martin Discount	Clarksville, Tenn.
JWH	Oldfather's O.K. Rubber Welders, Inc.	Beatrice, Nebr.
JWJ	Hober Tire Service	Wayland, N.Y.
JWK	Harford Tire Service	Maryland.
JWL	Minor Oil Co., Inc.	McRae, Ga.
JWM	Snelling Sales & Service	Claremore, Okla.
JWN	Modern Tire Service, Inc.	Fort Smith, Ark.
JWP	Charles Vullo Tire Service	Pittston Township, Pa.
JWT	Wendell Tire Co.	Wendell, N.C.
JWU	Miller Hawkinson Tire Tread Co.	Trenton, N.J.
JWW	Brookings Tire Service	Brookings, Oreg.
JWX	Miami Tire & Motor Service, Inc.	Miami, Okla.
JWY	Glover Tire Service	Opelika, Ala.
JXA	Point Pleasant Recapping	Point Pleasant, W. Va.
JXB	Birch Tire Corp.	Dover, N.J.
JXC	Union Truck Terminal, Inc.	Jacksonville, Fla.
JXD	Martin Tire Co., Inc.	Do.
JXE	Arizona Tire Co.	Phoenix, Ariz.
JXF	Skinner Tire Service	Hopewell, Va.
JXJ	Foster, Miller & Bierly, Inc.	Philadelphia, Pa.
JXK	High Speed Bandag Co.	Bloomington, Ind.
JXL	A. R. Dutting Tire	Portland, Conn.
JXM	Campbell's Recapping Service	Angier, N.C.
JXN	McDowell General Tire Co., Inc.	Nashville, Tenn.
JXP	Speier Tire Co.	San Antonio, Tex.
JXT	Myers & Son OK Tire Store	Columbus, Kans.
JXU	Mac Recapping Co.	Anniston, Ala.
JXV	Cuthbert Tire Shop	Cuthbert, Ga.
JXW	Elliott's Tire Service, Inc.	Butler, Pa.
JXX	Lucama Tire Service	Lucama, N.C.
JXY	Wailoa Co.	Hilo, Hawaii.
JYA	Tires, Inc.	Manchester, N.H.
JYB	McGinnis Bros. Retreading	Monte Vista, Colo.
JYC	Smitty's Tire Service	Shelbyville, Tenn.
JYD	Bergey's Tire Service	Franconia, Pa.
JYE	Parker & Son Recapping	Springfield, Oreg.
JYF	S. & W. Tire Service	Walnut Grove, Calif.
JYH	Judd Tire Supply	Casper, Wyo.
JYJ	OK Tire Stores	Kingsport, Tenn.
JYK	Hill's Tire Service	McFarland, Calif.
JYL	Scranton Bandag Retreading Co., Inc.	Scranton, Pa.
JYM	Plotkin's Tire Sales	Baltimore, Md.
JYN	Waters Bros. Tire Service	Pantego, N.C.
JYP	American Bandag Co.	Libertyville, Ill.
JYT	Ed Williams Tire Co.	Pontiac, Mich.
JYU	A. & L. Tires, Inc.	Athens, Ga.
JYV	Cleveland Bandag, Inc.	Cleveland, Ohio.
JYW	Andrews Tire Recap & Welding Shop.	Chipley, Fla.
JYX	Catawba Recapping Supply	Hickory, N.C.
JYY	La Salle Truk Tred	San Diego, Calif.
KAA	Harrison Tire Service	Hopewell, Va.
KAB	Northwest Bandag	Auburn, Wash.
KAC	Warden's Tire Shop	Yadkinville, N.C.
KAD	Wells Tire Service	Fordyce, Ark.
KAE	Smith Tire Service	Jonesville, N.C.
KAF	Florida Refrigerated Service	Dade City, Fla.
KAH	Safety Service Center	Newport News, Va.
KAJ	Secor Tire & Retreading, Inc.	Toledo, Ohio.
KAK	Secor Retreading, Inc.	River Rouge, Mich.

Code No.	Retreader's name	Location
KAL	Terry-Haggerty General Tire, Inc.	Albany, N.Y.
KAM	Winters Tire Shop	Oxford, Miss.
KAN	Andy's Tire Service	Cumberland, Md.
KAP	Bill Everette Tire Co.	Lafayette, Ga.
KAT	Lancaster Tire Co.	Lancaster, Calif.
KAU	Isaac Tire, Inc.	Bryan, Ohio.
KAV	T. L. Scott Tire & Recap	Chattahoochee, Fla.
KAW	Gomer Tire Service	Eunice, La.
KAY	Lehigh Valley Tire Co. Inc.	Allentown, Pa.
KBA	Maddox Tire Service, Inc.	Hot Springs, Ark.
KBB	Grasse Bros. Oil Co.	Sheboygan, Wis.
KBC	Tulare Firestone, Inc.	Tulare, Calif.
KBD	Quadco, Inc.	Reno, Nev.
KBE	C. & D. Tire & Retreading Co.	Oak Ridge, Tenn.
KBF	Bullock Tire Co., Inc.	Plateau, Ala.
KBH	Myers Tire Co.	Hall Town, W. Va.
KBJ	Carter Tire Co.	Jefferson, Ga.
KBK	Roberts Bros., Inc.	Pound, Va.
KBL	Abrams Tire Co.	Dadeville, Ala.
KBM	City Tire Store	Knoxville, Tenn.
KBN	S. & W. Recapping Co.	Clintwood, Va.
KBP	The House of Tires	Perris, Calif.
KBT	Sun Valley Tires	Pacheco, Calif.
KBU	R. R. Sterner Co.	Schuylkill Haven, Pa.
KBV	A/G Tire Co.	Fort Worth, Tex.
KBW	Goldsmith Tire Co.	Decatur, Ga.
KBX	Klinger & Stehr, Inc.	Valley View, Pa.
KBY	O'Shea Tire Service	Cortland, N.Y.
KCA	Tire Service Co., Inc.	South Bend, Ind.
KCB	Fulmer Bros.	Wysox, Pa.
KCC	Grove's Tire Service	Red Lion, Pa.
KCD	Roy & Owen's Tire Service	Baker, Oreg.
KCE	Champion Tire Co.	Houston, Tex.
KCF	Basin Tire Service, Inc.	Williston, N. Dak.
KCH	Pope Tire Co.	Fresno, Calif.
KCJ	McKinnon Tire Co., Inc.	Charlotte, N.C.
KCK	Jackson Tire Co.	Dillsboro, N.C.
KCL	Piedmont Tire & Retreading Co., Inc.	Greensboro, N.C.
KCM	Free Service Tire Co.	Moravian Falls, N.C.
KCN	Butler's, Inc.	Burlington, N.C.
KCP	J. & E. Texaco & Recapping Service.	Bladenboro, N.C.
KCT	Todd's Tire Service, Inc.	Fayetteville, N.C.
KCU	Liberty Tire Co.	Asheville, N.C.
KCV	The Kelly-Springfield Tire Co.	Atlanta, Ga.
KCW	do	Baltimore, Md.
KCX	do	Cumberland, Md.
KCY	do	Tampa, Fla.
KDA	The Goodyear Tire & Rubber Co.	Atlanta, Ga.
KDB	do	Westminster, Md.
KDC	do	Birmingham, Ala.
KDD	do	Southboro, Mass.
KDE	do	Charlotte, N.C.
KDF	do	Joliet, Ill.
KDH	do	Sharonville, Ohio.
KDJ	do	Dallas, Tex.
KDK	do	Denver, Colo.
KDL	do	Des Moines, Iowa.
KDM	do	Howell, Mich.
KDN	do	Kansas City, Mo.
KDP	do	Chino, Calif.
KDT	do	Memphis, Tenn.
KDU	do	Miami, Fla.
KDV	do	New Orleans, La.
KDW	do	Oklahoma City, Okla.
KDX	do	Orlando, Fla.
KDY	do	Cornwells Heights, Pa.
KEA	do	Phoenix, Ariz.
KEB	do	Zelienople, Pa.
KEC	The Goodyear Tire & Rubber Co.	Portland, Oreg.
KED	do	Colonial Heights, Va.
KEE	do	North Sacramento, Calif.
KEF	do	Florissant, Mo.
KEH	do	Spokane, Wash.
KEJ	do	Syracuse, N.Y.
KEK	do	Akron, Ohio.
KEL	do	Topeka, Kans.
KEM	do	Newark, N.J.
KEN	do	Atlanta, Ga.
KEP	do	Baltimore, Md.
KET	do	Cumberland, Md.
KEU	do	Tampa, Fla.
KEV	Mississippi Bandag, Inc.	Ridgeland, Miss.
KEW	Whitridge Tire Service	Portersville, Calif.
KEX	Badasci & Billingsley	Lemoore, Calif.
KEY	Valley Tire Sales, Inc.	Modesto, Calif.
KFA	Johnny Pelock's, Inc.	Do.
KFB	Balswick's Tire Shop	Turlock, Calif.
KFC	Bob's Tire Service	Bakersfield, Calif.
KFD	Jenks Tire Co.	Do.
KFE	C. A. Willmurth Tire Repairs	Do.
KFH	Schedler & Kirsch Tire Shop	Fresno, Calif.
KFJ	Ball Tire Co.	Do.
KFK	Lee's Service	Reedley, Calif.
KFL	H. & H. Tire Service	Dinuba, Calif.
KFM	Lloyd's Tire Service, Inc.	Santa Cruz, Calif.
KFN	Freedom Tire Supply Co.	Watsonville, Calif.
KFP	R. & S. Tire Shop	Delano, Calif.
KFT	Preston's Tire Service	Shafter, Calif.
KFU	Calhoun Tire	Taft, Calif.
KFV	Craig's Tire Shop	Wasco, Calif.
KFW	Pumpelly's Tire Center, Inc.	Lake Charles, La.
KFX	Sullivan's Home & Auto	Lawrenceburg, Tenn.
KFY	Mattel Tire Co., Inc.	Philadelphia, Pa.
KHA	Superior Tire Service	Salem, Oreg.
KHB	Alameda Bandag	Newark, Calif.
KHC	Point Tire	Webster Springs, W. Va.
KHD	Detroit Tire & Auto Supply, Inc.	Xenia, Ohio.
KHE	Cleaves Auto Parts	Memphis, Tenn.
KHF	Benton Retreading	Blacksburg, S.C.
KHH	Hawkinson General Tire Co., Inc.	Jeannette, Pa.
KHJ	Falls Bandag Co.	Cuyahoga Falls, Ohio.
KHL	Martin Tire, Inc.	Greensburg, Pa.
KHM	Missoula Tire Co.	Missoula, Mont.
KHN	M. & O. Tire Service	Brea, Calif.
KHP	B. & B. Tire & Retreading Plant.	Flagstaff, Ariz.
KHT	Macon Tire Co.	Franklin, N.C.
KHU	Super Tire Service, Inc.	Bristol, Tenn.
KHV	Stenzel Tire & Recapping, Inc.	Alexandria, Minn.
KHW	Jim's Recap Shop	Alamosa, Colo.
KHX	Utica Recapping & Tire Co.	Utica, Mich.
KHY	Easy Pay Tire Service	Hattiesburg, Miss.
KJA	De Witt Tire Shop	Panama, Okla.
KJB	Cape & Garner	Greenville, S.C.
KJC	Andy Bros. Tire Shop	Morgantown, W. Va.
KJD	McCord Tire & Supply	Bensenville, Ill.
KJE	Bandag Recapping & Tire Co., Inc.	Atlanta, Ga.
KJF	Canton Tire Service, Inc.	Canton, Ohio.
KJH	Hutchinson Tire Service, Inc.	Logan, W. Va.
KJJ	Elston & Gould Tire Service	Dallas, Pa.
KJK	Consolidated Tires, Inc.	Greenville, S.C.
KJL	Don's Garage	Alum Creek, W. Va.
KJM	King's O.K. Tire Store, Inc.	Greer, S.C.
KJN	Johnny Lee Tire Service, Inc.	Dallas, Tex.
KJP	Jones Tire Co., Inc.	Prattville, Ala.
KJT	Slipp's Retreading Inc.	Pasco, Wash.
KJU	Consumers Tire & Supply Co., Inc.	Chicago, Ill.
KJV	Baugh-Lowery Tire Service, Inc.	Statesville, N.C.
KJW	Crane Tire Sales of Richmond, Va.	Richmond, Va.
KJX	Crane Tire Co., Inc.	Danville, Va.
KJY	D. & D. Tire Service	Marion, Ohio.
KKA	Real Tire Service	Griffin, Ga.
KKB	Jones Recapping Co.	Siloam Springs, Ark.
KKC	Tri State Tire Co.	Rochester, Minn.
KKD	Southwestern Bandag, Inc.	Colton, Calif.
KKE	A. & M. Tire Co., Inc.	Columbia, S.C.
KKF	Tri-City Bandag, Inc.	Kingsport, Tenn.
KKH	Standard Tire Co.	Knoxville, Tenn.
KKJ	McBuck Hercules Tire Co.	Kalamazoo, Mich.
KKK	Falls Tire Service	Great Falls, Mont.
KKL	Groff Bros., Inc.	San Antonio, Tex.
KKM	Kline General Auto Supply Co., Inc.	Schenectady, N.Y.
KKN	Del Boring Tire Service, Inc.	Johnstown, Pa.
KKP	Hogan Tire, Inc.	Houlton, Maine.
KKU	Baile Griffith Truck Tire Center, Inc.	Odessa, Tex.
KKV	Spencer General Tire Corp.	Lexington, Va.
KKW	Superior Tire Service of Eugene.	Eugene, Oreg.
KKX	Williams Tire Co.	Greer, S.C.
KKY	Hy-Myler Recapping	Warsaw, N.Y.
KLA	O.K. Tire Store, Inc.	Fargo, N. Dak.
KLB	Schaap-Brenner	Sacramento, Calif.
KLC	Fields Tire Service, Inc.	Augusta, Ga.
KLD	Greensboro Recapping Co.	Greensboro, Ala.
KLE	Lincap, Inc.	Linden, N.J.
KLF	Bandag of Springfield	Springfield, Mo.
KLH	Neosho Tire & Appliance Co.	Neosho, Mo.
KLJ	Tire Center U.S.A.	North Lima, Ohio.
KLK	Royal Tire Co.	Colorado Springs, Colo.
KLL	Hammond Service Station, Inc.	Hornell, N.Y.
KLM	Wilder Bandag Tire Co.	Abilene, Tex.
KLN	Frank Bros. O.K. Tire Stores	Billings, Mont.
KLP	B. & W. Tire Shop	Compton, Calif.
KLT	Tifton General Tire Co.	Tifton, Ga.
KLU	A.B.C. Bandag, Inc.	Kansas City, Mo.
KLV	Orange Tire Recap Exchange	Orange, Va.
KLX	Big Bend Supply Co., Inc.	Quincy, Fla.
KLY	Airdrome Tire Sales, Inc.	Tampa, Fla.
KMA	Pierce Tire Service	Fordyce, Ark.
KMB	McCabe's Tire Shop	Lompoc, Calif.
KMC	Borino Bros. Tire Service	Pittston, Pa.
KMD	Southside Auto & Home Supply, Inc.	Tuscaloosa, Ala.
KME	Frederick Radial Tire Co.	Pasadena, Tex.
KMF	Fullers, Inc. of Baytown	Baytown, Tex.
KMJ	Duffer Taylor Tire Service, Inc.	Kingsport, Tenn.
KMK	C. & M. Tire Co.	Ellendale, Tenn.
KML	Stroud Tire Service	Stroudsburg, Pa.
KMM	Bedford-Fulton Tire Sales & Service.	Warfordsburg, Pa.
KMN	Lacey Tire Co.	Commerce, Ga.
KMP	Service Distributing Co., Inc.	Albemarle, N.C.
KMT	Worth Bandag Corp.	Crystal Lake, Ill.
KMU	Dixie Tire Co.	Aliceville, Ala.
KMV	Memphis Tire Engineers	Memphis, Tenn.
KMW	Birdsall Tire Co.	Glendive, Mont.
KMX	Coalinga Tire & Wheel	Coalinga, Calif.

Code No.	Retreader's name	Location
KMY	Towel City Retreading Co.	Kannapolis, N.C.
KNA	Bakersfield Tire Capping Co.	Bakersfield, Calif.
KNB	Willies Tire Service	Lubbock, Tex.
KNC	Discount Tire Center	El Paso, Tex.
KND	Martin Tire Co.	Do.
KNE	Hawkinson Tread Service	Cumberland, Md.
KNF	Lord Tire, Inc.	Bellflower, Calif.
KNH	Halls Tire Service	South Boston, Va.
KNJ	Barnes Tire Service	Show Hill, N.C.
KNK	Fleet Service	Salem, Va.
KNL	Fox's Tire & Retreading Service.	Marshall, N.C.
KNM	C. & C. Tire Service	Amherst, Va.
KNN	City Tire & Recapping Co., Inc.	Laurens, S.C.
KNP	Hollenbecks Service	Jamestown, N.Y.
KNT	Sanford Tire Service, Inc.	Sanford, N.C.
KNU	Southern Tire Co.	Miami, Fla.
KNV	Rocket Tire Service	Peoria, Ill.
KNW	Harry's Tire Service, Inc.	Minot, N. Dak.
KNX	John John Tire Co.	Colorado City, Tex.
KNY	Walker Tire Co.	Austin, Tex.
KPA	Town Tire Co.	Los Angeles, Calif.
KPB	Royal Tire Service, Inc.	Columbia, S.C.
KPC	Gillespie Tire Service	Prattville, Ala.
KPD	Hill City Tire Co.	Vicksburg, Miss.
KPE	Tri City Custom Recapping	Hickory, N.C.
KPF	Southside Tire Co., Inc.	Antigo, Wis.
KPH	Rebeck Tire, Inc.	Barberton, Ohio.
KPJ	Franks Tire Service	Berkeley, Calif.
KPK	Spruce Pine Tire Service	Spruce Pine, N.C.
KPL	Keys Tire Service	Glasgow, Ky.
KPM	Miller Auto Supply Co.	Oil City, Pa.
KPN	Brown's Tire Service	Blairsville, Ga.
KPP	O.K. Tire Stores	Anniston, Ala.
KPT	Coward & Miller Tire Center	Wilkesboro, N.C.
KPU	Equipment Tire & Supply	Cleburne, Tex.
KPV	C. & L. Recapping Service	Lexington, N.C.
KPW	McKinstry Tire Center	Athens, Ohio.
KPX	Dales Tire Recapping	McPherson, Kans.
KPY	Hamilton Tire Co.	North Hollywood, Calif.
KTA	Toms Recapping Service	Lexington, N.C.
KTB	Tar-Heel Tire Sales & Service	Warrenton, N.C.
KTC	Blair & Hertan Tire Co.	Charlotte, N.C.
KTD	Riverside Tire Co.	Canton, N.C.
KTE	Five Points Tire Center, Inc.	Albermarle, N.C.
KTF	Quality Tire Service	Claremont, N.C.
KTH	Stokesdale Tire Recappers	Stokesdale, N.C.
KTJ	Belton Tire & Recapping Co., Inc.	Belton, S.C.
KTK	Don's Tires	Clarksville, Tenn.
KTL	Gladden Tire Service, Inc.	Exmore, Va.
KTM	Red Bay Tire Service	Red Bay, Ala.
KTN	Athens Discount Tire Co., Inc.	Athens, Ala.
KTP	Brunswick Rubber Co., Inc.	Lawrenceville, Va.
KTT	Gibson Tire Service	Charleston, S.C.
KTU	Marion Tire & Recapping Service.	Marion, Ky.
KTV	B. & T. Tire Co.	Robersonville, N.C.
KUA	Perfection Tire, Inc.	Warren, Mich.
KUB	Michigan Retreading, Inc.	Detroit, Mich.
KUC	Michigan Tire Co.	Mount Morris, Mich.
KUD	Vinte's Tire Shop	Detroit, Mich.
KUE	Clarks Tire Shop	Taft, Calif.
KUF	Dowling Tire Service	Knoxville, Tenn.
KUH	Hooten Tire Co.	Sacramento, Calif.
KUJ	Norm. Bell Service	Boise, Idaho.
KUK	Wholesale Tire Supply	Arnsheim, Calif.
KUL	Puerto Rico Nu-Treads Corp.	Rio Piedras, Puerto Rico.
KUM	Paul E. Hawkinson Co.	Minneapolis, Minn.
KUN	Frankie's Tire Center	Ambler, Pa.
KUP	Baird Tire Co.	Kilgore, Tex.
KUT	J. W. Brewer Tire Co., Inc.	Salt Lake City, Utah.
KUU	Jewett Davidson Tire Co., Inc.	Evansville, Ind.
KUV	Southeastern Tire & Recapping Co.	Fairfield, Ala.
KUW	A. & B. Tire Recappers	South Haven, Miss.
KUX	Inter-Town Tire Co.	Fraser, Mich.
KUY	Jackson Tire Service	Austin, Tex.
KVA	K. C. Tire Exchange	Kansas City, Kans.
KVB	Lebor Tire Co.	Haverhill, Mass.
KVC	C. & S. Tire Service	Exeter, Calif.
KVD	Bandag Tire Retreaders of Buffalo, Inc.	Buffalo, N.Y.
KVE	B. & J. Tire Service	West Monroe, La.
KVF	John Young Tire Co.	Tulia, Tex.
KVH	C. & S. Tire Service	Clarkston, Wash.
KVJ	Gill's Tire Market	Salt Lake City, Utah.
KVK	Lynn's O.K. Tire Store	Colorado Springs, Colo.
KVL	Buttonwillow Tire Recap	Buttonwillow, Calif.
KVM	Sorensen Tire Co.	Pawcatuck, Conn.
KVN	Paducah Tire Center	Paducah, Ky.
KVP	Deal's Auto & Tire Service Inc.	Farmville, N.C.
KVT	Whalen's OK Tires	Butte, Mont.
KVU	Mid-States Distributing Co. Inc.	St. Paul, Minn.
KVV	P-S Retreading, Inc.	Winchester, Ky.
KVW	Mac's Tire Service	Clovis, Calif.
KVX	Reel Tire Co.	Elisabeth, N.C.
KVY	Dick's Tire Service	Ashland, Pa.
KWA	Quality Tire Shop	Warsaw, N.Y.
KWB	Tire Center, Inc.	Emeryville, Calif.
KWC	N'Toma Tire Co.	Sacramento, Calif.
KWD	Hurtubise Tire Sales & Service, Inc.	Tonawanda, N.Y.
KWE	Durben Tire Service	Newcomerstown, Ohio.
KWF	Elmo Tire Center	Youngstown, Ohio.
KWH	Jack Winters Tire Service	Dallas, Pa.
KWK	Custom Tire Service Co.	Philadelphia, Pa.
KWL	Tire City Sales & Service	Clarksville, Tenn.
KWM	Capitol Tire Service	Salem, Oreg.
KWN	Brewer Tire & Retread Shop	Seneca, S.C.
KWP	Hialeah Recaps	Hialeah, Fla.
KWT	Place Bros. Tire Co.	Winchester, Va.
KWU	Nisley's Kelly Tire Sales	Martinsburg, W. Va.
KWV	Shawnee Tire & Rubber Co.	Schellsburg, Pa.
KWX	Dunn & Seibert Sales Co.	Martinsburg, W. Va.
KWY	Les' Tire Service	Frostburg, Md.
KXA	Horace's Tire Service	Rockingham, N.C.
KXB	Miller Tire Service	Butler, Pa.
KXC	Blackledge Tire Shop	Laurel, Miss.
KXD	W. H. Flanders Tire Co.	Swainsboro, Ga.
KXE	C. & E. Tire Service	Carthage, Mo.
KXF	Hi-Speed Recap Co.	Bentonville, Ark.
KXH	B. & H. Tire Co.	Oklahoma City, Okla.
KXJ	Byrd & Miller Tire Recapping Service.	Greenwood, S.C.
KXK	Griffin Tire Shop	Kernersville, N.C.
KXL	Jack's Service Station	Newberry, S.C.
KXM	Nicholson Tire Service	Sikeston, Mo.
KXN	T N T Tire Town, Inc.	Sanford, N.C.
KXP	Atlantic Retread, Inc.	Willington, Conn.
KXT	Bowker, Hamblin, Quirk, Inc.	Indian Orchard, Mass.
KXU	O'Neil's Tire Service, Inc.	Fall River, Mass.
KXV	Rasker Tire Service	Newport, Ky.
KXW	West Side Tire Corp.	Hialeah, Fla.
KXX	Majersky Tire Service	Apollo, Pa.
KXY	Keeler Tire Co.	Sioux Falls, S. Dak.
KYA	Oconee Tire Co., Inc.	Seneca, S.C.
KYB	Jack Young Tires	Scranton, Pa.
KYC	Sutton's Service Center, Inc.	Greenville, N.C.
KYD	Thomas Oil Co., Inc.	Saratoga Spa, N.Y.
KYE	Deas Tire Co.	Gulfport, Miss.
KYF	Thomson Tire & Retreading Co.	Thomson, Ga.
KYH	Lehman's Tire Co.	Washington, D.C.
KYJ	Fairfield Tire Supply, Inc.	Danbury, Conn.
KYK	Clearlake Tire Center	Clearlake Highlands, Calif.
KYL	Deas Tire Co., Inc.	Mobile, Ala.
KYM	Northside Recapping Co.	Birmingham, Ala.
KYN	Green's Tire & Recapping Co.	Talladega, Ala.
KYP	John Vincent Tire Co.	Phoenix, Ariz.
KYT	Ince Tire Co.	Lubbock, Tex.
KYU	Centre Tire Co.	State College, Pa.
KYV	Belvedere Tire Co.	Los Angeles, Calif.
KYW	Bay Vulcanizers, Inc.	Oakland, Calif.
KYX	Phil Ozar Tire Service	Los Angeles, Calif.
KYY	Weeks Service Center	Richmond, Va.
LAA	Newberry Welding & Repair	Beaver Falls, Pa.
LAB	Vinton Fuel Co., Inc.	Vinton, Va.
LAC	Santry Tire Co.	Portland, Oreg.
LAD	Bowling General Tire, Inc.	Paducah, Ky.
LAE	Bill Beltner Tire Co.	Dover, Ohio.
LAF	Michelin Renovex Corp.	Oklahoma City, Okla.
LAH	Michelin Tires (Canada), Ltd.	Lachine, Quebec, Canada.
LAJ	Mfg. Francaise des Pneumatics Michelin.	63 Clermont-Ferrand, France.
LAK	N.V. Nederlandsche Banden Ind. Michelin.	S'Hertogenbosch, Netherlands.
LAL	Michelin Reifenwerke A.G.	665-Homburg, West Germany.
LAM	Espana de Neumaticos Michelin.	Lasarte, Spain.
LAN	Michelin Tyre Co., Ltd.	Stoke-on-Trent, England.
LAP	Michelin, A.G.	Trimbach Bei Olten, Switzerland.
LAT	S.P.A. Michelin Italiana	1-10-100 Turin, Italy.
LAU	U.S. Rubber Tire Co.	Wilkes-Barre, Pa.
LAV	do	Indianapolis, Ind.
LAW	do	Conyers, Ga.
LAX	Miller Tire & Tread Co.	Centralia, Ill.
LAY	Tremonton Tire Service	Tremonton, Utah.
LBA	City Tire, Inc.	Jacksonville, Fla.
LBB	Carls Tires	Red Bluff, Calif.
LBC	Lawrence Tire & Recapping Co.	Spruce Pine, N.C.
LBD	Gus Buhl Tire & Recapping	Salt Lake City, Utah.
LBE	R. H. Clark Co., Inc.	Columbia, S.C.
LBF	Akins Tire Co.	Quitman, Miss.
LBH	Smith General Tire	Thermopolis, Wyo.
LBJ	Shook Tire Co.	San Angelo, Tex.
LBK	Red Bud Tire Co.	Red Bud, Ill.
LBL	Bay City Tire & Battery Co.	Bay City, Mich.
LBM	Victoria Tire Center	Huntington Park, Calif.
LBN	Clark & Oakley Tire & Recapping.	Orlando, Fla.
LBP	Norton Tire Co.	Waycross, Ga.
LBT	Crosby Tire Co.	Do.
LBU	Elgin Retread Shop	Oneonta, Ala.
LBV	Dices Tire Shop	Carlisle, Pa.
LBW	Milo Hileman Tire Service	McGrann, Pa.
LBX	Matthews Tire & Recapping Co.	Matthews, N.C.

Code No.	Retreader's name	Location
LBY	Johnston & Johnson Tire Service.	Tiltonsville, Ohio.
LCA	Autrey Tire	Asheville, N.C.
LCB	Coastal Tire Co	Newbern, N.C.
LCC	Taylor & Sons Recapping Service.	Charlotte, N.C.
LCD	Whitley Tire Service	Zubulon, N.C.
LCE	Beddard Tire & Recapping Service.	Jacksonville, N.C.
LCF	Oildale Tire, Inc	Bakersfield, Calif.
LCH	Smith Bros. Tire Service	Sylvania, Ga.
LCJ	Ed Smith Recapping Co	Anniston, La.
LCK	Serv A Car, Inc	Frankfort, Ind.
LCL	Bobs Tire & Recapping, Inc	Fairburn, Ga.
LCM	Cookeville Recappers	Cookeville, Tenn.
LCN	Pledger Bus Tire Service	Columbia, N.C.
LCP	Firestone Dealer Retread Shop.	Lumberton, N.C.
LCT	Central Tire Co.	Fayetteville, Ark.
LCU	Clark Tire Co	Rockwood, Tenn.
LCV	Jimmys Retreading Service, Inc.	Collinsville, Va.
LCW	Lawhorne Tire Co	Sylvester, Ga.
LCX	Mayes Tire & Recapping	Kings Mountain, N.C.
LCY	Harris & Leonard, Inc	Chester, Pa.
LDA	Raleigh Dunlop Tire Sales, Inc.	Raleigh, N.C.
LDB	Dickson Tire Center	Dickson, Tenn.
LDD	Southport Tire Service	Southport, N.C.
LDE	Lias Tire Recapping	Indiana, Pa.
LDF	Harrisons Oil Tire Store	Dayton, Ohio.
LDH	OK Rubber Welders	London, Ky.
LDK	City Tire Co	Sylacauga, Ala.
LDL	Appomattox Truck & Tractor, Inc.	Appomattox, Va.
LDM	Mitchems, Inc	Cherryville, N.C.
LDN	One-O-One Tire Shop	Greer, S.C.
LDP	Chester Pace Retreader	Laudrum, S.C.
LDT	Mabrys Recapping	Cowpens, S.C.
LOU	Snipes Tire Service	Gastonia, N.C.
LDV	Burleson & Autrey Tire Service.	Burnsville, N.C.
LDX	Raleigh Tire & Oil Co	Raleigh, N.C.
LDY	Akron Retread Service	Akron, Ohio.
LEA	B. F. Goodrich Retread Plant.	Norfolk, Va.
LEB	.do	Columbus, Ohio.
LEC	Smiths Mail Service	Asheville, N.C.
LED	Fiflek Tire Service	Campbell, Ohio.
LEE	Kellys Sales & Tire Works	Troy, Ala.
LEF	Modern Hi Cap Tire Co	Louisville, Ky.
LEH	Conistock, Inc	Madison, Wis.
LEJ	Smith & Schumpshire Service Station.	Columbus, Ga.
LEK	A. H. Haralson & Sons Manufacturing Co.	Safford, Ariz.
LEL	Gunn Oil Co	Brownfield, Tex.
LEM	Uneeda Tire Co., Inc	Wampum, Pa.
LEN	RSM Tire Service	Conway, S.C.
LEP	White's Auto Stores	Winona, Miss.
LET	Rohrs Tire Co	Santa Barbara, Calif.
LEU	East Side Tire Shop	Tulsa, Okla.
LEV	Clay County Tire & Retreading.	Ashland, Ala.
LEW	Barnett Tire Service	Leesburg, Fla.
LEX	Barrier Tire Co	Neola, Iowa.
LEY	Decamp Tire & Battery Service.	Kane, Pa.
LFA	Tri City Radial Tire Co	Rock Island, Ill.
LFB	F. & H. Tire Co	Pomona, Calif.
LFC	Perfection Tire Co	Veradale, Wash.
LFD	Neilsen Tire, Inc	Ventura, Calif.
LFE	Cornelia Tire Co	Cornelia, Ga.
LFH	Hughes Tire & Oil Co	Union, S.C.
LFK	Ranger Tire Co	Berwick, Pa.
LFL	Monaghan Rubber Co	Indiana, Pa.
LFM	Parrottsville Recapping	Parrottsville, Tenn.
LFN	Bergman General Tire, Inc	San Bernardino, Calif.
LFP	Radiator & Tire Rebuilders	Covington, Va.
LFU	Warrens Tire Center	Rocky Mountain, N.C.
LFV	Pennington Tire Service	Hyden, Ky.
LFW	Johnson & Neighbors	Swainsboro, Ga.
LFX	Nu-Tread Tire Co	Billings, Mont.
LFY	A. & A. Tire, Inc	New Springfield, Ohio.
LHB	Union Tire Service, Inc	Marshall, N.C.
LHC	Rubber Welding System, Inc	Charleston Heights, S.C.
LHD	Johns Retread Center	Red Springs, N.C.
LHE	Franklin Oil Co., Inc	Franklin, W. Va.
LHF	Whites Tire Service of Newbern.	Newbern, N.C.
LHH	U.S. Tire Supply, Inc	Jersey City, N.J.
LHJ	Super Tire Service, Inc	Binghamton, N.Y.
LHK	Tire World, Inc	Newark, Calif.
LHL	Knoxville Bandag Tire Recapping	Knoxville, Tenn.
LHM	Browder-Kirtland Sales Co.	Miami, Fla.
LHN	Dick Morrison Tire Co., Inc	Salt Lake City, Utah.
LHP	Clyde R. Harris & Son	Berwick, Pa.
LHT	Ferrari Tire & Recapping Service.	Monongahela, Pa.
LHU	Thompson Tire & Battery Service.	Atlanta, Ga.
LHV	Morris Tire Co	Douglasville, Ga.
LHW	Fairmont Tire Shop, Inc	Fairmont, W. Va.
LHX	Webster Tire Co	Webster Springs, W. Va.
LHY	Alexander Tire Service	Dixon, Mo.
LJA	Vest Tire & Recapping Co	Gillette, Wyo.
LJB	Regal Tire Service, Inc	New Orleans, La.
LJC	Big O Tires	Ely, Nev.
LJD	Conch Tire Co	Parkersburg, W. Va.
LJE	Wagner Tire of Lexington, Inc	Lexington, N.C.
LJF	Ace Tire & Retreading	Waterloo, Iowa.
LJH	Carl Gray Tires	Shelley, Idaho.
LJJ	Free Service Tire Corp	Knoxville, Tenn.
LJK	Bibb City Tire Co	Columbus, Ga.
LJL	Harrison Tire & Battery Co., Inc.	Harrison, Ark.
LJM	Bayboro Tire & Retreading, Inc.	Bayboro, N.C.
LJN	Silver Moon Tire & Wheel Co	Houston, Tex.
LJP	Westco Tires, Inc	Miami, Okla.
LJT	Bob Kidd Tire Service	Maryville, Tenn.
LJU	Burke Tire Center	Morganton, N.C.
LJV	Johnston Tire & Recapping	Jersey Shore, Pa.
LJW	Quality Tire Service, Inc	Orangeburg, S.C.
LJX	Lens Quality Tire Service	Sun Valley, Calif.
LJY	Shook Tire Co	Brownwood, Tex.
LKA	The Good Year Tire & Rubber Co.	Brunswick, Ohio.
LKB	Fairhope Tire & Retread	Fairhope, Ala.
LKC	Canton Tire Co., Inc	Canton, Ga.
LKD	Brown Shoemaker Tire Co	Charlotte, N.C.
LKE	Bill Jones Tire Service	Garner, N.C.
LKF	Henry Armstrong Tire Store	Greenville, S.C.
LKH	Thornton Tire Co	La Vange, Ga.
LKJ	Groce Recapping	Burkesville, Ky.
LKK	Automotive Tire & Supply Co., Inc.	Mendenhall, Miss.
LKL	Dependable Service Center	Russellville, Ala.
LKM	Doering Tire & Supply Co	Foley, Ala.
LKN	Carribbean Tire, Inc	St. Croix, V.I.
LKP	Henry J. Finck, Inc	Cambridge, Pa.
LKT	Bradley Tire Service	Rutherfordton, N.C.
LKU	Mitchells Tire Service	Mebane, N.C.
LKV	Murrays Retread Service, Inc	Rocky Mount, N.C.
LKW	Marion Tire Service	Marion, S.C.
LKY	Radial Tire Sales	West Plains, Mo.
LLA	Carolina Retreading Co	Asheboro, N.C.
LLB	Bob Wiener Tire Co., Inc	Springfield, Mass.
LLC	McMahans Recapping	High Point, N.C.
LLD	P. & M. Tire Service	Whiteville, N.C.
LLE	Ralph Martins Tire, Inc	Rushville, N.Y.
LLF	Meyers Tire Service, Inc	Evans City, Pa.
LLH	Fairmont Tire & Recapping Co.	Fairmont, N.C.
LLJ	Quality Tire Service of Sparta	Sparta, N.C.
LLK	B. & F. Tire Service	North Wilkesboro, N.C.
LLL	Ryde & Sons, Inc	Oneonta, N.Y.
LLM	Jernigan Nordmeyer Oil & Tire, Inc.	Brewton, Ala.
LLN	O.K. Tire Builders, Inc	Idaho Falls, Idaho.
LLP	City Tire & Recapping Co	Wayneshoro, Miss.
LLT	Red & Gray Tire Co	Knoxville, Tenn.
LLU	Martin Tire Co	Jacksonville, Fla.
LLW	Arrow Tire, Inc	Gainsville, Ga.
LLX	Woodalls Tire Co	Charleston Heights, S.C.
LMA	Truck Terminal Service	Omaha, Nebr.
LMB	Barrington Tire Service	Jacksonville, Tex.
LMC	A. & K. Tire Co	Los Angeles, Calif.
LMD	B. & M. Tire Service	Boonville, N.C.
LME	Templeton Tire Co	Chattanooga, Tenn.
LMF	Reeds Tire Service, Inc	Muskegon, Mich.
LMH	Brereton Tire Co	Provo, Utah.
LMJ	Acra Tire Shop, Inc	Acra, N.Y.
LMK	New Milford Retread	New Milford, Conn.
LML	Baitys Tire Service, Inc	Yadkinville, N.C.
LMM	Lois Tire Shop	Burlington, Wis.
LMN	Higgins Recap Shop	Alto, Ga.
LMP	Pennys Tire & Recapping Co., Inc.	Walterboro, S.C.
LMT	Quality Auto Parts & Tire Service.	Sneads Ferry, N.C.
LMV	Melton Tire & Service	Norwalk, Calif.
LMW	J. H. Carr Tire Service	Mount Vernon, Ill.
LMX	Cowarts Tire Shop	Ralnsville, Ala.
LMY	Bobs Tire, Inc	Flint, Mich.
LNA	Akro-Mite Recapping, Inc	Akron, Ohio.
LNB	Shook Tire Co	Amarillo, Tex.
LNC	Setzers Tire Service	Spartanburg, S.C.
LND	Greenwood Tire & Supply	Greenwood, S.C.
LNE	Gallians Tire Co., Inc	Holly Hill, Fla.
LNF	Allied Auto, Inc	Akron, Ohio.
LNH	B. & B. Tire & Rubber Co	Bedford Hills, N.Y.
LNJ	Nu Tread Shop	Warrenton, Va.
LNK	Glenn Roberts Tire & Recapping.	Norton, Va.
LNM	Western Auto Associate Store	Hiawassee, Ga.
LNN	Brunsons	Durham, N.C.
LNP	Ramapo Tire Service	MahWah, N.J.
LNT	Creed's Tire & Recapping	Mount Airy, N.C.
LNU	Phillips Tire	Big Spring, Tex.
LNV	Shook Tire Co	Lubbock, Tex.
LNW	Holloway Tire Service	Corinth, Miss.
LNX	Bacions Tire Service	Battle Ground, Wash.

Code No.	Retreader's name	Location
LNY	Shook Tire Co	Lamesa, Tex.
LPA	A.L.E. Tire Co	Tarentum, Pa.
LPB	Wyoming Bandag & Tire Co	Edgerton, Wyo.
LPC	Rockford Bandag & Tire, Inc.	Rockford, Ill.
LPD	P. M. Tire Service, Inc	Leechburg, Pa.
LPE	Olympic Bandag Tire, Inc	Savage, Minn.
LPF	Don S. Morris Co	Columbus, Ohio.
LPH	Robbie Fort Myers Tire Supply.	Fort Myers, Fla.
LPJ	Ballews Tire Service	Greenville, S.C.
LPK	Stephenson Tire Co	Spokane, Wash.
LPL	Basham Tire Co	Huntsville, Ark.
LPM	Obrist Tire, Inc	Corvallis, Oreg.
LPN	Steldinger, Inc	Fairbury, Ill.
LPP	Goss Bros. Tire & Supply, Inc.	Zanesville, Ohio.
LPT	Vogel Tire Co	Sheldon, Iowa.
LPU	Albermarle Tire Service	Edenton, N.C.
LPV	Southwest Tire & Recapping, Inc.	Gate City, Va.
LPW	Bills Service Center	Huddleston, Va.
LPX	City Tire & Battery Dist	Lyons, Ga.
LTA	Tire Town Recappers	Rocky Mount, N.C.
LTB	Bennett Tire Service	Cookeville, Tenn.
LTC	Cody Tire Co	Lancaster, S.C.
LTD	Fulchers Gulf Service	Martinsville, Va.
LTE	Beaver Tire Service	Hartsville, S.C.
LTF	Freeman Motor Co	Lumberton, N.C.
LTH	O.K. Tire Store	Chehalis, Wash.
LTJ	Strang Tire Co	Oelwein, Iowa.
LTK	Auto Tire Service	Richmond, Va.
LTL	A. L. Thomas & Son	Louisville, Ga.
LTM	Livingston Recappers	Livingston, Tenn.
LTP	Williamson Tire Co	Whiteville, N.C.
LTT	Tepper Tire Co	Scranton, Pa.
LTU	C. A. Battle & Sons Contr. Carriers, Inc.	Comfort, N.C.
LTV	Howell Tires, Inc	Enid, Okla.
LTW	Clark Tire Service	Dyersburg, Tenn.
LTX	Bruces Tires, Inc	Oakland, Calif.
LTY	Bruces Tires, Inc	San Jose, Calif.
LUA	Center Service, Inc	Kings Mountain, N.C.
LUB	Lockwoods Tire Center	Redding, Calif.
LUC	Wood Bros. Tire Shop	Sandy Ridge, N.C.
LUD	Malones Tire Recapping Service.	Glouster, Ohio.
LUE	Love Tire Shop	Cherokee, Iowa.
LUF	Buis Truck & Tire Service	Somerset, Ky.
LUH	Austin Service Station	Newnan, Ga.
LUJ	Ballard Tire Sales & Service, Inc.	New Bern, N.C.
LUK	Rother Auto Parts	Redding, Calif.
LUL	S. W. Rawls, Inc	Franklin, Va.
LUM	Day & Night Tire Service, Inc.	Lakeland, Fla.
LUN	B. & L. Wholesale Tire	Ventura, Calif.
LUP	Skinner Tire & New Tread Service.	Brewton, Ala.
LUT	Hawleys, Inc	Riverton, Wyo.
LUU	Andalusia Tire Co	Andalusia, Ala.
LUV	Lisbon Tire Service	Lisbon, Ohio.
LUW	Johnson Tire & Recapping	Benson, N.C.
LUX	McDowell Tire & Recapping Co.	Marion, N.C.
LUY	Cave Springs Recappers	Cave Springs, Ark.
LVA	Griffin Radial Tire Co	St. Paul, Minn.
LVB	Little Mount Tire Service	San Bernardino, Calif.
LVC	Joseph F. Loy Tire Service, Inc.	Pittsburgh, Pa.
LVD	Yosts Tire Service	Bentona, Pa.
LVE	McCubbin Recap	Gowanda, N.Y.
LVF	Dukes Tire Co	Monroe, La.
LVH	Dixie Tire & Battery Co	Jacksonville, Fla.
LVJ	Turner Tire & Texaco Service	Pfafftown, N.C.
LVK	O. B. Nuzum Tire Service, Inc.	Bakersfield, Calif.
LVL	Eastern Tire Co., Inc	Baltimore, Md.
LVM	Springville Nu Tread Plant	Springville, N.Y.
LVN	Snipes Tire Service	Lowrys, S.C.
LVP	Marlboro Tire Service, Inc	Bennettsville, S.C.
LVT	Hall-Crouser Tire Service	Northumberland, Pa.
LVU	Boyd Tire & Battery Service	Clover, S.C.
LVV	J. C. Devault Tire & Recap Co	Bristol, Tenn.
LVW	Shetrons Tire Service	Shippensburg, Pa.
LVX	Aiken Black Tire Service, Inc	Hickory, N.C.
LWA	Firestone Interamerica Co	San Juan, P.R.
LWB	Mother Lode Tire & Auto Repair.	Placerville, Calif.
LWC	Hartford Recapping Service	Hartford, Wis.
LWD	Carls Motor Sales	Callicoon, N.Y.
LWE	Harmony Tire & Recapping Co.	Harmony, N.C.
LWF	Sharon Grocery & Recap	Seneca, S.C.
LWH	J. & D. Tire Co	Springfield, Mo.
LWJ	Richey's Associated Tire Centers, Inc.	Bingen, Wash.
LWK	Shook Tire Co	Abilene, Tex.
LWL	Gallatin Recappers	St. Gallatin, Tenn.
LWM	Freds Tire Shop	Orange, Calif.
LWP	Tysacks Tires, Inc	Bakersfield, Calif.
LWT	Tilson Tire Service	Clarksville, Tenn.
LWU	Sauk Centre Tire Co., Inc	Sauk Centre, Minn.
LWV	Nelson & Wrenn, Inc	Edgewood, Md.
LWW	Flowers Tire Service, Inc	Auburn, Calif.
LWX	Drums Tire & Battery Service, Inc	Rock Hill, S.C.
LWY	Capitol Tire Co., Inc	Raleigh, N.C.
LXA	Dean Tire Co., Inc	Charlotte, N.C.
LXB	Willie & D Tire Service, Inc	Indianapolis, Ind.
LXC	Wade Williams Tire Service	Murfreesboro, Tenn.
LXD	Johnson Tire Co	New Ellenton, S.C.
LXE	G. & T. Recapping	Lancaster, S.C.
LXF	Kleber-Colombes Co	Colombes (Hauts-de-Seine), France
LXH	Hatchett Tire Co	Knoxville, Tenn.
LXJ	Bercher Tire & Muffler Service	Fort Smith, Ark.
LXK	Stevens Tire Recapping Co	Milledgeville, Ga.
LXM	D'S Tire Service, Inc	Geneva, N.Y.
LXN	Bell's Service Center	Napa, Calif.
LXP	Willamette Valley OK Production, Inc.	Salem, Oreg.
LXT	D. W. Smith Esso & Recapping.	Pittsboro, N.C.
LXU	Bob Gardner's Tire Service	Mt. Gilead, N.C.
LXV	T.B.A. Inc	Fayetteville, N.C.
LXW	City Tire & Recapping Co., Inc.	Evergreen, Ala.
LXX	Mitchells Tire Service	Susanville, Ga.
LYB	Firestone Dealer Store, Inc	Lawrenceville, Va.
LYC	St. Clair Tire Co	Capac, Mich.
LYD	Candler Production Plant	Candler, N.C.
LYE	Von Retread Plant	Austin, Tex.
LYF	Dillon Tire & Auto Shop	Beaver Falls, Pa.
LYH	Ingram Tire Co	Enterprise, Ala.
LYJ	Rays Service Center	Belleveron, Pa.
LYK	Burns Tire Service	Waynesburg, Pa.
LYL	City Tire Store	New Castle, Ind.
LYN	Aero Tire Co	Miami, Fla.
LYP	Stewart Tire Co	Tulsa, Okla.
LYT	Eggleston Tires Co	Eden, N.C.
LYU	Green Tire Service	Hood River, Oreg.
LYV	Vaccas Tire Co., Inc	Westerly, R.I.
LYW	Dieters Tire Shop	Jamestown, N.Y.
LYX	Letts Service Station	Electic, Ala.
LYX	Leicester Tire Service	Leicester, N.C.
MAA	Kermtip Tire Co., Inc	Seattle, Wash.
MAB	Sunset Tire Service	Coeur D'Alene, Idaho.
MAC	Great Northern Bandag, Inc	Chewelah, Wis.
MAE	Master Tire Co	Winnsboro, S.C.
MAF	Bannock Tire Service, Inc	Pocatello, Idaho.
MAH	Smith Tire Co., Inc	Texarkana, Tex.
MAJ	Eubank Tire Co., Inc	Springfield, Ohio.
MAK	Clark's Corners Tire Service	Wadsworth, Ohio.
MAL	Independent Tire Co	Paragould, Pa.
MAP	Beck's Tire & Recapping Service.	Thomasville, N.C.
MAT	McAdoo Tire Co., Inc	Atlanta, Ga.
MAU	Worthy Tire Co	Lloeville, Ala.
MAV	Eady Tire Service, Inc	Sumiton, Ala.
MAW	Tire Exchange, Inc	Buffalo, N.Y.
MAX	Wyatts Tire Co	Eugene, Oreg.
MAY	Big O Tires of Louisville, Inc	Louisville, Ky.
MBA	Paul Recapping Service	Laurinburg, N.C.
MBB	Aberdeen Recapping	Aberdeen, N.C.
MBC	Princeton Tire & Retreading Co.	Princeton, W. Va.
MBD	Lone Star, Inc	Jonesboro, Ark.
MBE	Free Service Tire Co., Inc	Johnson City, Tenn.
MBF	Moore Tire & Recapping Co	Greensboro, Ga.
MBH	Williamson Tire Service	High Point, N.C.
MBJ	Ray Deeter Tire Town	San Pedro, Calif.
MBK	Schmitz Tire Service	Connelsville, Pa.
MBL	J. J. Retread Service	Lenoir, N.C.
MBM	Weavers Tire Service	Ephrata, Pa.
MBN	Moritz Tires, Inc	Rhinelander, Wis.
MBP	Southside Recapping & Tire Co.	Montgomery, Ala.
MBT	Medford Tire Service, Inc	Medford, Oreg.
MBU	Rarig Tire Service	Catawissa, Pa.
MBW	Bradley Tire Service	Mebane, N.C.
MBX	Joes Tire Service	Easley, S.C.
MBY	Browns Tire Service	Deleo, N.C.
MCA	Seagos Recapping	Jackson Spring, N.C.
MCB	Hudson's Tire & Retreading	Dunn, N.C.
MCC	Rackley Recapping	Greenville, S.C.
MCD	Barnes Tire Co., Inc	Dallas, Tex.
MCE	Bagwell Tire & Recapping	Landrum, S.C.
MCF	McCormick Tire & Retreading Service.	McCormick, S.C.
MCH	Spiveys Service Station	Mullins, S.C.
MCK	Townhee Tire Service	Roxboro, N.C.
MCL	Master Tire Mount Airy N.C., Inc.	Mt. Airy, N.C.
MCM	Glen Rock Tire Co., Inc	Glen Rock, Pa.
MCN	H. J. Nachtman Co., Inc	Dubuque, Iowa.
MCP	Tire Sales & Service	Gladstone, Oreg.
MCT	Kenbridge Tire Recapping Co.	Kenbridge, Va.
MCU	Central Tire Co	Anaconda, Mont.
MCV	McConnelsville Tire Shop	McConnelsville, Ohio.
MCW	Copeland Tire Service	Milan, N. Mex.
MCX	Valley Tire & Supply Co., Inc.	South Pittsburgh, Tenn.
MCY	Kennedy-Lucas, Inc	North Manchester, Ind.
MDA	W. C. Beckler	Van Wert, Ohio.
MDB	Fowler's Tire Service	Chesnee, S.C.
MDD	Atmore Recap Shop, Inc	Atmore, Ala.
MDE	Candill Bros. Recapping Co	Whitesburg, Ky.
MDH	Tire Circus, Inc	Pompano Beach, Fla.
MDM	Felo Recapping Co	Miami, Fla.
MDP	Custom Tire Service	Grants Pass, Oreg.

Code No.	Retreader's name	Location
MDW	Mels Tire Service	Brainerd, Minn.
MDX	Mfg. Francaise Des Pneumatics Michlin	63 Clermont-Ferrand, France.
MDY	Hinkle & Johnson Tire Co	Palm Springs, Calif.
MEA	Stans Tire Service	Lompoc, Calif.
MEB	Royal Tire Service	Findlay, Ohio.
MEC	Rocke Tire Service	Scranton, Pa.
MED	Belgo Rubber Corp	Brooklyn, N.Y.
MEE	Pecos Valley Tire Co	Roswell, N. Mex.
MEF	McCloy's Tire Service	Mount Pleasant, Pa.
MEJ	Duncan Tire Co., Inc	Dublin, Ga.
MEK	Inglewood Tire Co	Nashville, Tenn.
MEL	Midwest Tire Co	Dayton, Ohio.
MEM	Eller Tire Co	Keller, Va.
MEN	Oakley Tire & Battery Supply	Walnut Cove, N.C.
MEP	Chesnee Oil & Tire Co., Inc	Chesnee, S.C.
MET	Shannon's Tire Shop	Mountain View, Ark.
MEU	Langley Tire Service	Staley, N.C.
MEV	Strouhals Tire Recapping Plant.	Hungerford, Tex.
MEW	Cleland Bros. Tire Co	Bishop, Calif.
MEX	O.K. Rubber Welders of Tuscaloosa, Inc.	Grundy, Va.
MEY	Indiana Tire Co., Inc	Indiana, Pa.
MFA	Hutchinson's Tire Service, Inc.	Baton Rouge, La.
MFB	Pence Recapping Service	Brookville, Pa.
MFC	Ricco Tire Service	Brownsville, Pa.
MFD	OK Rubber Welders Tuscaloosa.	Northport, Ala.
MFE	Smith Tire Co., Inc	Decatur, Ill.
MFF	Wilson Tire & Battery, Inc	Upper Sandusky, Ohio.
MFH	Coen Oil Co	Conton, Ohio.
MFJ	Interstate Tire Treads, Inc	Billings, Mont.
MFK	Kilburn Tire Co	Rawlins, Wyo.
MFL	Fay L. Wagner	Yeagertown, Pa.
MFN	The Auto Clinic	Rolling Fork, Miss.
MFP	Holt Tire Service	Phillipsburg, Pa.
MFU	O.K. Tire Store	Myrtle Creek, Oreg.
MFV	Cutchins Tire Co	Franklin, Va.
MFW	Thompson Wilson Tires Sales & Service.	Boring, Oreg.
MFX	Compton Tire Co., Inc	Charlotte, N.C.
MFY	Lew Bros. Tire Service	Baker, Oreg.
MHA	Bob Ewell Tire Service, Inc	Portsmouth, Va.
MHB	J&G Tire Shop	North Bend, Wash.
MHC	Bay View Tire Co	Milwaukee, Wis.
MHD	Motor City Tires, Inc	Redwood City, Calif.
MHE	Kittanning Tire & Recapping	Kittanning, Pa.
MHF	Lloyds Tire Service	Spokane, Wash.
MHH	Cliff Roberts	Oakland, Calif.
MHJ	T.P. Tire Service	French Camp, Calif.
MHK	Island O.K. Tires, Inc	Oak Harbor, Wash.
MHL	Walkers Tire & Recapping	Manning, S.C.
MHM	Coen Oil Co	Washington, Pa.
MHN	White City Tire, Inc	White City, Oreg.
MHP	Bravemans Tire Co	Bangor, Maine.
MHT	Tire Recappers, Inc	Lakeland, Fla.
MHU	Carlisle General Tire Service	Alice, Tex.
MHV	Chief Tire Co	Cheyenne, Wyo.
MHW	Nine Mile Road Recapping	Richmond, Va.
MHX	Rockingham Tire Co	Broadway, Va.
MHY	George Green Tire Specialist	Oakland, Calif.
MJA	S. & S. Tire Co	Springfield, Colo.
MJB	Harris & Leonard, Inc	Chester, Pa.
MJC	J. W. Brewer Tire Co. of Colorado.	Commerce, Colo.
MJD	H. A. Cramer, Inc	Hanover, Pa.
MJF	Hobbs Tire Center	Hobbs, N. Mex.
MJH	Bowerson Tire Shop, Inc	New Bethlehem, Pa.
MJJ	Burgess Tire	Redway, Calif.
MJK	W. C. Wilson Garage & Service Station.	Freeland, N.C.
MJL	Murrays Fleet Tire Service	Southgate, Mich.
MJM	Russ Zuker Tire Service, Inc	Lansing, Mich.
MJN	Custom Recapping, Inc	Springfield, Ohio.
MJP	De Kalb Tire Shop	De Kalb, Miss.
MJT	Bandag Tire Retread Service, Inc.	Sikeston, Mo.
MJU	Framingham Tire Sales, Inc	Framingham, Mass.
MJW	T. & W. Tire Service, Inc	Sioux City, Iowa.
MJY	Free Service Tire Co	Asheville, N.C.
MKA	R. E. McDonough Retread Co	Honolulu, Hawaii.
MKB	Parker Tire Service	Fayetteville, N.C.
MKC	Herbs Tire Service, Inc	Waukesha, Wis.
MKD	Tire Mart	Fayetteville, N.C.
MKE	Newsome Recapping, Inc	Newton, N.C.
MKF	Royal Tire & Supply Co	Honolulu, Hawaii.
MKH	Clarks Tire Service	Phoenix, Ariz.
MKJ	Dempseys O.K. Tire Store	Clarks
MKL	Hellmans Auto Supply Co., Inc.	Gary, Ind.
MKM	Pickens Tire Co., Inc	Pickens, S.C.
MKN	Thompson Tire Co	San Diego, Calif.
MKP	Ken Golding Tire Co	Prescott, Ariz.
MKT	Triangle Bandag, Inc	Marion, Iowa.
MKU	do	Walcott, Iowa.
MKV	do	Ottumwa, Iowa.
MKY	Mangrum Tire Service	Nashville, Tenn.
MLB	Greensburg Tire Co	Greensburg, Ind.
MLC	Prince OK Tire	Pensacola, Fla.
MLD	Tire Service, Inc	Sarasota, Fla.
MLE	Curtis Tire Center	McCaysville, Ga.
MLF	Hill Retread Shop	Monroeville, Ala.
MLH	Brantleys Tires, Inc	Atmore, Ala.
MLJ	Jimmy Martin's Used Tire Store.	Nashville, Tenn.
MLK	Cable & Cable	Centerville, Tenn.
MLL	Malugani Tire Center	Mill Valley, Calif.
MLM	Midtown Tire Recappers	Wilson, N.C.
MLN	Commercial Tire Service	Greenville, S.C.
MLU	Barrow Tire & Recapping Co	Florala, Ala.
MLV	Tire Retreaders, Inc	Oakland Park, Fla.
MLW	B. & S. Tire Recappers	Fayetteville, Tenn.
MMA	Sheffield Tire Center	Sheffield, Ala.
MMB	Tire Supply Co	Rocky Ford, Colo.
MMC	Given Co., Inc	Sutton, W. Va.
MMD	Red Linstroms Tire Shop	Denver, Colo.
MME	O.K. Tire Store	Lewistown, Mont.
MMF	Roquemore Tire Service	Lanett, Ala.
MMH	Butte Tire Sales	Butte, Mont.
MMJ	Springs Road Auto & Recapping.	Hickory, N.C.
MMK	Delta Tire & Battery	Quincy, Ill.
MML	O.K. Tire Store	Sebastopol, Calif.
MMM	M. & S. Retreaders, Inc	Houston, Tex.
MMN	Jamestown Retreaders	Jamestown, Tenn.
MMP	Happy Camp Tire Service	Happy Camp, Calif.
MMT	Milpitas Tire Service	Milpitas, Calif.
MMU	Shasta Tire Service	Redding, Calif.
MMV	The Tire Mart	Frederick, Md.
MMW	Cooper Tires	Somerset, Ky.
MMX	K. & H. Discount Tire, Inc	Athens, Tenn.
MMY	Fleming Badiator	Richmond, Va.
MNA	Matlock Tire Service	Lenoir City, Tenn.
MNB	Brown & Hair Tire Co., Inc	Andalusia, Ala.
MNC	Kraft Tire Service	South Bend, Ind.
MND	Elam & Jachn, Inc	Fort Wayne, Ind.
MNE	K. & M. Tire, Inc	Greensboro, N.C.
MNF	B. & C. Tire Co	Lumberton, N.C.
MNH	Nu Tread Tire of Glendive	Glendive, Mont.
MNJ	Doves Tire Service	Huntersville, N.C.
MNK	Johnsons Tire Service	Fuquay-Varina, N.C.
MNL	Hudson Tire Exchange, Inc	Hackensack, N.J.
MKM	Roys Tire Co	Lewistown, Mont.
MNN	Carter Bros. Recapping	Milford, Va.
MNP	Chair City Tire & Recapping Service, Inc.	Thomasville, N.C.
MNT	Bishopville Tire Co	Bishopville, S.C.
MNU	Williams 66 Service	Hopewell, Va.
MNV	Whiteley Tire & Oil Co	Eureka, Calif.
MKW	City Tire Shop	Mount Vernon, Ohio.
MNX	Dewitt & Robinson Tire Co	Ellerbe, N.C.
MNY	Skinner Firestone Dealer Store	Beverly, Ohio.
MPB	Scofield Tire Supply	Fancher, N.Y.
MPC	Van Super Service, Inc	Norfolk, Nebr.
MPD	Tranguch Tire Service, Inc	Hazleton, Pa.
MPE	Boyds Tire Shop	Brevard, N.C.
MPF	Maui Recapping Service, Inc	Wailuku, Hawaii.
MPH	Headland Tire & Standard Station.	Headland, Ala.
MPJ	Ivan Kroningers Tire Center	Mertztown, Pa.
MPK	Dozier Oil Co	Thomasville, Ala.
MPL	Height, Inc	Highstown, N.J.
MPM	Greenway Tire & Recapping	Knoxville, Tenn.
MPN	Barclay Tire Co	Connellsville, Pa.
MPP	Louis Knight's O.K. Tire Store.	Mountain Home, Ark.
MPT	City Tire Recappers, Inc	Henderson, N.C.
MPU	do	Oxford, N.C.
MPV	Talarico Tire Co	Coraopolis, Pa.
MPX	Stevenson & Cannon Recapping Service.	Asheboro, N.C.
MPY	Cooks Tire Service	Springfield, Tenn.
MTA	Morris Tire Co	Evanston, Ill.
MTB	Wall-Griffin Tire Co	King, N.C.
MTC	Budny Tire Service	Trenton, N.J.
MTD	D. & M. Recapping Service, Inc.	Lexington, N.C.
MTE	Lewis Tire & Retreading, Inc	Belmont, N.C.
MTF	Santa Barbara Retreading Shop.	Santa Barbara, Calif.
MTH	Zimmerman Tire Sales	East Berlin, Pa.
MTJ	Cap Weld Tire Service, Inc	Hilo, Hawaii.
MTK	Motor Supply, Ltd	Honolulu, Hawaii.
MTL	do	Hilo, Hawaii.
MTN	Budd Tire Co	Siler City, N.C.
MTP	Haydon Coal & Oil Co., Inc	Springfield, Ky.
MTT	Dilmar Tire Co., Inc	Florence, S.C.
MTU	Dilmar Tire Co. of Latta, Inc	Latta, S.C.
MTV	Glenwood Gas & Tire Co., Inc.	Bedford, Va.
MTW	Son's Standard Service & Tire Center.	Bonifay, Fla.
MTX	Hammond Tire Service	Sacramento, Calif.
MTY	Flemhg's Union 76 Station	Greenville, N.C.
MUA	Jack's Recapping Service	Monroe, N.C.
MUB	Western Auto Association Store.	Marshville, N.C.
MUC	Wadsworth Tire Supply, Inc	Wadsworth, Ohio.
MUD	J. W. Nelson Transports	McPherson, Kans.
MUE	Elliott's Tire & Motor Co	Macks Creek, Mo.
MUF	Area Wholesale Tire Co., Inc	Baton Rouge, La.
MUH	Garshman Tire Co	Worcester, Mass.
MUJ	Commercial Tire, Inc	Uniontown, Pa.
MUK	Flomaton Re-Cap Shop, Inc	Flomaton, Ala.
MUL	Royal Tire Center, Inc	Salt Lake City, Utah.
MUM	Perrys Tire Service	Corinth, Miss.
MUN	Hopper Tire, Inc	Mobile, Ala.
MUP	Jackson Tire Co., Inc	Jackson, Miss.
MUT	W. L. Evans Recapping Co	Forest City, N.C.
MUU	Big 10 Tire Stores, Inc	Pensacola, Fla.
MUV	Baughan & Newsome, Inc	Lottsburg, Va.
MUW	Tire Recappers, Inc	Thomasville, N.C.
MUX	Hollander Tire Service	Shiffield, Ala.
MUY	Big 10 Tires, Inc	Brookley Field, Ala.
MVA	Uniroyal Merchandising	Coquille, Oreg.
MVB	do	Kelso, Wash.
MVD	Wilkinsons 555	Jackson, Miss.
MVE	Pan American Tire Co	Miami, Fla.
MVF	do	Fort Lauderdale, Fla.
MVH	Acme Tire Co	Tampa, Fla.
MVJ	Cline Tire Service	Mason, Mich.
MVK	Morton Tire Co	Motron, Miss.
MVL	Custom Recapping Service, Inc.	Lexington, Ky.
MVM	McConnelsville Tire Shop	McConnelsville, Ohio.
MVN	Miller Tire Service	Columbia, S.C.
MVP	Rowland Recapping Co	Rowland, N.C.
MVT	L. & S. Tire Service	Mountain City, Tenn.
MVU	Clifton Tire Service	Mount Olive, N.C.
MVV	S. & S. Tire Co	Plainville, Kans.
MVW	A.L. Daly Tire Co	Warren, Mich.
MVX	Port City Tire Co	Muskegon, Mich.
MVY	Bandag of Maryland, Inc	Finksburg, Md.
MWA	Rucki's of Chicopee, Inc	Chicopee, Mass.
MWB	Macks Tire Service	Uniontown, Pa.
MWC	Coffman Tire Shop	Grafton, W. Va.
MWD	Martins Service Center	Waynesboro, Pa.
MWE	Blackwells, Inc	Tarboro, Calif.
MWH	Ralphs Mobile Service	Sanger, Calif.
MWJ	Sandt Tire Co., Inc	Savannah, Ga.
MWK	Treece Oil Co	Centre, Ala.
MWL	V.P. Mitchell Tire Co	Sheffield, Ala.
MWM	Lou's Tire Service	Canyon City, Oreg.
MWN	Shaffner Tire Service, Inc	Laporte, Ind.
MWP	Sandlin Tire Service	Beulaville, N.C.
MWT	American Retreaders, Inc	Columbia, S.C.
MWU	Lewis TBA	Hazel Park, Mich.
MWV	Bennett Tire Co	Dumas, Tex.
MWW	Clark & Snipes Tire Co	Fuquay-Varina, N.C.
MWX	Cottle Bros. Tire Service	Dunn, N.C.
MWY	Stewarts Shell & Tire Service	Erwin, N.C.
MXA	Blue Ridge Recapping Service	Henderson-ville, N.C.
MXC	Ram Tire Service	Winston-Salem, N.C.
MXD	Mitchells Esso Station & Garage.	Wendell, N.C.
MXE	Buffkin Tire Service	Tabor City, N.C.
MXF	T.R. Ashworth, Inc	Fuquay-Varina, N.C.
MXH	Hope Mills Tire Sales & Service.	Hope Mills, N.C.
MXK	Johnson Tire Co	Ontario, Oreg.
MXL	Transport Tire Service, Inc	Salt Lake City, Utah.
MXM	Tri State Rubber	Mineral Wells, W. Va.
MXN	Holleys Retreading Service	Westover, W. Va.
MXP	Fetty's Tire Service	Ripley, W. Va.
MXT	Augusta Tire & Supply Co., Inc.	Augusta, Ga.
MXU	Cables Red Dot Tire Co	Pueblo, Colo.
MXV	C. & L. Tire Service	Chico, Calif.
MXW	Philadelphia Tire Co	Arroyo Grande, Calif.
MXX	Tahoe Tire Service	South Lake Tahoe, Calif.
MXY	Hucks Ukiah Tire Co	Ukiah, Colo.
MYA	Bernard Street Recapping	Knoxville, Tenn.
MYB	Delmarva Tire Service	Cape Charles, Va.
MYC	Weidlich Auto & Home Supply	Pensacola, Fla.
MYE	Southeastern Tire & Battery Co.	Murfreesboro, Tenn.
MYH	707 Tire Service, Inc	Shreveport, La.
MYL	Alturas Tire Shop	Alturas, Calif.

Code No.	Retreader's name	Location
MYM	Hangtown Tire Service	Placerville, Calif.
MYN	Black Rock Service Station	Clayton, Ga.
MYU	Columbus Tire Recapping	Columbus, Ga.
MYV	Marten Tire	Norwalk, Conn.
MYW	Kinlaw Tire & Battery	Roseboro, N.C.
MYY	Bethel Tire Shop	Bethel, Ohio.
NAA	Richardson Tire Service, Inc	Yakima, Wash.
NAB	Hensley Tire Service	Paintsville, Ky.
NAC	The Tire Mart	Albuquerque, N. Mex.
NAE	Chamberlain Sales Co., Inc	Bradford, Pa.
NAF	Berlin Tire Service	Jeannette, Pa.
NAH	Bonnys Tire Service	Tamaqua, Pa.
NAJ	Small Bros. Tire Co	Monroe, N.C.
NAK	Associated Tire Centers	Portland, Oreg.
NAL	Dixie Tire Co	Chattanooga, Tenn.
NAM	White Auto Store	Union, Miss.
NAN	Genes O.K. Tire Store	Bonners Ferry, Idaho.
NAP	Marianna O.K. Tire Co., Inc	Marianna, Fla.
NAT	Whitman O.K. Tire Store	Boise, Idaho.
NAU	Bay Area Tire Co	Oakland, Calif.
NAV	Troy Motor Co., Inc	Troy, Pa.
NAW	H. I. Skinner Tire Co	San Diego, Calif.
NAX	Doug Linder Tire Co	Traverse City, Mich.
NAY	Phillips Tire Service	Tulsa, Okla.
NBA	Transtate Tire Co	Amarillo, Tex.
NBC	Trona Recapping Service	Trona, Calif.
NBD	Anglin Tire Service	Stuart, Va.
NBE	Keenes Tire Shop, Inc	Poland, Maine.
NBH	Troxell Auto Parts, Inc	Shawnee, Okla.
NBJ	Patton's Retreads	Millersburg, Pa.
NBK	Webb & Son	Fortuna, Calif.
NBL	Epes Supply Co	Blackstone, Va.
NBM	Peadens Tire Service	Petersburg, Va.
NBN	Quality Tire Service, Inc	Franklin Park, Ill.
NBP	Carroll-Wuertz Tire Co	Dayton, Ohio.
NBU	Swain O.K. Tire Store, Inc	Lees Summit, Mo.
NBV	Lucas Recapping & Tire Service.	Southern Pines, N.C.
NBW	Carolina Development Co	Greenville, S.C.
NBX	Scott Tire Co	Douglas, Ga.
NCA	Davis Home & Auto Supply Co.	St. Joseph, Mo.
NCB	Adcock Tire Service	Columbus, Miss.
NCC	Rogers Tire Service	Fort Dodge, Iowa.
NCD	Ray's Tire Green Bay, Inc	Appleton, Wis.
NCF	Tireco Retread Sales	North Highlands, Calif.
NCH	Jost's O.K. Rubber Welders	Owensville, Mo.
NCJ	Wright Bros. Oil Co	Burkesville, Ky.
NCK	M. B. Jones Oil Co	Wrens, Ga.
NCL	Richmond Tire Service	Macon, Mo.
NCM	B. & C. Tire Recapping	Grifton, N.C.
NCN	Harlan Retreading Co	Harlan, Ky.
NCP	E-Town Recapping Co., Inc	Elizabeth town, Ky.
NCT	Hyde Tire Service	Steubenville, Ohio.
NCU	Beasley Tire Co., Inc	Denver, Colo.
NCV	H. C. Gabler, Inc	Aspers, Pa.
NCW	Turner-Lankford Tire Service	North Wilkesboro, N.C.
NCX	Loftis Tire Co., Inc	Danville, Va.
NCY	City Tire & Recapping	Alexander City, Ala.
NDA	Veteran Nu-Tread Co	Detroit, Mich.
NDB	Economy Tire Supply	Pueblo, Colo.
NDC	Tatum Tire Service Co	Louisville, Ky.
NDD	Peak Tire Service	Colorado Springs, Colo.
NDE	Pfeifer Tire & Battery Co	Pineville, La.
NDF	Robbins Tire Center	Robbins, N.C.
NHH	Newby Town & Country Firestone.	Beaver Dam, Wis.
NDJ	Drive Service	Los Angeles, Calif.
NDK	Jim's Tire Service	Ridgecrest, Calif.
NDL	Griffeth Bros. Tire Co., Inc	Athens, Ga.
NDM	The Edward S. Quirk Co., Inc.	Watertown, Mass.
NDP	O.K. Tire Shop	Angels Camp, Calif.
NDT	Broadway Tire Co	Nashville, Tenn.
NDU	Laven Recapping	Allen, Ky.
NDV	West Oil Co	Mechanicsville Va.
NDW	The Antilles Fiberglass Products Co., Inc.	St. Thomas, V.I.
NDX	Rawls, Inc	Lima, Ohio.
NDY	F. & G. Tire Service	New Madison, Ohio.
NEA	Economy Auto Stores of Asheboro.	Asheboro, N.C.
NEC	Texas Department of Corrections.	Rosharon, Tex.
NED	Joe Theer	Hazleton, Pa.
NEE	Jacks Recapping Service	Hamlet, N.C.
NEF	Mercer Tire Co	Cuthbert, Ga.
NEH	Pembroke Tire & Recapping	Pembroke, N.C.
NEJ	City Tire Service	Yreka, Calif.
NEK	Philomath Retreaders, Inc	Philomath, Oreg.
NEL	Pat Egan Tire, Inc	Canton, Ohio.
NEM	Curtis F. Mills	San Leandro, Calif.
NEN	Carmack Sales Co	Chuckey, Tenn.
NEP	Smith Tire Store	Hummelstown, Pa.
NET	Toler Tire Co	Plainfield, N.J.
NEU	Mellin Tire Co	Cockeville, Tenn.
NEV	Wilson Bros. Tire Co	Shawnee, Okla.
NEW	Drake Tire Co., Inc	Franklin, Va.
NEX	McGuire Tire & Retread Co	Atlanta, Ga.
NEY	West Texas Tire Supply, Inc	Odessa, Tex.
NFA	Tom Halls Tire Service	Wilmington, N.C.
NFB	McKenzie Tank Lines	Tallahassee, Fla.
NFC	Adams Firestone Recap	Pell City, Ala.
NFD	B. & B. Tire Co	Neosho, Mo.
NFE	Furrs Tire Co	Camden, Tenn.
NFF	Stogner Motor Co., Inc	Lancaster, S.C.
NFH	Heaton Recapping	High Point, N.C.
NFJ	Campbellsville Tire & Recapping.	Campbellsville, Ky.
NFK	Don Hartman, Inc	Canal Winchester, Ohio.
NFL	Brooks Tire Recapping	Walhalla, S.C.
NFM	Atalde General Tire Service	Monterey, Calif.
NFN	Benton Tire Co	Pennsauken, N.J.
NFP	Zima Tire Supply	Speonk, N.Y.
NFT	Apperson Tire Co	Greenville, S.C.
NFU	Johnston Retread Service	Charlotte, N.C.
NFV	Mor-Mile Tire Store, Inc	Portland, Oreg.
NFW	Murphys Tire Shop	Tacoma, Wash.
NFX	Tom Petit Tire Supply, Inc	Barberton, Ohio.
NFY	Hazel Crest Tire & Supply Co	Hazel Crest, Ill.
NHA	Andrews Tire Shop	Andrews, N.C.
NHB	Ashburn Tire Service	Ashburn, Ga.
NHC	Arkansas Bandag Corp	Fort Smith, Ark.
NHD	Baker-Askew Tire Co	Amarillo, Tex.
NHE	Ray Beane, Inc	Rutland, Vt.
NHF	Best Tire Co., Inc	Chicago, Ill.
NHH	Big O Tires, Inc	Nevada, Iowa.
NHJ	Bihler Tire Service	West Springfield, Pa.
NHK	Billys Big O Tires	Seattle, Wash.
NHL	Big T Tire Co	Crestview, Fla.
NHM	Blue Lake Tire Service	Blue Lake, Calif.
NHN	City Tire & Oil Co	Forrest City, N.C.
NHP	City Tire Service	Franklin, N.C.
NHT	City Service Co	Grundy, Va.
NHU	Coles Tire Center	Lake City, S.C.

Code No.	Retreader's name	Location
NHV	City Tire & Recapping	Greenville, Tenn.
NHX	Dud's Tire Shop	Owensville, Mo.
NHY	Daetweiler Tire & Auto Supply.	Lynwood, Calif.
NJA	Edwards-Warren Tire Co., Inc.	Atlanta, Ga.
NJB	do	Columbus, Ohio.
NJC	Fletcher Tire Service	Fletcher, N.C.
NJD	G & E Tire Center	South Hill, Va.
NJE	Hueytown Tire Center	Hueytown, Ala.
NJF	Imlay City Tire Co.	Imlay City, Mich.
NJH	Jenkins Tire Service	Kannapolis, N.C.
NJK	K. C. Tire & Recap	Westminster, S.C.
NJL	Kelth Discount Tire Center	Magee, Miss.
NJM	Kenton Tire Service	Cincinnati, Ohio.
NJN	Kinston Tire Co.	Kinston, Pa.
NJP	Krause Tire & Gas Service	Mount Clemens, Mich.
NJT	Lloyd's O.K. Tire Store	Midvale, Utah.
NJU	Bill Lindsey	Oxnard, Calif.
NJV	Love's Tire & Oil Co.	Welcome, N.C.
NJW	McDonell Recap Shop	Woodland, Ga.
NJX	Mitchell Retreads, Inc	Gary, Ind.
NJY	Ray's Tire Center	Hazel Park, Mich.
NKA	McTeer Tire Shop	Walterboro, S.C.
NKC	R. & H. Service	Mechanicsville, Va.
NKD	T. & H. Tire Co.	Ostego, Mich.
NKE	Weaverville Tire & Retreading.	Weaverville, N.C.
NKF	Roy's Retreading Service	Candenton, Mo.
NKH	Soledad Tire & Wheel Service	Soledad, Calif.
NKJ	D. A. Winters Co.	Wichita, Kans.
NKK	Adams-Zuber Tire Co.	Cedartown, Ga.
NKL	Masterful Tire Co., Inc.	Mount Vernon N.Y.
NKM	Ralph's Mobil Service	Sanger, Calif.
NKN	Rogers Tire & Battery Service.	Aiken, S.C.
NKP	Service Tire Co., Inc.	Toccoa, Ga.
NKT	Paul's Tire Service, Inc.	East Hartford, Conn.
NKU	Trans Supply Corp.	Des Moines, Iowa.
NKV	300 Service, Inc.	Wooster, Ohio.
NKW	O.K. Rubber Welders	St. Helena, Calif.
NKX	Southern Tire Recapping Co.	Laurinburg, N.C.
NKY	Reed's Tire Service	Kane, Pa.
NLA	Radial Tire & Bandag, Inc.	Jasper, Ala.
NLB	Southern Tire & Recapping Co.	Newton, N.C.
NLC	Paul's Tire Service	Baltimore, Md.
NLD	Woolsey Firestone	The Dalles, Oreg.
NLE	Stevens Tire Co., Inc.	Decatur, Ga.
NLF	Tire Service, Inc.	Wailuku, Hawaii.
NLK	Wagoner Gas & Oil, Inc.	West Newton, Pa.
NLL	Porter's Tire Service	Ukiah, Calif.
NLM	N. V. Tire Co.	Tulsa, Okla.
NLN	MFA Oil Co.—Tire Division	Springfield, Mo.
NLP	Central Bandag	Cable, Minn.
NLT	Robinson Tire Service	Longview, Tex.
NLU	White's Recapping Service	Evansville, Ind.
NLV	ABC Tire Co.	Vincennes, Ind.
NLW	Banks Recapping	Pisgah Forest, N.C.
NLX	Barron's Tire Service	Culpeper, Va.
NLY	Bell Tire Center	Paris, Ky.
NMA	Bill's Tire Shop	Wallingford, Iowa.
NMB	Brown Tire Service	West Plains, Mo.
NMC	Bud's Tire Service, Inc.	Clay Center, Kans.
NMD	Canton Bandag Co.	East Sparta, Ohio.
NME	Chase Tire Co.	Huntsville, Ala.
NMF	City Tire Service, Inc.	Leesburg, Fla.
NMH	Coast Tire Recapping Co.	Fort Bragg, Calif.
NMJ	Commercial Tire Co.	Haines City, Fla.
NMK	Dave's Recapping Shop	Suffolk, Va.
NML	Fresno Tire Sales & Service	Fresno, Calif.
NMM	Globe Tire Service, Inc.	Hackensack, N.J.
NMN	Gore's Tire Service	Marion, S.C.
NMP	King Recapping	Simpsonville, S.C.
NMT	Goslin Tire Service, Inc.	Riverside, Calif.
NMU	Joe Greene's Quality Recapping.	Biloxi, Miss.
NMV	Terry Haggerty General Tire, Inc.	Albany, N.Y.
NMW	Hembree Tire Shop	Blue Ridge, Ga.
NMX	Howells Tire Service	Pottsville, Pa.
NMY	Jarrett's	Thomasville, N.C.
NNA	Lakeport Tire Service	Lakeport, Calif.
NNB	Main Tire Co.	Hannibal, Mo.
NNC	Marion Tire Dealers Supply, Inc.	Marion, Va.
NND	Master Retreaders, Inc	Houston, Tex.
NNE	Midwest Tire & Supply	Tulsa, Okla.
NNF	Miller Tire Co.	Pea Ridge, Ark.
NNH	Mitchell's Retreading	Garden Grove, Calif.
NNJ	Modern Tire Service	Waynesville, N.C.
NNK	Stuart Morrison Tire Co.	Twin Falls, Idaho.
NNL	O.K. Tires of Wichita, Inc.	Wichita, Kans.
NNM	Pearcy Tire Service	Mayfield, Ky.
NNN	Ray's Tire Co.	Appleton, Wis.
NNP	Reis Tire Sales, Inc.	Evansville, Ind.
NNT	The Robby's Tire Co., Inc.	Baltimore, Md.
NNU	Stan's Tire & Retreading Co.	Lawrenceville, Ill.
NNV	Southeast Tire Co.	Idabel, Okla.
NNW	Starnes Esso Service	Greenville, S.C.
NNX	Suffolk Tire Co., Inc.	Suffolk, Va.
NNY	S. & W. Motor Lines, Inc.	Greensboro, N.C.
NPA	Ace Service, Inc.	Fresno, Calif.
NPB	Ace Tire Shop, Inc.	Nelsonville, Ohio.
NPC	Cape Fear Tire Center	Fayetteville, N.C.
NPD	Cameron Radial Tire Co.	Oakland, Calif.
NPE	Columbia Tire & Recap Co.	Columbia, Ky.
NPF	Co-op Tire Service	Greenwood, Miss.
NPH	Cormany & Statler	Chambersburg, Pa.
NPJ	Cotton's Tire Service	Wintersville, Ohio.
NPL	CW Transport, Inc.	Wisconsin Rapids, Wis.
NPM	Forrest Tire Co.	Carlsbad, N. Mex.
NPN	General Tire & Battery Co.	Elkins, W. Va.
NPP	Gateway Tire Service	Knoxville, Tenn.
NPT	Horton Tire Co.	Saeramento, Calif.
NPU	Humm Tire Co.	Earlville, Ill.
NPV	Frank W. Jacobs Tire Co.	Baltimore, Md.
NPW	Kingsport Tire Town, Inc.	Kingsport, Tenn.
NPX	K.N.C. Tire Recapping Service.	Show Low, Ariz.
NPY	Remington Tire Stora	Fort Bragg, Calif.
NTA	Mart Tire Shop	Rocky Mount, Va.
NTB	M. & G. Tire, Inc.	Wheaton, Md.
NTC	Ed Morris & Sons, Inc.	Wooster, Ohio.
NTD	Moses Lake OK Rubber Welders, Inc.	Moses Lake, Wash.
NTE	Smith's Quality Tire & Recapping.	Fort Mill, S.C.
NTF	Paducah Recapping Service	Paducah, Ky.
NTH	Tappahannock Tire & Recapping.	Tappahannock, Va.
NTJ	Terrell's Tire Service	Hillsborough, N.C.
NTK	The Tire Center	Trenton, N.J.
NTL	Uke's Tire Service	Carthage, Mo.
NTM	Wallabout Tire Co.	Kensington, Conn.
NTN	W. H. Wilde Tire Service, Inc.	Provo, Utah.
NTP	Alex Wimmer Tire Service, Inc.	Roanoke, Va.
NTT	Davis Oil & Tire Co.	Stoney Creek, Va.
NTU	Ahoskie Tire Service	Ahoskie, N.C.
NTV	Haltoon Recappers	Lowell, Ark.
NTW	Barker's Nu-Tread Tire Store	Danville, Va.
NTX	Belk Tire Co.	Dillon, S.C.
NTY	Buckendorf Tire Service	Buhl, Idaho.
NUA	Cosson Recapping Shop	De Funiak Springs, Fla.
NUB	Colbert Tire Service, Inc.	Duncan, Okla.
NUC	Mitchell Tire Service	Clayton, N.J.
NUD	Delta Tire & Recapping Co.	Dalton, Ga.
NUE	Eidson Tire Service, Inc.	De Land, Fla.
NUF	Florida Stores of Milton, Inc.	Milton, Fla.
NUH	Gaddy's Shell Service	Brenard, N.C.
NUJ	G. & H. Bandag Co., Inc.	Springdale, Ark.
NUK	Goris Tire Co., Inc.	Lafayette, Ind.
NUL	Greene County Tire & Supply.	Greeneville, Tenn.
NUM	Hiatt Tire Co., Inc.	High Point, N.C.
NUN	A. C. Hunter Tire Center	Austell, Ga.
NUP	Ingram Tire & Recapping Co.	South Hill, Va.
NUT	Johnson Tire Center	Jasper, Ala.
NUU	McMinnville Tire Service	McMinnville, Oreg.
NUV	Ken's Bandag, Inc.	Hartford City, Ind.
NUW	Lancaster Retreading Service	Lancaster, Ohio.
NUX	Malta Tire Shop	Malta, Ohio.
NUY	Martin Tire Co.	Santa Maria, Calif.
NVA	Norman Tire Co.	St. Joseph, Mo.
NVB	OK Tire Store	Holyoke, Colo.
NVC	Ollie Harrell Tire Service	Dothan, Ala.
NVD	Albany Bandag Tire Service	Albany, Ga.
NVE	Pierce Tire Co.	Suffolk, Va.
NVF	Sala Tire & Automotive	Littleton, Colo.
NVH	Salem Tire Service	Salem, Oreg.
NVJ	Sandy's Tire Sales	Warren, Ohio.
NVK	Les Schwab Bandag Center	Spokane, Wash.
NVL	Shook Tire & Rubber Co., Inc.	Dallas, Tex.
NVM	Simmons Tire Co.	Winston-Salem, N.C.
NVN	Transit Tire, Inc.	Buffalo, N.Y.
NVP	Snow Hill Recappers	Snow Hill, N.C.
NVT	Standard Service Tire Co.	Seattle, Wash.
NVU	do	Burlington, Wash.
NVV	State Tire, Inc.	Hialeah, Fla.
NVW	Tancin's Auto Supply	Freeland, Pa.
NVX	Tazewell's Tire & Retreading	New Tazewell, Tenn.
NVY	Thompson Esso Service	Honea Path, S.C.
NWA	Ashland Tire, Inc.	Ashland, Ohio.
NWB	B.L. Tire Co.	Timmonsville, S.C.
NWC	Cambridge Tire Center, Inc.	Cambridge, Md.
NWD	Corkery Tire Service	Hilmar, Calif.
NWE	De Marsh & Sons, Inc.	Yonkers, N.Y.
NWF	Dills Recapping	Landrum, S.C.
NWH	Durango Recap Co.	Durango, Colo.
NWJ	E. & H. Recapping	Oakboro, N.C.
NWK	Fletcher Tire Co.	Hawthorne, Calif.
NWL	Milwaukie Tire Service	Clackamas, Oreg.
NWM	H. & H. Recapping Co.	Asheville, N.C.
NEN	Interstate Tire Co., Inc.	West Lebanon, N.H.
NWP	Jackson's Tire Service	Chico, Calif.
NWT	Ed Johnson Tire & Wheel	Fortuna, Calif.
NWU	Bill Kehoe Tire Co., Inc.	Savannah, Ga.
NWV	Reuben Knecht Tire Service	Lodi, Calif.
NWW	Latta Tire Service	Naturita, Colo.
NWX	Luck Tire Co.	Hobbs, N. Mex.
NWY	Mark Tire Co., Inc.	Paterson, N.J.
NXA	Miller Bros. Tire Service	Uniopolis, Ohio.

Code No.	Retreader's name	Location
NXB	Miller Motors, Inc.	Mankato, Minn.
NXC	Mobat Adamson Tire Co.	Tucson, Ariz.
NXD	Nashville Recappers, Inc.	Nashville, N.C.
NXE	Al Nielsen Co.	Sacramento, Calif.
NXF	O.K. Tire Store	Pueblo, Colo.
NXH	do	North Platte, Nebr.
NXJ	Oppermann's Supreme Service.	Connellsville, Pa.
NXK	Otto Tire Service	Lawrence, Kans.
NXL	Swade Peele Tire Co.	Dunn, N.C.
NXM	Piper Bros.	Cincinnati, Ohio.
NXN	Potsdam Tire Co., Inc.	Potsdam, N.Y.
NXP	Floyd's Tire & Recapping	Phenix City, Ala.
NXT	Ripoll Tire Recapping	Miami, Fla.
NXU	Commercial Tire Service, Inc.	Rock Springs, Wyo.
NXV	John A. Connare, Inc.	Mapchester, N.H.
NXW	Darman's Service Center	Bay Minette, Ala.
NXX	Field Tire Co.	Downingtown, Pa.
NXY	Fleet Tire Service	New Orleans, La.
NYA	Arkansas Bandag Corp.	North Little Rock, Ark
NYB	Black & White Tire Co.	Tahlequah, Okla.
NYC	Burlington Industries, Inc.	Burlington, N.C.
NYD	Corcoran Tire & Recapping Co.	Corcoran, Calif.
NYE	Dunn's Super Service, Inc.	San Fernando, Calif.
NYF	G. & N. Tire Co., Inc.	Stevens Point, Wis.
NYH	Harb Tire Service	Lexington, N.C.
NYJ	Hatfield Tire Co.	Cartersville, Ga.
NYK	Hock Tire Service, Inc.	Idaho Falls, Idaho.
NYL	Hoyman's Tire Service	Latrobe, Pa.
NYM	Iowa State Industries	Anamosa, Iowa.
NYN	J. & H. Tire Service	Georgetown, Ohio.
NYP	J. & J. Tire Distributors, Inc.	Middletown, Ohio.
NYT	Verne Johnson Tire Service	Eureka, Calif.
NYU	Raffield Tire Master Service Center.	Macon, Ga.
NYV	Schafer Auto Supply	Alliance, Nebr.
NYW	Schmidt Bros.	Athens, N.Y.
NYX	Schultz's, Inc.	Deland, Pa.
NYY	Soy City Tire & Treading Co.	Decatur, Ill.
PAA	Stone-Garland Recap Co.	Fitzgerald, Ga.
PAB	Sullivan's Tire Center	Tarboro, N.C.
PAC	Tire Recap Service, Ltd.	Honolulu, Hawaii.
PAD	Tire Sales & Recapping Corp.	Meridian, Miss.
PAE	Treasure Valley O.K. Production, Inc.	Fruitland, Idaho.
PAF	Tri-City Tire Sales, Inc.	Louisville, Ky.
PAH	Triple T Tire Service	Harmony, Pa.
PAJ	Tropical Tire & Auto Service, Inc.	Orlando, Fla.
PAK	Valley Wheel Co.	Richlands, Va.
PAL	Walt's Tire Shop	Spokane, Wash.
PAM	Nooner Bros. Tire Service	Harrison, Ark.
PAN	Wertenberger Tire, Inc.	Huntington, Ind.
PAP	Western Bandag, Inc.	Carson, Calif.
PAT	Wholesale Tire Retreading Co.	Ahoskie, N.C.
PAU	Wilde & Wilde, Inc.	Fresno, Calif.
PAV	Williamsburg Tire Service	Williamsburg, Ky.
PAW	Wrights Tire & Recapping	Lebanon, Va.
PAX	Yuma Tire & Recapping, Inc.	Gate City, Va.
PAY	Warren's Nu-Tred	New Port Richey, Fla.
PBA	Tommy Hlouse, Inc.	Decatur, Ill.
PBB	do	Gibson City, Ill.
PBC	East Texas Wholesale Tire Distributors.	Fruitvale, Tex.
PBD	Adams Tire Recapping Co.	Paris, Tenn.
PBE	Red Albert Tire Service	Pico Rivera, Calif.
PBF	Auburn Tire Service	Auburn, Ala.
PBH	Bob's Tire Shop	Boscobel, Wis.
PBJ	Cardinal Tire Service	Roseburg, Oreg.
PBK	Cravers Tire Shop	Robbins, N.C.
PBL	Dettmann Retreaders Co Inc.	Green Bay, Wis.
PBM	Dobbs-Adams Tire Co.	Albany, Ga.
PBN	Eastern Tire Service	Richmond, Va.
PBP	Estes Recapping Shop	Charlotte, N.C.
PBT	Evergreen Tire & Recapping Co., Inc.	Evergreen, Ala.
PBU	Everlast Vulcanizing Service	Woodside, N.Y.
PBV	Fairview Tire Service	Indian Trail, N.C.
PBW	Farmer Tire Co.	Bowling Green, Va.
PBX	Georgia Tire Co.	Vidalia, Ga.
PBY	Edward Graden, Inc.	Kendallville, Ind.
PCA	Dal-Tex Service, Inc.	Dallas, Tex.
PCB	Grand Forks Retreading Co.	Grand Forks, N. Dak.
PCC	Hamilton's Recap, Co.	Lebanon, Ky.
PCD	Jimmy's Tire Shop	Washington, D.C.
PCE	Bob Livingston Tire Shop	Brookfield, Ohio.
PCF	M Tire Co.	Bay City, Mich.
PCH	Modern Tire Co.	Hartwell, Ga.
PCJ	Monona Tire Co., Inc.	Madison, Wis.
PCK	Morgan Tire Co.	Bessemer, Ala.
PCL	Oliver Tire & Rubber Co.	Oakland, Calif.
PCM	Omega Recapping Co.	Omega, Ga.
PCN	Robert Reynolds	Indianapolis, Ind.
PCP	Safe-Way Tire Co.	Tompkinsville, Ky.
PCT	Sampson's Tire & Recapping	Emporia, Va.
PCU	C. S. Smith & Sons, Inc.	Punxsutawney, Pa.
PCV	Al Stow's Tire Sales	Anderson, Ind.
PCW	Strickiands Tire Service, Inc.	Smithfield, N.C.
PCX	Wald Tire Service	La Grange, Ga.
PCY	E. J. Williams, Inc.	New Castle, Pa.
PDA	Adel Tire & Recapping Co.	Adel, Ga.
PDB	Arnold Tire Service	West Brownsville, Pa.
PDC	Charlie's Inc.	Spencer, N.C.
PDD	Clanton Home & Auto Supply.	Clanton, Ala.
PDE	Clark Tire Service	Quincy, Calif.
PDF	Clarks Retreading & Service, Inc.	Versailles, Mo.
PDH	Discount Muffler & Tire	Turlock, Calif.
PDJ	English Tire Service	Archdale, N.C.
PDK	Estep Tire	Oildale, Calif.
PDL	Fleming Tire	Victorville, Calif.
PDM	Gameway Tire Service	Denver, Colo.
PDN	Hart's Gulf & Recapp Shop	Gate City, Va.
PDP	International B. F. Goodrich Corp.	San Juan, P.R.
PDT	Janasky Tire Service	Pleasantville, N.J.
PDU	Maloney Tire Co., Inc.	Anaheim, Calif.
PDV	Moens Hawkinson Tread Service.	Duluth, Minn.
PDW	Moseley Tire Chek	Wetumpka, Ala.
PDX	Kroll Bros. Tire Co.	Pittsburgh, Pa.
PDY	McClary Tire Co., Inc.	Decatur, Ala.
PEH	Dave Petty's Tire Service	Worland, Wyo.
PEC	Southern Auto Store	Waynesboro, Ga.
PED	Spann's Recapping	Winfield, Ala.
PEF	Ted's Master Service, Inc.	Salem, Mass.
PEH	Unger Bros. Tire Co.	Annville, Pa.
PEJ	Valley Tire Co.	Fresno, Calif.
PEK	Weathers Tire Service	La Grange, Ga.
PEL	White's Tire Service, Inc.	Canton, Ohio.
PEM	Jack Wise Tire Co., Inc.	Dothan, Ala.
PEN	Williamson's Home & Auto Supply.	Monroeville, Ala.
PEP	Abe's Gas House	Manitou Springs, Colo.
PET	A-1 Tire Co.	Mansfield, Ohio.
PEU	do	Ponca City, Okla.
PEV	Anderson Tire & Retreading	Fort Pierre, S. Dak.
PEW	Belfast Tire Service	Cedar Bluff, Va.
PEX	Bremen Tire Service	Cullman, Ala.
PEY	Commercial Tire Service, Inc.	Walla Walla, Wash.
PFA	Custom Tire Service	Dayton, Ohio.
PFB	Dickson Service & Supply	Albertville, Ala.
PFC	Distributor Tire Sales Co.	New Bethelehem, Pa.
PFD	Drakeford Tire Service	Harrodsburg, Ky.
PFE	Eddie's Esso	Red Springs, N.C.
PFF	Fortuna Wheel & Brake Service.	Fortuna, Calif.
PFH	General Tire Service, Inc.	Las Vegas, Nev.
PFJ	Golden Tire Shop, Inc.	Honolulu, Hawaii.
PFK	Gordan's Tire & Supply	Oberlin, Kans.
PFL	Haden's Tire Service, Inc	Salisbury, N.C.
PFM	Hines Recapping Service	Florence, Ala.
PFN	Johnson Tire Co.	Lexington, Tenn.
PFP	Kenny's Tire Service	East Moline, Ill.
PFT	Kessel's O.K. Tire Store	Powell, Wyo.
PFU	Kimball Tire Co., Inc.	San Luis Obispo, Calif.
PFV	Kinley Tire Recapping	Charlotte, N.C.
PFW	Kurtz Tire	Bentleyville, Pa.
PFX	Level Garage	Havre de Grace, Md.
PFY	Lowe's Tire Service	Staunton, Va.
PHA	Martin Tire Co.	Boise, Idaho.
PHB	Mercer Tire Co.	Mercer, Pa.
PHC	National Tire Shop	Atlanta, Ga.
PHD	O.K. Tire Store, Inc.	Roswell, N. Mex.
PHE	O.K. Tire Stores	Oak Harbor, Wash.
PHF	Ontario Tire Co., Inc.	Altmar, N.Y.
PHH	Marks Tire & Battery Service.	Wellsboro, Pa.
PHJ	Plumas Tire Co.	Chester, Calif.
PHK	R. & W. Tire Co.	Bristol, Conn.
PHL	Shore Retreading, Inc.	Easton, Md.
PHM	Superior Tire Recappers, Inc.	Canton, Miss.
PHN	Tallahassee Tire Co.	Tallahassee, Fla.
PHP	TEC Bandag	Warren, Ohio.
PHT	T. & H. Tire Service Co., Inc.	Asheville, N.C.
PHU	Tire Sales Co., Inc.	Burlington, N.C.
PHV	Walpole Tire Service, Inc.	Ruston, La.
PHW	Watson Tire Recapping	Columbus, Ga.
PHX	Windsor Shell Service	Windsor, Va.
PHY	Whitaker Tire & Retreading	Whitaker, Pa.
PJA	Barrineau Retread	Auburndale, Fla.
PJB	Buchanan Retread Service	Dover, Del.
PJC	City Tire Co.	Springfield, Mass.
PJD	Coastal Recap Corp.	Middlesex, N.J.
PJE	Custom Commercial Retreading.	Vancouver, Wash.
PJF	C. Dean Tire Co.	Knoxville, Tenn.
PJH	Dinosaur Tire Service, Inc.	Price, Utah.
PJJ	Ehrke-Knudsen Tire Service.	Woodland, Calif.
PJK	G. & R. Recapping Co.	Asheville, N.C.
PJL	Hopkinsville Tire Service	Hopkinsville, Ky.
PJM	J. J. Tire Service	Marshall, N.C.
PJN	Kleber-Colombes, A.G.	067 St. Ingbert, West Germany.
PJP	Bill King Tire Service	Newton, Ala.
PJT	L. & L. Retreading Co., Inc.	Hickory, N.C.
PJU	Lodge Tire Co.	Greenfield, Mass.
PJV	McCurdy Bros.	Waynesburg, Pa.
PJW	McNeils Tire Service	Mesa, Ariz.
PJX	Miami Tiresoles, Inc.	Hialeah Gardens, Fla.
PJY	North View Garage	Danbury, N.C.

JAN 11 72

Code No.	Retreader's name	Location
PKA	Noxubee Tire Service	Macon, Miss.
PKB	O. K. Tire Store	Lexington, Nebr.
PKC	Pack's Tire Shop	Mount Airy, N.C.
PKD	Sheldon Tire Co., Inc.	Detroit, Mich.
PKE	Sutherland's	Oakland, Calif.
PKF	Wager Tire Service	Montgomery, Ala.
PKH	Wheeler's Tire Service	Saluda, S.C.
PKJ	Wilke Tire Co., Inc.	Victoria, Tex.
PKK	Woodard Tire Co.	Hartsville, Tenn.
PKL	Milton Jones Tire & Appliance	Manchester, Tenn.
PKM	Kimmels Esso Service	Ashland, Pa.
PKN	Lewis Tire Co.	Brooksville, Ky.
PKP	Manley Tire Service	Wilkes-Barre, Pa.
PKT	Midway Tire & Recapping Service	Saltville, Va.
PKU	Mountain Tire Co.	Manchester, Ky.
PKV	Southern Recapping, Inc.	Gulfport, Miss.
PKW	Taylor Tire Service	Monroe, N.C.
PKX	Valdosta Tire Capping Co.	Valdosta, Ga.
PKY	Ansonville Recapping	Ansonville, N.C.
PLA	Bailey's Tire Store, Inc.	Dickson, N.Dak.
PLC	Bragdon's Tire Town	Greeneville, Tenn.
PLD	Carle & Seaver, Inc.	Barre, Vt.
PLE	Codero's Recapping Service	Oakland, Calif.
PLF	Crew's Tire Service	Angwin, Calif.
PLH	Dixie Tire & Battery Co.	Meridian, Miss.
PLJ	Empire Tire & Alignment Co.	Colorado Springs, Colo.
PLK	First National Tire Co., Inc.	Auburn, Maine.
PLL	Gino's Tire Service	Pittston, Pa.
PLM	Hopkinsville Recapping Co., Inc.	Hopkinsville, Ky.
PLN	Anderson's Tire Co.	Carthage, Miss.
PLP	Ayers Oil Co.	Reynolds, Ga.
PLT	Berrien Tire Exchange	Nashville, Ga.
PLU	Big O Tire Store	Canon City, Colo.
PLV	Brandon Tire Supply, Inc.	San Rafael, Calif.
PLW	City Tire Service	Bishopville, S.C.
PLX	Clum Tire Service Co.	New Philadelphia, Ohio.
PLY	Cradock Auto Supply	Portsmouth, Va.
PMA	D. & E. Tire Service	Tacoma, Wash.
PMB	Dover Tire & Appliance	Leesville, S.C.
PMC	Duckworth Tire Service, Inc.	New Orleans, La.
PMD	Eaddy Bros. Esso	Hemingway, S.C.
PME	Hassler Tire Service	Salem, N.J.
PMF	Holland Tire Service	Elizabethton, Tenn.
PMH	Holloway Tire & Battery	Four Oak, N.C.
PMJ	Lemley Tire Shop	Spokane, Wash.
PMK	Madison Tire & Recapping	Madison, Ga.
PML	Martin Auto Parts	Cumming, Ga.
PMM	May's Service Place	Spring Hope, N.C.
PMN	Mogensen Tire Sales & Service	Kankakee, Ill.
PMP	Orscheln Bros. Truck Lines, Inc.	Moberly, Mo.
PMT	Powell Tire Service	Richmond, Ind.
PMU	Safety Tire Co.	Columbus, Ga.
PMV	Doug Stroud Tire Co.	Vicksburg, Miss.
PMW	Warrick Hawkinson Tread Service	Norfolk, Nebr.
PMX	Warrick Hawkinson Tread Service	Fremont, Nebr.
PMY	Fred L. Wiggin, Inc.	Portsmouth, N.H.
PNA	Barron Tire Co., Inc.	Bellingham, Wash.
PNB	Baxley Tire & Recapping Co.	Baxley, Ga.
PNC	Beaver Tire Co.	Jacksonville, Fla.
PND	Brewer Tire Co.	Winston-Salem, N.C.
PNE	Bryce Distributing	Las Vegas, Nev.
PNF	Burcham Tire Co.	La Follette, Tenn.
PNH	G. & G. Retreading	Waco, Tex.
PNJ	Cline's Tire Service	Newark, N.J.
PNK	Currie Tire Service	Butte, Mont.
PNL	Dolan Tire Shop	Lebanon, Mo.
PNM	Downey Tire Centers	Santa Rosa, Calif.
PNN	Harris Tire Service, Inc.	Garrettsville, Ohio.
PNP	Hawkinson Tread Service	Winston-Salem, N.C.
PNT	Hershey Tire Co., Inc.	Staunton, Va.
PNU	Hick's Recapping Shop	Flat Rock, Ala.
PNV	Howard's Tire Service	Hickman, Calif.
PNW	Jasper Tire Recapping Co.	Jasper, Ala.
PNX	Jim's Truck Tires	Mount Clemens, Mich.
PNY	Johnnie's Tire Shop	Claypool, Ariz.
PPA	John Mangum Tire Service	Monroe, N.C.
PPB	McKay's Service Center	Pulaski, Tenn.
PPC	Monarch Imperial Tire Co.	Fullerton, Calif.
PPD	Ogden Tire Center	Ogden, Utah.
PPE	O.K. Tire Store	Guntersville, Ala.
PPF	Perry Bros. Tire Service, Inc.	Dunn, N.C.
PPH	Pierce Tire Service, Inc.	Winston-Salem, N.C.
PPJ	Proctor Oil Co.	Emporia, Va.
PPK	Quality Tire Co.	New Bern, N.C.
PPL	Roy's Tire Service	Lexington, N.C.
PPM	Saucon Valley Tire Co	Hellertown, Pa.
PPN	Southern Tire Service, Inc.	Louisville, Ky.
PPT	Stanford Tire & Recapping	Stanford, Ky.
PPU	Sumrall Discount Center, Inc.	Monticello, Miss.
PPV	T. & W. Tire Co.	Marion, Va.
PPW	288 Auto & Home Supply	Winchester, Tenn.
PPX	Whelan Bros.	Hacketstown, N.J.
PPY	Waters Tire & Recapping	Woodruff, S.C.
PTA	A. & L. Tire & Appliance Co.	Columbia, Miss.
PTB	A-1 Tire Co., Inc.	Louisville, Ky.
PTC	B&L Tire Co., Inc.	Montpelier, Vt.
PTD	Capriotte & Sons, Inc.	Buffalo, N.Y.
PTE	The Colle Co	Atlanta, Ga.
PTF	Columbia Tire Exchange, Inc.	Mattapan, Mass.
PTH	Commercial Tire Co.	New Britain, Conn.
PTJ	England's Tire Service	Morrilton, Ark.
PTK	Gold Coast Tire & Equipment Co.	Coos Bay, Oreg.
PTL	Golden Tire Center	Edgewater, Md.
PTM	Gunter Tire Shop	Kosciusko, Miss.
PTN	Hawkinson Tire Tread Service	Minneapolis, Minn.
PTP	Jack's Tire Shop	Mankato, Minn.
PTT	Jett Service & Supply	Maryville, Tenn.
PTU	Jolly Joe's Tires	Payson, Utah.
PTV	L. A., Inc.	Bethel, Ohio.
PTW	Laurel Highlands Tire Service, Inc.	Uniontown, Pa.
PTX	Madisonville Recapping Co., Inc.	Madisonville, Ky.
PTY	Masten Service Store, Inc.	Elkhart, Ind.
PUA	Mayo Trail Tire Service	Pikeville, Ky.
PUB	Mitchell Bros.	Portsmouth, Ohio.
PUC	Modern Retreading Co.	Jackson, Ohio.
PUD	Modern Retread Tire Co.	St. Petersburg, Fla.
PUE	Mosley's Welding & Repair	Mount Airy, N.C.
PUF	Parkview Royal Tire Co.	Tuscaloosa, Ala.
PUH	Pickett Tire Co. Inc.	Valdosta, Ga.
PUJ	Princeton's U.S. Royal Tire Service, Inc.	Princeton, Ky.
PUK	Ray's Auto Supply	Chase City, Va.
PUL	Service Tire & Recapping Co. Inc.	Richmond, Va.
PUM	Sierra Tire Service, Inc.	Redding, Calif.
PUN	Smith Tire & Recapping, Inc.	Bristol, Va.
PUP	Sparrow Tire Service	Lake City, S.C.
PUT	Strader Tire Co.	Houston, Tex.
PUV	United Tire Recapping Service	Albuquerque, N. Mex.
PUW	Tell City Recappers	Tell City, Ind.
PUX	Tire Engineers	Cookeville, Tenn.
PUY	United Tire Co, Inc.	Denver, Colo.
PVA	Perry Bros. Tire Service, Inc.	Sanford, N.C.
PVB	G-G Tire Co.	Plattsburgh, N.Y.
PVC	Miller Tire Sales Co.	Boulder, Colo.
PVD	Action Tire Co.	Dallas, Ga.
PVE	Athens Tire & Supply, Inc.	Athens, Ga.
PVF	Automotive Tire & Supply, Inc.	Atlanta, Ga.
PVH	B. & B. Tire Shop	Marshall, N.C.
PVJ	Bell Tire Co.	Akron, Ohio.
PVK	Blight Bros.	Luzerne, Pa.
PVL	Bob's Tire Service	Concord, N.C.
PVM	Brown Tire Co.	Chico, Calif.
PVN	Coastal Tire Co.	Nags Head, N.C.
PVP	Cook Tire & Recapping	Lake City, S.C.
PVT	Davis Bros. Retreading, Inc.	Watkins, Colo.
PVU	Dealer Tire Sales	Riverside, Calif.
PVV	Eau Claire Coop Recap Shop	Eau Claire, Wis.
PVW	Ebone Tire Co.	Fort Smith, Ark.
PVX	Fatlands, Inc.	Condon, Oreg.
PVY	Grant Tire Co.	Kilgore, Tex.
PWA	Range Firestone	Hibbing, Minn.
PWB	Refiner's Tire Service	Somerset, Pa.
PWC	Richmond Tire Service	Columbus, Ga.
PWD	Ridgeway Tire & Retreading Co.	Hot Springs, Ark.
PWE	Seaside Firestone	Red Bluff, Calif.
PWF	Shoemaker's Tire Service	Olympia, Wash.
PWH	Smith's Tire Service	Rutherfordton, N.C.
PWJ	Southern Battery & Tire Co.	Dublin, Ga.
PWK	Tipton Tire Co.	Huntsville, Ark.
PWL	The Tire & Battery Corp.	Bellwood, Pa.
PWM	Town & Country Recapping	Sparta, N.C.
PWN	T.P. Tire Service	Arcata, Calif.
PWP	Valley Oil & Tire Co.	Roanoke, Va.
PWT	Viroqua Tire Shop	Viroqua, Wis.
PWV	Wilson Tire Co.	Peoria, Ill.
PWW	Winston O.K. Tire Store	Winston-Salem, N.C.
PWX	Winston's Tire Shop	Preston, Idaho.
PWY	Wythe Tire Rebuilders	Wytheville, Va.
PXA	Espy Gray's Recap Shop	Donalsonville, Ga.
PXB	Hellman's Tire Co.	Bellflower, Calif.
PXC	H. & M. Tire Co.	Carrollton, Ohio.
PXD	Hunt General Tire Co., Inc.	Raleigh, N.C.
PXE	J. & W. Tire Co.	Forsyth, Ga.
PXF	Lush-Thrift Equipment Co.	Burkeville, Va.
PXH	Vic Markov Tire Co., Inc.	Seattle, Wash.
PXJ	Mason's Tire Service	Tallassee, Ala.
PXK	Nu Tread Tire Shop	Lafayette, La.
PXL	Millbrook Tire Co., Inc.	Millbrook, Ala.
PXM	Norman's Wide Trac Service	Lexington, N.C.
PXN	Nyk amp Tire Service	Zeeland, Mich.
PXP	O.K. Rubber Welders	Franklin, Ga.
PXT	O.K. Tire Store	Moscow, Idaho.
PXU	O.K. Tire Store of Englewood, Inc.	Englewood, Colo.
PXV	Oregon Tire	Medford, Oreg.
PXW	P. & B. Tire Co.	Monroe, N.C.
PXX	Phillips Tire & Recapping Shop	Piedmont, S.C.
PXY	Blairsville Tire Co.	Blairsville, Ga.
PYA	Ace Tire Reappers	Zanesville, Ohio.
PYB	Alaska Tire Engineering, Inc.	Copper Center, Alaska.
PYC	Anderson Tire Co.	Dillwyn, Va.
PYD	Wood Bowser Tire & Retreading Service.	Kittanning, Pa.
PYE	Brandenberger, Inc.	Atlantic City, N.J.
PYF	Brown Tire Service	Mount Airy, N.C.
PYH	Butler County Tire Co.	Hamilton, Ohio.
PYJ	Campbell 66 Express, Inc.	Memphis, Tenn.
PYK	Capital Tire	Wilson, N.C.
PYL	Chlouber Tire Co.	Shawnee, Okla.
PYM	Cordele Tire Service, Inc.	Cordele, Ga.
PYN	Carl's Tire Service	Denver, Colo.
PYP	Elcele Service Center	Elcele Kauai, Hawaii.
PYT	Guin Recapping Co.	Guin, Ala.
PYU	Jimmy Greene Recapping Service.	Waxhaw, N.C.
PYV	Ed Hatley's Tire Service	Concord, N.C.
PYW	Hawkinson Tire Co. of Arizona, Inc.	Phoenix, Ariz.
PYX	J. & J. Recapping	Fort Lauderdale, Fla.
PYY	Ken's Tire Shop	Brunswick, Ga.
TAA	Keyser Tire Co.	Cleveland, Tenn.
TAB	M. C. Locke Distributing Co., Inc.	Fort Fairfield, Maine.
TAC	Mabee's Tire Service	Santa Ana, Calif.
TAD	Edgar B. Marshall Retreading	Greensburg, Pa.
TAE	M. & H. Tire Shop	Geraldine, Ala.
TAF	OK Tire Service, Inc.	St. George, Utah.
TAH	O.K. Tire Stores	Portola, Calif.
TAJ	Owens Tire Service	China Grove, N.C.
TAK	Pace Tire Sales	Anderson, Ind.
TAL	Richfield Tire & Retread Service.	Richfield, N.C.
TAM	Shoemaker's Service Station	Wilkes-Barre Pa.
TAN	South Bay Tire Co.	National City, Calif.
TAP	Stan's Rubber Welders	North Adams, Mass.
TAT	Stettler Tire Co., Inc.	Huntington, W. Va.
TAU	Superior Recapping Service	Cleveland, Tenn.
TAV	S. & W. Recapping Co.	Covington, Ky.
TAW	Thomas Supply Co.	Hones Path, S.C.
TAX	Thomas Tire Service	Shamokin, Pa.
TAY	Tire Center	Monroe, N.C.
TBA	Ford's Tire Service	Pendleton, Oreg.
TBB	General Tire Service	Lancaster, Pa.
TBC	Abilene General Tire Co.	Abilene, Tex.
TBD	General Tire Service	San Angelo, Tex.
TBE	Auto Tire Station	Tyrone, Pa.
TBF	R. C. Ingels Tire Co.	Monterey, Calif.
TBH	Kocher Bros. Tire Shop	Salt Lake City, Utah.
TBJ	Lenoir Tire Co., Inc.	Kinston, N.C.
TBK	Midway, Inc.	Monroeville, Ohio.
TBL	Redd's Tire Service	Grants Pass, Oreg.
TBM	Reed Bros. Tire & Retread	Oakwood, Ga.
TBN	Rex Tire & Supply Co., Ltd.	Honolulu, Hawaii.
TBP	S. & S. Retreaders	Parkertown, N.J.
TBT	T. & L. Tire Service	Andrews, S.C.
TBU	Tri-County Tire Service	Reidsville, N.C.
TBW	Waldheim Tire Service of Southern N.J., Inc.	Vineland, N.J.
TBX	Widenhouse Tire Store	Kannapolis, N.C.
TBY	Carpenter Tire Service	Tuscumbia, Ala.
TCA	Alligood Tire Service	Thomasville, Ga.
TCB	Bandag Retreading Co.	Springfield, Mo.
TCC	Larry Barrett Tire Co.	San Francisco, Calif.
TCD	Big O Tires	Wichita, Kans.
TCE	William P. Bonser	West Pittston, Pa.
TCF	City Tire & Recapping Co.	Burnsville, N.C.
TCH	Clarks Tire Town, Inc.	Morganton, N.C.
TCJ	Commercial Tire Service	San Jose, Calif.
TCK	Dunn's Tire Service, Inc.	Richmond, Va.
TCL	Elbode's Tire Supply	Mishawaka, Ind.
TCM	4 Star Tire	Tulsa, Okla.
TCN	F. & T. Tire Sales	Jeffersonville, Ind.
TCP	Gardner-Reynolds	Los Angeles, Calif.
TCT	Gene's Tire Service, Inc.	St. Cloud, Minn.
TCU	Griffin Recapping	Oakboro, N.C.
TCV	Head Tire Salvage	Birmingham, Ala.
TCW	W. C. Horton Tire Co.	Spartanburg, S.C.
TCX	Hunt's Tire Service	Wynne, Ark.
TCY	Lazenby's	Montgomery, Ala.
TDA	J. & R. Tire & Recapping Service.	Baltimore, Md.
TDB	Mercer Tire Service	Whiting, Ind.
TDC	Mills & MacPherson	Lafayette, Calif.
TDD	Montlick Bros.	New Haven, Conn.
TDE	Morris County Tire Co., Inc.	Rockaway, N.J.
TDF	Neal Tire Store, Inc.	Omaha, Nebr.
TDH	Noel's Service Station	Ligonier, Pa.
TDJ	Northland Supply Co.	Sturgis, S. Dak.
TDK	Oklahoma Tire Service	Bellflower, Calif.
TDL	O.K. Tire Store	Azusa, Calif.
TDM	do	Klamath Falls, Oreg.
TDN	Paul's, Inc.	Pahokee, Fla.
TDP	Picket Tire Co.	Houston, Tex.
TDT	Puerto Rico Traction Tires Mnf., Inc.	Dorado, P.R.
TDU	Retreading Equipment, Inc.	Charlotte, N.C.
TDV	Richfield Recapping Center	Richfield Springs, N.Y.
TDW	Royal Tire Service	Palo Alto, Calif.
TDX	Shield's Tire Service	Johnston, S.C.
TDY	South Gate 76 Service	Salisbury N.C.
TEA	Stader Tire Service	Jackson, Tenn.
TEB	Garland Staton	Delbarton, W. Va.
TEC	Stegner Tire Service	Woodsfield, Ohio.
TED	Sutton Tire Service	Butler, Pa.
TEE	Tune Tire Service	Franklin, Tenn.
TEF	Turner & Obsorne Quality Recappers, Inc.	Columbia, Tenn.
TEH	Turner's Tire Service	Selma, N.C.
TEJ	Twin City Tire & Oil Service	Davidson, N.C.
TEK	Valley Tire & Recapping Service.	Branchland, W. Va.
TEL	Wayne Tire Service	Wayne, W. Va.
TEM	Wright's Amoco	Brookneal, Va.
TEN	Allison Tire Co.	Odessa, Tex.
TEP	Atlantic Tire Co., Inc.	Norfolk, Va.
TET	Bay Area Tire, Inc.	Los Gatos, Calif.
TEU	B. & I. Tire Co., Inc.	Springfield, Mo.
TEV	Big Three Tire Co.	Pontotoc, Miss.
TEW	Bill's Tire & Battery	Paris, Tex.
TEX	Brahler Tire, Inc.	Jeffersonville, Ind.
TEY	Butler Bros. Tire Co., Inc	Marietta, Ga.
TFA	Dice's Tire Shop	Chambersburg, Pa.
TFB	Dillingham Bros., Ltd.	Honolulu, Hawaii.
TFC	Dave's Tire Service	Casper, Wyo.
TFD	J. F. Donaldson & Sons	Stockton, Calif.
TFE	Tread Rubber Co.	Greensboro, N.C.
TFF	Gaskill's Service Station	Bayboro, N.C.
TFH	Gates & Chapman	Anderson, S.C.
TFJ	Hafen's O.K. Tire Store	Henderson, Nev.
TFK	Henderson Tire & Recapping Co.	Ocilla, Ga.
TFL	Hough Bros, Tire Service	Pittsburgh, Pa.
TFM	Joe's O.K. Tires	Marysville, Kans.
TFN	Kunzler North Shore Tire Service, Inc.	Port Jefferson Station, N.Y.
TFP	Lockhart-Bandag, Inc.	Carnegie, Pa.
TFT	Mabe Bros. Esso	Danbury, N.C.
TFU	Mobley's Quality Recapping	Chinquapin, N.C.
TFV	Red Oak Tire Co.	Red Oak, Tex.
TFW	Rockmart Recapping	Rockmart, Ga.
TFX	Richardson Oil Co.	Alpena, Ark.
TFY	Roberts Tire Shop, Inc.	Corbin, Ky.
THA	Safety Tire Co., Inc.	Richmond, Va.
THB	Taylor Tire Center	Bryan, Tex.
THC	State Line Tire Service	Pageland, S.C.
THD	Town & Country Tire Supply	Atchison, Kans.
THE	Town Tire Service	Monroe, N.C.
THF	Valley River Recapping	Andrews, N.C.
THH	Ted Wiens Tire Supply, Inc.	Las Vegas, Nev.
THJ	Wilt's Tire Service	Westernport, Md.
THK	Clinton Cappers	Clinton, Tenn.
THL	Cocke County Tire Service	Newport, Tenn.
THM	East Carolina Tire Co., Inc.	Henderson, N.C.
THN	Meadows Tire Recapping Co.	Selma, Ala.
THP	Mel's O.K. Tire Store	Worland, Wyo.
THT	Mountain Tire Co.	Pagosa Springs, Colo.
THU	Patton Tire Service, Inc.	Greeneville, Tenn.
THV	Real Tire Service	Philadelphia, Pa.
THW	Recapping Center	Los Angeles, Calif.
THX	Snipes Home & Auto	Calhoun Falls, S.C.
THY	Springs Towne Tire	Vallejo, Calif.
TJA	Adair Tire Co.	Birmingham, Ala.
TJB	Allweather Tire Co.	Jacksonville, Fla.
TJC	A. & M. Tire	Lamont, Calif.
TJD	Ball Tire & Gas, Inc.	Alpena, Mich.
TJE	B. & C. Tire Sales	Taylorsville, N.C.
TJF	Bill Recapping	Monroe, N.C.
TJH	B. & J. Tire Retreaders	Yadkinville, N.C.
TJJ	Gene's Tire Service	Lower Burrell, Pa.
TJK	Ivans American Tire & Retread Service Store, Inc.	Kennewick, Wash.
TJL	Midwest Tire Co.	Forest Lake, Minn.
TJM	Morris Tire Co.	Kittanning, Pa.
TJN	Ogden Tire & Recapping, Inc.	Clarksdale, Miss.
TJP	O. K. Tire Store	Oneonta, Ala.
TJT	Richland Tire Shop	Richland, Mo.
TJU	Rock Hill Auto Parts & Service	Bunnlevel, N.C.
TJV	Sellar's Tire Service	Palo Alto, Calif.
TJW	Bury-Vanham Tire Co.	Redwood City, Calif.
TJX	Tires, Inc.	Gretna, La.
TJY	Tom's Auto Supply of Oxford, Inc.	Oxford, N.C.
TKA	Frank's Tire Service	Clayton, Ga.
TKB	T. P. Tire Service	Arcata, Calif.
TKC	Tom's Auto Supply	Roxboro, N.C.
TKD	Gordon's Tire Service	Abbeville, S.C.
TKE	Travelers Rest Tire Center	Travelers Rest, S.C.
TKF	Tucker's Rolling Tire Service	Dollars, Tex
TKH	Williamson Oil Co.	Grundy, Va.
TKJ	Ziglar-Nelson Tire Co.	Jasper, Ala.
TKK	Sanford's Tire & Automotive	Canton, N.C.
TKL	Central Wholesale Service	Seattle, Wash.
TKM	A. & E. Tire Service, Inc.	Manchester, Conn.
TKN	Archie's Garage	Dugspur, Va.
TKP	Baxter Tire Service	Gilroy, Calif.
TKT	Dixie Tire Service	Winchester, Tenn.
TKU	Frank & Son Tire Shop	York, Pa.
TKV	Fuller Mason Tires, Inc.	Henderson, Tex.
TKW	G&W Tire Service	Lemoore, Calif.
TKX	Jones' Tire Service	Chico, Calif.
TKY	Locust Tire Service	Locust, N.C.
TLA	Nusser Tire Sales Co.	Salida, Calif.
TLB	Odell Tire Service	Laverne, Calif.
TLC	The Goodyear Tire & Rubber Co.	Bayamon, P.R.
TLD	do	Sioux City, Iowa
TLE	Morganton Tire Store, Inc.	Morganton, N.C.
TLF	O. K. Tire Store	Alturas, Calif.
TLH	Quality Tire Recapping Co., Inc.	Marianna, Fla
TLJ	Resley Tire Co, Inc.	Hagerstown, Md.
TLK	Rucker's O. K. Tire Store	Childress, Tex,
TLL	S. & A. Tire & Appliance Co.	Panama City, Fla.

VOL 37 NO 6 JAN 11 72 XUM

Code No.	Retreader's name	Location
TLM	Sterling Tire Service, Inc.	La Puente, Calif.
TLN	Stickney's, Inc.	Fort Morgan, Colo.
TLP	Tire Hill Supply	Tire Hill, Pa.
TLT	Tire Service & Sales, Inc.	Stratford, Conn.
TLU	Tobey Tire Service, Inc.	Oakland, Calif.
TLV	Wainco, Inc.	Jacksonville, Fla.
TLW	Williams Tire Co.	Fullerton, Calif.
TLX	Ken's Tire Service	Gridley, Calif.
TLY	Mertz Tire Service	Sequin, Tex.
TMA	All-Weather Tire Co.	Waycross, Ga.
TMB	Bailey's Tifton Tire Co.	Tifton, Ga.
TMC	Murray Bailey's Tire Shop	Do.
TMD	Bill's Tire Sales	Dallas, Tex.
TME	Black & Smith Tire & Recapping.	Westminster, S.C.
TMF	Clark Tire & Auto Co.	Hickory, N.C.
TMH	Clem's Tire Service, Inc.	Yankton, S. Dak.
TMJ	Cowles Bros. Tire Stores, Inc.	Houston, Tex.
TMK	Crew's Retreading	Marysville, Calif.
TML	Duff's Tire Service, Inc.	Export, Pa.
TMM	Dunlop Tire Service	Temple, Tex.
TMN	Glass Service Center & Recapping.	Blakely, Ga.
TMP	Glaze Tire Co., Inc.	Buford, Ga.
TMT	Goodwin Tire Service	Redding, Calif.
TMU	Happy Valley Recapping Service	Lenoir, N.C.
TMV	Harold's Tire Shop	Grovespring, Mo.
TMW	H. & H. Service Store, Inc.	Brunswick, Ga.
TMX	Hudson-Tresby Tire Service	Walterboro, S.C.
TMY	J. C. Jones	Oak City, N.C.
TNA	Baggett Tire & Recapping Co.	Lillington, N.C.
TNB	Boulevard Tire Co.	Philadelphia, Pa.
TNC	Bray's Recapping Service, Inc.	Mount Airy, N.C.
TND	Cheatwood Safety Tire Service	Kent, Ohio.
TNE	Cheney Tire Service, Inc.	New Lexington, Ohio.
TNF	Judd Recap Co.	Blountstown, Fla.
TNH	Glen K. Goebel	Yakima, Wash.
TNJ	Johnnie's Tire Service, Inc.	Sioux Falls, S. Dak.
TNK	Macon Tire Co.	Lafayette, Tenn.
TNL	Manchester Tire Co.	Detroit, Mich.
TNM	Paul's Tire Recapping	Kingston, Pa.
TNN	R. & E. Tire Co.	Sanford, Fla.
TNP	Tire & Retread Specialist	Gainesville, Ga.
TNT	Walker Tire Co.	Sandersville, Ga.
TNU	Week Enterprises	Greenfield, Mass.
TNV	Wolford Tire Sales	Pomona, Calif.
TNW	Andrews Tire Service, Inc.	Andrews, S.C.
TNX	Big O House of Tires	Flagstaff, Ariz.
TNY	Mountain City Recapping Co.	Mountain City, Tenn.
TPA	A. B. Dow Cruz Tire Recapping Corp.	Honolulu, Hawaii.
TPB	Faith Tire Center	Faith, N.C.
TPC	George's Tire Shop	Dickinson, N. Dak.
TPD	H. & H. Tire Co.	Raleigh, N.C.
TPE	H. & J. Recapping	Canton, N.C.
TPF	Bob Hunter Tire Service	Lehighton, Pa.
TPH	Logan Tire Sales	West Logan, W. Va.
TPJ	Lyons Tire Service, Inc.	Huntington, W. Va.
TPK	Valdese Auto Parts & Service	Valdese, N.C.
TPL	Williams Modern Tire Co.	Concord, N.C.
TPM	Anderson Tire Co.	Bridgeport, Tex.
TPN	Franklin & Son Tire Co.	Indianola, Miss.
TPP	Hewitt Tire & Recapping Service.	Blakely, Ga.
TPT	Ira's Tire Shop	Tahlequah, Okla.
TPU	John & Rich's Service	New Bethlehem, Pa.
TPV	Johnson Tire Shop	Clinton, Tenn.
TPW	King City Tire Service	King City, Calif.
TPX	Western Avenue Recapping	Knoxville, Tenn.
TPY	Midland Tire Co., Inc.	Midland, Tex.
TTA	Moore Tire Service	Pickens, S.C.
TTB	Nell Tire Service Center	Colfax, Wash.
TTC	Posey & Mobley Tire Co.	Buchanan, Ga.
TTD	Riddick Tire & Sales Co.	Atlanta, Ga.
TTE	Royal Tire Service	Wadesboro, N.C.
TTF	Striggle Tire & Recapping	Woodruff, S.C.
TTH	Red Yarnell Tire Service	Knoxville, Tenn.
TTJ	Zemp Tire Service, Inc.	Fulton, Mo.
TTK	American Tire Co.	St. Paul, Minn.
TTL	Bowles Bros. Tire Service	Stockton, Calif.
TTM	Bill's Tire Service	Oakdale, Calif.
TTN	Bob's Tire Co., Inc.	Miami, Fla.
TTP	Burnsville Tire & Recapping Co.	Burnsville, N.C.
TTT	James C. Dibble	Oneonta, N.Y.
TTU	Gladdens Recap Shop, Inc.	Charlotte, N.C.
TTV	Ken's Tire & Service Center, Inc.	Mount Clemens, Mich.
TTW	Mars Hill Co.	Mars Hill, N.C.
TTX	Mays Recapping Co.	Taylorsville, N.C.
TTY	Modern Tire Service	Williamston, S.C.
TUA	David Morris Garage	Seneca, S.C.
TUB	Parker's Recapping	Asheville, N.C.
TUC	Power's Tire Service	Avella, Pa.
TUD	Quality Recapping Co.	North Wilkesboro, N.C.
TUE	Sabra Tire	Findlay, Ohio.
TUF	Service Tire Shop	Holland, Mich.
TUH	Texas Tire Retread Plant, Inc.	Austin, Tex.
TUJ	United Tyre Sales Co., Inc.	Waterbury, Conn.
TUK	Vullo Bros. Tire Service	Pittston, Pa.
TUL	Walker Tire & Battery Co., Inc.	Fitzgerald, Ga.
TUM	Wilson Tire Service	Axton, Va.
TUN	Black Mountain Tire Service	Black Mountain, N.C.
TUP	Hato Rey Supply & Brake Service, Inc.	Hato Rey, P.R.
TUT	Ideal Tire Shop, Inc.	Springfield, Mo.
TUU	Modern Tire & Retread Service.	Belton, S.C.
TUV	Murph Tire Shop	Plymouth, N.C.
TUW	Orrville Tire & Recapping Co.	Orrville, Ala.
TUX	Pinole Tire Service	Pinole, Calif.
TUY	Tire Service Center	Andalusia, Ala.
TVA	Anderson Tire Service	Escanaba, Mich.
TVB	Brown Tire Co., Inc. of Valparaiso.	Valparaiso, Ind.
TVC	Capitol Tire Co., Inc.	Austin, Tex.
TVD	Carswell's Recapping	Valdese, N.C.
TVE	Bob Conlon's Tire Service	Covina, Calif.
TVF	Eaton Tire Sales	Nelson, Ga.
TVH	Garden Island Motors, Ltd.	Lihue Kauai, Hawaii.
TVJ	Garvey Tire Service, Inc.	Stockton, Calif.
TVK	Gay & Marsh Tire Service	Statesboro, Ga.
TVL	G. & W. Sales	Missouri City, Mo.
TVM	Hardie Tire Co	Daytona Beach, Fla.
TVN	do	Do.
TVP	Hill Bros. Tire Co.	New Smyrna Beach, Fla.
TVT	Holloway's Service	Laurel, Miss.
TVU	Joe E. Hutchison Distributing Co.	Panama City, Fla.
TVV	Larkin Oil Co., Inc.	Livingston, Ala.
TVW	Manuel Tire Co.	Eunice, La.
TVX	Midway Tire & Marine Sales, Inc.	Cycle, N.C.
TVY	Mills Tire Service	Chester, S.C.
TWA	Chuck Morgan Tire Service, Inc.	Oregon City, Oreg.
TWB	Nevada County Tire Service	Grass Valley, Calif.
TWO	Northeast Texas Tire Co.	Winnsboro, Tex.
TWD	Palmdale Tire Co.	Palmdale, Calif.
TWE	Peiffer Bros.	Manheim, Pa.
TWF	Pilgrim Tire Service	Stockton, Calif.
TWH	Slade Tire Co.	Mobile, Ala.
TWJ	Tradewinds Tire Co.	Stockton, Calif.
TWK	Twin City Tire Co.	Houghton, Mich.
TWL	Waycross Tire Co.	Waycross, Ga.
TWM	Wilke Tire Service, Inc.	Corpus Christi, Tex.
TWN	Bowman Tire Service	Ashland City, Tenn.
TWP	Elwood Tire	Kittawning, Pa.
TWT	Georgia Tire Battery Co.	Albany, Ga.
TWU	Hawkinson Tire Co.	Globe, Ariz.
TWV	Hardy's Tire Shop	Philadelphia, Miss.
TWW	American Tire Corp.	Miami, Fla.
TWX	Armbrecht's, Inc.	Mobile, Ala.
TWY	Bagwell & Mathis Tire Co.	Cumming, Ga.
TXA	Central Tire Shop	Franklin, N.C.
TXB	Cottonwood Tire Mart	Cottonwood, Ariz.
TXC	H. L. Tire Co.	Wilmington, Calif.
TXD	Hodgin's Firestone Store	Ramseur, N.C.
TXE	Langley's Tire Shop	Castleberry, Ala.
TXF	Charles Lubotsky Tire Co.	Milwaukee, Wis.
TXH	Markoe, Inc.	Woodburn, Oreg.
TXJ	Moultrie Tire Co.	Moultrie, Ga.
TXK	Nelson Tire Service	Colville, Wash.
TXL	Ralls-Ladd Tire Sales	Chowchilla, Calif.
TXM	State Tire Co.	Calico Rock, Ark.
TXN	Williams Tire Service	Bowdon, Ga.
TXP	Wilson Retread & Tire Service	Des Moines, Iowa.
TXT	Advance Tire Service	Waterbury, Conn.
TXU	Clayton Garage & Recapping Co.	Clayton, Ga.
TXV	Drew Tire Center	Vista, Calif.
TXW	C. & R. Tire Service	Libby, Mont.
TXX	Earl's Tire Co.	Milwaukie, Oreg.
TXY	Godfrey Tire & Vulcanizing Co.	Knoxville, Tenn.
TYA	Hamiltons Recapping	Laurens, S.C.
TYB	Huguley Service Station	Lafayette, Ala.
TYC	Hyco Service Station & Garage	Mathews, Va.
TYD	Jack's Tire Service	Lakeland, Fla.
TYE	J. C. Tire Recapping Co.	West Palm Beach, Fla.
TYF	Langston Tire Co.	Goldsboro, N.C.
TYH	Lonnie & Woody's Recapping Co.	Westland, Mich.
TYK	Oakland Tire Service	Oakland, Md.
TYL	Oroville Tire Service	Oroville, Calif.
TYM	Pirkle Tire Recapping	Gainesville, Ga.
TYN	Pollock Tire Co.	Lawrenceburg, Tenn.
TYP	Rocky Bluff Servicenter	Palmetto, Fla.
TYT	R. C. Solomon's Tire Recapping Shop.	Knoxville, Tenn.
TYU	Stanyer & Edmondson Pomona, Inc.	Pomona, Calif.
TYV	Oakboro Recapping Inc	Oakboro, N.C.
TYW	Pendleton Tire Service	Pendleton, S.C.
TYX	Please Bros. Tire & Tread Co., Inc.	Lockport, N.Y.
TYY	Powderly Tire Co.	Birmingham, Ala.
UAA	Leon Quality Corner	Greenfield, Mass.
UAB	LMW Production	Grants Pass, Oreg.
UAC	Moore-Cantrell Firestone Retread & Tire Co.	Oklahoma City, Okla.
UAD	Moores Retread & Tire Co., Inc.	Shreveport, La.
UAE	Quillen Tire Service	Phoenix, Ariz.
UAF	Recon Tire & Tube Co.	East Palo Alto, Calif.
UAH	Ridge Recapping Service	Oliver Springs, Tenn.
UAJ	Royal Tires Service Recapping Co., Inc.	Sylacauga, Ala.
UAK	Roys Trutred Tire Shop	Canon City, Colo.
UAL	Sanders Super Service	Murfreesboro, Tenn.
UAM	Soperton Tire & Recapping Co.	Soperton, Ga.

Code No.	Retreader's name	Location
UAN	Teague Rubber Products	Durant, Okla.
UAP	Tire Tread, Inc.	Franklin, N.C.
UAT	Tri City Recapping	Weaverville, N.C.
UAU	Tri County Motor Co.	Magee, Miss.
UAV	Vaughn's Recapping Service	Taylors, S.C.
UAW	West Pigeon Recapping	Waynesville, N.C.
UAX	Wilson Tire Service	Alexandria, La.
UAY	Andy's Tire Service	Norfolk, Nebr.
UBA	Atlantic Tire Corp.	San Juan, P.R.
UBB	The Auto Mart, Inc.	Hampton, Va.
UBC	Balado & Canaro Recap Corp.	Miami, Fla.
UBD	Cates Firestone Sales & Service.	Waynesboro, Ga.
UBE	Dale Recap Shop	Ozark, Ala.
UBF	Jeff Davis Tire Co.	Hazlehurst, Ga.
UBH	John Dobbs Tire Shop	Gardena, Calif.
UBJ	Donges Tire Service	Meyersdale, Pa.
UBK	Edwards Tire Service	Elverson, Pa.
UBL	Fleet Tire Service, Inc.	Greensboro, N.C.
UBM	Hartford Oil Co., Inc.	White River Junction, Vt.
UBN	Hub Tire Service	Crown Point, Ind.
UBP	Hurst Tire Recapping	Fort Lauderdale, Fla.
UBT	Interstate Tire Brokers, Inc.	Charlotte, N.C.
UBU	Jim's L. & M. Tire Service	Cadiz, Ohio
UBV	Joe's Tire Shop	Chester, Pa.
UBW	OK Tire Store	Astoria, Oreg.
UBX	OK Retreaders	Battle Ground, Wash.
UBY	OK Tire Co.	Columbus, Ind.
UCA	B. & B. Tire Service	Carthage, Tex.
UCB	Big John's Tire Co.	Reno, Nev.
UCC	The Brooks Huff Corp.	Baltimore Md.
UCD	Carolina Tire Co. of Michigan	Brighton, Mich.
UCE	C. & C. Tire Co.	Carbondale Pa.
UCF	Clark's Tire Co.	Pampa, Tex.
UCH	Coppedge Tire Service	Cuero, Tex.
UCJ	Ewing Tire Co.	Douglas, Ga.
UCK	Gilleland Service Station & Recap.	Dawsonville, Ga.
UCL	Hicks Oil Co.	Pipestone, Minn.
UCM	J. & L. Tire & Supply Co., Inc.	Mason City, Iowa.
UCN	Kakkeys Goodrich Tire Service.	Fort Myers, Fla.
UCP	Kelly Retread	Amarillo, Tex.
UCT	Leggens	Sarver, Pa.
UCU	Milstead Rubber Co.	Shreveport, La.
UCV	O.K. Rubber Welders	Fairfield Mont.
UCW	O.K. Tire Stores	Albany, Oreg.
UCX	Rizer Oil Co., Inc.	Pomeroy, Ohio.
UCY	Sales & Service, Inc.	Chama, N.Mex.
UDA	Smith Tire & Recapping	Prattville, Ala.
UDB	Sumter Tire & Recapping Co.	Sumter, S.C.
UDC	Walker Supply Co.	Tuscumbia, Ala.
UDD	Whitehead Tire Service, Inc.	Woodland, Calif.
UDE	Winder Tire Service	Winder, Ga.
UDF	Wyatts Tire Service	Sebastopol, Calif.
UDH	Allied Tire & Supply	Springfield, Mo.
UDJ	Baugh-Lowery Tire Service, Inc.	Statesville, N.C.
UDK	Apex Tire Co.	Salt Lake City, Utah.
UDL	Auto Service Station	Lake View, S.C.
UDM	Beachums Recapping	Oakboro, N.C.
UDN	B-K Tire Co.	Atlanta, Ga.
UDP	B. & K. Tire & Recapping	Middlesboro, Ky.
UDT	Bob's Tire Service	Oneida, N.Y.
UDU	Bowdon Tire & Radiator Co.	Bowdon, Ga.
UDV	Broadway Tire	Wheatland, Pa.
UDW	R. F. Burrell Tire Shop	Prenham, Tex.
UDX	Capital Tire Service	Cleveland, Tenn.
UDY	Country Tire Rebuilders	Lunenburg, Mass.
UEA	Crown Tire Service, Inc.	Nampa, Idaho.
UEB	Dual Lane Tire Service	Wellford, S.C.
UEC	Everett Tire & Battery Co., Inc.	Everett, Wash.
UED	Farris Recapping	Elba, Ala.
UEE	Ferguson Tire Supply	Fairmont, Minn.
UEF	Greenwood Service	Nephi, Utah.
UEH	Hall's Tire Service	Sylva, N.C.
UEJ	Hamricks Tire Store	Phenix City, Ala.
UEK	Helton Tire Service	Dawsonville, Ga.
UEL	Hermann & Strait Retreading Co.	Jackson, Ohio.
UEM	Hicks & Martin Auto & Home Supply.	Shelby, Ohio.
UEN	Houser Tire Service	Bellefonte, Pa.
UEP	H. & W. Tire Co.	Dublin, Ga.
UET	Jersey Tire Co., Inc.	Perth Amboy, N.J.
UEU	J. & J. Tire Co.	Los Angeles, Calif.
UEV	Ken's Tire Service	Logan, Utah.
UEW	King's Tire & Recapping Service.	McColl, S.C.
UEX	Lindsey Tire & Recapping Co.	Columbus, Ga.
UEY	McCants Tire & Recapping Co.	Butler, Ga.
UFA	Firestone Interamerica Co.	Panama 1, Panama.
UFB	Bandag of Waco, Inc.	Waco, Tex.
UFC	Technitread	Winona, Minn.
UFD	Boulevard Service Station & Tire Recapping.	Union, S.C.
UFE	Brizes-Finnegan Tire Service	Cuyahoga Falls, Ohio.
UFF	Certified Retreading	Phoeniz, Ariz.
UFH	Daniels Tire Shop	De Leon, Tex.
UFJ	Preacher Darby Tire Co.	Tuscumbia, Ala.
UFK	Clint Griffin Tire Service	Charlotte, N.C.
UFL	Henderson Recapping Service.	Maysville, N.C.
UFM	Hudson Firestone Service	Ozark, Ala.
UFN	Iva Tire & Recap Shop	Iva, S.C.
UFP	Jacks General Tire	Vernal, Utah.
UFT	Johnny's Garage	Wellington, Utah.
UFU	Korner Kappers	Russell Springs, Ky.
UFV	Kesler Tire & Allnement Service.	Gainesville, Ga.
UFW	Langley Motor Co.	Lanett, Ala.
UFX	L. & J. Tire Co.	Tracy, Calif.
UFY	Logan Tire Service	Logansport, Ind.
UHA	Major Tire Co.	St. Paul, Minn.
UHB	Mitchell Tire & Battery Co.	Meridian, Miss.
UHC	Molen's Tire Service	Orland, Calif.
UHD	Moore Tire Co.	Casper, Wyo.
UHE	Mueller Bros. Tire Co.	Okmulgee, Okla.
UHF	B. E. Needles & Son	Lubbock, Tex.
UHH	N. H. & R. Co., Inc.	Kershaw, S.C.
UHJ	Ottertail Retread	Ottertail, Minn.
UHK	Peoples Garage, Inc.	Bedford, Va.
UHL	Petersburg Tire Co.	Petersburg, Va.
UHM	Piedmont TBA Supply	Monroe, N.C.
UHN	Recappers Wholesale	Plant City, Fla.
UHP	Richardson Tire Service	Richmond, Ky.
UHT	Roadrunner Tire Service	Bishop, Calif.
UHU	Roy's Tire Service	Newport, Vt.
UHV	Wm. Sherry Tire Co.	Schenectady, N.Y.
UHW	Smith's Tire Sales	Columbus, Ga.
UHX	Sudduth Tire Co., Inc.	Long Beach, Calif.
UHY	Taylor Tire Service	Pageland, S.C.
UJA	Quality Tire Service, Inc.	Rocky Mount, N.C.
UJB	Triple F Tire Co., Inc.	Fort Lauderdale, Fla.
UJC	Deen Tire & Recapping Co.	Douglas, Ga.
UJD	A&B Tire Co.	Jacksonville, N.C.
UJE	Amour Tire & Battery Co., Inc.	Burlington, Vt.
UJF	Bannan Oil Co.	Zebulon, N.C.
UJH	Belford & Parker	Cloverdale, Calif.
UJJ	Bird Tire	Miami, Fla.
UJK	Brown Tire Service	Paso Robles, Calif.
UJL	Central Ohio Bandag, Inc.	Zanesville, Ohio
UJM	Chambers Tire Service	Orlando, Fla.
UJN	C. & S. Tire Co. of Hendersonville.	Henderson-ville, Tenn.
UJP	Davis-Duke Car & Home Center.	Jefferson, Ga.
UJT	Doyle's Tire Center	Irving, Tex.
UJU	Foothill Tire Co.	Jackson, Calif.
UJV	Foster's Tire Co.	Dilwyn, Va.
UJW	Gene & Shorty's Tire Service	Beaver Dam, Wis.
UJX	Haag Tire Service	Reynolds-ville, Pa.
UJY	Hall Tire Co.	Lufkin, Tex.
UKA	Stone Mountain Tire Service	Stone Mountain, Ga.
UKB	Strain & Dunaway Co.	Plainview, Tex.
UKC	Sullins & Chambers	California, Mo.
UKD	Tire Mart	Detroit, Mich.
UKE	A. L. Thomas & Son Retreading Shop.	Louisville, Ga.
UKF	Tru-Tred Tire Co., Inc.	Bellflower, Calif.
UKH	Turman-Pierce Buick Co.	Poteau, Okla.
UKJ	Turpins Service	Ranger, Calif.
UKK	Twin City Gas & Tire	Sault Ste. Marie, Mich.
UKL	Universal Tire & Retread Corp.	Washington, Pa.
UKM	Vitacap Tire Service	Yakima, Wash.
UKN	Wagner's Tire Service	Bangor, Pa.
UKP	Wallace 66 Service	Troy, N.C.
UKT	Walt's Tire Service	Carson City, Nev.
UKU	Wendy's Service, Inc.	Middletown, Ohio.
UKV	Whiteley Tire & Recap	Talladega, Ala.
UKW	Ed Wicker Motors	Beeville, Tex.
UKX	Harrill Tire Service	Shelby, N.C.
UKY	Hi-Way Dispatch, Inc.	Marion, Ind.
ULA	Highway Tire, Inc.	Carlton, Maine.
ULB	Hoza's Tire Service	Mount Pleasant, Pa.
ULC	Hub Service	Riverbank, Calif.
ULD	Hunter Tire Service	Sanford, N.C.
ULE	Jespersen's General Tire Service.	Atascadero, Calif.
ULF	Johns Custom Tire	Boise, Idaho.
ULH	Jones Tire & Recapping	East Flat Rock, N.C.
ULJ	Kelly Tire & Recapping	Belton, S.C.
ULK	David Korn Recapping Co.	Beaver Falls, Pa.
ULL	Lamar Bros.	Salinas, Calif.
ULM	Manatee Tire & Battery Co.	Bradenton, Fla.
ULN	Matts Tire Service	Haverstraw, N.Y.
ULP	McNeil Tire Service, Inc.	Concord, Calif.
ULT	Mill Springs Tire Service	Mill Springs, N.C.
ULU	Newland Tire, Inc.	Washington, Ind.
ULV	OK Rubber Welders	Lewiston, Idaho.
ULW	Perfection Recappers	Thayer, Mo.
ULX	Ransom Tire Service	Monroe, La.
ULY	Safe Way Tire Co., Inc.	North Wilkesboro, N.C.
UMA	AAA Tire Co.	Bakersfield, Calif.
UMB	AGS Tire Service, Inc.	York, Pa.
UMC	Al's Tire Service	Hoopa, Calif.
UMD	A to Z Tire & Battery	Amarillo, Tex.
UME	Apache Tire Co.	Tucson, Ariz.
UMF	Bennett Tire Service	Franklin, Ky.
UMH	Benny's Tire Co.	Waynesville, N.C.
UMJ	Burr Co., Inc.	Stanley, N.C.
UMK	Calloway's Recap Shop	Nebr.
UML	Carolina Oil Co., Inc.	Albemarle, N.C.
UMM	City Home & Auto Supply	Alexander City, Ala.

JAN 11 72 XUM

Code No.	Retreader's name	Location
UMN	Clint's Tire & Auto Service	Ocean Springs, Miss.
UMP	Coeburn Tire Co.	Coeburn, Va.
UMT	Commercial Tire Co.	Vernon, Calif.
UMU	Crawford & Weimer Tire Service.	Sharon Pa.
UMV	Crown Tire Supply, Inc.	Sunnyvale Calif.
UMW	Daley Tire Service, Inc.	Kalispel, Mount.
UMX	Cross Road Tire Store	Midland, N.C.
UMY	Giles Tire Co.	Breckenridge, Tex.
UNA	Green's Tire Service	Philadelphia, Miss.
UNB	Huntington Tire Service	Springfield, Oreg.
UNC	Harold Johnson Distributors	San Jose, Calif.
UND	King Tire Re-Capping	Winston-Salem N.C.
UNE	Lynd-Tolin Tire Co.	Long Beach, Calif.
UNF	Monge Tire Service Inc.	Connellsville, Pa.
UNH	Moreman Tread Service, Inc.	Beaumont, Tex.
UNJ	Nu-Way Tire Service	High Point, N.C.
UNK	Phil Schoch	Ottawa, Ill.
UNL	George Shirk Tire Service	Ferndale, Mich.
UNM	Smith Oil & Tire Co.	Cumberland, Iowa.
UNN	Stanley's, Inc.	Manchester. N.H.
UNP	Starcher Motors	Spencer, W. Va.
UNT	Sunshine Tire Recaps	Hialeah, Fla.
UNU	The Tire Market, Inc.	Spokane, Wash.
UNV	Toms Tire Service	High Point, N.C.
UNW	Walker Tire Co.	Lincoln, Nebr.
UNX	Warren Tire	Warren, Ohio.
UNY	White Recapping Co.	Bellevue, Mo.
UPA	Red River Army Depot	Texarkana, Tex.
UPB	Tooele Army Depot	Tooele, Utah.
UPC	Tri-State Tire & Supply	Cleveland, Tenn.
UPD	Accurate Tire Co.	Chicago, Ill.
UPE	A & W Enterprises	Florence, Colo.
UPF	Bowyer Texaco	Prosperity W. Va.
UPH	City Tire Service	Cookeville Tenn.
UPJ	Custom Tire Retreading	Tucson, Ariz.
UPK	McCord O.K. Tire Store	Columbiana, Ala.
UPL	Page & Furr Recapping	Locust, N.C.
UPM	Pelham Tire Co.	Pelham, Ga.
UPN	W. Powell Oil & Tire Co.	Do.
UPP	Rebel Recappers	Magee, Miss.
UPT	Serafin Service Station	Wilkes-Barre, Pa.
UPU	Sunnyland Tire Co., Inc.	Hollywood, Fla.
UPV	Underwood & Weld Co., Inc.	Newland, N.C.
UPW	Wassick's Tire Service	Bennington, Vt.
UPX	Wilks Tire & Battery Service	Albertville, Ala.
UPY	Wilson Tire Service	Tuscaloosa, Ala.
UTA	B. & B Tire Service	Colorado Springs, Colo.
UTB	Bralley Tire, Inc.	Terre Haute Ind.
UTC	Burick Tire Service	Mountain Top, Pa.
UTD	Dawson Tire Co.	Conway, Ark.
UTE	Go-Mecia Ramos	Toa Bayos, P.R.
UTF	Graves Tire Co.	Murphy, N.C.
UTH	H. & L. Auto Parts	Fayetteville, N.C.
UTJ	Interstate Tire Mart	Denver, Colo.
UTK	King Tire Recapping Co.	Honolulu, Hawaii.
UTL	Long Tire Co.	Thomasville, Ga.
UTM	McDaniel Tire Service, Inc.	Louisville, Ky.
UTN	Nu-Tred Tires	Pompano Beach, Fla.
UTP	Simmons Tire Service	Pink Hill, N.C.
UTT	T. & R. Truck Service	Albany, Oreg.
UTU	Valley Tire Center	Phoenix, Ariz.
UTV	Santa Maria Tire, Inc.	El Rio, Calif.
UTW	Letterkenny Army Depot	Chambersburg, Pa.
UTX	Aeworth Tire Service	Aeworth, Ga.
UTY	Brewer Tire Co., Inc.	Winston-Salem, N.C.
UUA	Howard's Recap Shop	Panama City, Fla.
UUB	Jim's Firestone Tire Service	Salem, Mo.
UUC	Chas. Merz Co., Inc.	Marysville, Calif.
UUD	Quiney Tire & Recapping Co.	Quiney, Fla.
UUE	Red Cross Recapping	Oakboro, N.C.
UUF	Riverdale Shell	Mount Airy, N.C.
UUH	South Main Rubber Co.	Salt Lake City, Utah.
UUJ	Tire Service Co.	Morehead City, N.C.
UUK	Wilke & Son Tire Service	New Braunfels, Tex.
UUL	Winco Sales, Inc.	Des Moines, Iowa.
UUM	Warren Brown Tire Co.	Wichita, Kans.
UUN	Dixie Tire Service, Inc.	Memphis, Tenn.
UUP	Elzey's Tire Shop	Alpharetta, Ga.
UUT	Finn Tire & Recapping	Carbondale, Pa.
UUU	Getz-Cole Tire Recapping Co., Inc.	St. Louis, Mo.
UUV	Keiths, Inc	Black Eagle, Mont.
UUW	Kingstree Home & Auto Supply.	Kingstree, S.C.
UUX	Landrum's Flotation Tires	Miami, Fla.
UUY	Luis M. Manthez	Las Piedros, P.R.
UVA	McAbee Service Center	Pendleton, S.C.
UVB	O.K. Tire Store, Inc.	Panama City, Fla.
UVC	Portland Truck Tire Recapping.	Louisville, Ky.
UVD	Tritt & Dillard Tire Co	Sylva, N.C.
UVE	Universal Tire Co.	Elizabethtown, Pa.
UVF	U.S. Royal Tire Shop, Ect.	New Haven, Conn.
UVH	V. & S. Tire Service	Brookhaven, Miss.
UVJ	Deane Bros. Tire Service	Salinas, Calif.
UVK	H. & O. Tire Service	Jasper, Oreg.
UVL	Jacobs Road Tire Shop	Youngstown, Ohio.
UVM	O.K. Rubber Welders	Statesville, N.C.
UVN	Watson Tire Service	Shelbyville, Ind.
UVP	Andrews Home & Auto Supply, Inc.	Randleman, N.C.
UVT	Bass Wholesale Tire Service	Blue Ridge, Ga.
UVU	Berks-Lehigh Tire Service	Meritztown, Pa.
UVV	B. & H. Tire Co.	Bowdou Junction, Ga.
UVW	Bob's Tire Service	Bentonville, Ark.
UVX	Bryant Tire & Vulcanizing Co.	Pine Bluff, Ark.
UVY	Champ Tire Co.	Ralston, Okla.
UWA	City Tire Service of Henderson.	Hendersonville, N.C.
UWB	Clark Tire, Inc.	Sacramento, Calif.
UWC	Collins Tire Co.	Pittsburgh, Pa.
UWD	Custom Retreading Co.	Hendersonville, N.C.
UWE	C. & W. Tire Co., Inc.	Douglas, Ga.
UWF	Diamond Retread Service	Martinez, Calif.
UWH	Dixon's Recapping Shop	Wallace, N.C.
UWJ	Doran Tire Service	Doran, Va.
UWK	East Main Recapping	Laurens, S.C.
UWL	Eddies Tire & Glass Service, Inc.	Rapid City, S. Dak.
UWM	Elizabethton Tire & Recapping Co.	Elizabethton, Tenn.
UWN	Eureka Tire Co.	Iron Mountain, Mich.
UWP	Greene Standard Service	Sheffield, Ala.
UWT	Herold's Tire Co.	Columbus, Ind.
UWU	Knight Trucking Co.	Eugene, Oreg.
UWV	Major Custom Tire Co.	Bridgeport, Conn.
UWW	Master Tire Service	Oresham, Oreg.
UWX	McCann Recapping	Hillsboro, Oreg.
UWY	Mike's Tire Service, Inc.	Loyal, Wis.
UXA	Herm Miller Service	Salt Lake City, Utah.
UXB	Moore's Union 76 Service Station.	Martinsville, Va.
UXC	Morgan & Son	Los Angeles, Calif.
UXD	Ray Nesmith Tire Co.	Cochran, Ga.
UXE	Newsome Tire Co.	Murfreesboro, N.C.
UXF	Paden Tire Service	Dayton, Ohio
UXH	Pennsylvania Tire Town, Inc.	Tupelo, Miss.
UXJ	Perry's Tire Recap Shop	Pataskala, Ohio
UXK	Pope Tire Service	South Gate, Calif.
UXL	Paul Price Tire Service	Eureka, Calif.
UXM	Rousseau Tire Service	De Witt, Ark.
UXN	Service Tire Co., Inc.	Latta, S.C.
UXP	Rex Smalley Tire Service	Arab, Ala.
UXT	Steele Tire Service, Inc.	Asheville, N.C.
UXU	Tire Sales	Winston-Salem, N.C.
UXV	Tires, Inc.	Waterbury, Conn.
UXW	Vincent & Son Tire Service	Newnan, Ga.
UXX	Ward's Tire & Recapping	Hendersonville, N.C.
UXY	C. B. West & Son	Masontown, Pa.
UYA	Frey's Tire Shop, Inc.	Jersey Shore, Pa.
UYB	Foy's Tire Markel	Kalispell, Mont.
UYC	Ames Tire & Service Co.	Hattiesburg, Miss.
UYD	Asheboro Tire Center, Inc	Asheboro, N.C
UYE	Ellijay Tire Co.	Ellijay, Ga.
UYF	Hodges Tire Co., Inc.	Santa Rosa, Calif.
UYH	Holley's Tire Service	San Clemente, Calif.
UYJ	O.K. Tire Shop	Alpine, Tex.
UYK	Purcell Ellis Tire Co	Washington, Mo.
UYL	Roberts Bros.	Cumberland, Ky.
UYM	Red Robins Tire Service	Muskogee, Okla.
UYN	Rouse Tire & Appliance	Laurens, S.C.
UYP	Thompson Tire Service	Luling, Tex.
UYT	United Tire Co., Inc.	Greenville, S.C.
UYU	Wayne Tire Co	Goldsboro, N.C.
UYV	White Tire Co	Spartanburg, S.C.
UYW	White Tire Service	Ripley, Tenn.
UYX	B. & D. Retreading Co.	Dallas, Tex.
UYY	Albuquerque Tire Corral	Albuquerque, N. Mex.
VAA	Brooks County Retreading	Quitman, Ga.
VAB	Clary Tire Co.	Stanton, Tex.
VAC	Genes Tire & Auto Service	Concord, N.C.
VAD	Industrial Tire Co.	Dallas, Tex.
VAE	Loxley Recap Shop	Loxley, Ala.
VAF	Mack's Body & Tire Service	Mount Vernon, Ky.
VAH	Martin Tire Service	McCaysville, Ga.
VAJ	R. & W. Tire Service, Inc.	Lexington, S.C.
VAK	Stanleyville Tire Service, Inc.	Yadkinville, N.C.
VAL	Stewart Tire Shop	Magna, Utah.
VAM	Brock Tire Co., Inc	Gainesville, Ga.
VAN	Excel Tire Co	Roanoke Rapids. N.C.
VAP	S. & R. Retreading Corp.	Greenville, Ohio.
VAT	R. R. Hood Tire Co.	Oklahoma City, Okla.
VAU	Al's Tire Service	New Plymouth, Idaho.
VAV	Bethune's Firestone Tire & Retread Service.	Augusta, Ga.
VAW	Holt Co.	Layton, Utah.
VAX	Big Tire	Catano, P.R.
VAY	Boyd's Tire Service	Winston-Salem, N.C.
VBA	Central Tire & Retreading Co., Inc.	Cedar Bluff, Va.
VBB	Clements Tire & Supply Co.	Atlanta, Tex.
VBC	L. M. Cook Tire Co.	Emporia, Kans.
VBD	Farr Better Service	Ogden, Utah.
VBE	Florida Tire Exchange	St. Petersburg, Fla.
VBF	Four Star Tire Service	Vega Baja, P.R.
VBH	Hatcher's Tire Service	Savannah, Tenn.
VBJ	Highway Tire Sales	Glen Allen, Va.

Code No.	Retreader's name	Location
VBK	Imperial Truckmotive Industries.	Los Angeles, Calif.
VBL	Lavonia Tire & Recapping Co.	Lavonia, Ga.
VBM	Lemaster Auto & Home Supply.	Bessemer City, N.C.
VBN	Maley's	Omak, Wash.
VBP	Morelands Tire Supply	Jacksonville, Fla.
VBT	O.K. Tire Stores	Madras, Oreg.
VBU	Oldtown Tire Shop	Winston-Salem, N.C.
VBV	Radial Tire Sales	San Bernardino, Calif.
VBX	Romero Tire Shop	Socorro, N. Mex.
VBY	Santa Clara Valley Tire Service	San Jose, Calif.
VCA	Sprayberry Retread Service	Lanett, Ala.
VCB	Thomas Oil Co.	Belle, Mo.
VCC	Tires, Inc.	Demopolis, Ala.
VCD	Yarbroughs Cold Process Retreading, Inc.	Marshall, Ark.
VCE	Swalm Bros.	Liberty, N.C.
VCF	Howard's Tire Service	Attalla, Ala.
VCH	Monteith Tire Co., Inc.	Warsaw, Ind.
VCJ	Tuch Tire Service	Gonzales,Tex.
VCK	Bestire Recapping Corp.	Caguas, P.R.
VCL	Bodie's Tire Service	High Point, N.C.
VCM	Coen Tire Shop	Bickmore, W. Va.
VCN	Danielsville, Tire Service	Danielsville, Ga.
VCP	Dorsey's Tire Service	Pompano Beach, Fla.
VCT	Holden Garage	Iron City, Tenn.
VCU	Liberty Tire & Recap, Inc.	Liberty, Ky.
VCV	Poteat Tire Co.	Marion, N.C.
VCW	Southern Tire & Supply Co., Inc.	Tuskegee, Ala.
VCX	St. Denis Tire Service	Louisville, Ky.
VCY	Super Tire Retreading	St. Just, P.R.
VDA	Allison Tree Gulf.	Dobson, N.C.
VDB	Al's Tire Shop	North Branch, Minn.
VDC	Burkhart's Auto Parts	Beebe, Ark.
VDD	Central Tire & Recapping Co.	Cornelia, Ga.
VDE	Corley's Automotive & Recapping Service.	Sandersville, Ga.
VDF	DeWitt's Service Station	Pamplico, S.C.
VDH	Farrell Tire Co.	Farrell, Pa.
VDJ	Mountain States Tire Co.	Phoenix, Ariz.
VDK	Tire Service, Inc.	Bayamon, P.R.
VDL	United Tire Co.	Seattle, Wash.
VDM	Old 52 Highway Tire Shop	Winston-Salem, N.C.
VDN	Ability Tire Co.	Minneapolis, Minn.
VDP	Bowers Tire Recapping	Travelers Rest, S.C.
VDT	Tharp Tire, Inc.	Eastland, Tex.
VDU	Jones Tire Co., Inc.	Atlanta, Ga.
VDV	Rogers Cartage Company	Kankakee, Ill.
VDW	Norwood Recapping Service	Norwood, N.C.
VDX	Classic Tire, Inc.	Salem, Oreg.
VDY	Commercial Tire Co.	San Francisco, Calif.
VEA	M. & S. Recap Shop	Cross Roads, Miss.
VEB	Amos Brown Tire Shop	Waynesboro, Ga.
VEC	George's of Seymour, Inc.	Seymour, Ind.
VEE	Kidd Motor Co.	Revelo, KY.
VEF	Kiser Tire Co.	Clarion, Pa.
VEH	Midtown Motors, Inc.	Madison, N.C.
VEJ	Ponce Retreading, Inc.	Ponce, P.R.
VEK	Shafter Tire Recap Shop	Shafter, Calif.
VEL	Stigen Tire Service	Moorhead, Minn.
VEM	City Tire Service	Woodsfield, Ohio.
VEN	Curley's Eneo Truck Center	El Centro, Calif.
VEP	Jackson Tire Service	Culver, Ind.
VET	Kenly Tire Service	Kenly, N.C.
VEU	Los Gatos Tire Service	Los Gatos, Calif.
VEV	L. & B. Retreading	Wilkes-Barre, Pa.
VEW	Maywood Tire & Oil Co.	Olive Branch, Miss.
VEX	Mohave Tire Co.	Kingman, Ariz.
VEY	OK Tire Store	Byrdstown, Tenn.
VFA	Race Tire Service	Trenton, N.J.
VFB	Shelton's Tire Service	Houston, Tex.
VFC	Wiles Tire Service	Holly Hill, S.C.
VDD	Pagel Tire Co.	Roberta, Ga.
VFE	Avile's Recapping Plant	Puerto Nuevo, P.R.
VFF	Bittick Tire & Oil Co.	Forsyth, Ga.
VFH	Don & Bob's Tire Service	Dyersville, Iowa
VFJ	Firestone Home & Auto Supplies.	China Grove, N.C.
VFK	Florida Radial Tires Distributors.	Ocoee, Fla.
VFL	Pioneer Tire & Retread Co., Inc.	Mayaguez, P.R.
VFM	Poo's Tire Co.	Wallingford, Conn.
VFN	Tire Discount Corp.	Waynesboro, Va.
VFP	Testoni Bros. Tire Co.	Enfield, Conn.
VFT	Handley Weather Super Service.	La Grange, Ga.
VFU	Olanta Tire & Auto Parts Co.	Olanta, S.C.
VFV	Action Tire, Inc.	Susanville, Calif.
VFW	Pan American Tire Co.	Danis, Fla.
VFX	Cutler Tire Recapping	Hartford, Conn.
VFY	Service Tire & Retreading, Inc.	Elwood, Ind.
VHA	Wilson's Tire & Recapping	Great Falls, S.C.
VHB	Grantville Tire Co.	Grantville, Ga.
VHC	Harper Tire Co.	Detroit, Mich.
VHD	Healzer's	Ness City, Kans.
VHE	Maddux Recapping Shop	Boone, N.C.
VHF	Martin Tire & Supply	Ladysmith, Wis.
VHH	Ray's Gulf Service	Charlotte, N.C.
VHJ	Red's Union 76 Service	Biscoe, N.C.
VHK	Sharp Tire Service	Bay Springs, Miss.
VHL	Treadway Exports Ltd.	Waterloo, Ontario, Canada.
VHM	F. & N. Graham, Inc.	Sea Cliff, N.Y.
VHN	Highland Tire Service	Tullahoma, Tenn.
VHP	Lewisburg Tire Service	Maysville, Ky.
VHT	Nadal's Recapping Plant	San German, P.R.
VHU	Randall-Norton Tire Co.	Vinita, Okla.
VHV	Recapping Service Corp.	Ponce, P.R.
VHW	Star Esso Service Center	Star, N.C.
VHX	Tire Retreaders, Inc.	Minneapolis, Minn.
VHY	Virginia Carolina Tire Co., Inc.	Chesapeake, Va.
VJA	Gene's Recap Shop	Homestead, Fla.
VJB	Anderson Tire Service	Arcata, Calif.
VJC	Bill's Garage	Hubbard, Ohio.
VJD	Fugett Tire Co.	Batesville, Ark.
VJE	Gibson Tire Service	Shenandoah, Pa.
VJF	Harwell Recapping Co.	York, Ala.
VJH	Nock's 24 Hour Tire Service	Pocomoke City, Md.
VJJ	J. D.'s One Stop Service, Inc.	Jackson, Miss.
VJK	Tire Kingdom Inc.	Philadelphia, Pa.
VJL	York Tire Co.	Amarillo, Tex.
VJM	Clements Tire & Recapping Shop.	Lindale, Ga.
VJN	Montgomery Tire Service	San Bernardino, Calif.
VJP	Jomar Tire Craft	Trujillo Alto, P.R.
VJT	O.K. Rubber Welders	Brawley, Calif.
VJU	Porter B. & S. Retread, Inc.	Olive Hill, Ky.
VJV	Scott's Tire Service	Terre Haute, Ind.
VJW	V. Francisco Tire Sales	Carbondale, Pa.
VJX	Turner's Auto Wrecking, Inc.	Fresno, Calif.
VJY	Northern Commercial Co. Tire Center.	Anchorage, Alaska.
VKA	Southern Appalachian Tire Co., Inc.	Gainesville, Ga.
VKB	Scott Retreading Co.	Rush, Tex.
VKC	Southern Tier Bandag	Binghamton, N.Y.
VKD	Roy's Recapping Service	Lexington, N.C.
VKE	Red Arrow Retreading	Eufaula, Okla.
VKF	Di Fran Retreading	Cayey, P.R.
VHH	Specialty Tire Co.	Canoga Park, Calif.
VKJ	Glen's Tire Shop	Houston, Tex.
VKK	Griffin Bros. Tire Sales, Inc.	Charlotte, N.C.
VKL	Jones Firestone Dealer Store	Greenville, Ala.
VKM	Metropolitan Bandag, Inc.	Maspeth, N.Y.
VKN	Hrobacks Recapping	Alden, Pa.
VKP	Mobat Tire & Rubber Co., Inc.	Livermore, Calif.
VKT	Thomas Tire & Tread Co.	Beaumont, Tex.
VKU	Little Sinclair Service	Gaffney, S.C.
VKV	A.B.C. Bandag, Inc.	St. Joseph, Mo.
VKW	Universal Tire Corp.	Roseville, Mich.
VKX	Dedmon Recapping Inc.	Shelby, N.C.
VKY	Auto Service Co.	Fairbanks, Alaska.
VLA	Crowe Tire Service	East Talliassee, Ala.
VLB	Bama Bandag Co.	Thomasville, Ala.
VLC	Arkansas Tire Distributors	Fort Smith, Ark.
VLD	Barrier Tire & Recap.	Missoula, Mont.
VLE	H. & H. Recapping	Lamar, S.C.
VLF	Chicago Bandag, Inc.	Addison, Ill.
VLH	Paul Duke Tire Shop	Dublin, Ga.
VLJ	Jimmy's Recapping Service	Fort Mill, S.C.
VLK	O.K. Tire Store	Columbus, Miss.
VLL	Our Tire Shop	Tampa, Fla.
VLM	Tri-State Bandag, Inc.	Huntington, W. Va.
VLN	ABC Tire Service Center, Inc.	Long Beach, Calif.
VLP	Griffin Radial Tire Co., Inc.	La Crosse, Wis.
VLT	Bates Tire Service	Waverly, Tenn.
VLU	Braun's Super Service, Inc.	Walpeton, N.C.
VLV	City Wide Tire Service	Tampa, Fla.
VLW	Busby, Inc.	Burlington, Colo.
VLX	Community Recapping Center.	Hertford, N.C.
VLY	Herman's Tire Service	Bentonville, Ark.
VMA	Samuel F. Hewes	Townsend, Del.
VMB	Royal Tire Service, Inc.	Sylacauga, Ala.
VMC	Tyson Tire Sales	Whiteville, N.C.
VMD	Seagrove Tire Center	Seagrove, N.C.
VME	Copeland Wholesale Tires, Inc.	Thomasville, N.C.
VMF	Ashland Outbound Marine	Ashland, Ala.
VMH	Central Coast Tire & Battery Co.	San Luis Obispo, Calif.
VMJ	Davis Tire Wheel	El Paso, Tex.
VMK	Enterprise Tire Service	Oroville, Calif.
VML	Interstate Tires, Inc.	Nashville, Tenn.
VMM	Pachorek Tire Co.	Trinidad, Colo.
VMN	Pan Am Service	Laurel, Miss.
VMP	Ace Tire Service	St. Louis, Mo.
VMT	Altus Tire Service	Altus, Okla.
VMU	Guarantee Tire Service	Hollywood, Calif.
VMV	Ridgeland Tire & Recapping, Inc.	Ridgeland, S.C.
VMW	Olson Tire Service	Dwight, Ill.
VMX	West End Tire Service & Sales, Inc.	Huntington, W. Va.
VMY	Pleasant Tire Center	Midland, Tex.

JAN 11 72 XUM

TABLE IV

Code No.	Retreader's name	Location
KUW	A. & B. Tire Recappers	South Haven, Miss.
TKM	A. & E. Tire Service, Inc.	Manchester, Conn.
HWU	A-1 Racing Tire	Rosemead, Calif.
ATJ	A-One Tire Co.	Cleveland, Ohio.
PET	A-1 Tire Co.	Mansfield Ohio.
PEU	do	Ponca City, Okla.
PTB	A-1 Tire Co., Inc.	Louisville, Ky.
AML	A. & A. Tire Co., Inc.	Oklahoma City, Okla.
LFY	A. & A. Tire, Inc.	New Springfield, Ohio.
HNH	AAA Retreaders, Inc.	Tampa, Fla.
UMA	AAA Tire Co.	Bakersfield, Calif.
DML	AAA Tire Service	Havelock, N.C.
AHJ	do	Fullerton, Calif.
AFJ	AAA Tires, Inc.	Metairie, La.
UJD	A & B Tire Co.	Jacksonville, N.C.
HMF	do	Memphis, Tenn.
FTP	Abadie Tire Co.	Houston, Tex.
KLU	A.B.C. Bandag, Inc.	Kansas City, Mo.
VKV	do	St. Joseph, Mo.
NLV	ABC Tire Co.	Vincennes, Ind.
VLN	ABC Tire Service Center, Inc.	Long Beach, Calif.
FFD	Abel's Tire Corp.	Rutland, Vt.
MBB	Aberdeen Recapping	Aberdeen, N.C.
PEP	Abe's Gas House	Manitou Springs, Colo.
TBC	Abilene General Tire Co.	Abilene, Tex.
VDN	Ability Tire Co.	Minneapolis, Minn.
KBL	Abrams Tire Co.	Dadeville, Ala.
HYB	A. C. Tire Co.	Washington, D.C.
UPD	Accurate Tire Co.	Chicago, Ill.
NPA	Ace Service, Inc.	Fresno, Calif.
PYA	Ace Tire Recappers	Zanesville, Ohio.
LJF	Ace Tire & Retreading	Waterloo, Iowa.
VMP	Ace Tire Service	St. Louis, Mo.
NPB	Ace Tire Shop, Inc.	Nelsonville, Ohio.
EFU	Acheson Tire Co.	Grand Rapids, Minn.
MVH	Acme Tire Co.	Tampa, Fla.
JEH	Acme Tire of Grand Rapids, Inc.	Grand Rapids, Mich.
LMJ	Acra Tire Shop, Inc.	Acra, N.Y.
CUT	Action Tire Center, Inc.	Anchorage, Aklaska.
CHX	do	Sarasota, Fla.
PVD	Action Tire Co.	Dallas, Ga.
VFV	Action Tire Inc.	Susanville, Calif.
UTX	Acworth Tire Service	Acworth, Ga.
TJA	Adair Tire Co.	Birmingham, Ala.
NFC	Adams Firestone Recap	Pell City, Ala.
PBD	Adams Tire Recapping Co.	Paris, Tenn.
HJX	Adams Tire Service	Long Beach, Calif.
NKK	Adams-Zuker Tire Co.	Cedartown, Ga.
NCB	Adcock Tire Service	Columbus, Miss.
PDA	Adel Tire & Recapping Co.	Adel, Ga.
BLT	Adnac Tire & Retreaders Ltd.	Edmonton, Alberta, Canada.
BCM	Adney Tire Service, Inc.	West Chester, Pa.
BJK	Advance Tire Corp.	Bronx, N.Y.
FDW	Advance Tire Service	Denver, Colo.
TXT	do	Waterbury, Conn.
LYN	Aero Tire Co.	Miami, Fla.
KBV	A/G Tire Co.	Fort Worth, Tex.
UMB	AGS Tire Service, Inc.	York, Pa.
DTK	A. & H. Tire Co., Inc.	Meridian, Miss.
NTU	Aboskie Tire Service	Aboskie, N.C.
LVX	Aiken Black Tire Service, Inc.	Hickory, N.C.
KLY	Airdrome Tire Sales, Inc.	Tampa, Fla.
EAK	Airport Tire Service	Gainesville, Ga.
LMC	A. & K. Tire Co.	Los Angeles, Calif.
LBF	Akins Tire Co.	Quitman, Miss.
LNA	Akro-Mite Recapping, Inc.	Akron, Ohio.
LDY	Akron Retread Service	Do.
PTA	A. & L. Tire & Appliance Co.	Columbia, Miss.
JYU	A. & L. Tires, Inc.	Athens, Ga.
EBY	Al's Tire Service	Latrobe, Pa.
KHB	Alameda Bandag	Newark, Calif.
PYB	Alaska Tire Engineering, Inc.	Copper Center Alaska.
ABT	Alba Tire Co.	Albuquerque, N. Mex.
NVD	Albany Bandag Tire Service	Albany, Ga.
EUA	Albany General Tire Service, Inc.	Do.
HWJ	Albany Tire Service	Albany, Calif
ECP	Albemarle Retreading, Inc.	Albemarle, N.C.
LPU	Albemarle Tire Service	Edenton, N.C.
EEP	Albert Tire Service	Reading, Pa.
PBE	Red Albert Tire Service	Pico Rivera, Calif.
UYY	Albuquerkue Tire Corral	Albuquerque, N. Mex.
AVD	Alco Rubber Co., Inc.	Garden City Park, N.Y.
LPA	A.L.E. Tire Co.	Tarentum, Pa.
FVW	Alex Tire Service, Inc.	Rochester, N.Y.
LHY	Alexander Tire Service	Dixon, Mo.
HUE	Alford & Bob's Tire Service	El Dorado, Ark.
ELB	Alkar Tire Service	Smith Center, Kans.
BTJ	Alper Tire & Supply, Inc.	Clarksburg, W. Va.
AUV	All-Good Tire Co., Inc.	Anderson, S.C.
AYC	All Service Tire Co.	Cocoa, Fla.
DNK	All Tire Co.	San Diego, Calif.
TMA	All-Weather Tire Co.	Waycross, Ga.
CKV	Allen County Tire Stores, Inc.	Fort Wayne, Ind.
ENL	Allen Rubber Co.	Philadelphia, Pa.
BWY	Allen Tire & Recapping Co.	Georgetown, Ga.
ABP	Allens Tire Service, Inc.	Toms River, N.J.
LNF	Allied Auto, Inc.	Akron, Ohio.
CTM	Allied Rubber, Inc.	Braddock, Pa.
FKF	Allied Tire Jobbers, Inc.	Evansville, Ind.
UDH	Allied Tire & Supply	Springfield, Mo.
TCA	Alligood Tire Service	Thomasville, Ga.
TEN	Allison Tire Co.	Odessa, Tex.
EHH	Roy Allison Tire Service	Mount Pleasant, Pa.
VDA	Allison Tree Gulf	Dobson, N.C.
TJB	Allweather Tire Co.	Jacksonville, Fla.
DKT	Almira Tire & Supply Co.	Cleveland, Ohio.
UMC	Al's Tire Service	Hoopa, Calif.
VAU	do	New Plymouth, Idaho.
HLW	Al's Tire Service of Middletown, Inc.	Middletown, N.Y.
VDB	Al's Tire Shop	North Branch, Minn.
CJK	Al's Tire Shop, Inc.	Fall River, Mass.
EEE	Alta Vista Tire Service	Alta Vista, Va.
MYL	Alturas Tire Shop	Alturas, Calif.
VMT	Altus Tire Service	Altus, Okla.
TJC	A. & M. Tire	Lamont, Calif.
KKE	A. & M. Tire Co., Inc.	Columbia, S.C.
DXA	Amelia Tire Co.	Amelia, Ohio.
JYP	American Bandag Co.	Libertyville, Ill.
MWT	American Retreaders, Inc.	Columbia, S.C.
TTK	American Tire Co.	St. Paul, Minn.
ETN	American Tire Corp.	Flushing, Ohio.
TWW	do	Miami, Fla.
HFD	American Tire Recapping, Inc.	Honolulu, Hawaii.
UYC	Ames Tire & Service Co.	Hattiesburg, Miss.
BYC	Amherst Tire Rebuilders	Amherst, Va.
BXT	Amos Tire Shop, Inc.	Lancaster, Ohio.
UJE	Amour Tire & Battery Co., Inc.	Burlington, Vt.
FVD	Anaheim Tire Service	Long Beach, Calif.
LUU	Andalusia Tire Co.	Andalusia, Ala.
PEV	Anderson Tire & Retreading	Fort Pierre, S. Dak.
DLW	Bill Anderson Tire Co.	San Marcos, Calif.
TPM	Anderson Tire Co.	Bridgeport, Tex.
PYC	do	Dillwyn, Va.
AJL	L. P. Anderson Tire Co., Inc.	Billings, Mont.
BYU	Anderson Tire Co., Inc.	Allison Park, Pa.
VJB	Anderson Tire Service	Arcata, Calif.
EHW	do	Hollister, Calif.
TVA	do	Escanaba, Mich.
ALU	Anderson Tire Service, Inc.	Mount Vernon, Wash.
PLN	Anderson's Tire Co.	Carthage, Miss.
UVP	Andrews Home & Auto Supply, Inc.	Randleman, N.C.
CHL	Willie Andrews Tire Co.	Slocomb, Ala.
JYW	Andrews Tire Recap & Welding Shop	Chipley, Fla.
TNW	Andrews Tire Service, Inc.	Andrews, S.C.
NHA	Andrews Tire Shop	Andrews, N.C.
KJC	Andy Bros. Tire Shop	Morgantown, W. Va.
JFW	Andy's Inc.	Great Falls, Mont.
EXW	Andy's Tire Shop	Fresno, Calif.
KAN	Andy's Tire Service	Cumberland, Md.
UAY	do	Norfolk, Nebr.
NBD	Anglin Tire Service	Stuart, Va.
ANX	Annears Tire Mart, Inc.	Richland, Wis.
PKY	Ansonville Recapping	Ansonville, N.C.
BUN	Paul Anthony Tire, Inc.	Dayton, Ohio.
NDW	The Antilles Fiberglass Products Co., Inc.	St. Thomas, V.I.
AXE	Johnny Antonelli Tire Co., Inc.	Rochester, N.Y.
UME	Apache Tire Co.	Tucson, Ariz.
UDK	Apex Tire Co.	Salt Lake City, Utah.
HML	Appalachian Tire Products, Inc.	Charleston, W. Va.
HMN	do	Pulaski, Va.
HMM	do	Lewisburg, W. Va.
NFT	Apperson Tire Co.	Greenville, S.C.
LDL	Appomattox Truck & Tractor, Inc.	Appomattox, Va.
FPL	Arch's Tire Service	Sacramento, Calif.
EDW	Al Archard, Inc.	El Cajon, Calif.
TKN	Archie's Garage	Dugapur, Va.
MUF	Area Wholesale Tire Co., Inc.	Baton Rouge, La.
CCV	Ariall Tire Co.	Cornelia, Ga.
JXE	Arizona Tire Co.	Phoenix, Ariz.
NHC	Arkansas Bandag Corp.	Fort Smith, Ark.
NYA	do	North Little Rock, Ark.
VLC	Arkansas Tire Distributors	Fort Smith, Ark.
TWX	Armbrecht's, Inc.	Mobile, Ala.
CEU	Armor Tread Tire Co.	Charlotte, N.C.
BHF	Armor Tread Tire, Inc.	Baltimore, Md.
BCF	Armstrong & Holton Tire Service, Inc.	Lancaster, Pa.
BHK	Armstrong Tire & Accessory Corp.	Laytonsville, Md.
LKF	Henry Armstrong Tire Store	Greenville, S.C.
UTW	Letterkenny Army Depot	Chambersburg, Pa.
UPA	Red River Army Depot	Texarkana, Tex.
UPB	Tooele Army Depot	Tooele, Utah.
BKY	Arnold & Dean Tire Co.	Bartlesville, Okla.
JEN	Arnold Tire Co.	Hot Springs, Ark.

Code No.	Retreader's name	Location
PDB	Arnold Tire Service	West Brownsville, Pa.
AFU	Aronson Tire Co., Inc.	Auburn, Mass.
LLW	Arrow Tire, Inc.	Gainsville, Ga.
HVY	Arrowhead Tire & Battery Co.	San Bernardino, Calif.
JHH	Arroyo Tire Co., Inc.	Los Angeles, Calif.
AFN	Arsenault Tire Co.	Winslow, Maine.
FHL	Art Berg Tire Service, Inc.	Sand City, Calif.
NJB	Ashburn Tire Service	Ashburn, Ga.
UYD	Asheboro Tire Center, Inc.	Asheboro, N.C.
VMD	Seagrove Tire Center	Seagrove, N.C.
VMF	Ashland Outboard Marine	Ashland, Ala.
NWA	Ashland Tire, Inc.	Ashland, Ohio.
MXF	T. R. Ashworth, Inc.	Fuquay-Varina, N.C.
DNY	Associated Rubber Co.	Tallapoosa, Ga.
NAK	Associated Tire Centers	Portland, Oreg.
CVJ	The Astro Co.	Cinchnati, Ohio.
NFM	Atalde General Tire Service	Monterey, Calif.
KTN	Athens Discount Tire Co., Inc.	Athens, Ala.
BYY	Athens OK Tire Service	Do.
PVE	Athens Tire & Supply, Inc.	Athens, Ga.
JRX	Atkins Tire & Battery Service	Wytheville, Va.
DTF	Atlanta General Tires, Inc.	Atlanta, Ga.
JTD	Atlanta Tire Co., Inc.	Atlanta, Tex.
DNB	Atlanta Tire Tread Service, Inc.	East Point, Ga.
KXP	Atlantic Retread, Inc.	Willington, Conn.
TEP	Atlantic Tire Co., Inc.	Norfolk, Va.
UBA	Atlantic Tire Corp.	San Juan, P.R.
MDD	Atmore Recap Shop, Inc.	Atmore, Ala.
AKP	Auburn Crown Tire Co., Inc.	Auburn, N.Y.
PBF	Auburn Tire Service	Auburn, Ala.
MXT	Augusta Tire & Supply Co., Inc.	Augusta, Ga.
DLB	Ault's Tire, Inc.	Woodsfield, Ohio.
DXK	Aurora Recapping	Aurora, Mo.
LUH	Austin Service Station	Newnan, Ga.
HLH	Austin Tire & Battery	Winder, Ga.
MFN	The Auto Clinic	Rolling Fork, Miss.
ATC	The Auto Inn of Shelby, Inc.	Shelby, N.C.
UBB	The Auto Mart, Inc.	Hampton, Va.
JWB	Auto Sav Recapping Co., Inc.	Opp, Ala.
VKY	Auto Service Co.	Fairbanks, Alaska.
UDL	Auto Service Station	Lake View, S.C.
LTK	Auto Tire Service	Richmond, Va.
TBE	Auto Tire Station	Tyrone, Pa.
ATK	Automotive Center, Inc.	Cleveland, Ohio.
LKK	Automotive Tire & Supply Co., Inc.	Mendenhall, Miss.
PVF	Automotive Tire & Supply, Inc.	Atlanta, Ga.
LCA	Autrey Tire	Asheville, N.C.
EEX	Ava Tire & Body Shop	Ava, Mo.
HBV	Avery County Recapping Co., Inc.	Newland, N.C.
VFF	Avile's Recapping Plant	Puerto Nuevo, P.R.
UPE	A. & W. Enterprises	Florence, Colo.
PLP	Ayers Oil Co.	Reynolds, Ga.
DNT	Bill Ayres, Inc.	Auburn, Calif.
UMD	A To Z Tire & Battery	Amarillo, Tex.
AWF	B. & M. Tire Sales	Gulfport, Miss.
KTV	B. & T. Tire Co.	Robersouville. N.C.
TJH	B. & J. Tire Retreaders	Yadkinville, N.C.
CCX	Babcock & Son Tire Service	Lancaster, Calif.
ECJ	Bacon Tire Service	Willow Springs, Mo.
LNX	Bacons Tire Service	Battle Ground Wash.
KEX	Badasci & Billingsley	Lemoore, Calif.
JWA	Baden Tire, Inc.	St. Louis, Mo.
BLN	Badger Tires, Inc.	Fond du Lac, Wis.
HCJ	Baggett Tire, Co.	Indianapolis, Ind.
TNA	Baggett Tire & Recapping Co.	Lillington, N.C.
TWY	Bagwell & Mathis Tire Co.	Cumming, Ga.
MCE	Bagwell Tire & Recapping	Landrum, S.C.
CUP	Bahner Tire & Recapping, Inc.	Williston, N. Dak.
HNT	Bill Bailey For Tires	Mount Vernon, Wash.
BEC	Bailey General Tire, Inc.	Tuscaloosa, Ala.
BKC	Bailey Tire Co.	El Monte, Calif.
HET	do	Atlanta, Ga.
AFF	Bailey's Tire Service	Hazard, Ky.
TMB	Bailey's Tifton Tire Co.	Tifton, Ga.
TMC	Murray Bailey's Tire Shop	Do.
PLA	Bailey's Tire Store, Inc.	Dickson, N. Dak.
BUT	Bain & Holden Tire Co.	Englewood, Tenn.
BNH	Baird Tire & Battery Co.	Ashtabula, Ohio.
KUP	Baird Tire Co.	Kilgore, Tex.
LML	Baitys Tire Service, Inc.	Yadkinville, N.C.
NHD	Baker-Askew Tire Co.	Amarillo, Tex.
AJB	Baker's Tire Service	Sidney, Nebr.
KNA	Bakersfield Tire Capping Co.	Bakersfield, Calif.
DMD	Bakke Tire Service	Missoula, Mont.
UBC	Balado & Canero Recap Corp.	Miami, Fla.
DJN	Baldwin Tire Co.	Los Angeles, Calif.
KFJ	Ball Tire Co.	Fresno, Calif.
TJD	Ball Tire & Gas, Inc.	Alpena, Mich.
LUJ	Ballard Tire Sales & Service, Inc.	New Bern, N.C.
HEC	Ballenger Tire Co.	Tallapoosa, Ga.
LPJ	Ballews Tire Service	Greenville, S.C.
NTV	Balloon Recappers	Lowell, Ark.
HBX	Balsiger Motor Co.	Klamath Falls, Oreg.
KFB	Balswick's Tire Shop	Turlock, Calif.
VLB	Bama Bandag Co.	Thomasville, Ala.
ALE	Bandag of Dallas, Inc.	Dallas, Tex.
FAW	Bandag Retreading Division	Muscatine, Iowa.
MVY	Bandag of Maryland, Inc.	Finksburg, Md.
HVJ	Bandag of Nassau, Inc.	Deer Park, N.Y.
AUT	Bandag of Philadelphia, Inc.	Norristown, Pa.
KJE	Bandag Recapping & Tire Co., Inc.	Atlanta, Ga.
TCB	Bandag Retreading Co.	Springfield, Mo.
FAW	Bandag Retreading Division	Muscatine, Iowa.
KLF	Bandag of Springfield	Springfield, Mo.
MJT	Bandag Tire Retread Service, Inc.	Sikeston, Mo.
KVD	Bandag Tire Retreaders of Buffalo, Inc.	Buffalo, N.Y.
UFB	Bandag of Waco, Inc.	Waco, Tex.
CNC	Bando Tire Co., Inc.	Fort Worth, Tex.
NLW	Banks Recapping	Pisgah Forest, N.C.
BJF	Banks Tire Co.	Jersey City, N.J.
UJF	Bannan Oil Co.	Zebulon, N.C.
CFP	Banner Retreading Co., Inc.	Bridgeport, Conn.
MAF	Bannock Tire Service, Inc.	Pocatello, Idaho.
AHX	Ralph Barber Tire Co.	Memphis, Tenn.
MPN	Barclay Tire Co.	Connellsville, Pa.
HFC	Barker-Hamlin Tire Co.	Danville, Va.
NTW	Barker's Nu-Tread Tire Store	Do.
BUJ	Barker's Tire Service, Inc.	Burlington, N.C.
EXU	Barmore-Sellstrom, Inc.	Jamestown, N.Y.
BKD	Barnes & Delaney	Long Beach, Calif.
JKL	Barnes Retread Service	Belpre, Ohio.
MCD	Barnes Tire Co., Inc.	Dallas, Tex.
KNJ	Barnes Tire Service	Snow Hill, N.C.
JHP	Barnet-Hewett Tire Co., Inc.	Syracuse, N.Y.
LEW	Barnett Tire Service	Leesburg, Fla.
HFJ	Barnett's Superior Tire Co., Inc.	Bakersfield, Calif.
ELW	Barney & Neil Tire Service	Omaha, Nebr.
CYL	Barnwell Home & Auto	Barnwell, S.C.
BWD	Barr Tire Co., Inc.	Charlottesville, Va.
TCC	Larry Barrett Tire Co.	San Francisco, Calif.
EXH	Barrett Tire Service	Curwensville, Pa.
LEX	Barrier Tire Co.	Neola, Iowa.
VLD	Barrier Tire & Recap	Missoula, Mont.
PJA	Barrineau Retread	Auburndale, Fla.
LMB	Barrington Tire Service	Jacksonville, Tex.
PNA	Barron Tire Co., Inc.	Bellingham, Wash.
NLX	Barron's Tire Service	Culpeper, Va.
MLU	Barrow Tire & Recapping Co.	Florala, Ala.
CPN	Barskile Retreading	Finleyville, Pa.
AWT	Bartal Tire Co.	Camden, N.J.
CCB	Bartlett & Johnston Bandag Recapping	Heber Springs, Ark.
EAY	Bartlett's Tire Service	Bridgeport, W. Va.
LPL	Basham Tire Co.	Huntsville, Ark.
KCF	Basin Tire Service, Inc.	Williston, N. Dak.
JVM	Baskin Tire Sales, Inc.	Harrisburg, Pa.
HVH	Bass Tire Division	Statesville, N.C.
UVT	Bass Wholesale Tire Service	Blue Ridge, Ga.
DXU	Bassett Forks Tire Service	Bassett, Va.
EFK	Bastian Retread Manufacturing, Inc.	Williamsport, Pa.
BEE	Batco, Inc.	Tucson, Ariz.
HDN	Bates Tire Service	Centerville, Tenn.
VLT	do	Waverly, Tenn.
HCK	Battery Distrubuting Co.	Louisville, Ky.
EUE	Battle Ground Tire, Inc.	Greensboro, N.C.
LTU	C. A. Battle & Sons Contr. Carriers, Inc.	Comfort, N.C.
BDW	Bauer Built, Inc.	Durand, Wis.
UDJ	Baugh-Lowery Tire Service, Inc.	Statesville, N.C.
KJV	do	Do.
MUV	Baughan & Newsome, Inc.	Lottsburg, Va.
PNB	Baxley Tire & Recapping Co.	Baxley, Ga.
TKP	Baxter Tire Service	Gilroy, Calif.
NAU	Bay Area Tire Co.	Oakland, Calif.
TET	Bay Area Tire, Inc.	Los Gatos, Calif.
LBL	Bay City Tire & Battery Co.	Bay City, Mich.
MHC	Bay View Tire Co.	Milwaukee, Wis.
KYW	Bay Vulcanizers, Inc.	Oakland, Calif.
EDK	Bayant General Tire Service	Birmingham, Ala.
LJM	Bayboro Tire & Retreading, Inc.	Bayboro, N.C.
CEL	Bayshore Bandag	Cuffwood Beach, N.J.
FEA	B. & B. Tire Co.	Billings, Mont.
NFD	do	Neosho, Mo.
KHP	B. & B. Tire & Retreading Plant.	Flagstaff, Ariz.
LNH	B. & B. Tire & Rubber Co.	Bedford, Hills, N.Y.
UCA	B. & B. Tire Service	Carthage, Tex.
UTA	do	Colorado Springs, Colo.
HJW	B&B Tire Service, Inc.	Bear Creek, N.C.
PVH	B. & B. Tire Shop	Marshall, N.C.
HEW	B. & B. Tire Center	Birmingham, Ala.
MNF	B. & C. Tire Co.	Lumberton, N.C.
EHB	B. & C. Tire Co., Inc.	East Gadsden, Ala.
NCM	B. & C. Tire Recapping	Grifton, N.C.
TJE	B. & C. Tire Sales	Taylorsville, N.C.
UYX	B. & D. Retreading Co.	Dallas, Tex.
UDM	Beachums Recapping	Oakboro, N.C.
EMF	Beam's Inc.	Cherryville, N.C.
NHE	Ray Beane, Inc.	Rutland, Vt.
EWY	Beardshaw General Tire Co.	Springfield, Ohio.

VOL 37 NO 6 JAN 11 72 XUM

Code No.	Retreader's name	Location
NCU	Beasley Tire Co., Inc.	Denver, Colo.
PNC	Beaver Tire Co.	Jacksonville, Fla.
LTE	Beaver Tire Service	Hartsville, S.C.
ETM	Beaver Valley Tire Service	West Bridgewater, Pa.
CEY	Bech's Recapping Service, Inc.	Creedmoor, N.C.
FKX	Becker's Auto Service	Marysville, Calif.
MDA	W. C. Beckler	Van Wert Ohio.
JKU	Beckley, Tire & Recapping	Beckley, W. Va.
MAP	Beck's Tire & Recapping Service.	Thomasville, N.C.
LCE	Beddard Tire & Recapping Service.	Jacksonville, N.C.
KMM	Bedford-Fulton Tire Sales & Service.	Warfordsburg, Pa.
HNF	Bedford Tire & Battery Co.	Bedford, Va.
HPN	Beeman's O.K. Tire Store	Union, Mo.
FUU	Beerman Tire Service	New Orleans, La.
HKE	Ernie Beers Tire Center	Gresham, Oreg.
DVP	Beesley Tire Co., Inc.	Springfield, Mo.
FTN	Bellby's Tire Shop	Watsonville, Calif.
PEW	Belfast Tire Service	Cedar Bluff, Va.
UJH	Belford & Parker	Cloverdale, Calif.
MED	Belgo Rubber Corp.	Brooklyn, N.Y.
NTX	Belk Tire Co.	Dillon, S.C.
CJP	Belknap Tire Co., Inc.	Laconia, N.H.
KUJ	Norm. Bell Service	Boise, Idaho.
NLY	Bell Tire Center	Paris, Ky.
DKU	Bell Tire Co.	Cleveland Ohio.
PVJ	do	Akron, Ohio
CWN	Belle Retread Co.	Belle Fourche, S. Dak.
LXN	Bell's Service Center	Napa, Calif.
KTJ	Belton Tire & Recapping Co., Inc.	Belton, S.C.
KYV	Belvedere Tire Co.	Los Angeles, Calif.
EAD	Bennett & Fennet Auto Service.	Asheville, N.C.
MWV	Bennett Tire Co.	Dumas, Tex.
LTB	Bennett Tire Service	Cookeville, Tenn.
JAJ	do	Estacada, Oreg.
UMF	do	Franklin, Ky.
BFY	Bennett Tire Service Co.	Claysburg, Pa.
UMH	Benny's Tire Co.	Waynesville, N.C.
KHF	Benton Retreading	Blacksburg, S.C.
NFN	Benton Tire Co.	Pennsauken, N.J.
CFH	Bentonville Tire & Battery Shop.	Bentonville Ark.
LXJ	Bercher Tire & Muffler Service.	Fort Smith, Ark.
JYD	Bergey's Tire Service	Franconia, Pa.
LFN	Bergman General Tire, Inc.	San Bernardino, Calif.
EUH	Bergman's Tire & Motor Sales, Inc.	Johnstown, Pa.
AME	Bergstrom Tire Center	River Falls, Wis.
UVU	Berks-Lehigh Tire Service	Mertztown, Pa.
NAF	Berlin Tire Service	Jeannette, Pa.
MYA	Bernard Street Recapping	Knoxville, Tenn.
CJT	Bernard Tire Co., Inc.	Manchester N.H.
PLT	Berrien Tire Exchange	Nashville, Ga.
BLD	Bert's Treads, Inc.	Wyomissing, Pa.
BVT	Besher's Tire Recapping Service.	Greenwood, S.C.
DWF	Best Buy, Inc.	Wall, Pa.
NHF	Best Tire Co., Inc.	Chicago, Ill.
HNE	Best Wholesale Tire Co.	Gibson, Pa.
VCK	Bestire Recapping Corp.	Caguas, P.R.
MYY	Bethel Tire Shop	Bethal, Ohio.
VAV	Bethune's Firestone Tire & Retread Service.	Augusta, Ga.
HWT	The Better Tires Sales Co., Inc.	Windber, Pa.
EKF	B. & F. Recapping Service	Wheat Ridge, Colo.
LLK	B. & F. Tire Service	North Wilkesboro, N.C.
HHV	B&G Tire & Supply, Inc.	Jasper, Ind.
UVV	B. & H. Tire Co.	Bowdon Junction, Ga.
KXH	do	Oklahoma City, Okla.
CKN	B. & H. Tire & Supply Co., Inc.	Buckhannon, W. Va.
EHC	Bi-County Tire Co.	Garden Grove, Calif.
TEU	B. & I. Tire Co., Inc.	Springfield, Mo.
LJK	Bibb City Tire Co.	Columbus, Ga.
CVX	Big B Tire Service	Borger, Tex.
KLX	Big Bend Supply Co., Inc.	Quincy, Fla.
UCB	Big John's Tire Co.	Reno, Nev.
TNX	Big O House of Tires	Flagstaff, Ariz.
CNT	Big O Production Plant	Oakland, Calif.
FHF	Big O Service & Supply, Inc.	Mira Loma, Calif.
CNP	Big O Tire Sales, Inc.	Littleton, Colo.
PLU	Big O Tire Store	Canon City, Colo.
TCD	Big O Tires	Wichita, Kans.
LJC	do	Ely, Nev.
HUD	do	Albuquerque, N. Mex.
AEN	Big O Tires of Idaho, Inc.	Rupert, Idaho.
AAV	Big O Tires, Inc.	Salt Lake City, Utah.
NHH	do	Nevada, Iowa.
MAY	Big O Tires of Louisville, Inc.	Louisville, Ky.
NHL	Big T Tire Co.	Crestview, Fla.
CYU	Big 10 Recapping, Inc.	Tallahassee, Fla.
MVU	Clifton Tire Service	Mount Olive, N.C.
MUY	Big 10 Tires, Inc.	Brooklcy Field, Ala.
TEV	Big Three Tire Co.	Pomtotoc, Miss.
VAX	Big Tire	Catano, P.R.
EHE	Big V Tire Center	Twentynine Palms, Calif.
MUU	Big 10 Tire Stores, Inc.	Pensacola, Fla.
NHJ	Bihler Tire Service	West Springfield, Pa.
LAE	Bill Beltner Tire Co.	Dover, Ohio.
TJF	Bill Recapping	Monroe, N.C.
EHT	Bill's Servicenter, Inc.	Bowling Green, Ky.
EAW	Bill's Tire Service, Inc.	Waterville, Maine.
CJA	Bill's Auto Parts	Carydon, Md.
VJC	Bill's Garage	Hubbard, Ohio.
LPW	Bills Service Center	Huddleston, Va.
TEW	Bill's Tire & Battery	Paris, Tex.
TMD	Bill's Tire Sales	Dallas, Tex.
TTM	Bill's Tire Service	Oakdale, Calif.
ANA	Bills Tire Service	Indianapolis, Ind.
NMA	Bill's Tire Shop	Wallingford, Iowa.
NHK	Billys Big O Tires	Seattle, Wash.
CYX	Binion Tire Co., Inc.	Newman Ga.
JXB	Bireh Tire Corp.	Dover, N.J.
UJJ	Bird Tire	Miami, Fla.
KMW	Birdsall Tire Co.	Glendive, Mont.
HVL	Bishop Tire & Supply Co.	Greenville, S.C.
DVH	Bishop Tire & Retreading Co.	Clinton, S.C.
MNT	Bishopville Tire Co.	Bishopville, S.C.
JLY	Bissett's Tire Store	Ballinger, Tex.
VFF	Bittick Tire & Oil Co.	Forsyth, Ga.
DUA	Bittner's Service Center	Salisbury, Pa.
KVE	B. & J. Tire Service	West Monroe, La.
UDN	B-K Tire Co.	Atlanta, Ga.
UDP	B. & K. Tire & Recapping	Middlesboro, Ky.
NWB	B. L. Tire Co.	Timmonsville, S.C.
FNK	B. & L. Tire Co., Inc.	Barre, Vt.
PTG	B&L Tire Co., Inc.	Montpelier, Vt.
LUN	B. & L. Wholesale Tire	Ventura, Calif.
TUN	Black Mountain Tire Service	Black Mountain, N.C.
MYN	Black Rock Service Station	Clayton, Ga.
TME	Black & Smith Tire & Recapping.	Westminster, S.C.
NYB	Black & White Tire Co.	Tahlequah, Okla.
CVP	Black's Tire & Recapping Co.	Greenville, S.C.
FCN	Black's Tire Service, Inc.	Whiteville, N.C.
JVV	Blackford Tire Co.	Russellville, Ark.
AEY	Blackie Tire & Battery Co.	Tell City, Ind.
KXC	Blackledge Tire Shop	Laurel, Miss.
ACH	Blackwell Tire Co., Inc.	Roanoke Rapids, N.C.
MWE	Blackwells, Inc.	Tarboro, Calif.
AXT	Bladen Tire Co., Inc.	Elizabethtown, N.C.
KTC	Blair & Hertan Tire Co.	Charlotte, N.C.
PXY	Blairsville Tire Co.	Blairsville, Ga.
DXL	Blake's Recapping Service	Salemburg, N.C.
JEP	Blevins Tire & Recapping	Fort Payne, Ala.
JLB	Blevins Tire & Recapping Co.	Bristol, Va.
PVK	Blight Bros.	Luzerne, Pa.
BKU	Bliss Tire Service	Carroll, Iowa.
FVX	Bloom Tire Co.	Mansfield, Ohio.
JCK	Blue Grass Centrol Production & Warehouse, Inc.	Greeneville, Tenn.
NHM	Blue Lake Tire Service	Blue Lake, Calif.
FNH	Blue Lakes Tire Service Co.	Marquette, Mich.
MXA	Blue Ridge Recapping Service.	Hendersonville, N.C.
CNN	Blue & White Service, Inc.	Indianapolis, Ind.
CUJ	Bluefield Retread & Vule Co., Inc.	Bluefield, W. Va.
DFM	Bluestone Tire Service, Inc.	Pearisburg, Va.
DVY	do	Hinton, W. Va.
ATU	B. & M. Tire	Fremont, Ohio.
LMD	B. & M. Tire Service	Boonville, N.C.
LEN	B&M Tire Service	Conway, S.C.
FVC	B. & O. Tire Co., Inc.	Moncks Corner, S.C.
FLH	Boaz Tire & Appliance, Inc.	Parsons, Tenn.
HWF	Bob & Don's Recapping Service.	Kansas City, Kans.
TPF	Bob Hunter Tire Service	Lehighton, Pa.
DWC	Bob's Esso Service	Grantsville, W.Va.
BMC	Bob's Quality Tire Store	Denver, Colo.
JAY	Bob's Recapping Shop	Bentonville, Ark.
DXY	Bob's Tire Co.	Gilbertsville, Pa.
EVE	Bobbitt's Recap Shop, Inc.	Macon, Ga.
JKJ	Bobby's Tire Service	Eupora, Miss.
FKY	Bob's S. & S. Tire Service	Tacoma, Wash.
LCL	Bobs Tire & Recapping, Inc.	Fairburn, Ga.
TTN	Bob's Tire Co., Inc.	Miami, Fla.
LMY	Bobs Tire, Inc.	Flint, Mich.
UVW	Bob's Tire Service	Bentonville, Ark.
KFC	do	Bakersfield, Calif.
PVL	do	Concord, N.C.
UDT	do	Oneida, N.Y.
PBH	Bob's Tire Shop	Boscobel, Wis.
ATL	Victor Bodie Tire Co.	Cleveland, Ohio.
VCL	Bodie's Tire Service	High Point, N.C.
CWJ	Boggy's Tire Town, Inc.	Fort Lauderdale, Fla.
HHE	Bogle's Tire Shop	Clinton, Okla.
BHJ	O. P. Bohman, Inc.	Hagerstown, Md.
DVN	Boisel Tires	Springfield, Ohio.
HHT	Boistrum Tire Service	Mount Carmel, Pa.
AWH	Bond Tire Service	Wiggins, Miss.
EYX	Bonner Tire Co.	Dallas, Tex.
ETD	Bonnie & Clydes Tire Center	Yakima, Wash.
NAH	Bonnys Tire Service	Tamaqua, Pa.

Code No.	Retreader's name	Location
TCE	William P. Bonser	West Pittston, Pa.
BWT	Boone Supply Co., Inc.	Boone, N.C.
BFF	Sam Boren Tire Co., Inc.	Albuquerque, N. Mex.
KMC	Borino Bros. Tire Service	Pittston, Pa.
JLN	Borino's O.K. Tire	Swoyersville, Pa.
EDP	Boucher's Tire Service	Vandergrift, Pa.
UFD	Boulevard Service Station & Tire Recapping.	Union, S.C.
CJM	Boulevard Tire & Battery Service.	New Bedford, Mass.
TNB	Boulevard Tire Co.	Philadelphia, Pa.
UDU	Bowdon Tire & Radiator Co.	Bowdon, Ga.
VDP	Bowers Tire Recapping	Travelers Rest, S.C.
MJH	Bowersox Tire Shop, Inc.	New Bethlehem, Pa.
AMB	Bowie Tire Co.	Aberdeen, Ohio.
KXT	Bowker, Hamblin, Quirk, Inc.	Indian Orchard, Mass.
TTL	Bowles Bros. Tire Service	Stockton, Calif.
LAD	Bowling General Tire, Inc.	Paducah, Ky.
TWN	Bowman Tire Service	Ashland City, Tenn.
PYD	Wood Bowser Tire & Retreading Service.	Kittanning, Pa.
UPF	Bowyer Texaco	Prosperity, W. Va.
DTB	Boyd Oil Co.	Concordia, Kans.
LVU	Boyd Tire & Battery Service	Clover, S.C.
AEF	Boyd Tire Co.	East Point, Ga.
VAY	Boyd's Tire Service	Winston-Salem, N.C.
MPE	Boyds Tire Shop	Brevard, N.C.
JFA	N.M. Boydston Tire Shop	Decatur, Tex.
EPW	Boyle-Swecker Tire Co., Inc.	Roanoke, Va.
JAB	Boynton Bros., Inc.	Bakersfield, Calif.
CPC	City Tire & Appliance	Jasper, Ala.
CPA	Mac's Tire Service	Harrisburg, Ill.
CNY	Carolina Tire Co. of Kentucky.	Winchester, Ky.
UCD	Carolina Tire Co. of Michigan	Brighton, Miss.
CNH	Franklin Tire & Appliance Co.	Franklin, N.C.
CPH	Murphy Tire & Appliance Co.	Murphy, N.C.
CPD	Earnhardt Tire Co.	Salisbury, N.C.
CPE	Carolina Tire Co.	Spruce Pine, N.C.
CPF	Waynesville Tire & Appliance Co.	Waynesville, N.C.
CPB	Carolina Tire Co. of Virginia	Salem, Va.
AYM	J. C. Lewis	Orlando, Fla.
DKC	Bradford Tire Co.	Atlanta, Ga.
LKT	Bradley Tire Service	Rutherfordton, N.C.
MBW	do	Mebane, N.C.
CNX	Carolina Tire Co.	Salisbury, N.C.
EHA	Bradshaw Tire Store, Inc.	Rome, Ga.
PLC	Bragdon's Tire Town	Greeneville, Tenn.
TEX	Brahler Tire, Inc.	Jefferson-ville, Ind.
UTB	do	Terre Haute, Ind.
PYE	Brandenberger, Inc.	Atlantic City, N.J.
PLV	Brandon Tire Supply, Inc.	San Rafael, Calif.
AVA	Brandon's, Inc.	Chickasaw, Ala.
DWM	Brannock Esso Servicenter	Mount Airy, N.C.
MLH	Brantleys Tires, Inc.	Atmore, Ala.
BWM	Brattleboro Tire Service, Inc.	Brattlebore, Vt.
VLU	Braun's Super Service, Inc.	Wahpeton, N.C.
MHP	Braveman Tire Co.	Bangor, Maine.
TNC	Bray's Recapping Service, Inc.	Mount Airy, N.C.
ETJ	Breeding Service & Supply	Tulsa, Okla.
DLN	Bremen Tire Center	Bremen, Ga.
PEX	Bremen Tire Service	Cullman, Ala.
LMH	Brereton Tire Co.	Provo, Utah.
HPK	J. W. Brewer Service Corp.	Ogden, Utah.
KWN	Brewer Tire & Retread Shop	Seneca, S.C.
PND	Brewer Tire Co.	Winston-Salem, N.C.
MJC	J. W. Brewer Tire Co. of Colorado.	Commerce, Colo.
UTY	Brewer Tire Co., Inc.	Winston-Salem, N.C.
KUT	J. W. Brewer Tire Co., Inc.	Salt Lake City, Utah.
AVV	Brigida Tire Co.	Plymouth, Mass.
CKM	Brimmer Tire Service	Yakima, Wash.
BTA	Briscoe's Tire Service	Shelbyville, Ky.
JCA	Brisentine Oil Co., Inc.	Farmville, Va.
BCD	Bristol Auto Arcade, Inc.	Bristol, Conn.
CXJ	B.R.I.T. Tire Co.	Charleston, W. Va.
FLB	Britts Tire Service	Bethlehem, Pa.
UFE	Brizes-Finnegan Tire Service	Cuyahoga Falls, Ohio.
CVD	Broad Street Tire Service, Inc.	Bridgeton, N.J.
UDV	Broadway Tire	Wheatland, Pa.
NDT	Broadway Tire Co.	Nashville, Tenn.
HYY	Broadway Tire Service	Sacramento, Calif.
BUC	do	Vallejo, Calif.
ANF	Broadway Tire Shop	Council Bluffs, Iowa.
BHN	Broadway Vulcanizing & Tire Co.	Lawrence, Mass.
VAM	Brock Tire Co., Inc.	Gainesville, Ga.
CCT	Broderick Tire Service	Monticello, Utah.
JPB	Brookhollow Wholesale Tire Co.	Dallas, Tex.
JWW	Brookings Tire Service	Brookings, Oreg.
CFD	T/A Brookneal Tire Sales & Service.	Brookneal, Va.
JDT	Brooks Auto & Home Supply	Marion, N.C.
VAA	Brooks County Retreading	Quitman, Ga.
UCC	The Brooks Huff Corp.	Baltimore, Md.
NFL	Brooks Tire Recapping	Walhalla, S.C.
EJX	Brookshire Tire & Retread	Searey, Ark.
HLM	Broome Tire Co.	Royston, Ga.
HND	Brothers Tire Co., Inc.	Syracuse, N.Y.
EML	Brothers Tire Sales	Kannapolis, N.C.
LHM	Browder Kirtland Sales Co	Miami, Fla.
MNB	Brown & Hair Tire Co., Inc.	Andalusia, Ala.
LKD	Brown Shoemaker Tire Co.	Charlotte, N.C.
UUM	Warren Brown Tire Co.	Wichita, Kans.
BEK	Berl Brown Tire Co.	Jonesboro, Ark.
PVM	Brown Tire Co.	Chico, Calif.
HCD	do	Atlanta, Ga.
TVB	Brown Tire Co., Inc., of Valparaiso.	Valparaiso, Ind.
UJK	Brown Tire Service	Paso Robles, Calif.
NMB	do	West Plains, Mo.
PYF	do	Mount Airy, N.C.
VEB	Amos Brown Tire Shop	Waynesboro, Ga.
DTV	Brown's Discount Tire Center	Marshall, Tex.
FAT	Brown's Tire Service	Scranton, Pa.
HPB	Brownie's Sales Service	Sharon, S.C.
FFY	Brownie's Tire Service	Olenwood, Minn.
FKP	Jim Brown's Service Station & Tire Recapping.	North Wilkesboro, N.C.
KPN	Brown's Tire Service	Blairsville, Ga.
MBY	Browns Tire Service	Delco, N.C.
LTX	Bruces Tires, Inc.	Oakland, Calif.
LTY	do	San Jose, Calif.
LNN	Brunsons	Durham, N.C.
KTP	Brunswick Rubber Co., Inc.	Lowrenceville, Va.
HTF	Bryan's, Inc.	Clearwater, Fla.
CVT	Bryant & Lell Tire Center, Inc.	Travelers Rest, S.C.
UVX	Bryant Tire & Vulcanizing Co.	Pine Bluff, Ark.
PNE	Bryco Distributing	Las Vegas, Nev.
JVH	Bryson City Tire Co.	Bryson City, N.C.
BJH	B. & S. Tire Co., Inc.	Newark, N.J.
MLW	B. & S. Tire Reappers	Fayetteville, Tenn.
ABU	BTS Tire & Welding Sales, Inc.	Binghamton, N.Y.
PJB	Buchanan Retread Service	Dover, Del.
EJL	Buchanan Tire Service	Phoenix, Ariz.
BMD	Buchmann Tire & Recapping Co., Inc.	Cullman, Ala.
DPV	Buck Auto Supply	Athens, Ohio.
BFM	Buck's Tire Service	Icard, N.C.
ETF	do	Torrington, Wyo.
NTY	Buckendorf Tire Service	Buhl, Idaho.
ALL	Buckingham Service Center	Buckingham, Va.
FJP	Bud & Mike's Tire Service	Granger, Utah.
MTN	Budd Tire Co.	Siler City, N.C.
BUV	Budd's Master Tire Service	Sanford, N.C.
MTC	Budny Tire Service	Trenton, N.J.
NMC	Bud's Tire Service, Inc.	Clay Center, Kans.
MXE	Buffkin Tire Service	Tabor City, N.C.
LBD	Gus Buhl Tire & Recapping	Salt Lake City, Utah.
LUF	Buis Truck & Tire Service	Somerset, Ky.
HBW	Bull Bros. Tire Co.	Luzerne, Pa.
CUL	Bulla Tire Service, Inc.	Graham, N.C.
DMK	Bulla-Warren Tire Co., Inc.	Do.
KBF	Bullock Tire Co., Inc.	Plateau, Ala.
ANM	Bunn & Harris General Tire Co.	Waco, Tex.
CCF	Burch Tire Co.	New Orleans, La.
PNF	Burcham Tire Co.	La Follette, Tenn.
MJJ	Burgess Tire	Redway, Calif.
UTC	Burlek Tire Service	Mountain Top, Pa.
LJU	Burke Tire Center	Morganton, N.C.
EKP	Burkett & Ware	West Palm Beach, Fla.
VDC	Burkhart's Auto Parts	Beebe, Ark.
LDV	Burleson & Autrey Tire Service.	Burnsville, N.C.
NYC	Burlington Industries, Inc.	Burlington, N.C.
BDC	Burnett Tire Co.	Lynchburg, Va.
HCT	Burnett-White of Pocomoke, Inc.	Pocomoke City, Md.
HCU	Burnett-White of Salisbury, Inc.	Salisbury, Md.
APL	Burnetts Royal Tire Service	Blytheville, Ark.
CDX	Burney Tire Service	Burney, Calif.
CDW	Orland Tire Service	Orland, Calif.
LYK	Burns Tire Service	Waynesburg, Pa.
EKD	Burns Tire Service, Inc.	Ukiah, Calif.
TTP	Burnsville Tire & Recapping Co.	Burnsville, N.C.
UMJ	Burr Co., Inc.	Lexington, Nebr.
UDW	R. F. Burrell Tire Shop	Prenham, Tex.
JDD	Burris Tire & Recapping Co.	Albermarle, N.C.
HMW	Burroughs Tire Service	Whiteville, N.C.
HVU	Burrow Tire Service, Inc.	High Point, N.C.
TJW	Bury-Vanham Tire Co.	Redwood City, Calif.
VLW	Busby, Inc.	Burlington, Colo.
DUL	Bush, Inc.	Salt Lake City, Utah.
EPC	Bussey & Clark, Inc.	Houston, Tex.
TEY	Butler Bros. Tire Co., Inc.	Marietta, Ga.
PYH	Butler County Tire Co.	Hamilton, Ohio.
ETH	Butler Tire Brake & Alignment.	Butler, Wis.
JNY	Butler Tire Service	Emopolis, Ala.
DYA	Butler Vulcanizing Co.	Butler, Pa.
KCN	Butler's, Inc.	Burlington, N.C.
ACU	Butler's Tire & Battery Co, Inc.	Portland, Oreg.
FAP	Butner Tire Service	Vinita, Okla.
MMH	Butte Tire Sales	Butte, Mont.
DYH	Butterworth Tire Co.	Des Moines, Iowa.

V 37 N 11 7 2 JAN 11 72 XUM

Code No.	Retreader's name	Location
KVL	Buttonwillow Tire Recap	Buttonwillow, Calif.
CJV	B. & W. Tire Co	Williamston, N.C.
KLP	B. & W. Tire Shop	Compton, Calif.
CHH	By Pass Recapping	Newberry, S.C.
HHN	Bybee Tire, Inc	Denton, Tex.
CFT	Byerly Tire	Brookville, Pa.
KXJ	Byrd & Miller Tire Recapping Service.	Greenwood, S.C.
FAX	Byrd Tire Co., Inc	El Dorado, Ark.
FDU	J. D. Byrne & Co., Inc	Syracuse, N.Y.
KNM	C. & C. Tire Service	Amherst, Va.
KFE	C. A. Willmurth Tire Repairs	Bakersfield, Calif.
BKW	C. E. Noyes Co	Westbrook, Maine.
JMB	Jack & Harry Cabe	Canton, N.C.
MLK	Cablo & Cable	Centerville, Tenn.
HCM	Cable Tire & Appliance Co., Inc.	Maysville, Ky.
MXU	Cables Red Dot Tire Co	Pueblo, Colo.
ELN	Cabool Tires, Inc	Cabool, Mo.
FAF	Sam Cabot Tire	Uniontown, Pa.
EFX	J. Cabot Tire Service	Do.
JEB	Cagle's Tire Co	Lubbock, Tex.
CEX	Cain Tire & Parts Co	Cary, N.C.
DHE	Cain's Tire, Inc	Greenbrae, Calif.
BVN	Cairo Recapping Shop	Cairo, Ga.
AHL	Cal-State Tire	Los Angeles, Calif.
FHH	Caldwell Tire, Inc	Pasenda, Calif.
KFU	Calhoun Tire	Taft, Calif.
HMC	California National Tire Co	South Elmonte, Calif.
UMK	Calloway's Recap Shop	Stanley, N.C.
CCJ	Cal's Tire Shop	Alexandria, Minn.
JVK	Cam's Recapping Service	Charlotte, N.C.
NWC	Cambridge Tire Center, Inc	Cambridge, Md.
AUX	Camden Tire Co	Camden, S.C.
NPD	Cameron Radial Tire Co	Oakland, Calif.
EBW	Camfield Tire Leasing, Inc	Boise, Idaho.
EBX	Camfield Tires, Inc	Springdale, Ark.
EBW	Camfield Tire Leasing, Inc	Boise, Idaho.
BAH	Cammer Tire Co., Inc	Winchester, Va.
PYJ	Campbell 66 Express, Inc	Memphis, Tenn.
APM	E. H. Campbell Tire Co. Ltd	Honolulu, Hawaii.
JXM	Campbell's Recapping Service	Angier, N.C.
NFJ	Campbellsville Tire & Recapping.	Campbellsville, Ky.
DUT	Bill Canaga Tire Co., Inc	Lebanon, Oreg.
LYD	Candler Production Plant	Candler, N.C.
NMD	Canton Bandag Co	East Sparta, Ohio.
LKC	Canton Tire Co., Inc	Canton, Ga.
KJF	Canton Tire Service, Inc	Canton, Ohio.
EUV	Canyon Tire	Phoenix, Ariz.
MTJ	Cap Wold Tire Service, Inc	Hilo, Hawaii.
JDN	Cape Fear Tire & Auto Sales, Inc.	Elizabethtown, N.C.
NPC	Cape Fear Tire Center	Fayetteville, N.C.
KJB	Cape & Garner	Greenville, S.C.
CJX	Capital City Tire & Retread, Inc.	Columbus, Ohio.
PYK	Capital Tire	Wilson, N.C.
UDX	Capital Tire Service	Cleveland, Tenn.
EKM	Capital Treads	Tallahassee, Fla.
CJH	Capitol Tire & Rubber Co	Boston, Mass.
BEW	Capitol Tire Co	Wethersfield, Conn.
LWY	Capitol Tire Co., Inc	Raleigh, N.C.
TVC	do	Austin, Tex.
KWM	Capitol Tire Service	Salem, Oreg.
PTD	Capriotto & Sons, Inc	Buffalo, N.Y.
EFT	Car & Home Supply Store	Springfield, Tenn.
BFU	Cardinal Tire Co	Cleveland, Ohio.
JDY	do	Winston-Salem, N.C.
PBJ	Cardinal Tire Service	Roseburg, Oreg.
JLD	Cardwells E. & J. Tire	Pittsburg, Calif.
AHK	Carl's Brake & Tire Service	Lomita, Calif.
CBV	Carl's Recapping Service, Inc	Rochester, Mich.
PLD	Carle & Seaver, Inc	Barre, Vt.
MHU	Carlisle General Tire Service	Alice, Tex.
LWD	Carls Motor Sales	Callicoon, N.Y.
PYN	Carl's Tire Service	Denver, Colo.
LBB	Carls Tires	Red Bluff, Calif.
JTV	Carlton's Tire Service	Shafter, Calif.
NEN	Carmack Sales Co	Chuckey, Tenn.
DYK	Carneal's Tire & Recapping	Tappahannock, Va.
NBW	Carolina Development Co	Greenville, S.C.
UML	Carolina Oil Co., Inc	Albemarle, N.C.
LLA	Carolina Retreading Co	Asheboro, N.C.
CAJ	Carolina Southern Tire Co., Inc.	Loris, S.C.
EMN	Carolina Tire & Appliance Co., Inc.	Lenoir, N.C.
CNX	Carolina Tire Co	Salisbury, N.C.
CPE	do	Spruce Pine, N.C.
CCU	do	Rocky Mount, N.C.
CNY	Carolina Tire Co. of Kentucky	Winchester, Ky.
UCD	Carolina Tire Co. of Michigan	Brighton, Mich.
CPB	Carolina Tire Co. of Virginia	Salem, Va.
TBY	Carpenter Tire Service	Tuscumbia, Ala.
JEA	Carpenter Tire Service, Inc	Shelby, N.C.
DLL	Carr Bros., Inc	Luray, Va.
LMW	J. H. Carr Tire Service	Mount Vernon, Ill.
FTV	Carr's Tire Distributors, Inc	Harrisonburg, Va.
LKN	Carribean Tire Inc	St. Croix, V.I.
CVH	Carriker Bros. Tire Co	Charlotte, N.C.
PBC	East Texas Wholesale Tire Distributors.	Fruitvale, Tex.
ELP	Jim Carroll Tire Service	St. Genevieve, Mo.
NBP	Carroll-Wuertz Tire Co	Dayton, Ohio.
HPA	Carrolton Tire & Recapping	Carrollton, Ga.
EBU	Carson's O.K. Tire	Branson, Mo.
TVD	Carswell's Recapping	Valdese, N.C.
MNN	Carter Bros. Recapping	Milford, Va.
KBJ	Carter Tire Co	Jefferson, Ga.
ACV	do	Roseburg, Oreg.
JNJ	Casa Grande Recap	Casa Grande, Ariz.
HHW	Cascade Recapping Co	Mooresville, N.C.
DPE	Cascade Tire Co	Wenatchee, Wash.
CAL	C. R. Case & Sons, Inc	Honesdale, Pa.
EEJ	Casselman Motor Co	Grantsville, Md.
ALM	Castleberry Tire Co	Hampton, Va.
JKM	Caswell Tire Service, Inc	Yanceyville, N.C.
JYX	Catawba Recapping Supply	Hickory, N.C.
ACE	Catawba Supply Co	Do.
DYL	Cate McLaurin Co	Columbia, S.C.
UBD	Cates Firestone Sales & Service.	Waynesboro, Ga.
MDE	Caudill Bros. Recapping Co	Whitesburg, Ky.
BTU	Caulkins Tire Service, Inc	Seneca Falls, N.Y.
LUY	Cave Springs Recappers	Cave Springs, Ark.
AXU	C. & C. Recapping Service	West Jefferson, N.C.
AMU	C. & C. Tire Co	Denver, Colo.
AMV	do	Rapid City, S. Dak.
UCE	do	Carbondale, Pa.
BYT	C&D Bandag Inc	Preston, Md.
CPJ	C. & D. Sales, Inc	Boykins, Va.
KBE	C. & D. Tire & Retreading Co	Oak Ridge, Tenn.
KXE	C. & E. Tire Service	Carthage, Mo.
BPX	Cenpro, Inc	West Point, Ga.
LUA	Center Service, Inc	Kings Mountain, N.C.
JLV	Center Tire Store	Center, Colo.
NLP	Central Bandag	Cable, Minn.
VMH	Central Coast Tire & Battery Co.	San Luis Obispo, Calif.
FPM	Central Illinois Bandag, Inc	Creve Coeur, Ill.
UJL	Central Ohio Bandag, Inc	Zanesville, Ohio.
JEW	Central Service Station	Eden, N.C.
ELH	Central States Bandag, Inc	Benton Harbor, Mich.
BLH	Central Tire & Battery	Verona, Va.
LCT	Central Tire Co	Fayetteville, Ark.
FCA	do	Macon, Ga.
MCU	do	Anaconda, Mont.
BHC	Central Tire Co., Inc	Lexington, Ky.
CAH	do	Gaffney, S.C.
AKX	do	Chattanooga, Tenn.
EAX	do	Barre, Vt.
FUJ	Central Tire Exchange	Springfield, Mo.
VDD	Central Tire & Recapping Co	Cornelia, Ga.
CJF	Central Tire Retreading Co., Inc.	Springvale, Maine.
HLA	Central Tire & Retreading Co., Inc.	Oakwood, Va.
VBA	do	Cedar Bluff, Va.
HLN	Central Tire Retreading, Inc	Yorktown, Ind.
FKW	Central Tire Service	Asheville, N.C.
EPK	do	Snyder, Tex.
HHL	Central Tire Service, Inc	Auburndale, Fla.
JPW	do	Hamilton, Ohio.
TXA	Central Tire Shop	Franklin, N.C.
DLD	Central Tire Works	Pampa, Tex.
DHU	Central Valley Cold Cap	Stockton, Calif.
TKL	Central Wholesale Service	Seattle, Wash.
KYU	Centre Tire Co	State College, Pa.
HCP	Century Tire Co	Portland, Maine.
DKP	Century Tire Co., Inc	Cincinnati, Ohio.
UFF	Certified Retreading	Phoenix, Ariz.
HFN	Certified Tire Co., Inc	Lexington, N.C.
CMW	C&F Tire Service Inc	Fort Smith, Ark.
DPD	C. & H. Tire Co	Lexington, Tenn.
CAV	Chabots Super Service, Inc	Portsmouth, Ohio.
BDY	Chace Rubber Co	Birmingham, Ala.
AKP	Chad's Tire Service	Lancaster, S.C.
JNP	Chadron Tire Shop, Inc	Chadron, Nebr.
MNP	Chair City Tire & Recapping Service, Inc.	Thomasville, N.C.
NAE	Chamberlain Sales Co., Inc	Bradford, Pa.
UJM	Chambers Tire Service	Orlando, Fla.
UVY	Champ Tire Co	Ralston, Okla.
KCE	Champion Tire Co	Houston, Tex.
CCP	Chaney Tire Service, Inc	Darien, Wis.
BTW	Chapel Hill Tire Co	Chapel Hill, N.C.
CKE	Tom Chapman Tire Service	Anderson, S.C.
FEC	Charles Tire Co	Philadelphia, Pa.
HMH	Charles Tire Service	Inglewood, Calif.
JTW	Charles' Tire & Recapping	Westminister, S.C.
JHD	Charleston Tires, Inc	Charleston, W. Va.
FDY	Charlie's Tire Repair, Inc	West Haven, Conn.
AWD	Charlie's Tire Service, Inc	Thief River Falls, Minn.
BWX	Charlie's Tires	Tampa, Fla.
PDC	Charlie's, Inc	Spencer, N.C.
BWB	Chase City Tire & Recapping, Inc.	Chase City, Va.
NME	Chase Tire Co	Huntsville, Ala.
HKN	Chatham Heights Gulf	Martinsville, Va.
TND	Cheatwood Safety Tire Service.	Kent, Ohio.
HJY	Cheek & Pressley Recapping	Abbeville, S.C.
ALJ	Cheever Tire Service, Inc	Bellow Falls, Vt.

Code No.	Retreader's name	Location
TNE	Cheney Tire Service, Inc	New Lexington, Ohio.
HHY	Cherryville Recapping	Cherryville, N.C.
BFD	Cheshire Oil Co., Inc	Keene, N.H.
MEP	Chesnee Oil & Tire Co., Inc	Chesnee, S.C.
LDP	Chester Pace Retreader	Landrum, S.C.
ATM	Cheviot Tire	Cincinnati, Ohio.
VLF	Chicago Bandag, Inc	Addison, Ill.
FTY	do	Melrose Park, Ill.
MHV	Chief Tire Co	Cheyenne, Wyo.
FNL	Chief Tire Sales, Inc	Pocatello, Idaho.
PYL	Chlouber Tire Co	Shawnee, Okla.
JCT	A. R. Christiano Hardware & Implement Co., Inc.	Leicester, N.Y.
JCT	A. R. Christiano Hardware & Implement Co., Inc.	Leicester, N.Y.
EFC	Christopher Tire Service	Athens, Ala.
HYL	Chucks Tire Service	Milwaukee, Wis
ECX	Church Street Pure Oil Station.	Martinsville, Va.
HWH	Church Tire Co	Clarkesville, Ga.
HNY	Cincinnati Bandag, Inc	Cincinnati, Ohio.
UMM	City Home & Auto Supply	Alexander City, Ala.
BUF	City Recappers	Lawrenceville, Ga.
BUE	City Recappers, Inc	Monroe, Ga.
NHT	City Service Co	Grundy, Va.
CPC	City Tire & Appliance	Jasper, Ala.
LPX	City Tire & Battery Distributors.	Lyons, Ga.
HJA	City Tire Center	Youngstown, Ohio.
FHX	do	Dothan, Ala.
LDK	do	Sylacauga, Ala.
PJC	do	Springfield, Mass.
AXL	do	Charlotte, N.C.
AJX	do	Elizabeth City, N.C.
ADD	do	Providence, R.I.
BCE	The City Tire Co., Inc	Middletown, Conn.
LBA	City Tire, Inc	Jacksonville, Fla.
NHN	City Tire & Oil Co	Forest City, N.C.
MPT	City Tire Recappers, Inc	Henderson, N.C.
MPU	do	Oxford, N.C.
NCY	City Tire & Recapping	Alexander City, Ala.
DMM	do	Marion, N.C.
JAL	do	Robbinsville, N.C.
NHV	do	Greenville, Tenn.
LLP	City Tire & Recapping Co	Waynesboro, Miss.
TCF	do	Burnsville, N.C.
AKL	do	Greer, S.C.
LXW	City Tire & Recapping, Co., Inc.	Evergreen, Ala.
KNN	do	Laurens, S.C.
FLL	do	Morristown, Tenn.
CUV	City Tire Sales	Modesto, Calif.
FDH	City Tire Service	Searcy, Ark.
FHN	Waters & Peterson Tire Service.	South Gate, Calif.
NEJ	City Tire Service	Yreka, Calif.
EJD	do	Fairmont, N.C.
NHP	do	Franklin, N.C.
VEM	do	Woodsfield, Ohio.
DLC	do	Zanesville, Ohio.
PLW	do	Bishopville, S.C.
UPH	do	Cookeville, Tenn.
CHN	do	Toppenish, Wash.
JCC	do	Clarksburg, W. Va.
UWA	City Tire Service of Hendersonville, Inc.	Hendersonville, N.C.
NMF	City Tire Service, Inc	Leesburg, Fla.
MNW	City Tire Shop	Mount Vernon, Ohio.
LYL	City Tire Store	New Castle, Ind.
KBM	City Tire Store	Knoxville, Tenn.
VLV	City Wide Tire Service	Tampa, Fla.
CDN	C. & J. Tire Service, Inc	Chadbourn, N.C.
KPV	C. & L. Recapping Service	Lexington, N.C.
EFJ	C. & L. Tire Co	Boston, Mass.
MXV	C. & L. Tire Service	Chico, Calif.
FLK	Clairon Vulcanizing Co	Clarion, Pa.
HPM	Clamp's Gas & Recapping Station.	Ware Shoals, S.C.
PDD	Clanton Home & Auto Supply	Clanton, Ala.
EWJ	Clapp Tire Co., Inc	Knoxville, Tenn.
JMV	Clapp's Tire Service, Inc	Redlands, Calif.
LBE	R. H. Clark Co., Inc	Columbia, S.C.
ADC	Clark & Hoag Tire Sales, Inc.	Williamsport, Pa.
LBN	Clark & Oakley Tire & Recapping.	Orlando, Fla.
MWW	Clark & Snipes Tire Co	Fuquay Varina, N.C.
TMF	Clark Tire & Auto Co	Hickory, N.C.
FTT	Clark Tire Co	Orangeburg, S.C.
LCU	do	Rockwood, Tenn.
UWB	Clark Tire, Inc	Sacramento, Calif.
PDE	Clark Tire Service	Quincy, Calif.
LTW	do	Dversburg, Tenn.
ECA	Clark's Tire Service	Huntington, W. Va.
DVW	Clarke's Tire & Retreading	Chula, Mo.
MAK	Clark's Corners Tire Service	Wadsworth, Ohio.
FVB	Clark's Retreading & Service	Jefferson City, Mo.
PDF	Clarks Retreading & Service, Inc.	Versailles, Mo.
UCF	Clark's Tire Co	Pampa, Tex.
MKH	Clarks Tire Service	Phoenix, Ariz.
KUE	Clarks Tire Shop	Taft, Calif.
TCH	Clarks Tire Town, Inc	Morganton, N.C.
VAB	Clarky Tire Co	Stanton, Tex.
VDX	Classic Tire, Inc	Salem, Oreg.
AUN	Clausner's Recapping	Mount Pleasant, Pa.
LEV	Clay County Tire & Retreading.	Ashland, Ala.
EXK	Claybrook's Garage & Recapping Service.	Stoneville, N.C.
TXU	Clayton Garage & Recapping Co.	Clayton, Ga.
EMH	Clayton Tire Service, Inc	Clayton, N.C.
HLX	Clayton's O.K. Tire Store	Garysville, Ala.
HWE	Clearfield Recapping Co	Clearfield, Pa.
KYK	Clearlake Tire Center	Clearlake Highlands, Calif.
KHE	Cleaves Auto Parts	Memphis, Tenn.
MEW	Cleland Bros. Tire Co	Bishop, Calif.
AMJ	Clem Tire & Appliance	Athens, Ala.
VJM	Clements Tire & Recapping Shop.	Lindale, Ga.
VBB	Clements Tire & Supply Co	Atlanta, Tex.
HTE	Clemmons Tire Service	Clemmons, N.C.
TMH	Clem's Tire Service, Inc	Yankton, S. Dak.
JYV	Cleveland Bandag, Inc	Cleveland, Ohio
HLC	Cleveland Service Shop	Cleveland, Va.
JEX	Cliff's Tire Shop	Kernersville, N.C.
FFH	Clifford Motor Service, Inc	St. Clairsville, Ohio
MVJ	Cline Tire Service	Mason, Miss.
PNJ	Cline's Tire Service	Newark, N.J.
ABY	George Cline's Tire Service, Inc.	Charlotte, N.C.
JTJ	Clingan Tires, Inc	Liberal, Kans.
THK	Clinton Cappers	Clinton, Tenn.
UMN	Clint's Tire & Auto Service	Ocean Springs, Miss.
AJK	Cloverleaf Tire Service	Latrobe, Pa.
PLX	Clum Tire Service Co	New Philadelphia, Ohio
HHD	C. & M. Tire Co	Ardmore, Okla.
KMK	do	Ellendale, Tenn.
ETP	The C. M. & H. Tire Co	Grand Junction, Colo.
AKV	C. & N. Tire Service, Inc	Walterboro, S.C.
KMX	Coalinga Tire & Wheel	Coalinga, Calif.
NMH	Coast Tire Recapping Co	Fort Bragg, Calif.
EUJ	Coast Tire Service, Inc	Gulfport, Miss.
ACX	Coast Tire Shop	Tillamook, Oreg.
PJD	Coastal Recap Corp	Middlesex, N.J.
PVN	Coastal Tire Co	Nags Head, N.C.
LCB	do	Newbern, N.C.
ACA	Coats Tire Service	Coats, N.C.
THL	Cocke County Tire Service	Newport, Tenn.
PLE	Codero's Recapping Service	Oakland, Calif.
FDM	Cody Tire Co	Cody, Wyo.
LTC	do	Lancaster, S.C.
UMP	Coeburn Tire Co	Coeburn, Va.
MHM	Coen Oil Co	Washington, Pa.
MFH	do	Canton, Ohio
VCM	Coen Tire Shop	Bickmore, W. Va.
HTH	Coeur d'Alene Tire Service	Coeur d'Alene, Idaho
CJE	M. L. Coffin Co., Inc	Bangor, Maine
MWC	Coffman Tire Shop	Grafton, W. Va.
DJV	Cogg's Tire Service	Oxnard, Calif.
DVL	Cohill & Low Tire Co. Inc	Phoenix, Ariz.
PTE	The Colle Co	Atlanta, Ga.
DPL	Coker Tire Co	Chattanooga, Tenn.
CNA	Virgil Coker Tire Service, Ltd	Anniston, Ala.
NUB	Colbert Tire Service, Inc	Duncan, Okla.
JNW	Colburn Tire Service	Paris, Ark.
JMP	Cole Tire Co	Crystal City, Mo.
DKY	Cole's Tire & Supply, Inc	Marietta, Ohio
NHU	Coles Tire Center	Lake City, S.C.
BVJ	Coll Tire Distributors, Inc	Burgettstown, Pa.
UWC	Collins Tire Co	Pittsburgh, Pa.
TVE	Bob Conlon's Tire Service	Covina, Calif.
JBN	Colonial Tire & Recapping, Inc	Williamsburg, Va.
ANE	Colony Tire Service, Inc	Bridgeport, Conn.
PTF	Columbia Tire Exchange, Inc	Mattapan, Mass.
NPE	Columbia Tire & Recap Co	Columbia, Ky.
HDD	Columbus Retreading Co	Columbus, Ohio
MYU	Columbus Tire Recapping	Columbus, Ga.
KPT	Colvard & Miller Tire Center	Wilkesboro, N.C.
FNY	Commerce Tire Co	Commerce, Ga.
BXB	Commercial Tire & Recapping, Inc.	Norwalk, Conn.
UMT	Commercial Tire Co	Vernon, Calif.
VDY	do	San Francisco, Calif.
PTH	do	New Britain, Conn.
NMJ	do	Haines City, Fla.
MUJ	Commercial Tire, Inc	Uniontown, Pa.
TCJ	Commercial Tire Service	San Jose, Calif.
MLN	do	Greenville, S.C.
AMH	Commercial Tire Service, Inc	Provo, Utah.
NXU	do	Rock Springs, Wyo.
PEY	do	Walla Walla, Wash.
NXU	do	Rock Springs, Wyo.
FML	Commies Tire Sales	Elmira, N.Y.
VLX	Community Recapping Center	Hertford, N.C.
HXM	Community Tire & Battery, Inc.	Timberville, Va.
DYB	Community Tire Co., Inc	St. Louis, Mo.
MFX	Compton Tire Co., Inc	Charlotte, N.C.
LEH	Comstock, Inc	Madison, Wis.
BVX	Conley Bros. Tire Service, Inc	Phoenix, Ariz.
HMJ	Conley Tire Co	Spokane, Wash.
NXV	John A. Connare, Inc	Manchester, N.H.
FEE	Conner Tire Co	Yuma, Ariz.
JNB	Conners Retreading Service	Kings Mountain, N.C.

VOL 37 NO 6 JAN 11 72 XUM

Code No.	Retreader's name	Location
DWL	Consolidated Retreaders, Inc.	Asheville, N.C.
DHW	Consolidated Tire Co.	Louisville, Ky.
EDF	do	Greenwood, S.C.
KJK	Consolidated Tires, Inc.	Greenville, S.C.
HVX	Consumers Oil Co.	Greeley, Colo.
KJU	Consumers Tire & Supply Co., Inc.	Chicago, Ill.
BEX	Continental Tire Co.	Columbus, Ga.
VBC	L. M. Cook Tire Co.	Emporia, Kans.
PVP	Cook Tire & Recapping	Lake City, S.C.
ENM	W. P. Cooke, Inc.	Philadelphia, Pa.
LCM	Cookeville Recappers	Cookeville, Tenn.
MPY	Cooks Tire Service	Springfield, Tenn.
MEX	O.K. Rubber Welders of Tuscaloosa, Inc.	Grundy, Va.
NPF	Co-Op Tire Service	Greenwood, Miss.
AJV	Cooper-Hawkinson Treads, Inc.	Du Bois, Pa.
FMC	Cooper Bros. Tire, Inc.	Woodstock, Va.
EKY	Cooper Tire Service, Inc.	Hutchinson, Kan.
MMW	Cooper Tires	Somerset, Ky.
JEC	Cooprider Tire Sales	Decatur, Ill.
FBC	Copa Tire Service, Inc.	East Haven, Conn.
VME	Copeland Wholesale Tires, Inc.	Thomasville, N.C.
MCW	Copelands Tire Service	Milan, N. Mex.
UCH	Coppedge Tire Service	Cuero, Tex.
HFW	Copperstate Tire Co., Inc.	Phoenix, Ariz.
NYD	Corcoran Tire & Recapping Co.	Corcoran, Calif.
PYM	Cordele Tire Service, Inc.	Cordele, Ga.
BJV	Corder-Vossler Co., Inc.	Fayetteville, N.C.
EJM	Cordova Tires & Wheels Co.	Phoenix, Ariz.
ENV	Core Tire Service	Madison, Tenn.
NWD	Corkery Tire Service	Hilmar, Calif.
VDE	Corley's Automotive & Recapping Service.	Sandersville, Ga.
NPH	Cormany & Statler	Chambersburg, Pa.
LFE	Cornelia Tire Co.	Cornelia, Ga.
FUD	Corner Service Station	Bentonville, Ark.
JET	Coshocton Tire & Retreading	Coshocton, Ohio.
NUA	Cosson Recapping Shop	De Funiak Springs, Fla.
JVP	Cotney Tire Service, Inc.	Jacksonville, Fla.
MWX	Cottle Bros. Tire Service	Dunn, N.C.
NPJ	Cotton's Tire Service	Wintersville, Ohio.
TXB	Cottonwood Tire Mart	Cottonwood, Ariz.
LJD	Couch Tire Co.	Parkersburg, W. Va.
DPT	Coulson Tire Service	Galax, Va.
UDY	Country Tire Rebuilders	Lunenburg, Mass.
FUT	The Cover Supply Co., Inc.	New Brighton, Pa.
CFJ	Cowan Tire & Battery Co.	Forest City, N.C.
TAC	Mabee's Tire Service	Santa Ana, Calif.
LMX	Cowarts Tire Shop	Rainsville, Ala.
TMJ	Cowles Bros. Tire Stores, Inc.	Houston, Tex.
HEA	C. P. Tire Service, Inc.	Red Bluff, Calif.
HHJ	C&R Tire Co., Inc.	Martinez, Calif.
TXW	C. & R. Tire Service	Libby, Mont.
PLY	Cradock Auto Supply	Portsmouth, Va.
ETK	Craig Tire Mileage, Inc.	Craig, Colo.
KFV	Craig's Tire Shop	Wasco, Calif.
MJD	H. A. Cramer, Inc.	Hanover, Pa.
DMY	Crandall, Inc.	Monroe, Wis.
KJW	Crane Tire Sales of Richmond, Inc.	Richmond, Va.
KJX	Crane Tire Co., Inc.	Danville, Va.
KJW	Crane Tire Sales of Richmond, Inc.	Richmond, Va.
BYJ	Craven Tire Co.	Merrifield, Va.
PBK	Cravers Tire Shop	Robbins, N.C.
ECV	Crawford Tire Co.	Marshfield, Mo.
JMK	Jack Crawford Tire Shop	Aurora, Mo.
UMU	Crawford & Weimer Tire Service.	Sharon, Pa.
CWM	E. B. Creager Tire & Battery Service.	Corpus Christi, Tex.
JDJ	Cree Tire Shop, Inc.	Dover, Ohio.
FMY	Creech Tire Service	Camden, Ark.
LNT	Creed's Tire & Recapping	Mount Airy, N.C.
TMK	Crew's Retreading	Marysville, Calif.
PLF	Crew's Tire Service	Angwin, Calif.
VDM	Old 52 Highway Tire Shop	Winston-Salem, N.C.
CWE	Cribbs Tire Service	Albertville, Ala.
HCA	Crichton Tire & Recapping Co., Inc.	Mobile, Ala.
BWU	Crider Tire Service	Chatham, Va.
BBH	Crosby Tire Co.	Hawthorne, Calif.
LBT	do	Wayeross, Ga.
LBP	Norton Tire Co.	Do.
UMX	Cross Road Tire Store	Midland, N.C.
FTC	Crow Tire Co.	Poplar Bluff, Mo.
VLA	Crowe Tire Service	East Tallassee, Ala.
BTF	Crowell Tire Service, Inc.	South Boston, Va.
UEA	Crown Tire Service, Inc.	Nampa, Idaho.
UMV	Crown Tire Supply, Inc.	Sunnyvale, Calif.
JBU	Cruse Tire Co.	Wichita Falls, Tex.
UJN	C. & S. Tire Co. of Hendersonville.	Henderson-ville, Tenn.
KVC	C. & S. Tire Service	Exeter, Calif.
KVH	do	Clarkston, Wash.
CYC	Culpeper Appliances, Inc.	Culpeper, Va.
FYU	Cumming-Henderson	Santa Clara, Calif.
HJK	Cunningham Evans Tire Co.	Butte, Mont.
VEN	Curley's Enco Truck Center	El Centro, Calif.
PNK	Currie Tire Service	Butte, Mont.
BET	Curt's Wheel & Tire Co.	Bellflower, Calif.
JFX	D. O. Curtis & Son, Inc.	Marietta, Ohio
MLE	Curtis Tire Center	McCaysville, Ga.
PJE	Custom Commercial Retreading.	Vancouver, Wash.
MJN	Custom Recapping, Inc.	Springfield, Ohio.
MVL	Custom Recapping Service, Inc.	Lexington, Ky.
UWD	Custom Retreading Co.	Henderson-ville, N.C.
CAX	Custom Tire & Brake	San Francisco, Calif.
AAN	Custom Tire & Retreading Corp.	Roanoke, Va.
BJD	Custom Tire Associates	Bradley Beach, N.J.
UPJ	Custom Tire Retreading	Tucson, Ariz.
PFA	Custom Tire Service	Dayton, Ohio.
MDP	do	Grants Pass, Oreg.
KWK	Custom Tire Service Co.	Philadelphia, Pa.
JEU	Custom Tires	Redmond, Oreg.
MFV	Cutchins Tire Co.	Franklin, Va.
JXV	Cuthbert Tire Shop	Cuthbert, Ga.
VFX	Cutler Tire Recapping	Hartford, Conn.
EDE	Cuyuna Range Tire Service	Crosby, Minn.
UWE	C. & W. Tire Co., Inc.	Douglas, Ga.
JBP	C. & W. Tire Service	Long Beach, Calif.
NPL	CW Transport, Inc.	Wisconsin Rapids, Wis.
FBH	Czegledi Industries	Mickleton, N.J.
ADY	Dada Tire Co., Inc.	Miami, Fla.
NHY	Daetweiler Tire & Auto Supply	Lynwood, Calif.
HYC	Mel Dahle Tire Co.	Watertown, S. Dak.
ADH	Dakota Auto Parts Co.	Sioux Falls, S. Dak.
DHV	Dal Pozzo Tire Corp.	Santa Barbara, Calif.
PCA	Dal-Tex Service, Inc.	Dallas, Tex.
UBE	Dale Recap Shop	Ozark, Ala.
BXX	Dale's Tire & Retreading, Inc.	Deadwood, S. Dak.
HDB	Daleley Tire Service, Inc.	Monsey, N.Y.
KPX	Dales Tire Recapping	McPherson, Kans.
UMW	Daley Tire Service, Inc.	Kalispell, Mont.
DVK	Dallas Royal Tire Co.	Dallas, Tex.
MVW	A. L. Daly Tire Co.	Warren, Miss.
FHM	d'Amico Tire Service Co.	San Jose, Calif.
EEV	Daniel Tire Co.	Houston, Tex.
BKF	Daniels Tire Service, Inc.	Whittier, Calif.
BMX	Daniels Tire Shop	Willow Springs, Mo.
UFH	do	De Leon, Tex.
BKH	Danielson Oil Co., Inc.	Danielson, Conn.
VCN	Danielsville Tire Service	Danielsville, Ga.
BPA	Danzey Oil & Tire Co., Inc.	Dothan, Ala.
UFJ	Preacher Darby Tire Co.	Tuscumbia, Ala.
NXW	Darman' Service Center	Bay Minette, Ala.
JUM	Darr Tire Service	Seneca, Mo.
FLE	Darr's Esso & Recapping	Thomasville, N.C.
HYN	Ed Daugherty General Tires Co.	Dallas, Tex.
NMK	Dave' Recapping Shop	Suffolk, Va.
TFC	Dave's Tire Service	Casper, Wyo.
KUU	Jewett David on Tire Co., Inc.	Evansville, Ind.
CET	Davis Auto Parts Co., Inc.	Mocksville, N.C.
JAC	Davis Bandag & Recapping Co.	Frostproof, Fla.
PVT	Davis Bros. Retreading, Inc.	Watkins, Colo.
UJP	Davis-Duke, Car & Home Center.	Jefferson, Ga.
NCA	Davis Home & Auto Supply Co.	St. Joseph, Mo.
NTT	Davis Oil & Tire Co.	Stoney Creek, Va.
HVK	Davis O.K. Tire Store	Hartford, Ala.
DUX	Davis Tire Co., Inc.	North East, Pa.
UBF	Jeff Davis Tire Co.	Hazlehurst, Ga.
HWY	Orval Davis Tire Co., Inc.	Bolivar, Mo.
JNV	Davis Tire Sales	Lawrenceville, Ill.
AXJ	Davis Tire Service	Asheboro, N.C.
AHH	Davis Tire Shop	Davis, Calif.
EYF	do	Purcell, Okla.
VMJ	Davis Tire Wheel	El Paso, Tex.
JNL	Dawson Tire Co.	San Diego, Calif.
UTD	do	Conway, Ark.
LUM	Day & Night Tire Service, Inc.	Lakeland, Fla.
CDM	D&B OK Tire Store	Oakley, Kans.
AFP	D. & D. Tire Co., Inc.	Brentwood, Md.
KJY	D. & D. Tire Service	Marion, Ohio.
MJP	De Kalb Tire Ship	De Kalb, Miss.
NWE	De Marsh & Sons, Inc.	Yonkers, N.Y.
PMA	D. & E. Tire Service	Tacoma, Wash.
FJH	Deal & Davie Service	Susanville, Calif.
PVU	Dealer Tire Sales	Riverside, Calif.
KVP	Deal's Auto & Tire Service, Inc.	Farmville, N.C.
LXA	Dean Tire Co., Inc.	Charlotte, N.C.
PJF	C. Dean Tire Co.	Knoxville, Tenn.
EKB	Dean Tire, Inc.	Madera, Calif.
UVJ	Deane Bros. Tire Service	Salinas, Calif.
ANV	Deans, Inc.	Caldwell, Idaho.
KYE	Deas Tire Co.	Gulfport, Miss.
KYL	Deas Tire Co., Inc.	Mobile, Ala.
LEY	Decamp Tire & Battery Service.	Kane, Pa.
BAE	Decieco Tire Co.	Portland, Oreg.
VKX	Dedmon Recapping Inc.	Shelby, N.C.
UJC	Deen Tire & Recapping Co.	Douglas, Ga.
HMV	Deep South Wholesale & Tire Co.	Prentiss, Miss.
MBJ	Ray Deeter Tire Town	San Pedro, Calif.
KKN	Del Boring Tire Service, Inc.	Johnstown, Pa.
CDH	Del Norte Tire Service	Crescent City, Calif.
HHB	Del Val Tire Co., Inc.	Pennsyville, N.J.
TPA	A. B. Dela Cruz Tire Recapping Corp.	Honolulu, Hawaii.
JEL	Delano Tire Shop	Delano, Calif.
DLJ	Dellwood Tire Co., Inc.	Lockport, Ill.
MYB	Delmarva Tire Service	Cape Charles, Va.
MMK	Delta Tire & Battery	Quincy, Ill.
NUD	Delta Tire and Recapping Co.	Dalton, Ga.
HYX	Delucia's Tire Shop	New Haven, Conn.
BKX	Demers Tire Inc.	Fitchburg, Mass.

Code No.	Retreader's name	Location
MEJ	Dempseys Oil & Tire Store	Clarks Summit, Pa.
FFF	Rus Dempster General Tire Sales.	Middletown, Ohio.
EMK	Denny's Tire Service	Kannapolis, N.C.
FKM	Denver Recapping Service	Denver, N.C.
LKL	Dependable Service Center	Russellville, Ala.
ANW	Detroit Recapping Co.	Detroit, Mich.
KHD	Detroit Tire & Auto Supply Inc.	Xenia, Ohio.
AVM	Detroit Tire Service, Inc.	Detroit, Maine.
PBL	Dettmann Retreaders Co. Inc.	Green Bay, Wis.
HMT	Devaney Tire, Inc.	East Providence, R.I.
LVV	J C Devault Tire & Recap Co.	Bristol, Tenn.
MNX	Dewitt & Robinson Tire Co.	Ellerbe, N.C.
KJA	Dewitt Tire Shop	Panama, Okla.
VDF	Dewitt's Service Station	Pamplico, S.C.
VKF	Di Fran Retreading	Cayey, P.R.
FCT	Dial and Hunt Recapping Service.	Pembroke, N.C.
UWF	Diamond Retread Service	Martinez, Calif.
TTT	James C. Dibble	Oneonta, N.Y.
DPJ	Dice Tire Service Inc.	Crawfordsville, Ind.
LBV	Dices Tire Shop	Carlisle, Pa.
TFA	Dice's Tire Shop	Chambersburg, Pa.
FUM	Dick's Tire Center	Smithers, W. Va.
FUA	do	Key West, Fla.
KVY	do	Ashland, Pa.
ALT	Dick's Tireap Inc.	Kennewick, Wash.
CXT	Dicks Place Inc.	Amelia, Va.
PFB	Dickson Service and Supply	Albertville, Ala.
LDB	Dickson Tire Center	Dickson, Tenn.
BJA	Diehl Tire Co., Inc.	Clinton, Md.
DHD	Dieter, Inc.	Jamestown, N.Y.
LYW	Dieters Tire Shop	Jamestown, N.Y.
EPY	Dilk Tire Service, Inc.	Raymond, Wash.
JFN	Dillingham Brothers, Ltd.	Hilo, Hawaii.
TFB	do	Honolulu, Hawaii.
LYF	Dillon Tiro & Auto Shop	Beaver Falls, Pa.
EBT	Dillon Tire Service	Dillon, S.C.
FJY	Dillons Tire Shop Inc.	Huntington, W. Va.
NWF	Dills Recapping	Landrum, S.C.
MTT	Dilmar Tire Co. Inc.	Florence, S.C.
MTU	Dilmar Tire Co. of Latta, Inc.	Latta, S.C.
PJH	Dinosaur Tire Service, Inc.	Price, Utah.
BLK	Bob Dinsmore Tire Service	Morgantown, W. Va.
BYF	Dinsmore Tire, Inc.	Uniontown, Pa.
HPY	Diorio Tire Service	Roseto, Pa.
PDH	Discount Muffler and Tire	Turlock, Calif.
KNC	Discount Tire Center	El Paso, Tex.
EBC	Discount Tire Co.	Claxton, Ga.
BDP	Discount Tire Service Inc.	Clarksburg, W. Va.
PFC	Distributor Tire Sales Co.	New Bethlehem, Pa.
AAU	Dix Tire Service	Cedar City, Utah.
AKB	Dixie Tire & Automotive Service.	Union Springs, Ala.
LVH	Dixie Tire & Battery Co.	Jacksonville, Fla.
PLH	do	Meridian, Miss.
KMU	Dixie Tire Co.	Aliceville, Ala.
EBH	do	Toccoa, Ga.
NAL	do	Chattanooga, Tenn.
FUK	Dixie Tire & Fuels Inc.	Spartanburg, S.C.
TKT	Dixie Tire Service	Winchester, Tenn.
UUN	Dixie Tire Service, Inc.	Memphis, Tenn.
JEY	Roy Dixon Tire Co.	Sanford, N.C.
UWH	Dixon's Recapping Shop	Wallace, N.C.
CTC	D & L Tire Co.	Luverne, Ala.
MTD	D & M Recapping Service Inc.	Lexington, N.C.
PBM	Dobbs-Adams Tire Co.	Albany, Ga.
UBH	John Dobbs Tire Shop	Gardena, Calif.
JPN	Dockery's Tire Stores	Birmingham, Ala.
FBM	Doco Service, Inc.	Norwich, Conn.
CHJ	Dodson Tire Service	Bassett, Va.
ECW	Dodson Tire Service, Inc.	Charleston, W. Va.
LKM	Doering Tire & Supply Co.	Foley, Ala.
BTN	Doherty Tire Corp.	Stockton, Calif.
HFT	Dohrn Transfer Co.	Galesburg, Ill.
PNL	Dolan Tire Shop	Lebanon, Mo.
EBA	Dollar Tire Service	West Jefferson, N.C.
CVU	Dominick's Esso Service	Newberry, S.C.
CXP	Dominion Tires, Inc.	Richmond, Va.
VFH	Don and Bob's Tire Service	Dyersville, Iowa.
KJL	Don's Garage	Alum Creek, W. Va.
FAU	Don's Tire Service	Springfield, Mo.
FPN	Don's Tire Shop	Fillmore, Utah.
CHW	Donald E. Peat, Inc.	Woodbridge, Conn.
TFD	J. F. Donaldson & Sons	Stockton, Calif.
UBJ	Donges Tire Service	Meyersdale, Pa.
KTK	Don's Tires	Clarksville, Tenn.
EKN	Dodd's Mid Coast Tire Co.	Vero Beach, Fla.
UWJ	Doran Tire Service	Doran, Va.
AFB	Dorfman Auto Supply, Inc.	Waverly, Iowa
BNY	Dorman's, Inc.	San Diego, Calif.
VCP	Dorsey's Tire Service	Pompano Beach, Fla.
DXH	Doss Recapping Service	Summerfield, N.C.
BEB	Dothan Tire Co.	Dothan, Ala.
AYJ	do	Miami, Fla.
AWW	Doty's Tire Service	Raton, N. Mex
EXC	Double Seven Tire Service, Inc.	New Albany, Ind.
HJN	Lee Dougherty Tire Co.	Albuquerque, N. Mex.
AAH	Douglas Pearce, Inc.	Harrisonburg, Va.
BBT	Douglas Tire Co.	San Diego, Calif.
PMB	Dover Tire & Appliance	Leesville, S.C.
MNJ	Doves Tire Service	Huntersville, N.C.
KUF	Dowling Tire Service	Knoxville, Tenn.
PNM	Downey Tire Centers	Santa Rosa, Calif.
AJN	Doyle's Tire Service, Inc.	Johnson City, Tenn.
UJT	Doyle's Tire Center	Irving, Tex.
MPK	Dozier Oil Co.	Thomasville, Ala.
JPK	D & R Recappers	Gentry, Ark.
NEW	Drake Tire Co., Inc.	Franklin, Va.
PFD	Drakeford Tire Service	Harrodsburg, Ky.
FTU	D. R. D. Tire Co., Inc.	Buffalo, N.Y.
TXV	Drew Tire Center	Vista, Calif.
NDJ	Drive Service	Los Angeles, Calif.
EPA	Driver Tire Store	Dallas, Tex.
LWX	Drums Tire & Battery Serv., Inc.	Rock Hill, S.C.
LXM	D's Tire Service, Inc.	Geneva, N.Y.
UEB	Dual Lane Tire Service	Wellford, S.C.
HXF	Duarte's Sales & Service, Ltd.	Kalaheo Kauai, Hawaii.
FMJ	Dublin Tire Co.	Dublin, Ga.
PMC	Duckworth Tire Service, Inc.	New Orleans, La.
NHX	Dud's Tire Shop	Owensville, Mo.
KMJ	Duffer Taylor Tire Service, Inc.	Kingsport, Tenn.
TML	Duff's Tire Service, Inc.	Export, Pa.
BCH	Duke Tire Sales, Inc.	Scranton, Pa.
VLH	Paul Duke Tire Shop	Dublin, Ga.
LVF	Dukes Tire Co.	Monroe, La.
CBL	Dumark Industries, Inc.	Dumas, Ark.
BCK	Dumbald's Tire Service	Somerset, Pa.
JBD	Dunbar Retreading Service, Inc.	Dunbar, W. Va.
BDN	Duncan Bros. Tire Co., Inc.	Winchester, Va.
MEJ	Duncan Tire Co., Inc.	Dublin, Ga.
EUP	Duskin Tire Co.	South Pasadena, Calif.
EUT	do	Azusa, Calif.
DXC	Dunlap & Kyle Co., Inc.	Batesville, Miss.
CHD	Dunlop Retreaders	Edmonton, Alberta, Canada.
CHE	Dunlop Retreaders	Vancouver, British Columbia, Canada.
CHF	do	Dorval, Quebec, Canada.
TMM	Dunlop Tire Service	Temple, Tex.
KWX	Dunn & Seibert Sales Co.	Martinsburg, W. Va.
AYF	Dunn Tires, Inc.	Fort Pierce, Fla.
NYE	Dunn's Super Service, Inc.	San Fernando, Calif.
TCK	Dunn's Tire Service, Inc.	Richmond, Va.
CUB	Dura-Tuf Treads, Inc.	Jackson, Miss.
NWH	Durango Recap Co.	Durango, Colo.
KWE	Durben Tire Service	Newcomerstown, Ohio.
JXL	A. R. Dutting Tire	Portland, Conn.
HYP	D & W Tire Co.	Philadelphia, Miss.
CBA	E & P Tire Service	Hanford, Calif.
NCP	E-Town Recapping, Co. Inc.	Elizabethtown, Ky.
PMD	Eaddy Bros. Esso	Hemingway, S.C.
MAV	Eady Tire Service, Inc.	Sumiton, Ala.
HCY	Eagan Tire Service	Jefferson City, Mo.
DKL	Eagle Tire Service	Thayer, Mo.
TXX	Earl's Tire Co.	Milwaukie, Oreg.
AXN	Earl's Tire Store, Inc.	Concord, N.C.
EPX	Earley Tire Co. (a corporation)	Aberdeen, Wash.
CPD	Earnhardt Tire Co.	Salisbury, N.C.
TFE	Tread Rubber Co.	Greensboro, N.C.
JCX	East Aurora Tire Corp.	East Aurora, N.Y.
THM	East Carolina Tire Co., Inc.	Henderson, N.C.
EKK	East Coast Tire & Recapping, Inc.	Fort Pierce, Fla.
UWK	East Main Recapping	Laurens, S.C.
EWH	East Point Tire Co.	East Point, Ga.
LEU	East Side Tire Shop	Tulsa, Okla.
DUP	East Tabor Tire Service	Tabor City, N.C.
PBC	East Texas Wholesale Tire Distributors.	Fruitvale, Tex.
CBH	Easter Tire Co.	Lima, Ohio.
LVL	Eastern Tire Co., Inc.	Baltimore, Md.
PBN	Eastern Tire Service	Richmond, Va.
DNX	Easton Tire Service, Co.	Easton, Pa.
ELY	Eastway Tire Co., Inc.	Boone, N.C.
KHY	Easy Pay Tire Service	Hattiesburg, Miss.
FHY	Easy Pay Tire Store	Eufaula, Ala.
BCU	do	Lewisburg, Tenn.
TVF	Eaton Tire Sales	Nelson, Ga.
HYD	Eaton Tire Service	Charlotte, N.C.
PVV	Eau Claire Coop Recap Shop.	Eau Claire, Wis.
PVW	Ebone Tire Co.	Fort Smith, Ark.
NEA	Economy Auto Stores of Asheboro.	Asheboro, N.C.
BCA	Economy Tire Inc.	Colorado Springs, Colo.
HJB	Economy Tire Service	Freedom, Pa.
NDB	Economy Tire Supply	Pueblo, Colo.
CNB	Ed's Tire Sales, Inc.	Oakdale, Conn.
EDU	Ed's Tire Service	Princeton, Minn.
PFE	Eddie's Esso	Red Springs, N.C.
UWL	Eddies Tire & Glass Service Inc.	Rapid City, S. Dak.
BKJ	Edison Tire & Supply Corp.	Miami, Fla.
UBK	Edwards Tire Service	Elverson, Pa.
NJA	Edwards-Warren Tire Co., Inc.	Atlanta, Ga.
NJB	do	Columbus, Ohio.
HFF	E. & E. Tire Co., Inc.	Burlington, Vt.
NEL	Pat Egan Tire Inc.	Canton, Ohio
AXH	Eggers Caryl & Corrigan Inc.	Utica, N.Y.
LYT	Eggleston Tires Co.	Eden, N.C.
NWJ	E & H Recapping	Oakboro, N.C.
PJJ	Ehrke-Knudsen Tire Service	Woodland, Calif.
NUE	Eidson Tire Service, Inc.	De Land, Fla.
BLW	El Campo Tire	Tucson, Ariz.
CFK	El Cerrito Tire Service, Inc.	Richmond, Calif.

JAN 11 1972 XUM

Code No.	Retreader's name	Location
MND	Elam & Jaehn Inc	Fort Wayne, Ind.
BVP	Elberton Tire & Recapping Co., Inc.	Elberton, Ga.
TCL	Elbode's Tire Supply	Mishawaka, Ind.
JBY	Elder's Tire Service	Auburn, Calif.
PYP	Eleele Service Center	Eleele Kauai, Hawaii.
BXH	Elgene Tire Co	Union, N.J.
LBU	Elgin Retread Shop	Oneonta, Ala.
UWM	Elizabethton Tire & Recapping Co.	Elizabethton, Tenn.
FPE	Elkan Tire Service Inc	Blairsville, Pa.
ACC	Elkins Tire Co., Inc	Greensboro, N.C.
MEM	Eller Tire Co	Keller, Va.
UYE	Ellijay Tire Co	Ellijay, Ga.
BHU	Ellingson Tire Service, Inc	Minneapolis, Minn.
HEB	Dave Elliot Tire & Brake	San Francisco, Calif.
JXW	Elliott's Tire Service, Inc	Butler, Pa.
MUE	Elliott's Tire & Motor Co	Macks Creek, Mo.
FCU	Ellis Tire Service	Jamesville, N.C.
CDV	do	Newcastle, Wyo.
KWF	Elmo Tire Center	Youngstown, Ohio.
CCM	Elmwood Tire Co	Syracuse, N.Y.
KJJ	Elston & Gould Tire Service	Dallas, Pa.
TWP	Elwood Tire	Kittanning, Pa.
UUP	Elzey's Tire Shop	Alpharetta, Ga.
FCX	E & M Firestone Service	Dadeville, Ala.
DHM	E&M Tire Sales	Fort Wayne, Ind.
DKD	Emmett OK Tire Store	Emmett, Idaho.
PLJ	Empire Tire & Alignment Co	Colorado Springs, Colo.
CBT	Empire Tire Service	Goshen, N.Y.
PTJ	England's Tire Service	Morrilton, Ark.
PDJ	English Tire Service	Archdale, N.C.
CEC	Enterprise Tire Co	Cadiz, Ohio.
VMK	Enterprise Tire Service	Oroville, Calif.
NBL	Epes Supply Co	Blackstone, Va.
KPU	Equipment Tire & Supply, Inc.	Cleburne, Tex.
FEF	C. E. Erdman Tire Co	Baltimore, Md.
ENW	Erieson Tire Service, Inc	Nashville, Tenn.
FJJ	Art Erickson Tire Service, Inc.	Escanaba, Oreg.
DTN	Ernie's Hawkinson Tread Service.	Logan, Ohio.
BAN	Joe Esco Tire Co	Oklahoma City, Okla.
PDK	Estep Tire	Oildale, Calif.
PBP	Estes Recapping Shop	Charlotte, N.C.
MAJ	Eubank Tire Co., Inc	Springfield, Ohio.
UWN	Eureka Tire Co	Iron Mountain, Mich.
MUT	W L Evans Recapping Co	Forest City, N.C.
EYP	Evans Recapping Service	Madison, N.C.
EJN	Evans Tire, Inc	Phoenix, Ariz.
UEC	Everett Tire & Battery Co., Inc.	Everett, Wash.
KAP	Bill Everette Tire Co	Lafayette, Ga.
PBT	Evergreen Tire & Recapping Co., Inc.	Evergreen, Ala.
AEM	Evergreen Tire, Inc	Lewiston, Idaho.
PBU	Everlast Vulcanizing Service	Woodside, N.Y.
BWE	Evert Bros. Tire Service Inc	Bellevue, Ohio.
MHA	Bob Ewell Tire Service, Inc	Portsmouth, Va.
UCJ	Ewing Tire Co	Douglas, Ga.
EET	Excel Tire Co., Inc	Cadiz, Ohio.
VAN	Excel Tire Co	Roanoke Rapids, N.C.
HDH	Export Recapping Co	Export, Pa.
EDY	Ezrine Retreading Co	Baltimore, Md.
KYJ	Fairfield Tire Supply, Inc	Danbury, Conn.
LKB	Fairhope Tire & Retread	Fairhope, Ala.
LLH	Fairmont Tire & Recapping Co.	Fairmont, N.C.
LHW	Fairmont Tire Shop, Inc	Fairmont, W. Va.
PBV	Fairview Tire Service	Indian Trail, N.C.
TPB	Faith Tire Center	Faith, N.C.
DMW	Fakler Tire Service, Inc	Provo, Utah.
KHJ	Falls Bandag Co	Cuyahoga Falls, Ohio.
KKK	Falls Tire Service	Great Falls, Mont.
EKX	Fansler Tires, Inc	Garden City, Kans.
DJP	Frank Fargo Tire Co	Los Angeles, Calif.
BVY	Fargo Tire Co	Fargo, N. Dak.
PBW	Farmer Tire Co	Bowling Green, Va.
HXE	Farmer's Tire Center	Abbeville, Ala.
CKP	Farmers Tire Mart, Inc	Newport, Ark.
FVE	Farmoil Inc	Rockville, Conn.
JVY	Farnholtz Tire Service	Bakersfield, Calif.
VBD	Farr Better Service	Ogden, Utah.
VDH	Farrell Tire Co	Farrell, Pa.
DJX	Tom Farrington Inc	San Bernardino, Calif.
UED	Farris Recapping	Elba, Ala.
PVX	Fathands, Inc	Condon, Oreg.
CDF	Faulkner Tire Center, Inc	Nacogdoches, Tex.
HPJ	Faw Recapping Service	West Jefferson, N.C.
AVE	Fayette Tire Co	Uniontown, Pa.
DWB	Fayette Tire Co	Mount Hope, W. Va.
HUV	Featherstone's Service Station	Belmont, N.C.
CFV	Fedele Tire Service	Madison, Wis.
JBX	Federal Correctional Institution.	Texarkana, Tex.
HYE	Federal Reformatory	Petersburg, Va.
FKK	Federal Tire Co	Hollywood, Fla.
ETA	Feldman Bros. Tire Service	Rosalia, Wash.
MDM	Felo Recapping Co	Miami, Fla.
BCN	Fenstermacher's	Wilkes-Barre, Pa.
BXL	Ferguson Tire Service Co	Weirton, W. Va.
UEE	Ferguson Tire Supply	Fairmont, Minn.
LHT	Ferrari Tire & Recapping	Monongahela, Pa.
JKK	Fesmire Tire Co	Lexington, Tenn.
MXP	Fetty's Tire Service	Ripley, W. Va.
NDY	F & G Tire Service	New Madison, Ohio
LFB	F & H Tire Co	Pomona, Calif.
JNX	F & H Tire Recapping, Inc	Arvada, Colo.
NXX	Field Tire Co	Downingtown, Pa.
DHC	Fieldale Union 76	Fieldale, Va.
KLC	Fields Tire Service, Inc	Augusta, Ga.
LED	Fiflick Tire Service	Campbell, Ohio
LKP	Henry J. Finck, Inc	Cambridge, Pa.
UUT	Finn Tire and Recapping	Carbondale, Pa.
FFV	Hy Firehammer Tires, Inc	Benton Harbor, Mich.
LCP	Firestone Dealer Retread Shop	Lumberton, N.C.
LYB	Firestone Dealer Store, Inc	Lawrenceville, Va.
ATA	Firestone Home & Auto	Albemarle, N.C.
VFJ	Firestone Home & Auto Supplies.	China Grove, N.C.
BVW	Firestone Home & Auto Supply.	Union Springs, Ala.
LWA	Firestone Interamerica Co	San Juan, P.R.
UFA	do	Panama 1, Panama.
DDV	Firestone Retread Shop	Birmingham, Ala.
DDU	do	Mobile, Ala.
DEU	do	Phoenix, Ariz.
DFB	Firestone Retread Shop	Berkeley, Calif.
DEN	do	East Los Angeles, Calif.
DEP	do	West Los Angeles, Calif.
DFH	do	Paramount, Calif.
DFD	do	Sacramento, Calif.
DFJ	do	San Diego, Calif.
DFE	do	Sunnyvale, Calif.
DCF	do	Denver, Colo.
DAF	do	South Norwalk, Conn.
DFK	do	South Windsor, Conn.
DEM	do	Jacksonville, Fla.
DEF	do	Miami, Fla.
HTP	do	West Palm Beach, Fla.
DEL	do	Tampa, Fla.
DDL	do	Albany, Ga.
DAP	do	Altoona, Pa.
DDM	do	Atlanta, Ga.
DDP	do	Savannah, Ga.
DEY	do	Boise, Idaho
DCD	do	Bensenville, Ill.
DCE	do	Markham, Ill.
DDJ	do	Peoria, Ill.
DDH	do	Quincy, Ill.
DBW	do	Indianapolis, Ind.
DCN	do	Wichita, Kans.
DBX	do	Bowling Green, Ky.
DBH	do	Louisville, Ky.
DEH	do	Bossier City, La.
DEJ	do	New Orleans, La.
DAA	do	Baltimore, Md.
DAB	do	Salisbury, Md.
DAC	do	Brockton, Mass.
DAD	do	Cambridge, Mass.
DBN	do	Allen Park, Mich.
DBP	do	Jenison, Mich.
DBT	do	Kalamazoo, Mich.
DBU	do	Lansing, Mich.
DBV	do	Saginaw, Mich.
DCV	do	Duluth, Minn.
DDA	do	Osseo, Minn.
DCW	do	Rochester, Minn.
DCX	do	St. Cloud, Minn.
DCY	do	Worthington, Minn.
DED	do	Jackson, Miss.
HTN	do	Hazelwood, Mo.
DCK	do	Joplin, Mo.
DCL	do	Kansas City, Mo.
DCM	do	Springfield, Mo.
DEX	do	Billings, Mont.
DDD	do	Grand Island, Nebr.
DDE	do	Omaha, Nebr.
DFC	do	Reno, Nev.
HTK	do	Moonachie, N.J.
DET	do	Albuquerque, N. Mex.
DBC	do	Metuchen, N.J.
DBF	do	Dunkirk, N.Y.
DBA	do	Latham, N.Y.
DAE	do	New York, N.Y.
DBB	do	Syracuse, N.Y.
DDX	do	Charlotte, N.C.
DDY	do	Kernersville, N.C.
DDW	do	Kinston, N.C.
DCJ	do	Fargo, N. Dak.
DBD	do	Akron, Ohio

Code No.	Retreader's name	Location
DBJ	Firestone Retread Shop	Ashtabula, Ohio
HTL	do	Cincinnati, Ohio
DCC	do	Cleveland, Ohio
DBK	do	Columbus, Ohio.
DBE	do	Youngstown, Ohio
DBM	do	Zanesville, Ohio.
DDC	do	Oklahoma City, Okla.
DEV	do	Eugene, Oreg.
DEW	do	Portland, Oreg.
DAH	do	Allentown, Pa.
DAP	do	Altoona, Pa.
DAT	do	Harrisburg, Pa.
DAV	do	Lemont Furnace, Pa.
DAU	do	Murrysville, Pa.
DAJ	do	Philadelphia, Pa.
DAK	do	Scranton, Pa.
DAL	do	Shamokin, Pa.
DAN	do	Thorndale, Pa.
LWA	Firestone Interamerica Co	San Juan, P.R.
DEA	Firestone Retread Shop	Spartanburg, S.C.
DCH	do	Aberdeen, S. Dak.
DBY	do	Bristol, Tenn.
DDN	do	Chattanooga, Tenn.
DCA	do	Knoxville, Tenn.
DEE	do	Memphis, Tenn.
DCB	do	Nashville, Tenn.
CTD	Southern Tire Service	Do.
DDB	Firestone Retread Shop	Amarillo, Tex.
DEB	do	Dallas, Tex.
DEC	do	Houston, Tex.
DEK	do	San Antonio, Tex.
DFA	do	Salt Lake City, Utah.
DAY	do	Lynchburg, Va.
DAW	do	Norfolk, Va.
DAX	do	Richmond, Va.
DFF	do	Seattle, Wash.
HTT	do	Spokan, Wash.
DBL	do	Parkersburg, W. Va.
DCP	do	La Crosse, Wis.
DCT	do	Madison, Wis.
DCU	do	Milwaukee, Wis.
HTM	do	Davenport, Iowa.
DDK	do	Des Moines, Iowa.
DDF	do	Sioux City, Iowa.
PLK	First National Tire Co. Inc	Auburn, Maine
BAW	Ben Fish & Son	Sioux City, Iowa.
FCF	Fishel Tire Inc	New Philadelphia, Ohio
JPC	Fisher Tire Co., Inc	Knoxville, Tenn.
HJF	Art Fisher Tire Co., Inc	Buffalo, N.Y.
EVN	Five Bros., Inc	Los Angeles, Calif.
KTE	Five Points Tire Center Inc	Albermarle, N.C.
AHV	Five Star Auto Service & Parts.	New London, Conn.
EJH	Flagstaff Tire Co	Flagstaff, Ariz.
BVA	Flake's Tire Service, Inc	Clinton, N.C.
KXD	W. H. Flanders Tire Co	Swainboro, Ga.
FUN	Flatt Tire Service	Des Moines, Iowa.
DNE	Fleet Maintenance, Inc	York Haven, Pa.
KNK	Fleet Service	Salem, Va.
BAB	Fleet Service Tire & Retread	Grand Junction, Colo.
HXH	Fleet Tire Co., Inc	Baton Rouge, La.
HUY	Fleet Tire Co., Inc	Charleston Heights, S.C.
NXY	Fleet Tire Service	New Orleans, La.
UBL	Fleet Tire Service, Inc	Greensboro, N.C.
BXN	do	Hope, Ark.
CHK	Fleet Tread Service Inc	Birmingham, Ala.
MMY	Fleming Radiator	Richmond, Va.
PDL	Fleming Tire	Victorville, Calif.
BAP	Fleming Tire Service	Mars, Pa.
MTY	Fleming's Union 76 Station	Greenville, N.C.
NWK	Fletcher Tire Co	Hawthorne, Calif.
NJC	Fletcher Tire Service	Fletcher, N.C.
ATT	Flickinger Inc	Euclid, Ohio.
MUK	Flomaton Re-Cap Shop, Inc	Flomaton, Ala.
VFK	Florida Radial Tire Distributors.	Ocoee, Fla.
KAF	Florida Refrigerated Service	Dade City, Fla.
NUF	Florida Stores of Milton, Inc	Milton, Fla.
VBE	Florida Tire Exchange	St. Petersburg, Fla.
EAJ	Harry Flournoy Tire Service	Palestine, Tex.
LWW	Flowers Tire Service Inc	Auburn, Calif.
HNL	Floyd Tire Shop	Floyd, Va.
NXP	Floyd's Tire & Recapping	Phenix City, Ala.
JDE	F. & M. Tire Service	Bristol, Tenn.
HMB	Fontana Tire & Battery Co	Fontana, Calif.
CAT	Foote Tire Co	Hastings, Nebr.
UJU	Foothill Tire Co	Jackson, Calif.
FFA	Ford Tire Co	Amarillo, Tex.
TBA	Ford's Tire Service	Pendleton, Oreg.
EJP	Foree Tire Co	Phoenix, Ariz.
CUE	Foree Tire & Supply Co	O'Neill, Nebr.
BAY	Foree Tire & Treading Service Inc.	Great Bend, Kans.
NPM	Forrest Tire Co	Carlsbad, N. Mex.
EAH	Fort Bragg Tire Service, Inc	Fort Bragg, N.C.
JUE	Fort Smith Tire Service	Fort Smith, Ark.
FTK	Fort Western Tire Co., Inc	Augusta, Maine.
AEW	Fortmeyer's Tire Center Inc	Fort Wayne, Ind.
PFF	Fortuna Wheel & Brake Service	Fortuna, Calif.
JXJ	Foster, Miller & Bierly, Inc	Philadelphia, Pa.
HHA	Foster Tire Co	Green Forest, Ark.
FAC	Foster Tire Co., Inc	Reidsville, N.C.
JDK	Foster Tire Service	Lexington, N.C.
FKA	Foster & Vencel Tire Sales, Inc.	Warren, Ohio.
UJV	Foster's Tire Co	Dillwyn, Va.
JHE	Al Foster's Tire Service	Ukiah, Calif.
ATF	Fountain Tire Service Inc	Wilmington, N.C.
FNB	Four Oaks Tire Services	Four Oaks, N.C.
TCM	4 Star Tire	Tulsa, Okla.
VBF	Four Star Tire Service	Vega Baja, Puerto Rico.
CNK	Fowler-Dozier Tire Service	Montgomery, Ala.
MBD	Fowler's Tire Service	Chesnee, S.C.
MCK	Fowshee Tire Service	Roxboro, N.C.
EYV	Fox Tire Co	Menasha, Wis.
EDC	Bill Fox Tire Service	Kittanning, Pa.
JAH	Foxhavens, Inc	Sterling, Colo.
KNL	Fox's Tire & Retreading Service.	Marshall, N.C.
UYB	Foy's Tire Market	Kalispell, Mont.
MJU	Framingham Tire Sales Inc	Framingham, Mass.
VJW	V. Francisco Tire Sales	Carbondale, Pa.
KLN	Frank Bros, O.K. Tire Stores	Billings, Mont.
TKU	Frank and Son Tire Shop	York, Pa.
APU	Frankel & Son Tire Co	Cleveland, Ohio.
KUN	Frankie's Tire Center	Ambler, Pa.
LHE	Franklin Oil Co., Inc	Franklin, W. Va.
EAM	Franklin Service and Supply Inc.	Franklin, Pa.
TPN	Franklin & Son Tire Co	Indianola, Miss.
CNH	Franklin Tire & Appliance Co.	Franklin, N.C.
KPJ	Franks Tire Service	Berkeley, Calif.
TKA	Frank's Tire Service	Clayton, Ga.
FKE	do	Bryson City, N.C.
MCV	McConnelsville Tire Shop	McConnelsville, Ohio.
FPX	Frank's Tire & Supply Co. Inc	Fairmont, W. Va.
HTY	Frazer Tire Service	East Brady, Pa.
CDJ	Fred's Tire & Retreading	Hays, Kans.
KME	Frederick Radial Tire Co	Pasadena, Tex.
LWM	Freds Tire Shop	Orange, Calif.
BYL	Fred's Tire Shop	Mt. Pleasant, Pa.
MBE	Free Service Tire Co., Inc	Johnson City, Tenn.
MJY	Free Service Tire Co	Ashville, N.C.
KCM	do	Moravian Falls, N.C.
LJJ	Free Service Tire Corp	Knoxville, Tenn.
BDM	Freed Co. Inc	Waynesboro, Va.
DUW	Freed Tire Co	Pottsville, Pa.
KFN	Freedom Tire Supply Co	Watsonville, Calif.
LTF	Freeman Motor Co	Lumberton, N.C.
HPC	J. R. Freeman and Sons	Welcome, N.C.
DYV	Freeman Tire and Retreading.	Covington, Ga.
NML	Fresno Tire Sales and Service	Fresno, Calif.
APN	Freys Tire Shop Inc	Williamsport, Pa.
UYA	Frey's Tire Shop, Inc	Jersey Shore, Pa.
EVA	Friendly Tire & Recapping Co.	Greensboro, N.C.
AAM	Friendly Tire Service, Inc	Waynesboro, Va.
ALN	Tom Frost Firestone Inc	Warrenton, Va.
TCN	F & T Tire Sales	Jeffersonville, Ind.
VJD	Fugett Tire Co	Batesville, Ark.
HYW	Fukuda Tire Shop	Honolulu, Hawaii.
LTD	Fulchers Gulf Service	Martinsville, Va.
JEE	Fulkerson Tire Service	Oroville, Calif.
HFB	Fulkerson Tire Treading Service Inc.	Owensboro, Ky.
TKV	Fuller Mason Tires, Inc	Henderson, Tex.
BWH	Fuller Tire Co., Inc	Martinsville, Va.
KMF	Fullers, Inc. of Baytown	Baytown, Tex.
KCB	Fulmer Bros	Wysox, Pa.
BDV	Fulton Tire Inc	Wheeling, W. Va.
HLD	Funk Tire and Recapping Co	Coeburn, Va.
NFE	Furrs Tire Co	Camden, Tenn.
TVL	G and W Sales	Missouri City, Mo.
NCV	H. C. Gabler Inc	Aspers, Pa.
NUH	Gaddy's Shell Service	Brevard, N.C.
JUX	Gadsden Recapping Co	Gadsden, Ala.
DMN	Ray Grimshaw, Inc	Portland, Oreg.
DMP	do	Do.
DPN	Galion Tire Shop, Inc	Galion, Ohio.
DVA	Gallaghers Tire Service	Parker, Pa.
HEK	Gallaghers Garage	Do.
LWL	Gallatin Recappers	St. Gallatin, Tenn.
LNE	Gallians Tire Co., Inc	Holly Hill, Fla.
BEJ	Galloway Oil and Tire Co	Fort Smith, Ark.
ADF	Gambrell's Electric Co	Pendleton, S.C.
PDM	Gameway Tire Service	Denver, Colo.
TVH	Garden Island Motors, Ltd	Lihue Kauai, Hawaii.
TCP	Gardner-Reynolds	Los Angeles, Calif.

JAN 11 1972 XUM

Code No.	Retreader's name	Location
LXU	Bob Gardner's Tire Service	Mt. Gilead, N.C.
HTD	Garland's Retreading	Erwin, Tenn.
BTL	Garner Tire Co.	Sulphur Springs, Tex.
MUH	Garshman Tire Co.	Worcester, Mass.
TVJ	Garvey Tire Service, Inc.	Stockton, Calif.
HCB	Garvin Tire Co.	Resida, Calif.
DTY	Garvin Tire Co., Inc.	Columbia, S.C.
TFF	Gaskill's Service Station	Bayboro, N.C.
TFH	Gates & Chapman	Anderson, S.C.
ALV	Gates Tire Center	Spokane, Wash.
AWM	Gates Tire Co.	Grand Island, Nebr.
AXB	Gateway Tire Corp.	Freeport, N.Y.
NPP	Gateway Tire Service	Knoxville, Tenn.
ANB	Gauberts Great Southern Tire Co.	Thibodaux, La.
CUU	The Gauthier Tire & Recapping Co.	Willimantic, Conn.
TVK	Gay and Marsh Tire Service	Statesboro, Ga.
EMV	Gay Tire & Oil Co.	Rolesville, N.C.
HDU	G & B Tire Service	Ferguson, Ky.
NJD	G & E Tire Center	South Hill, Va.
EHK	Gebe & Skocik	Uniontown, Pa.
CUH	Geil & Nix Recapping Service	Gulfport, Miss.
JNC	Gelesky Tire, Inc.	Canton, Ohio.
UJW	Gene & Shorty's Tire Service	Beaver Dam, Wis.
EWK	General Lee's Tire Care, Inc.	Hempstead, N.Y.
NPN	General Tire & Battery Co.	Elkins, W. Va.
AHE	General Tire Co. of Phoenix, Inc.	Phoenix, Ariz.
CWU	General Tire Co., Inc.	Fort Wayne, Ind.
FJT	General Tire of Owensboro	Owensboro, Ky.
FYJ	General Tire Service	Mobile, Ala.
FWX	....do	Flagstaff, Ariz.
FYK	....do	Chico, Calif.
FWJ	The General Tire & Rubber Co.	City of Industry, Calif.
FYL	General Tire Service	Fresno, Calif.
FWY	....do	Los Angeles, Calif.
FYM	....do	Modesto, Calif.
FXA	....do	Oakland, Calif.
FYN	....do	Porterville, Calif.
FYP	....do	Sacramento, Calif.
FYT	....do	San Diego, Calif.
FYU	Cumming-Henderson	Santa Clara, Calif.
FYV	General Tire Service	Santa Monica, Calif.
FYW	....do	Santa Rosa, Calif.
FXB	....do	Ventura, Calif.
FXC	....do	Denver, Colo.
FWM	The General Tire & Rubber Co.	East Hartford, Conn.
FXE	General Tire Service	Fort Lauderdale, Fla.
FYX	....do	Miami, Fla.
FXF	....do	Orlando, Fla.
FWC	The General Tire & Rubber Co.	East Point, Ga.
HBK	General Tire Service	Honolulu, Hawaii
FWP	The General Tire & Rubber Co.	Boise, Idaho.
FWE	....do	Lisle, Ill.
HBL	General Tire Service	Gary, Ind.
FXH	....do	Indianapolis, Ind.
HAA	....do	Waterloo, Iowa.
HAB	....do	Topeka, Kans.
HAC	....do	Wichita, Kans.
FXJ	....do	Baton Rouge, La.
FXK	....do	Salisbury, Md.
HAL	....do	Farmington, N. Mex.
FXL	....do	Detroit, Mich.
HBM	....do	Grand Rapids, Mich.
HAD	....do	Saginaw, Mich.
HAE	....do	Minneapolis, Minn.
HAF	....do	Jackson, Miss.

Code No.	Retreader's name	Location
FWH	The General Tire & Rubber Co.	North Kansas City, Mo.
FXM	General Tire Service	St. Louis, Mo.
FXN	....do	Springfield, Mo.
HAJ	....do	Billings, Mont.
FXT	....do	Fayetteville, N.C.
FWV	The General Tire & Rubber Co.	East Rutherford, N.J.
FXP	General Tire Service	Albuquerque, N. Mex.
HAM	....do	Hobbs, N. Mex.
FWU	The General Tire & Rubber Co.	Buffalo, N.Y.
FWK	....do	Hempstead, N.Y.
FWW	....do	Charlotte, N.C.
FXU	General Tire Service	Greensboro, N.C.
HAN	....do	Bismarck, N. Dak.
FWB	The General Tire & Rubber Co.	Akron, Ohio.
FXV	General Tire Service	Cincinnati, Ohio.
FXW	....do	Cleveland, Ohio.
HBN	....do	Muskogee, Okla.
HAP	....do	Oklahoma City, Okla.
HAT	....do	Tulsa, Okla.
HAU	....do	Eugene, Oreg.
HAV	....do	Medford, Oreg.
TBA	Ford's Tire Service	Pendleton, Oreg.
HAW	General Tire Service	Portland, Oreg.
HAX	....do	Erie, Pa.
HAY	....do	Harrisburg, Pa.
TBB	....do	Lancaster, Pa.
FWN	The General Tire & Rubber Co.	Philadelphia, Pa.
FWT	....do	Pittsburgh, Pa.
HBA	General Tire Service	Reading, Pa.
FWL	The General Tire & Rubber Co.	Scranton, Pa.
FWD	....do	Cranston, R.I.
FXX	General Tire Service	Greenville, S.C.
FXY	....do	Chattanooga, Tenn.
HBB	....do	Knoxville, Tenn.
TBC	Abilene General Tire Co.	Abilene, Tex.
FYA	Lloyd's General Tire	Corpus Christi, Tex.
HBC	General Tire Service	Dallas, Tex.
FWF	The General Tire & Rubber Co.	Do.
HBD	General Tire Service	El Paso, Tex.
HBE	....do	Houston, Tex.
HBF	....do	Longview, Tex.
TBD	....do	San Angelo, Tex.
HBJ	....do	San Antonio, Tex.
FYB	....do	Salt Lake City, Utah.
FYC	....do	Hampton, Va.
HBP	....do	Aberdeen, Wash.
FYD	....do	Seattle, Wash.
FYE	....do	Spokane, Wash.
FYF	....do	Bluefield, W. Va.
FYH	....do	Milwaukee, Wis.
ATN	General Tire Sales, Inc.	Columbus, Ohio.
FPV	....do	Ashland, Ky.
FYJ	General Tire Service	Mobile, Ala.
FWX	....do	Flagstaff, Ariz.
FYK	....do	Chico, Calif.
FYL	....do	Fresno, Calif.
FWY	....do	Los Angeles, Calif.
FYM	....do	Modesto, Calif.
FXA	....do	Oakland, Calif.
FYN	....do	Porterville, Calif.
FYP	....do	Sacramento, Calif.
FYT	....do	San Diego, Calif.

Code No.	Retreader's name	Location
FYV	General Tire Service	Santa Monica, Calif.
FYW	....do	Santa Rosa, Calif.
FXB	....do	Ventura, Calif.
FXC	....do	Denver, Colo.
FXE	....do	Fort Lauderdale, Fla.
FYX	....do	Miami, Fla.
FXF	....do	Orlando, Fla.
HBK	....do	Honolulu, Hawaii.
HBL	....do	Gary, Ind.
FXH	....do	Indianapolis, Ind.
HAA	....do	Waterloo, Iowa.
HAB	....do	Topeka, Kans.
HAC	....do	Wichita, Kans.
FXJ	....do	Baton Rouge, La.
FXK	....do	Salisbury, Md.
FXL	....do	Detroit, Mich.
HBM	....do	Grand Rapids, Mich.
HAD	....do	Saginaw, Mich.
HAE	....do	Minneapolis, Minn.
HAF	....do	Jackson, Miss.
FXM	....do	St. Louis, Mo.
FXN	....do	Springfield, Mo.
HAJ	....do	Billings, Mont.
FXP	....do	Albuquerque, N. Mex.
HAL	....do	Farmington, N. Mex.
HAM	....do	Hobbs, N. Mex.
FXT	....do	Fayetteville, N.C.
FXU	....do	Greensboro, N.C.
HAN	....do	Bismarck, N. Dak.
FXV	....do	Cincinnati, Ohio.
FXW	....do	Cleveland, Ohio.
HBN	....do	Muskogee, Okla.
HAP	....do	Oklahoma City, Okla.
HAT	....do	Tulsa, Okla.
HAU	....do	Eugene, Oreg.
HAV	....do	Medford, Oreg.
HAW	....do	Portland, Oreg.
HAX	....do	Erie, Pa.
HAY	....do	Harrisburg, Pa.
TBB	....do	Lancaster, Pa.
HBA	....do	Reading, Pa.
FXX	....do	Greenville, S.C.
FXY	....do	Chattanooga, Tenn.
HBB	....do	Knoxville, Tenn.
HBC	....do	Dallas, Tex.
HBD	....do	El Paso, Tex.
HBE	....do	Houston, Tex.
HBF	....do	Longview, Tex.
TBD	....do	San Angelo, Tex.
HBJ	....do	San Antonio, Tex.
FYB	....do	Salt Lake City, Utah.
FYC	....do	Hampton, Va.
HBP	....do	Aberdeen, Wash.
FYD	....do	Seattle, Wash.
FYE	....do	Spokane, Wash.
FYF	....do	Bluefield, W. Va.
FYH	....do	Milwaukee, Wis.
PFH	General Tire Service, Inc.	Las Vegas, Nev.
FNX	General Tire Service of Muskegon.	Muskegon Heights, Mich.
EXX	General Tire & Supply Co., Inc.	Augusta, Ga.
NAN	Genes OK Tire Store	Bonners Ferry, Idaho.
VJA	Gene's Recap Shop	Homestead, Fla.
VAC	Genes Tire & Auto Service	Concord, N.C.
TJJ	Gene's Tire Service	Lower Burrell, Pa.

Code No.	Retreader's name	Location
TCT	Gene's Tire Service, Inc.	St. Cloud, Minn.
EJT	George's Tire Center, Inc.	Jacksonville, Ark.
BEV	George's Tire Shop, Inc.	Torrington, Conn.
HPT	....do	Providence, R.I.
VEC	George's of Seymour Inc.	Seymour, Ind.
BBP	Georges Tire Service	San Bruno, Calif.
TPC	George's Tire Shop	Dickinson, N. Dak.
TWT	Georgia Tire Battery Co.	Albany, Ga.
PBX	Georgia Tire Co.	Vidalia, Ga
UUU	Getz-Cole Tire Recapping Co. Inc.	St. Louis, Mo.
FEB	Geyer & Jones, Inc.	Downey, Calif.
PNH	G & G Retreading	Waco, Tex.
PVB	G-G Tire Co.	Plattsburgh, N.Y.
FTW	....do	Do.
NUJ	G. & H. Bandag Co., Inc.	Springdale, Ark.
JUB	Gibson Tire Co.	Hannibal, Mo.
FLV	Gibson Tire Service	Pennington Gap, Va.
KTT	....do	Charleston, S.C.
VJE	....do	Shenandoah, Pa.
DLF	Clyde Gibson Tire Shop	Tooele, Utah
CYA	Gilbert Tire Service	Liberty, N.C.
UMY	Giles Tire Co.	Breckenridge, Tex.
KVJ	Gill's Tire Market	Salt Lake City, Utah
UCK	Gilleland Service Station & Recap.	Dawsonville, Ga.
KPC	Gillespie Tire Service	Prattville, Ala.
BBJ	Johnny Gillette Tire Co.	Long Beach, Calif.
EMB	Gilliam Tire Co., Inc.	Burlington, N.C.
BUK	Gilliland Bros. Tire Co.	Chattanooga, Tenn.
FFX	Ginman Tire Co.	Muskegon, Mich.
PLL	Gino's Tire Service	Pittston, Pa.
MMC	Given Co., Inc.	Sutton, W. Va.
KTL	Gladden Tire Service Inc.	Exmore, Va.
TTU	Gladdens Recap Shop, Inc.	Charlotte, N.C.
EYU	Glades Tire & Recap Co.	Belle Glade, Fla.
TMN	Glass Service Center & Recapping.	Blakely, Ga.
EBJ	Paul Glass Service Station	Jacksonville, Tex.
TMP	Glaze Tire Co., Inc.	Buford, Ga.
JPA	Glen Park Tire Co.	Gary, Ind.
MCM	Glen Rock Tire Co., Inc.	Glen Rock, Pa.
CJN	Glen's Tire Hospital Inc.	Mora, Minn.
VKJ	Glen's Tire Shop	Houston, Tex.
AJA	Glenn's Tire & Recapping Service Inc.	Melbourne, Fla.
FND	Glenn's O.K. Tire Store	Huron, S. Dak.
MTV	Glenwood Gas & Tire Co., Inc.	Bedford, Va.
NMM	Globe Tire Service, Inc.	Hackensack, N.J.
JWY	Glover Tire Service	Opelika, Ala.
NYF	G & N Tire Co., Inc.	Stevens Point, Wis.
UTE	Go-Meria Ramos	Toa Bayos, P.R.
TXY	Godfrey Tire & Vulcanizing Co.	Knoxville, Tenn.
JDV	Godwins Recapping Service	Polkton, N.C.
TNH	Glen K. Goebel	Yakima, Wash.
JNH	Gold Coast O.K. Tire Co., Inc.	Fort Lauderdale, Fla.
PTK	Gold Coast Tire & Equipment Co.	Coss Bay, Oreg.
DUJ	Golden State Tire Service Co.	Richmond, Calif.
PTL	Golden Tire Center	Edgewater, Md.
PFJ	Golden Tire Shop, Inc.	Honolulu, Hawaii
MKP	Ken Golding Tire Co.	Prescott, Ariz.
JVL	Goldsboro Tire Service	Goldsboro, N.C.
KBW	Goldsmith Tire Co.	Decatur, Ga.
BLC	Goldstrom Tire Service	Vandergrift, Pa.
JTX	Goleta Recapping Service	Goleta, Calif.
KAW	Gomer Tire Service	Eunice, La.
JUC	Good-Wal & OK Tire Co.	Independence, Mo.

Code No.	Retreader's name	Location
AXF	Goodland-Hoffman Inc.	Rochester, N.Y.
CMD	B. F. Goodrich Retread Plant	Mobile, Ala.
CML	....do	Phoenix, Ariz.
CLW	....do	Little Rock, Ark.
CLM	....do	Fresno, Calif.
CLX	....do	Los Angeles, Calif.
CMH	....do	Oakland, Calif.
CLJ	....do	Denver, Colo.
CLA	....do	Atlanta, Ga.
CMV	Gordy Tire Co.	Do.
CLL	B. F. Goodrich Retread Plant	Franklin Park, Ill.
CMU	....do	Wichita, Kans.
CLY	....do	Louisville, Ky.
CMF	....do	New Orleans, La.
CLK	....do	Detroit, Mich.
CMC	....do	Minneapolis, Minn.
CLP	....do	Jackson, Miss.
CLT	....do	Kansas City, Mo.
CMJ	....do	Olivette, Mo.
CMK	....do	Omaha, Nebr.
CMA	....do	Maple Shade, N.J.
CKY	....do	Albany, N.Y.
CLB	....do	Buffalo, N.Y.
CLC	....do	Charlotte, N.C.
CLU	....do	Kernersville, N.C.
CLE	....do	Cincinnati, Ohio.
CLF	....do	Cleveland, Ohio.
LEB	....do	Columbus, Ohio.
CMM	....do	Pittsburgh, Pa.
PDP	International B. F. Goodrich Corp.	San Juan, P.R.
CLD	B. F. Goodrich Retread Plant.	Chattanooga, Tenn.
CLV	....do	Kingsport, Tenn.
CMB	....do	Memphis, Tenn.
CME	....do	Nashville, Tenn.
CLH	....do	Dallas, Tex.
CLN	....do	Houston, Tex.
LEA	....do	Norfolk, Va.
CMN	....do	Richmond, Va.
CMP	....do	Seattle, Wash.
CMT	....do	Wheeling, W. Va.
EXL	Goodwear Tire Co.	Opa Locka, Fla.
AYV	Goodwear Tire Co., Inc.	Columbus, Ga.
HEM	Goodwin Tire & Recapping	Prescott, Ariz.
TMT	Goodwin Tire Service	Redding, Calif.
KDC	The Goodyear Tire & Rubber Co.	Birmingham, Ala.
KEA	....do	Phoenix, Ariz.
KDP	....do	Chino, Calif.
KEE	....do	North Sacramento, Calif.
KDK	....do	Denver, Colo.
KDU	....do	Miami, Fla.
KDX	....do	Orlando, Fla.
KEU	....do	Tampa, Fla.
KDA	....do	Atlanta, Ga.
KEN	....do	Do.
TLD	....do	Sioux City, Iowa.
KDF	....do	Joliet, Ill.
KEL	....do	Topeka, Kans.
KDV	....do	New Orleans, La.
KEP	....do	Baltimore, Md.
KET	....do	Cumberland, Md.
KDB	....do	Wesminster, Md.
KDD	....do	Southboro, Mass.
KDM	....do	Howell, Mich.
KEF	....do	Florissant, Mo.
KDN	....do	Kansas City, Mo.
KEM	....do	Newark, N.J.
KFJ	....do	Syracuse, N.Y.
KDE	....do	Charlotte, N.C.
KEK	....do	Akron, Ohio.
LKA	....do	Brunswick, Ohio.

Code No.	Retreader's name	Location
KDH	The Goodyear Tire & Rubber Co.	Sharonville, Ohio.
KDW	....do	Oklahoma City, Okla.
KEC	....do	Portland, Oreg.
KDY	....do	Cornwells Heights, Pa.
KEB	....do	Zelienople, Pa.
TLC	....do	Bayamon, P.R.
KDT	....do	Memphis, Tenn.
KDJ	....do	Dallas, Tex.
KED	....do	Colonial Heights, Va.
KEH	....do	Spokane, Wash.
KDL	....do	Des Moines, Iowa.
TKD	Gordon's Tire Service	Abbeville, S.C.
PFK	Gordan's Tire & Supply	Oberlin, Kans.
CMV	Gordy Tire Co.	Atlanta, Ga.
NMN	Gore's Tire Service	Marion, S.C.
NUK	Goris Tire Co., Inc.	Lafayette, Ind.
HYK	Goshen Tire Service	Goshen, N.Y.
NMT	Goslin Tire Service, Inc.	Riverside, Calif.
LPP	Goss Bros. Tire & Supply Inc.	Zanesville, Ohio.
FEK	C. H. Goss Co.	St. Johnsbury, Vt.
DNN	Tony Gosselin Tire Service	Eureka, Calif.
EWX	Gosser Tire Service, Inc.	Vandergrift, Pa.
PJK	G & R Recapping Co.	Asheville, N.C.
CFM	G & R Tire Distributors, Inc.	Stafford Springs, Conn.
BJY	Preston Grace Tire Co., Inc.	Batesville, Ark.
PBY	Edward Graden, Inc.	Kendallville, Ind.
CPX	Grady General Tire, Inc.	East Syracuse, N.Y.
BUP	Grady's Tire & Auto Service	Opelika, Ala.
VHM	F. & N. Graham, Inc.	Sea Cliff, N.Y.
CWV	Graham Tire Co., Inc	Sioux Falls, S. Dak.
JFM	Graham's Service Station	Crestview, Fla.
PCB	Grand Forks Retreading Co.	Grand Forks, N. Dak.
FCM	Grand Tire Co.	Kansas City, Mo.
AJY	Grandmother's Tire Co. Inc.	Eastlake, Ohio.
PVY	Grant Tire Co.	Kilgore, Tex.
AHF	Leo Grant Tire & Recapping Co.	Little Rock, Ark.
DHN	Grantsville Tire Shop	Grantsville, W. Va.
VHB	Grantville Tire Co.	Grantville, Ga.
KBB	Grasse Bros. Oil Co.	Sheboygan, Wis.
UTF	Graves Tire Co.	Murphy, N.C.
LJH	Carl Gray Tires	Shelley, Idaho.
PXA	Espy Gray's Recap Shop	Donalsonville, Ga.
MAC	Great Northern Bandag Inc.	Chewelah, Wis.
PPF	Great Olympic Tire Co.	San Antonio, Tex.
ALD	Great Southern Tire Distributors, Inc.	Conroe, Tex.
BFX	Walt Green, Inc.	Massillon, Ohio.
LYU	Green Tire Service	Hood River, Oreg.
KYN	Green's Tire & Recapping Co.	Talladega, Ala.
NUL	Greene County Tire & Supply	Greeneville, Tenn.
PYU	Jimmy Greene Recapping Service.	Waxhaw, N.C.
UWP	Greene Standard Service	Sheffield, Ala.
NMU	Joe Greene's Quality Recapping.	Biloxi, Miss.
UNA	Green's Tire Service	Philadelphia, Miss.
KLD	Greensboro Recapping Co.	Greensboro, Ala.
MLB	Greensburg Tire Co.	Greenburg, Ind.
HDJ	Greensburg Tire Service	Greensburg, Pa.
FLD	Greenville Tire Co., Inc.	Emporia, Va.
MPM	Greenway Tire & Recapping	Knoxville, Tenn.
UEF	Greenwood Service	Nephi, Utah.
LND	Greenwood Tire & Supply	Greenwood, S.C.
ELD	Gregg Tire Co.	Topeka, Kans.
BNP	Gretna Tire & Recapping Co.	Gretna, Va.

Code No.	Retreader's name	Location
AVP	The Grier Tire Co	Salisbury, Md.
NDL	Griffeth Bros. Tire Co., Inc	Athens, Ga.
LPE	Olympic Bandag Tire, Inc	Savage, Minn.
VKK	Griffin Bros. Tire Sales Inc	Charlotte, N.C.
BFK	Griffin Central Tire Service Inc.	Hornell, N.Y.
LVA	Griffin Radial Tire Co	St. Paul, Minn.
VLP	Griffin Radial Tire Co., Inc	La Crosse, Wis.
TCU	Griffin Recapping	Oakboro, N.C.
ENC	Griffin retreading Service	Winston-Salem, N.C.
JLK	Griffin Tire Co	Albany, Ga.
UFK	Clint Griffin Tire Service	Charlotte, N.C.
AHU	Griffin Tire Service	Aiken, S.C.
KXK	Griffin Tire Shop	Kernersville, N.C.
KKU	Belle Griffith Truck Tire Center, Inc.	Odessa, Tex.
HJU	Elmer W. Griset & Son	Santa Maria, Calif.
DKW	Grismer Tire Co	Dayton, Ohio.
JHU	Jim Grizzle Tire Co., Inc	Fort Smith, Ark.
LKJ	Groce Recapping	Burkesville, Ky.
KKL	Groff Bros. Inc	San Antonio, Tex.
BJL	Grossman's Tire Service	Liberty, N.Y.
KCC	Grove's Tire Service	Red Lion, Pa.
AXM	Grubb Tire & Auto, Inc	Charlotte, N.C.
FBK	G&S Recapping Service, Inc	Greensboro, N.C.
LXE	G & T Recapping	Lancaster, S.C.
JAK	Guarantee Recapping & Tire Co.	Jasper, Ala.
VMU	Guarantee Tire Service	Hollywood, Calif.
EFW	Guaranteed Tire Co., Inc	Richmond, Va.
AHT	Guaranteed Tires, Inc	Fort Huron, Mich.
HXD	Guest & Hough Tire Service	Scottdale, Pa.
CCL	Guest Tire Service	Pottstown, Pa.
AFL	Guidry Tire Co	Rayne, La.
PYT	Guin Recapping Co	Guin, Ala.
JUU	Guinn Tire Shop	Morrilton, Ark.
CPK	Gunby for Tires	Denver, Colo.
LEL	Gunn Oil Co	Brownfield, Tex.
EJJ	Gunnell's Big O Tire	Mesa, Ariz.
PTM	Gunter Tire Shop	Kosciusko, Miss.
HDA	Gus & Jack's Tire Shop	Great Falls, Mont.
DXB	Gus' Automotive Tire Center	Reno, Nev.
ETE	G. & W. Auto Center & Recapping	Bridgeport, W. Va.
JUN	G. & W. Recapping Co	Haleyville, Ala.
TKW	G&W Tire Service	Lemoore, Calif.
EBN	Gwynn Tire Service, Inc	Fairmont, W. Va.
TMW	H & H Service Store, Inc	Brunswick, Ga.
TPD	H & H Tire Co	Raleigh, N.C.
TPE	H & J Recapping	Canton, N.C.
TXC	H L Tire Co	Wilmington, Calif.
UJX	Haag Tire Service	Reynoldsville, Pa.
AWN	Haas Tire Co., Inc	Lincoln, Nebr.
JFJ	Hadcock's Recapping Center	Washington, N.C.
PFL	Haden's Tire Service, Inc	Salisbury, N.C.
BWV	Jack Hadley Tire & Appliance, Inc.	Neosho, Mo.
TFJ	Hafen's O.K. Tire Store	Henderson, Nev.
ABD	Hagan OK Tire Store, Inc	Eau Claire, Wis.
NMV	Terry Haggerty General Tire Inc.	Albany, N.Y.
DMH	Hahn Tire & Recapping Co	Asheville, N.C.
BNB	Haines Garage, Inc	Catskill, N.Y.
HKH	Halifax Tire Co., Inc	Halifax, Va.
LVT	Hall-Crouser Tire Service	Northumberland, Pa.
JVN	Hall Tire & Battery Co	Greensboro, N.C.
UJX	Hall Tire Co	Lufkin, Tex.
FDD	Frank Hall Tire Service, Inc	Spartanburg, S.C.
FFK	Hall Tire & Supply Co	Gainesville, Ga.
EDH	Hallman Retreading Co	Fayette, Ala.
KNH	Halls Tire Service	South Boston, Va.
NFA	Tom Halls Tire Service	Wilmington, N.C.
UEH	Hall's Tire Service	Sylva, N.C.
HNN	Halpin Tire Service, Inc	Prairie du Chien, Wis.
NWL	Milwaukie Tire Service	Clackamas, Oreg.
HJV	Jack Hamilton Tire Co	Brownfield, Tex.
KPY	Hamilton Tire Co	North Hollywood, Calif.
PCC	Hamilton's Recap. Co	Lebanon, Ky.
TYA	Hamiltons Recapping	Laurens, S.C.
DMV	Bill Hamlett Tire Shop	Austin, Tex.
BDX	Hamlin's Auto Service & Treading Co.	Aliceville, Ala.
KLL	Hammond Service Station, Inc.	Hornell, N.Y.
MTX	Hammond Tire Service	Sacramento, Calif.
JBH	Hampton Tire & Retreading	Hampton, Tenn.
UFJ	Hamricks Tire Store	Phenix City, Ala.
ADT	Handley Tire Store	Raymondville, Tex.
AXV	Haney's Tire & Recapping Service, Inc.	Laurinburg, N.C.
MYM	Hangtown Tire Service	Placerville, Calif.
JCL	Hank's Tire Service	Burnet, Tex.
FPU	Hanna Ford Tire Service	Gainesville, Mo.
MMP	Happy Camp Tire Service	Happy Camp, Calif.
TMU	Happy Valley Recapping Service	Lenoir, N.C.
LEK	A. H. Haralson & Sons Manufacturing Co.	Safford, Ariz.
NYH	Harb Tire Service	Lexington, N.C.
TVM	Hardie Tire Co	Daytona Beach, Fla.
TVN	-----do-----	Do.
CAF	Hardinsburg Tire Service, Inc.	Hardinsburg, Ky.
HBY	Hardy Tire Co	Birmingham, Ala.
TWV	Hardy's Tire Shop	Philadelphia, Miss.
JWK	Harford Tire Service	Maryland.
NCN	Harlan Retreading Co	Harlan, Ky.
LWE	Harmony Tire & Recapping Co.	Harmony, N.C.
TMV	Harold's Tire Shop	Grovespring, Mo.
VHC	Harper Tire Co	Detroit, Mich.
NVC	Ollie Harrell Tire Service	Dothan, Ala.
NVD	Albany Bandag Tire Service	Albany, Ga.
UKX	Harrill Tire Service	Shelby, N.C.
LCY	Harris & Leonard, Inc	Chester, Pa.
LHP	Clyde B. Harris & Son	Berwick, Pa.
DKE	Harris Tire Co	Rockford, Ill.
ECC	Harris Tire Co., Inc	Lynchburg, Va.
PNN	Harris Tire Service, Inc	Garrettsville, Ohio.
CTA	-----do-----	Norfolk, Va.
HVF	Bud Harris Tire Shop	The Dalles, Oreg.
LJL	Harrison Tire & Battery Co., Inc.	Harrison, Ark.
EFA	Harrison Tire Service	Gainesville, Ga.
KAA	-----do-----	Hopewell, Va.
LDF	Harrisons O K Tire Store	Dayton, Ohio.
KNW	Harrys Tire Service, Inc	Minot, N. Dak.
UBM	Hartford Oil Co., Inc	White River Junction, Vt.
LWC	Hartford Recapping Service	Hartford, Wis.
HED	Hartley's Esso Service	Lexington, N.C.
AUB	Hartley's Tire Center	Portland, Oreg.
NFK	Don Hartman, Inc	Canal Winchester, Ohio.
HTA	Hartman-Neal Tire Co., Inc	Danville, Va.
PDN	Hart's Gulf & Recap Shop	Gate City, Va.
HEV	Hartwell Tire & Recapping Co.	Hartwell, Ga.
CBD	Harvey Bros., Inc	Newburgh, N.Y.
DPM	Harvey Tire Service	Oneonta, Ala.
AVF	Harvey's Tire Exchange, Inc	Denver, Colo.
VJF	Harwell Recapping Co	York, Ala.
BTD	Hashi Tires, Inc	Wailuku, Hawaii.
PME	Hassler Tire Service	Salem, N.J.
VBH	Hatcher's Tire Service	Savannah, Tenn.
LXH	Hatchett Tire Co	Knoxville, Tenn.
NYJ	Hatfield Tire Co	Cartersville, Ga.
PYV	Ed Hatley's Tire Service	Concord, N.C.
TUP	Hato Rey Supply & Brake Service, Inc.	Hato Rey, P.R.
KUM	Paul E. Hawkinson Co	Minneapolis, Minn.
KHH	Hawkinson General Tire Co., Inc.	Jeannette, Pa.
TWU	Hawkinson Tire Co	Globe, Ariz.
PYW	Hawkinson Tire Co. of Arizona, Inc.	Phoenix, Ariz.
CYD	Hawkinson Tire Mileage, Inc	San Antonio, Tex.
PTN	Hawkinson Tire Tread Service	Minneapolis, Minn.
KNE	Hawkinson Tread Service	Cumberland, Md.
DVU	-----do-----	Oakland, Md.
PNP	-----do-----	Winston-Salem, N.C.
HVP	Hawkinson Tread Service, Inc	Macon, Ga.
CDU	Hawkinson Tread Tire Service Co.	St. Louis, Mo.
FNW	Hawkinson Treads, Inc	Hibbing, Minn.
PTN	Hawkinson Tire Tread Service	Minneapolis, Minn.
LUT	Hawleys Inc	Riverton, Wyo.
MTP	Haydon Coal & Oil Co., Inc	Springfield, Ky.
HCE	Doyle Hayes Tire Service, Inc	Dalton, Ga.
EKT	Hay's Tire & Recapping	Adel, Ga.
CPM	Hayward Tire Co., Inc	Fond du Lac, Wis.
NFY	Hazel Crest Tire & Supply Co	Hazel Crest, Ill.
DPB	Hazelwood Royal Tire Co	Wichita Falls, Tex.
TCV	Head Tire Salvage	Birmingham, Ala.
MPH	Headland Tire & Standard Station	Headland, Ala.
VHD	Healzer's	Ness City, Kans.
NFH	Heaton Recapping	High Point, N.C.
HEJ	D.C. Heatwole Tire Co	Harrisonburg, Va.
DYU	Hedrick Tire Shop Inc	Vinton, Va.
CND	Hegarty & Jordan	Redwood City, Calif.
MPL	Height Inc	Highstown, N.J.
DMU	Heiny General Tire Co., Inc	Williamsport, Pa.
CPY	Heisley & Hocker, Inc	Marysville, Pa.
DJB	Heitzig & Shirkey	Fresno, Calif.
MKL	Hellmans Auto Supply Co., Inc.	Gary, Ind.
PXB	Hellman's Tire Co	Bellflower, Calif.
UEK	Helton Tire Service	Dawsonville, Ga.
NMW	Hembree Tire Shop	Blue Ridge, Ga.
EMP	Hemphill Tire, Inc	Marion, N.C.
UFL	Henderson Recapping Service	Maysville, N.C.
CTP	Henderson Tire & Retreading Inc.	Henderson, Ky.
TFK	Henderson Tire & Recapping Co.	Ocilla, Ga.
ANC	Henise Tire Service Inc	Cleona, Pa.
CDC	Henry Tire Co., Inc	Plainview, Tex.
AFV	Henry's Tire Service, Inc	Fall River, Mass.
HMK	Henryetta Tire Shop	Henryetta, Okla.
HKA	Hensley Tire Co	Sylva, N.C.
NAB	Hensley Tire Service	Paintsville, Ky.
JFH	-----do-----	Ellijay, Ga.
MKC	Herbs Tire Service Inc	Waukesha, Wis.
JMC	Hercules Tire of Denver, Inc	Denver, Colo.
AYK	Hercules Tire Sales & Service Corp.	Miami, Fla.
ACP	Howard Herider Tires	Eugene, Oreg.
UEL	Hermann & Strait Retreading Co.	Jackson, Ohio.
VLY	Herman's Tire Service	Bentonville, Ark.
CYH	Herndon Oil & Tire Co	Enguala, Ala.
UWT	Herold's Tire Co	Columbus, Ind.
HLK	Herrington Bros. Tire Co	Gainesville, Ga.
HLF	Herrington Tire Co	Buford, Ga.
PNT	Hershey Tire Co., Inc	Staunton, Va.
EFM	Hertel General Tire Co	Fort Worth, Tex.
VMA	Samuel F. Hewes	Townsend, Del.

Bode No.	Retreader's name	Location
TPP	Hewitt Tire & Recapping Service.	Blakely, Ga.
VLE	H & H Recapping	Lamar, S.C.
NWM	H & H Recapping Co	Asheville, N.C.
FFL	H & H Tire Co	Chicago, Ill.
KFL	H & H Tire Service	Dinuba, Calif.
CTX	H & I Auto Supply Co., Inc	Morgantown, W. Va.
KXF	Hi-Speed Recap Co	Bentonville, Ark.
UKY	Hi-Way Dispatch, Inc	Marion, Ind.
KWP	Hialeah Recaps	Hialeah, Fla.
NUM	Hiatt Tire Co., Inc	High Point, N.C.
UEM	Hicks & Martin Auto & Home Supply.	Shelby, Ohio.
UCL	Hicks Oil Co	Pipestone, Minn.
PNU	Hick's Recapping Shop	Flat Rock, Ala.
AAJ	Hicks Tire Service	Richmond, Va.
CVV	Ed Hiestand Tire Co	Nashville, Tenn.
LMN	Higgins Recap Shop	Alto, Ga.
JXK	High Speed Bandag Co	Bloomington, Ind.
JMT	High Speed Recap Co	Do.
VHN	Highland Tire Service	Tullahoma, Tenn.
BYW	Jimmy High's Tires, Inc	Miami, Fla.
BDE	Highway Service Stores, Inc	Norfolk, Va.
ULA	Highway Tire Inc	Caribou, Maine.
VBJ	Highway Tire Sales	Glen Allen, Va.
LBW	Milo Hileman Tire Service	McGrann, Pa.
TVP	Hill Bros. Tire Co	New Smyrna Beach, Fla.
KPD	Hill City Tire Co	Vicksburg, Miss.
MLF	Hill Retread Shop	Monroeville, Ala.
CNF	Hill Tire Service	Newton, N.C.
JBK	Hill Top Tire Service Inc	Middlesboro, Ky.
AYY	Hill's B. F. Goodrich, Inc	Boise, Idaho.
JYK	Hill's Tire Service	McFarland, Calif.
BHH	Hillen Tire & Rubber Corp	Baltimore, Md.
FPY	Hilliard's Tire Sale	San Francisco, Calif.
MDY	Hinkle & Johnson Tire Co	Palm Springs, Calif.
PFM	Hines Recapping Service	Florence, Ala.
FJK	Bill Hinson's Tire Service	Morro Bay, Calif.
HDK	Hitchens Auto Supply	Millsboro, Del.
EJK	Hixon Tire Service	Mesa, Ariz.
EBL	Hixon's	Manhattan, Kans.
CEB	H & K Recapping Co., Inc	St. Joseph, Tenn.
UTH	H & L Auto Parts	Fayetteville, N.C.
EAE	H & L Tire Co	Linton, Ind.
PXC	H & M Tire Co	Carrollton, Ohio
JHK	H & M Tire & Furniture	Monroe, N.C.
ABJ	Ambrosiani Hnos, Inc	San Juan, P.R.
UVK	H & O Tire Service	Jasper, Oreg.
AEC	Hobbs Auto Supply Inc	Blackshear, Ga.
DVM	Hobbs Tire & Supply Inc	Chester, W. Va.
MJF	Hobbs Tire Center	Hobbs, N. Mex.
ALB	Hobbs Tire Shop	McMinnvill, Tenn.
JWJ	Hober Tire Service	Wayland, N.Y.
HFX	Hoblitt's Recapping	Hamilton, Mont.
NYK	Hock Tire Service, Inc	Idaho Falls, Idaho.
HTV	Hodge Tire Service	Williamsburg, Va.
UYF	Hodges Tire Co., Inc	Santa Rosa, Calif.
HFE	Hodges Tire & White Truck Inc.	Wichita Falls, Tex.
TXD	Hodgin's Firestone Store	Rosenr, N.C.
CKC	Hoffman Tire Service	Duncannon, Pa.
CFN	Hoffman's OK Tire Store	Goshen, Ind.
HEF	Hofman & Lewis Tire Service	Delano, Calif.
KKP	Hogan Tire Inc	Houlton, Maine.
ABA	Hogan Truck Tire Sales Inc	Woburn, Mass.
FVW	Hohenwald Tire Co	Hohenwald, Tenn.
HYU	Holcomb Recapping Service	Russellville, Ala.
HVW	Holcomb Tire Service	Fort Valley, Ga.
VCT	Holden Garage	Iron City, Tenn.
PMF	Holland Tire Service	Elizabethton, Tenn.
APH	Barry Hollander TBA Inc	Everett, Wash.
MUX	Hollander Tire Service	Shiffield, Ala.
AFE	W. F. Hollelcke Tire Co., Inc	Wichita, Kans.
KNP	Hollenbecks Service	Jamestown, N.Y.
MXN	Holleys Retreading Service	Westover, W. Va.
UYH	Holley's Tire Service	San Clemente, Calif.
DKX	Hollingsworth Tire Co., Inc	Mansfield, Ohio.
JCH	Holloway Tire & Recapping Co.	Augusta, Ga.
PMH	Holloway Tire & Battery	Four Oaks, N.C.
CYE	Holloway Tire Co	Barnesville, Ga.
LNW	Holloway Tire Service	Corinth, Miss.
BWP	Holloway's Tire Co	Thomaston, Ga.
TVT	Holloway's Service	Laurel, Miss.
ENX	Holmes Tire Service	Mount Airy, Md.
CPV	Holmes Tire & Supply, Inc	Madison, Wis.
DHA	Holser's Tire Service	Santa Cruz, Calif.
VAW	Holt Co	Layton, Utah.
MFP	Holt Tire Service	Phillipsburg, Pa.
AJH	Holt Tire Service, Inc	Memphis, Tenn.
JPT	Holt's Tire Service, Inc	Porterville, Calif.
ADL	Homer Duncum Tire Co	Brady, Tex.
ENE	Homer's Tire Service	Lawton, Okla.
VAT	R. R. Hood Tire Co	Oklahoma City, Okla.
EBP	Hookerton-Recappers	Hookerton, N.C.
BVC	Hoosier Racing Tire Corp	South Bend, Ind.
KUH	Hooten Tire Co	Sacramento, Calif.
FDL	Hoover Tire & Battery Co	Ogden, Utah.
MXH	Hope Mills Tire Sales & Service	Hope Mills, N.C.
JPL	Hopkins O.K. Tire Store	Fulton, Miss.
PLM	Hopkinsville Recapping Co., Inc.	Hopkinsville, Ky.
PJL	Hopkinsville Tire Service	Do.
APK	Hopper Recapping Co., Inc	Guilport, Miss.
MUN	Hopper Tire Inc	Mobile, Ala.
ACM	Hoppes Tire Service, Inc	Salem, Ohio.
KXA	Horace's Tire Service	Rockingham, N.C.
HME	Hornsby Tire Co	Newport News, Va.
NPT	Horton Tire Co	Sacramento, Calif.
TCW	W. C. Horton Tire Co	Spartanburg, S.C.
CXE	Hosking Tire, Inc	Kingsford, Mich.
TFL	Hough Bros. Tire Service	Pittsburgh, Pa.
AFH	Houma Tire Service Inc	Houma, La.
PBA	Tommy House, Inc	Decatur, Ill.
PBB	-----do-----	Gibson City, Ill.
KBP	The House of Tires	Perris, Calif.
UEN	Houser Tire Service	Bellefonte, Pa.
BMB	Howards	San Diego, Calif.
UUA	Howard's Recap Shop	Panama City, Fla.
VCF	Howard's Tire Service	Attalla, Ala.
PNV	-----do-----	Hickman, Calif.
JTU	Howe General Tire Service	Titusville, Pa.
LTV	Howell Tires, Inc	Enid, Okla.
NMX	Howells Tire Service	Pottsville, Pa.
JVW	Howlett Tire Co	Green Bay, Wis.
EDJ	Howley General Tire Service Inc.	Washington, Pa.
NYL	Hoyman's Tire Service	Latrobe, Pa.
JNM	Steve Hoyt (RTD)	Seattle, Wash.
ULB	Hoza's Tire Service	Mount Pleasant, Pa.
VKN	Hrobacks Recapping	Alden, Pa.
ULC	Hub Service	Riverbank, Calif.
EDA	Hub Tire Co	Alice, Tex.
UBN	Hub Tire Service	Crown Point, Ind.
DJF	Huber Tire Co	York, Pa.
CPW	-----do-----	Louisville, Ky.
MXY	Hucks Ukiah Tire Co	Ukiah, Colo.
ATX	Huddles Inc	Lancaster, Ohio.
TMX	Hudson-Crosby Tire Service	Walterboro, S.C.
UFM	Hudson Firestone Service	Ozark, Ala.
FCV	Hudson & Odom Tire Co., Inc	Kansas City, Kans.
CYN	Hudson Tire & Battery	Harrison, Ark.
MNL	Hudson Tire Exchange Inc	Hackensack, N.J.
CXC	Hudson Tire Service	Crane, Mo.
MCB	Hudson's Tire & Retreading	Dunn, N.C.
NJE	Hueytown Tire Center	Hueytown, Ala.
FMT	Huff's Texaco & Recapping Service.	Statesville, N.C.
ENB	Hughes Bros., Inc	Wilmington, N.C.
JBA	Hughes Oil Co	Richmond, Va.
LFH	Hughes Tire & Oil Co	Union, S.C.
CBP	Hughes Tire Service	Salem, Ind.
TYB	Huguley Service Station	Lafayette, Ala.
DLM	Don Hultz General Tire	Salinas, Calif.
NPU	Humm Tire Co	Earlville, Ill.
PXD	Hunt General Tire Co., Inc	Raleigh, N.C.
BCY	Hunt Oil & Tire Co., Inc	Gretna, Va.
NUN	A. C. Hunter Tire Center	Austell, Ga.
ULD	Hunter Tire Service	Sanford, N.C.
CBX	Hunter's Tire Service	Greenville, S.C.
FMV	Huntingdon Retread Service	Huntingdon, Tenn.
UNB	Huntington Tire Service	Springfield, Oreg.
TCX	Hunt's Tire Service	Wynne, Ark.
DMB	Hurry Up Broadway, Inc	Louisville, Ky.
HPV	Hurst Tire Co	San Diego, Calif.
UBP	Hurst Tire Recapping	Fort Lauderdale, Fla.
KWD	Hurtubise Tire Sales & Service Inc.	Tonawanda, N.Y.
KJH	Hutchinson Tire Service, Inc	Logan, W. Va.
MFA	Hutchinsons Tire Service Inc	Baton Rouge, La.
TVU	Joe E. Hutchison Distributing Co.	Panama City, Fla.
JHC	Hutton Tire Service	Sharon, Pa.
UEP	H & W Tire Co	Dublin, Ga.
KKY	Hy-Myler Recapping	Warsaw, N.Y.
TYC	Hyco Service Station & Garage	Mathews, Va.
NCT	Hyde Tire Service	Steubenville, Ohio.
DTX	Idaho Falls Battery Co., Inc	Idaho Falls, Idaho.
AHA	Ideal Tire Co	Willimantic, Conn.
TUT	Ideal Tire Shop, Inc	Springfield, Mo.
BWJ	Iles-McKinney & Wolf	Des Moines, Iowa.
NJF	Imlay City Tire Co	Imlay City, Mich.
VBK	Imperial Truckmotive Industries.	Los Angeles, Calif.
KYT	Ince Tire Co	Lubbock, Tex.
CAC	Independence Retread Co	Independence, Va.
MAL	Independent Tire Co	Paragould, Pa.
HLE	Indian Creek Recapping	Norton, Va.
CVA	Indiana Petroleum Co., Inc	Bedford, Ind.
MEY	Indiana Tire Co Inc	Indiana, Pa.
VAD	Industrial Tire Co	Dallas, Tex.
JVU	Industrial Retreaders, Inc	Smyrna, Ga.
TBF	R. C. Ingels Tire Co	Monterey, Calif.
MEK	Inglewood Tire Co	Nashville, Tenn.
LYH	Ingram Tire Co	Enterprise, Ala.
NUP	Ingram Tire & Recapping Co	South Hill, Va.
CMX	Ingram Tire Service	Clinton, Ark.
KUX	Inter-town Tire Co	Fraser, Mich.
PDP	International B. F. Goodrich Corp.	San Juan, P.R.
AJE	Interstate Tire & Brake Stores Inc.	Springfield, Mass.
CHT	-----do-----	Enfield, Conn.
UBT	Interstate Tire Brokers, Inc	Charlotte, N.C.
DWK	Interstate Tire Co	Seattle, Wash.
EPV	-----do-----	Richmond, Va.
NWN	Interstate Tire Co., Inc	West Lebanon, N.H.
UTJ	Interstate Tire Mart	Denver, Colo.
MFJ	Interstate Tire Treads Inc	Ava, Mo.
MFJ	-----do-----	Billings, Mont.
VML	Interstate Tires Inc	Nashville, Tenn.
HVN	Iowa Illinois Tire Service Co	Davenport, Iowa.
NYM	Iowa State Industries	Anamosa, Iowa.
TPT	Ira's Tire Shop	Tahlequah, Okla.

V 37 N 6 JAN 11 72 XUM

Code No.	Retreader's name	Location
HPH	Irby-Davis Tire Co	Ava, Mo.
CFY	Iron Station Recapping	Iron Station, N.C.
KAU	Issac Tire, Inc	Bryan, Ohio.
MHK	Island OK Tires Inc	Oak Harbor, Wash.
UFN	Iva Tire & Recap Shop	Iva, S.C.
TJK	Ivans American Tire & Retread Service Store Inc.	Kennewick, Wash.
ACB	Ivie Retreading Co., Inc	Eden, N.C.
FJB	J. P. Cassily Tire Co	Dover, N.H.
KXL	Jack's Service Station	Newberry, S.C.
BVV	Jack's Tire Service Co	Algona, Iowa.
EWB	Jackman's Tire Service	Jackson, Mich.
UFP	Jacks General Tire	Vernal, Utah.
AHM	Jacks Recap Service Inc	Baltimore, Md.
NEE	Jacks Recapping Service	Hamlet, N.C.
MUA	Jack's Recapping Service	Monroe, N.C.
CXB	Jack's Tire & Oil Co	Logan, Utah.
EFN	Jack's Tire & Recapping Service.	Lynchburg, Va.
TYD	Jack's Tire Service	Lakeland, Fla.
PTP	Jack's Tire Shop	Mankato, Minn.
DJM	Ray Jackson Tire Center	Huntington Park, Calif.
MUP	Jackson Tire Co., Inc	Jackson, Miss.
KCK	Jackson Tire Co	Dillsboro, N.C.
NWP	Jackson's Tire Service	Chico, Calif.
VEP	Jackson Tire Service	Culver, Ind.
KUY	....do	Austin, Tex.
UVL	Jacobs Road Tire Shop	Youngstown, Ohio.
NPV	Frank W. Jacobs Tire Co	Baltimore, Md.
MMN	Jamestown Retreaders	Jamestown, Tenn.
PDT	Janasky Tire Service	Pleasantville, N.J.
FEU	Janet Tire Co	Mill Hall, Pa.
HKL	Jarman Recapping Service, Inc.	Kinston, N.C.
NMY	Jarrett's	Thomasville, N.C.
FDE	Jasper Recapping Co	Jasper, Ga.
PNW	Jasper Tire Recapping Co	Jasper, Ala.
JFU	Jay Recap Shop	Jay, Fla.
TYE	J C Tire Recapping Co	West Palm Beach, Fla.
LWH	J & D Tire Co	Springfield, Mo.
VJJ	J. D.'s One Stop Service Inc	Jackson, Miss.
KCP	J & E Texaco & Recapping Service.	Bladenboro, N.C.
CVF	Jefferson Tire Corp	Freeport, N.Y.
FVF	Jenkins Tire Co	Tifton, Ga.
NJH	Jenkins Tire Service	Kannapolis, N.C.
KFD	Jenks Tire Co	Bakersfield, Calif.
CAY	Jennings Bros., Inc	West Warwick, R.I.
DPY	Jennings Tire Co., Inc	Murfreesboro, Tenn.
HVB	Jensen Bros. General Tire Co	Ogden, Utah.
DVJ	Jepco Tire Service, Inc	Wheeling, W. Va.
FVV	Jepsen Tire Co., Inc	McHenry, Ill.
HCV	Jerceo	Westfield, Mass.
UET	Jersey Tire Co., Inc	Perth Amboy, N.J.
ULE	Jespersen's General Tire Service.	Atascadero, Calif.
EEH	Jessup Vulcanizing Works	Lindsey, Calif.
CWP	Jesup Tire Shop	Jesup, Ga.
PTT	Jett Service & Supply	Maryville, Tenn.
HVC	Jewel Tire Co	West Chester, Pa.
AUH	J & F Tire, Inc	Houston, Pa.
MHB	J&G Tire Shop	North Bend, Wash.
EDV	J & H Recapping	Longview, Wash.
NYN	J & H Tire Service	Georgetown, Ohio.
CTV	Jim's Inc	Pascagoula, Miss.
UBU	Jim's L & M Tire Service	Cadiz, Ohio.
KHW	Jim's Recap Shop	Alamosa, Colo.
VLJ	Jimmy's Recapping Service	Fort Mill, S.C.
LCV	Jimmys Retreading Service, Inc.	Collinsville, Va.
PCD	Jimmy's Tire Shop	Washington, D.C.
UUB	Jim's Firestone Tire Service	Salem, Mo.
JBJ	Jim's Tire Service	Azusa, Calif.
NDK	....do	Ridgecrest, Calif.
HDF	....do	Cottage Grove, Oreg.
PNX	Jim's Truck Tires	Mount Clemens, Mich.
PYX	J & J Recapping	Fort Lauderdale, Fla.
MBL	J J Retread Service	Lenoir, N.C.
UEU	J & J Tire Co	Los Angeles, Calif.
DHT	J & J Tire Co	San Francisco, Calif.
NYP	J & J Tire Distributors, Inc	Middletown, Ohio.
AKD	J & J Tire Sales Inc	Rochester, N.Y.
CYV	J & J Tire Service	Forest, Miss.
HJM	J. J. Tire Service	Marshall, N.C.
CJL	J&K Tire Co., Inc	Hudson, Mass.
UCM	J & L Tire & Supply Co., Inc	Mason City, Iowa.
HFH	J&M Tire Co., Inc	El Dorado, Ark.
DKB	J M Tire Co., Inc	San Pedro, S. Dak.
CUD	Joe's Tire Mart	Rochester, N.Y.
UBV	Joe's Tire Shop	Chester, Pa.
TFM	Joe's O.K. Tires	Marysville, Kans.
MBX	Joes Tire Service	Easley, S.C.
KNX	John John Tire Co	Colorado City, Ariz.
PNY	Johnnie's Tire Shop	Claypool, Ariz.
FKJ	Johnny's Tire Service Inc	Irwindale, Calif.
UFT	Johnny's Garage	Wellington, Utah.
ULF	Johns Custom Tire	Boise, Idaho.
LHD	Johns Retread Center	Red Springs, N.C.
UNC	Harold Johnson Distributors	San Jose, Calif.
FMF	Johnson & Flick Tire Service	Erie, Pa.
LFW	Johnson & Neighbors	Swainsboro, Ga.
BAT	Forde Johnson Oil Co., Inc	Idaho Falls, Idaho.
LUW	Johnson Tire & Recapping	Benson, N.C.
NUT	Johnson Tire Center	Jasper, Ala.
MXK	Johnson Tire Co	Ontario, Oreg.
LXD	....do	New Ellenton, S.C.
PFN	....do	Lexington, Tenn.
DTW	....do	Mount Pleasant, Tex.
JVE	Johnson Tire Co., Inc	Espanola, N. Mex.
EPB	Johnnie Johnson Tire Co., Inc	Fort Worth, Tex.
NYT	Verne Johnson Tire Service	Eureka, Calif.
HUT	Johnson Tire Service	Pittsburg, Kans.
EBB	....do	Springville, Utah.
CWL	Johnson Tire Service, Inc	Marietta, Ga.
TPV	Johnson Tire Shop	Clinton, Tenn.
NWT	Ed Johnson Tire & Wheel	Fortuna, Calif.
HEU	Johnson's Garage	Beattyville, Ky.
CFF	Johnson's Recap Shop	Grove Hill, Ga.
BDK	Johnson's Tire & Recap Service, Inc.	Richmond, Va.
BXA	Gay Johnson's, Inc	Grand Junction, Colo.
DFP	Gay Johnson's Super Service	Delta, Colo.
DPC	Gay Johnson's Tire & Auto Service.	Montrose, Colo.
MNK	Johnsons Tire Service	Fuquay-Varina, N.C.
LBY	Johnston & Johnson Tire Service.	Tiltonsville, Ohio.
NFU	Johnston Retread Service	Charlotte, N.C.
LJV	Johnston Tire & Recapping	Jersey Shore, Pa.
PTU	Jolly Joe's Tires	Payson, Utah.
VJP	Jomar Tire Craft	Trujillo Alto, P.R.
NCK	M B Jones Oil Co	Wrens, Ga.
EFP	O. Kenton Jones	Edinburg, Tex.
DTT	Jones Bros. & Sons	Fillmore, Calif.
VKL	Jones Firestone Dealer Store	Greenville, Ala.
DPK	Jones-Lanham Tire Co., Inc	Fayetteville, N.C.
KKB	Jones Recapping Co	Siloam Springs, Ark.
EJY	Jones Recapping Co., Inc	Springdale, Ark.
HPD	Jones Recapping Service	Charlotte, N.C.
AKY	Jones Tire & Appliance Co	Lebanon, Tenn.
AHN	Jones Tire & Recapping Co., Inc.	Montgomery, Ala.
PKL	Milton Jones Tire & Appliance	Manchester, Tenn.
KJP	Jones Tire Co., Inc	Prattville, Ala.
VDU	....do	Atlanta, Ga.
ULH	Jones Tire & Recapping	East Flat Rock, N.C.
JTA	Jones Tire Sales, Inc	Charlotte, N.C.
TKX	Jone's Tire Service	Chico, Calif.
LKE	Bill Jones Tire Service	Garner, N.C.
TMY	J. C. Jones	Oak City, N.C.
ECN	Jones Tire Service, Inc	Fort Smith, Ark.
TPU	John & Rich's Service	New Bethlehem, Pa.
TNJ	Johnnie's Tire Service Inc	Sioux Falls, S. Dak.
HFK	Joplin Tire Service Inc	Joplin, Mo.
BML	Jordan Tire Service, Inc	Hemet, Calif.
BCP	Joseph's Tire Service	Wilkes-Barre, Pa.
NCH	Jost's O.K. Rubber Welders	Owensville, Mo.
EXM	Espie Joyce Motors, Inc	Madison, N.C.
TDA	J & R Tire & Recapping Service.	Baltimore, Md.
DXP	J & R Tire Store	Albuquerque, N. Mex.
TNF	Judd Recap Co	Blountstown, Fla.
JYH	Judd Tire Supply	Casper, Wyo.
EAV	Junek Bros	Spearfish, S. Dak.
FAD	Justis Tire Service	Colorado Springs, Colo.
PXE	J & W Tire Co	Forsyth, Ga.
BBX	J & W Tire Service	Valley Center, Calif.
FHF	K4E—Bandag Recapping Co	Indianapolis, Ind.
AMW	John C. Kaeur Tire Service	Uniontown, Pa.
HCW	Kahler-Moore Tire Co	Grand Rapids, Mich.
CNU	Kahn & Keville	San Francisco, Calif.
UCN	Kakkeys Goodrich Tire Service	Fort Myers, Fla.
HWA	Kamp de Vries Tire, Inc	Greenville, Mich.
BHV	Kampa Tire Co., Inc	Minneapolis, Minn.
EKW	Kap Inc	South Bend, Ind.
ANU	Kaprals Tire Service Inc	Corning, N.Y.
CPL	Karl's Tire & Cycle	Farmington, N. Mex.
EBV	Kauffman Bandag Corp	Wooster, Ohio.
DMX	Kaukauna Tire Co., Inc	Kaukauna, Wis.
KVA	K. C. Tire Exchange	Kansas City, Kans.
NJK	K. C. Tire & Recap	Westminster, S.C.
BPJ	Kearns Tire Co., Ltd	Scottsbluff, Nebr.
KXY	Keeler Tire Co	Sioux Falls, S. Dak.
NBE	Keenes Tire Shop Inc	Poland, Maine.
NWU	Bill Kehoe Tire Co., Inc	Savannah, Ga.
EKH	Kells Inc	Wilmington, Del.
NJL	Keith Discount Tire Center	Magee, Miss.
UUV	Keiths, Inc	Black Eagle, Mont.
BCJ	Kelleher's Tire & Battery Service.	Scranton, Pa.
DWX	Keller Tire Co	Weirton, W. Va.
BLP	Kelley Tire Service Inc	Marshfield, Wis.
AEB	....do	Bainbridge, Ga.
UCP	Kelly Retread	Amarillo, Tex.
EJE	Kelly Sales Corp	Madrid, N.Y.
KCY	The Kelly-Springfield Tire Co	Tampa, Fla.
KCV	....do	Atlanta, Ga.
KCW	....do	Baltimore, Md.

Code No.	Retreader's name	Location
KCX	The Kelly-Springfield Tire Co	Cumberland, Md.
ULJ	Kelly Tire & Recapping	Belton, S.C.
EPH	Kelly Tire Service Inc	Pasadena, Tex.
LEE	Kellys Sales & Tire Works	Troy, Ala.
FTA	Kelner Tire Service	Smock, Pa.
AVK	Kelsey Tire Co., Inc	Grundy, Va.
AVJ	....do	Pikeville, Ky.
AVH	White Front Recapping Co	Richlands, Va.
JAP	Kemp Bros. Tire Service	Phoenix, Ariz.
BAX	Kemp Service Co	Sioux City, Iowa.
CUX	Ken's Retread, Inc	Honolulu, Hawaii.
CTT	Ken's Tire Service, Inc	Monroe, N.C.
MCT	Kenbridge Tire Recapping Co	Kenbridge, Va.
EPL	Kendrick Tire Co	Waco, Tex.
VET	Kenly Tire Service	Kenly, N.C.
DKA	George F. Kennedy, Inc	San Diego, Calif.
MCY	Kennedy-Lucas Inc	North Manchester, Ind.
BPH	Kenny Bob Tire Sales, Inc	Marion, Ind.
CUC	Kenny's Tire Sales Inc	Anderson, Ind.
PFP	Kenny's Tire Service	East Moline, Ill.
NUV	Ken's Bandag Inc	Hartford City, Ind.
TLX	Ken's Tire Service	Gridley, Calif.
UEV	....do	Logan, Utah.
TTV	Ken's Tire & Service Center Inc	Mount Clemens, Mich.
PYY	Ken's Tire Shop	Brunswick, Ga.
BUD	Kent Sussex Service Co	Milford, Del.
NJM	Kenton Tire Service	Cincinnati, Ohio.
JPE	Kentucky Recapping Co	Newport, Ky.
CCC	Kentucky Tire Exchange	Bowling Green, Ky.
MAA	Kermtip Tire Co., Inc	Seattle, Wash.
UFV	Kesler Tire & Alinement Service.	Galaesville, Ga.
PFT	Kessel's O.K. Tire Store	Powell, Wyo.
ENJ	Simon S. Kettering & Sons, Inc	Lebanon, Pa.
KPL	Keys Tire Service	Glasgow, Ky.
TAA	Keyser Tire Co	Cleveland, Tenn.
MMX	K & H Discount Tire Inc	Athens, Tenn.
FCL	K & H Royal Tire Co., Inc	Atlanta, Ga.
VEE	Kidd Motor Co	Reydo, Ky.
LJT	Bob Kidd Tire Service	Maryville, Tenn.
FNN	Kieran Tire Co., Inc	Staten Island, N.Y.
BMV	Otto Kilim Tire Co	Kalamazoo, Mich.
MFK	Kilburn Tire Co	Rawlins, Wyo.
PFU	Kimball Tire Co., Inc	San Luis Obispo, Calif.
PKM	Kimmels Esso Service	Ashland, Pa.
ACF	King-Mickey Tire Sales Inc	High Point, N.C.
TPW	King City Tire Service	King City, Calif.
EVC	King & Daul Tire Co	Bellingham, Wash.
NMP	King Recapping	Simpsonville, S.C.
EJF	P. P. King Tire Co	Midland City, Ala.
FFP	King Tire Corp	Columbus, Ind.
EXD	King Tire & Muffler Sales	Xenia, Ohio.
UND	King Tire Re-Capping	Winston-Salem, N.C.
UTK	King Tire Recapping Co	Honolulu, Hawaii.
CYJ	King Tire & Recapping Co	Talladega, Ala.
PJP	Bill King Tire Service	Newton, Ala.
CUM	King Tire Service	Roanoke Rapids, N.C.
BTT	....do	Elizabeth, Pa.
FBB	King Tire Service, Inc	Burlington, N.C.
AFY	King, Inc	Westfield, Mass.
AUP	King's Tire Service	Mount Pleasant, Pa.
DHL	King's Tire Service, Inc	Attleboro, Mass.
KJM	King's O.K. Tire Store, Inc	Greer, S.C.
UEW	King's Tire & Recapping Service.	McColl, S.C.
NPW	Kingsport Tire Town, Inc	Kingsport, Tenn.
NJN	Kingston Tire Co	Kingston, Pa.
UUW	Kingstree Home & Auto Supply.	Kingstree, S.C.
MYW	Kinlaw Tire & Battery	Roseboro, N.C.
PFV	Kinley Tire Recapping	Charlotte, N.C.
JBE	Kirkwood & Son, Inc	Whittier, Calif.
VEF	Kiser Tire Co	Clarion, Pa.
AXC	Kiskis Tire Co., Inc	Latham, N.Y.
EVV	Kisor Tire Co	Olympia, Wash.
MHE	Kittanning Tire & Recapping	Kittanning, Pa.
LXF	Kleber-Colombes Co	Colombes (Hauts-de-Seine), France.
PJN	Kleber-Colombes A.G	667 St. Ingbert, West Germany.
KKM	Kline General Auto Supply Co., Inc.	Schenectady, N.Y.
KBX	Klinger & Stehr, Inc	Valley View, Pa.
MNE	K & M Tire Inc	Greensboro, N.C.
NPX	K.N.C. Tire Recapping Service.	Show Low, Ariz.
NWV	Reuben Knecht Tire Service	Lodi, Calif.
HWD	Kness Bros. Tire Service	Mount Jewett, Pa.
DUK	Knight Tire Co	Gillittee, Wyo.
UWU	Knight Trucking Co	Eugene, Oreg.
MPP	Louis Knight's O.K. Tire Store.	Mountain Home, Ark.
BTP	Knox Retread, Inc	Knoxville, Tenn.
FKB	Knox Service Center	Radcliff, Ky.
LHL	Knoxville Bandag Tire Recapping.	Knoxville, Tenn.
TBH	Kochor Bros. Tire Shop	Salt Lake City, Utah.
JLW	Koonce Tire Co	Kinston, N.C.
ULK	David Korn Recapping Co	Beaver Falls, Pa.
UFU	Korner Kappers	Russell Springs, Ky.
DLX	Korte Tire & Oil Co	Longmont, Colo.
EYJ	Kost Tire Sales	Binghamton, N.Y.
EFY	....do	Forest City, Pa.
MNC	Kraft Tire Service	South Bend, Ind.
ECK	Kramer Tire Co., Inc	Minneapolis, Minn.
BDF	....do	Norfolk, Va.
NJP	Krause Tire & Gas Service	Mount Clemens, Mich.
HJL	H. O. Kreger Recapping Plant	Houston, Tex.
BTE	Kress Bros. Co	Pittsburgh, Pa.
EEC	Krist Oil Co	Caspian, Mich.
PDX	Kroll Bros. Tire Co	Pittsburgh, Pa.
MPJ	Ivan Kroninger Tire Center	Mertztown, Pa.
EHJ	John Krynicky	Mount Pleasant, Pa.
CNJ	John Kudas & Sons	Bentleyville, Pa.
BTH	W. J. Kuhn Warehouse Sales, Inc.	Oak Creek, Wis.
BBW	Kuhn's Tire Service	Vallejo, Calif.
TFN	Kunzler North Shore Tire Service, Inc.	Port Jefferson Station, N.Y.
PFW	Kurtz Tire	Bentleyville, Pa.
AUK	K & W Tire Co., Inc	Lancaster, Pa.
HUK	K&W Tire Sales & Service	East Avon, N.Y.
BBL	La Core Tire Co	Modesto, Calif.
PTV	L. A., Inc	Bethel, Ohio.
JYY	La Salle Trnk Tred	San Diego, Calif.
AFM	L & A Tire Co	Lewiston, Maine.
KMN	Lacey Tire Co	Commerce, Ga.
HNP	Lafayette Tire Exchange	Lafayette, Tenn.
FMP	Lake Rim Tire Service	Fayetteville, N.C.
NNA	Lakeport Tire Service	Lakeport, Calif.
ULL	Lamar Bros	Salinas, Calif.
JTH	Lamar Tire Service	Lamar, Colo.
AED	Lambert Tire Co	Carrollton, Ga.
NUW	Lancaster Retreading Service	Lancaster, Ohio.
KAT	Lancaster Tire Co	Lancaster, Calif.
CTF	Land O'Lakes, Inc	Minneapolis, Minn.
FVN	Landers Quality Reappers	Shelbyville, Tenn.
HUB	Landino's Service Station	New Britain, Conn.
UUX	Landrum's Flotation Tires	Miami, Fla.
FJD	Lar Tire & Supply Co	Freeport, Pa.
HEE	Lance Tire Service	Myrtle Beach, S.C.
BTB	Laney's Tires Batteries & Accessories.	Phenix City, Ala.
UFW	Langley Motor Co	Lanett, Ala.
MEU	Langley Tire Service	Staley, N.C.
TXE	Langley's Tire Shop	Castleberry, Ala.
TYF	Langston Tire Co	Goldsboro, N.C.
DPX	Pat Lanigan Service & Supply	Michigan City, Ind.
FED	Laningham Tire Co	Pennington Gap, Va.
CDE	Cash Larimer Tire Co	Ponca City, Okla.
HKF	Larimer Tire Co	Enid, Okla.
TVV	Larkin Oil Co., Inc	Livingston, Ala.
JFJ	Larkins Bros. Tire Co	San Francisco, Calif.
FTL	Larry's Department Tire Service, Inc.	Minneapolis, Minn.
HLJ	Larry's Easy Pay Tire Store	Winder, Ga.
FHU	Larry's Tire Service	La Grande, Oreg.
JUP	Latimer Tire Co	Gainesville, Fla.
NWW	Latta Tire Service	Naturita, Colo.
PTW	Laurel Highlands Tire Service, Inc.	Uniontwon, Pa.
CTE	Laurens Tire & Recapping, Inc.	Laurens, S.C.
NDU	Lavens Recapping	Allen, Ky.
VBL	Lavonia Tire & Recapping Co	Lavonia, Ga.
LCW	Lawhorne Tire Co	Sylvester, Ga.
LBC	Lawrence Tire & Recapping Co.	Spruce Pine, N.C.
JFC	Lawrence Tire Shop	San Diego, Calif.
FMD	Lawrenceville Tire & Recapping Co., Inc.	Lawrenceville, Va.
AKN	Lawton Tire & Recapping Co., Inc.	Hampton, S.C.
BJN	Lazar's Tire Service, Inc	Peekskin, N.Y.
TCY	Lazenby's	Montgomery, Ala.
VEV	L & B Retreading	Wilkes-Barre, Pa.
FEP	Le Moss Radial Tire, Inc	Fresno, Calif.
CBK	Leaman Tire Service, Inc	Mount Joy, Pa.
ATE	Lebes Tire Service, Inc	Statesville, N.C.
KVB	Lebor Tire Co	Haverhill, Mass.
BPM	Lee-Rodgers Tire Co	Birmingham, Ala.
KJN	Johnny Lee Tire Service, Inc	Dallas, Tex.
KFK	Lee's Service	Reedley, Calif.
APT	Bob Lee's, Inc	St. Petersburg, Fla.
BKK	Leesburg Tire & Battery Co., Inc.	Leesburg, Fla.
BDH	Leete Tire & Battery Co., Inc	Petersburg, Va.
JAE	Leflore Tire Service	Greenwood Miss.
UCT	Leggens	Sarver, Pa.
KAY	Lehigh Valley Tire Co., Inc	Allentown, Pa.
KYH	Lehman's Tire Co	Washington, D.C.
LYY	Leicester Tire Service	Leicester, N.C.
DJU	Leininger & Short	Ontario, Calif.
VBM	Lemaster Auto & Home Supply.	Bessemer City, N.C.
PMJ	Lemley Tire Shop	Spokane, Wash.
DYC	Len's Tire Service, Inc	Thief River Falls, Minn.
JLX	Lennie's Recapping	Kingston, N.C.
TBJ	Lenoir Tire Co., Inc	Do.
LJX	Lens Quality Tire Service	Sun Valley, Calif.
UAA	Leon Quality Corner	Greenfield, Mass.
HEP	Leonard & Nicholson Royal Tire Service, Inc.	Charlotte, N.C.
JHT	Leonard Tire & Battery Co	Dodge City, Kans.

V37-6 JAN 11 72 XUM

Code No.	Retreader's name	Location
FPH	Leonard Tire Co	Roanoke Rapids, N.C.
BAL	Leonard Tire Co., Inc	Albuquerque, N. Mex.
DXW	Leonard's Tire Co., Inc	Lynchburg, Va.
FNA	Lepler Oil Co	Fosston, Minn.
ABF	Lerman Tire Service, Ltd	Milawukee, Wis.
KWY	Les' Tire Service	Frostburg, Md.
LWX	Letts Service Station	Electic, Ala.
PFX	Level Garage	Havre de Grace, Md.
EWL	Levinson's Tire Service	Youngstown, Ohio.
MFY	Lew Bros. Tire Service	Baker, Oreg.
AYM	J. C. Lewis	Orlando, Fla.
JFY	Lewis General Tires, Inc	Rochester, N.Y.
MWU	Lewis TBA	Hazel Park, Mich.
PKN	Lewis Tire Co	Brooksville, Ky.
MTE	Lewis Tire & Retreading, Inc	Belmont, N.C.
VHP	Lewisburg Tire Service	Maysville, Ky.
LDE	Lias Tire Recapping	Indiana, Pa.
IVF	Liberty Tire & Battery Supply, Inc.	Knoxville, Tenn.
KCU	Liberty Tire Co	Asheville, N.C.
VCU	Liberty Tire & Recap, Inc	Liberty, Ky.
CKD	Lifecap Tire Service, Inc	Providence, R.I.
CYT	Lifsey's, Inc	West Point, Ga.
HYM	Limongelli Tire, Inc	Elmira, N.Y.
KLE	Lincap, Inc	Linden, N.J.
NAX	Doug Linder Tire Co	Traverse City, Mich.
NJU	Bill Lindsey	Oxnard, Calif.
DFL	Lindsey General Tire Service, Inc.	Glasgow, Ky.
UEX	Lindsey Tire & Recapping	Columbus, Ga.
DFY	Linscott & Son Tire Service	Zanesville, Ohio.
MMD	Red Lindstrom's Tire Shop	Denver, Colo.
LUV	Lisbon Tire Service	Lisbon, Ohio.
FVJ	Litten Motor Sales	East Liverpool, Ohio.
CXU	Little America Refining Co	Salt Lake City, Utah.
LVB	Little Mountain Tire Service	San Bernardino, Calif.
VKU	Little Sinclair Service	Gaffney, S.C.
AAT	Little Tire Co., Inc	Fredericksburg, Va.
BVH	Little's Esso Service	Denver, N.C.
ADU	Littleton Tire Co	San Antonio, Tex.
LTM	Livingston Recappers	Livingston, Tenn.
PCE	Bob Livingston Tire Shop	Brookfield, Ohio.
UFX	L & J Tire Co	Tracy, Calif.
PJT	L & L Retreading Co., Inc	Hickory, N.C.
DKV	Llewellyn Tire Co	Columbus, Ohio.
KFM	Lloyd's Tire Service, Inc	Santa Cruz, Calif.
FYA	Lloyd's General Tire	Corpus Christi, Tex.
NJT	Lloyd's O.K. Tire Store	Midvale, Utah.
MHF	Lloyds Tire Service	Spokane, Wash.
HDT	L&M Recapping	Longview, Wash.
FKN	L. & M. Recapping Co., Inc	Ellenboro, N.C.
CDB	L & M Tire Co	Escondido, Calif.
FHC	L & M Tire Service, Inc	McComb, Miss.
HEH	do	Mount Vernon, Mo.
UAB	LMW Production	Grants Pass, Oreg.
FUE	L & N Tire Co	East St. Louis, Ill.
TAB	M. C. Locke Distributing Co., Inc.	Fort Fairfield, Maine.
TFP	Lockbart-Bandag, Inc	Carnegie, Pa.
LUB	Lockwoods Tire Center	Redding, Calif.
FFT	Lockyear's Tire Shop	Evansville, Ind.
TKY	Locust Tire Service	Locust, N.C.
PJU	Lodge Tire Co	Greenfield, Mass.
EBD	Loftin Tire Co	Bessemer, Ala.
NCX	Loftis Tire Co., Inc	Danville, Va.
DJD	Logan Tire Co	Logan, Utah.
TPH	Logan Tire Sales	West Logan, W. Va.
UFY	Logan Tire Service	Logansport, Ind.
LMM	Lois Tire Store	Burlington, Wis.
MBD	Lone Star Tire	Jonesboro, Ark.
UTL	Long Tire Co	Thomasville, Ga.
ANY	Longs Tire Service	Bozeman, Mont.
TYH	Lonnie & Woody's Recapping Co.	Westland, Mich.
EVF	Lon's O.K. Tire Store	Clay Center, Kans.
KNF	Lord Tire Inc	Bellflower, Calif.
HVA	Loritts Tire Service	Lincolnton, N.C.
JHW	Los Altos Tire Service	Los Altos, Calif.
VEU	Los Gatos Tire Service	Los Gatos, Calif.
FHP	Lonie's Tire Service	Weed, Calif.
MWM	Lou's Tire Service	Canyon City, Oreg.
LUE	Love Tire Shop	Cherokee, Iowa.
CVL	Lovell-McCall Tire Service Inc.	Astoria, Oreg.
ALY	Lovering Tire Co	Yakima, Wash.
NJV	Love's Tire & Oil Co	Welcome, N.C.
FLX	Lowe Bros. Tire Service	Cleveland, Tex.
JFV	Lowe's Tire Service	Venice, Calif.
JAT	Lowery Bros. Tire Service	Pocola, Okla.
PFY	Lowe's Tire Service	Staunton, Va.
JMA	Lowry & Mustain Tire Service	Clifton Forge, Va.
VAE	Loxley Recap Shop	Loxley, Ala.
LVC	Joseph F. Loy Tire Service Inc.	Pittsburgh, Pa.
HKM	L & R Recapping	North Wilkesboro, N.C.
MVT	L & S Tire Service	Mountain City, Tenn.
JEK	L. T. Tire	Fowler, Calif.
AMD	Lubeck Tire Service	Kenosha, Wis.
TXF	Charles Lubotsky Tire Co	Milwaukee, Wis.
JXX	Lucama Tire Service	Lucama, N.C.
BTX	Lucas General Tire, Inc	Beckley, W. Va.
NBV	Lucas Recapping & Tire Service	Southern Pines, N.C.
NWX	Luck Tire Co	Hobbs, N. Mex.
ADV	Fred Luderus Tire Service, Inc.	San Antonio, Tex.
BCX	Lugee Tire Co., Inc	Clarksville, Va.
JMN	Lumary's Tire Service	Los Angeles, Calif.
CCD	Lundberg Tire Service	Waseca, Minn.
DLE	Lunt-Heywood Co	Cedar City, Utah
PXF	Lush-Thrift Equipment Co	Burkeville, Va.
DTM	Luther's Recapping Shop	Carthage, N.C.
BMK	Lutz Tire, Inc	Beulcik, Calif.
BBU	Lutz Tire & Supply Co., Inc	San Diego, Calif.
ELV	L & W Retread Plant	Kearney, Nebr.
ECM	Lynchburg General Tire Inc	Lynchburg, Va.
UNE	Lynd-Talin Tire Co	Long Beach, Calif.
KVK	Lynn's O.K. Tire Store	Colorado Springs, Colo.
BHT	Lyon County Tire Center	Marshall, Minn.
JNN	Joseph D. Lyons	West Palm Beach, Fla.
TPJ	Lyons Tire Service, Inc	Huntington, W. Va.
EWC	Lyster Conoco	Las Vegas, N. Mex.
PCF	M Tire Co	Bay City, Mich.
TFT	Mabe Bros. Esso	Danbury, N.C.
TAC	Mabee's Tire Service	Santa Ana, Calif.
LDT	Mabrys Recapping	Cowpens, S.C.
JXU	Mac Recapping Co	Anniston, Ala.
AMM	Mac's Tire Sales, Inc	St. Albans, Vt.
CPA	Mac's Tire Service	Harrisburg, Ill.
BVD	MacGregor Tire Co	Flint, Mich.
AXK	Mack's Service Station	Asheboro, N.C.
VAF	Mack's Body & Tire Service	Mount Vernon, Ky
MWB	Macks Tire Service	Uniontown, Pa.
KHT	Macon Tire Co	Franklin, N.C.
TNK	do	Lafayette, Tenn.
FPJ	Mac's Tire Center	Easley, S.C.
KVW	Mac's Tire Service	Clovis, Calif.
DLP	Mac's Tire Service Inc	Johnstown, Pa.
AJW	Mac's Tire Service, Inc	Chelan, Wash.
HDY	Mactyres, Inc	Espanola, N. Mex.
KBA	Maddox Tire Service Inc	Hot Springs, Ark.
VHE	Maddux Recapping Shop	Boone, N.C.
AWA	Madison Tire & Recapping Inc.	Madison Heights, Mich.
JVJ	Madison Tire Co., Inc	Jackson, Tenn.
PMK	Madison Tire & Recapping	Madison, Ga.
PTX	Madisonville Recapping Co., Inc.	Madisonville, Ky.
HWB	Mac's Tire Center	Tupelo, Miss.
AEP	Magel Tire Co	Twin Falls, Idaho.
DJW	Les Magnuson Tire, Inc	Riverside, Calif.
CPT	Main Auto Parts & Glass Co	Dayton, Ohio
NNB	Main Tire Co	Hannibal, Mo.
DTL	Main Tire Store Inc	Paris, Tex.
BHE	Maine Rubber Manufacturing, Inc.	Lewiston, Maine
KXX	Majersky Tire Service	Apollo, Pa.
UWV	Major Custom Tire Co	Bridgeport, Conn.
UHA	Major Tire Co	St. Paul, Minn.
FEJ	Malerba's Silver City Tire Co., Inc.	Meriden, Conn.
VBN	Maley's	Omak, Wash.
LUD	Malones Tire Recapping Service.	Glouster, Ohio
PDU	Maloney Tire Co., Inc	Anaheim, Calif.
NUX	Malta Tire Shop	Malta, Ohio.
MLL	Malugani Tire Center	Mill Valley, Calif.
BMJ	Malvern Tire Co	Malvern, Ark.
ULM	Manatee Tire & Battery Co	Bradenton, Fla.
TNL	Manchester Tire Co	Detroit, Mich.
MKY	Mangrum Tire Service	Nashville, Tenn.
PPA	John Mangum Tire Service	Monroe, N.C.
AWB	Mankato Oil Co., Inc	Mankato, Minn.
PKP	Manley Tire Service	Wilkes-Barre, Pa.
JBF	Mansfield Tire Service	Mansfield, Mo.
AFX	Mansfield Tire, Inc	Mansfield, Mass.
UUY	Luis M. Mantinez	Las Piedros, P.R.
TVW	Manuel Tire Co	Eunice, La.
NAP	Marianna O.K. Tire Co., Inc	Marianna, Fla.
JDM	Marietta Tire Co	Marietta, Okla.
AKT	Marietta Tire Shop	Marietta, S.C.
EAN	Marik Tire	Bellaire, Ohio
KTU	Marion Tire & Recapping Service.	Marion, Ky.
EMT	Marion Tire Center	Marion, N.C.
NNC	Marion Tire Dealers Supply Inc.	Marion, Va.
LKW	Marion Tire Service	Marion, S.C.
NWY	Mark Tire Co., Inc	Paterson, N.J.
TXH	Markoe, Inc	Woodburn, Oreg.
PXH	Vic Markov Tire Co., Inc	Seattle, Wash.
CJU	Marks Bros	Rocky Mount, N.C.
PHH	Marks Tire & Battery Service	Wellsboro, Pa.
LVP	Marlboro Tire Service Inc	Bennettsville, S.C.
DFT	Marler Tire Inc	Salt Lake City, Utah

Code No.	Retreader's name	Location
TTW	Mars Hill Co	Mars Hill, N.C.
BWA	Marsh's Racing Tires, Inc	Siloam Springs, Ark.
CNM	Marshall Jackson Motor Co., Inc.	Rome, Ga.
TAD	Edgar B. Marshall Retreading	Greensburg, Pa.
HYF	Marshall Tire & Recapping Center.	Marshall, N.C.
NTA	Mart Tire Shop	Rocky Mount, Va.
MYV	Marten Tire	Norwalk, Conn.
PML	Martin Auto Parts	Cumming, Ga.
EMY	Martin Custom Recapping	Statesville, N.C.
JWF	Martin Discount	Clarksville, Tenn.
AKU	Martin Tire & Retreading Co	Newberry, S.C.
AAB	Martin Tire & Supply, Inc	Wichita, Kans.
NUY	Martin Tire Co	Santa Maria, Calif.
LLU	do	Jacksonville, Fla.
JHA	Jim Martin Tire Co	Do.
PHA	Martin Tire Co	Boise, Idaho
KND	do	El Paso, Tex.
JXD	Martin Tire Co., Inc	Jacksonville, Fla.
EVL	Dewey Martin Tire Service	Chesnee, S.C.
FPT	Martin Tire Service	Fort Lauderdale, Fla.
VAH	do	McCaysville, Ga.
[illegible]	Martin Tire & Supply	Ladysmith, Wis.
KOL	Martin Tire, Inc	Greensburg, Pa.
EPF	Martin's Auto Service Centers Inc.	Moscow, Idaho
FKH	Martin's Texaco & Tire Recapping.	Patrick, Va.
MWD	Martins Service Center	Waynesboro, Pa.
LLE	Ralph Martins Tire Inc	Rushville, N.Y.
MLJ	Jimmy Martin's Used Tire Store.	Nashville, Tenn.
EPU	Martinsville Retreading Service Inc.	Martinsville, Va.
EYW	The Maryland Tire Co	Baltimore, Md.
HCN	Mason's Tire Service	Minden, La.
PXJ	do	Tallassee, Ala.
DWU	Massart Supply, Inc	Lafayette, La.
PTY	Masten Service Store Inc	Elkhart, Ind.
CKK	Master Auto Service Corp	Norfolk, Va.
AYW	Master Recapping Service	Sandersville, Ga.
NND	Master Retreaders, Inc	Houston, Tex.
AFW	Master-Ride Tire Co	Granby, Mass.
ACW	Master Service Center, Inc	Salem, Oreg.
MAE	Master Tire Co	Winnsboro, S.C.
MCL	Master Tire Mount Airy, N.C., Inc.	Mount Airy, N.C.
UWW	Master Tire Service	Gresham, Oreg.
CBC	Master Tire Service Inc	Murray, Ky.
NKL	Masterful Tire Co., Inc	Mount Vernon, N.Y.
BHP	Mathisen Tire Co	Duluth, Minn.
MNA	Matlock Tire Service	Lenoir City, Tenn.
KFY	Mattei Tire Co., Inc	Philadelphia, Pa.
HYV	Matthews Tire & Tread Co., Inc.	Falconer, N.Y.
LBX	Matthews Tire & Recapping Co.	Matthews, N.C.
BXF	Matthews Tire Sales, Inc	Richmond, Va.
DLT	Matthews, Inc	Texas City, Tex.
BKP	Mattoon Neal Tire & Associates Inc.	Mattoon, Ill.
ULN	Matts Tire Service	Haverstraw, N.Y.
MPF	Maui Recapping Service Inc	Wailuku, Hawaii.
OCH	Max-Gard Retreads	Paragould, Ark.
CVE	Max Tire Co	Roswell, N. Mex.
AOL	Maxie Tire & Supply Co	Norwalk, Ohio.
LCX	Mayes Tire & Recapping	Kings Mountain, N.C.
CBM	Mayo Tire Co	Tarrant, Ala.
PUA	Mayo Trail Tire Service	Pikeville, Ky.
TTX	Mays Recapping Co	Taylorsville, N.C.
PMM	May's Service Place	Spring Hope, N.C.
VEW	Maywood Tire & Oil Co	Olive Branch, Miss.
HXV	M & C Tire Service	St. Clairsville, Ohio.
UVA	McAbee Service Center	Pendleton, S.C.
MAT	McAdoo Tire Co., Inc	Atlanta, Ga.
EHU	McAtee Tire Service	Jefferson, Iowa.
KKJ	McBuck Hercules Tire Co	Kalamazoo, Mich.
KMB	McCabe's Tire Shop	Lompoc, Calif.
UWX	McCann Recapping	Hillsboro, Oreg.
UEY	McCants Tire & Recapping Co	Butler, Ga.
JKP	McCart's Tire Service	Atlanta, Ga.
DTE	McCarthy Tire Inc	Bryan, Ohio.
DNL	McCarthy Tire Service Co	Wilkes-Barre, Pa.
ABL	McCaul Tire & Appliance Store.	Kennett, Mo.
PDY	McClary Tire Co., Inc	Decatur, Ala.
MEF	McCloy's Tire Service	Mount Pleasant, Pa.
EXT	McClure Tire Service, Inc	Salamanca, N.Y.
EKU	McCollum Tire Co., Inc	Atlanta, Ga.
AEA	Jim McConnell's Tires Inc	Orlando, Fla.
MVM	McConnelsville Tire Shop	McConnelsville, Ohio.
CNE	McCord Auto Supply Inc	Waseka, Ill.
UPK	McCord O.K. Tire Store	Columbiana, Ala.
KJD	McCord Tire & Supply	Bensenville, Ill.
MCF	McCormick Tire & Retreading Service.	McCormick, S.C.
BMA	McCoy Truck Tire Recap Co., Inc.	Bakersfield, Calif.
AAD	McCreary Tire & Rubber Co	Indiana, Pa.
LVE	McCubbin Recap	Gowanda, N.Y.
PJV	McCurdy Bros	Waynesburg, Pa.
BPY	McDade & Deacon Tire Co	Milledgeville, Ga.
UTM	McDaniel Tire Service, Inc	Louisville, Ky.
CVK	Tom P. McDermott, Inc	Tulsa, Okla.
JDA	McDonald's Tire Recapping Service.	Raeford, N.C.
MKA	R. E. McDonough Retread Co.	Honolulu, Hawaii.
DMF	R. A. McDonough Retread Co.	Orange, N.J.
JXN	McDowell General Tire Co., Inc.	Nashville, Tenn.
LUX	McDowell Tire & Recapping Co.	Marion, N.C.
AWJ	McDowell Truck Tire Center	Kansas City, Mo.
BLX	McElroy's Tire Shop	Tucson, Ariz.
FME	McGinnis Bros	Lincolnton, N.C.
JYB	McGinnis Bros. Retreading	Monte Vista, Colo.
FJW	McGinnis Service	Lincolnton, N.C.
BCB	McGraw Tire Shop	Colorado Springs, Colo.
BME	McGriff Tire Co	Cullman, Ala.
NEX	McGuire Tire & Retread Co	Atlanta, Ga.
PPB	McKay's Service Center	Pulaski, Tenn.
NFB	McKenzie Tank Lines	Tallahassee, Fla.
JAN	McKenzie Tire	Youngstown, Ohio.
FUC	McKenzie Tire Service	St. Marys, Pa.
BEH	McKinney Tire Co	Conway, Ark.
KCJ	McKinnon Tire Co., Inc	Charlotte, N.C.
KPW	McKinstry Tire Center	Athens, Ohio.
JVA	McKnight Tire	Columbia, Mo.
LLC	McMahans Recapping	High Point, N.C.
NUU	McMinnville Tire Service	McMinnville, Oreg.
ULP	McNeil Tire Service Inc	Concord, Calif.
PJW	McNeils Tire Service	Mesa, Ariz.
CDL	McNiff's Tire Shop	Danbury, Conn.
BNF	McPherson Bros. Auto Supply Inc.	Elizabeth City, N.C.
NKA	McTeer Tire Shop	Walterboro, S.C.
HJP	McWhirter & Sons Inc	Van Nuys, Calif.
ADN	McWhorter's Inc	Lubbock, Tex.
DPH	Meade Tire Sales	Loudon, Ohio.
THN	Meadows Tire Recapping Co	Selma, Ala.
CAA	T/A Mecklenburg Tire & Recapping.	Chase City, Va.
MBT	Medford Tire Service, Inc	Medford, Oreg.
NEU	Medlin Tire Co	Cookeville, Tenn.
FHE	Medlin Tire Market	Joplin, Mo.
JCJ	Meers Service Center, Inc	Buffalo, Ky.
HYA	Meherrin Valley Dairy, Inc	Emporia, Va.
AWU	Melini Bros., Inc	Vineland, N.J.
THP	Mel's O.K. Tire Store	Worland, Wyo.
MDW	Mels Tire Service	Brainerd, Minn.
LMV	Melton Tire & Service	Norwalk, Calif.
APP	Meltons Home & Auto Supplies	Clover, S.C.
KMV	Memphis Tire Engineers	Memphis, Tenn.
EHD	Ed Menasco Tire Co	Ada, Okla.
HXU	Menlo Park Service	Tucson, Ariz.
FAL	Mercer Tire & Recapping Co	Harrodsburg, Ky.
JHM	Mercer Tire Co	Hohenwald, Tenn.
NEF	do	Cuthbert, Ga.
PHB	do	Mercer, Pa.
TDB	Mercer Tire Service	Whiting, Ind.
AVT	Merchant's Distributors, Inc	Boston, Mass.
BDD	Merchant's, Inc	Manassas, Va.
FUL	Merit Gas & Tire Service	Milledgeville, Ga.
TLY	Mertz Tire Service	Sequin, Tex.
ETC	Merv's Tirecap, Inc	Shelton, Wash.
UUC	Chas. Merz Co., Inc	Marysville, Calif.
BLE	Messinger Tire Co	Sioux Falls, S. Dak.
JBW	Metro Tire Service	Marietta, Ga.
VKM	Metropolitan Bandag, Inc	Maspeth, N.Y.
BUH	Mexirado Tire Co	Cortez, Colo.
LLF	Meyers Tire Service Inc	Evans City, Pa.
AWL	MFA Oil Co.-Tire Division	Columbia, Mo.
NLN	do	Springfield, Mo.
AYP	M & G Tire Co., Inc	Tampa, Fla.
NTB	M & G Tire, Inc	Wheaton, Md.
ETX	M & H Tire Co	Xenia, Ohio.
TAE	M & H Tire Shop	Geraldine, Ala.
JWX	Miami Tire & Motor Service Inc.	Miami, Okla.
PJX	Miami Tiresoles, Inc	Hialeah Gardens, Fla.
CAU	Miami Valley Bandag, Co	Dayton, Ohio.
FPD	Miceli Tire, Inc	Glenshaw, Pa.
LAH	Michelin Tires (Canada), Ltd	Lachine, Quebec, Canada.
LAN	Michelin Tyre Co., Ltd	Staffordshire, England.
LAJ	MFG. Francaise des Pneumatics Michelin.	63 Clermont-Ferrand, France.
MDX	do	Do.
LAK	N.V. Nederlandsche Banden Ind. Michelin.	S'Hertogenbosch, Netherlands.
LAT	S.P.A. Michelin Italiana	1-10-100 Turin, Italy.
LAM	Espana de Neumaticos Michelin.	Lasarte, Spain.
LAP	Michelin A. G	Trimbach Bei Olten, Switzerland.
LAL	Michelin Reifenwerke A. G	665-Homburg, West Germany.
KUB	Michigan Retreading, Inc	Detroit, Mich.
KUC	Michigan Tire Co	Mount Morris, Mich.
CDA	Mid-Georgia Bandag, Inc	Griffin, Ga.
CBE	Mid-State Tire Co., Inc	Orlando, Fla.
KVU	Mid-States Distributing Co., Inc.	St. Paul, Minn.
AND	Middlesex Tire Co	Middlesex, N.C.
TPY	Midland Tire Co., Inc	Midland, Tex.
VEH	Midtown Motors, Inc	Madison, N.C.
MLM	Midtown Tire Recappers	Wilson, N.C.
CWF	Midtown Tire Service	Springfield, Ill.
TBK	Midway, Inc	Monroeville, Ohio.
TVX	Midway Tire & Marine Sales Inc.	Cycle, N.C.
PKT	Midway Tire & Recapping Service.	Saltville, Va.
MEL	Midwest Tire Co	Dayton, Ohio
TJL	do	Forest Lake, Minn.

V 37 6 JAN 11 72 J XUM

Code No.	Retreader's name	Location
AET	Midwest Tire Service	Chicago, Ill.
MNE	Midwest Tire & Supply	Tulsa, Okla.
TDC	Millin & MacPherson	Lafayette, Calif.
EEU	Mike's Retread Service	Pasco, Wash.
DLY	Mike's Tire Shop	Waterville, Conn.
BXK	Mikes Tire Recapping Service	Ordinary, Va.
UWY	Mike's Tire Service, Inc	Loyal, Wis.
DNU	Mile-O-Tiser Sales	Akron, Ohio.
BFJ	J & J Miles Rubber Co	Freeport, N.Y.
BHM	Milford Products Co	Hopedale, Mass.
ULT	Mill Springs Tire Service	Mill Springs, N.C.
PXL	Millbrook Tire Co., Inc	Millbrook, Ala.
FKV	J. T. Miller	Butler, Pa.
KPM	Miller Auto Supply Co	Oil City, Pa.
NXA	Miller Bros. Tire Service	Uniopolis, Ohio
JWU	Miller Hawkinson Tire Tread Co.	Trenton, N.J.
NXB	Miller Motors Inc	Mankato, Minn.
UXA	Herm Miller Service	Salt Lake City, Utah.
NNF	Miller Tire Co	Pea Ridge, Ark.
FAM	do	Mexico, Mo.
BEM	Miller Tire Co., Inc	North Little Rock, Ark.
CAE	Miller Tire Inc	Antigo, Wis.
CHP	Miller Tire Sales Co	Denver Colo.
PVC	do	Boulder, Colo.
KXB	Miller Tire Service	Butler, Pa.
MVN	do	Columbia, S.C.
HJH	Miller Tire Service, Inc	Roanoke, Va.
LAX	Miller Tire & Tread Co	Centralia, Ill.
DLH	Miller Vulcanizing Co	Chicago, Ill.
FTB	Millersburg Tire Service, Inc	Millersburg, Ohio.
TVY	Millis Tire Service	Chester, S.C.
NEM	Curtis F. Mills	San Leandro, Calif.
BBA	Milne & Mann Tire & Recapping Co., Inc.	Iola, Kans.
MMT	Milpitas Tire Service	Milpitas, Calif.
UCU	Milstead Rubber Co	Shreveport, La.
MWL	Milwaukie Tire Service	Clackamas, Oreg.
HTB	George Minas Tire Co	Hamilton, Ohio.
JWL	Minor Oil Co., Inc	McRae, Ga.
DJT	Mission Tire Rubber Co	Los Angeles, Calif.
KEV	Mississippi Bandag, Inc	Ridgeland, Miss.
KHM	Missoula Tire Co	Missoula, Mont.
MWL	V P Mitchell Tire Co	Sheffield, Ala.
PUB	Mitchell Bros	Portsmouth, Ohio.
EHL	Mitchell Bros. Klondike Tire	Masontown, Pa.
NJX	Mitchell Retreads, Inc	Gary, Ind.
UHB	Mitchell Tire & Battery Co	Meridian, Miss.
DUC	Mitchell Tire Co., Inc	Decatur, Ga.
NUC	Mitchell Tire Service	Clayton, N.J.
CCY	Mitchell Tire Shop	Madison, W. Va.
DKM	Mitchell's Recapping & Service Station Inc.	Bedford, Ohio.
MXD	Mitchells Esso Station & Garage.	Wendell, N.C.
NNH	Mitchell's Retreading	Garden Grove, Calif.
LXX	Mitchells Tire Service	Susanville, Calif.
LKU	do	Mebane, N.C.
LDM	Mitchems Inc	Cherryville, N.C.
AYA	M. & M. Rubber Co	Reidsville, N.C.
KHN	M & O Tire Service	Brea, Calif.
NXC	Mobat Adamson Tire Co	Tucson, Ariz.
VKP	Mobat Tire & Rubber Co., Inc.	Livermore, Calif.
FFJ	Mobley Tire & Recap Service Inc.	Decatur, Ga.
TFU	Mobley's Quality Recapping	Chinquapin, N.C.
CDP	Mobley's Tire Service	Washington, N.C.
CJC	Mock Bros. Corp	Ashland, Ky
LEF	Modern Hi Cap Tire Co	Louisville, Ky.
CXN	Modern Recapping & Tire Sales.	Oakridge, Tenn.
PUD	Modern Retread Tire Co	St. Petersburg, Fla.
PUC	Modern Retreading Co	Jackson, Ohio.
TUU	Modern Tire & Retread Service.	Belton, S.C.
PCH	Modern Tire Co	Hartwell, Ga.
HLP	Modern Tire Sales & Service	Marion, Ohio.
JVX	Modern Tire Service	Vallejo, Calif.
NNJ	do	Waynesville, N.C.
TTY	do	Williamston, S.C.
JWN	Modern Tire Service, Inc	Fort Smith, Ark.
AEV	Modern Tire Treaders, Inc	Evansville, Ind.
BNN	T/A Modr's Texaco	West Point, Va.
PDV	Moens Hawkinson Tread Service.	Duluth, Minn.
PMN	Mogensen Tire Sales & Service	Kankakee, Ill.
VEX	Mohave Tire Co	Kingman, Ariz.
HMY	Mohawk Service Inc	Stamford, Conn.
UHC	Molen's Tire Service	Orland, Calif.
LFL	Monaghan Rubber Co	Indiana, Pa.
PPC	Monarch Imperial Tire Co	Fullerton, Calif.
EXA	Monessen Vulcanizing & Retreading Co.	Monessen, Pa.
UNF	Mongell Tire Service Inc	Connellsville, Pa.
PCJ	Monona Tire Co., Inc	Madison, Wis.
CCK	Montclair Tire Co	Montclair, Calif.
VCH	Monteith Tire Co., Inc	Warsaw, Ind.
BJT	Montgomery & Aldridge Tire Co., Inc.	Durham, N.C.
EXN	Montgomery Brackett & Watkins Inc.	Lebanon, Mo.
FAK	Montgomery Tire Sales & Service.	Steubenville, Ohio.
VJN	Montgomery Tire Service	San Bernardino, Calif.
FJL	do	San Rafael, Calif.
DYW	Montgomery Tire Service, Inc	Gaithersburg, Md.
BTV	do	Christiansburg, Va
TDD	Montlick Bros	New Haven, Conn.
BPC	Montrose Tire Co	Montrose Colo.
FNP	Montross Tire & Recapping Co	Montross, Va.
FJF	Moody Bros	Franklin, Tenn.
JVD	Moody Tire Service, Inc	Montgomery, Ala.
UAC	Moore-Cantrell Firestone Retread & Tire Co.	Oklahoma City, Okla.
MBF	Moore Tire & Recapping Co	Greensboro, Ga.
UHD	Moore Tire Co	Casper, Wyo.
TTA	Moore Tire Service	Pickens, S.C.
CEE	Moore Tire Service, Inc	Greensburg, Pa.
DYY	Jim Moore Tire Service, Inc	Lexington, N.C.
BXM	Moore's Recapping Co., Inc	Troy, N.C.
UAD	Moores Retread & Tire Co., Inc.	Shreveport, La.
UXB	Moore's Union 76 Service Station.	Martinsville, Va.
BPT	Moote Tire Co., Inc	Roanoke, Va.
NFV	Mor-Mile Tire Store Inc	Portland, Oreg.
VBP	Moralands Tire Supply	Jacksonville, Fla.
UNH	Moreman Tread Service Inc	Beaumont, Tex.
CEK	Moremann Tire Co., Inc	Corpus Christi, Tex.
EVY	Moretti Tire Service	San Pedro, Calif.
EBM	Morgan Bros. Tire Service	Houston Tex.
UXC	Morgan & Son	Los Angeles, Calif.
EEY	Morgan & Son Tire Service	Houston, Tex.
PCK	Morgan Tire Co	Bessemer, Ala.
TWA	Chuck Morgan Tire Service, Inc.	Oregon City, Oreg.
FVA	Morgan's Tire Service	Kingsport Tenn.
TLE	Morganton Tire Store, Inc	Morganton, N.C.
MBN	Moritz Tires Inc	Rhinelander, Wis.
ALW	Morlan Tire Co	Spokane, Wash.
HLL	L. E. Morris	Lula, Ga.
LPF	Don S. Morris Co	Columbus, Ohio.
TDE	Morris County Tire Co., Inc	Rockaway, N.J.
TUA	David Morris Garage	Seneca, S.C.
JPD	Morris Miller Tire Co	Cleveland, Ohio
DTU	Morris & Snyder Tire Service Inc.	Zanesville, Ohio.
NTC	Ed Morris & Sons, Inc	Wooster, Ohio.
LHV	Morris Tire Co	Douglasville, Ga.
MTA	do	Evanston, Ill.
TJM	do	Kittanning, Pa.
BBE	Morris Tire Service, Inc	De Ridder, La.
CYK	Morrison Bros., Inc	Greenville, Ohio.
EFE	Morrison Cadillac-Pontiac Inc	Zanesville, Ohio.
NNK	Stuart Morrison Tire Co	Twin Falls, Idaho.
LHN	Dick Morrison Tire Co., Inc	Salt Lake City, Utah.
BAJ	Morrison Tire Service	Grenada, Miss.
MVK	Morton Tire Co	Morton, Miss.
BKM	Morton Tire Service	Anderson, S.C.
PDW	Moseley Tire Chek	Wetumpka, Ala.
NTD	Moses Lake OK Rubber Welders Inc.	Moses Lake, Wash.
PUE	Mosley's Welding & Repair	Mount Airy, N.C.
LWB	Mother Loda Tire & Auto Repair.	Placerville, Calf.
MHD	Motor City Tires Inc	Redwood City, Calif.
CBW	Motor Mart Safety Center, Inc.	Pontiac, Mich.
MTK	Motor Supply Ltd	Honolulu, Hawaii.
MTL	do	Hilo, Hawaii.
JBC	Motor Tire Service	Redmond, Oreg.
AEL	do	Boise, Idaho.
EEN	Olin Mott Tire Co., Inc	Tampa, Fla.
CJW	Motyre, Inc	Athens, Ohio.
TXJ	Moultrie Tire Co	Moultrie, Ga.
FEV	Mount Morris Tire Service	Mount Morris, Pa.
FFW	Mount Pleasant Tire Service, Inc.	Mount Pleasant, Mich.
TNY	Mountain City Recapping Co	Mountain City, Tenn.
VDJ	Mountain States Tire Co	Phoenix, Ariz.
DWE	Mountain Tire	Prosperity, W. Va.
THT	Mountain Tire Co	Pagosa Springs, Colo.
PKU	do	Manchester, Ky.
HFL	Mountain Tire Service, Inc	Paintsville, Ky.
ECD	M & R Tire Service	Macon, Ga.
VEA	M & S Recap Shop	Cross Roads, Miss.
MMM	M & S Retreaders, Inc	Houston, Tex.
UHE	Mueller Bros. Tire Co	Okmulgee, Okla.
DME	Mueller Tire Co	Missoula, Mont.
DMT	Mulhollen Tire Service	Portage, Pa.
DNP	Mulkey-Kovacovich	Eureka, Calif.
JLF	Murfin & Flower O.K. Tire Store.	Houston, Mo.
JLE	do	Mountain Grove, Mo.
TUV	Murph Tire Shop	Plymouth, N.C.
CPH	Murphy Tire & Appliance Co	Murphy, N.C.
DNM	Murphy's, Inc	Oakland, Calif.
JTC	Murphy's Tire Service	Canandaigua, N.Y.
END	Murphy's Tire Service, Inc	Sandusky, Ohio.
NFW	Murphy's Tire Shop	Tacoma, Wash.
JLL	Murray Tire Service, Inc	Raleigh, N.C.
MJL	Murray's Fleet Tire Service	Southgate, Mich.
LKV	Murray's Retread Service, Inc	Rocky Mount, N.C.
JKA	My Tire Supply	Uhrichsville, Ohio
JXT	Myers & Son OK Tire Store	Columbus, Kans.
KBH	Myers Tire Co	Hall Town, W. Va.
HXL	Myers Tire Service	Burton, W. Va.
DNF	do	Martinsville, Va.

Code No.	Retreader's name	Location
MCN	H. J. Nachtman Co., Inc	Dubuque, Iowa.
VHT	Nadal's Recapping Plant	San German, P.R.
NXD	Nashville Recappers, Inc	Nashville, N.C.
FDT	Natchez Tire Service, Inc	Natchez, Miss.
CUK	National Tire Sales, Inc	Rochester, N.Y.
PHC	National Tire Shop	Atlanta, Ga.
BCT	Nationwide Tire Co., Inc	Wilkes-Barre, Pa.
DVF	Neal-Gentry Tire Co	Columbus, Ga.
TDF	Neal Tire Store, Inc	Omaha, Nebr.
HMD	Neal's Auto Service	High Point, N.C.
CJY	Needham Tire Co	Tulsa, Okla.
UHF	B. E. Needles & Son	Lubbock, Tex.
TTB	Neil Tire Serv Center	Colfax, Wash.
AKW	Neil's Tire Service	Rapid City, S. Dak.
LFD	Neilsen Tire Inc	Ventura, Calif.
ETT	Nelsen Tire Center	Portland, Oreg.
ELU	Nelson Tire Co	Great Falls, Mont.
TXK	Nelson Tire Service	Colville, Wash.
BWK	Nelson Tire Service, Inc	Winona, Minn.
ABE	do	Madison, Wis.
CWX	Nelson Tire Town	Rochester, Minn.
MUD	J. W. Nelson Transports	McPherson, Kans.
LWV	Nelson & Wrenn Inc	Edgewood, Md.
KLH	Neosho Tire & Appliance Co	Neosho, Mo.
BTK	Nesmith Tire & Recapping Co	Perry, Ga.
UXD	Ray Nesmith Tire Co	Cochran, Ga.
TWB	Nevada County Tire Service	Grass Valley, Calif.
DWV	Nevada General Tire	Reno, Nev.
BWC	Nevada Tire Service, Inc	Nevada, Mo.
APW	New England Tire Co	Willimantic, Conn.
EAF	New England Tire Co., Inc	Danbury, Conn.
HLB	New Garden Tire Service	Honaker, Va.
CBF	New Ken Tire Service	New Kensington, Pa.
LMK	New Milford Retread	New Milford, Conn.
DHB	Newberry Recapping Co	Newberry, S.C.
LAA	Newberry Welding & Repair	Beaver Falls, Pa.
NDH	Newby Town & Country Firestone.	Beaver Dam, Wis.
FLF	Newcome Service Center Inc	Brookville, Pa.
ULU	Newland Tire, Inc	Washington, Ind.
AAX	Newman Tire Co., Inc	Farmville, Va.
JPH	Newnam Tire Service, Inc	Angola, Ind.
MKE	Newsome Recapping, Inc	Newton, N.C.
UXE	Newsome Tire Co	Murfreesboro, N.C.
BLY	Newton's Inc	Russellville, Ark.
CYP	N.F.L. Tire Service, Inc	Warren, Mich.
UHH	N. H. & R. Co., Inc	Kershaw, S.C.
CKU	Nichols Manchester Tire, Inc	Manchester, Conn.
KXM	Nicholson Tire Service	Sikeston, Mo.
NXE	Al Nielsen Co	Sacramento, Calif.
MHW	Nine Mile Road Recapping	Richmond, Va.
KWU	Nisley's Kelly Tire Sales	Martinsburg, W. Va.
FJE	Nix Bros. Tire & Recapping Co.	Greenville, S.C.
VJH	Nock's 24 Hour Tire Service	Pocomoke City, Md.
TDH	Noel's Service Station	Ligonier, Pa.
PAM	Nooner Bros. Tire Service	Harrison, Ark.
LLM	Jernigan Nordmeyer Oil & Tire, Inc.	Brewton, Ala.
NVA	Norman Tire Co	St. Joseph, Mo.
EDX	Norman's Tire Service Inc	Clute, Tex.
HHH	Fred Norman's Super Tire Service.	Elkin, N.C.
PXM	Norman's Wide Trac Service	Lexington, N.C.
FTE	Norm's O.K. Tire Stores, Inc	Twin Falls, Idaho.
FAH	Norris Retreading Service	New Martinsville, W. Va.
BXY	North Avenue Recap	Grand Junction, Colo.
PJY	North View Garage	Dandury, N.C.
TWC	Northeast Texas Tire Co	Winnsboro, Tex.
CTL	Northern Auto Supply, Inc	St. Johnsbury, Vt.
VJY	Northern Commercial Co. Tire Center.	Anchorage, Alaska.
BWN	Northern General Tire, Inc	Greeley, Colo.
AAP	Northern Neck Tire & Recapping Co., Inc.	Warsaw, Va.
JDH	Northern Tire Co	Havre, Mont.
TDJ	Northland Supply Co	Sturgis, S. Dak.
KYM	Northside Recapping Co	Birmingham, Ala.
KAB	Northwest Bandag	Auburn, Wash.
FNE	Northwest Tire Co	Portland, Oreg.
LBP	Norton Tire Co	Waycross, Ga.
LBT	Croshy Tire Co	Do.
AYL	Norton Tire Co., Inc	Miami, Fla.
DTH	Norwest Retreaders, Inc	Portland, Oreg.
VDW	Norwood Recapping Service	Norwood, N.C.
HNW	Northern Illinois Tire Recapping, Inc.	De Kalb, Ill.
PKA	Noxubee Tire Service	Macon, Miss.
JPU	C. E. Noyes Co	Bangor, Maine.
CNV	Noyes Tire Co	Biddeford, Maine.
KWC	N'Toma Tire Co	Sacramento, Calif.
DMC	Nu-Tread Tire Co., Inc	East Boston, Mass.
ATV	Nu-Tread Tire & Retread Center, Inc.	Fremont, Ohio.
LNJ	Nu Tread Shop	Warrenton, Va.
LFX	Nu-Tread Tire Co	Billings, Mont.
BIU	do	Durham, N.C.
BMF	Nu-Tred Tire Co., Inc	Phoenix, Ariz.
MNH	Nu Tread Tire of Glendive	Glendive, Mont.
EVU	Nu-Tread Tire Service, Inc	Vinton, Va.
PXK	Nu Tread Tire Shop	Lafayette, La.
UTN	Nu-Tred Tires	Pompano Beach, Fla.
UNJ	Nu-Way Tire Service	High Point, N.C.
ELM	Nunnery Tire Service	McComb, Miss.
TLA	Nusser Tire Sales Co	Salida, Calif.
LVK	O. B. Nuzum Tire Service, Inc.	Bakersfield, Calif.
NLM	N.V. Tire Co	Tulsa, Okla.
AMX	Nygard & Steen, Inc	Madison, Wis.
PXN	Nykamp Tire Service	Zeeland, Mich.
BLA	O.K. Tire Service	McAlester, Okla.
PXU	O.K. Tire Store of Englewood, Inc.	Englewood, Colo.
AYH	O.K. Production Plant & Warehouse, Inc.	Lakeland, Fla.
KXU	O'Neil's Tire Service, Inc	Fall River, Mass.
TYV	Oakboro Recapping, Inc	Oakboro, N.C.
TYK	Oakland Tire Service	Oakland, Md.
MEN	Oakley Tire & Battery Supply	Walnut Cove, N.C.
LPM	Obrist Tire, Inc	Corvallis, Oreg.
KYA	Oconee Tire Co., Inc	Seneca, S.C.
JDL	O'Connor's Tire Town	Statesville, N.C.
TLB	Odell Tire Service	Laverne, Calif.
BPP	Odom's Tire Service	St. Pauls, N.C.
HKU	Oehmig Truck Plaza	Duncan, S.C.
PPD	Ogden Tire Center	Ogden, Utah.
TJN	Ogden Tire & Recapping, Inc	Clarksdale, Miss.
HKY	Oglesby Recapping Shop	Dewey Rose, Ga.
BFW	Ohio Recapping, Inc	Geneva, Ohio.
LCF	Olldale Tire, Inc	Bakersfield, Calif.
FEY	O.K. Distributors, Inc	Memphis, Tenn.
JPX	O.K. Recapping Co	Statesville, N.C.
UBX	OK Retreaders	Battle Ground, Wash.
EVB	O.K. Rubber Welders	Centre, Ala.
VJT	do	Brawley, Calif.
NKW	do	St. Helena, Calif.
PXP	do	Franklin, Ga.
ULV	OK Rubber Welders	Lewiston, Idaho.
HUC	O.K. Rubber Welders	Corbin, Ky.
LDH	OK Rubber Welders	London, Ky.
UCV	O.K. Rubber Welders	Fairfield, Mont.
ECU	do	Scottsbluff, Nebr.
UVM	do	Statesville, N.C.
EWA	do	Tulsa, Okla.
DWY	do	Aberdeen, S. Dak.
JBL	OK Rubber welders	Tullahoma, Tenn.
MFD	OK Rubber Welders Tuscaloosa.	Northport, Ala.
LLN	OK Tire Builders, Inc	Idaho Falls, Idaho.
UBY	OK Tire Co	Columbus, Ind.
EVJ	O.K. Tire & Retreaders, Inc	Elba, Ala.
JBT	O.K. Tire & Rubber Co	Hopewell, Va.
CCW	OK Tire & Rubber Co	Huntsville, Ala.
DUH	O.K. Tire & Rubber Co., Inc	Littleton, Colo.
CUW	O.K. Tires of Florida, Inc	Tampa, Fla.
AFC	O.K. Tire Service	Dodge City, Kans.
TAF	OK Tire Service, Inc	St. George, Utah.
NDP	OK Tire Shop	Angels Camp, Calif.
UYJ	O.K. Tire Shop	Alpine, Tex.
BXD	O.K. Tire Store	Albertville, Ala.
HHP	do	Cullman, Ala.
PPE	do	Guntersville, Ala.
HUM	do	Lineville, Ala.
FTX	do	Monroeville, Ala.
FJN	do	Montgomery, Ala.
TJP	do	Oneonta, Ala.
EXF	do	Roanoke, Ala.
JUD	do	Marshall, Ark.
TLF	do	Alturas, Calif.
TDL	do	Azusa, Calif.
MML	OK Tire Store	Sebastopol, Calif.
HYJ	O.K. Tire Store	Tulelake, Calif.
NVB	OK Tire store	Holyoke, Colo.
NXF	O.K. Tire Store	Pueblo, Colo.
JNF	do	Grangeville, Idaho.
PXT	do	Moscow, Idaho.
VLK	do	Columbus, Miss.
HTX	do	Dillon, Mont.
HHF	do	Helena, Mont.
MME	OK Tire Store	Lewistown, Mont.
PKB	O.K. Tire Store	Lexington, Nebr.
NXH	do	North Platte, Nebr.
FLW	do	Columbus, Ohio.
UBW	do	Astoria, Oreg.
FUV	OK Tire Store	Bend, Oreg.
ACN	O.K. Tire Store	Brookings, Oreg.
TDM	do	Klamath Falls, Oreg.
MFU	OK Tire Store	Myrtle Creek, Oreg.
VEY	O.K. Tire Store	Byrdstown, Tenn.
LTH	do	Chehalis, Wash.
FCP	do	Pomeroy, Wash.
JCV	do	Washington, Iowa.
FPP	O.K. Tire Store of Dothan, Inc	Dothan, Ala.
UVB	O.K. Tire Store, Inc	Panama City, Fla.
PHD	do	Roswell, N. Mex.
KLA	do	Fargo, N. Dak.
JUF	O.K. Tire Store of Jefferson City, Inc.	Jefferson City, Mo.
KPP	OK Tire Stores	Anniston, Ala.
FTF	O.K. Tire Stores	Crescent City, Calif.
TAH	do	Portola, Calif.
AAF	do	Rocky Mount, N.C.
UCW	do	Albany, Oreg.
VBT	do	Madras, Oreg.

V 37 16 JAN 11 72 XUM

Code No.	Retreader's name	Location
JYJ	OK Tire Stores	Kingsport, Tenn.
JLM	O.K. Tire Stores	Del Rio, Tex.
JLU	do	American Fork, Utah.
PHE	do	Oak Harbor, Wash.
FEW	O.K. Tire Stores of Chattanooga.	Chattanooga, Tenn.
NNL	O.K. Tires of Wichita, Inc	Wichita, Kans.
CBY	Oklahoma Bandag Supply Co.	Oklahoma City, Okla.
CTB	Oklahoma Tire Center, Inc	Tulsa, Okla.
TDK	Oklahoma Tire Service	Bellflower, Calif.
AUL	Jim Okonak Tire Service	Latrobe, Pa.
VFU	Olanta Tire & Auto Parts Co.	Olanta, S.C.
NNL	O.K. Tires of Wichita, Inc	Wichita, Kans.
JWH	Old Father's O.K. Rubber Welders, Inc.	Beatrice, Nebr.
VBI	Oldtown Tire Shop	Winston-Salem, N.C.
HUP	Ole Miss Recapping & Motor Service.	Oxford, Miss.
PCL	Oliver Tire & Rubber Co	Oakland, Calif.
DNC	Ollie's Tire Supply	Salt Lake City, Utah.
JAD	Olson Tire Service	Woodlake, Calif.
VMW	do	Dwight, Ill.
LPE	Olympic Banding Tire Inc	Savage, Minn.
EUD	Olyphant Tire Co	Dickson City, Pa.
PCM	Omega Recapping Co	Omega, Ga.
LDN	One-O-One Tire Shop	Greer, S.C.
PHF	Ontario Tire Co., Inc	Altmar, N.Y.
NXJ	Oppermann's Supreme Service	Connellsville, Pa.
KLV	Orange Tire Recap Exchange	Orange, Va.
HXC	Orangevale Tire Service, Inc	Orangevale, Calif.
PXV	Oregon Tire	Medford, Oreg.
MHY	George Oren Tire Specialist	Oakland, Calif.
DWN	Original Tire Co	Slidell, La.
GDW	Orland Tire Service	Orland, Calif.
CDX	Burney Tire Service	Burney, Calif.
HCC	Orlando Tire Exchange	Orlando, Fla.
TYL	Oroville Tire Service	Oroville, Calif.
TUW	Orrville Tire & Recapping Co.	Orrville, Ala.
PMP	Orscheln Bros., Truck Lines Inc.	Moberly, Mo.
DXD	Osburn Retreaders Corp	Augusta, Ga.
CBJ	Osceola Tire Service	Kissimmee, Fla.
KBY	O'Shea Tire Service	Cortland, N.Y.
FCH	Oswalt-Thomas Sales & Service	Wabash, Ind.
JDU	Otero Tire Co	La Junta, Colo.
UHJ	Ottertail Retread	Ottertail, Minn.
NXK	Otto Tire Service	Lawrence, Kans.
VLL	Our Tire Shop	Tampa, Fla.
ADP	Owens Tire Inc	Palestine, Tex.
TAJ	Owens Tire Service	China Grove, N.C.
KYX	Phil Ozar Tire Service	Los Angeles, Calif.
HWX	Ozark Tire Shop	Ozark, Mo.
BWF	Pace Service Co	Bowling Green, Ky.
TAK	Pace Tire Sales	Anderson, Ind.
VMM	Pachorek Tire Co	Trinidad, Colo.
AEK	Pacific Service & Development Corp.	Lihue, Hawaii.
PKC	Pack's Tire Shop	Mount Airy, N.C.
UXF	Paden Tire Service	Dayton, Ohio.
NTF	Paducah Recapping Service	Paducah, Ky.
KVN	Paducah Tire Center	Do.
UPL	Page & Furr Recapping	Locust, N.C.
FTM	Page & Nixon Tire Co	Dunn, N.C.
VFD	Pagel Tire Co	Roberta, Ga.
ETY	Pahl Tire Co	Madison, Wis.
TWD	Palmdale Tire Co	Palmdale, Calif.
DJL	Palmer & Albert Tire Co	Compton, Calif.
HWK	Palmer's Tire Service	Dahlonega, Ga.
ADE	Palmetto Tire Retreaders, Inc.	Florence, S.C.
VMN	Pan Am Service	Laurel, Miss.
VFW	Pan American Tire Co	Dania, Fla.
MVF	do	Fort Lauderdale, Fla.
MVE	do	Miami, Fla.
FCY	Panama City Tire & Recapping Co.	Panama City, Fla.
ABC	Charles L. Fannell	Claremont, N.C.
BKT	Paris General Tire Inc	Paris, Ill.
HFU	Paris Tire & Recapping	Paris, Tenn.
BXW	Jim Paris Tire City, Inc	Longmont, Colo.
EFB	Park Tire Co., Inc	Charleston, W. Va.
JYE	Parker & Son Recapping	Springfield, Oreg.
MKB	Parker Tire Service	Fayetteville, N.C.
ETW	Parker Tirecap Co. (a corporation).	Roseburg, Oreg.
TUR	Parker's Recapping	Asheville, N.C.
EBK	Parkers Recapping & Service, Inc.	Harmony, N.C.
CAW	Parks Tire Co., Inc	Galax, Va.
PUF	Parkview Royal Tire Co	Tuscaloosa, Ala.
HMU	Parkway Tire Co	Brackenridge, Pa.
CXH	Gene Parlette Co	Erie, Pa.
AWX	Parrish Distributing Co	Silver City, N. Mex.
ACK	Parrish Tire Co., Inc	Winston-Salem, N.C.
AFD	Parrott-Hodnett Inc	Hutchinson, Kans.
LFM	Parrottsville Recapping	Parrottsville, Tenn.
EWE	Parsleys General Tire, Inc	Loudon, Ky.
JLJ	Paso Robles Tire Co	Paso Robles, Calif.
CVM	Pat & Red's Tire Shop	Carbondale, Pa.
ABX	Pat's Tire Service	Rome, N.Y.
HFM	Pat's Tire Service, Inc	El Segundo, Calif.
BYD	Patterick's Distributing Co., Inc.	Grand Junction, Colo.
CNW	Patterson Oil Co	Torrington, Conn.
AVB	Patterson Tire Co	Seattle, Wash.
THU	Patton Tire Service, Inc	Greeneville, Tenn.
NBJ	Patton's Retreads	Millersburg, Pa.
MBA	Paul Recapping Service	Laurinburg, N.C.
HJC	Paul's Tire Co	Chester, S.C.
TDN	Paul's, Inc	Pahokee, Fla.
TNM	Paul's Tire Recapping	Kingston, Pa.
NLC	Paul's Tire Service	Baltimore, Md.
NKT	Paul's Tire Service, Inc	East Hartford, Conn.
PXW	P & B Tire Co	Monroe, N.C.
HKK	Peaden's Tire Service	Fountain, N.C.
NBM	Peadens Tire Service	Petersburg, Va.
NDD	Peak Tire Service	Colorado Springs, Colo.
NNM	Pearcy Tire Service	Mayfield, Ky.
APV	Peek Bros	Eugene, Oreg.
MEE	Pecos Valley Tire Co	Roswell, N. Mex.
CKT	Pedersen Tire Co	Long Beach, Calif.
NXL	Swade Peele Tire Co	Dunn, N.C.
ELA	Peery's Tire Supply Co	Kansas City, Kans.
TWE	Peiffer Bros	Manheim, Pa.
EAC	do	Lebanon, Pa.
UPM	Pelham Tire Co	Pelham, Ga.
ECT	Pell City Tire Rebuilders	Pell City, Ala.
NEH	Pembroke Tire & Recapping	Pembroke, N.C.
MFB	Pence Recapping Service	Brockville, Pa.
JMM	Pendleton Complete Tire Service.	Shelly, N.C.
TYW	Pendleton Tire Service	Pendleton, S.C.
CWY	Penn-Aire Tire, Inc	Franklin, Pa.
BXV	Penn-Sierra Tire Distributors	Loomis, Calif.
AUD	Penn Tire Co	Bedford, Pa.
HCF	Pennington Tire Co	Milledgeville, Ga.
LFV	Pennington Tire Service	Hyden, Ky.
ELK	Pennock Oil Co., Inc	Witmar, Minn.
UXH	Pennsylvania Tire Town Inc	Tupelo, Miss.
LMP	Pennys Tire & Recapping Co., Inc.	Walterboro, S.C.
UHK	Peoples Garage, Inc	Bedford, Va.
ULW	Perfection Recappers	Thayer, Mo.
LFC	Perfection Tire Co	Veradale, Wash.
KUA	Perfection Tire Inc	Warren, Mich.
DNH	Perkasie Vulcanizing Co., Inc	Sellersville, Pa.
PVA	Perry Bros. Tire Service, Inc	Sanford, N.C.
PPF	do	Dunn, N.C.
CCN	Perry & Cummins Tire Co	Oklahoma City, Okla.
HPL	Perry Tire Co	Siler City, N.C.
ECH	Perry Tire Store	Elizabeth City, N.C.
UXJ	Perrys Tire Recap Shop	Pataskala, Ohio.
MUM	Perrys Tire Service	Corinth, Miss.
EPJ	Perryton O.K. Rubber Welders.	Perryton, Tex.
BFE	Perth Amboy	Perth Amboy, N.J.
JUJ	Pete's OK Tire	Butte, Mont.
DJJ	Pete's Road Service, Inc	Anaheim, Calif.
ENY	Peters Tire Service	Columbus, Tex.
UHL	Petersburg Tire Co	Petersburg, Va.
JNK	Peterson-Anderson Tires Inc	Fort Collins, Colo.
FMM	Peterson & Sons, Inc	Homer City, Pa.
JMY	Peterson Tire Co	San Diego, Calif.
CYB	do	Mansfield, Ohio.
DYT	H. M. Peterson Tire Co., Inc	Coleville, Wash.
NFX	Tom Petit Tire Supply Inc	Barberton, Ohio.
CYM	Petree's O.K. Tire Store Inc	Santa Fe, N. Mex.
PEB	Dave Petty's Tire Service	Worland, Wyo.
NDE	Pfeifer Tire & Battery Co	Pineville, La.
KFA	Johnny Pflock's, Inc	Modesto, Calif.
ETB	Phelps Tire Co	Seattle, Wash.
EMC	Phil's Tire Service	Burnsville, N.C.
MXW	Philadelphia Tire Co	Arroyo Grande, Calif.
BYK	Philadelphia Tire Co	Philadelphia, Pa.
EUC	Philip & Sons Tire Co	Baltimore, Md.
DWD	Phillipi Tire & Recapping Service.	Phillipi, W. Va.
DJA	Phillips & Anderson Tire Co	Denver, Colo.
LNU	Phillips Tire	Big Spring, Tex.
PXX	Phillips Tire & Recapping Shop.	Piedmont, S.C.
NAY	Phillips Tire Service	Tulsa, Okla.
EMU	Phillips Tire Service, Inc	North Wilkesboro, N.C.
NEK	Philomath Retreaders, Inc	Philomath, Oreg.
JCB	Phil's Indp. Service	Marshville, N.C.
MKM	Pickens Tire Co., Inc	Pickens, S.C.
TDP	Picket Tire Co	Houston, Tex.
PUH	Pickett Tire Co., Inc	Valdosta, Ga.
UHM	Piedmont TBA Supply	Monroe, N.C.
BVL	Piedmont Tire Recapping	Winston-Salem, N.C.
KCL	Piedmont Tire & Retreading Co., Inc.	Greensboro, N.C.
NVE	Pierce Tire Co	Suffolk, Va.
AYE	Pierce Tire Co., Inc	Delray Beach, Fla.
KMA	Pierce Tire Service	Fordyce, Ark.
PPH	Pierce Tire Service, Inc	Winston-Salem, N.C.
TWF	Pilgrim Tire Service	Stockton, Calif.
BUL	Pine Bluff Tire & Rubber Co	Pine Bluff, Ark.
TUX	Pinole Tire Service	Pinole, Calif.
EYA	The Pioneer Tire Co., Inc	Tampa, Fla.
VFL	Pioneer Tire & Retread Co. Inc.	Mayaguez, P.R.
NXM	Piper Bros	Cincinnati, Ohio.
JUK	Pippen Tire & Recapping Co	Blountstown, Fla.
DYM	Pippitts Tire Service	Lodi, Calif.
TYM	Pirkle Tire Recapping	Gainesville, Ga.
FNC	Pitt Tire Service	Greenville, N.C.

Code No.	Retreader's name	Location
DXX	The Pitts Retreading & Tire Co., Inc.	Tallmadge, Ohio.
HPU	P & J Tire Service	Jewett City, Conn.
KWT	Place Bros. Tire Co	Winchester, Va.
BYA	Plains A to Z Tire Co., Inc	Cheyenne, Wyo.
BYE	Plains Tire & Battery Co	Laramie, Wyo.
AUM	Plaza Rubber Corp	McKeesport, Pa.
JHJ	Plaza Tire Co., Inc	Nevada City, Calif.
BHY	Plaza Tire Service	Cape Girardeau, Mo.
TYX	Pleace Bros. Tire & Tread Co., Inc.	Lockport, N.Y.
VMY	Pleasant Tire Center	Midland, Tex.
LCN	Pledger Bus Tire Service	Columbia, N.C.
AKC	Plonk Oil Co., Inc	Kings Mountain, N.C.
JYM	Plotkin's Tire Sales	Baltimore, Md.
PHJ	Plumas Tire Co	Chester, Calif.
DHH	Plummer Tire & Supply Co	Chillicothe, Mo.
LLD	P & M Tire Service	Whiteville, N.C.
LPD	PM Tire Service, Inc	Leechburg, Pa.
AUF	Pocono Tire Co., Inc	East Stroudsburg, Pa.
KHC	Point Tire	Webster Springs, W. Va.
CKW	Polk Tire Service	South Bend, Ind.
HTJ	Tom Polk Tire Service, Inc	Nashville, Tenn.
TYN	Pollock Tire Co	Lawrenceburg, Tenn.
BPV	Pomp's Tire & Recap Service	Green Bay, Wis.
VEJ	Ponce Retreading, Inc	Ponce, P.R.
JVT	Pond Motor Sales	Mount Vernon, Ohio.
HBU	Pons Tire Service	Morganton, N.C.
KCH	Pope Tire Co	Fresno, Calif.
ANJ	Pope Tire Service	Columbia, Miss.
UXK	do	South Gate, Calif.
JHX	Pope's Tire Recapping & Manufacturing.	Los Angeles, Calif.
MVX	Port City Tire Co	Muskegon, Mich.
FBW	Porta's Tire Service	Altoona, Pa.
FDB	Portage Tire Mart Inc	Portage, Wis.
VJU	Porter B & S Retread Inc	Olive Hill, Ky.
NLL	Porter's Tire Service	Ukiah, Calif.
ANK	Portland Tire Co	Portland, Oreg.
UVC	Portland Truck Tire Recapping.	Louisville, Ky.
TTC	Posey & Mobley Tire Co	Buchanan, Ga.
FLN	Posey Tire Co	Bremen, Ga.
DWW	Post Street Tire, Inc	Spokane, Wash.
VCV	Poteat Tire Co	Marion, N.C.
NXN	Potsdam Tire Co., Inc	Potsdam, N.Y.
CXD	T. T. "Tom" Potter & Son, Inc.	Morehead, N.C.
TYY	Powderly Tire Co	Birmingham, Ala.
UPN	W. Powell Oil & Tire Co	Pelham, Ga.
PMT	Powell Tire Service	Richmond, Ind.
TUC	Power's Tire Service	Avella, Pa.
JBV	Prairie Tire Service Inc	Grangeville, Idaho.
AJP	P-R-C Sales Co	Southfield, Mich.
BEL	Precision Retreading Co., Inc	Little Rock, Ark.
FPB	Premium Tire Co., Inc	Commerce, Ga.
FEL	Prescott Tire Co	Prescott, Ariz.
EWV	Presque Isle Tire	Fairview, Pa.
KFT	Preston's Tire Service	Shafter, Calif.
UXL	Paul Price Tire Service	Eureka, Calif.
CVN	Prices Tire Service	Nantucke, Pa.
BUU	Pridgen Tire Co	Rocky Mount, N.C.
CFW	Prillaman Tire Service	Rocky Mount, Va.
EJV	Primm Tire & Retread Co., Inc.	North Little Rock, Ark.
MLC	Prince OK Tire	Pensacola, Fla.
CFC	Prince Tire Co., Inc	Goldsboro, N.C.
BXE	Princess Anne Tire Co., Inc	Fredericksburg, Va.
MBC	Princeton Tire & Retreading Co.	Princeton, W. Va.
BPD	Princeton Tire & Recapping Co.	Princeton, Ky.
EAT	Princeton Tire Service	Princeton, N.C.
PUJ	Princeton's U.S. Royal Tire Service Inc.	Princeton, Ky.
BVU	Prior Tire Co	Atlanta, Ga.
PPJ	Proctor Oil Co	Emporia, Va.
EXE	Pruitt Tire Co	Cedartown, Ga.
AEH	do	Tucker, Ga.
KVV	P-S Retreading, Inc	Winchester, Ky.
JXA	Point Pleasant Recapping	Point Pleasant, W. Va.
KUL	Puerto Rico Nu-Treads Corp	Rio Piedras, P.R.
TDT	Puerto Rico Traction Tires Mnf. Inc.	Dorado, P.R.
JKY	Pugh-Peracey Tire Co., Inc	Marion, Va.
EXJ	Pulaski Tire Service	Winston-Salem, N.C.
KFW	Pumpelly's Tire Center, Inc	Lake Charles, La.
UYK	Purcell Ellis Tire Co	Washington, Mo.
DYD	Purcell Tire & Rubber Co	Potosi, Mo.
DLU	Pussyfoot Treads	Tucson, Ariz.
ACY	Pyramid Tire & Rubber Co	Philadelphia, Pa.
KBD	Quadco Inc	Reno, Nev.
LMT	Quality Auto Parts & Tire Service.	Sneads Ferry, N.C.
EPM	Quality Oil & Tire Co	Murray, Utah
EWF	Quality Oil & Tire Co., Inc	Winnsboro, La.
EMD	Quality Recapping Co	Canton, N.C.
TUD	do	North Wilkesboro, N.C.
AKA	Quality Retreaders, Inc	Kalamazoo, Mich.
BLV	Quality Retreads Inc	Scottsboro, Ala.
ENK	Quality Rubber Co., Inc	Nanty Glo, Pa.
ANP	Quality Tire Center	Chattanooga, Tenn.
CEV	Quality Tire Co., Inc	Henderson-ville, N.C.
PPK	Quality Tire Co	New Bern, N.C.
TLH	Quality Tire Recapping Co., Inc.	Marianna, Fla.
KTF	Quality Tire Service	Claremont, N.C.
CEP	do	Sparta, N.C.
JKW	do	Independence, Va.
NBN	Quality Tire Service Inc	Franklin Park, Ill.
UJA	do	Rocky Mount, N.C.
LJW	do	Orangeburg, S.C.
DPW	do	Pulaski, Va.
LLJ	Quality Tire Service of Sparta	Sparta, N.C.
JTL	Quality Tire Service	Morganton, N.C.
KWA	Quality Tire Shop	Warsaw, N.Y.
BMP	Quality Tires, Inc	Nampa, Idaho
UAE	Quillen Tire Service	Phoenix, Ariz.
UUD	Quincy Tire & Recapping Co	Quincy, Fla.
NDM	The Edward S. Quirk Co., Inc.	Watertown, Mass.
BAC	Quitman Tire & Recapping Service.	Quitman, Ga.
TNN	R & E Tire Co	Sanford, Fla.
KXV	Raaker Tire Service	Newport, Ky.
VFA	Race Tire Service	Trenton, N.J.
MCC	Rackley Recapping	Greenville, S.C.
EFH	Rader Bros. Tire Co	Lebanon, Mo.
BDU	Rader's Recapping Service	Spencer, W. Va.
BNK	Radial Recapping Inc	West Sacramento, Calif.
NLA	Radial Tire & Bandag Inc	Jasper, Ala.
JME	Radial Tire Center	Salt Lake City, Utah.
LKY	Radial Tire Sales	West Plains, Mo.
VBV	do	San Bernardino, Calif.
LFP	Radiator & Tire Rebuilders	Covington, Va.
NYU	Raffield Tire Master Service Center.	Macon, Ga.
AFA	Rainbo Tire Service	Dubuque, Iowa.
CTU	Rainbow Tire Service Inc	Everett, Wash.
LDA	Raleigh Dunlop Tire Sales Inc.	Raleigh, N.C.
LDX	Raleigh Tire & Oil Co	Do.
TXL	Ralls-Ladd Tire Sales	Chowchilla, Calif.
EJU	Ralls' Big "O" Tire & Safety Service Inc.	Little Rock, Ark.
EJA	Ralph's OK Tire Store, Inc	Okanogan, Wash.
NKM	Ralph's Mobil Service	Sanger, Calif.
MWH	Ralphs Mobile Service	Do.
MXC	Ram Tire Service	Winston-Salem, N.C.
LNP	Ramapo Tire Service	Mahwah, N.J.
FMN	Ramona Tire Service	Baldwin Park, Calif.
VHU	Randall-Norton Tire Co	Vinita, Okla.
JDP	Randall Tire Shop	Nowata, Okla.
ATY	Raney Tire Co	Wooster, Ohio.
BFV	Raney Tire Inc	Cleveland, Ohio.
PWA	Range Firestone	Hibbing, Minn.
AXA	Ranger Manufacturing Corp	Farmingdale, N.Y.
LFK	Ranger Tire Co	Berwick, Pa.
ULX	Ransom Tire Service	Monroe, La.
MBU	Rarig Tire Service	Catawissa, Pa.
HDP	Ratchford Tire Service	Clarksville, Tenn.
HWP	Ratchford's Esso & Tire Service Inc.	Dallas, N.C.
BYB	Raton Tire Service	Raton, N. Mex.
ECE	Ravenna Tire Service, Inc	Ravenna, Ohio.
NDX	Rawls Inc	Lima, Ohio.
LUL	S. W. Rawls, Inc	Franklin, Va.
AUE	Ray Andre, Inc	Butler, Pa.
HDX	George Ray, Inc	Dunkirk, N.Y.
BDJ	Ray's Auto Supply, Inc	Petersburg, Va.
BUB	Ray's Tire & Appliances	New Iberia, La.
DWH	Ray's Tire Service	Merriam, Kans.
HCL	Ray's Tire Service, Inc	Louisville, Ky.
PUK	Ray's Auto Supply	Chase City, Va.
VHH	Ray's Gulf Service	Charlotte, N.C.
LYJ	Rays Service Center	Belleveron, Pa.
NJY	Ray's Tire Center	Hazel Park, Mich.
NNN	Ray's Tire Co	Appleton, Wis.
NCD	Ray's Tire—Green Bay Inc	Do.
JVB	R.B.L. Leasing Inc	Tyersport, Pa.
JHB	R & C Recapping Co	Athol Springs, N.Y.
ANT	Re-New Tires Inc	Quakertown, Pa.
KKA	Real Tire Service	Griffin, Ga.
THV	do	Philadelphia, Pa.
JDB	Rebco	Clinton, Md.
KPH	Rebeck Tire Inc	Barberton, Ohio.
UPP	Rebel Recappers	Magee, Miss.
UHN	Recappers Wholesale	Plant City, Fla.
DYX	Recappers, Inc	Atlanta, Ga.
THW	Recapping Center	Los Angeles, Calif.
VHV	Recapping Service Corp	Ponce, P.R.
DJH	Recaps Inc	Charleston Heights, S.C.
UAF	Recon Tire & Tube Co	East Palo Alto, Calif.
VKE	Red Arrow Retreading	Eufaula, Okla.
KTM	Red Bay Tire Service	Red Bay, Ala.
LBK	Red Bud Tire Co	Red Bud, Ill.
UUE	Red Cross Recapping	Oakboro, N.C.
LLT	Red & Gray Tire Co	Knoxville, Tenn.
TFV	Red Oak Tire Co	Red Oak, Tex.
FKL	Red Stone Tire Center	Westerly, R.I.
HEY	Redding Tire Service, Inc	Redding, Calif.
BBM	Redding Valley Tire, Inc	Do.
TBL	Redd's Tire Service	Grants Pass, Oreg.
VHJ	Red's Union 76 Service	Biscoe, N.C.

JAN 11 72 XUM

Code No.	Retreader's name	Location
TBM	Reed Bros. Tire & Retread	Oakwood, Ga.
JTP	Reed-Faris Tire Co	Amarillo, Tex.
NKY	Reed's Tire Service	Kane, Pa
LMF	Reed's Tire Service, Inc	Muskegon, Mich.
KVX	Reel Tire Co	Elizabeth, N.C.
PWB	Reffner's Tire Service	Somerset, Pa.
LJB	Regal Tire Service, Inc	New Orleans, La.
JBB	Reid Tire Service	Riverside, Calif.
JCW	Reid's Recap Shop	Century, Fla.
ALK	Ray Reilly's Tire Mart	Rutland, Vt.
NNP	Reis Tire Sales, Inc	Evansville, Ind.
JEF	Reliable Tire Shop, Inc	Taft, Calif.
ENF	Remac Tire Co	Oklahoma City, Okla.
NPY	Remington Tire Store	Fort Bragg, Calif.
EYL	Renfroe Tire Service	Pensacola, Fla.
ELX	Reno Vulcanizing Works	Reno, Nev.
TLJ	Resley Tire Co., Inc	Hagerstown, Md.
JEM	Retread Tire Shop	Eugene, Oreg.
BPB	Retread, Inc	Colorado Springs, Colo.
TDU	Retreading Equipment, Inc	Charlotte, N.C.
BNC	Retreads of Long Island, Inc	Farmingdale, N.Y.
APF	Rex Tire, Inc	Colorado Springs, Colo.
TBN	Rex Tire & Supply Co., Ltd	Honolulu, Hawaii.
PCN	Robert Reynolds	Indianapolis, Ind.
BCV	Reynolds Bros. Tire Co., Inc	Union City, Tenn.
NKC	R & H Service	Mechanicsville, Va.
EFV	Jerome H. Rhoads, Inc	Lancaster, Pa.
MFC	Ricco Tire Service	Brownsville, Pa.
HKV	Rice Lake Retreading Service Inc.	Rice Lake, Wis.
BFC	Rice's, Inc	Bow, N.H.
DUN	Gene Richard & Sons, Inc	Toledo, Ohio.
HNX	Richard's Tire Co	Ottawa, Ill.
BAV	John Richards Tire Co., Inc	Wabash, Ind.
TFX	Richardson Oil Co	Alpena, Ark.
DUE	Richardson Tire Co	Long Beach, Calif.
UHP	Richardson Tire Service	Richmond, Ky.
NAA	Richardson Tire Service Inc	Yakima, Wash.
EGF	do	Cape Girardeau, Mo.
JLP	Richburg's O.K. Tire Store	Luverne, Ala.
LWJ	Richey's Associated Tire Centers, Inc.	Bingen, Wash.
TDV	Richfield Recapping Center	Richfield Springs, N.Y.
TAL	Richfield Tire & Retread Service.	Richfield, N.C.
JND	Richfield Wholesalers	Richfield Springs, N.Y.
TJT	Richland Tire Shop	Richland, Mo.
PWC	Richmond Tire Service	Columbus, Ga.
FFM	do	Chicago, Ill.
NCL	do	Macon, Mo.
TTD	Riddick Tire & Sales Co	Atlanta, Ga.
UAH	Ridge Recapping Service	Oliver Springs, Tenn.
VMV	Ridgeland Tire & Recapping Inc.	Ridgeland, S.C.
PWD	Ridgeway Tire & Retreading Co.	Hot Springs, Ark.
EUU	Ridgway Tire Service	Denver, Colo.
AXP	Rigsbee Tire Sales, Inc	Durham, N.C.
NXT	Ripoll Tire Recapping	Miami, Fla.
BPN	Rishmague Tire, Inc	Do.
EJB	Rising Bros	Indiana, Pa.
DHF	Rissone's	Reno, Nev.
HDM	Rite-Cap, Inc	Woonsocket, R.I.
UUF	Riverdale Shell	Mount Airy, N.C.
KTD	Riverside Tire Co	Canton, N.C.
DXN	Riverton Tire & Oil Co., Inc	Riverton, Wyo.
UCX	Rizer Oil Co., Inc	Pomeroy, Ohio.
APX	R & N Tire Center, Inc	East Granby, Conn.
HKP	Roadrunner Tire Recapping Co.	Deerfield Beach, Fla.
UHT	Roadrunner Tire Service	Bishop, Calif.
LPH	Robbie Fort Myers Tire Supply.	Fort Myers, Fla.
FUB	Robbin's Tire Service	Greenville, S.C.
NDF	Robbins Tire Center	Robbins, N.C.
NNT	The Robby's Tire Co., Inc	Baltimore, Md.
JUW	C. T. Roberson Tire Co	Williamston, N.C.
AXD	Robert Paul, Inc	Oneida, N.Y.
MHH	Clif Roberts	Oakland, Calif.
UYL	Roberts Bros	Cumberland, Ky.
KBK	Roberts Bros., Inc	Pound, Va.
BHB	Roberts & Hudson Tire Co	Erlanger, Ky.
JFE	Roberts & Son Recapping Co	Jackson, Ala.
FNM	Roberts Tire & Recapping	Abingdon, Va.
LNK	Glenn Roberts Tire & Recapping.	Norton, Va.
FMK	Roberts Tire & Recapping	Weber City, Va.
FBX	Roberts Tire Service	Altoona, Pa.
TFY	Roberts Tire Shop, Inc	Corbin, Ky.
CVY	Ed Robertson Tire Co	Dallas, Tex.
UYM	Red Robins Tire Service	Muskogee, Okla.
CXY	Robinson Tire Co	Calhoun, Ga.
HNU	Robinson Tire Service	Anniston, Ala.
NLT	do	Longview, Tex.
JHV	Robinson Tire-Recapping Co	Gainesville, Ga.
MEC	Roche Tire Service	Scranton, Pa.
TJU	Rock Hill Auto Parts & Service.	Bunnlevel, N.C.
KNV	Rocket Tire Service	Peoria, Ill.
LPC	Rockford Banding & Tire Inc	Rockford, Ill.
MHX	Rockingham Tire Co	Broadway, Va.
TFW	Rockmart Recapping	Rockmart, Ga.
TYP	Rocky Bluff Servicenter	Palmetto, Fla.
HFA	Roger Padron Tire Service	Portsmouth, Ohio.
ABH	Roger's Tire Service Inc	Waukesha, Wis.
VDV	Rogers Cartage Co	Kankakee, Ill.
HWM	Rogers Tire & Recapping Co	Denmark, S.C.
NKN	Rogers Tire & Battery Service	Aiken, S.C.
NCC	Rogers Tire Service	Fort Dodge, Iowa.
FFB	do	Beaumont, Tex.
LET	Rohrs Tire Co	Santa Barbara, Calif.
AVU	Roland's Tire & Rubber Co., Inc.	Fairhaven, Mass.
AWP	Role's Car Care Center, Inc	Colebrook, N.H.
FCJ	Rome's Tire Service, Inc	Riverside, Calif.
JCF	Romeo Tire Co	Peekville, Pa.
VBX	Romero Tire Shop	Socorro, N. Mex.
AVX	Ronda Tire, Inc	Grand Rapids, Mich.
VFM	Rook's Tire Co	Wallingford, Conn.
DMJ	Roosevelt Tire Service, Inc	Gastonia, N.C.
MMF	Roquemore Tire Service	Lanett, Ala.
FMH	Rosemead Truck Tire Repair & Sales.	South El Monte, Calif.
JTN	C. C. Rosen & Sons	New Market, Va.
ENH	Ross & Copus Tires, Inc	Erie, Pa.
AKJ	Ross Tire & Battery Co., Inc	Greenville, S.C.
LUK	Rother Auto Parts	Redding, Calif.
ALF	Round Tire, Inc	Harlingen, Tex.
UYN	Rouse Tire & Appliance	Laurens, S.C.
EDB	Al Roush Tire Service	Hayward, Calif.
UXM	Rousseau Tire Service	De Witt, Ark.
AUA	Jim Row Tire Service	Grants Pass, Oreg.
JKD	Rowe Tire Co	Birmingham, Ala.
MVP	Rowland Recapping Co	Rowland, N.C.
KCD	Roy & Owen's Tire Service	Baker, Oreg.
AXY	Royal Tire & Alignment Co., Inc.	Raleigh, N.C.
MUL	Royal Tire Center, Inc	Salt Lake City, Utah.
KLK	Royal Tire Co	Colorado Springs, Colo.
AWC	Royal Tire Sales Co	Minneapolis, Minn.
CXF	Royal Tire Service	Decatur, Ala.
TDW	do	Palo Alto, Calif.
JCE	do	Kingston, N.Y.
TTE	do	Wadesboro, N.C.
MEB	do	Findlay, Ohio.
HWW	do	Camden, S.C.
KPB	Royal Tire Service Inc	Columbia, S.C.
VMB	do	Sylacauga, Ala.
FMU	Royal Tire Service, Inc	Columbus, Ga.
EDN	Royal Tire & Supply	St. Could, Minn.
MKF	Royal Tire & Supply Co	Honolulu, Hawaii.
UAJ	Royal Tires Service Recapping Co., Inc.	Sylacauga, Ala.
VKD	Roy's Recapping Service	Lexington, N.C.
NKF	Roy's Retreading Service	Candenton, Miss.
MNM	Roys Tire Co	Lewistown, Mont.
PPL	Roy's Tire Service	Lexington, N.C.
UHU	do	Newport, Vt.
UAK	Roys Trutred Tire Shop	Canon City, Colo.
DJY	R&R Tire Service	San Bernardino, Calif.
KFP	R & S Tire Shop	Delano, Calif.
ABV	Rua & Sons, Inc	Cobleskill, N.Y.
BEU	Rubber Car-Go Corp	Plantsville, Calif.
LHC	Rubber Welding System Inc	Charleston Heights, S.C.
EEW	Abe Ruben	Donora, Pa.
TLK	Rucker's O.K. Tire Store	Childress, Tex.
MWA	Rueki's of Chicopee, Inc	Chicopee, Mass.
CBN	Rudder Tire Service, Inc	Salem, Ind.
ELT	Rudy & George Tire Co	St. Louis, Mo.
JTY	Rudy's Tire Service	East St. Louis, Ill.
DUY	Ruffners	Indiana, Pa.
FPA	Rupp, Inc	Ephrata, Pa.
CTH	Rush's Tire Service, Inc	Clarksburg, W.Va.
CEN	Rusher's Tire Service, Inc	Salisbury, N.C.
EAU	Carlton Russell Co., Inc	East Peoria, Ill.
ADM	Russey Tire Co	Fort Worth, Tex.
PHK	R & W Tire Co	Bristol, Conn.
VAJ	R & W Tire Service, Inc	Lexington, S.C.
LLL	Ryde & Sons, Inc	Oneonta, N.Y.
AJC	Ryder Distribution Center	Doraville, Ga.
TLL	S & A Tire & Appliance Co	Panama City, Fla.
EHM	Sabatine's Tire Mart	Greensburg, Pa.
TUE	Sabra Tire	Findlay, Ohio.
ULY	Safe Way Tire Co., Inc	North Wilkesboro, N.C.
PCP	Safe-Way Tire Co	Tompkinsville, Ky.
BKN	Safe-Way Retreads	Decatur, Ga.
EDD	Safety Recap Tire Shop, Inc	Warren, Mich.
KAH	Safety Service Center	Newport News, Va.
PMU	Safety Tire Co	Columbus, Ga.
HHK	do	Youngstown, Ohio.
THA	Safety Tire Co., Inc	Richmond, Va.
DVT	Safeway Tire Co	Cleveland, Ohio.
CJD	Sager General Tire Service, Inc.	Monroe, La.
HDC	E. T. Sain Store	Vale, N.C.
NVF	Sala Tire & Automotive	Littleton, Colo.
BPU	Salem Rubber Co	Wichita Falls, Tex.
NVH	Salem Tire Service	Salem, Oreg.
UCY	Sales & Service, Inc	Chama, N. Mex.
FBN	Salina Retread, Inc	Salina, Kans.
HXT	Salmon & Crossland Tire Co	Muskogee, Okla.

Code No.	Retreader's name	Location
DHK	Wilbur Salmon's Recapping Service.	Gaffney, S.C.
BNA	Salta's Tire Co., Inc	Laconia, N.H.
CYW	Saltus Tire Co., Inc	Meriden, Conn.
HEN	Saluda Tire Service	Saluda, S.C.
CTN	Sam's Tire Service, Inc	Tacoma, Wash.
CPU	Sampson Tire Co., Inc	Clinton, N.C.
PCT	Sampson's Tire & Recapping	Emporia, Va.
JMU	Sam's O.K. Tire Service	Rolla, Mo.
HXN	Samson Tire Service	Samson, Ala.
HXK	Samuelson-Randklev Tire Co	Port Angeles, Wash.
HUN	San Jose Tire Co., Inc	San Jose, Calif.
EKJ	Sanders Bros. Service, Inc	Murfreesboro, Tenn.
UAL	Sanders Super Service	Beulaville, N.C.
MWP	Sandlin Tire Service	Minn.
ADB	Sandone Tire & Battery	Scranton, Pa.
MWJ	Sandt Tire Co., Inc	Savannah, Ga.
NVJ	Sandy's Tire Sales	Warren, Ohio.
KNT	Sanford Tire Service, Inc	Sanford, N.C.
TKK	Sanford's Tire & Automotive	Canton, N.C.
JHN	Santa Ana Recap & Brake Service.	Santa Ana, Calif.
MTF	Santa Barbara Retreading Shop.	Santa Barbara, Calif.
VBY	Santa Clara Valley Tire Service	San Jose, Calif.
JAU	Santa Maria Tire, Inc	Santa Maria, Calif.
UTV	do	El Rio, Calif.
DHJ	Santa Rose Tire & Supply	Santa Rose, Calif.
LAC	Santry Tire Co	Portland, Oreg.
PPM	Saucon Valley Tire Co	Hellertown, Pa.
LWU	Sauk Centre Tire Co., Inc	Sauk Centre, Minn.
CDK	Savannah Tire & Rubber Co., Inc.	Savannah, Ga.
BHL	The Sawyer Tire Co	Everett, Mass.
FAB	Saylor Tire Service	Somerset, Pa.
HFV	Scanlon Tire Co., Inc	Rochester, N.Y.
BBB	Scates Retreading Service, Inc	Fulton, Ky.
KLB	Schaap-Brenner	Sacramento, Calif.
BKB	Schaer Norvell Tire Co	Little Rock, Ark.
NYV	Schafer Auto Supply	Alliance, Nebr.
KFH	Schedler & Kirsch Tire Shop	Fresno, Calif.
NYW	Schmidt Bros	Athens, N.Y.
HKD	Schmidt's Tire & Supply Co	Wichita, Kans.
MRK	Schmitz Tire Service	Connellsville, Pa.
AJT	Schneider Tire Supply	Fort Pierce, Fla.
UNK	Phil Schoch	Ottawa, Ill.
AWY	Vic Schrader Tire Service, Inc	Eden, N.Y.
NYX	Schultz's Inc	Delano, Pa.
FUH	Schulze Tire Service	Klamath Falls, Oreg.
BKL	George Schumann Tire Co	Jacksonville, Fla.
NVK	Les Schwab Bandag Center	Spokane, Wash.
DNJ	Les Schwab Warehouse Center Inc.	Prineville, Oreg.
BUW	Schwalb Tire Co	Dover, N.J.
MPB	Scofield Tire Supply	Fanchet, N.Y.
VKB	Scott Retreading Co	Rush, Tex.
HUW	Scott & Thompson Tire Service, Inc.	Beaver Falls, Pa.
NBX	Scott Tire Co	Douglas, Ga.
FEX	Jim Scott Tire Co	Chattanooga, Tenn.
KAV	T. L. Scott Tire & Recap	Chattahoochee, Fla.
EJC	Scott Tire & Recapping Co	Edenton, N.C.
FNJ	Scott Tire Service	Dickson, Tenn.
VJV	Scott's Tire Service	Terre Haute, Ind.
JYL	Scranton Bandag Retreading Co., Inc.	Scranton, Pa.
MCA	Seagos Recapping	Jackson Spring, N.C.
VMD	Seagrove Tire Center	Seagrove, N.C.
PWE	Seaside Firestone	Red Bluff, Calif.
KAK	Secor Retreading, Inc	River Rouge, Mich.
KAJ	Secor Tire & Retreading, Inc	Toledo, Ohio
EAA	Security Tire & Rubber Co., Inc.	Richmond, Va.
ABW	W. Glen Sedam, Inc	Perry, N.Y.
FDN	Sehman's Tire Service Inc	Franklin, Pa.
TJV	Sellar's Tire Service	Palo Alto, Calif.
TJW	Bury-Vanham Tire Co	Redwood City, Calif.
CAB	Seneca Tire Co	Elkins, W. Va.
UPT	Serafin Service Station	Wilkes-Barre, Pa.
LCK	Serv A Car Inc	Frankfort, Ind.
KMP	Service Distributing Co., Inc	Albemarle, N.C.
UXN	Service Tire Co., Inc	Latta, S.C.
NKP	do	Toccoa, Ga.
CBB	Service Tire Inc	Shreveport, La.
PUL	Service Tire & Recapping Co., Inc.	Richmond, Va.
VFY	Service Tire & Retreading Inc	Elwood, Ind.
TUF	Service Tire Shop	Holland, Mich.
AAW	Settle Tire & Supply Co., Inc	Charlottesville, Va.
LNC	Setzers Tire Service	Spartanburg, S.C.
MYH	707 Tire Service Inc	Shreveport, La.
MWN	Shaffner Tire Service, Inc	La Porte, Ind.
VEK	Shafter Tire Recap Shop	Shafter, Calif.
JCM	Shallotte Auto Parts	Shallotte, N.C.
ELE	Shamrock Tire Inc	Wichita, Kans.
AEX	Don Shane Tire Co	Marion, Ind.
BLM	Shank's Oil Co., Inc	Huntington, W. Va.
MET	Shannon's Tire Shop	Mountain View, Ark.
APB	Sharkey Tire & Rubber Co., Inc.	New Bedford, Mass.
LWF	Sharon Grocery & Recap	Seneca, S.C.
JDW	Sharon Tires Inc	Sharon, Pa.
AHD	Tom Sharp Tire Service	Huntsville, Ala.
VHK	Sharp Tire Service	Bay Springs, Miss.
HVV	Shartzer Tire Co	Farmington, Pa.
MMU	Shasta Tire Service	Redding, Calif.
DXF	Shaub-Ellison Co	Tacoma, Wash.
DXE	do	Bremerton, Wash.
KWV	Shawnee Tire & Rubber Co	Schellsburg, Pa.
FCW	Shear Tire Co	Carrollton, Mich.
FDX	John Sheehan Recapping Inc	Bridgeport, Conn.
MMA	Sheffield Tire Center	Sheffield, Ala.
DTD	Shelby Tire Co	Memphis, Tenn.
PKD	Sheldon Tire Co., Inc	Detroit, Mich.
HUA	Shell Station & Recapping Co	Easley, S.C.
VFB	Shelton's Tire Service	Houston, Tex.
HXW	Sherling Tire & Rubber Co	Nashville, Tenn.
BKE	Sherman Tire Corp	Los Angeles, Calif.
UHV	Wm. Sherry Tire Co	Schenectady, N.Y.
LVW	Shetrons Tire Service	Shippensburg, Pa.
HPF	Shetter's Tire Service	Biglerville, Pa.
TDX	Shield's Tire Service	Johnston, S.C.
UNL	George Shirk Tire Service	Ferndale, Mich.
JDC	Shoaf's Recapping Service	Lexington, N.C.
TAM	Shoemaker's Service Station	Wilkes-Barre, Pa.
PWF	Shoemaker's Tire Service	Olympia, Wash.
EMJ	Shoffner Cook Tire Corp	Graham, N.C.
FLJ	Glen Shomo Inc	Harrisonburg, Va.
BFH	Shook Tire Co	Las Cruces, N. Mex.
LWK	do	Abilene, Tex.
LNB	do	Amarillo, Tex.
LJY	do	Brownwood, Tex.
LNY	do	Lamesa, Tex.
LNV	do	Lubbock, Tex.
LBJ	do	San Angelo, Tex.
NVL	Shook Tire & Rubber Co., Inc	Dallas, Tex.
PHL	Shore Retreading, Inc	Easton, Md.
PUM	Sierra Tire Service, Inc	Redding, Calif.
FBY	Sig's Service Inc	Longmont, Colo.
JDF	Sig's Tire Service	Conover, N.C.
LJN	Silver Moon Tire & Wheel Co	Houston, Tex.
EXV	Silver Street Tire Co	Sharon, Pa.
ETU	Al Silver Tire Co	Akron, Ohio
NVM	Simmons Tire Co	Winston-Salem, N.C.
UTP	Simmons Tire Service	Pink Hill, N.C.
BHA	Singer General Tire Inc	South Bend, Ind.
HCH	Shigletary Tire Service, Inc	Thomasville, Ga.
BAA	Sink's Tire & Recapping Service Inc.	Lexington, N.C.
HXY	Skaggs Rubber Co	Longview, Tex.
FLM	Skander Tire Service	Evans City, Pa.
MNY	Skinner Firestone Dealer Store	Beverly, Ohio.
NAW	H. I. Skinner Tire Co	San Diego, Calif.
LUP	Sklnner Tire & New Tread Service.	Brewton, Ala.
JXF	Skinner Tire Service	Hopewell, Va.
EXB	C. J. Skirvin	Santa Ana, Calif.
TWH	Slade Tire Co	Mobile, Ala.
CEH	Slaughter Tire Co	Macon, Ga.
ATH	Slaughters Tire Service	Akron, Ohio.
HKJ	Slead Tire Co., Inc	San Diego, Calif.
KJT	Slipp's Retreading Inc	Pasco, Wash.
AHB	Sluiz Selberling Tires	Hollywood, Fla.
NAJ	Small Bros. Tire Co	Monroe, N.C.
UXP	Rex Smalley Tire Service	Arab, Ala.
EUN	Smiley Tire & Battery Co., Inc.	Freemont, Ohio.
LCH	Smith Bros. Tire Service	Sylvania, Ga.
LXT	D. W. Smith Esso & Recapping.	Pittsboro, N.C.
LBH	Smith General Tire	Thermopolis, Wyo.
JPF	Smith Oil Retreading (SOARC).	Rockford, Ill.
UNM	Smith Oil & Tire Co	Cumberland, Iowa.
LCJ	Ed Smith Recapping Co	Anniston, La.
LEJ	Smith & Schrimpshire Service Station.	Columbus, Ga.
PCU	C. S. Smith & Sons, Inc	Punxsutawney, Pa.
BHW	W. F. Smith Tire & Battery Co., Inc.	St. Paul, Minn.
JUA	Smith Tire & Battery Service	East St. Louis, Ill.
FTD	Smith Tire Co	Berryville, Ark.
DVE	do	Springdale, Ark.
CXM	do	Cassville, Mo.
AHC	Tom Smith Tire Co., Inc	Florence, Ala.
MFE	Smith Tire Co., Inc	Decatur, Ill.
MAH	do	Texarkana, Tex.
UDA	Smith Tire & Recapping	Prattville, Ala.
PUN	Smith Tire & Recapping, Inc	Bristol, Va.
KAE	Smith Tire Service	Jonesville, N.C.
JEV	Smith's Recapping Service	Asheville, N.C.
JKN	Smith's Tire Service Inc	Hudson, N.Y.
BNE	Smith's Auto Service	Denton, N.C.
LEC	Smiths Mail Service	Asheville, N.C.
NTE	Smith's Quality Tire & Recapping.	Fort Mill, S.C.
AMA	Smith's Tire & Recapping Service.	Hamlin, W. Va.
UHW	Smith's Tire Sales	Columbus, Ga.
PWH	Smith's Tire Service	Rutherfordton, N.C.
NEP	Smiths Tire Store	Hummelstown, Fa.
JYC	Smitty's Tire Service	Shelbyville, Tenn.
BJX	Smokes Tire Rebuilders	Washington, N.C.
CEM	Smokey Mountain Tire Co	Bryson City, N.C.
CKF	Snell's Tire Service	Mitchell, S. Dak.
JWM	Snelling Sales & Service	Claremore, Okla.
THX	Snipes Home & Auto	Calhoun Falls, S.C.

JAN 11 72 XUM

Code No.	Retreader's name	Location
LVN	Snipes Tire Service	Lowrys, S.C.
LDU	do	Gastonia, N.C.
NVP	Snow Hill Recappers	Snow Hill, N.C.
AYT	Snow Tire Co.	Athens, Ga.
JFF	Soleson Service, Inc.	Cornelisville, Pa.
NKH	Soledad Tire & Wheel Service	Soledad, Calif.
TYT	R. C. Solomon's Tire Recapping Shop.	Knoxville, Tenn.
EYH	Somerset Tire & Battery Service, Inc.	Somerset, Pa.
BJC	Somerset Tire Service	Bound Brook, N.J.
AKK	Sonny's Tire & Recapping	Greenville, S.C.
MTW	Son's Standard Service & Tire Center.	Bonifay, Fla.
JFB	Sooter Tire Co.	Dixon, Mo.
UAM	Soperton Tire & Recapping Co.	Soperton, Ga.
KVM	Sorensen Tire Co.	Pawcatuck, Conn.
TAN	South Bay Tire Co.	National City, Calif.
TDY	South Gate 76 Service	Salisbury, N.C.
FDA	South Hill Tire & Recapping Co., Inc.	South Hill, Va.
UUH	South Main Rubber Co.	Salt Lake City, Utah.
DPF	South Shore Tire & Rubber Co.	Richmond Hill, N.Y.
JTM	South Side Tire Co.	Pitsburgh, Pa.
CVW	Southeast Texas Retreading Inc.	Beaumont, Tex.
NNV	Southeast Tire Co.	Idabel, Okla.
KUV	Southeastern Tire & Recapping Co.	Fairfield, Ala.
MYE	Southeastern Tire & Battery Co.	Murfreesboro, Tenn.
JCY	Southeastern Tire Co., Inc.	Miami, Fla.
BKV	Pat Southerland's Tire Center Inc.	Bossier City, La.
VKA	Southern Appalachian Tire Co., Inc.	Gainesville, Ga.
PEC	Southern Auto Store	Waynesboro, Ga.
PWJ	Southern Battery & Tire Co.	Dublin, Ga.
AFT	Southern Maryland Tires, Inc.	Waldorf, Md.
JPM	Southern Pines Recapping Co.	Southern Pine, N.C.
PKV	Southern Recapping Inc.	Gulfport, Miss.
BEA	Southern Rubber Co., Inc.	Birmingham, Ala.
VKC	Southern Tier Banding	Binghamton, N.Y.
BAF	Southern Tire & Auto Service Inc.	Richmond, Va.
HHX	Southern Tire & Battery Co., tors Inc.	Bainbridge, Ga.
KNU	Southern Tire Co.	Miami, Fla.
ALA	Southern Tire Co., Inc.	Sheffield, Ala.
BWW	Southern Tire Distributors	Somerset, Ky.
NKX	Southern Tire Recapping Co.	Laurinburg, N.C.
NLB	Southern Tire & Recapping Co.	Newton, N.C.
CTD	Southern Tire Service	Nashville, Tenn.
PPN	Southern Tire Service, Inc.	Louisville, Ky.
VCW	Southern Tire & Supply Co., Inc.	Tuskegee, Ala.
ADX	Southern Wholesale Distributors Inc.	Jacksonville, Fla.
LDD	Southport Tire Service	Southport, N.C.
KMD	Southside Auto & Home Supply Inc.	Tuscaloosa, Ala.
AAY	Southside Auto Supply, Inc.	Richmond, Va.
MBP	Southside Recapping & Tire Co.	Montgomery, Ala.
EHV	Southside Recapping, Inc.	Albemarle, N.C.
KPF	Southside Tire Co., Inc.	Antigo, Wis.
CJB	Southwest Oil & Supply Co.	Dodge City, Kans.
LPV	Southwest Tire & Recapping Inc.	Gate City, Va.
KKD	Southwestern Banding, Inc.	Colton, Calif.
NYY	Soy City Tire & Trading Co.	Decatur, Ill.
PED	Spann's Recapping	Winfield, Ala.
PUP	Sparrow Tire Service	Lake City, S.C.
VKH	Specialty Tire Co.	Canoga Park, Calif.
DTP	Speedway Tire Service	Fairmont, W. Va.
HJD	Speedy's Tire Center	Mandan, N. Dak.
JXP	Speier Tire Co.	San Antonio, Tex.
HVD	Spence Tire Service	Walla Walla, Wash.
KKV	Spencer General Tire Corp.	Lexington, Va.
BPL	Spikes-Mitchel Tire Co.	Columbus, Ga.
JTE	Spillman's Tire Service No. 2.	Advance, N.C.
DYF	Spindale Tire Service, Inc.	Spindale, N.C.
MCH	Spiveys Service Station	Mullins, S.C.
HEL	Spot Cash Recap & Accounting Co.	Kosciusko, Miss.
VCA	Sprayberry Retread Service	Lanett, Ala.
DUU	Springdale Recappers	Springdale, Ark.
MMJ	Springs Road Auto & Recapping.	Greenville, N.C.
THY	Springs Towne Tire	Vallejo, Calif.
LVM	Springville Nu Tread Plant	Springville, N.Y.
DHP	Sprinkle's Tire & Appliance Inc.	Jonesville, N.C.
KPK	Spruce Pine Tire Service	Spruce Pine, N.C.
FFU	Square Deal Tire Co.	Indianapolis, Ind.
VAP	S & R Retreading Corp.	Greenville, Ohio.
TBP	S & S Retreaders	Parkertown, N.J.
BFT	S. S. Tire	Barberton, Ohio.
MJA	S & S Tire Co.	Springfield, Colo.
MVV	do	Plainville, Kans.
FMA	S & S Tire Co., Inc.	Auburn, Ind.
ACJ	S & S Tire Service	Smithfield, N.C.
LYC	St. Clair Tire Co.	Capac, Mich.
JAM	St. Cloud Tire & Tread Co.	St. Cloud, Minn.
VCX	St. Denis Tire Service	Louisville, Ky.
CNL	St. John Tire Store	Salem, Mo.
TEA	Stader Tire Service	Jackson, Tenn.
FMB	Staggs General Tire	Logansport, Ind.
HDE	Stamper Retread Co.	Coos Bay, Oreg.
AHY	Stamps-Brown Tire Co., Inc.	Atlanta, Ga.
AEU	Stan The Tire Man Inc.	Mount Vernon, Ill.
DFN	Standard Recap Co.	Grand Junction, Colo.
NVT	Standard Service Tire Co.	Seattle, Wash.
NVU	do	Burlington, Wash.
DPA	Standard Tire Co.	Columbus, Ohio.
KKH	do	Knoxville, Tenn.
EKV	Stanfa Bros. Tire Co., Inc.	Blue Island, Ill.
PPT	Stanford Tire & Recapping	Stanford, Ky.
UNN	Stanleys Inc.	Manchester, N.H.
VAK	Stanleyville Tire Service Inc.	Yadkinville, N.C.
TAP	Stan's Rubber Welders	North Adams, Mass.
NNU	Stan's Tire & Retreading Co.	Lawrenceville, Ill.
MEA	Stans Tire Service	Lompoc, Calif.
TYU	Stanyer & Edmondson Pomona Inc.	Pomona, Calif.
VHW	Star Esso Service Center	Star, N.C.
FAJ	Star Vulcanizing Co.	Steubenville, Ohio.
UNP	Starcher Motors	Spencer, W. Va.
NNW	Starnes Esso Service	Greenville, S.C.
THC	State Line Tire Service	Pageland, S.C.
TXM	State Tire Co.	Calico Rock, Ark.
NVV	State Tire, Inc.	Hialeah, Fla.
HXJ	State Tire & Rubber Co.	Mountain Home, Ark.
TEB	Garland Stanton	Deibarton, W. Va.
HJM	Stearly Tire Center	Collgeville, Pa.
JNA	Steed's Tire Service	Warsaw, N.C.
UXT	Steele Tire Service Inc.	Asheville, N.C.
ADJ	Steepleton General Tire Co.	Memphis, Tenn.
TEC	Stegner Tire Service	Woodsfield, Ohio.
LPN	Steidinger Inc.	Fairbury, Ill.
KHV	Stenzel Tire & Recapping, Inc.	Alexandria, Minn.
DYN	Stephens Tire Co., Inc.	Savannah, Ga.
AWK	Stephens Tire Mart	St. Joseph, Mo.
LPK	Stephenson Tire Co.	Spokane, Wash.
FVM	Sterbutzel Service, Inc.	Connellsville, Pa.
CWD	Sterling Center	Parkersburg, W. Va.
TLM	Sterling Tire Service, Inc.	La Puente, Calif.
BUY	Jay Stern, Inc.	Las Vegas, N. Mex.
KBU	R. R. Sterner Co.	Schuylkill Haven, Pa.
TAT	Stettler Tire Co., Inc.	Huntington, W. Va.
EYC	J. P. Stevens & Co., Inc.	Greensboro, N.C.
FPK	Gerry Stevens, Inc.	New Haven, Conn.
FBP	Stevens Tire Co.	Thomaston, Ga.
NLE	Stevens Tire Co., Inc.	Decatur, Ga.
LXK	Stevens Tire Recapping Co.	Milledgeville, Ga.
FVK	Stevens Tire Service	Fort Collins, Colo.
MPX	Stevenson & Cannon Recapping Service.	Asheboro, N.C.
LYP	Stewart Tire Co.	Tulsa, Okla.
JAA	T. K. Stewart Tire Shop	Portersville, Ala.
VAL	Stewart Tire Shop	Magna, Utah.
JLH	Stewart's Tire Shop	Mountain View, Ark.
MWY	Stewarts Shell & Tire Service	Erwin, N.C.
TLN	Stickney's, Inc.	Fort Morgan, Colo.
BNV	do	McCook, Nebr.
BNU	do	Scottsbluff, Nebr.
FJU	Alfred Stidham Tire Treading Co., Inc.	Landover, Md.
JTF	Stidham's Recapping Service	Saltville, Va.
VEL	Stigen Tire Service	Moorhead, Minn.
HMA	Stillman Tire Co., Inc.	Brockton, Mass.
EYY	Stilwell's Tire Clinic	Rockingham, N.C.
CKL	Stinson Tire Co., Inc.	Danville, Va.
HCX	Stock Tire Co.	Cloquet, Minn.
DVC	Stockton Tires, Inc.	Canton, Ohio.
NFF	Stogner Motor Co., Inc.	Lancaster, S.C.
KTH	Stokesdale Tire Recappers	Stokesdale, N.C.
PAA	Stone-Garland Recap Co.	Fitzgerald, Ga.
UKA	Stone Mountain Tire Service	Stone Mountain, Ga.
BFL	Stone Tire Co.	Greensboro, N.C.
HVM	Stone Tire Service Co.	Los Angeles, Calif.
FVU	Stone's Super Service	Pensacola, Fla.
FKD	Stoneman Tire Service	Galax, Va.
JTT	Stony Point Tire Service	Stony Point, N.C.
CEJ	Bob Storms Tire Service	Chino, Calif.
PCV	Al Stow's Tire Sales	Anderson, Ind.
BYN	Strader Tire Co.	Knoxville, Tenn.
PUT	do	Houston, Tex.
UKB	Strain & Dunaway Co.	Plainview, Tex.
LTJ	Strang Tire Co.	Oelwein, Iowa.
EEK	Strauss Bros. General Tire Service, Inc.	Vineland, N.J.
FVL	Lynn Strickland Sales & Service, Inc.	Birmingham, Ala.
PCW	Stricklands Tire Service, Inc.	Smithfield, N.C.
TTF	Striggle Tire & Recapping	Woodruff, S.C.
CBU	Strock Tire Service	Columbia, S.C.
BXP	Strong Tire Service, Inc.	Greensboro, N.C.
PMV	Doug Stroud Tire Co.	Vicksburg, Miss.
KML	Stroud Tire Service	Stroudsburg, Pa.
MEV	Strouhals Tire Recapping Plant.	Hungerford, Tex.
DVV	Stuby-Gudgel Tire Co., Inc.	Muncie, Ind.
DYP	Suburban Tire	Minneapolis, Minn.
FTH	Suburban Treds, Inc.	Apollo, Pa.
UHX	Sudduth Tire Co., Inc.	Long Beach, Calif.
NNX	Suffolk Tire Co., Inc.	Suffolk, Va.

Code No.	Retreader's name	Location
BLJ	Sugg Tire Service	Wenatchee, Wash.
UKC	Sullins & Chambers	California, Mo.
FBT	Sullivan & Murray, Inc	Olean, N.Y.
FFC	Sullivan Tire Co.	Dallas, Tex.
KFX	Sullivan's Home & Auto	Lawrenceburg, Tenn.
PAB	Sullivan's Tire Center	Tarboro, N.C.
CAM	Sultan of Tires	Asheville, N.C.
DKF	Sumerel Tire Service, Inc.	Newport, Ky.
HNB	Summerfield Tire Co.	Summerfield, N.C.
DLA	Jack Summers Tire Sales	Miamisburg, Ohio.
BMU	Sumner Tire Shop, Inc.	Sumner, Iowa.
PPU	Sumrall Discount Center, Inc.	Monticello, Miss.
UDB	Sumter Tire & Recapping Co.	Sumter, S.C.
KBT	Sun Valley Tires	Pacheco, Calif.
UPU	Sunnyland Tire Co., Inc.	Hollywood, Fla.
HUX	Sunnyslope Tire Co.	Phoenix, Ariz.
FKL	Sunrise Tire Co., Inc.	Pompano Beach, Fla.
MAB	Sunset Tire Service	Coeur d'Alene, Idaho.
UNT	Sunshine Tire Recaps	Hialeah, Fla.
HKC	Super Retread Center, Inc.	Goldsboro, N.C.
AYB	Super Retread Tire Co., Inc.	Stratford, Conn.
FVX	Super Retreads, Inc.	Westover, W. Va.
ENP	Super Service Station	Walhalla, S.C.
HPW	Super Tire Co.	Cortez, Colo.
AUJ	do	Johnstown, Pa.
VCY	Super Tire Retreading	Saint Just, P.R.
LHJ	Super Tire Service, Inc.	Binghamton, N.Y.
KHU	do	Bristol, Tenn.
BPW	Super Tread Co.	West Sacramento, Calif.
FHJ	Super Tread Tire Co.	Modesto, Calif.
HVT	Super Treads, Inc.	Macon, Ga.
FBL	Supercap Corp.	Pennsauken, N.J.
TAU	Superior Recapping Service	Cleveland, Tenn.
FEM	Superior Retreading Service	Rocky Mount, Va.
PHM	Superior Tire Recappers, Inc.	Canton, Miss.
HPX	Superior Tire Service	Denver, Colo.
AXW	do	Maiden, N.C.
KHA	do	Salem, Oreg.
EWM	Superior Tire Service, Inc.	Anniston, Ala.
EPN	do	Vernal, Utah.
KKW	Superior Tire Service of Eugene.	Eugene, Oreg.
EED	Superior Tire, Inc.	Las Vegas, Nev.
PKE	Sutherland's	Oakland, Calif.
CFL	Sutherlin Tire Sales & Service	Sutherlin, Oreg.
FHT	Sutter Tire Service, Inc.	Yuba City, Calif.
TED	Sutton Tire Service	Butler, Pa.
AYU	Sutton Tire, Inc.	Clarksville, Ga.
KYC	Sutton's Service Center, Inc.	Greenville, N.C.
PHD	S & V Tire Service, Inc.	Starkville, Miss.
NNY	S & W Motor Lines, Inc.	Greensboro, N.C.
KBN	S. & W. Recapping Co.	Clintwood, Va.
TAV	S & W Recapping Co.	Covington, Ky.
JKF	S & W Retreading, Inc.	Centralia, Ill.
JYF	S & W Tire Service	Walnut Grove, Calif.
BXJ	S & W Tire Service, Inc.	Valdosta, Ga.
HDW	George S. Swafford Recapping Co.	Little Rock, Ark.
VCE	Swalm Bros.	Liberty, N.C.
NBU	Swain O.K. Tire Store, Inc.	Lees Summit, Mo.
BLB	Swansons Tire Co., Inc.	Oklahoma City, Okla.
CMY	Sweat Tire Co.	Robertsdale, Ala.
JTK	Swink's Recapping Service	Winston-Salem, N.C.
CUN	Swofford's Inc.	North Wilkesboro, N.C.
FDP	Sykes Tire Service	New Kensington, Pa.
CWT	Sylva Tire Co.	Sylvia, N.C.
KXN	T N T Tire Town, Inc.	Sanford, N.C.
FFE	Tadlock Tire Service	Suffolk, Va.
AKE	Taggart Tire Service	Winona, Minn.
MXX	Tahoe Tire Service	South Lake Tahoe, Calif.
ECL	Taleh Tire & Battery, Inc.	Chicago, Ill.
MPV	Talarico Tire Co.	Canonsolis, Pa.
BYX	Talbert Tire Service	Somerset, Pa.
PHN	Tallahassee Tire Co.	Tallahassee, Fla.
FDK	Tallmadge Tire Service, Inc.	Cortland, N.Y.
AJF	Tampa Recapping & Tire Co.	Tampa, Fla.
NVW	Tancil's Auto Supply	Freeland, Pa.
NTH	Tappahannock Tire & Recapping.	Tappahannock, Va.
KTB	Tar-Heel Tire Sales & Service	Warrenton, N.C.
NDC	Tatum Tire Service Co.	Louisville, Ky.
JAF	Taylor County Tire Sales, Inc.	Campbellsville, Ky.
FNT	Taylor Enterprises, Inc.	Kallspell, Mont.
LCC	Taylor & Sons Recapping Service.	Charlotte, N.C
THB	Taylor Tire Center	Bryan, Tex.
ADA	Taylor Tire Co.	Pottsville, Pa.
AJD	Taylor Tire Co., Inc.	Waynesville, N.C.
FVT	Taylor Tire & Equipment Corp.	Caledonia, N.Y.
PKW	Taylor Tire Service	Monroe, N.C.
UHY	do	Pageland, S.C.
BEP	Taylor-Hall Tire, Inc.	Russellville, Ark.
BNW	Taylor's Tire Service, Inc.	Weston, W. Va.
CFA	Taylorsville Recapping Co.	Taylorsville, N.C.
NVX	Tazewell's Tire & Retreading	New Tazewell, Tenn.
LXV	T. B. A. Inc.	Fayetteville, N.C.
DHX	T. B. A. Supply Co.	Denver, Colo.
UAN	Teague Rubber Products	Durant, Okla.
PHP	Tec Bandag	Warren, Ohio.
UFC	Technitread	Winona, Minn.
CUA	Teco Firestone Sales, Inc.	Williamson, W. Va.
ENU	Tennessee Farmers Co-Op.	Lavergne, Tenn.
LTT	Tepper Tire Co.	Scranton, Pa.
NTJ	Terrell's Tire Service	Hillsborough, N.C.
KAL	Terry-Haggerty General Tire Inc.	Albany, N.Y.
JNU	Terry's Tire Center	Pageland, S.C.
VFP	Testoni Bros. Tire Co.	Enfield, Conn.
ADW	Tex-Ark Retread & Tire Co.	Texarkana, Tex.
NEC	Texas Department of Corrections.	Rosharon, Tex.
ANL	Texas Tire Co.	Houston, Tex.
TUH	Texas Tire Retread Plant, Inc.	Austin, Tex.
NKD	T & H Tire Co.	Ostego, Mich.
PHT	T & H Tire Service Co., Inc.	Asheville, N.C.
VDT	Tharp Tire, Inc.	Eastland, Tex.
NED	Joe Thees.	Hazleton, Pa.
HUF	Theis Bros., Inc.	Minneapolis, Minn.
VCB	Thomas Oil Co.	Belle, Mo.
KYD	Thomas Oil Co., Inc.	Saratoga Spa, N.Y.
LTL	A. L. Thomas & Son	Louisville, Ga.
DNV	Floyd C. Thomas & Son, Inc.	Greensburg, Pa.
UKE	A. L. Thomas & Son Retreading Shop.	Louisville, Ga.
TAW	Thomas Supply Co.	Honea Path, S.C.
EXP	Thomas Tire Co.	Clairton, Pa.
BMN	Thomas Tire Recapping, Inc.	Moultrie, Ga.
TAX	Thomas Tire Service	Shamokin, Pa.
DVD	Thomas Tire Service, Inc.	Nitro, W. Va.
VKT	Thomas Tire & Tread Co.	Beaumont, Tex.
BFP	Thomas Tires, Inc.	Roxboro, N.C.
NVY	Thompson Esso Service	Honea Path, S.C.
HNV	Brodie Thompson & Sons	Marion, Va.
LHU	Thompson Tire & Battery Service.	Atlanta, Ga.
JKV	Thompson Tire Co., Inc.	Christansburg, Va.
MKN	Thompson Tire Co.	San Diego, Calif.
EEL	Les Thompson Tire Service	Salinas, Calif.
UYP	Thompson Tire Service	Luling, Tex.
MFW	Thompson Wilson Tires Sales & Service.	Boring, Oreg.
BMH	Thompson's O.K. Tire Store	Harrison, Ark.
AVL	Thompson's O.K. Tire, Inc.	Beloit, Kans.
KYF	Thomson Tire & Retreading Co.	Thomson, Ga.
LKH	Thornton Tire Co.	Lagrangé, Ga.
BLF	Thornton Tire Co., Inc.	Houston, Tex.
AMY	3 D Tire Sales, Inc.	North Attleboro, Mass.
NKV	200 Service, Inc.	Wooster, Ohio.
JPY	3 M Tire Shop Inc.	Alum Creek, W. Va.
FLP	Thrower-Van Ness Tire Service Inc.	Charleston, S.C.
ATB	Tibar Tire Co.	Reidsville, N.C.
EYE	Tic Toc Tire Co.	Huntington, W. Va.
CAK	Tic Toc Tire Inc.	Charleston, W. Va.
HKT	Tidewater Tire Corp.	Lottsburg, Va.
EEA	Tiffin Tire Tread Co.	Tiffin, Ohio.
KLT	Tifton General Tire Co.	Tifton, Ga.
EHN	Tillamook Tire Service, Inc.	Tillamook Oreg.
ATD	Tillmans Inc.	Shelby, N.C.
LWT	Tilson Tire Service	Clarksville, Tenn.
PWK	Tipton Tire Co.	Huntsville, Ark.
PWL	The Tire & Battery Corp.	Bellwood, Pa.
BWL	do	Hutchins, Tenn.
NTK	The Tire Center	Trenton, N.J.
TAY	Tire Center	Monroe, N.C.
KWB	Tire Center, Inc.	Emeryville, Calif.
BVK	The Tire Center, Inc.	Winston-Salem, N.C.
BVM	United Tire Sales.	Greensboro, N.C.
BVL	Piedmont Tire Recapping	Winston-Salem, N.C.
CKB	Tire Center, Inc.	Springfield, Oreg.
BCW	The Tire Center, Inc.	Charlottesville, Va.
KLJ	Tire Center U.S.A.	North Lima, Ohio.
MDH	Tire Circus Inc.	Pompano Beach, Fla.
FUW	Tire City	Tucson, Ariz.
AYD	do	Cocoa, Fla.
FDV	do	Jacksonville, Fla.
FDF	Tire City, Inc.	Williamstown, Ky.
HKB	do	Newport News, Va.
KWL	Tire City Sales & Service	Clarksville, Tenn.
VFN	Tire Discount Corp.	Waynesboro, Va.
FLA	Tire Distributing, Inc.	Pittsfield, Mass.
HTC	Tire Distributors Inc.	Portland, Oreg.
AMC	Tire Distributors, Inc.	Parkersburg, W. Va.
FDJ	Tire Engineering, Inc.	Orlando, Fla.
AEE	Tire Engineering & Retreading Co.	Decatur, Ga.
AJU	Tire Engineering Service Inc.	Hazel Park, Mich.
PUX	Tire Engineers	Cookeville, Tenn.
JKB	Tire Engineers, Inc.	Birmingham, Ala.
ENT	do	Jackson, Tenn.
FHK	The Tire Exchange	Placerville, Calif.
AKM	The Tire Exchange of Greer Inc.	Greer, S.C.
MAW	Tire Exchange Inc.	Buffalo, N.Y.
TLP	Tire Hill Supply	Tire Hill, Pa.
VCC	Tires, Inc.	Demopolis, Ala.
DTJ	Tire Jobbers	Tucson, Ariz.
ABB	Tire Jobbers Inc.	Grandview, Wash.
BEF	Tire King, Inc.	Tucson, Ariz.
VJK	Tire Kingdom Inc.	Philadelphia, Pa.
UNU	The Tire Market Inc.	Spokane, Wash.

V 37 7-16 JAN 11 72 XUM

Code No.	Retreader's name	Location
FBU	The Tire Mart	Merced, Calif.
MMV	do	Frederick, Md
UKD	Tire Mart	Detroit, Mich.
NAC	The Tire Mart	Albuquerque, N. Mex.
MKD	Tire Mart	Fayetteville, N.C.
JMW	do	Waynesville, N.C.
CVC	The Tire Mart of Montana	Butte, Mont.
HXB	Tire Mart, Inc.	Owensboro, Ky.
BED	Tire Mileage, Inc	Phoenix, Ariz.
BCC	do	Pueblo, Colo.
JMJ	Tire N Tube	Jacksonville, Fla.
DXJ	The Tire Rack	Newark, N.Y.
PAC	Tire Recap Service, Ltd	Honolulu, Hawaii.
MHT	Tire Recappers, Inc	Lakeland, Fla.
MUW	do	Thomasville, N.C.
AVY	Tire Recappers of Lansing, Inc.	Lansing, Mich.
ALC	Tire Recappers of Nashville Inc.	Nashville, Tenn.
BHX	Tire Retread Co., Inc	Virginia, Minn.
TNP	Tire & Retread Specialist	Gainesville, Ga.
MLV	Tire Retreaders, Inc	Oakland Park, Fla.
VHX	do	Minneapolis, Minn.
BVE	Tire Retreading & Vulcanizing	Montgomery, Ala.
UXU	Tire Sales	Winston-Salem, N.C.
PHU	Tire Sales Co., Inc	Burlington, N.C.
FNV	(E & B) Tire Sales Co., Inc	Wallace, N.C.
FJC	Tire Sales Inc	Triadelphia, W. Va.
PAD	Tire Sales & Recapping Corp	Meridian, Miss.
HBT	Tire Sales & Service	Clinton, N.C.
CFE	do	Pittsboro, N.C.
MCP	do	Gladstone, Oreg.
DVX	do	Yakima, Wash.
TUY	Tire Service Center	Andalusia, Ala.
DJC	Tire Service Center Inc	Santa Cruz, Calif.
UUJ	Tire Service Co	Morehead City, N.C.
CHU	do	New London, Conn.
CXV	do	Indianapolis, Ind.
AUY	do	Sequim, Wash.
KCA	Tire Service Co., Inc	South Bend, Ind.
FLC	Tire Service of Everett	Everett, Pa.
MLD	Tire Service Inc	Sarasota, Fla.
NLF	Tire Service, Inc	Wailuku, Hawaii.
BFB	do	Jackson, Miss.
VDK	do	Bayamon, P.R.
TLT	Tire Service & Sales, Inc	Stratford, Conn.
ECB	The Tire Shop	Marietta, Ohio.
DUV	Tire Specialist Inc	Pueblo, Colo.
FBJ	Tire Stores, Inc	Commerce City, Colo.
MMB	Tire Supply Co	Rocky Ford, Colo.
FHV	Tire Town	Springfield, Mo.
LTA	Tire Town Recappers	Rocky Mount, N.C.
CWA	Tire Tread Service	Fredericksburg, Va.
DND	Tire Treading Co., Inc	East Point, Ga.
EUX	Tire Treads, Inc	Montevideo, Minn.
EUY	do	St. Cloud, Minn.
CKA	Tire Treads Inc	Sherwood, Oreg.
UAP	Tire Tread, Inc	Franklin, N.C.
HXA	Tire Wholesale	Portland, Oreg.
LHK	Tire World Inc	Newark, Calif.
NCF	Tireco Retread Sales	North Highlands, Calif.

Code No.	Retreader's name	Location
APC	Tires Inc	San Jose, Calif.
APE	do	Sacramento, Calif.
APD	do	Vancouver, Wash.
TJX	Tires, Inc	Gretna, La.
JYA	do	Manchester, N.H.
FUP	do	Greenville, S.C.
ALP	Tires Inc	Chehalis, Wash.
UXV	do	Waterbury, Conn.
CYF	Tire Town	Augusta, Ga.
EPD	T&L Tire Sales	Houston, Tex.
TBT	T & L Tire Service	Andrews, S.C.
TLU	Tobey Tire Service, Inc	Oakland, Calif.
FLT	Toccoa Tire & Recapping Co	Toccoa, Ga.
KCT	Todd's Tire Service, Inc	Fayetteville, N.C.
NET	Toler Tire Co	Plainfield, N.J.
HNK	Tom-Kay Tire Service	Jacksonville, Tex.
HWN	Tomlin Tire Service	Tyler, Tex.
BYP	Tommy Tire Co	Irving, Tex.
JWE	Tommy's Retread Service	Oklahoma City, Okla.
AFK	Tommy's Tire Service	Minden, La.
TKC	Tom's Auto Supply	Roxboro, N.C.
TJY	Tom's Auto Supply of Oxford Inc.	Oxford, N.C.
KTA	Toms Recapping Service	Lexington, N.C.
UNV	Toms Tire Service	High Point, N.C.
BMW	Tony's Tire & Service	West Point, Mo.
JHY	Tony's Tire Service	Charleston, W. Va.
JWD	do	Los Angeles, Calif.
ABN	do	Phillipsburg, N.J.
FET	Tosh Tire Town	Collinsville, Va.
ENN	Towanda Glass Co., Inc	Towanda, Pa.
KMY	Towel City Retreading Co	Kannapolis, N.C.
HVE	Tower Service Co	San Diego, Calif.
PWM	Town & Country Recapping	Sparta, N.C.
AMF	Town & Country Tire Centers Inc.	Wausau, Wis.
HJE	Town & Country Tire Service	Raleigh, N.C.
THD	Town & Country Tire Supply	Atchison, Kans.
KPA	Town Tire Co	Los Angeles, Calif.
BJW	Town Tire Service	Mount Airy, N.C.
THE	do	Monroe, N.C.
MHJ	T.P. Tire Service	French Camp, Calif.
PWN	do	Arcata, Calif.
TKB	do	Do.
UTT	T & R Truck Service	Albany, Oreg.
BTC	Track Treads, Inc	Norcross, Ga.
TWJ	Tradewinds Tire Co	Stockton, Calif.
MPD	Tranguch Tire Service Inc	Hazleton, Pa.
NKU	Trans Supply Corp	Des Moines, Iowa.
NVN	Transit Tire, Inc	Buffalo, N.Y.
BBV	Transport Tire Co., Inc	San Francisco, Calif.
MXL	Transport Tire Service Inc	Salt Lake City, Utah.
NBA	Transtate Tire Co	Amarillo, Tex.
TKE	Travelers Rest Tire Center	Travelers Rest, S.C.
FAN	Tread Craftsmen, Inc	Port Jervis, N.Y.
TFE	Tread Rubber Co	Greensboro, N.C.
VHL	Treadway Exports Ltd	Waterloo, Ontario, Canada.
PAE	Treasure Valley O.K. Production Inc.	Fruitland, Idaho.
MWK	Treece Oil Co	Centre, Ala.
LAY	Tremonton Tire Service	Tremonton, Utah.
KKF	Tri-City Bandag, Inc	Kingsport, Tenn.
KPE	Tri City Custom Recapping	Hickory, N.C.
LFA	Tri City Radial Tire Co	Rock Island, Ill.
UAT	Tri City Recapping	Weaverville, N.C.
PAF	Tri-City Tire Sales, Inc	Louisville, Ky.

Code No.	Retreader's name	Location
JHL	Tri-City Tires, Inc	Wakefield, Va.
UAU	Tri County Motor Co	Magee, Miss.
EMX	Tri County Tire Co	Spruce Pine, N.C.
EUM	Tri-County Tire Service, Inc	Uniontown, Pa.
BDL	do	St. Paul, Va.
VLM	Tri-State Bandag, Inc	Huntington, W. Va.
HFY	Tri-State Radial Tire Co., Inc	Warwick, R.I.
MXM	Tri State Rubber	Mineral Wells, W. Va.
CED	Tri-State Rubber Sales, Inc	Weirton, W. Va.
KKC	Tri State Tire Co	Rochester, Minn.
UPC	Tri-State Tire & Supply	Cleveland, Tenn.
APJ	Tri Valley Tire Inc	Winchester, Va.
TBU	Tri-County Tire Service	Reidsville, N.C.
MKU	Triangle Bandag Inc	Walcott, Iowa.
MKT	do	Marion, Iowa.
MKV	do	Ottumwa, Iowa.
BNX	Triangle Recapping Service Inc.	Triangle, Va.
BMY	Triangle Tire Co	Black Eagle, Mont.
FEN	Trinidad Tire Shop	Trinidad, Colo.
BBY	Trinity Tire Service	Weaverville, Calif.
BJE	Trio Tire Service Inc	Clementon, N.J.
UJB	Triple F Tire Co., Inc	Fort Lauderdale, Fla.
PAH	Triple T Tire Service	Harmony, Pa.
HLY	Tripp's Tire Service	Aydeo, N.C.
UVD	Tritt & Dillard Tire Co	Sylva, N.C.
AMN	T. R. L. Tire Service Corp	South Chicago Heights, Ill.
NBC	Trona Recapping Service	Trona, Calif.
PAJ	Tropical Tire & Auto Service Inc.	Orlando, Fla.
NBH	Troxell Auto Parts Inc	Shawnee, Okla.
NAV	Troy Motor Co., Inc	Troy, Pa.
JKH	Troy Tire Service	Wilkes-Barre, Pa.
EYK	Tru Tread Tire Co	New Bern, N.C.
UKF	Tru-Tred Tire Co., Inc	Bellflower, Calif.
LMA	Truck Terminal Service	Omaha, Nebr.
FVP	Truck Tred, Inc	Cornwells Heights, Pa.
CAD	Truckers 3T Equipment & Service Inc.	Lake Charles, La.
JUL	Tryon Retreading Inc	Tryon, N.C.
ALX	T & T Tire Center	Tacoma, Wash.
VCJ	Tuch Tire Service	Gonzales, Tex.
EEF	Tucker Tire Co	Caseyville, Ill.
DKK	Tucker Tire Service	St. Louis, Mo.
TKF	Tucker's Rolling Tire Service	Dallas, Tex.
CHM	Tuf-Grip Rubber Co	Ansheim, Calif.
KBC	Tulare Firestone, Inc	Tulare, Calif.
TEE	Tune Tire Service	Franklin, Tenn.
UKH	Turman-Pierce Buick Co	Poteau, Okla.
HNM	Turnage Tire Rebuilders	Wilson, N.C.
FCD	Turnbull Tire, Inc	Albert Lea, Minn.
DUM	Turner Bros., Tire	Chesapeake, Ohio.
NCW	Turner-Lankford Tire Service	North Wilkesboro, N.C.
TEF	Turner & Osborne Quality Recappers, Inc.	Columbia, Tenn.
LVJ	Turner Tire & Texaco Service	Pfafftown, N.C.
CEW	Turner Tire Service, Inc	Raleigh, N.C.
JCP	do	Opelika, Ala.
BLU	Turner's Cavalier Tire Corp	Wytheville, Va.
VJX	Turner's Auto Wrecking Inc	Fresno, Calif.
TEH	Turner's Tire Service	Selma, N.C.
UKJ	Turpins Service	Sanger, Calif.
DMA	Tuttle Tire Service Inc	Terre Haute, Ind.
PPV	T & W Tire Co	Marion, Va.
EVK	T. & W. Tire & Recapping Co., Inc.	Panama City, Fla.
MJW	T & W Tire Service Inc	Sioux City, Iowa.
EBF	Tweedy's Tire Service	Sonora, Calif.
UKK	Twin City Gas & Tire	Sault Ste. Marie, Mich.

Code No.	Retreader's name	Location
EVH	Twin City Recapping Co., Inc.	Newton, N.C.
DPP	Twin City Tire & Recapping Co., Inc.	Monroe, La.
BEN	Twin City Tire Co	Little Rock, Ark.
TWK	do	Houghton, Mich.
TEJ	Twin City Tire & Oil Service	Davidson, N.C.
FBV	Twin Tires, Inc	St. Paul, Minn.
PPW	288 Auto & Home Supply	Winchester, Tenn.
JNE	Two State Tire Co., Inc	Wister, Okla.
LWP	Tyacks Tires Inc	Bakersfield, Calif.
CHV	Tyler Tire Sales	West Hartford, Conn.
AMP	Tyreo Industries	Emeryville, Calif.
AMT	do	Richfield, Ohio.
BUA	Tyre Treds, Inc	Hayward, Calif.
EEB	Tyres Soles of Tampa, Inc	Tampa, Fla.
VMC	Tyson Tire Sales	Whiteville, N.C.
HUJ	Uhl Rubber Co	Visalia, Calif.
NTL	Uke's Tire Service	Carthage, Mo.
UPV	Underwood & Weld Co., Inc	Newland, N.C.
LEM	Uneeda Tire Co., Inc	Wampum, Pa.
PEH	Unger Bros. Tire Co	Annville, Pa.
EAL	Union Tire Co., Inc	Eldorado, Ark.
LHB	Union Tire Service Inc	Marshall, N.C.
JXC	Union Truck Terminal, Inc	Jacksonville, Fla.
VFW	Pan American Tire Co	Dania, Fla.
MVF	do	Fort Lauderdale, Fla.
MVE	do	Miami, Fla.
MVH	Acme Tire Co	Tampa, Fla.
MVD	Wilkinsons 555	Jackson, Miss.
MVA	Uniroyal Merchandising	Coquille, Oreg.
MVB	do	Kelso, Wash.
LAW	U.S. Rubber Tire Co	Conyers, Ga.
LAV	do	Indianapolis, Ind.
LAU	do	Wilkes-Barre, Pa.
MVA	Uniroyal Merchandising	Coquille, Oreg.
MVB	do	Kelso, Wash.
LAW	U.S. Rubber Tire Co	Conyers, Ga.
LAV	do	Indianapolis, Ind.
LAU	do	Wilkes-Barre, Pa.
HWL	U.S. Tire Sales & Service	Modesto, Calif.
BDA	U.S. Tire Service, Inc	Hampton, Va.
LHH	U S Tire Supply Inc	Jersey City, N.J.
CEA	U.S. Tire Supply Co., Inc	New York, N.Y.
KHX	Utica Recapping & Tire Co	Utica, Mich.
LYV	Vaccas Tire Co., Inc	Westerly, R.I.

Code No.	Retreader's name	Location
TPK	Valdese Auto Parts & Service	Valdese, N.C.
PKX	Valdosta Tire Capping Co	Valdosta, Ga.
FJV	Bill Valentine Truck Retreading.	Dallas, Tex.
HNJ	Valentines Tire Sales & Service	Whiteville, N.C.
EYM	Valley Cap & Tire	Coachella, Calif.
PWP	Valley Oil & Tire Co	Roanoke, Va.
CFX	Valley Recapping Service of Bogalusa.	Bogalusa, La.
THF	Valley River Recapping	Andrews, N.C.
CFB	Valley Supply Co	Chinchilla, Pa.
UTU	Valley Tire Center	Phoenix, Ariz.
HJT	Valley Tire Centers Co., Inc	Myrtle Creek, Calif.
HUU	Valley Tire Co. Inc	San Bernardino, Calif.
BBK	Valley Tire Co	Marysville, Calif.
PEJ	do	Fresno, Calif.
TEK	Valley Tire & Recapping Service.	Branchland, W. Va.
KEY	Valley Tire Sales, Inc	Modesto, Calif.
HMP	Valley Tire Shop	Taft, Calif.
MCX	Valley Tire & Supply Co., Inc	South Pittsburgh, Tenn.
FUF	Valley Tires, Inc	Columbus, Ga.
PAK	Valley Wheel Co	Richlands, Va.
EPE	W. G. Van Cleave Tire Co	Houston, Tex.
MPC	Van Super Service Inc	Norfolk, Nebr.
EMA	Vance Recapping Co., Inc	Boone, N.C.
BAU	Vandalia Recapping Co. (a corporation).	Vandalia, Ill.
CCE	Vandever Tire Co	Joplin, Mo.
CXK	Vaughan Motor Co., Inc	Lynchburg, Va.
CXL	Vaughan Tire & Appliance Co., Inc.	Charlottesville, Va.
ANH	Vaughans Tire Service, Inc	Ellensburg, Wash.
VAV	Vaughn's Recapping Service	Taylors, S.C.
BYM	Stan Velinek Tire Co	Carmichael, Calif.
HNC	Velvet-Burrell Sales & Service, Inc.	New Castle, Pa.
HDL	Venango Tire & Recapping Co	Oil City, Pa.
JUY	Venice Tire Service	Venice, Calif.
JMX	Vermat Bros. Tire Recapping	Ashley, Pa.
LJA	Vest Tire & Recapping Co	Gillette, Wyo.
EVD	Vet Tire Service	Pittsburg, Calif.
NDA	Veteran Nu-Tread Co	Detroit, Mich.
AYX	Vhy Recap	Honolulu, Hawaii.
BYH	Vhall Tire Service, Inc	Akron, Ohio.
DJE	Vic's Tire Service, Inc	Fort Smith, Ark.
LBM	Victoria Tire Center	Huntington Park, Calif.
EYN	Vienna Recapping Shop, Inc	Pfafftown, N.C.
BFA	Viking Tire Service, Inc	Brainerd, Minn.
JFD	Village Tire Sales	Lebanon, Ohio.
HHC	Village Tire Service	Rosemead, Calif.
UXW	Vincent & Son Tire Service	Newnan, Ga.
KYP	John Vincent Tire Co	Phoenix, Ariz.
CPP	Vineville Tire Co	Macon, Ga.
KUD	Vinte's Tire Shop	Detroit, Mich.
LAB	Vinton Fuel Co., Inc	Vinton, Va.
CTY	Virginia Carolina Tire Co., Inc	Norfolk, Va.
VHY	do	Chesapeake, Va.
PWT	Viroqua Tire Shop	Viroqua, Wis.
EYB	Vista Tire Center	Vista, Calif.
UKM	Vitacap Tire Service	Yakima, Wash.
LPT	Vogel Tire Co	Sheldon, Iowa
BJJ	Volk Tire Corp	Trenton, N.J.
LYE	Von Retread Plant	Austin, Tex.
HYT	Jack Vonderlehr Tire Co	Richmond, Va.
BJB	Vowels Tire Co	Dexter, Mo.
UVH	V & S Tire Service	Brookhaven, Miss.
ABM	Vul Co Cap, Inc	St. Louis, Mo.
BNL	Vule-Rite Tire Co	Chicago, Ill.
BPK	Vulcan Tire Service, Inc	Wheatridge, Colo.
BJM	Vulcap Corp	Long Island City, N.Y.
TUK	Vullo Bros. Tire Service	Pittston, Pa.
JWP	Charles Vullo Tire Service	Pittston Township, Pa.

Code No.	Retreader's name	Location
ELJ	Wadena Recappers	Wadena, Minn
FKU	Wadesboro Tire Service, Inc	Wadesboro, N.C.
MUC	Wadsworth Tire Supply, Inc	Wadsworth, Ohio.
PKF	Wager Tire Service	Montgomery, Ala.
MFL	Fay L. Wagner	Yeagertown, Pa.
DUB	W. B. Wagner Hawkinson Tire Tread Service.	Do.
LJE	Wagner Tire of Lexington, Inc	Lexington, N.C.
JMF	Wagner Tire Service of High Point, Inc.	High Point, N.C.
UKN	Wagner's Tire Service	Bangor, Pa.
NLK	Wagoner Gas & Oil, Inc	West Newton, Pa.
JHF	Wahiawa Recap Tire Center	Wahiawa, Hawaii.
PCX	Wald Tire Service	La Grange, Ga.
JXY	Wallda Co	Hilo, Hawaii.
TLV	Walnco, Inc	Jacksonville, Fla.
AJM	Wake Tire Co	Raleigh, N.C.
FEH	Waldelm Tire Treads Inc	Kearny, N.J.
TBW	Waldheim Tire Service of Southern N.J., Inc.	Vineland, N.J.
BBD	R. L. Waldrip Tire Sales, Inc	Bossier City, La.
HKW	Walker Sales Co	Berryville, Ark.
UDC	Walker Supply Co	Tuscumbia, Ala.
JKC	Walker Tire & Recapping, Inc	Fort Lauderdale, Fla.
TUL	Walker Tire & Battery Co., Inc	Fitzgerald, Ga.
UNW	Walker Tire Co	Lincoln, Nebr.
TNT	do	Sandersville, Ga.
KNY	do	Austin, Tex.
AUU	Walker's Tire Service	Wellsboro, Pa.
MHL	Walkers Tire & Recapping	Manning, S.C.
ENA	Walkertown Tire Shop	Walkertown, N.C.
MTB	Wall-Griffin Tire Co	King, N.C.
AEJ	Wall Tire Distributors, Inc	Warner Robins, Ga.
NTM	Wallabout Tire Co	Kensington, Conn.
UKP	Wallace 66 Service	Troy, N.C.
FCE	Wallace & Son's Tire Center	Rockingham, N.C.
HTW	Wallbrown Tires, Inc	Parkersburg, W. Va.
FBD	Wally For Tires	Great Falls, Mont.
FBE	Wally For Tires, Inc	Billings, Mont.
PHV	Walpole Tire Service, Inc	Ruston, La.
JFL	Walter's Recapping	Wattsburg, Pa.
CCA	Walters & Fisher, Inc	Lancaster, Pa.
FAF	Walters Tire Service	Lawton, Okla.
BCL	Walters Tire Service, Inc	Somerset, Pa.
UKT	Walt's Tire Service	Carson City, Nev.
PAL	Walt's Tire Shop	Spokane, Wash.
ALH	Ward's Tire Shop	Logan, Utah.
KAC	Warden's Tire Shop	Yadkinville, N.C.
UXX	Ward's Tire & Recapping	Henderson ville, N.C.
UNX	Warren Tire	Warren, Ohio.
AXX	Warren Tire & Battery, Inc	Mount Airy, N.C.
DXT	Warren Tire & Retreading Co	Brazil, Ind.
DNA	Warren Tire Service	Cincinnati, Ohio.
PAY	Warren's Nu-Tred	New Port Richey, Fla.
LFU	Warrens Tire Center	Rocky Mountain, N.C.
PMW	Warrick Hawkinson Tread Service.	Norfolk, Nebr.
PMX	do	Fremont, Nebr.
JPJ	Wasco Tire Center	Wasco, Calif.
UPW	Wassick's Tire Service	Bennington, Vt.
YYN	Waters Bros., Tire Service	Pantego, N.C.
PPY	Waters Tire & Recapping	Woodruff, S.C.
HFP	Watkins Motor Lines, Inc	Lakeland, Fla.
CTJ	Watson Tire & Supply	Fountain Inn, S.C.
PHW	Watson Tire Recapping	Columbus, Ga.
UVN	Watson Tire Service	Shelbyville, Ind.
CUF	Watson's Goodyear Sales & Service.	Rogers, Ark.
JLA	Watts Recapping	Mayking, Ky.

V 37 16 JAN 11 72 XUM

Code No.	Retreader's name	Location
EAB	Waverly Tires	Waverly, Ohio.
TWL	Waycross Tire Co	Waycross, Ga.
AHF	Wayne Glass & Tire Co	Mount Olive, N.C.
UYU	Wayne Tire Co	Goldsboro, N.C.
TEL	Wayne Tire Service	Wayne, W. Va.
BMM	Wayne's Tire, Inc	Santa Maria, Calif.
CPF	Waynesville Tire & Appliance Co.	Waynesville, N.C.
EHP	Waywood Tire Shop	Brookville, Ind.
VFT	Handley Weathers Super Service.	La Grange, Ga.
PEK	Weathers Tire Service	Do.
EPF	Grady Weathers Tire Service	Longview, Tex.
JPV	Weaver's Tire Co	Georgetown, S.C.
MBM	Weavers Tire Service	Ephrata, Pa.
NKE	Weaverville Tire & Retreading	Weaverville, N.C.
HHU	Webb Bratz Tire Co	Palestine, Tex.
NBK	Webb & Son	Fortuna, Calif.
EPT	Webb's Tire Co., Inc	Appomattox, Va.
FLY	Webbs Tire Service	Raeford, N.C.
AKH	Webster Recapping Co., Inc	Webster, N.Y.
LHX	Webster Tire Co	Webster Springs, W. Va.
TNU	Week Enterprises	Greenfield, Mass.
KYY	Weeks Service Center	Richmond, Va.
FKT	Bill Weems, Inc	Dallas, Tex.
MYC	Weldlich Auto & Home Supply	Pensacola, Fla.
AUW	Welborn Tire Service, Inc	Anderson, S.C.
DWJ	Welcome Tire & Recapping	Greenville, S.C.
FJM	Weldon's Tire Service	Yreka, Calif.
EUW	Wellaun Tire Service	Monett, Mo.
DYE	Murray Wells Tire Co., Inc	Ozark, Ala.
KAD	Wells Tire Service	Fordyce, Ark.
JWT	Wendell Tire Co	Wendell, N.C.
UKU	Wendy's Service, Inc	Middletown, Ohio.
FFN	Werd & Schaefer Tire Co., Inc	Chicago, Ill.
PAN	Wertenberger Tire, Inc	Huntington, Ind.
VMX	West End Tire Service & Sales Inc.	Huntington, W. Va.
NDV	West Oil Co	Mechanicsville, Va.
UAW	West Pigeon Recapping	Waynesville, N.C.
ENE	West Pitt Tire Co	Carnegie, Pa.
APY	West Point Tire Co	West Point, Ga.
FPW	West Side Tire Co	Kingston, Pa.
KXW	West Side Tire Corp	Hialeah, Fla.
UXY	C. B. West & Son	Masontown, Pa.
HPE	West Texas Bandag Recapping Inc.	Midland, Tex.
NEY	West Texas Tire Supply Inc	Odessa, Tex.
CFF	West Yadkin Tire Service, Inc	Hamptonville, N.C.
LJP	Westco Tires, Inc	Miami, Okla.
EDT	Wested Tire Co	Tacoma, Wash.
MUB	Western Auto Assn. Store	Marshville, N.C.
LNM	Western Auto Associate Store	Hiawassee, Ga.
TPX	Western Avenue Recapping	Knoxville, Ind.
PAP	Western Bandag, Inc	Carson, Calif.
AVN	Western Maryland General	Frederick, Md.
EUF	Western Tire Centers, Inc	Tucson, Ariz.
FBA	Western Tire Co	Gold Beach, Oreg.
AWV	do	Farmington, N. Mex.
JFP	Western Tire Sales	San Francisco, Calif.
EHF	Westmorland Tire Co	Greensburg, Pa.
EHX	Westside Auto Parts, Inc	San Luis Obispo, Calif.
AVW	Wetmore Safety Service, Inc	Ferndale, Mich.
CKX	Weyl-Bausch Tire Co., Inc	Wichita, Kans.
KVT	Whalen's OK Tire	Butte, Mont.
JLC	Wheeler Tire & Recapping Center.	Louisa, Ky.
PKH	Wheeler's Tire Service	Saluda, S.C.
EDM	Wheeling's Tire Center, Inc	Wheeling, W. Va.
FHB	Wheelis Tire Service, Inc	Laurel, Miss.
PPX	Whelan Bros	Hackettstown, N.J.
PHY	Whitaker Tire & Retreading	Whitaker, Pa.
NAM	White Auto Store	Union, Miss.
MHN	White City Tire, Inc	White City, Oreg.
AVH	White Front Recapping Co	Richlands, Va.
HUH	White Plains Tire Co., Inc	North White Plains, N.Y.
UNY	White Recapping Co	Belle, Mo.
UYV	White Tire Co	Spartanburg, S.C.
UYW	do	Ripley, Tenn.
JML	do	Statesville, N.C.
JED	White's Tire Service	Lafayette, La.
FTJ	White's Tire Service of Wilson Inc.	Wilson, N.C.
UDD	Whitehead Tire Service Inc	Woodland, Calif.
MNV	Whiteley Tire & Oil Co	Eureka, Calif.
LEP	White's Auto Stores	Winona, Miss.
NLU	White's Recapping Service	Evansville, Ind.
PEL	White's Tire Service, Inc	Canton, Ohio
LHF	Whites Tire Service of Newbern	Newbern, N.C.
JUV	Whiting Oil Co., Inc	Roanoke, Va.
UKV	Whiteley Tire & Recap	Talladega, Ala.
LCH	Whitley Tire Service	Zubulon, N.C.
NAT	Whitman OK Tire Store	Boise, Idaho.
KEW	Whitridge Tire Service	Porterville, Calif.
EWD	Wholesale Recappers, Inc	Douglasville, Ga.
CAN	Wholesale Tire & Muffler Co., Inc.	Princeton, W. Va.
CWH	Wholesale Tire & Battery Co. of Connecticut.	Hartford, Conn.
BDT	Wholesale Tire Inc	Clarksburg, W. Va.
PAT	Wholesale Tire Retreading Co	Ahoskie, N.C.
KUK	Wholesale Tire Supply	Anaheim, Calif.
UKW	Ed Wicker Motors	Beeville, Tex.
EBE	R. B. Wicker Tire & Rubber Co.	El Paso, Tex.
TBX	Widenhouse Tire Store	Kannapolis, N.C.
LLB	Bob Wiener Tire Co., Inc	Springfield, Mass.
THH	Ted Wiens Tire Supply, Inc	Las Vegas, Nev.
PMY	Fred L. Wiggin, Inc	Portsmouth, N.H.
CWB	Wiggins Tire Store	Unionville, Va.
BVF	Wilbanks Tire Service	Alexander City, Ala.
NTN	W. H. Wilde Tire Service Inc	Provo, Utah.
PAU	Wilde & Wilde, Inc	Fresno, Calif.
KLM	Wilder Bandag Tire Co	Abilene, Tex.
ELF	Wilder Tire Service	Barrier City, La.
HLT	Coy Wiles Tire Co	De Queen, Ark.
VFC	Wiles Tire Service	Holly Hill, S.C.
BAM	Walt Wilger Tire Co	Albuquerque, N. Mex.
UUK	Wilke & Son Tire Service	New Braunfels, Tex.
PKJ	Wilke Tire Co., Inc	Victoria, Tex.
TWM	Wilke Tire Service, Inc	Corpus Christi, Tex.
AAL	Wilkerson Co., Inc	Crewe, Va.
MVD	Wilkinsons 555	Jackson, Miss.
UPX	Wilks Tire & Battery Service	Albertville, Ala.
ACT	Willamette Retreading Inc	Newberg, Oreg.
LXP	Willamette Valley OK Production, Inc.	Salem, Oreg.
DVB	Willard Tire Store	Spartanburg, S.C.
PCY	E. J. Williams, Inc	New Castle, Pa.
TPL	Williams Modern Tire Co	Concord, N.C.
JMH	Williams Service Station	Pine Hall, N.C.
MNU	Williams 66 Service	Hopewell, Va.
TLW	Williams Tire Co	Fullerton, Calif.
CWW	do	Cornelia, Ga.
ETL	do	Becket, Mass.
JYT	Ed Williams Tire Co	Pontiac, Mich.
DHY	Jack Williams Tire Co	Luzerne, Pa.
KKX	Williams Tire Co	Greer, S.C.
TXN	Williams Tire Service	Bowdon, Ga.
LXC	Wade Williams Tire Service	Murfreesboro, Tenn.
BFN	Williams Tire Service, Inc	Lenoir, N.C.
PAV	Williamsburg Tire Service	Williamsburg, Ky.
TKH	Williamson Oil Co	Grundy, Va.
LTP	Williamson Tire Co	Whiteville, N.C.
MBH	Williamson Tire Service	High Point, N.C.
PEN	Williamson's Home & Auto Supply.	Monroeville, Ala.
FUY	Williamston Tire Service, Inc	Williamston, N.C.
LXB	Willie & D Tire Service Inc	Indianapolis, Ind.
CDT	Willie's Recapping Service	Burgaw, N.C.
KNB	Willies Tire Service	Lubbock, Tex.
CHY	Willis Quick Tire Service Inc	Griffin, Ga.
EFD	Willis Tire Co	Gallipolis, Ohio.
NEV	Wilson Bros. Tire Co	Shawnee, Okla.
MJK	W. C. Wilson Garage & Service Station.	Freeland, N.C.
JFT	Wilson General Tire Service	Casper, Wyo.
DNW	Wilson Motors, Inc	Corvallis, Oreg.
TXP	Wilson Retread & Tire Service	Des Moines, Iowa.
MFF	Wilson Tire & Battery Inc	Upper Sandusky, Ohio.
AYN	Wilson Tire & Recapping, Inc	Pompano Beach, Fla.
PWV	Wilson Tire Co	Peoria, Ill.
JCU	do	Albany, Ky.
UPY	Wilson Tire Service	Tuscaloosa, Ala.
FVH	Floyd Wilson Tire Service	Santa Cruz, Calif.
UAX	Wilson Tire Service	Alexandria, La.
TUM	do	Axton, Va.
BNT	do	Covington, Va.
AVC	Wilson Tire & Service Co	Charleston, S.C.
EMM	Wilson Tire Shop, Inc	Kernersville, N.C.
EVP	Wilson Way Tire Co., Inc	Stockton, Calif.
VHA	Wilson's Tire & Recapping	Great Falls, S.C.
THJ	Wilt's Tire Service	Westernport, Md.
BBF	Wim & Krogh Tire Service, Inc.	Carmichael, Calif.
ABK	Wimer Tire Service	Joplin, Mo.
NTP	Alex Wimmer Tire Service, Inc.	Roanoke, Va.
UUL	Winco Sales, Inc	Des Moines, Iowa.
UDE	Winder Tire Service	Winder, Ga.
JKE	Windham Tire Co	Birmingham, Ala.
PHX	Windsor Shell Service	Windsor, Va.
PWW	Winston O.K. Tire Store	Winston-Salem, N.C.
PWX	Winston's Tire Shop	Preston, Idaho.
NKJ	D. A. Winters Co	Wichita, Kans.
KWH	Jack Winters Tire Service	Dallas, Pa.
KAM	Winters Tire Shop	Oxford, Miss.
FJX	Wisconsin Bandag, Inc	Fond du Lac, Wis.
PEM	Jack Wise Tire Co., Inc	Dothan, Ala.
HYH	W & L Recapping Co., Inc	Quincy, Fla.
TNV	Wolford Tire Sales	Pomona, Calif.
PYD	Wood Bowser Tire & Retreading Service.	Kittanning, Pa.
LUC	Wood Bros. Tire Shop	Sandy Ridge, N.C.
JCD	Wood Tire Co	Jasper, Tex.
ATP	Pat Wood Tire & Supply Co	Columbus, Ohio.
LLX	Woodalls Tire Co	Charleston Heights, S.C.
PKK	Woodard Tire Co	Hartsville, Tenn.
HXP	Woodland Recapping & Tire Service.	York, S.C.
FMW	Woody Tire Co	Lubbock, Tex.
AUC	Woolach Tire & Auto Service Centers.	Portland, Oreg.
EKC	Woolever Tire Service, Inc	Santa Barbara, Calif.
NLD	Woolsey Firestone	The Dalles, Oreg.
KMT	Worth Bandag Corp	Crystal Lake, Ill.
ELL	Gil Worth Tire Co	Greenville, Miss.
AWE	Worthington Tire Service	Worthington, Minn.
MAU	Worthy Tire Co	Lineville, Ala.
CKH	Wortman Tire & Battery Service.	Winner, S. Dak.
NCJ	Wright Bros. Oil Co	Burkesville, Ky.
JNT	The Wright Co., Inc	Rock Hill, S.C.
EYT	Wright-Cook Tire Co	Gastonia, N.C.
HPP	Wright Tire & Battery Co., Inc.	Charleston, W. Va.
EVT	Wright & Walker Tire Service	San Bernardino, Calif.
TEM	Wright's Amoco	Brookneal, Va.
PAW	Wrights Tire & Recapping	Lebanon, Va.
BVB	W&W Tire Service	Greenville, Ala.
MAX	Wyatts Tire Co	Eugene, Oreg.
UDF	Wyatts Tire Service	Sebastopol, Calif.
LPB	Wyoming Bandag & Tire Co	Edgerton, Wyo.
PWY	Wythe Tire Rebuilders	Wytheville, Va.
EMW	Xcel Tire & Sunoco	Salisbury, N.C.
EFL	Y Tire Sales	Los Angeles, Calif.
CDY	Yarbrough Tire Service	Sebring, Fla.
VCD	Yarbroughs Cold Process Retreading, Inc.	Marshall, Ark.
TTH	Red Yarnell Tire Service	Knoxville, Tenn.
HHM	Yazoo Tire Shop	Yazoo City, Mo.
FWA	Yellville Tire & Retreading	Yellville, Ark.
HUL	Yingling General Tire Service Inc.	Westminster, Md.
DLK	Yoder Tire Service, Inc	Towanda, Pa.
VJL	York Tire Co	Amarillo, Tex.
CXA	York Tire & Recapping Co., Inc.	West Point, Va.
JVO	York Tire Store	York, S.C.
LVD	Yoets Tire Service	Benton, Pa.
JTB	Young & Lane Tire Co., Inc	Costa Mesa, Calif.
CAP	J. E. Young & Sons Tire	Gardena, Calif.
KVF	John Young Tire Co	Tulia, Tex.
KYB	Jack Young Tires	Scranton, Pa.
HWC	Young's Recapping	Oil City, Pa.
JMD	Young's Tire Co	Magnolia, Ark.
EYD	Youngk Tire Service, Inc	Portsmouth, Va.
AHW	Youngstown Tire & Supply Co.	Youngstown, Ohio.
AJJ	Youngstown Tire Service, Inc.	Youngstown, Pa.
BHD	Yudy's, Inc	Biddeford, Maine.
PAX	Yuma Tire & Recapping, Inc	Gate City, Va.
JAX	Zelher's Inc	Newark, Ohio.
CWC	Zeller Tire Service	Sheboygan, Wis.
TTJ	Zemp Tire Service	Fulton, Mo.
BJP	E. J. Zibro Tire & Appliance Co., Inc.	Troy, N.Y.
ATW	George Ziegler Tire Service Inc.	Hanoverton, Ohio.
DKN	The Ziegler Tire & Supply Co	Canton, Ohio.
HMX	Zig's Tire Service	Oneida, N.Y.
TKJ	Ziglar-Nelson Tire Co	Jasper, Ala.
NFP	Zina Tire Supply	Speonk, N.Y.
MTH	Zimmerman Tire Sales	East Berlin, Pa.
FMX	Zimmerman Tire Service	Commerce, Calif.
FVY	Zimmie's Tire Service, Inc	Lockport, N.Y.
BMT	Zinser Tire Shop	Joliet, Ill.
APA	Zuber Tire Co	Houston, Tex.
MJM	Russ Zuker Tire Service, Inc	Lansing, Mich.

with the authority to redelegate, the authority to take the following actions under title VI of the Civil Rights Act of 1964, and 7 CFR, Part 15, subparts A and C:

1. Issue orders to give a notice of hearing or opportunity to request a hearing;

2. Arrange for the designation of a hearing examiner to preside over proceedings;

3. Determine whether the hearing examiner so designated will make an initial decision or certify the record to the Secretary of Agriculture with his recommended findings and proposed decision;

4. Make determinations required by 7 CFR 15.8(d) that compliance cannot be secured by voluntary means;

5. Authorize the taking of action pursuant to 7 CFR 15.8(a) relating to compliance by "other means authorized by law";

6. Taking of action pursuant to 7 CFR 15.8(d) relating to compliance by "other means authorized by law";

7. Order proceedings and hearings in the Department of Agriculture consolidated for hearing with proceedings of other Federal departments and agencies, by agreement with such other departments and agencies pursuant to 7 CFR 15.9(e) and 15.86.

Nothing herein shall preclude the Secretary of Agriculture from himself exercising the authority so delegated.

Previous delegations at 32 F.R. 690 (January 20, 1967), 32 F.R. 11711 (August 12, 1967), and 32 F.R. 11895 (August 17, 1967) are hereby superseded.

Done at Washington, D.C. this 6th day of January 1972.

(42 U.S.C. 2000(d); 7 CFR 15.2(c))

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.72-413 Filed 1-10-72;8:48 am]

DIRECTOR, OFFICE OF EQUAL OPPORTUNITY

Delegation of Authority

Authorities delegated to me to take action under title VI of the Civil Rights Act of 1964 and 7 CFR, Part 15, subparts A and C are hereby redelegated to the Director of the Office of Equal Opportunity. This redelegation shall not preclude my exercise of these authorities.

Done at Washington, D.C., this 6th day of January 1972.

FRANK ELLIOTT,
Assistant Secretary for Administration.

[FR Doc.72-412 Filed 1-10-72;8:48 am]

WINEMA AND FREMONT NATIONAL FORESTS, OREG.

Modification of Boundaries

On April 13, 1961 (26 F.R. 3251) the Secretary of Agriculture, as authorized and directed by the Act of August 13, 1954 (68 Stat. 718), as amended (72 Stat. 816), issued a proclamation taking title in the name of the United States to all the lands in the unsold units of the Klamath Indian Forest, as described in the proclamation. To correct erroneous land descriptions and to modify the boundaries of the affected national forests, the following supplemental proclamation is issued:

By virtue of the authority vested in me by subsection 28(b) of the Act of August 13, 1954 (68 Stat. 718), as amended, title is taken in the name of the United States to the following land in the forest units offered for sale in accordance with subsection 28(b) of that Act and not sold before April 1, 1961, as hereinafter described, which lands pursuant to the provisions of that Act hereafter are national forest lands subject to the laws that are applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended, and shall be administered as a part of the Fremont National Forest:

WILLAMETTE MERIDIAN

FREMONT NATIONAL FOREST

T. 36 S., R. 13 E.,
Sec. 19, NW¼SE¼.

The following described lands which were erroneously included in the Proclamation of Taking are hereby excluded:

WILLAMETTE MERIDIAN

WINEMA NATIONAL FOREST

T. 35 S., R. 9 E.,
Sec. 18, NW¼NE¼.

FREMONT NATIONAL FOREST

T. 36 S., R. 13 E.,
Sec. 19, NE¼SE¼.

This supplemental proclamation shall take effect on the date of its publication in the FEDERAL REGISTER (1-11-72).

EARL L. BUTZ,
Secretary of Agriculture.

JANUARY 6, 1972.

[FR Doc.72-411 Filed 1-10-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

There is hereby delegated to the Assistant Secretary for Administration,

[FR Doc.72-2 Filed 1-10-72;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 424-B]

THOMAS H. GIFFT AND T. H. GIFFT CO.

Order Denying Export Privileges

In the matter of Thomas H. Gifft, T. H. Gifft Co., 1141 Fountain Way, Anaheim, CA 92806, respondents.

By charging letter dated April 20, 1971, the above respondents[1] were charged with violations of the regulations issued under the Export Control Act of 1949.[2]

[1] Charges against other parties who were also named as respondents in same letter are being handled separately.

[2] This act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, approved Dec. 30, 1969, 50 U.S.C. App. sec. 2401-2413. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 • • • shall, until amended or revoked remain in full force and effect, the same as if promulgated under this Act".

JAN 11 72 XUM

The charging letter was duly served on respondents and they failed to answer the charges. Pursuant to § 388.4 of the Export Control Regulations they were held in default. There was an informal presentation of documentary evidence in support of the charges on behalf of the Investigations Division (now called Compliance Division) before the Compliance Commissioner. He considered the evidence and submitted to the undersigned a report which summarizes the essential evidence, considers the charges, and which includes findings of fact and conclusions. The Compliance Commissioner recommended the sanction that should be imposed.

After considering the evidence in the case I adopt the findings of fact made by the Compliance Commissioner as follows:

FINDINGS OF FACT

1. The respondent Thomas H. Gifft is college trained as a physicist. He was the owner of T. H. Gifft Co., Anaheim, Calif. This company engaged in research and manufacturing electronic equipment, including sonar and oceanographic equipment. Subsequent to the events described in the following findings, Gifft reorganized his business as a corporation, T. H. Gifft Co., Inc. He is president of the corporation.

2. The firm Geoconsult, located in Lausanne, Switzerland, operating as consulting geologists, participated in the transaction herein described. Rene Treyvaud was one of the principals of Geoconsult and he acted on behalf of his firm.

3. In June 1968 Geoconsult ordered from Gifft a depth recorder to be used in underwater exploration for measuring and registering seismic waves. This recorder was to be used in conjunction with certain underwater seismic equipment that Geoconsult at about the same time ordered from Geodyne Division, EG&G International, Waltham, Mass.

4. On July 15, 1968 Geodyne wrote to Geoconsult acknowledging the order for the equipment which was to be interfaced with the Gifft recorder. Certain technical specifications for the recorder were given to permit interfacing. This letter advised Geoconsult that this equipment could not be exported from the United States without a proper export license from the Department of Commerce and that it would probably take 2 weeks to process the application. A copy of this letter was sent by Geodyne to Gifft. This equipment did, in fact, require a validated export license for exportation from the United States to all destinations except Canada. No such license was ever applied for or obtained.

5. Pursuant to a request from Geoconsult, Geodyne arranged to have the integrated system tested in Boston Harbor on July 30, 1968. In accordance with arrangements, acceptance tests were carried out on July 30, 1968 with Treyvaud, Gifft, and an engineer from Geodyne being present. Treyvaud was satisfied with the tests.

6. On completion of the tests the equipment was turned over to Treyvaud. He said that he would make the necessary arrangements for exportation to Switzerland. Treyvaud stated that he desired to take the equipment with him to Switzerland that evening. He was informed by a representative of Geodyne that a validated license was necessary for the exportation. Gifft was present when this information was given to Treyvaud.

7. Treyvaud, accompanied by Gifft, transported the equipment from Geodyne's plant to the office of an airfreight carrier at the Logan Airport, Boston. A Shipper's Export Declaration was prepared for the equipment in question in which T. H. Gifft Co. was shown as exporter. An incorrect Schedule B Commodity number was given in the SED for the commodities. The following statement appeared on the SED "Commodity not under validated license control to Switzerland" and the destination "G-Dest" also appeared, which indicated that the commodities were exportable to Switzerland under general license. The SED, executed on July 30, 1968, was signed by the respondent Thomas H. Gifft on behalf of T. H. Gifft Co.

8. The quoted phrase in the preceding finding was false and the designation "G-Dest" was misleading in that the commodities in question required a validated export license for exportation to Switzerland. Gifft knew that the equipment in question could not be lawfully exported from the United States to Switzerland without a validated license for the exportation having been obtained for the exportation in question.

9. The commodities were exported from the United States on July 30 or 31, 1968, and were entered through Swiss Customs on August 2, 1968.

Based on the foregoing, I have concluded that the respondents: (1) Violated §§ 387.2 and 387.6 of the Export Control Regulations in that they knowingly exported and caused to be exported commodities from the United States to Switzerland without the requisite validated export license as required by § 372.1(b) of said regulations; (2) violated § 387.5 of said regulations in that they made false and misleading statements and representations on a Shipper's Export Declaration to the Office of Export Control and Bureau of Customs.

The Compliance Commissioner recommended that the respondents be denied export privileges for one month commencing on January 10, 1972, or in lieu thereof that they be permitted to pay a civil penalty. The respondents elected not to pay the civil penalty. Having considered the record in the case and the report and recommendation of the Compliance Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just, and calculated to achieve effective enforcement of the law: *It is hereby ordered,*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents for a period of 1 month, commencing on January 10, 1972, are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents, employees, representatives, and to any other person, firm, corporation, or business organization with which the respondents may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. The firm T. H. Gifft Co., Inc., of which the respondent Thomas H. Gifft is president is included herein.

IV. While this denial order is in effect no person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion, of any commodity or technical data exported or to be exported from the United States, by, to, or for such respondents or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: January 3, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.72-385 Filed 1-10-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-395; NADA 5-733V]

HESS & CLARK

Sulfathiazole-Kaolin-Pectin for Calf Scours; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing proposing to withdraw approval of NADA (new animal drug application) No. 5-733V for the drug SKP for Calf Scours was published in the FEDERAL REGISTER of November 4, 1971 (36 F.R. 21220). Hess & Clark, Division of Rhodia Inc. (formerly a Division of Richardson-Merrell, Inc.), Ashland, Ohio 44805, holder of said NADA did not file a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice, the Commissioner of Food and Drugs concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 5-733V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: December 30, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-396 Filed 1-10-72;8:49 am]

[Docket No. FDC-D-377; NADA 6-358V, etc.]

HILLTOP LABORATORIES, INC., ET AL.

Certain Sodium Arsanilate Preparations; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing proposing to withdraw approval of the following new animal drug applications covering drugs containing sodium arsanilate was published in the FEDERAL REGISTER of September 29, 1971 (36 F.R. 19130):

1. Mor-O; NADA (new animal drug application) No. 6-358V; Hilltop Laboratories, Inc., 718 Washington Avenue North, Minneapolis, Minn. 55109;

2. Dr. Mayfield Turkey Tablets; NADA No. 7-903V; Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616;

3. Dr. Mayfield Turkey Arsonic Powder; NADA No. 6-844V; Dr. Mayfield Laboratories;

4. Dr. Mayfield CEC Powder; NADA No. 6-844V; Dr. Mayfield Laboratories;

5. Dr. Mayfield Arsonic Powder; NADA No. 6-844V; Dr. Mayfield Laboratories;

6. Dr. Mayfield Arsonic Powder Water Soluble; NADA No. 6-844V; Dr. Mayfield Laboratories;

7. Arsanilate Compound; NADA No. 8-994V; Vita Vet Laboratories, Post Office Box 108, Marion, Ind. 46952;

8. Ar-Sol-Vite; NADA No. 8-995V; Vita Vet Laboratories;

9. Corn King CEC Powder; NADA No. 9-046V; King Castle, Inc., (Formerly The Corn King Co.) Post Office Box 189, Marion, Iowa 52302; and

10. Russell's Korum; NADA No. 6-861V; I. D. Russell Co., Laboratories, 2463 Harrison Street, Kansas City, Mo. 64108.

The sponsors of the above listed new animal drug applications did not file a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firms not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice, the Commissioner of Food and Drugs concludes that approval of the above listed NADA's should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of new animal drug applications No. 7-903V, 6-844V, 6-358V, 8-994V, 8-995V, 9-046V, and 6-861V, including all amendments and supplements thereto, is hereby withdrawn effective upon date of publication of this document.

Dated: December 30, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-398 Filed 1-10-72;8:50 am]

[Docket No. FDC-D-418]

KASCO-EFCO LABORATORIES, INC. AND HAVER-LOCKHART LABORATORIES, INC.

Neomycin-Sulfacetamide Ophthalmic Ointment With or Without Tetracaine, Phenacaine, or Hydrocortisone; Notice of Drugs Deemed Adulterated

An announcement concerning the following veterinary ophthalmic preparations was published in the FEDERAL REGISTER of August 12, 1970 (35 F.R. 12792, DESI 12-4NV):

1. DV-102 Ophthalmic Ointment Veterinary; by KASCO-EFCO Laboratories, Inc., Post Office Box 73, Hicksville, N.Y. 11802,

2. DV-101 Ophthalmic Ointment Veterinary; by KASCO-EFCO Laboratories, Inc., and

3. Neohydracaine Ophthalmic Ointment Veterinary; by Haver-Lockhart Laboratories, Inc., Post Office Box 676, Kansas City, Mo. 64141.

The announcement set forth the findings of the Food and Drug Administration following review of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group that these eye preparations are probably not effective for veterinary use. Said announcement provided the manufacturers and all interested persons a 6-month period in which to submit new animal drug applications.

The above listed manufacturers did not submit new animal drug applications for the above named products within the six-month period provided. The manufacturers submitted new animal drug applications for reformulated products.

Based on the foregoing and the information before him, the Commissioner of Food and Drugs concludes that the above named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act in that they are not the subject of approved new animal drug applications pursuant to section 512 of the act. Therefore, notice is given to KASCO-EFCO Laboratories, Inc., and Haver-Lockhart Laboratories, Inc., and all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the Act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343-351, 21 U.S.C. 351(a)(5) 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 30, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-397 Filed 1-10-72;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-139]

DEPUTY REGIONAL ADMINISTRATOR, ET AL., REGION IV (ATLANTA)

Designation To Serve as Acting Regional Administrator

The officers appointed to the following positions in Region IV (Atlanta) are hereby designated to serve as Acting Regional Administrator, Region IV, during the absence of the Regional Administrator, with all the powers, func-

JAN 11 72
XUM

tions, and duties redelegated or assigned to the Regional Administrator; *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to serve by reason of absence or vacancy in the position:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Administration.
4. Director, Program Planning.

This designation supersedes the designation effective August 10, 1967 (32 F.R. 11579, August 10, 1967).

(Delegation of Authority effective May 4, 1962, 27 F.R. 4319, May 4, 1962; Dept. Interim, Order II, 31 F.R. 815, Jan. 21, 1966)

Effective as of the 27th day of September 1971.

EDWARD H. BAXTER,
Regional Administrator
Region IV (Atlanta).

[FR Doc.72-351 Filed 1-10-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-321, 50-366]

GEORGIA POWER CO.

Notice of Availability of Environmental Report and Supplement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's Regulations, notice is hereby given that a report entitled "Applicant's Environmental Report, Construction Permit Stage, Edwin I. Hatch Nuclear Plant, Unit No. 1 and No. 2" and supplement thereto are being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Appling County Public Library, Parker Street, Baxley, Ga. 31513. The reports are also being made available to the public at the Bureau of State Planning and Community Affairs, Room 611, 270 Washington Street SW., Atlanta, GA 30303 and at the Altamaha Area Planning and Development Commission (APDC), Post Office Box 328, Baxley, GA 31513.

These reports discuss environmental considerations related to the construction of the Edwin I. Hatch Nuclear Plant, Unit No. 1 and Unit No. 2, located on the south side of the Altamaha River in northwestern Appling County, about 11 miles north of Baxley, Ga.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the Applicant's Environmental Reports and the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 30th day of December 1971.

For the Atomic Energy Commission.

DONALD F. KNUTH,
Acting Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-377 Filed 1-10-72;8:46 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report dated November 1971, entitled "Environmental Report" by the Iowa Electric Light and Power Co." is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Cedar Rapids Public Library, 428 Third Avenue SE., Cedar Rapids, IA 52401. The report is also being made available to the public at the Office of Planning and Programming, State Capitol, Des Moines, Iowa 50319, and the Linn County Regional Planning Commission, Courthouse, Cedar Rapids, Iowa 52401. The report revises in its entirety the environmental report, dated April 1971.

This report discusses environmental considerations related to the construction and operation of the Duane Arnold Energy Center located in Linn County, Iowa. After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the Applicant's Environmental Report and the draft detailed statement. The summary notice will request comments from Federal agencies, State and local officials, and interested persons on the Applicant's Environmental Report and the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 4th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-386 Filed 1-10-72;8:47 am]

[Docket No. 50-356]

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 13, 1970 (35 F.R. 16061), the Atomic Energy Commission (the Commission) has issued Facility License No. R-117 to the University of Illinois at Urbana-Champaign, Ill. The license authorizes the University of Illinois to possess, use and operate the low power reactor assembly (LOPRA) at steady state power levels up to 10 kilowatts (thermal).

The Commission has found that the application complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license and the application for the license are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of the license may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of December 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director, for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-349 Filed 1-10-72;8:45 am]

[Dockets Nos. 50-329, 50-330]

CONSUMERS POWER CO.

Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report—Construction Permit Stage, July 24, 1970," "Applicant's Supplemental Environmental Report on the Midland Plant, Units 1 and 2, October 19, 1971," "Amendment No. 1 to Applicant's Supplemental Environmental Report, December 10, 1971," and "Amendment No. 2 to Applicant's Supplemental Environmental Report, December 24, 1971," (collectively "the report") submitted by Consumers Power Co. are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, MI 48640. The report is also being made available to the public at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48913.

This report discusses environmental considerations related to the proposed issuance of a construction permit for the Midland Plant, Units 1 and 2, located in Midland County, Mich.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the proposed issuance of a construction permit for the Midland Plant, Units 1 and 2, dated January 7, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's January 7, 1972, draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This statement supersedes the February 5, 1971, draft detailed statement for which a notice of availability was published in the FEDERAL REGISTER on February 17, 1971 (36 F.R. 3080).

Pursuant to sections A.7 and D.1 of Appendix D to 10 CFR Part 50, interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the report and the draft detailed statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 7th day of January 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Acting Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-483 Filed 1-10-72;10:50 am]

ENVIRONMENTAL PROTECTION AGENCY

AMCHEM PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1213) has been filed by Amchem Products, Inc., Ambler, Pa. 19002, proposing establishment of a tolerance (40 CFR Part 180) of 1 part per million for residues of the herbicide 2,3,6-trichlorophenylacetic acid in fish and water, such residues resulting from application of its sodium salt for aquatic weed control.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the residues are extracted, methylated, and then determined by a gas chromatographic technique using a microcoulometric detection system.

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-344 Filed 1-10-72;8:49 am]

CIBA-GEIGY CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2H5003) has been filed by CIBA-GEIGY Corp., Ardsley, N.Y. 10502, proposing issuance of a food additive tolerance (21 CFR Part 121) of 12 parts per million for residues of the insecticide isopropyl 4,4'-dibromobenzilate in or on apple pomace. Such residues would result from application of the insecticide to apples, as proposed in Pesticide Petition No. 9F0779 (notice of which was published in the FEDERAL REGISTER of January 8, 1969 (34 F.R. 273)) submitted under sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1) of the Act.

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-345 Filed 1-10-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 577]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

JANUARY 3, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

JAN 11 72 XUM

POINT-TO-POINT MICROWAVE RADIO SERVICE

Applicant, Microwave Relay Services, Inc., proposes a video common carrier system between Charlotte, Columbia, Charlestown, Augusta, and Savannah. The proposed system will interconnect with Applicant's previously filed Florida system (FCC File Nos. 401 through 435-C1-P-72) at Orange Park, Fla.

3764-C1-P-72—Microwave Relay Services, Inc. (New), a new station in Charlotte, N.C. located at southeast corner of South Tryon and Stonewall Street at latitude 35°13'24'' N., longitude 80°50'53'' W. Frequencies 3730H, 3810H, 3890H, 3750V, and 3830V MHz to Rock Hill, S.C., on an azimuth of 242°40'. Frequency 11326H MHz to WBTV-TV studio on an azimuth of 277°13'. Frequency 11665V MHz to WCCB-TV studio on an azimuth of 116°16'. and frequency 11600V MHz to WCCC-TV studio on an azimuth of 45°50'.

3765-C1-P-72—Microwave Relay Services, Inc. (New), a new station 1.2 miles west of Rock Hill, S.C. at latitude 34°56'06'' N., longitude 81°04'24'' W. Frequencies 3770H, 3850H, 3710V, 3790V, and 3870V MHz to Cornwell, S.C., on an azimuth of 192°07'. Frequencies 4170V and 4110V MHz to Charlotte, N.C., on an azimuth of 32°32'.

3766-C1-P-72—Microwave Relay Services, Inc. (New), a new station 0.7 mile south of Cornwell, S.C., at latitude 34°36'05'' N., longitude 81°09'37'' W. Frequencies 3730H, 3810H, 3890H, 3750V, and 3830V MHz to Simpson, S.C., on an azimuth of 161°48'. Frequencies 4130H and 4150V MHz to Rock Hill, S.C., on an azimuth of 12°04'.

3767-C1-P-72—Microwave Relay Services, Inc. (New), a new station 0.2 mile east of Simpson, S.C., at latitude 34°18'14'' N., longitude 81°02'31'' W. Frequencies 3770H, 3850H, 3710V, 3790V, and 3870V MHz to Gilbert, S.C., on an azimuth of 208°54'. Frequencies 4170V and 4110V MHz to Cornwell, S.C., on an azimuth of 341°52'.

3768-C1-P-72—Microwave Relay Services, Inc. (New), a new station 4 miles southeast of Gilbert, S.C., at latitude 33°53'26'' N., longitude 81°19'00'' W. Frequencies 3730H, 3810H, 3890H, 3750V, and 3830V MHz to Kitchings Mill, S.C., on an azimuth of 247°14'. Frequencies 4130V and 4150H MHz to Simpson, S.C., on an azimuth of 28°45'. Frequency 3770H MHz to WIS-TV studio on an azimuth of 64°58'. Frequency 3930H MHz to WNOK-TV studio on an azimuth of 72°14'. Frequency 4190H MHz to WOLO-TV studio on an azimuth of 59°11'.

3769-C1-P-72—Microwave Relay Services, Inc. (New), a new station 1.85 miles north of Kitchings Mill, S.C., at latitude 33°36'21'' N., longitude 81°28'50'' W. Frequencies 3770V, 3850V, 3710H, 3790H, and 3870H MHz to Bath, S.C., on an azimuth of 247°14'. Frequencies 3710V, 3790V, 3870V, and 3770H MHz to Norway, S.C., on an azimuth of 117°0'. Frequencies 4170V and 4110H MHz to Gilbert, S.C., on an azimuth of 25°32'.

3770-C1-P-72—Microwave Relay Services, Inc. (New), a new station 2.9 miles southeast of Norway, S.C., at latitude 33°25'50'' N., longitude 81°04'12'' W. Frequencies 3730V, 3810V, 3890V, and 3760H MHz to Bowman, S.C., on an azimuth of 106°59'.

3771-C1-P-72—Microwave Relay Services, Inc. (New), a new station 1.7 miles southeast of Bowman, S.C., at latitude 33°19'30'' N., longitude 80°39'33'' W. Frequencies 3710V, 3790V, 3870V, and 3950V MHz to Dorchester, S.C., on an azimuth of 136°26'.

3772-C1-P-72—Microwave Relay Services, Inc. (New), a new station 2.2 miles south of Dorchester, S.C., at latitude 33°06'20'' N., longitude 80°24'37'' W. Frequencies 3770H, 3850H, and 3750V, and 3830V MHz to Ladson, S.C., on an azimuth of 136°55'.

3773-C1-P-72—Microwave Relay Services, Inc. (New), a new station 4.3 miles southwest of Ladson, S.C., at latitude 32°55'32'' N., longitude 80°07'31'' W. Frequency 3930H MHz to WCIV-TV studio on an azimuth of 120°46'. Frequency 3910V MHz to WCSC-TV studio on an azimuth of 129°37'. Frequency 4170H MHz to WUSN-TV studio on an azimuth of 123°37'.

3774-C1-P-72—Microwave Relay Services, Inc. (New), a new station 2.4 miles southeast of Bath, S.C., at latitude 33°28'46'' N., longitude 81°50'24'' W. Frequencies 3730H, 3810H, 3890H, 3750V, and 3830V MHz to Greens Cut, Ga., on an azimuth of 197°42'. Frequencies 4130V and 4150H MHz to Kitchings Mills, S.C., on an azimuth of 67°02'. Frequency 10,855H MHz to WJBF-TV studio, Augusta, Ga., on an azimuth of 269°35'. Frequency 10,775V MHz to WRDW-TV studio, North Augusta, S.C., on an azimuth of 284°35'.

3775-C1-P-72—Microwave Relay Services, Inc. (New), a news station 0.9 mile south of Greens Cut, Ga., at latitude 33°09'32'' N., longitude 81°57'44'' W. Frequencies 3770H, 3850H, 3710V, 3790V, and 3870V MHz to Millen, Ga., on an azimuth of 166°34'. Frequencies 4170V to 4110H MHz to Bath, S.C., on an azimuth of 17°38'.

POINT-TO-POINT MICROWAVE RADIO SYSTEM—Continued

3841-C1-P-72—American Telephone & Telegraph Co. (KPB84), location: 9 miles northwest of Ogden, Utah (North Ogden), latitude 41°20'52'' N., longitude 112°00'31'' W. To add frequency 4060H MHz toward Riverside, Utah.

3842-C1-P-72—American Telephone & Telegraph Co. (KPB85), location: 2 miles southwest of Riverside, Utah. Latitude 41°46'46'' N., longitude 112°11'08'' W. To add frequency 4060V MHz toward Malad City, Idaho.

3843-C1-P-72—American Telephone & Telegraph Co. (KPB86) location: 8 miles north of Malad City, Idaho. Latitude 42°18'23'' N., longitude 112°14'11'' W. To add frequency 4°50H toward Inkom, Idaho.

3844-C1-P-72—American Telephone & Telegraph Co. (KPB87) location: 5 miles southeast of Inkom, Idaho. Latitude 42°46'48'' N., longitude 112°06'18'' W. To add frequency 4090H MHz toward Pocatello Junction, Idaho.

3845-C1-P-72—American Telephone & Telegraph Co. (KPB88) location: 3 miles southwest of Pocatello, Idaho. Latitude 42°50'55'' N., longitude 112°30'58'' W. To add frequency 4030H MHz toward American Falls, Idaho.

3846-C1-P-72—American Telephone & Telegraph Co. (KPF24) location: 6.5 miles west of American Falls, Idaho. Latitude 42°47'19'' N., longitude 113°00'06'' W. To add frequency 4070H MHz toward Rupert, Idaho.

3847-C1-P-72—American Telephone & Telegraph Co. (KPF23) location: 10.5 miles east of Rupert, Idaho. Latitude 42°37'00'' N., longitude 113°25'25'' W. To add frequency 4060H MHz toward Burley, Idaho.

3848-C1-P-72—American Telephone & Telegraph Co. (KPF22) location: 5.8 miles southwest of Burley, Idaho. Latitude 42°30'46'' N., longitude 113°55'05'' W. To add frequency 4070H MHz toward Jerome, Idaho.

3849-C1-P-72—American Telephone & Telegraph Co. (KPF21) location: 4.5 miles east of Jerome, Idaho. Latitude 42°44'02'' N., longitude 114°25'05'' W. To add frequency 4060H MHz toward Indian Butte, Idaho.

3850-C1-P-72—American Telephone & Telegraph Co. (KPF20) location: 8 miles southwest of Hagerman, Idaho (Indian Butte, Idaho). Latitude 42°45'13'' N., longitude 115°02'43'' W. To add frequency 4070H MHz toward Mountain Home, Idaho.

3851-C1-P-72—American Telephone & Telegraph Co. (KPE99) location: 7.5 miles northeast of Mountain Home, Idaho. Latitude 43°12'19'' N., longitude 115°33'52'' W. To add frequency 4030H.

3852-C1-P-72—American Telephone & Telegraph Co. (KPE98) location: 9 miles southeast of Boise, Idaho (Boise Junction). Latitude 43°29'20'' N., longitude 116°01'36'' W. To add frequency 4010V MHz toward Boise, Idaho, and 3850H MHz toward Napa, Idaho.

3853-C1-P-72—American Telephone & Telegraph Co. (KPE97) location: 5.8 miles south of Napa, Idaho. Latitude 43°29'34'' N., longitude 116°33'12'' W. To add frequency 3810H MHz toward Parma, Idaho.

3854-C1-P-72—American Telephone & Telegraph Co. (KPF96) location: 3.5 miles northeast of Parma, Idaho. Latitude 43°50'09'' N., longitude 116°54'38'' W. To add frequency 3950H MHz toward Vale, Oreg.

3855-C1-P-72—American Telephone & Telegraph Co. (WAD47) location: 7.6 miles northeast of Vale, Oreg. Latitude 44°04'59'' N., longitude 117°10'21'' W. To add frequency 3810H MHz toward Brogan, Oreg.

3856-C1-P-72—American Telephone & Telegraph Co. (WAD48) location: 6.7 miles west of Brogan, Oreg. Latitude 44°16'06'' N., longitude 117°38'58'' W. To add frequency 3850H MHz toward Elkhorn, Oreg.

3857-C1-P-72—American Telephone & Telegraph Co. (WAD49) location: 11.1 miles southeast or Bates, Oreg. (Elkhorn). Latitude 44°26'33'' N., longitude 118°26'16'' W. To add frequency 3810E MHz toward John Day, Oreg.

3858-C1-P-72—American Telephone & Telegraph Co. (WAD50) location: 4.3 miles southwest of John Day, Oreg. Latitude 44°22'24'' N., longitude 119°00'13'' W. To add frequency 3850H MHz toward Dayville, Oreg.

3859-C1-P-72—American Telephone & Telegraph Co. (WAD51) location: 8.7 miles east of Dayville, Oreg. Latitude 44°27'30'' N., longitude 119°27'32'' W. To add frequency 3810H MHz toward Mitchell, Oreg.

3860-C1-P-72—American Telephone & Telegraph Co. (WAD52) location: 6.8 miles northeast of Mitchell, Oreg. Latitude 44°36'06'' N., longitude 120°01'22'' W. To add frequency 3850H MHz toward Antelope, Oreg.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

3782-C2-P-72—Messages By Radio, Inc. (KEA200) For additional facilities to operate on 152.18 MHz at location No. 2: 49 South Main Street, Spring Valley, N.Y.

3824-C2-P-72—Loftin's Transfer & Storage Co., Inc. doing business as Mobilphone Systems (New) For a new 1-way station to be located at 4081 Ross Clark Circle NW., Dothan, AL, to operate on 152.24 MHz.

3832-C2-MP-72—Mountain States Telephone and Telegraph Co. (KSV917) Replace the base transmitter operating on 454.700 MHz, located 6 miles south-southwest of Casper, Wyo. (Air-Ground).

3808-C2-P-72—Western Radio Dispatch, (KKD511) Replace repeater transmitter operating on 459.20 MHz at location No. 4: 7 miles south-southwest of White Water, Colo.

3838-C2-P-72—Hopkinton Telephone Co. (KCI302) Change the antenna system and add a transmitter on 152.72 MHz located at Gould Hill, approximately 1 mile east of Contoocook, N.H.

3890-C2-72—Office Communications Co. (New) For a new 2-way station to be located at 310 West Fourth Street, Winston-Salem, NC, base frequency 454.025 MHz.

3891-C2-72—General Telephone Co. of The Northwest, Inc. (New) For a new 2-way station to be located at 13013 Northeast 65 Street, Kirkland, WA, to operate on base frequency 454.550 MHz.

Major amendment

5809-C2-P-65—The Ohio Bell Telephone Co. (New) Amended to read: C.P. for a new 1-way signaling station. Frequency 152.63 MHz.

Locations

Location No. 1: 739 South Broadway Avenue, Bedford, OH.
Location No. 2: 7411 Chippewa Road, Brecksville, OH.
Location No. 3: 16351 Brookpark Road, Brookpark, OH.
Location No. 4: 100 Erieview Plaza, Cleveland, OH.
Location No. 5: 1424 Angonne Road, South Euclid, OH.
Location No. 6: 7228 Broadway Avenue, Cleveland, OH.
Location No. 7: 10922 State Road, Cleveland, OH.
Location No. 8: 25900 Lakeland Boulevard, Euclid, OH.
Location No. 9: 24150 Lorain Road, North Olmsted, OH.
See Public Notice dated August 28, 1968, Report No. 402-1.

Informative: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Missouri

6112-C2-P-71—Business Communications, Inc., KAA888.

Illinois

305-C2-P-71—Tel-Illinois, Inc., New.

RURAL RADIO SERVICE

3765-C1-P-72—Western States Telephone Co., Inc. (New) For a new rural subscriber station to be located at I. D. Ranch, approximately 13 miles southeast of Fort Apache, Ariz., to operate on 157.83 MHz communicating with station KOP308 McNary, Ariz.

3769-C1-P-72—RCA Alaska Communications, Inc. (New) For a new rural subscriber station to be located at Bia School, Eek, Alaska, to operate on 157.71, 157.86, 157.95, and 158.04 MHz communicating with station at Bethel, Alaska.

3760-C1-P-72—RCA Alaska Communications, Inc. (New) For a new rural subscriber station to be located at James Charley's residence, approximately 44 miles south-southwest from Bethel, at Tuntutliak, Alaska, communicating with station at Bethel, Alaska.

3837-C1-P-72—RCA Alaska Communications, Inc. (New) For a new rural subscriber station to be located at BIA Power Generator Building, Sheldon Point, Alaska, to operate on 156.80, 157.89, and 157.98 MHz communicating with station at Cape Romanzof, Alaska.

Informative: Beginning with this Public Notice the publication of common carrier microwave applications and amendments accepted for filing will specify the polarization of each frequency to be transmitted. All amendments to pending applications which change polarization will be considered as major amendments.

POINT-TO-POINT MICROWAVE RADIO SYSTEM—continued

3776-C1-P-72—Microwave Relay Services, Inc. (New), a new station 4.6 miles east-northeast of Millen, Ga., at latitude 32°49'53'' N., longitude 81°51'43'' W. Frequencies 3730V, 3810V, 3890V, 3750H, and 3830H MHz to Statesboro, Ga., on an azimuth of 184°24'. Frequencies 4130V and 4150H MHz to Greens Cut, Ga., on an azimuth of 345°37'.

3777-C1-P-72—Microwave Relay Services, Inc. (New), a new station 5.7 miles west of Statesboro, Ga., at latitude 32°28'09'' N., longitude 81°53'42'' W. Frequencies 3770H, 3850H, 3750V, 3830V, and 3910V to Groveland, Ga., on an azimuth of 158°36'. Frequencies 4710H and 4110V MHz to Millen, Ga., on an azimuth of 4°23'.

3778-C1-P-72—Microwave Relay Services, Inc. (New), a new station 0.15 mile north of Groveland, Ga., at latitude 32°08'50'' N., longitude 81°44'43'' W. Frequencies 3730V, 3810V, 3710H, 3790H, and 3870H MHz to Tison, Ga., on an azimuth of 228°01'. Frequencies 3730V, 3810V, 3710H, and 4110H MHz to Bloomingdale, Ga., on an azimuth of 90°7'. Frequencies 4130V and 4110H MHz to Statesboro, Ga., on an azimuth of 338°35'.

3779-C1-P-72—Microwave Relay Services, Inc. (New), a new station 2.2 miles west-northwest of Bloomingdale, Ga., at latitude 32°08'45'' N., longitude 81°20'05'' W. Frequency 3750V MHz to WJCL-TV studio on an azimuth of 131°41'. Frequency 3860H MHz to WSAV-TV studio on an azimuth of 114°26'. Frequency 4170H MHz to WTOC-TV studio on an azimuth of 110°36'.

3780-C1-P-72—Microwave Relay Services, Inc. (New), a new station 0.3 miles southeast of Tison, Ga., at latitude 31°55'43'' N., longitude 82°01'52'' W. Frequencies 3770H, 3850H, 3750V, 3830V, and 3910V MHz to Jesup, Ga., on an azimuth of 167°18'. Frequencies 4170H and 4150V MHz to Groveland, Ga., on an azimuth of 347°52'.

3781-C1-P-72—Microwave Relay Services, Inc. (New), a new station 5.2 miles east-southeast of Owen, Ga., at latitude 31°19'11'' N., longitude 82°07'13'' W. Frequencies 3770H, 3930H, 3750V, 3830V, and 3910V MHz to Racepond, Ga., on an azimuth of 27°25'.

3782-C1-P-72—Microwave Relay Services, Inc. (New), a new station 0.2 mile south of Racepond, Ga., at latitude 30°59'50'' N., longitude 82°07'40'' W. Frequencies 3730H, 3810H, 3710V, 3790V, and 3870V MHz to Toledo, Ga., on an azimuth of 169°51'. Frequencies 4130H and 4110V MHz to Owen, Ga., on an azimuth of 1°8'.

3783-C1-P-72—Microwave Relay Services, Inc. (New), a new station 4.9 miles north of Toledo, Ga., at latitude 30°42'23'' N., longitude 82°04'02'' W. Frequencies 3770H, 3850H, 3750H, 3830H, and 3910H MHz to Verdie, Florida, on an azimuth of 154°40'. Frequencies 4170H and 4150V MHz to Racepond, Ga., on an azimuth of 349°53'.

3784-C1-P-72—Microwave Relay Services, Inc. (New), a new station 0.3 mile north of Verdie, Fla., at latitude 30°26'21'' N., longitude 81°55'14'' W. Frequencies 3730V, 3810V, 3710H, 3790H, and 3870H MHz to Orange Park, Fla., on an azimuth of 149°53'. Frequencies 4130H and 4110V MHz to Toledo, Ga., on an azimuth of 334°45'.

3785-C1-P-72—Microwave Relay Services, Inc. (New), a new station 2.3 miles west of Jesup, Ga., at latitude 31°36'22'' N., longitude 81°56'45'' W. Frequencies 3730H, 3810H, 3710V, 3790V, and 3870V MHz to Owen, Ga., on an azimuth of 207°30'. Frequencies 4130V and 4110H MHz to Tison, Ga., on an azimuth of 347°21'.

3827-C1-P-72—The Mountain States Telephone & Telegraph Co. (KXQ86), location: 809 Pleasant Street, Miles City, MT. Latitude 46°24'59'' N., longitude 106°50'58'' W. To add frequency 2178.0V MHz toward Volborg, Mont.

3828-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), a new station located 300 Block Wilber Avenue, Broadus, Mont. Latitude 45°26'36'' N., longitude 105°24'27'' W. Frequency: 2112.0V MHz toward Home Creek. Mont., via passive reflector.

3829-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), a new station located 14 miles north of Volborg, Mont., latitude 46°02'55'' N., longitude 105°35'51'' W. Frequencies: 2130.0H MHz toward Home Creek, Mont., and 2123.0V MHz toward Miles City, Mont.

3830-C1-P-72—The Mountain States Telephone & Telegraph Co. (New), a new station located 18 miles east of Ashland, Mont., latitude 45°36'16'' N., longitude 105°56'13'' W. Frequencies: 2170.0H MHz toward Volborg, Mont., via passive reflector.

3839-C1-P-72—American Telephone & Telegraph Co. (KOB26), location: 3100 Kennedy Drive, Salt Lake City Junction, UT. Latitude 40°45'06'' N., longitude 111°48'08'' W. To add frequency 3810H MHz toward Bountiful, Utah.

3840-C1-P-72—American Telephone & Telegraph Co. (KPB83), location: 1.7 miles north of Sale Lake City, Utah (Bountiful), latitude 40°48'18'' N., longitude 111°53'48'' W. To add frequency 4090H MHz toward North Ogden, Utah.

JAN 11 1972 XUM

POINT-TO-POINT MICROWAVE RADIO SYSTEM—continued

3881-C1-P-72—American Telephone & Telegraph Co. (KQE49), location: 1.3 miles south of Bridgeport, Ohio. Latitude 40°03'42" N., longitude 80°45'30" W. To add frequency 3990H MHz toward Maiga, Ohio, and 3750V MHz toward Sycamore, Pa.

3882-C1-P-72—American Telephone & Telegraph Co. (KGO68), location: 3.6 miles north of Sycamore, Pa. Latitude 39°59'18" N., longitude 80°14'08" W. To add frequency 3710V MHz toward Bridgeport, Ohio.

3883-C1-P-72—American Telephone & Telegraph Co. (KSP81), location: 2.3 miles northeast of Valier, Ill. Latitude 38°02'14" N., longitude 89°00'49" W. To add frequency 3950H MHz toward Oakdale and McLeansboro, Ill.

3884-C1-P-72—American Telephone & Telegraph Co. (KAS85), location: 8.9 miles northeast of Cedarwood, Colo. Latitude 38°01'30" N., longitude 104°29'38" W. To add frequency 3710H MHz toward Pueblo, Colo.

3885-C1-P-72—Southwestern Bell Telephone Co. (KYJ47), location: 715 Louisiana, Little Rock, AR. Latitude 34°44'31" N., longitude 92°16'18" W. To add frequency 6197.2 MHz toward High Point, Ark.

3886-C1-P-72—Southwestern Bell Telephone Co. (WHB32), location: High Point Mountain, 24 miles northwest of Roland, Ark. Latitude 34°55'54" N., longitude 92°31'15" W. To add frequency 5945.2 MHz toward Little Rock and Morrilton, Ark.

3887-C1-P-72—Southwestern Bell Telephone Co. (New), a new station 609 South Moose, Morrilton, AR. Latitude 35°08'42" N., longitude 92°44'28" W. To add frequency 6197.2 MHz toward High Point, Ark.

3892-C1-P-72—Mountain Microwave Corp. (KB122), location: 8 miles west of Broadmore, Colo. Latitude 38°48'25" N., longitude 104°59'30" W. To change frequency 6137.9 MHz to 1135H MHz (via power split) toward Monarch Pass and Methodist Mountain, Colo.

3893-C1-P-72—Mountain Microwave Corp. (KBT87), location: 17 miles west of Salida, Colo. Latitude 38°29'46" N., longitude 106°19'01" W. To change frequency 6390.0 MHz to 11445V MHz toward Waterdog Peak, Colo.

3894-C1-P-72—Mountain Microwave Corp. (KBT68), location: 13 miles southeast of Montrose, Colo. Latitude 38°23'15" N., longitude 107°40'26" W. To change frequency 6049.0 MHz to 11115H MHz toward Grand Junction, Colo.

3895-C1-P-72—Telecommunications, Inc. (WIV69), to change location to Yakima, Wash. Latitude 46°34'35" N., longitude 120°32'31" W. Frequency 6212.0V MHz toward Rattlesnake Hills, Wash., via passive reflector at latitude 46°34'36.4" N., longitude 120°32'31" W.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

3826-C1-P-72—Microwave Relay Services, Inc. (New), a new station located at 2 Peachtree Street NE., Atlanta, GA. Latitude 33°45'28" N., longitude 84°23'50" W. Frequencies: 2152.325V MHz (Visual) and 2150.20V MHz (Aural) directed toward various receiving points of system and 2158.50V MHz (Visual) and 2154.00 MHz (Aural) toward various receiving points of system.

3831-C1-P-72—Alfred E. Anscombe (New), a new station located at United Office Building, Niagara Falls, N.Y. Latitude 43°05'07" N., longitude 79°03'43" W. Frequencies: 2152.325V MHz (Visual) and 2150.20V (Aural) toward various receiving points of system and 2158.50H MHz (Visual) and 2154.00H MHz toward various receiving points of system.

INFORMATIVE: It appears that the following sets of Applications may be mutually exclusive and subject to the Commission's rules regarding ex-parte presentations of economic competition:

Mississippi/Alabama

United Video, Inc. (New), File Nos. 6553 through 6558-C1-P-71 (Public Notice 0-1-71).
Microwave Service Co. File Nos. 673 through 694-C1-P-72 (Public Notice 8-16-71) (New).

Georgia

Microband Corporation of America (New) File No. 2237-C1-P-72.
Microwave Relay Services, Inc. (New), File No. 3826-C1-P-72.

Major Amendment

404-C1-P-72—Microwave Relay Services, Inc. (New), for additional point of communication from Orange Park, Fla., latitude 30°10'52" N., longitude 81°44'51" W. Frequencies 4170H and 4150V on azimuth 329°59', toward Verdie, Fla.

Major Amendment

8162/8164-C1-P-70—United Video, Inc., change informative to read: Applicant proposes to provide the television signal of station KBMA-TV of Kansas City, Mo., to Midwest Cablevision Inc., in Joplin-Webb City, Mo., and Miami-North Miami-Commerce, Okla., and to Gencoe, Inc., in Pryor, Okla. (All other terms same as indicated in Report No. 496 dated June 15, 1970.)

[FR Doc.72-332 Filed 1-10-72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-93]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 5, 1972.

Take notice that Algonquin Gas Transmission Co. (Algonquin) on December 23, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2.[1] The proposed rate changes would increase Algonquin's revenues from jurisdictional sales and services by $115,242 annually. Algonquin requests the Commission to waive compliance with those parts of its rules and regulations necessary to place the proposed increased rates in effect.

Algonquin in its filing states that the proposed changes in its rates are designed to recoup only the effect of an increase in the cost of gas purchased from Texas Eastern Transmission Corp. (Texas Eastern) resulting from the latter's rate increase filed on or about December 23, 1971. Algonquin requests that the proposed rate changes become effective on January 22, 1972, or on such other date as the proposed increased rates of Texas Eastern are permitted to become effective.

Any order issued in this proceeding is subject to our Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-390 Filed 1-10-72;8:47 am]

[Docket No. RP72-83]

ALGONQUIN GAS TRANSMISSION CO.

Order Permitting Tracking of Purchased Gas Cost Increase

DECEMBER 30, 1971.

On December 3, 1971, Algonquin Gas Transmission Co. (Algonquin) filed an increase in its charges for jurisdictional sales and services of $393,724 annually. The filing tracks the increase filed by Texas Eastern Transmission Corp. in Docket No. RP72-81, which tracks the effect of Commission Opinion No. 607 issued on October 29, 1971, in Docket No. AR67-1, et al. Algonquin requests waiver of the 30 day notice provisions of the Commission's regulations to permit the revised tariff sheets[1] to become effective on January 1, 1972, the same date as its supplier's proposed increase.

On December 16, 1971, Boston Gas et al., filed a joint petition to intervene in opposition to the proposed increase.

As stated in our orders approving Algonquin's previous tracking increases in Dockets Nos. RP72-44 and RP72-70, issued on December 16, 1971, the Commission has consistently followed a policy allowing natural gas pipeline companies to recoup increases in the cost of purchased gas. For the reasons there stated, the Commission finds the subject filing which is designed solely to recover the increase in cost of purchased gas to be reasonable.

The Commission finds:

(1) It is appropriate and in the public interest for the proceedings in Dockets Nos. RP70-30 et al. and RP72-83 to be consolidated for decision.

(2) It is necessary and proper in the public interest to permit Algonquin to track the filed increase in cost of purchased gas.

(3) Good cause exists to waive the notice provisions of § 154.22 of the Commission's regulations under the Natural Gas Act.

The Commission orders:

(A) The proceedings in Dockets Nos. RP70-30 et al. and RP72-83 are consolidated for decision.

(B) Algonquin is permitted to place into effect the revised tariff sheets above on January 1, 1972, subject to flow-through of its supplier's refunds and rate reductions.

(C) Good cause exists to waive the notice requirements of § 154.22 of the Commission's regulations under the Natural Gas Act to permit the tendered tariff sheets to become effective January 1, 1972.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-391 Filed 1-10-72;8:47 am]

[Dockets Nos. RI71-501, RI70-190]

AMOCO PRODUCTION CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change to Become Effective Subject to Refund

JANUARY 5, 1972.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below:

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Original Volume No. 1: 24th Revised Sheet No. 5; 24th Revised Sheet No. 10; 25th Revised Sheet No. 11-A; 25th Revised Sheet No. 12; 24th Revised Sheet No. 14; 21st Revised Sheet No. 15-J.

Original Volume No. 2: 25th Revised Sheet No. 4; 22d Revised Sheet No. 57.

[1] Original Volume No. 1: Twenty-Third Revised Sheet No. 5, 23d Revised Sheet No. 10, 24th Revised Sheet No. 11-A, 24th Revised Sheet No. 12, 23d Revised Sheet No. 14 and 20th Revised Sheet No. 15-J. Original Volume No. 2; Twenty-Fourth Revised Sheet No. 4 and 21st Revised Sheet No. 57.

VOL 37 NO 6 JAN 11 72 XUM

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI71-501	Amoco Production Co.	415	1-5	Mountain Fuel Supply Co. (West Side Canal Unit, Carbon County, Wyo.).	$(800)	12- 6-71	----------	Accepted [2]	16.16	[1] 16.08	RI71-501.
RI70-190	do	507	3-1		(1,257)	12- 6-71	----------	Accepted [2]	15.15	[1] 15.075	RI70-190.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Tax decrease to reflect reimbursement on future production only.
[2] Accepted for filing to be effective as of the date of filing, as requested, subject to the existing rate proceedings in Dockets Nos. RI70-190 and RI71-501.

Amoco Production Co. has been collecting a double amount of the contractually due reimbursement for taxes applicable to future production as well as back to January 1, 1968. Since tax reimbursement applicable to past production has been recovered, respondent has filed rate decreases reducing its rates so as to provide for tax reimbursement for future production only. Consistent with Commission action on similar filings, the proposed decreases are accepted for filing subject to refund in existing suspension proceedings to be effective as of the date of filing, as requested.

In view of all the facts and circumstances in this case, the Commission's action herein of permitting the subject rate increases to become effective, subject to refund, at the expiration of the respective suspension periods ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

[FR Doc.72-389 Filed 1-10-72;8:47 am]

[Docket No. CP72-166]

LONE STAR GAS CO.

Notice of Application

JANUARY 6, 1972.

Take notice that on December 22, 1971, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP72-166 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas facilities located in Dallas and Tarrant Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that a portion of its transmission line which serves the city of Grapevine, Tarrant County, Tex., underlies part of the new Dallas-Fort Worth Regional Airport, which is now being constructed, and that the development and construction of the airport necessitates major replacement and relocation of this transmission line in order to avoid interference with construction, disruption of airport operations and to assure the safety of future operations in the airport area. Applicant proposes to abandon approximately 4.89 miles of 4-inch pipeline extending southwesterly from Dallas County, Tex., to the Grapevine City Gate Measuring Station in Tarrant County, Tex., which also is to be abandoned. Applicant plans to abandon in place an approximate 2.62-mile segment of the transmission line and to transfer temporarily the remaining 2.27-mile segment and the Grapevine City Gate Measuring Station to intrastate operations. Applicant further states that by making these operational changes it will be able to serve the city of Grapevine and the new Dallas-Fort Worth airport from adjacent intrastate natural gas supplies. Applicant plans no reduction of natural gas service to any community or customer as a result of the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-392 Filed 1-10-72;8:47 am]

[Docket No. RP71-125]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Filing of Stipulation and Agreement

JANUARY 4, 1972.

Take notice that on December 20, 1971, Natural Gas Pipeline Company of America (Natural) filed a motion requesting approval of a proposed Stipulation and Agreement to terminate the proceedings in Docket No. RP71-125. Natural states the submitted agreement is the result of discussions among Natural, the Commission Staff, and interested parties in the above entitled proceedings.

The Stipulation and Agreement, among other things as more fully set forth therein, provides for a reduction in rates below those which are presently in effect subject to refund in the above-captioned proceedings, and sets forth refunds by Natural for the excess which has been collected above rates set forth in the Stipulation and Agreement; provides for changes in the settlement rates to track the cost of service effect of certain specified expenses and capital expenditures incurred by Natural; and includes a moratorium until December 1, 1972, on all increases not specified by the agreement. The settlement also includes certain revisions of Natural's tariff.

Copies of the Stipulation and Agreement were served on all parties to the proceedings in Docket No. RP71-125. Comments with respect to the proposed Stipulation and Agreement may be filed with the Commission on or before January 17, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-394 Filed 1-10-72;8:47 am]

[Docket No. CP72-164]

UNITED GAS PIPE LINE CO.

Notice of Application

JANUARY 6, 1972.

Take notice that on December 21, 1971, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP72-164 an application pursuant to section 7(b) of the Natural Gas Act for permission for an approval of the abandonment of service to Texas Gas Transmission Corp. (Texas Gas) and the facilities used therefor in the Monroe Field, Ouachita Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to abandon the sale of natural gas to Texas Gas and to abandon the field facilities which have been used for said sale in the Monroe Field, Ouachita Parish, La. Applicant states that the gas reserves, operating pressure and deliverability of the wells in the Monroe Field have declined to the point that applicant cannot justify the cost of installing and operating compressor stations to increase the gas pressure to the level required by pipeline flow conditions. Applicant further states that no deliveries have been made since 1967 and the abandonment of these facilities will have no effect on other deliveries applicant is making to Texas Gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-395 Filed 1-10-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

COATINGS UNLIMITED, INC.

Order Suspending Trading

JANUARY 5, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Coatings Unlimited, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 6, 1972, through January 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-354 Filed 1-10-72;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 5, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 6, 1972, through January 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-355 Filed 1-10-72;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0250]

AVIONICS INVESTING CORP.

Notice of Surrender of License

Notice is hereby given that Avionics Investing Corp., New York, N.Y. 10022, incorporated under the laws of the District of Columbia on October 28, 1959, has surrendered its License No. 02/02-0250, issued by the Small Business Administration on March 25, 1960.

Avionics Investing Corp. has complied with all conditions set forth by SBA for surrender of its license including repayment of all indebtedness owing to SBA.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the Regulations promulgated thereunder, the surrender of the license of Avionics Investing Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: December 16, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-356 Filed 1-10-72;8:45 am]

GIBRALTAR CAPITAL CORP.

Notice of Surrender of License To Operate as a Small Business Investment Corporation

Notice is hereby given that Gibraltar Capital Corp., San Francisco, Calif., incorporated under the laws of the State of California on April 4, 1960, has surrendered its license (No. 12/12-0016) issued by the Small Business Administration on July 28, 1960.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Gibraltar Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: December 20, 1971.

STEPHEN H. BEDWELL,
Acting Associate Administrator for Operations and Investment.

[FR Doc.72-359 Filed 1-10-72;8:45 am]

V 37 N 6 JAN 11 72 XUM

[License No. 02/02-0251]

KENT CAPITAL CORP.

Notice of Approval of Application for Transfer of Control of Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration's rules and regulations (13 CFR Part 107, 33 F.R. 236), a notice of filing of an application for transfer of control of Kent Capital Corp., License No. 02/02-0251, 530 Morgan Avenue, Brooklyn, NY 11222, was published in the FEDERAL REGISTER on December 4, 1971 (36 F.R.23182).

Interested persons were given an opportunity to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Kent Capital Corp.

Dated: December 20, 1971.

STEPHEN H. BEDWELL,
Acting Associate Administrator for Operations and Investment.

[FR Doc.72-360 Filed 1-10-72;8:45 am]

[License No. 02/02-0140]

LAKE SUCCESS CAPITAL CORP.

Notice of Approval of Application for Transfer of Control of Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration's (SBA) rules and regulations (13 CFR Part 107, 33 F.R. 236), a notice of filing of an application for transfer of control of Lake Success Capital Corp., License No. 02/02-0140, 100 Garden City Plaza, Suite 516, Garden City, NY 11530, was published in the FEDERAL REGISTER on November 23, 1971 (36 F.R. 22268).

Interested persons were given an opportunity to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Lake Success Capital Corp.

Dated: December 15, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-357 Filed 1-10-72;8:45 am]

[License No. 06/10-0090]

SUPERIOR BUSINESS ASSISTANCE CORP.

Notice of Surrender of License To Operate as a Small Business Investment Company

Notice is hereby given that Superior Business Assistance Corp. (Superior) 216 Northeast 40th Street, Oklahoma City, OK 73105, wholly owned by Mr. James H. Milligan, has pursuant to § 107.105 of the Regulations governing small business investment companies (13 CFR 107.105 (1971)), surrendered its license to operate as a small business investment company (SBIC).

Superior was incorporated on October 27, 1962, under the laws of the State of Oklahoma to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license No. 10-0090 by the Small Business Administration on June 20, 1963. Under the authority vested by the Act, and the regulations promulgated thereunder, the voluntary surrender of the license of Superior is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

Dated: December 15, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-358 Filed 1-10-72;8:45 am]

[License No. 06/10-0049]

TEXAS EQUITY CORP.

Notice of Surrender of License To Operate as a Small Business Investment Company

Notice is hereby given that Texas Equity Corp. (Texas), 215 Cotton Exchange Building, Dallas, Tex. 75201, has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR 107.105 (1971)), surrendered its license to operate as a small business investment company (SBIC).

Texas was incorporated on May 4, 1961, under the laws of the State of Texas to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license No. 10-0049 by the Small Business Administration on May 25, 1961.

Under the authority vested by the Act, and the Regulations promulgated thereunder, the voluntary surrender of the license of Texas is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

Dated: December 28, 1971.

STEPHEN H. BEDWELL,
Acting Associate Administrator for Operations and Investment.

[FR Doc.72-361 Filed 1-10-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 6, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 127450 Sub 7, T. G. Garland, doing business as B & W Freight Lines, assigned February 7, 1972, at Oklahoma City, Okla., is canceled and reassigned for February 7, 1972, at the Quality Motel, Sunburst Room, 2915 Interstate 40 East, Amarillo, TX.

MC 83539 Sub 313, C & H Transportation, now assigned January 31, 1972, MC 115612 Sub 232, Poole Truck Line, now assigned February 3, 1972, MC 115841 Sub 409, Colonial Refrigerated Transportation, now assigned February 1, 1972, will be held in the Parliament House Motor Hotel, Birmingham, Ala.

MC 115840 Sub 67, Colonial Fast Freight Lines, now assigned February 7, 1972, will be held in the Guest House Motor Inn, Birmingham, Ala.

MC 115841 Sub 411, Colonial Refrigerated Transportation, Inc., assigned February 22, 1972, at Washington, D.C., is postponed indefinitely.

MC 27965 Sub 3, Davis Transportation Co., Inc., assigned February 24, 1972, MC 115162 Sub 223, Poole Truck Line, Inc., assigned February 22, 1972, and MC 133488 Sub 1, R.F.P. Trucking, Inc., assigned February 28, 1972, will be held in Room 2211B, John Fitzgerald Kennedy Building, Government Center, Boston, Mass.

MC 119619 Sub 47, Distributors Service Co., now assigned January 10, 1972, at Chicago, Ill., postponed indefinitely.

MC 99234 Sub 2, Westway Motor Freight, Inc., now being assigned March 13, 1972, in Room 2330, Federal Building, 1961 Stout Street, Denver, CO.

MC 134113 Sub 6, Hi-Ball Trucking, Inc., now being assigned March 6, 1972, in Room 2330, Federal Building, 1961 Stout Street, Denver, Co.

MC 107295 Sub 442, Pre-Fab Transit Co., Inc., now being assigned March 9, 1972, in Room 2330, Federal Building, 1961 Stout Street, Denver, CO.

MC-F-11131, MC 116142 Sub 36, M. Bruenger & Co., Inc.—Purchase (Portion)—The Luper Transportation Co., now being assigned hearing March 13, 1972, at Kansas City, Mo., in a hearing room to be designated later.

MC-C-7603, Steel Hauler, Inc., Investigation and Revocation of Certificate, now being assigned hearing March 6, 1972, at Kansas City, Mo., in a hearing room to be designated later.

MC 117875 Sub 8, Branson Truck Line, now being assigned hearing March 16, 1972, at Kansas City, Mo., in a hearing room to be designated later.

MC 119493 Sub 67, Monkem Co., Inc., now being assigned hearing March 7, 1972, at Kansas City, Mo., in a hearing room to be designated later.

MC 119493 Sub 74, Monkem Co., Inc., now being assigned hearing March 9, 1972, at Kansas City, Mo., in a hearing room to be designated later.

MC 120737 Sub 20, Star Delivery & Transfer, now being assigned hearing March 15, 1972, at Kansas City, Mo., in a hearing room to be designated later.

MC 133240 Sub 21, West End Trucking Co., Inc., now assigned January 13, 1972, at New York, N.Y., canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-405 Filed 1-10-72;8:48 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 6, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42331—*Returned shipments of newsprint paper winding cores to Sheldon, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-277), for interested rail carriers. Rates on newsprint paper, also returned shipments of newsprint paper winding cores in the reverse direction, from Sheldon, Tex., to Sanford, Fla., on the one hand, and from Sanford, Fla., to Sheldon, Tex., on the other.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 35 to Southwestern Freight Bureau, agent, tariff ICC 4891. Rates are published to become effective on February 6, 1972.

FSA No. 42332—*Iron or steel articles to Brownsville, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-278), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from specified points in Colorado, Illinois, Minnesota, Missouri, Oklahoma, and Wisconsin, to Brownsville, Tex.

Grounds for relief—Rate relationship.

Tariff—Supplement 261 to Southwestern Freight Bureau, agent, tariff ICC 4753. Rates are published to become effective on February 8, 1972.

FSA No. 42333—*Wood dust and sanding machines to Belle Fourche, S. Dak.* Filed by Southwestern Freight Bureau, agent (No. B-280), for interested rail carriers. Rates on wood dust, sanding machines, in bags or in bulk, in carloads, as described in the application, from points in southwestern territory, to Belle Fourche, S. Dak.

Grounds for relief—Carrier competition.

Tariff—Supplement 105 to Southwestern Freight Bureau, agent, tariff ICC 4883. Rates are published to become effective on February 9, 1972.

FSA No. 42334—*Propylene oxide to Charleston, W. Va.* Filed by Southwestern Freight Bureau, agent (No. B-273), for interested rail carriers. Rates on propylene oxide, in tank carloads, as described in the application, from specified points in Louisiana and Texas, to Charleston, W. Va.

Grounds for relief—Market competition.

Tariff—Supplement 16 to Southwestern Freight Bureau, agent, tariff ICC 4966. Rates are published to become effective on February 12, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-406 Filed 1-10-72;8:48 am]

[Notice 2]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 4, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31564 (Sub-No. 7 TA), filed December 27, 1971. Applicant: FRANK CORSO, INC., 270 Woodin Street, Hamden, CT 06514. Applicant's representative: William J. Meuser, 117 River Street, Milford, CT 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Albany, N.Y., to points in Union, Essex, Hudson, Bergen, Passaic, and Middlesex Counties, N.J.; Westchester, Suffolk, Nassau Counties and New York City, N.Y.; points in the State of Connecticut, and Springfield, Mass.; and (2) from Baltimore, Md., to Torrington, Conn., for 180 days. Supporting shippers: (1) Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001, (2) Mariano Cianciolo, 509 South Main Street, Torrington, CT 06790. Send protests to: District Supervisor, David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 42475 (Sub-No. 6 TA), filed December 27, 1971. Applicant: B-LINE TRANSPORTATION COMPANY, 17 Boston Post Road, Waterford, CT 06385. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to New London, Conn., for 150 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: District Supervisor, David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 66101 (Sub-No. 2 TA), filed December 23, 1971. Applicant: AFT SERVICES, INC., 303 South Street, Newark, NJ 07114. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between points in New York Harbor Limits as defined in 49 CFR 1070.1, on the one hand, and, on the other, points in New York and New Jersey within 35 miles of Columbus Circle, New York, N.Y., and (2) between points in New York Harbor Limits as defined in 49 CFR 1070.1, for 150 days. Supporting shippers: Savin Business Machines Corp., Valhalla, N.Y. 10595, The Dreier Co., 375 Turnpike Road, East Brunswick, NJ 08816; Heritage International, 1330 Stuyvesant Avenue, Union, NJ 07083; Leyden Customs Expediters, Inc., 38 Pearl Street, New York, NY 10004; Inland Dynatronics, Inc., 10 Horizon Boulevard, South Hackensack, NJ 07606; Famous Knitwear Corp., 217 Somerset Street, New Brunswick, NJ 08901; Inter-Maritime Forwarding Co., Inc., One World Trade Center, Suite 2147, New York, N.Y. 10048. Send protests to: District Supervisor, Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 85255 (Sub-No. 42 TA), filed December 27, 1971. Applicant: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, Wash. 98101. Applicant's representative: L. S. Carlander, Puget Sound Truck Lines, Pier 62, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Tacoma, Wash., to Wauna, Oreg., for 180 days. Supporting shipper: Crown Zellerbach Corp., 1500 Southwest First Avenue, Portland, OR 97201. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 100666 (Sub-No. 207 TA), filed December 27, 1971. Applicant: MELTON TRUCK LINES, INC., 1129 Grimmett Drive, Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor

VOL 37 NO 6 JAN 11 72 XUM

vehicle, over irregular routes, transporting: *Paper and paper products and linerboard*, from Valliant, Okla., to points in Arkansas, Indiana (except points in Marion, Bartholomew, Jefferson, Floyd, and Clark Counties), Iowa, Kansas, Kentucky, (except points in Jefferson, Boone, Kenton, and Campbell Counties), Louisiana, Michigan, Minnesota (except Minneapolis, and St. Paul and their respective commercial zone), Mississippi, Missouri (except Kansas City and St. Louis and their respective commercial zones), Nebraska, Tennessee (except points in Shelby County), Texas and Wisconsin, for 180 days. Supporting shipper: Weyerhaeuser Co., Dierks Division, Hot Springs, Ark. 71901, Mr. J. L. Flemming. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 103993 (Sub-No. 680 TA) (Correction), filed December 6, 1971, published FEDERAL REGISTER issue December 22, 1971, corrected and republished as corrected this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings*, on undercarriages, from points in Franklin County, Va., to points in the United States east of the Mississippi River and Louisiana and Minnesota, for 180 days. Supporting shipper: Fleetwood Homes of Virginia, Inc., Post Office Box 100, Highway 40 West, R.F.D. 4, Rocky Mount, Va. 24151. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802. NOTE: The purpose this republication is to add the origin point of Franklin County, Va.

No. MC 106943 (Sub-No. 105 TA), filed December 23, 1971. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, IN 47801. Applicant's representative: Lesow & Lesh, 3737 North Meridian Street, Indianapolis, IN. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of the Public Service Company of Indiana at or near Mount Carmel, Ind., as an off-route point in connection with carrier's authorized regular-route operations to and from Evansville, Ind., for 180 days. NOTE: Applicant does intend to tack with this authority in MC 106943. Supporting shipper: Gus K. Newburg Construction Co., plantsite of Public Service Company of Indiana at or near East Mount Carmel, Ind. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 36 South Pennsylvania Street, 802 Century Building, Indianapolis, IN 46204.

No. MC 107496 (Sub-No. 831 TA), filed December 22, 1971. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent hexane*, in bulk, in tank vehicles, from Groton, Conn., to Sidney, Nebr., for 180 days. Supporting shipper: Pfizer, Inc., 235 East 42d Street, New York, NY 10017. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 832 TA), filed December 22, 1971. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplement*, in bulk, in tank vehicles, from Rushford, Minn., to points in Iowa, for 150 days. Supporting shipper: Supersweet Feeds, Division of International Multifoods Corp., New Hampton, Iowa 50659. Send Protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107882 (Sub-No. 24 TA), filed December 27, 1971. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: Russell Parkerson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Coral Gables, Fla., on the one hand, and, on the other, Boston, Mass.; New York, Buffalo, and West Point, N.Y.; Philadelphia and Pittsburgh, Pa.; Cleveland and Cincinnati, Ohio; Baltimore, Md.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; Nashville, and Memphis, Tenn.; New Orleans, La.; Chicago, Ill.; Detroit, Mich.; St. Louis and Kansas City, Mo.; Little Rock, Ark.; Louisville and Fort Knox, Ky.; Minneapolis, Minn.; Helena, Mont.; Denver, Colo.; Oklahoma City, Okla.; Omaha, Nebr.; El Paso, Houston, and San Antonio, Tex.; San Francisco and Los Angeles, Calif.; Portland, Oreg.; Salt Lake City, Utah; Seattle, Wash.; Washington, D.C.; and Richmond and Culpeper, Va., for 180 days. Supporting shipper: Office of Transportation, General Services Administration, For: Department of Treasury, Bureau of the Mint, Washington, D.C. 20405. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 111540 (Sub-No. 9 TA), filed December 22, 1971. Applicant: LOYD TRUCK LINE, INC., Post Office Box 126, Orrick, MO 64077. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Culvert or spiral pipe* (plate or sheet), *roof deck and steel roofing*, from the plantsite and warehouse facilities of Wheeling Corrugating Co., at or near Lenexa, Kans., to points in Arkansas, Colorado, Iowa, Louisiana, Minnesota, Missouri, Nebraska, and Texas, for 180 days. Supporting shipper: Wheeling Corrugating Co., a division of Wheeling Pittsburgh Steel Corp., Pittsburgh, Pa. 15230. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut, Kansas City, MO 64106.

No. MC 114106 (Sub-No. 92 TA), filed December 22, 1971. Applicant: MAYBELLE TRANSPORT COMPANY, Post Office Box 849, 1820 South Main Street, Lexington, NC 27292. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alumina hydrate;* in bulk tank vehicles and in bags, from Kings Creek, S.C., to points in West Virginia in bulk, and to points south of Highway 50 in bags, for 90 days. Supporting shipper: AB Wood Chemical Co., Inc., 3013 Bank Street, Charlotte, N.C. 28203. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, 316 East Morehead, Suite 417, Charlotte, NC 28202.

No. MC 114890 (Sub-No. 54 TA), filed December 22, 1971. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Terminal: A.A. Highway, Carterville, 64835, Joplin, MO 64801. Applicant's representative: Frank W. Shagets (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Coffeyville, Kans., to Tulsa and Bartlesville, Okla., for 150 days. Supporting shipper: Farmland Industries, Post Office Box 7305, Kansas City, MO 64116. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 117883 (Sub-No. 165 TA), field December 23, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Box 62, Versailles, OH 45380. Applicant's representative: Edward Subler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Connecticut, District of Columbia, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin, for 180 days. Supporting shipper:

Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 126517 (Sub-No. 1 TA), filed December 27, 1971. Applicant: RED RIVER TRANSFER & STORAGE, INC., Post Office Box 1384, 925 First Avenue North, Grand Forks, ND 58201. Applicant's representative: Gene P. Johnson, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Dakota and those in Kittson, Roseau, Marshall, Pennington, Red Lake, Polk, Clear Water, Norman, Mahnomen, Clay, Becker, Wilkin, Otter Tail, Grand, and Douglas Counties, Minn. Restriction: The service authorized herein is subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, CA 90502: American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, CA 90744; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, CA; Imperial Household Shipping Co., Inc., 9675 Fourth Street North, St. Petersburg, FL 33742; Bekins Wide World, 820 East D Street, Wilmington, CA 90744; Home-Pack Transport, Inc., 57-48 49th Street, Maspeth, NY 11378; Sunpak Movers, Inc., 534 Westlake Avenue North, Seattle, Wash. 98109. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 126007 (Sub-No. 39 TA), filed December 23, 1971. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish meal*, from Port Arthur and Sabine Pass, Tex., and Holmwood, Cameron, Morgan City, Abbeville, Dulac, and Empire, La., to points in Oklahoma, Texas, and Arkansas, for 180 days. Supporting shipper: J. Paul Smith Co., 518 Fort Worth Club Building, Fort Worth, Tex. 76102. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128279 (Sub-No. 18 TA), filed December 23, 1971. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, 4800 Jefferson NE., Albuquerque, NM 87110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and materials and supplies* used in the installation or distribution thereof, between Albuquerque, N. Mex., on the one hand, and, on the other, points in Arizona, Colorado, Oklahoma, and Texas, for 180 days. NOTE: Applicant states it does intend to tack with this authority in MC 128279 Sub-No. 3 and Sub-No. 16. Supporting shipper: American Gypsum, Division of the Susquehanna Corp., Post Office Box 6345, Albuquerque, NM 87107. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 128543 (Sub-No. 6 TA), filed December 22, 1971. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, fittings, rods, wire, and wire fencing*, from Houston, Tex., and points in its commercial zone, to points in Louisiana, Texas, Arkansas, Oklahoma, Tennessee, and New Mexico, under continuing contract with Allied Tube & Conduit Corp., and its subsidiary, Coastal Wire Manufacturing Corp., for 150 days. Supporting shipper: Allied Tube & Conduit Corp., 16100 South Lathrop Avenue, Harvey, IL 60426. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128564 (Sub-No. 5 TA), filed December 23, 1971. Applicant: KENNETH G. WOODWARD, Rural Route 2, 420 Irving Street, Storm Lake, IA 50588. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Hartington, Nebr., to Springfield, Mo., and Champaign, Ill., for 180 days. Supporting shipper: Neu Cheese Co., Hartington, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133966 (Sub-No. 14 TA), filed December 23, 1971. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except in bulk), from St. Clair, Mich., to points in Pennsylvania, New York, New Jersey, Maryland, and Delaware, for 150 days. Supporting Shipper: Diamond Crystal Salt Co., 916 South Riverside Avenue, St. Clair, MI 48079. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135831 (Sub-No. 1 TA), filed December 27, 1971. Applicant: NIL GIRARD TRANSPORT LTEE., 485 rue St. Phillipe Street, Chicoutimi, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary line between the United States and Canada at or near Jackman and Coburn Gore, Maine, points in New Hampshire and Vermont, and Rouses Point, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, restricted to traffic originating at points in Dubud County, Quebec, Canada, for 180 days. Supporting shipper: Price (Shipshaw) Sawmill Limited, Quebec 4, Canada. Send protests to: District Supervisor, Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 136159 (Sub-No. 1 TA) (Amendment), filed November 30, 1971, published FEDERAL REGISTER issue December 14, 1971, amended and republished as amended this issue. Applicant: AVIS HIGGINS, doing business as A.B.S. MOVERS, 824 Valley View Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Signs, sign parts, sign poles, sign pole parts, and accessories*, from Pardeeville, Wis., to points in the United States (except Alaska and Hawaii); and (2) *used signs, used sign parts, used sign poles, and used sign poles parts and materials, equipment and supplies* which are used or useful in the manufacture, sale, production or distribution of the commodities named in part (1) of the application, from points in Indiana, Ohio, Florida, Georgia, Mississippi, Alabama, Louisiana, South Carolina, Virginia, Kentucky, and Tennessee to Pardeeville, Wis., for 180 days. Supporting shipper: General Indicator Corp., 413 South Main Street, Pardeeville, Wis. 53954. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703. NOTE: The purpose of this republication is to broaden the scope of the authority sought.

No. MC 136197 (Sub-No. 1 TA), filed December 23, 1971. Applicant: FOOD LINER, INC., 201 11th Avenue, Monroe, WI 53566. Applicant's representative: Robert M. Kaske, 8 South Madison Street, Evansville, WI 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and byproducts, frozen food, frozen meats,*

JAN 11 72

and fish, from Brodhead and Monroe, Wis., to points in the United States; and (2) *materials and supplies*, from points in the United States to Brodhead and Monroe, Wis., for 180 days. Supporting shippers: Roy's Sanitary Dairy, Inc., Monroe, Wis. 53566; Lugano Cheese Co., Inc., Monroe, Wis. 53566; Monroe Dried Milk Products Co., Inc., Monroe, Wis. 53566; Brodhead Cheese and Cold Storage Co., Inc., Brodhead, Wis. 53520. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 136261 TA, filed December 22, 1971. Applicant: M. C. REGIONAL, INC., Menands Regional Market, Menands, N.Y. 12204. Applicant's representative: Nolan & Heller, 41 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Robert A. Radler, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 136268 (Sub-No. 1 TA), filed December 23, 1971. Applicant: WHITEHEAD SPECIALTIES, INC., 1017 Third Avenue, Monroe, WI 53566. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spray dried proteins and protein-fat emulsions*, from Belleville, Wis., to points in the United States (except Alaska and Hawaii); (2) *equipment, materials, ingredients, and supplies*, from points named in part (1) to Belleville, Wis., which are used or useful in the manufacture, sale, production or distribution of the commodities named in part (1); and (3) *spray dried proteins and protein-fat emulsions*, from Delhi, N.Y., to Belleville, Wis., for 180 days. Supporting shipper: Deltown Chemurgics Corp., Inc., Post Office Box 69, Belleville, WI 53508. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 52703.

No. MC 136276 TA, filed December 27, 1971. Applicant: TRIPLE T TRANSPORTATION, INC., Route No. 1, Vincennes, IN 47591. Applicant's representative: Thomas F. Quinn, Suite 715–716 First Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia, liquid, nitrogen fertilizer solutions*, liquid *and fertilizer materials* dry, in bulk, in tank vehicles, from U.S. Industrial Chemical Co. plant near Tuscola, Ill., to points in Indiana and Kentucky, and from the Agrico Chemical Co. plant near Mount Vernon, Ind., to points in Illinois and Kentucky, and (2) *anhydrous ammonia, liquid*, in bulk, in tank vehicles, from the Central Nitrogen plant in Vigo County, Ind., to points in Illinois and Kentucky, for 180 days. Supporting shippers: Willchemco, Inc., The National Bank of Tulsa Building, Tulsa, Okla., Cominco American, Inc., 818 West Riverside Avenue, Spokane, WA. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, 36 South Pennsylvania Street, Room 802 Century Building, Indianapolis, IN 46204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-407 Filed 1-10-72;8:48 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATION:	
4100	199

5 CFR

	Page
213	201, 257, 258
890	7

6 CFR

	Page
201	284
300	284, 426

7 CFR

	Page
52	131
510	69
722	7, 272
730	8
812	9
814	9
846	133
907	10, 134
910	70, 272
912	273
917	273
930	273
932	323
1007	323
1610	275
PROPOSED RULES:	
301	217, 218
730	19
953	286
966	81
980	81
1004	20
1207	81
1430	20

8 CFR

	Page
214	328

9 CFR

	Page
53	134
76	329
82	135
203	276
400	135
PROPOSED RULES:	
327	85

10 CFR

	Page
PROPOSED RULES:	
50	287, 288
110	92

12 CFR

	Page
201	11
700	329
702	70
PROPOSED RULES:	
701	339
715	95

13 CFR

	Page
121	258

14 CFR

	Page
39	11, 12, 70
71	13, 71, 135, 136, 276, 323
75	13, 71
97	71
225	72
302	277

14 CFR—Continued

	Page
PROPOSED RULES:	
43	222
71	21, 91, 144, 146, 286, 287
91	222
135	222
207	222
208	222
212	222
214	222
372a	222

17 CFR

	Page
240	73
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

	Page
PROPOSED RULES:	
141	22
201	337
204	337
205	337
260	337

19 CFR

	Page
PROPOSED RULES:	
Ch. I	19

20 CFR

	Page
PROPOSED RULES:	
405	89

21 CFR

	Page
121	14, 74, 329
130	201
135	137
135c	14, 137
135e	74
135f	14
148e	330
148m	15
301	137
PROPOSED RULES:	
3	219
27	20
130	85
145	336
304	144

22 CFR

	Page
11	277
41	15

24 CFR

	Page
200	75, 203, 209
201	210
203	138
207	138
220	138
222	76
275	211
1914	280
1915	281
PROPOSED RULES:	
203	144

26 CFR

	Page
12	16, 281
PROPOSED RULES:	
1	19, 99, 286, 336

28 CFR

	Page
301	138

29 CFR

	Page
1910	332

30 CFR

	Page
75	17

32 CFR

	Page
270	77
PROPOSED RULES:	
1467	99

35 CFR

	Page
5	77
253	281

36 CFR

	Page
231	211

38 CFR

	Page
8a	282

39 CFR

	Page
235	77
760	211
761	211

40 CFR

	Page
180	78, 140, 141, 332–334
PROPOSED RULES:	
180	92–94, 337

41 CFR

	Page
5A-3	141
5A-7	141
5A-8	142
5B-1	334
101-17	78
103-40	17
PROPOSED RULES:	
51-1	336

42 CFR

	Page
53	182

43 CFR

	Page
4110	213
PUBLIC LAND ORDERS:	
1932 (amended by PLO 5147)	18
4582 (modified by PLO 5149)	18
4962 (see PLO 5149)	18
5081 (see PLO 5149)	18

43 CFR—Continued

	Page
PUBLIC LAND ORDERS—Continued	
5147	18
5148	18
5149	18
5150	14
Amended by PLO 5151	14
5151	14
PROPOSED RULES:	
2800	217
2810	217

45 CFR

	Page
177	335

46 CFR

	Page
310	335
390	16
PROPOSED RULES:	
146	220

47 CFR

	Page
89	213
91	283
PROPOSED RULES:	
0	145
2	145, 146
15	94, 147
21	146
89	147
91	146

49 CFR

	Page
7	213
301	214
571	284
1002	215
1300	335
PROPOSED RULES:	
192	145
571	222

50 CFR

	Page
28	79
33	79, 80

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date
1–62	Jan. 4	195–249	Jan. 7
63–123	5	251–315	8
125–193	6	317–427	11

VOL 37 NO 6 JAN 11 72 XUM

federal register

TUESDAY, JANUARY 11, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 6

PART II

PRICE COMMISSION

Rate Increase Provisions Relating to Insurers

No. 6—Pt. II——1

V 37 6 JAN 11 72 XUM

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Rate Increase Provisions Relating to Insurers

The purpose of this amendment is to add a new § 300.20 to set forth the rules applicable to rate increases by insurers. In general, it is provided that insurers may charge a price for insurance, in excess of the base price, only in accordance with rate-making practices, rating plans, or formulas developed by using six factors set forth in paragraph (b) of the new section.

Each insurer that had revenues of $250 million or more during the calendar year preceding the effective date of any rate increase it is proposing is designated at a "prenotifier" and must notify the Price Commission and the State regulatory agency at least 30 days before any proposed increase which affects $1 million or more in aggregate annualized premiums under the existing rate, and would be required to certify that the proposed increase conforms to the requirements of the section. Such a proposed increase would be reviewed by the appropriate State regulatory agency (acting under agreement with the Price Commission) and acted upon, within 20 days, by certification that the increase does or does not comply with the section. The certification would be prima facie evidence of that compliance or noncompliance. The Price Commission would act on all such certifications and would also act on all filings that have not been acted upon by a State agency, by the 30th day after the filing. The Price Commission could delay the effective date, request further information, suspend all or part of the increase, or limit, refuse, rescind, reduce, or modify the increase. If the Price Commission does not act within 30 days after the date of the filing, the increase could go into effect without its approval.

Each insurer with annual revenues of $50 million or more during the calendar year preceding any rate increased proposed by it will be required to file quarterly reports with the Price Commission.

The Price Commission is designating the United States Civil Service Commission as the certifying agent for contracts under the Federal Employees Health Benefits Law.

Because the purpose of this amendment is to provide immediate guidance and information as to the price stabilization rules in effect, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11627, 36 F.R. 20139, Oct. 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations, is amended as follows, effective January 11, 1972.

Issued in Washington, D.C., on January 7, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

1. The table of contents is amended by amending the entry for § 300.14 and inserting a new § 300.20 to read as follows:

Sec.
300.14 Service organizations, other than providers of health services and insurers.
300.20 Insurers.

2. Section 300.14 is amended to read as follows:

§ 300.14 Service organizations, other than providers of health services and insurers.

(a) A service organization may charge a price in excess of the base price with respect to the furnishing of services or the leasing of personal property only to reflect allowable costs in effect on November 13, 1971, and cost increases being incurred after November 13, 1971, reduced to reflect productivity gains, and only to the extent that the increased price does not result in an increase in that organization's profit margin over that which prevailed during the base period.

(b) This section does not apply to providers of health services covered by §§ 300.18 and 300.19 or to insurers covered by § 300.20.

3. The following new section is added after § 300.19:

§ 300.20 Insurers.

(a) Definitions: The following definitions apply in this section: "Insurer" means any person who—

(1) By contract for a stipulated consideration undertakes to compensate another for loss on a specified subject; and

(2) Either—

(i) Is subject to the regulatory jurisdiction of a State or the District of Columbia (including a person engaged in providing nonprofit medical or hospital services under such a regulatory jurisdiction); or

(ii) Is undertaking to provide medical or hospital services for a capitation fee.

"Prenotifier" means an insurer that had revenues of $250 million or more during the calendar year preceding the effective date of a rate increase it is proposing.

"Rate" means any amount paid for insurance, calculated in accordance with a rate-making practice or formula, or developed under a classification system.

"State regulatory agency" means any commission, board, or other legal body that has jurisdiction over rates or practices of insurers in a State or the District of Columbia.

(b) General. An insurer may charge a price for insurance in excess of the base price only in accordance with rate-making practices, rating plans, or formulas developed by using the following:

(1) Factors that reflect experience incurred on all actual costs, including commissions payable to licensed agents and brokers on other than a percentage of premium basis, to the extent those commissions are not inconsistent with the rulings of the Pay Board and Price Commission, may be used in the customary manner in rate-making process.

(2) Factors that reflect changed conditions of risk may be used in accordance with customary practice in the normal rate-making process.

(3) Factors in rate-making processes or formulas anticipating cost or price increases for any period after November 13, 1971, may not exceed five-eights of the rate of inflation, otherwise justified on the basis of the line of insurance involved in the proposed increase at the time of determining the rate increase, that would otherwise be used; however, assumptions of any rate of inflation during the period beginning on August 16, 1971 and ending on November 13, 1971, may not be used.

(4) Claim settlement expenses or loss adjustment expenses may continue to be loaded into premiums on a percentage basis related to the loss portion developed under subparagraph (1), (2), or (3) of this paragraph, or on any other customary basis.

(5) Any expense, profit, or retention portion of premiums (other than contingencies, claim settlement expenses or loss adjustment expense, State taxes and fees, and commissions payable to licensed agents and brokers based on a percentage of premium) when loaded on a percentage of premium basis may not be used to produce an actual dollar amount when applied to the average premium per unit of exposure under the proposed rate in excess of 2½ percent more than the actual dollar amount represented by those loadings applied to the average premium per unit of exposure under the rates that are to be increased.

(6) Contingencies, taxes and fees payable to a State, and commissions payable to licensed agents and brokers, to the extent otherwise consistent with the rulings of the Pay Board and Price Commission, based upon a percentage of premium, may continue to be loaded on the same percentage of premium basis in accordance with customary practice in the normal rate-making process.

(c) Prohibited changes: Except as otherwise provided by the Price Commission, for the purposes of this section, no insurer may change a rating formula, formula use or application, data base, rate-making procedure or technique, or other element in the rate-making process, or increase a rate as a result of such a prohibited change.

(d) Prenotification: Each pronotifier shall file a written notice with the Price Commission and the appropriate State regulatory agency of each State to which the rate increase is applicable (or the State of domicile or delivery of the master policy for experience rated or group contracts applicable to a multistate risk) of each proposed rate increase which affects $1 million or more in aggregate annualized premiums under the existing rate. Each insurer submitting a notice under this section shall certify to the Price Commission and the State regulatory authority that the proposed increase conforms to paragraphs (b) and (c) of this section.

(e) Certification by State regulatory agency: A State regulatory agency may agree, in writing, with the Price Commission to certify the rate increases of which it has received prenotification under paragraph (d) of this section are or are not in compliance with paragraphs (b) and (c) of this section, if that agency includes in the agreement a statement that—

(1) It has the authority and ability to make those certifications; and

(2) All information obtained by it in the certification procedure will be kept in a confidential status.

Each agency entering into such an agreement with the Price Commission shall furnish its certification to the Commission (with a copy to the insurer) within 20 days after the date it receives the prenotification. A certification by an agency under this paragraph is prima facie evidence that the proposed rate increase is or is not in compliance with paragraphs (b) and (c) of this section.

(f) Self certification: Whenever a prenotifier cannot obtain a certification of a rate increase from a State regulatory agency in accordance with paragraph (e) of this section because—

(1) The State concerned has not agreed to furnish certifications under that paragraph; or

(2) The State regulatory agency did not act upon the filing within the period required under that paragraph;

The prenotifier shall immediately notify the Price Commission that he cannot obtain the certification and may request the Commission to act upon the certification filed with it under paragraph (d) of this section.

(g) With respect to any rate increase certified by a State regulatory agency under paragraph (e) of this section or self-certified by a prenotifier under paragraph (f) of this section, the Price Commission may take any of the following actions during the period after receiving the certification or self-certification and before the end of the thirtieth day after the date the prenotifier filed under paragraph (d) of this section.

(1) Require the insurer to furnish additional information regarding the increase;

(2) Delay the effective date of the increase pending further Commission action;

(3) Suspend all or part of the effect of the increase, pending further action by the Price Commission or by the regulatory agency;

(4) Limit, refuse, rescind, reduce, or modify the increase.

If the Price Commission does not act upon a request under this paragraph before the end of the period prescribed in this paragraph, the increase may go into effect without Commission action. However, in any case in which that period would otherwise end on a Saturday, Sunday, or Federal holiday, it will end at the close of the next succeeding workday.

(h) Reporting: Each insurer that had annual revenues of $50 million or more during the calendar year preceding any rate increase proposed by it shall file a quarterly report with the Price Commission, at the time it normally releases its quarterly reports but in any event not more than 45 days after the end of the quarter, of each rate increase by it during that quarter. The report shall be made on a form prescribed by the Commission and shall contain the information required by that form.

(i) Federal Employees Health Benefit Law: The Price Commission designates the U.S. Civil Service Commission to act as certifying agent for contracts of insurers under the Federal Employees Health Benefits Law. Each prenotifier that proposes to increase a rate under such a contract shall file notice thereof with the Price Commission and the Civil Service Commission. Each other insurer that proposes to increase a rate under such a contract shall file notice thereof with the Civil Service Commission. The Civil Service Commission shall, with respect to each proposed increase, certify to the Price Commission that the increase is or is not in compliance with paragraph (b) of this section, and that certification is prima facie evidence of compliance or noncompliance. A rate certified by the Civil Service Commission as being in compliance may go into effect on any date, specified by that Commission, that is at least 10 days after the date of the certification, and at least 30 days after the date of the prenotification.

(j) Data requirements: Each prenotification filed under paragraph (d) of this section and each report made under paragraph (h) of this section shall include—

(1) Specification of the coverages to which the rate increase is applicable and of the person or persons by which the rate is to be used;

(2) The average percentage increase by line of coverage and by State;

(3) The annualized inflationary trend factor or factors used with specification of the applicability of the factors if more than one are involved, including prefreeze, freeze and postfreeze applicability separately; and

(4) The percentage increase in the actual dollar amount produced by application of loadings on a percentage of premium basis for expense, profit, or retention (other than contingencies, loss adjustment expenses or claim settlement expenses, State taxes and fees, and commissions payable to licensed agents and brokers based on a percentage of premium) to the average premium per unit of exposure under the proposed or increased rate as compared with the actual dollar amount so produced under the existing or previous rate.

(k) Rates for replacement or revised insurance coverages: The rate for a form of insurance coverage replacing or revising another form of insurance coverage previously written by the same insurer is subject to the same requirements as an increase in the rate for the previous insurance coverage would have been subject.

(l) Insurance rates subject to State laws: Approval of an insurance rate increase under this section does not authorize the use of an insurance rate in contravention of any applicable State law that is not inconsistent with this section.

(m) Monitoring by health insurers. Each health insurer is authorized and encouraged to monitor and report to health care providers (both institutional and noninstitutional) any price increases by those providers that involved significant deviation from the provisions of this part that apply to those providers and any increases in use of services or benefits that significantly exceeds its experience with that provider. Upon the receipt of such a report, the provider and the insurer shall make a good faith effort to determine whether any violation of this part has occurred and to take any steps to remedy such violation.

4. Paragraph (j) of § 300.51 is amended to read as follows:

§ 300.57 Prenotification firms.

* * * * *

(j) *Persons to whom section does not apply.* This section does not apply to providers of health services covered by § 300.18 or 300.19 or to insurers covered by § 300.20.

5. Section 300.52 is amended by adding the following new paragraph at the end thereof:

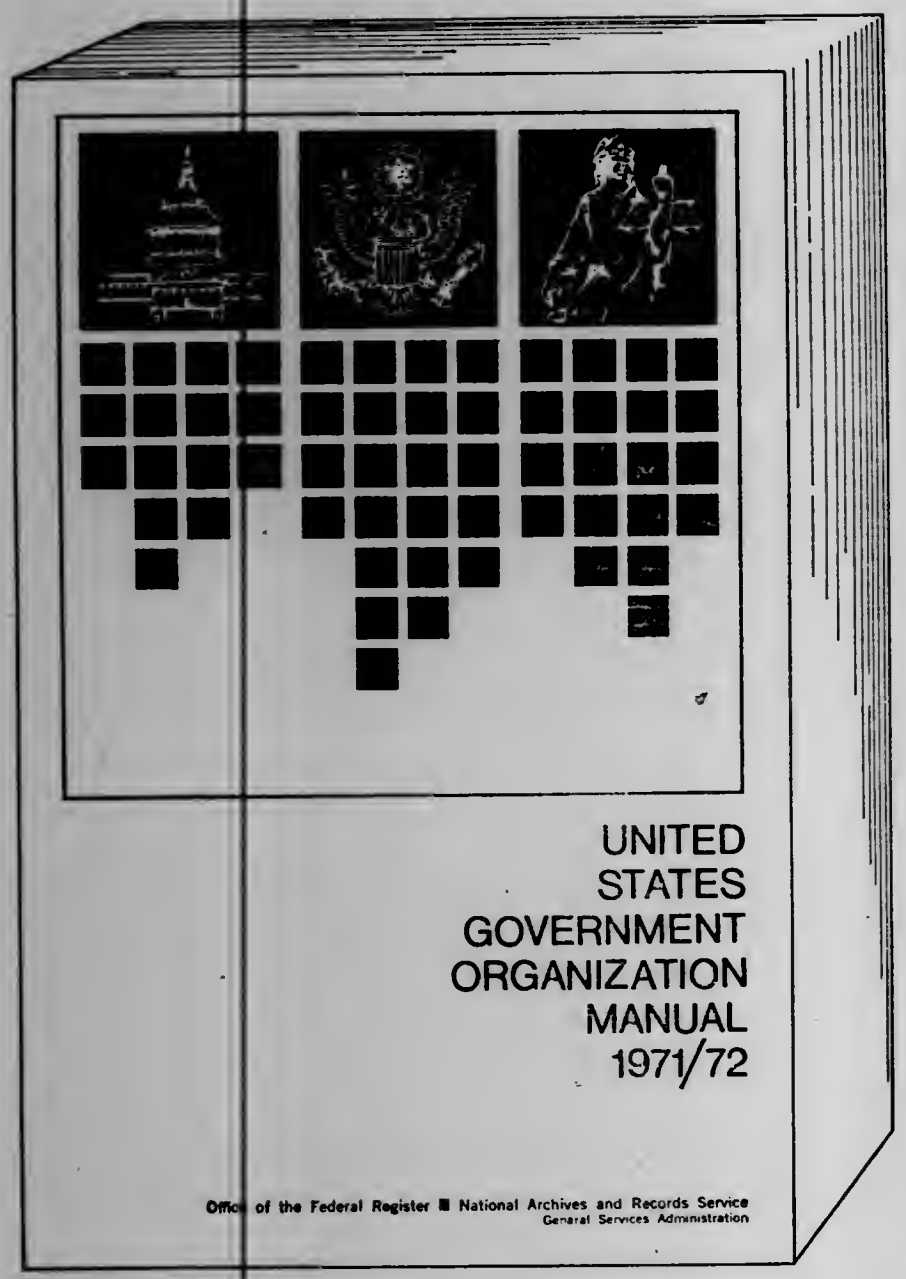
§ 300.52 Reporting firms.

* * * * *

(c) *Persons to whom section does not apply.* This section does not apply to insurers covered by § 300.20.

[FR Doc.72-440 Filed 1-7-72;11:49 am]

JAN 11 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

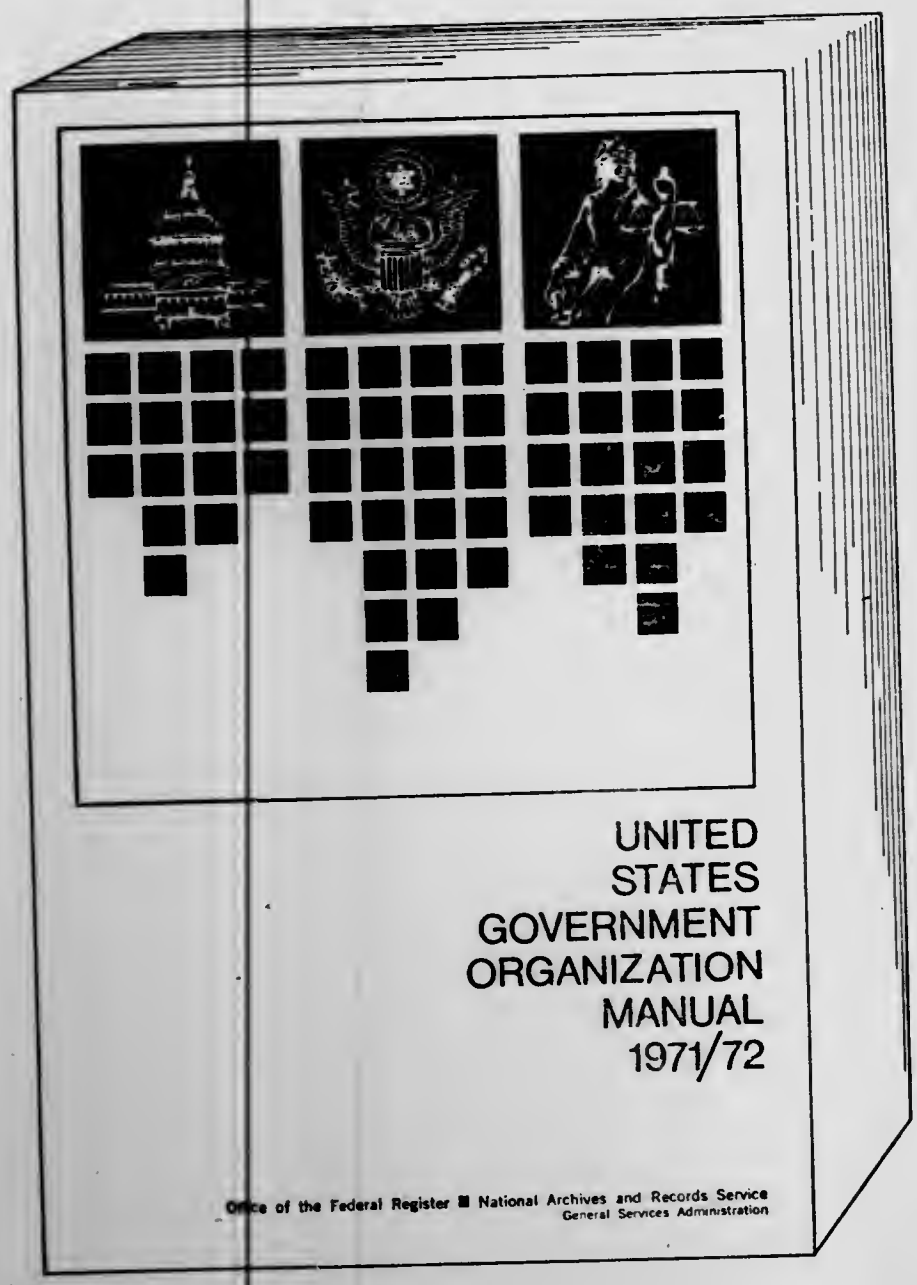
Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-2

federal register

WEDNESDAY, JANUARY 12, 1972
WASHINGTON, D.C.

Pages 429–513

Volume 37 ■ Number 7

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

AIR SAFETY—FAA amendment on procedures for cease and desist orders in emergencies; effective 2–11–72 436

ANTIBIOTIC DRUGS—FDA revocations of certification for certain drugs for topical use (2 documents) 438, 440

OIL—Interior Dept. regulations on disposal of government royalty oil (2 documents); effective 1–12–72 441

PESTICIDES—EPA regulation exempting from requirement of tolerances for residues of calcium and sodium salts of certain sulfonated petroleum fractions; effective 1–12–72 443

MEDICAID—HEW regulation on time limitation for Federal financial participation; effective 1–12–72 443

ECONOMIC OPPORTUNITY—OEO regulations on poverty guidelines 444

CARGO TANKS—DoT amendments regarding accessory attachments to certain specification tanks; effective March 31, 1972 444

MOTOR VEHICLE LIGHTING STANDARD—DoT amendment permitting use of agency symbol for certification of conformance; effective 1–12–72 445

FOOD STANDARDS—FDA proposals on use of sweetened water as an optional packing medium for canned figs and on amending identity standards for certain specified cheeses; comments within 60 days 468, 470

(Continued inside)

V37-7 JAN 12 72 XUM

Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements; and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. It includes an Index of Contents and a system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist of White House releases, and a digest of other White House announcements.

This systematic publication of Presidential items provides users with up-to-date information and a permanent reference source concerning Presidential policies and pronouncements.

Subscription Price: $9.00 per year

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from: Superintendent of Documents
U.S. Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

OCCUPATIONAL SAFETY AND HEALTH—Labor Dept. proposal of standard for exposure to asbestos dust; comments within 30 days 466

LIBRARIES—HEW proposal on financial assistance for library services, construction and interlibrary cooperation; comments by 2–11–72 470

WATER QUALITY STANDARDS—EPA notice of withdrawal of proposed rule making 478

SELECTIVE SERVICE SYSTEM—Miscellaneous proposed rules dealing with alternate service, conscientious objectors, classifications and other matters (4 documents); comments within 30 days 479, 484, 485, 486

FOREIGN CURRENCIES—Customs Bur. notice on rates of exchange 488

NEW ANIMAL DRUG—FDA notice of withdrawal of approval for phenothiazine; effective 1–12–72 .. 492

NEW DRUGS—FDA notice changing effectiveness classifications for sodium heparin 492

COMMISSION ON HIGHWAY BEAUTIFICATION—Notice of public hearing on 1–24–72 495

MEAT INSPECTION—USDA revocation of amendments concerning disposition of swine carcasses .. 435

Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices
Director, Office of Contract Services, Bureau for Supporting Assistance; redelegation of authority regarding contracting functions (2 documents) 488

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations
Availability of information; correction 435

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Animal and Plant Health Service; Consumer and Marketing Service.

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations
Hog cholera and other communicable swine diseases; areas quarantined 435

ATOMIC ENERGY COMMISSION

Notices
Duke Power Co.; reconstitution of Board 493
Reactor testing during FY 72 at Nuclear Rocket Development Station, Nev.; availability of final environmental statement .. 493

CIVIL AERONAUTICS BOARD

Proposed Rule Making
Modification of surety bond requirements; extension of time for filing comments 478

Notices
Hearings, etc.:
International Air Transport Association 493
Pan American World Airways, Inc 494

COMMERCE DEPARTMENT

See Import Programs Office; National Oceanic and Atmospheric Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations
Disposition of swine carcasses because of sexual odor; marking requirements; revocation 435

Proposed Rule Making
Milk:
Boston regional and certain other marketing areas; recommended decision and opportunity to file written exceptions 447
Eastern Ohio-western Pennsylvania marketing area; hearing 465

CUSTOMS BUREAU

Notices
Foreign currencies; rates of exchange 488

DELAWARE RIVER BASIN COMMISSION

Notices
Comprehensive plan; joint public hearing 495

ECONOMIC OPPORTUNITY OFFICE

Rules and Regulations
Community action programs; income poverty guidelines 444

EDUCATION OFFICE

Proposed Rule Making
Library services, public library construction, and interlibrary cooperation; financial assistance 470

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations
Exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; calcium and sodium salts of certain sulfonated petroleum fractions (mahogany soaps) 443

(Continued on next page)

V 37 7 7
JAN 12 72
XUM

Proposed Rule Making

State certification of activities requiring Federal license or permit; withdrawal of proposal 478

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives; British Aircraft Corp. airplanes 437
Cease and desist orders; exercise of certain other authority 436
Restricted area and continental control area; designation and alteration 437
Restricted areas; alterations (3 documents) 437, 438

Proposed Rule Making

Restricted area; alteration 478

FEDERAL COMMUNICATIONS COMMISSION

Notices

Standard broadcast application ready and available for processing 497
Hearings, etc.:
Bamford, A. V., et al 496
Korngold, Alvin L., et al 496

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Alabama Power Co 497
Atlantic Richfield Co. et al 497
Mobil Oil Corp. et al 501

FEDERAL RESERVE SYSTEM

Notices

Mercantile Bancorporation Inc.; acquisition of bank 501

FISH AND WILDLIFE SERVICE

Rules and Regulations

Operation of vehicles; Erie National Wildlife Refuge, Pa 445

Proposed Rule Making

Back Bay National Wildlife Refuge Beach, Va.; limitation on use of motor vehicles 447

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Revocations:
Chlortetracycline hydrochloride powder topical, veterinary 440
Penicillin for topical use 438

Proposed Rule Making

Canned figs; slightly sweetened water as optional packing medium A 470
Cheeses and cheese products; labeling requirements 468

Notices

Greever's Inc.; phenothiazine and lead arsenate drench powder; withdrawal of new animal drug application 492
Sodium heparin; drugs for human use; efficacy study implementation; follow-up notice 492

GEOLOGICAL SURVEY

Rules and Regulations

Disposal of government royalty oil; notices of delivery 441
Disposal of Outer Continental Shelf royalty oil 441

HAZARDOUS MATERIALS REGULATIONS BOARD

Rules and Regulations

Shipping container specifications; cargo tank attachments 444

Notices

Special permits issued 493

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Social and Rehabilitation Service.

HIGHWAY BEAUTIFICATION COMMISSION

Notices

Highway beautification; public hearing 495

IMPORT PROGRAMS OFFICE

Notices

University of California et al.; applications for duty-free entry of scientific articles 491

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Geological Survey; Land Management Bureau.

INTERNAL REVENUE SERVICE

Notices

Organization and functions 489

INTERSTATE COMMERCE COMMISSION

Notices

Alaska Carriers Association, Inc., and Hawaii Trucking Association, Inc.; application regarding territorial description clarification 503
Assignment of hearings 502
Fourth section application for relief 502
Manhattan Transit Co. et al.; filing of petition for declaratory order 503
Motor carriers:
Alternate route deviation notices (2 documents) 503, 504
Applications and certain other proceedings 504
Temporary authority applications 507
National Tank Truck Carriers, Inc.; application regarding commodity description clarification 503

LABOR DEPARTMENT

See also Occupational Safety and Health Administration.

Notices

Unemployment compensation laws; certification of States (2 documents) 502

LAND MANAGEMENT BUREAU

Notices

California:
Opening of public lands 490
Redelegations of authority:
Chief, Division of Management Services, et al 491
Chief, Division of Resources, et al 491

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules and Regulations

Federal motor vehicle safety standards; lamps, reflective devices, and associated equipment 445

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Thompson, Jack A. and Jacqueline M.; loan application 491

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rule Making

Standard for exposure to asbestos dust 466

POSTAL SERVICE

Rules and Regulations

Debt obligations; authority implementation of Postal Service to borrow money by selling securities 443

SELECTIVE SERVICE SYSTEM

Proposed Rule Making

Selective Service regulations (4 documents) 479, 484, 485, 486

SOCIAL AND REHABILITATION SERVICE

Rules and Regulations

Services and payment in medical assistance programs; time limitations for Federal financial participation 443

STATE DEPARTMENT

See Agency for International Development.

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Hazardous Materials Regulations Board; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Customs Bureau; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

7 CFR

PROPOSED RULES:
1001 447
1002 447
1004 447
1006 447
1007 447
1011 447
1012 447
1013 447
1015 447
1030 447
1032 447
1033 447
1036 (2 documents) 447, 465
1040 447
1043 447
1044 447
1046 447
1049 447
1050 447
1060 447
1061 447
1062 447
1063 447
1064 447
1065 447
1068 447
1069 447
1070 447
1071 447
1073 447
1075 447
1076 447
1078 447
1079 447
1090 447
1094 447
1096 447
1097 447
1098 447
1099 447
1101 447
1102 447
1103 447
1104 447
1106 447
1108 447
1120 447
1121 447
1124 447
1125 447
1126 447
1127 447
1128 447
1129 447
1130 447
1131 447
1132 447
1133 447
1134 447
1136 447
1137 447
1138 447

9 CFR

76 435
311 435
316 435
317 435
400 435

14 CFR

13 436
39 437
71 437
73 (4 documents) 437, 438
PROPOSED RULES:
73 478
373 478
378 478
378a 478

21 CFR

141a 438
146a 438
146c 440
PROPOSED RULES:
19 468
27 470

29 CFR

PROPOSED RULES:
1910 466

30 CFR

225 441
225a 441

32 CFR

PROPOSED RULES:
Ch. XVI 486
1604 479
1606 (2 documents) 479, 484
1609 484
1611 479
1613 484
1621 479
1622 479
1623 479
1624 479
1625 479
1626 479
1627 479
1630 479
1631 479
1632 479
1641 479
1643 479
1660 485

39 CFR

760 443
761 443

40 CFR

180 443
PROPOSED RULES:
115 478

45 CFR

249 443
1060 444
PROPOSED RULES:
130 470

49 CFR

178 444
571 445

50 CFR

28 445
PROPOSED RULES:
28 447

V 37-7 JAN 12 72 XUM

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 72-502]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e) (1) relating to the State of Texas, subdivision (i) relating to Hidalgo, Willacy, and Cameron Counties is revised to read:

(e) * * *

(1) *Texas.* (i) That portion of the State of Texas comprised of all of Cameron, Hidalgo, Starr, and Willacy Counties.

* * * * *

2. In § 76.2, the references to the States of Alabama and South Carolina in paragraph (f) are deleted, and paragraph (g) is amended by adding thereto the names of the States of Alabama and South Carolina.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 36 F.R. 20707)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine all of Starr County in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantine areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined county.

The amendments delete Alabama and South Carolina from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Alabama and South Carolina.

The amendments add Alabama and South Carolina to the list of hog cholera free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and swine products from or to such free States are applicable to Alabama and South Carolina.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making procedure would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of January 1972.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.72-467 Filed 1-11-72;8:49 am]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

PART 311—DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

PART 316—MARKING PRODUCTS AND THEIR CONTAINERS

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Disposition of Swine Carcasses Because of Sexual Odor; Marking Requirements; Revocation

On August 13, 1971, there was published in the FEDERAL REGISTER (36 F.R. 15109) a document amending Parts 311, 316, and 317 of the Federal meat inspection regulations (9 CFR Parts 311, 316, and 317) under the Federal Meat Inspection Act (34 Stat. 1260, as amended, 21 U.S.C. 601 et seq.) to change the requirement regarding the disposition of swine carcasses with sexual odor at establishments subject to the Act. The document provided that the amendments would become effective 60 days after such publication.

On October 13, 1971, and December 17, 1971, there were published in the FEDERAL REGISTER (36 F.R. 19901, 23996) notices postponing the effective date of the amendments to January 12, 1972, with a view to enabling the affected industry to adjust its operations to comply with the requirements prescribed by the amendments.

It now appears that further consideration of this matter is warranted. Therefore, the amendments published on August 13, 1971, are hereby revoked.

The provisions of § 311.20 of the regulations (9 CFR 311.20) which were in force immediately prior to August 13, 1971, are hereby reinstated in effect.

It is contemplated that a new proposal for amendments of the regulations with respect to this matter will be published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment thereon.

This document revokes amendments that are scheduled to become effective on January 12, 1972. Since it is now apparent that further consideration should be given to the subject matter involved in the amendments, they should not become effective as scheduled. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that public participation in proposed rule making in connection with this action is impracticable, and good cause is found for making this action effective less than 30 days after publication hereof in the FEDERAL REGISTER.

This action shall become effective upon issuance hereof.

Done at Washington, D.C., on January 10, 1972.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.72-531 Filed 1-11-72;8:51 am]

Chapter IV—Agricultural Research Service, Department of Agriculture

SUBCHAPTER A—PUBLIC INFORMATION

PART 400—AVAILABILITY OF INFORMATION

Correction

In F.R. Doc. 72-235 appearing at page 135 in the issue of Thursday, January 6, 1972, the reference to "Part 510 of this title" in the fifth line of § 400.1 should read "7 CFR Part 510".

V 37 7 7 JAN 12 72 XUM

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11626, Amdt. 13–9]

PART 13—ENFORCEMENT PROCEDURES

Cease and Desist Orders; Exercise of Certain Other Authority

The purpose of these amendments to Part 13 of the Federal Aviation Regulations is to implement section 1005(a) of the Federal Aviation Act of 1958 with respect to the issuance of cease and desist orders in emergencies, and to state the general course and method by which this and certain other authority is exercised.

Under section 1005(a) of the Act, whenever the Administrator is of the opinion that an emergency requiring immediate action exists in respect of safety in air commerce, he may, either upon complaint or his own initiative without complaint, at once, if he so orders, without answer or other form of pleading by the interested person or persons, and with or without notice, hearing, or the making or filing of a report, make such just and reasonable orders, rules, or regulations, as may be essential in the interest of air commerce to meet the emergency.

These amendments to Part 13 reflect the authority of the Administrator under section 1005 to issue a cease and desist order in an emergency situation requiring immediate action in respect of safety in air commerce. As stated in these amendments, this authority is also exercised by the General Counsel, the Associate General Counsel for Operations and Evaluation, each Regional Director, the Director, Aeronautical Center, and Regional and Aeronautical Center Counsel where their respective Directors delegate the authority to them.

Section 1005(a) also provides that the Administrator shall immediately initiate proceedings relating to the matters embraced in the order and shall, insofar as practicable, give preference to those proceedings over all others. These amendments specifically implement this provision, and also state that under Section 1006 of the Act any person disclosing a substantial interest in the order has a right to seek judicial review in a court of appeals of the United States or the U.S. Court of Appeals for the District of Columbia.

These amendments further reflect certain delegations of other authority to exercise functions in enforcement proceedings under Part 13. They state that, in addition to the General Counsel and the Regional Counsel concerned, the Associate General Counsel for Operations and Evaluation may make or accept offers to compromise civil penalties (§ 13.15 (b) and (c)). They change § 13.17 to reflect the authority of the General Counsel, in addition to the Regional Directors, to issue orders of seizure of aircraft, and to eliminate references to Area Managers whose positions and titles have been abolished. They state that the authority of the Administrator to issue certificate action orders, now delegated to the General Counsel and the Regional Counsel, is also exercised by the Associate General Counsel for Operations and Evaluation and, as to the suspension or revocation of Certificates of Aircraft Registration by the Aeronautical Center Counsel (§ 13.19 (b)).

In addition, these amendments reflect the current practice, as indicated in the enclosures of Notices of Proposed Certificate Action, of allowing an alleged violator to choose among five alternatives following receipt of a notice. The fifth alternative added to § 13.19(c) by these amendments is that the certificate holder may request that an order be issued in accordance with the Notice of Proposed Certificate Action so that he may appeal to the National Transportation Safety Board.

Since these amendments are procedural in nature, represent implementation of existing statutory authority, and do not impose a burden on any person, notice and public procedure thereon is not required and the amendments may be made effective less than 30 days after publication.

In consideration of the foregoing, Part 13 of the Federal Aviation Regulations is amended, effective February 11, 1972, as follows:

§ 13.15 [Amended]

1. By inserting the phrase ", the Associate General Counsel for Operations and Evaluation," after the words "the General Counsel" in the second sentence in paragraph (b), and in the second sentence in paragraph (c), in § 13.15.

§ 13.17 [Amended]

2. By amending § 13.17 as follows:

a. By striking out the phrase "Area Manager of the area in which the aircraft is located" in paragraph (a) and substituting the words "by the General Counsel" therefor.

b. By striking out the words "Area Manager" in the lead-in portion of paragraph (c) and substituting the words "General Counsel" therefor.

c. By inserting the words "General Counsel or" before the words "Regional Counsel" in paragraph (d).

d. By striking out the words "Area Manager" in the lead-in portion of paragraph (e) and substituting the words "General Counsel" therefor.

e. By striking out the words "Assistant Administrator" in subparagraph (e)(3) and substituting the words "Regional Counsel or the General Counsel" therefor.

3. By amending §13.19 as follows:

a. By amending paragraph (b) to read as set forth below;

b. By inserting the phrase "the Associate General Counsel for Operations and Evaluation," after the words "the General Counsel," in the first and last sentences in paragraph (c);

c. By striking out subparagraphs (3) and (4) in paragraph (c) and substituting the following subparagraphs (3), (4), and (5) therefor:

§ 13.19 Certificate action.

* * * * *

(b) If, as a result of such a reinspection, reexamination, or other investigation made by him under section 609 of the Act, the Administrator determines that the public interest and safety in air commerce requires it, he may issue an order amending, suspending, or revoking, all or part of any type certificate, production certificate, airworthiness certificate, airman certificate, air carrier operating certificate, air navigation facility certificate, or air agency certificate. This authority is also exercised by the General Counsel, the Associate General Counsel for Operations and Evaluation, and the Regional Counsel concerned. If the Administrator finds that any aircraft registered under Part 47 of this chapter is ineligible for registration, or if the holder of a Certificate of Aircraft Registration has refused or failed to submit Part 1, AC Form 8050–73, as required by § 47.44 of this chapter, the Administrator issues an order suspending or revoking that certificate. This authority as to aircraft found ineligible for registration is also exercised by the Aeronautical Center Counsel.

(c) * * *

(3) Request that an order be issued in accordance with the Notice of Proposed Certificate Action so that he may appeal to the National Transportation Safety Board;

(4) Request an opportunity to be heard in an informal conference with the FAA counsel; or

(5) Request a formal hearing if the charges concern a matter under title V of the Act.

* * * * *

4. By inserting a new § 13.20 after § 13.19 to read as follows:

§ 13.20 Cease and desist orders.

(a) Under section 1005(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1485(a)), whenever the Administrator is of the opinion that an emergency requiring immediate action exists in respect of safety in air commerce, the Administrator is authorized, either upon complaint or his own initiative without complaint, at once, if he so orders, without answer or other form of pleading by the interested person or persons, and with or without notice, hearing, or the making or filing of a report, to make such just and reasonable orders, rules, and regulations as may be essential in the interest of safety in air commerce to meet the emergency. This authority includes the authority to issue a cease and desist order. Under section 1006 of the Act (49 U.S.C. 1486), any persons disclosing a substantial interest in the cease and desist order may seek judicial review of the order by the courts of appeals of the United States or the U.S. Court of Appeals for the District of Columbia.

(b) Whenever a cease and desist order is issued under section 1005(a) of the Act, the Administrator immediately initiates formal or informal proceedings as appropriate relating to the matters embraced in the order, giving preference to those proceedings over all others insofar as practicable.

(c) The authority of the Administrator under section 1005(a) of the Act is also exercised by the General Counsel, the Associate General Counsel for Operations and Evaluation, each Regional Director, and the Director, Aeronautical Center. This authority is also exercised by Regional and Aeronautical Center Counsel where their respective Directors delegate the authority to them.

§ 13.21 [Amended]

5. By inserting the phrase ", the Associate General Counsel for Operations and Evaluation," after the words "the General Counsel" in § 13.21.

(Secs. 313(a), 601, 609, 1005(a), 1006, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1429, 1485(a), 1486; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); sec. 1.47(a), regulations, Office of the Secretary of Transportation)

Issued in Washington, D.C., on January 4, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72–430 Filed 1–11–72;8:47 am]

[Docket No. 10276, Amdt. 39–1375]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp. Model BAC 1–11 200 and 400 Series Airplanes

Amendment 39–1349 (36 F.R. 22363), AD 71–25–2, requires, in part, replacement of failed or loose flap beam bracket attachment bolts through the wing lower skin and provides for flight in accordance with FAR 21.197 to a base where the repairs can be performed.

After issuing Amendment 39–1349, AD 71–25–2, the FAA determined that, through inadvertence, the AD fails to provide for such flight in one case where repairs are required. Therefore, the AD is being amended to correct this deficiency.

Since this amendment corrects an inadvertent omission in Amendment 39–1349, AD 71–25–2, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administration (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation regulations, Amendment 39–1349 (36 F.R. 22363), AD 71–25–2, is amended by inserting in paragraph (f)(2), after the words "before further flight" the words ", except that the airplane may be flown in accordance with FAR 21.197 to a base where the repairs or modifications can be performed,".

This amendment becomes effective upon publication in the FEDERAL REGISTER (1–12–72).

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 6, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.72–429 Filed 1–11–72;8:46 am]

[Airspace Docket No. 71–RM–31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to redesignate Restricted Area R–6413, Green River, Utah, as a joint-use restricted area and to include the area in the Continental control area.

The Department of the Air Force has requested the redesignation of R–6413 to provide for the launching of U.S. Army ballistic missiles. The area will be activated for approximately 90 days beginning April 1, 1972, and terminating June 30, 1972.

In the notice of proposed rule making published in the FEDERAL REGISTER (36 F.R. 1911) of February 3, 1971, Airspace Docket No. 70–WE–93, it was stated that: "Each successive period would be designated by rule published in the FEDERAL REGISTER," therefore, further notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended as hereinafter set forth.

1. Effective 0901 G.m.t., March 2, 1972, Parts 71 and 73 are amended as follows:

a. In § 71.151 (36 F.R. 2045) "R–6413 Green River, Utah." is added.

b. In § 73.64 (36 F.R. 2360) restricted area R–6413 Green River, Utah, is added.

R–6413 GREEN RIVER, UTAH

Boundaries: Beginning at latitude 38°–57'00" N., longitude 110°09'40" W.; thence to latitude 38°46'03" N., longitude 110°06'00" W.; to latitude 38°31'30" N., longitude 109°57'00" W.; to latitude 38°31'30" N., longitude 109°51'00" W.; to latitude 38°33'27" N., longitude 109°46'00" W.; to latitude 38°49'15" N., longitude 109°57'02" W.; to latitude 38°58'02" N., longitude 110°05'33" W.; thence to point of beginning.

Designated altitudes: Surface to unlimited.

Time of designation: From April 1, 1972, to June 30, 1972, unless canceled sooner by Notices to Airmen. All subsequent firing periods would be designated by a rule published in the FEDERAL REGISTER.

Controlling agency: Federal Aviation Administration, Denver ARTC Center.

Using agency: Air Force Special Weapons Center, Air Force Systems Command, Kirtland AFB, N. Mex.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 3, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–431 Filed 1–11–72;8:47 am]

[Airspace Docket No. 71–WA–41]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of the Sailor Creek, Idaho, Restricted Area R–3202. This change was requested by the Department of the Air Force.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure hereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (1–12–72), as hereinafter set forth.

In § 73.32 (36 F.R. 2340) the Sailor Creek, Idaho, Restricted Area R–3202 is amended by changing the using agency from "Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho." to "Commander, 347th Tactical Fighter Wing, Mountain Home AFB, Idaho."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 3, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–434 Filed 1–11–72;8:47 am]

[Airspace Docket No. 71–SW–74]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the name of the controlling agency of Restricted Area R–3804B, Fort Polk, La.

Since this amendment is minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective February 3, 1972, as hereinafter set forth.

Section 73.38 (36 F.R. 2343) is amended as follows:

R–3804B Fort Polk, La., is amended by deleting "Controlling agency. Federal Aviation Administration. Alexandria, La.,

Flight Service Station." and substituting "Controlling agency. Federal Aviation Administration. Houston, Tex., ARTC Center." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 4, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-432 Filed 1-11-72;8:47 am]

[Airspace Docket No. 71-GL-31]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to redesignate Restricted Area R-4202, Lake Margrethe, Mich., as a joint-use restricted area.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and for that reason this amendment can be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (1-12-72), as hereinafter set forth.

Section 73.42 (36 F.R. 2345) R-4202 Lake Margrethe, Mich., is amended by adding "Controlling Agency: Federal Aviation Administration, Traverse City Flight Service Station."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 3, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-433 Filed 1-11-72;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

[DESI 5740]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS, TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Penicillin for Topical Use; Revocations

In a notice (DESI 5740) published in the FEDERAL REGISTER of February 18, 1971 (36 F.R. 3145), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, regarding the following drugs:

1. Penicillin G Crystalline-Potassium Ointment and Ophthalmic Ointment (4 reports); Eli Lilly and Co., Post Office Box 618, Indianapolis, Indiana 46206 (NDA 60-405 and 5-740).

2. Penicillin G Crystalline-Potassium Ophthalmic Ointment; Day-Baldwin, Inc., 1460 Chestnut Avenue, Hillside, New Jersey 07205 (NDA 60-313).

3. Potassium Penicillin G Ophthalmic Ointment; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, New Jersey 08903 (NDA 60-364).

4. Penicillin Topical Ointment and Penicillin G Crystalline Potassium Ophthalmic Ointment; Biocraft Laboratories, Inc., 92 Route 46, East Paterson, New Jersey 07407 (NDA 60-311).

5. Penicillin Ointment Topical; Bryan Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, New York 10550 (NDA 60-329).

6. Penicillin Ointment and Topical Ointment (2 reports); Day-Baldwin, Inc. (NDA 60-313).

7. Crystalline Potassium Penicillin G Ointment; E. R. Squibb & Sons, Inc. (NDA 60-364).

8. Ledercillin Ointment; containing procaine penicillin G, Lederle Laboratories Division, American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 60-416).

The Food and Drug Administration concluded that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that the effectiveness of topical penicillin is sufficient to justify its use in view of the known serious hazards associated with such use.

The Commissioner announced his intention to initiate proceedings to revoke the antibiotic drug regulations providing for certification or release of the above-listed antibiotic drugs and any similar drugs for topical administration in man.

Interested persons who might be adversely affected by removal of these drugs from the market were invited to submit within 30 days after said publication date any pertinent data bearing on the proposal to revoke the antibiotic drug regulations. No data were received.

For the listed products, the conditions of certification are described in §§ 141a.8 and 146a.26 of the antibiotic regulations. Sections 141a.11, 141a.15, 141a.17, 141a.18, 141a.22, 141a.35, 141a.36, 141a.40, 141a.53, 141a.58, 141a.65, 141a.89, 141a.96, 146a.22, 146a.29, 146a.33, 146a.35, 146a.36, 146a.40, 146a.54, 146a.55, 146a.59, 146a.76, 146a.81, 146a.89, and 146a.111 describe the conditions for certification of other penicillin-containing products for topical use and are also affected by this order.

Accordingly, the Commissioner concludes (1) that the antibiotic drug regulations should be amended to revoke provisions for certification or release of such antibiotic drugs for human use and (2) that all outstanding certificates or releases heretofore issued for such drugs for human use should also be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 141a and 146a are amended as follows and all antibiotic certificates or releases issued under these regulations for such drugs for human use are also revoked:

1. Part 141a is amended:

a. In § 141a.8 by revising the section heading to read as follows:

§ 141a.8 **Penicillin ointment, veterinary.**

• • • • • •

§§ 141a.11, 141a.15, 141a.17, 141a.18, 141a.40, 141a.53, 141a.58 [Revoked]

b. By revoking the following sections: § 141a.11 *Penicillin with aluminum hydroxide gel;* § 141a.15 *Penicillin for surface application;* § 141a.17 *Penicillin sulfonamide powder;* § 141a.18 *Penicillin vaginal suppositories;* § 141a.40 *Penicillin tooth powder;* § 141a.53 *Penicillin-streptomycin implantation pellets; penicillin - dihydrostreptomycin implantation pellets;* and § 141a.58 *Penicillin-streptomycin vaginal suppositories; penicillin-dihydrostreptomycin vaginal suppositories.*

c. In § 141a.22 by revising the section heading to read as follows:

§ 141a.22 **Penicillin bougies, veterinary.**

• • • • • •

d. In § 141a.35 by revising the section heading to read as follows:

§ 141a.35 **Penicillin-streptomycin ointment, veterinary; penicillin-dihydrostreptomycin ointment, veterinary.**

• • • • • •

e. In § 141a.36 by revising the section heading to read as follows:

§ 141a.36 **Penicillin-streptomycin bougies, veterinary; penicillin-dihydrostreptomycin bougies, veterinary.**

• • • • • •

f. In § 141a.65 by revising the section heading to read as follows:

§ 141a.65 **Penicillin - streptomycin-neomycin in oil, veterinary; penicillin-dihydrostreptomycin-neomycin in oil, veterinary; penicillin-streptomycin-neomycin ointment, veterinary; penicillin-dihydrostreptomycin- neomycin, ointment, veterinary.**

• • • • • •

g. In § 141a.89 by revising the section heading to read as follows:

§ 141a.89 **Procaine penicillin-neomycin-polymyxin in oil, veterinary; procaine penicillin-neomycin-polymyxin ointment, veterinary.**

• • • • • •

h. In § 141a.96 by revising the section heading to read as follows:

§ 141a.96 **Penicillin - streptomycin-neomycin-polymyxin ointment, veterinary; penicillin-dihydrostreptomycin-neomycin-polymyxin ointment, veterinary.**

• • • • • •

2. Part 146a is amended:

a. In § 146a.22 by revising the heading and preamble to read as follows:

§ 146a.22 **Penicillin - streptomycin-neomycin-polymyxin ointment, veterinary; penicillin-dihydrostreptomycin-neomycin-polymyxin ointment, veterinary.**

Penicillin - streptomycin - neomycin-polymyxin ointment, veterinary, and penicillin - dihydrostreptomycin - neomycin-polymyxin ointment, veterinary, conform to all requirements and are subject to all procedures prescribed by § 146a.89 for penicillin-streptomycin-neomycin ointment, veterinary, and penicillin - dihydrostreptomycin - neomycin ointment, veterinary, except that:

• • • • • •

b. In § 146a.26 by revising the section heading, the first and second sentences of paragraph (a) and by revising paragraph (b), the introductory text of paragraph (c)(1), paragraph (c)(1)(i), and (2) and paragraph (d)(1) to read as follows:

§ 146a.26 **Penicillin ointment, veterinary.**

(a) *Standards of identity, strength, quality, and purity.* Penicillin ointment, veterinary, is calcium penicillin, crystalline penicillin, procaine penicillin, or *l*-ephenamine penicillin G in a suitable and harmless ointment base, with or without a suitable anesthetic. If it is intended solely for topical veterinary use and not for udder instillation in dairy animals and is conspicuously so labeled, it may contain nitrofurazone. • • •

(b) *Packaging.* Penicillin ointment, veterinary, shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U.S.P. and shall not be larger than the ⅛-ounce size if such ointment is represented for ophthalmic use and in no case larger than the 2-ounce size. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* (1) In addition to the labeling requirements prescribed by § 1.106(c) of this chapter, each package shall bear on its label or labeling, as hereinafter indicated, the following:

(i) An expiration date that conforms to the requirements prescribed by § 148.3(a)(3) of this chapter.

• • • • • •

(2) In lieu of the statement "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian," each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of penicillin ointment, veterinary, shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the penicillin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor by this section.

• • • • • •

§§ 146a.29, 146a.33, 146a.35, 146a.36, 146a.59, 146a.76, 146a.81 [Revoked]

c. By revoking the following sections: § 146a.29 *Penicillin with aluminum hydroxide gel;* § 146a.33 *Penicillin for surface application;* § 146a.35 *Penicillin sulfonamide powder (calcium penicillin sulfonamide powder; crystalline penicillin sulfonamide powder;* § 146a.36 *Penicillin vaginal suppositories;* § 146a.59 *Penicillin tooth powder (tooth powder with penicillin);* § 146a.76 *Penicillin-streptomycin implantation pellets; penicillin-dihydrostreptomycin implantation pellets;* and § 146a.81 *Penicillin-streptomycin vaginal suppositories; penicillin-dihydrostreptomycin vaginal suppositories.*

d. In § 146a.40 by revising the section heading, the first sentence of paragraph (a), the first sentence of paragraph (b), and the introductory text of paragraph (c) to read as follows:

§ 146a.40 **Penicillin bougies, veterinary (sodium penicillin bougies, calcium penicillin bougies, potassium penicillin bougies, procaine penicillin bougies, penicillin bougies sodium salt, pencillin bougies calcium salt, penicillin bougies potassium salt, penicillin bougies procaine salt).**

(a) *Standards of identity, strength, quality, and purity.* Penicillin bougies, veterinary, are bougies composed of sodium penicillin, calcium penicillin, potassium penicillin, or procaine penicillin in an excipient of polyethylene glycol or of one or more other suitable and harmless diluents, binders, and lubricants, • • •

(b) *Packaging.* Unless each penicillin bougie, veterinary, is enclosed in foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provisions that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined • • •

(c) *Labeling.* Each package of penicillin bougies, veterinary, shall bear, on its label or labeling as hereinafter indicated, the following:

• • • • • •

e. In § 146a.54 by revising the section heading, the introductory text to paragraph (a), subparagraphs (2) and (3) of paragraph (a) and paragraph (b) as follows:

§ 146a.54 **Penicillin-streptomycin ointment, veterinary (penicillin-streptomycin mineral oil suspension, veterinary); penicillin dihydrostreptomycin ointment, veterinary (penicillin-dihydrostreptomycin mineral oil suspension, veterinary).**

(a) Penicillin-streptomycin ointment, veterinary, and penicillin-dihydrostreptomycin ointment, veterinary, conform to all requirements prescribed by § 146a.26 for penicillin ointment, veterinary, except paragraph (c)(1)(ii) of that section, and are subject to all procedures prescribed by § 146a.26 for penicillin ointment, veterinary, except that:

• • • • • •

(2) The streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114(a) of this chapter.

(3) It may contain cortisone or a suitable derivative of cortisone, a suitable and harmless salt of cobalt, one or more sulfonamides, and one or more suitable and harmless preservatives; and if it is packaged and labeled solely for use as an aid in the treatment of *Vibrio fetus* in carrier bulls, or for intrauterine infusion in cows, it may contain 20 milligrams of diethylstilbestrol per dose as recommended in its labeling.

(b) If it contains diethylstilbestrol, the labeling of each package shall conform to the requirements of § 1.106(c) of this chapter and to requirements of § 146a.26(c)(1)(i).

• • • • • •

f. In § 146a.55 by revising the section heading and by amending paragraph (a) to read as follows:

§ 146a.55 **Penicillin-streptomycin bougies, veterinary; penicillin-dihydrostreptomycin bougies, veterinary.**

(a) Penicillin-streptomycin bougies, veterinary, and penicillin-dihydrostreptomycin bougies, veterinary, conform to all requirements prescribed by § 146a.40 for penicillin bougies, veterinary, except paragraph (c)(1)(iv) of that section, and are subject to all procedures prescribed by § 146a.40 for penicillin bougies, veterinary, except that:

• • • • • •

(2) In lieu of the directions prescribed for penicillin bougies veterinary, by § 146a.40(c)(1)(ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each bougie.

(3) In addition to complying with the requirements of § 146a.40(d), a person who requests certification of a batch of penicillin-streptomycin bougies, veterinary, or penicillin-dihydrostreptomycin bougies, veterinary, shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the streptomycin or dihydrostreptomycin used in making the batch for potency, moisture, pH, and its streptomycin content if it is dihydrostreptomycin; the number of

V 37 N 7 JAN 12 72 XUM

units of penicillin and the number of milligrams of streptomycin or dihydrostreptomycin in each bougie of the batch. He shall also submit in connection with his request (unless it was previously submitted) a sample consisting of six packages containing approximately equal portions of not less than 0.5 gram each of the streptomycin or dihydrostreptomycin used in making the batch, packaged in accordance with the requirements of § 146b.101(b) of this chapter.

g. In § 146a.89 by revising the section heading, preamble and paragraphs (a) and (b) to read as follows:

§ 146a.89 Penicillin-streptomycin-neomycin in oil, veterinary; penicillin-dihydrostreptomycin-neomycin in oil, veterinary; penicillin-streptomycin-neomycin ointment, veterinary; penicillin-dihydrostreptomycin-neomycin ointment, veterinary.

Penicillin-streptomycin-neomycin in oil, veterinary, and penicillin-dihydrostreptomycin-neomycin in oil, veterinary, conform to all requirements and are subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil, veterinary and procaine penicillin and dihydrostreptomycin in oil, veterinary. Penicillin-streptomycin-neomycin ointment, veterinary, conform to all requirements and are subject to all procedures prescribed by § 146a.54 for penicillin-streptomycin ointment, veterinary, and penicillin-dihydrostreptomycin ointment, veterinary, except that:

(a) (1) It contains not less than 1.78 milligrams of neomycin per milliliter. The neomycin used conforms to the standards prescribed for neomycin by § 146e.410(a)(2) of this chapter, except the standard for toxicity (unless it is intended for use by subcutaneous injection in fowl).

(2) It may contain polyvinylpyrrolidone.

(3) If it is intended solely for use in the eyes and ears of animals and is conspicuously so labeled, it may contain chlorhexidine dihydrochloride-(bis (*p*-chlorophenyl-diguanido) hexane dihydrochloride).

(4) It is packaged and labeled either for subcutaneous injection in fowl or for use in the eyes and ears of animals.

(b) (1) Its expiration date shall conform to the requirements prescribed by § 148.3(a)(3) of this chapter.

(2) On the label and labeling, if it contains polyvinylpyrrolidone or chlorhexidine, after the name "penicillin-streptomycin-neomycin in oil, veterinary," "penicillin-dihydrostreptomycin-neomycin in oil, veterinary," "penicillin-streptomycin-neomycin ointment, veterinary," or "penicillin-dihydrostreptomycin-neomycin ointment, veterinary," wherever such name appears, the words "with polyvinylpyrrolidone," or "with chlorhexidine dihydrochloride," in juxtaposition with such name.

* * * * *

h. In § 146a.111 by revising the section heading and the first two sentences of paragraph (a) and by amending paragraph (b) as follows:

§ 146a.111 Procaine penicillin-neomycin-polymyxin in oil, veterinary; procaine penicillin-neomycin-polymyxin ointment, veterinary.

(a) *Standards of identity, strength, quality and purity.* Procaine penicillin-neomycin-polymyxin in oil, veterinary, is a suspension of procaine penicillin, neomycin, and polymyxin in refined peanut oil or sesame oil, with or without the addition of one or more suitable and harmless dispersing and suspending agents. Procaine penicillin-neomycin-polymyxin ointment, veterinary, is procaine penicillin, neomycin, and polymyxin in a suitable and harmless ointment base. * * *

(b) *Packaging; labeling; request for certification, samples.* Each drug conforms to all requirements and procedures prescribed for penicillin ointment, veterinary, by § 146a.26 (b) (except that procaine penicillin-neomycin-polymyxin in oil, veterinary, may be packaged in plastic tubes), (c), and (d), except that:

(1) In addition to the labeling prescribed for penicillin ointment, veterinary, by § 146a.26(c), if they contain one or more of the active ingredients specified in paragraph (a) of this section, each package shall bear on the outside wrapper or container and the immediate container, after the name "procaine penicillin-neomycinpolymyxin in oil, veterinary" or "procaine penicillin-neomycinpolymyxin ointment, veterinary," wherever it appears, the words "with _____," the blank being filled in with the established name of each such other ingredient, in juxtaposition with such name.

* * * * *

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order, request a hearing and show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended and shall include a well organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order stating his findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended as necessary to rule thereon. In so ruling, the Commissioner will specify another effective date and how the outstanding stocks of the affected drugs are to be handled.

(Secs. 502, 507, 52 Stat. 1050–51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357)

Dated: January 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-470 Filed 1-11-72;8:50 am]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Chlortetracycline Hydrochloride Powder Topical, Veterinary; Revocations

A notice was published in the FEDERAL REGISTER of August 3, 1971 (36 F.R. 14270), proposing that the antibiotic drug regulations be amended to revoke provisions for certification of Aureomycin Powder 2 Percent, a drug for veterinary use that contains chlortetracycline hydrochloride and benzocaine and that is marketed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540. The notice also proposed to revoke certification provisions for a similar drug which is no longer marketed. The proposal was based on a notice (DESI 0054 NV) published in the FEDERAL REGISTER of August 5, 1970 (35 F.R. 12492).

In the notice of proposed rulemaking, the Commissioner concluded (1) that substantial evidence is lacking that the subject drug is effective under the conditions of use prescribed, recommended, or suggested in its labeling and (2) that the antibiotic drug regulation covering this drug should therefore be amended by deleting provisions for its certification. No comments were received in response to the notice of proposed rulemaking.

Accordingly, the Commissioner of Food and Drugs concludes that the regulations for the certification of antibiotic drugs should be amended as follows to revoke provisions for certification for the abovementioned drugs.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 512, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended, 82 Stat. 343–51; 21 U.S.C. 352, 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 146c is amended by revoking § 146c.230 *Chlortetracycline hydrochloride powder topical; tetracycline hydrochloride powder topical for human use,* and § 146c.242 *Tetracycline-neomycin complex powder topical; tetracycline hydrochloride-neomycin sulfate powder topical.*

Any person who will be adversely affected by the removal of any such drug from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the National Academy of Sciences-National Research Council evaluation and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the drugs would have the effectiveness claimed for their intended uses.

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during business hours, Monday through Friday.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 512, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended, 82 Stat. 343–51; 21 U.S.C. 352, 357, 360b)

Dated: December 30, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-469 Filed 1-11-72;8:50 am]

Title 30—MINERAL RESOURCES

Chapter II—Geological Survey, Department of the Interior

PART 225—DISPOSAL OF GOVERNMENT ROYALTY OIL

Notices of Delivery

On February 26, 1971, a notice of rule making was published in the FEDERAL REGISTER (36 F.R. 3527) which proposed a revision of 30 CFR 225.8. The notice invited interested parties to submit written comments, suggestions, or objections, with respect to the proposed revision, to the Director, Geological Survey, within 30 days of the date of publication. All such comments, suggestions, and objections received have been carefully considered and certain changes have been made.

Section 225.8 of Title 30, Code of Federal Regulations, is revised to read as stated below, effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER (1–12–72).

§ 225.8 Notices.

Prior to any requirement that royalty oil be delivered in kind, the Supervisor shall notify each lessee or operator under the Federal oil and gas leases involved of the requirement at least 30 days in advance of the effective date of that requirement; where it is determined to terminate the delivery of royalty oil in kind, the Supervisor shall, if practicable in his opinion, give any affected lessee or operator notice of the change in requirements at least 30 days in advance.

Dated: January 5, 1972.

W. T. PECORA,
Acting Secretary of the Interior.

[FR Doc.72-420 Filed 1-11-72;8:46 am]

PART 225a—DISPOSAL OF OUTER CONTINENTAL SHELF ROYALTY OIL

On June 25, 1971, a notice of rule making was published in the FEDERAL REGISTER (36 F.R. 12108–12109) which proposed new regulations in 30 CFR Part 225a. The notice invited interested parties to submit written comments, suggestions, or objections, with respect to the proposed regulations, to the Director, Geological Survey, within 30 days of the date of publication. All such comments, suggestions, and objections received have been carefully considered and certain changes have been made.

Part 225a of Chapter II of Title 30 of the Code of Federal Regulations is issued as follows, effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER (1–12–72).

Sec.
225a.1 Statutory authority.
225a.2 Definitions.
225a.3 Policy.
225a.4 Reimbursement to lessee for transportation.
225a.5 Exchange agreements.
225a.6 Application; contents.
225a.7 Action by the Supervisor.
225a.8 Action by the Secretary.
225a.9 Notices.

AUTHORITY: The provisions of this Part 225a issued under sec. 5, 67 Stat. 464, 43 U.S.C. 1334.

§ 225a.1 Statutory authority.

(a) Section 5 of the Outer Continental Shelf Lands Act of August 7, 1953 (43 U.S.C. section 1334), authorizes the Secretary of the Interior to sell royalty oil accruing or reserved to the United States under oil and gas leases issued pursuant to that Act.

(b) Section 2 of the Small Business Act (15 U.S.C. section 631) declares that it is the policy of Congress that Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise and to insure that a fair proportion of the total sales of Government property be made to such enterprises.

(c) Section 8 of the Small Business Act (15 U.S.C. section 637) provides that the Small Business Administration shall consult and cooperate with officers of the Government having property disposal powers in order to utilize the potential productive capacity of plants operated by small business concerns. That section also provides that the Small Business Administration shall determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small business concerns" for the purpose of that Act. That section also provides that the Small Business Administration shall consult and cooperate with all Government agencies for the purpose of insuring that small business concerns shall receive fair and reasonable treatment from such agencies.

§ 225a.2 Definitions.

The following definitions shall be applicable to the regulations in this part:

(a) "Small refiner" means an owner of an existing refinery or refineries (including refineries not in operation) who qualifies as a small-business concern under the rules of the Small Business Administration and who is unable to purchase in the open market an adequate supply of crude oil to meet the needs of their existing refinery capacities.

(b) "Secretary" means the Secretary of the Interior.

(c) "Director" means the Director, Geological Survey.

(d) "Supervisor" means the Regional Oil and Gas Supervisor of the Geological Survey authorized and empowered to regulate oil and gas operations and to perform other duties prescribed in the regulations under Part 250 of this chapter.

(e) "Region" means the area over which a Supervisor is authorized to exercise supervisory jurisdiction.

(f) "Section 6 lease" means an oil and gas lease originally issued by any State and currently maintained in effect pursuant to section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. section 1335).

(g) "Section 8 lease" means an oil and gas lease issued by the United States pursuant to section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. section 1337).

(h) "OCS royalty oil" means the Government's royalty portion of oil produced under section 6 or section 8 leases when royalty on oil is paid in kind or taken in kind or is being considered for such payment or taking.

(i) "Market price" means (1) the highest price per barrel regularly posted, published, or generally paid, or offered, by any principal purchaser of crude oil of like quality in the field or area where produced, or (2) if there are no postings

JAN 12 72
XUM

in the field or area, the highest price posted in the nearest field or area where crude oil of comparable quality is produced and sold, or (3) the true value as determined by the Supervisor when in his judgment such highest price regularly posted, published, or generally paid or offered in the same field or area or the nearest field or area is found by him to be less than the true value of the royalty oil. In no event shall the "market price" be less than the estimated reasonable value which the Supervisor would determine as the value of production, pursuant to § 250.64 of this chapter, if royalties on the production in question were being paid in money by the lessee rather than being paid or taken in kind.

(j) "Point of delivery" means the point at which the OCS royalty oil, or the quantity thereof in a commingled stream, is delivered by the lessee to the Government and ownership of the OCS royalty oil is transferred simultaneously from the Government to the purchaser. (1) With respect to all leases issued after October 1969, the point of delivery will be a point designated by or acceptable to the Supervisor. The deliveries normally shall be made immediately after the point of measurement of such oil or the commingled stream containing such oil, after separation and treating processes; *Provided, however,* That if such measurement is at an offshore location and such oil is commingled after such measurement with other untreated oil and is transported to a treating facility for treating and final measurement, the point of delivery may be immediately downstream of the place of final measurement. The point of delivery may be otherwise, and the Supervisor shall determine that any proposed point of delivery is practical for both the lessee and the purchaser, with proper safeguards for the environment. (2) With respect to section 8 leases issued prior to October 1969, the point of delivery will be a point designated by the lessee.

§ 225a.3 Policy.

Except when special circumstances warrant other action, as determined by the Secretary, OCS royalty oil available for disposal may be sold in accordance with the regulations in this part and only to small refiners for use in their refineries and not for resale in kind. All such sales will be made at the market price without premium or bonus; however, a charge for cost of administration of an amount equal to one-half percent of the market price will be made for each barrel of OCS royalty oil sold. When applications are filed by two or more small refiners for the same oil, the oil will be allocated among such applicants by a drawing or on an equitable prorated basis as determined by the Supervisor prior to execution of contracts for sale of such oil. OCS royalty oil produced under a section 6 lease may be made available for disposal only when the lessee or operator under the lease involved elects to pay royalty in kind to the Secretary. OCS royalty oil produced from areas for which ownership is in dispute between the Federal Government and a State may be made available for disposal only with the concurrence of that State, with evidence of such concurrence to be furnished by the applicant. The sum of the volumes of OCS royalty oil purchased pursuant to the regulations in this part and Government royalty oil purchased pursuant to Part 225 of this chapter by any one small refiner shall not exceed 60 percent of the combined refinery capacity of that small refiner at the time when application is made for the oil.

§ 225a.4 Reimbursement to lessee for transportation.

When the point of delivery for OCS royalty oil produced under a section 8 lease is to be other than on or immediately adjacent to the leased area, the purchaser shall promptly reimburse the lessee or operator for the cost of transporting the oil to the point of delivery. Such reimbursement shall be monthly or at such other interval as may be designated by the Supervisor. Cost of transportation must be approved by the Supervisor and may be deducted from the value of the oil at the point of delivery in calculating payments to be made to the Government. The Government guarantees payment to the lessee or operator for such cost of transportation.

§ 225a.5 Exchange agreements.

Agreements providing for the exchange of OCS royalty oil purchased under these regulations for other crude oil on an equivalent value basis will not be construed as constituting a resale in kind prohibited by § 225a.3. Where an exchange agreement is contemplated with regard to OCS royalty oil available for disposal, full information relative thereto must be furnished at the time of filing application to purchase the OCS royalty oil unless a later date is specified by the Supervisor. Where an exchange agreement has been entered into, it must be filed for approval by the Supervisor and the agreement will become effective only upon his approval.

§ 225a.6 Application; contents.

A small refiner may file an application with the Supervisor of the Region in which the oil is produced. Such application shall be filed in triplicate and must be accompanied by a detailed statement containing the following information:

(a) The full name and address of the applicant; the location of his refinery or refineries; a complete disclosure of applicant's affiliation or association with any other refiner of oil if such relationship exists; and reasons for believing that applicant qualifies as a small refiner, including a full showing of efforts made to purchase the needed oil in the open market.

(b) The capacity of the refinery to be supplied and the amount, source, and grade of all crude oil currently available to the applicant refiner from his own production or by purchase.

(c) The minimum amount and grade of additional crude oil needed to meet existing refinery commitments or existing refinery capacity and the field or fields which the refiner believes offer a potential source of OCS royalty oil supply.

(d) The available transportation facilities which the applicant proposes to utilize. For OCS royalty oil produced under Sec. 8 leases issued prior to October 1969, this should include the proposed point of delivery as obtained from the lessee or operator.

(e) The amount of any cost to be paid by the applicant for transporting OCS royalty oil to the point of delivery.

(f) A tabulation for the last 12 months of operation of the amount and grade of crude oil refined each month, and the kind and amount of the principal finished products.

§ 225a.7 Action by the Supervisor.

The Supervisor shall examine each application filed pursuant to this part and where he finds that the showing submitted is inadequate or unsatisfactory, such additional showing shall be required as may be deemed necessary. He shall notify the lessees or operators of the OCS oil and gas leases involved and, at his discretion, the then purchaser or purchasers of the oil, of his receipt of the application and allow them not more than 30 days within which to submit comments. When OCS royalty oil is available for disposal in his Region, the Supervisor, at his discretion, also may notify the public (including various refining associations) of his receipt of the application and may make inquiries of other small refiners as to their interest in filing applications to purchase OCS royalty oil when he has reason to believe they may be interested in filing applications to purchase such oil. Thereafter, he shall make appropriate recommendations for consideration by the Director and the Secretary.

§ 225a.8 Action by the Secretary.

When the Secretary makes a decision to sell OCS royalty oil from any given Region, he shall specify or approve the manner in which the sale is to be effected, including the form of contract to be used. At such time, he may authorize the Supervisor or another official of the Geological Survey to execute the contract, or contracts, of sale on behalf of the United States and to determine the amount and type of bond or other security to be required from the purchaser under such contract or contracts.

§ 225a.9 Notices.

Prior to any requirement that OCS royalty oil be delivered in kind under section 8 leases, the Supervisor shall notify each lessee or operator under the OCS oil and gas leases involved of the requirement at least 30 days in advance of the effective date of that requirement; where it is determined to terminate the delivery of OCS royalty oil in kind, the Supervisor shall, if practicable in his opinion, give any affected lessee or operator notice of the change in requirements at least 30 days in advance.

Dated: January 5, 1972.

W. T. PECORA,
Acting Secretary of the Interior.

[FR Doc.72-421 Filed 1-11-72;8:46 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

SUBCHAPTER M—POSTAL SERVICE DEBT OBLIGATIONS

PART 760—APPLICABILITY OF TREASURY DEPARTMENT REGULATIONS

PART 761—BOOK-ENTRY PROCEDURES

Authority Implementation of Postal Service to Borrow Money by Selling Securities

Correction

In F.R. Doc. 72-296 appearing at page 211 in the issue of Friday, January 7, 1972, the phrase "any extent regulation on book-entry" in the last two lines of the first paragraph should read "any extant regulation on book-entry".

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Calcium and Sodium Salts of Certain Sulfonated Petroleum Fractions (Mahogany Soaps)

A petition (PP 0F0924) was filed by American Oil Co., 910 South Michigan Avenue, Chicago, IL 60680, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing exemptions from the requirement of tolerances for residues of the calcium and sodium salts of certain sulfonated petroleum fractions (mahogany soaps) when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to growing crops or to animals.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which exemption is being established.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.1001 is amended as follows:

1. By alphabetically inserting a new item in the table in paragraph (d) and by revising the item "Chlorobenzene" immediately thereafter, and by adding a new paragraph (e) to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * * *

(d) * * *

Inert Ingredients	Limits	Uses
...	...	...
Calcium and sodium salts of certain sulfonated petroleum fractions (mahogany soaps); calcium salt molecular weight 790-1,020, sodium salt molecular weight 400-500.		Surfactants, related adjuvants of surfactants.
Chlorobenzene	Contains not more than 1% impurities. Not for use after edible parts of plant begin to form. Do not graze livestock in treated areas within 48 hours after application.	Solvent, cosolvent.
...	...	...

(e) The following materials are exempted from the requirement of a tolerance when used in accordance with good agricultural practice as inert ingredients in pesticide formulations applied to animals.

Inert Ingredients	Limits	Uses
Calcium and sodium salts of certain sulfonated petroleum fractions (mahogany soaps); calcium salt molecular weight 790-1,020, sodium salt molecular weight 400-500.		Surfactants, related adjuvants of surfactants.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20250, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-12-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: December 21, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-339 Filed 1-11-72;8:45 am]

Title 45—PUBLIC WELFARE

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Time Limitations for Federal Financial Participation in Medical Assistance Payments

Part 249 is amended by adding a new provision to § 249.81 which concerns time limits for Federal financial participation in medical assistance payments under title XIX of the Social Security Act. The amendment permits an exception to the time limitations in certain cases where claims have been filed under the medicare program. Notice of proposed rule making has been dispensed with, since the new provision is in the interest of State agencies administering the medical assistance program and the regulations are urgently needed to resolve pending audit problems.

Accordingly, § 249.81(c) is revised to read as follows:

§ 249.81 Time limitations for Federal financial participation in medical assistance payments.

* * * * * *

(c) Not more than 24 months have elapsed since the month of the latest services for which the particular payment is being made with respect to the individual, except that:

(1) This time limitation does not apply with respect to retroactive adjustment payments where services are reimbursed on the same basis as under title XVIII;

(2) Where a claim for payment for services has been filed timely for title XVIII purposes with the Social Security Administration, an intermediary or a carrier, Federal financial participation is available in payments for such services made by the title XIX agency after the 24-month period provided they are made within 6 months after the month in which the title XIX agency or the vendor receives notice regarding the claim.

(Section 1102, 49 Stat. 647, 42 U.S.C. 1302)

Effective date. This amendment shall be effective on the date of its publication in the FEDERAL REGISTER (1-12-72)

JAN 12 72

and shall apply to all claims in open audit.

Dated: November 22, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: December 22, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72-448 Filed 1-11-72;8:46 am]

Chapter X—Office of Economic Opportunity

PART 1060—GENERAL CHARACTERISTICS OF COMMUNITY ACTION PROGRAMS

OEO Income Poverty Guidelines

The subpart containing §§ 1060.2-1 through 1060.2-4 of Part 1060 of Chapter X of Title 45 of the Code of Federal Regulations is revised to read as follows:

Subpart—OEO Income Poverty Guidelines

Sec.
1060.2-1 Applicability of this subpart.
1060.2-2 Background.
1060.2-3 Policy.
Appendix A.

AUTHORITY: The provisions of this subpart authorized under sec. 601(n), 81 Stat. 714, 42 U.S.C. 2942.

§ 1060.2-1 Applicability of this subpart.

This subpart applies to all programs financially assisted under title II or III-B of the Economic Opportunity Act if such assistance is administered by the Office of Economic Opportunity.

§ 1060.2-2 Background.

In August 1967, OEO issued uniform income guidelines for all programs it funds which use income to determine program eligibility. These guidelines were based on poverty thresholds derived from a definition of poverty developed for statistical purposes by the Social Security Administration in 1964. In September 1968, in January 1970, and in December 1970, OEO issued new guidelines which reflected increases in consumer prices.

§ 1060.2-3 Policy.

(a) In order that the level of poverty which is used to determine program eligibility does not change as a result of substantial increases in the cost of living as measured by the Consumer Price Index, OEO revises, from time to time, its income guidelines in order to reflect such increases. The latest revised income guidelines are set forth as Appendix A to this part.

(b) These new income guidelines are to be used for all those OEO-funded programs, whether administered by a grantee or a delegate agency, which use OEO poverty income guidelines as admission standards. This revision of the income guidelines does not require current programs which have full enrollments to consider additional applicants. Agencies shall reflect the new income guidelines in reports required by OEO submitted after January 1971. The new income guidelines do not supersede alternative standards of eligibility approved by OEO, such as State Title XIX standards used in programs funded by the Office of Health Affairs.

(c) These guidelines are also to be used in certain other instances where required by OEO as a definition of poverty, e.g., for purposes of data collection and for defining eligibility for allowances and reimbursements to board members. Agencies may wish to use these guidelines for other administrative and statistical purposes as appropriate.

WESLEY L. HJORNEVIK,
Deputy Director.

APPENDIX A

OEO POVERTY GUIDELINES FOR ALL STATES EXCEPT ALASKA AND HAWAII

Family size	Nonfarm family	Farm family
1	$2,000	$1,700
2	2,600	2,100
3	3,300	2,800
4	4,000	3,400
5	4,700	4,000
6	5,300	4,500
7	5,900	5,000

For families with more than seven members, add $500 for each additional member in a farm family and $600 for each additional member in a nonfarm family.

OEO POVERTY GUIDELINES FOR ALASKA

Family size	Nonfarm family	Farm family
1	$2,500	$2,125
2	3,250	2,775
3	4,150	3,575
4	5,000	4,250
5	5,900	5,000
6	6,650	5,650
7	7,400	6,300

For families with more than seven members, add $750 for each additional member in a nonfarm family and $650 for each additional member in a farm family.

OEO POVERTY GUIDELINES FOR HAWAII

Family size	Nonfarm family	Farm family
1	$2,300	$1,975
2	3,000	2,550
3	3,650	3,100
4	4,400	3,750
5	5,200	4,425
6	5,850	4,975
7	6,500	5,525

For families with more than seven members, add $650 for each additional member in a nonfarm family and $550 for each additional member in a farm family.

[FR Doc.72-353 Filed 1-11-72;8:45 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-87, Amdt. 178-23]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Cargo Tank Attachments MC 306, MC 307, and MC 312

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to clarify and to amend the requirements for accessory attachments to specification MC 306, MC 307, and MC 312 cargo tanks.

On June 15, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-87; Notice No. 71-18 (36 F.R. 11525), which proposed this amendment. Three commenters suggested changes to the proposal.

All the commenters objected to the proposal to permit the direct attachment of a side cabinet to a cargo tank. The commenters explained how cabinets could be subjected to heavy duty use and thereby might seriously impair the integrity of the cargo tank if they were attached without the benefit of pads.

Other comments were directed mainly to the proposed requirement for welding all attachments by continuous weld. The Board acknowledges that lightweight devices otherwise may be satisfactorily attached and has provided for equivalent methods of attachment. Also, the Board recognizes that a continuous weld is not necessary if the fabricator can otherwise comply with the stated intent of the rule.

Several comments were directed to editorially improving the proposed text and the Board adopted most of these suggestions.

One commenter requested a meeting with the Board. However, in reply to a request by the Board, this commenter did not supply sufficient reasons for holding this meeting. The petition for a meeting is therefore denied.

In consideration of the foregoing, 49 CFR Part 178 is amended as follows:

In § 178.340-8, paragraph (a) is amended to read as follows:

§ 178.340 General design and construction requirements applicable to specification MC 306 (§ 178.341), MC 307 (§ 178.342), and MC 312 (§ 178.343) cargo tanks.

§ 178.340-8 Accident damage protection.

(a) Appurtenances: The term "appurtenance" means any cargo tank accessory attachment that has no liquid product retention or other liquid containment function, and provides no structural support to the tank.

(1) The design, construction, and installation of any appurtenance to the shell or head of the cargo tank must be such as to minimize the possibility of appurtenance damage or failure adversely affecting the product retention integrity of the tank.

(2) Structural members, such as the suspension subframe, overturn protection and external rings, when practicable, should be utilized as sites for attachment of appurtenances and any other accessories to a cargo tank.

(3) Except as prescribed in subparagraph (5) of this pargaraph, the welding of any appurtenance to a shell or head must be made by attachment to a mounting pad. The thickness of a mounting pad must not be less than that of the shell or head to which it is attached. A pad must extend at least 2 inches in each direction from any point of attachment of an appurtenance. Pads must have rounded corners or otherwise be shaped in a manner to preclude stress concentrations on the shell or head. The mounting pad must be attached by a continuous weld around the pad.

(4) The appurtenance must be attached to the mounting pad so there will be no adverse affect upon the product-retention integrity of the tank if any force is applied to the appurtenance, in any direction, except normal to the tank, or within 45° of normal.

(5) Skirting structures, conduit clips, brakeline clips, and similar lightweight attachments, which are of a metal thickness, construction, or material, appreciably less strong but not more than 72 percent of the thickness of the tank shell or head to which such a device is attached, may be secured directly to the tank shell or head if each device is so designed and installed that damage to it will not affect the product retention integrity of the tank. These lightweight attachments must be secured to the tank shell by continuous weld or in such manner as to preclude formation of pockets, which may become sites for incipient corrosion.

• • • • •

This amendment is effective March 31, 1972, however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835 of Title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on January 6, 1972.

W. F. REA III,
Rear Admiral, Board Member for the United States Coast Guard.

ROBERT A. KAYE,
Board Member for the Federal Highway Administration.

[FR Doc.72-428 Filed 1-11-72;8:46 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 69-18; Notice 7]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

The purpose of this notice is to specify a permissible method of certifying replacement lighting equipment for vehicles manufactured on or after January 1, 1972, to conform to Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment.*

Section 114 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1403) requires every manufacturer or distributor of motor vehicle equipment to "furnish to the distributor or dealer at the time of delivery of such • • • equipment by such manufacturer or distributor the certification that each such • • • item of motor vehicle equipment conforms to all applicable Federal motor vehicle safety standards • • • [S]uch certification may be in the form of a label or tag on such item or on the outside of a container in which such item is delivered." Thus, manufacturers of equipment to which a safety standard applies generally certify the equipment by labeling either the equipment or its container. In the case of Standard No. 109, *New Pneumatic Tires*, certification labeling on the items themselves is required by the standard.

Normally, the certification responsibility of a distributor is met by the distributor's delivery of the manufacturer's certification statement to the dealers to whom he sells. Although no separate statement is necessary, the delivery of the manufacturer's certification is considered a legal act by which the distributor makes the certification required by the statute.

With the extension of Standard No. 108 to items of replacement equipment, some difficulties in this scheme may arise where small items are not individually packaged. Automotive parts distributors commonly sell single items of equipment "over the counter" to local garagemen, who are dealers within the meaning of the Act. If these items are not separately packaged and not marked with a certification, the distributor must, under the Act, certify the items to the dealer. Although there is a variety of ways in which the distributor can do this, it is probably unrealistic to expect a separate certification to be properly and consistently made at this level. Manufacturers of lighting equipment have recognized the problem, and have suggested that they be permitted to certify their equipment by affixing the symbol DOT to each item of equipment.

This request has been found to have merit, and S4.7 of Standard No. 108, 49 CFR 571.108, is hereby amended to permit manufacturers to certify lighting equipment items by placing the symbol "DOT" directly on the item, if they choose to do so.

In consideration of the foregoing, S4.7 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, is amended to read as follows:

S4.7 *Replacement Equipment.*

S4.7.1 Each lamp, reflective device, or item of associated equipment manufactured to replace any lamp, reflective device, or item of associated equipment on any vehicle to which this standard applies, shall be designed to conform with this standard.

S4.7.2 Each lamp, reflective device, or item of associated equipment to which section S4.7.1 applies may be labeled with the symbol DOT, which shall constitute a certification that it conforms to applicable Federal motor vehicle safety standards.

Effective date: January 12, 1972. Because the amendment creates no additional burden or obligation and permits an optional method of compliance with an existing requirement, the Administrator has found for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 112, 114, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1401, 1407; delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on January 6, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-443 Filed 1-11-72;8:50 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-12-72).

§ 28.7 Operation of vehicles.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Snowmobiles may be operated on Erie National Wildlife Refuge in the area designated by posting.

The operation of snowmobiles shall be subject to the following special conditions:

(1) Use restricted to the period January 1, 1972, through March 15, 1972, between the hours of sunrise and 10 p.m. e.s.t., and only when there is at least four inches of snow cover on the area set aside for snowmobile use.

(2) All snowmobiles using the designated refuge area shall be equipped with noise control devices which have a manufacturer's rating of not more than 70 decibels on the A scale, as measured at 50 feet on a snow-packed course with the vehicle operating at a speed of at least 10 miles an hour.

(3) Operated only in such manner and at such a speed that no persons or property will be endangered.

(4) Parking will be limited to areas designated by signs for this purpose.

(5) Snowmobiles will not be left on the refuge overnight.

(6) All persons must be in a snowmobile or in a trail vehicle that is fixed to the snowmobile by a rigid tongue.

(7) No firearms or archery equipment are to be carried on snowmobiles.

The use of snowmobiles will be discontinued on termination of this authorization in accordance with Title 50, Code of Federal Regulations, Part 28, paragraph 29.3

JAN 12 1972

The refuge area, comprising 4,971 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

ROGER STEELMAN,
Refuge Manager,
Erie National Wildlife Refuge.

DECEMBER 17, 1971.

[FR Doc.72-418 Filed 1-11-72;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 28]

BACK BAY NATIONAL WILDLIFE REFUGE BEACH, VA.

Limitation on Use of Motor Vehicle

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended, and certain acts related to Fish and Wildlife Service:

45 Stat. 1222, as amended, 16 U.S.C. 715 et seq.

80 Stat. 966, as amended, 16 U.S.C. 668 dd.

80 Stat. 379, as amended, 5 U.S.C. 301.

48 Stat. 451, as amended, 16 U.S.C. 718 d(b).

45 Stat. 1224, as amended, 16 U.S.C. 715 I.

It is proposed to issue special regulations under provision of 50 CFR 28.28 to prohibit continued public use of Back Bay National Wildlife Refuge Beach in Virginia by unauthorized motorized vehicles.

It has been determined that the continued unregulated use of the refuge's Atlantic Ocean Beach by motorized vehicles is seriously damaging the dunes and is detrimental to the primary objectives for which the refuge was established. It has further been determined that use of the beach by motorized vehicles should be permitted to persons who now reside at False Cape south of the Back Bay Refuge in the State of Virginia. Access across refuge land shall be provided by permit issued by the Refuge Manager for those False Cape, Virginia landowners who depend upon travel along the refuge beach for necessary egress and ingress to their property including ingress and egress for service vehicles and personal friends of the residents. Any other uses involving motor vehicles may be permitted under permits issued by the Refuge Manager. These uses will be permitted only so long as they are not found to be detrimental to the purposes for which the Back Bay National Wildlife Refuge was established.

It is the policy of the Department of the Interior, wherever practical, to afford the public an opportunity to participate in the rule making process. Accordingly, a public hearing having already been held on this matter, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment to the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323, within 30 days of the date of publication of this notice in the FEDERAL REGISTER. All written comments received will be carefully considered and thereafter final regulations will be issued effective as of the date of their publication in the FEDERAL REGISTER.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 29, 1971.

[FR Doc.72-419 Filed 1-11-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[CFR Parts 1001, 1002, 1004, 1006, 1007, 1011, 1012, 1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1103, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138]

[Docket No. AO-14-A150 etc.]

MILK IN BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

7 CFR Part	Marketing area	Docket No.
1001	Boston Regional	AO-14-A50.
1002	New York-New Jersey	AO-71-A63.
1004	Middle Atlantic	AO-160-A48.
1006	Upper Florida	AO-356-A9.
1007	Georgia	AO-366-A9.
1011	Appalachian	AO-251-A14.
1012	Tampa Bay	AO-347-A13.
1013	Southeastern Florida	AO-286-A21.
1015	Connecticut	AO-305-A29.
1030	Chicago Regional	AO-361-A6.
1032	Southern Illinois	AO-313-A22.
1033	Ohio Valley	AO-166-A42.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A35.
1040	Southern Michigan	AO-225-A24.
1043	Upstate Michigan	AO-247-A17.
1044	Michigan Upper Peninsula.	AO-299-A19.
1046	Louisville-Lexington-Evansville.	AO-123-A39.
1049	Indiana	AO-319-A19.
1050	Central Illinois	AO-355-A11.
1060	Minnesota-North Dakota	AO-360-A7.
1061	Southeast Minnesota-Northern Iowa (Dairyland).	AO-367-A6.
1062	St. Louis-Ozarks	AO-10-A44.
1063	Quad Cities-Dubuque	AO-105-A36.
1064	Greater Kansas City	AO-23-A43.
1065	Nebraska-Western Iowa	AO-86-A26.
1068	Minneapolis-St. Paul	AO-178-A29.
1069	Duluth-Superior	AO-153-A20.
1070	Cedar Rapids-Iowa City	AO-229-A27.
1071	Neosho Valley	AO-227-A27.
1073	Wichita, Kans.	AO-173-A27.
1075	Black Hills, S. Dak.	AO-248-A14.
1076	Eastern South Dakota	AO-260-A18.
1078	North Central Iowa	AO-272-A21.
1079	Des Moines, Iowa	AO-295-A25.
1090	Chattanooga, Tenn.	AO-366-A16.
1094	New Orleans, La.	AO-103-A34.
1096	Northern Louisiana	AO-257-A21.
1097	Memphis, Tenn.	AO-219-A26.
1098	Nashville, Tenn.	AO-184-A32.
1099	Paducah, Ky.	AO-183-A27.
1101	Knoxville, Tenn.	AO-195-A21.
1102	Fort Smith, Ark.	AO-237-A21.
1103	Mississippi	AO-346-A15.
1104	Red River Valley	AO-298-A20.
1106	Oklahoma Metropolitan	AO-210-A32.
1108	Central Ark.	AO-243-A23.
1120	Lubbock Plainview, Tex.	AO-328-A14.
1121	South Texas	AO-364-A5.
1124	Oregon-Washington	AO-368-A5.
1125	Puget Sound, Wash.	AO-226-A24.
1126	North Texas	AO-231-A38.
1127	San Antonio, Tex.	AO-232-A24.
1128	Central West Texas	AO-238-A27.
1129	Austin-Waco, Tex.	AO-256-A20.
1130	Corpus Christi, Tex.	AO-259-A24.
1131	Central Arizona	AO-271-A16.
1132	Texas Panhandle	AO-262-A23.
1133	Inland Empire	AO-275-A23.
1134	Western Colorado	AO-301 A13.
1136	Great Basin	AO-309-A18.
1137	Eastern Colorado	AO-326-A17.
1138	Rio Grande Valley	AO-335-A19.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the aforesaid marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the fifth day after publication of this decision in the FEDERAL REGISTER. Thirty-four copies of exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Washington, D.C., on December 13, 1971, pursuant to notice thereof which was issued December 3, 1971 (36 F.R. 23222).

The material issues on the record of the hearing relate to:

1. Advancing the date for announcing the Class I price.

JAN 12 72

2. Taking emergency action with regard to issue 1.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Advance pricing.* The Class I price for the month under each of the 62 orders, except South Texas, should be announced by the fifth day of the preceding month instead of in the current month, as now provided in the orders. Also, the Minnesota-Wisconsin price for the second preceding month (instead of for the immediately preceding month, as now provided in the orders) should be used in computing the Class I price.

The Milk Industry Foundation (MIF), whose membership includes handlers under the 62 orders, proposed the earlier determination and announcement of Class I prices adopted herein. MIF claims that because handlers are unable to adjust their resale prices at the same time as, or within a reasonable period of, the change in their raw material cost, they are forced to absorb Class I price increases for extended periods before they can make necessary adjustments in their resale prices. The need for advance pricing is particularly urgent now, according to MIF, because of the requirements to which handlers are subject under the Economic Stabilization Act. Proponents claim handlers would be required to substantiate resale price increases resulting from Class I price changes in accordance with steps prescribed pursuant to that Act. This procedure, it is argued, will extend even further the period of time between a Class I price change and the corresponding adjustment in resale prices.

A handler who operates regulated plants under a number of orders testified in support of the MIF proposal. The witness emphasized particularly that advance pricing is needed by handlers to enable them to change resale prices at the same time the Class I price increases. He stated that handlers are now at a disadvantage in not knowing the Class I price for the month before the fifth of the month and, therefore, are unable to institute resale price changes before the greater part of the month to which the Class I price applies is over.

National Milk Producers Federation (NMPF), which represents producer associations under the 62 orders, supported the MIF proposal. A number of producer association members of NMPF maintain milk processing and distribution operations. According to the NMPF witness, such associations have the same interest in advance Class I pricing as do proprietary handlers. The witness further stated that its other producer association members, however, fully support the proposal. He took the position that using the Minnesota-Wisconsin price for a month earlier than at present (in computing the Class I price) would not result in producers receiving any less money for their milk than they do now. He reasoned that the increases and decreases from month to month in the Class I price (due to changes in the Minnesota-Wisconsin price) would be fully reflected in returns to producers as they now are, except for a delay of one month.

The spokesman for a cooperative representing producers under five orders in the northeast stated that the cooperative had not had sufficient time to study the proposal and its effect on its members, and therefore, urged that no action be taken on it. He questioned particularly whether the principal basis of proponents for requesting advance pricing is a valid one. In this connection, he cited an earlier decision of the Secretary in which it was found that there is no basis for assuming that there is a direct relationship between changes in Class I prices and changes in prices charged to stores and to consumers.

The rapidly changing structure of the milk distribution industry throughout the United States makes it desirable that handlers be notified at a reasonable period in advance of changes in the price they must pay for Class I milk. An increasing proportion of the milk distribution throughout the country is by large firms, including cooperative associations as well as proprietary handlers. The centralized control of these large distributors requires a longer period of time between the date a Class I price change is announced and the time when the change may be made in their resale prices.

According to an industry witness, it is mechanically impossible to place in effect a price increase in less than 2 to 4 weeks after learning of Class I price changes. This problem is compounded by the adoption of machine accounting by both handlers and retailers. Computer programs must be changed by both parties, a new price list developed and circulated by handlers, and new pricing schedules issued to retailers by both chain and cooperative buying groups.

The major portion of the distribution of the principal handlers in the order markets is to large volume buyers, such as supermarket chains and institutions (e.g. hospitals, schools). The prices at which sales are made to these are primarily on a contractual basis, many by advance bidding. Announcing Class I prices before the month to which they apply will facilitate the resale pricing of milk sold to large volume outlets.

Replacing the Minnesota-Wisconsin price for the month immediately preceding with that for the second preceding month for computing Class I prices need not have, as testified by producers, any significant effect on producer returns since the proposed change only involves advance setting of price and not a change in the basis of pricing Class I milk.

To follow strictly the proposal made by the industry, advance pricing could not be incorporated in the orders to affect Class I prices prior to March 1972. That is, if the orders were amended (as a result of this decision) to be effective February 1, 1972, the Class I price for March would be announced on February 5 and would be based on the Minnesota-Wisconsin price for January (instead of February as now provided).

Although the Minnesota-Wisconsin price and other quotations necessary for announcing the Class I price and Class I butterfat differential (and all other class prices and butterfat differentials) are available by the fifth of the month, the date by which they are required to be announced varies among the orders. In 38 of the 62 orders they must be announced by the fifth of the month, in 19 by the sixth, in one by the eighth, in two by the 10th, and in two by the 12th. For classes other than Class I, prices and butterfat differentials announced by these dates are those for the preceding month.

Since the information necessary for these determinations is available by the fifth of the month, the orders should provide explicitly and uniformly that the market administrator publicly announce all class prices by that date. For Class I, the price announced would be that for the following month and the butterfat differential that for the current month. For classes other than Class I, the prices and butterfat differentials announced would be those for the preceding month.

The date by which the uniform price(s) in each order must be announced was not considered at the hearing and is unchanged by this decision.

Providing the same uniform language in all orders regarding the announcement of class prices, butterfat differentials and uniform prices will not change a market administrator's obligation to mail copies of all price announcements to handlers and other interested parties. Neither will it diminish the obligation of the market administrator under any order from that required of him at present with regard to issuing price announcements. On the other hand, it will contribute towards obtaining uniformity in the order provisions and thus provide price information to all parties at the same time.

The Minnesota-Wisconsin price (adjusted to a 3.5 percent butterfat basis) should be designated as the basic formula price in all orders and should be set forth in the same language in all orders as "the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33."

No purpose is served by the variations in the language now used in the orders to define the basic formula price. Accordingly, provision is made in this decision to institute precisely the same language, as cited above, in all orders in

referring to the Minnesota-Wisconsin price, as adjusted to a 3.5 percent butterfat basis. Likewise, a basic formula price definition as set forth above should be instituted in the several orders in which reference is now made to the Minnesota-Wisconsin price, but in which it is not indicated as the basic formula price. The uniformity thus achieved will facilitate cross references sometimes appropriate between the orders.

In all orders the Class I price is determined, directly or indirectly, by adding a differential to the basic formula price. In most orders the Class I differential is a stated amount "plus 20 cents." The "plus 20 cents," which was instituted in these orders by amendment for specified periods prior to January 1, 1969, has been effective without a termination date since then. There is, therefore, no apparent need to continue listing the "plus 20 cents" separately from the stated Class I differential. In the amended order language here adopted, the Class I differential for each order is stated as one amount, which includes the plus 20 cents heretofore listed separately.

No change should be made in computing the Class I butterfat differential. Except for the three Florida orders (which specify that the Class I butterfat differential shall be 7.5 cents each month) Class I butterfat differentials are based on the average of the wholesale selling prices of 92-score butter at Chicago for the preceding month.

Proponents advocating the use of the Minnesota-Wisconsin price for the second preceding month in computing the Class I price proposed at the hearing that the Class I butterfat differential be announced by the fifth day of the preceding month and be based on the Chicago butter price for the second preceding month. The hearing notice contained no proposal, however, for advancing the Class I butterfat differential announcements. Those proposing it urged its adoption as an appropriate corollary change.

The Class I butterfat differential changes infrequently. This is because the Chicago butter price quotations, which are strongly influenced by the prices paid for butter by the Government under the price support program, do not vary significantly from month to month. Consequently, there is no compelling need to advance the Class I butterfat differential announcement in connection with the adoption of advance Class I pricing. Moreover, proposals to revise the butterfat differential provisions in 40 of the 62 orders were considered at hearings which began in Clayton, Mo., July 14, 1970 (35 F.R. 10694) for seven orders and in Atlanta, Ga., on October 18, 1971 (36 F.R. 19604) for 33 orders. Action on the record of these hearings has not been completed. It would be inappropriate, therefore, to amend any butterfat differential provision in these orders without full consideration of the evidence on the still open records of the hearings previously held.

No change in the South Texas order should be made now on the basis of this record. An order issued by the Secretary on July 16, 1971, terminated the South Texas order effective August 1, 1971. However, an injunction issued by the U.S. District Court for the District of Columbia deferred the termination date pending a further hearing by the court into the authority of the Secretary to terminate the order. The hearing on this matter has not yet been held. In this circumstance, no action to amend the South Texas order is taken at this time.

2. *Emergency action.* The request by proponents for emergency action (that no recommended decision be issued and that the final decision be issued in sufficient time to amend the orders January 1, 1972) is denied.

A primary reason advanced by proponents for emergency action is the time-consuming procedures required for making price changes under the Economic Stabilization Program (Phase II). This is not a problem distinguishable on the record from the problems faced by participants in many other industries with respect to the pricing of their goods. Also, there is uncertainty at present of the extent to which the various categories of milk handlers are affected by that program. It cannot be concluded therefore, that the requirements of the Economic Stabilization Act per se warrant the emergency action requested.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENTS AND ORDERS AMENDING THE ORDERS

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following orders amending the orders, as amended, regulating the handling of milk in the Boston Regional and certain other marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1001—MILK IN BOSTON REGIONAL MARKETING AREA

1. In § 1001.32, paragraph (j) is revised as follows:

§ 1001.32 Additional duties of the market administrator.

* * * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class II price for the preceding month; and

(iii) The butterfat differential for the preceding month;

(2) The 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by zone differentials contained in § 1001.62(d); and

(3) Whenever required for the purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

* * * * * *

2. The Class I price provisions of § 1001.60 are revised and redesignated. A new § 1001.60 is added as follows:

§ 1001.60 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12

JAN 12 72
XUM

times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1001.61 is revised as follows:

§ 1001.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for the month, at plants located in zone 21, shall be computed as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.58.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price for the month computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in § 1001.60;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1001.62 [Amended]

4. In § 1001.62 the reference "§ 1001.60," and the comma following the reference to § 1001.61 are deleted.

§ 1001.56 [Amended]

5. In § 1001.56, the reference to "§ 1001.32(j)(4)" in subparagraph (1) of paragraph (b) is changed to "§ 1001.32 (j)(3)".

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) is revised as follows:

§ 1002.22 Additional duties of the market administrator.

* * * * *

(m) Publicly announce the following:

(1) The fifth day of each month:

(i) The Class I price for the following month applicable at the 201–210-mile zone and at the 1–10-mile zone;

(ii) The Class II price for the preceding month applicable at the 201–210-mile zone and at the 1–10-mile zone; and

(iii) The butterfat differential for the preceding month;

* * * * *

2. The class prices provisions of § 1002.50 are revised and redesignated. A new § 1002.50 is added as follows:

§ 1002.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. A new § 1002.50a is added as follows:

§ 1002.50a Class prices.

For pool milk received during each month from dairy farmers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 1002.51 and 1002.81. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler but which does not operate the plant or the unit receiving the milk from producers shall on or before the 15th day of the following month pay such class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51, 1002.81, and 1002.82(b) applicable at the location where the milk is received from producers. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler and which operates the plant or the unit receiving the milk from producers shall on or before the 15th day of the following month pay such cooperative association in full for such milk at not less than the minimum class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51, 1002.52, 1002.81, and 1002.82(b) applicable at the plant at which the milk is first received.

(a) For Class I–A milk the price shall be the basic formula price for the second preceding month plus $2.40.

(b) For Class I–B milk the price shall be the price for Class I–A milk.

(c) Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph:

Month	Amount
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in this subparagraph;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents and round to the nearest cent.

§ 1002.51 [Amended]

4. In § 1002.51 the reference "§ 1002.50" is changed to "§ 1002.50a".

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.22, paragraph (j) is revised as follows:

§ 1004.22 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class II price for the preceding month; and

(iii) The producer butterfat differential for the preceding month.

(2) The 13th day of each month, the uniform price(s) pursuant to §§ 1004.71 and 1004.72 for the preceding month.

* * * * *

2. The class price provisions of § 1004.50 are revised and redesignated. A new § 1004.50 is added as follows:

§ 1004.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. A new § 1004.50a is added as follows:

§ 1004.50a Class prices.

Subject to the provisions of § 1004.51 the minimum class prices per hundredweight of milk containing 3.5 percent butterfat for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.08
December	+.08

(1) Multiply by 4.2 the Chicago butter price specified in this subparagraph;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

1. In § 1006.22, paragraph (j) is revised as follows:

§ 1006.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month;

(iii) The Class II price and the Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1006.50 is revised as follows:

§ 1006.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1006.51, paragraph (a) is revised as follows:

§ 1006.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

* * * * *

PART 1007—MILK IN GEORGIA MARKETING AREA

1. In § 1007.27, paragraph (j) is revised as follows:

§ 1007.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price(s) pursuant to §§ 1007.61 and 1007.61a and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1007.50 is revised as follows:

§ 1007.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1007.51, paragraph (a) is revised as follows:

* * * * *

§ 1007.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.30.

* * * * *

PART 1011—MILK IN APPALACHIAN MARKETING AREA

1. In § 1011.22, paragraph (k) is revised as follows:

§ 1011.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1011.50 is revised as follows:

§ 1011.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1011.51, paragraph (a) is revised as follows:

§ 1011.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.13.

* * * * *

PART 1012—MILK IN TAMPA BAY MARKETING AREA

1. In § 1012.22, paragraph (j) is revised as follows:

§ 1012.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and the Class II butterfat differential, both for the preceding month;

(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

JAN 12 72 XUM

2. Section 1012.50 is revised as follows:

§ 1012.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1012.51, paragraph (a) is revised as follows:

§ 1012.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.95.

• • • • •

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.27, paragraph (j) is revised as follows:

§ 1013.27 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1013.50 is revised as follows:

§ 1013.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1013.51, paragraph (a) is revised as follows:

§ 1013.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.15.

• • • • •

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) is revised as follows:

§ 1015.32 Additional duties of the market administrator.

• • • • •

(g) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class II price for the preceding month; and

(iii) The butterfat differential for the preceding month;

(2) The 14th day of each month the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and

(3) Whenever required for the purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

• • • • •

2. The Class I price provisions of § 1015.60 are revised and redesignated. A new § 1015.60 is added as follows:

§ 1015.60 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	*Amount*
January	+$0.088
February	+.078
March	+.008
April	−.032
May	−.062
June	−.052
July	+.088
August	+.158
September	+.118
October	+.118
November	+.118
December	+.118

(1) Multiply by 4.2 the Chicago butter price specified in § 1015.60;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1015.62 [Amended]

4. In § 1015.62 the reference "§1015.60," is deleted.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. In § 1030.22, paragraph (j) is revised as follows:

§ 1030.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1030.50 is revised as follows:

§ 1030.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1030.51, paragraph (a) is revised as follows:

§ 1030.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.26.

• • • • •

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.22, paragraph (h) is revised as follows:

§ 1032.22 Additional duties of the market administrator.

• • • • •

(h) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1032.50 is revised as follows:

§ 1032.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

1. In § 1033.27, paragraph (j) is revised as follows:

§ 1033.27 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1033.50 is revised as follows:

§ 1033.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1033.51, paragraph (a) is revised as follows:

§ 1033.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

• • • • •

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. In § 1036.27, paragraph (j) is revised as follows:

§ 1036.27 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1036.50 is revised as follows:

§ 1036.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.36.

3. In § 1036.51, paragraph (a) is revised as follows:

§ 1036.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.87 for plants in the Cleveland-Erie district and $1.97 for plants in the Pittsburgh district. At a plant outside the marketing area, add to the basic formula price for the second preceding month the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest such plant (by the shortest hard-surfaced highway distance as determined by the market administrator): Canton and Cleveland, Ohio; Erie, Pittsburgh, and Uniontown, Pa.; and Clarksburg, W. Va.

• • • • •

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

1. In § 1040.27, paragraph (k) is revised as follows:

§ 1040.27 Additional duties of the market administrator.

• • • • •

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices, the corresponding butterfat differentials and the producer butterfat differential, all for the preceding month; and

(2) The 11th day of each month, the uniform prices pursuant to §§ 1040.62, 1040.63, and 1040.65, and the excess milk price, all for the preceding month;

2. Section 1040.50 is revised as follows:

§ 1040.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such

times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1001.61 is revised as follows:

§ 1001.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for the month, at plants located in zone 21, shall be computed as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.58.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price for the month computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in § 1001.60;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1001.62 [Amended]

4. In § 1001.62 the reference "§ 1001.60," and the comma following the reference to § 1001.61 are deleted.

§ 1001.56 [Amended]

5. In § 1001.56, the reference to "§ 1001.32(j)(4)" in subparagraph (1) of paragraph (b) is changed to "§ 1001.32(j)(3)".

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) is revised as follows:

§ 1002.22 Additional duties of the market administrator.

* * * * *

(m) Publicly announce the following:

(1) The fifth day of each month:

(i) The Class I price for the following month applicable at the 201–210-mile zone and at the 1–10-mile zone;

(ii) The Class II price for the preceding month applicable at the 201–210-mile zone and at the 1–10-mile zone; and

(iii) The butterfat differential for the preceding month;

* * * * *

2. The class prices provisions of § 1002.50 are revised and redesignated. A new § 1002.50 is added as follows:

§ 1002.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. A new § 1002.50a is added as follows:

§ 1002.50a Class prices.

For pool milk received during each month from dairy farmers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 1002.51 and 1002.81. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler but which does not operate the plant or the unit receiving the milk from producers shall on or before the 15th day of the following month pay such class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51, 1002.81, and 1002.82(b) applicable at the location where the milk is received from producers. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler and which operates the plant or the unit receiving the milk from producers shall on or before the 15th day of the following month pay such cooperative association in full for such milk at not less than the minimum class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51, 1002.52, 1002.81, and 1002.82(b) applicable at the plant at which the milk is first received.

(a) For Class I–A milk the price shall be the basic formula price for the second preceding month plus $2.40.

(b) For Class I–B milk the price shall be the price for Class I–A milk.

(c) Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph:

Month	Amount
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in this subparagraph;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents and round to the nearest cent.

§ 1002.51 [Amended]

4. In § 1002.51 the reference "§ 1002.50" is changed to "§ 1002.50a".

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.22, paragraph (j) is revised as follows:

§ 1004.22 Additional duties of the market administrator.

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class II price for the preceding month; and

(iii) The producer butterfat differential for the preceding month.

(2) The 13th day of each month, the uniform price(s) pursuant to §§ 1004.71 and 1004.72 for the preceding month.

* * * * *

2. The class price provisions of § 1004.50 are revised and redesignated. A new § 1004.50 is added as follows:

§ 1004.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. A new § 1004.50a is added as follows:

§ 1004.50a Class prices.

Subject to the provisions of § 1004.51 the minimum class prices per hundredweight of milk containing 3.5 percent butterfat for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in this subparagraph;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

1. In § 1006.22, paragraph (j) is revised as follows:

§ 1006.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month;

(iii) The Class II price and the Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1006.50 is revised as follows:

§ 1006.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1006.51, paragraph (a) is revised as follows:

§ 1006.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

* * * * *

PART 1007—MILK IN GEORGIA MARKETING AREA

1. In § 1007.27, paragraph (j) is revised as follows:

§ 1007.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price(s) pursuant to §§ 1007.61 and 1007.61a and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1007.50 is revised as follows:

§ 1007.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1007.51, paragraph (a) is revised as follows:

§ 1007.51 Class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.30.

* * * * *

PART 1011—MILK IN APPALACHIAN MARKETING AREA

1. In § 1011.22, paragraph (k) is revised as follows:

§ 1011.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1011.50 is revised as follows:

§ 1011.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1011.51, paragraph (a) is revised as follows:

§ 1011.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.13.

* * * * *

PART 1012—MILK IN TAMPA BAY MARKETING AREA

1. In § 1012.22, paragraph (j) is revised as follows:

§ 1012.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and the Class II butterfat differential, both for the preceding month;

(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

LIBRARY
EASTERN MICHIGAN UNIVERSITY
YPSILANTI
U. S. DEPOSITORY DOCUMENT

JAN 12 1972

2. Section 1012.50 is revised as follows:

§ 1012.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1012.51, paragraph (a) is revised as follows:

§ 1012.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.95.

* * * * *

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.27, paragraph (j) is revised as follows:

§ 1013.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1013.50 is revised as follows:

§ 1013.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.13 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1013.51(a) is revised as follows:

§ 1013.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.15.

* * * * *

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) is revised as follows:

§ 1015.32 Additional duties of the market administrator.

* * * * *

(g) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class II price for the preceding month; and
(iii) The butterfat differential for the preceding month;
(2) The 14th day of each month the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and
(3) Whenever required for the purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

* * * * *

2. The Class I price provisions of § 1015.60 are revised and redesignated. A new § 1015.60 is added as follows:

§ 1015.60 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1015.61 is revised as follows:

§ 1015.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for the month at plants located in the nearby plant zone shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.98.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.088
February	+.078
March	+.008
April	−.062
May	−.062
June	−.052
July	+.088
August	+.158
September	+.118
October	+.116
November	+.118
December	+.118

(1) Multiply by 4.2 the Chicago butter price specified in § 1015.60;
(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and
(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1015.62 [Amended]

4. In § 1015.62 the reference "§1015.60," is deleted.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. In § 1030.22, paragraph (j) is revised as follows:

§ 1030.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1030.50 is revised as follows:

§ 1030.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1030.51, paragraph (a) is revised as follows:

§ 1030.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.26.

* * * * *

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.22, paragraph (h) is revised as follows:

§ 1032.22 Additional duties of the market administrator.

* * * * *

(h) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1032.50 is revised as follows:

§ 1032.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1032.51, paragraph (a) is revised as follows:

§ 1032.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

* * * * *

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

1. In § 1033.27, paragraph (k) is revised as follows:

§ 1033.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1033.50 is revised as follows:

§ 1033.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1033.51, paragraph (a) is revised as follows:

§ 1033.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

* * * * *

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. In § 1036.27, paragraph (j) is revised as follows:

§ 1036.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month;
(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1036.50 is revised as follows:

§ 1036.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1036.51, paragraph (a) is revised as follows:

§ 1036.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.87 for plants in the Cleveland-Erie district and $1.97 for plants in the Pittsburgh district. At a plant outside the marketing area, add to the basic formula price for the second preceding month the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest such plant (by the shortest hard-surfaced highway distance as determined by the market administrator): Canton and Cleveland, Ohio; Erie, Pittsburgh, and Uniontown, Pa.; and Clarksburg, W. Va.

* * * * *

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

1. In § 1040.27, paragraph (k) is revised as follows:

§ 1040.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices, the corresponding butterfat differentials and the producer butterfat differential, all for the preceding month; and
(2) The 11th day of each month, the uniform prices pursuant to §§ 1040.62, 1040.63, and 1040.65, and the excess milk price, all for the preceding month;

2. Section 1040.50 is revised as follows:

§ 1040.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1040.51, paragraph (a) is revised as follows:

§ 1040.51 Class I milk price.

* * * * *

VOL 37 NO 7 JAN 12 1972 XUM

(a) To the basic formula price for the second preceding month add $1.60.

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. In § 1043.22, paragraph (i) is revised as follows:

§ 1043.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1043.50 is revised as follows:

§ 1043.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1043.51, the text preceding paragraph (b) is revised as follows:

§ 1043.51 Class prices.

Subject to the provisions of §§ 1043.52 and 1043.53, the prices per hundredweight to be paid by each handler, f.o.b. his pool plant for milk received from producers or from cooperative associations during the month, shall be as follows:

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.49.

* * * * *

§ 1043.62 [Amended]

4. In § 1043.62, the reference to "§ 1043.51(b)(2)(i)" is changed to "§ 1043.50."

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. In § 1044.22, paragraph (i) is revised as follows:

§ 1044.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1044.50 is revised as follows:

§ 1044.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1044.51, paragraph (a) is revised as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price for plants located in Zone 1 shall be the basic formula price for the second preceding month plus $1.15. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2.

* * * * *

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. In § 1046.22, paragraph (k) is revised as follows:

§ 1046.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1046.50 is revised as follows:

§ 1046.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1046.51, paragraph (a) is revised as follows:

§ 1046.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.49.

* * * * *

PART 1049—MILK IN INDIANA MARKETING AREA

1. In § 1049.27, paragraph (j) is revised as follows:

§ 1049.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1049.50 is revised as follows:

§ 1049.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1049.51, paragraph (a) is revised as follows:

§ 1049.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.47.

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.22, paragraph (h) is revised as follows:

§ 1050.22 Additional duties of the market administrator.

* * * * *

(h) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1050.50 is revised as follows:

§ 1050.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1050.51, paragraph (a) is revised as follows:

§ 1050.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.39.

* * * * *

PART 1060—MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

1. In § 1060.32, paragraph (j) is revised as follows:

§ 1060.32 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1060.50 is revised as follows:

§ 1060.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1060.51, paragraph (a) is revised as follows:

§ 1060.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.30.

* * * * *

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. In § 1061.22, paragraphs (h) and (i) are revised as follows:

§ 1061.22 Additional duties of the market administrator.

* * * * *

(h) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;
(i) On or before the 12th day of each month, notify each handler of his obligation to the producer-settlement fund for the preceding month;

* * * * *

2. Section 1061.50 is revised as follows:

§ 1061.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1061.51, paragraph (a) is revised as follows:

§ 1061.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.06.

* * * * *

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

1. In § 1062.22, paragraph (i) is revised as follows:

§ 1062.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1062.50 is revised as follows:

§ 1062.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1062.51, paragraph (a) is revised as follows:

§ 1062.51 Class prices.

* * * * *

JAN 12 72

(a) *Class I price.* The Class I price at plants located in Zone I shall be the basic formula price for the second preceding month plus $1.60.

• • • • •

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.22, paragraph (j) is revised as follows:

§ 1063.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1063.50 is revised as follows:

§ 1063.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33.

(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. In § 1064.22, paragraph (j) is revised as follows:

§ 1064.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1064.50 is revised as follows:

§ 1064.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1064.51, paragraph (a) is revised as follows:

§ 1064.51 Class prices.

• • • • •

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.74.

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

1. In § 1065.22, paragraph (k) is revised as follows:

§ 1065.22 Additional duties of the market administrator.

• • • • •

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1065.50 is revised as follows:

§ 1065.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1065.51, paragraph (a) is revised as follows:

§ 1065.51 Class prices.

• • • • •

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.60 for pool plants located in Zone 1, plus $1.50 in Zone 2 and plus $1.75 in Zone 3.

• • • • •

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

1. In § 1068.22, paragraph (h) is deleted, and paragraph (g) is revised as follows:

§ 1068.22 Additional duties of the market administrator.

• • • • •

(g) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 15th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;
(h) [Reserved]

• • • • •

2. Section 1068.51 is revised as follows:

§ 1068.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1068.53 is revised as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a), the price per hundredweight for Class I milk shall be the basic formula price for the second preceding month plus $1.06.

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

1. In § 1069.22, paragraph (i) is revised as follows:

§ 1069.22 Additional duties of the market administrator.

• • • • •

(i) Publicly announce on or before:
(1) the fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1069.50 is revised as follows:

§ 1069.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1069.51, paragraph (a) is revised as follows:

§ 1069.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.10.

• • • • •

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. In § 1070.22, paragraph (j) is revised as follows:

§ 1070.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1070.50 is revised as follows:

§ 1070.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33.

(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

1. In § 1071.22, paragraph (j) is revised as follows:

§ 1071.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1071.50 is revised as follows:

§ 1071.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1071.51, that portion of paragraph (a) which precedes subparagraph (1) thereof is revised as follows:

§ 1071.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.54: *Provided,* That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

• • • • •

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. In § 1073.22, paragraph (i) is revised as follows:

§ 1073.22 Additional duties of the market administrator.

• • • • •

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1073.50 is revised as follows:

§ 1073.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33

3. In § 1073.51, paragraph (a) is revised as follows:

§ 1073.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price at plants located in Zone I shall be the basic formula price for the second preceding month plus $1.80. Such price shall not be less than the Class I price established for the same month pursuant to Part 1064 (Greater Kansas City) of this chapter, nor more than the Greater Kansas City Class I price plus 60 cents.

• • • • •

JAN 12 1972

PART 1075—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

1. In § 1075.27, paragraph (j) is revised as follows:

§ 1075.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1075.50 is revised as follows:

§ 1075.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1075.51, paragraph (a) is revised as follows:

§ 1075.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

1. In § 1076.27, paragraph (j) is revised as follows:

§ 1076.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1076.50 is revised as follows:

§ 1076.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1076.51, paragraph (a) is revised as follows:

§ 1076.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.50.

* * * * *

PART 1078—MILK IN THE NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.22, paragraph (j) is revised as follows:

§ 1078.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price for each handler and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1078.50 is revised as follows:

§ 1078.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* The Class I price at plants in Zone 1 shall be the basic formula price for the second preceding month plus $1.25. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

1. In § 1079.27, paragraph (j) is revised as follows:

§ 1079.27 Additional duties of the market administrator

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1079.50 is revised as follows:

§ 1079.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40.

(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

1. In § 1090.27, paragraph (k) is revised as follows:

§ 1090.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price(s) pursuant to §§ 1090.71 and 1090.72 and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1090.50 is revised as follows:

§ 1090.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1090.51, paragraph (a) is revised as follows:

§ 1090.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.15.

* * * * *

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

1. In § 1094.22, paragraph (k) is revised as follows:

§ 1094.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1094.50 is revised as follows:

§ 1094.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1094.51, paragraph (a) is revised as follows:

§ 1094.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

1. In § 1096.27, paragraph (j) is revised as follows:

§ 1096.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1096.50 is revised as follows:

§ 1096.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1096.51, paragraph (a) is revised as follows:

§ 1096.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.47.

* * * * *

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. In § 1097.22, paragraph (i) is revised as follows:

§ 1097.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 13th day of each month, the uniform price(s) for each handler pursuant to §§ 1097.71 and 1097.72, the location differential for each handler and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1097.50 is revised as follows:

§ 1097.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1097.51, paragraph (a) is revised as follows:

§ 1097.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94.

* * * * *

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

1. In § 1098.22, paragraph (j) is revised as follows:

§ 1098.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price(s) pursuant to §§ 1098.71 and 1098.72 and the producer butterfat differential, all for the preceding month;

• • • • •

2. Section 1098.50 is revised as follows:

§ 1098.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1098.51, paragraph (a) is revised as follows:

§ 1098.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.58.

• • • • •

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

1. In § 1099.22, paragraph (k) is revised as follows:

§ 1099.22 Additional duties of the market administrator.

• • • • •

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1099.50 is revised as follows:

§ 1099.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. In § 1101.22, paragraph (j) is revised as follows:

§ 1101.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1101.50 is revised as follows:

§ 1101.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1101.51, paragraph (a) is revised as follows:

§ 1101.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

• • • • •

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. In § 1102.22, paragraph (j) is revised as follows:

§ 1102.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price(s) pursuant to §§ 1102.71 and 1102.72 and the producer butterfat differential, all for the preceding month;

• • • • •

2. Section 1102.50 is revised as follows:

§ 1102.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1102.51, paragraph (a) is revised as follows:

§ 1102.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

• • • • •

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

1. In § 1103.22, paragraph (j) is revised as follows:

§ 1103.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1103.50 is revised as follows:

§ 1103.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1103.51, paragraph (a) is revised as follows:

§ 1103.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.47.

• • • • •

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

In § 1104.27, paragraph (k) is revised as follows:

§ 1104.27 Additional duties of the market administrator.

• • • • •

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.22, paragraph (j) is revised as follows:

§ 1106.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1106.50 is revisd as follows:

§ 1106.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1106.51, paragraph (a) is revised as follows:

§ 1106.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.98.

• • • • •

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.27, paragraph (k) is revised as follows:

§ 1108.27 Additional duties of the market administrator.

• • • • •

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1108.50 is revised as follows:

§ 1108.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1108.51, paragraph (a) is revised as follows:

§ 1108.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94.

• • • • •

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. In § 1120.27, paragraph (j) is revised as follows:

§ 1120.27 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. In § 1120.50, paragraph (a) is revised and a new paragraph (c) is added as follows:

§ 1120.50 Basic formula and class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.42.

• • • • •

(c) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

PART 1124—MILK IN THE OREGON-WASHINGTON MARKETING AREA

1. In § 1124.22, paragraph (i) is revised as follows:

§ 1124.22 Additional duties of the market administrator.

• • • • •

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 14th day of each month, the uniform prices and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1124.50 is revised as follows:

§ 1124.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1124.51, paragraph (a) is revised as follows:

§ 1124.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

* * * * *

PART 1125—MILK IN THE PUGET SOUND, WASH., MARKETING AREA

1. In § 1125.22, paragraph (k) is revised as follows:

§ 1125.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 13th day of each month, the weighted average and the uniform price(s) pursuant to §§ 1125.71 and 1125.72, the location adjustments for excess milk pursuant to § 1125.81(a) (2) and the producer butterfat differential all for the preceding month;

* * * * *

2. Section 1125.50 is revised as follows:

§ 1125.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1125.51, paragraph (a) is revised as follows:

§ 1125.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.85.

* * * * *

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. In § 1126.27, paragraph (j) is revised as follows:

§ 1126.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1126.50 is revised as follows:

§ 1126.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1126.51, paragraph (a) is revised as follows:

§ 1126.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.32.

* * * * *

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. In § 1127.22, paragraph (j) is revised as follows:

§ 1127.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class II–A prices and the corresponding butterfat differentials all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1127.50 is revised as follows:

§ 1127.50 Minimum prices and basic formula price.

* * * * *

(b) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b, plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1127.51 is revised as follows:

§ 1127.51 Class I price.

The Class I price shall be the basic formula price for the second preceding month plus $2.74.

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.22, paragraph (j) is revised as follows:

§ 1128.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class II–A prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1128.50 is revised as follows:

§ 1128.50 Basic formula and Class I price.

(a) *Basic formula price.* The basic formula price shall be the average price per hundred-weight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* Subject to the provisions of §§ 1128.52 and 1128.53, the Class I price per hundredweight shall be the basic formula price for the second preceding month plus $2.57.

PART 1129—MILK IN AUSTIN-WACO, TEX., MARKETING AREA

1. In § 1129.27, paragraph (l) is revised as follows:

§ 1129.27 Additional duties of the market administrator.

* * * * *

(l) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price for each handler and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1129.50 is revised as follows:

§ 1129.50 Basic formula and Class I price.

(a) *Basic formula price.* The basic formula price shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* Subject to the provisions of §§ 1129.52 and 1129.53, the Class I price per hundredweight shall be the basic formula price for the second preceding month plus $2.70.

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. In § 1130.22, paragraph (l) is revised as follows:

§ 1130.22 Additional duties of the market administrator.

* * * * *

(l) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1130.50 is revised as follows:

§ 1130.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1130.51, paragraph (a) is revised as follows:

§ 1130.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.07.

* * * * *

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. In § 1131.22, paragraph (k) is revised as follows:

§ 1131.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1131.50 is revised as follows:

§ 1131.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1131.51, the part of paragraph (a) that precedes subparagraph (1) is revised as follows:

§ 1131.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $2.52, and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

* * * * *

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. In § 1132.27, paragraph (j) is revised as follows:

§ 1132.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1132.50 is revised as follows:

§ 1132.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1132.51, paragraph (a) is revised as follows:

§ 1132.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.25.

• • • • • •

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

1. In § 1133.22, paragraph (k) is revised as follows:

§ 1133.22 Additional duties of the market administrator.

• • • • • •

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. In § 1133.50, the first paragraph of the text preceding paragraph (a), and paragraph (a) are revised as follows:

§ 1133.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

• • • • • •

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the second preceding month plus $1.95.

• • • • • •

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

1. In § 1134.22, paragraph (i) is revised as follows:

§ 1134.22 Additional duties of the market administrator.

• • • • • •

(i) Publicly announce on or before:
(1) The 5th day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. In § 1134.50, paragraph (a) is revised as follows:

§ 1134.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1134.51, paragraph (a) is revised as follows:

§ 1134.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $2.

• • • • • •

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. In § 1136.22, paragraph (k) is revised as follows:

§ 1136.22 Additional duties of the market administrator.

• • • • • •

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding months; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding months;

• • • • • •

2. Section 1134.50 is revised as follows:

§ 1134.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1134.51, paragraph (a) is revised as follows:

§ 1134.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $2.

• • • • • •

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. In § 1136.22, paragraph (k) is revised as follows:

§ 1136.22 Additional duties of the market administrator.

• • • • • •

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. In § 1136.50, paragraph (a) is revised as follows:

§ 1136.50 Class prices.

• • • • • •

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.90.

• • • • • •

3. Section 1136.51 is revised as follows:

§ 1136.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

1. In § 1137.22, paragraph (i) is revised as follows:

§ 1137.22 Additional duties of the market administrator.

• • • • • •

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1137.50 is revised as follows:

§ 1137.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1137.51, paragraph (a) is revised as follows:

§ 1137.51 Class prices.

• • • • • •

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $2.30.

• • • • • •

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.22, paragraph (i) is revised as follows:

§ 1138.22 Additional duties of the market administrator.

• • • • • •

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1138.50 is revised as follows:

§ 1138.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1138.51, paragraph (a) is revised as follows:

§ 1138.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the second preceding month plus $2.35.

• • • • • •

Signed at Washington, D.C., on January 5, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-366 Filed 1-11-72;8:45 am]

[7 CFR Part 1036]

[Docket No. AO-179-A36]

MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Port O'Call Motor Inn, 16161 Brookpark Road, Cleveland, OH, beginning at 10 a.m., local time, on January 26, 1972, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The hearing shall consider also what milk should be eligible for diversion and the point of receipt of diverted milk for the purpose of applying location differentials. In considering these subjects and the proposals set forth herein, § 1036.16 in its entirety shall be open for modification on the basis of this hearing.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Milk, Inc.:

Proposal No. 1. Delete §§ 1036.20 and 1036.21 and provide for a new § 1036.20 as follows:

§ 1036.20 Zones.

(a) *Zone 1.* "Zone 1" means all the territory in the marketing area in the Ohio counties of: Lorain, Medina, Ashland, Wayne, Holmes, Geauga, Portage, Summit, Stark, Tuscarawas, Ashtabula, Trumbull, Mahoning, Columbiana, and Carroll; and in the Pennsylvania counties of: Erie, Crawford, Mercer, Venango, Lawrence, and Clarion.

(b) *Zone 2.* "Zone 2" means all the territory in the marketing area in the Ohio counties of: Cuyahoga, Lake, Jefferson, Harrison, Belmont, Guernsey, and Monroe; and in the Pennsylvania counties of: Beaver, Butler, Armstrong, Washington, Greene, Fayette, and Westmoreland; and in the State of West Virginia.

(c) *Zone 3.* "Zone 3" means all the territory in the marketing area in the Pennsylvania county of Allegheny.

Proposal No. 2. Amend § 1036.53 by deleting the present paragraph (a) and replacing it as follows:

§ 1036.53 Location adjustments to handlers.

(a) For producer milk at a plant located outside Zone 1 that is classified as Class I milk, subject to the limitation set forth in paragraph (b) of this section, and for other source milk to which a location adjustment applies, the Class I price specified in § 1036.51(a) shall be adjusted as follows:

1. At a plant in Zone 2, the Class I price shall be increased 8 cents.

2. At a plant in Zone 3, the Class I price shall be increased 13 cents.

3. At a plant outside the marketing area, the Class I price shall be the Class I price applicable at the location of the nearest city hall of the cities listed below, less 3 cents and less an additional 1.5 cents for each 10 miles or fraction thereof that such plant is located from such nearest city hall.

Canton, Ohio.	Erie, Pa.
Cleveland, Ohio.	Pittsburgh, Pa.
Clarksburg, W. Va.	Uniontown, Pa.

For the purpose of this paragraph, distances shall be measured by the shortest hard-surfaced highway distance, as determined by the market administrator.

Proposal No. 3. Amend § 1036.72 by deleting the present paragraph (a) and replacing it as follows:

§ 1036.72 Location differentials to producers and on non-pool milk.

(a) The uniform price for producer milk at a plant outside Zone 1 shall be the Zone 1 uniform price adjusted accordingly to the location of the plant at the rates set forth in § 1036.53(a); and

• • • • • •

Proposal No. 4. Amend § 1036.51 by deleting the present paragraph (a) and replacing it as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the preceding month plus $1.88.

• • • • • •

Proposal No. 5. Amend § 1036.52 by having it read as follows:

§ 1036.52 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1036.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent, at a rate determined by multiplying the Chicago butter price for the month by 0.115, and rounding to the nearest one-tenth cent.

Proposal No. 6. Amend § 1036.71 by having it read as follows:

§ 1036.71 Butterfat differential to producers.

The uniform price shall be increased or decreased for each one-tenth percent that the butterfat content of the producer's milk is above or below 3.5 percent, respectively, at the rate set forth in § 1036.52.

Proposal No. 7. Amend §§ 1036.41(c)(6)(iv), (vii), and 1036.42(b)(1) by deleting the phrase "and bulk cream" from each of these sections.

Proposal No. 8. Amend § 1036.11 by adding paragraph (d).

(d) A processing plant(s) that is not a distributing plant, that is approved by a duly constituted health authority to handle milk for fluid consumption and is operated by a cooperative association, if during the months of September through April more than 70 percent, and for the months of May through August 50 percent, of the producer milk of members of such cooperative association is delivered directly from their farms or transferred from such plant(s) to plants of other handlers qualified under paragraph (a) of this section. In addition, such plant(s) must have greater receipts from, or transfers to, distributing plants

regulated by this order than from other order plants during the month.

Proposal No. 9. Amend § 1036.42(b) (1) to read "Other source milk in bulk fluid form exclusive of that specified in § 1036.41(c) (6)".

Proposal No. 10. Amend § 1036.43 *Interplant movements.*

Add in § 1036.43(c) (3) (i), (ii), and (iii), the words "of bottling grade milk" after the phrase "constitute regular sources of supply".

Proposed by Borden, Inc.:

Proposal No. 11. Add to § 1036.45 a provision to read as follows:

Subtract from the remaining pounds of skim milk in Class II, the pounds of skim milk in other source milk (except that received in the form of a fluid milk product) that is added to, or used to produce, any product specified in § 1036.41 (b).

Proposed by Town and Country Dairy, Garvins Dairy, Sweet Home Dairy, and Halms Modern Dairy:

Proposal No. 12. Amend order No. 36 to provide that the following counties in the State of Ohio: Belmont, Jefferson, Harrison, Monroe, and part of Guernsey now in the marketing area; plus the West Virginia counties of Hancock, Brooke, Ohio, and Marshall be included in Zone 1 as defined by the proposal of Milk, Inc. (Proposal No. 1); or alternatively that the above dairies are to be put in the present Cleveland-Erie District rather than the Pittsburgh District.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 13. Revise § 1036.11(c) (1) to read as follows:

§ 1036.11 Pool plant.

• • • • •

(a) A distributing plant that has:

(1) Route disposition except filled milk, during the month of not less than 50 percent (40 percent for each month of April through August) of the total receipts of fluid milk products, except filled milk, that are approved by a duly constituted health authority for fluid consumption and that are physically received at such plant or diverted as producer milk pursuant to § 1036.16 to a supply plant qualified under paragraph (b) or (c) of this section or a nonpool plant; and

• • • • •

Proposal No. 14. Review the provisions of § 1036.11(c) to determine whether they should apply only to plants primarily engaged in the transfer of milk to distributing plants qualified under paragraph (a) of this section.

Proposal No. 15. Revise § 1036.30(a) (2) to read as follows:

§ 1036.30 Report of receipts and utilization.

• • • • •

(a) • • •

(2) Inventories at the beginning and end of the month of the following products:

(i) Fluid milk products; and

(ii) Products listed in § 1036.41(b) (1), except those received in packaged form from another plant, showing separately such inventories in bulk form and in packaged form;

• • • • •

Proposal No. 16. Revise § 1036.41(c) (6) (vii) to read as follows:

§ 1036.41 Classes of utilization.

• • • • •

(c) • • •

(6) • • •

(vii) Less 1.5 percent of the quantity of bulk fluid milk products and bulk cream transferred to other plants which does not exceed such quantity to which percentages are applied in subdivisions (i), (ii), (iv), (v) and (vi) of this subparagraph;

• • • • •

Proposal No. 17. Make whatever changes are necessary in the order to eliminate the possibility of a handler being charged under the order at the Class I price for milk that already has been classified and priced as Class I milk under a Federal order.

Proposal No. 18. Reposition, for clarification of the order, the provisions which establish that the Class I price for other source milk when adjusted for location of the shipping plant, shall not be less than the Class III price.

Proposal No. 19. Make whatever changes are necessary in the order to provide for a uniform "equivalent price" section to read as follows:

§ 1036.54 Equivalent price.

If for any reason a price or pricing component required for this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price or pricing component determined by the Secretary to be equivalent to the price or pricing component that is required.

Proposal No. 20. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 7503 Brookpark Road, Cleveland, OH 44129 or from the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on January 7, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc. 72-468 Filed 1-11-72;8:49 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARD FOR EXPOSURE TO ASBESTOS DUST

Notice of Proposed Rule Making

Section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) provides that upon the publication of an emergency temporary standard in the FEDERAL REGISTER the Secretary of Labor shall commence a rule making proceeding in accordance with section 6(b) of the Act, and that the emergency standard as published shall also serve as a proposed rule for the proceeding. An emergency temporary standard concerning exposure to asbestos dust was published in the FEDERAL REGISTER on December 7, 1971 (36 F.R. 23207). Accordingly, pursuant to section 6 (b) and (c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1596; 29 U.S.C. 655), 29 CFR 1910.4, and Secretary of Labor's Order No. 12–71 (36 F.R. 8754), it is hereby proposed to amend 29 CFR Part 1910 as set forth below. The proposals include the emergency temporary standard and additional proposed rules on subsidiary issues.

Interested persons are invited to submit, both orally and in writing, data, views, and arguments concerning these proposals.

Written data, views, and arguments may be mailed to the Office of Safety and Health Standards, Room 305, 400 First Street NW., Washington, DC 20210, within 30 days after the publication of this notice in the FEDERAL REGISTER. The data, views, and arguments will be available for public inspection and copying at the Office of Safety and Health Standards, except as to matters the disclosure of which is prohibited by law.

Oral data, views, and arguments will be received by Hearing Examiner Arthur Goldberg, at a hearing beginning at 10 a.m. on March 14, 1972, in Conference Room B, Departmental Auditorium, 14th Street and Constitution Avenue NW., Washington, DC. Persons desiring to appear at the hearing must file with the Office of Safety and Health Standards a notice of intention to appear, no later than March 3, 1972. The notice must state the name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to the proposed rules.

The oral proceedings shall be reported verbatim, and transcripts shall be available for inspection to any interested person on such conditions as the presiding hearing examiner may prescribe. The hearing examiner shall regulate the course of the oral proceedings, dispose of procedural requests, objections, and similar matters, regulate the conduct of those present at the hearing by appropriate means, and shall exclude to the extent practicable irrelevant, immaterial, and unduly repetitious data or arguments. The hearing examiner shall have discretion to keep the record of the hearing open for a reasonable, stated time to receive written recommendations, and additional data, views, and arguments from any person who has participated in the oral proceeding. Upon completion of the oral proceedings, the transcript thereof, together with written submissions on the proposed rules, exhibits filed during the hearing, and any posthearing data, views, arguments, and recommendations shall be certified by the hearing examiner to the Assistant Secretary of Labor for Occupational Safety and Health for his decision. The Assistant Secretary may adopt the proposals with or without changes, or determine not to issue a rule.

Under the authority of section 6(b) (1) and section 7(b) of the Act, the Assistant Secretary of Labor for Occupational Safety and Health will request the recommendations of an advisory committee with regard to the proposed rules. The committee will be provided with copies of these proposals, together with all pertinent factual information which is, or may become, available to the Assistant Secretary, including any information submitted by the National Institute for Occupational Safety and Health. The advisory committee will be asked to submit to the Assistant Secretary written recommendations regarding these proposed rules within 45 days after the publication of this notice. The recommendations will be available for public inspection and copying. No other advisory committee will be consulted with regard to these proposed rules.

Part 1910 of Title 29 of the Code of Federal Regulations is proposed to be amended as follows:

§ 1910.93 [Amended]

1. Table G–3 in § 1910.93 (36 F.R. 15104, August 13, 1971) is proposed to be amended by deleting the following:

Asbestos—12 fibers per milliliter greater than 5 microns in length or • • • 2 Mppcf.

Tremolite • • • 5 Mppcf. $\frac{20\ mg./M^3}{\%SiO_2}$

If so amended, Table G–3 would read as follows:

TABLE G–3—MINERAL DUSTS

Substance	Mppcf	Mg/M³
Silica:		
Crystalline:		
Quartz (respirable)	250 [f]	10mg/M³ [=]
Quartz (total dust)	%SiO₂+5	%SiO₂+2 / 30mg/M³
Cristobalite: Use ½ the value calculated from the count or mass formulae for quartz.		%SiO₂+3
Tridymite: Use ½ the value calculated from the formulae for quartz.		

Substance	Mppcf	Mg/M³
Amorphous, including natural diatomaceous earth	20	80mg/M³ / %SiO₂
Silicates (less than 1% crystalline silica):		
Mica	20	
Soapstone	20	
Talc	20	
Portland cement	50	
Graphite (natural)	15	
Coal dust (respirable fraction less than 5% SiO₂)		2.4mg/M³ or 10mg/M³ / %SiO₂+2
For more than 5% SiO₂		
Inert or Nuisance Dust:		
Respirable fraction	15	5mg/M³
Total dust	50	15mg/M³

NOTE: Conversion factors—
mppcf×35.3=million particles per cubic meter
=particles per c.c.

[f] Millions of particles per cubic foot of air, based on impinger samples counted by light-field technics.

[=] The percentage of crystalline silica in the formula is the amount determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

[‡] As determined by the membrane filter method at 430 × phase contrast magnification.

[=] Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of 2.4 Mg/M³ in the table for coal dust is 4.5 Mg/M³

2. A new § 1910.93a is proposed to be added to Part 1910, reading as follows:

§ 1910.93a Asbestos dust.

(a) *8-hour time-weighted average.* The 8-hour time-weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers longer than 5 microns per milliliter, as determined by the membrane filter method at 400–450 × (magnification) (4 millimeter objective) phase contrast illumination. Concentrations above 5 fibers per milliliter, but not to exceed 10 fibers per milliliter, may be permitted up to a total of 15 minutes in an hour, but for not more than 5 hours in an 8-hour day.

(b) *Methods of compliance*—(1) *Engineering methods.* Engineering methods, such as, but not limited to, enclosure, vacuum sweeping, and local exhaust ventilation, shall be used to meet the exposure limits prescribed in paragraph (a) of this section. Where such engineering methods are not feasible, or do not reduce the concentrations below the limits prescribed in paragraph (a) of this section, respiratory protective devices shall be provided and used in accordance with subparagraph (2) of this paragraph.

(2) *Other methods.* (i) When the limits of exposure to asbestos dust prescribed in paragraph (a) of this section are exceeded, and engineering controls required by subparagraph (1) of this paragraph are not feasible or do not reduce the concentration of asbestos dust below the limits prescribed in paragraph (a) of this section, the employer shall require the use of respiratory protective devices. The selection of respiratory protective devices shall be limited to those specified in paragraph (c) of this section.

(ii) The employer shall require that each employee test his respiratory protective device before each use in order to insure a proper fit according to the manufacturer's instructions. The employer shall further provide for effective training or supervision of employees in the testing of respiratory protective devices for fit before their use.

(c) *Allowable respirators.* (1) When the 8-hour time-weighted average concentration of asbestos dust is projected to exceed 5 fibers longer than 5 microns per milliliter, but not to exceed 25 such fibers, and when a concentration over a period of 15 minutes exceeds 10 fibers longer than 5 microns per milliliter, but does not exceed 50 such fibers, a reusable or single use filter type respirator, operating with negative pressure during the inhalation phase of breathing, approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 14 (Bureau of Mines Schedule 21B), shall be used.

(2) When the 8-hour time-weighted average concentration of asbestos dust is projected to exceed 25 fibers longer than 5 microns per milliliter but not to exceed 250 such fibers, and when a concentration over a period of 15 minutes exceeds 50 fibers longer than 5 microns per milliliter but does not exceed 500 such fibers, a powered filter positive pressure respirator approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 14 (Bureau of Mines Schedule 21B) shall be used.

(3) When the 8-hour time-weighted average concentration of asbestos dust is projected to exceed 250 fibers longer than 5 microns per milliliter a type "C" positive pressure supplied-air respirator approved by the U.S. Bureau of Mines under the provisions of 30 CFR Part 12 (Bureau of Mines Schedule 19B) shall be used.

(4) The employer shall establish a respirator program in accordance with the requirements of American National Standard Practice for Respiratory Protection Z88.2—1969.

(5) The respirators provided each employee shall be properly inspected, cleaned, repaired, and stored.

(d) *Particular operations and products.* (1) When an employer has employees who are exposed to asbestos dust resulting from the operations or the use of tools described in the remaining subparagraphs of this paragraph (d), the employer shall comply with the requirements of this paragraph. The requirements of this paragraph shall apply at all times, and, in addition, the requirements of paragraph (b) of this section may also apply, according to the terms thereof.

(2) All hand- or power-operated tools which produce asbestos dust such as, but not limited to, saws, scorers, abrasive

wheels, and drills, shall be provided with local exhaust ventilation and dust collectors in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems; ANSI Z9.2—1971.

(3) Employees exposed to the spraying of asbestos, to the demolition of pipes, structures, or equipment covered or insulated with asbestos, or to the demolition of insulating strippings, shall be provided with respiratory protective devices in accordance with paragraph (c)(3) of this section.

(4) Asbestos cement, mortar, coatings, grout, and plaster shall be mixed in closed bags or other closed containers.

(5) Asbestos waste and scrap shall be collected and disposed of in sealed bags or other closed containers.

(6) Accumulation of asbestos dust shall be removed, as soon as practicable, and only by vacuum cleaners.

(e) *Warning signs*—(1) *Posting.* Warning signs shall be provided and displayed at each location where asbestos dust hazards are present. Signs shall be posted at least 50 feet in each direction from the location where the hazard is present, and at intervals of not more than 100 feet along each edge of the area where the hazard is present.

(2) *Sign specifications.* The warning signs shall conform to the requirements for 20" x 14" vertical format signs specified in § 1910.145(d)(2), and to this paragraph. The signs shall display the following legend in the white panel, with letter sizes and styles of a visibility at least equal to that specified in the notation in the following column to the right:

Legend:	Notation
Asbestos	1" Sans Serif Gothic or Block.
Dust Hazard	¾" Sans Serif Gothic or Block.
Follow these	¼" Gothic.
Safety and Health Rules.	¾" Sans Serif Gothic or Block.
1. Avoid breathing dust.	¼" Gothic.
2. Wear your respirator.	¼" Gothic.
3. Do not remain in area unless your work requires it.	¼" Gothic.
Asbestos dust may cause asbestosis, a severe lung disease, and is implicated in the development of certain cancers. Control of exposure to asbestos dust helps protect against these hazards.	14 point Gothic.

(3) *Spacing.* Spacing between lines shall be at least equal to the height of the upper of any two lines, except that the spacing between "Following these" and "Safety and Health Rules" shall be at least ¾".

(f) *Monitoring*—(1) *Personal.* Employees engaged in the particular operations or using the particular tools specified in paragraph (d) of this section, or exposed to concentrations of asbestos dust in excess of the limits specified in paragraph (c)(3) of this section shall be monitored in accordance with this paragraph.

(i) *Method.* Dust samples shall be collected from within the normal breathing zone of the employees in their normal working posture. Employees wearing respiratory protective devices shall have the sample taken from a point located on the exterior of the respirator facepiece.

(ii) *Procedure.* The sampling procedure shall be such as to permit the determinations required by paragraph (a) of this section.

(iii) *Sampling duration.* The sampling duration shall be for a period of not less than 15 consecutive minutes.

(iv) *Sampling frequency.* Sampling periods shall be of such number and pattern as to represent accurately the exposure of the employees over their working period.

(2) *Environmental.* Environmental monitoring shall be conducted in all areas in which employees are exposed to concentrations of asbestos dust in excess of the limits specified in paragraph (a) of this section.

(i) *Method.* Asbestos dust samples shall be collected from areas which are representative of the concentration of airborne asbestos dust which may reach the breathing zone of exposed employees.

(ii) *Procedure.* Sampling procedure shall be such as to permit the determinations required by paragraph (a) of this section.

(iii) *Sampling duration.* Sampling duration shall be for a period of not less than 15 consecutive minutes.

(iv) *Sampling frequency.* Sampling periods shall be of such number and pattern as to represent accurately the exposure of the employees over their working period.

(g) *Medical examinations.* The employer shall provide, or make available at his cost, appropriate medical examinations on a periodic basis to any employee who is exposed to asbestos dust in excess of the limits specified in paragraph (a) of this section.

(h) *Records.* (1) Every employer shall maintain records of the personal and environmental monitoring, and of the medical examinations, required by paragraphs (f) and (g) of this section. Such records shall be maintained for at least 20 years.

(2) The records of monitoring shall be made available for inspection and copying to the Secretary of Labor and to his designated representatives.

(3) The records of medical examinations shall be made available only to the Secretary of Labor, to the Secretary of Health, Education and Welfare, to designated representatives of either of them, and, at the request of the employee or former employee examined, to his physician.

3. A new § 1910.19 is proposed to be added to Subpart B, reading as follows:

§ 1910.19 Asbestos dust.

Section 1910.93a shall apply to the exposure of every employee to asbestos dust in every employment and place of employment covered by § 1910.12, 1910.13, 1910.14, 1910.15, or 1910.16 of this Subpart B, in lieu of any different standard on exposure to asbestos dust which would otherwise be applicable by virtue of any of those sections.

(Sec. 6, 84 Stat. 1593; 29 U.S.C. 655, 29 CFR 1910.4; Secretary of Labor's Order No. 12–71, 36 F.R. 8754)

Signed at Washington, D.C., this 6th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-402 Filed 1-11-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CERTAIN CHEESES

Proposed Identity Standards Regarding Labeling Requirements

Notice is given that a petition has been filed by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Ill. 60606, proposing that identity standards for certain specified cheeses be amended to require that (1) the full name of the food appear on the principal display panel of the label in type of uniform size, style, and color; (2) wherever any word or statement emphasizing the name of any ingredient appears on the label (other than in circumstances described below) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food immediately and conspicuously precedes or follows such word or statement in type of such word or statement; and (3) optional ingredients be listed conspicuously, either on the principal display panel of the label or on a single appropriate information panel, in accordance with specifications that are consistent with similar specifications for many other food products.

Accordingly, it is proposed that Part 19 be amended:

1. In § 19.750(f) by revising subparagraph (6) and adding subparagraphs (7) and (8), as follows:

§ 19.750 Pasteurized process cheese; identity; label statement of optional ingredients.

* * * * *

(f) * * *

(6) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(7) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (8) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(8) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate informational panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

2. In § 19.765 by revising paragraph (g), as follows:

§ 19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.

* * * * *

(g) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate information panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

3. In § 19.775 by revising paragraph (h), as follows:

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

* * * * *

(h) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate information panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

4. In § 19.782 by revising paragraph (f), as follows:

§ 19.782 Cream cheese with other foods; identity; label statement of optional ingredients.

* * * * *

(f) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate information panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

5. In § 19.783 by revising paragraph (f), as follows:

§ 19.783 Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.

* * * * *

(f) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate information panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

6. In § 19.785 by revising paragraph (f), as follows:

§ 19.785 Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.

* * * * *

(f) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate information panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

7. In § 19.787 by revising paragraph (g), as follows:

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

* * * * *

(g) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate information panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

8. In § 19.790 by revising paragraph (e), as follows:

§ 19.790 Grated American cheese food; identity; label statement of optional ingredients.

* * * * *

(e) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate information panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during business hours, Monday through Friday.

Dated: December 22, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-472 Filed 1-11-72;8:50 am]

[21 CFR Part 27]

CANNED FIGS IDENTITY STANDARD

Proposed Listing of Slightly Sweetened Water as Optional Packing Medium

Notice is given that a petition has been filed by the California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106, proposing that the standard of identity for canned figs (CFR 27.70) be amended to permit the use of slightly sweetened water as an optional packing medium. The packing media presently permitted in this food are water, light sirup, heavy sirup, and extra heavy sirup.

Grounds given in support of the proposal are:

(1) Nine of the 12 canned fruits for which standards of identity have been promulgated provide for the use of slightly sweetened water as an optional packing medium.

(2) Consumers will have a greater choice between totally unsweetened to very sweet packing media.

(3) A canned fruit which has less sweetener added than the sirup sweetened product, but which is nonetheless sweeter than water pack, will be available.

Accordingly, it is proposed that § 27.70 be amended by revising paragraph (c) to read as follows:

§ 27.70 Canned figs; identity; label statement of optional ingredients.

* * * * *

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Slightly sweetened water.
(iii) Light sirup.
(iv) Heavy sirup.
(v) Extra heavy sirup.

(2) Each of the packing media in subparagraph (1) (ii) through (v) of this paragraph, inclusive, is prepared with water and a saccharine ingredient. The saccharine ingredient from which packing media in subparagraph (1) (ii) through (v) of this paragraph, inclusive, are prepared is one of the following: Sugar; invert sugar sirup; any combination of sugar or invert sugar sirup and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar or invert sugar sirup used; any combination of sugar or invert sugar sirup and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar or invert sugar sirup used; or any combination of sugar or invert sugar sirup, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar or invert sugar sirup used.

(3) The respective densities of packing media in subparagraph (1) (ii) to (v), of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the figs are canned, are within the range prescribed for each in the following list:

Name of packing medium:	Brix measurement
Slightly sweetened water	11° or more but less than 16°.
Light sirup	16° or more but less than 21°.
Heavy sirup	21° or more but less than 26°.
Extra heavy sirup	26° or more but less than 35°.

* * * * * *

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 27, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-471 Filed 1-11-72;8:50 am]

Office of Education

[45 CFR Part 130]

LIBRARY SERVICES, PUBLIC LIBRARY CONSTRUCTION, AND INTERLIBRARY COOPERATION

Proposed Procedures for Financial Assistance

Notice is hereby given that the Commissioner of Education with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations as set forth below prescribing certain policies and procedures with respect to Federal financial assistance to States under the Library Services and Construction Act, as amended (84 Stat. 1660, 20 U.S.C. 351 et seq.).

These regulations would constitute a complete revision of those now published in 45 CFR Part 130, and are intended primarily to implement the amendments to this Act made by section 2 of the Library Services and Construction Amendments of 1970 (Public Law 91–600, Dec. 30, 1970).

Interested persons who wish to submit comments, suggestions, or objections pertaining to these proposed regulations may present their views in writing to the U.S. Commissioner of Education, Department of Health, Education, and Welfare, 400 Maryland Avenue SW., Washington, DC 20202, within a period of 30 days from the date of publication in the FEDERAL REGISTER. Comments received in response to this notice will be available for public inspection at the office of the Director of the Division of Library Programs, Room 5680, GSA Regional Office Building No. 3, Seventh and D Streets SW., Washington, DC 20202, on Monday through Friday between 8 a.m. and 4:30 p.m.

The final regulations would be codified in Part 130 of Title 45 of the Code of Federal Regulations as follows:

Subpart A—General

Sec.
130.1 Purpose and scope.
130.2 Applicability of civil rights regulation.
130.3 Definitions.
130.4 Library services.
130.5 Public library construction.
130.6 Interlibrary cooperation.
130.7 Activities of State library administrative agency.
130.8 State advisory council on libraries.

Subpart B—State Plan Provisions

130.15 State plan—General.
130.16 Basic State plan.
130.17 Criteria for determining adequacy of public library services.
130.18 Urban and rural areas with high concentrations of low-income families.
130.19 Long-range program.
130.20 Annual program.
130.21 Notifications of construction projects.
130.22 Amendment of State plan.

Subpart C—Federal Financial Participation

130.30 Application of Federal requirements.
130.31 Custody of Federal funds.
130.32 Effective date of allowable expenditures.
130.33 Availability of funds.
130.34 Application of State rules.
130.35 Payments by State.
130.36 Proration of costs.
130.37 Adjustments.
130.38 Audits.
130.39 Retention of records.
130.40 Disposition of facilities and equipment.
130.41 Inventories.
130.42 Federal and State shares of eligible expenditures.
130.43 Eligible costs.
130.44 Computation of allowable expenditures.

Subpart D—Payments and Reports

130.50 Conditions for payments to States.
130.51 Withholding of payments.
130.52 Method of payment.
130.53 Effect of Federal payments.
130.54 Reallotment.
130.55 Disposition of unexpended Federal funds.
130.56 Reports.

AUTHORITY: The provisions of this Part 130 are issued under the Library Services and Construction Act (20 U.S.C. 351 et seq.) as amended by Public Law 91–600.

Subpart A—General

§ 130.1 Purpose and scope.

The purpose of the regulations in this part is to implement the provisions of the Library Services and Construction Act, as amended, which provides for Federal grants to States to assist them in the establishment, extension, and improvement of public library services in areas of the States which are without such services or in which such services are inadequate; with public library construction; in the establishment, extension, and improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons; in strengthening State library administrative agencies; and in promoting interlibrary cooperation among all types of libraries. (20 U.S.C. 351)

§ 130.2 Applicability of civil rights regulation.

Federal financial assistance under this part is subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d et. seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in Part 80 of this title; assurance to this effect. (42 U.S.C. 2000d et seq.)

§ 130.3 Definitions.

(a) "Act" means the Library Services and Construction Act, as amended by section 2 of the Library Services and Construction Amendments of 1970 (Public Law 91–600, 20 U.S.C. 351 et seq.).

(b) "Commissioner" means the Commissioner of Education, U.S. Department of Health, Education, and Welfare.

(c) "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). (Also see § 130.43(b).)

(d) "Department" means the U.S. Department of Health, Education, and Welfare.

(e) "Disadvantaged persons" means persons who have educational, socioeconomic, cultural, or other disadvantages that prevent them from receiving the benefits of library services designed for persons without such disadvantages and who for that reason require specially designed library services. The term includes persons whose needs for such special services result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large, but does not include physically or other handicapped persons unless such persons also suffer from the disadvantages described in this paragraph.

(f) "Equipment", as distinguished from consumable supplies and other materials, means a fixed or movable article or set of articles which meets all the following conditions: (1) The article retains its original shape and general appearance with reasonable care and use over a period of at least 1 year; (2) it is nonexpendable, that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit; and (3) it does not lose its identity through incorporation into a different or more complex unit or substance. For purposes of § 130.43, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

(g) "Fiscal year" means a period beginning on July 1 and ending on the following June 30. A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.

(h) "Interlibrary cooperation", for the purpose of title III of the Act, means the establishment, expansion and operation of local, regional, and interstate cooperative library networks which will provide for the systematic and effective coordination of the resources of school, public, academic and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center. Such networks may be designed to serve a community, metropolitan area, or region within a State, or may serve a statewide or multistate area and shall consist of two or more types of libraries.

(i) "Library materials" means books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, processed video and magnetic tapes, printed, published, and audiovisual materials, nonconventional materials designed specifically for the handicapped, and other materials of a similar nature.

(j) "Library service" means the performance of all activities of a library relating to the collection and organization of library materials and making the materials and information of a library available to the public or a special clientele.

(k) "Library services for the physically handicapped" means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

(l) "Public library" means a library that serves free of charge all residents of a community, district, or region without discrimination and receives its financial support in whole or in part from public funds. The term does not include libraries such as law, medical, school, and academic libraries, which are organized to serve a special clientele or purpose.

(m) "Public library services" means library services which are provided by or on behalf of a public library free of charge. The term does not include those library services that are properly the responsibility of the schools.

(n) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(o) "State institutional library services" means the providing of books and other library materials, and of library

services, to (1) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (2) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired persons who by reasons thereof require special education) operated or substantially supported by the State.

(p) "State library administrative agency" or "State agency" means the official agency of a State charged by the law of that State with the extension and development of public library services throughout the State, which has adequate authority under the law of the State to administer State plans in accordance with the provisions of the Act. (20 U.S.C. 351a, 355e–1)

§ 130.4 Library services.

Funds appropriated under section 4(a)(1) of the Act (20 U.S.C. 351b(a)(1)) and allotted to States for the purposes of section 101 of title I of the Act (20 U.S.C. 352) shall, except as provided in § 130.7, be used solely for paying the Federal share of the cost of the following activities pursuant to the State plan submitted under Subpart B of this part:

(a) Planning for, and taking other steps leading to the development of, programs and projects as provided in paragraph (b) of this section;

(b) Programs and projects designed to extend and improve library services; that is

(1) Establishing, expanding, and operating programs and projects to provide:

(i) Library services for the disadvantaged in urban and rural areas; and

(ii) Library services to the physically handicapped, and

(iii) State institutional library services,

(2) Extending public library services to geographical areas and groups of persons without such services;

(3) Improving such services in such areas and for such groups as may have inadequate public library services;

(4) Strengthening metropolitan public libraries which serve as national or regional resource centers. (20 U.S.C. 352, 353(a))

§ 130.5 Public library construction.

(a) *General.* Funds appropriated under section 4(a)(2) of the Act (20 U.S.C. 351b(a)(2)) and allotted to States for the purposes of section 201 of title II of the Act (20 U.S.C. 355a) may be used solely for the purpose of paying the Federal share of the cost of public library construction projects which will result in a usable public library building pursuant to the State plan submitted under Subpart B of this part.

(b) *Terms and conditions with respect to construction.* The State agency shall assure that the following terms and conditions will be complied with on all construction projects approved by the State agency for assistance under title II of the Act:

(1) *Labor standards.* All laborers and mechanics employed by contractors and subcontractors on all construction projects assisted under the Act will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5) and 29 CFR Part 1 (29 F.R. 95), and shall receive overtime compensation in accordance with, and otherwise comply with, the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327–333); that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3 (42 U.S.C. 2000e note); and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c) (29 F.R. 100, 101, 13463).

(2) *Equal employment opportunity.* All construction contracts exceeding $10,000 shall include the employment nondiscrimination clause prescribed by section 203 of Executive Order No. 11246 of September 24, 1965 (42 U.S.C. 2000e note), and the State or local agency shall otherwise comply with the requirements of section 301 of said Executive order.

(3) *Avoidance of flood hazards.* In the planning of the construction of library facilities under the Act, the State or local agency shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (33 U.S.C. 701 note), and such rules and regulations as may be issued by the Department to carry out those provisions, evaluate flood hazards in connection with such library facilities, and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(4) *Accessibility to handicapped persons.* Except as otherwise provided for in the regulations issued by the Administrator of General Services (41 CFR Part 101–17) to implement Public Law 90–480 (42 U.S.C. ch. 51), all library facilities shall be designed, constructed, or altered with funds under the Act in accordance with the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1—1961," approved by the American Standards Association, Inc. (subsequently changed to United States of American Standards Institute). All library facilities using Federal funds shall display in a prominent place the "International Symbol of Access for the Handicapped".

(5) *Competitive bidding.* All construction contracts shall be awarded to the lowest qualified bidder on the basis of open competitive bidding except that, if one or more items of construction specified in § 130.43(b) are covered by an established alternative procedure consistent with State and local laws and regulations, which is approved by the State agency as designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure may be followed.

(6) *Elaborate or extravagant design or materials.* The projects will be undertaken in an economic manner and will not be elaborate or extravagant in design or materials.

(7) *Display of signs.* The sites of all construction projects shall display a sign stating that Federal funds under the Library Services and Construction Act are being used for such construction. When specifications call for a plaque in the completed building indicating the date of completion and source of funds, funds under the Act shall be noted.

(8) *Compliance with National Environmental Policy Act of 1969.* The State or local agency shall comply with whatever procedures may be established by the Department to implement section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and Executive Order No. 11514 (42 U.S.C. 4321 note). The State or local Agency shall also comply with whatever policies and procedures are established by the Department to implement Executive Order No. 11507 (42 U.S.C. 4331 note) with regard to the prevention of air and water pollution.

(9) *Interest in site.* The State or local agency has or will have a fee simple title or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the expected useful life of the facility.

(10) *Final drawings and specifications.* The final working drawings and specifications will be submitted to the State agency for final approval before the project is placed on the market for bidding.

(11) *Prompt construction.* The construction approved pursuant to the project proposal will be undertaken promptly.

(12) *Fire and safety codes.* In developing plans for public library facilities, the local and State codes with regard to fire and safety will be observed; and in situations where local and State codes do not apply, recognized codes shall be observed.

(13) *On-site supervision and inspection.* Architectural or engineering supervision and inspection will be provided at the construction site to insure that completed work conforms to the approved plans and specifications; and representatives of the State agency will have access at all reasonable times; for the purpose of inspection, to all construction work being done under the Act, and the contractor will be required to facilitate such access and inspection.

(14) *Progress reports.* The local agency undertaking the construction will furnish progress reports and such other information relating to the proposed construction as the State agency may require.

(15) *Interest in completed facilities.* Upon completion of the construction, title to the facilities will be in and retained by a public State or local agency. (20 U.S.C. 355a, 355b, 1232b; 33 U.S.C. 446 note, 701 note; 40 U.S.C. 327–333; 42 U.S.C. 2000e note, 4151–4156, 4321–4347)

§ 130.6 Interlibrary cooperation.

Funds appropriated under paragraph 4(a)(3) of the Act (20 U.S.C. 351b(a)(3)) and allotted to States for the purposes of section 301 of title III of the Act (20 U.S.C. 355e) shall be used solely to pay the cost of carrying out the State plan as it relates to interlibrary cooperation, including:

(a) Planning for, and taking other steps leading to the development of interlibrary cooperation, and

(b) Programs and projects of interlibrary cooperation. (20 U.S.C. 355e, 355e–1)

§ 130.7 Activities of State library administrative agency.

In addition to the activities specified in § 130.4, funds appropriated under section 4(a)(1) of the Act (20 U.S.C. 351b(a)(1)) and allotted to States for the purposes of section 101 of title I of the Act may also be used to pay the cost of the following activities of the State library administrative agency:

(a) Administration of the State plan submitted and approved under the Act pursuant to Subpart B of this part (including obtaining the services of consultants);

(b) Statewide planning for and evaluation of library services;

(c) Dissemination of information concerning library services;

(d) The activities of the State advisory council pursuant to § 130.8;

(e) Activities of such other advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions;

(f) Training of librarians and other library personnel engaged in activities under the Act; and

(g) Otherwise strengthening the capacity of State library administrative agencies for meeting the needs of the people of the State in carrying out the purposes of the Act as stated in § 130.1. (20 U.S.C. 353(b))

§ 130.8 State advisory council on libraries.

(a) *General.* Each State which desires to receive funds under the Act and the regulations in this part for any fiscal year shall establish a State advisory council on libraries; and shall submit with its State plan for each fiscal year a certification with respect to such establishment, including the names of the council members and a statement of identification of each such member which shows the representation required by section 3(8) of the Act (20 U.S.C. 351a(8)) and paragraph (b) of this section.

(b) *Membership.* The membership of the State advisory council on libraries shall include persons broadly representative of each of the following:

(1) Public libraries;

(2) School libraries;

(3) Academic libraries;

(4) Special libraries, such as law or medical libraries;

(5) Institutional libraries, such as reformatory or hospital libraries;

(6) Libraries serving the handicapped in the State; and

(7) Users of such libraries, who shall comprise at least one-third of the council membership, and of whom at least one shall be representative of disadvantaged persons.

(c) *Functions and responsibilities.* The State advisory council on libraries shall

(1) Advise the State agency on the development of the State plan, including the preparation of long-range and annual programs pursuant to §§ 130.19 and 130.20;

(2) Advise the State agency on policy matters arising in the administration of the State plan submitted pursuant to the Act and the regulations in this part; and

(3) Assist the State agency in evaluating library programs, services, and activities under the State plan. (20 U.S.C. 351a(8), 351d(a))

Subpart B—State Plan Provisions

§ 130.15 State plan—General.

(a) *Purpose.* The purpose of the State plan is to provide a framework within which the State will encourage the establishment or expansion of programs to carry out the purpose set forth in § 130.1 and to provide the basis on which Federal payments to the State under this part are made. State agencies desiring to continue to participate under the Act shall submit to the Commissioner a revised State plan which shall meet the requirements of section 6 of the Act (20 U.S.C. 351d) and the regulations in this subpart.

(b) *Format.* The State plan shall be composed of three parts:

(1) The basic State plan provided for in § 130.16 which shall be submitted for fiscal year 1972 and for each fiscal year thereafter;

(2) The long-range program provided for in § 130.19, which shall be submitted on or before July 1, 1972; and

(3) The annual program provided for in § 130.20, which shall be submitted for fiscal year 1972 and on or before July 1 of each succeeding fiscal year. (20 U.S.C. 351d(a))

§ 130.16 Basic State plan.

(a) *Form and content.* The basic State plan shall consist of the following:

(1) A State-Federal Agreement consisting of assurances and certifications, which shall be submitted in a form prescribed by the Commissioner, the text of which is attached hereto as an appendix and made a part hereof; and

(2) A statement of criteria developed pursuant to § 130.17 for use by the State library administrative agency in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs and projects which serve urban and rural areas with high concentrations of low-income families as determined pursuant to § 130.18.

(b) *Approval.* Of the three parts of the State plan referred to in § 130.15(b), only the basic State plan shall require the approval of the Commissioner. The Commissioner will approve the basic State plan for fiscal year 1972, and for each fiscal year thereafter, only upon his determination that

(1) The plan fulfills the conditions of a basic State plan specified in paragraph (a) of this section;

(2) The information set forth in the long-range and annual programs indicates that adequate procedures are subscribed to therein to insure that the assurances and provisions of the basic plan will be carried out; and

(3) All parts of the State plan will be made public.

The Commissioner will not finally disapprove any basic State plan or amendment thereto without first affording the State reasonable notice and opportunity for a hearing. (20 U.S.C. 351d (b) and (c))

§ 130.17 Criteria for determining adequacy of public library services.

In developing the criteria in the basic State plan for determining the adequacy of public library services to geographic areas and groups of persons in the State pursuant to section 2 of the State-Federal Agreement (See appendix), special consideration shall be given to the library needs of the following, among other factors deemed pertinent by the State agency:

(a) Disadvantaged persons residing in urban or rural areas with high concentrations of low-income families, as determined pursuant to § 130.18;

(b) Persons residing in areas of the State which are without public library services or in which such services are inadequate;

(c) Physically handicapped persons (including the blind and other visually handicapped); and

(d) Inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, residential schools for handicapped persons, and other general or special institutions or hospitals operated or substantially supported by the State. (20 U.S.C. 351d(b))

§ 130.18 Urban and rural areas with high concentrations of low-income families.

In developing criteria in the basic State plan designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families pursuant to § 130.16(a)(2), the State library administrative agency shall, on the basis of the most recent information available to it, determine which areas of the State constitute such areas. In making such determinations, the State agency may, for example, rely upon determinations made by the Secretary of Commerce of areas eligible for designation as "redevelopment areas" pursuant to section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161); or determinations made by the Secretary of Housing and Urban Development of urban areas eligible for assistance under the Demonstrations Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301 et seq.). The description of criteria included and incorporated

by reference in section 2 of the State-Federal Agreement (see appendix) shall indicate—

(a) The areas of the State designated as urban and rural areas with high concentrations of low-income families;

(b) The criteria used by the State agency in designating such areas; and

(c) The sources of information on which such criteria were based, and the frequency with which this information is updated. (20 U.S.C. 351d(b))

§ 130.19 Long-range program.

(a) The long-range program shall be developed by the State library administrative agency with the advice of the State advisory council and in consultation with appropriate staff of the U.S. Office of Education, and shall be annually reviewed and revised in accordance with changing needs in the States for assistance under the Act and the results of continuing and current of the State

under title II of the Act, which criteria, policies and procedures will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

(vi) Criteria, policies and procedures for the approval of applications for interlibrary cooperation under title III of the Act. (20 U.S.C. 351a(12), 351(d), 364, 365c, 365c-2)

§ 130.20 Annual program.

The annual program shall be developed by the State library administrative agency with the advice of the State advisory council and in consultation with appropriate staff of the U.S. Office of Education, and shall contain the following:

(a) A description of a program for the use of funds under each of the titles of

tion of operations, policies, and methods of administration to be followed by the State. Amendments will be submitted and certified in the same manner as the basic State plan.

(b) *Long-range program.* The long-range program shall be amended to reflect changes in

(1) Estimates of present and projected program needs;

(2) The plan of action for meeting these needs; and

(3) Policies, criteria, priorities and procedures.

These amendments shall be submitted each year as part of the annual extension of the long-range program submitted pursuant to § 130.20(b).

(c) *Annual program.* Minor deviations in actual allocations of funds from specific amounts estimated for allocations among programs, services, and activities described in the annual program pursuant

§ 130.33 Availability of funds.

(a) Funds allotted to States under the Act for each fiscal year shall be available for use by the State and local agencies only during such fiscal year, except for funds for construction under title II of the Act, which shall be available for such use during such fiscal year and the succeeding fiscal year.

(b) A use of funds under the Act by such agencies shall be determined as that prescribed by State and local laws and regulations which govern the allocation of uses of State and local funds to a particular time period (such as a fiscal year or biennium); or, if there is no State or local law governing a particular use of funds, such a use of funds shall be determined on a basis which is not inconsistent with State and local laws, rules, regulations, and customs.

(c) Notwithstanding paragraphs (a) and (b) of this section, any funds allotted to

funds, credits, underpayments, or overpayments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State's annual reports filed with the Commissioner. (20 U.S.C. 1232d)

§ 130.36 Audits.

(a) *Federal audits.* Audit agencies representing the Department will audit the State agency's program records available at the State agency to determine whether the program funds have been properly accounted for and administered. Audit reports of local library agencies and other participating agencies and the State review and other control procedures will be evaluated to determine the adequacy of information upon which to base the audit findings. Only where the available information is deemed to be inadequate will the auditor examine, through the State agency, to

(c) *Questioned expenditures.* The records involved in any claim or expenditure which has been questioned by the Federal audit shall be maintained until necessary adjustments have been made and the adjustments have been approved by the Commissioner. (20 U.S.C. 351d(b), 1232c)

§ 130.40 Disposition of facilities and equipment.

Whenever public library facilities or items of equipment, in which cost the Federal Government has participated, are no longer used for a purpose permitted under the Act, or are sold and the proceeds from such sale are not used for such a purpose, the Federal Government shall be credited with the proportionate share of the value of such facilities or equipment at the time of such disposition or sale, the value being determined on the basis of the sale price i.e. the net

8. In § 19.790 by revising paragraph (e), as follows:

§ 19.790 Grated American cheese food; identity; label statement of optional ingredients.

* * * * *

(e) (1) The full name of the food shall appear on the principal display panel of the label in type of uniform size, style, and color.

(2) Wherever any word or statement emphasizing the name of any ingredient appears on the label (other than as specified in subparagraph (3) of this paragraph) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type of such word or statement.

(3) The words and statements herein specified listing the optional ingredients used in the food in order of decreasing predominance shall be present either on the principal display panel of the label or on a single appropriate information panel in type of adequate and uniform size and color. These words and statements shall not be crowded nor obscured by designs and/or vignettes. These words and statements shall be arranged in lines parallel to the base on which the container rests as it is designed to be displayed.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during business hours, Monday through Friday.

Dated: December 22, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-472 Filed 1-11-72;8:50 am]

[21 CFR Part 27]

CANNED FIGS IDENTITY STANDARD

Proposed Listing of Slightly Sweetened Water as Optional Packing Medium

Notice is given that a petition has been filed by the California Canners and Growers, 3100 Ferry Building, San Francisco, Calif. 94106, proposing that the standard of identity for canned figs (CFR 27.70) be amended to permit the use of slightly sweetened water as an optional packing medium. The packing media presently permitted in this food are water, light sirup, heavy sirup, and extra heavy sirup.

Grounds given in support of the proposal are:

(1) Nine of the 12 canned fruits for which standards of identity have been promulgated provide for the use of slightly sweetened water as an optional packing medium.

(2) Consumers will have a greater choice between totally unsweetened to very sweet packing media.

(3) A canned fruit which has less sweetener added than the sirup sweetened product, but which is nonetheless sweeter than water pack, will be available.

Accordingly, it is proposed that § 27.70 be amended by revising paragraph (c) to read as follows:

§ 27.70 Canned figs; identity; label statement of optional ingredients.

* * * * *

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Slightly sweetened water
(iii) Light sirup.
(iv) Heavy sirup.
(v) Extra heavy sirup.

(2) Each of the packing media in subparagraph (1) (ii) through (v) of this paragraph, inclusive, is prepared with water and a saccharine ingredient. The saccharine ingredient from which packing media in subparagraph (1) (ii) through (v) of this paragraph, inclusive, are prepared is one of the following: Sugar; invert sugar sirup; any combination of sugar or invert sugar sirup and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar or invert sugar sirup used; any combination of sugar or invert sugar sirup and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar or invert sugar sirup used; or any combination of sugar or invert sugar sirup, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar or invert sugar sirup used.

(3) The respective densities of packing media in subparagraph (1) (ii) to (v), of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the figs are canned, are within the range prescribed for each in the following list:

Name of packing medium:	*Brix measurement*
Slightly sweetened water	11° or more but less than 16°.
Light sirup	16° or more but less than 21°.
Heavy sirup	21° or more but less than 26°.
Extra heavy sirup	26° or more but less than 35°.

* * * * * *

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: December 27, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc 72-471 Filed 1-11-72;8:50 am]

Office of Education

[45 CFR Part 130]

LIBRARY SERVICES, PUBLIC LIBRARY CONSTRUCTION, AND INTERLIBRARY COOPERATION

Proposed Procedures for Financial Assistance

Notice is hereby given that the Commissioner of Education with the approval of the Secretary of Health, Education, and Welfare, proposes to issue regulations as set forth below prescribing certain policies and procedures with respect to Federal financial assistance to States under the Library Services and Construction Act, as amended (84 Stat. 1660, 20 U.S.C. 351 et seq.).

These regulations would constitute a complete revision of those now published in 45 CFR Part 130, and are intended primarily to implement the amendments to this Act made by section 2 of the Library Services and Construction Amendments of 1970 (Public Law 91–600, Dec. 30, 1970).

Interested persons who wish to submit comments, suggestions, or objections pertaining to these proposed regulations may present their views in writing to the U.S. Commissioner of Education, Department of Health, Education, and Welfare, 400 Maryland Avenue SW., Washington, DC 20202, within a period of 30 days from the date of publication in the FEDERAL REGISTER. Comments received in response to this notice will be available for public inspection at the office of the Director of the Division of Library Programs, Room 5680, GSA Regional Office Building No. 3, Seventh and D Streets SW., Washington, DC 20202, on Monday through Friday between 8 a.m. and 4:30 p.m.

The final regulations would be codified in Part 130 of Title 45 of the Code of Federal Regulations as follows:

Subpart A—General

Sec.
130.1 Purpose and scope.
130.2 Applicability of civil rights regulation.
130.3 Definitions.
130.4 Library services.
130.5 Public library construction.
130.6 Interlibrary cooperation.
130.7 Activities of State library administrative agency.
130.8 State advisory council on libraries.

Subpart B—State Plan Provisions

130.15 State plan—General.
130.16 Basic State plan.
130.17 Criteria for determining adequacy of public library services.
130.18 Urban and rural areas with high concentrations of low-income families.
130.19 Long-range program.
130.20 Annual program.
130.21 Notifications of construction projects.
130.22 Amendment of State plan.

Subpart C—Federal Financial Participation

130.30 Application of Federal requirements.
130.31 Custody of Federal funds.
130.32 Effective date of allowable expenditures.
130.33 Availability of funds.
130.34 Application of State rules.
130.35 Payments by State.
130.36 Proration of costs.
130.37 Adjustments.
130.38 Audits.
130.39 Retention of records.
130.40 Disposition of facilities and equipment.
130.41 Inventories.
130.42 Federal and State shares of eligible expenditures.
130.43 Eligible costs.
130.44 Computation of allowable expenditures.

Subpart D—Payments and Reports

130.50 Conditions for payments to States.
130.51 Withholding of payments.
130.52 Method of payment.
130.53 Effect of Federal payments.
130.54 Reallotment.
130.55 Disposition of unexpended Federal funds.
130.56 Reports.

AUTHORITY: The provisions of this Part 130 are issued under the Library Services and Construction Act (20 U.S.C. 351 et seq.) as amended by Public Law 91–600.

Subpart A—General

§ 130.1 Purpose and scope.

The purpose of the regulations in this part is to implement the provisions of the Library Services and Construction Act, as amended, which provides for Federal grants to States to assist them in the establishment, extension, and improvement of public library services in areas of the States which are without such services or in which such services are inadequate; with public library construction; in the establishment, extension, and improvement of such other State library services as library services for physically handicapped, institutionalized, and disadvantaged persons; in strengthening State library administrative agencies; and in promoting interlibrary cooperation among all types of libraries. (20 U.S.C. 351)

§ 130.2 Applicability of civil rights regulation.

Federal financial assistance under this part is subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d et. seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation in Part 80 of this title; assurance to this effect. (42 U.S.C. 2000d et seq.)

§ 130.3 Definitions.

(a) "Act" means the Library Services and Construction Act, as amended by section 2 of the Library Services and Construction Amendments of 1970 (Public Law 91–600, 20 U.S.C. 351 et seq.).

(b) "Commissioner" means the Commissioner of Education, U.S. Department of Health, Education, and Welfare.

(c) "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). (Also see § 130.43(b).)

(d) "Department" means the U.S. Department of Health, Education, and Welfare.

(e) "Disadvantaged persons" means persons who have educational, socioeconomic, cultural, or other disadvantages that prevent them from receiving the benefits of library services designed for persons without such disadvantages and who for that reason require specially designed library services. The term includes persons whose needs for such special services result from poverty, neglect, delinquency, or cultural or linguistic isolation from the community at large, but does not include physically or other handicapped persons unless such persons also suffer from the disadvantages described in this paragraph.

(f) "Equipment", as distinguished from consumable supplies and other materials, means a fixed or movable article or set of articles which meets all the following conditions: (1) The article retains its original shape and general appearance with reasonable care and use over a period of at least 1 year; (2) it is nonexpendable, that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit; and (3) it does not lose its identity through incorporation into a different or more complex unit or substance. For purposes of § 130.43, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

(g) "Fiscal year" means a period beginning on July 1 and ending on the following June 30. A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.

(h) "Interlibrary cooperation", for the purpose of title III of the Act, means the establishment, expansion and operation of local, regional, and interstate cooperative library networks which will provide for the systematic and effective coordination of the resources of school, public, academic and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center. Such networks may be designed to serve a community, metropolitan area, or region within a State, or may serve a statewide or multistate area and shall consist of two or more types of libraries.

(i) "Library materials" means books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, processed video and magnetic tapes, printed, published, and audiovisual materials, nonconventional materials designed specifically for the handicapped, and other materials of a similar nature.

(j) "Library service" means the performance of all activities of a library relating to the collection and organization of library materials and making the materials and information of a library available to the public or a special clientele.

(k) "Library services for the physically handicapped" means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

(l) "Public library" means a library that serves free of charge all residents of a community, district, or region without discrimination and receives its financial support in whole or in part from public funds. The term does not include libraries such as law, medical, school, and academic libraries, which are organized to serve a special clientele or purpose.

(m) "Public library services" means library services which are provided by or on behalf of a public library free of charge. The term does not include those library services that are properly the responsibility of the schools.

(n) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(o) "State institutional library services" means the providing of books and other library materials, and of library

services, to (1) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (2) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired persons who by reasons thereof require special education) operated or substantially supported by the State

(p) "State library administrative agency" or "State agency" means the official agency of a State charged by the law of that State with the extension and development of public library services throughout the State, which has adequate authority under the law of the State to administer State plans in accordance with the provisions of the Act. (20 U.S.C. 351a, 355e–1)

§ 130.4 Library services.

Funds appropriated under section 4(a)(1) of the Act (20 U.S.C. 351b(a)(1)) and allotted to States for the purposes of section 101 of title I of the Act (20 U.S.C. 352) shall, except as provided in § 130.7, be used solely for paying the Federal share of the cost of the following activities pursuant to the State plan submitted under Subpart B of this part:

(a) Planning for, and taking other steps leading to the development of, programs and projects as provided in paragraph (b) of this section;

(b) Programs and projects designed to extend and improve library services; that is

(1) Establishing, expanding, and operating programs and projects to provide:

(i) Library services for the disadvantaged in urban and rural areas; and

(ii) Library services to the physically handicapped, and

(iii) State institutional library services,

(2) Extending public library services to geographical areas and groups of persons without such services;

(3) Improving such services in such areas and for such groups as may have inadequate public library services;

(4) Strengthening metropolitan public libraries which serve as national or regional resource centers. (20 U.S.C. 352, 353(a))

§ 130.5 Public library construction.

(a) *General.* Funds appropriated under section 4(a)(2) of the Act (20 U.S.C. 351b(a)(2)) and allotted to States for the purposes of section 201 of title II of the Act (20 U.S.C. 355a) may be used solely for the purpose of paying the Federal share of the cost of public library construction projects which will result in a usable public library building pursuant to the State plan submitted under Subpart B of this part.

(b) *Terms and conditions with respect to construction.* The State agency shall assure that the following terms and conditions will be complied with on all construction projects approved by the State agency for assistance under title II of the Act:

(1) *Labor standards.* All laborers and mechanics employed by contractors and subcontractors on all construction projects assisted under the Act will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5) and 29 CFR Part 1 (29 F.R. 95), and shall receive overtime compensation in accordance with, and otherwise comply with, the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327–333); that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3 (42 U.S.C. 2000e note); and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c) (29 F.R. 100, 101, 12463).

(2) *Equal employment opportunity.* All construction contracts exceeding $10.000 shall include the employment nondiscrimination clause prescribed by section 203 of Executive Order No. 11246 of September 24, 1965 (42 U.S.C. 2000c note), and the State or local agency shall otherwise comply with the requirements of section 301 of said Executive order.

(3) *Avoidance of flood hazards.* In the planning of the construction of library facilities under the Act, the State or local agency shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (33 U.S.C. 701 note), and such rules and regulations as may be issued by the Department to carry out those provisions. evaluate flood hazards in connection with such library facilities, and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(4) *Accessibility to handicapped persons.* Except as otherwise provided for in the regulations issued by the Administrator of General Services (41 CFR Part 101–17) to implement Public Law 90–480 (42 U.S.C. ch. 51), all library facilities shall be designed, constructed, or altered with funds under the Act in accordance with the minimum standards contained in the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, Number A117.1—1961," approved by the American Standards Association, Inc. (subsequently changed to United States of American Standards Institute). All library facilities using Federal funds shall display in a prominent place the "International Symbol of Access for the Handicapped".

(5) *Competitive bidding.* All construction contracts shall be awarded to the lowest qualified bidder on the basis of open competitive bidding except that, if one or more items of construction specified in § 130.43(b) are covered by an established alternative procedure consistent with State and local laws and regulations, which is approved by the State agency as designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure may be followed.

(6) *Elaborate or extravagant design or materials.* The projects will be undertaken in an economic manner and will not be elaborate or extravagant in design or materials.

(7) *Display of signs.* The sites of all construction projects shall display a sign stating that Federal funds under the Library Services and Construction Act are being used for such construction. When specifications call for a plaque in the completed building indicating the date of completion and source of funds, funds under the Act shall be noted.

(8) *Compliance with National Environmental Policy Act of 1969.* The State or local agency shall comply with whatever procedures may be established by the Department to implement section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and Executive Order No. 11514 (42 U.S.C. 4321 note). The State or local Agency shall also comply with whatever policies and procedures are established by the Department to implement Executive Order No. 11507 (42 U.S.C. 4331 note) with regard to the prevention of air and water pollution.

(9) *Interest in site.* The State or local agency has or will have a fee simple title or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the expected useful life of the facility.

(10) *Final drawings and specifications.* The final working drawings and specifications will be submitted to the State agency for final approval before the project is placed on the market for bidding.

(11) *Prompt construction.* The construction approved pursuant to the project proposal will be undertaken promptly.

(12) *Fire and safety codes.* In developing plans for public library facilities, the local and State codes with regard to fire and safety will be observed; and in situations where local and State codes do not apply, recognized codes shall be observed.

(13) *On-site supervision and inspection.* Architectural or engineering supervision and inspection will be provided at the construction site to insure that completed work conforms to the approved plans and specifications; and representatives of the State agency will have access at all reasonable times; for the purpose of inspection, to all construction work being done under the Act, and the contractor will be required to facilitate such access and inspection.

(14) *Progress reports.* The local agency undertaking the construction will furnish progress reports and such other information relating to the proposed construction as the State agency may require.

(15) *Interest in completed facilities.* Upon completion of the construction, title to the facilities will be in and retained by a public State or local agency. (20 U.S.C. 355a, 355b, 1232b; 33 U.S.C. 446 note, 701 note; 40 U.S.C. 327–333; 42 U.S.C. 2000e note, 4151–4156, 4321–4347)

§ 130.6 Interlibrary cooperation.

Funds appropriated under paragraph 4(a)(3) of the Act (20 U.S.C. 351b(a)(3)) and allotted to States for the purposes of section 301 of title III of the Act (20 U.S.C. 355e) shall be used solely to pay the cost of carrying out the State plan as it relates to interlibrary cooperation, including:

(a) Planning for, and taking other steps leading to the development of interlibrary cooperation, and

(b) Programs and projects of interlibrary cooperation. (20 U.S.C. 355e, 355e–1)

§ 130.7 Activities of State library administrative agency.

In addition to the activities specified in § 130.4, funds appropriated under section 4(a)(1) of the Act (20 U.S.C. 351b(a)(1)) and allotted to States for the purposes of section 101 of title I of the Act may also be used to pay the cost of the following activities of the State library administrative agency:

(a) Administration of the State plan submitted and approved under the Act pursuant to Subpart B of this part (including obtaining the services of consultants);

(b) Statewide planning for and evaluation of library services;

(c) Dissemination of information concerning library services;

(d) The activities of the State advisory council pursuant to § 130.8;

(e) Activities of such other advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions;

(f) Training of librarians and other library personnel engaged in activities under the Act; and

(g) Otherwise strengthening the capacity of State library administrative agencies for meeting the needs of the people of the State in carrying out the purposes of the Act as stated in § 130.1. (20 U.S.C. 353(b))

§ 130.8 State advisory council on libraries.

(a) *General.* Each State which desires to receive funds under the Act and the regulations in this part for any fiscal year shall establish a State advisory council on libraries; and shall submit with its State plan for each fiscal year a certification with respect to such establishment, including the names of the council members and a statement of identification of each such member which shows the representation required by section 3(8) of the Act (20 U.S.C. 351a(8)) and paragraph (b) of this section.

(b) *Membership.* The membership of the State advisory council on libraries shall include persons broadly representative of each of the following:

(1) Public libraries;

(2) School libraries;

(3) Academic libraries;

(4) Special libraries, such as law or medical libraries;

(5) Institutional libraries, such as reformatory or hospital libraries;

(6) Libraries serving the handicapped in the State; and

(7) Users of such libraries, who shall comprise at least one-third of the council membership, and of whom at least one shall be representative of disadvantaged persons.

(c) *Functions and responsibilities.* The State advisory council on libraries shall

(1) Advise the State agency on the development of the State plan, including the preparation of long-range and annual programs pursuant to §§ 130.19 and 130.20;

(2) Advise the State agency on policy matters arising in the administration of the State plan submitted pursuant to the Act and the regulations in this part; and

(3) Assist the State agency in evaluating library programs, services, and activities under the State plan. (20 U.S.C. 351a(8), 351d(a))

Subpart B—State Plan Provisions

§ 130.15 State plan—General.

(a) *Purpose.* The purpose of the State plan is to provide a framework within which the State will encourage the establishment or expansion of programs to carry out the purpose set forth in § 130.1 and to provide the basis on which Federal payments to the State under this part are made. State agencies desiring to continue to participate under the Act shall submit to the Commissioner a revised State plan which shall meet the requirements of section 6 of the Act (20 U.S.C. 351d) and the regulations in this subpart.

(b) *Format.* The State plan shall be composed of three parts:

(1) The basic State plan provided for in § 130.16 which shall be submitted for fiscal year 1972 and for each fiscal year thereafter;

(2) The long-range program provided for in § 130.19, which shall be submitted on or before July 1, 1972; and

(3) The annual program provided for in § 130.20, which shall be submitted for fiscal year 1972 and on or before July 1 of each succeeding fiscal year. (20 U.S.C. 351d(a))

§ 130.16 Basic State plan.

(a) *Form and content.* The basic State plan shall consist of the following:

(1) A State-Federal Agreement consisting of assurances and certifications, which shall be submitted in a form prescribed by the Commissioner, the text of which is attached hereto as an appendix and made a part hereof; and

(2) A statement of criteria developed pursuant to § 130.17 for use by the State library administrative agency in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs and projects which serve urban and rural areas with high concentrations of low-income families as determined pursuant to § 130.18.

(b) *Approval.* Of the three parts of the State plan referred to in § 130.15(b), only the basic State plan shall require the approval of the Commissioner. The Commissioner will approve the basic State plan for fiscal year 1972, and for each fiscal year thereafter, only upon his determination that

(1) The plan fulfills the conditions of a basic State plan specified in paragraph (a) of this section;

(2) The information set forth in the long-range and annual programs indicates that adequate procedures are subscribed to therein to insure that the assurances and provisions of the basic plan will be carried out; and

(3) All parts of the State plan will be made public.

The Commissioner will not finally disapprove any basic State plan or amendment thereto without first affording the State reasonable notice and opportunity for a hearing. (20 U.S.C. 351d (b) and (c))

§ 130.17 Criteria for determining adequacy of public library services.

In developing the criteria in the basic State plan for determining the adequacy of public library services to geographic areas and groups of persons in the State pursuant to section 2 of the State-Federal Agreement (See appendix), special consideration shall be given to the library needs of the following, among other factors deemed pertinent by the State agency:

(a) Disadvantaged persons residing in urban or rural areas with high concentrations of low-income families, as determined pursuant to § 130.18;

(b) Persons residing in areas of the State which are without public library services or in which such services are inadequate;

(c) Physically handicapped persons (including the blind and other visually handicapped); and

(d) Inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, residential schools for handicapped persons, and other general or special institutions or hospitals operated or substantially supported by the State. (20 U.S.C. 351d(b))

§ 130.18 Urban and rural areas with high concentrations of low-income families.

In developing criteria in the basic State plan designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families pursuant to § 130.16(a)(2), the State library administrative agency shall, on the basis of the most recent information available to it, determine which areas of the State constitute such areas. In making such determinations, the State agency may, for example, rely upon determinations made by the Secretary of Commerce of areas eligible for designation as "redevelopment areas" pursuant to section 401 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161); or determinations made by the Secretary of Housing and Urban Development of urban areas eligible for assistance under the Demonstrations Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3301 et seq.). The description of criteria included and incorporated

by reference in section 2 of the State-Federal Agreement (see appendix) shall indicate—

(a) The areas of the State designated as urban and rural areas with high concentrations of low-income families;

(b) The criteria used by the State agency in designating such areas; and

(c) The sources of information on which such criteria were based, and the frequency with which this information is updated. (20 U.S.C. 351d(b))

§ 130.19 Long-range program.

(a) The long-range program shall be developed by the State library administrative agency with the advice of the State advisory council and in consultation with appropriate staff of the U.S. Office of Education, and shall be annually reviewed and revised in accordance with changing needs in the States for assistance under the Act and the results of evaluations and surveys of the State agency and the State advisory council. Such annual revisions shall be incorporated as a part of the annual program for each fiscal year.

(b) The long-range program shall contain the following:

(1) A description of the State's identified present and projected library needs;

(2) A plan of action for meeting those identified needs with funds under the Act over the next 5 fiscal years beginning with the fiscal year in which the program is submitted;

(3) A statement of the following policies, criteria, priorities, and procedures, to be updated as progress toward meeting the State's library needs requires:

(i) Policies and procedures for the periodic evaluation of the effectiveness of programs and projects supported under the Act;

(ii) Policies and procedures for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects;

(iii) Policies and procedures for the effective coordination of programs and projects supported under the Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools (including those receiving Federal assistance under title II–A of the Higher Education Act of 1965 and title II of the Elementary and Secondary Education Act of 1965) and with other public or private library service programs;

(iv) Criteria used in allocating funds under title I of the Act among the purposes set forth in section 102 of the Act and § 130.4, which criteria shall be consistent with the criteria set forth in the basic State plan pursuant to § 130.16 (a)(2), and insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services and library services to the physically handicapped during fiscal year 1971;

(v) Criteria, policies, and procedures for the approval of applications for the construction of public library facilities under title II of the Act, which criteria, policies and procedures will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

(vi) Criteria, policies and procedures for the approval of applications for interlibrary cooperation under title III of the Act. (20 U.S.C. 351a(12), 351(d), 354, 355c, 355e–2)

§ 130.20 Annual program.

The annual program shall be developed by the State library administrative agency with the advice of the State advisory council and in consultation with appropriate staff of the U.S. Office of Education, and shall contain the following:

(a) A description of a program for the use of funds under each of the titles of the Act in such detail as may be required by the Commissioner, and of how such program will achieve fulfillment of the State's library needs set forth in the long-range program (to be submitted on or before July 1, 1972) in a manner consistent with the policies, criteria, priorities, and procedures specified in the long-range program. The program description shall include—

(1) A description of the specific activities to be carried out by the State in the fiscal year with funds for library services under title I of the Act for the purposes set forth in section 102 of the Act and § 130.4;

(2) A description of the specific activities to be carried out by the State in the fiscal year with funds for interlibrary cooperation under title III of the Act for the purposes set forth in section 302 of the Act and § 130.6.

(b) An annual extension of the 5-year long-range program for 1 additional year, taking into consideration the results of evaluations of the State's library program by the State agency and the State advisory council. (20 U.S.C. 351a (13), 354, 355c, 355e–2)

§ 130.21 Notification of construction project approval and completion.

The State agency shall submit to the Commissioner written notification of its approval and of the completion of each library construction project under Title II of the Act. Such notification shall include the project name and number, location, population served, type of library, type of construction, size of facility, the funds budgeted by source and major category, construction schedule, and completion date. Such notification shall be submitted within 30 days after such approval and again within 30 days after project completion. Forms for such purposes will be furnished by the Commissioner. (20 U.S.C. 355e)

§ 130.22 Amendment of State plan.

(a) *Basic State plan.* The basic State plan shall be amended to reflect any changes in pertinent State law, or any changes in the designation or organization of operations, policies, and methods of administration to be followed by the State. Amendments will be submitted and certified in the same manner as the basic State plan.

(b) *Long-range program.* The long-range program shall be amended to reflect changes in

(1) Estimates of present and projected program needs;

(2) The plan of action for meeting these needs; and

(3) Policies, criteria, priorities and procedures.

These amendments shall be submitted each year as part of the annual extension of the long-range program submitted pursuant to § 130.20(b).

(c) *Annual program.* Minor deviations in actual allocations of funds from specific amounts estimated for allocations among programs, services, and activities described in the annual program made available pursuant to § 130.20 shall not constitute such a change in the program as to require amendment of the annual program in order to be in conformity with Federal requirements if otherwise made in accordance with the Act, the regulations in this part, and other parts of the State plan. Such deviations and the reasons therefor (such as, for example, a change in the total amount of funds available to the State for programs, services, and activities under the State plan) shall be indicated and explained in the annual report of the State agency made available pursuant to § 130.56. (20 U.S.C. 351d, 354, 355c, 355e–2)

Subpart C—Federal Participation

§ 130.30 Application of Federal requirements.

Federal funds under the Act may be used to share only in expenditures which are made in accordance with the State plan and which meet the requirements of the Act and the regulations in this part. State and local funds used to match the Federal funds must also meet such requirements. (20 U.S.C. 353, 355b, 355e–1)

§ 130.31 Custody of Federal funds.

The State Treasurer (or if there is no State Treasurer, the officer designated by the State to exercise similar functions for the State) shall be responsible for receiving, and for the proper safeguarding, of all Federal funds granted to the State under the Act. (20 U.S.C. 351e)

§ 130.32 Effective date of allowable expenditures.

Except with respect to certain expenditures under § 130.43(b) (3) and (5) which are later incorporated in an approved construction project, Federal financial participation under the Act shall be available only with respect to amounts expended after the effective date of the State plan, which shall be the date on which the State plan is submitted in substantially approvable form, but in no case earlier than July 1 of the fiscal year in which it is submitted. (20 U.S.C. 353, 355b, 355e–1)

§ 130.33 Availability of funds.

(a) Funds allotted to States under the Act for each fiscal year shall be available for use by the State and local agencies only during such fiscal year, except for funds for construction under title II of the Act, which shall be available for such use during such fiscal year and the succeeding fiscal year.

(b) A use of funds under the Act by such agencies shall be determined as that prescribed by State and local laws and regulations which govern the allocation of uses of State and local funds to a particular time period (such as a fiscal year or biennium); or, if there is no State or local law governing a particular use of funds, such a use of funds shall be determined on a basis which is not inconsistent with State and local laws, rules, regulations, and customs.

(c) Notwithstanding paragraphs (a) and (b) of this section, any funds allotted to the States to carry out the programs under the Act for any fiscal year ending prior to July 1, 1973, which are not used prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for use by State and local agencies during such succeeding fiscal year, provided that such carryover funds as may be available are accurately reflected and assigned for use in the proposed budget for the next fiscal year. (31 U.S.C. 200, 20 U.S.C. 351b and 1225(b))

§ 130.34 Application of State rules.

Subject to the provisions and limitations of the Act and regulations in this part, Federal financial participation under the State plan shall be available only for expenditures made in accordance with applicable State and local laws, rules, regulations, and standards governing expenditures by the States and their political subdivisions, or agencies thereof. (16 Comp. Gen. 948)

§ 130.35 Payments by State.

Payments may be made by the State agency to local library agencies and other participating agencies for activities under the State plan in installments and in advance or by way of reimbursement with necessary adjustments on account of overpayments or underpayments. (20 U.S.C. 1232d)

§ 130.36 Proration of costs.

Only costs attributable to the carrying out of the provisions of the State plan are allowable costs. To cover situations where an expenditure is only partly attributable to an eligible purpose or activity under the State plan or where an expenditure is attributable to two or more eligible purposes or activities, each State agency and other participating agencies shall maintain records, documented on an after-the-fact basis, to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, supplies, equipment, and construction. (20 U.S.C. 1232c)

§ 130.37 Adjustments.

The State agency shall adjust its accounts, records, and reports to reflect refunds, credits, underpayments, or overpayments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State's annual reports filed with the Commissioner. (20 U.S.C. 1232d)

§ 130.38 Audits.

(a) *Federal audits.* Audit agencies representing the Department will audit the State agency's program records available at the State agency to determine whether the program funds have been properly accounted for and administered. Audit reports of local library agencies and other participating agencies and the State review and other control procedures will be evaluated to determine the adequacy of information upon which to base the audit findings. Only where the available information is deemed to be inadequate will the auditor arrange, through the State agency, to audit the records of the participating agencies.

(b) *State and local audits.* Accounts and supporting documents of the State agency, local library agencies, and other participating agencies relating to program expenditures involving Federal financial participation shall be adequate to permit an accurate and expeditious audit. All expenditures claimed for Federal financial participation shall be audited either by an appropriate State audit agency or by an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other subdivision of the United States. Such State and local audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. Copies of audit reports shall be made available to the State agency to assure that proper use has been made of the funds expended. (20 U.S.C. 1232c)

§ 130.39 Retention of records.

(a) *General rule.* The State agency shall provide for keeping accessible and intact all (1) records identified as to individual program allotments to which they relate supporting claims for Federal grants or relating to the accountability of the State agency, or any local library agency or other agency participating under the plan for the expenditure of such grants and matching funds; and (2) records supporting compliance with maintenance-of-effort and other requirements of the Act, the regulations in this part, and the State plan.

(b) *Time period.* Records referred to in paragraph (a) of this section shall be retained for 3 years after the close of the fiscal year in which the expenditure was made under the State plan; or, if a Federal audit has not occurred within 3 years, (1) for 5 years after the close of the fiscal year in which the expenditure was made under the State plan or (2) until the State agency is notified of the completion of the Federal audit, whichever is earlier.

(c) *Questioned expenditures.* The records involved in any claim or expenditure which has been questioned by the Federal audit shall be maintained until necessary adjustments have been made and the adjustments have been approved by the Commissioner. (20 U.S.C. 351d(b), 1232c)

§ 130.40 Disposition of facilities and equipment.

Whenever public library facilities or items of equipment, in which cost the Federal Government has participated, are no longer used for a purpose permitted under the Act, or are sold and the proceeds from such sale are not used for such a purpose, the Federal Government shall be credited with its proportionate share of the value of such facilities or equipment at the time of such diversion or sale, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case of discontinuance of use or diversion for other than library purposes. (20 U.S.C. 1232e)

§ 130.41 Inventories.

State agencies and other participating agencies shall maintain inventories of items of equipment acquired by it with funds under the Act, and costing more than $200 per unit. These inventories shall be maintained at least until depreciation of such equipment results in a fair market value of less than $200 per unit or until its disposition in accordance with § 130.40. The records of inventories required by this section shall be subject to the records retention requirements of § 130.39. (20 U.S.C. 1232c)

§ 130.42 Federal and State shares of eligible expenditures.

(a) *General.* The Federal share for each State under titles I and II of the Act shall be as promulgated by the Commissioner pursuant to section 7(b) of the Act (20 U.S.C. 351e(b)). The State share for each State for titles I and II shall be the difference between the cost of activities under the State plan and the applicable Federal share. The Federal share for each State under title III shall be 100 percent.

(b) *Limitation.* (1) The expenditures which are to be considered in computing the State share for library services under title I of the Act are only those that are made from public funds. Such public funds may include contributions from private organizations or individuals if they are deposited in accordance with State and local laws and regulations to the account of the State or political subdivision, or agency thereof, without such conditions or restrictions as would negate their character as public funds.

(2) The expenditures which are to be considered in computing the State share for construction under title II of the Act are all expenditures made by the applicant for that purpose, regardless of the source of funds (20 U.S.C. 351e(b)).

§ 130.43 Eligible costs.

(a) *Title I.* Funds under title I of the Act may, at the discretion of the State

agency, be applied to expenditures in categories such as the following which are attributable to the activities specified in §§ 130.4 and 130.7:

(1) Salaries, wages, fees, and other personnel service costs of permanent and temporary staff employees, members of advisory groups, and consultants for the performance of services reasonably related to programs, services, and activities under the State plan, including (i) the costs of regular contributions of employers and employees to retirement, workmen's compensation, and other welfare funds, and (ii) payments for leave earned with respect to such services, including educational leave: *Provided*, That such leave is approved in advance by the State agency and is in conformity with the policy of the State. The fact that funds are used for the salary of an employee on such leave does not preclude Federal financial participation in the salary of the person employed to replace him, as long as the replacement is otherwise eligible;

(2) Fees, tuition charges, or other payments for the education or training of employees whether or not on educational leave, while attending courses, workshops, conferences, or seminars, approved in advance by the State agency for the benefit of programs, services, and activities under the State plan;

(3) Travel expenses of staff and consultants thereto, including advisory council members, in accordance with applicable State travel regulations;

(4) Communications costs;

(5) Supplies, printing, and printed materials;

(6) Acquisition, maintenance (including insurance), and repair of equipment and library materials as defined in § 130.3(i), including necessary binding or rebinding;

(7) Rental of space (including the cost of utilities and janitorial services) in privately or publicly owned buildings if:

(i) The expenditures for the space are necessary, reasonable, and properly related to the efficient administration of the program;

(ii) The State or local agency will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures;

(iii) The amounts paid by the State or local agency are not in excess of comparable rental in a particular locality;

(iv) Expenditures represent a current cost to the State or local agency; and

(v) In publicly owned buildings like charges are made to other agencies occupying similar space for similar purposes;

(8) Minor remodeling of space in publicly owned buildings to the extent that such costs are not included in rental; and

(9) Utilities and custodial services to the extent not included in any other item of this section.

(b) *Title II—Construction projects.* The following costs attributable to a public library construction project approved pursuant to § 130.5 are eligible at the discretion of the State agency if incurred after the date of project approval or after such other date as is indicated in subparagraphs (3) and (5) of this paragraph:

(1) Erection of new buildings to be used for public library facilities;

(2) Expansion, remodeling, and alteration (as distinguished from maintenance and repair) of existing buildings to be used for public library purposes;

(3) Expenses (other than interest and the carrying charges on bonds) related to the acquisition of land on which there is to be construction of new buildings or expansion of existing buildings which are incurred within three fiscal years preceding the fiscal year in which the project was approved by the State agency, if such expenses constitute an actual cost or transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions pursuant to § 130.34;

(4) Site grading and improvement of land on which such facilities are located;

(5) Architectural, engineering, and inspection expenses incurred subsequent to site selection;

(6) Expenses (other than interest and the carrying charges on bonds) related to the acquisition of an existing building to be used for public library facilities, if such expenses constitute an actual cost or transfer of public funds in accordance with the usual procedures generally applicable to all State and local agencies and institutions pursuant to § 130.34; and

(7) Expenses related to the acquisition and installation of initial equipment to be located in a public library facility provided by a construction project, including all necessary building fixtures and utilities, office furniture, and public library equipment such as library shelving and filing equipment, card catalog cabinets, circulation desks, reading tables and study carrels, booklifts, elevators, and information retrieval devices (but not books or other library materials).

(c) *Title III.* Funds under title III of the Act may, at the discretion of the State agency, be applied to expenditures in categories such as those specified in paragraph (a) but only to the extent attributable to the activities specified in § 130.6. (20 U.S.C. 355a(2) 351e, 353, 355b, 355c–1)

§ 130.44 Computation of allowable expenditures.

Allowable expenditures referred to in § 130.43 shall be computed in accordance with plans submitted by States and approved by the Department pursuant to Bureau of the Budget Circular No. A–87 and implementing instructions of the Department. (20 U.S.C. 351e)

Subpart D—Payments and Reports

§ 130.50 Conditions for payments to States.

Payments to States under the Act will be made only after the Commissioner determines that:

(a) The State has on file (1) a basic State plan approved by the Commissioner pursuant to § 130.16, (2) a long-range program submitted and updated pursuant to § 130.19, and (3) an annual program submitted pursuant to § 130.20 for the fiscal year of the allotment from which payment is to be made.

(b) The State has given assurances to the Commissioner's satisfaction that it will have available for expenditure under title I of the Act during the fiscal year of the allotment (1) from State and local sources:

(i) Sums sufficient to earn its basic minimum allotment;

(ii) Not less than the total amount actually expended, in areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and (2) from State sources, not less than the total amount actually expended for such purposes for such sources in the second preceding fiscal year;

(c) The State will expend during the year of the allotment from Federal, State, and local sources, an amount not less than the amount expended by the State from such sources for State institutional library services and library services to the physically handicapped during the fiscal year ending June 30, 1971; and

(d) The State has established a State advisory council on libraries pursuant to § 130.8. (20 U.S.C. 351d(a), 351e(b))

§ 130.51 Withholding of payments.

(a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, determines on the basis of information available to him that (1) the State plan has been so changed that it no longer complies with any State plan requirements in the Act and the regulations in this part, or (2) in the administration of the State plan, there is a failure to comply substantially with any such requirement, the Commissioner will notify such State agency that no further payments will be made to the State until he is satisfied that the State has complied with such requirements.

(b) At his discretion, the Commissioner may notify the State agency that payment of Federal funds will be limited to support of programs under the State plan or portions of the State plan not affected by the State's failure to comply with such requirements. (20 U.S.C. 351d(e))

§ 130.52 Method of payment.

(a) For title I and title III payment of Federal funds to States having approved State plans will be accomplished through the DHEW–OE letter-of-credit procedures. (See "Instructions to Recipient Organizations for Use of Letter-of-Credit," issued by the Department of Health, Education, and Welfare; "Letter-of-Credit," Supplement No. 1, Revised August 30, 1968, issued by the Office of Education, DHEW, plus supplemental special memos concerning the payment system.) Payment vouchers may be issued by the States as often as necessary to procure cash to meet current disbursement needs only and under no circumstances in such amounts that will result in the accumulation of large cash balances at either the State or local agency levels. Title II payments will be made by Treasury checks.

(b) Continued authorization for a State to utilize the letter-of-credit payment method is dependent upon the appropriate use thereof and the furnishing of accurate report data on a timely basis. (20 U.S.C. 351e)

§ 130.53 Effect of Federal payments.

(a) *No waiver.* Neither the approval of the State plan, the issuance of a letter of credit, the approval of withdrawals thereunder, nor the making of any direct payments to the State shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of failure of the State to observe any Federal requirements set out in the Act or regulations related thereto or any other relevant Federal Act or order, either before or after such administrative action respecting payment.

(b) *Settlement of accounts.* The final amount to which a State is entitled for any period is determined on the basis of expenditures under the State plan with respect to which Federal financial participation is authorized. (20 U.S.C. 351d (e), 351e)

§ 130.54 Reallotment.

The amount of any State's allotment for any fiscal year under section 5(a) of the Act (20 U.S.C. 351c(a)) which the Commissioner determines will not be required in the period during which such allotment is available for carrying out that State's plan may be reallotted by the Commissioner on such dates during such period as he may fix, to other States for carrying out their plans in the same proportion as the original allotments were made for such purposes to such other States in the manner provided for in section 5(b) of the Act. Any amounts reallotted shall be determined by the Commissioner on the basis of (a) reports filed by the States of the amounts required to carry out the State plan and (b) such other information as he may have available. Any amounts reallotted shall be deemed part of the State's allotment for that fiscal year. (20 U.S.C. 351c(b))

§ 130.55 Disposition of unexpended Federal funds.

Whenever the Commissioner determines that any portion of an allotment to any State under the Act has not been used in the State for the purposes of the Act, and has not been reallotted to other States pursuant to § 130.54 in the period during which such allotment was available, the unused portion will be deobligated. Federal expenditures reported in any fiscal year cannot exceed the amount of the grant awards. Federal payments to States which are not earned through adequate expenditures, will be deducted from the next payment of funds allotted to such State. (20 U.S.C. 351e)

§ 130.56 Reports.

(a) *Annual report of program activities.* The State agency shall submit at such times, in such form, and in accordance with procedures established by the Commissioner an annual report concerning the conduct of activities described in the annual program pursuant to § 130.20 and the extent to which these activities carried out the objectives set forth in the long-range program pursuant to § 130.19 for the preceding fiscal year. The annual report shall also set forth the total receipts and expenditures of Federal funds for that year.

(b) *Other reports.* The State agency shall submit to the Bureau of Libraries and Educational Technology, U.S. Office of Education, one copy of all surveys, films, and publications developed with Federal funds granted under the Act. All such documents shall bear the notation that Library Services and Construction Act funds were used in developing the particular document. Furthermore, all publicity regarding services and programs undertaken pursuant to the Act shall give credit to the sources of funding. (20 U.S.C. 351d(b))

Dated: November 26, 1971.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: January 5, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION

BASIC STATE PLAN

(State-Federal Agreement)

LIBRARY SERVICES AND CONSTRUCTION ACT, AS AMENDED BY PUBLIC LAW 91–600

The ----------
(Officially Designated State Library Administrative Agency)

of the State of ----------, hereinafter called the State Agency, hereby agrees and assures that this Basic State Plan which serves as an agreement between State and Federal Governments under the Library Services and Construction Act, as amended, for which Federal funds are being requested for the fiscal year ending June 30, 19--, will be administered in accordance with the following provisions:

1. The State Agency:

a. Assures that it will administer, or supervise the administration of, the programs authorized by the Act; and has adequate fiscal and legal authority to do so. (See appended Certificate of Legal Authority.)

b. Assures that it has provided for such fiscal control and funds accounting procedures as will assure proper disbursement of, and accounting for, Federal funds paid to the State under the Act (including any funds paid by the State to any other public or private nonprofit agency under this Basic State Plan).

c. Assures that it will submit to the Office of Education, and otherwise make public (1) the State's long-range program on or before July 1, 1972, and (2) the State's annual program on or before July 1 of each fiscal year. Both programs will be developed in consultation with the Office of Education, and with the advice of the State Advisory Council on Libraries.

d. Assures that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated.

e. Assures that it will make such reports, including reports of evaluations, in such form and containing such information as the Commissioner may reasonably require to carry out his functions under the Act, and to determine the extent to which funds provided under the Act have been effective in carrying out its purposes.

f. Assures that it will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of all reports submitted to him.

g. Assures that it will establish and specify in the State's long-range program its policies, priorities, criteria and procedures necessary to the implementation of all programs in which the State will participate under the provisons of the Act, which are incorporated by reference herein.

h. Assures that it will set forth in the State's long-range program its policies and procedures for the coordination of programs and projects supported under this Act with library programs and and projects operated by institutions of higher education or local elementary or secondary schools, with other public or private library services programs, and with other related service programs.

i. Assures that it has established a State Advisory Council on Libraries as required by the provisions of the Act and § 130.8 of the regulations. (See attached certification.)

j. Assures that it has available for expenditure under Title I of the Act in this fiscal year (fiscal year 19--).

A. From State and local sources:

1. Sums sufficient to earn its basic minimum allotment.

2. Not less than the total amount actually expended, in areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year (fiscal year 19--).

B. From State sources:

1. Not less than the total State amount actually expended for such purposes from such sources in the second preceding fiscal year (fiscal 19--).

k. Assures that it will expend in this fiscal year (fiscal year 19--) from Federal, State, and local sources, an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971.

2. The State Agency herewith sets forth (a) criteria to be used in determining the adequacy of public library services to geographical areas, and for groups of persons in the States, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentration of low-income families. (See attached statement of Criteria.)

3. This Basic State Plan has been submitted to the Governor for his review; and his comments, or a statement that no comments have been made, is attached. Any amendment to this Plan, as well as projections required under the program, will also be submitted for the Governor's review; and comments, if any, will accompany the amendments or other required program material when they are submitted to the U.S. Office of Education.

4. The State Agency will make public the Basic State Plan as approved by the Commissioner.

5. The State agency assures that it will otherwise comply with the requirements of

the Act and the Regulations of the Commissioner of Education issued thereunder (45 CFR Part 130).

8. Assurance is hereby given that in accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations issued thereunder by the Department of Health, Education, and Welfare (45 CFR Part 80), no individual shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this Plan. The State Agency has established and will maintain methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with the preceding paragraph of this statement. The State Agency will amend its methods of administration from time to time as necessary to carry out the purposes for which this statement is given. The State Agency recognizes and agrees that Federal financial assistance will be extended in consideration of, and in reliance on, the representations and agreements made in this statement; and that the United States shall have the right to seek administrative and judicial enforcement thereof.

(State Library Administrative Agency)

(Address)

(Signature of Authorized State Agency Official)

(Title)

CERTIFICATE OF APPROPRIATE STATE LEGAL OFFICER

I hereby certify that ---
(Name of State Agency)
---, --- is the
(Name of State)
sole State agency with authority under State law to develop, submit and administer, or supervise the administration of, the State plan under the Library Services and Construction Act, as amended by Public Law 91-600; that ---
(Name of authorized State Agency Official)
is the Officer authorized to submit the State plan for the named State agency; that the State Treasurer or ---
(Title of Officer other than State Treasurer)
has authority under State law to receive, hold and disburse Federal funds under the State plan; and that all provisions contained in the plan are consistent with State law.

(Signature, Attorney General or Other State Legal Officer)

(Title)

(Date)

[FR Doc.72-447 Filed 1-11-72;8:48 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 373, 378, 378a]

[Docket No. 23940]

MODIFICATION OF SURETY BOND REQUIREMENTS

Extension of Time for Filing Comments

JANUARY 10, 1972.

The Board, by circulation of notice of proposed rule making SPDR-26, dated October 26, 1971, and published at 36 F.R. 20895, gave notice that it had under consideration modification of the surety bond provisions of Parts 373, 378, and 378a of the Board's special regulations and certain miscellaneous amendments to these parts (14 CFR Parts 373, 378, and 378a). Interested persons were invited to participate in the proceeding by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before December 2, 1971. Subsequently, pursuant to the request of several supplemental air carriers, the undersigned extended the time for filing comments to January 10, 1972 (SPDR-26A, 36 F.R. 22688).

Counsel for seven carriers now requests a further extension of time for filing comments to January 14, 1972. It is asserted that this further extension is necessary for the carriers involved to coordinate their joint comment.

The undersigned finds that good cause has been shown for the extension of time requested.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to January 14, 1972.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel Rules and Rates.

[FR Doc.72-526 Filed 1-11-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 71-EA-127]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations which would: (1) Raise the ceiling of R-6611 and R-6613; (2) change the time designation of R-6611, R-6612, and R-6613; and (3) change the Using Agency of R-6611, R-6612, and R-6613.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Navy has a requirement for a maximum ordinate of 60,000 feet MSL in R-6611 and R-6613 to test aerodynamically improved projectiles. The anticipated use of the 40,000- to 60,000-foot strata is approximately once a month. The Navy indicated it was unable to perform the additional testing requirements at other restricted area locations. Joint-use of the airspace in R-6611 and R-6613 would be extended to 60,000 feet MSL.

If this action is taken, (1) the ceiling of the Dahlgren, Va., Restricted Area R-6611 and R-6613 would be raised from 40,000 to 60,000 feet MSL. The strata below 40,000 feet MSL would be designated Subarea A and the strata from 40,000 to 60,000 feet MSL would be designated Subarea B; (2) the time designation of the Dahlgren Restricted Area R-6611 Subarea A, R-6612, and R-6613 Subarea A would be 0800-1700 local time, Monday through Friday, other times by NOTAM and R-6611 Subarea B and R-6613 Subarea B by NOTAM issued 48 hours in advance; (3) the Using Agency of the Dahlgren, Va., Restricted Area R-6611, R-6612, and R-6613 would be changed to "Commander, Naval Weapons Laboratory, Dahlgren, Va."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (4 U.S.C. 1655(c)).

Issued in Washington, D.C. on January 3, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-436 Filed 1-11-72;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 115]

STATE CERTIFICATION OF ACTIVITIES REQUIRING FEDERAL LICENSE OR PERMIT

Notice of Withdrawal of Proposed Rule Making

On August 11, 1971, there was published in the FEDERAL REGISTER the text of a proposed rule making with respect to § 615.2(a) of Part 615, Title 18, Chapter V, Code of Federal Regulations. On November 25, 1971 all regulations of the Environmental Protection Agency effective as of November 4, 1971 were reorganized and republished without substantive change as Chapter I of Title 40 of the Code of Federal Regulations. Former Part 615 of Title 18 is now contained in Part 115 of Title 40, CFR.

Part 115 sets forth procedures whereby applicants for Federal licenses or permits may comply with section 21(b) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1171(b). The proposed rule making would have amended § 115.2(a) of the section 21(b) regulations to require as part of the contents of the certification a statement setting forth the water quality standards that the certifying agency considers applicable to the activity being certified.

The proposed amendment has been reconsidered and is hereby withdrawn.

Dated: January 6, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-439 Filed 1-11-72;8:50 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1604, 1606, 1611, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1630, 1631, 1632, 1641, 1643]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These Regulations implement the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Deputy General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1604—SELECTIVE SERVICE OFFICERS

Paragraph (a) of § 1604.6 *National Selective Service Appeal Board* is amended to read as follows:

§ 1604.6 National Selective Service Appeal Board.

(a) There is hereby created and established within the Selective Service System a civilian agency of appeal which shall be known as the National Selective Service Appeal Board, hereafter referred to as the National Board. The President shall appoint members of the National Board from among citizens of the United States who are not members of the armed forces, and he shall designate one member as Chairman of the National Board. The National Board may sit en banc or, upon the request of the Director of Selective Service or as determined by the Chairman of the National Board, in panels, each panel to consist of at least three members. The Chairman of the National Board shall designate the members of each panel, and he shall designate one member of each panel as chairman. A majority of the members of a panel shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question. Each panel of the National Board shall have full authority to act on all cases assigned to it. The National Board, or a panel thereof, shall hold meetings in Washington, D.C., and, upon request of the Director of Selective Service or as determined by the Chairman of the National Board, at any other place.

* * * * *

Section 1604.41 is amended to read as follows:

§ 1604.41 Advisors to registrants.

Advisors to registrants may be appointed by the Director of Selective Service upon recommendations of the State Director of Selective Service to advise and assist registrants in the preparation of questionnaires and other selective service forms and to advise registrants on other matters relating to their rights and liabilities under the selective service law. The names and addresses of advisors to registrants within the local board area shall be conspicuously posted in the local board office.

PART 1606—GENERAL ADMINISTRATION

§ 1606.51 [Revoked]

Section 1606.51 *Forms made part of regulations* is revoked.

PART 1611—DUTY AND RESPONSIBILITY TO REGISTER

Section 1611.1 is amended to read as follows:

§ 1611.1 Persons required to be registered.

(a) Except as otherwise provided in this part, it shall be the duty of (1) every male citizen of the United States, and (2) every male alien in a permanent residence status who is in or who hereafter enters the United States, who shall have attained the 18th anniversary of the day of his birth and who shall not have attained the 26th anniversary of the day of his birth, to present himself for and submit to registration.

(b) Every person required to register shall present himself for and submit to registration before a duly designated registration official or a local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on any of the days fixed for his registration.

(c) Every person required to register shall do so within the period which begins 30 days prior to the 18th anniversary of the day of his birth, and which ends 30 days after the 18th anniversary of the day of his birth, except that any alien who incurs liability for registration after attaining the age of 18 shall register within 6 months of the day he incurred such liability to register.

§ 1611.5 [Revoked]

Section 1611.5 *Registration of certain persons entering the United States* is revoked.

PART 1621—PREPARATION FOR CLASSIFICATION

Section 1621.9 is amended to read as follows:

§ 1621.9 Furnishing Registration Questionnaire (SSS Form 100).

(a) The local board shall furnish a Registration Questionnaire (SSS Form 100) to each registrant according to the rules prescribed by the Director of Selective Service.

(b) The date upon which the Registration Questionnaire (SSS Form 100) is furnished shall be entered in the Classification Record (SSS Form 102).

Section 1621.10 is amended to read as follows:

§ 1621.10 Time allowed to return questionnaire.

(a) Unless the local board grants an extension of time as provided in paragraph (b) of this section, the registrant shall complete and return his Registration Questionnaire (SSS Form 100) within 10 days after the date on which it is mailed to him.

(b) If the registrant has a valid reason, the local board may grant him an extension of time for returning the Registration Questionnaire (SSS Form 100).

Section 1621.11 is amended to read as follows:

§ 1621.11 Special Form for Conscientious Objector.

A registrant who claims to be a conscientious objector shall offer information in substantiation of his claim on a Special Form for Conscientious Objector (SSS Form 150) which, when filed, shall become a part of his Registration Questionnaire (SSS Form 100). The local board, upon request, shall furnish to any person claiming to be a conscientious objector a copy of such Special Form for Conscientious Objector (SSS Form 150).

Section 1621.12 is amended to read as follows:

§ 1621.12 Claims for or information relating to deferment or exemption.

The registrant shall be entitled to present all relevant written information which he believes to be necessary to assist the local board in determining his proper classification. Such information should be included in or attached to the Registration Questionnaire (SSS Form 100) or a Current Information Questionnaire (SSS Form 127) and may include any document, affidavits, or depositions.

The affidavits and depositions shall be as concise and brief as possible.

§ 1621.16 [Revoked]

Section 1621.16 *Permit to depart from the United States* is revoked.

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Section 1622.11 is amended to read as follows:

§ 1622.11 Class 1–A–O: Conscientious Objector Available for Noncombatant Military Service Only.

In Class 1–A–O shall be placed every registrant who would have been classified in Class 1–A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to combatant training and service in the armed forces.

Section 1622.14 is amended to read as follows:

§ 1622.14 Class 1–O: Conscientious Objector Available for Alternate Service.

In Class 1–O shall be placed every registrant who would have been classified in Class 1–A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces.

Section 1622.18 is amended to read as follows:

§ 1622.18 Class 1–H (Holding Classification): Registrant not subject to processing for induction.

In Class 1–H shall be placed any registrant (a) who is not currently subject to processing for induction according to these regulations and the rules prescribed by the Director of Selective Service, or (b) who is 26 years of age, whose liability for training and service has been extended to age 35, and who is not in a medical, dental or allied specialist category.

Section 1622.27 is amended to read as follows:

§ 1622.27 Class 2–D: Registrant deferred because of study preparing for or relating to the ministry.

In Class 2–D shall be placed any registrant who has requested such deferment and (a) who is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been preenrolled or (b) who is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school, or (c) who is a student in a full-time program preparing for the ministry under the direction of a recognized church or religious organization. The registrant's studies must be related to and lead toward entry into service as a regular or duly ordained minister of religion as defined in section 16(g) of the Military Selective Service Act and appropriate progress in these studies, as required by the school in which the registrant is enrolled, must be maintained for qualification for the deferment.

Paragraph (a)(4) of § 1622.40 *Class 4–A: Registrant who has completed service* is amended to read as follows:

§ 1622.40 Class 4–A: Registrant who has completed service.

(a) * * *

(4) A registrant who has served on active duty subsequent to June 24, 1948, for a period of not less than 12 months in the armed forces of a nation determined by the Department of State to be a nation with which the United States is associated in mutual defense activities and which grants exemption from training and service in its armed forces to citizens of the United States who have served on active duty in the Armed Forces of the United States subsequent to June 24, 1948, for a period of not less than 12 months: *Provided*, That in computing such 12-month period, there shall be credited any active duty performed by the registrant prior to June 24, 1948, in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities: *And provided further*, That all information which is submitted to the local board concerning the registrant's service in the armed forces of a foreign nation shall be written in the English language.

* * * * *

Paragraph (b) of § 1622.42 *Class IV–C: Aliens* is amended to read as follows:

§ 1622.42 Class IV–C: Aliens.

* * * * *

(b) In Class 4–C shall be placed any registrant who is an alien who establishes that he is exempt from military service under the terms of a treaty or international agreement between the United States and the country of which he is a national, and who has made application to be exempted from liability for training and service in the Armed Forces of the United States.

* * * * *

PART 1623—CLASSIFICATION PROCEDURE

Paragraph (c) of § 1623.4 *Action to be taken when classification determined*, is amended to read as follows:

§ 1623.4 Action to be taken when classification determined.

* * * * *

(c) In the event that the local board classifies the registrant in a class other than that which he requested it shall record its reasons therefor in his file. The local board shall inform the registrant of such reasons in writing at the time it mails to him a notice of his classification.

Section 1623.9 is amended to read as follows:

§ 1623.9 Registrants transferred for classification.

(a) After completing the Registration Questionnaire (SSS Form 100), and before the local board of origin has undertaken the classification of a registrant other than his preliminary classification into Class 1–H, he may be transferred to another local board for classification if he is so far from his local board as to make complying with notices an extreme hardship.

(b) After completing the Registration Questionnaire (SSS Form 100), a registrant may be transferred to another local board for classification at any time (1) when the local board cannot act on his case because of disqualification under provisions of § 1604.52(a) or § 1604.55 of this chapter, or (2) when the State Director of Selective Service deems such transfer to be necessary in order to assure equitable administration of the selective service law.

PART 1624—PERSONAL APPEARANCE BEFORE LOCAL BOARD

Part 1624 is amended to read as follows:

§ 1624.1 Opportunity for personal appearance.

(a) Every registrant after his classification is determined by the local board, except a classification which is determined upon an appearance before the local board under the provisions of this part, shall have an opportunity to appear in person before the local board.

(b) A registrant who has filed a claim for classification in Class 1–O, Class 1–A–O, or Class 3–A, upon his request, shall be afforded an opportunity to appear in person before the local board before his classification is determined by the local board. Should such registrant appear in person before the local board in advance of his classification being determined, the provisions of § 1624.4 shall apply and he shall not be afforded an opportunity to appear concerning such classification after such determination.

§ 1624.2 Request for personal appearance.

A registrant, other than one who has filed a request in accord with § 1624.1(b), who desires a personal appearance before his local board, must file a written request therefor within 15 days after the local board has mailed a Notice of Classification (SSS Form 110) to him. Such 15-day period may be extended by the local board when it is satisfied that the registrant's failure to request a personal appearance within such period was due to some cause beyond his control.

§ 1624.3 Appointment for personal appearance.

The local board, not less than 15 days (unless the registrant requests an earlier appointment) in advance of the meeting at which he may appear, shall inform the registrant of the time and place of such meeting and that he may present evidence, including witnesses, bearing on his classification. Should the registrant fail to appear at such meeting, except for good cause that he establishes to the satisfaction of the local board, he shall not be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting of the local board. Such period may be extended by the local board when it is satisfied that the registrant's failure to file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days was due to some cause beyond his control.

§ 1624.4 Procedure during personal appearance before local board.

(a) A quorum of the local board shall be present during all personal appearances.

(b) At any such appearance, the registrant may present evidence, including witnesses, may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the local board in determining his proper classification. Such information shall be in writing, or if oral, shall be summarized in writing by the registrant and, in either event, shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances.

(c) A registrant is entitled to such time for his personal appearance as is reasonably necessary for the fair presentation of his claim. Normally 15 minutes shall be deemed adequate for this purpose, consistent with the informal and expeditious processing required in selective service cases. If it appears to the board that further time is reasonably necessary, the board shall extend the time. During the time available to a registrant, he may present the testimony of not more than three witnesses.

(d) If the registrant does not speak English adequately he may appear with a person to act as interpreter for him. Such interpreter will not be deemed to be a witness unless he testifies in behalf of the registrant.

(e) No registrant may be represented at his personal appearance before the local board by anyone acting as attorney or legal counsel, but a registrant may invite an attorney to appear solely as a witness.

§ 1624.5 Procedure when registrant fails to appear.

(a) Whenever the registrant for whom a personal appearance has been scheduled fails to appear in accord with such fers no explanation for such failure, the any explanation of such failure that has been filed within 5 days (or extension thereof granted by the local board) after such failure in accordance with § 1624.3. Should the local board determine that the registrant's failure to appear for his personal appearance was without good cause, or if within 5 days (or extension thereof granted by the local board) after such failure to appear the registrant offers no explanation of such failure, the registrant will be deemed to have had his personal appearance and the local board (1) will take such action with respect to the classification of a registrant who has requested a personal appearance following his classification as is appropriate in light of the provisions concerning reopening of classification in § 1625.2 of this chapter, or (2) if such registrant requested a personal appearance in advance of his classification in accordance with § 1624.1(b), the local board shall classify the registrant. The local board will notify the registrant of the action taken by Notice of Classification (SSS Form 110) or letter, as appropriate.

(b) A notation that the registrant has failed to appear before his local board shall be entered on his Registration Questionnaire (SSS Form 100).

§ 1624.6 Procedure of local board following personal appearance.

(a) After the registrant has appeared before the local board, it shall again classify the registrant and, as soon as practicable thereafter, it shall mail notice thereof on Notice of Classification (SSS Form 110) to the registrant. In the event that the local board classifies the registrant in a class other than that which he requested, it shall record its reasons therefor in his file. The local board shall inform the registrant of such reasons in writing at the time it mails his Notice of Classification (SSS Form 110).

(b) A notation that the registrant has appeared before his local board shall be entered on his Registration Questionnaire (SSS Form 100).

§ 1624.7 Appearance before local board stays induction or order to report for alternate service.

The local board shall not issue an order for a registrant to report for induction or for alternate service in lieu of induction either during the period afforded the registrant to request a personal appearance before the local board or, if the registrant has requested such appearance, during the period such personal appearance is pending. Any order to report for induction or for alternate service which has been issued during either of such periods shall be ineffective and shall be canceled by the local board.

PART 1625—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

Paragraph (c) of § 1625.1 *Classification not permanent* is amended to read as follows:

§ 1625.1 Classification not permanent.

* * * * *

(c) The local board shall keep informed of the status of classified registrants, except those classified in Class 1–H. Registrants may be questioned or physically or mentally reexamined, employers may be requested to furnish information, police officials or other agencies may be requested to make investigations, and other steps may be taken by the local board to keep currently informed concerning the status of classified registrants.

Section 1625.2 is amended to read as follows:

§ 1625.2 Reopening of classification.

The local board will reopen and consider anew the classification of a registrant (a) upon the written request of the Director of Selective Service or the State Director of Selective Service and upon receipt of such request shall immediately cancel any order to report for induction or alternate service which may have been issued to the registrant; (b) who is in Class 1–H and becomes subject to processing for induction according to these regulations and the rules prescribed by the Director; (c) in any classification for the purpose of classifying him in Class 1–H according to these regulations and the rules prescribed by the Director; (d) upon the written request of the registrant that is accompanied by written information presenting facts not considered when the registrant was classified or which, in the opinion of the board, justify a change in the registrant's classification; or (e) upon its own motion if such action is based upon facts not considered when the registrant was classified which, in the opinion of the board, would justify a change in the registrant's classification: *Provided*, That in the event of paragraph (d) or (e) of this section the classification of a registrant shall not be reopened after the local board has mailed to such registrant an order for induction or alternate service or, in the event the order to report for induction or alternate service was postponed and a subsequent letter from the local board establishes the date for induction or for reporting for alternate service, unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

§ 1625.3 [Revoked]

Section 1625.3 *When registrant's classification shall be reopened and considered anew* is revoked.

PART 1626—APPEAL TO APPEAL BOARD

Part 1626 is amended to read as follows:

§ 1626.1 Who may appeal.

The Director of Selective Service and the State Director of Selective Service as to the local boards in his State may appeal from any determination of a local board at any time. The registrant may appeal to an appeal board from his classification by the local board except his initial administrative classification into Class 1–H.

V 37 7 JAN 12 72 XUM

§ 1626.2 Time limit within which registrant may appeal.

The registrant must file his appeal and his request for a personal appearance before the appeal board, if such personal appearance is desired, within 15 days after the date the local board mails to the registrant a Notice of Classification (SSS Form 110) or letter pursuant to § 1624.5 of this chapter. At any time prior to the date the local board mails to the registrant an Order to Report for Induction (SSS Form 252) or Order to Report for Alternate Service (SSS Form 153), the local board will permit him to appeal even though the period for taking an appeal has elapsed, if it is satisfied that his failure to appeal within such period was due to some cause beyond his control. If the local board grants an extension of time to appeal to the registrant, he may within such extended period also request a personal appearance before the appeal board.

§ 1626.3 Procedure for taking an appeal.

(a) Any person entitled to do so may appeal to the appeal board by filing with the local board a written notice of appeal. If the Director of Selective Service or the State Director of Selective Service appeals to the appeal board he shall place in the registrant's file a written statement of his reasons for taking such appeal.

(b) Whenever an appeal is taken from a local board's classification by the Director of Selective Service or the State Director of Selective Service, the local board shall notify the registrant in writing of the action, the reasons therefor, and inform him that (1) his appeal will be considered by the appeal board for the area in which his local board is located unless he files, within 15 days from the date on the letter of notification, a written request with the local board that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment or residence and (2) he may request a personal appearance before the appeal board if he files with the local board within 15 days from the date on the letter of notification a written request for such personal appearance. The 15-day period may be extended by the local board when it is satisfied that the registrant's failure to file a written request within such period was due to some cause beyond his control.

(c) If the registrant is taking the appeal, he may also request an opportunity to appear in person before the appeal board and that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment or residence. The notice of appeal need not be in any particular form, but must include the name of the registrant and his request. Any notice shall be liberally construed so as to permit the appeal.

(d) The appeal board for the area in which the registrant's local board is located shall consider the appeal of the registrant's classification unless the registrant has timely filed with his local board a written request that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment of residence.

(e) The registrant may attach to his appeal a statement specifying the reasons he believes the classification inappropriate, directing attention to any information in his file which he believes received inadequate consideration, and setting out more fully any information which was submitted.

§ 1626.24 Review by appeal board.

(a) The appeal board shall consider appeals in the order of the relative imminence of induction of the registrant, the most imminent being considered first, unless otherwise directed by the Director of Selective Service, in which event, appeals shall be considered in such order as the Director of Selective Service shall prescribe.

(b) Upon receipt of the registrant's file, the appeal board shall ascertain whether the registrant has requested a personal appearance before the appeal board. If no such request had been made, the appeal board may classify the registrant not less than 15 days after the receipt of the registrant's file.

(c) Not less than 15 days (unless the registrant requests an earlier appointment) in advance of the meeting at which his classification will be considered, the local board shall inform any registrant who has requested a personal appearance that he may appear at such meeting and present evidence, other than witnesses, bearing on his classification. Should the registrant fail to appear at such meeting, except for good cause he establishes to the satisfaction of the appeal board, he shall not be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting. Such 5-day period may be extended by the appeal board when it is satisfied that the registrant's failure to file such written statement was due to some cause beyond his control.

(d) A registrant is entitled to such time for his personal appearance before an appeal board as the board determines is reasonably necessary for the fair presentation of his claim, consistent with the informal and expeditious processing required in selective service cases, but shall not be entitled to present witnesses. No registrant may be represented at his personal appearance before an appeal board by anyone acting as attorney or legal counsel.

(e) At any such personal appearance, there shall be present a quorum of the members of the board to which the registrant may present evidence, may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the board in determining his proper classification. Such statement shall be summarized in writing by the registrant and shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances.

(f) The appeal board shall classify a registrant who has requested a personal appearance after (1) he has appeared before the board, (2) he withdrew his request to appear, (3) he waived his right to an opportunity to appear, or (4) he failed to appear without establishing to the satisfaction of the appeal board good cause therefor. When a registrant appears before the appeal board, only those members of the appeal board before whom the registrant appeared shall classify him.

(g) In reviewing the appeal and classifying the registrant, the appeal board shall not receive or consider any information other than the following:

(1) Information contained in the record received from the local board;

(2) General information concerning economic, industrial and social conditions; and

(3) Oral statements by the registrant and written evidence submitted by him to the appeal board during his personal appearance.

(h) The appeal board shall classify the registrant, giving consideration to the various classes in the same manner in which the local board gives consideration thereto when it classifies a registrant.

(i) In the event that the appeal board classifies the registrant in a class other than that he requested it shall record its reasons therefor in his file. The local board shall inform the registrant of such reasons in writing at the time it mails his Notice of Classification (SSS Form 110).

§ 1626.6 Procedure of local board when advised of decision of appeal board.

When the local board receives notice of the decision of a case by the appeal board, it shall mail a Notice of Classification (SSS Form 110) to the registrant, and enter upon such form the record of the vote of the appeal board as follows: "Vote of appeal board—Yes____ No____." At the time of mailing of the Notice of Classification (SSS Form 110), the local board, if the classification by the appeal board was not by unanimous vote, shall notify the registrant in the manner prescribed by the Director of Selective Service of his right to appeal to the National Selective Service Appeal Board.

§ 1626.7 Appeal stays induction or order to report for alternate service.

The local board shall not issue an order for a registrant to report for induction or for alternate service in lieu of induction either during the period afforded the registrant to take an appeal to the appeal board or during the period such an appeal is pending. Any order to report for induction, or for alternate service in lieu of induction, which has been issued during either of such periods shall be ineffective and shall be canceled by the local board. Whenever an appeal to the appeal board has been taken during the time allowed for taking appeals by a person entitled to do so, any order to report for induction or for alternate service which has been previously issued to the registrant shall be ineffective and shall be canceled by the local board.

PART 1627—APPEAL TO THE PRESIDENT

Paragraph (b) of § 1627.1 *Persons who may appeal to the President* is amended to read as follows:

§ 1627.1 Persons who may appeal to the President.

* * * * *

(b) When a registrant has been classified by the appeal board and one or more members of the appeal board dissented from that classification, he may appeal to the President within 15 days after the mailing by the local board of the Notice of Classification (SSS Form 110) notifying him of his classification by the appeal board. The local board may permit any registrant who is entitled to appeal to the President under this section to do so at any time prior to the date the local board issues to him an order to report for induction or for alternate service, even though the period of taking such an appeal has elapsed, if it is satisfied that his failure to appeal within such period was due to some cause beyond his control.

Paragraph (d) of § 1627.3 *Procedure on appeal to the President* is amended to read as follows:

§ 1627.3 Procedure on appeal to the President.

* * * * *

(d) Whenever the Director or State Director appeals to the President, the registrant shall be notified by his local board in writing of the action and informed that if he desires to appear before the National Board he must, within 15 days from the date on the letter of notification, request such an appearance in writing, addressed to his local board. Such 15-day period may be extended by the local board when it is satisfied that the registrant's failure to request an appearance within such period was due to some cause beyond his control. The local board shall forthwith notify the National Board of the registrant's request to appear before it.

* * * * *

Paragraphs (c), (d), and (g) of § 1627.4 *Procedures of the National Selective Service Appeal Board* are amended to read as follows:

§ 1627.4 Procedures of the National Selective Service Appeal Board.

* * * * *

(c) Not less than 15 days in advance of the meeting at which his classification will be considered, the National Board shall inform any registrant who has requested a personal appearance that he may appear at such meeting and present evidence, other than witnesses, bearing on his classification. Should the registrant fail to appear at such meeting, except for good cause he establishes to the satisfaction of the National Board, he shall not be afforded an opportunity to appear at a subsequent meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure or the registrant will be deemed to have waived his right to an opportunity to appear at a subsequent meeting. Such 5-day period may be extended by the National Board when it is satisfied that the registrant's failure to file a written statement within such period was due to some cause beyond his control.

(d) The registrant is entitled to fifteen minutes for his personal appearance. The National Board may, in its discretion extend the time of the registrant's personal appearance. No registrant may be represented at his personal appearance before the National Board by anyone acting as attorney or legal counsel. The registrant shall not be entitled to present witnesses.

* * * * *

(g) In reviewing the appeal and classifying the registrant, the National Board shall not receive or consider any information other than the following:

(1) Information contained in the registrant's record received from the local board;

(2) General information concerning economic, industrial, and social conditions; and

(3) Oral statements by the registrant and written evidence submitted by him to the National Board during his personal appearance.

PART 1630—VOLUNTEERS

Section 1630.4 is amended to read as follows:

§ 1630.4 Classification of volunteers.

(a) When a registrant who is not in a deferred class files an Application for Voluntary Induction (SSS Form 254) he shall be processed for induction regardless of the class in which he is classified.

(b) When a registrant in a deferred class other than Class 4–F files an Application for Voluntary Induction (SSS Form 254) he shall be classified in Class 1–A and 1–A–O as soon as possible.

PART 1631—ALLOCATION OF INDUCTIONS

Paragraph (c) (2) (i) of § 1631.6 *Action by local board upon receipt of allocation* is amended to read as follows:

§ 1631.6 Action by local board upon receipt of allocation.

* * * * *

(c) * * *

(2) * * *

(i) *1970.* In the calendar year 1970, nonvolunteers in Class 1–A, 1–A–O, or 1–O born on or after January 1, 1944, and on or before December 31, 1950, who have not attained the 26th anniversary of the dates of their birth.

PART 1632—DELIVERY AND INDUCTION

Section 1632.2 is amended to read as follows:

§ 1632.2 Postponement of induction.

(a) In case of death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness of the registrant, or other emergency beyond the registrant's control, the local board may, after the Order to Report for Induction (SSS Form 252) has been issued, postpone until a date certain the time when such registrant shall report but such date shall not be later than 60 days from the date of such postponement. In case of imperative necessity, the local board may grant one further postponement to a date certain but such date shall not be later than 60 days from the date of such postponement.

(b) The Director of Selective Service or any State Director of Selective Service (as to registrants registered within his State) may, for a good cause, at any time prior to the issuance of an Order to Report for Induction (SSS Form 252), postpone the issuance of such order until such time as he may deem advisable, or the Director of Selective Service or any State Director of Selective Service (as to registrants registered within his State) may, for good cause, at any time after the issuance of an Order to Report for Induction (SSS Form 252), postpone the induction of a registrant until such time as he may deem advisable.

(c) The local board shall postpone the induction of a registrant in accord with section 6(i)(1) or section 6(i)(2) of the Military Selective Service Act.

(d) The local board shall issue to each registrant whose induction is postponed a Postponement of Induction (SSS Form 264). A copy of such form shall be mailed to the State Director of Selective Service, and a copy filed in the registrant's Cover Sheet (SSS Form 101). The local board shall note the date of the granting of the postponement and the date of its expiration in the "Remarks" column of the Classification Record (SSS Form 102).

(e) A postponement authorized in paragraph (b) or (c) of this section in excess of 40 days or without limit may be terminated when the issuing authority so directs and upon not less than 30 days nor more than 40 days notice to the registrant. The registrant shall then report for induction at such time and place as may be fixed by the local board.

(f) No registrant whose induction has been postponed shall be inducted into the armed forces during the period of any such postponement. A postponement of induction shall not render invalid the Order to Report for Induction (SSS Form 252) which has been issued to the registrant but shall operate only to postpone

V 37 7 JAN 12 72 XUM

the reporting date and the registrant shall report on the new date without having issued to him a new Order to Report for Induction (SSS Form 252).

PART 1641—NOTICE

Paragraph (a) of § 1641.7 *Reporting by registrants of their current status* is amended to read as follows:

§ 1641.7 Reporting by registrants of their current status.

(a) It shall be the duty of every classified registrant, until his liability for training and service has terminated, to keep his local board currently informed of his mailing address, and, in accord with instructions of the Director of Selective Service, facts concerning his status that the local board requests.

• • • • •

PART 1643—PAROLE

Paragraph (c) of § 1643.10 *Parole for assignment to civilian work contributing to the maintenance of the national health, safety, or interest* is amended to read as follows:

§ 1643.10 Parole for assignment to civilian work contributing to the maintenance of the national health, safety, or interest.

• • • • •

(c) Upon receipt of a certified copy of an order paroling a registrant for assignment to civilian work contributing to the maintenance of the national health, safety, or interest, the State director shall direct the Executive Secretary or clerk, if so authorized, or a local board member of the registrant's local board to order him to a job which the State director selects as appropriate for him to perform.

• • • • •

CURTIS W. TARR,
Director.

JANUARY 7, 1972.

[FR Doc.72-456 Filed 1-11-72;8:51 am]

[32 CFR Parts 1606, 1609, 1613]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.), and § 1604.1 of Selective Service regulations (32 CFR 1604.1), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These Regulations implement the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Deputy General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1606—GENERAL ADMINISTRATION

Section 1606.58 *Places where information may be obtained,* is amended to read as follows:

§ 1606.58 Places where information may be obtained.

• • • • •

(f) Addresses of the offices of the State Directors of Selective Service are as follows:

State	*Address*
Alabama	Room 818, Aronov Building, 474 South Court Street, Montgomery, AL 36104.
Alaska	Room 248, Federal Building, 619 Fourth Avenue, Anchorage AK 99501.
Arizona	Room 202, Post Office Building, 522 North Central Avenue, Phoenix, AZ 85004.
Arkansas	Federal Office Building, 700 West Capitol, Little Rock, AR 72201.
California	Federal Building, 801 I Street, Sacramento, CA 95814.
Canal Zone	Post Office Box 2014, Balboa Heights, CZ (200-A Administration Building).
Colorado	Building 53, Room B 2906, Denver Federal Center, Post Office Box 25206, Denver, CO 80225.
Connecticut	Post Office Box 1558, Hartford, CT 06101.
Delaware	Prices Corner, 3202 Kirkwood Highway, Wilmington, DE 19808.
District of Columbia	441 G Street NW., Washington, DC 20001.
Florida	19 McMillan Street, Post Office Box 1988, St. Augustine, FL 32084.
Georgia	901 West Peachtree Street NE., Atlanta, GA 30309.
Guam	Post Office Box 3036, Agana, Guam 96910 (RiCalvo Building, second floor, Hernan Cortes Avenue and Soledad Drive).
Hawaii	Post Office Box 4006, Honolulu, HI 96813 (Hawaiian Life Building, Fifth Floor, 1311 Kapiolani Boulevard, Honolulu, HI 96813).
Idaho	550 West Fort Street, Room 480, Federal Building, Boise, ID 83702.
Illinois	405 East Washington Street, Springfield, IL 62701.
Indiana	Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.
Iowa	Building 68, Fort Des Moines, Des Moines, IA 50315.
Kansas	New England Building, Suite 320, 503 Kansas Avenue, Topeka, KS 66603.
Kentucky	220 Steele Street, Frankfort, KY 40601.
Louisiana	Building 601-5-A, 4400 Dauphine Street, New Orleans, LA 70140.
Maine	Federal Building, 40 Western Avenue, Augusta, ME 04330.
Maryland	31 Hopkins Plaza, Room 1119, Baltimore, MD 21201.
Massachusetts	John Fitzgerald Kennedy Federal Building, Room 2312, Government Center, Boston, Mass. 02203.
Michigan	Post Office Box 626, Lansing, MI 48903 (Arnold Building, 1120 East May Street, Lansing, MI).
Minnesota	Room 1503, Post Office and Customhouse, 180 East Kellogg Boulevard, St. Paul, MN 55101.
Mississippi	Cameron-Walker Building, 4785 Interstate 55 North, Jackson, MS 39206.
Missouri	411 Madison Street, Jefferson City, MO 65101.
Montana	Post Office Box 1183, Helena, MT 59601 (616 Helena Avenue, Helena, MT).
Nebraska	941 O Street, Lincoln, NE 68508.
Nevada	1511 North Carson Street, Carson City, NV 89701.
New Hampshire	55 Pleasant Street, Room 337, Post Office Box 427, Concord, NH 03301.
New Jersey	402 East State Street, Trenton, NJ 08608.
New Mexico	Post Office Box 5175, Santa Fe, NM 87501 (The New Mexico National Guard Complex, 2600 Cerillos Road).
New York State	Federal Building, 441 Broadway, Albany, NY 12207.
New York City	Federal Building, Room 2337, 26 Federal Plaza, New York, NY 10007.
North Carolina	310 New Bern Avenue, Post Office Box 26088, Room 448, Raleigh, NC 29201.
North Dakota	Federal Building, Post Office Box 1417, Bismarck, ND 58501.
Ohio	85 Marconi Boulevard, Columbus, OH 43215.
Oklahoma	417 Post Office Courthouse Building, Oklahoma City, Okla. 73102.
Oregon	355 Belmont Street NE., Salem, OR 97301.
Pennsylvania	Post Office Box 1266, 228 Walnut Street, Harrisburg, PA 17108.
Puerto Rico	398 Fernandez Juncos Avenue, San Juan, PR 00906.
Rhode Island	1 Washington Avenue, Providence, RI 02905.
South Carolina	1801 Assembly Street, Columbia, SC 29201.
South Dakota	Annex Box 3105, Rapid City, SD 57701.
Tennessee	Room 500, 1717 West End Building, Nashville, TN 37203.
Texas	Room G161 Federal Building, 300 East Eighth Street, Austin, TX 78701.
Utah	333 South Second East, Salt Lake City, UT 84111.
Vermont	Federal Building, Post Office Box 308, Montpelier, VT 05602.
Virginia	400 North Eighth Street, Richmond, VA 23240.
Virgin Islands	Post Office Box 360, Charlotte Amalie, St. Thomas, VI 00801.
Washington	Post Office Box 5247, Tacoma, WA 98405 (Washington National Guard Armory, South 10th and Yakima).
West Virginia	Federal Office Building, Charleston, W. Va. 25301.
Wisconsin	Post Office Box 2157, 1220 Capitol Court, Madison, WI 53701.
Wyoming	308 West 21st Street, Cheyenne, WY 82001.

PART 1609—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

Section 1609.41 *Travel; authorization,* is amended by adding paragraph (c) which shall read as follows:

§ 1609.41 Travel; authorization.

• • • • •

(c) A local board or a person duly authorized by the Director of Selective Service or the State Director of Selective Service may authorize the transportation of registrants by commercial carrier or privately owned vehicle whichever would be in the better interest of the Government.

PART 1613—REGISTRATION PROCEDURES

Part 1613 is amended to read as follows:

§ 1613.1 Registration procedures.

Persons required by selective service law to register shall be registered in accord with procedures prescribed by the Director of Selective Service.

§ 1613.2 Local board of jurisdiction.

The local board having jurisdiction over the place of residence entered in item 2 of the Registration Questionnaire (SSS Form 100) at the time of initial registration shall always have jurisdiction over the registrant, unless otherwise directed by the Director of Selective Service.

CURTIS W. TARR,
Director.

JANUARY 7, 1972.

[FR Doc.72-455 Filed 1-11-72;8:51 am]

[32 CFR Part 1660]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to sections 6(j) and 13(b) of the Military Selective Service Act, as amended (50 App. U.S.C., sections 451 et seq.), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These regulations implement section 6(j) of the Military Selective Service Act, as amended (50 App. U.S.C., 456(j)).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Deputy General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1660—ALTERNATE SERVICE

Part 1660 *Alternate Service,* added at 36 F.R. 23383, is amended as follows:

Section 1660.1 is amended to read as follows:

§ 1660.1 Responsibility for administration.

(a) The State director, under the supervision of the Director, will assure compliance with the law, the regulations, and Selective Service Policy concerning the program of alternate service for registrants who have been classified in Class 1-O.

(b) The State director of the State in which a registrant is registered will have primary responsibility for the initial placement of the registrant in alternate service. That State director will coordinate any job placement activities in any State outside his own with the State director of that State. In assigning a registrant outside his own State, the assigning State director must have the approval of the "receiving" State director or the Director of Selective Service.

(c) Alternate service to be performed outside the geographical area under the jurisdiction of any State director will be administered by the Director of Selective Service after the assignment to such work has been made by the State director.

Section 1660.2 is amended to read as follows:

§ 1660.2 Examination of registrants.

A registrant classified in Class 1-O shall be ordered to report for armed forces examination in the same manner as any other registrant. If he fails to report for or submit to this examination, or if he is found to be qualified for service, he shall be ordered to the appropriate alternate service job when his Random Sequence Number is reached.

Section 1660.3 is amended to read as follows:

§ 1660.3 Volunteer for alternate service.

Only registrants classified in Class 1-O may volunteer for alternate service in lieu of induction. Any registrant in Class 1-O may submit Application of Volunteer for Alternate Service (SSS Form 151) to his local board. If the volunteer wishes to propose jobs which he feels would be approved for his alternate service he will submit each job on an Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) simultaneously with his completed Application of Volunteer for Alternate Service (SSS Form 151). The State director will approve or disapprove the proposed jobs. If the registrant fails to locate a suitable job or if the jobs submitted on the Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) are not approved, the State director will not request the issuance of the Order to Report for Alternate Service (SSS Form 153) until 60 days after the registrant would have begun processing in accordance with § 1660.4 had he not volunteered. After the 60-day period has ended, the State director may direct the local board to order the registrant to an available job.

Subparagraph (2) of paragraph (a) of § 1660.6 *Eligible jobs for registrants performing alternate service,* is amended to read as follows:

§ 1660.6 Eligible jobs for registrants performing alternate service.

(a) • • •

(2) *Noninterference with the competitive labor market.* The registrant

V 37 7 JAN 12 72 XUM

cannot be assigned to a job for which there are more numerous qualified applicants not in Class 1–O than spaces available. This restriction does not prohibit the approval of special programs such as Peace Corps or VISTA for alternate service by registrants in Class 1–O.

• • • • •

Paragraph (b) of § 1660.7 *Assigning alternate service* is amended and paragraph (g) is added, to read as follows:

§ 1660.7 Assigning alternate service.

• • • • •

(b) The registrant will submit Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) to the state director, who will determine whether the work is acceptable. A letter from an employer may, at any time, substitute for such SSS Form 156. When a job is approved, the state director will direct the Executive Secretary or clerk, if so authorized, or a local board member of a registrant's local board to issue an Order to Report for Alternate Service (SSS Form 153). Any time the state director disapproves a job proposed on Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) submitted by the registrant, he will inform the registrant of his decision within 10 days after the State director receives such form.

• • • • •

(g) A registrant in Class 1–W, working in an approved job, may request the supervising state director to transfer him to a new job. The request must be made while the registrant is working in an approved job, and the registrant must remain on the job until the transfer is accomplished. The registrant must, at the time of the request, offer an alternative job to the State director for approval as alternate service. If the new job is approvable, the State director may direct the registrant's local board to order him to the new job.

Paragraphs (c) and (d) of § 1660.9 *Administration of alternate service* are amended and paragraph (e) is added to read as follows:

§ 1660.9 Administration of alternate service.

• • • • •

(c) If, after completing the investigation in accord with paragraph (b) of this section, the State director finds no failure of the registrant to perform satisfactorily he will order the registrant to another job as quickly as possible. A local board member of the registrant's local board or the Executive Secretary or clerk if so authorized, at the direction of the State director, will issue a new work order when any transfer or reorder is required. If the registrant complies with the order to report to the new job, the intervening time between jobs will not constitute a break in the required period of alternate service.

(d) The State director may direct the Executive Secretary or clerk, if so authorized, or a local board member of the registrant's local board to reassign and reorder a working registrant at any time that he determines the original job ceases to be acceptable as alternate service as defined in § 1660.6.

(e) The Director of Selective Service or the State Director of Selective Service will issue travel orders, tickets, or transportation requests and meal and lodging requests to the registrant, upon his request, for his travel from the office of the local board or the place of his residence to the place of performance of the alternate service to which he is ordered within the United States, for his return travel from such place to the office of the local board upon his satisfactorily completing his period of work, and for his travel from one place of employment to another when his employment is transferred under the provisions of paragraph (c) or (d) of this section.

CURTIS W. TARR,
Director.

[FR Doc.72-453 Filed 1-11-72;8:51 am]

[32 CFR Ch. XVI]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.), and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed Special Form for Conscientious Objector (SSS Form 150).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Deputy General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed form follows:

SELECTIVE SERVICE SYSTEM

INFORMATION FOR
CLAIMING CONSCIENTIOUS OBJECTOR STATUS

(Local Board Stamp)

Date _____

Last name, First name, Middle initial

Number and Street or RFD route

City, State, Zip code or Country

Selective Service Number Assigned

(The above items should be filled in by the local board before this form is mailed.)

INSTRUCTIONS

The local board will consider your claim for conscientious objector status when it receives a written statement from you which includes answers to the questions on page 2 of this form and when you are in a category vulnerable for induction. Sign paragraph A or B of page 3, fill out the bottom portion of that page and return with your statement requesting conscientious objector status to your local board.

Section 6(j) of the Military Selective Service Act provides: "Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be opposed to participation in such noncombatant service, in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the Director may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title. The Director shall be responsible for finding civilian work for persons exempted from training and service under this subsection and for the placement of such persons in appropriate civilian work contributing to the maintenance of the national health, safety, or interest."

The Supreme Court has interpreted "Religious training and belief" to include moral and ethical beliefs as well as traditional religious beliefs. The court did state that those persons whose beliefs are not deeply and sincerely held and those whose objection to war does not rest at all upon moral, ethical or religious principles but instead rests solely upon considerations of policy, pragmatism or expediency would not qualify.

Before you make your statement, it is recommended that you read the pamphlet "CO", available at your local board's office.

SSS Form 150 (Revised 1–3–72)

Instructions: Print or type your statement claiming exemption from combatant service as a conscientious objector on separate sheets of paper. Include in your statement answers to the following questions in the order given plus any additional information you wish to provide:

1. Briefly describe your beliefs which are the basis for your request for conscientious objector status.

2. If you seek classification in Class 1–O, why will not your beliefs permit you to serve as a noncombatant in the armed forces? If you seek classification in Class 1–A–O, why will your beliefs permit you to serve as a noncombatant in the armed forces?

3. Explain how, when, and from what source you received the religious, moral, or ethical training, or acquired the belief, which is the basis for your claim for classification as a conscientious objector.

Include in your answer a statement of—

(a) When and how you first began to formulate your opposition to participation in war; and

(b) When you decided your beliefs qualified you for classification as a conscientious objector.

4. The Supreme Court has held that for sincere beliefs of conscientious objection to qualify under the law they must be—

"based upon a power or being, or upon a faith (or belief) to which all else is subordinate or upon which all else is ultimately dependent."

Show in the context of the above quotation that your beliefs are deeply and sincerely held by—

(a) Explaining what most clearly demonstrates the consistency and depth of your beliefs;

(b) Describing how your beliefs affect the way you live your life, the activities you participate in, your vocational goals; and

(c) Depicting what actions, incidents, or other aspects of your life give evidence of your beliefs.

SELECTIVE SERVICE SYSTEM

(Local Board Stamp)

Instructions: Sign your name to either statement A or B of this section. If you cannot sign either one, indicate why. Return this page with your written claim to your local board at the above address.

A. I am conscientiously opposed to participation in combatant training and service in the Armed Forces. My moral, ethical, or religious beliefs would not permit any service which is inconsistent with these beliefs. I therefore claim exemption from combatant training and service in the Armed Forces, but I am willing to serve in a noncombatant capacity if called. (Registrants granted this status are classified 1–A–O)

---------- ----------
(Date) (Signature)

B. I am conscientiously opposed to participation in war in any form. I hold moral, ethical, or religious beliefs which prevent my participating in combatant and noncombatant training and service in the Armed Forces. My conscience would not permit any service which is inconsistent with these beliefs. I therefore claim exemption from both combatant and noncombatant training and service in the Armed Forces, but I am willing to perform 2 years' alternate service if called. (Registrants granted this status are classified 1–O)

---------- ----------
(Date) (Signature)

For Registrant:
Print or type
Name _____ SS No.
Address _____
_____ Zip Code _____

SSS Form 150 (Revised)

"You are entitled to one personal appearance before your Selective Service local board. You can exercise this right to a personal appearance before your local board either before or after they act upon your claim of conscientious objection.

When you registered with the Selective Service System and completed the Registration Questionnaire you were asked if you intended to claim a conscientious objector classification. (a) If you checked the appropriate box and you have submitted written statement claiming a conscientious objector classification your local board will contact you by letter or post card at least 40 days prior to the date the board will consider your classification from 1-H (your initial classification).

(b) If you checked the appropriate box but you have not submitted a written claim for conscientious objector classification you will be sent a Current Information Questionnaire (SSS Form 127) and a Special Form for Conscientious Objector (SSS Form 150) at least 40 days prior to the date the board will consider your classification from 1-H (your initial classification).

Upon receipt of such notice in (a) or (b) above you should be prepared to advise the board within 10 days if you desire a personal appearance before they act upon your claim.

If you did not claim eligibility for a conscientious objector classification at the time of registration, but submit such claim prior to the mailing of an order to report for induction, inform your local board with the submission of your claim whether you desire to appear before the local board acts on your claim.

CURTIS W. TARR,
Director.

[FR Doc.72-454 Filed 1-11-72;8:51 am]

V37I7 JAN12 72 XUM

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF CONTRACT SERVICES, BUREAU FOR SUPPORTING ASSISTANCE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, as amended and by Subpart 7–30.4 of the A.I.D. Procurement Regulations, I hereby redelegate, for countries or areas within my area of responsibility, authority to the Director, Office of Contract Services, Bureau for Supporting Assistance, to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by A.I.D. other than contracts exclusively for the supply of commodities and commodity related services and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for Contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive Order 11223) involving less than $25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract;

(4) Advance payments and the required determination and findings for such payments under A.I.D.-financed nonprofit contracts with nonprofit educational or research institutions.

The authorities herein redelegated may be concurrently exercised for all activities enumerated above which relate to Vietnam by the Chief, Vietnam Contract Division. The authorities herein redelegated may also be exercised by a person who is performing the functions of the Director, Office of Contract Services in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from the Assistant Administrator/Coordinator, Bureau for Supporting Assistance to the Director of Procurement Management, Office of Inter-Regional Programs, Bureau for Supporting Assistance, dated August 11, 1971 (36 F.R. 16596) is hereby revoked.

The Redelegation of Authority from the Assistant Administrator for the Far East to the Chief, Contract Staff for Vietnam, dated March 2, 1967 (32 F.R. 3948) is hereby revoked.

This Redelegation of Authority is effective immediately.

RODERIC L. O'CONNOR,
Assistant Administrator/Coordinator, Bureau for Supporting Assistance.

DECEMBER 23, 1971.

[FR Doc.72-426 Filed 1-11-72;8:46 am]

DIRECTOR, OFFICE OF CONTRACT SERVICES, BUREAU FOR SUPPORTING ASSISTANCE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 17 from the Administrator, dated June 14, 1962, as amended and by Subpart 7–30.4 of the A.I.D. Procurement Regulations, I hereby redelegate, for countries or areas within my area of responsibility, authority to the Director, Office of Contract Services, Bureau for Supporting Assistance, to sign or approve the following:

(1) Contracts and amendments to contracts, financed in whole or in part by A.I.D., other than contracts exclusively for the supply of commodities and commodity related services, and grants, other than to a foreign government, or agencies of a foreign government;

(2) Letters of Commitment and Notices of Approval for Financing of Cooperating Country Contracts for Contracts described in paragraph (1) above;

(3) Amendment or modification (pursuant to Executive Order 11223) involving less than $25,000 of A.I.D.-financed contracts entered into with nonprofit institutions under which no fee is charged or paid, where the amendment or modification is requested by the contractor and does not involve a consideration for the United States: *Provided*, That all such amendments or modifications are requested prior to final payment under the contract;

(4) Advance payments and the required determination and findings for such payments under A.I.D.-financed nonprofit contracts with nonprofit educational or research institutions.

The authorities herein redelegated shall not be construed to extend to any loan activities previously or hereafter redelegated by me to the Director for Capital Development and Finance, Office of East Asia Development Programs.

The authorities herein redelegated may be exercised by a person who is performing the functions of the Director, Office of Contract Services in an "Acting" capacity. The authorities are to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. The authorities redelegated herein may not be further redelegated.

The Redelegation of Authority from me to the Director of Procurement Management, Office of Inter-Regional Programs, Bureau for Supporting Assistance dated August 10, 1971 (36 F.R. 16596), is hereby superseded.

This Redelegation of Authority is effective immediately.

Dated: December 23, 1971.

WILLARD H. MEINECKE,
Acting Director, Office of East Asia Development Programs.

[FR Doc.72-427 Filed 1-11-72;8:46 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 72-15]

FOREIGN CURRENCIES

Rates of Exchange

DECEMBER 29, 1971.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the French franc and the Japanese yen.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which vary by 5 per centum or more from the quarterly rate published in Treasury Decision 71–259 for the dates and countries indicated. Therefore, as to entries covering merchandise exported on the dates and from the countries listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

French franc:	
December 21, 1971	$0.191337
December 22, 1971	.191300
December 23, 1971	.191312
December 24, 1971	.191306
Japanese yen:	
December 21, 1971	$0.00317481
December 22, 1971	.00317500
December 23, 1971	.00317450
December 24, 1971	.00317250

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.72-437 Filed 1-11-72;8:47 am]

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

This material adds new functional statements to the statement on organization and functions published at 36 F.R. 849–890. Functional statements beginning at 36 F.R. 874, numbered in the 1113.(10) series, are changed to the 1113.(11) series.

Dated: January 5, 1972.

[SEAL] WILLIAM H. LOEB,
Acting Commissioner of Internal Revenue.

1113.(10) *Office of Assistant Commissioner (Stabilization).* The Assistant Commissioner (Stabilization) is the principal assistant to the Commissioner in administering the Stabilization program of the Internal Revenue Service which includes interpreting, implementing, monitoring, and enforcing the stabilization of prices, rents, wages, and salaries pursuant to the coverage, classifications, and implementation procedures established by the Cost of Living Council, Price Commission, and Pay Board. Such functions include, but are not limited to: Operation and maintenance of local service and compliance centers established in support of the economic stabilization program; dissemination of information and guidance to the public; receiving, analyzing, and responding to inquiries relating to the application of regulations and other guidance issued by the Council, Commission, or Board, and the establishment and operation of an appeal procedure; receiving, analyzing, investigating, and preparing and forwarding recommendations upon applications for exceptions and exemptions from coverage, classifications, and the implementation procedures to the Council, Commission, or Board, for decision; conducting monitoring investigations as to the effectiveness of the stabilization program; receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations and recommending enforcement action to the Council, Commission, or Board, where necessary; making factual determinations on behalf of the Council, Commission, or Board; and maintaining adequate records and the making of periodic reports to the Council, Commission, or Board. The Assistant Commissioner (Stabilization) coordinates with the Director, Stabilization Division, Office of the Chief Counsel, and is responsible for and supervises the activities of the Administrative Office, the Liaison Staff, the Exceptions, Interpretations and Appeals Division, the Service and Compliance Division, the Program Resources and Analysis Division, and the Communications Division.

1113.(10)1 *Administrative Office.* Plans, organizes, coordinates, and directs the administrative management activities of the Office of Assistant Commissioner (Stabilization) at the National level, assisting and collaborating with Division Directors in providing personnel, space management, duplication, supply, and other administrative services.

1113.(10)2 *Liaison Staff.* Maintains liaison with the Cost of Living Council, the Price Commission, and the Pay Board on substantive matters pertaining to the economic stabilization service and compliance administration programs of the Internal Revenue Service, represents the Assistant Commissioner (Stabilization) in such contacts, and coordinates the exchange of information between the Service and the Council, Commission, and Board.

1113.(10)3 *Exceptions, Interpretations and Appeals Division.* Develops and exercises functional supervision of nationwide programs of the Service concerning the economic stabilization compliance administration which involve Service actions in response to applications for exceptions and exemptions, and appeals from certain adverse initial determinations on compliance violations and interpretations. The Division assists in issuing interpretation of regulations and rulings, furnishes interpretative support to the other organizational components of the Assistant Commissioner (Stabilization), furnishes assistance to field offices, and conducts a program which ensures uniformity and consistency of decision by field offices on determinations, appeals from adverse determinations of violations and interpretations of regulations and rulings, and in investigations of applications for exceptions and exemptions. The Director is responsible for and supervises the activities of three branches: Exceptions and Exemptions Branch; Interpretations and Review Branch; and Coordination and Appeals Branch.

1113.(10)31 *Exceptions and Exemptions Branch.* In matters involving exceptions or exemptions concerning the economic stabilization compliance administration, this branch: exercises program management responsibility for procedures used by the district offices; provides technical support; reviews files and recommendations received from district offices for transmittal to the Council, Commission, or Board with appropriate comment or for return to district offices for further development or other reasons; where appropriate, prepares reports indicating problem areas of nationwide concern for consideration by the Council, Commission, or Board; and maintains adequate records.

1113.(10)32 *Interpretations and Review Branch.* In matters involving interpretative aspects of the economic stabilization compliance administration, this branch: exercises program management responsibility of procedures used by the field offices; reviews for administrative feasibility and adequacy drafts of regulations prepared by the Council, Commission, and Board; assists in issuing interpretations; provides interpretative assistance to other organizational components of the Assistant Commissioner (Stabilization); assists in the preparation of documents containing interpretative material necessary to ensure internal interpretative consistency; post reviews field decisions to insure uniformity and consistency; writes procedures and instructions for all programs of Division; and maintains adequate records.

1113.(10)33 *Coordination and Appeals Branch.* Exercises program management responsibility for stabilization appeals procedures used by the field offices; evaluates nationwide programs which involve investigations of applications for exceptions and exemptions, and appeals from adverse interpretations of regulations and rulings or from certain adverse initial determinations on compliance violations; conducts a program of visits to field offices to make on-site review of operations, evaluate programs, and render assistance; conducts special studies and projects; and maintains adequate records.

1113.(10)4 *Service and Compliance Division.* Develops and exercises functional supervision of nationwide programs of the Service concerning the economic stabilization compliance and public service administration which involve: responding to inquiries on substantive matters; investigating complaints of violations; conducting compliance monitoring; conducting fact-finding investigations requested by the Council, Commission, and Board; providing for, and supervising, a program to assure quality of operations and consistency in handling inquiries, investigations, and compliance monitoring. The Director is responsible for and supervises the activities of two branches: Service Programs Branch; and Compliance Programs Branch.

1113.(10)41 *Service Programs Branch.* In matters involving programs of service to the public, this branch: exercises functional responsibility for programs concerning walk-in and telephone requests for service or assistance, written inquiries, and other requests of a service nature performed in the District; renders assistance and guidance to the field in implementing, monitoring, and evaluating the programs, including the establishment of procedures; maintains continuing liaison with the Exceptions, Interpretations and Appeals Division and the Program Resources and Analysis Division and the Communications Division in providing coordinated public service programs; and coordinates activities of the local service and compliance centers with the Taxpayer Service Division of the Office of the Assistant Commissioner (ACTS). This Branch operates the Correspondence Unit which serves as the National Office clearing and routing point for all public correspondence relating to Stabilization matters; answers sensitive correspondence; analyzes on a selected basis the nature of correspondence being received and makes these analyses available to management officials; and maintains adequate records.

1113.(10)42 *Compliance Programs Branch.* In matters involving compliance administration, this branch: formulates programs concerning compliance such as investigation of citizen complaints of noncompliance by firms and individuals, and followup to insure continued compliance; makes random investigations to ascertain compliance; and conducts fact-finding investigations for Council, Commission, and Board. This Branch provides assistance and guidance in implementing, monitoring, and evaluating these programs and prepares necessary procedures; drafts procedures for cases involving enforcement action; coordinates activities with other Stabilization organizational elements and with other Assistant Commissioners; coordinates compliance investigations which are of nationwide significance or involve several districts; provides guidance to certain districts which have operational responsibility for conducting such investigations; and maintains adequate records.

1113.(10)5 *Program Resources and Analysis Division.* Reviews and analyzes the results of all programs pertaining to Internal Revenue Service's responsibilities under the Economic Stabilization Program; furnishes advice, information, and recommendations concerning these programs and program management to the Assistant Commissioner (Stabilization); assists the Operations Division of the Cost of Living Council in planning and conducting on-site review of Service operations within the Council's jurisdiction; develops and administers a program to provide managerial and operating reports which are an integral part of the overall management information and reporting system; and conducts special studies. This division is responsible for the development of a Service-wide Stabilization budget and manpower plan, including Planning-Programming-Budgeting System submissions, and for reviewing the Operating Financial Plan; serves as the focal point for field liaison and coordination on nontechnical matters. The Director is responsible for and supervises the activities of three branches: Program Plantion Branch; Feld Resources and Evaluation Branch; and Program Information Services Branch.

1113.(10)51 *Program Planning Branch.* In matters involving the analysis and review of all programs pertaining to the economic stabilization service and compliance administration program, this branch: furnishes advice, information and recommendations

V 37 7 JAN 12 72 XUM

concerning these programs to the other Economic Stabilization Program Divisions and to the Assistant Commissioner (Stabilization); in cooperation with other divisions of Stabilization, designs and promulgates to field activities guidelines which will define the parameters within which the economic stabilization program will operate; conducts special studies and engages in special projects, generally interfunctional in scope, at the request of the Assistant Commissioner (Stabilization) or the Stabilization Division Directors; and maintains adequate records.

1113.(10)52 *Field Resources and Evaluation Branch.* In matters involving field resources, this branch develops and monitors field work planning and control procedures, prepares financial plans for National Office activities of Stabilization, and recommends allocation of field activity budget estimates; develops a costing system that assesses the resource impact of proposed changes to the Stabilization program; prepares and updates the Planning-Programming-Budgeting System submission for Stabilization (including the program planning assumptions, Program and Financial Plan, and the program memorandum); and develops region and district organization and staffing guidelines. This Branch maintains field liaison with activities of the Service's Stabilization program to assure that field problems and concerns receive immediate attention in the National Office. It utilizes statistical indicators and on-site reviews to evaluate the quality, timeliness and economy of the total program. Serves as the focal point for the Assistant Commissioner (Stabilization) in the National Office Review Program; and maintains adequate records.

1113.(10)53 *Program Information Services Branch.* In matters involving reports, data analysis, and information systems, the following services are provided by the branch: designs, develops, installs, monitors, and evaluates reporting systems for internal needs as required by the Assistant Commissioner (Stabilization); consults and participates in the design and development of other Stabilization information systems, e.g., research data systems, rulings retrieval systems, etc.; answers requests for specific data about the Stabilization program; provides statistical and analytical services to all elements of the Stabilization program; prepares one-time and/or sample-based data collections to service needs for data that are not recurring; prepares all reporting procedures; makes systemic changes when necessary because of changing data requirements; coordinates with other Stabilization areas in identifying new data requirements; develops reports formats and specifications; and maintains adequate records.

1113.(10)6 *Communications Division.* The nature of the Economic Stabilization Program requires immediate response to the needs of the public and the Internal Revenue Service for timely, uniform, and coordinated program information. This Division has responsibility in Stabilization for functions related to internal and external communications and public affairs such as: public information; internal training and public education; plain language publications; Part XII of the Manual; Stabilization Program Guidelines (SPG); a research and reference center; a telecommunication center; liaison with business, labor, professional and consumer groups; liaison with Federal, State, and local government bodies; advising the Assistant Commissioner (Stabilization) on matters where public response or interest is involved; ESP coordination with the Public Information Division to acquire and disseminate external information through the press, radio, television, films, and other mass media. The Director is responsible for and supervises the activities of the: Publications and Guidance Materials Branch; Organization and Government Liaison Branch; and Communications and Reference Center.

1113.(10)61 *Publications and Guidance Materials Branch.* This branch serves the needs of the Office of the Assistant Commissioner (Stabilization) to: determine need for content and compile the authoritative Stabilization Program Guidelines (SPG), the cumulative, nationwide ESP technical guidance system, and draft appropriate transmittals and filing instructions; simplify technical material to plain language publications to inform Service employees and the public on substantive and procedural matters relating to the ESP; acquire and disseminate general internal program information to employees and field offices; coordinate the preparation and clearance of material for Part XII of the Internal Revenue Manual; provide information for, and coordinate, internal training material preparation; provide information for, and coordinate, external public education material preparation; and provide editorial support and assistance in planning, reviewing and coordinating public use forms and form letters.

1113.(10)62 *Organization and Government Liaison Branch.* This Branch serves the needs of the Office of the Assistant Commissioner (Stabilization) to: establish cooperative program relations with Federal, State, and local governments and agencies; establish cooperative program relations with business, labor, professional and other groups; promote and conduct institutes and conferences; cooperate with the Public Information Division in assignment of public speakers; serve as point of contact on Congressional office inquiries relating to ESP; and perform other public and liaison activities as required.

1113.(10)63 *Communications and Reference Center.* This Center provides the telecommunications facilities and system for the nationwide transmission and receipt of facsimile messages for the Economic Stabilization Program. It serves as a research and reference center for ESP information and maintains historical information.

1114.(10) *Assistant Regional Commissioner (Stabilization).* The Assistant Regional Commissioner (Stabilization) acts as the principal assistant to the Regional Commissioner in planning, directing, coordinating, and evaluating the stabilization activities under the jurisdiction of the Regional Commissioner within the framework of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for developing programs, standards, and other measures necessary to implement most effectively the stabilization program of the Service which includes responding to inquiries, investigating allegations of price-rent-wage-salary violations, conducting monitoring investigations, hearing appeals, processing requests for exceptions and exemptions, and providing information about the Economic Stabilization Program.

1118.31 *Stabilization Staff.* Directs and performs the District stabilization function through a Stabilization Program Manager. This Staff plans, organizes, coordinates, and evaluates district Stabilization activities which include: Providing information to the public; responding to inquiries; investigating complaints of violations; conducting compliance monitoring and fact-finding investigations; receiving, analyzing, investigating and preparing and forwarding recommendations upon applications for exceptions and exemptions; and conducting hearings on appeals.

[FR Doc.72-438 Filed 1-11-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Order Providing for Opening of Public Lands

JANUARY 4, 1972.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

HUMBOLDT MERIDIAN

SACRAMENTO 076344

T. 4 S., R. 1 E.,
Sec. 6, lot 2 and SW¼NE¼.

SACRAMENTO 076443

T. 3 S., R. 1 W.,
Sec. 16, E½NE¼ and W½NW¼.

SACRAMENTO 078444

T. 3 S., R. 1 W.,
Sec. 24, W½NE¼.

SACRAMENTO 078445

T. 3 S. R. 1 W.,
Sec. 24, E½NE¼.

SACRAMENTO 078525

T. 4 S., R. 1 E.,
Sec. 28, SW¼NW¼;
Sec. 29, SE¼NE¼.
T. 5 S., R. 1 E.,
Sec. 2, SW¼NW¼.

The areas described aggregate approximately 522.61 acres in Humboldt County.

2. The above-described lands are situated in the King Range area and were acquired for the purpose of consolidating the public lands and providing for proper multiple-use management of all the resources. The lands lie within the boundaries described in section 9 of Public Law 91-476 (84 Stat. 1057), an act which provides for the establishment of the King Range National Conservation Area.

3. The United States does not have jurisdiction of the minerals in the following described lands as the mineral rights were not reconveyed by exchange:

HUMBOLDT MERIDIAN

T. 3 S., R. 1 W.,
Sec. 24, E½NE¼, W½NE¼.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will at 10 a.m. on February 14, 1972, be open to the operation of the public land laws. All valid applications received at or prior to 10 a.m., February 14, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Except as to the lands described in paragraph 3 above, the lands will be open to location under the U.S. mining laws and to applications and offers under the mineral leasing laws at 10 a.m. on February 14, 1972.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

ELIZABETH H. MIDTBY,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-478 Filed 1-11-72;8:50 am]

CHIEF, DIVISION OF MANAGEMENT SERVICES, ET AL., CALIFORNIA

Redelegation of Authority

OCTOBER 18, 1971.

1. Pursuant to the authority contained in section 1.1 of BLM Order No. 701 (29 F.R. 10526, July 29, 1964) as amended, the following authority is hereby delegated to the Division and Branch Chiefs of the Divisions of Management Services and Technical Services, to become effective immediately upon publication in the FEDERAL REGISTER (1-12-72).

(a) Chief, Division of Management Services and Chief, Branch of Records and Data Management authority to take action for the State Director in matters listed in sections 1.2c, 1.4a(4).

(b) Chief, Division of Management Services and Chief, Branch of Administrative Management authority to take action for the State Director in matters listed in sections 1.3(a)(1), 1.3(c).

(c) Chief, Branch of Lands and Minerals Operations in the Division of Technical Services authority to take action for the State Director in matters listed in sections 1.2(b), 1.2(c), 1.2(k), 1.3(a)(1), 1.3(c); subject to receipt of a report from the State Director, the delefatee may take all the listed actions on 1.5(b) and 1.5(c); 1.6 (a) through (l) inclusive; subject to classification action, where necessary, by the State Director or his delegatee, take all actions on 1.9 et seq., as follows: Subject to approval of color-of-title or claim of right by the Regional Solicitor, the delegatee may take all actions on 1.9(c); subject to title approval of offered lands by the Regional Solicitor and subject to section 1.0(b)(4) where the selected lands' appraisal value exceeds $250,000 the delegatee may take all actions on 1.9(d); 1.9(e); 1.9(f); 1.9(h) through 1.9(n), inclusive; 1.9(p) through 1.9(s) inclusive; 1.9(x) and 1.9(y).

2. The authority delegated in paragraph 1 above may not be redelegated but may be exercised by any person authorized as an "acting" Division or Branch Chief.

3. This redelegation of authority supersedes the redelegation of September 18, 1971 (36 F.R. 18679).

ROLANDA RUSH,
Acting State Director.

Approved: January 6, 1972.

GEORGE L. TURCOTT,
Acting Director.

[FR Doc.72-476 Filed 1-11-72;8:49 am]

CHIEF, DIVISION OF RESOURCES ET AL., CALIFORNIA

Redelegation of Authority

OCTOBER 18, 1971.

1. Pursuant to section 1.1, Bureau Order No. 701 of July 23, 1964, as amended, the following authority is hereby delegated to the Chief, Division of Resources, Chief, Division of Technical Services, and Chief, Branch of Cadastral Survey, State Office, California, and to each California District Manager, within his area of jurisdiction in the State of California, to become effective immediately upon publication in the FEDERAL REGISTER (1-12-72).

(a) Chief, Division of Resources, authority to take action for the State Director in matters listed in sections 1.5, 1.7, and 1.8 of Part I of Bureau Order No. 701, supra.

(b) Chief, Division of Technical Services, and Chief, Branch of Cadastral Survey, authority to take action for the State Director in matters listed in sections 1.4a(1) through 1.4a(3), inclusive, of Part I of Bureau Order No. 701, supra.

(c) Each California District Manager authority to take action for the State Director in matters listed in section 1.5(a) of Part I of Bureau Order No. 701, supra.

2. The authority delegated in Paragraph 1 above may not be redelegated.

3. This redelegation of authority supersedes the redelegation of September 18, 1971 (36 F.R. 18679).

ROLANDA RUSH,
Acting State Director.

Approved: January 6, 1972.

GEORGE L. TURCOTT,
Director.

[FR Doc.72-477 Filed 1-11-72;8:50 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-569]

JACK A. AND JACQUELINE M. THOMPSON

Notice of Loan Application

JANUARY 5, 1972.

Jack A. Thompson and Jacqueline M. Thompson, 3334 Oas Drive West, Tacoma, WA 98466, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 34 feet in length, to engage in the fishery for salmon and albacore off the coasts of Washington and Oregon.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operaton of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-415 Filed 1-11-72;8:45 am]

Office of Import Programs

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER (34 F.R. 15787), prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00011-01-77030. Applicant: University of California Purchasing Department, Carriage House, Santa Cruz, Calif. 95060. Article: NMR spectrometers, Model PS-100. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used in a variety of experiments in many areas of biological, inorganic, organic, and physical chemistry. Specific areas of application include (a) proton magnetic resonance, (b) carbon magnetic resonance, (c) fluorine magnetic resonance and phosphorous magnetic resonance. Application received by

V37-7 JAN 12 72 XUM

Commissioner of Customs: July 7, 1971.

Docket No. 72-00188-75-46040. Applicant: WADCO Corp., Subsidiary of Westinghouse Electric Corp., Post Office Box 1970, Richland, WA 99352. Article: Electron microscope, Model JEM 200A. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended Use of Article: The article will be used in research and development in nuclear technology for the analysis of materials behavior under fast breeder operating conditions and in the development of improved materials for future fast breeder reactors. Specific applications of the article include the following: (1) Post-irradiation characterization of the microstructure of irradiated stainless steel specimens; (2) analysis of the structure of boron carbide before and after irradiation; and (3) evaluation of the irradiation stability of candidate reflector and structural materials such as nickel-base alloys. Application received by Commissioner of Customs: October 18, 1971.

Docket No. 72-00222-33-43780. Applicant: Mary Hitchcock Memorial Hospital, Regional Cancer Research Center, 2 Maynard Street, Hanover, NH 03755. Article: 45 Mev betatron. Manufacturer: Brown Boveri, Switzerland. Intended use of article: The article is intended to be used for clinical electron beam research. Initial projects for investigation with the new betatron are as follows: (1) Determination of the physical characteristics of such a high energy electron beam, (2) Investigation of modifications of the beam cause by inhomogeniety interfaces in the body, (3) Development of computer programs for use in radiation dosimetry of electron beam, (4) Studies into variations of relative biological effectiveness in depth in a high energy electron beam; and (5) Randomized clinical trials testing the effectiveness of electrons as compared with X-rays in the treatment of cancer patients. The article will also be used for teaching the principles of electron beam therapy to both undergraduates and graduate students. Application received by Commissioner of Customs: November 4, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-460 Filed 1-11-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-399; NADA No. 6-993V]

GREEVER'S, INC.

Greever's Phenothiazine and Lead Arsenate Drench Powder; Notice of Withdrawal of New Animal Drug Application

A notice of opportunity for a hearing proposing to withdraw approval of NADA (new animal drug application) No. 6-993V for the drug Greever's Phenothiazine and Lead Arsenate Drench Powder was published in the FEDERAL REGISTER of November 4, 1971 (36 F.R. 21219). Greever's Inc., Chilhowie, Va. 24319, holder of said NADA, did not file a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice, the Commissioner of Food and Drugs concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 6-993V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: December 30, 1971.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-473 Filed 1-11-72;8:50 am]

[DESI 552]

SODIUM HEPARIN

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice

In a notice [DESI 552] published in the FEDERAL REGISTER of October 24, 1970 (35 F.R. 16608), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the NAS/NRC Drug Efficacy Study Group on the following drugs containing sodium heparin:

1. Sodium Heparin Injection, marketed by Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 5-521).

2. Sodium Heparin Sterile Solution; marketed by The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 4-570).

3. Panheprin, marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 50064 (NDA 5-264).

4. Sodium Heparin Injection, marketed by Lederle Laboratories Division American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 3-895).

5a. Liquaemin Sodium Aqueous Solution, and

b. Liquaemin Sodium "200" in Gelatin Menstruum, both marketed by Organon, Inc., 357 Mount Pleasant Avenue, West Orange, N.J. 07052 (NDA 0-552).

The notice stated that the drugs were regarded as effective, probably effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications.

Based upon further review and evaluation of additional studies, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of October 24, 1970 by:

1. Changing the effectiveness classification of the probably effective indications to effective.

2. Changing the effectiveness classification of the following possibly effective indications to effective: as an anticoagulant in extracorporeal circulation and dialysis procedures.

3. Reclassifying the remaining possibly effective indications as lacking substantial evidence of effectiveness in that no new evidence of effectiveness has been received pursuant to the October 24, 1970 announcement, i.e., prevention and treatment of coronary artery thrombosis and cerebral artery thrombosis; retinal and cerebral venous thrombosis; thrombosis of retinal arteries; thrombosis of arteriosclerosis obliterans and thromboangitis obliterans; arterial occlusion due to thrombosis; prophylaxis against thrombosis after trauma to blood vessels; prophylaxis and treatment of gangrene of the extremities secondary to trauma, frostbite, arteriosclerosis, or diabetes; management of atherosclerosis, diabetes, and other conditions associated with hyperlipemia; and for use as a blood anti-sludging agent.

4. Rewording the Indications section to read as follows:

INDICATIONS

Sodium heparin injection is indicated for anticoagulant therapy in prophylaxis and treatment of venous thrombosis and its extension; for prophylaxis and treatment of pulmonary embolism; in atrial fibrillation with embolism; for diagnosis and treatment of chronic consumptive coagulapathies (coagulation consumptive coagulapathy); for prevention of clotting in arterial and cardiac surgery; and for the prevention of cerebral thrombosis in the evolving stroke.

Sodium heparin is indicated as an adjunct in treatment of coronary occlusion with acute myocardial infarction and as an adjunct in the prophylaxis and treatment of peripheral arterial embolism.

Sodium heparin may also be employed as an anticoagulant in blood transfusions, extracorporeal circulation, dialysis procedures, and in blood samples for laboratory purposes.

The new-drug applications held by Eli Lilly and Co. (NDA 5-521), the Upjohn Co. (NDA 4-570), and Abbott Laboratories (NDA 5-264) have been satisfactorily supplemented to delete those claims for which substantial evidence of effectiveness is lacking and to be in accord with the indications section above.

Other holders of applications approved for sodium heparin should submit, within 60 days following publication of this amended announcement in the FEDERAL REGISTER, supplements to their new-drug applications to provide for revised labeling in accord with the indications section above. Such supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time.

Any such preparation, for human use, introduced into interstate commerce after 60 days following publication of this notice in the FEDERAL REGISTER with labeling bearing indications that lack substantial evidence of effectiveness may be subject to regulatory proceedings.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-474 Filed 1-11-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice of Reconstitution of Board

Mr. Edward Diamond was Chairman of the Board established to consider the above application. He has advised that he is unable to continue in his duties as a member of the Atomic Safety and Licensing Board Panel and has regretfully resigned. Therefore, he is unable to continue to serve as Chairman of this proceeding.

Accordingly, Mr. Robert M. Lazo, a member qualified in the conduct of administrative proceedings, has been constituted Chairman of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721(b) of the rules of practice.

Dated at Washington, D.C., this 6th day of January 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-442 Filed 1-11-72;8:47 am]

REACTOR TESTING DURING FY 72 AT NUCLEAR ROCKET DEVELOPMENT STATION, NEVADA

Notice of Availability of Final Environmental Statement

Notice is hereby given that a document entitled "Final Environmental Statement—Reactor Testing During FY 72 at the Nuclear Rocket Development Station, Nevada," issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Nevada Operations Office, Post Office Box 14100, Las Vegas, NV 89114; the San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; the Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; and the New York Operations Office, 376 Hudson Street, New York, NY 10014. The statement is issued jointly by the U.S. Atomic Energy Commission and the National Aeronautics and Space Administration in support of proposed administrative action to continue nuclear rocket ground development testing during fiscal year 1972. Included with the statement are the comments received from Federal and State agencies on the draft statement of which notice of availability was published in the FEDERAL REGISTER, Volume 36, No. 135, dated July 14, 1971, and the AEC's response to these comments.

The Environmental Statement, including the comments and AEC's responses, will be furnished upon request addressed to the Assistant General Manager for Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C., this 6th day of January 1972.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-475 Filed 1-11-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

JANUARY 5, 1972.

Pursuant to Docket No. HM-1, rulemaking procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during December 1971:

Special Permit No.	Issued to—Subject	Mode or modes of transportation
6511	FMC Corporation, New York, N.Y., to ship parathion mixture, liquid in 24 gauge, DOT-37P drums.	Highway, Rail.
6522	Callery Chemical Company, Callery, Pa., to ship diborane in non-DOT specification insulated spherical pressure vessel having 600 psig design pressure.	Highway.
6561	Olin Corporation, Stamford, Conn., to ship hydrazine solutions in DOT-2E polyethylene bottles overpacked in DOT-12B fiberboard boxes.	Highway, Rail.
6563	Mada Medical Products, Incorporated, Garfield, N.J., to ship medical oxygen in non-DOT specification steel cylinders complying with Specification 3E with certain exceptions.	Highway, Rail, Passenger-carrying aircraft, Cargo-only aircraft.
6564	Castle & Cooke, Incorporated, San Francisco, Calif., and Mobil Chemical Company to ship liquid lacquer compounds in a non-DOT specification, compartmented portable tank.	Highway, Water.
6566	White Chemical Corporation, Bayonne, N.J., to ship acetyl chloride in DOT-103ANW tank cars.	Rail.
6567	Ronson Corporation, Woodbridge, N.J., and its agents, customers or distributors to ship isobutane in inside metal containers complying with DOT Specification 2P with certain exceptions.	Highway, Rail.
6568	Shippers registered with this Board to ship large quantities of non-fissile radioactive material, n.o.s., in Atcor Model LL-80-150 Shipping Cask System.	Highway.
6570	Mass Oxygen Equipment Company, Westboro, Mass., to ship pressurized liquid oxygen, nitrogen or argon in 1700 gallon non-DOT specification strainless steel cargo tank.	Highway.
6571	American LNG, Oak Brook, Ill., to ship liquefied natural gas, ethylene or ethane in non-DOT specification aluminum cargo tank.	Highway.
6574	Shippers registered with this Board to ship large quantities of non-fissile radioactive material, n.o.s., in cask identified as Model HN-200 shipping container system.	Highway.

ALAN I. ROBERTS,
Secretary.

[FR Doc.72-382 Filed 1-11-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 72-1-17]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the seventh day of January 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted at meetings held in Geneva in December of 1971.

The agreement embraces two new resolutions establishing "winter" group inclusive tour fares generally to be applicable to groups of 10 or more passengers traveling via the North Atlantic to/from Europe and Africa during the period January 15, 1972, through March 31, 1972. With respect to travel between the United States and Europe, the following round-trip fare levels are typical of those that would be available for a 7/8-day period of travel: $200, New York-London; $210, New York-Paris; $215, New York-Frankfurt; and $250, New York-Rome. These fares require a minimum land package of $70 and weekend surcharges do not apply, nor are free stopovers permitted, although one stopover is allowable at a $10 surcharge. Fares to and from Africa are established only between New York and Dakar ($300 round trip) and New York and Abidjan ($365), with one stopover permitted at Dakar in conjunction with the Abidjan fare at an additional $10. These fares are

V 37-7 JAN 12 72 XUM

available for a 9/16-day period of travel with ground accommodations established at $10 per day.

Trans World Airlines, Inc., has filed economic justification in support of these fares, stating that while the overall fares package was developed for April 1, 1972, implementation, these particular fares are planned for January 15, 1972, effectiveness. As a consequence, TWA requests early Board action on the winter group inclusive tour fares, which the carrier contends are being introduced to develop a recognized potential market of budget-minded passengers who wish to take short-duration winter vacations comparable to opportunities available within the United States and to the Caribbean. TWA believes that the winter group inclusive tour fares will prove generative and profitable to the carriers and will serve to produce a more satisfactory utilization of off-peak scheduled capacity without incurring significant added costs to accommodate the traffic.

Pan American World Airways (PAA) submits that these fares are to be placed into effect only for a 2½-month period, that they represent substantial fare reductions to the traveling public and that they will attract some newly generated traffic. PAA estimates that more than 50 percent of the winter GIT traffic will be newly generated.

In light of the limited 2½-month duration of the agreement and since these new fares should generate new transatlantic passengers during the off-season, we believe approval is warranted. The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, finds the subject agreement not to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement CAB 22683, R–131 and R–132 is approved subject to the following conditions:

(a) Those passengers who have been replaced may obtain full refund of individual fares and not be subject to a cancellation charge.

(b) The provision which at departure would permit a lesser number of passengers than that prescribed by the resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs.

(c) In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

(d) Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

(e) The amount of the forfeiture to be imposed in the event of cancellation by the group or member of the group at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group fare ticket over the cost of normal fare transportation from point of origin to point of cancellation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–451 Filed 1–11–72;8:48 am]

[Docket No. 24072; Order 72–1–10]

PAN AMERICAN WORLD AIRWAYS, INC.

Proposed Expanded Application of Category Z Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 6th day of January 1972.

By tariff revision[1] marked to become effective January 8, 1972, Pan American World Airways, Inc. (Pan American) proposes to permit employees of the Army and Air Force Exchange System (AAFES) to travel on official business at Category Z fares when requests for the transportation are made using AAFES Form 1500–22 in lieu of government transportation requests (GTR's), the use of which has been prohibited to exchange personnel. At present, Category Z fares apply to military personnel on active duty and civilian employees of the Department of Defense, and their dependents upon change of station from the continental United States to Hawaii, Alaska, and from the United States to all other points. AAFES employees presently traveling on scheduled flights must use normal coach or economy fares and pay the applicable transportation taxes.

Trans World Airlines, Inc. (TWA) has complained against the proposal requesting rejection or, alternatively, prompt investigation contending that the proposal would be unduly preferential, unjustly discriminatory, and uneconomic. TWA alleges that the Board has previously determined that there is no provision in the Act which authorized the granting of reduced rate transportation to government employees, as such; that the Comptroller General in March 1970 unqualifiedly determined that civilian employees of the exchanges are different from the military personnel associated with the exchanges and specifically held the use of Government transportation requests by such civilian employees to be in "conflict with our decisions and applicable laws and regulations"; and that the proposal results in circumvention of the Board's precedent and the intent of the Comproller General's opinion. TWA further alleges that the real question proposed by the Pan American filing is whether or not civilian employees of the government should be eligible for Category Z fares; and that in this regard discounts for government employees, as such, have been held unlawfully discriminatory except where a strong overriding national interest consideration is shown, and that Pan American has not so demonstrated with regard to its filing.

Pan American has answered the complaint alleging that its tariff is properly filed in accordance with all applicable regulations and that the Board has no authority to reject the tariff. Pan American further alleges that contrary to TWA's allegation, its proposal is not a circumvention of established Board precedent; that there is no sound reason to investigate the tariff; that historically the passenpers involved have traveled at Category Z fares as a part of the military establishment; and that this practice was discontinued after the determination of the Comptroller General referred to in TWA's complaint. Pan American alleges that instead of using commercial service at normal fares, virtually all of this traffic is now accommodated by MAC Category B charters or other military transportation and that should this traffic again use Category Z rates on scheduled service, Pan American estimates it would be worth $500,000 a year.

Upon consideration of the tariff filing, the complaint, and answer thereto, the Board finds that the proposed tariff may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or otherwise unlawful and should be investigated. The Board further concludes that pending investigation the proposal should be suspended insofar as it applies to domestic and overseas transportation. The proposal is a signficant departure from the present policy, and Pan American has advanced no argument which provides a sufficient basis upon which to justify the discrimination inherent in the proposal.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the Application of Tariff on 14th Revised Page 4–A of International Air Traffic Tariffs Corp., Agent's CAB No. 374, and rules, regulations or practices affecting such provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the Application of Tariff (so far as it applies to interstate and overseas air transportation) on 14th Revised Page 4–A of International Air Traffic Tariffs Corp., Agent's CAB No. 374 is suspended and its use deferred to and including April 6, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaint in Docket 24072 is dismissed; and

5. Copies of this order be filed with the aforesaid tariff and be served upon Trans World Airlines, Inc., and Pan American World Airways, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–452 Filed 1–11–72;8:48 am]

[1] Revision to International Air Traffic Tariffs Corp. Agent, Tariff CAB No. 374.

COMMISSION ON HIGHWAY BEAUTIFICATION

HIGHWAY BEAUTIFICATION

Notice of Initial Public Hearing

Notice is hereby given that the Commission on Highway Beautification will have its first public hearing in Atlanta on January 31.

Atlanta was chosen as a hearing site in order to give interested parties in the Southeast an opportunity to present their views to the members of the Commission on the important issues of highways and their relationship to the environment. Other hearings will be held in Los Angeles, Washington and as yet undertermined cities in the Northeast and Midwest.

The Commission was established by the Federal-Aid Highway Act of 1970 (Public Law–605). It has 11 members—four from the Senate, four from the House of Representatives, and three appointed by the President. Congressman Jim Wright (D), Texas is the Chairman. The four commissioners from the Senate are Birch Bayh (D), Indiana; Mike Gravel (D), Alaska; James Buckley (R), New York; and Lowell Weicker (R), Connecticut. The House members are Chairman Wright; Ed Edmondson (D), Oklahoma; Fred Schwengel (R), Iowa; and Don Clausen (R), California. The public members are Alfred Bloomingdale, Chairman of the Board, A. B. Enterprises, Los Angeles, Calif.; Mrs. Marion Fuller Brown, member of the Maine Legislature, York, Maine; and Michael Rapuano, landscape architect, Newton, Pa., and New York City.

The Act directs the Commission to:

(1) Study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system;

(2) Review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards;

(3) Compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future;

(4) Study problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public;

(5) Study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out a highway beautification program; and

(6) Recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration progams as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

A report of the Commission's findings will be submitted to the President and the Congress no later than August of this year.

This hearing is the first in a series of five to be held in different sections throughout the country during 1972. It is scheduled for 10:30 a.m. at the Regency Hyatt House Hotel, 265 Peachtree Street NW.

This is an open hearing and the public is invited both to attend and to participate. Since the hearing will only be one day in length, those interested in testifying should contact the Commission at 1121 Vermont Avenue NW., Washington, D.C. 20005, no later than January 24, in order to insure that they will have an adequate opportunity to make their views known. It also is requested that anyone interested in participating submit to the Commission a brief summary or a copy of their testimony by that date.

LEO A. BYRNES,
Staff Director and Counsel.

[FR Doc.72–449 Filed 1–11–72;8:48 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Joint Public Hearing

JANUARY 4, 1972.

Notice is hereby given that the Delaware River Basin Commission and the Pennsylvania Department of Environmental Resources will hold a joint public hearing on Friday, February 4, 1972, in the South Auditorium of the ASTM Building, 1916 Race Street, Philadelphia, PA, on proposals for a regional wastewater management plan and program for Delaware County, Pa. The purpose of the hearing is to gather expressions and opinions of concerned parties regarding the proposed plan and program, its inclusion in the Delaware River Basin Commission's Comprehensive Plan, and its certification (under 18 CFR Part 601) to the U.S. Environmental Protection Agency by the Department of Environmental Resources and the Delaware River Basin Commission as the official interim pollution abatement plan for the area. The hearing will commence at 9:30 a.m.

Background. The firm of Albright and Friel, a division of Betz Environmental Engineers, Inc., has completed a preliminary report entitled Delaware County Regional Sewerage Project, dated October 28, 1971. The report has been prepared for the Delaware County Board of Commissioners and was jointly financed by the U.S. Department of Housing and Urban Development, and Delaware County. The report contains the results of engineering investigations of various alternative plans for the solution of wastewater problems within Delaware County and southeastern portions of Chester County on a regional basis. The 246 square-mile study area encompasses the watersheds of Darby Creek, Crum Creek, Ridley Creek, Chester Creek and Naaman's Creek and Marcus Hook Creek. It sets forth preliminary design and total cost estimates of all necessary conveyance systems and treatment facilities to serve the study area during the period 1973 to 2020. Recommendations of the report are divided into two sections that apply respectively to the western and eastern portions of the study area.

The western portion of the study area includes the Chester Creek Watershed, the Ridley Creek Watershed and the Upper Crum Creek Watershed above Geist Reservoir. For this area a plan and program is recommended whereby all wastewater would eventually be conveyed to and treated at a new Delaware County Regional Water Quality Control Authority treatment plant that would be located at the site of the existing city of Chester sewage treatment plant. Existing treatment plants in this area would be phased out as implementation of the plan progresses.

The eastern section of the study area includes the Darby Creek Watershed and the Lower Crum Creek Watershed below Geist Reservoir. For this area the report recommends that wastewater from the Central Delaware County Authority, Muckinipates Authority, Tinicum Authority, Darby Creek Joint Authority, and Radnor - Harverford - Marple Authority service areas be conveyed to and treated at the city of Philadelphia Southwest treatment plant. Existing treatment plants in this area would be phased out as implementation of the plan progresses. The principal features of the recommendations for the eastern section of the study area were the subject of a previous hearing by the Delaware River Basin Commission (August 25, 1971) on the Darby Creek Watershed, and were incorporated into its Comprehensive Plan a month later (Resolution No. 71–8).

Proposed actions—1. *Regional Sewerage Plan—Western Delaware County.* It is proposed that the recommendation for collecting wastewater from within the western section of the study area, as delineated above and set forth in the county report, and for conveying it to a new Delaware County Regional Water Quality Control Authority treatment

plant to be located in the city of Chester, be approved by the Pennsylvania Environmental Quality Board's rules and regulations and certified to the U.S. Environmental Protection Agency as the official interim pollution abatement plan (under 18 CFR 601). It is further proposed that the Delaware River Basin Commission's Comprehensive Plan be amended to incorporate the plan, along with the implementation timetable set forth in Chapter VII of the preliminary report Delaware County Regional Sewerage Project.

2. *Regional Sewerage Plan—Eastern Delaware County.* It is proposed that the recommendation for collecting wastewater from within the eastern portion of the study area, as delineated above and set forth in the county report, and for conveying it to the city of Philadelphia Southwest treatment plant for treatment, be approved by the Department of Environmental Resources under section 91.31 of the Pennsylvania Environmental Quality Board's rules and regulations and certified to the U.S. Environmental Protection Agency as the official interim pollution abatement plan (under 18 CFR 601). It is further proposed that the Delaware River Basin Commission's Comprehensive Plan (Resolution No. 71–8) be amended so as to fully conform to and incorporate the plan, along with an implementation timetable, as follows:

A. Retitle and amend Resolution No. 71–8 so that it conforms to the subject amendment to the Comprehensive Plan.

B. Add a new section to Resolution No. 71–8 entitled "Implementation Timetable" to consist of the schedules set forth in Chapter VII of the preliminary report Delaware County Regional Sewerage Project.

Abatement schedules. It is further proposed that all industrial and municipal abatement schedules, sewerage permits or orders heretofore approved by the Pennsylvania Department of Environmental Resources and/or the Delaware River Basin Commission for surface water discharges within the study area be modified as necessary to require compliance with and participation in the proposed regional plan and program herein described. Facilities necessary to effectuate participation by each waste discharger in the proposed regional plan and program shall be consistent with the requirements of the proposed regional plan and program. Such interconnections as are required by the proposed regional plan and program shall be completed no later than the date that the regional facility is scheduled to be ready to receive the waste.

The document entitled Delaware County Regional Sewerage Project may be examined at the following locations:

Library of Delaware River Basin Commission, 25 State Police Drive, West Trenton, NJ.

Delaware County Planning Commission, Thomas Curran Building, Second and Orange Streets, Media, PA.

Delaware Valley Regional Planning Commission, 1317 Filbert Street, Philadelphia, PA (library, ninth floor).

Regional Office, Pennsylvania Department of Environmental Resources, 1875 New Hope Street, Norristown, PA.

Betz Environmental Engineers, Inc. (Albright & Friel) One Plymouth Meeting Mall, Plymouth Meeting, PA.

All persons wishing to testify are requested to register with the Secretary to the Delaware River Basin Commission no later than 5 p.m. on Wednesday, February 2, Post Office Box 360, Trenton, NJ, phone 609–883–9500. Written statements will be received and made a part of the record if submitted prior to 10 days following the hearing.

W. BRINTON WHITALL,
Secretary, Delaware River Basin Commission, Post Office Box 360, Trenton, NJ.

[FR Doc.72–416 Filed 1–11–72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19089 etc.; FCC 72–3]

A. V. BAMFORD ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of A. V. Bamford, Corpus Christi, Tex., Docket No. 19089, File No. BPH–7006; Claud M. Pettit and Margaret E. Pettit doing business as Pettit Broadcasting Co., Brush, Colo., Docket No. 19157, File No. BP–18125; A. V. Bamford, Colorado Springs, Colo., Docket No. 19158, File No. BP–18467; Enid C. Pepperd and Dona B. West, doing business as Brocade Broadcasting Co., Boulder, Colo., Docket No. 19159, File No. BP–18470; for construction permits.

1. This matter is before the Commission pursuant to the Review Board's Memorandum Opinion and Order, FCC 71R–286, 31 FCC 2d 701, released September 20, 1971, in which the Board, on its own motion certified the question of consolidation of the proceedings involving A. V. Bamford's applications for construction permit for new broadcast stations at Corpus Christi, Tex., and Colorado Springs, Colo., for the purpose of receiving evidence on basic character qualification issues. In the Colorado Springs proceeding the Board had previously specified misrepresentation—lack of candor and § 1.65 issues against Bamford.[1] In its certification order the Board states, at paragraph 4, that its decision to specify qualification issues against Bamford was based on its consideration of allegations relating to both of Bamford's pending proposals. Since the Board deemed consolidation to be the most efficient and effective method to resolve these issues and since it lacks authority to consolidate pending hearing cases under Rule 1.227, the Board certified this matter to us for our consideration.

2. In "Vinita Broadcasting Co., Inc." 30 FCC 2d 458, released June 21, 1971, we considered a comparable situation. In that case the principal stockholder of one applicant was charged with numerous violations of the Commission's rules that questioned his basic character qualifications to be a Commission licensee. The applicant had pending applications for the renewal of a standard broadcast station and for a construction permit for a new FM station. Also involved were numerous allegations of misconduct by this principal at a third broadcast station. We said, at p. 460, "* * * The conduct of [the principal] is a relevant and critical consideration in the disposition of all three applications and consolidation was ordered by the Commission in order to avoid a multiplicity of hearings where substantially the same evidence would be adduced. The applicants were not prejudiced by this procedure which, under the circumstances, was proper * * *" We reaffirm the rationale enunciated in Vinita as sound policy. We are not aware of anything peculiar to this case which would dictate a different course.

3. *Accordingly, it is ordered,* That the proceeding involving the application for construction permit by A. V. Bamford, Corpus Christi, Tex., Docket No. 19089, File No. BPH–7006 is consolidated with the proceeding involving A. V. Bamford's application for a construction permit for a new standard broadcast station at Colorado Springs, Colo. (File No. BP–18467), in Dockets Nos. 19157–19159, for a hearing before Examiner Lenore G. Ehrig for the purpose of receiving evidence and the issuance of an Initial Decision regarding the issues specified by the Board in its Memorandum Opinion and Order, 30 FCC 2d 810, released June 23, 1971.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–445 Filed 1–11–72;8:48 am]

[Docket No. 19087 etc.; FCC 72–4]

ALVIN L. KORNGOLD ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Alvin L. Korngold, Sun City, Ariz., Docket No. 19087, File No. BPH–6755; Sun City Broadcasting Corp., Sun City, Ariz., Docket No. 19088, File No. BPH–6808; Zia Tele-Communications, Inc., Albuquerque, N. Mex., Docket No. 19178, File No. BPH–6887; Alvin L. Korngold, Albuquerque, N. Mex., Docket No. 19179, File No. BPH–6952; for construction permits.

1. This matter is before the Commission pursuant to the Review Board's Memorandum Opinion and Order, FCC 71R–301, 32 FCC 2d 87, released October 8, 1971, in which the Board, on its own motion, certified the question of consolidating the proceedings involving Alvin L. Korngold's application for a construction permit for new FM broadcast stations at Albuquerque, N. Mex., and Sun City, Ariz. In support of its suggestion that the Commission consolidate these two proceedings for the limited purpose of receiving evidence on the character qualification issue previously specified against Korngold in the Sun City proceeding, the Board notes that Korngold's reliance on funds on hand as a source of additional financing for the Albuquerque application was insufficient because these funds appeared to be the same as those relied upon in connection with other broadcast proposals he had filed. Based upon this evidence, on August 9, 1971, the Review Board enlarged the issues in the Sun City proceeding to add a financial issue and a § 1.65 issue against Korngold, 31 FCC 2d 39. The § 1.65 issue was added because of Korngold's alleged failure to notify the Commission of the filing of his Albuquerque application. Since the Board deemed consolidation to be the most efficient and effective method to resolve this issue and since it lacks authority to consolidate pending hearing cases under § 1.227, the Board certified this matter to us for our consideration.

2. We are in agreement with the Board that a limited evidentiary hearing resolving the § 1.65 issue prior to separate consideration of Korngold's applications herein involved, will avoid a multiplicity of hearings where substantially the same evidence would be adduced. For this reason and those set forth in A. V. Bamford, FCC 72–3 FCC 2d also adopted today, these two proceedings shall be consolidated for the limited purpose of adjudicating the § 1.65 issue.

3. *Accordingly, it is ordered,* That the proceeding involving the applications of Zia Tele-Communications, Inc. (Docket No. 19178, File No. BPH–6887), and Alvin L. Korngold (Docket No. 19179, File No. BPH–6952) is consolidated with the proceeding involving the applications of Alvin L. Korngold (Docket No. 19087, File No. BPH–6755) and Sun City Broadcasting Corp. (Docket No. 19083, File No. BPH–6808) for a hearing before Examiner James F. Tierney for the purpose of receiving evidence and the issuance of an initial decision regarding the § 1.65 issue specified by the Review Board in its Memorandum Opinion and Order, 31 FCC 2d 39, released August 10, 1971.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–446 Filed 1–11–72;8:48 am]

[1] 30 FCC 2d 810, released June 23, 1971.

[2] Commissioner H. Rex Lee absent.

[1] Chairman Burch not participating; Commissioner H. Rex Lee absent.

[FCC 72–9]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

JANUARY 6, 1972.

The following application was tendered December 7, 1971, seeking the identical facilities of former station KVLB, Cleveland, Tex. The application (BR–2929) of Harvard C. Balles for renewal of license of station KVLB was dismissed November 24, 1971, and the call letters were deleted December 6, 1971. Accordingly, we have waived the provisions of note 2 to § 1.571 of the Commission's rules and accepted this application for filing. Similarly, we will accept any other application for consolidation which proposes essentially the same facilities.

BP–19126 New, Cleveland, Tex.
Billy D. Pirtle.
Req: 1410 kc., 500 w., DA–2, U.

Pursuant to the provisions of §§ 1.227 (b)(1), 1.591(b), and note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than February 23, 1972.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Action by the Commission January 5, 1972. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, Reid and Wiley.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–444 Filed 1–11–72;8:47 am]

FEDERAL POWER COMMISSION

[Project No. 349]

ALABAMA POWER CO.

Notice of Application for Change in Land Rights

JANUARY 10, 1972.

Public notice is hereby given that application for approval of the conveyance of an easement on project property to Tallapoosa County, for use as a public road, has been filed October 14, 1971, under the Federal Power Act (16 U.S.C. 791a–825r) by Alabama Power Co. (Correspondence to Mr. Joseph M. Farley, President, Alabama Power Co., Birmingham, Ala. 35202) in Project No. 349, located in Elmore, Tallapoosa, and Coosa Counties, near Alexander City, Auburn, and Montgomery, on the Tallapoosa River. The project land to be conveyed is in Tallapoosa County.

The application seeks Commission approval of a proposed conveyance of a 60–80-foot width of right-of-way for a length of approximately 7,500 feet (approximately 6,500 of which is project lands). The county will widen, improve, and maintain an existing access road, which crosses project lands, to provide access to lands on the project reservoir, some owned by applicant and reserved for future development, and some privately owned.

Applicant will retain all interests in the project lands necessary for continued project operation. The proposed easement contains provisions making it subject to the FPC project license, and requiring the county to protect the reservoir from every form of pollution.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–509 Filed 1–11–72;8:51 am]

[Docket Nos. G–3894 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Findings and Order After Statutory Hearing

JANUARY 4, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, dismissing applications, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceedings, cancelling docket number, and accepting rate schedules for filing.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, continue, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

George Mitchell & Associates, Inc., Agent et al., applicant in Docket No. CI71–114 proposes to continue in part

V 37 7 JAN 12 72 XUM

the sale of natural gas authorized in Docket No. G–16439 to be made pursuant to Phillips Petroleum Co. FPC Gas Rate Schedule No. 326. The rate at the time of transfer of the properties under said rate schedule was in effect subject to refund; therefore, applicant will be made co-respondent in the proceeding in Docket No. RI71–854 and this proceeding will be redesignated accordingly.

Delta Drilling Co., applicant in Docket No. CI71–583 proposes to continue in part the sale of natural gas authorized in Dockets Nos. CI69–803 and CI69–804 to be made pursuant to Pennzoil United, Inc. FPC Gas Rate Schedule No. 22 and Stetco '68, Ltd. FPC Gas Rate Schedule No. 1. The present rate under said rate schedules is in effect subject to refund; therefore, applicant will be made co-respondent in the proceedings in Dockets Nos. RI70–705 and RI70–706 and these proceedings will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on December 22, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) The certificate applications pending in Dockets Nos. CI61–1724, CI61–1725, and CI63–1393 are moot.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that George Mitchell & Associates, Inc., Agent et al., should be made a co-respondent in the proceeding pending in Docket No. RI71–854, and that Delta Drilling Co. should be made co-respondent in the proceedings pending in Dockets Nos. RI70–705 and RI70–706, and all of said proceedings should be redesignated accordingly.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(12) In view of all the facts and circumstances in this case, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates in paragraph (A) above shall not be construed as a waiver of requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G–3894, G–4579, G–5766, G–7009, G–7160, G–7223, G–7535, G–7645, G–11479, CI61–548, CI64–175, CI66–856, CI68–310, CI69–603, and CI69–1053 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The order issuing a certificate of public convenience and necessity in Docket No. CI66–112 is amended by substituting the successor in interest as certificate holder as more fully described in the application and in the tabulation herein. In all other respects said order shall remain in full force and effect.

(F) The orders issuing certificates of public convenience and necessity in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or outstanding certificates are amended herein by authorizing the continuation of service from the subject acreage, and in all other respects said orders shall remain in full force and effect:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
G–16439	CI71–114
CI62–258	CI71–760
CI64–425	CI69–603
CI69–113	CI71–767
CI69–803 and CI69–804.	CI71–583

(G) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment where applicable:

Docket No.	Rate (cents per Mcf)	Pressure Base (p.s.i.a.)
CI64–175	13.0	15.025
CI66–856	15.0	14.65
CI71–114	17.3138	14.65

(H) The certificates of public convenience and necessity and certificate authorizations granted in Dockets Nos. G–7645, CI69–603, CI69–1053, CI71–479, and CI71–760 are subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notice of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(I) Within 90 days from the date of initial delivery, applicants in Dockets Nos. G–3894, G–4579, G–5766, G–7223, G–7535, G–11479, CI61–548, CI64–175, CI69–603, CI69–1053, and CI71–460 shall file three copies of rate schedule-quality statements in the form prescribed by the Commission.

(J) The certificates of public convenience and necessity granted in Dockets Nos. CI71–460 and CI71–583 are subject to any determination which may be made by the Commission in Docket No. R–338 with respect to the transportation of liquids and liquefiable hydrocarbons.

(K) In the event applicant in Docket No. CI71–583 exercises options under its contract with the gas purchaser to process the gas, applicant shall file with the Commission rate schedule supplements setting forth the conditions and details of the contemplated action not less than 30 days prior to the commencement of such processing.

(L) The certificate authorization granted in Docket No. CI71–583 is conditioned as follows:

(a) The total initial rate for the sale of gas from the acreage acquired from Pennzoil United, Inc. and Stetco '68, Ltd., shall be 17.55 cents per Mcf at 14.65 p.s.i.a. subject to applicant's refunding to Transwestern Pipeline Co., with interest of 7 percent per annum, any amounts collected in excess of the amounts resulting from the rates finally determined in the rate suspension proceedings in Dockets Nos. RI70–705 and RI70–706.

(b) The initial rate for sales from the previously undedicated acreage shall be 17.65 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment as provided by Opinion No. 468, as modified.

(c) Applicant shall file, within 90 days from the date of initial delivery, three copies of a rate schedule-quality statement in the form prescribed by Opinion No. 468, as modified, for the acquired acreage and three copies of a rate schedule-quality statement for the previously undedicated acreage reflecting the quality and the costs of treating the gas to be sold hereunder.

(M) George Mitchell & Associates, Inc., Agent et al., is made co-respondent in the proceeding pending in Docket No. RI71–854; Delta Drilling Co. is made co-respondent in the proceedings pending in Dockets Nos. RI70–705 and RI70–706; and said proceedings are redesignated accordingly. They shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(N) Docket No. CI71–535 is canceled.

(O) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and tabulation, are granted.

(P) As a result of the abandonment permitted and approved in Docket No. CI63–1393, applicant in said docket is not relieved of any refund obligations in Docket No. RI66–282 or any refunds that may be ordered in CI63–1393. Applicant's predecessor, J. P. Owen, is not relieved of any refunds that may be ordered in CI63–1393.

(Q) As a result of the abandonments permitted and approved in Dockets Nos. CI61–1724 and CI61–1725, applicant in said dockets is not relieved of its refund obligations imposed by the Commission's order issued November 26, 1968, in Docket No. AR61–1, et al. (40 FPC 1359).

(R) The certificate applications pending in Dockets Nos. CI61–1724, CI61–1725, and CI63–1393 are dismissed, the temporary certificates issued in said dockets are terminated, and the related FPC gas rate schedules are cancelled.

(S) The certificates issued in Dockets Nos. CI64–155 and G–13780 are terminated and the related FPC gas rate schedules are cancelled.

(T) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [1] Description and date of document	No.	Supp.
G–3894 C 4–29–71	Atlantic Richfield Co.	El Paso Natural Gas Co., Langlie-Mattix et al., Fields, Lea County, N. Mex.	Supplemental agreement 2–23–71,[3] (Effective date: Date of initial delivery).	62	17
G–4579 5–3–71	Cities Service Gas Co.	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	Supplemental agreement 4–5–71,[3] (Effective date: Date of initial delivery).	39	11
G–5766 C4–23–71 6–10–71[4]	Continental Oil Co.	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	Supplemental agreement 2–23–71,[3] (Effective date: Date of initial delivery).	7	19
G–7009 D 4–26–71	Cities Service Oil Co.	United Fuel Gas Co., Big Sandy Field, Pike et al. Counties, Ky.	Assignment 10–27–70,[6] (Effective date: Date of this order).	235	29
G–7160 D 4–26–71	Gulf Oil Corp. (Operator) et al.	Northern Natural Gas Co., Bilnebry Gas Field, Lea County, N. Mex.	Agreement 12 23–70,[7] (Effective date: Date of this order).	15	41
G–7223 C 5–12–71	Chevron Oil Co., Western Division.	El Paso Natural Gas Co., Langlie-Mattix et al., Fields, Lea County, N. Mex.	Supplemental agreement 2–23–71, (Effective date: Date of initial delivery).	13	19
G–7535 C 5–13–71	Amoco Production Co.	do.	Supplemental agreement 2–23–71, (Effective date: Date of initial delivery).	115	22
G–7645 [2] 3–18–71	Mobil Oil Corp., et al.	Cities Service Gas Co., Guymon-Hugoton Field, Texas County, Okla.	Agreement 7–12–46	283	22
			8–12–46	283	23
			9–6–46 [9]	283	24
			9–6–46 [10]	283	25
			10–31–46	283	26
			2–19–47 [11]	283	27
			2–19–47 [12]	283	28
			2–24–47	283	29
			3–28–47	283	30
			5–29–47	283	31
			7–2–47	283	32
			7–3–47 [13]	283	33
			7–3–47 [14]	283	34
			10–2–47	283	35
			8–30–50	283	36
			12–3–51 (Effective date: No specific date).	283	37
G–11479 C 5–13–71	Amoco Production Co., (Operator) et al.	El Paso Natural Gas Co., Justis Field, Lea County, N. Mex.	Supplemental agreement 4–15–71, (Effective date: Date of initial delivery).	168	26
CI61–548 C 5–7–71	Mobil Oil Corp. (Operator) et al.	El Paso Natural Gas Co., Langlie-Mattix Field, Lea County, N. Mex.	Supplemental agreement 4–1–71, (Effective date: Date of initial delivery).	249	11

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

V 37 N 7 JAN 12 72 XUM

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [1] Description and date of document	No.	Supp.
CI71-768 [20] B 4-9-71	Mobil Oil Corp.	Transcontinental Gas Pipe Line Corp., High Island Block 10, Offshore Jefferson, Tex.	Notice of cancellation 4-6-71 (cancels FPC Gas Rate Schedule No. 198). (Effective date: Date of this order).	198	
CI71-760 [21] 4-14-71	Midhurst Oil Corp.	Valley Gas Transmission, Inc., South Monte Christo Pool, Hidalgo County, Tex.	(1) ..... (Effective date: Date of this order). (2) ..... (Effective date: Date of this order).	2	1
CI69-1363 B 4-22-71 [18]	General American Oil Co. of Texas.	United Fuel Gas Co., Ellis Field, Acadia Parish, La.	Notice of cancelation 4-16-71 (cancels FPC Gas Rate Schedule No. 74). (Effective date: Date of this order).	74	5
CI71-767 [24] F 4-19-71	Imperial-American Management Co. (Operator) et al.	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	Contract # 1-18-62 [25] ..... Assignment 8-12-70 [25] ..... Assignment 6-1-70).	18 / 18	1 /
CI64-175 C 4-26-71	Amoco Production Co. (Operator) et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	Amendatory agreement 4-23-71. (Effective date: Date of initial delivery).	393	30
CI64-112 E 4-26-71	Roger N. McCown and Capper W. McAfee (D.ba. M. and M. Production) (Successor to George A. Bernat (Operator) et al.).	El Paso Natural Gas Co., Picture Cliff Formation, Rio Arriba County, N. Mex.	George A. Bernat, (Operator) et al. FPC Gas Rate Schedule No. 1, Supplements Nos. 1-7 Thereto. Notice of succession 4-21-71. Assignment 3-19-71 ...	1 / 1	1-7 / 8
CI66-856 C 7-28-67	Oklahoma Natural Gas Co.	Arkansas Louisiana Gas Co., Cedars Field, Le Flore County, Okla.	Supplemental agreement 6-15-67.	32	4
CI68-810 D 4-7-71	Cities Service Oil Co.	Consolidated Gas Supply Corp., Main District, Jackson County, W. Va.	Letter agreement 9-9-70 [17] (Effective date: Date of initial delivery).	295	4
CI69-608 [18] F 1-11-71	Texaco, Inc. (Successor to Cities Service Oil Co.).	Northern Natural Gas Co., Gooch Field, Stevens County, Kans.	Assignment 3-17-70 [19] (Effective date: Date of Initial delivery).	426	6
CI69-1053 C 1-25-71	Champlain Petroleum Co.	Panhandle Eastern Pipeline Co., State Line Field, Woods County, Okla.	Amendment 12-24-70 [20] (Effective date: Date of initial delivery).	104	6
CI71-114 [21] F 3-3-70	George Mitchell & Associates, Inc., Agent for, et al. (Successor to Phillips Petroleum Co. (Operator) et al.)	Natural Gas Pipeline Co. of America, Bond Field, Wise County, Tex.	Contract 8-15-58 [22] ..... Assignment 3-20-65 ..... Assignment 3-4-70 [23] ..... Ratification 5-20-70. (Effective date: 3-1-70).	39 / 39 / 39 / 39	1 / 2 / 3 /
CI71-479 [24] 12-14-70	Marathon Oil Co.	Plateau Natural Gas Co., Hugoton and Panoma Council Grove Fields, Stevens County, Kans.	Contract 2-16-60 ..... Supplement 2-16-60 ..... Assignment 5-29-61 ..... Assignment 6-2-61 (Effective date: No specific date).	113 / 113 / 113 /	1 / 2 / 3 /
CI71-583 [25] CF 3-17-71	Delta Drilling Co. (Successor to Pennzoil United, Inc., and Stetco '68, Ltd.).	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	Contract 2-12-69 [27] ..... Assignment 6-11-70 [28]	40 / 40	1 /
CI71-728 [29] B 4-5-71	Amoco Production Co.	Kansas-Nebraska Natural Gas Co., Inc., Kirby Draw Field, Fremont County, Wyo.	Notice of cancelation 8-5-68 (cancels FPC Gas Rate Schedule No. 357). (Effective date: Date of this order).	357	4

See footnote at end of table.

[1] Where no effective date is indicated, the rate schedule filing has heretofore been accepted.
[2] Deletes casinghead and residue gas derived therefrom.
[3] Deletes casinghead gas.
[4] Amends application to reflect an initial rate of 11 cents.
[5] Deletes casinghead gas and residue derived therefrom.
[6] Assigns acreage from Cities Service Oil Company to H. B. Rander doing business as Rander Construction Co. who was granted small producer authorization under Commission Order No. 411.
[7] Delete Blinebry formation only underlying the T. R. Andrews leases.
[8] Subject to adjustment effective prior to June 6, 1994. Filings inadvertently omitted at time of original authorization
[9] NW/4 of section 13-6-13.
[10] NE/4 of section 4-4-13.
[11] SE/4 of section 4-4-13.
[12] NE/4 of section 20-6-15.
[13] N/2 of SE/4 of section 20-6-15.
[14] Notice of succession dated June 1, 1970, made. Rutter and Co. Ltd. has been granted a small producer certificate in Docket No. CS70-30. Applicant has been selling natural gas pursuant to temporary certificates issued in Dockets Nos. CI61-1724 and CI61-1724.
[15] Applications for permission and approval to abandon the sale of natural gas commenced under a temporary certificate issued in this docket.
[16] Deletes the Newburg Zone under 1.96 acre portion of one lease.
[17] Application is for permission and approval to abandon service. It is herein being treated as a petition to amend applicant's certificate issued in Docket No. CI61-1724. Docket No. CI70-693. Docket No. CI71-535 will be canceled.
[18] Assigns acreage from Cities Service Oil Co. to applicant.
[19] Deletes acreage acquired from Yucca Petroleum Co. Yucca Petroleum was authorized to sell gas from this acreage in Docket No. CI69-1201 pursuant to its FPC Gas Rate Schedule No. 16. Yucca Petroleum has received a small producer certificate in Docket No. CS69-19.
[20] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-16439 to be made pursuant to Phillips Petroleum Co.'s FPC Gas Rate Schedule No. 326.
[21] Also on file as Phillips Petroleum Co. (Operator) et al., FPC Gas Rate Schedule No. 326.
[22] From Phillips Petroleum Co. to applicant.
[23] Not used.
[24] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Dockets Nos. G-5669 and C160-488 under Union National Bank, Executor of the Estate of Walter F. Kelton, Jr., Docket No. G-5669 to be made pursuant to Applicant's FPC Gas Rate Schedule No. 1, Docket No. C171-106.
[25] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket Nos. G-4383, G-13760, and C160-488 under Union National Bank, Executor of the Estate of Walter F. Kelton, Jr., Docket No. G-4383, G-13760, to be made pursuant to Applicant's FPC Gas Rate Schedule No. 1.
[26] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G-13760. Applicant filing to cover its interest previously covered by Richard M. Finder doing business as Texkan Oil Co. (Operator) et al., in Docket No. CI62-288.
[27] Also on file as Richard M. Finder doing business as Texkan Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 19.
[28] Assigns acreage to applicant.
[29] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. CI69-113.
[30] Also on file as King Resources Co., FPC Gas Rate Schedule No. 16.
[31] Assigns acreage to applicant.

[FR Doc.72-368 Filed 1-11-72;8:45 am]

[Docket Nos. CI62-825, etc.]

MOBIL OIL CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

JANUARY 4, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI62-825..... C&D 10-1-71	Mobil Oil Corp. (Operator), et al., Post Office Box 1774, Houston, TX 77001	El Paso Natural Gas Co., Rojo Caballos Field, Pecos County, Tex.	20.345	14.65
CI70-620..... C8-19-71.....	Exchange Oil & Gas Corp. et al., 1010 Common St., 16th Floor, New Orleans, LA 70112.	Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, Southern Louisiana.	26.0	15.025
CI70-966..... E12-13-71	James M. Forgotson, Sr. (successor to Marshall Exploration, Inc. (Operator) et al.), 409 Beck Bldg., Shreveport, LA. 71101.	Texas Eastern Transmission Corp., Whalen Field, Harrison County, Tex.	15.0	14.65
CI72-342 (G-4281) F 12-1-71	La Junta Enterprises, Inc. (successor to Sun Oil Co.) Post Office Drawer 909, Graham, TX 76046.	Natural Gas Pipeline Co. of America, Boonsville (BCG), Wise County, Tex.	17.31375	14.65
CI72-344..... A 12-9-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Heyser Field and Texas Railroad Commission District No. 4 et al., fields, Calhoun and Victoria Counties, Tex.	[2] 25.0	14.65
CI72-345..... B 12-6-71	Maynard Oil Co., 2050 One Main Pl., Dallas, TX 75250.	Natural Gas Pipeline Co. of America, Boonsville (Bend Conglomerate), Gas Field, Jack County, Tex.	Depleted	.....
CI72-346..... B 12-8-71	Mobil Oil Corp., Post. Office Box 1774, Houston, TX 77001.	Columbia Gas Transmission Corp., West Gueydan Field, Vermillion Parish, La.	Depleted	.....
CI72-348..... (CI65-609) F 12-7-71	Texas Oil & Gas Corp. (successor to Gulf Oil Corp.), Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, Indian Basin Field, Eddy County, N. Mex.	[3] 17.0	14.65
CI72-349..... A 12-9-71	J. M. Huber Corp., 2000 West Loop South, Houston, TX 77027.	Michigan Wisconsin Pipe Line Co., Northeast Cheyenne Valley Field, Major County, Okla.	[4] 20.0	14.65
CI72-350..... A 12-8-71	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Florida Gas Transmission Co., Bayou Mallet Field, Acadia and St. Landry Parishes, La.	[5] 0.2275	15.025
CI72-351..... A 12-9-71	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Transwestern Pipeline Co., North Woodward Field, Woodward County, Okla.	[4] 20.0	14.65
CI72-352..... A 12-13-71	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, OK 73118.	Michigan Wisconsin Pipe Line Co., Block 171, West Cameron Area, Offshore Louisiana.	[4] 32.0	15.025
CI72-353..... B 12-13-71	Signal Oil & Gas Co., 1010 Wilshire Blvd., Los Angeles, CA 90017.	Lone Star Gas Co., Velma Field, Stephens County, Okla.	Depleted	.....
CI72-354..... A 12-13-71	Diamond Shamrock Corp., Post Office Box 631, Amarillo, TX 79105.	Arkansas Louisiana Gas Co., acreage in Pittsburg, Le Flore, and Garfield Counties, Okla.	22.25	14.65
CI72-355..... A 12-13-71	do	Arkansas Louisiana Gas Co., acreage in Sebastian County, Ark.	21.5	14.65
CI72-356..... A 12-13-71	Transwestern Gas Supply Co., Post Office Box 2521, Houston, TX 77001.	Transwestern Pipeline Co., Gomez Field, Pecos County, Tex.	[4] 26.5	14.65
CI72-357..... A 12-13-71	do	Transwestern Pipeline Co., North Woodward Field, Woodward County, Okla.	[7] 26.5	14.65
CI72-358..... A 12-10-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Transcontinental Gas Pipe Line Corp., Chacahoula Field, Assumption and Lafourche Parishes, La.	[8] 26.743	15.025
CI72-359..... A 12-14-71	Pacific Lighting Gas Development Co., Post Office Box 54790, Terminal Annex, Los Angeles, CA 90054.	Transwestern Pipeline Co., acreage in Woodward County, Okla.	[7] 26.5	14.65
CI72-360..... A 12-14-71	do	Transwestern Pipeline Co. acreage in Pecos County, Tex.	[4] 26.5	14.65
CI72-361..... (CI62-1351) F 12-9-71	Texas Oil & Gas Corp. (successor to Humble Oil & Refining Co.), Fidelity Union Tower Bldg., Dallas, Tex. 75201.	El Paso Natural Gas Co., Yucca Butte Field, Pecos County, Tex.	[9] 17.8019	14.65
CI72-362..... (CI70-467) F 12-10-71	The Louisiana Land and Exploration Co. (successor to Amerada Hess Corp.), 225 Baronne St., Post Office Box 60350, New Orleans, LA 70160.	Sea Robin Pipeline Co., Block 16, South Marsh Island Area, Offshore Louisiana.	[4] 26.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Applicant is willing to accept a permanent certificate in conformance with Opinion No. 595.
[2] Rate in effect subject to refund in Docket No. R169-629.
[3] Plus 2 cents per Mcf upward B.t.u. adjustment and plus 1 cent per Mcf for gathering and delivery.
[4] Includes 1.75 cents per Mcf as partial reimbursement for severance and/or gathering tax levied by Louisiana.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Includes 1.7 cents per Mcf downward B.t.u. adjustment.
[7] Includes 2.3 cents per Mcf upward B.t.u. adjustment.
[8] Includes 0.743 cent per Mcf upward B.t.u. adjustment.
[9] Rate in effect subject to refund in Docket No. R169-851.

[FR Doc.72-393 Filed 1-11-72;8:45 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANCORPORATION INC.

Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the voting shares of Franklin County Bank and Trust Co., Washington, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis.

V 37 N 7 JAN 12 72 XUM

Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 4, 1972.

Board of Governors of the Federal Reserve System, January 4, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-417 Filed 1-11-72;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

UNEMPLOYMENT COMPENSATION LAWS

Certification of States

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama.	Montana.
Alaska.	Nebraska.
Arizona.	Nevada.
Arkansas.	New Hampshire.
California.	New Jersey.
Colorado.	New Mexico.
Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	North Dakota.
Florida.	Ohio.
Georgia.	Oklahoma.
Hawaii.	Oregon.
Idaho.	Pennsylvania.
Illinois.	Puerto Rico.
Indiana.	Rhode Island.
Iowa.	South Carolina.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Texas.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Minnesota.	West Virginia.
Mississippi.	Wisconsin.
Missouri.	Wyoming.

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)) I hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1971.

J. D. HODGSON, *Secretary of Labor.*

DECEMBER 30, 1971.

[FR Doc.72-425 Filed 1-11-72;8:46 am]

UNEMPLOYMENT COMPENSATION LAWS

Certification of States

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable year 1971 as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304) are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable year 1971.

Alabama.	Missouri.
Alaska.	Montana.
Arizona.	Nebraska.
Arkansas.	Nevada.
California.	New Hampshire.
Colorado.	New Jersey.
Connecticut.	New Mexico.
Delaware.	New York.
District of Columbia.	North Carolina.
Florida.	North Dakota.
Georgia.	Ohio.
Hawaii.	Oklahoma.
Idaho.	Oregon.
Illinois.	Pennsylvania.
Indiana.	Rhode Island.
Iowa.	South Carolina.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Texas.
Maine.	Utah.
Maryland.	Vermont.
Massachusetts.	Virginia.
Michigan.	Washington.
Minnesota.	West Virginia.
Mississippi.	Wisconsin.
Missouri.	Wyoming.

J. D. HODGSON, *Secretary of Labor.*

DECEMBER 30, 1971.

[FR Doc.72-424 Filed 1-11-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 7, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 35518, Bus Fares, Asbury Park—New York Transit Corp., now being assigned February 22, 1972, at New York, N.Y., in a hearing room to be later designated.

No. 35524, Little Audrey's Transportation Co., Inc., Armour & Co., Dubuque Packing Co., Inc., The Rath Packing Co., and Oscar Mayer & Co.—Investigation of Operations and Practices, now being assigned March 15, 1972, at Chicago, Ill., in a hearing room to be later designated.

No. 35527, Wheat, Minnesota, Montana, North Dakota, and South Dakota, to Minnesota and Wisconsin, now being assigned April 17, 1972, at Fargo, N. Dak., in a hearing room to be later designated.

No. 35435 and Subs 1-10, Freight All Kinds, Official Territory, now being assigned April 24, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 74321 Sub 50, B. F. Walker, now assigned January 21, 1972, at Denver, Colo., canceled and application dismissed.

MC 133937 Sub 8, Carolina Cartage, now assigned January 10, 1972, at Greenville, S.C., canceled and application dismissed.

MC 3700 Sub 64, Manhattan Transit Co., now assigned January 31, 1972, at Newark, N.J., canceled and transferred to modified procedure.

MC 133814 Subs 9 and 10, E. E. Carroll, doing business as Carroll Trucking Co., applications dismissed.

MC 113678 Sub 434, Curtis, Inc., now being assigned March 15, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 124174 Sub 85, Momsen Trucking Co., now being 2assigned March 6, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 61592 Sub 233, Jenkins Truck Line, Inc., now being assigned March 6, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 61592 Sub 232, Jenkins Truck Line, Inc., now being assigned March 7, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 135960, Jacob Sackett, doing business as Fleetwood Ski & Sports Club, now being assigned March 8, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-F-11146, Champion Investments, Inc.—Control—Paceway, Inc., now assigned January 19, 1972, at Washington, D.C., canceled transferred to modified procedure.

MC-F-11016, Laidlaw Transport Ltd.—Purchase—Pettapiece Cartage Ltd., now assigned January 17, 1972, at Washington, D.C., postponed to March 9, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 22254 Sub 56, Trans-American Van Service, Inc., assigned January 31, 1972, at Chicago, Ill., is canceled and application dismissed.

MC 22254 Sub 56, Trans-American Van Service, Inc., assigned January 31, 1972, at Chicago, Ill., is canceled and application dismissed.

MC 128648 Sub 7, Trans-United, Inc., assigned February 11, 1972, at Chicago, Ill., is canceled and transferred to Modified Procedure.

MC 117883 Sub 159, Subler Transfer, Inc., assigned January 31, 1972, at Washington, D.C., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-458 Filed 1-11-72;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 7, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42335—*Clay, kaolin, or pyrophyllite from points in southern territory.* Filed by M. B. Hart, Jr., agent (No. A6292), for interested rail carriers. Rates on clay, koalin, or pyrophyllite, in carloads, as described in the application, from specified points in southern territory, to Belfast, Presque Isle, and Rockland, Maine.

Grounds for relief—Rate relationship.

Tariff—Supplement 140 to Southern Freight Association, agent, tariff ICC S-751. Rates are published to become effective on February 10, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-459 Filed 1-11-72;8:48 am]

[MC-C-7499]

MANHATTAN TRANSIT CO. ET AL.

Notice of Filing of Petition for Declaratory Order

JANUARY 7, 1972.

Manhattan Transit Co., Consolidated Terminal and Travel Bureau, Inc., and National Tour Brokers Association, notice of filing of petition for declaratory order, dated December 11, 1971 (amendment).

The notice of filing of petition in the above matter is hereby amended to show Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11201, as representative for Trails West, Inc., and therefore copies of all written representations, views, or arguments filed with the Commission in this matter must be served upon said representative as counsel for Trails West, Inc. The rest of the petition remains as previously published in the FEDERAL REGISTER issue of December 15, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-464 Filed 1-11-72;8:49 am]

[Ex Parte No. 55 (Sub-No. 6)]

ALASKA CARRIERS ASSOCIATION, INC., AND HAWAII TRUCKING ASSOCIATION, INC.

Petition for Territorial Description Clarification

JANUARY 7, 1972.

In regard amendment of application form OP-OR-9 (territorial description clarification). Petitioners: ALASKA CARRIERS ASSOCIATION, INC., HAWAII TRUCKING ASSOCIATION, INC. Petitioners' representative: Alan F. Wohlstetter, Denning & Wohlstetter, 1700 K Street NW., Washington, DC 20006. By the instant petition, the joint petitioners' seek amendment of application form OP-OR-9, so as to include therein language such as the following:

In defining the geographic scope of authority sought in an application, the term "United States" shall be construed as including the 48 coterminous States and the District of Columbia, and as excluding Alaska and Hawaii. Applications seeking to encompass authority from, to, or between points in Alaska and Hawaii shall specifically so state.

The joint petitioners contend that the amendment of the said application form as described above would relieve Alaskan and Hawaiian motor carriers of filing unnecessary protests to applications which fail to specify whether they are seeking authority from, to, or between points in Alaska and Hawaii; that this Commission would not be required to make unnecessary expenditures of time and money on applications which are protected because of the ambiguity in the territorial authority sought concerning Alaska and Hawaii; and that procedures for seeking authority to serve points in these States could be clarified and standardized.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against the proposed amendment of OP-OR-9, may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before February 24, 1972. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-465 Filed 1-11-72;8:49 am]

[Ex Parte No. 55 (Sub-No. 7)]

NATIONAL TANK TRUCK CARRIERS, INC.

Petition for Commodity Description Clarification

JANUARY 7, 1972.

In regard amendment of application form OP-OR-9 (commodity description clarification). Petitioner: NATIONAL TANK TRUCK CARRIERS, INC. Petitioner's representative: Harry C. Ames, Jr., Ames, Hill & Ames, 666 11th Street NW., Washington, DC 20001. By the instant petition, petitioner seeks amendment of application form OP-OR-9, so as to include therein language such as the following:

If applicant seeks authority to transport commodities in bulk, the application should so state.

It also seeks to have the instruction sheet accompanying OP-OR-9 revised so as to include language such as the following:

The failure by an applicant to state his intention to transport commodities in bulk will result in a bulk restriction being included in the application as processed and published in the FEDERAL REGISTER.

Petitioner contends that the amendment of the said application form and instructions as described above would relieve motor carriers of bulk commodities from the burdensome task of filing unnecessary protests to applications which fail to specify whether they are seeking authority to transport bulk commodities; that this Commission would not be required to make unnecessary expenditures of time and money on applications which are protested because of the ambiguity in the commodity description sought concerning bulk commodities; and that procedures for seeking authority to transport bulk commodities would be clarified and standardized.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against the proposed amendment of OP-OR-9, may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before February 24, 1972. A copy of each representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-466 Filed 1-11-72;8:49 am]

[Notice 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 7, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-106943 (Deviation No. 37), EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, IN 47808, filed December 23, 1971. Carrier's representative: Peter M. Witham, same address as applicant. Carrier proposes to operate as a

V 37 7 JAN 12 72 XUM

common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Joliet, Ill., over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Joliet, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to junction U.S. Highway 54, thence over U.S. Highway 54 to Kingdom City, Mo., thence over U.S. Highway 40 to Kansas City, Mo., thence over U.S. Highway 24 to Manhattan, Kans., thence over Kansas Highway 18 (formerly U.S. Highway 40) to Junction City, Kans., thence over U.S. Highway 40 via Salina to Oakley, Kans., thence over U.S. Highway 83 to junction U.S. Highway 24, thence over U.S. Highway 24 to Limon, Colo., thence over U.S. Highway 40 to Denver, Colo., and return over the same route.

No. MC–112713 (Deviation No. 17), YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 91d at State Line, Kansas City, MO 64114, filed December 13, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Hopkinsville, Ky., over U.S. Highway 68 to Aurora, Ky., thence over Kentucky Highway 80 to Mayfield, Ky., thence over U.S. Highway 45 to Paducah, Ky., thence over U.S. Highway 60 to Springfield, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over the Mississippi River to East St. Louis, Ill., thence over Illinois Highway 13 to Belleville, Ill., thence over Illinois Highway 15 to Mount Vernon, Ill., thence over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highway 13, thence over Illinois Highway 13 to Shawneetown, Ill., thence across the Ohio River to Blackburn, Ky., thence over Kentucky Highway 56 to junction Alternate U.S. Highway 41, thence over U.S. Highway 41 to Hopkinsville, Ky. (also from Mount Vernon, Ill., over U.S. Highway 460 via McLeansboro to Carmi, Ill., thence over Illinois Highway 1 to Crossville, Ill., thence over U.S. Highway 460 to Evansville, Ind., thence over U.S. Highway 41 to Hopkinsville, Ky.), thence over Alternate U.S. Highway 41 to Nashville, Tenn., thence over U.S. Highway 41 via Chattanooga, Tenn., to Atlanta, Ga., and (2) from St. Louis, Mo., over U.S. Highway 66 to junction U.S. Highway 63 (formerly U.S. Highway 66) near Rolla, Mo., thence over U.S. Highway 63 to Rolla, Mo., thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Waynesville, Mo., thence over unnumbered highway to Waynesville, thence over Missouri Highway 17 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Conway, Mo., thence over unnumbered highway via Conway to junction U.S. Highway 66, thence over U.S. Highway 66 to Baxter Springs, Kans., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-460 Filed 1-11-72;8:48 am]

[Notice 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 7, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–1515 (Deviation No. 603), GREYHOUND LINES, INC. (Eastern Division) 1400 West Third Street, Cleveland, OH 44113, filed December 23, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Indiana Highway 37 and unnumbered access route at the south city limits of Martinsville, Ind., over access route to junction Indiana Highway 67, thence over Indiana Highway 67 to Indianapolis, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Paoli, Ind., over Indiana Highway 37 via Bedford, Ind., to junction unnumbered highway (formerly portion Indiana Highway 37) about one-half mile north of the north city limits of Bloomington, Ind., thence over unnumbered highway via Dolan and Hindustan, Ind., to junction Indiana Highway 37 approximately 3 miles south of Martinsville, Ind., thence over Indiana Highway 37 to Indianapolis, Ind.; and (2) from junction unnumbered highway (formerly shown as old Indiana Highway 37) and Indiana Highway 37 (formerly shown as new Indiana Highway 37) about one-half mile north of the north city limits of Bloomington, Ind., over Indiana Highway 37 to junction unnumbered highway about 3 miles south of the south city limits of Martinsville, Ind., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-461 Filed 1-11-72;8:49 am]

[Notice 1]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 7, 1972.

The following publications are governed by the new § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 1753 (Sub-No. 4) (Republication), filed June 7, 1971, published August 26, 1971, and republished this issue. Applicant: RENZ TRUCK LINES, INC., 231 Walnut Street, Pacific, MO 63069. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO. 65101. An order of the Commission, Operating Rights Board, dated November 30, 1971, and served December 30, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle of general commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the facilities of Union Electric Co., located in Jefferson County, Mo., as intermediate or off-route points in connection with applicant's authorized regular-route operations from and to St. Louis, Mo. Because it is possible that other persons, who may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 3062 (Sub-No. 31) (Republication), filed June 7, 1971, published July 22, 1971, and republished this issue. Applicant: L. A. TUCKER TRUCK LINES, INC., 321 North Spring Avenue, Cape Girardeau, MO 63701. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. An order of the Commission, Operating Rights Board, dated November 30, 1971, and served January 3, 1972, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Union Electric Co. located in Jefferson County, Mo., as intermediate or off-route points in connection with applicant's authorized regular-route operations from and to St. Louis, Mo. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 37378 (Sub-No. 2) (Republication) filed June 7, 1971, published in the FEDERAL REGISTER issue of July 22, 1971, and republished this issue. Applicant: SANDERS TRUCK LINE, INC., 301 Forster Street, Post Office Box 352, Farmington, MO 63640. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101. An order of the Commission, Operating Rights Board, dated November 30, 1971, and served December 30, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Union Electric Co., located in Jefferson County, Mo., as intermediate or off-route points in connection with applicant's authorized regular-route operations to or from St. Louis, Mo. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

Applications for certificates or permits which are to be processed concurrently with applications under section 5 governed by Special Rule 240 to the extent applicable.

No. MC 11207 (Sub-No. 314) (Correction), filed November 22, 1971, published in the FEDERAL REGISTER issue of December 22, 1971, and republished in part, as corrected this issue. Applicant: DEATON, INC., 317 Avenue W, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. The purpose of this partial republication is to reflect the correct territorial scope of the application as follows: "Between Birmingham, Ala., and points within 65 miles of Birmingham, on the one hand, and, on the other, New Orleans, La., and points in Mississippi". The rest of the application remains as previously published.

No. MC 133562 (Sub-No. 9), filed December 8, 1971. Applicant: TOSE, INC., 64 West Fourth Street, Bridgeport, PA 19405. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Massachusetts. NOTE: Applicant states that tacking could take place at common points of Boston and Springfield, Mass., permitting through service to and from all points in Massachusetts. This is a matter directly related to MC–F–11398, published in the FEDERAL REGISTER issue of December 15, 1971. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b).

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11416. Authority sought for purchase by KROBLIN REFRIGERATED XPRESS, INC., doing business as KRX, 2125 Commercial Street, Waterloo, IA 50702, of a portion of the operating rights and property of ARCHIE'S MOTOR FREIGHT, INCORPORATED, Sixth and Maury Streets, Richmond, VA 23224, and for acquisition by ALLEN E. KROBLIN, also of Waterloo, Iowa, of control of such rights and property through the purchase. Applicants' representatives: Allen E. Kroblin, Post Office Box 5000, Waterloo, IA 50704, and J. A. Throckmorton, Sixth and Maury Streets, Richmond, VA 23224. Operating rights sought to be transferred: *Coffee, tea, and prepared foods* (except frozen foods, meats, meat products, and meat byproducts and commodities in bulk), as a *common carrier* over irregular routes, from the plantsites of Standard Brands, Inc., at Suffolk, Va., to points in Indiana, those in that part of Michigan on and south of Michigan Highway 21, those in that part of Illinois within 35 miles of Chicago, and Chicago, Ill., with restriction; *foodstuffs* (except frozen foods, meats and meat products, meat byproducts and commodities in bulk), from the plantsites of Standard Brands, Inc., at Suffolk, Va., to points in Illinois (except Chicago and points in that part of Illinois within 35 miles of Chicago, and points in that part of Mchigan north of Michigan Highway 21; *nuts, candy, and peanut products*, from Suffolk, Va., to Chicago, Ill., and Detroit, Mich.; *nuts*, from Suffolk and Petersburg, Va., to points in Illinois, Indiana, and Michigan; *canned goods*, from points in Michigan and Wisconsin, to Richmond, Va.; *cream-filled cookies*, from Suffolk, Va., to Chicago, Ill., and Detroit, Mich.; *paper tea bags wrappers and paper boxes*, when moving in mixed loads with peanuts and peanut products, from Suffolk, Va., to Chicago, Ill. KROBLIN REFRIGERATED XPRESS, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–11417. Authority sought for purchase by ALL ISLAND DELIVERY SERVICE, INC., 174 Cabot Street, Post Office Box 1113, West Babylon, NY 11704, of the operating rights of JAY JAY TRUCKING CORP., 666 Shore Road, Long Beach, NY 11561, and for acquisition by RICHARD WIENECKE AND MAX GOTTFRIED, both of West Babylon, N.Y., of control of such rights through the purchase applicants' attorneys: William D. Traub, 10 East 40th Street, New York, NY 10016, and Abraham J. Brill also of New York, N.Y. 10016. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*

V 37 N 7 JAN 12 72 XUM

over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 15 miles of Columbus Circle, New York, N.Y. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11418. Authority sought for purchase by ALL AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, SD 57101, of the operating rights of KEECH TRANSFER CO., INC., Morris, Ill. 60450, and for acquisition by BUFFALO EXPRESS, INC., and, in turn, by H. LAUREN LEWIS, both of 1500 Industrial Avenue, Sioux Falls, SD 57101, of control of such rights through the purchase. Applicants' attorney and representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603, and H. Lauren Lewis, 1500 Industrial Avenue, Sioux Falls, SD 57101. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–98603 Sub-1, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Iowa, Nebraska, Illinois, North Dakota, Wisconsin, Indiana, Michigan, Ohio, Kentucky, and Missouri. Application has been filed for temporary authority under section 210a(b). NOTE: MC–29120 Sub-135 is a matter directly related.

No. MC–F–11419. Authority sought for purchase by HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Estherville, IA 51334, of a portion of the operating rights of TERRILL TRUCKING COMPANY, 1016 Genesco Street, Storm Lake, IA 50588, and for acquisition by BASIL ROBERTS, JR., and MERLE JOHNSON, both of Estherville, Iowa 51334, of control of such rights through the purchase. Applicants' representative: Merle Johnson, Post Office Box 204, Estherville, IA 51334. Operating rights sought to be transferred: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), as a *common carrier* over irregular routes, from Estherville, Iowa, to points in Minnesota, with restriction. Vendee is authorized to operate as a *common carrier* in Iowa, New Jersey, New York, Pennsylvania, South Dakota, Maine, Rhode Island, Massachusetts, Virginia, Maryland, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11420. Authority sought for purchase by TIDEWATER DISTRIBUTION SERVICES, INC., 47 Sixth Street, East Brunswick, NJ 08816, of the operating rights of (1) MIDDLESEX MOTOR LINES, INC., 645 Spring Street, Elizabeth, NJ 07201; (2) NORTH JERSEY TERMINAL AND TRANSPORTATION CO., INC., and (3) JOSEPH MAFFUCCI, doing business as TIDEWATER TRANSPORTATION COMPANY, both of 47 Sixth Street, East Brunswick, NJ 08816, and for acquisition by JOSEPH MAFFUCCI, JACK DE FRANCO, GLADYS M. MAFFUCCI AND ELIZABETH L. DE FRANCO, all of 47 Sixth Street, East Brunswick, NJ 08816, of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Operating rights sought to be transferred: (1) *General commodities*, except those of unusual value, classes A and B explosives, livestock, furniture, household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, as a *common carrier* over irregular routes, between points in Middlesex County, N.J., on the one hand, and, on the other, New York, N.Y.; (2) *general commodities*, excepting among others, explosives, household goods and commodities in bulk, between New York, N.Y., on the one hand, and, on the other, points and places in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J.; and (3) *lamps*, electric, gas or oil, and *supplies, materials, and equipment* used in the manufacture thereof, between Trenton and Bloomfield, N.J., and points in Ewing Township (Mercer County), N.J., on the one hand, and on the other, points in Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J.; *radio receiving sets, radio receiving sets and talking machines combined, television receiving sets, television receiving sets and talking machines or radio sets combined, and talking machines, and component or replacement parts thereof, and materials, equipment, and supplies* used in the manufacture of the forementioned commodities, between points in Edison Township (Middlesex County), N.J., on the one hand, and, on the other, points in Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J.; *elevators and electric stairways and parts thereof, and materials, equipment, and supplies* incidental to the manufacture, installation, and maintenance of the aforementioned commodities but not including articles or commodities which, because of their size, shape, or weight, require the use of special equipment, between Jersey City and Randolph, N.J., on the one hand, and, on the other, points in Camden, Hudson, Union, Essex, Morris, Middlesex, and Mercer Counties, N.J. Vendee is a noncarrier. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11421. Authority sought for purchase by BAKER TRUCK SERVICE, INC., 407 North C, Grangeville, ID 83530, of the operating rights and property of PACIFIC WESTERN TRANSPORT, INC. (PHILIP J. THOMPSON, Receiver), North 4407 Division, Suite 618, Spokane, WA 99207, and for acquisition by CLYDE J. BAKER, also of Grangeville, Idaho, of control of such rights and property through the purchase. Applicants' attorney: James W. Givens, Post Office Box 875, Lewiston, ID 83501. Operating rights sought to be transferred: *General commodities*, except classes A and B explosives, as a *common carrier*, over regular routes, between Lewiston, Idaho, and Troy, Oreg., serving all intermediate and off-route points in Oregon within 10 miles of Troy; and the intermediate point of Clarkston, Wash., restricted to the pickup and delivery of lumber; *lumber* between Lewiston and Spalding, Idaho, serving intermediate and off-route points within 10 miles of Spalding, from Riggins, Idaho, to New Meadows, Idaho, from New Meadows, Idaho, to McCall, Idaho, serving no intermediate points; *household goods*, as defined by the Commission, *heavy machinery* (including farm machinery), *liquid petroleum products*, in containers, *agricultural commodities, livestock, building materials, cement, sand, gravel, manufactured forest products, feed, seed, coal, and wood fuel*, between Garfield, Wash., on the one hand, and, on the other, certain specified points in Washington and Idaho;

Groceries, forest products, building material, machinery and equipment, grain and seed, hay and straw, and coal and wood, between points in Spokane, Whitman, and Asotin Counties, Wash., on the one hand, and, on the other, certain specified points in Idaho; lumber, between points in Idaho, Washington, and Oregon, within 150 miles of Riggins, Idaho, including Riggins, with restriction; *lumber, millwork and shingles*, between Orofino, Idaho, and points within 150 miles of Orofino, on the one hand, and, on the other, certain specified points in Washington; *livestock, machinery, cement, brick and building materials*, in truckloads, and *agricultural commodities*, including seeds, unrestricted, between points in Idaho and Washington within 150 miles of Orofino, Idaho; *fertilizer*, in dry form, in bags, barrels, or boxes, from Lewiston, Idaho, to certain specified points in Washington and Oregon; *scrap metal*, from points in Idaho, to points in Multnomah and Washington Counties, Oreg., and points in Pierce, King, and Spokane Counties, Wash. Vendee holds no authority from this Commission. However, it is affiliated with (1) BOHREN'S MOVING & STORAGE, INC., 11 Highstown Road, Princeton, NJ, and (2) MERCER TRUCKING COMPANY, INC., Box 475, Greenacres, WA 99016, which are authorized to operate in (1) New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia, and (2) Idaho, Washington, Oregon, Montana, and California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11422. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: SMITH TRANSPORTATION CO., 731 South Lincoln Street, Post Office Box 1259, Santa Maria, CA 93454 (MC–85205), and O.N.C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, CA 94303 (MC–71459), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between certain specified points in California. Attorney: Robert S. Burk, 2001 Massachusetts Avenue NW., Washington, DC 20036. SMITH TRANSPORTATION CO., is authorized to operate as a common carrier in California.

No. MC–F–11423. Authority sought for control and merger by TOWER LINES, INC., Post Office Box 6010, Wheeling, WV 26003, of the operating rights and property of ALL OHIO TRUCKING CO., 1533 National Road, Wheeling, WV 26003, and for acquisition by GEORGE V. THIEROFF, GEORGE E. THIEROFF, and ROBERT W. MENDENHALL, all of Wheeling, W. Va., of control of such rights and property through the transaction. Applicants' attorneys; Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301, and John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC–121139 Sub 1, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. TOWER LINES, INC., is authorized to operate as a *common carrier* in West Virginia, Pennsylvania, Ohio, Alabama, North Carolina, South Carolina, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Vermont, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Delaware, Mississippi, Wisconsin, Minnesota, Missouri, Arkansas, and the District of Columbia. Application has been filed for temporary authority under section 210a(b). NOTE: MC–65941 Sub 36, is a matter directly related.

No. MC–F–11424. Authority sought for purchase by L & B EXPRESS, INC., Post Office Box 1384, Owensboro, KY 42301, of the operating rights of KENZ STEEL TRANSPORT, INC., Post Office Box 518, Morgan, PA 15064, and for acquisition by WILLIAM G. THOMAS, 768 West Center, Madisonville, KY 42431, of control of such rights through the purchase. Applicants' attorney: Fred F. Bradley, Courthouse Box 773, Frankfort, KY 40601. Operating rights sought to be transferred: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as a *common carrier* over irregular routes, from points in Allegheny, Beaver, Mercer, Washington, and Westmoreland Counties, Pa., and Warren, Ohio, to points in Kentucky and Tennessee (except from Warren, Ohio, to Ashland, Ky., and points in the Ashland, Ky., commercial zone, as defined by the Commission), with restriction. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11425. Authority sought for purchase by SALT CREEK FREIGHTWAYS, 3333 West Yellowstone Avenue, Casper, WY 82644, of the operating rights of EUGENE N. KIPP AND VIVIAN I. KIPP, doing business as KIPP TRANSFER, Post Office Box 41, Sundance, WY 82729, and for acquisition by WILLIAM UTZINGER, WILLIAM D. UTZINGER, and C. E. OGDEN, all also of Casper, Wyo., of control of such rights through the purchase. Applicants' attorney: John R. Davidson, 805 Midland Bank Building, Billings, Mont. 59101. Operating rights sought to be transferred: *General commodities*, as a *common carrier* over regular routes, between Sundance, Wyo., and Newcastle, Wyo., between Devils Tower, Wyo., and Hulett, Wyo., serving all intermediate points; *general commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Sundance and Upton, Wyo., serving all intermediate points, between Moorcroft and Newcastle, Wyo., serving no intermediate points, for operating convenience only; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between Sundance, Wyo., and the site of the Air Force radar facility located at or near Warren Peak, Wyo., approximately 9 miles north of Sundance, serving all intermediate points, with restriction; *general commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Sundance, Wyo., and Deadwood, S. Dak., serving all intermediate points, between Moorcroft and Sundance, Wyo., serving all intermediate points; and the off-route points of Devils Tower and Oshoto, Wyo., and those within 1 mile of the route specified. Vendee is authorized to operate as a *common carrier* in Montana, Wyoming, Colorado, and Nebraska. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-462 Filed 1-11-72;8:49 am]

[Notice 3]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 6, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 111 (Sub-No. 12 TA), filed December 15, 1971. Applicant: VIGEANT MOTOR FREIGHT, INC., Post Office Box 157, Castleton-on-Hudson, NY 12033. Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Connecticut, New Hampshire, New Jersey, New York, Massachusetts, Maine, Pennsylvania, Rhode Island, and Vermont, for 90 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Robert A. Radler, Officer-in-Charge, 518 Federal Building, Albany, N.Y. 12207.

No. MC 19105 (Sub-No. 36 TA), filed December 15, 1971. Applicant: FORBES TRANSFER COMPANY, INC., Post Office Box 3544, J. Goldboro Street Extension, Wilson, NC 27893. Applicant's representative: Vance T. Forbes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Morehead City and Wilmington, N.C., and Georgetown and Charleston, S.C., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shippers: West Indies Fruit Co., Post Office Box 1940, Miami, FL 33101; Standard Fruit and Steamship Co., 6808 Foxfive Place, Raleigh, NC 27609. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 30844 (Sub-No. 383 TA), filed December 15, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unpackaged and packaged glass aquariums*,

V 37 7 JAN 12 72 XUM

aquarium accessories, supplies, and equipment, from Saginaw, Mich., to points in Illinois, Indiana, Iowa, and Wisconsin, and to St. Louis, Mo., and Omaha, Nebr., for 180 days. Supporting shipper: O'Dell Manufacturing, Inc., 1930 South 23d Street, Saginaw, MI 48601. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 61592 (Sub-No. 252 TA), filed December 13, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Post Office Box K, Bettendorf, IA 52722. Applicant's representative: Robert Jenkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from St. Louis, Mo.; Marshalltown, Iowa; and Milwaukee, Wis., to points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Wisconsin, Missouri, Illinois, Colorado, Wyoming, Kansas, and Montana, for 180 days. Supporting shipper: Paul Dee Co., Post Office Box 216, Marshalltown, IA 50158. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 87720 (Sub-No. 120 TA), filed December 13, 1971. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (other than in bulk), *laboratory and hospital equipment, and materials, supplies and equipment* used in the manufacture, and distribution or sale thereof, between Bridgewater Township, N.J., and Medford, Mass., and Cincinnati and Cleveland, Ohio, for 180 days. Supporting shipper: Fisher Scientific Co., 755 State Highway Route 202, Bridgewater Township, Somerville, NJ 08876. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 95084 (Sub-No. 84 TA), filed December 13, 1971. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast culture*, from Des Moines, Iowa, to Rockford, Ohio, for 180 days. Supporting shipper: Farmcraft, Inc., 2340 Maury Street, Des Moines, IA 50305. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 111729 (Sub-No. 329 TA), filed December 15, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith*, (a) between Valley Forge, Pa., on the one hand, and, on the other, Baltimore, Md., Englewood Cliffs, N.J., and points in Dover, Seaford, and New Castle Counties, Del., (b) between New York, N.Y., and Frederick, Md., (2) *small emergency automobile parts and supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds, from one consignor to one consignee on any one day, between Valley Forge, Pa., on the one hand, and, on the other, Baltimore, Md., Englewood, Cliffs, N.J., and points in Dover, Seaford, and New Castle Counties, Del., (3) *sample textile swatches*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between New York, N.Y., and Frederick, Md., (4) *computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Cleveland, Ohio, on the one hand, and, on the other Aliquippa, Altoona, Ambridge, Beaver Falls, Bedford, Blairsville, Bradford, Brockway, Butler, Canonsburg, Clearfield, DuBois, Edenburg, Eldred City, Erie, Greensburg, Huntington, Indiana, Johnstown, Kittanning, Leechburg, Louistown, Meadville, Monongahela, New Kensington, Pittsburgh, State College, Union City, Uniontown, Vandergrift, Warren, and Washington, Pa.; and

(5) *Surgical arterial grafts, cardiovascular instruments and necessary supporting hardware*, (a) between points in Saratoga County, N.Y., on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Vermont, Maine, Pennsylvania, Maryland, Virginia, and the District of Columbia; (b) between points in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, on traffic having an immediately prior or subsequent movement by air, for 150 days. Supporting shippers: Volkswagen Atlantic, Inc., 1001 South Trooper Road, Valley Forge, PA 19481; International Business Machines Corp., Post Office Box 10, Princeton, NJ 08540; Universal Medical Instrument Corp., Box 100, Ballston Spa, NY 12020; J. Widder & Co., Inc., 110 Fifth Avenue, New York, NY. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 114211 (Sub-No. 164 TA), filed December 13, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420 (50701), Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, pulpboard, adhesive cement, plastic and fiberglass plate and sheets, nails, eave filler strips, wood moulding, and aluminum flashing*, from Lodi, N.J., to points in the United States (except Hawaii, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Ohio, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, and the District of Columbia), for 180 days. Supporting shipper: Barclay Industries, Inc., 65 Industrial Road, Lodi, NJ 07644. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 116073 (Sub-No. 210 TA), filed December 13, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *pickup campers*, from Caldwell, Idaho, to points in Idaho, Alaska, Arizona, California, Colorado, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shippers: Kit Manufacturing Co., Recreational Vehicle Division, Post Office Box 250, Caldwell, ID 83605; Ideal of Idaho, Inc., Post Office Box 123, 3415 Blaine, Caldwell, ID 83605. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 117765 (Sub-No. 139 TA), filed December 15, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen preserved foodstuffs*, in containers, (1) from Arlington, Minn., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, and (2) from Ortonville, Minn., to points in Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas, restricted to traffic originating at the plantsites and warehouse facilities of Big Stone Canning Co., for 180 days. Supporting shipper: Big Stone Canning Co., Suite 100, Jonathan Industrial Center, Post Office Box 86, Chaska, MN 55318. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 118292 (Sub-No. 27 TA), filed December 15, 1971. Applicant: BALLENTINE PRODUCE, INC., Highways 64 and 71, Post Office Box 312, Alma, AR 72921. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and canned goods*, in boxes, other than frozen, in mixed shipments, from the facilities of Hunt-Wesson Foods, Inc., from Fullerton, Davis, Hayward, and Oakdale, Calif., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 119390 (Sub-No. 11 TA), filed December 9, 1971. Applicant: MAIRS TRANSPORT LTD., 976 Adair Street, Coquitlam, BC, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum, Vancouver, 9, BC, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Hydrated lime*, from Tacoma, Wash., over Interstate Highway No. 5, to United States-Canadian boundary line at or near Blaine, Wash., and return over the same route, for 120 days. NOTE: Applicant intends to tack with MC 119390. Supporting shipper: Domtar Chemicals Ltd., 395 De Maisonneuve Boulevard West, Post Office Box 7212, Montreal 101, Canada. Sent protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 120737 (Sub-No. 22 TA), filed December 15, 1971. Applicant: STAR DELIVERY & TRANSFER, INC., Post Office Box 39, Rural Route No. 5, Canton, IL 61520. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Castings, forgings, and tractor and engine parts*, from the plantsite of International Harvester Co. at Louisville, Ky., to the plantsite of International Harvester Co. at Melrose Park, Ill., restricted to traffic originating at and destined to the named points, for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 124896 (Sub-No. 3 TA), filed December 15, 1971. Applicant: WILLAMSON TRUCK LINES, INC., Thorne and Rolston Streets, Post Office Box 64, Route 2, Wilson, NC 27893. Applicant's representative: B. H. Williamson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Morehead City and Wilmington, N.C., and Georgetown and Charleston, S.C., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shippers: West Indies Fruit Co., Post Office Box 1940, Miami, FL 33101; Standard Fruit and Steamship Co., 6808 Foxfive Place, Raleigh, NC 27609. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 124987 (Sub-No. 19 TA), filed December 17, 1971. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, WI 54601. Applicant's representative: Earl L. Bonsack (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material* when shipped in connection with malt beverages, from La Crosse, and Sheboygan, Wis., to points in Iowa, except Cedar Rapids, also Dakota, Scott, Carver, Washington, Hennepin, Anoka, and Ramsey Counties, Minn., for 180 days. Supporting shipper: G. Helleman Brewing Co., Inc. 925 South Third Street, La Crosse, WI 54601. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 125338 (Sub-No. 6 TA), filed December 15, 1971. Applicant: SUPER SPEED TRANSPORT, INC., Post Office Box 755, 2 Rue Deschamps, Waterloo, PQ, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles and snow plow tractors*, from the port of entry on the international boundary line between the United States and Canada at or near Trout River, N.Y., to Malone, N.Y., for 180 days. Supporting shipper: Elliott & Hutchins, Inc., East Main Street Road, Malone, N.Y. 12953. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 127476 (Sub-No. 2 TA), filed December 13, 1971. Applicant: J. D. McCLYMONDS, INC., Rural Delivery No. 1, Portersville, PA 16051. Applicant's representative: George E. McCandless, Rural Delivery No. 1, Portersville, PA 16051. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rare earth metals, silicon carbide, metals n.o.i., further refined and processed, and other material manufactured and produced, plus all general commodities*, used in the manufacturing and processing of said company, between the plantsites of American Metallurgical Products Co., New Castle, Lawrence County, Pa., to points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: American Metallurgical Products Co., 9800 McKnight Road, Pittsburgh, PA 15237. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 128273 (Sub-No. 115 TA), filed December 13, 1971. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, such as: *defluorinated phosphate, dicalcium phosphate, diammonium phosphate, and monoammonium phosphate*, in bulk, and in bags, from Beaumont, Tex., to points in Louisiana, Arkansas, Oklahoma, Kansas, Missouri, New Mexico, Colorado, and Mississippi, for 180 days. Supporting shipper: Borden Chemical, Borden, Inc., 50 West Broad Street, Columbus, OH 43215. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128279 (Sub-No. 17 TA), filed December 15, 1971. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 3783, 4800 Jefferson NE., Albuquerque, NM 87110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from millsites near South Fork, Delores, Montrose, Pagosa Springs, Durango, and Bayfield, Colo., to points in New Mexico and Arizona, for 180 days. Supporting shipper: Albuquerque Lumber Co., Post Office Box 6409, 3825 Edith NE., Albuquerque, NM 87107. Send protests to: District Supervisor, William R. Murdoch, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

V37-7 JAN 12 72 XUM

No. MC 128852 (Sub-No. 2 TA), filed December 13, 1971. Applicant: COLONIAL TRANSFER & STORAGE CO., INC., 390 Salters Creek Road, Hampton, VA 23361. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Chesapeake, Colonial Heights, Hampton, Hopewell, Newport News, Norfolk, Portsmouth, Richmond, Virginia Beach, Williamsburg, and Petersburg, Va., and points in Charles City, Chesterfield, Essex, Gloucester, Henrico, Isle of Wight, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, Nansemond, New Kent, Prince George, Richmond, Surry, York, Hanover, Powhatan, Amelia, Nottoway, Prince Edward, Dinwiddie, Charlotte, Lunenburg, Mecklenburg, Brunswick, Sussex, and Greenville Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement beyond said points, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic for 180 days. Supporting shippers: Cartwright Van Lines, Inc., 4250 24th Avenue West, Seattle, WA 98199; Imperial Household Shipping Co., Inc., St. Petersburg, Fla.; Karevan, Inc., Post Office Box 9240, Seattle, WA 98109; Delcher Intercontinental Moving Service, Box 507, Jacksonville, FL 32201. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 128852 (Sub-No. 2 TA), filed December 13, 1971. Applicant: COLONIAL TRANSFER & STORAGE CO., INC., 390 Salters Creek Road, Hampton, VA 23361. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Chesapeake, Colonial Heights, Hampton, Hopewell, Newport News, Norfolk, Portsmouth, Richmond, Virginia Beach, Williamsburg, and Petersburg, Va., and points in Charles City, Chesterfield, Essex, Gloucester, Henrico, Isle of Wight, James City, King and Queen, King William, Lancaster, Mathews, Middlesex, Nansemond, New Kent, Prince George, Richmond, Surry, York, Hanover, Powhatan, Amelia, Nottoway, Prince Edward, Dinwiddie, Charlotte, Lunenburg, Mecklenburg, Brunswick, Sussex, and Greenville Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement beyond said points, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic for 180 days. Supporting shippers: Cartwright Van Lines, Inc., 4250 24th Avenue West, Seattle, WA 98199; Imperial Household Shipping Co., Inc., St. Petersburg, Fla.; Karevan, Inc., Post Office Box 9240, Seattle, WA 98109; Delcher Intercontinental Moving Service, Post Office Box 507, Jacksonville, FL 32201. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 134068 (Sub-No. 9 TA), filed December 13, 1971. Applicant: KODIAK REFRIGERATED LINES, INC., 4510 Seville Avenue, Vernon, CA 90058. Applicant's representative: Z. W. Hastings (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in boxes, in straight shipments of foodstuffs and canned goods, from points in California to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 134043 (Sub-No. 4 TA), filed December 10, 1971. Applicant: ART KNIGHT, INC., 316 Southeast Market Street, Portland, OR 97204. Applicant's representative: Seymour L. Coblens, Corbett Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities transported in bulk, commodities of unusual value, household goods as defined by the Commission, and commodities requiring special handling and special equipment, from, to, or between, points in Washington, Oregon, California, and Arizona, for 180 days. Supporting shipper: Bazar, Inc., 1845 Southeast Third Avenue, Portland, OR 97214. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 135519 (Sub-No. 1 TA), filed December 15, 1971. Applicant: GEORGE B. SAMAC AND ANTHONY G. AYALA, doing business as QUEEN CITY TRUCKING, 2618 South DeLappe Place, Seattle, WA 98144. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, green and salted, from points in Idaho, Montana, and Washington to Seattle and Tacoma, Wash., for 180 days. Supporting shipper: Pacific Hide & Fur Depot, 211 Second Avenue South, Great Falls, MT 59401. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135833 (Sub-No. 6 TA), filed December 13, 1971. Applicant: B & C SPECIALIZED CARRIERS, INC., 6524 Brookville Road, Indianapolis, IN 46204. Applicant's representative: Alki Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular homes*, from Indianapolis, Ind., to Kalamazoo, Mich.; Macon, Ga.; and St. Louis, Mo., for 180 days. Supporting shipper: Material Systems Corp., 751 Citracado Parkway, Escondido, CA. Send protests to: District Supervisor, James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, Room 802, Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 136198 (Sub-No. 1 TA), filed December 13, 1971. Applicant: PORFIRIO A. MARTINEZ, 3300 Valley Haven, NW., Albuquerque, NM 97107. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, from Long Beach, Calif., to Albuquerque, N. Mex., and (2) *commodities* otherwise exempt under section 203(b)(6), Part II of the Interstate Commerce Act, as amended, when transported in mixed loads with bananas, from points in California to Albuquerque, N. Mex., with the operations authorized to be performed under continuing contracts with Associated Grocers of Colorado, Inc., for 180 days. Supporting shipper: Associated Grocers of Colorado, Inc., 5600 Second Street, NW., Albuquerque, NM 87107. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 136222 TA, filed December 13, 1971. Applicant: LUSI TRUCK LINES, INC., Post Office Box 606, Milton-Freewater, OR 97862. Applicant's representative: Thomas G. Karter, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from points in Yakima County, Wash., to Portland, Eugene, Salem, and Coos Bay, Oreg.; (2) *canned goods, pallets, empty containers, and machinery*, between Walla Walla, Wash., and Milton-Freewater, Athena, Oreg.; and (3) *paper, paper products, containers, and machinery*, from Portland, Oreg., to Yakima, Wash., for 180 days. Supporting shippers: Snokist Growers, Post Office Box 1587, Yakima, WA 98901, Rogers Walla Walla, Inc., Post Office Box 998, Walla Walla, WA 99362. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136228 (Sub-No. 2 TA), filed December 13, 1971. Applicant: LUISI TRUCK LINES, INC., Post Office Box 606, Milton-Freewater, OR 97862. Applicant's representative: Thomas G. Karter, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bins, pallets, containers, canned goods and food, and packinghouse machinery*, between points in Hood River County, Oreg., on the one hand, and, Seattle, Tacoma, Wenatchee, Yakima, Spokane, and Walla Walla, Wash., on the other, and (2) *bins, pallets, and containers*, between Odell, Salem, The Dallas, and Milton-Freewater, Oreg., on the one hand, and Grandview, Zillah, Yakima, and Oroville, Wash., on the other, from Yakima, Wash., to points in Oregon and Washington, for 180 days. Supporting shippers: Price Gold Storage and Packing Co., Inc., Post Office Box 780, Yakima, WA 98902, Stadelman Fruit, Inc., Post Office Box 1313, Yakima, WA 98907, Yakima Pallett & Bin, Inc., Post Office Box 434, Yakima WA 98901, Diamond Fruit Growers, Inc., Hood River, Oreg. 97031. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136212 TA, filed December 13, 1971. Applicant: FRALEY'S INCORPORATED, Route 1, Big Stone Gap, Va. 24219. Applicant's representative: Don R. Pippin, Norton, Va. 24273. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine roof bolts*, from Duffield, Va., to points in Duffield, Appalachia, McClure (Clinchfield), McClure (Moss No. 3), Keokee, and Conway, Va.; Beckley, Tams, Mullens, Levisay, Cliff Top, Nettie, Craigsville, Elton, Pineville, Gary, and Clothier, W. Va., Benham, Lynch, Cumberland, Harlan, Alva, and Manchester, Ky.; La Follette, and Jellico, Tenn., for 180 days. Supporting shipper: Virginia Birmingham Bolt, Inc., Duffield, Va. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 136252 TA, filed December 15, 1971. Applicant: WILLIAM BURL ASHLEY, doing business as ASHLEY'S WRECK SERVICE, Route 3, Box 313, Clendenin, WV 25045. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stolen or repossessed motor vehicles*, (1) between points in West Virginia, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia; and (2) between points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shippers: General Motors Acceptance Corp., 1204 Kanawha Boulevard, East Charleston, WV 25301; CIT Financial Services, 1420 Kanawha Boulevard, West Charleston, WV 25302. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 136254 TA, filed December 17, 1971. Applicant: HOWARD & GENEVA SMITH, doing business as MOBILE HOME MOVERS, 3140 North Oracle Road, Tucson, AZ 85705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from the Intersection of Interstate Highway 10 and U.S. Highway 80, Shady Grove (Roadforks), N. Mex., to points in Arizona (service point is junction of above highways otherwise known as Roadforks, N. Mex.), over Interstate Highway 10 to Tucson, Phoenix, and Mesa, Ariz., Interstate Highway 8 to Yuma, Ariz., on return, for 180 days. Supporting shipper: Midland Homes, Division of Tidwell Ind., Inc., Midland Industrial Park, Route 2, Box 756, Midland, TX 97701. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-463 Filed 1-11-72;8:49 am]

V 37 N 7 JAN 12 72 XUM

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

Page

PROCLAMATION:
4100 ... 199

5 CFR

213 ... 201, 257, 258
890 ... 7

6 CFR

201 ... 284
300 ... 284, 426

7 CFR

52 ... 131
510 ... 69
722 ... 7, 272
730 ... 8
812 ... 9
814 ... 9
846 ... 133
907 ... 10, 134
910 ... 70, 272
912 ... 273
917 ... 273
930 ... 273
932 ... 323
1007 ... 323
1610 ... 275

PROPOSED RULES:
301 ... 217, 218
730 ... 19
953 ... 286
966 ... 81
980 ... 81
1001 ... 447
1002 ... 447
1004 ... 20, 447
1006 ... 447
1007 ... 447
1011 ... 447
1012 ... 447
1013 ... 447
1015 ... 447
1030 ... 447
1032 ... 447
1033 ... 447
1036 ... 447, 465
1040 ... 447
1043 ... 447
1044 ... 447
1046 ... 447
1049 ... 447
1050 ... 447
1060 ... 447
1061 ... 447
1062 ... 447
1063 ... 447
1064 ... 447
1065 ... 447
1068 ... 447
1069 ... 447
1070 ... 447
1071 ... 447
1073 ... 447
1075 ... 447
1076 ... 447
1078 ... 447
1079 ... 447
1090 ... 447

7 CFR—Continued

Page

PROPOSED RULES—Continued
1094 ... 447
1096 ... 447
1097 ... 447
1098 ... 447
1099 ... 447
1101 ... 447
1102 ... 447
1103 ... 447
1104 ... 447
1106 ... 447
1108 ... 447
1120 ... 447
1121 ... 447
1124 ... 447
1125 ... 447
1126 ... 447
1127 ... 447
1128 ... 447
1129 ... 447
1130 ... 447
1131 ... 447
1132 ... 447
1133 ... 447
1134 ... 447
1136 ... 447
1137 ... 447
1138 ... 447
1207 ... 81
1430 ... 20

8 CFR

214 ... 328

9 CFR

53 ... 134
76 ... 329, 435
82 ... 135
203 ... 276
311 ... 435
316 ... 435
317 ... 435
400 ... 135, 435

PROPOSED RULES:
327 ... 85

10 CFR

PROPOSED RULES:
50 ... 287, 288
110 ... 92

12 CFR

201 ... 11
700 ... 329
702 ... 70

PROPOSED RULES:
701 ... 339
715 ... 95

13 CFR

121 ... 258

14 CFR

13 ... 436
39 ... 11, 12, 70, 437
71 ... 13, 71, 135, 136, 276, 323, 437

14 CFR—Continued

Page

73 ... 437, 438
75 ... 13, 71
97 ... 71
225 ... 72
302 ... 277

PROPOSED RULES:
43 ... 222
71 ... 21, 91, 144, 146, 286, 287
73 ... 478
91 ... 222
135 ... 222
207 ... 222
208 ... 222
212 ... 222
214 ... 222
372a ... 222
373 ... 478
378 ... 478
378a ... 478

17 CFR

240 ... 73

PROPOSED RULES:
270 ... 289
274 ... 99, 289

18 CFR

PROPOSED RULES:
141 ... 22
201 ... 337
204 ... 337
205 ... 337
260 ... 337

19 CFR

PROPOSED RULES:
Ch. I ... 19

20 CFR

PROPOSED RULES:
405 ... 89

21 CFR

121 ... 14, 74, 329
130 ... 201
135 ... 137
135c ... 14, 137
135e ... 74
135f ... 14
141a ... 438
146a ... 438
146c ... 440
148e ... 330
148m ... 15
301 ... 137

PROPOSED RULES:
3 ... 219
19 ... 468
27 ... 20, 470
130 ... 85
145 ... 336
304 ... 144

22 CFR

11 ... 277
41 ... 15

24 CFR

Page

200 ... 75, 203, 209
201 ... 210
203 ... 138
207 ... 138
220 ... 138
222 ... 76
275 ... 211
1914 ... 280
1915 ... 281

PROPOSED RULES:
203 ... 144

26 CFR

12 ... 16, 281

PROPOSED RULES:
1 ... 19, 99, 286, 336

28 CFR

301 ... 138

29 CFR

1910 ... 332

PROPOSED RULES:
1910 ... 466

30 CFR

75 ... 17
225 ... 441
225a ... 441

32 CFR

270 ... 77

PROPOSED RULES:
1467 ... 99
Ch. XVI ... 486
1604 ... 479
1606 ... 479, 484
1609 ... 484
1611 ... 479
1613 ... 484
1621 ... 479
1622 ... 479
1623 ... 479
1624 ... 479
1625 ... 479
1626 ... 479
1627 ... 479
1630 ... 479
1631 ... 479

32 CFR—Continued

Page

PROPOSED RULES—Continued
1632 ... 479
1641 ... 479
1643 ... 479
1660 ... 485

35 CFR

5 ... 77
253 ... 281

36 CFR

231 ... 211

38 CFR

8a ... 282

39 CFR

235 ... 77
760 ... 211, 443
761 ... 211, 443

40 CFR

180 ... 78, 140, 141, 332–334, 443

PROPOSED RULES:
115 ... 478
180 ... 92–94, 337

41 CFR

5A–3 ... 141
5A–7 ... 141
5A–8 ... 142
5B–1 ... 334
101–17 ... 78
103–40 ... 17

PROPOSED RULES:
51–1 ... 336

42 CFR

53 ... 182

43 CFR

4110 ... 213

PUBLIC LAND ORDERS:
1932 (amended by PLO 5147) ... 18
4582 (modified by PLO 5149) ... 18
4962 (see PLO 5149) ... 18
5081 (see PLO 5149) ... 18
5147 ... 18
5148 ... 18

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued
5149 ... 18
5150 ... 142
Amended by PLO 5151 ... 142
5151 ... 142

PROPOSED RULES:
2800 ... 217
2810 ... 217

45 CFR

177 ... 335
249 ... 443
1060 ... 444

PROPOSED RULES:
130 ... 470

46 CFR

310 ... 335
390 ... 16

PROPOSED RULES:
146 ... 220

47 CFR

89 ... 213
91 ... 283

PROPOSED RULES:
0 ... 145
2 ... 145, 146
15 ... 94, 146
21 ... 146
89 ... 146
91 ... 146

49 CFR

7 ... 214
178 ... 444
301 ... 214
571 ... 284, 445
1002 ... 215
1300 ... 335

PROPOSED RULES:
192 ... 145
571 ... 222

50 CFR

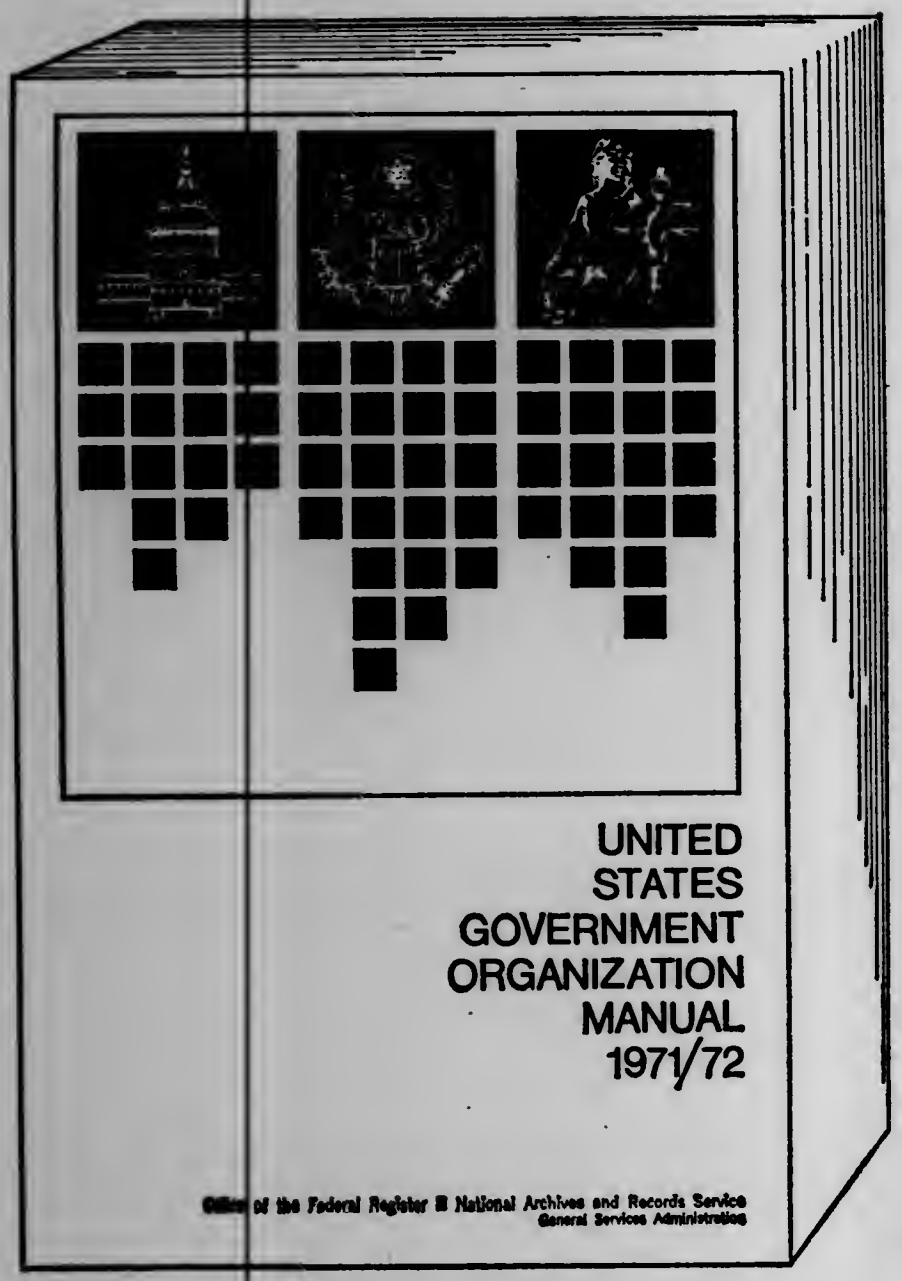
28 ... 79, 445
33 ... 79, 80

PROPOSED RULES:
28 ... 447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date
1–62	Jan. 4	195–249	Jan. 7
63–123	5	251–315	8
125–193	6	317–427	11
		429–513	12

V 37 7 JAN 12 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-2

federal register

THURSDAY, JANUARY 13, 1972
WASHINGTON, D.C.

Pages 515–582

Volume 37 ■ Number 8

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

PAY ADJUSTMENTS FOR FEDERAL PREVAILING RATE SYSTEMS—Presidential Executive order.... 521

NUCLEAR POWER PLANTS—AEC notice of issuance of a proposed guide for the preparation of benefit-cost analyses; comments by 2–15–72..... 548

EMPLOYMENT ASSISTANCE—Labor Dept. notices listing fund allocations to residents of Indian reservations and other designated areas (2 documents)..... 560, 561

OKLAHOMA INDIAN ESTATES—Interior Dept. proposed rules in fixing the extent of Federal responsibility in State court actions; comments within 30 days..... 536

SAVINGS AND LOAN ASSOCIATIONS—
FHLBB amendments relating to investments and participations guaranteed by the Federal Home Loan Mortgage Corporation (2 documents); effective 1–13–72..... 523, 524
FHLBB amendment concerning accounting of deferred income from mortgage loans; effective 1–13–72..... 524
FHLBB proposal on applications for change of office locations; comments by 2–14–72..... 543

DANGER ZONE—DoD amendment designating Blying Sound, Alaska, as a firing practice area.... 527

SPECIAL NUCLEAR MATERIAL—AEC notice announcing the discontinuance of small quantities leasing; effective 1–13–72..... 549

(Continued inside)

V37 N8 JAN 13 72
XUM

MICROFILM EDITION
FEDERAL REGISTER
35mm MICROFILM

Complete Set 1936–70, 189 Rolls $1,342

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	$7	13	1948	$28	25	1960	$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42			

Order Microfilm Edition from Publications Sales Branch
National Archives and Records Service
Washington, D.C. 20408

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

TELECOMMUNICATIONS—
FCC amendments to the FM Table of Assignments; effective 2–23–72 529
FCC amendments clariyfing the information requirements in applications for directional antennas; effective 1–21–72 529
FCC proposed amendments to the TV and FM Radio Table of Assignments (5 documents); comments by 2–23–72 ..... 539, 540, 541, 542
FCC proposed amendment to provide for the licensing and use of emergency locator transmitters; comments by 2–23–72 537

WATER SAFETY—DoT approval notice for specified lifesaving equipment 547

CIVIL RIGHTS—Civil Rights Commission notice of a hearing on 2–14–72 to discuss violations in New York and New Jersey 549

COTTON TEXTILES—Interagency Textile Admin. Comm. notice to Israel requesting restraint on exports 557

SECURITIES INDUSTRY—SEC notice of its submission to Congress of a study concerning unsafe and unsound practices 559

INCOME TAX—IRS extension of comments date to 1–13–72 on a proposal relating to a 50% maximum tax rate on earned income 544

Contents

THE PRESIDENT

EXECUTIVE ORDER

Providing for pay adjustments for Federal prevailing rate systems 521

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service.

ARMY DEPARTMENT

See Engineers Corps.

ATOMIC ENERGY COMMISSION

Notices

North American Rockwell Corp.; issuance of facility license 549
Preparation of benefit-cost analyses for nuclear power plants; issuance of proposed guide 548
Special nuclear material; discontinuance of small quantity leasing 549

CIVIL AERONAUTICS BOARD

Notices

International Air Transport Association; order regarding cargo rate matters 549

CIVIL RIGHTS COMMISSION

Notices

New York; notice of hearing 549

COAST GUARD

Rules and Regulations

Manning of vessels; deck officers as pilots of certain vessels 528

Notices

Specified lifesaving equipment; approval 547

COMMERCE DEPARTMENT

See Import Programs Office.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Navel oranges grown in Arizona and designated part of California; handling limitation 523
Oranges, grapefruit, tangerines, and tangelos grown in Florida; expenses and rate of assessment 523

DEFENSE DEPARTMENT

See Engineers Corps.

ENGINEERS CORPS

Rules and Regulations

Blying Sound, Alaska; danger zone regulations 527

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Standard instrument approach procedures; miscellaneous amendments 525

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Radio broadcast services:
Directional antenna requirements clarification 529
FM broadcast stations table of assignments 529

Proposed Rule Making

Emergency locator transmitters; proposed licensing use 537
Tables of assignments:
Certain FM broadcast stations 539
Certain television broadcast stations (4 documents) 539, 540, 541, 542

Notices

Canadian standard broadcast stations; notification list 550

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Operations:
Deferred income for mortgage loans 524
Investment in securities 523
Specified assets; definition 524

Proposed Rule Making

Federal Savings and Loan System; requirements for applications to change office locations by Federal savings and loan associations 543

FEDERAL MARITIME COMMISSION

Notices

Fulton Freight Forwarding Corp.; order of revocation 550
Oil pollution responsibility; certificates issued 551
Rolando Export Documentation et al.; independent ocean freight forwarder license applicants 551
Weisel, M., and Co.; order of revocation 551

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Georgia Power Co 553
Lawrenceburg Gas Transmission Corp 553
Wisconsin Public Service Corp 554

(Continued on next page)

V 37-8 JAN 13 72 J
XUM

FEDERAL RESERVE SYSTEM

Notices

Acquisition of banks:
American Bancorporation 554
First American National Corp.. 554
United Missouri Bancshares, Inc.; order denying acquisition of bank 554

FISH AND WILDLIFE SERVICE

Rules and Regulations

Great Swamp National Wildlife Refuge, New Jersey; public access, use and recreation 535

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Decision of Contracting Officer; procedures 527

Notices

Acquisition of new sedans and station wagons; establishment of policies and procedures 555
Environmental statements; procedures for preparation 555
Secretary of Health, Education, and Welfare; delegation of authority 555

IMPORT PROGRAMS OFFICE

Notices

University of California et al.; applications for duty-free entry of scientific articles 545

INDIAN AFFAIRS BUREAU

Rules and Regulations

Flathead Indian Irrigation Project, Montana; power sales schedules 526

Proposed Rule Making

Oklahoma Indian estates; Federal responsibility in State court actions 536

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Certain cotton textiles produced or manufactured in Israel; entry or withdrawal from warehouse for consumption 557

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; Saline Water Office.

INTERNAL REVENUE SERVICE

Rules and Regulations

Income tax; bonds and other evidence of indebtedness; correction 527

Proposed Rule Making

Income tax; fifty percent maximum rate on earned income, extension of time for comments.. 544

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 562
Motor carrier, broker, water carrier and freight forwarder applications 565
Motor carriers:
Temporary authority applications 563
Transfer proceedings 564

LABOR DEPARTMENT

See Manpower Administration.

LAND MANAGEMENT BUREAU

Rules and Regulations

Alaska; amendment of Public Land Order No. 5150; correction 528

MANPOWER ADMINISTRATION

Notices

Employment assistance; listing fund allocations to residents of Indian reservations and other designated areas (2 documents) 560, 561

SALINE WATER OFFICE

Notices

Environmental statements; procedures for preparation 545

SECURITIES AND EXCHANGE COMMISSION

Notices

Unsafe and unsound practices of securities industry; submission of study to Congress 559
Hearings, etc.:
Appalachian Power Co 558
Middle South Utilities, Inc. and Arkansas Power & Light Co.. 558

SMALL BUSINESS ADMINISTRATION

Notices

Disaster loan area declarations:
Louisiana 559
Massachusetts 560

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration.

Rules and Regulations

Employee responsibilities and conduct; list of persons required to file financial statements 532
Reorganization of chapter 535

TREASURY DEPARTMENT

See Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
11627 (see EO 11639) 521
11639 521

7 CFR

905 523
907 523

12 CFR

545 523
561 524
563 524

PROPOSED RULES:
545 543

14 CFR

97 525

25 CFR

232 526

PROPOSED RULES:
16 536

26 CFR

1 527

PROPOSED RULES:
1 544

33 CFR

204 527

41 CFR

5A–1 527
5A–16 528
5A–76 528

43 CFR

PUBLIC LAND ORDER:
5151 528

46 CFR

157 528

47 CFR

73 (2 documents) 529

PROPOSED RULES:
1 537
2 537
73 (5 documents) 539, 540, 541, 542
87 537

49 CFR

99 532
Ch. I 535

50 CFR

28 535

V37-8 JAN 13 72 XUM

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11639

Providing for Pay Adjustments for Federal Prevailing Rate Systems

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799), as amended by the Economic Stabilization Act Amendments of 1971 (Public Law 92–210, 85 Stat. 743), it is hereby ordered as follows:

SECTION 1. The head of each executive agency or military department authorized to fix by administrative action the rate of basic pay for a position or employee under subchapter IV of chaper 53 of title 5 of the United States Code, shall fix any such rate in accordance with instructions issued by the United States Civil Service Commission (hereinafter referred to as the Commission) under the authority of this order.

SEC. 2. (a) The Commission is hereby authorized and directed to issue to the heads of executive agencies and military departments instructions on the fixing of rates of basic pay for positions and employees covered by section 1 of this order.

(b) In issuing instructions under this order, the Commission shall maintain consistency in each pay schedule adjustment with the fiscal and economic policies of the United States, including the policies and pay increase guidelines issued by the Pay Board established under Executive Order No. 11627 of October 15, 1971. No pay schedule adjustment shall exceed such guidelines, except where (i) a tandem relationship exists between a Federal pay schedule for a specialized employee unit and pay increases granted in a specialized activity in the private sector, (ii) the Pay Board has permitted a pay increase for the specialized activity in the private sector which is in excess of the guidelines, and (iii) it is determined that a comparable increase is essential to the continued operation of the Government service concerned.

SEC. 3. The instructions issued by the Commission under this order may (i) prescribe definitions of the terms used herein, (ii) redelegate to the head of an executive agency or military department any of the Commission's authority under this order, and (iii) contain such other

V 37 8 JAN 13 72 XUM

provisions as the Commission determines to be necessary and appropriate to carry out the purposes of this order.

SEC. 4. (a) The Commission may, in administering this order, utilize such services of other executive agencies and military departments as may be available and appropriate.

(b) On request of the Commission, an executive agency or military department is authorized and directed, consistent with law, to furnish the Commission with information which the Commission may require in carrying out its responsibilities under this order.

Richard Nixon

THE WHITE HOUSE,
January 11, 1972.

[FR Doc.72-600 Filed 1-11-72; 4:33 pm]

NOTE: For the text of a Presidential statement issued in connection with E.O. 11639 above, see Weekly Comp. of Pres. Docs., Vol. 8, No. 3, issue of Jan. 11, 1972.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Expenses and Rate of Assessment

On December 29, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 25161), regarding proposed expenses and the related rate of assessment for the period August 1, 1971, through July 31, 1972, pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice afforded 10 days for interested persons to submit written data, views, or arguments in connection with said proposals. None were received. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Growers Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 905.210 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1971, through July 31, 1972, will amount to $137,000.

(b) Rate of assessment: The rate of assessment for said period, payable by each handler in accordance with § 905.41, is fixed at $0.005 per standard packed box of fruit.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fruit are now being made, (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit handled from the beginning of such period, and (3) the current fiscal period began on August 1, 1971, and said rate of assessment will automatically apply to all assessable fruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 10, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-532 Filed 1-12-72;8:49 am]

[Navel Orange Reg. 250]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.550 Navel Orange Regulation 250.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 11, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 14, 1972, through January 20, 1972, are hereby fixed as follows:

(i) District 1: 756,000 cartons.
(ii) District 2: 144,000 cartons.
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 12, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-620 Filed 1-11-72;11:22 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 72-34]

PART 545—OPERATIONS

Investment in Securities

JANUARY 5, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.9 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9) for the purpose of permitting Federal savings and loan associations to invest in real estate loan participations guaranteed by the Federal Home Loan Mortgage Corporation without any percentage-of-asset limitation and to invest in obligations of such Corporation. Accordingly, on the basis of such consideration, and for such purpose, the Federal Home Loan Bank Board hereby amends said § 545.9 by adding a new paragraph (d) thereto and

V 37 8 JAN 13 72 XUM

by redesignating present paragraphs (d) and (e) thereof as paragraphs (e) and (f), respectively, to read as follows, effective January 13, 1972:

§ 545.9 Securities and other investments.

A Federal association may invest in the following:

• • • • • •

(d) Any obligations of, or participations or other instruments fully guaranteed as to principal and interest by, the Federal Home Loan Mortgage Corporation.

(e) Any general obligations (without regard to investment-service rating) of any political subdivision of a State (including the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States) if the association's home office or a branch office is located in such political subdivision: *Provided*, That investments in such obligations may not be made in an aggregate amount exceeding 1 percent of the association's assets; and

(f) The stock of a Federal Home Loan Bank or the Federal National Mortgage Association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that such amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since such amendment relieves restriction, publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553 (d) prior to the effective date thereof is unnecessary; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72–533 Filed 1–12–72;8:50 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 72–36]

PART 561—DEFINITIONS

Specified Assets

JANUARY 5, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 561.17 of the rules and regulations for Insurance of Accounts (12 CFR 561.17) for the purpose of excluding from the computation of specified assets of an insured institution any obligations of, or participations or other instruments fully guaranteed as to principal and interest by, the Federal Home Loan Mortgage Corporation. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends § 561.17 by revising paragraph (a) thereof to read as follows, effective January 13, 1972.

§ 561.17 Specified assets.

(a) The term "specified assets" means the total assets of an insured institution less the institution's assets which qualify as liquid assets, as defined in paragraph (g) of § 523.10 of this chapter, or would so qualify except for the maturity limitations contained in such paragraph or the pledged status of such assets, other obligations fully guaranteed as to principal and interest by the United States (including such obligations held subject to a repurchase agreement) and accrued interest thereon, obligations of, or participations or other instruments fully guaranteed as to principal and interest by, the Federal Home Loan Mortgage Corporation, Federal Home Loan Bank stock, prepaid Federal Savings and Loan Insurance Corporation premiums, loans secured by obligations referred to in subparagraphs (2) and (3) of paragraph (g) of § 523.10 of this chapter without regard to the maturities of such obligations, loans in process, loans on the security of the institution's savings accounts, investments (other than in capital stock) in other institutions insured by the Federal Savings and Loan Insurance Corporation and in institutions insured by the Federal Deposit Insurance Corporation, and less 80 percent of the institution's actual investments in insured loans, guaranteed loans, loans which are secured by a first lien on low-rent housing, and guaranteed obligations.

• • • • • •

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that such amendment become effective as soon as possible, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, since such amendment relieves restriction, publication of such amendment for the 30-day period specified in 13 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is unnecessary; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72–534 Filed 1–12–72;8:50 am]

[No. 72–36]

PART 563—OPERATIONS

Deferred Income With Respect to Mortgage Loans

JANUARY 6, 1972.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 22186) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend § 563.23–1 of the rules and regulations for Insurance of Accounts (12 CFR 563.23–1) for the purposes of (1) permitting insured institutions to take into income at the time of sale or payoff of a loan any deferred acquisition credits or discount applicable to such loan, with respect to loans sold or paid in full on or after January 1, 1972; (2) permitting insured institutions to take into income during 1971 or 1972 any deferred acquisition credits or discount applicable to loans sold or paid in full on or before December 31, 1971; and (3) requiring amortization of deferred acquisition credits or discount, with respect to a loan made or purchased after January 1, 1972, over a period of not less than 10 years. Accordingly, the Federal Home Loan Bank Board hereby amends said § 563.23–1 by revising paragraphs (a), (b), (d), and (e) and subparagraphs (1), (8), and (9) of paragraph (g) thereof, and by adding a new subparagraph (10) to paragraph (g) thereof, to read as follows, effective January 13, 1972:

§ 563.23–1 Premiums, charges, and credits with respect to mortgage loans; sale of real estate owned; and related items.

(a) *Purchase at a premium.* A premium paid by an insured institution in connection with the acquisition of a mortgage loan may be charged off when paid or may be capitalized. If the premium is capitalized, it shall be amortized by charges to expense, at least semiannually, using any approved method of amortization, over a period not in excess of the remaining term of the loan, or 7 years, whichever is less, in the case of a single loan, or over a period not in excess of the average remaining term of the loans, or 7 years, whichever is less, in the case of a group of loans.

(b) *Purchase at a discount.* If an insured institution purchases a mortgage loan at a discount, such discount shall be deferred by a credit to an account descriptive of deferred income and shall thereafter be credited to income, at least semiannually, using any approved method, over a period of not less than 7 years if the loan was purchased prior to January 1, 1972, or over a period of not less than 10 years if the loan was purchased on or after January 1, 1972. For the purposes of this section, a loan shall be deemed to have been purchased by an insured institution at a discount if the price paid by such institution for such loan is less than the amount of the loan balance. Any charges made by the purchaser in connection with the purchase of a loan shall be deducted from the purchase price to determine the amount of the discount.

• • • • • •

(d) *Credits deferred.* Each acquisition credit subject to deferral, as hereinafter defined, shall be deferred by a credit to an account descriptive of deferred income and shall hereafter be credited to income, at least semiannually, using any approved method, over a period of not less than 7 years if such acquisition credit was received prior to January 1, 1972, or over a period of not less than 10 years if such acquisition credit was received on or after January 1, 1972.

(e) *Sale or payoff of loans.* (1) If a loan has been sold or paid in full on or before December 31, 1971, any capitalized premium and/or any deferred acquisition credits or discount applicable to such loan as of December 31, 1971, shall be added to or deducted from (as appropriate) the book value of such loan and the profit or loss thereon shall be recognized as of such date or dates in 1971 or 1972 as the association may elect to use.

(2) If a loan is sold or paid in full on or after January 1, 1972, any capitalized premium and/or any deferred acquisition credits or discount applicable to such loan as of the date of such sale or payment shall be added to or deducted from (as appropriate) the book value of such loan and the profit or loss thereon shall be recognized as of such date.

• • • • • •

(g) *Definitions.* For the purposes of this section:

(1) The term "mortgage loan" means any loan or contract (including any participation interest therein) on the security of real estate;

• • • • • •

(8) The term "loss" means the amount by which the unpaid principal balance of a loan (net of unamortized discount) or the book value of real estate owned at the time such loan or real estate is sold, exceeds the sale price of such loan or real estate.

(9) The term "profit" means the amount by which the sale price of a loan or real estate owned, at the time such loan or real estate is sold, exceeds the unpaid principal balance of such loan (net of unamortized discount) or the book value of such real estate.

(10) The term "approved method" means any one of the following methods for computing amortization of capitalized premium or recognition of deferred income:

(i) "Straight-line" method, as described in § 1.167(b)–1 of the Federal Income Tax Regulations (26 CFR 1.167 (b)–1);

(ii) "Sum of the years-digits" method, as described in § 1.167(b)–3 of the Federal Income Tax Regulations (26 CFR 1.167(b)–3); and

(iii) "Level-yield" or "interest" method, by which income is debited or credited so as to yield, throughout the amortization period, a uniform rate of return on the investment after discount or premium.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48 Comp., p. 1071)

Resolved further that, since the Board finds it to be in the public interest that the above amendment be made effective as soon as possible, the requirement specified in 12 CFR 508.14 and 5 U.S.C. 553(d) for publication of an amendment 30 days prior to the effective date thereof shall be inapplicable; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72–560 Filed 1–12–72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11627, Amdt. 790]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF–ADF(NDB)–VOR SIAPs, effective February 3, 1972.

Bakersfield, Calif.—Meadows Field; ADF 1, Amdt. 5; Canceled.
Bakersfield, Calif.—Meadows Field; VOR 1, Amdt. 9; Canceled.
Bryce Canyon, Utah—Bryce Canyon Airport; VOR–1, Amdt. 5; Canceled.
Cedar City, Utah—Cedar City Municipal Airport; VOR–1, Amdt. 5; Canceled.
Needles, Calif.—Needles Municipal Airport; VOR–1, Amdt. 5; Canceled.
Santa Monica, Calif.—Santa Monica Municipal Airport; VOR R–041, Amdt. 2, Canceled.
Yuma, Ariz.—MCAAS/Yuma County Airport; VOR–1, Amdt. 5; Canceled.

2. Section 97.13 is amended by establishing, revising or canceling the following Ter VOR SIAP's effective February 3, 1972.

Ely, Nev.—Ely-Yelland Field; VOR R–286, Amdt. 2; Canceled.
Riverside, Calif.—Riverside Municipal Airport; VOR R–093, Amdt. 1; Canceled.
Thermal, Calif.—Thermal Airport; TerVOR R–125, Original; Canceled.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAP's, effective February 3, 1972.

Anniston, Ala.—Anniston-Calhoun County Airport; VOR–A, Amdt. 4; Revised.
Bakersfield, Calif.—Meadows Field; VOR Runway 12L, Original; Established.
Bakersfield, Calif.—Meadows Field; VOR Runway 30R, Original; Established.
Brookings, S. Dak.—Brookings Municipal Airport; VOR Runway 12, Original; Established.
Bryce Canyon, Utah—Bryce Canyon Airport; VOR–A, Original; Established.
Cedar City, Utah—Cedar City Municipal Airport; VOR Runway 20, Original; Established.
Dubuque, Iowa—Dubuque Municipal Airport; VOR Runway 13, Amdt. 2; Revised.
Dubuque, Iowa—Dubuque Muncipal Airport; VOR Runway 31, Amdt. 2; Revised.
Ely, Nev.—Ely-Yelland Field; VOR–A, Original; Established.
Hamilton, Ala.—Marion County Airport; VOR Runway 18, Original; Established.
Mayaguez, P.R.—Mayaguez Airport; VOR Runway 8, Original; Established.
Needles, Calif.—Needles Airport; VOR–A, Original; Established.
Ponce, P.R.—Mercedita Airport; VOR Runway 29, Amdt. 4; Revised.
Riverside, Calif.—Riverside Municipal Airport; VOR–A, Original; Established.
Riverside, Calif.—Riverside Municipal Airport; VOR Runway 9, Amdt. 3; Revised.
Rockton, Ill.—Wagon Wheel Airport; VOR–A, Original; Established.
San Francisco, Calif.—San Francisco International Airport; VOR–A, Amdt. 1; Revised.

V 37-8 JAN 13 72 XUM

San Francisco, Calif.—San Francisco International Airport; VOR-B, Amdt. 1; Revised.
San Francisco, Calif.—San Francisco International Airport; VOR Runway 28L/R, Amdt. 14; Revised.
Santa Maria, Calif.—Santa Maria Public Airport; VOR-A, Amdt. 3; Revised.
Santa Maria, Calif.—Santa Maria Public Airport; VOR Runway 12, Amdt. 7; Revised.
Santa Monica, Calif.—Santa Monica Municipal Airport; VOR-A, Original; Established.
Santa Monica, Calif.—Santa Monica Municipal Airport; VOR Runway 3, Amdt. 3; Revised.
Thermal, Calif.—Thermal Airport; VOR-A, Original; Established.
Thermal, Calif.—Thermal Airport; VOR/DME Runway 35/30, Original; Established.
Yuma, Ariz.—Yuma MCAS/Yuma International Airport; VOR Runway 17, Original; Established.
Green Bay, Wis.—Austin Straubel Airport; VOR/DME Runway 36, Amdt. 1; Revised.

4. Section 97.25 is amended by establishing, revising, or canceling the following SDF–LOC–LDA SIAPs effective February 3, 1972.

Bakersfield, Calif.—Meadows Field; LOC (BC) Runway 12L, Amdt. 4; Revised.
San Francisco, Calif.—San Francisco International Airport; LOC (BC)–A, Amdt. 1; Revised.

5. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 3, 1972.

Anniston, Ala.—Anniston-Calhoun County Airport; NDB Runway 5, Amdt. 9; Revised.
Bakersfield, Calif.—Meadows Field; NDB Runway 30R, Original; Established.
Everett, Wash.—Snohomish County (Paine Field); NDB Runway 16, Amdt. 7; Revised.
Greenville, S.C.—Greenville Municipal Downtown Airport; NDB Runway 36, Amdt. 12; Revised.
Jackson, Miss.—Allen C. Thompson Field; NDB Runway 15L, Amdt. 10; Revised.
Louisville, Miss.—Louisville Winston County Airport; NDB–A, Amdt. 2; Revised.
San Francisco, Calif.—San Francisco International Airport; NDB Runway 19L, Amdt. 2; Revised.
San Francisco, Calif.—San Francisco International Airport; NDB Runway 28L, Amdt. 2; Revised.
West Palm Beach, Fla.—Palm Beach International Airport; NDB Runway 9L, Amdt. 11; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective February 3, 1972.

Bakersfield, Calif.—Meadows Field; ILS Runway 30R, Amdt. 17; Revised.
Columbia, Mo.—Columbia Regional Airport; ILS Runway 2, Original; Established.
Dubuque, Iowa—Dubuque Municipal Airport; ILS/DME Runway 31, Original; Established.
Greenville, S.C.—Greenville Municipal Downtown Airport; ILS Runway 36, Amdt. 16; Revised.
Jackson, Miss.—Allen C. Thompson Field; ILS Runway 15L, Amdt. 9; Revised.
San Francisco, Calif.—San Francisco International Airport; ILS Runway 19L, Amdt. 7; Revised.
San Francisco, Calif.—San Francisco International Airport; ILS Runway 28L, Amdt. 7; Revised.
West Palm Beach, Fla.—Palm Beach International Airport; ILS Runway 9L, Amdt. 13; Revised.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective January 6, 1972.

Chicago, Ill.—Chicago O'Hare International Airport; RADAR–1, Amdt. 23; Revised.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective February 3, 1972.

Denver, Colo.—Stapleton International Airport; RADAR–1, Amdt. 7; Revised.
Tampa, Fla.—Tampa International Airport; RADAR–1, Amdt. 3; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 3, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-435 Filed 1-12-72;8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 232—FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Power Sales Schedules

The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

There was published in the FEDERAL REGISTER on October 29, 1971 (36 F.R. 20761) a notice of proposed rule-making to add §§ 232.55 and 232.56 to Part 232 of Title 25 of the Code of Federal Regulations dealing with the operation and maintenance of the Flathead Indian Irrigation Project power system and the application of electrical power rate schedules. The primary purpose of this amendment is to establish power rate schedules for "irrigation pumping and sprinkling" and "street and area lighting."

The regulations were proposed pursuant to 5 U.S.C. 301 (1970 Ed.) and sections 6 and 7 of the Act of May 25, 1948 (62 Stat. 273).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed amendments. One comment was received which was considered and made a part of the proposed amendments. Accordingly the proposed amendments are hereby adopted, subject to the following change:

1. Subparagraph (3) of § 232.56(c) is changed by inserting after the word "system" the words "involving 10 or more lighting units."

Since additional delay could adversely affect the operation of the power system and the services it provides, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the FEDERAL REGISTER (1-13-72).

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 6, 1972.

New §§ 232.55 and 232.56 are added to 25 CFR Part 232 to read as follows:

§ 232.55 Rate Schedule No. 5: Irrigation pumping and sprinkling.

(a) *Application of schedule.* This schedule is available for single-phase and three-phase service used exclusively for irrigation pumping and sprinkling during the irrigation season, normally April 15 through October 15, where service may be discontinued during the balance of the year and the transformers removed at the discretion of the Project. Unless specifically permitted by the contract, use must be limited to the consumer's premises and must not be resold. If more than one meter is required by the customer's installations, or for the consumer's convenience, a separate computation will be made for each meter.

(b) *Rate per season or fraction thereof.* $7 per horsepower connected; 0.7 cent per kilowatt hour for all kilowatt hours used.

(c) *Special terms and conditions.* (1) The minimum annual (seasonal) horsepower charge of $7 per connected horsepower shall be paid each year during the life of the contract. Payment shall be required each year before the service is connected. If the service has not been connected by the close of the irrigation season, but in no case later than October 15, the minimum annual (seasonal) charge will be assessed.

(2) At the close of the irrigation season, but in no case later than October 15 of each year, the meter will be read and the total seasonal energy use (kilowatt-hours) will be computed and billed. The bills shall be due and payable within 30 calendar days after date of issue.

(3) If an account becomes delinquent, the Project Engineer shall have the option to cancel the contract, remove the Project's facilities, and demand payment of all delinquent bills, plus any penalties provided in the contract for premature termination of the contract.

(4) For a delinquent account to be reconnected payment will be required for all delinquent bills, plus the estimated energy charge for the coming season, plus the annual seasonal charge of $7 per horsepower.

§ 232.56 Rate Schedule No. 6: Street and area lighting.

(a) *Application of schedule.* This schedule is available in the Project's service area where adequate capacity, phase and voltage are available for individual users of area lighting and for communities who desire a lighting system. Service is from dusk to dawn and the Project will own, operate and maintain the lights, including lamp and globe replacement and furnishing the necessary power and energy.

(b) *Rate per unit.* (1) Area Light installed on existing pole or structure:

7,000 Lumen unit... $3.35 per month.
20,000 Lumen unit.. $4.45 per month.

(2) Area Light installed with new wood pole:

7,000 Lumen unit... $3.85 per month.
20,000 Lumen unit.. $4.95 per month.

(c) *Special conditions.* (1) Where more than 150 feet of extension and/or one pole per unit are required the customer will make a nonrefundable contribution for the overage at actual cost to the Project. Ownership of all facilities remains with the Project.

(2) The original term of contract shall be not less than 3 years. Should termination be requested by the customer within the contract minimum period, he shall be liable for the in and out costs, or the balance of the contract charges, whichever is the lesser.

(3) In case of municipalities or other entities desiring a lighting system involving 10 or more lighting units with fixtures, supports, or poles differing from those supplied as standard, the Project Engineer shall negotiate a contract for supplying this service.

[FR Doc.72-493 Filed 1-12-72;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7154]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Bonds and Other Evidence of Indebtedness; Correction

On December 28, 1971, T.D. 7154 was published in the FEDERAL REGISTER (36 F.R. 24995). The corrections listed below are made to the Income Tax Regulations (26 CFR Part 1), as prescribed by T.D. 7154:

1. On page 24996 (Instructional Paragraphs), in Para. 4. line 4, the wording "paragraph (a)(1)" should read "paragraph (a)(2)."

2. In § 1.1232-3(b)(1)(iii)(*d*) (page 25001) line 14 should be corrected to read—"(e)(5)(ii) of § 1.1232-3A."

3. In the chart contained in Example (2) of § 1.1232-3(b)(2)(ii)(*d*) (page 25003) under column (2) the insert appearing as "[deleted]" should be deleted.

4. In § 1.1232-3A(a)(2)(iii) [Reserved] (page 25005), between "(iii)" and "[Reserved]", insert the following: *"Ratable monthly portion upon carryover to new obligation."*

5. In § 1.1232-3A(e)(4)(ii)(*a*)(*1*) (page 25007) change "December 31, 1971," to read "December 31, 1970,".

6. In § 1.1232-3A(e)(4)(ii)(*d*) (page 25007) delete the full subdivision and insert: "(*d*) The stated redemption price at maturity for the initial period or any renewal period shall be considered to be the maximum amount which would be received at the end of any such period, without regard to any reduction resulting from withdrawal prior to maturity or failure to renew at any renewal date."

7. In § 1.1232-3A(e)(4)(iv) (page 25008), the word "examples" should be changed to read "Example."

8. In § 1.1232-3A(e)(5)(i) (page 25008), line 12, the word "his" should be changed to read "the."

9. In § 1.1232-3A(e)(5), refer to the chart contained in Example (1) (page 25008). Under column (7), place an underline between 0.56 and $44.19 as $44.19 totals all of column (7).

10. In § 1.6049-1(a)(1)(ii)(*a*), line 18 (page 25009) delete closing parenthesis at end of line.

11. In subdivisions (*3*), (*4*), (*5*), and (*6*) of 1.6049-1(a)(1)(ii)(*a*) (page 25009) delete the commas at the end of each subdivision and insert periods. In subdivision (7) of this section, change to read "Such other information as is required by the form. And,". In subdivision (*1*) of § 1.6049-1(a)(1)(ii)(*b*) line 2 (page 25010), delete "(*b*)."

12. In § 1.6049-3(c)(1)(ii), line 1 (page 20512) delete the word "Each" and insert after "(a)" the following: "Except as otherwise provided in this subdivision (ii), each."

13. In § 1.6049-3(c)(1)(ii)(*b*), line 1, (page 25012) delete the word "Each" and insert: "The time for furnishing each".

14. In § 1.6049-3(c)(1)(ii), add a new subdivision (c) following subdivision (*b*) which reads as follows: "(c) The time for furnishing each statement required by this section to be furnished by a nominee to any person for the calendar year 1971 for original issue discount is extended to February 28, 1972."

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.72-538 Filed 1-12-72;8:49 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Blying Sound, Alaska

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 204.-222c is hereby prescribed, establishing and governing the use and navigation of a danger zone in the Blying Sound area, Gulf of Alaska, Alaska, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 204.222c Blying Sound area, Gulf of Alaska, Alaska; air-to-air gunnery practice area, Alaskan Air Command, U.S. Air Force.

(a) *The danger zone.* A rhomboidal area beginning at latitude 59°51'30" N., longitude 148°42'00" W.; thence to latitude 59°22'30" N., longitude 147°00'00" W.; thence to latitude 58°52'00" N., longitude 148°03'00" W.; thence to latitude 59°20'00" N., longitude 149°45'00" W., and thence to point of beginning.

(b) *The regulations.* (1) 20-mm. cannon will be fired at towed targets in the air. One firing mission will be conducted every 2 weeks during daylight hours only and weather permitting.

(2) The fact that practice firing is to take place over the designated area shall be advertised to the public 7 days in advance through the usual media for the dissemination of such information. Notice to the U.S. Coast Guard and NOTAM shall be issued at least 48 hours before firing is to be conducted on the range. Information as to the dates, time, and characteristics of the firing shall be advertised in advance of each session of firing.

(3) Prior to conducting each practice firing, the danger zone shall be patrolled by aircraft to note the location of all vessels within the area. The practice firing exercise shall be conducted in the portion of the danger zone not occupied by surface craft.

(4) The regulations in this section shall be enforced by the Commander, Alaskan Air Command, U.S. Air Force, Anchorage, Alaska, or such agencies as he may designate.

[Regs., Dec. 21, 1971, 1522-01 (Danger Zone—Blying Sound, Gulf of Alaska) DAEN-CWO-N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-486 Filed 1-12-72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

DECISION OF CONTRACTING OFFICER

Chapter 5A of Title 41 is amended as follows:

PART 5A-1—GENERAL

Subpart 5A-1.3—General Policies

Section 5A-1.318-1 is amended as follows:

§ 5A-1.318-1 Contracting officer's decision under the Disputes clause.

• • • • • •

(b) Whenever a decision of the contracting officer is concerned with the

V 37 N 8 JAN 13 72 XUM

termination of a contract and/or purchase order(s) for default, with a finding of inexcusability, GSA Form 2715, Decision of the Contracting Officer, as illustrated by § 5A–16.950–2715, shall be used in lieu of that set forth in § 5A–1.318–1(a), above.

• • • • •

PART 5A–16—PROCUREMENT FORMS

The table of contents of Part 5A–16 is amended to add the following new entry:

Sec.

5A–16.950–2715 GSA Form 2715, Decision of the Contracting Officer.

PART 5A–76—EXHIBITS

The table of contents of Part 5A–76 is amended to delete § 5A–76.121.

NOTE: The new illustration identified in § 5A–16.950–2715 is filed as part of the original document. Copies may be obtained from the General Services Administration (FPP), Washington, D.C. 20406.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective 30 days after the date shown below.

Dated: December 30, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.72–512 Filed 1–12–72;8:47 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

[CGFR 72–3]

SUBCHAPTER P—MANNING OF VESSELS

PART 157—MANNING REQUIREMENTS

Deck Officers' Service as Pilots of Certain Vessels

The purpose of this amendment to the special provisions of the Coast Guard's regulations for manning of vessels is to allow a person holding a license as master or mate who is employed as master or mate of a vessel of less than 1,000 gross tons to serve as pilot of that vessel. This amendment is based on a notice of proposed rule making (CGFR 71–11) publish in the FEDERAL REGISTER on February 24, 1971 (36 F.R. 3525). The proposed rule on which this amendment is based appeared as item PH 1a–71 of the Merchant Marine Council Public Hearing Agenda for the March 29, 1971, public hearing.

Interested persons were given the opportunity to submit written comments and to make oral comments at the public hearing concerning this amendment.

Item PH 1a–71 also contained proposed amendments to the Coast Guard's licensing requirements for masters and mates of freight and towing vessels of not more than 1,000 gross tons. These proposals will be the subject of a later FEDERAL REGISTER document.

Coastwise seagoing vessels when underway on waters other than the high seas are required by law to be under the direction of a federally licensed pilot (46 U.S.C. 364 and 404). Many seagoing vessels of 1,000 or less gross tons are presently subject to regulations that allow a master or mate to serve as pilot. This category of vessels of 1,000 or less gross tons includes about 3,800 vessels such as small freighters, tankers, towing, passenger, oil exploration, and support vessels. About 3,400 of these are small passenger vessels, under 100 gross tons, which are presently not required to have a person in control who holds a license as pilot. The remainder of the 3,800 vessels include about 200 freight and towing vessels on which, under present regulations, masters and mates may serve as pilots; therefore, less than 200 vessels in the 1,000 or less gross tons category are presently not covered by regulations allowing a master or mate to serve as pilot.

Most of the comments received in writing and at the public hearing supported the proposal to allow masters and mates to serve as pilots on vessels of not more than 1,000 gross tons. Comments in favor of the proposal point to the greatly improved aids to navigation, new navigation devices aboard vessels, improved charts, and masters and mates possessing greater navigational expertise than masters and mates of a generation ago. The adoption of this amendment would relieve a shortage of masters with sufficient pilotage experience to qualify for licenses as pilots.

Two comments were received in opposition to the proposal. One commentator pointed out that the exam for a master or mates license has no questions to ascertain the scope of a man's knowledge concerning any particular area and contended that in the restricted waters of inland rivers and other harbors, any skill as a shiphandler depends in large part upon the familiarity with the waters. The other comment in opposition to the proposal contended that any size vessel traveling on waters requiring pilotage knowledge should be under the guidance of a licensed pilot for the waters concerned and that with the advent of large, powerful motor-driven tugs pushing barges of a size comparable to larger ships, a capability exists for major disasters if knowledgable, licensed pilots are not required.

An applicant for a pilot's license or a pilot endorsement on a master or mates license is examined on, among other things, inland rules applicable to the route to which his pilot privileges are limited, local knowledge of winds, weather, tides, current, etc., and a chart sketch of the route and waters applied for, showing courses, distances, shoals, aids to navigation, depths of water, and other important features of the route. An applicant for a deck officer's license is examined on, among other things, piloting, aids to navigation, chart construction, tides, and current, and inland rules of the road. Although he is not examined on local knowledge of specific routes, a person licensed as master or mate under present regulations can safely navigate the small, maneuverable, shallow draft vessels of 1,000 gross tons or less without the intimate and precise knowledge of a specific local area required of a pilot of large, deep draft vessels.

The Coast Guard, upon review of all the comments, believes that the professional knowledge and experience required for a license as master or mate of ocean and coastwise vessels exceeds the knowledge and experience necessary to safely operate and navigate vessels of 1,000 gross tons or less.

In consideration of the foregoing, Part 157 of Title 46 of the Code of Federal Regulations is amended by adding a new § 157.30–40 to read as follows:

§ 157.30–40 Vessels not more than 1,000 gross tons.

For the purposes of § 157.20–40, a person holding a license as master or mate is a licensed pilot of a vessel of not more than 1,000 gross tons, within the limitation and restriction of his license, on which he is employed as master or mate.

(46 U.S.C. 222, 224, 364, 367, 375, 404, and 416; 49 U.S.C. 1655(b)(1), 49 CFR 1.4(b), 1.46)

The effective date. This amendment is effective on March 18, 1972.

Dated: January 7, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.72–506 Filed 1–12–72;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5151]

[Fairbanks 14223, Anchorage 6473]

ALASKA

Amendment of Public Land Order No. 5150

Correction

In F.R. Doc. 72–162 appearing at page 142 in the issue of Thursday, January 6, 1972, in the land description under the heading "Copper River Meridian Protracted Descriptions," the second line under "T. 7 N., R. 1 W.," now reading "Secs. 24 to 23, inclusive;" should read "Secs. 14 to 23, inclusive;".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72–15]

PART 73—RADIO BROADCAST SERVICES

Clarification of Directional Antenna Requirements

Order. In the matter of amendment of § 73.150 of the Commission's rules and regulations concerning standard broadcast stations to clarify the requirements of this section.

1. Pursuant to a report and order in Docket 16222, adopted January 13, 1971, the Commission amended its rules governing the design and use of the radiation patterns of directional antennas utilized by standard broadcast stations.

2. Among the rules amended at that time are §§ 73.150 and 73.152, which set forth the kind of information to be supplied to the Commission by applicants proposing to employ directional antennas. From our experience in processing information and data submitted in applications in accordance with the requirements of this section, we have concluded that our work would be expedited if certain items of presently required information were presented by applicants in a prescribed form. We are therefore amending §§ 73.150 and 73.152 to the extent necessary to achieve this end.

3. Since the rules, as amended hereby, are, in essence, merely clarifications of existing rules, and no new or additional burden is imposed on applicants, we find compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act to be unnecessary, to involve needless delay, and, therefore, to be contrary to the public interest.

4. *Accordingly, it is ordered,* That, effective January 21, 1972, Part 73 of the Commission's rules and regulations is amended to read as indicated below.

5. Authority for the adoption of this rule amendment is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.150(b), subparagraph (3) is amended to read as follows:

§ 73.150 Directional antenna systems.

• • • • • •

(b) (3) The effective (RMS) field intensity in the horizontal plane of $E_{(\phi,\theta)_{ath}}$, $E_{(\phi,\theta)_{th}}$ and the root sum square (RSS) value of the inverse fields of the array elements at 1 mile, derived from the equation for $E_{(\phi,\theta)_{th}}$. These values shall be tabulated on the page on which the horizontal plane pattern is plotted, which shall be specifically labeled as the Standard Horizontal Plane Pattern.

• • • • • •

2. In § 73.152, the last two sentences in paragraph (a)(2) are deleted, and subparagraphs (3) and (4) are added to read as follows:

§ 73.152 Modification of directional antenna data.

(a) • • •

(3) A Modified Standard Radiation Pattern shall be specifically labeled as such, and shall be plotted in accordance with the requirements of subparagraph (2) of paragraph (b) of § 73.150. The effective (RMS) field intensity in the horizontal plane of $E_{(\phi,\theta)_{ath}}$, $E_{(\phi,\theta)_{th}}$, and the root sum square (RSS) value of the inverse fields of the array elements at 1 mile derived from the equation for $E_{(\phi,\theta)_{th}}$, shall be tabulated on the page on which the horizontal plane pattern is plotted. Where sector augmentation has been employed in designing the modified pattern, the direction of maximum augmentation shall be indicated on the horizontal plane pattern for each augmented sector, and the limits of each sector. Field values within an augmented sector, computed prior to augmentation, shall be depicted by a broken line.

(4) There shall be submitted, for each modified standard pattern, complete tabulations of final computed data used in plotting the pattern. The data used in plotting each augmented sector shall be separately tabulated.

[FR Doc.72–516 Filed 1–12–72;8:46 am]

[Docket No. 19161; FCC 72–21]

PART 73—RADIO BROADCAST SERVICES

FM Table of Assignments

Second report and order. In the matter of amendment of §73.202(b) of the Commission's rules, the FM Table of Assignments. (West Allis, Berlin, Hartford, Neenah-Menasha, Shawano, Watertown, and Waupun, Wis., and Escanaba, Mich.; Coal City, Dwight, or Marseilles, Ill.; St. Charles and St. Louis, Mo.; Muncie, Ind., and Celina, Fostoria, and Lima, Ohio; Anamosa and Iowa City, Iowa; Terrell and Corsicana, Tex.; Sullivan, Bedford, and Paoli, Ind.; Orangeburg, S.C.; Danville, Ind.; Decatur or Paris, Ill.; Manning and Kingstree, S.C.), Docket No. 19161, RM–1476, RM–1489, RM–1523, RM–1524, RM–1526, RM–1540, RM–1552, RM–1554, RM–1559, RM–1561, RM–1563, RM–1566, RM–1571, RM–1626, RM–1660.

1. The Commission has under further consideration the notice of proposed rule making, FCC 71–192, issued March 1, 1971, concerning the amendment of § 73.202(b) of the Commission's rules, the Table of FM Assignments in the above-entitled proceeding. The first report and order[1] gave consideration to eight of the 15 proposals contained in the proceeding which did not raise substantial oppositions or involved conflicting proposals. Except where indicated, all population figures are from the 1970 U.S. Census.

2. This second report and order deals with six proposals for assignment of channels in the States of Wisconsin and Michigan, plus three conflicting proposals submitted as a result of the notice, and the proposal for assignment of a second channel at Muncie, Ind. Briefly, the proposals to assign or to exchange channels at the following communities are adopted: Escanaba, Mich.; Berlin, Hartford, Neenah-Menasha, Shawano, Watertown, and Waupun, all in Wisconsin. The proposal for Muncie, Ind., is not adopted. The detailed consideration of the proposals are set forth below.

3. *Changes in Wisconsin and Michigan.* As a result of five petitions for rule making, the notice invited comments on the proposals to assign channels to three communities and to change the assignments at five communities in the States of Wisconsin and Michigan.[2] The proposed assignments are as follows:

City	Channel No.	
	Present	Proposed
Escanaba, Mich	227, 246	246, 284
Berlin, Wis	232A	272A
Hartford, Wis		[1] 285A
Neenah-Menasha, Wis	257A	[1] 232A, 261A
Shawano, Wis	261A, 274	257A, 274
Watertown, Wis	284	231
Waupun, Wis		[1] 257A

[1] The proposed assignments must be used at points outside of the communities approximately as follows: Hartford, Wis., south; Waupun, Wis., 7 miles north-west; Neenah-Menasha, Wis. (Channel 261A), 7 miles west or north.

Another proposal for the first channel at West Allis, Wis., filed by Alfred C. Valdez and Lew Breyer and Associates, conflicts with the proposal for Hartford and was denied in the notice as being less meritorious than that of Hartford. Comments in support of the proposals were submitted by Collins Broadcasing Corp. for assignment of Channel 257A at Waupun; Total Radio, Inc. (WYNE(AM)), Appleton, Wis., and Reverend Arthur Gregg for assignment of Channel 261A at Neenah-Menasha; and Door County Broadcasting Co., Inc. (WDOR–FM), Sturgeon Bay, Wis., for the exchange of assignments at Escanaba, Mich. ABD, Inc. (WTKM(AM)), Hartford, submitted a preclusionary study requested in the notice, and Dr. Valdez and Lew Breyer and Associates (Valdez) filed a petition for

[1] Commissioner H. Rex Lee absent.

[1] FCC 71–1115, released Nov. 1, 1971.

[2] The rule making for the Wisconsin area was instituted by the requests for assignment of Channels 285A at West Allis, 257A at Waupun, 285A at Hartford and 261A at Menasha. The requests affected the assignments at Berlin (Channel 232A), Neenah-Menasha (Channel 257A), Watertown (Channel 284), Shawano (Channel 261A), and Sturgeon Bay, Wis. (Channel 230). Opposition to the change in Channel 230 at Sturgeon Bay was resolved by an alternate proposal which suggested Channel 284 for Channel 227 at Escanaba, Mich.

V37-18 JAN 13 72 XUM

reconsideration of denial of their petition for the assignment of Channel 285A at West Allis, and comments in opposition to Hartford. In addition, the following comments and pleadings were filed: Comments by Latin American Corp. (Latin American) urging assignment of Channel 285A at West Allis; petition for assignment of Channel 285A at Oak Creek, Wis., by L. T. Kreutzig; petition for assignment of Channel 272A at Coloma, Wis., by Adams, Marquette and Waushara Broadcasters (Adams); and comments by The Hearst Corp. (WISN–TV), Milwaukee, Wis.[3]

4. It appears that there are no conflicts with the proposals to assign Channel 261A at Neenah-Menasha and to change the assignment at Shawano from Channel 261A to Channel 257A, and also with the proposal to change the assignment at Escanaba, Mich., from Channel 227 to 284 and it appears that the public interest would be served to make these assignments. However, in light of the comments and petitions filed, we must give further consideration to the proposed assignments of Channels 272A at Berlin and 285A at Hartford. The petition filed by Adams, requesting the assignment of Channel 272A at Coloma, conflicts with the proposal to assign that channel at Berlin, 30 miles distant. As to Channel 285A, Valdez seeks reconsideration of its petition to assign the channel at West Allis; Latin American urges the assignment also at West Allis; and Kreutzig petitions for an assignment at Oak Creek, Wis.

5. In seeking the assignment of Channel 272A at Coloma, Wis. (population 336), Adams asserts that the station would serve the needs of the communities (populations vary from 637 to 1,305), located in Adams, Marquette, and Waushara Counties (populations 9,234, 8,865, and 14,795, respectively) by providing for news coverage, local expression and information of various types. As noted above, the requested assignment conflicts with a proposal to assign Channel 272A at Berlin, Wis., as substitute assignment for Channel 232A presently assigned there.[4] However, in making a determination as to whether an assignment should be made at Coloma, it must be weighed against the need for a channel assignment at Waupun. If Channel 257A were not assigned to Waupun, then Channel 257A could be assigned to Berlin, and Channel 272A to Coloma. On weighing the matter, we believe that there is a greater need for a channel at Waupun than at Coloma. Waupun is a community of 7,946 persons with its own government and elected officials, public utilities, school systems, industrial organizations, etc., and served by a local daytime-only AM station. An assignment to Waupun would provide for a first nighttime local aural facility. Thus we will deny the request for an assignment at Coloma, Wis.

6. In proposing the assignment of Channel 285A to Hartford, we weighed the request of ABD, Inc., with that of Valdez for West Allis. Valdez argues in its petition for reconsideration that the Commission failed to consider West Allis as a community completely independent from the city of Milwaukee, with its own government, courts, and public services. Comments were filed by Latin American Corp. in behalf of the Spanish-speaking community in southeastern Wisconsin, also urging the assignment of Channel 285A to West Allis. Latin American contends that there is a need for a station with which to communicate with this group of people. Finally, L. T. Kreutzig petitioned for assignment of Channel 285A at Oak Creek, Wis., a community located south of and adjacent to Milwaukee. Kreutzig asserts that Oak Creek is one of the new suburbs in the Milwaukee Metropolitan Area, which has a population of 13,901, and that there are no FM, AM, or TV stations licensed in Oak Creek or in any of the suburban areas south of Milwaukee. Since his proposal conflicts with the proposed assignment at Hartford, Kreutzig suggests that Channel 283 could be assigned to Hartford. ABD also suggests this change in the assignment at Hartford.

7. As a result of additional petitions and comments filed, we again weigh the merits of the proposals and conclude that the assignment of Channel 285A to Hartford would be in the public interest. Although West Allis does not have an FM station, it is part of the Milwaukee Urbanized Area, and Milwaukee, the principal city of the urbanized area, has nine FM assignments and seven standard broadcast stations. West Allis has one daytime-only standard broadcast station. It is noted that the licensee of West Allis AM station WAWA is also the licensee of one of Milwaukee's FM stations (WAWA–FM). In contrast, Hartford, located some 25 miles from Milwaukee, has only one daytime-only standard broadcast station assigned to it; there is a need for a fulltime facility at Hartford. West Allis has a plethora of aural services available, and, due to its proximity to Milwaukee, the FM transmission facilities are readily available to the community. As to Oak Creek, it is also located adjacent to Milwaukee and part of the Milwaukee Urbanized Area. Although Kreutzig and ABD have urged the assignment of Channel 283 to Hartford so that Channel 285A could be assigned to Oak Creek, such an assignment cannot be made because of the assignments on Channel 283 at Eau Claire, Wis., and Muskegon, Mich.

8. The above changes would affect the presently occupied channel assignments at three communities, and the permittees benefiting from the new assignments are expected to reimburse the licensees of the stations required to change their assignments. The change in the assignment at Shawano from Channel 261A to Channel 257A is straightforward in that it would benefit a permittee on Channel 261A at Neenah-Menasha. However, the change at Neenah-Menasha[5] from Channel 257A to Channel 232A would benefit the permittees at Waupun for Channel 257A and at Hartford for Channel 285A. Thus it is ruled that these permittees shall share the pro rata expenses for the changeover at Neenah-Menasha to Channel 232A. The Hartford permittee is also expected to reimburse the licensee at Watertown for its changeover from Channel 284 to Channel 231.

9. *Muncie, Ind. (RM–1524).* Although there were reservations because of the rather large cost involved, we instituted rule making and invited comments on a proposal to assign Channel 244A at Muncie, Ind. Muncie Broadcasting Corp. proposed that a second FM channel could be assigned to Muncie by making the following changes in the Table of Assignments (the affected channels are underlined):

City	Channel No.	
	Present	Proposed
Muncie, Ind.	281	244A, 281
Celina, Ohio	232A, 244A	232A, 249A
Lima, Ohio	249A, 271, 285A	244A, 271, 285A
Fostoria, Ohio	244A	249A

The three channels in Ohio affected by the proposed reassignments are presently occupied. Muncie Broadcasting stated that it was ready, willing and able to reimburse the licensees of Stations WCSM–FM, Celina, WTGN(FM), Lima, and WFOB–FM, Fostoria, for those expenses reasonably and prudently expended in the requested changeovers from their present channels. Comments in support of the proposal were filed by Muncie Broadcasting, and comments in opposition were filed by Central Broadcasting Corp., licensee of Station WCSM–FM, Celina, Ohio; Seneca Radio Corp., licensee of Station WFOB–FM, Fostoria, Ohio; Associated Christian Broadcasters, licensee of Station WTGN(FM), Lima, Ohio; and Broadcasting Services, Inc., licensee of Station WGLM(FM), Richmond, Ind.[6]

10. WGTN in opposition argues that the listeners in the area between Lima and Celina, upon dialing Channel 249, would receive Station WCSM–FM instead of WTGN; that it would be highly speculative to assume that its entire audience would be informed of the new location on the dial; and that it would require substantial expenditure of funds, which is not reimbursable, to educate them. WCSM–FM alleges that its operation would be injured by the loss of interference-free service the station now provides beyond its normally protected 1 mv/m contour, and that there would be considerable cost involved in effecting the shift, for which it expects to be compensated. It contends that it would cost an estimated sum of $10,580 to effect the changeover of Station WCSM–FM, including readjustment of its AM station, a new circular polarized FM antenna, new crystals, and labor, and advertising. WFOB–FM asserts that, although the proposal to assign Channel 249A at Fostoria complies with the spacing requirements, the shift would result in substantial interference to the southern periphery of the WFOB–FM service area (within its 1 mv/m contour) because of "super power" operation of Station WNCI, Columbus, Ohio, operating on Channel 250; that interference would occur in areas where its AM station does not provide service at night; and that the interference would also preclude off-the-air pickup of its signal by Station WBCO–FM, Bucyrus, Ohio.

11. In support of the notice, Muncie Broadcasting contends that the proposed addition of Channel 244A to Muncie conforms with the technical requirements of the rules in that no short-spacing will be created but would require minor changes in the assignments to three communities; that the costs involved with the modifications would be small in relation to the showing of public interest for an additional channel at Muncie; and that the estimated costs will approximate $500 to $1,095 per station. It asserts that there is a need for a second channel in Muncie and cites the statistics of the industries, income, sales and social activities in the Muncie area. In reply to oppositions, Muncie Broadcasting insists that a station is not afforded any more protection than that which results from the minimum spacings and maximum authorized facilities, and that the fact that a station may enjoy spacing greater than the minimum does not guarantee that the situation will not change.

12. The Muncie Broadcasting request for assignment of an FM channel at Muncie, Ind., creates a difficult situation in that it requires weighing the need for a second channel in a large community against the change in the operation of three existing stations. As our rules provide, the channels are assigned on the basis of distance separation between communities and protection of the service contours is provided by this procedure. In general, the proposed channels may be assigned without any violation of the minimum spacing requirements, but these stations would be located closer to other stations than they are now situated, and this would result in loss of service to the areas now provided beyond the 1 mv/m contours. In the cases of WCSM–FM and WTGN, this would hold, but as to WFOB–FM, there would be a loss of service within its 1 mv/m contour as a result of Station WNCI, Columbus, Ohio, which is operating with 185 kw., e.r.p., and effective antenna height of 570 feet. Although the operating facilities of WNCI exceeds the maximum that now would be authorized for its class of station, it acquired its authorization prior to the adoption of the present rules. We must take into account the loss of existing service as one of the factors in a rule making decision but such loss beyond the normally protected distance should not stand in the way of a desirable additional assignment such as a second channel to a sizeable community of Muncie. However, the loss to the Fostoria station, because a "supermaximum" facility is involved, would be greater than this, and therefore the Muncie proposal must be denied.

13. In urging adoption of its proposal, Muncie Broadcasting argues that, if WFOB–FM were to increase its antenna to the maximum allowable height of 300 feet for 3 kilowatts power, the service to the Carey, Ohio, area would be restored. However, it overlooks the fact that, although the service area would be enlarged, interference to WFOB–FM service would still occur in another area. Muncie Broadcasting also suggests the use of a vertically polarized antenna to improve coverage in order to overcome the interference that would be caused by Station WNCI, but it does not state it would be responsible for the cost of making the necessary changes in the facilities. Thus, on balance, it appears that it would be in the public interest to preserve the integrity of the WFOB–FM service contour. We believe that Muncie Broadcasting is rather optimistic in its estimates of the costs for changeover of the three stations, and that WFOB–FM should not be expected to expend additional funds in order to overcome the interference that may be obtained as a result of a change in the channel assignment. We therefore will not adopt the proposal to assign Channel 244A at Muncie, Ind.

14. *In view of the foregoing, it is ordered,* That pursuant to sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, effective February 23, 1972, § 73.202(b) of the rules, the Table of Assignments, FM Broadcast Stations, is amended to read as follows for the cities listed below:

City	Channel No.
Escanaba, Mich.	246, 284
Berlin, Wis.	272A
Hartford, Wis.	285A
Neenah-Menasha, Wis.	232A, 261A
Shawano, Wis.	257A, 274
Watertown, Wis.	231
Waupun, Wis.	257A

15. *It is further ordered,* That the petition for reconsideration, RM–1476, filed by Dr. Alfred C. Valdez and Lew Breyer & Associates is denied.

16. *It is further ordered,* That the petition of Muncie Broadcasting Corp. for assignment of Channel 244A at Muncie, Ind., is denied.

17. *It is further ordered,* That effective February 23, 1972, and pursuant to section 306(a) of the Communications Act of 1934, as amended, the outstanding license held by Midwest Communications, Inc., for Station WNRR, Neenah-Menasha, Wis., is modified to specify operation on Channel 232A in lieu of Channel 257A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than February 23, 1972, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 14, 1972, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WNRR on Channel 232A at Neenah-Menasha, Wis.

(c) The licensee may continue to operate on Channel 257A under its outstanding authorization until either a station is authorized to operate on Channel 257A at Waupun, Wis., or it is ready to operate earlier on the new frequency and submits an application for an FM broadcast station license with proof of performance measurement data to demonstrate compliance with technical performance requirements of the rules. The licensee shall not operate on Channel 232A without prior authorization from the Commission.

18. *It is further ordered,* That, effective February 23, 1972, and pursuant to section 306(a) of the Communications Act of 1934, as amended, the outstanding license held by Shawano County Leader Publishing Co. for Station WTCH–FM, Shawano, Wis., is modified to specify operation on Channel 257A in lieu of Channel 261A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than February 23, 1972, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 14, 1972, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WTCH–FM on Channel 257A at Shawano, Wis.

(c) The licensee may continue to operate on Channel 261A under its outstanding authorization until either a station is authorized to operate on Channel 261A at Neenah-Menasha, Wis., or it is ready to operate earlier on the new frequency and submits an application for an FM broadcast station license with proof of performance measurement data to demonstrate compliance with technical performance requirements of the rules. The licensee shall not operate on Channel 257A without prior authorization from the Commission.

19. *It is further ordered,* That effective February 23, 1972, and pursuant to section 306(a) of the Communications Act of 1934, as amended, the outstanding license held by Watertown Radio, Inc., for Station WTTN–FM, Watertown, Wis., is modified to specify operation on Channel 231 in lieu of Channel 284, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than

[3] As noted in the Public Notice, Nos. 761 and 772, the petitions filed by Kreutzig and Adams were treated as counterproposals in this proceeding.

[4] A construction permit for Channel 232A at Berlin, Wis., has been issued July 15, 1971, to Kingsley H. Murphy, Jr., subject to the action taken in the proceeding herein.

[5] The notice observed that the licensee of existing station at Neenah-Menasha is the major stockholder in the Waupun petitioner (Jerry J. Collins Broadcasting Corp., respectively). On Sept. 17, 1971, the license of Station WNRR, Neenah-Menasha, was transferred to Midwest Communications, Inc.

[6] The WGLM opposition is based on the limitation the proposed assignment at Muncie would place on its selection of another transmitter site. The notice states that it attaches no significance to the matter, and no consideration is given to it herein.

V37 I8 JAN13 72 XUM

February 23, 1972, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 24, 1972, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WTIN–FM on Channel 231 at Watertown, Wis.

(c) The licensee may continue to operate on Channel 284 under its outstanding authorization until either a station is authorized to operate on Channel 285A at Hartford, Wis., or it is ready to operate earlier on the new frequency and submits an application for an FM broadcast station license with proof of performance measurement data to demonstrate compliance with technical performance requirements of the rules. The licensee shall not operate on Channel 231 without prior authorization from the Commission.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-515 Filed 1-12-72;8:48 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 16, Amdt. No. 99-4]

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

List of Persons Required To File Financial Statements

The purpose of this amendment to Part 99 is to revise Appendix C—List of Employees Required To Submit Statements of Employment and Financial Interest, Under § 99.735–31. The revision will update the list to provide for organizational changes within the Department, the creation or abolition of positions, or changes in the responsibilities of various positions.

Part 99 was issued to implement Executive Order 11222 and Part 735 of the Civil Service Commission Regulations and each amendment thereto must be approved by the Commission before issuance. This amendment was approved by the Civil Service Commission on December 28, 1971.

Since these amendments relate to departmental management, procedures, and practices, notice and public procedure thereon are not required, and they may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 99 of Title 49 of the Code of Federal Regulations is amended by revising Appendix C thereto to read as follows, effective December 31, 1971.

This amendment is made under the authority of Executive Order 11222 (30 F.R. 6469) and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on December 31, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

APPENDIX C—LIST OF EMPLOYEES REQUIRED TO SUBMIT STATEMENTS OF EMPLOYMENT AND FINANCIAL INTEREST

The following is a list of positions identified as requiring the submission of a statement of employment and financial interest under § 99.735–31(a) (2) and (3):

I. OFFICE OF THE SECRETARY OF TRANSPORTATION

Special Assistant to the Secretary.
Regional Representative of the Secretary of Transportation.
Special Assistant to the Under Secretary.
Chairman, Contract Appeals Board.
Member, Contract Appeals Board.
Director, Office of Civil Rights.
Equal Opportunity Specialist, GS–13/15, engaged in Contract Compliance Review.
Director, Office of Congressional Relations.
Deputy Director, Office of Congressional Relations.
Congressional Liaison Officer, GS–13/15.
Assistant Director for Operations.
Assistant Director for Intergovernmental Relations.
Intergovernmental Liaison Officer.
Director of Budget.
Deputy Director of Budget.
Director, Office of Planning and Program Review.
Special Assistant to the Deputy Under Secretary.
Special Assistant for TRANSPO 72.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS

Deputy Assistant Secretary.
Director, Office of Systems Requirements, Plans, and Information.
Deputy Director, Office of Systems Requirements, Plans, and Information.
Director, Office of Policy Review and Coordination.
Director, Office of Economic Studies and Projects.
Director, Office of International Transportation Policy and Programs.
Deputy Director, Office of International Transportation Policy and Programs.
Director, Office of International Cooperation.
Assistant Director (Technical Assistance), Office of International Cooperation.
Director, Office of Facilitation.

OFFICE OF THE ASSISTANT SECRETARY FOR ENVIRONMENT AND URBAN SYSTEMS

Deputy Assistant Secretary.
Director, Office of Program Coordination.
Director, Office of Environmental and Urban Research.
Director, Office of Special Projects.
Director, Office of Community Relations.

OFFICE OF THE ASSISTANT SECRETARY FOR SYSTEMS DEVELOPMENT AND TECHNOLOGY

Deputy Assistant Secretary.
Chief Scientist.
Director, Office of R&D Plans and Resources.
Director, Office of R&D Policy.
Director, Office of Systems Engineering.
Assistant Director, Office of Systems Engineering.
Director, Office of Noise Abatement.
Director, Office of Telecommunications.
Deputy Director, Office of Telecommunications.

OFFICE OF THE ASSISTANT SECRETARY FOR SAFETY AND CONSUMER AFFAIRS

Deputy Assistant Secretary.
Director, Office of Safety Program Coordination.
Deputy Director, Office of Safety Program Coordination.
Director, Office of Hazardous Materials.
Deputy Director, Office of Hazardous Materials.
Director, Office of Pipeline Safety.
Deputy Director, Office of Pipeline Safety.
Director, Office of Consumer Affairs.
Director, Office of Transportation Security.
Deputy Director, Office of Transportation Security.

OFFICE OF THE GENERAL COUNSEL

Deputy General Counsel.
Assistant General Counsel.
Deputy Assistant General Counsel.
Executive Assistant to the General Counsel.
Special Assistant for Environmental Affairs.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

Deputy Assistant Secretary.
Director, Office of Administrative Operations.
Deputy Director, Office of Administrative Operations.
Chief, Procurement Operations Division.
Contract Specialist, GS–13/15.
Chief, Publishing and Graphics Division.
Printing Officer.
Director, Office of Installations and Logistics.
Deputy Director, Office of Installations and Logistics.
Procurement Officer.
Director, Office of Audit.
Supervisory Auditor.
Auditor, GS–13/15.

TRANSPORTATION SYSTEMS CENTER

Director.
Special Assistant to the Director.
Science Advisor to the Director.
Chief Counsel.
Patent Counsel.
Civil Rights Officer.
Civil Rights Specialist, GS–13 and above, engaged in Contract Compliance Review.
Director, Transportation Systems Development.
Deputy Director, Transportation Systems Development.
Chief, Data Systems Division.
Chief, Guidance, Navigation and Control Division.
Chief, Telecommunications Division.
Chief, Systems Engineering Division.
Director, Transportaton Systems Concepts.
Chief, Systems Analysis Division.
Chief, Advanced Program Planning Division.
Director of Technology.
Deputy Director of Technology.
Chief, Mechanical Engineering Division.
Chief, Computer Technology Division.
Chief, Electromagnetic Technology Division.
Chief, Biotechnology Division.
Director of Administration.
Chief, Management Services Division.
Chief, Data Services Division.
Chief, Administrative Services Division.
Procurement Officer, GS–14.
Supervisory Contract Specialist, GS–13 and above.
Contract Price Analyst, GS–13 and above.

II. FEDERAL AVIATION ADMINISTRATION

Associate Adminstrator.
Deputy Associate Administrator.
Director, Special Staff.

[1] Commissioner H. Rex Lee absent.

OFFICE OF THE GENERAL COUNSEL

General Counsel.
Deputy General Counsel.
Associate General Counsel.
Supervisory Trial Attorney.
Attorney Advisor, Procurement Legal Division, GS–13/15.
Patent Advisor, GS–15.

NATIONAL AIRSPACE SYSTEMS PROGRAM OFFICE

Director.
Deputy Director.
Division Chief.
Technical Advisor.
Chief, Engineering Branch.
Electronic Engineer, GS–15.
Computer Systems Analyst.
Contracting Officer Representative.

OFFICE OF CIVIL RIGHTS

Director.
Deputy Director.
Civil Rights Specialist, GS–13 and above, engaged in Contract Compliance Review.

OFFICE OF GENERAL AVIATION AFFAIRS

Assistant Administrator.
Deputy Assistant Administrator.

OFFICE OF AVIATION MEDICINE

Federal Air Surgeon.
Deputy Federal Air Surgeon.
Chief, Aeromedical Applications Division.
Chief, Research Planning Branch.

OFFICE OF INTERNATIONAL AVIATION AFFAIRS

Assistant Administrator.
Deputy Assistant Administrator.
Special Assistant to the Assistant Administrator.

OFFICE OF APPRAISAL

Assistant Administrator.
Deputy Assistant Administrator.

OFFICE OF PUBLIC AFFAIRS

Director.

OFFICE OF AVIATION ECONOMICS

Director.
Chief, Economic Analysis Division.
Chief, Aviation Forecast Division.

OFFICE OF AVIATION POLICY AND PLANS

Director.
Deputy Director.
Chief, Aviation Policy Division.
Chief, Aviation Plans Division.

OFFICE OF ENVIRONMENTAL QUALITY

Director.
Deputy Director.

OFFICE OF MANAGEMENT SYSTEMS

Director.
Deputy Director.
Supervisory Accountant, GS–15.
Chief, Data Systems Division.

OFFICE OF BUDGET

Director.
Deputy Director.

OFFICE OF AUDIT

Director.
Deputy Director.
Auditor, GS–13/15.

OFFICE OF HEADQUARTERS OPERATIONS

Manager.
Deputy Manager.

OFFICE OF SYSTEMS ENGINEERING MANAGEMENT

Director.

AIR TRAFFIC SERVICE

Director.
Deputy Director.
Chief, Communications Staff.
Chief, ATC System Programs Division.
Chief, Flight Services Division.
Chief, Airspace and Air Traffic Rules Division.
Chief, Obstruction Evaluation Branch.
Chief, Automation Division.

AIRPORTS SERVICE

Director.
Deputy Director.
Chief and Assistant Chief, Development Programs Division.
Chief, FAAP Establishment Branch.
Airports Program Officers, GS–13/14.
Chief, Compliance and Property Conveyance Branch.
Chief, FAAP Requirements Branch.
Airports Specialist, GS–15.

AIRWAYS FACILITIES SERVICE

Director.
Deputy Director.
Executive Officer.
Division Chiefs and Assistant Division Chiefs.
Supervisory Engineer.
Supervisory Program Officer.

FLIGHT STANDARDS SERVICE

Director.
Deputy Director.
Chief, Engineering and Manufacturing Division.
Chief, Maintenance Division.
Chief, Operations Division.

LOGISTICS SERVICE

Director.
Deputy Director.
Chief, Contracts Division.
Assistant Chief, Contracts Division.
Procurement Officer, GS–13 and above.
Contract Price Analyst, GS–13 and above.
Contract Specialist, GS–13 and above.
Supervisory Contract Specialist.
Supervisory Property Administration Specialist.
Property Administration Specialist, GS–13 and above.
Transportation Specialist, GS–13 and above.

SYSTEMS RESEARCH AND DEVELOPMENT SERVICE

Director.
Deputy Director.
Executive Officer.
Division Chiefs and Assistant Division Chiefs.
Technical Advisor, ATC Development Division.
Chief, Plans Staff, Aircraft Development Division.
Program Managers and Associate Program Managers, Aircraft Development Division.

NATIONAL CAPITAL AIRPORTS

Manager.
Airport Managers.
Headquarters Staff Chiefs and Assistant Chiefs.
Special Assistants.
Bureau Counsel.
Industrial Property Officer.
Chiefs, Operations and Safety Divisions.
Operations and Safety Officers.
Chiefs and Assistant Chiefs, Engineering and Maintenance Division.
Chiefs, Engineering Branches.
Chief Design Engineer.
Chiefs and Assistant Chiefs, Financial Management Divisions.
Chiefs, Financial Management Branches.
Chiefs and Assistant Chiefs, Contract Management Branches.
Chiefs and Assistant Chiefs, Property Management Branches.
Chief and Section Chiefs, Fiscal Management Branch.
Contract Specialists and Negotiators, GS–13 and above.

NATIONAL AVIATION FACILITIES EXPERIMENTAL CENTER

Director.
Deputy Director.
Executive Officer.
Procurement Officer.
Chief Scientist.
General Engineer, GS–15.
Electronic Engineer, GS–14/15/16.
Air Traffic Control Specialist, GS–15.
Aerospace Engineer, GS–14/15.
Chief, Aviation Facilities Division.
Aviation Maintenance Officer.
Supervisory Airplane Pilot.
Supervisory Auditor.
Auditor, GS–13 and above.
Aircraft Program Coordinator.
Supervisory Aircraft Inspector.
Chief, Test and Evaluation Division.
Chief, ATC Systems Branch.
Chief, Guidance Branch.
Chief, Communications Branch.
Chief, Aircraft Branch.
Chief, Data Processing Division.
Chief, Human Engineering Branch.
General Attorney.
Supply Management Officer.

AERONAUTICAL CENTER

Director.
Deputy Director.
Executive Officer.
Supervisory General Engineer.
Procurement Officer, GS–14/15.
Supervisory Procurement Agent, GS–13/14.
Chief, Aircraft Services Base.
Chief, FAA Depot.
Superintendent, FAA Academy.
Supervisory Procurement Analyst, GS–13.

FIELD INSTALLATIONS

Regional Director.
Deputy Regional Director.
Executive Officer.
Supervisory Auditor.
Procurement Officer.
Supply Management Officer.
Realty Supply Officer.
Realty Officer.
Regional Counsel.
Medical Officer.
Chief, Accounting Division.
Chief and Assistant Chief of an Air Traffic, Flight Standards, Airports, Airway Facilities Division or Branch.
Chief and Assistant Chief of an Administrative Division.
Chief and Assistant Chief of a General Aviation District Office, Air Carrier District Office, Flight Standards District Office, or Flight Inspection District Office.
Principal Inspector, except at a Flight Inspection District Office, with a title such as Air Carrier Inspector, General Aviation Inspector, Air Carrier Operations Inspector, Aviation Operations Inspector, Aviation Safety Officer/Inspector, Airborne Instrument Specialist, Aviation Maintenance Specialist, Aviation Electronic Specialist.
Manufacturing Inspector/Specialist, GS–13 and above.
Aeronautical Engineer, GS–13 and above.
Aircraft Systems Engineer, GS–13 and above.
Flight Test Pilot/Specialist, GS–13 and above.

III. COAST GUARD

Commandant.
Assistant Commandant.
Chief of Staff.
Comptroller.
Deputy Comptroller.
Chief, Procurement Division.
Chief, Administrative and Review Branch.
Chief, Contract Management Branch.
Chief, Quality Assurance Division.
Supervisory Contract Specialist, GS–13 and above.
Contract Specialist, GS–13 and above.
Chief, Office of Operations.
Deputy Chief, Office of Operations.
Chief, Office of Engineering.
Deputy Chief, Office of Engineering.
Chief Counsel.

JAN 13 1972
XUM

Deputy Chief Counsel.
Chief, Office of Merchant Marine Safety.
Deputy Chief, Office of Merchant Marine Safety.
Chief, Merchant Vessel Documentation Division.
Chief, Office of Research and Development.
Deputy Chief, Office of Research and Development.
Chief, Office of Boating Safety.
Deputy Chief, Office of Boating Safety.
Commander, U.S. Coast Guard Districts.
Officer in Charge, Marine Inspection Office.
Director, Great Lakes Pilotage Staff.
Chief, Office of Civil Rights.
Civil Rights Specialist, GS-13 and above, engaged in Contract Compliance Review.
Chief, Office of Marine Environment and Systems.
Deputy Chief, Office of Marine Environment and Systems.
Chief, Bridge Division.

IV. FEDERAL HIGHWAY ADMINISTRATION

OFFICE OF THE FEDERAL HIGHWAY ADMINISTRATOR

Executive Director.

OFFICE OF THE CHIEF COUNSEL

Chief Counsel.
Deputy Chief Counsel.
Assistant Chief Counsel.

OFFICE OF CIVIL RIGHTS

Director.
Chief, Contract Compliance Division.
Civil Rights Specialist, GS-13/14, engaged in Contract Compliance Review.

OFFICE OF PROGRAM REVIEW AND INVESTIGATIONS

Director.
Deputy Director.

ASSOCIATE ADMINISTRATOR FOR PLANNING

Associate Administrator.
Special Assistant for Safety
Director, Office of Program and Policy Planning.
Chief, Transportation Economics Division.
Highway Engineer, GS-14, Transportation Economics Division.
Economist, GS-15, Transportation Economics Division.
Chief, Policy Planning Division.
Chief, Program Coordination Division.
Director, Office of Highway Planning.
Chief, Program Management Division.
Chief, Urban Planning Division.

ASSOCIATE ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT

Associate Administrator.
Mathematical Statistician, GS-15.
Mathematician, GS-15.
Economist, GS-15.
Director, Office of Research.
Chief, Structures and Applied Mechanics Division.
Chief, Materials Division.
Research Chemist, GS-15, Materials Division.
Chief, Traffic Systems Division.
Research Psychologist, GS-14/15, Traffic Systems Division.
Program Manager, GS-15, Traffic Systems Division.
Chief, Environmental Design and Control Division.
Director, Office of Development.
Chief, Engineering Services Division.
Chief, Field Testing Division.
Chief, Implementation Division.
Highway Research Engineer, GS-14/15, All Divisions except Implementation Division.

ASSOCIATE ADMINISTRATOR FOR RIGHT-OF-WAY AND ENVIRONMENT

Associate Administrator.
Director, Office of Environmental Policy.
Chief, Environmental Development Division.
Chief, Location Division.
Chief, Scenic Enhancement Division.
Director, Office of Right-of-Way.
Chief, Land Acquisition Division.
Chief, Relocation Assistance Division.

ASSOCIATE ADMINISTRATOR FOR ENGINEERING AND TRAFFIC OPERATIONS

Associate Administrator.
Highway Engineer, GS-15, Office of the Associate Administrator.
Director, Office of Highway Operations.
Chief, Federal Highway Projects Division.
Chief, Foreign Projects Division.
Chief, Construction and Maintenance Division.
Highway Engineer, GS-15, Construction and Maintenance Division.
Chief, Defense Plans and Operations Division.
Director, Office of Traffic Operations.
Chief, Traffic Performance and Analysis Division.
Director, Office of Engineering.
Chief, Federal-Aid Division.
Chief, Highway Design Division.
Chief, Bridge Division.
Highway Engineer, GS-15, Divisions in Office of Engineering.

ASSOCIATE ADMINISTRATOR FOR MOTOR CARRIERS AND HIGHWAY SAFETY

Associate Administrator.
Director, Office of Highway Safety.
Chief, Program Management Division.
Chief, Technical Development and Standards Division.
Director, Bureau of Motor Carrier Safety.
Deputy Director, Bureau of Motor Carrier Safety.
Special Assistant to the Director.
Chief, Regulations Division.
Deputy Chief, Regulations Division.
Chief, Compliance Division.
Deputy Chief, Compliance Division.

ASSOCIATE ADMINISTRATOR FOR ADMINISTRATION

Associate Administrator.
Deputy Associate Administrator.
Director, Office of General Services.
Chief, Contracts and Procurement Division.
Mechnical Engineer, GS-14.
Supervisory Procurement Agent, GS-14.
Supervisory Contract Specialist, GS-13/14.

FIELD INSTALLATIONS

Regional Federal Highway Administrator or Regional Engineer.
Deputy Regional Federal Highway Administrator.
Chief, Highway Projects Division.
Assistant Chief, Highway Projects Division.
Chief, Construction Division or Construction and Contract Branch.
Civil Rights Officer, GS-14.
Civil Rights Specialist, GS-13.
Division Engineer.
Director, Regional Motor Carrier Safety Office.
Regional Hazardous Materials Officer, GS-13.
Regional Accident Investigator, GS-13.

V. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

Chief Scientist.
Director, Office of Civil Rights.
Civil Rights Specialist, GS-13 and above, engaged in Contract Administration.
Chief Counsel.

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR MOTOR VEHICLE PROGRAMS

Associate Administrator.
Director, Engineering Systems Staff.
Director, Office of Standards Enforcement.
Chief, Validation Division.
Chief, Verification Division.
Director, Office of Operating Systems.
Chief, Controls and Displays Division.
Chief, Handling and Stability Division.
Chief, Tire Division.
Chief, Lighting and Visibility Division.
Director, Office of Crashworthiness.
Chief, Driver/Passenger Protection Division.
Chief, Structures Division.
Director, Office of Standards for Vehicles-in-Use.
Chief, Components Division.
Chief, Techniques Division.
Director, Office of Defects Investigation.
Professional Personnel, GS-15, engaged in Defects Investigation.

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR TRAFFIC SAFETY PROGRAMS

Associate Administrator.
Director, Office of Standards Development and Implementation.
Chief, Driver Education and Licensing Division.
Chief, Vehicle Registration and Requirements Division.
Chief, Traffic Regulations and Adjudication Division.
Chief, Rescue and Emergency Medical Services Division.
Director, Office of State and Community Comprehensive Programs.
Director, Office of Alcohol Countermeasures.

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT

Associate Administrator.
Director, Office of Experimental Safety Vehicle Programs.
Director, Office of Accident Investigation and Data Analysis.
Director, Office of Driver Performance Research.
Director, Office of Vehicle Structures Research.
Director, Office of Operating Systems Research.

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR PLANNING AND PROGRAMMING

Associate Administrator.
Director, Office of Program Planning.
Director, Office of Program Evaluation.
Director, Office of Systems Analysis.

OFFICE OF THE ASSOCIATE ADMINISTRATOR FOR ADMINISTRATION

Associate Administrator.
Director, Office of Contracts and Procurement.
Contract Specialist, GS-13/14.
Director, Office of Financial Management.

REGIONAL OFFICES

Regional Administrator.

VI. FEDERAL RAILROAD ADMINISTRATION

Special Assistant to the Administrator.
Civil Rights Officer.
Director, Office of Administration.
Financial Manager.
Contract Officer.
Contract Specialist, GS-13/14.
Chief Counsel.
Director, Office of Hearings and Proceedings.
Director, Office of Policy and Planning.
Chief, Policy Development Division.
Chief, Program Planning Division.
Chief, Science and Technology Division.
Regional Director.

BUREAU OF RAILROAD SAFETY

Director, Bureau of Railroad Safety.
Deputy Director, Bureau of Railroad Safety.
Chief, Safety Programs Division.
Chief, Engineering and Accident Analysis Division.
Chief, Engineering Branch.
Chief, Field Operations Division.

OFFICE OF HIGH-SPEED GROUND TRANSPORTATION

Director, Office of High-Speed Ground Transportation.
Chief, Demonstrations Division.
Chief, Engineering Research and Development Division.

VII. ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Assistant Administrator.
Assistant Administrator for Development.
Counsel.
Comptroller.
Administrative Officer.
Program Control Officer.
Chief Engineer.

VIII. URBAN MASS TRANSPORTATION ADMINISTRATION

Special Assistant to the Administrator.
Assistant Administrator for Administration.
Financial Manager.
Supervisory Auditor.
Auditor, GS-13/14.
Chief Counsel.
Assistant Administrator for Program Operations.
Urban Mass Transportation Representative, GS-13/14.
Assistant Administrator for Program Planning.
Assistant Administrator for Research, Development, and Demonstrations.
Director of Civil Rights.
Contract Compliance Officer, GS-13/15.

[FR Doc.72-502 Filed 1-12-72;8:46 am]

Chapter I—Department of Transportation

REORGANIZATION OF CHAPTER

This amendment changes the designation of Chapter I of Title 49 of the Code of Federal Regulations and establishes two new subchapters within Chapter I. Subchapter A contains Parts 100 through 189 and is entitled Hazardous Materials Regulations Board. Subchapter B contains Parts 190 through 199 and is entitled Office of Pipeline Safety. This reorganization does not affect any regulations presently contained in Parts 170 through 195 of Title 49.

This amendment will prevent some of the past confusion which has arisen out of the fact that all of the Department's pipeline safety regulations, although the responsibility of the Office of Pipeline Safety, were issued under the chapter heading—Hazardous Materials Regulations Board.

Since this amendment merely changes a chapter heading and establishes two new subchapters, and does not change any existing regulations, notice and public procedure thereon are unnecessary and it may be made effective in less than 30 days.

In consideration of the foregoing, Chapter I of Title 49 of the Code of Federal Regulations is amended by revising the title thereof to read "Chapter I, Department of Transportation" and by adding a new Subchapter A, to include Parts 100 through 189, entitled "Subchapter A—Hazardous Materials Regulations Board", and by adding a new Subchapter B, to include Parts 190 through 199, entitled "Subchapter B—Office of Pipeline Safety".

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on December 31, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.72-503 Filed 1-12-72;8:47 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Swamp National Wildlife Refuge, N.J.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-13-72).

§ 28.28 Special regulations; public access, use, and recreation; for the individual wildlife refuge areas.

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Entry by motor vehicle is permitted only to public parking areas designated by signs during daylight hours.

Entry on foot is permitted on designated routes and trails for the purpose of nature study, photography, hiking, and sightseeing during daylight hours. A permit, obtainable at refuge headquarters, is required for any bus using the public parking areas. All buses must have the engines turned off while waiting in refuge parking areas. Possession of alcoholic beverages is prohibited. Pets are allowed in the public parking lots only and must be on a leash not exceeding 10 feet in length. The use of boats, canoes, and bicycles is prohibited.

The refuge area, comprising 5,327 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

GEORGE W. GAVUTIS, Jr.,
Refuge Manager, Great Swamp National Wildlife Refuge.

DECEMBER 13, 1971.

[FR Doc.72-492 Filed 1-12-72;8:45 am]

JAN 13 72

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 16]

ESTATES OF INDIANS OF THE FIVE CIVILIZED TRIBES

Federal Responsibility in State Court Actions

Notice is hereby given that, under the authority cited in the proposed regulations set forth below, it is proposed to revise Part 16 of Subchapter C, Chapter I of Title 25 of the Code of Federal Regulations as set forth below.

The proposed revision revokes 25 CFR 16.0 to 16.32. These sections have been inoperative since the statutory authority for their issuance (Act of December 24, 1942, ch. 813, 56 Stat. 1068, 25 U.S.C. sec. 375(a)–(b) was repealed by the Act of August 4, 1947, 61 Stat. 731, which conferred on the State courts of Oklahoma exclusive jurisdiction on all proceedings to administer estates or to probate wills of deceased Indians of the Five Civilized Tribes. The proposed revision retains in modified form the provisions formerly appearing at 25 CFR 16.33, and adds procedures pertaining to the performance by State courts of functions affecting estates of such Indians, and to escheat and similar matters.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed revised regulations to the Regional Solicitor, U.S. Department of the Interior, Post Office Box 3156, Tulsa, OK 74101, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: January 6, 1972.

HARRISON LOESCH,
Assistant Secretary of the Interior.

PART 16—ESTATES OF INDIANS OF THE FIVE CIVILIZED TRIBES

Sec.
16.1 Definitions.
16.2 Scope of regulations.
16.3 Legal representation in State courts.
16.4 Exchange of information within the Department.
16.5 Acceptance and acknowledgement of service of process.
16.6 Authority of attorneys in State court litigation.
16.7 Performance of Federal functions by successor State courts.
16.8 Summary distribution of small liquid estates.
16.9 Escheat of estates of decedents.

AUTHORITY: The provisions of this Part 16 issued under 5 U.S.C. 301. (Interprets or applies Act of Apr. 26, 1906, ch. 1876, 34 Stat. 137, see 25 U.S.C. 355nt (1970); Act of May 27, 1908, ch. 199, 35 Stat. 312, see 25 U.S.C. 355nt (1970); Act of June 14, 1918, ch. 101, 40 Stat. 606, 25 U.S.C. 355, 375 (1970); Act of Apr. 12, 1926, ch. 115, 44 Stat. 239, see 25 U.S.C. 355nt (1970); Act of June 26, 1936, ch. 831, 49 Stat. 1967; 25 U.S.C. 501–509 (1970); Act of Aug. 4, 1947, ch. 458, 61 Stat. 731, 25 U.S.C. 502 (1970) and see 25 U.S.C. 355nt (1970); Act of Aug. 12, 1953, ch. 409, 67 Stat. 558, 25 U.S.C. 375c (1970) and see 25 U.S.C. 355nt (1970); Act of Aug. 11, 1955, ch. 786, 69 Stat. 666, see 25 U.S.C. 355nt (1970); Act of Aug. 29, 1967, Public Law No. 90–76, 81 Stat. 177, 25 U.S.C. 786–788 (1970); and Act of May 7, 1970, Public Law No. 91–240, 84 Stat. 203, 25 U.S.C. 375d (1970)).

§ 16.1 Definitions.

(a) The term "Secretary" means the Secretary of the Interior and his authorized representatives.

(b) The term "Bureau" means the Bureau of Indian Affairs, acting through the Commissioner of Indian Affairs and his authorized representatives, including field officials who are responsible for matters affecting properties in which a restricted interest is owned by an Indian of the Five Civilized Tribes.

(c) The term "Field Solicitor" means the supervising attorney in charge of the field office of the Solicitor in Muskogee, Okla.

(d) The term "Indian of the Five Civilized Tribes" means an individual who is either an enrolled member of the Cherokee, Chickasaw, Choctaw, Creek, or Seminole Tribes of Oklahoma, or a descendant of an enrolled member thereof.

(e) The term "restricted interest" means an interest owned in real or personal property subject to restraints upon alienation imposed either by Federal statute or by administrative action authorized by Federal statute. Although this term includes property subject to restraints which may be removed by administrative action, its use in this part refers primarily to property subject to restraints which State courts have jurisdiction to remove in proceedings such as those specified in § 16.2.

§ 16.2 Scope of regulations.

The regulations in this part set forth procedures for discharging the responsibilities of the Secretary in connection with the performance by State courts, as authorized by Federal statutes, of certain functions which affect properties in which a restricted interest is owned by an Indian of the Five Civilized Tribes. These State court functions pertain to such proceedings as guardianship, heirship determination, will probate, estate administration, conveyance approval, partition of real property, confirmation of title to real property, and appeal from action removing or failing to remove restrictions against alienation. In addition, the regulations in this part set forth procedures for discharging certain other responsibilities of the Secretary not necessarily involving State court functions, such as escheat of estates of deceased Indians of the Five Civilized Tribes.

§ 16.3 Legal representation in State courts.

The statutory duties of the Secretary to furnish legal advice to any Indian of the Five Civilized Tribes, and to represent such Indian in State courts, in matters affecting a restricted interest owned by such Indian, shall be performed by attorneys on the staff of the Solicitor, under the supervision of the Field Solicitor. Such advice and representation shall be undertaken to the extent that the Field Solicitor in his discretion shall consider necessary to discharge said duties, with due regard to the complexity of the legal action contemplated, the availability of staff attorneys for such purposes, the value and extent of the restricted interests involved, possible conflicts between Indians claiming to be owners of such interests, the preference of such owners concerning legal representation, the financial resources available to such owners, the extent to which such owners require similar legal services in connection with their unrestricted properties, and any other factor appropriate for consideration.

§ 16.4 Exchange of information within the Department.

To the extent that information may be useful in discharging the duties covered by the regulations in this part, the Bureau shall furnish to the Field Solicitor, either on a current basis or at periodic intervals, processess and notices received concerning court cases and information, as current and complete as may reasonably be obtainable, concerning the estate and status of an Indian of the Five Civilized Tribes for whom legal assistance should be rendered pursuant to the regulations in this part. Similarly, to the extent that such information may be useful for Bureau action or records, the Field Solicitor shall advise the Bureau of court proceedings, information received, and action taken in furnishing legal services pursuant to the regulations in this part.

§ 16.5 Acceptance and acknowledgment of service of process.

Service by the Field Solicitor or any other person of any process or notice, pursuant to any Federal statute which by its express terms is applicable to Indians of the Five Civilized Tribes, may be accepted and acknowledged by the Field Solicitor, or by any attorney authorized to perform the duties specified in § 16.3, on behalf of the Secretary and the Bureau, notwithstanding any specific designation in such statute of the official to be served (such as the Secretary, superintendent for the Five Civilized Tribes, Probate Attorney, etc.).

§ 16.6 Authority of attorneys in State court litigation.

Attorneys authorized to perform the duties specified in § 16.3 appearing in State court litigation in their official capacities are authorized to take such action as the Secretary could take if he were personally appearing in his official capacity as counsel therein, including but not limited to the filing or decision against filing of initial, responsive, or supplemental pleadings and appeals from adverse judgments, the exercise or decision against exercise of a preferential right to purchase property subject to sale, the removal or decision against removal of actions to Federal courts, and the waiver or decision against waiver of the failure to make timely service of process or notice.

§ 16.7 Performance of Federal functions by successor State courts.

All authority to perform functions relating to Indians of the Five Civilized Tribes which by express provisions of Federal statute had been conferred upon probate or county courts of Oklahoma before such county courts were abolished on January 12, 1969, has since that date been vested in the successor district courts of that State; and all rights of litigants continue undiminished in the successor forum, including the right to appeal from adverse decisions rendered therein to the successor appellate court.

(Interprets or applies Okla. Op. Atty. Gen. No. 68–381 (Dec. 20, 1968))

§ 16.8 Summary distribution of small liquid estates.

Where information, furnished by the Bureau pursuant to § 16.4 or otherwise obtained, reveals that the estate of a deceased Indian of the Five Civilized Tribes contains no restricted land but consists of a restricted interest in funds not exceeding $500 on deposit to the credit of the decedent, the Field Solicitor shall, in the absence of any final decree determining the heirs or legatees of the decedent, prepare and furnish to the Bureau a finding and order of distribution, based on affidavit or other proof of death and heirship or bequest, setting forth the facts of death and heirship or bequest and the amount payable from the estate to each person determined to be an heir or legatee of the decedent. The Field Solicitor shall mail to each person considered a possible claimant to any portion of the estate, as an heir or devisee or otherwise, a copy of the order with a notice that the order shall become final 30 days after the date of mailing thereof unless within that period the officer by whom the order was signed shall have received a written request for reconsideration of the order. After final action on any order has been taken by the Field Solicitor, the Bureau shall distribute the funds in the estate of the decedent in accordance with such final action, unless a timely appeal therefrom has been filed in accordance with Part 2 of this title.

§ 16.9 Escheat of estates of decedents.

Where information, furnished by the Bureau pursuant to § 16.4 or otherwise obtained, reveals that the estate of a deceased Indian of the Five Civilized Tribes, who has been dead 5 or more years after having died intestate without heirs, consists of restricted interests in lands or rents or profits therefrom, the Field Solicitor shall, in the absence of any final decree determining that the decedent died without heirs or devisees, prepare and furnish to the Bureau a finding and order of escheat, based on affidavit or other proof of intestate death without heirs, setting forth the restricted interests in lands or rents or profits therefrom which have by escheat vested in the tribe which allotted the lands. The Field Solicitor shall mail to each person considered a possible claimant to any portion of the estate, as an heir or devisee or otherwise, a copy of the order with a notice that the order shall become final 30 days after the date of mailing thereof unless within that period the officer by whom the order was signed shall have received a written request for reconsideration of the order. After final action on any order has been taken by the Field Solicitor, the Bureau shall cause a certified copy thereof to be filed in the land records of each county within which are located any escheated lands described therein and shall cause the tribe to be credited with any funds in said estate which arose from rents or profits from such lands, unless a timely appeal therefrom has been filed in accordance with Part 2 of this title.

[FR Doc.72-494 Filed 1-12-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 2, 87]

[Docket No. 19385; FCC 72-5]

EMERGENCY LOCATOR TRANSMITTERS

Proposed Licensing and Use

1. Notice of proposed rule making in the above-entitled matter is hereby given.

2. As a result of recent legislation[1] and requests by the Civil Air Patrol (CAP), the North American Rockwell Corp., and the Federal Aviation Administration, there appears to be a need to amend Parts 1, 2, and 87 of the Commission's rules in the following particulars.

a. Provision should be made for the operation of emergency locator transmitters (ELT's), that are used as an aid in locating downed aircraft, and a frequency, or frequencies, should be made available for the testing of ELT's and for related training.

b. The provision in § 87.183(f) of the rules that, in effect, does not allow the assignment and use of the frequency 121.5 MHz to aircraft radio stations unless they operate also on other frequencies, should be amended to permit the single frequency assignment of 121.5 MHz to aircraft stations when used only for an ELT.

c. Additional provisions with respect to the licensing, testing, operation and technical characteristics of ELT's should be included in the rules.

3. The frequency selected for ELT's is 121.5 MHz (and the companion harmonic frequency 243.0 MHz). Section 87.183(f) of our rules, however, provides for the assignment of that frequency to aircraft for use in distress or condition of emergency but only if other frequencies are assigned and available for normal communication needs. Thus, under the present rule the frequency is not available for use with single channel radio station equipment such as the emergency locator transmitters that can be used to comply with the newly enacted legislation referred to in footnote 1. In order to permit the use of the frequency with single channel transmitters, the rule must be amended so that the restriction does not apply to single channel transmitters operating with only an ELT A9 emission, as set forth in the attached appendix. Additionally, we believe that (1) no application filing fee should be required when an authorization for only an ELT is sought as the radio transmissions contemplated are for purposes of aiding in locating downed aircraft; and (2) the rule provision requiring radio operation by only a person holding an operator permit should be eliminated with respect to ELT's as the unit is designed and intended primarily for use automatically under emergency conditions where the regular station operator may be injured or otherwise incapacitated. We have so provided in the attached appendix. Although we are treating these beacon devices as aircraft or survival stations, or as component parts of such stations, for licensing and other administrative purposes, we do not consider the ELT's to be aircraft stations within the meaning of Number 848 of the International Radio Regulations (Geneva, 1968) requiring that ship or aircraft stations be operated only by persons holding operator certificates issued by the government to which the station is subject.

4. The frequencies that seem suitable, as set forth below, to use for testing ELT's on a noninterference basis are 121.6 and 121.65 MHz. These frequencies are now available for assignment, are used primarily as airport utility frequencies, and are available to airdrome control stations for voice communications with ground vehicles and aircraft on the ground at airdromes. We have authorized the use of the frequencies for ELT testing in numerous instances, on a case by case developmental basis,

[1] Section 31 of Public Law 91–596 (49 U.S.C. 142) approved Dec. 29, 1970, requires, in essence, that emergency locator beacons shall be installed on certain specified aircraft.

JAN 13 72
XUM

after coordination with the appropriate regional Federal Aviation Administration Office without adverse consequences. ELT's, when being tested or used for training, will not ordinarily be used on aircraft. Therefore, a new class of land station must be established for this purpose.

5. In addition to the rule changes described above, an editorial rule change is proposed by adding a footnote number to the emission 13A9 designator in § 87.67 of the rules which was inadvertently omitted from an earlier change of that rule section in Docket No. 18931.

6. The rule changes as described above appear necessary and reasonable. The proposed amendments to the rules, as set forth below, are issued pursuant to authority contained in sections 4(i), 303(r), and 318 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission rules, intertested persons may file comments on or before February 23, 1972, and reply comments on or before March 3, 1972. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

I. Part 1 of the rules is amended as follows:

Section 1.1115(c) of the rules is amended by adding a new subparagraph (9) as follows:

§ 1.1115 Schedule of fees for Safety and Special Radio Services.

• • • • • •

(c) • • •

(9) Applications for license for an aircraft or ship station to operate with only an emergency locator transmitter.

II. Part 2 of the rules is amended as follows:

1. In § 2.1 new definitions, emergency locator transmitter and emergency locator transmitter test station are added as follows:

§ 2.1 Definitions.

• • • • • •

Emergency locator transmitter. A transmitter intended to be manually or automatically activated and operated automatically as part of an aircraft, ship, or survival craft station with an A9 emission as a locating aid in search and rescue operations.

Emergency locator transmitter test station. A land station, operated with an A9 emission on the frequencies used for testing emergency locator transmitters, for testing equipment intended to be used as emergency locator transmitters, or for training in the use of emergency locator transmitters.

• • • • • •

2. In § 2.106, columns 10 and 11 for the frequency bands 117.975–132 MHz are amended by adding the following:

§ 2.106 Table of Frequency Allocation.

• • • • • •

Band (MHz)	Frequency (MHz)	Nature of services	
1	10	11	
117.975–132	121.6–121.65	Emergency locator transmitter test stations.	

• • • • • •

III. Part 87 of the rules is amended as follows:

1. In § 87.5 of the rules new definitions, Emergency locator transmitter and Emergency locator transmitter test station are added to read as follows:

§ 87.5 Definition of terms.

• • • • • •

Emergency locator transmitter. A transmitter intended to be actuated manually or automatically and operated automatically as part of an aircraft, ship, or a survival craft station, with an A9 emission, as a locating aid in search and rescue operation.

Emergency locator transmitter test station. A land station, operated with an A9 emission on the frequencies used for testing emergency locator transmitters, for testing equipment intended to be used as emergency locator transmitters, or for training in the use of emergency locator transmitters.

• • • • • •

2. A footnote 6 indicator is added to the emission 13A9 in the emission designator column in § 87.67(b)(1) of the rules, and a new 3.2A9 emission with footnote 7, and a new footnote 7, is added as follows:

§ 87.67 Types of emission.

• • • • • •

Class of emission	Emission designator	Authorized bandwidth: Below 50 MHz	Above 50 MHz	Frequency deviation
		Kilohertz	*Kilohertz*	*Kilohertz*
• • •	• • •	• • •	• • •	• • •
A3J [3]	3A3J [3]	4.0		
A9	13A9 [6]		[7] 25	
A9	3.2A9 [7]		[7] 25	
F1	1.7F1	1.7		
• • •	• • •	• • •	• • •	• • •

• • • • • •

[6] Applicable only to emergency locator transmitters, and emergency locator transmitter test stations, employing modulation in accordance with that specified in § 87.73 (h) of the rules.

3. A new paragraph (h) is added in § 87.73 of the rules as follows:

§ 87.73 Modulation requirements.

• • • • • •

(h) Emergency locator transmitters, and emergency locator transmitter test stations shall employ amplitude modulation of the carrier with an audiofrequency sweeping downward over a range of not less than 700 Hz, within the range 1600 to 300 Hz, with a sweep rate between 2 and 4 times per second. The modulation applied to the carrier shall be in accordance with that specified in the Radio Technical Commission for Aeronautics (RTCA) Document Numbers DO–145 or DC–146.

4. Section 87.93 is amended to read as follows:

§ 87.93 Routine tests.

(a) The licensees of all classes of stations in the Aviation Services, other than aircraft stations operating with only an emergency locator transmitter, are authorized to make such routine tests as may be required for the proper maintenance of the stations provided that adequate precautions are taken to insure that there is no interference with the communications of any other station.

(b) An emergency locator transmitter (ELT) may be tested only under the conditions set forth below.

(1) An ELT fitted with an internal test circuit having a manually activated test switch and an output indicator may be tested provided that the switch, in the test position:

(i) Permits the operator to determine that the unit is operative;

(ii) Switches the transmitter output to a test circuit (dummy load), the impedance of which is equivalent to that of the antenna affixed to the ELT; and

(iii) Reduces radiation to a level not to exceed 15 microvolts per meter at a distance of 1 meter, free space, irrespective of direction.

(2) An ELT not fitted with an internal test circuit may be tested only in coordination with, or under the control of, a Federal Aviation Administration representative to insure that testing is conducted under shielded, or other conditions sufficient to insure that no transmission of radiated energy occurs that could be received by a radio station and result in a false distress signal.

5. Section 87.139(a)(2) of the rules is amended as follows:

§ 87.139 Operator licenses not required for certain operations.

(a) • • •

(2) Operation of an aircraft station using only an emergency locator transmitter, or a survival craft station while it is being used solely for survival purposes, or for testing of such stations.

• • • • • •

6. Section 87.183(f), introductory text, is amended as follows:

[2] Commissioner H. Rex Lee absent.

§ 87.183 Frequencies available.

• • • • • •

(f) 121.5 Megahertz: This is a universal simplex clear channel frequency for use by aircraft in distress or condition of emergency. Except for transmissions of signals by an aircraft station operated with only an emergency locator transmitter using an A9 emission, it will not be assigned to aircraft unless other frequencies are assigned and available for normal communication. The channel is available, as follows:

• • • • • •

7. The title of Subpart P of Part 87 of the rules is changed to read as follows:

Subpart P—Land Test Stations

8. In § 87.521 a new paragraph (e) is added as follows:

§ 87.521 Frequencies available.

• • • • • •

(e) The frequencies 121.6, 121.65 MHz may be assigned to emergency locator transmitter test stations on the condition that no harmful interference is caused to voice communications on these frequencies.

9. In § 87.523 the existing paragraph is designated paragraph (a) and a new paragraph (b) is added as follows:

§ 87.523 Scope of service.

(a) Transmissions by radionavigation land test stations shall be limited to the necessities of the testing and calibration of aircraft navigational aids and associated equipment when such testing must be performed by means of radio transmissions.

(b) Transmissions by emergency locator transmitter test stations shall be limited to the necessities of testing emergency locator transmitters and to training operations in connection with the use of such transmitters.

10. In § 87.525 the existing paragraph is designated paragraph (a) and a new paragraph (b) is added as follows:

§ 87.525 Eligibility.

(a) Authorizations for radionavigation land test stations (MTF) will be granted only to applicants engaged in the development, manufacture or maintenance of aircraft radionavigation equipment. Authorizations for radionavigation land test stations (OTF) will be granted only to an applicant who agrees to establish the facility at an airport for the use of the public.

(b) Authorizations for emergency locator transmitter test stations will be granted only to persons having a need for training personnel in the operation and location of emergency locator transmitters, or for testing in connection with the manufacture or design of emergency locator transmitters.

[FR Doc.72–521 Filed 1–12–72;8:48 am]

[47 CFR Part 73]

[Docket No. 19388; FCC 72–13]

CERTAIN FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments, FM broadcast stations.* (Clarinda, Iowa; Jackson, Calif.; Clarksville, Va.; Luquillo, P.R.; Wayne, Nebr.; Mammoth Lakes, Calif.), Docket No. 19388, RM–1824, RM–1826, RM–1834, RM–1846, RM–1868, RM–1875.

1. Notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the rules, the FM Table of Assignments, to add first channels (all Class A) to the above listed communities which now have no assignments, as requested in the rule making petitions listed above. All the petitions are unopposed. Population figures are from the 1970 U.S. Census (preliminary or final) reports.

2. Of the six communities five have no AM station assigned, and one has a daytime-only AM station. This is at Wayne, Nebr., where the petitioner is the licensee of Station KTCH. The population figures for the cities are: Clarinda, Iowa (5,420); Jackson, Calif. (1,924); Clarksville, Va. (1,641); Luquillo, P.R. (2,412); Wayne, Nebr. (5,379); and Mammoth Lakes, Calif. (approximately 2,500). Although none of the communities are located within any standard metropolitan statistical area (SMSA), the communities of Mammoth Lakes and Jackson, Calif. are located in counties adjacent to an SMSA. In both cases, preclusion studies were submitted to show the impact of the proposed assignment on potential assignments to other communities that could use the same channel or the six pertinent adjacent channels. Neither of the requested channels for Mammoth Lakes and Jackson appear to have an adverse preclusive impact.

3. Based on the matters before us and in view of the intent of the Communications Act of 1934, as amended, and policies concerning local broadcast service, we are of the opinion that the proposals should be explored in a rule making proceeding.

4. Comments are invited on these proposals. Proponents should submit comments in response to the notice, even if they do little more than resubmit or incorporate by reference their petitions. If they have not already done so, they should indicate their intention to apply for the channel if assigned, and to build the station if authorized.

5. *Cutoff procedure.* As in other recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initials comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

6. In view of the foregoing, and pursuant to the authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, to add the following entries:

City:	Channel No.
Jackson, Calif.	232A
Mammoth Lakes, Calif.	292A
Clarinda, Iowa	292A
Wayne, Nebr.	285A
Luquillo, P.R.	221A
Clarksville, Va.	252A

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 23, 1972, and reply comments on or before March 3, 1972. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–520 Filed 1–12–72;8:48 am]

[47 CFR Part 73]

[Docket No. 19389; FCC 72–14]

TELEVISION BROADCAST STATIONS

Table of Assignments, Bethel, Alaska

In the matter of amendment of § 73.606(b), *Table of assignments, television broadcast stations* (Bethel, Alaska), Docket No. 19389, RM–1860.

1. Notice is hereby given of the institution of this proceeding to consider amending the TV Table of Assignments, § 73.606(b) of the Commission's rules, by assigning Channel [*]4 for noncommercial, educational use at Bethel, Alaska. This action is taken in response to a petition for rule making, and a supplement thereto, filed on September 24, 1971, and October 27, 1971, respectively,

[1] Commissioner H. Rex Lee absent.

by Bethel Broadcasters, Inc. The petitioner, which functions under the aegis of the Alaska Educational Broadcasting Commission, is the permittee of Station KYUK, a noncommercial educational AM station at Bethel.

2. Bethel, with a 1970 population of 2,516, is the largest city in the sparsely populated Yukon-Kuskokwim peninsula area of Alaska, all of which is presently without television service and channel assignments at present. Of the six Alaskan cities with TV channels assigned, three (Anchorage, Fairbanks, and Seward) are more than 300 miles east of Bethel, and the other three (Juneau, Sitka, and Ketchikan) are more than 600 miles southeast of Bethel. Consequently, the Bethel area cannot look to existing or new stations operating on the assignments in these Alaskan communities for television service.

3. The petitioner urges that there is a pressing need for educational television in the cold, remote, and sparsely populated Bethel area of Alaska and that, in addition to the aural educational broadcast service it is now providing to the area, it desires to provide an educational television service as well, relying upon the Department of Health, Education, and Welfare and the State of Alaska for funding. To that end, it requests that Bethel be assigned a television channel for which it can apply. While first requesting that Channel *2 be assigned for educational use at Bethel, the petitioner subsequently modified its proposal to request Channel *4 instead because of possible sporadic E propagation effects on Channel 2.

4. From the foregoing, it appears that the public interest would be served by providing Bethel with an assignment for noncommercial educational use and that Channel 4, requested by the petitioner, would be technically feasible. Our engineering study reveals that Channel 4 can be assigned at Bethel in conformity with all mileage separation requirements and without affecting any other assignments or stations.

5. Accordingly, we propose to consider the following revision in the television Table of Assignments (§ 73.606(b) of the rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Bethel, Alaska		*4

6. Authority for the action proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 23, 1972, and reply comments on or before March 3, 1972. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-524 Filed 1-12-72;8:48 am]

[47 CFR Part 73]

[Docket No. 19390; FCC 72-17]

TELEVISION BROADCAST STATIONS

Table of Assignments, Corpus Christi, Tex.

In the matter of amendment of § 73.606(b), *Table of assignments, television broadcast stations.* (Corpus Christi, Tex.), Docket No. 19390, RM-1616.

1. The Commission has before it a petition of South Texas Educational Broadcasting Council (Council), filed June 25, 1971, requesting rule making on a proposal to assign Channel *16 to Corpus Christi, Tex., for a second reserved educational assignment by deleting Channel 16 from Galveston, Tex., and replacing it with Channel 47. Channel 16 at Galveston, formerly occupied by Station KVVV-TV,[1] is presently vacant, and no applications are on file for its use there. The Council, which holds a construction permit for a new educational station (KEDT), not yet constructed on Channel *38, the only reserved educational assignment presently at Corpus Christi, also requests modification of its permit for Station KEDT to specify operation on Channel *16 instead of Channel *38 at Corpus Christi. The Council's proposal would change the television Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Corpus Christi, Tex	3-, 6+, 10-, 28, *38	3-, 6+, 10-, *16, 28, *38
Galveston, Tex	16, *22	*22, 47

2. The Council's petition informs that it has purchased equipment for a complete television station which had been used for Station KVVV-TV, Channel 16, Galveston, and that it has determined that the cost of converting this equipment to operation on Channel 38 would be approximately $84,000. It states that this expenditure for conversion would be a complete loss in terms of programing by the station for the public, would contribute nothing to its proposed station or its service, and would be justified only if it is an essential for channel allocation reasons. It argues that this is not the case. It claims, based on its engineering study, that there is no known problem to reassigning Channel 16 from Galveston to Corpus Christi;[2] that Channel 47 can be substituted for Channel 16 at Galveston in conformity with all technical assignment requirements to enable Galveston to retain the same number of available television assignments; and that if it is permitted to operate on Channel 16 instead of Channel 38 at Corpus Christi it can utilize its Channel 16 equipment without any of the problems or costs of converting it for operation on Channel 38 and use the resultant saving of approximately $84,000 for other pressing needs. For these reasons, the Council urges that the public interest would be served by adopting its proposal for reassigning Channel *16 to Corpus Christi and modifying its Channel *38 permit for Station KEDT accordingly.

3. We think the Council has stated a sufficient public interest basis for adding Channel 16 as an educational assignment at Corpus Christi to warrant considering this proposed assignment in rule making. We are not, however, convinced by its engineering showing that, in order to assign Channel 16 at Corpus Christi, it is necessary to delete or change the Galveston Channel 16 assignment. Our study indicates that Channel 16 could be assigned and used at Corpus Christi, as contemplated by the Council,[3] in conformity with mileage separation and other technical requirements of our rules, without disturbing the Galveston cochannel assignment. The minimum spacing required for UHF cochannel assignments and stations in this Texas area is 205 miles. The Council's proposed transmitter site for its Corpus Christi educational station is 204.9 miles from the reference point for the Galveston Channel 16 assignment. Since our rules permit this distance to be rounded off to the nearest mile in computing separations, its planned site would just satisfy the 205-mile separation required from the Galveston Channel 16 assignment. It also appears that a Channel 16 assignment at both Corpus Christi and Galveston would not unduly limit flexibility in transmitter site selection for Channel 16 stations in these communities. This being the case, even though the Council's proposal to substitute Channel 47 for Channel 16 also appears technically feasible and might otherwise be desirable to achieve the Council's objective, we see no need to replace Channel 16 at Galveston as proposed, absent some public interest reason of which we are unaware and which may be advanced in the course of this proceeding.

4. Channel 16 can also be assigned and used at Corpus Christi and meet all required mileage separations to Mexican assignments. However, in view of the Channel 16 assignment at Monterey, Mexico, a positive offset should be specified for Channel *16 if it is assigned to Corpus Christi in order to comply with the United States/Mexican Agreement (UHF) of 1958 (TIAS-4089).[4] Under the Agreement, the assignment of Channel *16 to Corpus Christi also requires notification and the concurrence of Mexican authorities since Corpus Christi is within 200 miles of the United States-Mexican border (Mexico was previously notified when Channel 16 was deleted from Corpus Christi and assigned to Galveston). No final action on the proposal will be taken without formal Mexican concurrence.

5. It apears from the Council's petition that it also proposes, in addition to the assignment of Channel 16 at Corpus Christi as a reserved educational assignment, the retaining of Channel 38 there as a reserved educational assignment. It makes no showing whatever of any need for two reserved educational assignments at Corpus Christi. However, Corpus Christi, a community with a 1970 population of 204,525, has three local commercial stations, operating on its three VHF assignments (Channels 3, 6, and 10), plus an unused unreserved UHF assignment (Channel 28), and it may be that a second reserved educational assignment would serve a special need. The Council and others will have an opportunity in this proceeding to demonstrate whether the channel should be retained at Corpus Christi as a reserved or unreserved assignment or deleted for use elsewhere.

6. In view of the foregoing, we propose to consider the assignment of Channel *16 to Corpus Christi for a second reserved educational assignment. The proposed action would change the television Table of Assignments for Corpus Christi to read as follows:

City	Channel No.	
	Present	Proposed
Corpus Christi, Tex	3-, 6+, 10-, 28, *38	3-, 6+, 10-, *16+, 28, *38

7. The Council also requests modification of its authorization for Station KEDT to specify operation on Channel *16 instead of Channel *38 at Corpus Christi. The issuance of a show-cause order looking toward such modification of its authorization for Station KEDT is unnecessary since it has proposed the modification. It is our intention, if a decision to so amend the television Table of Assignments is determined to be in the public interest and is adopted in this proceeding, to modify (after all necessary engineering data is submitted and approved) the permit for Station KEDT, to specify, as requested by the Council, operation on Channel *16 at Corpus Christi.

8. Authority for the action proposed herein is contained in sections 4(i), 303, 307(b), and 316 of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 23, 1972, and reply comments on or before March 3, 1972. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's Broadcast and Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-519 Filed 1-12-72;8:48 am]

[47 CFR Part 73]

[Docket No. 19391; FCC 72-18]

TELEVISION BROADCAST STATIONS

Table of Assignments, Naples, Fla.

In the matter of amendment of § 73.606, *Table of assignments, television broadcast stations.* (Naples, Fla.), Docket No. 19391, RM-1785, RM-1797.

1. On April 16, 1971, WSUN, Inc. (licensee of television Station WSUN-TV, St. Petersburg, Fla. (WSUN)), filed a petition with this Commission requesting the assignment of Channel 24, or in the alternative, Channel 46 to Naples, Fla. On May 14, 1971, Hubbard Broadcasting, Inc. (licensee of television Station WTOG, St. Petersburg, Fla. (WTOG)) also filed a petition with this Commission requesting the assignment of Channel 46 to Naples, Fla. No other revisions in our Table of Assignments were proposed. Broadcasting-Telecasting Services, Inc. (licensee of television Station WBBH-TV, Fort Myers, Fla. (WBBH-TV)) filed oppositions to both petitions. WTOG filed a response to the opposition.

2. Collier County, Fla., population 38,040, is located in southwest Florida. It contains the community of Naples which has 12,042 residents.[1] The community has no television assignment. It does receive television service (Grade B) from WINK-TV, a CBS affiliate and WBBH-TV, an NBC affiliate, both in Fort Myers, Fla. Naples also has a community antenna system.

3. Petitioners' filings were similar in sum and substance and therefore will be dealt with together in the following paragraphs. They simply enumerate population growth in Florida and Collier County, the absence of an assigned channel in Naples, the purported availability of Channel 24 or 46 for assignment to Naples, the Commission's general interest in promoting UHF television, and petitioners' intention to file for any assigned channel to construct a satellite station.

4. WTOG states:

"* * * Collier County has shown dramatic increases in population during the last 20 years. Between 1950 and 1960 the population increased by 142.8% * * * By 1970 the population had increased by an additional 141.5% * * * and an additiinal 108% increase is expected by 1980 * * * when the population should reach about 80,000 persons.

"Even more dramatic increases in population have occurred in the Naples metropolitan area. The population in 1960 increased by 300.9% over the 1950 population * * *. The 1970 population showed an increase of 194.5% * * *. As development of this area continues during the next 10 years, the increase in population should again be substantial."

5. WBBH-TV opposes the proposed assignments of Channels 24 and 46 to Naples primarily on four grounds:

First, that the establishment of even one television station in Naples will do substantial economic damage to its UHF operation in Fort Myers—40 miles distant. It offers the fact that it, at the present time, is suffering economic hardship and indeed financial losses. We submit that WBBH-TV is in a separate market from the proposed operations in view of the distance between Fort Myers and Naples of 40 miles. Each community (from the material available to us) is a

[1] Station KVVV-TV, for which TVue Associates, Inc., was granted a construction permit on Oct. 19, 1966, began operation in March 1968, pursuant to program test authority, granted Mar. 7, 1968, and received authority to remain silent on Sept. 3, 1969. The construction permit for Station KVVV-TV was deleted on Apr. 23, 1971.

[2] Channel 16 was originally assigned and reserved for noncommercial educational use at Corpus Christi in 1952 when the first national TV Table of Assignments was adopted. When the Table of Assignments for UHF channels was revised in 1966, Channel 16 was deleted from Corpus Christi and reassigned to Galveston. See Fifth Report and Memorandum Opinion and Order, adopted Feb. 9, 1966, in Docket No. 14229, FCC 66-137, 2 FCC 2d 527, 66 RR 2d 1643.

[3] The authorized transmitter site for the Council's Channel *38 educational station, 15 miles southwest of the Corpus Christi reference point, is presumably the site it plans to use for a Channel 16 operation also.

[4] It is noted that since the petitioner has purchased non-offset Channel 16 equipment, this could present some additional cost. A positive offset is required, however, since a separation of at least 250 miles is desired between cochannel stations in the United States and Mexico operating on the same carrier frequency. (The reference point for Channel 16 at Corpus Christi is only about 231 miles to the reference point for Channel 16 at Monterey, Mexico, and the Council's proposed site for a Channel 38 or Channel 16 educational station at Corpus Christi is only 215 miles to the Monterey Channel 16 reference point.)

[5] Commissioner H. Rex Lee absent.

[1] Population figures cited are from the 1970 U.S. Census unless otherwise specified.

JAN 13 1972

separate and self-sufficient market entity. The financial difficulties that WBBH–TV is suffering appear to come from existing competition serving Fort Myers directly. We are most hesitant to solve Carroll issues in one-market situations in rule making proceedings on the grounds that they should be evaluated at the actual time of application for a specific assignment. In this case too, we must point out that the new or proposed stations are to be in a totally separate and independent market (Naples) from the community to which WBBH–TV is licensed and serves (Fort Myers).

Second, it is argued that WSUN and WTOG are not appropriate licensees for the proposed satellites in Naples. It is pointed out that their home stations, located in St. Petersburg, Fla., are approximately 123 miles from Naples, and that with their satellites in operation at Naples, WSUN and WTOG would blanket the most concentrated population centers of western Florida. We must remind WBBH–TV that the basic question before us in a rule making proceeding is the need of a particular community for television service. We, in any rule making proceeding, do not in any way determine the successful applicant for any new assignment. The question of the eligibility of any entity for holding a license for any specific television assignment only arises on the application of a specific party for a specifically assigned channel.

Third and fourth, it is asserted that there is not a large enough economic base in Naples to support a local television station and that petitioners have not made an adequate showing concerning the need of Naples for a local television assignment. With respect to these two points we must, in large part, concur with WBBH–TV (see paragraphs 3 and 4 ibid). The pleadings contain no real discussion of the economic activity or assets in Naples or of the developed nature, from a sociological view, of the community. The only fact offered with respect to these questions is the growth of population in the Naples area. Notwithstanding the growth in population we note that Naples has only 12,042 residents. This fact gives us serious concern as to the ability of the community to support, or make feasible, a television operation, even though it may be a satellite station.[2] These weaknesses in petitioners' pleadings may however, be cured in comments to this notice of proposed rule making. We think it is essential to give them an opportunity to do so since Channel 46, according to the reply of WTOG, can most efficiently be used at Naples. It appears that Channel 46 cannot be assigned, in the area, to any other community of equal size and importance.

6. In view of the foregoing, we consider it in the public interest to explore the proposal of petitioners to assign Channel 46 to Naples, Fla. Therefore, we propose the following revision in our Television Table of Assignments (§ 73.606 of the Commission's rules and regulations) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Naples, Fla.		46

7. Authority for the action proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before February 23, 1972, and reply comments on or before March 3, 1972. All submissions by parties to this proceeding or by persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

10. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.)

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-518 Filed 1-12-72;8:48 am]

[47 CFR Part 73]

[Docket No. 19392; FCC 72-20]

TELEVISION BROADCAST STATIONS

Table of Assignments, Twin Falls, Idaho

In the matter of amendment of § 73.606, *Table of Assignments, Television Broadcast Stations.* (Twin Falls, Idaho), Docket No. 19392, RM–1806.

1. On June 4, 1971, the College of Southern Idaho (hereafter the "College") filed a petition requesting that Channel 13, currently assigned as a commercial channel to Twin Falls, Idaho, be redesignated as an "educational" channel. The current and proposed assignments to Twin Falls are:

City	Channel No.	
	Present	Proposed
Twin Falls, Idaho	11,13	11, *13

No other revisions in our Table of Assignments were proposed nor were there any comments filed in respect to this petition.

2. Twin Falls, with a 1970 population of 21,914 (1960 population—20,126) is the county seat and largest city in Twin Falls County, Idaho, that had a 1970 population of 41,807 (1960 population—41,842). There is one commercial television station operating in Twin Falls on Channel 11 (Station KMVT).

3. Boise Valley Broadcasters, Inc., received the construction permit in 1960 but the station has never been on the air. An application to extend the time for construction is pending as well as an application to modify the construction permit. Also pending before the Commission is an application for assignment of license between Boise Valley and the College, whereby the College would be the new permittee for Channel 13.

4. The educational television picture in Idaho shows that there are two operating stations (KUID–TV, Channel 12, Moscow and KBGL–TV, Channel 10, Pocatello) and a construction permit for Channel 4, Boise. Petitioner avers that the Twin Falls area, the fifth largest city in Idaho does not have an operating or proposed educational service. It is pointed out that a station, operating in Twin Falls, would cover a large portion of the south central agricultural section of the State and would provide cultural and educational stimulation to all residents of the area including supplemental classroom instruction as well as extension courses such as agricultural information and education. Reservation of Channel 13 as an educational channel would also further the intent and aims of the Idaho State Legislature to form a statewide noncommercial educational network. By reservation as an educational channel, petitioner asserts that the funding of such a station is simplified especially as it concerns the Department of Health, Education, and Welfare.

5. Even though the proposed redesignation will remove the only available unoccupied commercial assignment to Twin Falls, it appears that several UHF channels could be assigned should the need for further commercial outlets be demonstrated. Also, the commercial CP has been fallow for over 10 years. Even though the College could operate on the commercial channel, it is our view that the redesignation requested would make the assignments in § 73.606 of the rules accurately reflect the nature of the proposed operation and would make an educational operation subject to the rules covering educational operations. Because of the foregoing, and because of the strong public interest considerations involved in advancing sound proposals to bring to the public education and information through television, we have decided to give the petitioner and other interested parties the opportunity to explore, in a rule making proceeding, the redesignation of commercial Channel 13 to be a reserved educational channel at Twin Falls, Idaho. Commenting parties should file comments explaining the prospective use of and need for Channel *13 at Twin Falls as well as any other public interest considerations.

6. With the above material before us, we propose to consider the following revision in our Television Table of Assignments (§ 73.606 of our rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Twin Falls, Idaho	11,13	11, *13

7. Authority for the action proposed herein, is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before February 23, 1972, and reply comments on or before March 3, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

10. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-517 Filed 1-12-72;8:48 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 72-37]

FEDERAL SAVINGS AND LOAN SYSTEM

Change of Office Locations by Federal Savings and Loan Associations

JANUARY 6, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) relating to change of office locations by Federal savings and loan associations for the purpose of requiring publication of notice of such proposed changes and providing opportunity in certain instances for the filing of protest to such changes of locations. Accordingly, the Federal Home Loan Bank Board proposes to amend said Part 545 by revising § 545.16 to read as follows:

§ 545.16 Change of location.

(a) *General provisions.* A Federal association may not change the location of its home office or any branch office without prior approval by the Board or its Supervisory Agent, as provided in this section. All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant association is located or any other officer or employee of such bank designated by the Board as agent as provided in § 501.10 or § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with applications for permission to change the location of any office shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

(b) *Application form; supporting information.* An application for permission to change the location of an office shall be in form prescribed by the Board and may be obtained from the Supervisory Agent. Information shall be furnished in support of the application designed to show the need for the change of location from the standpoint of the future operation of the association and to show that the operation of the office in its new location will not cause undue injury to properly conducted existing local thrift and home-financing institutions.

(c) *Supervisory objection.* No application for permission to change the location of an office shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(d) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to change the location of an office is complete, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the office at the new location, a notice of the filing of the application in the following form:

NOTICE OF FILING APPLICATION FOR CHANGE OF OFFICE LOCATION

Notice is hereby given that, pursuant to the provisions of § 545.16 of the Rules and Regulations for the Federal Savings and Loan System, the _____ Federal Savings and Loan Association, _____, _____, (City) (State) has filed an application for permission to change the location of its office which is now located at _____, (Street Address) _____, _____, to or in the immediate vicinity of _____, (City) (State) _____, _____. The application (Street Address) has been delivered to the Office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____, (City) _____, _____. Any (Street Address) (City) person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communications should be filed. The application and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid Office of the Supervisory Agent.

_____ Federal Savings and Loan Association _____

(2) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or may waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(e) *Approval by Supervisory Agent.* If (1) no objections have been filed pursuant to the public notice of the application, (2) it has been determined that there is no supervisory objection to approval of the application, and (3) the Supervisory Agent has determined that the new location of an office will serve substantially the same savings service

[1] Commissioner H. Rex Lee absent.

[2] At this time we are proposing the assignment of only Channel 46 to Naples, Fla., due to the present size of the community and the fact that any operation on the proposed Channel 24 would be short-spaced by approximately 40 miles, to cochannel WMFE-TV at Orlando, Fla.

[3] Commissioner H. Rex Lee absent.

VOL 37 NO 8 JAN 13 72 XUM

area as the existing location, the Supervisory Agent is authorized in his discretion to approve the application. All other applications shall be forwarded by the Supervisory Agent to the Board with a recommendation as to approval or disapproval.

(f) *Oral argument*—(1) *General provisions.* Oral argument on the merits of any application filed pursuant to this section may be heard upon the written request of an applicant or of any person who has filed a communication in protest of an application within the time specified in subparagraph (3) of paragraph (d) of this section, if such request is received by the Supervisory Agent within 10 days after the expiration of the time specified in said subparagraph for filing communications in protest of an application. However, the Supervisory Agent may, in his discretion, deny a request for oral argument if he is of the opinion that oral argument would not materially assist in the making of a recommendation or decision with respect to the application. Such oral argument shall also be heard if the Supervisory Agent, after review of the application and all pertinent information, considers it desirable. When oral argument is to be held, the Supervisory Agent shall mail a notice, fixing the time and place thereof, to the applicant and to all persons who have filed a communication in favor or in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of the notice.

(2) *Procedure.* The Supervisory Agent, or any other person designated by the Board, shall have authority to hear oral argument and determine all matters relating to the conduct of such argument. The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application. A reasonable time shall be allowed for oral argument, but, unless waived, not less than 1 hour shall be allowed for all oral argument against an application and not less than 1 hour shall be allowed for all oral argument in favor of an application. A transcript shall be made of any oral argument and shall be included in the application file.

(g) *Temporary change of location.* The Supervisory Agent is authorized in his discretion to approve an application for permission to change temporarily the location of an office to a new location, not more than one-half mile distant, pending construction, alteration, repair, or improvement of premises at an existing office location. If the Supervisory Agent determines that such an application should not be approved, he shall forward it to the Board for decision, together with his recommendation as to disapproval. An application under this paragraph shall not be subject to the provisions of paragraphs (d), (e), and (f) of this section unless the Supervisory Agent is of the opinion that the construction alteration, repair, or improvement of premises at an existing location will probably require more than 2 years.

(h) *Change of designation of home office and a branch office.* The requirements and procedure specified in this section shall not apply to the designation of the location of an existing branch office as the new location of the home office of a Federal association and the designation of the former home office location as the new location of such existing branch office. However, a Federal association shall not make such changes in designation except upon application to and approval by the Board and upon appropriate amendment of its charter as to the location of its home office. The application shall show the desirability of the designation of the new home office location from the standpoint of the future operation of the association. The Supervisory Agent may approve any such application on behalf of the Board, but shall forward to the Board with his recommendation any such application which he deems should be acted on by the Board itself.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by February 14, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-536 Filed 1-12-72;8:50 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Fifty Percent Maximum Rate on Earned Income; Notice of Extension of Time for Comments

Proposed regulations to be prescribed under section 1348 of the Internal Revenue Code of 1954, relating to the 50-percent maximum tax rate on earned income, appear in the FEDERAL REGISTER for December 15, 1971 (36 F.R. 23814).

Written comments or suggestions were required by January 14, 1972. The time for submission of written comments pertaining to the proposed regulations is hereby extended to February 14, 1972.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.72-618 Filed 1-12-72;10:40 am]

Notices

DEPARTMENT OF THE INTERIOR

Office of Saline Water

[WMI 8710.1.4a]

ENVIRONMENTAL STATEMENTS

Procedures for Preparation

1. *Purpose.* These procedures are issued to enable the Office of Saline Water to fully discharge its responsibilities in compliance with the policy and direction of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–190, January 1, 1970), section 2(f) of Executive Order No. 11514, Protection and Enhancement of Environmental Quality; Council on Environmental Quality Guidelines—Statements on Proposed Federal Actions Affecting the Environment; and Chapter 2, Statement of Invironmental Impact, Part 516 of the Departmental Manual (516 DM2), and give direction to the Office and its staff in the determination of major actions of the OSW significantly affecting the quality of the human environment, and in the preparation of environmental statements for such actions.

2. *Scope and applicability.* This instruction applies throughout the Office of Saline Water including all field activities.

3. *Policy.* Environmental statements shall be prepared by the OSW for those legislative directives or program activities which will significantly affect the quality of the human environment. Environmental statements are separate documents which analyze the salient environmental information in order to provide decision makers with comprehensive and concise, factual information concerning the environmental impacts of the proposed action and related alternatives. Environmental statements shall not be used to recommend or justify proposed actions.

In all cases, activities and contractual interests of OSW having significant environmental impacts which have not been previously described in an environmental statement, or which have been inadequately described, shall require an environmental statement.

4. *Responsibilities.* a. Assistant Directors and Staff Chiefs will be responsible for:

(1) Assessing their environmental activities;

(2) Determining the need for an environmental statement;

(3) Preparing environmental statements as instructed by OSW Management Instruction WMI 8710.1 dated November 22, 1971, and in accordance with 516 DM 2.4G excepting subparagraphs 4 and 8; and

(4) Carrying out the above (1, 2, and 3) during which time the Environmental Coordinator may be consulted.

b. The Environmental Coordinator shall be consulted by the Assistant Directors and Staff Chiefs in reference to the following areas during the preparation of environmental statements:

(1) Identification of the needed inputs to specific environmental statements involving special studies to fully define the existing environment, probable environmental impact, mitigating measures, unavoidable adverse effects, relationship between short-term and long-term productivity, irreversible and irretrievable commitments of resources, and alternatives associated with projects, programs and activities;

(2) Evaluation of available data and information for and in the preparation of environmental statements; and

(3) Evaluation of technical comments and recommendations resulting from the review of environmental statements, by other bureaus and offices of the Department, Federal agencies with jurisdiction by law or special expertise, State and local agencies authorized to develop or enforce environmental standards, and private organizations with an expressed or known interest in the proposal.

5. *Procedures.* At the time it is decided to study a specific project, the environmental aspects of the project also will be studied. Preparation of a draft environmental statement will be carried out concurrently with the feasibility study and the preliminary design. Relevant technical information developed in the course of the design studies will be included as a necessary part of the environmental statement, and conversely the plant design will be modified to resolve any environmental problems which may appear. At the completion of the preliminary design, an approved environmental statement (final or draft), should accompany the legislative package submitted to OMB. With respect to experimental research and development projects, contractors or the cognizant OSW group will be required to submit a preliminary assessment of the environmental aspects of their proposal. The Environmental Coordinator will coordinate the effort with the responsible OSW group to assess the probable environmental impact and to determine if an environmental statement is required.

a. *Preparation of environmental statements as regards OSW programs and activities.* (1) The following programs and activities will be subject to environmental analysis prior to a final decision, but will not generally require an environmental statement:

(a) Research and development at test facilities;

(b) Research at private facilities; and

(c) Test bed plants at existing facilities of OSW.

(2) The following types of programs and activities will require the preparation of an environmental statement:

(a) Test modules;

(b) Prototype plants; and

(c) Annual legislative authorization for appropriations (environmental statements will not be required if the programs have not changed and if the environmental impacts are not expected to be different from those described in the previous legislative authorization statement).

b. *Preparation and circulation of environmental statements.* (1) Environmental statements will be prepared and circulated in accordance with the provisions of 516 DM 2.

(2) Draft and final environmental statements, upon completion by the Assistant Directors and Staff Chiefs, will be forwarded to the Environmental Coordinator for review and circulation.

(3) Sufficient time must be allotted by the Assistant Directors and Staff Chiefs in the preparation of environmental statements and circulation of such statements as required by 516 DM 2. Therefore, a draft environmental statement must be prepared on those program activities requiring such and be submitted to the Environmental Coordinator for review and circulation as early as possible and no later than 4 months prior to the proposed final execution of the related contract action.

Effective date: December 28, 1971.

WALTER L. BARNES, JR.,
Acting Assistant Director, Project Management and Plant Engineering.

[FR Doc.72-491 Filed 1-12-72;8:45 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

UNIVERSITY OF CALIFORNIA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United

JAN 13 72

States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72–00185–33–46070. Applicant: University of California, Department of Botany, Davis, Calif. 95616. Article: Scanning electron microscope, Model S–4. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used to investigate surface morphology, cathodoluminescence, transmitted electron images, and elemental analysis of a variety of biological materials such as pollen, leaf tissue, thin sections of plastic embedded cells, lung tissue, bone, herbicide dispersal patterns on leaves, algae, shoot tips, fungus and insects. The article will also be used in several courses designed to acquaint students with the basic concepts concerning plant and animal cell and tissue morphology. Application received by Commissioner of Customs: October 15, 1971.

Docket No. 72–00186–99–37450. Applicant: Ferris State College, 901 South State Street, Big Rapids, MI 49307. Article: Hydraulic apparatus. Manufacturer: Armfield Engineering, Ltd., United Kingdom. Intended use of article: The article is to be used in the instruction of hydrology courses for the following curriculums; Civil Technology, Surveying, Building Construction and Environmental Health. Application received by Commissioner of Customs: October 15, 1971.

Docket No. 72–00187–01–77030. Applicant: Boston University, 675 Commonwealth Avenue, Boston, MA 02215. Article: Nuclear magnetic resonance spectrometer, Model JNM–C–60HL. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article is intended to be used in training undergraduate and medical students in the following courses:

CH 203–204, Organic Chemistry; CH 221–222, Organic Chemistry; CH 229H–230H, Special Problems for Sophomores; CH 329–330H, Special Problems for Juniors; CH 401, Physical Chemistry III; and CH 429–430, Special Problems for Seniors. The article is also intended for graduate student and faculty research in such typical applications as the following: synthesis of cyclopropanes and cyclopropenes, conformational analysis of methylenedioxybenzene, synthesis of compounds for study of enzyme mechanisms, radiation chemistry and active nitrogen chemistry, equilibrium constants for C–H bonding, and structure and spectra of methyl nitrite. Application received by Commissioner of Customs: October 18, 1971.

Docket No. 72–00189–01–77030. Applicant: Allegheny College, 520 North Main Street, Meadville, PA 16335. Article: Nuclear magnetic resonance spectrometer, Model R–12. Manufacturer: Perkin-Elmer Ltd., United Kingdom. Intended use of article: The article is intended for use in research involving rearrangement of a series of alpha-acyl tertiary alcohols as precursors in hypochlorite studies. The article is also intended for use in the following courses: Chemistry 24 and 25, Organic Chemistry; Chemistry 26, Qualitative Organic Analysis; and Chemistry 48, Instrumental Analysis. Application received by Commissioner of Customs: October 18, 1971.

Docket No. 72–00190–01–77040. Applicant: University of California, San Diego, Scripps Institution for Oceanography, Post Office Box 109. La Jolla, CA 92037. Article: Mass Spectrometer for He^3/He^4 Isotopic Analysis. Manufacturer: McMasters University Physics Department, Canada. Intended use of article: The article will be used for research involving primordial Helium in ocean and volcanic gases and rocks, and tracing advective flow in deep oceans.

The article will also be used to educate students in nuclear techniques in geochemistry and oceanography. Application received by Commissioner of Customs: October 18, 1971.

Docket No. 72–00191–33–46040. Applicant: Huntington Institute of Applied Medical Research, 734 Fairmount Avenue, Pasadena, CA 91105. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for investigations of the ultrastructure of the normal and pathological tissues of the central nervous system. A variety of electron microscope techniques will be utilized in an investigation of the morphological substrate of the blood brain barrier and the anatomical elements involved in the secretion and reabsorption of the cerebrospinal fluid. Application received by Commissioner of Customs: October 18, 1971.

Docket No. 72–00192–33–46040. Applicant: Chicago Osteopathic Hospital, 5200 South Ellis Avenue, Chicago, IL 60615. Article: Electron microscope, Model Elmiskop 51. Manufacturer: Siemens and Halske Aktiengesellschaft, West Germany. Intended use of article: The article is intended to be used as an aid in the rapid diagnosis of poorly differentiated tumors which cannot be identified by conventional light microscopy, in rapid screening of needle biopsy specimens of diseased kidneys, and in rapid screening of muscle biopsies in patients with primary or secondary myopathies by investigators interested in ultrastructure of fetal lung, early changes in cirrhosis of liver, ultrastructure of placenta, and ultrastructure of fetal kidney. The article will also be used in training of residents in Surgical Pathology in tissue ultrastructure and in the preparation of selected tissue specimens to introduce medical students to the field of ultrastructure. Application received by Commissioner of Customs: October 18, 1971.

Docket No. 72–00193–01–77095. Applicant: University of Pittsburgh, Department of Chemistry, 4200 Fifth Avenue, Pittsburgh, PA 15213. Article: Photoelectron spectrometer, Model PS–16 and accessories. Manufacturer: Perkin-Elmer, Ltd., United Kingdom. Intended use of article: The article is intended to be used for measurements of the photoelectron spectra of free (gas phase) molecules which permits ionization potentials to be measured down to the energy of the exciting radiation providing information on molecular bonding properties, bond types, bond orders, electronic populations, charge densities and the vibrational modes and configurations of the resulting molecular ion. The article will also be used by graduate students in the basic research as partial fulfillment of the requirements for a dissertation for the degree of Doctor of Philosophy and for demonstration and student use in applied spectroscopy courses. Application received by Commissioner of Customs: October 18, 1971.

Docket No. 72–00194–98–42800. Applicant: National Acceleratory Laboratory, Universities Research Association, Inc., 2100 Pennsylvania Avenue NW. Room 828, Washington, DC 2006. Article: 75 Dipole magnets. Manufacturer: Thomson Electric, Ltd., of Montreal, Canada. Intended use of article: The articles will be used in the construction of a 200 BeV accelerator. Application received by Commissioner of Customs: October 18, 1971.

Docket No. 72–00195–33–46500. Applicant: University of Rochester, School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, NY 14642. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section normal and neoplastic mammalian tissue derived from experimental animals for ultrastructural studies into the mechanism of vascular growth in tumors and the mechanism of tumor parenchymal response to therapeutic agents. Application received by Commissioner of Customs: October 21, 1971.

Docket No. 72–00196–65–86300. Applicant: The University of Akron, 302 East Buchtel Avenue, Akron, OH 44304. Article: Viscoelastometer, Model DDV–II–B. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan. Intended use of article: The article will be used to determine the time-temperature equivalence of viscoelastic response for two-phase materials, specifically elastomers including block-copolymers. Application received by Commissioner of Customs: October 21, 1971.

Docket No. 72–00197–00–46040. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: 70 mm Roll-Film cassette. Manufacturer: Siemens and Halske Aktiengesellschaft, West Germany. Intended use of article: The article is an accessory for an existing electron microscope manufactured by the supplier of the article. Application received by Commissioner of Customs: October 21, 1971.

Docket No. 72–00198–00–20900. Applicant: University of California, Lawrence Livermore Laboratory, 7000 East Avenue, Livermore, CA 94550. Article: 200 Hydrogen thyratron tubes, Model FX2508. Manufacturer: English Electric Valve Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used in modulators which switch energy to a linear accelerator in a program concerned with the development of a controlled fusion power system. Application received by Commissioner of Customs: October 21, 1971.

Docket No. 72–00245–88–46070. Applicant: University of Washington, Quaternary Research Center, Seattle, Wash. 98195. Article: Scanning electron microscope, JSM–U3. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article is intended to be used in a very broad research program which includes the following projects:

1. Examination of modern and fossil tests of the protozoan order *Foraminiferida* and skeletons of microanimals for the purpose of variation study.

2. Improving analysis of lake sediments to provide a record of limnological conditions.

3. Examination of the various developmental stages in the life history of the plasmodial slime mold, *Echinostelium minutum* de Bary, including the spore, swarm cell, ameobal cyst, plasmodium, plasmodial cyst, and sporophore.

In addition, the article will be used to train doctoral candidates and postdoctoral fellows in the operation of scanning electron microscopes for independent research. Application received by Commissioner of Customs: November 22, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–507 Filed 1–12–72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 72–1]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I), require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from September 27, 1971 to November 11, 1971 (List No. 32–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.002/122/0, Model 3, adult kapok life preserver, USCG Specification Subpart 160.002, manufactured by Outdoor Supply Co., Inc., Marine Division, 8 Industry Drive, Oxford, N.C. 27565, effective November 1, 1971. (It supersedes Approval No. 160.002/122/0 dated November 12, 1969 to show change of address of manufacturer.)

Approval No. 160.002/123/0, Model 5, child kapok life preserver, USCG Specification Subpart 160.002, manufactured by Outdoor Supply Co., Inc., Marine Division, 8 Industry Drive, Oxford, N.C. 27565, effective November 1, 1971. (It supersedes Approval No. 160.002/123/0 dated November 12, 1969 to show change of address of manufacturer.)

MIRRORS, EMERGENCY SIGNALING

Approval No. 160.020/7/0, Model No. 35, emergency signaling mirror, 5" x 3" reflex type; identified by Drawing P1237, revision A of November 14, 1966, and Military Specification MIL–M–18371D (ASG), manufactured by Liberty Mirror Division, Libbey-Owens-Ford Glass Co., Brackenridge, Pa. 15014, effective November 1, 1971. (It is an extension of Approval No. 160.020/7/0 dated December 1, 1966.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

NOTE: For Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.047/632/0, Type I, Model AK–1, adult kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 1355 West Front Street, Plainfield, NJ 07063, effective November 11, 1971.

Approval No. 160.047/633/0, Type I, Model CKM–1, child medium kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 1355 West Front Street, Plainfield, NJ 07063, effective November 11, 1971.

Approval No. 160.047/634/0, Type I, Model CKS–1, child small kapok buoyant vest, USCG Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 1355 West Front Street, Plainfield, NJ 07063, effective November 11, 1971.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

NOTE: For Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.048/231/0, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured by Swan Products Co., Inc., 1355 West Front Street, Plainfield, NJ 07063, effective November 1, 1971. (It supersedes Approval No. 160.048/231/0 dated February 20, 1969 to show change of address of manufacturer.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.052/384/0, Type II, Model OSA, adult unicellular plastic foam buoyant vest, dwg. No. 160.052 Sheet 1 of 4, Rev. 1 dated June 24, 1963 and Sheet 2 of 4, Rev. 1 dated June 24, 1963, manufactured by Outdoor Supply Co., Inc., Marine Division, 8 Industry Drive, Oxford, NC 27565, effective November 1, 1971. (It supersedes Approval No. 160.052/384/0 dated March 28, 1969 to show change of address of manufacturer.)

Approval No. 160.052/385/0, Type II, Model OSM, child medium unicellular plastic foam buoyant vest, dwg. No. 160.052 Sheet 1 of 4, Rev. 1 dated June 24, 1963 and Sheet 3 of 4, Rev. 1 dated June 24, 1963, manufactured by Outdoor Supply Co., Inc., Marine Division, 8 Industry Drive, Oxford, NC 27565, effective November 1, 1971. (It supersedes Approval No. 160.052/385/0 dated March 28, 1969 to show change of address of manufacturer.)

Approval No. 160.052/386/0, Type II, Model OSS, child small unicellular plastic foam buoyant vest, dwg. No. 160.052 Sheet 1 of 4, Rev. 1 dated June 24, 1963 and Sheet 4 of 4, Rev. 1 dated June 24, 1963, manufactured by Outdoor Supply Co., Inc., Marine Division, 8 Industry Drive, Oxford, NC 27565, effective November 1, 1971. (It supersedes Approval No. 160.052/386/0 dated March 28, 1969 to show change of address of manufacturer.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/13/0, Model 641, unicellular plastic foam work vest, dwgs. P–1, dated January 23, 1962, and P–2, dated January 17, 1962, manufactured by The Safeguard Corp., Box 14037, Post

JAN 13 72
XUM

Office Annex, Cincinnati, OH 45214, for Safety First Supply Co., 526 Island Avenue, McKees Rocks, PA 15136, effective November 1, 1971. (It is an extension of Approval No. 160.053/13/0 dated December 16, 1966 and change of address of distributor.)

Approval No. 160.053/29/0, unicellular plastic foam work vest (vinyl-dipped) as per Atlantic-Pacific Manufacturing Corp. Dwg. No. 600/10/71 dated October 18, 1971 and USCG Specification Subpart 160.053, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective November 10, 1971.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/60/0, Type IB, Model 67, child cloth covered unicellular plastic foam life preserver, USCG Specification Subpart 160.055, USCG Dwg. No. 160.055–IB (Sheets 3 and 4), Tapatco Dwg. Nos. C–277–1–1, C–277–2–2, and C–277–3–3 and COMDT (MMT–3) letter dated December 27, 1966, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective November 1, 1971. (It is an extension of Approval No. 160.055/60/0 dated December 28, 1966.)

Approval No. 160.055/61/0, Type IB, Model 63, adult cloth covered unicellular plastic foam preserver, USCG Specification Subpart 160.055, USCG Dwg. No. 160.055–IB (Sheets 1 and 2), Tapatco Dwg. Nos. C–276–1–1, C–276–2–2, and C–276–3–3 and COMDT (MMT–3) letter dated December 27, 1966, manufactured by Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, effective November 1, 1971. (It is an extension of Approval No. 160.055/61/0 dated December 28, 1966.)

PROTECTING COVER FOR LIFEBOATS

Approval No. 160.065/4/1, "Sea-Jay anti-exposure lifeboat cover", Type I, protecting cover for the occupants of all types of aluminum, steel, and fibrous glass reinforced plastic (FRP) lifeboats for lengths 22' through 37' lifeboats identified by general arrangement dwg. CJH/EC/003, dated May 1, 1966, modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts, manufactured by C. J. Hendry Co., 139 Townsend Street, San Francisco, CA 94107, effective November 1, 1971. (It is an extension of Approval No. 160.065/4/1 dated December 14, 1966.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/9/2, Model F–91X, watertight flashlight, size No. 3 (3-cell), identified by assembly dwg. No. D–1636 dated November 4, 1966, manufactured by Stewart R. Browne Manufacturing Co., Inc., 839 Stewart Avenue, Garden City, Long Island, NY 11530, effective November 4, 1971. (It is an extension of Approval No. 161.008/9/2 dated December 13, 1966.)

Approval No. 161.008/10/2, Model F–81X, watertight flashlight, size No. 2 (2-cell), identified by assembly dwg. No. D–1636 dated November 4, 1966, manufactured by Stewart R. Browne Manufacturing Co., Inc., 839 Stewart Avenue, Garden City, Long Island, NY 11530, effective November 4, 1971. (It is an extension of Approval No. 161.008/10/2 dated December 13, 1966.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/78/0, Type 91, pressure vacuum relief valves, made of ASTM A–216 Grade WCB, in 2'', 3'', and 4'' sizes, for a maximum pressure of 50 p.s.i.g., as shown on the drawings listed below, Type 93, pilot valve, made of ASTM A–107, Grade C1018, as per dwg. Nos. 3–0569 dated July 8, 1967, and 3–0566 dated June 16, 1967, manufactured by Anderson, Greenwood & Co., 5425 South Rice Avenue, Houston, TX 77036, effective November 8, 1971.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/79/0, Air-Maze No. 4 Unimaze backfire flame arrester, Air-Maze dwgs. A17854–C, A17854–G, and A17854–F, manufactured by Filter Products Division, North American Rockwell Corp., Air-Maze Plant, 25000 Miles Road, Cleveland, OH 44128, formerly Air-Maze Division, Rockwell-Standard Corp., effective September 27, 1971. (It reinstates and supersedes Approval No. 162.041/79/0 terminated March 10, 1971 to show change of name of manufacturer.)

Approval No. 162.041/136/0, Bendix Model B175–60 backfire flame arrester, Bendix dwg. B175–60 Assembly Flame Arrester dated July 23, 1971, Model B175–60 is identical to Model B175–23 with an external vent tube added, manufactured by Bendix Corp., Fuel Devices Division, 696 Hart Avenue, Detroit, MI 48214, effective September 27, 1971.

Approval No. 162.041/137/0, Barbron backfire flame arrester, Part No. 571510B, brass element, cover, and base, also Part No. 571510A, having brass element, anodized aluminum base and cover, identical to Part No. 57210B, USCG Approval No. 162.041/104/1 except for height of element, similarities are such that no further testing is required, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective November 1, 1971.

Approval No. 162.041/138/0, Barbron backfire flame arrester, Part No. 5723B, brass element, cover, and base, also Part No. 5723A, having brass element, anodized aluminum base and cover, identical to Part No. 5733B, USCG Approval No. 162.041/6/1 except for height of element, similarities are such that no further testing is required, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective November 1 1971.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/136/0, "M–1000, Type 2", fibrous glass insulation incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2197:FR:3734 dated September 22, 1970, and Owens-Corning letter dated September 17, 1971, approved in a density of 0.1 pound per cubic foot to 2.4 pounds per cubic foot and thickness from 1–3 inches inclusive, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective October 26, 1971. (It supersedes Approval No. 164.009/136/0 dated December 3, 1970 to show minor changes.)

Dated: January 5, 1972.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72–505 Filed 1–12–72;8:47 am]

ATOMIC ENERGY COMMISSION

PREPARATION OF BENEFIT-COST ANALYSES FOR NUCLEAR POWER PLANTS

Notice of Issuance of Proposed Guide

The Atomic Energy Commission has issued for public comment a proposed Guide to the Preparation of Benefit-Cost Analyses for Nuclear Power Plants. The proposed guide has been prepared as an aid to applicants in the preparation of their Environmental Reports. It would apply to such analyses which must be included in Environmnetal Reports to the AEC from applicants for certain categories of completed and nearly completed nuclear power plants under the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA). Additional guidance for benefit-cost analyses with respect to plants at earlier stages of construction will be issued separately.

Under the AEC's regulations implementing NEPA (Appendix D to 10 CFR Part 50, issued in revised form on September 9, 1971), applicants for nuclear power plant permits or licenses are required to submit new or supplemental Environmental Reports. The regulations require (subsections A.1 to A.4 of section 4, Appendix D) that each report include a benefit-cost analysis which considers and balances the environmental impact of the facility and the alternatives available for reducing or avoiding adverse environmental effects, as well as the environmental, economic, technical, and other benefits of the facility.

The proposed guide takes into account many comments received as a result of discussions of a draft version in a series of meetings with representatives of Federal and State agencies, industry, environmental organizations and others, including a public meeting at AEC Headquarters in Germantown, Md., on December 9, 1971.

A format is included in the proposed guide for benefit-cost information to be submitted by applicants. Forms have been designed to show information on the benefits, generating costs, and environmental effects of alternative engineering designs that include designs which would minimize environmental effects. The forms provide a method for summarizing the information required by the AEC.

The proposed guide would supplement the draft Guide to the Preparation of Environmental Reports for Nuclear Power Plants that was issued for comment and interim use in February 1971, and additional guidance on Scope of Applicants' Environmental Reports with Respect to Transportation, Transmission lines, and Accidents, issued on September 1, 1971.

All interested persons are invited to submit comments and suggestions concerning the draft guide by February 15, 1972. Comments and requests for copies of the proposed guide should be sent to the Director, Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Washington, D.C. 20545. A final guide will be issued subsequently, taking into consideration the comments received.

Dated at Bethesda, Md., this 10th day of January 1972.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.72–589 Filed 1–12–72;8:50 am]

[Docket No. 50–375]

NORTH AMERICAN ROCKWELL CORP.

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on December 18, 1971 (36 F.R. 24081), the Atomic Energy Commission ("the Commission") has issued Facility License No. R–118 to the North American Rockwell Corp. (NARC), Canoga Park, Calif. The license authorizes NARC to possess and operate a homogeneous, solution-type nuclear research reactor designated as the "L–85 Nuclear Examination Reactor" located at its Atomics International Division Nuclear Development Field Laboratories site in the Simi Hills, Ventura County, Calif., at steady state power levels not to exceed 3 kilowatts (thermal), in accordance with the provisions of the license and the Technical Specifications appended thereto, and NARC's application dated November 25, 1970, as amended.

The Commission has found that the application for the license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations as published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

A copy of Facility License No. R–118, including the Technical Specifications, is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72–485 Filed 1–12–72;8:45 am]

Discontinuance of Leasing Small Quantities of Special Nuclear Material

General. The Atomic Energy Commission hereby gives notice that it will discontinue the leasing of small quantities of special nuclear materials both domestically and abroad, except for a limited number of cases which involve distributions of relatively scarce (highly enriched) material for research use. These latter distributions will continue to be made by lease. New distributions will be made under sales arrangements. Existing AEC lessees will be required to either purchase or return small quantities of special nuclear material upon expiration of their current lease agreements. Grants of small quantities of special nuclear material may be made to educational institutions holding such material under the Division of Nuclear Education and Training's loan program. Future distributions of such material to educational institutions under that program will be made by grant rather than loan.

Definition. "Small quantities" means any quantity of special nuclear material having an AEC sales price of $5,000 or less.

Effective date. This notice is effective upon publication in the FEDERAL REGISTER (1–13–72).

Dated at Germantown, Md., this 6th day of December 1972 for the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72–484 Filed 1–12–72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Order 71–12–144]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rate Matters

Issued under delegated authority December 30, 1971.

By Order 71–12–33, dated December 8, 1971, action was deferred on the above-designated agreements which were adopted by the International Air Transport Association (IATA) and which encompass amendments to resolutions governing the procedures and format with respect to the air waybill/consignment note for both manual execution and for transmission by teletype or other electronic means. In deferring action on the agreements, 10 days were granted in which interested persons and parties might submit petitions with respect to (1) a proposed disapproval, for application in air transportation as defined by the Act, of provisions for documentation on air waybills/consignment notes of international route charges, and (2) a proposed approval, subject to condition and limited approval through August 12, 1972, of the revalidation and further amendment of the resolution governing the procedures and format of air waybills/consignment notes.

On behalf of Pan American World Airways, Inc. and Trans World Airlines, Inc., IATA has requested that the period for receipt of petitions be further extended. IATA states that the conditions contemplated by the Board in the instant order may have a damaging effect on international air transportation, inasmuch as the air waybill is an important document. We will herein grant this request and extend the period for receipt of petitions through January 31, 1972.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.23, it is found that it is in the public interest to further defer action on Agreement CAB 22429, R–7 and R–8, and Agreement CAB 22460, R–69 and R–70.

Accordingly, it is ordered, That:

The time for submitting petitions with respect to the subject agreements, as set forth in Order 71–12–33, shall be extended through January 31, 1972.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–527 Filed 1–12–72;8:49 am]

COMMISSION ON CIVIL RIGHTS

NEW YORK

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on February 14, 1972, and that an executive session, if appropriate, will be convened on February 14, 1972, to be held at the Brotherhood in Action, Inc., Center, 560 Seventh Avenue, New York, NY. The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin which affect educational opportunities, or employment opportunities, or housing opportunities of Puerto Rican persons, and the administration of justice as it affects

JAN 13 1972
XUM

Puerto Rican persons, residing in New York, NY, other parts of the State of New York, and the State of New Jersey; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin as they affect the educational opportunities, or employment opportunities, or housing opportunities of Puerto Rican persons, and the administration of justice as it affects Puerto Rican persons, in the above areas, and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, or national origin in the fields of education, employment, housing, administration of justice, and related areas.

Dated at Washington, D.C., January 10, 1972.

THEODORE M. HESBURGH,
Chairman.

[FR Doc.72-508 Filed 1-12-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 225]

CANADIAN BROADCAST STATIONS

Notification List

DECEMBER 21, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		680 kHz							
CKPR (change of main studio from Fort William, Ontario).	*Thunder Bay*, Ontario, N. 48°24'40", W. 89°15'37".	5D/1N	ND-178	U	III				
		790 kHz							
CHIC (correction to coordinates)	Brampton, Ontario, N. 43°35'20", W. 79°52'54".	1D/0.5N	DA-2	U	III				
		800 kHz							
CJLX (change of main studio from Fort William, Ontario).	*Thunder Bay*, Ontario, N. 48°18'38", W. 89°21'30".	10D/8N	DA-1	U	II				
		1170 kHz							
(New)	Red Deer, Alberta, N. 52°08'56", W. 113°51'30".	10D/5N	DA-2	U	II				E.I.O. 12.21.72.
		1200 kHz							
CFFB (Delete assignment)	Frobisher, Northwest Territory, N. 63°43'47", W. 68°32'34".	0.25	ND-180	U	II	150	90	260	
		1210 kHz							
CFFB (now in operation)	Frobisher, Northwest Territory, N. 63°43'47", W. 68°32'34".	0.25	ND-180	U	II	150 *Top Loaded*	90	260	
		1230 kHz							
CFPA (change of main studio from Port Arthur, Ontario).	*Thunder Bay*, Ontario, N. 89°15'37", W. 48°24'40".	1D/0.25N	ND-210	U	IV				
		1250 kHz							
CHWO (now in operation)	Oakville, Ontario, N. 43°26'10", W. 79°43'06".	10D/5N	DA-2	U	III				
		1340 kHz							
CFLW (correction to coordinates—Now in operation).	Wabush, Labrador-Newfoundland, N. 52°54'19", W. 66°52'44".	0.25	ND-180	U	IV	122.5	120	250-354	
		1400 kHz							
CKFL (PO: 1340 kHz 1D/0.25N, DA-D ND-N).	Lac Megantic, Quebec, N. 45°33'38", W. 70°53'30".	1D/0.25N	ND-190	U	IV	183	120	222-293	E.I.O. 12.21.72.
		1400 kHz							
CJNL-1 (assignment of call letters).	Princeton, British Columbia, N. 49°28'28", W. 120°31'10".	1D/0.25N	ND-184	U	IV	150	120	282	
		1480 kHz							
(New)	Plessisville, Quebec, N. 46°12'47", W. 71°44'23".	1D/0.5N	DA-N	U	III				E.I.O. 12.21.72.
		1490 kHz							
CKEN (correction to class)	Kentville, Nova Scotia, N. 45°06'40", W. 64°29'35".	1D/0.5N	DA-1	U	*IV*				
		1550 kHz							
CBE (correction to coordinates)	Windsor, Ontario, N. 42°12'56", W. 82°55'15".	10	DA-1	U	1-B				

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-523 Filed 1-12-72;8:48 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 611]

FULTON FREIGHT FORWARDING CORP.

Order of Revocation

By letter dated December 2, 1971, Fulton Freight Forwarding Corp., 32 Broadway, New York, NY, was advised by the Federal Maritime Commission that Independent Ocean Freight Forward License No. 611 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before December 30, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automaticaly revoked or suspended for failure of a licensee to maintain a valid bond on file.

Fulton Freight Forwarding Corp. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License of Fulton Freight Forwarding Corp. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Fulton Freight Forwarding Corp. be and is hereby revoked effective December 30, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Fulton Freight Forwarding Corp.

AARON W. REESE,
Managing Director.

[FR Doc.72-540 Filed 1-12-72;8:49 am]

ROLANDO EXPORT DOCUMENTATION ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Rolando Roqueta, d.b.a. Rolando Export Documentation, 523 Hindry Avenue, Inglewood, CA 90301.
Officer:
Rolando Roqueta, President.

American Oceanair Express, Inc., 5315 West 102d Street, Los Angeles, CA 90045.
Officers:
Paul A. Donatelli, President.
George Y. Sidhom, Vice President.
Linda M. Donatelli, Secretary-Treasurer.

John S. James Inc. of Atlanta, 1143 Willingham Drive, East Point, GA 30344.
Officers:
John S. James, President.
John Wm. James, Executive Vice President.
Thomas C. James, Vice President.

Dated: January 6, 1972.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-537 Filed 1-12-72;8:49 am]

[Independent Ocean Freight Forwarder License 228]

M. WEISEL AND CO.

Order of Revocation

By letter dated December 9, 1971, M. Weisel and Co., 1140 Broadway, New York, NY 10001, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 228 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 5, 1972.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. § 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

M. Weisel and Co. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License of M. Weisel and Co. be and is hereby revoked effective January 5, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon M. Weisel and Co.

AARON W. REESE,
Managing Director.

[FR Doc.72-541 Filed 1-12-72;8:49 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01037	Skibs A/S Tautra and Skibs A/S Trolla:
	Rubisea.
01125	n.v. U B E M s.a. (Union Belge d'Enterprises Maritimes):
	Titus.
01145	Det Begenske Dampskibsselskab:
	Meteor.
01155	Ernst Jacob, Reeder und Schiffsmakler:
	Anton Roth.
01230	Skibs A/S Oiltank:
	Belmar.
01322	Cardigan Shipping Co., Ltd.:
	Norse Marshal.
01453	Aiden Shipping Co., Ltd.:
	Varna.
01456	Larrinaga Steamship Co., Ltd.:
	Ramon de Larrinaga.
01460	Evan Thomas Radcliffe & Co., Ltd.:
	Stolt Llandaff.
01462	Ropner Shipping Co., Ltd.:
	Iron Somersby.
01719	Unterweser Reederi G.m.b.h.:
	Bockenheim.
01747	Marvirtud Navegacion S.A., Panama:
	Asiston.
01750	Astro Marino Navegacion S.A., Panama:
	Aristoklis.
01758	Chotin Transportation Inc.:
	Chotin 1790X.
	Chotin 1852.
	Chotin 1850.
	Chotin 1643.
	Chotin 1780X.
	Chotin 2546.
	Chotin 2543.
	Chotin 1851.
	Chotin 1841.
01982	A.B. Svenska Ostasiatiska Kompaniet:
	Fujisan.
01986	Aktiebolaget Transmarin:
	Irene.
02015	Meco Compania Naviera S.A., Panama:
	Kef Peter.
02022	C. T. Gogstad & Co.:
	Lara Viking.
02202	Humble Oil & Refining Co.:
	Liz Brent.
	Gissel 2201.
	Gissel 2202.
02210	American Mail Line Ltd.:
	Japan mail.
02234	Gulf Mississippi Marine Corp.:
	Gulf Giant No. 380.
02238	John T. Essberger:
	John Augustus Essberger.
02491	Warner Co.:
	Franklin.
02496	United States Steel Corp.:
	Hughes No. 655.
02524	The Watergate Steam Shipping Co., Ltd.:
	Letchworth.
02862	Ocean Shipping & Enterprises, Ltd.:
	Ocean Endurance.
02889	Showa Kaiun K.K.:
	Hosho Maru.
	Hiei Maru.
	Kinko Maru.
	Miho Maru.
	Seisho Maru.
02958	Kawasaki Kisen K.K.:
	Silver Arrow.
	Thames Maru.
03073	Freighters, Inc.:
	S/S Lumber Queen.
03057	British India Steam Navigation Co., Ltd.:
	Zaida.
03091	Universal Marine Corp.:
	Oriental Falcon.
03164	St. George Maritime Co., Ltd. of Monrovia, Liberia:
	St. George III.
03172	St. Spyridon Maritime Co., Ltd. of Monrovia, Liberia:
	Tarseus.
03315	Afran Transport Co.:
	La Cruz.
	Las Piedras.
03397	R/A Hadrian:
	Octavian.
03421	Daito Kisen K.K.:
	Munakata Maru.
03434	Hoko Suisan K.K.:
	Hoko Maru No. 52.
03439	Itaya Shosen K.K.:
	Hijiri Maru.
03492	Sawayama Kisen K.K.:
	Apennines Maru.
03516	Toko Kaiun K.K.:
	Tokei-Maru.
03517	Tokyo Itaiji Kabushiki Kaisha:
	Sendan Maru.
03577	Taiyo-Kaiun-Sangyo K.K.:
	Jinrei Maru.
03614	A/S Kristian Jebsens Rederi Bergen:
	Altnes.
	Korsnes.
	Garnes.
	Raknes.
	Vigsnes.
	Tinnes.
	Telnes.
	Birknes.
	Brunes.
	Baugnes.
	Tornes.
	Blidnes.
	Brisknes.

JAN 13 72

Certificate No.	Owner/operator and vessels
03674---	City Ice & Fuel of Point Pleasant, Inc.: OR–135. OR–136.
03690---	The Harbor Tug & Barge Co.: Isla Grande. Isla Verde.
03717---	Warrior & Gulf Navigation Co.: Barge D1. Barge D2. Barge D3. Barge D4. Barge D5. Barge D6.
03733---	Great Lakes Dredging & Dock Co. G.L. 173.
03923---	Shinwa Kaiun Kaisha, Ltd. Fugo Maru.
03926---	Harumi Senpaku Kabushiki Kaisha: Kamo Maru. Nelson Maru.
03981---	Moran Towing of Puerto Rico, Inc. (New Jersey): Chemical No. 1.
04042---	Companhia de Navegacao Maritima Netumar: Amalia. Minerva. Netuno.
04050---	A/S Uglands Rederi: Tamarita.
04161---	Whitney-Fidalgo Seafoods, Inc.: Moku.
04276---	Rivtow Straits Ltd.: Gibraltar Straits. Straits Traveller.
04289---	Dixie Carriers: DXE 233 DC.
04356---	Pacific Far East Line, Inc.: America Bear.
04398---	Hapag-Lloyd Aktiengesellschaft: Rhein Express.
04435---	Gateway Barge Lines, Inc.: GW–50. Z–61. Ace–101. Minnesota.
04448---	City & County of San Francisco acting by and through the San Francisco Port Commission: No. 4. Dredger.
04449---	China Merchants Steam Navigation Co., Ltd.: Hai Lo. Hai Yi.
04451---	Venus International Corp.: Venus Ning Hai.
04468---	Kotoshiromaru Gyogyo Kabushiki Kaisha: Kotoshiro Maru No. 18.
04513---	Hinode Gyogyo Kabushiki Kaisha: Hinode Maru No. 55.
04516---	Shunkai Gyogyo Kabushiki Kaisha: Chiyo Maru No. 25.
04543---	Mr. Iwao Muki: Keifuku Maru No. 6.
04544---	Mr. Yosuki Kawaguchi: Seishu Maru No. 23.
04574---	Pescanova, S.A.: Jose Morgado. Chomapi. Frei Frei. Penalba.
04601---	American Tunaboat Association: Neptune. Western King. Gemini. Coimbra. Blue Meridian. Renown. Commodore. Seafarer. Invader. Santa Rosa. Elsinore. Kitty Hawk. Katherine M. Conte Bianco. Victoria. Wiley V A. Jo Linda. Endeavor. Bernadette. Santa Anita. Elizabeth. Ecuador. Alphecca. Constitution. Ronnie S. Sea-Preme. Clipperton. Vivian Ann. Conquest. Mermaid. Quo Vadis. Kerri M. Jeanette C. Aquarius. Queen Mary. Lou Jean II. Gina Karen. Kathleen. Sea Quest. Jacqueline A. Puritan. Marietta.
04603---	Tennessee Valley Sand & Gravel Co.: Derrick Boat McCullough.
04625---	American Commercial Lines, Inc.: Frank Rader.
04769---	Texaco Norway A/S: Texaco Pembroke.
04770---	Texaco Panama Inc.: S/S Texaco Cocle. S/S Texaco Colon. S/S Texaco Trinidad. S/S Texaco Brighton.
05098---	Esso Tankers Inc.: Esso Parentis.
05148---	Samyang Navigation Co., Ltd.: King Star.
05191---	Compania Naviera Sirius S.A.: Cibro Caribbean.
05240---	Offshore Constructors, Inc.: George F. Ferris.
05384---	Compania Maritima Zorroza, S.A.: Marques de Bolarque.
05436---	Prolerized Schiabo-New Co.: CT 801. CT 802.
05437---	The Dow Chemical Co.: DC–315. DC–320. DC–325. DC–330. DC–335.
05469---	Santaroza Navigation Co., Ltd.: Alexandros.
05520---	Union Carbide Corp.: IOT–301. IOT–302.
05659---	Bisso Marine Co., Inc.: Ajax. Cairo.
05697---	Colonial Sand & Stone Co., Inc.: C 1. C 3.
05717---	Colombiana Internacional de Vapores Ltda., "Colvapores": Anamilena. Francisco Miguel. Felipe. Adriana.
05776---	Erich Hanisch: Flut.
05819---	Oy Finnlines Ltd.: Finn-Amer.
05998---	Navarino Shipping & Transport Co., Ltd., Piraeus: Solidarity. Eternity.
06042---	Luzon Stevdoring Corp.: Lsco Transasia.
06094---	Societa' Siciliana Servizi Marttimi: Scebeli.
06123---	Leon Compania Maritima S.A.: Lacon.
06160---	Atlantic Far East Container Service, Inc.: Tae Ping.
06184---	First Silver Cloud Shipping Inc.: MV Remscheid.
06208---	Hochseefischerei Nordstern A.G.: Sagitta Maris.
06228---	Nanyo Kaiun K.K.: Nichiyu Maru.
06242---	Diamandis E.A.N.E. Piraeus: Adamandios.
06245---	Naviera Callao S.A.: Senor del Mar.
06273---	Dowa & Co., Ltd.: Mexican Gulf.
06301---	Robert W. O'Meara and Maurice P. O'Meara, a joint venture, doing business as O'Meara Bros. Crude Oil Co.: BFC 1. BG 934.
06303---	A. N. Petersen I/S: Anna Johanne.
06332---	Mid Valley Towing Co., Inc.: Blue Ridge.
06361---	Diana Marine, Inc. Asia Hunter.
06365---	Gioriadei Compania Naviera S.A., Panama: Nordmark.
06400---	Searoute Shipping Co., Ltd.: Elna.
06401---	Seaservice Shipping Co., Ltd.: Elka.
06410---	G C Co.: GS 200.
06411---	G.W. Partnership: GW–300.
06417---	Societe Navale de l'Quest: Jacques Bingen.
06420---	Partenreederei MS "Hendrik", Emden Margerance S.A., Zolikerberg: Hendrik.
06422---	A/S Finn Johnsens Rederi: Alk.
06423---	Horn Construction Co., Inc.: Horn 21. Horn 26. Horn 27.
06452---	Compania Maritima de Transportes Internacionales S.A.: Horus.
06460---	Chemtech Leasing, Inc.: CT 100.
06464---	Ernst Russ on behalf of Partenreederei MV. "Jacob Russ": Jacob Russ.
06465---	Partenreederei M/S "Alfred Rehder": Alfred Rehder.
06467---	Florida Lines Ltd.: Lynn.
06468---	Jadranska Linijska Plovidba, Rijeka: Liburnija.
06469---	Wilh. Chr. Bech: Gerda Bech. Kirsten Bech. Karen Bravo.
06470---	Jerelina Compania Naviera S.A.: Melissa.
06472---	Taiheiyo Kisen Kaisha, Ltd.: Koryu Maru. Horyu Maru. Gyokuryu Maru. Waryu Maru. Seiryu Maru. Kairyu Maru. Shoryu Maru. Dairyu Maru.
06474---	Laurel Ltd.: Nassau.
06476---	United International Carriers Ltd.: Chu Fujino.
06476---	Korea Marine Industry Development Corp.: Tae Yang No. 12.
06479---	Liberian Zeus Transports, Inc.: World Crest.
06481---	Drilling Services, Inc.: Blue Water No. 3.
06485---	Minibulk Shipping (K. M. Kaalstad): Newbuilding 21. Newbuilding 22. Newbuilding 23. Newbuilding 24. Mini Star. Baltus. Milady.
06487---	Naviera Ason, S.A.: Reyes. Juan Claudio. Ramiro Perez. Alfonso. Patricio.
06490---	Jorgen J. Lorentzen: Thomas.
06491---	Maruten Kisen K.K.: Tensa Maru.
06494---	Great West Towing & Salvage Ltd.: Ocean Master.
06495---	Mortensen & Lange: Sixtus.
06497---	Naves Valientes S.A. of Panama: Challenger Colocotronis.
06498---	Federal Steam Navigation Co., Ltd.: Wild Avocet. Wild Auk.
06499---	Koshin Kaiun K.K.: Koshin Maru.
06501---	Seven Seas Navigation Corp., Ltd.: Dianna.
06509---	River Transportation, Inc.: T–200.
06510---	Compagnie Nationale Algerienne de Navigation C.N.A.N.: Hassi Messaoud.
06511---	Associated Shipping Corp., Ltd.: Ever Success. Strength.
06512---	First Yotta Shipping Inc.: Argus.
06514---	Miradero Fishing Co., Inc.: Enterprise.
06516---	Stott, Mann & Co., Ltd.: Svenord.
06517---	Vlassoil Shipping Co., Ltd.: Telenikis.
06518---	I/S Olav Ringdal: Olav Ringdal.
06519---	Sunfare Shipping Co., S.A.: Melpo Lemos.
06520---	Eastwind Shipping Co., S.A.: Asiatic.
06521---	Moonstone Shipping Co., S.A.: Romantic.
06534---	Union Steam Ship Co. (U.K.), Ltd.: Rangatira.
06535---	Kommandittselskapet A/S Quinarius & Co.: Quin Duchess.
06536---	Panfiel Navegacion S.A., Panama: Aristarchos.
06537---	Grand Ocean Transport Inc.: Grand Union.
06538---	Chiyuan Navigation, Inc.: Grand Enterprise.
06543---	Nashbulk, Inc.: Nashbulk.
06545---	Rederiaktiebolaget Strim: Sea Serpent.
06546---	Kimberly Navigation Co., Ltd.: Sankaty.
06561---	Komandittselskapet Cruise Venture A/S & Co.: Island Venture.
06562---	Aegean Seaways Co., S.A.: Aegean Island.
06565---	Elmini Lido Inc.: Mini Lido.
06576---	Compania Arcadia de Nav., S.A.: Flisvos.
06580---	Canaria Armadora S.A.: Notos.
06581---	Tramountana Armadora S.A.: Vorras.
06584---	Dredging VO2: Volvox Hollandia.
06592---	William Ziff & Son, Ltd.: Vigor.
06593---	Flumini S.p.A. di Navigazione: Umberto d'Amato.
06595---	Kaiyo Sangyo Kabushiki Kaisha: Daisy.
06596---	Issei Kisen K.K.: Yuyo Maru.
06599---	Philon Special Shipping Societe Anonyme: Tyne Ore.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–539 Filed 1–12–72;8:49 am]

FEDERAL POWER COMMISSION

[Project 1951]

GEORGIA POWER CO.

Notice of Application for Approval of Exhibit for Constructed Project

JANUARY 11, 1972.

Public notice is hereby given that application for approval of an Exhibit R has been filed under the regulations of the Federal Power Act (16 U.S.C. 791a–825r) by Georgia Power Co. (Correspondence to Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Co., 270 Peachtree Street, Atlanta, GA 30302), as part of the license for the Lake Sinclair Project No. 1951, located on the Oconee River in Baldwin, Hancock, Putnam, and Jones Counties, Ga.

According to the Exhibit R, the present development of the area includes 82 acres of public facilities (nine commercial enterprises, a U.S. Forest Service Camp, and a State roadside park), 121 acres of quasi-public and private facilities available for leasing, and 877 private cottage sites for lease or sale, 1,075 of such lots already owned by others.

Future development will include Putnam County Park (approximately 5.3 acres) and a Hancock County Area (2 acres). Applicant will reserve approximately 151 acres, both project and non-project lands, for recreational use if the demand so requires, and 170 acres within the project boundary for future development as needed. 72.7 acres will also be reserved for various other activities, i.e., the Milledgeville-Baldwin County Recreation Authority, Hancock County development, a U.S. Forest Service Camp, and the use of the Milledgeville State Mental Hospital.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–548 Filed 1–12–72;8:50 am]

[Docket No. RP72–92]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Application for Increase in Resale Rates

JANUARY 11, 1972.

Take notice that on December 22, 1971, Lawrenceburg Gas Transmission Corp. filed in Docket No. RP72–92 an application for an increase in its resale rates in the amount of $16,923 annually. The nature of the filing is set forth in the company's transmittal letter as follows:

It is proposed that the enclosed tariff sheets be made effective on January 22, 1972, but if the Commission deems suspension under section 4(e) of the Natural Gas Act, Lawrenceburg requests that such suspension date be no later than the effective date of the proposed rate increase of Texas Gas Transmission Corp. which Lawrenceburg's proposed rate increase is tracking. Texas Gas will file its superseding tariff sheets with an effective date of January 22, 1972. It is imperative that Lawrenceburg's proposed rate increase coincide with the rate increase of Texas Gas.

Lawrenceburg has been permitted to track previous tariff rate increases of Texas Gas Transmission Corp. in FPC Dockets Nos.

JAN 13 1972 XUM

RP70–6, RP70–26, RP70–44, RP71–74, RP71–95, RP71–113, RP72–28, RP72–48, and presumably in its latest prior filing in Docket No. RP72–84 which is pending acceptance.

Waiver of rules requested. It is requested that the Commission waive the notice of requirements of § 154.5 of the Commission's regulations, and permit the enclosed Tariff Rates in this filing to become effective on the requested date of January 22, 1972, in the event that the Commission permits the proposed Texas Gas Transmission Corp. rate increase to become effective on January 22, 1972. Lawrenceburg is requesting this waiver since it only received verbal notice of this Texas Gas Transmission Corp. rate increase on December 16, 1971, and in order to perform the necessary processing of this filing, it cannot meet the Commission 30-day effective date filing requirement.

It is also requested that the Commission waive the requirements of § 154.68(b) of the Commission regulations relating to changes in suspended tariffs or parts thereof, and grant Lawrenceburg special permission to file an additional change in its tariff which presently incorporates a tariff rate change that is under suspension by order of the Commission. Lawrenceburg filed revised gas tariff sheets to its FPC Gas Tariff, Original Volume No. 1 on October 7, 1971, in FPC Docket No. RP72–48, increasing tariff rates to become effective November 1, 1971, for the purpose of tracking a rate increase of Texas Gas Transmission Corp. The Commission, by its Order issued November 5, 1971, suspended the proposed revised tariff sheets (pending effectiveness of supplier's rate increase) until April 1, 1972. Lawrenceburg is herein making a second interim filing, not to revise the proposed suspended April 1, 1972, tariff rates, but to track a Texas Gas Transmission Corp. interim rate increase proposed to be effective January 22, 1972. The revised tariff rates in this filing will in no way affect or change the suspended tariff rates of April 1, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–547 Filed 1–12–72;8:50 am]

[Project 1957]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for New License for Constructed Project

JANUARY 11, 1972.

Public notice is hereby given that application for new minor license has been filed under the Federal Power Act (17 U.S.C. 791a–825r) by Wisconsin Public Service Corp. (correspondence to Mr. C. A. McKenna, Secretary, Wisconsin Public Service Corp., 1029 North Marshall Street, Milwaukee, WI 53201), for its constructed Otter Rapids Project No. 1957, located in Vilas County, Wis., near Eagle River and Three Lakes, on the Wisconsin River. The project affects navigable waters of the United States.

The existing Otter Rapids Project, operated as a run-of-the-river project, consists of (1) a 72-foot-long concrete gate section, (2) a 30-foot-long retaining wall section, (3) an earthen embankment about 30 feet long and about 12 feet high abutting the north end of the dam, (4) a 71-foot-long powerhouse integral with the dam and containing three generators with an aggregate capacity of 700 kw., (5) an outdoor substation, and (6) other facilities appurtenant to operation of the project.

According to the application: (1) The estimated net investment is $48,000, which is less than the estimated fair value, (2) the estimated severance damages in the event of "takeover" are $10,500, and (3) the annual taxes paid to State and local governments are estimated to be about $2,000.

Applicant states that, although there is a limited demand for recreation on project waters because of the abundance of lakes and recreational facilities in the Eagle River vicinity, project lands owned in fee are available for hiking, etc. A constant level is maintained in the reservoir to encourage boating and fishing. No further recreational development is proposed or contemplated by the State, local groups, or the applicant at this time.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–549 Filed 1–12–72;8:50 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION

Acquisition of Bank

American Bancorporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the voting shares (less directors' qualifying shares) of The Dime Bank, Marietta, Ohio, successor to The Dime Savings Society of Marietta, Marietta, Ohio, an existing mutual savings bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 7, 1972.

Board of Governors of the Federal Reserve System, January 5, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–498 Filed 1–12–72;8:46 am]

FIRST AMERICAN NATIONAL CORP.

Acquisition of Banks

First American National Corp., Nashville, Tenn., has applied in two separate applications as listed below for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

1. To acquire 80 percent or more of the voting shares of Farmers Exchange Bank, Union City, Tenn.; and

2. To acquire 80 percent or more of the voting shares of Union-Peoples Bank, Clinton, Tenn.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 7, 1972.

Board of Governors of the Federal Reserve System, January 6, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–499 Filed 1–12–72;8:46 am]

UNITED MISSOURI BANCSHARES, INC.

Order Denying Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Mo. (formerly Missouri Bancshares, Inc.), has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of Jacomo, Blue Springs, Mo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is denied for the reasons set forth in the Board's Statement[1] of this date.

By order of the Board of Governors,[2] January 6, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–488 Filed 1–12–72;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E–20]

ACQUISITION OF NEW SEDANS AND STATION WAGONS

Establishment of Policies and Procedures

To: Heads of Federal Agencies.

1. *Purpose.* This regulation implements the Office of Management and Budget (OMB) Bulletin No. 72–8, dated December 1, 1971, and establishes policies and procedures for the acquisition of certain new sedans and station wagons.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (1–13–72).

3. *Expiration date.* This regulation expires June 30, 1973.

4. *Applicability.* This regulation applies to all departments and agencies in the executive branch (including their operations in foreign countries), except the U.S. Postal Service and other federally funded activities such as grantees and cost reimbursement type contractors, with respect to the procurement of new sedans and station wagons. In addition, vehicle procurements to be titled in the name of a foreign country are exempted from the provisions of this regulation.

5. *Criteria for fiscal year 1972 requirements.* For the remainder of the fiscal year 1972, procurement of sedans and station wagons is authorized only for vehicles in the following categories:

a. Police type law enforcement vehicles when required by expansion of workload; or

b. Vehicles to replace those which have been wrecked or damaged beyond repair; or

c. Vehicles for expansion of fleets or replacement if urgently required, provided specific approval is obtained from OMB.

[1] Filed as part of the original document. copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Burns. Governor Sheehan did not participate in the Board's action in this matter.

6. *Limitations on fiscal year 1973 requirements.* Acquisitions of sedans and station wagons in fiscal year 1973 shall be limited to:

a. Replacements for vehicles wrecked or damaged beyond repair; or

b. Sedans and station wagons required to support any expanded fiscal year 1973 workload; or

c. Fleet replacements of sedans or station wagons provided such replacements do not exceed one-sixth of the number of sedans and station wagons in an agency's fleet on June 30, 1972.

7. *Types of vehicles authorized.* Procurement of vehicles shown in paragraphs 5 and 6 above shall be limited generally to the size vehicle identified as Type II (or smaller) in Interim Federal Specification KKK–A–00811 or KKK–A–00850 except for the procurement of:

a. Police type law enforcement vehicles and,

b. Types IV, V, and VI vehicles where their use is authorized by OMB Circular A–22.

8. *Affirmative statement required.* Requisitions for sedans and station wagons submitted to GSA for purchase action shall contain or be accompanied by an appropriate statement that the requirements contained therein are:

a. Required to replace vehicles which have been wrecked or damaged beyond repair; or

b. Required to accommodate expansion of workload in the case of police type law enforcement vehicles; or

c. Approved by OMB in the case of urgent replacements or expanded fleets, and such approval is available in the agency files or is attached thereto; or

d. Authorized by OMB Circular A–22.

9. *Action required on requisitions previously submitted to GSA.* Agency requisitions for sedans and station wagons submitted to GSA for procurement for which award has not been made are being held in abeyance pending receipt of the statement required in paragraph 8 or an amended or canceled requisition. GSA will notify each requisitioning agency of requisitions on hand in this category.

10. *Effect on other issuances.* This regulation supersedes FPMR 101–25.402(f) with respect to the replacement of sedans and station wagons and supplements FPMR 101–26.501 with respect to the types of vehicles and the circumstances under which such vehicles may be procured.

Dated: January 6, 1972.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.72–513 Filed 1–12–72;8:47 am]

[Federal Property Management Regs.; Temporary Reg. E–19]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare to operate a Federal Data Processing Center.

2. *Effective date.* This delegation of authority is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly section 111 thereof, authority is hereby delegated to the Secretary of Health, Education, and Welfare to operate a Federal Data Processing Center at the Department of Health, Education, and Welfare Data Management Center in Washington, D.C., in accordance with the provisions of the interagency agreement between the General Services Administration and the Department of Health, Education, and Welfare for the operation of a Federal Data Processing Center.

b. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer, official, or employee of the Department of Health, Education, and Welfare.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: January 7, 1972.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.72–514 Filed 1–12–72;8:47 am]

ENVIRONMENTAL STATEMENTS

Preparation Procedures

Notice is hereby given of the procedures to be followed by the Property Management and Disposal Service in preparing environmental statements.

Dated: December 30, 1971.

DOUGLAS K. KINSEY,
Commissioner, Property Management and Disposal Service.

GSA ORDER

ENVIRONMENTAL STATEMENTS

DECEMBER 30, 1971.

1. *Purpose.* This order prescribes the procedures to be followed in implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), hereinafter referred to as the Act, Executive Order 11514 of March 5, 1970, entitled "Protection and Enhancement of Environmental Quality," section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h–7), and the guidelines issued by the Council on Environmental Quality (CEQ) for preparing environmental statements, hereinafter referred to as the guidelines, published in the FEDERAL REGISTER April 23, 1971 (38 F.R. 7724).

2. *Cancellation.* PMD 1095.1 is canceled.

3. *Background.* a. Section 102(2)(B) and (C) of the Act directs all Federal agencies to (1) develop methods and procedures which will ensure that environmental amenities and values are given appropriate consideration in decisionmaking along with economic and technical considerations and (2) prepare a detailed statement on major Federal

JAN 13 72

actions that significantly affect the quality of the human environment. Executive Order 11514 of March 5, 1970, Protection and Enhancement of Environmental Quality, effectuates the purpose and policy of this Act, and guidelines implementing the Act have been issued by the CEQ. A copy of these guidelines is included as Appendix A of the attachment.[1]

b. Section 309 of the Clean Air Act, as amended, provides that the Administrator of the Environmental Protection Agency (EPA) shall review and comment in writing on the environmental impact of major Federal actions to which section 102(2)(C) of the Act applies when areas of EPA responsibility are significantly affected. EPA responsibilities include air and water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

4. *Procedures.* Procedures for implementing paragraph 3 are contained in the attachment to this order.

5. *Nature of revision.* This order is revised to reflect the new requirements prescribed by the CEQ guidelines including implementation of section 309 of the Clean Air Act, as amended.

6. *Reports.* The report required by this order is exempt from the reports control program.

7. *Forms.* This order provides for the use of Standard Form 118, Report of Excess Real Property. Copies of this form may be obtained in the usual manner.

DOUGLAS K. KINSEY,
Commissioner, Property Management and Disposal Service.

1. *Inspection.* The realty officer, during his inspection of excess property as required in the HB, Excess and Surplus Real Property, 2-22 (PMD P 4000.1), shall give particular attention to possible environmental problems that may be involved in the disposition of the property and solutions to such problems. The realty officer, based on his inspection and the guidance presented in paragraph 2, shall initially determine whether the disposal is a "major Federal action significantly affecting the quality of the human environment."

2. *Determination of what is a "major Federal action significantly affecting the quality of the human environment."* This is in large part a judgment based on the circumstances of the proposed action. Subparagraphs 5 (b) and (c) of the guidelines prescribe the criteria to be used in determining whether an action is a "major Federal action significantly affecting the quality of the human environment."

3. *Actions having no environmental impact.* If a proposed action is determined not to be a "major Federal action significantly affecting the quality of the human environment" so as to warrant the preparation of an environmental statement, the regional PMDS shall notify immediately PMDS, Central Office, in writing, and that office will so advise the Office of Environmental Affairs (ADF). PMDS, Central Office, will notify the regional PMDS when to proceed with the action.

4. *Actions having an environmental impact.* If the regional PMDS determines that the action constitutes a "major Federal action significantly affecting the quality of the human environment," a special disposal plan and an environmental statement shall be prepared except as indicated in paragraph 5.

5. *Responsibility for environmental statement preparation in multi-agency actions.* When two or more agencies are involved in an action, the "lead agency" (the one having primary authority for committing the Federal Government to a course of action) shall prepare the statement. In instances where GSA is the "lead agency" but one or more other agencies have partial responsibility for an action, the other agencies shall be requested to provide such information to the responsible PMDS official as may be necessary to prepare a suitable and complete environmental statement.

6. *Special disposal plan.*—a. *Coverage and issuance.* The special disposal plan shall pertain to all of the property reported excess and shall be based upon the relevant factual information contained in the Standard Form 118, Report of Excess Real Property, accompanying schedules, the inspection report, and any other available data. The plan shall give special consideration to environmental factors in relationship to the physical features of the property and the planned disposal.

b. *Information to be included in the special disposal plan.* The following information shall be included in the special disposal plan:

(1) Name, location, GSA control number, acreage, and date of the determination of excess;

(2) Name of the component of the holding agency, date property was reported excess, and holding agency number;

(3) Acquisition cost;

(4) A brief descriptive and historical statement concerning the land and improvements since acquisition by the Government, including the date of acquisition, and the purpose for which the property was originally acquired and was last used;

(5) A detailed analysis of social, economic, and environmental factors relating to the disposition of the property, whether by transfer to other Federal agencies, disposal to State and local public bodies for public purposes, or sale or lease to the general public. Environmental statements are required by section 102(2)(C) of the Act in those instances where a significant potential environmental impact may result from the disposal of the property. This analysis shall be prepared by the regional PMDS and appended to the disposal plan. The draft environmental statement shall be accomplished in accordance with paragraph 7;

(6) A division of the property into the following major land use categories based on social, economic, and environmental factors. This shall be a determination of the best use of the property as indicated by the analysis required in (5) above. Park and outdoor recreational use shall receive consideration along with other eligible programs. Land use categories are:

(a) Park and outdoor recreation, including wildlife refuge and other open space;
(b) Agricultural;
(c) Residential;
(d) Commercial;
(e) Industrial, extractive; and
(f) Industrial, manufacturing.

(7) Using the analyses referred to in (5) and (6), above, a disposal plan shall be formulated which will include a list of the methods selected for the disposal of each type of property; i.e., transfer to another Federal agency; transfer (assignment) to the Department of Housing and Urban Development for conveyance to eligible applicants for low and moderate income housing or related public, commercial, or industrial facilities; assignment to the Department of Health, Education, and Welfare for conveyance to eligible applicants for education or public health purposes; assignment to the Department of the Interior for conveyance to State or local public bodies for public park or public recreational purposes; transfer to a State agency for use for replacement housing for displaced persons pursuant to 42 U.S.C. 4638; conveyance to State and local public bodies for airport, historic monument, or wildlife area; sale; exchange; or lease. (This listing shall be based on the latest information then available. Projected disposals for public use purposes shall be subject to receipt and approval of applications from eligible local public bodies.) The disposal plan shall:

(a) Show the land area for each method selected including a suitable map; indicate the type of real estate interest held in the land; describe the improvements; state the restrictions, reservations, and conditions of disposal; prorate acquisition cost; and indicate the fair market value (a rough estimate where an appraisal is not available); and

(b) Recite all pertinent facts and circumstances considered in selecting the methods of disposal including the social, economic, and environmental factors considered; and

(8) A sketch showing major details, including a division of the separately disposable units when the method selected is for sale and a determination has been made that such division is likely to enhance competitive bidding and provide for environmental quality. (Include relevant supporting data necessary for evaluating the actions proposed to be taken under the special disposal plan.)

7. *Preparation of draft environmental statement.* Each environmental statement shall be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment." Each statement must reflect that the particular economic and technical benefits of its proposed action have been assessed and weighed against the environmental costs. It is advisable, in the early stages of draft environmental statement preparation, for the regional PMDS to consult with those Federal, State, and local agencies possessing environmental expertise on potential impacts of a proposed action. This will assist in providing the necessary data and guidance for the analyses required to be included in environmental statements as described below.

a. *Technical content.* (1) A description of the proposed action or a reasonable number of alternatives including the information and technical data adequate to permit a careful assessment of the environmental impact of proposed action(s) by commenting agencies. If appropriate, three copies of site maps and/or topographic maps at suitable scales showing the property and the surrounding area shall be provided;

(2) The probable impact of the proposed action(s) on the environment, including impact on ecological systems such as wildlife, fish, and other marine life. Consequences of direct and indirect impacts on the environment shall be included in the analysis. For example, any effect of the action on population distribution or concentration shall be estimated and an assessment made of the effect of any possible change in population patterns upon the resources of the area including land use, water supply, public services, and traffic patterns;

(3) Any probable adverse environmental effects that cannot be avoided, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act;

(4) Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and objective evaluation of possible alternative actions that might avoid some or all of the adverse environmental effects is essential. Sufficient analysis of such alternatives and their impact on the environment shall accompany the proposed action(s) through the agency review process so as not to prematurely foreclose consideration in the Central Office of options which might have less detrimental effects;

(5) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity shall be discussed. This in essence requires assessment of the action(s) for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations;

(6) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action(s) should it be implemented. Identify the extent to which the action(s) curtails the range of beneficial uses of the environment; and

(7) The economic and environmental costs and benefits of the proposed action must be balanced. Alternate courses of action must be discussed as to their affect upon this cost and benefit balance. If a formal cost benefit analysis on the proposed action(s) is prepared, it shall be submitted with the statement.

b. *Format requirements.* (1) Type draft and final environmental statements on 8½ x 11 white paper with clear black type;

(2) Assign a special accession (order) number to each action. This number shall be the GSA control number followed by the symbol ES and number assigned in numerical sequence to environmental statements;

(3) Prepare a summary sheet in accordance with the format prescribed in Appendix I of the guidelines and attach to the environmental statement as the second page; and

(4) Prepare a cover sheet for each environmental statement. (See figure 1.)[2]

8. *Submission and distribution of draft environmental statements.* a. The original and two copies of the draft environmental statement shall be transmitted to PMDS, Central Office. PMDS, Central Office, after review and approval, will submit the necessary copies of the draft environmental statement to the Deputy Administrator. Simultaneously, the PMDS, Central Office, will prepare and forward letters to the Deputy Administrator for his signature soliciting comments relative to the draft environmental statement from CEQ, the Governor of the State, the U.S. Senators from the State, and the U.S. Representatives from the congressional districts involved. Copies of the comments received from these officials will be referred to the regional PMDS for use in drafting the final text of the environmental statement. The draft environmental statement will automatically be made available to the public by the National Technical Information Service (NTIS) of the Department of Commerce. Refer all requesters for copies of draft and final environmental statements to NTIS quoting to them the accession (order) number assigned. (See subparagraph 7(b).)

b. Upon receipt of the signed copy of the transmittal letter to CEQ, the regional PMDS immediately shall send copies of the draft environmental statement to the appropriate city mayor and to Federal, State, and local agencies for comments. (See also c, d, and e, below.) In addition, the comments of appropriate State, regional, or metropolitan clearinghouses (using the procedures in the Office of Management and Budget Circular No. A-95, Revised, dated February 9, 1971, as amended (shall be solicited unless the Governor of the State involved has designated some other point for obtaining this review. The allowable commenting period for draft environmental statements shall be 30 calendar days, except that EPA shall have a 45 calendar days commenting period. All commenting parties shall be advised that if no reply is received within the appropriate period, it will be presumed that they have no comment to offer. However, if requests for extensions are made, a maximum period of 15 calendar days may be granted whenever practicable, except for EPA which is held to its 45-calendar-day review period. The transmittal letters sent to commenting parties shall indicate that the draft environmental statement is based on the best information currently available.

c. The Federal agencies that shall be asked to comment on draft environmental statements are those which have "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards." These Federal agencies (depending on the aspect or aspects of the environment involved) include components of the:

(1) Advisory Council on Historic Preservation;
(2) Department of Agriculture;
(3) Department of Commerce;
(4) Department of Defense;
(5) Department of Health, Education, and Welfare;
(6) Department of Housing and Urban Development;
(7) Department of the Interior;
(8) Department of State;
(9) Department of Transportation;
(10) Atomic Energy Commission;
(11) Federal Power Commission;
(12) Environmental Protection Agency; and
(13) Office of Economic Opportunity.

For actions specifically affecting the environment of their geographic jurisdictions, the following Federal and Federal-State agencies are also to be consulted:

(1) Tennessee Valley Authority;
(2) Appalachian Regional Commission;
(3) National Capital Planning Commission;
(4) Delaware River Basin Commission; and
(5) Susquehanna River Basin Commission.

d. Regional PMDS offices circulating draft environmental statements for comment shall have determined which of the above-listed agencies are appropriate to consult on the basis of the areas of expertise identified in appendix 2 of the guidelines. Draft environmental statements shall be submitted for comment to the regional contact points of agencies being consulted when such offices have been established pursuant to paragraph 7 of the guidelines.

e. In implementing the provisions of section 309 of the Clean Air Act, as amended, the responsible official will submit to the appropriate regional office of EPA for review and comment five copies of all draft environmental statements related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, and radiation criteria and standards.

9. *Preparation of the final environmental statements.* Whenever a draft environmental statement is prepared, a final statement must also be prepared by the regional PMDS before the proposed action can be initiated. Preparation of the final statement entails attaching all comments received on the draft statement from Federal, State, and local agencies and officials and a revision of the text of the draft to take these comments into consideration. If some environmental aspects of a project have been certified by an agency having appropriate jurisdiction and responsibility, GSA still has the overall responsibility for project evaluation. Copies of comments received by PMDS, Central Office, shall be referred to the regional PMDS for use in final environmental statement preparation.

10. *Submission and distribution of final environmental statements.* The regional PMDS shall transmit the original and two copies of the final environmental statement as soon as practicable, together with the original and two copies of each agency's comments, to PMDS, Central Office. PMDS, Central Office, after review and approval, will transmit the necessary copies of the final text of the environmental statement to the Deputy Administrator for submission to CEQ. Public availability is provided automatically by NTIS.

11. *Time requirements for preparation and submission of draft and final environmental statements.* To the maximum extent practicable, no action is to be taken sooner than 90 calendar days after a draft environmental statement has been circulated for comment and furnished to CEQ. Action also is not to be taken sooner than 30 calendar days after the final text of the environmental statement has been made available to CEQ and the public. If the final text of an environmental statement is filed at least 60 calendar days after a draft statement has been furnished to CEQ and made public, the 30-day period and 90-day period may run concurrently to the extent that they overlap. Time requirements prescribed in this order shall be followed to the maximum practicable extent except where (1) advanced public disclosure of a proposed action will result in significantly increased costs to the Government, (2) emergency circumstances make it necessary to proceed without conforming to time requirements, and (3) there would be impaired program effectiveness if such time requirements were followed. The regional PMDS shall submit to the Commissioner, PMDS, for decision any action that contains one of these three elements. Any deviation from standard procedures must be approved by the Deputy Administrator. As prescribed in subparagraph 10(d) of the guidelines, ADF shall consult with CEQ concerning alternate arrangements in these instances.

12. *Effect on existing procedures.* To ensure that full consideration is given to all environmental factors in the disposition of real property, the above special procedures shall be followed in addition to the regular procedures prescribed in the Federal Property Management Regulations and the HB, Excess and Surplus Real Property (PMD P 4000.1), for such transactions. Normal disposition actions shall be continued except when other instructions are issued by PMDS, Central Office, on a case-by-case basis.

[FR Doc.72-511 Filed 1-12-72;8:48 am]

[1] Appendix A is filed as part of the original document.

[2] Figure 1 is filed as part of the original document.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN ISRAEL

Entry or Withdrawal from Warehouse for Consumption

On December 30, 1971, the U.S. Government in furtherance of the objectives

JAN 13 72

of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962 and extended through September 30, 1973, requested the Government of Israel to enter into consultations concerning exports to the United States of cotton textiles in Category 3 produced or manufactured in Israel. In that request the U.S. Government stated its view that exports in this category from Israel should be restrained for the 12-month period beginning December 30, 1971 and extending through December 29, 1972.

Notice is hereby given that under the provisions of Articles 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of delivery of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textiles in Category 3 produced or manufactured in Israel and exported from Israel on and after the date of delivery of such note may be restrained.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.72-561 Filed 1-12-72;8:50 am]

[70-5130]

SECURITIES AND EXCHANGE COMMISSION

APPALACHIAN POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

JANUARY 6, 1972.

Notice is hereby given that Appalachian Power Co. (Appalachian), 40 Franklin Road, Roanoke, VA 24009, an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), a registered holding company has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $50 million aggregate principal amount of first mortgage bonds. The proposed series of bonds will bear a single maturity date within the range of from 5 to 30 years, such maturity date to be determined not less than 72 hours prior to the opening of the bids. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent) and the price to be paid to Appalachian (which shall not be less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under and pursuant to the provisions of the Mortgage and Deed of Trust, dated as of December 1, 1940, made by Appalachian to Bankers Trust Co., as Trustee, as heretofore supplemented and amended and as to be further supplemented and amended by a Supplemental Indenture to be dated as of the first day of the month in which the bonds are issued and which includes a 5-year prohibition against refunding the issue with the proceeds of funds borrowed at lower interest costs.

Appalachian also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 250,000 shares of a new series of cumulative preferred stock, par value $100 per share. The dividend rate of the preferred stock (which will be expressed in a multiple of 0.04 of 1 percent) and the price, exclusive of accrued dividends, to be paid Appalachian (which shall be not less than $100 per share and shall not exceed $102.75) will be determined by the competitive bidding. The terms of this new series of the preferred stock include a 5-year prohibition against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest rate or other preferred stock at a lower effective dividend cost.

Appalachian will apply the proceeds from the sale of the bonds and the preferred stock to pay, at maturity, Appalachian's then outstanding commercial paper and unsecured short-term notes issued in connection with Appalachian's construction program estimated at $100 million for 1972, to reimburse its treasury for money actually expended for such purposes, and for working capital. It is estimated that $123 million in short-term debt will be outstanding as of the date of the sale of the bonds and preferred stock.

It is stated that the State Corporation Commission of Virginia and the Tennessee Public Service Commission have jurisdiction over the issue and sale of the bonds and preferred stock. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred by Appalachian in connection with the proposed issue and sale of the bonds and preferred stock will be supplied by amendment.

Notice is further given that any interested person may, not later than February 4, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-495 Filed 1-12-72;8:46 am]

[70-4961]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS POWER & LIGHT CO.

Notice of Posteffective Amendment Regarding Issue and Sale of Notes by Holding Company to Banks

JANUARY 6, 1972.

Notice is hereby given that Middle South Utilities, Inc. (Middle South), a registered holding company, has filed with this Commission a third posteffective amendment to the application-declaration heretofore filed in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 (Act). All interested persons are referred to the application-declaration, as now amended, which is summarized below, for a complete statement of the proposed transaction.

By orders dated January 29, 1971, August 13, 1971, and October 15, 1971 (Holding Company Act Release Nos. 16983, 17228, and 17314), the Commission authorized Middle South, under an $80 million revolving credit agreement, to issue and sell to a group of named banks $40 million of unsecured promissory short-term notes. The proceeds from the sale of these promissory notes were used by Middle South to purchase common stock of its subsidiary companies, Arkansas Power & Light Co. (Arkansas) 280 Park Avenue, New York, NY 10017, and Louisiana Power & Light Co.

In order to purchase an additional 1,600,000 shares of common stock, par value $12.50, of Arkansas (File No. 70-5128), Middle South now seeks authorization in this proceeding to increase the aggregate principal amount of short-term notes that may be outstanding with the named banks at any one time from $40 million to $60 million. The additional $20 million of borrowings will be made pro rata among such banks in accordance with their respective commitments under the credit agreement, and the interest rate, the maturity date, the form of note, and all other terms and conditions remain unchanged.

It is represented that no State commission and no Federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 1, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said third posteffective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-496 Filed 1-12-72;8:46 am]

[Released 34-9434]

UNSAFE AND UNSOUND PRACTICES OF SECURITIES INDUSTRY

Notice of SEC Submission to Congress of Study of Unsafe and Unsound Industry Practices

The Securities and Exchange Commission today submitted to the Congress its Study of Unsafe and Unsound Practices, chronicling the problems faced by the securities industry in recent years and recommending major legislative revisions aimed at avoiding their recurrence.

In a letter of transmittal to the Congress accompanying the report, Chairman William J. Casey cited 14 of the unsafe and unsound practices which plagued the industry and called for a number of measures he said would "furnish needed protection for investors as well as maintain a strong and viable securities industry."

Chairman Casey attributed the crisis to a "general euphoria in the industry during which expansion of sales efforts and overhead had not been properly supported by more capital and stronger back office effort. A veritable explosion in trading volume clogged an inadequate machinery for the control and delivery of securities and payment of funds," and the problem was compounded by inadequate recordkeeping.

The "unsafe and unsound practices" which Chairman Casey cited included inadequacy and impermanance of capital, inadequacy of restrictions over the use of cash and securities held for customers, inadequacy of early warning signals to foretell financial and operational difficulties, and a lack of currency in financial records.

Chairman Casey also cited 21 major corrective measures taken by the Commission and the industry to bring order out of chaos, including revisions of the net capital rules, proposed rules to protect customers' free credit balances and securities left with brokers, increases in inspections by the self-regulatory organizations and the Commission, and tighter requirements for entry into the business. Two statistical improvements—a reduction in New York Stock Exchange fails from a high of $4.1 billion at the end of 1968 to about $1 billion at November 1971, and a subsidence of complaints to the Commission involving broker-dealers from a monthly average of 1,500 at the end of 1970 to around 500 at present—indicate a significant advance in operational performance over the past year, he stated.

"While we believe that corrective actions we have already taken and proposed represent significant improvements in the manner in which broker-dealers conduct their business," the Chairman continued, "the Commission also believes that additional statutory authority is needed to prevent a recurrence of the problems described by our Study."

To insure against future breakdowns, Chairman Casey said a modernized nationwide securities transfer system is needed and called on Congress to extend the Commission's present authority over clearance, settlement, and recordkeeping, to cover all security depository and transfer functions.

"The Commission, in seeking this authority," the Chairman remarked, "is not desirous of expanding its jurisdiction to conflict with that of Federal or State bank-regulating agencies. Economic regulatory authority is not being sought. Rather, the Commission is merely desirous of having all necessary authority to oversee the development of a unified securities processing system and the establishment of the performance standards and access practices necessary for the development and proper functioning of such a system."

In addition, Chairman Casey called for an extension of Commission authority over the self-regulatory organizations. First, the Commission seeks power over self-regulatory rule-making: a requirement of advance approval for all proposed rules and amendments in the case of stock exchanges and direct power to alter or supplement all rules of the self-regulatory organizations. Second, the Commission desires authority to enforce the rules of the self-regulatory organizations against offending members in the event the organization fails to enforce its own rules. Lastly, the Commission seeks additional power to review disciplinary proceedings conducted by the self-regulatory bodies and the penalties assessed at these proceedings.

The ultimate objective of all these changes, Chairman Casey concluded, "is to serve and protect the investor of this country." The Commission believes that "the measures already taken, those about to be taken, and those recommended (in the Study) will contribute to the achievement" of investor protection and fair, honest and efficient capital markets.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

DECEMBER 28, 1971.

[FR Doc.72-497 Filed 1-12-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 860; Class B]

LOUISIANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to homes and business property located in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the parishes of Pointe Coupee, Acadia, Lafayette, Vermillion, Jefferson Davis, Cameron, East Baton Rouge, Orleans, and St. Landry, La., suffered damage or destruction resulting from floods and tornadic winds on December 6 and 7, 1971.

V 37 N 8 JAN 13 72 XUM

OFFICE

Small Business Administration District Office, 124 Camp Street, New Orleans, LA 70130.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 30, 1972.

Dated: December 14, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-500 Filed 1-12-72;8:46 am]

[Declaration of Disaster Loan Area 862; Class B]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to residence property located in the state of Massachusetts;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Boston, Mass., suffered damage or destruction resulting from fire on December 4, 1971.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 30, 1972.

Dated: December 16, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-501 Filed 1-12-72;8:46 am]

DEPARTMENT OF LABOR

EMERGENCY EMPLOYMENT ACT

Notice of Determinations of Allocations of Assistance to Designated Areas

Listed below as required by section 6(d) of the Emergency Employment Act, are the additional amounts which the Secretary of Labor has allocated pursuant to section 6 of the Act for the employment of eligible residents of the designated areas.

These funds are made available to Program Agents for areas with unemployment rates of 6 percent or more for 3 months to provide jobs for residents of high unemployment areas or neighborhoods within their boundaries in accordance with standards for suballocation set forth in 29 CFR 55.33, published in the FEDERAL REGISTER on October 5, 1971, 36 F.R. 19364. In the case of Program Agents for areas with less than 6 percent unemployment, the funds are allocated specifically to areas of high unemployment designated by the Secretary within the jurisdiction of the Program Agent.

These funds supplement allocations published in the FEDERAL REGISTER on October 8 (36 F.R. 19655–19658) and are made both to areas of 6 percent or more unemployment for 3 months which were not identified earlier, and to areas newly eligible because of a recent rise in unemployment. This publication brings the total allocations under section 6 (including the $1,829,600 allocated to Indian tribes on Federal or State reservations) to $214,200,000.

Signed at Washington, D.C., this 30th day of December 1971.

MALCOLM R. LOVELL, JR.,
Assistant Secretary of Labor for Manpower.

EMERGENCY EMPLOYMENT ACT, SPECIAL EMERGENCY ASSISTANCE (SECTION 6)

State, program agent and subarea	Amount allocated (in thousands) Sub-areas	Program agents
Alabama		$248.1
Balance of Alabama (parts)	$25.8	248.1
Barbour County	35.5	
Dale County	30.8	
Geneva County	46.0	
Marshall County	110.0	
Talladega County		
Arizona		116.3
Balance of Arizona (parts)	34.0	116.3
Santa Cruz County	82.2	
Yuma County		
Arkansas		67.7
Balance of Arkansas (parts)	31.7	67.7
Phillips County	36.0	
Poinsett County		
California		2,114.1
Berkeley		427.3
Alameda County (parts) [1]		141.6
Pleasanton	26.8	
San Leandro	79.9	
Union City	34.8	
Downey		100.9
Glendale		155.5
Lakewood		175.9
Pasadena		[2] 86.2
Fresno (part)		273.6
Cep area	273.6	
Santa Clara		88.6
Santa Clara County (parts) [1]		360.5
Cupertino	57.6	
Gilroy	72.8	
Mountain View	99.0	
Palo Alto	131.1	
Contra Costa County (parts) [1]		62.8
Pinole	26.0	
San Pablo	36.8	
Riverside County (parts) [1]		113.1
Banning	35.1	
Corona	35.2	
Norco	42.8	
Dearborn		90.5
Genesee County (parts) [1]		202.9
Genesee Township	90.5	
Mount Morris Township	112.4	
Ingham County (parts) [1]		261.9
East Lansing	206.9	
Meridian Township	54.9	
Saginaw County [1]		278.3
Minnesota		69.5
Stearns County		69.5
Mississippi		89.3
Balance of Mississippi (parts)		89.3
Copiah County	36.2	
George County	25.7	
Neshoba County	27.4	
New Hampshire		37.0
Balance of New Hampshire (part)		37.0
Rochester	37.0	
New Jersey		513.8
Atlantic County (part)		30.8
Pleasantville	30.8	
Bergen County (parts)		265.2
Bergenfield	44.9	
Englewood	38.1	
Fairlawn	36.8	
Lyndhurst	88.1	
New Milford	26.6	
Saddle Brook	30.8	
Essex County (parts) [1]		138.5
Belleville	46.0	
Irvington	92.5	
Passaic County [1]		41.0
West Milford	41.0	
Union County (parts) [1]		[2] 38.3
Plainfield	[2] 38.3	
New Mexico		119.1
Albuquerque (part)		119.1
Southeast Heights	84.3	
Valley Area	34.8	
New York		927.7
New York City (parts)		[2] 772.6
Kings County	[2] 449.0	
New York County	[2] 323.7	
Yonkers (part)		80.2
Poverty Neighborhood	80.2	
Orange County (part)		49.3
Newburgh	49.3	
Tompkins County (part)		25.6
Ithaca	25.6	
North Carolina		117.2
Balance of North Carolina (parts)		117.2
Franklin County	76.1	
Martin County	41.1	
Ohio		1,878.7
Cincinnati		[2] 238.0
Youngstown		475.4
Mahoning County (parts) [1]		102.0
Campbell	39.6	
Struthers	62.4	
Cuyahoga County (part) [1]		69.3
East Cleveland	69.3	
Oklahoma		221.2
Comanche County (part)		44.1
Lawton	44.1	
Balance of Oklahoma (parts)		177.1
Grady County	51.7	
Seminole County	57.3	
Tillman County	68.0	
Oregon		202.0
Multnomah County [1]		202.0
Pennsylvania		1288.7
Allegheny County (parts) [1]		148.7
Duquesne	30.3	
McKeesport	91.4	
McKees Rocks	27.1	
Cambria County		274.5
Dauphin County (part)		50.7
Harrisburg Lower Uptown	50.7	
Luzerne County (parts)		57.1
Wilkes-Barre	57.1	
Somerset County		171.2
Washington County		459.5
Balance of Pennsylvania (parts)		127.0
Carbon County	94.4	
Fulton County	32.7	
Puerto Rico		193.1
Carolina Municipio		193.1
South Carolina		59.8
Richland County (part) [1]		27.0
Bendale	27.0	
York County		[2] 32.8
Tennessee		214.3
Balance of Tennessee (parts)		214.3
Franklin County	64.5	
Houston County	38.5	
Roane County	67.3	
Robertson County	44.0	
Texas		435.2
Corpus Christi (part)		[2] 40.5
Poverty Area	[2] 40.5	
Dallas (part)		154.5
South Dallas Poverty Area	154.5	
Bexar County (part) [1]		97.0
South and Southwest Poverty Area	97.0	
Balance of Texas (parts)		143.1
Jasper County	25.2	
Kerr County	32.4	
La Salle County	30.5	
Val Verde County	54.9	
Utah		1156.7
Salt Lake City		[2] 323.6
Davis County		140.1
Utah County		367.4
Weber County		[2] 150.0
Balance of Utah (parts)		145.6
Cache County	43.3	
Duchesne County	27.3	
Millard County	27.3	
Tooele County	47.7	
Virginia		89.8
Balance of Virginia (parts)		89.8
Buchanan County	27.2	
Charlotte County	62.6	
Wisconsin		71.4
Balance of Wisconsin (parts)		71.4
Chippewa County	43.0	
Menominee County	28.3	
Total		14238.6

See footnotes at end of table.

[1] Balance of county excluding program agent cities.
[2] Supplemental amount. Previous allocation for section of area only.

[FR Doc.72-423 Filed 1-12-72;8:45 am]

Manpower Administration

EMERGENCY EMPLOYMENT ASSISTANCE

Notice of Determinations of Allocations to Indian Tribes

Listed below as required by sections 6(d) and 9(c) of the Emergency Employment Act of 1971 are additional amounts which the Secretary of Labor has allocated for the employment of eligible unemployed residents of Indian tribes on Federal or State reservations. These allocations supplement those published in the FEDERAL REGISTER for November 6 (36 F.R. 21384 and 21385), and bring the total allocated to $8,445,200 of which $3,420,000 is from funds available under section 9(a)(1) of the Act, and $1,829,600 is from funds available under section 6. The remainder of the funds allocated are from funds appropriated pursuant to section 9(a)(2), the Secretary's discretionary funds.

Signed at Washington, D.C., this 30th day of December 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary of Labor for Manpower.

EMERGENCY EMPLOYMENT ACT, SPECIAL EMERGENCY ASSISTANCE (SECTION 6)—Continued

State, program agent and subarea	Amount allocated (in thousands) Sub-areas	Program agents
Hawaii		69.9
Balance of Hawaii (part)		69.9
Hilo Section	69.9	
Idaho		31.9
Ada County (part)		31.9
Boise Model Neighborhood	31.9	
Illinois		207.2
Chicago (parts)		[2] 136.2
Avalon Park-South Chicago	[2] 11.9	
Near North Side	116.2	
Pullman-South Deering	[2] 8.1	
Balance of Illinois (parts)		70.9
Litchfield Area	36.7	
Rock Falls	34.3	
Indiana		967.4
Gary		939.6
Delaware County (part)		27.9
Muncie Southeast Poverty Area	27.9	
Kansas		96.4
Balance of Kansas (parts)		96.4
Cherokee County	38.8	
Douglas County	57.6	
Kentucky		637.4
Jefferson County (parts) [1]		80.9
Fairdale	51.4	
Newberg	29.5	
Balance of Kentucky (parts)		556.5
Bullitt County	37.5	
Calloway County	110.0	
Carlisle County	35.3	
Fulton County	60.2	
Knott County	31.3	
Laurel County	41.0	
Logan County	25.0	
Madison County	66.0	
Menifee County	27.8	
Scott County	36.4	
Todd County	48.4	
Washington County	37.5	
Louisiana		288.7
Jefferson Parish (parts)		288.7
Kemco Target Area	126.0	
Marrero-Harvey Target Area	122.2	
Webco Target Area	40.4	
Michigan		893.6
Ann Arbor (part)		60.1
Central City Poverty Area	60.1	
Licking County (part)		42.5
Newark	42.5	
Lorain County [1]		361.9
Portage County (part)		136.2
Kent	136.2	
Richland County (part)		50.1
Mansfield	50.1	
Stark County (parts) [1]		176.3
Alliance	74.5	
Massillon	101.8	
Trumbull County (parts)		136.3
Girard	47.4	
Niles	88.9	
Balance of Ohio (parts)		90.8
Brown County	52.0	
Pike County	38.8	

EMERGENCY EMPLOYMENT ACT, SPECIAL EMERGENCY ASSISTANCE (SECTION 6)—Continued

EMERGENCY EMPLOYMENT ACT, SPECIAL EMERGENCY ASSISTANCE (SECTION 6)—Continued

State, program agent and subarea	Amount allocated (in thousands) Sub-areas	Program agents
Licking County (part)		42.5
Newark	42.5	
Lorain County [1]		361.9
Portage County (part)		136.2
Kent	136.2	
Richland County (part)		50.1
Mansfield	50.1	
Stark County (parts) [1]		176.3
Alliance	74.5	
Massillon	101.8	
Trumbull County (parts)		136.3
Girard	47.4	
Niles	88.9	
Balance of Ohio (parts)		90.8
Brown County	52.0	
Pike County	38.8	

EMERGENCY EMPLOYMENT ACT, SPECIAL EMERGENCY ASSISTANCE (SECTION 6)—Continued

State, program agent and subarea	Amount allocated (in thousands) Sub-areas	Program agents
Salt Lake City		[2] 323.6
Davis County		140.1
Utah County		367.4
Weber County		[2] 150.0
Balance of Utah (parts)		145.6
Cache County	43.3	
Duchesne County	27.3	
Millard County	27.3	
Tooele County	47.7	
Virginia		89.8
Balance of Virginia (parts)		89.8
Buchanan County	27.2	
Charlotte County	62.6	
Wisconsin		71.4
Balance of Wisconsin (parts)		71.4
Chippewa County	43.0	
Menominee County	28.3	
Total		14238.6

[1] Balance of county excluding program agent cities.
[2] Supplemental amount. Previous allocation for section of area only.

[FR Doc.72-423 Filed 1-12-72;8:45 am]

Manpower Administration

EMERGENCY EMPLOYMENT ASSISTANCE

Notice of Determinations of Allocations to Indian Tribes

Listed below as required by sections 6(d) and 9(c) of the Emergency Employment Act of 1971 are additional amounts which the Secretary of Labor has allocated for the employment of eligible unemployed residents of Indian tribes on Federal or State reservations. These allocations supplement those published in the FEDERAL REGISTER for November 6 (36 F.R. 21384 and 21385), and bring the total allocated to $8,445,200 of which $3,420,000 is from funds available under section 9(a)(1) of the Act, and $1,829,600 is from funds available under section 6. The remainder of the funds allocated are from funds appropriated pursuant to section 9(a)(2), the Secretary's discretionary funds.

Signed at Washington, D.C., this 30th day of December 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary of Labor for Manpower.

JAN 13 1972 XUM

Program agent	Allocation (in thousands)
Annette Island:	(Alaska)
Annette Island	$23.0
Subtotal	23.0
Program Agent Administration	2.0
Total	25.0
California, Intertribal Council of:	(California)
Bishop	$15.8
Hoopa Valley	21.9
Morongo	5.5
Round Valley	8.5
Sobobo	5.2
Tule River	6.5
Agua Caliente, Alturas Rancheria, Barona, Berry Creek Rancheria, Big Bend Rancheria, Big Pine, Big Sandy Rancheria, Cabazon, Cahuilla, Campo, Cedarville Rancheria, Cold Springs Rancheria, Colusa Rancheria, Cortina Rancheria, Cuyapaipe, Dry Creek Rancheria, Enterprise Rancheria, Fort Bidwell, Fort Independence, Grindstone Creek Rancheria, Hoopa Extension, Hopland Rancheria, Inaja-Cosmit, Jackson Rancheria, La Jolla, Laytonville, Likely, Lone Pine, Lookout Rancheria, Los Coyotes, Manchester, Manzanita, Mesa Grande, Middletown Rancheria, Montgomery Creek Rancheria, Pala, Pauma, Pechanga, Rincon, Roaring Creek Rancheria, Rumsey Rancheria, San Manuel, San Pasqual, Santa Rosa Rancheria, Santa Rosa, Santa Ysabel, Santa Ynez, Sheep Ranch Rancheria, Stewarts Point Rancheria, Sulphur Bank Rancheria, Susanville Rancheria, Sycuan, Torres Martinez, Trinidad Rancheria, Tuolumne Rancheria, Viejas, XL	59.2
Subtotal	122.6
Program Agent Administration	10.9
Total	133.5
Idaho Intertribal Policy Board Inc.	(Idaho)
Coeur d'Alene	$12.1
Fort Hall	70.0
Nez Perce	33.7
Subtotal	115.8
Program Agent Administration	10.3
Total	126.1
Michigan Intertribal Council of Indians:	
Hannahville	$4.6
Program Agent Administration	.4
	5.0
Nebraska Intertribal Development Council:	(Kansas/Iowa/South Dakota)
Kickapoo (Kansas)	$8.0
Potawatomi (Kansas)	14.1
Sac and Fox (Iowa)	10.3
Iowa (Kansas), Sac and Fox (Kansas), Flandreau (South Dakota)	8.5
Subtotal	40.9
Program Agent Administration	3.7
Total	44.6
All Pueblo Council:	(New Mexico)
Acoma	$44.3
Cochita	11.3
Isleta	46.8
Jemez	31.9
Jicarilla	34.6
Laguna	66.4
Mescalero	38.6
San Felipe	24.4
San Ildefonso	5.0
San Juan	15.1
Santa Ana	9.2
Santa Clara	11.4
Santo Domingo	44.8
Taos	19.8
Zia	8.7
Zuni	118.3
Nambe, Picuris, Pojoaque, Sandia, Tesuque	13.8
Subtotal	544.4
Program Agent Administration	48.6
Total	593.0
Oregon, State of:	(Oregon)
Umatilla	$22.7
Warm Springs	37.9
Subtotal	60.6
Program Agent Administration	5.4
Total	66.0
Texas, State of:	(Texas)
Alabama-Coushatta	$8.7
Tigua	8.0
Subtotal	16.7
Program Agent Administration	1.5
Total	18.2
Washington, State of:	(Washington)
Colville	$68.8
Lummi	15.5
Makah	11.9
Muckleshoot	6.3
Quileute	6.3
Quinault	21.3
Spokane	13.8
Swinomish	8.4
Tulalip	11.3
Yakima	161.6
Chehalis, Hoh, Kalispel, Lower Elwah, Nisqually, Port Gamble, Port Madison, Puyallup, Shoalwater, Skokomish, Squaxin Island	33.0
Subtotal	358.2
Program Agent Administration	32.0
Total	390.2

[FR Doc.72-422 Filed 1-12-72;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 10, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 134063 Sub 3, Frank B. Chullino, doing business as Midwest Transportation Co., now assigned January 11, 1972, at Omaha, Nebr., postponed indefinitely.

MC 73165 Sub 301, Eagle Motor Lines, Inc., now being assigned February 23, 1972, at Birmingham, Ala., in a hearing room to be later designated.

MC-C-7407, The Aetna Freight Lines, Inc., and Victory Freight Lines, Investigation and Revocation of Certificates, now being assigned February 22, 1972, at Birmingham, Ala., in a hearing room to be later designated.

MC-F-11305, Terminal Transport Co., Inc.—Purchase (Portion)— Deaton, Inc., now being assigned February 28, 1972, at Birmingham, Ala., in a hearing room to be later designated.

MC 115691 Sub 20, Murphy Transportation, Inc., now being assigned February 24, 1972, at Birmingham, Ala., in a hearing room to be later designated.

MC 14321 (Sub-No. 5), Engel Brothers, Inc., now assigned January 17, 1972, at Washington, D.C., postponed to March 6, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-11240, Nestor, Inc.—Purchase (Portion)—Thruway Freight Lines, Inc., now assigned January 14, 1972, at New York, N.Y., postponed indefinitely.

MC 106485 Sub 15, Lewis Truck Lines, now being assigned hearing February 14, 1972, at Fargo, N. Dak., in a hearing room to be designated later.

MC 119619 Sub 46, Distributors Service Co., assigned January 13, 1972, at Chicago, Ill., is canceled and dismissed.

MC-C-7397, MC 8429 Sub 7, Paul V. Adams Trucking, Inc.—Investigation and Revocation of Certificates, assigned February 14, 1972, at Boston, Mass., will be held in Room 2211B, John Fitzgerald Kennedy Building, Government Center.

MC 52709 Sub 315, Ringsby Truck Lines, Inc., now being assigned for hearing on January 17, 1972, at San Francisco, Calif., in the Miyako Hotel, Post and Laguna Streets.

MC 108119 Sub 35, E. L. Murphy Trucking Co., now being assigned hearing February 14, 1972, at Minneapolis, Minn., in a hearing room to be later designated.

No. 35473, Flour, Arkansas City, Kans., to Memphis, Tenn., assigned February 2, 1972, at Washington, D.C., is postponed to February 16, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134966 Sub 1, Clear Water Truck, now assigned January 11, 1972, Kansas City, postponed indefinitely.

MC 114818 Sub 14, Barton Truck Line, Inc., assigned February 7, 1972, at Carson City, Nev., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-530 Filed 1-12-72;8:49 am]

[Notice 4]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 7, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106398 (Sub-No. 579 TA), filed December 27, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Dawson Station, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite of Titan Homes at Canastota, N.Y., to points in New York, Pennsylvania, New Hampshire, West Virginia, Connecticut, Rhode Island, Maine, and Vermont, for 180 days. Supporting shipper: Champion Home Builders Co., Jack W. Fuller, Dryden, Mich. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240-Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 110140 (Sub-No. 8 TA), filed December 27, 1971. Applicant: MAYO ROBISON, doing business as LUMBER TRUCKING SERVICE, 943 South Nebraska Street, Seattle, WA 98108. Applicant's representative: Mayo Robison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points on Olympic Peninsula, Wash. to United States-Canada border at or near Blaine, and/or Lynden, Wash., for 180 days. NOTE: Applicant does intend to tack with this authority in MC 110140 Sub-No. 6. Supporting shipper: W. C. Stripp Lumber Co., White-Henry-Stuart Building, Seattle, Wash. 98101. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 112822 (Sub-No. 218 TA), filed December 27, 1971. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, in boxes, in straight shipments and/or mixed shipments of foods and canned goods, from Hayward, Davis, Fullerton, and Oakdale, Calif., to points in Colorado, Georgia, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, and Wyoming, for 180 days. Supporting shipper: R. D. Vinick, Traffic Manager, Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, Calif. 92634. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 115955 (Sub-No. 21 TA), filed December 27, 1971. Applicant: SCARI'S DELIVERY SERVICE, INC., Post Office Box 2627, Wilmington, DE 19805, Arnold Avenue and Skeets Greater Wilmington Airport, New Castle, DE 19720. Applicant's representative: Harry J. Scari (same address as above). Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except motor vehicles and commodities in bulk, having a prior or subsequent transportation over railroad trailer on flat car service), between railroad trailer on flat car facilities in Philadelphia, Pa., Wilmington, Del., and Alexandria, Va., on the one hand, and, on the other, points in Philadelphia, Chester, and Delaware Counties, Pa., Camden, Gloucester, and Salem Counties, N.J., and points in Delaware, for 180 days. Supporting shippers: E. I. du Pont de Nemours & Co., Wilmington, Del. 19898; Motor Wheel Corp., Newark, Del. 19711; Electric Hose & Rubber Co., Post Office Box 910, Wilmington, DE 19898; Clarence L. Meyers & Co., Inc., Box 776, Chester, PA 19016; The Pep Boys, 32d and Allegheny Avenue, Philadelphia, PA 19132; Food Fair Stores, Inc., Food Fair Building, 3175 John F. Kennedy Boulevard, Philadelphia, PA 19101. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 117565 (Sub-No. 49 TA) (Correction), filed October 29, 1971, published FEDERAL REGISTER issue November 10, 1971, corrected and republished in part as corrected this issue. Applicant: MOTOR SERVICE COMPANY, INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). NOTE: The purpose of this partial republication is to include Oklahoma as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 117956 (Sub-No. 9 TA) (Correction), filed November 9, 1971, published FEDERAL REGISTER issue November 20, 1971, corrected and republished as corrected this issue. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency and commercial paper*, between Cornelia and Clarksville, Ga., on the one hand, and, points in Cherokee, Clay, Swain, and Jackson Counties, N.C., on the other, for 180 days. NOTE: Applicant states it does intend to tack with this authority in MC 117956 Sub-No. 5 at Cornelia, Ga. Supporting shipper: First National Bank of Cornelia, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309. NOTE: The purpose of this republication is to include the tacking note.

No. MC 119532 (Sub-No. 4 TA), filed December 27, 1971. Applicant: IRA FARRELL & LAUREL E. FARRELL, doing business as IRA FARRELL & SON, 12 Sterritt Street, Houlton, ME 04730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to ports of entry on the international boundary between United States/Canada at or near Houlton and Calais, Maine, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, ME 04112.

No. MC 124111 (Sub-No. 36 TA), filed December 27, 1971. Applicant: OHIO EASTERN EXPRESS, INC., 302 West Perkins Avenue, Post Office Box 2297, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Act when transported in mixed loads with bananas, from Georgetown, S.C., and its commercial zone, to points in New York, Ohio, Indiana, Illinois, Michigan, Louisville, Ky., and its commercial zone; Charleston, W. Va., and its commercial zone; Altoona, Pa., and

JAN 13 1972

its commercial zone; points in Pennsylvania on and west of U.S. Highway 119, from Pennsylvania-West Virginia State line to junction U.S. Highway 119 and U.S. Highway 219, and thence over U.S. Highway 219 to Pennsylvania-New York State line including commercial zones of all points on the indicated highways specified, for 180 days. Suppporting shipper: Standard Fruit and Steamship Co., Charleston, S.C. Send protests to: District Supervisor Keith D. Warner, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 124679 (Sub-No. 46 TA), filed December 27, 1971. Applicant: G. R. ENGLAND & SONS, INC., 975 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Pennsauken, N.J., to points in New York, Connecticut, and Massachusetts, for 180 days. Supporting shipper: Donut Shops Management Corp., 1395 Suckle Highway, Pennsauken, N.J. 08110 (T. Frank Graham, Jr., Controller). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 129615 (Sub-No. 8 TA), filed December 27, 1971. Applicant: AMERICAN INTERNATIONAL DRIVE AWAY, 2000 West 16th Street, Long Beach, CA 90813. Applicant's representative: E. Drayson Helmer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers and motor homes* (recreational vehicles) *and used automobiles*, in driveaway service, between points in California and Hawaii on the one hand, and, on the other, points in the United States, for 180 days. NOTE: Applicant does intend to tack the authority in MC–129615 (Sub-No. 2 TA) for service to and from Hawaii. Supported by: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 134114 (Sub-No. 4 TA), filed December 27, 1971. Applicant: ELMER WILSON, doing business as NEBRASKA BEEF EXPRESS, 8503 Geiler Avenue, Ralston, NE 68051. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766, from Omaha, Nebr., to points in Cook, and Du Page Counties, Ill., Cedar Rapids, and Waterloo, Iowa; and Milwaukee, Kenosha, Madison, Sheboygan, and Green Bay, Wis., under a continuing contract with Union Packing Co., for 180 days. Supporting shipper: Union Packing Co., 3601 J Street, Omaha, NE. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135248 (Sub-No. 4 TA), filed December 27, 1971. Applicant: WILLIAM H. DEES, doing business as DEES TRANSPORTATION, Post Office Box 446, Worland, WY 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, and supplies* used in or in connection with the manufacture, production, and distribution of nonalcoholic beverages, including advertising materials, from Omaha, Nebr., to Worland, Wyo., and (2) *nonalcoholic beverages*, from Worland, Wyo., to points in Nebraska and North Dakota, for 180 days. Supporting shipper: Admiral Beverage Corp., Worland, Wyo. 82401. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 136220 (Sub-No. 1 TA), filed December 27, 1971. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 Northeast Woodland, Ponca City, OK 74601. Applicant's representative: Roy Sullivan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the mining facilities of Southwestern Coal Co., at or near Spadra, Ark., to the plant and storage facilities of National Zinc Co., Inc., at or near Bartlesville, Okla., and Blackwell Zinc Co., at or near Blackwell, Okla., for 150 days. Supporting shippers: Blackwell Zinc Co., James Gorman, Plant Manager, Blackwell, Okla.; National Zinc Co., Inc., John S. Van Aken, Manager, Bartlesville, Okla. 74003. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136253 (Sub-No. 1 TA), filed December 27, 1971. Applicant: TIEFER TRUCK CO., 920 East 132d Street, New York, NY 10454. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and plaintains*, in straight or mixed shipments, from Baltimore, Md., and Albany, N.Y., to points in (a) Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J.; (b) New York, N.Y.; (c) Westchester, Nassau, Suffolk, and Orange Counties, N.Y.; (d) Hartford, New Haven, Stamford, New London, and Wallingford, Conn.; (e) Boston, Cheshire, Southbridge, Springfield, and Worcester, Mass.; (f) Philadelphia, Pa.; and (g) Manchester, N.H., for 150 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-529 Filed 1-12-72;8:49 am]

[Notice 2]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 10, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any intereste person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73040. By order of December 23, 1971, the Motor Carrier Board approved the transfer to Leon Johnsrud, Cresco, Iowa, of certificates Nos. MC–31668 and MC–31668 (Sub-No. 8), issued July 16, 1964, and September 3, 1970, respectively, to Keith Marshall, doing business as Marshall Truck Line, Osage, Iowa, authorizing the transportation of livestock, feed, grain, wool, horseradish, fresh fish, hides, pelts, agricultural implements and parts therefor, roofing, iron and steel articles, twine, farm machinery and implements and parts, tankage, cement, cement blocks, furniture, meat scraps, building materials, emigrant movables, horses, wooden silos, tile, refractory parts and fixtures, amusement park equipment and road contractors' and builders' equipment and machinery, seed, nursery stock, household goods, petroleum products, empty petroleum containers, and fertilizer, from, to or between specified points and places in Iowa, Illinois, Minnesota, and Wisconsin. Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for applicants.

No. MC–FC–73233. By order of December 23, 1971, the Motor Carrier Board approved the transfer to Campbell's Moving Co., Inc., Trevose, Pa., of that portion of Certificate No. MC–22520, issued June 9, 1941, to Red Lion Moving Co., Inc., Philadelphia, Pa., authorizing the transporation of: Such merchandise as is dealt in by wholesale and retail department stores, between Philadelphia, Pa., on the one hand, and, on the other, Camden, N.J., and points within 30 miles thereof in New Jersey; exhibits, usual to the display of electrical appliances, between points in Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; and household goods, between Philadelphia, Pa., and points in Pennsylvania within 25 miles of Philadelphia, on the one hand, and, on the other, points in 20 specified States. Franklin A. Wurman, 262 South 15th Street, Philadelphia, PA 19102, attorney for applicants.

No. MC–FC–73328. By order of December 28, 1971, the Motor Carrier Board approved the transfer to Wm. H. Powelson, doing business as Del-Penn Coachways, 35 Cornell Avenue, Gloucester, NJ 08030, of a portion of the operation rights in certificate No. MC–71436 issued April 8, 1957 to The Short Line, Inc. of Pennsylvania, 212 West Market Street, West Chester, PA 19380, authorizing the transportation of passengers and their baggage over regular routes between specified points in Delaware and Pennsylvania.

No. MC–FC–73332. By order of December 30, 1971, the Motor Carrier Board approved the transfer to Robert B. Williams, doing business as Wykagyl Express, New Rochelle, N.Y., of the operating rights in certificate No. MC–105328 issued November 3, 1966, to John Wesley Banks, doing business as Wykagyl Express, New Rochelle, N.Y., authorizing the transportation of household goods, as defined by the Commission, between points in Westchester County, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania. Edward M. Alfano, 2 West 45th Street, New York, NY 10036, attorney for transferor. David Klibanow, 271 North Avenue, New Rochelle, NY 10801, attorney for transferee.

No. MC–FC–73335. By order of December 30, 1971, the Motor Carrier Board approved the transfer to Domenic Cristinzio, Inc., Philadelphia, Pa., of the operating rights in certificate No. MC–74576 issued October 13, 1967, to E. Edna Mulholland Moving & Storage, Upper Darby, Pa., authorizing the transportation of household goods, between points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Pennsylvania, New Jersey, Maryland, New York, and Delaware. Edwin L. Scherlis, 1209 Lewis Tower Building, Philadelphia, Pa. 19102, attorney for applicants.

No. MC–FC–73342. By order of December 30, 1971, the Motor Carrier Board approved the transfer to Frank Andler, Iron Mountain, Mich., of the operating rights in permits Nos. MC–114365, MC–114365 (Sub-No. 3), and MC–114365 (Sub-No. 5), issued December 28, 1956, May 17, 1967, and December 5, 1969, respectively, to Ray Ackerman, Kingsford, Mich., authorizing the transportation of malt beverages, from Milwaukee, Wis., to Norway, Mich.; from Chicago, Ill., to Iron Mountain, Mich.; from La Crosse and Oconto, Wis., to Norway, Mich.; and from Oconto, Sheboygan, and Milwaukee, Wis., and Chicago, Ill., to Escanaba, Mich., and carbonated beverages, from Milwaukee, Wis., to Kingsford, Mich. William B. Elmer, 23801 Gratiot Avenue, East Detroit, MI 48021, attorney for applicants.

No. MC–FC–73343. By order of December 28, 1971, the Motor Carrier Board approved the transfer to Frank L. Crenshaw, Inc., Louisville, Ky., of certificate No. MC–117672, issued August 15, 1960, to Frank Louis Crenshaw, Louisville, Ky., authorizing the transportation of: Bananas, from New Orleans, La., Mobile, Ala., and Tampa, Fla., to Louisville, Ky., and from New Orleans, La., to Canton, Ohio. Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601, attorney for applicants.

No. MC–FC–73369. By order of December 30, 1971, the Motor Carrier Board approved the transfer to Kardux Transfer, Inc., 1907 Roby Avenue, Muscatine, IA 52761, of the operating rights in certificates Nos. MC–128664 and MC–128664 (Sub-No. 2) issued November 8, 1967, and October 11, 1967, respectively, to Leon W. Kardux, doing business as Kardux Transfer, 516 West Fourth Street, Muscatine, IA 52761, authorizing the transportation of agricultural chemicals from the plantsite and storage facility of Monsanto Co. near Muscatine, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin and liquid fertilizer from Walcott, Iowa, to points in Illinois.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-528 Filed 1-12-72;8:49 am]

[Notice 2]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 7, 1972.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 1222 (Sub-No. 39), filed December 20, 1971. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, OH 45662. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam shapes and forms*, expanded or formed, from Decatur, Ind., to points in Illinois, Kentucky, Michigan, Ohio, Wisconsin, and that part of Pennsylvania on and west of

[1] Copies of Special Rule 247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

V 37 N 13 JAN 72 XUM

U.S. Highway 219. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2421 (Sub-No. 10), filed December 20, 1971. Applicant: NEWTON TRANSPORTATION COMPANY, INC., Box 678, Greer Street, Lenoir, NC 28645. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered furniture*, from the plant site of Henredon Furniture Industries at Marion, N.C., to points in Virginia, West Virginia, Maryland, Pennsylvania, New Jersey, New York, Ohio, Kentucky, Indiana, Illinois, South Carolina, Delaware, Washington, D.C., and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 9325 (Sub-No. 57), filed December 13, 1971. Applicant: K LINES, INC., 341 Foothills Road, Lake Oswego, OR 97335. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry manufactured agricultural commodities*, in bulk, between points in Oregon and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 19227 (Sub-No. 161), filed December 10, 1971. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, and parts for material handling equipment*, from the plantsite of Louden Division ACCO, located in Fairfield, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22195 (Sub-No. 142) (Amendment), filed December 9, 1971, published in the FEDERAL REGISTER issue of December 30, 1971, and republished as amended this issue. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, SD 57101. Applicant's representative: J. P. Everist (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from terminal sites and loading facilities located on the ammonia pipeline of Gulf Central Pipeline Co., located at or near Algona and Iowa Falls, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Missouri, and Illinois. NOTE: Applicant states that the requested authority can be tacked to Sub-134 at Sioux Falls, S. Dak., to provide service to Wyoming and Montana, but tacking is not intended at present. The purpose of this republication is to add the states Missouri and Illinois to the destination territory. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Des Moines, Iowa.

No. MC 27817 (Sub-No. 99), filed December 9, 1971. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, PA 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor and fiberboard cartons*, from Keyser, W. Va., to points in Maryland, Virginia, Pennsylvania, Delaware, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia, restricted to traffic originating at said origin and destined to the above-named destination states. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 30837 (Sub-No. 447), filed December 13, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses*, in driveaway and truckaway service, from points in St. Joseph County, Ind., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30837 (Sub-No. 448), filed December 13, 1971. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, chassis, and station-wagon type vehicles on truck chassis designed to transport passengers and property, with or without bodies and parts thereof*, in secondary movements, in truckaway service, from Framingham, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, restricted to the transportation of vehicles manufactured or assembled at International Harvester Co. plants which have had an immediately prior movement by rail or truck. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 33037 (Sub-No. 16), filed November 24, 1971. Applicant: STUDER TRUCK LINE, INC., Beattie, Kans. 66406. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from points in Douglas County, Kans., to points in Iowa, Nebraska, Missouri, Arkansas, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 34227 (Sub-No. 11), filed December 13, 1971. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, a corporation, 15 South Broadway, Cortez, CO 81321. Applicant's representative: Jack Hamilton (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chairs, stools, tables, table sets, racks, knee rests, lounges, sofas, trucks, carts, and gymnasium apparatus*, from the plantsite of Samsonite Corp. at or near Murfreesboro, Tenn., to points in Colorado, New Mexico, Wyoming, Montana, Idaho, Utah, Arizona, California, Nevada, Oregon, and Washington, under contract with Samsonite Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Nashville, Tenn.

No. MC 35628 (Sub-No. 324), filed December 9, 1971. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Canandaigua, N.Y., as an intermediate point in connection with applicant's regular-route operations over U.S. Highway 20 between the Ohio-Pennsylvania State line and Boston, Mass., as authorized on sheet 15 of Certificate No. MC 35628. NOTE: If a hearing is deemed

necessary, applicant requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 44639 (Sub-No. 48), filed December 13, 1971. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture of wearing apparel* (except commodities in bulk), between Crewe, Va., and New Smyrna Beach, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 52460 (Sub-No. 111), filed December 9, 1971. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, from points on the Arkansas and Verdigris Rivers in Oklahoma, to points in Arkansas, Kansas, Missouri, and Texas, and return of rejected shipments thereof. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Oklahoma City, Okla.

No. MC 57591 (Sub-No. 15), filed December 15, 1971. Applicant: EVANS DELIVERY COMPANY, INC., Post Office Box 268, Pottsville, PA 17901. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and equipment, material and supplies* used or useful in the manufacture, sale, or distribution of wearing apparel, between the facilities of The Van Heusen Co., a division of Phillips-Van Heusen Corp. in Pottsville and Schuylkill Haven, Pa., on the one hand, and, on the other, points in the New York, N.Y. commercial zone as defined by the Commission. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 59668 (Sub-No. 2), filed December 3, 1971. Applicant: HAROLD G. CLINE, INC., Harding Highway and Dupont Road, Penns Grove, N.J. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured by chemical products manufacturers and *materials, equipment and supplies* used in the conduct of such business (except commodities in bulk, in tank trucks), between the plantsite or warehouse of American Tube & Container Co., at West Warwick, R.I., and New Castle, Del., and points in Delaware within 3 miles of New Castle, Del., and Deepwater, Carney's Point, Gibbstown, N.J., under contract with E. I. Dupont de Nemours & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del.; Philadelphia, Pa.; or Washington, D.C.

No. MC 74321 (Sub-No. 53), filed December 20, 1971. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing*, from the plantsite of Tex-Tube Division, Detroit Steel Corp., Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states it holds authority to transport the involved commodities when some qualify as "Mercer description commodities" between Houston, Tex., on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, Wyoming, and eight counties in California. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 75320 (Sub-No. 157), filed December 13, 1971. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, MO 65801. Applicant's representative: Paul E. Adams (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between St. Louis, Mo., and Atlanta, Ga.; from St. Louis, Mo., over Interstate Highway 55 to junction with U.S. Highway 460, at or near East St. Louis, Ill., thence over U.S. Highway 460 to junction with U.S. Highway 41, at or near Evansville, Ind., thence over U.S. Highway 41 to Hopkinsville, Ky., thence over Alternate U.S. Highway 41 to Nashville, Tenn., thence over Interstate Highway 24 or U.S. Highway 41 to junction with Interstate Highway 75, at or near Chattanooga, Tenn., thence over Interstate Highway 75 or U.S. Highway 41 to Atlanta, Ga., and return over the same route, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations, serving no intermediate points, and serving the junction of U.S. Highways 460 and 41 for the purpose of joinder only. NOTE: Applicant states no duplicating authority sought, and any authority granted herein to the extent that it duplicates any authority heretofore granted to, or now held, by carrier shall not be construed as conferring more than one operating right. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Memphis, Tenn., or Jackson, Miss.

No. MC 78400 (Sub-No. 27), filed December 2, 1971. Applicant: BEAUFORT TRANSFER COMPANY, a corporation, Post Office Box 102, Gerald, MO 63037. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Kansas City and Rosebud, Mo., over U.S. Highway 50, serving all intermediate points east of Jefferson City, Mo.; and (2) between Rolla, Mo., and junction U.S. Highways 63 and 50, over U.S. Highway 63, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 78687 (Sub-No. 33) (Amendment), filed November 17, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, amended and republished as amended, this issue. Applicant: LOTT MOTOR LINES, INC., 118 Monell Street, Penn Yan, NY. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. NOTE: The purpose of this partial republication is to include the State of New York as a destination point in the above-named application, which was inadvertently omitted from the original. The rest of the application remains the same.

No. MC109682 (Sub-No. 31), filed December 18, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning products, water proofing compounds, and acids*, from Atlanta, Ga., to points in Florida, Georgia, Alabama, and points in Tennessee on and east of U.S. 13; (2) *Materials and supplies* used in the manufacture, sale, or distribution of the aforementioned commodities, from the above destination territory to Atlanta, Ga.; (3) *Household cleaning products, water proofing compounds*, and *acids*, between Philadelphia, Pa., Bristol, Pa., Atlanta, Ga., New Orleans, La., Tampa, Fla., and Dallas, Tex. Restriction: Restricted against the transportation of the aforementioned commodities in bulk; and to a service under contract with Purex Corp., Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 101), filed December 13, 1971. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud

Avenue, Gadsden, AL 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from points in Isle of Wight County, Va., to points in Alabama, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Maryland, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, and Vermont; and (2) *materials, parts, and supplies* used in the manufacture or production of paper and paper products, from the points in the destination States in (1) above to points in Isle of Wight County, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 299), filed December 15, 1971. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Wilmer Hill, Suite 705, McLachlen Bank Building, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from points in Kansas, excluding Newton, to points in the United States, west of the Mississippi River, including Illinois and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 94876 (Sub-No. 10), filed December 17, 1971. Applicant: RICHARD ACERRA, INC., 43-09 Vernon Boulevard, Long Island City, NY 11101. Applicant's representative: J. Aiden Connors, 145 East 49th Street, New York City, NY 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, return stale bakery products, in packages in containers, between Wayne, N.J. (Passaic County), and Farmingdale, N.Y., Long Island (Nassau County), under contract with Borden, Inc., Foods Division, Drake Bakeries, Wayne, N.J. (Passaic County). NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 94901 (Sub-No. 5), filed December 14, 1971. Applicant: EDDY MOVING & STORAGE CO., INC., 150 Pearl Street, Port Chester, NY 10573. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, machine parts, computer tapes, cards, documents, records, equipment, materials, and supplies* used in the manufacture, sales, or service of business machines, requiring messenger delivery service, in parcels not exceeding 50 pounds each and in shipments not exceeding 1,000 pounds each, between points in Dutchess, Orange, Rockland, Ulster, and Westchester Counties, N.Y., and New York City, N.Y. NOTE: Applicant states that the requested authority can be tacked with its existing authority at common points of service but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 95540 (Sub-No. 828), filed December 9, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cheriton, Va., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 829), filed December 9, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Sea Pak Corp. in Glynn and Chatham Counties, Ga., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 96098 (Sub-No. 56), filed December 14, 1971. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17827. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, and equipment, material, and supplies* used or useful in the manufacture and sale of paper, between Westfield, West Springfield, and Woronoco, Mass. (Strathmore Paper Co., Division of Hammermill Paper Co.), on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, and the District of Columbia; (2) *paper, paper products, and equipment, materials, and supplies* used or useful in the manufacture and sale of paper, between Hammermill Paper Co., Oswego, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, and the District of Columbia; and (3) *paper, paper products, and equipment, material, and supplies* used or useful in the manufacture and sale of paper, between Hammermill Paper Co., Erie, Pa., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Ohio, Indiana, Illinois, Michigan, Kentucky, Tennessee, and the District of Columbia, under contract with Hammermill Paper Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 97397 (Sub-No. 11), filed December 15, 1971. Applicant: MARVIN M. BARKLEY, doing business as BARKLEY TRUCK LINES, 604 Fourth Street SW., Watertown, SD 57201. Applicant's representative: Irving A. Hinderaker, 25 First Avenue SW., Watertown, SD 57201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Complete line of packinghouse products including carcass meats, fresh meats, gelatins, shortenings, fertilizers, and offal products*, from Huron, S. Dak., to points in Beadle, Campbell, Day, Faulk, Hand, Kingsbury, Potter, Sully, Brookings, Clark, Deuel, Grant, Hughes, Marshall, Roberts, Walworth, Brown, Codington, Edmunds, Hamlin, Hyde, McPherson, and Spink Counties, S. Dak., restricted to traffic having a prior out-of-State movement by rail or motor carrier. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, or Pierre, S. Dak.

No. MC 102616 (Sub-No. 868), filed December 9, 1971. Applicant: COASTAL TANK LINES, INC., Post Office Box 7211, 215 East Waterloo Road, Akron, OH 44319. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Hamilton, Ohio, to points

in Ohio, Illinois, Indiana, Michigan, Tennessee, and Kentucky. NOTE: Applicant will be able to join the proposed authority with that now held by the carrier to provide service from Michigan points to points in Kentucky. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 685), filed December 13, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Steele County, Minn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 106398 (Sub-No. 574), filed December 8, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Wilkes County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte or Winston Salem, N.C.

No. MC 106398 (Sub-No. 575), filed November 13, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Hickman County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 106398 (Sub-No. 576), filed December 10, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, insulating materials, composition board and gypsum products, and materials* used in the installation thereof (except the transportation of the foregoing commodities in bulk), from the plantsite and warehouse facilities of The Celotex Corp. at Charleston, Ill., to points in the United States in and east of the States of Montana, Wyoming, Colorado, and New Mexico. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 106398 (Sub-No. 578), filed December 17, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Vance County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 106400 (Sub-No. 84), filed November 12, 1971. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 12628, North Kansas City, MO 64116. Applicant's representative: Robert L. Hawkins, Jr., Post Office Box 456, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint and thinners*, in bulk, in tank vehicles; from North Kansas City, Mo., to Neodesha, Kans.; and (2) *phenol* (carbolic acid), in bulk, in tank vehicles, from El Dorado, Kans., to Kansas City, Mo., and Fort Madison, Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107295 (Sub-No. 587), filed December 13, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal products*, from Hamlet, Ind., to points in the United States (including Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states no duplications anticipated. However, should any develop, full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Indianapolis, Ind., or Chicago, Ill.

No. MC 107295 (Sub-No. 588), filed December 13, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and particleboard*, from points at or near Natchitoches, La., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states no duplications are anticipated. However, should any develop, full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 107295 (Sub-No. 589), filed December 13, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyors, conveyor systems, industrial washing machines, and accessories, parts, materials, supplies, and equipment* necessary for the erection, installation, completion, and maintenance thereof, from Florence, Ky., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used in the manufacturing, installation, completion, erection, and maintenance of conveyor systems, and industrial washing machines, from points in the United States (except Alaska and Hawaii), to Florence, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It further states no duplications are anticipated. However, should any develop, full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 590), filed December 15, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal products*, from Lima, Ohio, to points in Connecticut, Georgia, Maine, Massachusetts, New Hampshire, North Carolina, Rhode Island, South Carolina, Virginia, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Chicago, Ill., or New Orleans, La.

No. MC 107295 (Sub-No. 591), filed December 15, 1971. Applicant: PRE-FAB

TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental iron and plastic articles, and parts thereof, lamps, lamp and mailbox posts, and fittings thereof, gates* and when shipped with any foregoing, *cement compound and promotional materials*, from Adams County, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Fort Wayne, Ind., or Columbus, Ohio.

No. MC 108119 (Sub-No. 34) (Amendment) filed August 5, 1971, published in the FEDERAL REGISTER issue of December 9, 1971, and republished as amended, this issue. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, 3033 Sibley Memorial Highway, St. Paul, MN 55111. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road rollers and scarifiers and related machinery tools, parts and supplies moving therewith*, from Minneapolis, Minn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108859 (Sub-No. 56), filed December 8, 1971. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue, North, Escanaba, MI 49829. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); (1) Between Louisville, Ky., and Cleveland, Ohio, over Interstate Highway 71 as an alternate route for operating convenience only, serving no intermediate points other than those already authorized to be served; and (2) Between Fredericktown, Ohio, and the junction of U.S. Highway 23 and U.S. Highway 30 north near Upper Sandusky, Ohio, over Ohio Highway 95 from its junction with Ohio Highway 13 at Fredericktown, Ohio, to its junction with U.S. Highway 23 (near Marion, Ohio); thence over U.S. Highway 23 to its junction with U.S. Highway 30 North near Upper Sandusky, Ohio, as an alternate route for operating convenience only, serving no intermediate points. NOTE: Common control may be involved. Applicant states that granting of this authority would permit service to and from all other points served by applicant under its existing certificate. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109026 (Sub-No. 15), filed December 1, 1971. Applicant: MANNING MOTOR EXPRESS, INC., Post Office Box 685, 1112 West Main Street, Glasgow, KY 42141. Applicant's representative: Carl U. Hurst, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Westmoreland, Tenn., over U.S. Highway 31E to Scottsville, Ky., thence over Kentucky Highway 100 to Fountain Run, Ky., thence over Kentucky Highway 87 to junction U.S. Highway 31E, thence over U.S. Highway 31E to Glasgow, Ky., and return over the same route, serving intermediate points between Scottsville, Ky., and the junction of Kentucky Highway 87 and U.S. Highway 31E, and serving Westmoreland, Tenn., Scottsville and Glasgow, Ky., and junction Kentucky Highway 87 and U.S. Highway 31E for purposes of joinder only; (2) between Lafayette, Tenn., and Holland, Ky., from Lafayette, Tenn., over Tennessee Highway 10 to the Tennessee-Kentucky State line, thence over Kentucky Highway 99 to Holland, Ky., and return over the same route, serving no intermediate points and serving Lafayette and Holland for purposes of joinder only; (3) between Fountain Run and Glasgow, Ky.: From Fountain Run, Ky., over Kentucky Highway 100 to junction Kentucky Highway 249, thence over Kentucky Highway 249 to Glasgow, Ky., and return over the same route, serving all intermediate points with service at Flippin, Ky., for purposes of joinder only; and (4) between Tompkinsville and Flippin, Ky.: From Tompkinsville over Kentucky Highway 100 to its eastern junction with Kentucky Highway 1366, thence over Kentucky Highway 1366 to its western junction with Kentucky Highway 100, thence over Kentucky Highway 100 to its junction with Kentucky Highway 249, thence over Kentucky Highway 249, to Flippin, and return over the same route, serving no intermediate points and serving Tompkinsville and Flippin for the purpose of joinder only. Restriction: Service in (1), (2), (3), and (4) above is restricted against the handling of traffic originating at, destined to or interlined at Davidson County, Tenn., on the one hand, and, on the other, Louisville, Ky., and points in its commercial zone. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 109682 (Sub-No. 31), filed December 14, 1971. Applicant: BOLIN DRIVE-A-WAY CO., a corporation, 2208 West Superior Viaduct, Cleveland, OH 44113. Applicant's representative: Harold G. Hernly, 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses and passengers* who are at the time representatives of manufacturers or purchasers of new buses, and who have been designated by their principals to accompany such buses during the transportation thereof, and the baggage of such representatives, in special operations in initial movements, in driveaway and truckaway service, from St. Joseph County, Ind., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111375 (Sub-No. 58), filed November 24, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Cheese and cheese products;* and (b) *advertising material and specialties* and *related equipment and supplies*, when moving with cheese and cheese products, from Logan, Utah, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Wisconsin, Wyoming, and Utah; and (2) *returned and rejected shipments of the commodities* described in (1) above, from the destination States named in (1) above to Logan, Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111398 (Sub-No. 14), filed December 20, 1971. Applicant: FISCHBACH TRUCKING CO., a corporation, 921 Sherman Street, Akron, OH 44311. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Roofing and building materials, and materials* used in the installation and application of such commodities, except iron and steel, portland cement, and commodities in bulk, from the plantsite of Certain-teed Products Corp. at Avery, Ohio, to points in New Jersey, Delaware, Maryland, Virginia, the District of Columbia, and those points in New York east of Wayne, Seneca, Schuyler, and Chemung Counties and those points in Pennsylvania east of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties; and (b) *materials, equipment, and supplies* used in the manufacture, installation or application of roofing or building materials, from points in New Jersey, Delaware, Maryland, Virginia, the District of Columbia, and those points in New York east of Wayne, Seneca, Schuyler, and Chemung Counties and those points in Pennsylvania east of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties to the plantsite of Certain-teed Products Corp. at Avery, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112989 (Sub-No. 21), filed December 9, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, in bulk, from the plantsite of Lehn & Fink Products Co., at Lincoln, Ill., to Selma, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112989 (Sub-No. 21) filed November 24, 1971. Applicant: WEST COAST TRUCK LINES, INC., Post Office Box 668, Coos Bay, OR 97420. Applicant's representative: Jerry R. Woods, 726 Blue Cross Building, 100 Southwest Market Street, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Columbia County, Oreg., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 113535 (Sub-No. 24), filed December 10, 1971. Applicant: A & W TRUCKING CO., INC., Route 5, Box 900, Mosinee, WI 54455. Applicant's representative: John J. Altenburg (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Parkston, S. Dak., and Whittenmore, Iowa, to Los Angeles and San Francisco, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or St. Paul, Minn.

No. MC 113703 (Sub-No. 3), filed December 13, 1971. Applicant: TOTEM TRANSIT COMPANY, a corporation, 5238 North Amherst, Portland, OR 97203. Applicant's representative: Robert G. Simpson, 1200 Standard Plaza, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated poles and piling*, from points in Multnomah County, Oreg., to points in California north of San Luis Obispo, Kern, and San Bernardino Counties, under contract with McCormick & Baxter Creosoting Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 113908 (Sub-No. 218), filed December 13, 1971. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Neutral spirits*, in bulk, in tank vehicles, from Louisville and Bardstown, Ky., and Atchinson, Kans., to Helena, Mont.; and (2) *choline chloride*, in bulk, in tank vehicles, from Kansas City, Kans., to points in Missouri and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 114004 (Sub-No. 114), filed December 9, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Post Office 1715, Little Rock, AR 72209. Applicant's representative: Winston Chandler, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings*, in sections, mounted on wheeled undercarriages, in initial movements, from points in Elkhart County, Ind., to points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at South Bend, Ind.

No. MC 114211 (Sub-No. 165), filed December 8, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Agricultural machinery*, (2) *elevators*, (3) *conveyors*, (4) *mixermills*, (5) *tractors with or without attachments*, (6) *self-propelled loaders*, (7) *wagons*, (8) *attachments for the commodities described in* (1) *through* (7) *above*, (9) *parts for the commodities described in* (1) *through* (8) *above*, from points in Steele County, Minn., to points in the United States (except Hawaii), and (10) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the above mentioned commodities, from points in the United States (except Hawaii) to points in Steele County, Minn.; and (B) *experimental and show display agricultural machinery, elevators, conveyors, mixer-mills, tractors with or without attachments, self-propelled loaders, wagons, attachments and parts*, between points in the United States (except Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 114273 (Sub-No. 109), filed November 22, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue, NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined by the Commission in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 276 (except oil field commodities as defined by the Commission, 74 M.C.C. 459), and nonferrous metals and plastic articles, from Chicago, Ill., to points in Minnesota and Missouri. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114334 (Sub-No. 21), filed December 13, 1971. Applicant: BUILDERS TRANSPORTATION COMPANY, a corporation, 3263 Tulane Road, Memphis, TN 38116. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings, including component parts, materials, supplies, fixtures, and accessories*, from points in Harrison County, Miss., to points in Louisiana, Texas, Oklahoma, Missouri, Arkansas, Kentucky, Tennessee, Alabama, Georgia, South Carolina, and Florida. NOTE: Applicant states it does not propose to join or tack authority here sought with any other authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 114890 (Sub-No. 55), filed December 9, 1971. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office

Box A, Joplin, MO 64801. Applicant's representative: Dean Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from points on the Arkansas and Verdigris Rivers in Oklahoma, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Nebraska, New Mexico, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 115176 (Sub-No. 6), filed December 9, 1971. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, 1820 South Main Street, Lexington, NC 27292. Applicant's representative: R. J. Reynolds, III, 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard boxes, pulpboard, wrappers, partitions, fillers, and scrap paper*, between the plantsites and warehouse facilities of Owens-Illinois, Inc., at or near Cleveland, Tenn., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia, under a continuing contract or contracts with Owens-Illinois, Inc. NOTE: Applicant holds common carrier authority under MC 114106 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 115648 (Sub-No. 15), filed November 26, 1971. Applicant: LUTHER LOCK, doing business as LUTHER LOCK TRUCKING, 974 Gilchrist, Post Office Box 290, Wheatland, WY 82201. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and stone aggregates*, from points in Salt Lake County, Utah, to Denver, Colo., and points in Adams County, Colo., and Laramie and Platte Counties, Wyo. NOTE: Applicant states tacking could be accomplished through Laramie and Platte Counties, Wyo., as it holds authority in Subs 9, 12, and 15 to transport stone and stone aggregates from those counties to numerous surrounding States. However, such tacking is not intended. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Denver, Colo.

No. MC 116133 (Sub-No. 8), filed December 13, 1971. Applicant: POLLARD DELIVERY SERVICE, INC., Washington National Airport, Washington, D.C. 20001. Applicant's representative: Robert M. Sielaty, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having an immediate prior or subsequent movement by air, between points in Clark, Fairfax, Spotsylvania, King George, Stafford, Prince William, Loudoun, Fauquier, and Rockingham Counties, Va., and Montgomery, Carroll, Baltimore, Howard, Anne Arundel, Harford, Charles, St. Mary's, and Prince Georges Counties, Md., on the one hand, and, on the other, Dulles International Airport at Chantilly, Va., Friendship International Airport, Anne Arundel County, Md., and Washington National Airport, at Gravelley Point, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116763 (Sub-No. 212) (Correction), filed October 29, 1971, published in the FEDERAL REGISTER issue of December 12, 1971, and republished as corrected this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, in driveaway and truckaway, in secondary movement; and *trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Darke County, Ohio, to points in the United States (except Alaska, Hawaii, and Ohio). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. The purpose of this republication is to reflect the origin as "points in Darke County, Ohio, in lieu of Drake County, Ohio". If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117815 (Sub-No. 184), filed December 9, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products and byproducts*, from points in Nebraska on and east of U.S. Highway 83 to Champaign, Mattoon, and Toulon, Ill.; and (2) *empty containers and cheese packaging supplies*, from Champaign, Mattoon, and Toulon, Ill., to points in Nebraska on and east of U.S. Highway 83. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 117851 (Sub-No. 10), filed December 9, 1971. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, OH 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbing supplies and materials* (other than in bulk); (a) from Delphi, Kokomo, and Frankfort, Ind., to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, and Texas; (b) from Gadsden, Ala., to Kansas City, Kans., and Kansas City, Mo.; (c) from Malvern, Ark., to Delphi, Ind.; (2) *plaster* (other than in bulk), from Southard, Okla., to Kokomo, Ind.; and (3) *brass ingot*, from Kansas City Kans., to Delphi, Ind., under a continuing contract with Gerber Plumbing Fixtures Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117851 (Sub-No. 11), filed December 14, 1971. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, OH 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing supplies and materials*, from Plano, Tex., to points in Alabama, Georgia, Indiana, Kentucky, and Ohio, under contract with Eastman Central D, Division of United States Brass Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 118019 (Sub-No. 6), filed December 10, 1971. Applicant: PENN TRANSPORTATION CORP., 250 Maple Street, Chelsea, MA 02150. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Connecticut, Massachusetts, and the New York, N.Y., commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Boston, Mass.

No. MC 119539 (Sub-No. 16), filed December 14, 1971. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, East Bloomfield, NY 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk, in tank vehicles) *and baby supplies*, when moving in mixed loads with foodstuffs, from points in Genessee, Erie, Livingston, Monroe, Orleans, Wayne, Ontario, Niagara, and Yates Counties, N.Y., on the one hand, and, on the other, Newark and Harrison, N.J., and points within 3 miles of Harrison. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that the purpose of this application is to eliminate a gateway. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 119641 (Sub-No. 102), filed December 29, 1971. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Post Office Box 471, Fowler, IN 47944. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, pulpboard, adhesive cement, plastic and fiberglass plate and sheets, nails, eave filter strips, wood moldings and aluminum flashing;* (1) from points in Bergen County, N.J., to points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Tennessee, West Virginia, Kansas, Minnesota, Iowa, Missouri, Wisconsin, and Nebraska; and (2) from Cicero, Ill., to points in Bergen County, N.J. NOTE: Applicant does not propose to tack this authority with any presently existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119741 (Sub-No. 40), filed December 15, 1971. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, IA 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (1) from Denison, Iowa, and West Point, Nebr., to points in Illinois, Indiana, Kansas, Michigan, Missouri, Nebraska, Ohio, and Covington and Louisville, Ky.; and (2) from Le Mars, Iowa, to points in Illinois, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors, Inc., at the named origins and destined to the named destination states. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119741 (Sub-No. 41), filed December 8, 1971. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, Fort Dodge, IA 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, foodstuffs*, and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk); (1) from the plantsites and warehouse facilities of Geo. A. Hormel & Co. at Fort Dodge, Iowa, to points in Illinois (except Chicago, Ill., and its commercial zone), Missouri, and Kansas; and (2) from the plantsite and storage facilities of Iowa Beef Processors, Inc., at Fort Dodge, Iowa, to points in Missouri, Kansas, and Nebraska, restricted in (1) and (2) above to traffic originating at the named origins and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa; or Omaha, Nebr.

No. MC 119908 (Sub-No. 18), filed December 13, 1971. Applicant: WESTERN LINES, INC., Post Office Box 1145, Houston, TX 77001. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, including plywood and particleboard, from Gloster, Louisville, and Taylorsville, Miss., to New Orleans, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 110814 and subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 120737 (Sub-No. 23), filed December 20, 1971. Applicant: STAR DELIVERY & TRANSFER, INC., Post Office Box 39, Canton, IL 61520. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Castings, forgings, and tractor and engine parts*, from Louisville, Ky., to Melrose Park, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 121060 (Sub-No. 16), filed December 14, 1971. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, fittings, valves, hydrants, gaskets, and accessories* (except in bulk), from Holt, Ala., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* (except in bulk), used in the operation of a foundry, from points in the United States (except Alaska and Hawaii) to Holt, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing auhority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 121060 (Sub-No. 17), filed December 14, 1971. Applicant: ARROW TRUCK LINES, INC., Post Office Box 5568, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel wire*, in coils, from the plants and warehouse sites of Andrews Wire Corp., located at Andrews, S.C., and Gallatin, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, and (2) *tubular steel wire carriers*, from the States named above to the plants and warehouse sites of Andrews Wire Corp., located at Andrews, S.C., and Gallatin, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 123272 (Sub-No. 8), filed December 1, 1971. Applicant: FAST FREIGHT, INC., 9651 South Ewing Avenue, Chicago, IL 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Belgium and Green Bay, Wis., to points in Pennsylvania, New York, West Virginia, and Kentucky. NOTE: Applicant has contract carrier authority pending under MC 107123 and subs, therefore, dual operations may be involved. Common control may also be involved. Applicant states that it does not intend to tack, but some remote possibility may exist. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123459 (Sub-No. 1), filed December 10, 1971. Applicant: JAMES B. STUDDARD TRANSFER & STORAGE CO., INC., 782 Seneca, Leavenworth, KS 66048. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and new and used furniture and fixtures*, in containers, between points in Leavenworth County, Kans., on the one hand, and, on the other, points in Atchison, Brown, Doniphan, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Nemaha, and Wyandotte Counties, Kans., and Andrews, Buchanan, Clay, Clinton, De Kalb, Gentray, and Platte Counties, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 123640 (Sub-No. 7) (Amendment), filed September 30, 1971, published in the FEDERAL REGISTER issue of October 29, 1971, and republished as amended this issue. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, IN 46803. Applicant's representative: Irving Klein, 280 Broadway, New York, NY 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold, dealt in or used by general or department stores between Fort Wayne, Ind., on the one hand, and, on the other, points in that part of New York on south and west of a line beginning at Lewiston, N.Y., thence extending easterly along U.S. Highway 104 to its junction with New York Highway 14 at Alton, N.Y., thence south along New York Highway 14 to the New York-Pennsylvania State line, under a continuing contract with W. T. Grant Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. The purpose of this republication is to redescribe the scope of the authority sought.

No. MC 123639 (Sub-No. 143), filed November 29, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and nonfrozen, from Traverse City, Mich., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority could be tacked with its Sub 49, 28, and 107 at points in Kansas, Nebraska, and Colorado to provide through service on certain types of food products to New Mexico, Arizona, California, Idaho, Oregon, Nevada, and Utah. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123993 (Sub-No. 19), filed December 13, 1971. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, LA 70526. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbon black*, from Sterlington, La., to Vicksburg, Miss., restricted to traffic having a subsequent movement by rail; and (2) *empty carbon black containers or trailers*, from Vicksburg, Miss., to Sterlington, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 41116 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 124078 (Sub-No. 503), filed December 13, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from the site of Bulk Distribution Centers, Inc., at or near Chattanooga, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that tacking is possible, but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 124078 (Sub-No. 504), filed December 13, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Milwaukee County, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant states that it is possible to tack via Kentucky to Tennessee; petrochemicals to Iowa, Nebraska, North Dakota, Kansas, Missouri, Wyoming, Colorado; and anhydrous ammonia to Missouri, Kansas, Nebraska, Pennsylvania, and West Virginia, but no tacking is intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124109 (Sub-No. 7), filed December 13, 1971. Applicant's B.F.C. TRANSPORTATION, INC., 950 Shaver Road, Cedar Rapids, IA 52406. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urethane foam*, from Iowa City, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, under contract with Hawkeye Fabricating Co., Inc. of Iowa City, Iowa; and (2) *paper, paper products, urethane foam, expanded polystyrene plastic, and packaging and cushioning materials*, between Newton, Iowa, on the one hand, and, on the other, points in Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, under contract with Honeycorr, Inc., of Newton, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 124111 (Sub-No. 35), filed December 20, 1971. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed shipments with bananas, from Albany, N.Y., to points in New York, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, West Virginia, Delaware, Virginia, Maryland, Kentucky, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124170 (Sub-No. 25), filed December 9, 1971. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, MI 48209. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Act, when transported in mixed loads with bananas, in vehicles equipped with mechanical refrigeration, from Albany, N.Y., to points in Illinois, Indiana, Michigan, New York, Ohio, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124377 (Sub-No. 24), filed December 13, 1971. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Box 1018, Denver, CO 80201. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rendered lard*, in bulk, in tank vehicles, (1) from Downs, Kans., to York, Nebr.; and (2) from York, Nebr., and Downs, Kans., to Denver, Colo., under contract with York Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124796 (Sub-No. 93), filed December 13, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Buffing, polishing, cleaning, scouring and washing compounds, solvents, starch, bleach, lubricating oil, carbon, gum and sludge removing compounds, disinfectants, softeners, sizing and janitorial supplies*, from Berkeley, R.I.; Danville, Ill.; and Santa Fe Springs, Calif.; to Birmingham, Ala.; Phoenix, Ariz.; Los Angeles and San Francisco, Calif.; Denver, Colo.; Jacksonville, Fla.; Chicago and Kankakee, Ill.; Baltimore, Md.; Minneapolis, Minn.; Kansas City, Mo.; Piscataway, N.J.; Buffalo, N.Y.; Cincinnati and Cleveland, Ohio; Saylesville, R.I.; Greenville and Mauldin, S.C.; Dallas and Palestine, Tex.; Richmond, Va.; Seattle, Wash.; and Milwaukee, Wis.; and (2) *returned, refused, or rejected shipments* of the commodities described in (1) above, from the destination shown to Berkeley, R.I.; Danville, Ill.; and Santa Fe Springs, Calif. Restriction: The operations are restricted against the transportation of commodities in bulk and are limited to a transportation service to be performed under a continuing contract, or contracts, with Morton-Norwich Products, Inc., its divisions and affiliates. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 125254 (Sub-No. 12), filed December 13, 1971. Applicant: DONALD L. MORGAN, doing business as MORGAN TRUCKING CO., 1201 East Fifth Street, Post Office Box 714, Muscatine, IA 52761. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Kalona, Iowa, to points in Colorado, Indiana, Illinois, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 125681 (Sub-No. 3), filed December 13, 1971. Applicant: MATERIALS TRANSPORT, INC., Sixth and Franklin Street, Post Office Box 248, Tell City, IN 47586. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Rockport, Ind., and the storage yards of Mulzer Crushed Stone located on State Road 69 approximately 3 miles west of Mount Vernon, Ind., to points in that part of Indiana on and south of U.S. Highway 36, that part of Illinois on, south, and east, of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Decatur, Ill., and thence along U.S. Highway 51 to Cairo, Ill., and that part of Kentucky on and west of U.S. Highway 31E, under contract with Cargill, Inc., of Minneapolis, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 125687 (Sub-No. 10), filed November 24, 1971. Applicant: EASTERN STATES TRANSPORTATION, INC., 1060 Lafayette Street, York, PA 17405. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, and, upon return, empty containers, from Williamsburg, Va., to points in Maryland. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md.

No. MC 125785 (Sub-No. 12), filed December 8, 1971. Applicant: SATURN EXPRESS INC., The Plaza 90 Building, 90th and L Streets, Room 206, Omaha, NE 68107. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Ceramic tile:* From the plantsite and storage facilities utilized by Mosaic Tile Co. at or near Ironton, Ohio, to points in Wisconsin, Michigan, Ohio, Illinois, Indiana, Colorado, Texas, Oklahoma, Kansas, South Dakota, Wyoming, Missouri, Minnesota, Nebraska, and Iowa under a continuing contract with Mosaic Tile Co., a division of Stylon Corp.; (B)(1) *ceramic tile:* From Lawrenceburg, Ky.; Lakeland, Fla., Chicago, Ill.; Minneapolis, Minn.; and Hamilton, Ohio, to Des Moines, Iowa, and Omaha, Nebr.; (2) *ceramic tile:* From Houston, Tex.; Baltimore, Md.; Seattle, Wash.; Boston, Mass.; and Los Angeles, Calif., to Des Moines, Iowa, and Omaha, Nebr. All shipments handled from these points are to be restricted to shipments having a prior movement in foreign commerce; (3) *grouts and adhesives:* From Kansas City, Mo.; Columbus, Ohio; Markham, and Chicago, Ill., to Des Moines, Iowa, and Omaha, Nebr.; (4) *chrome accessories:* From Los Angeles, Calif., to Des Moines, Iowa, and Omaha, Nebr.; (5) *ceramic accessories:* From Gilmer, Tex., to Des Moines, Iowa, and Omaha, Nebr.; (6) *shower doors:* From Hialeah and Orlando, Fla., and Lawrence, Kans., to Des Moines, Iowa, and Omaha, Nebr.; (7) *concrete panels:* From Minerva, Ohio, to Des Moines, Iowa, and Omaha, Nebr.; and (8) *fiberglass shower stalls and tubs:* From Lincoln, Nebr., to Des Moines, Iowa. Operations to be performed in part B, (1) through (8), will be under a continuing contract with Sunderland Bros. Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126008 (Sub-No. 2), filed December 13, 1971. Applicant: LAKE STATES CARRIERS, INC., Post Office Box 177, Wheeling, IL 60090. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum scrap*, from the ports of entry on the international boundary line between the United States and Canada on the Niagara River to Oswego, N.Y., under contract with Ekco Products, Inc., of Wheeling, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126489 (Sub-No. 13), filed November 18, 1971. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth, Post Office Box 1066, Hutchinson, KS 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alfalfa products, corn plant pellets, and milo plant pellets*, from points in Dawson County, Nebr., and points in Kansas to points in that portion of Oklahoma east of U.S. Highway 81, Texas, Colorado, New Mexico, Kansas, and Arizona; and (2) *dry feed and feed ingredients*, from Pratt, Kans., to points in Colorado, Nebraska, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 126539 (Sub-No. 7) (Amendment), filed October 14, 1971, published in the FEDERAL REGISTER issue of November 18, 1971, and republished as amended, this issue. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Iowa Gateway terminal near Keokuk, Iowa, to points in Illinois, Minnesota, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 129135 and subs, therefore dual operations may be involved. The purpose of this republication is to reflect a change in the origin. If a hearing is deemed necessary, applicant requests it be held

JAN 13 72
XUM

at Dubuque, Iowa, Chicago, Ill., or Des Moines, Iowa.

No. MC 128247 (Sub-No. 22) (Correction), filed November 1, 1971, published in the FEDERAL REGISTER issue of December 2, 1971, and republished in part, as corrected this issue. Applicant: BURSAL TRANSPORT, INC., Rural Route 1, Bunker Hill, IN 46914. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, IN 46204. The purpose of this partial republication is to include the following destination States which were inadvertently omitted: Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, and Oklahoma. The rest of the application remains as previously published.

No. MC 128273 (Sub-No. 118), filed December 3, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carnivorous animal feed*, in packages, from the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio, to points in the United States (except Alaska and Hawaii), on and east of U.S. Highway 85; and (2) *materials and supplies* used in the manufacture, sale, and distribution of carnivorous animal feed (except in bulk), from points in the United States (except Alaska and Hawaii), to the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 128273 (Sub-No. 119), filed December 13, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* including *defluorinated phosphate, dicalcium phosphate, diammonium phosphate, and monoammonium phosphate*, in bulk, and in bags, from Beaumont, Tex., to points in Louisiana, Arkansas, Oklahoma, Kansas, Missouri, New Mexico, Colorado, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129631 (Sub-No. 25), filed December 7, 1971. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Applicant's representative: Max D. Eliason, Post Office Box 2602, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber mill products, and wood products*, from points in Washington to points in Baker County, Oreg., Wyoming, and Utah; (2) *fencing materials*, from points in Baker County, Oreg., to points in Oregon and Washington; and (3) *fencing materials*, from Idaho Falls, Idaho, to points in Montana and Washington. NOTE: Applicant presently holds contract carrier authority under MC 101741. The purpose of the instant application is to convert said contract carrier authority to that of common. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133562 (Sub-No. 9), filed December 13, 1971. Applicant: HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Estherville, IA 51334. Applicant's representative: Merle Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from the plantsites and storage facilities utilized by Spencer Foods, Inc., at or near Hartley and Spencer, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Vermont, Virginia, Rhode Island, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or St. Paul, Minn.

No. MC 134068 (Sub-No. 10) filed December 9, 1971. Applicant: KODIAK REFRIGERATED LINES, INC., 4510 Seville Avenue, Vernon, CA 90058. Applicant's representative: Duane W. Acklie, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned animal food*, from Terminal Island, Calif., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134073 (Sub-No. 14), filed December 14, 1971. Applicant: GENOVA TRANSPORT, INC., 484 Clayton Road, Williamstown, NJ 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from Philadelphia, Pa., to points in New Jersey, New York, Connecticut, Massachusetts, and Rhode Island, under contract with Mrs. Pauls Kitchens, Inc., Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 134323 (Sub-No. 22), filed December 15, 1971. Applicant: JAY LINES, INC., 720 North Grand Street, Amarillo, TX 79105. Applicant's representative: Duane Acklie, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, furnaces, air cleaners and conditioners, humidifiers, dehumidifiers, and related items; and materials, parts and supplies* used in the manufacture, production, and distribution thereof; (1) between the plantsite and warehouse facilities of Fedders Corp. located at Middlesex County, N.J., and Alabama and Mississippi; and (2) between the plantsite and warehouse facilities of Fedders Corp. at Effingham, Ill., and Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas, all under continuing contract or contracts with Fedders Corp., its divisions and subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 134337 (Sub-No. 3), filed December 20, 1971. Applicant: TRANSPORT AMEDEE CAYER, INC., C.P. 470, La Pocatiere, Kamouraska County, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor bicycles* (motor-skeeters), *snowmobiles, and parts*, from ports of entry on the international boundary line between the United States and Canada to points in Montana, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Iowa, Missouri, Kentucky, West Virginia, Virginia, Delaware, Maryland, Washington, Oregon, Idaho, Utah, Arizona, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Boston, Mass.

No. MC 134388 (Sub-No. 4), filed December 13, 1971. Applicant: HENRY G. HARLOW, 3 East Washington Street, Jamestown, OH 45335. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, and *component parts, materials, supplies, and fixtures* used in the erection or assembly thereof, from Fredericksburg, Va., to points in Maryland; points in Pennsylvania on and east of Interstate Highway 81; points in Virginia, and the District of Columbia, under contract

with Ryan Homes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 134404 (Sub-No. 2), filed December 15, 1971. Applicant: AMERICAN TRANS-FREIGHT, INC., 33 Circle Drive North, Piscataway, NJ 08854. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic bathtubs and plastic bath fixtures*, from the plantsite of American Standard, Inc., at Richmond, Mich., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Iowa, Louisiana, Nebraska, Mississippi, Minnesota, Missouri, Texas, Kentucky, Wisconsin, Arkansas, Kansas, North Dakota, South Dakota, Pennsylvania on and west of U.S. Highway 15, Oklahoma, and New York on and west of Interstate Highway 81, and Tennessee; and (2) *materials and supplies* (other than bulk), used in the manufacture, sale, and distribution of the aforementioned commodities, on return. Restriction: The proposed service is to be performed under contract with American Standard, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134765 (Sub-No. 5), filed November 22, 1971. Applicant: SPECIALTY TRANSPORT, INC., Holland Road, Wales, Mass. 01081. Applicant's representative: Arthur M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, paper articles, plastic articles, containers and supplies and materials used in the manufacture, use, sale, and distribution of paper, paper products, paper articles, plastic articles, and containers*; (a) between the facilities of The Federal Paper Board Co., Inc., located at New London, Conn.; Thomaston, Ga.; Morris, Ill.; Whitehall and Baltimore, Md.; Secaucus, Milford, and Riegelsville, N.J.; Piermont, N.Y.; Roanoke Rapids, Hendersonville, and Riegelswood, N.C.; Steubenville, Ohio; Reading, York, and Washington, Pa.; and Richmond, Va.; on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (b) between the facilities of The Federal Paper Board Co., Inc., located at New Haven, Versailles, and Sprague, Conn., and Medford and Palmer, Mass., on the one hand, and, on the other, points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia;

(c) Between the facilities of The Federal Paper Board Co., Inc., located at Versailles, Conn., on the one hand, and, on the other, points in New Hampshire (except Jaffrey), New Jersey (except points within 20 miles of New York), New York (except points within 20 miles of New York), Pennsylvania, and Rhode Island (except points within 15 miles of Providence); (d) between the facilities of The Federal Paper Board Co., Inc., located at Palmer, Mass., on the one hand, and, on the other, points in New Hampshire, New Jersey (except Harrison, Bloomfield, Bogota, Paterson, Ridgefield Park, Newark, Passaic, Delwanna, and New Brunswick), New York (except Beacon, Mount Vernon, and New York), Pennsylvania, and Rhode Island (except points within 15 miles of Providence); and (e) between the facilities of The Federal Paper Board Co., Inc., located at New Haven, Conn., and Medford, Mass., on the one hand, and, on the other, points in New Hampshire, New York (except New York), and Pennsylvania (except Philadelphia), under a continuing contract with The Federal Paper Board Co., Inc.; (2) *glass, glass articles, glass products, and materials and supplies used in the manufacturing, distribution, and sale of glass, glass articles, and glass products* between the facilities of The Federal Paper Board Co., Inc., located at Columbus, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract with The Federal Paper Board Co., Inc.; (3) *foodstuffs and supplies, materials, and products used in the manufacture, sale, and distribution of foodstuffs* between the facilities of the New England Apple Products Co., Inc., located at Littleton, Mass., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract with The New England Apple Products, Co., Inc.; (4) *Toilet preparations and toiletries* between Lakewood, N.J., on the one hand, and, on the other, Los Angeles and San Francisco, Calif.; Atlanta, Ga.; Chicago, Ill.; Dearborn Heights, Mich.; St. Louis, Mo.; Portland, Oreg.; Pittsburgh, Pa.; Dallas, Tex.; Salt Lake City, Utah; and Seattle and Spokane, Wash.; under a continuing contract with Speidel, a Textron company; (5) *advertising and promotional displays, racks and material, printed matter, and plastic articles* between points in (a) Fairfield and New Haven Counties, Conn.; (b) Bergen, Essex, Hudson, Hunterdon, Middlesex, Passaic, and Union Counties, N.J.; and (c) Bronx, Duchess, Kings, Nassau, New York, Orange, Queens, Rockland, Suffolk, Sullivan, and Westchester Counties, N.Y., on the one hand, and, on the other, Los Angeles and San Francisco, Calif.; Atlanta, Ga.; Chicago, Ill.; St. Louis, Mo.; Portland, Oreg.; Pittsburgh, Pa.; Dallas, Tex.; Salt Lake City, Utah; and Seattle and Spokane, Wash.; under a continuing contract with Speidel, a Textron company; (6) *advertising and promotional displays, racks, and material* between Milwaukee, Wis., on the one hand, and, on the other, Los Angeles and San Francisco, Calif.; Atlanta, Ga.; Chicago, Ill.; Dearborn Heights, Mich.; St. Louis, Mo.; Portland, Oreg.; Pittsburgh, Pa.; Providence, R.I.; Dallas, Tex.; Salt Lake City, Utah; and Seattle and Spokane, Wash.; under a continuing contract with Speidel, a Textron company; and (7) *costume jewelry, printed matter and plastic articles* between Providence, R.I., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York, under a continuing contract with Speidel, a Textron company. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134955 (Sub-No. 4), filed December 9, 1971. Applicant: ROBERT WELLS, 1369 West 7900 South, West Jordan, UT 84084. Applicant's representative: Miss Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, other than knocked down flat (except when mounted on wheeled undercarriages with hitchball connectors), from West Jordan, Utah, to points in Nevada, Arizona, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Boise, Idaho.

No. MC 135100 (Sub-No. 6), filed December 9, 1971. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, La Porte, IN 46350. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends and closures, fruit juices, fruit juice concentrates, and paper labels and bozes*, when moving in mixed loads with *fruit juices, fruit juice concentrates, and metal containers, container ends and closures*, from Plymouth, Ind., to (1) the plantsite of Brooks Foods at or near Collinsville, Ill.; (2) the plantsite of Beaver Valley Canning Co., at or near Grimes, Iowa; (3) the plantsite of Mid-America Corp. at or near Lenexa, Kans.; and (4) the plantsite of Ortonville Canning Co., at or near Ortonville, Minn. NOTE: Applicant now holds contract carrier authority under its No. MC-2310, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with

JAN 13 72
XUM

its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135185 (Sub-No. 9), filed November 24, 1971. Applicant: COLUMBINE CARRIERS, INC., 4971 South Emporia, Englewood, CO 80110. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring, and washing compounds; polishing and buffing compounds, disinfectants or deodorants, drugs, and toilet preparations and insecticides, and other household and cleaning supplies*, from Toledo, Ohio; Lincoln, Ill., and Belle Mead, N.J., to Lincoln, Ill., Belle Mead, N.J. and Fostoria, Ohio, and points in Arizona, California, Colorado, Idaho, Nevada, New Jersey, Oregon, Utah, and Washington, under contract with Lehn & Fink Products Co. Division of Sterling Drug Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 135234 (Sub-No. 2), filed August 16, 1971. Applicant: COMMERCIAL CARTAGE, INC., Post Office Box 8477, South Charleston, WV 24305. Applicant's representative: Homer W. Hanna, Jr., Post Office Box 2311, Charleston, WV 25328. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric cable on reels and in coils*, from points in Newington, Fairfax County, Va., to points in West Virginia, and (2) *empty reels*, from points in West Virginia to points in Arlington, Arlington County, Va., and/or Newington, Fairfax County, Va., under contract with Western Electric Co., Inc., and Chesapeake and Potomac Telephone Company of West Virginia, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., Washington, D.C., or Columbus, Ohio.

No. MC 135272 (Sub-No. 1) (Correction), filed October 21, 1971, published in the FEDERAL REGISTER issue of November 25, 1971, and republished as corrected this issue. Applicant: ROBERT CRAWFORD, doing business as CRAWFORD TRUCKING COMPANY, Post Office Box 7172, Omaha, NE 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles and motorcycle trailers, motorcycle parts and accessories, and motorcyclist's accessories*, from points in California, to Fremont, Omaha, and Bellevue, Nebr., and Council Bluffs, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to correctly spell a portion of the commodity description. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 135513 (Sub-No. 5), filed October 27, 1971. Applicant: ECHO TRUCKING COMPANY, a corporation, Post Office Drawer AY, Benson, AZ 85602. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper cement*, between Tyrone, N. Mex., and Morenci and Douglas, Ariz., under contract with Phelps Dodge Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Tyrone, N. Mex.

No. MC 135758 (Sub-No. 1), filed December 20, 1971. Applicant: LESTER GILBERT, doing business as GILBERT TRUCKING CO., 825C Oakleaf Circle, Birmingham, AL 35209. Applicant's representative: Richard Y. Bradley, Post Office Box 2707, Fifth Floor, The Ralston Center, Columbus, GA 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from points in Russell and Jefferson Counties, Ala., Escambia County, Fla., and Cobb County, Ga., to points in Alabama, Georgia, Mississippi, Tennessee, and points in Florida in and west of Hamilton, Suwanee, Lafayette, and Dixie Counties, under contract with Bickerstaff Clay Products Co., Inc., a Georgia corporation, Post Office Box 1178, Columbus, GA 31902. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 135839 (Sub-No. 2), filed December 13, 1971. Applicant: B LINE SERVICES, INC., Post Office Box 24, South Main Street, Greenburg, LA 70441. Applicant's representative: W. Hugh Sibley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel ball valves and valve parts*, between Hammond, La., on the one hand, and, on the other, Beaumont, Houston, Lufkin, and San Antonio, Tex.; and (2) *rough iron and steel casting and forgings*, between Beaumont, Houston, Lufkin, and San Antonio, Tex., on the one hand, and, on the other, Hammond, La., under contract with T. K. Valve and Manufacturing, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orlean, La.

No. MC 135871 (Sub-No. 4), filed December 15, 1971. Applicant: H. G. M. TRANSPORT COMPANY, a corporation, 1079 West Side Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, and *supplies and equipment* used in the conduct of such business, between points in the New York, N.Y., commercial zone, as defined by the Commission, Jersey City, N.J., on the one hand, and, on the other, Connersville and Shelbeyville, Ind., under a continuing contract with Ames Department Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 135912 (Sub-No. 1), filed December 13, 1971. Applicant: ATLANTIC & PACIFIC FREIGHT SERVICE, INC., 4126 Northeast Union, Portland, OR 97211. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Restaurant and hotel equipment, stainless steel, formica and wood counters, and other miscellaneous stainless steel commercial equipment*, including *refrigeration units*, from Portland, Oreg., to points in Arizona, California, Florida, Georgia, Illinois, Indiana, Michigan, Minnesota, Missouri, New Jersey, Ohio, Pennsylvania, Tennessee, Texas, Utah, Washington, and Wisconsin; and (2) *carpets and carpeting materials*, from Calhoun, Cartersville, Dalton, and Rome, Ga.; Chicago, Ill.; New York, N.Y., and Los Angeles, Calif., to Tacoma, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., Seattle, Wash., or San Francisco, Calif.

No. MC 135997 (Amendment), filed August 24, 1971, published in the FEDERAL REGISTER issues of October 7, 1971, and November 11, 1971, and republished as amended this issue. Applicant: TEXAS TANK LEASING, INC., Route 10, Box 501N, Houston, TX 77040. Applicant's representative: William D. Lynch, 1005 Nueces, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass fiber reinforced plastic storage vessels, vessel parts, and attachments* thereto when moving with the vessels and pipe; and (2) *glass fiber reinforced plastic pipe*, from points in Montgomery and Harris Counties, Tex., to points in Oklahoma, Louisiana, Kansas, Missouri, Arkansas, Mississippi, Alabama, Tennessee, Texas, Florida, and Georgia. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Houston or Fort Worth, Tex.

No. MC 136039 (Sub-No. 1), filed December 13, 1971. Applicant: JOHN T. ROPER, Holyoke, Minn. 55749. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, between Duluth, Minn., Ashland and Spooner, Wis., and Gogebic County, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Duluth, Minn., or Minneapolis, Minn.

No. MC 136048 (Sub-No. 1) (Correction), filed September 10, 1971, published in the FEDERAL REGISTER issues of October 29, 1971, and November 25, 1971 and republished as corrected this issue. Applicant: NEIL J. NEWLAND, doing business as NEWLAND'S GARAGE, Sixth and Locust, Wellsville, KS 66092. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, Kans. 66067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements, machinery, and farm equipment*, assembled and unassembled, between points in Kansas, Missouri, Oklahoma, Nebraska, Illinois, Texas, Iowa, and Colorado. NOTE: The purpose of this republication is to correctly reflect the commodity description as set forth above in lieu of previous publication of November 25, 1971, which inadvertently repeated a portion of the commodity description, namely, machinery and farm equipment, assembled and unassembled. The rest of the notice remains as previously published.

No. MC 136169 (Sub-No. 1), filed December 16, 1971. Applicant: CHARLIE PHILLIPS, doing business as CHARLIE PHILLIPS TRUCKING, Post Office Box 222, Alvarado, TX. Applicant's representative: Jerry C. Prestridge, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, from points in Oklahoma, to the plantsite of Gifford-Hill Portland Cement Co. at or near Midlothian, Tex. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. This application is accompanied with a petition for declaratory order and dismissal of the application. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 136214 (Sub-No. 1), filed December 9, 1971. Applicant: ROGER L. JACOBSON, doing business as COLUMBIA MATERIALS, 120 South Golob Road, Tucson, AZ 85710. Applicant's representative: Thomas J. Davis, Suite 1008, Transamerican Building, Tucson, Ariz. 85701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds* including cottonseed meal and soybean meal (except liquid feeds in bulk), between points in Arizona, Colorado, New Mexico, and Texas, under contract with Billstone Feed & Grain Service, Inc., El Paso, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tucson or Phoenix, Ariz.

No. MC 136245 (Clarification) filed December 3, 1971, published in the FEDERAL REGISTER issue of January 6, 1972, and republished as clarified, this issue. Applicant: HARVEY L. DAVIS, doing business as DAVIS GARAGE AND WELDING SHOP, 1024 Northwest Boulevard West, Winston-Salem, NC 27104. Applicant's representative: W. Leslie Johnson, Jr., 203 Northwestern Bank Building, Corner Cherry and Third Streets, Winston-Salem, NC 27101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled and wrecked cars and trucks*, between points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Indiana, Kentucky, Maryland, Massachusetts, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, under contract with Carolina Garage, Anchor Motor Freight, and McLean Trucking Co. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Winston-Salem or Charlotte, N.C.

No. MC 136248, filed December 8, 1971. Applicant: BSP TRANS., INC., Richardson Road, Hollis, NH 03439. Applicant's representative: Jack R. Law (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and such home furnishings* as are dealt in by retail furniture stores and mail order department stores, from Nashua, N.H., to points in Massachusetts on and east of Interstate Highway 91; Androscoggin, Cumberland, Oxford, and York Counties, Maine, New Hampshire, Rhode Island, and Vermont. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

MOTOR CARRIER OF PASSENGERS

No. MC 29850 (Sub-No. 7), filed May 24, 1971. Applicant: TRENTON-PHILA. COACH CO., a corporation, 200 West Wyoming Avenue, Philadelphia, PA 19140. Applicant's representative: John W. Ennis, Jr., Room 2028, PSFS Building, 12 South 12th Street, Philadelphia, PA 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers over the following routes in Camden County, N.J.: (a) From the intersection of Whitman Boulevard and Haddonfield-Berlin Road, thence on Haddonfield-Berlin Road to Evesham Avenue, to Burnt Mill Road, to its intersection with Haddonfield-Berlin Road, and return over the same route; (b) beginning at the intersection of Chapel Avenue and Kings Highway, thence on Chapel Avenue, Haddonfield Road, Church Road, and Kings Highway to its intersection with Chapel Avenue. Restriction: No interstate passengers will be transported whose trip begins or ends along Chapel Avenue or Haddonfield Road; (c) beginning at the intersection of Marlton Pike (New Jersey Highway 70) and Green Tree Road, thence on Green Tree Road to Olney Avenue, to Pin Oak Drive, to Springdale Road, to its intersection with Marlton Pike, and return over the same route; and (d) beginning at the intersection of Kings Highway and Munn Avenue, thence via Kings Highway to Linden Street, to Euclid Avenue, to Port Authority Transit Corp. station driveway and return over the same route. Resriction: No interstate passengers will be transported whose trip begins or ends on the portion of Kings Highway delineated, or Linden Street or Euclid Avenue, serving all intermediate points except as restricted. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 126203 (Sub-No. 3), filed December 3, 1971. Applicant: EVERETT CHARTER SYSTEM, INC., 3131 Cedar Street, Everett, WA 98201. Applicant's representative: Paul L. Fanson, 4801 17th Street, NW., Puyallup, WA 98371. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special or charter operations, between points in Whatcom, Island, Skagit and Snohomish Counties, Wash., to points in Washington, Oregon, Idaho, California, Utah, Nevada, Montana, North Dakota, South Dakota, Nebraska, Colorado, New Mexico, Alaska, Minnesota, Wisconsin, and Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tacoma, Everett, or Seattle, Wash.

No. MC 136028, filed September 13, 1971. Applicant: BONIN AUTOBUS LIMITEE, 20 rue Prince, Sorel, Richelieu Country, PQ Canada. Applicant's representative: André Lachapelle, 929 Chenal du Moine, Ste-Anne de Sorel, Richelieu Country, PQ Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations only, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Michigan, New York, Vermont, New Hampshire, and Maine and extending to points in New Jersey, Pennsylvania, and Massachusetts. NOTE: Applicant indicates that the above trips will originate in Quebec, Canada. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt.

No. MC 136173 (Sub-No. 1), filed December 10, 1971. Applicant: MARYLAND BUS LINES, INC., 5017 Cook Road, Beltsville, MD 20705. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, from Washington, D.C., to the U.S. Government Adjutant General's Publication Center, Middle River, Md., and return, restricted to the transportation of employees of the U.S. Government. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATION FOR FILING OF FREIGHT FORWARDER

No. FF-414 (AERO SPECIAL AIR FREIGHT, INC., Freight Forwarder Application) filed December 17, 1971. Applicant: AERO SPECIAL AIR FREIGHT, INC., 242 Stewart Street, San Francisco, CA. Applicant's representative: William R. Kraham, Watergate, Washington, D.C. 20037. Authority

JAN 13 72
XUM

sought under section 410, part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, express, water, air, or motor carrier vehicle, in the transportation of: *General commodities*, between points in the United States, restricted to shipments having a prior or subsequent movement by aircraft.

APPLICATION FOR FILING WATER CARRIERS

No. W-417 (Sub-No. 21), WEYERHAEUSER COMPANY, Extension—Tug and Barge, filed December 22, 1971. Applicant: WEYERHAEUSER COMPANY, a corporation, doing business as WEYERHAEUSER LINE, Tacoma, Wash. 98401. Applicant's representative: John Cunningham, Tower Building, 1401 K Street NW., Washington, DC 20005. By application filed December 22, 1971, applicant seeks authority to operate as a common carrier, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels, in the transportation of *lumber and lumber products*, from Port Gamble and Longview, Wash.; and Coos Bay, Oreg., to Baltimore, Md.; Philadelphia, Pa.; New York, N.Y.; and Portsmouth, R.I.

No. W-438 (Sub-No. 3), GREENE LINE STEAMERS, INC., Extension—Illinois Waterway, filed December 27, 1971. Applicant: GREENE LINE STEAMERS, INC., 6900 Santa Monica Boulevard, Los Angeles, CA 90038. Applicant's representative: William L. Kohler, Suite 1210, 1200 18th Street NW., Washington, DC 20036. By application filed December 27, 1971, applicant seeks revision of certificate No. W-438, to operate as a common carrier in the transportation of *passengers and their automobiles*, between ports and points along the Illinois Waterway and the Arkansas Waterway and between those ports and points on the one hand, and, on the other, ports and points along the waterways named in applicant's third amended certificate issued April 29, 1953 in W-438.

No. W-1189 (Sub-No. 25), BULK FOOD CARRIERS, INC., Extension and Exemption—Steel, filed December 16, 1971. Applicant: BULK FOOD CARRIERS, INC., 425 California Street, San Francisco, CA 94104. Applicant's representative: J. Raymond Clark, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20038. By application filed December 16, 1971, applicant seeks the declaration of an exemption and/or issuance of a revised permit for the transportation by non-self propelled vessels with the use of separate towing vessels as follows: (1) Occidental Chemical Co.—*phosphate rock*, from Jacksonville and ports on Tampa Bay, Fla., to Stockton, Calif., minimum weight 5,000 net tons, pursuant to the exemption of section 303(e)(2); (2) Borden Chemical Co.—*defluorinated phosphate*, in bulk, between ports on Tampa Bay, Fla., and Stockton, Calif., minimum weight 5,000 tons, pursuant to the provisions of sections 309(g); and (3) United States Steel Corp.—*steel and steel products*, from Morrisville, Pa., to Pittsburg, Calif., pursuant to the provisions of section 309(g). NOTE: Applicant states that with the exception of the proposed transportation of steel and steel products, the sought authority corresponds with authority presently held by applicant as a contract carrier by water by self-propelled vessels.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 22229 (Sub-No. 70) (Clarification), filed October 28, 1971, published in the FEDERAL REGISTER issue of December 9, 1971, and republished in part, as clarified, this issue. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, GA 30316. Applicant's representatives: Ralph B. Matthews (same address as applicant), and Robert O. Koch, 3800 Frederica Street, Owensboro, KY 42301. The purpose of this partial republication is to show Ralph B. Matthews as one of applicant's representatives, which was previously omitted. The rest of the application remains as published.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-457 Filed 1-12-72;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATION:	
4100	199
EXECUTIVE ORDERS:	
11627 (see EO 11639)	521
11639	521

5 CFR

213	201, 257, 258
890	7

6 CFR

201	284
300	284, 426

7 CFR

52	131
510	69
722	7, 272
730	8
812	9
814	9
846	133
905	523
907	10, 134, 523
910	70, 272
912	273
917	273
930	273
932	323
1007	323
1610	275
PROPOSED RULES:	
301	217, 218
730	19
953	286
966	81
980	81
1001	447
1002	447
1004	20, 447
1006	447
1007	447
1011	447
1012	447
1013	447
1015	447
1030	447
1032	447
1033	447
1036	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447
1062	447
1063	447
1064	447
1065	447
1068	447
1069	447
1070	447
1071	447
1073	447
1075	447
1076	447
1078	447

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447
1106	447
1108	447
1120	447
1121	447
1124	447
1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447
1207	81
1430	20

8 CFR

214	328

9 CFR

53	134
76	329, 435
82	135
203	276
311	435
316	435
317	435
400	135, 435
PROPOSED RULES:	
327	85

10 CFR

PROPOSED RULES:	
50	287, 288
110	92

12 CFR

201	11
545	523
561	524
563	524
700	329
702	70
PROPOSED RULES:	
545	543
701	339
715	95

13 CFR

121	258

14 CFR

	Page
13	436
39	11, 12, 70, 437
71	13, 71, 135, 136, 276, 323, 437
73	437, 438
75	13, 71
97	71, 525
225	72
302	277
PROPOSED RULES:	
43	222
71	21, 91, 144, 146, 286, 287
73	478
91	222
135	222
207	222
208	222
212	222
214	222
372a	222
373	478
378	478
378a	478

17 CFR

240	73
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

PROPOSED RULES:	
141	22
201	337
204	337
205	337
260	337

19 CFR

PROPOSED RULES:	
Ch. I	19

20 CFR

PROPOSED RULES:	
405	89

21 CFR

121	14, 74, 329
130	201
135	137
135c	14, 137
135e	74
135f	14
141a	438
146a	438
146c	440
148e	330
148m	15
301	137
PROPOSED RULES:	
3	219
19	468
27	20, 470
130	85
145	336
304	144

22 CFR

11	277
41	15

V 37 N 13 72 JAN XUM

24 CFR — Page

200 — 75, 203, 209
201 — 210
203 — 138
207 — 138
220 — 138
222 — 76
275 — 211
1914 — 280
1915 — 281
PROPOSED RULES:
203 — 144

25 CFR

232 — 526
PROPOSED RULES:
16 — 536

26 CFR

1 — 527
12 — 16, 281
PROPOSED RULES:
1 — 19, 99, 286, 336, 544

28 CFR

301 — 138

29 CFR

1910 — 332
PROPOSED RULES:
1910 — 466

30 CFR

75 — 17
225 — 441
225a — 441

32 CFR

270 — 77
PROPOSED RULES:
1467 — 99
Ch. XVI — 486
1604 — 479
1606 — 479, 484
1609 — 484
1611 — 479
1613 — 484
1621 — 479
1622 — 479
1623 — 479
1624 — 479
1625 — 479
1626 — 479
1627 — 479
1630 — 479
1631 — 479

32 CFR—Continued — Page

PROPOSED RULES—Continued
1632 — 479
1641 — 479
1643 — 479
1660 — 485

33 CFR

204 — 527

35 CFR

5 — 77
253 — 281

36 CFR

231 — 211

38 CFR

8a — 282

39 CFR

235 — 77
760 — 211, 443
761 — 211, 443

40 CFR

180 — 78, 140, 141, 332–334, 443
PROPOSED RULES:
115 — 478
180 — 92–94, 337

41 CFR

5A–1 — 527
5A–3 — 141
5A–7 — 141
5A–8 — 142
5A–16 — 528
5A–76 — 528
5B–1 — 334
101–17 — 78
103–40 — 17
PROPOSED RULES:
51–1 — 336

42 CFR

53 — 182

43 CFR

4110 — 213
PUBLIC LAND ORDERS:
1932 (amended by PLO 5147) — 18
4582 (modified by PLO 5149) — 18
4962 (see PLO 5149) — 18
5081 (see PLO 5149) — 18
5147 — 18
5148 — 18
5149 — 18

43 CFR—Continued — Page

PUBLIC LAND ORDERS—Continued
5150 — 142
Amended by PLO 5151 — 142
5151 — 142, 528
PROPOSED RULES:
2800 — 217
2810 — 217

45 CFR

177 — 335
249 — 443
1060 — 444
PROPOSED RULES:
130 — 470

46 CFR

157 — 528
310 — 335
390 — 16
PROPOSED RULES:
146 — 220

47 CFR

73 — 529
89 — 213
91 — 283
PROPOSED RULES:
0 — 145
1 — 537
2 — 145, 146, 537
15 — 94, 146
21 — 146
73 — 539, 540, 541, 542
87 — 537
89 — 146
91 — 146

49 CFR

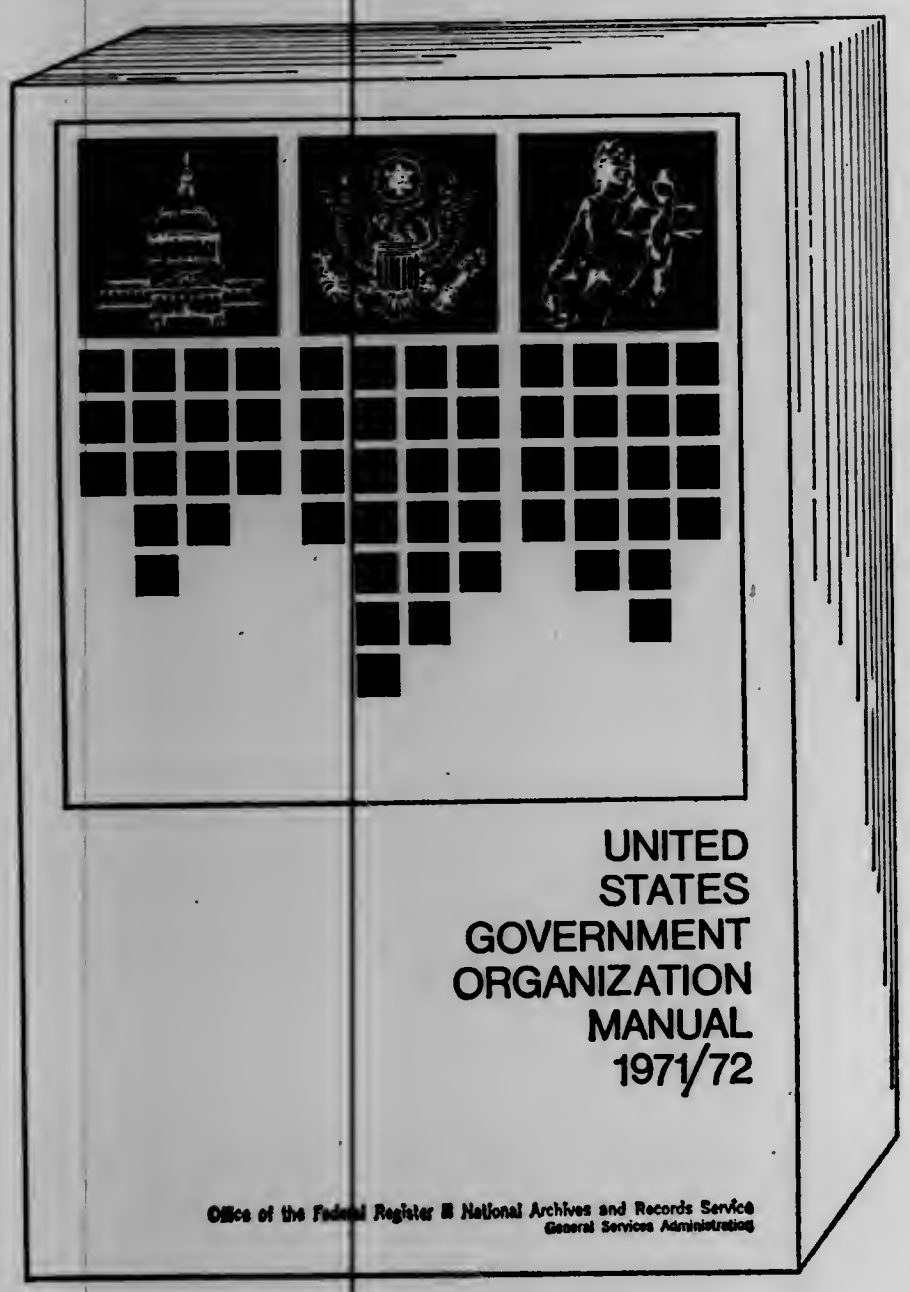
7 — 214
99 — 532
Ch. I — 535
178 — 444
301 — 214
571 — 284, 445
1002 — 215
1300 — 335
PROPOSED RULES:
192 — 145
571 — 222

50 CFR

28 — 79, 445, 535
33 — 79, 80
PROPOSED RULES:
28 — 447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date
1–62	Jan. 4	251–315	Jan. 8
63–123	5	317–427	11
125–193	6	429–513	12
195–249	7	515–582	13



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

FRIDAY, JANUARY 14, 1972
WASHINGTON, D.C.

Pages 583–654

Volume 37 ■ Number 9

PART I

(Part II begins on page 651)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ECONOMIC STABILIZATION—Price Commission rules on price increases by public utilities and public benefit corporations; effective 1–17–72.... 651

MAIL ORDER COMMERCE—FTC notice of postponement of hearing date to 3–27–72 and extension of comment time to 3–17–72 on proposal.... 622

CANNED GREEN AND WAX BEANS—USDA amendment to standards..... 587

SUGARCANE—USDA determination on proportionate shares for 1972–1973 crop in Puerto Rico; effective 1–14–72..... 588

SECURITIES—SEC interpretation regarding applicability of antifraud provisions to private offerings 600

FLOOD INSURANCE—HUD additions to hazard areas and insurance eligibility lists (2 documents)..... 608, 609

PROCUREMENT—
GSA provision of optional cost or pricing data forms for contractors; effective 6–1–72..... 610
VA rule on standards for prospective contractors; effective 2–10–72..... 613

MEDICAL SHELF LIFE ITEMS—GSA rule on utilization and disposal; effective 1–14–72..... 614

SEED POTATOES—USDA proposal of standards; comments by 3–15–72..... 616

(Continued inside)

No. 9—Pt. I——1

V37-9 JAN 14 72 XUM

Now Available

LIST OF CFR SECTIONS AFFECTED

1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Price: $6.75

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

CUSTOMS—Treasury Dept. notices on duty rates and bond waivers (2 documents) 624

TELECOMMUNICATIONS—
FCC table of assignment determinations (2 documents) 605, 621
FCC amendment to table of assignment allocations; effective 1–21–72 605
FCC waiver of certain tax accounting rules for telephone companies 605

AVAILABILITY OF INFORMATION—EPA extension of comment time to 2–2–72 for proposal on trade secrets and privileged or confidential information 621

UPLAND COTTON—USDA notice of "shortfall" determination for 1971–1972 marketing year 628

MINIMUM WAGE RATES—Labor Dept. notice on Federal and federally assisted construction in specified areas; effective 1–14–72 639

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations
Sugarcane; Puerto Rico; proportionate shares for farms; 1972–73 crop 588

Notices
Organization, functions, and delegations of authority 624

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Animal and Plant Health Service; Commodity Credit Corporation; Consumer and Marketing Service.

Notices
Duluth Board of Trade; order vacating designation as contract market under Commodity Exchange Act 628

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations
Exotic Newcastle disease; psittacosis or ornithosis in poultry; areas quarantined 589
Overtime services relating to imports and exports; commuted traveltime allowances 587

ATOMIC ENERGY COMMISSION

Notices
National Accelerator Laboratory, Batavia, Ill.; availability of final environmental statement 628

COMMODITY CREDIT CORPORATION

Notices
Upland cotton; determination of "shortfall"; 1971–72 marketing year 628

CONSUMER AND MARKETING SERVICE

Rules and Regulations
Canned green beans and wax beans; standards for grades; drained weight 587
Filberts grown in Oregon and Washington; handling 588

Proposed Rule Making
Almonds grown in California; decision and referendum regarding marketing agreement 617
Seed potatoes; standards for grades 616

CUSTOMS BUREAU

Notices
Metalized vinyl tinsel garland; tariff classification; change of practice ruling 624
Vessel bonds; revocation of provision for waiver 624
Welded stainless steel pipe and tubing from Japan; antidumping proceeding notice 624

EMPLOYMENT STANDARDS ADMINISTRATION

Notices
Minimum wages for Federal and federally assisted construction; modification to area wage determination decisions for specified localities in certain States 639

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rule Making
Public information; trade secrets and privileged or confidential information; extension of time to file comments 621

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations
Restricted area; designation 590

Proposed Rule Making
Control zone; alteration 620
Transition areas:
Alteration 621
Designation 620

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations
Frequency allocations; applicability of certain U.S. footnotes to table 604
Television broadcast stations; table of assignments; Nogales and Tucson, Ariz. 605
Uniform system of accounts; class lives and asset depreciation ranges for income tax purposes 605

Proposed Rule Making
FM broadcast stations; table of assignments; Brunswick, Md. 621

Notices
Common carrier services information; domestic public radio services applications accepted for filing 630
Standard broadcast application ready and available for processing 630
Hearings, etc.:
Fajardo Broadcasting Corp. and Carlos A. Lopez-Lay 628
Station KUTV, Salt Lake City, Utah 629

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations
Flood insurance program:
Areas eligible for sale of insurance 608
Identification of special hazard areas 609

FEDERAL POWER COMMISSION

Rules and Regulations
Uniform systems of accounts for natural gas companies and annual report form; full-cost accounting for exploration and development costs 601

(Continued on next page)

V 37-9 JAN 14 72 XUM

Notices

Mount Diablo Meridian, Calif.; order partially vacating withdrawal ---- 634

Hearings, etc.:

Arizona Public Service Co.---- 634
Arkansas Louisiana Gas Co.---- 635
Central Telephone & Utilities Corp ---- 635
Cleveland Electric Illuminating Co. et al---- 635
Eastern Shore Natural Gas Co.-- 636
Florida Power Corp---- 636
Humble Oil & Refining Co.---- 638
Town of Moulton, Iowa, et al-- 638
Warren Petroleum Corp. et al-- 638
Western Gas Corp---- 639

FEDERAL TRADE COMMISSION

Proposed Rule Making

Undelivered mail order merchandise and services; postponement of hearing and extension of time for submitting comments---- 622

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Medical shelf life items---- 614
Procurement by negotiation and procurement forms---- 610

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INTERIOR DEPARTMENT

See Oil and Gas Office.

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings---- 645
Fourth section application for relief ---- 645
Motor carrier temporary authority applications ---- 645

LABOR DEPARTMENT

See Employment Standards Administration; Wage and Hour Division.

OIL AND GAS OFFICE

Rules and Regulations

Oil Import Appeals Board; organizational change---- 601

PRICE COMMISSION

Rules and Regulations

Price stabilization:
Public utilities and public benefit corporations---- 652
Rate increase provisions relating to insurers; correction--- 587

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Amount of securities exempted--- 599
Annual and quarterly report forms (2 documents) ---- 600, 601
Definitions of terms "underwriter" and "brokers' transactions"---- 591
Offering and sale of securities in nonpublic offerings; applicability of anti-fraud provisions---- 600
Small offering exemption---- 590

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Customs Bureau.

VETERANS ADMINISTRATION

Rules and Regulations

Responsible prospective contractors ---- 613

WAGE AND HOUR DIVISION

Proposed Rule Making

Industry committees for various industries in Puerto Rico; conditions and minimum wages; hearings; correction---- 620

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

6 CFR

300 (2 documents)---- 587, 652

7 CFR

52---- 587
354---- 587
857---- 588
982---- 588

PROPOSED RULES:

51---- 616
981---- 617

9 CFR

82---- 589

14 CFR

73---- 590

PROPOSED RULES:

71 (3 documents)---- 620, 621

16 CFR

PROPOSED RULES:

435---- 622

17 CFR

230 (3 documents)---- 590, 591, 599
231---- 600
239 (3 documents)---- 590, 591, 599
241---- 600
249 (2 documents)---- 600, 601

18 CFR

201---- 601
204---- 601
205---- 601

24 CFR

1914---- 608
1915---- 609

29 CFR

PROPOSED RULES:

601---- 620
606---- 620
613---- 620
616---- 620
670---- 620
675---- 620
677---- 620
678---- 620
688---- 620
689---- 620
690---- 620
720---- 620
727---- 620

32A CFR

Ch. X---- 601

40 CFR

PROPOSED RULES:

2---- 621

41 CFR

1-3---- 610
1-16---- 610
8-1---- 613
101-43---- 614
101-44---- 614

47 CFR

2---- 604
31---- 605
33---- 605
73---- 605

PROPOSED RULES:

73---- 621

Rules and Regulations

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Rate Increase Provisions Relating to Insurers

Correction

In F.R. Doc. 72-440, appearing at page 426 of the issue for Tuesday, January 11, 1972, the section number in the third column of page 427 reading "§ 300.57" should read "§ 300.51".

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Green Beans and Canned Wax Beans [1]

DRAINED WEIGHT

Notice of a proposal to amend the U.S. Standards for Grades of Canned Green Beans and Canned Wax Beans (7 CFR 52.441-52.456) was published in the FEDERAL REGISTER of July 7, 1971 (36 F.R. 12745). Interested persons were allowed until September 6, 1971 in which to submit written comments concerning the proposed amendment.

These grade standards are issued under the authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

Statement of consideration leading to the amendment of the standards. The purpose of this amendment is to lower slightly—from 59.0 to 57.5 ounces—the recommended minimum drained weight for No. 10 cans of whole green or wax beans.

Studies indicate that the reduced drained weight would still reflect well-filled containers but which would be more consistently attainable under current good commercial practices. An improvement in the quality of the product is noted through a reduction in the number of broken bean pods that were observed when the cans were slightly over-filled in order to attain the former higher drained weight.

No objections were received concerning the amendment. One letter gives full support for the amendment as published in the FEDERAL REGISTER of July 7, 1971. Therefore, the amendment to the U.S. Standards for Grades of Canned Green Beans and Canned Wax Beans as proposed on July 7, 1971, is hereby adopted without change and is set forth below.

The amendment is as follows:

In Table I of this subpart, the first two left-hand columns only are revised to read as follows:

Container size or designation:	Whole Ounces
8 oz. tall	4.0
8 oz. glass	3.9
No. 1 (picnic)	5.6
No. 300	8.2
No. 300 glass	8.2
No. 1 tall	8.5
No. 303	8.5
No. 303 glass	9.0
No. 2	10.5
No. 2½	16.0
No. 2½ glass	15.8
No. 3 cylinder	26.6
No. 10	57.5

(Sec. 205, 60 Stat. 1090, as amended 7 U.S.C. 1624)

Effective date. The amendment to the U.S. Standards for Grades of Canned Green Beans and Canned Wax Beans (which is the seventh issue) contained in this subpart, shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: January 10, 1972.

G. R. GRANGE,
Acting Administrator,
Consumer and Marketing Service.

[FR Doc.72-599 Filed 1-13-72;8:50 am]

[1] Compliance with the provisions of the standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Chapter III—Animal and Plant Health Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The following amendments are made pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs by 7 CFR 354.1, as amended May 1, 1971, September 1, 1971, and December 24, 1971 (36 F.R. 8235, 17484, 24917) concerning overtime services relating to imports and exports. The administrative instructions appearing at 7 CFR 354.2, as amended January 19, 1971, April 7, 1971, and May 25, 1971 (36 F.R. 823, 6559, 9437) prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are hereby amended by adding to or deleting from the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Coos Bay, Oreg. (including North Bend, Oreg.).
Delete: Providence, R.I.
Delete: San Juan, P.R.
Add: Warwick, R.I.
Delete: Wilmington, Del.
Add: Wilmington, Del. (includes the Maine Terminal and Airport).

TWO HOURS

Add: San Juan, P.R.
Delete: Tecate, Calif.

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Chester, Pa. (served from Wilmington, Del.).
Add: Claymont, Del. (served from Wilmington, Del.).
Add: Marcus Hook, Pa. (served from Wilmington, Del.).

TWO HOURS

Add: Bucksport, Maine (served from Bangor, Maine).
Add: Delaware City, Del. (served from Wilmington, Del.).
Add: Providence, R.I. (served from Warwick, R.I.).
Add: Searsport, Maine (served from Bangor, Maine).
Add: Tecate, Calif. (served from San Diego, Calif.).

THREE HOURS

Add: Davisville NSD, R.I. (served from Warwick, R.I.).
Delete: Fall River, Mass. (served from Boston, Mass.).
Add: Fall River, Mass. (served from Warwick, R.I.).
Add: Melville, R.I. (served from Warwick, R.I.).
Add: Philadelphia, Pa. (served from Wilmington, Del.).
Add: Portsmouth, N.H. (served from Portland, Maine).
Add: Portsmouth, R.I. (served from Warwick, R.I.).
Add: Quonset Point, R.I. (served from Warwick, R.I.).
Add: Saunderstown, R.I. (served from Warwick, R.I.).
Add: Any undesignated Alaskan port served from Anchorage, Alaska.
Add: Any undesignated Connecticut, Massachusetts, or Rhode Island port served from Warwick, R.I.
Add: Any undesignated Oregon port served from Coos Bay, Oreg.

V 37 9 JAN 14 72 XUM

FOUR HOURS

Delete: New Bedford, Mass. (served from Boston, Mass.).
Add: New Bedford, Mass. (served from Warwick, R.I.).
Add: New London, Conn. (served from Warwick, R.I.).
Add: Newport, Oreg. (served from Coos Bay, Oreg.).
Add: Newport, R.I. (served from Warwick, R.I.).
Add: Plymouth, Mass. (served from Warwick, R.I.).
Add: Tiverton, R.I. (served from Warwick, R.I.).

FIVE HOURS

Add: Otis AFB, Mass. (served from Warwick, R.I.).
Add: Sandwich, Mass. (served from Warwick, R.I.).

SIX HOURS

Delete: Windsor Locks, Conn. (served from Boston, Mass.).
Add: Windsor Locks, Conn. (served from Warwick, R.I.).
Add: Woods Hole, Mass. (served from Warwick, R.I.).

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Service. It is to the benefit of the public that these amendments be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (1–14–72).

Done at Washington, D.C., this 11th day of January 1972.

D. R. SHEPHERD,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.72–558 Filed 1–13–72;8:46 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[S.D. 857.21]

PART 857—SUGARCANE; PUERTO RICO

Proportionate Shares for Farms—1972–73 Crop

The following regulation is issued pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended.

§ 857.21 Proportionate shares for the 1972–73 crop of sugarcane not required.

It is determined for the 1972–73 crop of sugarcane that, in the absence of proportionate shares, the production of sugar from such crop will not be greater than the quantity needed to enable the area to meet its quota for 1973, the calendar year during which the larger part of the sugar from such crop normally will be marketed, and to provide a normal carryover inventory. Consequently, proportionate shares will not be in effect in Puerto Rico for the 1972–73 crop of sugarcane.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 61 Stat. 929, 930, as amended, 7 U.S.C. 1131, 1132)

Statement of bases and considerations. Section 302 of the Sugar Act, as amended, provides, in part that the Secretary shall determine for each crop year whether the production of sugar from any crop of sugarcane will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

In accordance with this provision of the Act, an informal public hearing was held in Washington, D.C., on December 22, 1971. Interested persons were invited to submit views and recommendations concerning the possible establishment of proportionate shares for the 1972–73 crop of sugarcane.

The spokesman for the Association of Sugar Producers of Puerto Rico recommended that proportionate shares not be established for the 1972–73 crop. He stated that only 324,000 tons of sugar were produced in Puerto Rico in 1971, as compared to a marketing opportunity of 1,270,000 tons, and resulted in a declared deficit of 990,000 tons for the year. He said that prospects for the 1971–72 crop indicate that sugar production will again fall substantially short of marketing opportunities in calender year 1972; and that there is no necessity, therefore, to establish proportionate shares for the 1972–73 crop of Puerto Rican sugarcane. No other interested persons offered testimony.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Act.

Effective date: Date of publication in the FEDERAL REGISTER (1–14–72).

Signed at Washington, D.C., on January 10, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–596 Filed 1–13–72;8:50 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Order Amending the Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective date hereof all handling of filberts grown in Oregon and Washington shall be in conformity to, and in compliance with, the Order Regulating the Handling of Filberts Grown in Oregon and Washington, as amended (Order No. 982, as amended; 7 CFR Part 982) and as further amended by the "Order Amending the Order, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington" which was annexed to and made a part of the decision of the Secretary of Agriculture, issued December 2, 1971 (F.R. Doc. 71–17898; 36 F.R. 23304) with respect to proposed amendment of the marketing agreement, as amended, and order as amended, regulating the handling of such filberts. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 982.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said prior findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 14 F.R. 5964; 19 F.R. 1163; 24 F.R. 6185.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Portland, Oreg., on July 8, 1971, on a proposed amendment of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of filberts grown in Oregon and Washington in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of filberts in the area of production covered by the order, as amended and as hereby further amended, which require different terms applicable to different parts of such area; and

(5) All handling of filberts grown in Oregon and Washington is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is hereby further found, for the reasons hereinafter set forth, that good cause exists for making the provisions of this amendatory order effective on the date hereinafter specified rather than postponing the effective date thereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The amendatory order permits a handler to transfer any or all excess restricted credits (credits in excess of his restricted obligation) to another handler for crediting against his restricted obligation, subject to issuance of appropriate administrative rules. Handlers desire to utilize this provision because of a record 11,500-ton filbert crop. Some handlers have little or no export or shelling business (eligible restricted outlets) and could be forced to have their filberts custom shelled in order to meet their restricted obligation. By permitting handlers with excess dispositions in restricted outlets to transfer such credits to handlers who have not met their restricted obligation, these handlers could utilize the credits to fulfill their restricted obligation and could ship additional filberts to higher return in shell markets. No advance preparation by handlers will be necessary to comply with the amended order. Hence, to permit compliance with, and maximum benefit from, the new or revised provisions, it is necessary that the amendatory order become effective as hereinafter specified.

(d) *Determinations.* It is hereby determined that: (1) The "Marketing Agreement, as Amended, Regulating the Handling of Filberts Grown in Oregon and Washington," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping filberts covered by the said order, as amended and as hereby further amended) who during the period August 1, 1970, through July 31, 1971, handled not less than 50 percent of the volume of such filberts covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1970, through July 21, 1971 (which has been determined to be a representative period), have been engaged, within the States of Oregon and Washington, in the production for market of filberts, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is therefore ordered, That on and after the effective date hereof, all handling of filberts grown in Oregon and Washington shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§§ 982.45, 982.51 [Amended]

1. Sections 982.45(a) and 982.51 are amended by revising the parenthetical references therein "(as defined in the Oregon Grades and Standards for Walnuts and Filberts)" to read "(as defined in the Oregon Grade Standards Filberts In Shell)".

2. A new paragraph (d) is added to § 982.52 to read:

§ 982.52 Disposition of restricted filberts.

* * * * * * *

(d) *Restricted credits.* During any fiscal year, handlers who dispose of a quantity of certified merchantable filberts, in restricted outlets, in excess of their restricted obligation, may transfer such excess credits to another handler or handlers. Upon a handler's written request to the Board during a fiscal year, the Board shall transfer any or all of such excess restricted credits to such other handler or handlers as he may designate. The Board, with the approval of the Secretary, shall establish rules and regulations for the transfer of excess restricted credits.

§ 982.61 [Amended]

3. Section 982.61 is revised by adding the following sentences after the last sentence: "The Board shall impose a late payment charge on any handler who fails to pay his assessment within the time prescribed by the Board. In the event the handler thereafter fails to pay the amount outstanding, including the late payment charge, within the prescribed time, the Board shall impose an additional charge in the form of interest on such outstanding amount. The rate of such charges shall be prescribed by the Board, with the approval of the Secretary."

§ 982.69 [Amended]

4. Section 982.69 is revised by inserting in the first sentence in lieu of "the Board", the words "the Secretary, and the Board" and by inserting in the second sentence immediately prior to the words "the Board" the words "the Secretary or".

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated January 10, 1972, to become effective upon publication in the FEDERAL REGISTER (1–14–72).

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–556 Filed 1–13–72;8:46 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of The Commonwealth of Puerto Rico, after the reference to "New Mexico," and a new paragraph (a)(4) relating to The Commonwealth of Puerto Rico is added to read:

§ 82.3 Areas quarantined.

(a) * * *

(4) *Puerto Rico.* The entire Commonwealth.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines the entire Commonwealth of Puerto Rico because of the existence of exotic Newcastle disease. The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public

V37-9 JAN 14 72 XUM

interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-559 Filed 1-13-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-SO-135]

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area

On October 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 20895) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area in the vicinity of Macon, Miss.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

Section 73.44 (36 F.R. 2346) is amended by adding the following:

R-4404 Macon, Miss.

Boundaries: 1. Beginning at lat. 33°02'39" N., long. 88°42'37" W.; to lat. 33°04'30" N., long. 88°40'18" W.; to lat. 33°03'34" N., long. 88°39'08" W.; to lat. 33°01'43" N., long. 88° 41'23" W.; to point of beginning.

2. A circle with a 5-nautical-mile radius centered at lat. 33°03'11" N., long. 88°40'-41" W.

Designated altitudes: Surface to 11,500 feet MSL, within the area described in Item 1; from 1,200 feet above the surface to 11,500 feet MSL, within the area described in Item 2.

Time of designation: Sunrise to Sunset, Monday through Saturday.

Controlling agency: Federal Aviation Administration Memphis ARTC Center.

Using agency: Commander, Training Wing 1 NAS Meridian, Miss.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 7, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-535 Filed 1-13-72;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-5224]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER SECURITIES ACT OF 1933

Small Offering Exemption

The Securities and Exchange Commission has adopted a new rule, designated Rule 237 (17 CFR 230.237) under section 3(b) of the Securities Act of 1933. That section authorizes the Commission to exempt from the registration provisions of the Act limited amounts of securities where the Commission finds such registration is not necessary in the public interest and for the protection of investors by reason of the small amount involved or the limited character of the public offering. The proposed rule is being adopted in connection with Rule 144 (17 CFR 230.144) and certain other related proposals.

Rule 237 exempts from registration outstanding securities held by persons, other than the issuer, control persons or brokers or dealers, if the following conditions are met:

The issuer is a domestic issuer and has been actively engaged in business as a going concern for at least 5 years;

The securities have been beneficially owned and paid for by the seller for at least 5 years and are bona fide sold in negotiated transactions otherwise than through a broker or dealer.

The amount of securities of the issuer, its predecessors, and all of its affiliates which can be sold during any period of one year cannot exceed the lesser of the gross proceeds from the sale of 1 percent of the securities of the class outstanding or $50,000 in aggregate gross proceeds. If during such year the person selling the securities has sold securities under any other exemption under section 3(b) of the Act or under Rule 144 the amount sold must be deducted from the amount sold under Rule 237. In computing such amounts sales by certain family members and related interests must be taken into consideration.

Any person intending to sell securities under Rule 237 is required to file a notice, on a form prescribed therefor, with the appropriate Regional Office of the Commission 10 business days before the sale. A copy of the notice would have to be sent or given to the issuer at the same time.

The purpose of the rule is to provide a means whereby persons who have held securities for 5 years or more may dispose of them otherwise than in the trading market without requiring the purchasers to take them under the limitations of a private placement. While the rule provides an exemption from registration under the Act, it does not provide an exemption from the antifraud provisions of the securities acts.

The following are the principal changes which have been made in the provisions of the rule as published for comment in Securities Act Release No. 5187 (36 F.R. 18592):

Manner of sale. Paragraph (a)(4) of the rule requires that the securities be bona fide sold in negotiated transactions otherwise than through a broker or dealer. This was implicit in this provision, but it was deemed preferable to expressly so state.

Amount of securities exempted. Paragraph (b) of the rule places certain quantity limitations on the number of shares or other securities of the issuer, its predecessors, and all of its affiliates which may be sold under the rule during any one-year period. The language covering predecessors and affiliates of the issuer is similar to that used in Regulation A (17 CFR 230.151-230.163) and was added to the proposed rule in order to prevent possible evasions of the rule.

Notice provisions. Item 9 of the notice requires a statement of the approximate total number of shares or other units (or if debt securities, the aggregate face amount) of the class, of which the securities to be sold are a part, outstanding as shown by a recent published report of the issuer or by a letter from the issuer setting forth the number outstanding as of a recent date. Compliance with the provision in the proposed rule that such information be stated as of a specified date within 10 days prior to the date of filing of the notice would have been difficult, particularly for persons desiring to sell securities of issuers which have not published such information.

Definition of terms. The definition of person has been changed to conform with that used in Rule 144.

Commission action:

I. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding thereunder a new § 230.237 reading as follows:

§ 230.237 Exemption of certain securities owned for five years.

(a) *Securities exempted.* Subject to the terms and conditions of this section, securities sold by any person, other than the issuer of the securities, an affiliate of such issuer or a broker or dealer, shall be exempt from registration under the Act, provided all of the following conditions are met:

(1) The issuer is incorporated or organized under the laws of the United States or any State or Territory or the District of Columbia and has its principal business operations in the United States.

(2) The issuer has been actively engaged in business as a going concern during a period of at least the last 5 years.

(3) The securities sold have been beneficially owned by the person for a period of at least 5 years prior to the sale and, if the securities were purchased, the full purchase price or other consideration shall have been paid or given at least 5 years prior to the sale. Giving the person from whom the securities were purchased a promissory note or other obligation to pay the purchase price shall not be deemed to be payment of the purchase price until the note or other obligation has been discharged by payment in full.

(4) The securities are bona fide sold in negotiated transactions otherwise than through a broker or dealer.

(b) *Amount of securities exempted.* The number of shares or other securities of the issuer, its predecessors, and all of its affiliates, sold under this section by any person during any period of 1 year shall not exceed the lesser of the gross proceeds from the sale of 1 percent of the securities of the class outstanding or $50,000 in aggregate gross proceeds. Such amounts shall be reduced by the amount of any securities sold during such year pursuant to any other exemption under section 3(b) of the Act and the amount of securities of the same class sold in reliance upon § 230.144.

(c) *Filing of notice.* At least 10 days (Saturdays, Sundays, and holidays excluded) prior to the sale of the securities there shall be filed with the Regional Office of the Commission for the region in which the issuer's principal business operations are conducted three copies of a notice on Form 237 (§ 239.145 of this chapter) which shall be signed by the selling security holder. A copy of such notice shall also be sent or given, at the same time, to the issuer of the securities.

(d) *Definition of terms.* The definitions contained in the Act and in § 230.405 shall apply to the terms in this section. The following definition shall also apply:

Person. The term "person" when used with reference to a person who sells securities in reliance upon the exemption provided by this section includes, in addition to such person, all of the following persons:

(1) Any relative or spouse of such person, or any relative of such spouse, anyone of whom has the same home as such person;

(2) Any trust or estate in which such person or any of the persons specified in (1) collectively own 10 percent or more of the total beneficial interest or of which any of such persons serve as trustee, executor or in any similar capacity; and

(3) Any corporation or other organization (other than the issuer) in which such person or any of the persons specified in (1) are the beneficial owners collectively of 10 percent or more of any class of equity securities or 10 percent or more of the equity interest.

II. Part 239 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding thereunder a new § 239.145 reading as follows:

§ 239.145 Form 237, for notice of proposed sale of securities pursuant to § 230.237 of this chapter.

(a) Three copies of this form shall be completed and filed with the regional office of the Commission for the region in which the issuer of the securities in question has its principal business operations, by each person desiring to make an offering of restricted securities in reliance upon § 230.237 of this chapter: *Provided,* That such person is not in a control relationship with the issuer of such securities as defined in § 230.405(f) of this chapter. Such filing shall be made at least 10 days (Saturdays, Sundays, and holidays excluded) prior to the sale of such securities.

(b) A copy of the notice on Form 237[1] shall also be sent or given by such person to the issuer of the securities in question at the same time that it is so filed.

The foregoing action, which was taken pursuant to the Securities Act of 1933, particularly sections 3(b) and 19(a) thereof, shall become effective April 15, 1972.

(Secs. 3(b), 19(a), 48 Stat. 75, 85; secs. 202, 209, 48 Stat. 906, 908; sec. 214, 49 Stat. 557; sec. 15, 52 Stat. 1240; 59 Stat. 167; 84 Stat. 1480; 15 U.S.C. 77c(b), 77s(a))

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JANUARY 10, 1972.

[FR Doc.72-563 Filed 1-13-72;8:46 am]

[Release No. 33-5223]

PART 230—GENERAL RULES AND REGULATIONS SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Definition of Terms "Underwriter" and "Brokers' Transactions"

The Securities and Exchange Commission today announced the adoption of Rule 144 (17 CFR 230.144) under the Securities Act of 1933 (the Act). The new rule relates to the application of the registration provisions of the Act to the resale of securities acquired directly or indirectly from issuers or from affiliates of such issuers in transactions not involving any public offerings (restricted securities) and securities held by affiliates. The rule is designed to implement the purposes and policies underlying the Act and is based on the Commission's further reexamination of its interpretations in this area and on the comments received on previous proposals, the "160 Series" rules (Securities Act Release No. 4997; 34 F.R. 14228) and Rule 144 (Securities Act Releases Nos. 5087 and 5186; 35 F.R. 15447 and 36 F.R. 18585). This notice contains a general discussion of the background, purpose and general effect of the rule to assist in a better understanding of it. A brief analysis of each section of the rule is also included. However, attention is directed to the rule itself for a more complete understanding of its provisions. Further, the rule has been adopted in the contest of and in conjunction with several rules and amendments to rules and forms which the Commission has adopted or rescinded including:

1. Form 144 (17 CFR 239.144), Notice of Proposed Sale of Securities Pursuant to Rule 144;

2. Amendments to Forms 10-K (17 CFR 249.310) and 10-Q (17 CFR 249.-308a) under the Securities Exchange Act of 1934 (Exchange Act) (Exchange Act Releases Nos. 9442 and 9443; 37 F.R. 600, 601);

3. Amendments to Regulation A (17 CFR 230.251-230.263) under section 3(b) of the Act (Securities Act Release No. 5225; 37 F.R. 599);

4. Rule 15c2-11 (17 CFR 240.15c2-11) under the Exchange Act (Exchange Act Release No. 9310; 36 F.R. 18641);

5. Rescission of Rule 155 (17 CFR 230.-155) under the Act;

6. Rescission of Rule 154 (17 CFR 230.-154) under the Act;

7. Publication of a release relating to the applicability of the antifraud provisions of the securities acts to certain practices in connection with transactions by issuers and others not involving any public offering (Securities Act Release No. 5226 and Exchange Act Release No. 9444 (37 F.R. 600); and

8. Rule 237 (17 CFR 230.237)—under section 3(b) of the Act (Securities Act Release No. 522 (37 F.R. 590).

The Commission is hereby specifically withdrawing its previously proposed "160 Series" of rules (Securities Act Release No. 4997 (35 F.R. 15447)).

Rule 144 will become effective on and after April 15, 1972.

In brief, the rule provides that any affiliate or other person who sells restricted securities of an issuer for his own account, or any person who sells restricted or any other securities for the account of an affiliate of the issuer, is not deemed to be engaged in a distribution of the securities, and therefore is not an underwriter as defined in section 2(11) of the Act, if the securities are sold in accordance with all the terms and conditions of the rule. The rule requires, among other things, that the restricted securities must have been beneficially owned for a period of at least 2 years by the person for whose account they are sold; that the amount sold shall not exceed 1 percent of the class outstanding, or if traded on an exchange, the lesser of that amount or the average weekly volume on all such exchanges during the 4 weeks preceding the sale; and that the securities must be sold in brokers' transactions. In addition, there must be adequate information available to the public in regard to the issuer of the securities and notice of the sale (Form 144) must be filed with the Commission concurrently with the sale.

A number of persons have commented that it is not clear whether the rule, as proposed, was intended to be the exclusive means for selling restricted securities without registration under the Securities

[1] Copies of Form 237 have been filed as part of this document with the Office of Federal Register and will be available upon request at Securities and Exchange Commission, Washington, D.C. 20549.

V37-9 JAN 14 72 XUM

Act. In this connection, certain commentators asserted that the Commission does not have the statutory authority to adopt such an exclusive rule while others stated that the Commisdon had such power and urged it to adopt an exclusive rule. The Commission does not believe it is necessary to reach these questions relating to its statutory authority at this time, since the rule as adopted is not exclusive. However, persons who offer or sell restricted securities without complying with Rule 144 are hereby put on notice by the Commission that in view of the broad remedial purposes of the Act and of public policy which strongly supports registration, they will have a substantial burden of proof in establishing that an exemption from registration is available for such offers or sales and that such persons and the brokers and other persons who participate in the transactions do so at their risk.

Moreover, with respect to restricted securities acquired after the effective date of the rule, the staff will not issue "no-action" letters relating to resales of such securities. Further, in connection with such resales, the Commission hereby puts all persons including brokers and attorneys on notice that the "change in circumstances" concept should no longer be considered as one of the factors in determining whether a person is an underwriter. The Commission recognizes that this concept has been in existence in one form or another for a long period of time. However, administrative agencies as well as courts from time to time change their interpretation of statutory provisions in the light of new considerations and changing conditions which indicate that earlier interpretations of such provisions are no longer in keeping with the statutory objectives. Thus, the "change in circumstances" concept in the Commission's opinion fails to meet the objectives of the Act, since the circumstances of the seller are unrelated to the need of investors for the protections afforded by the registration and other provisions of the Act.

Further, with respect to restricted securities acquired after the effective date of the rule but not sold pursuant to the provisions of the rule, the Commission hereby gives notice that in deciding whether a person is an underwriter, the length of time the securities have been held will be considered but the fact that securities have been held for a particular period of time does not by itself establish the availability of an exemption from registration.

In order to assist in a better understanding of this rule, the release contains a general discussion of its background, purpose and general effect.

Background and Purpose

Congress, in enacting the Federal securities statutes, created a continuous disclosure system designed to protect investors and to assure the maintenance of fair and honest securities markets. The Commission in administering and implementing the objectives of these statutes has sought to coordinate and integrate this disclosure system, and the rule and other related rules and amendments are a further effort in this direction.

Rule 144 is designed to implement the fundamental purposes of the Act as expressed in its preamble:

"To provide full and fair disclosure of the character of the securities sold in interstate commerce and through the mails, and to prevent fraud in the sale thereof * * *"

The rule would also operate to inhibit the creation of public markets in securities of issuers concerning which adequate current information is not available to the public. At the same time, where adequate current information concerning an issuer is available to the public, the rule would permit the public sale in ordinary trading transactions of limited quantities of securities owned by persons controlling, controlled by or under common control with the issuer (hereinafter "affiliate") and by persons who have acquired restricted securities of the issuer.

This approach is consistent with the philosophy underlying the Act, that a disclosure law would provide the best protection for investors. In other words, if the investor had available to him all the material facts concerning a security, he would then be in a position to make an informed judgment whether or not to buy. In order to provide such information to investors, Congress determined that a distribution of securities requires the filing of a registration statement with the Commission and the delivery to investors of a prospectus containing accurate and current information concerning the issuer and its securities.

Exemptions from the registration requirements were provided for certain types of securities and securities transactions where there was no practical need for registration or where the benefits of registration were too remote.[1]

Among these exemptions is that provided by section 4(2) of the Act for transactions by an issuer not involving any public offering (private placements). This exemption was originally intended to permit an issuer to make a specific or isolated sale of its securities to a particular person,[2] such as an insurance company. The exemption is available for offerings to persons having access to substantially the same information concerning the issuer which registration would provide and who are able to fend for themselves.[3]

Resales of securities acquired in private placements are frequently made under claims of an exemption pursuant to section 4(1) of the Act, that is, a transaction by a person other than an issuer, underwriter, or dealer. This section was intended to exempt only trading transactions between individual investors with respect to securities already issued and not to exempt distributions by issuers or acts of other individuals who engage in steps necessary to such distributions.[4]

Generally, the majority of questions arising under this section have dealt with whether the seller is an "underwriter." The term underwriter is broadly defined in section 2(11) of the Act to mean any person who has purchased from an issuer with a view to, or offers or sells for an issuer in connection with, the distribution of any security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking. The interpretation of this definition has traditionally focused on the words "with a view to" in the phrase "purchased from an issuer with a view to * * * distribution." Thus, an investment banking firm which arranges with an issuer for the public sale of its securities is clearly an "underwriter" under that section. Not so well understood is the fact that individual investors who are not professionals in the securities business may be "underwriters" within the meaning of that term as used in the Act if they act as links in a chain of transactions through which securities move from an issuer to the public. It is difficult to ascertain the mental state of the purchaser at the time of his acquisition, and the staff has looked to subsequent acts and circumstances to determine whether such person took with a view to distribution at the time of his acquisition. Emphasis has been placed on factors such as the length of time the person has held the securities (holding period) and whether there has been an unforeseeable change in circumstances of the holder. Experience has shown, however, that reliance upon such factors as the above has not assured adequate protection of investors through the maintenance of informed trading markets and has led to uncertainty in the application of the registration provisions of the Act.

Moreover, the Commission hereby emphasizes and draws attention to the fact that the statutory language of section 2(11) is in the disjunctive. Thus, it is insufficient to conclude that a person is not an underwriter solely because he did not purchase securities from an issuer with a view to their distribution. It must also be established that the person is not offering or selling for an issuer in connection with the distribution of the securities and that the person does not participate or have a participation in any such undertaking, and does not participate or have a participation in the underwriting of any such undertaking.

Rule 144, together with the other related rules and amendments, is designed to provide full and fair disclosure of the character of securities sold in trading transactions and to create greater certainty and predictability in the application of the registration provisions of the Act by replacing subjective standards with more objective ones.

Explanation and analysis of the rule. In view of the legislative history, statutory language and judicial interpretations of sections 2(11), 4(1), and 4(2) of the Act, and in light of the many helpful suggestions and comments received on the proposed "160 Series" of rules and thereafter on proposed Rule 144, the Commission is of the view that "distribution" is the significant concept in interpreting the statutory term "underwriter." In determining when a person is deemed not to be engaged in a distribution several factors must be considered.

First, the purpose and underlying policy of the Act to protect investors requires, in the Commission's opinion, that there be adequate current information concerning the issuer, whether the resales of securities by persons result in a distribution or are effected in trading transactions. Accordingly, the availability of the rule is conditioned on the existence of adequate current public information.

Secondly, a holding period prior to resale is essential, among other reasons, to assure that those persons who buy under a claim of a section 4(2) exemption have assumed the economic risks of investment, and therefore, are not acting as conduits for sale to the public of unregistered securities, directly or indirectly, on behalf of an issuer. It should be noted that there is nothing in section 2(11) which places a time limit on a person's status as an underwriter. The public has the same need for protection afforded by registration whether the securities are distributed shortly after their purchase or after a considerable length of time.[5]

A third factor, which must be considered in determining what is deemed not to constitute a "distribution," is the impact of the particular transaction or transactions on the trading markets. It is consistent with the rationale of the Act that section 4(1) be interpreted to permit only routine trading transactions as distinguished from distributions. Therefore, a person reselling securities under section 4(1) of the Act must sell the securities in such limited quantities and in such a manner so as not to disrupt the trading markets. The larger the amount of securities involved, the more likely it is that such resales may involve methods of offering and amounts of compensation usually associated with a distribution rather than routine trading transactions. Thus, solicitation of buy orders or the payment of extra compensation are not permitted by the rule.

In summary, if the sale in question is made in accordance with all the provisions of the rule, as outlined below, any person who sells restricted securities shall be deemed not to be engaged in a distribution of such securities and therefore not an underwriter thereof. The rule also provides that any person who sells restricted or other securities on behalf of a person in a control relationship with the issuer shall be deemed not to be engaged in a distribution of such securities and therefore not to be an underwriter thereof, if the sale is made in accordance with all the conditions of the rule.

Synopsis of the Rule

Preliminary note. A preliminary note has been added to the rule in order to provide a convenient reference to assist in understanding and interpreting its provisions.

Definitions. The term "restricted security" is defined to mean securities acquired directly or indirectly from an issuer, or from a person in a control relationship with such an issuer (an affiliate) in a transaction or chain of transactions not involving any public offering.

The definition of the term "person" has been revised in light of comments received on the proposed rule. Broadly speaking, the term "person" is defined to include certain relatives of the seller, certain trusts and estates in which the seller and such relatives collectively own 10 percent or more of the beneficial interest and corporations or other organizations in which the foregoing, collectively, are the beneficial owners of 10 percent or more of any class of the equity securities or 10 percent or more of the equity interest. The specific definition in the rule should be borne in mind in construing the various provisions of the rule and in preparing the required notice on Form 144.

Availability of public information. The rule provides that there shall be available adequate current public information with respect to the issuer of the securities. This provision is deemed satisfied if an issuer has been subject to the reporting requirements of section 13 or 15(d) of the Exchange Act for a period of at least 90 days immediately preceding the sale of the securities and has filed all reports required by that Act and the rules and regulations thereunder and in addition has filed the most recent annual report required to be filed thereunder.

Under concurrently adopted amendments to Forms 10–K (17 CFR 249.308a) and 10–Q (17 CFR 249.310), issuers are required to state in their annual and quarterly reports whether they have filed all the reports required by section 13 or 15(d) of the Exchange Act during the 90-day period preceding the date of the report and in addition have filed the most recent annual report required to be filed. In light of comments received, the rule has been revised to provide that the person proposing to sell securities or the broker through whom they are to be sold shall be entitled to rely upon the issuer's statement in the latest such report that all required reports have been filed or upon a written statement from the issuer that all such reports have been filed, unless he knows or has reason to believe that the issuer has not complied with such requirements.

The Commission recognizes that small companies may experience difficulty in complying with the registration requirements of the Exchange Act, particularly in furnishing audited financial statements for 3 fiscal years as required by Form 10 (17 CFR 249.210). The Commission, however, believes that it would be in the interest of protection of investors for such issuers to be reporting companies under the Exchange Act, and therefore, encourages such issuers to register securities voluntarily, if they are in a position to otherwise comply and continue to comply with the provisions of the Exchange Act. In this regard, Rule 12b–21 (17 CFR 240.12b–21) and Instruction 15 of Instructions to Financial Statements in Form 10 under the Exchange Act permit omission of certain information subject to specified conditions.

In case of companies which are not subject to the reporting requirements of section 13 or 15(d) of the Exchange Act, the information requirement is deemed to be met if there is publicly available with respect to the issuer, the information required by clauses (1) to (14), inclusive, and clause (16) of paragraph (a)(4) of Rule 15c2–11 (17 CFR 240.15c2–11) under the Exchange Act. (Release No. 9310). This infromation includes among other things, the exact name of the issuer, the address of its principal executive offices, the exact title and class of the security, the number of shares or total amount of the security outstanding, the nature and extent of the issuer's facilities and the product or service offered, and financial information concerning the issuer including its most recent balance sheet and profit and loss statement, which shall be reasonably current. In addition, the rule, as adopted, has been revised to provide that in the case of insurance companies which are not subject to the reporting requirements of section 13 or 15(d), the information requirement is deemed to be met if the reports required are filed with the

[1] H. Rep. No. 85, 73d Cong. first sess. (1933) p. 5.

[2] Id. at 15–16.

[3] "SEC v. Ralston Purina Co.," 346 U.S. 119 (1953).

[4] "Securities and Exchange Commission v. Chinese Consol. Benev. Ass'n.," 120 F. 2d 738 (2d Cir. 1941), certiorari denied, 314 U.S. 618.

[5] The Commission is aware that certain commentators have asserted that the absence of a cutoff period would constitute an unreasonable restraint on the alienation of personal property. Generally speaking, the Commission does not concur in this view. As mentioned below, the rule would operate prospectively and permits limited resales of securities in trading transactions consistent with the purposes of the Act. Such limitation is reasonable since the holder of unregistered securities may resell his securities to persons who have access to adequate and current information concerning the issuer, and who do not need the protection of registration or he may contract for registration or for filing under Regulation A for subsequent resales, if he desires to distribute his restricted securities. In addition, as discussed below, the Commission has adopted Rule 237 (17 CFR 230.237) under section 3(b) of the Act which permits noncontrolling persons who have owned for 5 years or more securities of an issuer, which is actively engaged in business as a going concern, to make offerings of such securities in amounts not exceeding the lesser of the gross proceeds from the sale of 1 percent of the securities of the class outstanding or $50,000 in aggregate gross proceeds during any 12-month period by filing a simple notification with the appropriate regional office of the Commission, provided the securities are sold in negotiated rather than trading transactions.

V 37 I 9 JAN 14 72 XUM

regulatory authority of the company's state of domicile.

Holding period. Securities sold in reliance upon the rule must have been beneficially owned and fully paid for by the seller for a holding period of at least 2 years prior to his sales as specified below. This condition is designed to assure that the registration provisions of the Act are not circumvented by persons acting, directly or indirectly, as conduits for an issuer in connection with resales of restricted securities. In order to accomplish this, the rule provides that such persons be subject to the full economic risks of investment during the holding period. Accordingly, the rule provides that giving the person from whom the securities were purchased promissory notes or other obligations to pay the purchase price, or entering into an installment purchase contract with such person, will not constitute payment of the purchase price unless certain conditions are met. These conditions are that the promissory note, obligation or contract must provide for full recourse against the purchaser of the securities, must be adequately secured by collateral other than the securities purchased and must have been discharged by payment in full prior to the sale of the securities.

There have been various holding periods provided for in proposed rules and applied over the years by administrative interpretations. After reexamination and reconsideration, the Commission believes, in keeping with the purposes of the Act in preventing the distribution of unregistered securities to the public, that the holding period should be 2 years in the context of the other provisions of the rule. The definitive holding period provided in the rule may be relied on only in connection with sales made pursuant to the rule.

For the purpose of the rule, the doctrine of "fungibility" will not apply. That is, the acquisition during the 2-year period of other securities of the same issuer, whether restricted or nonrestricted, will not start the holding period running anew. However, a new provision has been added to the rule dealing with short sales, puts or other options to sell securities. The provision requires that if the securities sold are equity securities there shall be excluded in determining the holding period any period during which the seller had a short position in, or any put or other option to dispose of, any securities of the same class or any securities convertible into securities of such class. If the securities sold are nonconvertible debt securities, there must be excluded any period during which the seller had a short position in, or any put or other option to dispose of, any nonconvertible debt securities of the same issuer.

Certain securities acquired in connection with, or as a result of, ownership or acquisition of other securities, are deemed to have been acquired when such other securities were acquired. These include stock dividends (including stock dividends on securities initially acquired as stock dividends), stock splits, stock acquired in recapitalizations, conversions or contingent issuances of securities. The rule, as adopted, includes provision for contingent issuance of securities in a stock for stock transaction as well as in the stock for assets transaction provided for in the rule as proposed. In view of the fact that the rule covers resales of restricted convertible securities and the restricted securities issued on their conversion, Rule 155 (17 CFR 230.155) pertaining to convertible securities has been rescinded except with respect to securities acquired prior to the effective date of the rule and not sold in accordance with all the provisions of the rule.

Tacking of holding periods will be permitted for bona fide pledgees, donees, and trusts since it is considered that such persons when they sell the securities stand in the place of their respective pledgors, donors, or settlors. In the case of an estate which is an affiliate, tacking of the holding period will be permitted; but as set forth below, there would be a limitation on the amount resold. In the event the estate is not an affiliate, there will be no holding period requirement and no limitation on the amount, but provisions of the rule relating to current public information, manner of sale, notice of sale and bona fide intention to sell shall apply.

A purchaser in a private placement or series of private placements would not be permitted to tack the holding period of the prior owner. In addition, there would be limitations on the amount of restricted securities resold as indicated below.

Limitation on amount of securities sold. If the securities are traded on a registered national securities exchange, the amount which may be sold in any 6-month period shall not exceed the lesser of 1 percent of the amount of the class outstanding as shown in the most recent report or statement published by the issuer, or the average weekly reported volume of trading on all such exchanges over the 4-week period prior to the date of the required notice of sale described below. The average weekly reported volume standard has been selected for purposes of computing the amount rather than the largest aggregate reported volume during any week within the 4 calendar weeks preceding the receipt of the order which is the standard in Rule 154. This standard was selected because the Commission believes that the increase in reported "block" trades may result in substantial fluctuations in reported volume in any 1 week of a 4-week period. Accordingly, one week's trading volume would not necessarily provide a meaningful indication of regular trading volume. If the securities are not traded on an exchange, the amount which may be sold in any 6-month period shall not exceed 1 percent of the amount of the class outstanding as shown in the most recent report or statement published by the issuer. In computing the limitation on the amount, the securities sold in private placements or covered by a registration statement under the Act or pursuant to an exemption under Regulation A under the Act are not included. However, any sales pursuant to Rule 237, discussed below, would be aggregated.

In light of the comments received on the provisions of the rule, as proposed, relating to aggregation of the sales of restricted securities by various persons, the aggregation provisions of the rule, as adopted, have been revised. The rule provides that, if a holder of restricted securities sells such securities in a private placement, the purchaser's resales can only be made following a new 2-year holding period and need not be aggregated with any amount of securities sold by the seller after that period. However, resales of restricted securities by all persons agreeing to act in concert shall be aggregated. Amounts sold by a donee or trust, during any period of 6 months within 2 years after the acquisition of the securities by the donee or trust, shall be aggregated with those sold by the donor or settlor. Amounts of securities sold for the account of a pledgee or purchaser of pledged securities during any period of 6 months within 2 years after a default in the obligation secured by the pledge, shall be aggregated with the amount of securities sold by the pledgor. Since the donee, trust and pledgee stands in the "shoes" of the donor, settlor, and pledgor, the former persons are subject to the latter persons' limitations under the rule. The purpose of limited aggregation is consistent with the objectives of the Act, for otherwise a distribution or redistribution may be effectuated by such means as gifts, pledges, and trusts.

In computing the amount of securities an affiliate may sell pursuant to the rule, sales of nonrestricted securities would be aggregated with sales of restricted securities. Further, resales of securities by affiliates who agree to act in concert with respect to such securities shall be aggregated.

Should reliable volume figures become publicly available through the automated quotation service of NASD, Inc. (NASDAQ), the Commission will consider amending the rule relating to over-the-counter companies to base the amount of securities which may be sold on such volume, as in the case of securities listed on exchanges.

The rule permits sales within successive 6-month periods, but no accumulation would be permitted. For example, the holder of restricted securities of an over-the-counter company may sell up to one percent in every successive 6 months, subject to the aggregation provisions where applicable, but he cannot skip 6 months and then sell an accumulated 2 percent in the following 6 months.

Manner of sale. The rule provides that the securities shall be sold in brokers' transactions within the meaning of section 4(4) of the Act, and that the person selling the securities shall not solicit or arrange for the solicitation of buy orders or make any payment in connection with the sale other than to the broker who executes the sell order.

Brokers' transactions are defined in the rule to include transactions in which a broker does no more than execute a sell order as agent and receives no more than the usual and customary commission. The broker may not solicit buy orders, but he may inquire of other brokers or dealers who have indicated an interest in the securities within the preceding 60 days.[6]

In addition, the rule provides that the broker shall make a reasonable inquiry to ascertain whether the seller is engaged in a distribution. Reasonable inquiry should include, among other matters, inquiry as to the length of time the seller has held the securities; the amount of securities the seller and "chargeable" person have sold in the past six months; whether he intends to sell securities of the same class through any other means; the number of shares of the class outstanding or the relevant trading volume; and whether the seller has solicited or made any arrangement for the solicitation of buy orders, or has made any payment to any other person in connection with the proposed transaction.

Because Rule 144 covers "brokers' transactions" in section 4(4) of the Act, Rule 154 (17 CFR 230.154) has been rescinded.

Notice of offering. The rule requires that a person desiring to sell securities in reliance upon the rule must file with the Commission a notice to that effect. The notice must be transmitted to the Commission concurrently with the placing with a broker of an order for the sale of the securities. A form of notice is attached. If all of the securities mentioned in the notice are not sold within 90 days after the filing of the notice, an amended notice must be transmitted to the Commission concurrently with the commencement of any further sales of the securities. The notice will be a public document. A notice is not required to be filed with respect to transactions during any period of 6 months involving not more than 500 shares or other units or $10,000 whichever is less.

Bona fide intention to sell. In order to avoid persons filing any notice of offering "for the shelf," the rule provides that a person shall have a bona fide intention to sell the securities within a reasonable time after the filing of the notice.

Operation of the Rule

The rule will apply on a prospective basis to transactions in restricted securities acquired after the effective date of the rule. With respect to restricted securities acquired by a noncontrolling person prior to the effective date of the rule, such persons would have the choice of complying with the new rule or the administrative interpretations in effect at the time of his resale. Brokers who act as agents for controlling persons in connection with the sale of restricted and other securities acquired prior to the effective date of the rule, will be required to comply with the provisions of the new rule in order for their transactions to be exempt from registration pursuant to section 4(4) of the Act. The provisions of the rule would be strictly construed and persons selling pursuant to the rule would have the burden of proving its availability.

The staff will not issue no-action letters with respect to resales of securities acquired after the effective date of the rule, but would issue interpretative letters to assist persons in complying with the new rule. In connection with securities acquired prior to the adoption of the rule, the staff would continue to issue no-action letters. In this regard, Release No. 5186 proposing Rule 144 stated that the staff would no longer give weight to the "change in circumstances" concept in issuing "no-action" letters. This has been reconsidered and it has been determined that solely with respect to securities acquired prior to the adoption of the rule, the staff will continue to consider "changes in circumstances" in issuing "no-action" letters for to do otherwise at this time appears unfair due to the retroactive effect. As to the application of the "change in circumstances" concept to resales of restricted securities acquired subsequent to the effective date of this rule, attention is drawn to the Commission's position previously stated on page 3 of this release.

In view of the objectives and policies underlying the Act, the rule shall not be available to any individual or entity with respect to any transaction which, although in technical compliance with the provisions of the rule, is part of a plan by such individual or entity to distribute or redistribute securities to the public. In such case, registration is required.

While Rule 144 relates to transactions exempted by sections 4(1) and 4(4) of the Act from the registration provisions of section 5, it would not provide an exemption from the antifraud provisions of the securities laws or the civil liabilities provisions of section 12(2) of the Act or other provisions of the securities laws.

It should be recognized that the rule is in the nature of an experiment and the Commission will observe its operation to determine whether it is consistent with the objectives of the Act. If experience with the rule indicates that it is not operating for the protection of investors, it will be rescinded or appropriately amended.

Related Rules and Other Amendments

Rule 237. The Commission recognized that noncontrolling persons owning restricted securities of issuers which do not satisfy all of the conditions of Rule 144 might have difficulty in selling those securities due to circumstances beyond their control. Accordingly, in order to avoid unduly restricting the liquidity of such investments, the Commission has adopted Rule 237 under section 3(b) of the Act. Under that rule any person satisfying the conditions of the rule will be permitted to sell an amount of securities not exceeding the lesser of the gross proceeds from the sale of 1 percent of the securities of the class outstanding or $50,000 during any 12-month period, reduced by the amount of any other sales pursuant to an exemption under section 3(b) of the Act or Rule 144 during the period. Those conditions are:

1. The person[7] is not an issuer, an affiliate of the issuer or a broker or dealer;
2. The person has owned and fully paid for the securities for 5 or more years;
3. The issuer is a domestic organization which has been actively engaged in business as a going concern for at least the last 5 years;
4. The securities are sold in negotiated transactions otherwise than through a broker or dealer; and
5. The person files the required notice with the appropriate regional office of the Commission at least 10 days before the sale, indicating, among other things, his name, the name of the issuer, the amount of securities to be sold and the amount sold within the past 12 months.

Regulation A. The Commission has adopted amendments to Regulation A so that an offering not to exceed $100,000 can be made by noncontrolling persons, or an aggregate of $300,000 by all such persons, during any one year without offsetting such amounts against the amount available to the issuer under a Regulation A offering. This broadening of the availability of Regulation A will provide a means by which noncontrolling investors in small businesses may resell their restricted securities.

Amendments to Form 10–K and Form 10–Q. As mentioned previously, the Commission has adopted amendments to Forms 10–K and 10–Q to require a statement by the registrant that all filings required to be made have been made during the preceding 90 days and in addition that the registrant has filed the most recent annual report required to be filed.

The Commission has adopted further amendments to these forms requiring certain information relating to the issuance of unregistered securities in reliance upon an exemption from registration under the Act.

Applicability of the antifraud provisions to sales of restricted securities. Although private offerings are exempt from the registration provisions of the Act by virtue of section 4(2), that exemption does not apply to a public resale of the securities by the purchaser. The Commission is particularly concerned about the position in which purchasers of such securities find themselves when they later desire to resell the securities. The antifraud provisions of the Securities Act, including section 17(a) of the Act and section 10(b) of the Exchange Act and Rule 10b–5 thereunder, make it

[6] The "160 Series" and Rule 144, as initially proposed, would also have permitted the broker to insert quotations in an interdealer quotation service. However, such a provision would raise questions of conflict with the antimanipulative provisions of Rule 10b–6 (17 CFR 240.10b–6) under the Exchange Act and accordingly has been deleted.

[7] Defined as in Rule 144(a) (2) above.

V 37 • 9 JAN 14 72 XUM

unlawful, in connection with the purchase or sale of a security, to make misleading statements or to omit the disclosure of material facts, and prohibit other fraudulent or deceptive practices. The Commission is of the opinion that these provisions are violated when an issuer, an affiliate of the issuer, or other persons, in connection with a private placement of securities, fail to inform the purchaser fully as to the circumstances under which he is required to take and hold the securities and the limitations upon their resale. A more detailed release concerning these matters has been issued in connection with the adoption of Rule 144 and the related rules and amendments.

Use of legends and stop-transfer instructions. Precautions by issuers are essential to assure that a public offering does not result from resale of securities initially purchased in transactions claimed to be exempt under section 4(2) of the Act. (Attention is directed to Securities Act Release No. 5121 which discusses the use of legends and stop-transfer instructions as evidence of a nonpublic offering.) Although such assurance cannot be obtained merely by the use of an appropriate legend on stock certificates or other evidences of ownership, or by appropriate instructions to transfer agents, these devices serve a useful policing function, and the use of such devices is strongly suggested by the Commission and will be considered a factor in determining whether in fact there has been a private placement.

Contractual registration or other rights for resale of restricted securities. Issuers; brokers, dealers, private placees and other holders of restricted securities are hereby put on notice that the Commission deems it appropriate that such persons when acquiring such securities, should consider contracting for registration or other rights, so that, if they desire to distribute their securities rather than resell in trading transactions pursuant to the rule, they can do so in a manner consistent with the provisions of the Act, i.e., by filing a registration statement or a notification under Regulation A. If the issuer does not file reports pursuant to section 13 or 15(d) of the Exchange Act, such persons should consider obtaining an agreement by the issuer to register voluntarily under that Act so that Rule 144 may be available.

Business combinations. On October 9, 1969, the Commission gave notice of proposed revisions to Rule 133 (17 CFR 230.133) and Form S–14 (17 CFR 239.23), of proposed new Rules 153A (17 CFR 230.153a) and 181 (17 CFR 230.181) under the Act and of a proposed amendment to Rule 14a–2 (17 CFR 240.14a–2) of Regulation 14A under the Exchange Act (Release No. 8711; 34 F.R. 17180). Comments have been received and the staff is currently preparing its recommendations for submission to the Commission for decision in the near future.

Short form registration under the Securities Act. The Commission has amended Form S–7 (17 CFR 239.26) to expand its coverage and has recently proposed amendments to Form S–16 (17 CFR 239.27; see 36 F.R. 23256) which simplified registration of securities offered by persons other than the issuer, securities offered in certain conversions and securities to be issued on the exercise of certain warrants. The Commission is observing the operation of these forms, and may at a later date broaden their availability if it appears to be in the public interest and consistent with the protection of investors.

Commission Action:

I. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding thereunder a new § 230.144 to read as follows and by rescinding §§ 230.154 and 230.155.

§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.

PRELIMINARY NOTE

Rule 144 is designed to implement the fundamental purposes of the Act, as expressed in its preamble, "To provide full and fair disclosure of the character of the securities sold in interstate commerce and through the mails, and to prevent fraud in the sale thereof * * *" The rule is designed to prohibit the creation of public markets in securities of issuers concerning which adequate current information is not available to the public. At the same time, where adequate current information concerning the issuer is available to the public, the rule permits the public sale in ordinary trading transactions of limited amounts of securities owned by persons controlling, controlled by or under common control with the issuer and by persons who have acquired restricted securities of the issuer.

Certain basic principles are essential to an understanding of the requirement of registration in the Act:

1. If any person utilizes the jurisdictional means to sell any nonexempt security to any other person, the security must be registered unless a statutory exemption can be found for the transaction.

2. In addition to the exemptions found in Section 3, four exemptions applicable to transactions in securities are contained in section 4. Three of these section 4 exemptions are clearly not available to anyone acting as an "underwriter" of securities. (The fourth, found in section 4(4), is available only to those who act as brokers under certain limited circumstances.) An understanding of the term "underwriter" is therefore important to anyone who wishes to determine whether or not an exemption from registration is available for his sale of securities.

The term underwriter is broadly defined in section 2(11) of the Act to mean any person who has purchased from an issuer with a view to, or offers or sells for an issuer in connection with, the distribution of any security, or participates or has a direct or indirect participation in any such undertaking, or participates or has a participation in the direct or indirect underwriting of any such undertaking. The interpretation of this definition has traditionally focused on the words "with a view to" in the phrase "purchased from an issuer with a view to * * * distribution." Thus, an investment banking firm which arranges with an issuer for the public sale of its securities is clearly an "underwriter" under that section. Individual investors who are not professionals in the securities business may also be "underwriters" within the meaning of that term as used in the Act if they act as links in a chain of transactions through which securities move from an issuer to the public. Since it is difficult to ascertain the mental state of the purchaser at the time of his acquisition, subsequent acts and circumstances have been considered to determine whether such person took with a view to distribution at the time of his acquisition. Emphasis has been placed on factors such as the length of time the person has held the securities and whether there has been an unforeseeable change in circumstances of the holder. Experience has shown, however, that reliance upon such factors as the above has not assured adequate protection of investors through the maintenance of informed trading markets and has led to uncertainty in the application of the registration provisions of the Act.

It should be noted that the statutory language of section 2(11) is in the disjunctive. Thus, it is insufficient to conclude that a person is not an underwriter solely because he did not purchase securities from an issuer with a view to their distribution. It must also be established that the person is not offering or selling for an issuer in connection with the distribution of the securities, does not participate or have a direct or indirect participation in any such undertaking, and does not participate or have a participation in the direct or indirect underwriting of such an undertaking.

In determining when a person is deemed not to be engaged in a distribution several factors must be considered.

First, the purpose and underlying policy of the Act to protect investors requires that there be adequate current information concerning the issuer, whether the resales of securities by persons result in a distribution or are effected in trading transactions. Accordingly, the availability of the rule is conditioned on the existence of adequate current public information.

Secondly, a holding period prior to resale is essential, among other reasons, to assure that those persons who buy under a claim of a section 4(2) exemption have assumed the economic risks of investment, and therefore are not acting as conduits for sale to the public of unregistered securities, directly or indirectly, on behalf of an issuer. It should be noted that there is nothing in section 2(11) which places a time limit on a person's status as an underwriter. The public has the same need for protection afforded by registration whether the securities are distributed shortly after their purchase or after a considerable length of time.

A third factor, which must be considered in determining what is deemed not to constitute a "distribution", is the impact of the particular transaction or transactions on the trading markets. Section 4(1) was intended to exempt only routine trading transactions between individual investors with respect to securities already issued and not to exempt distributions by issuers or acts of other individuals who engage in steps necessary to such distributions. Therefore, a person reselling securities under section 4(1) of the Act must sell the securities in such limited quantities and in such a manner as not to disrupt the trading markets. The larger the amount of securities involved, the more likely it is that such resales may involve methods of offering and amounts of compensation usually associated with a distribution rather than routine trading transactions. Thus, solicitation of buy orders or the payment of extra compensation are not permitted by the rule.

In summary, if the sale in question is made in accordance with all of the provisions of the section as set forth below, any person who sells restricted securities shall be deemed not to be engaged in a distribution of such securities and therefore not an underwriter thereof. The rule also provides that any person who sells restricted or other securities on behalf of a person in a control relationship with the issuer shall be deemed not to be engaged in a distribution of such securities and therefore not to be an underwriter thereof, if the sale is made in accordance with all the conditions of the section.

(a) *Definitions.* The following definitions shall apply for the purposes of this section.

(1) An "affiliate" of an issuer is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such issuer.

(2) The term "person" when used with reference to a person for whose account securities are to be sold in reliance upon this section includes, in addition to such person, all of the following persons:

(i) Any relative or spouse of such person, or any relative of such spouse, any one of whom has the same home as such person;

(ii) Any trust or estate in which such person or any of the persons specified in subdivision (i) of this subparagraph collectively own 10 percent or more of the total beneficial interest or of which any of such persons serve as trustee, executor or in any similar capacity; and

(iii) Any corporation or other organization (other than the issuer) in which such person or any of the persons specified in subdivision (i) of this subparagraph are the beneficial owners collectively of 10 percent or more of any class of equity securities or 10 percent or more of the equity interest.

(3) The term "restricted securities" means securities acquired directly or indirectly from the issuer thereof, or from an affiliate of such issuer, in a transaction or chain of transactions not involving any public offering.

(b) *Conditions to be met.* Any affiliate or other person who sells restricted securities of an issuer for his own account, or any person who sells restricted or any other securities for the account of an affiliate of the issuer of such securities, shall be deemed not to be engaged in a distribution of such securities and therefore not to be an underwriter thereof within the meaning of section 2(11) of the Act if all of the conditions of this section are met.

(c) *Current public information.* There shall be available adequate current public information with respect to the issuer of the securities. Such information shall be deemed to be available only if either of the following conditions is met:

(1) *Filing of reports.* The issuer has securities registered pursuant to section 12 of the Securities Exchange Act of 1934 and has filed the reports required to be filed by section 13 of that Act for a period of at least 90 days immediately preceding the sale of the securities and in addition has filed the most recent annual report required to be filed thereunder, or has securities registered pursuant to the Securities Act of 1933 and has filed the reports required to be filed by section 15(d) of the Securities Exchange Act of 1934 for a period of at least 90 days immediately preceding the sale of the securities and in addition has filed the most recent annual report required to be filed thereunder. The person for whose account the securities are to be sold shall be entitled to rely upon a statement in whichever is the most recent report, quarterly or annual, required to be filed and filed by the issuer that such issuer has complied with such requirements, unless he knows or has reason to believe that the issuer has not complied with such requirements. Such person shall also be entitled to rely upon a written statement from the issuer that it has complied with such reporting requirements unless he knows or has reason to believe that the issuer has not complied with such requirements.

(2) *Other public information.* If the issuer is not subject to section 13 or 15(d) of the Securities Exchange Act of 1934, there is publicly available the information concerning the issuer specified in subdivision (i) to (xiv), inclusive, and subdivision (xvi) of paragraph (a)(4) of § 240.15c2–11 of this chapter or, if the issuer is an insurance company, the information specified in section 12(g)(2)(G)(i) of that Act.

(d) *Holding period for restricted securities.* If the securities sold are restricted securities, the following provisions apply:

(1) *General rule.* The person for whose account the securities are sold shall have been the beneficial owner of the securities for a period of at least 2 years prior to the sale and, if the securities were purchased, the full purchase price or other consideration shall have been paid or given at least 2 years prior to the sale.

(2) *Promissory notes, other obligations or installment contracts.* Giving the person from whom the securities were purchased a promissory note or other obligation to pay the purchase price, or entering into an installment purchase contract with such person, shall not be deemed full payment of the purchase price unless the promissory note, obligation or contract—

(i) Provides for full recourse against the purchaser of the securities;

(ii) Is secured by collateral, other than the securities purchased, having a fair market value at least equal to the purchase price of the securities purchased; and

(iii) Shall have been discharged by payment in full prior to the sale of the securities.

(3) *Short sales, puts or other options to sell securities.* In computing the 2-year holding period the following periods shall be excluded:

(i) If the securities sold are equity securities, there shall be excluded any period during which the person for whose account they are sold had a short position in, or any put or other option to dispose of, any equity securities of the same class or any securities convertible into securities of such class; and

(ii) If the securities sold are nonconvertible debt securities, there shall be excluded any period during which the person for whose account they are sold had a short position in, or any put or other option to dispose of, any nonconvertible debt securities of the same issuer.

(4) *Determination of holding period.* The following provisions shall apply for the purpose of determining the period securities have been held:

(i) *Stock dividends, splits and recapitalizations.* Securities acquired from the issuer as a dividend or pursuant to a stock split, reverse split or recapitalization shall be deemed to have been acquired at the same time as the securities on which the dividend or, if more than one, the initial dividend was paid, the securities involved in the split or reverse split, or the securities surrendered in connection with the recapitalization;

(ii) *Conversions.* If the securities sold were acquired from the issuer for a consideration consisting solely of other securities of the same issuer surrendered for conversion, the securities so acquired shall be deemed to have been acquired at the same time as the securities surrendered for conversion;

(iii) *Contingent issuance of securities.* Securities acquired as a contingent payment of the purchase price of an equity interest in a business, or the assets of a business, sold to the issuer or an affiliate of the issuer shall be deemed to have been acquired at the time of such sale if the issuer or affiliate was then committed to issue the securities subject only to conditions other than the payment of further consideration for such securities. An agreement entered into in connection with any such purchase to remain in the employment of, or not to compete with, the issuer or affiliate or the rendering of services pursuant to such agreement shall not be deemed to be the payment of further consideration for such securities.

(iv) *Pledged securities.* Securities which are bona fide pledged by any person other than the issuer when sold by the pledgee, or by a purchaser, after a default in the obligation secured by the pledge, shall be deemed to have been acquired when they were acquired by the pledgor, except that if the securities were pledged without recourse they shall be deemed to have been acquired by the pledgee at the time of the pledge or by the purchaser at the time of purchase.

NOTE: Securities sold by the pledgee shall be aggregated with those sold by the pledgor, as provided in paragraph (e)(3)(11) of this section.

(v) *Gifts of securities.* Securities acquired from any person, other than the issuer, by gift shall be deemed to have been acquired by the donee when they were acquired by the donor;

NOTE: Securities sold by the donee shall be aggregated with those sold by the donor, as provided in paragraph (e)(3)(iii) of this section.

(vi) *Trusts.* Securities acquired from the settlor of a trust by the trust or acquired from the trust by the beneficiaries thereof shall be deemed to have been acquired when they were acquired by the settlor;

V 37 I 9 JAN 14 72 XUM

NOTE: Securities sold by the trust shall be aggregated with those sold by the settlor of the trust, as provided in paragraph (e)(3)(iv) of this section.

(vii) *Estates.* Securities held by the estate of a deceased person or acquired from such an estate by the beneficiaries thereof shall be deemed to have been acquired when they were acquired by the deceased person, except that no holding period is required if the estate is not an affiliate of the issuer or if the securities are sold by a beneficiary of the estate who is not such an affiliate.

NOTES: (a) Securities sold by the estate shall be aggregated with those sold by the deceased person, as provided in paragraph (e)(3)(v) of this section, if the estate is an affiliate of the issuer.

(b) While there is no holding period or amount limitation for estates and beneficiaries thereof which are not affiliates of the insurer, paragraphs (c), (f), (g), (h), and (i) of the section apply to securities sold by such persons in reliance upon the section.

(e) *Limitation on amount of securities sold.* Except as hereinafter provided, the amount of securities which may be sold in reliance upon this section shall be determined as follows:

(1) *Sales by affiliates.* If restricted or other securities are sold for the account of an affiliate of the issuer, the amount of securities sold, together with all sales of restricted and other securities of the same class for the account of such person within the preceding 6 months, shall not exceed the following:

(i) If the securities are admitted to trading on a national securities exchange, the lesser of (*a*) 1 percent of the shares or other units of the class outstanding as shown by the most recent report or statement published by the issuer, or (*b*) the average weekly reported volume of trading in such securities on all securities exchanges during the 4 calendar weeks preceding the filing of the notice required by paragraph (h) of this section, or if no such notice is required the receipt of the order to execute the transaction by the broker; or

(ii) If the securities are not traded on a national securities exchange, 1 percent of the shares or other units of the class outstanding as shown by the most recent report or statement published by the issuer.

(2) *Sales by persons other than affiliates.* The amount of restricted securities sold for the account of any person other than an affiliate of the issuer, together with all other sales of restricted securities of the same class for the account of such person within the preceding 6 months, shall not exceed the amount specified in subparagraph (1)(i) or (ii) of this paragraph, whichever is applicable.

(3) *Determination of amount.* For the purpose of determining the amount of securities specified in subparagraphs (1) and (2) of this paragraph, the following provisions shall apply:

(i) Where both convertible securities and securities of the class into which they are convertible are sold, the amount of convertible securities sold shall be deemed to be the amount of securities of the class into which they are convertible for the purpose of determining the aggregate amount of securities of both classes sold;

(ii) The amount of securities sold for the account of a pledgee thereof, or for the account of a purchaser of the pledged securities, during any period of 6 months within 2 years after a default in the obligation secured by the pledge and the amount of securities sold during the same 6-month period for the account of the pledgor shall not exceed, in the aggregate, the amount specified in subparagraph (1) or (2) of this paragraph whichever is applicable;

(iii) The amount of securities sold for the account of a donee thereof during any period of 6 months within 2 years after the donation, and the amount of securities sold during the same 6-month period for the account of the donor, shall not exceed, in the aggregate, the amount specified in subparagraph (1) or (2) of this paragraph, whichever is applicable;

(iv) Where securities were acquired by a trust from the settlor of the trust, the amount of such securities sold for the account of the trust during any period of 6 months within 2 years after the acquisition of the securities by the trust, and the amount of securities sold during the same 6-month period for the account of the settlor, shall not exceed, in the aggregate, the amount specified in subparagraph (1) or (2) of this paragraph, whichever is applicable;

(v) The amount of securities sold for the account of the estate of a deceased person, or for the account of a beneficiary of such estate, during any period of 6 months and the amount of securities sold during the same period for the account of the deceased person prior to his death shall not exceed, in the aggregate, the amount specified in subparagraph (1) or (2) of this paragraph, whichever is applicable: *Provided*, That no limitation on amount shall apply if the estate or beneficiary thereof is not an affiliate of the issuer;

(vi) When two or more affiliates or other persons agree to act in concert for the purpose of selling securities of an issuer, all securities of the same class sold for the account of all such persons during any period of 6 months shall be aggregated for the purpose of determining the limitation on the amount of securities sold; and

(vii) Securities sold pursuant to an effective registration statement under the Act or pursuant to an exemption provided by section 4(2) of the Act or by Regulation A under the Act need not be included in determining the amount of securities sold in reliance upon this section.

(f) *Manner of sale.* The securities shall be sold in "brokers' transactions" within the meaning of section 4(4) of the Act and the person selling the securities shall not (1) solicit or arrange for the solicitation of orders to buy the securities in anticipation of or in connection with such transactions, or (2) make any payment in connection with the offering or sale of the securities to any person other than the broker who executes the order to sell the securities.

(g) *Brokers' transactions.* The term "brokers' transactions" in section 4(4) of the Act shall for the purposes of this section be deemed to include transactions by a broker in which such broker—

(1) Does no more than execute the order or orders to sell the securities as agent for the person for whose account the securities are sold; and receives no more than the usual and customary broker's commission;

(2) Neither solicits nor arranges for the solicitation of customers' orders to buy the securities in anticipation of or in connection with the transaction; *Provided*, That the foregoing shall not preclude inquiries by the broker or other brokers or dealers who have indicated an interest in the securities within the preceding 60 days; and

(3) After reasonable inquiry is not aware of circumstances indicating that the person for whose account the securities are sold is an underwriter with respect to the securities or that the transaction is a part of a distribution of securities of the issuer. Without limiting the foregoing, the broker shall be deemed to be aware of any facts or statements contained in the notice required by paragraph (h) of this section.

NOTES: (i) The broker, for his own protection, should obtain and retain in his files a copy of the notice required by paragraph (h) of this section.

(ii) The reasonable inquiry required by paragraph (g)(3) of this section should include, but not necessarily be limited to, inquiry as to the following matters:

(*a*) The length of time the securities have been held by the person for whose account they are to be sold. If practicable, the inquiry should include physical inspection of the securities;

(*b*) The nature of the transaction in which the securities were acquired by such person;

(*c*) The amount of securities of the same class sold during the past 6 months by all persons whose sales are required to be taken into consideration pursuant to paragraph (e) of this section;

(*d*) Whether such person intends to sell additional securities of the same class through any other means;

(*e*) Whether such person has solicited or made any arrangement for the solicitation of buy orders in connection with the proposed sale of securities;

(*f*) Whether such person has made any payment to any other person in connection with the proposed sale of the securities; and

(*g*) The number of shares or other units of the class outstanding, or the relevant trading volume.

(h) *Notice of proposed sale.* Concurrently with the placing with a broker of an order to execute a sale of any securities in reliance upon this rule, there shall be transmitted to the Commission, at its principal office in Washington, D.C., for filing three copies of a notice on Form 144 (§ 239.144 of this chapter) which shall be signed by the person for whose account the securities are to be sold: *Provided*, That such a notice need not be filed if the amount of securities to be sold during any period of 6 months does not exceed 500 shares or other units and the aggregate sale price thereof does not exceed $10,000. If all of the securities for which a notice is filed are not sold within 90 days after the filing of such notice, an amended notice shall be transmitted to the Commission concurrently with the commencement of any further sales of such securities. Neither the filing of such notice nor the failure of the Commission to comment thereon shall be deemed to preclude the Commission from taking any action it deems necessary or appropriate with respect to the sale of the securities referred to in such notice.

(i) *Bona fide intention to sell.* The person filing the notice required by paragraph (h) of this section shall have a bona fide intention to sell the securities referred to therein within a reasonable time after the filing of such notice.

§§ 230.154, 230.155 [Rescinded]

II. Part 239 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding thereunder a new § 239.144 reading as follows:

§ 239.144 Form 144, for notice of proposed sale of restricted securities pursuant to § 230.144 of this chapter.

(a) This form shall be filed in triplicate with the Commission by each person desiring to make an offering of restricted securities in reliance upon § 230.144 of this chapter at least 10 days prior to the commencement of such offering. This form shall also be completed and filed by such person, if all such securities are not sold within 90 days after the filing of the initial notice on this form, as an amended notice of such proposed reoffering at least 10 days prior to any further sales of such securities. An amended Form 144 shall be filed at the expiration of each 90-day period following the prior filing if any unsold securities are to be reoffered thereafter, and at least 10 days prior to the commencement of the reoffering of such securities.

(b) The notice on Form 144 is not required to be filed with respect to transactions in which the initial offering of restricted securities involves not more than 500 shares or other units or $10,000, whichever is less.

NOTE: Copies of Form 144 have been filed with the Office of Federal Register as part of this document. Additional copies will be available upon request from the Securities and Exchange Commission, Washington, D.C. 20549.

The adoption of Rule 144 and Form 144, and the recission of Rule 154, are effective April 15, 1972. The recission of Rule 155 is also effective April 15, 1972, except that it shall remain in effect with respect to securities acquired prior to the effective date of Rule 144 and not sold thereafter in accordance with all the provisions of Rule 144.

The foregoing action was taken by the Commission pursuant to its authority under the Securities Act of 1933, particularly section 19(a) in conjunction with sections 2(11), 4(1), 4(2), and 4(4).

(Sec. 19(a), 48 Stat. 85; Sec. 209, 48 Stat. 908)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-562 Filed 1-13-72;8:46 am]

[Release No. 33-5225]

PART 230—GENERAL RULES AND REGULATIONS SECURITIES ACT OF 1933

PART 239—FORMS PRESCRIBED UNDER SECURITIES ACT OF 1933

Amount of Securities Exempted

The Securities and Exchange Commission has adopted certain amendments to its Regulation A (17 CFR 230.251-230.263) under the Securities Act of 1933. Regulation A provides an exemption from registration under the Act for limited amounts of securities of certain issuers which meet the terms and conditions of the regulation. The regulation requires, among other things, the filing of a notification with the appropriate regional office of the Commission and the filing and use of an offering circular furnishing specified information in regard to the issuer and the securities offered.

Rule 254 (17 CFR 230.254) of Regulation A has been amended with respect to the amount of securities which may be offered thereunder. The amounts in the aggregate which may be offered by various persons during any 12-month period are as follows: The issuer, an estate of a deceased person within 2 years after the death of such person, and affiliates of the issuer may offer in the aggregate $500,000; except that any one affiliate (i.e., a person in a control relationship with the issuer) may offer only $100,000; and persons other than the issuer and its affiliates may offer $100,000 each, but the aggregate amount offered by all such other persons may not exceed $300,000 and would not be included in computing the $500,000 ceiling. Securities issued by predecessors and certain affiliates of the issuer which were sold during the same 12-month period by the person making the current offering would have to be included in determining the amount of the offering.

Item 11 of Schedule I to Form 1-A (17 CFR 239.90), the notification form, has been amended to provide that where the notification is filed by an issuer which has filed or is required to file with the Commission certified financial statements for its last fiscal year, the financial statements required to be included in the offering circular for such fiscal year shall be certified.

Two changes have been made in the rule as published for comment in Securities Act Release No. 5188 (36 F.R. 18593). The first is that the definition of person has been conformed to that used in Rule 144 (17 CFR 230.144). The second is that the rule has been revised to incorporate therein the limitations in the existing rule on the aggregate offering price of securities offered or sold by or on behalf of the estate of a deceased person within 2 years after the death of such person and by or on behalf of affiliates of the issuer. The purpose of the proposed amendments was to assist small businesses, to provide relief for nonaffiliates who wish to sell restricted securities, and not to otherwise materially change the provisions of the existing rule.

Commission action. I. Paragraph (a) of § 230.254 of Chapter II of Title 17 of the Code of Federal Regulations is amended to read as follows:

§ 230.254 Amount of securities exempted.

(a) For determining the requisite amount:

(1) The aggregate offering price of all securities of the issuer offered or sold pursuant to §§ 230.251 to 230.263 and any other securities offered or sold within 1 year prior to the commencement of the proposed offering pursuant to any other exemption under section 3(b) of the Act or in violation of section 5(a) of the Act, shall not exceed the following amounts:

(i) $500,000 if the securities are offered or sold by or on behalf of the issuer, or by the estate of a decedent who owned the securities at death if offered within 2 years after the death of the decedent, or by affiliates of issuer: *Provided*, That the aggregate offering price of securities offered or sold by or on behalf of any one affiliate, other than an estate shall not exceed $100,000; and

(ii) $100,000 if the securities are offered or sold by or on behalf of any person other than the issuer or its affiliates; provided that the aggregate offering price of all such securities offered or sold by or on behalf of all such other persons shall not exceed $300,000: *And provided*, That the aggregate offering price of securities offered or sold by or on behalf of an estate pursuant to this paragraph and subdivision (i) of this subparagraph shall not exceed $500,000.

(2) When two or more persons agree to act in concert for the purpose of selling securities of the issuer, all securities of the same class sold for the account of all such persons during any 12-month period shall be aggregated for the purpose of determining the limitation on the amount of securities sold.

(3) The following definitions shall apply for the purposes of this rule:

(i) The term "securities of the issuer" shall include securities issued by any predecessor of the issuer or by any affiliate of the issuer which was organized or became such an affiliate within the past 2 years.

(ii) The term "person" when used with reference to a person who offers securities in reliance upon the exemption

V 37 I 9 JAN 14 72 XUM

provided by this section includes, in addition to such person, all of the following persons:

(a) Any relative or spouse of such person, or any relative of such spouse, any one of whom has the same home as such person;

(b) Any trust or estate in which such person or any of the persons specified in (a) of this subdivision collectively own 10 percent or more of the total beneficial interest or of which any of such persons serve as trustee, executor or in any similar capacity; and

(c) Any corporation or other organization (other than the issuer) in which such person or any of the persons specified in (a) of this subdivision are the beneficial owners collectively of 10 percent or more of any class of equity securities or 10 percent or more of the equity interest.

* * * * *

§ 239.90 [Amended]

II. The first paragraph of item 11 of section I of Form 1–A (17 CFR 239.90) is amended to read as follows:

11. Furnish the following financial statements of the issuer, or of the issuer and its predecessors, prepared in accordance with generally accepted accounting principles and practices. The statements required for the issuer's latest fiscal year shall be certified by an independent public accountant or certified public accountant if the issuer has filed or is required to file with the Commission certified financial statements for such fiscal year; the statements filed for the period or periods preceding such latest year need not be certified.

(Secs. 3(b), 19(a), 48 Stat. 75, 85; secs. 202, 209, 48 Stat. 906, 908; sec. 214, 49 Stat. 557; sec. 15, 52 Stat. 1240; 54 Stat. 167; 84 Stat. 1480; 15 U.S.C. 77c(b), 77s(a))

The foregoing action, which was taken pursuant to the Securities Act of 1933, particularly sections 3(b) and 19(a) thereof, shall become effective April 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 10, 1972.

[FR Doc.72-564 Filed 1-13-72;8:46 am]

[Releases Nos. 33-5226, 34-9444]

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Offering and Sale of Securities in Nonpublic Offerings; Applicability of Antifraud Provisions of Securities Acts to Certain Acts and Practices

The Securities and Exchange Commission today called attention to the applicability of the antifraud provisions of the securities act to certain acts and practices in connection with the offering and sale of unregistered securities in transactions not involving any public offering—so-called "private offerings". Such transactions are exempt from registration under section 4(2) of the Securities Act of 1933 but such exemption does not apply to a public resale of the securities by the purchaser. The Commission is particularly concerned about the position in which the purchasers of securities in such transactions may find themselves when they later desire to resell the securities.

Section 17(a) of the Securities Act of 1933 makes it unlawful in connection with the offer or sale of a security, and section 10(b) of the Securities Exchange Act of 1934 and Rule 10b–5 (17 CFR 240.10b–5) thereunder makes it unlawful in connection with the purchase or sale of a security, to make misleading statements or to omit the disclosure of material facts and prohibit other fraudulent or deceptive acts or practices. In the opinion of the Commission, these provisions are violated when an issuer, a person in a control relationship with an issuer, or any other person, in connection with the private placement of securities, fails to inform the purchaser fully as to the circumstances under which he is required to take and hold the securities.

The Commission regards it as a deceptive act or practice for an issuer, a control person, or any other person to sell unregistered securities in a private transaction without fully informing the purchaser as to the applicable limitations upon the resale of the securities by the purchaser. The seller should inform the purchaser that the securities are unregistered and must be held indefinitely unless they are subsequently registered under the Securities Act of 1933 or an exemption from such registration is available. It should be pointed out that any casual sales of securities made in reliance upon Rule 144 (17 CFR 230.144) can be made only in limited amounts in accordance with the terms and conditions of that rule and that in the case of securities to which that rule is not applicable compliance with Regulation A (17 CFR 230.251–230.263) or some other disclosure exemption will be required.

If at the time a private sale of securities is made it is represented to the purchaser that an attempt will be made to register the securities at some future date or that compliance with Regulation A or some other exemption will be effected, the purchaser should be informed specifically as to the time when and the circumstances under which such attempt to register will be made or compliance with such exemption will be effected. If the issuer is under no obligation to register the securities or to comply with any such exemption, that fact should be made clear to the purchaser. The purchaser should also be informed as to whether the seller will supply the purchaser with any information necessary to enable the latter to make casual sales of the securities under Rule 144.

The Commission strongly recommends the use of restrictive legends on stock certificates and stop-transfer instructions to transfer agents as a means of preventing the illegal sale of privately placed securities (see Securities Act Release 5121; 36 F.R. 1525), and the purchaser should be informed prior to being committed to purchase the securities whether such a legend will be placed on the certificate or such instructions will be issued.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 10, 1972.

[FR Doc.72-567 Filed 1-13-72;8:47 am]

[Release No. 34-9442]

PART 249—FORMS PRESCRIBED UNDER SECURITIES EXCHANGE ACT OF 1934

Facing Sheet of Annual and Quarterly Report Forms

The Securities and Exchange Commission has adopted amendments to Forms 10–K (17 CFR 249.310) and 10–Q (17 CFR 249.308a) under the Securities Exchange Act of 1934. Forms 10–K and 10–Q are used for annual and quarterly reports, respectively, filed pursuant to section 13 or 15(d) of the Act. Notice of the proposed action was published September 10, 1971, in Securities Exchange Act Release No. 9331 (36 F.R. 18594).

The amendments require registrants to indicate whether or not they have filed all annual, quarterly and other reports required to be filed with the Commission within the last 90 days. This will enable persons who wish to sell securities pursuant to Rule 144 (17 CFR 230.144) to determine whether the registrant is up-to-date in its reporting requirements and therefore has made the disclosure requisite to the sale of securities under that rule.

The amendments add the following at the end of the facing sheet of each of the forms:

Indicate by check mark whether the registrant has filed all annual, quarterly and other reports required to be filed with the Commission within the past 90 days and in addition has filed the most recent annual report required to be filed. Yes ------ No ------

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901; secs. 3, 8, 49 Stat. 1377, 1379; secs. 4, 6, 78 Stat. 569, 570; 15 U.S.C. 78m, 78o(d), 78w(a))

The foregoing amendments were adopted pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d), and 23(a) thereof and shall become effective on February 10, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 10, 1972.

[FR Doc.72-565 Filed 1-13-72;8:47 am]

[Release No. 34-9443]

PART 249—FORMS PRESCRIBED UNDER SECURITIES EXCHANGE ACT OF 1934

Annual and Quarterly Reporting Forms

The Securities and Exchange Commission has adopted an amendment to Item 6 of Form 10–K (17 CFR 249.310) and an expansion of Form 10–Q (17 CFR 249.308a) under the Securities Exchange Act of 1934. Form 10–K is a general form for annual reports by companies having securities registered pursuant to section 12 of the Act and companies having securities registered under the Securities Act of 1933 which are required to file reports pursuant to section 15(d) of the Securities Exchange Act of 1934. Form 10–Q is the general quarterly form filed for such companies. Notice of proposed action was published April 15, 1971 in Securities Exchange Act Release No. 9126 (36 F.R. 7976).

The forms will include information covering recent transactions by the issuer in unregistered securities for the past fiscal year in the case of Form 10–K and the past fiscal quarter for Form 10–Q. Information will now be requested for transactions in all unregistered securities, debt as well as equity, within the stated period of time, where they have been issued in reliance upon an exemption under section 4(2) of the Securities Act of 1933. An EDP attachment, for statistical purposes, will be furnished by the registrant as an Exhibit I with the reports on Form 10–K and 10–Q.

Copies of the amendments to Forms 10–K and 10–Q, and copies of the EDP attachment, have been filed as part of this document with the Office of Federal Register and will be available upon request at the Securities and Exchange Commission, Washington, D.C. 20549.

The foregoing action, which was taken pursuant to the Securities Exchange Act of 1934, particularly sections 13, 15(d) and 23(a) thereof, shall be effective as of February 10, 1972.

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901; secs. 3, 8, 49 Stat. 1377, 1379; secs. 4, 6, 78 Stat. 569, 570; 15 U.S.C. 78m, 78o(d), 78w(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 10, 1972.

[FR Doc.72-566 Filed 1-13-72;8:47 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Office of Oil and Gas, Department of the Interior

[Oil Import Reg. 1 (Rev. 5) Amdt. 39]

OI REG. 1—OIL IMPORT REGULATION

Oil Import Appeals Board; Organizational Change

The Oil Import Appeals Board has recently been placed within the Office of Hearings and Appeals of the Department of the Interior. This amendment implements the organizational change. Since this amendment makes an organizational change, it is unnecessary to publish it as proposed rulemaking or to delay its effective date.

Paragraph (a) of section 21 of Oil Import Regulation 1 (Revision 5) is amended by deleting the last sentence and inserting in lieu thereof the following sentence: "The representative of the Department of the Interior shall be the Board's permanent Chairman." As amended, paragraph (a) of section 21 reads as follows:

Sec. 21 Appeals.

(a) There is in the Department of the Interior an Oil Import Appeals Board comprised of a representative each from the Departments of the Interior, Justice, and Commerce designated, respectively, by the heads of such Departments. The representative of the Department of the Interior shall be the Board's permanent Chairman.

* * * * *

This amendment is issued pursuant to the authority vested in the Secretary of the Interior by section 4 of Presidential Proclamation 3279, March 10, 1959 (24 F.R. 1781), as amended, and shall be effective immediately.

W. T. PECORA,
Acting Secretary of the Interior.

JANUARY 6, 1972.

[FR Doc.72-546 Filed 1-13-72;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-403; Order No. 440-A]

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B NATURAL GAS COMPANIES

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

Full-Cost Accounting for Exploration and Development Costs

JANUARY 5, 1972.

Revisions in uniform systems of accounts for natural gas companies (Classes A, B, C, and D) and Annual Report Form No. 2 to adopt full-cost accounting for exploration and development costs incurred by pipeline companies on natural gas leases acquired on or after October 8, 1969.[1]

On November 5, 1971, we issued Order No. 440 (36 F.R. 21963, November 18, 1971) amending our Uniform Systems of Accounts for Natural Gas Companies and Annual Report Form No. 2 to adopt full-cost accounting for exploratiton and development costs on natural gas leases acquired after October 7, 1969.

On December 6, 1971, petitions for rehearing were filed with the Commission by Arthur Young & Co. (Arthur Young), Humble Oil & Refining Co. (Humble), Mobil Oil Corp. (Mobil), the Public Service Commission for the State of New York (New York), and jointly by Amerada Hess Corp., Amoco Production Co., Gulf Oil Corp., and Union Oil Company of California (Amerada et al.).

Arthur Young and Amerada et al., request that the Commission revoke and rescind Order No. 440 or, in the alternative, provide full-cost accounting as optional accounting. Amerada et al., also requests that if the order is not rescinded that amounts capitalized under full-cost accounting be segregated and itemized in the Uniform Systems of Accounts and not used by pipeline companies in support of rate increases. Humble requests that the Commission, upon reconsideration, determine that full-cost accounting is inappropriate and dismiss the rulemaking. Mobil requests that the Commission either rescind the order or correct the errors it alleges the order contains. New York requests the Commission clarify and modify Order No. 440 in the event it chooses to adhere to the conclusions reached in the order.

In asking that Order No. 440 be rescinded or revoked, Arthur Young, Humble and Mobil state that the order is silent on whether the Commission had reached the conclusion that full-cost accounting would stimulate the search for natural gas. Further, all five of the petitioners allege that the order is illegal in that the provisions may result in rates for pipeline produced natural gas above Commission determined area rates. We will first clarify these points.

The notice of proposed rule making issued October 5, 1970, in Docket No. R–403 (35 F.R. 15939, October 9, 1970) requested comments on whether full-cost accounting would provide a stimulus for the search for and development of new gas supplies. In reaching our decision to adopt full-cost accounting, however, we compared the merits of the two concepts of accounting and concluded that full-cost accounting is more consistent with the economics of exploration and development over a period of time than current expensing of costs. Since we concluded that full-cost accounting on its merits should be adopted, it is not necessary for us to proceed further and reach a finding as to whether the accounting, as

[1] This date appeared in Order No. 440 as "October 7, 1969." As explained on page 6 of this order, this date is being revised to read "October 8, 1969." The date October 6, 1969" appearing in Order 440 is being revised to read "October 7, 1969." These revised dates will be used in this order.

JAN 14 1972

such, would provide a stimulus to discover and develop new gas supplies. Further, having decided that full-cost accounting is the preferable method of accounting, it would be inappropriate for us to provide optional accounting.

Order No. 440 will not have any bearing on the applicable area rate for gas produced by pipelines and pipeline affiliates prescribed in Opinion No. 568, Pipeline Production Area Rate Proceeding (Phase I) issued October 7, 1969 (42 FPC 738; 34 F.R. 17803, November 5, 1969), and Opinion No. 568–A, issued December 5, 1969 (42 FPC 1089). Furthermore, it is not intended that pipeline companies receive the applicable area rate for their natural gas production and in addition thereto either receive a return on costs incurred on leases acquired after October 7, 1969, or recover such costs in their cost of service. Costs incurred on natural gas leases acquired before October 8, 1969 (old leases) and natural gas leases acquired after October 7, 1969 (new leases) will not be commingled as alleged in some of the Petitions for Rehearing because Opinion No. 568 provided that pipelines should keep their records on a basis which would enable them and the Commission to achieve the necessary division of costs between costs incurred on old and new leases.

Amerada et al., states that pipeline company exploratory programs will probably result in discovery of oil reserves, gas reserves and gas-condensate reserves and unless all exploration costs are arbitrarily assigned to natural gas and liquids treated as byproducts, difficult cost allocation will be necessary to determine what amounts should be capitalized in natural gas accounts.

The pipeline companies subject to the Commission's Uniform Systems of Accounts are in the business of obtaining and selling natural gas. The systems of accounts, accordingly, contain several references to "natural gas leases". However, our accounting regulations are applicable to the pipeline entity[3] and, as Amerada et al. states, exploratory programs will probably result in discovery of oil reserves, gas reserves and gas-condensate reserves. It is, therefore, reasonable and proper that the definitions and accounting cover "hydrocarbons" rather than natural gas. Order No. 440 intended that costs related to crude oil and natural gas condensates be accounted for in accordance with the full-cost concept. The notice of proposed rule making referred only to "natural gas". This matter, however, was called to our attention by respondents to the rule making.

Amerada et al., excepts to the instructions on net realizable value alleging that pipelines' earnings will be based on estimates. New York alleges that the determining and valuing of hydrocarbon reserves is not clear and seems to be largely subjective.

As a safeguard that the amounts recorded in the natural gas production plant accounts will not exceed the values of recoverable reserves, Order 440 provided that the amounts recorded in the natural gas production plant accounts shall, in general, not exceed the "net realizable value" of recoverable reserves. The determination of the net realizable value of reserves will be reviewed through audits and by other means of surveillance available to the Commission.

New York excepts to the adoption of a nationwide cost center primarily because of the inclusion of the State of Alaska. New York believes that full-cost accounting, if it is to be authorized, should be limited to pipeline activities in areas where, if gas had been found, it could reasonably be attached to the pipeline's existing system. New York also believes that cost centers of the type the Commission has established for area rates should be established so that it will be possible to determine the relationship of a pipeline's capitalized exploration costs to its productive operations.

We believe that for a proper matching of revenues and expenses, all exploration and development costs incurred by a company should be accounted for by the full-cost accounting method. We, however, limited the cost center to our sphere of jurisdiction.

New York alleges that restatement of financial statements for the years 1969, 1970, and 1971 would lead to public confusion because the Commission did not prescribe retroactive accounting.

Arthur Young alleges that financial reporting will be based on a mixture of accounting methods not in accordance with either the full cost method or the successful cost method.

The Commission is aware that Order No. 440 did not prescribe complete retroactivity for exploration and development costs. Because of rate considerations, it would be inappropriate for us to prescribe full-cost accounting for exploration and development costs incurred or related to leases acquired on or before the date of Opinion No. 568. However, exploration and development by pipelines prior to October 8, 1969, was not at a high level of activity so that financial statements of pipelines after adoption of full-cost accounting should be fairly comparable with statements for previous years. We, however, expected a significant increase in pipeline exploration and development after the date of Opinion No. 568. Since full-cost accounting was prescribed for such costs on leases acquired after October 7, 1969, we believe that financial statements should be restated for the years 1969, 1970, and 1971. Statistics for those years are not available that would show whether a significant increase in exploration and development did occur. If individual pipeline companies did not increase the exploration and development significantly in those years, they may petition the Commission for relief from the restatement provision in Order No. 440.

Arthur Young states that the Order is at substantive variance in terms and substance with the notice of proposed rule making with respect to the treatment of amounts in excess of net realizable value of reserves. Order No. 440 provided that after initiation of exploration and development on leases acquired after October 7, 1969, the utility must determine after a reasonable period of time whether the net realizable value of recoverable reserves on such leases is sufficient to absorb the net book value of the amounts recorded in the production accounts. If the net realizable value of recoverable reserves are not sufficient to absorb the net book values, such net book values are to be reduced to the net realizable value of reserves. It was further provided that excesses significant in amount may be amortized over a period not to exceed 5 years. In addition to stating that it had no notice of the 5-year provision, petitioner states that it is inappropriate accounting to amortize such amounts. After reconsideration, we agree with the petitioner and are deleting this instruction from the preface to the natural gas production accounts in the Uniform Systems of Accounts. We are correcting the preface to the production accounts to provide that after the reasonable period of time has elapsed and a determination is made on whether the net realizable value of recoverable reserves is sufficient to absorb the net book value in the production accounts, the determination shall be made annually thereafter. We are also correcting terms which appear in what is now the last sentence of the preface by substituting "net book value" for "book value" and "net realizable value" for "net book value", respectively.

In Order No. 440 full-cost accounting was prescribed for exploration and development costs on leases acquired "on or after October 7, 1969." To coincide with the provisions of Opinion No. 568, this date should read "on or after October 8, 1969." We are correcting the dates "October 6, 1969" and "October 7, 1969" that appear in the modifications to the Uniform Systems of Accounts prescribed by Order No. 440 to read "October 7, 1969" and "October 8, 1969", respectively.

The Commission finds:

(1) It is necessary and appropriate to the administration of the Natural Gas Act that Order No. 440, issued November 5, 1971, and published in the FEDERAL REGISTER on November 18, 1971, at 36 F.R. 21963–21968, F.R. Doc. 71–16702, be amended as ordered herein.

(2) The clarifications and modifications to the Uniform System of Accounts set forth within this order render moot certain of the grounds for rehearing and the assignments of error and grounds for rehearing set forth on other matters for rehearing by the petitioners present no new facts or principles of law which were not considered by the Commission in Order No. 440, issued November 5, 1971, in Docket R–403 (36 F.R. 21963, November 18, 1971), or which having now been considered, warrant any other changes or modification of that order.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717l, 717o), orders:

(A) Order No. 440, issued November 6, 1971, and published in the FEDERAL REGISTER on November 18, 1971, at 36 F.R. 21963–21968 (F.R. Doc. 71–16702), is amended and corrected as follows:

1. At 36 F.R. page 21963, column 2, paragraph 1, is corrected to read:

Revisions in uniform systems of accounts for natural gas companies (Classes A, B, C, and D) and Annual Report Form No. 2 to adopt full-cost accounting for exploration and development costs incurred by pipeline companies on natural gas leases acquired on or after October 8, 1969.

2. At 36 F.R. page 21963, column 2, unnumbered paragraph 4, lines 12 and 19 the date "October 7, 1969" is corrected to read "October 8, 1969."

3. At 36 F.R. page 21964, column 2, numbered paragraph "1.", line 8 the date "October 7, 1969" is corrected to read "October 8, 1969."

4. At 36 F.R. 21964, column 2, numbered paragraph "2.", line 4 the date "October 6, 1969" is corrected to read "October 7, 1969."

5. At 36 F.R. 21964, column 2, unnumbered paragraph 3, lines 9 and 23 the date "October 6, 1969" is corrected to read "October 7, 1969."

6. At 36 F.R. 21964, column 3, first line top of page the date "October 6, 1969" is corrected to read "October 7, 1969."

7. At 36 F.R. 21964, column 3, numbered paragraph "(5)", line 3 the date "October 6, 1969" is corrected to read "October 7, 1969."

8. At 36 F.R. 21965, column 1, numbered paragraph "15.", line 7 the date "October 6, 1969" is corected to read "October 7, 1969."

9. At 36 F.R. 21965, column 1, text of note under account "105.1, Production properties held for future use." line 3 the date "October 6, 1969" is corrected to read "October 7, 1969."

10. At 36 F.R. 21965, column 1, text of "Note B:", account "107, Construction work in progress—Gas.", line 3 the date "October 6, 1969" is corrected to read "October 7, 1969."

11. At 36 F.R. 21965, column 2, second paragraph to the text of account "183.1, Preliminary natural gas survey and investigation charges.", lines 8 and 12 the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and "October 7, 1969," respectively.

12. At 36 F.R. 21965, column 2, numbered paragraph 4, is corrected and amended to read as follows:

4. In the text of Gas Plant accounts, immediately following subheading "B.1. *Natural Gas Production and Gathering Plant,*" add a new subheading *"Special Instructions—Costs Related to Leases Acquired After October 7, 1969"* and accompanying text. As amended, this portion of the Gas Plant accounts reads:

Gas Plant Accounts

* * * * *

2. PRODUCTION PLANT

* * * * *

B. NATURAL GAS PRODUCTION PLANT

B.1 Natural Gas Production and Gathering Plant

Special Instructions—Costs Related to Leases Acquired After October 7, 1969. The net book value of amounts recorded in the natural gas production accounts incurred on or related to leases acquired after October 7, 1969, shall, in general, not exceed the net realizable value (estimated selling price less estimated costs of extraction, completion and disposal) of recoverable hydrocarbon reserves discovered on such leases. After initiation of exploration and development on leases acquired after October 7, 1969, the utility must determine after a reasonable period of time, and annually thereafter, whether the net realizable value of recoverable reserves on such leases will be sufficient to absorb the net book value of the amounts recorded in the accounts. If the net realizable value of recoverable reserves are not sufficient to absorb the net book value of amounts in the production accounts, the utility shall reduce the net book value of the amounts in the accounts to net realizable value of recoverable reserves. The reduction shall be done by first reducing the unamortized amounts recorded in account 338, Unsuccessful Exploration and Development Costs, by debiting account 404.1, Amortization and Depletion of Producing Land and Land Rights. Next, if the net book value related to successful costs exceeds the net realizable value of the recoverable reserves, the production plant accounts shall be written down to such net realizable value by appropriate charges and credits to the expense and valuation accounts.

* * * * *

13. At 21965, column 3, text of paragraph "A.", lines 6 and 9, and paragraph "C.", lines 7 and 9, of account "338, Unsuccessful exploration and development costs." the date "October 6, 1969" is corrected to read "October 7, 1969."

14. At 21966, column 1, text of paragraph "A.", line 4 and paragraph "B.", line 4, of account "795, Delay rentals." the date "October 7, 1969" is corrected to read "October 8, 1969."

15. At 21966, column 1, text to "Note:", line 2, of account "795, Delay rentals.", the date "October 6, 1969" is corrected to read "October 7, 1969."

16. At 21966, column 1, text to account, line 3, and "Note B.", line 2, of account "796, Nonproductive well drilling." the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and "October 7, 1969," respectively.

17. At 21966, column 1, text of paragraph "A.", line 6 and paragraph "B.", line 2, of account "797, Abandoned leases." the date "October 7, 1969" is corrected to read "October 8, 1969."

18. At 21966, column 1, text to "Note:", line 2, of account "797, Abandoned leases." the date "October 6, 1969" is corrected to read "October 7, 1969."

19. At 21966, column 1, text to account, line 3, and "Note.", line 3 of account "798, Other exploration." the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and "October 7, 1969," respectively.

20. At 21966, column 2, text to "Note C:", line 2, of account "105, Gas plant held for future use." the date "October 6, 1969" is corrected to read "October 7, 1969."

21. At 21966, column 2, text to "Note B:", line 3 of account "107, Construction work in progress—Gas." the date "October 6, 1969" is corrected to read "October 7, 1969."

22. At 21966, column 2, text to subparagraph "A.(2)", lines 18 and 23 of account "183, Other deferred debits." the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and "October 7, 1969," respectively.

23. At 21966, column 3, number paragraph "3." is corrected and amended as follows:

3. In the text of the Gas Plant accounts, immediately following subheading "B.1 Natural Gas Production and Gathering Plant," add a new subheading *"Special Instructions—Costs Related to Leases Acquired After October 7, 1969,"* and accompanying text. As amended, this portion of the Gas Plant Accounts reads:

Gas Plant Accounts

* * * * *

2. PRODUCTION PLANT

* * * * *

B. NATURAL GAS PRODUCTION PLANT

B.1 Natural Gas Production and Gathering Plant

Special Instructions—Costs Related to Leases Acquired After October 7, 1969. The net book value of amounts recorded in the natural gas production accounts incurred on or related to leases acquired after October 7, 1969, shall, in general, not exceed the net realizable value (estimated selling price less estimated costs of extraction, completion and disposal) of recoverable hydrocarbon reserves discovered on such leases. After initiation of exploration and development on leases acquired after October 7, 1969, the utility must determine after a reasonable period of time, and annually thereafter, whether the net realizable value of recoverable reserves on such leases will be sufficient to absorb the net book value of the amounts recorded in the accounts. If the net realizable value of recoverable reserves are not sufficient to absorb the net book value of amounts in the production accounts, the utility shall reduce the net book value of the amounts in the accounts to net realizable value of recoverable reserves. The reduction shall be done by first reducing the unamortized amounts recorded in account 338, Unsuccessful Exploration and Development Costs, by debiting account 404.1,

[3] Northwestern Electric Co. (2 FPC 327, 331 afd. 321 U.S. 119)

JAN 14 72

Amortization and Depletion of Producing Land and Land Rights. Next, if the net book value related to successful costs exceeds the net realizable value of the recoverable reserves, the production plant accounts shall be written down to such net realizable value by appropriate charges and credits to the expense and valuation accounts.

• • • • •

24. At 21967, column 1, text of paragraphs "A.", line 6, paragraph "C.", lines 7 and 9, of account "338, Unsuccessful exploration and development costs." the date "October 6, 1969" is corrected to read "October 7, 1969".

25. At 21967, column 1, text of paragraph "A.", line 4, of account "720, Delay rentals" the date "October 7, 1969" is corrected to read "October 8, 1969".

26. At 21967, column 2, text of paragraph "B.", line 4 and "Note:", line 2, of account "720, Delay rentals." the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and "October 7, 1969", respectively.

27. At 21967, column 2, text of account, line 3 and "Note B:", line 2, of account "721, Nonproduction well drilling." the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and "October 7, 1969", respectively.

28. At 21967, column 2, text of account, lines 3 and 9, of account "722, Abandoned leases." the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and October 7, 1969", respectively.

29. At 21967, column 2, text of account, lines 3 and 4, and "Note:", line 3, of account "723, Other exploration." the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and "October 7, 1969", respectively.

30. At 21967, column 3, text of subparagraph "A.(2)", lines 18 and 22, of account "183, Other deferred debits." the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and "October 7, 1969", respectively.

31. At 21967, column 3, numbered paragraph "3." is corrected and amended as follows:

3. In the text of Gas Plant accounts, immediately following heading "3. Natural Gas Production and Gathering," add a new subheading *"Special Instructions—Costs Related to Leases Acquired After October 7, 1969,"* with accompanying text. As amended, this portion of the Gas Plant accounts reads:

Gas Plant Accounts

• • • • •

3. NATURAL GAS PRODUCTION AND GATHERING

Special Instructions—Costs Related to Leases Acquired After October 7, 1969. The net book value of amounts recorded in the natural gas production accounts incurred on or related to leases acquired after October 7, 1969, shall, in general, not exceed the net realizable value (estimated selling price less estimated costs of extraction, completion and disposal) of recoverable hydrocarbon reserves discovered on such leases. After initiation of exploration and development on leases acquired after October 7, 1969, the utility must determine after a reasonable period of time, and annually thereafter, whether the net realizable value of recoverable reserves on such leases will be sufficient to absorb the net book value of the amounts recorded in the accounts. If the net realizable value of recoverable reserves are not sufficient to absorb the net book value of amounts in the production accounts, the utility shall reduce the net book value of the amounts in the accounts to net realizable value of recoverable reserves. The reduction shall be done by first reducing the unamortized amounts recorded in account 338, Unsuccessful Exploration and Development Costs, by debiting account 404.1, Amortization and Depletion of Producing Land and Land Rights. Next, if the net book value related to successful costs exceeds the net realizable value of the recoverable reserves, the production plant accounts shall be written down to such net realizable value by appropriate charges to the expense and valuation accounts.

• • • • •

32. At 21968, colmun 1, text of account paragraph "A.", lines 6 and 9 and paragraph "C.", lines 7 and 9 of account "327, Unsuccessful exploration and development costs." the dates "October 6, 1969" are corrected to read "October 7, 1969."

33. At 21968, column 2, the text of "Note C:", lines 2 and 3, of account "394, Gas plant held for future use." the date "October 6, 1969" is corrected to read "October 7, 1969."

34. At 21968, column 2, the text of the "Note:", line 3, of account "395, Construction work in progress—Gas." the date "October 6, 1969" is corrected to read "October 7, 1969."

35. At 21968, column 2, text of paragraph "A.", line 4 and paragraph "B.", line 4 of account "720, Delay rentals." the dates "October 7, 1969" are corrected to read "October 8, 1969."

36. At 21968, column 3, text of "Note:", lines 2 and 3, of account "720, Delay rentals." the date "October 6, 1969" is corrected to read "October 7, 1969."

37. At 21968, column 2, text of account paragraph, line 3 and "Note B:", line 2, of account "721, Nonproductive well drilling." the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and "October 7, 1969," respectively.

38. At 21968, column 2, text of account paragraph, lines 3 and 9, of account "722, Abandoned leases." the dates "October 7, 1969" and "October 6, 1969" are corrected to read as "October 8, 1969" and "October 7, 1969," respectively.

39. At 21968, column 3, text of account paragraph, line 4 and "Note:", line 3, of account "723, Other exploration." the dates "October 7, 1969" and "October 6, 1969" are corrected to read "October 8, 1969" and "October 7, 1969," respectively.

40. At 21968, column 3, lettered paragraph "(E)", line 3, the date "October 6, 1969" is corrected to read "October 7, 1969."

(B) Except as herein granted, the applications for rehearing of Order No. 440 are denied.

(C) This order clarifying and amending Order No. 440, issued November 5, 1971, and published in the FEDERAL REGISTER on November 18, 1971, at 36 F.R. 21963–21968, is effective upon issuance.

(D) The Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-570 Filed 1-13-72;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-6]

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Applicability of Certain U.S. Footnotes to the Table of Frequency Allocations

Order. In the matter of amendment of § 2.106 of the Commission's rules and regulations concerning applicability of certain U.S. footnotes to the Table of Frequency Allocations.

1. The Commission, in coordination with the Office of Telecommunications Policy, has recently reviewed the adequacy and applicability of certain U.S. footnotes to the Table of Frequency Allocations in light of current requirements and recent actions. Following this review, it has been determined that three footnotes, US17, US103 and US72, may be deleted or should be modified as they no longer correctly reflect conditions of access to pertinent radio frequencies.

2. Footnote US17, added to permit access to the frequencies 230, 250, and 310 MHz for Shoran operations by the petroleum industry off the coasts of Alaska and the contiguous 48 States, has expired. As the frequencies are no longer available for that purpose, the footnote is not pertinent. Accordingly, it is being deleted.

3. Footnote US103 was added to permit the New York Monitoring Corp. to operate the Decca aeronautical radionavigation service in the New York City area to serve helicopter operations. As the FCC has recently authorized cessation of this service at the request of the New York Monitoring Corp., retention of the footnote is no longer necessary. Accordingly, it is being deleted.

4. Footnote US72 was established in the second memorandum opinion and order in Docket 13928 in October 1961 to reflect agreements reached at the 1959 Geneva Radio Conference and has been amended on several occasions subsequently.

5. In order to reflect the current status of Airport Surface Detection Equipments operating in the bands 23.0–24.25 GHz and 24.25–25.25 GHz, footnote US72 should be amended.

6. Authority for this action is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. As the modifications reflect actions already taken, are of an administrative nature, and/or do not appear to affect non-Government interests adversely, the public notice provisions of section 553(b) of the Administrative Procedure Act are not applicable.

7. *Accordingly, it is ordered,* That, effective January 21, 1972, § 2.106, the Table of Frequency Allocations, is amended to read as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1062; 47 U.S.C. 154, 303)

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE, *Secretary.*

In § 2.106 footnotes US17 and US103 are deleted and removed from the bands 225–328.6 MHz and 24.25–25.25 GHz, and footnote US72 is amended as follows:

US72 Airport Surface Detection Equipments (ASDE's) in operation between 23.6 and 24.47 GHz as of June 1, 1970, may continue to operate on a primary basis and shall be protected from other authorized operations in this band. ASDE's designed for introduction into service after June 1, 1970, will not be permitted to operate in the band 23.6–24.25 GHz but may operate on a primary basis in the band 24.25–25.25 GHz.

[FR Doc.72-588 Filed 1-13-72;8:49 am]

[1] Commissioner H. Rex Lee absent.

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

Class Lives and Asset Depreciation Ranges for Income Tax Purposes

Order regarding waiver of rules. In the matter of waiver of applicable sections of Parts 31 and 33 of the Commission's rules in connection with Accounting for Deferred Taxes Resulting From the Use of Depreciation Based on Class Lives and Asset Depreciation Ranges for Income Tax Purposes.

1. At the time of the adoption in 1970 of our present accounting rules for telephone companies (Parts 31 and 33) to provide for the use of normalization accounting for income tax differentials resulting from the use of accelerated depreciation methods in computing income taxes, the acceleration in tax depreciation in the case of Federal income taxes resulted solely from the use of such methods as sum-of-the-years digits, double-declining balance, etc. Section 167 of the Internal Revenue Code of 1954 was amended by the Revenue Act of 1971 and includes a new subsection (m) which permits a tax depreciation allowance based on class lives and asset depreciation ranges prescribed by the Secretary of the Treasury or his delegate. We expect that the Treasury Department will prescribe class lives and asset depreciation ranges for use by the telephone carriers for tax purposes and that the regulations will require the resulting tax differentials to be normalized in the accounts of the telephone carriers.

2. Question arises as to whether, under the present provisions of Parts 31 and 33 of our rules, normalization accounting is permitted for income tax differentials occasioned by the use of class lives and asset depreciation ranges in determining depreciation deductions for income tax purposes. In order to make it clear that normalization accounting may be used by telephone companies subject to Parts 31 and 33 of our rules it appears desirable to waive our accounting requirements pending rule making to incorporate therein such changes as may be desirable in the circumstances.

3. *Accordingly, it is ordered,* Pursuant to §§ 0.295 and 0.303(f) of the Commission's rules, that, pending determination of permanent accounting procedures, the applicable sections of Parts 31 and 33 of the rules, particularly § 31.3–32 and related sections of Part 31 and the corresponding sections of Part 33, related to the accounting for tax differentials resulting from the use of accelerated depreciation for income tax purposes, are hereby waived so as to permit retroactively to January 1, 1971, the normalization of income tax differentials when such accounting is a necessary condition to taxpayer eligibility for the use of class lives and asset depreciation ranges in determining depreciation deductions for income tax purposes. Upon the determination of permanent accounting procedures, each carrier shall adjust its interim accounting to conform to the permanent accounting prescribed.

Adopted: January 4, 1972.

Released: January 5, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BERNARD STRASSBURG, *Chief, Common Carrier Bureau.*

[FR Doc.72-584 Filed 1-13-72;8:48 am]

[Docket No. 19075, FCC 72-19]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Nogales and Tucson, Ariz.

Report and order. In the matter of amendment of § 73.606 *Table of Assignments,* Television Broadcast Stations, Nogales and Tucson, Ariz.; Docket No. 19075, RM-1645.

1. In response to a petition (RM-1645) filed by I.B.C., a limited partnership (KZAZ), licensee of television Station KZAZ-TV, Channel 11, Nogales, Ariz., the Commission adopted on October 28, 1970, a notice of proposed rule making, released November 2, 1970 (FCC 70-1164) in the above-entitled matter. The notice set out in some detail the proposal of KZAZ to have its operation on Channel 11 at Nogales, Ariz., hyphenated as an assignment to Tucson-Nogales, this, in order to permit KZAZ to apply to the Commission to have its station licensed as a Tucson, Ariz., operation rather than a Nogales service and to permit it to maintain a main studio solely in Tucson, Ariz.

2. In this proceeding, interested parties were afforded an opportunity to comment on or before January 7, 1971, and to reply to such comments on or before March 1, 1971. Formal comments and/or reply comments (in large part identical in substance to the comments originally filed in response to the petition) were filed by: Petitioner, I.B.C., a limited partnership (KZAZ); Universal Communications Corp. (KOLD), licensee of television Station KOLD-TV, Tucson, Ariz.; May Broadcasting Co. (KGUN), licensee of television Station KGUN-TV, Tucson, Ariz.; and KOVA Television, Inc. (KOVA), licensee of television Station KOVA-TV, Tucson, Ariz. A variety of letters, including letters from the Mayor and Chamber of Commerce of Nogales (who opposed the hyphenation of KZAZ) were received from both supporting and opposing citizens of Nogales.

3. Nogales, Ariz. (population 8,946), is located in Santa Cruz County (population 13,966). The community has assigned to it Channel 11 which is occupied by petitioner and Channel *16 for which there is no application pending. Tucson, Ariz., located in Pima County (respective populations 262,933 and 351,667), has assigned to it as "commercial" VHF channels 4-, 9-, and 13-. Each of these commercial channels is occupied. In addition VHF Channel *16 provides the community with a noncommercial educational service. Unapplied for UHF Channels 18, *27 and 40 are also assigned to Tucson.[1]

4. Petitioner's position, as set out in the pleadings, is that Channel 11 presently assigned to Nogales should be assigned on a hyphenated basis to Tucson-Nogales. This is to permit its present license for Channel 11, which specified Nogales as the principal community, to be modified to specify Tucson. In support of its proposal it asserts that the three VHF network affiliated stations in Tucson serve Nogales while its operation licensed to Nogales provides programing to Tucson, i.e., that the four commercial services, from a de facto view, are competing for the same audience and that KZAZ is at a severe competitive disadvantage with respect to regional and national advertising in view of its de jure designation as a Nogales station. As the Notice in this proceeding set out—

[1] The population statistics cited in this paragraph are from the Preliminary Reports of the 1970 U.S. Census.

JAN 14 1972 XUM

With respect to financial statistics, petitioner states the following:

The station's history has been one of continuing and monumental losses. Its Forms 324 for 1967, 1968 and 1969 show the following:

	1967	1968	1969	Total
Broadcasting operating loss	$630,376	$603,[illegible]	$467,316	$1,701,186
Less: Depreciation and amortization	245,339	202,[illegible]	152,860	600,936
Net operating loss	385,037	400,[illegible]	314,456	1,000,250

Through May, 1969, [sic] the station accrued additional net operating losses of $115,907, plus additional depreciation charges in the neighborhood of $100,000.[2]

In brief, it is petitioner's belief that the small community of Nogales simply cannot, by itself, support its own television station.

5. KZAZ maintains that the adoption of its proposal of a hyphenated assignment of Channel 11 and its relicensing to Tucson will in no way disadvantage the citizens of Nogales in that its proposal suggests only one physical change, i.e., the relocation, on a permanent basis, of its studio to Tucson.[3] Petitioner states that KZAZ's transmitter site atop Mount Wrightson (approximately 26 miles north of the center of Nogales and 37 miles south of the center of Tucson) permits its transmitter to provide both Tucson and Nogales with a principal-city signal. It asserts that Nogales will continue to receive service from KZAZ and that special rates will be made available by the station to Nogales businessmen. In essence, it maintains that not only the private interest of economic survival of KZAZ will be served but in addition that the public interest will be served by the provision of a fourth commercial service to Tucson—a first station in Tucson independent of network affiliation—this, while Nogales will be, in effect, not deprived of KZAZ's service.

6. The opposing parties, who filed formal comments in this proceeding, basically opposed petitioner's proposal on three grounds: first, that Nogales needs its own specialized local service which only can be provided, in reality, if there is a KZAZ studio located in Nogales; second, that the hyphenation of Channel 11 between Tucson and Nogales is contrary to established Commission policy; and third, that the KZAZ facility broadcasting from Mount Wrightson (it is not proposed to move the KZAZ transmitting facility closer to Tucson because that action would deprive Nogales of its principal-city signal) does not put the required principal-city signal into all of Tucson, i.e., that there is shadowing within the city limits of Tucson, and that therefore § 73.685 (a) and (b) of our rules would be violated by ultimately licensing KZAZ to Tucson. Each of these three points will be discussed below, seriatim.

7. The first key point of concern in this proceeding is that Nogales should not be deprived of its local television voice and means of expression. Most of the informal comments, filed in letter form, refer specifically to this question, for example, the Mayor and Chamber of Commerce of Nogales each have voiced their opposition to petitioner's proposal on the ground that Nogales would be deprived of its only television station. We agree that the primary consideration in this case is the continuance of service to Nogales and therefore the continued functioning of the valuable Channel 11 facility. The most significant point with respect to a continuance of local television service to Nogales is the economic survival of KZAZ. If petitioner's station is forced to go dark due to continuing heavy financial losses Nogales (as well as other places within KZAZ's service area) will lose an important communication facility which can contribute significantly to the economic, social and political lives of the citizens who view the station, including those in Nogales. Petitioner considers it vital to have the advantage of having (for the purpose of attracting advertisers) its station more closely identified with the well-known and substantial market of Tucson. It clearly appears that petitioner, if financial losses continue without any hope of improvement, may be forced to make the business judgment that KZAZ must go dark. This result would be unfortunate both for petitioner and the viewers of KZAZ in Nogales. By proposing to identify KZAZ with Tucson through a relicensing of petitoner's station to that city (after the requested hyphenation of the present assignment of Channel 11 to Tucson-Nogales) petitioner hopes to gain economic strength which will, of course, permit it to continue to provide its service to Nogales.

8. Petitioner's proposal, if adopted in its entirety, would bring only one change with regard to the community of Nogales, i.e., the elimination of any studio facilities in that community. Petitioner expects to continue a principal-city signal there. Each of the opposing parties, including the Mayor and Chamber of Commerce of Nogales, indicate the fundamental view that a station must have a studio in the community it intends to serve so as to make it feasible for citizens of that community, with their cultural background, to relate to and participate in the broadcast programing directed to their community. We are of the view that it is important for any station which is to bring Nogales the programing that the community requires to have a studio in the community. A television station is truly part of a community and providing that community with the local service the community needs, when it has a facility located in that community which can develop and produce local programing. Therefore, in this instance, although we are hyphenating the assignment of Channel 11 to Tucson-Nogales in order to permit petitioner to apply for a license specifying Tucson whereby it hopes to gain economic strength, we are going to require (notwithstanding petitioner's objection[4]) that KZAZ, if ultimately licensed to Tucson, continue, at least, an auxiliary studio facility in Nogales.

9. With regard to the second question presented by the proceeding, i.e., the lack of precedent for hyphenating the Channel 11 television assignment between Tucson and Nogales, the record contains the following arguments. KZAZ alleges that there is a strong commercial tie between the Tucson and Nogales economic markets, citing as the only example the participation of part of the Nogales, Sonora, Mexico community in subcontracting for manufacturing primarily done in Tucson. In the pleadings, it maintains that the distance of 72 miles by road between Tucson and Nogales is not a significant physical separation between the two communities in that such distances are normal between sister communities in the widespread southwestern United States. In concluding its argument, petitioner maintains that the existence of commercial transportation between Tucson and Nogales is a factor which proves that the two communities are allied. Each of the opposing parties maintains that it is—

[2] The following additional financial clarification is made by petitioner:

"• • • Actually the situation in 1970 is worse than shown in the petition because the $115,907 loss through May of 1970 reported therein did not include interest expense of approximately $9,000 per month. Operating losses through June 1970 were $160,119, plus interest charges of $54,000 for a total of $214,119. On an annualized basis, this represents $428,138 before depreciation so the 1970 situation is worse than 1968 • • •".

The 1970 financial report, which is now available to the Commission, still shows substantial losses but with some improvement over earlier years.

[3] On July 2, 1970, the Commission granted special temporary authority to petitioner to operate solely from its auxiliary studio in Tucson. That authority has been renewed several times. A further extension request, which has not been acted upon, is presently pending.

[4] Petitioner hoped to make savings by permanently discontinuing any studio facility at Nogales. It proposed to have the studio facilities at Tucson made available to the citizens of Nogales. It is our judgment, in view of the distance between Nogales and Tucson—approximately 72 miles by road—that KZAZ's service to Nogales can only be maintained if access by the citizens of Nogales to a studio facility of the station is facilitated by reasonable proximity.

• • • inappropriate to hyphenate an assignment between Tucson and Nogales since the two communities are separated approximately 72 miles by road. The opponents emphasize the difference between the city of Tucson and the small community of Nogales, i.e., the disparity in size of population, the variance between the nature of their economic base (manufacturing and tourism in Tucson—cattle raising and mining in Nogales), and the languages spoken (primarily English in Tucson—primarily Spanish in Nogales).

10. After a careful consideration of the above we find we must come to the conclusion that petitioner's proposal of hyphenation of Channel 11 between Tucson and Nogales is not supported by our previous criteria for determining appropriate circumstances for hyphenating television assignments between two or more communities. It appears clear, that there is a difference between the economic patterns and lifestyles of the two communities which in normal circumstances would preclude a hyphenated assignment of Channel 11. We are forced, however, to come to the judgment that the matter before us does not contain only the average considerations involved in questions of hyphenating assignments. In this instance, we do not have the average case of a newly proposed assignment. Instead, we have the problem of an existing station, KZAZ, proposing to continue to serve, in part, the community of its present licensing, Nogales, but being unable to do so because of a severe adverse economic situation. The act of hyphenating Channel 11 between the communities of Tucson and Nogales can only be justified by the need of KZAZ to identify itself (for the purpose of attracting advertising support) with the nationally known market of Tucson. By so doing KZAZ hopes to survive, and expects to be able to continue television service to its present television audience in and between the communities of Nogales and Tucson. Therefore, in view of the economic realities confronting us and KZAZ, we have decided to redesignate Channel 11, presently assigned to Nogales, as a Tucson-Nogales allocation. This action, on our part, will give petitioner the benefit of applying to have Tucson designated as the city of license for KZAZ. In addition however, it attaches to petitioner the responsibility (if ultimately licensed to Tucson) of continuing to meet the needs of Nogales for a variety of television programing including some locally originated from KZAZ's Nogales studio. We wish to emphasize that the action we take herein is not simply aimed at permitting petitioner to adopt a new principal city but that additionally the hyphenation of Channel 11 underlines the responsibility of KZAZ to continue to serve Nogales. In view of the responsibility we see in this matter—in the event Channel 11 is licensed at Tucson we will require that it not only meet the requirement of putting a principal city signal into Tucson (as it alleges it presently does) but that, in addition, it continue to put its principal-city signal into Nogales.

11. A third and last matter raised by opposing parties remains in the proceeding, i.e., possible violation of § 73.685 (a) and (b) of our rules by petitioner, in respect to service to Tucson as the city of license for KZAZ. The matter is best set out by quoting our notice of proposed rule making in this proceeding (FCC 70-1164). May Broadcasting Company states:

"• • • Under § 73.685, if KZAZ were to become a Tucson station, it would not only have to place a city-grade signal (77 dbu) over the entire corporate limits of Tucson (§ 73.685(a)), but its transmitter location must be so chosen as to provide line-of-sight thus avoiding 'shadowing', 'over the principal community to be served' (§ 73.685(b))".

These rules would be violated by KZAZ, it is alleged, in view of the assertion that

"• • • 7.8 percent of the corporate limits of the city of Tucson would be below line-of-sight from KZAZ's present antenna site on Mt. Wrightson • • •"

Too, it is maintained that in view of the existence of Mount Bigelow located approximately 19 miles from the center of Tucson (used by existing stations for their transmitters),

"• • • it certainly can not be said that Mount Wrightson, some 37 miles from Tucson, is 'the most central point at the highest elevation available', as required by § 73.685 (b) in order to keep shadowing to a minimum • • •".

KZAZ replies to the above position by indicating that the studies made by KGUN are theoretical in nature and that in the event there is a shadow area in its principal city signal at Tucson that alleged defect can be solved by the Commission's establishment of a requirement that Channel 11, on licensing to Tucson, construct a translator to serve the alleged shadow area. In this Report and Order, it is appropriate that we only set out the contrasting views of the participants in this proceeding, in that any bar of § 73.685(a) and (b) to petitioner carrying out its proposal properly only arises at the actual application stage for a new city of license and must be dealt with at that time. Any attempt to resolve such a matter in this proceeding would be improper (we have no application before us) and productive of only dicta. Although we make no findings, at this time, with regard to the possible violation of § 73.685(a) and (b) by KZAZ as a station licensed to Tucson we feel that a sufficient threshold case has been made by petitioner concerning these engineering problems to warrant the action we take herein, with a full examination of the engineering problems at the time KZAZ applies to be redesignated as a Tucson licensee.

12. In view of the foregoing, we have come to the decision that petitioner has carried the burden of convincing us that the public interest would be served by hyphenating Channel 11, presently assigned to Nogales, Ariz., between Tucson, Ariz., and Nogales, Ariz.

13. Authority for the action taken herein, is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

14. *Accordingly, it is ordered,* That effective February 23, 1972, the Television Table of Assignments in § 73.606 of the Commission's rules is amended, insofar as the cities listed below are concerned, to read as follows:

City	*Channel No.*
Tucson-Nogales, Ariz.	[1] 11
Nogales, Ariz.	• 16

[1] Operation on this channel is subject to the conditions, terms, and requirements set out in the Report and Order in Docket No. 19075, RM-1645, adopted January 5, 1972, released January 7, 1972, FCC 72-19.

15. *It is further ordered,* That any station located on Channel 11 as assigned to Tucson-Nogales, Ariz., provide, if licensed to Tucson, a principal-city signal to both Tucson and Nogales, Ariz., and that any such station, at least, maintain an auxiliary studio in Nogales, Ariz.

16. *It is further ordered,* That this proceeding (RM-1645, Docket No. 19075) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-587 Filed 1-13-72;8:49 am]

[5] Chairman Burch not participating; Commissioner Johnson concurring in the result, and Commissioner H. Rex Lee absent.

VOL 37 NO 9 JAN 14 72 XUM

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Colorado	Adams	Unincorporated areas.				Jan. 14, 1972.
Connecticut	New Haven	Milford				Do.
Georgia	Chatham	Savannah Beach	I 13 051 4920 03 through I 13 051 4920 06	Bureau of State Planning and Community Affairs, 270 Washington St. SW., Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, GA 30334.	Office of the City Clerk, Post Office Box 128, Savannah Beach, GA 31328.	Do.
Massachusetts	Middlesex	Lowell				Do.
Do	Plymouth	Marshfield				Do.
Do	Norfolk	Westwood				Do.
New Jersey	Bergen	Dumont				Do.
Do	do	Ho-Ho-Kus				Do.
Do	do	Ridgefield Borough.				Do.
Do	Burlington	Southampton Township.				Do.
Do	Camden	Cherry Hill Township.				Do.
Do	Hunterdon	Raritan Township.				Do.
Do	Middlesex	Metuchen Borough.				Do.
Do	Monmouth	Deal Borough				Do.
Do	do	Neptune Township.				Do.
Do	do	Rumson Borough				Do.
Do	Ocean	Mantoloking Borough.				Do.
Do	Somerset	Bound Brook Borough.				Do.
Oregon	Douglas	Myrtle Creek				Do.
Pennsylvania	Philadelphia	Philadelphia				Do.
Texas	Tarrant	Haltom City				Do.
Wisconsin	Outagamie	Unincorporated areas.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: January 7, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-489 Filed 1-13-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Colorado	Adams	Unincorporated areas.				Jan. 14, 1972.
Connecticut	New Haven	Milford				Do.
Georgia	Chatham	Savannah Beach	H 13 051 4920 03 through H 13 051 4920 06	Bureau of State Planning and Community Affairs, 270 Washington St. SW., Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, GA 30334.	Office of the City Clerk, Post Office Box 128, Savannah Beach, GA 31328.	Nov. 6, 1970.
Massachusetts	Middlesex	Lowell				Jan. 14, 1972.
Do	Plymouth	Marshfield				Do.
Do	Norfolk	Westwood				Do.
New Jersey	Bergen	Dumont				Do.
Do	do	Ho-Ho-Kus				Do.
Do	do	Ridgefield Borough.				Do.
Do	Burlington	Southampton Township.				Do.
Do	Camden	Cherry Hill Township.				Do.
Do	Hunterdon	Raritan Township.				Do.
Do	Middlesex	Metuchen Borough.				Do.
Do	Monmouth	Deal Borough				Do.
Do	do	Neptune Township.				Do.
Do	do	Rumson Borough				Do.
Do	Ocean	Mantoloking Borough.				Do.
Do	Somerset	Bound Brook Borough.				Do.
Oregon	Douglas	Myrtle Creek				Do.
Pennsylvania	Philadelphia	Philadelphia				Do.
Texas	Tarrant	Haltom City				Do.
Wisconsin	Outagamie	Unincorporated areas				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: January 7, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-490 Filed 1-13-72;8:45 am]

V 37 N 9 JAN 14 72 XUM

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.8—Price Negotiation Policies and Techniques

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.8—Miscellaneous Forms

Subpart 1–16.9—Illustrations of Forms

MISCELLANEOUS AMENDMENTS

This amendment of the Federal Procurement Regulations provides, illustrates, and cross-references Optional Forms 59 and 60 for use in securing contractor cost or pricing data.

Section 1–3.807–3 is amended to change paragraph (a) as follows:

§ 1–3.807–3 Requirements for cost or pricing data.

(a) The contracting officer shall, except as provided in paragraph (b) of this section, require the prospective contractor or contractor, as the case may be, to submit written cost or pricing data (see § 1–16.806 for cost or pricing data forms) or to specifically identify such data in writing if actual submission of the data is impracticable, and to certify, by the use of the certificate set forth in § 1–3.807–4, that, to the best of his knowledge and belief, the cost or pricing data submitted or identified was accurate, complete, and current prior to:

(1) The award of any negotiated contract expected to exceed $100,000 in amount; or

(2) The pricing of any contract modification expected to exceed $100,000 in amount to any formally advertised or negotiated contract whether or not cost or pricing data was required in connection with the initial pricing of the contract.

• • • • •

The table of contents for Part 1–16 is amended to add new entries as follows:

Sec.	
1–16.806	Contract pricing proposals.
1–16.902–OF 59	Optional Form 59, Contract Pricing Proposal.
1–16.902–OF–60	Optional Form 60, Contract Pricing Proposal (Research and Development).

Section 1–16.806 is added as follows:

§ 1–16.806 Contract pricing proposals.

(a) Optional Form 59, Contract Pricing Proposal, October 1971 edition, and Optional Form 60, Contract Pricing Proposal (Research and Development), October 1971 edition, are designed for submission of cost or pricing data by prospective contractor or contractors. Contractor reproduction of these forms is authorized.

(b) The appropriate contract pricing proposal form is for use whenever cost or pricing data is required pursuant to § 1–3.807–3. Contractors may, however, submit the necessary information in a different format, acceptable to the contracting officer, where a contractor's accounting system makes the use of the form impracticable, or when required for a more effective and efficient presentation of cost or pricing information. In either instance, the information furnished should include pertinent details as to cost elements for the specific statements, authorizations, and authentications required by the form.

Sections 1–16.902–OF 59 and 1–16.902–OF 60 are added as follows:

§ 1–16.902–OF 59 Optional Form 59, Contract Pricing Proposal.

(a) Page 1 of Optional Form 59.

CONTRACT PRICING PROPOSAL

OFFICE OF MANAGEMENT AND BUDGET APPROVAL NO. 29-R0183

PAGE NO. | NO. OF PAGES

This form is for use when submission of cost or pricing data *(see FPR 1-3.807-3)* is required.

NAME OF OFFEROR | SUPPLIES AND/OR SERVICES TO BE FURNISHED

HOME OFFICE ADDRESS | QUANTITY | TOTAL AMOUNT OF PROPOSAL $

DIVISION(S) AND LOCATION(S) WHERE WORK IS TO BE PERFORMED | GOVT SOLICITATION NO.

COST ELEMENTS	PROPOSED CONTRACT ESTIMATE: TOTAL COST [1]	UNIT COST	REFERENCE [2]
1. DIRECT MATERIAL: a. PURCHASED PARTS [3]			
1. DIRECT MATERIAL: b. SUBCONTRACTED ITEMS [4]			
1. DIRECT MATERIAL: c. OTHER MATERIAL: (1) RAW MATERIAL [5]			
1. DIRECT MATERIAL: c. OTHER MATERIAL: (2) STANDARD COMMERCIAL ITEMS [6]			
1. DIRECT MATERIAL: c. OTHER MATERIAL: (3) INTERDIVISIONAL TRANSFERS (at other than cost) [7]			
2 MATERIAL OVERHEAD [8]			
3 INTERDIVISIONAL TRANSFERS AT COST [9]			
4. DIRECT ENGINEERING LABOR [10]			
5. ENGINEERING OVERHEAD [11]			
6. DIRECT MANUFACTURING LABOR [12]			
7. MANUFACTURING OVERHEAD [13]			
8. OTHER COSTS [14]			
9. *SUBTOTALS*			
10. GENERAL AND ADMINISTRATIVE EXPENSES [15]			
11. ROYALTIES [16]			
12. FEDERAL EXCISE TAX [17]			
13. *SUBTOTALS*			
14. PROFIT OR FEE			
15. TOTAL PRICE *(Amount)*			

I. HAS ANY EXECUTIVE AGENCY OF THE UNITED STATES GOVERNMENT PERFORMED ANY REVIEW OF YOUR ACCOUNTS OR RECORDS IN CONNECTION WITH ANY OTHER GOVERNMENT PRIME CONTRACT OR SUBCONTRACT WITHIN THE PAST TWELVE MONTHS?
☐ YES ☐ NO *(If yes, identify below)*

NAME AND ADDRESS OF REVIEWING OFFICE AND INDIVIDUAL | TELEPHONE NUMBER/EXTENSION

H. WILL YOU REQUIRE THE USE OF ANY GOVERNMENT PROPERTY IN THE PERFORMANCE OF THIS PROPOSED CONTRACT?
☐ YES ☐ NO *(If yes, identify on reverse or separate page)*

H. DO YOU REQUIRE GOVERNMENT CONTRACT FINANCING TO PERFORM THIS PROPOSED CONTRACT?
☐ YES ☐ NO *(If yes, identify)* ☐ ADVANCE PAYMENTS ☐ PROGRESS PAYMENTS OR ☐ GUARANTEED LOANS

SPECIMEN

OPTIONAL FORM 59
OCTOBER 1971
GENERAL SERVICES ADMINISTRATION
FPR 1-16.806
5059-101

(c) Page 3 of Optional Form 59.

INSTRUCTIONS TO OFFERORS

1. The purpose of this form is to provide a standard format by which the offeror submits to the Government a summary of incurred and estimated cost and pricing data and the required supporting factual information. Provide the data and make the certification required from this proposal the offeror shall, under the conditions listed in Public Law 87-653 (10 U.S.C. 2306(f)) and implemented in Armed Services Pricing Data *(see FPR 1-3.807-3(b) and 1-3.807-4)*.

2. As part of the specific information required by this form, the offeror must submit to the Contracting Officer or his authorized representative cost or pricing data (that is, data which is verifiable and factual and otherwise as defined in FPR 1-3.807-3(b)). In addition, he must submit such other data and information currently required to explain his offeror's estimating process, including:

a. the judgmental factors applied and the mathematical or other methods used in the estimate including those used in projection from known data, and

b. the contingencies used by the offeror in his proposed price.

to the specific cost elements may be found. When attachment of supporting cost or pricing data to this form is impracticable, the data will be specifically identified and described *(with schedules at appropriate level of detail)* in writing and available to the Contracting Officer or his representative upon request.

4. The formats for the "Cost Elements" and the "Proposed Contract Estimate" are not intended as rigid requirements. There may be presented in different formats acceptable to the Contracting Officer if reviewed by the Government representative prior to submission. In all respects this form will be completed and submitted without change.

5. By submission of this proposal offeror, if selected for negotiation, grants to the Contracting Officer, or his authorized representative, the right to examine, for the purpose of verifying the data submitted, those books, records, documents and other supporting data which will permit adequate evaluation of such cost or pricing data, along with the computations and projections used therein. The right may be exercised in connection with any negotiations prior to contract award.

FOR ITEMS TO QUESTIONS II, IV AND V.

SPECIMEN

OPTIONAL FORM 59 (10-71)

(b) Page 2 of Optional Form 59.

IV. HAVE YOU BEEN AWARDED ANY CONTRACTS OR SUBCONTRACTS FOR SIMILAR ITEMS WITHIN THE PAST THREE YEARS?
☐ YES ☐ NO *(If yes, show customer(s) and contract numbers on reverse or a separate page)*

V. DOES THIS COST SUMMARY CONFORM WITH THE COST PRINCIPLES APPLICABLE TO YOUR CONTRACT?
☐ YES ☐ NO *(If no, explain on reverse or separate page)*

This proposal is submitted for use in connection with and in response to _____ and reflects our best estimates as of this date.

In accordance with the Instructions to Offerors and the Footnotes which follow.

Provide RFP, etc.

TYPED NAME AND TITLE	SIGNATURE	DATE OF SUBMISSION
NAME OF FIRM		

FOOTNOTES

NOTE 1. Enter in this column those necessary and reasonable costs which in the judgment of the offeror will properly be incurred in the efficient performance of the contract. Costs incurred or allocated to this contract shall be consistent with the offeror's cost accounting practices used in estimating costs in pricing this proposal. Explain any deviations from such practices which may be required in the performance of this contract. Indicate the basis for allocating these costs to this contract. Submit a reconciliation between estimated costs and costs reported on any related Cost Accounting Standards Board Disclosure Statement.

NOTE 2. The use of this column is optional for use by offeror in preparing his proposal, except where the contracting officer requires submission of cost or pricing data (see FPR 1-3.807-3(b)). In addition, he must submit such other data and information currently required to explain his offeror's estimating process.

NOTE 3. Attach separate pages as necessary to identify and explain each cost element. Identify the source for each cost element in the priced bases. Explain the method used to determine the cost for each cost element. For example, state whether cost was based on historical experience, engineering estimate, or combination thereof. Where more than one basis is used for a cost element, indicate the extent each basis was used. Provide sufficient detail to enable the Contracting Officer to evaluate the proposal. For example, provide the basis used for escalation rates and trends. Where vendor quotations were obtained, they must be submitted in support of the offeror's price estimate. Indicate whether discounts have been offered or negotiated. Where possible, identify the point in time at which prices were obtained or negotiated. Where an estimate is based on actual costs previously incurred, indicate the period covered. Where the basis for estimating is a percentage factor, indicate the actual base amount used in the computation.

NOTE 4. Provide a list of principal items within each category of material indicating known or anticipated source, quantity, unit price, and extended amount. Indicate basis of establishing source and reasonableness of cost.

NOTE 5. Include material for the proposed contract other than material described in the preceding footnote under the cost elements entitled "Direct Material."

NOTE 6. Include parts, components, assemblies, and services to be produced or performed by other than you in accordance with your design, specifications, or directions and applicable only to the prime contract.

NOTE 7. Include raw and processed material for the proposed contract in a form or state which requires further processing.

NOTE 8. Include standard commercial items normally fabricated in whole or in part by you which are generally stocked in inventory. Explain if basis for estimate is other than the lower of cost or current market price.

NOTE 9. Identify all materials sold or transferred between your divisions or subsidiaries. Explain pricing method (e.g., cost, cost plus overhead, or market).

NOTE 10. Separately identify the rate used and provide an appropriate explanation. Provide information sufficient to support and evaluate the reasonableness of rates. Where rates are negotiated annually with a cognizant Government agency, indicate the name of the agency and date of the most recent negotiation. Where rates are developed specifically for the proposed contract, provide a basis for evaluation of the reasonableness of proposed rates.

NOTE 11. Include separate breakdown of costs.

NOTE 12. Provide a separate breakdown of labor by job category and furnish basis for cost estimates.

NOTE 13. Include all other estimated costs (*e.g., Social Security, Employee Insurance, Fringe Benefits, Travel, Computer Services, Preservation, Packaging and Packing, Spoilage, and Rework, and Warranty*) which are not otherwise included. Identify separately each category of cost and provide appropriate explanation. Where costs are based on other than negotiation prices, indicate separately all outbound transportation costs included in local amounts.

NOTE 14. If the total cost entered here is in excess of $350, provide on a separate page the following information on each separate item of royalty or license fee: name and address of licensor; date of license agreement; patent numbers, patent application serial numbers, or other basis on which the royalty is payable; brief description, including any part or model numbers of each contract item or component on which royalty is payable; percentage or dollar rate of royalty per unit; unit price of contract item; number of units; and total dollar amount of royalties. In addition, if specifically requested by the contracting officer, furnish copies of current licenses and royalty agreements and identification of applicable claims of specific patents shall be provided.

NOTE 15. Selling price must include any applicable Federal excise tax on finished articles.

See Reverse for Instructions

OPTIONAL FORM 59 (10-71)

JAN 14 72
XUM

(b) Page 2 of Optional Form 60.

This proposal is submitted for use in connection with and in response to (*Describe RFP, etc.*)

and reflects our best estimates as of this date, in accordance with the instructions to Offerors and the Footnotes which follow.

TYPED NAME AND TITLE | SIGNATURE | DATE OF SUBMISSION

NAME OF FIRM | ADDRESS (*Number, street, city, county, State and ZIP code*)

EXHIBIT A—SUPPORTING SCHEDULE (*Specify: If more space is needed, use reverse.*)

ITEM DESCRIPTION (*See footnote 5*) | COST EL. NO. | EST COST ($)

SPECIMEN

1. HAS ANY EXECUTIVE AGENCY OF THE UNITED STATES GOVERNMENT PERFORMED ANY REVIEW OF YOUR ACCOUNTS OR RECORDS IN CONNECTION WITH ANY GOVERNMENT PRIME CONTRACT OR SUBCONTRACT WITHIN THE PAST TWELVE MONTHS?

☐ YES ☐ NO *(If yes, identify below.)*

NAME AND ADDRESS OF REVIEWING OFFICE AND INDIVIDUAL | TELEPHONE NUMBER/EXTENSION

8. WILL YOU REQUIRE THE USE OF ANY GOVERNMENT PROPERTY IN THE PERFORMANCE OF THIS PROPOSED CONTRACT?

☐ YES ☐ NO *(If yes, identify on reverse or separate page.)*

9A. DO YOU REQUIRE GOVERNMENT CONTRACT FINANCING TO PERFORM THIS PROPOSED CONTRACT? ☐ PROGRESS PAYMENTS OR ☐ GUARANTEED LOANS

☐ YES ☐ NO *(If yes, identify.)* ☐ ADVANCE PAYMENTS

9B. DO YOU HOLD ANY CONTRACT (*Or, do you have any independently financed (IR&D) projects*) FOR THE SAME OR SIMILAR WORK CALLED FOR BY THIS PROPOSED CONTRACT?

☐ YES ☐ NO *(If yes, identify.)*

9C. DOES THIS COST SUMMARY CONFORM WITH THE COST PRINCIPLES SET FORTH IN APPLICABLE REGULATIONS?

☐ YES ☐ NO *(If no, explain on reverse or separate page)*

See Terms for Instructions and Footnotes

OPTIONAL FORM 60 (10-71)

(a) Page 1 of Option Form 60.

§ 1–16.902–OF 60 Optional Form 60, Contract Pricing Proposal (Research and Development).

CONTRACT PRICING PROPOSAL (*RESEARCH AND DEVELOPMENT*)

OFFICE OF MANAGEMENT AND BUDGET APPROVAL NO. 23-R0184

This form is for use when (*i*) submission of cost or pricing data (see FPR 1-3.807-3) is required and (*ii*) submission on this optional form is authorized by the contracting officer.

YEAR NO. | NO. OF PAGES

NAME OF OFFICIAL | SUPPLIES AND/OR SERVICES TO BE FURNISHED

HOME OFFICE ADDRESS

ORGANIZATION AND LOCATION WHERE WORK IS TO BE PERFORMED | TOTAL AMOUNT OF PROPOSAL $ | IDIQ/T SOLICITATION NO.

DETAIL DESCRIPTION OF COST ELEMENTS

	ESTIMATED HOURS	RATE/HOUR	EST COST ($)	TOTAL EST COST[1]	REFERENCE[2]
1. DIRECT MATERIAL (*Itemize on Exhibit A*)					
a. PURCHASED PARTS					
b. SUBCONTRACTED ITEMS					
c. OTHER—(1) RAW MATERIAL					
(2) YOUR STANDARD COMMERCIAL ITEMS					
(3) INTERDIVISIONAL TRANSFERS (*At other than cost*)					
TOTAL DIRECT MATERIAL					
2. MATERIAL OVERHEAD (*Rate* %, *Base*)					
3. DIRECT LABOR (*By-Mfr*)					
TOTAL DIRECT LABOR			EST COST ($)		
4. LABOR OVERHEAD (*Specify Department or Cost Center*)					
TOTAL LABOR OVERHEAD			EST COST ($)		
5. SPECIAL TOOLING (*Including field work at Government installations*)					
TOTAL SPECIAL TOOLING			EST COST ($)		
6. SPECIAL EQUIPMENT (*If direct charge*) (*Itemize on Exhibit A*)					
7. TRAVEL (*If direct charge*) (*Give details on attached Schedule*)					
a. TRANSPORTATION					
b. PER DIEM OR SUBSISTENCE					
TOTAL TRAVEL			EST COST ($)		
8. CONSULTANTS (*Identify purpose—rate*)					
TOTAL CONSULTANTS					
9. OTHER DIRECT COSTS (*Itemize on Exhibit A*)					
TOTAL DIRECT COST AND OVERHEAD					
10.			% of cost element No.		
11. GENERAL AND ADMINISTRATIVE EXPENSE (*Rate* %, *Base*)					
12. ROYALTIES[3]					
TOTAL ESTIMATED COST					
13.					
14. FEE OR PROFIT					
TOTAL ESTIMATED COST AND FEE OR PROFIT					

SPECIMEN

OPTIONAL FORM 60 (10-71)
GENERAL SERVICES ADMINISTRATION
FPR (41 CFR) 1-16.902
5060-101

(c) Page 3 of Optional Form 60.

INSTRUCTIONS TO OFFERORS.

1. The purpose of this form is to provide a standard format by which the offeror submits to the Government a summary of incurred and estimated costs *(and attached supporting information)* suitable for detailed review and analysis. Prior to the award of a contract resulting from this proposal the offeror shall, under the conditions stated in FPR 1–3.807–3 be required to submit a Certificate of Current Cost or Pricing Data (See FPR 1–3.807–3(h) and 1–3.807–4).

2. In addition to the specific information required by this form, the offeror is expected, in good faith, to incorporate in and submit with this form any additional data, supporting schedules, or substantiation which are reasonably required for the conduct of an appropriate review and analysis in the light of the specific facts of this procurement. For effective negotiations, it is essential that there be a clear understanding of:

a. The existing, verifiable data.
b. The judgmental factors applied in projecting from known data to the estimate, and
c. The contingencies used by the offeror in his proposed price.

In short, the offeror's estimating process itself needs to be disclosed.

3. When attachment of supporting cost or pricing data to this form is impracticable, the data will be described *(with schedules as appropriate)*, and made available to the contracting officer or his representative upon request.

4. The formats for the "Cost Elements" and the "Proposed Contract Estimate" are not intended as rigid requirements. These may be presented in different format with the prior approval of the Contracting Officer if required for more effective and efficient presentation. In all other respects this form will be completed and submitted without change.

5. By submission of this proposal the offeror grants to the Contracting Officer, or his authorized representative, the right to examine, for the purpose of verifying the cost or pricing data submitted, those books, records, documents and other supporting data which will permit adequate evaluation of such cost or pricing data, along with the computations and projections used therein. This right may be exercised in connection with any negotiations prior to contract award.

FOOTNOTES

1 *Enter in this column those necessary and reasonable costs which in the judgment of the offeror will properly be incurred in the efficient performance of the contract. When any of the costs in this column have already been incurred (e.g., on a letter contract or change order), describe them on the attached supporting schedule. Identify all units and transfers between divisions, plants, divisions, or organizations under a common control. Such transfers should be stated at other than the lower of cost to the originating unit or the price to unaffiliated purchasers or current market price.*

2 *When space in addition to that available in Exhibit A is required, attach such separate pages as necessary and identify in this column the exact location where the attachment in which the information supporting the specific cost element may be found. No standard format is prescribed; however, the cost or pricing data must be accurate, complete and current, and the judgmental factors used in projecting from the data in the column(s) must be stated in sufficient detail to enable the Contracting Officer to evaluate the proposal. For example, provide the basis used for pricing materials such as by vendor quotations, shop estimates, or current prices; the reasons for use of overhead rates which depart significantly from experienced rates (indirect volume, a planned major re-arrangement, etc.); or justification for an increase in labor rates (anticipated wage and salary increases, etc.). Identify and explain any contingencies which are included in the proposed price, such as anticipated costs of rejects and defective work, or anticipated technical difficulties.*

3 *Provide a brief explanation. Where Contractor team arrangements exist, identify the team members and the nature of the agreement. Provide the basis for proposed application of your overhead expense, including cost breakdowns and showing trends and budgetary data as necessary to support evaluation of the reasonableness of proposed rates.*

4 *If the total cost entered here is in excess of $250, provide on a separate page the following information on each separate item of royalty or license fee: name and address of licensor; date of license agreement; patent numbers, patent application serial numbers, or other basis on which the royalty is payable; brief description, including any part or model numbers of each contract item or component on which the royalty is payable; percentage or dollar rate of royalty per unit; unit price of contract item; number of units; and total dollar amount of royalties. In addition, if specifically requested by the contracting officer, a copy of the current license agreement and identification of applicable claims of specific patents shall be provided.*

5 *Provide a list of principal items within each category indicating known or anticipated source, quantity, and price, competitive obtained, and basis of establishing source and reasonableness of cost.*

CONTINUATION OF EXHIBIT A—SUPPORTING SCHEDULE AND REPLIES TO QUESTIONS 8 AND 9.

SPECIMEN

OPTIONAL FORM 60 (10-71)

Availability of forms. It is anticipated that copies of the forms will be available for use by June 1, 1972.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective June 1, 1972, but may be observed earlier.

Dated: January 6, 1972.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.72-510 Filed 1-13-72;8:45 am]

Chapter 8—Veterans Administration

PART 8–1—GENERAL

Responsible Prospective Contractors

1. In Subpart 8–1.3, § 8–1.310 is revoked. See Subpart 8–1.12.

§ 8–1.310 Responsible prospective contractor. [Revoked]

§ 8–1.310–6 Determination of responsibility. [Revoked]

§ 8–1.310–9 Preaward onsite evaluation. [Revoked]

§ 8–1.310–50 Plant inspection by qualified representatives of the Chief, Marketing Division for Drugs and Chemicals. [Revoked]

2. In Part 8–1, a new Subpart 8–1.12 is added to read as follows:

Subpart 8–1.12—Responsible Prospective Contractors

Sec.
8–1.1203 Minimum standards for responsible prospective contractors.
8–1.1203–2 Additional standards.
8–1.1203–3 Special standards.
8–1.1204 Determination of responsibility or nonresponsibility.
8–1.1204–1 Requirement.
8–1.1205 Procedures for determining responsibility of prospective contractors.
8–1.1205–1 General.
8–1.1205–4 Preaward surveys.
8–1.1205–50 Plant inspection by qualified representatives of the Chief, Marketing Division for Drugs and Chemicals.

AUTHORITY: The provisions of this Subpart 8–1.12 issued under Sec. 205(c), 63 Stat. 389, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–1.12—Responsible Prospective Contractors

§ 8–1.1203 Minimum standards for responsible prospective contractors.

§ 8–1.1203–2 Additional standards.

Standards applicable to subsistence will be established based on preaward surveys prescribed in § 8–1.1205–4.

§ 8–1.1203–3 Special standards.

When deemed necessary, the contracting officer will obtain technical advice and assistance for a particular class of procurement in the same manner prescribed in § 8–2.201 (h) and (i) of this chapter.

§ 8–1.1204 Determination of responsibility or nonresponsibility.

§ 8–1.1204–1 Requirement.

Administrative determinations establishing the responsiveness of a prospective contractor will be made part of the contract file.

§ 8–1.1205 Procedures for determining responsibility of prospective contractors.

§ 8–1.1205–1 General.

The contracting officer will establish a file by contractor's name and will maintain it on a current basis for the purpose of recording the following actions for use in the placement of new procurements:

(a) Followup on delinquent deliveries.
(b) Rejection.
(c) Declaration of intent to default.
(d) Default.

§ 8–1.1205–4 Preaward surveys.

(a) Preaward onsite evaluation will be made for contracts covering the products and services of bakeries, dairies, ice cream plants and laundries. A committee under the direction of the contracting officer and composed of representatives of the medical and using service appointed by the station head will inspect and evaluate the plant, personnel, equipment and processes of the prospective contractor. Prior to any inspection, the contracting officer will inquire whether the plant has been recently inspected and approved by another Veterans Administration station or Federal agency. Approved inspection reports

V 37 19 JAN 14 72 XUM

of another Veterans Administration station will be accepted by Veterans Administration stations and approved inspection reports of other Federal agencies may be accepted as satisfactory evidence that the facilities of the bidder meet the requirements of the Invitation for Bid, provided inspection was made not more than 6 months prior to the purposed contract period.

(b) Preaward onsite evaluation of dairy plants will not be made by the Veterans Administration when acceptable bids are received from suppliers of those dairy products designated as No. 1 in the Federal Specifications. Suppliers must have received, prior to opening of bids, a pasteurized milk rating of 90 percent or more for the type product being supplied, on the basis of the U.S. Public Health Service milk ordinance and code. Such rating must be current (not over 2 years old), and will have been determined by certified State milk sanitation rating officer in the State of origin or by the Public Health Service and will continue at 90 percent or more during the period of the contract. Firms not so rated may only offer dairy products designated as No. 2 in the Federal Specifications. Award to such firms may be made only after completion of a preaward onsite evaluation conducted in accordance with paragraph (a) of this section.

(c) Prior to any open market purchase of fresh bakery products (such as pies, cakes, cookies), the plant where these products are produced or prepared will be inspected and evaluated as provided in paragraph (a) of this section. Onsite evaluation will be made at least annually.

§ 8–1.1205–50 Plant inspection by qualified representatives of the Chief, Marketing Division for Drugs and Chemicals.

(a) Inspection of new potential contractor and/or supplier plant facilities will be scheduled when the estimated annual sales would warrant costs incident to such inspection. The inspection will normally be scheduled within 120 calendar days after receipt of the request for inspection. The cost of the initial and followup inspection will be borne by the Veterans Administration. Cost of subsequent inspections resulting from prior disapprovals will be borne by the contractor or supplier. Cost of inspection for each plant inspected will be prorated at $150 to cover cost of travel, per diem and salary.

(b) When an inspection of a contractor's plant(s) by a qualified inspector or inspection agency representing the Chief, Marketing Division for Drugs and Chemicals, discloses a violation or violations of the type specified in § 8–7.150–17 of this chapter, the division chief will immediately, by the most expeditious means available, advise all Veterans Administration purchasing officers and other Government agencies authorized to use the contract that, pending further notification, drugs manufactured by the contractor in his plant(s) located at ----------[1] will not be purchased. He will, after reinspection of the contractor's plant(s), advise all purchasing offices and other Government agencies either to resume purchasing or that the contractor has been declared in default.

(c) When the violation disclosed by the inspection and reinspection are of such a nature as to warrant debarment action, the appropriate contracting officer will immediately comply with the provisions of § 8–1.606.

These regulations are effective February 10, 1972.

Approved: January 10, 1972.

By the direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.72–569 Filed 1–13–72;8:47 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

PART 101–44—DONATION OF PERSONAL PROPERTY

Medical Shelf Life Items

This amendment implements section 1 of Public Law 91–426 (84 Stat. 883, 40 U.S.C. 481(e)). This Act provides, in part, that whenever the head of any executive agency determines that the remaining storage or shelf life of medical materials or medical supplies held by such agency for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the best interest of the United States, such materials or supplies shall be considered for the purposes of section 202 of the Federal Property and Administrative Services Act of 1949, as amended, to be excess property. This Act further provides that in accordance with regulations of the Administrator of General Services, such excess materials or supplies may thereupon be transferred to or exchanged with any other Federal agency for other medical materials or supplies or disposed of as surplus property.

The table of contents for Part 101–43 is amended by adding new § 101–43.313–9a as follows:

Sec.
101–43.313–9a Medical shelf life items held for national emergency purposes.

Subpart 101–43.3—Utilization of Excess

Section 101–43.313–9(b) is revised and new § 101–43.313–9a is added as follows:

§ 101–43.313–9 Shelf life items.

* * * * *

(b) Drugs and biologicals requiring refrigeration or deep freeze, medical shelf life items held for national emergency purposes (see § 101–43.313–9a), subsistence items, and ammunition are excepted from the provisions of this § 101–43.313–9.

* * * * *

§ 101–43.313–9a Medical shelf life items held for national emergency purposes.

(a) Whenever the head of any executive agency determines that the remaining storage or shelf life of medical materials or supplies held for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the best interest of the United States, such materials or supplies shall be considered to be excess personal property. To the greatest extent practicable, the above determination shall be made at such times as to insure that such medical materials or medical supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf life expires and they are rendered unfit for human use.

(b) Medical materials and medical supplies held by an agency for national emergency purposes and determined to be excess personal property may be exchanged with any other Federal agency without the prior approval of GSA and without regard to the provisions of Part 101–46. Such exchanges, however, shall be only for other medical materials or medical supplies to be held for national emergency purposes.

(c) Medical shelf life items held for national emergency purposes which have a remaining useful life of 3 or more months before they reach the expiration date and are not otherwise exchanged as provided in § 101–43.313–9a (b) shall be reported as excess in accordance with § 101–43.311. Agencies may also report medical shelf life items not required to be reported by § 101–43.311. The Standard Form 120, Report of Excess Personal Property, shall identify the items as medical shelf life items held for national emergency purposes by carrying the designating symbol "MSL" and by showing the shelf life expiration date. If the item has an extendible expiration date, there shall be furnished an indication of whether the expiration date is the original or the extended date. Further, whenever medical shelf life items held for national emergency purposes are reported as excess on SF 120, any specialized storage requirements pertaining to the items listed thereon shall be noted on the report.

(d) Normally, medical shelf life items held for national emergency purposes and reported in accordance with § 101–43.313–9a(c) will be given a surplus release date effective 60 calendar days after the receipt of the report in the appropriate GSA office. This date may be shortened or extended consistent with utilization objectives and with the remaining useful shelf life. However, in all instances GSA offices will handle the screening of medical shelf life items in an expeditious manner to permit their use before their shelf life expires and they are rendered unfit for human use.

(e) Medical shelf life items held for national emergency purposes which have a remaining useful life of 3 or more months before they reach the expiration date, and which are not reportable in accordance with § 101–43.4901, shall be made available for use by other Federal agencies as provided in § 101–43.306. A surplus release date shall be established by the holding agency upon determination that such items are excess to provide a minimum of 15 calendar days for selection of the items for Federal use. In the instance of controlled substances, defined in sections 201 and 202 of Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 and 812), and listed in 21 CFR Part 308 of the implementing regulations (36 F.R. 7803–7812), each executive agency shall comply with the provisions of 21 CFR 307.21 of the regulations (36 F.R. 7802).

(f) Transfers among Federal agencies of medical materials and medical supplies held by an agency for national emergency purposes and determined excess property shall be accomplished in accordance with § 101–43.315, except that such transfers shall be made upon such terms and prices as shall be agreed to by the Federal agencies concerned (including the organizations specified in § 101–46.301). Proceeds from transfers may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only for the purchase of medical materials or medical supplies to be held for national emergency purposes.

(g) Medical materials and medical supplies held by an agency for national emergency purposes and determined to be excess property for which a surplus release date has been established in accordance with §§ 101–43.313–9a (d) or (e) and not transferred to other agencies shall become surplus at the close of business on the surplus release date.

(h) Medical materials and medical supplies held by an agency for national emergency purposes and determined to be surplus in accordance with § 101–43.313–9a(g) shall not be disposed of until a period of 15 calendar days has been afforded for donation program screening in accordance with Part 101–44. If no donation action is initiated during the period afforded for donation screening, items shall be disposed of at the end of that period pursuant to the provisions of Part 101–45.

The table of contents for Part 101–44 is amended by adding new § 101–44.323 as follows:

Sec.
101–44.323 Donation of medical shelf life items held for national emergency purposes.

Subpart 101–44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

Subpart 101–44.3 is amended by adding new § 101–44.323 as follows:

§ 101–44.323 Donation of medical shelf life items held for national emergency purposes.

(a) Medical materials and medical supplies held for national emergency purposes and determined to be surplus in accordance with § 101–43.313–9a(g) shall be made available for donation screening for educational, public health, civil defense, and public airport purposes pursuant to the provisions of § 101–44.304.

(b) Prior to donation, drugs, biologicals, and reagents which are not required to be destroyed as provided in § 101–45.505 shall be processed as provided in § 101–44.321.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (1–14–72).

Dated: January 6, 1972.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.72–590 Filed 1–13–72;8:50 am]

---

[1] Enter location of plant(s) where violations were disclosed.

JAN 14 1972 XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

SEED POTATOES

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance of U.S. Standards for Seed Potatoes (7 CFR 51.3000–51.3014). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than March 15, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed issuance of the grade standards. In 1968 the Certification Section of the Potato Association of America sent questionnaires to all seed potato certification officials throughout the United States and to the Department of Agriculture and Marketing officials in nonseed producing States. This was done to determine if there was an interest in establishing a national seed grade. Twenty-one of the 27 States reporting certified seed programs in 1968 responded and 18 nonseed producing States replied. Eighty-five percent of those responding favored having a national seed grade indicating that it would: (1) Provide uniformity and thereby reduce confusion in the minds of the buyers, both foreign and domestic, and (2) would simplify seed potato inspection at destination.

After subsequent meetings and considerable discussion, the Certification Section approved and submitted formal recommendations for development of U.S. Standards for seed potatoes to the U.S. Department of Agriculture in 1971.

In June, USDA's Consumer and Marketing Service prepared and submitted to the Certification Section's National Seed Grade Committee a study draft of tentative standards incorporating the section's formal recommendations as well as several suggestions for consideration. The purpose of the study draft was to provide the Grade Committee with an opportunity to review the proposed standards and submit informal comments.

After consideration of comments from the Committee and additional changes suggested by the Department, in September a final draft was prepared and submitted to the Committee. Subsequent comments have been favorable.

These proposed voluntary standards would not supplant State certified seed grades or regulations but would serve as a reference point in lieu of the U.S. "fresh market" standards.

It is believed that these standards would serve as a useful basis for trade between buyers and sellers, and that the seed industry would benefit from their use.

The proposed standards are as follows:

GRADE

Sec.
51.3000 U.S. No. 1 Seed Potatoes.

TOLERANCES

51.3001 Tolerances.

APPLICATION OF TOLERANCES

51.3002 Application of tolerances.

SAMPLES FOR GRADE AND SIZE DETERMINATION

51.3003 Samples for grade and size determination.

DEFINITIONS

51.3004 Fairly well shaped.
51.3005 Nematode or Tuber Moth injury.
51.3006 Damage.
51.3007 Serious damage.
51.3008 Freezing.
51.3009 Soft rot or wet breakdown.
51.3010 External defects.
51.3011 Internal defects.
51.3012 Permanent defects.
51.3013 Condition defects.

METRIC CONVERSION TABLE

51.3014 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADE

§ 51.3000 U.S. No. 1 Seed Potatoes.

"U.S. No. 1 Seed Potatoes" consists of potatoes identified as certified seed of one variety by the State of origin which meet the following requirements:

(a) Fairly well shaped;
(b) Free from:
(1) Freezing;
(2) Blackheart;
(3) Late Blight Tuber Rot;
(4) Nematode or Tuber Moth injury;
(5) Bacterial Ring Rot; and,
(6) Soft rot or wet breakdown.
(c) Free from serious damage caused by:
(1) Hollow heart.
(d) Free from damage by any other cause (see Tables I and II).
(e) Size:
(1) Minimum diameter, unless otherwise specified, shall be not less than 1½ inches; and,
(2) Maximum size shall not exceed 3¼ inches in diameter or 12 ounces in weight.
(f) For tolerances see § 51.3001.

TOLERANCES

§ 51.3001 Tolerances.

In order to allow for variations incident to proper grading and handling in the foregoing grade, the following tolerances, by weight, are provided as specified:

(a) For defects:
(1) 10 percent for potatoes in any lot which are seriously damaged by hollow heart;
(2) 10 percent for potatoes which fail to meet the remaining requirements of the grade including therein not more than 5 percent for external defects and not more than 5 percent for internal defects: *Provided,* That included in these tolerances not more than the following percentages shall be allowed for the defects listed:

	Percent
Bacterial Ring Rot	0.00
Serious damage caused by dry or moist type Fusarium Tuber Rot	2.00
Late Blight Tuber Rot	1.00
Nematode or Tuber Moth injury	0.00
Varietal mixture	0.25
Frozen soft rot or wet breakdown	0.50

Provided, That en route or at destination an additional 0.50 percent, or a total of 1 percent, shall be allowed for potatoes which are frozen or affected by soft rot or wet breakdown.

(b) For off-size:
(1) *For undersize.* Three percent for potatoes in any lot which fail to meet the required or specified minimum size except that 5 percent shall be allowed when the minimum size specified is 2¼ inches or more in diameter or 5 ounces or more in weight.
(2) *For oversize.* Ten percent for potatoes in any lot which fail to meet the required or specified maximum size.

APPLICATION OF TOLERANCES

§ 51.3002 Application of tolerances.

Individual samples shall have not more than double the tolerances specified, except that at least one defective and one off-size potato may be permitted in any sample: *Provided,* That en route or at destination one-tenth of the samples may contain three times the tolerance permitted for potatoes which are frozen or affected by soft rot or wet breakdown: *And provided further,* That the averages for the entire lot are within the tolerances specified for the grade.

SAMPLES FOR GRADE AND SIZE DETERMINATION

§ 51.3003 Samples for grade and size determination.

Individual samples shall consist of at least 20 pounds. The number of such individual samples drawn for grade and size determination will vary with the size of the lot.

DEFINITIONS

§ 51.3004 Fairly well shaped.

"Fairly well shaped" means that the potato is not materially pointed, dumbbell-shaped or otherwise materially deformed.

§ 51.3005 Nematode or Tuber Moth injury.

"Nematode or Tuber Moth injury" means the presence of or any evidence of Nematode or Tuber Moth.

§ 51.3006 Damage.

"Damage" means any defect (except sunburn and greening) or any combination of defects which materially detracts from the internal or external appearance of the potato, or any internal defect which cannot be removed without a loss of more than 5 percent of the total weight of the potato. See Tables I and II in §§ 51.3010 and 51.3011.

§ 51.3007 Serious damage.

"Serious damage" means any defect (except sunburn and greening), or any combination of defects, which seriously detracts from the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 10 percent of the total weight of the potato.

§ 51.3008 Freezing.

"Freezing" means that the potato is frozen or shows evidence of having been frozen.

§ 51.3009 Soft rot or wet breakdown.

"Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue.

§ 51.3010 External defects.

"External defects" are defects which can be detected externally. However, cutting may be required to determine the extent of the injury. Some external defects are listed in Table I.

TABLE I—EXTERNAL DEFECTS

Defect	Damage: When materially detracting from appearance of the potato.	Damage: or	Damage: When removal causes loss of more than 5 percent of total weight of potato
Air cracks	X		
Bruises	X		X
Cuts or trimming	X		
Enlarged lenticels	X		
External discoloration	X		
Flea Beetle Injury	X		X
Rhizoctonia	X		
Scab, pitted	X		X
Scab, russet	X		
Scab, surface	When more than 5 percent of surface affected		
Second growth	X		
Growth cracks	X		
Wireworm or grass damage	When any hole in a potato 2½ inches in diameter or 6 ounces in weight is more than ¾-inch long, or when the aggregate length of all holes is more than 1¼ inches, or correspondingly shorter or longer holes in smaller or larger potatoes.		
Dirt	Dirt or other foreign matter is considered as causing damage when the individual potato is more than slightly dirty or slightly stained, or when more than a moderate amount of loose dirt or other foreign matter is present in the sample.		
Insects or worms	When present inside the potato		
Shriveling	When more than moderately shriveled, spongy, or flabby		
Sprouts	When more than 10 percent of the potatoes in any lot have any sprout more than 1 inch in length.		

§ 51.3011 Internal defects.

"Internal defects" are defects which cannot be detected without cutting the potato. Some internal defects are listed in Table II.

TABLE II—INTERNAL DEFECTS

Defect	Damage
Ingrown sprouts	When removal causes a loss of more than 5 percent of the total weight of the potato.
Internal discoloration occurring entirely within the vascular ring.	When more than the equivalent of three scattered light brown spots ⅛ inch in diameter in a potato 2½ inches in diameter or 6 ounces in weight, or correspondingly lesser or greater number of spots in smaller or larger potatoes.
Internal discoloration outside of or not entirely confined within the vascular ring.	When removal causes a loss of more than 5 percent of the total weight of the potato.

§ 51.3012 Permanent defects.

"Permanent defects" are defects which are not subject to change during storage or shipment.

§ 51.3013 Condition defects.

"Condition defects" are defects which may develop or change during storage or shipment.

METRIC CONVERSION TABLE

§ 51.3014 Metric conversion table.

Inches:	Millimeters (mm)
⅛ equals	3.2
¼ equals	6.4
½ equals	12.7
¾ equals	19.1
1 equals	25.4
1½ equals	38.1
2 equals	50.8
2½ equals	63.5
3 equals	76.2
3½ equals	88.9
4 equals	101.6
4½ equals	114.3
Ounces:	**Grams**
1 equals	28.35
4 equals	113.40
5 equals	141.75
6 equals	170.10
7 equals	198.45
8 equals	226.80
9 equals	255.15
10 equals	283.50
12 equals	340.20
14 equals	396.90
16 equals	453.60
18 equals	510.30
19 equals	538.60
20 equals	567.00

Dated: January 10, 1972.

G. R. GRANGE,
Acting Administrator,
Consumer and Marketing Service.

[FR Doc.72-504 Filed 1-13-72;8:45 am]

[7 CFR Part 981]

[Docket No. AO-214-A4]

ALMONDS GROWN IN CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Sacramento, Calif., on March 17–23, 1971, after notice thereof was published in the FEDERAL REGISTER (36 F.R. 4295) on proposals to amend the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

JAN 14 1972

Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

On the basis of the evidence adduced at the hearing, and the record thereof, a recommended decision in this proceeding was filed with the Hearing Clerk, U.S. Department of Agriculture. Notice thereof, affording opportunity to file written exceptions thereto, was published October 30, 1971, in the FEDERAL REGISTER (F.R. Doc. 71–15824; 36 F.R. 20887).

Material issues, findings and conclusions, and general findings. The material issues, findings and conclusions, and general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 71–15824; 36 F.R. 20887) are hereby approved and adopted as the material issues, findings and conclusions and general findings of this decision as if set forth in full herein, except as they are modified by the clarifying change and rulings on the exceptions hereinafter set forth.

Section 981.41(c) recommended for adoption authorizes the Control Board, with the approval of the Secretary, to provide for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sale of almonds, almond products or their uses. However, the proviso in that paragraph excludes certain items of expenditure from such crediting. It is not clear from the proviso whether the excluded expenditures apply to market promotion activities as well as paid advertising, although the evidence of record would permit the Control Board, at some future time, to establish creditable guidelines applicable to marketing promotion activities. These include some of the expenditures excluded in the proviso. So as to make clear that the proviso is applicable only to paid advertising, the proviso is revised by inserting ", with respect to paid advertising," immediately after "*Provided*, That".

Rulings on exceptions. Exceptions to the recommended decision were filed within the prescribed time for the Almond Growers Council.

These exceptions have been considered carefully and fully in connection with the evidence in the record and the proposed findings and conclusions in the recommended decision in arriving at the findings and conclusions set forth herein. To the extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

The exceptions, and the rulings thereon, are as follows:

Exception was taken to the recommended revision of § 981.81(b), pertaining to the refund of any money collected as assessments during any crop year and not expended at the end of the crop year's operation. The exceptor contended that refunds should be made on the basis of assessments levied on handlers rather than on the basis of collections from handlers. Pursuant to the provisions of § 981.41(a) recommended for adoption, the Board may provide for crediting the pro rata expense assessment obligation of a handler with such portion of his direct expenditures for such marketing promotion including paid advertising as may be authorized. The exceptor stated that a handler engaged in paid advertising and having expenditures for such activity credited against his assessment obligation would not actually "pay" an assessment to the Board with respect to such activity, but rather receive a credit against such obligation. The exceptor further stated that computation of refunds of assessments solely on the basis of assessments collected from handlers would preclude amounts so credited from being used in the computation of refunds. This would discourage handlers from promoting the sale and use of almonds. While there is merit in this exception, it is not feasible to use assessments levied on handlers as a basis for computing refunds. A handler may be billed for his assessments and fail to pay all or a portion of his assessments. Granting the exception as presented would enable a handler delinquent in the payment of his assessments to receive a refund of the Board's excess assessments. This is not supported by the evidence of record. In this regard, the third paragraph (36 F.R. 20890) of material issue (7) in the recommended decision states, in part, "Each handler's share of such excess funds would be the amount of assessments including eligible credits for marketing promotion including paid advertising he has paid in excess of his pro rata share of the actual expenses of the Board including such credits for such category and the addition, if any, to the corresponding operating reserve fund". Thus, the recommended decision provides for the computation of any refunds of excess assessments on the basis of assessments including eligible credits for marketing promotion including paid advertising. In order to make it clear that computation of such refunds should take into account such credits, the third sentence of § 981.81(b) is revised accordingly.

Exception was also taken to the inclusion in new § 981.40(e) of a requirement that adoption of recommendations by the Control Board with respect to projects pursuant to § 981.41 shall require at least seven affirmative votes.

The exceptor contended that since the establishment of guidelines for paid advertising is with the Control Board, subject to the Secretary's approval, the Control Board should require eight affirmative votes when recommending actions pursuant to § 981.41. The exceptor stated that to require eight affirmative votes would insure that at least three of the five handler members on the Control Board agree on any proposal. However, considering the existing industry structure and representation on the Control Board, eight affirmative votes on such action is not necessary. While it is agreed that handlers will be the ones most concerned with advertising decisions, this should not be at the expense of producer participation in program operations, which has as its purpose, to increase producer returns.

In view of the foregoing and the findings and conclusions in the recommended decision, this exception is denied.

Amendment of the amended marketing agreement and order. Annexed hereto and made a part hereof, are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Almonds Grown in California" and "Order Amending the Order, as Amended, Regulating the Handling of Almonds Grown in California", which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1970, through June 30, 1971 (which period is hereby determined to be a representative period for the purpose of such referendum) have been engaged, in the State of California, in the production for market of almonds to determine whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of almonds grown in California.

William B. Blackburn, Gilbert P. Muck, and James S. Miller of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts, Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR Part 900).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot or other necessary information will be able to obtain the same from William B. Blackburn, Sacramento Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, 2800 Cottage Way, Room E–2713, Sacramento, CA 95825.

It is hereby ordered, That, all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: January 10, 1972.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Almonds Grown in California

§ 981.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 15 F.R. 4993; 22 F.R. 3781; 22 F.R. 8485; 23 F.R. 903; 35 F.R. 11372.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (Part 900 of this chapter), a public hearing was held in Sacramento, Calif., on March 17–23, 1971, on a proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended (Part 981 of this chapter), regulating the handling of almonds grown in California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of almonds grown in California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of almonds in the production area covered by the order, as amended, and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of almonds grown in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of almonds grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 981.16 [Amended]

1. Section 981.16 is revised by deleting the words "continental", "Alaska", and "Hawaii".

§ 981.21 [Amended]

2. Section 981.21 is revised by deleting the word "continental", and substituting therefor the word "the" and deleting the words "Alaska" and "Hawaii".

3. A new paragraph (e) is added to § 981.40 to read:

§ 981.40 Procedure.

* * * * * *

(e) *Additional voting requirements.* Adoption of recommendations by the Control Board with respect to projects pursuant to § 981.41 involving production research, marketing research and development projects, and marketing promotion including paid advertising and crediting the pro rata expense assessment obligation of handlers with such portion of their direct expenditures for marketing promotion including paid advertising, shall require at least seven affirmative votes.

4. Section 981.41 is revised to read:

§ 981.41 Research and development.

(a) *General.* The Control Board, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of almonds. The Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. The expenses of such projects shall be paid from funds collected pursuant to § 981.81(a) or credited pursuant to paragraph (c) of this section.

(b) *Authorization.* If, on the basis of a Control Board recommendation pursuant to § 981.40(e) with respect to projects pursuant to this section, and appertaining rules and regulations established by the Secretary on recommendation of the Control Board, and other available information, the Secretary concurs that such activities should be permitted, he shall authorize such activities.

(c) *Creditable expenditures.* The Control Board, with the approval of the Secretary, may provide for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sale of almonds, almond products or their uses. No handler shall receive credit for any allowable direct expenditures that would exceed the total of his assessment obligation which is attributable to that portion of his assessment designated for marketing promotion including paid advertising. Such expenditures may include, but are not limited to, money spent for advertising space or time in newspapers, magazines, radio, television, transit, and outdoor media, including the actual standard agency commission costs not to exceed 15 percent: *Provided*, That, with respect to paid advertising, advertising production costs, preparation expenses, travel allowances, and other expenses not directly connected with paid space or time, and costs relating to pretesting of advertising, test marketing, directory advertising, point of sales materials, premiums, and trade promotion allowances shall not be eligible for credit against a handler's assessment obligation.

(d) *Promotion guidelines.* All marketing promotion activity engaged in by the Control Board, including paid advertising, shall be subject to the following terms and conditions:

(1) No marketing promotion, including paid advertising shall refer to any private brand, private trademark or private tradename;

(2) No promotion or advertising shall disparage the quality, use, value, or sale of like or any other agricultural commodity or product, and no false or unwarranted claims shall be made in connection with the product;

(3) No promotion or advertising shall be undertaken without reason to believe that returns to producers will be improved by such activity, and

(4) Upon conclusion of each activity; but at least annually, the Control Board shall summarize and report the results of such activity to its members and to the Secretary.

(e) *Rules and regulations.* Before any project involving marketing promotion, including paid advertising and the crediting of the pro rata expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary, after recommendation by the Board, shall prescribe appropriate rules and regulations as are necessary to effectively regulate such activity.

§ 981.66 [Amended]

5. Paragraph (b) of § 981.66 is amended by deleting the words "continental", "Alaska", and "Hawaii".

6. Paragraph (c) of § 981.66 is amended by deleting the words "Alaska" and "Hawaii".

§ 981.70 [Amended]

7. Section 981.70 is amended by inserting in the first sentence after the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

JAN 14 1972

word "disposition" the words "advertising and promotion activities".

§ 981.80 [Amended]

8. Section 981.80 is amended by inserting in the first sentence after the words "maintenance and functioning of the Control Board" the words, "including the accumulation and maintenance of an operating reserve fund", and in the second sentence after the word "expenses" the words "and size of the operating reserve fund".

§ 981.81 [Amended]

9. Paragraph (a) of § 981.81 is amended by inserting in the first sentence after the words "such sum" the words "less any amounts credited pursuant to § 981.41" and by inserting after the words "to meet the authorized Board expenses" the words "and the operating reserve requirements," and by adding a new sentence, after the last sentence, to read as follows: "The payment of assessments for the maintenance and functioning of the Board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative".

10. Paragraph (b) of § 981.81 is revised to read:

(b) *Refunds.* Any money collected as assessments during any crop year and not expended at the end of the crop year's operations shall be used by the Control Board during the period of 4 months subsequent to such crop year in paying the expenses of the Control Board incurred in connection with the new crop year, refunded by the Control Board in accordance with the provisions of this part, or be retained in an operating reserve fund as provided in paragraph (c) of this section. Assessments collected in excess of Board expenses and not retained in the reserve shall be refunded to handlers. The Control Board shall from funds on hand, including assessments collected during the new crop year, or from funds in the reserve, distribute or make available within 5 months after the beginning of the new crop year, such excess to the handlers from whom it was collected or credited. Each handler's share of such funds shall be the amount of assessment he paid to the Board plus any assessment credited pursuant to § 981.41, in excess of his pro rata share of actual expenses of the Board including amounts credited to handlers for paid advertising pursuant to § 981.41 and the addition, if any, to the operating reserve fund.

11. Paragraph (c) of § 981.81 is redesignated (d), and a new paragraph (c) is added to read:

(c) *Reserve.* The Board, with the approval of the Secretary, may establish and maintain during one or more crop years an operating reserve fund for marketing promotion including paid advertising, and for the maintenance and functioning, and other authorized activities of the Board. For the foregoing respective activities, the amount applicable to these purposes shall not exceed approximately one crop year's budgeted expenses for such activities. Upon approval of the Secretary, funds accumulated in the reserve fund may be used by the Board for authorized activities.

[FR Doc.72-557 Filed 1-13-72;8:46 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 601, 606, 613, 616, 670, 675, 677, 678, 688, 689, 690, 720, 727]

[Administrative Order 622]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearings

Correction

In F.R. Doc. 71-14162 appearing at page 19037 in the issue of Saturday, September 25, 1971, the reference to "Industry Committees Nos. 108-A or 107-B" in the first two lines on page 19040 should read "Industry Committees Nos. 108-A or 108-B", and the reference to "Industry Committees Nos. 109-A or 107-B" in the third and fourth lines on page 19040 should read "Industry Committees Nos. 109-A or 109-B".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-GL-32]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Versailles, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines IL 60018.

A new public use instrument approach procedure has been developed for the Darke County Airport, Versailles, Ohio, based on a non-Federal NDB. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Versailles, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

VERSAILLES, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Darke County Airport (latitude 40°12'17" N., longitude 84°31'38" W.); and within 3 miles either side of the 265° bearing from the airport, extending from the 5-mile-radius area to 8 miles from the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).

Issued in Des Plaines, Ill., on December 17, 1971.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-543 Filed 1-13-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-34]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Willoughby, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Room 18, 3158 Des Plaines Avenue, Des Plaines, IL 60018.

Since designation of controlled airspace at Willoughby, Ohio, new VOR instrument approach procedures have been developed for Lost Nation Airport, Willoughby, Ohio. To protect these approaches, a small additional segment of control zone must be designated.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

WILLOUGHBY, OHIO

Within a 5-mile radius of the Lost Nation Airport (latitude 41°40'45" N., longitude 81°23'45" W.); within 4 miles each side of the 088° bearing from the Lost Nation RBN extending from the 5-mile-radius zone to 12 miles east of the RBN; within 3 miles each side of the 268° bearing from the RBN extending from the 5-mile-radius zone to 8.5 miles west of the RBN; within 3 miles each side of the 050° radial of the Lost Nation TVOR extending from the 5-mile-radius zone to 8.5 miles northeast of the TVOR; excluding the portion within the Cleveland, Ohio (Cuyahoga County Airport), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on December 16, 1971.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-544 Filed 1-13-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-36]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Jefferson, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Room 18, 3158 Des Plaines Avenue, Des Plaines, IL 60018.

The runway at the Ashtabula County Airport, Jefferson, Ohio, has been lengthened to 5,200 feet. This allows larger aircraft to use the airport. To protect the larger aircraft on departures, a larger transition area is required.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

JEFFERSON, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ashtabula County Airport, Ashtabula, Ohio (latitude 41°46'40" N., 80°41'45" W.) and within 3½ miles each side of the Jefferson VORTAC 243° radial, extending from the 7-mile-radius area to 11½ miles southwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on December 20, 1971.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-545 Filed 1-13-72;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 2]

PUBLIC INFORMATION

Trade Secrets and Privileged or Confidential Information; Extension of Time to File Comments

Upon request of a member of the public, and good cause appearing, time within which comments may be filed in response to the Environmental Protection Agency's notice of proposed rule making published at 36 F.R. 23077 (December 3, 1971) is hereby extended through February 2, 1972.

Dated: January 10, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-550 Filed 1-13-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19172; FCC 72-16]

FM BROADCAST STATIONS IN BRUNSWICK, MD.

Notice of Proposed Rule Making

Report and order. In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations, Brunswick, Md., Docket No. 19172, RM-1450.

1. The Commission here considers the notice of proposed rule making and order to show cause in Docket No. 19172, adopted March 10, 1971 (FCC 71-261). The notice proposed to amend the FM Table of Assignments (§ 73.202(b) of the rules) to assign Channel 244A to Brunswick, Md., substitute Channel 240A for 244A at Halfway, Md., and delete Channel 240A from Williamsport, Md. The notice also proposed an order to show cause for Station WHAG-FM at Halfway to change channels.

2. The proceeding was instituted by a petition filed by Elektra Broadcasting Co. (Elektra), licensee of daytime AM Station WTRI, Brunswick, Md. Comments and reply comments were filed by petitioner Elektra, Regional Broadcasting Co. (Regional), the licensee of Station WHAG-FM, Halfway, Md., and OEA Broadcasting Co. (OEA), applicant for Channel 240A at Williamsport.[1] The populations of the three communities and their respective counties, according to the 1970 Census, are as follows:

City:	Population
Brunswick	3,566
Halfway	6,106
Williamsport	2,270
County:	**Population**
Frederick	84,927
Washington	103,829
Washington	103,829

3. It should be noted that the Notice indicated our reservations to the proposal. In the petition stage, Regional opposed the channel change of Station WHAG-FM as disruptive to service to its listeners, restricting future improvement of facilities, and possibly causing second harmonic interference to the television reception of Station WTOP-TV, Channel 9, Washington, D.C., in the Halfway area. Elektra contended that the disruption of service and the interference to the television reception would be minimal, and it agreed to reimburse Regional for the

[1] BPH-7563, filed Aug. 19, 1971.

V 37 N 14 1 72 JAN XUM

reasonable expenses to be incurred in the changeover.

4. Elektra's comments, as anticipated, urged the adoption of the proposal to assign Channel 244A to Brunswick, Md. Regional in its comments withdrew its objections: Elektra and other circumstances have assured it that harmonic interference, if any, is minimal, and, in any event, if there were any, Elektra would promptly take steps to remedy the situation at full expense and responsibility; it would be more economical to maintain Station WHAG–FM at the present site; and Elektra has agreed to reimburse Regional for its legitimate and prudent expenses that would be involved in the change of assignment.

5. OEA opposes deleting Channel 240A at Williamsport. It contends that, contrary to Elektra's allegations, Brunswick's population has remained constant between 1960 and 1970 despite the area's growth,[3] while Williamsport's population increased 22.5 percent within the same period. OEA further contends that Williamsport is a stable and thriving community with 35 established businesses, seven churches and many service and social organizations, the tourist influx has been growing at the rate of 15 percent for several years with an anticipated more rapid increase in the future and that the community is on the threshold of a carefully planned growth period with an effort to bring new business into Williamsport and the adjacent Washington County Industrial Park, current and planned construction of motel, restaurant, service station, shopping centers, manufacturing plant, apartment complex, and home developments. OEA argues that, in terms of comparative broadcast outlets, the proposed assignment would result in Frederick County, with less population than Washington County (see paragraph 2, above), having greater number of broadcast outlets[4] (see paragraph 7, below) and that Frederick County has its fair and equitable share of available frequencies. It states that Williamsport is an independent community, and that a local radio station would help meet the community's problems and provide it with a first local outlet for self-expression.

6. In reply to OEA, Elektra contends that, although the Brunswick's population grew only 0.3 percent between 1960 and 1970, that statistic should be considered along with other facts demonstrating that Brunswick is now on the threshold of a period of substantial growth which will increase its need for additional broadcast service, and that, notwithstanding the present smaller population, Frederick County is growing substantially faster than Washington County, and is narrowing the gap, i.e., 18.1 percent population increase from 1960 to 1970 compared to 13.8 percent for Washington County. Elektra also contends that Frederick County has better economic health with greater median values of houses and rents, bank deposits, governmental expenditures, redevelopment of recreational area, construction of new homes, and a large number of commercial farms. By comparison, Elektra alleges that the unemployment rate in Hagerstown was approximately 12 or 13 percent in April 1971, and that it will be a long time before people can be put back to work. Elektra argues that it would be a waste of broadcast resources to establish an independent FM station in the midst of economic chaos in Washington County.

7. As stated in the notice, the proposal here is a difficult one. In order to assign Channel 244A to Brunswick, a community of 3,566 persons with a daytime AM station (WTRI), it is necessary to delete Channel 240A at Williamsport, a community of 2,270 without an aural service of its own. As to service from nearby communities, Williamsport seems better positioned than Brunswick. Williamsport is located approximately 7 miles southwest of Hagerstown from which two Class B FM stations (WARK–FM and WJEJ–FM) and two full-time Class IV AM stations (WARK and WJEJ) operate, and 4 miles southwest of Halfway where a Station WHAG–FM and a daytime AM Station WHAG operate. Brunswick, on the other hand, is located approximately 15 miles southwest of Frederick where Class B FM Station WFRE and full-time AM Station WFMD are in operation, and approximately 10 miles southwest of Braddock Heights where Class A FM Station WMHI–FM is being built and daytime AM Station WMHI operates. A fourth AM station (WTHU, Class IV, 100 watts) in Frederick County is located at Thurmont, which is located closer to Williamsport than to Brunswick (23 miles compared to 25 miles).

8. Both Elektra and OEA make similar arguments about future growth. We are unable to evaluate these conjectures as opposed to the "fact" that Brunswick's population remained static while Williamsport's grew in the 1960–1970 period. We would suppose that other factors about Frederick County's economic well-being are a result of its bordering both the Baltimore and Washington Standard Metropolitan Statistical Areas. As to unemployment rate and "economic chaos", we tend to agree with OEA that these are cyclical in nature.

9. There are a number of factors which make it appear that the better course of action is a denial of the proposal. These include: Williamsport's population growth in the 1960–1970 period while Brunswick has remained static; Brunswick has a daytime AM station while Williamsport has none; both communities have substantial nighttime FM service. In the latter respect, our study shows: that Brunswick proper is served with six aural services and the nearby areas in Frederick County have five or six services; and that Williamsport proper has eight and the nearby Washington County areas have seven or eight. Also, there now is an applicant for Channel 240A at Williamsport, which was allocated by the first report and order in Docket No. 18222, adopted August 28, 1968, 14 R.R. 2d 1537, 1541–3, in part based on a commitment that the petitioner would apply for it (but he did not). Thus, on balance, the public interest would be best served at this time by leaving Channel 240A at Williamsport. Should there be a lack of diligence in prosecuting an application for the channel or building a station, if a construction permit is authorized, we would consider a further petition to make an allocation to Brunswick.

10. Accordingly, the petition of Elektra Broadcasting Co. (RM–1450) is denied.

11. *It is further ordered,* That this proceeding is terminated.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72–583 Filed 1–13–72;8:48 am]

[3] Frederick County's population growth was 18.1 percent. That of Washington County was 13.8 percent.

[4] Not counting Station WHAG–TV, Hagerstown, Md.

FEDERAL TRADE COMMISSION

[16 CFR Part 435]

UNDELIVERED MAIL ORDER MERCHANDISE AND SERVICES

Notice of Postponement of Hearing Date and Extension of Time for Submitting Data, Views or Arguments Concerning Proposed Trade Regulation Rule

The Federal Trade Commission has postponed the public hearing for the consideration of the proposed Trade Regulation Rule relating to Undelivered Mail Order Merchandise and Services until March 27 and 28, 1972. The original public hearing had been scheduled for January 24 and 25, 1972, as announced in a public notice published in the FEDERAL REGISTER on September 28, 1971.

The rescheduled hearing will take place on March 27 and 28, 1972, at 10 a.m,. e.s.t., in Room 532 of the Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D.C. The hearing is being rescheduled at the request of and pursuant to petitions from industry members in order to allow them more time within which to prepare and submit alternative proposals to the Rule proposed.

[4] Commissioner H. Rex Lee absent.

Any person desiring orally to present views at the hearing should so inform the Assistant Director for Rules and Guides, Federal Trade Commission, Washington, D.C., 20580, not later than March 17, 1972, and state the estimated time required for the oral presentation. Reasonable limitations upon the length of time allocated to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with the Assistant Director for Rules and Guides on or before March 17, 1972. To the extent possible, persons wishing to file written presentations in excess of two pages should submit 20 copies.

In addition, the Commission has extended from January 17, 1972 to March 17, 1972, the closing date for submission of written views on the proposed Trade Regulation Rule.

Copies of the original notice of September 28, 1971, including the proposed Trade Regulation Rule may be obtained upon request to the Federal Trade Commission.

Approved: January 12, 1972.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc. 72–652 Filed 1–13–72;8:50 am]

JAN 14 1972 XUM

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 72-17]

METALIZED VINYL TINSEL GARLAND

Tariff Classification; Change of Practice Ruling

Pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), the Bureau gave notice in the FEDERAL REGISTER on June 2, 1971 (36 F.R. 10743), that it was reviewing the existing established and uniform practice of classifying metalized vinyl tinsel garland, approximately 3 inches wide, produced by cutting metalized film in lengths to simulate cedar and pine needles, which are entwined in one operation at the time of cutting around a cotton or wire core, so as to give the effect of 1½-inch needles branching off from a stem, as other Christmas decorations, of plastics, under item 772.97, Tariff Schedules of the United States (TSUS), with duty at 10 percent ad valorem.

After a thorough review of the existing practice including consideration of all written data, views, and arguments submitted in reference to the notice of June 2, 1971, the Bureau has concluded that the merchandise described above is properly classifiable under the provision for Christmas tree ornaments of plastics, under item 772.95, TSUS, with duty at the rate of 15 percent ad valorem.

Heavier constructed metalized vinyl tinsel garland having simulated cedar and pine needles measuring approximately 4 inches or more will not be affected by this ruling and will continue to be classifiable as other Christmas ornaments, under item 772.97, TSUS.

Inasmuch as this ruling results in the assessment of duty on the merchandise in question at a rate higher than has heretofore been assessed, it shall, pursuant to § 16.10a(d), Customs Regulations (19 CFR 16.10a(d)), be applicable only to merchandise entered, or withdrawn from warehouse, for consumption on or after the 91st day following publication of this ruling in the weekly Customs Bulletin.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: January 4, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-594 Filed 1-13-72;8:49 am]

[T.D. 72-19]

VESSEL BONDS

Revocation of Provision for Waiver

JANUARY 6, 1972.

Revocation of T.D. 52948, which provided for the waiver of bonds required for vessels operated by or for the account of the United States, acting by and through the Commander, Military Sealift Command, formerly the Military Sea Transportation Service.

On February 26, 1952, the Commander, Military Sea Transportation Service, stipulated that the obligations and duties imposed by bonds required pursuant to any provision of law, regulation, or instruction which the Secretary of the Treasury or this Bureau may be authorized to enforce in connection with the operation of vessels owned by or chartered to the United States, acting by and through the Commander, Military Sea Transportation Service, and operated by or for the account of the United States, acting by and through the Commander, Military Sea Transportation Service, under any form or forms of charter, service agreement, contract, or other arrangement, will be observed and the same responsibilities assumed by the Commander, Military Sea Transportation Service, as fully and to the same extent as if such bonds had been executed and filed. In view of that stipulation, Treasury Decision 52948, dated March 11, 1952, waived such requirements for bonds in connection with the operation of such vessels.

The Commander, Military Sealift Command, by letter dated September 24, 1971, has recommended that the agreement between that agency and the Bureau which is provided for by Treasury Decision 52948 be terminated as soon as possible. Therefore, effective 30 days after publication of this Treasury Decision in the FEDERAL REGISTER, Treasury Decision 52948 is revoked. (212.6)

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.72-595 Filed 1-13-72;8:49 am]

WELDED STAINLESS STEEL PIPE AND TUBING FROM JAPAN

Antidumping Proceeding Notice

On November 1, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that welded stainless steel pipe and tubing from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: January 12, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-643 Filed 1-13-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 2]

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The notice published in the FEDERAL REGISTER on December 30, 1970 (35 F.R. 19798) is amended by revising Parts II, III, and VI to read as follows:

II. *Organization, Agricultural Stabilization and Conservation Service.* A. The following is a listing of the ASCS by reporting lines:

1. Administrator.
a. Associate Administrator.
b. Executive Assistant.
c. Deputy Administrator, State and County Operations:
(1) Commodity Loan and Service Division.
(2) Commodity Stabilization Division.
(3) Conservation and Land Use Programs Division.
(4) Emergency Preparedness Division.
(5) Program Performance Division.
(6) Area Directors.
(a) ASC State Committees:
(i) ASC County Committees.
d. Deputy Administrator, Commodity Operations:
(1) Cotton Division.
(2) Grain Division.
(3) Livestock and Dairy Division.
(4) Oilseeds and Special Crops Division.
(5) Sugar Division.
(6) Tobacco Division.
(7) Transportation and Warehousing Division.
(8) Kansas City Commodity Office.
(9) Minneapolis Commodity Office.
(10) New Orleans Commodity Office.
e. Deputy Administrator, Management:
(1) Administrative Services Division.
(2) Budget Division.
(3) Data Division.
(4) Fiscal Division.
(5) Operations Evaluation and Improvement Division.
(6) Personnel Division.
(7) Management Field Office (Kansas City, Mo.).
f. Consultants and Staff Assistants.
g. Information Division.
h. ADP Division.
(1) ASCS Data Processing Center (Kansas City, Mo.).
(2) New Orleans Data Processing Center (Interim) (New Orleans, La.).

III. *Functional responsibilities.* The following are the responsibilities of the organizational units of the Agricultural Stabilization and Conservation Service (ASCS), listed in accordance with reporting lines.

A. *Administrator.* The Administrator, who is also the Executive Vice President of the Commodity Credit Corporation (CCC), is responsible to the Assistant Secretary, International Affairs and Commodity Programs, for the general direction and supervision of the programs assigned to ASCS.

1. *Associate Administrator.* The Associate Administrator acts for and assists the Administrator in formulating and administering the policies and programs of ASCS and CCC. The Associate Administrator is also Vice President of the CCC. In the absence of unavailability of the Administrator, the Associate Administrator exercises the powers and performs the duties of the Administrator of ASCS and the Executive Vice President of CCC.

2. *Executive Assistant.* The Executive Assistant to the Administrator participates in the formulation of new or improved Agency policies and programs. He serves as the Administrator's personal representative. He also serves as Secretary of the CCC.

3. *Deputy Administrator, State and County Operations.* The Deputy Administrator, State and County Operations, formulates policies and programs pertaining to defense activities, conservation and land use, and CCC bin storage. The Deputy Administrator, State and County Operations, is primarily responsible for regulations and program instructions for State and county committees and offices and for the administration through these offices of production adjustment, payment and production aspects of the Sugar Act, price support, farm storage and drying equipment loans, CCC-owned storage facility, agricultural conservation, land use, diversion, cropland adjustment, farm wheat certificate, disaster livestock feed, defense, and related programs, including program compliance and aerial photography. The Deputy Administrator, State and County Operations, provides administrative and program direction to Area Directors and assigned divisions and offices, as set forth below. The Deputy Administrator, State and County Operations, is also Deputy Vice President of the CCC.

a. *Commodity Loan and Service Division.* The Commodity Loan and Service Division formulates and administers operating policies, and instructions applicable to commodity programs. This involves contact with farmers on commodity loans, CCC bin storage and programs and procedures applicable to emergency livestock feed programs, grazing programs and freight rate reduction programs. The Division establishes policies, and supervises participation of cooperatives as representatives of their members' participation in CCC programs. It reviews, analyzes and evaluates program operations of State and county offices to insure workable and effective procedures and methods and carries out assigned defense activities.

b. *Commodity Stabilization Division.* The Commodity Stabilization Division formulates and administers operating policies and instructions applicable to commodity programs involving direct contact with farmers on production adjustment, incentive and indemnity programs assigned to ASCS State and county committees and offices. It develops regulations relating to on-farm applications of these programs; prepares instructions for use of State and county offices; provides uniform program and policy clarification and interpretation; prepares program regulations and instructions applicable to State and county committees and offices which are common to more than one division; develops methods of determining amounts of commercially recoverable sugar; prepares operating instructions for direct purchases of fruits and vegetables, potatoes, and other commodities as requested; and carries out assigned defense activities.

c. *Conservation and Land Use Programs Division.* The Conservation and Land Use Programs Division formulates and administers policies, programs and procedures applicable to agricultural conservation, regional conservation, emergency conservation, long-term diversion and cropland adjustment programs. It develops related regulations and instructions; and develops list of approved practices and rates of payment for cost-sharing and approves State agricultural conservation programs. It also keeps posted on current research in this field in order that the results may be applied to the agricultural conservation program. The Conservation and Land Use Programs Division provides liaison with other offices of the Department and other agencies in developing and administering rural development activities. It reviews, analyzes, and evaluates program operations of State and county offices to insure workable and effective procedures and methods; and carries out assigned defense activities.

d. *Emergency Preparedness Division.* The Emergency Preparedness Division formulates and administers policies, programs, and procedures applicable to emergency defense production, control and requirements planning. It plans and coordinates programs for emergency salvage of agricultural products and the rehabilitation of farmlands and structures; provides coordinating services to USDA State, County and Metropolitan Area Defense Boards and services USDA Emergency Program Coordinators; develops program dockets, regulations and instructions and legislative proposals; provides centralized service on damage assessment of resources under USDA jurisdiction; and provides technical services to State and county offices.

e. *Program Performance Division.* The Program Performance Division formulates and administers policies and procedures to insure that State and county ASC Committees determine or obtain satisfactory assurance of farm operators' compliance with farm programs in which they participate. It is responsible for formulating and administering overall plans and policies for procuring, processing, and using aerial photography and for the sale of aerial photographs to other government agencies and to individuals. The Division keeps posted on current developments in the field of aerial photography including the use of satellites; receives, reviews and processes producers' appeals from prior determinations; receives and processes requests for producer relief; prepares regulations and instructions applicable to State and county committees and offices which are related to compliance, aerial photography and appeals; and carries out assigned defense activities.

f. *Area Directors.* The Area Directors have responsibility within specific geographic areas for the administration of assigned ASCS programs within ASCS State and county offices, and the Caribbean Area Office. The Area Directors are responsible for the activities of ASC State Committees within the established policies and procedures and assist in coordinating the program activities of ASCS State and county offices in their respective areas. They make recommendations to the Deputy Administrator, State and County Operations, for appointments to the ASC State Committee and other items pertinent to personnel matters in their respective areas. The Area Directors also carry out assigned defense activities.

(1) *ASC State Committees and the Director, ASCS Caribbean Area Office.* ASC State Committees and the Director, ASCS Caribbean Area Office recommend and suggest agricultural programs applicable to the State or Area. ASCS State Offices participate in the administration, and direct and coordinate the administration by county offices, of agricultural conservation and stabilization, production adjustment, price support, land use, diversion, cropland adjustment, sugar and other assigned programs, as well as assigned defense activities and natural disaster responsibilities. The ASC State Committees and the Director of the ASCS Caribbean Area Office report to the

V 37 N 14 JAN 72 XUM

Area Director having responsibility for the geographic area to which the specific State or area is assigned.

(a) *ASC County Committees.* ASC County Committees recommend and suggest to the ASC State Committee agricultural programs applicable to the county. ASCS County Offices administer agricultural conservation and stabilization, production adjustment, price support, land use, diversion, cropland adjustment, sugar and other assigned programs requiring direct dealings with the farmer; and carry out assigned defense activities. The ASC County Committees report to their respective ASC State Committees.

4. *Deputy Administrator, Commodity Operations.* The Deputy Administrator, Commodity Operations formulates policies and programs pertaining to production adjustment, price support, purchase, sale or disposal in domestic outlets and commercial warehouses. The Deputy Administrator, Commodity Operations, is primarily responsible for the administration of the acquisition, storage (except CCC-owned bin storage), transportation, processing, management, domestic disposition of CCC-owned commodities, and export disposition of tobacco, peanuts, tung oil, and gum naval stores, including maintenance of trade relationships, the Sugar Act, and the International Sugar Agreement. The Deputy Administrator, Commodity Operations, is responsible for field operations to implement functions assigned to the Export Marketing Service in accordance with policies and procedures established by the Export Marketing Service. The Deputy Administrator, Commodity Operations, provides administrative and program direction and supervision to assigned divisions and offices as set forth below. The Deputy Administrator, Commodity Operations, is also Deputy Vice President of the CCC.

a. *Cotton Division.* The Cotton Division formulates broad policies and programs pertaining to production adjustment, price support, purchase, management and disposal to domestic outlets for upland cotton, extra long staple cotton, cotton products, linters and other fibers. The Cotton Division formulates and coordinates operating policy and programs for the acquisition, management and disposition of assigned commodities. It develops guides and standards for use in evaluating and appraising policy and program operations; develops program dockets, regulations relating to State and county allotments, quotas, yields and rates, and legislative proposals; and carries out assigned defense activities.

b. *Grain Division.* The Grain Division formulates broad policies and programs pertaining to production adjustment, price support, purchase, sale, management, and disposal to domestic outlets for grain, grain products, and other related or assigned commodities. The Grain Division formulates and coordinates operating policy and programs for the acquisition, management and disposition of assigned commodities and for the wheat processor certificate program. It develops guides and standards for use in evaluating and appraising policy and program operations; develops program dockets, regulations relating to State and county allotments, quotas, yields and rates, and legislative proposals; and carries out assigned defense activities.

c. *Livestock and Dairy Division.* The Livestock and Dairy Division formulates broad policies and programs pertaining to production adjustment, price support, dairy indemnification, purchase, sale, management, and disposal to domestic outlets for livestock, meat products, wool, mohair, poultry, poultry products, milk, butterfat, and their products, and other assigned commodities. The Livestock and Dairy Division formulates and coordinates operating policy and programs for the acquisition, management and disposition of assigned commodities. It develops guides and standards for use in evaluating and appraising policy and program operations. It also develops program dockets and legislative proposals; and carries out assigned defense activities.

d. *Oilseeds and Special Crops Division.* The Oilseeds and Special Crops Division formulates broad policies and programs pertaining to production adjustment, price support, purchase, commercial warehousing, sale, management and disposal to domestic outlets for soybeans, flax, dry beans, rice, castor beans, fats, oils, oil seed meal, and other assigned commodities, and for peanuts, tung nuts, and gum naval stores to both domestic and foreign outlets. The Oilseeds and Special Crops Division formulates and coordinates operating policy and programs for the acquisition, management and disposition of commodities, including those carried out through producer associations. It develops guides and standards for use in evaluating and appraising policy and program operations. The Oilseeds and Special Crops Division develops program dockets, regulations relating to State and county allotments, quotas, yields and rates, and legislative proposals; and carries out assigned defense activities.

e. *Sugar Division.* The Sugar Division formulates broad policies and programs pertaining to administration of the Sugar Act, U.S. participation in or liaison with the International Sugar Organization, international standards, production adjustment, price support, purchase, sale, supply management and disposal to domestic outlets for honey, sugar, sugarcane, sugar beets, molasses, and sugar-containing products. Formulates and coordinates operating policy and programs for the acquisition and disposition of assigned commodities. It develops guides and standards for use in evaluating and appraising policy and program operations; develops program dockets, regulations relating to State and county allotments, yields, rates and legislative proposals; and carries out assigned defense activities.

f. *Tobacco Division.* The Tobacco Division formulates broad policies and programs pertaining to production adjustment, price support, purchase, commercial warehousing, sale, management and disposal to outlets for tobacco, tobacco products, and by-products. It formulates and coordinates operating policy and programs for the acquisition, management and disposition of commodities; develops guides and standards for use in evaluating and appraising policy and program operations. The Tobacco Division is responsible for planning, directing, and coordinating operational policies, programs and procedures for the tobacco program carried out through producer associations. It develops program dockets, regulations relating to State and county allotments, quotas, yields and rates, and legislative proposals; and carries out assigned defense activities.

g. *Transportation and Warehousing Division.* The Transportation and Warehousing Division, in consultation with the Commodity Divisions, develops and recommends policies, programs, and procedures for commercial storage, processing, packaging and transportation of ASCS–CCC commodities. The Transportation and Warehousing Division provides technical advice, assistance, direction, and coordination in supplying processed commodities for domestic and export donation and in the carrying out of the traffic management and program operations. It reviews and analyzes such operations, and makes recommendations for improvements. The Transportation and Warehousing Division serves as focal point and liaison with Department of Transportation, Export Marketing Service, Foreign Agricultural Service, Agency for International Development, and the voluntary relief agencies. It maintains the Traffic Library of the Department; and carries out assigned defense activities.

h. *Commodity Offices.* There are three ASCS Commodity Offices which report to the Deputy Administrator, Commodity Operations. The commodity offices execute assigned inventory management, acquisition, disposition and related programs and activities. For assigned programs, the commodity offices direct methods analysis, systems design and automatic data processing programing compatible with overall standards and conventions for ASCS activities. They provide input/output terminals for communications to ASCS central computer facilities; and carry out assigned defense activities. These commodity offices are located at the following addresses and have program responsibilities for the areas indicated:

(1) Kansas City ASCS Commodity Office, ASCS, U.S. Department of Agriculture, Federal Building, 8930 Ward Parkway, Kansas City, MO 64114.

The Kansas City Commodity Office has nationwide responsibility for grain, soybeans, and dry edible beans.

(a) *Branch offices.* The Kansas City Commodity Office maintains branch offices at Chicago, Ill.; Minneapolis, Minn.; and Portland, Oreg. These offices carry out assigned responsibilities in connection with the acquisition, transportation, disposition, and management of commodities. The Branch Office Managers report to the Director, Kansas City Commodity Office.

(2) Minneapolis ASCS Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 6400 France Avenue South, Minneapolis, MN 55435.

The Minneapolis Commodity Office has nationwide responsibility for processed commodities.

(a) *Branch office.* The Minneapolis Commodity Office maintains a branch office at Houston, Tex. This office carries out assigned responsibilities in connection with the performance of freight forwarding services for the Gulf and South Atlantic Coasts. The Branch Office Manager reports to the Director, Minneapolis Commodity Office.

(3) New Orleans ASCS Commodity Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans, LA 70112.

The New Orleans Commodity Office has nationwide responsibility for cotton, cottonseed, and cottonseed products, castor oil, and tung oil.

5. *Deputy Administrator, Management.* The Deputy Administrator, Management is primarily responsible for the overall management programs in ASCS and CCC, including administrative services, budget formulation and administration, fiscal and claims management and systems, operations and analysis, work measurement, manpower utilization and management improvement, personnel management, organization analysis, and employee development and training programs. The Deputy Administrator, Management is also responsible for providing the Export Marketing Service with management support services consisting of budgetary, fiscal and accounting functions related to program and administrative activities, and administrative services and personnel functions. These services will be performed by the organizational units reporting to the Deputy Administrator, Management. The Deputy Administrator, Management provides administrative and program direction and coordination to assigned divisions, staffs and offices as set forth below. In addition, the Deputy Administrator, Management carries out assigned defense activities. The Deputy Administrator, Management is also Deputy Vice President of the CCC.

a. *Administrative Services Division.* The Administrative Services Division formulates and administers an administrative services program on records, procedures, forms, communications, procurement, property, leasing, printing, and related office services. The Administrative Services Division operates or supervises the operations of administrative services in Washington, D.C., and provides technical direction over administrative services activities of field offices; and carries out assigned defense activities.

b. *Budget Division.* The Budget Division formulates and administers ASCS and CCC budget plans, policies, presentations and procedures, covering all funds utilized, including administrative expense funds, corporate capital funds, funds appropriated for payments to farmers, funds allocated from other sources, and other funds. The Budget Division coordinates legislative reports, and exercises technical direction over budgetary activities of the ASCS field offices; and carries out assigned defense activities.

c. *Data Division.* The Data Division manages a central data system which provides to ASCS divisions and offices information in numeric, graphic or narrative form. The Data Division provides for gathering and presenting data accurately and promptly as needed and for disseminating uniform data for executive, legislative and public information use. The Data Division performs reports management and forms coordination functions.

d. *Fiscal Division.* The Fiscal Division formulates and administers fiscal and claims policies for ASCS and CCC; develops, implements, and installs systems, accounts, methods and procedures relating to CCC financing and to accounting for programs and program activities financed with ASCS and CCC and other funds, including administrative funds; analyzes financial and operating data and prepares financial statements; exercises technical direction over fiscal activities of ASCS offices and fiscal agents, and performs fiscal, claims and other functions as assigned; and carries out assigned defense activities.

e. *Operations Evaluation and Improvement Division.* The Operations Evaluation and Improvement Division formulates policies and programs for effective and timely identification, definition, analysis and alternate solutions of problems directly related to management and program effectiveness. It provides national leadership and coordination to agency improvement programs for achieving progressive management and uniform operations; develops and maintains work measurement, manpower utilization, cost reduction and management improvement activities; and provides leadership in formulating and developing program training activities.

f. *Personnel Division.* The Personnel Division formulates and administers a personnel management program for ASCS-CCC and Export Marketing Service, including position classification, organizational analysis, recruitment, employment qualifications, performance standards, employee relations, incentive awards, employee development, and training, and related personnel services. It provides technical advice, assistance, and coordination in the development and direction of a complete personnel management program for ASCS county office employees; provides technical direction over personnel management activities of ASCS field offices; and carries out assigned defense activities.

g. *Management Field Office, Kansas City, Mo.* The Management Field Office, Kansas City, Mo., is responsible for planning and conducting a comprehensive management, personnel fiscal, and office services program designed to meet the operational needs of ASCS and other USDA field offices, as assigned. It carries out operations of the approved national accounting systems for control of specified appropriated program and administrative funds of ASCS–CCC programs and other funds as assigned; and carries out assigned defense activities.

6. *Consultants and Staff Assistants.* The Consultants and Staff Assistants formulate broad recommendations leading to new or improved Agency policies and programs. They evaluate and appraise policies and programs recommended by other elements of the Agency and by others. They also provide leadership to the Agency's Planning, Programming, and Budgeting (PPB) activities.

7. *Information Division.* The Information Division formulates and administers a comprehensive information service program including current releases, background statements, technical and popular publications, educational services, annual and special reports, radio and television scripts, and other information material for authorized dissemination to the public and to the trade. The division cooperates with the Office of Information and other agencies in the preparation and presentation of information programs and materials. The Information Division provides supporting services to the Export Marketing Service for the preparation and issuance of information releases on agricultural export activities.

8. *ADP Division.* The ADP Division translates ASCS and CCC information processing requirements into specific ADP objectives and programs. In conjunction with management, staff, and operating units it formulates plans for acquisition, development, and implementation of appropriate ADP capabilities. The Division monitors development, operation, and maintenance of information and data processing activities; coordinates and sponsors the formulation of information processing standards; and represents ASCS in technological matters concerning interagency data exchanges/interfaces and with higher authorities monitoring ADP acquisitions.

a. *ASCS Data Processing Center (Kansas City, Mo.).* The ASCS Data Processing Center (Kansas City, Mo.) plans and directs the national ASCS data processing center. It operates a large scale time-sharing computer system, provides methods analysis, system design, and automatic data processing programing functions for assigned programs. It conducts program accounting functions for specified ASCS–CCC programs.

b. *New Orleans Data Processing Center (Interim), (New Orleans, La.).* The New Orleans Data Processing Center (Interim) (New Orleans, La.) directs and administers all activities (excluding systems design and development) relating to automatic data processing programming and operating services to USDA agencies, primarily New Orleans Commodity Office and Office of Management Improvement, Management Data

JAN 14 1972

Service Center. It carries out other automatic data processing services as assigned.

• • • • • •

VI. *Availability of information.* Submittals or requests for information or materials with respect to the programs and functions of this Service may be directed to the following officers of the Agricultural Stabilization and Conservation Service who are responsible for the programs or functions concerned, at the addresses shown below:

• • • • • •

B. *Field locations.* 1. Chief Aerial Photography Laboratory, Program Performance Division, ASCS, U.S. Department of Agriculture, 45 South French Broad Avenue, Asheville, NC 28801.

2. Chief, Aerial Photography Laboratory, Program Performance Division, ASCS, U.S. Department of Agriculture, 2505 Parleys Way, Salt Lake City, UT 84109.

• • • • • •

6. State Executive Director, ASCS State Offices at the following addresses.

• • • • • •

f. Colorado State ASCS Office, ASCS, U.S. Department of Agriculture, Room 219, 2490 West 26th Avenue, Denver, CO 80211.

• • • • • •

mm. Rhode Island State ASCS Office, ASCS, U.S. Department of Agriculture, Federal Building, Room 506, U.S. Courthouse, Kennedy Plaza, Providence, RI 02903.

• • • • • •

xx. Wyoming State ASCS Office, ASCS, U.S. Department of Agriculture, 100 East B Street, Casper, WY 82602.

• • • • • •

Effective date: Upon publication in the FEDERAL REGISTER (1-14-72).

Signed at Washington, D.C., on January 10, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-598 Filed 1-13-72;8:50 am]

Commodity Credit Corporation

UPLAND COTTON

Determination of "Shortfall" for 1971–72 Marketing Year

Pursuant to section 407 of the Agricultural Act of 1949, as amended (79 Stat. 1197, as amended; 7 U.S.C. 1421 et seq.), the Secretary of Agriculture has determined that the "shortfall" for upland cotton in the 1971–72 marketing year is 690,000 bales. Section 407 provides, in part, that the Commodity Credit Corporation shall sell or make available for unrestricted use at current market prices in each marketing year a quantity of upland cotton equal to the amount by which the production of upland cotton is less than the estimated requirements for domestic use and for export for such marketing year.

The 1971–72 "shortfall" is the amount by which the domestic use and export requirements for upland cotton in the 1971–72 marketing year will exceed the 1971 production of such cotton. The requirements for domestic use and export during the 1971–72 marketing year are currently estimated to be about 11 million bales. The Cotton Production Report issued by the Statistical Reporting Service on December 8, 1971, indicates that 1971 production of upland cotton will total about 10,310,000 running bales. On the basis of these estimates, the 1971–72 shortfall for upland cotton is 690,000 bales.

CCC has offered upland cotton for sale for unrestricted use at current market prices every other week in the 1971–72 marketing year, and a total of 250,333 bales have been sold from August 1 through December 8, 1971. The bales sold have been applied against the shortfall. CCC's remaining inventory of upland cotton totals only about 20,000 bales. Thus, an amount of upland cotton equal to the shortfall cannot be sold or made available by CCC during the 1971–72 marketing year.

Signed at Washington, D.C., on January 10, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-597 Filed 1-13-72;8:50 am]

Office of the Secretary

DULUTH BOARD OF TRADE

Order Vacating Designation as Contract Market Under Commodity Exchange Act

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby vacate the designation of the Duluth Board of Trade of Duluth, Minn., as a contract market, effective March 15, 1972. The said exchange, which was designated as a contract market on May 11, 1923, has requested that such designation be vacated.

Issued this 10th day of January 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-555 Filed 1-13-72;8:46 am]

ATOMIC ENERGY COMMISSION

NATIONAL ACCELERATOR LABORATORY, BATAVIA, ILL.

Notice of Availability of General Manager's Final Environmental Statement

Notice is hereby given that a document entitled "Final Environmental Statement—National Accelerator Laboratory, Batavia, Illinois," issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; the San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; the New York Operations Office, 376 Hudson Street, New York, NY 10014; and the Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830. The National Accelerator Laboratory will be a high energy physics laboratory centered around a particle accelerator, a 500-BeV proton synchrotron. A long-range goal of such experimentation is the discovery of the most fundamental laws governing the structure of the material universe. Included with the Statement are the comments received from Federal and State agencies on the draft statement of which notice of availability was published in the FEDERAL REGISTER, 36 F.R. 2636, dated February 9, 1971, and the AEC's response to these comments.

The Environmental Statement, including the comments and AEC's responses, will be furnished upon request addressed to the Assistant General Manager for Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., 7th day of January 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-551 Filed 1-13-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19386–19387; FCC 72–11]

FAJARDO BROADCASTING CORP., AND CARLOS A. LOPEZ-LAY

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Fajardo Broadcasting Corp., Fajardo, P.R., requests: 1090 kc., 10 kw., DA, Day, Docket No. 19386, File No. BP-18324; Carlos A. Lopez-Lay, Frederiksted, St. Croix, V.I., requests: 1090 kc., 500 w., DA, Day, Docket No. 19387, File No. BP-18486; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications, and an informal objection directed against Fajardo Broadcasting Corp. by Pan Caribbean Broadcasting Corp., licensee of station WMDD, Fajardo, P.R.

2. Examination of the financial section of the Fajardo Broadcasting Corp. application reveals that the applicant will require $160,710 to meet the first-year construction and operating costs. This total consists of: Equipment costs, $58,710; land and buildings, $10,000; miscellaneous, $20,000; and first-year working capital, $72,000. Applicant proposes to meet these costs with funds to be supplied equally by the two major stockholders. However, since the stockholders' balance sheets are not current, it will be necessary for Fajardo Broadcasting Corp. to establish its financial qualifications in hearing.

3. An analysis of the program survey conducted by Fajardo Broadcasting Corp. reveals that its attempt to ascertain the community needs, interests, and problems as set forth in the Primer[1] is defective. Since the applicant has failed to provide a description of the community's composition, furnish an account of the contacts made with members of the general public, and list the community problems proffered by the individuals interviewed, we are unable at this time to determine whether the applicant is aware of and responsive to the needs of the area. Thus, a Suburban[2] issue will be included.

4. A Suburban issue is also required with respect to Carlos Lopez-Lay. The applicant made personal contacts with more than 87 members of the general public and community leaders who were represented "as adequate a cross section of the population as was feasible." But a description of the community's composition indicating the minority, racial, or ethnic breakdown was not made. In light of this, we are unable to determine whether the persons contacted constitute a representative cross-section of the community.

5. Pan Caribbean Broadcasting Corp., licensee of station WMDD, Fajardo, P.R., has filed an informal objection to the Fajardo Broadcasting Corp.'s application. It has submitted an affidavit in which the landowner of the applicant's proposed transmitter site, as identified by the coordinates submitted to the Commission, denies any commitment to sell or lease a portion of his farm for broadcasting purposes. Since the applicant has not attempted to rebut this allegation, a site availability issue will be included and Pan American made a party to the proceeding.

6. Carlos Lopez-Lay proposes a two-element directional antenna to suppress the radiation towards co-channel station WRSJ, San German, P.R. The calculated value of radiation in the null towards WRSJ is less than 1 mv/m and the MEOV is as low as 3.2 mv/m. In addition, we note that the terrain in the immediate vicinity of the site appears to be quite rugged and as a result reradiation and signal scatter may occur. In view of these considerations and since the proposed site is located less than 1 mile from the coastline, a question obtains as to whether a satisfactory proof of performance can be accomplished and whether in fact the proposed array can be adjusted and maintained within the proposed values of radiation. Accordingly, an appropriate issue in this regard is required.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

(2) To determine the efforts made by the applicants to ascertain the community needs and interests of the area to be served and the means by which the applicants propose to meet those needs and interests.

(3) To determine, with respect to the application of Fajardo Broadcasting Corp.:

(a) Whether John G. Hoagland and James W. Miller have sufficient liquid assets to finance construction and operation of the proposed station.

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(4) To determine whether the transmitter site proposed by Carlos A. Lopez-Lay is suitable with regard to conditions which may exist in the vicinity of the antenna system and whether he will be able to adjust and maintain the directional antenna system as proposed.

(5) To determine whether the transmitter site proposed by Fajardo Broadcasting Corp. is available to the applicant.

(6) To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

(7) To determine, in light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

9. *In is further ordered,* That the informal objection filed by Pan Caribbean Broadcasting Corp. is granted to the extent indicated above and is denied in all other respects.

10. *It is further ordered,* That Pan Caribbean Broadcasting Corp. is made a party to the proceeding.

11. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 5, 1972.

Released: January 10, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-585 Filed 1-13-72;8:49 am]

[FCC 72-33]

STATION KUTV, SALT LAKE CITY, UTAH

Memorandum Opinion and Order Regarding Prime Time Waiver

In the matter of request for waiver of "prime time access rule" (§ 73.658(k)), by Station KUTV, Salt Lake City, Utah.

1. The Commission here considers a request for waiver of the "prime time access rule", § 73.658(k), filed on December 27, 1971, by KUTV, Inc., licensee of Station KUTV, Salt Lake City, Utah, for one date only, Monday, January 17, 1972. The rule involved, in general, limits, stations in the top 50 markets (including Salt Lake City) to no more than three hours of network programs each evening in "prime time", which for KUTV is 7–11 p.m., m.t.[1] KUTV's request is occasioned by the fact that its network, NBC, is presenting two 90-minute "special" programs that evening ("S' Wonderful" and the Bob Hope special) instead of its regular entertainment programming (which consists of the 1-hour "Laugh-In" show and a 2-hour movie).

2. More generally, KUTV's request reflects the fact that in the mountain time zone, unlike the rest of the Nation, NBC's Tonight show is presented in part during hours which are "prime time" for those stations which retain the 7–11 p.m. designation (this program starts live at 11:30 p.m., e.s.t., 10:30 p.m., c.s.t., outside of prime time in those zones; like nearly all network programs except sports, it is presented by mountain zone stations on a delayed basis, but NBC refuses to let it be carried with more than a 1-hour delay and a resulting starting time of 10:30 p.m., m.t.). KUTV normally deals with

[1] Primer on Ascertainment of Community Problems by Broadcast Applicants, 36 F.R. 4092, 27 FCC 2d 650 (1970).

[2] Suburban Broadcasters, 20 RR 951 (1961).

[3] Commissioner H. Rex Lee absent.

[1] On Oct. 6, 1971, the Commission granted stations in the mountain time zone permission to redesignate the hours 6 to 10 p.m. (m.t.) as prime time instead of 7–11, in recognition of some special problems which stations in this portion of the country have. However, unlike the Denver and Phoenix markets, none of the Salt Lake City stations have done this.

JAN 14 72 XUM

this situation on Mondays by starting its NBC prime-time material (Laugh-In) at 6:30 p.m., before prime hours, and carrying half-hour local programs at 7:30 and 10 p.m. However, it states that physical limitations—"our limited number of videotape machines"—preclude following this pattern where two 90-minute shows are involved. Thus, it wishes to start NBC programing on this occasion at 7 p.m. running the two special programs at 10 p.m. and then the Tonight show at 10:30. Waiver is said to be necessary to permit the public to see these well-publicized specials as well as the first part of the prominent Tonight show.

3. In view of all of the circumstances—including the "one-time" nature of the request, the fact that special network programs are involved, and the basic scheduling problems which mountain zone stations have (particularly NBC affiliates for the reason mentioned)—the Commission believes that waiver as requested is warranted in this case: *Accordingly, it is ordered,* That as to Station KUTV, Salt Lake City, Utah, the provisions of § 73.658(k) are waived, for January 17, 1972, only, to permit the presentation of up to 3½ hours of network programs between 7 and 11 p.m. that evening.

Adopted and released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-586 Filed 1-13-72;8:49 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to section 1.571(c) of the Commission's rules, that on February 18, 1972, the following standard broadcast application will be considered as ready and available for processing.

BP-19133 New, Kotzebue, Alaska.
Kotzebue Broadcasting, Inc.
Req: 670 kc., 5 kw., U.

Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application or with any other application on file by the close of business February 18, 1972, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business February 17, 1972.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: January 10, 1972.

Released: January 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-582 Filed 1-13-72;8:48 am]

[Report No. 578]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

JANUARY 10, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4014-C2-P-(2)-72—Page Boy Inc. (KEA860), for additional facilities to operate on a frequency of 35.22 MHz at a new site to be identified as location No. 3: 920 Crooked Hill Road, Islip, NY.

4016-C2-P-72—J. W. Spencer, doing business as Spencer Communications Service (New), for a new two-way station to be located at 912 South Dixie Highway, Stuart, FL, to operate on 152.090 MHz.

4017-C2-P-72—Robert H. Larson, doing business as Oregon Mobile Radio (New), for a new two-way station to be located northwest corner of Medford Airport, Medford, Oreg., to operate on 152.18 MHz.

4018-C2-P-72—Robert S. Ditton (KOA605), for additional channel to operate on a frequency of 152.21 MHz at station located Ahtanum Ridge, 5 miles south of Yakima, Wash.

3896-C2-TC-72—Minnesota Telephone Co. (KAF651), consent to transfer of control from National Telephone Co., Transferor to Continental Telephone Corp., Transferee, International Falls, Minn.

4020-C2-P-72—Southwestern Bell Telephone Co. (KAA818), for additional channel to operate on 152.66 MHz at station located 2651 Olive Street, St. Louis, MO; add test frequency 157.92 MHz and change the antenna system for test facilities operating in the 150 MHz band. Test location: Same as base and 1010 Pine Street, St. Louis, MO.

4021-C2-P-72—United Telephone Co. of the West (KAQ626), for additional facilities to operate on 152.84 MHz at station located 2802 Avenue D, Scottsbluff, Nebr.

4054-C2-P-72—Phone Depots, Inc., doing business as Mobilfone Radio System (KCA748), to relocate facilities operating on 152.21 MHz, to 1 Strawberry Hill Court, Stamford, CT., and change antenna system for same.

4053-C2-P-72—Page Boy, Inc. (KEA860), for additional facilities to operate on 35.22 MHz at a new site to be identified as location No. 4: 6.9 miles north of Bridgeport, Conn.

4081-C2-P-(3)-72—The Pacific Telephone & Telegraph Co. (KMD991), for additional base channel to operate on 152.72 MHz, replace existing base and test transmitters operating on 152.69 MHz base and 157.95 MHz test. Location: 516 Third Street, Santa Rosa, CA.

4082-C2-P-72—Physicians & Surgeons Exchange, Inc. (New), for a new one-way station location: 110 West Berry Street, Fort Wayne, IN. Frequency: 35.580 MHz.

4083-C2-AL-72—Two-Way Radio, Inc. (KKT412), consent to assignment of license from Two-Way Radio, Inc., Assignor to Ranch Radio, Inc., Assignee, Bryan, Tex.

4090-C2-AL-72—Meadville Telephone Co. (KLF545), consent to assignment of license from Meadville Telephone Co., Assignor to Kittanning Telephone Co., Assignee, Meadville, Pa.

Corrections

2438-C2-P-72—Paging, Inc. (New), correct to read: For a new two-way station to be located at Route No. 57, 0.2 mile east of Martinsville, Va., to operate on 152.12 MHz. All other particulars are to remain as reported in Public Notice No. 569, dated Nov. 8, 1971.

[*] Commissioner Bartley and Johnson dissenting, and Commissioner H. Rex Lee absent.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4010-C1-P-72—The Pacific Telephone & Telegraph Co. (KNK48), to add frequencies 11,225V MHz toward Mount Emma, Calif., and 11,465H MHz toward Mount Emma, Calif., and 6360.3H MHz toward Sherman Oaks, Calif.

4011-C1-P-72—The Pacific Telephone & Telegraph Co. (WPG039), to add frequencies 10,855V and 11,095H MHz toward Palmdale, Calif., and 10,815V and 11,055H MHz toward Mount Gleason, Calif.

4012-C1-P-72—The Pacific Telephone & Telegraph Co. (KNK53), to add frequencies 11,365V MHz and 11,505H MHz toward Mount Emma, Calif.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

4018-C1-P-72—Microband Corp. of America (New), a new station at Memphis, Tenn. Latitude 35°08'45" N., longitude 90°03'08" W. Frequencies: 2152.325 (visual) and 2160.30 (aural) toward various receiving points of system and 2158.50 (visual) and 2164.00 (aural) toward various receiving points of system.

4087-C1-P-72—Peninsula Broadcasting Corp. (New), a new station at Third and Woodis Streets, Norfolk, Va. Latitude 36°51'19" N., longitude 76°18'10" W. Frequencies: 2152.325V MHz (visual) and 2160.20V MHz (aural) and 2158.50V MHz (visual) and 2164.00V MHz (aural) toward various receiving points of system.

(INFORMATIVE: Applicant, New York-Penn Microwave Corp., is modifying its original proposal for Specialized Common Carrier Radio Service between Washington, D.C., and Boston, Mass., and points in between, by filing the five new applications listed below.)

4031-C1-P-72—New York-Penn Microwave Corp. (New), C.P. for new station at Mine Ridge, 3.2 miles southeast of Strasburg, Pa., latitude 39°56'43" N., longitude 76°06'11" W. Frequency 6019.3V MHz on azimuth 249°04' toward Shrewsbury and 6049.0H MHz on azimuth 31°39' toward Morgantown.

4032-C1-P-72—New York-Penn Microwave Corp. (New), C.P. for new station 3.5 miles northwest of Morgantown, Pa., latitude 40°11'43" N., longitude 75°56'07" W. Frequency 6301.0H MHz on azimuth 211°47' toward Mine Ridge and 6390.0V on azimuth 66°58' toward West Rockhill.

4033-C1-P-72—New York-Penn Microwave Corp. (WDD68), location: West Rockhill, 2 miles northwest of Sellersville, Pa., latitude 40°23'02" N., longitude 75°21'02" W. Frequency 6167.6V MHz on azimuth 247°21' toward Morgantown and 6137.9V MHz on azimuth 61°43' toward Cushetunk Mountain.

4034-C1-P-72—New York-Penn Microwave Corp. (New), C.P. for new station on Cushetunk Mountain, 2.6 miles south of Lebanon, N.J., latitude 40°35'53" N., longitude 74°49'32" W. Frequency 6375.5V MHz on azimuth 242°03' toward West Rockhill and 6301.0V on azimuth 87°38' toward South Orange.

4035-C1-P-72—New York-Penn Microwave Corp. (New), C.P. for new station 1 mile northwest of South Orange, N.J., latitude 40°45'47" N., longitude 74°17'39" W. Frequency 6123.1H MHz on azimuth 247°59' toward Cushetunk Mountain and 10,675H MHz on azimuth 93°30' toward New York.

4037-C1-P-72—Eastern Microwave, Inc. (KEM58), C.P. to add a point of communication at Mount Greylock Mass., using frequency 5960.0H MHz on azimuth 89°42'. Location: Halderberg Mountain, 1.75 miles northwest of New Salem, N.Y., at latitude 42°38'12" N., longitude 73°59'45" W. Applicant proposes to provide the signal of WPIX(TV) to the former Northco Microwave system customers to improve existing service.

4038-C1-P-72—Frank K. Spain doing business as Microwave Service Co. (KLH80), C.P. to add a point of communications 1 mile northwest of Saltillo, Miss., by intercepting frequencies 6012.5V and 6212.5V MHz from an existing microwave route on azimuth 11°46', station location: 2.5 miles north of Tupelo, Miss., at latitude 34°19'24" N., longitude 88°42'39" W. Applicant proposes to provide the television signals of WRBC-TV and WTBQ-TV of Memphis, Tenn., to Cablevision, Inc., in Saltillo, Miss.

4039-C1-MP-72—General Telephone Co. of the Northwest (WAY84), 425 Casino Road, Everett, WA. latitude 47°55'19" N., longitude 122°13'34" W. To add frequencies 6226.5V and 6345.5V MHz toward Deer Creek Flats, Wash.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference. Frequency 152.12 MHz.

Alabama

Alabaster Carphone Co. (New), 811-C2-P-72.
Parsoco, Inc. (New), 1486-C2-P-72.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference. Frequency 152.21 MHz.

Massachusetts

Peabody Telephone Answering Service (KCC786), 7370-C2-P-69.
P & L Telephone Secretarial Service (KCC480), 5980-C2-P-71.

RURAL RADIO SERVICE

4084-C1-P/L-72—Knox La Rue, doing business as Atlas Radiophone (New), for a new rural subscriber station to be located on Medford Island, approximately 12.5 miles southeast of Rio Vista, Calif., to operate on 158.64 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3992-C1-P-72—American Telephone & Telegraph Co. (KQF58), to add frequency 4030V MHz toward Ayersville, Ohio.

3993-C1-P-72—American Telephone & Telegraph Co. (KQA88), to add frequency 4070V MHz toward West Unity, Ohio.

3994-C1-P-72—American Telephone & Telegraph Co. (KVU74), to add frequencies 4170V MHz toward Southfield, Mich., and 3910H MHz toward Milford, Mich.

3995-C1-P-72—American Telephone & Telegraph Co. (KQE91), to add frequency 3870 MHz toward Plymouth Junction, Mich.

3996-C1-P-72—American Telephone & Telegraph Co. (KQG23), to add frequencies 4130V MHz toward Plymouth Junction, Mich., and 4130V MHz toward Detroit, Mich.

3997-C1-P-72—American Telephone & Telegraph Co. (KQA83), to add frequencies 4170V MHz toward Southfield, Mich.

3998-C1-P-72—American Telephone & Telegraph Co. (KQF60), to add frequency 3870H MHz toward Lacey, Mich.

3999-C1-P-72—American Telephone & Telegraph Co. (KQF61), to add frequency 3910H MHz toward Farmington and Saranac, Mich.

4000-C1-P-72—American Telephone & Telegraph Co. (KQH35), to add frequencies 3870H MHz toward Lacey, Mich., and 3710H MHz toward Ada, Mich.

4001-C1-P-72—American Telephone & Telegraph Co., new station. Frequencies 3750H MHz toward Saranac, Mich., and 3750V MHz toward Grand Rapids, Mich.

4002-C1-P-72—American Telephone & Telegraph Co. (KQH36), to add frequency 3710V MHz toward Ada, Mich.

4003-C1-P-72—American Telephone & Telegraph Co. (KQD79), to add frequency 3710V MHz toward Kalamazoo, Mich.

4004-C1-P-72—American Telephone & Telegraph Co. (KQA36), to add frequency 4090H MHz toward Kalamazoo, Mich.

4005-C1-P-72—Mountain States Telephone & Telegraph Co. (KKQ86), to add frequency 2162.0H MHz toward Miles City, Mont.

4006-C1-P-72—Mountain States Telephone & Telegraph Co. (New), to add frequencies 2120.0V MHz toward Fallon, Mont., and 2112.0H MHz toward Miles City, Mont.

4007-C1-P-72—Mountain States Telephone & Telegraph Co. (New), to add frequencies 2178.0H MHz toward Glendive Junction, Mont., and 2170.0V MHz toward Miles City Radio, Mont.

4008-C1-P-72—Mountain States Telephone & Telegraph Co. (KPE75), to add frequency 2128.0H MHz toward Fallon, Mont.

4009-C1-P-72—The Pacific Telephone & Telegraph Co. (KMQ90), to add frequency 6108.3H MHz toward Mount Gleason, Calif.

JAN 14 72
XUM

4040–C1–MP–72—General Telephone Co. of the Northwest (WAY65), 1.5 miles west of Index, Wash., latitude 47°49'59" N., longitude 121°34'42" W. To add frequencies 5974.8 and 6093.5V MHz toward Everett, Wash., and 10,855V and 11,095V MHz toward Maloney Lookout, Wash.

4041–C1–MP–72—General Telephone Co. of the Northwest (WAY66), 1.5 miles southeast of Skykomish, Wash., latitude 47°41'42" N., longitude 121°20'11" W. To add frequencies 11,385V and 11,625V MHz toward Deer Creek Flats, Wash. 11,545H and 11,665H double passive reflector at Delberts Ridge, latitude 47°44'57" N., longitude 121°06'56" W., to Stevens Pass, Wash.

4042–C1–MP–72—General Telephone Co. of the Northwest (WAY67), 3 miles northeast of Scenic, Wash., latitude 47°44'51" N., longitude 121°05'23" W. To add frequencies 11,015H and 11,135H MHz toward Maloney Lookout (WAY66) via passive reflectors, and frequencies 6256.5H, 6375.2H, and 2112.4H MHz toward new point of communication located at Miners Ridge, Wash., via passive reflector.

4043–C1–P–72—General Telephone Co. of the Northwest (New), 6004.5H, 6123.1H, and 2162.4H MHz towards Stevens Pass, Wash., via passive reflector Delberts Ridge, Wash. Add frequencies 5952.6V, 6063.8V, and 2167.2V MHz toward Chelan Butte.

4044–C1–P–72—General Telephone Co. of the Northwest (KTF80), 6197.2V, 6315.9V, and 2117.2V MHz toward Miners Ridge, Wash. Frequencies 11,265H, 11,505H, and 2126.8H MHz toward Harmony Heights, Wash. Station location: 2.9 miles southwest of Chelan, Wash.

4045–C1–P–72—General Telephone Co. of the Northwest (New), 8 miles northwest of Brewster, Wash. Frequencies: 10,735H, 10,975H, and 2176.8H MHz toward Chelan Butte, Wash., and 10,835V and 11,075V MHz toward Brewster Flats, Wash.

4046–C1–P–72—General Telephone Co. of the Northwest, Inc. (KTF78), 5 miles northeast of Brewster, Wash. Frequencies 11,365V and 11,605V MHz toward Harmony Heights, Wash., and 11,345H, 11,465H, and 11,585H MHz toward Pearl Mountain, Wash.

4047–C1–P–72—General Telephone Co. of the Northwest, Inc. (KTF79), 3 miles southeast of Bridgeport, Wash. Frequencies: 10,815H, 10,935H, and 11,055H MHz toward Brewster Flats, Wash., and 10,775V, 10,895V, 11,115V, and 2179.2V MHz toward Sulphur Canyon, Wash.

4048–C1–P–72—General Telephone Co. of the Northwest, Inc. (New), 13 miles west of Coulee City, Wash. Frequencies: 11,305V, 11,425V, 11,665V, and 2129.2V MHz toward Pearl Mountain, Wash., and 6197.2V, 6256.5V, 6315.9V, and 2122.0V MHz toward Two Springs Canyon, Wash.

4049–C1–P–72—General Telephone Co. of the Northwest, Inc. (KTF813), 4.5 miles northnortheast of Winchester, Wash. Frequencies: 2172.0H, 5945.2V, 6004.5V, and 6063.8V MHz toward Sulphur Canyon, Wash.

4050–C1–P–72—Pacific Power & Light Co. (KPE25), Kalispell, Mont. Frequency 6160.0V MHz toward Blacktail Mountain via passive reflector.

4051–C1–P–72—Pacific Power & Light Co. (New), 216 First Street, East Polson, Mont. Frequencies: 10,795H and 11,035H MHz toward passive reflector via passive reflector, latitude 47°40'17" N., longitude 114°09'56" W.

4052–C1–P–72—Pacific Power & Light Co. (KPG94), Blacktail Mountain, Mont. Frequencies: 6235V MHz toward Kalispell, Mont., via passive reflector and 11,245H and 11,485 MHz toward Kalispell via passive reflector, latitude 47°40'17" N., longitude 114°09'56" W.

INFORMATIVE: Applicant, MCI Michigan, Inc., is modifying its original proposal for specialized common carrier radio service between Toledo, Ohio, and Detroit, Mich., and other major cities in Michigan by filing two new applications as listed below.

4073–C1–P–72—MCI Michigan, Inc. (New), Site 15, Fowlerville, Mich., C.P. for a new station 1.5 miles north of Fowlerville, Mich., at latitude 42°41'04" N., longitude 84°04'14" W. Frequencies: 6197.2H MHz on azimuth 233°03' toward Leslie, Mich., and 6197.2V MHz on azimuth 14°20' toward Lennon, Mich.

4074–C1–P–72—MCI Michigan, Inc. (New), Site 25, Northville, Mich., C.P. for a new station 4.5 miles northwest of Northville, Mich., at latitude 42°27'44" N., longitude 83°34'17" W. Frequencies: 6226.9H MHz on azimuth 214°35' toward Ann Arbor, Mich., and 3770.0V MHz on azimuth 49°40' toward Pontiac, Mich., and 6226.9V MHz on azimuth 124°49' toward Dearborn, Mich.

4076–C1–P–72—American Telephone & Telegraph Co. (KEL79), 911 10th Avenue, New York, NY. Frequencies: 3910H and 5974.9V MHz toward Roslyn Harbor, N.Y.

4077–C1–P–72—American Telephone & Telegraph Co. (KYS89), Roslyn Harbor, 0.1 mile northeast of Roslyn, N.Y. Frequencies: 3870H and 6226.9V MHz toward New York, N.Y., and 4030V and 6226.9V MHz toward Stamford, Conn.

4078–C1–P–72—American Telephone & Telegraph Co. (KYS88), intersection of Catoona and Mayno Lane, Stamford, Conn. Frequencies: 4070V and 5974.8H MHz toward Roslyn Harbor, N.Y., and 4150V and 5974.8H MHz toward South Salem, N.Y.

4079–C1–P–72—American Telephone & Telegraph Co. (KYS87), 1.4 miles southeast of South Salem, N.Y. Frequencies: 4110V and 6226.9V MHz toward Stamford, Conn., and Putnam Valley, N.Y.

4080–C1–P–72—American Telephone & Telegraph Co. (KTQ67), Putnam Valley, 3.9 miles east of Cold Spring, N.Y. Frequencies: 4150V and 5974.8H MHz toward South Salem, N.Y.

4085–C1–AL–(2)–72—Evangeline Telephone Co. (KLS40) (KLS41), consent to assignment of license from General Telephone of the Southwest, Assignor, to Evangeline Telephone Co., Assignee.

Major Amendment

4616–C1–P–70—New York-Penn Microwave Corp. (New), station location: 2647 University Boulevard West, Wheaton, MD. Delete frequency 6182.4 MHz; change polarization of frequency 6301.0 MHz to horizontal toward Taylorsville.

4617–C1–P–70—New York-Penn Microwave Corp. (New), station location: 1.7 miles southsouthwest of Taylorsville, MD. Replace frequencies 5989.7 and 6106.3 MHz with frequency 6167.6 toward Wheaton. Delete frequency 6078.6 MHz toward Shrewsbury and 6167.6 toward Baltimore.

4618–C1–P–70—New York-Penn Microwave Corp. (New), station location: 4340 Park Heights Avenue, Baltimore, MD. Delete frequency 6360.3 MHz toward Taylorsville.

4619–C1–P–70—New York-Penn Microwave Corp. (New), station location: 1.6 miles northnortheast of Shrewsbury, Pa. Add frequency 6271.4V MHz toward Mine Ridge a new point of communication. Delete frequency 6330.7 MHz toward Taylorsville and frequencies 6182.4 and 6301.0 MHz toward York.

4621–C1–P–70—New York-Penn Microwave Corp. (New), station location: Empire State Building, 350 Fifth Avenue, New York, NY. Add frequency 11,525H MHz toward new point of communication at South Orange and delete frequency 11,135 MHz toward New Rochelle.

4622–C1–P–70—New York-Penn Microwave Corp. (New), station location: 271 North Avenue, New Rochelle, NY. Delete frequency 11,225 MHz toward New York and 6330.7 MHz toward Ridgefield.

4623–C1–P–70—New York-Penn Microwave Corp. (New), station location: 1.1 miles west of Ridgefield, Conn. Delete frequency 6078.6 MHz toward New Rochelle and 5989.7 MHz toward Watertown. Delete frequency 6019.3 MHz and change polarization of frequency 6137.9 MHz to horizontal toward Long Hill.

4624–C1–P–70—New York-Penn Microwave Corp. (New), station location: 2.2 miles eastnortheast of Long Hill, Conn. Delete frequency 11,095 MHz toward Bridgeport and 6390.0 MHz toward Ridgefield. Replace frequencies 10,815 and 11,135 MHz with frequency 10,895 toward Hamden. Change transmitter (Lenkurt 76D3) output power to 2 watts.

4625–C1–P–70—New York-Penn Microwave Corp. (New), station location: 140 Fairfield Avenue, Bridgeport, CT. Delete frequency 11,505 toward Long Hill and change transmitter (Lenkurt 76D3) output power to 2 watts.

4626–C1–P–70—New York-Penn Microwave Corp. (New), station location: Baldwin Parkway, Hamden, Conn. Replace frequencies 11,225 and 11,545 MHz with frequency 11,305V MHz toward Long Hill.

4627–C1–P–70—New York-Penn Microwave Corp. (New), station location: 1.8 miles westsouthwest of Watertown, Conn. Delete frequency 6241.7 MHz toward Ridgefield and 6390.0 MHz toward Avon.

4628–C1–P–70—New York-Penn Microwave Corp. (New), station location: 2.8 miles southsoutheast of Avon, Conn. Delete frequency 11,135 MHz toward Hartford and 6108.3 MHz toward Wales. Change polarization of frequency 6019.3 MHz to vertical and delete frequency 6137.9 MHz toward Watertown. Delete frequency 5960.0 MHz and change polarization of frequency 6078.6 MHz to vertical toward Granville. Change transmitter (Lenkurt 76D3) output power to 2 watts.

Major Amendments—Continued

4629–C1–P–70—New York-Penn Microwave Corp. (New), station location: 1 Tower Square, Hartford, CT. Delete frequency 11,545 MHz toward Avon and change transmitter (Lenkurt 76D3) output power to 2 watts.

4630–C1–P–70—New York-Penn Microwave Corp. (New), station location: 2.8 miles southwest of Granville, Mass. Replace frequencies 10,815 and 11,135 MHz with frequency 11,365V MHz toward Springfield. Delete frequency 6212.0 and change polarization of frequency 6330.7 MHz to vertical toward Avon.

4631–C1–P–70—New York-Penn Microwave Corp. (New), station location: Bridge and Chestnut Streets, Springfield, Mass. Replace frequencies 11,225 and 11,545 MHz with frequency 11,075H MHz toward Granville.

4632–C1–P–70—New York-Penn Microwave Corp. (New), station location: 1.4 miles northwest of Wales, Mass. Delete frequency 6360.3 MHz toward Avon and 6212.0 MHz toward Harrisville.

4633–C1–P–70—New York-Penn Microwave Corp. (New), station location: 4.3 miles northwest of Harrisville, R.I. Delete frequency 5960.0 MHz toward Wales; 11,135 MHz toward Worcester; 6137.9 MHz and change polarization of frequency 6019.3 MHz to vertical toward Providence. Delete frequency 5989.7 MHz toward Medfield.

4634–C1–P–70—New York-Penn Microwave Corp. (New), station location: 4.1 miles southwest of Worcester, Mass. Delete frequency 11,545 MHz toward Harrisville.

4635–C1–P–70—New York-Penn Microwave Corp. (New), station location: 111 Westminster Street, Providence, RI. Change polarization of frequency 6271.4 MHz to vertical and delete frequency 6390.0 MHz toward Harrisville.

4636–C1–P–70—New York-Penn Microwave Corp. (New), station location: 2.6 miles northnortheast of Medfield, Mass. Correct transmitter (Lenkurt 776A1) output power to 1.5 watts. Delete frequency 6271.4 MHz toward Boston and 6360.3 MHz toward Harrisville.

4637–C1–P–70—New York-Penn Microwave Corp. (New), station location: Prudential Building, Boston, Mass. Replace frequencies 6019.3 and 6137.9 MHz with frequency 6049.0V MHz toward Medfield.

All other particulars same as reported on Public Notice dated Apr. 13, 1970.

673–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (New), change frequencies 6286.2 and 6404.8 MHz to 6301.0V and 6241.7V MHz on azimuth 89°50'. Station location: McNeill, Miss.

674–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (New), change frequencies 6034.2 and 6152.8 MHz to 6049.0H and 6167.6H MHz on azimuth 86°20'. Station location: Howison, Miss.

675–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (New), change frequencies 6197.2 and 6315.9 MHz to 6212.0V and 6330.7V MHz on azimuth 118°15'. Station location: Harleston, Miss.

676–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (New), change frequency 10,715 MHz to 10,875H MHz on azimuth 32°25'. Station location: Poplarville, Miss.

684–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (New), change frequency 10,715 MHz to 10,875H MHz on azimuth 342°55' and change frequency 10,715 MHz to 10,875V MHz on azimuth 55°10'. Station location: Meridian, Miss.

686–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (New), change frequency 10,755 MHz to 10,915H MHz on azimuth 350°45'. Station location: Moscow, Miss.

686–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (New), change coordinates to latitude 33°05'30" N., longitude 88°52'04" W. Station location: Boon, Miss.

(All other particulars same as reported in Public Notice No. 557 dated Aug. 16, 1971.)

3869–C1–P–71—The Bell Telephone Co. of Pennsylvania (KYJ36), station location: 210 Pine Street, Harrisburg, PA. Delete frequency 11,285H MHz and change transmitters to Farinon Electric, SS11000–01 with an output power of 2 watts toward Manada.

3870–C1–P–71—The Bell Telephone Co. of Pennsylvania (KYJ37), station location: Manada, 2.7 miles northwest of Grantville, Pa. Change type of transmitters to Farinon Electric SS11000–01 with an output power of 2 watts and delete frequency 10,835H MHz toward Harrisburg. Change type of transmitters to Farinon Electric, SS6000–2Y with an output of 2.5 watts and delete frequency 11,425H MHz toward Manala. Change type of transmitters to Farinon Electric, SS11000–01 with an output of 2 watts and delete frequency 11,645H MHz toward Pottsville via a double passive reflector on Sharp Mountain, Pa.

Major Amendments—Continued

3872–C1–P–71—The Bell Telephone Co. of Pennsylvania (New), change type of transmitters to Farinon Electric, SS–11000–01 with an output of 2 watts and delete frequency 10,715H MHz toward Bethel via a double passive reflector on Sharp Mountain, Pa.

All other particulars same as reported on Public Notices dated Feb. 1, 1971, and Aug. 23, 1971.

INFORMATIVE: Applicant, MCI Michigan, Inc., is amending 12 of its previously filed applications for authority to construct a new specialized common carrier service in a two State area from Toledo, Ohio, to Detroit, Mich., and serving a number of other major cities in Michigan. The applications now being amended were originally filed in February 1970. They appeared in Public Notice, Feb. 16, 1970, FCC Report No. 479A. No prior amendments to these applications have been filed. Each application that is now amended is referenced to the date filed. In addition two new sites are now proposed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's first report and order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding frequency coordination in Report No. 562, FCC Common Carrier Services Information released September 20, 1971.

4332–C1–P–70—MCI Michigan, Inc. (New), Site 13, Leslie, Mich. Change proposed station location to a new station 1.9 miles north of Leslie, Mich., at latitude 42°28'46" N., longitude 84°26'16" W. Correct azimuths and frequencies to frequencies 5974.8 MHz on azimuth 122°37' toward Chelsea, Mich., 5974.8 MHz on azimuth 341°23' toward Lansing, Mich., and 5945.2 on azimuth 52°49' toward Fowlerville, Mich. Delete frequencies 10,835 and 11,075 MHz on azimuth 194°10' toward Jackson, Mich., and 6256.5 and 6375.2 MHz on azimuth 327°24' toward Lansing, Mich.

4333–C1–P–70—MCI Michigan, Inc. (New), Site 14, Lansing, Mich. Proposed station to be located at 124 West Allegan Street, Lansing, MI. Correct coordinates to latitude 42°43'58" N., longitude 84°33'13" W. Correct azimuths and frequencies to frequency 6197.2 MHz on azimuth 161°18' toward Leslie, Mich. Delete frequencies 6093.5 and 6152.8 MHz on azimuth 147°15' toward Leslie, Mich., and 6004.5 and 6123.1 MHz on azimuth 42°38' toward Owosso, Mich.

4334–C1–P–70—MCI Michigan, Inc. (New), Site 16, Lennon, Mich. Change proposed station location to a new station 2.5 miles southwest of Lennon, Mich., at latitude 42°57'58" N., longitude 83°58'21" W. Correct azimuths and frequencies to frequencies 5945.2 MHz on azimuth 194°24' toward Fowlerville, Mich., 5945.2 MHz on azimuth 356°12' toward Layton Corners, Mich., and 6093.5 MHz on azimuth 76°13' toward Flint, Mich. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 222°54' toward Lansing, Mich., and 6286.2 and 6404.8 MHz on azimuth 34°34' toward Layton Corners, Mich. Delete Lansing, Mich., as a point of communication.

4336–C1–P–70—MCI Michigan, Inc. (New), Site 19, Flint, Mich. Proposed station to be located at 1 East Flint Street, Flint, MI. Correct coordinates to latitude 43°01'00" N., longitude 83°41'23" W. Correct azimuths and frequencies to frequency 6345.5 MHz on azimuth 256°25' toward Lennon, Mich. Delete frequencies 6256.5 and 6375.2 MHz on azimuth 312°36' toward Layton Corners, Mich., as a point of communication.

4338–C1–P–70—MCI Michigan, Inc. (New), Site 20, Chelsea, Mich. Change proposed station location to a new station 2.3 miles west of Chelsea, Mich., latitude 41°18'35" N., longitude 84°04'54" W. Correct azimuths and frequencies to frequencies 6197.2 MHz on azimuth 302°52' toward Leslie, Mich., 6226.9 MHz on azimuth 255°17' toward Jackson, Mich., and 6226.9 MHz on azimuth 97°11' toward Ann Arbor, Mich. Delete frequencies 6345.5 MHz on azimuth 106°22' toward Ann Arbor, Mich., 6197.2 and 6315.9 MHz on azimuth 251°29' toward Jackson, Mich.

4339–C1–P–70—MCI Michigan, Inc. (New), Site 21, Ann Arbor, Mich. Proposed station to be located at 555 East William Street, Ann Arbor, MI. Correct coordinates to latitude 42°16'39" N., longitude 83°44'34" W. Correct azimuths and frequencies to frequencies 10,775.0 and 11,175.0 MHz on azimuth 237°22' toward Bridgewater, Mich., 5974.8 MHz on azimuth 277°25' toward Chelsea, Mich., and 5974.8 MHz on azimuth 34°26' toward Northville, Mich. Delete frequencies 5974.8 and 6093.5 MHz on azimuth 147°11' toward Maybee, Mich., 6004.5 and 6123.1 MHz on azimuth 106°19' toward Riverview, Mich., and 6093.5 MHz on azimuth 258°33' toward Chelsea, Mich. Delete Maybee, Mich., and Riverview, Mich., as points of communication.

Major Amendments—Continued

4340-C1-P-70—MCI Michigan, Inc. (New), Site 22, Bridgewater, Mich. Change proposed station location to a new station 2.5 miles northwest of Bridgewater, Mich., latitude 42°11'07" N., longitude 83°46'10" W. Correct azimuths and frequencies to frequencies 5974.8 MHz on azimuth 158°13' toward Petersburg, Mich., and 11,665.0 and 11,265.0 MHz on azimuth 57°14' toward Ann Arbor, Mich. Delete frequencies 6226.9 and 6345.5 MHz on azimuth 155°38' toward North Shores, Mich., and 6256.5 and 6375.2 MHz on azimuth 327°19' toward Ann Arbor, Mich. Delete North Shores, Mich., as a point of communication.

4341-C1-P-70—MCI Michigan, Inc. (New), Site 23, Petersburg, Mich. Change proposed station location to a new station 7.7 miles south of Petersburg, Mich., latitude 41°47'01" N., longitude 83°43'18" W. Correct azimuths and frequencies to frequencies 6226.9 MHz on azimuth 338°21' toward Bridgewater, Mich., and 11,485.0 and 11,245.0 MHz on azimuth 133°16' toward Toledo, Ohio. Delete frequencies 5945.2 and 6063.8 MHz on azimuth 335°44' toward Maybee, Mich., and 10,875.0 and 11,115.0 MHz on azimuth 206°34' toward Toledo, Ohio. Delete Maybee, Mich., as a point of communication.

4342-C1-P-70—MCI Michigan, Inc. (New), Site 24, Toledo, Ohio. Proposed station to be located at 5319 Madison Avenue, Toledo, OH. Correct coordinates to latitude 41°39'04" N., longitude 83°32'03" W. Correct azimuths and frequencies to frequencies 10,735.0 and 11,135.0 MHz on azimuth 313°23' toward Petersburg, Mich. Delete frequencies 11,405.0 and 11,845.0 MHz on azimuth 26°29' toward North Shores, Mich. Delete North Shores, Mich., as a point of communication.

4343-C1-P-70—MCI Michigan, Inc. (New), Site 27, Dearborn, Mich. Change proposed station location to a new station at Village Plaza, 23400 Michigan Avenue, Dearborn, MI, latitude 42°18'12" N., longitude 83°15'42" W. Correct azimuths and frequencies to frequencies 5945.2 MHz on azimuth 305°02' toward Northville, Mich., and 10,735.0 and 11,135.0 MHz on azimuth 80°41' toward Detroit, Mich. Delete frequencies 6226.9 and 6345.5 on azimuth 286°40' toward Ann Arbor, Mich., and 11,265.0 and 11,365.0 MHz on azimuth 28°38' toward Detroit, Mich. Delete Ann Arbor, Mich., as a point of communication.

4344-C1-P-70—MCI Michigan, Inc. (New), Site 28, Detroit, Mich. Change proposed station location to a new station at Guardian Building, 500 Griswold Street, Detroit, MI, latitude 42°19'47" N., longitude 83°02'46" W. Correct azimuth and frequencies to frequencies 11,625.0 and 11,225.0 MHz on azimuth 260°49' toward Dearborn, Mich. Delete frequencies 10,835.0 and 10,995.0 MHz on azimuth 208°44' toward Riverview, Mich., and 11,155.0 and 10,915.0 MHz on azimuth 330°01' toward Pontiac, Mich. Delete Riverview, Mich., and Pontiac, Mich., as points of communication.

4345-C1-P-70—MCI Michigan, Inc. (New), Site 26, Pontiac, Mich. Proposed station to be located in Pontiac State Bank Building, 26 North Saginaw Street, Pontiac, MI. Correct coordinates to latitude 42°38'14" N., longitude 83°17'30" W. Correct azimuth and frequency to frequency 3730.0 MHz on azimuth 229°52' toward Northville, Mich. Delete frequencies 11,245.0 and 11,485.0 MHz on azimuth 149°53' toward Detroit, Mich. Delete Detroit, Mich., as a point of communication.

[FR Doc.72-525 Filed 1-13-72;8:45 am]

FEDERAL POWER COMMISSION

[Project 237]

MOUNT DIABLO MERIDIAN, CALIF.

Order Partially Vacating Withdrawal

JANUARY 6, 1972.

In order to effectuate a proposed land exchange, application has been filed by the Forest Service, U.S. Department of Agriculture for vacation of the land withdrawal for Project No. 237 insofar as it pertains to the following described lands of the United States:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 17 N., R. 10 E.,
Sec. 4, lots 9, 10, 15, 16 (part of SW¼), lots 12, 14 (part of S½NW¼);
Sec. 9, lot 2 (part of N½NW¼).

This order also pertains to other lands withdrawn for Project No. 237. All of the lands, consisting of approximately 6,600 acres, are listed below. The lands lie within the Tahoe National Forest and are located along a 20-mile long corridor between the existing Jackson Meadows Reservoir on the Middle Yuba River and Missouri Bar (near the town of North Bloomfield) on the South Yuba River.

The lands are variously withdrawn pursuant to filings on July 25, 1921, and April 6, 1922, of original and amended applications for preliminary permit for Project No. 237 for which the Commission gave notices of land withdrawal to the General Land Office by letters dated August 19, 1921, and April 13, 1922. The original application for the preliminary permit was filed by the Excelsior Water and Mining Co. The amended application was filed by its successor, the Excelsior Water and Power Co.

All of the lands were withdrawn for possible conduit location in connection with a plan which contemplated diversion of the Middle Yuba River, at Jackson Meadow, to the suggested Anthony House reservoir (never constructed) on Deer Creek, a tributary of the main stem of the Yuba River. The lands in sec. 17, T. 18 N., R. 11 E., contain a suggested powerhouse site proposed in connection with said plan.

The application for Project No. 237 was rejected by the Commission on October 3, 1925 at which time a license was issued to the Nevada Irrigation District for competing Project No. 338 (relicensed as part of Project No. 2266) which is constructed and diverts the subject reach of the Middle Yuba River to Lake Spaulding. Consequently, the diversion proposed in Project No. 237 is no longer feasible.

No plans are known to be under consideration for hydroelectric development on the lands described below.

The Commission finds: Inasmuch as the lands are no longer needed for power development, the withdrawal for Project No. 237 should be vacated to the extent that it pertains to the lands described below.

The Commission orders: The land withdrawal for Project No. 237 is hereby vacated insofar as pertains to the lands described below.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 17 N., R. 10 E.,
Sec. 2, S½NE¼, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 3, SE¼NE¼, NW¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 4, NE¼, S½NW¼, SW¼;
Sec. 9, N½NW¼, SW¼NW¼;
Sec. 10, N½N½.
T. 18 N., R. 10 E.,
Sec. 24, S½SE¼;
Sec. 25, lot 4, N½NE¼, NE¼NW¼, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 34, SE¼SW¼, S½SE¼;
Sec. 35, NE¼, NW¼SW¼, N½SE¼, SW¼SE¼;
Sec. 36, lots 1, 2, 9, 10, 11, 12, W½NE¼, NW¼NW¼, NW¼SE¼.
T. 18 N., R. 11 E.,
Sec. 10, S½NE¼, NE¼SW¼, N½N½SW¼SW¼, N½SE¼SW¼, N½S½SE¼SW¼, NW¼SE¼;
Sec. 12, N½N½, SE¼;
Sec. 14, N½SW¼, NW¼SE¼;
Sec. 15, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 16, NE¼NE¼, S½NE¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 17, lot 6, E½SE¼;
Sec. 19, lots 9 and 10;
Sec. 20, NE¼NE¼, W½NE¼, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 21, N½N½;
Sec. 30, lots 1, 2, N½ of 3, 8, 9, and 10, N½NE¼, SW¼NE¼, NW¼SE¼;
Sec. 31, lot 1, NE¼NW¼.
T. 16 N., R. 12 E.,
Sec. 2, lots 1, 2, 3, 4, SE¼NW¼;
Sec. 6, S½S½;
Sec. 7, lots 1, 2, 3, NE¼NE¼, W½NE¼, E½NW¼, NE¼SW¼.
T. 19 N., R. 12 E.,
Sec. 24, E½, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 26, NW¼NE¼, NE¼NW¼, S½NW¼;
Sec. 32, SE¼SE¼;
Sec. 34, N½NW¼, SW¼NW¼;
Sec. 36, W½NW¼.

Approximately 6,600 acres.

[FR Doc.72-572 Filed 1-13-72;8:47 am]

[Docket No. E-7689]

ARIZONA PUBLIC SERVICE CO.

Notice of Extension of Time

JANUARY 7, 1972.

On December 27, 1971, Arizona Public Service Co. filed a request for an extension of time within which to answer the petition to intervene filed by Trico Electric Cooperative, Inc., on December 13, 1971, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including January 7, 1972, within which answers may be filed to the petition to intervene filed by Trico Electric Cooperative, Inc.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-573 Filed 1-13-72;8:47 am]

[Docket No. CP72-169]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JANUARY 10, 1972.

Take notice that on December 29, 1971, Arkansas Louisiana Gas Co. (applicant), Post Office Box 1734, Shreveport, LA 71163, filed in Docket No. CP72-169 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce for resale to Oklahoma Natural Gas Gathering Corp. and Pioneer Gas Products Co. from Major County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-574 Filed 1-13-72;8:47 am]

[Docket No. E-7602, R-427]

CENTRAL TELEPHONE & UTILITIES CORP.

Order Granting Motion for Consideration

JANUARY 7, 1972.

On May 19, 1971, the Commission issued an order in Docket No. E-7602 providing for hearing suspending in part and rejecting in part proposed rate schedule changes, initiating proceedings under section 206 of the Federal Power Act, and allowing intervention. The filing was accepted for the purpose of initiating proceedings under 205 of the Act insofar as Municipals[1] were concerned but was rejected for such purposes insofar as the Cooperatives[2] were concerned. However, the portion of the proposed rate increased filing applicable to the Cooperatives was treated under 206 of the Act.

The stated reason in the Commission's order for treating the filing differently as applied to the Cooperatives on one hand and the Municipals on the other was that the Cooperatives contracts and the company rate schedule did not contain language from which it might be reasonably inferred that the parties contemplated rate changes on a unilateral basis while in the case of the Municipals such language was in their contracts. Specifically all of the Municipals' contracts contain the paragraph:

> The rate schedule above referred to constitutes the present rate of Company for the class of service contracted for and is subject to change by order of the legally constituted ratemaking body having jurisdiction over the Companies rates.

In their petition for rehearing the Municipals seek in general to have the Commission change its order of May 19, by rejecting Central's filing under section 205 of the Act because: (1) The paragraph cited in the Commission's order as justification for initiating the 205 proceeding contemplates a change in their effective rate schedules only after an investigation by the Commission under 206 of the Act; and (2) the Commission's construction of the Municipals' contracts as set out in the order of May 19 would sanction "Central's patent and unjustifiable discrimination against its Municipal wholesale customers with respect to terms and conditions of service."

On July 16, 1971, the Commission issued an order Granting Rehearing for the purpose of further consideration. On August 10, 1971, the Commission granted rehearing in its order Granting Rehearing and Amending Previous Order. In this order all parties were required to respond to the Municipals' petition in writing.

On December 15, 1971, Central Telephone & Utilities Corp. (Central) filed a motion with the Commission requesting that the entire proceeding be considered under section 206 of the Federal Power Act if the Commission should decide that the filing could not be accepted for both the Municipals and Cooperatives under section 205.

Since the Commission is of the opinion that its original order of May 19, 1971, was correct,[3] the filing cannot be accepted for both the Municipals and the Cooperatives under section 205. Therefore, the Commission is disposed to grant Central's motion and treat the filing under section 206 of the Act. This effectively moots the questions raised by the Municipals in their petition for rehearing. In granting Central's motion the Commission will further vacate so much of Order No. 437 A-3 as pertains to this proceeding.

The Commission further finds: (1) It is in the public interest to grant the motion of Central that the entire filing in this case be adjudicated under section 206 of the Federal Power Act.

The Commission orders: (A) That the entire filing in the Docket be adjudicated under section 206 of the Federal Power Act.

(B) That the relief sought in the Municipals petition for rehearing of the Commissions orders of May 19, 1971, is hereby denied because the issues raised therein are moot.

(C) The Commission hereby vacates so much of the Commission Order No. 437 A-3 issued November 19, 1971, as relates to this proceeding by ordering all reference to Central stricken from Appendix A of Order No. 437 A-3.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-575 Filed 1-13-72;8:47 am]

[Docket No. E-7691]

CLEVELAND ELECTRIC ILLUMINATING CO. ET AL.

Notice of Rate Schedule Filing

JANUARY 10, 1972.

Take notice that on November 30, 1971, the CAPCO Group filed an interconnection agreement known as the

[1] The Kansas Municipal Defense Group consisting of the cities of Cawker, Cimmarron, Coats, Glasco, Glen Elder, Holyrood, Isabel, Jamestown, Lucas, Luray, Mankato, Montezuma and Tipton, Kans.

[2] Valley Electric Cooperative Association, Inc.; The C.M.S. Electric Cooperative Association, Inc.; The C&W Rural Electric Cooperative Association, Inc.; Jewell-Mitchell Cooperative, Inc.; Ninnescah Rural Electric Cooperative Association, Inc.; Norton-Decatur Cooperative Electric Co., Inc.; The Smoky Hill Electric Cooperative Association, Inc.; Sumner-Cowley Electric Cooperative, Inc.; and Victory Electric Cooperative Association, Inc.

[3] Reinforcing the reasoning in the Commission's order of May 19, 1971, is the Commission's Opinion No. 606, issued Jan. 3, 1972, in Carolina Power & Light Co., Docket No. E-7564. See also: Capital Electric Power Ass'n v. F.P.C., CADC, No. 71-1237, May 13, 1971, certiorari denied, No. 71-897, Nov. 9, 1971.

JAN 14 1972 XUM

CAPCO transmission facilities agreement and the CAPCO administration agreement, both dated September 14, 1967, and executed November 1, 1971.

The transmission agreement is filed as an initial rate schedule and the parties to the agreement are The Cleveland Electric Illuminating Co. (CEI), Duquesne Light Co. (DL), Ohio Edison Co. (OE), and its wholly owned subsidiary Pennsylvania Power Co., and The Toledo Edison Co. (TE).

The transmission network is intended to permit utilization by the parties of their various capacity entitlements in generating units and obligations to each other pursuant to the CAPCO basic generating capacity agreement and the CAPCO basic operating agreement, respectively.

The proposed transmission agreement provides for the construction, operation and maintenance of a transmission network between the five companies to effectuate their intention to coordinate generating operations among themselves and other systems with a sharing of benefits and responsibilities.

Each party will own all the transmission facilities in its service area. A party's share of the total cost of transmission facilities will be borne, as appropriate, by ownership and operation of CAPCO Lines, and by the net effect of payments and receipt of payments with respect to the obligation to bear fixed charges and operating expenses as delineated in the proposed Exhibit B and Section 3.05 of the proposed agreement.

Additional CAPCO Lines shall be provided for by the executive committee with investment responsibility allocated among the parties pursuant to section 4.02 of the transmission agreement.

The transmission facilities of each party is to be mutually available for the purposes of the agreement, with each party allowed, after notice, to make changes it deems desirable to its own system.

The proposed agreement is to be interpreted so as not to conflict or interfere with the performance of any agreement between any party and another party or nonparty. The parties are free to enter into new agreements with other parties or systems to the extent that it does not impair operations or ability to perform under the agreement.

The agreement shall continue in effect until termination is mutually agreed upon by all the parties, with notice of withdrawal from the generating agreement being deemed notice of withdrawal from this agreement.

The parties have requested waiver of the Commission's notice requirement to permit an effective date of September 30, 1971.

Any person desiring to be heard or to make any protest with any reference to said application should on or before January 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-576 Filed 1-13-72;8:47 am]

[Docket No. RP71-50]

EASTERN SHORE NATURAL GAS CO.

Order Permitting Tracking Rate Increase to Become Effective and Limiting Authority to Track Purchased Gas Cost Increases

JANUARY 7, 1972.

Eastern Shore Natural Gas Co. (Eastern Shore), on December 3, 1971, tendered for filing revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1[1] designed solely to track the rate increase filed by its supplier Transcontinental Gas Pipeline Corp. (Transco) in Docket No. RP72-78. The revised tariff sheets reflect proposed rate changes which would increase charges to its jurisdictional customers by $61,063 annually.

Eastern Shore requests waiver of notice under the Commission's regulations in order to permit its proposed increased rates to become effective on January 1, 1972, coincidental with the effective date of Transco's proposed increase in Docket No. RP72-78. Eastern Shore states that it received insufficient notice from Transco to enable it to make its filing within the required 30-day notice period for an effective date coincidental with that of Transco.

The proposed increases are consistent with the tracking authorization granted Eastern Shore by the Commission's letter order issued May 18, 1971, in Docket No. RP71-50. Eastern Shore has shown sufficient reason for waiver of the 30-day notice requirement. Accordingly, we will accept the proposed revised tariff sheets to become effective on January 1, 1972. However, we are of the opinion that the unlimited tracking authority provided in our letter order of May 18, 1971, is not appropriate nor in the public interest. Under the circumstances we believe it is reasonable to limit Eastern Shore's tracking authority to a period of 6 months from the date of issuance of this order. Accordingly, we will amend our letter order of May 18, 1971, to provide for such limitation. However, our action herein will be specifically made subject to the pending rule making proceeding with respect to purchased gas adjustment clauses in Docket No. R-406.

The Commission finds:

(1) Good cause has been shown for waiver of the 30-day notice requirement of the Commission's regulations under the Natural Gas Act in order to permit the revised tariff sheets tendered for filing by Eastern Shore on December 3, 1971, to become effective on January 1, 1972.

(2) It is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act to amend our letter order issued May 18, 1971, in order to limit the tracking authority provided in that order, as hereinafter ordered and conditioned.

(3) In view of all the facts and circumstances in this case, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) The 30-day notice requirement of the Commission's regulations under the Natural Gas Act is hereby waived and the revised tariff sheets designated in footnote 1 above are permitted to become effective on January 1, 1972, consistent with the tracking authorization provided in the letter order to Eastern Shore, issued May 18, 1971, in Docket No. RP71-50.

(B) The letter order issued May 18, 1971, in Docket No. RP71-50 is amended to limit the tracking authorization provided in that order to a period of 6 months from the date of issuance of this order, subject to further orders issued in Docket No. RP71-50 and to the pending rulemaking proceedings in Docket No. R-406.

(C) In all other respects, the letter order of May 18, 1971, in this proceeding shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-577 Filed 1-13-72;8:48 am]

[Docket No. E-7679]

FLORIDA POWER CORP.

Order Accepting for Filing

JANUARY 10, 1972.

Order accepting for filing and suspending proposed tariff changes, providing for hearing, establishing procedures, permitting interventions and denying motion to reject filing.

On November 12, 1971, Florida Power Corp. (Florida Power) tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1, which would provide increased revenues of $3,147,458 on a 1970 test-year basis for firm wholesale electric service. Florida Power requests that its proposed rates become effective on January 11, 1972, for customers served under contracts whose term has expired and upon expiration of existing contracts for the remaining customers.

Florida Power states that this rate increase is necessary in order to finance large anticipated construction programs and to distribute fairly among retail and wholesale customers the rate increases by which revenues are raised. Florida Power also requests the Commission, if it suspends the proposed rates, to suspend them for only 1 day on the ground that the notice requirements of the contracts compelled the company to forego a wholesale rate increase for a period in excess of 5 months. Florida Power further requests the Commission to permit the filing more than 90 days before application to customers with unexpired contracts for simultaneous disposition of all matters concerning the proposed rates.

Petitions to intervene were timely filed on December 28, 1971, by a group of nine cooperative customers[2] and jointly by the Twelve City Power Supply Committee and 12 municipal customers[3] (Cities) of Florida Power. All the petitioners state that their interests will be directly affected by Florida Power's proposed rate changes, that their interests cannot be adequately represented by other parties, and that they may be bound by the Commission's action in this proceeding.

In their December 28 filing the cooperatives protest the proposed increased rates and certain provisions of the tariff and new wholesale contracts as unjust and unreasonable. In addition, the cooperatives urge that Statement N should be required before acceptance of Florida Power's filing and that if suspension of the effective date is appropriate, the suspension period should be 5 months. The cooperatives further allege that Florida Power's contract with Peace River Electric Cooperative, Inc. (Peace River), does not permit termination or a unilateral change in rates until July 1, 1972.

The failure of Florida Power to file Statement N does not justify rejection of the filing, but it is necessary for Statement N to be filed and the company should be required to do so within 15 days of the issuance of this order. Provision should be made in Florida Power's proposed tariff for the new rates applicable to Peace River to be charged not earlier than the expiration of its present contract with Florida Power.

In their December 28 filing the Cities protest Florida Power's proposed tariff and increased rates, move that the company's filing be rejected, and request that the tariff, if not rejected, be suspended for 5 months. As grounds for rejection the Cities state that the tariff filing fails to satisfy the substantive standards of the economic stabilization program, including the desired 2½ percent rate of inflation and the four guidelines published in CCH, Economic Controls, paragraph 3030.05. The Cities also assert that certain proposed provisions of the tariff and absence of other provisions violate antitrust law and policy and that Florida Power has engaged in anticompetitive practices in the past.

In view of all the facts and circumstances in this case, the Commission's action herein of permitting the subject rate increases to become effective, subject to refund, at the expiration of the suspension period ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder. Florida Power's filing will therefore not be rejected on this ground. The Cities' motion for rejection on other grounds should be denied. Nonetheless, some issues which the Cities have raised should be developed in an evidentiary proceeding. Upon consideration we also find that it would not be appropriate to waive the 90-day notice requirement at this time and that further consideration may be given to Florida Power's request upon submission of service agreements with the customers whose contracts have not yet expired.

The Commission finds:

(1) The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

(2) It is necessary and appropriate in the public interest and in carrying out the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, services, and other provisions contained in Florida Power Corp.'s proposed FPC Electric Tariff, and that such tariff be suspended and the use thereof deferred as hereinafter provided.

(3) Good cause has not been shown for suspension for less than 5 months.

(4) Florida Power made its filing 59 days before the proposed effective date and did not request waiver of the 60-day notice requirement. The suspension period will therefore begin running from January 12, 1972.

(5) The participation in this proceeding of the above-named petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, services, and other provisions contained in Florida Power Corp.'s proposed FPC Electric Tariff, commencing with a prehearing conference to be held on April 18, 1972.

(B) Pending such hearing and decision thereon, Florida Power's proposed changes in its FPC Electric Tariff, Original Volume No. 1, is accepted for filing and is suspended and its use deferred until June 12, 1972.

(C) The Cities' motion to reject the company's filing is denied.

(D) Florida Power's request for waiver of the 90-day notice requirement as to certain unexpired contracts is denied.

(E) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their respective petititons to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they, or any of the, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) At the prehearing conference the direct evidence of Florida Power, intervenors and the Commission staff shall be admitted into the record, subject to appropriate motions, if any, by the parties to the proceeding, and procedures adopted for an orderly and expeditious hearing.

(G) On or before April 7, 1972, the Commission staff shall serve its prepared testimony and exhibits, if any. The prepared testimony and exhibits, if any, of intervenors shall be served on or before April 21, 1972. Rebuttal evidence, if any, of Florida Power Corp. shall be served on or before May 9, 1972. Cross-examination of the evidence filed shall commence at 10 a.m., on May 23, 1972, in a hearing room of the Federal Power Commission.

(H) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect subject to refund with interest while pending Commission determination as to their justness and reasonableness is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

(I) Within 15 days of the issuance of this order, Florida Power shall file Statement N as required by the Commission's regulations under the Federal Power Act.

(J) The Chief Examiner or any other designated by him for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in these proceedings and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-578 Filed 1-13-72;8:48 am]

[1] Fourth Revised Sheets Nos. 6 and 9F, 10th Revised Sheets Nos. 18C and 18N, 11th Revised Sheet No. 9B, 14th Revised Sheet No. 18-A, 27th Revised Sheet No. 11, and 28th Revised Sheet No. 8. On Dec. 6, 1971, Eastern Shore tendered a new Fourth Revised Sheet No. 9F to correct an error in the proposed effective date.

[2] Central Florida Electric Cooperative, Inc., Clay Electric Cooperative, Inc., Glades Electric Cooperative, Inc., Peace River Electric Cooperative, Inc., Sumter Electric Cooperative, Inc., Suwanee Valley Electric Cooperative, Inc., Talquin Electric Cooperative, Inc., Tri-County Electric Cooperative, Inc., and Withlacoochee River Electric Cooperative, Inc.

[3] Cities of Alachua, Bartow, Bushnell, Chattahoochee, Fort Meade, Mount Dora, Newberry, Ocala, Quincy, Lake Helen, Leesburg, and Williston, Fla.

JAN 14 1972

[Docket No. CI72-394]

HUMBLE OIL & REFINING CO.

Notice of Application

JANUARY 12, 1972.

Take notice that on January 5, 1972, Humble Oil & Refining Co. (applicant), Post Office Box 2180, Houston, TX 77001, filed in Docket No. CI72-394 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. (Transco) from the Pecan Island Field, Vermilion Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Transco from the date of Commission authorization through December 31, 1972, within the contemplation of section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) at the rate of 35 cents per Mcf at 15.025 p.s.i.a. Applicant proposes to sell a maximum daily volume of 15,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-568 Filed 1-13-72;8:50 am]

[Docket No. CP72-161]

TOWN OF MOULTON, IOWA ET AL.

Notice of Application

JANUARY 6, 1972.

Take notice that on December 17, 1971, the town of Moulton, Iowa 52572, filed pursuant to section 7(a) of the Natural Gas Act and Allerton Gas Co., Allerton, Iowa 50008, filed pursuant to section 7(c) of the Natural Gas Act an application in Docket No. CP72-161 for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (respondent) to establish physical connection of its natural gas transmission facilities with the distribution facilities proposed to be constructed by the town of Moulton, Iowa, and to deliver to Moulton volumes of natural gas for the account of the Allerton Gas Co. and for a certificate of public convenience and necessity authorizing the sale of natural gas by Allerton to Moulton, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Respondent currently is authorized to deliver and to sell to Allerton 2,100 Mcf of natural gas per day by order issued in Docket No. CP71-236 on August 30, 1971. Applicants state that Allerton's recent authorized increase of 600 Mcf of natural gas per day was to serve in part an anticipated increase in the requirements of industrial consumers which has not materialized. Therefore, applicants request that respondent be directed to establish physical connection of its natural gas transmission facilities with proposed distribution facilities of Moulton and to deliver to Moulton 452 Mcf of natural gas allocated to Allerton. Moulton proposes to construct, own and operate approximately 4.46 miles of a 6.10-mile lateral line and requests that respondent construct 1.64 miles of the lateral line and a metering station. Applicants state that the total cost to Moulton of constructing its distribution system and lateral line will be approximately $221,000 which will be financed by issuance of gas revenue bonds.

Applicants further request that a certificate of public convenience and necessity be issued to Allerton authorizing the sale of natural gas by Allerton to Moulton and Allerton be exempted from Part 154 of the Commission's regulations under the Natural Gas Act but for the filing of one special rate schedule covering this sale (18 CFR 154.52), or in the alternative that the Commission waive jurisdiction over the entire sale of natural gas by Allerton to Moulton.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-579 Filed 1-13-72;8:48 am]

[Docket Nos. RI71-970, etc.]

WARREN PETROLEUM CORP. ET AL.

Notice of Extension of Time

JANUARY 7, 1972.

Warren Petroleum Corp., Complainant vs. Sun Oil Co., Respondent, Docket No. RI71-970; Sun Oil Co., Dockets Nos. CI71-788 and CI72-156.

On January 3, 1972, Staff Counsel filed a motion for an extension of time to and including January 20, 1972, within which to answer the petition to intervene filed by Cities Service Oil Co. on December 27, 1971, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including January 20, 1972, within which answers may be filed to the petition to intervene filed by Cities Service Oil Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-580 Filed 1-13-72;8:48 am]

[Docket Nos. CP72-12, CP72-89]

WESTERN GAS CORP.

Order Amending Order Issuing Certificate of Public Convenience and Necessity, Redesignating FPC Rate Schedule, and Cancelling Docket Number

JANUARY 6, 1972.

On September 29, 1971, Western Gas Corp. (Western) filed in Docket No. CP 72-89 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Western to continue in lieu of Southern Gas Co. (Southern), certificate holder in Docket No. CP72-12, the sale of natural gas to Texas Eastern Transmission Corp., all as more fully set forth in the application.

Western merged Southern effective July 1, 1971, and proposes to continue without change the sale of natural gas authorized in Docket No. CP72-12 effective August 17, 1971. Concurrently with its certificate application, Western filed a notice of succession to Southern Gas Co. FPC Rate Schedule No. 1.

After due notice by publication in the FEDERAL REGISTER on October 30, 1971 (36 F.R. 20913), no petition to intervene, notice of intervention, or protest to the granting of the application has been filed.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the order issuing a certificate in Docket No. CP72-12 should be amended as hereinafter ordered, that the related rate schedule should be redesignated, and that Docket No. CP72-89 should be canceled.

The Commission orders: (A) The order issuing a certificate in Docket No. CP72-12 is amended by substituting Western Gas Corp. in lieu of Southern Gas Co. as certificate holder, and in all other respects said order shall remain in full force and effect.

(B) Southern Gas Co. FPC Rate Schedule No. 1 is redesignated as Western Gas Corp. FPC Rate Schedule No. 1 effective as of August 17, 1971.

(C) Docket No. CP72-89 is canceled.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-581 Filed 1-13-72;8:48 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Wage Determination Decisions for Certain States

Modification to area wage determination decisions for specified localities in Illinois, Iowa, Louisiana, Michigan, Mississippi, Minnesota, Oklahoma, and Texas.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM-330, AM-331, AM-332, AM-333, AM-341, AM-342, AM-343, AM-344, AM-2379, AM-6250.	Aug. 13, 1971.
AM-383	Aug. 18, 1971.
AM-489, AM-491, AM-492, AM-493, AM-494, AM-495, AM-496.	Aug. 20, 1971.
AM-2447, AM-2452, AM-2453, AM-2454, AM-2459, AM-3602, AM-3611, AM-3612, AM-3627.	Aug. 25, 1971.
AM-7489	Nov. 12, 1971.
AM-7716	Nov. 19, 1971.

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, "Procedure for Predetermination of Wage Rates," and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determination, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. number 553 is set forth in the document being modified.

The modifications to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 7th day of January 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

JAN 14 72
XUM

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-330—36 F.R. 15155, Cook County, Ill., Modification No. 4						
CHANGE:						
Boilermakers	$8.35	$0.50	$0.75	2%	$0.01	
Boilermakers' helpers	8.25	.50	.75	2%	.01	
WD No. 331—36 F.R. 15161, Du Page County, Ill., Modification No. 4						
CHANGE:						
Boilermakers	8.35	.50	.75	2%	.01	
Boilermakers' helpers	8.25	.50	.75	2%	.01	
WD No. AM-332—36 F.R. 15166, Kane County, Ill., Modification No. 4						
CHANGE:						
Boilermakers	8.35	.50	.75	2%	.01	
Boilermakers' helpers	8.25	.50	.75	2%	.01	
WD No. 333—36 F.R. 15170, Lake County, Ill., Modification No. 2						
CHANGE:						
Boilermakers	8.35	.50	.75	2%	.01	
Boilermakers' helpers	8.25	.50	.75	2%	.01	
WD No. 341—36 F.R. 15213, Will County, Ill., Modification No. 4						
CHANGE:						
Boilermakers	8.35	.50	.75	2%		
Boilermakers' helpers	8.25	.50	.75	2%	.01	
WD No. AM-342—36 F.R. 15218, Winnebago County, Ill., Modification No. 3						
CHANGE:						
Cement masons:						
Building	6.50	.15	.20			
Heavy and highway	6.50	.15	.20			
Boilermakers	8.35	.50	.75	2%	.01	
Boilermakers' helpers	8.25	.50	.75	2%	.01	
WD No. 343—36 F.R. 15223, Boone, De Kalb, Du Page, Kane, Kendall, Lake, McHenry and Will Counties, Ill. Modification No. 4						
CHANGE:						
Cement masons:						
Boone County	6.50	.15	.20			
WD No. AM-344—36 F.R. 15231, Bureau, Carroll, Henry, Jo Daviess, Lee, Ogle, Rock Island, Stephenson, Whiteside and Winnebago Counties, Ill. Modification No. 2						
CHANGE:						
Cement masons:						
Winnebago County	6.50	.15	.20			
WD No. AM-2,447—36 F.R. 16793, Black Hawk County (Waterloo), Iowa, Modification No. 2						
CHANGE:						
COUNTY:						
Black Hawk (city of Waterloo and abutting municipalities):						
WD No. AM-2,452—36 F.R. 16809, Johnson County (Iowa City), Iowa, Modification No. 1						
CHANGE:						
COUNTY:						
Johnson (city of Iowa City and abutting municipalities). Also change:						
Carpenters:						
Carpenters	6.245	.20	.15		.03	
Piledrivermen	6.495	.20	.15		.03	
Cement Masons	6.26					
Painters:						
Brush	6.30					
Paperhangers; structural steel; swing stage to 55 feet	6.55					
Spray	6.95					
WD No. AM-2,453—36 F.R. 16813, Linn County (Cedar Rapids), Iowa, Modification No. 1						
CHANGE:						
COUNTY:						
Linn (city of Cedar Rapids and abutting municipalities). Also change:						
Carpenters:						
Carpenters	6.47	.25			.02	
Millwrights; piledrivermen	6.82	.25			.02	
Cement masons	6.26	.21				
Painters:						
Brush	6.30					
Paperhangers; structural steel; swing state to 55 feet	6.55					
Spray	6.95					
WD No. AM-2,454—36 F.R. 16816, Polk County (Des Moines), Iowa, Modification No. 1						
CHANGE:						
COUNTY:						
Polk (city of Des Moines and abutting municipalities). Also change:						
Asbestos workers	8.025	.35	.25			
Cement masons:						
Cement masons	6.85					
Hanging, traveling scaffold slip form work mach. travel; float operator; color work	6.975					
Ironworkers:						
Ornamental; reinforcing; structural	6.635	.185	.50			
Laborers:						
General laborers	5.91	.275	.275			
Mortar mixers; mortar buggies, when pouring concrete; Power tool operators. (Air tools, concrete vibrator, gunite, nozzlemen, electric drills and hammers)	6.01	.275	.275			
Plasterers' tenders	6.035	.275	.275			
Powder men	6.06	.275	.275			
Air tool, power tampers and other similar self-powered tools weighing 50 pounds and over	6.11	.275	.275			
All tunnel work	6.16	.275	.275			
Paving breakers weighing 50 pounds and over	6.21	.275	.275			
Plasterers	6.925					
Truck drivers	5.91					

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. 2,459—36 F.R. 16833, Woodbury County (Sioux City), Iowa, Modification No. 1						
CHANGE:						
COUNTY:						
Woodbury (city of Sioux City and abutting municipalities). Also change:						
Asbestos workers	6.98	.01			.03	
WD No. AM-3,827—36 F.R. 16758, Caddo and Bossier Parishes, La., Modification No. 4						
CHANGE:						
Carpenters:						
Carpenters; soft floor layers, linoleum	5.65					
Piledrivers	5.90					
Millwrights	6.15					
Modification No. 2 in the FEDERAL REGISTER issued Dec. 24, 1971, to read Modification No. 3.						
WD No. AM-383—36 F.R. 15822, Huron County, Mich., Modification No. 4						
CHANGE:						
Painters (west of Highway 53):						
Brush	6.15	.35	.30			
Spray	6.90	.35	.30			
WD No. AM-489—36 F.R. 16461, Harrison and Pearl River Counties, Miss., Modification No. 3						
ADD:						
Glaziers	5.00				.03	
CHANGE:						
Painters-commercial:						
Brush and rollers	4.75				.03	
Spray	6.00				.03	
Structural steel under 30 feet:						
Brush and roller	5.00				.03	
Spray	6.00				.03	
WD No. AM-491—36 F.R. 16466, Highway Area 1, Miss., Modification No. 1						
Mississippi-3-Area 1 D						
OMIT: Wage schedule originally issued.						
ADD:						
Air tool operator	1.75					
Asphalt raker	2.25					
Bricklayer	4.13					
Carpenter	2.75					
Carpenter helper	2.25					
Cement mason (finisher)	2.75					
Concrete saw operator	2.50					
Electrician	3.50					
Electrician helper	2.50					
Form setter	3.20					
Grade checker	2.25					
Ironworker, reinforcing	2.50					
Ironworker, helper reinforcing	2.00					
Ironworker, structural	2.50					
Laborer, unskilled	1.60					
Mason tender (cement mason helper)	2.00					
Mechanic helper	2.20					
Painter (structural steel)	2.50					
Piledriverman	2.50					
Truck driver	1.86					
Welder	2.50					
Power equipment operators:						
Aggregate spreader operator	2.25					
Air compressor operator	2.50					
Asphalt distributor-spreader operator	2.25					
Asphalt plant	2.50					
Backhoe or shovel operator	2.75					
Bulldozer operator	2.60					
Concrete batch plant operator	2.60					
Concrete finishing machine operator	3.00					
Curing machine operator	2.00					
Concrete paving machine operator	3.25					
Concrete spreader machine operator	2.50					
Crane, dragline operator	2.75					
Earth auger	2.50					
Fireman	2.50					
Joint filler	2.00					
Joint setter	2.38					
Loader operator (all types)	2.50					
Mechanic	2.75					
Mixer operator (all types)	2.50					
Motor patrol operator	2.75					
Mulcher operator	1.75					
Oiler-greaser	2.00					
Piledriver operator	2.75					
Roller operator (self-propelled)	2.09					
Scales (all types)	2.50					
Scraper operator	2.75					
Striping machine operator	3.25					
Tractor operator (track type)	2.50					
Tractor operator (wheel type)	1.60					
Trenching machine	2.50					
Mud-jack operator	2.50					
Concrete breaker and Hydro-hammer operator	2.00					

JAN 14 72
XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-492—36 F.R. 16467, Highway Area 2, Miss. Modification No. 1						
Mississippi-3-Area 2 D						
OMIT: Wage schedule originally issued.						
ADD:						
Air tool operator	1.80					
Asphalt raker	2.00					
Bricklayer	3.50					
Carpenter	2.80					
Carpenter helper	2.25					
Cement mason (finisher)	2.80					
Concrete saw operator	2.45					
Electrician	4.00					
Electrician helper	2.75					
Form setter	2.75					
Grade checker	2.50					
Ironworker, reinforcing	2.50					
Ironworker helper, reinforcing	2.00					
Ironworker, structural	2.50					
Laborer, unskilled	1.60					
Mason tender (cement mason helper)	2.25					
Mechanic helper	1.85					
Painter (structural steel)	3.50					
Piledriverman	2.90					
Truck driver	1.60					
Welder	2.25					
Power equipment operators:						
Aggregate spreader operator	2.20					
Air compressor operator	2.50					
Asphalt distributor-spreader operator	2.20					
Asphalt plant	2.55					
Backhoe or shovel operator	2.75					
Bulldozer operator	2.50					
Concrete batch plant operator	2.50					
Concrete finishing machine operator	2.53					
Curing machine operator	1.75					
Concrete paving machine operator	2.50					
Concrete spreader machine operator	2.25					
Crane, dragline operator	2.75					
Guard rail post driver	2.50					
Earth auger	2.75					
Fireman	2.50					
Joint filler	1.75					
Loader operator (all types)	2.25					
Mechanic	2.50					
Mixer operator (all types)	2.25					
Motor patrol operator	2.80					
Mulcher operator	1.75					
Oiler-greaser	1.75					
Piledriver operator	3.10					
Roller operator (self-propelled)	2.00					
Scales (all types)	1.90					
Scraper operator	2.60					
Striping machine operator	3.25					
Tractor operator (track type)	2.25					
Tractor operator (wheel type)	1.70					
Trenching machine	2.05					
Concrete breaker and Hydrohammer operator	2.25					
WD No. AM-493—36 F.R. 16468, Highway Area 3, Miss., Modification No. 1						
Mississippi-3-AREA 3 D						
OMIT: Wage schedule originally issued.						
ADD:						
Air tool operator	2.25					
Asphalt raker	2.25					
Bricklayer	3.00					
Carpenter	3.00					
Carpenter helper	2.25					
Cement mason (finisher)	3.00					
Concrete saw operator	2.60					
Electrician	3.50					
Electrician helper	2.50					
Form setter	3.00					
Grade checker	2.25					
Ironworker, reinforcing	2.50					
Ironworker helper, reinforcing	2.00					
Ironworker, structural	2.50					
Laborer, unskilled	1.60					
Mason tender (cement mason helper)	2.50					
Mechanic helper	2.25					
Painter (structural steel)	3.17					
Piledriverman	2.60					
Truck driver	1.75					
Welder	3.00					
Trenching Machine Operator	2.25					
Power equipment operators:						
A frame truck (winch)	2.50					
Aggregate spreader operator	2.25					
Air compressor operator	2.50					
Asphalt distributor-spreader operator	2.25					
Asphalt plant	2.50					
Backhoe or shovel operator	2.50					
Bulldozer operator	2.75					
Concrete batch plant operator	2.80					
Concrete finishing machine operator	3.00					
Curing machine operator	2.25					
Concrete paving machine operator	3.00					
Concrete spreader machine operator	2.75					
Crane, dragline operator	3.00					
Guard rail post driver	3.00					
Earth auger	3.05					
Fireman	2.75					
Joint filler	2.25					
Joint setter	2.50					

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Mississippi-3-AREA 3 D—Continued						
OMIT: Wage schedule originally issued.						
ADD:						
Power equipment operators—Continued						
Loader operator (all types)	2.50					
Mechanic	2.90					
Mixer operator (all types)	2.35					
Motor patrol operator	2.85					
Mulcher operator	1.75					
Oiler-greaser	2.20					
Piledriver operator	3.25					
Roller operator (self-propelled)	2.20					
Steel machine operator	2.25					
Scales (all types)	2.35					
Scraper operator	2.75					
Striping machine operator	3.25					
Tractor operator (track type)	2.50					
WD No. AM-494—36 F.R. 16469, Highway Area 4, Miss., Modification No. 1						
Mississippi-3-AREA 4 D						
OMIT: Wage schedule originally issued.						
ADD:						
Air tool operator	2.25					
Asphalt raker	2.44					
Bricklayer	4.00					
Carpenter	3.00					
Carpenter helper	2.50					
Cement mason (finisher)	2.75					
Concrete saw operator	2.05					
Electrician	3.45					
Electrician helper	2.50					
Form setter	2.50					
Grade checker	2.00					
Ironworker, reinforcing	2.50					
Ironworker helper, reinforcing	2.25					
Ironworker, structural	2.75					
Laborer, unskilled	1.60					
Mason tender (cement mason helper)	2.00					
Mechanic helper	2.30					
Painter (structural steel)	3.38					
Piledriverman	2.75					
Truck driver	1.75					
Welder	2.75					
Power equipment operators:						
Aggregate spreader operator	2.25					
Air compressor operator	2.50					
Asphalt distributor-spreader operator	2.25					
Asphalt plant	2.50					
Backhoe or shovel operator	2.85					
Bulldozer operator	2.75					
Concrete batch plant operator	3.00					
Concrete finishing machine operator	2.90					
Curing machine operator	2.25					
Concrete paving machine operator	3.00					
Concrete spreader machine operator	2.80					
Crane, dragline operator	3.00					
Earth auger	2.75					
Fireman	2.35					
Joint setter	2.25					
Loader operator (all types)	2.35					
Mechanic	2.75					
Mixer operator (all types)	2.25					
Motor patrol operator	2.80					
Mulcher operator	1.75					
Oiler-greaser	2.00					
Piledriver operator	3.00					
Roller operator (self-propelled)	2.25					
Scales (all types)	1.90					
Scraper operator	2.75					
Striping machine operator	3.25					
Tractor operator (track type)	2.10					
Tractor operator (wheel type)	1.60					
Trenching machine	2.25					
Mud-jack operator	2.25					
WD No. AM-495—36 F.R. 16470, Highway Area 5, Miss., Modification No. 1						
Mississippi-3-Area 5 D						
OMIT: Wage schedule originally issued.						
ADD:						
Air tool operator	2.00					
Asphalt raker	2.00					
Bricklayer	3.25					
Carpenter	3.00					
Carpenter helper	2.40					
Cement mason (finisher)	2.75					
Concrete saw operator	2.50					
Electrician	4.10					
Electrician helper	2.50					
Form setter	2.50					
Grade checker	2.25					
Ironworker, reinforcing	2.50					
Ironworker helper, reinforcing	2.00					
Ironworker, structural	2.50					
Laborer, unskilled	1.60					
Mason tender (cement mason helper)	2.50					
Mechanic helper	2.25					
Painter (structural steel)	3.25					
Piledriverman	2.75					
Truck driver	1.75					
Welder	2.85					
Power equipment operators:						
"A" frame truck (winch)	2.25					
Aggregate spreader operator	2.25					
Air compressor operator	2.25					
Asphalt distributor-spreader operator	2.31					
Asphalt plant	2.50					

V37N9 JAN 14 72 XUM

- MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Mississippi–3–Area 5 D—Continued						
OMIT: Wage schedule originally issued.						
ADD:						
Power equipment operators—Continued						
Backhoe or shovel operator	2.50					
Bulldozer operator	2.60					
Concrete batch plant operator	2.50					
Concrete finishing machine operator	2.75					
Concrete paving machine operator	2.75					
Concrete spreader machine operator	2.75					
Crane, dragline operator	3.00					
Guard rail post driver	2.50					
Earth auger	2.75					
Fireman	2.50					
Joint filler	2.50					
Joint setter	2.30					
Loader operator (all types)	2.50					
Mechanic	2.75					
Mixer operator (all types)	2.25					
Motor patrol operator	2.80					
Mulcher operator	1.60					
Oiler-greaser	2.25					
Piledriver operator	3.17					
Roller operator (self-propelled)	2.25					
Scales (all types)	2.13					
Scraper operator	2.75					
Striping machine operator	3.25					
Tractor operator (track type)	2.50					
Tractor operator (wheel type)	1.80					
Trenching machine	1.70					
Crusher feeder operator	2.25					
WD No. AM–496–36 FR 16471, Highway Area 6, Mississippi, Modification No. 1						
Mississippi–3–Area 6 D						
OMIT: Wage schedule originally issued.						
ADD:						
Air tool operator	2.00					
Asphalt raker	2.45					
Bricklayer	4.25					
Carpenter	3.25					
Carpenter helper	2.75					
Cement mason (finisher)	3.00					
Concrete saw operator	3.37					
Electrician	5.40					
Electrician helper	3.27					
Form setter	2.50					
Grade checker	2.15					
Ironworker, reinforcing	3.00					
Ironworker helper, reinforcing	2.25					
Ironworker, structural	3.00					
Laborer, unskilled	1.90					
Mason tender (cement mason helper)	2.35					
Mechanic helper	2.00					
Painter (structural steel)	3.50					
Piledriverman	3.00					
Truck driver	2.00					
Tugboat operator	2.50					
Welder	3.49					
Power equipment operators:						
"A" frame truck (winch)	2.25					
Aggregate spreader operator	2.71					
Air compressor operator	2.25					
Asphalt distributor-spreader operator	2.50					
Asphalt plant	2.75					
Backhoe or shovel operator	3.00					
Bulldozer operator	3.00					
Concrete batch plant operator	2.75					
Concrete finishing machine operator	3.00					
Curing machine	2.75					
Concrete paving machine operator	3.00					
Concrete spreader machine operator	2.50					
Crane, dragline operator	3.25					
Guard rail post driver	2.50					
Earth auger	2.50					
Fireman	3.00					
Joint filler	2.75					
Loader operator (all types)	2.75					
Mechanic	3.20					
Mixer operator (all types)	2.75					
Motor patrol operator	3.00					
Mulcher operator	1.90					
Oiler-greaser	2.25					
Piledriver operator	3.35					
Roller operator (self-propelled)	2.00					
Scales (all types)	1.90					
Scraper operator	3.00					
Striping machine operator	3.25					
Tractor operator (track type)	2.25					
Tractor operator (wheel type)	2.00					
Trenching machine	2.50					
Snb grade machine operator	3.00					
Crusher feeder operator	2.50					
WD No. AM–6,250–36 F.R. 22106, St. Louis County, Minn., City of Duluth, Modification No. 1						
CHANGE:						
Carpenters; piledrivermen	7.35	.26	.20			
Millwrights	7.57	.25	.20			
Soft floor layers	7.35	.25	.30			
WD No. AM–8,378–36 F.R. 16408, St. Louis County, Minn., City of Duluth, Modification No. 2						
CHANGE (Building construction):						
Carpenters; piledrivermen	7.35	.25	.30			
Millwrights	7.57	.25	.20			
Soft floor layers	7.35	.25	.30			
(Site prep. excav. and incid. paving, heavy and highway construction):						
Carpenters	6.78	.25	.30			
Piledrivermen	6.78	.25	.30			

[FR Doc.72–450 Filed 1–13–72;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 11, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107583 Sub 50, Salem Transportation Co., Inc., assigned for hearing March 6, 1972, at Philadelphia, Pa., in a hearing room to be later designated.

MC–F–11219, Marsh Motor Haulage, Inc.—Purchase—(1) Action Van Service, Inc., (2) Youngblood Van & Storage Co., Inc., (3) Martin Van & Storage Co., Inc., now assigned January 21, 1972, at Washington, D.C., postponed to January 19, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117565 Sub 38, Motor Service Co., Inc., assigned January 12, 1972, at Columbus, Ohio, canceled and application dismissed.

MC 118989 Sub 67, Container Transit, Inc., now being assigned for hearing on February 11, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 61788 Sub 28, Georgia-Florida-Alabama Transportation Co., now being assigned February 28, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 18088 Sub 54, Floyd & Beasley Transfer Co., Inc., MC 113528 Sub 19, Mercury Freight Lines, Inc., MC 65697 Sub 46, Theatres Service Co., MC 35320 Sub 127, T.I.M.E.-DC, Inc., MC 41432 Sub 116, East Texas Motor Freight Lines, Inc., MC 105881 Sub 46, M R & R Trucking Co., now being assigned February 28, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC–F–11249, Roadway Express, Inc.—Purchase (Portion)—Chippewa Motor Freight, Inc., assigned for hearing March 8, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC–F–11312, Montgomery Tank Lines, Inc.—Purchase (Portion)—Milk Transport, Inc., assigned for hearing March 13, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 51146 Sub 227, Schneider Transport & Storage, Inc., assigned for hearing on March 7, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 60014 Sub 28, Aero Trucking, Inc., assigned for hearing March 6, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC–F–11247, T.I.M.E.-DC, Inc.—Purchase—Ascot Trucking Corp., and MC 35320 Sub 126, T.I.M.E.-DC, Inc., assigned for hearing on March 15, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC–F–1120, The Mason and Dixon Lines, Inc.—Purchase—Econ, Inc., assigned February 23, 1972, at Chicago, Ill., is postponed indefinitely.

MC–FC–72239, Denny Truck Lines, Inc., Transferee and Stevens Truck Lines, Inc. (Internal Revenue Service-Successor in Interest), Transferor, MC–F–11167, H. C. Gabler, Inc.—Purchase (Portion)—Stevens Truck Lines, Inc. (Internal Revenue Service—Successor in Interest), F–11199, Mercury Motor Express, Inc.—Purchase (Portion) Stevens Truck Lines, Inc. (Internal Revenue Service—Successor in Interest), F–11197, Rogers Transfer, Inc.—Purchase (Portion)—Stevens Truck Lines, Inc. (Internal Revenue Service—Successor in Interest), F–11230, Bowen Trucking, Inc.—Purchase (Portion)—Stevens Truck Lines, Inc. (Internal Revenue Service—Successor in Interest), F–11231, Davis & Randall, Inc.—Purchase (Portion)— Stevens Truck Lines, Inc. (Internal Revenue Service—Successor in Interest), F–11266, Redwing Refrigerated, Inc.—Purchase (Portion) Stevens Truck Lines, Inc. (Internal Revenue Service—Successor in Interest), and MC 135454 Sub 3, Denny Truck Lines, Inc., now assigned January 31, 1972, at Washington, D.C., postponed indefinitely.

MC 115841 Sub 387, Colonial Refrigerated Transportation, Inc., assigned January 17, 1972, at Omaha, Nebr., is canceled and transferred to Modified Procedure.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–593 Filed 1–13–72;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 11, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42336—*Soda ash to Arkadelphia, Ark.* Filed by Southwestern Freight Bureau, agent, (No. B–279), for interested rail carriers. Rates on soda ash, other than modified, in carloads, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to Arkadelphia, Ark.

Grounds for relief—Market competition.

Tariff—Supplement 116 to Southwestern Freight Bureau, agent, tariff ICC 4832. Rates are published to become effective on February 12, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–592 Filed 1–13–72;8:49 am]

[Notice 5]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 10, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13134 (Sub-No. 28 TA), filed December 29, 1971. Applicant: GRANT TRUCKING, INC., Post Office Box 256, Oak Hill, OH 45656. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kyanite ore*, in bulk, in tank vehicles, from Dillwyn (Buckingham County), Va., to Chicago, Ill., and its commercial zone, for 180 days. Supporting shipper: Kyanite Mining Corp., Dillwyn, Va. 23936, Attention: Carroll B. Kay, Sales Manager and Treasurer. Send protests to: H.R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations,, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 77340 (Sub-No. 5 TA), filed December 6, 1971. Applicant: E. J. DICKIE TRUCKING COMPANY, Post Office Box 265, 521 Bogart Street, Bagdad, AZ 86321. Applicant's representative: Richard Minne, 609 Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk from the plant of Flintkote Co., U.S. Lime Division at Arrolime, Nev., to Bagdad, Ariz., for 180 days. Supporting shipper: Bagdad Copper Corp., Bagdad, Ariz. 86321. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 3427, Federal Building, Bureau of Operations, Phoenix, Ariz. 85025.

No. MC 80428 (Sub-No. 76 TA), filed December 28, 1971. Applicant: McBRIDE TRANSPORTATION, INC., Post Office Box 430, 289 West Main Street, Goshen, NY 10924. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, liquid invert, liquid dextrose, corn syrups and blends*

thereof, in tank vehicles, from Cleveland, Ohio, to points in New York and Pennsylvania, for 180 days. Supporting shipper: Cleveland Syrup Corp., 4999 Mead Avenue, Cleveland, OH. Send protests to: Robert A. Radler, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 107295 (Sub-No. 592 TA), filed December 27, 1971. Applicant: PRE-FAB TRANSIT COMPANY, a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* (except oilfield commodities as described by the Commission in Mercer Extension—Oilfield Commodities 74 M.C.C. 459), from the facilities of Precision Polymers, Inc., in Calhoun County, Ark., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Kansas, Louisiana, Mississippi, Missouri, New Jersey, Ohio, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Don Underwood, Plant Manager, Precision Polymers, Inc., East Camden, Ark. 71701. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 107760 (Sub-No. 3 TA), filed December 27, 1971. Applicant: MOHAWK TRUCKING AND SALVAGE CO., 62 Elm Street, Johnston, RI 02919. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal scrap*, in bulk, in dump vehicles, from Tewksbury, Mass., to Providence, R.I., for 180 days. Supporting shipper: Metals Processing Co., Post Office Box 6407, Providence, RI 02904. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, RI 02903.

No. MC 113460 (Sub-No. 4 TA), filed December 27, 1971. Applicant: CARL P. BLACKFORD, 3909 East 29th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newark, N.J.; South Bend, Ind.; and Detroit, Mich.; to Des Moines, Iowa, with *empty containers*, on return, for 180 days. Supporting shipper: Rite Veverage Co., Des Moines, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 115162 (Sub-No. 241 TA), filed December 28, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and moldings*, from the plantsite of U.S. Plywood-Champion Papers, Inc., at Orangeburg, S.C., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, Texas, and Memphis, Tenn., and (2) *plywood*, from the plantsites of U.S. Plywood-Champion Papers, Inc., at Orangeburg and Charleston, S.C., to points in Arkansas, Missouri, and Memphis, Tenn., for 180 days. Supporting shipper: U.S. Plywood-Champion Papers, Inc., Knightsbridge Drive, Hamilton, Ohio 45011. Attention: George R. Johansen, Traffic Analyst. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 118270 (Sup-No. 6 TA), filed December 30, 1971. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 West Ramapo Avenue, Mahwah, NY 07430. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and plantains*, in straight or mixed shipments, from Albany, N.Y., and Baltimore, Md., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, for 150 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 124796 (Sub-No. 94 TA), filed December 30, 1971. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, Post Office Box 1257, City of Industry, CA 91747. Applicant's representative: J. Max Harding, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts and accessories; automotive jacks; cranes* (not self-propelled); *tools, hand, pneumatic and electric; and advertising materials, premiums, racks, display cases and signs* moving with the above-described commodities, for the account of Tenneco Inc., from Jackson, Mich., to Arden, N.C., for 180 days. Supporting shipper: Walker Manufacturing Co., a division of Tenneco Inc., 1201 Michigan Boulevard, Racine, WI 53402. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 125674 (Sub-No. 8 TA), filed January 3, 1972. Applicant: THE SENTINEL STAR EXPRESS COMPANY, doing business as JACK RABBIT EXPRESS, 64 East Concord Street, Post Office Box 1299, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), moving in a consolidation, segregation and distribution service over regular routes serving all other points as off route points within a geographical territory described as follows: A territory bordered on the northwest and north of a line commencing at the Gulf of Mexico at Yankeetown, Fla., thence along State Road 40 to intersection with Interstate Highway 75; thence along Interstate Highway 75 to intersection with State Road 24; thence along State Road 24 to Waldo; thence along Highway 301 to the Florida-Georgia State line; thence along Florida-Georgia State line to the Atlantic Ocean; on the east by Atlantic Ocean; on the south by a line commencing at Punta Gorda, Fla., thence along U.S. Highway 17 to intersection with State Road 70; thence along State Road 70 to intersection with U.S. Highway 441; thence along U.S. Highway 441 to intersection with Martin County line; and on the southwest by the Martin, Palm Beach, Broward, and Dade County lines, subject to the following restriction: Applicant shall not transport any shipment weighing in the aggregate more than 1,000 pounds to one consignor to one consignee on any one day consisting of items weighing not more than 125 pounds per item, for 180 days. Supporting shippers: J. C. Penney Co., Inc., Post Office Box 5025, Atlanta, GA 30302; Xerox Corp., 3465 Brownsmill Road SE., Atlanta GA 30315; Eastman Kodak Co., Rochester, N.Y. 14650; Zayre of Georgia, 5300 Kennedy Road, Forest Park, GA; Amway Corp., 7575 East Fulton, Ada, MI 49301. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 126346 (Sub-No. 10 TA), filed December 28, 1971. Applicant: HAUPT CONTRACT CARRIERS, INC., Post Office Box 842, 226 North 11th Avenue, Wausau, WI 54401. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transmissions and power pumps, parts and accessories*, for transmissions and power pumps, and *materials, equipment, and supplies* used in the manufacture and distribution of transmissions and power pumps, between La Salle, Ill., and Ames, Iowa. Restriction: The above requested authority is restricted to service under contract with the Sundstrand Corp., for 180 days. Supporting shipper: Sunstrand Corp., 4751 Harrison Avenue, Rockford, IL 61101. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 133095 (Sub-No. 17 TA), filed December 28, 1971. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., 2603 West Euless Boulevard, Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, from Brooklyn, N.Y., to points in Oklahoma, Texas, Louisiana, New Mexico, and Arkansas, for 180 days. Supporting shipper: Monsieur Henri Wines, Ltd., 131 Morgan Avenue, Brooklyn, NY. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building 819 Taylor Street, Fort Worth, TX 76102.

No. MC 133562 (Sub-No. 11 TA), filed December 27, 1971. Applicant: HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Estherville, IA 51334. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and storage facilities of Spencer Foods, Inc., at or near Hartley and Spencer, Iowa and Sioux Falls, S. Dak., to points in Alabama, Georgia, Florida, North Carolina, and Tennessee (except Memphis), for 180 days. Supporting shipper: Spencer Foods, Inc., Spencer, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 136236 (Sub-No. 1 TA), filed December 30, 1971. Applicant: GATEWAY PACKERS LIMITED, 225 Isabel, Winnipeg, MB Canada. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper*, from Minneapolis, Minn.; Tama, Iowa; Filer City, Mich.; and points in Wisconsin on and north of Interstate Highway No. 94 to ports of entry on the United States-Canada international boundary at or near Noyes, Minn., for 180 days. Supporting shipper: Smith Davidson & Lecky (Manitoba) Ltd., 1338 Clifton Street, Winnipeg 3, MB Canada. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 136258 (Sub-No. 1 TA), filed December 30, 1971. Applicant: HARDING TRUCKING, INC., Post Office Box 65, Whiting, IA 51063. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from Dakota City, and West Point, Nebr., to Denison, Iowa, for 150 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 136282 TA, filed January 3, 1972. Applicant: REDMAN TRANSPORTATION, INC., 7800 Carpenter Freeway, Dallas, TX 75247. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *House trailers*, designed to be drawn by passenger automobiles; *buildings* in sections, mounted on wheeled undercarriages; and *recreational vehicles;* (B) *modules, parts, appliances, furniture, and accessories* for the commodities named in (A) above and when moving in the commodities named in (A) above; and (C) *wheels, axles, hitches, and undercarriages;* (1) between Alma, Mich., and Washington Court House, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) between Richland and Americus, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee; (3) between Boaz, Ala., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia; (4) between Chandler, Ariz., on the one hand, and, on the other, points in Arizona, California, Colorado, Nevada, New Mexico, Texas, and Utah; (5) between Dyersburg, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Mississippi, Missouri, and Tennessee;

(6) Between Ephrata and Honey Brook, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (7) between Grand Island, Nebr., on the one hand, and, on the other, points in Arizona, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; (8) between Athens, Burleson and Grand Prairie, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; (9) between Mebane, N.C., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennnessee, Virginia, West Virginia, and the District of Columbia; (10) between Topeka, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin; (11) between Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, South Dakota, and Wyoming; and (12) between Alma, Mich., Washington Court House, Ohio; Americus and Richland, Ga., Boaz, Ala., Chandler, Ariz., Dyersburg, Tenn., Ephrata and Honey Brook, Pa., Grand Island, Nebr., Athens, Burleson, and Grand Prairie, Tex., Mebanc, N.C., Topeka, Ind., and Tulsa, Okla. All service hereunder to be performed under continuing contracts with Redman Industries, Inc., and/or its wholly owned subsidiaries Redman Western Corp. and Redman Mobile Homes, Inc., for 180 days. Supporting shippers: Redman Industries, Inc. 7800 Carpenter Freeway, Dallas, TX 75247; Redman Western Corp., Subsidiary, plant at Chandler, Ariz. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 136284 TA, filed December 28, 1971. Applicant: BENHAM & COMPANY, INC., doing business as BENCO, Post Office Box 29, Mineola, TX 75773. Applicant's representative: James L. Lyon (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except liquid animal feed in bulk), from Birmingham, Ala., to points in Texas, Arkansas, Oklahoma, and Louisiana, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Jim Dandy Co., Post Office Box 10687, Birmingham, AL 35202. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 136286 TA, filed January 3, 1972. Applicant: MICHEL TRANSPORT, INC., 4 Union Street, Arthabaska, PQ, Canada. Applicant's representative: J. Claude Paradis (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, from ports of entry on the international boundary lines, between the United States and Canada located at Norton and Derby, Vt., Champlain and Buffalo, N.Y., and Detroit, Mich., to points in Colorado, Indiana, Minnesota, New Hampshire, New York, Ohio, and Wisconsin, restricted to traffic moving under a continuing contract or contracts with Lionel Enterprises Inc., of Princeville, Quebec, Canada, for 180 days. Supporting shipper: Lionel Enterprises, Inc., Princeville, Quebec, Canada. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-591 Filed 1-13-72;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATION:	
4100	199
EXECUTIVE ORDERS:	
11627 (see EO 11639)	521
11639	521

5 CFR

213	201, 257, 258
890	7

6 CFR

201	284
300	284, 426, 587, 652

7 CFR

52	131, 587
354	587
510	69
722	7, 272
730	8
812	9
814	9
846	133
857	588
905	523
907	10, 134, 523
910	70, 272
912	273
917	273
930	273
932	323
982	588
1007	323
1610	275
PROPOSED RULES:	
51	616
301	217, 218
730	19
953	286
966	81
980	81
981	617
1001	447
1002	447
1004	20, 447
1006	447
1007	447
1011	447
1012	447
1013	447
1015	447
1030	447
1032	447
1033	447
1036	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447
1062	447
1063	447
1064	447
1065	447
1066	447
1069	447
1070	447

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
1071	447
1073	447
1075	447
1076	447
1078	447
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447
1106	447
1108	447
1120	447
1121	447
1124	447
1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447
1207	81
1430	20

8 CFR

214	328

9 CFR

53	134
76	329, 435
82	135, 589
203	276
311	435
316	435
317	435
400	135, 435
PROPOSED RULES:	
327	85

10 CFR

PROPOSED RULES:	
50	287, 288
110	92

12 CFR

201	11
545	523
561	524
563	524
700	329
702	70
PROPOSED RULES:	
545	543
701	339
715	95

13 CFR

121	258

14 CFR

13	436
39	11, 12, 70, 437
71	13, 71, 135, 136, 276, 323, 437
73	437, 438, 590
75	13, 71
97	71, 525
225	72
302	277
PROPOSED RULES:	
43	222
71	21, 91, 144, 146, 286, 287, 620, 621
73	478
91	222
135	222
207	222
208	222
212	222
214	222
372a	222
373	478
378	478
378a	478

16 CFR

PROPOSED RULES:	
435	622

17 CFR

230	590, 591, 599
231	600
239	590, 591, 599
240	73
241	600
249	600, 601
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

201	601
204	601
205	601
PROPOSED RULES:	
141	22
201	337
204	337
205	337
260	337

19 CFR

PROPOSED RULES:	
Ch. I	19

20 CFR

PROPOSED RULES:	
405	89

21 CFR

121	14, 74, 329
130	201
135	137
135c	14, 137
135e	74
135f	14

21 CFR—Continued

	Page
141a	438
146a	438
146c	440
148e	330
148m	15
301	137
PROPOSED RULES:	
3	219
19	468
27	20, 470
130	85
145	336
304	144

22 CFR

11	277
41	15

24 CFR

200	75, 203, 209
201	210
203	138
207	138
220	138
222	76
275	211
1914	280, 608
1915	281, 609
PROPOSED RULES:	
203	144

25 CFR

232	526
PROPOSED RULES:	
16	536

26 CFR

1	527
12	16, 281
PROPOSED RULES:	
1	19, 99, 286, 336, 544

28 CFR

301	138

29 CFR

1910	332
PROPOSED RULES:	
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620
688	620
689	620
690	620
720	620
727	620
1910	466

30 CFR

75	17
225	441
225a	441

32 CFR

	Page
270	77
PROPOSED RULES:	
1467	99
Ch. XVI	486
1604	479
1606	479, 484
1609	484
1611	479
1613	484
1621	479
1622	479
1623	479
1624	479
1625	479
1626	479
1627	479
1630	479
1631	479
1632	479
1641	479
1643	479
1660	485

32A CFR

Ch. X	601

33 CFR

204	527

35 CFR

5	77
253	281

36 CFR

231	211

38 CFR

8a	282

39 CFR

235	77
760	211, 443
761	211, 443

40 CFR

180	78, 140, 141, 332–334, 443
PROPOSED RULES:	
2	621
115	478
180	92–94, 337

41 CFR

1–3	610
1–16	610
5A–1	527
5A–3	141
5A–7	141
5A–8	142
5A–16	528
5A–76	528
5B–1	334
8–1	613
101–17	78
101–43	614
101–44	614
103–40	17
PROPOSED RULES:	
51–1	336

42 CFR

	Page
53	182

43 CFR

4110	213
PUBLIC LAND ORDERS:	
1932 (amended by PLO 5147)	18
4582 (modified by PLO 5149)	18
4962 (see PLO 5149)	18
5081 (see PLO 5149)	18
5147	18
5148	18
5149	18
5150	142
Amended by PLO 5151	142, 528
5151	142, 528
PROPOSED RULES:	
2800	217
2810	217

45 CFR

177	335
249	443
1060	444
PROPOSED RULES:	
130	470

46 CFR

157	528
310	335
390	16
PROPOSED RULES:	
146	220

47 CFR

2	604
31	605
33	605
73	529, 605
89	213
91	283
PROPOSED RULES:	
0	145
1	537
2	145, 146, 537
15	94, 146
21	146
73	539–542, 621
87	537
89	146
91	146

49 CFR

7	214
99	532
Ch. I	535
178	444
301	214
571	284, 445
1002	215
1300	335
PROPOSED RULES:	
192	145
571	222

50 CFR

28	79, 445, 535
33	79, 80
PROPOSED RULES:	
28	447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date
1–62	Jan. 4
63–123	5
125–193	6
195–249	Jan. 7
251–315	8
317–427	11
429–513	Jan. 12
515–582	13
583–654	14

federal register

FRIDAY, JANUARY 14, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 9

PART II

PRICE COMMISSION

■

PRICE STABILIZATION

Public Utilities and Public Benefit Corporations

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Public Utilities and Public Benefit Corporations

The purpose of this amendment is to revise § 300.16 *Public utilities* and amend § 300.51 *Prenotification firms.* The revision of § 300.16 provides a detailed set of rules for the granting of price increases to public utilities. The amendment to § 300.51 requires public benefit corporations charged by law or contract with the responsibility of operating a mass transportation facility (the fares of which are not otherwise regulated) to obtain Price Commission approval before increasing any fare. That amendment reflects the requirements of section 215 of the Economic Stabilization Act of 1970, as added by the Economic Stabilization Act Amendments of 1971 (Public Law 92–210).

The revised § 300.16 is intended to cover the broad spectrum of persons providing utility services, whether or not under regulatory agency jurisdiction, and whether or not the particular utility service being furnished is subject to regulatory agency jurisdiction.

For regulated public utilities, during the first 90 days of the effectiveness of the revised section, its reporting requirements will apply only to prenotification firms and to price increases that would increase a utility's aggregate annual revenues by more than 1 percent.

Regulatory agencies are being requested to submit, during that 90-day period, proposals describing the kinds of rate increases subject to their jurisdiction that they consider should not be required to be reported because their inflationary impact would not be significant. Any such proposal approved by the Price Commission would apply the reporting requirements of the revised section only to the price increases not exempted under that proposal. In any case in which such a proposal is not submitted or is not approved by the Price Commission, each prenotification firm would be required to report all of its proposed rate increases.

For unregulated public utilities, the reporting requirements will apply to each price increase by a prenotification firm which, when cumulated with previous price increases which that public utility has made (or has applications pending) during that public utility's current fiscal year, would increase its aggregate annual revenues by more than 2½ percent.

The general rule provided by the revised section is that a public utility may charge a price in excess of a final price (that is, a price which is not in effect subject to accounting and refund) only if within the appropriate period specified in this section for review by the Price Commission, the Commission does not make a negative finding on any of the following: the increase is cost-based and does not reflect future inflationary expectations; is needed to assure continued, adequate, and safe service, or to provide for necessary expansion; will achieve the minimum rate of return or profit margin needed to attract capital at reasonable rates and not impair the credit of the public utility; has been certified as required; and is, in the opinion of the Price Commission, consistent with its goals.

Each regulatory agency will be required to certify, with respect to each rate increase it approves, the former price, the new price, and percentage of the increase; the dollar amount of the increase; the amount by which the public utility's profit margin or rate of return as a percentage of sales will be increased; that in its proceedings sufficient evidence was taken to determine whether the requirements stated in the preceding paragraph (except the last one) are or are not met; and that the price increase does or does not meet these requirements.

Provision is made for self-certification by a utility in cases where a regulatory agency has not approved a requested increase by the time a report is required under the revised section, or because the utility is not subject to the jurisdiction of a regulatory agency. Provision is also made for interim reports on increases that may go into effect subject to accounting and refund.

Each public utility subject to the reporting requirements of the revised section will be required to report each increase approved by a regulatory agency to the Price Commission, with a copy of the regulatory agency order and certification. The Price Commission will have 10 days after receiving the report to act upon it, or take no action.

With respect to any price increase by any public utility the Price Commission reserves the right, within the time limits set forth in the revised section, to require the public utility to furnish further information, delay the increase, suspend all or part of the increase, or limit, refuse, rescind, reduce, or modify the increase. For public utilities that are not prenotification or reporting firms, the Price Commission would have to exercise those rights within 10 days after a price increase has been approved by a regulatory agency or 10 days after it has gone into effect, whichever is earlier.

Because the purpose of this amendment is to provide immediate guidance and information as to the price stabilization rules in effect for public utilities, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210; Executive Order No. 11627, 36 F.R. 20139, Oct. 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective January 17, 1972.

Issued in Washington, D.C., on January 12, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

1. Section 300.16 is revised to read as follows:

§ 300.16 Public utilities.

(a) *Definitions.* The following definitions apply in this section:

"Public utility" means a person that furnishes utility services to the public or a recognized segment of the public including—

(1) A person that furnishes utility services subject to the jurisdiction of a regulatory agency, including those utility service operations of the person that are not subject to the jurisdiction of a regulatory agency;

(2) A government agency or instrumentality that furnishes utility services that would be subject to the jurisdiction of a regulatory agency if furnished by a person other than a government agency or instrumentality; and

(3) A cooperative that furnishes utility services.

"Regulatory agency" means any commission, board, or other legal body that has jurisdiction to order increases or reductions, or both, of the prices charged by a public utility.

"Utility service" means any commodity or service affected with a public interest, including gas, electricity, telephone, telegraph, public transportation by vehicle or pipeline, water, and sewage disposal, but not including water or sewage disposal services furnished by a government agency or instrumentality.

(b) *Scope of reporting requirements—*(1) *Regulated public utilities.* Before April 18, 1972, the reporting requirements of this section apply to each price increase by a regulated public utility that is a prenotification firm which would increase that public utility's aggregate annual revenues by more than 1 percent. However, if a regulatory agency furnishes to the Price Commission—

(i) A proposal describing the types of price increases subject to its jurisdiction which it believes should not be reported under this section because their inflationary impact would not be significant; and

(ii) A statement of its reasons with respect to each type; and the Price Commission approves the proposal as submitted or as modified by it, then thereafter the reporting requirements of this section will apply only to price increases which are not exempted under the proposal. In any case in which a proposal or modification thereof has not been approved by the Price Commission, each price increase or proposed price increase by a public utility that is a prenotification firm which occurs after April 18, 1972, shall be reported to the Price Commission as provided in paragraphs (c) through (i) of this section.

(2) *Unregulated public utilities.* The reporting requirements of this section apply to each price increase by an unregulated public utility that is a prenotification firm which, when cumulated with previous price increases which the public utility has made (including those for which it has applications pending) during its current fiscal year, would increase its aggregate annual revenues by more than 2½ percent.

(c) *Price increases to which reporting and certification requirements do not apply.* The reporting and certification requirements of this section do not apply to any price increase resulting from the pass-through of specific allowable costs, including taxes (except income taxes) and fuel costs, but not including labor costs, if the increase is not objected to by the appropriate regulatory agency and is authorized by statute, regulation, or order of the appropriate regulatory agency, or by an approved tariff provision.

(d) *General.* A public utility may charge a price in excess of a final price (a price which is not subject to accounting and refund) in effect on January 16, 1972, only if, within the appropriate period specified in this section for review by the Price Commission, the Commission does not make a negative finding on any of the following:

(1) The increase is cost-based and does not, unless specifically provided otherwise by the Price Commission, reflect future inflationary expectations;

(2) The increase is the minimum required to assure continued, adequate, and safe service or to provide for necessary expansion to meet future requirements;

(3) The increase will achieve the minimum rate of return or profit margin needed to attract capital at reasonable costs and not to impair the credit of the public utility;

(4) The public utility has obtained a certificate in accordance with paragraph (e) of this section, or, in a case to which paragraph (f) of this section applies, it has self-certified as required by that paragraph; and

(5) In the opinion of the Price Commission, the increase is consistent with the Commission's overall goal of holding average price increases across the economy to a rate of not more than 2½ percent a year.

(e) *Regulatory agency certification.* With respect to each price increase it approves, each regulatory agency shall certify in the order granting the increase or in a separate document the following:

(1) The former price, the new price, and the percentage increase;

(2) The dollar amount of increased revenue which the increase is expected to provide;

(3) The amount by which the increase will increase the utility's profits as a percentage of its total sales;

(4) The amount by which the increase will increase the utility's overall rate of return on capital;

(5) That sufficient evidence was taken in the course of its proceedings to determine whether the criteria set forth in paragraph (d)(1) through (4) of this section are or are not met by the price increase; and

(6) That the price increase does or does not meet those criteria or meets them only to a particular extent, with a statement of reasons why the price increase does or does not meet the criteria or meets them only to a particular extent.

(f) *Self-certification.* Whenever a public utility cannot obtain a certification in accordance with paragraph (e) of this section because the public utility is not subject to the jurisdiction of a regulatory agency or for any other reason not in conflict with this section, the public utility may put the increase into effect only after its chief executive officer, under penalty of perjury, certifies to the following:

(1) Why certification under paragraph (e) of this section was not obtained.

(2) A statement, with full explanation, that paragraph (d)(1) through (3) of this section has been complied with.

Each public utility that makes a certification under this paragraph must keep the certification available for inspection upon the reasonable request of any person.

(g) *Rate bureaus and conferences.* Whenever a price increase is proposed by a ratemaking association (rate-bureau, conference, or similar organization) authorized by law to act on behalf of its members, the regulatory agency or association may base its certification that the proposed increase conforms to paragraph (d)(1) through (3) of this section upon cost or other data compiled on the basis of association or industry averages. However, in such a case, the Price Commission may also require any public utility member of the association to submit any information that the Price Commission considers relevant.

(h) *Regulated public utilities—report a request for price increase.* Within 5 days after filing a request for a price increase with a regulatory agency, each regulated public utility to which the reporting requirements of this section apply shall report that request to the Price Commission, on a form prescribed by the Commission.

(i) *Regulated public utilities—interim report on increases put into effect subject to accounting and refund.* (1) At least 15 days before the effective date of a price increase allowed to go into effect by a regulatory agency subject to accounting and refund or by operation of law, each regulated public utility to which the reporting requirements of this section apply shall make an interim report on the increase to the Price Commission, on a form prescribed by the Commission. The report shall include a certification as required by paragraph (f) of this section. The Commission may take any action provided in paragraph (l) of this section until the expiration of 10 days after receiving the report required by paragraph (j) of this section.

(2) However, a public utility is not required to comply with subparagraph (1) of this paragraph if the regulatory agency has furnished a certification in the form required by paragraph (e) of this section, except for subparagraph (5) thereof. The regulatory agency shall furnish such a certification unless it informs the Price Commission that, with respect to the particular price increase, or a class of price increases that includes the particular price increase, the furnishing of such a certification is not feasible because the agency does not have sufficient information, or for other reasons satisfactory to the Price Commission.

(3) Notwithstanding any other provision of this section, no price of the kind covered by this paragraph (i) may be increased before the end of the maximum suspension period permitted by law unless the regulatory agency has certified to the Price Commission that there is good cause for an earlier effective date, together with its reasons therefor, and the Price Commission has approved that certification.

(j) *Regulated public utilities—report of approved increases.* Within 5 days after receiving final regulatory agency approval of a price increase, each public utility to which the reporting requirements of this section apply shall report the approved increase to the Price Commission on a form prescribed by the Commission, with a copy of the certification required by paragraph (e) of this section and a copy of the agency order approving the increase. During the 10-day period following its receipt of the report the Price Commission may take any action provided by paragraph (l) of this section.

(k) *Public utilities (regulated or unregulated)—reports of other increases.* Each public utility to which the reporting requirements of this section apply shall, whenever it proposes to place a price increase in effect which is not subject to paragraphs (h), (i), or (j) of this section, report that increase to the Price Commission, on a form prescribed by the Commission, at least 30 days before the effective date of the increase, with a copy of the appropriate certificate required by this section. At any time within 10 days after receiving the report, the Price Commission may take any action provided in paragraph (l) of this section, or it may take no action, in which case the increase may go into or remain in effect at the end of that 10-day period.

(l) *Price Commission actions.* With respect to any price increase by any public utility and within any time limits specified in this section, the Price Commission may—

(1) Require the public utility to furnish additional information regarding the increase;

(2) Delay the effective date of the increase pending further Commission action, but not longer than 10 days after the receipt of any information required under subparagraph (1) of this paragraph;

(3) Suspend all or part of the increase, pending further action by the Price Commission or by the regulatory agency; or

(4) Limit, refuse, rescind, reduce, or modify the increase.

(m) *Requirements for public utilities which are not required to report under this section.* In the case of a price increase proposed or put into effect by a public utility other than a firm required to report under this section, the Price Commission shall exercise its rights under this paragraph within 10 days after the public utility has received final approval from the regulatory agency for the price increase or within 10 days after the price increase has been placed in effect, whichever is earlier. However, if within the applicable 10-day period the Price Commission notifies the public utility that it needs additional information concerning the increase, these periods are extended until 10 days after the additional information is received.

(n) *State and locally owned public utilities—full recovery of costs.* Nothing in this section may be construed to prevent a public utility owned by a State or local government, or an agency or instrumentality thereof, from recovering the full costs of furnishing the utility service concerned.

(o) *Proposals submitted to the Price Commission.* Any regulatory agency may submit to the Price Commission written proposals for changes, deletions, and additions to this section. The submission shall contain the following:

(1) A statement of the problems experienced by it under this section.

(2) Its reasons why this section needs to be changed.

(3) A draft of alternate regulations designed to relieve the problem but to preserve the intended effect of this section.

2. Section 300.51 is amended by revising paragraph (j) and by adding a new paragraph (k) to read as follows:

§ 300.51 Prenotification firms.

* * * * *

(j) *Persons to whom section does not apply.* This section does not apply to the following:

(1) Public utilities covered by § 300.16.

(2) Providers of health services covered by §§ 300.18 and 300.19.

(3) Insurers covered by § 300.20.

(k) *Public benefit corporations.* For the purposes of this part, each public benefit corporation (within the meaning of section 215 of the Economic Stabilization Act Amendments of 1971 (Public Law 92–210)), charged by law or contract with the responsibility to operate a mass transportation facility or facilities, the fares of which are not otherwise regulated, shall be treated as if it were a prenotification firm subject to this section.

3. Paragraph (c) of § 300.52 is revised to read as follows:

§ 300.52 Reporting firms.

* * * * *

(c) *Persons to whom section does not apply.* This section does not apply to public utilities covered by § 300.16 or insurers covered by § 300.20.

[FR Doc.72–653 Filed 1–13–72;8:56 am]

C-1

federal register

SATURDAY, JANUARY 15, 1972
WASHINGTON, D.C.

Pages 655–717

Volume 37 ■ Number 10

PART I

(Part II begins on page 697)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

SELECTIVE SERVICE—Presidential proclamation providing for registration 659

SUGAR QUOTAS—USDA amendment increasing foreign sugar quotas for 1972; effective 1–11–72 661

MOTOR VEHICLES—EPA regulations on air pollution control in new engines and vehicles, effective 1–15–72 669

TELECOMMUNICATIONS—FCC proposal concerning Land-Mobile—UHF television sharing in urban areas; comments by 2–23–72 676

MERCHANT VESSELS—DoT proposal to allow female crewmembers unrestricted use of washroom facilities; comments by 2–18–72 676

FREIGHT FORWARDER LICENSING—FMC proposal to make business associates of the applicant subject to qualification requirements; comments by 1–25–72 678

FOREIGN CURRENCIES—Treasury Dept. notice showing the Dec. 27–31 exchange rates for the French franc, the Japanese yen and the South African rand 680

AVIATION—FAA listing of current circulars and regulation information as of 10–29–71 698

V37-10 JAN 15 72 XUM

Announcing the latest addition to the series of . . .

Public Papers of the Presidents
of the United States

RICHARD NIXON, 1970

The volume contains public messages and statements, verbatim transcript, of the President's news conferences, and other selected papers released by the White House from January 1 through December 31, 1970.

In the Foreword to the book President Nixon writes "The story of the year, for me and for the administration team working with me, was above all a story of building for peace. Peace, we believed from the beginning, does not come to the passive; and so we pressed on through 1970 with a determination that the United States should act creatively, not merely react reflexively, on the world stage."

Among the items that are a part of the record for 1970 are addresses to the Nation on progress toward peace in Vietnam and in Southeast Asia; reports on the Cambodian sanctuary operation; speeches made by the President during his five-nation European tour; and the President's television interview on foreign policy with representatives of the three major networks.

The 1305-page clothbound volume, fully indexed, is available to the public at $15.75 per copy.

Similar volumes are available covering the administrations of Presidents Truman, Eisenhower, Kennedy, and Johnson, and the first year of President Nixon.

All volumes in the "Public Papers" series are sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Distribution for official use is governed by the provisions of sections 32.15–32.19 of Title 1 of the Code of Federal Regulations.

FEDERAL REGISTER

Area Code 202 Phone 963-3626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Contents

THE PRESIDENT

Proclamation

Supplementing proclamations providing for registration under the Military Selective Service Act, as amended ---- 659

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Operation Crossroads Africa, Inc.; registry of volunteer foreign aid agency ---- 680

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Sugar; increase of foreign quotas for 1972 ---- 661

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Animal and Plant Health Service; Consumer and Marketing Service.

Notices

Mississippi; designation of areas for emergency loans ---- 681

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined ---- 665

ARMY DEPARTMENT

See Engineers Corps.

ATOMIC ENERGY COMMISSION

Notices

Vermont Yankee Nuclear Power Corp.; hearing ---- 682

CIVIL AERONAUTICS BOARD

Notices

Airborne Freight Corp.; general and specific commodity rates ---- 682

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
- Commerce Department (2 documents) ---- 661
- Economic Opportunity Office (2 documents) ---- 661
- Equal Employment Opportunity Commission ---- 661

Notices

General Services Administration; revocation of authority to make noncareer executive assignment ---- 683

Noncareer executive assignment, grant of authority:
- Health, Education, and Welfare Department ---- 683
- Interior Department ---- 683
- Transportation Department ---- 683

COAST GUARD

Proposed Rule Making

Merchant vessels; unrestricted use of washrooms and toilet rooms ---- 676

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Handling limitations:
- Grapefruit grown in Indian River District in Florida ---- 664
- Lemons grown in California and Arizona ---- 663
- Navel oranges grown in Arizona and designated part of California ---- 663

Oranges grown in certain designated areas; expenses and rate of assessment (2 documents) ---- 663, 664

CUSTOMS BUREAU

Notices

French, Japanese, and South African currencies; rates of exchange ---- 680

DEFENSE DEPARTMENT

See Engineers Corps.

ENGINEERS CORPS

Rules and Regulations

Hudson River, N.Y.; navigation regulations ---- 668

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Motor vehicle and new motor vehicle engines; control of air pollution; miscellaneous amendments ---- 669

ENVIRONMENTAL QUALITY COUNCIL

Notices

Environmental impact statements; public availability ---- 683

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives:
- Certain Rolls Royce Dart Engines ---- 666
- Cessna 411/421 series airplanes ---- 666
- McDonnell Douglas Model DC-9 Series and C-9A (DC-9-32F) airplanes ---- 665

Jet route segments; alteration and extension ---- 667

Standard instrument approach procedures; miscellaneous amendments ---- 668

Notices

Advisory circular checklist and status of regulations ---- 698

Carolando Corp.; petition for and grant of review ---- 681

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Land-mobile—UHF television; sharing in large urban areas ---- 676

FEDERAL HOME LOAN BANK BOARD

Notices

8.8 Corp. and Oak Cliff Savings and Loan Association; application received for permission to acquire control of Sherman Savings and Loan Association ---- 685

FEDERAL MARITIME COMMISSION

Proposed Rule Making

Licensing of independent ocean freight forwarders; qualification requirements ---- 678

Notices

Agreements filed:
- Armement Deppe, S.A., et al ---- 685
- City of Kodiak and Sea-Land Service, Inc ---- 686

Sea-Land Service, Inc., and Azta Shipping Co.; show cause orders (2 documents) ---- 686, 687

FEDERAL POWER COMMISSION

Notices

Belco Petroleum Corp. et al.; hearing on order regarding proposed changes in rates ---- 687

(Continued on next page)

V 37-10 JAN 15 72 XUM

FEDERAL RESERVE SYSTEM
Notices
Bank acquisitions:
First National City Corp. 688
Midlantic Banks, Inc. 688
Belleville Bancshares, Inc.; formation of bank holding company 688

GENERAL SERVICES ADMINISTRATION
Rules and Regulations
Packaged petroleum products and electronic items; Defense Supply Agency support 668

INTERIOR DEPARTMENT
See Reclamation Bureau.

INTERNAL REVENUE SERVICE
Notices
Supervisory officials; delegation of authority to designate acting officials 680

INTERSTATE COMMERCE COMMISSION
Notices
Motor carrier:
Temporary authority applications 689
Transfer proceedings 692

RECLAMATION BUREAU
Notices
China Meadows Dam and Reservoir, Lyman Project, Wyoming; availability of draft environmental statement 681

RENEGOTIATION BOARD
Rules and Regulations
Accounting agreements and adjustments; correction 668

SMALL BUSINESS ADMINISTRATION
Notices
Space Coast SBIC, Inc.; application for license as small business investment company 689
Washington Capital Corp.; filing of application for transfer of control of licensed small business investment company 689

STATE DEPARTMENT
See also Agency for International Development.
Notices
Special Assistant to the Secretary for Fisheries and Wildlife and Coordinator of Ocean Affairs; delegation of authority 680

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT
See Customs Bureau; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR
PROCLAMATIONS:
2799 (see Proc. 4101) 659
2937 (see Proc. 4101) 659
2938 (see Proc. 4101) 659
2942 (see Proc. 4101) 659
2972 (see Proc. 4101) 659
3314 (see Proc. 4101) 659
4101 659

5 CFR
213 (5 documents) 661

7 CFR
811 661
907 (2 documents) 663
910 663
912 664
914 664

9 CFR
76 665

14 CFR
39 (3 documents) 665, 666
75 667
97 668

32 CFR
1499 668

33 CFR
207 668

40 CFR
85 669

41 CFR
101–26 668

46 CFR
PROPOSED RULES:
72 676
92 676
190 676
510 678

47 CFR
PROPOSED RULES:
89 676
91 676
93 676

Presidential Documents

Title 3—The President

PROCLAMATION 4101

Supplementing Proclamations Providing for Registration Under the Military Selective Service Act, as Amended

By the President of the United States of America

A Proclamation

Under authority vested in him by the Military Selective Service Act (62 Stat. 604), as amended, the President by Proclamations No. 2799 of July 20, 1948, No. 2937 of August 16, 1951, No. 2938 of August 16, 1951, No. 2942 of August 30, 1951, No. 2972 of April 17, 1952, and No. 3314 of September 14, 1959, provided for the registration of male citizens of the United States and of other male persons who are subject to registration under section 3 of said act.

Public Law 92–129, approved September 28, 1971, excluded from the requirement of registration under section 3 of the said act any alien lawfully admitted to the United States as a nonimmigrant under section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States.

Certain provisions of the aforesaid proclamations refer to persons who shall be registered on the day they attain the eighteenth anniversary of the day of their birth or within five days thereafter.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the Military Selective Service Act, as amended, do proclaim that the registration

V 37 10 JAN 15 72 XUM

of persons shall continue to be accomplished in accordance with the provisions of the aforesaid proclamations except (1) that aliens excluded from the requirement of registration by Public Law 92–129 approved September 28, 1971 shall not be registered, and (2) that persons required by the aforesaid proclamations to be registered on the day they attain the eighteenth anniversary of the day of their birth or within five days thereafter shall be registered on the day they attain the eighteenth anniversary of the day of their birth or within the period of sixty days commencing thirty days before such date.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of January, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72–753 Filed 1–14–72; 11:54 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Confidential Assistant to the Special Assistant to the Secretary for Regional Economic Coordination is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1–15–72), subparagraph (23) of paragraph (a) is added to § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(23) One Confidential Assistant to the Special Assistant to the Secretary for Regional Economic Coordination.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–631 Filed 1–14–72; 8:47 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Director, Office of Business Development, Economic Development Administration, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1–15–72), subparagraph (2) of paragraph (q) of § 213.3314 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–630 Filed 1–14–72; 8:47 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to reflect the fact that the Office of the Associate Director for Congressional Relations and the Office of the Associate Director for Public Affairs (both formerly in the Office of the Director) are now under the Office of the Assistant Director for Congressional and Public Affairs.

Effective on publication in the FEDERAL REGISTER (1–15–72), in § 213.3373 subparagraphs (10) and (12) of paragraph (a) are revoked; the headnote of paragraph (e) and subparagraphs (2), (3), (4), and (5) are amended and subparagraphs (10) and (11) are added as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* • • •

(10) [Revoked]

• • • • • •

(12) [Revoked]

• • • • • •

(e) *Office of the Assistant Director for Congressional and Public Affairs.* • • •

(2) One Confidential Adviser to the Associate Director for Congressional Relations.

(3) One Special Assistant to the Associate Director for Congressional Relations.

(4) Three Confidential Assistants to the Associate Director for Congressional Relations.

(5) One Confidential Secretary to the Associate Director for Congressional Relations.

• • • • • •

(10) Two Confidential Assistants to the Associate Director for Public Affairs.

(11) One Deputy Associate Director for Public Affairs.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–629 Filed 1–14–72; 8:47 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Special Assistant to the Chairman, Planning and Review Committee (interdepartmental activities), is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1–15–72), subparagraph (11) of paragraph (a) of § 213.3373 is amended as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* • • •

(11) Two Special Assistants to the Chairman, Planning and Review Committee (interdepartmental activities).

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–633 Filed 1–14–72; 8:47 am]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is amended to show that one additional position of Special Assistant to the Chairman is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (1–15–72), paragraph (a) of § 213.3377 is amended as set out below.

§ 213.3377 Equal Employment Opportunity Commission.

(a) Four Special Assistants to the Chairman.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–632 Filed 1–14–72; 8:47 am]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 2]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1972

Basis and purposes and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811, as amended, is to revise the determination of sugar requirements for the calendar year 1972, establish quotas, prorations and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Subsection 201(a) of the Act requires a determination of the amount of sugar needed to meet the requirements of consumers in the continental United States whenever necessary to attain the price objective set forth in subsection 201(b) of the Act.

Section 202(g)(3) of the Act, which sets forth the procedure to use in attaining such price objective, provides that whenever the simple average of prices of raw sugar for 7 consecutive market days ending after October 31 and before

V 37 10 JAN 15 72 XUM

March 1 is 3 percent or more above or below the average price objective for the preceding 2 calendar months, the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective.

On January 4, 1972 the 7 consecutive market days average of raw sugar prices increased to 8.99 cents per pound which exceeded the applicable 2 months average price objective of 8.72 cents per pound by at least three percent (3.1). The 2-month average price objective of 8.72 cents per pound is the average for October and November 1971, the most recent months for which wholesale price index statistics were available on January 4, 1972. Therefore, an upward adjustment in sugar requirements is required by the Act.

An increase in requirements of 400,000 short tons, raw value, is necessary to obtain the price objective set forth in the Act.

Accordingly, total sugar requirements for the calendar year 1972 are hereby increased by 400,000 short tons, raw value, to a total of 11.6 million short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of current inventories, estimated production and projected marketing patterns during the calendar year 1972 for the Domestic Beet Area it appears that the Beet Area will be unable to market sugar in excess of 3,500,000 short tons, raw value. Therefore, a deficit is herein determined in the 1972 quota for the Domestic Beet Sugar Area of 96,667 short tons, raw value. If production exceeds the present estimates for the Domestic Beet Area, the marketing opportunities for that area within the total quota for that area will not be limited as a result of the deficit determination and proration provided herein.

The quota for Hawaii has been increased by 51,000 short tons, raw value, pursuant to section 202(a)(3) of the Act on the basis of recent estimates on production and marketing of Hawaiian sugar in 1971.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.10, 811.11, 811.12, and 811.13 as follows:

1. Section 811.10 is amended to read as follows:

§ 811.10 Sugar requirements, 1972.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1972 is hereby determined to be 11,600,000 short tons, raw value.

2. Section 811.11 is amended by amending paragraph (a) to read as follows:

§ 811.11 Quotas for domestic areas.

(a) (1) For the calendar year 1972 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,596,667	no limit
Mainland cane sugar	1,608,333	no limit
Hawaii	1,311,000	38,646
Puerto Rico	885,000	166,500

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1972 the Domestic Beet Sugar Area and Puerto Rico will be unable by 96,667 and 550,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * * *

3. Section 811.12 is amended to read as follows:

§ 811.12 Proration and allocation of deficits in quotas.

Of the domestic deficits determined in § 811.11(a)(2), totaling 646,667 short tons, raw value, a quantity of 550,000 tons representing a deficit in the quota of Puerto Rico was previously determined, allocated and prorated in this Part 811 (36 F.R. 21871). A deficit is herein determined in the quota for the Domestic Beet Area of 96,667 short tons, raw value, and is herein prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 29,077 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 67,590 short tons, raw value, to Western Hemisphere countries on the basis of quotas determined herein pursuant to section 202 of the Act.

4. Section 811.13 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.13 Quotas for foreign countries.

* * * * * *

(b) For the calendar year 1972, the quota for the Republic of the Philippines is 1,320,537 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 194,517 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1972, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation § 811.13 are shown in column (3). Deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas (1)	Temporary quotas and prorations pursuant to sec. 202(d) [1] (2)	Previous deficit prorations (3)	New deficit prorations (4)	Total quotas and prorations (5)
			(Short tons, raw value)		
Dominican Republic	412,639	138,461	80,920	14,222	646,242
Mexico	364,928	122,452	71,564	12,578	571,522
Brazil	355,901	119,423	69,793	12,267	557,384
Peru	254,676	85,456	49,943	8,778	398,853
West Indies	132,818	44,568	26,046	4,578	208,010
Ecuador	52,547	17,632	10,305	1,811	82,295
Argentina	49,323	16,550	9,672	1,700	77,245
Costa Rica	44,488	14,928	8,724	1,533	69,673
Colombia	43,843	14,712	8,598	1,511	68,664
Panama	27,402	9,195	5,374	945	42,916
Nicaragua	41,586	13,954	8,155	1,433	65,128
Venezuela	39,662	13,305	7,776	1,367	62,100
Guatemala	38,040	12,764	7,460	1,311	59,575
El Salvador	27,724	9,303	5,437	956	43,420
British Honduras	21,921	7,356	4,299	756	34,332
Haiti	19,987	6,707	3,919	689	31,302
Bahamas	17,408	5,841	3,414	600	27,263
Honduras	7,737	2,596	1,517	267	12,117
Bolivia	4,191	1,406	822	144	6,563
Paraguay	4,191	1,406	822	144	6,563
Australia	161,832	42,002	----------	----------	203,834
Republic of China	67,376	17,487	----------	----------	84,863
India	64,797	16,818	----------	----------	81,615
South Africa	45,777	11,881	----------	----------	57,658
Fiji Islands	35,461	9,204	----------	----------	44,665
Mauritius	23,856	6,191	----------	----------	30,047
Swaziland	23,856	6,191	----------	----------	30,047
Thailand	14,829	3,849	----------	----------	18,678
Uganda	11,928	3,096	----------	----------	15,024
Malagasy Republic	9,671	2,510	----------	----------	12,181
Ireland	4,351	----------	----------	----------	4,351
Total	2,425,736	777,244	384,560	67,590	3,655,130

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

* * * * * * *

(Sec. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1972 by 400,000 tons, determines an additional deficit in quotas of 96,667 tons and prorates and allocates such deficit to the Philippines and Western Hemisphere quota countries. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on January 10, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-554 Filed 1-11-72;11:23 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On December 28, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 25040) regarding proposed expenses and related rate of assessment for the period November 1, 1971, through October 31, 1972, and carryover of unexpended funds from the period November 1, 1970, through October 31, 1971, pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 907.209 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee, during the period November 1, 1971, through October 31, 1972, will amount to $374,200.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 907.41, is fixed at $0.013 per carton of Navel oranges.

(c) *Reserve.* Unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1971, are carried over as a reserve in accordance with § 907.42 of said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable Navel oranges from the beginning of such year; and (2) the current fiscal year began on November 1, 1971, and said rate of assessment will automatically apply to all assessable Navel oranges beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 11, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-621 Filed 1-14-72;8:47 am]

[Navel Orange Reg. 249, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 907.549 (Navel Orange Regulation 249, 37 F.R. 134) during the period January 7, 1972, through January 13, 1972, are hereby fixed as follows:

§ 907.549 Navel Orange Regulation 249.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 860,000 cartons;

(ii) District 2: 140,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 12, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-645 Filed 1-14-72;8:48 am]

[Lemon Reg. 516]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.816 Lemon Regulation 516.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth.

V 37 10 JAN 15 72 XUM

The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 11, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 16, through January 22, 1972, is hereby fixed at 185,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 12, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer Marketing Service.

[FR Doc.72–696 Filed 1–14–72;8:49 am]

[Grapefruit Reg. 85]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.385 Grapefruit Regulation 85.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 13, 1972.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period January 17, 1972, through January 23, 1972, is hereby fixed at 225,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 13, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–749 Filed 1–14–72;11:26 am]

PART 914—ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Expenses and Rate of Assessment and Establishment of Reserve and Carryover of Unexpended Funds

On December 31, 1971, notice of rule making was published in the FEDERAL REGISTER (36 F.R. 25431) regarding proposed expenses and the related rate of assessment for the period August 1, 1971, through July 31, 1972, approval of the establishment of a reserve and carryover of unexpended funds for the period ended July 31, 1971, pursuant to the marketing agreement and Order No. 914 (7 CFR Part 914), regulating the handling of oranges grown in the Interior District in Florida. No written data, views, or arguments were filed with respect to said proposals during the period specified therefor in the notice. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Interior Orange Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 914.202 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Interior Orange Marketing Committee during the fiscal period August 1, 1971, through July 31, 1972, will amount to $28,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 914.31, is fixed at $0.004 per standard packed box of oranges.

(c) *Reserve.* (1) It is necessary and appropriate to establish and maintain a reserve in an amount not to exceed approximately one-half of one fiscal period's expenses.

(2) A part of the unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1971, in the amount of $5,000, is carried over as a reserve in accordance with § 914.32 of said marketing agreement and order.

(d) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of oranges are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, and (3) such period began on August 1, 1971, and said rate of assessment will automatically apply to all such oranges beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 12, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–646 Filed 1–14–72;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 72–503]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e)(1) relating to the State of Texas, a new subdivision (iv) relating to Webb County is added to read:

(1) *Texas.* * * *

(iv) That portion of Webb County bounded by a line beginning at the junction of U.S. Highway 59 and State Highway 420; thence, following U.S. Highway 59 in a northeasterly direction to Farm-to-Market Road 2895; thence, following Farm-to-Market Road 2895 in a generally southwesterly direction to State Highway 359; thence, following State Highway 359 in a northwesterly direction to State Highway 20; thence, following State Highway 20 in a southwesterly direction to U.S. Highway 83; thence, following U.S. Highway 83 in a northerly, then westerly direction to State Highway 420; thence, following State Highway 420 in a northerly direction to its junction with U.S. Highway 59.

2. In § 76.2, the reference to the State of Tennessee in paragraph (f) is deleted, and paragraph (g) is amended by adding thereto the name of the State of Tennessee.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 76 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 36 F.R. 20707)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Webb County in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments delete Tennessee from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to Tennessee. Further, the amendments add Tennessee to the list of hog cholera free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and and swine products from or to such free States are applicable to Tennessee.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making procedure would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of January 1972.

F. J. MULHERN,
Administrator, Animal and Plant Health Service.

[FR Doc.72–641 Filed 1–14–72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71–WE–28–AD, Amdt. 39–1378]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–9 Series and C–9A (DC–9–32F) Airplanes

There have been instances of cracks occurring in the main landing gear attach fittings on McDonnell Douglas DC–9–10 and –30 series airplanes. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspections of the main landing gear attach fittings for cracks and treatment or replacement, if necessary, on McDonnell Douglas DC–9–10, –20, –30, –40 Series and C–9A (DC–9–32F) airplanes.

The 30 calendar day compliance time for the initial inspection has been established by the agency on the basis of safety considerations. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden. To prescribe the initial inspection required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the initial inspection required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the initial inspection required by this AD within the time the agency has determined is necessary to make strict compliance with the notice and public procedures provisions of the Administrative Procedure Act impracticable; therefore, this amendment becomes effective 30 days after publication in the FEDERAL REGISTER. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, Post Office Box 92007, World Way Postal Center, Los Angeles, CA 90009. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in light of the comments received. All comments will be available, both before and after the effective date, in the Airworthiness Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS. Applies to Model DC–9 series airplanes, Fuselage Nos. 1 through 414, inclusive, which correspond to the factory serial numbers listed in Douglas Service Bulletin No. 57–86, Revision 4, dated November 19, 1971, or later FAA approved revisions.

Compliance required as indicated.

To detect cracking of the main landing gear attach fittings (P/N 5911256, 5919289, 5924841), accomplish the following:

A. Within the next 30 calendar days after the effective date of this AD, unless accomplished within the last 150 calendar days prior to the effective date of this AD, inspect the inboard, outboard, and aft surfaces of the fitting for any evidence of cracking in accordance with Steps 1 through 6 of Figure 3 of Douglas Service Bulletin No. 57–86, Revision 4, dated November 19, 1971, or later FAA approved revisions, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region:

1. If no cracks are found,

(a) Apply the interim anticorrosion treatment in accordance with Steps 7 through 9 of Figure 3 of Douglas Service Bulletin No. 57–86, Revision 4, dated November 19, 1971, or later FAA approved revisions,

V 37 10 JAN 15 72 XUM

or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region, and, repeat the inspections and interim anticorrosion treatment at intervals not to exceed 180 calendar days; or,

(b) Accomplish the permanent preventative shot-peening and anticorrosion rework in accordance with Phase II of Figures 1, 2, and 3 of Douglas Service Bulletin No. 57–86, Revision 4, dated November 19, 1971, or later FAA approved revisions, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. When this is accomplished, the operator may return to the normal FAA approved inspection periods.

2. If cracks are found in any location identified in Douglas Service Bulletin No. 57–88, Revision 3, dated December 17, 1971, or later FAA approved revisions,

(a) Replace the fitting (See Paragraph B); or,

(b) Treat the crack in accordance with Paragraph 2 of Douglas Service Bulletin No. 57–88, Revision 3, dated December 17, 1971, or later FAA approved revisions or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region, and inspect the treated crack at the intervals specified in that service bulletin; and,

(c) Apply the interim anticorrosion treatment to the noncracked areas of the fitting in accordance with Steps 7 through 9 of Figure 3 of Douglas Service Bulletin 57–86, Revision 4, dated November 19, 1971, or later FAA approved revisions, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region, and at intervals not to exceed 180 calendar days, inspect and treat in accordance with Steps 1 through 9 of Figure 3 of that service bulletin; or,

(d) Accomplish the permanent preventative shot-peening and anticorrosion rework to the noncracked areas of the fitting in accordance with Phase II of Figures 1, 2, and 3 of Douglas Service Bulletin No. 57–86, Revision 4, dated November 19, 1971, or later FAA approved revisions, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. When this is accomplished, the operator may return to the normal FAA approved inspection periods for inspection of the shot-peened and anticorrosion treated areas.

3. If cracks are found in locations on the fitting other than those identified in Douglas Service Bulletin No. 57–88, Revision 3, dated December 17, 1971, or later FAA approved revisions, replace the fitting, or rework in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

B. The requirements specified above may be discontinued upon replacement of the existing 7079–T6 fitting with a new-improved 7079–T6 (factory shot-peened) or 7075–T73 (non shot-peened) main landing gear attach fitting.

This amendment becomes effective February 22, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 7, 1972.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.72–602 Filed 1–14–72;8:45 am]

[Docket No. 72–CE–1–AD; Amdt. 39–1379]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 411/421 Series Airplanes

There have been instances of propeller separation on Cessna 411 and 421 series airplanes. As a result of investigations and tests by the aircraft manufacturer, it has been determined that propeller separation can occur when propeller attachment bolt torque is inadequate and when engine roughness due to misfiring or a dead cylinder exists in combination with engine operation at critical r.p.m. Since the condition described herein is likely to exist or develop in other airplanes of the same or similar type design, an Airworthiness Directive, applicable to Cessna 411/421 series airplanes, is being issued requiring checking of correct torque on the propeller attachment nuts, installation of a placard and color remarkings of engine tachometer specifying restricted engine r.p.m. range and incorporation of appropriate revisions to the Airplane Flight Manual.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Models 411, 411A, 421, 421A, and 421B (up to and including Serial No. 421B0147) airplanes.

Compliance: Required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished:

To prevent possible propeller separation in flight as a result of rough engine operation, accomplish the following:

(A) Check the torque on the propeller attachment nuts by applying 80 to 85 ft.-lbs. torque. Nuts which do not move when the proper torque is applied should not be further tightened. If any nuts are found loose (70 ft.-lbs. torque or less), complete the detailed inspection required by Cessna Service Letter ME71–16 Supplement No. 2, dated January 7, 1972.[1]

NOTE: A special adapter, Cessna P/N 5090006–5 for Hartzell propellers or P/N 5090006–9 for McCauley propellers, or equivalent, is required to accomplish the above torque check.

(B) Modify the engine tachometer by incorporating a yellow arc restricting continuous engine operation for Models 411 and 411A airplanes between 2,100 and 2,360 r.p.m., and for Models 421, 421A, and 421B airplanes between 1,950 and 2,225 r.p.m.

(C) Install appropriate operational placard on the engine tachometer with the following wording:

"AVOID CONTINUOUS OPERATION IN YELLOW ARC"

(D) Replace existing Airplane Flight Manual pages with the following FAA/DOA approved revised Airplane Flight Manual pages, or later FAA/DOA approved revision, as appropriate:

1. Model 411—Revision No. 12 dated December 7, 1971.
2. Model 411A—Revision No. 4 dated December 7, 1971.
3. Model 421—Revision No. 8 dated December 8, 1971.
4. Model 421A—Revision No. 4 dated December 8, 1971.
5. Model 421B (Serial Nos. 421B001 through 421B0147)—Revision No. 4 dated December 1, 1971.

(E) Equivalent methods of compliance with this AD must be approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Cessna Service Letter ME71–16 Supplement No. 2 dated January 7, 1972, pertains to this subject.

This amendment becomes effective January 18, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on January 7, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72–603 Filed 1–14–72;8:45 am]

[1] This does not preclude continued recheck of propeller attach bolt as required by FAR 91 and specified for each 100 hours' time in service per Cessna Service Instructions.

[Docket No. 11629; Amdt. 39–1381]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Rolls Royce Dart Models

There have been reports of self-lock nuts on the bolts securing the compressor front inner and interstage guide vane casings becoming loose and damaging the back plate of the first stage impeller on Rolls Royce Dart MK 542 engines. In one case this resulted in an in-flight failure. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require inspections for freedom of rotation of the compressor, unusual noises from the compressor, traces of aluminum dust in the engine oil, security of the compressor front inner casing to interstage guide vane casing retention bolts, and damage caused by passage of foreign objects, and rebuilding of compressors as necessary on Rolls Royce Dart Models 542–4, 542–4K, 542–10, 542–10J, and 542–10K engines.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

ROLLS ROYCE. Applies to Rolls Royce Dart engine Models 542–4, 542–4K, 542–10, 542–10J, and 542–10K that incorporate Rolls Royce Dart Modification 1527. These engines are installed on, but not necessarily limited to, Convair 600, Convair 640, and NAMC YS–11 airplanes.

Compliance is required as indicated unless already accomplished.

To prevent damage to the rear face of the first stage impeller that could lead to impeller disintegration in service, accomplish the following:

(a) For engines with compressors with an accumulation of less than 3,000 flights since installed new or since the last compressor overhaul, whichever is applicable, on the effective date of this AD, within the next 50 hours' time in service after the effective date of this AD, comply with paragraph (d). Thereafter, at intervals not to exceed 25 hours' time in service from the last inspection, until relieved by paragraph (f) or until paragraph (g) is complied with, inspect the first stage impeller in accordance with paragraph (d) (1) and (2).

(b) For engines with compressors with an accumulation of 3,000 or more flights since installed new or since the last compressor overhaul, whichever is applicable, on the effective date of this AD, within the next 50 hours' time in service after the effective date of this AD, comply with paragraphs (d) and (e). Thereafter, at intervals not to exceed 25 hours' time in service from the last inspection, until relieved by paragraph (f), or until paragraph (g) is complied with, inspect the first stage impeller in accordance with paragraph (d) (1) and (2).

(c) For all engines, at the next engine overhaul, or when the engine is returned to an approved overhaul shop for any reason, or within the next 3,600 hours' time in service after the effective date of this AD, whichever occurs first, overhaul the compressor front inner casing to interstage guide vane casing retention features in accordance with paragraph (g).

(d) Comply with the following as appplicable:

(1) Inspect the first stage impeller for freedom of rotation by rotating it at least one full turn in each direction, and listen for unusual noises from the compressor area. If the first stage impeller does not rotate freely in each direction or if unusual noises emanate from the compressor area during rotation, before further flight, comply with paragraph (g).

(2) Visually inspect the oil pressure filter for traces of fine aluminum dust in the bottom of the filter cap or in suspension in the residual oil in the filter cap. If traces of fine aluminum dust are found, before further flight replace the engine oil and comply with paragraph (e).

(3) Inspect, using a torque wrench, the torque loading of the nine accessible first stage compressor diffuser bolts. If more than two of the bolts are found to have a torque loading of less than 20 inch-pounds, before further flight comply with paragraph (e).

(4) After completing the inspection specified in paragraph (d)(3) or paragraph (e), whichever is applicable, before returning the engine to service accomplish the following:

(i) For the six first stage compressor diffuser bolts that have nuts accessible from the rear of the compressor casing, retorque the nuts to 320 inch-pounds; further tighten each bolt to the next split hole, without exceeding 450 inch-pounds of torque loading on the bolt; and lock the bolt with a new split pin.

(ii) For the three first stage compressor diffuser bolts that have nuts accessible from the front of the compressor casing, retorque the nuts to 235 inch-pounds and relock with a tab washer.

(e) Remove one combustion chamber assembly and visually inspect the compressor outlet elbow, H.P. nozzle guide vanes, and H.P. turbine blades for evidence of aluminum splatter and for impact damage due to the passage of a foreign object. If such evidence or damage is found, before further flight comply with paragraph (g).

(f) The repetitive inspections required by this AD may be discontinued after either—

(1) Two consecutive sets of inspections in accordance with paragraph (d) (1) and (2) (not including the initial inspections required by this AD) have revealed no defects; or

(2) The initial inspection required by paragraph (b) to be performed in accordance with paragraph (d) (1), (2), and (3), and paragraph (e) have revealed no defects, and the retorquing and relocking requirements of paragraph (d) (4) have been accomplished.

(g) Dismantle the engine as necessary and visually inspect the compressor front inner casing to interstage guide vane casing retention features and the first stage impeller rear face for signs of damage. If damage is found, rebuild the engine in accordance with Rolls Royce Alert Service Bulletin Da 72–A 383, dated June 21, 1971, or an FAA-approved equivalent.

(h) For the purpose of complying with this AD a flight shall constitute an engine operating sequence consisting of an engine start, takeoff operation, landing, and engine shutdown. The number of flights may be determined by actual count or, subject to acceptance by the assigned FAA Maintenance Inspector, may be calculated by dividing the compressor section's time in service by the operator's fleet average time per flight for airplanes equipped with the subject type engines.

This amendment becomes effective January 20, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 11, 1972.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.72–604 Filed 1–14–72;8:45 am]

[Airspace Docket No. 71–SW–53]

PART 75—ESTABLISHMENT OF JET ROUTES, AND AREA HIGH ROUTES

Alteration and Extension of Jet Route Segments

On October 29, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 20767) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 75 of the Federal Aviation Regulations that would alter segments of Jet Routes Nos. 6, 8, 19, 72, 76, 78, 96, 102, and 134.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received in response to the notice was from the Air Transport Association of America (ATA).

The ATA advised that they concurred with the proposed alterations and extensions with the exception of the proposed realinement of J–134 segment. The ATA recommended that the present alinement of J–134 from Prescott, Ariz., to Gallup, N. Mex., be retained.

The intent of the proposals as stated in the notice was to provide flexibility for the movement of climbing or descending turbojet aircraft into or away from the jet route structures. The realinement of J–134 as proposed would help alleviate traffic congestion in the Winslow, Ariz., area. It is the opinion of the FAA that retention of the present alinement as suggested by the ATA would negate the intent of the proposal and the reduction of congestion in the Winslow, Ariz., area.

Air traffic control will, when traffic conditions permit, clear individual flights when requested from Prescott direct Winslow direct Gallup.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

Section 75.100 (36 F.R. 2371, 13377) is amended as follows:

a. In Jet Route No. 6 text "Winslow, Ariz.;" is deleted and "Zuni, Ariz.;" is substituted therefor.

b. In Jet Route No. 8 caption "Amarillo, Tex." is deleted and "Needles Calif." is substituted therefor, and in the text all before "Springfield, Okla.;" is deleted and "From Needles, Calif., via Winslow, Ariz.; Gallup, N. Mex.; Borger, Tex.; INT Borger 095° and Kingfisher, Okla., 261° radials; Kingfisher;" is substituted therefor.

c. In Jet Route No. 19 text all before "Las Vegas, N. Mex.;" is deleted and "From Phoenix, Ariz., via INT Phoenix 051° and Zuni, Ariz., 242° radials; Zuni;" is substituted therefor.

d. In Jet Route No. 72 text "Winslow, Ariz.;" is deleted and "Winslow, Ariz.; Zuni, Ariz.;" is substituted therefor.

e. In Jet Route No. 76 text "Amarillo, Tex.;" is deleted and "Tucumcari, N. Mex.;" is substituted therefor.

f. In Jet Route No. 78 text "Winslow, Ariz.;" is deleted and "Zuni, Ariz.;" is substituted therefor.

g. In Jet Route No. 96 text "Winslow Ariz.; Gallup, N. Mex.;" is deleted and "INT Prescott 084° and Gallup, N. Mex., 231° radials; Gallup;" is substituted therefor.

h. In Jet Route No. 102 text "Gallup, N. Mex.;" is deleted and "INT Phoenix 051° and Gallup, N. Mex., 231° radials; Gallup;" is substituted therefor.

i. In Jet Route No. 134 text "Winslow, Ariz.; Gallup, N. Mex.;" is deleted and "INT Prescott 084° and Gallup, N. Mex., 246° radials; Gallup;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 7, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–601 Filed 1–14–72;8:45 am]

V37N10 JAN 15 72 XUM

[Docket No. 11628, Amdt. 791]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets for the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAP's, effective February 10, 1972.

Astoria, Oreg.—Clatsop County Airport; VOR Runway 7, Amdt. 6; Revised.
Astoria, Oreg.—Clatsop County Airport; VOR Runway 13, Amdt. 9; Revised.
Atlanta, Ga.—De Kalb-Peachtree Airport; VOR Runway 27, Amdt. 10; Revised.
Chico, Calif.—Chico Municipal Airport; VOR Runway 13, Amdt. 3; Revised.
Chico, Calif.—Chico Municipal Airport; VOR Runway 31, Amdt. 2; Revised.
Flagstaff, Ariz.—Pulliam Airport; VOR–A, Amdt. 1; Revised.
Newport, Oreg.—Newport Municipal Airport; VOR–A, Original; Established.
Newport, Oreg.—Newport Municipal Airport; VOR–1, Amdt. 4; Canceled.
St. Paul, Minn.—St. Paul Downtown Holman Field; VOR Runway 30, Amdt. 5; Revised.
Aurora, Oreg.—Aurora State Airport; VOR/DME 1, Amdt. 1; Revised.
Chico, Calif.—Chico Municipal Airport; VOR/DME Runway 13, Original; Established.
Newport, Oreg.—Newport Municipal Airport; VOR/DME Runway 16, Amdt. 2; Revised.
Teterboro, N.J.—Teterboro Airport; VOR/DME–A, Amdt. 4; Revised.

2. Section 97.25 is amended by establishing, revising or canceling the following SDF–LOC–LDA SIAP's effective February 10, 1972.

Reno, Nev.—Reno International Airport; LOC/DME (BC)–B, Amdt. 1; Revised.
St. Paul, Minn.—St. Paul Downtown Holman Field; LOC Runway 30, Original; Established.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 10, 1972.

Coeur d'Alene, Idaho—Coeur d'Alene Air Terminal; NDB Runway 5, Amdt. 1; Revised.
Teterboro, N.J.—Teterboro Airport; NDB Runway 6, Amdt. 11; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective February 10, 1972.

Hibbing, Minn.—Chisholm-Hibbing Municipal Airport; ILS Runway 31, Original; Established.
Teterboro, N.J.—Teterboro Airport; ILS Runway 6, Amdt. 20; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective February 10, 1972.

Mobile, Ala.—Mobile Aerospace Airport; Radar–1, Original; Canceled.
Roanoke, Va.—Roanoke Municipal Airport; Radar–1, Amdt. 5; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective February 10, 1972.

Columbia, C.C.—Columbia Metropolitan Airport; RNAV Runway 5, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 5, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72–542 Filed 1–14–72;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Hudson River, N.Y.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 206; 33 U.S.C. 1), § 207.900 governing the use and navigation of restricted areas in the vicinity of Maritime Administration Reserve Fleets is hereby amended by revoking paragraph (a)(1), effective upon publication in the FEDERAL REGISTER (1–15–72), since the area is no longer needed, as follows:

§ 207.900 Restricted areas in vicinity of Maritime Administration Reserve Fleets.

(a) • • •

(1) [Revoked]

• • • • • •

[Regs. Dec. 9, 1971, 1522–01 (Hudson River Reserve Fleet, Jones Point, N.Y.) DAEN–CWO–N] (Sec. 7, 40 Stat. 206; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72–608 Filed 1–14–72;8:46 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1499—RENEGOTIATION RULINGS AND BULLETINS

Changes in Accounting Methods

Correction

In F.R. Doc. 71–18541 appearing at page 24058 in the issue for Saturday, December 18, 1971, in § 1499.2–19(f)(2), lines 2 and 3, the reference to "2 fiscal years" should read "one fiscal year".

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.6—Procurement Sources Other Than GSA

DEFENSE SUPPLY AGENCY SUPPORT FOR PACKAGED PETROLEUM PRODUCTS AND ELECTRONIC ITEMS

Subpart 101–26.6 is amended to include the expanded support now provided by the Defense Supply Agency (DSA) to civil agencies requiring packaged petroleum products and to recognize that Agency's policy on local procurement of DSA-managed items.

1. Section 101–26.602–2 is revised to read as follows:

§ 101–26.602–2 Procurement of packaged petroleum products.

(a) Items contained in Federal Supply Catalogs C9100–ML–CA and C9100–IL–CA covering FSC class 9150—Oils and Greases and FSC class 9160—Miscellaneous Waxes, Oils and Fats, shall be obtained by submitting requisitions in FEDSTRIP/MILSTRIP format to the Defense General Supply Center (DGSC), Richmond, VA 23219, using routing identifier code S9G. DGSC will distribute copies of these catalogs on a one-time basis to those activities on record to receive copies of the GSA Stock Catalog. Subsequent requirements for additional copies may be requested from DGSC. Requisitions for packaged petroleum items not contained in these catalogs and not otherwise included in Defense Fuel Supply Center (DFSC) procurements under the provisions of § 101–26.602–1 may be submitted to DGSC. DGSC will supply items requisitioned from inventory or will refer the requisition to the DFSC for purchase and direct delivery to the requisitioner. Packaged petroleum items may be obtained from other Federal activities by agreement with the activity concerned or from local purchase sources when such action is authorized under the provisions of the Defense Supply Agency (DSA) local purchase policy contained in subparagraph (b), below.

(b) Activities may effect local purchase of any DSA-managed, centrally procured item, commercially available, provided such purchase:

(1) Is limited to immediate-use requirements generated by emergency conditions (e.g., work stoppage, etc.), or

(2) Is to satisfy a routine requirement having a total line value not in excess of $10 and is determined to be the most economical method of supply.

(c) DGSC may return requisitions for local purchase action citing FEDSTRIP/MILSTRIP status code CW with the concurrence of the requisitioning activity when it is deemed that a local purchase action would be the most economical method of supply. A determination will be based on recognition of excessive costs (procurement, transportation/shipping, and special packaging considerations) as compared to those costs associated with local purchase action. Requisition priorities, backorder situations, procurement and required delivery dates (PDD/RDD), and requisition line item dollar values shall not be a basis or consideration for a Status Code CW reject action. Requisitions from overseas activities will not be returned to overseas activities for a local purchase action.

2. Section 101–26.603 is revised to read as follows:

§ 101–26.603 Electronic items available from the Defense Supply Agency.

Requirements of executive agencies for electronic items listed in the Federal Supply Catalog shall be obtained from the Defense Electronic Supply Center (DESC), Defense Supply Agency (DSA), Department of Defense. Other Federal agencies are encouraged to use the DESC as a source of supply for their electronic requirements. DSA has made available for use by civil agencies a Federal supply catalog (C5900–IL–CA and C5900–ML–CA) for those Federal Supply Group 59 items for which DESC has been designated as the primary source of supply. Requisitions shall be prepared in accordance with the FEDSTRIP Operating Guide (Subpart 101–26.2) and submitted to DESC, 1507 Wilmington Pike, Dayton, OH 45401, using routing identifier S9E. Electronic items may be obtained from local purchase sources when such action is authorized under the provisions of § 101–26.602–2(b). DESC may return requisitions for local purchase action under the same conditions as set forth with respect to the return of requisitions by the Defense General Supply Center (§ 101–26.602–2(c)).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (1–15–72).

Dated: January 10, 1972.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.72–635 Filed 1–14–72;8:47 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLE AND NEW MOTOR VEHICLE ENGINES

Miscellaneous Amendments

On November 10, 1970 regulations for the control of air pollution from new motor vehicles and new motor vehicle engines beginning with the 1972 model year were published in 45 CFR Part 85 (35 F.R. 17258). Subsequently (35 F.R. 19181), Part 85 was redesignated as Part 1201 in Chapter XII of Title 45 of the Code of Federal Regulations, and the terms "Department of Health, Education, and Welfare" and "Secretary" in the part were deemed to mean "Environmental Protection Agency" and "Administrator", respectively.

On March 20, 1971 (36 F.R. 534) miscellaneous amendments to 45 CFR Part 1201 were adopted.

On July 2, 1971, 45 CFR Part 1201 (36 F.R. 12652) was amended to adopt an Oxides of Nitrogen Exhaust Emission Standard and Test Procedure applicable to 1973 and later model year light duty vehicles. More stringent exhaust emission standards were also adopted and changes in the test procedure made as applicable to 1975 and later model year light duty vehicles. Subsequently (36 F.R. 22448), Part 1201 was redesignated as Part 85 in Chapter I of Title 40 of the Code of Federal Regulations.

Numerous questions and comments were received by the Office of Air Programs from manufacturers concerning the interpretation and application of the provisions of these regulations. In order that the Office of Air Programs personnel could properly respond to the industry's inquiries and observations, a technical meeting was held at the Office of Air Programs headquarters at the Parklawn Building, Rockville, Md. On July 27, 1971, notice of the meeting was mailed to vehicle manufacturers and industry associations both domestic and foreign, together with an invitation affording them an opportunity to discuss the implementation of those regulations. In addition, an announcement of the meeting was made through a press release which invited the public to participate. In attendance at the meeting, in addition to Federal personnel, were representatives of the domestic and foreign automobile manufacturers, the industry associations, and other interested persons. The miscellaneous amendments and corrections set forth below are the result of that meeting and of further efforts at clarification by program personnel. These amendments, now being adopted are divided into two sections. The first section, as indicated below, changes the regulations as applicable to 1973 and 1974 model year light duty vehicles. The second section of amendments change the regulations as applicable to 1975 and later model year light duty vehicles.

The Agency finds that good cause exists for omitting as unnecessary and impracticable a notice of proposed rule making, public rule making procedure, and postponement of effective date in the issuance of these amendments, in that (1) they are designed to correct and clarify the regulations; (2) to the extent that minor substantive revisions are made they are mitigative in nature, and both industry and the public were provided opportunity to discuss the need for revision at the public technical meeting; and (3) considerations of lead time for the 1973 model year dictate immediate promulgation.

Part 85 of Chapter I, Title 40 of the Code of Federal Regulations as applicable to 1973 and 1974 model year light duty vehicles is amended as follows, effective upon publication in the FEDERAL REGISTER (1–15–72).

(Sec. 301(a), 81 Stat. 504; 42 U.S.C. 1857g(a), as amended by sec. 15(c)(2), Public Law 91–604, 84 Stat. 1713)

Dated: January 7, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

1. In the Table of Sections, the following heading is added: "Appendix E—Oxides of Nitrogen Analytical System".

§ 85.4 [Amended]

2. In § 85.4(a)(4)(iv), the word "valve" is changed to "value".

3. In § 85.12, the second sentence is revoked. As amended, § 85.12 reads as follows:

§ 85.12 Test procedures.

Every manufacturer of new motor vehicles or new motor vehicle engines subject to the standard prescribed in this subpart shall, prior to taking any of

V 37 10 JAN 15 72 XUM

the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles or motor vehicle engines in accordance with good engineering practice to ascertain that such test vehicles or engines, with proper maintenance, will meet the requirements of § 85.11 for the useful life of the vehicle or engine.

4. In § 85.23, the second sentence is revoked. As amended, § 85.23 reads as follows:

§ 85.23 Test procedures.

Every manufacturer of new motor vehicles subject to the standards prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles in accordance with test procedures in Subpart H of this part to ascertain that such test vehicles meet the requirements of §§ 85.21 and 85.22, as applicable.

5. Section 85.55(a)(2) is revised to read as follows:

§ 85.55 Certification.

(a) • • •

(2) Such certificate will be issued for such period not more than 1 year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of these regulations relating to durability and performance.

• • • • • •

6. Section 85.75(b) is revised to read as follows:

§ 85.75 Dynamometer driving schedule.

• • • • • •

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix A or as printed on a driver's aid chart approved by the Administrator is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable provided the provisions of § 85.80(f) are adhered to.

7. In § 85.76(e)(2), subdivisions (i) and (ii) are revised. As amended, § 85.76 reads as follows:

§ 85.76 Dynamometer procedure.

• • • • • •

(e) • • •

(2) • • •

(i) Measuring the absolute manifold pressure of a representative vehicle, of the same equivalent inertia weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(ii) Noting the dynamometer indicated road load horsepower setting required to reproduce that manifold pressure when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e. within ±5 mm. Hg.

• • • • • •

8. In § 85.80(b), subparagraph (2) is revised to read as follows:

§ 85.80 Engine starting and restarting.

• • • • • •

(b) • • •

(2) Vehicles equipped with manual chokes shall be operated according to the manufacturer's operating or owner's manual. If not specified, the choke shall be operated to maintain engine idle at 1,100±50 r.p.m. during the initial idle period and used where necessary during the remainder of the test to keep the engine running.

• • • • • •

9. In § 85.81, paragraphs (b)(10) and (c)(12) are revised to read as follows:

§ 85.81 Sampling and analytical system (exhaust emissions).

• • • • • •

(b) • • •

(10) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

• • • • • •

(c) • • •

(12) Recorders (R1, R2, and R3) or digital printers to provide permanent records of calibration, spanning and sample measurements; or, in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

• • • • • •

10. In § 85.82(d), subparagraph (3) is revised to read as follows:

§ 85.82 Sampling and analytical system (fuel evaporative emissions).

• • • • • •

(d) • • •

(3) Other types of temperature sensing systems may be provided by the manufacturer if they record the information specified in subparagraph (1) of this paragraph with the required accuracy and if they are self contained. Type J thermocouples are required for compatability with recording instruments used in Federal certification facilities.

• • • • • •

§ 85.83 [Amended]

11. In § 85.83, the number "+5°" in paragraph (1) is revised to read "±5°".

12. In § 85.84, paragraphs (a)(2) and (3), and (b)(2) are revised to read as follows:

§ 85.84 Analytical system calibration and sample handling.

(a) • • •

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide and oxides of nitrogen analyzers with either zero grade air or nitrogen. The allowable zero gas impurity concentrations should not exceed 6 p.p.m. equivalent carbon response, 10 p.p.m. carbon monoxide and 1 p.p.m. nitric oxide.

(3) Set the CO analyzer gain to give the desired range. Select desired attenuation scale of the HC analyzer and set the sample capillary flow rate, by adjusting the back pressure regulator to give the desired range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range. The operating range of the analyzers shall be such that the analyzer deflection which indicates an emission level equivalent to the respective standard is in the upper two-thirds of the scale.

• • • • • •

(b) • • •

(2) Introduce span gases and set the CO analyzer gain, the HC analyzer sample capillary flow rate and the NO_x analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of full scale. If gain has shifted significantly on the CO analyzer, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart.

• • • • • •

13. In § 85.85(b), the present subparagraphs (12), (13), and (14) are redesignated as (13), (14), and (15), respectively and a new subparagraph (12) is added to read as follows:

§ 85.85 Dynamometer test runs.

• • • • • •

(b) • • •

(12) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

• • • • • •

14. Section 85.87 is revised to read as follows:

§ 85.87 Calculations (exhaust emissions).

The final reported test results shall be computed by use of the following formulae:

(a) For light duty vehicles, excluding off-road utility vehicles:

(1) Hydrocarbon mass:

$$HC_{mass} = V_{mix} \times Density_{HC} \times \frac{HC_{conc}}{1{,}000{,}000}$$

(2) Carbon monoxide mass:

$$CO_{mass} = V_{mix} \times Density_{CO} \times \frac{CO_{conc}}{100}$$

(3) Oxides of nitrogen mass:

$$NO_{x_{mass}} = V_{mix} \times Density_{NO_2} \times \frac{NO_{x_{conc}}}{1{,}000{,}000} \times K_H$$

(b) For off-road utility vehicles:

(1)
$$HC_{mass} = V_{mix} \times Density_{HC} \times \frac{HC_{conc}}{1{,}000{,}000} \times 0.85$$

(2)
$$CO_{mass} = V_{mix} \times Density_{CO} \times \frac{CO_{conc}}{100} \times 0.85$$

(3)
$$NO_{x_{mass}} = V_{mix} \times Density_{NO_2} \times \frac{NO_{x_{conc}}}{1{,}000{,}000} \times 0.85 \times K_H$$

(c) Meaning of symbols:

HC_{mass}=Hydrocarbon emissions, in grams per vehicle mile.

$Density_{HC}$=Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (16.33 gm./cu. ft.).

HC_{conc}=Hydrocarbon concentration of the dilute exhaust sample minus hydrocarbon concentration of the dilution air sample in p.p.m. carbon equivalent i.e. equivalent propane×3.

CO_{mass}=Carbon monoxide emissions, in grams per vehicle mile.

$Density_{CO}$=Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).

CO_{conc}=Carbon monoxide concentration of the dilute exhaust sample minus the carbon monoxide concentration of the dilution air sample, in volume percent.

$NO_{x_{mass}}$=Oxides of nitrogen emissions in grams per vehicle mile.

$Density_{NO_2}$=Density of oxides of nitrogen in the exhaust gas assuming they are in the form of nitrogen oxide, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (54.16 gm./cu. ft.).

$NO_{x_{conc}}$=Oxides of nitrogen concentration of the dilute exhaust sample minus the oxides of nitrogen concentration of the dilution air sample, in p.p.m.

V_{mix}=Total dilute exhaust volume in cubic feet per mile, corrected to standard conditions (528°R and 760 mm. Hg).

$$V_{mix} = K_1 \times V_o \times N \times \frac{P_B - P_I}{T_P}$$

where:

$$K_1 = \frac{528° R}{760 \text{ mm. Hg} \times 7.5 \text{ miles}} = 0.09263.$$

V_o=Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N=Number of revolutions of the positive displacement pump during the test while samples are being collected.

P_B=Barometric pressure in mm. Hg.

P_I=Pressure depression below atmosphere measured at the inlet to the positive displacement pump.

T_P=Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

K_H=Humidity correction factor.

$$K_H = \frac{1}{1 - 0.0047\,(H - 75)}$$

where:

H=Absolute humidity in grains of water per pound of dry air.

$$H = \frac{(43.478)\,R_a \times P_d}{P_B - (P_d \times R_a/100)}$$

R_a=Relative humidity of the ambient air, in percent.

P_d=Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

(d) Example calculation of mass emissions values:

Assume V_o=0.265 cu. ft. per revolution; N=20,250 revolutions; R_a 65%; P_B=754 mm. Hg; P_d=22.225 mm. Hg; P_I=24 mm. Hg; T_P=550°R; HC_{conc}=160 p.p.m. carbon equivalent; CO_{conc}=0.0%; and $NO_{x_{conc}}$=70 p.p.m.

Then:

$$V_{mix} = (0.09263)(0.265)(20{,}250)\frac{(754-24)}{(550)} = 659.8 \text{ cu. ft. per mile.}$$

$$H = \frac{(43.478)(65)(22.225)}{754 - (22.225 \times 65/100)} = 85 \text{ grains per pound of dry air.}$$

$$K_H = \frac{1}{1 - 0.0047\,(85 - 75)} = 1.049.$$

(1) For a 1973 light duty vehicle.

$$HC_{mass} = 659.8 \times 16.33 \times \frac{160}{1{,}000{,}000} = 1.72 \text{ grams per vehicle mile.}$$

$$NO_{x_{mass}} = 659.8 \times 54.16 \times \frac{70}{1{,}000{,}000} \times 1.049 = 2.62 \text{ grams per vehicle mile.}$$

(2) For a 1973 off-road utility vehicle.

$$CO_{mass} = 659.8 \times 32.97 \times \frac{0.09 \times 0.85}{100} = 16.6 \text{ grams per vehicle mile.}$$

15. Section 85.90(a)(3) is revised to read as follows:

§ 85.90 Maintenance.

(a) • • •

(3) Allowable maintenance on emission data vehicles shall be limited to the adjustment of engine idle speed at the 4,000-mile test point, except that other maintenance or repairs may be allowed with the advance approval of the Administrator.

• • • • • •

16. Section 85.111(a)(2) is revised to read as follows:

§ 85.111 Maintenance.

(a) • • •

(2) Allowable maintenance on emission data engines shall be limited to the adjustment of engine idle speed at the 125-hour test point, except that other maintenance or repairs may be allowed with the advance approval of the Administrator.

• • • • • •

17. Section 85.131(a)(2) is revised to read as follows:

§ 85.131 Maintenance.

(a) • • •

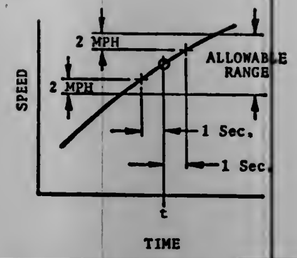
(2) Allowable maintenance on emission data engines shall be limited to the adjustment of engine low idle speed at the 125-hour test point, except that other maintenance or repairs may be allowed with the advance approval of the Administrator.

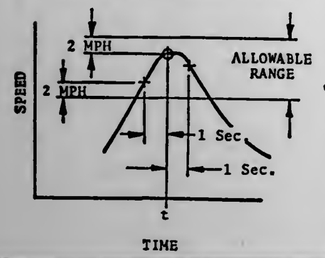
• • • • • •

18. At the end of Part 85, the following diagrams and explanation are added to the end of Appendix A as follows:

The diagrams below show the range of acceptable speed tolerances for typical points. The curve on the left is typical of portions of the speed curve which are increasing or decreasing throughout the two second time interval. The curve on the right is typical of portions of the speed curve which include a maximum or minimum value.

V 37 N 10 JAN 15 72 XUM





19. At the end of Part 85, Appendix C is revised to read as follows:

APPENDIX C

CONSTANT VOLUME SAMPLER FLOW CALIBRATION

The following procedure is used in Federal laboratories to calibrate the gas flow of constant volume samplers which use positive displacement pumps. First, the gas flow as a function of the pressure increase across the pump is determined. Second, the whole system, including the instruments, is checked to determine if it accounts for an amount of pure propane or carbon monoxide (caution—carbon monoxide is extremely toxic) introduced into the system.

The following steps are followed to determine the gas flow as a function of the pressure increase across the pump in cubic feet per pump revolution.

1. The pump inlet pressure depression during a typical test is determined.

2. A variable flow restrictor, such as a slide valve, is attached to the CVS at a point upstream of the positive displacement pump. The dilution air filter system may or may not be in use during calibration, depending on the particular CVS design.

3. A flow measuring device (laminar flow element) is attached ahead of the flow restrictor.

4. The CVS is operated at several different pump inlet pressure settings (controlled by the flow restrictor) and the measurements as specified in § 85.83 (h), (j), (l), (m), the time per test, and the measurements related to the flow device are recorded. The data points are equally spaced around the normal operating condition.

5. The gas flow, Q, at each test point is calculated in standard cubic feet per minute from the flow device data.

6. The gas flow (at pump inlet pressure and temperature) is calculated in cubic feet per revolution from the following:

$$V_o = \frac{Q}{n} \times \frac{T_p}{528} \times \frac{760}{P_p}$$

Where:

Q = Gas flow in standard cubic feet per minute.

n = Pump speed in revolution per minute.

See § 85.87 for remainder of definitions.

7. V_o is plotted versus the square root of the pressure increase across the pump, ΔP, and a linear fit is performed.

The following procedure is followed to check the CVS calibration using a known quantity of injected gas. It assumes a reliable analyzer calibration.

1. A small cylinder is charged with pure propane or carbon monoxide gas (caution—carbon monoxide is extremely toxic).

2. The cylinder is weighed to the nearest 0.01 gram.

3. The CVS is operated in the normal manner and a quantity of pure propane or carbon monoxide is released into the system.

4. The calculations of § 85.87 are performed in the normal way except the density of propane (17.30 grams/cu. ft./carbon atom) is used in place of the density of exhaust hydrocarbons.

5. The CVS measured mass is compared to the gravimetric measured mass.

6. The reason for any discrepancy is found and corrected.

20. At the end of Part 85, in Appendix E, the term "rate of constant" is changed to "rate constant".

Part 85 of Chapter I, Title 40 of the Code of Federal Regulations as applicable to 1975 and later model year light duty vehicles is amended as follows, effective upon publication in the FEDERAL REGISTER (1–15–72).

§ 85.20 [Amended]

1. In § 85.20, the words "and 1972 model year vehicles with an engine displacement of less than 50 cubic inches" are deleted.

2. In § 85.21, paragraph (a) is revised to read as follows:

§ 85.21 Standards for exhaust emissions.

(a) Exhaust emissions from 1975 model year vehicles shall not exceed:

(1) Hydrocarbons—0.41 gram per vehicle mile.

(2) Carbon monoxide—3.4 grams per vehicle mile.

(3) Oxides of nitrogen—3.1 grams per vehicle mile.

* * * * * *

3. In § 85.74(b), subparagraphs (2) and (4) are revised to read as follows:

§ 85.74 Evaporative emission collection procedure.

* * * * * *

(b) * * *

(2) Where an external vent is located such that any "running loss" emissions would be inducted into the engine, the vapor loss measurement system shall be temporarily disconnected from that vent and clamped. Vapor losses from this vent need not be measured during this part of the test.

* * * * * *

(4) Vapor losses need not be measured during the 10-minute soak or 505-second "hot" start test. Any vapor loss collection system used during the cold start shall be temporarily disconnected and clamped. At the end of the hot start test, the vapor collection systems shall be reconnected for the following phase.

* * * * * *

4. In § 85.80, present pargaraphs (d), (e), and (f) are redesignated as (e), (f), and (g), respectively, and a new paragraph (d) is added to read as follows:

§ 85.80 Engine starting and restarting.

* * * * * *

(d) If the manufacturer's operating or owner's manual does not specify a warm engine starting procedure, the engine (automatic and manual choke engines) shall be started by depressing the acceleration pedal about half way and cranking the engine until it starts.

* * * * * *

5. In § 85.81, paragraphs (b) (10), (14), and (15); (c) (1), (4), (13), and (16); and Figures 1a and 1b are revised to read as follows:

§ 85.81 Sampling and analytical system (exhaust emissions).

* * * * * *

(b) * * *

(10) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

* * * * * *

(14) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(15) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shutoff on bag side to attach sample bags to sample system.

* * * * * *

(c) * * *

(1) Quick-connect leak-tight fitting (C5) to attach sample bags to analytical system.

* * * * * *

(4) Selector valves (V5, V6, V7, V8, and V14) for directing samples, span gases or zeroing gases to the analyzers.

* * * * * *

(13) Sample conditioning columns to remove remainder of water (WR1 and WR2 containing indicating $CaSO_4$ or indicating silica gel) and carbon dioxide (CDR1 and CDR2 containing ascarite) from the CO analysis stream.

* * * * * *

(16) Recorders (R1, R2, R3, and R4) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

* * * * * *

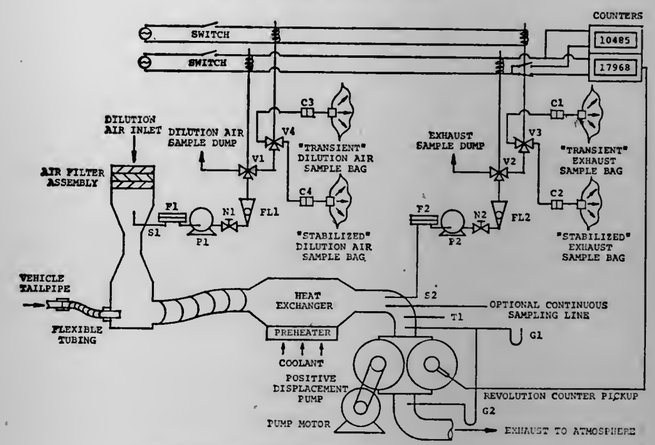


Figure 1a. Exhaust Gas Sampling System

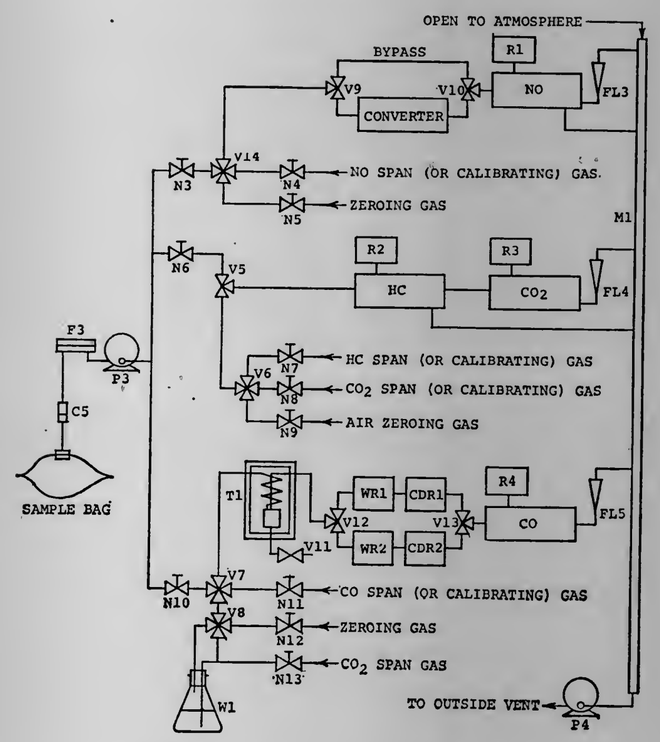


Figure 1b. Exhaust Gas Analytical System

V37 N15 JAN 72 XUM

6. In § 85.84, paragraph (a)(3) is revised, a new Figure 1c is added following paragraph (a)(6)(iii), a new paragraph (a)(7) is added, and paragraph (b)(2) is revised to read as follows:

§ 85.84 Analytical system calibration and sample handling.

(a) • • •

(3) Set the CO and CO_2 analyzer gains to give the desired ranges. Select the desired attenuation scale of the HC analyzer and set the sample capillary flow rate, by adjusting the back pressure regulator, to give the desired range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage supply or the amplifier gain to give the desired range:

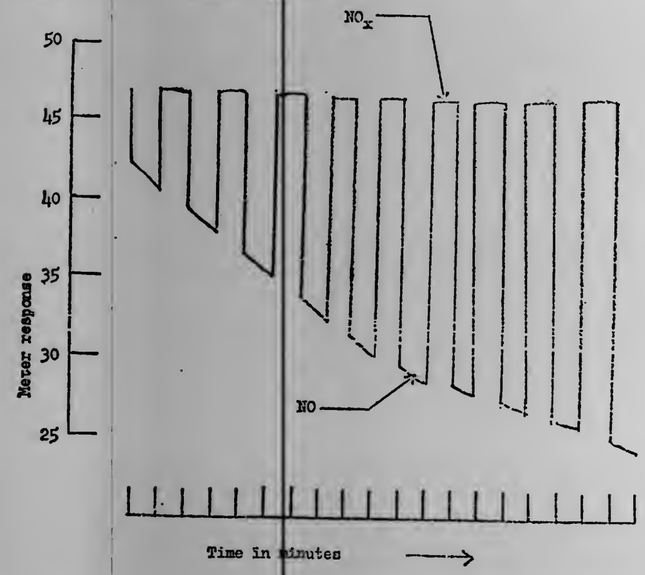


Figure 1c. CONVERTER EFFICIENCY CHECK RESPONSE

(7) Check the efficiency of the sample conditioning system by the following procedure:

(i) Zero and span the CO instrument on its most sensitive scale.

(ii) Recheck zero.

(iii) Bubble CO_2 span gas through water and then through the sample conditioning system into the CO instrument. If the CO instrument shows no response to the wet CO_2 the columns are in good condition.

(iv) If the CO instrument responds to wet CO_2, replace columns as necessary to bring response back to zero.

(v) The conditioning system efficiency should be checked daily.

(b) • • •

(2) Introduce span gases and set the CO and CO_2 analyzer gains, the HC analyzer sample capillary flow rate and the NO_x analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of full scale. If gain has shifted significantly on the CO or CO_2 analyzers, check tuning. If necessary, check calibration. Recheck after test. Show actual concentrations on chart.

• • • • • •

7. In § 85.85(b), subparagraphs (3), (4), (7), (11), (13), (16), (18), and (20) are revised to read as follows:

§ 85.85 Dynamometer test runs.

• • • • • •

(b) • • •

(3) With the sample solenoid valves in the "dump" position connect evacuated sample collection bags to the two dilute exhaust sample connectors and to the two dilution air sample line connectors.

(4) Start the positive displacement pump (if not already on), the sample pumps and the temperature recorder. (The heat exchanger of the constant volume sampler should be preheated to its operating temperature before the test begins.)

• • • • • •

(7) Simultaneously start the revolution counter for the positive displacement pump, position the sample solenoid valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag, and start cranking the engine.

• • • • • •

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off revolution counter No. 1 and start counter No. 2. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.84.

• • • • • •

(13) Five seconds after the engine stops running, simultaneously turn off revolution counter No. 2 and position the sample solenoid valves to the "dump" position. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the "stabilized" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.84.

• • • • • •

(16) Repeat the steps in subparagraphs (2) through (10) of this paragraph for the hot start test except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in subparagraph (7) of this paragraph shall begin between 9 and 11 minutes after the end of the sample period for the cold start test.

• • • • • •

(18) As soon as possible and in no case longer than 20 minutes after the end of this portion of the test disconnect the hot start "transient" exhaust and dilution air sample bags, transfer them to the analytical system and process the samples according to § 85.84.

• • • • • •

(20) The positive displacement pump may be turned off, if desired.

8. In § 85.87, paragraphs (c), and (d)(1) and (4) are revised to read as follows:

§ 85.87 Calculations (exhaust emissions).

• • • • • •

(c) Meaning of symbols:

HC_{mass} = Hydrocarbon emissions, in grams per test phase.

$Density_{HC}$ = Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (16.33 gm./cu. ft).

HC_{conc} = Hydrocarbon concentration of the dilute exhaust sample corrected for background, in p.p.m. carbon equivalent, i.e. equivalent propane×3.

$$HC_{conc} = HC_e - HC_d(1-1/DF)$$

where:

HC_e = Hydrocarbon concentrations of the dilute exhaust sample as measured, in p.p.m. carbon equivalent.

HC_d = Hydrocarbon concentration of the dilution air as measured in p.p.m. carbon equivalent.

$NO_{x_{mass}}$ = Oxides of nitrogen emissions, in grams per test phase.

$Density_{NO_2}$ = Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F. and 760 mm. Hg pressure (54.16 gm./cu. ft.).

$NO_{x_{conc}}$ = Oxides of ntirogen concentration of the dilute exhaust sample corrected for background, in p.p.m.

$$NO_{x_{conc}} = NO_{x_e} - NO_{x_d}(1-1/DF)$$

where:

NO_{x_e} = Oxides of nitrogen concentration of the dilute exhanst sample as measured, in p.p.m.

NO_{x_d} = Oxides of nitrogen concentration of the dilution air as measured, in p.p.m.

CO_{mass} = Carbon monoxide emissions, in grams per test phase.

$Density_{CO}$ = Density of carbon monoxide in grams per cubic foot at 68° F. and 760 mm. Hg pressure (32.97 gm./cu. ft.).

CO_{conc} = Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor and CO_2 extraction, in p.p.m.

$$CO_{conc} = CO_e - CO_d(1-1/DF)$$

where:

CO_e = Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in p.p.m. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.

$$CO_e = (1-0.01925CO_{2e}-0.000323R)\,CO_{em}$$

where:

CO_{em} = Carbon monoxide concentration of the dilute exhaust sample as measured in p.p.m.

CO_{2e} = Carbon dioxide concentration of the dilute exhaust sample, in mole percent.

R = Relative humidity of the dilution air, in percent.

CO_d = Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in p.p.m.

$$CO_d = (1-0.000323R)\,CO_{dm}$$

where:

CO_{dm} = Carbon monoxide concentration of the dilution air sample as measured, in p.p.m.

$$DF = \frac{13.4}{CO_{2e}+(HC_e+CO_e)\times 10^{-4}}$$

V_{mix} = Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528° R and 760 mm. Hg).

$$V_{mix} = V_o \times N \frac{(P_B - P_I)(528°\,R)}{(760\text{ mm. Hg})(T_p)}$$

where:

V_o = Volume of gas pumped by the positive displacement pump, in cubic feet per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N = Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

P_B = Barometric pressure in mm. Hg.

P_I = Pressure depression below atmosphere measured at the inlet to the positive displacement pump.

T_p = Average temperature of dilute exhaust entering positive displacement pump during test while samples are being collected, in degrees Rankine.

K_H = Humidity correction factor.

$$K_H = \frac{1}{1-0.0047\,(H-75)}$$

where:

H = Absolute humidity in grains of water per pound of dry air.

$$H = \frac{(43.478)\,R_a \times P_d}{P_B - (P_d \times R_a/100)}$$

R_a = Relative humidity of the ambient air, in percent.

P_d = Saturated vapor pressure, in mm. Hg at the ambient dry bulb temperature.

(d) Example calculation of mass emission values:

(1) For the "transient" phase of the cold start test assume V_o=0.29344 cu. ft. per revolution; N=10,485; R=48.0%; R_a=48.2%; P_B=762 mm. Hg; P_d=22.225 mm. Hg; P_I=70 mm. Hg; T_p=570°R; HC_e=105.8 p.p.m. carbon equivalent; NO_{x_e}=11.2 p.p.m.; CO_{em}=306.6 p.p.m.; Co_{2e}=1.43%; HC_d=12.1 p.p.m.; NO_{x_d}=0.8 p.p.m.; CO_{dm}=15.3 p.p.m. Then:

$$V_{mix} = \frac{(0.29344)\,(10{,}485)\,(762-70)\,(528)}{(760)\,(570)} = 2595.0 \text{ cu. ft. per test phase.}$$

$$H = \frac{(43.478)\,(48.2)\,(22.225)}{762-(22.225\times 48.2/100)}.$$

$$K_H = \frac{1}{1-0.0047(62-75)} = 0.9424.$$

$CO_e = (1-0.01925(1.43)-0.000323(48))306.0 = 293.4$ p.p.m.

$CO_d = (1-0.000323(48))15.3 = 15.1$ p.p.m.

$$DF = \frac{13.4}{1.43+(105.8+293.4)\times 10^{-4}} = 9.116.$$

$HC_{conc} = 105.8-12.1(1-1/9.116) = 95.03.$

$HC_{mass} = (2595)\,(16.33)\,(95.03/1{,}000{,}000) = 4.027$ grams per test phase.

$NO_{x_{conc}} = 11.2-0.8(1-1/9.116) = 10.49.$

$NO_{x_{mass}} = (2595)\,(54.16)\,(10.49/1{,}000{,}000)\,(0.9424) = 1.389$ grams per test phase.

$CO_{conc} = 293.4-15.1(1-1/9.116) = 280.$

$CO_{mass} = (2595)\,(32.97)\,(280/1{,}000{,}000) = 23.96$ grams per test phase.

• • • • • • • •

(4) For a 1975 light duty vehicle:

§ 85.92 [Amended]

9. In § 85.92, paragraph (a) is amended by changing the reference "§§ 1201.21 and 1201.22" to read "§§ 85.21 and 85.22"; and the following paragraph (c) is inserted after paragraph (b):

(c) The procedure for determining compliance of a new light duty motor vehicle with exhaust and fuel evaporative emission standards is as follows:

10. Section 85.101 is revised to read as follows:

$HC_{wm} = ((0.43)\,(4.027)+(0.57)\,(0.51)+0.62)/7.5 = 0.352$ gram per vehicle mile.

$NO_{x_{wm}} = ((0.43)\,(1.389)+(0.57)\,(1.38)+1.27)/7.5 = 0.354$ gram per vehicle mile.

$CO_{wm} = ((0.43)\,(23.96)+(0.57)\,(5.01)+5.98)/7.5 = 2.55$ grams per vehicle mile.

§ 85.101 Gasoline fuel specifications.

(a) Fuel having the following specifications or substantially equivalent specifications approved by the Administrator shall be used in exhaust emission testing. Where the Administrator determines that the engines represented by a test engine will be operated using fuels of a different lead content or octane rating than that prescribed in this paragraph, he may consent in writing to use of a fuel otherwise substantially equivalent to the following specifications but with a different lead content or octane rating.

Item	ASTM designation	Specifications
Octane, Research, min.	D 1656	100
Pb. (organic), gm./U.S. gal.	D 526	3.1-3.3
Distillation range	D 86	
IBP, °F		75-95
10 percent point, °F		120-135
50 percent point, °F		200-230
90 percent point, °F		300-325
EP, °F. (max.)		415
Sulfur, wt. percent max.	D 1266	0.10
Phosphorus, theory		0.0
RVP, lb.	D 323	8.7-9.2
Hydrocarbon composition	D 1319	
Olefins, percent, max		10
Aromatics, percent, max		35
Saturates		Remainder

(b) Fuel having the following specifications, or substantially equivalent specifications approved by the Administrator shall be used in service accumulation. The octane rating of the fuel used shall be in the range recommended by the engine manufacturer. The Reid Vapor Pressure of the fuel used shall be characteristic of the seasonal motor fuel. Where the Administrator determines that the engines represented by a test engine will be operated using fuels of a different lead content than that prescribed in this paragraph, he may consent in writing to use of a fuel otherwise substantially equivalent to the following specifications but with a different lead content.

Item	ASTM Designation	Regular	Premium
Pb. (organic), gm./U.S. gas.	D 526	2.1-3.2	2.1-3.2
Sulfur, wt. percent	D 1266	0.02-0.10	0.02-0.10
Hydrocarbon composition	D 1319		
Olefins, percent, max.		30	15
Aromatics, percent, max.		40	40
Saturates		Remainder	Remainder

(c) The specifications of the fuel to be used under paragraph (b) of this section shall be reported in accordance with § 85.51(b)(3).

[FR Doc.72-487 Filed 1-14-72;8:45 am]

V 37 10 JAN 15 72 XUM

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 72, 92, 190]

[CGFR 72-4]

WASHROOMS AND TOILET ROOMS

Proposed Unrestricted Use of Facilities by Female Crewmembers

The Coast Guard is considering amending the construction and arrangement regulations to allow female members of the crew to use washrooms and toilet rooms that are also used by a male crewmember.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the U.S. Coast Guard (CMC), Washington, D.C. 20590. Each person submitting comments should include his name and address, identify the notice (CGFR 72-4), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Commandant, U.S. Coast Guard will evaluate all communications received before February 18, 1972, and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

Current regulations for passenger, cargo, miscellaneous, and oceanographic vessels require female crew members to have toilet and washing facilities in separate spaces from the facilities for other crew members. The tank vessel regulations are silent as to the required accommodations for the female members of the crew. The Coast Guard has found that the present passenger, cargo, miscellaneous, and oceanographic vessel regulations are unduly restrictive on most modern vessels which usually have facilities that are attached to rooms. In addition, the Coast Guard has determined that the present regulations may have been the basis for unintended discriminatory practices in the hiring of females for service aboard merchant vessels.

Accordingly, the Coast Guard proposes to amend §§ 72.20-25, 92.20-25, and 190.20-25 to allow female members of the crew to share facilities without restriction as to sex.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, Code of Federal Regulations as follows:

1. By revoking §§ 72.20-25(b)(3), 92.20-25(b)(3), and 190.20-25(b)(3).

These amendments are proposed under the authority of R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), section 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1); and 49 CFR 1.46(b)).

Dated January 11, 1972.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72-622 Filed 1-14-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 89, 91, 93]

[Docket No. 18261; FCC 72-7]

LAND MOBILE CHANNELS

Availability in Urban Areas

In the matter of amendment of Parts 89, 91, and 93 of the rules to reflect the availability of Land Mobile Channels in the 470-512 MHz band in the 10 largest urbanized areas of the United States, Docket No. 18261.

1. Notice is hereby given of further proposed rule making in the above-captioned matter.

2. In our first report and order in this proceeding, released on May 21, 1970, we adopted a plan under which two of the lower seven UHF television channels (14 through 20) were made available for land mobile use within 50 miles from the center of the 10 largest urban areas of the United States.[1] The sharing plan was designed to provide adequate radio facilities to land mobile radio users without causing interference to the reception of UHF television stations. The basic criterion we adopted to accomplish this objective is for land mobile radio stations to provide at least 50 db[2] protection to television stations operating on the same channel at an assumed Grade B contour 55 miles from the protected TV station's location and 0 db protection (again at the Grade B contour) to stations on adjacent channels.

3. To implement this basic interference protection criterion, tables were adopted which prescribe the power and the antenna height land mobile stations may employ at various distances from the protected television station. In these tables, we have prescribed maximum permissible radiated power for base stations (1,000 watts) and maximum permissible antenna height (500 feet), considered adequate facilities for land mobile stations in this frequency range. Nevertheless, serious practical difficulties have been brought to our attention with respect to the maximum limit placed on the antenna height (500 feet above average terrain). These difficulties relate first to the availability of suitable antenna sites, especially in the larger cities, and also to coverage. In New York City, for example, it is necessary to install antennas on top of the taller buildings for adequate coverage of the city. The 500-foot limitation, therefore, severely restricts the number of sites that may be used and, of course, mounting antennas at the side of buildings is not practical nor desirable. Further, in areas such as San Francisco, Calif., and Pittsburgh, Pa., many sites may not be usable because the ground elevation may exceed the 500-foot maximum.

4. To remedy this serious difficulty, but without compromising the basic protection standard we have prescribed, we propose to revise the various tables we have adopted to permit licensees to utilize antenna heights greater than 500 feet, but with lower power so that the predicted signal values at the 55-mile grade B contour of any protected TV facility would not be different from those on which our tables in the current rules are based. The proposed revision would apply to the tables for base stations. The tables for mobile stations would remain unchanged. To determine the power reduction necessary if antenna heights above 500 feet are used, we propose to incorporate into the rules a graph (see below) which was derived from the F(50, 10) curves found in FCC Report No. R-6602 which was also the source of the antenna/height tables now in the rules. The proposed revision of the rules would provide the additional flexibility required for the effective use of the frequencies in the 470-512 MHz band in the land mobile radio services without, as we said before, compromising the desired protection to television stations.

5. The graph would apply to Parts 89, 91, and 93 of the Commission's rules. Standards for antenna heights in excess of 500 feet above average terrain for Domestic Public Land Mobile Radio Service stations in the 470-512 MHz band will be considered in a separate document in the near future.

6. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 23, 1972, and reply comments on or before March 3, 1972. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision the Commission may also take into account other relevant information before it, in addition to the specific comments by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during the regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

Part 89 of Chapter I of Title 47 of the Code of Federal Regulations is amended as set forth below. Rules identical in substance to those proposed for Part 89 will be incorporated in Parts 91 and 93.

In § 89.123(a), subparagraph (7) is added, and in paragraph (b), Figure H and Figure I are added to read as follows:

§ 89.123 Frequencies in the band 470-512 MHz.

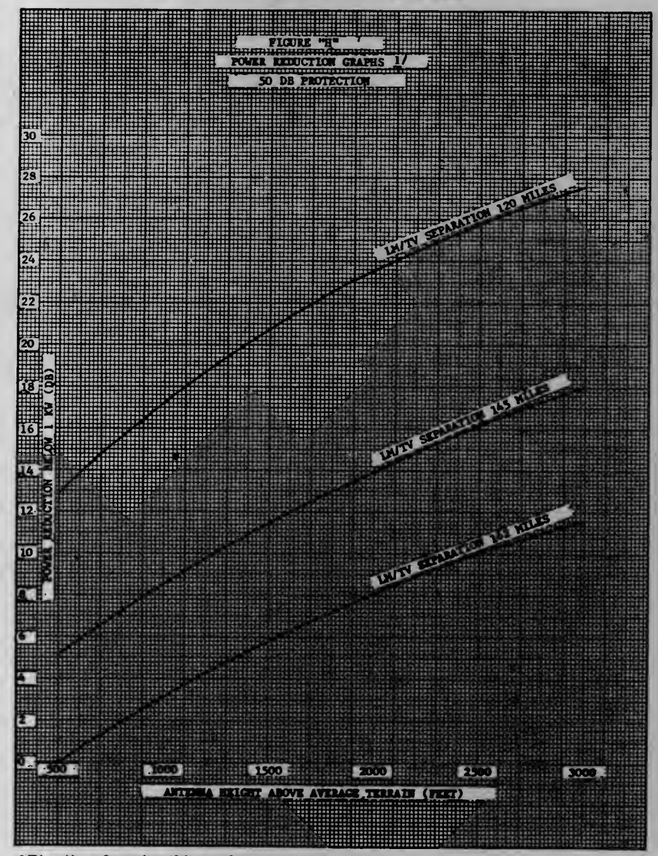
(a) • • •

(7) For antenna heights between 500 feet and 3,000 feet above average terrain the effective radiated power must be reduced below 1 kilowatt in accordance with the values shown in the power reduction graph in Figure H, below, except for Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich., where the effective radiated power must be reduced in accordance with Figure I. For heights of more than 500 feet above average terrain, the distance to the radio path horizon will be calculated assuming smooth earth. If the distance so determined equals or exceeds the distance to the Grade B contour of a cochannel TV station, an authorization will not be granted unless it can be shown that actual terrain considerations are such as to provide the desired protection at the Grade B contour.

(b) • • •

• • • • •

FIGURE H.—POWER REDUCTION GRAPH (50 dB PROTECTION)



[1] Directions for using this graph:

1. Determine antenna height above average terrain.
2. Locate this value on the antenna height axis.
3. Determine the separation between the LM antenna site and the nearest protected cochannel TV station.
4. Draw a vertical line to intersect the LM/TV separation curve at the distance determined in step 3 above. For distances not shown on the graph, use linear interpolation.
5. From the intersection of the LM/TV separation curve draw a horizontal line to the power reduction scale.
6. The power reduction in dB determines the reduction below 1 kW. that must be achieved.

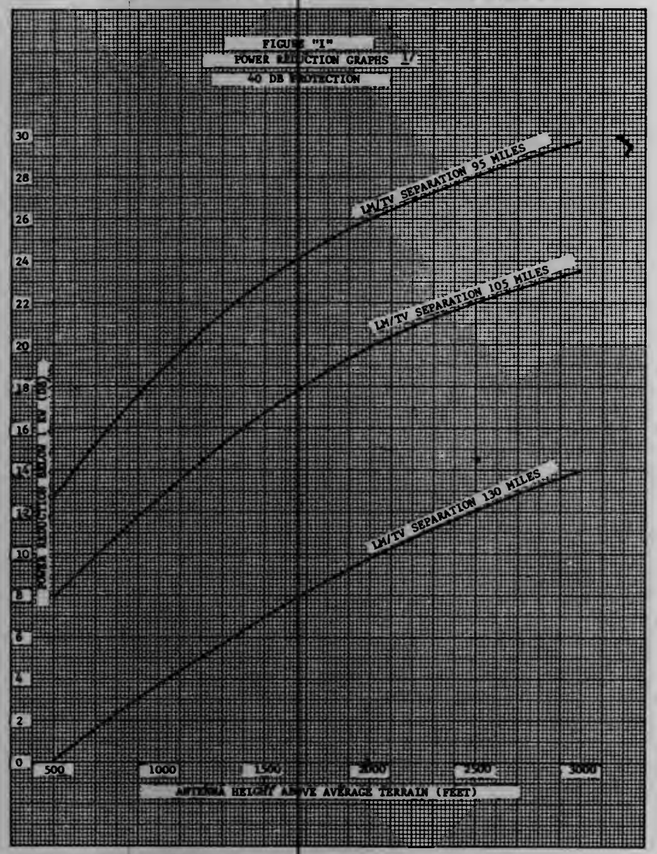
[1] This plan has been implemented in part by rules adopted in our second report and order released on June 22, 1971 (35 F.R. 8634), and the frequencies made available in most of the 10 urban areas effective Aug. 17, 1971.

[2] 40 db protection is to be afforded Channel 15 in New York, N.Y., and Cleveland, Ohio, and Channel 16 in Detroit, Mich.

[3] Commissioner H. Rex Lee absent.

JAN 15 72

FIGURE I.—POWER REDUCTION GRAPH (40 dB PROTECTION)



[1] Directions for using this graph:

1. Determine antenna height above average terrain.

2. Locate this value on the antenna height axis.

3. Determine the separation between the LM antenna site and the nearest protected cochannel TV station.

4. Draw a vertical line to intersect the LM/TV separation curve at the distance determined in step 3 above. For distances not shown on the graph, use linear interpolation.

5. From the intersection of the LM/TV separation curve draw a horizontal line to the power reduction scale.

6. The power reduction in dB determines the reduction below 1 kW. that must be achieved.

[FR Doc.72-522 Filed 1-14-72;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 72-4]

INDEPENDENT OCEAN FREIGHT FORWARDERS

Proposed Licensing Requirements

On December 22, 1961, the Federal Maritime Commission published in the FEDERAL REGISTER (26 F.R. 12252) rules with respect to the licensing of independent ocean freight forwarders (46 CFR Part 510). Section 510.5 of these rules set forth the requirements for licensing, and included a provision that an applicant must be found "(2) fit, willing and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, as amended, and the requirements, rules and regulations of the Commission issued thereunder."

Section 510.5 does not identify the person or persons employed by the applicant whose experience and training would be considered in deciding whether a particular applicant is fit, willing and properly able to carry on the business of forwarding.

In order to assure continuity of responsibility and experience of such person or persons associated with an applicant who will be considered by the Commission in determining the applicant's qualifications by reason of training and experience, the Commission is considering amending § 510.5(a) to provide that an individual proprietor; an active managing partner; or an active corporate or association officer of an applicant must be individually qualified through training and experience to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules and regulations of the Commission.

Therefore, pursuant to the authority of section 43 and 44 of the Shipping Act, 1916 (46 U.S.C. 841(a), 841(b)); and section 4 of the Administrative Procedure Act (5 U.S.C. 553); notice is hereby given that the Federal Maritime Commission is considering amending Part 510 of Title 46 CFR by adding to § 510.5 (a) the following:

§ 510.5 Requirements for licensing.

(a) • • •

In determining whether an applicant has the qualifications to be considered fit, willing, and able properly to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules and regulations of the Commission, the applicant's training and experience will be considered on the following basis:

1. In the case of the applicant who is an individual proprietorship, the individual applicant must himself qualify.

2. In the case of an applicant who is a partnership, at least one of the active managing partners must qualify.

3. In the case of an applicant which is a corporation or association, at least one of the active corporate or association officers must qualify.

Any license issued to an individual owning a sole proprietorship runs to the individual and not to the sole proprietorship itself. If the licensee transfers ownership of the sole proprietorship, or in any manner withdraws from the sole proprietorship, the sole proprietorship may not act as an ocean freight forwarder until the new owner receives a license in his own name. This may be accomplished by transfer of an existing license, which requires approval by the Commission pursuant to § 510.8(d) of these rules or by applying for a license as a new applicant.

When a partnership or corporation or association applicant has been licensed based upon the qualifications of one or more partners or officers as set forth above, and the qualifying person should at any time thereafter leave such position, then such change shall be reported to the Commission within 30 days as required by paragraph (c) of this section. Within the same 30 day period the licensee shall furnish the Commission with the name and detailed ocean freight forwarder training and experience of the active managing partner(s) or officer(s) who will continue with the licensee.

A license which has been granted pursuant to qualifications of individuals as required herein may be suspended or revoked, after notice and hearing, for failure to comply with this rule, or failure to have an active managing partner or officer who is qualified through training and experience to carry on the business of forwarding and conform to the provisions of the Shipping Act, 1916, and the requirements, rules and regulations of the Commission.

Interested persons may participate in this rule making proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 25, 1972, an original and 15 copies of their views or arguments pertaining to the proposed rules. All suggestions for changes in text should be accompanied by drafts of the language thought necessary to accomplish the desired change and by statements and arguments in support thereof.

The Bureau of Hearing Counsel, Federal Maritime Commission, shall file Reply to Comments on or before February 4, 1972, by serving an original and 15 copies on the Federal Maritime Commission and one copy to each party who filed comments. Answers to Hearing Counsel's replies shall be submitted to the Federal Maritime Commission on or before February 11, 1972.

By order of the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-647 Filed 1-14-72;8:48 am]

JAN 15 1972

Notices

DEPARTMENT OF STATE

Agency for International Development

OPERATION CROSSROADS AFRICA, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Reg. 3) 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Operation Crossroads Africa, Inc., 150 Fifth Avenue, New York, NY 10011.

HARRIETT S. CROWLEY,
Director, Office for Private Overseas Programs.

JANUARY 10, 1972.

[FR Doc.72-616 Filed 1-14-72;8:47 am]

Office of the Secretary

[Delegation of Authority 122-1; Public Notice 349]

INTERNATIONAL FISHERIES COMMISSIONS

Delegation of Authority to Special Assistant to Secretary for Fisheries and Wildlife and Coordinator of Ocean Affairs

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111, 22 U.S.C. 2658), as amended, I hereby delegate to the Special Assistant to the Secretary for Fisheries and Wildlife and Coordinator of Ocean Affairs the following function:

The designation of Alternate U.S. Commissioners to the International Commission for the Northwest Atlantic Fisheries as vested in me by section 3 a) of the Northwest Atlantic Fisheries Act of 1950 as amended on August 11, 1971, 16 U.S.C. 982(a).

This delegation amends Delegation of Authority No. 122 of March 3, 1971 (38 F.R. 4897, March 13, 1971).

[SEAL] WILLIAM P. ROGERS,
Secretary of State.

JANUARY 4, 1972.

[FR Doc.72-617 Filed 1-14-72;8:47 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 72-22]

CERTAIN FOREIGN CURRENCIES

Rates of Exchange

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the French franc, Japanese yen and Republic of South Africa rand.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which vary by 5 per centum or more from the quarterly rate published in Treasury Decision 71-259 for the dates and countries indicated. Therefore, as to entries covering merchandise exported on the dates and from the countries listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

French franc:		
December 27, 1971		$0.191300
December 28, 1971		.191300
December 29, 1971		.191300
December 30, 1971		.191418
December 31, 1971		.191716
Japanese yen:		
December 27, 1971		$0.00317500
December 28, 1971		.00317450
December 29, 1971		.00317250
December 30, 1971		.00317450
December 31, 1971		.00317450
Republic of South Africa rand:		
December 24, 1971		$1.301666
December 27, 1971		1.306250
December 28, 1971		1.301250
December 29, 1971		1.301250
December 30, 1971		1.303750
December 31, 1971		1.303750

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.72-639 Filed 1-14-72;8:48 am]

Internal Revenue Service

[Order No. 12 (Rev. 4)]

SUPERVISORY OFFICIALS

Delegation of Authority To Designate Acting Supervisory Officials

Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 177-19, Revision No. 1; Administrative Circular No. 46 and Supplement 1 thereto; and Chapter 250, Treasury Personnel Manual; there is hereby delegated the authority to designate Acting supervisory officials in the Internal Revenue Service, unless or until a higher authority having direct line supervision designates another employee to serve as Acting, as follows:

1. All Internal Revenue Service employees in supervisory position other than positions specifically provided for in sections 2 through 9 of this order are authorized to designate an employee to serve as Acting during their absence and, in case a supervisory position under their supervision and control becomes vacant, to designate an employee to serve as Acting.

2. The Commissioner will designate an Acting Deputy Commissioner when necessary.

3. In an office of Assistant Commissioner having a Deputy Assistant Commissioner or an officer designated to serve as Executive Assistant to the Assistant Commissioner, such Deputy Assistant Commissioner or Executive Assistant to the Assistant Commissioner will automatically become Acting Assistant Commissioner in case of the absence of the Assistant Commissioner or a vacancy in the office. The Assistant Commissioner shall designate an employee who shall serve as Acting Assistant Commissioner in the absence of both the Assistant Commissioner and Deputy Assistant Commissioner or Executive Assistant to the Assistant Commissioner. If the position of Deputy Assistant Commissioner or Executive Assistant to the Assistant Commissioner becomes vacant, the Assistant Commissioner shall designate an employee who shall serve as Acting Deputy Assistant Commissioner or Acting Executive Assistant to the Assistant Commissioner. In an Office of Assistant Commissioner where there is no Deputy Assistant Commissioner or an officer designated to serve as Executive Assistant to the Assistant Commissioner, the Assistant Commissioner shall designate an employee who shall serve as Acting Assistant Commissioner in the absence of the Assistant Commissioner and the Commissioner shall designate an employee who shall serve as Acting Assistant Commissioner in case the position of Assistant Commissioner becomes vacant.

4. Each Regional Commissioner shall designate an Assistant Regional Commissioner who shall serve as Acting Regional Commissioner during any absence of the Regional Commissioner. If the position of Regional Commissioner becomes vacant, the Commissioner shall designate an employee to serve as Acting Regional Commissioner.

5. Each Assistant Regional Commissioner shall designate an employee who shall serve as Acting Assistant Regional Commissioner during any absence of the Assistant Regional Commissioner. If the position of Assistant Regional Commissioner becomes vacant, the Regional Commissioner shall designate an employee to serve as Acting Assistant Regional Commissioner.

6. In a District Office having an Assistant District Director of Internal Revenue, such Assistant will automatically become Acting District Director in case of the absence of the District Director or a vacancy in the office. The District Director shall designate an employee who shall serve as Acting District Director in the absence of both the District Director and the Assistant District Director. If the position of Assistant District Director becomes vacant, the District Director shall designate an employee who shall serve as Acting Assistant District Director. In a District Office where there is no Assistant District Director, the District Director shall designate an employee who shall serve as Acting District Director in the absence of the District Director and the Regional Commissioner shall designate an employee who shall serve as Acting District Director in case the position of District Director becomes vacant.

7. In case of the absence of a Director, Internal Revenue Service Center, or a vacancy in office, the Assistant Director of the Service Center will automatically become Acting Director. The Service Center Director shall designate an employee who shall serve as Acting Service Center Director in the absence of both the Service Center Director and the Assistant Service Center Director. If the position of Assistant Service Center Director becomes vacant, the Service Center Director shall designate an employee who shall serve as Acting Assistant Service Center Director.

8. In case of the absence of the Director, Internal Revenue Service Data Center, or the Director, National Computer Center, or a vacancy in the office, the Assistant Director of the Center will automatically become Acting Director. The Data Center Director and the National Computer Center Director shall designate an employee who shall serve as Acting Director in the absence of both the Director and the Assistant Director. If the position of Assistant Director becomes vacant, the Director shall designate an employee who shall serve as Acting Assistant Director.

9. The following designations as Acting shall be made a matter of record: Regional Commissioner; Assistant Regional Commissioner; District Director of Internal Revenue; Director, Internal Revenue Service Center; Director, Internal Revenue Service Data Center; and Director, National Computer Center.

10. The authority delegated herein may not be redelegated.

11. This order supersedes Delegation Order No. 12 (Rev. 3), issued September 27, 1965.

Issued: January 13, 1972.

Effective: January 13, 1972.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.72-640 Filed 1-14-72;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[DES 72-1]

CHINA MEADOWS DAM AND RESERVOIR, LYMAN PROJECT, WYO.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the authorized China Meadows Dam and Reservoir, Lyman Project, Wyo. Work involves construction of an earthfill dam and dike on the east fork of Smiths Fork, 25 miles south of Mountain View, Wyo., for the purpose of providing regulatory storage for irrigation purposes, maintenance of fish and wildlife resources, and water-oriented recreation.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Regional Office, Region 4, Bureau of Reclamation, Room 7223, Federal Building, 125 South State Street, Salt Lake City, UT 84111, Telephone (801) 524-5417.

Lyman Project Office, Bureau of Reclamation, Benedict Building, Mountain View, Wyo. 82939, Telephone (307) 782-6151.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or Regional Director. In addition copies are available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the statement number above.

Dated: January 6, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-612 Filed 1-14-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Mississippi natural disasters have caused a general need for agricultural credit:

COUNTIES	
Bolivar.	Leflore.
Humphreys.	Sunflower.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 11th day of January 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-642 Filed 1-14-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[OE Docket No. 71-SO-4]

CAROLANDO CORP.

Notice of Petition for and Grant of Review

On November 9, 1971, the Federal Aviation Administration, Southern Region, issued a Determination of Hazard to Air Navigation under Aeronautical Study No. 71-SO-1000-OE. The determination concerns a proposal by Carolando Corp., Jacksonville, Fla., to construct an observation tower near Intercession City, Fla., at latitude 28°20'12" north, longitude 81°32'05" west. The overall height of the structure would be 800 feet above ground level, 890 feet above mean sea level.

On December 7, 1971, the Carolando Corp., petitioned the Administrator for a review of the determination pursuant to § 77.37 of the Federal Aviation Regulations. The petitioner cites the following as grounds for a reversal of the determination:

1. The increase from 1,700 to 1,900 feet in the McCoy Air Force Base Special Procedures could be accomplished without any resultant adverse effect because the minimum terminal cardinal altitude is 2,000 feet.

2. There were no plans on file with the FAA for an instrument approach procedure to serve Runway 34, Lake Buena Vista STOLport at the time the notice of proposed construction was filed, therefore, the procedure was not subject to consideration under FAR, Part 77.

3. The Lake Buena Vista STOLport is a private facility not open to the public and not listed in the Airport Directory of the current Airman's Information Manual, therefore, is not subject to consideration under FAR, Part 77.

4. The increase from 660 to 1,120 feet in the minimum descent altitude (MDA) for NDB RWY 15 approach procedure, Kissimmee Municipal Airport, would not be necessary if a step down fix were established between the observation tower and the airport.

JAN 15 1972

5. The increase in minimum safe altitudes (MSA) applicable to quadrants of the Kissimmee and Herndon Airports may be made without adversely affecting aeronautical operation as the increase in an MSA is not operationally significant.

6. No showing was made as to the number of aircraft which may use Interstate Highway 4 for navigational purposes or the amount of time the weather would be a factor.

7. In the near future, the entire area along Interstate Highway 4 for a considerable distance both east and west will be congested area.

8. No consideration was given to possible adjustments to the construction proposal that would ameliorate the alleged substantial adverse effect the structure would have on the safe and efficient utilization of the navigable airspace by aircraft.

Our examination of the petition and the determination disclosed that neither document provides sufficient facts in support of their respective claims. In the absence of this information, we are unable to ascertain the validity of either claim.

Therefore, a review will be conducted. The review will be on the basis of written material pursuant to FAR, § 77.37 (c) (1). Interested persons may within 30 days of the date of issuance of this notice submit information relevant to the question of whether the proposed construction would have an adverse effect on the safe and efficient use of airspace. Sufficient detail must be provided to establish a clear understanding of the reasons for any claims made. Submissions should be in triplicate and sent to the Chief, Airspace Obstruction and Airports Branch, AT-240, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

Pending final disposition of the petition, the Determination of Hazard to Air Nagivation issued by the Southern Region under Aeronautical Study No. 71-SO-1000-OE is not and will not be final.

Issued in Washington, D.C., on January 6, 1972.

RAYMOND G. BELANGER,
Acting Director, Air Traffic Service.

[FR Doc.72-605 Filed 1-14-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Setting Evidentiary Hearing

At the recess in this proceeding on December 3, 1971, provision was made to reconvene further evidentiary hearings upon specific notice. Since the date of recess, consideration has been given by this Atomic Safety and Licensing Board to motions, briefs, and contentions relative to the necessity of evidence on the electric power needs, as alleged by applicant, to be served by the Vermont Yankee nuclear power facility. The Conservation Society of Vermont, in addition to statements at the hearing, has filed a memorandum urging that evidence be received on this subject in connection with the motion made by applicant for authority to operate the nuclear power facility at 15.9 m.w. t. (1 percent of rated power). The position of the Regulatory Staff of the Commission is that, if there will be no environmental effect of the operations at this presently requested authority of 1 percent of rated power, then the alleged power needs are not relevant. At the hearing on December 3, 1971, the Staff concluded that under some circumstances there might be some significant adverse effects upon the environment in some low power testing operations where there should be a balancing of factors, including power needs, as required by subsection D.2 of revised Appendix D regulations.

The New England Coalition on Nuclear Pollution has filed a brief in support of its contention for cross-examination of applicant's allegations on power needs, in further support of the position of the aforesaid Conservation Society.

The Board is unable to make the determination at this time that there will not be any significant adverse effect upon the environment upon the basis of the present record.

Wherefore, it is ordered, Pursuant to the Atomic Energy Act, as amended, and the rules of practice of the Commission, that a further session of the evidentiary hearing in this proceeding shall convene at 2:30 p.m., on Monday, January 31, 1972, in the Vermont National Guard Armory, 207 Main Street, Brattleboro, VT, to consider the allegations of applicant and the contentions of the parties respecting power needs to be served by Vermont Yankee nuclear power facility and such other matters as are within the issues prescribed by the Commission for determination in this proceeding.

Issued: January 7, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-607 Filed 1-14-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24110; Order 72-1-25]

AIRBORNE FREIGHT CORP.

Order of Investigation and Suspension Regarding Increased General and Specific Commodity Rates

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 11th day of January 1972.

By tariff revisions filed December 10, 1971, and marked to become effective January 12, 1972, Airborne Freight Corp. (Airborne), an air freight forwarder, proposes to increase its general and specific commodity rates as follows: (1) Increase all of its general commodity rates by about 2 percent; (2) add a $3 minimum charge to specific commodity rates that are currently not subject to a minimum charge; (3) increase currently effective specific commodity minimum charges by $1; and (4) increase specific commodity rates for shipments under 100 pounds generally by 20 percent. Specific commodity rates for shipments of 100 pounds and over would not be increased.

No complaints have been filed against Airborne's proposal.

Airborne justifies its proposal by asserting, inter alia, that the proposal would result in an average rate increase of 1.47 percent, which is justified by increased costs and is within the guidelines and consistent with the purpose of the Stabilization Act of 1970.

The Board is not persuaded that Airborne has presented adequate justification that the proposed increases are within the stabilization guidelines or otherwise consistent with the purpose of the Stabilization Act of 1970 as required by Order 71-11-97 of November 24, 1971.[1] First, a good part of the forwarder's justification, a "pro-forma" profit and loss statement, for 1972, is without factual support.

Secondly, the estimates of additional costs appear to be in part inappropriate as justification for the increased rates proposed. Thus, the bulk of the higher facility costs forecast appear to reflect the costs of new or expanded facilities. The higher cartage costs forecast are not proper as support for higher airport-to-airport rates, the majority of the rates proposed. No increases in pickup and delivery rates are proposed. Furthermore, the forwarder has not indicated to what extent the cost increases claimed would be reduced by productivity gains, as required for service organizations by price stabilization regulations.[2]

Upon consideration of the foregoing and all other relevant factors, the Board finds that the increased rates and charges proposed may be unjust, or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudical or otherwise unlawful and the Board will institute an investigation of the rates and charges and suspend them for a period of 90 days.

Accordingly, it is ordered, That:

1. An investigation be instituted to determine whether the rates, charges and provisions described in Appendix A,[3]

[1] By Order 71-12-141, adopted Dec. 30, 1971, the Board suspended on similar grounds a proposal by WTC Air Freight, also an air freight forwarder, to increase rates an average of 2½ percent.

[2] Although no specific guidelines have, as of this date, been issued for "regulated utilities," service organizations may increase their prices "only to reflect allowable costs in effect on November 13, 1971, and cost increases being incurred after November 13, 1971, reduced to reflect productivity gains * * *". FEDERAL REGISTER, vol. 36, No. 242, Dec. 16, 1971, page 23977.

[3] Filed as part of the original document.

and rules, regulations, or practices affecting such rates, charges and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions described in Appendix A are suspended and their use deferred to and including April 10, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated Docket 24110 be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Airborne Freight Corporation, which is hereby made a party to Docket 24110.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-638 Filed 1-14-72;8:48 am]

CIVIL SERVICE COMMISSION

GENERAL SERVICES ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the General Services Administration to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-625 Filed 1-14-72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant Director for Planning, Office of Civil Rights, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-626 Filed 1-14-72;8:46 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director, Office of Oil and Gas, Office of the Secretary, Office of the Assistant Secretary—Mineral Resources.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-628 Filed 1-14-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by non-career executive assignment in the excepted service the position of Director, Office of Policy and Program Analysis, Federal Railroad Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-627 Filed 1-14-72;8:47 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality, January 3–January 7, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

ANIMAL AND PLANT HEALTH SERVICE

Draft, December 28

Imported fire ant cooperative Federal-State control and regulatory program. Aerial application of Mirex to 20 million acres in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. (ELR Order No. 1555, 48 pages) (NTIS Order No. PB-205 344-D)

RURAL ELECTRIFICATION ADMINISTRATION

Draft, December 22

Dixon, Mo., to Kansas State line transmission line, Pulaski, Laclede, Dallas, Polk, Dade, and Jasper Counties, Mo. Loan to Associated Electric Cooperative, Inc., for construction of 160-mile, 345-kv. transmission line from Dixon to 10 miles south of Pittsburg, Kans., including a new substation at Franks. (ELR Order No. 1526, 111 pages) (NTIS Order No. PB-205 330-D)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545, (202) 973-5391.

For regulatory matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973-7531.

Final, December 30

National Accelerator Laboratory, Batavia, Ill. Construction 60 percent complete on high energy physics laboratory centered around a 200-500 billion electron volt energy proton synchrotron on a 6,800-acre site. (ELR Order No. 1549, 44 pages) (NTIS Order No. PB-205 359-F)

Reactor testing during fiscal year 1972 at the Nuclear Rocket Development Station, Nev. (Statement issued jointly by AEC and NASA.) Testing of a new type of reactor, the Nuclear Furnace, which permits individual fuel element testing at one-fortieth of the power of a full scale reactor. Comments made by USDA, DOC, EPA, HEW, DOI, DOT, Arizona Department of Economic Planning and Development, Colorado Department of Health, Idaho State Planning and Community Affairs Agency, Idaho Department of Health, and Office of the Governor of Oregon. (ELR Order No. 1550, 81 pages) (NTIS Order No. PB-200 539-F)

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, (202) 693-6346.

Draft, December 29

Hudson River Channel, N.Y. Maintenance dredging, with spoil disposal in Atlantic Ocean 7 miles off Sandy Hook. (ELR Order No. 1536, 8 pages) (NTIS Order No. PB-205 335-D)

Houston Ship Channel, Tex. Maintenance dredging of channels and basins, with spoil disposal in land and open bay areas used for disposition of dredged materials for many years. (ELR Order No. 1537, 11 pages) (NTIS Order No. PB-205 336-D)

JAN 15 72

Draft, January 3
South Branch, Rahway River, Rahway, N.J. Flood protection by channel improvement and construction of levees, walls, roadway bridge, drainage facilities, and land filling. Levees and filling, occupying about 15 acres, will eliminate tidal mud flats along banks of the river. (ELR Order No. 1538, 5 pages) (NTIS Order No. PB–205 339–D)

Draft, December 30
Levee Unit No. L–246, Missouri River levee system, Chariton County, Mo. Flood control project consisting of a system of levees, interior drainage structures, channel (Palmer Creek) relocation (2–6 miles) and modification (5 miles). Will alter wildlife habitat and stream biota. (ELR Order No. 1539, 26 pages) (NTIS Order No. PB–205 338–D)

Draft, December 29
Newark Bay, Hackensack and Passaic Rivers, N.J. Maintenance dredging for navigation, with dredged material to be disposed of at sea 7 miles east of Sandy Hook. (ELR Order No. 1540, 14 pages) (NTIS Order No. PB–205 337–D)

Final, January 3
Anacostia River and tributaries, Prince Georges County, Md. Flood control by widening, deepening, and realigning 20,410 feet of channels in the Northwest and Northeast Branches and Indian Creek. Comments made by USDA, EPA, HEW, DOI, DOT, four State agencies, Prince Georges and Montgomery Counties, Washington Suburban Sanitary Commission, Metropolitan Washington Council of Governments, National Capital Planning Commission, and Maryland-National Capital Park and Planning Commission. (ELR Order No. 1547, 64 pages) (NTIS Order No. PB–200 797–F)

Great Lakes connecting channels, St. Marys River, Mich. First of three phases of widening six bend areas in the river, the first phase involving dredging and blasting three bends in the Middle Neebish Channel area. Spoils to be deposited off Neebish Island. Comments made by DOC, EPA, FPC, DOI, DOT, two State agencies, six conservation organizations, Lake Carriers Association of Cleveland, and Chippewa County Commissioner. (ELR Order No. 1537, 86 pages) (NTIS Order No. PB–199 855–F)

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration—AD, Washington, D.C. 20405, (202) 343–6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration—AD, (202) 343–4161.

Final, January 3
Disposal of Caven Point Army Reserve Center, Jersey City, Hudson County, N.J., by negotiated sale to Jersey City. Comments made by Army COE, CEQ, EPA, Tri-State Regional Planning Commission and three State agencies. (ELR Order No. 1545, 18 pages) (NTIS Order No. PB–201 255–F)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land use Planning Division, Washington, D.C. 20410 (202) 755–6186.

Draft, December 23
Broomfield Water Transmission Line, Broomfield, Colo. Construction of a pipeline, a 25 m.g.d. pump station and a 2 million gallons storage reservoir to serve areas generally north and west of Denver to be funded in part by HUD. Project WSP CO–08–00–01100. (ELR Order No. 1529 pages) (NTIS Order No. PB–205 349–D).

Final, December 30
HUD Project Selection Criteria for Subsidized Housing. Establishment of criteria for evaluating priority ranking of applications under 4 programs: § 235(1) Interest Supplements on Home Mortgages, § 236 Interest Supplements on Rental and Cooperative Housing Mortgages, Low-Rent Public Housing (including Leased Public Housing), and Rent Supplement. Comments made by USDA, Army COE, AEC, EPA, GSA, HEW, DOI, DOT, Appalachian Regional Commission and National Capital Planning Commission. (ELR Order No. 1548, 35 pages) (NTIS Order No. PB–202 596–F).

DEPARTMENT OF THE INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343–6416.

BUREAU OF RECLAMATION

Draft, December 22
East Greenacres Unit, Prairie Division, Rathdrum Prairie Project, Kootenai County, Idaho. Construction of deep wells and pumps, pipe distribution systems and public recreation areas to supply irrigation, domestic, municipal, and industrial water. (ELR Order No. 1530, 18 pages) (NTIS Order No. PB–205 351–D)

DEPARTMENT OF TRANSPORTATION

Contact: Martin-Convisser,[1] Director, Office of Program Coordination, 400 Seventh Street SW., Washington, DC 20590, (202) 462–4357.

FEDERAL AVIATION ADMINISTRATION

Draft, December 30
Aniak Airport, Aniak, Alaska. Reconstruction of runway safety area; extension of runway and lighting system; and construction of taxiway, apron, and access road. (ELR Order No. 1533, 11 pages) (NTIS Order No. PB–205 332–D)

Tri-State Airport (Walker Long Field), Wayne County, W. Va. Extension of runway, runway grooving, construction of a graded overrun area, relocation of glide slope facility and approach lighting system, and strengthening of pavements. (ELR Order No. 1534, 21 pages) (NTIS Order No. PB–205 333–D)

Final, December 23
Lafayette Airport, Lafayette, La. Construction of runway, associated taxiways, parallel taxiway, and crash, fire, and rescue facility; extension of runway; relocation of communication towers; and installation of homer beacon for runway. Comments made by USDA, Army COE, EPA, HEW, DOI, and DOT. (ELR Order No. 1546, 41 pages) (NTIS Order No. PB–201 577–F)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

FEDERAL HIGHWAY ADMINISTRATION

Draft, December 23
S.R.–29: Auglaize and Shelby Counties, Ohio. Relocation and improvement from U.S.–33 to S.R.–274. Project AUG/SHE–29–4.67/0.00. (ELR Order No. 1527, 20 pages) (NTIS Order No. PB–205 331–D)

Draft, December 17
FA Route 430 (Fox Valley Freeway): Cook, Kane, Du Page, and Will Counties, Ill. Construction from the Elgin O'Hare Freeway southwest of Elgin to the general vicinity of Ill.–53. 4(f) determination required for crossing the Illinois Prairie Path. (ELR Order No. 1528, 186 pages) (NTIS Order No. PB–205 346–D)

Draft, December 28
C.S.A.H.—39: Norman County, Minn. Reconstruction from 6.4 miles east of Borup to TH–32/TH–113 junction at Syre. 4(f) determination required for use of 609.5 acres within a Wildlife Management Area. Project S.P. 54–639–10, S6596(9). (ELR Order No. 1531, 18 pages) (NTIS Order No. PB–205 347–D)

Draft, December 29
U.S.–80: Dallas County, Ala. Improvement to four lanes from near Browns to Ala.–14 intersection (17.6 miles). Involves acquisition of 320 acres of rural land and dislocation of three individuals, 30 families, seven business owners and two tenants, and five farm owners. Project S–335–I. (ELR Order No. 1532, 8 pages) (NTIS Order No. PB–205 348–D)

I–394: Minneapolis, Minn. Freeway construction from 250 feet west of 30th Street North and Hawthorne Avenue NE. to Third Avenue North/Washington Avenue North junction (0.91 mile). Involves acquisition of 82 business and 82 dwelling units. Project 2789–01(T.H. 394), I–394–6. (ELR Order No. 1535, 25 pages) (NTIS Order No. PB–205 334–D)

Draft, January 3
Route AC: Buchanan County, Mo. Construction from Route 6 south to Route YY (1.9 miles). Will displace 24 people. Job 1–S–AC–36. (ELR Order No. 1551, 8 pages) (NTIS Order No. PB–205 350–D)

Draft, December 30
U.S.–50A and S.R.–7: Marietta, Washington County, Ohio. Relocation from near southerly junction of routes to I–77 interchange east of Marietta (2.3 miles) including a bridge over the Muskingum River. Involves taking of 202 residences and 40 businesses. Project WAS–50A–22.00, WAS–7–21.80. (ELR Order No. 1552, 28 pages) (NTIS Order No. PB–205 340–D)

Draft, January 3
FAS Route 2218: Garden City, Cullman County, Ala. Construction from U.S.–31 to the Mulberry Fork of the Black Warrior River. Project S–457–C. (ELR Order No. 1554, 9 pages) (NTIS Order No. PB–205 343–D)

Draft, January 4
S.R.–189 (Nogales Truck Compound Road. Section of the Nogales Primary Connection): Santa Cruz County, Ariz. Construction from Nogales south to the border (2.8 miles). Project F–032–1–301. (ELR Order No. 1556, 22 pages) (NTIS Order No. PB–205 345–D)

I–69: Clinton County, Mich. Construction from I–96 to U.S.–27 (8.5 miles). Will remove 11–15 homes. Project I69–3(2)83. (ELR Order No. 1558, 36 pages) (NTIS Order No. PB–205 342–D)

Draft, January 3
Project U 127 (27)—SP 56–993–1L: Louisville, Jefferson County, Ky. Improvement from Dutchmans Lane/Taylorsville Road (Ky.–155) intersection, along Dutchmans Lane to Cannons Lane (Ky.–2048), along Cannons Lane to Lexington Road (U.S.–60) (2.07 miles). (ELR Order No. 1559, 44 pages) (NTIS Order No. PB–205 341–D)

Final, December 30
STH–27: (Westby-Melvina Road) Monroe County, Wis. Relocation from STH–33 intersection west of Cashton to 1.5 miles north of Cashton. Project ID–5143–2–00. Comments made by USDA, DOI, DOT, and Wisconsin Department of Natural Resources. (ELR Order No. 1516, 15 pages) (NTIS Order No. PB–199 255–F)

U.S.–18 and U.S.–151: Iowa and Dane Counties, Wis. Relocation between Dodgeville and Mount Horeb (21 miles). Project I.D. 1203–0–00, I.D. 1668–1–00, F 017–1( ), F 017–2( ), F 012–1( ). Comments made by USDA, EPA, HUD, DOI, DOT, Wisconsin Department of Natural Resources, and Dane County Regional Planning Commission. (ELR Order No. 1517, 15 pages) (NTIS Order No. PB–200 938–F)

M–81: Saginaw, Mich. Replacement of bridge over Saginaw River. Project U–17–1( ). Comments made by USDA, Army COE, HUD, DOI, DOT, Saginaw County Planning Office, and City of Saginaw. (ELR Order No. 1518, 29 pages) (NTIS Order No. PB–205 354–F)

Route 63: Phelps County, Mo. Relocation and widening from Maries County line north of Rolla south 5.6 miles. Job 8–P–63–1. Comments made by USDA, EPA, DOI, DOT, State Clearinghouse and Meramec Regional Planning Commission. (ELR Order No. 1519, 17 pages) (NTIS Order No. PB–200 936–F).

U.S.–43: Fayette County, Ala. Relocation and upgrading from Bobo to Whites Chapel Church, including a concrete bridge over Sipsey River (7 miles). Project S–2904(101). Comments made by USDA, DOC, DOD, EPA, HUD, DOI, DOT, Alabama Development Office and Coosa Valley Planning Agency. (ELR Order No. 1520, 42 pages) (NTIS Order No. PB–205 355–F).

I–40 (Topock-Kinsman Highway) McConnico Section: Mohave County, Ariz. Construction from Shingle Canyon Wash northeast to near Kingman city limits (6.39 miles). Project I–IG–40–1 (27). Comments made by DOI, Arizona Health Department and Santa Fe R.R. (ELR Order No. 1521, 19 pages) (NTIS Order No. PB–202 912–F).

I–10, FAS–274 (Willcox-Fort Grant Highway): Cochise County, Ariz. Construction from Willcox just north of I–10 along Fort Grant Road (9 miles). Projects S–272 (2) and (5). Comments made by DOI, Arizona Game and Fish Department and city of Willcox (ELR Order No. 1522, 22 pages) (NTIS Order No. PB–202 641–F).

Route 71: Andrew County, Mo. Construction from Route 59 at Savannah south to I–29 and I–229 (5.6 miles). Job 1–P–71–29, Project F–FG–71–7(1). Comments made by USDA, EPA, HUD, DOI, DOT, State Clearinghouse and Northwest Missouri Regional Planning Commission. (ELR Order No. 1523, 18 pages) (NTIS Order No. PB–199 866–F).

U.S.–277 and U.S.–240 spur: Eagle Pass, Maverick County, Tex. Relocation of U.S.–277 from Second Street to west of Municipal Airport and of U.S.–240 from International Bridge to a connection with proposed U.S.–277. Comments made by EPA, HEW and OEO. (ELR Order No. 1524, 51 pages) (NTIS Order No. PB–205 352–F).

U.S.–441: U.S.–319, SR–31: Laurens County, Ga. Construction from 850' northeast of I–16/SR–31 intersection northeast for 2.3 miles. Project F–042–1(3). Comments made by USDA, EPA, and Bureau of State Planning and Community Affairs. (ELR Order No. 1525, 25 pages) (NTIS Order No. PB–205 353–F).

I–80 and Dix Spur: Kimball and Cheyenne Counties, Nebr. Involves three projects, the first two on I–80 from southeast of Kimball to Potter (14.5 miles); the third between old U.S.–30 in Dix and I–80 (1 mile). Requires 400 acres of right of way. Project I–80–1(8), I–80–1(9), and S–590–B. Comments made by USDA, Army COE, EPA, and DOI. (ELR Order No. 1541, 33 pages) (NTIS Order No. PB–201 856–F)

U.S.–50: Vinton County, Ohio. Relocation of 4.16 miles, construction of five new bridges and relocation of 2,000' of Middle Fork Creek. Project VIN–50–4.65. Comments made by Army COE, DOI, and Ohio Planning and Development. (ELR Order No. 1542, 21 pages) (NTIS Order No. PB–205 358–F)

Lula Lake Road: Walker County, Ga. Construction to connect SR–170 and SR–157 (5.3 miles). Project S–1350(1). Comments made by USDA, Army COE, HUD, DOI, and State Clearinghouse. (ELR Order No. 1543, 20 pages) (NTIS Order No. PB–205 357–F)

Final, December 27
Pearl Harbor Interchange to Middle Street: Oahu, Hawaii. Construction of 2.65 miles of freeway to supplant existing Kamehameha and Nimitz Highways. Attached 4(f) statement regards use of 0.11 acre from the Pacific War Memorial. Project I–HI–1(10). Comments made by USDA, AEC, DOC, DOD, EPA, FPC, HEW, HUD, DOI, DOT, five State agencies, University of Hawaii, Chamber of Commerce of Hawaii, city and county of Hawaii, and the Outdoor Circle. (ELR Order No. 1544, 150 pages) (NTIS Order No. PB–205 356–F)

FHWA 4(f) statements, December 27
The following are not 102 statements. They are explanations of the Secretary of Transportation's approval of projects to be implemented under section 4(f) of the Department of Transportation Act. 49 U.S.C. 1653(f).

Project APD–032–3(11), Hamblen County, Tenn., requiring use of fringe areas of Cherokee Park. (Order through ELR by title, date, and Department—5 pages)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.72–623 Filed 1–14–72; 8:46 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. 114]

8.8 CORP. AND OAK CLIFF SAVINGS AND LOAN ASSOCIATION

NOTICE OF RECEIPT OF APPLICATION FOR PERMISSION TO ACQUIRE CONTROL OF SHERMAN SAVINGS AND LOAN ASSOCIATION

JANUARY 12, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the 8.8 Corp., Dallas, Tex., a multiple savings and loan holding company which is controlled by the Oak Cliff Savings and Loan Association, Dallas, Tex., for approval of acquisition of control of the Sherman Savings and Loan Association, Sherman, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase by cash of the shares of Sherman Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72–624 Filed 1–14–72; 8:47 am]

FEDERAL MARITIME COMMISSION

ARMEMENT DEPPE, S.A., COMPAGNIE GENERALE TRANSATLANTIQUE, S.A., OZEAN/STINNES-LINES JOINT SERVICE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edwin Longcope, Esq., Hill, Betts and Nash, 26 Broadway, New York, NY 10004.

JAN 15 72

Agreement No. 9891–1 provides for the admission of Ozean/Stinnes-Lines Joint Service to membership in the basic agreement, fixes the approximate degree of participation by Ozean/Stinnes-Lines and provides for conformity with any rules and regulations which may be issued by the German Federal Republic.

Dated: January 12, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–650 Filed 1–14–72;8:49 am]

CITY OF KODIAK AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Michael J. Shalley, General Manager, Sea-Land Service, Inc., Corbin and Fleet Streets, Post Office Box 1050, Elizabeth, NJ 07207

Agreement No. T–2582, between the City of Kodiak (City) and Sea-Land Service, Inc. (Sea-Land), provides for the construction by the City of a containership terminal and preferential use by Sea-Land for a term of 20 years, with renewal options. The agreement extends preferential wharf, berth, and crane use rights to Sea-Land for up to 100 vessel calls per agreement year; nonpreferential use of berth, wharf, and crane should there be over 100 vessel calls per year; and preferential use of storage, marshalling areas, and access ways.

As compensation, the City is to receive a use charge, as calculated in the agreement, and wharfage and handling charges assessed pursuant to the City's Tariff No. 6. Wharfage and handling charges from Sea-Land and any other user of the facility will be credited or used to offset total monthly use charges assessed Sea-Land.

The City agrees that no wharfage and handling charges will be assessed against Sea-Land during the term of the agreement or any extension thereof which are in excess of the tariff rates in effect at the date of the agreement.

Dated: January 12, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–651 Filed 1–14–72;8:49 am]

[Docket No. 72–2]

SEA-LAND SERVICE, INC., AND AZTA SHIPPING CO.

Order To Show Cause

Agreement No. 9504, as amended, is a transshipment agreement between Sea-Land Service, Inc., and Azta Shipping Co. It covers the transportation of controlled temperature cargo and general cargo on through bills of lading from East Coast and West Coast ports of Central America served by Azta, on the one hand to U.S. East Coast ports and ports of call in Puerto Rico served by Sea-Land, on the other hand, with transshipment at Balboa, C.Z. Pending Agreement No. 9504–3 amends: (1) Clause 1 of the basic agreement to delete the East Coast of Central America, (2) Clause 2 to provide in part that the parties shall charge and collect the rates of the Atlantic & Gulf/West Coast of Central America and Mexico Conference (Agreement No. 8300), and Clause 3 to increase Sea-Land's share of the through rates on Frozen Meat and Frozen Shrimp to Puerto Rico, and U.S. East Coast ports.

The transshipment agreement has included East Coast ports of the United States since its initial approval on December 29, 1965. Azta joined the Atlantic & Gulf/West Coast of Central America and Mexico Conference on May 31, 1966. Sea-Land is not a conference member. The Conference Freight Tariff FMC No. 2 contains no transshipment rules or rates. Clause 1 of Agreement No. 9504–3 should be modified to remove any reference to U.S. East Coast ports. Transshipment rates of the parties to Puerto Rico are found in Azta's Tariff FMC No. 22.

Repeated attempts have been made unsuccessfully to get the parties to modify Agreement No. 9504–3 to reflect the activities of the parties pursuant to sections 15 and 18(b) of the Shipping Act, 1916. The following modifications of Agreement No. 9504–3 would bring the agreement and the parties' activities into conformity with the Commission's requirements:

(1) Modify Clause 1 of said agreement to read:

This agreement covers transportation of controlled temperature and general cargo on through bills of lading from West Coast ports to Central America served by Azta, on the one hand, to ports of call in Puerto Rico served by Sea-Land, on the other hand, with transshipment at the port of Balboa, C.Z.

(2) Modify Clause 2 of said agreement by removing any reference to the Atlantic & Gulf/West Coast of Central America and Mexico Conference Agreement, reinstating the original language:

The parties to this agreement shall establish joint through rates, rules, and regulations and file a joint tariff containing such rates, rules and regulations with the Federal Maritime Commission in accordance with the provisions of section 18(b) of the Shipping Act, 1916, as amended.

(3) Modify Clause 3 to delete the references to rate divisions to U.S. East Coast ports.

The issues raised herein do not involve any disputed issues of fact which necessitate an evidentiary hearing.

Now therefore, it is ordered, Pursuant to sections 15 and 22 of the Shipping Act, 1916, that Sea-Land Service, Inc., and Azta Shipping Co. listed below, be named respondents in this proceeding and show cause why Agreement No. 9504, as amended, and pending Agreement No. 9504–3 should not be disapproved or modified pursuant to section 15 of the Shipping Act, 1916, for purporting to serve the trade from West Coast ports of Central America to East Coast ports of the United States, with transshipment at Balboa, C.Z., for which no transshipment rates or rules are on file with the Commission.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before February 2, 1972. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business February 2, 1972. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business February 11, 1972. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business January 21, 1972.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J. 07207.
Azta Shipping Co., c/o Caribbean Trading & Marine Co., Agents, 811 Chamber of Commerce Building, 141 Northeast Third Avenue, Miami, FL 33132.

[FR Doc.72–648 Filed 1–14–72;8:48 am]

[Docket No. 72–3]

SEA-LAND SERVICE, INC., AND AZTA SHIPPING CO.

Order To Show Cause

Agreement No. 9505 is a transshipment agreement between Sea-Land Service, Inc., and Azta Shipping Co. It covers the transportation of general cargo on through bills of lading from loading ports on the East and West Coast of Central America served by Azta, to ports of call of Sea-Land in California, with transshipment at Balboa, C.Z. Pending Agreement No. 9505–1 amends: (1) Paragraph 1 of the basic agreement to include controlled temperature cargo and extend the application of the basic agreement to apply between the above ports, and (2) paragraph 5 to clarify that specified port charges, in addition to the through rates, will accrue to Sea-Land at ports in California.

In processing the pending agreement it came to the attention of the Commission that the basic agreement, approved by the Commission on December 29, 1965, provided in Article 2 that the parties would file a joint tariff containing rates, rules and regulations covering the trade. No such joint tariff was located. By letter of July 25, 1969, this matter was brought to Sea-Land's attention and in their response of August 13, 1969, they advised that rates on traffic moving under the agreement were published in Latin America/Pacific Coast Steamship Conference (inbound) Tariffs No. 60, FMC No. 3, and (outbound) No. 10, FMC No. 4 (now designated No. 80, FMC No. 8). Sea-Land is a participant in these tariffs.

The conference amended its inbound Tariff No. 60, FMC No. 3, by filing a transshipment rule effective January 18, 1971, acceptable to the Commission. However, the Conference's outward Tariff No. 80, FMC No. 8, does not contain a transshipment rule acceptable to the Commission.

Repeated attempts have been made unsuccessfully to get the parties to modify Agreement No. 9505–1 to reflect the activities of the parties pursuant to sections 15 and 18(b) of the Shipping Act, 1916. The following modifications of Agreement No. 9505–1 would bring the agreement and the parties' activities into conformity with the Commission's requirements:

(1) Modify paragraph 1 of said agreement to read:

1. This agreement covers and is restricted to the transportation of general cargo and controlled temperature cargo on Sea-Land Service, Inc., through bills of lading from ports of call of Azta Shipping Co. on the West Coast of Central America to ports of call of Sea-Land Service, Inc., on the U.S. Pacific Coast, with transshipment at the port of Balboa, C.Z.

(2) Modify paragraph 2 of said agreement to read:

2. The parties to this agreement shall charge and collect the applicable rates as provided in Latin America/Pacific Coast Steamship Conference Tariff No. 60, FMC No. 3, or successive reissues thereof, in effect at time of shipment.

(3) Modify paragraph 3 of said agreement to read:

2. The through rates shall be apportioned on the basis of 50 percent of Azta and 50 percent of Sea-Land.

(As British Honduras is on the East Coast of Central America and Azta serves only the West Coast the above modification is appropriate.)

The issues raised herein do not involve any disputed issues of fact which necessitate an evidentiary hearing.

Now therefore, it is ordered, Pursuant to sections 15 and 22 of the Shipping Act, 1916, that Sea-Land Service, Inc., and Azta Shipping Co. listed below, be named respondents in this proceeding and show cause why Agreement No. 9505 and pending Agreement No. 9505–1 should not be disapproved or modified pursuant to section 15 of the Shipping Act, 1916, for purporting to serve the trade between West Coast ports of Central America and California with transshipment at Balboa, C.Z., because the transshipment rates and rules on file with the Commission cover only the trade from the West Coast of Central America to the U.S. Pacific Coast.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before February 2, 1972. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business February 2, 1972. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business February 11, 1972. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules and practice and procedure (46 CFR 502.72) no later than close of business January 21, 1972.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, NJ 07207.
Azta Shipping Co., c/o Caribbean Trading & Marine Co., Agents, 811 Chamber of Commerce Building, 141 Northeast Third Avenue, Miami, FL 33132.

[FR Doc.72–649 Filed 1–14–72;8:48 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI72–163, etc.]

BELCO PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 7, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended

[1] Does not consolidate for hearing or dispose of the several matters herein.

JAN 15 72
XUM

Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI70-768..	Belco Petroleum Corp.....	7	9	Mountain Fuel Supply Co. (Piney (Birch Creek) Sublette and Lincoln Counties, Wyo).	$595	12- 8-71	.....	[3] Accepted	17.085	17.17	R170-768.
R170-767.....	do.....	8	2	Kansas Nebraska Natural Gas Co. (Shawnee Flat Top Field, Converse County, Wyo).	96	12- 8-71	.....	[3] Accepted	16.08	16.16	R170-767.
R170-767.....	do.....	11	16	El Paso Natural Gas Co. (Piney (Green River Basin), Sublette and Lincoln Counties, Wyo).	231	12- 8-71	.....	[3] Accepted	20.6538	20.807	R170-767.
R172-163.....	do.....	13	15	El Paso Natural Gas Co. (Lincoln and Sublette Counties, Wyo).	1,336	12- 8-71	.....	6- 8-72	18.135	[1] 23.477	R170-767.
R170-767.....	do.....	4	5	Mountain Fuel Supply Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo).	298	12- 8-71	.....	[3] Accepted	17.085	17.170	R170-767,
R170-767.....	do.....	5	7	El Paso Natural Gas Co. (Big Piney Field, Sublette, and Lincoln Counties, Wyo).	384	12- 8-71	.....	[3] Accepted	20.6538	20.8075	R170-767.
R170-767.....	do.....	6	13	..... do.....	13,376	12- 8-71	.....	[3] Accepted	20.6538	20.8075	R170-767.
R172-164..	Forest Oil Corp.....	39	6	Transwestern Pipeline Co. (Rojo Caballo Field, Pecos and Reeves Counties, Tex., Permian Basin).	1,365	12-13-71	.....	2-13-72	[4] 16.99	[5] [4] 18.0009	R169-554.
R172-165..	Superior Oil Co.....	122	3	Transwestern Pipeline Co. (Worsham Bayer Field, Reeves County, Tex., Permian Basin).	14,684	12-15-71	.....	2-15-72	[4] 16.2232	[5] [4] 17.1502	R169-619.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Includes adjustment for increase in Bureau of Labor Statistics Index of Wholesale Prices of all commodities.
[2] 18.5-cent base rate plus tax reimbursement less downward B.t.u. adjustment.
[3] Accepted for filing to be effective as of the date of filing subject to the existing rate proceedings.
[4] The pressure base is 14.65 p.s.i.a.

Belco Petroleum Corp.'s proposed increases reflect a double amount of the contractually due reimbursement for taxes applicable to future production as well as back to January 1, 1968, for sales under its FPC Gas Rate Schedules Nos. 4, 5, 6, 7, 8, 11, and 13. After tax reimbursement applicable to past production has been recovered, Belco shall file rate decreases reducing its rates so as to provide for tax reimbursement for future production only. Belco's proposed increases, except for the increase under Belco's FPC Gas Rate Schedule No. 13, are accepted for filing subject to refund in existing suspension proceedings to be effective on the date of filing. Belco's proposed increased rate under its FPC Gas Rate Schedule No. 13 includes a periodic increase and the total rate of 23.477 cents per Mcf exceeds the ceiling rate for a 1 day suspension; therefore the proposed increase is suspended for 5 months.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56). The proposed rates of Superior and Forest do not exceed the applicable ceiling rate for a 1 day suspension.

In view of all the facts and circumstances in these cases, the Commission's action herein of permitting the subject rate increases to become effective, subject to refund, at the expiration of the respective suspension periods ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

[FR Doc.72-571 Filed 1-14-72;8:45 am]

FEDERAL RESERVE SYSTEM

BELLEVILLE BANCSHARES, INC.

Formation of Bank Holding Company

JANUARY 10, 1972.

Belleville Bancshares, Inc., Belleville, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 51 percent of the voting shares of Bank of Belleville, Belleville, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 10, 1972.

Board of Governors of the Federal Reserve System, January 10, 1972.

[SEAL] ELIAZABETH L. CARMICHAEL, *Assistant Secretary.*

[FR Doc. 72-609 Filed 1-14-72;8:46 am]

FIRST NATIONAL CITY CORP.

Acquisition of Bank

First National City Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the State Bank of Honeoye Falls, Honeoye Falls, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 11, 1972.

Board of Governors of the Federal Reserve System, January 11, 1972.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[FR Doc.72-610 Filed 1-14-72;8:46 am]

MIDLANTIC BANKS INC.

Acquisition of Bank

Midlantic Banks Inc., Newark, N.J., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Midlantic National Bank, Parsippany-Troy Hills, N.J., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 10, 1972.

Board of Governors of the Federal Reserve System, January 10, 1972.

[SEAL] ELIZABETH L. CARMICHAEL, *Assistant Secretary.*

[FR Doc.72-611 Filed 1-14-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[License 04/05-0100]

SPACE COAST SBIC, INC.

Notice of Application for a License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1971)) under the name of Space Coast SBIC, Inc., 101 South Courtenay Parkway, Merritt Island, FL 32952, for a license to operate in the State of Florida as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.).

The applicant's capital stock will be owned by seven (7) individuals of which two will own in excess of 10 percent and one bank will own 32½ percent. They are as follows:

John F. Crockett, Jr., 23.750 percent.
Richard H. Stottler, Jr., 12.500 percent.

The officers and directors of the applicant are as follows:

Doyle J. Carlton, 475 Melody Lane, Merritt Island, FL 32592, President and Director.
Morris A. Rowe, 2655 Newfound Harbor Drive, Merritt Island, FL 32592, Vice President.
John F. Crockett, Jr., 15 South Hardee Circle, Rockledge, FL 32955, General Manager and Director.
Leonard Spielvogel, 4275 Hillview Circle, Merritt Island, FL 32592, Secretary, Treasurer, and Director.
R. Stanley Baxley, 1130 Carrigan Boulevard, Merritt Island, FL 32592, Director.
Dan R. Davis, 1300 St. Andrews Drive, Rockledge, FL 32955, Director.
Paul J. Goodwin, 640 Paula Avenue, Merritt Island, FL 32592, Director.
Richard H. Stottler, Jr., 1102 South Brevard Avenue, Cocoa Beach, FL 32931, Director.

The company will have an initial capitalization of $160,000 and will conduct its operations principally in Brevard County as well as other areas within the State of Florida.

Matters involved in SBA's consideration of the application include the general business reputation of the management and probability of successful operation of the company, including adequate profitability and soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than fifteen (15) days after the date of publication of this notice, submit in writing, relevant comments on the proposed company to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice will be published in a newspaper of general circulation in Cocoa, Fla.

Dated: January 5, 1972.

STEPHEN H. BEDWELL, *Acting Associate Administrator for Operations and Investment.*

[FR Doc.72-615 Filed 1-14-72;8:46 am]

WASHINGTON CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.701 of the SBA rules and regulations (13 CFR 107.701 (1968)) for approval of the transfer of control of Washington Capital Corp. (SBIC), 1417 Fourth Avenue, Seattle, WA 98111, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 10/13-0008.

SBIC was licensed on July 20, 1961. Its present paid-in capital and paid-in surplus is $1,251,000. It is a wholly owned subsidiary of Sherwood & Roberts, Inc., same address as the SBIC.

During December 1972 all of the outstanding stock of Sherwood & Roberts, Inc., was sold to Equitable Savings & Loan Association (Equitable) by GAC Corp., 825 South Bayshore Drive, Miami, FL 33131. Equitable is an Oregon corporation having its principal place of business at 1300 Southwest Sixth Avenue, Portland, OR 97201. Its primary businesses are to make loans to finance the purchase or construction of residential or other real property secured by first liens on such property and mortgage banking. No individual owns 10 percent or more of its outstanding stock. The principal officers of Equitable are as follows:

S. Hayward Mills, Chairman of the Board.
William E. Love, President.
Howard L. Hubbard, Executive Vice President.

SBIC is to remain a wholly owned subsidiary of Sherwood & Roberts, Inc., which in turn is a wholly owned subsidiary of Equitable. There is to be no change of management in either SBIC or Sherwood & Roberts, Inc.

In order for SBIC to continue to operate as a licensed small business investment company, SBA must approve the transfer of ownership.

Matters involved in SBA's consideration of the application include the general business reputation and character of Equitable and the probability of successful operation of SBIC under its control and management (including adequate profitability and financial soundness) in accordance with the Act and Regulations.

Notice is hereby given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the transfer of control. Any such communication should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in Seattle, Wash.

Dated: January 6, 1972.

STEPHEN H. BEDWELL, *Acting Associate Administrator for Operations and Investment.*

[FR Doc.72-614 Filed 1-14-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 6]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 11, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, 49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 386 TA), filed January 3, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125

Commercial Street, Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass rods and glass tubing*, from Sumter, S.C., to Broken Bow, Columbus, and Holdrege, Nebr., for 180 days. Supporting shipper: Becton, Dickinson & Co., Rutherford, N.J. 07070. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 42487 (Sub-No. 781 TA), filed January 3, 1971. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of Eastalco Aluminum Co. near Frederick, Md., as an off-route point in connection with carrier's specified regular routes; (1) between Baltimore, Md., and Breezewood, Pa., serving Baltimore and the intermediate points of Frederick and Hagerstown, Md., in connection with operations otherwise authorized, but service is not authorized at other intermediate points, or Breezewood, from Baltimore, over U.S. Highway 40 via Frederick, Md., to junction Alternate U.S. Highway 40 (formerly U.S. Highway 40) west of Frederick, thence over Alternate U.S. Highway 40 to Hagerstown, Md., thence over U.S. Highway 40 to Hancock, Md., thence over U.S. Highway 522 to Warfordsburg, Pa., thence over Pennsylvania Highway 126 to Breezewood (formerly shown as over Pennsylvania Highway 226 to junction Pennsylvania Highway 126), and return over the same route; and (2) between Gettysburg, Pa., and Frederick, Md., serving no intermediate points, from Gettysburg over U.S. Highway 15 to Frederick, and return over the same route, for 180 days. NOTE: Applicant will tack with its other outstanding authorities in Docket MC 42487 at Frederick, Md. Supporting shipper: Eastalco Aluminum Co., Post Office Box 1029, Frederick, MD 21701. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 80011 (Sub-No. 1 TA), filed January 3, 1972. Applicant: DES MOINES TRANSFER & STORAGE CO., 810 Tuttle Street, Des Moines, IA 50309. Applicant's representative: Russell H. Wilson, Suite 200, 3839 Merle Hay Road, Des Moines, IA 50310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and containers*, from Des Moines, Iowa, to points in Polk, Dallas, Madison, Warren, Guthrie, Adair, Union, Clarke, Ringgold, and Decatur Counties, Iowa, with interline at Des Moines, Iowa, for 180 days. Supporting shipper: Offutt Air Force Base, Omaha, Nebr. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 87476 (Sub-No. 10 TA), filed January 5, 1972. Applicant: CARL SCHAEFER, JR., TRUCK LINE, INC., 2600 Willowburn Avenue, Dayton, OH 45427. Applicant's representative: W. L. Jordan, 2609 Fenwood Avenue, Terre Haute, IN 47803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, C, and D of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, also *including dairy products* and like commodities requiring refrigeration and/or temperature control (excluding commodities in bulk) and having a prior out-of-State movement and shipper and consigned to applicant Carl Schaefer, Jr., Truck Line, Inc., with specific delivery instructions by consignor, between points in Marion County (Indianapolis), Ind., on the one hand, and, on the other, points in Indiana on and south of U.S. Highway 24 from Indiana-Illinois State line east of junction 224 at Huntington, Ind., and on and south of U.S. Highway 224 from Huntington, Ind., to Indiana-Ohio State line, and between points in Marion County, Ind., on the one hand, and, on the other, points in named counties in Kentucky as follows: Anderson, Bath, Boone, Bourbon, Boyle, Bracken, Bullitt, Campbell, Carroll, Clark, Fayette, Fleming, Franklin, Gallatin, Garrard, Grant, Green, Hardin, Harrison, Henry, Jassamine, Jefferson, Kenton, Larue, Lewis, Madison, Mason, Meade, Mercer, Montgomery, Nelson, Nicholas, Oldham, Owen, Pendleton, Powell, Robertson, Rowan, Scott, Spencer, Trimble, Washington, and Woodford, for 180 days. Supporting shipper: The Rath Packing Co., Post Office Box 330, Waterloo, IA 50704. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 107299 (Sub-No. 9 TA), filed December 30, 1971. Applicant: ROBERTS CARTAGE COMPANY, 3200 South Archer Avenue, Chicago, IL 60608. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exhibits, exhibit materials, displays, and display materials*, between Chicago, Ill., on the one hand, and, on the other, points in the United States, for 150 days. Supported by: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 107496 (Sub-No. 833 TA), filed January 3, 1971. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplement*, in bulk, in tank vehicles, from Osage City, Kans., to points in Missouri, for 150 days. Supporting shipper: Supersweet Feeds, Post Office Box 349, Higginsville, MO 64037. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 108835 (Sub-No. 21 TA), filed January 3, 1972. Applicant: HYMAN FREIGHTWAYS, INC., 2690 Prior Avenue North, St. Paul, MN 55113. Applicant's representative: Joseph P. Summers, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags, burlap bags, and materials and supplies* used in the manufacture thereof, *plastic film, plastic sheeting, and plastic liners*, serving Sibley, Iowa, as an intermediate point in connection with its authorized regular route operations authorized under (E) on sheets 19 and 20 of applicant's Certificate of Public Convenience and Necessity, MC 108835, for 180 days. NOTE: Applicant states it is presently authorized to operate as a carrier of general commodities, with the usual exceptions, between Sibley, Iowa, and Minneapolis (Twin Cities), Minn., and between Minneapolis and Omaha, Nebr., via the Twin Cities Gateway. The purpose of this application is to eliminate the gateway in respect to the commodities described therein. Supporting shipper: Chase Bag Co., Chicago, Ill. 60606. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401. NOTE: Applicant proposes to tack the authority requested herein with all authority, regular route or irregular route, now held by applicant, including rights held pursuant to orders of the Commission in Docket No. MC-F-10918 (Hyman Freightways, Inc. — Purchase — Payne Freight Lines, Inc.) and Docket No. MC-F-11170 (Hyman Freightways, Inc.—Control—Tri-D Truck Line, Inc.) which authorize operations between Omaha, Nebr., and Kansas City, Mo., among other points.

No. MC 109689 (Sub-No. 230 TA), filed January 3, 1972. Applicant: W. S. HATCH CO., 643 South 800 West Street, Woods Cross, UT, Post Office Box 1825, Salt Lake City, UT 84110. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil*, in bulk, from points in Garfield County, Utah, to points in Coconino County, Ariz., for 180 days. Supporting shipper: Arizona Fuels, Inc., Post Office Box 6134, Salt Lake City, UT (Eugene Dalton, President) (NOTE: Arizona Fuels refinery is located at Fredonia, Ariz.). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111. NOTE: Applicant states it intends to tack with MC 109689 (Sub-No. 52) its interstate petroleum and petroleum products authority between points in Utah.

No. MC 111434 (Sub-No. 81 TA), filed January 3, 1971. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, CO 80216 (Official Address), Post Office Box 1488, Durango, CO 81301. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the terminal site of Texas Industries, Denver, Colo., to points in Nebraska, New Mexico, Utah, and Wyoming, for 180 days. Supporting shipper: Texas Industries, Inc., Post Office Box 400, Arlington, TX 76010. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 112520 (Sub-No. 253 TA), filed January 3, 1972. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic feed ingredients*, in bulk, from the plantsite of Occidental Chemical Co. near White Springs, Fla., to points in Illinois, for 180 days. Supporting shipper: Occidental Chemical Co., Post Office Box 1185, Houston, TX 77001. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 116859 (Sub-No. 10 TA), filed January 3, 1972. Applicant: CLARK TRANSFER, INC., 829 North 29th Street, Philadelphia, PA 19130. Applicant's representative: Matthew Molitch (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New Jersey, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Philadelphia, PA 19102.

No. MC 117119 (Sub-No. 447 TA), filed January 3, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned chicken*, in vehicles equipped with mechanical refrigeration, from Hope, Ark., to points in California, for 180 days. Supporting shipper: Hope Foods Corps., Post Office Box 99, Hope, AR 71801. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 117765 (Sub-No. 140 TA), filed January 3, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials and supplies* (except liquid commodities in bulk), used in installation or distribution of such commodities, from the plantsite of United States Gypsum Co., Marion County, Ind., to points in Alabama, Arkansas, Kentucky, Missouri, and Tennessee, for 180 days. Supporting shipper: D. R. Vandermyde, Traffic Manager, Central Division, United States Gypsum Co., 101 South Wacker Drive, Chicago, IL 60604. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commisson, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK. 73102.

No. MC 117851 (Sub-No. 12 TA), filed January 3, 1972. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, OH 45846. Applicant's representatives: Jack and Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing supplies and materials*, from Plano, Tex., to Moultrie, Ga., for 180 days. Supporting shipper: Eastman Central D, Division of United States Brass Corp., 901 10th Street, Plano, TX 75074. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 124111 (Sub-No. 37 TA), filed January 3, 1972. Applicant: OHIO EASTERN EXPRESS, INC., 302 West Perkins Avenue, Box 2297, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Act when transported in mixed loads with bananas, from Baltimore, Md., and its commercial zone, to points in Connecticut, Pennsylvania, New Jersey, New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, West Virginia, Louisville, Ky., and its commercial zone, and St. Louis, Mo., and its commercial zone, for 180 days. Supporting shipper: Chiquita Brands, Inc., New York, N.Y. 10001. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Summit Street, Toledo, OH 43604.

No. MC 125497 (Sub-No. 17 TA), filed January 3, 1972. Applicant: L. WOODS & SON TRANSPORT, LTD., 5005 Irwin Avenue, La Salle, PQ Canada. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty cargo containers*, between Boston, Mass., and New York, N.Y., commercial zones, on the one hand, and, on the other, ports of entry on the United States-Canada boundary line located in Maine, New Hampshire, Vermont, and New York, for 180 days. Supporting shipper: Interpool, 630 Third Avenue, New York, NY 10017. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 128007 (Sub-No. 40 TA), filed January 3, 1972. Applicant: HOFER, INC., Post Office Box 583, 4032 Parkview Drive, Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement and plaster*, in bags, and *materials and supplies* used in the installation of cement and plaster, from Iola, Kans., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of (1) above from the destination States to Iola, Kans., for 180 days. Supporting shipper: M & D Corp., 1829 South Stewart, Springfield, MO 65804. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, KS 67202.

No. MC 128302 (Sub-No. 8 TA), filed January 3, 1972. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, Route 87, Newbury, OH 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in tank vehicles, from Danbury, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, New York, Rhode Island, Pennsylvania, New Jersey, Delaware,

Maryland, Virginia, West Virginia, District of Columbia, Ohio, Kentucky, Tennessee, North Carolina, and South Carolina, for 180 days. Supporting shipper: Master Builders, Division of Martin Marietta Corp., 2490 Lee, Cleveland, OH 44118. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 134734 (Sub-No. 2 TA), filed January 3, 1972. Applicant: NATIONAL TRANSPORTATION, INC., Post Office Box 31, Norfolk, NE 68201. Applicant's representative: Lanny N. Fauss, Box 37096, Millard, NE 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, from Darr, Nebr., to points in Iowa, Illinois, Indiana, Kansas, Ohio, Missouri, Michigan, Kentucky, South Dakota, Minnesota, and Wisconsin, for 180 days. Supporting shipper: National Foods, Inc., Norfolk, Nebr. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 136112 (Sub-No. 1 TA), filed January 3, 1972. Applicant: JOSEPH W. NOTO AND ANTHONY J. NOTO, doing business as FRANKLIN STREET TRUCKING CO., 41 Worth Street, New York, NY 10013. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods*, between the warehouse site of A. E. Nathan Co., Inc., at Oceanside, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission, for 150 days. Supporting shipper: A. E. Nathan Co., Inc., 41 Worth Street, New York, NY 10013. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 136221 (Sub-No. 1 TA), filed January 3, 1972. Applicant: H. L. STANSELL, INC., 1015 Illinois Avenue, Palm Harbor, FL 33563. Applicant's representative: Robert L. Stansell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Composition floor covering and adhesives*, from Brooklyn, N.Y., and Plainfield, N.J., to points in Charlotte, Citrus, Collier, De Soto, Glades, Hernando, Hendry, Hardee, Highlands, Hillsborough, Lake, Lee, Manatee, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., for 180 days. Supporting shipper: Crest Flooring Distributors, Inc., 5110 Knox Street, Tampa, FL 33614. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 136231 (Sub-No. 1 TA), filed January 3, 1972. Applicant: PROFESSIONAL DRIVERS, INC., 1115 Old Colony Road, Meriden, CT 06450. Applicant's representative: David L. Hill, 1150 17th Street NW., Suite 1000, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulated copper wire, on reels*, requiring special handling, between plantsite of Times Wire and Cable Co., Wallingford, Conn., on the one hand, and, on the other, points within the 48 continental States, for 150 days. Supporting shipper: Times Wire and Cable Co., Wallingford, Conn. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 136235 (Sub-No. 1 TA), filed January 3, 1971. Applicant: EDWARD G. GOBLE, R.F.D. 3, Columbus Junction, Iowa 52738. Applicant's representative: Russell R. Newell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coil and flat stock steel and steel tubing*, from points in Illinois, Indiana, Ohio, Michigan, Missouri, and Iowa, to Columbus Junction, Iowa; and (2) *mufflers, exhaust pipes or pots, and manufactured steel products*, from Columbus Junction, Iowa, to points in Illinois, Indiana, Michigan, Ohio, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Kentucky, and Arkansas, for 180 days. Supporting shipper: Iowa Muffler Co., Inc., Post Office Box 88, Columbus Junction, Iowa 52738. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 136279 (Sub-No. 1 TA), filed January 3, 1972. Applicant: J. H. WARE, Post Office Box 398, Fulton, MO 65251. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat, meat products and packinghouse products*, from the plantsite of Missouri Beef Packers at Holton, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, the District of Columbia, and Missouri, for 180 days. Supporting shipper: Missouri Beef Packers, Inc., Holton, Kans. Send protests to: Vernon V. Coble, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136283 TA, filed January 4, 1972: Applicant: EGON MASCHER, doing business as EGON MASCHER TRUCKING, 5105 Southeast Brookside Drive, Milwaukie, OR 97206. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, from points in Pennsylvania to points in Oregon, for 180 days. Supporting shipper: LaSalle-Deitch Co., Inc., 725 Industrial Parkway, Elkhart, IN 46514. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 136285 TA, filed January 3, 1972. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., Post Office Box 9165, Savannah, GA 31402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in bulk, in bags, restricted to traffic having a subsequent movement by water, and *empty containers* to be used in the transportation thereof, between points in Georgia, and South Carolina, on the one hand, and, on the other, points in Chatham County, Ga., for 180 days. Supporting shippers: Freeport Kaolin, New York, N.Y.; G.I.T.C., Inc., Post Office Box 126, Savannah, GA 31402; J. M. Huber Corp., Edison, N.J.; J. K. Ebberwien Foreign Freight Forwarder, Savannah, Ga.; Strachan Shipping Co., Savannah, Ga.; Mitsui O.S.K. Lines, Ltd., New York, N.Y.; Georgia Ports Authority, 1131 Healey Building, Atlanta, Ga. 30303. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135650 (Sub-No. 1 TA), filed January 3, 1972. Applicant: ROYAL DELITE FOODS, INC., 4817 Governors Printz Boulevard, Edgemoor, DE 19809. Applicant's representative: F. D. Hammond, Post Office Box 530, Dover, DE 19901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in insulated and mechanical refrigerated vehicles, from Newburgh, N.Y., to points in Pennsylvania, New York, Delaware, New Jersey, New Hampshire, West Virginia, Virginia, Rhode Island, Connecticut, Maine, Massachusetts, Vermond, Post Office Box 53, Dover, DE Georgia, Florida, Maryland, and the District of Columbia, for 180 days. Supporting shipper: Avoset Food Corp., 80 Grand Avenue, Oakland, CA 94612. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Philadelphia, PA 19102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc. 72-637 Filed 1-14-72; 8:47 am]

[Notice 3]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 12, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73070. By order of January 7, 1972, the Motor Carrier Board approved the transfer to Maris Van & Storage, a corporation, Monterey, Calif., of the operating rights in certificate No. MC-126704 (Sub-No. 1) issued October 9, 1969, to Paloma E. Mulloy and John M. Mulloy, a partnership, doing business as Maris Van & Storage, Monterey, Calif., authorizing the transportation of used household goods between points in Monterey and Santa Cruz Counties, Calif. W. S. Pilling, 100 Bush Street, San Francisco, CA 94104, attorney for applicants.

No. MC-FC-73234. By order of December 30, 1971, the Motor Carrier Board approved the transfer to Kentucky Moving and Storage Co., Inc., Hopkinsville, Ky., of a portion of the operating rights in certificate No. MC-31617, issued September 14, 1963, to W. G. Thalman, doing business as Jones Truck Line, Hopkinsville, Ky., authorizing the transportation of: Household goods, between specified points in Kentucky, Indiana, and Tennessee. Louis J. Amato, attorney, Post Office Box E, Bowling Green, KY 42101.

No. MC-FC-73363. By order of January 3, 1972, the Motor Carrier Board approved the transfer to Mercury Bus Lines, Inc., Alma, Mich., of the operating rights in certificates No. MC-114931 (Sub-No. 1) and MC-114931 (Sub-No. 3) issued October 22, 1964 and August 11, 1971 respectively to Cecil K. Geiger, doing business as Mercury Bus Lines, Alma, Mich., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers between specified points in Michigan, serving all intermediate points. William E. Goggin, 315 Woodworth Avenue, Alma, MI 48801, attorney for applicants.

No. MC-FC-73365. By order of January 6, 1972, the Motor Carrier Board approved the transfer to R. C. Gay Express, Inc., West Springfield, Mass., of certificate of registration No. MC-121398 (Sub-No. 1), issued January 27, 1964, to Barbara A. Gay, doing business as R. C. Gay Express, Belchertown, Mass., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Irregular Route Common Carrier Certificate No. 4574, dated March 15, 1962, issued by the Massachusetts Department of Public Utilities. Marshall and Marshall, 135 State Street, Suite 200, Springfield, MA 01103, attorneys for applicants.

No. MC-FC-73366. By order of January 7, 1972, the Motor Carrier Board approved the transfer to Sweeney Brothers, Inc., Chicopee, Mass., of certificate of registration No. MC-120023 (Sub-No. 1), issued September 3, 1969, to Richard M. Sweeney and Martin G. Sweeney, a partnership, doing business as Sweeney Bros. Transportation, Chicopee, Mass., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Irregular Route Common Carrier Certificate No. 2886, dated November 21, 1958, transferred and reissued April 29, 1969, by the Massachusetts Department of Public Utilities. Marshall and Marshall, 135 State Street, Suite 200, Springfield, MA 01103, attorneys for applicants.

No. MC-FC-73368. By order of January 7, 1972, the Motor Carrier Board approved the transfer to Walt J. Fahnestock, Sr., and Ruth P. Smalley, a partnership, doing business as Knappa Trailer Towing, Astoria, Oreg., of the operating rights set forth in certificate No. MC-133943, issued June 23, 1970, to Peter A. Eberli, doing business as Knappa Trailer Towing, Astoria, Oreg., authorizing the transportation of: Trailers designed to be drawn by passenger automobiles, in secondary movements, and buildings in sections mounted on wheeled undercarriages, between points in Clatsop and Columbia Counties, Oreg., on the one hand, and, on the other, points in Pacific, Wahkiakum, and Cowlitz Counties, Wash. Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-636 Filed 1-14-72;8:47 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR	Page
PROCLAMATIONS:	
2799 (see Proc. 4101)	659
2937 (see Proc. 4101)	659
2938 (see Proc. 4101)	659
2942 (see Proc. 4101)	659
2972 (see Proc. 4101)	659
3314 (see Proc. 4101)	659
4100	199
4101	659
EXECUTIVE ORDERS:	
11627 (see EO 11639)	521
11639	521
5 CFR	
213	201, 257, 258, 661
890	7
6 CFR	
201	284
300	284, 426, 587, 652
7 CFR	
52	131, 587
354	587
510	69
722	7, 272
730	8
811	661
812	9
814	9
846	133
857	588
905	523
907	10, 134, 523, 663
910	70, 272, 663
912	273, 664
914	664
917	273
930	273
932	323
982	588
1007	323
1610	275
PROPOSED RULES:	
51	616
301	217, 218
730	19
953	286
966	81
PROPOSED RULES—Continued	
980	81
981	617
1001	447
1002	447
1004	20, 447
1006	447
1007	447
1011	447
1012	447
1013	447
1015	447
1030	447
1032	447
1033	447
1036	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447
1062	447

JAN 15 72 XUM

7 CFR—Continued

PROPOSED RULES—Continued

	Page
1063	447
1064	447
1065	447
1068	447
1069	447
1070	447
1071	447
1073	447
1075	447
1076	447
1078	447
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447
1106	447
1108	447
1120	447
1121	447
1124	447
1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447
1207	81
1430	20

8 CFR

	Page
214	328

9 CFR

	Page
53	134
76	329, 435, 665
82	135, 589
203	276
311	435
316	435
317	435
400	135, 435

PROPOSED RULES:

	Page
327	85

10 CFR

PROPOSED RULES:

	Page
50	287, 288
110	92

12 CFR

	Page
201	11
545	523
561	524
563	524
700	329
702	70

PROPOSED RULES:

	Page
545	543
701	339
715	95

13 CFR

	Page
121	258

14 CFR

	Page
13	436
39	11, 12, 70, 437, 655, 666
71	13, 71, 135, 136, 276, 323, 437
73	437, 438, 590
75	13, 71, 667
97	71, 525, 668
225	72
302	277

PROPOSED RULES:

	Page
43	222
71	21, 91, 144, 146, 286, 287, 620, 621
73	478
91	222
135	222
207	222
208	222
212	222
214	222
372a	222
373	478
378	478
378a	478

16 CFR

PROPOSED RULES:

	Page
435	622

17 CFR

	Page
230	590, 591, 599
231	600
239	590, 591, 599
240	73
241	600
249	600, 601

PROPOSED RULES:

	Page
270	289
274	99, 289

18 CFR

	Page
201	601
204	601
205	601

PROPOSED RULES:

	Page
141	22
201	337
204	337
205	337
260	337

19 CFR

PROPOSED RULES:

	Page
Ch. I	19

20 CFR

PROPOSED RULES:

	Page
405	89

21 CFR

	Page
121	14, 74, 329
130	201
135	137
135c	14, 137
135e	74
135f	14
141a	438
146a	438
146c	440
148e	330
148m	15
301	137

21 CFR—Continued

PROPOSED RULES:

	Page
3	219
19	468
27	20, 470
130	85
145	336
304	144

22 CFR

	Page
11	277
41	15

24 CFR

	Page
200	75, 203, 209
201	210
203	138
207	138
220	138
222	76
275	211
1914	280, 608
1915	281, 609

PROPOSED RULES:

	Page
203	144

25 CFR

	Page
232	526

PROPOSED RULES:

	Page
16	536

26 CFR

	Page
1	527
12	16, 281

PROPOSED RULES:

	Page
1	19, 99, 286, 336, 544

28 CFR

	Page
301	138

29 CFR

	Page
1910	332

PROPOSED RULES:

	Page
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620
688	620
689	620
690	620
720	620
727	620
1910	466

30 CFR

	Page
75	17
225	441
225a	441

32 CFR

	Page
270	77
1499	668

PROPOSED RULES:

	Page
1467	99
Ch. XVI	486
1604	479
1606	479, 484
1609	484
1611	479

32 CFR—Continued

PROPOSED RULES—Continued

	Page
1613	484
1621	479
1622	479
1623	479
1624	479
1625	479
1626	479
1627	479
1630	479
1631	479
1632	479
1641	479
1643	479
1660	485

32A CFR

	Page
Ch. X:	
OI Reg. 1	601

33 CFR

	Page
204	527
207	668

35 CFR

	Page
5	77
253	281

36 CFR

	Page
231	211

38 CFR

	Page
8a	282

39 CFR

	Page
235	77
760	211, 443
761	211, 443

40 CFR

	Page
85	669
180	78, 140, 141, 332–334, 443

PROPOSED RULES:

	Page
2	621
115	478
180	92–94, 337

41 CFR

	Page
1–3	610
1–16	610
5A–1	527
5A–3	141
5A–7	141
5A–8	142
5A–16	528
5A–76	528
5B–1	334
8–1	613
101–17	78
101–26	668
101–43	614
101–44	614
103–40	17

PROPOSED RULES:

	Page
51–1	336

42 CFR

	Page
53	182

43 CFR

	Page
4110	213

PUBLIC LAND ORDERS:

	Page
1932 (amended by PLO 5147)	18
4582 (modified by PLO 5149)	18
4962 (see PLO 5149)	18
5081 (see PLO 5149)	18
5147	18
5148	18
5149	18
5150	142
Amended by PLO 5151	142, 528
5151	142, 528

PROPOSED RULES:

	Page
2800	217
2810	217

45 CFR

	Page
177	335
249	443
1060	444

PROPOSED RULES:

	Page
130	470

46 CFR

	Page
157	528
310	335
390	16

PROPOSED RULES:

	Page
72	676
92	676
146	220
190	676
510	678

47 CFR

	Page
2	504
31	505
33	505
73	529, 605
89	213
91	283

PROPOSED RULES:

	Page
0	145
1	537
2	145, 146, 537
15	94, 146
21	146
73	539–542, 621
87	537
89	146, 676
91	146, 676
93	676

49 CFR

	Page
7	214
99	532
Ch. I	535
178	444
301	214
571	284, 445
1002	215
1300	335

PROPOSED RULES:

	Page
192	145
571	222

50 CFR

	Page
28	79, 445, 535
33	79, 80

PROPOSED RULES:

	Page
28	447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date
1–62	Jan. 4
63–123	5
125–193	6
195–249	7
251–315	8
317–427	Jan. 11
429–513	12
515–582	13
583–654	14
655–717	15

JAN 15 72 XUM

federal register

SATURDAY, JANUARY 15, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 10

PART II

DEPARTMENT OF TRANSPORTATION

■

Federal Aviation Administration

■

Advisory Circular Checklist and Status of Federal Aviation Regulations

V 37 10 JA N 15 72 XUM

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2T—Effective October 29, 1971]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of October 29, 1971.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the Parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number	*and Subject Matter*
00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Number	*and Subject*
150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590.

NOTE: Persons who want to be placed on FAA's mailing list for future circulars should write to the above address. Be sure to identify the subject matter desired by the aubject numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

c. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following bookstores located throughout the United States:

GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

GPO Bookstore, Federal Office Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, Ill. 60604.

GPO Bookstore, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

GPO Bookstore, Federal Building, Room 135, 601 East 12th Street, Kansas City, Mo. 64106.

GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, Mass. 02203.

GPO Bookstore, Room 110, 26 Federal Plaza, New York, NY 10007.

GPO Bookstore, Federal Building, U.S. Courthouse, Room 1421, 1961 Stout Street, Denver CO 80202.

GPO Bookstore, Room 1C46, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75202.

GPO Bookstore, Room 100, Federal Building, 275 Peachtree Street NE., Atlanta, GA 30303.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional amount of 25 percent of the total price to cover postage. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2S Advisory Circular Checklist, 6-11-71. Canceled by AC 00-2T, Advisory Circular Checklist, 10-29-71.

AC 20-7G General Aviation Inspection Aids, Summary, August 1970. Canceled by AC 20-7H, General Aviation Inspection Aids, Summary, August 1971.

AC 20-35A Tie-Down Sense, 10-29-68. Canceled by AC 20-35B, Tiedown Sense, 4-19-71.

AC 20-43A Aircraft Fuel Contamination, 6-12-70. Canceled by AC 20-43B, Aircraft Fuel Control, 6-8-71.

AC 21-1 Production Certificates, 6-15-65. Canceled by AC 21-1A, Production Certificates, 7-9-71.

AC 27.1581-1 Sea Rotocraft Autorotative Landing on Land, 8-3-65. Canceled.

AC 61-4B Flight Test Guide—Multiengine Airplane Class or Type Rating, 4-1-68. Canceled by AC 61-4C, Multiengine Airplane Class or Type Rating Flight Test Guide, 2-1-71.

AC 61-18B Airline Transport Pilot (Airplane) Written Test Guide, 7-1-68. Canceled by AC 61-18C, Airline Transport Pilot (Airplane) Written Test Guide, 4-19-71.

AC 61-29 Instrument Flight Instructor Written Examination Guide, 9-28-66. Canceled by AC 61-29A, Instrument Flight Instructor Written Test Guide, 10-16-70.

AC 65.33-1 List of Study References for the ATC Tower Operator Examination, 5-25-66. Canceled.

AC 70/7460-2B Proposed Construction or Alterations of Objects That May Affect the Navigable Airspace, 11-4-70. Canceled by AC 70/7460-2C, Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace, 9-16-71.

AC 90-52 FAA Symposium on Turbulence, 12-15-70. Canceled.

AC 90-53 FAA Symposium on Turbulence—Extension of Response Time for Registration, 2-8-71. Canceled.

AC 91-19 Emergency Locator Beacons Crash, Survival, Personnel, 3-17-69. Canceled.

AC 99.11-1 Flight Plan Requirements: Coastal or Domestic ADIZ, 11-15-63. Canceled.

AC 103-1 Hazard Asscciated With Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft, 12-16-63. Canceled.

AC 120-26A Civil Aircraft Operator Designators, 5-11-70. Canceled by AC 120-26B, Civil Aircraft Operator Designators, 5-11-71.

AC 121-3L Maintenance Review Board Reports, 1-29-71. Canceled by AC 121-3M, Maintenance Review Board Reports, 9-29-71.

AC 140-2E List of Certificated Pilot Flight and Ground Schools, 1-1-69. Canceled by AC 140-2F, List of Certificated Pilot Flight and Ground Schools, 7-9-71.

AC 147-2G Directory of FAA Certificated Aviation Maintenance Technician Schools, 10-27-70. Canceled by AC 147-2H, Directory of FAA Certificated Aviation Maintenance Technician Schools, 10-19-71.

AC 149-2E Listing of Federal Aviation Administration Certificated Parachute Lofts, 12-9-70. Canceled by AC 149-2F, Listing of Federal Aviation Administration Certificated Parachute Lofts, 10-8-71.

AC 150/5300-7 FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes, 11-7-70. Canceled by AC 150/5300-7A, FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes, 9-27-71.

AC 150/5325-7 Is Your Airport Ready for the Boeing 747, 1-23-68. Canceled.

AC 150/5340-5 Segmented Circle Airport Marker System, 8-1-63. Canceled by AC 150/5340-5A, Segmented Circle Airport Marker System, 9-10-71.

AC 150/5345-26 Specification for L-823 Plug and Receptacle, Cable Connectors, 10-5-64. Canceled by AC 150/5345-26A, Specification for L-823 Plug and Receptacle, Cable Connectors, 5-4-71.

AC 150/5345-29 FAA Specification L-852, Light Assembly, Airport Taxiway Centerline, 3-18-68. Canceled by AC 150/5345-29A, FAA Specification L-852, Light Assembly, Airport Taxiway Centerline, 4-28-71.

AC 150/5345-39 FAA Specification L-853, Runway and Taxiway Centerline Reflective Markers, 1-10-69. Canceled by AC 150/5345-39A, FAA Specification L-853, Runway and Taxiway Retroreflective Markers, 9-17-71.

AC 150/5345-44 Specification for L-858 Retroreflective Taxiway Guidance Signs, 12-15-70. Canceled by AC 150/5345-44A, Specification for L-858 Retroreflective Taxiway Guidance Signs, 7-30-71.

AC 170-2 Implementation of ILS Channels 11 Through 20, 10-16-63. Canceled.

8. *Additions.* The following advisory circulars are added to the list:

AC 00-2T Advisory Circular Checklist (10-15-71).

AC 00-33 Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (8-26-71).

AC 20-7H General Aviation Inspection Aids, Summary (August 1971).

AC 20-7H Supplement 1, General Aviation Inspection Aids (September 1971).

AC 20-7H Supplement 2, General Aviation Inspection Aids (October 1971).

AC 20-7H Supplement 3, General Aviation Inspection Aids (November 1971).

AC 20-35B Tie-down Sense (4-19-71).

AC 20-43B Aircraft Fuel Control (6-8-71).

AC 20-73 Aircraft Ice Protection (4-21-71).

AC 20-74 Aircraft Position and Anticollision Light Measurements (7-29-71).

AC 21-1A Production Certificates (7-9-71).

AC 61-4C Multiengine Airplane Class or Type Rating Flight Test Guide (2-1-71).

AC 61-18C Airline Transport Pilot (Airplane) Written Test Guide (4-19-71).

AC 61-29A Instrument Flight Instructor Written Test Guide (10-16-70).

AC 70/7460-2C Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace (9-16-71).

AC 90-54 Cruise Clearances (5-25-71).

AC 90-55 Identification of Air Taxi Operations for Air Traffic Counting (8-31-71).

AC 90-56 FAA Symposium on Area Navigation (9-28-71).

AC 91-32 Safety in and Around Helicopters (5-7-71).

AC 120-26B Civil Aircraft Operator Designators (5-11-71).

AC 121-1 Ch-22 Standard Maintenance Specifications Handbook (1-18-71).

AC 121-1 Ch-23 Standard Maintenance Specifications Handbook (4-30-71).

AC 121-3M Maintenance Review Board Reports (9-29-71).

AC 140-2F List of Certificated Pilot Flight and Ground Schools (7-9-71).

AC 140-5 Radio Maintenance Technician School Curriculum (8-11-71).

AC 147-2H Directory of FAA Certificated Aviation Maintenance Technician Schools (10-19-71).

AC 149-2F Listing of Federal Aviation Administration Certificated Parachute Lofts (10-8-71).

AC 150/5090-2 National Airport Classification System (Airport System Planning) (6-25-71).

AC 150/5300-7A FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (9-27-71).

AC 150/5335-3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (4-19-71).

AC 150/5340-5A Segmented Circle Airport Marker System (9-10-71).

AC 150/5340-22 Ch-1 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (6-23-71).

AC 150/5340-23 Guide for Location of Supplemental Wind Cones (8-24-71).

AC 150/5345-26A Specification for L-823 Plug and Receptacle, Cable Connectors (5-4-71).

AC 150/5345-29A FAA Specification L-852, Light Assembly, Airport Taxiway Centerline (4-28-71).

AC 150/5345-39A FAA Specification L-853, Runway and Taxiway Retroreflective Markers (9-17-71).

AC 150/5345-44A Specification for L-858 Retroreflective Taxiway Guidance Signs (7-30-71).

AC 211-5 Recommended Symbols and Terminologies for use with Terminal Area Graphic Notices (6-28-71).

ADVISORY CIRCULAR CHECKLIST

NOTICE

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

General

SUBJECT NO. 00

00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

00-2T Advisory Circular Checklist (10-29-71).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 10-29-71.

00-6 Aviation Weather (5-20-65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Reprinted 1969. ($4 GPO.) FAA 5.8/2: W 37.

00-7 State and Regional Defense Airlift Planning (4-30-64).

Provides guidance for the development of plans by the FAA and other Federal and State agencies for the use of non-air-carrier aircraft during an emergency.

00-7 CH 1 State and Regional Defense Airlift Planning (1-5-65).

Provides an example of a State Plan for the Emergency Management of Resources in Appendix 4, and adds new Appendix 9.

00-7 CH 2 State and Regional Defense Airlift Planning (2-20-67).

Revises Appendix 6, SCATANA.

00-14 Flights by U.S. Pilots Into and Within Canada (4-16-65).

Provides information concerning flights into and within Canada.

JAN 15 72

00–15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices (8–20–65).

Advises aircraft operators, crewmembers, and others who are responsible for flight safety, of a possible hazard to flight should a passenger inadvertently or otherwise discharge a device commonly known as an "anti-mugger" spray device in the cabin of an aircraft.

00–17 Turbulence in Clear Air (12–16–65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00–21 Shoulder Harness (10–5–66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00–23B Near Midair Collision Reporting (12–4–69).

Advises that the FAA will continue through December 31, 1971, to handle reports of near midair collisions in accordance with the policy established January 1, 1968.

00–24 Thunderstorms (6–12–68).

Contains information concerning flights in or near thunderstorms.

00–25 Forming and Operating a Flying Club (3–24–69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club. ($0.35 GPO.) TD 4.8:F 67.

00–26 Definition of "U.S. National Aviation Standards" (1–22–69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ATCRBS) (1–24–69).

Informs the aviation community of the approval by the FAA Administrator of the U.S. National Aviation Standard for the ATCRBS.

00–28 Communications Interference Caused by Sticking Microphone Buttons (8–6–69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

00–29 Airborne Automatic Altitude Reporting Systems (12–9–69).

Provides information regarding the nature and extent of erroneous altitude reporting systems.

00–30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3–5–70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulence (CAT).

00–31 U.S. National Aviation Standard for the VORTAC System (6–10–70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR–TACAN–DME) System.

00–32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7–2–70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of nonair carrier aircraft in time of national emergency.

00–33 Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (8–26–71).

Provides guidelines for more reliable nickel-cadmium battery operation through sound operational and maintenance practices.

Procedural

SUBJECT NO. 10

11–1 Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (10–28–64).

Emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT NO. 20

20–3B Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (5–12–69).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA.

20–5B Plane Sense (1970).

Provides general aviation information for the private aircraft owner.

20–6P U.S. Civil Aircraft Register (1–1–71).

Lists all active U.S. civil aircraft by registration number. ($11.75 GPO.) TD 4.18/2:970.

20–7H General Aviation Inspection Aids, Summary (August 1971).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. ($3, $3.75 foreign—Sub. GPO.) TD 4.409:970.

20–7H Supplement 1 (September 1971).

20–7H Supplement 2 (October 1971).

20–7H Supplement 3 (November 1971).

20–9 Personal Aircraft Inspection Handbook (12–2–64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1967. ($1 GPO.) FAA 5.8/2:Ai 7/2.

20–10 Approved Airplane Flight Manuals for Transport Category Airplanes (7–30–63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20–13A Surface-Effect Vehicles (8–23–64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20–15A Qualification of Type Certificated Engines and Propellers for Aircraft Installations (3–24–66).

Calls attention to the relationship between both Federal Aviation Regulations, Parts 33 (Aircraft Engine Airworthiness) and 35 (Propeller Airworthiness), and various aircraft airworthiness parts.

20–17 Surplus Military Aircraft (1–6–64).

Informs how to obtain copies of regulations required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

20–20A Flammability of Jet Fuels (4–9–65).

Gives information on the possibility of combustion of fuel in aircraft fuel tanks.

20–23D Interchange of Service Experience—Mechanical Difficulties (2–12–71).

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–25A Identification of Technical Standard Order (TSO) Safety Belts (3–14–69).

Describes the markings which indicate that a safety belt has been manufactured under the FAA TSO system and approved for use in certificated aircraft.

20–27A Certification and Operation of Amateur-Built Aircraft (8–12–68).

Provides information and guidance material for amateur aircraft builders.

20–28 Nationally Advertised Aircraft Construction Kits (8–7–64).

Explains that using certain kits could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29A Use of Anti-Icing Additive PFA–55MB (6–19–67).

Provides information on the use of anti-icing additive for jet fuels to assure compliance with FAR's that require assurance of continuous fuel flow under icing conditions.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32A Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (9–13–68).

Informs aircraft owners, operators, maintenance personnel, and pilots of the potential dangers of carbon monoxide contamination and discusses means of detection and procedures to follow when contamination is suspected.

20–33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13, and 14 (2–8–65).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35B Tie-Down Sense (4–19–71).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36A Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—March 1, 1966 (4–8–66).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of March 1, 1966. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37A Aircraft Metal Propeller Blade Failure (4–4–69).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b), as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43B Aircraft Fuel Control (6–8–71).

Alerts the aviation community to the potential hazards of inadvertent mixing or contamination of turbine and piston fuels, and provides recommended fuel control and servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the FAA during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–49 Analysis of Bird Strike Reports on Transport Category Airplanes (7–27–66).

Provides the results of a statistical study on the frequency of collisions of birds with transport aircraft and the resulting damages.

20–50 Ultrasonic Nondestructive Testing (11–9–66).

Provides FAA personnel and the general aviation public with some of the theory and processes of ultrasonic testing which will assist them in the more advanced uses of this system for the inspection of aircraft and aircraft components during manufacture or maintenance. ($0.70 GPO.) TD 4.8:Ul 8.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificated products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56 Marking of TSO–C72a Individual Flotation Devices (1–19–68).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

V 37 10 JAN 15 72 XUM

20–57A Automatic Landing Systems (ALS) (1–12–71).

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for systems which may be approved for Category IIIa in the future.

20–58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b) (4–28–69).

Title is self-explanatory.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–58).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–60 Accessibility to Excess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–61 Nondestructive Testing for Aircraft (May 1969).

Reviews the basic principles underlying nondestructive testing. ($0.45 GPO).

20–62A Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (6–16–70).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20–63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7–7–69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20–64 Maintenance Inspection Notes for Lockheed L–188 Series Aircraft (8–1–69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L–188 series aircraft.

20–65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8–11–69).

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

20–66 Vibration Evaluation of Aircraft Propellers (1–29–70).

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

20–67 Airborne VHF Communication System Installations (3–6–70).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

20–68 Recommended Radiation Safety Precautions for Airborne Weather Radar (3–11–70).

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

20–69 Conspicuity of Aircraft Instrument Malfunction Indicators (5–14–70).

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

20–71 Dual Locking Devices on Fasteners (12–8–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotocraft and transport category airplanes.

20–73 Aircraft Ice Protection (4–21–71).

Provides information relating to the substantiation of ice protection systems on aircraft.

20–74 Aircraft Position and Anticollision Light Measurements (7–29–71).

Contains useful information concerning measurements for intensity, covering and color of aircraft position and anticollision lights.

21–1A Production Certificates (7–9–71).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2B Export Airworthiness Approval Procedures (10–2–69).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2B Ch. 1 (11–13–70).

21–2B Ch. 2 (2–8–71).

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1969. ($1 GPO.) FAA 5.8/2:G49/962.

21–4B Special Flight Permits for Operation of Overweight Aircraft (7–30–69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5B Summary of Supplemental Type Certificates (Announcement of Availability) (2–10–71).

Announces the availability to the public of a new edition of the Summary of Supplemental Type Certificates (SSTC), dated January 1971.

21–6 Production Under Type Certificate Only (5–26–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7A Certification and Approval of Import Products (11–24–69).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

21–8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5–21–69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21–9 Manufacturers Reporting Failures, Malfunctions, or Defects (12–30–70).

Provides information to assist manufactures of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

21–10 Flight Recorder Underwater Locating Device (5–20–71).

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1 Replacement and Modification Parts (3–2–66).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and sets forth examples of acceptable means of compliance with its requirements.

23–1 Type Certification Spin Test Procedures (4–1–64).

Sets forth an acceptable means by which compliance may be shown with the one-turn spinning requirement in Part 3 of the CAR's.

23.1329–1 Automatic Pilot Systems Approval (Non-Transport) (12–23–65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25–5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6–3–70).

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

25.253–1 High-Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.981–1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1–20–71).

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards, section 25.981.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457–1A Cockpit Voice Recorder Installations (11–3–69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (c), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4–22–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33–2 Aircraft Engine Type Certification Handbook (3–30–66).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–2 CH 1 (9–13–67).

Transmits revised material to the basic advisory circular.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

37–2 Test Procedures for Maximum Allowable Airspeed Indicators (12–9–68).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3 Radio Technical Commission for Aeronautics Document DO–138 (1–10–69).

This circular announces RTCA Document DO–138 and discusses how it may be used in connection with technical standard order authorizations.

39–1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft Airworthiness Directive 66–18–2 (3–5–70).

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66–18–2.

39–6B Summary of Airworthiness Directives (5–20–70).

Announces the availability of a new Summary of Airworthiness Directives dated January 1, 1970.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (9–10–65).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43.9–1B Instruction for Completion of FAA Form 337 (6–27–66).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller or Appliance).

43.13–1 Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (5–16–66).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1965. ($3—Sub. GPO.) FAA 5.15:965.

Subscription now includes: Ch. 1 (5–1–67); Ch. 2 (8–9–67); Ch. 3 (1–24–68); Ch. 4 (1–29–68); Ch. 5 (9–20–68); Ch. 6 (5–1–69); Ch. 7 (6–12–69); Ch. 8 (6–11–70 and 10–22–70).

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($2—Sub. GPO.) FAA 5.16:965.

Subscription now includes: Ch. 1 (1–12–67); Ch. 2 (5–26–67); Ch. 3 (6–26–67); Ch. 4 (9–12–67); Ch. 5 (11–9–67); Ch. 6 (4–12–68); Ch. 7 (5–12–69); Ch. 8 (10–29–69); Ch. 9 (10–19–70); Ch. 10 (1–20–71).

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

47–1 Aircraft Registration Eligibility, Identification and Activity Report (2–25–70).

Advises owners and operators of U.S. civil aircraft of recent regulatory changes that require the annual submission of current information related to aircraft registration eligibility, and requests similar submission of information related to identification and activity of

V37-10 JAN 15 72 XUM

aircraft; and to call attention to the availability of the reporting form to be used in complying with this regulatory change.

Airmen

SUBJECT No. 60

60–1 Know Your Aircraft (6–12–68).

Describes potential hazards associated with operation of unfamiliar aircraft and recommends good operating practices.

60–2H Annual Aviation Mechanic Safety Awards Program (3–7–71).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–5 Advisory Information on Written Test Questions Missed (4–24–67).

Announces a new automated method of reporting written test results to airmen applicants. The applicant will be provided information concerning the subject matter areas in which one or more questions were answered incorrectly on the test.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

61–1C Aircraft Type Ratings (5–8–70).

Announces new designators adopted by the Federal Aviation Administration for aircraft type ratings issued with pilot certificates.

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Published in 1964. ($1 GPO.) FAA 5.8/2:P 64/4/964.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Reprinted in 1969. ($0.25 GPO.) TD 4.408:P 64/2.

61–4C Multiengine Airplane Class or Type Rating—Flight Test Guide (2–1–71).

Assists the private pilot applicant in preparing for certification or rating flight tests. ($0.25 GPO.) TD 4.408:M 91.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61–8B Instrument Rating (Airplane) Written Test Guide (4–24–69).

Outlines the scope of the written test and directs applicants to appropriate study materials. Details subject areas covered in the test and indicates areas of aviation knowledge in which instrument pilots must be well informed. ($0.70 GPO.) TD 4.8:In 7/4.

61–9 Pilot Transition Courses for Complex Single-Engine and Light Twin-Engine Airplanes (6–16–64).

Provides training syllabuses and checkout standards for pilots who seek to qualify on additional types of airplanes. Published in 1964. ($0.15 GPO.) FAA 5.8/2:P 64/7.

61–10 Private and Commercial Pilots Refresher Courses (9–1–64).

Provides a syllabus of ground instruction periods and training lessons. Reprinted in 1969. ($0.25 GPO.) FAA 5.8/2:P 64/9.

61–11A Airplane Flight Instructor Written Test Guide (9–5–67).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. Reprinted in 1969. ($0.70 GPO.) TD 4.408:In 7.

61–12D Student Pilot Guide (7–16–70).

Serves as a guide for prospective student pilots and presents general procedures for obtaining student and private pilot certificates. ($0.20 GPO.) TD 4.8:P 64/3/970.

61–13 Basic Helicopter Handbook (1–20–66).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. Published in 1965. ($0.75 GPO.) FAA 5.8/2:H 36.

61–14A Flight Instructor Practical Test Guide (10–23–69).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. ($0.15 GPO.) TD 4.408:In 7/4.

61–16A Flight Instructor's Handbook (10–14–69).

Gives guidance and information to pilots preparing to apply for flight instructor certificates, and for use as a reference by flight instructors. ($1.25 GPO.) TD 4.408:In 7/3.

61–17A Flight Test Guide—Instrument Pilot Airplane (6–6–67).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Published in 1967. ($0.15 GPO.) TD 4.408:In 7/2.

61–18C Airline Transport Pilot (Airplane) Written Test Guide (4–19–71).

Reflects current operating procedures and techniques in a background setting appropriate for applicants preparing for the Airline Transport Pilot (Airplane) Written Test. ($0.55 GPO.) TD 4.408:P64/3.

61–19 Safety Hazard Associated With Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–21 Flight Training Handbook (1–11–66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. ($1.25 GPO.) FAA 1.8:F 64/4.

61–23 Private Pilot's Handbook of Aeronautical Knowledge (5–27–66).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. Reprinted in 1969. ($2.75 GPO.) FAA 5.8/2:P 64/5/965.

61–25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.10 GPO.) FAA 1.8:H 36/2.

61–27A Instrument Flying Handbook (4–30–68).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Private Pilot's Handbook of Aeronautical Knowledge." Published in 1969. ($2.50 GPO.) TD 4.408:In 7/3.

61–28A Commercial Pilot Written Test Guide (4–28–70).

Reflects current operating procedures and techniques for the use of applicants in preparing for the Commercial Pilot-Airplane Written Test. ($1.50 GPO.) TD 4.408:P 64/4.

61–29A Instrument Flight Instructor Written Test Guide (10–16–70).

Reflects curent operating procedures, regulations, and techniques for the use of applicants in preparing for the Flight Instructor Instrument Written Test ($0.50 GPO.) TD 4.8:In 7/5.

61–30 Flight Test Guide—Gyroplane, Commercial Pilot (2–8–66).

Assists commercial pilot operator in preparing for certification test. Revised in 1966. ($0.15 GPO.) FAA 5.8/2:G 99/2/968.

61–31 Gyroplane Pilot Examination Guide, Private and Commercial (2–9–66).

Outlines information basic to a gyroplane pilot, lists sources useful in acquiring this knowledge, and presents sample examination questions.

61–32 Private Pilot Written Examination Guide (8–15–67).

A combination workbook, written test guide. Includes 71 exercises covering every section of the Private Pilot's Handbook of Aeronautical Knowledge plus a sample written test presented in a fashion similar to the current Private Pilot Written Examination. Reprinted in 1969. ($1.75 GPO.) TD 4.408:P64.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotorcraft Gyroplane Written Examination. Revised in 1966.

61–34A Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (6–18–70).

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. ($0.40 GPO.) TD 4.8:P 64.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39 Flight Test Guide, Private and Commercial Pilot—Glider (8–28–67).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41 Glider Flight Instructor Written Test Guide (11–7–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider flight instructor; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–42 Airline Transport Pilot (Helicopter) Written Test Guide (11–7–67).

Provides guidance to applicants preparing for the Airline Transport Pilot Rotorcraft/Helicopter (VFR and/or IFR) Written Tests. Describes the type and scope of required aeronautical knowledge covered by the written test. ($0.35 GPO.) TD 4.408:H 36.

61–43 Glider Pilot Written Test Guide—Private and Commercial (11–30–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider pilot; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61–46 Flight Instructor Procedures (6–4–69).

Informs flight instructors of the procedures involved in the renewal or reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

61–47 Use of Approach Slope Indicators for Pilot Training (9–16–70).

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

61.117–1C Flight Test Guide—Commercial Pilot, Airplane (2–7–69).

Assists the commercial applicant in preparing for his certification flight test. ($0.20 GPO.) TD 4.8:P 64/3.

63–1B Flight Engineer Written Test Guide (10–22–70).

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. ($0.50 GPO.) TD 4.408:En 3.

63–2A Flight Navigator Written Test Guide (4–4–69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. ($.40 GPO.) TD 4.8:F 64/2.

65–2A Airframe and Powerplant Mechanics Certification Guide (10–12–67).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. Reprinted in 1969. ($0.65 GPO.) TD 4.8:Al 7/6.

65–4A Aircraft Dispatcher Written Test Guide (8–16–68).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. Published in 1969. ($0.50 GPO.) TD 4.8:Al 7/12.

65–5 Parachute Rigger Certification Guide (6–19–67).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Reprint in 1970. ($0.25 GPO.) TD 4.8:P 21.

65–9 Airframe and Powerplant Mechanics—General Handbook (8–26–70).

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. ($4 GPO.) TD 4.408:AI 7/2.

65–11 Airframe and Powerplant Mechanics Certification Information (5–22–70).

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. ($0.20 GPO.) TD 4.8:A:7/21.

65–13 FAA Inspection Authorization Directory (12–14–70).

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of the effective date shown above.

65–14 The Seventh Annual FAA International Aviation Maintenance Symposium (4–19–71).

Informs the aviation community that the Maintenance Division will hold the seventh annual maintenance symposium.

65.95–2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10–9–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

Airspace

SUBJECT No. 70

70/7460–1 Obstruction Marking and Lighting (2–29–68). (Consolidated reprint includes change 1, 1969.)

Describes the agency standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types as official FAA policy. ($0.60 GPO.) TD 4.8:Ob 7/968.

70/7460–1 CH 2 (7–2–70).

Specifies an increase in the maximum width of the aviation surface orange and white painted bands for display on towers, smokestacks and similar structures.

70/7460–1 CH–3 (3–1–71).

Contains the standard for marking and lighting catenaries and their support structures.

V 37 10 JAN 15 72 XUM

70/7460-2C Proposed Construction or Alteration of Objects that may Affect the Navigable Airspace (9–16–71).

Advises those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the Federal Aviation Administration (FAA).

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

Air Traffic Control and General Operations

SUBJECT No. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–12 Severe Weather Avoidance (4–15–64).

Provides information regarding air traffic control assistance in avoiding severe weather conditions.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–20–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–19 Use of Radar for the Provision of Air Traffic Control Services (10–29–64).

Advises the aviation community of FAA practice in the use of radar information to provide air traffic control services.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–22C Automatic Terminal Information Service (ATIS) (2–2–71).

Provides updated information concerning the operation of Automatic Terminal Information Service.

90–23B Wake Turbulence (5–17–71).

Alerts pilots to the hazards of trailing vortex wake turbulence and related operational problems.

90–31 Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records (7–1–67).

Establishes new retention periods for flight plans, preflight briefing logs, visual flight rule flight progress strips, and related records with FSSs.

90–32 Radar Capabilities and Limitations (8–15–67).

Advises the aviation community of the inherent capabilities and limitations of radar systems and the effect of these factors on the service provided by air traffic control (ATC) facilities.

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–35 Frequency Discipline (5–17–68).

Reemphasizes the need for pilots to be constantly aware of the importance of practicing frequency discipline in normal conduct of operations.

90–36 The Use of Chaff as an In-Flight Emergency Signal (5–22–68).

Advises of the value and proper usage of chaff to alert radar controllers to the presence of an aircraft in distress which has a two-way radio failure.

90–38A Use of Preferred IFR Routes (12–29–69).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–39 Identification of Civil Aircraft in Radio Communications (8–5–68).

Outlines an important change in the Federal Communications Commission (FCC) rules for the aviation services concerning the methods of identifying aircraft in radio transmissions.

90–41A Standard Instrument Departure/Arrival Procedures (2–18–71).

Describes the revised and combined Standard Instrument Departure (SID) and Standard Terminal Arrival Route (STAR) program.

90–42 Traffic Advisory Practices at Nontower Airports (12–9–68).

This circular establishes, as good operating practices, procedures for pilots to exchange traffic information when operating to or from nontower airports.

90–43B Operations Reservations for High-Density Traffic Airports (1–20–71).

Advises the aviation community of the means for all aircraft operators, except helicopters, scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

90–44 Airport Ground Operations During Low Visibility Conditions (4–25–69).

Alerts the aviation community to potential problem areas which may exist on airport movement areas during periods of extremely low visibility.

90–45 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (8–18–69).

Provides guidelines for implementation of area navigation (RNAV) within the National Airspace System (NAS).

90–45 CH–1 (10–20–70).

Deletes certain items found to be in excess of minimum requirements and clarifies certain other items.

90–47 Abbreviated Instrument Flight Rules Departure Clearance (3–18–70).

Provides guidance to pilots and operators for participation in the Abbreviated IFR Departure Clearance Program.

90–48 Pilots' Role in Collision Avoidance (3–20–70).

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human causal factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

90–49 The Airman's Information Manual (7–31–70).

Serves as a reminder of the importance of pilot familiarity with Rules, Practices, and Procedures for safe flight operations.

90–50 Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications (9–29–70).

Describes the civil air traffic control assignment of frequencies in the very high frequency (118–136 MHz) band.

90–51 FAA Motion Picture—"Caution—Wake Turbulence" (11–17–70).

Announces the availability of a new wake turbulence film and encourages its viewing.

90–54 Cruise Clearances (5–25–71).

Provides the aviation comunity guidance when operating under a "cruise" clearance.

90–55 Identification of Air Taxi Operations for Air Traffic Counting (8–31–71).

Informs air taxi and commercial operators (ATCO), certificated under the provisions of Federal Aviation Regulations, Part 135, that they now fall under a separate category for air traffic counting purposes and outlines air traffic identification procedures to be used.

90–56 FAA Symposium on Area Navigation (9–28–71).

Announcement and invitation to the public of the FAA symposium on area navigation in Washington, D.C. on January 24 and 25, 1972.

91–3 Acrobatic Flight (9–30–63).

Sets safe operating practices for the conduct of acrobatic flight operations.

91–5A Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (5–6–69).

Provides updated information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3–16–65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91–8A Use of Oxygen by General Aviation Pilots/Passengers (8–11–70).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11A Annual Inspection Reminder (12–3–69).

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a)(1) of the FARs.)

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. ($0.50 GPO.) FAA 7.9:D 84.

91–12B Required Inspection for Aircraft Operating Under FAR 121, 123, 127, or 135 and Reverting to General Operation Under FAR 91 (12–9–70).

Describes acceptable methods for complying with the required inspections set forth in FAR Part 91.

91–13A Cold Weather Operation of Aircraft (1–2–70).

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

91–14A Altimeter Setting Sources (4–19–71).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($0.55 GPO.) TD 4.2:T 27.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61. 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–20 Inspection Schedule—for Beech Model B–99 (3–14–69).

Provides information for use by persons planning to develop an inspection schedule for Beech Model B–99.

91–21 Inspection Schedule—for Handley-Page Model HP–137 (4–24–69).

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP–137 aircraft.

91–22 Altitude Alerting Devices/Systems (7–7–69).

Provides guidelines for installing and evaluating altitude alerting systems.

91–23 Pilot's Weight and Balance Handbook (5–6–69)

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. ($0.70 GPO.) TD 4.408: P 64/3.

91–24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9–4–69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91–25 Loss of Visual Cues During Low Visibility Landings (9–22–69).

Provides information regarding the importance to the pilot of maintaining unbroken visual cues during the final stages of an instrument approach when reaching the DH or MDA and continuing further descent.

91–26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10–29–69).

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

91–27A Systemsworthiness Analysis Program—General Aviation (12–16–70).

Explains the purpose and applicability of the Systemsworthiness Analysis Program (SWAP) to certificated air taxis, repair stations, pilot and aviation maintenance technician schools that are operated under the privileges of certificates issued by the Federal Aviation Administration.

91–28 Unexpected Opening of Cabin Doors (12–23–69).

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

91–29 Radar Transponder Requirements (3–30–70).

Describes certain aspects of the planned operation of the Air Traffic Control Radar Beacon System (ATCRBS) which will be of interest to aircraft operators who expect to use radar transponders in their aircraft.

91–30 Terminal Control Areas (TCA) (6–11–70).

Explains the TCA concept and answers some of the most frequently asked questions pertaining to TCA.

91–31 FAR Requirement for the Filing of Flight Plans for Flights Between Mexico and the United States (2–1–71).

Informs pilots of the requirements of section 91.12(c) of Part 91 of the Federal Aviation Regulations.

91–32 Safety in and Around Helicopters (5–7–71).

Provides suggestions to improve helicopter safety by means of acquainting nonflight crew personnel and passengers with the precautions and procedures necesary to avoid undue hazards.

91.29–1 Special Structural Inspections (1–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83–1 Canceling or Closing Flight Plans (3–12–64).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filling of route information in an IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction

V 37 N 10 JAN 15 72 XUM

clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEAs) for publication in FAR Part 95.

99.27–1 Flight Plan Tolerances for Air Defense Identification Zones (9–30–63).

Provides recommended flight plan tolerances for operations within or into the ADIZ.

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103–2 Information Guide for Air Carrier Handling of Radioactive Materials (7–23–70).

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical applications of the various regulations pertaining to the handling and transportation of radioactive materials.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

Air Carrier and Commercial Operators and Helicopters

SUBJECT No. 120

120–1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4–24–69).

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Rules Pertaining to Aircraft Accidents, Incidents, Overdue Aircraft, and Safety Investigations.

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7–27–70).

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–13 Jet Transport Aircraft Attitude Instrument Systems (6–26–64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120–16A Continuous Airworthiness Program (9–11–69).

Provide air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance material which may be used to design or develop maintenance reliability programs which include a standard for determining time limitations.

120–17 CH 1 (6–24–66).

120–17 CH 2 (5–6–68).

120–18 Preservation of Maintenance Records (5–10–65).

Provides information and guidance relative to the microfilming of maintenance records.

120–21 Aircraft Maintenance Time Limitations (6–24–66).

Provides methods and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120–24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2–25–69).

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

120–26B Civil Aircraft Operator Designators (5–11–71).

Revises the criteria and states the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

120–28 Concepts of Airborne Systems for Category IIIA Operations (9–5–69).

Assist the aviation industry with initial preparations for Category IIIA operations.

120–29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9–25–70).

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300–¾ or RVR 4,000 (Category I) and Category II minima for all aircraft.

121–1 Standard Maintenance Specifications Handbook (12–15–62).

Consolidated reprint 5–15–69, includes Changes 1 through 18.

Provides procedures acceptable to FAA which may be used by operators when establishing inspection intervals and overhaul times.

121–1 CH 19 (12–19–69).

Revises existing material in the subject handbook.

121–1 CH 20 (7–17–70).

Changes existing and includes new material in the subject handbook.

121–1 CH 21 (12–14–70).

Revises existing and includes new material in the subject handbook.

121–1 CH 22 (1–18–71).

Includes new material in the subject handbook.

121–1 CH 23 (4–30–71).

Includes new material in the subject handbook.

121–3M Maintenance Review Board Reports (9–29–71).

Revises the list of Maintenance Review Board Reports that are currently in effect (August 1971).

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7–14–66).

Concerned with the prevention of injury due to air turbulence.

121–9 Maintenance of Evacuation Slides (9–22–66).

Provides information and guidance to air carriers and commercial operators in the maintenance of emergency evacuation slides.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

121–13 Self-Contained Navigation Systems (Long Range) (10–14–69).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

121–13 CH–1 (7–31–70).

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

121–13 CH–2 (12–21–70).

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

121–14 Aircraft Simulator Evaluation and Approval (12–19–69).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under 121.407.

121–16 Maintenance Certification Procedures (11–9–70).

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

121.195(d)–1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11–19–65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123–1 Air Travel Clubs (10–17–68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.155–1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2–16–65).

Sets forth an acceptable means of compliance with provisions in FAR Part 135 and Part 23 dealing with alternate static sources.

135–1A Air Taxi Aircraft Weight and Balance Control (9–26–69).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

135–2 Air Taxi Operators of Large Aircraft (10–14–69).

Provides guidelines and procedures for use by air taxi operators or applicants for Air Taxi Operator certificates who desire to obtain FAA authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

135–3 Air Taxi Operators of Small Aircraft (2–17–70).

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

135.60–1 Aircraft Inspection Programs (5–1–70).

Provides information for use by air taxi operators and commercial operators of small aircraft developing an aircraft inspection program for FAA approval.

137–1 Agricultural Aircraft Operations (11–29–65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this part.

Schools and Other Certificated Agencies

SUBJECT No. 140

140–1E Consolidated Listing of FAA Certificated Repair Stations (12–9–70).

Provides a revised directory of all FAA certificated repair stations as of October 1970.

140–2F List of Certificated Pilot Flight and Ground Schools (7–9–71).

Lists FAA certificated pilot schools as of January 1, 1971.

140–3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1–8–70).

The title is self-explanatory.

140–4 Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141 (8–7–68).

Informs operators of certificated pilot schools on the use of audio-visual training aids for instruction in approved ground school courses conducted under the FARs.

140–5 Radio Maintenance Technician School Curriculum (8–11–71).

Provides information on curriculum subjects for persons desiring to establish radio maintenance technician training courses.

143–1B Ground Instructor Examination Guide—Basic—Advanced (4–18–67).

Designed to assist applicants preparing for the Basic or Advanced Ground Instructor Written Examination by outlining the required knowledge and by providing sample questions for practice. Revised in 1967. ($1 GPO.) TD 4.408: G 91.

143–2B Ground Instructor—Instrument—Written Test Guide (6–25–70).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. ($0.65 GPO.) TD 4.8: G 91.

145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3–10–69).

Explains how to obtain a repair station certificate.

147–2H Directory of FAA Certificated Aviation Maintenance Technician Schools (10–19–71).

Provides a revised directory of all FAA certificated aviation maintenance technician schools (formerly mechanic schools) as of 1 July 1971.

147–3 Phase III, A National Study of the Aviation Mechanics Occupation (3–22–71).

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

149–2F Listing of Federal Aviation Administration Certified Parachute Lofts (10–8–71).

Provides a revised listing of all FAA certificated parachute lofts as of October 1, 1971.

Airports

SUBJECT No. 150

DEFENSE READINESS PROGRAM

150/1930–1 Radiological Decontamination of Civil Airports (8–19–66).

Offers guidance in preattack preparations, emergency action and decontamination methods.

AIRPORT PLANNING

150/5000–1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4–17–70).

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

150/5000–2 Index of Publications, Airport Service, Standards Division (9–28–70).

Transmits the first Airports Service, Standards Division, index of advisory circulars and related publications.

150/5040–1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3–27–69).

Announces the availability of the new report and where to obtain it.

150/5040–2 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Medium Air Transportation Hubs Through 1980 (5–22–69).

Announces the availability to the public, Federal Aviation Administration personnel, airport and local government planning officials, the aviation industry, and the interested public with forecasts of aviation demand and selected airport facility requirements for medium hubs through 1980.

150/5040–3 Announcement of Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (6–19–69).

Announces the availability of the report to the public which identifies and analyzes the possible improvements leading to reduced aircraft delays at 18 of the Nation's highest density airports.

V 37 10 JAN 15 72 XUM

150/5040–4 Announcement of Supplementary Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (3–31–70).

Announces the availability of the report to the public which identifies and analyzes possible improvements needed to prevent delays at 10 additional airports where demand compared to capacity indicates serious congestion will become a problem. This report is supplementary to the report announced by AC 150/5040–3.

150/5050–2 Compatible Land Use Planning in the Vicinity of Airports (4–13–67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050–3 Announcement of a Report Entitled "Planning the State Airport System" (1–31–69).

Advises of the availability of the report and how to obtain it.

150/5060–1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7–8–68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060–3A Airport Capacity Criteria used in Long-Range Planning (12–24–69).

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

150/5070–1 Rapid Transit Service for Metropolitan Airports (8–26–65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070–2 Planning the Metropolitan Airport (9–17–65). (Consolidated reprint 6–30–66 includes change 1.)

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070–3 Planning the Airport Industrial Park (9–30–65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070–4 Planning for Rapid Urbanization Around Major Metropolitan Airports (3–31–66).

Alerts planning agencies to the need for developing appropriate planning programs to guide rapid urbanization in the vicinity of major metropolitan airports and suggests procedures for such planning programs.

150/5070–5 Planning the Metropolitan Airport System (5–22–70).

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. ($1.25 GPO) TD 4.108:M56/2.

150/5070–6 Airport Master Plans (2–5–71).

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. ($1.25 GPO) TD 4.108: P 69.

150/5090–1 Regional Air Carrier Airport Planning (2–2–67).

This circular: (1) Informs local and State governments, airport operators, and area planners of a Federal policy concerning the development of a single airport to serve two or more cities and their environs; and (2) provides such planners with guidance for evaluating the feasibility of establishing such regional airports.

150/5090–2 National Airport Classification System (Airport System Planning) (6–25–71).

Sets forth the new national airport classification system. The system is designed for use in the identification and classification of airports within the National System of Airports and for use as a planning tool in long-range airport system planning.

FEDERAL-AID AIRPORT PROGRAMS

150/5100–3A Federal-aid Airport Program-Procedures Guide for Sponsors (9–20–68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100–3A CH 1 (11–28–69).

Transmits revised pages to subject advisory circular.

150/5100–5 Land Acquisition in the Federal-aid Airport Program (1–30–69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

150/5100–6 Labor Requirements in Federal-aid Airport Program Contracts (6–6–69).

Covers the basic labor requirements applicable to the Federal-aid Airport Program (FAAP). Intended primarily for the guidance of those public agencies sponsoring projects under the program and the contractors and subcontractors engaged in work under a project.

150/5100–7 Requirement for Public Hearing in the Airport Development Aid Program (1–4–71).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

150/5100–8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1–19–71).

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150–2 Federal Surplus Personal Property for Public Airport Purposes (6–27–68).

Outlines policies and procedures for State and local agencies applying for and acquiring surplus Federal personal property for public airport purposes.

150/5150–2 CH 1 (4–22–69).

Revises the flow of copies of the SF 123 to provide for more accurate review of donated property.

AIRPORT COMPLIANCE PROGRAM

150/5190–1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8–18–66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190–2 Exclusive Rights at Airports (9–2–66).

Provides basic information and guidance on FAA policy concerning exclusive rights at public airports on which Federal funds, administered by the FAA, have been expended.

150/5190–3 Model Airport Zoning Ordinance (1–16–67).

Provides a guide to be used in preparing airport zoning ordinances. This model will require modification and revision to suit circumstances and fulfill State and local law.

AIRPORT SAFETY—GENERAL

150/5200–1 Bird Hazards to Aviation (3–1–65).

Discusses certain steps that can be taken toward reducing or solving the bird strike problem on and near airports.

150/5200–2A Bird Strike/Incident Report Form (1–9–70).

Informs military and civil aviation organizations that FAA Form 3830, "Bird Strike/Incident Report Form," (BOB: 04–R136) is available for use in reporting bird hazards and accidents/incidents to aircraft resulting from bird strikes.

150/5200–3 Bird Hazards to Aircraft (10–7–66).

Transmits the latest published information concerning the reduction of bird strikes on aircraft.

150/5200–4 Foaming of Runways (12–21–66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200–5 Considerations for the Improvement of Airport Safety (2–2–67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200–6A Security of Aircraft at Airports (6–28–68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200–7 Safety on Airports During Maintenance of Runway Lighting (1–24–68).

Points the possibility of an accident occurring to airport employees caused by electrocution.

150/5200–8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5–2–68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200–9 Bird Reactions and Scaring Devices (6–26–68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200–10 Airport Emergency Operations Planning (7–26–68).

Provides guidance to airport management and disaster control personnel in the preparation of plans for emergency actions at civil airports.

150/5200–10 CH 1 (9–15–70).

Transmits additional guidance regarding post accident passenger accommodations, crowd control, a regional telephone list for requesting radiological assistance from the Atomic Energy Commission, and other items related to these subjects.

150/5200–11 Airport Terminals and the Physically Handicapped (11–27–68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5200–12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8–7–69).

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper preservation of evidence.

150/5200–13 Removal of Disabled Aircraft (8–27–70).

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

150/5200–14 Results of 90–Day Trial Exercise on Fire Department Activity (9–8–70).

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

150/5200–15 Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (9–11–70).

Announces the availability of the subject manual.

150/5200–16 Announcement of Report AS–71–1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4–13–71).

Announces the availability of the subject report and describes how to get it.

150/5210–2 Airport Emergency Medical Facilities and Services (9–3–64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210–4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10–27–65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210–5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8–31–66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210–6A Aircraft Fire and Rescue Facilities and Extinguishing Agents (1–14–70).

Furnishes general guidance for estimating the aircraft fire and rescue facilities needed at civil airports.

150/5210–7 Aircraft Fire and Rescue Communications (10–28–66).

Provides airport management with information helpful in the establishment of communication and alarm facilities. Such facilities alert and guide those personnel who must deal with aircraft ground emergencies.

150/5210–8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1–13–67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210–9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10–27–67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210–10 Airport Fire and Rescue Equipment Building Guide (12–7–67).

This title is self-explanatory.

150/5210–11 Response to Aircraft Emergencies (4–15–69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5220–1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7–24–64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220–2 Guide Specification for 1,800-Gallon Aircraft Fire and Rescue Truck (7–24–64).

Describes a vehicle possessing the minimum performance capabilities recommended for an acceptable aircraft fire and rescue truck.

150/5220–3 Guide Specification for 1,000-Gallon Aircraft Fire and Rescue Truck (3–9–67).

The title is self-explanatory.

150/5220–4 Water Supply Systems for Aircraft Fire and Rescue Protection (12–7–67).

The title is self-explanatory.

150/5220–5 Guide Specification for a Combination Foam and Dry Chemical Aircraft Fire and Rescue Truck (12–29–67).

Specification requirements developed by FAA to assist airport management in developing local procurement specifications for fire and rescue trucks.

150/5220–6 Guide Specification for 1,000-Gallon Tank Truck (4–10–68).

Assists airport management in the development of local procurement specifications.

150/5220–7 Guide Specification for 2,500-Gallon Aircraft Fire and Rescue Truck (8–30–68).

Guide Specification developed to assist airport management in the development of local procurement specifications.

V37-10 JAN 15 72 XUM

150/5220–8 Guide Specification for 2,000-Gallon Tank Truck (6–13–69).

Assists airport management in the development of local procurement specifications for 2,000-gallon tank truck.

150/5220–9 Aircraft Arresting System for Joint Civil/Military (4–6–70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

150/5230–1 Suggestions for Airport Safety Self-Inspection (3–30–64).

Summarizes the functional statements, procedures, forms, and schedules on safety self-inspection now in use at many U.S. civil airports.

150/5230–3 Fire Prevention During Aircraft Fueling Operations (4–8–69).

This advisory circular provides information on fire preventative measures which aircraft servicing personnel should observe during fueling operations.

CIVIL AIRPORTS EMERGENCY PREPAREDNESS

150/5240–1A Airport Disaster Control Guide (10–31–67).

Acts as a guide to reducing or avoiding problems imposed by enemy nuclear attack.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–2A Airport Design Standards—Site Requirements for Terminal Navigational Facilities (10–8–69).

Provides information regarding the location, function, and siting requirements of terminal air navigational facilities to enable sound airport design and development, as well as facilitating their proper and economical establishment.

150/5300–3 Adaptation of TSO–N18 Criterion to Clearways and Stopways (10–18–64).

Sets forth standards recommended by the FAA for guidance of the public for the adaptation of TSO–N18 criterion to clearways and stopways.

150/5300–4A Utility Airports—Air Access to National Transportation (5–6–69).

Presents recommendations of the Federal Aviation Administration for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested in their development. ($1.75 GPO.) TD 4.8:Ai 7/968.

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5300–6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7–14–69).

Provides recommended design criteria for the development of larger than general utility airports.

150/5300–7A FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (9–27–71).

Informs the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300–8 Planning and Design Criteria for Metropolitan STOL Ports (11–5–70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5310–3 FAA Order 5310.2, Relocating Thresholds Due to Obstructions at Existing Runways (5–27–68).

Announces the issuance of instructions to FAA field personnel on the displacement or relocation of thresholds.

150/5320–5B Airport Drainage (7–1–70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. ($1.00 GPO.) TD 4.8:78/970.

150/5320–6A Airport Paving (5–9–67).

Provides data for the design and construction of pavements at civil airports.

150/5320–6A CH 1 (6–11–68).

Transmits page changes and adds new chapter 6 to basic AC.

150/5320–6A CH 2 (2–2–70).

Transmits new paragraphs 3, 4, and 5, and adds a new Appendix 2.

150/5320–6A CH 3 (4–1–70).

Transmits several page changes and new subgrade compaction criteria.

150/5325–2B Airport Design Standards—Air Carrier Airports—Surface Gradient and Line of Sight (2–18–70).

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airport surface areas used to accommodate the landing, takeoff, and other ground movement requirements of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–3 CH 1 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CH 1 (8–5–65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1–11.

150/5325–4 CH 2 (9–21–65).

Transmits aircraft performance curves for the Boeing 707–300C and the Fairchild F–27 and F–27B.

150/5325–4 CH 3 (4–25–66).

Transmits aircraft performance curves for the Douglas DC–8–55, DC–8F–55, and DC–9–10 Series, the Fairchild F–27J, and the Nord 262.

150/5325–4 CH 4 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 CH 5 (7–13–66).

Transmits aircraft performance curves for the Douglas DC–9–10 Series equipped with Pratt & Whitney JT8D–1 Engines.

150/5325–4 CH 6 (12–8–66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325–4 CH 7 (2–7–67).

Presents design curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325–4 CH 8 (11–8–67).

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC–9–30 Series.

150/5325–5A Aircraft Data (1–12–68).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

150/5325–6 Effects of Jet Blast (4–15–65).

Presents the criteria for treatment of jet blast effects which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5325–8 Compass Calibration Pad (5–8–69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5330–2A Runway/Taxiway Widths and Clearances for Airline Airports (7–26–68).

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

150/5330–3 Wind Effect on Runway Orientation (5–5–66).

Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.

150/5335–1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (5–15–70).

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335–2 Airport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335–3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (4–19–71).

Provides general guidance to those contemplating the construction of a bridge-type structure to allow aircraft to cross over an essential surface transportation mode.

150/5340–1C Marking of Paved Areas on Airports (11–3–70).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340–4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5–6–69).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5A Segmented Circle Airport Marker System (9–10–71).

Sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices.

150/5340–8 Airport 51-foot Tubular Beacon Tower (6–11–64).

Provides design and installation details on the subject tower.

150/5340–9 Prefabricated Metal Housing for Electrical Equipment (8–18–64).

Provides design and installation details on the subject metal housing.

150/5340–13A High Intensity Runway Lighting System (4–14–67).

Provides corrected curves for estimating loads in high intensity series circuits.

150/5340–14B Economy Approach Lighting Aids (6–19–70).

Describes standards for the design, selection, siting, and maintenance of economy approach lighting aids.

150/5340–15A Taxiway Edge Lighting System (11–1–67).

Describes standards for the design, installation, and maintenance of a taxiway edge lighting system.

150/5340–15A CH 1 (4–2–68).

Transmits change to basic AC.

150/5340–16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (10–26–70).

Describes standards for the design, installation, and maintenance of medium intensity runway lighting system (MIRL), and visual approach slope indicators for utility airports.

150/5340–17A Standby Power for Non-FAA Airport Lighting Systems (3–19–71).

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

150/5340–18 Taxiway Guidance System (9–27–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340–19 Taxiway Centerline Lighting System (11–14–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2–17–69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5340–21 Airport Miscellaneous Lighting Visual Aids (3–25–71).

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

150/5340–22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4–20–71).

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

150/5340–22 CH.1 (6–23–71).

Transmits a page change to subject advisory circular.

150/5340–23 Guide for Location of Supplemental Wind Cones (8–24–71).

Describes standards for the performance and location of supplemental wind cones.

150/5345–1B Approved Airport Lighting Equipment (10–30–68).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply such equipment.

150/5345–2 Specification for L–810 Obstruction Light (11–4–63).

Required for FAAP project activity.

150/5345–2 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–3A Specification for L–821 Airport Lighting Panel for Remote Control of Airport Lighting (10–20–67).

Required for FAAP project activity.

150/5345–3A CH 1 (6–11–68).

Corrects case dimensions for the size 4 panel and other page changes.

150/5345–3A CH 2 (9–17–69).

Provides corrected drawings for the size 4 panel layout dimensions and the case dimensions.

150/5345–4 Specification for L–289 Internally Lighted Airport Taxi Guidance Sign (10–15–63).

Required for FAAP project activity.

150/5345–4 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–5 Specification for L–847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9–3–63).

Required for FAAP project activity.

150/5345–7B Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits (3–18–71).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345–9C Specification for L–819 Fixed Focus Bidirectional High Intensity Runway Lights (12–23–69).

Describes the subject specifications requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–10B Specification for L–828 Constant Current Regulator With Stepless Brightness Control (4–8–68).

Required for FAAP project activity.

V 37 10 JAN 15 72 XUM

150/5345–11 Specification for L–812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3–2–64).

Required for FAAP project activity.

150/5345–12A Specification for L–801 Beacon (5–12–67).

Describes the subject specification requirements.

150/5345–12A CH. 1 (3–19–71).

Transmits paragraph changes to the subject advisory circular.

150/5345–13 Specification for L–841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1–6–64).

Required for FAAP project activity.

150/5345–15 Specification for L–842 Airport Centerline Light (1–6–64).

Required for FAAP project activity.

150/5345–16 Specification for L–843 Airport In-Runway Touchdown Zone Light (1–20–64).

Required for FAAP project activity.

150/5345–17 Specification for L–845 Semiflush Inset Prismatic Airport Light (3–3–64).

Describes the subject specification requirements.

150/5345–18 Specification for L–811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3–3–64).

Required for FAAP project activity.

150/5345–18 CH 1 (5–28–64).

Advises that a detail requirement is not applicable to the circular.

150/5345–19 Specification for L–838 Semiflush Prismatic Airport Light (5–11–64).

Describes the subject specification requirements.

150/5345–20 Specification for L–802 Runway and Strip Light (6–24–64).

Describes the subject specification requirements.

150/5345–20 CH 1 (8–31–64).

Provides amended information for the basic advisory circular.

150/5345–20 CH 2 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–20 CH 3 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–20 CH 4 (8–5–69).

Describes the subject specification requirements for a runway and strip light.

150/5345–21 Specification for L–813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7–28–64).

Describes the subject specification requirements.

150/5345–22 Specification for L–834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10–8–64).

Describes the subject specification requirements.

150/5345–23 Specification for L–822 Taxiway Edge Light (10–13–64).

Describes the subject specification requirements.

150/5345–23 CH 1 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–23 CH 2 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–23 CH 3 (8–5–69).

Describes the subject specification requirements for a taxiway edge light.

150/5345–26A Specification for L–823 Plug and Receptacle, Cable Connectors (5–4–71).

Describes the subject specification requirements.

150/5345–27A Specification for L–807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6–16–69).

Describes the subject specification requirements for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345–28A Specification for L–851 Visual Approach Slope Indicator System (3–17–70).

Describes the subject specification requirements for visual approach slope indicator system (VASI) equipment.

150/5345–29A FAA Specification L–852, Light Assembly, Airport Taxiway Centerline (4–28–71).

Describes FAA Specification L–852, Light Assembly, Airport Taxiway Centerline, for the guidance of the public.

150/5345–30A Specification for L–846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2–3–67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345–31A Specification for L–833 Individual Lamp Series-to-Series Type Insulating Transformer for 600-Volt or 5,000-Volt Series Circuits (4–24–70).

Describes the subject specification requirements and is published by the FAA for the guidance of the public.

150/5345–33 Specification for L–844 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 20/6.6 Amperes 200 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–34 Specification for L–839 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–35 Specification for L–816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits (1–28–65).

Describes the subject specification requirements.

150/5345–36 Specification for L–808 Lighted Wind Tee (2–3–65).

Describes the subject specification requirements.

150/5345–37B FAA Specification L–850, Light Assembly Airport Runway Centerline and Touchdown Zone (1–8–68).

Revises subject light assembly.

150/5345–38 Changes to Airport Lighting Equipment (3–23–67).

The title is self-explanatory.

150/5345–39A FAA Specification L–853, Runway and Taxiway Centerline Retroreflective Markers (9–17–71).

Describes specification requirements for L–853 Runway and Taxiway Retroreflective markers, for the guidance of the public.

150/5345–41 Specification for L–855, Individual Lamp, Series-to-Series Type Insulating Transformer for 5,000-Volt Series Circuit, 6.6/6.6 Amperes, 65 Watts (4–24–70).

Describes the subject specification and is published by the FAA for the guidance of the public.

150/5345–42 FAA Specification L–857, Airport Light Bases, Transformer Housing and Junction Boxes (10–27–70).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

150/5345–43 FAA/DOD Specification L–856, High Intensity Obstruction Lighting System (8–19–70).

Describes specification requirements for high intensity obstruction lighting system.

150/5345–44A Specification for L–858 Retroreflective Taxiway Guidance Signs (7–30–71).

Describes the specification for retroreflective taxiway guidance signs.

150/5355–1 Diagrammatic Maps and Location Signs at Airports (3–21–69).

Informs airport authorities of the desirability to provide diagrammatic maps of facilities within terminal buildings

and of the need for clearly marked locations signs at airports, especially at those used by international travelers.

150/5355–2 Fallout Shelters in Terminal Buildings (4–1–69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360–1 Airport Service Equipment Buildings (4–6–64).

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

150/5360–2 Airport Cargo Facilities (4–6–64).

Provides guidance material on air cargo facilities.

150/5360–3 Federal Inspection Service Facilities at International Airports (4–1–66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370–1A Standard Specifications for Construction of Airports (5–28–68).

Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1968. ($3.50 GPO.) TD 4.24:968

150/5370–2. Safety on Airports During Construction Activity (4–22–64).

Provides guidelines concerning safety at airports during periods of construction activity.

150/5370–4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5–29–69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370–5. Offshore Airports (12–15–69).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods.

150/5370–6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3–16–70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

150/5370–7 Airport Construction Controls to Prevent Air and Water Pollution (4–26–71).

Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

150/5370–8 Grooving of Runway Pavements (3–16–71).

Provides guidance for the design, installation, and maintenance of grooves in runway pavements.

150/5380–1 Airport Maintenance (4–14–63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to in-pavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–3A Removal of Contaminants from Pavement Surfaces (10–27–70).

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5390–1A Heliport Design Guide (11–5–69).

Contains design guidance material for the development of heliports, both surface and elevated. ($0.75 GPO.) TD 4.108:H36.

Air Navigational Facilities

SUBJECT No. 170

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

150/5380–5 Debris Hazards at Civil Airports (3–8–71).

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

170–6A Use of Radio Navigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170/6850–1 Aeronautical Beacons and True Lights (8–28–68).

Describes FAA standards for the installation and operation of aeronautical beacons serving as true lights.

170–7 Decommissioning of ILS Middle Compass Locators (10–29–65).

Disseminates information regarding the FAA program for decommissioning of compass locators associated with ILS middle markers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170–10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10–17–69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

170–11 Amendment of Federal Aviation Regulation Part 171 (FAR–171)—Cost of Flight and Ground Inspections (9–17–70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

170–12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10–7–70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

171–1 Estimating Packing and Shipping Costs for Export Shipments for ATC and Navaid Equipments (2–18–66).

Assists personnel engaged in preparing packing and shipping estimates of air navigation and traffic control equipments for overseas shipment.

Administrative

SUBJECT No. 180

183–30 Directory of FAA Designated Mechanic Examiners (12–14–70).

Provides a new directory of all FAA designated mechanic examiners as of the effective date shown above.

183–31 FAA Designated Parachute Rigger Examiner Directory (12–14–70).

Provides a new directory of all FAA designated parachute rigger examiners as of the effective date shown above.

V 37 10 JAN 15 72 XUM

183.29–1E Designated Engineering Representatives (1–5–70).

Lists in Appendix 1 the Designated Engineering Representatives who are available for consulting work.

Flight Information

SUBJECT NO. 210

210–1 National Notice to Airmen System (2–8–64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–2A Established Schedule for Flight Information Effective Dates (9–19–69).

Emphasizes the importance of adherence to the established schedule of effective dates for flight information, and provides a copy of the schedule through June 1971.

210–3 National Notice to Airmen System—Elimination of NOTAM Code (5–22–70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic Service A circuits.

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

211–5 Recommended Symbols and Terminologies for use with Terminal Area Graphic Notices (6–28–71).

Provides samples of standardized symbols and terminologies for use with graphic notices.

Internal Directives

Contractions Handbook, 7340.1B (9–16–69).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. ($3.75 Sub.—GPO.) TD 4.308:C76/969.

Location Identifiers, 7350.1S.

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. Dated 5–15–71. ($6 Sub.—GPO.) TD 4.310:.

Flight Services, 7110.10A (4–1–71).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. ($9 Sub.—GPO.) TD 4.308: F 64.

International Flight Information Manual, Vol. 19 (April 1971).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. ($3.50–$4.50 foreign—Annual Sub. GPO.) TD 4.309:16.

International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. ($5—Annual Sub. GPO.) TD 4.11:.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations, and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas, Scatana, and Emergency Procedures. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12:pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service Stations and National Weather Service telephone numbers. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12:pt. 2/.

Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 28 days and contains an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Preferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2; and Area Navigation Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3 and Part 4. (Annual Sub. $20, Foreign mailing—$5 additional. GPO.) TD 4.12:pt. 3/.

Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued semiannually and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. $1.50, Foreign mailing—$0.50 additional. GPO.) TD 4.12:pt. 4/.

Aircraft Type Certificate Data Sheets and Specifications.

Contains all current aircraft specifications and type certificate data sheets issued by the FAA. Monthly supplements provided. ($30—Sub., Foreign mailing—$7.50 additional. GPO.) TD 4.15:967.

Aircraft Engine and Propeller Type Certificate Data Sheets.

Contains all current aircraft engine and propeller type certificate data sheets and specifications issued by FAA. Monthly supplements provided. ($16—Sub., Foreign mailing—$4 additional. GPO.) TD 4.15/2:968.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($23—Sub., Foreign mailing—$5.75 additional, GPO.) TD 4.36: 971.

STATUS OF THE FEDERAL AVIATION REGULATIONS
As of October 29, 1971

FEDERAL AVIATION REGULATIONS VOLUMES

Volume No.	Contents	Price	Transmittals
Volume I		$1.50 plus 50¢ foreign mailing	4
Part 1	Definitions and Abbreviations.		
Volume II		$8 plus $2 foreign mailing	19
Part 11	General Rule-Making Procedures.		
Part 13	Enforcement Procedures.		
Part 15	Nondiscrimination in Federally assisted Programs of the Federal Aviation Administration.		
Part 21	Certification Procedures for Products and Parts.		
Part 37	Technical Standard Order Authorizations.		
Part 39	Airworthiness Directives.		
Part 45	Identification and Registration Marking.		
Part 47	Aircraft Registration.		
Part 49	Recording of Aircraft Titles and Security Documents.		
Part 183	Representatives of the Administrator.		
Part 185	Testimony by Employees and Production of Records in Legal Proceedings.		
Part 187	Fees.		
Part 189	Use of Federal Aviation Administration Communications System.		
Volume III		$8.50 plus $2.25 foreign mailing	7
Part 23	Airworthiness Standards: Normal, Utility, and Acrobatic Category Airplanes.		
Part 25	Airworthiness Standards: Transport Category Airplanes.		
Part 36	Noise Standards: Aircraft Type Certification.		
Volume IV		$3.50 plus 75¢ foreign mailing	4
Part 27	Airworthiness Standards: Normal Category Rotorcraft.		
Part 29	Airworthiness Standards: Transport Category Rotorcraft.		
Part 31	Airworthiness Standards: Manned Free Balloons.		
Part 33	Airworthiness Standards: Aircraft Engines.		
Part 35	Airworthiness Standards: Propellers.		
Volume V		$3 plus 75¢ foreign mailing	8
Part 43	Maintenance, Preventive Maintenance, Rebuilding, and Alteration.		
Part 145	Repair Stations.		
Part 149	Parachute Lofts.		
Volume VI		$5.50 plus $1.25 foreign mailing	22
Part 91	General Operating and Flight Rules.		
Part 93	Special Air Traffic Rules and Airport Traffic Patterns.		
Part 99	Security Control of Air Traffic.		
Part 101	Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons.		
Part 103	Transportation of Dangerous Articles and Magnetized Materials.		
Part 105	Parachute Jumping.		
Volume VII		$6.50 plus $1.75 foreign mailing	8
Part 121	Certification and Operations: Air Carriers and Commerical Operators of Large Aircraft.		
Part 123	Certification and Operations: Air Travel Clubs Using Large Airplanes.		
Part 127	Certification and Operations of Scheduled Air Carriers with Helicopters.		
Part 129	Operations of Foreign Air Carriers.		
Volume VIII		$3.50 plus $1 foreign mailing	
Part 133	Rotorcraft External-Load Operations.		
Part 135	Air Taxi Operators and Commercial Operators of Small Aircraft.		
Part 137	Agricultural Aircraft Operations.		
Volume IX		$6 plus $1.50 foreign mailing	4
Part 61	Certification: Pilots and Flight Instructors.		
Part 63	Certification: Flight Crewmembers Other Than Pilots.		
Part 65	Certification: Airmen Other Than Flight Crewmembers.		
Part 67	Medical Standards and Certification.		
Part 141	Pilot Schools.		
Part 143	Ground Instructors.		
Part 147	Aviation Maintenance Technicians Schools.		
Volume X		$4.50 plus $1.25 foreign mailing	6
Part 151	Federal Aid to Airports.		
Part 153	Acquisition of U.S. Land for Public Airports.		
Part 155	Release of Airport Property from Surplus Property Disposal Restrictions.		
Part 159	National Capital Airports.		
Part 165	Wake Island Code.		
Part 167	Annette Island, Alaska, Airport.		
Volume XI		$2.75 plus 75¢ foreign mailing	8
Part 71	Designation of Federal Airways, Controlled Airspace, and Reporting Points.		
Part 73	Special Use Airspace.		
Part 75	Establishment of Jet Routes.		
Part 77	Objects Affecting Navigable Airspace.		
Part 95	IFR Altitudes.		
Part 97	Standard Instrument Approach Procedures.		
Part 157	Notice of Construction, Alteration, Activation, and Deactivation of Airports.		
Part 169	Expenditure of Federal Funds for Nonmilitary Airports or Air Navigational Facilities Thereon.		
Part 171	Non-Federal Navigation Facilities.		

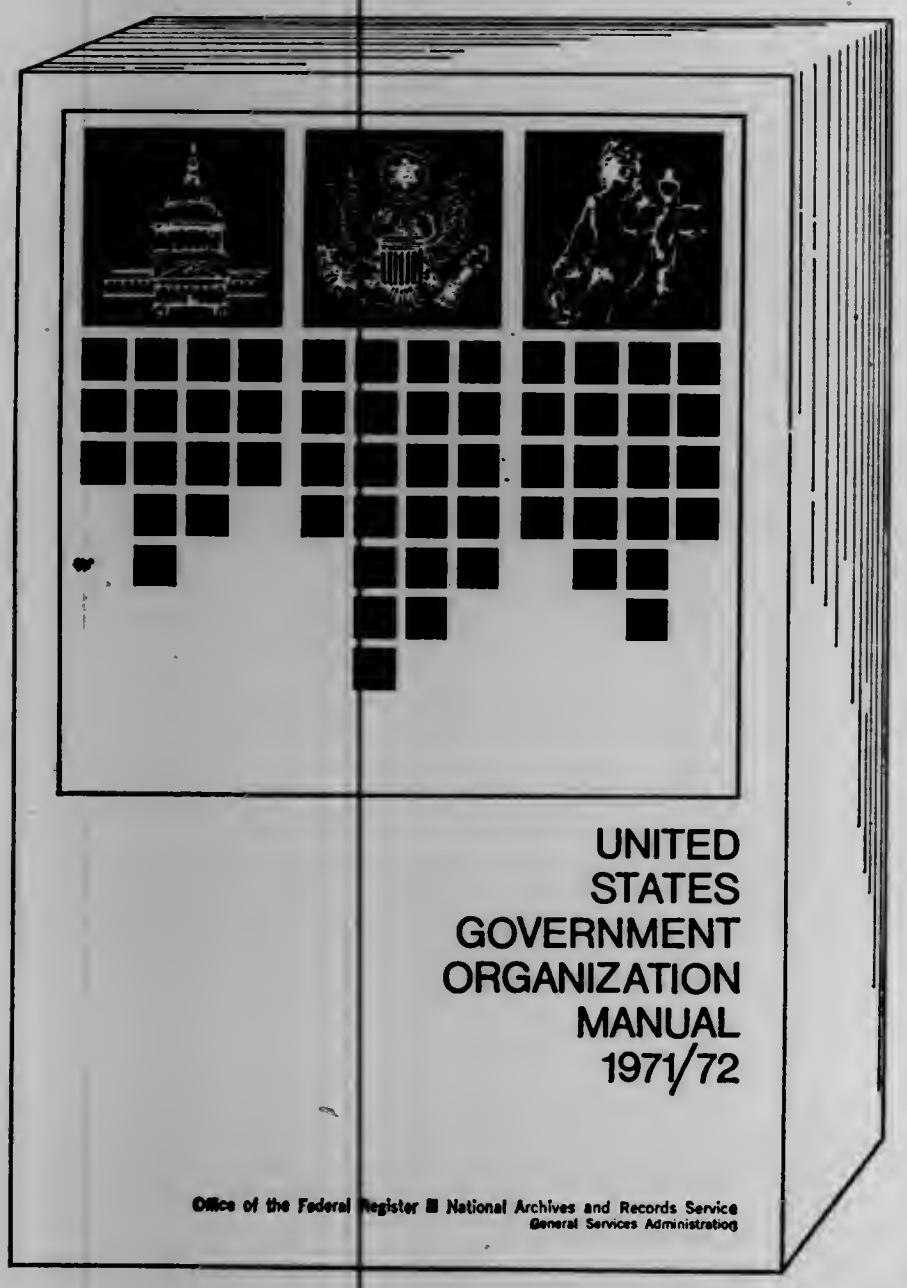
Volumes may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Transmittal (amendment) service is automatic with the purchase of a Volume and is also provided by the Superintendent of Documents. Check or money order made payable to the Superintendent of Documents, should be included with each order.

NELSON B. JUMP,
Acting Manager,
Headquarters Operations.

[FR Doc.72–619 Filed 1–14–72;8:45 am]

V37-10 JAN 15 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C1

federal register

TUESDAY, JANUARY 18, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 11

Pages 719–767

PART I

(Part II begins on page 761)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ECONOMIC STABILIZATION—
IRS notice on Cost of Living Council rulings for sale of repackaged material, ocean shipping rates, and sale of used property (3 documents) 762
IRS notice on Price Commission rulings regarding customary initial percentage markups, price increases due to excise taxes, increased manufacturing costs, and raw material price fluctuations, retail price posting requirements, and other matters (17 documents)..... 762–767

TOBACCO—USDA rule on transfer of marketing quotas and acreage allotments; effective 1–17–72 725

SUGAR—USDA amendment to first quarter 1972 import quota; effective 1–17–72..... 725

AIR CARRIERS—
CAB rules on retention of passenger names (2 documents); effective 2–17–72..... 728
CAB notice on cargo rate agreement..... 748

UNFAIR TRADE PRACTICES—FTC cease and desist orders relating to misrepresentation of business status, deceptive selling practices, corporate stock acquisitions, misleading advertising, and truth in lending (9 documents)..... 729–735

FOOD ADDITIVES—
FDA rule on ammonium persulfate in industrial starch; comments within 30 days..... 740
FDA notice of petition on cupric acetate and cupric carbonate..... 746
FDA notice of withdrawal of petition on polysorbate 80..... 746

(Continued inside)

No. 11—Pt. I——1

V37 N11 JAN 18 72
XUM

30-year Reference Volumes
Consolidated Indexes and Tables

Presidential Proclamations and Executive Orders

Consolidated subject indexes and tabular finding aids to Presidential proclamations, Executive orders, and certain other Presidential documents promulgated during a 30-year period (1936–1965) are now available in two separately bound volumes, published under Title 3 of the Code of Federal Regulations, priced as follows:

Title 3, 1936–1965 Consolidated Indexes **$3.50**

Title 3, 1936–1965 Consolidated Tables **$5.25**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

NEW ANIMAL DRUGS—FDA approval of use of levamisole hydrochloride in swine feed; effective 1–18–72 740

PEANUTS—USDA proposal on acreage determinations; comments within 15 days 742

PROCUREMENT—HEW proposal on audiovisual productions; comments within 30 days 743

ENVIRONMENT—
EPA listing of November impact statement reviews 748
AEC notices of availability of reports (4 documents) 747, 748

DISASTER ASSISTANCE—OEP eligibility designations for Santa Barbara County, California, and certain Oklahoma counties (2 documents) 751, 752

POSTAL RATES—Postal Service notice on rate changes for mail to Canada and Mexico; effective 1–23–72 752

PESTICIDES AND FUNGICIDES—
EPA establishment of tolerances and tolerance exemptions for certain pesticides (5 documents); effective 1–18–72 737–739
EPA notice on temporary tolerance for certain fungicide 751
EPA notices of withdrawal of petitions on certain pesticides (3 documents) 751

CHILD POISON PREVENTION—FDA amendment on testing procedure for special packaging; effective 1–20–72 741

FOREST DEVELOPMENT TRANSPORTATION SYSTEM—USDA amendment on road closure and damage; effective 1–18–72 737

OCCUPATIONAL SAFETY AND HEALTH—
Labor Dept. rule on recording and reporting of injuries and illnesses 736
Labor Dept. proposal on housing for agricultural employees; comments within 30 days 743
Labor Dept. notice on January 20 meeting of Advisory Committee on Construction Safety and Health 754

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations
Continental sugar; requirements and area quotas for 1972 725
Flue-cured tobacco; lease and transfer of marketing quotas 725

Proposed Rule Making
Peanuts; determination of acreage and compliance 742

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service; Forest Service.

ATOMIC ENERGY COMMISSION

Notices
Alabama Power Co.; order concerning schedule for prehearing conference 746
Availability of applicants' environmental reports:
Commonwealth Edison Co 747
Omaha Public Power District 747
Philadelphia Electric Co 747
Power Authority of State of New York 747
Southern California Edison Co. and San Diego Gas and Electric Co 748
Northern Indiana Public Service Co.; establishment of Atomic Safety and Licensing Board 747

CIVIL AERONAUTICS BOARD

Rules and Regulations
Retention of passenger names and addresses (2 documents) 728

Notices
International Air Transport Association; cargo rate matters 748

CONSUMER AND MARKETING SERVICE

Rules and Regulations
Lemons grown in California and Arizona; handling limitations 726

Proposed Rule Making
Milk in middle Atlantic marketing area; termination of proceeding on suspension 742
Milk in Nebraska-western Iowa marketing area; proposed suspension of certain provisions of order 743

EMERGENCY PREPAREDNESS OFFICE

Notices
Notices of major disaster and related determinations:
California 751
Oklahoma 752

(Continued on next page)

V 37 1 1 JAN 18 72 XUM

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities:
- Cacodylic acid 739
- 2,2-Dichlorovinyl dimethyl phosphate 739
- Dimethylformamide 739
- Diphenamid 738
- Piperonyl butoxide 737

Notices

Benomyl; establishment of temporary tolerance 751
Environmental impact statements; availability of EPA comments 748
Withdrawal of petitions regarding pesticide chemicals:
- FMC Corp 748
- PPG Industries, Inc. (2 documents) 748

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives:
- Grumman aircraft 726
- McCauley aircraft propellers 726

Control area; designation 727
Control zone; alteration 727
Transition areas:
- Alteration 727
- Designations (2 documents) 726, 727

Proposed Rule Making

Transition area; designation 744

FEDERAL RESERVE SYSTEM

Notices

Tennessee Valley Bancorp, Inc.; formation of bank holding company 748

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices:
- Abbey Domestic Corp. et al 729
- All Orthopedic Appliances, Inc., and Stephen A. Michelson 730
- EZ Paintr Corp 730
- H-S Enterprises, Inc., et al 731
- Happy Motors, Inc., and Ray B. Hoadley 733
- Harold Burdumy 732
- Harry McDowell, Jr., and Bank Repossession 734
- James Sharp and Consolidated Systems, Inc 734
- Penasquitos, Inc., et al 735

FISCAL SERVICE

Notices

Deputy Treasurer et al.; order of succession to act as Treasurer of the United States 745

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; industrial starch-modified 740
New animal drugs; levamisole hydrochloride (equivalent) 740
Poison prevention packaging; testing procedure for special packaging 741

Notices

Badische Anilin & Soda-Fabrik, AG; filing of petition for food additive 746
Washington Laboratories, Inc.; withdrawal of petition for food additives 746

FOREST SERVICE

Rules and Regulations

Forest development transportation system; road closure and damage 737

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Illustrations; report of surplus real property disposals and inventory 740

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Proposed Rule Making

Procurement clearance of audio-visual productions 743

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Acting area directors; designation and delegation of authority 746

INTERIOR DEPARTMENT

See Land Management Bureau.

INTERNAL REVENUE SERVICE

Notices

Cost of Living Council and Price Commission rulings (20 documents) 762–767

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings (2 documents) 755
Motor carrier temporary authority applications 755

LABOR DEPARTMENT

See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Notices

Colorado; proposed withdrawal and reservation of lands 745

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules and Regulations

Recording and reporting occupational injuries and illnesses; use of data-processing equipment; additional time for completing recordkeeping forms; posting of annual summary 736

Proposed Rule Making

Safety and health standards; housing for agricultural employees 743

Notices

Advisory Committee on Safety and Health; public meeting 754

POSTAL SERVICE

Notices

Postage rates; printed matter and small packets to Canada and Mexico 752

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
- Robert Manufacturing Corp 752
- Southern Co. and Southern Services, Inc 753

SMALL BUSINESS ADMINISTRATION

Notices

Calcap Investment Corp.; application for license as small business investment company 753
Declaration of disaster loan areas:
- California 754
- Massachusetts 754
- New Hampshire 754
- South Dakota 754

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Fiscal Service; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

7 CFR

725 725
811 725
910 726

PROPOSED RULES:

718 742
1004 742
1065 743

14 CFR

39 (2 documents) 726
71 (5 documents) 726, 727
214 728
249 728

PROPOSED RULES:

71 744

16 CFR

13 (9 documents) 729–735

21 CFR

121 740
135e 740
295 741

29 CFR

1904 736

PROPOSED RULES:

1910 743

36 CFR

212 737
261 737

40 CFR

180 (5 documents) 737–739

41 CFR

101–47 740

PROPOSED RULES:

3–4 743

V 37-11 JAN 18 72 XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 8]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1970–71 and Subsequent Marketing Years

LEASE AND TRANSFER OF TOBACCO MARKETING QUOTAS

This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.).

This amendment provides for the use of Form ASCS–375 as a record of transfer of tobacco acreage allotment and marketing quota. The amendment also provides that the record of transfer of quota be signed by the parties to the lease and transfer and that the signature of either the owner or operator of the transferring farm, as well as the owner or operator of the receiving farm, be witnessed by a representative of the county ASC committee in the county where the farms are located or in any county convenient to the person signing. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant places, or other similar hardship cases, may be met by obtaining signatures by mail to affirm the agreed upon transfer.

This change is necessary to insure the proper handling of transfers of allotments and marketing quotas. Indications are that farmers are signing away their rights to allotments and quotas without knowing their real value or to whom they are being transferred.

Since tobacco producers are now effecting transfer agreements, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

Paragraph (c) of § 725.72 is amended to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

* * * * *

(c) *Filing and approval of transfer agreement*—(1) *Filing transfer agreements.* The lease and transfer of an effective farm marketing quota or any part thereof shall not be effective until a copy of the lease, determined by the county committee to be in compliance with the provisions of this section, is filed with the county committee not later than April 1 of the current year, except that a lease shall be effective if (i) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than April 1 of the current year and (ii) the terms of the lease, in writing, are filed with the county committee no later than July 31 of the current year. The county committee may redelegate authority to approve leasing agreements to the county executive director. The filing of a properly executed record of transfer of allotment, Form ASCS–375, will be considered to meet the requirements of this subparagraph (1).

(2) *Record of transfer on ASCS–375.* No lease and transfer of any quota under this section for 1972 and subsequent crops shall become effective until a record of the transfer has been executed on Form ASCS–375 and filed with the county committee by the parties to the transfer. If the owner and operator of the farm from which transfer by lease is made are different persons, both owner and operator shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office, convenient to the owner or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or other similar hardship cases may be met by mail, provided a verbal request is made by the producer.

* * * * *

(Sec. 316, 75 Stat. 469, as amended, sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1314b, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 10, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 72–697 Filed 1–17–72;8:48 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1972

Basis and purpose and statement of bases and consideration. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) hereinafter referred to as the "Act". The purpose of this amendement to Sugar Regulation 811 (36 F.R. 21871), as amended, is to rescind the first quarter limitations on imports of sugar from foreign countries. Marketing limitations pertaining to the maximum quantity of raw sugar which may be imported during the first quarter are no longer necessary to obtain an orderly flow of sugar, therefore such limitations on total raw sugar imports from foreign countries during the first quarter of 1972 are herein rescinded. All obligations under approved set-aside agreements to import sugar during the first quarter within the time limitations prescribed pursuant to Sugar Regulation 817 will continue in effect.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending paragraph (d) of § 811.13 by deleting subparagraphs (1), (2), and (3), designating subparagraph (4) as subparagraph (2) and adding a new subparagraph (1) to read as follows:

§ 811.13 Quotas for foreign countries.

* * * * *

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, the quantity which may be charged against 1972 quotas during the first quarter shall not be limited except that such quantity shall not be less than: (i) The quantity of raw sugar imported in 1971 under bond for refining and storage and charged to such quotas on January 1, 1972, and (ii) 1,150,000 short tons, raw value, of sugar authorized for importation and charged to such 1972 quotas during the first quarter of the year.

* * * * *

(Secs. 201, 202, 207, 403; 61 Stat. 923 as amended, 924 as amended, 927 as amended, 932 as amended; 7 U.S.C. 1111, 1112, 1117, 1153 and Public Law 92–138 approved Oct. 14, 1971)

Effective date. This action rescinds the limitations on the maximum quantity of

V37-11 JAN 18 72 XUM

sugar which may be imported from foreign countries during the first quarter. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for consumption in the continental United States be able as soon as possible to make plans based on changes in the marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and 30-day effective date requirements in 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall become effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on January 13, 1972.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-700, Filed 1-17-72;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements, and Orders; Fruit, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 515, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.815 (Lemon Regulation 515, 37 F.R. 272) during the period January 9, 1972, through January 15, 1972, is hereby amended to read as follows:

§ 910.815 Lemon Regulation 515.

* * * * * * *

(b) *Order.* (1) * * * 210,000 cartons.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 12, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-696 Filed 1-17-72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-160, Amdt. 39-1374]

PART 39—AIRWORTHINESS DIRECTIVE

Grumman Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Grumman G-164A type airplanes.

There have been reports of failures of AN-911-3D (aluminum alloy) nipple fittings which caused fuel to spray on the accessory section of the subject airplanes which incorporate the Pratt & Whitney Aircraft R-1340 (600 hp.) engine. The failures have been determined to result from thread failure of the nipple. This failure supports the replacement of three such nipples, one of which is located other than in the carburetor inlet line. Since this deficiency can exist or develop in other airplanes of similar type design, an airworthiness directive is being issued which will require removal and replacement of the specified nipples.

Since the foregoing presents a fire hazard, cause exists for expeditious adoption of this amendment and thus notice and public procedure hereon are impractical and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GRUMMAN AIRCRAFT. Applies to Type G-164A airplanes equipped with any P&W R-1340 model engine.

Compliance required within the next 25 hours in service, unless already accomplished, after the effective date of this AD.

To preclude the possibility of fuel leakage resulting from cracks in the threaded area of certain aluminum alloy fuel line fittings, accomplish the following:

Replace two AN911-3D pipe thread nipples located in the carburetor inlet line and one AN911-3D nipple located at the outlet boss of the in-line fuel strainer mounted on the firewall bulkhead with corrosion resistant steel nipples P/N AN911-3S, AN911-3K, or AN911-3J.

Grumman S/B No. 46 covers this same subject.

This amendment is effective January 20, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 6, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-661 Filed 1-17-72;8:45 am]

[Docket No. 71-EA-169, Amdt. 39-1377]

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Aircraft Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revise AD 68-8-1 as amended applicable to McCauley aircraft propellers.

Since the amendment of AD 68-8-1 by Docket 71-EA-106, Amdt. 39-1314, many propellers which were not originally covered by AD 68-8-1 have undergone maintenance and now require the same alteration. This amendment is being issued to expand the coverage of hubs and the same need for expeditious adoption exists as formerly. Therefore notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to revise AD 68-8-1 as follows:

1. Delete in AD 68-8-1 all serial numbers following the designation "Hub Serial Numbers" and insert in lieu thereof: "59000 up to and including 712778 except 700492, 700500 through 700558; 700561 through 700568; 700570 through 700594; 700596 through 701050 and 701053".

This amendment is effective January 21, 1972.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 7, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.72-662 Filed 1-17-72;8:45 am]

[Airspace Docket No. 71-GL-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 20372 of the FEDERAL REGISTER dated October 21, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Effingham, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 2, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on December 16, 1971.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is added:

EFFINGHAM, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Effingham County Memorial Airport (latitude 39°04'15" N., longitude 88°32'15" W.).

[FR Doc.72-663 Filed 1-17-72;8:45 am]

[Airspace Docket No. 71-RM-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On November 13, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21763) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Hugo, Colo., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., March 2, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1349(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on January 5, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (37 F.R. 2143) the description of the Hugo, Colo., transition area is amended by deleting all after "* * *" and that airspace east of Hugo, * * *" and substitute "extending upward from 9,500 feet MSL, bounded on the north by V-4, on the east by V-17, on the southeast by V-216, on the southwest by V-263, and on the northwest by V-169, excluding the airspace within Federal airways and the Pueblo and Colorado Springs, Colo., transition areas * * *" therefor.

[FR Doc.72-664 Filed 1-17-72;8:45 am]

[Airspace Docket No. 71-SW-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate controlled airspace at Almyra, Ark.

On November 27, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22685) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Almyra, Ark.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added.

ALMYRA, ARK.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Almyra Municipal Airport (latitude 34°24'30" N., longitude 91°27'30" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on December 30, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-665 Filed 1-17-72;8:45 am]

[Airspace Docket No. 72-WE-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Redding, Calif., control zone.

A request was received from the airport manager of Enterprise Airport, Calif., regarding the feasibility of excluding the airspace within a 1-statute-mile radius of his airport from the description of the Redding, Calif., control zone. A review of the airspace requirements revealed that this could be accomplished without derogating current prescribed instrument procedures. Action is taken herein to affect this change.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing the description of the Redding, Calif., control zone is amended to read as follows:

REDDING, CALIF.

Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.) and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile-radius zone to 8 miles south of the VOR, excluding the portions with a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.) and Enterprise Sky Park (latitude 40°-34'26" N., longitude 122°19'30" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Effective date. This amendment is effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 5, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-666 Filed 1-17-72;8:46 am]

[Airspace Docket No. 72-WA-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate Control 1180 from Kennedy, N.Y., to the western boundary of the New York Oceanic Control Area, in the event that such action may be necessary due to a strike of the Canadian Air Traffic Controllers.

This control area will provide for the safe and expeditious movement of overseas air traffic operating between the New York terminal area and oceanic routes. Specific dates and time for the exercise of this designated control area will be published in a Notice to Airmen.

This requirement is the result of a threatened strike of the Canadian Air Traffic Controllers and the fact that Air Traffic Control is unable to anticipate the exact times it must use this controlled airspace. In order to insure the safety of flight, it may be necessary at any given time for the FAA to establish controlled airspace

Since a situation exists where safety requires immediate adoption of this amendment, it is found that notice and public procedure thereon are impracticable and good cause exists for making this amendment effective on less than 30 days notice.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

V371 JAN 18 72 XUM

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately as hereinafter set forth.

Section 71.163 (37 F.R. 2048) is amended by adding the following:

Control 1180. That airspace extending upward from 6,000 feet MSL to and including FL-450 within the established boundaries of Warning Area W-106 and W-506, and that airspace within Warning Area W-105 extending upward from 6,000 feet MSL to and including FL-450 within tangent lines drawn from the circumference of a 5-mile-radius circle centered on the Kennedy, N.Y., VORTAC (lat. 40°37'57'' N., long. 73°46'32'' W.) to the circumference of a 15-mile-radius circle centered on the Kennedy VORTAC 104° radial at lat. 39°50'00'' N., long. 70°00'00'' W. This control area is effective during the specific dates and times established in advance by a Notice to Airmen.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10654, 34 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 14, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-806 Filed 1-17-72;8:53 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-720, Amdt. 4]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Retention of Passenger Names and Addresses

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of December 1971.

In notice of proposed rule making EDR-212,[1] the Board gave notice that it had under consideration amendments to Parts 249 and 214 of its economic regulations (14 CFR Parts 249, 214) to require certificated route air carriers and supplemental air carriers and, insofar as they operate U.S. originating or terminating charter trips, foreign air carriers and foreign charter air carriers, to retain their pro rata charter manifests for a 2-year period instead of the 6-month period presently required. For the reasons set forth in ER-719, issued contemporaneously herewith, the Board has determined to adopt the amendments to Parts 249 and 214 as proposed.

Accordingly, the Civil Aeronautics Board hereby amends paragraph (a) (2) of § 214.6 of the economic regulations (14 CFR 214.6(a)(2)) effective February 17, 1972, to read as follows:

§ 214.6 Record retention.

(a) Every foreign air carrier operating pursuant to this part shall retain true copies of • • •

• • • • • •

(2) All passenger manifests including those filed by charterers: 2 years; and

• • • • • •

(Secs. 204(a), 402, and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372, and 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY ZINK,
Secretary.

[FR Doc.72-712 Filed 1-17-72;8:50 am]

[Regulation ER-719, Amdt. 17]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Retention of Passenger Names and Addresses

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of December 1971.

In notice of proposed rule making EDR-212,[1] the Board proposed amendments to Parts 249 and 214 of its economic regulations (14 CFR Parts 249, 214) to increase the retention period for pro rata charter manifests from 6 months to 2 years.

Comments in response to the notice of proposed rule making were filed by Transavia Holland, N.V. (Transavia), Overseas National Airways, Inc. (ONA), and Saturn Airways, Inc. (Saturn). Transavia supports the substance of the rule proposed.[2] ONA takes no position on the merits of the proposed rule, but requests that the carriers be allowed to retain charter passenger manifests on microfilm for the period established in this proceeding. Saturn opposes the rule proposed.

Upon full consideration of the relevant matter contained in the comments, the Board has determined, for the reasons set forth hereinafter and in EDR-212, to adopt the rule as proposed.[3] Except as modified herein, the tentative findings set forth in the explanatory statement of EDR-212 are incorporated by reference and made final.

In its comments on EDR-212, Saturn questions whether the proposed increase in the retention period for pro rata charter manifests is at all necessary or desirable. It maintains that a 2-year retention period will impose a needlessly onerous additional administrative burden on the carriers, which are already overburdened with record retention requirements imposed by various Federal, State, and local authorities. Saturn therefore requests the Board to increase only to 1 year the period for the retention of charter passenger manifests.

We are not persuaded to depart from our earlier determination that the present 6-month retention period for pro rata charter manifests should be increased to 2 years. It has been the Board's experience that the existing retention period is not long enough to satisfy the needs of the Board's enforcement staff in policing the charter regulations. For example, as noted in EDR-212, there have been instances where the staff has been unable to obtain from carriers' records information necessary to corroborate charges of noncompliance with the requirement of 6-month bona-fide charter group membership, and the requirement that members of a charter group may not be brought together by means of a solicitation of the general public. Thus, as explained in EDR-212, the public interest in strict enforcement of the charter regulations requires that we increase substantially the period for retaining charter passenger manifests. To that end, we think our proposed 2-year period is preferable to the 1-year period requested by Saturn. Moreover, since carriers presently are required to retain for a 2-year period charter contracts, statements of supporting information and other documents prepared in connection with pro rata charter operations, the proposed 2-year period for retention of charter passenger manifests provided herein will conform with present requirements for retention of other records relative to charters.

We have also decided not to adopt ONA's proposal that the carriers be permitted to substitute microfilm reproductions for pro rata charter manifests and store said manifests for the required 2-year period. Under present regulations[4] microfilm may not be substituted for pro rata charter manifests and other records which are required to be retained only for relatively limited periods of time,[5] except to the extent that a waiver from this prohibition with respect to any category of records is obtained from the Board. ONA has advanced no reasons to support its request, and, considering the rather limited scope of the amendments involved in this proceeding, it would be inappropriate at this time for the Board to except charter manifests from the general prohibition, under our present rules, against substituting microfilm for certain original records, including charter manifests.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 249 of the economic regulations (14 CFR Part 249) effective, February 17, 1972, as follows:

[1] Sept. 15, 1971, Docket 23834, 36 F.R. 18754.

[2] While Transavia supports EDR-212, it asserts that the proposed rules will not solve the problem of regulating charter abuses even though it may facilitate corroboration of charges of noncompliance with the Board's charter regulations. Transavia thus urges the Board not to regard adoption of the proposed rules as a "real solution to the problem of charter abuses." The proposed rules are obviously not intended to be a panacea for the problems involved in enforcing the Board's charter regulations. As explained in EDR-212, the modest purpose of increasing this record retention period is to insure that the Board's enforcement staff will at least have better access to information upon which to determine whether violations of said regulations have occurred.

[3] The amendment to Part 214 is contained in ER-720, issued contemporaneously herewith.

[4] § 249.7.

[5] Six months to 3 years.

1. Amend § 249.8, Item 12 of the "Category of Records" to read as follows:

§ 249.8 Period of preservation of records by supplemental air carriers.

• • • • • •

Category of records:	Period to be retained
• • •	• • •
12. Names and addresses of all passengers transported on each pro rata charter trip.	2 years.
• • •	• • •

2. Amend paragraph (c) (3) of § 249.12 to read as follows:

§ 249.12 Period of preservation of records by foreign air carriers.

• • • • • •

(c) Each carrier shall, pursuant to Part 212 of this subchapter, maintain at its principal or general office • • •

(3) A record of the names and addresses of all passengers transported on each pro rata charter trip originating or terminating in the United States: 2 years.

3. Amend § 249.13(f), Item 302(c) of the "Category of Records" to read as follows:

§ 249.13 Period of preservation of records by certificated route air carrier.

• • • • • •

(f) • • •

302. Reservations reports and records:	
• • •	• • •
(c) Names and addresses of all passengers transported on each pro rata charter trip.	2 years.
• • •	• • •

(Secs. 204(a), 402, and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372 and 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-713 Filed 1-17-72;8:50 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2104]

PART 13—PROHIBITED TRADE PRACTICES

Abbey Domestic Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices:* 13.155–10 Bait; 13.155–15 Comparative; 13.155–35 Discount savings; 13.155–40 Exaggerated as regular and customary; § 13.157 *Prize contests;* § 13.160 *Promotional sales plans.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1705 *Prize contests;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1785 *Exaggerated as regular and customary;* Misrepresenting oneself and goods—Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices;* § 13.1905 *Terms and conditions.* Subpart—Substituting product inferior to offer; § 13.2263 *Substituting product inferior to offer.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Abbey Domestic Corp. et al., North Miami, Fla., Docket No. C-2104, Nov. 18, 1971]

In the Matter of Abbey Domestic Corp., a Corporation, Doing Business as Abbey Sewing Center, Inc., and Erwin Dearman, Individually and as an Officer of Said Corporation, and Albert Behar, Individually and as an Officer of Said Corporation.

Consent order requiring a retailer of sewing machines of Miami, Fla., to cease using false pricing, contest and guarantee claims, and other deceptive selling practices.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Abbey Domestic Corp., a corporation, doing business as Abbey Domestic Sewing Center, Inc., and its officers, and Erwin Dearman and Albert Behar, individually and as officers of said corporation, and respondents' agents, representatives, and employees directly or through any corporate or other device in connection with the advertising, offering for sale, sale or distribution of sewing machines or other products in commerce as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from:

1. Representing that respondents' product is of a value comparable to any other product retailing at a higher price unless the merchandise to which their product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area or areas where the claim is made.

2. Representing, directly or by implication, that any amount is respondents' usual and customary retail price for an article of merchandise or service when such amount is in excess of the price or prices at which such article of merchandise or service has been sold or offered for sale in good faith by respondents at retail for a reasonably substantial period of time in the recent, regular course of their business.

3. Representing, directly or by implication, that any savings is afforded in the purchase of respondents' product as compared to the purchase of another product unless the merchandise to which respondent's product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area or areas in which the claim is made.

4. Representing, directly or by implication, that any savings, discount, credit or allowance is given to purchasers as a reduction from respondents' selling price for a specified product unless such selling price is the amount at which said product has been sold or offered for sale in good faith by respondents at retail for a reasonably substantial period of time in the recent, regular course of their business.

5. Failing to maintain adequate records which disclose the facts upon which representations as to former prices, comparative prices and the usual and customary prices of merchandise, and as to savings afforded to purchasers, and similar representations of the type dealt with in Paragraphs 3, 4, and 8 of this order are based, and from which the validity of such claim can be established.

6. Represent, directly or by implication, that names of winners are obtained through drawings, contests or by chance, when all of the names selected are not chosen by lot; or misrepresenting, in any manner, the nature or purpose of a contest.

7. Using any advertising, promotional program or procedure involving the use of false, deceptive or misleading statements to obtain leads or prospects for the sale of their products.

8. Representing, directly or by implication, that awards or prizes are of a certain value or worth when recipients thereof are not in fact benefitted by or do not save the amount of the represented value of such awards or prizes.

9. Representing, directly or by implication, that any of respondents' products are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed:

10. Representing, directly or by implication, that respondents have posted a bond or have established a reserve fund, the benefits of which are available to recipients of their guarantees, unless respondents do in fact have such a bond or fund available and unless the said bond or fund is available to all recipients of their guarantee.

11. Representing, directly or by implication, that winners of their contests, or drawings, will receive any product or service free, as a gift, without cost, or charge, when the winners are required to pay shipping cost, or other cost related thereto for the free product, service or gift.

12. Representing, directly or by implication, that any of respondents' products have been used, exhibited, featured, or advertised to any extent, or in any manner, unless such is the fact.

13. Failing to disclose in all advertisements, promotional materials, order forms, or any other document utilized to solicit orders for respondents' product, that the product will be shipped c.o.d. and that the purchaser thereof will be required to pay all shipping costs.

14. Substituting at any time a product other than the advertised, promoted, and ordered product of respondents without first providing the purchaser in writing with an option to cancel his order for

V37#11 JAN18 72 XUM

the product for which substitution is sought to be made.

It is further ordered, That a copy of this order to cease and desist be delivered to all present and future personnel of respondents engaged in the sale of sewing machines or other products or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in corporate respondent's business organization such as dissolution; assignment or sale resulting in the emergence of a successor business, corporate or otherwise; the creation of subsidiaries; any change of business name or trade style; or any other change which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: November 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-683 Filed 1-17-72;8:47 am]

[Docket No. C-2108]

PART 13—PROHIBITED TRADE PRACTICES

All Orthopedic Appliances, Inc., and Stephen A. Michelson

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, All Orthopedic Appliances, Inc., et al., Miami, Fla., Docket No. C-2108, Nov. 26, 1971]

In the Matter of All Orthopedic Appliances, Inc., a Corporation, and Stephen A. Michelson, Individually, and as an Officer of All Orthopedic Appliances, Inc.

Consent order requiring a manufacturer of orthopedic appliances and supports of Miami, Fla., to cease suggesting different resale prices to different classes of patients, including Medicare, Insurance, and Industrial Commission patients, and using any deception or subterfuge as a means of affecting the retail prices of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent, All Orthopedic Appliances, Inc., a corporation, its officers, agents, representatives, employees, successors, and assigns, and respondent Stephen A. Michelson, individually, and as an officer of All Orthopedic Appliances, Inc., directly or indirectly, through any corporate or other device, in connection with the manufacture, distribution or sale of orthopedic and related products in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist, either unilaterally or through any agreement, understanding, or common course of action, between respondents and another or others not party hereto, from engaging in or performing any of the following:

1. Making any misrepresentation, or using any kind of deception or subterfuge, oral or written, as a means of affecting the retail prices of its orthopedic and related products, including orthopedic appliances and supports.

2. Suggesting different resale prices to different classes of patients or to different members of the consuming public by any means or methods, including but not limited to the following:

(a) Written price lists, and

(b) Oral suggestions by employees, including salesmen, sales representatives, contact men, or others.

3. For a period of 2 years, suggesting resale prices to any dealers or customers by any means or methods, including but not limited to the following:

(a) Written price lists, and

(b) Oral suggestions by employees, including salesmen, sales representatives, contact men, or others.

II. *It is further ordered*, That respondents All Orthopedic Appliances, Inc., and Stephen A. Michelson, shall, within ninety (90) days after service upon them of this order, destroy any remaining originals or copies of the "Confidential Resale Price List," which are in any way within their possession or under their control.

III. *It is further ordered*, That respondent All Orthopedic Appliances, Inc., shall within ninety (90) days after service upon it of this order, serve by certified or registered mail, or by personal delivery:

1. On each of its domestic dealers or customers with whom it is presently dealing or with whom it has dealt since June 18, 1970, a copy of Letter A[1] attached to this order, signed by its President or other responsible official.

2. On all of its salesmen, sales representatives, contact men, or others who ordinarily deal with its dealers or customers the following:

(a) A copy of this order, and

(b) A copy of Letter B[2] attached to this order, signed by the President or other responsible official (with copy of Letter A also attached).

IV. *It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect its compliance obligations arising out of the order. Further, respondents shall instruct and notify any prospective purchaser about the existence of this order, and about the fact that the Federal Trade Commission intends to enforce the obligations created thereunder.

V. *It is further ordered*, That each respondent herein shall, within ninety (90) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied and will comply with this order. In this regard, where any copies of Letter A required to have been served, are served by personal delivery, the compliance report shall be accompanied by affidavits executed by the appropriate salesmen or others, describing the cities, towns, or States in which personal delivery was made, and attesting to the fact that said copies of Letter A were indeed properly addressed and served on dealers and customers in those areas, as required by paragraph III of the order.

Issued: November 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-706 Filed 1-17-72;8:50 am]

[Docket No. C-2106]

PART 13—PROHIBITED TRADE PRACTICES

EZ Paintr Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, EZ Paintr Corp., Milwaukee, Wis., Docket No. C-2106, Nov. 19, 1971]

In the Matter of EZ Paintr Corp., a Corporation

Consent order requiring the Nation's largest manufacturer of paint and varnish brushes, rollers and other accessories of Milwaukee, Wis., to divest within 1 year the corporate name and certain trade accounts of American Brush Corp., acquired in 1969, and two paint roller companies, acquired in 1970, and prohibits any acquisition, without prior FTC approval, for the next 10 years of any domestic concern engaged in the manufacture or sale of manually powered paint applicators or any concern supplying those industries.

[1] Copies of Letter A may be obtained at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Avenue NW., Washington, DC.

[2] Copies of Letter B may be obtained at Federal Trade Commission Building, Room 130, Sixth and Pennsylvania Avenue NW., Washington DC.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That, subject to the prior approval of the Federal Trade Commission, respondent EZ Paintr Corp., a corporation (hereinafter referred to as EZ), through its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, shall within 1 year from the date this order becomes final, divest absolutely and in good faith all assets, rights, property and privileges, tangible and intangible, including all plants, equipment, machinery, raw material reserves, inventory, customer lists, trade names, good will and other property of whatever description acquired by EZ as a result of its acquisition of Frank Gill Co. (hereinafter referred to as Gill), including all additions and improvements made thereto, which are necessary to establish Gill as a separate independent and viable going concern in the lines of commerce in which it was engaged prior to said acquisition.

II. *It is further ordered*, That, subject to the prior approval of the Federal Trade Commission, respondent EZ, through its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, shall within 1 year from the date this order becomes final, divest absolutely and in good faith all assets, rights, property and privileges, tangible and intangible, including, all plants, equipment, machinery, raw material reserves, inventory, customer lists, trade names, good will and other property of whatever description acquired by EZ as a result of its acquisition of King Paint Roller, Inc. (hereinafter referred to as King), including all additions and improvements made thereto, which are necessary to establish King as a separate, independent, and viable going concern in the lines of commerce in which it was engaged prior to said acquisition.

III. *It is further ordered*, That, subject to the prior approval of the Federal Trade Commission, respondent EZ, through its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, shall within 1 year from the date this order becomes final, divest absolutely and in good faith, the name American Brush Corp. (hereinafter referred to as ABC), and all paint and varnish brush accounts of ABC to whom ABC sold $1,000 or more of paint and varnish brushes during the last full fiscal year of ABC preceding its acquisition by EZ, or the most recent full fiscal year of ABC, and which are still paint and varnish brush accounts of ABC as of the date of this order. Such divestiture shall be accomplished by sale of (a) the name American Brush Corp.; (b) all paint and varnish brush trademarks owned by ABC as of the time of its acquisition by EZ; (c) a list of all such paint and varnish brush customers; (d) all product specifications and specialized dies used by ABC in the production of paint and varnish brushes for the accounts to be sold pursuant to this order; (e) any finished goods, work-in-process, packaging materials, or specialized raw materials in ABC's inventory at the time of divestiture which are applicable exclusively to such accounts together with a list of the sources of such specialized raw materials; and (f) a transfer of all unfilled paint and varnish brush orders and contracts with such accounts, to the extent that such orders and contracts are assignable.

IV. *It is further ordered*, That following the divestiture contemplated by the preceding paragraph of this order, EZ, its officers, directors, agents, representatives, employees, and subsidiaries will (a) refrain for a period of 1 year from the date of such divestiture from the sale of any paint or varnish brushes to any account sold pursuant to the preceding paragraph of this order; and (b) permanently refrain from the sale of any paint or varnish brushes under the ABC corporate name or any trademark divested under the preceding paragraph of this order. *Provided, however*, Nothing contained in subparagraph (a) above shall prevent EZ from selling paint or varnish brushes to any other company which purchased $1,000 or more of paint and varnish brushes from a nondivested component of EZ during its last full fiscal year prior to its acquisition by EZ (i.e., Masterset Brushes, Inc.). A list of such firms to which the foregoing provision applies is contained in a letter of representation from EZ to the Federal Trade Commission.

V. *It is further ordered*, That, pursuant to the requirement of paragraphs I, II, and III above, none of the stock, assets, rights or privileges, tangible or intangible, to be divested by EZ shall be divested directly or indirectly to anyone who is, at the time of the divestiture, an officer, director, employee, or agent of, or under the control, direction, or influence of EZ or any of EZ's subsidiaries or affiliated corporations or who owns or controls more than one (1) percent of the outstanding shares of the capital stock of EZ.

VI. *It is further ordered*, That, pending divestiture, respondent EZ shall not make or permit any deterioration in the value of any of the plants, machinery, parts, equipment, or any other property or assets of the corporations to be divested which may impair their present capacity or market value unless such capacity or value be restored prior to divestiture.

VII. *It is further ordered*, That respondent EZ shall cease and desist for ten (10) years from the date this order becomes final from acquiring directly or indirectly, through subsidiaries or otherwise, without prior approval of the Federal Trade Commission, any part of the assets, stock, share capital, or other actual or potential equity interest or right of participation in the earnings of any domestic concern, corporate or noncorporate, which is engaged in the manufacture or sale of manually powered paint applicators or engaged in the manufacture or sale of raw materials to companies engaging in the manufacture or sale of manually powered paint applicators, or from entering into any arrangements or understanding with such a concern through which respondent EZ becomes possessed of that concern's market share.

For the purposes of this order, manually powered paint applicators are defined as: Paint and varnish brushes; paint rollers including pans, covers, handles, and other accessories sold separately, or as part of a paint roller kit; and miscellaneous paint applicators other than spray equipment and aerosol cans.

VIII. *It is further ordered*, That respondent EZ shall within sixty (60) days after date of service of this order, and every sixty (60) days thereafter until respondent EZ has fully complied with the provisions of this order, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which respondent EZ intends to comply or has complied with this order. All compliance reports shall include, among other things that are from time to time required, a summary of contracts or negotiations with anyone for the specified stock, assets and plant, the identity of all such persons, and copies of all written communications to and from such persons.

IX. *It is further ordered*, That respondent EZ notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any change in the corporation which may affect compliance obligations arising out of the order.

Issued: November 19, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-684 Filed 1-17-72;8:48 am]

[Docket No. C-2107]

PART 13—PROHIBITED TRADE PRACTICES

H-S Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service:* 13.170-58 Nonirritating; § 13.195 *Safety:* 13.195-60 Product. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1885 *Qualities or properties;* § 13.1890 *Safety.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, H-S Enterprises, Inc., et al., Lincoln, R.I., Docket No. C-2107]

In the Matter of H-S Enterprises, Inc. (Isochem Resins Co.), a Corporation, and Herman Selya, Individually and as an Officer or Director of H-S Enterprises, Inc.

Consent order requiring a Lincoln, R.I., marketer of "Stripper SX" or "Safety Strip," a paint and resin disintegrator,

V37#11 JAN18 72 XUM

to cease misrepresenting their products as nonhazardous, using the term "Safety" for products containing toxic substances, and failing to label their products with hazard warnings and first aid instructions.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That the respondent H–S Enterprises, Inc. (Isochem Resins Co.), a corporation, its directors, officers, agents, representatives, employees, successors, and assigns, and respondent Herman Selya, individually, and as a director or officer of H–S Enterprises, Inc., his agents, representatives, and employees directly or indirectly, or through any corporate or other device, in connection with the offering for sale, sale or distribution of goods or commodities in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Representing, directly or by implication in any advertisements, labels, promotional materials, or product name that respondents' Stripper SX, formerly known as Safety Strip; or any other substantially similar products:

(a) Is Nonflammable.
(b) Is Nonvolatile.
(c) Is Nontoxic.
(d) Is Nonirritating.
(e) Has a flash point of 200° C.
(f) Has a boil point of 175° C.
(g) Is completely safe.

2. Misrepresenting, directly or by implication, in any advertisements, labels, or promotional materials, the flammable, volatile, toxic, or irritating properties of any of the respondents' products and misrepresenting the boiling and flash points of any of the respondents' products.

3. Failing to properly label the respondents' product Stripper SX, formerly known as Safety Strip, or any other substantially similar product in conspicuous lettering and type, as follows:

WARNING! HARMFUL IF SWALLOWED, INHALED, OR ABSORBED THROUGH SKIN

Avoid breathing vapor.
Avoid contact with eyes, skin, and clothing.
Keep container closed.
Use with adequate ventilation.
Wash thoroughly after handling.

FIRST AID: If swallowed, induce vomiting and call a physician. Repeat until vomit is clear. For eyes, flush with plenty of water for 15 minutes. Never give anything by mouth to an unconscious person.

WARNING! FLAMMABLE

Keep away from heat, sparks, and open flame.
Keep container closed.
Use with adequate ventilation.

4. Using the word or term "Safety" or any other word or phrase of similar meaning on the label, or in any promotional materials for any of their products containing or composed of toxic substances.

II. *It is further ordered,* That respondents do forthwith cease and desist from disseminating, or causing the dissemination of, any advertisement or promotional material by means of the U.S. mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for their product Stripper SX, formerly known as Safety Strip, or any other substantially similar product, unless the flammable, volatile toxic or irritating nature of such product, and the correct boil and flash points of such product are clearly and conspicuously disclosed in such advertisement or promotional material, for a period of 2 years from the date this order is served upon them.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, or sale of any of the aforesaid products, or any other substantially similar products and secure from such present or future personnel a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: November 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-685 Filed 1-17-72;8:48 am]

[Docket No. C-2109]

PART 13—PROHIBITED TRADE PRACTICES

Harold Burdumy

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions: 13–155–95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1606) [Cease and desist order, Harold Burdumy, Philadelphia, Pa., Docket No. C-2109, Nov. 26, 1971]

In the matter of Harold Burdumy, an individual trading as Harold Burdumy.

Consent order requiring a used-car dealer of Philadelphia, Pa., to cease violating the Truth in Lending Act by failing, in consumer credit transactions and advertisements, to make all disclosures in the manner, form, and amount in accordance with Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Harold Burdumy, an individual, trading or doing business as Harold Burdumy under any other name or form of business, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension or arrangement for the extension of consumer credit, or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to print the terms "finance charge" and "annual percentage rate," where these terms are required to be used, more conspicuously than other required terminology, as required by § 226.6 (a) of Regulation Z.

2. Failing to disclose the amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments, on the face of the contract above or adjacent to the place for the customer's signature, as required by § 226.8(a)(1) of Regulation Z.

3. Failing to disclose (a) the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and (b) a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, on the face of the contract above or adjacent to the place for the customer's signature, as required by §§ 226.8(a)(1) and 226.8(b)(7) of Regulation Z.

4. Failing to disclose the finance charge expressed as an annual percentage rate, and failing to describe that rate as the "annual percentage rate," as required by § 226.8(b)(2) of Regulation Z.

5. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

6. Failing to use the term "cash price" to describe the price at which respondent offers, in the regular course of business, to sell for cash the property or services which are the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

7. Failing to disclose the amount of downpayment, itemized, when applicable, as the downpayment in money using the term "cash downpayment" the trade in allowance using the term "trade-in", and the sum of the "cash downpayment" and "trade-in," using the term "total downpayment," as required by § 226.8(c)(2) of Regulation Z.

8. Failing to disclose the difference between the cash price and the total downpayment, using the term "unpaid balance of cash price," as required by § 226.8(c)(3) of Regulation Z.

9. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

10. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, using the term "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

11. Stating, in any advertisement, the amount of the downpayment required or that no downpayment is required, the amount of any instalment payment, the dollar amount of any finance charge, the number of instalments or the period of repayment, or that there is no charge for credit, unless there is also stated in that advertisement all of the following items in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment or that no downpayment is required, as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The annual percentage rate; and

(e) The deferred payment price.

12. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent's business such as assignment or sale, resulting in the emergence of a successor business, corporate or otherwise, the creation of subsidiaries, or any other change which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist contained herein.

Issued: November 26, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-707 Filed 1-17-72;8:50 am]

[Docket No. C-2111]

PART 13—PROHIBITED TRADE PRACTICES

Happy Motors, Inc., and Ray B. Hoadley

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; 13.1852–75(a) Regulation Z.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Happy Motors, Inc., et al., Miami, Fla., Docket No. C-2111, Dec. 2, 1971]

In the Matter of Happy Motors, Inc., a Corporation, and Ray B. Hoadley, Individually and as an Officer of Said Corporation

Consent order requiring a used car dealer of Miami, Fla., to cease violating the Truth in Lending Act by failing, in consumer credit transactions, to make all disclosures on the "Order Contract" in the form, manner, and amount required by Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Happy Motors, Inc., a corporation, and its officers, and Ray B. Hoadley, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit", and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price", as defined in § 226.2(i), to describe the purchase price of the automobile, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "trade-in" to describe the downpayment in property made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

4. Failing to use the term "total downpayment" to describe the sum of the "cash price" and the "trade-in", as required by § 226.8(c)(2) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

6. Failing to use the term "amount financed" to describe the amount of credit extended as required by § 226.8(c)(7) of Regulation Z.

7. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

8. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as "deferred payment price" as required by § 226.8(c)(8)(ii) of Regulation Z.

9. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

10. Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

11. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

12. Failing to identify the amount or the method of computing the amount of any default, delinquency or similar charge payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

13. Failing to describe the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, as required by § 226.8(b)(5) of Regulation Z.

14. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation as required by § 226.8(b)(7) of Regulation Z.

15. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution; assignment or sale, resultant in the emergence of a successor corporation; the creation or dissolution of subsidiaries; or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 2, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc. 72-708 Filed 1-17-72;8:50 am]

V 37 1 1 JAN 18 72 XUM

[Docket No. C-2110]

PART 13—PROHIBITED TRADE PRACTICES

Harry McDowell, Jr., and Bank Repossession

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions: 13.155–95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Harry McDowell, Jr., et al., Birmingham, Ala., Docket No. C-2110, Nov. 29, 1971]

In the Matter of Harry McDowell, Jr., an Individual Trading and Doing Business as Bank Repossession

Consent order requiring a used car dealer of Birmingham, Ala., to cease violating the Truth in Lending Act by failing, in consumer credit transactions and advertisements, to make all disclosures in the manner, form and amount required by Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Harry McDowell, Jr., an individual trading and doing business as Bank Repossession, or under any other name, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any consumer credit transaction or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit", "credit sale" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

Failing in any consumer credit transaction or advertising, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That a copy of this order to cease and desist shall be delivered to all present and future personnel of respondent engaged in the consummation of any credit sale or any aspect of preparation, creation, and placing of advertising, and shall secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent's business organization such as dissolution; assignment or sale resulting in the emergence of a successor business, corporate or otherwise; the creation of subsidiaries; any change of business name or trade style; or any other change which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: November 29, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-709 Filed 1-17-72;8:50 am]

[Docket No. C-2112]

PART 13—PROHIBITED TRADE PRACTICES

James Sharp and Consolidated Systems, Inc.

Subpart—Misrepresenting oneself and goods—Business Status, advantages or connections: § 13.1490 *Nature;* Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1670 *Jobs and employment;* Misrepresenting oneself and goods—Services: § 13.1843 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1855 *Identity;* § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, James Sharp et al., Indianapolis, Ind., Docket No. C-2112, Dec. 3, 1971]

In the Matter of James Sharp, Individually and as a Former Officer of Consolidated Systems, Inc.

Consent order requiring a former officer of a truck driver training school of Indianapolis, Ind., to cease misrepresenting in "Help Wanted" columns of newspapers that Consolidated Systems, Inc., is a trucking company and that employment is offered to qualified applicants, and to cease misrepresenting job opportunities, training, wages, and terms of payment for courses.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent James Sharp, individually and as former officer of Consolidated Systems, Inc., and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study and instruction in truck driving or any other subject, trade, or vocation, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent Consolidated Systems, Inc., is a trucking company; misrepresenting, in any manner, the nature of respondent's business.

2. (a) Failing to disclose, clearly and conspicuously, in advertisements seeking leads to prospective purchasers of respondent's courses, in catalogs, brochures and on letterheads that respondent's business is that of a seller of a course of study and instruction for prospective truck drivers, not affiliated with any trucking company.

(b) Failing to disclose, clearly and conspicuously, in advertisements seeking leads to prospective purchasers of respondent's courses which are sold through sales representatives, that inquirers will be visited by respondent's sales representatives.

3. Representing, directly or by implication, that employment is being offered when the real purpose of such offer is to obtain leads to prospective purchasers of respondent's courses.

4. Failing to specify, clearly and conspicuously, as a condition to the publication of classified advertisements seeking leads to prospective purchasers, that such advertisements be published only in the education, instruction or similar columns of classified advertising.

5. Representing, directly or by implication, that respondent has been requested to train drivers by any trucking company, misrepresenting, in any manner, respondent's connection or affiliation with the trucking industry or any member thereof.

6. Representing, directly or by implication, that respondent is connected or affiliated with Consolidated Freightways, Inc.

7. (a) Representing, directly or by implication, that respondent operates a training school or facility for prospective truck drivers.

(b) Representing, directly or by implication, that enrollees in respondent's course in truck driver training will be trained on the best and most up-to-date truck driver training equipment available; misrepresenting, in any manner, the quality or nature of truck driver training equipment available for enrollees' training.

8. (a) Representing, directly or by implication, that persons completing respondent's course in truck driver training will thereby be qualified for employment as local or over-the-road truck drivers without further training or experience; misrepresenting, in any manner, the content, completeness or effect of any of respondent's courses.

(b) Failing to disclose clearly and conspicuously in advertising and promotional material seeking leads to prospective purchasers of respondent's courses of training in any occupation, and in advertising and promotional material furnished to persons expressing interest in such courses, the nature and duration of any further training, instruction or experience in addition to the type of training afforded by respondent's course which is generally required before a person will be regarded as fully trained in the occupation for which respondent's training has been offered.

9. Representing, directly or by implication, that enrollees in respondent's course in truck driver training are required to post a bond or pay an insurance fee; misrepresenting, in any manner, the nature or purpose of any fee which must be paid by enrollees in respondent's courses.

10. (a) Representing, directly or by implication, that the balance of the cost of respondent's course remaining after the initial or registration fee has been paid can be deferred until after the student has completed the course and obtained employment as a truck driver;

(b) Representing, directly or by implication, that respondent will handle or arrange the financing of any portion of the cost of respondent's course;

(c) Misrepresenting, in any manner, the terms or conditions under which payment may be made for respondent's courses.

11. Representing, directly or by implication, that respondent's placement service will guarantee or assure the placement of graduates in jobs for which respondent's courses are represented to train them, or will guarantee or assure the placement of graduates in such jobs in the geographical area of their choice; misrepresenting, in any manner, respondent's ability or facilities for assisting graduates of their courses in obtaining employment.

It is further ordered, That respondent shall deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in selling respondent's courses of study and instruction and secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: December 3, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-710 Filed 1-17-72;8:50 am]

[Docket No. 2105]

PART 13—PROHIBITED TRADE PRACTICES

Penasquitos, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Penasquitos, Inc., et al., San Diego, Calif., Docket No. C-2105, Nov. 18, 1971]

In the Matter of Penasquitos, Inc., a Corporation, Irvin J. Kahn, Individually and as an Officer of Said Corporation, and Reed, Miller & Associates, a Corporation

Consent order requiring a real estate builder-developer and its advertising agency of San Diego, Calif., to cease violating the Truth in Lending Act, in consumer credit transactions and advertisements, by failing to make all disclosures in the manner, form, and amount as required by Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Penasquitos, Inc., and Irvin J. Kahn, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the arrangement or extension of consumer credit, or any advertisement to aid, promote, or assist directly or indirectly any arrangement or extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make all disclosures required by Regulation Z clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z.

2. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, which advertisement states:

a. The amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless it states all of the following items in terminology prescribed under § 226.8 of Regulation Z:

(1) The cash price;

(2) The amount of the downpayment required or that no downpayment is required, as applicable;

(3) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(4) The amount of the finance charge expressed as an annual percentage rate

b. The rate of any finance charge other than the annual percentage rate.

3. Failing to print the terms "finance charge" and "annual percentage rate," where required to be used, more prominently than the other terminology required to be used by Regulation Z, as required by § 226.6(a) thereof.

4. Failing in any consumer credit transaction in which the evidence of the transaction comprises more than one document to make all the disclosures required by Regulation Z together on one side of a separate statement which identifies the transaction as required by § 226.8(a) of Regulation Z.

5. Failing in any consumer credit transaction to make the disclosures required by Regulation Z before the transaction is consummated as required by § 226.8(a) of Regulation Z.

6. Failing in any credit sale to accurately disclose the amount of the "cash price," using that term, as required by §§ 226.8(c)(1) and 226.8(c)(7) of Regulation Z.

7. Failing in any credit sale to accurately disclose the amount of the downpayment as required by § 226.8(c)(2) of Regulation Z.

8. Failing in any credit sale to accurately disclose the amount of the "unpaid balance of cash price" as required by § 226.8(c)(3) of Regulation Z.

9. Failing in any credit sale to accurately disclose the amount of the "unpaid balance" as required by § 226.8(c)(5) of Regulation Z.

10. Failing in any consumer credit transaction to accurately disclose the "amount financed" as required by § 226.8(c)(7) of Regulation Z.

11. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of 1 percent, in accordance with §§ 226.5 and 226.8(c)(7) of Regulation Z, as required by §§ 226.8(b)(2), and 226.10 of Regulation Z.

12. Failing to disclose the date on which the finance charge begins to accrue if different from the date of the transaction as required by § 226.8(b)(1) of Regulation Z.

13. Failing to disclose the number of payments scheduled to repay the indebtedness as required by § 226.8(b)(3) of Regulation Z.

14. Failing to accurately disclose the amount of monthly payments scheduled to repay the indebtedness as required by § 226.8(b)(3) of Regulation Z.

15. Failing to disclose the amount of any payment more than twice the amount of any regularly scheduled equal payment as a "balloon payment" as required by § 226.8(b)(3) of Regulation Z.

16. Stating, utilizing or placing any additional information in conjunction with the disclosures required to be made by Regulation Z, which information misleads, contradicts, obscures or detracts attention from disclosure of information required to be disclosed by Regulation Z.

17. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4, 226.5, and 226.8 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

18. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of credit or in any aspect of preparation, creation, and placement of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation and placement of advertising on behalf of respondents, and failing to secure from each such person or agency a signed

V37-11 JAN18 72 XUM

statement acknowledging receipt of said order.

It is further ordered, That respondent Reed, Miller & Associates, and its officers, agents, representatives and employees, directly or through any corporate device, in connection with any advertisement to aid, promote, or assist, directly or indirectly any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226), of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Creating or causing to be published, broadcast, or delivered any consumer credit advertisement which fails to make all the disclosures required by § 226.10 in the manner, form and amount required by §§ 226.4, 226.5, 226.6, 226.7, 226.8, and 226.10 of Regulation Z.

2. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in reviewing the legal sufficiency of advertising prepared, created or placed on behalf of any advertiser, and failing to secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That each respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Issued: November 18, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-686 Filed 1-17-72;8:48 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Use of Data-Processing Equipment; Additional Time for Completing Forms; Posting of Annual Summary

On Friday, November 12, 1971, a notice of proposed amendments to the recordkeeping and reporting regulations under the Williams-Steiger Occupational Safety and Health Act of 1970, was published in the FEDERAL REGISTER (36 F.R. 21687). The proposed amendments concerned use of data-processing equipment, additional time for completing recordkeeping forms and the posting of the annual summary. After consideration of all such relevant matter as was presented by interested persons the amendments as so proposed are hereby adopted, subject to the following changes.

1. In paragraph (a) of § 1904.2, the phrase "for that establishment" is inserted in the first sentence after the first use of the term "all recordable occupational injuries and illnesses."

2. Also in paragraph (a) of § 1904.2 the words "as early as practicable but no later than" are inserted in place of the word "within" in the second sentence of that paragraph.

3. In paragraph (b) of § 1904.2 the words "or by means of data-processing equipment, or both," are inserted after the term "the establishment" and before the phrase "under the following circumstances."

4. In subparagraph (1) of § 1904.2(b) the phrase "after receiving information that a recordable case has occurred" is inserted after the phrase "within 6 working days" and in place of the phrase "after a recordable case has occurred."

5. Subparagraph (2) of § 1904.2(b) is changed to read as follows: "At each of the employer's establishments, there is available a copy of the log which reflects separately the injury and illness experience of that establishment, complete and current to a date within 45 calendar days."

6. In § 1904.4, the clause "after receiving information that a recordable case has occurred" is inserted after the phrase "within 6 working days" and in place of the clause "from the occurrence of a recordable case."

7. In § 1904.4, the phrase "for that establishment" is inserted at the end of the first sentence after the phrase "for each occupational injury or illness."

8. In subparagraph (1) of § 1904.5(d) the words "calendar consecutive" are reversed to read "consecutive calendar."

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (1–18–72), except that the amendments to § 1904.5 shall become effective 30 days after publication in the FEDERAL REGISTER.

Signed in Washington, this 13th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

GEOFFREY H. MOORE,
Commissioner,
Bureau of Labor Statistics.

1. Section 1904.2 is amended as follows:

§ 1904.2 Log of occupational injuries and illnesses.

(a) Each employer shall maintain in each establishment a log of all recordable occupational injuries and illnesses for that establishment, except that under the circumstances described in paragraph (b) of this section an employer may maintain the log of occupational injuries and illnesses at a place other than the establishment. Each employer shall enter each recordable occupational injury and illness on the log as early as practicable but no later than 6 working days after receiving information that a recordable case has occurred. For this purpose, Occupational Safety and Health Administration OSHA Form No. 100 or any private equivalent may be used. OSHA Form No. 100 or its equivalent shall be completed in the detail provided in the form and the instruction contained in OSHA Form No. 100. If an equivalent to OSHA Form No. 100 is used, such as a printout from data-processing equipment, the information shall be as readable and comprehensible to a person not familiar with the OSHA Form No. 100 itself.

(b) Any employer may maintain the log of occupational injuries and illnesses at a place other than the establishment or by means of data-processing equipment, or both, under the following circumstances:

(1) There is available at the place where the log is maintained sufficient information to complete the log to a date within 6 working days after receiving information that a recordable case has occurred, as required by paragraph (a) of this section.

(2) At each of the employer's establishments, there is available a copy of the log which reflects separately the injury and illness experience of that establishment complete and current to a date within 45-calendar days.

2. Section 1904.4 is amended to read as follows:

§ 1904.4 Supplementary record.

In addition to the log of occupational injuries and illnesses provided for under § 1904.2, each employer shall have available for inspection at each establishment within 6 working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying Occupational Safety and Health Administration Form OSHA No. 101. Workmen's compensation, insurance, or other reports are acceptable alternative records if they contain the information required by Form OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form OSHA No. 101 shall be used or the necessary information shall be otherwise maintained.

3. Section 1904.5 is amended to read as follows:

§ 1904.5 Annual summary.

(a) Each employer shall compile an annual summary of occupational injuries and illnesses for each establishment. Each annual summary shall be based on the information contained in the log of occupational injuries and illnesses for the particular establishment. Form OSHA No. 102 shall be used for this purpose, and shall be completed in the form and detail as provided in the instructions contained therein.

(b) The summary shall be completed no later than 1 month after the close of each calendar year beginning with calendar year 1971.

(c) Each employer, or the officer or employee of the employer who supervises the preparation of the annual summary of occupational injuries and illnesses, shall certify that the annual summary of occupational injuries and illnesses is true and complete. The certification shall be accomplished by affixing the signature of the employer, or the officer or employee of the employer who supervises the preparation of the annual summary of occupational injuries and illnesses, to the lower right hand corner of the annual summary or by appending a separate statement to the annual summary certifying that the annual summary is true and complete.

(d) (1) Each employer shall post a copy of the establishment's summary in each establishment in the same manner that notices are required to be posted under § 1903.2(a) of this chapter. The summary shall be posted no later than February 1 and shall remain in place for 30 consecutive calendar days thereafter.

(2) A failure to post a copy of the establishment's annual summary may result in the issuance of citations and assessment of penalties pursuant to sections 9 and 17 of the Act.

4. Section 1904.9 is amended as follows:

§ 1904.9 Falsification, or failure to keep records or reports.

(a) Section 17(g) of the Act provides that "Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment, for not more than 6 months or both."

(b) Failure to maintain records or file reports required by this part, or in the details required by forms and instructions issued under this part, may result in the issuance of citations and assessment of penalties as provided for in sections 9, 10, and 17 of the Act.

5. Section 1904.13 is amended to read as follows:

§ 1904.13 Petitions for recordkeeping exceptions.

(a) *Submission of petition.* Any employer who wishes to maintain records in a manner different from that required by this part may submit a petition containing the information specified in paragraph (c) of this section to the Regional Director of the Bureau of Labor Statistics wherein the establishment involved is located.

* * * * *

(c) *Contents of petition.* A petition filed under paragraph (a) of this section shall include:

(1) The name and address of the applicant;

(2) The address of the place or places of employment involved;

(3) Specifications of the reasons for seeking relief;

(4) A description of the different recordkeeping procedures which are proposed by the applicant;

(5) A statement that the applicant has informed his affected employees of the petition by giving a copy thereof to them or to their authorized representative and by posting a statement giving a summary of the petition and by other appropriate means. A statement posted pursuant to this subparagraph shall be posted in each establishment in the same manner that notices are required to be posted under § 1903.2(a) of this chapter. The applicant shall also state that he has informed his affected employees of their rights under paragraph (b) of this section;

(6) In the event an employer has more than one establishment he shall submit a list of the States in which such establishments are located and the number of establishments in each such State. In the further event that certain of the employer's establishments would not be affected by the petition, the employer shall identify every establishment which would be affected by the petition and give the State in which they are located.

(Secs. 8(c), 8(g), 24, 84 Stat. 1599, 1600, 1615; 29 U.S.C. 657, 673; Secretary's Order No. 12–71, 36 F.R. 8754)

[FR Doc.72-721 Filed 1-17-72;8:51 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM

PART 261—TRESPASS

Road Closure and Damage

On November 27, 1971, notice of proposed rule making regarding an amendment to §§ 212.7 and 261.4 was published in the FEDERAL REGISTER (36 F.R. 22684). After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted, except for the following correction:

The citation of authority should read: "(26 Stat. 1103, 16 U.S.C. 471; 30 Stat. 35, 36, 16 U.S.C. 478, 551; * * *)"

Effective date. This amendment is effective on the date of its publication in the FEDERAL REGISTER (1–18–72).

T. K. COWDEN,
Assistant Secretary of Agriculture.

JANUARY 12, 1972.

1. Part 212, § 212.7(a) is amended by adding subparagraphs (3) and (4) as follows:

§ 212.7 Road system management.

(a) *Traffic rules.* * * *

(3) *Closures.* The Chief may close roads, or segments thereof, under the jurisdiction of the Forest Service to all vehicle use or to use by certain classes of vehicles. Notices of closures shall be posted at the entrances to such roads or road segments and be available to the public at the offices designated in § 200.7 of this chapter.

(4) *Road damage.* Damaging and leaving in a damaged condition roads which are under the jurisdiction of the Forest Service is prohibited.

* * * * *

§ 261.4 [Amended]

2. Part 261 Trespass, § 261.4 is amended by deleting paragraphs (e) and (h).

(26 Stat. 1103, 16 U.S.C. 471; 30 Stat. 35, 36, 16 U.S.C. 478, 551; 50 Stat. 526, 7 U.S.C. 1011(f); 72 Stat. 885, as amended, 23 U.S.C. 101, 205; 78 Stat 1089, 16 U.S.C. 532–538; 74 Stat. 215, 16 U.S.C. 528–531)

[FR Doc.72-644 Filed 1-17-72;8:51 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Piperonyl Butoxide

A petition (PP 9F0840) was filed with FMC Corp., Niagara Chemical Division, Middleport, N.Y. 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues from dermal applications to the animals of the insecticide piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) in the raw agricultural commodities milk fat at 0.25 part per million (reflecting negligible residues in milk) and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.03 part per million.

Subsequently, the petitioner amended the petition by changing the proposed tolerance of 0.03 part per million in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep to 0.1 part per million in the meat, fat, and meat byproducts of the aforementioned animals.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which the tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objections to these tolerances.

V37-11 JAN 18 72 XUM

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.127 is amended to read as follows:

§ 180.127 Piperonyl butoxide; tolerances for residues.

Tolerances for residues of the insecticide piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) are established in or on raw agricultural commodities, as follows:

20 parts per million from postharvest application in or on barley, birdseed mixtures, buckwheat, corn (including popcorn), rice, rye, wheat.

8 parts per million from postharvest application in or on almonds, apples, beans, blackberries, blueberries (huckleberries), boysenberries, cherries, cocoa beans, copra, cottenseed, crabapples, currants, dewberries, figs, flaxseed, gooseberries, gran sorghum, grapes, guavas, loganberries, mangoes, muskmelons, oats, oranges, peaches, peanuts (determined on the nuts with shell removed), pears, peas, pineapples, plums (fresh prunes), raspberries, tomatoes, walnuts.

0.25 part per million from postharvest application in or on potatoes.

0.25 part per million (reflecting negligible residues in milk) in milk fat.

0.1 part per million (negligible residue) in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue S.W., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-18-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 10, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-674 Filed 1-17-72;8:46 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Diphenamid

A petition (PP 0F0933) was filed by the Upjohn Co., Kalamazoo, Mich. 49001, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the herbicide diphenamid (*N,N*-dimethyl-2,2-diphenylacetamide), including its desmethyl metabolite (*N*-methyl-2,2-diphenylacetamide) in or on the raw agricultural commodities peanut hay and forage at 1.5 parts per million; soybean hay and forage and cotton forage at 0.2 part per million; and apples, cottonseed, okra, peaches, peanuts, soybeans, and sweetpotatoes at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by changing the proposed tolerances on peanut hay and forage from 1.5 parts per million to 2 parts per million and on soybean hay and forage from 0.2 to 0.5 part per million and by adding tolerances on peanut hulls at 0.5 part per million; meat, fat, and meat byproducts of cattle, goats, hogs, horses and sheep at 0.05 part per million (negligible residue); and in milk at 0.01 part per million (negligible residue).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. There are reasonable expectations of finite residues in meat and milk, but the proposed tolerances are adequate to cover residues from the feed use of diphenamid-treated items. The uses are classified in the category specified in § 180.6(a)(2) for meat and milk.

2. The proposed uses are not reasonably expected to result in residues of the pesticide in eggs and poultry. The uses are classified in the category specified in § 180.6(a)(3) for eggs and poultry.

3. The tolerances established by the order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512, 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.230 is revised to read as follows:

§ 180.230 Diphenamid; tolerances for residues.

Tolerances are established for residues of the herbicide diphenamid (*N,N*,-dimethyl-2,2-diphenylacetamide) including its desmethyl matabolite (*N*-methyl-2,2-diphenylacetamide) in or on raw agricultural commodities as follows:

2 parts per million in or on peanut hay and forage.

1 part per million in or on potatoes and strawberries.

0.5 part per million in or on peanut hulls and soybean hay and forage.

0.2 part per million in or on cotton forage.

0.1 part per million (negligible residue) in or on apples, cottonseed, fruiting vegetables, okra, peaches, peanuts, soybeans, and sweet potatoes.

0.05 part per million (negligible residue) in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

0.01 part per million (negligible residue) in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-18-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 10, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-678 Filed 1-17-72;8:47 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,2-Dichlorovinyl Dimethyl Phosphate

A petition (PP 1F1059) was filed by the Shell Chemical Co., Division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the insecticide 2,2-dichlorovinyl dimethyl phosphate in eggs, and in the meat, fat, and meat byproducts of poultry at 0.05 part per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerances are being established.

2. Residues from the proposed usage are not reasonably expected to exceed the proposed tolerances. The usage is classified in the category specified in § 180.6(a)(2).

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.235 is amended by inserting before the paragraph "0.02 part per million * * *", a new paragraph as follows:

§ 180.235 2,2-Dichlorovinyl dimethyl phosphate; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in eggs and in the meat, fat, and meat byproducts of poultry.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-18-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 10, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-676 Filed 1-17-72;8:46 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Cacodylic Acid

A petition (PP 0F0911) was filed by the Ansul Co., Marinette, Wis. 54143, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance of 2 parts per million for residues of elemental arsenic resulting from application of the defoliant cacodylic acid (dimethylarsinic acid) in or on the raw agricultural commodity cottonseed. Subsequently, the petitioner amended the petition by proposing additional tolerances at 1 part per million for residues of cacodylic acid (expressed as elemental arsenic) in the kidney and liver of cattle and at 0.5 part per million in meat, fat, and meat byproducts (except kidney and liver) of cattle.

Prior to December 2, 1970, the Secretary of Agriculture certified that this defoliant is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the defoliant exceeding the tolerances for meat, fat, and meat byproducts of cattle. Residues of arsenic are not expected in milk. The usage is classified in the category specified in § 180.6(a)(3). Trace residues of arsenic could occur in eggs and meat, fat, and meat byproducts of hogs and poultry. These levels would be insignificant in relation to those contributed by veterinary uses and covered under § 135g.33. (The tolerances established by § 135g.33 range from 0.5 part per million to 2 parts per million.)

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended by adding the following new section to Subpart C:

§ 180.311 Cacodylic acid; tolerances for residues.

Tolerances are established for residues of the defoliant cacodylic acid (dimethylarsinic acid), expressed as As_2O_3, in or on raw agricultural commodities as follows:

2.8 parts per million in or on cottonseed.

1.4 parts per million in the kidney and liver of cattle.

0.7 part per million in meat, fat, and meat byproducts (except kidney and liver) of cattle.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-18-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 10, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-675 Filed 1-17-72;8:46 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart D—Exemptions From Tolerances

DIMETHYLFORMAMIDE

A petition (PP 1F1026) was filed by E. I. du Pont de Nemours and Co., Inc., Wilmington, Del. 19898, in accordance

V 37 • 11 JAN 18 72 XUM

with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing an exemption from the requirement of a tolerance for residues of dimethylformamide when used as an inert solvent or cosolvent in pesticide formulations applied to growing crops. Subsequently, the petitioner amended the petition by proposing to restrict usage to pesticide formulations for (1) preemergence application, (2) application prior to formation of edible parts of plants, and (3) seed or transplant treatment.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which exemption is being established.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.1001 is amended by alphabetically inserting a new item in paragraph (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Dimethylformamide.	For use only in preemergence application, application prior to formation of edible parts of food plants, and seed and transplant treatment.	Solvent, cosolvent.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-18-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 10, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-677 Filed 1-17-72;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101-47.49—Illustrations

GSA FORM 1100, REPORT OF SURPLUS REAL PROPERTY DISPOSALS AND INVENTORY

Section 101-47.4903 is revised to illustrate the October 1971 edition of GSA Form 1100, Report of Surplus Real Property Disposals and Inventory. Instructions for preparation of the form have been updated to (1) require the annual submission of GSA Form 1100 for the period July 1 to June 30 and (2) eliminate the requirement for submission of a list of individual disposal transactions in which less than the appraised fair market value was obtained and a list of properties remaining in inventory at the end of the report period.

NOTE: The form in § 101-47.4903 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (1-18-72).

Dated: January 10, 1972.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.72-634 Filed 1-17-72;8:50 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

INDUSTRIAL STARCH-MODIFIED

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1B2677) filed by Grain Processing Corp., Muscatine, Iowa 52761, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for an increase in the maximum amount of ammonium persulfate reactant from 0.3 percent to 0.6 percent when the starch is treated under alkaline conditions.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2506(a) is amended by revising the item "Ammonium persulfate" in the list of substances to read as follows:

§ 121.2506 Industrial starch-modified.

* * * * *

(a) * * *

List of reactants:	*Limitations*
Ammonium persulfate, not to exceed 0.3 percent or in alkaline starch not to exceed 0.6 percent.	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-18-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-687 Filed 1-17-72;8:48 am]

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Levamisole Hydrochloride (Equivalent)

The Commissioner of Food and Drugs has evaluated a new animal drug application (45-455v) filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing additional safe and effective use of levamisole hydrochloride (equivalent) as an anthelmintic in swine feed. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended in the table in § 135e.59(f) by adding a new item 2, as follows:

§ 135e.59 Levamisole hydrochloride (equivalent).

* * * * *

(f) *Conditions of use.* It is used as follows:

Principal	Grams per pound	Limitations	Indications for use
* * *	* * *	* * *	* * *
2. Levamisole hydrochloride (equivalent).	0.36 (0.08%)	For swine; withhold feed from swine overnight and then administer medicated feed the following morning; feed 1 pound of worming feed per 100 pounds body weight of pigs to be treated; pigs maintained under conditions of constant worm exposure may require retreatment within 4 to 5 weeks after the first treatment due to reinfection; do not treat within 72 hours of slaughter for food; the label shall bear the warning, "Salivation or muzzle foam may be observed. This reaction is occasionally seen and will disappear in a short time after medication." "If pigs are infected with mature lungworms, coughing, and vomiting may be observed soon after medicated feed is consumed. This reaction is due to the expulsion of worms from the lungs and will be over in several hours."	For treating swine infected with the following nematode infections; large round-worms (*Ascaris suum*), nodular worms (*Oesophagostomum spp.*), lungworms (*Metastrongylus spp.*).

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1-18-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 6, 1972.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.72-689 Filed 1-17-72;8:48 am]

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Testing Procedure for Special Packaging

Section 295.10, setting forth the procedure for testing "special packaging" as defined in section 2(4) of the Poison Prevention Packaging Act of 1970, was promulgated in the FEDERAL REGISTER of November 20, 1971 (36 F.R. 22152). Paragraph (a)(2) thereof provides, in pertinent part, that "[t]he special packaging, each test unit of which, if appropriate, has previously been opened and properly resecured at least ten times by the tester, shall be given to each of the two children with a request for them to open it." Upon further consideration the Commissioner of Food and Drugs has concluded that this requirement should be replaced by more precise provisions which are designed to replicate actual use conditions and which will more adequately protect the public.

The provision that the special packaging be opened and properly resecured before testing was included to insure that the test results would not be influenced by a closure which had been improperly applied, nor by a closure which had been mechanically applied in such a manner that the initial opening would require more physical force than the children being tested could exert, but which would have a lower child-resistant effectiveness level for subsequent openings. This concern would be satisfied by a single pretest opening and resecuring of the special packaging by the tester.

The provision that the opening and resecuring process be performed at least 10 times was included to approximate conditions of normal wear and deterioration of the closure when in continued use. The Commissioner concludes, after further consideration, that continued proper functioning of the closure can best be determined through mechanical testing performed by the manufacturer of the special packaging, and that such determinations are inappropriate in the present protocol. The Commissioner will, therefore, include in the individual standards for substances regulated under the act a requirement that the special packaging used must continue to function as specified when in actual contact with the substance contained therein for the number of openings customarily required for its size and contents. These determinations may be made by scientific evaluation of the compatibility of the substance with the special packaging and by statistically valid mechanical testing to measure such factors as force, wear, and stress. The Commissioner concludes that such a requirement will actually result in greater safeguards for child protection and will more fully implement the purposes of the act.

Therefore, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5; 84 Stat. 1670-72; 15 U.S.C. 1471-74) and under authority delegated to the Commissioner (21 CFR 2.120), § 295.10 *Testing procedure for special packaging* is amended by revising the sixth sentence of paragraph (a)(2) to read "The special packaging, each test unit of which, if appropriate, has previously been opened and properly resecured by the tester, shall be given to each of the two children with a request for them to open it."

Since this amendment is nonrestrictive and noncontroversial in nature, notice and public procedure and 30-day delay in effective date are unnecessary prerequisites to this promulgation.

Effective date. This order shall become effective January 20, 1972.

(Secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471-74)

Dated: January 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-688; Filed 1-17-72;8:48 am]

V37-11 JAN 18 72 XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 718]

PEANUTS

Proposed Determination of Acreage and Compliance

Pursuant to the authority in the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), it is proposed that the regulations governing the determination of peanut acreage be amended to provide that when an area is planted to peanuts the entire area shall be considered as being devoted to peanuts, without regard to the planting pattern used. Under this proposed amendment, peanut producers would not receive deduction credit for strips of idle land between strips of peanuts in skip-row patterns.

Accordingly, it is proposed that paragraph (h) of § 718.8 (36 F.R. 14302) be amended as follows:

§ 718.8 Determination of crop and land use acreage by farm visit.

* * * * *

(h) *Acreage considered as devoted to crop or land use*—(1) *Acreages of row crops planted in skip-row patterns*—(i) *Crops planted in strips of two or more rows alternating with idle land*—(*a*) *Crops other than peanuts.* The entire area shall be considered as devoted to the crop where (*1*) the crop being measured is planted in strips of two or more rows alternating with idle land, and (2) the distance from plant row to plant row of the crop between strips of the crop is not more than 63 inches. However, if the distance from plant row to plant row between strips of the crop is more than 63 inches, the larger of one-half the distance between rows of the crop in the strip or 16 inches shall be considered as devoted to the crop.

(*b*) *Peanuts.* The entire area shall be considered as devoted to peanuts where peanuts are planted in strips of two or more rows alternating with idle land.

* * * * *

(iii) *Single wide rows*—(*a*) *Crops other than peanuts.* The entire area shall be considered as devoted to the crop where (*1*) such crop is planted in single wide rows, and (2) the distance from plant row to plant row is not more than 63 inches. However, when the distance from plant row to plant row is more than 63 inches, 32 inches beyond the row shall be considered as devoted to the crop.

(*b*) *Peanuts.* The entire area shall be considered as devoted to peanuts where peanuts are planted in single wide rows.

* * * * *

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the above office Monday through Friday from 8:15 a.m. to 4:45 p.m.

Signed at Washington, D.C., on January 12, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-719 Filed 1-17-72;8:50 am]

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Termination of Proceeding on Proposed Suspension of Certain Provisions of Order

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), of termination of proceeding on proposed suspension of certain provisions of the order regulating the handling of milk in the Middle Atlantic marketing area. The notice of proposed suspension was issued December 27, 1971 (37 F.R. 20). Interested parties were invited to submit views, data, or arguments to the Hearing Clerk not later than 3 days after publication (January 4, 1972) in the FEDERAL REGISTER.

Certain provisions of paragraph (c) of § 1004.15 were proposed to be suspended to remove the limitation on diversions of producer milk for the months of January and February 1972.

Suspension action was requested on behalf of 23 producers delivering milk to a proprietary handler operating both pool and nonpool plants in Philadelphia. Such handler had been the successful bidder on the Navy Yard contract in 20 of the last 28 times such contract was offered on bids but lost the contract effective January 1, 1972. Petitioners alleged that the handler had advised them that their milk would no longer be accepted on or about January 1, 1972, unless such handler obtained the relief sought by the requested suspension action. They claimed that the diversion provisions are too stringent to permit the handler to economically handle their milk through his nonpool manufacturing plant and still maintain producer status for all of his producers currently associated with his pool distributing plant. To insure a continuing local market, the suspension action was requested for the months of January and February. Unlimited diversions are permitted during the months of March through June under the terms of the order.

Substantial opposition to the proposed suspension action was filed by several substantial cooperatives representing producers on the market. The cooperatives contend that the situation prompting the suspension request involves such a small segment of the market that the requested relaxation in the pooling standards would not be justified. They suggest further that petitioners reacted to their handler's suggestion of a likely loss of market without apparent investigation of either the alternatives available to them or to the handler.

The cooperatives point out that the diversion provisions are designed to accommodate efficient handling of seasonal, holiday, and weekend supplies of fluid milk operations and are not intended to provide a regular source of milk supplies for manufacturing use.

The cooperatives indicate that the problem can be handled fully by careful use by the handler of available diversion allowances without the producers' loss of pool status or market with the handler. Moreover, an exceptor, as a substantial cooperative in the market, indicates that it and another substantial cooperative each had offered to handle the petitioners' milk, or an equivalent amount, and deliver the milk to the handler's nonpool plant on the same carriers being utilized by the petitioners, in such a manner that the milk would retain its producer milk status under Federal Order No. 4.

The cooperatives' offer of assistance to the handler must be regarded as assurance that the milk supply in question can have a continuing local market under Order No. 4. In such circumstances, there is no need or basis for the requested suspension action.

It, therefore, is found and determined that the proposed suspension of the aforesaid diversion limitation provisions of the Middle Atlantic order should not be effectuated and the proceeding begun in this matter on December 27, 1971, should be and is hereby terminated.

Signed at Washington, D.C., on January 13, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-720 Filed 1-17-72;8:50 am]

[7 CFR Part 1065]

MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area is being considered for the months of January through June 1972.

All persons who desire to submit written data, views or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In paragraph (c)(1) of § 1065.14 *producer milk*, "for at least 3 days during the month. The aggregate quantity of producer milk so diverted for the month, however, shall not exceed 15 percent of the cooperative handler's total member-producer milk receipts at all pool plants during the month;"; and

2. In paragraph (c)(2) of § 1065.14 *Producer milk*, "for at least 3 days during the month. The aggregate quantity of producer milk so diverted for the month, however, shall not exceed 15 percent of the milk of all such producers received at his pool plant(s) exclusive of that milk received from producer-members of a cooperative association;".

STATEMENT OF CONSIDERATION

The proposed suspension would have the effect of permitting unlimited diversions to nonpool plants for the months of January through June 1972.

A cooperative association may now divert to nonpool plants for its account the milk of any producer-member whose milk is received at a pool plant(s) for at least 3 days during the month: *Provided*, That the aggregate quantity of producer milk so diverted by the cooperative is not in excess of 15 percent of total member-producer milk receipts at all pool plants during the month. Likewise, a proprietary handler may divert a quantity up to 15 percent of the milk of non-member producers received at his pool plant(s).

The suspension of the limitation on diversions was requested by Mid-America Dairymen, Inc., a milk producer organization in the market. The petitioner alleges that it is primarily responsible for handling the reserve supplies of milk for the market. Petitioner states that its diversions were in excess of the 15 percent limit in December 1971 and that diversions in excess of the limit will continue to be necessary in January 1972 and during the following months through June when milk production increases rapidly. The order provides that milk diverted in excess of the limit is not pooled as producer milk.

Signed at Washington, D.C., on January 14, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-813 Filed 1-17-72;9:27 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

SAFETY AND HEALTH STANDARDS

Housing for Agricultural Employees

Section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655) in general directs the Secretary of Labor to promulgate as an occupational safety and health standard under the Act any "national consensus standard" and any "established Federal standard". Section 6(a) provides that in the event of conflict among these standards, the Secretary is to promulgate the standard which assures the greatest protection of the safety or health of the affected employees.

The Department's rules under the Wagner-Peyser Act of 1933 (29 U.S.C. 49k) which are published in 20 CFR Part 620 are "established Federal standards" within the meaning of section 3(10) of the Williams-Steiger Occupational Safety and Health Act. Section 1910.267 of Title 29, Code of Federal Regulations (36 F.R. 19699, May 29, 1971), which applies to agricultural operations, incorporates the standard for temporary labor camps, which is published in § 1910.142 of that title (36 F.R. 19594, May 29, 1971). The source of § 1910.142 is ANSI Z4.4-1968, Minimum Requirements for Sanitation in Temporary Labor Camps. This is a "national consensus standard" within the meaning of section 3(9) of the Williams-Steiger Occupational Safety and Health Act.

Interested persons are invited to submit written comments to the Office of Safety and Health Standards, Room 308, 400 First Street NW., Washington, DC 20210, within 30 days following the publication of this notice in the FEDERAL REGISTER in order to assist the Assistant Secretary of Labor for Occupational Safety and Health (1) in identifying any conflicts existing between the "national consensus standard" which is published in § 1910.142 and the "established Federal standards" which are published in 20 CFR Part 620 as they apply to agricultural employment; and (2) in adopting under section 6(a) of the Williams-Steiger Occupational Safety and Health Act the standards which assure the greatest protection of safety and health to affected employees.

Pending a determination pursuant to this proceeding, compliance with the requirements of either 20 CFR Part 620 or 29 CFR 1910.142, to the extent that it applies to agricultural employment by virtue of § 1910.267, shall be deemed to be compliance for enforcement purposes with the Williams-Steiger Occupational Safety and Health Act.

Written comments which may be submitted in response to this notice shall be available for public inspection and copying in the Office of Safety and Health Standards, 400 First Street NW., Washington, DC 20210, except as to matters the disclosure of which is prohibited by law.

Signed at Washington, D.C., this 13th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-722 Filed 1-17-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3-4]

PROCUREMENT CLEARANCE OF AUDIO VISUAL PRODUCTIONS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by revising Subpart 3-4.54, Procurement Clearance of Motion Pictures and Video Tape Productions. The purpose of the revision is to clarify the coverage to include all steps and techniques used to procure a finished motion picture, video tape, slide show, film strip, audio recording, exhibitry, display, or similar production.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director of Procurement and Materiel Management, OASAM, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days following publication of this notice in the FEDERAL REGISTER. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Procurement and Materiel Management.

Dated: December 30, 1971.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

As proposed, the revised Subpart 3-4.54 would read as follows:

V 37-11 JAN 18 72 XUM

Subpart 3–4.54—Procurement Clearance of Audio-Visual Productions

§ 3–4.5400 Scope of subpart.

This subpart provides for prior clearance and methods of contracting for the procurement of audiovisual productions. Refer to Chapter 1–121 of the General Administration Manual. The term "audio visual production," as used in this subpart, refers to all steps and techniques leading to the realization of a finished motion picture, video tape, slide show, film strip, audio recording, exhibitry, display, or similar materials, including design, layout, preparation of scripts, filming or taping, sound recording, editing, fabrication, or other activities leading to the creation of an audiovisual production regardless of intended use. Instructions relating to procurement of such productions obtained with grant funds are contained in Chapter 1–450 of the HEW Grants Administration Manual.

§ 3–4.5401 Responsibility.

No procurement action for acquisition of audiovisual productions shall be initiated without first obtaining proper clearance and approvals as set forth below. The Office of the Assistant Secretary for Public Affairs, Office of the Secretary (ASPA–OS), has been designated as the office of primary responsibility for the review and approval of all audiovisual productions. Requests for the procurement of audiovisual productions shall be submitted to ASPA–OS for review and approval (or disapproval).

§ 3–4.5402 Clearance for procurement.

(a) Clearances shall apply to contracts dealing, in whole or in part, with development of audiovisual productions, whether for public information, education or training purposes.

(b) All requests for approval of audiovisual productions, except requests for exhibitry shall be submitted on revised Form HEW–524, Request for Audiovisual Material. Requests for audiovisual materials will be submitted to ASPA–OS for review and approval prior to initiating any procurement action. Requests for approval of exhibitry shall be submitted to ASPA–OS in memorandum form stating the purpose as well as a general description of the content, and the circumstances under which the exhibitry will be used.

(c) Each request shall include the name of the assigned project officer. Failure to assign a project officer whose experience in audiovisual production is suitable to the project will constitute sufficient reason for disapproval of the project.

(d) Each request shall have been approved at the agency level by not lower than the principal public information officer, i.e., Assistant Commissioner for Public Affairs, Assistant Administrator for Information, etc., prior to submission to ASPA–OS.

(e) Requests shall be forwarded to ASPA–OS in triplicate by the approving agency level information officer. Two copies shall be returned by ASPA–OS to the agency level information officer together with (1) a memorandum of approval designating subsequent stages of the project at which ASPA–OS will review the material, or (2) a memorandum of disapproval documenting the reason for withholding approval.

(f) The approved original of the request shall be made a part of the permanent procurement file.

§ 3–4.5403 Methods of contracting.

(a) All procurements shall be conducted on a competitive basis whenever possible. The requirement for publicizing proposed procurements by synopsis in the Commerce Business Daily, as set forth in § 1–1.1003, Federal Procurement Regulations, shall be followed.

(b) When considered desirable and appropriate to do so, current approved bidders lists, call contracts, or procurement arrangements of another Federal agency or department may be used subject to prior concurrence of ASPA–OS, and Office of Procurement and Materiel Management, Office of the Assistant Secretary for Administration and Management (OPMM–OASAM).

(c) When operating agencies wish to supplement any qualified bidders list or call contract list with additional contractors, such additions shall be coordinated with ASPA–OS and OPMM–OASAM.

§ 3–4.5404 Competition.

(a) Contracts shall be awarded after competition and on a fixed price basis whenever feasible. Requests for sole source procurement shall receive the concurrence of ASPA–OS and OPMM–OASAM.

(b) When call contracts or procurement arrangements have already been synopsized, no further synopsis is necessary when issuing calls against the basic contract. However, this procedure does not eliminate the requirement to obtain adequate competition from sources described in § 3–4.5403(b) consistent with the nature and size of the requirement.

[FR Doc.72–702 Filed 1–17–72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–SW–75]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Searcy, Ark.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

SEARCY, ARK.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Searcy Municipal Airport (Latitude 35°13'17" N., Longitude 91°44'15" W.).

Designation of the Searcy, Ark., transition area will provide controlled airspace necessary to accommodate the instrument approach procedures planned at Searcy Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on January 6, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72–668 Filed 1–17–72;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

DEPUTY TREASURER, ET AL.

Order of Succession to Act as Treasurer of the United States

1. Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officers in the Office of the Treasurer of the United States, in the order of succession listed, shall act as Treasurer during the absence or disability of that officer or in the event of a vacancy in the Office:

Deputy Treasurer.
Assistant Deputy Treasurer.
Assistant to the Deputy Treasurer.
Management Analysis Officer.
Chief, Check Claims Division.
Chief, General Accounts Division.
Chief, Cash Division.

2. In the event of an enemy attack on the continental United States and in the absence of the Treasurer of the United States, the senior officer present at the site at which the Treasurer's operations are performed, in descending order in the following line of succession, shall act as Treasurer:

Deputy Treasurer.
Assistant Deputy Treasurer.
Assistant to the Deputy Treasurer.
Management Analysis Officer.
Chief, Check Claims Division.
Chief, General Accounts Division.
Chief, Cash Division.
Director, Parkersburg Office, Bureau of the Public Debt.

3. In the event of an enemy attack on the continental United States and in the occurrence of a vacancy in the office of Treasurer of the United States, the Treasurer's functions shall be deemed to have been transferred, pursuant to the above-mentioned Treasury Department order, to the senior officer present at the site at which the Treasurer's operations are performed, in descending order in the line of succession listed in paragraph 2 above.

4. This order supersedes the order of succession dated September 10, 1963 (28 F.R. 9964).

Dated: January 13, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72–711 Filed 1–17–72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 14442]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 7, 1972.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C–14442, for the withdrawal of the lands described below, from prospecting, location and entry under the General Mining Laws only, subject to valid existing rights.

The applicant desires the lands for public recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SAN JUAN NATIONAL FOREST
NEW MEXICO PRINCIPAL MERIDIAN

Treasure Falls Rest Stop Addition

T. 37 N., R. 1 E.,
Sec. 16, W½NE¼SE¼.

U.S. Highway 160 Roadside Zone

A strip of land two hundred (200) feet on each side of the centerline on U.S. Highway 160 through the following legal subdivisions:

T. 37 N., R. 1 E.,
Sec. 1, lot 1;
Sec. 2, lot 4;
Sec. 3, N½;
Sec. 4, SE¼NE¼, W½NE¼SE¼, S½SE¼;
Sec. 9, all;
Sec. 16, W½NE¼, NE¼NW¼, SE¼SW¼, SW¼SE¼;
Sec. 21, NE¼NW¼.
T. 38 N., R. 1 E.,
Sec. 34, SE¼SE¼;
Sec. 35, S½;
Sec. 36, S½.
T. 37 N., R. 2 E.,
Sec. 6, lot 4.

Stump Lakes Campground

T. 37 N., R. 7 W., Protraction Diagram No. 27 dated November 12, 1964.

A portion of sec. 9 beginning near the center of the section at a point 3 chains west of the outlet of the north of two small lakes; thence due south 8 chains, thence due east 5 chains, thence due south 15 chains, thence due east 25 chains, thence due north 20 chains, thence due west 5 chains, thence due north 15 chains, thence due west 25 chains, thence due south 12 chains, to the point of beginning.

Lost Lake Campground

T. 37 N., R. 7 W., Protraction Diagram No. 27, dated November 12, 1964.

A portion of secs. 17, 18, 19, and 20 beginning at a point which is 9 chains due west of where creek leaves north end of lake, thence due south 11 chains, thence due east 5 chains, thence due south 20 chains, thence due east 15 chains, thence due north 20 chains, thence due east 5 chains, thence due north 25 chains, thence due west 20 chains, thence due south 5 chains, thence due west 5 chains, thence due south 9 chains, to the point of beginning.

Henderson Lake Campground

T. 37 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.

That part of sec. 2 described as follows: Beginning at the southwest corner of sec. 35, T. 38 N., R. 8 W., thence due south 15 chains, thence easterly 40 chains on a line parallel with the north section line of sec. 2, thence due north 15 chains to a point on the north boundary of sec. 2, thence westerly 40 chains along the north boundary of sec. 2 to the point of beginning.
T. 38 N., R. 8 W.,

Sec. 35, S½S½SW¼, E½SE¼, SW¼SW¼SE¼, E½W½SE¼.

Molas Pass Observation Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.

A parcel of land in sec. 13 described as follows: Beginning at a point which bears N. 74° E. 1,056 feet from the junction of U.S. 550 and Forest Road 2590, thence due east 792 feet, thence due north 1,056 feet, thence due west 792 feet, thence due south 1,056 feet to the point of beginning.

V37-11 JAN 18 72 XUM

East Lime Rest Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.

A parcel of land in sec. 14 described as follows: Beginning at a point in sec. 14, which point is due west 68 chains from the junction of U.S. Highway 550 and Forest Road 2590 (Andrews Lake Road), thence due south 12 chains, thence due west 20 chains, thence due north 12 chains, thence due east 20 chains to the point of beginning.

Deer Creek Observation Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.

A parcel of land in sec. 21, described as follows: Beginning at a point in the SE¼, from which the junction of U.S. Highway 550 and Forest Road 2591 bears N. 66° E. 31 chains, thence due west 10 chains, thence due south 15 chains, thence due east 10 chains, thence due north 15 chains to the point of beginning.

Coal Bank Pass Observation Site

T. 40 N., R. 8 W., Protraction Diagram No. 27, dated November 12, 1964.

A parcel of land in sec. 32 described as: Beginning at a point on the north boundary of sec. 32 from which the junction of U.S. Highway 550 and Forest Road 2591 bears N. 42° E. 163.5 chains, thence due west 16 chains, thence due south 16 chains, thence due east 16 chains, thence due north 16 chains to the point of beginning.

Mineral Creek Campground Site

T. 41 N., R. 8 W., Protraction Diagram No. 24, and 24B, dated May 5, 1965.

A parcel of land in secs. 11 and 14 beginning at a point in the NE¼ of sec. 14 from which the junction of U.S. Highway 550 and Forest Road 585 bears S. 70° E. 60 chains, thence due north 16 chains, thence due west 20 chains, thence due north 12 chains, thence due west 20 chains, thence due south 24 chains, thence due east 20 chains, thence due south 4 chains, thence due east 20 chains, to the point of beginning.

Dutch Creek Campground

T. 37 N., R. 9 W.,
Sec. 7, S½NE¼NE¼, N½SE¼NE¼;
Sec. 8, N½SW¼NW¼.

Jones Creek Campground

T. 37 N., R. 9 W.,
Sec. 16, W½W½SE¼.

Chris Park Organization Campground

T. 38 N., R. 9 W.,
Sec. 36, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼.

Purgatory Ski Area

T. 39 N., R. 9 W.,
Sec. 22, NE¼, S½NW¼, S½;
Sec. 23, S½S½NE¼, SW¼NW¼, NW¼SW¼, S½S½, E½NW¼SE¼, NE¼SE¼;
Sec. 25, N½NW¼NW¼, SW¼NW¼NW¼;
Sec. 26, N½, N½SW¼, SE¼SW¼, N½SE¼, SW¼SE¼;
Sec. 27, NE¼, NE¼NW¼, N½SE¼.

Wildcat Picnic Ground

T. 39 N., R. 11 W.

A portion of sec. 28 beginning at a point on the southeast line of the Lightning Placer M.S. 20784 which is S. 36°10' W., 1,122 feet from Corner No. 1 (Corner No. 1 of M.S. 20784 lies S. 73°47' W., 1,778.87 feet from the northeast corner of sec. 28); thence from the point of beginning, S. 36°10' W., 792 feet along the southeast line of M.S. 20784 to a point; thence N. 79°30' E., 1,650 feet to a point; thence N. 27° E., 504 feet to a point; thence S. 87° E., 330 feet and S. 87° W., 1,188 feet to the point of beginning.

Navajo Lake Recreation Site

T. 41 N., R. 11 W.,
Sec. 1, W½SW¼NE¼, E½SE¼NW¼.

Switchback Campground

T. 41 N., R. 11 W.,
Sec. 22, NE¼NE¼, E½E½NW¼NE¼, E½NE¼SW¼NE¼, N½SE¼NE¼.

Burnette Canyon Campground

T. 39 N., R. 12 W.,
Sec. 35, SE¼SE¼SE¼;
Sec. 36, SW¼SW¼, W½SE¼SW¼.

Stoner Ski Area

T. 38 N., R. 13 W.,
Sec. 6, NE¼SE¼, N½SE¼SE¼.

The areas described aggregate approximately 3,231.18 acres.

J. ELLIOTT HALL,
Chief,
Division of Technical Services.

[FR Doc.72-692 Filed 1-17-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BADISCHE ANILIN & SODA-FABRIK AG

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2758) has been filed by Badische Anilin & Soda-Fabrik AG, BASF-6700, Ludwigshafen, Germany, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of potassium bromide and either cupric acetate or cupric carbonate as a stabilizer in nylon 66 resin films.

Dated: January 5, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-690 Filed 1-17-72;8:48 am]

WASHINGTON LABORATORIES, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Washington Laboratories, Inc., Pier 66, Seattle, Washington 98121, has withdrawn its petition (FAP 9H2424), notice of which was published in the FEDERAL REGISTER of July 2, 1969 (34 F.R. 11157), proposing that § 121.1009 *Polysorbate 80* (21 CFR 121.1009) be amended to provide for the safe use of polysorbate 80 in the cooking water of shellfish.

Dated: January 5, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-691 Filed 1-17-72;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-140]

ACTING AREA DIRECTORS

Designation and Delegation of Authority

This amendment revises the designation and delegation of authority as Acting Area Directors published at 36 F.R. 3389, February 23, 1971, to conform with revisions of Area Office position titles under Phase II of the Department's reorganization by deleting in section A current paragraphs 2 and 3 and substituting the following new paragraphs:

2. The Director, Operations Division.

3. The Director, Housing Management Division.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment shall be effective September 1, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72-701 Filed 1-17-72;8:49 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-348, 50-364]

ALABAMA POWER CO.

Order Concerning Schedule for Prehearing Conference

In the matter of Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2), Dockets Nos. 50-348, 50-364.

A prehearing conference in the above matter will be held on Friday, February 11, 1972 at 10 a.m., local time, in the Fourth Floor Courtroom, Houston County Courthouse, Main and Oak Streets, Dothan, Ala. 36301.

The prehearing conference will be concerned only with the Commission's licensing requirements under the Atomic Energy Act of 1954, as amended. It will not cover the matters set forth in the Supplementary Notice of Hearing published in the FEDERAL REGISTER on December 4, 1971.

The Board at the prehearing conference will establish a date and place for the evidentiary hearing.

Dated at Washington, D.C., this 11th day of January 1972.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.72-669 Filed 1-17-72;8:46 am]

[Docket No. 50-249]

COMMONWEALTH EDISON CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, as revised September 9, 1971, notice is hereby given that a report entitled "Supplement No. 1 to Dresden 3 Nuclear Power Station Environmental Report" by the Commonwealth Edison Co. is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC. The report is also being made available to the public at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, Ill. 62706. This report discusses environmental considerations related to the operation of the Dresden 3 Nuclear Power Station located in Grundy County, Ill. Notice of availability of the applicant's report entitled "Environmental Statement for Dresden Unit 3" dated July 24, 1970, was published in the FEDERAL REGISTER on August 6, 1970 (35 F.R. 12568). Notice of the Availability of the Commission's Detailed Statement on Environmental Considerations was published in the FEDERAL REGISTER on January 9, 1971 (36 F.R. 334). Copies of the applicant's statement dated July 24, 1970, and the Commission's Detailed Statement are also available at the above location.

After the Supplemental report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 11th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-670 Filed 1-17-72;8:46 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Establishment of Atomic Safety and Licensing Board

On December 29, 1971, the Commission published in the FEDERAL REGISTER a notice of hearing to consider the application filed by the Northern Indiana Public Service Co. for a construction permit which would authorize the construction of a boiling water reactor, identified as Bailly Generating Station Nuclear I. That notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Richard L. Doan, Dr. Harry Foreman, and Mr. Robert M. Lazo, Chairman. Dr. Eugene Greuling has been designated as a technically qualified alternate and Mr. James R. Yore has been designated as an alternate qualified in the conduct of administrative proceedings.

As provided in the notice of hearing, the date and place of a prehearing conference will be set by the Board, and the date and place of the hearing will be set at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of January 1972.

NATHANIEL H. GOODRICH,
Acting Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.72-671 Filed 1-17-72;8:46 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Notice of Availability of Applicant's Environmental Report; Correction

In F.R. Doc. 71-18941 published in the FEDERAL REGISTER on December 29, 1971 (36 F.R. 25176), second paragraph, third line, word "construction" is corrected to read "operation".

Dated at Bethesda, Md., this 11th day of January 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-672 Filed 1-17-72;8:46 am]

[Dockets Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled Supplement No. 1 to "Applicant's Environmental Report—Operating License Stage" by the Philadelphia Electric Co., is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Martin Memorial Library, 159 East Market Street, York, PA 17401. The report is also being made available to the public at the office of the Pennsylvania State Planning Board, 503 Finance Building, State Capitol, Harrisburg, Pa. 17120, and York County Planning Commission, 1320 West Market Street, York, PA 17404. Philadelphia Electric Co., previously filed a report on June 4, 1971, entitled "Environmental Report—Operating License Stage", which is also available for inspection at the above locations.

The reports discuss environmental considerations related to the proposed operation of the Peach Bottom Atomic Power Plant located in the township of Peach Bottom, York County, Pa. After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 11th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-703; Filed 1-17-72;8:49 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplemental Environmental Report" by the

V37-11 JAN 18 72 XUM

Power Authority of the State of New York is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Oswego City Library, 120 East Second Street, Oswego, NY 13126. The report is also being made available to the public at the New York State Office of Planning Coordination, 488 Broadway, Albany, NY 12207 and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, NY 13202. A report entitled "Environmental Report—Operating License Stage for the James A. FitzPatrick Nuclear Power Plant", dated May 22, 1971, is also available for inspection at the above locations.

The reports discuss environmental considerations related to the proposed operation of the James A. FitzPatrick Nuclear Power Plant located in Oswego County, N.Y. After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 11th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-673 Filed 1-17-72;8:48 am]

[Dockets Nos. 50-361, 50-362]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Notice of Availability of Applicants' Environmental Report and Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicants' Environmental Report, Construction Permit Stage," and "Supplement to Applicants' Environmental Report, Construction Permit Stage" for the San Onofre Nuclear Generating Station, Units 2 and 3, submitted by the Southern California Edison Co. and the San Diego Gas and Electric Co. have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC; at the San Clemente Public Library, 233 Granada Street, San Clemente, CA 92672; at the Federal Records Center, Reading Room, 4747 Eastern Avenue, Bell, CA 90201; and at the U.S. Atomic Energy Commission, San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704. The reports are also being made available to the public at the San Diego County Comprehensive Planning Organization, 207 County Administration Center, 1600 Pacific Highway, San Diego, CA 92101.

These reports discuss environmental considerations related to the construction of the San Onofre Nuclear Generating Station, Units 2 and 3, located at the U.S. Marine Corps Base, Camp Pendleton, San Diego County, Calif.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 11th day of January 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-704 Filed 1-17-72;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 72-1-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Issued under delegated authority January 12, 1972.

By Order 71-12-92, dated December 21, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by Joint Conference 1-2 of the International Air Transport Association (IATA) Agreement CAB 22855. The agreement would revalidate and amend the application/substantiation form for North Atlantic specific commodity rates.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71-12-92 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22855 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-715 Filed 1-17-72;8:50 am]

FEDERAL RESERVE SYSTEM

TENNESSEE VALLEY BANCORP, INC.

Formation of Bank Holding Company

Tennessee Valley Bancorp, Nashville, Tenn., has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to Commerce Union Bank, Nashville, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 9, 1972.

Board of Governors of the Federal Reserve System, January 12, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-705 Filed 1-17-72;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of EPA Comments

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from November 1, 1971, to November 30, 1971 (as required by section 102(2)(C)) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains definitions of the four classifications of the general nature of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I below.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 11, 1972.

APPENDIX I—Continued

Responsible Federal agency	Title and number of statement ¹	General nature of comments	Source for copies of comments
Army Corps of Engineers	D-COE-32040-19: Town Creek navigation (Charleston County, S.C.).	2	EPA
Do	D-COE-32070-21: Chotawhatchee River and Holmes Creek snag removal (Florida).	1	EPA
Department of Agriculture	D-DOA-30033-19: Hollow Creek Watershed (Lexington and Shields Counties, S.C.).	1	EPA
Do	D-DOA-30035-17: Hickman Creek Watershed structural project measure (Hopkins, Ky.).	1	EPA
Department of Defense	D-DOD-11005-23: National Guard Use-Arnold Engineering Development Center (Coffee and Franklin Counties, Tenn.).	1	EPA
Do	D-DOD-51001-07: Airfield complex construction (Fort Campbell, Ky.).	3	EPA
Department of Transportation	D-DOT-40013-18: N.C. 83-210, N.C. 24 to widening Cedar Creek (Cumberland County, N.C.).*	1	EPA
Do	D-DOT-40014-18: U.S. 1-15, South I-40 to North Greensboro, High Point, and Winston-Salem Airport (Guilford County, N.C.).	1	EPA
Do	D-DOT-40228-18: N.C. 24, Fayetteville, bridge over Cape Fear River (Cumberland County, N.C.).	1	EPA
Do	D-DOT-40035-18: I-40, new highway (Wake and Johnston Counties, N.C.).	1	EPA
Do	D-DOT-40035-55: Grants Pass-New Hope Road section (Jacksonville, Oreg.).	1	EPA
Do	D-DOT-40049-28: Widening of U.S.-231 (Davies County, Owensboro, Ky.).	1	EPA
Do	D-DOT-40061-28: Austin Road to Middle Valley Road (Hamilton County, Tenn.).	1	EPA
Do	D-DOT-40062-18: U.S.-17, Upgrading and widening (Columbus-Brunswick County, N.C.).	1	EPA
Do	D-DOT-40066-18: U.S.-70, Dover to S.R. 1225 (Jones-Craven County, N.C.).	1	EPA
Do	D-DOT-40409-18: S.R. 1238, from N.C. 183 to Wiseman's Bridge (Dare County, N.C.).	1	EPA
Army Corps of Engineers	D-COE-40416-17: Flood protection (Burke-McDowell County, N.C.).	3	EPA
Department of Transportation	D-DOT-40417-22: S-703(2), S.R.-24, Realignment and replacing bridge (Levy County, Fla.).	1	EPA
Do	D-DOT-40418-21: F-0240(2), Modernization and expansion (Volusia County, Fla.).	1	EPA
Do	D-DOT-40421-21: F-0240(2, State Road 60, from State Road 15 to State Road 700 (Palm Beach County, Fla.).	1	EPA
Do	D-DOT-40422-18: S.R. 1002, Widening of S.R.-2564 (Raleigh, Wake County, N.C.).	1	EPA
Do	D-DOT-40439-18: U.S.-421, Sanford to Seminole, improvement of (Lee-Harnett County, N.C.).	1	EPA
Do	D-DOT-40440-18: Sanford to Seminole, improvement of (Lee-Harnett County, N.C.).	1	EPA
Tennessee Valley Authority	D-TVA-51007-21: Jacksonville International Airport new runway (Jacksonville, Fla.).	1	EPA
Do	D-TVA-05015-23: Tellico Project (Blount, Loudon, and Monroe Counties, Tenn.).	2	EPA
Do	D-TVA-07012-23: Shelby 500 substation and transmission line (Shelby and Union Counties, Tenn.).	1	EPA
Do	D-TVA-08021-12: Dividing Creek Watershed (Wicomico, Worcester, and Somerset Counties, Md.).	1	EPA
Department of Defense	D-DOD-50001-18: Land acquisition for Naval Station (Norfolk, Va.).	4	EPA
Department of the Interior	D-DOI-01002-11: Coal Gasification Plant (Homer City, Indiana County, Pa.).	1	EPA
Department of Transportation	D-DOT-40006-12: Maryland Route 97 at Glenmont to Argyle Club Road at Layhill (Montgomery County, Md.).	1	EPA
Do	D-DOT-40018-12: Patuxent Freeway relocated Maryland Route 32 (Howard County, Md.).	2	EPA
Do	D-DOT-40079-11: Morgantown Person Rapid Transit Project (Morgantown, W. Va.).	1	EPA
Do	D-DOT-40146-18: Route 622, Wright Shop Road reconstruction and relocation (Amherst County, Va.).	1	EPA
Do	D-DOT-40194-26: New Bridge, Monroe Street, SR-60 (Zanesville, Muskingum County, Ohio) No. 71-154-125.	1	EPA

APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN NOVEMBER 1, 1971, AND NOVEMBER 30, 1971

Responsible Federal agency	Title and number of statement ¹	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-00010-04: Fast Flux Test Facility (Benton County, Wash.).	2	EPA
Department of Agriculture	D-DOA-30001-24: Eden Watershed (Yazoo River, Yazoo County, Miss.).	2	EPA
Do	D-DOA-30003-19: Chattooga River-National Wild and Scenic River System (Jackson and Macon Counties, N.C.; Rabun City, Ga.; Oconee County, S.C.).	1	EPA
Do	D-DOA-34000-06: Rural Environmental Assistance Program.	2	EPA
Federal Power Commission	D-FPC-40017-09: Columbia LNG Corp., Consolidated System LNG Co., operation of terminals and transportation system for liquified natural gas.	2	EPA
Department of Transportation	D-DOT-40023-04: Logan International Airport (Birds Hill, Winthrop, East Boston, Mass.).	3	EPA
Do	D-DOT-40000-02: U.S.-3, Bridge at Lake Winnipesaukee (Tilton-Sanborton-Belmont, Belknap County, N.H.).	1	EPA
Do	D-DOT-40009-06: I-84 Relocation (Waterbury, Conn.).	2	EPA
Do	D-DOT-40010-06: I-95 and I-291: Widening and realignment of I-95 interchange between I-291 and I-86 (Manchester, Conn.).	2	EPA
Do	D-DOT-50008-04: Bridge on Route 140 across Taunton River (Massachusetts).	2	EPA
Do	D-DOT-50009-04: Bridge construction across Ewing Narrows (Hartwell, Anderson Counties, S.C.).	2	EPA
Do	D-DOT-51000-06: Danbury Municipal Airport (Danbury, Conn.).	2	EPA
Do	D-DOT-51026-02: Manchester Municipal Airport (Hillsborough County, N.H.).	2	EPA
Army Corps of Engineers	D-COE-51000-07: El Turbe Beach (Ponce, P.R.).	1	C
Department of Transportation	D-DOT-40107-07: Susquehanna Expressway, I-88 (Oneonta, N.Y.).	1	C
Do	D-DOT-40109-07: I-684, Relocated Route 35 to Croton Falls (Westchester County, N.Y.).	1	C
Do	D-DOT-40110-07: Route 9W, Ravena-Becker's Corner, Dibbs Bridge over railroad, reconstruction (Bethelem, N.Y.).	1	C
Do	D-DOT-40115-11: Route 8 relocation (Delaware and Otsego Counties, N.Y.).	1	C
Do	D-DOT-40116-07: Boonville Townline-McKeever SH1248 (Oneida County, N.Y.).	1	C
Do	D-DOT-40122-07: Susquehanna Expressway, I-88, (Oneonta-Fly Creek, Otsego County, N.Y.).	1	C
Do	D-DOT-40123-07: Susquehanna Expressway, I-88, (Schenectady-County line to I-890 (Albany and Schenectady County, N.Y.).	1	C
Do	D-DOT-40124-07: Section 175 Corners-Flat County Road 29, reconstruction (Cortland County, N.Y.).	1	C
Department of HUD	D-HUD-50008-07: Proposed new community of Riverton near Rochester, N.Y. (Monroe County).	1	C
Department of Agriculture	D-DOA-30021-12: Dividing Creek Watershed (Wicomico, Worcester, and Somerset Counties, Md.).	4	D
Department of Defense	D-DOD-50001-18: Land acquisition for Naval Station (Norfolk, Va.).	1	D
Department of the Interior	D-DOI-01002-11: Coal Gasification Plant (Homer City, Indiana County, Pa.).	1	D
Department of Transportation	D-DOT-40006-12: Maryland Route 97 at Glenmont to Argyle Club Road at Layhill (Montgomery County, Md.).	1	D
Do	D-DOT-40018-12: Patuxent Freeway relocated Maryland Route 32 (Howard County, Md.).	2	D
Do	D-DOT-40079-11: Morgantown Person Rapid Transit Project (Morgantown, W. Va.).	1	D
Do	D-DOT-40146-18: Route 622, Wright Shop Road reconstruction and relocation (Amherst County, Va.).	1	D
Do	D-DOT-40194-26: New Bridge, Monroe Street, SR-60 (Zanesville, Muskingum County, Ohio) No. 71-154-125.	1	D

See footnote at end of table.

V371JAN1872 XUM

APPENDIX I—Continued

Responsible Federal agency	Title and number of statement [1]	General nature of comments	Source for copies of comments
Department of Transportation.	D-DOT-40185-26: CR-60, bridge replacement (Washington County, Ohio) No. 71-158-.23.	1	F
Do	D-DOT-40200-27: Harrison Avenue extension (Shelbyville, Ill.).	1	F
Do	D-DOT-40231-28: S.R.-460, two lane new alignment (Lawrence County, Ind.).	1	F
Do	D-DOT-40282-28: S.R.-3 and S.R.-56, bridge replacement (Switzerland County, Ind.).	2	F
Do	D-DOT-40233-28: S.R.-50, reconstruction (Davies, Martin, and Lawrence Counties, Ind.).	1	F
Do	D-DOT-40237-28: M-106 Trunkline, reconstruction (Jackson, Ingham County, Mich.).	1	F
Do	D-DOT-40238-28: I-75, Elm Street Interchange (Monroe County, Mich.).	2	F
Do	D-DOT-40238-28: M-46, Upgrade road (Cass County, Mich.).	2	F
Do	D-DOT-40060-28: Neco north section, Neco Don Luis Highway (Sonora, Chihuahua).	2	J
Do	D-DOT-40060-28: Lowell-Double Adobe-McNeal Highway (Cochise County, Ariz.).	2	J
Do	D-DOT-40062-28: Yuma Bridge and approaches (Yuma County, Ariz.).	2	J
Do	D-DOT-40063-28: Route 101, freeway development (Santa Barbara, Calif.).	2	J
Do	D-DOT-40071-28: McConnico section, Topock-Kingman Highway, roadway construction (Arizona).	2	J
Do	D-DOT-40264-28: Interchange on Route 4, Alpine County, from the North Fork Mokelumne River to Junction, Route 89 (California).	1	J
Do	D-DOT-40236-28: Improvement of State Highway 37 (Sonoma and Solano Counties, Calif.).	2	J
Do	D-DOT-40274-28: Ash Pipeline Bridge, Mississippi River (Dakota County, Minn.).	2	J
Do	D-DOT-40238-28: C.A.E.S. (Miami, Ariz.), bridge relocation and road construction (Erie County, Ohio).	2	J
Do	D-DOT-40238-30: New bridge, Mississippi River (Chippewa National Forest, Beltrami County, Minn.).	2	J
Do	D-DOT-40238-28: Federal aid, State Route 37 (Cook County, Ill.).	1	F
Do	D-DOT-40238-28: Robert Street bridge and approaches (Jefferson County, Wis.).	1	F
Atomic Energy Commission	D-AEC-24010-34: Pantex Sewage, AEC Pantex Ordnance Plant (Texas).	2	G
Department of Agriculture	D-SCS-34010-34: Cow Creek Watershed (Oklahoma).	2	G
Department of Defense	D-DOD-81001-34: Air Cavalry Combat Test (Fort Hood, Tex.).	2	G
Department of Transportation.	D-DOT-40238-32: Ormsiges urban area transportation study (Omaha, Nebr.).	2	G
Do	D-DOT-40302-38: Route 1 relocation (Plaquemine, La.).	2	G
Do	D-DOT-40303-34: TEX-8H-36, Construction of four-lane highway on new location and over East Brazos River (Brazoria County, Tex.).	1	G
Army Corps of Engineers	D-COE-32051-34: Loup River Project (Omaha District, Nebr.).	1	H
Do	D-COE-32051-38: VII-185, County Line Lake, flood control, recreation lake, and dam (Missouri).	2	H
Department of Agriculture	D-SCS-34011-34: Rural water system, Mo. 1, wells and distribution mains (Texas County, Mo.).	2	H
Department of Transportation.	D-DOT-40079-38: Highway 100, surface and relocation (Rockville, Sherman County, Nebr.).	1	H
Do	D-DOT-40197-38: VII-181, Route 729 (St. Louis, Mo.) (Missouri side), eight-lane freeway, Natural Bridge Road	2	H
Do	D-DOT-40350-38: VII-186, Nebraska Highway 10, from 31st Street, improvement (Kearney, Nebr.).	1	H
Do	D-DOT-40351-38: VII-187, U.S.-65, improvement and 40, new bridges, road realignment (Newton County, Mo.).	2	H
Do	D-DOT-42072-38: VII-188, Route 66, Route I-44, South	2	H
Department of Agriculture	D-SCS-36015-40: Carbon Hill Watershed (Montana).	1	I
Department of Interior	D-DOI-83027-40: Dust abatement, Missouri Basin Program (Montana).	1	I
Department of Transportation.	D-DOT-40383-42: Highway projects FO 12-3 and FO 12-4, providing additional lanes and upgrading road between Yankton and Vermillion (Yankton and Clay Counties, S.Dak.).	2	I

See footnote at end of table.

[1] This number preceding the title is an EPA number assigned to each draft impact statement reviewed. This number should be cited when requesting copies of EPA's comments.

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections.* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggests only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Bldg., Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Post Office Box 12900, Philadelphia, PA 19108.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1402 Elm Street, Dallas, TX 75202.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, Room 702, 911 Walnut Street, Kansas City, MO 64106.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-606 Filed 1-17-72;8:45 am]

BENOMYL

Notice of Establishment of Temporary Tolerance

E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, submitted a petition requesting a temporary tolerance for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazole-carbamate) in or on the raw agricultural commodities citrus fruits intended for the fresh fruit market at 10 parts per million.

It has been determined that a temporary tolerance of 10 parts per million for residues of the fungicide in or on citrus fruits intended for the fresh fruit market is safe and will protect the public health. It is therefore established on condition that the fungicide be used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the E. I. du Pont de Nemours & Co. name.

This temporary tolerance expires January 11, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: January 11, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-679 Filed 1-17-72;8:47 am]

FMC CORP.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), FMC Corp., 100 Niagara Street, Middleport, NY 11104, has withdrawn its petitions (PP 1F1065 and FAP 1H2616), notice of which was published in the FEDERAL REGISTER of February 10, 1971 (36 F.R. 2823), proposing establishment of tolerances for combined residues of the insecticide endosulfan and its metabolite endosulfan sulfate in or on the raw agricultural commodity soybeans at 2 parts per million and in crude soybean oil at 4 parts per million resulting from application of the insecticide to the growing soybeans.

Dated: January 10, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-680 Filed 1-17-72;8:47 am]

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, has withdrawn its petition (PP 1F1119), notice of which was published in the FEDERAL REGISTER of April 9, 1971 (36 F.R. 6848), proposing establishment of tolerances for residues of the herbicide CIPC (isopropyl *N*-(3-chlorophenyl) carbamate) in or on the raw agricultural commodities alfalfa, clovers, and forage grasses at 50 parts per million; beans, peas, soybeans (each in dry form), beans and peas (each in succulent form), lettuce, spinach, and sugarbeet tops at 0.3 part per million; and blackberries, blueberries, carrots, cranberries, garlic, onions, peppers, raspberries, rice grain, safflower seed, sugarbeet roots, and tomatoes at 0.1 part per million.

Dated: January 10, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-682 Filed 1-17-72;8:47 am]

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, has withdrawn its petition (PP 1F1120), notice of which was published in the FEDERAL REGISTER of April 28, 1971 (36 F.R. 7993), proposing establishment of tolerances for negligible residues of the herbicide isopropyl carbanilate in or on the raw agricultural commodities alfalfa, clover, and grasses at 2.5 parts per million and in or on flax seed, lentils, lettuce, peas, safflower seed, spinach, and sugar beets (roots and tops) at 0.1 part per million.

Dated: January 10, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-681 Filed 1-17-72;8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on January 11, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of California from heavy winds, rains, flooding, and runoff of mud and silt, beginning about December 27, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of California. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

V 37 • 11 JAN 18 72 XUM

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606) I hereby appoint Mr. Ralph D. Burns, Regional Director, OEP Region 9, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of California to have been adversely affected by this declared major disaster:

Santa Barbara County.

Dated: January 13, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72–699 Filed 1–17–72;8:48 am]

OKLAHOMA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on January 14, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Oklahoma from severe storms and flooding beginning about December 9, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Oklahoma. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended) I hereby appoint Mr. George E. Hastings, Regional Director, OEP Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by this declared major disaster:

The counties of:

Atoka.	McCurtain.
Bryan.	Pittsburg.
Choctaw.	Pushmataha.
Haskell.	Sequoyah.
Latimer.	Tulsa.
Le Flore.	Wagoner.

Dated: January 14, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72–801 Filed 1–17–72;8:53 am]

POSTAL SERVICE

POSTAGE RATES

Printed Matter and Small Packets to Canada and Mexico

In the daily issue of December 24, 1971 (36 F.R. 24953; as corrected at 36 F.R. 25190), the Postal Service announced a new schedule of temporary postage rates for certain third-class mail, to become effective January 24, 1972. Historically, in accordance with postal conventions between the countries involved, the Postal Service, whenever it has been practicable to do so, has applied its domestic postage rates and fees to mail destined for Canada and Mexico. Following this precedent, and consistent with action taken effective May 16, 1971 (see 36 F.R. 8331) with respect to temporary rates for certain classes of mail matter for Canada and Mexico, the following rate changes, for application to Canada and Mexico, are hereby promulgated, effective midnight January 23, 1972.

I. *Printed matter.* Regular printed matter:

Lbs.	Oz.	Rate	Lbs.	Oz.	Rate	Lbs.	Oz.	Rate
0	2	$0.08	0	7	$0.21	0	12	$0.34
0	3	.10	0	8	.24	0	13	.37
0	4	.13	0	9	.26	0	14	.40
0	5	.16	0	10	.29	0	15	.42
0	6	.18	0	11	.32	1	0	.45

Over 1 pound but not over 2 pounds	.57
Over 2 pounds but not over 4 pounds	.96
Each additional 2 pounds or fraction	.48

II. *Small packets.* Small packets for Canada and Mexico will be charged the same postage rate as for regular prints to those countries. Accordingly, on the effective date stated above the rates set out under item I above will apply to such mailings of small packets.

(39 U.S.C. 407)

LOUIS A. COX,
General Counsel.

[FR Doc.72–784 Filed 1–17–72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24B–1782]

ROBERT MANUFACTURING CORP.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

JANUARY 4, 1972.

I. Robert Manufacturing Corp. (the Company), a Massachusetts corporation, located at 1275 Beacon Street, Newton, MA 02168, filed with the Commission on April 2, 1971, a Notification on Form 1-A and an Offering Circular relating to a proposed offering of 100,000 shares of its $0.01 par value common stock at $3 per share for total proceeds of $300,000. The issue was underwritten by Hogan-Harry & Co., Inc. (underwriter), on a 90-day, "best efforts, 35 percent or none" basis. A deficiency letter was sent to the Company on May 7, 1971; this letter was never answered nor have any amendments ever been made to the notification or offering circular. Although the Company requested withdrawal of its notification on November 17, 1971, it subsequently, on December 6, 1971, canceled the request for withdrawal, thereby reinstating the notification as pending.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The issuer has violated the terms and conditions of Regulation A exemption by the submission of an offering circular, submitted as Exhibit F to the Notification, which contains untrue statements of material facts and omissions to state facts necessary to make statements made in the light of the circumstances in which they were made not misleading, concerning among other things:

1. Nondisclosure of an $1,800 brokerage commission paid to Donald S. Harry, the principal stockholder and an officer of the underwriter and a director of the Company, for the Company's lease negotiations; and

2. Nondisclosure of a foreclosure sale of the Company's equipment, subsequent to the filing date, instituted by the Company's creditors.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within 30 days of the entry hereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in

effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–693 Filed 1–17–72;8:47 am]

[70–5068]

SOUTHERN CO. AND SOUTHERN SERVICES, INC.

Notice of Proposed Issue and Sale of Notes to Finance Construction of Building

JANUARY 7, 1972.

Notice is hereby given that The Southern Co. (Southern), Perimeter Center East, Post Office Box 720071, Atlanta, GA 30346, a registered holding company, and its subsidiary service company, Southern Services, Inc. (Services), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 12(b), and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Services now functions as the Wholly owned subsidiary service company in the Southern system pursuant to an order of this Commission dated July 7, 1964 (Holding Company Act Release No. 15100). On June 30, 1971, the outstanding capitalization of Services consisted of $725,000 aggregate par value of capital stock and $3,350,000 principal amount of long-term notes, all of which are owned by Southern. Southern has authorization to invest, through the purchase of Services' long-term notes and capital stock, up to $11 million in Services until June 30, 1973 (File No. 37–59) to enable the latter to perform its service company activities.

Services' operating offices are located in Birmingham, Ala., where engineering and operating services are performed. Services anticipated a substantial increase in the nature and extent of such functions and proposes to build additional office space of a specialized design in Birmingham. The estimated cost of such facility, now under construction, is approximately $12 million.

To finance the construction costs of the new building, Services proposes to issue its promissory notes to the banks named below, from time to time prior to June 30, 1973, in an amount not exceeding $11,500,000 principal amount. The notes will be dated as of the date of borrowing and will mature on June 30, 1973. Each of the notes will bear interest, payable at maturity or upon prepayment, for each day at an annual rate equal to the prime rate in effect at Bankers Trust Co. and will be prepayable, in whole or in part, without penalty or premium. The notes will be guaranteed as to principal and interest by Southern. The arrangements with the banks do not require the maintenance of deposit balances. The following banks will participate in the respective principal amounts set forth below:

First National Bank of Birmingham	$3,000,000
Birmingham Trust National Bank	1,000,000
Bankers Trust Co. (New York)	7,500,000
Total	11,500,000

Services proposes to pay the notes at or before maturity from the proceeds of the sale of long-term debt securities, either secured or unsecured, which will be the subject of future filings with the Commission.

It is further stated that the fees and expenses to be paid in connection with the proposed transactions are estimated at $28,000, including an Alabama Privilege Tax of $18,000 and legal fees of $7,500. It is represented that, unless the Commission shall otherwise permit by supplemental order, Services will maintain at all times the aggregate of the par value of its capital stock, surplus, and principal amount of its notes sold to Southern, pursuant to order of the Commission (File No. 37–59), at an amount equal to at least 35 percent of its total capitalization. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 28, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At anytime after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–694 Filed 1–17–72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License 09/09–0159]

CALCAP INVESTMENT CORP.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1971)) under the name of Calcap Investment Corp., 1900 Avenue of the Stars, Suite 2400, Los Angeles, CA 90067, for a license to operate in the State of California as a small business investment company under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers and directors are:

Robert S. Jepson, Jr., 18641 Via Torino, Irvine, CA 92664, President, Treasurer, and Director.

Gordon Merrill Bothamley, 550 South Barrington Avenue, Los Angeles, CA 90049, Vice President, Secretary, and Director.

Donald I. Reifler, 550 South Barrington Avenue, Los Angeles, CA 90049, Director.

The company will begin operations with an initial capitalization of $1,250,000. The outstanding stock will be solely owned by New America Fund, Inc. (formerly Fund of Letters, Inc.), a closed-end, diversified investment company registered under the Investment Company Act of 1940. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily within the State of California but with eventual extension of its activities to other states.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than fifteen (15) days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

V 37 ■ 11 JAN 18 72 XUM

A copy of this notice shall be published in a newspaper of general circulation in Los Angeles, Calif.

Dated: January 12, 1972.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-656 Filed 1-17-72;8:45 am]

[Declaration of Disaster Loan Area 867; Class B]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to business and residence property located in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Busines Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in Santa Barbara County, Calif., suffered damage or destruction resulting from floods on December 27, 1971.

OFFICE

Small Business Administration Regional Office, 450 Golden Gate Avenue, Box 36044, San Francisco, CA 94102.

2. A temporary office will be established in the city hall of Carpenteria, 601 Maple Avenue, Carpenteria, CA.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1972.

Dated: January 7, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-657 Filed 1-17-72;8:45 am]

[Declaration of Disaster Loan Area 865; Class B]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of November 1971, because of the effects of a certain disaster, damage resulted to business property located in Boston, Mass.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe, within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated on Lincoln Street, Boston, Mass., suffered damage or destruction resulting from a fire occurring on November 21, 1971.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1972.

Dated: December 28, 1971.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-658 Filed 1-17-72;8:45 am]

[Declaration of Disaster Loan Area 866; Class B]

NEW HAMPSHIRE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1972, because of the effects of certain disasters damage resulted to residence and business property located in the State of New Hampshire;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Claremont, N.H., suffered damage or destruction resulting from fire on January 2, 1972.

OFFICE

Small Business Administration District Office, 55 Pleasant Street, Concord, N.H. 03301.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1972.

Dated: January 5, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-659 Filed 1-17-72;8:45 am]

[Declaration of Disaster Loan Area 864; Class B]

SOUTH DAKOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Mitchell, S. Dak.

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city of Mitchell, S. Dak., suffered damage or destruction resulting from a fire occurring on December 25, 1971.

OFFICE

Small Business Administration District Office, Eighth and Main Avenue, Sioux Falls, S. Dak. 57102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1972.

Dated: December 28, 1971.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-660 Filed 1-17-72;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Notice of Meeting Open to Public

Notice is hereby given that the Advisory Committee on Construction Safety and Health will meet on January 20, 1972, in Conference Room 107 B and C, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC, commencing at 9 a.m.

The Advisory Committee on Construction Safety and Health is established under section 107(e) of the Contract Work Hours and Safety Standards Act (83 Stat. 96, 40 U.S.C. 333). The Committee provides assistance to the Assistant Secretary of Labor for Occupational Safety and Health with respect to the setting of standards under the Act and to the administration of the Act.

The meeting of the Committee will be open to the public. The agenda includes the consideration of—

(1) The formation of a subcommittee to review Subpart S—Tunnels and Shafts, Caissons, Cofferdams and Compressed Air, of 29 CFR Part 1926 (formerly 29 CFR Part 1518);

(2) Draft of proposed Subpart V—Power Transmission and Distribution Lines, of 29 CFR Part 1926;

(3) Status reports on rollover protective devices and loading indicating devices;

(4) Transfer of § 1926.958 (helicopters) from Subpart V to Subpart N of 29 CFR Part 1926;

(5) Changing references to the National Electrical Code throughout Part 1926 from the 1968 edition to the 1971 revision; and

(6) Correcting § 1926.400(a) to reflect adoption of proposed Subpart V.

Signed at Washington, D.C., this 14th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-817 Filed 1-17-72;9:43 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 13, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 14702 Sub 35, Ohio Fast Freight, Inc., assigned February 16, 1972, at Columbus, Ohio, is postponed indefinitely.

MC 111545 Sub 160, Home Transportation Co., Inc., now assigned January 31, 1972, at New Orleans, La., will be held at the Holiday Inn—French Quarter, 124 Royal Street.

MC 128383 Subs 9 and 10, Pinto Trucking Service Inc., now assigned February 7, 1972, at Washington, D.C., postponed to March 13, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 26747, Baltimore & Ohio Railroad Co., abandonment between National Road and Shawnee, in Licking and Perry Counties, Ohio, assigned January 26, 1972, will be held in the Chamber of Commerce Room, Masonic Temple Building, 36 West Church Street, Newark, OH.

MC 135602, Road Hog, Inc., assigned for hearing on January 24, 1972, at New York, has been postponed indefinitely.

MC 119632 Sub 47, Reed Lines, Inc., assigned for hearing on February 16, 1972, in Room 2, State Office Building, 65 Front Street, Columbus, OH.

MC 66194 Sub 10, Owl Truck Co., assigned at Washington, D.C., application dismissed.

MC 135415, Schmidt Transit Co., Inc., heard January 12, 1972, at Chicago, Ill., and continued to February 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 2860 Sub 100, National Freight, Inc., now assigned February 28, 1972, at Washington, D.C., is canceled and application dismissed.

MC 127028 Sub 13, Bredehoeft Produce Co., Inc., now being assigned March 2, 1972, in Room 1540, U.S. Courthouse, 312 North Spring Street, Los Angeles, CA.

MC-F-11239, Eagle Motor Lines, assigned February 9, 1972, MC 65224 (Sub-No. 8), Hennis Freight Lines of Canada Ltd., doing business as Florida Refrigerated Service U.S. Highway, assigned February 7, 1972, MC 107295 Sub 500, Pre-Fab Transit Co., assigned February 15, 1972, MC 107515 Sub 753, Refrigerated Transport, assigned February 16, 1972, will be held in Room 3A19, 1100 Commerce Street, Dallas, TX.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-716 Filed 1-17-72;8:49 am]

ASSIGNMENT OF HEARINGS

JANUARY 12, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 26646, Chicago & North Western Railway Co., Abandonment between Marathon and Alton, Sioux, O'Brien, Clay and Buena Vista Counties, Iowa, assigned January 17, 1972, at Sioux City, Iowa, is canceled and application dismissed.

MC 135825, Panhandle Freight System, Inc., now assigned January, 17, 1972, at Oklahoma City, Okla., is canceled and application is dismissed.

MC 124306 Sub 11, Kenan Transport Co., Inc., now assigned January 16, 1972, at Richmond Va., is canceled and application is dismissed.

MC 123407 Sub 82, Sawyer Transport, Inc., now assigned January 26, 1972, at New Orleans, La., canceled and reassigned to January 26, 1972, at the Louisiana State Library Building, 760 North Third Street, Baton Rouge, LA.

MC-F-11073, Refrigerated Transport Co., Inc.—Purchase (Portion)—Caravan Refrigerated Cargo, Inc., MC-C 7348, Hirschbach Motor Lines, Inc., et al. v. Refrigerated Transport Co., Inc., et al., assigned January 26, 1972, at New Orleans, La., is reassigned for January 26, 1972, in the Louisiana State Library Building, 760 North Third Street, Baton Rouge, LA.

MC 133095 Sub 12, Texas Continental Express, Inc., assigned for hearing on February 14, 1972, in Room 3A19, 1100 Commerce Street, Dallas, TX.

MC 107456 Sub 19, Harry L. Young & Sons, Inc., now assigned January 31, 1972, at Salt Lake City, Utah, transferred to the Hotel Utah, Room 240-241, South Temple and Main Streets, February 7, 1972, at Los Angeles, Calif., canceled and reassigned to Room 345, Olympic Hotel, Fourth Avenue and Seneca Street, Seattle, WA, February 14, 1972, in Room 13025, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

No. MC 531 Sub 268, Younger Brothers, MC 107403 Sub 806, Matlack, Inc., now assigned January 24, 1972, at New Orleans, La., transferred to the Louisiana State Library Building, 760 North Third Street, Baton Rouge, LA. instead of New Orleans, La.

MC-F-11129, Paramount Movers, Inc.—Purchase (Portion)—Shamrock Van Lines, Inc., MC-F-11130, Towne Services Household Goods Transportation Co., Inc.—Purchase (Portion)—Shamrock Van Lines, Inc. MC-F-11139, North American Van Lines, Inc.—Purchase (Portion)—Shamrock Van Lines, Inc., assigned February 22, 1972, will be held in Room 3A19, 1100 Commerce Street, Dallas, TX.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-717 Filed 1-17-72;8:49 am]

[Notice 7]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 12, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 32632 (Sub-No. 18 TA), filed January 4, 1972. Applicant: JACKSON

V37•11 JAN 18 72 XUM

TRUCK LINES, INCORPORATED, Post Office Box 248, Jackson, NC 27845. Applicant's representative: E. C. Bryant (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Ita, N.C., to points in that part of Virginia on and east of U.S. Highway 1, for 180 days. Supporting shipper: Nash Brick Co., Inc., Rocky Mount, N.C. 27801. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 56679 (Sub-No. 61 TA), filed January 5, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Post Office Box 6985, Atlanta, GA 30316. Applicant's representative: B. K. McClain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) Between Athens, and Elberton, Ga., serving all intermediate points, from Athens, Ga., to Elberton, Ga., over Georgia Highway 72, and return over the same route; and (2) between Elberton, Ga., and Greenville, S.C., serving no intermediate points, but serving the termini of Elberton, Ga., and Greenville, S.C., from Elberton, Ga., over Georgia Highway 77 to Hartwell, Ga., thence over U.S. Highway 29 via Anderson, S.C., to Greenville, S.C. (also over Interstate Highway 85 between junction of U.S. Highway 29 with Interstate Highway 85 and Greenville, S.C.), and return over the same route. NOTE: (A) At each point which applicant proposes to serve as either a terminal or intermediate point applicant requests authority to provide full and complete regular route service without any restriction as to applicant's ability (1) to pickup, deliver, or interchange shipments at such point or (2) to tack or join the authority requested at such points with other authority held by applicant to serve such points.

NOTE: (B) By tracking or joining at Athens, Ga., the above described proposed routes with existing routes, Brown proposes to provide service (as such service may be limited by existing authority according to the type of commodities authorized or the character of service permitted—regular or irregular), between all proposed points, on the one hand, and, on the other, all points otherwise served by Brown. NOTE: (C) The service which applicant proposes to provide by this application is the same as that which applicant is presently providing under the temporary authority granted in Docket No. MC-56679 (Sub No. 45 TA). The only difference between this application and the present Sub 45 TA involves the highways to be used in crossing the Savannah River between Georgia and South Carolina. After temporary authority operations were commenced by applicant on an emergency basis (MC-56679 R-7 ETA) and later in Sub 45 TA, applicant discovered that the bridge across the Savannah River as specified in the temporary route, i.e., Georgia Highway 368 (formerly Georgia Highway 82) and South Carolina Highway 184, would not accommodate applicant's loaded tractor-trailer units. It was necessary to deviate to the nearest available bridge. The instant emergency temporary authority application seeks to substitute, immediately, an operable temporary route for the inoperable route presently specified in Sub 45 TA. The routes specified in the new application are those which most nearly parallel the routes specified in Sub 45 TA via the nearest available and sufficient bridge over the river. By framing the request for intermediate and terminal point authority as specified above, applicant has confined its application to the same points as authorized in Sub 45 TA, for 180 days. Supported by: There are approximately 23 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 79577 (Sub-No. 39 TA), filed January 5, 1972. Applicant: OILFIELDS TRUCKING COMPANY, 1601 South Union Avenue, Post Office Box 751, Bakersfield, CA 93302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride*, in bulk, from the plants of the National Chloride Co. and Leslie Salt Co. located near Amboy, Calif., to Las Vegas, Nev., Phoenix, Ariz., and Tucson, Ariz., for 180 days. Supporting shipper: Hill Brothers Chemical Co., 15017 East Clark Avenue, Industry, CA 91745. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 94350 (Sub-No. 300TA), filed January 6, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from Concord Homes, Wellington, Kans., to dealer locations in Colorado, Nebraska, Iowa, Missouri, New Mexico, Texas, Oklahoma, and Arkansas, for 180 days. Supporting shipper: Concord Homes, Wellington, Kans. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 107515 (Sub-No. 788 TA), filed January 5, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: K. Edward Wolcott, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, and cheese*, from the plantsite and storage facilities of Doskocil Sausage, Inc., at South Hutchinson, Kans., to points in Florida, Alabama, Georgia, South Carolina, North Carolina, Kentucky, Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Vermont, Massachusetts, New Hampshire, Maine, and Tennessee (except Memphis, Tenn.), for 180 days. NOTE: Applicant states it does intend to tack the authority with this application. Supporting shipper: Doskocil Sausage, Inc., Nine North Main, South Hutchinson, KS 67501. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107515 (Sub-No. 789 TA), filed January 6, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff and animal feed* (except in bulk) in vehicles equipped with mechanical refrigeration, from Wilkesboro, Hiddenite, and Monroe, N.C., and Glen Allen and Temperanceville, Va., to points in Arizona, California, Oregon, Washington, Nevada, and Utah, for 180 days. Supporting shipper: Holly Farms Poultry Industries, Inc., Transportation Division, Box 245, Wilkesboro, NC. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 110563 (Sub-No. 77 TA), filed January 5, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., 113 North Ohio Avenue, Post Office Box 747, Ohio Building, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Minden, Nebr., to points in New York, Connecticut, Delaware, New Jersey, Ohio, Pennsylvania, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, Vermont, and Rhode Island, for 180 days. Supporting shipper: Minden Beef Co., Minden, Nebr. Send protests to: Keith D. Warner, District Supervisor, Bureau of

Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 114273 (Sub-No. 111 TA), filed January 5, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue, NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo., to points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, and the District of Columbia, for 180 days. Supporting shipper: Krey Packing Co., 3607 North Florissant, St. Louis, MO 63107. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 119668 (Sub No. 5 TA), filed January 6, 1972. Applicant: FORREST RATLIFF AND AUBURN RATLIFF, doing business as RATLIFF TRUCKING SERVICE, Post Office Box 366, Oakwood, VA 24631. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Cincinnati, Ohio, and Pittsburgh, Pa., to the plantsite and facilities of S & S Machinery Co., at or near Richlands, Va., and to points in Buchanan County, Va., for 180 days. Supporting shippers: S & S Machinery Co., Inc., Post Office Box 897, Richlands, VA 24641; Buchanan Wholesale Co., Inc., Big Rock, Va. 24603; Joseph T. Ryerson & Son, Inc., Post Office Box 8000-A, Chicago, IL 60608. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 129328 (Sub No. 3 TA), filed January 6, 1972. Applicant: PAL TEX TRANSPORT CO., Post Office Box 296, Palestine, TX 75801. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures thereof*, from Jackson, Miss., to points in Dallas, Fort Worth, Houston, Palestine, and San Antonio, Tex.; New Orleans, La.; Atlanta, Columbus, Macon, and Milledgeville, Ga.; Memphis, Tenn.; and Decatur, Ala.; under contract with Glass Containers Corp., for 180 days. Supporting shipper: Glass Containers Corp., 114 Penn Avenue, Knox, PA 16232. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 136250 (Sub-No. 1 TA), filed January 5, 1972. Applicant: ROBERT A. LIDDYCOAT, 142 Elgin Street, Thorold, ON, Canada. Applicant's representative: Robert D. Gunderman, Suite 1708, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Spun concrete poles and pole arms*, for the account of Barratt Spun Concrete Poles Ltd., from ports of entry on the international boundary lines between the United States and Canada on the Niagara, Detroit, and St. Clair Rivers, to Milwaukee, Wis.; Lansing and Highland, Mich.; Boston, Mass.; Buffalo, Rochester, and Niagara Falls, N.Y.; Toledo and Cleveland, Ohio; and returned shipments of the same in the reverse direction, for 180 days. Supporting shipper: Barratt Spun Concrete Poles Ltd., Niagara Falls, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 136291 TA, filed January 5, 1972. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 2701 South Bayshore Drive, Miami, FL 33133. Applicant's representative: Frank G. Sutherland, (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories, and related publications, advertising material, packaging and shipping supplies*, under continuing contract or contracts with Ford Marketing Corp. (Autolite-Ford Parts Division), and between the hereinafter described points: (1) Between the Autolite Parts Distribution Center at Teterboro, N.J., on the one hand, and, on the other, Teterboro, N.J.; (2) between Teterboro Airport, Teterboro, N.J., on the one hand, and, on the other, Natick, Mass., Harrisburg, Pa., and Pennsauken, N.J.; (3) between Pennsauken, N.J., on the one hand, and, on the other, Baltimore, Md.; and (4) between Baltimore, Md., on the one hand, and, on the other, Baltimore Friendship Airport, Md., Richmond, Va., and Ford Motor Co. dealers in Baltimore and Marlowe Heights, Md., and Alexandria and Falls Church, Va., for 180 days. Supporting shipper: Ford Motor Co., The American Road, Dearborn, Mich. 48121. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 136292 TA, filed January 5, 1972. Applicant: B. J. O'BRIEN, 1602 Third Avenue North, Fort Dodge, IA 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, and limestone products;* (1) from Fort Dodge, Iowa, to Quincy, Morris, and Joliet, Ill., and Fremont, Omaha, and South Sioux City, Nebr.; and (2) from Quincy, Ill., to Eagle Grove, Fort Dodge, Le Mars, Sioux City, Muscatine, Centerville, Clarence, Mason City, and Sheldon, Iowa, for 150 days. Supporting shipper: Calcium Carbonate Co., 3150 Gardner Expressway, Quincy, IL 62301. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 136296 TA, filed January 5, 1972. Applicant: ROBBINS TRANSPORT, INC., 105 College Street, Post Office Box 37, Auburn, KY 42206. Applicant's representative: Louis J. Amato, 1033 State Street, Bowling Green, KY 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, corn meal, pet foods, animal feeds, canned meat, canned meat sauces, and unprocessed grain* (except in bulk, in tank, or hopper type vehicles), from the plantsite and warehouse facilities of Auburn Roller Mills, Auburn, Ky., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, Tennessee, Virginia, and West Virginia, *rejected or damaged shipments* on return; (2) *pet foods, canned meat, and canned meat sauces*, from Springfield and Nashville, Tenn., and New Albany, Ind., to the plantsite and warehouse facilities of Auburn Roller Mills, Auburn, Ky.; (3) *flour*, from Orlinda and Memphis, Tenn., to the plantsite and warehouse facilities of Auburn Roller Mills, Auburn, Ky.; and (4) *materials and supplies* (except commodities in bulk) used in the manufacture and sale of corn meal, from points in New York, Ohio, Tennessee, and Indiana, to the plantsite and warehouse facilities of Auburn Roller Mills, Auburn, Ky. Restriction: The authority sought in (1), (2), (3), and (4) above is limited to a transportation service performed under contracts with Buhler Mills, Inc., Memphis, Tenn., and Auburn Roller Mills, Auburn, Ky., for 180 days. Supporting shippers: K. H. Robbins, Owner, Auburn Roller Mills, Auburn, Ky. 42206; C. M. Rousell, vice president, Buhler Mills, Inc., 1835 Union Avenue, Suite 325, Memphis, TN 38104. Send protests to: Wayne L. Merilatt, District Supervisor,

V 37 • 11 JAN 18 72 XUM

Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 136299 TA, filed January 6, 1972. Applicant: HI-LINERS MATERIAL CONTRACTING, INC., 303 Capitol Tower, 388 State Street, Salem, OR 97301. Applicant's representative: Norman F. Webb (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Powerline construction materials and supplies; assembled and disassembled powerline power units; related parts therefor;* and all those incidental items necessary to transmit power from one substation to another; including but not limited to, poles, structural steel, insulators, hardware, conductors, and bolts; from any storage yard for said material in the States of Washington and Oregon to any powerline construction job area or jobsite in the States of Washington and Oregon. Backhaul would consist of returning the pallets and boxes from the powerline construction jobsite or job area to the said storage yards, for 180 days. Supporting shipper: A. J. Vala Co., 8919 Southeast Foster Road, Post Office Box 66156, Portland, OR 97266. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-718 Filed 1-17-72;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATIONS:	
2799 (see Proc. 4101)	659
2937 (see Proc. 4101)	659
2938 (see Proc. 4101)	659
2942 (see Proc. 4101)	659
2972 (see Proc. 4101)	659
3314 (see Proc. 4101)	659
4100	199
4101	659
EXECUTIVE ORDERS:	
11627 (see EO 11639)	521
11639	521

5 CFR

213	201, 257, 258, 661
890	7

6 CFR

201	284
300	284, 426, 587, 652

7 CFR

52	131, 587
354	587
510	69
722	7, 272
725	725
730	8
811	661, 725
812	9
814	9
846	133
857	588
905	523
907	10, 154, 523, 663
910	70, 272, 663, 726
912	273, 664
914	664
917	273
930	273
932	323
982	588
1007	323
1610	275
PROPOSED RULES:	
51	616
301	217, 218
718	742
730	19
953	286
966	81
980	81
981	617
1001	447
1002	447
1004	20, 447, 742
1006	447
1007	447
1011	447
1012	447
1013	447
1015	447
1030	447
1032	447
1033	447
1036	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447
1062	447
1063	447
1064	447
1065	447, 743
1068	447
1069	447
1070	447
1071	447
1073	447
1075	447
1076	447
1078	447
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447
1106	447
1108	447
1120	447
1121	447
1124	447
1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447
1207	81
1430	20

8 CFR

214	328

9 CFR

53	134
76	329, 435, 665
82	135, 589
203	276
311	435
316	435
317	435
400	135, 435
PROPOSED RULES:	
327	85

10 CFR

PROPOSED RULES:	
50	287, 288
110	92

12 CFR

201	11
545	523
561	524
563	524
700	329
702	70
PROPOSED RULES:	
545	543
701	339
715	95

13 CFR

121	258

14 CFR

	Page
13	436
39	11, 12, 70, 437, 665, 666, 726
71	13, 71, 135, 136, 276, 323, 437, 726, 727
73	437, 438, 590
75	13, 71, 667
97	71, 525, 668
214	728
225	72
249	728
302	277
PROPOSED RULES:	
43	222
71	21, 91, 144, 146, 286, 287, 620, 621, 744
73	478
91	222
135	222
207	222
208	222
212	222
214	222
372a	222
373	478
378	478
378a	478

16 CFR

13	729–735
PROPOSED RULES:	
435	622

17 CFR

230	590, 591, 599
231	600
239	590, 591, 599
240	73
241	600
249	600, 601
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

201	601
204	601
205	601
PROPOSED RULES:	
141	22
201	337
204	337
205	337
260	337

19 CFR

PROPOSED RULES:	
Ch. I	19

20 CFR

PROPOSED RULES:	
405	89

21 CFR

121	14, 74, 329, 740
130	201
135	137
135c	14, 137
135e	74, 740
135f	14
141a	438
146a	438
146c	440
148e	330
148m	15
295	741
301	137
PROPOSED RULES:	
3	219
19	468
27	20, 470
130	85
145	336
304	144

22 CFR

11	277
41	15

24 CFR

200	75, 203, 209
201	210
203	138
207	138
220	138
222	76
275	211
1914	280, 608
1915	281, 609
PROPOSED RULES:	
203	144

25 CFR

232	526
PROPOSED RULES:	
16	536

26 CFR

1	527
12	16, 281
PROPOSED RULES:	
1	19, 99, 286, 336, 544

28 CFR

301	138

29 CFR

1904	736
1910	332
PROPOSED RULES:	
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620
688	620
689	620
690	620
720	620
727	620
1910	466, 743

30 CFR

75	17
225	441
225a	441

32 CFR

270	77
1499	668
PROPOSED RULES:	
1467	99
Ch. XVI	486
1604	479
1606	479, 484
1609	484
1611	479
1613	484
1621	479
1622	479
1623	479
1624	479
1625	479
1626	479
1627	479
1630	479
1631	479
1632	479
1641	479
1643	479
1660	485

32A CFR

Ch. X:	
OI Reg. 1	601

33 CFR

204	527
207	668

35 CFR

5	77
253	281

36 CFR

212	737
231	211
261	737

38 CFR

8a	282

39 CFR

235	77
760	211, 443
761	211, 443

40 CFR

85	669
180	78, 140, 141, 332–334, 443, 737–739
PROPOSED RULES:	
2	C21
115	478
180	92–94, 337

41 CFR

1–3	610
1–16	610
5A–1	527
5A–3	141
5A–7	141
5A–8	142
5A–16	528
5A–76	528
5B–1	334
8–1	613
101–17	78
101–26	668
101–43	614
101–44	614
101–47	740
103–40	17
PROPOSED RULES:	
3–4	743
51–1	336

V 37 11 JAN 18 72 XUM

42 CFR

	Page
53	182

43 CFR

	Page
4110	213
PUBLIC LAND ORDERS:	
1932 (amended by PLO 5147)	18
4582 (modified by PLO 5149)	18
4962 (see PLO 5149)	18
5081 (see PLO 5149)	18
5147	18
5148	18
5149	18
5150	142
Amended by PLO 5151	142, 528
5151	142, 528
PROPOSED RULES:	
2800	217
2810	217

45 CFR

	Page
177	335
249	443
1060	444
PROPOSED RULES:	
130	470

46 CFR

	Page
157	528
310	335
390	16
PROPOSED RULES:	
72	676
92	676
146	220
190	676
510	678

47 CFR

	Page
2	604
31	605
33	605
73	529, 605
89	213
91	283
PROPOSED RULES:	
0	145
1	537
2	145, 146, 537
15	94, 146
21	146
73	539–542, 621
87	537
89	146, 676
91	146, 676
93	676

49 CFR

	Page
7	214
99	532
Ch. I	535
178	444
301	214
571	284, 445
1002	215
1300	335
PROPOSED RULES:	
192	145
571	222

50 CFR

	Page
28	79, 445, 535
33	79, 80
PROPOSED RULES:	
28	447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date
1–62	Jan. 4
63–123	5
125–193	6
195–249	7
251–315	8
317–427	Jan. 11
429–513	12
515–582	13
583–654	14
655–717	15
719–767	18

federal register

TUESDAY, JANUARY 18, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 11

PART II

DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

Cost of Living Council and Price Commission Rulings

No. 11—Pt. II——1

V37-11 JAN18 72 XUM

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972-3]

RESALE OF REPACKAGED MATERIAL

Cost of Living Council Ruling

Facts. Firm is in the business of buying junk autos, scrap metal, used clothing, and old newspapers. It repackages this material and sells it back to manufacturing plants for raw material for their operations.

Issue. Should this material be exempt from the regulations under § 101.32(e) which exempts "damaged products and used products other than rebuilt products"?

Ruling. The intention of the Cost of Living Council was to exempt damaged or used products which were to be used by the purchaser for their originally intended purpose, i.e., used cars, factory "seconds", goods damaged in transit. The reasoning behind this was the difficulty of ascertaining the value of goods of this nature.

In this case, the damaged or used products do not fulfill the intent of the Cost of Living Council. The products are actually raw materials in the hands of a scrap dealer. An auto is no longer a used car, but so many pounds of scrap metal. The value of the metal is readily ascertainable—the weight rather than condition determines value.

Scraps, secondary materials, or repackaged units of used products are therefore not exempt as used products since they are not within the definition of used products.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-758 Filed 1-17-72;8:51 am]

[Cost of Living Council Ruling 1972-4]

RATES FOR OCEAN SHIPPING

Cost of Living Council Ruling

Facts. Company A is a U.S. ocean shipping company with regular routes between the United States and Puerto Rico, the Virgin Islands, and Portugal. It has proposed rate increases on all its shipping routes.

Issue. Are Company A's ocean shipping rates subject to the Economic Stabilization Regulations?

Ruling. Company A's rates for ocean shipping between the United States and Puerto Rico and between the United States and the Virgin Islands are subject to the Economic Stabilization Regulations; its rates between the United States and Portugal are exempt. International ocean shipping rates are exempt from the regulations under § 101.32(d)(3). However, ocean shipping between the United States and Puerto Rico, a commonwealth in union with the United States, and between the United States and the Virgin Islands, a possession of the United States, is not international, since the goods are not ultimately transported between locations under separate sovereign jurisdictions. Therefore, rates for shipping over these routes are not exempt from the Economic Stabilization Regulations.

Shipping between the United States and Portugal is clearly international and rates for such shipping are therefore exempt under § 101.32(d)(3).

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-759 Filed 1-17-72;8:51 am]

[Cost of Living Council Ruling 1972-5]

SALE OF USED PRODUCTS

Cost of Living Council Ruling

Facts. Citizen A wishes to sell a television set he purchased from a retailer 2 weeks ago and used in his home but which he no longer needs because he just received a better model as a gift.

Issue. Is citizen A's sale of this television set exempt from the controls of the economic stabilization programs?

Ruling. Yes. Sales of used products are exempt from controls. Economic Stabilization Regulations § 101.32(e). To qualify as a used product, the product must have been acquired and used by an end user, such as citizen A. Temporary holding for purposes of resale, however, does not make a product a used product, unless it is used for demonstration purposes, such as a demonstration or floor sample.

This ruling supersedes Price Commission Ruling 1972-4.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-760 Filed 1-17-72;8:51 am]

[Price Commission Ruling 1972-6]

INSPECTION FEES AND INITIAL PERCENTAGE MARKUP

Price Commission Ruling

Facts. Retailer R is a seller of petroleum products in State X. State X has recently imposed an "Inspection Fee" on petroleum products sold by Retailer R. Under the State law Retailer R must notify the State when such products are received so that they may be inspected prior to sale. The Act provides that it is the duty of the person first selling, storing, or using such petroleum products in the State to pay the inspection fee. The fee has been levied on a per gallon basis and has been calculated to return many million dollars to the State in excess of the costs of the inspection program.

Issue. May Retailer R apply his customary initial percentage markup to the cost of the petroleum products charged by his supplier plus the "Inspection Fee."

Ruling. Section 300.5 of the Economic Stabilization Regulations defines "customary initial percentage markup" so as to permit the markup to be applied to the cost, i.e., purchase price actually paid by the selling person and to transportation charges to be allocated to the merchandise. The "price actually paid" includes charges, taxes, and fees including personal property taxes levied by a State government on the merchandise which by law are not required to be borne in a specific amount or ratio to price by the ultimate consumer. A retailer or wholesaler may consider these charges, taxes, and fees as part of the cost of the merchandise for the purposes of applying his customary initial markup to the cost of that merchandise. The "Inspection fee" in this case is considered to be imposed on the merchandise. Retailer R may apply his customary initial percentage markup to the cost of the petroleum products charged by his supplier and the "Inspection fee."

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-761 Filed 1-17-72;8:51 am]

[Price Commission Ruling 1972-7]

DISTINCTION BETWEEN RESTAURANTS AND DELICATESSENS

Price Commission Ruling

Facts. Restaurant A is in the business of preparing and serving food. It also has a delicatessen department where it sells unprepared food to be taken home and prepared by the purchaser.

Issue. Is a restaurant a service organization under § 300.14 or a retailer of food under § 300.13?

Ruling. A restaurant is considered to be a service organization, the price increases of which are governed by Economic Stabilization Regulations § 300.14. Unlike a grocery store, or other sellers of unprepared food, which are considered retailers, a restaurant sells ready-to-eat food, prepared by its employees and normally served and consumed on its premises.

The delicatessen department of a restaurant, however, is considered as a retail establishment and, as such, is governed by § 300.13 relating to retailers, including the requirement that retailers prominently display base prices. The delicatessen operates similarly to a grocery store and does not provide the services commonly associated with a restaurant.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-762 Filed 1-17-72;8:51 am]

[Price Commission Ruling 1972-8]

EXCISE TAX AND INITIAL PERCENTAGE MARKUP

Price Commission Ruling

Facts. A is a wholesaler of product X in a state which has recently imposed an excise tax on product X. A wants to increase his price on product X to offset the excise tax which is levied at the time product X is sold to A by his supplier.

Issue. May A add the excise tax to the cost of product X before computing his initial percentage markup, or must the excise tax be passed on dollar-for-dollar?

Ruling. A may add the excise tax to the cost of product X before computing his initial percentage markup.

Wholesalers (and retailers) are governed by § 300.13(a) of the Economic Stabilization Regulations, which provides a customary initial percentage markup test and a profit margin test to be applied to proposed price increases. The additional posting requirement of paragraph (b) applies to retailers.

In meeting the "customary initial percentage markup" test, the definition of "customary initial percentage markup", as provided by § 300.5, refers to the markup applied to the "cost of merchandise" and the "purchase price actually paid by the selling person". To the extent that an excise tax is paid by A at the time of purchase to either his supplier or to a government for each unit of product X, it is clearly a "cost of merchandise" to A, and a part of the "purchase price actually paid by the selling person". Therefore, it may be added before computing the initial percentage markup.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-763 Filed 1-17-72;8:51 am]

[Price Commission Ruling 1972-9]

DISTINCTIONS BETWEEN MANUFACTURERS AND RETAILERS

Price Commission Ruling

Facts. Company A manufactures cattle feed that it sells and delivers directly to neighboring farmers who are the ultimate human consumers. Company B manufactures furniture that it sells directly to consumers from a showroom and warehouse on its premises. Company C manufactures automotive equipment and accessories which it sells through a retailing subsidiary. Company C has customarily transferred the products it manufactures to its retailing subsidiary at a price to which the subsidiary applies its percentage markups. All three companies desire to raise the prices of their products.

Issue. Are Companies A, B, and C, "manufacturers" or "retailers" under the definitions in Economic Stabilization Regulations § 300.5?

Ruling. Company A and Company B are manufacturers, even though they sell their products directly to the ultimate consumers. Economic Stabilization Regulations § 300.5 defines manufacturer as a person who carries on the trade or business of making, fabricating, or assembling a product or commodity by manual labor or machinery for sale to another person. Accordingly, Company A and Company B are governed by the provisions of Economic Stabilization Regulations § 300.12 pertaining to manufacturers in determining whether they can increase prices.

For purposes of determining whether it may increase the prices at which it transfers its products to its retailing subsidiary, Company C is considered a manufacturer and, as such, its price increases are governed by Economic Stabilization Regulations § 300.12. For purposes of determining whether it may increase the prices it charges to ultimate consumers, Company C's retailing subsidiary is subject to the regulatory provisions pertaining to retailers. Economic Stabilization Regulation § 300.13. Economic Stabilization Regulation § 300.5 defines retailer to include any retailing subsidiary, division, affiliate, or similar entity that is part of, or is directly or indirectly controlled by, another person. The retailing subsidiary of Company C qualifies as a retailer under this provision and therefore its price increases are governed by Economic Stabilization Regulation § 300.13 pertaining to retailers. Company C's retailing subsidiary is also subject to the base prices posting requirements of Economic Stabilization Regulations § 300.13(b). Company C's total income during its most recent fiscal year, from whatever source derived (including that derived from its retailing subsidiary), would determine whether Company C is a Price Category I, II, or III, firm for prenotification and reporting purposes.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc. 72-764 Filed 1-17-72;8:51 am]

[Price Commission Ruling 1972-10]

PRICE INCREASES PURSUANT TO CONTRACTS ENTERED INTO BEFORE AUGUST 15, 1971

Price Commission Ruling

Facts. On January 16, 1971, Company A entered into a contract by which it agreed to sell its product to Company B, with delivery or performance to occur after November 13, 1971. The contract contained an escalation provision whereby the price to be paid by Company B at the time of delivery was to be dependent on increased costs incurred by Company A between the contract's execution date and the time of delivery. Company A entered into a labor agreement on November 19, 1971 which provided for a wage increase of over 14 percent per year. The Price Commission has determined that wage increases, including fringe benefits, agreed to after November 8, 1971, shall not generally be considered allowable costs to the extent they exceed 5.5 percent per year. Company A now wants to add these increased labor costs to its price under the January 16, 1971 contract, without regard to whether or not such increased costs are "allowable" under Price Commission regulations. It claims that its contract falls within § 300.101 of those regulations (formerly designated § 300.203), and that § 300.101 allows price increases to take place pursuant to contracts made before August 15, 1971, without reference to the allowable cost test of § 300.12.

Issue. May a price be increased over the base price, without regard to restrictions on "allowable costs," pursuant to a contract entered into prior to August 15, 1971, which contains a flexible pricing arrangement based on increases in the sellers costs?

V 37-11 JAN 18 72 XUM

Ruling. No. Section 300.101 does not apply to contracts with flexible pricing arrangements based on fluctuations in a seller's costs. The reference to "the price specified" in contracts entered into prior to August 15, 1971, was intended to apply to sellers who had made long-term contracts at a specified price and who were therefore "locked into" that price regardless of whether their costs might subsequently increase. To exempt contracts such as that of Company A from the strictures of the "allowable cost" test would have the effect of exempting a large number of sellers from a critically important principle of the Economic Stabilization Program by providing them with permission, denied to other sellers, to increase costs and pass them on in the form of higher prices, regardless of whether or not those costs are "allowable" under Price Commission regulations. Such favored treatment was not intended and is not permitted. A use of § 300.101 to circumvent the restrictions concerning allowable cost increases would also be prohibited by § 300.60. If the application of this ruling to Company A results in a serious hardship or gross inequity, Company A may apply for an "exception by ruling" pursuant to Price Commission regulations § 300.511.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-765 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-11]

SHIPPING RATES

Price Commission Ruling

Facts. A shipping company whose rates are regulated by the Federal Maritime Commission filed proposed rate increases with that Commission in the spring of 1971. The Maritime Commission, pending its investigation, suspended those rates for the full 4-month statutory period permitted by law. The rates would have gone into effect by reason of lapse of the statutory suspension period on August 30, 1971, but for the issuance of Executive Order No. 11615 on August 15, 1971, establishing a 90-day freeze on price increases.

Issue. Under Economic Stabilization Regulations, § 300.16, may the shipping company place its increased rates in effect after November 13, 1971, without the Federal Maritime Commission having made the appropriate certification?

Ruling. No. The purpose of § 300.16 is to ensure that rate increases by regulated public utilities are consistent with the anti-inflationary purposes of the Economic Stabilization Program. Paragraph (b) of this section applies to all rate increases authorized prior to November 14, 1971, but not permitted to go into effect by the 90-day freeze, whether such increases had been authorized by agency approval, or by lapse of a suspension period, or other operation of law. In such cases, the increased rates may not take effect until the regulatory agency or other appropriate legal authority has reviewed the increases with regard to their consistency with the purposes of the Economic Stabilization Act of 1970, as amended, and certified that the rate increases or adjusted increases are consistent with such purposes.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-766 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-12]

CRITERIA FOR DEFINING WAGE INCREASES AS ALLOWABLE COSTS

Price Commission Ruling

Facts. On November 18, 1971, Company A, a coal company, agreed to pay a wage increase to its employees of approximately 16 percent per year, including replenishment of a welfare fund. Company A wants to raise its prices to reflect in full this wage increase, on the grounds that the increase is an "allowable cost" within the meaning of Price Commission regulations, § 300.5. Company A is not a prenotification firm.

Issue. Is the wage increase which exceeds the general guidelines of 5.5 percent per year granted by Company A an allowable cost within the meaning of Price Commission regulations, § 300.5?

Ruling. For a Company which agreed to a general wage increase after the guidelines of 5.5 percent per year for wage increases had been announced on November 8, 1971, increased "allowable costs" for the purpose of justifying a price increase shall not generally include increased wage payments, including fringe benefits, in excess of 5.5 percent per year. This interpretation does not apply to either payments to replenish major deficiencies in a welfare fund which are necessary to protect the pensions of men already retired or to wage increases for workers making less than minimum wage standards of general applicability. Nor does it preclude a company from obtaining an "exception by ruling" as provided by Price Commission regulations, § 300.511, if the company can demonstrate that not counting the increased wage costs in excess of 5.5 percent with respect to its particular situation constitutes a gross inequity.

GUIDANCE FOR APPLICATION

In complying with this ruling, Company A and other coal companies which are not prenotification firms should adhere to the following principles:

1. *Calculation of allowable increases.* (a) To reflect the portion of wage increases up to 5.5 percent, coal prices may be increased pursuant to the following calculations: (1) Determine the percentage that the prior level of total labor cost (including welfare and replenishment payments) bore to the average sales price per ton during the period beginning with the last price increase and ending the date of the labor cost increase; (2) multiply that percentage by 5.5 percent; (3) the resulting percentage figure indicates the allowable price increase, exclusive of that allowed under (b), below.

(b) The company may also reflect in its price a required 11.8 cents per ton increase in its payment to the welfare fund, calculated as follows: (1) Determine the percentage that the prior level of welfare fund costs (e.g., 40 cents per ton) bore to the sales price per ton; (2) determine the percentage of the prior level of welfare fund payments (e.g., 40 cents per ton) represented by the 11.8 cents per ton increase; (3) multiply the percentage determined under (b)(1) above by that determined under (b)(2); (4) the resulting percentage figure indicates the allowable price increase justified for welfare fund replenishment costs.

(c) In making the above calculations, it may be helpful to utilize Price Commission Form PC-1.

2. *Effective date.* The price increase may take effect the date the allowable cost increases were first incurred. It may be applied to all products as to which the company would customarily have charged an increased price if it had announced a price increase to go into effect on that date.

3. *Long-term contracts.* With respect to long-term contracts subject to flexible pricing formulas based on costs, the price for each may not be increased over the base price by an amount greater than that calculatd under paragraph 1 above. This includes contracts which were executed prior to August 15, 1971.

4. *Application to different products, different marketing areas and different classes of customer.* The increase may be applied to the freeze period ceiling of the company's different coal products as sold in different marketing areas, or to different classes of customers: *Provided,* That the increase may not be applied unreasonably disproportionately to different products or classes of customers or different marketing areas.

5. *Sales for export.* These limitations on the pass-through of increased costs do not apply to sales for export, which are exempt from the Economic Stabilization regulations.

6. *Exceptions by ruling.* If the application of this ruling to Company A results in a serious hardship or gross inequity, Company A may apply for an "exception by ruling" pursuant to Price Commission regulations § 300.511.

Ordinarily, it will be considered a serious hardship or gross inequity for this purpose if the application of this ruling to a long-term contract places the company concerned in a distinctly unfavorable profits position with respect to the contract.

This ruling supplements Price Commission Ruling No. 1971-3.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.
General Counsel,
Department of the Treasury.

[FR Doc.72-767 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-13]

ALLOWABLE PRICE INCREASES REFLECTING COST INCREASES

Price Commission Ruling

Facts. A is a manufacturer of product X. From July 16 to August 14, 1971, he incurred costs of $100 per unit in making X. The highest price he charegd for X in a substantial number of transactions during that period was $125 per unit. Allowable costs in effect on November 14, 1971 and cost increases incurred after November 14, 1971, reduced to reflect productivity gains, have increased A's cost per unit to $110.

Issue. How much may A now charge for product X under the Economic Stabilization Regulations?

Ruling. A may now charge $137.50 per unit of X. Section 300.12 of the Economic Stabilization Regulations permits manufacturers to increase prices over the base price only to reflect allowable costs in effect November 13, 1971 and cost increases being incurred after November 13, 1971, reduced to reflect productivity gains, and only to the extent that the price increase does not result in a higher profit margin than that which prevailed during the base period. Since A's allowable costs have increased 10 percent, A is entitled to increase his price by an equivalent 10 percent, or $12.50 per unit, provided that such an increase does not cause A's profit margin to exceed his profit margin during the base period.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-768 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-14]

HIGHER FEE UNDER NEW CONTRACT FOR CURRENT TRANSPORTATION SERVICES BY BUS COMPANY

Price Commission Ruling

Facts. A bus company entered into a binding contract with a school district on August 14, 1971, to provide transportation services to students for an established fee. Services were to begin on September 15, 1971. The new contract provided for a fee higher than that under the preexisting contract and resulted in higher profit margin for the bus company than it had in prior years. The bus company had no other school transportation contracts.

Issue. May the bus company charge the higher fee under the new contract for its current transportation services?

Ruling. The bus company may charge the higher fee for current transportation services. The bus company is a service organization and therefore may increase its prices over the base price only to reflect increased allowable costs, under § 300.14 of the Economic Stabilization Regulations. The "base price" with respect to sales of services is the highest price charged by the person to a specific class of purchasers in a substantial number of transactions involving that service during the "freeze base period", under § 300.405(a) of the Economic Stabilization Regulations. In this case, the "freeze base period" means the period beginning July 16, 1971, and ending August 14, 1971, under § 300.5 of the Economic Stabilization Regulations. Since the new contract for services was signed prior to August 15, 1971, it was a "transaction" as defined in § 300.5 of the Economic Stabilization Regulations. Since this was the only transaction during that period with school districts, a "specific class of purchasers", it was clearly a "substantial number of transactions", and therefore establishes the new contract price as the base price.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.
General Counsel,
Department of the Treasury.

[FR Doc.72-769 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-15]

PRENOTIFICATION FIRM

Price Commission Ruling

Facts. Company A, a prenotification firm, manufactures a product from a raw agricultural product exempt from price controls under Economic Stabilization Regulations § 101.32(a). Company A has customarily priced its product in a manner immediately responsive to the frequent and customary market price fluctuations of the raw agricultural product from which it makes its product. Under Economic Stabilization Regulations § 300.51(f), when, and to the extent authorized by the Price Commission, Company A may increase the price of its product to the extent of any significant market price increase in the price of the raw agricultural product.

Issue. May Company A increase the price of its product under Economic Stabilization Regulations § 300.51(f) only dollar-for-dollar?

Ruling. Yes. Under Economic Stabilization Regulations § 300.51(f), a prenotification firm that has customarily priced an item in a manner immediately responsive to frequent and customary market price fluctuations of the raw materials which it uses in that item, may, when and to the extent authorized by the Price Commission, increase the price of that item to the extent of any significant market price increase of those raw materials without regard to paragraphs (a) through (d) of Economic Stabilization Regulations § 300.51. Price increases authorized by Economic Stabilization Regulations § 300.51(f) are limited to dollar-for-dollar increases. Prenotification firms may not add to the increased cost of the raw material, their usual margins or markups.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.
General Counsel,
Department of the Treasury.

[FR Doc.72-770 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-16]

INSURANCE ON GOODS IN TRANSIT

Price Commission Ruling

Facts. Retailer R secures insurance on goods in transit which have been shipped to it by a supplier.

Issue. Can Retailer R include the cost of this insurance in its "transportation charges to be allocated to the merchandise."

Ruling. Section 300.5 of the Economic Stabilization Regulations defines customary initial percentage markup to include "The markup applied to the cost (purchase price actually paid by the selling person and transportation charges to be allocated to the merchandise) • • •" The phrase "transportation charges to be allocated to the merchandise" includes all transportation charges, i.e. all direct or indirect costs incurred in the transportation of merchandise, provided that such transportation charges were considered as a part of the cost of the merchandise to which the previous customary initial percentage markup was applied. The previous customary initial

V37-11 JAN 18 72 XUM

markup is the markup applied to the merchandise when it was initially offered for sale during the period beginning on August 15, 1971, and ending on November 13, 1971, or at the retailer's option during its last fiscal year ending before August 15, 1971. Section 300.13(a)(1) of the Economic Stabilization Regulations.

Insurance charges on goods in transit are considered an indirect cost incurred in the transportation of merchandise. Therefore if Retailer R had applied its previous customary initial percentage markup to a cost of merchandise which included allocated insurance charges on goods in transit it can now apply the same customary initial percentage markup to a cost which includes such charges.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Internal Revenue Service,
Chief Counsel.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-771 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-17]

CUSTOMARY INITIAL PERCENTAGE MARKUP

Price Commission Ruling

Facts. Retailer R purchases 50 units of product X for $1 per unit on an f.o.b. destination shipping basis and terms of 2 percent 10 days net 30. The retailer pays for product X within 10 days and takes advantage of the cash discount of 2 percent. Retailer R also purchases 50 units of product Y for $1 per unit on an f.o.b. shipping point of origin basis and terms of net 30 days. The freight charges on item Y paid by the retailer to his common carrier totaled $8.

Issue. To what amount may retailer R apply his customary initial percentage markup in determining his allowable selling price?

Ruling. Section 300.5 of the Economic Stabilization Regulations defines "customary initial percentage markup" to mean, "The markup applied to the cost (purchase price actually paid by the selling person and transportation charges to be allocated to the merchandise) of merchandise when first offered for sale, determined on an item, product line, department, store or other pricing unit basis, according to the person's customary pricing practice." The retailer may therefore apply his customary initial percentage markup to 98 cents for product X ($1 minus 2 percent of $1) and to $1.16 for product Y ($1 plus 16 cents transportation allocated to each unit).

If a retailer or wholesaler operates his own transportation department, rather than using public transportation, the cost of that department related to incoming merchandise may be allocated to the cost of that merchandise if the allocation is done in accordance with generally accepted accounting principles consistently applied.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-772 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-18]

INCREASE OF PRICE TO COMPLY WITH STATE'S FAIR TRADE LAW

Price Commission Ruling

Facts. A is a retailer in a "fair trade law" State who customarily sells product X at the "fair trade" price. The manufacturer of product X instituted price increases in June 1971 and the "fair trade" price increases became effective in July, 1971. A mistakenly neglected to increase his price on product X during July and August. On August 15, 1971, Executive Order 11615 stabilized prices, and A was unable to comply with the fair trade law because to do so would violate the provisions of that Executive order.

Issue. May A now increase his price on product X to comply with his State's fair trade law under the Economic Stabilization Regulations?

Ruling. A may now increase his prices to the extent that price increases are allowed under the Economic Stabilization Regulations. Article VI of the U.S. Constitution (the "Supremacy Clause") and court decisions thereunder subordinate State statutes to conflicting Federal statutes. The Economic Stabilization Regulations, promulgated by the Cost of Living Council, Price Commission and Pay Board under the authority of Executive Order 11627, which was in turn issued under the authority of the Economic Stabilization Act of 1970, therefore override any State laws with which they conflict. Thus A may increase his prices only to the extent allowed by the Economic Stabilization Regulations.

On the facts given, the manufacturer instituted price increases prior to the freeze. If that price increase caused A's customary initial percentage markup on product X to be less than his customary initial percentage markup during its last fiscal year ending before August 15, 1971, A may now increase his selling price in accordance with Economic Stabilization Regulations § 300.13(a): *Provided,* That A will not thereby increase its profit margin over that which prevailed during the base period, and also provided that A has complied with the posting requirement of § 300.13(b). To the extent that State laws are not inconsistent with the Economic Stabilization Regulations, they should control A's pricing policies.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 12, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 12, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-773 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-19]

PROPERTY TAXES

Price Commission Ruling

Facts. Company A is a manufacturer. Among the expenses it charges against its sales in computing its yearly profit margin are the overhead expenses of its factory building. One of those expenses is the property tax imposed on the factory building. The property tax rate has recently been increased.

Issue. Are property taxes on the factory building allowable costs for purposes of determining whether Company A can increase its prices?

Ruling. A manufacturer may charge a price in excess of the base price only to reflect allowable costs in effect on November 14, 1971, and cost increases incurred after November 14, 1971, reduced to reflect productivity gains: *Provided, however,* That the effect of all of a manufacturer's price changes is not to increase its profit margin as a percentage of sales, before income taxes, over that which prevailed during the base period. As defined in § 300.5, "allowable costs" means any cost, direct or indirect unless disallowed by the Price Commission. As defined in § 300.5, "profit margin" means the ratio that net profit bears to gross sales as reported on the person's published financial statement and in accordance with generally accepted accounting principles consistently applied. For purposes of determining net profits, extraordinary items and taxes on income shall not be taken into account. Since property tax expenses are an indirect cost which has not been disallowed by the Price Commission, they are allowable costs within the definition provided by the Regulations. Moreover, property taxes must be included in the profit margin computations in order to consistently apply generally accepted accounting principles. Therefore, property taxes on the factory building are allowable costs for purposes of determining whether Company A can increase its prices.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-774 Filed 1-17-72;8:52 am]

[Price Commission Ruling 1972-20]

INCREASED PRICES ON CERTAIN PRODUCTS

Price Commission Ruling

Facts. Company A as a manufacturer with annual sales exceeding $100 million. It submitted a prenotification form requesting approval to increase its prices on certain products, and the Price Commission approved the increases effective as af December 3, 1971. On December 3, the company has in its inventory a supply of the items upon which the price increase has been approved; another supply of the same items is in the hands of other companies who distribute the products. Company A also has a long-term contract to supply the same items to Company B which it entered into prior to December 3.

Issue. To which items may Company A apply the approved price increase?

Ruling. A seller may charge the increased price on all products upon which it customarily would have applied an increased price if it had announced a price increase to go into effect on the date it received approval for a price increase from the Price Commission, provided that in no case may the increased price be applied to products in the possession of a potential purchaser, regardless of who is the legal owner of such products on the approval date.

A long-term contract is as subject to the rules and regulations issued by the Price Commission, the Economic Stabilization Act of 1970, as amended, as is any other price-setting transaction.

Therefore, Company A may increase its prices as to the items it is holding in its own inventory and the items to be delivered under the long-term contract provided that the terms of the contract allow such increases.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 14, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-775 Filed 1-17-72;8:53 am]

[Price Commission Ruling 1972-21]

SELLING PRICES OVER BASE PRICES

Price Commission Ruling

Facts. Company A is a retailing firm which does not intend to increase any of its selling prices over the base prices.

Issue. Must company A comply with the base prices posting requirement of the Economic Stabiliziation Regulations even if it does not intend to increase prices over the base prices?

Ruling. Yes. Economic Stabilization Regulations § 300.13(b) provides that, before January 2, 1972, all retailers, including those which do not intend to increase prices, must display prominently in their places of sale, base prices with respect to (1) All nonexempt food products; and, (2) those 40 items in each department which had the highest dollar sales volume during their last fiscal year, or those items which accounted for at least 50 percent of their total dollar sales in each department during that fiscal year, whichever is less. For a retailer with sales of less than $100,000 in its last fiscal year, those 40 items which had the largest dollar sales volume during that fiscal year, or those items which accounted for at least 50 percent of its total sales during that year, whichever is less, must be posted before January 2, 1972.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-776 Filed 1-17-72;8:53 am]

[Price Commission Ruling 1972-22]

CUSTOMARY INITIAL PERCENTAGE MARKUP

Price Commission Ruling

Facts. Retailer R purchases 50 units of product X for $1 per unit, FOB destination, net 30 days, from an importer of that merchandise who is required to pay customs duties and an import surcharge to the Federal Government. The $1 invoice price per unit includes 25 cents per unit for these charges.

Issue. May retailer R apply his customary initial percentage markup to the full $1 price per unit of product X?

Ruling. Section 300.5 of the Economic Stabilization Regulations defines "customary initial percentage markup" so as to permit the markup to be applied to the cost, i.e. purchase price actually paid by the selling person and to transportation charges to be allocated to the merchandise. The "price actually paid" includes customs duties, surcharges and excise taxes levied by the Federal Government on the merchandise which by law are not required to be borne in a specific amount or ratio to price by the ultimate consumer. A retailer or wholesaler may apply his customary initial markup to such items whether he pays the duty, surcharge or excise tax to another person or to the Federal Government.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 13, 1972.

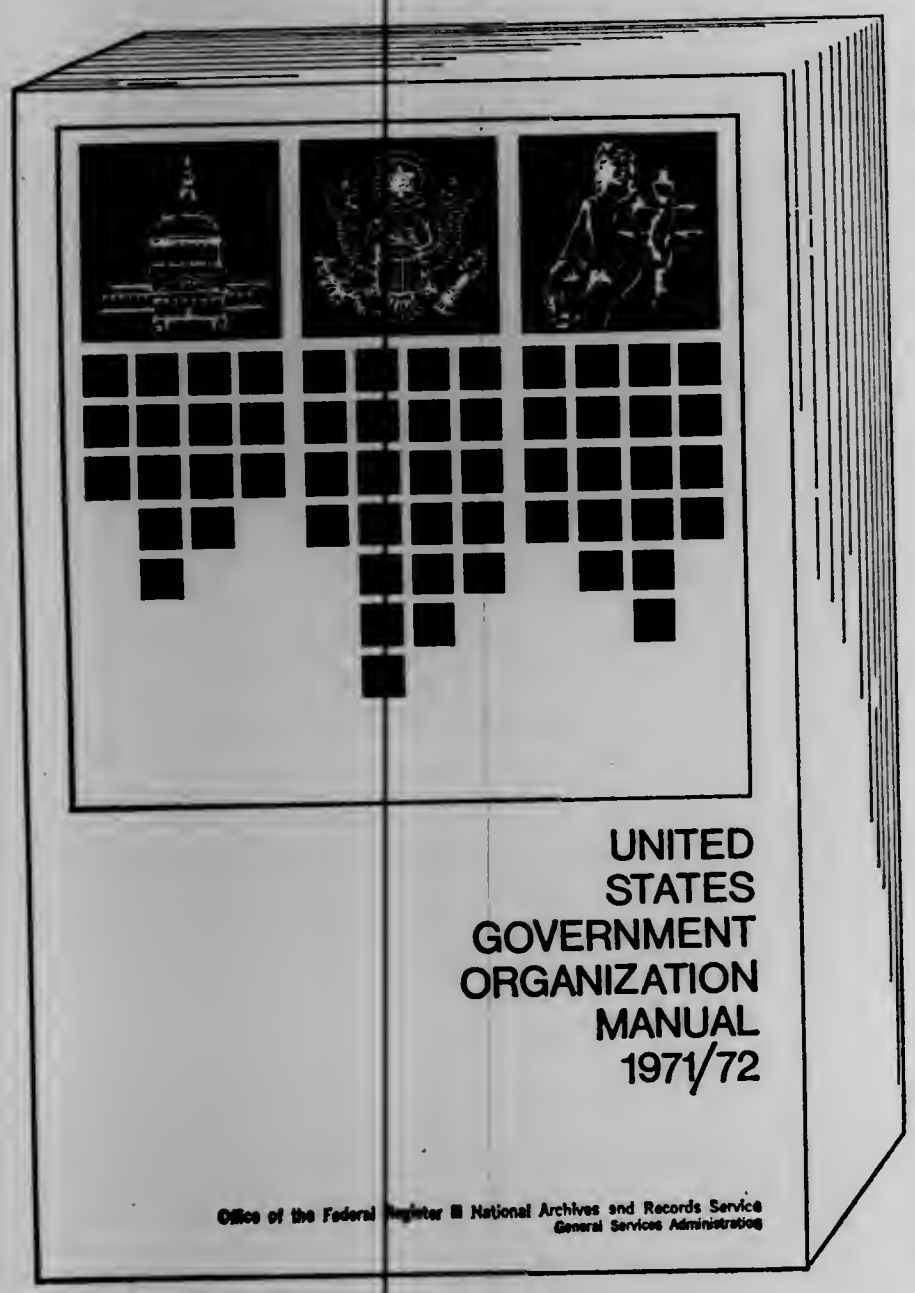
K. MARTIN WORTHY,
Chief Counsel,
Internal Revenue Service.

Approved: January 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-777 Filed 1-17-72;8:53 am]

V37-11 JAN 18 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

WEDNESDAY, JANUARY 19, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 12

Pages 769–852

PART I

(Part II begins on page 843)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

COTTON ACREAGE—USDA amendment establishing county reserves for 1972; effective 1–18–72 789

EDGE CORPORATIONS—FRS amendment approving the use of participation agreements with banks to back the extension of acceptance credits 776

UNFAIR TRADE PRACTICES—FTC cease and desist order against misrepresentation 779

POWER INTERRUPTIONS OR SHORTAGES—FPC policy statement 780

FLOOD INSURANCE—HUD additions to the list of eligible communities and hazard areas (2 documents) 783, 784

SUBVERSIVE ACTIVITIES—Justice Dept. revocation of regulations on designation of organizations 784

MOTOR VEHICLE POLLUTION—EPA ruling on the status of the regulations for the 1972, 1973, and 1974 model years; effective 1–19–72 784

GROUNDFISH FISHERIES—Commerce Dept. republication of regulations; effective 1–19–72 786

RICE—
- USDA proposal revising standards; comments within 45 days 843
- USDA proposal concerning export payments; comments within 30 days 810

(Continued inside)

No. 12—Pt. I——1

V37 N12 JAN 19 72 XUM

Announcing the latest addition to the series of . . .

Public Papers of the Presidents
of the United States

RICHARD NIXON, 1970

The volume contains public messages and statements, verbatim transcripts of the President's news conferences, and other selected papers released by the White House from January 1 through December 31, 1970.

In the Foreword to the book President Nixon writes "The story of the year, for me and for the administration team working with me, was above all a story of building for peace. Peace, we believed from the beginning, does not come to the passive; and so we pressed on through 1970 with a determination that the United States should act creatively, not merely react reflexively, on the world stage."

Among the items that are a part of the record for 1970 are addresses to the Nation on progress toward peace in Vietnam and in Southeast Asia; reports on the Cambodian sanctuary operation; speeches made by the President during his five-nation European tour; and the President's television interview on foreign policy with representatives of the three major networks.

The 1305-page clothbound volume, fully indexed, is available to the public at $15.75 per copy.

Similar volumes are available covering the administrations of Presidents Truman, Eisenhower, Kennedy, and Johnson, and the first year of President Nixon.

All volumes in the "Public Papers" series are sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Distribution for official use is governed by the provisions of sections 32.15–32.19 of Title 1 of the Code of Federal Regulations.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

OVERMARKETING—USDA proposed clarification of rule on fraud in transfer leases; comments within 15 days 793

RURAL TELEPHONE BANK—REA proposed revision of the procedure for the advance of loan funds; comments within 30 days 811

FEDERAL HOME LOAN BANKS—FHLBB proposed regulations on discrimination; comments by 3–20–72 811

FEDERAL CREDIT UNIONS—National Credit Union Admin. proposals for the definition of insolvency and the criteria for insurability (2 documents); comments by 2–17–72 813

POTOMAC SCENIC TRAIL—Interior Dept. notice of the availability of an environmental impact statement 817

IN VITRO DIAGNOSTIC PRODUCTS—FDA notice of intent to exercise regulatory controls 819

AIR FARES—CAB notice of suspension and investigation of a U.S. mainland–Hawaii excursion proposal 822

AIR TRANSPORT ASSOCIATION AGREEMENT—CAB notice of its findings on various resolutions; comments within 10 days 824

GIRLS' APPAREL SIZES—Commerce Dept. notice of a recommended standard for body measurements; comments within 45 days 817

ENVIRONMENTAL IMPACT—Interior Dept. notice of an addendum to a statement on proposed oil leasing offshore eastern Louisiana 817

PESTICIDES—EPA notices of the filing and the withdrawal of tolerance petitions (2 documents) .. 825

COTTON TEXTILES—Commerce Dept. notice of restraints on certain products from Hungary 827

RENEGOTIATION—Board notice announcing new interest rate on excessive profits and refunds; effective 1–1–72 828

ANTIDUMPING—Treasury Dept. determination on fish nets and netting of man-made fibers from Japan 815

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Upland cotton; base acreage allotments, 1972 crop; county reserves 789

Proposed Rule Making

Tobacco; farm acreage allotments and marketing quotas, 1970–71 and subsequent marketing years; fraud in transfer leases .. 793

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Animal and Plant Health Service; Consumer and Marketing Service; Export Marketing Service; Rural Electrification Administration.

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations

Imports and exports; overtime work at border, coastal and airports (2 documents) 788, 791

ATOMIC ENERGY COMMISSION

Notices

Supplemental environmental reports:
Boston Edison Co 820
Carolina Power and Light Co ... 820

BONNEVILLE POWER ADMINISTRATION

Notices

Environmental statements; preparation procedures 815

CIVIL AERONAUTICS BOARD

Rules and Regulations

Familiarization tours for travel agents to Trust Territory and from Canada 778

Notices

Hearings, etc.:
Automotive Cargo, et al 820
Braniff Airways, Inc 822
International Air Transport Association 824
Kodiak Airways, Inc., and Western Alaska Airlines, Inc 823
WTC Air Freight 823

COAST GUARD

Rules and Regulations

Drawbridge operations for certain Florida waters; corrections (2 documents) 784

Notices

Norfolk Harbor, Virginia; security zone 819
Union Pacific Railroad Company Bridge, Columbia River; public hearings on alteration; correction 820

COMMERCE DEPARTMENT

See Import Programs Office; National Bureau of Standards; National Oceanic and Atmospheric Administration.

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Notices

Procurement list; additions 824

(Continued on next page)

V 37-12 JAN 19 72 XUM

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Milk in certain marketing areas; decisions (2 documents) 793, 801
Papayas grown in Hawaii; handling 793
Rice, rough, brown, and milled; standards 844

CUSTOMS BUREAU

Rules and Regulations

Administrative review; correction of clerical error, mistake of fact, or inadvertence 782

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

New motor vehicles and engines; control of air pollution for certain model years 784

Notices

Pesticide chemical petitions:
FMC Corp 825
Merck, Sharp and Dohme 825

EXPORT MARKETING SERVICE

Proposed Rule Making

Rice; export program provisions 810

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Federal airway and jet route segments; designation 777
IFR altitudes; miscellaneous amendments 777
Piper PA-28R series airplanes; airworthiness directive 776
Transition areas:
Alteration 776
Designation 776

Proposed Rule Making

Certain DeHavilland airplanes; airworthiness directive 811

FEDERAL HOME LOAN BANK BOARD

Proposed Rule Making

Federal Home Loan Bank System; nondiscrimination requirements 811

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations

Flood insurance; eligible communities and hazard areas (2 documents) 783, 784

FEDERAL POWER COMMISSION

Rules and Regulations

Bulk power supply interruptions or shortages and public disclosure; policy statement 780

Notices

Hearings, etc.:
Great Lakes Transmission Co. (2 documents) 825
Minnesota Power and Light Co. 826
Sylvania Corp 826

FEDERAL RESERVE SYSTEM

Rules and Regulations

Corporations engaged in foreign banking and financing; participation in acceptance credits 776

Notices

Bank acquisition approvals:
Banks of Iowa, Inc 826
Lincoln First Banks, Inc 827

FEDERAL TRADE COMMISSION

Rules and Regulations

Standard Educators, Inc., and James A. Melley, Sr.; prohibited trade practices 779

FISH AND WILDLIFE SERVICE

Rules and Regulations

Big Lake National Wildlife Refuge, Arkansas, et al.; sport fishing 785

FOOD AND DRUG ADMINISTRATION

Notices

In vitro diagnostic products for human use; controls 819

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

IMPORT PROGRAMS OFFICE

Notices

Lehigh University, et al.; certain scientific articles; duty-free entry denied 818

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Cotton textiles produced in Hungary; entry or withdrawal from warehouse for consumption 827

INTERIOR DEPARTMENT

See also Bonneville Power Administration; Fish and Wildlife Service; Land Management Bureau.

Notices

Potomac Heritage National Scenic Trail; availability of draft environmental statement 817

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 830
Baltimore and Ohio Railroad Co.; rerouting or diversion of traffic 831
Motor carrier:
Alternate route deviation notices (2 documents) 831, 832
Applications and certain other proceedings 832
Intrastate applications 835
Temporary authority applications 836
Transfer proceedings (2 documents) 838

JUSTICE DEPARTMENT

Rules and Regulations

Subversive Activities Control Board; revocation of Attorney General procedures 784

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:
Idaho 785
Oregon 785

Notices

Proposed outer continental shelf oil and gas lease sale offshore eastern Louisiana; inclusion of alternatives to proposed action in environmental impact statement 817

NATIONAL BUREAU OF STANDARDS

Notices

Girls' apparel sizes; circulation for acceptance of recommended standard 817

NATIONAL CREDIT UNION ADMINISTRATION

Proposed Rule Making

Insolvency; definition 813
Insurance requirements; criteria 813

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules and Regulations

Groundfish fisheries; miscellaneous amendments 786

PRICE COMMISSION

Rules and Regulations

Price stabilization; miscellaneous amendments 775

Notices

Persons suffering a profit loss during base period; criteria for price increases 828

RENEGOTIATION BOARD

Notices

Excess profits and refunds; interest rate determination 828

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rule Making

Telephone bank loans; advance of funds 811

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Columbia Gas System, Inc 829
Drexel Firestone, Inc 829

TARIFF COMMISSION

Notices

Writing instruments incorporating porous writing nib; comment time extended 830

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See also Customs Bureau.

Notices

Fish nets and netting of man-made fibers from Japan; determination of sales at less than fair value 815

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

6 CFR
300 775

7 CFR
354 788
722 789
PROPOSED RULES:
68 844
725 793
928 793
1004 793
1104 801
1106 801
1481 810
1701 811

9 CFR
97 791

12 CFR
211 776
PROPOSED RULES:
528 811
700 813
741 813

14 CFR
39 776
71 (3 documents) 776, 777
75 777
95 777
223 778
PROPOSED RULES:
39 811

16 CFR
13 779

18 CFR
2 780

19 CFR
173 782

24 CFR
1914 783
1915 784

28 CFR
41 784

33 CFR
117 (2 documents) 784

40 CFR
85 784

43 CFR
PUBLIC LAND ORDERS:
3530 (revoked in part by PLO 5153) 785
3869 (revoked in part by PLO 5153) 785
5152 785
5153 785

50 CFR
33 785
240 786

V37-12 JAN 19 72 XUM

Rules and Regulations

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Miscellaneous Amendments

The purpose of these amendments is to delete certain obsolete material, confirm interpretations of certain provisions, and clarify the kinds of sales of drugs and medical equipment that are not to be considered the providing of a medical service.

Because the purpose of these amendments is to provide immediate guidance and information as to the price stabilization rules in effect, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication.

Section 300.12 "Manufacturers", provides that a manufacturer "may charge a price in excess of the base price only to reflect allowable costs in effect on November 13, 1971, and cost increases being incurred after November 13, 1971 • • •" Similar provisions are found in § 300.14 "Service organizations, other than providers of health services and insurers"; § 300.18 "Institutional providers of health services"; and § 300.19 "Noninstitutional providers of health services." This wording has left some uncertainty as to whether only cost increases which occurred after November 13, 1971, or cost increases occurring even earlier than January 1, 1971, could be used. The Commission intends that the affected sections of the regulations allow cost increases to be used to justify price increases only to the extent they have occurred since the last price increase, or since January 1, 1971, whichever was later. All price increases will continue to be based on allowable costs, adjusted for productivity gains, and limited by base period profit margins. Since the amendment reflects a Commission decision which resolves an uncertainty in the regulations, the amendment will be applied to all cases that were not decided before January 4, 1972, the date the Commission made its decision.

The first sentence of § 300.13(c) set forth certain interim posting requirements that expired on January 1, 1972. Therefore, the section is being revised to delete the requirement.

Section 300.405(a) authorizes a person, in computing a base price, to exclude certain temporary deals or allowances "intended to be in effect for less than 92 days." It is the Commission's intent to allow the exclusion of those in effect for not more than 3 months. Therefore the phrase is being amended to read "intended to be in effect for less than 93 days."

Paragraph (e) of Appendix I to Part 300 provides that the sale of drugs and medical equipment by a manufacturing, wholesaler, or retail establishment is not considered to be the providing of a medical service. The paragraph has been revised to make it clear that "retailer" includes any person selling legend drugs to the public on a retail basis.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 971, Public Law 92-210; Executive Order No. 11627, 36 F.R. 20139, October 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971.)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations, is amended as follows. The amendments to §§ 300.12, 300.14, 300.18, and 300.19 become effective as of January 4, 1972. The amendments to § 300.13 (c) and paragraph (e) of Appendix I become effective on January 18, 1972.

Issued in Washington, D.C., on January 14, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

1. Section 300.12 is revised to read as follows:

§ 300.12 Manufacturers.

A manufacturer may charge a price in excess of the base price only to reflect increases in allowable costs that it incurred since the last price increase in the item concerned, or that it incurred after January 1, 1971, whichever was later, and that it is continuing to incur, reduced to reflect productivity gains, and only to the extent that the increased price does not result in an increase in its profit margin over that which prevailed during the base period.

2. Paragraph (c) of § 300.13 is amended by striking out the first sentence and that part of the second sentence preceding the colon and inserting the following in place thereof:

§ 300.13 Retailers and wholesalers.

• • • • • •

(c) *Base price information.* After January 1, 1972, each retailer shall use the following procedure with respect to base prices not posted under paragraph (b) of this section:

• • • • • •

3. Paragraph (a) of 300.14 is revised to read as follows:

§ 300.14 Service organizations, other than providers of health services and insurers.

(a) A service organization may charge a price in excess of the base price only to reflect increases in allowable costs that it incurred since the last price increase in the item concerned, or that it incurred after January 1, 1971, whichever was later, and that it is continuing to incur, reduced to reflect productivity gains, and only to the extent that the increased price does no result in an increase in its profit margin over that which prevailed during the base period.

• • • • • •

4. Paragraph (b) of § 300.18 is amended by striking out that part preceding subparagraph (1) and inserting the following in place thereof:

§ 300.18 Institutional providers of health services.

• • • • • •

(b) *General.* Subject to paragraph (c) of this section, an institutional provider of health services may charge a price in excess of the base price with respect to the furnishing of a service only to reflect increases in allowable costs that it incurred since the last price increase in the furnishing of that service, or that it incurred after January 1, 1971, whichever was later, and that it is continuing to incur, reduced to reflect productivity gains, and only to the extent that the increased price does not—

• • • • • •

5. Paragraph (b) of § 300.19 is amended by striking out that part preceding subparagraph (1) and inserting the following in place thereof:

§ 300.19 Noninstitutional providers of health services.

• • • • • •

(b) *General.* Subject to paragraph (c) of this section, a noninstitutional provider of health services may charge a price in excess of the base price with respect to the furnishing of a service only to reflect increases in allowable costs that it incurred since the last price increase in the furnishing of that service, or that it incurred after January 1, 1971, whichever was later, and that it is continuing to incur, reduced to reflect productivity gains, and only to the extent that the increased price does not—

• • • • • •

6. Paragraph (a) of § 300.405 is amended by striking out "less than 92 days" and inserting "less than 93 days" in place thereof.

7. Paragraph (e) of Appendix I is revised to read as follows:

APPENDIX I—INSTITUTIONAL AND NONINSTITUTIONAL PROVIDERS OF HEALTH SERVICES

• • • • • •

(e) For the purposes of this appendix, the sale of drugs and medical equipment by a manufacturer, wholesaler, or retailer is not considered to be the providing of a medical service. For the purposes of this paragraph,

V 37 12 JAN 19 72 XUM

"retailer" includes any person selling legend drugs to the public on a retail basis.

[FR Doc.72-832 Filed 1-17-72;10:40 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

Acceptances

§ 211.107 Participations by banks in acceptance credits extended by Edge corporations.

(a) A question has been raised with the Board as to whether a corporation organized under section 25(a) of the Federal Reserve Act (an "Edge corporation") may extend acceptance credits to any one person in excess of 10 percent of its capital and surplus where the excess represents the international shipment of goods and is covered by a participation agreement with the Edge corporation's parent bank, or another bank, providing for unconditional reimbursement if an acceptance credit is not repaid for any reason.

(b) Section 211.9(a) of this part (Regulation K) provides that an Edge corporation shall be fully secured as to all acceptances for any one person in excess of 10 percent of its capital and surplus "except to the extent any such excess represents the international shipment of goods and is fully covered by primary obligations to reimburse it which are also guaranteed by banks or bankers." The exception permits an Edge corporation to extend to excess of the stated limits to the extent that it holds an acceptance agreement or similar agreement of such purchaser, accompanied by a guaranty of a bank, unconditionally obligating the purchaser and the bank to reimburse the Edge corporation for acceptance credits extended by it.

(c) The Board has concluded that a participation agreement, while not technically a guaranty, provides assurance of repayment equivalent to a guaranty and that it would be consistent with the foregoing exception for an Edge corporation to extend unsecured acceptance credits to any such person in excess of the stated limits in reliance upon a participation agreement unconditionally obligating a bank to reimburse the Edge corporation for acceptance credits extended by it.

(Interprets and applies 12 U.S.C. 615)

By order of the Board of Governors, January 6, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-726 Filed 1-18-72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 70-SO-31; Amdt. 39-1376]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28R Series Airplanes

Amendment 39-977 (35 F.R. 6491) AD 70-9-2 requires inspection or removal of spinners from PA-28R series airplanes. After issuing Amendment 39-977, the agency determined that a new satisfactory spinner had been designed and that airplanes incorporating this spinner would no longer require the inspection set forth in the airworthiness directive. Therefore, the airworthiness directive is being amended to provide for discontinuance of inspection after installation of the newly designed spinner and limitation of airplane serial numbers since this new spinner has been installed at the factory on later model airplanes.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-977 (35 F.R. 6491), AD 70-9-2, is amended as follows:

1. By amending the first sentence of the airworthiness directive to read: Applies to PA-28R-180 airplanes serial Nos. 28R-31071 and 28R-31073 through 28R-31266, and PA-28R-200 airplanes Serial Nos. 28R-35001 through 28R-35698, 28R-35700, 28R-35702, 28R-35704, 28R-35705, 28R-35709, and 28R-35711 through 28R-35713.

2. By adding the following paragraph:

(c) The recurrent inspections required in paragraphs (a), (b), and (d) may be discontinued upon installation of Piper spinner kit No. 760410V.

This amendment becomes effective January 20, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 6, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-737 Filed 1-18-72;8:46 am]

[Airspace Docket No. 71-SO-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On December 1, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22848), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Newnan, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

NEWNAN, GA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newnan-Coweta County Airport (lat. 33°19'06" N., long. 84°46'18" W.); within 2.5 miles each side of LaGrange VORTAC 063° radial, extending from the 5-mile-radius area to 19.5 miles northeast of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 10, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-738 Filed 1-18-72;8:46 am]

[Airspace Docket No. 71-SO-176]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23076), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Atlanta, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Atlanta, Ga., transition area is amended as follows: "• • • long. 84°18'10" W. • • •" is deleted and "• • • long. 84°18'10" W.); within a 6.5-mile radius of Falcon Field Airport, Peachtree City, Ga. (lat. 33°21'23" N., long. 84°34'07" W.) • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 10, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc. 72-739 Filed 1-18-72;8:46 am]

[Airspace Docket No. 71-WA-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Federal Airway and Jet Route Segments

On July 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14148) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate the United States portion of an airway and a jet route from Bellingham, Wash., to Williams Lake, British Columbia.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

a. In § 71.123 (37 F.R. 2009) VOR Federal Airway V-349 is added as follows:

V-349 from Bellingham, Wash., to Williams Lake, British Columbia, Canada. The airspace within Canada is excluded.

b. In § 75.100 (37 F.R. 2382) Jet Route No. 528 is added as follows:

Jet Route No. 528 (Bellingham, Wash., to United States/Canadian border).
From Bellingham, Wash., to Williams Lake, British Columbia, Canada. The airspace within Canada is excluded.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 12, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-740 Filed 1-18-72;8:47 am]

[Docket No. 11630, Amdt. 95-215]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective February 3, 1972 as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—United States* is amended to delete:

From, to and MEA

Portland, Fla., RBN; Chester INT, Fla.; •1,500. •1,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

LaGuardia, N.Y., VOR; Spring Valley INT, N.Y.; •3,000. •2,600—MOCA.
Greenville, Miss., VOR; Jackson, Miss., VOR; •2,000. •1,700—MOCA.
Lufkin, Tex., VOR; Palestine, Tex., LF/RBN; •2,400. •1,900—MOCA.
Los Banos, Calif., VORTAC; •Hollister INT, Calif.; ••9,000. $9,000—MCA Hollister INT, eastbound. ••5,800—MOCA.

Bahama Routes

Section 95.1001 *Direct routes—United States.*

54V is amended to read in part:
Palm Beach, Fla., VOR; •Basket INT, Fla.; ••2,000. •2,500—MRA. ••1,200—MOCA.
Basket INT, Fla.; Nimrod INT, Fla.; •2,500. •1,200—MOCA.
Nimrod INT, Fla.; Carey INT, Bahamas; •6,400. •1,200—MOCA.

Section 95.5000 *High altitude RNAV routes.*

From/To; total distance; changeover point distance from geographic location; track angle; MEA; and MAA

J801R is amended to delete:
Mesquite, Calif., W/P, Boulder City, Nev., VORTAC; 40; 20, Mesquite, 35°51'14" N., 115°14'08" W.; 50°/230° to COP, 50°/230° to Boulder City; 18,000; 45,000.
Boulder City, Nev., VORTAC; Paria, Ariz., W/P; 151.9; 76, Boulder City, 36°27'22" N., 113°24'14" W.; 53°/233° to COP, 55°/235° to Paria; 18,000; 45,000.
J801R is amended by adding:
Mesquite, Calif., W/P, Paria, Ariz., W/P; 191.9; 65, Mesquite, 36°07'33" N., 114°22'20" W.; 52°/232° to COP, 54°/234° to Paria; 18,000; 45,000.
J801R is amended to read in part:
Spot, Ohio, W/P; Ormsby, Pa., W/P; 103.6; 15, Spot, 41°58'44" N., 80°36'16" W.; 106°/286° to COP, 106°/286° to Ormsby; 18,000; 45,000.
J803R is amended to read in part:
Spot, Ohio, W/P, Ormsby, Pa., W/P; 103.6; 15, Spot, 41°58'44" N., 80°36'16" W.; 106°/286° to COP, 106°/286° to Ormsby; 18,000; 45,000.
J810R is amended to delete:
O'Hare, Ill., W/P, Kinderhook, Mich., W/P; 130.4; 65.2, O'Hare, 41°53'59" N., 88°27'13" W.; 92°/272° to COP, 96°/276° to Kinderhook; 18,000; 45,000.
J824R is amended to read in part:
Kappa, Ill., W/P, Joliet, Ill., VORTAC; 50; 25, Kappa, 41°11'36" N., 88°36'42" W.; 028°/208° to COP, 030°/210° to Joliet; 18,000; 45,000.
J826R is amended to read in part:
Bradford, Ill., W/P, Warren, Ill., W/P; 71.1; 30, Bradford, 41°26'10" N., 89°02'05" W.; 050°/230° to COP, 055°/235° to Warren; 18,000; 45,000.
J830R is amended to read in part:
Spot, Ohio, W/P, Ormsby, Pa., W/P; 103.6; 15, Spot, 41°58'44" N., 80°36'16" W.; 106°/286° to COP, 106°/286° to Ormsby; 18,000; 45,000.
J853R is amended to read in part:
Seal Beach, Calif., W/P, Kofa, Ariz., W/P; 209.2; 104.5, Seal Beach, 33°40'02" N., 115°58'05" W.; 079°/259° to COP, 081°/261° to Kofa; 18,000; 45,000.
J865R is amended to read in part:
Balsam, Ohio, W/P, Shiloh, Ohio, W/P; 71.4; 295°/115° to Shiloh; 18,000; 45,000.
J903R is amended to read in part:
Seal Beach, Calif., W/P, Kofa, Ariz., W/P; 209.2; 104.5, Seal Beach, 33°40'02" N., 115°58'05" W.; 079°/259° to COP, 081°/261° to Kofa; 18,000; 45,000.
J907R is amended to read in part:
Willcox, Ariz., W/P, Eloy, Ariz., W/P; 93.2; 46.6, Willcox, 32°34'56" N., 110°43'30" W.; 272°/092° to COP, 269°/089° to Eloy; 18,000; 45,000.
Eloy, Ariz., W/P, Brenda, Ariz., W/P; 123.3; 80, Eloy, 33°23'52" N., 113°01'02" W.; 264°/104° to COP, 283°/103° to Brenda; 18,000; 45,000.
Brenda, Ariz., W/P, Beaumont, Calif., W/P; 149.1; 74.5, Brenda, 33°55'22" N., 115°15'22" W.; 264°/084° to COP, 263°/083° to Beaumont; 18,000; 45,000.
J933R is amended to read in part:
Manila, Ariz., W/P, Drake, Ariz., W/P; 85.4; 20, Manila, 34°50'45" N., 111°13'06" W.; 263°/083° to COP, 261°/081° to Drake; 18,000; 45,000.
Wichita Falls, Tex., VORTAC, Texico, N. Mex., VORTAC; 213.4; 106.7, Wichita Falls, 34°15'39" N., 100°42'35" W.; 269°/089° to COP, 266°/086° to Texico; 20,000; 45,000.
Texico, N. Mex., VORTAC, Vaughn, N. Mex., W/P; —117.3; 58.6, Texico, 34°33'46" N., 104°01'06" W.; 263°/083° to COP, 260°/080° to Vaughn; 18,000; 45,000.
J935R is amended to read in part:
Jewett, N. Mex., W/P, Albuquerque, N. Mex., VORTAC; 105.5; 52.3, Jewett, 34°24'28" N., 107°33'55" W.; 029°/209° to COP, 031°/211° to Albuquerque; 18,000; 45,000.
J972R is added to read:
Waco, Tex., W/P, Austin, Tex., W/P.; 79.6; 39.8, Waco, 31°01'28" N., 97°29'07" W.; 187°/007° to COP, 188°/008° to Austin; 18,000; 45,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

•Spokane, Wash., VOR via N alter.; Int 052° M rad, Spokane VOR and 271° M rad, Mullan Pass VOR via N alter., northeastbound ••9,000. southwestbound ••8,000. •5,200—MCA Spokane VOR, northeastbound. ••7,200—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Stout INT, Mo.; Richland INT, Mo.; •3,000. •2,400—MOCA.
Richland INT, Mo. Vichy, Mo., VOR; •3,000. •2,500—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

V37-12 JAN 19 72 XUM

Sugar Grove INT, Va.; Speedwell INT, Va.; 7,700.
Speedwell INT, Va.; Max Meadows INT, Va.; 8,000.
Max Meadows INT, Va.; Pulaski, Va., VOR; 5,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Pineapple INT, Ala.; Montgomery, Ala., VOR; 2,000.
Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,500—MOCA.
Corpus Christi, Tex., VOR; Copano INT, Tex.; *1,600. *1,500—MOCA.
Copano INT, Tex.; *Bayside INT, Tex.; **1,600. *3,500—MRA. **1,400—MOCA.
Corpus Christi, Tex., VOR via N alter.; Woodsboro INT, Tex., via N alter.; *1,600. *1,500—MOCA.

Section 95.6024 *VOR Federal airway 24* is amended to read in part:

*Alma City INT, Minn.; Hope INT, Minn.; **3,400. *4,300—MRA. **2,500—MOCA.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Myrtle Beach, S.C., VOR; Fayetteville, N.C., VOR; *3,000. *1,600—MOCA. MAA—4,000.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

Beltrami INT, Minn.; Grand Forks, N. Dak.; VOR; *3,300. *2,300—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Columbia, S.C., VOR; Florence, S.C., VOR; *2,000. *1,900—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

Geronimo INT, Ariz.; Mescal INT, Ariz.; 9,500.
Mescal INT, Ariz.; Douglas, Ariz., VOR; 9,500. MAA—13,000.
Douglas, Ariz., VOR; Animas INT, N. Mex.; *11,000. *8,600—MOCA. MAA—13,000.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Corpus Christi, Tex., VOR; Copano INT, Tex.; *1,600. *1,500—MOCA.
Copano INT, Tex.; *Bayside, INT, Tex.; **1,600. *3,500—MRA. **1,400—MOCA.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Stout INT, Mo.; Richland INT, Mo.; *3,000. *2,400—MOCA.
Richland INT, Mo.; Vichy, Mo., VOR; *3,000. *2,500—MOCA.

Section 95.6094 *VOR Federal airway 94* is amended by adding:

Blythe, Calif., VOR; *Vicksburg INT, Ariz.; **6,000. *9,000—MRA. **5,600—MOCA.
Vicksburg INT, Ariz.; Gila Bend, Ariz., VOR; *9,000. *5,200—MOCA.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

*Ranch INT, Ariz., via W alter.; Winslow, Ariz., VOR via W alter.; **140,000. *14,000—MCA Ranch INT, northeastbound. **10,100—MOCA.

Section 95.6105 *VOR Federal airway 105* is amended to read in part:

Tucson, Ariz., VOR; Casa Grande, Ariz., VOR; *8,000. *6,700—MOCA.

Section 95.6119 *VOR Federal airway 119* is amended to read in part:

Burton INT, W. Va.; Uniontown INT, Pa.; 3,700.
Uniontown INT, Pa.; Indianhead, Pa., VOR; 5,000.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,500—MOCA.
Corpus Christi, Tex., VOR; Sinton INT, Tex.; *1,700. *1,500—MOCA.
Corpus Christi, Tex., VOR via W alter.; Mathis INT, Tex., via W alter.; *1,700. *1,500—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Charlotte INT, Iowa; Thomson INT, Ill.; *2,600. *2,100—MOCA.

Section 95.6231 *VOR Federal airway 231* is amended to read in part:

Charlo INT, Mont.; Kalispell, Mont., VOR; 10,000.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Daytona Beach, Fla., VOR; *Roy INT, Fla.; **1,600. *2,500—MRA. **1,400—MOCA.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

*Caprock INT, N. Mex., via S alter.; Dora INT, N. Mex., via S alter.; **9,500. *9,000—MRA. *9,500—MCA Caprock INT, northeastbound. **5,500—MOCA.

Section 95.6289 *VOR Federal airway 289* is amended to read in part:

Stout INT, Mo.; Richland INT, Mo.; *3,000. *2,400—MOCA.
Richland INT, Mo.; Vichy, Mo., VOR; *3,000. *2,500—MOCA.

Section 95.6347 *VOR Federal airway 347* is amended by adding:

Ironwood, Mich., VOR; Houghton, Mich., VOR; *3,500. *3,100—MOCA.

Section 95.6448 *VOR Federal airway 448* is amended to read in part:

*Spokane, Wash., VOR; Clark INT, Idaho; northeastbound **9,000, southwestbound **8,000. *5,200—MCA Spokane VOR, northeastbound. **7,200—MOCA.

Section 95.6450 *VOR Federal airway 450* is amended to read in part:

Muskegon, Mich., VOR; Montague INT, Mich.; *2,400. *2,100—MOCA.
Montague INT, Mich.; Larrabee INT, Wis.; *2,600. *2,100—MOCA.

Section 95.6452 *VOR Federal airway 452* is amended by adding:

Eugene, Oreg., VOR; Cottage Grove INT, Oreg.; southeastbound 7,000. northwestbound 5,200.
Cottage Grove INT, Oreg.; Crystal INT, Oreg.; *10,500. *9,700—MOCA.
Crystal INT, Oreg.; Klamath Falls, Oreg., VOR; southeastbound 9,000. northwestbound 10,000.
Klamath Falls, Oreg., VOR; Tulelake INT, Calif.; southeastbound 14,000. northwestbound 9,000.
Tulelake INT, Calif.; Reno, Nev., VOR; *14,000. *10,100—MOCA.

Section 95.7084 *Jet Route No. 84* is amended to read in part:

From, to MEA and MAA

Mina, Nev., VORTAC; Delta, Utah, VORTAC; 20,000; 45,000. MEA is established with a gap in navigation signal coverage.

Section 95.7502 *Jet Route No. 502* is amended to read in part:

Annette Island, Alaska, VORTAC; Level Island, Alaska, VOR; 18,000; 45,000.
Level Island, Alaska, VOR; Sisters Island, Alaska, VORTAC; 18,000; 45,000.

Section 95.7507 *Jet Route No. 507* is amended to read in part:

Sisters Island, Alaska, VORTAC; Level Island, Alaska, VOR; 18,000; 45,000.
Level Island, Alaska, VOR; Annette Island, Alaska, VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points.*

From; to—Changeover point: Distance; from

V–307 is amended by adding:
Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 50; Biorka Island.

Section 95.8005 *Jet routes changeover points.*

J–84 is amended to delete:
Mina, Nev., VOR; Currant, Nev., VOR; 65; Mina.

J–502 is amended to delete:
Annette Island, Alaska, VORTAC; Sisters Island, Alaska, VOR; 107; Annette Island.

J–507 is amended to delete:
Annette Island, Alaska, VORTAC; Sisters Island, Alaska, VOR; 107; Annette Island.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on January 7, 1972.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.72-667 Filed 1-18-72;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-721, Amdt. 12]

PART 223—TARIFFS OF AIR CARRIERS: FREE AND REDUCED-RATE TRANSPORTATION

Familiarization Tours for Travel Agents to the Trust Territory and From Canada

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of January 1972.

By a notice of proposed rule making,[1] the Board proposed to amend Part 223 of its Economic Regulations (14 CFR Part 223), so as to permit air carriers to furnish familiarization tours for travel agents to the Trust Territory of the Pacific Islands and familiarization tours from Canada.

Comments in response to the notice were filed by certain members of the Air Transport Association of America (ATA) jointly,[2] and by Continental Air Lines, Inc. (Continental). Upon consideration of the comments, we have determined to adopt the rule as proposed, except as modified herein.

ATA supports the proposal. However, Continental states that, because of the large distances involved in travel to, from, and within the Trust Territory, the maximum allowable duration of such tours should be set at 17 days, rather than the proposed 9 days, in order to allow for reasonable coverage of Trust Territory points. Continental also requests that § 223.2(f)(5) be amended, to either exclude tours to the Trust Territory from that provision requiring minimum group size of 15 travel agents, or, in the alternative, to reduce the minimum group size requirement for such tours to five travel agents. In support of this latter request, Continental says that if its suggested tour length of 17 days is adopted agents would have to be absent from their businesses for a longer time than many can afford and, by the same token, it would be difficult to replace agents who cancel a planned 17-day tour at the last minute. Additionally, Continental points to the limited capacity available on Trust Territory flights.

We have decided to accept Continental's argument that the unusually long distances involved in tours of the Trust Territory warrant a longer tour period than we presently permit; however, a length of 17 days would be excessive, and we have determined to allow a maximum length of 12 days for such tours. On the other hand, we have decided to deny Continental's request that the present minimum group size requirement be eliminated or reduced for these Trust Territory tours. We are not persuaded that a minimum group of 15 is unreasonable, particularly in view of the fact that carriers have in the past been able to obtain 15 agents for tours to the Trust Territory.[3] Moreover, Continental's suggestion that the minimum group size requirement be lowered for these tours is largely based on its primary suggestion that we should increase the permissible duration of these tours to 17 days, and we have not adopted the primary suggestion.

In consideration of the foregoing, the Board hereby amends Part 223 of its Economic Regulations (14 CFR Part 223), effective February 18, 1972, as follows:

1. Amend the definition of "domestic group familiarization tour" in § 223.1 to read as follows:

§ 223.1 Definitions.

• • • • •

(f) "Domestic group familiarization tour" means a tour organized and controlled by one or more air carriers for the purpose of promoting the sale of air transportation by familiarizing a group of travel agents with tourist attractions, accommodations, and recreational facilities in a particular area within the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands.

• • • • •

2. Amend § 223.2(f) to read as follows:

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

• • • • •

(f) Any air carrier authorized to engage in interstate or overseas air transportation of passengers or foreign air transportation of passengers to points in Canada is hereby exempted from section 403 of the Act and Part 221 of the Board's Economic Regulations to the extent necessary to enable it to provide free or reduced-rate transportation to travel agents on domestic groups familiarization tours between points on its certificated routes within the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, or from points on its certificated routes in Canada to points on its certificated routes within the stated domestic areas, subject to the following conditions:

• • • • •

(2) The tour shall be limited to a minimum of 1 day in addition to time spent in air transportation and a maximum of 7 days' total time, and no more than 4 days shall be spent at any point; *Provided, however,* That tours to the Trust Territory of the Pacific Islands which originate in the continental United States, Puerto Rico, the Virgin Islands, or Canada shall be limited to a maximum of 12 days' total time.

• • • • •

(4) No part of the tour shall consist of transportation by any means to, be directed toward promoting travel to, or in any manner include or provide for visits to points outside the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands.

(Secs. 204(a), 403, 407, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended by 74 Stat. 445), 766 (as amended by 83 Stat. 103), 771; 49 U.S.C. 1324, 1373, 1377, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-812 Filed 1-18-72;8:51 am]

[1] EDR-213, dated Sept. 29, 1971 (Docket No. 23866).

[2] Air West, Alaska Airlines, Inc., Allegheny Airlines, Inc., Aloha Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Hawaiian Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Southern Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

[3] See Orders 70-11-109, Nov. 23, 1970; 71-4-118, Apr. 19, 1971; and 71-8-113, Aug. 27, 1971.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8807 o.]

PART 13—PROHIBITED TRADE PRACTICES

Standard Educators, Inc. and James A. Melley, Sr.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1510 *Operations as special or other advertising;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1747 *Special or limited offers;* Misrepresenting oneself and goods—Prices: § 13.1780 *Combination sales;* § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Standard Educators, Inc., et al., East Hartford, Conn., Docket No. 8807, Dec. 6, 1971]

In the Matter of Standard Educators, Inc., a Corporation, and James A. Melley, Sr., Individually and as an Officer of Said Corporation

Order requiring door-to-door seller of encyclopedias of East Hartford, Conn., to cease misrepresenting to prospective purchasers that they were engaged in a national advertising campaign and offering a set of the New Standard Encyclopedia "free" or at a special price to specially selected persons who would endorse their products, and misrepresenting that certain books in a combination offer were free and the offer was limited to the time of the call.

The order to cease and desist, is as follows:

It is ordered, That respondents, Standard Educators, Inc., a corporation, and its officers, successors or assigns, and James A. Melley, Sr., individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of encyclopedias, books or publications or supplements in connection therewith or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That respondents' representatives or salesmen are conducting an advertising campaign; or that the purpose of the call or interview by respondents' representatives or salesmen is other than to sell encyclopedias, books, publications or supplements or services with respect thereto.

2. That purchasers may obtain a set of the New Standard Encyclopedia free, or at a reduction in price, merely by writing a letter of recommendation therefor, or an opinion thereon, displaying the product or keeping it up to date, or that any of the books sold by the respondents may be obtained by any means, other than the payment of respondents' then current price.

3. That any price at which respondents' books or publications are offered for sale is a special or reduced price, unless such price constitutes a substantial reduction from the price at which such publications were sold in substantial quantities for a reasonably substantial period of time by the respondents in the recent regular course of its business; or representing that any price is an introductory price.

V 37 • 12 JAN 19 72 XUM

4. That the opportunity to purchase respondents' books at a special introductory, special or reduced price is not available to the public generally; or that the purchasers of respondents' books are a specially selected group.

5. That certain books are given "free" with purchase of respondents' combination offer; or that purchasers from respondents of any combination offer only pay for part of such books.

6. That the payment of $3.95 or any other amount for respondents' annual yearbook or any other similar publication is an amount for handling and postage unless such stated amount is no more than the actual cost of the handling and postage.

7. That respondents' offer of books or other publications is limited as to time.

B. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' products; or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' products.

It is further ordered, That the respondents herein shall, in connection with the offering for sale, the sale, or distribution of encyclopedias, books, or publications or supplements in connection therewith or any other article of merchandise, when the offer for sale or sale is made in the buyer's home, forthwith cease and desist from:

(1) Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after date of execution.

(2) Failing to disclose, orally prior to the time of sale and in writing on any trade acceptance, conditional sales contract, promissory note or other instrument executed by the buyer with such conspicuousness and clarity as likely to be observed and read by such buyer, that the buyer may rescind or cancel the sale by directing or mailing a notice of cancellation to respondents' address prior to midnight of the third day, excluding Sundays and legal holidays, after the date of the sale. Upon such cancellation the burden shall be on respondents to collect any goods left in buyer's home and to return any payments received from the buyer. Nothing contained in this right-to-cancel provision shall relieve buyers of the responsibility for taking reasonable care of the goods prior to cancellation and during a reasonable period following cancellation.

(3) Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

(4) Provided, however, that nothing contained in this part of the order shall relieve respondents of any additional obligations respecting contracts made in the home required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent respondents can apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required. The Commission, upon proper showing, shall make such modifications as may be warranted in the premises.

It is further ordered, That the respondents herein shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

By "Final Order" further order requiring report of compliance, is as follows:

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 6, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary*.

[FR Doc.72-727 Filed 1-18-72;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-405: Order 445]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Statement of Policy Regarding Actions for Minimizing Consequences of Bulk Power Supply Interruptions or Shortages and Public Disclosure

JANUARY 11, 1972.

Despite the determined efforts of all electric utilities—investor owned, publicly owned, or cooperatively owned—to provide normal electric service, emergency situations do occur from time-to-time in the operation of utility facilities or equipment, and delays do occur in the construction or operation of planned electric utility facilities, any of which factors may precipitate power supply interruptions or shortage conditions. This order states policies which this Commission will observe under the cooperative procedures and voluntary action concepts of section 202(a) of the Federal Power Act, 16 U.S.C. 824a(a), in minimizing the consequences of bulk power supply interruptions or shortages.

Our intention, in stating these policies, is to provide general guidance to all who may be concerned with electric utility operations and are faced with conditions of electric power supply interruptions or shortages. In doing so, the Commission seeks to stimulate and encourage each electric utility which has not already done so, to develop contingency plans for operation in emergency situations; contingency plans for possible load reductions or curtailments; and contingency plans coordinating all such procedures with the procedures of other utilities so that bulk power transfers and coordinated operational arrangements may occur between and among systems to minimize the consequences of power interruptions or shortages.

Broad public understanding of the nature of emergency conditions and the steps which utilities plan to take in meeting them, will be beneficial both to operating utilities and to the electric consumers served. Notwithstanding the best intentioned long- and short-range electric utility planning procedures, any utility may be faced with the necessity of curtailing load in order to protect the electrical integrity of its system and the operational capability of bulk power supply facilities. This necessity may arise because of a localized shortage of generating or transmission capacity on a given system or more generalized conditions spanning a number of other interconnected systems. It can arise even though actions are taken to make full use of existing interconnection capacity and all unaffected utilities have provided the utmost assistance possible. Under these circumstances, the only course of action available to the affected utility, for purposes of system integrity, is to reduce the use of electricity by voluntary, or, if necessary, by involuntary, load curtailment procedures.

With foreknowledge of contingency planning, customers are provided with basic information needed for such actions as they may choose to take in protecting their respective interests under emergency conditions. Operating utilities are provided with a working factual predicate upon which their personnel may take prompt remedial operating actions to meet such conditions. Governmental authorities, Federal, State, and local, are provided with information which they may require in the discharge of any actions which they may be called upon to take in the exercise of governmental authority. For each of these interests, the Commission's established policy of forehandedness will be beneficial.

On November 4, 1970, the Commission issued a policy statement notice of investigation and proposed rule making with respect to developing emergency plans, in the above-entitled matter (35 F.R. 17428, November 13, 1970). That statement, issued under the Federal Power Act and Natural Gas Act, 16 U.S.C. 791a et seq., 15 U.S.C. 717 et seq., provides, in part, as follows (mimeo ed., page 2):

> • • • upon an investigation to be conducted in this docket, the Commission proposes to amend Part 2, General Policy and Interpretations and appropriate parts of its regulations under the Federal Power Act • • • Chapter I, Title 18, Code of Federal Regulations, to issue rules establishing policies relating to the exercise of the Commission's emergency powers and to prescribe procedures for developing load relief and curtailment plans for • • • electric power systems • • • to meet future emergency requirements arising from short-term and extended gas and electric power shortages. • • •

The Commission's basic responsibilities in respect to electric service, under the Federal Power Act, are directed to adequacy and reliability of bulk power supply under interconnected system operation. Thus, contingency plans of all interconnected systems are of concern to this Commission. The touchstones of the Act, in this respect, are cooperative procedures and voluntary action concepts, all as implemented by the Commission's Statement of Policy, Reliability and Adequacy of Electric Service—Reporting of Data—Participation of Regulatory Personnel in Regional Councils, Order No. 383-2, 43 FPC 515.[1]

The substantive regulatory jurisdiction of this Commission, in regard to electric service, is directed primarily to interstate bulk power supply, transmission and sales at wholesale for resale. The Commission does have certain emergency power supply regulatory responsibilities. See sections 202 (b), (c), 205, 206, and 207; 49 Stat. 848, 849, 851, 852, 853; 16 U.S.C. 824a (b), (c), 824d, 824e, and 824f of the Federal Power Act. The Commission does not have regulatory authority to ration electric power among ultimate consumers.

A survey, dated January 20, 1971, by a committee of the National Electric Reliability Council, indicates that essentially all electric utility systems which are participating in five of the nine regional electric reliability councils have formulated contingency plans to curtail load on their systems in the event of power supply shortages.[2] In the other four regions,[3] some utilities have formal plans for curtailing load during emergencies, but many do not.

We note the recent report by the Interregional Review Subcommittee of the Technical Advisory Committee of the National Electric Reliability Council,[4] "Review of Overall Adequacy and Reliability of the North American Bulk Power Systems", dated September 1971. It sets forth seriatim recommendations, a number of which relate to the subject matter of this order, Report pp. I-5–I-7, and lists a number of methods of meeting emergency conditions arising from inadequate power supply which also appear in attached Appendix I infra, Report p. III-22.

All electric utility systems which are participating in the Commission's administratively established program of bulk power supply adequacy and reliability pursuant to Order No. 383-2, supra—investor owned, publicly owned, or cooperatively owned—that have not already done so, are hereby encouraged to develop prestated plans and procedures for actions to be taken under emergency conditions. For the general information of the electric utility industry, State and local governmental authorities and the affected public, the Commission's technical engineering staff has reviewed a number of generally recognized steps or procedures for load reduction or curtailment to minimize the consequences of bulk power interruptions or shortage. These are set forth below. These steps should be read coordinately with the Commission's recommendations on interconnected system operating practices and interconnected system maintenance practices which were set forth in the Commission's July 1967 Report to the President, Prevention of Power Failures, pp. 91–93, which are now largely implemented by the major electric systems throughout the United States and with the various programs and procedures as disclosed pursuant to the provisions of Commission Order No. 383-2, Appendix A, Item 9, footnote 1 supra.

Various of the comments received in response to the statement of policy and notice of investigation in this matter raised questions and objections relative to inter alia the scope of this Commission's regulatory jurisdiction to order load reduction or curtailment plans, expressed reservations concerning possible legal liabilities for systems which may undertake emergency action procedures in aid of other systems or consumers served, and cited the existence of a number of extant plans and procedures for dealing with operations under emergency conditions.

In stating the Commission's policy, we are mindful of the responses. Since we are not here prescribing load reduction or curtailment plans or other operating procedures, we find it unnecessary to pass upon the scope of the Commission's regulatory jurisdiction to prescribe specific plans or procedures. By this order we are merely stating our policy that utility systems should accelerate their development of contingency plans and procedures, and disclose them publicly. Subsequent consideration of those plans and procedures by this Commission for any regulatory purpose will be as appropriate in the given circumstances, and within the provisions of the Federal Power Act, to control rates, charges, services, classifications, rules, regulations, contracts and practices affecting jurisdictional interconnections, sales or services, sections 19, 20, 202(b), 205, 206, 207; 41 Stat. 1073, 1074; 49 Stat. 848, 849, 851, 852, 853; 16 U.S.C. 812, 813, 824a(b), 824d, 824e, 824f, and to act under emergency conditions, section 202(c); 49 Stat. 849; 16 U.S.C. 824a(c). Furthermore, since we are not here purporting to establish or promulgate standards of service or specific plans or procedures, we do not assess the adequacy of existing emergency plans or procedures which have been developed by participating utilities within or outside the various regional electric reliability councils.

The Commission further finds:

(1) With respect to the matters included in the general statement of policy adopted herein, this rule making proceeding has afforded interested persons notice and an opportunity to participate through the submission, in writing, of data, views and comments. Since the statement promulgated herein is a matter of general policy, further compliance with the provisions of 5 U.S.C. 553 relating to notice and hearing is not required.

(2) The effective date provisions of section 553 of title 5 of the United States Code do not apply with respect to the amendment herein adopted.

(3) It is necessary and appropriate for purposes of the Federal Power Act and in the public interest in administering that Act, to promulgate Commission policy in respect to contingency planning and minimizing the consequences of bulk power supply interruptions, or shortages, and in respect to the public disclosure and requested reporting of such plans, upon a voluntary basis, all in the manner hereinafter provided.

The Commission orders:

(A) Part 2, General Policy and Interpretations, Subchapter A, General Rules,

---

[1] The Commission's established voluntary reporting program pursuant to Order No. 383-2, provides, in part, as follows (18 CFR 2.11, Appendix A):

9. Information on the following coordinated regional practices: (To be reported initially and updated in subsequent reports when significant changes occur.)

a. Load shedding programs, including estimated steps of load reduction at various steps in declining frequency.

b. Emergency power and shutdown facilities to prevent damage to equipment if station loses system power.

c. Power facilities available for unit startup in the event of total loss of system power.

d. Availability of continuous power independent of system sources for communication and control facilities.

e. Provisions for sustaining the operation of generating units on local loads.

f. Programs for scheduling maintenance outages of generation and transmission facilities.

g. Programs for the selection, setting and maintenance of relays that affect the overall reliability of the interconnected network.

[2] Electric Reliability Council of Texas, Mid-America Interpool Network, Mid-Atlantic Area Coordination Group, Northeast Power Coordinating Council, and Southwest Power Pool.

[3] East Central Area Reliability Coordination Agreement, Mid-Continent Area Reliability Coordination Agreement, Southeastern Electric Reliability Council, and Western Systems Coordinating Council.

[4] This Subcommittee, a permanent organization created by the National Electric Reliability Council in October 1970, has as its general assignment review and evaluation of existing and proposed bulk power systems and operation under normal and emergency conditions, September 1971, Report, Appendix D. In addition to that Subcommittee, there are numerous committees, subcommittees and task forces within both the National Electric Reliability Council and the nine regional reliability councils which are concerned with system planning, emergencies and means to be taken to minimize their consequences.

V 37 12 JAN 19 72 XUM

Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new § 2.10 to read as follows:

§ 2.10 Actions for minimizing the consequences of bulk power supply interruptions or shortages.

(a) *Actions.* Each regional reliability council, and every participating electric utility system therein, investor owned, publicly owned or cooperatively owned, is encouraged to review existing mutual assistance and emergency condition operating procedures among control areas, and to promote the simplification of all such procedures where warranted. In addition, each regional council and participating system that has not already done so, is urged to establish contingency plans for operating in emergency situations, and contingency plans for possible load reduction or curtailment. Also, each regional reliability council and participating system that has not already done so, is urged to establish regional information centers wherein current information will be maintained concerning operable generation and transmission capacity and fuel supplies within the region so that during emergencies the affected utilities can immediately determine the extent and location of likely sources of assistance throughout the region. In this regard, appropriate communication systems and interregional liaison among neighboring regions and utility systems will serve to accomplish similar purposes on an interregional scale. Their full development is encouraged.

(b) *Public disclosure.* Each electric utility system, investor owned, publicly owned, or cooperatively owned, which participates in the work of a regional reliability council, is requested to furnish, upon a voluntary basis, to the Federal Power Commission such contingency plans or procedures as referred to above, for general informational purposes. We contemplate that each affected utility system will determine and state what it regards as its contingency plans or procedures; and that in doing so, various systems may choose to coordinate their activities and report their actions through an appropriate regional reliability council. We ask that two conformed copies of such plans or procedures of each participating system, whether reported individually or through a council, be supplied to this Commission. We ask that they be supplied within 60 days and that all contingency plans or procedures furnished be kept current. Upon request by state public service commissions or any other affected governmental authorities, each electric utility system furnishing its contingency plans or procedures to the Federal Power Commission, is requested to make two conformed copies of such plans and procedures available to the former.

(B) All responses requested and received in respect to this order and statement of policy will be maintained by the Secretary in a public file of the Commission for general informational purposes. Upon request, copies of any of those materials will be made available by the Commission's Office of Public Information upon payment of the Commission's document reproduction charge. Established Commission procedures, as set forth in § 1.36, rules of practice and procedure, 18 CFR 1.36, will apply.

(C) The Commission, in its continuing review of this general subject matter, will take such further actions as may be appropriate.

(D) The amendment herein prescribed shall be effective upon the issuance of this order.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

SUGGESTED GUIDE OR SEQUENCE OF STEPS FOR CONTINGENCY ARRANGEMENTS FOR EMERGENCY BULK POWER TRANSFERS AND UNDER EXTENDED SHORTAGES OF POWER TO MINIMIZE THE CONSEQUENCES OF BULK POWER SUPPLY INTERRUPTIONS OR SHORTAGES

For purposes of these stated sequence of events, emergency bulk power transfers are considered to be those which are needed under sudden shortages of power. They may result upon the occurrence of a sudden electrical or physical disturbance resulting in a loss of major bulk power facilities. Interconnected electric utilities are encouraged to aid systems experiencing deficiencies by supplying emergency power from available resources to the extent possible, consistent with the continued safe operation of the supply systems. Electric utilities are encouraged to make arrangements, in accordance with procedures or agreements reviewed or approved by appropriate state or local governmental authority, to curtail service to interruptible customers, where feasible, for short periods of time to assist other electric utilities experiencing power supply deficiencies when such action can preclude involuntary load curtailment of loads served elsewhere by the interconnected systems.

Extended shortages of power may result from prolonged delays causing power supply shortages due to, among other things, delays in bringing new bulk power units into service, shortages of fuel, and forced outages requiring long periods of time for repairs. All unaffected systems are encouraged to aid those utilities experiencing extended power shortages by supplying available electric power and energy available after meeting their own systems' needs. To achieve this objective, all electric utilities are encouraged to develop provisions in mutual emergency assistance agreements so as to allow a commitment for supply of capacity and energy that can be delivered during emergencies to adjoining utilities and others reached by the interconnected system, consistent with protection of service to the supplying system's customers, and which would preclude involuntary curtailment of firm loads upon the affected systems. Such provisions may involve voltage reductions or other operating techniques in accordance with procedures and compensatory arrangements approved by appropriate governmental agencies, i.e., where such operating techniques are feasible and consistent with the safe operation of the interconnected systems and will not impose undue adverse effects in service or customers' equipment, either physically or electrically.

Voluntary load curtailment. The time sequence of the following voluntary load reduction measures will depend upon system conditions that prevail during a power supply shortage and therefore is a matter for the judgment of the affected utility:

a. Reduction in the use of electricity by the affected power system for unessential loads such as warehouse lighting, office air-conditioning or heating, advertising displays, etc.;

b. Interrupt service to industrial customers in accordance with provision of contracts;

c. Request large commercial and industrial customers to reduce unessential load, preferably in accordance with prearranged voluntary agreements and magnitudes;

d. Reduce voltage only if its effectiveness as a load relief technique is known and after its impact on customers' equipment has been considered;

e. Request all customers to reduce unessential load. Public appeal by news media to reduce lights and air-conditioning has been effective during summer peak periods; and

f. Reduce voltage an additional amount if adverse impact on customer equipment can be avoided.

Involuntary load curtailment. a. Interrupt service to industrial customers to the extent that this can be done after considering the customers' load and system conditions;

b. Interrupt service to selected distribution feeders throughout the service area for short periods of time, alternating among circuits. Service to distribution feeders should be interrupted in accordance to classification—interrupt service to least essential loads first, lesser essential loads second, etc. Every effort should be made to provide continuous service to the essential public facilities—police, fire stations, hospitals, and the like; and

c. Records should be maintained so that during subsequent power shortages, care is taken to rotate interruptions throughout the service area in equitable manner.

[FR Doc.72-780 Filed 1-18-72;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-25]

PART 173—ADMINISTRATIVE REVIEW IN GENERAL

Time Limits for Correction of Errors Involving Liquidation or Exaction

The purpose of this amendment is to clarify the exception in the provision in § 173.4(c)(2) relating to the time limits within which an error involving a liquidation or exaction made more than 9 months after the date of entry, or other transaction, must be brought to the attention of a district director of customs. The amendment substitutes the word "originates" for the word "is" following the word "error" in paragraph (c)(2) to make clear that where an error originates in the Customs liquidation, reliquidation, or exaction, the 1-year period provided for in paragraph (c)(1) of § 173.4 applies.

In § 173.4, paragraph (c)(2) is amended to read:

§ 173.4 Correction of clerical error, mistake of fact, or inadvertence.

* * * * *

(c) *Limitation on time for application.* A clerical error, mistake of fact, or other inadvertence meeting the requirements of paragraph (b) of this section must be brought to the attention of the district director:

* * * * *

(2) Within 90 days after liquidation or exaction when the liquidation or exaction is made more than 9 months after the date of entry, or other transaction, except that in cases where the error originates in the liquidation, reliquidation, or exaction, the 1-year limitation provided for in subparagraph (1) of this paragraph shall apply.

(Sec. 520, 46 Stat. 739, as amended; 19 U.S.C. 1520)

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

This amendment merely clarifies an existing Customs regulation. Therefore, the notice and delayed effective date provisions of 5 U.S.C. 553 are found to be inapplicable.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (1-19-72).

[SEAL] MYLES J. AMBROSE, *Commissioner of Customs.*

Approved:

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

[FR Doc.72-800 Filed 1-18-72;8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Marin	Mill Valley				Jan. 21, 1972.
Florida	Palm Beach	Boca Raton				Do.
Iowa	Clayton	McGregor	I 19 043 5080 01	Iowa Natural Resources Council, Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Office of the Town Clerk, Town of McGregor, McGregor, Iowa 52157.	Do.
Do.	do.	Marquette	I 19 043 5310 01	do.	Office of the Town Clerk, Town of Marquette, Marquette, Iowa 52158.	Do.
New Jersey	Monmouth	Matawan Township.				Do.
Pennsylvania	Chester	East Goshen Township.				Do.
Do.	do.	Pocopson Township.				Do.
Do.	Montgomery	Upper Providence Township.				Do.
Virginia		Newport News				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: January 12, 1972.

GEORGE K. BERNSTEIN, *Federal Insurance Administrator.*

[FR Doc.72-654 Filed 1-18-72;8:45 am]

V 37-12 JAN 19 72 XUM

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
California	Marin	Mill Valley				Jan. 21, 1972.
Florida	Palm Beach	Boca Raton				Do.
Iowa	Clayton	McGregor	H 19 043 5080 01	Iowa Natural Resources Council, Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Office of the Town Clerk, Town of McGregor, McGregor, Iowa 52157.	Apr. 8, 1971.
Do	do	Marquette	H19 19 043 5310 01	do	Office of the Town Clerk, Town of Marquette, Marquette, Iowa 52158.	Apr. 16, 1971.
New Jersey	Monmouth	Matawan Township.				Jan. 21, 1972.
Pennsylvania	Chester	East Goshen Township.				Do.
Do	do	Pocopson Township.				Do.
Do	Montgomery	Upper Providence Township.				Do.
Virginia		Newport News				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: January 12, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-655 Filed 1-18-72;8:45 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 473-72]

PART 41—DESIGNATION OF ORGANIZATIONS IN CONNECTION WITH THE FEDERAL EMPLOYEE SECURITY PROGRAM

Revocation of Attorney General Procedures Regarding the Subversive Activities Control Board

This order revokes the regulations issued by the Attorney General pursuant to Executive Order No. 10450 of April 27, 1953 (3 CFR 1953 Supp.) in connection with the designation of organizations under the Federal Employee Security Program.

The procedures established by the Attorney General have been replaced by the issuance of Executive Order No. 11605 of July 2, 1971, which amended Executive Order No. 10450 and provided, among other things, that the Subversive Activities Control Board should conduct hearings and make determinations upon petition of the Attorney General as to whether certain organizations fall within the standards and criteria of the Executive order.

Implementing regulations were issued by the Subversive Activities Control Board and became effective on publication in the FEDERAL REGISTER of September 10, 1971, 36 F.R. 18280.

Part 41 of Chapter I of Title 28 of the Code of Federal Regulations is therefore revoked.

Dated: January 7, 1972.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.72-745 Filed 1-18-72;8:47 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 71-100b]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Old Tampa Bay, Fla.; Correction

In F.R. Doc. 71-18970 appearing at page 25158 in the issue of Wednesday, December 29, 1971, the effective date was omitted inadvertently and should be added immediately after the citation to statutory authority to read "Effective date. This amendment shall become effective on January 29, 1972."

Dated: January 12, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-757 Filed 1-18-72;8:48 am]

[CGFR 71-106b]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Nassau Sound, Fla.; Correction

In F.R. Doc. 71-18971 appearing at page 25158 in the issue of Wednesday, December 29, 1971, the effective date was omitted inadvertently and should be added immediately after the citation to statutory authority to read "Effective date. This amendment shall become effective on January 29, 1972."

Dated: January 12, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-756 Filed 1-18-72;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Status of Regulations for Certain Model Years

On November 25, 1971 (36 F.R. 22448), 45 CFR Part 1201, "Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines", was redesignated as 40 CFR Part 85. At that time, regulations applicable to 1975 and 1976 model year vehicles and engines were republished in their entirety in Part 85. No mention was made of the regulations which remain in effect for 1972, 1973, and 1974 model year vehicles and engines. In order to assist interested persons in locating regulations, the Agency has decided to publish an index to regulations applicable to the 1972 model year and to the 1973 and 1974 model years.

Accordingly, Part 85 of Chapter I, Title 40 of the Code of Federal Regulations is amended by adding the following note, effective upon publication:

NOTE: The regulations republished November 25, 1971 (36 F.R. 22448) are applicable to new motor vehicles and engines beginning with the 1975 model year, except that Subpart M is applicable beginning with the 1973 model year, and Subpart S is applicable to the 1973 and 1974 model years. Regulations applicable to model years prior to 1975 remain in effect and are not affected by the November 25 republication.

Regulations applicable to the 1972 model year appear at 45 CFR Part 1201 (Supp. 1971), as amended at 36 F.R. 5342 (March 20, 1971) and at 36 F.R. 16905 (August 26, 1971).

Regulations applicable to the 1973 and 1974 model years appear at 45 CFR Part 1201 (Supp. 1971), as amended at 36 F.R. 5342 (March 20, 1971), at 36 F.R. 12652 (July 2, 1971), at 36 F.R. 16905 (August 26, 1971), and at 36 F.R. 19697 (October 9, 1971).

(42 U.S.C. 1857g(a), as amended by sec. 15(c)(2), Public Law 91-604, 84 Stat. 1713)

Dated: January 13, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency.

[FR Doc.72-747 Filed 1-18-72;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5152]

[Idaho 4373]

IDAHO

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1970), it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Boise Project, Payette Division:

BOISE MERIDIAN

T. 7 N., R. 5 W.
Sec. 34, NW¼NW¼NW¼NW¼ and NW¼SW¼NW¼NW¼NW¼.

The areas described aggregate 3.125 acres in Payette County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 10, 1972.

[FR Doc.72-728 Filed 1-18-72;8:45 am]

[Public Land Order 5153]

[Ore. 016183; Misc. 88702]

OREGON

Partial Revocation of Public Land Orders Nos. 3869 and 3530

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 3869 of November 12, 1965, which withdrew lands for use as public recreation areas is hereby revoked so far as it affects the following described Revested Oregon and California Railroad Grand land:

WILLAMETTE MERIDIAN

[Oregon 016183]

CHERRY CREEK RECREATION SITE

T. 27 S., R. 10 W.,
Sec. 18, N½ of lot 8.

The area described contains 20 acres in Coos County.

2. Public Land Order No. 3530 of January 29, 1965, which withdrew public lands for the protection of unique scientific and recreational areas is hereby revoked so far as it affects the following described Revested Oregon and California Railroad Grant land:

[Misc. 88702]

DOUGLAS FIR AREA

T. 27 S., R. 10 W.,
Sec. 16, lot 4.

The area described contains 22.12 acres in Coos County.

3. The land described in paragraph 1 of this order is included in the withdrawal made by Public Land Order No. 3530 of January 29, 1965, and will remain so withdrawn. At 10 a.m. on February 15, 1972, the land described in paragraph 2 shall be open to such forms of disposition as may by law be made of Revested Oregon and California Railroad Grant lands, including location under the U.S. mining laws. This land has been and continues to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Portland, Oreg. 97208.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 10, 1972.

[FR Doc.72-729 Filed 1-18-72;8:46 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (1-19-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

BIG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Lake National Wildlife Refuge, Manila, Ark., is permitted on all water areas. These areas, comprising 4,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except for the following special conditions:

(1) The sport fishing season on the refuge extends year-round except for closure during duck hunting season.

(2) Limb lines may not be used.

(3) Trotline fishing permitted only at night.

FLORIDA

ST. MARKS NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Marks National Wildlife Refuge, St. Marks, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 50,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1972, through October 15, 1972.

(2) Fishing permitted one-half hour before sunrise until one-half hour after sunset, 7 days a week.

(3) Boats with gasoline engines to 4 horsepower and electric motors are permitted.

(4) Trotlines as permitted by State regulations are allowed except that lines shall be taken up prior to closing hour of fishing daily.

GEORGIA

OKEFENOKEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on the Okefenokee National Wildlife Refuge, Waycross, Ga. Certain isolated areas are closed and posted. The open areas are delineated on a map available at the

V37-12 JAN 19 72 XUM

refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) Fishing permitted during daylight hours only.

(2) Boats with motors not larger than 10 hp., canoes and rowboats permitted.

(3) Artificial and live bait (except live minnows) permitted.

(4) Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Persons entering refuge from main access points must register with the respective concessioner.

(6) Persons using the sill access ramp on the pocket are required to sign and register when they enter the swamp and again when they leave. Use of launching facilities is permitted as long as parking regulations are not violated. Parking regulations are posted at registration station.

LOUISIANA

DELTA NATIONAL WILDLIFE REFUGE

Sport fishing and sport shrimping on the Delta National Wildlife Refuge, Venice, La., are permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 48,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing and sport shrimping shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing and sport shrimping season on the refuge shall be closed during the waterfowl hunting season.

(2) Fishing and shrimping permitted during daylight hours only.

(3) Air-thrust boats are prohibited.

NORTH CAROLINA

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

Sport fishing, bow fishing, and herring dipping on the Mattamuskeet National Wildlife Refuge are permitted only on the areas designated by signs as open. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. These activities shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Sport fishing and bow fishing seasons extend from March 1–November 1.

(2) As an exception to (1) above, the following areas are open to bank fishing during the entire year.

(a) The causeway (State Highway 94 which crosses the lake).

(b) In the immediate vicinity of the Lake Landing water control structure.

(c) In the immediate vicinity of the Outfall Canal water control structure at Mattamuskeet Lodge.

(3) Herring (alewife) dipping will be permitted from March 1–May 15 from the canal banks and water control structures in the immediate vicinity of the following locations:

(a) Waupoppin canal control structure—daylight hours only.

(b) Outfall canal control structure—daylight hours only.

(c) Lake Landing control structure—closed from sunset Sunday to sunrise Monday; sunset Tuesday to sunrise Wednesday; sunset Thursday to sunrise Friday. Open at other times.

(4) Boats and outboard motors without size limitations permitted. Airboats are prohibited.

(5) Certain areas will be posted as closed to motor boats to prevent disturbance in prime spawning zones.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 128 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 1, 1972, through December 31, 1972, on Lake Bee; from March 15, 1972, through October 15, 1972, on Martin's Lake, Lake 16, Lake 17, Pools A, B, C, D, G, and H, and the Black Creek Bridge areas on Wire Road, State Road 33, State Road 145, and U.S. Highway No. 1.

(2) Fishing permitted from one-half hour before official local sunrise until one-half hour after official local sunset.

(3) Boats with electric motors permitted only in Lake Bee, Lake 16, Lake 17, and Martin's Lake. Other type motors prohibited. The other areas are open only for bank fishing.

(4) Alcoholic beverages prohibited.

(5) All boats and fishermen must remain at least 30 feet away from wood duck nesting boxes or goose nesting areas. Nesting areas in Martin's Lake are closed and posted with Closed Area signs.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public sport fishing, crabbing, and clamming, in accordance with Virginia regulations, are permitted on the Chincoteague National Wildlife Refuge, Va., subject to the following conditions:

(1) Open areas:

(a) Surf fishing—the entire beach front, except those areas designated by signs as areas closed to fishing.

(b) Fishing and crabbing—from the impoundment banks designated as open to fishing.

(c) Clamming—the area between high- and low-tide marks in Tom's Cove, except as posted closed.

(2) Permits: A permit is required for fishing from 10 p.m. to sunrise; no permit is required at other times.

The provisions of those special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 10, 1972.

[FR Doc.72-785 Filed 1-18-72;8:49 am]

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

PART 240—GROUNDFISH FISHERIES

Miscellaneous Amendments

On December 1, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22841) to amend and republish, 50 CFR Part 240, Groundfish Fisheries. Comments were received and considered regarding the proposed amendments.

Pursuant to the public comments, it has been decided to amend Part 240, as it appeared in the January 6, 1971, publication (36 F.R. 158). The amendments will include those in the notice of proposed rule making which are necessary to implement the 1971 recommendations of the International Commission for the Northwest Atlantic Fisheries and those of a technical nature.

Effective date. The season opened on January 1, 1972, as set by the recommendations of ICNAF. These amendments implement the ICNAF recommendations and will be effective on date of publication in the FEDERAL REGISTER (1-19-72).

Accordingly Part 240 is amended as follows:

§ 240.3 [Amended]

1. Section 240.3(a) is amended by striking all subparagraphs and substituting the following:

(a) *Minimum mesh sizes:*

(1) In Subareas 1 and 2, no person shall fish for regulated species with a trawl net or nets, parts of nets, or netting of manilla or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section, of less than 5⅛ inches (130 mm.), or a trawl net or nets or parts of nets, or netting of material other than manilla or polypropylene twine unless it shall have a selectivity equivalent to that of a 5⅞-inch (130 mm.) manilla trawl net.

(2) In Subareas 3, 4, and 5, except as provided in subparagraph (3) of this paragraph, no person shall fish for regulated species with a trawl net or nets, parts of nets, or netting of manilla or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section of less than 4½ inches (114 mm.) or a trawl net or nets, or netting of material other than manilla or polypropylene twine unless it shall have a selectivity equivalent to that of a 4½-inch (114 mm.) manilla trawl net.

(3) In Subarea 5, no person shall fish for yellowtail flounder with a net of manilla or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section, of less than 5⅛ inches (130 mm.), or a trawl net or nets, parts of nets, or netting of material other than manilla or polypropylene twine unless it shall have a selectivity equivalent to that of a 5⅛-inch (130 mm.) manilla trawl net.

2. Subparagraph (1) of § 240.3(d) is amended by inserting "and 2" after the "1" in the first line.

3. Subparagraph (2) of § 240.3(d) is amended by deleting the number "2" in the first line.

4. Paragraph (a) and subparagraphs (1) and (2) of paragraph (b) of § 240.6 are amended as follows:

§ 240.6 Catch limits.

(a) An annual limitation is placed on the quantity of haddock permitted to be taken from Division 4X and Division 4W of Subarea 4, and Subarea 5 by the fishing vessels of all Contracting Governments participating in the fishery during 1972.

(1) The annual catch in Subarea 4, Division 4X, shall not exceed 9,000 metric tons (round, fresh weight).

(2) The annual catch in Subarea 4, Division 4W shall not exceed 4,000 metric tons (round, fresh weight).

(3) The annual catch in Subarea 5 shall not exceed 6,000 metric tons (round, fresh weight).

(b) An annual limitation of 26,000 metric tons is placed on yellowtail flounder in 1972 taken by fishing vessels of Contracting Governments in Subarea 5.

(1) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area west of 69°00' W., shall not exceed 10,000 metric tons to be taken in quarterly increments as follows:

January 1–March 31, 2,100 metric tons.
April 1–June 30, 1,000 metric tons.
July 1–September 30, 1,600 metric tons.
October 1–December 31, 2,100 metric tons.

(2) The annual catch (landings plus discards) of yellowtail flounder in Subarea 5 from the area east of 69°00' W., shall not exceed 16,000 metric tons to be taken in quarterly increments as follows:

January 1–March 31, 1,900 metric tons.
April 1–June 30, 3,550 metric tons.
July 1–September 30, 4,400 metric tons.
October 1–December 31, 2,600 metric tons.

5. Paragraph (a) of § 240.7 is amended to read as follows; and paragraph (b) is amended by changing "1971" to read "1972" on the second line.

§ 240.7 Open season.

(a) The open season for haddock fishing in Division 4X and Division 4W of Subarea 4, and Subarea 5, shall begin at 0001 hours of the 1st day of January and terminate at a time and a date to be determined and announced as provided in § 240.8; *Provided*, That the areas described in § 240.8 shall be closed to any vessel using gear capable of catching demersal species from 0001 hours, March 1, to 2400 hours May 31, 1972. This includes any trawl gear or similar devices, hook and line except as otherwise provided, and gill net.

6. Paragraph (a) (1) and (2) of § 240.8 are amended to read as follows:

§ 240.8 Closed seasons and areas.

(a) The Executive Secretary of the International Commission for the Northwest Atlantic Fisheries maintains records of the catches of regulated species made in Division 4X and Division 4W of Subarea 4 and Subarea 5 during the open season by the vessels of all contracting governments participating in the fishery.

(1) When the accumulative and estimated prospective catch of haddock and yellowtail flounder in each subarea making allowance for the incidental catch for the remainder of the year, equal 100 percent of the allowable catch permitted under § 240.6, the Executive Secretary shall notify each Contracting Government of that fact.

(2) If, after having given the notification provided in subparagraph (1) of this paragraph, the Executive Secretary determines, on the basis of new or further information, that the total catch will be less than 100 percent of the allowable catch, he may so inform each Contracting Government, stating the number of additional days fishing may be permitted in each subarea, such period to begin 10 days after the date of notification.

7. In § 240.8, paragraph (b) (1) and (2) (i) and (ii) are amended, and new subparagraph (2) (iii) is added as follows:

§ 240.8 Closed seasons and areas.

(b) It shall be unlawful for any person to use, during the period from 0001 hours, March 1 to 2400 hours, May 31, of 1972, fishing gear capable of catching demersal species, including any trawl gear or similar devices, gill net, or hook and line, in:

(1) Division 4X of Subarea 4, bounded by straight lines connecting the following coordinates in the order listed: 65°44' W.—42°04' N., 64°30' W.—42°40' N., 64°30' W.—43°00' N., 66°32' W.—43°00' N., 66°32' W.—42°20' N., 66°00' W.—42°20' N.

(2) Subarea 5, two areas bounded by lines connecting the following coordinates:

(i) 69°55' W.—42°10' N., 69°10' W.—41°10' N., 68°30' W.—41°35' N., 69°00' W.—42°10' N.,

(ii) 67°00' W.—42°20' N., 67°00' W.—41°15' N., 65°40' W.—41°15' N., 65°40' W.—42°00' N., 66°00' W.—42°20' N.,

(iii) Except that vessels using hooks having a gap of not less than 3 cm. (1⅛") may fish in these areas without restriction.

§ 240.9 [Amended]

8. Paragraphs (a), (b), and (d) of § 240.9 are amended to add the words "or 4W" following the words "Division 4X" wherever they occur in the said paragraphs.

§ 240.10 [Amended]

9. Amend § 240.10(b) by deleting last two sentences which read, "Such logs shall be available for inspection by authorized officers of the Government of the United States. At the conclusion of each fishing trip, the duplicate log sheet shall be delivered to an authorized officer of the Government of the United States."

(Subsec. (a), of sec. 7, Northwest Atlantic Fisheries Act of 1950, 64 Stat. 1069; U.S.C. 986; as modified by Reorganization Plan No. 4, effective Oct. 3, 1970, 35 F.R. 15627)

Issued at Washington, D.C., and dated January 19, 1972.

R. L. CARNAHAN,
Deputy Assistant Administrator for Administration.

[FR Doc.72-746 Filed 1-18-72;8:47 am]

V 37 N 12 JAN 19 72 XUM

Title 7—AGRICULTURE

Chapter III—Animal and Plant Health Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, animals, animal products, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and Subchapters D and G of Chapter I, Title 9 CFR, who requires the services of an employee of the Plant Protection and Quarantine Programs, on a Sunday or holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Plant Protection and Quarantine Programs inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime, or Sunday or holiday period, and shall pay the Government therefor at the rate of $14.64 per man-hour per employee on a Sunday and at the rate of $10.16 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States on a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration, and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular workday beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted traveltime period the amount of which shall be prescribed in administrative instructions to be issued by the Deputy Administrator, Plant Protection and Quarantine Programs for the areas in which the Sunday or holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such Sunday or holiday or overtime duty if such travel is performed solely on account such Sunday or holiday or overtime service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, certification, or quarantine services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Plant Protection and Quarantine Programs inspector in charge in honoring a request to furnish inspection, laboratory testing, quarantine, or certification service, shall assign employees to such Sunday or holiday or overtime duty with due regard to the work program and availability of employees for duty.

(c) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (1–19–72), when it shall supersede 7 CFR 354.1, as amended May 1, 1971, and September 1, 1971.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $9.40 to $10.16 and for services performed on Sunday from $13.20 to $14.64 commensurate with salary increases provided in accordance with the Economic Stabilization Act Amendments of 1971 (Public Law 92–210, 85 Stat. 743) by Executive Order 11637 (36 F.R. 24911). Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-882 Filed 1-18-72;9:44 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1972 Crop of Upland Cotton; Base Acreage Allotments

COUNTY RESERVES

Section 722.468 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the county reserves for the 1972 crop of upland cotton. Such determinations were made initially by the respective county committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (29 F.R. 16210, 35 F.R. 19798, 36 F.R. 6907, 21529).

Notice that the Department was preparing to make 1972 crop determinations including county reserve allocations was published in the FEDERAL REGISTER on September 14, 1971 (36 F.R. 18412), in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

Since the establishment of county reserves requires immediate action by the county committees, it is essential that this section be made effective as soon as possible. Accordingly, § 722.468 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 722.468 County reserves for the 1972 crop of upland cotton.

(a) *County reserves.* The total county reserve for all uses established by the county committee shall not exceed 5 percent of the sum of the computed county allotment and allocations to the county from the State reserve for trends and abnormal conditions, unless the State committee approves a larger reserve not in excess of 10 percent of the sum of the computed county allotment and allocations to the county from the State reserve for trends and abnormal conditions. Such larger reserve has been approved by the Florida State ASC Committee for Taylor County. The county committee may determine that no reserve for any one or more uses, or all uses, specified under section 350(e)(1) of the act, shall be established. In addition, no part of the county reserve shall be apportioned to a farm to reflect new cropland brought into production after November 30, 1970. The following table sets forth the county reserves:

ALABAMA

County	County reserve (acres)	County	County reserve (acres)
Autauga	24.6	Blount	28.3
Baldwin	5.4	Bullock	51.0
Barbour	26.7	Butler	39.3
Bibb	3.9	Calhoun	11.8
Chambers	4.4	Lauderdale	32.5
Cherokee	6.5	Lawrence	30.8
Chilton	22.5	Lee	7.4
Choctaw	15.9	Limestone	32.8
Clarke	19.4	Lowndes	16.3
Clay	1.8	Macon	42.7
Cleburne	6.4	Madison	31.5
Coffee	11.1	Marengo	57.1
Colbert	6.7	Marion	66.7
Conecuh	14.2	Marshall	18.2
Coosa	2.7	Mobile	9.0
Covington	36.8	Monroe	26.5
Crenshaw	6.2	Montgomery	7.8
Cullman	54.4	Morgan	26.3
Dale	5.6	Perry	12.7
Dallas	33.2	Pickens	25.6
De Kalb	13.2	Pike	18.9
Elmore	13.6	Randolph	15.8
Escambia	20.1	Russell	21.6
Etowah	18.8	St. Clair	35.7
Fayette	12.5	Shelby	5.7
Franklin	23.5	Sumter	22.2
Geneva	4.6	Talladega	20.4
Greene	26.3	Tallapoosa	4.5
Hale	27.2	Tuscaloosa	13.5
Henry	17.1	Walker	3.5
Houston	46.3	Washington	12.0
Jackson	29.0	Wilcox	23.0
Jefferson	56.9	Winston	13.3
Lamar	23.0		

ARIZONA

Cochise	6.9	Pima	1.9
Gila	0	Pinal	8.2
Graham	7.6	Santa Cruz	0.6
Greenlee	1.4	Yavapai	0
Maricopa	105.4	Yuma	7.9
Mohave	2.0		

ARKANSAS

Arkansas	7.3	Lawrence	0.9
Ashley	0.3	Lee	27.8
Baxter	0	Lincoln	0.7
Bradley	0.7	Little River	3.5
Calhoun	0.2	Logan	0
Chicot	0.4	Lonoke	0.9
Clark	1.0	Marion	0
Clay	2.9	Miller	0.3
Cleburne	0.8	Mississippi	0.5
Cleveland	0.7	Monroe	1.6
Columbia	1.7	Nevada	1.7
Conway	0.4	Newton	0
Craighead	0.6	Ouachita	1.0
Crawford	0	Perry	0.1
Crittenden	18.5	Phillips	0
Cross	5.0	Pike	0.1
Dallas	0	Poinsett	0.3
Desha	1.3	Pope	0.7
Drew	6.3	Prairie	0
Faulkner	1.1	Pulaski	0.5
Franklin	0.1	Randolph	0.4
Fulton	0.3	St. Francis	14.1
Grant	0	Scott	0
Greene	25.1	Searcy	0.1
Hempstead	0.9	Sebastian	0.5
Hot Spring	0	Sevier	0
Howard	0.1	Sharp	0.4
Independence	0.2	Union	0.1
Izard	1.1	Van Buren	0
Jackson	5.2	Washington	0
Jefferson	0.6	White	2.0
Johnson	0.1	Woodruff	9.6
Lafayette	0.9	Yell	2.3

CALIFORNIA

Fresno	48.1	San Benito	2.2
Imperial	16.9	San Bernardino	1.1
Kern	29.6	San Diego	0.5
Kings	12.5	Stanislaus	0
Madera	31.7	Tulare	21.8
Merced	18.5		
Riverside	5.8		

FLORIDA

County	County reserve (acres)	County	County reserve (acres)
Alachua	0	Lafayette	5.0
Baker	0	Leon	0.9
Bay	0	Levy	0
Calhoun	0.7	Liberty	0.2
Columbia	3.5	Madison	8.3
Dixie	0	Okaloosa	15.4
Escambia	18.1	Santa Rosa	0.8
Gadsden	0.1	Suwannee	12.0
Hamilton	4.0	Taylor	0.9
Holmes	15.9	Union	0
Jackson	239.0	Walton	21.9
Jefferson	47.1	Washington	3.7

GEORGIA

Appling	4.8	Harris	2.4
Atkinson	2.2	Hart	15.5
Bacon	3.0	Heard	4.2
Baker	0	Henry	6.0
Baldwin	4.1	Houston	2.9
Banks	8.4	Irwin	8.8
Barrow	5.9	Jackson	5.3
Bartow	15.9	Jasper	0.5
Ben Hill	19.0	Jeff Davis	4.8
Berrien	5.4	Jefferson	2.1
Bibb	1.0	Jenkins	1.0
Bleckley	1.3	Johnson	15.5
Brantley	0.1	Jones	0
Brooks	56.4	Lamar	4.0
Bryan	1.2	Lanier	2.0
Bulloch	13.5	Laurens	2.5
Burke	1.5	Lee	2.8
Butts	2.0	Liberty	2.8
Calhoun	0.1	Lincoln	33.7
Candler	10.0	Long	3.7
Carroll	6.9	Lowndes	3.6
Catoosa	5.0	Lumpkin	0.5
Charlton	0	McDuffie	6.4
Chatham	0.2	Macon	6.9
Chattahoochee	0	Madison	18.6
Chattooga	11.9	Marion	9.0
Cherokee	0	Meriwether	8.3
Clarke	3.8	Miller	2.1
Clay	0.4	Mitchell	0.8
Clayton	4.7	Monroe	1.9
Clinch	0.3	Montgomery	16.7
Cobb	0.8	Morgan	3.8
Coffee	4.4	Murray	6.0
Colquitt	6.4	Newton	10.4
Columbia	0.7	Oconee	11.6
Cook	15.8	Oglethorpe	10.0
Coweta	53.6	Paulding	0.6
Crawford	3.9	Peach	0.7
Crisp	7.6	Pickens	0.4
Dade	2.2	Pierce	3.5
Dawson	0.4	Pike	1.0
Decatur	2.0	Polk	14.1
De Kalb	0.9	Pulaski	6.6
Dodge	3.5	Putnam	1.8
Dooly	2.3	Quitman	0.3
Dougherty	0.3	Randolph	0.6
Douglas	0.2	Richmond	2.0
Early	1.3	Rockdale	3.9
Echols	0.1	Schley	2.1
Effingham	13.8	Screven	2.7
Elbert	22.7	Seminole	3.2
Emanuel	11.8	Spalding	9.1
Evans	13.1	Stephens	0.3
Fayette	4.9	Stewart	4.1
Floyd	31.8	Sumter	3.5
Forsyth	0.8	Talbot	0.6
Franklin	14.5	Taliaferro	1.2
Fulton	3.1	Tattnall	19.2
Glascock	0.6	Taylor	4.5
Gordon	106.8	Telfair	1.0
Grady	11.3	Terrell	1.1
Greene	4.5	Thomas	4.1
Gwinnett	10.5	Tift	8.8
Habersham	0.1	Toombs	8.5
Hall	0	Treutlen	10.7
Hancock	2.1	Troup	3.3
Haralson	8.1	Turner	1.0
		Twiggs	7.5

V37N12 JAN 19 72 XUM

GEORGIA—Continued

County	County reserve (acres)	County	County reserve (acres)
Upson	1.6	Wheeler	13.1
Walker	9.6	White	0.1
Walton	22.0	Whitfield	3.1
Ware	1.9	Wilcox	4.7
Warren	10.1	Wilkes	5.4
Washington	1.5	Wilkinson	5.1
Wayne	3.4	Worth	5.4
Webster	3.6		

ILLINOIS

Alexander	2.6	Pulaski	0.9
Massac	0		

KANSAS

Montgomery	0

KENTUCKY

Ballard	0	Graves	0
Calloway	0.2	Hickman	7.0
Carlisle	0	McCracken	0
Fulton	0.7	Marshall	0

LOUISIANA

Parish	Parish reserve (acres)	Parish	Parish reserve (acres)
Acadia	9.4	Livingston	0
Allen	5.2	Madison	18.8
Avoyelles	15.3	Morehouse	31.8
Beauregard	0	Natchitoches	20.2
Bienville	2.9	Ouachita	12.6
Bossier	15.3	Pointe Coupee	47.9
Caddo	39.8	Rapides	16.7
Caldwell	6.3	Red River	8.9
Catahoula	10.5	Richland	25.6
Claiborne	11.0	Sabine	0
Concordia	8.9	St. Helena	1.3
De Soto	10.0	St. Landry	26.5
East Baton Rouge	0.1	St. Marin	8.5
East Carroll	6.8	Tangipahoa	0.3
East Feliciana	0.9	Tensas	19.3
Evangeline	12.4	Union	6.1
Franklin	11.1	Vermilion	21.1
Grant	3.7	Vernon	0
Iberia	0.1	Washington	40.3
Iberville	0	Webster	0
Jackson	1.0	West Baton Rouge	2.3
Jefferson Davis	0	West Feliciana	2.2
Lafayette	97.5	Winn	0.9
La Salle	0		
Lincoln	0		

MISSISSIPPI

County	County reserve (acres)	County	County reserve (acres)
Adams	1.9	Humphreys	5.5
Alcorn	12.9	Issaquena	1.9
Amite	6.6	Itawamba	51.4
Attala	27.6	Jasper	14.1
Benton	15.2	Jefferson	6.9
Bolivar	34.0	Jefferson Davis	18.3
Calhoun	12.8	Jones	6.5
Carroll	15.7	Kemper	51.7
Chickasaw	16.5	Lafayette	12.4
Choctaw	9.9	Lamar	1.5
Claiborne	6.6	Lauderdale	12.3
Clarke	6.7	Lawrence	10.2
Clay	10.5	Leake	32.2
Coahoma	2.0	Lee	87.2
Copiah	8.6	Leflore	10.9
Covington	16.5	Lincoln	2.0
De Soto	12.3	Lowndes	12.6
Forrest	0.7	Madison	15.8
Franklin	2.0	Marion	8.8
George	2.9	Marshall	27.7
Greene	2.5	Monroe	16.5
Grenada	29.9	Montgomery	8.0
Hinds	14.8	Neshoba	22.9
Holmes	15.9		

MISSISSIPPI—Continued

County	County reserve (acres)	County	County reserve (acres)
Newton	5.2	Tallahatchie	5.7
Noxubee	4.3	Tate	12.2
Oktibbeha	2.7	Tippah	57.9
Panola	16.8	Tishomingo	36.3
Pearl River	0	Tunica	12.2
Perry	0.3	Union	26.9
Pike	4.5	Walthall	19.6
Pontotoc	70.1	Warren	2.6
Prentiss	61.8	Washington	3.3
Quitman	8.3	Wayne	7.9
Rankin	14.2	Webster	17.0
Scott	18.3	Wilkinson	1.6
Sharkey	1.8	Winston	68.3
Simpson	11.2	Yalobusha	15.3
Smith	17.5	Yazoo	9.8
Sunflower	13.4		

MISSOURI

Bollinger	2.9	New Madrid	0.2
Butler	5.8	Pemiscot	1.8
Cape Girardeau	0.1	Ripley	6.4
Dunklin	5.1	Scott	8.6
Howell	0	Stoddard	0
Mississippi	4.5	Vernon	0

NEVADA

Clark	0	Nye	0

NEW MEXICO

Chaves	12.8	Lea	51.4
Curry	0.8	Luna	2.1
De Baca	2.2	Otero	0.5
Dona Ana	29.2	Quay	6.7
Eddy	3.1	Roosevelt	16.9
Grant	0	Sierra	0.7
Harding	0	Socorro	0.1
Hidalgo	0.2		

NORTH CAROLINA

Alamance	0.6	Johnston	102.7
Alexander	4.2	Jones	0
Anson	35.5	Lee	2.2
Beaufort	3.4	Lenoir	0.1
Bertie	6.3	Lincoln	7.5
Bladen	16.3	Martin	1.9
Brunswick	1.4	Mecklenburg	1.2
Burke	0.9	Montgomery	30.0
Cabarrus	26.3	Moore	12.3
Caldwell	0	Nash	1.8
Camden	0.1	Northampton	113.9
Caretert	0	Onslow	0.2
Catawba	0	Orange	0
Chatham	12.0	Pamlico	0.1
Chowan	2.0	Pasquotank	1.1
Cleveland	8.7	Pender	2.3
Columbus	15.5	Perquimans	4.6
Craven	1.8	Person	0
Cumberland	21.4	Pitt	46.4
Currituck	0	Polk	2.4
Davidson	1.6	Randolph	0.2
Davie	22.2	Richmond	6.8
Duplin	22.3	Robeson	2.9
Durham	0.1	Rowan	55.5
Edgecombe	0.6	Rutherford	7.8
Forsyth	0.1	Sampson	21.3
Franklin	184.2	Scotland	3.4
Gaston	8.2	Stanly	1.0
Gates	33.0	Tyrrell	2.5
Granville	0	Union	126.3
Greene	8.1	Vance	63.6
Guilford	0	Wake	27.4
Halifax	31.5	Warren	11.3
Harnett	1.8	Washington	1.4
Hertford	10.5	Wayne	9.3
Hoke	3.6	Wilkes	2.2
Hyde	1.0	Wilson	13.8
Iredell	77.9	Yadkin	0.1

OKLAHOMA

Adair	0	Caddo	29.1
Atoka	2.3	Canadian	7.2
Beckham	7.2	Carter	0.8
Blaine	14.0	Choctaw	1.5
Bryan	19.3	Cimmaron	0

OKLAHOMA—Continued

County	County reserve (acres)	County	County reserve (acres)
Cleveland	2.0	McIntosh	13.3
Coal	1.3	Major	6.7
Comanche	18.5	Marshall	1.9
Cotton	8.4	Mayes	1.4
Craig	0	Murray	1.0
Creek	1.7	Muskogee	24.9
Custer	11.5	Noble	0
Dewey	10.7	Nowata	0.5
Ellis	0.3	Okfuskee	5.3
Garfield	0	Oklahoma	0.1
Garvin	8.7	Okmulgee	12.6
Grady	10.2	Osage	0.2
Grant	0	Pawnee	5.2
Greer	6.0	Payne	3.0
Harmon	2.2	Pittsburg	4.4
Harper	0	Pontotoc	1.7
Haskell	1.1	Pottawatomie	0.4
Hughes	2.4	Pushmataha	0.1
Jackson	9.1	Roger Mills	14.4
Jefferson	4.0	Rogers	1.2
Johnston	2.6	Seminole	6.5
Kay	0	Sequoyah	0.3
Kingfisher	1.1	Stephens	9.0
Kiowa	20.7	Texas	0
Le Flore	3.1	Tillman	9.4
Lincoln	1.9	Tulsa	2.2
Logan	1.6	Wagoner	22.8
Love	5.4	Washita	25.7
McClain	5.9	Woodward	0
McCurtain	9.5		

SOUTH CAROLINA

Abbeville	41.0	Hampton	47.2
Aiken	18.0	Horry	39.9
Allendale	7.4	Jasper	8.5
Anderson	49.1	Kershaw	62.4
Bamberg	83.2	Lancaster	21.2
Barnwell	88.5	Laurens	97.6
Beaufort	0.5	Lee	47.9
Berkeley	54.9	Lexington	60.0
Calhoun	20.5	McCormick	17.2
Charleston	14.2	Marion	72.5
Cherokee	60.9	Marlboro	21.8
Chester	18.3	Newberry	23.0
Chesterfield	275.0	Oconee	47.8
Clarendon	58.1	Orangeburg	83.6
Colleton	46.4	Pickens	52.3
Darlington	65.6	Richland	32.7
Dillon	19.2	Saluda	45.3
Dorchester	17.3	Spartanburg	30.3
Edgefield	10.7	Sumter	38.7
Fairfield	11.2	Union	25.7
Florence	272.2	Williamsburg	221.8
Georgetown	8.3	York	6.2
Greenville	25.3		
Greenwood	106.9		

TENNESSEE

Bedford	7.0	Lawrence	31.6
Benton	2.0	Lewis	0.1
Bradley	0.9	Lincoln	19.0
Cannon	0.2	Loudon	0
Carroll	29.5	McMinn	0
Chester	16.3	McNairy	25.3
Coffee	0.5	Madison	12.4
Crockett	63.1	Marion	0
Dectaur	5.3	Marshall	1.1
Dickson	0	Maury	0
Dyer	23.9	Meigs	2.1
Fayette	38.9	Moore	0
Franklin	9.9	Obion	17.1
Gibson	52.2	Perry	0
Giles	9.7	Polk	4.5
Grundy	0	Rhea	0
Hamilton	0	Robertson	0
Hardeman	19.6	Rutherford	2.2
Hardin	10.5	Shelby	22.0
Haywood	29.3	Sumner	0
Henderson	31.1	Tipton	26.8
Henry	18.2	Warren	0
Humphreys	0	Wayne	12.4
Lake	14.4	Weakley	17.5
Lauderdale	24.8	Wilson	0

TEXAS

County	County reserve (acres)	County	County reserve (acres)
Anderson	0.5	Grayson	76.5
Andrews	3.8	Gregg	0
Angelina	0.6	Grimes	10.1
Aransas	1.1	Guadalupe	26.8
Archer	15.1	Hale	33.7
Armstrong	0.1	Hall	26.3
Atascosa	10.8	Hamilton	12.5
Austin	10.0	Hansford	0.2
Bailey	0.1	Hardeman	5.5
Bastrop	22.3	Harris	1.8
Baylor	12.1	Harrison	2.1
Bee	9.4	Hartley	0
Bell	26.3	Haskell	132.4
Bexar	4.8	Hays	6.9
Blanco	0	Hemphill	0.7
Borden	1.3	Henderson	0.2
Bosque	16.3	Hidalgo	106.1
Bowie	0.3	Hill	18.3
Brazoria	0.3	Hockley	26.4
Brazos	30.6	Hood	10.1
Brewster	0	Hopkins	0.4
Briscoe	3.2	Houston	112.9
Brooks	1.8	Howard	0.4
Brown	3.2	Hudspeth	2.2
Burleson	45.0	Hunt	28.4
Burnet	5.3	Hutchinson	0
Caldwell	5.1	Irion	0
Calhoun	21.7	Jack	2.2
Callahan	2.3	Jackson	1.7
Cameron	21.5	Jasper	0
Camp	0	Jeff Davis	0
Carson	0.5	Jim Hogg	4.5
Cass	6.0	Jim Wells	3.3
Castro	13.6	Johnson	72.1
Cherokee	1.9	Jones	27.9
Childress	5.5	Karnes	16.1
Clay	10.2	Kaufman	123.2
Cochran	0.4	Kendall	0
Coke	5.6	Kent	2.2
Coleman	67.2	Kimble	0
Collin	31.7	King	1.1
Collingsworth	0.4	Kinney	0.2
Colorado	10.5	Kleberg	5.5
Comal	0	Knox	27.6
Comanche	1.8	Lamar	13.2
Concho	26.1	Lamb	42.4
Cooke	15.8	Lampasas	4.2
Coryell	37.0	La Salle	0.6
Cottle	17.8	Lavaca	13.2
Crockett	0	Lee	1.4
Crosby	13.9	Leon	16.4
Culberson	1.3	Liberty	5.3
Dallas	102.4	Limestone	11.5
Dawson	26.4	Live Oak	14.1
Deaf Smith	8.4	Llano	1.1
Delta	20.1	Loving	0.1
Denton	11.4	Lubbock	90.0
De Witt	10.2	Lynn	8.0
Dickens	10.8	McCulloch	1.0
Dimmit	10.0	McLennan	69.2
Donley	6.8	McMullen	5.4
Duval	0	Madison	0.2
Eastland	1.1	Marion	0.3
Ector	1.1	Martin	10.8
Ellis	57.4	Mason	0.3
El Paso	0.3	Matagorda	6.5
Erath	6.3	Maverick	1.1
Falls	58.1	Medina	0.9
Fannin	24.3	Menard	0.2
Fayette	42.1	Midland	20.7
Fisher	2.2	Milan	21.5
Floyd	0.3	Mills	9.9
Foard	5.7	Mitchell	37.0
Fort Bend	1.9	Montague	9.4
Franklin	2.2	Montgomery	2.0
Freestone	2.2	Moore	0.2
Frio	5.0	Morris	0
Gaines	43.1	Motley	0
Garza	6.4	Nacogdoches	0.4
Gillespie	4.7	Navarro	157.7
Glasscock	1.2	Newton	0
Goliad	0.1	Nolan	26.4
Gonzales	0.4	Nueces	15.8
Gray	0.1	Ochiltree	0.6
		Oldham	0

TEXAS—Contained

County	County reserve (acres)	County	County reserve (acres)
Palo Pinto	19.9	Swisher	1.3
Panola	1.7	Tarrant	15.5
Parker	17.5	Taylor	12.8
Parmer	15.7	Terry	6.3
Pecos	2.5	Throckmorton	0
Polk	0.5	Titus	0.1
Potter	0	Tom Green	76.4
Presidio	0.3	Travis	31.0
Rains	5.4	Trinity	4.7
Randall	0.3	Tyler	0.6
Reagan	3.5	Upshur	0.3
Red River	20.9	Upton	2.1
Reeves	4.5	Uvalde	0.1
Refugio	0.3	Val Verde	0.2
Roberts	0	Van Zandt	240.3
Robertson	37.1	Victoria	13.6
Rockwall	32.1	Walker	1.6
Runnels	59.6	Waller	7.1
Rusk	34.8	Ward	1.1
Sabine	0.4	Washington	3.4
San Augustine	2.4	Webb	0
San Jacinto	1.6	Wharton	36.4
San Patricio	14.7	Wheeler	20.9
San Saba	0.4	Wichita	11.5
Schleicher	1.6	Wilbarger	19.5
Scurry	3.4	Willacy	16.5
Shackelford	6.7	Williamson	41.2
Shelby	0	Wilson	7.6
Smith	0	Wise	10.1
Somervell	0.1	Wood	2.9
Starr	13.8	Yoakum	17.0
Stephens	0.6	Young	4.3
Sterling	2.9	Zapata	2.3
Stonewall	21.4	Zavala	3.8

VIRGINIA

Brunswick	3.8	Nansemond	4.9
Charlotte	0	Pr. Edward	0
Dinwiddie	1.7	Pr. George	0
Greensville	30.4	Southhampton	9.3
Isle of Wight	0	Surry	0
Lunenburg	0.3	Sussex	0
Mecklenburg	17.3		

(Secs. 350(e), 375, 84 Stat. 1373, 52 Stat. 66, as amended; 7 U.S.C. 1350(e), 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register (1-18-72).

Signed at Washington, D.C., on January 11, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-698 Filed 1-18-72;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period and shall pay the Administrator of the Animal and Plant Health Service at a rate of $14.64 per man hour per employee on a Sunday and at a rate of $10.16 per man hour per employee for holiday or any other period; except that for any services performed on a Sunday, or holiday, or at any time after 5 p.m. or before 8 a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Deputy Administrator, Veterinary Services for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday or Sunday duty if such travel is performed solely on account of such overtime or holiday or Sunday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

V 37-12 JAN 19 72 XUM

located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however,* That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which normally constitute a regular work day. It shall be administratively determined from time to time which days constitute holidays.

(b) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561, 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (1-19-72), when it shall supersede 9 CFR 97.1, effective May 1, 1971.

The purpose of this amendment is to increase the hourly rate for overtime services from $9.40 to $10.16 and for services performed on Sunday from $13.20 to $14.64 commensurate with salary increases provided in the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743, by Executive Order 11637 (36 F.R. 24911)). Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of January 1972.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.72-887 Filed 1-18-72;9:44 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

TOBACCO

Proposed Determinations Regarding Farm Acreage Allotments and Marketing Quotas for 1970-71 and Subsequent Marketing Years

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend § 725.72 of the regulations in this part pertaining to the lease and transfer of tobacco acreage allotments for flue-cured tobacco.

The purpose of amending the regulations is to clarify the provisions of § 725.72(p)(1) of the regulations to state with particularity the farm against which overmarketings would be charged in any case where a lease of allotment and quota is canceled because of fraud on the part of the owner or operator of the transferring farm but without fault on the part of the owner or operator of the receiving farm. In such a case, it is proposed that the regulations expressly state that the overmarketings would be charged against the farm from which the transfer of allotment and quota was made if such farm, after any such reconstitution as may be necessary as a result of the fraud, is assigned an allotment and quota against which the overmarketings could be charged; otherwise, the overmarketings would be charged against any other farm involved in the fraud having an allotment and quota after any reconstitution required by the fraud. Notwithstanding the above, the amount of overmarketings on the receiving farm which is in excess of the amount of quota involved in the canceled lease would be charged against the receiving farm.

Prior to issuance of the proposed changes in the regulations, data, views, or recommendations pertaining thereto which are submitted to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than 15 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on January 11, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-802 Filed 1-18-72;8:50 am]

Consumer and Marketing Service

[7 CFR Part 928]

PAPAYAS GROWN IN HAWAII

Proposed Expenses, Rate of Assessment, and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Papaya Administrative Committee, established under the marketing agreement, and Order No. 928 (7 CFR Part 928; 36 F.R. 8925), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses which are reasonable and likely to be incurred by the Papaya Administrative Committee, during the period January 1, 1972, through December 31, 1972, will amount to $162,500.

(b) That there be fixed, at six and one-half mills ($0.0065) per pound of papayas, the rate of assessment payable by each handler in accordance with § 928.41 of the aforesaid marketing agreement and order during the fiscal year beginning January 1, 1972.

(c) That unexpended assessment funds in excess of expenses incurred during the initial fiscal period ended December 31, 1971, shall be carried over as a reserve in accordance with the applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: January 13, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-750 Filed 1-18-72;8:47 am]

[7 CFR Part 1004]

[Docket No. AO-160-A47]

MILK IN MIDDLE ATLANTIC MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Baltimore, Md., on September 21-22, 1971, pursuant to notice thereof issued on August 27, 1971 (36 F.R. 17586).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on November 26, 1971 (36 F.R. 22831) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. Under item 2, the 62d and 65th paragraphs are revised for clarification.

The material issues on the record relate to:

1. Adoption of an advertising and promotion program as authorized under Public Law 91-670; and

2. The specific terms and provisions necessary to implement such program under the Middle Atlantic order.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Adoption of an advertising and promotion program.* The order should be amended to provide for an advertising and promotion program to be administered by an agency organized by producers and producers' cooperative associations and financed by producer monies

V 37-12 JAN 19 72 XUM

deducted from the Middle Atlantic order pool proceeds.

The recent amendments to the Agricultural Marketing Agreement Act by Public Law 91–670 (Title I—Advertising Projects—Milk) approved January 11, 1971, provide that a Federal milk order may, with the approval of producers on the market, include provisions for establishing or providing for the establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products (hereinafter referred to in this part as the "advertising and promotion program" or "the program").

The hearing on this matter, the first for any Federal milk order under the provisions of Public Law 91–670, was requested by Pennmarva Dairymen's Cooperative Federation. The individual members of Pennmarva are Inter-State Milk Producers' Cooperative, Inc., Maryland and Virginia Milk Producers Association, Inc., and Maryland Cooperative Milk Producers, Inc. In addition to the proponent Pennmarva group, and the National Milk Producers Federation, the proposed program was supported on the record by Capitol Milk Producers, Lehigh Valley Cooperative Farmers, and Dairylea. Thus the program has the support of producer organizations representing a substantial majority of all producers in the market.

The National Milk Producers Federation, an organization of cooperative associations of dairy farmers and federations of such cooperative associations, was actively involved in the legislative proceedings leading to the development and enactment of Public Law 91–670. Following the passage of this enabling legislation, the Federation established guidelines under which its members associations (including the proponent Pennmarva Federation) were encouraged to develop programs for individual order areas.

A representative for the National Milk Producers Federation, testifying at the hearing in support of a program for the Middle Atlantic order, pointed out that the amendment to the Act was envisioned as authority for a self-help program under which milk producers could collect and spend their own funds to improve their own markets for milk.

Under the proposal supported at the hearing and as herein adopted the advertising and promotion program will be funded through a 5 cents per hundredweight assessment each month on producer milk pooled during such month. Under this program, the market administrator will deduct the monies from the producer-settlement fund prior to the computation of the uniform prices for base and excess milk. Such moneys, except for certain reserves withheld to cover refunds and administrative costs incurred by the market administrator, will be turned over to and administered by an agency organized by producers and producers' cooperative associations. The agency will be responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act as prescribed in the attached amending order.

Any producer not desiring to participate in the program, upon proper application, will be eligible for refund of the assessments made against his proportionate share of total producer marketing of milk, such refunds to be made by the market administrator on a quarterly basis. Also, the program as adopted will allow adjustments or credits in connection with mandatory checkoff for similar types of programs, if required under authority of any State law.

The principal reasons cited by proponents for the establishment of an advertising and promotion program under the Middle Atlantic order were:

(1) *Decline in Class I sales.* Class I sales in the Middle Atlantic market (in the Delaware Valley, Upper Chesapeake Bay, and Washington, D.C., markets together, prior to the merger of these individual markets in August 1970) declined for the first 7 months of 1971 compared with the same periods for both 1969 and 1970. Total Class I sales during 1970 were about 46 million pounds less than during 1969.

Population in the Middle Atlantic marketing area, on the other hand, increased from the census years 1960 to 1970, 9.084 million persons in 1960 as compared to 10.891 million in 1970. It is this declining trend in the per capita consumption of milk in the Middle Atlantic marketing area which proponents believe will be diminished or reversed by increased expenditures for milk promotion and advertising under their proposed program.

(2) *The shifting trend from home delivery to store sales.* There has been a steadily increasing trend toward sales of milk out of stores and a decline in home deliveries in the Middle Atlantic area. Forty-four percent of the total milk sales in the former Delaware Valley order market was by home delivery for the month of November 1965 as compared with 24 percent for the same month in 1969. For the same periods, home delivery sales in the Upper Chesapeake Bay and Washington, D.C., areas decreased from 36 percent and 19 percent in 1965 to 25 percent and 11 percent in 1969, respectively.

This change from home delivery to a wholesale method of distribution, proponents pointed out, has placed milk in more direct competition with other foods and beverages. The consumer, when purchasing at stores, is confronted with many alternatives in choosing beverages and/or food in the diet. Most of these competing products, other than dairy products, are widely promoted and advertised. It is the proponents' position, therefore, that in such a competitive environment, dairy farmers must do a more comprehensive and effective job of promoting milk and milk products.

(3) *Lack of uniform dairy farmer participation in promotional programs.* The three cooperative members of Pennmarva form the largest cooperative group in terms of producer numbers serving the principal cities of Philadelphia, Baltimore, and Washington, D.C. The rate of payment for milk promotion by the three cooperatives individually is varied, ranging from 2 to 4 cents per hundredweight on member producer milk. These monies are paid over to the American Dairy Association of Atlantic. Another cooperative association serving the market pays the American Dairy Association of Atlantic at the rate of 3 cents per hundredweight on all its member milk. Payments to the Dairy Council by three of the four cooperatives are at the rate of 1 cent per hundredweight on member producer milk allocated to Class I. Payment by the fourth cooperative is at the rate of 1 cent per hundredweight on its Class I milk when matched by the dealer.

Two other cooperative associations representing producers on the market contribute to advertising and promotion programs through the use of the "positive letter"[1] at a rate of 3 cents per hundredweight.

(4) *Insufficient funds for promotional programs.* The total amount of money available to the Philadelphia, Baltimore, and Washington, D.C., units of the Dairy Council and to the American Dairy Association of Atlantic exceeded $1 million during 1970. Proponents pointed out, however, that not all of this money was available for the Middle Atlantic order area since the American Dairy Association of Atlantic area covers, in addition, the cities of Pittsburgh, Lancaster, Reading, Altoona, York, Scranton, Wilkes-Barre, and Williamsport in Pennsylvania, and Charleston, W. Va., all outside the general distribution area of Middle Atlantic order milk dealers.

Proponents contend that after allowing for approximately $210,000 of the total paid to the American Dairy Association of Atlantic for the basic program for the American Dairy Association and adjusting for promotions in the above-named cities, approximately $278,000 was available for advertising in the three cities of Philadelphia, Baltimore, and Washington, D.C. This, together with $385,000 available to the Dairy Council units, results in a sum of $663,000 that was available for programs in the Middle Atlantic marketing area.

Proponents contend that these funds (about $0.06 per capita) are far below a $0.15 per capita expenditure that they believe to be (and that they say is supported by certain marketing research studies[2]) the optimum effective promotion level.

In view of the foregoing, it is concluded that a program essentially as producers propose, but with specified modifications discussed elsewhere in these findings, should be adopted.

2. *Terms and provisions.* The proposed rate of 5 cents per hundredweight on producer milk suggested by proponents is a reasonable assessment on the marketings of producers under the Middle Atlantic order and is adopted.

Based upon the volume of milk marketed in 1970 in the area encompassed by the present Middle Atlantic order, an assessment at the rate of 5 cents per hundredweight of producer milk would gross approximately $2,250,000 a year. Allowing for refunds to nonparticipating producers and for the necessary administrative costs, proponents estimate that the annual net revenue at the outset of the program, based upon 1970 milk volume, would approximate $2 million. This is more than double the sum now expended on producer-sponsored advertising and promotion programs in the Middle Atlantic marketing area.

The enabling legislation specifically provides that the promotion funds deducted from the pool proceeds "shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order."

A definition of "Agency" therefore is incorporated in the order to identify the administrative body organized by producers and producers' cooperatives that will be authorized to expend funds for advertising and promotional activities.

The Agency, under the terms prescribed herein, is responsible for administration of the terms and provisions of the program within the scope of its authority. Subject to the approval of the Secretary, it also is empowered to enter into contracts and agreements with persons or organizations as deemed necessary to carry out such program. In addition, the Agency may recommend to the Secretary amendments to the terms of the program, and make such rules and regulations as are necessary to carry out its stated objectives.

The powers, duties, and functions specifically assigned to the Agency under the terms herein adopted are of a nature and scope to provide participating producers on the market full and necessary authority through their representatives on the Agency to develop and administer advertising and promotion programs, designed to accomplish the purposes of Public Law 91–670.

Proponents stated that it was not their intent that control over the particular programs to be funded be "passed on" by the Agency to other organizations. However, the extent to which the Agency may wish to employ the services of existing organizations engaged in milk promotional activities is a matter to be determined by the Agency.

The Act states that the Agency "• • • may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order." By this authority, producers or producer groups in a market, through their Agency, may frame programs to meet their particular needs. For example, proponents suggested the need in the Middle Atlantic market for a milk and dairy product merchandising program. They envision the implementation of coordinated programs of market development, health education, food publicity, public relations and advertising to develop the full sales potential of milk.

A program of this scope, proponents averred, should include a competent staff of well-trained personnel able to coordinate the nutritional aspects of milk with the aspects of impulse buying, which is apparent in the buying pattern of store shoppers, to increase the sale of milk and milk products. Such a program likely would include promotional activities in food stores. The proponent witness was not sure that there were any organizations available which are fully prepared to handle such a comprehensive program at this time.

The guidelines concerning this matter advanced by the proponents and adopted herein substantially without change, are set forth in § 1004.107 of the amendments to the order included in this decision. Under the terms of the amending order, the Agency will develop and submit to the Secretary for approval programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects, for advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of such organizations as the American Dairy Association, local Dairy Councils and the National Dairy Council and other such organizations for programs and projects where such activities benefit Order 4 producers; and

(c) The establishment, support, and conduct of research and development projects and studies to the end that the marketing and utilization of milk may be encouraged, expanded, improved, or made more efficient. The benefits of such programs should be available equally to all Order 4 producers.

There was no testimony on the record in opposition to these Agency guidelines, although one cooperative association, which represents dairy farmers marketing their milk in this and other northeast markets, testified in opposition to the program generally.

Agency members are to be selected from producers who actively support the program. Representation on the Agency as it relates to cooperatives may include, however, individuals not directly engaged in the production of milk, e.g., employees of the cooperative.

Each cooperative will be authorized one Agency representative for each full 5 percent of the participating producers (producers who have not requested refunds*) that such cooperative represents. For the purpose of meeting the 5 percent requirement or multiples thereof, any cooperative association, including a cooperative having less than the required 5 percent of the producers participating in the program, may elect to combine its participating membership with that of one or more other cooperatives.

The participating producer members of any cooperative association(s) having less than the required 5 percent that elects not to combine, as discussed above, and nonmember producers, together will be authorized one Agency representative for each full 5 percent that such producers constitute of the total number of participating producers under the order.

This procedure will result in a maximum of 20 members on the Agency. Such a number is large enough to provide broad producer representation and at the same time allow the Agency to operate in an effective manner.

Under the terms of the program as herein provided, the selection of cooperative representatives for the Agency will be entirely at the discretion of the cooperative(s). Each cooperative association authorized one or more representatives on the Agency shall notify the market administrator of the name and address of each representative selected who shall serve at the pleasure of the cooperative.

The market administrator will conduct a referendum annually to determine the representation on the Agency of participating nonmember producers and participating producer members of cooperative associations having less than the required 5 percent of the producers participating in the program and not electing to combine membership for purposes of selecting Agency representation.

Within 30 days after the effective date of the amended order and annually thereafter, the market administrator shall give notice to all such producers (members and nonmembers) of their opportunity to nominate Agency members and shall specify the number of representatives that such nonmember and member producers together are authorized.

---

[1] Under the "positive letter" procedure, when the market administrator determines, following a public meeting called for such purpose, that there is no substantial objection on the part of producers to a requested deduction for ADA or National Dairy Council, as the case may be, he notifies each producer of his determination and each handler of the amount of the deduction and the period during which deductions may be made. If the handler wishes to cooperate, he notifies each of his producers that the deduction will be made, unless the producer notifies him in writing that the deduction should not be made.

Each cooperating handler is required to maintain a file copy of the notice issued to his producers and the written notifications received from producers objecting to the deduction. Payments to ADA or NDC are verified by the market administrator by the audit of the handler's records.

[2] A 1965 study by Clement, Henderson and Eley on the value of advertising and published in U.S.D.A. bulletin ERS No. 259, "The Effect of Different Levels of Promotional Expenditures on Sales of Fluid Milk"; and a followup study published in 1967 as U.S.D.A. Market Research Report No. 805, "Consumer Response to Various Levels of Advertising for Fluid Milk."

* Provision is made in the program adopted herein that for the purposes of the Agency's initial formation, all producers under the Middle Atlantic order would be considered as participating producers.

V 37 12 JAN 19 72 XUM

Following the closing dates for nominations, the market administrator shall anounce the nominees who are eligible for Agency membership and shall then conduct a referendum in which each individual producer (member or nonmember) shall have one vote.

Since cooperative associations may freely elect to combine or not combine for purposes of selecting Agency representation, it is provided in the case of a cooperative with less than the required 5 percent that does not combine, that the balloting of its participating producer members shall be on an individual basis, the same as nonmembers. This procedure will tend to promote equity among such members and nonmember producers in the selection of representation.

Election to Agency membership will be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes.

Each person selected for the Agency shall qualify by filing with the market administrator a written acceptance of his willingness and intention to serve in such capacity. It is anticipated that any eligible nominee included on the list, which the market administrator is required to circulate to the participating nonmember producers and certain participating member producers in the conduct of the referendum as discussed elsewhere in these findings, would advise the market administrator promptly if he were not willing to be a nominee. Notwithstanding, the possibility remains that a person elected to membership, or so designated by a cooperative, is unable to, or may not wish to accept the position. This requirement, therefore, is necessary in order that the market administrator will know whether or not the position has been filled. Such acceptance should be filed promptly after notification in order that the formation of the Agency can be prompt.

Proponents proposed a geographic basis for apportioning the number of representatives among the participating nonmember producers and participating members of the smaller cooperatives (less than the required 5 percent) who elect not to combine. Under their proposal the total of such producers would be divided by the market administrator into geographic areas each containing as nearly as possible 5 percent of the total number of producers under the order. The market administrator would then conduct a referendum to determine the representative from each such area. After the program had been in effect for 1 year, the market administrator would then be required to adjust the areas so as to include only 5 percent of those producers who had not requested refunds, and to make similar adjustments in subsequent years.

Such a procedure would impose additional duties on the market administrator at the producers' expense without any apparent benefits to the program. A geographic division of producers for the extensive area represented by the Middle Atlantic order milkshed could only be an arbitrary determination at best. Further, because of the relatively small percentage of producers for whom such representatives will be elected, there could be little, if any, significance in such arbitrary geographic division.

The term of office of each member of the Agency as herein adopted is 1 year, or until a replacement is designated by the cooperative association or is elected. Proponents indicated that Agency members selected by cooperatives likely would be continued in such capacity for more than the 1-year term, thus assuring a continuity of administration and operation that otherwise might not be obtained if the entire Agency membership were to change annually. Under such circumstances, the annual selection of the total Agency membership, as proposed, is reasonable.

It is possible that an elected representative may leave the market or otherwise be unable to complete his term of office. It is desirable, therefore, that some procedure be provided for filling the vacancy. It is concluded appropriate in such circumstance that the market administrator appoint as his replacement the then currently participating producer who received the next highest number of eligible votes in the referendum.

Actions to be taken by the Agency are of such importance that a majority of representatives should be required to be present at any meeting to constitute a quorum, and any action taken by the Agency should require a majority of concurring votes of those present and voting. The provisions herein adopted so provide.

The Agency's duties set forth in the order are generally necessary for the discharge of its responsibilities. It is intended that activities undertaken by the Agency shall be confined to those reasonably necessary to carry out its responsibilities as prescribed under the program. At the same time, it should be recognized that these specified duties are not necessarily all-inclusive and it may develop that there are other duties the Agency may need to perform.

Congress clearly contemplated that producer activities under Public Law 91-670 would be under direct surveillance of the Secretary. It was specifically provided that "all funds collected under this subparagraph (I) shall be separately accounted for and shall be used only for the purposes for which they are collected."

It is essential, therefore, that the Agency prepare and submit to the Secretary for his approval, budgets showing projected amounts of available funds and how such funds are to be disbursed. Proponents proposed that budgets be prepared and submitted for approval on a quarterly basis. The Agency must be in a position to develop firm plans and make commitments covering a sufficient forward period to insure a continuing viable program. A quarter is concluded to be the minimum practical period for achieving this end, and it is provided, therefore, that a budget shall be submitted to the Secretary for his approval prior to each quarterly period.

All the possible promotion and other authorized project activities, which the Agency may wish to pursue, cannot be anticipated at this time. Therefore, the authority for the Agency to establish programs and projects is purposely left broad and flexible to facilitate the timely development of such programs suitable to prevailing circumstances in the market.

Any promotion program or project the Agency may consider must comport with the terms and conditions of the order and be evaluated in terms of cost, the statutory objectives to be accomplished, the time required to complete the program or project and other such factors, in order to arrive at a sound decision as to whether the program or project is justified.

The required budget submissions will permit the Secretary to evaluate projected programs in terms of the declared policy of the Act and also will serve as policy guidelines for Agency members in the conduct of their operations for each ensuing quarterly period. This will be particularly helpful in the transition of Agency membership as the terms of office of individual members expire.

The Agency appropriately must follow prudent operating procedures in the furtherance of the best interests of producers. It is required therefore that it shall keep minutes of its meetings, and such other books and records as will clearly reflect all its transactions, and on request shall submit such books and records to the Secretary for his examination. It also shall provide for the bonding of all persons handling Agency funds with surety thereon satisfactory to the Secretary.

Proponents would have included specific terms that would require the Agency to publish annually an accounting of funds collected and the use made thereof, and to prepare and make available to producers, handlers, and consumers, statistics and information concerning the operation of the program. Since the activities of the Agency are under the direct supervision of the Secretary, it is not necessary to prescribe these additional requirements as suggested by proponents.

The Agency presumably will keep producers on the market fully informed of its milk promotional plans, projects, and activities. The degree of producer participation in the program, and thus its relative success, will be dependent in large part upon the interest and confidence it generates among producers. In view of these considerations, therefore, it does not appear necessary to prescribe specific informational releases to producers and other parties.

It is possible that the Agency may find it desirable to enlist the aid of individuals with special talents who might be helpful in program and project planning by virtue of their particular knowledge, skills, or expertise on matters directly involved with the advertising and promotion programs. Provision is made, therefore, whereby the Agency, at its pleasure, may establish an advisory committee(s) of persons other than Agency members. Such a committee(s) may include, but would not necessarily be limited to, persons drawn from universities, land grant colleges, or extension services, public officials, and others in the dairy industry. Such committee(s) could make recommendations and participate in the deliberations of the Agency but would have no voting rights.

It would not be expected that the market administrator or his staff or other officials of the U.S. Department of Agriculture would serve on such a committee(s) since the activities of the Agency are under surveillance of the Department.

The Agency should be authorized to incur reasonable expenses in its administration of the program, including the employment and the fixing of compensation of any person necessary to the exercise of its powers and performance of its duties. For example, proponents' representative suggested that one full-time person might be needed to handle its recordkeeping and bookkeeping functions. The costs of office space also may be involved, or the Agency may find it necessary to retain the services of an attorney from time to time to assist in the preparation of contracts. Other Agency costs could be expected to involve miscellaneous office costs usually associated with a business office.

It is, of course, appropriate and necessary that Agency representatives be reimbursed for reasonable expenses incurred in attending meetings. This could involve the establishment by the Agency of per diem and mileage rates and would include expenses for meals and lodging. It would be unreasonable to require members of the Agency to bear such expenses incurred in the interest of all producers on the market.

It was proposed, and it is here adopted, that the amount of money utilized by the Agency for its expenses in administering the program shall not exceed 5 percent of the funds received by the Agency from the market administrator. This establishes a reasonable limitation on Agency costs and assurance to producers that the funds collected from the pool will be expended primarily on advertising and promotion.

The Agency, of course, is handling funds otherwise payable to producers. The Agency members, therefore, should have assurance that they will not be personally liable for the impact of their official acts except for willful misconduct, gross negligence, or any acts which are criminal in nature.

To insure that Agency funds are used only for the purpose contemplated by the Congress, it also is provided that Agency funds shall not be used for political activity or for influencing governmental policy or action.

It is possible that at some later date producers could request termination of the program, or that such provisions could be terminated by the Secretary on a finding that they no longer tend to effectuate the purposes of the Act.

In the event that the provisions of the advertising and promotion program are terminated in their entirety, any remaining uncommitted funds applicable thereto should revert to the producer-settlement fund for distribution to producers since such monies are derived solely from funds otherwise due producers.

There were conflicting views expressed at the hearing concerning what funds should be used to cover expenses incurred by the market administrator in the conduct of referenda as discussed hereinbefore and costs involved in making refunds to producers who do not wish to participate in the program.

A suggestion was made that market administrator's expenses in conducting referenda among producers not represented by qualified cooperative associations, and in the performance of other duties related thereto, be charged against the marketing service fund derived from an assessment on nonmember producers under other provisions of the order. The principal witness for the proponents, who concurred with this procedure, suggested additionally that the market administrator's cost related to refunds appropriately might be charged against the payments made by handlers to the market administrator to cover the expense of administering the order.

Neither of the two funds (the marketing services fund or the administrative fund) should be charged with the costs directly related to the administration of advertising and promotion program. The program is producer originated and should be self-sustaining. The expenses attendant to its administration appropriately should be borne by producers.

The statutory authority under Public Law 91-670 supports this position and makes it clear that this is intended to be strictly a producer program. In part, the law states that "Establishing or providing for the establishment of * * * programs * * *, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. * * * All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected."

As adopted herein, all administrative costs associated with the program would be reimbursable to the market administrator from the advertising and promotion program funds before such funds are turned over to the Agency.

Much interest was evidenced by the several hearing participants in the procedure by which producers not wishing to participate in the program could request and be granted refunds.

Public Law 91-670 provides that: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

As adopted herein, any producer desiring a refund on the assessments made against his marketings must submit to the market administrator his signed request in the form prescribed by the market administrator within the first 15 days of the month (December, March, June, or September) preceding the calendar quarter for which refund is requested.

Congress clearly intended that producers not wishing to participate in the promotion program could get their money refunded with no unnecessary impediments. It must be recognized, however, that there is necessarily a significant cost in making refunds and, in addition, that any promotion program could have only limited success unless the monies to be available for it are known in time to make firm forward plans and commitments.

Refunding on a quarterly basis, rather than on a monthly basis as suggested by the representative of one cooperative association on the market, will result in significant savings in administrative cost by reducing by eight the number of times each year the market administrator would be required to make refunds.

The quarterly refund procedure, together with the requirement that refund requests be made within the first 15 days of the month immediately preceding the calendar quarter, will enable the Agency to make quarterly budget estimates for each ensuing calendar quarter.

Proponents held that a producer, in filing his request for refund, should be required to have his signature notarized, ostensibly to establish the bona fide request of the individual producer and to deter other parties from promoting mass refund requests. It seems obvious that the success of the program is directly dependent on proponents' ability to convince individual producers of the need to participate in such an advertising and promotion program and on the results achieved under the program. In the absence of further evidence for a requirement of signature notarization, such requirements must be regarded as unnecessary to the refund procedure and is therefore denied.

Proponents, at the hearing, recognized that the refund request procedure as proposed (e.g., a request filed with the market administrator during the first 15 days of the month preceding the beginning of each calendar quarter) could not accommodate new producers who might not wish to participate in the program during their first few months on the market. They suggested, therefore, that, until the initial quarter for which a new producer could comply with the regular refund request procedure, such producer be granted a refund on his marketings upon proper application filed with the market administrator at any time during the period. This modification in the refund procedure, they pointed out, could also assist in implementation of the program on an earlier date than might otherwise be feasible.

V37-12 JAN 19 72 XUM

This suggested flexibility in the refund procedure will accommodate the effectuation of the program at the earliest possible date, since it will make it unnecessary that the program be initiated at the beginning of a calendar quarter and with adequate prior notice to accommodate the filing of refund requests during the first 15 days of the month preceding such quarter. Such procedure is necessary also in order that new producers will not be denied refunds during their first few months under the order because of their inability to comply with the quarterly refund request procedure.

Proponents acknowledged the need for the market administrator to advise each producer promptly of the advertising and promotion program when effectuated and thereafter with respect to new producers. To insure that producers have an awareness of the program, it is provided that the market administrator shall accomplish such notification by forwarding to each producer a copy of the amended order.

Proponents recognized the possibility that the production units of some producers under the order could be in States that have mandatory checkoffs for similar advertising and promotion programs under State law. They held that in such circumstances a double assessment was not intended and that such producers appropriately should be refunded from the program under the Federal order an amount equal to such State assessment, but not in excess of the 5-cent assessment under this program. This procedure is provided for in the statute and should be adopted.

It cannot, of course, be known at this time exactly what specific conditions and procedures might be contained in legislation of various States. For example, the enabling statute in New York envisions that the producer will be exempt from contributions to the State program if he is participating in an advertising and promotion program under a Federal order. Should such a State program be initiated, it seems apparent that close liaison would be required between the State and Federal programs to fully implement the interests of both. The provisions dealing with refund procedure anticipate this and provide, therefore, that the market administrator on proper request from the producer shall refund to such producer or on specific authorization from such producer shall make payment of the refund to a State, from funds held in reserve by the market administrator for this purpose.

Proponents held that the matter of refunds in recognition of mandatory deductions from individual producer payments for State advertising and promotion programs should be a responsibility of the Agency rather than of the market administrator. However, it is not apparent from the record what possible benefit could accrue from a divided responsibility between the market administrator and the Agency for refunds. Moreover, refunded moneys have no relationship to the purposes for which the Agency is formed. Since refunds to individual producers may vary, dependent on whether there has been a mandatory deduction from such producers' payments under a State program, there necessarily exists the probability that a division of responsibility for refunds would make it impossible to effectively maintain necessary confidentiality regarding the status of individual producers under the program.

The Agency could not have the necessary information to make refunds except as it was obtained from the market administrator. By making the market administrator wholly responsible for all refund activities, the overall administrative cost to the program will be minimized, and conversely, the funds available to the Agency for advertising and promotion will be maximized.

Proponents suggested that the order require a public listing of nonparticipating producers in order that such individuals may be visited for purposes of soliciting their support of the program. Since this is a voluntary program, there should be no provision for public listing, or disclosure by the market administrator to any cooperative regarding the status of its producer members, that possibly could cause embarrassment to a producer who does not elect to be part of the program. It will be encumbent upon the participants, through their Agency, to conduct programs in a manner and of a nature to set the climate for maximum participation by producers.

Another provision of the program as proposed dealt with the matter of confidential treatment of information by Department personnel, Agency personnel, and others. The general regulations Title 7, Part 900, and specifically §§ 900.210 and 900.211 thereof specify conditions for disclosure of information and the penalties applicable to any Department official violating such conditions. Further provisions relating specifically to information acquired by Department personnel in administration of the advertising and promotion program, therefore, are not necessary. Since the program as herein adopted provides that the market administrator will handle all refunds, it is not apparent that Agency representatives and personnel or other individuals could acquire information relating to the business or property of any person which was furnished by, or obtained from, such person pursuant to the provisions of the order. Under such circumstances there is no need for the proposed provision on confidentiality.

To implement the advertising and promotion program appropriately, it is necessary that certain provisions of the current order be modified. The procedure for computing the weighted average price (§ 1004.71) must be modified by the addition of a new paragraph (c) prescribing the deduction of an amount computed by multiplying by 5 cents the total hundredweight of producer milk. It is through this procedure that the advertising and promotion funds are reserved in the producer-settlement fund. This, of course, has the result of reducing the weighted average price by approximately 5 cents.

A modification is also necessary in the procedure for computing the uniform prices for base and excess milk to insure that the cost of the advertising and promotion program will be divided pro rata between base and excess milk rather than be placed on base milk alone. This is accomplished by modifying subparagraphs (1) and (2) of § 1004.72(a) to provide that the multiplier shall be in each case the specified class price less 5 cents.

It also is necessary that appropriate corollary changes be made in §§ 1004.62 and 1004.85 in order that the obligation of a partially regulated handler (as computed pursuant to § 1004.62(b)(5)) and the obligation of any handler with respect to other source milk allocated to Class I (on which the pool obligation is the difference between the Class I and weighted average price pursuant to § 1004.85(b)(2)) will not be increased by 5 cents because of the change in the weighted average price.

It is recognized further that, unless otherwise provided for, an audit adjustment involving any handler's balance of payment to or from the producer-settlement fund could also require adjustments in the monies to be turned over to the program or refunded to producers, as the case may be. However, such adjustment normally would not involve sufficient volumes of milk to significantly affect the monies available to the program. For this reason and because of the substantial administrative costs that would be involved in reflecting audit adjustments in adjusted payments to the program, it is intended that such audit adjustments shall not result in adjustment of funds available to the program.

Other order modifications not hereinbefore specifically discussed are necessary and incidental to insure the proper functioning of the order to accommodate the promotion program as here established.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Middle Atlantic marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Referendum Order To Determine Producer Approval of the Advertising and Promotion Program; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the proposed advertising and promotion program, as specified in the attached order, regulating the handling of milk in the Middle Atlantic marketing area is separately approved or favored by the producers, as defined under the terms of the order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The representative period for the conduct of such referendum is hereby determined to be October 1971.

The agent of the Secretary to conduct such referendum is hereby designated to be Joseph D. Shine.

Signed at Washington, D.C., on January 14, 1972.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the Middle Atlantic Marketing Area

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on November 26, 1971, and published in the FEDERAL REGISTER on December 1, 1971 (36 F.R. 22831) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to the following modifications:

1. In § 1004.110, paragraph (a) is redrafted for clarification and a new paragraph (d) is added.

2. In § 1004.111(b), subparagraph (3) is revised for clarification.

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. Section 1004.60 is revised as follows:

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.46, 1004.50 through 1004.52, 1004.62 through 1004.65, 1004.70 through 1004.72, 1004.80 through 1004.89, and 1004.100 through 1004.110 shall not apply to a producer-handler.

2. In § 1004.62, paragraph (b)(5) is revised as follows:

§ 1004.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), less the value of such skim milk at the Class II price.

3. In § 1004.71, a new paragraph (c) is added as follows:

§ 1004.71 Computation of weighted average price.

* * * * * * *

(c) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

* * * * * * *

4. In § 1004.72, paragraphs (a) (1) and (2) are revised as follows:

§ 1004.72 Computation of uniform prices for base milk and excess milk.

* * * * * * *

(a) * * *

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

V 37 I 12 JAN 19 72 XUM

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I price less 5 cents; and

* * * * *

5. In § 1004.85, paragraph (b)(2) is revised as follows:

§ 1004.85 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price plus 5 cents, adjusted by the applicable location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value of the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

6. Immediately following § 1004.89, a new centerhead and new §§ 1004.100 through 1004.112 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1004.100 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1004.111(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1004.101 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1004.103(b) is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1004.103(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1004.102 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1004.103 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating membership and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1004.101 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1004.104 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1004.105 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1004.100;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1004.100 and 1004.107.

§ 1004.106 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1004.100 and 1004.107 of this part;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1004.107 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1004.108 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1004.111(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1004.109 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1004.110 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund "may be required of such producer."

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A producer, located in a State which has a State advertising and promotion program in which producers are required to participate unless they are participating in an advertising and promotion program under a Federal order, may (in lieu of a refund request) authorize the market administrator to pay to the State the amount of his required participation not in excess of 5 cents per hundredweight.

§ 1004.111 Duties of the market administrator.

Except as specified in § 1004.106, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1004.103(c);

(b) Set aside the amounts subtracted under § 1004.71(c) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraph (3) of this paragraph; payments, if any, to producers or states pursuant to subparagraph (2) of this paragraph; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1004.71(c).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1004.110 or make payment to any State on behalf of any producer for which specific authorization has been received pursuant to § 1004.110(d). Such refund or payment, as the case may be, shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.71(c) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1004.100 through 1004.112).

(d) Audit the Agency's records of receipts and disbursements.

§ 1004.112 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1004.84.

[FR Doc.72-804 Filed 1-18-72;8:50 a.m.]

[7 CFR Parts 1104, 1106]

[Docket Nos. AO-296-A18, AO-210-A30]

MILK IN RED RIVER VALLEY AND OKLAHOMA METROPOLITAN MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Red River Valley and Oklahoma Metropolitan marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Oklahoma City, Okla., August 24 and 25, 1971, pursuant to notice thereof issued on August 11, 1971 (36 F.R. 15450).

A primary purpose of this hearing was to consider the marketing conditions described in the suspension action issued May 28, 1971 (36 F.R. 10775) affecting certain provisions of the two orders that are the subject of this hearing. The suspension order entitled Milk in Chattanooga, Tenn., and Certain Other Marketing Areas, Order Suspending Certain Provisions, issued May 28 1971 (36 F.R. 10775) suspended effective June 15, 1971, provisions in the Oklahoma Metropolitan and Red River Valley orders that price diverted milk at the plant from which diverted. Certain other actions pursuant to such suspension order were deferred, in particular: (1) Suspension of the provision of the Oklahoma Metropolitan order under which a cooperative association may designate for pool status a plant it operates without requirement to ship milk therefrom to the market was deferred until February 1, 1972 (36 F.R. 24987); (2) Suspension to limit diversion under the Red River Valley order in months other than September–December in the same manner as in September through December was deferred until September 1, 1971.

In the suspension order it was stated that a hearing would be held to consider modifying the subject orders on a permanent basis with respect to problems that were dealt with on an emergency basis in the suspension order. This hearing deals generally with the problem of appropriate standards of performance by which dairy farmers qualify as producers, what milk of such dairy farmers may be pooled as producer milk, and how plants may appropriately qualify for pooling.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on December 10, 1971 (36 F.R. 23821) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings and general findings of

V 37-12 JAN 19 72 XUM

the recommended decision are hereby approved and adopted and are set forth in full herein subject to the addition of four paragraphs at the end of issue No. 1.

The material issues on the record relate to:

1. Milk to be priced and pooled.
(a) Definition of pool distributing plant.
(b) Definition of pool supply plant.
(c) Definition of cooperative reserve handling plant (Oklahoma Metropolitan order only).
(d) Definitions of "producer" and "producer milk."
2. Location adjustments applicable to producer milk diverted to nonpool plants.
3. Miscellaneous order changes.
4. Need for emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. In both orders the definitions of the several types of pool plants, definitions of "producer" and "producer milk" should be revised.

Background. A principal reason for the suspension action previously described was the rapid increase in the number of producers and the quantity of milk pooled under each order during 1970 and early 1971 without relation to fluid market needs, thereby resulting in depressed levels of Class I utilization and uniform prices. It is necessary in these circumstances to reexamine the various methods by which milk supplies qualify for pooling under the orders.

There are several methods under these orders by which dairy farmers may qualify as producers without their milk substantially serving the fluid market. In the Oklahoma Metropolitan order market a dairy farmer may qualify as a producer by delivery of his milk to a pool plant for only 1 day, and thereafter his milk may be pooled continuously even though diverted to a nonpool plant. In this order there is no limit on the quantity of milk which may be so diverted by a handler. Under the Red River Valley order a producer's milk may be diverted as much as 29 days of the month in the September-December period. Otherwise, no limit applies to the diversion of an individual producer's milk or to the total quantity of milk a handler may divert.

A second means by which milk can be pooled under the Red River Valley order without substantial delivery performance is through the pool distributing plant definition. The present disposition requirement for pooling a distributing plant under this order is minimal, only 600 pounds per day of route disposition in the marketing area.

The Oklahoma Metropolitan order permits another method by which milk can be pooled readily without substantial delivery performance. Producer milk can be pooled without limit by a cooperative association at a plant operated by the association, if any members of the cooperative are producers delivering milk to other plants qualified as pool plants. The original purpose of this provision and the diversion privileges heretofore described was to enable the pooling of all milk regularly serving the market and needed to assure the fluid market an adequate supply at all times. These provisions were adopted in an earlier period when the cooperative was essentially a local organization handling primarily milk used by local fluid processors and the associated normal reserve of milk of producers regularly identified with this market.

The described methods by which milk may be pooled under these orders has resulted in recent months, however, in wide changes in numbers of producers and quantities of milk pooled under both orders.

In the Red River Valley market during 1968 and 1969 the average number of producers was 410 and 389, respectively. Subsequently the number increased substantially reaching a high of 778 in December 1970 and 866 in January 1971. In the Oklahoma Metropolitan market the number of producers in 1968 and 1969 averaged 1,838 and 1,597, respectively. During this period there was a decline from 2,152 in April 1968 to 1,311 in October 1969. During 1970 the number of producers again increased, however, and reached 2,761 in December.

The quantity of milk pooled under each order increased substantially as a result of the greater number of producers. In the Red River Valley market, May producer milk receipts for the 4 years 1968–1971 were, respectively, 19.9, 22.1, 27.7, and 38.3 million pounds. In the Oklahoma Metropolitan order market producer milk receipts in May of the 4 years 1968–1971 were 74.3, 70.4, 66.1, and 107.4 million pounds, respectively.

Class I disposition of regulated handlers in these order markets did not increase in the same proportion as producer receipts. Consequently, a substantially reduced percentage of producer milk utilized in Class I resulted. The Class I utilization percentage normally is highest in the winter months because of low seasonal milk production. Class I utilization of producer milk in the Red River Valley market in January 1971 was 31.1 percent compared to 65.2 percent, 69.4 percent, and 73.8 percent, in the same month of the 3 preceding years, respectively. By May 1971 a flush production month, utilization declined to 23.0 percent in Class I.

In the Oklahoma Metropolitan market, Class I utilization of producer milk in January 1971 was 49.3 percent compared to 81.4 percent in the preceding January.

The relationship of the uniform price to the Class I price obviously widened as a result of the lower utilization. In January 1971 the Red River Valley uniform price was $1.55 per hundredweight under the Class I price compared to a difference of 61 cents a year earlier. In the Oklahoma Metropolitan order market the January 1971 uniform price was $1.08 less than the Class I price compared to a difference of 41 cents in January 1970.

In developing order provisions to pool those milk supplies that serve the fluid market regularly, it therefore is necessary to adopt provisions that will not also pool supplies that do not so serve the market. Such distinction is necessary otherwise the proceeds of the higher Class I price would be dissipated by including in the market pool additional quantities of milk acquired by handlers primarily for manufacturing purposes. Such dissipated proceeds would accrue to the benefit of dairy farmers who do not regularly or dependably furnish the fluid milk needs of consumers in the marketing area. Unless adequate standards of marketing performance are provided to determine which milk and plants should participate fully in the market pool funds on the basis of service to the fluid market, the uniform price of the market can be depressed to the point that it affects adversely many producers regularly serving the fluid market. This inhibits the price function as the principal means of attracting an adequate supply of milk for the fluid market in an economical manner.

It was the contention of a cooperative association that any provisions that designate the plants or producers to be pooled on a given market must provide any cooperative association that operates on a regional basis reasonable flexibility for moving milk within the cooperative's system. It was indicated that regional operations not only have the purpose of supplying individual markets with adequate supplies of milk, but also of enhancing returns of members to the greatest degree legally possible.

While the provisions adopted should afford needed flexibility and choice for a cooperative or any other handler in achieving efficient milk handling, it nevertheless is necessary to define those supplies of milk to which the prices and pooling provisions of each of these orders should apply. While merging of marketing areas, or otherwise enlarging existing marketing areas sometimes is an answer to pooling problems occasioned by broadened activity in milk handling, modification of marketing areas was not a subject of this hearing. Consequently, under present circumstances the prices and pooling should apply only to milk that is a part of the regular supply for the fluid market (Oklahoma Metropolitan or Red River Valley) to which the particular order applies.

Provisions modified. The Oklahoma Metropolitan order provides for three types of pool plants: distributing plants, supply plants that meet certain delivery performance standards, and cooperative "reserve balancing" plants. Under the Red River Valley order only distributing plants and supply plants that meet certain performance standards in the market may qualify for pooling.

The definitions of the several types of pool plants mentioned should be revised to assure that milk pooled through these plants under the separate orders serves a bona fide supply function for the respective fluid markets. As previously indicated, minimum performance standards should distinguish between those plants substantially engaged in serving the fluid needs of the order market and those plants that do not serve in a way, or to a degree, that warrants their sharing (by being included in the market pool) in the market average utilization of Class I milk.

(a) *Pool distributing plant.* The standards for pool distributing plants should be the same in both these orders. Similarity of definitions in the two orders is appropriate because of the geographical proximity of the two marketing areas and the desirability of uniform application in the presence of overlapping supply areas and, to some extent, route dispositions.

A pool distributing plant under each order should be defined as one that disposes of in the marketing area at least 15 percent of its total route disposition of fluid milk products (except filled milk). In addition, such plant should dispose of on routes in or out of the marketing area fluid milk products (except filled milk) amounting to 50 percent or more of the fluid milk products (except filled milk) received by the plant.

Under the Red River Valley order at present the performance standard for pooling a distributing plant is that it dispose of an average of 600 pounds per day of Class I milk on routes in the marketing area during the month. Such minimum quantity (about 18,000 pounds per month) is very small relative to the normal disposition of an efficient sized fluid milk operation and is less than one percent of the Class I disposition by the average handler in this market.[1]

A better measure of association with the market is needed. The standard of performance should distinguish between plants that are disposing of a substantial part of their milk supply on routes in the marketing area and other plants that have only a minor disposition in the area. Plants with minor disposition in the market will be subject to partial regulation and thus, even though not pooled, will not be a threat to the orderly marketing of producer milk by fully regulated handlers.

Full regulation should apply to a plant that disposes of in the marketing area 15 percent of its total route disposition of fluid milk products (except filled milk) provided, the plant also meets other standards specified herein. Such in-area disposition is a substantial proportion of the total Class I disposition of the plant and is an appropriate basis for full regulation and sharing in returns of the market pool. As indicated above, plants with less than 15 percent of total route disposition in the marketing area will be subject to partial regulation.

A further appropriate criterion for a pool distributing plant is that plant utilization be basically for fluid disposition. The definition should specify that 50 percent or more of the fluid milk products (except filled milk) received by the distributing plant be disposed of on routes in or out of the marketing area as fluid milk products (except filled milk).

The definition of a pool distributing plant in the Oklahoma Metropolitan order already specifies that to be pooled 50 percent of the milk received by the distributing plant from producers and other pool plants must be disposed as Class I milk in the form of fluid milk products (except filled milk). This needs to be modified only to apply the 50 percent to all receipts of fluid milk products except filled milk. The standard for route disposition in the marketing area should be changed from the present 5 percent of receipts to 15 percent of total route disposition (except filled milk). Such slightly higher standard for disposition in the marketing area is justified for reasons previously stated.

In these markets most handlers receive their milk supply from the major cooperative association, which delivers quantities in accordance with the immediate needs of the handlers. In such circumstance there is little need for the proprietary handler to receive more than a minimum of reserve milk over the quantity he actually puts into fluid disposition and, possibly, cottage cheese and ice cream operations. These handlers should easily meet the 50 percent utilization standard.

For other operators, who may rely on a different type of supply, the utilization standard adopted here again allows sufficient margin between Class I utilization and receipts so that a handler who has acquired a milk supply to meet his fluid requirements during the months of seasonally short production may continue to qualify such plant during the months of seasonally high production. The utilization standard adopted is, for practical purposes, the same as has applied for some time under the Oklahoma Metropolitan order without apparent strain on regular handlers.

A cooperative association supplying pool distributing plants under both orders supported a standard of 15 percent of plant Class I disposition in the marketing area, but proposed that the total Class I disposition needed for qualification be reduced to 40 percent of plant receipts. No specific basis was given for pooling in these markets plants with less than half of their receipts utilized in Class I, except the cooperative's lack of specific information on the operations of particular handlers.

A group of Red River Valley producers first proposed that the pool distributing plant definition in each order specify that 15 percent of the plant's Class I disposition be in the marketing area. In their testimony, however, they changed the proposed standard to 15 percent of plant receipts to be so disposed of, but without presenting any case for the requested change. Accordingly, the latter proposal is denied.

This producer group also proposed that, to qualify, the plant should utilize in Class I at least 50 percent of the milk actually received plus any milk diverted from the plant by the operator or by a cooperative. This proposal is denied since the operator of a pool plant has no control over the volume of milk that may be diverted from his plant by a cooperative association.

No testimony on the distributing plant requirements was offered by proprietary handlers.

(b) *Pool supply plants.* The standards for pooling supply plants in each order should be revised.

A group of Red River Valley order producers proposed modifying the provisions in each order for pooling supply plants. Their proposal differs from existing provisions of both orders only in naming certain additional months (August, January, and February) for which a plant would need to qualify by shipment of 50 percent of specified plant receipts to pool distributing plants in order that it might continue as a pool plant in March–July without shipments. The specified plant receipts on which the standard is based is the quantity of milk received from dairy farmers who would be producers if the plant qualified as a pool plant.

Under each order a plant meeting the 50 percent shipping standard each month of September through December now can continue as a pool plant under that order for the following January–August period. This provision for pooling the plant in the January–August period recognizes that during these months milk production is at a higher level than during the September–December period, whereas the volumes of milk supplies needed by distributing plants are relatively more constant throughout the year. Therefore, shipments from supply plants to pool distributing plants during January–August normally are relatively small and less frequent as compared to the fall period.

It would not be appropriate to specify, as proposed by such Red River Valley producers, that a supply plant in these markets meet the 50 percent shipping standard in the additional months of January, February, and August. Because of the seasonal increase in production previously mentioned, a supply plant that had met the stated standard in the September–December period very likely would be unable to meet the same level of shipment in other specified months.

Nevertheless, the present automatic pooling in other months of supply plants supplying milk in the fall provides another means by which producers may be pooled under either of these orders without necessarily meeting a market need. In order to assure during the January–August period that the dairy farmers who qualify as producers at the pool supply plant are serving as a functional part of the market supply, there also should be, in each order, a provision that a supply plant will continue in pool status after the September–December period only if shipments to pool distributing plants in each month of the January–August period meet a minimum of 20 percent of the total of producer milk received at the supply plant or diverted therefrom by the plant operator. If such 20 percent minimum were not met in any

[1] Official notice is taken of the list of regulated handlers issued by the market administrator July 15, 1971.

V 37 12 JAN 19 72 XUM

month of the January–August period, the plant would not qualify in that month but could qualify in any remaining month of such period by shipment of at least 50 percent of the total of its producer milk receipts and diversions.

(c) *Cooperative reserve balancing plant.* The Oklahoma Metropolitan order should provide that under specified circumstances a cooperative association may qualify its supply-type plant(s) for pooling based on both the quantity of member milk delivered directly from farms to pool distributing plants and shipments from such cooperative plant(s) to pool distributing plants. At least 50 percent of member milk eligible for pooling under the order should be so delivered, however, to pool distributing plants to qualify such a cooperative plant for pooling under this provision.

Section 1106.9(c) of the Oklahoma Metropolitan order currently provides that a cooperative association may pool a supply-type plant it operates if any member-producer milk is received at pool distributing plants. The order does not now specify that some proportion of the milk pooled at the cooperative plant must be delivered to other pool plants. Also, the present provision does not place any limit on the quantity of milk that may be pooled through the cooperative's plant.

The cooperative reserve plant provision currently in the Oklahoma Metropolitan order is the same as that adopted as part of the former Oklahoma City order effective October 1, 1955 (20 F.R. 7133). As previously explained, the purpose of the provision was to allow the local cooperative to handle at such plant milk that was a normal reserve for fluid milk processors. A specific performance standard for pooling the plant was considered unnecessary since the milk handling operation was primarily for the local market. The provision was later incorporated in the succeeding Oklahoma Metropolitan order.

The Red River Valley order has no provision at this time for pooling a plant operated by a cooperative association except as a distributing plant or supply plant as previously described. No such provision for pooling a cooperative reserve balancing plant was proposed for this hearing and no provision is adopted.

In the Oklahoma Metropolitan marketing area there are two such plants operated by a cooperative association, at Oklahoma City and Tulsa, that have qualified for pooling on the basis that milk of member producers is received at pool distributing plants. These plants receive during each month some milk of dairy farmers whose production otherwise is delivered directly from their farms to pool distributing plants. The manufacturing facilities of these cooperative plants serve as principal outlets for the seasonal surplus of the Oklahoma Metropolitan order market and the day-to-day excess of milk supplies resulting from variations in handlers' needs. These plants also furnish some milk to other handlers as interplant transfers, although such handlers are supplied mostly by milk delivered to them directly from farms. Further, these cooperative plants receive the bulk of the reserve milk of the Red River Valley market for processing. This milk is diverted from Red River Valley pool distributing plants. The cooperative's plants continue to be needed to absorb the normal reserve supplies regularly associated with both markets, which, for reasons previously stated, are not taken at all times by properietary handlers.

Providing pool status for such plants will allow the cooperative to achieve efficient handling of reserve milk. When milk of some dairy farmers who regularly supply the market is temporarily not needed by fluid processors, their milk can be pooled by delivery to the cooperative plant. The plant thus is an assured outlet for reserve milk without involving arrangements under which the producers' milk would need to be diverted from fluid processors in order to maintain pool status. This is an appropriate method of carrying reserve milk in the market pool provided reasonable standards are established to assure that the milk is truly a reserve associated with the fluid market.

Another consideration is the fact that milk sometimes must be transferred from the cooperative association plant to a pool distributing plant(s). In instances where pool distributing plants have limited milk holding facilities, the cooperative association plant can provide supplemental milk when needed. If the cooperative association plant were not pooled, such interplant transfers would be treated at the pool distributing plant as other source milk although the milk received at the cooperative plants normally will be largely from producers regularly serving the market. This would be costly to the purchasing handler and inequitable to the producers.

The cooperative association operating the two plants requested continuance of pool status for the plants under a proposed modification of the existing provision. Such proposed modification would permit qualification of a supply plant operated by a cooperative association in any month of the September–December period if 30 percent of member producer milk were received at any other pool plant during the month. A plant qualifying in the September–December period would qualify automatically in the subsequent 8 months.

It is concluded for reasons stated below that at least half of the member producer milk of the cooperative should be delivered to pool distributing plants (either from the cooperative plant or member's farms) to qualify the cooperative plant(s) for pooling. This will assure a substantial association of producer member milk as a regular supply for pool distributing plants as a basis for pooling the cooperative plant(s). In addition, other provisions (described hereinbelow) limiting diversions from pool plants will assure further that milk pooled at such cooperative pool plants will be primarily milk available as a regular supply for the fluid market. Such a pooling standard is in accord with the function of the cooperative as a supplier for the full needs of most of the pool distributing plants.

This method of qualifying a cooperative reserve balancing plant for pooling should apply only to those plants located within 50 miles from Oklahoma City or Tulsa, Oklahoma. Only plants so located can reasonably be expected to handle the reserve milk of dairy farmers whose milk normally is delivered directly from farms to pool distributing plants.

The principal part of the milk supply needed for pool distributing plants in this market is obtained within the area from which direct delivery from farms to distributing plants is practiced. Ninety-three percent of the producer milk for the Oklahoma Metropolitan market was produced within the State of Oklahoma in December 1969. Five percent of the supply was received from dairy farms in Arkansas. While milk from other production areas may qualify for pooling by shipment, nevertheless for economic reasons, such as the cost of transportation, it is normal for the market to rely upon the nearby direct-shipped milk supply.

There is no reason to conclude that the nearby sources of milk are less adequate to the needs of pool distributing plants in this market than in December 1969. The general level of milk production in Oklahoma and adjoining States and the volume of Class I disposition of regulated handlers under the Oklahoma Metropolitan order are at about the same levels as in 1969. Although some milk recently pooled under the Oklahoma Metropolitan order was produced in distant areas, such milk was not shown to be a supply regularly delivered to pool distributing plants where milk is processed for fluid disposition.

Milk produced on farms within the State of Oklahoma generally is available to milk plants in the Oklahoma Metropolitan marketing area on a direct-delivery basis. The plants the cooperative operates and proposes to pool, therefore, are within an area where they can handle the volume of reserve milk associated with milk supplies actually delivered to pool distributing plants.

(d) *Definitions of "producer" and "producer milk"*—(i) *Definition of "producer".* The producer definition in both orders should be revised. Each order should provide that a "producer" means any person, other than a producer-handler, who produces milk approved by a duly constituted health authority for fluid consumption that is received at a pool plant, or is diverted by a handler for his account to a nonpool plant subject to certain limitations.

In the Red River Valley order a provision should be added to the producer definition to exclude any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler diverting such milk under the other order and the operator of the pool plant each have requested a Class II classification for such milk. Such provision permits milk not needed for fluid use in one order market to be diverted directly from the farm to a plant regulated under the other order for manufacturing use. The Oklahoma Metropolitan order already contains such a provision.

The producer definition of the Red River Valley order should exclude also any person with respect to milk produced by him that is diverted to an other order plant if under the other order such person is designated as a producer with respect to such milk. Such provision, similar to that now in the Oklahoma Metropolitan order, will serve to avoid conflict in case a handler reports milk of a dairy farmer diverted to a plant regulated by another order and such other order does not exempt such dairy farmer from producer status thereunder on the basis that his milk was diverted from another order.

(ii) *Definition of "producer milk".* The producer milk definition in the two orders should be revised to limit the proportion of a handler's milk supply that may be diverted from a pool plant to a nonpool plant. A handler operating a pool plant should be allowed to divert 50 percent of his total receipts of milk from producers (including both milk received at the pool plant and diverted from the plant, but excluding any milk of members of a cooperative diverting milk under a similar provision). A cooperative should be able to divert 50 percent of the milk of member-producers.

Both of these orders currently provide that the milk of a producer may be diverted to a nonpool plant. Diverted milk normally is moved directly from the dairy farm to the nonpool plant. At present there is no limit under the Oklahoma Metropolitan order on the quantity of producer milk that a handler may divert in any month. Under the Red River Valley order unlimited diversion by a handler is confined to the months of January through August. However, during the remaining months of the year diversion is only slightly less limited since diversion of up to 29 days' production of such producer may take place in such months.

Diversion is a method by which a handler may dispose of in an efficient manner the reserve milk that is a necessary part of his regular supply. In order to be assured of an adequate supply every day, a handler procuring his own milk supply must arrange to purchase regularly sufficient milk to allow for variations in production and in his daily needs for fluid processing. Production varies seasonally and, accordingly, producers furnishing a sufficient supply for the low production season will produce more than an adequate supply in high production months. Handlers' daily requirements also vary, principally because packaging is not carried on all days of the week.

Some limitation on the quantity of milk a handler may divert is necessary to prevent dilution of the market pool with milk intended solely for manufacturing purposes. Otherwise a pool plant operator who also operates a nonpool manufacturing plant could include milk supplies for the manufacturing operation in the market pool. A reasonable limit on the quantity of milk a handler may divert therefore serves to limit dissipation of market pool funds for support of a manufacturing milk operation.

Since it is possible for milk of a dairy farmer to be pooled as producer milk more or less continuously after one actual delivery to a pool plant, there is need, in both markets, to establish some limits on the quantities of milk that can be diverted.

At the hearing a cooperative association advocated that it be permitted under the Oklahoma Metropolitan order to divert up to 30 percent of the producer milk pooled by the cooperative association during the months of flush production and a lesser percentage during other months of the year. The cooperative requested that unlimited diversions be permitted in all months under the Red River Valley order.

In its brief, however, the cooperative requested, for both orders, that diversion be allowed on 21 days' production of a producer in each month of the September–December period, and that unlimited diversions be permitted in other months.

Another proposal, made by 57 Red River Valley producers, would limit the total quantity of producer milk diverted by a cooperative association to 25 percent of the member-producer milk of such cooperative physically received at pool plants. The proposal also would require that at least 10 days' production of any producer be physically received at a pool plant during the month to be eligible for diversion to a nonpool plant at other times in the month. Further, if milk of a producer were diverted for more days of production than it was physically received at the pool plant, none of the diverted milk would be considered to be producer milk for the month. These provisions were proposed for both orders.

A proposal submitted for the hearing by a group of producers under the Oklahoma Metropolitan order would limit diversion by a handler to 30 percent of the handler's receipts from producers. One producer testified in support of such proposal at the hearing.

It is concluded that a handler should be able to divert up to 50 percent of the milk of producers accounted for by the handler as either received at pool plants or diverted. Similarly, a cooperative association should be able to divert 50 percent of its member-producer milk. A proprietary handler obviously would not need to divert any milk of cooperative association members if the cooperative were diverting it from his plant.

Such provisions, included in each order, would provide needed flexibility in handling for both proprietary handlers and cooperative associations. At the same time they would mitigate the pooling of milk not serving as part of the regular supply for the fluid market.

To further assure that producers whose milk is diverted are regularly supplying the market, it should be specified under each order, that during the month at least 15 percent of a producer's milk must be received at pool plants. If less than 15 percent of a producer's milk is received at pool plants, then only that part of his milk actually received at pool plants should be considered producer milk eligible for pooling. Since every other day delivery is usual in these markets, three deliveries for each producer normally would assure that such producer's milk is eligible for diversion during the month.

It is not necessary that the diversion of the milk of a producer be limited to the same number of days that his milk is received at pool plants, as proposed by one producer group. Such a provision could work against efficiency in handling in these markets. The type of provision adopted herein for both markets enables the handlers or cooperative association under each order to arrange for the diversion of milk in the most efficient manner. Such provision will enable a proprietary handler or cooperative association to divert milk from those farms located nearest to the plant where it will be manufactured, and to use the milk of producers located nearest to pool distributing plants to be delivered there to meet fluid needs.

It is possible that a handler (whether proprietary or cooperative association) will divert during a month more milk than is allowed under the proposed limitation. In such case the handler should be required to designate the dairy farmers whose diverted milk is not to be included as producer milk. Such option permits a handler to retain as producers most of the dairy farmers whose milk he chooses to divert. Accordingly, if the handler fails to designate certain dairy farmers whose milk was over-diverted, the entire quantity of milk diverted by the handler should be excluded from producer milk status since there would be no practical basis for distinguishing those producers to retain producer status.

Exception was taken by a cooperative association to the provision that 15 percent of a producer's milk be received at pool plants during the month if other milk of the producer is to be eligible for diversion to nonpool plants. The cooperative contended that this would require uneconomic movements of milk to the market during periods of surplus milk production.

The subject provision is designed to assure that diversion to nonpool plants is used only to pool milk of those dairy farmers who are in fact supplying the market. In this case the delivery of 15 percent of each producer's milk to pool plants is regarded as a minimum performance demonstrating that such producer is supplying the market. Such delivery, for dairy farmers who are a regular part of the market supply, should not result in difficult or uneconomic handling. In the case of producer milk associated with a pool plant served by the cooperative, the quantity diverted from the plant may be as much as delivered to the plant but may not exceed such quantity. Thus, of the total milk

V 37-12 JAN 19 72 XUM

associated with the pool plant at least half must be actually received at the plant and such quantity is more than three times the total of the minimum to be delivered by each producer individually.

An exception in behalf of a group of Red River Valley producers requested a modification of the provision that specifies the quantity of member producer milk that a cooperative may divert. The provision allows diversions equal to the quantity of milk of member producers received at pool plants during the month. As requested in the exception the provision would specify the milk diverted could equal "milk physically received at pool plants."

The suggested modification is not adopted, but an additional provision is included in each order stating that producer milk diverted by a cooperative or other handler to a nonpool plant is to be accounted for as received by the diverting handler at the location of the nonpool plant. The new language thus makes clear that the milk of member-producers "received at pool plants" is only that actually taken into the plant and does not include diverted milk.

2. *Application of location adjustments to diverted milk.* Under each order the uniform price for milk diverted to a nonpool plant should be adjusted for the location of the plant where physically received.

Diversion of producer milk, as described previously, is a method of handling reserve milk of the respective market by delivery to a nonpool plant. In the Oklahoma Metropolitan market most of the reserve milk originating within Oklahoma is expected to be handled by a cooperative association in the plants it operates at Oklahoma City and Tulsa. Since provision has been made to qualify these plants as pool plants, no diversion is involved in handling Oklahoma Metropolitan producer milk at these plants. More distant supplies have been handled by diversion to nonpool plants near to the source of supply.

Under the Red River Valley order, milk of producers is diverted to the plant of the cooperative at Oklahoma City or to its plant at Tulsa. The Muenster, Tex., plant of the cooperative also is a potential outlet for diverted milk of Red River Valley producers. An additional facility of a proprietary operator at Sulphur, Okla., receives some milk diverted from Red River Valley pool plants but does not have capacity to serve as a main outlet for reserve milk of this market.

Prior to a suspension order effective June 15, 1971, the uniform price for milk diverted from a pool plant to a nonpool plant was that applicable at the location of the pool plant from which the milk was diverted. Currently, however, under the suspension order, the uniform price is adjusted for the location of the nonpool plant physically receiving the diverted milk.

The location adjustments under each of the two orders were established to reflect the relative values of milk at various locations based on distance of the plant of receipt from a central point in the respective marketing area.

Under the Oklahoma Metropolitan order the location adjustments reduce the applicable price in relation to the distance of the plant of receipt from the city hall in Oklahoma City. The adjustments apply at plants that are 50 miles or more from the city hall and outside the State of Texas and certain Oklahoma counties. Under the Red River Valley order similar minus location adjustments based on the distance from the city hall at Wichita Falls, Tex., apply at plants outside the State of Texas and more than 40 miles from such city hall.

With respect to milk received at pool plants, the location adjustments apply to the Class I price paid by handlers and to the uniform price paid to producers. With respect to milk diverted to a nonpool plant, the suspension order cited above requires that the uniform price to producers be based on the location of the nonpool plant where the milk is received.

It is concluded that such location adjustments under both orders appropriately reflect the relative location values of diverted producer milk in the same manner as for producer milk received at pool plants variously located. The price for milk diverted to a nonpool plant is the same as that applying to milk received at a pool plant at a similar location. The diverted milk does not have a higher value than milk received at a pool plant at such location.

For example, if dairy farmers relatively distant from the market were to have their milk diverted to a nonpool plant near their farms and yet receive a uniform price based on the location of a pool plant in the marketing area, such farmers would be compensated as if their milk had incurred the expense of delivery all the way to the market center. Milk that is actually delivered to the market has been made available to regulated fluid processors only at the cost of delivery to the market center. The milk received at a distant location, however, is not similarly available, and could not be made available unless the cost of transportation to the market were incurred. For this reason milk received in the central marketing area is of higher value at least by the amount of transportation cost compared to the milk received at distant pool or nonpool plants. This principle applies whether the diverted milk originates from a source near to the market or at a distance.

The cooperative association that is the principal supplier for the Red River Valley market nevertheless proposed that under the Red River Valley order milk diverted to any nonpool plant within 150 miles of the boundary of the marketing area be priced at the pool plant from which diverted. This pricing was intended to apply to milk diverted from pool plants at Ardmore and Lawton, Okla., and Wichita Falls, Tex., to the cooperative manufacturing plants at Oklahoma City and Tulsa. Under the location differential provision of the order the uniform price as adjusted to the Oklahoma City and Tulsa locations would be less than at the plants from which diverted.

The cooperative's proposal is denied for the reasons previously cited requiring that the uniform price for the diverted milk reflect the value of such milk at the plant where it is received.

3. *Miscellaneous order changes.* (a) The definition of "handler" as applied to a cooperative association delivering tank truck loads of milk to pool plants should be modified by deletion of the reference to operation of a pool plant by the cooperative association. Inasmuch as a cooperative may be performing the function of making tank truck deliveries to pool plants whether or not it operates a pool plant, its designation as handler should not depend on the incidental fact that it operates a pool plant.

(b) At present each of the two orders, in defining "producer" and "distributing plant", provides that the health authority governing each must be a duly constituted State or municipal health authority, or an agency of the Federal Government located in the marketing area.

These provisions should be modified. For purposes of the order regulation it is sufficient that the approval be that of any duly constituted health authority. Such term would include not only a state or municipal health authority but also an agency of the Federal Government when such agency approves a milk source as acceptable to supply milk to a reservation, facility or installation operated by such agency. The definitions of "producer" and "distributing plant" should be modified accordingly in each order.

The supply plant definitions of both orders currently make no provision with respect to approval of the plant by a health authority. For the purpose of defining a pool supply plant, the essential consideration is the shipment to the market of a specified proportion of the plant receipts eligible as producer milk. It is not necessary that the pool qualification depend on a specific health approval for the supply plant. Absence of such a requirement in the definition in no way affects the quality of milk received in the market from a supply plant. A fluid distributing plant in the marketing area receiving milk from a supply plant would need to comply under applicable health regulations with respect to all milk receipts. Such regulations rather than any provision of the order would govern the quality of milk received.

(c) A section entitled "diverted milk" in the Red River Valley order, § 1104.63, should be revoked. Provisions dealing with the same subject matter have been added to the definitions of "producer milk."

(d) The transfer section of the Red River Valley order dealing with transfers to other order plants should be revised to permit diversion to other order plants of milk for which Class II usage (or comparable utilization under such other order) is requested.

This change will have no effect on milk diverted to an other order plant unless the other order has a complementary provision excluding such diverted milk from producer milk status under the receiving order. The Oklahoma Metropolitan order is one of the orders that has such complementary provision. Handlers regulated by the Red River Valley order should be in position to divert milk for Class II use to pool plants of the nearby Oklahoma Metropolitan order market. This will provide additional outlets through which reserve milk of the Red River Valley handlers may be channeled.

(e) The current transfer section of the Oklahoma Metropolitan order provides for diversions to other order plants in the introductory text of such section. Paragraph (e) (2) within such section, however, refers only to transfers of milk and should be clarified by adding the phrase "or diverted."

(f) There is no need in either order to provide for diversion of producer milk from one pool plant to another pool plant under the same order. Cooperative associations acting as the handler of bulk tank milk deliveries to pool plants may, when such milk is not needed at any pool plant, redirect its delivery to either another pool plant or a nonpool plant. Accordingly, the transfer provisions of each order should be revised deleting any reference to diversions to pool plants.

4. *Need for emergency action.* A proposal that a recommended decision in these matters be omitted is denied. One group of producers favored the omission of a recommended decision in order that the order might be amended promptly while another group asked that a recommended decision be issued.

Issues such as pooling standards for plants and the quantity of producer milk that may be diverted are complex issues that require the issuance of a recommended decision in order that the groups of producers with widely divergent views on these issues may have opportunity to except to the findings and conclusions therein.

Moreover, the pricing of diverted milk at the plant to which diverted, one of the amendments favored by the group requesting omission of the recommended decision, is currently in effect as the result of a suspension order and will continue to be effective until the order is amended as a result of this hearing.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are documents, namely, marketing agreements regulating the handling of milk in the Red River Valley and Oklahoma Metropolitan marketing areas, and an order amending the orders regulating the handling of milk in the Red River Valley and Oklahoma Metropolitan marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreements are identical with those contained in the respective orders as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

November 1971 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Red River Valley and Oklahoma Metropolitan marketing areas is approved or favored by producers, as defined under the terms of the respective order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the respective marketing area.

Signed at Washington, D.C., on January 14, 1972.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Orders, Regulating the Handling of Milk in the Red River Valley and Oklahoma Metropolitan Marketing Areas

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Red River Valley and Oklahoma Metropolitan marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the Red River Valley and Oklahoma Metropolitan marketing areas shall be in conformity to and in compliance with the terms and conditions of the respective order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending each of the specified orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on December 10, 1971, and published in the FEDERAL REGISTER on December 15, 1971 (36 F.R. 23821) shall be and are the terms and provisions of this order amending the orders, and are set forth in full herein with the following modifications:

1. In § 1104.9, paragraph (b) is revised.

2. In § 1104.14, a new subdivision is added to paragraph (f).

3. Change No. 9 of Red River Valley amendments is revised.

4. In § 1106.9, paragraph (b) is revised.

5. In § 1106.13, a new subdivision is added to paragraph (e).

PART 1104—MILK IN THE RED RIVER VALLEY MARKETING AREA

1. Section 1104.6 is revised to read as follows:

§ 1104.6 Producer.

(a) "Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act or a person described pursuant to paragraph (b) of this section, who produces milk approved for fluid consumption by a duly constituted health authority, which milk is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1104.14.

V 37-12 JAN 19 72 XUM

(b) This definition shall not include:

(1) Any person with respect to milk produced by him that is diverted to a pool plant from another order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class II classification of such milk in their reports of receipts and utilization filed with the respective market administrator; or

(2) Any person with respect to milk produced by him that is diverted to another order plant if such person is designated as a producer under the other order with respect to such milk.

2. Section 1104.7 is revised to read as follows:

§ 1104.7 Distributing plant.

"Distributing plant" means all the buildings, premises, and facilities of a plant:

(a) Approved by a duly constituted health authority for the handling of milk approved for fluid consumption;

(b) In which fluid milk products are processed or packaged; and

(c) From which fluid milk products are disposed of on routes.

3. Section 1104.8 is revised to read as follows:

§ 1104.8 Supply plant.

"Supply plant" means a plant from which fluid milk products are transferred to a distributing plant(s) during the month.

4. Section 1104.9 is revised to read as follows:

§ 1104.9 Pool plant.

"Pool plant" means any plant (other than a plant operated by a producer-handler or one exempt pursuant to § 1104.61) described in paragraph (a) or (b) of this section:

(a) A distributing plant from which during the month:

(1) Fluid milk products (except filled milk) are disposed of on routes in an amount not less than 50 percent of the total quantity of fluid milk products (except filled milk) received at the plant or diverted to a nonpool plant by the plant operator under the limitations of § 1104.14; and

(2) Fluid milk products (except filled milk) are disposed of on routes in the marketing area in an amount not less than 15 percent of the total route disposition of the plant.

(b) A supply plant from which fluid milk products (except filled milk) are transferred during the month to a plant(s) described in paragraph (a) of this section in an amount not less than 50 percent of milk received at the supply plant from dairy farmers who would be eligible as producers under § 1104.6 if such plant qualifies pursuant to this paragraph and milk of such dairy farmers diverted from such plant by the plant operator. Any plant that qualifies under this paragraph during each of the months of September through December shall continue so qualified in each of the following months of January through August until any month of such period in which less than 20 percent of the plant receipts and diverted milk specified previously herein is transferred to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such January-August period shall be qualified under this paragraph in any remaining month of the year only if transfers of fluid milk products (except filled milk) from the plant during the month to plant(s) described in paragraph (a) of this section are at least 50 percent of the plant receipts and diverted milk specified previously herein.

§ 1104.11 [Amended]

5. In § 1104.11(c) change "§ 1104.63" to read "§ 1104.14."

6. Section 1104.14 is revised to read as follows:

§ 1104.14 Producer milk.

"Producer milk" means skim milk and butterfat in milk from producers that is:

(a) Received by the operator of a pool plant at such pool plant from producers;

(b) Received by the operator of a pool plant at such pool plant from a cooperative association handler pursuant to § 1104.11(e);

(c) Diverted by the operator of a pool plant from such pool plant to a nonpool plant subject to the conditions of paragraph (f) of this section;

(d) Received from producers by a cooperative association handler pursuant to § 1104.11(e) in an amount in excess of the quantity delivered by such cooperative association to pool plants pursuant to paragraph (b) of this section; or

(e) Diverted by a cooperative association for its account from the pool plant of another handler to a nonpool plant subject to the conditions of paragraph (f) of this section;

(f) Milk diverted from a pool plant to a nonpool plant shall be subject to the following conditions:

(1) A cooperative association may divert from pool plants to nonpool plants for its account, subject to the conditions of subparagraph (3) of this paragraph, a total quantity of milk not in excess of total milk of its member-producers received at all pool plants during the month. Diversions in excess of such quantity shall not be eligible under this section, and the diverting cooperative shall specify the dairy farmers whose diverted milk is not so eligible. If the cooperative association fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such cooperative association;

(2) The operator of a pool plant other than a cooperative association may divert from his pool plant to a nonpool plant for his account, subject to the conditions of subparagraph (3) of this paragraph, milk of producers not members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of the milk of producers not members of such cooperative association received at such pool plant(s) during the month. Milk diverted in excess of such quantity shall not be eligible under this section and the diverting handler shall specify the dairy farmers whose diverted milk is not so eligible. If a handler fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such handler;

(3) Milk of a producer shall not be eligible for diversion from a pool plant under this section if during the month less than 15 percent of the total milk of such person as a producer is received at a pool plant;

(4) Milk qualified as producer milk that is diverted by a handler to a nonpool plant pursuant to this section shall be accounted for as received by the diverting handler at the location of the nonpool plant.

§ 1104.32 [Amended]

7. In § 1104.32(b) the phrase "to another pool plant or" is deleted.

8. Revise § 1104.41(b)(6)(i) to read as follows:

§ 1104.41 Classes of utilization.

* * * * *

(b) * * *

(6) * * *

(i) Two percent of milk received directly from producers at a pool plant or diverted from such pool plant by the plant operator; and

* * * * *

§ 1104.43 [Amended]

9. In § 1104.43(a) change "§ 1104.14(a)(2)" to read "§ 1104.14(b)."

10. In § 1104.44 revise the text of paragraph (a) preceding subparagraph (1) of such paragraph, the text of paragraph (e) preceding subparagraph (1) of such paragraph, and subparagraph (2) and (3) of paragraph (e) to read as follows:

§ 1104.44 Transfers.

* * * * *

(a) At the utilization mutually indicated in writing to the market administrator by the operators of both plants on or before the seventh day after the end of the month in which the transaction occurred, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

* * * * *

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

* * * * *

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

* * * * *

§ 1104.52 [Amended]

11. In § 1104.52(a) the word "pool" preceding the word "plant" is deleted.

§ 1104.61 [Amended]

12. In § 1104.61(c) the provision ", except during the months of January through August if such plant retains automatic pooling status under this part" is deleted.

§ 1104.62 [Amended]

13. In § 1104.62(a)(1)(ii) change "§ 1104.8" to read "§ 1104.9(b)."

§ 1104.63 [Revoked]

14. Section 1104.63 is revoked in its entirety.

15. Section 1104.74 is revised to read as follows:

§ 1104.74 Location differentials to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1104.80 for producer milk received at a pool plant, the uniform price computed pursuant to § 1104.71 shall be reduced according to the location of the pool plant at the rate set forth in § 1104.52(a);

(b) For the purpose of computations pursuant to §§ 1104.82 and 1104.83, the weighted average price shall be adjusted at the rate set forth in § 1104.52(a) applicable at the location of the nonpool plant from which the milk was received; and

(c) In making payments to producers pursuant to § 1104.80 for producer milk diverted from a pool plant to a nonpool plant, the uniform price computed pursuant to § 1104.71 shall be reduced according to the location of the nonpool plant at which the milk is received at the rate set forth in § 1104.52(a).

§ 1104.86 [Amended]

16. In § 1104.86(a) change "§ 1104.14(a)(2)" to read "§ 1104.14(b)."

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. Section 1106.7 is revised to read as follows:

§ 1106.7 Distributing plant.

"Distributing plant" means all the buildings, premises, and facilities of a plant:

(a) Approved by a duly constituted health authority for the handling of milk approved for fluid consumption;

(b) In which fluid milk products are processed or packaged; and

(c) From which fluid milk products are disposed of on routes.

2. Section 1106.8 is revised to read as follows:

§ 1106.8 Supply plant.

"Supply plant" means a plant from which fluid milk products are transferred to a distributing plant(s) during the month.

3. Section 1106.9 is revised to read as follows:

§ 1106.9 Pool plant.

"Pool plant" means any plant (other than a plant operated by a producer-handler or one exempt pursuant to § 1106.61) described in paragraph (a), (b), or (c) of this section:

(a) A distributing plant from which during the month:

(1) Fluid milk products (except filled milk) are disposed of on routes in an amount not less than 50 percent of the total quantity of fluid milk products (except filled milk) received at the plant or diverted to a nonpool plant by the plant operator under the limitations of § 1106.13; and

(2) Fluid milk products (except filled milk) are disposed of on routes in the marketing area in an amount not less than 15 percent of the total route disposition of the plant.

(b) A supply plant from which fluid milk products (except filled milk) are transferred during the month to a plant(s) described in paragraph (a) of this section in an amount not less than 50 percent of milk received at the supply plant from dairy farmers who would be eligible as producers under § 1106.12 if such plant qualifies pursuant to this paragraph and milk of such dairy farmers diverted from such plant by the plant operator. Any plant that qualifies under this paragraph during each of the months of September through December shall continued so qualified in each of the following months of January through August until any month of such period in which less than 20 percent of the plant receipts and diverted milk specified previously herein is transferred to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such January-August period shall be qualified under this paragraph in any remaining month of the year only if transfers of fluid milk products (except filled milk) from the plant during the month to plant(s) described in paragraph (a) of this section are at least 50 percent of the plant receipts and diverted milk specified previously herein.

(c) A plant(s) operated by a cooperative association and located not more than 50 miles from the City Hall of Tulsa or Oklahoma City, Okla., at which milk is received from dairy farmers producing milk approved by a duly constituted health authority for fluid consumption if the total of fluid milk products described in subparagraphs (1) and (2) of this paragraph received at plants described pursuant to paragraph (a) of this section is not less than 50 percent of total milk of member producers during the month:

(1) Fluid milk products (except filled milk) transferred from such cooperative association plant(s); and

(2) Milk of member producers received from such producers.

§ 1106.11 [Amended]

4. In § 1106.11 paragraph (c) is revised to read as follows:

(c) A cooperative association with respect to the milk of its member producers delivered to the pool plant of another handler in a tank truck owned or operated by such cooperative association for the account of such cooperative association. Such milk shall be considered to have been received by such cooperative association at the location of the plant to which it is delivered; or

5. Section 1106.12 is revised to read as follows:

§ 1106.12 Producer.

(a) "Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act or a person described pursuant to paragraph (b) of this section, who produces milk approved for fluid consumption by a duly constituted health authority, which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant subject to the provisions of § 1106.13.

(b) This definition shall not include:

(1) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each request Class II classification of such milk in their reports of receipts and utilization filed with the respective market administrator; or

(2) Any person with respect to milk produced by him that is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

6. Section 1106.13 is revised to read as follows:

§ 1106.13 Producer milk.

"Producer milk" means skim milk and butterfat in milk from producers that is:

(a) Received by the operator of a pool plant at such pool plant from producers;

(b) Diverted by the operator of a pool plant from such pool plant to a nonpool plant subject to the conditions of paragraph (e) of this section;

(c) Received from producers by a cooperative association handler pursuant to § 1106.11(c); or

(d) Diverted by a cooperative association for its account from the pool plant of another handler to a nonpool plant subject to the conditions of paragraph (e) of this section.

(e) Milk diverted from a pool plant to a nonpool plant shall be subject to the following conditions:

(1) A cooperative association may divert from pool plants to nonpool plants for its account, subject to the conditions of subparagraph (3) of this paragraph, a total quantity of milk not in excess of

V 37-12 JAN 19 72 XUM

total milk of its member-producers received at all pool plants during the month. Diversions in excess of such quantity shall not be eligible under this section and the diverting cooperative shall specify the dairy farmers whose diverted milk is not so eligible. If the cooperative association fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such cooperative association;

(2) The operator of a pool plant other than a cooperative association may divert from his pool plant to a nonpool plant for his account, subject to the conditions of subparagraph (3) of this paragraph, milk of producers not members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of the milk of producers not members of such cooperative association received at such pool plant(s) during the month. Milk diverted in excess of such quantity shall not be eligible under this section and the diverting handler shall specify the dairy farmers whose diverted milk is not so eligible. If a handler fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such handler;

(3) Milk of a producer shall not be eligible for diversion from a pool plant under this section if during the month less than 15 percent of the total milk of such person as a producer is received at a pool plant;

(4) Milk qualified as producer milk that is diverted by a handler to a nonpool plant pursuant to this section shall be accounted for as received by the diverting handler at the location of the nonpool plant.

7. In § 1106.44 revise the text of paragraph (a) preceding subparagraph (1) of such paragraph and subparagraph (2) of paragraph (e) to read as follows:

§ 1106.44 Transfers.

* * * * *

(a) At the utilization mutually indicated in writing to the market administrator by both handlers on or before the seventh day after the end of the month in which the transaction occurred, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

* * * * *

(e) * * *

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

* * * * *

§ 1106.53 [Amended]

8. In § 1106.53(a) the word "pool" preceding the word "plant" is deleted.

§ 1106.61 [Amended]

9. In § 1106.61(c) the provision ", except during the months of January through August if such plant retains automatic pooling status under this part" is deleted.

§ 1106.62 [Amended]

10. In § 1106.62(a)(1)(ii) change "§ 1106.8" to read "§ 1106.9(b)."

11. Section 1106.81 is revised to read as follows:

§ 1106.81 Location differential to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1106.80 for producer milk received at a pool plant, the uniform price computed pursuant to § 1106.72 shall be reduced according to the location of the pool plant at the rate set forth in § 1106.53(a);

(b) For the purpose of computations pursuant to §§ 1106.84 and 1106.85, the uniform price shall be adjusted at the rate set forth in § 1106.53(a) applicable at the location of the nonpool plant from which the milk was received; and

(c) In making payments to producers pursuant to § 1106.80 for producer milk diverted from a pool plant to a nonpool plant, the uniform price computed pursuant to § 1106.72 shall be reduced according to the location of the nonpool plant at which the milk is received at the rate set forth in § 1106.53(a).

[FR Doc.72-805 Filed 1-18-72;8:50 am]

Export Marketing Service

[7 CFR Part 1481]

[GR-369]

RICE EXPORT PROGRAM

Notice of Proposed Rule Making

Pursuant to authority contained in the Commodity Credit Corporation Charter Act (15 U.S.C. 714), the Agricultural Act of 1949 (7 U.S.C. 1421), and section 201(a) of the Agricultural Act of 1956 (7 U.S.C. 1851), notice is hereby given that the Export Marketing Service proposes to amend the provisions of the Rice Export Program (GR-369) (7 CFR Part 1481) (35 F.R. 7880 and 35 F.R. 8472) as described below.

Interested persons may submit data, views, and comments in connection with the proposal in duplicate to the Director, Grain Division, Commodity Exports, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, so as to be received within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The proposed amendment to GR-369 is issued concurrently with a proposed revision of the U.S. Standards for Rough Rice (7 CFR 68.201 et seq.), Brown Rice (7 CFR 68.251 et seq.), and Milled Rice (7 CFR 68.301 et seq.). The proposed revision of the standards for brown rice deletes the term "head rice" and provides that the milling yield with respect to brown rice will be expressed as whole kernels and total milled rice to show the actual outturn of the brown rice. Under the current standards for brown rice, head rice is the amount of whole kernels of milled rice, including 4.0 percent of broken kernels that can be obtained by milling brown rice.

Under GR-369, exporters of brown rice may qualify for an export payment. To support an application for payment, the exporter furnishes an official lot inspection certificate showing the estimate of the quantity of head rice and total milled rice. Since the export payment under GR-369 is made on the basis of the whole kernels and broken kernels, the regulations provide that the head rice must be adjusted to compensate for the 4.0 percent of broken rice contained therein.

Under the proposed revision to the brown rice standards, the official lot inspection certificates would show the milling yield of the brown rice expressed in whole kernels and total milled rice. Consequently, the need for provisions to adjust head rice will no longer be required. It is proposed that such provisions in § 1481.102(d) (4) and (5) be revoked if the proposed brown rice standards are adopted.

To recognize changing methods of issuing export documents, the proposed amendment will provide for the acceptance of a datafreight receipt in lieu of a standard on-board ocean bill of lading. The datafreight receipt will be accepted provided it shows the information required by § 1481.153(a), an on-board date, and is signed by an agent of the carrier. The exporter must also furnish a statement that the standard bill of lading was not issued in connection with the export.

To provide uniformity in export programs administered by EMS and to take into consideration export payment rate differentials between classes of rice, areas of export and, at times, destinations, the proposed amendment will require exporters to offer and to export on the basis of class, area of export, and destination on non-Public Law 480 exports. In submitting an offer, the exporter will have to specify in the offer the class of rice, the area of export, and if applicable, any destination requirement. To be eligible for a payment, the rice exported and applied to the accepted offer would have to be of the same class, be shipped from the same export area, and if applicable, to the same destination as specified in the offer. Provisions will be provided in the regulations for amendments to an accepted offer subject to such adjustment in the payment rates as may be specified by CCC.

Signed at Washington, D.C. on August 31, 1971.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

[FR Doc.72-552 Filed 1-18-72;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

REA AND RURAL TELEPHONE BANK LOANS

Proposed Revision of Procedure for Advance of Telephone Loan Funds

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 327-1, Advance of Telephone Loan Funds, revising certain provisions of that bulletin and the related Financial Requirement Statement, REA Form 481, used by borrowers to request loan funds and report the disposition of such funds previously advanced to finance approved loan projects.

The REA Bulletin outlines the basic policies of REA in connection with the advancing of loan funds to telephone borrowers and prescribes the use of REA Form 481, Financial Requirement Statement, for borrowers' use in requesting advances.

Persons interested in the provisions of the proposed supplement to REA Bulletin 327-1 and revised REA Form 481 may submit written data, views, or comments to the Director, Borrowers' Financial Management Division, Room 4307, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Director, Borrowers' Financial Management Division during regular business hours.

The principal changes in the proposed supplement to REA Bulletin 327-1 and the revised Financial Requirement Statement, copies of which may be secured from the Director, Borrowers' Financial Management Division, are as follows:

Existing REA procedures and REA Form 481 are amended to provide for loans made by the new Rural Telephone Bank established in May 1971 (Public Law 92-12). Specific changes have been made to: (1) Consolidate both REA and Rural Telephone Bank loans in a single loan budget for borrowers with financing from both sources; and, (2) accommodate the advance of funds to borrowers and their reporting on the use of such funds from Bank loans as well as REA loans. Provision is also made for handling purchases of Class B bank stock required in connection with each Rural Telephone Bank loan, whether funds for this purpose are provided in a Bank loan or from the general funds of the borrower deposited in the Trustee, REA Construction Fund bank account.

The Financial Requirement Statement, REA Form 481, used in requesting loan funds from REA has been revised to provide additional columns entitled, "Total Advances to Date", Advances Now Requested", and "Advances Approved," and a new section has been included to provide a cumulative summary of total funds loaned, under note, advanced from REA loans and from Bank loans. The information to be provided by the three additional columns is designed to make the Financial Requirement Statement more useful both to borrowers and to REA and has been requested by representatives of a number of borrowers. The cumulative summary will provide needed information on the current status of REA and Bank loan balances after each advance of funds.

Dated: January 13, 1972.

WALTER L. WOLFF,
Acting Assistant Administrator.

[FR Doc.72-751 Filed 1-18-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 71-WE-26-AD]

CERTAIN DeHAVILLAND MODEL D.H. 104 DOVE SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to DeHavilland Model D.H. 104 Dove Series 7A, 7AXC, 8A, 8AXC airplanes modified per STC SA1747WE. There has been a a report of fatigue damage to a wing main spar lower attach fitting (CPD 2004) with approximately 5,573 hours time in service. Recently, Strato Engineering Co., Inc., Burbank, Calif., has developed an FAA-approved further modification of the airplane, as modified per STC SA1747WE, as described by STC SA2438WE. Also, Hawker Siddeley and the agency have reexamined data pertaining to the use and the safe-life of the fitting and the lower spar boom. Information acquired indicates that the use of certain parts to their present life limits could result in loss of a wing while airborne. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require either reduced life limits or additional modification of DeHavilland Model D.H. 104 Dove Series 7A, 7AXC, 8A, 8AXC airplanes modified per STC SA1747WE.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Office of Regional Counsel, Attention: Rules Docket, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before February 23, 1972, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to DeHavilland Model D.H. 104 Dove Series 7A, 7AXC, 8A, 8AXC airplanes modified per STC SA1747WE certificated in all categories.

Compliance required by the effective date of this A.D. as indicated, unless already accomplished.

To prevent fatigue failure of a wing main spar lower attach fitting or of a wing center section lower spar boom, accomplish the following:

(a) Replace each wing lower spar attach fitting P/N CPD 2004 installed under STC SA1747WE at or before 1,800 hours' time in service, and at intervals not to exceed 1,800 hours' time in service, with a new attach fitting (Strato Engineering Co., Inc., Part No. CPD 2004), until (c) below, is accomplished.

(b) Replace the lower spar boom at or before 1,800 hours' time in service, and at intervals not to exceed 1,800 hours' time in service, in accordance with MOD 779 (See Hawker Siddeley Technical News Sheet Series CT(104) No. 119), until (c) below, is accomplished.

(c) The replacements, as required in (a) and (b) above, are not required after rework is accomplished per STC SA2438WE or an alternate acceptable modification approved by the Chief, Aircraft Engineering Division, Western Region.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on January 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.72-736 Filed 1-18-72;8:46 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 528]

[No. 72-50]

FEDERAL HOME LOAN BANK SYSTEM

Proposed Nondiscrimination Requirements

JANUARY 13, 1972.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend Subchapter B of Chapter V of Title 12, CFR for the purposes of (1) prohibiting discrimination by member institutions in their lending and employment practices and in their advertising, (2) requiring in certain circumstances that such institutions indicate that they do not discriminate, and (3) requiring that such institutions use and maintain certain reporting forms. Accordingly, the

V 37 12 JAN 19 72 XUM

Federal Home Loan Bank Board proposes to amend said Subchapter B by adding thereto a new Part 528, to read as follows:

PART 528—NONDISCRIMINATION REQUIREMENTS

Sec.
528.1 Definition of member.
528.2 Nondiscrimination in lending and other services.
528.3 Nondiscrimination in applications.
528.4 Nondiscriminatory advertising.
528.5 Equal housing poster.
528.6 Records of racial and ethnic data on loan applicants.
528.7 Nondiscrimination in employment.
528.8 Complaints.

AUTHORITY: The provisions of this Part 528 are issued under title VIII, Public Law 90–284, 82 Stat. 81–89, 42 U.S.C. 3601–3619; E.O. 11063, 27 F.R. 11527; title VII, Public Law 88–352, 78 Stat. 253–266, 42 U.S.C. 2000e—2000e–15; E.O. 11246, 30 F.R. 12319; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437; secs. 402, 403, 407, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726; sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464; Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071.

§ 528.1 Definition of member.

As used in this Part 528, the term "member institution" means any institution which is a member of a Federal Home Loan Bank, other than

(a) A savings bank whose deposits are insured by the Federal Deposit Insurance Corporation, or

(b) An insurance company.

§ 528.2 Nondiscrimination in lending and other services.

No member institution shall deny a loan or other service rendered by the member institution for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or discriminate in the fixing of the amount, interest rate, duration, application procedures, or other terms or conditions of such loan or other service because of the race, color, religion, or national origin of:

(a) An applicant for any such loan or any other service rendered by the member institution;

(b) Any person associated with such applicant in connection with such loan or other services or the purposes of such loan or other services; or

(c) The present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other service is to be made or given.

§ 528.3 Nondiscrimination in applications.

No member institution shall refuse or decline to allow, receive, or consider any application, request, or inquiry with respect to a loan or other service rendered by the member for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or discriminate in the imposition of conditions upon, or in the processing of, any such application, request, or inquiry, or make statements which discourage any such application, request, or inquiry because of the race, color, religion, or national origin of any prospective borrower or other person who

(a) Makes application for any such loan or other service;

(b) Requests forms or papers to be used to make application for any such loan or other service; or

(c) Inquiries about the availability of such loans or other services.

§ 528.4 Nondiscriminatory advertising.

No member institution which directly or through third parties engages in any form of advertising shall use words, phrases, symbols, directions, forms, or models which imply or suggest a policy of discrimination or exclusion in violation of the provisions of title VIII of the Civil Rights Act of 1968. To the extent feasible, such advertisements other than for savings shall include a facsimile of the following logotype and legend:



AN EQUAL HOUSING LENDER

§ 528.5 Equal housing poster.

(a) Each member institution shall post and maintain one or more Equal Housing Posters in the lobby of each of its offices. The text of the Poster appears in paragraph (b) of this section. The Poster shall be at least 11 inches by 14 inches and the text shall be easily legible.

(b) The text of the Equal Housing Poster shall be as follows:

WE DO BUSINESS IN ACCORDANCE WITH THE FEDERAL "FAIR HOUSING LAW"

IT IS ILLEGAL, because of race, color, religion, or national origin, to:

Deny a loan for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling

or

Discriminate in the fixing of the amount, interest rate, duration, application procedures or other terms or conditions of such a loan.

If you believe you have been discriminated against, you may send a complaint to—

Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410.

or call your local HUD or FHA office.

§ 528.6 Records of racial and ethnic data on loan applicants.

(a) *Recordkeeping requirements.* Every member institution shall require that every written loan application include two copies of part I of the "Equal Housing Reporting Form," the form and text of which appear in paragraph (b) of this section. One copy shall be given to the applicant at the time the application is made. The other copy, signed and dated by the applicant, shall be retained by the member for at least 2 years following such date. If a loan is granted to the applicant, the member institution's copy shall be retained in its regular file on that loan, and the numerical code from the form indicating the applicant's racial or ethnic group shall be included on the entry for that loan in the member institution's loan register, and in such other convenient form as the Board may from time to time prescribe. If no loan is granted to the applicant, the member institution shall complete part II of the form, and shall retain the form and data therefrom, together with the written application and any other documents obtained in connection with the application.

(b) *Equal Housing Reporting Form.* The text of the Equal Housing Reporting Form shall be as follows:

EQUAL HOUSING REPORTING FORM

PART I

Name of applicant_____
Date of application_____
To protect the civil rights of all borrowers, in accordance with the intent of the U.S. Constitution, the Housing Act of 1949, and the Civil Rights Acts of 1964 and 1968, the following information is neccessary:
The applicant for the loan described in this Application (No. ------) is (circle one):

White (Non-minority), 1.	American Indian, 4.
Negro/Black, 2.	Oriental, 5.
Spanish American, 3.	Other, 6.

If your application is disapproved, the reason(s) will be explained to you upon request.

This institution reviews a variety of factors when considering a loan application. These factors include:

Income of Applicant.
Appraised value of property.
Credit references of Applicant.
Site economics.
_____
_____
(Individual members may add other factors in this space)

If you have reason to believe you have been discriminated against on the basis of race, color, religion, or national origin, you have a right to file a complaint, containing relevant facts, dates, and your name, at the following address:

Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410.

or to take such other appropriate actions as are permitted by law.

_____
_____
(Signature of Applicant)

PART II

(To be filled in only if application disapproved)
(a) Date of decision:_____
(b) Reasons for disapproval_____
_____
_____
_____

§ 528.7 Nondiscrimination in employment.

(a) No member institution shall, because of an individual's race, color, religion, sex, or national origin:

(1) Fail or refuse to hire such individual;

(2) Discharge such individual;

(3) Otherwise discriminate against such individual with respect to such individual's compensation or the terms, conditions, or privileges of such individual's employment; or

(4) Discriminate in admission to, or employment in, any program of apprenticeship, training, or retraining, including on-the-job training.

(b) No member institution shall limit, segregate, or classify its employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect such individual's status as an employee because of such individual's race, color, religion, sex, or national origin.

(c) No member institution shall discriminate against any employee or applicant for employment because such employee or applicant has opposed any employment practice made unlawful by Federal, State, or local law or regulation or because he has in good faith made a charge of such practice or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of such practice by any lawfully constituted authority.

(d) No member institution shall print or publish or cause to be printed or published any notice or advertisement relating to employment by such member institution indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin, unless a preference, limitation, specification, or discrimination based on religion, sex, or national origin is a bona fide occupational qualification for employment.

(e) This regulation shall not apply in any case in which the Federal Equal Employment Opportunities law is made inapplicable by the provisions of section 2000e–1 or sections 2000e–2 (e) through (j) of title 42, United States Code.

§ 528.8 Complaints.

(a) Complaints regarding discrimination in lending by a member institution should be referred to the Assistant Secretary for Equal Opportunity in the Department of Housing and Urban Development, Washington, D.C. 20410.

(b) Complaints regarding discrimination in employment by a member institution should be referred to the Equal Employment Opportunity Commission, Washington, D.C. 20506.

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by March 20, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN, *Assistant Secretary.*

[FR Doc.72–783 Filed 1–18–72;8:48 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 700]

INSOLVENCY

Proposed Definition

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred in section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes to revise § 700.1 (12 CFR 700.1) by adding a new paragraph (k).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed definition to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than February 17, 1972.

HERMAN NICKERSON, Jr., *Administrator.*

JANUARY 11, 1972.

§ 700.1 Definitions.

* * * * *

(k) (1) *Insolvency.* A credit union will normally be deemed insolvent when the total amount of its shares exceeds the present cash value of its assets after providing for liabilities unless:

(i) It is deemed by the Administrator that the facts that caused the deficient share-asset ratio no longer exist; and

(ii) The likelihood of further depreciation of the share-asset ratio is not probable; and

(iii) The return of the share-asset ratio to its normal limits within a reasonable time for the credit union concerned is probable; and

(iv) The probability of a further potential loss to the insurance fund is negligible.

(2) For purposes of this section, the following definitions are used:

(i) "Cash value of assets". Recorded value will be considered the cash value of any asset account providing accepted accounting principles and practices and the "Accounting Manual for Federal Credit Unions" are followed and the provisions of law, regulation, and bylaws are met, unless economic conditions require a value different than that recorded on the books and records be assigned to any asset account.

(ii) "Liabilities". Recorded liabilities plus unrecorded liabilities which are due and payable, excluding shares of members and non-members, are considered liabilities.

[FR Doc.72–731 Filed 1–18–72;8:46 am]

[12 CFR Part 741]

REQUIREMENTS FOR INSURANCE

Proposed Criteria

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 209, 85 Stat. 1015, Public Law 91–468, proposes a new § 741.4 (12 CFR 741.4) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed new § 741.4 to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, D.C. 20456, to be received not later than February 17, 1972.

HERMAN NICKERSON, Jr., *Administrator.*

JANUARY 12, 1972.

§ 741.4 Criteria.

In determining the insurability of a credit union which makes application for insurance of its accounts pursuant to title II of the Federal Credit Union Act, the following criteria shall be applied:

(a) *Adequacy of reserves.* The credit union must be solvent. A Federal credit union must meet the reserve transfer requirements of section 116(a) of the Federal Credit Union Act and the reserve transfer requirements of regulations issued pursuant to section 116(b) of the Federal Credit Union Act. In the case of a state chartered credit union, that credit union must meet the reserve transfer requirements of the law of the state under which the credit union is chartered: *Provided however*, That the Administrator may require additional reserves where the reserves required by state law are not substantially similar to those required by section 116 of the Federal Credit Union Act. A state chartered credit union may be required to establish an additional special reserve for investments if that credit union is permitted by state law to make investments beyond those authorized in the Federal Credit Union Act.

(b) *Financial condition and policies.* In addition to the requirements of paragraph (a) of this section, the following factors are to be considered in determining whether the credit union's financial condition and policies are both safe and sound:

(1) The existence of unfavorable trends such as excessive losses on loans, rising expense ratio, decline in share activity, increasing ratio of notes payable to total shares and unimpaired capital and surplus to near maximum permitted by law or regulation;

(2) Lending policies including adequate documentation of secured loans and proper recording of lien instruments, adequate determination of the financial capacity of borrowers and comakers for repayment of the loan, and adequate determination of value of security on loans to ascertain that said security is adequate to repay the loan in the event of default;

V37-12 JAN 19 72 XUM

(3) Investment policies which are within the provisions of applicable law and regulations.

(c) *Fitness of management.* The officers, directors, and committee members of the credit union must adhere to the provisions of applicable law, regulations, its charter and bylaws, and to the accounting requirements set forth in the Accounting Manual for Federal Credit Unions or similar acceptable accounting principles. No person shall serve as a director, officer, committee member, or employee of an insured credit union who has been convicted of any criminal offense involving dishonesty or breach of trust, except with the written consent of the Administrator.

(d) *Insurance of member accounts would not otherwise involve undue risk to the Fund.* The credit union must maintain adequate surety bond coverage as specified in § 741.1. Any circumstances which may be unique to the particular credit union concerned shall also be considered in arriving at the determination of whether or not an undue risk to the Fund is or may be present.

(e) *Powers and purposes.* The credit union must not perform services other than those which are consistent with the promotion of thrift and the creation of a source of credit except as otherwise permitted by law or regulation.

A credit union which makes application for share insurance and its application is disapproved shall receive a letter indicating the reasons for such disapproval, a citation of the authority for such disapproval, and suggested methods by which the applying credit union may correct these deficiencies and thereby qualify for share insurance.

[FR Doc.72-732 Filed 1-18-72;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

FISH NETS AND NETTING OF MANMADE FIBERS FROM JAPAN

Determination of Sales at Less Than Fair Value

JANUARY 14, 1972.

Information was received on September 2, 1970, that fish nets and netting of manmade fibers from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 19, 1971.

I hereby determine that for the reasons stated below, fish nets and netting of manmade fibers from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Analysis of information from all sources revealed that the proper basis for fair value comparisons, is between purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on either a c.i.f., duty paid, delivered price, or a c.i.f., packed price, less discounts, as applicable. From this price, transportation charges and U.S. duty were deducted, as appropriate.

Exporter's sales price was calculated by deducting from the resale price of the related firm, to purchasers in the United States, selling expenses and other destination costs incurred in the United States. Deductions also were made for Japanese inland freight, ocean freight, insurance, and U.S. duty.

Home market price was calculated on the basis of delivered prices. Deductions were made for inland freight charges. Adjustments were made for credit terms, commissions, packing charges, and for differences in the merchandise compared.

Purchase price or exporter's sales price, where appropriate, was found to be lower than the adjusted home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-897 Filed 1-18-72;9:33 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ENVIRONMENTAL STATEMENTS

Issuance of Procedures Regarding Preparation

Notice is hereby given of the publication of procedures of Bonneville Power Administration (BPA) to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970); section 2(f) of Executive Order 11514 (March 5, 1970); the guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); Office of Management and Budget Bulletin No. 72-6 (September 14, 1971), and Department of the Interior Manual Chapter 516.

Set forth below is the Bonneville Power Administration's Environmental Handbook, Chapter 1, section 4. The numbering system used is that of the Bonneville Power Administration Environmental Handbook.

HENRY R. RICHMOND,
Administrator.

DECEMBER 30, 1971.

BPA ENVIRONMENTAL HANDBOOK

SECTION 4. ENVIRONMENTAL STATEMENTS

Chapter I—Preparation of Environmental Statements on BPA Programs

A. *Purpose.* This chapter explains the purpose of Environmental Statements required by section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190) and Department Manual Part 516, Chapter 2, specifies when Environmental Statements are to be prepared for BPA programs, and establishes the responsibilities and procedures involved.

B. *Background.* A major objective of the National Environmental Policy Act is to build careful consideration of environmental factors into agency decision-making processes. To help achieve this objective, section 102(2)(C) of the Act requires agencies to prepare Environmental Statements on proposed actions which might have a significant impact on the environment.

These Environmental Statements serve two functions: (1) They provide a detailed environmental assessment to aid in decision making, and (2) they give interested parties both within and outside the Federal Government an opportunity to review the environmental consequences of proposed actions before they are implemented.

Each Statement is to be reviewed in draft form by appropriate Federal, State, and local government agencies and the public; submitted in final form through the Departmental review process to the President's Council on Environmental Quality and the Congress; and made available to the public.

C. *Policy.* Proposals for construction of new facilities, for maintenance programs on existing facilities, or for new legislation, policies, procedures, or standards will give full consideration to the impact the proposed action might have on the environment.

Where such proposals have significant potential environmental consequences, or are highly controversial, a suitable record will be made of the environmental factors considered in making the recommendation and these factors will be reflected in an Environmental Statement.

D. *Responsibilities.* The Administrator will determine which BPA actions require Environmental Statements.

The Environmental Officer will:

Advise the Administrator on determinations relating to Environmental Statements.

Carry out the procedure specified in 516 DM 2.4G.

Assistant Administrators of program divisions working through their Division Environmental Coordinators will develop information on the environmental impact of their proposals as required for use in preparing Environmental Statements.

Area Managers will serve as points of contact on Environmental Statements with local agencies, interested local groups, and the public.

E. *Actions requiring Environmental Statements.* Three types of actions by BPA may require Environmental Statements:

1. *Proposals for construction of new facilities and for maintenance of existing facilities.* Proposals for construction of new facilities and for maintenance of existing facilities contained in the annual request for appropriations (budget) will be considered a single major action significantly affecting the environment. An Environmental Statement will be prepared each year covering those actions included in the appropriation request. The projects to be covered in this Statement are detailed in section G.

2. *Proposed new or revised policies, procedures, or standards covering BPA programs.* Officials proposing formal policies, procedures or standards must stay alert to the environmental consequences of their proposals and the potential requirement in exceptional cases for an Environmental Statement.

Where proposed formal policies, procedures, or standards have significant potential environmental consequences, this fact should be brought to the attention of the Environmental Office early enough so that an Environmental Statement can be prepared and processed well in advance of the effective date of the action.

3. *Proposals for legislative action.* Environmental Statements will be prepared on proposals for new legislation in accordance with 516 DM 2, Section 9D.

F. *Content of Environmental Statements—*

1. *Cover sheet.* The cover sheet will indicate the type of Statement, provide a brief descriptive title, and show the responsible organization, the date, and the administrator's signature.

2. *Summary sheet.* The summary sheet will be prepared in accordance with Appendix I of the CEQ guidelines.

3. *Text.* The text of the Environmental Statement will cover the following items:

a. *Description of the proposal.* Description of the proposed action, its purpose, where it is to be located, and its relationship with

V37-12 JAN 19 72 XUM

other projects or proposals. Sufficient information and technical data should be included to allow commenting agencies to evaluate the environmental impact.

b. *Description of the environment.* Description of the existing environment without the proposal and the probable future environment without the proposal. Emphasis will be placed on both the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. Where appropriate, this section will also include a description of the present and projected level of economic development, land use, and related cultural factors.

c. *The Environmental impact of the proposed action.* Describe the impacts that may result from the proposed action. Impacts are defined as direct or indirect changes in the existing natural and social environment, including land use, whether beneficial or adverse. Wherever possible these impacts will be quantified. Separate discussions of potential man-caused accidents and natural catastrophes and their responsibilities and risks will be included as appropriate. Specific mention should be made of unknown or partially understood impacts.

d. *Mitigating measures included in the proposed action.* The mitigating measures to be taken, including any necessary research or monitoring, and their effectiveness in reducing the environmental impact.

e. *Any adverse effects which cannot be avoided should the proposal be implemented.* This section will include a discussion of the unavoidable adverse impacts described in c above, the relative values placed upon these impacts, and where appropriate, an analysis of who or what is affected and to what degree affected.

f. *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* The local short-term use of the environment involved in the proposed action in relation to its cumulative and long-term impacts. Special attention will be given to the relationship between the action and trends of similar actions which would significantly affect ecological interrelationships.

g. *Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Discuss and, where possible, quantify any irreversible uses of resources including air, water, and land. The discussion will cover such factors as erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.

h. *Alternatives to the proposed action.* The various alternatives considered by and available to the Department, taking into account the alternative of no action, and their environmental impacts. In addition and where appropriate, there will be a brief discussion of possible alternatives which are beyond the authority of the Department.

i. *Consultation and coordination in the development of the proposal and in the preparation of the Draft Environmental Statement.* Steps taken before publication of the Draft Environmental Statement to consult with the public, other agencies, and individual interests on the proposal.

j. *Coordination in the review of the Draft Environmental Statement.* The procedures used in disseminating the Draft Environmental Statement and a listing of those organizations and experts from whom comments have been requested. The final Environmental Statement will also identify those organizations and experts from whom comments were received, the disposition of the comments, and any unresolved conflicts; and a summary of any public response.

k. *Attachments.* All letters received commenting on the Draft Environmental Statement. (Final Statement only.)

G. *Coverage of Environmental Statements.* 1. Environmental Statements on appropriation requests will cover the following items:

a. *Proposed new facilities.* All facilities included in the proposed program for which planning has not been completed. Proposed new facilities will normally be presented in at least two environmental statements as they progress through the proposal, approval, and design cycles and will then drop out of the statement once the full proposal has been presented and evaluated in the environmental statement. This will allow input on environmental decisions at the earliest possible time in the planning of the facility and at the various successive planning stages.

b. *Maintenance Programs.* Environmental information on maintenance of existing facilities on a functional basis, including such items as reclearing of rights-of-way by cutting or herbicidal control, special programs to remove trash from rights-of-way, appearance improvement for existing transmission lines and substations, etc.

2. Coverage of Environmental Statements on other actions will be determined as needed.

H. *Procedures.* Although the steps involved in preparing Environmental Statements necessarily overlap and interact, they can be grouped into the following categories: (1) Issuance of instructions and preparation of environmetal data, (2) Preparation of a draft Environmental Statement, (3) Review of the draft Statement by other Federal, State, and local agencies with environmental concerns, (4) Review of the draft Statement by the public, and (5) Preparation and submittal of final Environmental Statement.

1. *Issuance of instructions and preparation of Environmental Data.* The Environmental Office will issue detailed instructions and a timetable for preparation of each Environmental Statement.

Based on these instructions, Divisions responsible for proposals to be covered by Environmental Statements will consolidate environmental data on the program elements involved. This data will normally be gathered as a routine part of the planning process. The environmental data will provide the basis for the Draft Environmental Statement.

Data on main grid transmission lines and substations will be supplied by the Division of Engineering and Construction; customer, area, and industrial service items by the Division of Engineering and Construction in consultation with the Area Manager involved; and programs for maintenance of existing facilities by the Division of Operation and Maintenance.

Environmental data will not normally be required on the following items:

All buildings or structures located within existing substations, or headquarters areas.

Appearance improvements affecting existing lines, substations, and headquarters areas.

Power system control facilities.

Addition of equipment to existing facilities.

Tools and equipment.

Trust funds.

However, extreme care must be taken to ensure that no environmentally significant items are excluded, and to this end each item will be reviewed for impact by the proposing office prior to exclusion.

2. *Preparation of a Draft Environmental Statement.* The environmental data prepared by the various divisions on individual items will be consolidated by the Environmental Office into a single draft Environmental Statement. Draft Environmental Statements will normally include all of the information that is planned for the final Statement except for comments received from reviewers. In other words, the Draft Statement is draft in the sense of "subject to change based on comments received" and not in the sense of "incomplete."

3. *Review of Draft Environmental Statement by other Federal, State, and local agencies.* The Environmental Office will prepare 15 copies of the Draft Environmental Statement for transmittal through the Assistant Secretary for Water and Power to the Assistant Secretary for Program Policy, accompanied by a FEDERAL REGISTER notice as described in paragraph H.4. Upon notification that the Assistant Secretary for Program Policy has transmitted the draft to the CEQ, distribution of draft Statements to Federal, State, and local agencies will be made. Agencies will be given at least 45 days in which to comment, after which time if no response or request for extension has been received, the agency may be presumed to have no comment. Copies of the Draft Environmental Statement will be distributed for review as follows:

a. *Federal agencies.* Copies of the Draft Environmental Statement will be prepared by the Environmental Office for transmittal to:

All bureaus of the Department of the Interior.

Environmental Protection Agency.

Federal Power Commission.

Other agencies with "Jurisdiction by law or special expertise with respect to any environmental impact involved.

b. *State agencies.* Review of draft Environmental Statements by State agencies will be accomplished through State clearinghouses established under the provisions of OMB Circular A-95. An up-to-date list of clearinghouses is maintained by the Environmental Office.

Copies of the Draft Statement will be distributed to the State clearinghouse in each of the Northwest States in BPA's service area by the Environmental Officer.

The letter transmitting the Draft Statement will request that the clearinghouse arrange a single meeting in each State between BPA and the interested State agencies. These meetings will provide for direct discussions between State agencies and BPA regarding the various proposals and their potential impact. They may be supplemented by meetings with individual State agencies on specific topics where appropriate. Representatives of the Division proposing the action and the Area Office involved will participate in all such meetings, with the Area Office taking the lead role.

c. *Local agencies.* Copies of the Draft Environmental Statement will be distributed by Area Managers to local governmental bodies in all jurisdictions concerned with the proposed action in accordance with the following:

In areas where metropolitan or district clearinghouses have been established under OMB Circular A-95, contact with local governmental agencies will be through these clearinghouses. The Draft Statement will be sent to the clearinghouse, which will distribute copies of the Statement to interested local agencies and will generally consolidate the replies that are made. In areas covered by these clearinghouses, no additional distribution of Draft Environmental Statements to local agencies (such as County Commissioners) will be required although additional distribution can be made at the discretion of the Area Manager.

In areas not covered by a clearinghouse, copies should be sent as appropriate to:

Boards of County Commissioners.

Mayors or City Councils.

County or City Planning Commissions.

Local or Regional Environmental Agencies.

Meetings with clearinghouse officials or local government agencies to discuss the proposed program will be held at the discretion of the Area Manager. However, if a local agency requests a conference, every effort should be made to comply. Conferences with local agencies should be coordinated with the division responsible for the proposed action so that all BPA personnel who should participate in the conference can be notified.

4. *Review of Draft Statements by the public.* Review of Draft Statements by the public will be accomplished by (1) announcement in the FEDERAL REGISTER and in appropriate newspapers throughout BPA's service area that copies for the public are available at Area, District, and Headquarters Offices and where appropriate, local libraries or public offices, and (2) public meetings near the site of the important proposed actions, where appropriate.

The press announcement making the Environmental Statement available to the public and a notice of the public meetings in the FEDERAL REGISTER will appear at least 30 days prior to the public meetings. The notice will invite the public to comment on the proposal by letter, in person at the Area, District, or Headquarters Offices, or at one of the public meetings.

At the time the Draft Statement is made available to the public, Area Managers will provide copies of the Draft Statement to environmental groups, such as regional or local environmental councils, with an invitation to comment. Contact with these groups will be coordinated by the Environmental Office.

Area Managers will provide the Environmental Office with copies of any written comments received, a summary of any oral comments, and a transcript of public meetings held by them in their area.

5. *Preparation of Final Environmental Statement.* After completion of the review process, the comments that have been received from other agencies and the public will be assembled by the Environmental Office. This information will be submitted to the Assistant Administrators of the program division(s) involved in the proposed action for review to determine, based on the comments received, (1) whether program or procedure adjustments are appropriate to further reduce environmental impacts and (2) whether additional or modified information should be included in the Final Environmental Statement.

After the resulting changes are made in the Draft Statement and the sections covering the comments received during the review are added, the Draft Statement becomes the Final Environmental Statement.

At that time, 15 copies of the Final Environmental Statement will be forwarded through the Assistant Secretary—Water and Power Resources to the Assistant Secretary for Program Policy. The statement will be accompanied by a draft notice of availability for inclusion in the FEDERAL REGISTER. Following the approval, the Assistant Secretary for Policy Planning and Research will forward the Statement to the Council on Environmental Quality.

After Departmental approval and formal transmittal of the Final Environmental Statement to the Council on Environmental Quality, copies of the final Statement will be supplied to the appropriate congressional committees and made available to the public.

H. *Timing.* Environmental Statements on budget items will be prepared and circulated in draft form by September 1 of the fiscal year before the year under consideration. Final Statements on these actions will be distributed after the President's budget transmittal but before any congressional hearings.

Final Environmental Statements on Administrative matters must be transmitted to the CEQ at least 30 days prior to the implementation of the proposed action.

In any case, final decisions or commitments on actions to be included in an Environmental Statement may not be made prior to completion and submittal of the Statement. In emergency cases where this procedure cannot be followed, special arrangements must be made with the Assistant Secretary for Program Policy and the Council on Environmental Quality.

[FR Doc.72-725 Filed 1-18-72;8:50 am]

Bureau of Land Management

PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALE OFFSHORE EASTERN LOUISIANA

Inclusion of Alternatives to Proposed Action in Environmental Impact Statement

JANUARY 17, 1972.

In the FEDERAL REGISTER of October 28, 1971, the Bureau of Land Management, Department of the Interior announced the availability of a final environmental impact statement relating to a proposed Outer Continental Shelf General Oil and Gas Lease Sale. The environmental statement considers 86 tracts of Outer Continental Shelf lands in the Gulf of Mexico offshore Eastern Louisiana which have been identified for oil and gas leasing potential.

Notice is hereby given that an addendum has been prepared to section IV of this statement relating to alternatives to the proposed action.

Reading copies of this addendum to the Final Environmental Impact Statement are available in the Department of the Interior Communications Office, and the Bureau of Land Management's Information Office, both in the Interior Building in Washington, D.C.

It is also available in the Bureau of Land Management's New Orleans Office. Copies may be obtained for $1 each by writing to the Director, Bureau of Land Management (130), U.S. Department of the Interior, Washington, D.C. 20240, or the Manager, Bureau of Land Management Outer Continental Shelf Office, Post Office Box 53226, New Orleans, LA 70153.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

[FR Doc.72-885 Filed 1-18-72;8:51 am]

Office of the Secretary

[DES 72-2]

POTOMAC HERITAGE NATIONAL SCENIC TRAIL

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Bureau of Outdoor Recreation has prepared a draft environmental statement for the proposed Potomac Heritage National Scenic Trail, Maryland-Virginia-District of Columbia-Pennsylvania-West Virginia. The environmental statement considers the probable impact of establishing a proposed Potomac Heritage National Scenic Trail which would extend 874 miles traversing the length of the Potomac River from the mouth at the Chesapeake Bay to its source in the Appalachian Mountains. Copies are available for inspection at the following locations:

Office of Communications, Room 7200, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-4662.

Division of Information, Bureau of Outdoor Recreation, Room 4129, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-5726.

Office of Regional Director, Bureau of Outdoor Recreation, 1421 Cherry Street, Philadelphia, PA 19102. Telephone: (215) 597-7989.

Office of Regional Director, Bureau of Outdoor Recreation, 810 New Walton Building, Atlanta, GA 30303. Telephone: (404) 526-4405.

State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, MD 21201.

State Clearinghouse, Pennsylvania State Planning Board, 503 Finance Building, State Capitol, Harrisburg, Pa. 17120.

State Clearinghouse, Virginia Division of Planning and Community Affairs, 1010 James Madison Building, Richmond, Va. 23219.

State Clearinghouse, Office of Federal-State Relations, Office of the Governor, Charleston, W. Va. 25305.

Metropolitan Clearinghouse, Metropolitan Washington Council of Governments, 1225 Connecticut Avenue NW., Washington, DC 20036.

Metropolitan Clearinghouse, Cambria County Planning Commission, Courthouse, Ebensburg, Pa. 15931.

Metropolitan Clearinghouse, Southwestern Pennsylvania Regional Planning Commission, 564 Forbes Avenue, Pittsburgh, PA 15219.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151, and enclosing $3. Please refer to the statement number above.

Dated: January 11, 1972.

ROGER C. B. MORTON,
Secretary of the Interior.

[FR Doc.72-730 Filed 1-18-72;8:46 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

GIRLS' APPAREL SIZES

Notice of Circulation for Acceptance of a Recommended Standard

The National Bureau of Standards is giving public notice and circulating for public comment the following recommended standard (TS) for a determination of its acceptance to manufacturers, distributors, users, and consumers:

TS 117, "Body Measurements for the Sizing of Girls' Apparel"

V37-12 JAN 19 72 XUM

This circulation is being made in accordance with the provisions of § 10.5 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as amended; 35 F.R. 8349 dated May 28, 1970).

Copies of this recommended standard may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services within 45 days following publication of this notice.

Dated: January 14, 1972.

LEWIS M. BRANSCOMB,
Director.

[FR Doc.72-861 Filed 1-17-72;2:46 pm]

Office of Import Programs

LEHIGH UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 602.5(e) (15 CFR 602.5) provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. * * * If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of paragraph (d) of 15 CFR 602.5 is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 602.5(e) further provides:

> * * * the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 70-00630-01-77030. Applicant: Lehigh University, Department of Chemistry, Bethlehem, Pa. 18015. Article: NMR Spectrometer, Model R-20A. Date of denial without prejudice to resubmission: April 9, 1971.

Docket No. 71-00401-99-25100. Applicant: University of Hawaii, Chemistry Department, 2545 The Mall, Honolulu, Hawaii 96822. Aritcle: Ultrasonic drill. Date of denial without prejudice to resubmission: April 26, 1971.

Docket No. 71-00421-33-90000. Applicant: University of Chicago, 5727 Ellis Avenue, Jones Laboratory, Chicago, IL 60637. Article: Rotating anode X-ray generator, Model GX-6. Date of denial without prejudice to resubmission: April 26, 1971.

Docket No. 71-00206-33-46500. Applicant: University of Maryland, School of Medicine, Department of Pathology, 660 West Redwood Street, Howard Hall, Baltimore, MD 21201. Article: Ultramicrotome, Model "Om U2". Date of denial without prejudice to resubmission: November 17, 1970.

Docket No. 70-00672-16-61800. Applicant: Vandalia-Butler City Schools, 366 South Dixie Drive, Vandalia, OH 45377. Article: Planetarium, Model Venus. Date of denial without prejudice to resubmission: April 9, 1971.

Docket No. 70-00685-73-59600. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Automat color processor, Model D7A. Date of denial without prejudice to resubmission: April 14, 1971.

Docket No. 70-00713-16-61800. Applicant: Tunkhannock Area School District, Philadelphia Avenue, Tunkhannock, PA 18657. Article: Planetarium, Mercury. Date of denial without prejudice to resubmission: April 9, 1971.

Docket No. 70-00761-01-77040. Applicant: University of California, Lawrence Radiation Laboratory, Analytical Chemistry, 7000 East Avenue, Livermore, CA 94550. Article: Mass spectrometer, Model CH-5. Date of denial without prejudice to resubmission: April 9, 1971.

Docket No. 70-00808-75-42900. Applicant: Stanford University, 820 Quarry Road, Palo Alto, CA 94304. Article: Split coil magnet. Date of denial without prejudice to resubmission: April 14, 1971.

Docket No. 70-00812-16-61800. Applicant: University of Wisconsin—Marathon County Campus, 518 South Seventh Avenue, Wausau, WI 54401. Article: Planetarium, Model Venus. Date of denial without prejudice to resubmission: April 9, 1971.

Docket No. 70-00816-01-77040. Applicant: Rutgers, The State University, School of Chemistry, Wright Laboratory, New Brunswick, N.J. 08903. Article: Mass spectrometer, Model RMU-7. Date of denial without prejudice to resubmission: April 9, 1971.

Docket No. 70-00824-65-90000. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, Post Office Box 999, Richland, WA 99352. Article: Rotating anode X-ray generator, Model RV-3V. Date of denial without prejudice to resubmission: April 9, 1971.

Docket No. 71-00024-82-01200. Applicant: U.S. Department of Labor, 5111 West 164th Street, Cleveland, OH 44142. Article: Miniature sound level meter and portable acoustic calibrator. Date of denial without prejudice to resubmission: April 21, 1971.

Docket No. 71-00081-80-30500. Applicant: Southwest Research Institute, 8500 Culebra Road, San Antonio, TX 78228. Article: Electromagnetic induction test unit. Date of denial without prejudice to resubmission: April 9, 1971.

Docket No. 71-00114-33-46500. Applicant: Rutger's University, Rutger's Medical School, New Brunswick, N.J. 08903. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: April 26, 1971.

Docket No. 71-00179-33-90500. Applicant: Veterans' Administration Hospital, Chief Supply Division, Building 222, Fort Snelling, St. Paul, Minn. 55111. Article: Vacuum press tool, Model 8. Date of denial without prejudice to resubmission: April 26, 1971.

Docket No. 71-00181-33-46096. Applicant: Children's Hospital of Philadelphia, 1740 Bainbridge Street, Philadelphia, PA 19146. Article: One microscope set, three pieces. Date of denial without prejudice to resubmission: April 21, 1971.

Docket No. 71-00204-88-43000. Applicant: Montana State University, Bozeman, Mont. 59715. Article: Astatic magnetometer NY-2 with optical lamp scale, sample stage and coil calibration set. Date of denial without prejudice to resubmission: April 21, 1971.

Docket No. 71-00215-16-61800. Applicant: Bays Mountain Nature Center, City Hall Building, 225 West Center Street, Kingsport, TN 37660. Article: Planetarium, Model Venus. Date of denial without prejudice to resubmission: April 26, 1971.

Docket No. 71-00262-00-61060. Applicant: South Dakota State University, Brookings, S. Dak. 57006. Article: Slip rings with brushes. Date of denial without prejudice to resubmission: April 21, 1971.

Docket No. 71-00263-33-46500. Applicant: University of Pennsylvania, Center for Oral Health Research, 4001 Spruce Street, Philadelphia, PA 19104. Article: Ultramicrotome, Om U2. Date of denial without prejudice to resubmission: April 21, 1971.

Docket No. 71-00272-33-46500. Applicant: Georgetown University Medical School, Department of Obstetrics-Gynecology, 3800 Reservoir Road NW., Washington, DC 20007. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: April 21, 1971.

Docket No. 71-00289-38-25100. Applicant: Princeton University, Post Office Box 33, Princeton, NJ 08540. Article: Display system (educational equipment). Date of denial without prejudice to resubmission: April 26, 1971.

Docket No. 71-00301-65-46040. Applicant: University of Connecticut, Institute of Materials Science, Storrs, Conn. 06268. Article: Electron microscope, HU-200F-. Date of denial without prejudice to resubmission: April 26, 1971.

Docket No. 71-00305-65-25100. Applicant: University of Missouri at Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Boron carbide mortar and pestle. Date of denial without prejudice to resubmission: April 26, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-786 Filed 1-18-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Notice to Manufacturers, Packers, and Distributors

The rapid growth in development of in vitro diagnostic products combined with the increasing use and reliance on the results by physicians, hospital personnel, and clinical laboratories, indicates that, except for the in vitro diagnostic products controlled through the licensing procedure pursuant to section 351 of the Public Health Service Act, these products need closer scrutiny because of the possibility that inaccurate and unreliable results may be obtained.

In vitro diagnostic products are those reagents, instruments, and kits which perform no anatomical, physiological, or therapeutic function, which are not injected into humans, and which are used solely to provide information on specimens taken from the human body.

Since these products are used for the diagnosis of disease in man, they clearly fall under the jurisdiction of the Federal Food, Drug, and Cosmetic Act and in addition, for those products subject to the biological control provisions of the PHS Act, under the jurisdiction of section 351 of such act. Appropriate guidelines are necessary to insure that such products deliver a consistently high level of quality and performance. The Federal Food, Drug, and Cosmetic Act provides clear authority to exercise appropriate regulatory controls over these products as devices and/or drugs. With respect to diagnostic products subject to licensing under the PHS Act this regulatory control will continue to be exercised by the Division of Biologics Standards, NIH, PHS. (In vivo diagnostic products are presently controlled under the Federal Food, Drug, and Cosmetic Act as drugs.)

The Food and Drug Administration believes that in order to assure users that results obtained through the use of these products are accurate and consistent and that their labeling claims conform to the purpose for which they are intended, it is necessary that scientific evidence be documented to clearly demonstrate the usefulness and reliability of these products to the health community. Tests, standards, and other controls must be developed to assure a high level of product quality, safety, and effectiveness.

The Food and Drug Administration will in the near future propose regulations governing in vitro diagnostic products. In the interim manufacturers, except those holding a license for biological diagnostic products, packers, and distributors of other in vitro diagnostic products should (1) seek or assemble evidence to demonstrate that such products are accurate and reliable, and thus safe and effective, and conform to appropriate good manufacturing practices in the manufacture, processing, packing, or holding of such products, (2) carefully test and evaluate such products prior to marketing in order to assure the dependability and consistency of results when used in accordance with their directions for use, and verify results against a generally accepted analytical test used for the same purpose, (3) perform adequate premarket testing to determine whether any predisposing test conditions or patient abnormalities will affect the test so as to give inaccurate or undependable results, and (4) assure that the labeling for in vitro diagnostic products contains adequate directions for use so that such tests can be properly conducted by the user and, when followed, produce accurate, precise, and reliable data.

Labeling directions should include complete information on the accuracy, reproducibility, and sensitivity performance of such results as well as a complete description of external conditions and patient abnormalities which may affect the accuracy of such results. The degree of false positive and false negative results and, where such exist, specific directions for verifying test results should be clearly indicated. For products which consists of or include mechanical, electronic or other instrumentation to obtain results, the labeling should provide clear instruction for calibration and routine maintenance of such products. For reagents and chemicals used for such diagnostic purposes, the labeling should contain information on proper shipping, storage, and shelf life under conditions of normal use. For products which yield qualitative information only, the labeling should explain that test results are limited to indicative rather than definitive or quantitative information.

The failure to conduct premarketing tests that are adequate and appropriate to demonstrate that such a diagnostic product is safe and effective under its labeling may cause the product to be misbranded under section 502(j) of the Federal Food, Drug, and Cosmetic Act, and would in any event cause it to be misbranded under sections 201(n) and 502 (a) of the act unless the label bears a conspicuous front panel statement that the product has not been adequate tested for safety and may be unsafe and/or ineffective, and would cause any such product which is a drug to be in violation of section 505 of the Act.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502(a), 502(j), 701(a), 52 Stat. 1041, 1050, 1051, 1055; 21 U.S.C. 321(n), 352(a), 352(j), 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 17, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-844 Filed 1-18-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 72-6]

NORFOLK HARBOR, VA.

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters as contained in the FEDERAL REGISTER of September 30, 1971 (36 F.R. 19160), I hereby affirm for publication in the FEDERAL REGISTER the order of H. E. Steel, Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads Area, Va., who has exercised authority as Captain of the Port, such order reading as follows:

NORFOLK HARBOR, VA.

SECURITY ZONE

Under the present authority of section 1, of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 0900R January 21, 1972, until 1100R January 21, 1972, the following

V 37 I 12 JAN 19 72 XUM

area is a Security Zone and I order it be closed to any person or vessel due to transit of the U.S.S. *America*.

The waters of the Elizabeth River, Norfolk Harbor, Va., within the area between Elizabeth River Channel Lighted Buoy 14 LL 2952 at latitude 36°55'06" N. and the Norfolk and Portsmouth Beltline Railroad Bridge which crosses the Southern Branch of the Elizabeth River at latitude 36°48'41" N.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port, 393-9611, Ext. 220.

The Captain of the Port, Hampton Roads Area, shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal Agency or of any other State or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of 15 June 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

If the owner, agent, master, officer, or person in charge or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for the violations of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: January 14, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-781 Filed 1-18-72;8:48 am]

[CGFR 72-2]

UNION PACIFIC RAILROAD CO. BRIDGE, COLUMBIA RIVER

Notice of Public Hearings Concerning Proposed Bridge Alteration; Correction

In F.R. Doc. 71-18986 published at page 25174 in the issue of Wednesday, December 29, 1971, the public hearing dates now reading "February 2 and 3, 1971" should read "February 2 and 3, 1972" wherever appearing in the first paragraph.

Dated: January 11, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-755 Filed 1-18-72;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Notice of Availability of Applicant's Supplemental Environmental Reports

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that three reports entitled "Applicant's Environmental Report Supplements—Operating License Stage—Pilgrim Nuclear Power Station" submitted by the Boston Edison Co. are being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Plymouth Public Library, North Street, Plymouth, Mass. 02360. The reports are also being made available to the public at the Office of Planning and Programing Coordination, 209 Leverett Saltonstall Building, 100 Cambridge Street, Boston, MA 02202 and at the Southeastern Massachusetts Regional Planning and Economic Development District, 68 Winthrop Street, Taunton, MA 02780.

These reports discuss environmental considerations related to the proposed operation of the Pilgram Nuclear Power Station located on the western shore of Cape Cod Bay in the town of Plymouth, Mass. Notice of Availability of the Applicant's Environmental Report dated September 14, 1970, was published in the FEDERAL REGISTER on October 16, 1970 (35 F.R. 16289). Copies of the environmental report are also available at the above locations.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 12th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-723 Filed 1-18-72;8:45 am]

[Dockets Nos. 50-324, 50-325]

CAROLINA POWER AND LIGHT CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Environmental Report—Brunswick Steam Electric Plant Units 1 and 2" submitted by the Carolina Power and Light Co., is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Southport-Brunswick County Library, 109 West Moore Street, Southport, NC 28461. The report is also being made available to the public at the Office of the Planning Coordinator, Clearinghouse and Information Center, Post Office Box 1351, Raleigh, NC 27602, and the Cape Fear Council of Local Governments, Room 509, CP&L Building, Wilmington, NC 28401.

This report discusses environmental considerations related to the construction of the Brunswick Steam Electric Plant Units 1 and 2 located in the town of Southport, Brunswick County, N.C. After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 7th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-724 Filed 1-18-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 24122, etc.; Order 72-1-42]

AUTOMOTIVE CARGO INVESTIGATION ET AL.

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of January 1972.

Automotive Cargo Investigation, Docket 24122; in the matter of Universal Airlines, Inc., exemption authority; Docket 23128; application of Ortner Air Service, Inc., for a disclaimer of jurisdiction or, in the alternative, an exemption, Docket 22939.

On February 22, 1971, The Flying Tiger Line Inc. (Flying Tiger), filed a motion (Docket 23128) for an order to show cause why Universal Airlines, Inc.'s (Universal), automotive exemption authority[1] should not be amended or revoked, and why Universal should not be required to terminate its present arrangements for the movement of automotive exemption freight by operators which lack Board authorization to engage in air transportation.

In support of its motion, Flying Tiger states, inter alia, that Universal is simultaneously conducting supplemental air transportation and individually waybilled services pursuant to the automotive exemption, and that these operations are performed, in part, for the same customers with the same equipment, personnel, and facilities; that Public Law 87-528 prohibits the performance of individually waybilled services by supplemental air carriers, except pursuant to section 417 of the Act; that the Board erred in continuing Universal's exemption after this law became effective; that most of Universal's on-demand exemption traffic is handled by a subservice arrangement with other operators, leaving Universal free to concentrate on individually waybilled operations; that Universal is acting as a forwarder or indirect air carrier by arranging for the movement of exemption freight by itinerant carriers;[2] and that there are a number of agreements with a variety of itinerant operators providing for the subservice carriage of automotive freight, none of which have been filed with the Board.[3]

On March 22, 1971, Universal Airlines, Inc., filed an answer in opposition to Flying Tiger's motion which disagrees with Flying Tiger's legal conclusions and alleges that neither Flying Tiger nor any other certificated route carrier could meet the needs of the automotive manufacturers.[4]

On December 24, 1970, Ortner Air Service, Inc., and air taxi operator and Part 121 commercial operator, filed an application in Docket 22939 requesting the Board to disclaim jurisdiction over certain large aircraft operations on the ground that these operations were not common carriage. In the alternative, Ortner requests an exemption to the extent necessary to permit it to operate large aircraft in the same manner as it presently operates. Except for a limited number of charters, Ortner's large aircraft operations involve the carriage of automotive industry cargo obtained directly from the three principal automotive manufacturers or carried on behalf of Universal Airlines which obtained the cargo from the automobile manufacturers pursuant to long-term contracts.

In support of its application, Ortner alleges, inter alia, that none of the traffic it carries is in common carriage; and that if the traffic it carries for Universal is in common carriage, this activity is limited in scope and unusual circumstances are present.

On January 11, 1971, American Airlines, Saturn Airways, Trans International Airlines, and The Flying Tiger Line filed answers in opposition to Ortner's application. The answers allege that since Universal's operations are in common carriage, Ortner's are also; that Ortner is a common carrier by reason of its numerous customers; and that an exemption is not warranted in this case.[5]

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Flying Tiger's motion for an order to show cause (Docket 23128),[6] and to institute an investigation of the carriage of automotive cargo by air. We will consolidate therein Ortner's application in Docket 22939. This investigation, designated the Automotive Cargo Investigation, is instituted pursuant to sections 204(a), 416(b), 412, 408, and 401(d)(3) of the Federal Aviation Act of 1958, as amended, and will include the following issues: (1) Should Universal's automotives exemption authority[7] be amended or revoked;[8] (2) is Universal Aircraft Services, Inc. (Services) acting as an indirect air carrier with regard to automotive cargo, and if so, should it receive Board authorization for this operation; (3) do the relationships between Universal, Services, and the Part 121 commercial operators (Ortner et al.) that perform services for Universal and the auto companies fall within the Board's jurisdiction and, if so, what action, if any, should be taken by the Board with regard to these relationship; (4) does Universal have any agreements with Part 121 commercial operators which are subject to section 412 of the Act and which have not been filed with the Board pursuant to that section; (5) are the operations of Ortner and other similarly situated carriers subject to the Board's jurisdiction and, if so, should such operations be authorized.

It has been almost 10 years since the Board originally granted Universal its automotive exemption. It appears from the pleadings in Dockets 23128 and 22939, that Universal's automotive operations may have changed significantly. Universal itself has changed from a small cargo carrier to a large passenger/cargo carrier. In light of these facts, a second look at Universal's automotive exemption operations seems warranted. The facts, as they appear from the pleadings, are sufficiently clouded to require a public hearing before the Board decides what action, if any, to take in light of the Flying Tiger Motion and the Ortner application.

Accordingly, it is ordered, That:

1. An investigation designated the Automotive Cargo Investigation, be and it hereby is instituted in Docket 24122, pursuant to sections 204(a), 416(b), 412, 408, and 401(d)(3) of the Federal Aviation Act of 1958, as amended, to consider the following issues: (1) Should Universal's automotive exemption authority be amended or revoked; (2) is Universal Aircraft Services, Inc. (Services), acting as an indirect air carrier with regard to automotive cargo and, if so, should it receive Board authorization for this operation; (3) do the relationships between Universal, Services, and the Part 121 commercial operators (Ortner et al.) that perform services for Universal and the auto companies fall within the Board's jurisdiction and, if so, what action, if any, should be taken by the Board with regard to these relationships; (4) does Universal have any agreements with Part 121 commercial operators which are subject to section 412 of the Act and which have not been filed with the Board pursuant to that section; and (5) are the operations of Ortner and other similarly situated carriers subject to the Board's jurisdiction and, if so, should such operations be authorized.

[1] Universal's exemption authority authorizes the carriage of various cargo for Ford, General Motors, and Chrysler, between the main plants in Detroit and various other plants in certain named cities, pursuant to contracts with the auto manufacturers, subject to certain conditions. See 36 C.A.B. 139 (1962), Order E-26021, dated Nov. 22, 1967.

[2] Flying Tiger cites five such operators, Ortner Air Service, Shamrock Airlines, Oryderman Air Service, TRD Flying Service, and Span East.

[3] Answers in support of Flying Tiger's motion have been filed by Trans World Airlines, Inc., American Airlines, Inc., and United Air Lines, Inc.

[4] On Apr. 2, Flying Tiger filed a reply, accompanied by a motion for leave to file an unauthorized document. In the reply, Flying Tiger states that although it cannot provide all the services which the automotive manufacturers require, it can provide all the services that Universal is now providing since these are basically scheduled services. We shall grant Flying Tiger's motion to file this reply.

[5] In addition, Flying Tiger argues that Ortner's operations are just one phase of Universal's illegal automotive cargo operations. Ortner filed a copy to these answers stating that Universal's activities have never been held to be in common carriage; and that none of the answering carriers are in a position to satisfy the unique requirements of the service which Ortner provides. Universal has filed a motion for leave to file an unauthorized document and a reply to Flying Tiger's answer. Universal's motion states that it would be unfair to let Flying Tiger's charges go unrebutted. Flying Tiger states that Universal has not shown good cause for leave to file an unauthorized document and that Universal's reply is unresponsive. Universal filed an answer to Flying Tiger's motion to strike. Flying Tiger's motion to strike will be denied.

[6] Flying Tiger's motion raises issues of law and fact which we believe can best be decided after a more comprehensive investigation than that contemplated in Flying Tiger's motion.

[7] See 36 C.A.B. 139 (1962); 37 C.A.B. 12 (1962); Order E-23350, dated Mar. 11, 1966; Order E-26021, dated Nov. 22, 1967.

[8] This issue includes, inter alia, the following subsidiary issues: (a) are the services performed by Universal directly or indirectly for the automotive companies common carriage and, if so, are they charter services or individually waybilled services; and (b) if the services performed for the automotive companies are individually waybilled services, does the Board have the authority to permit Universal to perform them.

V37 I12 JAN 19 72 XUM

2. The application of Ortner Air Service, Inc., in Docket 22939, be and it hereby is consolidated with the above investigation;

3. The motion of The Flying Tiger Line Inc., for an order to show cause filed in Docket 23128 be and it hereby is denied;

4. The motion of Flying Tiger for leave to file an otherwise unauthorized document in Docket 23128 be and it hereby is granted;

5. The motion of Universal for leave to file an otherwise unauthorized document in Docket 22939 be and it hereby is granted;

6. The motion of Flying Tiger to strike in Docket 22939 be and it hereby is denied;

7. Universal Airlines, Inc., Universal Aircraft Services, Inc., The Flying Tiger Line Inc., Ortner Air Service, Inc., Shamrock Airlines, Cryderman Air Service, TRD Flying Service, and Span East are hereby made parties to this proceeding;

8. Motions to consolidate, applications, and motions or petitions seeking modification or reconsideration of this order shall be filed no later than 20 days after the service of this order and answers to such pleadings shall be filed no later than 10 days thereafter;

9. The proceeding herein will be assigned for hearing before an Examiner of the Board at a time and place to be hereafter designated; and

10. A copy of this order shall be served upon the parties named in paragraph (7) above, as well as Trans World Airlines, Inc., American Airlines, Inc., United Air Lines, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., Ford Motor Company, General Motors Corp., and Chrysler Corporation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-810 Filed 1-18-72;8:50 am]

[Docket No. 24112; Order 72-1-46]

BRANIFF AIRWAYS, INC.

Order of Investigation and Suspension Regarding U.S. Mainland-Hawaii First Class Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of January 1972.

By tariff revisions[1] marked to become effective January 15 and 23, 1972 Braniff Airways, Inc. (Braniff), proposes to establish first-class round-trip excursion fares between 18 southern and southwestern U.S. cities[2] and Honolulu. The fares reflect a 25-percent discount from regular first-class fares, and range from $36 to $58 above peak round-trip coach fares and $40 to $85 above off-peak fares. The proposed fares have a 6-day minimum-stay and 21-day maximum-stay limitation, and reservations must be made at least 7 days prior to the date of departure. The fares apply at all times and are marked to expire December 15, 1972. Continental Air Lines, Inc. (Continental), has filed to match Braniff in competitive markets,[3] and Delta Air Lines, Inc. (Delta), and National Airlines, Inc. (National), jointly with Continental, Pan American World Airways, Inc. (Pan Am), and Western Air Lines, Inc. (Western), have filed fares matching Braniff in seven markets.

In support of its proposal, Braniff asserts that its first-class load factors in the Hawaiian market are poor (approximately 13 percent) with first-class traffic accounting for about 8 percent of total traffic. It feels its proposed first-class excursion fares may provide a needed stimulus to first-class travel, and while it has made no estimate of the generative effect of the proposal, it believes this type of fare will prove to be beneficial in the longer haul Hawaii markets.

National has complained against the proposed fares requesting investigation and suspension. National alleges that Braniff has failed to provide economic data upon which to judge the reasonableness of the fares and as such does not meet the Board's requirements for economic justification. It further asserts that offering first-class service at fares slightly above coach fares will result in first-class yield dilution which can only threaten the carriers' ability to cover costs. National also questions the soundness, over the long term, of encouraging discounting of first-class service since such a practice will be difficult to discontinue and may become the normal first-class fare level.

Braniff answered the complaint alleging that one of the major purposes of the proposed first-class excursion fare is to encourage those passengers who are only moderately price conscious to upgrade from coach to first class. Braniff also alleges that while National elects to compare the proposed first-class excursion fares with regular coach fares, a far more valid comparison is between the proposed first-class excursion fares and existing coach excursion fares. It asserts that its proposed fares are 24 percent to 29 percent above coach excursion fares from Florida points and 10 percent to 19 percent above those from New Orleans and that such differentials are generally in line with existing first-class—coach fare differentials.

Upon consideration of the tariff filings the complaint and answer thereto, and all relevant matters, the Board has determined that the proposed first-class excursion fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed fares should be suspended pending investigation.

It has been the Board's policy to permit the carriers considerable discretion in experimenting with promotional fares, where such fares do not appear unreasonable or otherwise unlawful. In our view, however, there is considerable question whether the fares proposed herein, which are only 7 to 16 percent higher than the corresponding normal peak coach fares, are reasonably related to the costs of providing the service. We believe it likely that much of the first-class traffic to Hawaii meets the restrictions applicable to the proposed first-class excursion fares, and the fares may in effect become the basic first-class fares. Moreover, we are not persuaded that the revenue loss resulting from the use of the proposed excursion fares by first-class passengers who otherwise would have paid the higher normal fares will be offset by coach passengers upgrading to the higher-fared service.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A[4] and rues, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A, are suspended and their use deferred to and including April 13, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. Except to the extent granted herein, the complaint in Docket 24054 is dismissed; and

5. Copies of this order be filed with the aforesaid tariff and be served upon Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., National Airlines, Inc., Pan American World Airways, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-808 Filed 1-18-72;8:50 am]

---

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 136 and 142.

[2] Amarillo, Atlanta, Austin, Brownsville, Corpus Christi, Dallas, Fort Smith, Houston, Little Rock, Lubbock, Memphis, Miami, Nashville, New Orleans, Oklahoma City, San Antonio, Tampa, and Tulsa.

[3] Continental's proposed fares in five markets are lower than those proposed by Braniff reflecting Continental's more direct route authority, and are consistent with Continental's regular fares.

[4] Dissenting statement and Appendix A filed as part of the original document.

[Dockets Nos. 12474, 11164; Order 72-1-41]

KODIAK AIRWAYS, INC., AND WESTERN ALASKA AIRLINES, INC.

Order To Show Cause Regarding Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of January 1972.

By this order, the Board proposes to amend Order 71-4-81, dated April 13, 1971, to increase the terminal charges reflected in the future period service mail rate proposed for Western Alaska. Order 71-4-81 directed all interested persons and particularly Kodiak Airways, Inc., Western Alaska Airlines, Inc., and the Postmaster General to show cause why the Board should not adopt the final service mail rates proposed therein for the transportation of mail over the intra-Alaska routes of the two carriers for past and future periods. On April 26, 1971, Western Alaska filed an objection to the show cause order; however, Kodiak did not object to the proposed rates. By a joint motion filed August 13, 1971, the PMG, Kodiak, and Western Alaska requested the Board to grant them leave to amend their joint petition of May 22, 1970, on which the rates proposed in Order 71-4-81 were based, to reflect additional storage and handling costs incurred by Western Alaska at the Dillingham and King Salmon terminals as a result of new requirements imposed on the carrier by the PMG. The parties also requested the Board to issue a new show cause order to reflect the inclusion of the additional costs in the future period rate proposed for Western Alaska. Under this proposal, the terminal charge for Western Alaska would be increased to 10 cents per pound from 7.5 cents per pound for the first 200,000 originating mail pounds per year, and to 7.5 cents per pound from 5 cents per pound for the second 200,000 originating mail pounds per year, and would remain 2.5 cents per pound for originating pounds in excess of 400,000 during the year. In all other respects, the rates proposed in Order 71-4-81 for Kodiak and Western Alaska would remain the same. As shown in revised Appendix A, the foregoing increases in terminal charges would increase Western Alaska's estimated yield to $5.73 per ton-mile from the $5.11 per ton-mile yield reflected in Appendix A[1] to Order 71-4-81. The increased terminal charges would compensate the carrier for approximately $10,000 of additional storage and handling costs, which is the amount of such costs agreed to by the PMG and Western Alaska (see Appendix B)[1] for new services performed for the benefit of the PMG at Dillingham and King Salmon.

Based on our review of the new information supplied with the joint motion of August 13, 1971, together with all other relevant data, and reflecting the same considerations regarding the Board's responsibility in establishing fair and reasonable service mail rates where the rates have been negotiated at arm's length by the PMG and the carriers, as those shown in Order 71-4-81, the proposed increases in terminal charges do not appear unreasonable. Accordingly, we propose to amend Order 71-4-81 to reflect the increased terminal charges in Western Alaska's future rate.

PROPOSED FINDINGS AND CONCLUSIONS

On the basis of the foregoing, the Board tentatively finds and concludes that Order 71-4-81, shall be amended in the following manner:

1. Delete the language in paragraph 2(a) on page 4 thereof and substitute therefor the following language:

(a) Terminal charges for Kodiak Airways, Inc., of 7.5 cents per pound for the first 200,000 originating mail pounds per year, of 5 cents per pound for the second 200,000 originating mail pounds per year, and of 2.5 cents per pound for any mail pounds in excess of 400,000 pounds originating during the year; and terminal charges for Western Alaska Airlines, Inc., of 10 cents per pound for the first 200,000 originating mail pounds per year, of 7.5 cents per pound for the second 200,000 originating mail pounds per year, and of 2.5 cents per pound for any mail pounds in excess of 400,000 pounds originating during the year.

2. In the payment formula table, on page 5 of the order, under the heading of unit rates for Western Alaska, change 7.5 cents to 10 cents and 5 cents to 7.5 cents.

3. Substitute revised Appendix A attached to this order for Appendix A attached to Order 71-4-81.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the Board's Procedural Regulations, 14 CFR Part 302,

It is ordered, That:

1. All interested persons, and particularly Kodiak Airways, Inc., Western Alaska Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and amend the final rates specified in Order 71-4-81, as provided herein.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the amendments or to the findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and in Order 71-4-81 and fix and determine the final rates specified in Order 71-4-81, as amended herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon Kodiak Airways, Inc., Western Alaska Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-811 Filed 1-18-72;8:51 am]

[Docket No. 24090; Order 72-1-38]

WTC AIR FREIGHT

Order of Investigation and Suspension Regarding Specific Commodity Rate Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of January 1972.

By Order 71-12-141 the Board suspended and set for investigation in Docket 24090 increases in freight rates proposed by WTC Air Freight (WTC), an air freight forwarder. This order of investigation and suspension did not include certain pages that had been rejected for technical reasons and that had been refiled for effectiveness on January 14 and 21, 1972. The Board finds that, for the same reasons set forth in Order 71-12-141, WTC's refiled proposed increases should be suspended and set for investigation.

Upon consideration of the foregoing, and all relevant factors, the Board finds that the increased rates proposed by WTC may be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and the Board will institute an investigation of the rates and suspend them for a period of 90 days. The investigation of these tariff proposals will be included as a part of the investigation in Docket 24090 initiated by Order 71-12-141.

Accordingly, it is ordered, That:

1. An investigation be instituted to determine whether the rates, charges, and provisions described in Appendix A,[1] and rules, regulations, and practices affecting such rates, charges, and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe the lawful rates, charges and provisions, and rules, regulations, or practices affecting such rates, charges and provisions;

2. Pending hearing and decision by the Board, the rates, charges and provisions described in Appendix A are suspended and their use deferred to and

[1] Filed as part of the original document.

[1] Filed as part of the original document.

V 37-12 JAN 19 72 XUM

including April 12, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation instituted herein be consolidated into the proceeding initiated in Docket 24090 by Order 71-12-141; and

4. Copies of this order shall be filed with the tariffs and served upon WTC Air Freight.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-809 Filed 1-18-72;8:50 am]

[Docket No. 23466; Order 72-1-26]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority January 11, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 and Joint Conferences 2-3 and 1-2-3 of the International Air Transport Associaiton (IATA). The agreement, which has been assigned the above-designated C.A.B. agreement number, was adopted for early effectiveness at December 1971 meeting held in Geneva.

The subject agreement incorporates several resolutions not directly applicable in air transportation by including specified fares between selected points in Europe/Africa and the Middle East, and between those areas and the Far East, and by amending creative fares within Europe/Africa and the Middle East which are not combinable with fares in air transportation. Other resolutions relate to administrative, procedural, or technical provisions which do not affect basic fare levels.

Pursuant to authority duly delegated by the Board in the Board's economic regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the following resolutions are adverse to the public interest or in violation of the Act:

Agreement CAB 22663	IATA No.	Title	Application
R-139	001bb	JT23 Special Effectiveness Resolution (New)	2/3
R-140	007b	JT23 and JT123 Deferred Vote (New)	2/3; 1/2/3

2. It is not found that the following resolutions, which do not directly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB 22663	IATA No.	Title	Application
R-133	062I	TC2 First Class Fares (Amending)	2
R-134	062II	TC2 First Class Fares (Amending)	2
R-135	062I	TC2 Economy Class Fares (Amending)	2
R-136	062II	TC2 Economy Class Fares (Amending)	2
R-141	055	Joint Conference 2/3 First Class Fares (Amending)	2/3
R-142	065	Joint Conference 2/3 Economy Class Fares (Amending)	2/3
R-187	001g	Europe-Middle East and Within Middle East Escape (New)	2

3. It is not found that the following resolutions affect air transportation within the meaning of the Act:

Agreement CAB 22663	IATA No.	Title	Application
R-137	072b	TC2 Creative Fares—Except Europe (Amending)	2
R-138	072g	TC2 Creative Fares Board—Europe (Amending)	2
R-143	071a	JT23 120 Day Creative Fares From Bahrein, Basra, Dhahran, Doha, Dubai, Kuwait, and Muscat to India, Pakistan, and Ceylon (Amending).	2/3
R-185	071t	JT23 90 Day Excursion Fares—South East Asia to Europe (New)	2/3
R-186	071u	JT23 180 Day Excursion Fares—Australia/New Zealand-Europe/Middle East.	2/3; 1/2/3
R-188	001LL	TC2 Special Escape Resolution (New)	2

Accordingly, it is ordered, That:

1. Action on that portion of the agreement as set forth in finding paragraph 1 be and hereby is deferred with a view toward eventual approval;

2. That portion of the agreement as set forth in finding paragraph 2 be and hereby is approved; and

3. Jurisdiction is disclaimed with respect to those portions of the agreement described in finding paragraph 3.

Persons entitled to petition the Board for review of this order, pursuant to the Board's economic regulations, 14 CFR 385.50, may, within ten days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-714 Filed 1-18-72;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Proposed Addition to Initial List

Notice is hereby given pursuant to section 2(a)(2) of the Act to Create a Committee on Purchases of Blind-Made Products, as amended, 85 Stat. 79, of the proposed addition of the following commodities and services to the Initial Procurement List published on pages 16982 through 16997 of the FEDERAL REGISTER of August 26, 1971.

Class 1670:	
Message dropper, plastic	1670-797-4495
Class 2640:	
Kit, repair, inner tube	2640-204-3881
Class 3510:	
Net, laundry	3510-204-2356
Class 3740:	
Mousetrap, spring	3740-252-3384
Class 4510:	
Kit, repair, faucet (metal)	4510-329-8520
Dispenser, paper towel	4510-013-8098
Do	4510-224-8549
Do	4510-585-6305
Do	4510-893-6906
Class 5120:	
Carpenters wood mallet (tinner)	5120-222-2211
Carpenters wood mallet (carpenter)	5120-293-3396
Hawk, plasterers	5120-243-2978
Handles, axe	
Handles, shovel	
Class 5130:	
Pad, lambswool, with drawstring	5130-429-7852
Wheel, buffing, 6-inch muslin buffer	5130-640-6232
Class 5140:	
Roll, tool, repairman's (nine pocket tool wrap)	5140-408-0656
Pouch, lineman's tool	5140-498-8898
Class 5440:	
Shoes, ladder, swivel	5440-693-8992
Shoes, ladder, brass base and side plates	5440-814-6048
Shoes, ladder, steel base and side plates	5440-814-6049
Class 6230:	
Light, desk, gooseneck, incandescent	6230-643-2076
Light, desk, fluorescent, pedestal base	6230-643-2077
Light, extension, trouble light, guard, cord	6230-162-1227
Light, extension, trouble, guard, cord	6230-164-7061
Class 6840:	
Deodorant	6840-753-4556
Class 7105:	
Stool, step, chrome finish frame	7105-680-0996
Stool, step, bronze color frame	7105-964-6823
Class 7240:	
Frame, cloth basket, folding steel frame for supporting laundry bags	7240-053-9711
Do	7240-984-5731
Bag, soiled linen	7240-286-5345
Bags, for waste trucks	7240-318-5374
Basket, frame mounted	7240-730-3400
Class 7290:	
Dust Pans	7290-132-7775
Do	7290-224-8308
Do	7290-684-1996
Class 7520:	
Box, index, card	7250-234-6356
Do	7520-285-3143
Do	7520-285-3147
Shelf, filing, masonite	7520-634-5922
Class 7920:	
Floor squeegees	7920-254-8295
Do	7920-530-5740
Do	7920-965-4873
Class 8020:	
Mitt, paint	8020-721-9363
Class 8105:	
Bag, waste receptacle	8105-050-7266
Bag, lunch	8105-664-3715
Bag, trash	8105-782-4001
Do	8105-782-4002
Class 8135:	
Tags, shipping (all sizes)	
Class 8340:	
Pin, tent (9" Aluminum tent pin)	8340-261-9749

SERVICES

Office Machine Repair.
Coin Packaging Service.
Janitorial/Custodial Services.
Food Services.
Mailing Services, Washington, D.C.
Microfilm Cartridge Stripping.
Repackaging and Marking Warehouse Stock Items, Stockton, California.
Test Leads.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed addition may be filed with the Committee. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 1511 K Street NW., Washington, DC 20005.

By the Committee.

L. F. DONAHUE, *Acting Executive Director.*

[FR Doc.72-754 Filed 1-18-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1219) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing the establishment of a tolerance (21 CFR Part 180) for combined residues of the insecticide carbofuran and its metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7- benzofuranyl N-methylcarbamate in or on the raw agricultural commodity peppers at 1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic technique using a nitrogen-specific detection system.

Dated: January 13, 1972.

WILLIAM M. UPHOLT, *Deputy Assistant Administrator for Pesticides Programs.*

[FR Doc.72-741 Filed 1-18-72;8:47 am]

MERCK, SHARP & DOHME

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued.

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), Merck, Sharp & Dohme, a division of Merck & Co., Inc., Rahway, N.J. 07065, has withdrawn its petition (PP 1F1110), notice of which was published in the FEDERAL REGISTER of April 28, 1971 (36 F.R. 7993), proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the fungicide phenylmercuric ammonium acetate (calculated as mercury) in or on the raw agricultural commodities barley, cottonseed, flaxseed, oats, rice, sorghum, and wheat at 0.05 part per million.

Dated: January 13, 1972.

WILLIAM M. UPHOLT, *Deputy Assistant Administrator for Pesticides Programs.*

[FR Doc.72-742 Filed 1-18-72;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. CP71-299]

GREAT LAKES TRANSMISSION CO.

Notice of Supplement to Application

JANUARY 17, 1972.

Take notice that on January 14, 1972, Great Lakes Transmission Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP71-299 a supplement to its pending application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act which sets forth the rate and supporting data for the transportation of certain volumes of natural gas by applicant for Northern Natural Gas Co., all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

In the instant proceeding applicant proposes, inter alia, to transport for Northern natural gas between Emerson, Manitoba, and Carlton, Minn. By letter agreement of December 3, 1971, applicant and Northern have agreed that at any level of contract quantity less than 200,000 Mcf, for each month the charges shall be the sum of the demand charge of $1.825 per Mcf multiplied by the contract quantity and the volume charge of 3 cents per Mcf multiplied by the volume of gas redelivered by applicant to Northern.

As provided by the Commission's order issued January 14, 1972, in Docket No. CP70-69, et al., it is reasonable and consistent with the public interest in this case to provide a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said supplement should on or before January 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.72-883 Filed 1-18-72;9:43 am]

[Docket No. RP71-102]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Motion for Approval of Settlement Agreement as Amended and Filing of Revised Tariff Sheets

JANUARY 17, 1972.

Take notice that Great Lakes Transmission Co. (Great Lakes), on January 13, 1972, filed a motion for approval of settlement agreement as amended in which it requests approval of the settlement agreement filed on September 8, 1971, in this proceeding as proposed to be amended in the motion. The proposed amendment consists of the addition of a "Canadian Purchased Gas Adjustment Provision" which would allow Great Lakes to reflect in its rates any increases or decreases in its cost of gas resulting from changes in the cost of the Canadian dollar or escalations or decreases in the cost of gas purchased from its sole supplier, Trans-Canada Pipe Lines Ltd. (Trans-Canada).

Great Lakes tendered for filing concurrently with its motion three sets of revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1 implementing the proposed purchased gas adjustment clause. The first set, to supersede those sheets which became effective November 14, 1971, reflect the proposed purchased gas adjustment clause and the settlement cost of service, adjusted in accordance with the provisions of the proposed settlement agreement to reflect the company's actual cost of debt with a prime

FEDERAL REGISTER, VOL. 37, NO. 12—WEDNESDAY, JANUARY 19, 1972

V 37 I 12 JAN 19 72 XUM

interest rate of 6 percent; the second set of tariff sheets reflect a similar adjustment to the settlement cost of service with a prime interest rate of 5.25 percent, to become effective on January 1, 1972, and the third set incorporates the proposed purchased gas adjustment clause in the CO–3, G–3 Rate Schedules, to be effective on February 14, 1972.

Great Lakes states that it proposes the purchased gas adjustment clause for the reason that after the settlement agreement was filed with the Commission Trans-Canada increased its price for the sale of gas to Great Lakes, effective November 1, 1971, and that this increase in Great Lakes' cost of purchased gas was not included in the settlement cost of service. The company states that the purchased gas adjustment clause will provide a permanent mechanism which is fair to both Great Lakes and its customers in that it insures that Great Lakes will be compensated only for increased costs actually incurred and that the customers will not be undercharged or overcharged for changes in the cost of gas purchased from Trans-Canada. Great Lakes says that it would agree to a condition requiring the addition to the proposed purchased gas adjustment clause of a provision for the flow-through of any refunds which might be received from Trans-Canada.

Great Lakes requests that the Commission waive the notice requirements of § 154.22 of the regulations under the Natural Gas Act and such other requirements of its regulations as may be required to permit the proposed tariff sheets to become effective upon approval by the Commission of the amended settlement agreement.

A copy of the filing was served on all customers of Great Lakes as well as all parties to this proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 26, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72–884 Filed 1–18–72;9:44 am]

[Docket No. E–7697]

MINNESOTA POWER & LIGHT CO.

Notice of Application

JANUARY 12, 1972.

Take notice that on December 29, 1971, Minnesota Power & Light Co. (applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 170,000 shares of its serial preferred stock.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business office at Duluth, Minn., and is engaged in the electric utility business within the State of Minnesota.

The preferred stock will be sold at competitive bidding in accordance with the Commission's regulations, will be pari passu with the issued and outstanding preferred stock and will be entitled to dividends at an annual rate to be determined after competitive bidding shall have taken place.

The proceeds from the sale of the preferred stock will be used to reduce an estimated $24 million in short-term borrowings and will finance, in part, the applicant's construction program which is expected to require the expenditure of $48 million in 1972. This program includes $40 million for production facilities and $8 million for transmission, distribution and general plant purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 20, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–778 Filed 1–18–72;8:48 am]

[Docket No. RP72–95]

SYLVANIA CORP.

Notice of Application for Increase in Wholesale Rates

JANUARY 12, 1972.

Take notice that on December 20, 1971, the Sylvania Corp. in Docket No. RP72–95 filed an application for an increase in its wholesale rates. The nature of the filing is set forth in the company's transmittal letter as follows:

The sale of gas by Sylvania was certificated at Docket No. CP68–173 by Order issued May 29, 1968. By that same order, Wyckoff Development Co. received authority for sale to Sylvania at Docket No. CI68–1097. The producer rate of 30 cents per Mcf (15.025 p.s.i.a.) was accepted, pending the setting of an area rate for New York State. This was the basis, also, for the Sylvania rate to be charged under present Rate Schedule F–2 to which 2 cents per Mcf was added for gathering of purchased and produced gas and delivery to United Natural Gas Co.

By order issued October 2, 1970, at Docket No. R–371, your Commission established the area rate for New York State of 30.75 cents per Mcf (14.73 p.s.i.a.) and 32 cents per Mcf (15.325 p.s.i.a.). These rates are equivalent to 31.365 cents per Mcf at 15.025 p.s.i.a.

By this filing the increase of 1.365 cents per Mcf in the allowable area rate from 30 cents per Mcf is being added to the rate presently being charged under Rate Schedule F–2. The nominal annual revenue effect of $5,931 to Sylvania is shown by the attached Statement A.

Sylvania has been advised by counsel for Wyckoff Development Co. that they should receive the area rate of 31.365 cents per Mcf commencing October 2, 1970.

Therefore, Sylvania requests waiver of your Commission's rules to permit this change to become effective October 2, 1970.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 24, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–779 Filed 1–18–72;8:48 am]

FEDERAL RESERVE SYSTEM

BANKS OF IOWA, INC.

Order Approving Acquisition of Bank

Banks of Iowa, Inc., Cedar Rapids, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Council Bluffs Savings Bank, Council Bluffs, Iowa (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls 3 banks with deposits of approximately $262 million, representing 3.8 percent of the total commercial bank deposits in the State, and is the second largest banking organization and bank holding company in Iowa.[1] Applicant's acquisition of Bank (deposits of $52 million) would increase applicant's share of deposits in the State by 0.8 percentage points.

Bank operates one office and three branches, and serves the Omaha-Council Bluffs banking market. Bank is the fourth largest of 34 banking organizations serving that market with 4.2 percent of deposits. The three larger banking organizations serving this market are located in Omaha, Nebr., on the western side of the Missouri River which bisects the Omaha-Council Bluffs market, and control approximately 65 percent of the total market deposits. No existing competition would be eliminated as this acquisition represents applicant's initial entry into the market, and the development of any meaningful competition between any of applicant's existing subsidiaries and Bank appears remote in light of the distance involved, the closest subsidiary being 136 miles northeast of Bank's main office, and the State's highly restrictive branching laws. Some potential competition would be foreclosed since applicant could be considered a likely entrant into the market through de novo entry or through the acquisition of a smaller bank, and Bank could be a strong addition to a smaller holding company. However, as a subsidiary of the second largest holding company in Iowa, Bank could readily present the needed competitive force against the larger Omaha-based banks that eventually might result in a desirable deconcentration of this market. The immediate benefits of increasing competition within the market outweigh the potential benefits of applicant's entry through alternate means.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. Affiliation with Applicant would increase Bank's lending capabilities through participations with applicant's subsidiaries and special emphasis would be given to expansion of Bank's activities in computer services, trust administration, and investment counseling. Assistance in the area of municipal financing and international banking would also be provided. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application.

Considerations relating to financial and managerial resources and prospects as they relate to applicant, its subsidiaries, and Bank are considered satisfactory and consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] January 12, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–743 Filed 1–18–72;8:47 am]

[1] All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through Dec. 15, 1971.

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Maisel, and Brimmer: Absent and not voting: Chairman Burns and Governor Mitchell. Governor Sheehan did not participate in the Board's action on this matter.

LINCOLN FIRST BANKS, INC.

Order Approving Acquisition of Lincoln First/Baer Corp.

Lincoln First Banks, Inc., Rochester, N.Y., applicant, a bank holding company within the meaning of the Bank Holding Company Act, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire 51 percent of the voting shares of Lincoln First/Baer Corp., New York, N.Y. (Lincoln/Baer), the successor to Baer Credit Corp. (Baer), which is presently 100 percent owned by Baer Holding, A.G., Switzerland. Baer Holding, A.G., will own 49 percent of the voting shares of Lincoln/Baer. Lincoln/Baer has no significance except as a means to restructure the ownership of Baer Credit Corp. Notice of the application affording opportunity for interested persons to submit comments and views was duly published (36 F.R. 22335 and 23273). The time for filing comments and views has expired and all received have been considered.

Making or acquiring loans or other extensions of credit is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(1)). A bank holding company may acquire a company engaged in this activity so long as the proposed acquisition is consistent with the relevant factors specified in section 4(c)(8) of the Act. Lincoln/Baer, which will have assets of $6.8 million, will conduct only the activities presently conducted by Baer, a small commercial finance company whose major activity is nonnotification accounts receivable financing. Baer also engages to a limited extent in inventory and equipment financing and in unsecured short-term international financing. These types of commercial financing are specialized, serving high risk customers who generally cannot obtain sufficient bank financing. Lincoln/Baer will not accept demand deposits and will engage solely in the activities described in § 225.4(a)(1) of Regulation Y. Accordingly, the activities to be conducted by Lincoln/Baer are closely related to banking.

Applicant is the fifteenth largest banking organization in New York State, controlling five banks with aggregate deposits of $1.7 billion. Baer, which operates from a single office in New York City, is a small factor in its market (approximated by the Second Federal Reserve District), competing with over 50 commercial finance companies, as well as the commercial finance subsidiaries or departments of six area banks. Applicant's subsidiary banks, while located in the market area, do not offer commercial finance services of the type offered by Baer, and consummation of the proposal would thus have no adverse effects on competition.

Applicant will make a capital contribution to Lincoln/Baer, thus making likely its development as a stronger competitive force than Baer. Additionally, consummation of the proposal will enable applicant to provide additional services to those of its customers who require this specialized type of financing and will perhaps enable Applicant to further develop its services in the international field. There is no evidence in the record that the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved and Applicant is hereby permitted to engage in the activities now conducted by Baer that are authorized by 12 CFR 225.4(a)(1). This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[1] January 12, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–744 Filed 1–18–72;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE HUNGARIAN PEOPLE'S REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

JANUARY 13, 1972.

On August 13, 1970, the U.S. Government, in furtherance of the objectives of,

VOL 37 NO 12 JAN 19 72 XUM

and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Hungarian People's Republic concerning exports of cotton textiles and cotton textile products from the Hungarian People's Republic to the United States over a 5-year period beginning on August 1, 1970. Among the provisions of the bilateral agreement were those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 5 and 39 for the second agreement year beginning on August 1, 1971. On December 16, 1971, by an exchange of notes between the Government of the United States and the Government of the Hungarian People's Republic, this bilateral cotton textile agreement was amended to cancel the specific limit on Category 5 for the second agreement year beginning on August 1, 1971, and subsequent agreement years, and to establish in lieu thereof a specific limit on Category 9, to be 1,155,000 square yards for said second agreement year.

There is published below a letter of January 13, 1972, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, canceling his previous directive of July 23, 1971, and directing that the amounts of cotton textile products in Categories 9 and 39 produced or manufactured in the Hungarian People's Republic which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 1, 1971, and extending through July 31, 1972, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226

JANUARY 13, 1972.

DEAR MR. COMMISSIONER: This letter cancels and supersedes the directive of July 23, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee that directed you to prohibit, effective as soon as possible, and for the 12-month period beginning August 1, 1971 and extending through July 31, 1972, and entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9 and 39 produced or manufactured in the Hungarian People's Republic, in excess of specified levels of restraint.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 13, 1970, between the Governments of the United States and the Hungarian People's Republic, as amended by an exchange of notes dated December 16, 1971, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning August 1, 1971, and extending through July 31, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 9 and 39 produced or manufactured in the Hungarian People's Republic, in excess of the following levels of restraint:

Category		12-month levels of restraint [1]
9	square yards	$1,155,000
39	dozen pairs	59,850

[1] These levels have not been adjusted to reflect any entries made on or after August 1, 1971.

Cotton textile products in Category 39 produced or manufactured in the Hungarian People's Republic and which have been exported prior to August 1, 1971, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period of August 1, 1970 through July 31, 1971. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

Cotton textile products in Category 9, produced or manufactured in the Hungarian People's Republic and which have been exported to the United States from the Hungarian People's Republic prior to August 1, 1971, shall not be subject to this directive.

Cotton textile products in Category 9, produced or manufactured in the Hungarian People's Republic which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of August 13, 1970, as amended, between the Governments of the United States and the Hungarian People's Republic which provide, in part, that within the aggregate limit, the limitations on Categories 9 and 39 may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Hungarian People's Republic and with respect to imports of cotton textiles and cotton textile products from the Hungarian People's Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.72-782 Filed 1-18-72;8:48 am]

PRICE COMMISSION

PERSONS SUFFERING A PROFIT LOSS DURING THE BASE PERIOD

Criteria for Price Increases

Current regulations of the Price Commission provide, in general, that a person may not increase a price, even if otherwise justified, if that increase would result in an increase in that person's profit margin over that which prevailed during the base period. It is the Commission's intent to prescribe, in the near future, detailed regulations relating to firms operating at a loss or very low profit margin. However, the Commission considers that immediate relief should be allowed any person that suffered a loss during the base period.

Therefore, the Commission will not, pending the publication of detailed regulations on the subject, construe its regulations to—

(1) Prevent any person that had a negative profit margin during the base period (under all possible combinations of the years it uses to compute its base period under Part 300 of the Commission's regulations) from increasing its prices to a level reasonably calculated to provide that person a breakeven profit margin.

(2) Prevent any person that has had a negative profit margin during its most recent fiscal quarter, and reasonably expects that its next three fiscal quarters will also show a negative profit margin unless its prices are increased, from increasing its prices to a level reasonably calculated to provide that person a breakeven profit margin.

Each prenotification firm shall separately report each increase pursuant to this notice to the Price Commission under § 300.51(d) of the Commission's regulations, in a manner prescribed by the Commission.

Issued in Washington, D.C., on January 14, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.72-831 Filed 1-17-72;10:41 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Interest Rate Determination

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended by Public Law 92-41, 92d Cong., approved July 1, 1971, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such Act, to the period beginning on January 1, 1972, and ending on June 30, 1972, is 6¾ per centum per annum.

Dated: January 14, 1972.

RICHARD T. BURRESS,
Chairman.

[FR Doc.72-788 Filed 1-18-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5056]

COLUMBIA GAS SYSTEM, INC.

Notice of Posteffective Amendment Regarding Proposed Acquisition of Common Stock of Canadian Subsidiary Company Being Formed to Acquire New Gas Supplies

JANUARY 12, 1972.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, DE 19807, a registered holding company, has filed with this Commission a posteffective amendment to its application-declaration in this proceeding pursuant to sections 9, 10, and 12 of the Public Utility Holding Company Act of 1935 (Act) and Rules 41, 43, 44, and 45 promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated September 27, 1971 (Holding Company Act Release No. 17290), the Commission authorized the acquisition by Columbia from Columbia Gas Development of Canada, Ltd. (Development) from time to time during 1971 of 300,000 shares of Development's common stock, par value $25 per share, for $7,500,000 and up to $7,500,000 principal amount of Development's long-term installment promissory notes. Development is being formed under the Federal laws of Canada to acquire additional gas supply for and to coordinate the program of development for the Columbia system in Canada.

Columbia now proposes that from time to time through March 31, 1972, Development will issue to Columbia and Columbia will acquire from Development for cash up to 600,000 shares of common stock, par value $25 per share, for an aggregate initial capitalization of up to $15 million. It is stated that during the initial period of exploration and development, when the corporation is unlikely to generate earnings, Development should issue no securities which would impose liability for interest.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 2, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as now amended which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-733 Filed 1-18-72;8:46 am]

[812-3064]

DREXEL FIRESTONE, INC.

Notice of Filing of Application for Exemption

JANUARY 11, 1972.

Notice is hereby given that Drexel Firestone, Inc. (applicant), 1500 Walnut Street, Philadelphia, PA 19102, a registered broker-dealer corporation and a prospective corepresentative with Piper, Jaffray & Hopewood, Inc., of a group of underwriters to be formed in connection with a proposed public offering of shares of capital stock of Mutual of Omaha Interest Shares, Inc. (Company), a registered closed-end investment company, has filed an application, pursuant to section 6(c) of the Investment Company Act of 1940 (Act), for an order exempting Applicant, its corepresentative and their counderwriters from section 30(f) of the Act with respect to their transactions incidental to the distribution of Company shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Section 30(f) of the Act provides, in part, that every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of outstanding securities of which a registered closed-end company is the issuer, shall, in respect of his transactions in any securities of such company be subject to the same duties and liabilities as those imposed by Section 16 of the Securities Exchange Act of 1934 (Exchange Act) upon certain beneficial owners, directors, and officers in respect of their transactions in certain equity securities.

Section 16(a) of the Exchange Act requires insiders to file reports of their holdings and any changes in their holdings and section 16(b) makes such insiders liable for short-term trading profits.

Shares of the Company are to be purchased by the underwriters, pursuant to an underwriting agreement to be entered into by the underwriters represented by Applicant and its corepresentative and the Company.

In addition to purchases from the Company and sales to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

The participants in the underwriting syndicate and the size of their participation have not yet been determined. It is possible, however, that the underwriting commitments of one or more of the underwriters, including Applicant, will exceed 10 percent of the aggregate number of shares of the Company's capital stock outstanding after the purchase by the several underwriters pursuant to the underwriting agreement or upon the completion of the initial public offering or at some interim time, thereby causing such underwriters to become subject, by reason of section 30(f) of the Act, to the same duties and liabilities as those imposed by section 16 of the Exchange Act. As a result, such underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers and, upon any other purchases and sales in connection with the distribution as indicated below, subject to the liabilities imposed by section 16(b) of the Exchange Act.

It is represented that the purpose of the purchase of the shares by the underwriters will be for resale in connection with the initial distribution of the shares and that therefore the purchases and sales will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2 under the Exchange Act which exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof.

V 37 ▪ 12 JAN 19 72 J
XUM

However, Rule 16b–2(a)(3) under the Exchange Act requires that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b–2. Since the underwriters who, pursuant to the underwriting agreement, will purchase more than 10 percent of the shares of the Company, may be obligated to purchase more than 50 percent of the shares of the Company being offered, it is possible that one or more of such underwriters, including Applicant and its corepresentative, may therefore, not be exempted by the operation of Rule 16b–2 from the duties and liabilities imposed by section 16(b). Moreover, Rule 16b–2 will not exempt the underwriters subject to section 30(f) from the provisions of section 16(a).

Applicant states that there is no "inside information" in existence with respect to the Company since the Company, prior to the initial distribution of the shares, will have no assets (other than cash) or business of any sort, and all material information will be set forth in the prospectus incorporated in the registration statement.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot be used for the offending practices which section 16 of the Exchange Act is intended to prevent.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than January 26, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–734 Filed 1–18–72;8:46 am]

TARIFF COMMISSION

[337–L–47]

WRITING INSTRUMENTS INCORPORATING POROUS WRITING NIB

Extension of Time for Filing Written Views

On December 10, 1971, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by the Venus Esterbrook Corp., New York, N.Y., alleging unfair methods of competition and unfair acts in the importation and sale of certain writing instruments incorporating a porous writing nib (36 F.R. 23596). Interested parties were given until January 17, 1972, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business February 22, 1972.

Issued: January 14, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72–807 Filed 1–18–72;8:50 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 14, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 129844, Whitehurst Paving Co., Inc., now assigned February 10, 1972, at Washington, D.C., postponed to April 27, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134163 Sub 4, Joseph Richardson, assigned February 9, 1972, at Philadelphia, Pa., is postponed to February 16, 1972, in the U.S. Customs Courtroom, Third Floor, U.S. Customshouse, Second and Chestnut Streets, Philadelphia, Pa.

MC 112822 Sub 199, Bray Lines, Inc., assigned February 7, 1972, MC 112822 Sub 205, Bray Lines, Inc., assigned February 14, 1972, MC 112822 Sub 211, Bray Lines, Inc., assigned February 8, 1972, MC 115841 Sub 404, Colonial Refrigerated Transportation, Inc., assigned February 16, 1972, MC 123392 Sub 31, Jack B. Kelley, Inc., assigned February 10, 1972, at Dallas, Tex., will be held in Room 5A15, 1100 Commerce Street.

MC 134163 Sub 3, Joseph Richardson, assigned February 7, 1972, at Philadelphia, Pa., postponed to February 14, 1972, in the U.S. Customs Courtroom, Third Floor, U.S. Customshouse, Second and Chestnut Streets, Philadelphia, Pa.

MC 119395 (Sub-No. 2), Williams Chemical Transport, MC 135109, Seco, Inc., now assigned January 17, 1972, at Washington, D.C., are postponed to February 1, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC–FC–72913, Russell Transportation, Inc. Transferee and W. V. Williams, doing business as Williams Transport, Transferor, assigned for hearing February 25, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 123407 Sub 89, Sawyer Transport, Inc., assigned for hearing February 23, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC–F 11160 MC 3005 Sub 10, Chicago Kansas City Freight Line, Inc.—Purchase—Pride Motors, Inc., assigned January 31, 1972, at Chicago, Ill., is postponed indefinitely.

MC 119531 Sub 152, Dieckbrader Express, Inc., assigned February 18, 1972, at Chicago, Ill., is postponed indefinitely.

MC 135967, Flaggways, Inc., now being assigned hearing February 18, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 121533 Sub 6, Western Hauling, now assigned February 7, 1972, at Olympia, Wash., postponed to March 6, 1972, at Seattle, Wash., in a hearing room to be designated later.

MC 72442 Sub 32, Akers Motor Lines, Inc., assigned January 31, 1972, is canceled and transferred to Modified Procedure.

MC 14624 Sub 1, Cecil O'Nan doing business as Tri-State Express, assigned February 2, 1972, will be held on the Fourth floor, West End State Office Building, Clinton and High Streets, Frankfort, Ky.

MC 25798 Sub 225, Clay Hyder Trucking Lines, Inc., assigned February 29, 1972, MC 103993 Sub 629, Morgan Drive-Away, Inc., assigned February 28, 1972, MC 113362 Sub 14, Nelsen Bros., Inc., assigned February 25, 1972, MC 123639 Sub 136, J. B. Montgomery, Inc., MC 124211 Subs 181 and 185, Hilt Truck Line, Inc., Sub 181 assigned February 22, 1972, and Sub 185, assigned February 24, 1972, at Omaha, Nebr., will be held in Room 812, Federal Office Building, 106 South 15th Street.

MC 95876 Sub 117, Anderson Trucking Service, Inc., assigned February 14, 1972, MC 107496 Sub 183, Ruan Transport Corp. MC 108119 Sub 35, E. L. Murphy Trucking Co., assigned February 14, 1972, MC 117790 Sub 16, Best Way Frozen Express, Inc., assigned February 7, 1972, MC 126196 Sub 6, Christensen Truck Line, assigned February 10, 1972, MC 134533 Sub 1, assigned February 16, 1972, will be held in Courtroom No. 4, Federal Building, 316 Robert Street, St. Paul, MN.

MC 113678 Sub 422, Curtis, Inc., now assigned January 24, 1972, at Chicago, Ill., canceled and application dismissed.

MC–F 11127, The Aetna Freight Lines, Inc.—Purchase portion—Adkins Transfer, Inc., assigned February 10, 1972, MC 105566 Sub 58, Sam Tanksley Trucking, Inc., assigned February 7, 1972, MC 107295 Sub 516, Pre-Fab Transit Co., Assigned February 9, 1972, MC 112184 Sub 33, The Manfredi Motor Transportation Co., assigned February 14, 1972, MC 116101 Sub 9, assigned February 8, 1972, at Columbus, Ohio, will be held in Room 255 Federal Building, 85 Marconi Boulevard.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–790 Filed 1–18–72;8:49 am]

BALTIMORE AND OHIO RAILROAD CO.

[ICC Order No. 64; Rev. S. O. No. 994]

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The Baltimore and Ohio Railroad is unable to transport certain carload traffic loaded to widths in excess of 11 feet 6 inches or to heights in excess of 16 feet 6 inches above top of rail and routed over its line between Parkersburg, W. Va., and Belpre, Ohio, because of restricted clearances.

It is ordered, That:

(a) *Rerouting traffic.* The Baltimore and Ohio Railroad Co., being unable to transport certain traffic loaded to widths in excess of 11 feet 6 inches or to heights in excess of 16 feet 6 inches above top of rail and routed over its line between Parkersburg, W. Va., and Belpre, Ohio, because of restricted clearances, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The Baltimore and Ohio Railroad Co., in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers:* The Baltimore and Ohio Railroad Co., when rerouting cars in accordance with this order, shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 2 p.m., January 13, 1972.

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 13, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72–799 Filed 1–18–72;8:50 am]

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 14, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC–1515 (Deviation No. 604), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed January 3, 1972. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Greensboro, N.C., over Interstate Highway 85 to junction Interstate Highway 95 at Petersburg, Va., thence over Interstate Highway 95 to Richmond, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Greensboro, N.C., over U.S. Highway 29 to junction U.S. Highway 360, thence over U.S. Highway 360 to Richmond, Va., and return over the same route.

No. MC–107109 (Deviation No. 16), INDIANAPOLIS AND SOUTHEASTERN TRAILWAYS, INC., 205 North Senate Avenue, Indianapolis, IN 46202, filed January 6, 1972. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Indiana Highway 25 and Interstate Highway 65 over Interstate Highway 65 to junction U.S. Highway 52 north of Lebanon, Ind., with the following access routes: (a) From junction Interstate 65 and Indiana Highway 38, over Indiana Highway 38 to Lafayette, Ind., and (b) from junction Interstate Highway 65 and Indiana Highway 26 over Indiana Highway 26 to Lafayette, Ind., and (2) from junction Interstate Highways 65 and 465 located in Boone County, Ind., over Interstate Highway 465 on the north and east side of the metropolitan area of Indianapolis, Ind. (but not wholly within Marion County, Ind.), to junction Indiana Highway 74 on the southeast side of Indianapolis, Ind.; also from junction Interstate Highway 465 with the north and south leg of Interstate Highway 465 located in Boone County, Ind., over Interstate Highway 465 (north and south leg) to junction Interstate Highway 65 on the northwest side of Indianapolis, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Hammond, Ind., over U.S. Highway 12 to junction Indiana Highway 55, thence over Indiana Highway 55 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 130, thence over Indiana Highway 130 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 421, thence over U.S. Highway 421 to junction Indiana Highway 43, thence over Indiana Highway 43 to Lafayette, Ind., thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–794 Filed 1–18–72;8:49 am]

V37-12 JAN 19 72 XUM

[Notice 2]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 14, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-41432 (Deviation No. 15), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207, filed December 29, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over Interstate Highway 40 to Oklahoma City, Okla., thence over U.S. Highway 66 to Barstow, Calif., thence over Interstate Highway 15 to San Bernardino, Calif., thence over Interstate Highway 10 to Los Angeles, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Little Rock, Ark., over U.S. Highway 70 to Benton, Ark., thence over U.S. Highway 67 to Texarkana, Ark., thence over U.S. Highway 59 to Marshall, Tex., thence over U.S. Highway 80 to Las Cruces, N. Mex., thence over U.S. Highway 70 to Los Angeles, Calif., and return over the same route.

No. MC-57591 (Sub-No. 4) (Deviation No. 1), EVANS DELIVERY COMPANY, INC., Route 3, Box 268, Pottsville, PA 17901, filed January 6, 1972. Carrier's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pottsville, Pa., over Pennsylvania Highway 61 to junction U.S. Highway 22, thence over U.S. Highway 22 to Easton, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pottsville, Pa., over U.S. Highway 209 to Lehighton, Pa., thence over Pennsylvania Highway 248 (portions formerly Pennsylvania Highway 29 and 45) via Nazareth and Wilson, Pa., to Easton, Pa., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-793 Filed 1-18-72;8:49 am]

[Notice 3]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 14, 1972.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 118959 (Sub-No. 85) (Republication), filed March 23, 1970, published in the FEDERAL REGISTER issue of April 16, 1970, and republished this issue. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, MO 63701. An order of the Commission, Division 1, acting as an Appellate Division, dated November 24, 1971, and served January 5, 1972, upon consideration of the record in this proceeding, including the decision and order of the Commission, Review Board No. 2, dated August 17, 1971, and served August 27, 1971, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes; (1) of building materials and supplies (except commodities in bulk) from the plantsite of Tech-Panel Corp. at or near Springfield, Ky., to points in the United States (except Alaska and Hawaii); and (2) of hardboard, from New Orleans, La., and Wilmington, N.C., to the plantsite of Tech-Panel Corp. at or near Springfield, Ky., restricted to the transportation of shipments which have had a prior movement by water. That the application in No. MC-118959 (Sub-No. 85), as published in the FEDERAL REGISTER of April 16, 1970, stated that the requested authority could not be tacked with applicant's existing authority; that in No. MC-118959 (Sub-No. 85) the FEDERAL REGISTER notice of April 16, 1970, in this matter was incorrect in that the authority as granted in this proceeding can in fact be tacked with applicant's existing authority, so as to permit a through service by applicant, from, to, or between, points not included in the application; that because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice that the authority granted in this proceeding can be tacked with applicant's outstanding authority, a notice of the authority actually granted in No. MC-118959 (Sub-No. 85), will be published in the FEDERAL REGISTER and issuance of a certificate will be withheld for a period of 30 days from the date of such publication, during which period any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which he has been so prejudiced.

No. MC 135208 (Sub-No. 2) (Republication), filed February 16, 1971, published in the FEDERAL REGISTER issue of March 18, 1971, and republished this issue. Applicant: GEORGE L. BIGELOW, Post Office Box 421, Delavan, WI 53115. Applicant's representative: Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703. A report and order of the Commission, Review Board No. 1, decided December 15, 1971, and served January 12, 1972, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of laminated wood products, from Fort Atkinson, Wis., to points in the United States (except Alaska and Hawaii), and of materials and supplies used in the production thereof (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to Fort Atkinson, Wis. Because this is a somewhat broader grant of authority than that sought, and because other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 127355 (Notice of Filing of Petition To Modify Permit by Adding New Shipper and Deleting an Existing Shipper), filed December 27, 1971. Petitioner: M & N GRAIN COMPANY, a corporation, Nevada, Mo. Petitioner

states it is authorized to operate in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, transporting (1) fish meal, from Houston and Port Arthur, Tex., Dulac and Morgan City, La., and Moss Point, Gulfport, and Pascagoula, Miss., to points in Iowa, Minnesota, and Nebraska, and to Lynn Center, Monmouth, and Morrison, Ill., Egan, S. Dak., and Fond du Lac and Madison, Wis.; and (2) cottonseed meal from points in Arkansas and Mississippi, and from Portageville, Mo., and Memphis, Tenn., to the destination points described in (1) above, under a continuing contract with Sargent Grain Co., of Des Moines, Iowa. By the instant petition, petitioner seeks modification of its permit by adding the name of a new shipper, The Pillsbury Co. of Minneapolis, Minn., and by deleting the existing shipper, Sargent Grain Co. of Des Moines, Iowa. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133928 (Sub-No. 3) (Notice of Filing of Petition To Add Additional Contracting Shipper), filed December 5, 1971. Petitioner: ANTHONY H. OSTERKAMP, JR., doing business as OSTERKAMP TRUCKING, Orange, Calif. Petitioner's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Petitioner holds a permit in No. MC 133928 (Sub-No. 3) authorizing operation as a motor contract carrier, over irregular routes, transporting: Agricultural field equipment, and harvesting equipment, parts of agricultural field equipment and harvesting equipment, and materials and supplies used in the harvesting and distribution of agricultural commodities, between points in California on the one hand, and, on the other, points in Arizona, limited to a transportation service to be performed under a continuing contract or contracts, with Bud Antle, Inc., of Salinas, Calif. By the instant petition, petitioner seeks to add the name of Interharvest, Inc., as an additional contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 1385 (Sub-No. 4), filed December 21, 1971. Applicant: GARTON'S EXPRESS, INC., 116 Almond Street, Vineland, NJ 08360. Applicant's representative: Francis W. McInerny, Suite 502, Solar Building, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Bridgeton and Vineland, N.J., on the one hand, and, on the other, points in New Jersey (except those within 30 miles of Elizabeth, N.J.). NOTE: Applicant states that tacking will be made at Bridgeton and Vineland, N.J., to serve points in eastern Pennsylvania, including Philadelphia. The instant application is a matter directly related to MC-F-11336, published in the FEDERAL REGISTER issue of October 14, 1971. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 41706 (Sub-No. 14) (Correction), filed December 8, 1971, published in the FEDERAL REGISTER issue of January 12, 1972, under MC 133562 (Sub-No. 9), corrected and republished as corrected, this issue. Applicant: TOSE, INC., 64 West Fourth Street, Bridgeport, PA 19405. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Massachusetts. NOTE: Applicant states that tacking could take place at common points of Boston and Springfield, Mass., permitting through service to and from all points in Massachusetts. This is a matter directly related to MC-F-11398, published in the FEDERAL REGISTER issue of December 15, 1971. Common control may be involved. The purpose of this republication is to reflect the correct docket number as MC 41706 (Sub-No. 14) in lieu of MC 133562 (Sub-No. 9) shown erroneously in previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11150. (Amendment) (THE MASON AND DIXON LINES, INC.—Purchase (Portion)—A-OK MOTOR LINES, INC.), (SAMUEL KAUFMAN-Trustee in Bankruptcy), published in the April 28, 1971, issue of the FEDERAL REGISTER on page 8015. MARGAREG K. NORRIS, E. WILLIAM KING, and JOHN R. KING, join in the application as party applicants. Hearing to be held January 18, 1972, at Birmingham Airport Motel, Birmingham, Ala.

No. MC-F-11277. (Supplement) (W.T.C. AIR FREIGHT, INC.—Purchase—GERALD W. BROWNSTEIN, doing business as DIRECT AIR FREIGHT CORPORATION), published in the September 1, 1971, issue of the FEDERAL REGISTER on page 17541. Approved by order of Review Board No. 5, on November 16, 1971. Conditioned upon joinder by WESTERN TRUCK LEASING COMPANY AND R. B. MEYERS as party applicants. Petition filed December 23, 1971, by said individuals to be joined in the application.

No. MC-F-11392. (Correction) (SPIEGEL TRUCKING, INC.—Control—TRANSPET, INC.), published in the December 15, 1971, issue of the FEDERAL REGISTER on page 23846, should have read, ISADORE SPIEGEL—Control—TRANSPET, INC.

No. MC-F-11397. (Correction) (SEAVER'S EXPRESS, INC.—Purchase—ATHOL MOTOR TRANSPORTATION, INC.), published in the December 15, 1971, issue of the FEDERAL REGISTER on page 23847. Prior notice should be modified to show transfer of authority over regular and irregular routes within the State of Massachusetts.

No. MC-F-11426. Authority sought for purchase by CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8372 State Route 18 East, R.F.D. No. 6, Ravenna, OH 44266, of a portion of the operating rights and property of PALMER BROS., INC., 4910 Akron-Cleveland Road, Peninsula, OH 44264. Applicants' attorneys: Robert N. Krier and Joe F. Asher, both of 88 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: *Concrete pipe, concrete cribbing, and concrete slabs*, as a *contract carrier*, over irregular routes, from Cleveland, Ohio, to Bridgeville, Pa.; *concrete pipe forms and prestressed concrete bridge side forms*, between Bridgeville, Pa., and Cleveland, Ohio; *concrete pipe, concrete cribbing, concrete slabs, concrete pipe forms, and prestressed concrete bridge side forms*, between Columbus, Ohio, and Bridgeville, Pa., with restriction; *concrete pipe, concrete slabs, and concrete cribbing*, from the site of the Reliance Universal, Inc., Concrete Products Division, Bridgeville Plant, in Collier Township, Allegheny County, Pa., to certain specified points in West Virginia and Ohio. Vendee is authorized to operate as a *contract carrier* in Ohio, Delaware, Michigan, Maryland, New Jersey, New York, Pennsylvania, West Virginia, Indiana, Illinois, Kentucky, Minnesota, Iowa, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11427. Authority sought for merger by RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, CO 80221, of the operating rights and property of ZIP, INC., 230 West Seventh South Street, Salt Lake City, UT 84101, and for acquisition by THE DENVER AND RIO GRAND WESTERN RAILROAD COMPANY, 1531 Stout Street, Denver, CO 80217, of control of such

V 37 • 12 JAN 19 72 XUM

rights and property through the transaction. Applicants' attorney: Warren D. Braucher, 450 Lincoln Street, Denver, CO 80203. Operating rights sought to be merged: *General commodities*, except those of unusual value, classes A and B explosives, commodities requiring the use of special equipment, and road oil, asphalt, fuel oil, and chemicals, in bulk, in tank vehicles, as a *common carrier*, over regular routes, between Linwood, Utah, and Rock Springs, Wyo., serving the intermediate point of Green River, Wyo., and points within 15 miles of certain specified highways, and points in Daggett County, Utah, as off-route points, between Linwood, and Salt Lake City, Utah, serving the intermediate point of Ogden, Utah, and points in Daggett County, Utah, as off-route points, between Green River, and Urie, Wyo., serving no intermediate points and serving the termini for the purpose of joinder only, with restriction. RIO GRANDE MOTOR WAY, INC., is authorized to operate as a *common carrier* in Colorado, New Mexico, and Utah. Application has not been filed for temporary authority under section 210a(b). NOTE: Pursuant to order dated December 30, 1969, and served January 7, 1970, in Docket No. MC-F-10244, transferee acquired control of transferor.

No. MC-F-11428. Authority sought for purchase by GRAVES TRUCK LINE, INC., 739 North 10th Street, Salina, KS, of a portion of the operating rights and property of THE TOPEKA TRANSFER & STORAGE COMPANY, 528 Adams Street, Topeka, KS, and for acquisition by WILLIAM H. GRAVES AND JOHN A. GRAVES both of Salina, Kans., LOWELL P. GRAVES, 92 Shawnee Avenue, Kansas City, KS, and DWIGHT L. GRAVES, 3402 West Harry, Wichita, KS, of control of such rights and property through the purchase. Applicants' attorneys: John E. Jandera, 641 Harrison Street, Topeka, KS 66603, and Erle W. Francis, Suite 719 Capitol Federal Building, 700 Kansas Avenue, Topeka, KS 66603. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, from Topeka, Kans., to points in Kansas and Nebraska within 100 miles of Topeka, including Topeka, with restriction. Vendee is authorized to operate as a *common carrier* in Kansas, Iowa, Missouri, Colorado, Nebraska, Oklahoma, Texas, New Mexico, Wyoming, Arkansas, Louisiana, North Dakota, and South Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11429. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: GOLDEN WEST FREIGHT LINES, 1300 Roberts Lane, Post Office Box 5817, Bakersfield, CA 93308 (MC-88310), and O.N.C. MOTOR FREIGHT SYSTEM, 2000 West Bayshore Road, Palo Alto, CA 94303 (MC-71459), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between certain specified points in California. Attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. GOLDEN WEST FREIGHT LINES, is authorized to operate as a common carrier in California.

No. MC-F-11430. Authority sought for purchase by BUDIG TRUCKING CO., 1100 Gest Street, Cincinnati, OH 45302, of the operating rights and property of GERMANN BROS. MOTOR TRANSPORTATION, INC., Aberdeen, Ohio 45101, and for acquisition by OTTO M. BUDIG, OTTO M. BUDIG, JR., AND GEORGE J. BUDIG, all of 1100 Gest Street, Cincinnati, OH 45302, of control of such rights and property through the purchase. Applicants' attorney: Jack B. Josselson, 700 Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. Operating rights sought to be transferred: *General commodities*, except dangerous explosives, as a *common carrier* over regular routes, between Cincinnati, Ohio, and Flemingsburg, Ky., serving all intermediate points, and certain specified off-route points of Kentucky and those in Ohio and Kentucky within 5 miles of Cincinnati and Ripley, Ohio, and Maysville, Ky.; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between Mount Olivet, and Cynthiana, Ky., serving all intermediate points, but restricted against the handling of traffic originating at or beyond Cincinnati, Ohio, and destined to Cynthiana, Ky., or originating at Cynthiana, Ky., and destined to or beyond Cincinnati, Ohio, between Mount Olivet, and Maysville, Ky., serving all intermediate points, between Lexington, and Washington, Ky., serving Paris, Ky., as an intermediate point for joinder purposes only, with restriction, between Cynthiana, and Paris, Ky., serving no intermediate points, and serving Paris for joinder purposes only; *unmanufactured tobacco, and household goods* as defined by the Commission over irregular routes, between Maysville, Ky., and points in Ohio and Kentucky within 10 miles of Maysville, and points in Brown County, Ohio, on the one hand, and, on the other, points in Ohio, Kentucky, and West Virginia; *brick, sand, gravel, and cement*, in bulk, in truckloads, from Maysville, Ky., and points in Kentucky within 10 miles of Maysville to points in Ohio on and south of U.S. Highway 40. Vendee is authorized to operate as a *common carrier* in Ohio, Kentucky, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11431. Authority sought for merger by EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201, of the operating rights and property of DANIELS MOTOR FREIGHT, INC., also of Pittsburgh, Pa. 15201, and for acquisition by THOMAS A. EAZOR, of Pittsburgh, Pa. 15201, of control of such rights and property through the transaction. Applicants' attorney: Jack Goodman, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between St. Louis, Mo., and New York, N.Y., between Harrisburg, Pa., and junction U.S. Highways 1 and 2, between Springfield, Ohio, and junction U.S. Highway 36 and Interstate Highway 71, between junction U.S. Highway 422 and 19 and Warrendale Interchange, Pennsylvania Turnpike, between Duncansville, Pa., and Baltimore, Md., between Harrisburg, Pa., and Baltimore, Md., between Breezewood, Pa., and junction U.S. Highways 30 and 230, between Indianapolis, Ind., and Saginaw, Mich., between Toledo, Ohio, and Flint, Mich., between Chicago, Ill., and junction U.S. Highway 30N and Interstate Highway 71, between Chicago, Ill., and Albany, N.Y., between Chicago, Ill., and junction U.S. Highways 6 and 20, between Westfield and Syracuse, N.Y., between junction New York Highways 5 and 365 and Utica, N.Y., between junction New York Highways 5 and 63 and junction U.S. Highway 15 and New York Highway 17, between Buffalo and East Avon, N.Y., between Cleveland and Youngstown, Ohio, between Ashtabula, Ohio, and junction U.S. Highways 62 and 224, between Broadview Heights and Conneaut, Ohio, between Warren and Niles, Ohio, between Warren and Cleveland, Ohio, with restrictions;

General commodities, excepting among others, classes A and B explosives, household goods and commodities in bulk over irregular routes, between Wilmington, Del., on the one hand, and, on the other, certain specified points in Pennsylvania, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., West Chester, Pa., and points in that part of Delaware County, Pa., on and east of U.S. Highway 13, between Newark, Del., to Pennsylvania and Maryland within 27 miles of Newark, Del., not including Chester, Pa., between points in the Washington, D.C., commercial zone, as defined by the Commission, in 3 M.C.C. 243, over one alternate route for operating convenience only; *general commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between the plantsites of the Bethlehem Steel Co. located in that part of Johnstown, Pa., and the commercial zone thereof, on and west of U.S. Highway 219, on the one hand, and, on the other, St. Louis, Mo., points in Ohio, Indiana, Michigan, Illinois, and those points in West Virginia within 75 miles of Youngstown, Ohio; *paper*, from Newark, Del., to Philadelphia, Lancaster, and Harrisburg, Pa.; *iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., to points in Michigan; *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, from points in Michigan, to the plantsite of Jones & Laughlin Steel Corp., located in Putnam County, Ill., with restriction. EAZOR EXPRESS, INC., is authorized to operate as a common carrier in Pennsylvania, New York, New Jersey, Ohio, Illinois, Connecticut, Massachusetts, Rhode Island, West Virginia, Indiana, and Wisconsin. Application has not been filed for temporary authority under section 210a(b). NOTE: Pursuant to orders dated October 17, 1969, and supplemented by order of April 16, 1970, in No. MC-F-9909, transferee acquired control of transferor.

No. MC-F-11432. Authority sought for purchase by K LINES, INC., 341 Foothills Road, Lake Oswego, OR 97034, of a portion of the operating rights and property of MAY TRUCKING COMPANY, Post Office Box 398, Payette, ID 83661, and for acquisition by JAMES E. BERREY, MARY JEAN BERREY, and STEPHEN BERREY, all of 18690 South Nixon Avenue, West Linn, OR 97068, of control of such rights and property through the purchase. Applicants' attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Operating rights sought to be transferred: *Cement*, as a *common carrier*, over irregular routes, from Lime, Oreg., to certain specified points in Idaho; *cement and cement products*, in containers or in bulk, from Lime, Oreg., to points in Nevada on and north of U.S. Highway 40 (except points in Washoe County, Nev.). Vendee is authorized to operate as a *common carrier* in Oregon, Washington, Idaho, California, Utah, and Nevada. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11433. Authority sought for purchase by FUNK'S HAULING SERVICE, INC., 2750 Grant Avenue, Philadelphia, PA 19114, of a portion of the operating rights of A.E.F. TRANSPORTATION, INC., 650 Eddystone Avenue, Eddystone, PA 19013, and for acquisition by CLINTON C. FUNK, JR., CAROL ANN PAGNOTIO, JUANITA RUTH KEHL, and ANNA DEBORAH CICCHINI, all of 2750 Grant Avenue, Philadelphia, PA 19114, of control of such rights through the purchase. Applicants' attorney: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, live fish, and poultry, new furniture, motion picture films, silk, household goods as defined by the Commission, and those commodities requiring the use of tank-truck equipment for their transportation, as a *common carrier* over regular routes, between Trenton, N.J., and New York, N.Y., serving the intermediate points of Jersey City, Newark, Elizabeth, and New Brunswick, N.J., and the off-route points of Yonkers, New Rochelle, Garden City, and Freeport, N.Y., Edgewater, Hoboken, Hackensack, Paterson, Passaic, West Orange, South Orange, East Orange, Orange, Bayonne, Kearny, and Perth Amboy, N.J.; *containers and materials, supplies, and equipment* used in the manufacture of containers, serving the plantsite of Greif Bros. Co. Corp., at Spotswood, N.J., as an off-route point, in connection with carrier's presently authorized regular route operations. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Delaware, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11434. Authority sought for purchase by WHITE'S DELIVERY SERVICE, INC., 155 North Front Street, Philadelphia, PA 19106, of a portion of the operating rights of A.E.F. TRANSPORTATION, INC., 650 Eddystone Avenue, Eddystone, PA 19013, and for acquisition by ROBERT G. LEWIS, SR., also of Philadelphia, Pa. 19106, of control of such rights through the purchase. Applicants' attorney: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, livestock, live fish, and poultry, new furniture, motion picture films, silk, household goods as defined by the Commission, and those commodities requiring the use of tank-truck equipment for their transportation, as a *common carrier* over regular routes, between Philadelphia, Pa., and Trenton, N.J., serving the intermediate point of Camden, N.J., and the off-route point of Bristol, Pa. Vendee is authorized to operate as a *contract carrier* in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-133568 Sub 2, is a matter directly related.

No. MC-F-11435. Authority sought for purchase by ROY W. NICHOLS, doing business as QUALITY MOVERS, 601 North Fourth Street, Jeannette, PA 15644, of the operating rights of ANDY JONES, 146 Alameda Road, Butler, PA 16001, and for acquisition by ROY W. NICHOLS, of Jeannette, Pa. 15644, of control of such rights through the purchase. Applicants' attorney: Stephen T. Wardzinski, 2310 Grant Building, Pittsburgh, Pa. 15219. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Butler County, Pa., on the one hand, and, on the other, points in New York, Ohio, Maryland, West Virginia, New Jersey, Michigan, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Delaware, Illinois, Maryland, Michigan, New Jersey, New York, Ohio, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-795 Filed 1-18-72;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 14, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 53060, filed December 17, 1971. Applicant: KERN VALLEY TRUCKING, 3901 Medford Street, Los Angeles, CA 90063. Applicant's representative: R. Y. SCHUREMAN, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between all points and places on and along the following routes: (1) U.S. Highway 99, including points within 10 miles laterally therefrom, between the Los Angeles Territory, as described in Appendix B attached hereto, and Wheeler Ridge, inclusive (see exceptions 1 and 2 below); (2) U.S. Highway 99, including points within 25 miles laterally therefrom, between Wheeler Ridge and Fresno, inclusive, including points within a 10-mile radius of the following: (a) The junction of U.S. Highway 99 and State Highway 180 within the city of Fresno; (b) the junction of State Highways 198 and 41 near Lemoore; (c) the junction of State Highway 180 and unnumbered highway known as Valley Road near Squaw Valley; (3) U.S. Highways 99, 99W, and 99E between Fresno and Dunnigan and Lincoln, inclusive, including points and places within a 20-mile radius of the corporate limits of the city of Sacramento (see Exception 2 below), and including the off-route points Escalon, Riverbank, and Oakdale; (4) U.S. Highway 50 between Stockton and Tracy, inclusive; (5) State Highway 33 between junction with U.S. Highway 50 near Tracy and Maricopa, including the off-route points of Huron, Kettleman City, and Ford City; (6) U.S. Highway 6, including points within 10 miles laterally therefrom, between its junction with U.S. Highway 99 near San Fernando and a point 5 miles north of Lancaster, inclusive, including the off-route points of Quartz Hill, Pearblossom, and Rosamond (see Exception 1 below);

(7) Through routes and rates may be established between any and all points

V 37 N 12 JAN 19 72 XUM

specified in subparagraphs 1 through 6 above; and (8) for operating convenience only, applicant is authorized to traverse U.S. Highway 6 between a point thereon 5 miles north of Lancaster and Mojave and U.S. Highway 466 between Mojave and a point thereon 25 miles east of U.S. Highway 99, serving no points or places on or laterally from U.S. Highways 6 and 466. Exceptions: (1) Applicant is not authorized to serve Newhall, Saugus, and Castaic or the off-route point of Rosamond except in conjunction with split delivery shipments; and (2) applicant is not authorized to provide local service between points (a) within the Los Angeles Basin Territory; (b) within a 20-mile radius of the corporate limits of the city of Sacramento. Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4–B; (2) automobiles, trucks, and buses, viz: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (5) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (8) logs.

Appendix B: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101, Alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue to its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99; northwesterly along U.S. Highway No. 99 to and including the city of Redlands; westerly along U.S. Highway No. 99 to U.S. Highway No. 395; southerly along U.S. Highway No. 395 to State Highway No. 18; southwesterly along State Highway 18 to U.S. Highway 91; westerly along U.S. Highway No. 91 to State Highway No. 55; southerly along State Highway No. 55 to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway No. 101 Alternate; thence northerly along an imaginary line to point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

State Docket No. 53065, filed December 20, 1971. Applicant: UNITED TRUCK LINE, 675 Arthur Avenue, San Francisco, CA 94124. Applicant's representative: Michael J. Stecher, 140 Montgomery Street, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (A) Between San Francisco and South San Francisco, on the one hand, and points and places located on, or within 5 miles laterally of, the following routes: (1) U.S. Highways 101 and 101 By-Pass between San Francisco and San Jose, State Highway 17 between San Jose and Los Gatos and all connecting roads between said highways; (2) U.S. Highways 40, 50 and State Highways 9 and 17, along the eastern shore of San Francisco Bay, from Richmond, on the north, to San Jose on the south; (3) U.S. Highway 101 between San Francisco and Santa Rosa, State Highway 37 from Ignacio to Sheelville and State Highway 12 from Sheelville to Sebastopol: (B) Between all points within a radius of 25 miles of Sacramento: (C) Between all points on and within 15 miles laterally of the following highways; (1) U.S. Highway 40 between San Francisco and Sacramento, inclusive; (2) U.S. Highway 50 between San Francisco and Sacramento, inclusive; (3) State Highway 24 between Oakland and Sacramento, inclusive; (4) State Highway 4 between Stockton and Junction U.S. Highway 40, inclusive; (5) State Highway 12 between Lodi and Junction U.S. Highway 40, inclusive; (6) U.S. Highway 99 between Sacramento and Turlock, inclusive; (7) State Highway 120 between Manteca and Oakdale, inclusive; (D) Between all points on and within 25 miles laterally of the following highways: (1) U.S. Highway 99, 99E, and Interstate Highway 5 between Sacramento and Redding; (2) U.S. Highway 99, State Highway 140, and Interstate Highway 5 between Turlock and Bakersfield; (3) U.S. Highway 101 between San Jose and Salinas; (4) State Highways 17 and 1 between San Jose and Carmel; (5) Interstate Highway 80, State Highways 65 and 20 between Sacramento and Grass Valley;

(6) U.S. Highway 50 between Sacramento and Placerville and (7) Interstate Highway 80 between Sacramento and Auburn. Service between said points shall be subject to the following conditions and limitations: (1) Service to points within any one of the three areas may be made via any available street or highway within said area. Service between San Francisco and South San Francisco, on the one hand, and points in area B (East-Bay), on the other, may be made via U.S. Highway 40 (San Francisco-Oakland Bay Bridge) or via U.S. Highway 101 and any of the bridges across San Francisco Bay; (2) Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) Automobiles, trucks, and buses, viz: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (5) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit, and (8) Logs. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-792 Filed 1-18-72;8:49 am]

[Notice 8]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 13, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 834 TA), filed January 6, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphate of alumina*, liquid, in bulk, in tank vehicles, from American Cyanamid Co. facilities at Cloquet, Minn., to the city of Grand Forks Water Department, Grand Forks, N. Dak., for 150 days. Supporting shipper: American Cyanamid Co., Industrial Chemicals and Plastics Division, Wayne, N.J. 07470. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 108449 (Sub-No. 336 TA), filed January 6, 1972. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: W. A. Mylenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica sand*, in bulk, in tank vehicles, from points in Washington County, Minn., to Fargo, N. Dak., for 180 days. Supporting shipper: Twin City Silica, Lake Elmo, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 111170 (Sub-No. 179 TA), filed January 6, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compound*, in bulk, from Jacksonville, Ark., to Alliance, Ohio, for 180 days. Supporting shipper: Transvaal, Inc., Post Office Box 69, Jacksonville, AR 72076. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 127197 (Sub-No. 5 TA), filed January 5, 1972. Applicant: JAMES E. WILSON, Rural Delivery No. 2, Coudersport, PA 16915. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in New York on and west of Route 15, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Paul J. Denworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 133161 (Sub-No. 7 TA), filed January 5, 1972. Applicant: GRIESER TRUCKING CO., Rural Delivery No. 1, Box 151A, Archbold, OH 43502. Applicant's representative: Paul F. Beery, Suite 1660, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts;* (1) from Neodesha, Kans., to the auction of Yoder & Frey located near Archbold; and (2) between the auction yard of Yoder & Frey, Inc., located near Archbold, on the one hand, and, on the other, points in Vermont, for 180 days. Supporting shipper: Yoder & Frey, Inc., Archbold, Ohio 43502. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Summit Street, Toledo, OH 43604.

No. MC 133240 (Sub-No. 25 TA) (Correction), filed September 27, 1971, published FEDERAL REGISTER October 16, 1971, corrected and republished in part as corrected this issue. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. NOTE: The purpose of this partial republication is to include Nashville, Tenn., as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 135231 (Sub-No. 3 TA), filed January 5, 1972. Applicant: P & C TRUCKING, INC., Post Office Box 117, Rural Route 2, Pinckneyville, IL 62274. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and unfinished lumber*, from Pinckneyville, Ill., to points in Macomb County, Mich., for 180 days. Supporting shipper: Clarence Heggemeier, Secretary, Perry County Lumber Co., Inc., Post Office Box 363, Pinckneyville, IL 62274. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 136293 (Sub-No. 1 TA), filed January 6, 1972. Applicant: LOUIE SENSKE AND JIM SENSKE, doing business as SENSKE & SON TRANSFER, 117 Fourth Avenue North, Crookston, MN 56716. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and advertising material pertaining thereto including accessories*, used in dispensing malt beverage, when moving in mixed shipments with malt beverages, from St. Louis, Mo., to Crookston, Minn., for 180 days. Supporting shipper: Nelson Beverages, Inc., 207 North Nelson, Crookston, MN 56716. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 136294 TA, filed January 6, 1972, Applicant: PETER HASLER, INC., doing business as D & L TRANSPORTATION COMPANY, 6 Misty Ridge Circle, Kinnelon, NJ 07405. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers, and plastic tops*, from New York and Sloatsburg, N.Y., and Bergen, Essex, Hudson, Monmouth, Morris, Passaic, and Union Counties, N.J., to points in the United States east of the Mississippi River, and St. Joseph and St. Louis, Mo., for 180 days. Supported by: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136295 TA, filed January 6, 1972. Applicant: EXPRESSWAY MESSENGER SERVICE, INC., 2524 Maryland Avenue, Baltimore, MD 21218. Applicant's representative: Richard V. Parr, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Graphic art proofs, processed art work and advertising materials related thereto;* (2) *commercial printing* (not including newspapers or magazines) moving in quantities not exceeding an aggregate weight of 200 pounds per shipment from one consignor to one consignee; and (3) *interoffice communications and papers* (not including money, bonds, securities, checks, bank drafts, or other items of inherent value), moving in envelopes, pouches, boxes, or packages, between points in the commercial zone of Baltimore, Md., on the one hand, and points in the commercial zone of the District of Columbia, on the other, for 180 days.

V 37 12 JAN 19 72 XUM

Supported by: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 136297 TA, filed January 6, 1972. Applicant: CHARLES F. CAMPBELL, 612 North Walnut, Champaign, IL 61820. Applicant's representative: George B. Gillespie, 217 South Seventh Street, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk, on traffic having a prior or subsequent movement by air), between O'Hara International Airport, and Champaign, Ill., for 180 days. Supporting shippers: Five Star Air Freight Corp.; A.B.C. Air Freight; Imperial Air Freight Service, Inc.; Airborne Freight Corp.; Novo Air Freight Corp.; Associated Air Freight; Mark IV Air Freight; Jet Air Freight Inc. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 136298 TA, filed January 6, 1972. Applicant: NORTHWEST TRUCK CORP., 2621 Whittle Avenue, Medford, OR 97501. Applicant's representative: Seymour L. Coblens, Corbett Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shakes and shingles*, from Forks and Amanda Park, Wash., to points in California, pursuant to continuing contracts with Justus Shake Co., North Shore Shake Mill, and Olympic Manufacturing Co., for 180 days. Supporting shippers: Justus Shake Co., Post Office Box 711, Forks, WA 98331; North Shore Shake, 114 West Chenault, Hoquiam, WA 98550; Olympic Manufacturing Co., Post Office Box 721, Amanda Park, WA 98526. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–796 Filed 1–18–72;8:49 am]

[Notice 4]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 14, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73309. By order of January 13, 1972, the Motor Carrier Board approved the transfer to Michael Storage Co., Inc., Bronx, N.Y., of the operating rights in certificate No. MC–15904 issued July 9, 1958, to Enrico Cruciani, doing business as Michael Storage Co., Bronx, N.Y., authorizing the transportation of household goods, as defined by the Commission, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania, Alvin Altman, 1776 Broadway, New York, NY 10019, attorney for applicants.

No. MC–FC–73367. By order of January 5, 1972, the Motor Carrier Board approved the transfer to John F. Goetjen and Son, Inc., Wilton, Conn., of the operating rights in certificate No. MC–32571 issued December 23, 1971, to S. Rashba & Sons, Inc., New Haven, Conn., authorizing the transportation of household goods between New Haven, Conn., and points in Connecticut within 20 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, Rhode Island, Pennsylvania, Vermont, New Hampshire, Maryland, and the District of Columbia. Sidney L. Goldstein, 109 Church Street, New Haven, CT 06510, attorney for transferee, Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for transferor.

No. MC–FC–73383. By order of January 13, 1972, the Motor Carrier Board approved the transfer to Margate Corp., doing business as King Transport, Inc., Worthington, Ohio, of the operating rights in permit No. MC–133611 (Sub-No. 1) issued May 26, 1970, to King Transport, Inc., Worthington, Ohio, authorizing the transportation of iron and steel products as described in Ex Parte 45 from the plantsite of The Brown Steel Co. at Columbus, Ohio, to points in Cabell, Jackson, Mason, Pleasants, Wayne, and Wood Counties, W. Va., and Boyd and Greenup Counties, Ky., A. Charles Tell, 100 East Broad Street, Columbus, OH 43215, attorney for applicants.

No. MC–FC–73397. By order of January 13, 1972, the Motor Carrier Board approved the transfer to Weathers, Inc., Salina, Kans., of certificate No. MC–44484, issued July 2, 1963, to Charles W. Weathers, Jr., authorizing the transportation of: Motion picture films, accessories, and advertising matter, between Salina, Kans., on the one hand, and, on the other, points in Kansas; and frosted and frozen foods, from Salina, Kans., to points in specified areas in Kansas. Charles W. Weathers, Rural Route No. 2, Box 10A, Salina, KS 67401, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–797 Filed 1–18–72;8:49 am]

[Notice 4–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 14, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–73433. By application filed January 11, 1972, AMERICAN FREIGHT LINE, INC., 950 Liberty, Kansas City, MO 64101, seeks temporary authority to lease the operating rights of ROY R. CASWELL, 102 South Third, Post Office Box 375, Louisburg, KS 66053, under section 210a(b). The transfer to AMERICAN FREIGHT LINE, INC., of the operating rights of ROY R. CASWELL, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–798 Filed 1–18–72;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATIONS:	
2799 (see Proc. 4101)	659
2937 (see Proc. 4101)	659
2938 (see Proc. 4101)	659
2942 (see Proc. 4101)	659
2972 (see Proc. 4101)	659
3314 (see Proc. 4101)	659
4100	199
4101	659
EXECUTIVE ORDERS:	
11627 (see EO 11639)	521
11639	521

5 CFR

213	201, 257, 258, 661
890	7

6 CFR

201	284
300	284, 426, 587, 652, 775

7 CFR

52	131, 587
354	587, 788
510	69
722	7, 272, 789
725	725
730	8
811	661, 725
812	9
814	9
846	133
857	588
905	523
907	10, 134, 523, 663
910	70, 272, 663, 726
912	273, 664
914	664
917	273
930	273
932	323
982	588
1007	323
1610	275
PROPOSED RULES:	
51	616
68	844
301	217, 218
718	742
725	793
730	19
928	793
953	286
966	81
980	81
981	617
1001	447
1002	447
1004	20, 447, 742, 793
1006	447
1007	447
1011	447
1012	447
1013	447
1015	447
1030	447
1032	447
1033	447
1036	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447
1062	447
1063	447
1064	447
1065	447, 743
1068	447
1069	447
1070	447
1071	447
1073	447
1075	447
1076	447
1078	447
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447, 801
1106	447, 801
1108	447
1120	447
1121	447
1124	447
1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447
1207	81
1430	20
1481	810
1701	811

8 CFR

214	328

9 CFR

53	134
76	329, 435, 665
82	135, 589
97	791
203	276
311	435
316	435
317	435
400	135, 435
PROPOSED RULES:	
327	85

10 CFR

PROPOSED RULES:	
50	287, 288
110	92

12 CFR

201	11
211	776
545	523
561	524
563	524
700	329
702	70
PROPOSED RULES:	
528	811
545	543
700	813
701	339
715	95
741	813

13 CFR

121	258

14 CFR

13	436
39	11, 12, 70, 437, 665, 666, 726, 776
71	13, 71, 135, 136, 276, 323, 437, 726, 727, 776, 777
73	437, 438, 590
75	13, 71, 667, 777
95	777
97	71, 525, 668
214	728
223	778
225	72
249	728
302	277
PROPOSED RULES:	
39	811
43	222
71	21, 91, 144, 146, 286, 287, 620, 621, 744
73	478
91	222
135	222
207	222
208	222
212	222
214	222
372a	222
373	478
378	478
378a	478

16 CFR

13	729–735, 779
PROPOSED RULES:	
435	622

17 CFR

230	590, 591, 599
231	600
239	590, 591, 599
240	73
241	600
249	600, 601
PROPOSED RULES:	
270	289
274	99, 289

V37-12 JAN 19 72 XUM

18 CFR

	Page
2	780
201	601
204	601
205	601
PROPOSED RULES:	
141	22
201	337
204	337
205	337
260	337

19 CFR

173	782
PROPOSED RULES:	
Ch. I	19

20 CFR

PROPOSED RULES:	
405	89

21 CFR

121	14, 74, 329, 740
130	201
135	137
135c	14, 137
135e	74, 740
135f	14
141a	438
146a	438
146c	440
148e	330
148m	15
295	741
301	137
PROPOSED RULES:	
3	219
19	468
27	20, 470
130	85
145	336
304	144

22 CFR

11	277
41	15

24 CFR

200	75, 203, 209
201	210
203	138
207	138
220	138
222	76
275	211
1914	280, 608, 783
1915	281, 609, 784
PROPOSED RULES:	
203	144

25 CFR

232	526
PROPOSED RULES:	
16	536

26 CFR

1	527
12	16, 281
PROPOSED RULES:	
1	19, 99, 286, 336, 544

28 CFR

41	784
301	138

29 CFR

1904	736
1910	332
PROPOSED RULES:	
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620
688	620
689	620
690	620
720	620
727	620
1910	466, 743

30 CFR

75	17
225	441
225a	441

32 CFR

270	77
1499	668
PROPOSED RULES:	
1467	99
Ch. XVI	486
1604	479
1606	479, 484
1609	484
1611	479
1613	484
1621	479
1622	479
1623	479
1624	479
1625	479
1626	479
1627	479
1630	479
1631	479
1632	479
1641	479
1643	479
1660	485

32A CFR

Ch. X:	
OI Reg. 1	601

33 CFR

117	784
204	527
207	668

35 CFR

5	77
253	281

36 CFR

212	737
231	211
261	737

38 CFR

8a	282

39 CFR

235	77
760	211, 443
761	211, 443

40 CFR

85	669, 784
180	78, 140, 141, 332–334, 443, 737–739
PROPOSED RULES:	
2	C21
115	478
180	92–94, 337

41 CFR

1–3	610
1–16	610
5A–1	527
5A–3	141
5A–7	141
5A–8	142
5A–16	528
5A–76	528
5B–1	334
8–1	613
101–17	78
101–26	668
101–43	614
101–44	614
101–47	740
103–40	17
PROPOSED RULES:	
3–4	743
51–1	336

42 CFR

53	182

43 CFR

4110	213
PUBLIC LAND ORDERS:	
1932 (amended by PLO 5147)	18
3530 (revoked in part by PLO 5153)	785
3869 (revoked in part by PLO 5153)	785
4582 (modified by PLO 5149)	18
4962 (see PLO 5149)	18
5081 (see PLO 5149)	18
5147	18
5148	18
5149	18
5150	142
Amended by PLO 5151	142, 528
5151	142, 528
5152	785
5153	785
PROPOSED RULES:	
2800	217
2810	217

45 CFR

177	335
249	443
1060	444
PROPOSED RULES:	
130	470

46 CFR

157	528
310	335
390	16
PROPOSED RULES:	
72	676
92	676
146	220
190	676
510	678

47 CFR

	Page
2	604
31	605
33	605
73	529, 605
89	213
91	283
PROPOSED RULES:	
0	145
1	537
2	145, 146, 537
15	94, 146
21	146
73	539–542, 621
87	537
89	146, 676
91	146, 676
93	676

49 CFR

	Page
7	214
99	532
Ch. I	535
178	444
301	214
571	284, 445
1002	215
1300	335
PROPOSED RULES:	
192	145
571	222

50 CFR

28	79, 445, 535
33	79, 80, 785
240	786
PROPOSED RULES:	
28	447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date
1–62	Jan. 4
63–123	5
125–193	6
195–249	7
251–315	8
317–427	11
429–513	Jan. 12
515–582	13
583–654	14
655–717	15
719–767	18
769–852	19

VOL 37 NO 12 JAN 19 72 XUM

federal register

WEDNESDAY, JANUARY 19, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 12

PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

■

Rough Rice, Brown Rice, and Milled Rice

Proposed U.S. Standards

V37-12 JAN19 72 XUM

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 68]

ROUGH RICE, BROWN RICE, AND MILLED RICE

Proposed U.S. Standards

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622, 1624) notice is hereby given according to the administrative procedure provisions of 5 U.S.C., section 553, that the U.S. Department of Agriculture has under consideration a proposed revision of the U.S. Standards for Rough Rice (7 CFR 68.201 et seq.), Brown Rice (7 CFR 68.251 et seq.), and Milled Rice (7 CFR 68.301 et seq.).

Statement of considerations. The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities for the voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Comments and recommendations from the Rice Inspection Industry Advisory Committee, the Rice Millers' Association, and representatives of the California rice industry, and a comprehensive review by the Department indicate that certain changes in the U.S. Standards for Rough Rice, Brown Rice, and Milled Rice should be proposed.

One provision of the amendment would change the definition of milling yield of rough and brown rice. Milling yield of rough and brown rice is now an estimate of the quantity of head rice and of total milled rice that can be produced from a unit of rough or brown rice. If adopted, the amendment would delete the term "head rice" (which may contain some broken kernels) and substitute "whole kernels" so that milling yield would be defined as the estimated amount of "whole kernels and total milled rice." In most instances, this amendment will not affect the cash value of rough or brown rice because practically all cash values are now determined on the basis of whole kernels and total milled rice. Although the "whole kernel milling yield" would be less than the "head rice milling yield," USDA's Agricultural Stabilization and Conservation Service said that the change would not affect the loan value of rough rice because loan values would be established at a higher level based on the whole kernel yield. Also, USDA's Export Marketing Service said that payments under the export program would not be affected because payments are already made on the basis of whole kernels and total milled rice.

The proposed changes which are applicable to more than one standard are presented first, followed by changes applicable to an individual standard. The proposed changes are as follows:

Changes applicable to the rough rice, brown rice, and milled rice standards. 1. Delete the section numbers under "Terms Defined" and arrange the definitions in alphabetical order—for ease in use.

2. Delete the definition for "Grades"—the term is adequately defined in "Grades, Grade Requirements, and Grade Designations."

3. Provide a new section "References" to list publications referenced in the standards—for ease in use and ready reference.

4. Provide a new section "Interpretive line samples"—to identify such samples and to show where they can be viewed.

5. Add a new term "Types of rice" and change the term "Rice of other classes" to "Other types"—to make a distinction between types of rice; i.e., long grain, medium grain, or short grain, and classes of rice which may contain combinations of long, medium, and short grain rice.

6. Provide that the class (type) of broken kernels would be determined on the basis of width, thickness, and shape—the length/width ratio used in determining the class (type) of whole kernels cannot be used for determining the class (type) of broken kernels.

7. Amend the definition for "Rice of other classes" (other types) to provide that when broken kernels of long grain rice are present in medium or short grain rice, and when broken kernels of medium grain rice or short grain rice are present in long grain rice they would be considered "other classes" (other types), but that when broken kernels of medium grain rice are present in short grain rice and when broken kernels of short grain rice are present in medium grain rice they would not be considered "other classes" (other types)—it is considered practicable to distinguish between broken kernels of long grain rice in medium or short grain rice, and broken kernels of medium grain rice or short grain rice in long grain rice, but not between broken kernels of medium grain rice in short grain rice or broken kernels of short grain rice in medium grain rice.

8. Redefine "Damaged kernels" so that "Heat-damaged kernels" shall function only as heat-damaged kernels—to avoid duplicate scoring of this factor.

9. Redefine "Heat-damaged kernels" to provide that parboiled kernels shall function as heat-damaged kernels when they are as dark as, or darker in color than, the interpretive line for heat-damaged kernels—to establish a guideline for scoring parboiled kernels in nonparboiled rice.

10. Provide a definition for "Ungelatinized kernels"—it is a grade determining factor in parboiled rice and is not presently defined.

11. Provide that mechanical sizing of kernels shall be adjusted by handpicking as prescribed in the Rice Inspection Manual or by any method which gives equivalent results—to conform with approved inspection procedures.

12. Provide that moisture content shall be determined in accordance with procedures set forth in the equipment manual or by any method which gives equivalent results—to conform with approved inspection procedures.

13. Provide that percentages shall be stated to the nearest whole, tenth, or hundredth percent, as warranted, and shall be rounded off in accordance with procedures shown in the Rice Inspection Manual—there is no provision in the present standards for "rounding off" percentages.

14. Delete, in the definition of classes, reference to "Agriculture Research Service, U.S. Department of Agriculture (Agriculture Handbook No. 289)"—this publication is out of print; information contained therein, pertinent to determining class (types) of rice, will be included in the Rice Inspection Manual.

15. Provide minor procedural and editorial changes.

Changes applicable to the rough rice and brown rice standards. 1. Delete the term "Head rice" from the standards and express milling yield as whole kernels and total milled rice—to show the actual milling outturn of rough or brown rice.

2. Delete the term "Total milled rice"—it is included in the term "Milling yield."

3. Redefine "Milling yield" by (a) substituting "whole kernels" for "head rice" and (b) specifying that the milling shall be on a "well milled" basis—to establish the approved degree of milling for determining milling yield.

4. Provide a definition for "Smutty kernels"—the term is used in the special grade "Smutty."

5. Provide a definition for "Milling requirements" to require that the degree of milling shall be equal to, or better than, that of the interpretive line for "well milled" rice—to further specify the required degree of milling.

6. Provide that the "milling yield determination" shall be made as prescribed in the Rice Inspection Manual or by any method which gives equivalent results—to specify the equipment and methods to be used in determining milling yield.

7. Provide, in the sections relating to "Percentages," that milling yield shall be stated to the nearest whole percent (it is presently stated in terms of whole and half percents)—milling yield is an estimate and the determination is not precise enough to be stated in increments of half percent.

8. Provide a special grade "Smutty" for rough and brown rice which contains more than 3.0 percent of smutty kernels—at present there is no specific provision for scoring smutty kernels in rough rice and although smutty kernels function as damaged kernels in brown rice, there are no specific limits for smutty kernels in brown rice.

Changes applicable to the rough rice and milled rice standards. Delete in the definition for "Red rice" the statement "kernels and pieces of kernels of rice which are distinctly red in color"—only kernels and pieces of kernels on which there is an appreciable amount of red bran are considered red rice.

Changes applicable to the brown rice and milled rice standards. 1. Add "Hulls, germs, and bran which have separated from the kernels of rice shall be considered foreign material." to the definition for "Foreign material"—to conform with approved inspection procedures.

2. Delete "/64" from all sieve designations and the terms "No." and "sizing" from all sizing plate designations—to simplify writing or typing inspection certificates.

3. Provide that the determination for broken kernels shall be made as prescribed in the Rice Inspection Manual or by any method which gives equivalent results—to conform with approved inspection procedures.

4. Provide in the grade tables, where applicable, that plates should be used for southern production rice and sieves should be used for western production rice, but any device or method which gives equivalent results may be used—to conform: with approved inspection procedures.

Changes applicable to the rough rice standards. 1. Redefine "Classes" to show that types of rice shall be determined on the basis of the whole kernels of milled rice that are produced in the milling of rough rice to a well-milled degree—to clarify approved inspection practices.

2. Delete all references to the terms "Large broken kernels", "Dockage", and "Test weight per bushel"—these terms are not class or grade-determining factors, and serve no useful purpose in the standards. These terms will be included in the Rice Inspection Manual for use in determining, upon request of the applicant, the quality of rice under specifications other than the standards.

3. Provide that the basis of determination for the special grade "Parboiled rough rice" and types of rice when determining class shall be the whole kernels of milled rice that are produced in the milling of rough rice to a well-milled degree—to conform with approved inspection procedures.

4. Provide that the factor "Smutty kernels" shall be determined on the basis of the rice remaining after cleaning and shelling a sample of rough rice—to conform with approved inspection procedures.

Changes applicable to the brown rice standards. 1. Provide that the U.S. "Standards for Brown Rice" shall be "Standards for Brown Rice for Processing"—almost all of the brown rice produced in the United States is exported and milled at destination. The standards should show that they are standards for rice for processing as compared to rice for direct consumption.

2. Delete all references to "dead weevils or other dead insects, insect webbing, or insect refuse" as these materials are removed during processing.

NOTE: If brown rice is intended for direct consumption, the applicant for inspection may request that a statement substantially as follows be shown in "Remarks" on the inspection certificate, provided the statement is factual: "This rice was free of live or dead insects, insect webbing, or insect refuse at the time of inspection."

This statement would be authorized in the Rice Inspection Manual.

3. Raise the moisture limit in the numerical grades from 14.0 to 14.5 percent—this would be midway between the limits for rough rice and milled rice and would reflect current trade specifications.

4. Provide that the following be determined on the basis of the brown rice after milling to a well-milled degree:

Kernels damaged by heat,
Parboiled kernels in nonparboiled rice,
Heat damaged kernels, and
The special grade Parboiled brown rice.

These factors cannot be accurately determined on brown rice until it has been milled.

5. Change the term "Milled rice" to "Well-milled kernels"—to clearly define the degree to which the kernels need to be milled.

6. Provide definitions for "Brown rice" and "Brown rice for processing"—these terms will be used in the standards.

7. Delete all reference to "Milling yield of broken brown rice", "Second head milled rice", "Screenings milled rice", "Brewers milled rice", "4/64 sieve", "5½/64 sieve", "6/64 sieve", and "No. 5 sizing plate"—these terms are not class or grade-determining factors and serve no useful purpose in the standards. These terms will be included in the Rice Inspection Manual for use in determining, upon request of the applicant, the quality of rice under specifications other than the standards.

8. Delete in the definition for "Red rice" the statement "kernels and pieces of kernels of rice which are distinctly red in color"—only kernels and pieces of kernels on which the bran is red are considered red rice.

Changes applicable to milled rice. 1. Redefine the special grade "Undermilled milled rice" to show the requirements for this special grade—to conform with approved inspection procedures.

2. Define "Well-milled kernels"—this term is used in the special grade "Undermilled milled rice".

3. Define a "30 sieve"—the material passing through this sieve will be a scoring factor in Screenings Milled Rice and Brewers Milled Rice.

4. Raise the chalky kernel limit from 3.0 to 4.0 percent and from 5.0 to 6.0 percent for grades U.S. No. 1 and U.S. No. 2, respectively, in the table for grades and grade requirements for the class "Second Head Milled Rice"—to more nearly reflect current crop quality.

5. Provide maximum limits as follows for grades U.S. No. 1 to U.S. No. 4, inclusive, in the tables for grades and grade requirements for the class "Screenings Milled Rice" and "Brewers Milled Rice": (1) 3.0 percent of heat-damaged kernels, kernels damaged by heat, and parboiled kernels in nonparboiled rice (singly or combined)—rice which is damaged by heat, heat-damaged, or parboiled detracts from the proper conversion of rice starch to sugar in the brewing process (2) 1.0 percent of material passing through a 30 sieve—material passing through a 30 sieve (powdery material) is not usable in the brewing process and is usually lost in handling. Maximum limits are needed for these factors for uniform application.

6. Provide a definition for "Brown rice"—the term is used in the standards but is not defined.

7. Delete in "Grade designations for Milled Rice" the statement: "The degree of milling; i.e., 'well milled,' 'reasonably well milled,' or 'lightly milled', shall be shown under 'remarks' on all inspection certificates of grade."—this requirement will be provided for in the Rice Inspection Manual.

8. Redefine "Milled rice" to provide that "paddy kernels" be included in the limit for seeds, or foreign material, either singly or combined—paddy kernels are allowed in the grade tables for milled rice, but are not provided for in the definition for "Milled rice".

A possible change was considered which would have provided that rice of other classes in broken kernels be disregarded in grades U.S. No. 5 and lower in the grade table for Long, Medium, and Short Grain, and Mixed Milled Rice. After careful consideration it was concluded that the proposed change in the definition of "Rice of other classes" would, in part, achieve the desired flexibility which the change in percentage of broken kernels of "Rice of other classes" would have provided, without jeopardizing the cooking quality of grades U.S. No. 5 and lower.

The revised standards would read as follows:

U.S. STANDARDS FOR ROUGH RICE[1]

TERMS DEFINED

§ 68.201 Definitions.

For the purposes of these standards, the following terms shall have the meanings stated below:

(a) *Broken kernels.* Kernels of rice which are less than three-fourths of whole kernels.

(b) *Chalky kernels.* Whole kernels of rice which are one-half or more chalky.

(c) *Classes.* There are four classes of rough rice as follows:

Long grain rough rice.
Medium grain rough rice.
Short grain rough rice.
Mixed rough rice.

Classes shall be based on the percentage of whole kernels and types of rice.

(1) "Long grain rough rice" shall consist of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains not more than 10.0 percent of whole kernels of medium or short grain rice.

(2) "Medium grain rough rice" shall consist of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains not more than 10.0 percent of whole kernels of long- or short-grain rice.

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

V37-12 JAN 19 72 XUM

(3) "Short grain rough rice" shall consists of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains not more than 10.0 percent of whole kernels of long- or medium-grain rice.

(4) "Mixed rough rice" shall consists of rough rice which contains more than 25.0 percent of whole kernels and which, after milling to a well-milled degree, contains more than 10.0 percent of "other types" as defined in paragraph (h) of this section.

(d) *Damaged kernels.* Whole kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means, and whole kernels of parboiled rice in nonparboiled rice. "Heat-damaged kernels" (see paragraph (e) of this section) shall not function as damaged kernels.

(e) *Heat-damaged kernels.* Whole kernels of rice which are materially discolored and damaged as a result of heating, and whole kernels of parboiled rice in nonparboiled rice which are as dark as, or darker in color than, the interpretive line for heat-damaged kernels.

(f) *Milling yield.* An estimate of the quantity of whole kernels and total milled rice (whole and broken kernels combined) that are produced in the milling of rough rice to a well-milled degree.

(g) *Objectionable seeds.* Seeds other than rice, except seeds of *Echinochloa crusgalli* (commonly known as barnyard grass, watergrass, and Japanese millet).

(h) *Other types.* (1) Whole kernels of: (i) Long-grain rice in medium- or short-grain rice and medium- or short-grain rice in long-grain rice, (ii) medium-grain rice in long- or short-grain rice and long- or short-grain rice in medium-grain rice, (iii) short-grain rice in long- or medium-grain rice and long- or medium-grain rice in short-grain rice, and (2) broken kernels of long-grain rice in medium- or short-grain rice and broken kernels of medium- or short-grain rice in long-grain rice.

NOTE: Broken kernels of medium-grain rice in short-grain rice and broken kernels of short-grain rice in medium-grain rice shall not be considered other types.

(i) *Paddy kernels.* Whole or broken unhulled kernels of rice.

(j) *Red rice.* Whole kernels of rice on which there is an appreciable amount of red bran.

(k) *Rough rice.* Rice (*Oryza sativa*) which consists of 50.0 percent or more of paddy kernels (see paragraph (i) of this section) of rice.

(l) *Seeds.* Whole or broken seeds of any plant other than rice.

(m) *Smutty kernels.* Whole or broken kernels of rice which are distinctly infected by smut.

(n) *Types of rice.* There are three types of rough rice as follows:

Long grain.
Medium grain.
Short grain.

Types shall be based on the length/width ratio of kernels of rice that are unbroken and the width, thickness, and shape of kernels of rice that are broken as set forth in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.208).

(o) *Ungelatinized kernels.* Whole kernels of parboiled rice with distinct white or chalky areas due to incomplete gelatinization of the starch.

(p) *Whole kernels.* Unbroken kernels of rice and broken kernels of rice which are at least three-fourths of an unbroken kernel.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.202 Basis of determinations.

The determination of seeds, objectionable seeds, heat-damaged kernels, red rice and damaged kernels, chalky kernels, other types, color, and the special grade parboiled rough rice shall be on the basis of the whole kernels of milled rice that are produced in the milling of rough rice to a well-milled degree. When determining class the percentage of (a) whole kernels of rough rice shall be determined on the basis of the original sample and (b) types of rice shall be determined on the basis of the whole kernels of milled rice that are produced in the milling of rough rice to a well-milled degree. Smutty kernels shall be determined on the basis of the rough rice after it has been cleaned and shelled as set forth in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.208), or by any method which gives equivalent results. All other determinations shall be on the basis of the original sample. Mechanical sizing of kernels shall be adjusted by handpicking as set forth in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.208), or by any method which gives equivalent results.

§ 68.203 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual examinations shall be maintained by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade rice.

§ 68.204 Milling requirements.

In determining milling yield (see § 68.201(f)) in rough rice, the degree of milling shall be equal to, or better than, that of the interpretive line sample for "well milled" rice.

§ 68.205 Milling yield determination.

Milling yield shall be determined by the use of equipment and procedures set forth in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.208), or by any method which gives equivalent results.

NOTE: Milling yield shall not be determined when the moisture content of the rough rice exceeds 18.0 percent.

§ 68.206 Moisture.

Moisture content shall be determined by the use of equipment and procedures set forth in the Equipment Manual, GR Instruction 916–6 (see § 68.208), or by any method which gives equivalent results.

§ 68.207 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off in accordance with instructions in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.208). Percentages, except for milling yield, shall be stated in whole and tenth percent to the nearest tenth percent. The percentage for milling yield shall be stated to the nearest whole percent.

§ 68.208 References.

The following publications are referenced in these standards. Copies will be made available, upon request, from the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture:

(a) Rice Inspection Manual, GR Instruction 918–2, U.S. Department of Agriculture, Consumer and Marketing Service.

(b) Equipment Manual, GR Instruction 916–6, U.S. Department of Agriculture, Consumer and Marketing Service.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.209 Grades and grade requirements for the classes of rough rice. (See also § 68.211.).

Grade	Maximum limits of— Seeds and heat-damaged kernels: Total (singly or combined)	Heat-damaged kernels and objectionable seeds (singly or combined)	Red rice and damaged kernels (singly or combined)	Chalky kernels [1]: In long grain rice	In medium or short grain rice	Other types [2]	Color requirements [1]
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1	2	1	0.5	1.0	2.0	1.0	Shall be white or creamy.
U.S. No. 2	4	2	1.5	2.0	4.0	2.0	May be slightly gray.
U.S. No. 3	7	5	2.5	4.0	6.0	3.0	May be light gray.
U.S. No. 4	30	15	4.0	6.0	8.0	5.0	May be gray or slightly rosy.
U.S. No. 5	30	25	6.0	10.0	10.0	10.0	May be dark gray or rosy.
U.S. No. 6	75	75	[3] 15.0	15.0	15.0	10.0	May be dark gray or rosy.
U.S. Sample grade	U.S. Sample grade shall be rough rice which: (a) Does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6 inclusive, (b) contains more than 14.0 percent of moisture, (c) is musty, or sour, or heating, (d) has any commercially objectionable foreign odor, or (e) is otherwise of distinctly low quality.						

[1] For the special grade Parboiled rough rice see § 68.211 (a).
[2] These limits do not apply to the class Mixed Rough Rice.
[3] Rice in grade U.S. No. 6 shall contain not more than 6.0 percent of damaged kernels.

§ 68.210 Grade designation.

The grade designation for all classes of rough rice, except Mixed Rough Rice, shall include in the following order: (a) The letters "U.S."; (b) the number of the grade or the words "Sample grade", as warranted; (c) the class; (d) each applicable special grade (see § 68.212); and (e) a statement of the milling yield. The grade designation for the class Mixed Rough Rice shall include, in the following order: (f) The letters "U.S."; (g) the number of the grade or the words "Sample grade", as warranted; (h) the class; (i) each applicable special grade (see § 68.212); (j) the percentage of whole kernels of each type in the order of predominance; and (k) a statement of the milling yield.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.211 Special grades and special grade requirements.

The following special grades are established for rough rice. Except as provided in this section, all grades and grade requirements of the standards shall apply to such rice.

(a) *Parboiled rough rice.* Parboiled rough rice shall be rough rice in which the starch has been gelatinized by soaking, steaming, and drying. Grades U.S. No. 1 to U.S. No. 6 inclusive, shall contain not more than 10.0 percent of ungelatinized kernels. Grades U.S. No 1 and U.S. No. 2 shall contain not more than 0.1 percent, grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and grades U.S. No. 5 and U.S. No. 6 not more than 0.5 percent of nonparboiled rice. If the rice is: (1) Not distinctly colored by the parboiling process, it shall be considered "Parboiled Light"; (2) distinctly but not materially colored by the parboiling process, it shall be considered "Parboiled"; (3) materially colored by the parboiling process, it shall be considered "Parboiled Dark". The color levels for "Parboiled Light", "Parboiled", and "Parboiled Dark" rice shall be in accordance with the interpretive line samples for parboiled rice.

NOTE: The maximum limits for "Chalky kernels" and the "Color requirements" shown in § 68.209 are not applicable to the special grade "Parboiled rough rice".

(b) *Smutty rough rice.* Smutty rough rice shall be rough rice which contains more than 3.0 percent of smutty kernels.

(c) *Weevily rough rice.* Weevily rough rice shall be rough rice which is infested with live weevils or other live insects injurious to stored rice.

§ 68.212 Special grade designation.

The grade designation for parboiled, smutty, or weevily rough rice shall include, following the class, the word(s) "Parboiled Light", "Parboiled", "Parboiled Dark", "Smutty", or "Weevily", as warranted, and all other information prescribed in § 68.210.

U.S. STANDARDS FOR BROWN RICE FOR PROCESSING [1]

TERMS DEFINED

§ 68.251 Definitions.

For the purposes of these standards, the following terms shall have the meanings stated below:

(a) *Broken kernels.* Kernels of rice which are less than three-fourths of whole kernels.

(b) *Brown rice.* Whole or broken kernels of rice from which the hulls have been removed.

(c) *Brown rice for processing.* Rice (*Oryza sativa*) which consists of more than 50.0 percent of kernels of brown rice, and which is intended for processing to milled rice.

(d) *Chalky kernels.* Whole or broken kernels of rice which are one-half or more chalky.

(e) *Classes.* There are four classes of brown rice for processing:

Long grain brown rice for processing.
Medium grain brown rice for processing.
Short grain brown rice for processing.
Mixed brown rice for processing.

Classes shall be based on the percentage of whole kernels and types of rice.

(1) "Long-grain brown rice for processing" shall consist of brown rice for processing which contains more than 25.0 percent of whole kernels of brown rice and not more than 10.0 percent of whole or broken kernels of medium- or short-grain rice.

(2) "Medium-grain brown rice for processing" shall consist of brown rice for processing which contains more than 25.0 percent of whole kernels of brown rice and not more than 10.0 percent of whole or broken kernels of long-grain rice or whole kernels of short-grain rice.

(3) "Short-grain brown rice for processing" shall consist of brown rice for processing which contains more than 25.0 percent of whole kernels of brown rice and not more than 10.0 percent of whole or broken kernels of long-grain rice or whole kernels of medium-grain rice.

(4) "Mixed brown rice for processing" shall be brown rice for processing which contains more than 25.0 percent of whole kernels of brown rice and more than 10.0 percent of "other types" as defined in paragraph (k) of this section.

(f) *Damaged kernels.* Whole or broken kernels of rice which are distinctly discolored or damaged by water, insects, heat, or any other means (including parboiled kernels in nonparboiled rice and smutty kernels). "Heat-damaged kernels" (see paragraph (h) of this section) shall not function as damaged kernels.

(g) *Foreign material.* All matter other than rice and seeds. Hulls, germs, and bran which have separated from the kernels of rice shall be considered foreign material.

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

(h) *Heat-damaged kernels.* Whole or broken kernels of rice which are materially discolored and damaged as a result of heating and parboiled kernels in nonparboiled rice which are as dark as, or darker in color than, the interpretative line for heat-damaged kernels.

(i) *Milling yield.* An estimate of the quantity of whole kernels and total milled rice (whole and broken kernels combined) that are produced in the milling of brown rice for processing to a well-milled degree.

(j) *Objectionable seeds.* Seeds other than rice, except seeds of *Echinochloa crusgalli* (commonly known as barnyard grass, watergrass, and Japanese millet).

(k) *Other types.* (1) Whole kernels of: (i) Long-grain rice in medium- or short-grain rice and medium- or short-grain rice in long-grain rice, (ii) medium-grain rice in long- or short-grain rice and long- or short-grain rice in medium-grain rice, (iii) short-grain rice in long- or medium-grain rice and long- or medium-grain rice in short-grain rice, and (2) broken kernels of long-grain rice in medium- or short-grain rice and broken kernels of medium- or short-grain rice in long-grain rice.

NOTE: Broken kernels of medium-grain rice in short-grain rice and broken kernels of short-grain rice in medium-grain rice shall not be considered other types.

(l) *Paddy kernels.* Whole or broken unhulled kernels of rice.

(m) *Red rice.* Whole or broken kernels of rice on which the bran is distinctly red in color.

(n) *Seeds.* Whole or broken seeds of any plant other than rice.

(o) *Smutty kernels.* Whole or broken kernels of rice which are distinctly infected by smut.

(p) *Types of rice.* There are three types of brown rice for processing:

Long grain.
Medium grain.
Short grain.

Types shall be based on the length/width ratio of kernels of rice that are unbroken and the width, thickness, and shape of kernels of rice that are broken as set forth in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.259).

(q) *Ungelatinized kernels.* Whole or broken kernels of parboiled rice with distinct white or chalky areas due to incomplete gelatinization of the starch.

(r) *Well-milled kernels.* Whole or broken kernels of rice from which the hulls and practically all of the germs and the bran layers have been removed.

(s) *Whole kernels.* Unbroken kernels of rice and broken kernels of rice which are at least three-fourths of an unbroken kernel.

(t) *6 plate.* A laminated metal plate 0.142-inch thick, with a top lamina 0.051-inch thick, perforated with rows of round holes 0.0938 (6/64) inch in diameter, five thirty-second inch from center to center, with each row staggered in relation to the adjacent rows, and a bottom lamina 0.091-inch thick, without perforations.

V 37 12 JAN 19 72 XUM

(u) *6½ sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.1016 (6½/64) inch in diameter, five thirty-second inch from center to center, with each row staggered in relation to the adjacent rows.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.252 Basis of determinations.

The determination of kernels damaged by heat, heat-damaged kernels, parboiled kernels in nonparboiled rice, and the special grade Parboiled brown rice for processing shall be on the basis of the broken rice for processing after it has been milled to a well-milled degree. All other determinations shall be on the basis of the original sample. Mechanical sizing of kernels shall be adjusted by handpicking as set forth in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.259) or by any method which gives equivalent results.

§ 68.253 Broken kernels determinations.

Broken kernels shall be determined by the use of equipment and procedures set forth in the Rice Inspection Manual, GR Instruction 918–2 (see §68.259), or by any method which gives equivalent results.

§ 68.254 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual observation shall be maintained by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade rice.

§ 68.255 Milling requirements.

In determining milling yield (see § 68.251(i)) in brown rice for processing, the degree of milling shall be equal to, or better than, that of the interpretive line sample for "well milled" rice.

§ 68.256 Milling yield determination.

Milling yield shall be determined by the use of equipment and procedures set forth in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.259), or by any method which gives equivalent results.

NOTE: Milling yield shall not be determined when the moisture content of the brown rice for processing exceeds 18.0 percent.

§ 68.257 Moisture.

Moisture content shall be determined by the use of equipment and procedures set forth in the Equipment Manual, GR Instruction 916–6 (see § 68.259), or by any method which gives equivalent results.

§ 68.258 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off in accordance with instructions in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.259). Percentages, except for milling yield, shall be stated in whole and tenth percent to the nearest tenth percent. The percentage for milling yield shall be stated to the nearest whole percent.

§ 68.259 References.

The following publications are referenced in these standards. Copies will be made available, upon request, from the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture:

(a) Rice Inspection Manual, GR Instruction 918–2, U.S. Department of Agriculture, Consumer and Marketing Service.

(b) Equipment Manual, GR Instruction 916–6, U.S. Department of Agriculture, Consumer and Marketing Service.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.260 Grades and grade requirements for the classes of brown rice for processing. (See also § 68.262.)

Grade	Maximum limits of—										
	Paddy kernels	Seeds and heat-damaged kernels			Red rice and damaged kernels (singly or combined)	Chalky kernels [1]	Broken kernels			Well-milled kernels
		Total (singly or combined)	Heat-damaged kernels	Objectionable seeds			Total	Removed by a 6 plate or a 6½ sieve [2]	Other types [3]	
	Number in 500 grams	*Number in 500 grams*	*Number in 500 grams*	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	20	10	1	2	1.0	2.0	5.0	1.0	1.0	1.0
U.S. No. 2	2.0	40	2	10	2.0	4.0	10.0	2.0	2.0	3.0
U.S. No. 3	2.0	70	4	20	4.0	6.0	15.0	3.0	5.0	10.0
U.S. No. 4	2.0	100	8	35	8.0	8.0	25.0	4.0	10.0	10.0
U.S. No. 5	2.0	150	15	50	15.0	15.0	35.0	6.0	10.0	10.0
U.S. Sample grade	U.S. Sample grade shall be brown rice for processing which: (a) Does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5 inclusive, (b) contains more than 14.5 percent of moisture, (c) is musty, or sour, or heating, (d) has any commercially objectionable foreign odor, (e) contains more than 0.1 percent of foreign material, (f) contains live weevils or other live insects, or (g) is otherwise of distinctly low quality.									

[1] For the special grade Parboiled brown rice for processing see § 68.262(a).
[2] Plates should be used for southern production rice and sieves should be used for western production rice, but any device or method which gives equivalent results may be used.
[3] These limits do not apply to the class Mixed Brown Rice for Processing.

§ 68.261 Grade designation.

The grade designation for all classes of brown rice for processing, except Mixed Brown Rice for Processing, shall include the following order: (a) The letters "U.S."; (b) the number of the grade or the words "Sample grade," as warranted; (c) the class; and (d) each applicable special grade (see § 68.263). The grade designation for the class Mixed Brown Rice for Processing shall include, in the following order: (e) The letters "U.S."; (f) the number of the grade or the words "Sample grade," as warranted; (g) the class; (h) each applicable special grade (see § 68.263); (i) the percentage of whole kernels of each type in the order of predominance; and when applicable (j) the percentage of broken kernels of each type in the order of predominance and (k) the percentage of seeds and foreign material.

NOTE: Broken kernels other than long grain, in Mixed Brown Rice for Processing, shall be certificated as "medium or short grain."

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.262 Special grades and special grade requirements.

The following special grades are established for brown rice for processing. Except as provided in this section, all grades and grade requirements of the standards shall apply to such rice.

(a) *Parboiled brown rice for processing.* Parboiled brown rice for processing shall be rice in which the starch has been gelatinized by soaking, steaming, and drying. Grades U.S. Nos. 1 to 5 inclusive, shall contain not more than 10.0 percent of ungelatinized kernels. Grades U.S. No. 1 and U.S. No. 2 shall contain not more than 0.1 percent, grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent and grade U.S. No. 5 not more than 0.5 percent of nonparboiled rice.

NOTE: The maximum limits for "Chalky kernels" shown in § 68.260 are not applicable to the special grade "Parboiled brown rice for processing".

(b) *Smutty brown rice for processing.* Smutty brown rice for processing shall be rice which contains more than 3.0 percent of smutty kernels.

§ 68.263 Special grade designation.

The grade designation for parboiled or smutty brown rice for processing shall include, following the class, the word(s) "Parboiled" or "Smutty," as warranted, and all other information prescribed in § 68.261.

U.S. STANDARDS FOR MILLED RICE [1]

TERMS DEFINED

§ 68.301 Definitions.

For the purposes of these standards, the following terms shall have the meanings stated below:

(a) *Broken kernels.* Kernels of rice which are less than three-fourths of whole kernels.

(b) *Brown rice.* Whole or broken kernels of rice from which the hulls have been removed.

(c) *Chalky kernels.* Whole or broken kernels of rice which are one-half or more chalky.

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

(d) *Classes.* There are seven classes of milled rice. The following four classes shall be based on the percentage of whole kernels and types of rice:

Long grain milled rice.
Medium grain milled rice.
Short grain milled rice.
Mixed milled rice.

The following three classes shall be based on the percentage of whole kernels and of broken kernels of different size:

Second head milled rice.
Screenings milled rice.
Brewers milled rice.

(1) "Long-grain milled rice" shall consist of milled rice which contains more than 25.0 percent of whole kernels of milled rice and not more than 10.0 percent of whole or broken kernels of medium or short grain rice.

(2) "Medium-grain milled rice" shall consist of milled rice which contains more 25.0 percent of whole kernels of milled rice and not more than 10.0 percent of whole or broken kernels of long grain rice or whole kernels of short-grain rice.

(3) "Short-grain milled rice" shall consist of milled rice which contains more than 25.0 percent of whole kernels of milled rice and not more than 10.0 percent of whole or broken kernels of long-grain rice or whole kernels of medium-grain rice.

(4) "Mixed milled rice" shall consist of milled rice which contains more than 25.0 percent of whole kernels of milled rice and more than 10.0 percent of "other types" as defined in paragraph (j) of this section.

(5) "Second head milled rice" shall consist of milled rice which, when determined in accordance with §§ 68.302 and 68.303, contains:

(i) Not more than (*a*) 25.0 percent of whole kernels, (*b*) 7.0 percent of broken kernels removed by a 6 plate, (c) 0.4 percent of broken kernels removed by a 5 plate, and (*d*) 0.05 percent of broken kernels passing through a 4 sieve (southern production); or

(ii) Not more than (*a*) 25.0 percent of whole kernels, (*b*) 50.0 percent of broken kernels passing through a 6½ sieve, and (c) 10.0 percent of broken kernels passing through a 6 seive (western production).

(6) "Screenings milled rice" shall consist of milled rice which, when determined in accordance with §§ 68.302 and 68.303, contains:

(i) Not more than (*a*) 25.0 percent of whole kernels, (*b*) 10.0 percent of broken kernels removed by a 5 plate, and (c) 0.2 percent of broken kernels passing through a 4 sieve (southern producton); or

(ii) Not more than (*a*) 25.0 percent of whole kernels and (*b*) 15.0 percent of broken kernels passing through a 5½ sieve; and more than (c) 50.0 percent of broken kernels passing through a 6½ sieve and (*d*) 10.0 percent of broken kernels passing through a 6 sieve (western production).

(7) "Brewers milled rice" shall consist of milled rice which, when determined in accordance with §§ 68.302 and 68.303, contains not more than 25.0 percent of whole kernels and which does not meet the kernel-size requirements for the class Second Head Milled Rice or Screenings Milled Rice.

(e) *Damaged kernels.* Whole or broken kernels of rice which are distintcly discolored or damaged by water, insects, heat, or any other means, and parboiled kernels in nonparboiled rice. "Heat-damaged kernels" (see paragraph (g) of this section) shall not function as damaged kernels.

(f) *Foreign material.* All matter other than rice and seeds. Hulls, germs, and bran which have separated from the kernels of rice shall be considered foreign material.

(g) *Heat-damaged kernels.* Whole or broken kernels of rice which are materially discolored and damaged as a result of heating and parboiled kernels in nonparboiled rice which are as dark as, or darker in color than, the interpretive line for heat-damaged kernels.

(h) *Milled rice.* Whole or broken kernels of rice (*Oryza sativa*) from which the hulls and at least the outer bran layers and a part of the germs have been removed; and which contain not more than 10.0 percent of seeds, paddy kernels, or foreign material, either singly or combined.

(i) *Objectionable seeds.* Seeds other than rice, except seeds of *Echinochloa crusgalli* (commonly known as barnyard grass, watergrass, and Japanese millet).

(j) *Other types.* (1) Whole kernels of: (i) Long-grain rice in medium- or short-grain rice and medium- or short-grain rice in long-grain rice, (ii) medium-grain rice in long- or short-grain rice and long- or short-grain rice in medium-grain rice, (iii) Short-grain rice in long- or medium-grain rice and long- or medium-grain rice in short-grain rice, and (2) broken kernels of long-grain rice in medium- or short-grain rice and broken kernels of medium- or short-grain rice in long-grain rice.

NOTE: Broken kernels of medium-grain rice in short-grain rice and broken kernels of short-grain rice in medium-grain rice shall not be considered other types.

(k) *Paddy kernels.* Whole or broken unhulled kernels of rice, and whole or broken kernels of brown rice.

(l) *Red rice.* Whole or broken kernels of rice on which there is an appreciable amount of red bran.

(m) *Seeds.* Whole or broken seeds of any plant other than rice.

(n) *Types of rice.* There are three types of milled rice as follows:

Long grain.
Medium grain.
Short grain.

Types shall be based on the length/width ratio of kernels of rice that are unbroken and the width, thickness, and shape of kernels that are broken as set forth in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.308).

(o) *Ungelatinized kernels.* Whole or broken kernels of parboiled rice with distinct white or chalky areas due to incomplete gelatinization of the starch.

(p) *Well-milled kernels.* Whole or broken kernels of rice from which the hulls and practically all of the germs and the bran layers have been removed.

NOTE: This factor is determined on an individual kernel basis and applies to the special grade Undermilled milled rice only.

(q) *Whole kernels.* Unbroken kernels of rice and broken kernels of rice which are at least three-fourths of an unbroken kernel.

(r) *5 plate.* A laminated metal plate 0.142-inch thick, with a top lamina 0.051-inch thick, perforated with rows of round holes 0.0781 (5/64) inch in diameter, five thirty-seconds of an inch from center to center, with each row staggered in relation to the adjacent rows, and a bottom lamina 0.091-inch thick, without perforations.

(s) *6 plate.* A laminated metal plate 0.142-inch thick, with a top lamina 0.051-inch thick, perforated with rows of round holes 0.0938 (6/64) inch in diameter, five thirty-seconds of an inch from center to center, with each row staggered in relation to the adjacent rows, and a bottom lamina 0.091-inch thick, without perforations.

(t) *2½ sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0391 (2½/64) inch in diameter, 0.075-inch from center to center, with each row staggered in relation to the adjacent rows.

(u) *4 sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0625 (4/64) inch in diameter, one-eighth inch from center to center, with each row staggered in relation to the adjacent rows.

(v) *5 sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0781 (5/64) inch in diameter, five thirty-seconds of an inch from center to center, with each row staggered in relation to the adjacent rows.

(w) *5½ sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0859 (5½/64) inch in diameter, nine sixty-fourths of an inch from center to center, with each row staggered in relation to the adjacent rows.

(x) *6 sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.0938 (6/64) inch in diameter, five thirty-seconds of an inch from center to center, with each row staggered in relation to the adjacent rows.

(y) *6½ sieve.* A metal sieve 0.032-inch thick, perforated with rows of round holes 0.1016 (6½/64) inch in diameter, five thirty-seconds of an inch from center to center, with each row staggered in relation to the adjacent rows.

(z) *30 sieve.* A woven wire cloth sieve having 0.0234-inch openings, with a wire diameter of 0.0154 inch, and meeting the specifications of American Society for Testing and Materials Designation E–11–61, as set forth in the Equipment Manual, GR Instruction 916–6 (see § 68.308).

V 37 1 2 JAN 19 72 XUM

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.302 Basis of determination.

All determinations shall be on the basis of the original sample. Mechanical sizing of kernels shall be adjusted by handpicking, as set forth in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.308), or by any method which gives equivalent results.

§ 68.303 Broken kernels determination.

Broken kernels shall be determined by the use of equipment and procedures set forth in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.308), or by any method which gives equivalent results.

§ 68.304 Interpretive line samples.

Interpretive line samples showing the official scoring line for factors that are determined by visual observation shall be maintained by the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, and shall be available for reference in all inspection offices that inspect and grade rice.

§ 68.305 Milling requirements.

The degree of milling for milled rice; i.e., "well milled," "reasonably well milled," and "lightly milled" shall be equal to, or better than, that of the interpretive line samples for such rice.

§ 68.306 Moisture.

Moisture content shall be determined by the use of equipment and procedures set forth in the Equipment Manual, GR Instruction 916–6 (see § 68.308), or by any method which gives equivalent results.

§ 68.307 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off in accordance with instructions in the Rice Inspection Manual, GR Instruction 918–2 (see § 68.308). Percentages shall be stated in whole, tenth, and hundredth percent to the nearest tenth or hundredth percent.

§ 68.308 References.

The following publications are referenced in these standards. Copies will be made available, upon request, from the Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture:

(a) Rice Inspection Manual, GR Instruction 918–2, U.S. Department of Agriculture, Consumer and Marketing Service.

(b) Equipment Manual, GR Instruction 916–6, U.S. Department of Agriculture, Consumer and Marketing Service.

GRADE, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.309 Grades and grade requirements for the classes Long-Grain Milled Rice, Medium-Grain Milled Rice, Short-Grain Milled Rice, and Mixed-Milled Rice. (See also § 68.314.)

Grade	Maximum limits of—									Color [1] and milling requirements [4]
	Seeds, heat-damaged, and paddy kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels [1]		Broken kernels			Other types [2]	
	Total	Heat-damaged kernels and objectionable seeds		In long grain rice	In medium or short grain rice	Total	Removed by a 5 plate [3]	Removed by a 6 plate [3]	Through a 6 sieve [3]	
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1	4	1	0.5	1.0	2.0	4.0	0.04	0.1	0.1	1.0	Shall be white or creamy and shall be well milled.
U.S. No. 2	8	2	1.5	2.0	4.0	7.0	.06	.2	.2	2.0	May be slightly gray and shall be well milled.
U.S. No. 3	12	5	2.5	4.0	6.0	15.0	.1	.8	.5	3.0	May be light gray and shall be at least reasonably well milled.
U.S. No. 4	20	15	4.0	6.0	8.0	25.0	.4	2.0	.7	5.0	May be gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 5	28	25	[5] 6.0	10.0	10.0	35.0	.7	3.0	1.0	10.0	May be dark gray or rosy and shall be at least lightly milled.
U.S. No. 6	72	75	[6] 15.0	15.0	15.0	50.0	1.0	4.0	2.0	10.0	May be dark gray or very rosy and shall be at least lightly milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of any of these classes which: (a) Does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 6 inclusive, (b) contains more than 15.0 percent of moisture, (c) is musty, or sour, or heating, (d) has any commercially objectionable foreign odor, (e) contains more than 0.1 percent of foreign material, (f) contains live or dead weevils or other insects, insect webbing, or insect refuse, or (g) is otherwise of distinctly low quality.										

[1] For the special grade Parboiled milled rice see § 68.314(c).
[2] Plates should be used for southern production rice and sieves should be used for western production rice, but any device or method which gives equivalent results may be used.
[3] These limits do not apply to the class Mixed Milled Rice.
[4] For the special grade Undermilled milled rice see § 68.314(d):
[5] Grade U.S. No. 6 shall contain not more than 6.0 percent of damaged kernels.

§ 68.310 Grades and grade requirements for the class Second Head Milled Rice. (See also § 68.314.)

Grade	Maximum limits of—				Color [1] and milling requirements [3]
	Seeds, heat-damaged, and paddy kernels (singly or combined)		Red rice and damaged kernels (singly or combined)	Chalky kernels [1]	
	Total	Heat-damaged kernels and objectionable seeds			
	Number in 500 grams	*Number in 500 grams*	*Percent*	*Percent*	
U.S. No. 1	15	5	1.0	4.0	Shall be white or creamy and shall be well milled.
U.S. No. 2	20	10	2.0	6.0	May be slightly gray and shall be well milled.
U.S. No. 3	35	15	3.0	10.0	May be light gray and shall be at least reasonably well milled.
U.S. No. 4	50	25	5.0	15.0	May be gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 5	75	40	10.0	20.0	May be dark gray or very rosy and shall be at least lightly milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which: (a) Does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5 inclusive, (b) contains more than 15.0 percent of moisture, (c) is musty, or sour, or heating, (d) has any commercially objectionable foreign odor, (e) contains live or dead weevils or other insects, insect webbing, or insect refuse, or (g) is otherwise of distinctly low quality.				

[1] For the special grade Parboiled milled rice see § 68.314(c).
[2] For the special grade Undermilled milled rice see § 68.314(d).
[3] Grades U.S. No. 1 to U.S. No. 4 inclusive, shall contain not more than 3.0 percent of heat-damaged kernels, kernels damaged by heat and/or parboiled kernels in nonparboiled rice.
[4] Grades U.S. No. 1 to U.S. No. 4 inclusive, shall contain not more than 1.0 percent of material passing through a 20 sieve. This limit does not apply to the special grade Granulated brewers milled rice.

§ 68.311 Grades and grade requirements for the class Screenings Milled Rice. (See also § 68.314.)

Grade	Maximum limits of—			Color [1] and milling requirements [2]
	Paddy kernels and seeds		Chalky kernels [1]	
	Total (singly or combined)	Objectionable seeds		
	Number in 600 grams	*Number in 600 grams*	*Percent*	
U.S. No. 1	30	20	6.0	Shall be white or creamy and shall be well milled.
U.S. No. 2	75	50	8.0	May be slightly gray and shall be well milled.
U.S. No. 3	125	90	12.0	May be light gray or slightly rosy and shall be at least reasonably well milled.
U.S. No. 4 [3]	175	140	20.0	May be gray or rosy and shall be at least reasonably well milled.
U.S. No. 5	250	200	30.0	May be dark gray or very rosy and shall be at least lightly milled.
U.S. Sample grade	U.S. Sample grade shall be milled rice of this class which: (a) Does not meet the requirements for any of the grades from U.S. No. 1 to U.S. No. 5 inclusive, (b) contains more than 15 percent of moisture, (c) is musty, or sour, or heating, (d) has any commercially objectionable foreign odor, (e) contains more than 3.0 percent of heat-damaged kernels, kernels damaged by heat and/or parboiled kernels in nonparboiled rice, (f) contains live or dead weevils or other insects, insect webbing, or insect refuse, or (h) is otherwise of distinctly low quality.			

[1] For the special grade Parboiled milled rice see § 68.314(c).
[2] For the special grade Undermilled milled rice see § 68.314(d).
[3] Grades U.S. No. 1 to U.S. No. 4 inclusive, shall contain not more than 3.0 percent of heat-damaged kernels, kernels damaged by heat and/or parboiled kernels in nonparboiled rice.
[4] Grades U.S. No. 1 to U.S. No. 4 inclusive, shall contain not more than 1.0 percent of material passing through a 20 sieve.

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS AND SPECIAL GRADE DESIGNATIONS

§ 68.314 Special grades and special grade requirements.

The following special grades are established for milled rice. Except as provided in this section, all grades and grade requirements of the standards shall apply to such rice.

(a) *Coated milled rice.* Coated milled rice shall be milled rice which is coated, in whole or in part, with glucose and talc.

(b) *Granulated brewers milled rice.* Granulated brewers milled rice shall be milled rice which has been crushed or granulated so that 95.0 percent or more will pass through a 5 sieve, 70.0 percent or more will pass through a 4 sieve, and not more than 15.0 percent will pass through a 2½ sieve.

(c) *Parboiled milled rice.* Parboiled milled rice shall be milled rice in which the starch has been gelatinized by soaking, steaming, and drying. Grades U.S. No. 1 to U.S. No. 6 inclusive, shall contain

V372 JAN 19 72 XUM

not more than 10.0 percent of ungelatinized kernels. Grades U.S. No. 1 and U.S. No. 2 shall contain not more than 0.1 percent, grades U.S. No. 3 and U.S. No. 4 not more than 0.2 percent, and grades U.S. No. 5 and U.S. No. 6 not more than 0.5 percent of nonparboiled rice. If the rice is: (1) Not distinctly colored by the parboiling process, it shall be considered "Parboiled Light"; (2) distinctly but not materially colored by the parboiling process, it shall be considered "Parboiled"; (3) materially colored by the parboiling process, it shall be considered "Parboiled Dark." The color levels for "Parboiled Light," "Parboiled," and "Parboiled Dark" shall be in accordance with the interpretive line samples for parboiled rice.

NOTE: The maximum limits for "Chalky kernels" and the "Color requirements" in §§ 68.309, 68.310, 68.311, and 68.312 are not applicable to the special grade "Parboiled milled rice."

(d) *Undermilled milled rice.* Undermilled milled rice shall be milled rice which is not equal to the milling requirements for "well milled," "reasonably well milled," and "lightly milled" rice (see § 68.305). Grades U.S. No. 1 and U.S. No. 2 shall contain not more than 2.0 percent, grades U.S. No. 3 and U.S. No. 4 not more than 5.0 percent, grade U.S. No. 5 not more than 10.0 percent, and grade U.S. No. 6 not more than 15.0 percent, of well-milled kernels. Grade U.S. No. 5 shall contain not more than 10.0 percent of red rice and damaged kernels (singly or combined) and in no case more than 6.0 percent of damaged kernels.

NOTE: The "Color and milling requirements" in §§ 68.309, 68.310, 68.311, and 68.312 are not applicable to the special grade "Undermilled milled rice."

§ 68.315 Special grade designation.

The grade designation for coated, granulated brewers, parboiled, or undermilled milled rice shall include, following the class, the word(s) "Coated," "Granulated," "Parboiled Light," "Parboiled," "Parboiled Dark," or "Undermilled," as warranted, and all other information prescribed in § 68.313.

Comments and proposed effective date. If the proposed changes as set forth herein are adopted, it is intended that the changes be made effective on or about June 1, 1972.

For a reasonable period after the effective date, offices that inspect and grade rice would, upon request, show on inspection certificates the grades under both the new and the old standards.

Public hearings will not be held with respect to the above proposed amendments, but all persons who desire to submit written data, views, or recommendations in connection with these proposals may file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 45 days after the proposal has been published in the FEDERAL REGISTER. All comments filed will be available for public inspection during official hours of business (7 CFR 1.27(b)).

In deciding on the proposed changes in the aforementioned sections, consideration will be given to all written comments filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture.

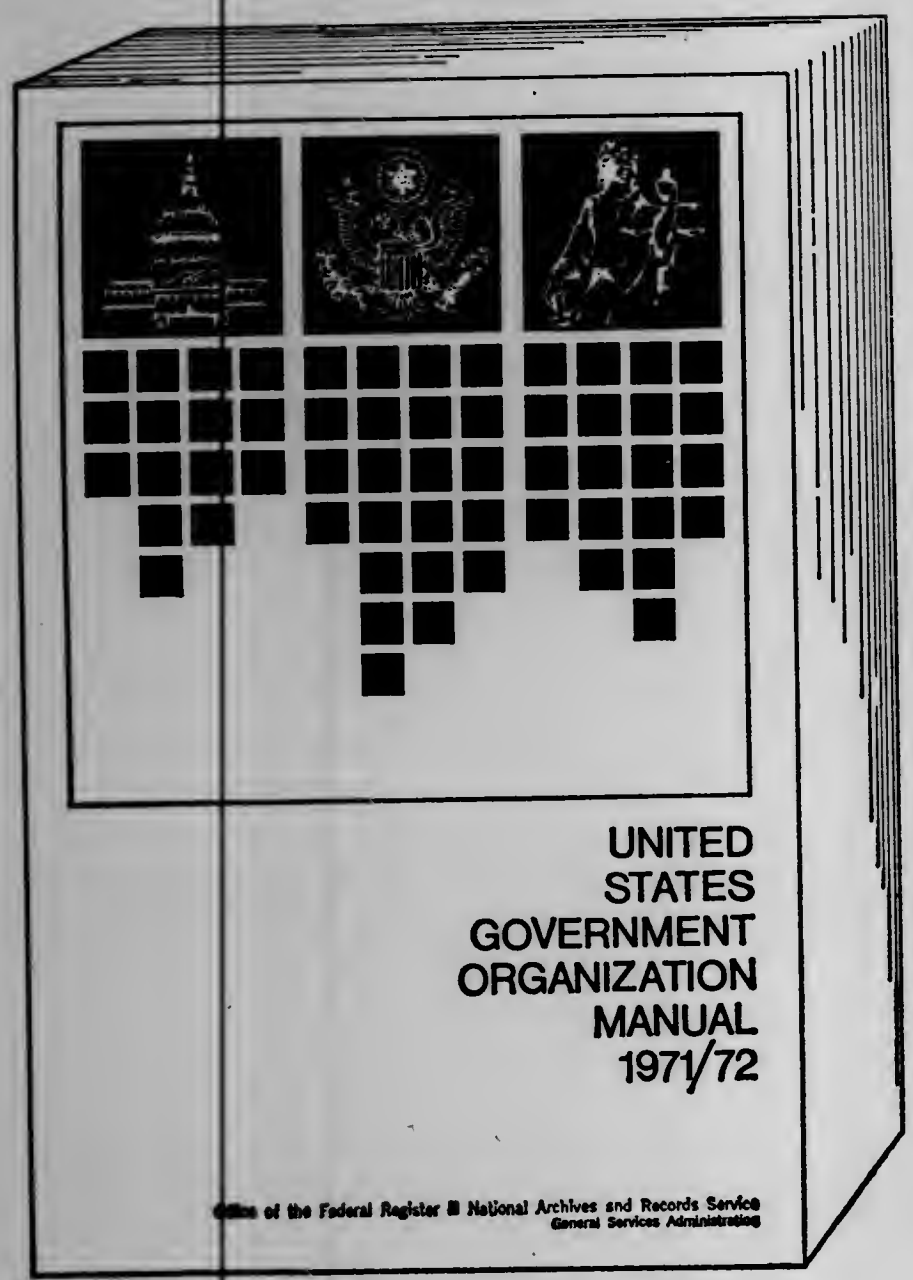
Copies of the current standards for rough rice, brown rice, and milled rice may be obtained from the Director, Grain Division, Consumer and Marketing Service, 6505 Belcrest Road, Hyattsville, MD 20782, or from any field office of the Grain Division. Field office locations can be found in the telephone directory.

Signed at Washington, D.C., on January 10, 1972.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.72-553 Filed 1-18-72;8:45 am]

V 37 • 12 JAN 19 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

THURSDAY, JANUARY 20, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 13

Pages 853–918

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FEDERAL SERVICE—CSC amendment on pay adjustments 859

RICE—USDA establishment of acreage reserves and allotments for 1972 crop; effective 1–14–72 . 859

EQUINE ENCEPHALOMYELITIS—USDA revision of quarantined areas 862

ANIMAL BRUCELLOSIS—USDA revision of certified areas; effective 1–20–72 863

ENVIRONMENT—AEC amendments to interim statement on implementation of National Environmental Policy Act 864

COASTWISE TRANSPORTATION—Customs Bur. extension of privileges to Icelandic vessels for certain articles; effective 1–20–72 865

ANTIBIOTICS—
- FDA certification of erythromycin estolate tablets; effective 1–20–72 865
- FDA amendment to nystatin identity test 865

DANGEROUS DRUGS—Justice Dept. proposal on exempt chemical substances; comments within 30 days 867

FOOD STANDARDS—
- FDA proposal on use of buttermilk in cheese products; comments within 60 days 869
- FDA rule on fruit jellies; effective 11–20–71 865

(Continued inside)

V37-13 JAN20 72 XUM

MICROFILM EDITION
FEDERAL REGISTER
35mm MICROFILM

Complete Set 1936–70, 189 Rolls $1,342

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	$7	13	1948	$28	25	1960	$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42			

Order Microfilm Edition from Publications Sales Branch
National Archives and Records Service
Washington, D.C. 20408

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

EDUCATION OF HANDICAPPED CHILDREN—HEW proposed program provisions and assistance to States; comments within 30 days 870

SUSPENSION AND REVOCATION PROCEDURES—Coast Guard withdrawal of proposal 879

ANTIDUMPING—Treasury Dept. notice for termination of investigation on shoeboard from United Kingdom; comments within 30 days 886

TEXTILES—Treasury Dept. notice on specified surcharge exemptions 887

COAL MINE SAFETY—Interior Dept. notice on request for modification of standard; comments within 30 days 887

FOOD ADDITIVES—FDA notices of petition and withdrawal of petition on materials for food contact use (2 documents) 889

EQUIPMENT, CONSTRUCTION, AND MATERIALS—Coast Guard notices of approval and termination of approval (2 documents) 889, 890

NEWBOLD ISLAND NUCLEAR FACILITY—AEC notice for second prehearing conference on 2–23–72 891

AIR CARGO RATES—CAB notice on reductions for specific commodities; comments within 10 days 892

TRAVEL BY FEDERAL EMPLOYEES—GSA notice on cost reimbursements for official travel; effective 1–20–72 899

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Rice; State reserve acreage, county acreage allotments and reserve acreages; 1972 crop 859

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Animal and Plant Health Service; Consumer and Marketing Service.

Notices

Organization and delegations; statement regarding redelegations on temporary basis 888

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations

Brucellosis; modified certified areas 863

Communicable diseases in horses, asses, mules, and zebras; areas quarantined 862

ATOMIC ENERGY COMMISSION

Rules and Regulations

Licensing of production and utilization facilities; implementation of the National Environmental Policy Act of 1969 864

Notices

Commonwealth Edison Co.; issuance of provisional operating license amendment 891

Orders setting second prehearing conferences:

Philadelphia Electric Co 891

Public Service Electric and Gas Co 891

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Air Caicos Ltd 891

Golden West Airlines, Inc., and Los Angeles Airways, Inc 892

International Air Transport Association 892

CIVIL SERVICE COMMISSION

Rules and Regulations

Pay under General Schedule; conversion rules for rates of basic pay 859

Notices

Department of Commerce; grant of authority to make noncareer executive assignments 892

Office of Economic Opportunity:

Grants of authority to make noncareer executive assignments (3 documents) 892

Revocations of authority to make noncareer executive assignments (2 documents) 893

COAST GUARD

Proposed Rule Making

Suspension and revocation proceedings; withdrawal of proposed rule 879

Notices

Equipment, construction, and materials:

Approval notice 889

Termination of approval notice 890

COMMERCE DEPARTMENT

See Import Programs Office.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Dried prunes produced in California; handling 861

Navel oranges grown in Arizona and California; handling limitations 860

CUSTOMS BUREAU

Rules and Regulations

Vessels in foreign and domestic trades; Iceland; coastwise transportation 865

DELAWARE RIVER BASIN COMMISSION

Notices

Comprehensive plan; public hearing 893

EDUCATION OFFICE

Proposed Rule Making

Programs for education of handicapped children; general provisions and assistance to States 870

(*Continued on next page*)

V 37-13 JAN 20 72 XUM

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rule Making

Environmental impact statements; procedures for preparation 879

FEDERAL HOME LOAN BANK BOARD

Notices

Imperial Corporation of America; receipt of application for approval of acquisition of control of Guarantee Savings and Loan Association of Whittier 893

FEDERAL MARITIME COMMISSION

Notices

Certificates of financial responsibility (oil pollution); certificates revoked 894

Monmouth Shipping Corp.; revocation of independent ocean freight forwarder license 894

FEDERAL POWER COMMISSION

Proposed Rule Making

Reserve dedications in Texas Gulf Coast and Southern Louisiana areas; extension of time 885

Notices

Accounting and rate treatment of advance payments to suppliers; order of clarification and denial of rehearing or modification 895

Hearings, etc.:

Arizona Public Service Co 896
Arkansas Louisiana Gas Co 898
Natural Gas Pipeline Company of America 896
Northern Natural Gas Co 897
Northern Natural Gas Co. et al. (2 documents) 896, 897
Tennessee Gas Pipeline Co 898
Tennessee Gas Pipeline Co. et al 898

FEDERAL RESERVE SYSTEM

Notices

Acquisitions of banks:

First at Orlando Corp 899
Palmer Bank Corp 899

Citizens Bancorp.; order approving formation of bank holding company 898

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Erythromycin estolate tablets; correction 865
Fruit jelly; standard of identity; confirmation of effective date 865
Lincomycin hydrochloride injection; correction 866
Nystatin; identity 865

Proposed Rule Making

Cheese products identity standards; buttermilk as optional ingredient 869

Notices

Petitions for food additives:

FMC Corp.; withdrawal 889
Weston Chemical, Inc.; filing 889

GENERAL SERVICES ADMINISTRATION

Notices

Government employees; travel, transportation, and allowances for relocation 899

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office; Food and Drug Administration.

Notices

Health Services and Mental Health Administration; organization and functions 889

HEARINGS AND APPEALS OFFICE

Notices

Imperial Coal Co.; petition for modification of interim mandatory safety standard 887

IMPORT PROGRAMS OFFICE

Notices

Army Materials & Mechanics Research Center et al.; consolidated decision on applications for duty-free entry of scientific articles 888

INTERIOR DEPARTMENT

See Hearings and Appeals Office; Land Management Bureau.

INTERNAL REVENUE SERVICE

Notices

Granting of relief regarding firearms acquisition, shipment, possession, etc 886

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Uniform system of accounts for express companies; extension of temporary suspension 866

Notices

Assignment of hearings 906
Fourth section application for relief 906
Motor carrier, broker, water carrier, and freight forwarder applications (2 documents) 906

JUSTICE DEPARTMENT

See Narcotics and Dangerous Drugs Bureau.

LAND MANAGEMENT BUREAU

Notices

California; proposed withdrawal and reservation of land 887

NARCOTICS AND DANGEROUS DRUGS BUREAU

Proposed Rule Making

Chemical reagents and diagnostic agents; exempt chemical substances 867

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

American Electric Power Co., Inc., et al 900
Arkansas Power & Light Co. and Middle South Utilities, Inc 900
Coatings Unlimited, Inc 901
Continental Vending Machine Corp 901
Ecological Science Corp 901
Exeter Fund, Inc., et al 901
Massachusetts Mutual Life Insurance Co. and MassMutual Corporate Investors, Inc 902
Penn Virginia Corp 904
Seilon, Inc 903
Value Line Investment Programs for Accumulation of Shares of Value Line Special Situations Fund, Inc 904

TRANSPORTATION DEPARTMENT

See also Coast Guard.

Notices

Assistant Secretary of Transportation for Administration; delegation of authority regarding receipt and disbursement of certain gifts 891

TREASURY DEPARTMENT

See also Customs Bureau; Internal Revenue Service.

Notices

Shoeboard from United Kingdom; intent to discontinue antidumping investigation 886
Wool and man-made fibers; articles exempt from additional duty imposed under Tariff Schedules of U.S 887

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR

531 859

7 CFR

730 859
907 860
993 861

9 CFR

75 862
78 863

10 CFR

50 864

18 CFR

PROPOSED RULES:

250 885

19 CFR

4 865

21 CFR

29 865
148e 865
148k 865
148x 866

PROPOSED RULES:

19 869
308 867

40 CFR

PROPOSED RULES:

6 879

45 CFR

PROPOSED RULES:

121 870

46 CFR

PROPOSED RULES:

137 879

49 CFR

1203 866

V 37-13 JAN 20 72 XUM

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 531—PAY UNDER THE GENERAL SCHEDULE

Conversion Rules for Rates of Basic Pay

Section 531.205 is amended to reflect actions required by the Economic Stabilization Act Amendments of 1971 and to delete obsolete references concerning Postal employees.

Effective January 1, 1972, § 531.205 is amended as follows:

§ 531.205 Pay conversion rules for rates of basic pay in the General Schedule adjusted under Public Law 92–210 and Executive Order 11637.

(a) Except as provided in paragraph (b) of this section the rate of basic pay of an employee subject to the General Schedule shall be initially adjusted effective the first day of the employee's first pay period which begins on or after January 1, 1972, as follows:

(1) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at one of the rates of a grade in the General Schedule, he shall receive the rate of basic pay for the corresponding numerical rate of the grade in effect on and after such date.

(2) If an employee is receiving basic pay immediately before the effective date of his pay adjustment at a rate between two rates of a grade in the General Schedule, he shall be paid the higher of the two corresponding rates of basic pay in effect on and after such date.

(3) If an employee is receiving basic pay immediately before the effective date of this pay adjustment at a rate in excess of the maximum rate of his grade, he shall receive his existing rate of basic pay increased by the amount of increase made by Executive Order 11637 in the maximum rate for his grade.

(4) If an employee, immediately before the effective date of his pay adjustment, is receiving pursuant to section 2(b)(4) of the Federal Employees Salary Increase Act of 1955, an existing aggregate rate of pay determined under section 208(b) of the Act of September 1, 1954 (68 Stat. 1111), plus subsequent increases authorized by law, he shall receive an aggregate rate of pay equal to the sum of his existing aggregate rate of pay on the day preceding the effective date of his pay adjustment, plus the amount of increase made by Executive Order 11637 in the maximum rate of his grade, until (i) he leaves his position, or (ii) he is entitled to receive aggregate pay at a higher rate by reason of the operation of any provision of law; but, when such position becomes vacant, the aggregate rate of pay of any subsequent appointee thereto shall be fixed in accordance with applicable provisions of law. Subject to subdivisions (i) and (ii) of this subparagraph, the amount of the increase authorized by this section shall be held and considered for the purposes of section 208(b) of the Act of September 1, 1954, to constitute a part of the existing rate of pay of the employee.

(b) Rates of basic pay authorized under section 5303 of title 5, United States Code, paid to an employee subject to the General Schedule shall be adjusted in accordance with § 530.307(b)(1) of this chapter.

(5 U.S.C. Section 5333)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–852 Filed 1–19–72;8:49 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1972–73 Marketing Year

STATE RESERVE ACREAGE, COUNTY ACREAGE ALLOTMENTS AND RESERVE ACREAGES, 1972 CROP RICE

The provisions of §§ 730.1504 and 730.1505 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1972 crop of rice. The purpose of these provisions is to establish (1) State reserve acreages, (2) county acreage allotments and reserve acreages in farm States, and (3) State productivity pool acreages in farm States. The regulations for determination of acreage allotments for 1969 and subsequent crops of rice (§§ 730.61 to 730.87, 33 F.R. 14520, 17764, 34 F.R. 3733, 5629, 35 F.R. 5995, 11454, 36 F.R. 1465, 3253, 11849) (referred to as the "allotment regulations") contain the designation of farm States and producer States and govern allocations of allotments and reserves established by these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the FEDERAL REGISTER on July 27, 1971 (36 F.R. 13838) in accordance with the provisions of 5 U.S.C. 553. Data, views, and recommendations were submitted pursuant to such notice and consideration given thereto to the extent permitted by law.

The act requires that, insofar as practicable, notices of farm acreage allotment be mailed to the farm operator in sufficient time to be received prior to the holding of the referendum respecting the national marketing quota. Since such referendum will be held during the period January 17 to 21, 1972, it is essential that §§ 730.1504 and 730.1505 be made effective as soon as possible so that the local committees may issue the notices of farm acreage allotment. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 730.1504 and 730.1505 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 730.1504 State reserve acreages.

The State reserve acreages set forth in the table in this section were established on the basis of recommendations by the State committees. The State reserve for new farms or new producers, if any, and the State reserve in producer States for appeals and corrections, missed producers and adjustments in factored allotments were established in accordance with section 353 of the act.

State	State reserve acreage for new farms or new producers	State reserve acreages for appeals, etc. in producer States [1]
Arizona	7.6	0
Arkansas	0	---
California	0	50
Florida	32.0	38
Illinois	0	---
Louisiana:		
Farm administrative area	0	---
Producer administrative area	0	0
Mississippi	0	---
Missouri	0	---
North Carolina	0	---
Oklahoma	0	---
South Carolina	0	0
Tennessee	0	0
Texas	0	50

[1] For appeals and corrections, missed producers, and adjustments in factored allotments in producer States and the "Producer administrative area" in Louisiana.

§ 730.1505 County acreage allotments and reserve acreages and State productivity pool in farm States.

The farm acreage allotments for the 1972 crop of rice in the producer States will be established primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm. Therefore, the 1972 State acreage allotments of rice for producer States will be apportioned directly to farms and county acreage allotments

V 37 I 13 JAN 20 72 XUM

and reserve acreage will not be determined for producer States. The county reserve acreages were established on the basis of recommendations by the State and county committees in the farm States. Such county reserves are available for appeals and corrections, missed farms and adjustments in factored allotments. The State productivity pool is the allotment attributable to history pooled as a result of productivity adjustments in the exchange of rice farm acreage allotments and upland cotton farm acreage allotments under § 730.79(d) of the allotment regulations. Such State productivity pool shall not be allocated to producers, counties and farms. The county acreage allotments in farm States were established by apportioning the State acreage allotment less any State reserve for new farms and less any State productivity pool among the counties in the State in the same proportion that they shared in the total acreage alloted in 1956, as provided by section 353(c)(1) and (6) of the act, except that in the farm administrative area of Louisiana, prior to apportionment among counties, 19 acres were reserved from the State allotment to adjust the county allotment for Rapides Parish for an upward trend in acreage pursuant to section 353(c)(1) of the act. The following table sets forth the county acreage allotments and reserve acreages and State productivity pool in the farm States for the 1972 crop of rice.

ARKANSAS

County	County acreage allotment	County reserve acreages [1]
Arkansas	77,245	4.0
Ashley	6,550	0
Chicot	10,151.5	1.5
Clark	563	0
Clay	8,076	0
Conway	11	0
Craighead	17,548	0
Crittenden	6,887	0
Cross	36,300	1.0
Dallas	72	0
Desha	14,148	0
Drew	4,530	0
Faulkner	467	0
Grant	0	34.0
Greene	5,415	0
Hot Springs	481	0
Independence	884.6	0.4
Jackson	20,915	3.0
Jefferson	18,032.6	0.4
Lafayette	891	0
Lawrence	8,420	0
Lee	8,408	0
Lincoln	8,891	0
Little River	414	0
Lonoke	39,659.7	0.3
Miller	762	0
Mississippi	1,503	*
Monroe	14,797.6	0.4
Perry	1,010	0
Phillips	5,189	0
Poinsett	39,233.8	0.2
Prairie	40,507	0
Pulaski	2,465	0
Randolph	2,358	0
St. Francis	18,971	0
White	1,166	0
Woodruff	20,633	0
Productivity pool	230	
State total	443,331	45.2

ILLINOIS

Adams	22	0
State total	22	0

LOUISIANA, FARM ADMINISTRATIVE AREA

Parish	Parish acreages allotment	Parish reserve acreages [1]
Acadia	93,728	70.0
Allen	25,161	10.0
Avoyelles	2,648.6	139.4
Beauregard	4,689	0
Bossier	67	0
Calcasieu	67,762	0
Cameron	12,595	0
Evangeline	45,547	0
Grant		
Iberia	5,891	2.0
Jefferson Davis	98,021	15.0
Lafayette	10,304	15.0
Rapides	766	0
St. Landry	17,595	5.0
St. Martin	4,184	0
St. Mary	3,808.6	200.4
Vermilion	115,612	25.0
Productivity pool	43	
State reserve	19	
State total, farm administrative area	508,923	481.8

MISSISSIPPI

County	County acreages allotment	County reserve acreages [1]
Bolivar	22,177	0
Coahoma	1,906	0
De Soto	1,291	0
Hancock	186	0
Humphreys	2,135	0
Issaquena	108	0
Leflore	3,761	0
Panola	80	0
Quitman	861	0
Sharkey	1,061	0
Sunflower	4,569	0
Tallahatchie	515	0
Tate	121	0
Tunica	3,456	0
Washington	9,608	0
Productivity pool	17	
State total	51,858	0

MISSOURI

Butler	1,820	0
Iloit	2	0
Lewis	0	0
Lincoln	38	0
Marion	342	0
Mississippi	98	0
New Madrid	123	0
Pemiscot	659	0
Ripley	432	0
St. Charles	40	0
Scott	123	0
Stoddard	1,600	0
State total	5,286	0

NORTH CAROLINA

Brunswick	10	0
Hyde	33	0
State total	43	0

OKLAHOMA

McCurtain	166	0
State total	166	0

[1] County reserve acreage for appeals and corrections, missed farms, and adjustments.

(Secs. 344a(h), 353, 375, 79 Stat. 1197, as amended, 52 Stat. 61, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344b(h), 1353, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 14, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-791 Filed 1-14-72;4:05 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 251]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.551 Navel Orange Regulation 251.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 18, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 21, 1972, through January 27, 1972, are hereby fixed as follows:

(i) District 1: 840,000 Cartons.

(ii) District 2: 160,000 Cartons.

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 19, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-973 Filed 1-19-72;11:23 am]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Order Amending the Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective dates hereof all handling of dried prunes produced in California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Dried Prunes Produced in California, as amended (Order No. 993, as amended; 7 CFR Part 993), and as further amended by this order. All of the findings, determinations, terms and conditions of the "Order Amending the Order as Amended, Regulating the Handling of Dried Prunes Produced in California" which was annexed to and made a part of the decision of the Assistant Secretary of Agriculture, July 16, 1971 (F.R. Doc. 71–10345; 36 F.R. 13397), with respect to the proposed amendment of the amended marketing agreement and order regulating the handling of such dried prunes (36 F.R. 22306, November 24, 1971) shall be, and the same hereby are, the findings, determinations, terms and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 993.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and each previously issued amendment thereof. Except the finding as to the base period for the parity computation, and except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 14 F.R. 5254; 16 F.R. 8437; 19 F.R. 1301; 22 F.R. 8254; 26 F.R. 475; 30 F.R. 9797.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held at San Francisco, Calif., on April 21, 1971, on a proposed amendement of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. On the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of dried prunes produced in California in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of dried prunes in the production area covered by the order, as amended and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of dried prunes produced in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Dried Prunes Produced in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dried prunes covered by the said order, as amended and as hereby further amended) who, during the period August 1, 1970, through July 31, 1971, handled not less than 50 percent of the volume of such dried prunes covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period August 1, 1970, through July 31, 1971 (which has been determined to be a representative period), have been engaged within the State of California in the production for market of the commodity specified in such amendatory order, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

Accordingly, the said order, as amended, is hereby further amended, as hereinafter set forth, to become effective August 1, 1972, except that the amendment of current §§ 993.36(h), 993.41(a), and 993.75 shall become effective 30 days after publication in the FEDERAL REGISTER. The provisions of this subpart currently in effect shall continue in full force and effect except as otherwise provided herein.

It is, therefore, ordered, That, on and after the effective dates hereof, all handling of dried prunes produced in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Section 993.19 *Size.* is revised to read as follows:

§ 993.19a Size.

"Size" means either (a) the number of prunes contained in a pound and may be referred to in terms of size ranges, or (b) the diameter of a round opening, expressed in multiples of one thirty-second of an inch, through which prunes pass freely.

2. A new § 993.19b *Undersized prunes.* is added reading as follows:

§ 993.19b Undersized prunes.

"Undersized prunes" means prunes which pass freely through a round opening of a specified diameter.

3. Section 993.10 is revised by inserting ", other than pursuant to § 993.49(c)" immediately after "§ 993.49".

4. Section 993.12 is revised by inserting ", other than pursuant to § 993.49(c)," immediately after "§ 993.49".

5. Section 993.21c *Salable prunes.* is revised by inserting ", excluding the quantity of undersized prunes determined pursuant to § 993.49(c)," after "all prunes".

6. Section 993.36(h) is amended by revising "monthly statements" to "quarterly statements".

V 37 I 13 JAN 20 72 XUM

7. Section 993.41(a) is amended by revising "fourth Tuesday" to "first Tuesday".

8. Section 993.41(b) is revised by redesignating subparagraphs (9) through (14), inclusive, as (10) through (15), inclusive, and inserting a new subparagraph (9) reading as follows:

(9) The quantity of undersized prunes in the crop, itemized as to French prunes and non-French prunes;

9. The first sentence of § 993.49(a) is revised by inserting "and undersized prunes" after "other than substandard prunes" and after "including substandard prunes".

10. Section 993.49 is amended by deleting paragraph (c), including the provisions suspended from operation for the 1968–69 crop year and subsequent crop years by action published in the FEDERAL REGISTER August 24, 1968 (33 F.R. 12032).

11. A new paragraph (c) is added to § 993.49 reading as follows:

§ 993.49 Incoming regulation.

* * * * *

(c) The Secretary may establish a size regulation with respect to undersized prunes upon a recommendation of the Committee whenever it determines that supply conditions for a crop year warrant such regulation. Any such size regulation shall provide that the diameter of the round opening for French prunes shall be twenty-three thirty-seconds of an inch, and for non-French prunes twenty-eight thirty-seconds of an inch, or such larger openings as may be prescribed pursuant to § 993.52. The quantity of undersized prunes in each lot received by a handler from a producer or dehydrator shall be determined by the inspection service and entered on the applicable inspection certificate.

12. Paragraphs (c) and (d) of § 993.50 are revised and a new paragraph (g) is added to read as follows:

§ 993.50 Outgoing regulation.

* * * * *

(c) Non-French prunes: No handler shall ship or otherwise make final disposition of any lot of standard prunes or standard processed prunes of the non-French varieties or any lot which includes non-French prunes in excess of a tolerance to be prescribed by the Secretary on recommendation of the Committee, unless the average count of such non-French prunes contained in any such lot is 40 or less per pound. However, under safeguards to be established by the Committee, any lot containing non-French prunes with an average size count of more than 40 prunes per pound may be shipped to or disposed of in prune product outlets in which they lose their form and character as prunes by conversion prior to consumption. A tolerance as to the permitted deviation of sizes about the average count shall be prescribed by the Secretary, upon recommendation of the Committee.

(d) French prunes: No handler shall ship or otherwise make final disposition of any lot of French prunes for human consumption as prunes, or any lot of mixed dried fruit containing French prunes for human consumption as mixed dried fruit, unless the average count of French prunes contained in any such lot is $100 or less per pound. However, under safeguards to be established by the Committee, any lot containing French prunes with an average size count of more than 100 prunes per pound may be shipped to or disposed of in prune product outlets in which they lose their form and character as prunes by conversion prior to consumption. In determining whether any such lot conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the Committee and other available information, modify this tolerance for uniformity of size.

* * * * *

(g) No handler shall ship or otherwise dispose of, for human consumption, the quantity of prunes determined by the inspection service pursuant to § 993.49(c) to be undersized prunes. However, such handler may, at the direction and under the supervision of the Committee, dispose of such quantity of prunes in nonhuman consumption outlets. Prunes so disposed of shall be of the same variety as, and reasonably comparable in size, to such undersized prunes. The handler shall cause the inspection service to make a determination whether the prunes disposed of by the handler in nonhuman consumption outlets meet such requirements. In making the determination with respect to comparability in size, the inspection service shall apply a tolerance permitting a deviation from the size of the applicable opening established pursuant to § 993.49(c). Any such tolerance, together with any rules and regulations to insure proper disposition of the prunes and that such prunes are reasonably comparable to the undersized prunes so received, shall be established by the Committee with the approval of the Secretary. The quantity of prunes determined pursuant to § 993.49(c) shall not be deemed to be within the handler's quota for salable prunes fixed by the Secretary within the meaning of section 8a(5) of the Act.

13. Section 993.52 is revised by inserting ", including the openings prescribed in § 993.49(c)," immediately after "size regulation".

14. In the second sentence of § 993.54, the phrase "the weight obligation of § 993.49(c)" is revised to read "the quantity of undersized prunes determined pursuant to § 993.49(c)".

15. In the first sentence of § 993.56, the phrase "the weight obligation of § 993.49(c)" is revised to read "the quantity of undersized prunes determined pursuant to § 993.49(c)".

16. Section 993.75 is revised to read as follows:

§ 993.75 Verification of reports.

For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this subpart, the Secretary, and the Committee through its duly authorized agents, shall have access to any premises where prunes may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any prunes so held by such handler and any and all records of such handler with respect to the holding or disposition of all prunes which may be held or which may have been disposed of by him.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 14, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-803 Filed 1-19-72;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, MULES, AND ZEBRAS

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), Part 75, Title 9, Code of Federal Regulations, restricting the interstate movement of horses, asses, mules, and zebras, is hereby amended in the following respects:

In § 75.4, paragraph (a) is amended to read:

§ 75.4 Notice relating to existence of Venezuelan equine encephalomyelitis and/or the vector of said disease, quarantine and conditions of interstate movement.

(a) Notice is hereby given that Venezuelan equine encephalomyelitis, a communicable disease of horses, asses, mules, and zebras, and/or the vector of said disease, exists in the State of Texas and that said State is quarantined because of the existence of said disease and/or the vector thereof.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 29 F.R. 16210, as amended; 36 F.R. 20707)

Effective date. The foregoing amendment shall become effective upon issuance.

Venezuelan equine encephalomyelitis is a viral disease of horses and other equidae. The disease is transmitted primarily through several species of mosquitoes and may be transmitted to humans. The mosquito population acquires the infection from horses which are in the incubative stage of the disease and disseminates the infection to new localities.

The disease entered the United States from Mexico and was disseminated extensively in Texas.

The State of Texas was quarantined because of Venezuelan equine encephalomyelitis, effective July 13, 1971 (36 F.R. 13202); the States of Arkansas, Louisiana, New Mexico, and Oklahoma were quarantined because of the existence of vectors of the disease, effective July 19, 1971 (36 F.R. 13677); and the State of Mississippi was quarantined because of the existence of vectors of the disease, effective August 2, 1971 (36 F.R. 14631). The States of Arkansas, New Mexico, and Oklahoma were released from quarantine effective September 10, 1971 (36 F.R. 18507), and the State of Mississippi was released from quarantine effective November 9, 1971 (36 F.R. 21755).

In view of the fact that more than 94 percent of the susceptible equine population has now been vaccinated against Venezuelan equine encephalomyelitis in the State of Louisiana, thus providing a vaccinated buffer zone north of the area in Texas where the disease is known to exist, and in view of the fact that extensive, prolonged, and exhaustive investigation in that State has failed to disclose any evidence indicative of Venezuelan equine encephalomyelitis, the State of Louisiana is hereby released from quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of Venezuelan equine encephalomyelitis, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-896 Filed 1-19-72;8:51 am]

PART 78—BRUCELLOSIS

Part D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. The entire State;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State.
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. The entire State;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Stone, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, and Yazoo Counties;
Missouri. The entire State;
Montana. The entire State;
Nebraska. Adams, Antelope, Arthur, Banner, Blaine, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties;
Nevada. The entire State.
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. The entire State;
Tennessee. The entire State;
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadelupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendell, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Red River, Reeves, Refugio, Roberts, Robertson, Real, Rockwell, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somerville, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State.
Vermont. The entire State.
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32, Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29

JAN 20 72
XUM

F.R. 16210, as amended, 36 F.R. 20707, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (1-20-72).

The amendment deletes the following areas from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas no longer come within the definition of § 78.1(i): Boone County in Nebraska; and Castro, Deaf Smith, and Terry Counties in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of January 1972.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.72-868 Filed 1-19-72;8:51 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Implementation of the National Environmental Policy Act of 1969

On September 9, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 18071) a revision of Appendix D of its regulation in 10 CFR Part 50, effective on publication. Revised Appendix D as published is an interim statement of Commission policy and procedure for the implementation of the National Environmental Policy Act of 1969 (NEPA) in accordance with the decision of the U.S. Court of Appeals for the District of Columbia Circuit in "Calvert Cliffs' Coordinating Committee, Inc., et al. v. United States Atomic Energy Commission, et al.", Nos. 24,839 and 24,871. The procedures in Appendix D apply to licensing proceedings for nuclear power reactors; testing facilities; fuel reprocessing plants; and other production and utilization facilities whose construction or operation may be determined by the Commission to have a significant impact on the environment. The procedures also apply to proceedings involving certain specified activities subject to materials licensing.

The Commission adopted certain minor amendments to revised Appendix D, published in the FEDERAL REGISTER on September 30, 1971, and November 11, 1971.

The Commission has adopted additional amendments to revised Appendix D relating to the procedures for publishing notices of hearing or opportunity for hearing with respect to proceedings subject to sections B, C, and D.

Those sections deal respectively with procedures applicable to certain facility and materials licenses issued during the period from January 1, 1970, the date of enactment of NEPA, to September 9, 1971, with the procedures applicable to construction permits for certain facilities issued prior to January 1, 1970, for which operating licenses or notice of opportunity for hearing on operating license applications have not been issued, and with procedures applicable to pending hearings and hearings to be noticed in the near future.

Under section B, section C, and section D.3 presently in effect, notices of hearing or opportunity for hearing in the licensing proceedings subject to those sections could not be published until the final detailed statement or supplemental detailed statement had been prepared by the Commission's Director of Regulation or his designee. The basic procedures for implementing NEPA in section A of Appendix D, on the other hand, contain no such restriction. Furthermore, the restriction is inconsistent with the Commission's practice of giving early notice of hearing or opportunity for hearing in facility licensing cases—before completion of the reviews of the application by the AEC staff and the Advisory Committee on Reactor Safeguards. That practice results in extra time between the admission of intervening parties and the beginning of the hearing, thus affording a longer period for the preparation of intervenors' cases and avoiding unnecessary delays. Accordingly, the amendments which follow permit, but do not require, the Commission to issue notices of hearing or opportunity for hearing, as appropriate, for the consideration of NEPA environmental issues in such proceedings, before the final detailed statement has been prepared.

Pursuant to the National Environmental Policy Act of 1969, the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 50, are published as a document subject to codification to be effective upon publication in the FEDERAL REGISTER.

In Appendix D, the sixth sentence in section C.2 is deleted, and section B.3, the fifth sentence in section C.2 and the fifth sentence in section D.3 are amended to read as follows:

APPENDIX D—INTERIM STATEMENT OF GENERAL POLICY AND PROCEDURE: IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (PUBLIC LAW 91-190)

* * * * * *

B. *Procedures for review of certain licenses to construct or operate production or utilization facilities and certain licenses for source material, special nuclear material and byproduct material issued in the period January 1, 1970–September 9, 1971.*

* * * * * *

3. The Director of Regulation will, in the case of a construction permit for a nuclear power or test reactor or a fuel reprocessing plant, publish in the FEDERAL REGISTER a notice of hearing, in accordance with § 2.708 of this chapter, on NEPA environmental issues as defined in section A.11, which hearing notice may be included in the notice required by paragraph 2. With respect to any other permit or license for a facility of a type described in section A.1, the Director of Regulation will publish a notice in the FEDERAL REGISTER, which may be included in the notice required by paragraph 2, providing that, within thirty (30) days from the date of publication of the notice, the holder of the permit or license may file a request for a hearing and any person whose interest may be affected by the proceeding may, in accordance with § 2.714 of this chapter, file a petition for leave to intervene and request a hearing. In any hearing held pursuant to this paragraph, the provisions of sections A.10 and 11 will apply. The Commission or the presiding Atomic Safety and Licensing Board, as appropriate, may prescribe the time within which proceedings, or any portions thereof, conducted pursuant to this paragraph will be completed.

C. *Procedures for review of certain construction permits for production or utilization facilities issued prior to January 1, 1970, for which operating licenses or notice of opportunity for hearing on the operating license applications have not been issued.*

* * * * * *

2. * * * The Director of Regulation will also publish in the FEDERAL REGISTER a notice, which may be included in the notice setting forth his or his designee's conclusion as respects the continuation, modification or termination of the construction permit or its appropriate conditioning to protect environmental values, providing that within thirty (30) days from the date of its publication, any person whose interest may be affected by the proceeding may, in accordance with § 2.714 of this chapter, file a petition for leave to intervene and request a hearing. * * *

* * * * * *

D. *Procedures applicable to pending hearings or proceedings to be noticed in the near future.*

* * * * * *

3. * * * In addition to the pertinent provisions of paragraphs 1–9 of section A, the provisions of section B.3 will be followed. * * *

* * * * * *

(Sec. 102, 83 Stat. 853; secs. 3, 161; 68 Stat. 922, 948, as amended; 42 U.S.C. 2013, 2201)

Dated at Washington, D.C., this 14th day of January 1972.

For the Atomic Energy Commission.

F. T. HOBBS,
Assistant Secretary
of the Commission.

[FR Doc.72-874 Filed 1-19-72;8:51 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-26]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Iceland; Coastwise Transportation

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Iceland extends to vessels of the United States, in ports of Iceland, privileges reciprocal to those provided in § 4.93 of the Customs regulations. Therefore, vessels of the Government of Iceland are permitted to transport coastwise empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with cargo vans, lift vans, or shipping tanks; empty barges specifically designed for carriage aboard a vessel; empty instruments of international traffic exempted from application of the customs laws by the Secretary of the Treasury pursuant to the provisions of section 322(a), Tariff Act of 1930 (19 U.S.C. 1322(a)); and stevedoring equipment and material under the conditions specified in the applicable proviso to section 27, Merchant Marine Act, 1920, as amended (46 U.S.C. 883).

Accordingly, paragraph (b)(1) of § 4.93, Customs regulations, is amended by the insertion of "Iceland" in appropriate alphabetical order in the list of countries under that paragraph. Paragraph (b)(2) of § 4.93, Customs regulations, is also amended by the insertion of "Iceland" in appropriate alphabetical order in the list of countries under that paragraph.

(80 Stat. 379, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 46 U.S.C. 883)

The finding excepting vessels of Iceland from the prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883) is made in accordance with the requirements of this section and information as to reciprocity furnished by the Secretary of State pursuant thereto. In view of the statutory requirement for an exemption when such reciprocity is found to exist, notice and public procedure under 5 U.S.C. 553 is considered to be unnecessary. Since this finding recognizes an exemption, good cause is found under 5 U.S.C 553(d)(1) for making it effective on the earliest date possible.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (1-20-72).

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: January 7, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.72-896 Filed 1-19-72;8:51 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Fruit Jelly; Standard of Identity, Confirmation of Effective Date of Order

In the matter of amending the identity standard for fruit jelly (21 CFR 29.2) by alphabetically adding "Boysenberry" with a factor of "10.0" to the list of optional fruit ingredients:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sections 401, 701, 52 Stat. 1046, 1055–56, as amended by 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for a hearing were filed in response to the order on the above-identified matter published in the FEDERAL REGISTER of October 20, 1971 (36 F.R. 20292). Accordingly, the amendment promulgated by that order became effective November 20, 1971.

Dated: January 10, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-872 Filed 1-19-72;8:50 am]

SUBCHAPTER C—DRUGS

PART 148e—ERYTHROMYCIN

Erythromycin Estolate Tablets

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 148e is amended to provide for certification of the antibiotic erythromycin estolate tablets by adding to Part 148e a new section, as follows:

§ 148e.36 Erythromycin estolate tablets.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin estolate tablets are composed of erythromycin estolate with one or more suitable and harmless diluents, binders, lubricants, and colorings. Each tablet contains erythromycin estolate equivalent to 500 milligrams of erythromycin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. The moisture content is not more than 5 percent. The tablets shall distintegrate within 30 minutes. The erthromycin estolate used conforms to the standards prescribed by § 148e.5(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin estolate used in making the batch for potency, safety, moisture, pH, identity, and crystallinity.

(*b*) The batch for potency, moisture, and disintegration time.

(ii) Samples required:

(*a*) The erythromycin estolate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch A minimum of 36 tablets.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of tables into a high-speed glass blender jar with 200 milliliters of methyl alcohol. Blend for 3 to 5 minutes. Add 300 milliliters of 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), and blend again for 3 to 5 minutes. Hydrolyze a portion of this solution in a 60° C. constant temperature water bath for 2 hours or at room temperature for 16 to 18 hours. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 141.540 of this chapter, using the procedure described in paragraph (e)(1) of that section.

Data supplied by the manufacturer concerning the safety and efficacy of the subject antibiotic drug have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since the matter is not controversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1-20-72).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 10, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-870 Filed 1-19-72;8:50 am]

PART 148k—NYSTATIN

Identity

In a notice published in the FEDERAL REGISTER of July 16, 1971 (36 F.R. 13217), it was proposed that the antibiotic drug regulations be amended to improve the method of sample preparation for the nystatin identity test. Two comments received in response to the proposal objected to the use of methyl alcohol rather than the blank for setting the spectrophotometer to 100 percent transmission.

JAN 20 72
XUM

The proposed method is revised to provide for use of the blank.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 148k.1(b)(5) is revised to read as follows:

148k.1 Nystatin.

* * * * *

(b) * * *

(5) *Identity.* Weigh approximately 100 milligrams of the sample into a 200-milliliter, glass-stoppered, volumetric flask. Add 50 milliliters of absolute methyl alcohol and 10 milliliters of glacial acetic acid. When the sample has dissolved, dilute to volume with methyl alcohol. Transfer 2 milliliters of this solution to a 100-milliliter volumetric flask and dilute to volume with methyl alcohol. Use the same dilution of acetic acid in methyl alcohol as the blank. Immediately determine the absorption peaks at 230, 291, 305, and 319 nanometers, and the shoulders at 279±2 nanometers, using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100 percent transmission with the blank. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 220 nanometers to 350 nanometers. If a nonrecording spectrophotometer is used, the exact positions of the peaks and shoulder be determined for the particular instrument used. The ratio of the two absorbances

$$\left(\frac{A_{291}}{A_{305}}\right)$$

should be not less than 0.90 and not more than 1.25.

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 10, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-871 Filed 1-19-72;8:50 am]

PART 148x—LINCOMYCIN

Lincomycin Hydrochloride Injection; Correction

In F.R. Doc. 71-5814 appearing at page 7847 in the issue of Tuesday, April 27, 1971 § 148x.3 is corrected in paragraph (b)(4) to eliminate a technical error, as follows:

§ 148x.3 Lincomycin hydrochloride injection.

* * * * *

(b) * * *

(4) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 0.5 milligram of lincomycin per milliliter.

* * * * *

Dated: January 10, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-873 Filed 1-19-72;8:50 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 35029]

PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

Extension of Temporary Suspension

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 16th day of December 1971.

Upon consideration of the record in the above-entitled proceeding, and because of REA's financial difficulties at this time.

It is ordered, That the order dated November 28, 1969, and modified by order dated October 14, 1970, is hereby further modified as follows:

(1) That the 1914 issue of the Uniform System of Accounts for Express Companies be suspended for an additional year, effective January 1, 1972 and

(2) That REA be permitted to continue to use the system of accounts it submitted in reply to the notice of proposed rule making under Docket No. 35029, published December 31, 1968, for the year 1972. The use of this system for the year 1972 is not to be construed as its formal adoption by the Commission nor that provisions contained therein fully meet all requirements of the Commission's needs and those of other interested parties.

It is further ordered, That in all other respects the Commission's order dated November 28, 1969, as modified, remains in full force and effect.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Seecretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-881 Filed 1-19-72;8:51 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 308]

CHEMICAL REAGENTS AND DIAGNOSTIC AGENTS

Exempt Substances

Recently the Bureau of Narcotics and Dangerous Drugs has received a series of petitions and requests for relief from various provisions of the Comprehensive Drug Abuse Prevention and Control Act, Public Law 91-513 (21 U.S.C. 801) concerning chemical substances and reagents not intended for human consumption. At the present time similar chemical substances have already been classified either, (1) as excluded substances under §§ 308.21-308.22 of Title 21 of the Code of Federal Regulations or, (2) as excepted compounds under §§ 308.31-308.32 of the same title. These classification areas do not lend themselves to the convenient classification of many of the substances submitted. In addition, the separation of these substances into two groups creates confusion and conflicts with the purposes of the Act as expressed in the congressional history of the Act and sections 101, 201, and 202 of the Act (21 U.S.C. 801, 811, and 812) which is to provide a comprehensive plan to control abusable drugs and other substances, taking into account the abuse potential of the substance and other factors.

The Attorney General is authorized by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 821 and 871(b)) to promulgate and enforce rules, regulations, and procedures relating to drug abuse prevention. This authority has been redelegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations. Pursuant to this authority, the Director hereby proposes that Part 308 of Title 21 of the Code of Federal Regulations be amended to create a new classification of substances composed of chemical agents and diagnostic reagents not intended for administration to humans or other animals, containing controlled substances which either (1) contain an additional adulterant or denaturing agent so that the resulting mixture has no significant abuse potential or (2) are packaged in such a form or concentration that the particular form, as packaged, has no significant abuse potential. The new classification will be called "exempt chemical substances."

In order to accomplish this, the Director hereby proposes the following amendments to Part 308:

1. Section 308.22 is amended by deleting the reference to Beckman Buffer B-1 and Beckman Buffer B-2, along with the detailed listing of their composition and the reference to the manufacturer or supplier, Spinco Division of Beckman Instruments, Inc.

2. Section 308.32 is amended by deleting the reference to Tetralute I and the reference to both the composition and manufacturer or supplier of the excepted compound which was listed as Miles Laboratories, Inc.

3. Part 308 is amended by adding the following title and sections which are to be inserted in numerical sequence following § 308.22:

EXEMPT CHEMICAL SUBSTANCES

§ 308.23 Application for classification as exempt chemical substance.

(a) Any person seeking to have a substance or a mixture containing a controlled substance, which by virtue of its packaging or combination with other adulterating agents, is believed not to have any significant potential for abuse, classified as an exempt chemical substance may apply for an exemption by directing a request to the Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(b) The criteria which will be used in classifying substances or mixtures as exempt chemical substances are as follows:

(1) The chemical substance may be exempted if it is packaged in such a form and concentration that the packaged quantity does not present any significant potential for abuse and where the substance is intended only for laboratory, industrial, or educational purposes and not for administration to a human being or other animal or where the type of packaging and history of abuse of the same or similar substances indicates that the finished form does not present any significant potential for abuse, and the substance is intended only for laboratory, industrial, or educational use.

(2) The chemical substance may be exempted if the controlled substance constituent is mixed with an adulterant or denaturing agent in such a manner that the resulting mixture does not present any significant potential for abuse and if the resulting mixture is not intended for administration to a human being or other animal.

(c) Both narcotic and nonnarcotic controlled substances are eligible for inclusion as exempt chemical substances. However, any narcotic substance must be formulated in such a manner that it incorporates methods of denaturing or other means so that the substance is not liable to be abused or have ill effects and so that the narcotic substance cannot in practice be removed.

(d) Chemical substances or compositions will not be eligible to be included as exempt chemical substances where they are pure analytical standards for controlled substances unless they contain additional adulterants or denaturing materials so that they may qualify under paragraph (b)(2) of this section.

(e) An application for an exclusion under this section should be made by the manufacturer or importer of the substance, and shall contain the following information:

(1) The name and address of the applicant and the name and address of the manufacturer or importer if different from the applicant;

(2) Each exact trade name or other designation of the substance for which exemption is sought;

(3) The total weight of the proposed exempt substance in its immediate outer container in finished form including the complete qualitative and quantitative composition of the substance or mixture and including all active and inactive and controlled and noncontrolled ingredients;

(4) The form (bottle, packet, soft plastic pillow, agar gel plate, vial, etc.) in which the exempt substance will be distributed with enough detail to readily identify the exempt substance;

(5) The dimensions or capacity of the immediate outer container of the controlled substance;

(6) The proposed labeling for the immediate outer container and the commercial container, if any, of the exempt substance;

(7) A brief statement of the reasons for the exemption and background information on the use to which the substance is to be put;

(8) The date of the request which will be considered the date of the formulation of record with the Bureau.

(f) The Bureau may request additional supporting information concerning abuse potential or use of the substance prior to granting an exemption under this section.

(g) Material which is deemed to be a trade secret or should be other wise protected should be appropriately marked. This information will be retained in confidence by the Bureau.

(h) Within a reasonable period of time after the receipt of an application for an exemption under this section, the Director shall notify the applicant of his acceptance or nonacceptance of the application, and if not accepted, the reason therefor. The Director need not accept an application for filing if any of the requirements prescribed in paragraphs (b), (c), (d), (e), and (f) of this section are lacking or are not set forth so as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraphs (b), (c), (d), (e), and (f) of this section. In the event a given trade

JAN 20 72

name or other designation is reformulated in any respect the manufacturer or importer of the substance will apply for a new exemption. If accepted for filing, the Director shall publish in the FEDERAL REGISTER general notice of his proposed rule making in granting or denying an exclusion, and, in the discretion of the Director, a summary of the subjects and issues involved. The Director shall permit any interested persons to file written comments on or objections to the proposal and shall designate in the notice of the proposed rule making the time during which such filings may be made. After consideration of the application any comments on or objections to his proposed rule making, the Director shall issue and publish in the FEDERAL REGISTER his final order on the application, which shall set forth the findings of fact and conclusions of law upon which the order is based. This order shall specify the date on which it shall take effect, which shall not be less than 30 days from the date of publication in the FEDERAL REGISTER unless the Director finds that conditions of public health or safety necessitate an earlier effective date, in which event the Director shall specify in the order his findings as to such conditions.

(i) The Director may at any time revoke any exemption granted pursuant to section 501(b) of the Act (21 U.S.C. 871(b)) by following the procedures set forth in paragraph (h) of this section for handling an application for an exemption which has been accepted for filing.

(j) The exemption of these substances by the Director should not be construed to prevent modification either by removing an exempt chemical substance from this list, by changing the criteria for inclusion as an exempted chemical substance or by changing the number or subject area of provisions of the law or the regulations from which the substances are exempted.

§ 308.24 Exempt chemical substances.

(a) The chemical substances listed in paragraph (e) of this section, which meet the criteria set forth in §308.23 (b), (c), and (d) are exempted by the Director from application of sections 302 (persons required to register), 303 (registration requirements), 305 (labeling and packaging requirements), 307 (records and reports of registrants), 308 (order forms), 309 (prescriptions), 1002 (importation of controlled substances), 1003 (exportation of controlled substances), 1004 (transshipment and in-transit shipment of controlled substances) of the Act (21 U.S.C. 822, 823, 825, 827–9, and 952–4) and regulations promulgated pursuant thereto, and § 301.74 (other security controls) of this chapter for administrative purposes only.

(b) The manufacturer of exempt chemical substances must conclude his recordkeeping responsibilities by keeping records on the substances until they leave his possession, custody, or control, to include the names and addresses of the persons to whom the exempt substances are delivered, subject to inspection by authorized Bureau employees. Importers and exporters of narcotic exempt chemical substances must submit semiannual reports of the total quantity of each narcotic substance imported or exported in each calendar half-year within 30 days of the close of the period to the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

(c) Labeling of exempt chemical substances: An exempt chemical substance must be prominently marked on its commercial container, as that term is defined in § 302.02 of this chapter, including its immediate outer container with its full trade name or other designation and the name of the manufacturer or supplier as they appear in the listing in paragraph (e) of this section. The label must also include in a prominent manner the statement "for industrial use only," or "for chemical use only," or "for in vitro use only—not for human use," or "diagnostic reagent—for professional use only," or a compliable statement, except that the Bureau may determine that a substance because of its composition and use need not be enclosed in an outer wrapper (immediate outer container) or that because of its size or configuration it need not contain this labeling information except on its commercial container. The designation of the name of the exempt chemical substance on the label must correspond with the listing of the trade name or other designation in this section so that the product can be readily identified by its label as a substance listed as an exempt substance. No symbol designating the schedule in which the controlled substance is listed, as specified in § 302.03 of this chapter, is required, nor is it necessary to list the components of the exempt substance on the label. Materials exempted in bulk will be labeled as the Bureau directs. Exempt chemical substances which have been reformulated but which retain their original trade name or other designation will indicate a new formulation date on all labels required by this section.

(d) Criminal penalties continue to be attached to these substances in accordance with the schedule in which the controlled substance is classified. Criminal sanctions will be applied where the exempt chemical substance is found outside of normal distribution channels of these substances or where the substance is being distributed for any drug use. Controlled substances which have been removed from their immediate outer containers continue to be exempt so long as they are destined for their intended nondrug use in the immediate future.

(e) The following substances in the form and quantity listed, and with the composition of record with the Bureau on the date indicated, are designated as exempt chemical substances for the purposes set forth above:

Product name and catalog number	Form	Date of formulation	Manufacturer or supplier
Beckman Buffer B-1	Packet: 12.14 Gm	4-24-71	Spinco Division, Beckman Instruments, Inc.
Beckman Buffer B-2	Packet: 18.16 Gm	4-24-71	
Tetralute I	Bottle: 4.90 Gm	7-29-70	Miles Laboratories.
Adsorbed Plasma Reagent No. B4233-1 and No. B4233-2.	Bottle: 1 ml	8-16-71	Dade Division, American Hospital Supply Corp.
Owren's Veronal Buffer No. B4234-25.	Bottle: 15 ml	8-16-71	Do.
Phosphatase Substrate No. B5312-1 and No. B5312-5.	Bottle: 73 mg. dry powder	8-16-71	Do.
Serum Reagent No. B4233-1 and No. B4233-2.	Bottle: 1 ml	8-16-71	Do.
Thrombin Reagent (Bovine) No. B4233-15.	Bottle: 1 ml	8-16-71	Do.
Thyroxine Buffer No. B5630-1	Bottle: 5 ml	8-16-71	Do.
Barbital Buffer B-1 No. 96772	Vial: 12.12 grams per 7 dram vial.	9-15 71	Harleco Division, American Hospital Supply Corporation.
Barringer & Woodard Buffered Substrate No. 23695.	Vial: 0.73 gram per 15 x 45 mm. vial.	9-15-71	Harleco Division, American Hospital Supply Corp. & SGA Scientific Corp.
Buchler Instrument Buffer B-2 Double Strength, pH 8.6, 0.075m No. 93834.	Vial: 36.36 grams	9-15-71	Harleco Division, American Hospital Supply Corp. & Buchler Instruments, Inc. & SGA Scientific, Inc.
Buffer Barbital pH 8.6 No. 96804	Vial: 1.52 grams per 15 x 45 mm. vial.	9-15-71	Harleco Division, American Hospital Supply Corp.
Buffer Barbital pH 8.8 No. 7691	Vial: 11.76 grams per 10 dram vial.	9-15-71	Harleco Division, American Hospital Supply Corp. and SGA Scientific, Inc.
Buffer Salt-Barbital Acetate Mixture pH 8.6 No. 3787.	Vial: 14.7 grams per 29.5 x 80 mm. vial.	9-15-71	Do.
Buffer Salt Mixture pH 8.8 No. 7644.	Vial: 17.85 grams per 29.5 x 80 mm. vial.	9-15-71	Do.
Buffer Salt Mixture Spinco B-1, pH 8.6, 0.05 Ionic Strength No. 394.	Vial: 12.12 grams per 29.5 x 80 mm. vial.	9-15-71	Harleco Division, American Hospital Supply Corp., SGA Scientific, Inc., and Meloy Laboratories.
Buffer Salt Mixture Spinco B-2, pH 8.6, 0.075 Ionic Strength No. 3948.	Vial: 18.18 grams per 29.5 x 80 mm. vial.	9-15-71	Harleco Division, American Hospital Supply Corp. & SGA Scientific, Inc.
Buffered Barbital Sodium Chloride, pH 7.5, No. 64647.	Vial: 14.7 grams per vial	9-15-71	Do.
Buffered Substrate Glycerophosphate Bodansky, No. 23681.	Vial: 0.924 grams per 15 x 45 mm. vial.	9-15-71	Do.
Buffered Veronal, pH 7.5, No. 64322.	Vial: 16.48 grams per vial	9-15-71	Do.
Gilcreas & Davis Buffered Substrate, No. 23701.	Vial: 1.228 grams per 15 x 45 mm. vial.	9-15-71	Do.
King & Armstrong Buffered Substrate, No. 23721.	Vial: 1.14 grams per 15 x 45 mm. vial.	9-15-71	Do.
Roe & Whitmore Buffered Substrate, No. 23666.	Vial: 0.854 grams per 15 x 45 mm. vial.	9-15-71	Do.
Scientific Products Buffer Salt Mixture B-2, No. 93953.	Vial: 18.18 grams per 10 dram vial.	9-15-71	Harleco Division American Hospital Supply Corp. & SGA Scientific Inc. and Scientific Products, Division American Hospital Supply Corp.

Product name and catalog number	Form	Date of formulation	Manufacturer or supplier
Shinowara, Jones & Reinhart Buffered Substrate, No. 23738.	Vial: 0.945 grams per 15 x 45 mm. vial.	9-15-71	Harleco Division, American Hospital Supply Corp. & SGA Scientific Inc.
Thymol Barbital Buffer, McLagan Modified, pH 7.8, No. 29944.	Vial: 1.256 grams per 15 x 45 mm. vial.	9-15-71	Do.
Thymol Buffer 100 ml.=100 mg., Hinegs & Popper, No. 29969.	Vial: 0.964 grams per 15 x 45 mm. vial.	9-15-71	Do.
Thymol Buffer pH 7.8, MacLagan, No. 29949.	Vial: 1.02 grams per vial	9-15-71	Do.
Thymol Buffer pH 7.55, Mateer, No. 29951.	Vial: 0.96 grams per 15 x 45 mm. vial.	9-15-71	Do.
Zinc Sulfate pH 7.5 (Kunkel), No. 64050.	Vial: 0.514 grams per vial	9-15-71	Do.
Barbiturate Standards Set, No. 64898.	Vial: 9 x 3 ml. of 8 single and 1 mixed at 15 mg. per dl.	10-22-71	Harleco Division, American Hospital Supply Corp.
pH 8.5 Buffer Powder Pillows, No. 920-85.	Pillow: 0.5 gm. each	11-30-71	Hach Chemical Co.
pH 8.3 Buffer Powder Pillows, No. 899-68.	Pillow: 1 gram each	11-30 71	Do.
Zincover II Powder Pillows, No. 2017.	do	11-30-71	Do.
Buffered Substrate, Glycerophosphate, Roe & Whitmore, pH 9.6, No. 20060.	Vial: 0.855 grams per 100 ml	11-30-71	Do.
Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart, pH 10.9, No. 20063.	Vial: 0.925 grams per 100 ml	11-30-71	Do.
Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart—Stock, No. 20061.	Vial: 1.85 grams per 100 ml	11-30-71	Do.
Buffered Substrate, Glycerophosphate, Shinowara, Jones & Reinhart, pH 5.0, No. 22062.	Vial: 0.925 grams per 100 ml	11-30-71	Do.
Zinc Reagent No. 2, No. 704	Pillow: 10 mg. each	6-23-71	Dearborn Chemical Division, W.R. Grace & Co.
Zn-1P No. 723	do	11-30-71	Nalco Chemical Co.
Zn-2P No. 723	do	11-30-71	Do.
Lederle Serum Toxicology Control Drugs A No. 2940-69.	Vial: 1.4 mg. in 10 ml	11-19-71	Lederle Laboratories.
Lederle Urine Toxicology Control Drugs I No. 2950-61.	Vial: 0.925 mg. in 25 ml	11-19-71	Do.
DGV Buffer, 5x No. 2606-37	Vial: 72 mg. in 20 ml	11-19-71	Do.
Lederle Abnormal Urine Control, No. 2920-80.	Vial: 25 mg. in 25 ml	11-19-71	Do.
Supplemental Urine Clinical Chemistry Control, Dried, No. 045-425.	Vial: 25 ml	8-31-71	Hyland Laboratories Division, Travenol Laboratories, Inc.
Partial Thromboplastin, Dried, No. 035-801 and No. 035-799.	Vial: 1 ml. and 5 ml	8-31-71	Do.
Partial Thromboplastin, Liquid, No. 035-825 and No. 035-830.	Vial: 0.1 ml	8-31-71	Do.
PTC Reagent, Dried, No. 035-802	Vial: 1 ml	8-31-71	Do.
Diluting Fluid No. 035-807 and No. 035-808.	Vial: 10 ml	8-31-71	Do.
Buffer No. 030-130 and No. 030-150	Vial: 250 ml	8-31-71	Do.
Agar Gel Plates No. 030-189 and No. 030-190.	Package: 8 plates—25 ml. per plate.	8-31-71	Do.
Agar Gel Plates No. 030-130 and No. 030-150.	Package: 10 plates—25 ml. per plate.	8-31-71	Do.
Agar Gel Plates No. 085-300, and No. 030-321, and No. 030-322.	do	8-31-71	Do.
Buffer No. 030-321 and No. 030-322	Vial: 250 ml	8-31-71	Do.
Barbital Buffer Mixture Angiotensin I Immutope Kit No. 09601.	Vial: 6.055 grams	7-20-71	E. R. Squibb and Sons, Inc.
AuSure Barbital Buffer Powder No. B72209.	Vial: 1.51 grams	7-28-71	Do.
AuSure CEP Plate No. B78209	Plate: 40 cc per plate	9-16-71	Do.
Hapindex, Agar Gel Plate, No. 740000.	Plate: 43 ml. per plate	9-21-71	Ortho Diagnostic.
Activated ThromboFAX No. .731000.	Bottle: 3.2 ml	9-21-71	Do.
Ortho Abnormal Plasma Coagulation Control.	Packet: 96.5 mg	9-21-71	Do.
Barbital Buffer Salt Mixture, No. 0752-04.	Vial: 50 cc	11- 4-71	Schwarz/Mann Division, Becton Dickinson and Co.
Barbital-Acid Buffer Salt, No. 1173.	Bottle: 4 oz	11- 4-71	SGA Scientific, Inc.
Thymol Turbidity Test Set No. 3105.	Packet: 1 Gm	11- 4-71	Do.
High Resolution Buffer-Tris Barbital Buffer No. 51104.	Vial: 10 dram	12-22-71	Gelman Instruments Co. and Mallard, Inc.
DGV Solution	Vial: 100 cc	12-28-71	Industrial Biological Laboratories, Inc.
Barbital-Sodium Buffer Salt, No. 11731.	Bottle: 4 oz	11- 4-71	SGA Scientific, Inc.

The Director proposes that the narcotic substances now listed in § 308.24(e) now incorporate appropriate methods of denaturing or other means so that the substances are not liable to be abused or have ill effects and so that the harmful substance cannot in practice be removed.

The Director proposes that the above listed substances will be classified as exempt chemical substances and exempted from provisions of Title 21 of the Code of Federal Regulations set forth in proposed § 308.24(e) of that title only upon the publication of a final order pursuant to this proposed order. Additional substances classified as exempt chemical substances at a later date will be included in § 308.24(e) by amendment of that list.

Any manufacturer or supplier whose substances are listed in § 308.24(e) of these proposed regulations who have not complied with the provisions of § 308.23(e) (1) through (8), and especially paragraph (e)(6) which requires submission of proposed labeling of both the immediate outer container and the commercial container, if any, to the Bureau, must do so within 20 days of the date of publication of this notice. Failure to submit all of this information will result in the possible delay in listing of the substances. The Bureau must have a complete background file on each substance at the time of finalization of the listing of the substance. This information should be submitted directly to Assistant Director for Scientific Support, Frederick M. Garfield, Bureau of Narcotics and Dangerous Drugs, 1405 Eye Street NW., Washington, DC 20537.

The effective date of the overall operation of these new regulations as well as the exemption of the listed chemical substances will be upon publication of the final order with regard to these regulations in the FEDERAL REGISTER, except that the provisions with regard to labeling contained in § 308.24(c) will apply only to exempt chemical substances manufactured after 180 days from the publication of the final order with regard to these regulations in the FEDERAL REGISTER.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, DC 20537, and must be received no later than 30 days after publication of this proposal in the FEDERAL REGISTER.

Dated: January 11, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-787 Filed 1-19-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESE PRODUCT IDENTITY STANDARDS

Buttermilk as Optional Ingredient

Notice is given that a petition has been filed by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, Ill. 60606, proposing that the definition and identity standards for pasteurized process cheese food, pasteurized process cheese spread, pasteurized neufchatel cheese spread with other foods and cold-pack cheese food (21 CFR 19.765, 19.775, 19.783, and 19.787) be amended to provide for buttermilk as an optional dairy ingredient in these foods by adding it to the lists of ingredients heretofore provided.

Grounds given in support of the proposal are: (1) Buttermilk is regarded as a nutritious, wholesome food that is

JAN 20 72

widely used as an ingredient in bread, candy, bakery goods, and frozen desserts.

(2) The use of buttermilk solids instead of nonfat dry milk in the manufacture of cold-pack cheese gives a smooth textured product with greater resistance to fat separation.

(3) Research has shown that buttermilk solids may be used in place of nonfat dry milk in the manufacture of process cheese foods and spreads.

If the proposal is adopted, it will be required that this optional dairy ingredient be declared on the label of the food by the common name "buttermilk" in accordance with §§ 19.765(f), 19.775(g), 19.783(d), and 19.787(f) of the respective standards.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-86, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 10, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-869 Filed 1-19-72;8:50 am]

Office of Education

[45 CFR Part 121]

PROGRAMS FOR THE EDUCATION OF HANDICAPPED CHILDREN

General Provisions and Assistance to States

Pursuant to the authority contained in the Education of the Handicapped Act (84 Stat. 175, 20 U.S.C. 1401), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 121 of Title 45 of the Code of Federal Regulations by redesignating it (as herein revised) as Subpart B of Part 121 (45 CFR 121), and by adding a new Subpart A. As amended, Part 121 would read as set forth below.

The proposed Subpart B would provide the requirements for assistance and for Federal financial participation authorized under Part B of the Education of the Handicapped Act (84 Stat. 178, 20 U.S.C. 1411). Part B provides assistance to States for initiating, expanding, and improving programs and projects which are designed to meet the special educational and related needs of handicapped children at the preschool, elementary school, and secondary school levels.

The proposed new Subpart A would provide definitions and general provisions applicable to all programs authorized under the Education of the Handicapped Act. Such programs include assistance to States for education of handicapped children; regional resource centers; centers and services for deaf-blind children; early education for handicapped children; research, innovation, training, and dissemination activities in connection with centers and services for the handicapped; training and recruitment of personnel for the education of the handicapped; research; instructional media; and special programs for children with specific learning disabilities. The proposed general provisions contained in Subpart A would govern with respect to these programs, construction, acquisition of equipment, copyrights and patents, retention of records, payments and adjustments, reports, withholding of funds, coordination, financial interests of officials, civil rights, and parental involvement.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Bureau of Education for the Handicapped, U.S. Office of Education, Seventh and D Streets SW., Room 2100 ROB, Washington, DC 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

All relevant material received not later than 30 days after the publication of this notice in the FEDERAL REGISTER will be considered.

Dated: November 26, 1971.

S. P. MARLAND, JR.,
Commissioner of Education.

Approved: January 14, 1972.

ELLIOT L. RICHARDSON,
Secretary, Health, Education, and Welfare.

PART 121—PROGRAMS FOR THE EDUCATION OF HANDICAPPED CHILDREN

Subpart A—Definitions; General Provisions

Sec.
121.1 Scope.
121.2 Definitions.
121.3 Construction of necessary facilities.
121.4 Acquisition of equipment.
121.5 Copyrights and patents.
121.6 Retention of records.
121.7 Payments and adjustments.
121.8 Reports.
121.9 Withholding of funds.
121.10 Coordination.
121.11 Financial interest prohibited.
121.12 Civil Rights.
121.13 Parental involvement and dissemination.

Subpart B—Assistance to States for Education of Handicapped Children

REQUIREMENTS FOR ASSISTANCE

121.100 Scope.
121.101 Purpose of assistance.
121.102 State plan—general.
121.103 State plan—provisions and assurances.
121.104 Annual description of projected activities.
121.105 Programs and projects.
121.106 Provisions of services to handicapped children enrolled in private schools.
121.107 Coordination.
121.108 Publication and opportunity for comment.
121.109 Adoption of complaint procedures.

FEDERAL FINANCIAL PARTICIPATION

121.126 Allotments.
121.127 Allowable expenditures.
121.128 Title to and control over property and funds.
121.129 Construction.
121.130 Equipment.
121.131 Use of Federal funds and liquidation of obligations by State or local educational agencies.
121.132 State fiscal control and audit.
121.133 Proration of costs.
121.134 Maintenance of level of support.
121.135 Reallotment.

AUTHORITY: The provisions of this Part 121 issued under the Education of the Handicapped Act (84 Stat. 175, 20 U.S.C. 1401), unless otherwise noted.

Subpart A—Definitions; General Provisions

§ 121.1 Scope.

Except as otherwise provided in this part, the provisions contained in this subpart apply to all programs authorized under the Education of the Handicapped Act (Public Law 91-230, Title VI). (20 U.S.C. 1401)

§ 121.2 Definitions.

As used in this part:

(a) "Acquisition" includes purchases, lease or lease-purchase.

(b) "Act" means the Education of the Handicapped Act (Title VI of Public Law 91-230).

(b-1) "Budget period" means the interval of time into which an approved activity is divided for budgetary purposes. It is generally the period of time during which the grantee must obligate or expend the awarded funds.

(c) "Children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or emotional disturbance, or of environmental disadvantage.

(d) "Commissioner" means the U.S. Commissioner of Education.

(e) "Construction" means:

(1) Erection of new or expansion of existing structures, including the acquisition and installation of equipment therefor; or

(2) Acquisition of existing structures not owned by any agency or institution making application for assistance under this part; or

(3) Remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or

(4) Acquisition of land in connection with the activities in subparagraphs (1), (2), and (3) of this paragraph; or

(5) A combination of any two or more of the foregoing.

(f) "Department" means the U.S. Department of Health, Education, and Welfare.

(g) "Elementary school" means a day or residential school which provides elementary education, as determined under State law, and "Elementary school level" means the educational level at which elementary education is provided, as determined under State law.

(h) "Equipment" includes machinery and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational and related services, including items such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include supplies which are consumed in use or which may not reasonably be expected to last longer than 1 year.

(i) "Fiscal Year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

(j) "Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled or other health impaired children who by reason thereof require special education and related services. The term includes children with specific learning disabilities to the extent that such children are health impaired children who by reason thereof require special education and related services.

(k) "Institution of higher education" means an educational institution in any State which—

(1) Admits as regular students only individuals having a certificate of graduation from high school, or recognized equivalent of such certificate;

(2) Is legally authorized within such State to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's degree, or provides not less than a 2-year program which is acceptable for full credit toward such a degree, or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(4) Is a public or other nonprofit institution; and

(5) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph, or if not so accredited, is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided however*, That in the case of an institution offering a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(l) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(m) "Nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(n) "Preschool level" means the educational level from a child's birth to the time at which elementary education is provided as determined under State law.

(o) "Private elementary or secondary schools" means schools which provide elementary or secondary education, as determined under State law (but not including any education provided beyond grade 12) and which are controlled by other than a public agency.

(p) Except for the purposes of §§ 121.1, 121.3(a), 121.4 and 121.13, "Program" means an overall plan with respect to funds made available under any part of the Act during a fiscal year, which plan is intended to be put into effect by the recipient of such assistance (including State and local educational agencies under part B) through one or more projects.

(q) "Project" means an activity, or set of activities, proposed by an applicant for assistance under any part of the Act (including State and local educational agencies under part B) and designed to meet the purposes of such part.

(r) "Public agency" means a legally constituted organization of government under public administrative control and direction.

(s) "Research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

(t) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12, and "Secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided, as determined under State law.

(u) "Secretary" means the Secretary of Health, Education, and Welfare.

(v) "Seriously emotionally disturbed children" does not include children who are socially maladjusted but not emotionally disturbed. In distinguishing between such children, the following criteria may be used to determine those children who are seriously emotionally disturbed: Those children who exhibit one or more of the following characteristics over a long period of time and to a marked degree:

(1) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(3) Inappropriate types of behavior or feelings under normal circumstances;

(4) General pervasive mood of unhappiness or depression; or

(5) A tendency to develop physical symptoms, pains, or fears associated with personal or school problems.

(w) "State" means, in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(x) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary schools, or if there is no such

agency, or officer, an agency or officer designated by the Governor or by State law. (20 U.S.C. 1401)

§ 121.3 Construction of necessary facilities.

(a) *Scope.* This section is applicable to any program under the Act (1) which the Commissioner determines, pursuant to section 605 of the Act, will be improved by permitting funds authorized for such program to be used for the construction of necessary facilities, and (2) with respect to which he authorizes the use of such funds for such construction.

(b) *Definition.* For the purposes of this section, the term "facilities" means one or more structures in one or more locations, constructed pursuant to this section.

(c) *Manner of construction.* Such construction must be functional, undertaken in an economical manner, and not elaborate in design or extravagant in the use of materials in comparison with facilities of a similar type constructed in the State (or other applicable geographic area) within such period as may be designated by the Commissioner as appropriate for the purposes of this paragraph.

(d) *Assurances.* Where applications are submitted under the Act for programs or projects which involve construction, such construction shall be approved by the Commissioner (or the State educational agency in the case of part B of the Act), only if the application contains the following assurances and provisions:

(1) The applicant has or will have a fee simple or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the expected useful life of the facility;

(2) In developing plans for school facilities, the local and State codes with regard to fire and safety will be observed, and in situations where local and State codes do not apply, recognized codes shall be observed;

(3) The applicant shall comply with whatever procedures may be established by the Department to implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(C)) and Executive Order No. 11514 (42 U.S.C. 4321 note). The applicant shall also comply with whatever policies and procedures are established by the Department to implement Executive Order No. 11507 (42 U.S.C. 4331 note) with regard to the prevention of air and water pollution.

(4) The grantee will furnish progress reports and such other information relating to the proposed construction and the grant as the Commissioner (or the State educational agency in the case of part B of the Act) may require;

(5) Reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities;

(6) Approval by the Commissioner (or the State educational agency, in the case of part B of the Act) of the final working drawings and specifications will be obtained before the proposed construction is advertised or placed on the market for bidding; the construction will go to final completion in accordance with the application and approved drawings and specifications; the applicant will submit to the Commissioner or the State educational agency, as the case may be, for prior approval changes that materially alter the scope or costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the proposed construction or a part thereof until the applicable requirements of the Act and this part have been met.

(7) The applicant possesses legal authority to apply for and receive the grant or loan, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing board, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required;

(8) Sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility (where applicable), and sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes for which constructed;

(9) Except as otherwise provided by State or local law, all contracting for construction (including the purchase and installation of built-in equipment) shall be on a lump sum fixed-price basis, and contracts will be awarded on the basis of competitive bidding with award of the contract to the lowest responsive and responsible bidder. The provision for exceptions based on State and local law set forth in paragraph (f) of this section will not be invoked to give local contractors or suppliers a percentage preference over nonlocal contractors bidding for the same contract. Such practices are precluded by this assurance;

(10) Except as otherwise provided by law, all laborers and mechanics employed by contractors and subcontractors on construction assisted under the Act, including minor remodeling, will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5) and 29 CFR Part 1, and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work House Standards Act (40 U.S.C. 327–332); that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3; and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c). Such contracts shall also include the applicable provisions of Executive Order 11246, as amended (Nondiscrimination in Construction Contract Employment), and the applicant shall otherwise comply with the requirements of section 301 of said Executive order. The contractor shall furnish performance and payment bonds, each in the amount of the full contract price; and provide, during the life of the contract, for adequate fire, public liability, property damage, and workmen's compensation insurance;

(11) The applicant will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved drawings and specifications; and will furnish progress reports and such other information as the Commissioner (or the State educational agency, in the case of part B of the Act) may require;

(12) An assurance of compliance with title VI of the Civil Rights Act of 1964 (Form HEW 441) applying to the facility described in this application was filed or is attached to this application;

(13) It will maintain grant or contract accounting records (identifiable by grant or contract number), including all records relating to the receipt and expenditure of Federal grant or contract funds and to the expenditure of the non-Federal share of the cost of a project (if any), for 3 years after the completion of the project if an audit is conducted by or on behalf of the Department within that period, or in the case where no audit is performed, for 5 years; except that should audit questions arise with respect to the grant or contract, the records will be maintained until all such questions are resolved. Representatives of the Federal Government or the State educational agency, as the case may be, shall have access at all reasonable times to the grantee's records and to work whenever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection;

(14) The facility will be operated and maintained in accordance with the requirements of applicable Federal, State, and local agencies for the maintenance and operation of such facilities;

(15) The applicant will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified by other standards prescribed by the Secretary or the U.S. Administrator of General Services. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor; and

(16) The applicant will cause work on the project to be commenced within a reasonable time after receipt of notification from the Commissioner or the State educational agency, as the case may be, that funds have been awarded, and the project will be prosecuted to completion with reasonable diligence.

(e) *Avoidance of flood hazards.* In the planning of the construction of facilities involving the use of funds under the Act, any agency, institution, or organization receiving assistance under the Act for such construction, will in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663) and such rules and regulations as may be issued by the Secretary to carry out those provisions, evaluate flood hazards in connection with such facilities and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(f) *Competitive bidding.* All contracts for construction to be assisted under the Act shall be awarded to the lowest qualified bidder on the basis of open competitive bidding, except that, if one or more items of construction are covered by an established alternative procedure, consistent with State and local laws and regulations, which is approved by the Commissioner (or the State educational agency in the case of part B of the Act), and is designed to assure construction in an economical manner consistent with sound business practice, such alternate procedure may be followed.

(g) *Federal recovery in cases of nonconforming use.* If within 20 years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid under this part, the facility constructed ceases to be used for the purposes for which it was constructed, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the U.S. district court for the district in which the facility is situated. (20 U.S.C. 1232b, 1401, 1404)

§ 121.4 Acquisition of equipment.

(a) *Scope.* This section is applicable to any program under the Act (1) which the Commissioner determines, pursuant to section 605 of the Act, will be improved by permitting funds authorized for such program to be used for the acquisition of equipment, and (2) with respect to which he authorizes the use of such funds for such acquisition of equipment.

(b) *Accountability.* Subject to such other provision which the Commissioner may make pursuant to law, any agency, institution, or organization receiving assistance under the Act pursuant to a program described in paragraph (a) of this section shall maintain inventories of equipment acquired by it with funds provided under the Act, and costing more than $300 per unit, for the expected useful life of the equipment or until its disposition, whichever is earlier. The records of such inventories shall be subject to the record retention requirements of § 121.6.

(c) *Disposition.* Proceeds from the sale of any equipment acquired with funds provided under the Act and the net proceeds from the rental of such equipment (where such sale or rental is authorized), will be disposed of, at the discretion of the Commissioner, in either one of the following two ways:

(1) Returning the funds to the Federal Government (i) by reducing the level of expenditures from support funds in an amount equal to the Federal share of such income, (ii) by treating the funds as a partial payment to a succeeding (continuation) award, or (iii) by payment to miscellaneous receipts of the Treasury, or

(2) Using the funds to further the purposes of the program from which the award was made.

(d) *Custodial responsibility for equipment.* Each agency, institution, and organization receiving assistance under the Act shall make reasonable provision for the maintenance and repair of equipment acquired with such funds, and shall be responsible for replacing or repairing (with funds of such agency, institution, or organization) equipment which is lost, damaged, or destroyed due to the negligence of such agency, institution, or organization. (20 U.S.C. 1401, 1404)

§ 121.5 Copyrights and patents.

(a) Any material of a copyrightable nature produced through a program supported under this part shall be subject to the copyright policy of the U.S. Office of Education set forth in its Copyright Guidelines of May 9, 1970 (35 F.R. 7317) or any modification thereof in effect at the time of the award.

(b) Any material of a patentable nature produced through a program supported under this part shall be subject to the provisions of Parts 6 and 8 of this title.

(c) All grants made, or contracts or other arrangements entered into under the Act shall contain a provision incorporating the substance of this section. (20 U.S.C. 1401)

§ 121.6 Retention of records.

(a) *Records.* Each agency, institution, and organization receiving assistance under the Act shall keep intact and accessible all records relating to the receipt and expenditure of such funds (and to the expenditure of the recipient's contribution to the cost of any program funded under section 623 of the Act) including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award. Such records shall be retained for 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time; or if such audit has not occurred by that time:

(1) Until the recipient of such assistance is notified of the completion of such audit, or

(2) For 5 years following the end of the budget period, whichever is earlier.

(b) *Audit questions.* The records involved in any claim or expenditure which has been questioned by the Federal audit shall be further retained until resolution of any such audit questions.

(c) *Audit and examination.* The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other books, documents, papers and records of the recipient that are pertinent to a grant or contract under which assistance is received pursuant to this part. (20 U.S.C. 1232c(b), 1401)

§ 121.7 Payments.

(a) *Payment methods and adjustments.* Payments pursuant to grants, contracts, or other arrangements under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

(b) *Violations.* A payment under any such grant, contract, or other arrangement for expenditures which fail to meet the requirements of any of the applicable provisions of the Act or of this part may be taken into account in the determination of any such overpayments and and any adjustments relating thereto.

(c) *Current needs.* Funds paid pursuant to a grant, contract, or other arrangement under the Act, for amounts expended by an agency, institution, or organization to carry out its function under such grant, contract, or other arrangement, will be limited to the amount necessary to meet current needs for disbursement.

(d) *Adjustment of records.* Each agency, institution, or organization receiving assistance under this part, in its maintenance of program expenditure accounts, records, and reports shall promptly make any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, resulting from Federal or State administrative reviews and audits or otherwise. Such adjustments shall be set forth in any financial reports required to be filed with the Commissioner. (20 U.S.C. 1232d, 1401)

§ 121.8 Reports.

(a) Each agency, institution, or organization receiving assistance pursuant to a grant, contract, or other arrangement under this part shall submit, in accordance with procedures established by the Commissioner:

(1) Following the end of each fiscal year for which such assistance was received, a report of the total expenditures made under such grant, contract, or other arrangement, during such fiscal year; and

(2) Such other reports as are required by the Commissioner to carry out his functions under the Act. (20 U.S.C. 1232c, 1401)

§ 121.9 Withholding of funds.

(a) The approval of a State plan under part B of the Act, the approval of a grant, or the entering into a contract or other arrangement, under the Act, and any payment pursuant thereto, shall not be deemed to waive the right of the Commissioner to withhold funds by reason of the failure of an agency, institution, or organization receiving assistance

JAN 20 72

under the Act to observe, either before or after such administrative action, any Federal requirements.

(b) No official, agent, or employee of the Office of Education or the Department of Health, Education, and Welfare shall have the authority to waive or alter any provision of these regulations or other relevant statute or regulation, and no action or failure to act on the part of such official, agent, or employee shall operate in derogation of the Commissioner's right to enforcement of said provisions in accordance with their terms. (20 U.S.C. 1401, 43 Dec. Comp. Gen. 31 (1963))

§ 121.10 Coordination.

(a) Each program or project assisted under the Act (including State plans under part B of the Act), shall be developed so as to be in coordination with other public and private programs for the education of handicapped children or for similar purposes. Such coordination shall be continuous during the period in which such project or program remains in effect.

(b) In the coordination with such other programs, the comingling of Federal funds provided to assist a program or project under the Act with funds under such other programs is not authorized, but the simultaneous use of funds under such other programs to finance identifiable portions of a single program or project is permitted. (20 U.S.C. 1401)

§ 121.11 Financial interest prohibited.

A person who is a public official, officer, or member of, or who is otherwise associated with an agency, institution, or organization receiving financial assistance under this part, may not participate in an administrative decision with respect to a program or project so assisted, if such decision can be expected to result in any benefit or remuneration, including, without limitation, a royalty, commission, contingent fee, brokerage fee, or other benefit, to him or to any member of his immediate family. (20 U.S.C. 1401)

§ 121.12 Civil rights.

Federal financial assistance provided under the Act and this part is subject to the regulations in part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Public Law 88-352). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance. (42 U.S.C. 2000d)

§ 121.13 Parental involvement and dissemination.

(a) *Scope.* This section is applicable to any program under the Act in which the Commissioner determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes.

(b) *Regulations.* Upon making a determination pursuant to paragraph (a) of this section, the Commissioner will promulgate regulations with respect to such program setting forth criteria designed to encourage such participation.

(c) *Local educational agencies.* If the program for which such determination is made provides for payments to local educational agencies, applications for payments shall

(1) Set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) Be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public. (20 U.S.C. 1232d)

Subpart B—Assistance to States for Education of Handicapped Children

Requirements for Assistance

§ 121.100 Scope.

The provisions contained in this subpart apply to programs and projects assisted under part B of the Act. (20 U.S.C. 1411)

§ 121.101 Purpose of assistance.

Payment of Federal funds to a State under part B of the Act shall be solely for the purpose of assisting such State in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels. (20 U.S.C. 1411)

§ 121.102 State plan—general.

(a) *Submission.* Any State which desires to receive grants under part B of the Act shall submit to the Commissioner, through its State educational agency, (1) a State plan (not part of any other plan) meeting the requirements of this part, and (2) the description of projected activities required under § 121.104. Each such State plan and all amendments thereto shall be submitted to the Commissioner by a duly authorized officer of the State educational agency. Each State plan shall designate the official authorized to submit plan materials.

(b) *Amendments.* The administration of the program carried out in a state under part B of the Act shall conform to the approved State plan of such State under such part. The State educational agency shall promptly notify the Commissioner of any material change in the content or administration of such program and any change in pertinent State law or in the organization, policies, or operations of the State educational agency affecting such program. The Commissioner may require that any such changes be promptly reflected in appropriate amendments to the plan.

(c) *Certificates by the State educational agency and attorney general.* Each State plan and each amendment thereto submitted pursuant to this subpart shall be accompanied by (1) a certificate by the officer of the State educational agency authorized to submit the plan certifying that (i) the plan or amendment has been adopted by the State educational agency in accordance with paragraph (d) of this section and § 121.108, and (ii) such plan (or plan as amended), will constitute the basis for the operation and administration of the activities to be carried out in that State under part B of the Act; and (2) a certificate by the State Attorney General or other appropriate State legal officer that (i) the State educational agency has authority under State law to submit the plan and to administer or to supervise the administration of the plan, (ii) such agency has authority under State law to carry out, directly or through local educational agencies, the activities described therein, and (iii) all plan provisions are consistent with State law.

(d) *Governor's comments.* Prior to the submission to the Commissioner of any State plan under this subpart, or of any amendment thereto, or of any periodic description of projected activities submitted pursuant to § 121.104, the State educational agency shall afford the Governor of such State an opportunity to comment on the relationship of such State plan (or amendment or description) to comprehensive and other State plans and programs. The Governor shall be afforded a period of not less than 45 days in which to make such comments. Any such comments, or, if the Governor makes no comments, a statement to that effect, shall be attached to such plan, amendment, or report when the same is submitted to the Commissioner (OMB Circular A-95)

(e) *Approval by the Commissioner.* The Commissioner will approve each State plan, or amendment thereto, which he determines meets the requirements and purposes of part B of the Act and the applicable regulations in this part, and will notify the State educational agency of the granting, conditioning, or withholding of approval in each such case. No final action with respect thereto, other than one of approval, will be taken by the Commissioner, unless he first affords the State educational agency reasonable notice of his proposed action and, in connection therewith, affords such agency a reasonable opportunity for a hearing on whether the affected plan or amendment meets such requirements and purposes.

(f) *Withholding.* Whenever the Commissioner, after reasonable notice and opportunity for hearing, finds (1) that the State plan has been so changed that it no longer complies with the provisions of part B of the Act or the applicable regulations in this part, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or regulation or with any requirements set forth in the application of a local educational agency

approved pursuant to such plan, the Commissioner will notify the State agency that further payments will not be made to the State under part B of the Act (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State educational agency shall not make further payments under part B of the Act to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner will make no further payments to the State under part B of the Act (or will limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under part B of the Act shall be limited to local educational agencies not affected by the failure, as the case may be).

(g) *Effective date of State plan.* The effective date of the State plan shall be the date established by the Commissioner after his review of the State plan. (20 U.S.C. 1413)

§ 121.103 State plan—provisions and assurances.

(a) *Use of funds.* A State plan submitted in accordance with this subpart shall set forth such policies and procedures as will provide satisfactory assurance that funds paid to the State under this subpart will be expended—

(1) Either directly or through individual, or combinations of, local educational agencies (including interdistrict, intercommunity, regional, State-local and interstate arrangements), solely to initiate, expand, or improve programs and projects (including preschool programs and projects)—

(i) Which are designed to meet the special educational and related needs of handicapped children throughout the State, and

(ii) Which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and

(2) (i) For the proper and efficient administration of the State plan (including State leadership activities and consultative services), and

(ii) For planning on the State and local level.

(b) *Special provisions and descriptions.* Each such State plan shall also—

(1) Set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this subpart will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local, and private funds;

(2) Provide for (i) making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this subpart, including reports of the objective measurements required by paragraph (c)(3) of this section and (ii) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this subpart;

(3) Provide that the State educational agency (as designated in such plan) will be the sole agency for administering or supervising the administration of the plan; and

(4) Contain a statement of policies and procedures which will be designed to insure that all education programs for the handicapped in the State will be properly coordinated by the persons in charge of special education programs for handicapped children in the State educational agency.

(c) *Assurances.* Each such State plan shall also provide assurances satisfactory to the Commissioner—

(1) That, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private preschool programs and private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this subpart;

(2) That the control of funds provided under this subpart, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this subpart, and that a public agency will administer such funds and property;

(3) That effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing related services for, handicapped children;

(4) That such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subpart to the State, including any such funds paid by the State to local educational agencies;

(5) That funds paid to the State under this subpart shall not be made available for handicapped children eligible for assistance under section 103(a)(5) of title I of the Elementary and Secondary Education Act of 1965; and

(6) That effective procedures will be adopted for acquiring and disseminating to teachers of, and administrators of programs for, handicapped children significant information derived from educational research, demonstration, and similar projects and for adopting, where appropriate, promising educational practices developed through such projects. (20 U.S.C. 1413)

§ 121.104 Description of projected activities.

A State educational agency receiving a grant under this subpart shall submit to the Commissioner, at such time, for such period, and in such detail as he may required, a description of the projected activities for the education of handicapped children which are proposed to be carried out in the State under this subpart. (20 U.S.C. 1413(a)(7))

§ 121.105 Programs and projects.

(a) *Administration.* Programs and projects initiated, expanded, or improved under this subpart will be administered either (1) directly by the State educational agency to the extent consistent with the limitations in § 121.103(c)(5), or (2) by local educational agencies with the approval and under the supervision of the State educational agency. These include joint projects or programs under § 121.107.

(b) *Applications.* Funds paid to the State under this subpart shall be made available for carrying out programs and projects in accordance with the State's approved plan only upon application therefor (and any amendments thereto) approved by the State educational agency and containing such information as such State agency may require.

(c) *Content of projects.* In order to meet the special educational and related needs of handicapped children, projects under part B of the Act must provide one or more of the following services—

(1) Educational services to handicapped children which are in addition to, distinct from, or a modification of, educational services provided to children who are not handicapped, or

(2) Other services which are (i) directly related to the provision of educational services, (ii) designed to overcome or ameliorate the handicaps of handicapped children, and (iii) necessary to enable handicapped children to benefit from the educational services available to them.

(d) *Scope of projects.* (1) Each project under this subpart shall provide, within itself or within the educational program which is supplemented by such project, direct instructional services to handicapped children.

(2) Where essential services related to meeting the major objectives of a project for handicapped children directly served in such project cannot be secured elsewhere, such services shall be provided by the project or by the educational program which the project supplements.

(3) For the purposes of this subpart, the term "program" includes the composite of all educational services provided through Federal, State, local, or other funding (i) for all of the handicapped children in a given school, or (ii) for all children in a given school with a specific type or specific types of handicap.

(e) *Design of programs and projects.* Programs and projects assisted or carried out under this subpart shall

(1) Be of sufficient size, scope, and quality, taking into consideration the special educational needs of handicapped children, as to give reasonable promise of substantial progress toward meeting those needs;

(2) Be designed in such a manner as to (i) focus upon groups of children with

JAN 20 72
XUM

a specific type or specific types of handicap and (ii) concentrate on a limited number of handicapped children, as to give reasonable promise of promoting to a marked degree improvement in the educational attainment, motivation, behavior, or attitudes of such children;

(3) Contain a statement of objectives which are child-centered and set forth in terms of expected changes in the achievement or performance of a specified group of handicapped children;

(4) Be based upon a specific plan to achieve such objectives;

(5) Include effective procedures which have been adopted for evaluating at least annually the effectiveness of the program or project in meeting the special educational needs of, and providing related services for, handicapped children. In carrying out such evaluation, in addition to an assessment of the extent to which and the manner in which other major project objectives have been met, (i) projects which provide within themselves direct instructional services shall be evaluated on the basis of appropriate objective measurements of educational achievement of the children served, and (ii) projects which do not provide direct instructional services within themselves shall be evaluated in terms of their impact on the educational program or programs which are supplemented by such projects; and

(6) Be planned in coordination with other public and private programs for the education of handicapped children or for similar purposes in the area to be served by the program or project and in the State.

(f) *Project amendment.* Amendments to applications approved pursuant to paragraph (a) of this section shall be submitted to the State educational agency for approval in the same manner as the original applications. Whenever there is (1) an adjustment of more than 10 percent upward or downward in the total budget or in a line item of the budget for an approved project, (2) a change in the project period, or (3) a substantial change in one or more of the proposed project activities, an amendment must be approved pursuant to this paragraph before such adjustment or change may be made.

(g) *Parental involvement.* Applications submitted pursuant to paragraph (e) of this section shall:

(1) Set forth such policies and procedures as will insure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) Be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public. (20 U.S.C. 1232d, 1413)

§ 121.106 Provision of services to handicapped children enrolled in private schools.

(a) *Determinations.* Determinations with respect to the special educational and related needs of handicipped children enrolled in private preschool programs and private elementary and secondary schools, the number of such children who will participate in programs and projects under this subpart, the types of services which will be provided for them, and other matters related to the assurance required by § 121.103(c)(1) shall be made after consultation with persons knowledgeable as to the needs of such children, on a basis comparable to that used in providing for the participation, in programs and projects assisted or carried out under this subpart, of handicapped children enrolled in public preschool programs and elementary and secondary schools.

(b) *Services.* Programs and projects assisted or carried out under part B of the Act shall be designed to include, to the extent consistent with the number of eligible handicapped children enrolled in private preschool programs and private elementary and secondary schools in the geographical area served by the program or project, services which will aid in meeting the special educational and related needs of such children. Those services may be provided through such arrangements as dual enrollment, educational radio and television, and the provision of mobile equipment, and may include professional and subprofessional services.

(c) *Personnel and equipment.* (1) Public school personnel may be made available in other than public school facilities only to the extent necessary to provide the special educational and related services required by the handicapped children for whose needs such services were designed, and only when such services are not normally provided at the private school. The State or local educational agency providing educational and related services to children in private programs or schools shall maintain administrative control and direction over such services.

(2) The special educational and related services provided with funds under part B of the Act for eligible handicapped children enrolled in private programs or schools shall not include the payment of salaries of teachers or other employees of private programs or schools except for services performed outside their regular hours of duty and under public supervision and control, nor shall such services include the use of equipment purchased with part B funds, other than mobile or portable equipment, on private school premises or the construction of private school facilities.

(3) Subject to the provisions of § 121.128, mobile or portable equipment may be used on private school premises only for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by eligible handicapped children enrolled in private programs or schools.

(d) *Prohibition of segregation.* Any program or project to be carried out in public facilities and involving joint participation by eligible handicapped children enrolled in private programs or schools and handicapped children enrolled in public schools shall include such provisions as are necessary to avoid classes that are separated by the program or school enrollment or religious affiliations of such children. (20 U.S.C. 1413)

(e) *Inventories of equipment.* Each State and local educational agency shall maintain an inventory of all equipment acquired with funds under part B of the Act and placed in the temporary custody of persons in a private school. Such inventories shall be maintained until the equipment is discharged from such custody, and, if costing $300 or more per unit, for the expected useful life of the equipment or until its disposition. (20 U.S.C. 1413)

§ 121.107 Coordination.

(a) Each State educational agency shall, before approving programs and projects of local educational agencies under part B of the Act, (1) determine that the local educational agency has developed its program or project in coordination with other public and private programs for the education of handicapped children or for similar purposes in the area served by such local educational agency, and (2) require that the local educational agency will, in the conduct of approved programs and projects, coordinate its activities under the State plan with such other programs.

(b) State and local educational agencies may enter into cooperative arrangements with other State and local agencies, including those in another State, to carry out joint programs, projects, or activities necessary and appropriate to carrying out the purposes of part B of the Act. (20 U.S.C. 1413)

§ 121.108 Publication and opportunity for comment.

(a) *Presubmission.* Prior to its submission by the State educational agency to the Commissioner, each State plan shall be made public as a separate document, and a reasonable opportunity shall be given by that agency for comment thereon by interested persons. The Commissioner will not approve any State plan until such publication has been made and such opportunity for comment has been given. Methods of public notice of the proposed plan shall include notices and bulletins distributed by the State educational agency to local educational agencies and other agencies involved in the education of handicapped children and news releases to, or advertising in, key newspapers or other news media throughout the State.

(b) *Postsubmission.* Each State plan as finally approved by the Commissioner shall also be made public by the State educational agency in the same manner as that required under paragraph (a) of this section, and shall be made readily accessible upon request to any interested person in the State.

(c) *Statement of publication.* Upon its submission to the Commissioner by the State educational agency, each State plan shall be accompanied by a statement describing the method by which, and the extent to which, the plan has been and, when approved, will be made public.

(d) *Interested persons.* For the purposes of paragraph (a) of this section, interested persons include not only public officials, public employees, and other persons involved in the education of handicapped children, but also (1) persons who are themselves handicapped, (2) parents of a handicapped child or handicapped children, and (3) the general public. (20 U.S.C. 1413(c)(1))

§ 121.109 Adoption of complaint procedures.

(a) *Procedures.* A State educational agency shall adopt effective procedures for reviewing, investigating, and acting upon any allegations of substance, which may be made by local educational agencies or private individuals or organizations, of actions by State or local educational agencies contrary to the provisions of part B of the Act or the applicable regulations in this part.

(b) *Publication.* Such procedures shall be made public by methods specifically designed to inform interested persons (as defined in § 121.108(d)).

(c) *Designation of officer.* The State educational agency shall designate the officers who will receive such complaints and comments, who will make initial dispositions regarding them, and who will review such dispositions. The names, office addresses, and telephone numbers of such officers shall be published together with such procedures.

(d) *Report.* The State educational agency shall submit to the Commissioner, together with the annual description of projected activities required under § 121.104, a report disclosing any allegations of the nature described in paragraph (a) of this section, a summary of the result of any investigations made or hearings held with respect to those allegations, and a statement of the disposition by the State educational agency of those allegations. It is recognized that the responsibility with respect to the resolution of such matters rests, in the first instance, in the State educational agency. (20 U.S.C. 1413)

Federal Financial Participation

§ 121.126 Allotments.

Funds alloted to a State pursuant to section 612(a)(2) of the Act, from appropriations made pursuant to section 611 of the Act, may be used only for the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels by State educational agencies pursuant to § 121.127(a)(1) and local educational agencies pursuant to § 121.127(b)(1), except that not more than 5 percent of the amount alloted to a State for any fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, may be expended by the State educational agency for planning and for proper and efficient administration of the State plan pursuant to § 121.127(a)(2) and by local educational agencies for planning at the local level pursuant to § 121.127(b)(2). (20 U.S.C. 1413(a)(1))

§ 121.127 Allowable expenditures.

(a) *State educational agencies.* Funds under part B of the Act may be used by the State educational agency for such expenditures as are reasonably necessary (1) for the conduct by it of programs or projects for the education of handicapped children (including evaluation and dissemination of the results thereof), and (2), subject to the limitations in § 121.126, for (i) administration of the State plan and for planning at the State level, including planning or assisting in the planning of programs or projects for the education of handicapped children; (ii) approval, supervision, monitoring, and evaluation of local programs and projects for the education of handicapped children; (iii) technical assistance to local educational agencies with respect to the measurements of educational achievement and evaluation of the effectiveness of programs and projects pursuant to § 121.106; (iv) dissemination and utilization of the results of educational research and demonstrations; and (v) other State leadership activities and consultative services.

(b) *Local educational agencies.* Funds made available under part B of the Act to local educational agencies may be used by those agencies for such expenditures as are reasonably necessary for activities directly related to (1) the conduct of programs and projects for the education of handicapped children which are approved by the State educational agency (including the evaluation and dissemination of the results thereof), and (2) the planning of such programs and projects.

(c) *Categories.* Categories of allowable expenditures referred to in paragraphs (a) and (b) of this section shall be determined in accordance with, and governed by, the principles and procedures set forth in OMB Circular No. A-87 (Exhibit X-5-60-1 of the Department Grants Administration Manual), and shall include, but not be limited to the following:

(1) Salaries, wages, and other personal service costs of permanent and temporary staff employees and consultants for the performance of services reasonably necessary for the program under part B of the Act, including the costs of regular contributions of employers to retirement, workmen's compensation, and welfare funds, and payments for leave earned with respect to time so spent;

(2) Insurance coverage, to the extent consistent with the general policies of the State or local educational agency and with sound business practice; and the bonding of employees who handle part B funds;

(3) Communications;

(4) Utilities;

(5) Data processing services;

(6) The purchase of consumable supplies, including stationery;

(7) Printing and acquisition of printed and published materials;

(8) Travel and transportation expenses;

(9) Acquisition (by purchase, lease, or lease-purchase) and maintenance and repair of necessary equipment;

(10) Maintenance and repair of property acquired with Part B funds, to the extent necessary to keep such property in an efficient operating condition;

(11) Minor alterations in previously completed building space used or to be used in the program under part B of the Act when such alterations are needed to make effective use of equipment;

(12) The rental of space in privately and publicly owned buildings to the extent such space is in fact used for activities under part B of the Act, subject to the following provisions:

(i) The expenditures for the space are necessary and properly related to the activities of the programs;

(ii) The State or local educational agency will, during the period of occupancy, receive the benefits of the expenditures commensurate with such expenditures;

(iii) The amounts paid are not in excess of comparable rental in the particular locality;

(iv) Expenditures represent a current cost;

(v) In the case of publicly owned buildings, like charges are made to other State or local agencies occupying similar space for similar purposes;

(13) Establishing and maintaining accounting, auditing, and other information systems required for the management of projects assisted under part B of the Act;

(14) Subject to the limitations in §§ 121.3 and 121.129, the construction of school facilities essential to the successful carrying out of approved programs or projects.

(d) *Religion.* None of the funds under part B of the Act may be used for religious worship or instruction. (20 U.S.C. 1404, 1413, 1414, OMB Circular A-87)

§ 121.128 Title to and control over property and funds.

(a) *Incidental use.* The incidental use of property acquired with funds provided under this subpart for purposes other than those provided in part B of the Act is permitted only for related educational purposes on public premises and only so long as such a use does not interfere with the use of such property in a program or project carried out under part B of the Act.

(b) *Private schools.* Use of funds provided under part B of the Act and property derived therefrom shall not inure to the benefit of any private school. Equipment acquired with funds under

JAN 20 72
XUM

part B of the Act may be placed on private school premises for a limited period of time, but the title to and administrative control over such equipment must be retained and exercised by a public agency. In exercising that administrative control, the public agency shall not only keep records of, and account for, the equipment but shall also assure itself that the equipment is being used solely for the purposes of the program or project, and remove the equipment from the private school premises when necessary to avoid its being used for other purposes or when it is no longer needed for the purposes of the program or project.

(c) *Public agency control.* The State educational agency will obtain from a local educational agency administering a program or project under part B of the Act a satisfactory assurance that the funds provided under part B of the Act, and property derived therefrom, will at all times be under the control of, and be administered by, a public agency in accordance with the provisions of the Act and the regulations in this part.

(d) *Custody.* The State Treasurer (or if there is no State Treasurer, the officer designated by the State to exercise similar functions for the State) shall be responsible for receiving, and for the proper safeguarding, of all Federal funds granted to the State under the Act. (20 U.S.C. 1404, 1413 (a) (2), (3), (8))

§ 121.129 Construction.

A program or project for the education of handicapped children under part B of the Act may not include the construction of school facilities with funds provided under such part unless such construction (a) is demonstrated as essential to assure the success of that program or project and (b) complies with other requirements of part B of the Act and the regulations in this part with respect to construction. (20 U.S.C. 1404, 1413)

§ 121.130 Equipment.

(a) Funds provided under this subpart may not include expenditures for equipment unless (1) such equipment is demonstrated as essential to the provision of services to handicapped children, and (2) the recipient of such funds has a staff trained to use the requested equipment or has made provision for adequate staff training in the use of such equipment.

(b) In the purchase of equipment pursuant to this section, if a financial advantage is realized through bargains, rebates, discounts, bonuses, free pieces (not devoted to the project as approved), or other circumstances, the fair value of such financial advantage shall not be an allowable expenditure under § 121.127. (20 U.S.C. 1404, 1413)

§ 121.131 Use of Federal funds and liquidation of obligations by State or local educational agencies.

(a) *Period for use.* Federal funds under part B of the Act made available to State and local educational agencies for a fiscal year shall remain available for use by such State and local educational agencies in accordance with paragraph (c) of this section during that fiscal year. Grants for construction of school facilities shall remain available for use for that purpose for a reasonable period of time as determined pursuant to § 121.3(c).

(b) *Carryovers.* In accordance with section 405(b) (20 U.S.C. 1225(b)) of the General Education Provisions Act (Public Law 90–247), title IV, as amended), any Federal funds made available under part B of the Act to State and local educational agencies, which funds are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which they were made available, shall remain available for obligation and expenditure during such succeeding fiscal year.

(c) *Determinations of use.* For the purpose of this section a use of funds under part B of the Act by a State or local educational agency will be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or property, for the construction of school facilities, or for the performance of work. However, the use of funds for personal services, for services performed by public utilities, for travel, and for the rental of equipment and facilities shall be determined on the basis of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively.

(d) *State plan.* Federal funds under part B of the Act, except funds made available expressly for the development of State plans, shall not be available for use with respect to binding commitments (other than those relating to personal services, utility services, travel, or the rental of equipment or facilities) entered into, or with respect to personal services, utility services, travel, or the rental of equipment or facilities rendered or performed by a State educational agency, prior to the effective date of the State plan.

(e) *Liquidation.* Obligations entered into by State and local educational agencies and payable out of funds under part B of the Act shall be liquidated during the fiscal year following the fiscal year in which such funds are obligated in accordance with this section unless prior to the end of that following fiscal year the State educational agency reports to the Commissioner the reasons why certain obligations cannot be timely liquidated and, on the basis thereof, the Commissioner extends the time for so liquidating those obligations. (20 U.S.C. 1413, 1225)

§ 121.132 State fiscal control and audit.

All expenditures by State and local educational agencies of Federal funds under part B of the Act shall be audited either by an appropriate State audit agency or by an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other subdivision of the United States. Such State and local audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. Copies of audit reports shall be made available to the State agency to assure that proper use has been made of the funds expended. The results of such audits will be used to review State agency records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits. (20 U.S.C. 1232c, 1413)

§ 121.133 Proration of costs.

Funds under part B of the Act are available only with respect to that portion of any expenditures which is attributed to an activity under the State plan. The State educational agency shall provide for a basis for identifying and a method to be used in prorating expenditures in determining those attributable solely to State plan activities. The State agency shall include in the description of its projected program activities submitted to the Commissioner pursuant to § 121.104, its projected expenditures for salaries attributable to State plan activities. The State agency must also maintain records (documented on an after-the-fact basis) to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, and equipment. (20 U.S.C. 1232c, 1413, 1414)

§ 121.134 Maintenance of level of support.

In developing policies and procedures required to be set forth in a State plan pursuant to § 121.103(b)(1), the State educational agency shall take into consideration the total or per capita amount of State, local, and private school funds budgeted for expenditures in the current fiscal year for the education of handicapped children as compared with the total or per capita average amount of State, local, and private school funds actually expended for the education of handicapped children in the two most recent fiscal years for which the information is available, with allowances made for decreases in enrollment of handicapped children, contributions of large sums of money from outside sources on a short-term basis, and unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities. (20 U.S.C. 1413)

§ 121.135 Reallotment.

(a) *General.* The amount of any State's allotment under part B of the Act for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment, from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under part B of the Act for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this section during a year shall be deemed part of its allotment under part B of the Act for that year.

(b) *Statements of anticipated need.* In order to provide a basis for reallotment by the Commissioner under part B of the Act, each State agency administering a program under part B of the Act shall, if requested, submit to the Commissioner by such date or dates as he may specify a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. The statement or statements shall contain such further information as the Commissioner may request for the purpose of making reallotments. (20 U.S.C. 1412(c))

[FR Doc.72–863 Filed 1–19–72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 137]

[CGFR 72–7]

SUSPENSION AND REVOCATION PROCEEDINGS

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw item PH 1e–71 of the Coast Guard's notice of proposed rule making 71–11 (36 F.R. 3426; February 24, 1971) wherein the Coast Guard solicited comments on amendments under consideration in Part 137 of Title 46 of the Code of Federal Regulations involving a number of procedural changes.

The reason for the withdrawal is the appointment of an Ad Hoc Committee to rewrite the entire Part 137, Suspension and Revocation Procedures. The scope of the present undertaking is broader and deeper. It supersedes as well as embraces the previous partial amendments.

The rule making action is thus postponed rather than terminated.

In consideration of the foregoing, the item PH 1e–71 of the notice of proposed rule making published in the FEDERAL REGISTER (36 F.R. 3426; February 24, 1971) and circulated as item 1e, entitled "Suspension and Revocation Procedure," is hereby withdrawn.

This withdrawal is issued under the authority of 46 U.S.C. 170, 375, 391a, 416; 49 U.S.C. 1655(b); 49 CFR 1.4(b), 1.46(b).

Dated: January 14, 1972.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 72–845 Filed 1–19–72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 6]

ENVIRONMENTAL IMPACT STATEMENTS

Procedures for Preparation

The National Environmental Policy Act of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of April 23, 1971, requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of the Act is to build into the agency decision-making process an appropriate and careful consideration of all environmental aspects of proposed actions.

The Environmental Protection Agency is proposing a new Part 6 to establish Agency policy and procedures for the identification and analysis of the environmental impact of Agency actions, and the preparation and processing of environmental impact statements when significant impacts on the environment are anticipated. Final regulations will be published after the receipt and consideration of public comments and will consist of general Agencywide guidelines and an appendix of detailed procedures for affected program areas. The summary being published at this time is an integrated version of the general guidelines and the substance of the appendix.

The Environmental Protection Agency invites all interested persons who desire to submit written comments or suggestions concerning the preparation of final regulations to do so in triplicate to the Management and Organization Division, Office of Administration, Environmental Protection Agency, Washington, D.C. 20460. Such submissions should be received by February 1, 1972, to allow time for appropriate consideration and possible inclusion in the final regulations. Copies of the submissions will be available for examination by interested persons in Room 3224, Waterside Mall, Fourth and M Streets SW., Washington, D.C., upon their receipt.

Dated: January 14, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart A—General

Sec.
6.1 Purpose and policy.
6.3 Definitions.
6.5 Summary of the environmental impact statement process.
6.7 Applicability.
6.9 General responsibilities.
6.11 Timing for proposed Agency actions.

Subpart B—Procedures

6.21 Guidelines for determining when to prepare an impact statement.
6.23 Environmental assessment.
6.25 Notices of intent.
6.27 Draft impact statements.
6.29 Final impact statements.
6.31 Negative declaration and environmental impact appraisal.

Subpart C—Content of Environmental Impact Statements

6.41 Cover sheet.
6.43 Summary sheet.
6.45 Body of statement.

Subpart D—Public Participation

6.61 General.
6.63 Public hearings.
6.65 Comments on draft and final statements.
6.67 Availability of documents.

Exhibit 1 (page 1) Notice of Intent Transmittal Memorandum Format.
Exhibit 1 (page 2) Notice of Intent Format.
Exhibit 2 News Release Format.
Exhibit 3 Negative Declaration Format.
Exhibit 4 Environmental Impact Appraisal Format.
Exhibit 5 Cover Sheet Format for Environmental Impact Statements.
Exhibit 6 Summary Sheet Format for Environmental Impact Statements.

AUTHORITY: The provisions of this Part 6 issued under secs. 102 and 103, 83 Stat. 854.

Subpart A—General

§ 6.1 Purpose and policy.

(a) The National Environmental Policy Act of 1969, implemented by Executive Order 11514 and the Council on Environmental Quality's Guidelines of April 23, 1971 (36 F.R. 7724), requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of the Act is to build into the Agency decision-making process an appropriate and careful consideration of all environmental aspects of proposed actions.

(b) This part establishes Environmental Protection Agency policy and procedures for the identification and analysis of the environmental impact of Agency actions, and the preparation and processing of environmental impact statements when significant impacts on the environment are anticipated.

§ 6.3 Definitions.

(a) "Environmental assessment" is a formal evaluation process to determine whether a proposed Agency action is expected to have a significant impact on the environment.

(b) "Notice of intent" is a memorandum announcing to Federal, State, and local agencies, and to interested public organizations and individuals, that a draft environmental impact statement will be prepared and processed.

(c) "Environmental impact statement" is a report which identifies and analyzes in detail the environmental impacts of an Agency action.

(d) "Negative declaration" is a written announcement which indicates there will be no significant impact upon the quality of the environment if the proposed agency action is undertaken.

JAN 20 72
XUM

(e) "Environmental impact appraisal" is an abbreviated document, based on an environmental assessment and supporting a negative declaration, which describes a proposed Agency action, its expected environmental impact, and the basis for the conclusion that no significant impact is anticipated.

(f) "Responsible official" is the individual responsible for conducting assessments and, if necessary, for the preparation of an environmental impact statement and other associated documents.

§ 6.5 Summary of the environmental impact statement process.

(a) *Environmental assessment.* An environmental assessment shall be made of activities and proposed or recommended actions of the Environmental Protection Agency. This process shall consist of a thorough study of the program or project, identifying and evaluating the expected and potential environmental impacts of the action. The purpose of this assessment is to determine whether a significant impact is anticipated and the preparation of an environmental impact statement required. The Agency has overall responsibility for this process, although its grantees and contractors may contribute to the process through written environmental assessments or analyses they have submitted.

(b) *Notice of intent and impact statements.* Where the environmental assessment process does indicate a significant environmental impact, a notice of intent shall be published, and a draft environmental impact statement shall be prepared and distributed. After external coordination and evaluation of the comments received, a final environmental impact statement shall be prepared and distributed. To the maximum extent practicable, no administrative action shall be taken with respect to any activity with significant impact until ninety (90) calendar days after release of a draft statement and thirty (30) calendar days after release of a final statement.

(c) *Negative declaration and environmental impact appraisal.* When the environmental assessment process does not indicate a significant impact, a negative declaration to this effect shall be issued. An environmental impact appraisal, which summarizes this decision and the reasons therefor, shall remain on file permanently and shall be available for public inspection.

§ 6.7 Applicability.

(a) *Actions covered.* This part applies to all Agency legislative proposals, direct Agency activities, and activities of others supported directly or indirectly by the Agency, except as noted in paragraph (b) of this section.

(b) *Actions excluded.* The following actions are not subject to the requirements of this part:

(1) Environmentally protective regulatory activities.

(2) Administrative procurements (e.g., general supplies).

(3) Contracts for personal services.

(4) Normal personnel actions.

(5) Legislative proposals originating in another Agency.

(6) Legislative proposals not relating to or affecting the matters within EPA's primary areas of responsibility.

(c) *Retroactive application.* (1) This part shall apply to uncompleted and continuing Agency actions initiated prior to the promulgation of these procedures except for the above exclusions. Where substantial funds have not been released and modifications of or alternatives to the Agency action are still available, an environmental impact statement shall be prepared for each project found to have significant environmental consequences.

(2) If an impact statement is required for a waste water treatment facility construction grant project, the grantee will be notified in writing to this effect. No grant monies will be released for new work undertaken after this written notice until an impact statement is completed and the project is modified to conform with any changes suggested during the impact statement process that the Agency deems necessary.

(d) *Application to legislative proposals.* Except as noted in paragraph (b) (5) and (6) of this section, environmental impact statements shall be prepared for recommendations or favorable reports relating to legislation. Because of the nature of the legislative process, however, impact statements for legislation must be prepared and reviewed with the procedures followed in the development and review of the legislative matter. These procedures are described in Office of Management and Budget Circular No. A-19; separate procedures, therefore, have not been provided in this part. Where appropriate, legislative statements will contain the information required in § 6.45.

(e) *Application to annual budget estimates.* An annual listing of those Agency actions which will require the preparation of environmental impact statements shall be compiled each year as specified in Office of Management and Budget Bulletin No. 72-6. Agency components shall submit with their budget estimates a listing of those projects for which they expect to prepare impact statements. Applicable portions of Subpart B of this part shall be utilized to assess projects to determine if they will have a significant impact.

§ 6.9 General responsibilities.

(a) *Responsible official.* (1) Conducts environmental assessments and determines where significant environmental impacts are expected to occur.

(2) When significant environmental impacts occur, prepares and distributes draft statements, coordinates their internal and external review, and prepares and distributes final statements.

(3) When no significant environmental impacts occur, prepares and processes negative declarations and environmental appraisals.

(b) *Office of Federal Activities.* (1) Provides agencywide policy guidance and assures that Agency components establish and maintain adequate administrative procedures to comply with this part.

(2) Monitors the overall timeliness and quality of the Agency effort to comply with this part.

(3) Provides assistance to "responsible officials" as required.

(4) Coordinates the training of personnel involved in the review and preparation of environmental impact statements.

(5) Acts as Agency liaison with the Council on Environmental Quality and other Federal and State entities on matters of Agency policy and administrative mechanisms to facilitate external review of Agency environmental impact statements.

(6) Advises the Administrator and Deputy Administrator on projects or activities which significantly affect more than one Agency component, are highly controversial, are of national significance, or "pioneer" Agency policy.

(c) *Office of Public Affairs.* (1) Advises the "responsible official" on matters pertaining to negative declarations, notices of intent, press releases, and other public notification procedures.

(2) Assists the public by answering queries on the impact statement process and on specific impact statements, and by filling requests for copies of specific documents.

(3) Analyzes the present procedures for public participation, and develops and recommends to the Office of Federal Activities a program to improve those procedures and increase public participation.

(d) *Office of Congressional Affairs.* Provides the necessary liaison with Congress.

(e) *Offices of the Assistant Administrators.* (1) Provide specific policy guidance to their respective program offices and assure that those offices establish and maintain adequate administrative procedures to comply with this part.

(2) Monitor the overall timeliness and quality of their respective components' efforts to comply with this part.

(3) Provide technical assistance to "responsible officials" as required.

(4) Act as liaison between their components and the Office of Federal Activities and between their components and other Assistant Administrators on matters of agencywide policy and procedures.

(5) Advise the Administrator and Deputy Administrator, through the Office of Federal Activities, on projects or activities within their respective areas of responsibility which are highly controversial, are of national significance, "pioneer" Agency policy, or involve more than one Agency component.

(f) *Budget Operations Division, Office of Resources Management.* The Budget Operations Division, Office of Resources Management, prepares from the submissions of Agency components a listing of those Agency actions, covered by the budget estimates, which will require the preparation of environmental impact statements, as specified in Office of Management and Budget Bulletin No. 72-6 (see § 6.7(e)).

(g) *The Legislative Counsel.* The Legislative Counsel coordinates the preparation of impact statements required on legislative proposals or reports on legislation (see § 6.7(d)).

§ 6.11 Timing for proposed Agency actions.

To the maximum extent practicable, no administrative action shall be taken sooner than ninety (90) calendar days after a draft statement has been distributed or sooner than thirty (30) calendar days after the final statement has been distributed. If the final statement is filed within ninety (90) calendar days after the draft statement has been circulated and made public, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap.

Subpart B—Procedures

§ 6.21 Guidelines for determining when to prepare an impact statement.

The following general guidelines shall be used when assessing an Agency action to determine if it will have a significant impact on the environment and therefore require an impact statement.

(a) *Significant environmental effects.* (1) Although there is some latitude in defining "significant effect" on the quality of the human environment, it is mandatory that "significant effects" encompass both adverse and beneficial effects.

(2) Significant effects should include environmental consequences of both a primary and secondary nature. Primary effects (e.g., siltation during construction of waste treatment facilities) should not be given greater consideration than secondary effects (e.g., land use), which often have more far reaching environmental consequences.

(b) *Individually small but cumulatively large actions.* The total expected environmental impact of precedent-setting actions and individually small, but cumulatively large actions, shall be identified and considered fully.

(c) *Controversial or nationally significant actions.* An environmental impact statement shall be prepared and processed when an Agency action is likely to be highly controversial or nationally significant.

(d) *Specific criteria for preparing impact statements on waste water treatment facilities and water quality management plans.* For the following specific situations, an impact statement shall always be prepared and processed:

(1) When the project or plan is highly controversial for any reason, including the degree of treatment, method of final waste disposal, or the location of a plant or facility. In the case of location, where controversy centers only on the disruption incident to construction and serious effort is made to restore the environs as much as possible, an impact statement is not required.

(2) When a project or plan defaces (either by physical presence or odor) a residential development or a recognized scenic area, on either public or private lands. An impact statement shall not be required if the physical alteration is unobtrusive, or a permanent industrial facility already exists in the area and the proposed project will not constitute a commitment of substantial additional land to industrial use, providing all other effects are unobtrusive.

(3) When a facility is to be sited on public land (or on private land in an urban area, which because of its natural beauty and wilderness state has potential or is being considered for public park development), and the loss of aesthetics incurred through construction and maintenance of the facility substantially reduces its value as a public park.

(4) When the treated effluent being discharged will meet water quality standards applicable to the receiving waters but the public is using these waters for activities that require a classification higher than their present classification.

(5) When a project will result in a substantial displacement of population.

(6) When the environmental impact is the result of a number of projects impacting upon the same resource, as when a number of projects individually divert water from one river basin into another, or discharge effluent into the ocean instead of using the effluent to recharge the ground water aquifer.

(7) When an existing plant is being refurbished to improve its treatment capabilities and the additions involve controversy or substantial additional impacts. However, where there is no substantial new land use, noise, or odor, an impact statement shall normally not be required.

(8) When the project or plan will result in the installation of a major interceptor line that will provide service to undeveloped areas or permit expansion of already developed areas, and the effects that this will have on residential and commercial growth have not been adequately considered in the interim or final plan encompassing the project, or in the grant application and associated documents.

§ 6.23 Environmental assessment.

(a) Proposed Agency actions shall be subjected to the environmental assessment process. This process shall be a continuing one and should commence at the earliest possible point in the development of the project. It shall consist of a thorough study of the proposed program or project which identifies and evaluates the expected and potential environmental impacts of the action and alternatives to it. It will determine whether a significant impact is anticipated from the proposed action.

(b) When making this determination, a general class of actions occurring within a common time frame may be treated as a single action if their individual environmental effects and alternatives are substantially similar. Individual projects that may be highly controversial or are nationally significant shall not be treated collectively.

(c) In order to assist the "responsible official" in assessing the proposed action, applicants for a grant or contract may be required to submit with their original application an environmental analysis or written assessment. In all cases, water quality management plans submitted for approval, applications for waste water treatment facility grants, and other Agency grants or contracts that will affect the environment outside the facility in which the work is being performed must include a written environmental assessment which answers the basic questions outlined in § 6.45. Although this analysis may be utilized by the Agency in the preparation of an impact statement or negative declaration, responsibility for the technical accuracy of such documents rests with the Agency.

(d) Applicants for grants or contracts shall submit an additional environmental analysis or written assessment when new impacts are anticipated, or implementation of the proposal or project does not conform with the original proposal. The agency will use this assessment to determine if there will be any new significant impacts as a result of the changes.

§ 6.25 Notices of intent.

(a) *General.* (1) When an environmental assessment indicates a significant impact will occur, a notice of intent, announcing that an impact statement will be prepared, shall be submitted to the local newspaper. The notice shall briefly describe the Agency action, its location, and the issues involved (see Exhibit 1). Preferably, such a notice should be submitted immediately after completion of an environmental assessment that indicates a significant impact. In addition, notices of intent should be sent to potentially interested individuals or groups who are not routinely sent copies of all impact statements to determine who desires to receive a copy of the impact statement after it is prepared. Those who request a copy of a particular impact statement will be sent one at the same time as those organizations and individuals who are routinely sent copies of all impact statements.

(2) The purpose of a notice of intent is to involve other government agencies and interested, affected, or technically competent public groups as early as possible in the planning and evaluation of Agency actions which embody significant environmental impacts. This device should facilitate coordination during the preparation of a draft impact statement and assure that environmental values will be identified and weighed from the outset, rather than accommodated by adjustments at the end of the decision-making process.

(b) *Specific actions.* The specific actions that should be taken with respect to notices of intent are as follows:

(1) When the assessment process indicates there will be a significant impact, prepare a notice of intent as soon as practicable.

(2) Forward copies of the notice of intent to:

(i) The appropriate State and local agencies and to the appropriate State, regional, and metropolitan clearinghouses.

JAN 20 72
XUM

(ii) Environmental and conservation action groups and other concerned or affected organizations or individuals that have shown interest in such projects in the past.

(iii) The Office of Federal Activities and to the Office of Public Affairs.

(iv) The headquarters impact statement coordinator for the program office to which the originating office reports. When the originating office is a Regional Office and the action is related to water quality management, the copies should be forwarded to the Planning and Interagency Programs Division, Office of Water Programs.

(v) The Office of Congressional Affairs for distribution to the pertinent congressional delegation. The pertinent congressional delegation consists of the Congressmen in whose districts the proposed project will occur or have effects and the U.S. Senators in whose States the proposed project will occur or have effects.

(3) Submit to a local newspaper which has adequate circulation to cover the area that will be affected by the project, a brief news release (see Exhibit 2) informing the public that an impact statement will be prepared on a particular project. News releases may be submitted to other media as appropriate.

§ 6.27 Draft impact statements.

(a) *General.* (1) The "responsible official" for the project shall prepare a draft environmental impact statement as soon as practicable after the release of the notice of intent. The draft statement shall be circulated to other offices within the Agency with collateral interest in or technical expertise related to the action. Afterwards, the draft statement shall be circulated to Federal, State, and local agencies with special expertise or jurisdiction by law, and to interested, affected, or expert segments of the general public. If the responsible official determines that a public hearing on the project is warranted, the hearing will be held after preparation of the draft statement and in accordance with the requirements of § 6.63. Comments from both the hearing and written replies shall be incorporated in the final environmental impact statement.

(2) Draft impact statements should be prepared at the earliest practicable point in the project development. Where a plan or program has been developed, and submitted to the Agency for approval, the relationship between the plan and the subsequent projects encompassed by it shall be evaluated to determine the preferable and most meaningful point in time for preparing an impact statement. Where practicable, an environmental impact statement will be drafted for the total program at the overall planning stage. Subsequently, component projects included in the plan will not require individual statements unless they deviate substantially from prior plans, are highly controversial or nationally significant, or unless the plans do not provide sufficient detail to fully assess significant impacts of individual projects. Plans shall be reevaluated periodically by the applicant and reviewed by the responsible official to monitor the cumulative impact of the component projects and to preclude the plans' obsolescence.

(b) *Specific actions.* The specific actions that should be taken with respect to draft impact statements are as follows:

(1) Before transmitting the draft statement to the Council on Environmental Quality, the "responsible official" shall:

(i) Notify by phone the Office of Federal Activities and the headquarters impact statement coordinator for the program office to which the originating office reports that a draft impact statement has been prepared. When the originating office is a Regional Office and the project is related to water quality management, the Regional Administrator will notify by phone the Office of Federal Activities and the Planning and Interagency Programs Division, Office of Water Programs, that the draft impact statement has been prepared.

(ii) Send two (2) copies of the draft statement to each of the appropriate offices in subdivision (i) of this subparagraph.

(2) If neither of the appropriate offices requests any changes within a ten (10) calendar day period after notification, the "responsible officials" shall:

(i) Send ten (10) copies of the draft environmental impact statement to the Council on Environmental Quality.

(ii) Inform the Office of Public Affairs of the release and the regional plans for local press release.

(iii) Notify the Office of Congressional Affairs so they will be able to answer any queries from Congress on the matter.

(iv) Provide copies of the draft statement to:

(*a*) The Office of Congressional Affairs for distribution to the members of the pertinent congressional delegation.

(*b*) The Office of Public Affairs. Sufficient copies to meet the anticipated initial public demand should be provided.

(*c*) The appropriate field offices of reviewing Federal agencies that have special expertise or jurisdiction by law with respect to any impacts involved (the field offices are expected to reply directly to the originating Agency office). The Council on Environmental Quality Guidelines (section 7 and Appendices II–III thereof) specify those agencies to which draft statements will be sent for official review and comment. Two copies of the impact statement should be provided each field office. Commenting agencies shall have at least thirty (30) calendar days to reply; afterwards, it shall be presumed that, unless a time extension has been requested, the agency has no comment to make. EPA will grant extensions where practical, not to exceed fifteen (15) calendar days.

(*d*) The appropriate State and local agencies and to the appropriate State and metropolitan clearinghouses. The time limits for review and comment shall be the same as those available to Federal agencies.

(*e*) Interested environmental and conservation action groups. The time limits for review and comment shall be the same as those available to Federal agencies.

(v) Submit to the local newspaper and other appropriate media a news release (see Exhibit 2) that the draft statement is being released and where copies may be obtained.

(vi) Send two (2) copies of the summary sheet to the Office of Management and Budget, Organization and Management Systems Division.

§ 6.29 Final impact statements.

(a) Final statements shall consider fully the suggestions, criticisms, and comments raised through the review process for possible modification of the final action. In all cases, final statements shall specifically address the comments and criticisms raised, particularly where the Agency position is at variance with issues surfaced or recommendations provided.

(b) Notification and distribution will be as specified for draft statements, except that in the case of Federal and State agencies and environmental and conservation action groups, only those who responded to the draft statement will be sent a copy of the final statement.

§ 6.31 Negative declaration and environmental impact appraisal.

(a) *General.* When an environmental assessment indicates no significant impact, a negative declaration shall be issued (see Exhibit 3). Concurrently, an environmental impact appraisal supporting the negative declaration shall be prepared. The appraisal (see Exhibit 4) describes the proposed activity and its impact, and documents the reasons for concluding that there will be no significant impact. This appraisal shall remain with internal records for the activity or action, and shall be available for public inspection.

(b) *Specific actions.* The specific actions that should be taken with respect to negative declarations and environmental impact appraisals are as follows:

(1) *Negative declarations.* (i) When the assessment process indicates that there will not be a significant impact, issue a negative declaration as soon as practicable.

(ii) The negative declaration shall be distributed in the same fashion as the notice of intent, except that copies shall be sent only when practicable to environmental and conservation action groups and other concerned or affected organizations or individuals that have shown an interest in such projects in the past.

(iii) Where practicable, submit to the local newspaper and other appropriate media a brief news release (see Exhibit 2) informing the public that an impact statement will not be prepared on a particular project.

(2) *Environmental impact appraisal.* (i) Have the appraisal available when the negative declaration is released.

(ii) Forward a copy to the headquarters impact statement coordinator for the program office to which the originating office reports. (Not applicable to Regional Offices.)

(iii) Have copies on file in the originating office for public inspection upon request.

Subpart C—Content of Environmental Impact Statements

§ 6.41 Cover sheet.

The cover sheet shall indicate the type of statement (draft or final), the official project name, the responsible Agency office, the date, and the signature of the responsible official. The format is shown in Exhibit 5.

§ 6.43 Summary sheet.

The summary sheet shall conform to the format prescribed in Appendix 1 of the April 23, 1971, Council on Environmental Quality Guidelines. The format is shown in Exhibit 6.

§ 6.45 Body of statement.

The body of the impact statement shall contain seven sections. Each shall identify, develop, and analyze the pertinent issues and the pros and cons of alternative courses of action. Impact statements shall not be justification documents for proposed Agency funding or actions. Rather, they shall be objective evaluations of actions and their alternatives in light of all environmental considerations. Environmental impact statements shall be prepared using a systematic, interdisciplinary approach. Statements shall incorporate all relevant analytical disciplines and shall provide meaningful and factual data, information, and analyses. The presentation should be simple and concise, yet include all facts necessary to permit independent evaluation and appraisal of the beneficial and adverse environmental effects of alternative actions. Statements shall not be drafted in a style which requires extensive scientific or technical expertise to comprehend and evaluate the environmental impact of an Agency action.

(a) *Description of the proposed action.* Describe the recommended or proposed action, its purpose, where it is located, its time setting, and its interrelationship with other projects or proposals. To prevent piecemeal decisionmaking, the project shall be described in as broad a context as possible. The relationship to other projects and proposals shall be discussed, including not only other Agency activities, but also those of other governmental and private organizations. Development and population trends in the project area shall also be included. Maps, photos, and artist sketches should be incorporated where they help depict the environmental setting. If not enclosed, supporting references and documents should be identified.

(b) *Environmental impact of the proposed action.* (1) Describe the primary and secondary environmental impacts, both beneficial and adverse, anticipated from the action. The scope of the description shall include both short- and long-term impacts. It shall include specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced by the proposed action in population distribution, population concentration, the human use of land (including commercial and residential development), and other aspects of the resource base such as water and public services. The time frames in which these impacts are anticipated should be included as well.

(2) Remedial, protective, and mitigative measures which will be taken as part of the proposed action shall be identified. These measures to prevent, eliminate, reduce, or compensate for any environmentally detrimental aspects of the proposed action shall include those of the Agency and others, e.g., its contractors and grantees. Adverse impacts which cannot be substantially avoided will be considered in greater detail in the next section.

(c) *Adverse impacts which cannot be avoided should the proposal be implemented.* Describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity or which can be reduced to an acceptable level but not eliminated. For those which cannot be reduced, their implications and the reasons why the action is being proposed, notwithstanding their effect, shall be described in detail. Where abatement measures can reduce adverse impacts to acceptable levels, the basis for considering these levels adequate and the effectiveness and costs of the abatement measures shall be specified. In particular, this analysis shall detail the aesthetically or culturally valuable surroundings, human health, standards of living, or environmental goals set forth in section 101(b) of the National Environmental Policy Act which would be sacrificed. Also, it shall describe the parties affected (including any minority communities) and any objection raised by them.

(d) *Alternatives to the proposed action.* Develop, describe, and objectively weigh alternatives to any proposed action which involves significant tradeoffs among the uses of available environmental resources. The analysis shall be structured in a manner which allows comparisons of: (1) Environmental and financial cost differences among equally effective alternatives, or (2) differences in effectiveness among equally costly alternatives. Where practicable, benefits and costs should be quantified or else described qualitatively in a way which will aid in a more objective judgment of their value. Where such an analysis is prepared, it shall be appended to the statement. The analysis of different courses of action shall include alternatives capable of substantially reducing or eliminating any adverse impacts, even at the expense of reduced project objectives. The specific alternative of taking no action always must be evaluated. This analysis shall evaluate alternatives in such a manner that reviewers independently can judge their relative desirability. In addition, the reasons why the proposed action is believed by the Agency to be the best course of action shall be explained.

(e) *Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Describe the cumulative and long-term effects of the proposed action which either significantly reduce or enhance the state of the environment for future generations. In particular, the desirability of Agency actions shall be weighed to guard against short-sighted foreclosure of future options or needs. Special attention shall be given to effects which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. Who is paying the "environmental cost" versus who is gaining the "benefits" over time shall be identified. In addition, the reasons the proposed action is believed by the Agency to be justified now, rather than reserving a long-term option for other alternatives, including no use, shall be explained.

(f) *Irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Describe the extent to which the proposed action curtails the diversity and range of beneficial uses of the environment. Uses of renewable and nonrenewable resources during the initial and continued phases of the action shall be specified. In this regard, construction and facility uses are basically irreversible since a large commitment of resources makes removal or nonuse thereafter unlikely. Such primary impacts and, particularly, secondary impacts (e.g., opening areas to further development) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the action. Any irretrievable and significant commitments of resources shall be evaluated to assure that such current consumption is justified.

(g) *A discussion of problems and objections raised by other Federal, State, and local agencies and by private organizations and individuals in the review process.* Final statements (and draft statements if appropriate) shall summarize the comments and suggestions made by reviewing organizations and shall describe the disposition of issues surfaced (e.g., revisions to the proposed action to mitigate anticipated impacts or objections). In particular, they shall address in detail the major issues raised when the Agency position is at variance with recommendations and objections (e.g., reasons specific comments and suggestions could not be accepted, and factors of overriding importance prohibiting the incorporation of suggestions). Reviewer's statements should be set forth in a "Comment" and discussed in a "Response." In addition, the source of all comments should be clearly identified and copies of the comments should be attached to the final statement.

Subpart D—Public Participation

§ 6.61 General.

Public participation is an integral part of the Agency planning process. It consists of continuous, two-way communication keeping the public fully informed about the status and progress of studies

JAN 20 72
XUM

and findings, and actively soliciting comments from all concerned and affected groups and individuals.

§ 6.63 Public hearings.

(a) Public hearings on draft impact statements shall be held where the originating official determines that the action will have a significant impact on the environment and a public hearing would facilitate the resolution of conflict or significant public controversy.

(b) When public hearings are held, the draft statement prepared by the originating office shall serve as an outline for discussion. A summary of the issues raised, conflicts resolved and unresolved, and any other significant portion of the general discussion shall be appended to the draft statement for incorporation as a separate section of the final statement. Formal public notice of the hearing shall be given immediately after distribution of the draft statement for review and comment. This notice shall be given wide coverage. Draft statements shall be available to the public at least fifteen (15) calendar days prior to the time of such hearings. The Agency shall endeavor to comply with requests for extensions of time for the submission of comments, not to exceed fifteen (15) calendar days, when hearings are held.

(c) When a public hearing has been held by another Federal, State, or local agency on an Agency action, additional hearings need not necessarily ensue.

(d) For waste water treatment facilities and water quality management plans, a record of a public hearing must be included with the grant application or the plan except when the requirement for such a hearing is waived by a Regional Administrator.

§ 6.65 Comments on draft and final statements.

(a) Draft impact statements and negative declarations shall be made available to the public to assure the fullest practical provision of timely public information and understanding of Federal plans and programs. This shall be accomplished through public hearings, notices of intent, press releases, distribution of draft and final statements to public organizations for comment, and availability of statements to private individuals.

(b) Final environmental impact statements shall be furnished to all citizen groups and conservation/environmental groups which submitted comments on the draft impact statement. This is to enable public organizations to comment on the final statement to the Agency or the Council on Environmental Quality, if they so desire, within the thirty (30) calendar day period prior to Agency administrative action on the proposal.

§ 6.67 Availability of documents.

Draft and final environmental impact statements, negative declarations, and environmental impact appraisals shall be made available for public review at the following locations:

(a) The originating office.

(b) The Office of Public Affairs for draft and final impact statements only.

EXHIBIT 1—PAGE 1

NOTICE OF INTENT TRANSMITTAL MEMORANDUM FORMAT

_____
(Date)

ENVIRONMENTAL PROTECTION AGENCY,

_____
(Appropriate office)

_____
(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups.

GENTLEMEN: In accordance with the guidelines for the preparation of environmental impact statements, attached is a notice of intent to prepare such a statement for the proposed Agency action specified below:

_____
(Official Project Name)

_____
(City, State)

_____
(Impact Statement No.)

If your organization needs additional information or wishes to participate in the preparation of the draft environmental impact statement, please advise the (appropriate office, city, State).

Very truly yours,

_____
(Appropriate EPA Official)

(List Federal, State, and local agencies to be solicited for comment.)

(List public action groups to be solicited for comment.)

EXHIBIT 1—PAGE 2

NOTICE OF INTENT FORMAT

Notice of Intent—Environmental Protection Agency

1. Project location:
   City _____
   County _____
   State _____
2. Estimated projected costs:
   Federal share_____
   Contract_____ Grant_____ Other_____
   Applicant share (if any)
   (Name) _____ $_____
   Other (specify) _____ $_____
   Total _____ $_____
3. Period covered by project:
   Beginning date_____
   (original date, if project covers more than 1 year)
   Length of time (weeks, months, or years) _____
   Approximate ending date_____
4. Estimated application filing date_____

EXHIBIT 2

NEWS RELEASE FORMAT

Notice to the Public From the Environmental Protection Agency

This announcement is to inform the public that the Environmental Protection Agency (originating office, address) (will prepare, will not prepare, has prepared) a (draft, final) environmental impact statement on the following project:

_____
(Official Project Name)

_____
(City, State)

This notice is to implement the Agency's policy to inform the public to the maximum possible extent of environmental actions it is taking.

EXHIBIT 3

NEGATIVE DECLARATION FORMAT

_____
(Date)

ENVIRONMENTAL PROTECTION AGENCY,

_____
(Appropriate office)

_____
(Address, City, State, Zip Code)

To All Interested Government Agencies and Public Groups.

GENTLEMEN: In accord with the procedures for the preparation of environmental impact statements, an environmental assessment has been performed on the proposed Agency action below:

_____
(Official project name)

_____
(City, State)

The assessment process did not indicate a significant environmental impact from the proposed action. Consequently, an environmental impact statement will not be prepared.

An environmental impact appraisal, which summarizes the assessment and the reasons why a statement is not required, is on file at the above office and will be available for public scrutiny upon request.

Sincerely,

_____
(Appropriate EPA Official)

EXHIBIT 4

ENVIRONMENTAL IMPACT APPRAISAL FORMAT

A. *Identify Project.*
   Name of Applicant:_____
   Address: _____
   Project Number (if assigned):_____
   Location of Project:_____
B. *Summarize Assessment.*
1. Brief description of project:_____
2. Probable impact of the project on environment: _____
3. Any probable adverse environmental effects which cannot be avoided:_____
4. Alternatives considered with evaluation of each:_____
5. Relationship between local short-term uses of environment and maintenance and enhancement of long-term productivity:____
6. Any irreversible and irretrievable commitment of resources:_____
7. Public objections to project, if any, and their resolution:_____
8. Agencies consulted about the project:__
   State representative's name:_____
   Local representative's name:_____
   Other: _____

C. *Reasons for concluding there will be no significant impacts.*

Discuss topics 2, 3, 5, 6, and 7 above and how the alternative (topic 4) selected will avoid any major public objections or significant impacts, thereby making an impact statement unnecessary.

_____
(Signature of responsible official)

_____
(Date)

EXHIBIT 5

COVER SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Draft, Final)

Environmental Impact Statement

_____
(Describe title of project or plan)

Prepared by

_____
(Responsible Agency Office)

Approved by

_____
(Responsible Agency official)

_____
(Date)

EXHIBIT 6

SUMMARY SHEET FORMAT FOR ENVIRONMENTAL IMPACT STATEMENTS

(Check one)
( ) Draft.
( ) Final Environmental Statement.

Environmental Protection Agency

_____
(Responsible Agency Office)

1. Name of action. (Check one)
   Administrative action. ( )
   Legislative action. ( )
2. Brief description of action indicating what States (and counties) particularly affected.
3. Summary of environmental impact and adverse environmental effects.
4. List alternatives considered.
5. a. (For draft statements) List all Federal, State, and local agencies from which comments have been requested.
   b. (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.
6. Dates draft statement and final statement made available to Council on Environmental Quality and public.

[FR Doc.72-834 Filed 1-19-72;8:47 am]

FEDERAL POWER COMMISSION

[18 CFR Part 250]

[Docket No. R-433]

RESERVE DEDICATIONS IN THE TEXAS GULF COAST AND SOUTHERN LOUISIANA AREAS

Notice of Extension of Time

JANUARY 11, 1972.

Reserve Dedications in the Texas Gulf Coast and Southern Louisiana Areas, Docket No. R-433.

On January 5, 1972, Humble Oil & Refining Co. (Humble) filed a motion for a conference or, in the alternative, an extension of time to and including February 15, 1972, within which to file comments in the above-designated matter. On January 7, 1972, Amoco Production Co. filed a telegram in support of Humble's motion and requesting, in any event, an extension of time.

Upon consideration, notice is hereby given that the time is extended to and including January 31, 1972, within which any interested person may submit data, views, comments, and suggestions in writing concerning the notice of proposed rule making issued December 1, 1971 (36 F.R 23635, December 11, 1971). This action is without prejudice to the request for a conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-828 Filed 1-9-72;6:46 am]

JAN 20 72 XUM

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public safety.

Austin, Gregory Lynn, 2502 Southwest 74th Street, No. 133, Oklahoma City, OK, convicted on May 7, 1963, in the District Court of Oklahoma County, Oklahoma.

Brown, Larnie, 7640 Heyden Street, Detroit, MI, convicted on January 31, 1950, and on April 1, 1940, in the Detroit Recorder's Court, Detroit, Mich.

Cameron, Boone Emerson, Jr., Route 4, Box 749, Port Angeles, WA, convicted on June 11, 1957, by the Superior Court of Clallam County, Washington.

Christopher, Vernon, 1849 Sedgwick Avenue, Bronx, New York, convicted on October 6, 1950, by the Supreme Court, County of Bronx, New York.

Costlow, Ronald Minor, 23103 58th Street West, Mountlake Terrace, WA, convicted on November 19, 1957, by the Superior Court of the State of Washington for San Juan County.

Daniels, Leon Thomas, Sr., 1197 Grand Concourse, Bronx, New York, convicted on January 21, 1929, by the Berkshire County Superior Court, Pittsfield, Mass.

Edwards, George Otis, 6808 18th Street NE., Seattle, WA, convicted on March 20, 1968, by the Superior Court for King County, Washington.

Glover, Beauford F., 116 North Second Street, Saginaw, MI, convicted on March 19, 1948, by the Court of Special Sessions, Essex County, N.J.; and on February 2, 1962, by the Common Pleas Court for Richland County, Ohio.

Gore, John Allen, Sr., Route 2, Box 845, High Ridge, Mo., convicted on February 19, 1964, by the Craighead County Circuit Court, Jonesboro District, Ark.

Greengo, David P., 2355A South Ninth Street, Milwaukee, WI, convicted on May 9, 1968, by the Circuit Court of Milwaukee County, Criminal Division, Branch 12, Milwaukee, Wis.

Guokas, Robert William, 7421 Winona Court, Westminster, CO, convicted on August 30, 1957, by the U.S. District Court, in and for the District of Nebraska.

Higdon, James F., 108 37th Avenue North, Nashville, TN, convicted on October 19, 1965, by the U.S. District Court for the Middle District of Tennessee, Nashville Division.

Himes, Ronald J., 1249 Juliet Avenue, St. Paul, MN, convicted on June 26, 1961, by the U.S. District Court for the District of Minnesota, Third Division.

Irby, William Thomas, 61 East Greendale Street, Detroit, MI, convicted on February 8, 1952, by the Shiwasse County Circuit Court, Corunna, Mich.

Jackson, Harry Vinton, Jr., 111 Cloverdale Apartments, Watertown, NY, convicted on October 16, 1943, by the County Court of Jefferson County, Watertown, N.Y.

Lampereur, Terry B., Rural Route 4, Chilton, WI, convicted on March 4, 1970, by the Brown County Court, Branch 2, at Green Bay, Wis.

Lingo, Walter Keith, 410 Eighth Avenue SW., Cedar Rapids, IA, convicted on July 2, 1958, and on May 18, 1964, by the District Court of Iowa, in and for Linn County, at Cedar Rapids, Iowa.

Lucas, Paul Douglas, 1420 24th Street, Detroit, MI, convicted on August 8, 1959, in the Detroit Recorder's Court, Detroit, Mich.

Lynd, James, 540 Phelps Avenue, Kalamazoo, MI, convicted on April 25, 1960, by the Circuit Court for the County of Kalamazoo, Michigan.

Martineau, Dennis George, 116 Fifth Street, Leominster, MA, convicted on December 20, 1966, in the Ayer District Court, Massachusetts.

Moran, Edward P., 66-15 Garfield Avenue, Woodside, NY, convicted on January 14, 1947, in the Court of General Sessions in New York City.

Perotti, Larry James, 2193 Rhodes Road, Sedro Woolley, WA, convicted on February 5, 1968, in the Superior Court of the State of Washington for Skagit County.

Perry, Elbert 4537 Livernois Street, Detroit, MI, convicted on October 7, 1963, in the Dallas County Circuit Court, Selma, Ala.

Pitts, Horace G. W., Highway 78, Post Office Box 456, Potts Camp, MS, convicted on October 3, 1934, in the U.S. District Court for the Eastern District of Louisiana.

Price, Thomas Floyd, 549 C Street, Ashland, OR, convicted on April 6, 1967, in the Circuit Court for Jackson County, Oregon.

Robinson, Walter Henry, 1420 Old Virginia Beach Road, Virginia Beach, VA, convicted on April 21, 1941, by the U.S. District Court, in and for the Eastern District of North Carolina, Wilmington Division, North Carolina.

Scarveles, George, 47 Hillside Avenue, Milford, CT, convicted on July 26, 1968, in the U.S. District Court for the Eastern District of New York.

Snyder, Wilbur Earl, 602 West Stop Eleven Road, Indianapolis, IN, convicted on November 9, 1962, by the Municipal Court of Marion County, Indiana.

Spann, Franklin, 538 East Euclid Street, Detroit, MI, convicted on May 28, 1965, in the Recorder's Court of the City of Detroit, Michigan.

Stamey, William Scott, Route 4, Taylorsville, NC, convicted on June 17, 1971, in the U.S. District Court, Western District of North Carolina.

Stearns, Richard Lee, 2821 Garfield Avenue South, Minneapolis, MN, convicted on November 17, 1967, by the State District Court, in and for Meeker County, Litchfield, Minn.

Stonestreet, Paul A., 17194 Steele Street, Detroit, MI, convicted on September 24, 1943, and on March 13, 1950, in the Recorder's Court for the City of Detroit, Michigan.

Thaggard, T. L., 1092 Rosedale Drive, Montgomery, AL, convicted on November 20, 1964, in the U.S. District Court for the Middle District of Alabama.

Valdes, Antonio Parra, 1325 Ojai Road, Santa Paula, CA, convicted on December 23, 1948, by the Superior Court of Ventura County, California; and on January 20, 1950, by the Superior Court of California, in and for the County of Fresno, California.

Walker, Edwin Elmer, Mussey Road, Scarboro, ME, convicted on November 6, 1958, in the Superior Court for the County of Carroll, New Hampshire.

Williams, Willie Charles, 5705 Montclair Street, Detroit, MI, convicted on June 8, 1937, in the Recorder's Court for the City of Detroit, Michigan.

Womack, Enloe Afton, 1206 Winnemucca Street, South Lake Tahoe, CA, convicted on April 29, 1969, by the U.S. District Court, in and for the Northern District of San Francisco, California.

Young, Eric Robert, Post Office Box 108, Crownsville, MD, convicted on June 23, 1971, in the Municipal Court of Baltimore, Maryland.

Signed at Washington, D.C., this 12th day of January 1972.

[SEAL] REX D. DAVIS,
Director, Alcohol, Tobacco and Firearms Division.

[FR Doc.72-849 Filed 1-19-72;8:48 am]

Office of the Secretary

SHOEBOARD FROM THE UNITED KINGDOM

Notice of Intent To Discontinue Antidumping Investigation

JANUARY 13, 1972.

Information was received on November 19, 1970, that shoeboard from the United Kingdom was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 2, 1971, on page 6119.

I hereby announce an intent to discontinue the antidumping investigation of shoeboard from the United Kingdom.

Statement of Reasons On Which This Notice of Intent To Discontinue Antidumping Investigation Is Based. The investigation revealed that the proper basis of comparison is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.o.b. price for exportation to the United States the included inland freight charges, or by deducting ocean freight, marine insurance, and the inland freight in the United Kingdom from the c.i.f. price for exportation to the United States.

Home market price was based upon a weighted average of the delivered prices. From this price a deduction was made for inland freight charges.

Comparison between purchase price and the adjusted home market price revealed that purchase price was lower than the adjusted home market price. However, it has been determined that importations of shoeboard from the United Kingdom have not been more than insignificant, and terminated prior to the receipt of the November 19, 1970, submission, with little or no likelihood of such sales being resumed.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraphs, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-899 Filed 1-19-72;8:51 am]

[Treasury Dept. Additional Duty Order 4]

WOOL AND MANMADE FIBERS

Articles Exempt From Additional Duty Under Tariff Schedules of the United States

Pursuant to the authority vested in the Secretary of the Treasury by Headnote 4(a) subpart C of part 2 of the appendix to the Tariff Schedules of the United States, I hereby determine that it is consistent with safeguarding the balance of payments position of the United States to establish exemptions from the additional duty provided for in Subpart C as set forth in Headnote 5 thereof, which I hereby amend as follows:

Paragraph (g) is amended to read:

(g) Articles, irrespective of country of origin, described in the categories established for the administration of the Long-Term International Cotton Textile Arrangement published in the FEDERAL REGISTER for Saturday, October 9, 1971 (36 F.R. 19722).

A new paragraph, designated as paragraph (i), is added reading as follows:

(i) Articles exported to the United States on or after October 1, 1971, irrespective of country of origin, which are described in the textile and apparel categories for wool and manmade fibers published in a notice in the FEDERAL REGISTER for Saturday, October 9, 1971 (36 F.R. 19722), or as such notice may, subject to the prior approval of the Secretary of the Treasury, be amended.

This modification of Headnote 5 is published in the FEDERAL REGISTER pursuant to Headnote 4(b) to Subpart C.

Dated: December 18, 1971.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.72-898 Filed 1-19-72;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land

JANUARY 14, 1972.

The Corps of Engineers, U.S. Department of the Army has filed an application, Serial No. R 4583, for the withdrawal of land described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights. The applicant desires the land for its use in connection with the Boulder Gulch Recreation Area at Isabelle Lake in Kern County, Calif.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

The Department's regulations, 43 CFR 2351.4(c) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's need, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as required by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

A parcel of land situated in the SE¼ SE¼ of sec. 7, T. 26 S., R. 33 E., MDM, California, described as follows:

Beginning at the section corner common to secs. 7, 8, 17, and 18 said township and range, marked by a found 3-inch x 3-inch Redwood Hub in a rock mound; thence, westerly along section line common to secs. 7 and 18, 749.32 feet to the easterly right-of-way line of State Highway No. 155 as recorded with the Bureau of Land Management as Parcel 63628 to Department of Public Works, State of California; thence, along said easterly right-of-way line N. 10°18' E., 465.99 feet; thence, N. 13°52'35" E., 400.78 feet; thence, N. 7°17'53" E., 477.39 feet to the intersection of said easterly line and the northerly line of the SE¼SE¼ of said sec. 7; thence, leaving said easterly right-of-way, east along said northerly line of said SE¼SE¼ 508.43 feet to the northeast corner of said SE¼SE¼; thence, S. 0°02'07" E. along the section line common to said secs. 7 and 8, 1,321.08 feet to the point of beginning, containing 18.82 acres, more or less, in Kern County.

WALTER F. HOLMES,
Assistant Land Office Manager,

[FR Doc.72-829 Filed 1-19-72;8:46 am]

Office of Hearings and Appeals

[Docket No. M 72-28]

IMPERIAL COAL CO.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (1970)) notice is given that the Imperial Coal Co. has filed a petition to modify the application of 30 CFR 75.1701, 35 F.R. 17925, to its Imperial Mine.

30 CFR 75.1701 is a repetition of section 317(b) of the Act, 30 U.S.C. section 877(b) (1970), so the petition really seeks a modification of the statutory provision. Section 317(b) reads as follows:

(b) Whenever any working place approaches within 50 feet of abandoned areas in the mine as shown by surveys made and certified by a registered engineer or surveyor, or within 200 feet of any other abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within 200 feet of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least 20 feet in advance of the working face of such working place and shall be continually maintained to a distance of at least 10 feet in advance of the advancing working face. When there is more than one borehole, they shall be drilled sufficiently close to each other to insure that the advancing working face will not accidentally hole through into abandoned areas or adjacent mines. Boreholes shall also be drilled not more than 8 feet apart in the rib of such working place to a distance of at least 20 feet and at an angle of 45°. Such rib holes shall be drilled in one or both ribs of such working place as may be necessary for adequate protection of miners in such place.

JAN 20 72

Petitioner asserts that mining operations at the mine are in retreat and that the mine will be permanently closed this spring. In order to complete retreat procedures it is necessary to remove all pillar coal in the old workings. Petitioner has done so for a considerable length of time without drilling holes near the old workings and has been removing pillars without any danger. Petitioner states that it knows by its certified maps exactly where mining operations are carried on with reference to abandoned areas and old workings. It asks that it be allowed to continue its present method of removing pillars and barriers between old workings without complying with the drilling requirements of section 317(b).

Parties interested in the petition shall file their answers or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

ERNEST F. HOM,
Acting Director,
Office of Hearings and Appeals.

JANUARY 13, 1972.

[FR Doc.72-850 Filed 1-19-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ORGANIZATION AND DELEGATIONS

Statement Regarding Redelegations on Temporary Basis

The notice published in 36 F.R. 21529 with respect to delegations of authority within the Department of Agriculture stated that delegations of authority to those agencies and offices reporting directly to the Secretary or Under Secretary had been reconfirmed for a 90-day period, effective October 20, 1971. Such 90-day period is hereby extended for an additional 90 days.

Dated: January 17, 1972.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.72-889 Filed 1-19-72;8:51 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

ARMY MATERIALS AND MECHANICS RESEARCH CENTER ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Decision. Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons. Section 602.5(e) of the regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice [of denial without prejudice to resubmission], inform the Administrator whether it intends to resubmit another application for the same article to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Administrator in writing prior to the expiration of the 90-day period. • • • If the applicant fails within the applicable time periods specified above, to either (1) inform the Administrator whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (2) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Administrator on the application within the context of the paragraph (d) of this section.

The meaning of the section is that should an applicant either fail to notify the Administrator of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications. Section 602.5(e) further provides:

> • • • the Administrator shall submit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Administrator.

Docket No. 70-00683-01-46500. Applicant: Army Materials & Mechanics Research Center, Arsenal Street, Watertown, Mass. 02172. Article: Ultramicrotome and Knifemaker, LKB 8800A. Date of denial without prejudice to resubmission: March 24, 1971.

Docket No. 70-00718-89-43000. Applicant: Brown University, Department of Geological Sciences, Rhode Island Hall, Providence, R.I. 02912. Article: 3 magnetometers, Type MF1-100. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 70-00755-33-46500. Applicant: Medical College of Ohio at Toledo, Department of Physiology, Post Office Box 6190, Toledo, OH 43614. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: March 24, 1971.

Docket No. 70-00760-01-77030. Applicant: Southern Connecticut State College, Department of Chemistry, 501 Crescent Street, New Haven, CT 06515. Article: NMR spectrometer, Model R-20A. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 70-00766-01-77030. Applicant: University of North Carolina, Chapel Hill, N.C. 27514. Article: NMR spectrometer, Model JNM-C-60HL. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 70-00771-01-77030. Applicant: Midwestern University, 3400 Taft, Wichita Falls, TX 76308. Article: NMR spectrometer, Model R-20. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 70-00793-01-10100. Applicant: Tufts University School of Medicine, Division of Protein Chemistry, 136 Harrison Avenue, Boston, MA 02111. Article: Reaction apparatus. Date of denial without prejudice to resubmission: January 13, 1971.

Docket No. 71-00009-56-73700. Applicant, Texas A. & M. University, Department of Oceanography, College Station, Tex. 77843. Article: Auto-lab Model 601 MKIII inductive salinometer. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 71-00011-56-17500. Applicant: ESSA/Atlantic Oceanographic and Meteorological Laboratories, 901 South Miami Avenue, Miami, FL 33130. Article: Current meter, Model 4. Date of denial without prejudice to resubmission: March 3, 1971.

Docket No. 71-00028-01-42900. Applicant: University of Wyoming, Post Office Box 3314, Laramie, WY 82070. Article: Superconducting magnet. Date of denial without prejudice to resubmission: January 13, 1971.

Docket No. 71-00040-33-46500. Applicant: Creighton University School of Medicine, 2500 California Street, Omaha, NE 68131. Article: Ultramicrotome, OM U2. Date of denial without prejudice to resubmission: January 18, 1971.

Docket No. 71-00097-98-30600. Applicant: Fairleigh Dickinson University, 1000 River Road, Teaneck, NJ 07666. Article: Hydrostatic pressure and center of pressure apparatus. Date of denial without prejudice to resubmission: January 18, 1971.

Docket No. 71-00164-83-25100. Applicant: University of Delaware, Department of Geology, Newark, Del. 19711. Article: Perspektomat-P-40, Model D (stereographic drafting device). Date of denial without prejudice to resubmission: January 13, 1971.

Docket No. 71-00268-16-61800. Applicant: Greater Johnstown School District, 501-509 Chestnut Street, Johnstown, PA 15906. Article: Planetarium Model Apollo. Date of denial without prejudice to resubmission: March 3, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-864 Filed 1-19-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FMC CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Viscose Division, FMC Corp., Marcus Hook, Pa. 19061, has withdrawn its petition (FAP 1B2704), for which notice of filing was published in the FEDERAL REGISTER of August 3, 1971 (36 F.R. 14279), proposing that § 121.2536 *Filters, resin-bonded* (21 CFR 121.2536) be amended to provide for the safe use of polyethylene terephthalate in the manufacture of resin-bonded filters for food-contact use.

Dated: January 11, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-866 Filed 1-19-72;8:50 am]

WESTON CHEMICAL, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2759) has been filed by Weston Chemical, Inc., 103 Spring Valley Road, Montvale, N.J. 07645, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of distearyl pentaerythritol diphosphite as an antioxidant and/or stabilizer in the manufacture of polyolefin plastics intended for food contact use.

Dated: January 11, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-868 Filed 1-19-72;8:50 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968), as amended, is hereby amended with regard to section 3-20, *Organization and Functions*, as follows:

Revise the mission statement of the Center for Disease Control (3G00) by substituting the following center head and succeeding paragraph:

CENTER FOR DISEASE CONTROL (3G00)

(1) Plans, conducts, coordinates, supports, and evaluates a national program for the prevention and control, including interstate spread, of communicable and vector-borne diseases and other preventable conditions—including those related to malnutrition—through (a) surveillance, (b) research and development, (c) epidemiologic studies, (d) consultation and training, (e) public information and education, (f) technical assistance, (g) community demonstrations, and (h) control of importation and interstate shipment of etiologic agents and vectors; (2) directs and enforces foreign quarantine activities and regulations; (3) provides consultation and assistance in upgrading the performance of clinical laboratories and evaluates and licenses clinical laboratories engaged in interstate commerce; (4) provides consultation to international organizations and other nations in the control of preventable diseases, and administers international activities for the eradication or control of malaria, malnutrition, measles, smallpox, and other preventable conditions; and (5) administers a nationwide educational and monitoring program in the field of smoking and health.

Also, after the end of the paragraph entitled *Malaria Program* (3G55), insert a new paragraph with sidehead:

National Clearinghouse for Smoking and Health (3G56). (1) Provides leadership and direction for a national program to reduce death and disability due to smoking; (2) acts as coordinator for Department activities related to smoking and health, maintaining liaison, through the Office of the Administrator or directly as deemed appropriate by HSMHA, with other Federal agencies and with official and voluntary groups concerned with the problem; (3) participates in the activities of the National Interagency Council on Smoking and Health; (4) provides consultation to State and Local Interagency Councils and to industrial and local groups in developing coordinated community approaches to smoking control programs; (5) prepares an annual report to Congress reviewing the medical and scientific evidence on the health consequences of smoking; (6) collects, organizes, and disseminates scientific information, maintaining the comprehensive Clearinghouse literature collection; (7) works with groups and organizations, within and outside government, carrying out cooperative programs of public information and education for use in all media; (8) works with health and education programs on smoking and health, including innovative methods of developing health education in the schools; and (9) plans and carries out studies to furnish a better understanding of the dynamics of smoking behavior, and to evaluate program progress and effectiveness.

Also, revise the mission statement of the Regional Medical Programs Service (3R00) by substituting the following center head and succeeding paragraph:

REGIONAL MEDICAL PROGRAMS SERVICE (3R00)

Serves as the focal point in the Health Services and Mental Health Administration (HSMHA) for improving personal health care through development of the quality of performance by the providers of care, placing special emphasis on continuing education of established professional health personnel and on cooperative arrangements among providers of care: (1) Supports grants and contracts to encourage the development of regional cooperative arrangements among medical centers, research institutions, hospitals, the health professions, and other providers of care which show promise of leading to the regionalization of health resources and enhancement of the capabilities of providers of care at the community level; (2) furnishes professional and technical assistance and advice to the regional medical programs, States, and local communities; (3) conducts programs focused primarily on developing, testing, and evaluating methods at the community level for closing the health care gap; and (4) administers a specialized pilot program in the field of kidney disease.

Also, delete the paragraph entitled *National Clearinghouse for Smoking and Health* (3R57).

Dated: January 14, 1972.

RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

[FR Doc.72-862 Filed 1-19-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 72-9]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials

JAN 20 72

used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from November 12, 1971, to November 18, 1971 (List No. 34–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for Use on Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.049/261/0, special approval for a 16- x 16- x 2½-inch plastic foam rectangular cushion, U.S.C.G. Specification Subpart 160.049 and Underwriters' Laboratories, Inc., Marine Department (UL/MD) report No. MQ107, manufactured by Wellington Puritan Mills, Monticello Highway, Madison, Ga. 30650, effective November 18, 1971. (It supersedes Approval No. 160.049/261/0 dated August 30, 1971 to show minor changes.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/17/0, West Products Corp. Model No. 2217 "Sea-Line" flashlight, waterproof, Type I, size 2 (2-cell), identified by Bright Star Industries assembly dwg. No. 3F–1878–A dated December 21, 1966, each flashlight shall be plainly marked with the name of the distributor (West Products Corp.), Sea-Line No. 2217, and the above approval number, manufactured by West Products Corp., Post Office Box 707, Newark, N.J. 07101, effective November 16, 1971. (It is an extension of Approval No. 161.008/17/0 dated January 11, 1967.)

Approval No. 161.008/18/0, West Products Corp. Model No. 2224 "Sea-Line" flashlight, waterproof, Type I, size 3 (3-cell), identified by Bright Star Industries assembly dwg. No. 3F–1879–A dated December 22, 1966, each flashlight shall be plainly marked with the name of the distributor (West Products Corp.), Sea-Line No. 2224, and the above approval number, manufactured by West Products Corp., Post Office Box 707, Newark, N.J. 07101, effective November 16, 1971. (It is an extension of Approval No. 161.008/18/0 dated January 11, 1967.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/15/1, Marine Veneer, an inorganic heavy density panel identical to that described in Johns-Manville letter of March 3, 1947, approved as meeting Class B–15 requirements on an inch for inch basis with a minimum thickness of ½-inch Marinite 23 or 36 core, formerly J–M Marine Veneer, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective November 12, 1971. (It supersedes Approval No. 164.008/15/1 date February 24, 1967 to show minor changes.)

Approval No. 164.008/29/1, "Marinite-23", inorganic composition board type bulkhead panel, identical to that described in Protexol Testing Laboratory Report No. 193 dated February 24, 1950, approved as meeting Class B–15 requirements in a ¾-inch thickness, when veneered with combustible material not meeting the requirements of 46 CFR Subpart 164.012 the restrictions of Subpart 72.05–15 apply, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective November 12, 1971. (It supersedes Approval No. 164.008/29/1 dated February 27, 1967 to show minor changes.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/100/0, Porter Style "(RWL–100) 9350–67 Custom-Lag" treated asbestos cloth incombustible material as described in H. K. Porter Co., Inc., letter dated January 18, 1967, in a weight of 0.75 through 3.5 pounds per square yard, manufactured by H. K. Porter Co., Inc., Thermoid Division, Post Office Box 10516, Charlotte, NC 28201, effective November 15, 1971. (It is an extension of Approval No. 164.009/100/0 dated January 20, 1967.)

Approval No. 164.009/101/0, Porter Style "(RWL–100) 9350–86 Custom-Lag" treated asbestos cloth incombustible material as described in H. K. Porter Co., Inc., letter dated January 18, 1967, in a weight of 0.75 through 3.5 pounds per square yard, manufactured by H. K. Porter Co., Inc., Thermoid Division, Post Office Box 10516, Charlotte NC 28201, effective November 15, 1971. (It is an extension of Approval No. 164.009/101/0 dated January 20, 1967.)

Dated: January 11, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–846 Filed 1–19–72;8:48 am]

[CGFR 72–8]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from November 10, 1971, to December 1, 1971 (List No. 33–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT APPARATUS FOR MERCHANT VESSELS

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain buoyant apparatus and Approval No. 160.010/17/1 was therefore terminated effective November 10, 1971.

LIFEBOAT WINCHES FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, Approval No. 160.015/60/0 expired and was terminated effective December 1, 1971.

LIFEFLOATS FOR MERCHANT VESSELS

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain life floats and Approvals Nos. 160.027/5/1, 160.027/6/1, 160.027/7/1, 160.027/8/1, and 160.027/9/1 were therefore terminated effective November 10, 1971.

LIFEBOATS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, no longer manufactures certain lifeboats and Approvals Nos. 160.035/236/2 and 160.035/401/3 were therefore terminated effective November 17, 1971.

FLASHLIGHTS, ELECTRIC, HAND

The Fulton Manufacturing, Division of Chromalloy American Corp., Weuseon, Ohio 43567, no longer manufactures certain hand electric flashlights and Approval No. 161.008/14/0 was therefore terminated effective November 10, 1971.

The Bright Star Industries, 600 Getty Avenue, Clifton, NJ 07011, no longer manufactures certain hand electric flashlights and Approvals Nos. 161.008/15/2 and 161.008/16/2 were therefore terminated effective November 11, 1971.

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

The Tate Engineering, Inc., 516 South Eutaw Street, Baltimore, MD 21201, Approval No. 162.017/93/0 expired and was terminated effective November 30, 1971.

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED, PACKAGED, FOR MERCHANT VESSELS

The Clayton Manufacturing Co., Post Office Box 550, El Monte, CA 91734, Approval No. 162.026/1/0 expired and was terminated effective December 1, 1971.

Dated: January 11, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–847 Filed 1–19–72;8:48 am]

Office of the Secretary

ASSISTANT SECRETARY OF TRANSPORTATION FOR ADMINISTRATION

Delegation of Authority Regarding Receipt and Disbursement of Certain Gifts

The Assistant Secretary of Transportation for Administration is hereby delegated authority under section 9(m) of the Department of Transportation Act (80 Stat. 946; 49 U.S.C. 1657(m)) with respect to monetary gifts made to the Department on behalf of the Youths Highway Safety Advisory Committee. Funds received under this delegation may be utilized only to support the activities of the Youths Highway Safety Advisory Committee and disbursements in excess of $100 may be made only upon the recommendation of the Committee. This authority may be redelegated within the Office of the Secretary.

This delegation is made pursuant to the authority of section 9(e) of the Department of Transportation Act (80 Stat. 944; 49 U.S.C. 1657(e)).

This delegation is effective immediately and terminates on October 1, 1972.

Issued in Washington, D.C., on January 13, 1972.

JAMES M. BEGGS,
Acting Secretary of Transportation.

[FR Doc.72–843 Filed 1–19–72;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–237]

COMMONWEALTH EDISON CO.

Notice of Issuance of Provisional Operating License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 1 to Provisional Operating License No. DPR–19 dated December 22, 1969. The license presently authorizes the Commonwealth Edison Co. to receive, possess, and use at any time, in its Dresden Nuclear Power Station Unit No. 2, up to 5,000 kilograms of contained uranium-235 in connection with operation of the facility. The amendment revises the license (paragraph 2B) to authorize the receipt, possession and use at any time up to 6,000 kilograms of contained uranium-235 in connection with operation of the facility.

The Commission has found the application for the amendment dated December 7, 1971, complies with the provisions of the Atomic Energy Act of 1954, as amended (the Act), and of the rules and regulations of the Commission. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated December 7, 1971, and (2) the amendment, which is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 13th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72–814 Filed 1–19–72;8:45 am]

PHILADELPHIA ELECTRIC CO.

Order Setting Second Prehearing Conference

In the matter of Philadelphia Electric Co. (Limerick Generating Station Units 1 and 2), Dockets Nos. 50–352, 50–353.

At the prehearing conference held on January 5, 1972, consideration was given to a second prehearing conference and February 2 was designated for that conference. Due to schedule requirements of other cases, it is necessary to change the second prehearing conference in this proceeding to February 9, 1972. Upon inquiry of all attorneys, this change of date is convenient to their schedules.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that a second prehearing conference in this proceeding shall convene at 10 a.m. on Wednesday, February 9, 1972, in Courtroom A, Montgomery County Courthouse, Swede and Airy Streets, Norristown, Pa.

Issued: January 14, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72–816 Filed 1–19–72;8:45 am]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Order Setting Second Prehearing Conference

In the matter of Public Service Electric and Gas Co. (Newbold Island Nuclear Generating Station Units 1 and 2), Dockets Nos. 50–354, 50–355.

At the prehearing conference held on January 6, 1972, consideration was given to a second prehearing conference and February 16 was designated for that conference. Due to schedule requirements of other cases, it is necessary to change the second prehearing conference in this proceeding to February 23, 1972. Upon inquiry of all attorneys, this change of date is convenient to their schedules.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that a second prehearing conference in this proceeding shall convene at 10 a.m. on Wednesday, February 23, 1972, at the Holiday Inn, 240 West State Street, Trenton, N.J.

Issued: January 14, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72–815 Filed 1–19–72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23105]

AIR CAICOS LTD.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in this matter scheduled to begin at 10 a.m., in Room 503, on January 17, 1972, is hereby indefinitely postponed.

Dated at Washington, D.C., January 14, 1972.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.72–876 Filed 1–19–72;8:49 am]

JAN 20 72
XUM

[Docket No. 23652]

GOLDEN WEST AIRLINES, INC., AND LOS ANGELES AIRWAYS, INC.

Notice of Hearing Regarding Acquisition Agreement et al.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on March 7, 1972, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Harry H. Schneider.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on September 24, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 17, 1972.

[SEAL] HARRY H. SCHNEIDER,
Hearing Examiner.

[FR Doc.72-875 Filed 1-19-72;8:49 am]

[Docket No. 20993; Order 72-1-31]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority January 12, 1972.

Agreement adopted by Traffic Conference 3 and the Joint Conferences of the International Air Transport Association relating to specific commodity rates. Docket 20993, Agreement CAB 22332, R-28, R-51, and R-52.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 3 and the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

Among other things, the agreement names additional specific commodity rates (under existing commodity descriptions), which were adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated December 29, 1971. These rates reflect reductions from the general cargo rates and are set forth in the attachment hereto.[1]

Pursuant to authority duly delegated by the Board in the Board's economic regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Agreement CAB 22332, R-51 and R-52 is adverse to the public interest or in violation of the Act, provided that eventual approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22332, R-51 and R-52, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-877 Filed 1-19-72;8:49 am]

[1] The portion of Agreement CAB 22332 which is designated as R-28 pertains to the cancellation of a specific commodity rate (209 cents per kg., minimum weight 100 kgs.) for traffic moving from Seoul to New York under Item 6681 ("False Eye Lashes"), and was promulgated in an IATA letter dated Sept. 9, 1971. However, inasmuch as the cancellation of said rate would have effected an increase by rendering applicable the higher general cargo rate, action by the Board was held in abeyance because of price stabilization policies encompassed within Executive Order 11615. By letter dated Dec. 30, 1971, IATA has notified the Board that the basic cargo rate agreement, under which the rate cancellation was filed, has expired. Accordingly, no action by the Board is required on Agreement CAB 22332, R-28, which is filed as part of the original document.

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-855 Filed 1-19-72;8:48 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncarrer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Associate Director for Congressional Relations, Office of Congressional and Public Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-856 Filed 1-19-72;8:48 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Intergovernmental Relations Division, Office of Program Review.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-857 Filed 1-19-72;8:48 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Community Development Division, Office of Program Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-858 Filed 1-19-72;8:48 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-859 Filed 1-19-72;8:49 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Chief, Research Division, Office of Planning Research and Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-860 Filed 1-19-72;8:49 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, January 26, 1972, in the South Auditorium of the ASTM Building, 1916 Race Street, Philadelphia, PA, commencing at 2 p.m. The subjects of the hearing are as follows:

I. Proposal to amend the Comprehensive Plan in accordance with Article 11 of the Delaware River Basin Compact so as to include the following projects:

(a) Warren County-Paulins Kill Sewer Authority: A waste treatment plant to serve the Village of Columbia, Warren County, N.J. The facility will be located at the confluence of the Paulins Kill and the Delaware River. It is designed to provide treatment for 50,000 gallons per day and to remove 90 percent of BOD_5. Treated effluent will discharge to the Paulins Kill River.

(b) Warren County-Paulins Kill Sewer Authority: A regional sewerage project consisting of a sewage treatment plant and pumping station serving the area of Blairstown, Warren County, N.J. The treatment plant will be phased out in 1990 and sewage will be conveyed by interceptor to the regional plant at Columbia. The project is designed to achieve a reduction of 90 percent of BOD_5 in a sewage flow of 500,000 gallons per day. Discharge is to the Paulins Kill River.

(c) Warren County-Pequest River Sewer Authority: A sewage treatment plant to serve the area of Belvidere, White Township, Warren County, N.J. Located at the confluence of the Pophandusing Creek and the Delaware River, the treatment is designed to provide 90 percent removal of BOD_5 in a sewage flow of about 500,000 gallons per day. Treated effluent will discharge to the Delaware River.

(d) Warren County-Pequest River Sewer Authority: A sewage treatment plant to serve the area of Hope Township, Warren County, N.J. Located at the confluence of Trout Brook and Beaver Brook, the treatment plant is designed to provide 90 percent removal of BOD_5 in a sewage flow of 50,000 gallons per day. Treated effluent will discharge to Beaver Brook.

(e) Warren County-Pequest River Sewer Authority: A sewage treatment plant located in the town of Oxford, Warren County, N.J. The treatment plant will be phased out after 1990 and sewage conveyed to the regional plant at Belvidere. The project is designed to provide 95 percent removal of BOD_5 in a sewage flow of 500,000 gallons per day. Treated effluent will discharge to Furnace Brook.

(f) Broadkill Beach Water Co.: A well water supply project to augment public water supplies in the area of Broadkill Beach, Sussex County, Del. Withdrawals would be limited to a maximum of 200,000 gallons per day during the summer months and 100,000 gallons per day at other times.

(g) Borough of Delaware Water Gap: A well water supply project to replace an existing well in the Borough of Delaware Water Gap, Monroe County, Pa. The new facility is expected to provide a yield of 500,000 gallons per day.

(h) Berkshire Greens, Inc.: A well water supply project to provide public water supplies in a development area known as Flying Hills, Cumru Township, Berks County, Pa. Designated as Well No. 1, the new facility is expected to provide a yield of 432,000 gallons per day.

(i) Village of Stamford: A sewerage interceptor and collection system to serve the Village of Stamford, Delaware County, N.Y. Collecting and interceptor sewers would be installed to replace part of the existing system. Sewage will be conveyed to a new treatment plant with ultimate discharge to the West Branch Delaware River.

(j) Philadelphia Water Department: A temporary tie-in sewer extension connecting the city of Philadelphia's Cobb Creek interceptor to the Darby Creek Joint Authority's Colwyn interceptor. An average of 1.5 million gallons per day would be discharged into the Philadelphia collecting system and conveyed to the city's Southwest water pollution control treatment plant.

II. Proposal to approve the following water pollution abatement schedules as submitted in accordance with section 3-4.2(2) of the Basin Regulations-Water Quality:

(a) Schedule A-72-1—New Castle County Department of Public Works—South Christiana Treatment Plant. An allocation of 130 pounds per day of carbonaceous (first stage) oxygen demand has been made for this temporary treatment plant located in New Castle County, Del., and discharging into Zone 5 of the Delaware Estuary. The proposed abatement schedule requires a minimum waste reduction of 87.5 percent and requires that facilities to accomplish this reduction shall go into operation no later than August 1, 1972.

(b) A-70-8 (revision)—ICI America, Inc. (formerly Atlas Chemical Industries, Inc.). An allocation of 4,640 pounds per day of carbonaceous (first stage) oxygen demand has been made for this industrial waste treatment facility located in Wilmington, Del., and discharging into Zone 5 of the Delaware Estuary. An original abatement schedule for this facility was approved on November 24, 1970, and requires a minimum waste reduction of 87.5 percent and requires that treatment facilities to accomplish this reduction shall go into operation no later than December 31, 1973. The proposed revision changes the interim dates of the abatement schedule but the completion date of the original schedule remains unchanged.

Documents relating to the items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

JANUARY 13, 1972.

[FR Doc.72-830 Filed 1-19-72;8:48 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 115]

IMPERIAL CORPORATION OF AMERICA

Notice of Receipt of Application for Approval of Acquisition of Control of Guarantee Savings and Loan Association of Whittier

JANUARY 17, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Imperial Corporation of America, San Diego, Calif., a multiple savings and loan holding company, for approval of acquisition of control of the Guarantee Savings and Loan Association of Whittier, Whittier, Calif., an insured institution under the provisions of section 408(e) of the National Housing Act, as

JAN 20 72 XUM

amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the exchange of the guarantee stock of Guarantee Savings and Loan Association of Whittier for stock of Imperial Corporation of America. Following the proposed acquisition, Imperial Corp. proposes to merge Guarantee Savings and Loan Association of Whittier into Imperial Savings and Loan Association of Newport-Pasadena, Pasadena, Calif., an insured subsidiary of Imperial Corp. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72-878 Filed 1-19-72;8:50 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 1115]

MONMOUTH SHIPPING CORP.

Order of Revocation

On December 28, 1971, Monmouth Shipping Corp., 73 Huntington Street, Brooklyn, NY, voluntarily surrendered its FMC License No. 1115.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License No. 1115 of Monmouth Shipping Corp. be and is hereby revoked effective December 28, 1971, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Monmouth Shipping Corp.

AARON W. REESE,
Managing Director.

[FR Doc.72-819 Filed 1-19-72;8:46 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01038---	A/S S/S Mathilda: Bow Cecil.
01054---	Wilhelm Wilhelmsen: Troubadour.
01064---	Reinauer Transportation Cos., Inc.: R.T.C. 115.
01110---	Navieros Oceanicos S.A.: Trade Daring.
01111---	Trade Lines, Inc.: Trade Banner.
01115---	Marastro Compania Naviera S.A.: Anna P.C.
01287---	Knohr & Burchard Nfl.: Wandsbek. Schwarzenbek.
01303---	Prince Line Ltd.: Derwent.
01305---	Royal Mail Lines Ltd.: Chandeleur. Somers Isle. Eleuthera.
01334---	American President Lines, Ltd.: President Van Buren. President Grant.
01428---	The Ocean Steam Ship Co., Ltd.: Talthybius. Telamon.
01467---	Lowland Tanker Co., Ltd.: Border Reiver.
01557---	Knut Knutsen O.A.S.: Ogeka Bakke.
01577---	Meteor Cruises A/S: M/V Meteor.
01710---	Achille Lauro-Napoli: Callao.
01747---	Marvirtud Navegacion S.A., Panama: Gordian.
01750---	Astro Marino Navegacion S.A., Panama: Numerian.
01803---	Texas City Refining, Inc.: William J. Fields. V. A. Fogg. S/S The Cabins.
01841---	Chas. Kurz & Co., Inc.: Cherry Valley.
01844---	Nationale Tankvaart Maatschappij N.V.: Forest Town. Forest Lake.
01933---	Dampskibsselskabet AF 1912 Aktieselskab: Maersk Supplier.
01982---	AB Svenska Ostasiatiska Kompaniet: Hainan.
01986---	Aktiebolaget Transmarin: Vava. Neva.
02001---	Rederiaktiebolaget Transatlantic: Nimbus.
02037---	Shosen Mitsui Kyakusen K.K.: Sakura Maru.
02051---	N. Michalos & Sons Maritime Co., Ltd.: Calliopi Michalos.
02097---	Penelope Shipping Co.: World Mermaid.
02152---	A. F. Klaveness & Co. A/S as Agents: Corneville. Sunnyville. Bronxville.
02210---	American Mail Line Ltd.: Oregon Mail.
02249---	Fisser & v. Doornum: Steintor.
02332---	Lykes Bros. Steamship Co., Inc.: Kenneth McKay.
02354---	Armatrice Santa Lucia S.p.A.: Carlo Cameli. San Guisto. Agricentum.
02355---	Van Nievelt, Goudriaan & Co.'s Stoomvaart Maatschappij N.V.: Sertan.
02368---	Canadian Pacific Steamships: Beaverpine.
02371---	Seaways Carriers Co., S.A.: Sanouko.
02450---	Rederiaktiebolaget Hildegaard: Brettenham.
02458---	The China Navigation Co., Ltd.: Six Stars. Kuala Lumpur.
02496---	United States Steel Corp.: Hughes No. 534. Hughes No. 102.
02551---	Ellerman Lines Lt.: City of Birkenhead.
02827---	National Bulk Carriers, Inc.: Amtank. Hampton Roads.
02839---	Valles Steamship Co., Ltd.: Silver Longevity.
02872---	States Marine International, Inc.: Sunshine State. Old Dominion State.
02877---	Nippon Yusen Kabushiki Kaisha (The Japan Mail Steamship Co., Ltd.): Asama Maru. Seta Maru.
02917---	Scherkate Sahami Keschtirani Maelli Arya: Arya Dad.
02920---	Atlantic Shipping Inc.: Flores.
02956---	Ashland Oil, Inc.: Ellis 1251. Ellis 1252.
02977---	J. Ray McDermott & Co., Inc.: LBR-104A.
03057---	British India Steam Navigation Co., Ltd.: Bulimba. Sirsa. Purnea.
03212---	Amoco Shipping Co.: Amoco Delaware.
03215---	Rederiaktiebolaget Salenia: Cayman.
03216---	Rederiaktiebolaget Rex: Bjorno.
03278---	Gem Navigation Co.: Gem Star. Dea Maris.
03284---	The Indo-China Steam Navigation Co., Ltd.: Eastern Moon.
03399---	Audin Reksten Rederi A/S: Octavian.
03424---	Fuji Kisen K.K.: Heiwa Maru. Ogurasan.
03450---	Kotani Kaiun Goshi Kaisha: Kyokuyo Maru.
03470---	Nikko Kaiji K.K.: M/S Yuyo Maru.
03484---	Sanko Kisen K.K.: Caspi Maru.
03523---	Tosho Kaiun Kabushiki Kaisha: Seisho Maru No. 2.
03526---	Uwajima Shosen K.K.: Daisy.
03532---	Zuisei Kaiun Kabushiki Kaisha: Teiko Maru.
03535---	Herlofson Shipping Co. A/S Skibsaktieselskapet Herva: Tank Duchess.
03567---	A/S Eikland: Skaumor.
03733---	Great Lakes Dredge & Dock Co.: G.L. 137. M-31.
03742---	Bauer Dredging Co., Inc.: Bauer ST-2.
03981---	Moran Towing of Puerto Rico, Inc.: New Jersey.
03981---	D. M. Picton & Co., Inc.: Chemical No. 1.
04044---	N. R. Bugge Skibsaksjeselskap: Beana.
04123---	J. M. Johannesens Rederi A/S: Finse.
04285---	Western Contracting Corp.: Western Brave.
04356---	Pacific Far East Line, Inc.: Japan Bear.
04357---	Koninklijke Nedlloyd N.V.: Rondo.
04395---	Permanente Steamship Corp.: Permanente Silverbow.
04398---	Hapag-Lloyd Aktiengesellschaft: Barenstein. Dortmund. Emsstein. Flensburg. Rheinstein. Saarstein. Twadika.
04407---	Domar, Inc.: Z-100.
04433---	Allied Chemical Corp.: ETT112. HTC102. HTC103. HTC104.
04449---	China Merchants Steam Navigation Co., Ltd.: Hao Ho.
04501---	Kanagawa Enyo Gyogo Kabushiki Kaisha: Tenshinmaru. Hakuhomaru.
04598---	Ulysses Shipping Co., Inc.: Ulysses.
04599---	Transea Carriers, Inc.: Spruce Woods.
04674---	Pescanova, S.A.: Mardepesca Uno.
04770---	Texaco Panama Inc.: Texaco Kenya. Texaco London. Texaco Puerto Rico.
04794---	Sea King Corp.: Grand Trader.
04826---	Ithaca Star Shipping Ltd.: Stolt Ithaca.
04827---	Thassosmar Shipping Corp.: Mentor.
04828---	Marship Co., Inc.: Mariner.
04933---	The Revilo Corp.: Barge No. 6.
04942---	Miguel Compania Naviera S.A.: Stolt Prince.
05113---	Hesperis Shipping Corp.: Binky.
05135---	Poseidonia Maritime Ltd.: Solsyn.
05212---	Alpine Geophysical Associates Inc.: Santa Maria.
05297---	Caribbean Navigation Co., Ltd.: Silvaplana.
05437---	The Dow Chemical Co.: DC-9.
05513---	Ulrich Harms G.m.b.H. & Co.: Mulus II. Varius I. Varius II. Varius III.
05520---	Union Carbide Corp.: IOT 6. IOT 351. IOT 352.
05886---	Hughes Bros. Inc.: Hughes No. 136. Hughes No. 286.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-818 Filed 1-19-72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. R-411]

ACCOUNTNG AND RATE TREATMENT OF ADVANCE PAYMENTS TO SUPPLIERS

Order of Clarification and Denial of Rehearing or Modification

JANUARY 7, 1972.

Accounting and rate treatment of advance payments to suppliers for exploration and lease acquisition of gas producing properties, Docket No. R-411.

On November 10, 1971, the Commission issued Order No. 441 (36 F.R. 21961) amending its regulations under the Natural Gas Act so as to provide for accounting and rate treatment of advance payments made to suppliers by pipelines for gas to be delivered at a future date. Order No. 441 issued as a result of a proposed rule making in this proceeding of which notice issued on January 8, 1971 (36 F.R. 377).

A petition for rehearing of Order No. 441 was filed by the Public Service Commission of New York (New York) on December 10, 1971. New York opposes as "unlawful" the Commission's authorization of rate base treatment for advance payments made for development purposes through December 31, 1972. That portion of Order No. 441 which holds that all advances made prior to November 10, 1971, will receive the rate treatment prescribed in Orders 410 and 410-A in Docket No. R-380, and the determination in Order No. 441 that specified advance payments to pipeline affiliates shall be treated the same as similar advances to independent producers are argued as "unlawful" by New York. The possibility of circumvention of the Commission's intent is also raised by New York in regard to the limitations imposed on advance payments for purposes of rate treatment.

We find no facts or arguments in New York's petition that have not already been considered by the Commission. The lawfulness of the Commission's Order No. 441 is challenged, but no reasons have been advanced beyond the general position that the prescribed rate treatment for advance payments is inherently unlawful. The inherent unlawfulness being unapparent to the Commission, New York's petition for rehearing is found without merit.

A petition for clarification on rehearing was filed by Tennessee Gas Pipeline Co. (Tennessee) on December 10, 1971, by telegram and on December 14, 1971, by supplement.

Tennessee suggests that the presence of the word "exploration" in the first line, third column on page 21961, is inconsistent with the substance of Order No. 441. While advances for exploration and lease acquisition are precluded from rate base treatment in this order, it is our opinion that our advance payments policy for the immediate term will, by encouraging pipelines to make advances for development and production, permit producers to have more of their own funds available for exploration.

Tennessee questions the accounting steps that should be taken in the event of a pre-Order No. 441 advance become nonrecoverable. We believe the language in the first full paragraph of the third column, page 21961, in Order No. 441 to be fully dispositive, i.e.,

> All advances made under contracts executed prior to the issuance of this order shall receive rate treatment in accordance with the provisions of Orders Nos. 410 and 410-A in Docket No. R-380.

Tennessee also indicates a possible inconsistency between the first two sentences of paragraph E in Account 166, Advance Payments for Gas, of Order No. 441. We find no such inconsistency. It is clear that any nonrecoverable advance payment to be charged to Account 435, Extraordinary Deductions, would be charged currently and in its entirety to the account. As stated in the first sentence of paragraph E, no nonrecoverable amount is to remain in Account 166 after it is recognized. Amortization of nonrecoverable advances to Account 813 within 5 years from the date of determination as nonrecoverable is permissible only if the Commission has authorized a transfer of such amounts to Account 186, Miscellaneous Deferred Credits, all as so stated in paragraph E.

Tennessee is uncertain as to whether a return will be allowed on the unamortized balances of nonrecoverable advances. It is our stated position in the third full paragraph in the third column of page 21961, in Order No. 441, that advances recorded in Account 166 may be included in rate base where such payments are reasonable, necessary and appropriate in order to contract for gas supplies by agreement executed not later than December 31, 1972. There is no provision for the inclusion in rate base of amounts that must be eliminated from Account 166.

Tennessee states it is not clear as to whether charges to Extraordinary Deductions are allowed as an expense in computing a pipeline's rates. Such charges are not normally so allowed.

An application for partial modification of Order No. 441 was received from Michigan Wisconsin Pipe Line Co. on December 10, 1971, requesting that advance payments for exploration outside the United States be included in Account No. 166 and recognized in rate base.

We acknowledge the desirability of increased exploration of frontier areas outside the lower 48 State. However, the data and comments submitted in this rule making focused on the treatment to be accorded advance payments in the lower 48 States. Accordingly, decision on the question of the treatment of advance payments outside the lower 48 States would be inappropriate at this time.

The Commission finds:

(1) The grounds for rehearing set forth in New York Public Service Commission's and Tennessee Gas Pipeline

JAN 20 1972 XUM

Co.'s petitions for rehearing and clarification on rehearing and Michigan Wisconsin Pipeline Co.'s application for partial modification present no new facts or principles of law which were not considered by the Commission in its order issued on November 10, 1971, in Docket No. R-411, or which having now been considered, warrant any change or modification of that order.

The Commission orders:

(A) The petitions for rehearing filed herein by New York Public Service Commission on December 10, 1971, and for clarification on rehearing by Tennessee Gas Pipeline Co. on December 10, 1971, as supplemented on December 14, 1971, are hereby denied.

(B) The application of Michigan Wisconsin Pipe Line Co. filed herein on December 10, 1971, for partial modification of Order No. 441 is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-825 Filed 1-19-72;8:46 am]

[Docket No. IT-5029]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

JANUARY 11, 1972.

Take notice that Arizona Public Service Co. (applicant), incorporated under the laws of the State of Arizona with its principal place of business at Phoenix, Ariz., filed an application in Docket No. IT-5029 on November 4, 1971, for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which applicant may transmit from the United States to Mexico.

By Commission order issued June 5, 1964 in Docket No. IT-5029 (31 FPC 1398), applicant was authorized to transmit electric energy from the United States to Mexico in an amount not in excess of 2,400,000 kw.-hr. per year at a transmission rate not to exceed 700 kw. for delivery and sale to Junta Federal de Mejoras Materiales (Junta Federal), an agency of the Republic of Mexico, over certain 2.3-kv. facilities of applicant located at the international border between the United States and Mexico in or near Naco, Ariz., and covered by the Presidential Permit signed by the President of the United States on April 23, 1942, and released to Arizona Edison Co., Inc., applicant's corporate predecessor, Docket No. IT-5029. The aforementioned Presidential Permit was transferred to applicant by Amendatory Presidential Permit signed by the President of the United States on August 28, 1952, Docket No. IT-5029. The energy was to be exported for purpose of enabling Junta Federal to furnish electric service in Naco, Sonora, Mexico, and vicinity.

Applicant now seeks authorization to export electric energy in an amount not in excess of 4,335,000 kw.-hr. per year at a transmission rate not to exceed 1,250 kw. for delivery and sale to Comision Federal de Electricidad, Division Noroeste (Comision Electricidad), an agency of the Republic of Mexico and successor to Junta Federal, in accordance with the agreement dated June 9, 1971 between Comision Electricidad and applicant, which is on file with the Federal Power Commission as applicant's Export Rate Schedule FPC No. 51. Applicant represents that the proposed increase in the amount and transmission rate of the energy to be exported is needed to meet the growth in the electric load in the Naco, Sonora, Mexico, area, which is presently served by Comision Electricidad.

Applicant also seeks by its application filed November 4, 1971, in Docket No. IT-5029 a further amendment to the above-mentioned Presidential Permit, pursuant to Executive Order No. 10485, dated September 3, 1953, so as to secure permission for certain changes in the aforesaid 2.3-kv. electric transmission facilities located at the United States-Mexican border, which are utilized by applicant to make its deliveries of electric energy to Comision Electricidad.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-826 Filed 1-19-72;8:46 am]

[Docket No. CP72-43]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Amendment to Application

JANUARY 10, 1972.

Take notice that on January 3, 1972, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72-43 an amendment to the application pending in said docket pursuant to sections 7(b) and 7(c) of the Natural Gas Act to authorize applicant to sell to its jurisdictional customers as winter season gas under its Rate Schedule S-2 the 4,000 Mcf per day proposed to be made available by the reduction of natural gas service to New Jersey Zinc Co., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the use of the subject gas as winter season gas instead of year-round service gas as originally proposed would, in the light of the current gas shortage, bolster its customers' ability to meet their market requirements during the heating season, while at the same time permit applicant to reduce the level of necessary curtailments under existing service agreements during the summer season.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before January 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-827 Filed 1-19-72;8:46 am]

[Dockets Nos. CP70-69, etc.]

NORTHERN NATURAL GAS CO. ET AL.

Order Permitting Reopened Hearings

JANUARY 14, 1972.

Northern Natural Gas Co., Dockets Nos. CP70-69, CP70-70, and CP70-71; High Crest Oils, Inc. (Operator), *et al.*, Docket No. CI70-355; Montana-Dakota Utilities Co., Docket No. CP70-173; Great Lakes Gas Transmission Co., Dockets Nos. CP71-299, CP71-300, and CP71-301.

On November 30, 1971, Presiding Examiner Howell Purdue issued a supplemental initial decision in these proceedings, concluding that the Northern Natural Gas Co. should be permitted to import natural gas produced in Alberta, Canada; that the Great Lakes Gas Transmission Co. should be authorized to construct facilities to transport such gas for Northern; and that Northern should not be authorized to import gas produced in the Tiger Ridge area of Montana. Just before his decision was issued, decisions of the Canadian National Energy Board were made known on November 19, 1971, whereby the NEB dismissed the export application pertinent to Northern's importation of Alberta gas, but provided that the export application pertinent to Northern's importation of Tiger Ridge gas would "be given further consideration at a reconvening of this hearing". Examiner Purdue, in an addendum to his November 30 decision, stated that he would permit his decision to stand, because the NEB decision may not be final.

In a letter to the Commission's Secretary of December 10, 1971, Northern stated that it would explore all appropriate ways to obtain Canadian approval for the exportation of the Alberta gas, and that it would, further, continue to seek approval from the NEB for the importation into Canada and subsequent exportation of the Tiger Ridge gas. To its letter were attached documents relating to Northern's agreement with Great Lakes pertaining to the transportation of Tiger Ridge gas only. Such documents are not now a part of the record in these proceedings.

In light of that letter, the Staff moved on December 17 for the continuance of the date for filing exceptions to the initial decision of November 30, stating that the Commission should make provision for reopening the record. Northern, in an answer filed December 27, concurred in the Staff requests and further requested expedited procedures, including the waiver of a further initial decision. Northern stated that Great Lakes would file a supplement to its application relating to its transportation for Northern of Tiger Ridge gas only. Such Great Lakes filing has not yet been received.

Thereupon, on December 28, the Commission's Secretary by notice continued the date for filing exceptions until January 14, and provided that answers to the Northern request could be filed on or before January 7. Two such answers have been filed. High Crest Oils, Inc., in telegrams filed on December 27 and December 29, stated that it does not object to the Staff request for reopening the record and for deferral of the date for filing briefs on exceptions. Montana Power in its answer of January 6 stated, in effect, that it does not object to the reopening of the record for the receipt of additional evidence pertinent to Tiger Ridge gas, that it agrees that a further initial decision should be waived, and that the proceedings should be expedited. Montana Power does object to particular procedural dates proposed by Northern, Northern responded to Montana on January 11, asking that the scope of the reopened hearings be limited. On January 12, High Crest repeated the request that the date of January 14 for filing exceptions be deferred, noting that Northern, Montana Power, and the Staff had no objection to the request.

We have more than once in these proceedings stated our interest in expediting them to the fullest possible extent. We are, accordingly, prepared to establish procedures which will achieve that end, consistent with fairness to all the parties. We agree that, if Great Lakes files a supplement to its application, it will be essential to reopen the hearings; and we further agree that, because of the issues then considered would be relatively narrow, and because it is important that the proceedings be concluded as promptly as possible, the supplemental initial decision should be waived. Because briefs on exceptions have not yet been filed, we cannot yet determine whether oral argument will be necessary. As to the January 14 date for filing exceptions, our Secretary has by notice dated January 13 extended that date to such date as we, by further order, may establish. In this order we prescribe as the date for filing exceptions that date which the Examiner, following reopened hearings, may choose for the submission of briefs commenting upon the reopened hearings. In the event that further hearings are not held, briefs on exceptions will be required to be filed by January 28, 1972. In either event, briefs opposing exceptions will be required to be filed 20 days after briefs on exceptions are required to be filed. We leave the setting of further procedural dates to the Secretary and the Presiding Examiner, with the understanding that each will establish such dates as are consistent with our twin objectives of fairness and expedition.

The Commission orders:

(A) In the event that Great Lakes files no later than 10 days from the date of this order a further application in these proceedings, or a supplement or amendment to an application already filed, the Secretary of the Commission shall, as promptly as possible thereafter, provide for notice of such application and for a shortened intervention period.

(B) In such event, the Chief Examiner shall designate an examiner to preside at reopened hearings, such hearings to commence at such early date as the Presiding Examiner may choose. Such hearings shall also be limited in scope to the new matter presented by the Great Lakes filing and the impact on such new matter of the NEB decision. At the conclusion of such hearings, the Presiding Examiner shall prescribe the earliest feasible date for the filing of briefs on the matters considered at the reopened hearings. The date prescribed by the Examiner for the filing of such briefs shall be deemed to be the date for filing exceptions to the initial decision of November 30, 1971. Briefs opposing exceptions and replying to comments relating to the reopened hearings shall be required to be filed 20 days thereafter. A further intermediate decision shall be waived, and forthwith after the conclusion of such reopened hearings the Presiding Examiner shall certify the record to the Commission for consideration.

(C) In the event that Great Lakes does not file, within 10 days from the date of this order, a further application in these proceedings, or a supplement or amendment to an application already filed, briefs on exceptions to the initial decision of November 30, 1971, shall be filed no later than January 28, 1972. Briefs opposing exceptions shall be required to be filed 20 days thereafter.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-890 Filed 1-19-72;8:50 am]

[Docket No. CP70-69 etc.]

NORTHERN NATURAL GAS CO. ET AL.

Notice of Extension of Time

JANUARY 13, 1972.

Northern Natural Gas Co., Dockets Nos. CP70-69, CP70-70, and CP70-71; High Crest Oils, Inc. (Operator), et al., Docket No. CI70-355; Montana-Dakota Utilities Co., Docket No. CP70-173; Great Lakes Gas Transmission Co., Dockets Nos. CP71-299, CP71-300, and CP71-301.

Notice is hereby given that the time within which briefs on exceptions may be filed by all participants in the above-designated proceeding is extended to such date as may be established by further order.

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-892 Filed 1-19-72;8:50 am]

[Docket No. RP72-96]

NORTHERN NATURAL GAS CO.

Notice of Proposed Change in FPC Gas Tariff

JANUARY 13, 1972.

Take notice that on December 27, 1971, Northern Natural Gas Co. (Northern) filed changes in its effective gas tariff to be effective as of January 27, 1972. The proposed tariff revisions provide for a tracking rate increase to reflect the increase in current average system cost of purchased gas over the average system cost of purchased gas included by Northern in its cost of service and rates filed in Docket No. RP71-107.

Northern states that this proposed rate increase will result in increased charges to Northern's jurisdictional customers of $2,097,281 annually based on the sales volumes for the 12 months ended October 31, 1971.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 25, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-891 Filed 1-19-72;8:50 am]

[Docket No. CP 56-269 etc.]

TENNESSEE GAS PIPELINE CO. ET AL.

Notice of Extension of Time and Postponement of Hearing

JANUARY 13, 1972.

Tennessee Gas Pipeline Co., a divison of Tenneco Inc., Docket No. CP66-269; Amoco Production Co., Docket No. CI66-910, et al.; The Delta Development Co., Inc., Docket No. CI67-1805; Moise W. Dennery, Docket No. CI67-1806; Charles William Fasterling, Docket No. CI67-1807; Gertrude Jackman Fasterling, Docket No. CI67-1808; John Bernard Fasterling, III, Docket No. CI67-1809; The Louisiana Land and Exploration Co., Docket No. CI67-1810; Joseph McCloskey, Docket No. CI67-1811; Joan B. Fasterling Meyers, Docket No. CI67-1812; Edith Fasterling McGee and Kenneth C. McGee, Docket No. CI67-1813.

Notice is hereby given that the Commission sua sponte, has modified the procedural dates prescribed by the order issued December 23, 1971, as follows:

1. The time within which applicants, the royalty holders in Dockets Nos. CI67-1805 through CI67-1813 and parties in support of the applicants shall file upon all parties and the Commission staff updated or new evidence comprising their cases-in-chief, and indicate the extent they rely upon the record to date in these proceedings with transcript designations of testimony and exhibit numbers still relied upon, is extended to and including March 1, 1972.

2. The hearing is postponed, to convene at 10 a.m., (e.s.t.), on March 28, 1972, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-893 Filed 1-19-72;8:51 am]

[Docket No. RP71-6 etc.]

TENNESSEE GAS PIPELINE CO.

Notice of Extension of Time and Postponement of Hearing

JANUARY 13, 1972.

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Dockets Nos. RP71-6, RP71-57, and RP72-1.

Notice is hereby given that the Commission, sua sponte, has modified the procedural dates prescribed by the order issued December 23, 1971, as follows:

1. The time within which parties shall serve their prepared direct testimony and exhibits is extended to and including February 16, 1972. The time within which any rebuttal evidence by Tennessee shall be served is extended to and including March 8, 1972.

2. Cross-examination of the evidence shall commence on March 21, 1972.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-894 Filed 1-19-72;8:51 am]

[Docket No. CP72-176]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

JANUARY 18, 1972.

Take notice that on January 10, 1972, Arkansas Louisiana Gas Co. (applicant), Post Office Drawer 1126, Shreveport, LA 71163, filed in Docket No. CP72-176 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the delivery of natural gas to Natural Gas Pipeline Company of America (Natural) in Wheeler County, Tex., in exchange for equal volumes of natural gas to be delivered to applicant in Grady County, Okla., by Natural, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that as a result of severely cold weather conditions in the Midwest and the short supply of natural gas on its Lawton transmission system which serves Lawton, Okla., and its environs, it started on January 4, 1972, pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22), emergency receipts of natural gas from Natural on its Lawton System in Grady County, Okla., in exchange for equivalent volumes of natural gas delivered to Natural in Wheeler County, Tex. Applicant seeks authorization to continue this exchange in periods of high demand during the next two heating seasons.

Applicant states that the purpose of this exchange is to satisfy the high demands of its human needs customers on its Lawton transmission line during the next two heating seasons.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-929 Filed 1-19-72;8:51 am]

FEDERAL RESERVE SYSTEM

CITIZENS BANCORP.

Order Approving Formation of Bank Holding Company

Citizens Bancorp., Vineland, N.J., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares of Citizens State Bank, Vineland, N.J. (Citizens Bank), and 100 percent of the voting shares of Continental Bank of New Jersey, Maple Shade, N.J. (Continental Bank).

Notice of receipt of the application has been given in accordance with section 3 (b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant was recently formed for the purpose of acquiring the two proposed subsidiary banks. Upon acquisition of Citizens Bank (deposits of $18.3 million) and Continental Bank (deposits of $8.6 million), applicant would become the smallest holding company in the State, controlling less than 0.2 percent of commercial bank deposits in the State. (Banking data are as of June 30, 1971, unless otherwise noted, and reflect holding company formations and acquisitions approved through December 31, 1971.)

Citizens Bank, located in Vineland, is the seventh largest of 13 banks in the Vineland - Millville - Bridgeton banking market, controlling 5 percent of deposits in that market.

Continental Bank is located in Maple Shade which is 40 miles north of Vineland and is in the Camden banking market. Continental Bank, with less than 1 percent of market deposits, is the 12th largest of 15 banks there.

It appears that Citizens Bank and Continental Bank are owned by stockholders that control the Citizens National Bank of South Jersey, Bridgeton, N.J.[1] (deposits of $10 million), which is located in the same market as Citizens Bank. However, it does not appear that consummation of this proposal would significantly increase deposit concentration or have adverse competitive effects in the Vineland - Millville - Bridgeton banking market even if Citizens National Bank is considered as part of this proposal. On the facts presented, consummation of the proposal herein would not have an adverse effect on existing or potential competition in any relevant area nor would any competing bank be adversely effected.

Applicant's financial condition and future prospects are dependent on those of its proposed subsidiary banks. The financial and managerial resources and future prospects of the banks are generally satisfactory and consistent with approval. It appears that the present banking needs of the communities to be served are already being met. However, applicant proposes to provide a greater effective lending capability to the banks and form a data processing subsidiary, thereby providing an alternative source for specialized banking services. Therefore, considerations relating to the convenience and needs lend some weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors,[2] January 13, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-820 Filed 1-19-72;8:46 am]

FIRST AT ORLANDO CORP.

Acquisition of Banks

First at Orlando Corp., Orlando, Fla., has applied, in four separate applications as set forth below, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire not less than 90 percent of the voting shares of Bank of Coral Gables, Inc., Coral Gables, Fla.;

(2) To acquire not less than 90 percent of the voting shares of Midtown Bank of Miami, Miami, Fla.;

(3) To acquire not less than 90 percent of the voting shares of Riverside Bank, Miami, Fla.; and

(4) To acquire 100 percent of the voting shares (less directors' qualifying shares) of First National Bank of Palm Bay, Palm Bay, Fla., a proposed new bank.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 14, 1972.

Board of Governors of the Federal Reserve System, January 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-822 Filed 1-19-72;8:46 am]

[1] The Citizens National Bank of South Jersey is the resulting bank of a merger which will be consummated on Jan. 14, 1972.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer and Sheehan.

PALMER BANK CORP.

Acquisition of Bank

Palmer Bank Corp., Sarasota, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 79,300 (approximately 99 percent) of the voting shares of Village Plaza Palmer National Bank, Sarasota County, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 14, 1972.

Board of Governors of the Federal Reserve System, January 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-865 Filed 1-19-72;8:49 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. A-8, Supp. 1]

GOVERNMENT EMPLOYEES

Travel, Transportation, and Allowances for Relocation

To heads of Federal agencies.

1. *Purpose.* This supplement revokes Office of Management and Budget (OMB) Transmittal Memorandum No. 1, dated October 6, 1971, to OMB Circular A-7, Standardized Government Travel Regulations, dated August 17, 1971, and announces that the codified regulations will be published in FPMR 101-7, rather than in FPMR 101-6 as stated in paragraphs 3 and 5b of FPMR Temporary Regulation A-8.

2. *Effective date.* This supplement is effective upon publication in the FEDERAL REGISTER (1-20-72).

3. *Expiration date.* This supplement expires April 30, 1972. Prior to expiration, these provisions will be incorporated in FPMR 101-7.

4. *Background.* a. The revised Standardized Government Travel Regulations, OMB Circular A-7, dated August 17, 1971, effective October 10, 1971, provided for certain increases in reimbursements to employees for costs of official travel.

b. Because of the freeze on wages and prices announced by the President on August 15, 1971, OMB issued Transmittal Memorandum No. 1, dated October 6, 1971, to OMB Circular A-7. This memorandum suspended until further notification the provisions of the revised Standardized Government Travel Regulations which allowed for the increases in reimbursements.

c. Pursuant to Executive Order No. 11609 of July 22, 1971 (36 F.R. 13747), and effective October 21, 1971, the Administrator of General Services assumed responsibility for prescribing and promulgating the Standardized Government Travel Regulations. It then became the responsibility of the General Services Administration to revoke OMB Transmittal Memorandum No. 1 to OMB Circular A-7 when the increases prescribed by the affected provisions of the regulations are no longer contrary to the national economic policy.

d. Under regulations prescribed by the Cost of Living Council, 6 CFR 101.33, dated November 13, 1971 (36 F.R. 21790), Federal Government employees' pay adjustments which are based upon Federal law and regulations and are determined by Presidential directives were excluded from the regulations of the Cost of Living Council.

5. *Effect on other regulations.* This supplement reinstates the provisions of the Standardized Government Travel Regulations which were suspended by the OMB Transmittal Memorandum No. 1 to OMB Circular A-7. These provisions are:

a. The mileage rates prescribed in section 4 of the Standardized Government Travel Regulations which consist of:

(1) The 11 cent rate fixed in sections 4.2a and 4.2c (1) and (2);

(2) The 9 cent rate fixed in section 4.4b; and

(3) The 5 cent rate fixed in section 4.4c.

b. The new rules for computing reimbursement to employees for expenses incurred and for per diem entitlement prescribed in section 6 of the Standardized Government Travel Regulations that relate to:

(1) Computing per diem entitlement when the period of per diem entitlement is interrupted under rules prescribed in section 6.5a; and

(2) Beginning and ending of per diem entitlement when common carrier is used under the rules prescribed in section 6.6e.

Dated: January 18, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72-960 Filed 1-19-72;9:28 am]

JAN 20 72
XUM

SECURITIES AND EXCHANGE COMMISSION

[70-5004]

AMERICAN ELECTRIC POWER CO., INC., ET AL.

Notice of Post-Effective Amendment Regarding Modification of Method of Allocating Consolidated Tax Liability Among System Companies

JANUARY 13, 1972.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, NY 10004, a registered holding company, and its subsidiary companies have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to section 12 of the Public Utility Holding Company Act of 1935 (Act) and Rule 45(b)(6) promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By order in this proceeding dated May 20, 1971 (Holding Company Act Release No. 17135), the Commission authorized Indiana & Michigan Electric Co. (I&M), an AEP subsidiary company, to acquire for $70 million cash all of the common stock of Indiana & Michigan Power Co. (I&M Power), a new company incorporated under the laws of Michigan for the purpose of (i) acquiring, completing the construction of, owning, and operating the Donald C. Cook Nuclear Generating Plant (Nuclear Plant), which I&M is presently constructing at Bridgman, Mich., and (ii) selling, upon commencement of operation of the Nuclear Plant, all of the electric power and energy generated by that plant to I&M. I&M has certain contractual obligations to supply or cause to be supplied the equity capital of I&M Power and, under certain circumstances, all of the capital necessary to complete construction of and to own, maintain, and operate the Nuclear Plant.

During the construction period of the Nuclear Plant and thereafter, I&M Power will make large interest payments on its debt, and it expects to take accelerated depreciation for federal income tax purposes on property at the Nuclear Plant site as it is placed in service. I&M Power expects to have substantial tax losses during the period prior to commercial operation of Unit No. 1 of the Nuclear Plant and may have tax losses during the period prior to the completion of construction of Unit No. 2. In addition, I&M Power will, for federal income tax purposes, be entitled to large amounts of investment tax credit with respect to the Nuclear Plant property.

I&M Power will join in the consolidated federal income tax returns to be filed by the AEP system. It is stated that using present methods of determining tax liability would result in allocating substantial portions of I&M Power tax losses and investment credit with respect to Nuclear Plant property to AEP system companies other than I&M Power and I&M.

It is requested that the entire amounts of any tax losses of I&M Power should first be allocated to I&M and that any investment credit with respect to Nuclear Plant property not utilized by I&M Power on a separate return basis should first be allocated to I&M. In the event I&M could not (on a separate return basis) utilize all of I&M Power's tax loss in the year in which such tax loss was incurred or could not utilize all of I&M Power's investment credit in the year in which the related Nuclear Plant property was placed in service, it is proposed that for that year the unused tax loss be allocated among other AEP System companies in accordance with Rule 45(b)(6) and that the unused investment credit be allocated among other AEP System companies in accordance with the Commission's order of March 26, 1964 (Holding Company Act Release No. 15036). Under these circumstances, I&M would in future years be credited with the tax loss or unused investment credit which I&M could not utilize in the year in which the loss was incurred or the property placed in service.

It is represented that no fees or expenses are to be incurred in connection with the proposed transaction and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 31, 1972, at 12 noon, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-835 Filed 1-19-72;8:47 am]

[70-5128]

ARKANSAS POWER & LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

Notice of Proposed Issue and Sale of Common Stock by Subsidiary Company to Holding Company

JANUARY 13, 1972.

Notice is hereby given that Middle South Utilities, Inc. (Middle South), a registered holding company, and Arkansas Power & Light Co. (Arkansas), a public-utility subsidiary company of Middle South, have filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9(a), 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to issue and sell to Middle South (the holder of all of the issued and outstanding shares of Arkansas' common stock $12.50 par value per share), and Middle South proposes to acquire, 1,600,000 additional shares of Arkansas' common stock, for an aggregate purchase price of $20 million in cash. Upon completion of the foregoing transactions, Arkansas will have issued and outstanding 15,390,000 shares of common stock, which will be stated in its Capital Common Stock Account at an aggregate of $192,375,000. Arkansas proposes to use the net proceeds from the sale of the additional common stock for its current construction program, estimated at $126,300,000 for 1972, the repayment of short-term promissory notes then outstanding, and for other corporate purposes.

It is stated that the Arkansas Public Service Commission, and the Tennessee Public Service Commission have jurisdiction over the issue and sale of the common stock; and that no other state commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that no special or separate expenses are anticipated in connection with the issuance and sale of the common stock.

Notice is further given that any interested person may, not later than January 31, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-836 Filed 1-19-72;8:47 am]

[File No. 500-1]

COATINGS UNLIMITED, INC.

Order Suspending Trading

JANUARY 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Coatings Unlimited, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 16, 1972, through January 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-837 Filed 1-19-72;8:47 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 14, 1972 through January 23, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-839 Filed 1-19-72;8:47 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

JANUARY 13, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 14, 1972 through January 23, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-838 Filed 1-19-72;8:47 am]

[812-3089]

EXETER FUND, INC., ET AL.

Notice of Filing of Application for Order Exempting Proposed Transaction

JANUARY 17, 1972.

Notice is hereby given that Exeter Fund, Inc. (Exeter), 1630 Locust Street, Philadelphia, PA 19103, Exeter Second Fund, Inc. (Exeter Second) and Exeter Third Fund, Inc. (Exeter Third) (hereinafter collectively called "Applicants"), have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions section 17(a) of the Act a proposed merger of Exeter Second and Exeter Third into Exeter as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants are each Delaware corporations registered as diversified open-end management investment companies under the Act. Applicants were established as "tax-free exchange funds" and consequently, have not offered additional shares to the public since the initial exchange. Applicants all share the same investment objectives, investment manager, directors, and officers.

Applicants have entered into an Agreement of Merger (Agreement) which provides for the merger of Exeter Second and Exeter Third into Exeter, pursuant to the laws of Delaware. Exeter will continue as the surviving corporation (the Surviving Corporation) and shareholders of Exeter Second and Exeter Third will become shareholders of the Surviving Corporation. Pursuant to a ruling by the Internal Revenue Service, the merger will constitute a tax-free reorganization and no gain or loss will be reorganized by the Applicants or its shareholders as a result of the merger.

Approval of the Agreement and consummation of the merger requires the affirmative vote of the holders of a majority of the outstanding shares of each of the Applicants. If the Agreement is approved, it is anticipated that the Merger will become effective on February 1, 1972.

The number of shares of common stock of the Surviving Corporation to be issued to shareholders of Exeter Second and Exeter Third will be determined on the basis of relative net asset values per share on the day prior to the merger. The agreement provides that the net asset values of Exeter Second and Exeter Third will each be adjusted by amounts equal to 8 percent of the difference between the dollar amount of Exeter Second and Exeter Third's unrealized appreciation, taken individually, and Exeter Second and Exeter Third's proportionate share (based upon each company's total net assets) of all the Applicants' combined unrealized appreciation. Such adjustment will be made only if the net change in the assets of either Exeter Second or Exeter Third, as a result of the adjustment, is greater than 0.3 percent. If the valuation under the agreement had taken place on December 31, 1971, the adjustment to Exeter Second's net assets would have been $91,692 resulting in a net change in assets for exchange of 0.37 percent. Therefore, the net asset value per share for Exeter Second would have been increased by $0.18. For Exeter Third, the adjustment to net assets would have been $8,030 with a net change in assets for exchange of 0.20 percent. Because of the 0.3 percent limitation, no adjustment would have been made to the net asset value per share of Exeter Third.

The Agreement requires each of the Applicants to declare a distribution prior to the effective date of the merger

JAN 20 72 XUM

the effect of which will be to distribute all of its net investment income since the close of its last fiscal year. Each of the Applicants will also file Federal income tax returns for the period from the close of their respective fiscal years (each September 30) to the effective date of the merger and pay any Federal income tax due on net realized capital gains for such period which liability shall be considered in computing net asset values. In the opinion of counsel, shareholders of each of the Applicants will receive credit for capital gains tax paid by the fund in which they held shares on the day prior to the effective date of the merger.

Applicants state that since the Board of Directors of Applicants are identical, Applicants might be deemed to be under "common control" and each of the Applicants might be deemed an "affiliated person" of each of the other Applicants under the definition of "affiliated person" set forth in section 2(a)(3) of the Act.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer, unless the Commission upon application grants an exemption from such prohibitions pursuant to section 17(b) of the Act after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants represent that the terms of the proposed transaction, including the unrealized capital gains adjustment formula, have been considered by the Board of Directors of each Applicant and that each Board has determined that such terms are fair and reasonable and do not involve overreaching with respect to any party and that the proposed transaction is consistent with the policy of each of the funds and with the general purposes of the Act.

Notice is further given that any interested person may, not later than January 28, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

RONALD F. HUNT,
Secretary.

[FR Doc.72-848 Filed 1-19-72;8:48 a.m.]

[812-3078]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS, INC.

Notice of Filing of Application for Order

JANUARY 14, 1972.

Massachusetts Mutual Life Insurance Co. (the Insurance Company), 1295 State Street, Springfield, MA 01101, and MassMutual Corporate Investors, Inc. (Fund), 1295 State Street, Springfield, MA 01101, a closed-end investment company registered as such under the Investment Company Act of 1940 (Act), (hereinafter collectively referred to as "Applicants"), have filed an application for an order pursuant to section 17(d) of the Act and Rule 17d-1 thereunder and pursuant to section 17(b) of the Act to permit an arrangement whereby the Insurance Company and the Fund would each invest in an issue of 7 percent 20-year subordinated notes (the ABC Notes) of American Broadcasting Cos., Inc. (ABC) and related warrants for the purchase of shares of common stock of ABC (the ABC Warrants). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Pursuant to an order of the Commission issued on August 19, 1971, the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement and to exercise warrants, conversion privileges and other rights at the same time. This order is subject to several conditions. One condition generally requires purchases at direct placement of securities which would be consistent with the investment policies of the Fund to be shared equally by the Insurance Company and the Fund. Another condition limits the order to situations in which neither the Insurance Company nor the Fund have any prior interest in the issuer, in any affiliated person of the issuer, or in securities issued by such issuer or affiliated person, other than interests in all respects identical.

The Insurance Company and other institutional investors have been offered the ABC Notes and the ABC Warrants at private placement. The amount of ABC Warrants to be issued per $1 million principal amount of ABC Notes is 8,333.

As sponsor and investment adviser for the Fund, the Insurance Company believes that the ABC Notes and Warrants would be an attractive investment for the Fund and within its investment objective and policies. The Insurance Company intends, therefore, as required by the order of August 19, 1971, to request ABC to offer the ABC Notes and Warrants also to the Fund and the Insurance Company understands that ABC is willing to include the Fund as one of the purchasers of the ABC Notes. The acquisitions of the ABC Notes and Warrants by the Insurance Company and the Fund would not come within the terms of the aforementioned Order because certain separate accounts of the Insurance Company hold shares of common stock of ABC, having acquired such shares in the open market for investment, while the Fund owns no shares of common stock of ABC. Treating the holdings of ABC stock by the various separate accounts maintained by the Insurance Company as interests of the Insurance Company in ABC, the interests of the Insurance Company and the Fund are not in all respects identical.

If the Fund is permitted to purchase the ABC Notes, the Insurance Company and the Fund would each acquire $6 million principal amount. Pending the receipt of a Commission order, the Insurance Company is prepared to commit to purchase for its general account $12 million principal amount of the ABC Notes subject to the obligation to make $6 million principal amount available to the Fund if a favorable Commission order is received as a result of the application herein. If such an order is not received, the $12 million principal amount of ABC Notes will be retained for investment by the Insurance Company.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * *, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered * * * prior to such adoption or modification." It is also provided that in passing upon such application, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The Insurance Company and the Fund represent that they will be participating in the proposed joint enterprise on an equal basis with no advantages to either party. Both will acquire the same amounts of ABC Notes at the same price with an equal amount of Warrants attached.

It is also represented (1) that the effect of the issue of the ABC Notes and Warrants on the outstanding shares of ABC, of which the Insurance Company's separate accounts hold less than 1.14 percent, is not likely to be of material significance and (2) that the interest of the Insurance Company's separate accounts in the common stock of ABC has had no effect on the decision of the Insurance Company that the ABC Notes are an attractive investment for both the Insurance Company's general account and for the Fund.

Due to the fact that the closing date for the purchase and sale of ABC Notes and Warrants, and the issuance date thereof, will be on or before January 31, 1972, and due to the possibility that an order granting exemption from section 17(d) and Rule 17d-1 might not be issued prior to that date, the Insurance Company, in such event, proposes to acquire $12 million principal amount of the ABC Notes subject to an obligation to transfer $6 million principal amount to the Fund at cost plus accrued interest if within 3 months after the acquisition by the Insurance Company of the ABC Notes, any order of the Commission permitting such transaction is granted.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company from selling to such registered company any securities unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) upon finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Applicants represent, however, that they are entitled to an exemption pursuant to section 17(b) from section 17(a) in that the terms of the proposed transfer, including the consideration to be paid by the Fund, which would be equal to the price to be paid by the Insurance Company for the ABC Notes, plus accrued interest, would be reasonable and fair and would not involve overreaching on the part of either the Insurance Company or the Fund; that the proposed transaction is consistent with the policy of the Fund as recited in its registration statement; and that the proposed transaction is consistent with the general purposes of the Act.

Applicants also represent that any subsequent transaction concerning the ABC Notes or the ABC Warrants would be subject to the terms of the Order of August 19, 1971.

Applicants request an order (a) permitting the Insurance Company and the Fund to each acquire $6 million principal amount of the ABC Notes and accompanying ABC Warrants, and (b) in the event that such an order does not issue prior to the closing of the purchase by the Insurance Company of the ABC Notes and Warrants, Applicants request an order of the Commission exempting from the provisions of section 17(a) of the Act any transfer from the Insurance Company to the Fund, at any time within 3 months of such purchase, of one-half of the principal amount of the ABC Notes so acquired by the Insurance Company, including the related ABC Warrants, provided that such transfer is made at a price equal to one-half of the price paid by the Insurance Company for the purchase of such notes and warrants together with any interest accrued on the notes transferred from the date purchased to the date of transfer.

Notice is further given that any interested person may, not later than February 4, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time later than said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-840 Filed 1-19-72;8:47 am]

[812-2721]

SEILON, INC.

Notice of Filing Application for Order Declaring That Company Is Not an Investment Company

JANUARY 13, 1972.

Notice is hereby given that Seilon, Inc. (Applicant), 406 Madison Avenue, Toledo, OH 43604, a Delaware corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act) for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, summarized below.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Seilon owns 36.5 percent of the outstanding common stock of First Bancorporation and certain installment notes having a value of $1,229,226. The stock of First Bancorporation valued at either book or market, together with the installment notes, represent more than 40 percent of Seilon's assets (exclusive of Government securities and cash items) on an unconsolidated basis. Accordingly, it appears that Seilon is an investment company as defined in section 3(a)(3) of the Act.

A summary of Seilon's assets as of June 30, 1971, is set forth below in Table I on the basis of the book values assigned by Seilon, and in Table II, as adjusted to reflect Seilon's investment in First Bancorporation at its market value.

TABLE I

	Seilon's assets	
	Amount	Percent
Securities of wholly owned and majority-owned subsidiaries	$2,338,119	19
Securities of companies less than majority-owned (First Bancorporation)	7,766,450	63
Installment notes receivable	1,229,226	10
Assets other than securities, cash, and cash items	844,906	8
Total assets less Government securities, cash, and cash items	12,218,701	100
Government securities, cash and cash items	108,096	

V 37 N 20 1 3 JAN 20 72 XUM

TABLE II

	Seilons assets	
	Amount	Percent
Securities of wholly owned and majority-owned subsidiaries	2,338,119	35
Securities of companies less than majority-owned (First Bancorporation)	2,283,400	34
Installment notes receivable	1,229,226	18
Assets other than securities, cash, and cash items	844,906	13
Total assets less Government securities, cash, and cash items	6,735,651	100
Government securities, cash and cash items	108,096	

Section 3(b)(2) of the Act, among other things, excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of business. Seilon contends that it is entitled to an order of exemption under section 3(b)(2) of the Act.

Seilon states that its primary business consists of the manufacturing of agricultural equipment through a wholly owned subsidiary, Thomson International Co. (Thomson), and banking through a controlled corporation, First Bancorporation.

Seilon's investment in First Bancorporation taken at market value as of June 30, 1971, constituted 34 percent of its total assets less Government securities, cash and cash items, on an unconsolidated basis. This investment, together with the assets devoted to its own operations and those of its wholly owned subsidiary (Thomson) valued at cost, constituted 82 percent of its total assets less Government securities, cash and cash items on an unconsolidated basis. The application further indicates that Seilon's revenues on a consolidated basis are derived primarily from the agricultural equipment business and its equity in First Bancorporation.

Seilon contends that it controls First Bancorporation through common officers and directors and participation in First Bancorporation's operations as well as through its ownership of 36.5 percent of First Bancorporation's outstanding common stock.

First Bancorporation, a Nevada corporation, was incorporated in 1964 and commenced operations in 1965. Its principal business is the ownership of 99.6 percent of the common stock of Nevada National Bank, a commercial bank which is the fourth largest bank on the basis of deposits in the State of Nevada.

Seilon presently owns 36.5 percent of the outstanding stock of First Bancorporation and plans to increase this percentage by an additional 14 percent through a proposed exchange offer. Seilon states it is not aware of anyone else who owns 10 percent or more of the outstanding stock of First Bancorporation. The application further states that five of First Bancorporation's eight directors are also directors of Seilon and two of the four officers of First Bancorporation serve in parallel capacities with Seilon. The president of Seilon, Leroy W. Siegler, is also president of Nevada National Bank and Floyd R. Lamb, a director of Seilon, is chairman of the board and chief executive officer of the bank.

Notice is given that any interested person may, not later than February 2, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed; Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-841 Filed 1-19-72;8:47 am]

[811-1703]

VALUE LINE INVESTMENT PROGRAMS FOR ACCUMULATION OF SHARES OF VALUE LINE SPECIAL SITUATIONS FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 14, 1972.

Notice is hereby given that Value Line Investment Programs for the Accumulation of Shares of The Value Line Special Situations Fund, Inc. (Applicant), 5 East 44th Street, New York, NY 10017, registered as a unit investment trust under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant registered under the Act on August 5, 1968, by filing a notification of registration on Form N–8A. Applicant represents that it has no assets, that it has not issued or made any public offering or sale of its securities, and that a proposed public offering has been abandoned. Applicant's registration statement under the Securities Act of 1933 was withdrawn on January 5, 1972.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 4, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-842 Filed 1-19-72;8:47 am]

[812-2635]

PENN VIRGINIA CORP.

Notice of Application for Order Declaring that Company is not an Investment Company

JANUARY 12, 1972.

Notice is hereby given that Penn Virginia Corp. (Applicant), 2500 Fidelity Building, Philadelphia, PA 19107, a Virginia corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 (the "Act") for an order of the Commission declaring that Applicant is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly or through majority-owned subsidiaries or controlled companies conducting similar types of businesses. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant contends that it is, and at all times has been, primarily engaged, directly and through wholly owned subsidiaries, majority-owned subsidiaries, or controlled companies in a widespread coal business and related businesses, and that it is not, and has never been primarily engaged in the business of investing, reinvesting, owning, holding, or trading in securities.

Applicant was created by an act of the General Assembly of the Commonwealth of Virginia approved January 6, 1882, for the purpose of dealing in and with coal, oil, gas, timber, and minerals in lands, leases, and other property related to any of them. At the present time, Applicant owns and leases to others coal and timber lands and oil and gas rights. Applicant asserts that, in addition, it controls three companies, Westmoreland Coal Co. (Westmoreland), Bralorne Can-Fer Resources, Inc. (Bralorne), and Westmoreland Resources (Resources) within the meaning of section 3(b)(2) of the Act.

Westmoreland, in which Applicant has a 31 percent equity interest, is engaged in the business of mining coal and is the principal coal lessee of Applicant. Bralorne, in which Applicant has a 12 percent equity interest, is a company engaged in the exploration for, the acquisition of, and the mining of basic natural resources. Resources, in which Applicant and Westmoreland each have a 30 percent equity interest, is a partnership engaged in the business of exploration for coal and the acquisition of prospecting permits. Several small subsidiaries of Applicant are engaged in businesses incidental to coal mining, such as providing adequate water supply to miners, processing of raw fly ash, and production of ceramic materials.

Applicant has had an equity position in Westmoreland since 1961 when it owned 11.6 percent of its outstanding voting securities. Applicant's ownership of Westmoreland's voting securities has been as high as 52.5 percent (in 1962) and on June 30, 1971, was 31 percent. Applicant is the largest single shareholder as no other person holds more than 5 percent of Westmoreland's voting securities. Applicant's personnel are active on a day-to-day basis in the management of Westmoreland. Two of Westmoreland's 11 directors are also directors of the Applicant and nine of its 12 officers are officers of Applicant.

Applicant represents that since 1966 it has had an interest in one of the two companies which merged in 1969 to form Bralorne. Applicant as the largest shareholder of Bralorne holds 12 percent of the total outstanding voting securities. The second largest shareholder, Mr. Kemmerer, a director of Applicant, holds, together with his associates, 10 percent. Applicant represents that Bralorne makes no important business decisions without first consulting Applicant.

Applicant represents that, on the basis of its large equity interest in Resources, both directly (30 percent) and through Westmoreland (30 percent), it has the power to exercise control over Resources. In addition, Westmoreland is the managing partner and Resources' principal managing personnel, except for the resident manager, are officers of Applicant.

Applicant states that its officers and employees devote substantially all their time to the coal business of Applicant and its controlled companies.

A summary of Applicant's assets as of June 30, 1971, at market value or, where market value is not available, at value assigned by the board of directors is set forth in Table I below. As illustrated in Table I, the assets employed in Applicant's direct business and its interests in its subsidiaries and the companies as to which it claims control represent 76.84 percent of its total assets.

Applicant has also submitted information as to its sources of income for the years ended December 31, 1966, through June 30, 1971. According to this information, Applicant's income from its engagement, directly or through subsidiaries and controlled companies, in business other than that of investing, reinvesting, owning, holding, or trading in securities has accounted for at least 64 percent of Applicant's total income for all such years; and 76.57 percent for the year ended December 31, 1970.

TABLE I

	Percent of voting securities owned	Value of applicant's holdings	Percent of applicant's total assets
Direct business:			
Cash and cash items		$110,756	
Government securities		0	
Other Assets (current and fixed assets, coal, timber and mineral reserves)		26,097,307	
Total		26,208,093	31.19
Securities of majority-owned subsidiaries:			
Clear Creek Water Co	100.0		
Cumberland Water Co	100.0		
Wheelwright Corp	100.0	779,784	
Ceramtec Industries, Inc	80.0	308,028	
Total		1,087,812	1.29
Securities of issuers less than majority-owned:			
Companies of which Applicant claims control:			
Westmoreland Coal Co	31.0	35,772,000	42.56
Bralorne Can-Fer Resources, Inc	12.0	1,125,000	1.34
Westmoreland Resources	30.0	390,000	.46
Total		37,287,000	44.36
Companies of which Applicant does not claim control:			
Southern Railway	2.9	14,500,000	
Dominion Bankshares Corp	2.2	1,390,354	
Total		15,890,354	18.91
Other Investment Securities		3,572,831	4.25
Total assets		84,046,090	100.00

Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged, or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Table I indicates that investment securities represented by Applicant's holdings of less than majority-owned companies aggregate $56,750,185 or 65.28 percent of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Accordingly it appears that Applicant is an investment company as defined in section 3(a)(3) of the Act.

In its application Applicant has asserted its belief that it is not subject to the Act because of the applicability of sections 3(b)(1) and 3(c)(9) of the Act which essentially provide that any issuer primarily engaged, directly or through a wholly owned subsidiary or subsidiaries, in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities and that any person substantially all of whose business consists of owning or holding oil, gas, or other mineral royalties or leases, or fractional interests therein or certificates of interest or participation in or investment contracts relative to such royalties, leases or fractional interests, respectively, is not an investment company within the meaning of the Act. Notwithstanding its contention that it is not subject to the Act because of the applicability of sections 3(b)(1) and 3(c)(9), Applicant here requests an order of the Commission pursuant to section 3(b)(2) declaring that it is not an investment company.

Applicant represents that it is primarily engaged in the businesses of coal mining, exploration for various minerals and owning or holding mineral royalties and leases, directly and through its subsidiaries and its controlled companies, Westmoreland, Bralorne, and Resources.

V 37 I 13 JAN 20 72 XUM

Section 3(b)(2) of the Act, provides in pertinent part, that notwithstanding section 3(a)(3), any issuer which the Commission, upon application by the issuer, finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries or controlled companies conducting similar types of businesses is not an investment company.

Notice is further given that any interested person may, not later than February 2, 1972, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-735 Filed 1-19-72;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 17, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119547 Sub 25, Edgar W. Long, Inc., assigned February 22, 1972, MC 119547 Sub 27, Edgar W. Long, Inc., assigned February 23, 1972, MC 124174 Sub 88, assigned March 2, 1972, will be held in Room 2, State Office Building, Columbus, Ohio.

MC-F 11321, Central Transport, Inc., et al. V. Red Line Express, Inc., et al., assigned February 24, 1972, MC 117565 Sub 45, Motor Service Co., Inc., assigned February 28, 1972, MC 119632 Sub 45, Reed Lines, Inc., assigned February 29, 1972, will be held in Room 255, 85 Marconi Boulevard, Columbus, Ohio.

MC 107107 Sub 411, Alterman Transport Lines, Inc., and MC 107515 Sub 758, Refrigerated Transport Co., Inc., assigned for hearing March 13, 1972, in Room 3A19, 1100 Commerce Street, Dallas, TX.

MC 107515 Sub 759, Refrigerated Transport Co., Inc., and MC 113651 Sub 141, Indiana Refrigerator Lines, Inc., assigned for hearing March 6, 1972, in Room 3A19, 1100 Commerce Street, Dallas, TX.

MC 661592 Sub 199, Jenkins Truck Line, now assigned January 17, 1972, at Washington, D.C., is canceled and application is dismissed.

MC 55429, Air-Freight Trucking Service, Inc., now being assigned February 10, 1972, at New York, N.Y., in a hearing room to be later designated.

MC 119669 Sub 19, MC 119669 Sub 21, Tempco Transportation, and MC 123639 Sub 132, J. B. Montgomery, heard January 13, 1972, and continued to March 21, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-880 Filed 1-19-72;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 17, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42337—*Sodium bichromate to St. Louis, Mo.* Filed by M. B. Hart, Jr., agent (No. A6293), for interested rail carriers. Rates on sodium bichromate, dry, in bulk, in carloads, and tank carloads, as described in the application, from Castle Hayne, N.C., to St. Louis, Mo.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 164 to Southern Freight Association, agent, tariff ICC S-800. Rates are published to become effective on February 17, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-879 Filed 1-19-72;8:50 am]

[Notice 2]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

Correction

In F.R. Doc. 72-457 appearing at page 565 in the issue of Thursday, January 13, 1972, the reference to "No. MC 112989 (Sub-No. 21)" in the first line of the first complete paragraph in the first column of page 571 should read "No. MC 112801 (Sub-No. 132)".

[Notice 4]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 14, 1972.

The following applications are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 409 (Sub-No. 42), filed December 17, 1971. Applicant: SCHROETLIN TANK LINE, INC., Post Office Box 511, Sutton, NE 68979. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements, and urea in bulk*, in tank or hopper vehicles, from Fremont, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Missouri, Minnesota, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: Applicant states some theoretical tacking possibilities exist but none are proposed. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 923 (Sub-No. 12) (Clarification), filed August 23, 1971, published in the FEDERAL REGISTER issue of October 7, 1971, clarified and republished as clarified, this issue. Applicant: OWENSBORO EXPRESS, INC., 2021 Mill Avenue, Post Office Box 1365, Owensboro, KY 42301. Applicant's representatives: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601, and A. O. Buck, 500 Court Square Building, 300 James Robertson Parkway, Nashville, TN 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission and those requiring special equipment), (1) between Owensboro, Ky., and Evansville, Ind.: From Owensboro, Ky., over U.S. Highway 60 to junction with U.S. Highway 41, thence over U.S. Highway 41 to Evansville, Ind., and return over the same route, serving all intermediate points; (2) between junction of U.S. Highway 41 and U.S. Highway 60 and Morganfield, Ky.: From junction of U.S. Highway 41 and U.S. Highway 60 over U.S. Highway 60 to Morganfield, Ky., and return over the same route, serving all intermediate points; (3) between junction U.S. Highway 41 and U.S. Highway 60 and Sebree, Ky.: From junction of U.S. Highway 41 and U.S. Highway 60 over U.S. Highway 41 to Sebree, Ky., and return over the same route, serving all intermediate points; and (4) between Owensboro, Ky., and Beech Grove, Ky.: From Owensboro, Ky., over Kentucky Highway 54 to junction of Kentucky Highway 56, thence over Kentucky Highway 56 to Beech Grove, Ky., and return over the same route, serving all intermediate points. NOTE: The purpose of this republication is to clarify portions of the route descriptions. If a hearing is deemed necessary, applicant requests it be held at Louisville or Owensboro, Ky.

No. MC 2860 (Sub-No. 107), filed December 17, 1971. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Jacob P. Billig, 1108 16th Street, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, plastic containers, and paper containers*, from points in Camden, Altantic, Gloucester, Salem, and Cumberland Counties, N.J., to points in Illinois and Ohio. NOTE: Applicant states tacking is feasible at the New Jersey points from New England and Middle Atlantic territories. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13250 (Sub-No. 112), filed December 21, 1971. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, TX 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lift and hoist trucks*, (2) *tractors* (other than truck tractors), and (3) *parts, attachments, and accessories* for the commodities specified in (1) and (2) above, from Sparks, Nev., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it has no present intention to tack the authority sought with existing authority. However, to the extent that the involved commodities might qualify as commodities requiring the use of special equipment or self-propelled articles weighing 15,000 pounds more, tacking would be possible to serve between some or all of the States of Washington, Oregon, California, and Idaho, on the one hand, and, on the other, points in the destination area here involved. Also, tacking would be possible with applicant's subs 80, 94, and 95 to serve on some or all of the commodities here involved from Aurora, Joliet, Mossville, Decatur, Morton, Peoria, Washington, Danville, and Kewannee, Ill., to points in Washington and Oregon. In all instances tacking would take place at Sparks, Nev. Applicant further states that, to the extent that any of the involved commodities may qualify as self-propelled articles weighing 15,000 pounds or more, applicant now holds authority to transport such commodities between points in Nevada, on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Montana, New Mexico, Oklahoma, Tennessee, Texas, Utah, and Wyoming. In addition applicant presently holds authority to transport "size and weight" commodities between points in Nevada, on the one hand, and, on the other, points in all of the same States described above, plus Washington and Oregon. If a hearing is deemed necessary, applicant requests it be held at Reno, Nev., or San Francisco, Calif.

No. MC 19227 (Sub-No. 162), filed December 19, 1971. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, from points in Hancock County, Ky., to points in Alabama, Georgia, Louisiana, Mississippi, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21866 (Sub-No. 74), filed December 17, 1971. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling rooms, freezers, insulated panels, and refrigerated buildings, and parts and accessories* used or useful in the installation and operation of those commodities, from the facilities of Bally Case & Cooler, Inc., at or near Bally, Pa., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that no duplicating authority is sought. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 61788 (Sub-No. 30), filed December 19, 1971. Applicant: GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY, a corporation, Post Office Box 1327, Dothan, AL 36302. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Troy and Dothan, Ala., over U.S. Highway 231, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route authority, serving no intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

VOL 37 NO 13 JAN 20 72 XUM

No. MC 71331 (Sub-No. 15), filed December 9, 1971. Applicant: FOY CHALKER AND A. C. CREEL, a partnership, doing business as DOVE TRUCK LINE, Montgomery Highway, Dothan, Ala. 36301. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, from Lake Wales, Fla., to points in Tallapoosa County (except Alexander City), Ala., and points in Escambia, Monroe, Wilcox, Dallas, Autauga, Chilton, Coosa, Chambers, Covington, Geneva, Houston, Conecuh, Butler, Crenshaw, Coffee, Dale, Henry, Barbour, Pike, Lowndes, Montgomery, Bullock, Russell, Macon, Lee, and Elmore Counties, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 72423 (Sub-No. 3), filed December 20, 1971. Applicant: R. D. HOUNSHELL, doing business as STERLING TRANSFER CO., 111 East Chestnut Street, Sterling, CO 80751. Applicant's representative: John P. Thompson, 450 Capitol Life Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, and Julesburg, Colo., over U.S. Highways 6 and 138 and Interstate Highway 80S, and return over the same route, serving Fort Morgan and Julesburg, Colo., and all intermediate points between Fort Morgan and Julesburg, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 73165 (Sub-No. 309), filed December 20, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, valves, hydrants, cast iron meter boxes, manhole frames, and manhole covers* (except those which because of size or weight require the use of special equipment, and except pipe and pipe fittings such as are included in the first findings of the Commission in T. E. Mercer and G. E. Mercer Extension—Oilfield Commodities, 74 M.C.C. 459 and 543), between Tyler, Tex., and Southgate, Calif., on the one hand, and, on the other, points in and west of New Mexico, Colorado, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority will be tacked with its existing authority where possible, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 72243 (Sub-No. 28), filed November 16, 1971. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, Post Office Box 350, 2507 Youngstown Road SE., Warren, OH 44482. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Alabama (except Anniston, Birmingham, Decatur, Gadsden, and Tuscaloosa, and points within 10 miles thereof), Arkansas, Louisiana, Kentucky, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Application is accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 86247 (Sub-No. 3), filed December 20, 1971. Applicant: INTERNATIONAL CARTAGE LIMITED, a corporation, 1333 College Avenue, Windsor, ON Canada. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between the port of entry on the international boundary line between the United States and Canada located at or near Port Huron, Mich., and the city of Port Huron, Mich., over city streets, serving no intermediate points, and restricted to traffic moving from or to points in Canada, and interlined with other carriers at Port Huron, Mich., and (2) between the port of entry on the international boundary line between the United States and Canada at or near Port Huron and Detroit, Mich., as an alternate route on Canadian traffic between the Sarnia-Port Huron gateway and Detroit, Mich., over Interstate Highway 94, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 87720 (Sub-No. 123), filed December 20, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, laboratory and hospital equipment and materials, supplies and equipment* used in the manufacture, distribution or sale thereof, between Bridgewater Township, Somerset County, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida, under contract with Fisher Scientific Co., restricted against commodities in bulk. NOTE: Applicant holds a pending common carrier application under MC 135684. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 102), filed December 21, 1971. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, and household goods as defined by the Commission), between the plantsite, warehouse, and storage facilities of Arvin Industries, Inc., located at or near Monticello, Ark., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, North Carolina, Maryland, Pennsylvania, New York, Alabama, Georgia, Virginia, Delaware, New Jersey, Massachusetts, and the Lower Peninsula of Michigan, restricted to shipments originating at or destined to the plantsite, warehouse, or storage facilities of Arvin Industries, Inc., at or near Monticello, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94201 (Sub-No. 103), filed December 21, 1971. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, AL 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, and household goods as defined by the Commission), between the plantsites, warehouses, and storage facilities of Arvin Industries, Inc., located at or near Monroeville, Ala., and at or near Fayette, Ala., on the one hand, and, on the other, the Lower Peninsula of Michigan (which is that part of Michigan bounded on the west by Lake Michigan; on the north by the Joinder of Lake Michigan and Lake Huron; on the east by Lake Huron, the Canadian border, Lake St. Clair, and Lake Erie; and on the south by the State lines of Ohio and Indiana), restricted to shipments originating at or destined to the plantsites, warehouses, or storage facilities of Arvin Industries, Inc., located at or near Monroeville, Ala., and at or near Fayette, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103494 (Sub-No. 23), filed December 20, 1971. Applicant: EASLEY HAULING SERVICE, INC., Post Office Box 1261 (Gun Club Road), Yakima, WA 98907. Applicant's representative: Norman Richardson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper shipping containers*, between Longview and Yakima, Wash., and Canyon County, Idaho, under contract with Longview Fibre Co. NOTE: Applicant has common carrier authority pending under MC 118038, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Yakima, Wash., Seattle, Wash., or Portland, Oreg.

No. MC 105782 (Sub-No. 7), filed December 20, 1971. Applicant: W. W. HUGHES, doing business as HUGHES REFRIGERATED EXPRESS, 2208 Byberry Road, Cornwells Heights, PA 19020. Applicant's representative: W. W. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, in vehicles equipped with mechanical refrigeration (not including tank vehicles); (1) from the plantsites of Stouffer Foods, Division of Litton Industries, and, cold storage, freezing, packing, and distribution facilities, located within the Cleveland, Ohio, Syracuse, N.Y., and Jersey City, N.J., commercial zones, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; and (2) from the plantsite of Stouffer Foods, Division of Litton Industries, and, cold storage, freezing, packing, and distribution facilities, located within Upper Merion Township and Philadelphia, Pa., commercial zones, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; Alabama, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, and Tennessee; Indiana, Illinois, Iowa, Kentucky, and Michigan; Minnesota, North Dakota, South Dakota, Nebraska, and Kansas. NOTE: Applicant states that tacking will be made at Philadelphia, Pa., commercial zone with existing authorities in its Sub-No. 3. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 106398 (Sub-No. 577), filed December 10, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irving Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ventilators, ventilator parts, air louvers, and prefabricated building metal work*, from Clermont Sheet Metal, Division of H. H. Robertson Co., Batavia, Ohio, to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority could be tacked with MC 106398 Sub 521. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 133), filed December 9, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, GA 30301. Applicant's representatives: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501, and Hubert M. Johnson, Post Office Box 916, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heat exchangers and equalizers for air, gas, or liquid, machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving or air, gas, or liquid, and *parts, attachments, and accessories* for use in the installations of the above named commodities, from Carteret, N.J., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 107295 (Sub-No. 521) (Amendment), filed May 26, 1971, published in the FEDERAL REGISTER issue of June 17, 1971, and republished as amended, this issue. Applicant: PREFAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe, conduit, parts, attachments and fittings*, from the plantsite and warehouse facilities of McGraw-Edison, Fibre Products Division, at or near Birmingham, Ala., to all points in the contiguous United States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 111401 (Sub-No. 356), filed December 21, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Box 632, Enid, OK 73701. Applicant's representatives: Alvin L. Hamilton (same address as applicant) and Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from the plantsite of Midwest Terminal Warehouse in Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 111611 (Sub-No. 23), filed December 19, 1971. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, PA 17044. Applicant's representative: Robert W. Gerson, 1500, Candler Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass reinforced plastic storage tanks, unassembled components of such tanks, and accessories* used in the installation of such tanks and components; and *fibrous glass reinforced plastic pipe*, between points in the United States restricted to traffic originating at plants, warehouses, storage sites or other facilities of Owens-Corning Fiberglas Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 111729 (Sub-No. 331), filed December 9, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cardiac pacemakers and related accessories;* (a) between Elmhurst, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, and Wisconsin, and St. Anthony, Fridley, and Minneapolis, Minn.; and (b) between Davenport, Iowa, on the one hand, and, on the other, points in Illinois on and west of Illinois Highway 47, and on and north of U.S. Highway 36; (2) *business papers, records, and audit and accounting media of all kinds;* (a) between Elmhurst, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, and Wisconsin, and St. Anthony, Fridley, and Minneapolis, Minn.; (b) between Davenport, Iowa, on the one hand, and, on the other, points in Illinois on and west of Illinois Highway 47, and on and north of U.S. Highway 36; and (c) between Holyoke, Mass., and New York, N.Y.; and (3) *proofs, cuts, copy, manuscripts, first copies of publications, advertising material, and matters pertaining thereto*, between Holyoke, Mass., and New York, N.Y. NOTE: Applicant also holds contract carrier authority under MC 112750 and subs, therefore dual operations and common control may be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or New York, N.Y.

VOL 37 NO 13 JAN 20 72 XUM

No. MC 111729 (Sub-No. 33), filed December 22, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* of all kinds, and *advertising material* moving therewith; (a) between Valley Forge, Pa., on the one hand, and, on the other, Baltimore, Md.; Englewood Cliffs, N.J.; and points in Dover, Seaford, and New Castle Counties, Del.; and (b) between New York, N.Y., and Frederick, Md.; (2) *small emergency automobile parts and supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Valley Forge, Pa., on the one hand, and, on the other, Baltimore, Md.; Englewood Cliffs, N.J.; and points in Dover, Seaford, and New Castle Counties, Del.; (3) *sample textile swatches*, restricted against the transportation of packages or articles weighing in the aggregate more than 75 pounds from one consignor to one consignee on any one day, between New York, N.Y., and Frederick, Md.; (4) *computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, from Cleveland, Ohio, to Aliquippa, Altoona, Ambridge, Beaver Falls, Bedford, Blairsville, Bradford, Brockway, Butler, Canonsburg, Clearfield, Du Boise, Edenburg, Eldred City, Erie, Greensburg, Huntington, Indiana, Johnstown, Kittanning, Leechburg, Louistown, Meadville, Monongahela, New Kensington, Pittsburgh, State College, Union City, Uniontown, Vandergrift, Warren, and Washington, Pa.;

(5) *surgical arterial grafts, cardiovascular instruments, and necessary supporting hardware*; (a) between points in Saratoga County, N.Y., on the one hand, and, on the other, points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Vermont, Maine, Pennsylvania, Maryland, Virginia, and the District of Columbia; and (b) between points in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, on traffic having an immediately prior or subsequent movement by air. NOTE: Applicant now holds contract carrier authority under its No. MC 112750 and subs, therefore dual operations may be involved. Common control may also be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities, however, applicant does not at present have any intentions to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111812 (Sub-No. 462), filed December 19, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or preserved foodstuffs*, from Duluth, Minn., to points in Arizona, California, Utah, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Duluth or Minneapolis, Minn.

No. MC 112304 (Sub-No. 52), filed December 17, 1971. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 42315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* from Hicksville, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, South Carolina, Tennessee, and Wisconsin; and (2) *equipment, materials, and supplies used in the manufacture and processing of iron and steel articles* (except commodities in bulk), from points in the abovenamed destination States shown in (1) above to Hicksville, Ohio. NOTE: Applicant states that tacking possibilities exist between the requested authority and its existing authority under MC 112304 (Sub-No. 1) "Size and Weight" authority, but indicates that it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 112588 (Sub-No. 17), filed December 20, 1971. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Roofing and building materials, and materials used in the installation and application of such commodities* (except iron and steel, portland cement, and commodities in bulk), from the plantsite of Certain-teed Products Corp. at Avery, Ohio, to points in New Jersey, Delaware, Maryland, Virginia, the District of Columbia, and those points in New York east of Wayne, Seneca, Schuyler, and Chemung Counties, and those in Pennsylvania east of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties; and (b) *materials, equipment, and supplies used in the manufacture, installation or application of roofing or building materials*, from points in New Jersey, Delaware, Maryland, Virginia, the District of Columbia, and those points in New York east of Wayne, Seneca, Schuyler, and Chemung Counties and those in Pennsylvania east of Tioga, Potter, Cameron, Clearfield, Cambria, and Somerset Counties, to the plantsite of Certain-teed Products Corp. at Avery, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 113119 (Sub-No. 9), filed December 19, 1971. Applicant: C.S.I., INC., doing business as CONTRACT SERVICE, INC., Post Office Box 281, Trewigton Road, Colmar, PA 18915. Applicant's representative: Maxwell A. Howell, Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal shelving and parts, components, attachments, and accessories therefor*, from Perkasie, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa., Philadelphia, Pa., or Washington, D.C.

No. MC 113362 (Sub-No. 228), filed December 20, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, materials and supplies used in the manufacture or distribution of paper and paper products* (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment), between the plantsites and/or storage facilities of Nekoosa Edwards Paper Co., Inc., located in Little River County, Ark., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114273 (Sub-No. 110), filed December 17, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and classes A and B explosives), between Great Bend, Kans., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to traffic originating at or destined to the plantsite and/or storage facilities of Fuller Brush Co. at or near Great Bend, Kans. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117686 (Sub-No. 127), filed December 17, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Morehead City, N.C., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 117686 (Sub-No. 128), filed December 17, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with bananas, from Tampa, Fla., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 117980 (Sub-No. 6), filed December 17, 1971. Applicant: WILLIAM BADGIO & SONS, INC., 291 Green Street, Brockton, MA 02403. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., and Wilmington, Del., to Brockton, Worcester, Cambridge, and New Bedford, Mass., Providence, R.I., and Manchester, N.H. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 119668 (Sub-No. 4), filed December 21, 1971. Applicant: FORREST RATLIFF AND AUBURN RATLIFF, a partnership, doing business as RATLIFF'S TRUCKING SERVICE, Post Office Box 336, Oakwood, VA 24631. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Cincinnati, Ohio, and Pittsburgh, Pa., to the plantsite and facilities of S & S Machinery Co., at or near Richlands, Va., and to points in Buchanan County, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 119702 (Sub-No. 37), filed November 22, 1971. Applicant: STAHLY CARTAGE CO., a corporation, Post Office Box 486, 130A Hillsboro Avenue, Edwardsville, IL 62025. Applicant's representative: Robert D. Higgins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk, from the plantsite of Tri-Central Terminal located at Lemont, Ill., to points in Iowa, Indiana, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 123294 (Sub-No. 23), filed December 13, 1971. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Post Office Box 784, Warsaw, IN 46580. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, rock wool, slag, plain or saturated*, with or without binder, in bulk or in bulk and bags, *batts or blankets* with or without backing and/or covering, loose or in packages, from Alexandria, Ind., to points in Ohio, Indiana, Illinois, Michigan, Missouri, Kentucky, Tennessee, Wisconsin, Minnesota, North Dakota, South Dakota, Florida, Arkansas, Alabama, Delaware, Georgia, Kansas, Louisiana, Maryland, Mississippi, New Jersey, New York, Iowa, South Carolina, North Carolina, Pennsylvania, the District of Columbia, Wyoming, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124170 (Sub-No. 26), filed December 13, 1971. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, MI 48209. Applicant's representative: Robert D. Schuler, 1 Woodward Avenue, Suite 1700, Detroit, MI 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under section 203(b)(6) of the Act, when transported in mixed loads with bananas, in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Illinois, Indiana, Michigan, New York, Ohio, New Jersey, and Pennsylvania, restricted to traffic originating at the named origin point and to traffic having a prior movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 124904 (Sub-No. 1), filed December 9, 1971. Applicant: GIBNEY DISTRIBUTORS, INC., 2335 Waterbury Avenue, Bronx, NY 10462. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage*, in seasonal operations extending from June 1 to October 1, inclusive of each year, between points in New Jersey, Fairfield County, Conn.; Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; Philadelphia, Pa., and points in Pennsylvania on, south and east of a line extending from the intersection of the Delaware River and U.S. Highway 22 at or near Easton, Pa., thence southwesterly along U.S. Highway 22 to its intersection with U.S. Highway 81, thence southeasterly along U.S. Highway 81 to its intersection with U.S. Highway 22, thence southwesterly along U.S. Highway 222 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, Pennsylvania, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125996 (Sub-No. 24), filed December 20, 1971. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Omaha, NE 68137. Applicant's representative: Duane Acklie, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food and animal food ingredients*, between points in Nebraska, and points in North Dakota and South Dakota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which

VOL 37 NO 13 JAN 20 72 XUM

can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127042 (Sub-No. 91), filed December 21, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs;* (1) from the plantsite and storage facilities utilized by (a) Butterfield Foods Co., Butterfield, Minn., (b) Wadco Foods, Inc., Esterville, Iowa, and (c) Tony Downs Food Co., St. James and Madelia, Minn., to points in Colorado, Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin and Wyoming, restricted to traffic originating at above-named plantsites and storage facilities and destined to the above-named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 127337 (Sub-No. 5), filed December 15, 1971. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A–1) *Bananas*, from Albany, N.Y., to ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, Bar Harbor, and Portland, Maine; (A–2) *bananas, pineapples, and meat and meat products, and rice*, from points in the New York, N.Y., commercial zone as defined by the Commission to ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, Bar Harbor, and Portland, Maine, restricted to traffic moving in foreign commerce; (B) *bananas, and fresh fruits, fresh vegetables, and fresh berries*, when moving in the same vehicle and at the same time with bananas, in vehicles equipped with mechanical refrigeration, from Boston, Mass., to ports of entry on the international boundary line between the United States and Canada at or near Portland, Maine, with no transportation for compensation on return except as otherwise authorized, restricted to traffic moving to points in the Provinces of New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland, Canada, and further restricted against the transportation of shipments destined to Yarmouth, Nova Scotia, Canada; (C–1) *smoked, cured, and processed fish* and frozen fish when moving in the same vehicle and at the same time with smoked, cured, or processed fish, in the vehicles equipped with mechanical refrigeration, and *fresh and frozen fruits, vegetables, and berries*, from ports of entry on the international boundary line between the United States and Canada at or near Houlton, Vanceboro, Calais, Bar Harbor, and Portland, Maine, to Boston and Gloucester, Mass., and points in the New York, N.Y., commercial zone as defined by the Commission, New Brunswick and Seabrook, N.J., and Philadelphia, Pa.; (C–2) *fish wrapping paper and repair parts* for fishing boats or fish processing machines, from Boston and Gloucester, Mass., to Portland, Maine, restricted to traffic moving in foreign commerce and (D) *fish packaging material, processed fish, and fresh or frozen fish*, when moving in the same vehicle and at the same time with processed fish, between Portsmouth, N.H., on the one hand, and, on the other, Portland, Maine, and *repair parts* for fishing boats and fish processing plants, between Portsmouth, N.H., and Portland, Maine, restricted to traffic moving in foreign commerce; NOTE: Applicant states that any duplicating authority to be restricted against severance by sale or otherwise. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 128030 (Sub-No. 33), filed December 17, 1971. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bumpers and parts thereof*, from the plantsite of Flex-N-Gate Sales, Inc., at Urbana, Ill., to points in California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, South Dakota, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 128375 (Sub-No. 78), filed December 20, 1971. Applicant: CRETE CARRIER CORPORATION, Box 249, Crete, NE 68333. Applicant's representative: Ken Adams (same address above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, and ingredients, materials, and supplies* used in the manufacture and production of *animal feed*, between Los Angeles, Calif., on the one hand, and, on the other, points in Utah, Idaho, Montana, and Colorado, under a continuing contract with Liggett & Myers Inc., and its subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129665 (Sub-No. 4), filed December 27, 1971. Applicant: CITY BEVERAGES, INC., 725 Saar Street, Kent, WA 98031. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as defined in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 272, from Wallula, Wash., to points in California. NOTE: Applicant holds contract carrier authority under MC 123283 and subs, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 133106 (Sub-No. 11), filed December 21, 1971. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, toilet preparations, toothbrushes, candy, confectionery, chewing gum, gum base, cough drops, dry beverage preparations, antacid mints, store display racks or stands, and packaging materials* moving in vehicles equipped with mechanical temperature control devices, from the plantsite and storage facilities used by Warner-Lambert Co. at or near Poughkeepsie, N.Y.; and Long Island City, N.Y., and North Bergen, N.J., to Columbus, Ohio; Rockford, Ill.; Arlington, Tex.; Anaheim, Calif.; and Milwaukie, Oreg., and their respective commercial zones, under contract with Warner-Lambert Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133119 (Sub-No. 12), filed December 20, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Post Office Box 206, Akron, IA 51001. Applicant's representative: Michael J. Myers, Post Office Box 1025, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed shipments with bananas, from Tampa, Fla., to points in North Dakota, Minnesota, Wisconsin, Iowa, Michigan, Illinois, and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 133119 (Sub-No. 13), filed December 20, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, IA 51001. Applicant's representative: Michael J. Myers, Post Office Box 1025, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from (1) Hawarden, Iowa, to points in Minnesota, Nebraska, Indiana, Illinois, and Wisconsin; and (2) from Boyden, Iowa, to points in Chicago, Ill., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City or Des Moines, Iowa, or Sioux Falls, S. Dak.

No. MC 133119 (Sub-No. 14), filed December 20, 1971. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, IA 51001. Applicant's representative: Michael J. Myers, Post Office Box 1025, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulations under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed shipments with (1) above, from Morehead City, N.C., to points in North Dakota, Minnesota, Wisconsin, Iowa, Michigan, Illinois, Indiana, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 133436 (Sub-No. 14), filed December 20, 1971. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden, 121 East Second Street, Ogallala, NE 69153. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, Ill., and points in its commercial zone to points in Colorado, Kansas, Kentucky, and Tennessee, under a continuing contract or contracts with National Industries, Inc., or its wholly owned subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 133453 (Sub-No. 14), filed December 10, 1971. Applicant: TROJAN TRANSPORTATION, INC., 2729 Federal Street, Philadelphia, PA 19124. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Jams, jellies, preserves, and juices* in containers, from Philadelphia, Pa., to Elizabeth, South Kearny, Carlstadt, Edison, and Woodbridge, N.J.; Baltimore and Landover, Md.; Central Islip, Mount Kisco, and New York, N.Y.; and Richmond, Va.; and (2) *such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey located in and north of Mercer and Monmouth Counties, N.J., under contract with Theresa Friedman & Sons, Inc., and Pennco Foods. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 134060 (Sub-No. 7), filed December 27, 1971. Applicant: DAVINDER FREIGHTWAY'S LTD., 2739 James Street, Duncan, BC Canada. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate* in bulk, in tank vehicles, from port of entry on the international boundary line between the United States and Canada at or near Blaine, Wash., to Everett, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135415 (Sub-No. 1), filed December 9, 1971. Applicant: SCHMIDT TRANSIT CO., INC., Oakland, Iowa 51560. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products and commodities* used by packinghouses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by American Beef Packers, Inc., at or near Cactus, Tex., to points in the United States (except Alaska and Hawaii), under contract with American Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135731 (Sub-No. 2), filed December 9, 1971. Applicant: M & S MAIL DELIVERY MESSENGER SERVICE, INC., 173 Aqueduct Road, White Plains, NY 10601. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufacturer's samples, printed matter, office supplies, salesmen's kits and display material*, between facilities of The Nestle Co., Inc., and its affiliates located at White Plains, and New York, N.Y., Stamford, Conn., and Secaucus, N.J., under a continuing contract with The Nestle Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135759 (Sub No. 1) (Amendment), filed September 8, 1971, published in the FEDERAL REGISTER issue of October 15, 1971, and republished as amended this issue. Applicant: K & C TRANSPORTATION, INC., Ninth Floor, Loyalty Building, Portland, Oreg. 97204. Applicant's representative: Carol Hewitt (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, periodicals, and library carts*, (a) from Beaverton, Oreg., to Denver, Colo.; Zion, Ill.; Marion, Ohio, and Blackwood, N.J.; (b) from Denver, Colo., to Zion, Ill., Marion, Ohio; Blackwood, N.J.; and (c) from Zion, Ill.; to Marion, Ohio, and Blackwood, N.J.; and (d) from Marion, Ohio to Blackwood, N.J.; and return; under contract with Richard Abel and Co., Inc. NOTE: The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136006 (Sub-No. 1), filed December 20, 1971. Applicant: WALLKILL AIR FREIGHT CORPORATION, Rural Delivery No. 3, Box 5, Wallkill, NY 12589. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities injurious or contaminating to other lading, radio pharmaceuticals and medical isotopes), between points in Ulster, Orange, and Dutchess Counties, N.Y., on the one hand, and, on the other, Newark Airport, Newark, N.J., John F. Kennedy and La Guardia Airports, New York, N.Y., and Stewart Airport, Newburg, N.Y., restricted to traffic having a prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 136034 (Amendment), filed September 20, 1971, published in the FEDERAL REGISTER issue of October 29, 1971, and republished as amended this issue. Applicant: ASTRO TOWING SERVICE, LTD., a corporation, 3821 South Union, Chicago, IL 60609. Applicant's representative: Paul J. Maton, Suite 1620, 10 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled and repossessed trucks and tractors; and replacement trucks and tractors, and parts thereof*, by use of wrecker equipment only in connection with wrecked, disabled, and repossessed trucks and tractors, between the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Iowa, and Missouri. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136219 (Correction), filed November 22, 1971, published in the FEDERAL REGISTER issue of January 6, 1972, corrected and republished as corrected, this issue. Applicant: ACKERMAN MOTOR LINES, INC., 208 Alpine Trail, Sparta, NJ 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

JAN 20 1972 XUM

routes, transporting: *Textiles and materials, equipment and supplies* used or useful in the manufacture and sale of textiles, between Washington, N.J., on the one hand, and, on the other Newburgh and points in the New York, N.Y., commercial zone as defined by the Commission, Carlstadt and Paramus, N.J., and points in Pennsylvania east of the Susquehanna River, under contract with Castle Creek Prints and Northern Dyeing Co. NOTE: Common control may be involved. The purpose of this republication is to show the correct contracting shipper as Castle Creek Prints and Northern Dyeing Co., in lieu of Millville Finishing Co., shown erroneously in the previous publication. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136249 (Sub-No. 2), filed December 10, 1971. Applicant: JAMES R. GALBRAITH, JR., Rural Route 1, Box 123, Camanche, IA 52730. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Malt beverages and advertising material* from Milwaukee, Wis., South Bend, Ind., and points in the Minneapolis-St. Paul, Minn., commercial zone, to Clinton, Iowa; and (b) *cooperage* (empties returned), from Clinton, Iowa, to Milwaukee, Wis., South Bend, Ind., and points in the Minneapolis-St. Paul Minn., commercial zone, under contract with John Roach Distributing Co., Clinton, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Madison, Wis.

No. MC 136259, filed December 13, 1971. Applicant: DOUBLE J TRUCKING CO., INC., 180 Christie Street, Leonia, NJ 07605. Applicant's representative: Morris Honig, 150 Broadway, New York, NY 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and dispensers thereof, and shipping and packing materials;* (1) From New York, N.Y., to points in New Jersey; and (2) from Elizabeth, N.J., to points in New York, N.Y., and the counties of Nassau, Suffolk, and Westchester, N.Y., under contract with Geo. W. Miller & Co., Inc., and Pohlman Paper Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136270 (Sub-No. 1) (Correction) filed November 19, 1971, published FEDERAL REGISTER on December 23, 1971, under MC 107892 Sub No. 2, and republished as corrected this issue. Applicant: DONALD E. HIRTLE TRANSPORT, LIMITED, Post Office Box 88, Blockhouse, Lunenburg County, NS, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Bananas*, when moving in the same vehicle with commodities declared to be exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, from Chelsea, Mass., to point of entry on the international boundary line between the United States and Canada located at or near Calais and Houlton, Maine, and to Bar Harbor and Portland, Maine, restricted to traffic moving in foreign commerce; and (b) *fresh and processed fish*, when moving in the same vehicle with commodities declared to be exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, from ports of entry on the international boundary line located at or near Calais and Houlton, Maine, and from Bar Harbor and Portland, Maine, to Boston and Gloucester, Mass., New York, N.Y., Jersey City, N.J., and Philadelphia and Pittsburgh, Pa., restricted to traffic moving in foreign commerce. NOTE: Applicant states authority sought to and from Bar Harbor and Portland, Maine to cover service by ferry. The purpose of this republication is to show the correct docket number assigned thereto in lieu of MC 127892 (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 136271, filed December 10, 1971. Applicant: JOHN R. JIRDON INDUSTRIES, INC., Box 616, Morrill, NE 69358. Applicant's representative: R. L. Gilbert, Box 5, Morrill, NE 69358. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural chemicals, and seeds*, between points in Scotts Bluff County, Nebr., on the one hand, and, on the other, points in Montana, Utah, Idaho, Oregon, Wyoming, Colorado, Nebraska, Kansas, and South Dakota, under contract with Jirdon AgriChemicals Inc., of Morrill, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo., or Denver, Colo.

No. MC 136272, filed December 14, 1971. Applicant: GARY LEE JOHNSON, 3328 Farr Road, Fruitport, MI 49415. Applicant's representative: William J. Hipkiss, 175 West Apple at First, Muskegon, MI 49443. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Empty paper milk product cartons*, from Cleveland, Ohio, to Fruitport, Mich.; from Cleveland, Ohio, over Interstate Highway 90 to junction of U.S. Highway 23, thence over U.S. Highway 23 to junction of Interstate Highway 96, thence over Interstate Highway 96 to Fruitport, serving the off-route points of Saline, Flint, and Chesaning, Mich., under contract with Farr View Dairy, Fruitport, Mich., subsidiary of McDonald Dairy Corp., Flint, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 136273, filed December 9, 1971. Applicant: KENNETH G. MAY and ORVILLE L. HOWARD, a partnership, doing business as CORONADO TRUCKING CO., 1315 Santiago Avenue, Santa Ana, CA 92701. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paints, paint coatings; paint solvents; paint thinners; paint primers; enamel; lacquer; varnish, and polyurethane*, from Edgewater, Fla., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Louisiana, Massachusetts, Missouri, New Jersey, North Carolina, North Dakota, Ohio, South Carolina, Texas, Virginia, and Washington; (2) damaged, refused, rejected, returned, and unclaimed shipments of the commodities described in (1) above, on return; (3) *commodities* used in the manufacture, production, and distribution of the commodities described in (1) above, from points in California, Florida, Georgia, Illinois, Louisiana, Maryland, Mississippi, Missouri, New Jersey, Texas, and West Virginia to Edgewater, Fla.; and (4) damaged, refused, rejected, returned, and unclaimed shipments of the commodities described in (3) above, on return, under contract with Coronado Paint Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 136274, filed December 9, 1971. Applicant: DEAN LONNQUIST, doing business as "ARABS ON THE GO", 4165 Blackhawk Road, St. Paul, MN 55122. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, MN 55082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in connection therewith, *personal effects of attendants, and supplies and equipment, used in the care or exhibition of such horses*, between points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136287, filed December 20, 1971. Applicant: JOHN H. NELSON, doing business as CALIFORNIA VAN & STORAGE CO., 444 Via El Centro, Post Office Box P, Oceanside, CA 92054. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, between points in Imperial, Orange, Riverside, Los Angeles, and San Diego Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136288, filed December 13, 1971. Applicant: CABANO TRANSPORT, LTD., Post Office Box 404, Riviere-du-Loup, Temiscouata County, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp, wood products, and newsprint*, from ports of entry on the international boundary line between the United States and Canada at or near Jackman and Madawaska, Maine, Norton, Derby Line, and Highgate Centre, Vt., and Champlain and Rouses Point, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, restricted to traffic originating at points in Riviere-du-Loup and Temiscouata Counties, Quebec, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine, or Boston, Mass.

No. MC 136302, filed December 17, 1971. Applicant: CHARLES D. REINHARD, EXECUTOR OF THE ESTATE OF J. C. REINHARD, doing business as ALLIED INDUSTRIES, 207 West Las Animas, Post Office Box 1244, Colorado Springs, CO 80901. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in El Paso, Pueblo, Teller, and Douglas Counties, Colo., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

MOTOR CARRIER OF PASSENGERS

No. MC 136303, filed December 21, 1971. Applicant: EARL CLINTON CHURCH, 701 Morris Street, Salisbury, MD 21801. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at points in Wicomico County, Md., and extending to points in New York, New Jersey, Pennsylvania, Delaware, Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATION OF FILING FREIGHT FORWARDERS

No. FF-233 (Sub-No. 1) (JOE M. HAMBRICK Extension—Chicago/St. Louis), filed December 13, 1971. Applicant: JOE M. HAMBRICK, doing business as I & S FORWARDING COMPANY, 2265 Vistamont Drive, Decatur, GA 30033. Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit to change and extend operation as a freight forwarder, in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, water and motor vehicle, in the transportation of: *Iron and steel articles*, in truckload or carload lots, from points in Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Guernsey, Harrison, Jefferson, Lorain, Mahoning, Madina, Monroe, Morgan, Noble, Portage, Stark, Summit, Trumbull, Tuscarawas, and Washington Counties, Ohio; Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venango, Washington, and Westmoreland Counties, Pa.; Brooke, Doddridge, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Ritchie, Taylor, Tyler, Wetzel, and Wood Counties, W. Va.; Lake and Porter Counties, Ind.; Cook, Du Page, Grundy, Jersey, Madison, Monroe, St. Clair, and Will Counties, Ill.; St. Charles, St. Louis, and Jefferson Counties, Mo., and from points on the Illinois River to points in Florida east of the counties of Lee, Charlotte, De Sota, Hardee, Polk, Orange, Seminole, Lake, Marion, Alachua, Bradford, Union, and Columbia; and points in Abbeville, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Calhoun, Charleston, Colleton, Edgefield, Greenville, Greenwood, Hampton, Jasper, Laurens, Lexington, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, and Union Counties, S.C.

No. FF-379 (Sub-No. 1) SIERRA-PACIFIC FREIGHT FORWARDING, INC., FREIGHT FORWARDER APPLICATION (2), filed January 10, 1972. Applicant: SIERRA-PACIFIC FREIGHT FORWARDING, INC., 8 East Prater Way, Sparks, NV 89431. Applicant's representative: John C. Bartlett, 195 South Sierra Street, Reno, NV 89504. Authority sought to operate under section 410, Part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by railroad, water, air, and motor vehicle in the transportation of: *General commodities*, between the cities of Reno and Sparks, Nev., and the terminal areas thereof, and points to and from places on the Islands of Oahu, Maui, and Hawaii, State of Hawaii.

APPLICATION OF FILING WATER CARRIER

No. W-381 (Sub-No. 15) FEDERAL BARGE LINES, INC., Extension—INTERCOASTAL, filed January 10, 1972. Applicant: FEDERAL BARGE LINES, INC., 611 East Marceau Street, St. Louis, MO 63111. Applicant's representative: Richard J. Harry, Suite 1212, 425 13th Street NW., Washington, DC 20004. By application filed January 10, 1972, applicant seeks to operate as a common carrier by water, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of towage in the transportation of *articles* exceeding 19 feet in height, 12 feet in width, 90 feet in length or 100 tons in weight, *component parts thereof, and related equipment*, between ports and points along the Pacific Coast and tributary waterways on the one hand, and, on the other, ports and points within Federal's existing authority and ports and points on the Gulf of Mexico west of, but not including, New Orleans, La.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 10472 (Sub-No. 27), filed December 20, 1971. Applicant: BYERS TRANSPORTATION COMPANY, INC., 4200 Gardner Avenue, Kansas City, MO 64120. Applicant's representative: John T. Pruitt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Maryville, Mo., and Des Moines, Iowa, from Maryville, Mo., over U.S. Highway 71 to junction Missouri Highway 27, thence over Missouri Highway 27 to junction Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 169, thence over U.S. Highway 169 to junction U.S. Highway 6, thence over U.S. Highway 6 to Des Moines, Iowa, and return over the same routes, serving no intermediate points. NOTE: Common control may be involved.

No. MC 51518 (Sub-No. 3), filed December 20, 1971. Applicant: EDWARD VESELY AND FRANCES VESELY, a partnership, doing business as VESELY BROTHERS "THE MOVERS", Post Office Box 455, Fayette City, PA 15438. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies, sold, used or distributed by a manufacturer of cosmetics*, from Washington Township, Fayette City, Pa., to points in Allegheny, Fayette, Greene, Washington, and Westmoreland, Counties, Pa., on traffic having a prior out-of-state movement. NOTE: Applicant states the only purpose of this application is to broaden the existing commodity description under MC 51518 to allow applicant to continue rendering a complete service for the supporting shipper. Applicant further states that the requested authority cannot be tacked with its existing authority.

No. MC 62176 (Sub-No. 4), filed December 20, 1971. Applicant: FOURIER TRUCK SERVICE, INC., Post Office Box 1, Molalla, OR 97038. Applicant's representative: Robert R. Hollis, 1121 Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, and those requiring special equipment), between Estacada, Oreg., and junction U.S. Highway 26 and unnumbered highway located approximately 10 miles east of junction U.S. Highway 26 and Oregon Highway 35, from Estacada

JAN 20 72

over Oregon Highway 224 to its terminus, thence over unnumbered highway to junction U.S. Highway 26, and return over the same route, serving all intermediate points and the Timberlake Job Corp Center as an off-route point. NOTE: A motion to dismiss has been filed concurrently herewith.

No. MC 67167 (Sub-No. 12), filed December 20, 1971. Applicant: E. D. FEE TRANSFER, INC., 111 East Lincoln Avenue, New Castle, PA 16110. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of *cosmetics*, from New Castle, Pa., to points in Beaver, Butler, Lawrence, Mercer, and Venango Counties, Pa., and points in Washington County, Pa., north of Pennsylvania Highway 31, restricted to the transportation of shipments received from connecting motor carriers at New Castle, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that the sole purpose of instant application is to broaden the existing commodity description to allow applicant to continue rendering a complete service for the supporting shipper.

No. MC 128842 (Sub-No. 2), filed December 21, 1971. Applicant: ROSS EXPRESS, INC., Post Office Box 42, Penacook, NH. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used or distributed by a manufacturer of cosmetics, between Penacook, N.H., on the one hand, and, on the other, points in New Hampshire. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Avon Products, Inc., of Rye, N.Y. NOTE: Applicant states that sole purpose of this application is to broaden the existing commodity description to allow applicant to continue rendering a complete service for the supporting shipper.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-789 Filed 1-19-72;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATIONS:	
2799 (see Proc. 4101)	659
2937 (see Proc. 4101)	659
2938 (see Proc. 4101)	659
2942 (see Proc. 4101)	659
2972 (see Proc. 4101)	659
3314 (see Proc. 4101)	659
4100	199
4101	659
EXECUTIVE ORDERS:	
11627 (see EO 11639)	521
11639	521

5 CFR

213	201, 257, 258, 661
531	859
890	7

6 CFR

201	284
300	284, 426, 587, 652, 775

7 CFR

52	131, 587
354	587, 788
510	69
722	7, 272, 789
725	725
730	8, 859
811	661, 725
812	9
814	9
846	133
857	588
905	523
907	10, 134, 523, 663, 860
910	70, 272, 663, 726
912	273, 664
914	664
917	273
930	273
932	323
982	588
993	861
1007	323
1610	275
PROPOSED RULES:	
51	616
68	844
301	217, 218
718	742
725	793
730	19
928	793
953	286
966	81
980	81
981	617
1001	447
1002	447
1004	20, 447, 742, 793
1006	447
1007	447
1011	447
1012	447
1013	447
1015	447
1030	447
1032	447
1033	447
1036	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447
1062	447
1063	447
1064	447
1065	447, 743
1068	447
1069	447
1070	447
1071	447
1073	447
1075	447
1076	447
1078	447
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447, 801
1106	447, 801
1108	447
1120	447
1121	447
1124	447
1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447
1207	81
1430	20
1481	810
1701	811

8 CFR

214	328

9 CFR

53	134
75	862
76	329, 435, 665

9 CFR—Continued

	Page
78	863
82	135, 589
97	791
203	276
311	435
316	435
317	435
400	135, 435
PROPOSED RULES:	
327	85

10 CFR

50	864
PROPOSED RULES:	
50	287, 288
110	92

12 CFR

201	11
211	776
545	523
561	524
563	524
700	329
702	70
PROPOSED RULES:	
528	811
545	543
700	813
701	339
715	95
741	813

13 CFR

121	258

14 CFR

13	436
39	11, 12, 70, 437, 665, 666, 726, 776
71	13, 71, 135, 136, 276, 323, 437, 726, 727, 776, 777
73	437, 438, 590
75	13, 71, 667, 777
95	777
97	71, 525, 668
214	728
223	778
225	72
249	728
302	277
PROPOSED RULES:	
39	811
43	222
71	21, 91, 144, 146, 286, 287, 620, 621, 744
73	478
91	222
135	222
207	222
208	222
212	222
214	222
372a	222
373	478
378	478
378a	478

16 CFR

13	729–735, 779
PROPOSED RULES:	
435	622

17 CFR

	Page
230	590, 591, 599
231	600
239	590, 591, 599
240	73
241	600
249	600, 601
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

2	780
201	601
204	601
205	601
PROPOSED RULES:	
141	22
201	337
204	337
205	337
250	885
260	337

19 CFR

4	865
173	782
PROPOSED RULES:	
Ch. I	19

20 CFR

PROPOSED RULES:	
405	89

21 CFR

29	865
121	14, 74, 329, 740
130	201
135	137
135c	14, 137
135e	74, 740
135f	14
141a	438
146a	438
146c	440
148e	330, 865
148k	865
148m	15
148x	866
295	741
301	137
PROPOSED RULES:	
3	219
19	468, 869
27	20, 470
130	85
145	336
304	144
308	867

22 CFR

11	277
41	15

24 CFR

200	75, 203, 209
201	210
203	138
207	138
220	138
222	76
275	211
1914	280, 608, 783
1915	281, 609, 784
PROPOSED RULES:	
203	144

25 CFR

	Page
232	526
PROPOSED RULES:	
16	536

26 CFR

1	527
12	16, 281
PROPOSED RULES:	
1	19, 99, 286, 336, 544

28 CFR

41	784
301	138

29 CFR

1904	736
1910	332
PROPOSED RULES:	
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620
688	620
689	620
690	620
720	620
727	620
1910	466, 743

30 CFR

75	17
225	441
225a	441

32 CFR

270	77
1499	668
PROPOSED RULES:	
1467	99
Ch. XVI	486
1604	479
1606	479, 484
1609	484
1611	479
1613	484
1621	479
1622	479
1623	479
1624	479
1625	479
1626	479
1627	479
1630	479
1631	479
1632	479
1641	479
1643	479
1660	485

32A CFR

Ch. X:	
OI Reg. 1	601

33 CFR

117	784
204	527
207	668

JAN 20 72 XUM

35 CFR — Page

5 — 77
253 — 281

36 CFR

212 — 737
231 — 211
261 — 737

38 CFR

8a — 282

39 CFR

235 — 77
760 — 211, 443
761 — 211, 443

40 CFR

85 — 669, 784
180 — 78, 140, 141, 332–334, 443, 737–739

PROPOSED RULES:

2 — 621
6 — 879
115 — 478
180 — 92–94, 337

41 CFR

1–3 — 610
1–16 — 610
5A–1 — 527
5A–3 — 141
5A–7 — 141
5A–8 — 142
5A–16 — 528
5A–76 — 528
5B–1 — 334
8–1 — 613
101–17 — 78
101–26 — 668
101–43 — 614
101–44 — 614
101–47 — 740
103–40 — 17

PROPOSED RULES:

3–4 — 743
51–1 — 336

42 CFR — Page

53 — 182

43 CFR

4110 — 213

PUBLIC LAND ORDERS:

1932 (amended by PLO 5147) — 18
3530 (revoked in part by PLO 5153) — 785
3869 (revoked in part by PLO 5153) — 785
4582 (modified by PLO 5149) — 18
4962 (see PLO 5149) — 18
5081 (see PLO 5149) — 18
5147 — 18
5148 — 18
5149 — 18
5150 — 142
Amended by PLO 5151 — 142, 528
5151 — 142, 528
5152 — 785
5153 — 785

PROPOSED RULES:

2800 — 217
2810 — 217

45 CFR

177 — 335
249 — 443
1060 — 444

PROPOSED RULES:

121 — 870
130 — 470

46 CFR

157 — 528
310 — 335
390 — 16

PROPOSED RULES:

72 — 676
92 — 676
137 — 879

46 CFR—Continued — Page

PROPOSED RULES—Continued

146 — 220
190 — 676
510 — 678

47 CFR

2 — 604
31 — 605
33 — 605
73 — 529, 605
89 — 213
91 — 283

PROPOSED RULES:

0 — 145
1 — 537
2 — 145, 146, 537
15 — 94, 146
21 — 146
73 — 539–542, 621
87 — 537
89 — 146, 676
91 — 146, 676
93 — 676

49 CFR

7 — 214
99 — 532
Ch. I — 535
178 — 444
301 — 214
571 — 284, 445
1002 — 215
1203 — 866
1300 — 335

PROPOSED RULES:

192 — 145
571 — 222

50 CFR

28 — 79, 445, 535
33 — 79, 80, 785
240 — 786

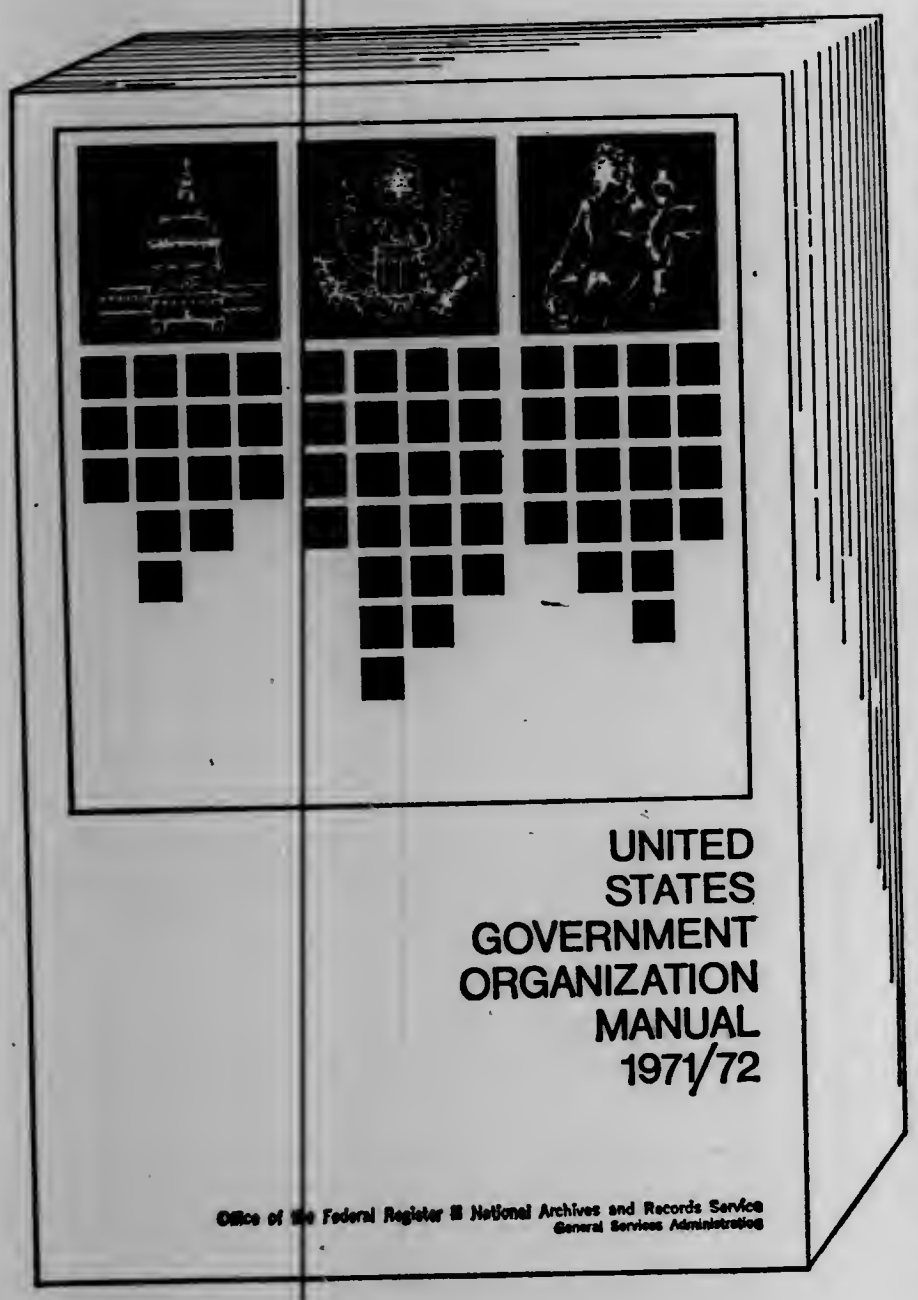
PROPOSED RULES:

28 — 447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date
1–62	Jan. 4	429–513	Jan. 12
63–123	5	515–582	13
125–193	6	583–654	14
195–249	7	655–717	15
251–315	8	719–767	18
317–427	11	769–852	19
		853–918	20

VOL 37 NO 13 JAN 20 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

FRIDAY, JANUARY 21, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 14

Pages 919–1027

PART I

(Part II begins on page 1001)

(Part III begins on page 1019)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ECONOMIC STABILIZATION—
IRS procedural rules; effective 1–20–72 .... 1010, 1016
Pay Board, Price Commission, and Cost of Living Council rules for appeals, requests, comments and hearings (3 documents); effective 1–21–72 .... 1002, 1004, 1007

BANNED TOYS—FDA proposal to eliminate dangerous electric articles; comments within 60 days 1020

CONTINENTAL SUGAR—USDA changes to requirements and area quotas for 1972; effective 1–18–72 925

FAIR PACKAGING AND LABELING—FTC notice confirming the effective dates of the rule for "cents off" representations 928

OCCUPATIONAL SAFETY—Labor Dept. amendment determining the extent of employer coverage under federal law 929

TRADEMARKS—
Commerce Dept. amendments on application and drawing requirements 931
Commerce Dept. notice explaining the new system of application processing 942

NEWSPAPER PRESERVATION ACT—Justice Dept. notice setting a 1–14–72 deadline for reply comments on the proposed approval procedures 935

(Continued inside)

V37-14 JAN 21 72 XUM

Announcing the latest addition to the series of . . .

Public Papers of the Presidents
of the United States

RICHARD NIXON, 1970

The volume contains public messages and statements, verbatim transcripts of the President's news conferences, and other selected papers released by the White House from January 1 through December 31, 1970.

In the Foreword to the book President Nixon writes "The story of the year, for me and for the administration team working with me, was above all a story of building for peace. Peace, we believed from the beginning, does not come to the passive; and so we pressed on through 1970 with a determination that the United States should act creatively, not merely react reflexively, on the world stage."

Among the items that are a part of the record for 1970 are addresses to the Nation on progress toward peace in Vietnam and in Southeast Asia; reports on the Cambodian sanctuary operation; speeches made by the President during his five-nation European tour; and the President's television interview on foreign policy with representatives of the three major networks.

The 1305-page clothbound volume, fully indexed, is available to the public at $15.75 per copy.

Similar volumes are available covering the administrations of Presidents Truman, Eisenhower, Kennedy, and Johnson, and the first year of President Nixon.

All volumes in the "Public Papers" series are sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Distribution for official use is governed by the provisions of sections 32.15–32.19 of Title 1 of the Code of Federal Regulations.

FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory materials appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

POULTRY IMPORTS—USDA proposals for additional restrictions; comments within 15 days.... 935

DRY EDIBLE BEANS—USDA proposed loan and purchase program for the 1972 crop; comments within 30 days.... 936

COLD COMPRESSED GASES—DoT time extension to 2–29–72 for comments on a proposal to prohibit carriage on certain vessels.... 937

BANK HOLDING COMPANIES—FRS postponement of the 1–19–72 hearing on armored car and courier services.... 938

SAINT LAWRENCE SEAWAY—Development Corporation proposed miscellaneous amendments; comments within 30 days.... 938

RENT ADJUSTMENTS—Cost of Living Council ruling on multi-use structures.... 959

AIR TRANSPORT ASSOCIATION AGREEMENTS—CAB orders deferring action on resolutions concerning cargo rates and fares (3 documents).... 943, 944

PESTICIDE—EPA notice of a reextension of a temporary tolerance.... 945

HORSE RACE INFORMATION RULING—FCC time extension to 1–18–72 for a reconsideration petition.... 945

ECONOMIC POLICY—Federal Open Market Committee notice making public its directive and record of actions of 10–19–71.... 951

COTTON IMPORTS—Interagency Textile Administrative Committee directive fixing restraint levels on certain products from Malta; effective 1–1–72.... 952

SMALL BUSINESS LOANS—SBA notice establishing maximum interest rates for private lenders.... 953

ATTORNEY GENERAL'S LIST OF ORGANIZATIONS—Subversive Activities Control Board notice submitting delisting petitions and announcing a hearing for 2–15–72.... 953

FEDERAL CONSTRUCTION WAGES—Labor Dept. modifications to rates in specified areas; effective 1–21–72.... 963

ANTIDUMPING—Treasury Dept. notices on large power transformers from France, Italy, Japan, Switzerland, the United Kingdom and Sweden (6 documents).... 960, 961

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Continental sugar; requirements, quotas and quota deficits for 1972.... 925

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Animal and Plant Health Service; Commodity Credit Corporation; Consumer and Marketing Service.

ANIMAL AND PLANT HEALTH SERVICE

Proposed Rule Making

Poultry imports; additional restrictions.... 935

ATOMIC ENERGY COMMISSION

Notices

Rio Blanco Gas Stimulation project, Colo.; availability of draft environmental statement.... 942

CIVIL AERONAUTICS BOARD

Notices

International Air Transport Association; orders regarding fares and cargo rates (3 documents).... 943, 944

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:

Defense Department.... 925

Health, Education, and Welfare Department.... 925

Small Business Administration.... 925

COAST GUARD

Proposed Rule Making

Cold compressed gases; extension of time for filing comments and notice of additional public hearing.... 937

COMMERCE DEPARTMENT

See Import Programs Office; Patent Office.

COMMODITY CREDIT CORPORATION

Proposed Rule Making

Dry edible beans; loan and purchase program for 1972 crop.... 936

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Irish potatoes grown in southeastern States; redistricting and reapportionment.... 926

COST OF LIVING COUNCIL

Rules and Regulations

Post-freeze economic stabilization program; procedures.... 1002

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and Federally assisted construction; modifications to decisions for specified localities.... 963

(Continued on next page)

V 37 ■ 14 JAN 21 72 J XUM

ENVIRONMENTAL PROTECTION AGENCY

Notices

Gibberellic acid; reextension of temporary tolerance ---------- 945

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Bell model 47 series helicopters; airworthiness directive ---------- 928
Federal airway segment; designation ---------- 928

Proposed Rule Making

Transition areas:
Alteration ---------- 937
Designation ---------- 937

FEDERAL COMMUNICATIONS COMMISSION

Notices

Horse race information broadcasting; extension of time for filing petition for reconsideration ---------- 945
Quinnipiac College et al; order designating applications for consolidated hearing on stated issues ---------- 945

FEDERAL MARITIME COMMISSION

Notices

Australia/U.S. Atlantic & Gulf Conference; order to show cause regarding proposed imposition of currency adjustment surcharge ---------- 946
Independent ocean freight forwarder licenses; revocations:
Seair Forwarding Co., Inc. ---- 947
Young & Glenn, Inc., and Nyos, Inc ---------- 947
Kommanditselskapet Cruise Venture A/S & Co. and Flagship Cruises, Ltd.; issuance of casualty certificate ---------- 947

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Columbia LNG et al ---------- 947
Hunt Oil Co. et al ---------- 948
Miffitt, Mrs. Thomas J. et al -- 950

FEDERAL RESERVE SYSTEM

Proposed Rule Making

Armored car and courier services of bank holding companies; delay of hearing ---------- 938

Notices

Federal Open Market Committee; current economic policy directive ---------- 951
Florida Commercial Banks, Inc.; acquisition of bank ---------- 952

FEDERAL TRADE COMMISSION

Rules and Regulations

"Cents-off" representations; confirmation of effective dates ---- 928

FOOD AND DRUG ADMINISTRATION

Proposed Rule Making

Certain electrically operated toys and other electrically operated children's articles; classification as banned hazardous substances ---------- 1020

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Data communications; guidelines for determination of need ------ 932
Procurement; addition of forms -- 932

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

IMMIGRATION AND NATURALIZATION SERVICE

Rules and Regulations

Miscellaneous amendments to chapter ---------- 927

IMPORT PROGRAMS OFFICE

Notices

Duty-free entry of scientific articles; applications and decisions on applications:
State University of New York at Buffalo ---------- 940
Temple University et al ------- 940
Wayne State University ------- 942

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Certain cotton textile products produced or manufactured in Malta; entry or withdrawal from warehouse for consumption ---------- 952

INTERIOR DEPARTMENT

See also National Park Service.

Rules and Regulations

Personal property; utilization of excess ---------- 934
Procurement; new purchases as part of annual budget request -- 934

INTERNAL REVENUE SERVICE

Rules and Regulations

Economic stabilization matters; procedural rules (2 documents) ---------- 1010, 1016

Notices

Cost of Living Council ruling; rent adjustments for multi-use structures ---------- 959

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Central Railroad Company of New Jersey; authorization to operate over trackage of Lehigh Valley Railroad Co ---------- 934

Notices

Assignment of hearings ---------- 961
Motor carriers:
Temporary authority applications ---------- 962
Transfer proceedings ---------- 963

JUSTICE DEPARTMENT

See also Immigration and Naturalization Service.

Rules and Regulations

Federal Bureau of Investigation; exchange of identification records with State and local governments ---------- 931

Proposed Rule Making

Joint newspaper operating arrangements; deadline for reply comments on approval procedures ---------- 935

LABOR DEPARTMENT

See Employment Standards Administration; Occupational Safety and Health Administration.

NATIONAL PARK SERVICE

Notices

Concession permits; notices of intention to issue:
Isle Royale National Park ----- 940
National Capital Parks ------- 940

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules and Regulations

Williams - Steiger Occupational Safety and Health Act of 1970; policy statement regarding employers' coverage ---------- 929

PATENT OFFICE

Rules and Regulations

Trademarks; application and drawing requirements ---------- 931

Notices

Trademarks; initial processing of applications ---------- 942

PAY BOARD

Rules and Regulations

Post-freeze economic stabilization program; procedures ---------- 1004

PRICE COMMISSION

Rules and Regulations

Post-freeze economic stabilization program; procedures (2 documents) ---------- 1007, 1008

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Proposed Rule Making

Seaway operations ---------- 938

SECURITIES AND EXCHANGE COMMISSION

Notices

Associated Business Investment Co.; filing of application for order declaring that company has ceased to be an investment company ---------- 952

SMALL BUSINESS ADMINISTRATION

Notices

Loan policy; maximum interest rates for private lenders ------ 953
Massachusetts; declaration of disaster loan area ---------- 953

SUBVERSIVE ACTIVITIES CONTROL BOARD

Notices

Attorney General's list of organizations; delisting petitions and announcement of hearing ------ 953

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See also Internal Revenue Service.

Rules and Regulations

Economic stabilization matters; practice before Internal Revenue Service ---------- 1016

Notices

Large transformers; sales at less than fair value:
France ---------- 960
Italy ---------- 960
Japan ---------- 961
Sweden ---------- 961
Switzerland ---------- 960
United Kingdom ---------- 960

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR

213 (3 documents) ---------- 925

6 CFR

105 ---------- 1002
205 ---------- 1004
300 ---------- 1007
305 ---------- 1008
401 ---------- 1010

7 CFR

811 ---------- 925
953 ---------- 926
PROPOSED RULES:
1421 ---------- 936

8 CFR

103 ---------- 927
334 ---------- 928
334a ---------- 928

9 CFR

PROPOSED RULES:
92 ---------- 935

12 CFR

PROPOSED RULES:
225 ---------- 938

14 CFR

39 ---------- 928
71 ---------- 928
PROPOSED RULES:
71 (2 documents) ---------- 937

16 CFR

502 ---------- 928

21 CFR

PROPOSED RULES:
191 ---------- 1020
191b ---------- 1020

26 CFR

601 ---------- 1016

28 CFR

0 ---------- 931
PROPOSED RULES:
48 ---------- 935

29 CFR

1975 ---------- 929

31 CFR

10 ---------- 1016

33 CFR

PROPOSED RULES:
401 ---------- 938

37 CFR

2 ---------- 931

41 CFR

5A–2 ---------- 932
5A–72 ---------- 932
101–32 ---------- 932
114–26 ---------- 934
114–43 ---------- 934

46 CFR

PROPOSED RULES:
146 ---------- 937

49 CFR

1033 ---------- 934

V 37-14 JAN 21 72 XUM

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3132(b) having expired of its own terms is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-938 Filed 1-20-72;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3216(b) having expired of its own terms is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-935 Filed 1-20-72;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the following positions are no longer excepted under Schedule C: One Staff Assistant to the Deputy Assistant Secretary (Civil Rights and Industrial Relations); one Private Secretary to the Deputy Assistant Secretary (Civil Rights and Industrial Relations); one Private Secretary to the Director for Equal Employment Opportunity; one Staff Assistant to the Director for Equal Employment Opportunity; one Private Secretary to the Deputy Assistant Secretary for Education and Manpower Resources, Office of the Assistant Secretary of Defense (Manpower); and one Secretary to the Deputy Assistant Secretary of Defense (Manpower Planning and Research).

Effective on publication in the FEDERAL REGISTER (1–21–72), subparagraphs (19), (20), (21), (22), (26), and (27) of paragraph (a) of § 213.3306 are revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-934 Filed 1-20-72;8:48 am]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 4]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1972

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act". The purpose of this amendment to Sugar Regulation 811, as amended, is to revise the determination of sugar requirements for the calendar year 1972, establish quotas and prorations consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Subsection 201(a) of the Act requires a determination of the amount of sugar needed to meet the requirements of consumers in the continental United States whenever necessary to attain the price objective set forth in subsection 201(b) of the Act.

Section 202(g)(3) of the Act, which sets forth the procedure to use in attaining such price objective, provides that whenever the simple average of prices of raw sugar for 7 consecutive market days ending after October 31 and before March 1 is 3 per centum or more above or below the average price objective for the preceding 2 calendar months, the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective.

On January 5, 1972, the Department announced an increase in continental sugar requirements of 400,000 tons in order to curtail increasing raw sugar prices. The 7 consecutive market days average price of raw sugar reached 8.99 cents per pound on January 4, 1972, which exceeded the price objective of 8.72 cents per pound by 3.1 per centum. As of January 13, 1972, the 7 consecutive market days average price was 9.22 cents per pound or about 6 per centum above the price objective of the Act. On January 11, 1972, the Department announced the removal of limitations on raw sugar imports during the remainder of first quarter of 1972. Neither of these actions has caused a significant reduction in the raw sugar price. Therefore, an additional upward adjustment in requirements is considered appropriate at this time to meet the requirements of the Act.

The 2-month average price objective of 8.72 cents per pound used herein is the average for October and November 1971, the most recent months for which wholesale price index statistics were available on January 13, 1972.

An increase in requirements of 200,000 short tons, raw value, is necessary to obtain the price objective set forth in the Act.

Accordingly, total sugar requirements for the calendar year 1972 are hereby increased by 200,000 short tons, raw value, to a total of 11.8 million short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota.

It was determined in amendment 2 of this Sugar Regulation 811 that the Domestic Beet Sugar Area would be unable to market in 1972 sugar in excess of 3,500,000 short tons, raw value. Also, in that amendment a deficit was determined in the quota for the beet area of 96,667 representing the amount its quota at that time exceeded 3,500,000 tons. Since this regulation increases the quota for that area by 95,333 tons an additional deficit is herein determined in the 1972 quota for the Domestic Beet Sugar Area of 95,333 short tons, raw value. If production exceeds the present estimates for the Domestic Beet Area, the marketing opportunities for that area within the total quota for that area will not be limited as a result of the deficit determination and proration provided herein.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.10, 811.11, 811.12, and 811.13 as follows:

1. Section 811.10 is amended to read as follows:

§ 811.10 Sugar requirements, 1972.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1972 is hereby determined to be 11,800,000 short tons, raw value.

2. Section 811.11 is amended by amending paragraph (a) to read as follows:

V 37 14 JAN 21 72 XUM

§ 811.11 Quotas for domestic areas.

(a) (1) For the calendar year 1972 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas	Direct-consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar	3,892,000	no limit
Mainland cane sugar	1,643,000	no limit
Hawaii	1,211,000	38,646
Puerto Rico	655,000	166,500

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1972 the Domestic Beet Sugar Area and Puerto Rico will be unable by 192,000 and 550,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

• • • • •

3. Section 811.12 is amended to read as follows:

§ 811.12 Proration and allocation of deficits in quotas.

Of the domestic deficits determined in § 811.11(a)(2), totaling 742,000 short tons, raw value, a quantity of 646,667 tons representing deficits in the quotas of the Domestic Beet Sugar Area and Puerto Rico of 96,667 and 550,000 tons, respectively, were previously determined, allocated and prorated in this Part 811. An additional deficit is herein determined in the quota for the Domestic Beet Area of 95,333 short tons, raw value, and is herein prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 28,676 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 66,657 short tons, raw value, to Western Hemisphere countries on the basis of quotas determined herein pursuant to section 202 of the Act.

4. Section 811.13 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.13 Quotas for foreign countries.

• • • • •

(b) For the calendar year 1972, the quota for the Republic of the Philippines is 1,349,214 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 223,194 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1972, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation § 811.13 are shown in column (3). Deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic Quotas	Temporary quotas and prorations pursuant to sec. 202(d)[1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
			(Short tons, raw value)		
Dominican Republic	421,672	142,041	95,142	14,026	672,881
Mexico	372,916	125,618	84,142	12,404	595,080
Brazil	363,992	122,610	82,060	12,098	580,360
Peru	260,250	87,666	58,721	8,656	415,293
West Indies	135,726	45,719	30,624	4,515	216,584
Ecuador	53,697	18,088	12,116	1,786	85,687
Argentina	50,403	16,977	11,372	1,677	80,429
Costa Rica	45,462	15,314	10,257	1,513	72,546
Colombia	44,503	15,092	10,109	1,490	71,494
Panama	28,002	9,433	6,319	930	44,684
Nicaragua	42,497	14,315	9,588	1,414	67,814
Venezuela	40,520	13,649	9,143	1,347	64,659
Guatemala	38,873	13,094	8,771	1,293	62,031
El Salvador	28,331	9,544	6,393	942	45,210
British Honduras	22,401	7,547	5,055	745	35,748
Haiti	20,425	6,881	4,608	680	32,594
Bahamas	17,789	5,993	4,014	591	28,387
Honduras	7,906	2,663	1,784	263	12,616
Bolivia	4,283	1,443	966	143	6,835
Paraguay	4,283	1,443	966	143	6,835
Australia	165,374	42,002	----------	----------	207,376
Republic of China	68,851	17,487	----------	----------	86,338
India	66,216	16,818	----------	----------	83,034
South Africa	46,779	11,881	----------	----------	58,660
Fiji Islands	36,237	9,204	----------	----------	45,441
Mauritius	24,378	6,191	----------	----------	30,569
Swaziland	24,378	6,191	----------	----------	30,569
Thailand	15,154	3,849	----------	----------	19,003
Uganda	12,189	3,096	----------	----------	15,285
Malagasy Republic	9,883	2,510	----------	----------	12,393
Ireland	5,351	----------	----------	----------	5,351
Total	2,478,721	794,259	452,150	66,656	3,791,786

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

• • • • •

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1972 by 200,000 tons, determines an additional deficit in quotas of 95,333 tons and prorates and allocates such deficit to the Philippines and Western Hemisphere quota countries. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on January 18, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-943 Filed 1-18-72;8:29 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Redistricting and Reapportionment

Notice of rule making regarding the proposed redistricting and reapportionment to be effective under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953, regulating the handling of Irish potatoes grown in designated counties in Virginia and North Carolina, was published in the FEDERAL REGISTER January 8, 1972 (37 F.R. 286). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 5 days following publication in the FEDERAL REGISTER. None was filed.

Statement of consideration. The order provides in § 953.12 that the committee may recommend and the Secretary may approve the reapportionment of committee members and the reestablishment of districts within the production area.

The Southeastern Potato Committee consists of 12 members representing five districts. The present committee representation provides one producer member and one handler member each for Districts No. 1, No. 2, and No. 3. However, District No. 3 has become urbanized and there are only two known commercial potato producers remaining, who together grow approximately 100 acres of potatoes.

Under present circumstances this district has an equal vote on the committee with the other two Virginia districts having approximately 200 producers and 29,000 acres of potatoes. In order to correct this inequitable representation, the committee, after giving due consideration to the criteria in § 953.12, unanimously recommended that District No. 3 be merged with District No. 2. These two districts are contiguous and their production and marketing practices are similar.

The committee also recommended that the District No. 3 committee positions (one producer member and one handler member) be terminated and an additional producer member be added to both Districts No. 1 and No. 2. However, this representation would be contrary to the order and the Secretary's decision as the record indicates that "the authority should not be provided for shifts in committee representation between handlers and producers."

Therefore, one producer member and one handler member should be reassigned among Districts No. 1 and No. 2. Since census figures show District No. 1 has the larger acreage and production, the producer member should be selected from there while District No. 2 should get the handler member.

It is hereby found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the committee recommended that the redistricting and reapportionment of committee membership be in effect for the 1972 term of office; (2) it has been widely publicized that the committee nominations for the affected districts will be held January 18; (3) this will provide more equitable committee representation and should be placed in effect as soon as possible; (4) notice of proposed rule making was given on January 8, 1972, by publication in the FEDERAL REGISTER (37 F.R. 286) and no objections were filed; and (5) no useful purpose would be served by postponing such effective date.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice it is hereby found and determined that:

§ 953.123 Reestablishment of districts and reapportionment of committee membership.

(a) Pursuant to § 953.12: (1) The counties of James City and Nansemond and the cities of Chesapeake and Virginia Beach (currently District No. 3) are reestablished as a part of District No. 2; (2) the membership of the Southeastern Potato Committee shall be apportioned among the districts of the production area so as to provide the following representation: Two producer members and one handler member from each of Districts No. 1, 4, and 5; one producer member and two handler members from District No. 2. The respective alternates shall be selected on the same basis of representation as the members.

(b) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated January 18, 1972, to become effective upon signing.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-958 Filed 1-20-72;8:49 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. Paragraph (d) of § 103.3 is revised and a new paragraph (e) is added to read as follows:

§ 103.3 Denials, appeals, and precedent decisions.

• • • • •

(d) *Decisions on appeal.* The decision of the Service officer considering the appeal shall be in writing and a copy thereof shall be served upon the applicant, petitioner, or other party affected, or his attorney or representative of record.

(e) *Precedent decisions.* In addition to the decisions of the Attorney General and the Board, referred to in § 3.1(g) of this chapter, Service officers' decisions selected by the Commissioner shall serve as precedents in all proceedings involving the same issue or issues and, except as they may be modified or overruled by subsequently selected decisions, shall be binding on all officers and employees of the Service in the administration of the Act. All such decisions shall be published and made available to the public in the manner provided in § 103.9(a).

2. Paragraph (b) of § 103.7 is amended as follows: In subparagraph (1) the subparagraph heading *"Nonstatutory fees"* is deleted, the word "nonstatutory" in the introductory sentence is deleted, and the material immediately following the listing of fees beginning "Except as otherwise provided • • •" and ending "without prepayment of fee," is deleted in its entirety; in subparagraph (2) the heading "5 U.S.C. 552 fees" is deleted and the introductory sentence is amended; and in subparagraph (3) the subparagraph "8 U.S.C. 1455 fees" is deleted and the introductory sentence is amended. As amended, paragraph (b) reads in pertinent part as follows and a new paragraph (c) is added to § 103.7 to read as follows:

§ 103.7 Fees.

• • • • •

(b) *Amounts of fees.* (1) The following fees and charges are prescribed:

• • • • •

(2) For the services expended in locating or making available records or copies thereof under 5 U.S.C. 552, the following user charges are deemed fair and equitable and, except as otherwise provided in § 103.10(c)(2) and in paragraph (c) of this section, shall be assessed against the person who requests that records be made available:

• • • • •

(3) Except as otherwise provided in paragraph (c) of this section, for services performed under section 344(a) of the Act the clerk of court shall charge, collect, and account for the following fees:

• • • • •

(c) *Waiver of fees.* (1) Except as otherwise provided in this subparagraph and in § 3.3(b) of this chapter, any of the fees prescribed in paragraph (b) of this section relating to applications, petitions, appeals, motions, or requests may be waived in any case in which the alien or other party affected is unable to pay the prescribed fee if he files his affidavit asking for permission to prosecute without payment of fee the application, petition, appeal, motion, or request, and stating his belief that he is entitled to or deserving of the benefit requested and the reasons for his inability to pay. The officer of the Service having jurisdiction to render a decision on the application, petition, appeal, motion, or request may, in his discretion, grant the waiver of fee. Fees for "Passenger Travel Reports via Sea and Air" and for special statistical tabulations may not be waived.

(2) When the prescribed fee is for services to be performed by the clerk of court under section 344(a) of the Act, the affidavit for waiver of the fee shall be filed with the district director or officer in charge of the Service having administrative jurisdiction over the place in which the court is located at least 7 days prior to the date the fee is required to be paid. If the waiver is granted, there shall be delivered to the clerk of court by a Service representative on or before the date the fee is required to be paid, a notice prepared on Service letterhead and signed by the officer granting the waiver, that the fee has been waived pursuant to this paragraph.

V 37 N 14 JAN 21 72 XUM

PART 344—PETITION FOR NATURALIZATION

§ 334.13 [Amended]

The last sentence of § 334.13 *Filing of petition for naturalization* is amended to read as follows: "The petitioner shall pay the clerk of the naturalization court, at the time the petition is filed, a fee of $25, unless the petitioner is exempt therefrom under section 344(h) of the Immigration and Nationality Act or under section 3 of the Act of October 24, 1968, or has been granted a waiver of the fee under the provisions of § 103.7(c) of this chapter."

PART 334a—DECLARATION OF INTENTION

§ 334a.1 [Amended]

The fourth sentence of § 334a.1 *Filing and disposition* is amended to read as follows: "The applicant may sign the declaration and the photographs affixed thereto in any language or by mark if unable to write and shall pay the clerk of court a fee of $5 at the time the declaration of intention is filed, unless a waiver of fee has been granted under the provisions of § 103.7(c) of this chapter."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (1-21-72). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to § 103.3 (d) and (e) are editorial in nature and relate to agency procedure; the amendment to § 103.7(b) are editorial and clarifying in nature; the amendment to § 103.7(c) confers a benefit on persons affected thereby; and the amendments to §§ 334.13 and 334a.1 conform with an amendment made elsewhere in this chapter.

Dated: January 17, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72-914 Filed 1-20-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-SW-54, Amdt. 39-1360]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive imposing a repetitive inspection for cracks in the Control Rod Assembly, P/N 47-150-255-1, on Bell Model 47 series helicopters was published in 36 F.R. 19912.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. The proposed rule had an incorrect part number listed for the control rod assembly. The correct part number, 47-150-225-1, has now been inserted in place of 47-150-244-1 and the rule is otherwise adopted as proposed with minor corrections in the applicability paragraph.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13607), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

BELL. Applies to:

Bell Models 47G-2A, 47G-2A-1, 47G-3, 47G-3B, 47G-3B-1, 47G-3B-2, 47G-4, 47G-4A, 47G-5, 47J-2, and 47J-2A helicopters certificated in all categories;

Bell Model 47J helicopters, S/N 1777 and subsequent, certificated in all categories; and

Bell Models 47G, 47G-2, and 47J helicopters, S/N1420 through 1776, certificated in all categories incorporating Bell Mast Controls Kit No. 47-3411-1, Service Instruction No. 333.

Compliance required as indicated.

To detect possible cracks in the tube surface of control rod assembly, P/N 47-150-255-1, accomplish the following:

(a) Inspect both control tubes within 100 hours time in service after the effective date of this AD, unless already accomplished, in accordance with the procedures listed below and accomplish repetitive inspections at intervals of not more than 1200 hours time in service from the last inspection.

(b) Inspect the complete external surface of the tube for indications of cracks using a dye penetrant or equivalent inspection method.

(c) If crack indications are found polish out and blend all indications into the adjacent areas and reinspect as follows:

(1) Use 240 or 320 grit paper then use 400 grit paper for final polish. Sand only in the lengthwise direction of the tube.

(2) Do not exceed .005 inch deep removal of material. Circumferential (transverse) cleanup of indication is limited to one-fourth of the tube circumference. There is no restriction of the longitudinal length limit.

(3) Reinspect the polished surface of the tube for cracks using a dye penetrant or equivalent inspection method.

(4) If cracks are found remove the cracked tube before further flight.

(d) If no crack indications are found protect any exposed surfaces of the tube using zinc chromate primer or equivalent.

(Bell Helicopter Service Bulletin No. 47-146 dated August 26, 1971 pertains to this subject.)

This amendment becomes effective February 22, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on January 11, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-918 Filed 1-20-72;8:47 am]

[Airspace Docket No. 71-SO-183]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to designate VOR Federal airway No. 222 segment between Monroeville, Ala., and Montgomery, Ala.

V-222 is presently designated from El Paso, Tex., to Monroeville, Ala., and from Montgomery, Ala., to the Ironsides, Md., intersection. Action is being taken herein to designate a connecting segment of V-222 between Monroeville, Ala., and Montgomery, Ala., to overlie VOR Federal airway No. 20 segment between these points. The designation of this airway segment would provide route continuity and would simplify flight planning and reduce controller workload.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.123 (36 F.R. 2010, 18076) V-222 is amended by deleting all between "Monroeville, Ala." and "LaGrange, Ga.;" and substituting "; Montgomery, Ala.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 13, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-919 Filed 1-20-72;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENTS OF GENERAL POLICY OR INTERPRETATION UNDER THE FAIR PACKAGING AND LABELING ACT

PART 502—REGULATIONS UNDER SECTION 5(C) OF THE FAIR PACKAGING AND LABELING ACT

"Cents-Off" Representations

In the matter of amending subchapter E by the addition of § 502.100 to regulate the use of "cents-off" representations on packaging and labeling of consumer commodities.

Pursuant to the provisions of the Fair Packaging and Labeling Act (sections 5, 6, 80 Stat. 1298, 1299, 1300; 15 U.S.C. 1454, 1455), notice is given that no objections were filed in the above identified matter published in the FEDERAL REGISTER of December 3, 1971 (36 F.R. 23056). Accordingly, the January 2, 1972, effective date of § 502.100 is confirmed except for § 502.100(b)(3) thereof which becomes effective on June 30, 1972.

By direction of the Commission dated January 14, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-922 Filed 1-20-72;8:47 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1975—COVERAGE OF EMPLOYERS UNDER THE WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Pursuant to section 8(g)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657) and Secretary of Labor's Order No. 12-71 (36 F.R. 8754), Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new part, designated Part 1975. The new Part 1975 contains a statement of policy regarding the coverage of employers under the Williams-Steiger Occupational Safety and Health Act of 1970. General notice of proposed rulemaking, public participation therein, and delay in effective date are not required by 5 U.S.C. 553, since this part contains only interpretative rules and general statements of policy. The new part shall be effective immediately.

The new Part 1975 reads as follows:

Sec.
1975.1 Purpose and scope.
1975.2 Basis of authority.
1975.3 Extent of coverage.
1975.4 Coverage.
1975.5 States and political subdivisions of States.
1975.6 Policy as to domestic household employment activities in private residences.

AUTHORITY: The provisions of this Part 1975 issued under 84 Stat. 1590; 29 U.S.C. 667.

§ 1975.1 Purpose and scope.

(a) Among other things, the Williams-Steiger Act poses certain duties on employers. This part has the limited purpose and scope of clarifying which persons are considered to be employers either as a matter of interpretation of the intent and terms of the Act or as a matter of policy appropriate to administering and enforcing the Act. In short, the purpose and scope of this part is to indicate which persons are covered by the Act as employers and, as such, subject to the requirements of the Act.

(b) It is not the purpose of this part to indicate the legal effect of the Act, once coverage is determined. Section 4(b)(1) of the Act provides that the statute shall be inapplicable to working conditions to the extent they are subject to another Federal agency's exercise of different statutory authority affecting the occupational safety and health aspects of those conditions. Therefore, a person may be considered an employer covered by the Act, and yet standards issued under the Act respecting certain working conditions would not be applicable to the extent those conditions were subject to another agency's authority.

§ 1975.2 Basis of authority.

The power of Congress to regulate employment conditions under the Williams-Steiger Occupational Safety and Health Act of 1970, is derived mainly from the Commerce Clause of the Constitution. (Sec. 2(b), Public Law 91-596; U.S. Constitution, Art. I, Sec. 8, Cl. 3; "United States v. Darby," 312 U.S. 100.) The reach of the Commerce Clause extends beyond Federal regulation of the channels and instrumentalities of interstate commerce so as to empower Congress to regulate conditions or activities which affect commerce even though the activity or condition may itself not be commerce and may be purely intrastate in character. ("Gibbons v. Ogden," 9 Wheat. 1, 195; "United States v. Darby," supra; "Wickard v. Filburn, 317 U.S. 111, 117; and "Perez v. United States," 91 S. Ct. 1357 (1971).) And it is not necessary to prove that any particular intrastate activity affects commerce, if the activity is included in a class of activities which Congress intended to regulate because the class affects commerce. ("Heart of Atlanta Motel, Inc. v. United States," 379 U.S. 241; "Katzenbach v. McClung," 379 U.S. 294; and "Perez v. United States," supra.) Generally speaking, the class of activities which Congress may regulate under the commerce power may be as broad and as inclusive as Congress intends, since the commerce power is plenary and has no restrictions placed on it except specific constitutional prohibitions and those restrictions Congress, itself, places on it. ("United States v. Wrightwood Dairy Co.," 315 U.S. 110; and "United States v. Darby," supra.) Since there are no specific constitutional prohibitions involved, the issue is reduced to the question: How inclusive did Congress intend the class of activities to be under the Williams-Steiger Act?

§ 1975.3 Extent of coverage.

(a) Section 2(b) of the Williams-Steiger Occupational Safety and Health Act (Public Law 91-596) sets forth the purpose and policy of Congress in enacting this legislation. In pertinent part, that section reads as follows:

> (b) Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources • • •

Congressman William Steiger described the scope of the Act's coverage in the following words during a discussion of the legislation on the floor of the House of Representatives:

> The coverage of this bill is as broad, generally speaking, as the authority vested in the Federal Government by the commerce clause of the Constitution (Cong. Rec., vol. 116, p. H-11899, Dec. 17, 1970)

The legislative history, as a whole, clearly shows that every amendment or other proposal which would have resulted in any employee's being left outside the protections afforded by the Act was rejected. The reason for excluding no employee, either by exemption or limitation on coverage, lies in the most fundamental of social purposes of this legislation which is to protect the lives and health of human beings in the context of their employment.

(b) The Williams-Steiger Act includes special provisions (secs. 19 and 18(c)(6)) for the protection of Federal and State employees to whom the Act's other provisions are made inapplicable under section 3(5), which excludes from the definition of the term "employer" both the United States and any State or political subdivision of a State.

(c) In the case of section 4(b)(1) of the Act, which makes the Act inapplicable to working conditions to the extent they are protected under laws administered by other Federal agencies, Congress did not intend to grant any general exemptions under the Act; its sole purpose was to avoid duplication of effort by Federal agencies in establishing a national policy of occupational safety and health protection.

(d) Interpretation of the provisions and terms of the Williams-Steiger Act must of necessity be consistent with the express intent of Congress to exercise its commerce power to the extent that, "so far as possible, every working man and woman in the Nation" would be protected as provided for in the Act. The words "so far as possible" refer to the practical extent to which governmental regulation and expended resources are capable of achieving safe and healthful working conditions; the words are not ones of limitation on coverage. The controlling definition for the purpose of coverage under the Act is that of "employer" contained in section 3(5). This term is defined as follows:

> (5) The term "employer" means any person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

In carrying out the broad coverage mandate of Congress, we interpret the term "business" in the above definition as including any commercial or noncommercial activity affecting commerce and involving the employment of one or more employees; the term "commerce" is defined in the Act itself, in section 3(3). Since the legislative history and the words of the statute, itself, indicate that Congress intended the full exercise of its commerce power in order to reduce employment-related hazards which, as a

V 37 14 JAN 21 72 XUM

whole impose a substantial burden on commerce, it follows that all employments where such hazards exist or could exist (that is, those involving the employment of one or more employees) were intended to be regulated as a class of activties which affects commerce.

§ 1975.4 **Coverage.**

(a) *General.* Any employer employing one or more employees would be an "employer engaged in a business affecting commerce who has employees" and, therefore, he is covered by the Act as such.

(b) *Clarification as to certain employers—(1) The professions, such as physicians, attorneys, etc.* Where a member of a profession, such as an attorney or physician, employs one or more employees such member comes within the definition of an employer as defined in the Act and interpreted thereunder and, therefore, such member is covered as an employer under the Act and required to comply with its provisions and with the regulations issued thereunder to the extent applicable.

(2) *Agricultural employers.* Any person engaged in an agricultural activity employing one or more employees comes within the definition of an employer under the Act, and therefore, is covered by its provisions. However, members of the immediate family of the farm employer are not regarded as employees for the purposes of this definition.

(3) *Indians.* The Williams-Steiger Act contains no special provisions with respect to different treatment in the case of Indians. It is well settled that under statutes of general application, such as the Williams-Steiger Act, Indians are treated as any other person, unless Congress expressly provided for special treatment. "FPC v. Tuscarora Indian Nation," 362 U.S. 99, 115–116 (1960); "Navajo Tribe v. N.L.R.B.," 288 F.2d 162, 164–165 (D.C. Cir. 1961), cert. den. 366 U.S. 928 (1961). Therefore, provided they otherwise come within the definition of the term "employer" as interpreted in this part, Indians and Indian tribes, whether on or off reservations, and non-Indians on reservations, will be treated as employers subject to the requirements of the Act.

(4) *Nonprofit and charitable organizations.* The basic purpose of the Williams-Steiger Act is to improve working environments in the sense that they impair, or could impair, the lives and health of employees. Therefore, certain economic tests such as whether the employer's business is operated for the purpose of making a profit or has other economic ends, may not properly be used as tests for coverage of an employer's activity under the Williams-Steiger Act. To permit such economic tests to serve as criteria for excluding certain employers, such as nonprofit and charitable organizations which employ one or more employees, would result in thousands of employees being left outside the protections of the Williams-Steiger Act in disregard of the clear mandate of Congress to assure "every working man and woman in the Nation safe and healthful working conditions * * *". Therefore, any charitable or non-profit organization which employs one or more employees is covered under the Williams-Steiger Act and is required to comply with its provisions and the regulations issued thereunder. (Some examples of covered charitable or non-profit organizations would be disaster relief organizations, philanthropic organizations, trade associations, private educational institutions, labor organizations, and private hospitals.)

(c) *Coverage of churches and special policy as to certain church activities—(1) Churches.* Churches or religious organizations, like charitable and nonprofit organizations, are considered employers under the Act where they employ one or more persons in secular activities. As a matter of enforcement policy, the performance of, or participation in, religious services (as distinguished from secular or proprietary activities whether for charitable or religion-related purposes) will be regarded as not constituting employment under the Act. Any person, while performing religious services or participating in them in any degree is not regarded as an employer or employee under the Act, notwithstanding the fact that such person may be regarded as an employer or employee for other purposes—for example, giving or receiving remuneration in connection with the performance of religious services.

(2) *Examples.* Some examples of coverage of religious organizations as employers would be: A private hospital owned or operated by a religious organization; a private school or orphanage owned or operated by a religious organization; commercial establishments of religious organizations engaged in producing or selling products such as alcoholic beverages, bakery goods, religious goods, etc.; and administrative, executive, and other office personnel employed by religious organizations. Some examples of noncoverage in the case of religious organizations would be: clergymen while performing or participating in religious services; and other participants in religious services; namely, choir masters, organists, other musicians, choir members, ushers, and the like.

§ 1975.5 **States and political subdivisions thereof.**

(a) *General.* The definition of the term "employer" in section 3(5) of the Act excludes the United States and States and political subdivisions of a State:

(5) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State.

The term "State" is defined as follows in section 3(7) of the Act:

(7) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

Since States, as defined in section 3(7) of the Act, and political subdivisions thereof are not regarded as employers under section 3(5) of the Act, they would not be covered as employers under the Act, except to the extent that section 18(c)(6), and the pertinent regulations thereunder, require as a condition of approval by the Secretary of Labor of a State plan that such plan:

(6) Contain[s] satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan.

(b) *Tests.* Any entity which has been (1) created directly by the State, so as to constitute a department or administrative arm of the government, or (2) administered by individuals who are controlled by public officials and responsible to such officials or to the general electorate, shall be deemed to be a "State or political subdivision thereof" under section 3(5) of the Act and, therefore, not within the definition of employer, and, consequently, not subject to the Act as an employer.

(c) *Factors for meeting the tests.* Various factors will be taken into consideration in determining whether an entity meets the test discussed above. Some examples of these factors are: Are the individuals who administer the entity appointed by a public official or elected by the general electorate? What are the terms and conditions of the appointment? Who may dismiss such individuals and under what procedures? What is the financial source of the salary of these individuals? Does the entity earn a profit? Are such profits treated as revenue? How are the entity's functions financed? What are the powers of the entity and are they usually characteristic of a government rather than a private instrumentality like the power of eminent domain? How is the entity regarded under State and local law as well as under other Federal laws? Is the entity exempted from State and local tax laws? Are the entity's bonds, if any, tax-exempt? As to the entity's employees, are they regarded like employees of other State and political subdivisions? What is the financial source of the employee-payroll? How do employee fringe benefits, rights, obligations, and restrictions of the entity's employees compare to those of the employees of other State and local departments and agencies? In evaluating these factors, due regard will be given to whether any occupational safety and health program exists to protect the entity's employees.

(d) *Weight of the factors.* The above list of factors is not exhaustive and no factor, isolated from the particular facts of a case, is assigned any particular weight for the purpose of a determination by the Secretary of Labor as to whether a given entity is a "State or political subdivision of a State" and, as such, not subject to the Act as an "employer". Each case must be viewed on its merits; and whether a single factor will be decisive, or whether the factors must be viewed in their relationship to each other as part of a sum total, also depends on the merits of each case.

(e) *Examples.* (1) The following types of entities would normally be regarded as not being employers under section 3(5) of the Act: the State Department of Labor and Industry; the State Highway and Motor Vehicle Department; State, county, and municipal law enforcement agencies as well as penal institutions; State, county, and municipal judicial bodies; State University Boards of Trustees; State, county, and municipal public school boards and commissions; and public libraries.

(2) Depending on the facts in the particular situation, the following types of entities would probably be excluded as employers under section 3(5) of the Act: harbor districts, irrigation districts, port authorities, bi-State authorities over bridges, highways, rivers, harbors, etc.; municipal transit entities; and State, county, and local hospitals and related institutions.

(3) The following examples are of entities which would normally not be regarded as a "State or political subdivision of a State", but unusual factors to the contrary in a particular case may indicate otherwise: Public utility companies, merely regulated by State or local bodies; businesses, such as alcoholic beverage distributors, licensed under State or local law; other business entities which under agreement perform certain functions for the State, such as gasoline stations conducting automobile inspections for State and county governments.

§ 1975.6 **Policy as to domestic household employment activities in private residences.**

As a matter of policy, individuals who, in their own residences, privately employ persons for the purpose of performing for the benefit of such individuals what are commonly regarded as ordinary domestic household tasks, such as house cleaning, cooking, and caring for children, shall not be subject to the requirements of the Act with respect to such employment.

Signed at Washington, D.C., this 17th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-908 Filed 1-20-72;8:46 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Trademark Application and Drawing Requirements

A proposal was published at 36 F.R. 18002 to amend and revise §§ 2.21–2.23, 2.52, and 2.56. Pursuant to this notice, a number of comments have been received from interested persons. In light of the comments submitted, some changes have been made in the rules as proposed.

An additional subparagraph has been added to § 2.21 requiring that the application state the name of the applicant. In the same section, a paragraph (c) has been added. This paragraph incorporates the substances of proposed § 2.22. Section 2.52 has been revised to state that drawings must be 8 to 8½ inches wide and 11 inches long. In view of the change in § 2.52, § 2.31 has also been revised to make it clear that applications submitted on either letter or legal-size paper are acceptable.

Effective date. This revision shall become effective on February 1, 1972. However, as to § 2.52, drawings which comply only with the existing rule will be accepted until March 1, 1972.

1. Section 2.21 is revised to read as follows:

§ 2.21 **Requirements for receiving a filing date.**

(a) Materials submitted as an application for registration of a mark will not be accorded a filing date as an application until all of the following elements are received:

(1) Name of the applicant;

(2) A name and address to which communications can be directed;

(3) A drawing or other identification of the mark sought to be registered;

(4) An identification of goods or services;

(5) At least one specimen or facsimile of the mark as actually used;

(6) A date of first use of the mark in commerce, or a certification or certified copy of a foreign registration if the application is based on such foreign registration pursuant to section 44(e) of the act, or a claim of the benefit of a prior foreign application in accordance with section 44(d) of the act;

(7) The required filing fee for at least one class of goods or services.

Compliance with one or more of the rules relating to the elements specified above may be required before the application is further processed.

(b) The filing date of the application is the date on which all of the elements set forth in paragraph (a) of this section are received in the Patent Office.

(c) If the papers are so defective that they cannot be accepted, the applicant will be notified and the papers and fee held 6 months. If the requirements for receiving a filing date have not been satisfied within such time, the papers and fee will be returned to the applicant or otherwise disposed of; the drawing or fee of an unaccepted application may be transferred to a later application.

§ 2.22 [Revoked]

2. Section 2.22 is revoked.

3. Section 2.23 is revised to read as follows:

§ 2.23 **Serial number.**

Applications will be given a serial number as received, and the applicant will be informed of the serial number and the filing date of the application.

4. Section 2.31 is revised to read as follows:

§ 2.31 **Application must be in English.**

The application must be in the English language and plainly written on but one side of the paper. It is deemed preferable that the application be on legal or letter-size paper, typewritten double spaced, with at least a one and one-half inch margin on the left-hand side and top of the page.

5. Section 2.52 is amended by revising paragraph (c) to read as follows:

§ 2.52 **Requirements for drawings.**

* * * * * *

(c) *Size of paper and margins.* The size of the sheet on which a drawing is made must be 8 to 8½ inches wide and 11 inches long. One of the shorter sides of the sheet should be regarded as its top. When the figure is longer than the width of the sheet, the sheet should be turned on its side with the top at the right. The size of the mark must be such as to leave a margin of at least 1 inch on the sides and bottom of the paper and at least 1 inch between it and the heading.

* * * * * *

6. Section 2.56 is revised to read as follows:

§ 2.56 **Specimens.**

The application must include five specimens of the trademark as actually used on or in connection with the goods in commerce. The specimens shall be duplicates of the actual used labels, tags, or containers, or the displays associated therewith or portions thereof, when made of suitable flat material and of a size not to exceed 8½ inches wide and 13 inches long.

Dated: January 11, 1972.

RICHARD A. WAHL,
Acting Commissioner of Patents.

Approved:

JAMES H. WAKELIN, JR.,
Assistant Secretary for Science and Technology.

[FR Doc.72-924 Filed 1-20-72;8:48 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 474–72]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart P—Federal Bureau of Investigation

EXCHANGES OF IDENTIFICATION RECORDS

Section 902 of the Supplemental Appropriations Act, 1972 (Public Law 92–184, 85 Stat. 627) permits the Federal

V 37 14 JAN 21 72 XUM

Bureau of Investigation to exchange identification records with State and local governments for purposes of employment and licensing if authorized by State statute and approved by the Attorney General. This order delegates the Attorney General's approval authority to the Director, Federal Bureau of Investigation.

By virtue of the authority vested in me by sections 509 and 510 of title 28 and section 301 of title 5 of the United States Code, § 0.85 of Subpart P of Part 0 of Chapter I of Title 28 of the Code of Federal Regulations is amended by adding the following:

§ 0.85 General functions.

• • • • •

(j) Exercise the power and authority vested in the Attorney General by section 902 of the Supplemental Appropriations Act, 1972, Public Law 92–184, 85 Stat. 627, to approve exchanges of identification records with State and local governments for purposes of employment and licensing.

Dated: January 17, 1972.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.72–909 Filed 1–20–72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Miscellaneous Amendments

Section 5A–2.201–70 is amended as follows:

§ 5A–2.201–70 Forms to be used.

When soliciting offers for advertised supply and service contracts, the following forms shall be used:

(a) Standard Form 33, Solicitation, Offer, and Award, November 1969 edition. (See § 1–16.101(a).)

(b) Standard Form 33A, Solicitation Instructions and Conditions, March 1969 edition, shall be incorporated by reference in each solicitation for offers by use of the following provision:

Block 9 (Item 1) of Standard Form 33 is modified to provide that Standard Form 33A, March 1969 edition, is incorporated by reference rather than attached. A copy of SF 33A is available upon request.

(c) Standard Form 32, General Provisions (Supply Contract), November 1969 edition, shall be incorporated by reference in each solicitation for offers. (See § 1–16.105.)

• • • • •

(f) Forms that are incorporated by reference.

(1) Since SF 32, SF 33A, and GSA Form 1424 (or GSA Form 1246 for Aid procurement) are normally incorporated by reference in the solicitation for offers, it is essential that all prospective bidders are furnished copies of these forms.

(2) The Procurement Policy and Procedures Division (FPP) shall be responsible for arranging to have a copy of these forms distributed to all firms on the FSS Bidder's Mailing List each time a new edition of any one of these forms is prescribed.

(3) The Centralized Mailing List Service (CMLS) in Region 8 maintains the FSS Bidder's Mailing List (see chapter 9 of FSS P 2900.2). When a new firm is added to the Bidder's Mailing List a copy of each of the forms listed in paragraph (f)(1) shall be mailed by CMLS to the firm with an explanatory note stating that the forms will be referenced but not attached to future invitations for bids.

(g) GSA Form 1602, Transmittal Sheet for Invitations for Bids and Solicitation for Offers, where necessary to call the attention of prospective bidders to special considerations and requirements that otherwise may be easily overlooked and to significant changes from previous invitations for bids and contract provisions used for the same commodity or service.

(h) Standard Form 30, Amendment of Solicitation/Modification of Contract, July 1966 edition, when it is necessary to amend the solicitation for offers.

Section 5A–72.105–12 is amended as follows:

§ 5A–72.105–12 Report of orders received and shipments made.

(a) GSA Form 1227, Contractor's Report of Orders Received and Shipments Made (see § 5A–16.950–1227), is designed as an aid to the contracting officer and may be used on an optional basis if he considers it helpful for contract administration purposes. The report may serve this purpose in connection with national and zone indefinite-delivery-type contracts for stock items; for example, when close monitoring of orders received and shipments made is called for to evaluate a new contractor's performance, or where past performance of a previous contractor has been borderline.

(b) When reports are to be required, the report frequency shall be held to a minimum, generally not more than monthly. In exceptional cases where more frequent reports are required, the clause in (c) below must be appropriately modified to provide for weekly or semimonthly reports, and its use must be approved by the regional head of the procuring activity; in the Central Office by the Directors, Procurement Operations Division, Special Programs Division, or ADP Procurement Division, as applicable. (The clause in (c) below is included in GSA Form 1424 as clause 56. To make it applicable, when required, the solicitation and contract must so specify.)

• • • • •

(d) Upon receipt of GSA Form 1227, the report shall be promptly reviewed to determine whether the contractor is proceeding in accordance with the contract terms. This review shall take into account information available from other sources; for example and as available, verifications against copies of purchase orders or copies of GSA Form 1679, Contract Administration Notice, or any other information about orders placed and shipments made which becomes available from telephone calls or exchanges of letters, to determine whether these transactions have been reflected in the contractor's reports.

• • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); and 41 CFR 5–1.101(c))

Effective date. This regulation is effective immediately.

Dated: January 11, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.72–905 Filed 1–20–72;8:46 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Determining Need for Data Communications

The regulation setting forth policy governing automatic data processing management services is amended to provide direction and establish guidelines for determining need for data communications as part of, or as an adjunct to, a data processing capability.

Part 101–32 is amended by adding new Subpart 101–32.11 and reserving Subparts 101–32.12 through 101–32.46 as follows:

Subpart 101–32.11—Data Communications Support for ADP Systems

Sec.
101–32.1100 Scope of subpart.
101–32.1101 Applicability.
101–32.1102 Definitions.
101–32.1102–1 Data communications.
101–32.1102–2 Communications study.
101–32.1103 GSA assistance.
101–32.1104 Preliminary consideration of data communications requirements.
101–32.1105 Data communications study personnel.
101–32.1106 Factors for consideration.
101–32.1107 Report of data communications study group.
101–32.1108 Approval of data communications systems.

Subparts 101–32.12—101–32.46 [Reserved]

AUTHORITY: The provisions of this Subpart 101–32.11 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–32.11—Data Communications Support for ADP Systems

§ 101–32.1100 Scope of subpart.

This subpart provides policy guidance to Federal agencies on determining the need for data communications as part of, or as an adjunct to, a data processing capability.

§ 101–32.1101 Applicability.

The provisions of this subpart are applicable to all Federal agencies.

§ 101–32.1102 Definitions.

As used in this Subpart 101–32.11, the following terms shall have the meaning as set forth in this § 101–32.1102.

§ 101–32.1102–1 Data communications.

"Data communications" means the transfer, by electronic or electrodynamic means, of input data from the point of origin to a computer; of output from a computer to a user; or of record data between two or more computers not located at the same site and includes offline data transmission.

§ 101–32.1102–2 Communications study.

"Communications study" means an in-depth examination of the means by which a data transmission requirement can be satisfied in the most efficient and economical manner, including line, software, and equipment requirements and projected costs.

§ 101–32.1103 GSA assistance.

Requests for assistance regarding the provisions of this Subpart 101–32.11 should be directed through the appropriate GSA regional ADP sharing exchange, as shown in § 101–32.48.

§ 101–32.1104 Preliminary consideration of data communications requirements.

The Office of Management and Budget obliges agencies to make a general systems study before determining whether data processing equipment should be procured and to provide for the orderly programming and engineering of Government telecommunications facilities, including data transmission. Such a study, although it need not be of the same scope or magnitude, should precede a determination of the need to change or upgrade an ongoing data processing system. During the course of a general systems study, consideration should be given to any requirements for data communications in support of the system. If the results of this consideration are negative, the study should so state. If the results of such consideration are affirmative, a data communications study should be made. Final determination of need or of the equipment, techniques, or facilities or systems to be used to satisfy such need shall not be made without a data communications study. However, there should be reasonable assurance of the need for data communications before embarking on such a study. Data communications will usually be required if the system to be proposed includes or establishes any or all of the following:

(a) A real-time or an online computer system.

(b) A time-sharing system.

(c) A requirement for remote locations to provide input to or obtain output from a computer in a time frame which cannot be satisfied by nonelectronic communications means.

(d) A data base of current and usable information which must be accessed with a high degree of immediacy from remote locations or by many users.

(e) Two or more computers, not located at the same site, with a requirement for backup, for load balancing, or for data transfer between them.

(f) Other situations, not covered by the foregoing, which clearly indicate the probability of a data communications requirement.

§ 101–32.1105 Data communications study personnel.

The group selected for the data communications study should include some of the personnel making the systems study who have become familiar with all aspects of the proposed system and should function under the leadership of a person who is skilled and knowledgeable in the latest communications techniques, methodology, equipment, and costs. The Transportation and Communications Service (TCS), General Services Administration, operates an extensive communications network for the Government and is available to assist agencies in the conduct of communications studies or augment and supplement the efforts of civil agencies' staffs. (See Subpart 101–35.1). TCS can advise about existing data communications facilities which may be made available at reduced costs.

§ 101–32.1106 Factors for consideration.

The data communications study includes a detailed analysis of the proposed data processing system and the environment within which it will operate and a determination as to the feasibility and economy of data communications under the circumstances. Also, such a study indicates the additional equipment and the type and number of communications lines which are estimated to be required; the impact on the format of data and data banks, codes to be used and programing required; and, most significantly, the important elements of cost. The factors to be examined include the following:

(a) Data proposed to be communicated.

(b) Points between which data is proposed to be communicated.

(c) Volume of data involved, average loads, peak loads, and blocking factors.

(d) Time frame within which the transmission will be required and a profile of time/volume requirements.

(e) Codes to be used and the medium in which the data will be made available for transmission and in which it must be received; e.g., ASCII, BAUDOT, keyboard, paper tape, magnetic tape, cards, display devices, and printers.

(f) Accuracy required and the necessity for employment of error detection and correction techniques.

(g) Security requirements.

(h) System redundancy and backup requirements developed from total system objectives and operational criteria.

(i) Effect on other system data transfer requirements.

§ 101–32.1107 Report of data communications study group.

(a) The study group should prepare a written report detailing the data communications system which most economically and effectively satisfies the requirements of the proposed data processing system. The report should refer to the factors analyzed, including those specified in § 101–32.1106, and in addition, identify the following factors:

(1) Type of service.
(2) Line requirements.
(3) Hardware and software requirements.
(4) Error detection/correction techniques required.
(5) Time- or event-dependent statement of additions to the communications capability required for the handling of expected increases in workload or in demands on the system.
(6) Space requirements.
(7) Detailed statement of estimated one-time and recurring costs.
(8) Cryptographic security requirements.
(9) Noncryptographic security requirements.
(10) Rationale why data communication via electronic means is required as opposed to mail or courier service.
(11) Access security.
(12) Other facilities in the area which can accommodate the requirement within their existing or enhanced capabilities.
(13) Review of existing communications capability.

(b) The report should be transmitted to the systems study group for analysis and recommendation. Such analysis should consider the extent to which the proposed data communications system will satisfy the requirements of the proposed data processing system and should include a cost/benefit study to determine whether to include or exclude data communications from the proposed data processing system.

§ 101–32.1108 Approval of data communications systems.

Except for those agencies specifically exempted under the provisions of § 101–35.102, executive agencies are to obtain approval from TCS for all new installations and major changes in existing telecommunications facilities. (See § 101–35.201–1.) However, irrespective of any such exemptions all requirements for data communications systems required as part of or as an adjunct to a data processing system shall be submitted to GSA in accordance with the provisions of Subpart 101–32.4.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (1–21–72).

Dated: January 13, 1972.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.72–904 Filed 1–20–72;8:45 am]

V 37 I 14 JAN 21 72 XUM

Chapter 114—Department of the Interior

PART 114–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114–26.5—GSA Procurement Programs

NEW PURCHASES

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (1–21–72).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

JANUARY 14, 1972.

Section 114–26.501–52(c) (1) is amended to read as follows:

§ 114–26.501–52 Acquisition, utilization, and assignment of limousines, heavy sedans, and medium sedans.

• • • • •

(c) • • • (1) *New purchases.* Proposed new purchases, whether for replacement purposes or otherwise, shall be justified and submitted as a part of the annual budget request.

• • • • •

[FR Doc.72–952 Filed 1–20–72;8:50 am]

PART 114–43—UTILIZATION OF PERSONAL PROPERTY

Subpart 114–43.3—Utilization of Excess

USE OF EXCESS PROPERTY ON CONTRACTS AND GRANTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114–43.3 of Chapter 114, Title 41 of the Code of Federal Regulations is revised as set forth below, and Subpart 114–26.7 is deleted in its entirety.

These amendments shall become effective on the date of publication in the FEDERAL REGISTER (1–21–72).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

JANUARY 14, 1972.

The table of contents for Subpart 114–43.3 is amended by adding the following:

Sec.
114–43.320 Use of excess property on contracts and grants.

A new § 114–43.320 is added to read as follows:

§ 114–43.320 Use of excess property on contracts and grants.

(a) [Reserved]
(b) [Reserved]
(c) [Reserved]
(d) [Reserved]

(e) Public Law 92–175, approved December 2, 1971, provides authority to vest title to excess personal property furnished to grantees and cost-reimbursement-type contractors for use in furtherance of the purposes of the Water Resources Act of 1964. The Department has no other statutory authority to vest title to excess property in grantees or cost-reimbursement-type contractors.

[FR Doc.72–953 Filed 1–20–72;8:50 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1088]

PART 1033—CAR SERVICE

Central Railroad Company of New Jersey Authorized to Operate Over Tracks of Lehigh Valley Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of January 1972.

It appearing, that because of severe track damage in the vicinity of Coalport, Pa., the Central Railroad Company of New Jersey (Robert D. Timpany, trustee), is unable to operate over its main line passing through Coalport; that the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) has agreed to permit the Central Railroad Company of New Jersey (Robert D. Timpany, trustee) to operate over its tracks between a point in the vicinity of Lehigh Valley milepost 121, at Packerton Junction, Pa., and a point in the vicinity of Lehigh Valley milepost 125, at Hetchel, Pa., a distance of approximately 4.3 miles; that the Commission is of the opinion that operation by the Central Railroad Company of New Jersey (Robert D. Timpany, trustee) over these tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1088 Service Order No. 1088.

(a) *The Central Railroad Company of New Jersey (Robert D. Timpany, trustee) authorized to operate over tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees).* The Central Railroad Company of New Jersey (Robert D. Timpany, trustee) be, and it is hereby, authorized to operate over tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) between a point in the vicinity of Lehigh Valley milepost 121 at Packerton Junction, Pa., and a point in the vicinity of Lehigh Valley milepost 125, at Hetchel, Pa., a distance of approximately 4.3 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Central Railroad Company of New Jersey (Robert D. Timpany, trustee) over tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Central Railroad Company of New Jersey (Robert D. Timpany, trustee) over these tracks of the Lehigh Valley Railroad Co. (John F. Nash and Robert C. Haldeman, trustees) shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., January 18, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies secs. 1(10–17), 15(4) and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–951 Filed 1–20–72;8:50 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

[28 CFR Part 48]

NEWSPAPER PRESERVATION ACT

Filing and Approval of Joint Newspaper Operating Arrangements; Extension of Time for Filing Reply Comments

Proposed regulations setting forth procedures for securing the Attorney General's approval for new joint newspaper operating arrangements and for filing renewals and amendments, pursuant to the Newspaper Preservation Act, 84 Stat. 466, were published on October 22, 1971, 36 F.R. 20435 and December 11, 1971, 36 F.R. 23630. The time for filing of comments expired on January 5, 1972. Interested persons may file reply comments no later than February 14, 1972.

Dated: January 13, 1972.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.72–910 Filed 1–20–72;8:46 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Service

[9 CFR Part 92]

CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

Proposed Restrictions on Importation of Poultry and Other Birds; Inspection and Other Requirements for Certain Means of Conveyance and Shipping Containers

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, and 134f), the Department of Agriculture is considering amending Part 92, Title 9, Code of Federal Regulations, relating to restrictions on importation of poultry and other birds in the following respects:

1. The present provisions in § 92.2 would be designated as paragraph (a) and a new paragraph (b) would be added to § 92.2 to read as follows:

§ 92.2 General prohibition.

• • • • • •

(b) The provisions in this Part 92 relating to poultry shall also apply, unless otherwise specified in this Part, to mynah birds and psittacine birds and birds of all other species if imported with any mynah or psitticine birds. This definition applies to such birds of all ages if they are under any form of confinement, and includes eggs from such birds.

• • • • • •

2. In § 92.5, paragraph (b) would be amended to read:

§ 92.5 Certificate for ruminants, swine, and poultry.[7]

• • • • • •

(b) *Poultry.* (1) All poultry, except eggs for hatching, offered for importation from any country of the world except Canada and Mexico as provided in §§ 92.26 and 92.38 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such country and that they were then found to be free of evidence of pullorum disease (bacillary white diarrhea) and other communicable diseases, and that, as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 60 days immediately preceding the date of such movement. Certificates for such poultry shall also state that the poultry have been kept in the country from which they are offered for importation for at least 60 days immediately preceding the date of movement therefrom or since hatched and that, as far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumonecephalitis) occurred in the locality or localities where the poultry were kept during such period. All eggs for hatching offered for importation from any part of the world except as provided in §§ 92.26 and 92.38 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that the flock or flocks of origin were found upon inspection to be free from evidence of pullorum disease (bacillary white diarrhea) and other communicable disease and that as far as it has been possible to determine such flock or flocks were not exposed to any such disease common to poultry during the preceding 60 days.

(2) All psittacine and mynah birds offered for importation from any country of the world and all birds of other species imported in any shipment with any psittacine or mynah birds shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such birds have been kept in said country at least 60 days immediately preceding the date of movement therefrom; that such birds were inspected on the premises where held prior to such movement and were found to be free of evidence of Newcastle disease, ornithosis, and other communicable diseases common to poultry; that insofar as possible to determine such birds were not exposed to any such disease within the 60 days immediately preceding the date of such movement; and that viscerotropic strains of Newcastle disease have not occurred in said country within the 60 days immediately preceding the date of such movement.

3. In § 92.11, paragraph (c) would be amended to read:

§ 92.11 Periods of quarantine.

• • • • • •

(c) *Poultry.* (1) All poultry imported from any part of the world, except as provided in §§ 92.26(a) and 92.38(a) shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to such inspections, disinfections, blood tests, or other tests as may be required by the Deputy Administrator, Veterinary Services, to determine their freedom from disease or the infection of disease, and their freedom from exposure thereto.

(2) All psittacine and mynah birds imported from any part of the world and all birds of other species imported in any shipment with psittacine or mynah birds shall be quarantined at the first U.S. port of arrival for not less than 30 days counting the date of arrival. Such birds shall be quarantined only in facilities which have been specifically designated by the Deputy Administrator, Veterinary Services for the handling of such species and which are owned by the Department, or in privately owned facilities approved by the Deputy Administrator, Veterinary Services for use in handling such shipments[8] and which are operated under the supervision of a Veterinary Services inspector. All birds quarantined under this part shall be treated while in quarantine in accordance with guidelines established by the U.S. Public Health Service for the prevention of ornithosis,[8] and no birds shall be re-

[7] For other permit requirements the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health, Education, and Welfare (Subpart J–1 of Part 71, Title 42, Code of Federal Regulations) should be consulted.

[8] To qualify for specific designation under this paragraph, all facilities shall have met design criteria specified by the Department as adequate to minimize the risk of spread of any poultry disease. Such criteria may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Service, Hyattsville, Md. 20782.

[8] Such guidelines may be obtained from the Director, Center for Disease Control, U.S. Public Health Service, Atlanta, Ga. 30333.

V 37-14 JAN 21 72 XUM

leased from a designated quarantine facility unless all birds in such facility at the time of release have been quarantined for not less than 30 days and no evidence of poultry disease has been found during the quarantine period.

4. In § 92.12, paragraph (a) would be amended to read:

§ 92.12 Feed and attendants for animals in quarantine.

(a) Importers of animals subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the quarantine port to the time of release from quarantine. At ports where facilities are not maintained by Veterinary Services, except as provided in § 92.11(c)(2), importers shall provide suitable facilities for the quarantine of such animals, subject in all cases to the approval of the inspector in charge at the port. Such approval shall be required prior to the issuance of import permits. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their animals. If for any cause owners of animals refuse or neglect to arrange for their care, feed, and handling, the service may be furnished by Veterinary Services in the same manner as though the owner, or his agent, had made arrangements for such service as provided by paragraph (b) of this section, or the animals may be disposed of as the Deputy Administrator, Veterinary Services, may direct in accordance with applicable laws.

* * * * *

5. In § 92.19, paragraph (a) would be amended to read:

§ 92.19 Import permit and declaration for animals and animal semen.

(a) For ruminants, swine, poultry, and animal semen intended for importation from Canada, the importer shall first apply for and obtain from Veterinary Services an import permit as provided in § 92.4: *Provided*, That an import permit is not required for poultry (but is required for psittacine and mynah birds, and all birds of other species imported with any psittacine or mynah birds) if offered for entry at a land border port designated in § 92.3(b): *And provided, further*, That an import permit is not required for a ruminant or swine, or for semen from a ruminant or swine, offered for entry at a land border port designated in § 92.3(b) if such animal or the donor animal, in the case of semen: (1) Was born in Canada or the United States, and has been in no country other than Canada or the United States, or (2) has been legally imported into Canada from some other country and unconditionally released in Canada so as to be eligible to move freely within that country without restriction of any kind and has been in Canada after such release for 60 days or longer.

* * * * *

6. Section 92.26 would be amended to read:

§ 92.26 Poultry from Canada.

(a) All poultry offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Deputy Administrator, Veterinary Services, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from Canada, without such certification of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter.

(b) All psittacine and mynah birds, and all birds of other species imported with psittacine or mynah birds, that are offered for importation from Canada shall meet the requirements of paragraph (a) and the additional requirements in §§ 92.5(b)(2), 92.11(c)(2), 92.12, and 92.19 to qualify for entry. Birds which do not meet these requirements shall be rejected entry and shall be disposed of as directed by the Deputy Administrator, Veterinary Services.

7. In § 92.27, a new paragraph (c) would be added to read:

§ 92.27 Import permit and declaration for animals and animal semen.

* * * * *

(c) All poultry offered for importation from countries of Central America and the West Indies shall also meet the additional requirements in §§ 92.5(b), 92.11(c), and 92.12 to qualify for entry. Birds which do not meet these requirements shall be rejected entry and shall be disposed of as directed by the Deputy Administrator, Veterinary Services.

8. Section 92.38 would be amended to read:

§ 92.38 Poultry from Mexico.

(a) All poultry offered for importation from Mexico, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Mexican Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Deputy Administrator, Veterinary Services, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from Mexico, without such certification of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter.

(b) All psittacine and mynah birds, and all birds of other species imported with any psittacine or mynah birds, that are offered for importation from Mexico shall meet the requirements of paragraph (a) of this section and the additional requirements in §§ 92.5(b)(2), 92.11(c)(2), and 92.12 to qualify for entry. Birds which do not meet these requirements shall be rejected entry and shall be disposed of as directed by the Deputy Administrator, Veterinary Services.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Deputy Administrator, Veterinary Services, Animal and Plant Health Service, Hyattsville, Md. 20782, within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to the Deputy Administrator, so that arrangements may be made for presentation of such views in Washington, D.C. within the 15-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-923 Filed 1-20-72;8:48 am]

Commodity Credit Corporation

[7 CFR Part 1421]

DRY EDIBLE BEANS

Proposed Loan and Purchase Program for 1972 Crop

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 301, 303, 401, and 403 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1447, 1449, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c), proposes to make determinations and issue regulations relative to a loan and purchase program for the 1972 crop of dry edible beans and for program eligibility requirements, storage requirements, and detailed operating provisions.

Section 301 of the Agricultural Act of 1949 authorizes the Secretary to make available through loans, purchases, or other operations support to producers for any nonbasic commodity for which support is not mandatory at a level not in excess of 90 per centum of the parity price for the commodity. Section 401 requires that, in determining the level of support, consideration be given to the supply of the commodity in relation to the demand therefor, the levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. Section 303 requires that, in determining the level of support, particular consideration shall be given to the levels at which competing agricultural commodities are being supported.

Commodity and producer eligibility requirements, storage requirements and detailed operating provisions necessary to carry out the program are also being reviewed for 1972. Provisions of this kind under current programs may be found in regulations governing loans, purchases, and other operations for grain and similarly handled commodities which appear in Title 7, Part 1421 of the Code of Federal Regulations.

Prior to making any of the foregoing determinations, consideration will be given to data, views, and recommendations which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions must, in order to be sure of consideration, be received by the Director not later than 30 days from the date of publication of notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on January 19, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-974 Filed 1-20-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 72-10]

COLD COMPRESSED GASES

Extension of Time To File Comments and Public Hearing

On October 16, 1971, the Coast Guard published a notice (CGFR 71-110) of proposed rule making (36 F.R. 20165) to prohibit the carriage on board certain vessels of cold compressed gases that have a finite time for venting.

One commenter has petitioned the Coast Guard to delay the public hearing and extend the time for filing comments. The Coast Guard believes that it would be in the public interest to extend the time for submitting comments and hold a public hearing in addition to the one which was held on January 11, 1972.

Therefore, a second public hearing will be held on February 22, 1972 in Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. The deadline for filing comments is extended to February 29, 1972.

Dated: January 17, 1972.

W. F. REA III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.72-926 Filed 1-20-72;8:47 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-GL-38]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to designate a transition area at Boulder Junction, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the Boulder Junction Airport based on a privately owned NDB. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Boulder Junction, Wis. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

BOULDER JUNCTION, WIS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Boulder Junction Airport (latitude 46°08'15" N., longitude 89°38'45" W.); and within 3 miles each side of the 049° bearing from the Boulder Junction Airport, extending from the 5½-mile radius area to 8 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 049° bearing from Boulder Junction Airport, extending from the airport to 18½ miles northeast of the airport, excluding the portion which overlies the Land O'Lakes transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on December 22, 1971.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.72-921 Filed 1-20-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-37]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition areas at Duluth, Minn., and Green Bay, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

V 37-14 JAN 21 72 XUM

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

Jet operations between Milwaukee and Duluth and between Green Bay and Duluth are restricted in their descent into Duluth and Green Bay because of the uncontrolled airspace underlying the jet routes. This causes the flights to be vectored to a Victor airway or restrict their descent until they reach an area of controlled airspace. To resolve this operational problem and relieve the pilot and controller of the workload caused by the deviations from the route, we propose to designate controlled airspace with a base of 5,000 feet MSL in the area underlying the jet routes. Accordingly, it is necessary to alter the Duluth and Green Bay transition areas.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition areas are amended to read:

DULUTH, MINN.

Add, "that airspace extending upward from 5,000 feet MSL in the area bounded by V129, V26, V191, and V217".

GREEN BAY, WIS.

Add, "that airspace extending upward from 5,000 feet MSL in the area bounded by V191E, V26, and V217".

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on December 22, 1971.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.72-920 Filed 1-20-72;8:47 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

BANK HOLDING COMPANIES

Delay of Hearing Regarding Armored Car and Courier Services

The Board of Governors has postponed the hearing scheduled for January 19, 1972 (36 F.R. 23256, Dec. 7, 1971) on the issues involved in bank holding companies engaging in armored car and courier services. A new time for a hearing and a date for the submission of comments will be set shortly.

By order of the Board of Governors, January 13, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-903 Filed 1-20-72;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

[33 CFR Part 401]

SEAWAY OPERATIONS

Notice of Proposed Rule Making

Notice is hereby given that the St. Lawrence Seaway Development Corporation, acting jointly with the St. Lawrence Seaway Authority of Canada, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.), proposes to adopt miscellaneous amendments to the rules in Subpart B of 33 CFR Part 401.

Interested parties may submit written data, views, or arguments in regard to the amendments proposed herein to the St. Lawrence Seaway Development Corporation, Seaway Circle, Massena, N.Y. 13662 (Attention: General Counsel). Comments received not later than 30 days after publication of this notice will be considered. Formal adoption of these amendments by the Corporation is contemplated during the 1972 navigation season of the St. Lawrence Seaway.

I. It is proposed to amend the rules on Radio Communications as follows:

§ 401.103–5 [Amended].

1. Section 401.103–5 would be amended by inserting the words "or Lake Ontario Port" following "(C.I.P. 15)" in the Message Content for Newcastle under Upbound Vessels. This phrase was omitted in the FEDERAL REGISTER publication of Miscellaneous Amendments on March 27, 1971.

2. Section 401.103–5 would be further amended by deleting Nos. 3, 4, and 5 of the Message Content for Tibbetts Point—Entering Sector 4 under Downbound Vessels and adding a new C.I.P. and check point immediately following Tibbetts Point—Entering Sector 4 to insure an accurate ETA for Whaleback Shoal from vessels arriving at Tibbetts Point. The new C.I.P. and check point would read as follows:

(a) * * *

C.I.P. and check point	Station to call	Message content
. . .	. . .	. . .
	DOWNBOUND VESSELS	
. . .	. . .	. . .
Cape Vincent—(after River Pilot board).	WAG Clayton (Call Ch. 16; Work Ch. 12).	1. Name of Vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Whaleback Shoal.
. . .	. . .	. . .

II. It is proposed to amend the rules on Transit Instructions as follows:

1. Section 401.104–1 would be revised to reflect the present agreement as to the duration of the navigation season, and would read as follows:

§ 401.104–1 Navigation season.

Subject to variations prescribed in a Seaway Notice, weather and ice conditions permitting, navigation on the Seaway will normally open and close on the following dates in each year:

	Open	Close
South Shore, Beauharnois, Wiley-Dondero, and Iroquois	Apr. 1	Dec. 15
Welland Canal[1]	do	Dec. 22
Canadian Sault Ste. Marie Canal	Apr. 4	Dec. 12

[1] In 1972 the closing date for the Welland Canal is December 15.

2. Section 401.104–9 would be revised to eliminate the reference to a particular speed, thereby allowing the changing of speed limits without requiring a corresponding amendment to the regulations. The revised section would read as follows:

§ 401.104–9 Speed.

Maximum speed for vessels in designated areas of the Seaway is prescribed in a Seaway Notice, and every vessel in transit and under way shall proceed at a reasonable speed, so as not to cause undue delay to other vessels.

3. Section 401.104–10 would be amended by inserting "(a)" before the present section and adding a paragraph "(b)" to cover the situation of meeting within the limits of approach signs since the Great Lakes Rules of the Road do not specifically cover this hazardous situation which should be prohibited. The new paragraph (b) would read as follows:

§ 401.104–10 Meeting and passing.

(a) * * *

(b) Meeting other vessels is prohibited within the limits of approach signs at bridges.

§ 401.104–11 [Amended].

4. Section 401.104–11 would be amended to more clearly reflect the purpose of the section by striking the title "Passing Restriction" and inserting the title "Restriction on Overtaking".

§ 401.104–23 [Amended].

5. Section 401.104–23(b) would be amended by inserting the phrase "except as provided in paragraph (c) of this section," after the words "open gates".

6. Section 401.104–23(c) would be amended by inserting the words "secured to the eye at the end of the mooring lines." After the words "its own hand lines" because many upbound vessels at Iroquois and at Lock 8, Welland, offer hand lines which are secured to the mooring lines 2 feet back of the splice of the eye (as detailed in § 401.104–23(b) for upbound vessels). These lines can be very difficult for linemen to get ashore, particularly if the vessel is a few feet off the lock wall and the mooring line slips down between the chamber wall and the vessel.

III. It is proposed to amend the rules on Toll Assessment and Collection as follows:

§ 401.106–3 [Amended]

1. Section 401.106–3 would be amended to reflect the actual functions of the agencies involved by striking the title "Bureau of Statistics" and inserting the title "Statistics—Canada" and by striking the words "maintain and" after the words "Development Corporation will".

IV. It is proposed to amend the rules on Forms as follows:

§ 401.120–1 [Amended]

1. Section 401.120–1 would be amended to reflect an address change in the Preclearance Form by striking the address "P.O. Box 98" and inserting in its place "202 Pitt Street" in the first paragraph of the Instructions.

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.72-833 Filed 1-20-72;8:45 am]

V37-14 JAN 21 72 XUM

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

ISLE ROYALE NATIONAL PARK

Notice of Intention to Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Isle Royale National Park, proposes to issue a concession permit to Mr. Donald E. Kilpela authorizing him to provide concession facilities and services for the public at Isle Royale National Park for a period of 5 years from January 1, 1972, through December 31, 1976.

The foregoing concessionaire has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Isle Royale National Park, 87 North Ripley Street, Houghton, MI 49931, for information as to the requirements of the proposed permit.

Dated: December 30, 1971.

HUGH P. BEATTIE,
Superintendent,
Isle Royale National Park.

[FR Doc.72-906 Filed 1-20-72;8:48 am]

NATIONAL CAPITAL PARKS

Notice of Intention to Issue a Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, National Capital Parks—Central, National Capital Parks, proposes to issue a concession permit to Trail Cycles, Inc., authorizing it to provide concession facilities and services for the public on the Mall of National Capital Parks for a period of 3 years from January 1, 1972, through December 31, 1974.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, National Capital Parks—Central, 1100 Ohio Drive, Washington, DC 20242, for information as to the requirements of the proposed permit.

Dated: December 13, 1971.

WILLIAM R. TAILOR,
Superintendent,
National Capital Parks—Central.

[FR Doc.72-907 Filed 1-20-72;8:46 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00488-33-46040. Applicant: State University of New York at Buffalo, 3435 Main Street, Buffalo, NY 14214. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany.

Intended use of Article: The article will be used for the study of antigen-antibody reactions in biological specimens with the aid of immunoferritin techniques and for studies concerning the fine morphologic structure of ferritin-antibody conjugates. A course covering electron microscopy procedures used in histopathologic and immunopathologic studies is offered to research workers (M.D. or Ph.D.).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 1, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-931 Filed 1-20-72;8:48 am]

TEMPLE UNIVERSITY MEDICAL SCHOOL, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00173-33-46500. Applicant: Temple University Medical School, Department of Medicine, 3401 North Broad Street, Philadelphia, PA 19104. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article is intended to be used in preparing blood platelets and tissues containing blood vessels for electron microscopic study. The article will also be used by graduate students and post doctoral fellows who are engaged in research in the field of thrombosis. Application received by Commissioner of Customs: October 5, 1971.

Docket No. 72-00174-98-41700. Applicant: The University of Texas at Austin, Center for Plasma Physics and Thermonuclear Research, Physics Department Room 330, Austin, Tex. 78712. Article: Laser scattering equipment. Manufacturer: Culham Laboratory, United Kingdom. Intended use of article: The article will be used in the applicant's Turbulent Tokamak experiment which is a part of a program aimed at achieving controlled thermonuclear power. The objective of this experiment is a demonstration of turbulent plasma heating in a feasible reactor geometry—namely, the Tokamak configuration. In particular, the experiment aims at a tenfold increase in electron temperature compared with existing Tokamak. Application received by Commissioner of Customs: October 5, 1971.

Docket No. 72-00175-01-10502. Applicant: Department of Treasury, IRS-Alcohol, Tobacco and Firearms Division, 1111 Constitution Avenue, Washington, DC 20224. Article: Vapor trace analyzer, Model 103A. Manufacturer: Hydronautics-Israel, Ltd., Israel. Intended use of article: The article will be evaluated for its use in forensic science applications, investigations of bombings, identification of suspects, and locating of concealed explosive. Application received by Commissioner of Customs: October 7, 1971.

Docket No. 72-00176-75-20700. Applicant: Cornell University, Laboratory of Nuclear Studies, Wilson Laboratory, Ithaca, N.Y. 14850. Article: Lead glass. Manufacturer: Ohara Glass, Japan. Intended use of article: The article will be used in several experiments as detectors to measure the energy and point of conversions of multi-GeV gamma rays. The article will also be used to train a number of graduate students in constructing, testing, calibrating and finally using the detectors in experiments providing the basis for their Ph.D. theses. Application received by Commissioner of Customs: October 7, 1971.

Docket No. 72-00177-33-46040. Applicant: Wesleyan University, Biology Department, Room 257, Hall-Atwater Laboratories, Middletown, Conn. 06457. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article is intended for use in research and teaching in cellular biology (including invertebrate pathology, cellular anatomy, cellular physiology, morphogenesis) as well as virology at the tissue, cellular, and macromolecular levels. Examples of investigations to be undertaken are as follows: (1) Study of substructures of microtubules and more especially those of the flagellae of Drosophila sperm tails; (2) studies involving the intracellular transport of RNA and secretory proteins in various insect cells; (3) studies of the relationship of DNA molecules to the bacterial cell membrane; and (4) analysis of the fine structure of the chromosomes of a protozoan Tetrahymena. Application received by Commissioner of Customs: October 12, 1971.

Docket No. 72-00178-01-19000. Applicant: University of Massachusetts, Chemistry Department, Amherst, Mass. 01002. Article: Digital precision density meter, Model DMA 02C. Manufacturer: Anton Paar K G., Austria. Intended use of article: The article will be used to measure the apparent partial molar volume of various globular proteins in dilute solution, as a function of the temperature of the solution over the temperature range 0° to 70° centigrade, at various pH values in the range 2-5, to gain knowledge of the denaturation process. Application received by Commissioner of Customs: October 12, 1971.

Docket No. 72-00179-33-11000. Applicant: City of Philadelphia, Office of the Medical Examiner, 13th and Wood Streets, Philadelphia, PA 19107. Article: Mass spectrometer system, Model CH-7. Manufacturer: Varian Mat GmbH, West Germany. Intended use of article: The article will be used for the following purposes: (1) To determine if any drug or known metabolite is present in post mortem specimens, and possibly a causative factor in a death; (2) To determine the distribution of drugs and their known metabolites in the various body tissues; and (3) To gather data to aid in the elucidation of biodegradation mechanisms and metabolite structures. Application received by Commissioner of Customs: October 12, 1971.

Docket No. 72-00180-33-46040. Applicant: Temple University Medical School, Department of Medicine, 3401 North Broad Street, Philadelphia, PA 19140. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: The article is to be used in studying blood vessels, blood cells, and fibrinogen and its derivatives to elucidate the changes that precede and accompany thrombosis. The applicant is particularly interested in investigating changes produced by conditions that predispose to initiation of thrombosis and changes that enable the growth of the thrombosis once it starts.

The article will also be used by graduate students and post doctoral fellows who are engaged in research in the field of thrombosis with the aim of training the participants for future independent work and contributing significant new knowledge in the field by completion of a publishable study. Application received by Commissioner of Customs: October 7, 1971.

Docket No. 72-00181-33-46500. Applicant: College of Medicine and Dentistry of New Jersey at Newark, 100 Bergen Street, Newark, NJ 07103. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article will be used to produce positive identification of the sites of termination of selected pathways in the central nervous system of mammals and to reveal the normal ultrastructural organization of brain regions receiving the fiber pathways in question. Application received by Commissioner of Customs: October 13, 1971.

Docket No. 72-00182-01-77030. Applicant: Yale University, Department of Chemistry, 225 Prospect Street, New Haven, CT 06520. Article: Nuclear Magnetic Resonance, Spectrometer, Model JNM-MH-100. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used in several areas of research including the following representative samples: (1) Structural investigations of sparingly soluble natural products; (2) High sensitivity studies of ^{13}C sidebands to follow incorporation of labeled compounds in the elucidation of biosynthetic pathways; (3) Kinetic and mechanistic studies using accurate nmr line shape shape analysis of nonrigid organic, organometallic and inorganic complex compounds; (4) Studies of binding of small molecules to oligonucleotides; (5) Studies of isotope exchange; (6) Studies of rearrangement mechanisms in Vitamin B_{12} analogs; (7) NOE and high resolution studies of stereochemistry about the glycosidic linkage in nucleosides; (8) Studies involving relationships between electronic and molecular structure and nmr parameters in small ring and bicyclic alkanes and alkenes; (9) Kinetic and mechanistic studies of rearrangements of carbonium ions; and (10) Structural investigations of aqueous dispersions of lecithins and other model membrane systems. The article will also be used in the following courses: (1) Chemistry 42 (a,b), Research Problems in Chemistry; and (2) Chemistry 144, Organic Laboratory Techniques. Application received by Commissioner of Customs: October 15, 1971.

Docket No. 72-00183-79-16095. Applicant: University of California San Diego School of Medicine, Department of Biology, 5046 Basic Science Building, LaJolla, Calif. 92037. Article: Multiwire Proportional Counter. Manufacturer: CERN European Organization for Nuclear Research, Switzerland. Intended use of article: The article will be used in a research program concerned with investigation of the radiation hazards of manned space flight to study the spatial and energy deposition of secondary charged particles which may be important in defining the mechanisms by which radiation damage is incurred in human cells. Application received by

V 37 14 JAN 21 72 XUM

Commissioner of Customs: October 15, 1971.

Docket No. 72-00184-99-26000. Applicant: Danville High School, Fairchild at Jackson, Danville, IL 61832. Article. Dr. Clemenz Theory of Electricity Device. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used for teaching the basic theory of electricity through actual construction of electrical articles. Application received by Commissioner of Customs: October 15, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-932 Filed 1-20-72;8:48 am]

WAYNE STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00379-00-00520. Applicant: Wayne State University, Physics Research Building, 666 West Hancock, Detroit, MI 48201. Article: Accessories for electrostatic accelerator. Manufacturer: Nukem, West Germany.

Intended use of article: The article will be used in studies of the properties of various atomic nuclei using an ion beam from a Van de Graff electrostatic accelerator.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-930 Filed 1-20-72;8:48 am]

Patent Office

TRADEMARKS

Initial Processing of Applications

On February 1, 1972, the operations of the Trademark Application Section of the Patent Office will be reorganized. The purpose of the reorganization is to provide the public and applicants with more current information concerning newly filed applications.

The prompt initial processing of trademark applications is necessary in order to fulfill one of the main Patent Office functions, that of producing a record, accessible to the public, of new trademark activity to facilitate the clearance of new marks for use, determine the registrability of proposed marks, and avoid conflicts with the rights of others. In order to maintain a record of marks applied for which reflects the most current information available to the Office concerning them, the early processing of drawings in order to have them placed in the search room is considered as a first priority. The processing of these drawings includes the assignment of serial numbers, initial classification, duplication of the drawing and the forwarding of copies of the drawing to the search room. Other functions which are necessary in the processing of applications, such as the processing and mailing of filing receipts, are secondary to the processing of drawings.

In past years, there have been delays in processing applications and forwarding application drawings to the search room. These delays have varied from several weeks to several months. In view of the importance, both to applicants and the public, of recording essential information concerning newly filed applications as quickly as possible, a reorganization of the workflow in the Application Section is being effected.

There is no change in the processing of applications through the mail room and finance branch to the Application Section. However, under the new plan, upon receipt in the Trademark Application Section, all applications will be stamped with a serial number, and the drawing of the mark will be reproduced immediately and placed in the search file. This processing will occur as soon as the application files reach the Application Section. Such procedures as determining whether or not an application will receive a filing date, preparation of the file jackets, and mailing of the filing receipt will take place at a later time.

Applicants who wish to be notified promptly of the date their papers were received in the office and their serial number, may send two self-addressed postcards with their application papers. The mail room will stamp both postcards with the date of receipt and return one to the applicant; the second postcard will be stamped with the serial number and forwarded to the applicant from the Application Section. The postcards should contain the applicant's name and the trademark which is the subject of the application. When more than one set of application papers are forwarded under one cover, postcards should be attached to each set of papers for which a receipt is desired.

Under the new system of processing application papers, your particular attention is directed to the following changes as compared to the present procedure.

1. Application drawings will be placed in the public search file prior to the mailing of the filing receipt.

2. By using the postcard system described above, applicants will be notified sooner of the date of receipt of their papers and the serial number of their application. Applicants are encouraged to use the postcard system.

3. Additional papers sent in by the applicant or attorney should be identified by serial number, thereby enabling the office to process these papers quickly.

4. When an application is accompanied by a petition to the Commissioner under § 2.146, the petition will not be considered until processing by the Application Section is complete.

Effective date. The procedure outlined in this notice will become effective February 1, 1972.

RICHARD A. WAHL,
Acting Commissioner of Patents.

JANUARY 11, 1972.

Approved:

JAMES H. WAKELIN, JR.,
Assistant Secretary for
Science and Technology.

[FR Doc.72-925 Filed 1-20-72;8:48 am]

ATOMIC ENERGY COMMISSION

RIO BLANCO GAS STIMULATION PROJECT, COLO.

Notice of Availability of the General Manager's Draft Environmental Statement

Notice is hereby given that a document entitled, "Draft Environmental Statement—Rio Blanco Gas Stimulation Project, Colo.", issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439, and the New York Public Document Room, 376 Hudson Street, New York, NY 10014. This statement is issued in support of AEC's proposed nuclear gas stimulation project.

The draft environmental statement will be furnished upon request addressed to the Assistant General Manager for Environment and Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 17th day of January 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-900 Filed 1-20-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 72-1-14]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Issued under delegated authority, January 6, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned CAB Agreement No. 22827.

The agreement would have the effect of extending, for a further period of effectiveness, the levels of certain cargo rates and related charges prevailing prior to October 1, 1971, which was the intended effectiveness date of increased rates and charges reflected in an agreement reached at the Singapore worldwide cargo rate conference and on which action by the Board is pending.[1] Effectiveness of status quo levels would be extended until such time as the Board takes final action on the increased levels of rates or charges, but no later than September 30, 1972. The rates and charges to be extended are encompassed in the following resolutions to the extent they are applicable in air transportation to/from the United States, the District of Columbia, and the Commonwealth of Puerto Rico—except in North Atlantic and North/Central Pacific services for which no agreement was reached at Singapore: [2]

IATA resolution	*Title*
501	Minimum Charges for Cargo.
508	Charges for Stalls.
509	Charges for Disbursements.
511	Rates for Live Animals.
512a	C.O.D. Procedures.
512c	Charge for Preparation of Air Waybill.
512d	Charge for Amendment of Air Waybill.
513	Charges on Mixed Consignments.
521	Use of Unit Load Devices.
531	TC1 Bulk Unitization Charges.
536b	South Pacific—Bulk Unitization Charges.
551	TC1 General Cargo Rates.
556	JT31 General Cargo Rates—South Pacific.
590	Specific Commodity Rates Board.
595	Special Rates for Valuable Cargo.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions which are incorporated in Agreement CAB 22827 are adverse to the public interest or in violation of the Act:

IATA resolution

100(Mail 886)008x.
JT12(Mail 781) 008x.
JT31(Mail 208)008x.
JT123(Mail 678)008x.

Accordingly, it is ordered, That:

Action on Agreement CAB 22827 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's economic regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-954 Filed 1-20-72;8:49 am]

[Docket No. 23333; Order 72-1-52]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares for Cargo Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of January 1972.

By Order 71-10-19, dated October 5, 1971, action was deferred on the subject portion of an agreement which was adopted by the International Air Transport Association and which deals with reduced fare concessions for cargo agents. In essence, the agreement would, by terms of a new resolution to be effective March 1, 1972, alter the basis upon which the number of one-way, circle, or round-trip tickets, available at a 75-percent reduction, are to be allocated to such agents. Currently, agencies which have been registered under the provisions of Resolution 810b on a location-by-location basis are entitled to two reduced-fare tickets per location per year, and those who have been initially registered under the provisions of Resolution 811a on a country-by-country basis receive two tickets per year per country. Inasmuch as the registration provisions embodied in Resolution 810b are scheduled to expire on February 29, 1972, the carriers have adopted the subject resolution which is intended to accommodate the surviving registration provisions by changing an agency's allocation to two reduced fare tickets from each IATA member carrier per year per country of registration. In order to grant interested persons and parties an opportunity to comment on the resulting effect of the resolution in changing the number of reduced fare tickets, action was deferred for a period of 30 days.

Comments have been received from Pan American World Airways, Inc. (Pan American), Airborne Freight Corp. (Airborne), A.M.I. Air Freight (A.M.I.), Emery Air Freight Corp (Emery), and the International Airfreight Agents Association, Inc. (IAAA). No replies were received.

Pan American points to the administrative changes which precipitated the agreement and urges approval of the reduced fare concession program as submitted. This carrier states that the Board's concern over the effect of the proposed agreement as to large vis-a-vis small cargo agencies, i.e., a reduction in the number of reduced fare tickets for agencies previously registering a large number of sales locations within a given country and an increase for agencies with only one location or a relatively small number of sales locations, reflects a misunderstanding, inasmuch as the practical effect for each agency, large or small, will be a substantial increase in the number of reduced fare tickets for which he is eligible. However, Pan American contends that actual usage will be limited; that is, use by all agencies will be restrained by the number of IATA carriers serving the point of departure on an agent's itinerary,[1] and "the ordinary, everyday demands of a small cargo sales agency will not permit the smaller agent to utilize the authorization for purposes for which they are not intended * * *" and "will act as self-existing controls to limit usage of the available authorizations to an extent commensurate with the bona fide business needs of each agency concerned."

IAAA, on behalf of its membership, which is in excess of 110 agents, supports the meaning and effect of the proposed agreement, stating that approval would allow agents proper opportunities for development, education, incentive, and techniques in a fair and economic way, inasmuch as the agreement will correct technical shortcomings which arise in cargo agent travel privileges as a result of the various changes and/or expiration

[1] See Orders 71-9-124 and 71-9-125, both dated Sept. 30, 1971.

[2] In this connection we would note that, from a technical viewpoint, the instant agreement is intended to supersede action already taken by the IATA Secretariat pursuant to provisions permitting it to extend the effectiveness of current resolutions for a 60-day period in the event a government has not acted upon an agreed replacement.

[1] Each carrier participating in an agent's itinerary would make a "charge" against the respective agency's total allotment (2) with such carrier.

V 37 I 14 J
JAN 21 72
XUM

of the IATA resolutions governing agency registrations.

A.M.I. indicates support for travel privileges on the basis of a genuine business need for cargo sales agents; however, it urges the Board to guide the industry in the adoption of a "much needed, realistic and usable travel policy" which would permit agents more frequent travel at the lowest possible cost.[5]

Airborne opposes the agreement. It indicates that reduced travel for cargo agents is an effective marketing tool, but that its scope should be related to results, potential, and problems involved in the marketing of international air freight. Airborne is critical of a reduced fare program for agents which is designed to overcome an IATA administrative problem. It states that if "keeping track of the number of locations is a tremendous problem, perhaps annual gross international sales, tonnage, shipments, or commission earned could be measured to relate the need for reduced travel to results and potential."

Airborne points out that, by reducing the flexibility in use of carriers,[2] the proposed program, as applied to its system,[3] would "severely handicap marketing efforts, particularly with regard to points in the North and South Pacific, Africa, and the Middle East where the number of carriers and schedules cannot be compared to that available via transatlantic routes to Europe. Moreover, Airborne contends it would be more restricted for travel to Europe via polar flights and direct flights from inland gateways, where again choice of carrier and schedule cannot be compared to that available from New York. It states that during 1970, 89 percent of its international sales[4] generated to overseas points came from U.S. points other than the New York area.

Emery supports retention of the current basis for determining eligibility for reduced rate transportation, i.e., the number of existing locations, which it considers to be not only an easily ascertainable figure but one which is also "directly related to the quantum of the efforts of the agent in air cargo promotional activities." It criticizes the substitution of "a wholly artificial basis—the number of countries in which an agent operates" as being without legitimate explanation, and considers that information as to each location of an agency, as required by IATA under former registration procedures, can also be elicited under the new procedures.

Emery considers that the effect of the proposed agreement on larger agencies will be real and substantial. It notes that the larger agencies have generally undertaken most of the developmental activities which the reduced fares are designed to promote, and that tickets are genuinely needed by such agencies and are used in ways which are of substantial benefit to IATA members as well as to the agents themselves.[6]

Upon consideration of the comments received, the Board believes that a continuation of a program granting reduced fare concessions to cargo agents is warranted. We have, in recent year, approved IATA's program because the travel allowance appeared to be reasonably related to the needs for such travel and likely to enhance the promotion of air cargo traffic. However, no showing has been made that the instant agreement's proposed allotment of two tickets per carrier per country of registration is in any way related to the legitimate requirements of the carriers[7] and agents. Rather, it appears that the agreement is designed to overcome problems posed by IATA's internal administrative changes and, as such, fails to meet the past standards required by the Board as a condition precedent to the offering of fare concessions for international cargo agents.

We are not prepared to approve the agreement as presented. It is doubtful that even a few single location IATA cargo agencies, which under the new program contemplated by the agreement would be placed on a par with larger agencies with respect to reduced fare eligibility, have the same travel requirements as such larger agencies for the resolving of a broad range of problems associated with air freight marketing. We are cognizant of the problems inherent in the design of a program in which reduced rate transportation can be directly related to the benefits produced by such transportation, but it would appear that a quota or allowance of reduced fare tickets based on commissionable sales or reflecting the number of agency-associated employees would be more likely to result in a need-related travel allowance than the instant proposal. So as to give the carriers an opportunity to consider the Board's views, we will herein further defer final action on the agreement.

In light of the foregoing, the Board, acting pursuant to the provisions of the Federal Aviation Act of 1958, particularly sections 102, 204(a), and 412, finds it in the public interest to continue to defer action on the subject agreement.

Accordingly, it is ordered, That:

Action on Agreement CAB 22529, R–1, be deferred for a further period.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-955 Filed 1-20-72;8:49 am]

[Docket No. 23486; Order 72-1-58]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fares Over the Pacific

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of January 1972.

By Order 71–12–10, dated December 2, 1971, the Board established a schedule for the receipt of comments on various IATA agreements submitted pursuant to section 412 of the Federal Aviation Act of 1958. Comments were requested on fares to apply over the North/Central Pacific effective February 1, 1972. These fares were described in the Board's procedural order and provide, as regards the United States-Tokyo market, increases of up to 5.4 percent in normal economy fares, excursion fares, individual inclusive tour fares, and fares for affinity groups of 25; reductions of up to 16 percent in group inclusive tour fares and fares for affinity groups of 70; and the maintenance of status quo as regards first-class fares. The status quo was maintained on fares to the Far East other than Japan, with the exception of group inclusive tour fares during the basic season and affinity group fares for 70 or more passengers which were reduced.

Pan American World Airways, Inc. (PAA) and Northwest Airlines, Inc. (Northwest) in their respective justifications state that the increases in certain fare categories to and from Tokyo are warranted for two reasons—changes in the relationship between the U.S. dollar and the yen, and new costs for en route facilities imposed by the Japanese Government.

The Board is aware of the additional costs arising from new and increased en route facilities charges.[1] On the other hand, the element of the proposed fare increases arising from currency fluctuations was, at the time these new fares were agreed upon, necessarily based upon estimates. In any event, neither carrier involved in operations to Japan has furnished data as to the magnitude of actual increased costs incurred as a consequence of changes in de facto exchange rates, nor have they provided adequate information upon which to determine whether the proposed fare increases are within the stabilization guidelines or otherwise consistent with the purposes of the Economic Stabilization Act of 1970 as amended.

Moreover, the IATA carriers have met in Geneva to reach agreement on new fares as a result of the currency situation. In these circumstances, it would appear more appropriate to await the outcome of this conference so that the Board will be in a position to evaluate the total fare package to be implemented for air travel between the United States and the Far East.

We will therefore defer action on the instant agreement as it relates to fares to be applied over the North/Central Pacific from February 1, 1972. The new fares reflected in this agreement may not be applied in air transportation unless and until approved by the Board.

Accordingly, it is ordered, That:

Action on Agreement CAB 22663, R–31 through R–34, and R–36 through R–43, is deferred.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-956 Filed 1-20-72;8:49 am]

---

[2] It suggests that such would be feasible and at the same time protect the carriers against potential revenue loss if travel concessions for agents were on a strictly space-available basis.

[3] Previously, an agency's total allotment of reduced fare tickets could be used on any one or combination of carriers.

[4] Airborne states that its international network consists of 57 generating stations in the United States and 10 overseas.

[5] Total international revenue for Airborne amounted to $17,511,000, of which $8,230,000 represented commissionable revenue generated by Airborne as an IATA agent.

[6] Emery cites a need for reduced fare concessions in conjunction with the extension to European stations of its EMCON computer tracing system, which it anticipates will be of benefit not only to Emery but also to the IATA members who will carry the transatlantic and intra-European freight the project will generate.

[7] There is no basis to estimate, from the information submitted in support of the agreement, the likely effect on the reduced rate ticket allowance for individual agencies or the agency industry as a whole.

[1] Neither carrier comments on the fact that, while these increased costs would apply equally to all passengers, the fare increases have not likewise been made applicable to all categories of passengers.

ENVIRONMENTAL PROTECTION AGENCY

GIBBERELLIC ACID

Notice of Reextension of Temporary Tolerance

Amdal Co., Division of Abbott Laboratories, North Chicago, Ill. 60064, was granted a temporary tolerance of 0.15 part per million for negligible residues of the plant regulator gibberellic acid in or on the raw agricultural commodity sugarcane on October 31, 1969 (notice was published in the FEDERAL REGISTER of November 7, 1969 (34 F.R. 18049)). At the request of the firm, the temporary tolerance was extended to October 31, 1971 (notice was published in the FEDERAL REGISTER of March 24, 1971 (36 F.R. 5531)).

The firm has requested a 1-year reextension to obtain additional efficacy data. It is concluded that such reextension will protect the public health. A condition under which the temporary tolerance is reextended is that the plant regulator will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Amdal Co. name.

As reextended this temporary tolerance expires October 31, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: January 17, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-928 Filed 1-20-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

BROADCASTING OF INFORMATION CONCERNING HORSE RACES

Order Extending Time for Filing Petition for Reconsideration

1. On December 17, 1971, the Commission released a Declaratory Ruling (32 FCC 2d——) on the captioned subject. The ruling was issued pursuant to requests filed by the city of New York Off-Track Betting Corp. (OTB).

2. Now before us is a motion filed by the OTB for an extension of time of at least thirty (30) days in which to file a petition for reconsideration. In support of its request, OTB states that consultations between its executive, legal, and advertising staff were delayed by the Christmas and New Year holidays, since the ruling was released on the last business day of the week preceding Christmas. OTB was unable to immediately determine the impact that "institutional advertisements" would have on its planned advertising campaign. OTB further stated that it needed more time to gather the factual support for the matters that will be asserted in its petition.

3. In the circumstances stated in the request, we consider that an extension of time is warranted.

4. In view of the foregoing: *It is ordered,* Pursuant to section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and § 0.251 (b) of the rules and regulations, 47 CFR 0.251(b) that the time for filing a petition for reconsideration of the December 17, 1971, Declaratory Ruling is extended to February 18, 1972.

Adopted and released: January 13, 1972.

[SEAL] JOHN W. PETTIT,
General Counsel.

[FR Doc.72-911 Filed 1-20-72;8:46 am]

[Docket No. 19393 etc.; FCC 72-29]

QUINNIPIAC COLLEGE ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of: Quinnipiac College, Hamden, Conn., requests: channel 204; 10 watts, Docket No. 19393, File No. BPED–1,115; St. Thomas Seminary, Hartford, Conn., requests: Channel 205; 6kw(H); 6kw(V); 451 feet, Docket No. 19394, File No. BPED–1,127; University of New Haven, Inc., West Haven, Conn., requests: channel 204; 2.9kw(H); 2.9kw (V); 151 feet, Docket No. 19395, File No. BPED–1,152; for construction permits.

1. The Commission has under consideration the above-captioned applications of Quinnipiac College, St. Thomas Seminary, and the University of New Haven, Inc., which are mutually exclusive in that operation by the applicants as proposed would result in interference involving infringement of 1 mv/m contours and therefore a comparative hearing is required.

2. It appears that there will be a significant disparity in the areas and populations served by the applicants. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service. Since the present proceeding involves competing noncommercial educational applicants, the normal 307(b) issue shall be modified in accordance with our prior action in New York University, 10 RR 2d 215 (1967). Such a determination requires that we consider the areas and populations to be served by the applicants. In calculating the area and population to be served by Quinnipiac College, an effective radiated power of 10 watts and an antenna height above average terrain of 100 feet should be used, unless a showing submitted by Quinnipiac College demonstrates a more accurate method.

3. An issue will be specified to determine whether a share-time arrangement among qualified applicants would be the most effective use of the frequencies in question. In the event that this issue is resolved in the affirmative, an issue will also be specified to determine the nature of a share-time arrangement which would best serve the public interest. It should be noted that our action specifying a share-time issue is not intended to preclude the applicants, either before the commencement of a hearing or at any time during the course of the hearing, from participating in negotiations with a view toward establishing a share-time agreement.

4. Each of the applicants is qualified to construct, own, and operate the proposed new noncommercial educational FM broadcast station. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

5. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Quinnipiac College, St. Thomas Seminary, and University of New Haven, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

VOL 37 NO 14 JAN 21 72 XUM

(1) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals.

(2) To determine the number of other aural educational services available (primary for AM, 1 mv/m or better for FM) in the proposed service area of each applicant, and the areas and populations served thereby.

(3) To determine the extent to which each of the proposed operations will be integrated into the overall educational operation and objectives of the respective applicants; or whether other factors in the record demonstrate that one applicant will provide a superior FM educational broadcast service.

(4) To determine, in the event that the Hearing Examiner finds that no decisional preference should be given to any of the applicants pursuant to issue (3) above, whether a share-time arrangement among qualified applicants would be the most effective use of the channels.

(5) If issue (4) above is decided in the affimative, to determine the terms of a share-time arrangement which would best serve the public interest.

(6) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in tripilicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 5, 1972.

Released: January 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-912 Filed 1-20-72;8:46 am]

FEDERAL MARITIME COMMISSION

[Docket No. 72-5]

AUSTRALIA/U.S. ATLANTIC & GULF CONFERENCE

Order to Show Cause Regarding Proposed Imposition of Currency Adjustment Surcharge

The Australia/U.S. Atlantic & Gulf Conference is a conference of ocean carriers engaged in the foreign commerce of the United States with respect to transportation of goods in common carriage from ports in Australia to ports on the Atlantic and Gulf ports of the United States. As required by law, section 18(b) of the Shipping Act, 1916, the Conference and its member lines have on file with the Commission Tariff FMC-3 setting forth their rates and charges. The rates filed by the Conference are furthermore subject to the provisions and requirements of an approved "dual rate" system, known as a Shippers Rate Agreement, approved by the Commission pursuant to section 14(b) of the Shipping Act, 1916. Among the requirements of that law is the provision that the Conference give shippers who are signatory to the Agreement 90 days' notice of increases in rates.

On or about December 22, 1971, the Conference filed a currency devaluation adjustment surcharge in its tariff, FMC-3, of 8.57 percent indicating that it was to become effective on January 8, 1972. On December 24, the Conference modified the amount of the surcharge to 6.32 percent.

In publishing these surcharges on less than 90 days' notice, the Conference relied upon Article 23(a) of the Shippers Rate Agreement which states in pertinent part:

> In the event of * * * currency devaluation by governmental action, regulations of any governmental authority pertaining thereto, or any other official interferences with commercial intercourse arising from the above conditions * * *. [A surcharge may be imposed on 15 days' notice.]

On December 23, 1971, the Commission's Bureau of Compliance directed a telegram to the Conference indicating that the Conference's said surcharge was not justified by the currency devaluation provision of Article 23(a) of its contract, and advised that such a surcharge could be imposed only upon 90 days' notice.

The Conference notified the Commission by telegram on December 29, 1971, that it disagreed with the Bureau's position in its opinion on the said Article 23(a) and urged that this position be reversed. By telegram of January 7, 1972, the effective date of the surcharge was deferred to January 15, 1972.

By telegram dated January 12, 1972 and letter dated January 13, 1972, the Commission informed the Conference that at its meeting on January 11, 1972, it had rejected the Conference's surcharge since it failed to conform to the requirements of sections 14(b) and 18(b) of the Shipping Act, 1916, and the Conference's Shippers Rate Agreement and advised the Conference that "rejected tariff matter is void and its use unlawful and the rates quoted in the rejected filings may not be implemented until lawfully refiled and in effect."

Notwithstanding the Commission's rejection of the subject tariff matter, the Conference, by telegram dated January 14, 1972, informed the Commission that the member lines intended to assess the surcharge on or after January 15, 1972. However, at the request of the Commission, on January 15, 1972, Edward Weinfeld, District Judge of the U.S. District Court for the Southern District of New York entered a temporary restraining order enjoining the Conference and its member lines from giving effect or taking any action pursuant to the rejected tariff filings with respect to the currency devaluation surcharge until further order of the court.

Section 18(b)(1) of the Shipping Act, 1916, states in pertinent part:

> [E]very common carrier by water in foreign commerce and every conference of such carriers shall file with the Commission * * * tariffs showing all the rates and charges of such carrier or conference of carriers for transportation to and from U.S. ports and foreign ports * * *.

Section 18(b)(3) of the Shipping Act, 1916, states in pertinent part:

> No common carrier by water in foreign commerce or conference of such carriers shall charge or demand or collect or receive a greater or less or different compensation for the transportation of property or for any service in connection therewith than the rates and charges which are specified in its tariffs on file with the Commission and duly published and in effect at the time * * *.

Section 18(b)(4) of the Shipping Act, 1916, states:

> The Commission shall by regulations prescribe the form and manner in which the tariffs required by this section shall be published and filed; and the Commission is authorized to reject any tariff filed with it which is not in conformity with this section and with such regulations. Upon rejection by the Commission, a tariff shall be void and its use unlawful.

Section 14b(2) of the Shipping Act, 1916 states in pertinent part:

> * * * [W]herever a tariff rate for the carriage of goods under the contract becomes effective, insofar as it is under the control of the carrier or conference of carriers, it shall not be increased before a reasonable period, but in no case less than 90 days.

The Commission is of the opinion that the assessment and collection of the subject surcharges in the absence of an applicable tariff on file with the Commission constitutes a violation of the above-cited provisions of law and that Article 23(a) of the Shippers Rate Agreement did not authorize the filing on less than 90 days' notice.

Now therefore, it is ordered, Pursuant to sections 22, 18(b)(1), (3), and (4), and 14b of the Shipping Act, 1916, that the Australia/U.S. Atlantic & Gulf Conference and its member lines as shown in Appendix A be named respondents in this proceeding and that respondents be ordered to show cause why the Commission should not find the imposition of the subject currency devaluation surchage to be in violation of sections 18(b)(1), (3), and (4), and 14b of the Shipping Act, 1916, and consequently should not order respondents to cease and desist from assessing and collecting such surcharge;

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda of law, replies and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before January 31, 1972. Affidavits of fact and memoranda of law shall be filed by respondents and intervenors in support of respondents and served upon all parties no later than the close of business January 31, 1972. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors in opposition to respondents, if any, no later than close of business February 11, 1972. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission;

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondents;

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business January 26, 1972.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

E. F. Reardon, Agent, Australia/U.S. Atlantic and Gulf Conference, 17 Battery Place, New York, NY.
A/B Atlanttrafik (Atlanttrafik Express Service), Packhusplatsen 8, Gotenburg 1, Sweden.
Columbus Line, Ost-West Strasse 59, 2000 Hamburg 11, West Germany.
Farrell Lines, Inc., 1 Whitehall Street, New York, NY 10004.
Maritime Fruit Carriers Co., Ltd., 53 Shderot Hameginim, Post Office Box 1501, Haifa, Israel.
Pacific America Container Express Line, The Joint Service of:
Associated Container Transportation (Australia), Ltd., 136 Fenchurch Street, London EC3M6DD, England.
Australian Coastal Shipping Commission, 65/79 Riverside Avenue, South Melbourne, Victoria 3205, Australia.
Refrigerated Express Lines (A'Asia) Pty., Ltd., 37 Pitt Street (G.P.O. Box 5044, Sydney, 2001), Sydney, N.S.W. 2000, Australia.

[FR Doc.72-944 Filed 1-20-72;8:49 am]

KOMMANDITTSELSKAPET CRUISE VENTURE A/S & CO., AND FLAGSHIP CRUISES LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Kommandittselakapet Cruise Venture A/S & Co., Drammensveien 30, Oslo 2, Norway.
and
Flagship Cruises Ltd., Queen Street, Hamilton, Bermuda.

Dated: January 18, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-945 Filed 1-20-72;8:50 am]

[Independent Ocean Freight Forwarder License 422]

SEAIR FORWARDING CO., INC.

Order of Revocation

On January 4, 1972, Seair Forwarding Co., Inc., 61 Broadway, New York, NY 10006, voluntarily surrendered its FMC License No. 422.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License No. 422 of Seair Forwarding Co., Inc., be and is hereby revoked effective January 4, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Seair Forwarding Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc. 72-948 Filed 1-20-72;8:50 am]

[Independent Ocean Freight Forwarder License 393]

YOUNG & GLENN, INC., AND NYOS, INC.

Order of Revocation

By letter dated December 6, 1971, Young & Glenn, Inc., and Nyos, Inc., 26 Broadway, New York, NY 10004 freight forwarders operating under a single license, were advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 393 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 1, 1972.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Young & Glenn, Inc., and Nyos, Inc., have failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License of Young & Glenn, Inc., and Nyos, Inc., be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Young & Glenn, Inc., and Nyos, Inc., be and is hereby revoked effective January 1, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Young & Glenn, Inc., and Nyos, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-947 Filed 1-20-72;8:50 am]

FEDERAL POWER COMMISSION

[Dockets Nos. CP71-68, etc.]

COLUMBIA LNG CORP., ET AL.

Notice of Availability of Supplemental Environmental Statements for Inspection

JANUARY 13, 1972.

Notice is hereby given that on January 10, 1972, as required by § 2.82(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) supplemental draft to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) were placed in the public files of the Federal Power Commission. These statements deal with the proceeding Columbia LNG Corp., et al. for application under section 3 of liquified natural gas and under section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities. These statements are available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The supplemental draft environmental impact statements have been prepared by the Columbia LNG Corp., Consolidated System LNG Co., Southern Energy Co. and the Southern Natural Gas Co. as additional information in the above dockets before the FPC concerning the (1) proposed LNG terminal facility, approximately 6,000 foot unloading pier and docking area at Cove Point, Md. and 82.6 miles of 36" pipeline from there to Loudoun County, Va., (2) a total of approximately 190.2 miles of 30" gas pipeline from Loudoun County, Va., to Clinton County, Pa. with compressor facilities; (3) a proposed LNG terminal facility and ship turning basin at Elba Island in the Savannah River, Ga.; and

[1] Commissioner H. Rex Lee absent.

JAN 21 72 XUM

(4) a total of approximately 13.25 miles of dual 30" pipeline and approximately 104.65 miles of 20" pipeline with ancillary facilities from Elba Island to the Wrens compressor station. These statements are supplementary to the staff draft environmental statement filed by the Commission in these proceedings on August 16, 1971.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene together with a detailed statement of the nature of the evidence to be submitted; written comments by persons not wishing to intervene may be filed for the Commission's consideration by February 21, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-748 Filed 1-20-72;8:45 am]

[Dockets Nos. G-4366, etc.]

HUNT OIL CO. ET AL.

Findings and Order After Statutory Hearing

JANUARY 11, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, making successors co-respondents, redesignating proceedings, accepting FPC gas rate schedules for filing, and cancelling docket numbers.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to FPC gas rate schedules on file with the Commission and propose to initiate, continue, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Getty Oil Co., applicant in Docket No. CI71-851, proposes to continue the sale of natural gas from its own interest which was heretofore authorized in Docket No. CI69-953 made pursuant to Prairie Producing Co. FPC Gas Rate Schedule No. 3 at a rate in effect subject to refund in Docket No. RI70-611. Prairie Producing Co. has been granted a small producer certificate of public convenience and necessity in Docket No. CS71-421, effective May 2, 1971. Therefore, Getty Oil Co. will be made a co-respondent in the proceeding in Docket No. RI70-611 and the proceeding will be redesignated accordingly.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on January 5, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Getty Oil Co. should be made co-respondent in the proceeding pending in Docket No. RI70-611 and that said proceeding should be redesignated accordingly.

(7) It is necessary and appropriate in carrying out the Provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(8) In view of all the facts and circumstances in these cases, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-11960 and G-12655 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-11937, G-12584, G-12585, G-12586, G-12587, G-13633, G-13828, G-14959 and CI64-663 are amended by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(F) The orders issuing certificates of public convenience and necessity in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or outstanding certificates are amended herein by authorizing the continuation of service from the subject acreage, and in all other respects said orders shall remain in full force and effect:

Amend to Delete Acreage	*New Certificate and/or Amendment to Add Acreage*
G-11960	G-4366
CI63-293	CI71-704

(G) Getty Oil Co. is made a co-respondent in the proceeding pending in Docket No. RI70-611 and said proceeding is redesignated accordingly. Getty shall comply with the refunding procedure required by the Natural Gas Act and § 154.10 of the regulations thereunder.

(H) The certificate authorization granted in Docket No. CI71-668 is subject to any determination which may be made by the Commission in Docket No. R-338 with respect to the transportation of liquids and liquefiable hydrocarbons.

(I) Applicant in Docket No. CI71-668 shall charge and collect 20.5 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment.

(J) The certificate granted in Docket No. CI71-668 is subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act; provided, however, that changes reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(K) Within 45 days from the date of this order, applicant in Docket No. CI64-663 shall file three copies of a rate schedule-quality statement with respect to sales from Oklahoma production in the form prescribed in Opinion No. 586.

(L) The certificate granted in Docket No. CI71-852 is subject to the Commission's findings and order accompanying Opinion No. 595 and any further orders which may be issued in Docket No. AR64-2, et al.

(M) Within 90 days from the date of initial delivery applicant in Docket No. CI71-851 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 595.

(N) The certificates issued in Docket Nos. G-11915 and G-12655 are terminated since the service authorized therein will be continued by applicants in Docket Nos. G-14223 and G-13633, respectively.

(O) Docket Nos. CI71-598, CI71-803, and CI71-823 are cancelled.

(P) The certificates issued in Dockets Nos. G-11937, G-12584, G-12585, G-12586, G-12587, and G-13633, involving the sales of gas by Pennzoil Producing Co. to its affiliate, United Gas Pipe Line Co., determine the rates which legally may be paid by the buyer to the seller, but are without prejudice to any action which the Commission may take in any rate proceedings involving said companies.

(Q) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth below.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [1] Description and date of document	No.	Supp.
G-4366 [2] [3] F 5-12-71 [4]	Hunt Oil Co.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	Assignment 3-1-71 [5] (Effective date: 3-1-71)	1	12
G-11937 [6] E 2-4-71	Pennzoil Producing Co.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Mobil Oil Corp., FPC Gas Rate Schedule No. 33.	277	.....
			Supplement Nos. 1-15 thereto.	277	1-15
			Notice of Succession 1-27-71.	.....	.....
			Assignment 12-11-70 [4] (Effective date: 12-1-70)	277	16
G-11960 D 5-3-71	Mobil Oil Corp.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	Assignment 3-1-71 [5] (Effective date: 3-1-71)	36	19
G-12584 [6] E 2-4-71	Pennzoil Producing Co.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Assignment 12-11-70 [4] [7] (Effective date: 12-1-70)	59	10
G-12585 [8] [9] E 2-4-71	do.	do.	Assignment 12-11-70 [4] [10] (Effective date: 12-1-70)	51	8
G-12586 [11] E 2-4-71	do.	do.	Assignment 12-11-70 [4] [12] (Effective date: 12-1-70)	57	8
G-12587 [11] E 2-4-71	do.	United Gas Pipe Line Co., Carthage Field, Panola County, Tex.	Assignment 12-11-70 [4] [13] (Effective date: 12-1-70)	65	20
G-13633 [14] E 5-6-71 [15]	do.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Assignment [4] 12-11-70	60	12
			Amend agreement [16] 4-29-71.	60	13
			(Effective date: 12-1-70)	.....	.....
G-13828 [16] E 2-24-71 [17]	Ashland Oil, Inc. (Operator), et al.	Colorado Interstate Gas Co., Northwest Eva Field, Texas County, Okla.	Western Oil Fields, Inc. (Operator), et al. FPC Gas Rate Schedule No. 7 and Supplements Nos. 1-6 thereto.	206	.....
			Notice of succession 2-10-71.	206	1-6
			Assignment [18] 10-28-70	206	7
			(Effective date: 7-1-70)	.....	.....
G-14223 [21] 3-15-71	Mobil Oil Corp. et al.	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	(19)	140	.....
			(Effective date: date of this order).	.....	.....
G-14959 [22] E 2-22-71 [23]	Texaco, Inc.	Northern Natural Gas Co., Hugoton-Friend Field, Finney County, Kans.	Mobil Oil Corp. FPC Gas Rate Schedule No. 188 and supplement Nos. 1-6 thereto.	456	.....
			Notice of succession 2-18-71.	456	1-6
			Assignment [4] 7-1-70	456	7
			(Effective date: 7-1-70)	.....	.....
CI64-663 [24] E 5-11-71	Apache Corp.	Cities Service Gas Co., Deer Creek North Field, Grant County, Okla.	Gulf Oil Corp. FPC Gas Rate Schedule No. 206 and supplements Nos. 1-2 thereto.	51	.....
			Notice of succession 5-7-71.	51	1-2
			Assignment [25] 2-26-71	51	3
			(Effective date: 3-1-71)	.....	.....
CI71-851 [26] 5-27-71 [27]	Getty Oil Co.	Trunkline Gas Co., South Ramsey Field, Colorado County, Tex.	Contract [27] 3-21-69	188	.....
			(Effective date: 5-2-71)	.....	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Where no effective date is shown, the rate schedule filing has heretofore been accepted.
[2] By letter filed June 11, 1971, applicant expresses willingness to accept permanent certificate conditioned to predecessor's rate of 15 cents per Mcf.
[3] Applicant proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-11960, to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 36. Acreage being added to applicant's FPC Gas Rate Schedule No. 1.
[4] Conveys interest from Mobil Oil Corp. to applicant.
[5] Applicant proposes to continue the sales of natural gas heretofore authorized in Docket No. G-11937 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 33.
[6] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12584 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 107.
[7] Supersedes, in toto, Mobil Oil Corp. FPC Gas Rate Schedule No. 107 and Supplement Nos. 1-15 thereto.
[8] Conveys interest to Hunt Oil Co.
[9] Docket No. CI71-823 erroneously assigned to application.
[10] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12585 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 108.
[11] Supersedes, in toto, Mobil Oil Corp. FPC Gas Rate Schedule No. 108 and Supplement Nos. 1-11 thereto.
[12] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12586 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 109.
[13] Supersedes, in toto, Mobil Oil Corp. FPC Gas Rate Schedule No. 109 and Supplement Nos. 1-11 thereto.

VOL 37 NO 14 JAN 21 1972 XUM

[14] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12557 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 110.
[15] Supersedes, in toto, Mobil Oil Corp. FPC Gas Rate Schedule No. 110 and Supplement Nos. 1-16 thereto.
[16] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12555 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 121.
[17] Supersedes, in toto, Mobil Oil Corp. FPC Gas Rate Schedule No. 121 and Supplement Nos. 1-4 thereto and adds same to Pennzoil's existing Rate Schedule No. 60.
[18] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-13828 to be made pursuant to Western Oil Fields, Inc. (Operator), et al., FPC Gas Rate Schedule No. 7.
[19] As amended June 10, 1971.
[20] From Summit Energy, Inc. (successor to Western Oil Fields, Inc.), to applicant.
[21] Applicant filing to terminate certificate issued in Docket No. G-11915 and authorize the related sale under Docket No. G-14223. Respective rate filings previously accepted.
[22] Docket No. CI71-803 erroneously assigned to application.
[23] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-14959 to be made pursuant to Mobil Oil Corp. FPC Gas Rate Schedule No. 158.
[24] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI64-663 to be made pursuant to Gulf Oil Corp. FPC Gas Rate Schedule No. 266.
[25] From Gulf Oil Corp. to applicant.
[26] Applicant proposes to continue sales from its own interests formerly covered by Prairie Producing Co. who was granted small producer authorization in Docket No. CS71-421, effective May 2, 1971.
[27] Between Prairie Producing Company et al., and Trunkline Gas Co.
[28] Docket No. CI71-598 erroneously assigned to application.

[FR Doc.72-823 Filed 1-20-72;8:45 am]

[Docket No. CS72-189, etc.]

MRS. TOM J. MOFFITT ET AL.

Findings and Order After Statutory Hearing

JANUARY 11, 1972.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, amending certificate, canceling FPC gas rate schedules, and terminating rate proceedings.

Each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the applications and the Appendix hereto.

Certain applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The certificates authorizing said sales will be terminated and the related rate schedules will be canceled. Some sales made pursuant to the certificates terminated herein and the canceled FPC gas rate schedules are subject to rate suspension proceedings which involve rates which have never been placed into effect. Accordingly, these proceedings will be terminated.

D & J Oil Co., applicant in Docket No. CS72-345, proposes to continue in part the sales of natural gas heretofore authorized in Docket No. G-6195 made pursuant to Gulf Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 413. Therefore, the certificate of public convenience and necessity heretofore issued to Gulf in Docket No. G-6195 will be amended by deleting therefrom authorization to make the sales of natural gas which will be continued by D & J Oil Co.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

At a hearing held on January 5, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefore should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to Applicants should be terminated and that the related FPC gas rate schedules should be canceled.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of public convenience and necessity heretofore issued to Gulf Oil Corp. in Docket No. G-6195 should be amended by deleting therefrom authorization to make the sales of natural gas which will be continued by D & J Oil Co.

(8) The application pending in Docket No. CI71-606 is moot.

(9) In view of all the facts and circumstances in these cases, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination, applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) With respect to any small producer sale made pursuant to the authorization herein, the small producer shall not be relieved from compliance with section 7(b) of the Natural Gas Act.

(E) The certificates heretofore issued to applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are canceled as indicated below.

(F) Certain proceedings in which applicants' increased rates have not been made effective are terminated as indicated below.

(G) The certificate of public convenience and necessity heretofore issued to Gulf Oil Corp. in Docket No. G-6195 is amended by deleting therefrom authorization to make the sales of natural gas which will be continued by D & J Oil Co.

(H) The application pending in Docket No. CI71-606 is dismissed.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS72-189	Mrs. Tom J. Moffitt et al	6	G-6703	
9-2-71	do	7	CI63-546	
CS72-197	C. R. Walbert et al	[1] 1	CI68-596 [1]	
9-3-71	do	[1] 2	CI70-278 [1]	
CS72-345	D. & J. Oil Co			
10-14-71				
CS72-347	Herman Singer d.b.a. Inca Oil Co	1	CI61-1738	
10-18-71				
CS72-353	Genmar Oil & Gas, Inc			
10-19-71				
CS72-354	D. W. Stiles et al	1	CI61-1217	
10-18-71	do	2	CI65-572	
CS72-355	Harold A. Yaffee	1	CI65-554	
10-18-71	do	2	CI70-442	
CS72-356	Elvis L. Roberts	1	G-19208	
10-18-71				
CS72-357	B. H. Keyes et al	2	CI66-1287	
10-18-71	do	3	G-12724	
	do	4	CI62-909	
	do	5	CI60-648	
	do	6	G-19456	
	do	7	CI69-512	
CS72-358	Alex N. Campbell	1	G-19360	
10-18-71	do	2	CI67-1837	RI69-483.
CS72-359	J. R. Abraham	1	CI65-522	
10-18-71				
CS72-360	R. N. Usher	1	CI61-912	
10-18-71				
CS72-361	A. K. Barrour	1	G-19518	
10-18-71				
CS72-362	John L. Morrison	1	CI63-1366	
10-18-71				
CS72-363	Frank Yockey	2	CI67-194	
10-18-71				
CS72-364	R. N. & Polly Usher	1	CI63-1384	RI69-436.
10-18-71				
CS72-365	Jerome P. McHugh & Associates et al	1	CI68-172	
10-18-71	do	2	CI68-276	
	do	3	CI68-589	
	do	4	CI69-860	
	do	6	CI69-1176	
	do	7	CI70-846	
	do	8	CI71-84	
	do	9	CI71-606	
CS72-375	Hershberger Explorations, Inc			
10-26-71				
CS72-376	Ruth P. Madden			
10-22-71				
CS72-377	Penn Resources, Inc. 71			
10-26-71				
CS72-402	Pioneer Oil Investment Co	1	CI61-1209	
11-5-71				
CS72-404	G. Donald Murdoch			
11-8-71				
CS72-405	Jack E. Trigg			
11-5-71				
CS72-406	Louis Dorfman et al	1	CI61-932	
11-3-71	do	[3] 1	CI63-1841 [3]	
	do	[3] 1	CI61-1193 [3]	
	do	[4] 1	CI62-1280 [4]	
	do	[4] 2	CI62-1281 [4]	
	do	[4] 3	CI62-1281 [4]	
	do	[4] 4	CI62-1279 [4]	
CS72-408	Peter Henderson Oil Co			
11-8-71				
CS72-409	John S. Graham			
11-8-71				
CS72-412	P. S. & G., Inc	1	CI61-286	
11-8-71				
CS72-414	Pumpelly-Stava Operator			
11-8-71				
CS72-415	Ute Production Co			
11-8-71				
CS72-416	David A. Wilson	1	CI67-907	
11-8-71	do	2	G-4159	
CS72-424	Osias Biller	1	G-4442	
11-18-71				
CS72-430	Cerro Corp			
11-16-71				

[1] Certificate and Rate Schedule on file as those of Charles R. Walbert (Operator) et al.
[3] Certificate and Rate Schedule on file as those of S. L. Florsheim, Jr.
[3] Certificate and Rate Schedule on file as those of Sam Y. Dorfman, Jr. et al.
[4] Certificate and Rate Schedule on file as those of Elizabeth F. Dorfman Trust et al.

[FR Doc.72-824 Filed 1-20-72;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on October 19, 1971.[1]

The information reviewed at this meeting indicates that real output of goods and services expanded modestly in the third quarter and that unemployment remained substantial. However, there are indications of a strengthening in economic activity since the mid-August announcement of the Government's new economic program. The 90-day freeze has thus far effectively limited increases in prices and wages, and the general framework of the postfreeze stabilization program has been established. The narrowly defined money stock, which had grown rapidly through July, increased much less in August and declined in September. The broadly defined money stock increased slightly in September as inflows of consumer-type time and savings deposits to banks continued at the moderate August rate. However, the volume of large-denomination CD's outstanding rose sharply, and the rate of expansion in the bank credit proxy remained relatively rapid. Market interest rates have declined in recent weeks and are appreciably below their mid-August levels. The U.S. foreign trade balance remained in heavy deficit in August. Outflows of short-term capital, which had been massive in August, were much smaller in September. In recent weeks the market exchange rates for some foreign currencies against the dollar rose further, while foreign official reserve holdings increased substantially. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions consistent with the aims of the new governmental program, including sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to achieve moderate growth in monetary and credit aggregates over the months ahead. System open market operations until the next meeting of the Committee shall be conducted with a view to achieving bank reserve and money market conditions consistent with that objective, taking account of the forthcoming Treasury financing.

By order of the Federal Open Market Committee, January 13, 1972.

ARTHUR L. BROIDA, *Deputy Secretary.*

[FR Doc.72-901 Filed 1-20-72;8:45 am]

---

[1] The Record of Policy Actions of the Committee for the meeting of Oct. 19, 1971, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

VOL 37 NO 14 JAN 21 72 XUM

FLORIDA COMMERCIAL BANKS, INC.

Acquisition of Bank

Florida Commercial Banks, Inc., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Florida Commercial Bank of Hollywood, Hollywood, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 14, 1972.

Board of Governors of the Federal Reserve System, January 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-902 Filed 1-20-72;8:45 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MALTA

Entry or Withdrawal from Warehouse for Consumption

JANUARY 14, 1972.

On June 14, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Malta concerning exports of cotton textiles and cotton textile products from Malta to the United States. The agreement was initially extended through December 31, 1971; and further extended through December 31, 1973. Among the provisions of the agreement, as amended and extended, are those establishing specific limits on Categories 43, 51, and 60 for the agreement year beginning January 1, 1972.

Accordingly, there is published below a letter of January 14, 1972, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories produced or manufactured in Malta, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1972, and extending through December 31, 1972, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended and extended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JANUARY 14, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 14, 1967, as amended and extended, between the Governments of the United States and Malta, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible and for the 12-month period beginning January 1, 1972, and extending through December 31, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, in excess of the following levels of restraint:

Category		12-month levels of restraint [1]
43	dozen	81,171
51	do	28,715
60	do	49,136

[1] These levels have not been adjusted to reflect entries made on or after Jan. 1, 1972.

Entries of cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta and which have been exported to the United States from Malta prior to January 1, 1972, shall not be subject to this directive.

Cotton textile products in Categories 43, 51, and 60, produced or manufactured in Malta, which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 14, 1967, as amended and extended, between the Governments of the United States and Malta which provide in part that within the aggregate and applicable group limit, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malta and with respect to imports of cotton textile products from Malta have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.72-821 Filed 1-20-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[811-2218]

ASSOCIATED BUSINESS INVESTMENT CO.

Notice of Filing of Application for Order Declaring Company has Ceased to be Investment Company

JANUARY 14, 1972.

Notice is hereby given that Associated Business Investment Co., (Applicant), Bank of Savings Building, Birmingham, Ala. 35203, an Alabama corporation, registered as a closed-end diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant, formerly Associated Marketing Corp., was incorporated under the laws of Alabama on July 20, 1970, for the benefit of shareholders of Associated Growers of Alabama, Inc. (AG, Inc.). Applicant represents that AG, Inc., is in the business of cooperative purchasing for its shareholders who are owners of retail grocery stores. Applicant was organized to raise capital and provide financing to its shareholders to make improvements and construct new facilities. Applicant represents that it also intended to make loans to other companies when and if capital funds were available.

Applicant filed a notification of registration under the Act on August 18, 1971. Applicant states that it registered pursuant to an intention to operate as a small business investment company under the Small Business Administration Act of 1958.

Applicant represents that it is not making and does not presently propose to make a public offering of its securities. In addition Applicant states there are 78 beneficial holders of its shares of which 41 are companies as defined by the Act. None of these companies own 10 percent or more of the outstanding shares of Applicant.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 7, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by a certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-913 Filed 1-20-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 868; Class B]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to business property located in the State of Massachusetts;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Waltham, Mass., suffered damage or destruction resulting from fire on December 28, 1971.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1972.

Dated: January 10, 1972.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-916 Filed 1-20-72;8:46 am]

LOAN POLICY

Maximum Interest Rates for Private Lenders

Notice is hereby given that the Small Business Administration has established as the maximum interest rate per annum that participating lending institutions may charge on guaranteed loans approved on or after January 3, 1972, pursuant to section 7(a) of the Small Business Act, as amended, section 402 of the Economic Opportunity Act of 1964, as amended, and section 502 of the Small Business Investment Act, as amended, the following interest rate: Eight and one quarter (8¼%) per centum per annum. On immediate participation loans approved on or after January 3, 1972, the maximum interest rate shall be seven and one quarter (7¼%) per centum per annum. Said maximum interest rates shall remain in effect until further amendment or revision (exceptions may be permitted as to applications received prior to January 3, 1972, with agreed upon rates and which are approved not later than January 31, 1972).

This notice implements the notification of maximum interest rates as provided in § 120.3(b)(2)(vi) of Part 120 (36 F.R. 21332).

Effective date: January 3, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-915 Filed 1-20-72;8:46 am]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Dockets Nos. E72-055—E72-082]

ATTORNEY GENERAL'S LIST OF ORGANIZATIONS

Notice of Hearings

John N. Mitchell, Attorney General of the United States, Petitioner, In Re:

Citizens Committee for Harry Bridges (AKA: Citizens Victory Committee for Harry Bridges), Docket No. E72-055.
Citizens Committee of the Upper West Side (New York City), Docket No. E72-056.
Citizens Committee to Free Earl Browder, Docket No. E72-057.
Citizens Emergency Defense Conference, Docket No. E72-058.
Citizens Protective League, Docket No. E72-059.
Civil Liberties Sponsoring Committee of Pittsburgh, Docket No. E72-060.
Civil Rights Congress and its Affiliated Organizations, Including: (Veterans Against Discrimination of Civil Rights Congress of New York), Docket No. E72-061.
Civil Rights Congress for Texas, Docket No. E72-062.
Columbians (AKA: The Columbians, Inc.; Columbian Workers Movement, Formerly known as The Citizens Forum), Docket No. E72-063.
Comite Coordinador Pro Republica Espanola (AKA Coordinating Committee for Spanish Republic), Docket No. E72-064.
Comite Pro Derechos Civiles, Docket No. E72-065.
Committee for a Democratic Far Eastern Policy, Docket No. E72-066.
Committee for Constitutional and Political Freedom, Docket No. E72-067.
Committee for Nationalist Action, Docket No. E72-068.
Committee for Peace and Brotherhood Festival in Philadelphia, Docket No. E72-069.
Committee for World Youth Friendship and Cultural Exchange, Docket No. E72-070.
Committee for the Defense of the Pittsburgh Six, Docket No. E72-071.
Committee for the Negro in the Arts, Docket No. E72-072.
Committee for the Protection of the Bill of Rights, Docket No. E72-073.
Committee to Abolish Discrimination in Maryland (AKA: Provisional Committee to Abolish Discrimination in the State of Maryland; Maryland Congress Against Discrimination; Congress Against Discrimination), Docket No. E72-074.
Committee to Aid the Fighting South, Docket No. E72-075.
Committee to Defend Marie Richardson, Docket No. E72-076.
Committee to Defend the Rights and Freedom of Pittsburgh's Political Prisoners, Docket No. E72-077.
Committe to Uphold the Bill of Rights (AKA: Committee to Defeat the Smith Act), Docket No. E72-078.
Commonwealth College, Mena, Ark., Docket No. E72-079.
Congress Against Discrimination, Docket No. E72-080.
Congress of American Revolutionary Writers, Docket No. E72-081.
Congress of American Women, Docket No. E72-082.

On December 14, 1971, the Attorney General petitioned the Subversive Activities Control Board for a determination that the above organizations now on the

VOL 37 NO 14 JAN 21 72 XUM

Attorney General's List have ceased to exist. The petitions are published in accordance with the Rules of the Subversive Activities Control Board.

Notice is hereby given pursuant to Executive Order 11605 and the Rules of the Subversive Activities Control Board issued in accordance therewith that hearings on the petitions will be held Tuesday, February 15, 1972, at 11 a.m., in Room 500, 2120 L Street NW., Washington, DC 20037.

JOHN W. MAHAN,
Chairman,
Subversive Activities Control Board.

[Docket No. E72-055]

In regard Citizens Committee for Harry Bridges (AKA: Citizens Victory Committee for Harry Bridges), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Citizens Committee for Harry Bridges has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was 1775 Broadway, Room 710, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Citizens Committee for Harry Bridges has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Citizens Committee for Harry Bridges, at the following last known address: 1775 Broadway, Room 710, New York, N.Y.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-056]

In regard Citizens Committee of the Upper West Side (New York City), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Citizens Committee of the Upper West Side has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about February 1947. There is no record of any known activity since that date.

The last known address of the above-named organization was 122 West 74th Street, New York, NY.

Therefore, the government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Citizens Committee of the Upper West Side has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Citizens Committee of the Upper West Side (New York City), at the following last known address: 122 West 74th Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-057]

In regard Citizens Committee to Free Earl Browder, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605; issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Citizens Committee to Free Earl Browder has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was Room 305, 166 West Jackson Boulevard, Chicago, IL.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Citizens Committee to Free Earl Browder has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Citizens Committee to Free Earl Browder, at the following last known address: Room 305, 166 West Jackson Boulevard, Chicago, IL.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-058]

In Regard Citizens Emergency Defense Conference, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General by counsel, petitions this Board for a determination that the Citizens Emergency Defense Conference has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was Room 608, 80 East 11th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Citizens Emergency Defense Conference has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street, NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Citizens Emergency Defense Conference, at the following last known address: Room 608, 80 East 11th Street, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-059]

In regard Citizens Protective League, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Citizens Protective League has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was 317 East 54th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Citizens Protective League has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Citizens Protective League, at the following last known address: 317 East 54th Street, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-060]

In regard Civil Liberties Sponsoring Committee of Pittsburgh, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Civil Liberties Sponsoring Committee of Pittsburgh has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about November 17, 1950. There is no record of any known activity since that date.

The last known address of the above-named organization was 1110 Resaca Place, Pittsburgh, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Civil Liberties Sponsoring Committee of Pittsburgh has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Civil Liberties Sponsoring Committee of Pittsburgh, at the following last known address: 1110 Resaca Place, Pittsburgh, PA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-061]

In regard Civil Rights Congress and its Affiliated Organizations, Including: (Veterans Against Discrimination of Civil Rights Congress of New York), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Civil Rights Congress and its Affiliated Organizations, Including: (Veterans Against Discrimination of Civil Rights Congress of New York) has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about January 1956. There is no record of any known activity since that date.

The last known address of the above-named organization was 205 East 42d Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Civil Rights Congress and its Affiliated Organizations, Including: (Veterans Against Discrimination of Civil Rights Congress of New York) has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Civil Rights Congress at the following last known address: 205 East 42d Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-062]

In regard Civil Rights Congress for Texas, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Civil Rights Congress for Texas has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1951. There is no record of any known activity since that date.

The last known address of the above-named organization was Post Office Box 5141, Central 8952, Dallas, TX.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Civil Rights Congress for Texas has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Civil Rights Congress for Texas, at the following last known address: Post Office Box 5141, Central 8952, Dallas, TX.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-063]

In regard Columbians (AKA: The Columbians, Inc.; Columbian Workers Movement, Formerly known as The Citizens Forum), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Columbians has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about June 1947. There is no record of any known activity since that date.

The last known address of the above-named organization was 82 Bartow Street, Atlanta, GA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Columbians has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Columbians, at the following last known address: 82 Bartow Street, Atlanta, GA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-064]

In regard Comite Coordinador Pro Republica Espanola (AKA Coordinating Committee for Spanish Republic), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Comite Coordinador Pro Republica Espanola has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about June 1949. There is no record of any known activity since that date.

JAN 21 72
XUM

The last known address of the above-named organization was 23 West 26th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Comite Coordinador Pro Republica Espanola has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Comite Coordinador Pro Republica Espanola, at the following last known address: 23 West 26th Street, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-065]

In regard Comite Pro Derechos Civiles, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Comite Pro Derechos Civiles has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about June 1956. There is no record of any known activity since that date.

The last known address of the above-named organization was Box 8883, Fernandez Juncos Station, Santurce, P.R.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Comite Pro Derechos Civiles has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Comite Pro Derechos Civiles, at the following last known address: Box 8883 Fernandez Juncos Station, Santurce, PR.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-066]

In regard Committee for a Democratic Far Eastern Policy, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for a Democratic Far Eastern Policy has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 31, 1952. There is no record of any known activity since that date.

The last known address of the above-named organization was 80 East 11th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for a Democratic Far Eastern Policy has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for a Democratic Far Eastern Policy, at the following last known address: 80 East 11th Street, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-067]

In regard Committee for Constitutional and Political Freedom, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for Constitutional and Political Freedom has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about July 1952. There is no record of any known activity since that date.

The last known address of the above-named organization was 514 Eitel Building, Seattle, Wash.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for Constitutional and Political Freedom has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for Constitutional and Political Freedom, at the following last known address: 514 Eitel Building, Seattle, WA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-068]

In regard Committee for Nationalist Action, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for Nationalist Action has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1948. There is no record of any known activity since that date.

The last known address of the above-named organization was c/o W. Henry MacFarland, 2834 Almond Street, Philadelphia, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for Nationalist Action has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for Nationalist Action, at the following last known address: c/o W. Henry MacFarland, 2834 Almond Street, Philadelphia, PA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-069]

In regard Committee for Peace and Brotherhood Festival, in Philadelphia, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for Peace and Brotherhood Festival in Philadelphia has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 26, 1951. There is no record of any known activity since that date.

The last known address of the above-named organization was 1215 Walnut Street, Suite 200, Philadelphia, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for Peace and Brotherhood Festival in Philadelphia has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for Peace and Brotherhood Festival in Philadelphia, at the following last known address: 1215 Walnut Street, Suite 200, Philadelphia, Pa.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-070]

In regard Committee for World Youth Friendship and Cultural Exchange, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for World Youth Friendship and Cultural Exchange has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1951. There is no record of any known activity since that date.

The last known address of the above-named organization was 106 East 14th Street, New York, N.Y.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for World Youth Friendship and Cultural Exchange has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for World Youth Friendship and Cultural Exchange, at the following last known address: 106 East 14th Street, New York, N.Y.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-071]

In regard Committee for the Defense of the Pittsburgh Six, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for the Defense of the Pittsburgh Six has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about November 1953. There is no record of any known activity since that date.

The last known address of the above-named organization was Post Office Box 1063, Pittsburgh, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for the Defense of the Pittsburgh Six has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for the Defense of the Pittsburgh Six, at the following last known address: Post Office Box 1063, Pittsburgh, PA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-072]

In regard Committee for the Negro in the Arts, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for the Negro in the Arts has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 306 West 125th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for the Negro in the Arts has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11606, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for the Negro in the Arts, at the following last known address: 306 West 125th Street, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-073]

In regard Committee for the Protection of the Bill of Rights, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee for the Protection of the Bill of Rights has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about May 1952. There is no record of any known activity since that date.

The last known address of the above-named organization was Carpenter's Hall, Lakewood, N.J.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee for the Protection of the Bill of Rights has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee for the Protection of the Bill of Rights, at the following last known address: Carpenter's Hall, Lakewood, N.J.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

JAN 21 72
XUM

[Docket No. E72–074]

In regard Committee to Abolish Discrimination in Maryland (AKA: Provisional Committee to Abolish Discrimination in the State of Maryland; Maryland Congress Against Discrimination; Congress Against Discrimination), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee to Abolish Discrimination in Maryland has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1948. There is no record of any known activity since that date.

The last known address of the above-named organization was 326 West Franklin Street, Baltimore, MD.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee to Abolish Discrimination in Maryland has ceased to exist.

In the absence of a specific request from the Board, at least ten days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on Proceedings Under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Abolish Discrimination in Maryland, at the following last known address: 326 West Franklin Street, Baltimore, MD.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72–075]

In regard Committee to Aid the Fighting South, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee to Aid the Fighting South has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1947. There is no record of any known activity since that date.

The last known address of the above-named organization was 3 Leroy Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee to Aid the Fighting South has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Aid the Fighting South, at the following last known address: 3 Leroy Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–076]

In regard Committee to Defend Marie Richardson, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee to Defend Marie Richardson has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 1638 Florida Avenue NW., Washington, DC.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee to Defend Marie Richardson has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Defend Marie Richardson, at the following last known address: 1638 Florida Avenue NW., Washington, DC.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–077]

In regard Committee to Defend the Rights and Freedom of Pittsburgh's Political Prisoners, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Committee to Defend the Rights and Freedom of Pittsburgh's Political Prisoners has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 212 Forbes Building, Forbes and Atwood Streets, Pittsburgh, PA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee to Defend the Rights and Freedom of Pittsburgh's Political Prisoners has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Defend the Rights and Freedom of Pittsburgh's Political Prisoners, at the following last known address: 212 Forbes Building, Forbes and Atwood Streets, Pittsburgh, PA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–078]

In regard Committee to Uphold the Bill of Rights (AKA: Committee to Defeat the Smith Act), petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12631, the Attorney General, by counsel, petitions this Board for a determination that the Committee to Uphold the Bill of Rights has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about July 1953. There is no record of any known activity since that date.

The last known address of the above named organization was Post Office Box 2542, Arlington Station, Baltimore, Md.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Committee to Uphold the Bill of Rights has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Uphold the Bill of Rights, at the following last known address: Post Office Box 2542, Arlington Station, Baltimore, Md.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–079]

In regard Commonwealth College, Mena, Ark., petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Commonwealth College, Mena, Ark., has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about January 1941. There is no record of any known activity since that date.

The last known address of the above-named organization was Mena, Ark.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Commonwealth College, Mena, Ark., has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Committee to Uphold the Bill of Rights, at the following last known address: Post Office Box 2542, Arlington Station, Baltimore, Md.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–080]

In regard Congress Against Discrimination, petition for a determination pursuant to section 12(1) of Exectuive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Congress Against Discrimination has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1948. There is no record of any known activity since that date.

The last known address of the above-named organization was 326 West Franklin Street, Baltimore, MD.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Congress Against Discrimination has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Congress Against Discrimination, at the following last known address: 326 West Franklin Street, Baltimore, MD.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72–081]

In regard Congress of American Revolutionary Writers, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Congress of American Revolutionary Writers has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1935. There is no record of any known activity since that date.

The last known address of the above-named organization was 381 Fourth Avenue, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Congress of American Revolutionary Writers has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Congress of American Revolutionary Writers, at the following last known address: 381 Fourth Avenue, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72–082]

In regard Congress of American Women, petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Congress of American Women has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about October 1950. There is no record of any known activity since that date.

The last known address of the above-named organization was 2 East 23d Street, Room 602, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Congress of American Women has ceased to exist.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037) on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 14th day of December 1971 to the Congress of American Women, at the following last known address: 2 East 23d Street, Room 602, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[FR Doc.72–927 Filed 1–20–72;8:47 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972–6]

RENT ADJUSTMENTS FOR MULTI–USE STRUCTURES

Cost of Living Council Ruling

Facts. Rental property is sometimes used for both commercial and dwelling purposes. For example, the first floor of a building may be used for shops, the other floors for residential apartment units. Or, a professional may rent a house or an apartment and use part of it as an office.

Issue. In cases where property is used for mixed commercial and residential purposes is it exempt in whole or in part under § 101.32(g)(2)(i), which exempts nonresidential commercial property?

Ruling. Price adjustments with respect to rentals of nonresidential commercial property are exempt from the coverage of the regulations promulgated to implement the economic stabilization program established pursuant to the Economic Stabilization Act of 1970 and Executive Order No. 11627, October 15, 1971. Section

V 37 7-14 J JAN 21 72 XUM

101.32(g)(2)(i). Where property contains component rental units, only adjustments in rent of the units which are rented for a nonresidential commercial use are exempt from the regulations. Where a portion of any rental unit is used for a nonresidential commercial use that part of any adjustment in rent which is attributable to the nonresidential commercial use is exempt from the regulations. Usual and reasonable business practice shall determine what part of a rent adjustment in such a case is considered attributable to the nonresidential commercial use.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: January 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

Approved: January 19, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-975 Filed 1-20-72;8:51 am]

Office of the Secretary

LARGE POWER TRANSFORMERS FROM FRANCE

Determination of Sales at Less Than Fair Value

JANUARY 19, 1972.

Information was received on March 11, 1970, that large power transformers from France were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 21, 1971.

I hereby determine that for the reasons stated below, large power transformers from France are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated on the basis of a c.i.f. duty paid, delivered customer's premises price. Deductions were made for transportation charges, U.S. duty, and brokerage. Additions to this price were made for appropriate sales taxes not collected by reason of exportation.

Home market price was calculated on a delivered customer's premises price in France. Appropriate deductions were made for transportation charges and erection costs. Adjustments were made for commissions, oil, and packing charges. An adjustment was made for differences in the merchandise compared.

Purchase price was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1020 Filed 1-20-72;9:49 am]

[ATB 643.3-DB]

LARGE POWER TRANSFORMERS FROM ITALY

Determination of Sales at Less Than Fair Value

JANUARY 19, 1972.

Information was received on March 11, 1970, that large power transformers from Italy were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 21, 1971.

I hereby determine that for the reasons stated below, large power transformers from Italy are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated on the basis of either an f.o.b. port of shipment price, or an f.o.b. ex-factory price. Deductions were made, where appropriate, for transportation costs and U.S. duty. Additions were made for rebated I.G.E. taxes and other rebated internal taxes and duties.

Home market price was based on an ex-factory price. Appropriate adjustments were made for sales commissions, selling expenses, oil, credit terms, accessories, packing charges, and differences in material and labor costs. Additional adjustments were made for differences in the merchandise compared.

Purchase price was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1021 Filed 1-20-72;9:49 am]

[ATB 643.3-BB]

LARGE POWER TRANSFORMERS FROM SWITZERLAND

Determination of Sales at Less Than Fair Value

JANUARY 19, 1972.

Information was received on March 11, 1970, that large power transformers from Switzerland were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 21, 1971.

I hereby determine that for the reasons stated below, large power transformers from Switzerland are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Information currently before the Bureau reveals that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated on the basis of either an f.o.b. border price or point of lading price. Deductions were made, where appropriate, for transportation costs. Additions to this price were made for sales tax not collected by reason of exportation.

Home market price was based on an ex-factory price. Appropriate adjustments were made for sales commissions, accessories, oil, packing, technical services, and warranty costs. Additional adjustments were made for differences in the merchandise compared.

Purchase price was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1022 Filed 1-20-72;9:49 am]

[ATB 643.3-FB]

LARGE POWER TRANSFORMERS FROM THE UNITED KINGDOM

Determination of Sales at Less Than Fair Value

JANUARY 19, 1972.

Information was received on March 11, 1970, that large power transformers from the United Kingdom were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 21, 1971.

I hereby determine that for the reasons stated below, large power transformers from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. The information before the Bureau indicates that the proper basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was calculated on the basis of an f.o.b. port of shipment price, or a c.i.f. duty paid, delivered customer's premises price. Deductions were made for transportation costs and, where appropriate, U.S. duty.

Home market price was based on a delivered price in the United Kingdom. Deductions were made for transportation costs, erection costs, and insurance. Adjustments, where appropriate, were made for selling expenses, to the extent of commissions in the U.S. market, oil, escalation clauses, progress payments, site painting expenses, core plate rebate, equipment tests, and packing. Additional adjustments were made for differences in the merchandise compared.

Purchase price was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1023 Filed 1-20-72;9:49 am]

[ATB 643.3-MF]

LARGE POWER TRANSFORMERS FROM SWEDEN

Notice of Discontinuance of Antidumping Investigation

JANUARY 19, 1972.

On October 21, 1971, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Antidumping Investigation" of large power transformers from Sweden.

A statement of reasons for intending to discontinue this investigation was published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the intended action.

Presentations were made by attorneys for the interested parties. Upon review of these presentations and for the reasons stated below, I hereby discontinue the antidumping investigation of large power transformers from Sweden.

Statement of reasons on which this notice is based. The information before the Bureau indicates the basis of comparison is between purchase price and home market price of such or similar merchandise.

Purchase price was computed on the basis of a c.i.f. duty-paid, delivered customer's premises price, less applicable charges. These applicable charges are, transportation charges, performance bond charges, U.S. duty and brokerage, and material purchased in the United States.

Home market price was based on a delivered price in the home market. Appropriate adjustments were made for the transportation charges, performance bond charges, erection costs, oil, extra equipment costs, prepayment interest, and selling expenses to the extent of commissions in the U.S. market. A further adjustment was made for differences in the merchandise compared.

The comparisons made revealed some instances where purchase price was lower than adjusted home market price of such or similar merchandise. However, these were determined to be minimal in terms of the volume of sales involved.

Subsequently, formal assurances were received from the manufacturer that it would make no future sales at less than fair value within the meaning of the Act.

This "Notice of Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(b) of the Customs Regulations (19 CFR 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1024 Filed 1-20-72;9:49 am]

[ATB 643.3FA]

LARGE POWER TRANSFORMERS FROM JAPAN

Determination of Sales at Less Than Fair Value

JANUARY 19, 1972.

Information was received on March 11, 1970, that large power transformers from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of October 21, 1971.

I hereby determine that for the reasons stated below, large power transformers from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. The information before the Bureau indicates that the proper basis of comparison is between purchase price and the home market price of such or similar merchandise.

Purchase price was calculated on the basis of a c.i.f. duty paid delivered customer's premises price. Deductions were made for transportation charges, U.S. duty and brokerage.

Home market price was calculated on the basis of a delivered price to the customer's premises in Japan. Deductions were made for transportation expenses, engineer expenses, and installation charges. Adjustments were made for credit costs, selling expenses, to the extent of commissions in the U.S. market, oil, and packing. Additional adjustments were made for differences in the merchandise compared.

Purchase price was found to be lower than the home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1025 Filed 1-20-72;9:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 18, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 123407 Sub 82, Sawyer Transport, Inc., assigned January 28, 1972, MC-F 11073, Refrigerated Transport Co., Inc.—Purchase (Portion)—Caravan Refrigerated Cargo, Inc., MC-C 7348, Hirschbach Motor Lines, Inc., et al. v. Refrigerated Transport Co., Inc., et al., assigned January 26, 1972, MC 531 Sub 268, Younger Brothers, Inc., MC 107403 Sub 806, Matlack, Inc., assigned January 24, 1972, will be held in the Chateau Le Moyne Hotel, 301 Rue Dauphine, New Orleans, La., instead of Baton Rouge, La.

MC 106497 Sub 59, Parkhill Truck, assigned February 8, 1972, MC 113678 Sub 430, Curtis, Inc., assigned February 10, 1972, MC 113678 Sub 431, Curtis, Inc., assigned February 14, 1972, MC 115826 Sub 219, W. J. Digby, Inc., assigned February 14, 1972, MC 116763 Sub 204, Carl Subler Trucking, assigned February 9, 1972, at Denver, Colo., will be held in Room 2330, Federal Building, 1961 Stout Street.

MC 117940 Sub 54, Nationwide Carriers, now assigned February 2, 1972, at New York City, N.Y., is postponed indefinitely.

FD 26747, Baltimore & Ohio Railroad Co. Abandonment between National Road and Shawnee, in Licking and Perry Counties, Ohio, assigned January 25, 1972, at Newark, Ohio, is postponed indefinitely.

MC 61592 Sub 215, Jenkins Truck Lines, now assigned February 7, 1972, at Chicago, Ill., is canceled and application is dismissed.

FD 12121, Boston and Providence Railroad Corporation Reorganization, now being assigned February 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

V 37 14 JAN 21 72 XUM

MC 113855 Sub 247, International Transport, Inc., now being assigned for hearing on February 14, 1972, at St. Paul, Minn., in Courtroom No. 4, Federal Building, 316 Robert Street.

MC 116073 Sub 165, Barrett Mobile Home Transport, now assigned January 26, 1972, at Chicago, Ill., is canceled and application is dismissed.

MC 134163 Sub 3, Joseph Richardson, now assigned February 14 and MC 134163 Sub 4, now assigned February 16, at Philadelphia, Pa. will be in Conference Room A, 11th floor, Federal Building, 1421 Cherry Street, instead of the U.S. Customs Courtroom, Third floor, U.S. Customhouse, Second and Chestnut Streets.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-948 Filed 1-20-72;8:50 am]

[Notice 9]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 14, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 95084 (Sub-No. 85 TA), filed January 7, 1972. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Mason City, Iowa, to points in Illinois, Indiana, and Ohio, for 180 days. Supporting Shipper: Vitamor, Inc., 4931 Douglas, Des Moines, IA 50310. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107403 (Sub-No. 828 TA), filed January 7, 1072. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, from points in Escambia County, Ala.; Escambia County, Fla.; and Santa Rosa County, Fla., to points in Louisiana, Mississippi, Alabama, Georgia, and Florida, for 180 days. Supporting Shipper: Freeport Sulphur Co., a division of Freeport Minerals Co., 161 East 42 Street, New York, NY 10017. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111729 (Sub-No. 334 TA), filed January 7, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material moving therewith, and cardiac pacemakers, and related accessories, instruction booklets, specification sheets, and identification charts*, (a) between New Orleans, La., on the one hand, and, on the other, points in Florida on and west of Highway No. 231, and points in Alabama and Mississippi; (b) between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas, having an immediately prior or subsequent movement by air; (c) between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Tennessee, and Mississippi, having an immediately prior or subsequent movement by air; (d) between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, having an immediately prior or subsequent movement by air; (e) between Birmingham, Ala., on the one hand, and, on the other, points in Alabama, having an immediately prior or subsequent movement by air; (f) between Jackson, Miss., on the one hand, and, on the other, points in Mississippi, having an immediately prior or subsequent movement by air; and (g) between Mobile, Ala., on the one hand, and, on the other, points in Florida on and west of Highway No. 231, and points in Alabama and Mississippi, having an immediately prior or subsequent movement by air; (2) *radiopharmaceuticals, radioactive; drugs, chemicals, sources, isotopes, related supplies and accessories, and chemicals*, between Arlington Heights, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shippers: Medtronic, Inc., 4900 Veterans Boulevard, Metairie, LA 70002; Amersham Searle, 2636 South Clearbrook Drive, Arlington Heights, IL 60005. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 113067 (Sub-No. 12 TA), filed January 6, 1972. Applicant: HELMS MOTOR EXPRESS, INC., Post Office Drawer 700, 1024 Rear North Second Street, Albemarle, NC 28001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with the usual exceptions, from plantsite of Richmont Fabrics, Inc., Richmond County, N.C., to points in North Carolina served by Helms Motor Express, Inc., and from points in North Carolina to the plantsite of Richmont Fabrics, Inc., Richmond, N.C., as off-route point in connection with authority held by Helms, from Mount Gilead, N.C., over North Carolina Highway 109 to Richmont Fabrics and return over the same route, for 180 days. NOTE: Applicant intends to tack the authority here applied for to other authority held by it, or to interline with other carriers, under MC 113067 and related subs. Supporting shipper: Richmont Fabrics, Inc., Highway 109 South, Mount Gilead, NC. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehad, Suite 417 (BSR Building), Charlotte, N.C. 28202.

No. MC 117147 (Sub-No. 4 TA), filed January 4, 1972. Applicant: STARR'S TRANSPORTATION, INC., Upper Main Street, North Troy, Vt. 05859. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corestock*, from Bridgeport, Conn., to Hancock, Vt., for 180 days. Supporting shipper: Weyerhaeuser Co., 545 Westminster Street, Fitchburg, MA 01420. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Montpelier, VT 05602.

No. MC 117639 (Sub-No. 5 TA), filed January 6, 1972. Applicant: JACK S. OCHSNER, doing business as PICK'S PACK HAULER, 1714 West 5th Street, Hastings, NE 68901. Applicant's representative: Frederick J. Coffman, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face brick*, from a point near Endicott, Nebr., to points in Lake, DuPage, Cook and Will Counties, Ill., and Lake County, Ind., for 180 days. Supporting shipper: Endicott Clay Products Co., Post Office Box 17, Fairbury, NE 68352. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and U.S. Courthouse, Lincoln, Nebr. 68508.

No. MC 117848 (Sub-No. 4 TA), filed January 6, 1972. Applicant: FRED CARPENTIER, 1415 Luzerne Street, Scranton, PA 18501. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to Scranton, Pa., for 180 days. Supporting Shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 127337 (Sub-No. 6 TA), filed December 17, 1971. Applicant: CHET's TRANSPORT, INC., Charlotte, West Pembroke, Maine 04688. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in the New York, N.Y., commercial zone and Albany, N.Y., to points of entry on the international boundary between the United States and Canada at or near Calais, Houlton, Vanceboro, Bar Harbor, and Portland, Maine, for 180 days. Supporting shippers: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001; Standard Fruit and Steamship Co., 425 Broadhollow Road, Melville, NY 11746. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167 PSS, Portland, ME 041112.

No. MC 129297 (Sub-No. 2 TA), filed January 3, 1972. Applicant: ASBESTOS EASTERN TRANSPORT INC., 6500 Grande Allee Boulevard, St. Hubert, PQ Canada. Applicant's representative: Adrien R. Paquette, 200 St. Jacques Street, Montreal, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *General commodities* (usual exceptions), from the United States-Canada boundary line at or near Champlain, N.Y., Highgate Springs and Derby line, Vt., to New York, N.Y., and points in New Jersey, for 180 days. Supporting shippers: Superintendence Co. of Canada Ltd., 300 St. Sacrement Street, Montreal, PQ Canada; Crossworlk Air and Sea Container, 300 St. Sacrement Street, Montreal, PQ Canada; Murray Agency Custom Broker, 115 McGill Street, Montreal, PQ Canada; International Custom Brokers, 407 McGill Street, Montreal, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Montpelier, VT 05602.

No. MC 133119 (Sub-No. 15 TA), filed January 5, 1972. Applicant: HEYL TRUCK LINES, INC., Post Office Box 206, 235 Mill Street, Akron, IA 51001. Applicant's representative: Michael J. Myers, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined by the Commission (except hides and commodities in bulk), from Hawarden, Iowa to points in Minnesota, Nebraska, Indiana, Illinois, and Wisconsin, for 180 days. Supporting shipper: Mid States Packers, Inc., 1826 Chicago Street, Sioux City, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135234 (Sub-No. 4 TA), filed January 6, 1972. Applicant: COMMERCIAL CARTAGE, INC., Stop 24, Winfield Road, St. Albans, WV 25177. Applicant's representative: Marvin L. Meadows (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric cable, copper coils, and empty reels*, between Decatur, Ill., Marion, Ind., and Chester, S.C., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Tennessee, and Texas, for 180 days. Supporting shipper: Essex International Inc., 1601 Wall Street, Fort Wayne, IN. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 135733 (Sub-No. 1 TA), filed January 3, 1972. Applicant: LETCO BULK CARRIERS, INC., 1751 Fuhrman Boulevard, Buffalo, NY 14203. Applicant's representative: Robert D. Gunderman, Statler Hilton, Suite 1708, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in bags, from ports of entry on the international boundary line between the United States and Canada on the Niagara River to points in New York, for 180 days. Supporting shipper: Wyandotte Cement Inc., 1751 Fuhrman Boulevard, Buffalo, NY 14203. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 136069 (Sub-No. 3 TA) (Amendment), filed December 6, 1971, published in the FEDERAL REGISTER issue of December 22, 1971, and republished in part as amended this issue. Applicant: COIN DEVICES CORP., 68 Broad Street, Elizabeth, NJ 07201. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. The purpose of this partial republication is to reflect the correct docket number as 136069 (Sub-No. 3 TA), in lieu of 134868 (Sub-No. 2 TA), which was in error in previous publication. The rest of the application remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-950 Filed 1-20-72;8:50 am]

[Notice 5]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 18, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73336. By order of January 13, 1972, the Motor Carrier Board approved the transfer to Schuyler W. Jackson, Bethesda, Md., of permit No. MC-4080, issued September 28, 1960, to Homer F. Coffey and Rachel O. Coffey, a partnership, doing business as Rae's Trucking Co., Washington, D.C., authorizing the transportation of: Building materials, brick clay, and tile, between Washington, D.C., and points in Maryland, Virginia, and West Virginia, within a specified mileage radius. Francis J. Ortman, attorney, 1100 17th Street NW., Washington, DC 20036.

No. MC-FC-73375. By order of January 17, 1972, the Motor Carrier Board approved the transfer to Carl H. Laeding, Lima, Ill., of the operating rights in permits Nos. MC-28180, MC-28180 (Sub-No. 2), MC-28180 (Sub-No. 3), MC-28180 (Sub-No. 4), and MC-28180 (Sub-No. 5) issued November 20, 1950, November 20, 1950, November 20, 1950, February 13, 1952, and June 10, 1953 respectively, to Bill Schott, Jr., Chester, Minn., authorizing the transportation of various commodities from and to specified points and areas in Illinois, Minnesota, Iowa, and Wisconsin. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-949 Filed 1-20-72;8:50 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Determination Decisions for Specified Localities

Modification to Area Determination Decisions for Specified Localities in Colorado, Florida, Kentucky, Louisiana, Maryland, Michigan, Missouri, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Texas, Virginia, and Washington, D.C.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

V37-14 JAN 21 72 XUM

Decision No.	Date
AM–1706, AM–1707, AM–1708, AM–1709, AM–1710, AM–1711, AM–1712, AM–1713, AM–1714, AM–1715, AM–1716, AM–1717, AM–1718, AM–1719, AM–1720, AM–1722, AM–1724, AM–1725, AM–1726, AM–1727, AM–1728, AM–1729, AM–1730, AM–1731, AM–1732, AM–1733, AM–1734	Aug. 11, 1971
AM–374, AM–381, AM–387, AM–392, AM–393, AM–394, AM–407, AM–408, AM–410, AM–412, AM–413	Aug. 18, 1971
AM–453, AM–454, AM–455, AM–458, AM–459, AM–461, AM–479, AM–1842, AM–1843, AM–1845, AM–1852, AM–1860, AM–1862, AM–1865, AM–1866	Aug. 20, 1971
AM–3613, AM–3614, AM–3616, AM–3627, AM–3628	Aug. 25, 1971
AM–2509, AM–2510, AM–2511, AM–2512, AM–2513, AM–3630, AM–3631	Aug. 27, 1971
AM–7489	Nov. 12, 1971
AM–7716	Nov. 19, 1971

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified were issued and are to be used in accordance with the provisions of 29 CFR, Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determination, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. Number 553 is set forth in the document being modified.

The modifications to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 14th day of January 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

MODIFICATIONS

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-3,630—36 F.R. 17067, Adams, Arapahoe, southeastern portion of Boulder (including city of Boulder), Denver, northern portion of Douglas and Elbert, Jefferson, and the southwestern portion of Weld Counties, Colo. Modification No. 4						
CHANGE:						
Building construction:						
Roofers	$7.15					
WD No. AM-3,631—36 F.R. 17074, El Paso County, Colo., Modification No. 5						
CHANGE:						
Building construction:						
Roofers	6.90					
WD No. AM-453—36 F.R. 16373, Dade County, Fla. Modification No. 4						
CHANGE:						
Building construction:						
Lathers	$7.86	$0.35	$0.10		$0.05	
Power equipment operators:						
Field mechanic (cranes, derricks, hoist (two or more drums), oiler-fireman combination	7.80	.26	.25			
Draglines, backhoes, gradalls, finish grader, welding machine, one drum hoist, fork lift, hopto machine, air compressor (above 125 c.f.m., more than one pump or combination of other equip., up to five), winch trucks	7.20	.26	.25			
Bulldozers, distributors, scrapers, motor graders, trenching machines, front end loaders, pumps ($ inches or more), mixers	6.45	.26	.25			
Rollers, finishing machines, tractors, oilers & drivers, mechanic helpers	6.05	.26	.25			
Oiler on crawler cranes	5.05	.26	.25			
WD No. AM-454—36 F.R. 16377, Dural County, Fla. Modification No. 3						
CHANGE:						
Building construction:						
Bricklayers	6.20	.25	.10		.02	
Stonemasons	6.20	.25	.10		.02	
Cement masons	5.49					
WD No. AM-455—36 F.R. 16381, Hillsborough County Fla., Modification No. 4						
CHANGE:						
Building construction:						
Lathers	6.26	.21	.10		.035	
Plumbers	7.20	.30	.30	$0.30	.05	
Steamfitters	7.20	.30	.30	.30	.06	
Roofers	5.65	.25	.15			
Kettlemen	3.80	.25	.15			
Roofers' helpers	3.00	.25	.15			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-458—36 F.R. 16390, Escambia, Okaloosa, Walton, and Santa Rosa Counties, Fla., Modification No. 3						
OMIT:						
Building construction:						
Roofers	3.17					
WD No. AM-459—36 F.R. 16394, Orange County, Fla., Modification No. 1						
CHANGE:						
Lathers	6.25					
WD No. AM-461—36 F.R. 16401, Pinellas County, Fla., Modification No. 2						
CHANGE:						
Building construction:						
Electricians	7.15	.25	1%		3¼ of 1%	
WD No. AM-479—36 F.R. 16432, Fayette County, Ky., Modification No. 7						
CHANGE:						
Modification No. 3—36 F.R. 22709, Nov. 27, 1971, to Modification No. 6:						
ALSO CHANGE:						
Painters:						
Spray	6.72					
Hazardous	6.47					
WD No. AM-3,627—36 F.R. 16758, Caddo and Bossier Parishes, La., Modification No. 5						
OMIT:						
Steamfitters	5.86		$0.30	.15	$0.06	
WD No. AM-3,628—36 F.R. 16740, Orleans, Jefferson, Plaquemines, and St. Bernard Parishes, La., Modification No. 4						
CHANGE:						
Electricians	7.425	.20	1%+$0.10		.015	
OMIT:						
Laborers:						
Laborers	4.46	.10	$0.10			
Stone masons helper, mechanical tool operator (air, electric); sewermen	4.56	.10	.10			
Gunite tool operator	4.71	.10	.10			
Pipelayers, nonmetallic	4.56	.10	.10			
Bricklayers and mason tenders	4.58	.10	.10			
Mortar mixers, hand or machine	4.68	.10	.10			
ADD:						
Laborers (Orleans, Jefferson (except Grande Isle), Plaquemines and St. Bernard):						
Laborers	4.46	.10	.10			
Stone masons helper, mechanical tool operator (air, electric); sewermen	4.56	.10	.10			
Gunite tool operator	4.71	.10	.10			
Pipelayers, nonmetallic	4.56	.10	.10			
Bricklayers and mason tenders	4.58	.10	.10			
Mortar mixers, hand or machine	4.68	.10	.10			
Laborers (Grande Isle, Jefferson Parish, La.):						
Laborers	4.055	.10	.10			
Sewermen; jackhammermen; mason tenders; plasterers tenders; stone masons helpers; vibratormen	4.205	.10	.10			
Mortar mixers	4.255	.10	.10			
WD No. AM-1,842—36 F.R. 16238, Montgomery and Prince Georges Counties, Md.; city of Alexandria, Va.; Arlington, County, Va.; and Dulles International Airport, Modification No. 6						
CHANGE:						
Building construction:						
Laborers:						
Common, landscapers	5.77	.25	.25		.03	
Acetylene burners used on wrecking	6.27	.25	.25		.03	
Air tool operator, scaffold builders, pavement busters, towmasters, buggy mobiles, spaders, mortarmen, and scooteretes	5.92	.25	.25		.03	
Pipelayers	5.92	.25	.25		.03	
Plasterers' tenderers	6.07	.32	.20		.03	
Plasterers	7.215	.30	.25		.06	
Terrazzo and mosaic workers	7.10	e	.20			
Tile setters	7.10	e	.20			
WD No. AM 1,843—36 F.R. 16241, Washington, D.C., Modification No. 8						
CHANGE:						
Building construction:						
Laborers:						
Common, landscapers	5.77	.25	.25			
Acetylene burners used on wrecking	6.27	.25	.25		.03	
Air tool operator, scaffold builders, pavement busters, towmasters, buggy mobiles, spaders, mortarmen and scooteretes	5.92	.25	.25		.03	
Pipelayers	5.92	.25	.25		.03	
Plasterers' tenders	6.07	.32	.20		.03	
Plasterers	7.215	.30	.25		.06	
Terrazzo and mosaic workers	7.10	e	.20			
Tile setters	7.10	e	.20			
WD No. AM-1,845—36 F.R. 16246, Baltimore City and County, Md., Modification No. 6						
CHANGE:						
Building construction:						
Cement masons	7.705	.125	.30			
Steamfitters	7.46	.45	.60		.06	
WD No. AM-374—36 F.R. 15782, Alpena County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Electricians:						
Contracts under $5,000	6.10	.30	1%		1%	
Contracts over $5,000	7.65	.30	1%		1%	
Boilermakers	7.83	.50	$1.00	1.00	$0.01	

V 37-14 JAN 21 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-381—36 F.R. 15813, Gogebic County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:	7.10	.30	.35			
Bricklayers	7.10	.30	.35			
Stonemasons	7.10	.30	.35			
Plasterers	7.10	.30	.35			
Terrazzo workers	7.10	.30	.35			
Tile setters	6.60	.30	.35			
Cement masons	7.83	.50	1.00	1.00	.01	
Boilermakers						
WD No. AM-387—36 F.R. 15842, Keweenaw, Houghton, Ontonagon, and Baraga Counties, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:	7.10	.30	.35			
Bricklayers	7.10	.30	.35			
Stonemasons	7.10	.30	.35			
Plasterers	7.10	.30	.35			
Terrazzo workers	6.60	.30	.35			
Tile setters	7.83	.50	1.00	1.00	.01	
Cement masons						
Boilermakers						
WD No. AM-392—36 F.R. 15867, St. Clair County, Mich., Modification No. 4						
CHANGE:						
Building and heavy construction:	8.44	.38	6%	10%	.02	
Sheet metal workers						
WD No. AM-393—36 F.R. 15872, Washtenaw County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:	7.83	.50	$1.00	$1.00	.01	
Boilermakers	8.44	.38	6%	10%	.02	
Sheet metal workers						
ALSO CHANGE:						
Modification No. 2—36 F.R. 18987, Sept. 24, 1971.						
Asbestos workers (remainder of county)	7.95	.44	$0.095		.01	
WD No. AM-394—36 F.R. 15877, Oakland, Wayne, Macomb Counties, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:	7.83	.50	1.00	$1.00	.01	
Boilermakers	8.44	.38	6%	10%	.02	
Sheet metal workers						
ALSO CHANGE:						
Modification No. 1—36 F.R. 18611, Sept. 17, 1971.						
Label on laborers to read Building and Heavy Construction.						
WD No. AM-3,616—36 F.R. 16863, Clay, Jackson, Platte, and Ray Counties, Mo., Modification No. 5						
CHANGE:						
Building construction:						
Electricians:						
Western Half of Clay and Jackson Counties, not including Blue Springs; northern half of Platte County	7.95	.15	1%+0.20	.70a	.03	
Remainder of Clay, Jackson & Platte Counties:						
Contracts over $5,000	7.95	.15	1%+0.20	.70a	.03	
Contracts under $5,000	7.45	.15	1%+0.20	.70a	.03	
Ray County:						
Contracts over $5,000	7.95	.15	1%+0.20	.70a	.03	
Contracts under $5,000	6.90	.15	1%+0.20	.70a	.03	

Footnote:
a. Includes $0.10 Holiday Fund.

WD No. AM-1,705—36 F.R. 14799, Atlantic and Cape May Counties, N.J., Modification No. 2

CHANGE:
Building construction:
Laborers, building construction:

Laborers	5.65	.20	$0.15		
Air tool operator	5.95	.20	.15		
Concrete workers	5.65	.20	.15		
Gunnite men	6.05	.20	.15		
Nozzle gun operator	6.05	.20	.15		
Mason tenders	5.65	.20	.15		
Plasterers' tenders	5.65	.20	.15		
Plumbers	7.65	.305	.305		
Sheet metal workers	7.25	.25	.25		
Steam fitters	7.65	.305	.305		

WD No. AM-1,707—36 F.R. 14805, Bergen County, N.J., Modification No. 3

CHANGE:
Building construction:
Carpenters and insulators:

City of Garfield; Lodi and Wallington Boroughs:					
Carpenters	9.09	.20	.25	.02	
Millwrights	9.34	.20	.25	.02	
Remainder of county:					
Carpenters	8.54	.50	.50	.02	
Millwrights	8.79	.50	.50	.02	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blasters	6.35	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44	a		
Timberman	5.95	.26	.44	a		
Form setters	5.90	.26	.44	a		
Grademan	5.80	.26	.44	a		
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a		
Wagon drill operator and drill masters	5.80	.26	.44	a		
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a		
Signal man	5.50	.26	.44	a		
Wrapping and coating of all pipe	5.30	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen, salamander tenders, pitmen and dumpmen	5.25	.26	.44	a		
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers, and powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

WD No. AM-1,708—36 F.R. 14812, Burlington County, N.J., Modification No. 2

CHANGE:
Building construction:
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers and tile setters:

Remainder of county	8.40	.25	.30		
Laborers, Building:					
Bass River and Washington Townships:					
Laborers	5.65	.20	.15		
Air tool operator	5.95	.20	.15		
Mason tenders	5.65	.20	.15		
Concrete workers	5.65	.20	.15		
Gunnite men	6.05	.20	.15		
Nozzle and gun operators	6.05	.20	.15		
Plumbers and Steamfitters:					
Atsion, Bass River Township, Batso, Chatsworth, Green Banks, Herman, Jenkins, Quaker Bridge, Washington, Washington Township	7.65	.305	.305		
N.J.-1-Lab-2-3-Y:					
Heavy and highway construction:					
Laborers:					
Blasters	5.80	.26	.44	a	
Finishers, rammer, paver and gunite nozzle man and stonecutter	5.50	.26	.44	a	
Timberman	5.45	.26	.44	a	
Form setters	5.50	.26	.44	a	
Grademan	5.50	.26	.44	a	
Sewer pipe, loser men, conduit and duct line layers	5.20	.26	.44	a	
Wagon drill operator and drill masters	5.30	.26	.44	a	
Wagon drill operator helper and drill master helper, powder carrier, magazine tender	4.95	.26	.44	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.30	.26	.44	a	
Signal man	5.00	.26	.44	a	
Wrapping and coating of all pipe	4.90	.26	.44	a	
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen and dumpmen	4.80	.26	.44	a	
Rock shafts and tunnel work:					
Blasters	7.97	.26	.44	a	
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a	
Miners' helpers, chuck tenders, nipper powder carriers and all other semiskilled men	7.41	.26	.44	a	
Form erectors and form movers	7.41	.26	.44	a	
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a	
Top laborers	6.9025	.26	.44	a	

Paid holidays:
A—New Years' Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

WD No. AM-1,709—36 F.R. 14820, Camden and Gloucester Counties, N.J., Modification No. 3

CHANGE:
Building construction:
Plumbers and steamfitters:
Gloucester County:

Blue Belle, Malega, and New Field	7.65	.305	.305		

V 37 7-14 JAN 21 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,710–36 F.R. 14827, Cumberland County, N.J., Modification No. 2						
CHANGE:						
Building construction:						
Laborers, Building						
Fairfield, Lawrence, Millville, Downe, Commercial and Maurice River Townships:						
Laborers, building	5.65	.20	.15			
Mason tenders	5.65	.20	.15			
Plasterers' tenders	5.65	.20	.15			
Concrete laborers	5.95	.20	.15			
Air-gas-electric tool operator	6.05	.20	.15			
Gunnite men	6.65	.20	.15			
Nozzle and gun operator	7.25	.25	.25			
Sheetmetal workers						
WD No. AM-1,711–36 F.R. 14834, Essex County, N.J. Modification No. 2						
CHANGE:						
Building construction:						
Plumbers:						
Remainder of county	8.25	.40	.75	.80	$0.025	
NJ.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blasters	6.35	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44	a		
Timberman	5.95	.26	.44	a		
Form setters	5.90	.26	.44	a		
Grademan	5.80	.26	.44	a		
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a		
Wagon drill operator and drill masters	5.80	.26	.44	a		
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a		
Signal man	5.50	.26	.41	a		
Wrapping and coating of all pipe	5.30	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen, and dumpmen	5.25	.26	.44	a		
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe, and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

WD No. AM-1,712–36 F.R. 14841, Hudson County, N.J., Modification No. 2

CHANGE:
Building construction:
Plumbers:
Kearny and Harrison: 8.25 | .40 | .75 | $0.80 | .025

NJ.-2-LAB-2-3-A
Heavy and highway construction:

Laborers:					
Blasters	6.35	.26	.44	a	
Finishers, rammer, paver and gunite nozzle man	6.20	.26	.44	a	
Timberman	5.95	.26	.44	a	
Form setters	5.90	.26	.44	a	
Grademan	5.80	.26	.44	a	
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a	
Wagon drill operator, and drill masters	5.80	.26	.44	a	
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a	
Signal man	5.50	.26	.44	a	
Wrapping and coating of all pipe	5.30	.26	.44	a	
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen and dumpmen	5.25	.26	.44	a	
Rock shafts and tunnel work:					
Blasters	7.97	.26	.44	a	
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a	
Miners' helpers, chuck tenders, nippers, and powder carriers	7.41	.26	.44	a	
Form erectors and form movers	7.41	.26	.44	a	
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a	
Top laborers	6.9025	.26	.44	a	

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,713–36 F.R. 14848, Mercer County, N.J., Modification No. 3						
CHANGE:						
Building construction:						
Laborers, building:						
Townships of Washington, Highstown, and East Windsor:						
Laborers	6.60	.35	.45			
Jackhammermen	6.85	.35	.45			
N.J.-1-Lab-2-3-Y:						
Heavy and highway construction:						
Laborers:						
Blasters	5.80	.26	.44	a		
Finishers, rammer, paver and gunite nozzle man, and stonecutter	5.50	.26	.44	a		
Timberman	5.45	.26	.44	a		
Form setters	5.50	.26	.44	a		
Grademan	5.50	.26	.41	a		
Sewer pipe, loser men, conduit and duct line layers	5.20	.26	.44	a		
Wagon drill operator, and drill masters	5.30	.26	.44	a		
Wagon drill operator helper and drill master helper, powder carrier, magazine tender	4.95	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.30	.26	.44	a		
Signal man	5.00	.26	.44	a		
Wrapping and coating of all pipe	4.90	.26	.44	a		
Common laborers, landscape laborers, railroad track man, flagman, salamander tenders, pitmen and dumpmen	4.80	.26	.44	a		
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nipper powder carriers and all other semiskilled men	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

Paid holidays:
A—New Years' Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

WD No. AM-1,714–36 F.R. 14855, Middlesex County, N.J., Modification No. 3

CHANGE:
Building construction:

Carpenters and insulators	8.59	.45	.50	.02	
Millwrights	8.84	.45	.50	.02	
Painters:					
Perth Amboy, Carteret, Woodbridge Township, Edison Township, north of Metuchen, Sayreville, South Amboy, Metuchen, Old Bridge, and Madison Township:					
Brush	6.70	.45	.40		
Structural steel, tanks, bridges and towers	7.75	.45	.40		
Spray	7.75	.45	.40		
Sandblasting	7.75	.45	.40		
NJ.-2-LAB-2-3-A:					
Heavy and highway construction:					
Laborers:					
Blasters	6.35	.26	.44	a	
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44	a	
Timberman	5.95	.26	.44	a	
Form setters	5.90	.26	.44	a	
Grademan	5.80	.26	.44	a	
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a	
Wagon drill operator, and drill masters	5.80	.26	.44	a	
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a	
Signal man	5.50	.26	.44	a	
Wrapping and coating of all pipe	5.30	.26	.44	a	
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen, salamander tenders, pitmen and dumpmen	5.25	.26	.44	a	
Rock shafts and tunnel work:					
Blasters	7.97	.26	.44	a	
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a	
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44	a	
Form erectors and form movers	7.41	.26	.44	a	
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a	
Top laborers	6.9025	.26	.44	a	

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

V 37-14 JAN 21 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1, 715—36 F.R. 14863, Monmouth County, N.J., Modification No. 4						
CHANGE:						
Building construction:						
Laborers, building:						
Townships of Matawan, Union Beach, Raritan, Keansburg, Highland, Holmdel, Middletown, Fair Haven, Red Bank, Matawan Boro, and Marlboro:						
Laborers	7.10	.30				
Jackhammermen	7.35	.30				
Remainder of county:						
Laborers	6.60	.35	.45			
Jackhammermen	6.85	.35	.45			
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blasters	6.35	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44	a		
Timberman	5.95	.26	.44	a		
Form setters	5.90	.26	.44	a		
Grademan	5.80	.26	.44	a		
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a		
Wagon drill operator and drill masters	5.80	.26	.44	a		
Wagon drill operator, helper and drill master helper	5.15	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a		
Signal man	5.50	.26	.44	a		
Wrapping and coating of all pipe	5.30	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen and dumpmen	5.25	.26	.44	a		
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						
WD No. AM-1,716—36 F.R. 14870, Morris County, N.J., Modification No. 4						
CHANGE:						
Building construction:						
Carpenters and insulators:						
Remainder of county:						
Carpenters	8.59	.45	.50		.02	
Millwrights	8.61	.45	.50		.02	
Plumbers and steamfitters:						
Lincoln Park, Pompton Plains, Pequanock Township, Riverdale, Butler, Kinnelon Boro	8.00	.365	.50	$1.00		
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blasters	6.35	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44	a		
Timberman	5.95	.26	.44	a		
Form setters	5.90	.26	.44	a		
Grademan	5.80	.26	.44	a		
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a		
Wagon drill operator, and drill masters	5.80	.26	.44	a		
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operator, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a		
Signal man	5.50	.26	.44	a		
Wrapping and coating of all pipe	5.30	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen and dumpmen	5.25	.26	.44	a		
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,717—36 F.R. 14878, Ocean County, N.J., Modification No. 4						
CHANGE:						
Building construction:						
Laborers, building:						
Lacey, Ocean, Union, Barnegat City, Stafford, Harvey Cedars, Surf City, Eaglewood, Ship Bottom, Beach Arlington, Little Egg Harbor, Beach Haven, and Tuckerton Townships:						
Laborers, building and concrete	5.65	.20	.15			
Mason tenders	5.65	.20	.15			
Plasterers' tenders	5.65	.20	.15			
Air, gas, and electric tool operator	5.95	.20	.15			
Nozzle and gun operator, gunnite man	6.05	.20	.15			
Remainder of county:						
Laborers	6.60	.35	.45			
Jackhammermen	6.85	.35	.45			
Plumbers and steamfitters:						
Whiting to Keswich Grove to Barnegat Light and all areas inclusive south thereof	7.65	.305	.305			
N.J.-1-Lab-2-3-Y:						
Heavy and highway construction:						
Laborers:						
Blasters	5.80	.26	.44	a		
Finishers, rammer, paver and gunite nozzle man and stonecutter	5.50	.26	.44	a		
Timberman	5.45	.26	.44	a		
Form setters	5.50	.26	.44	a		
Grademan	5.50	.26	.44	a		
Sewer pipe, loser men, conduit and duct line layers	5.20	.26	.44	a		
Wagon drill operator and drill masters	5.30	.26	.44	a		
Wagon drill operator helper and drill master helper, powder carrier, magazine tender	4.95	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operator, and such other power tools used to perform work usually done manually by laborers	5.30	.26	.44	a		
Signal man	5.00	.26	.44	a		
Wrapping and coating of all pipe	4.90	.26	.44	a		
Common laborers, landseape laborers, railroad track man, flagman, salamander tenders, pitmen and dumpmen	4.80	.26	.44	a		
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nipper powder carriers and all other semiskilled men	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						
WD No. AM-1,718—36 F.R. 14885, Passaic County, N.J., Modification No. 2						
CHANGE:						
Building construction:						
Carpenters and insulators	9.09	.20	.25		.02	
Millwrights	9.34	.20	.25		.02	
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blasters	6.35	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44	a		
Timberman	5.95	.26	.44	a		
Form setters	5.90	.26	.44	a		
Grademan	5.80	.26	.44	a		
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a		
Wagon drill operator and drill masters	5.80	.26	.44	a		
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer, and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a		
Signal man	5.50	.26	.44	a		
Wrapping and coating of all pipe	5.30	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen and dumpmen	5.25	.26	.44	a		
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).						

V 37 14 JAN 21 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,719—36 F.R. 14988, Somerset County, N.J. Modification No. 3						
CHANGE:						
Building construction:						
Carpenters:						
Watchung and North Plainfield:	8.59	.45	.50		.02	
Carpenters	8.84	.45	.50		.02	
Millwrights						
N.J.-2-LAB-2-3-A:						
Heavy and highway construction:						
Laborers:						
Blaster	6.35	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44	a		
Timberman	5.95	.26	.44	a		
Form setters	5.90	.26	.44	a		
Grademan	5.80	.26	.44	a		
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a		
Wagon drill operator and drill masters	5.80	.26	.44	a		
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operators, and such other power tools used to perform work usually done manually by laborers	5.80	.26	.44	a		
Signal man	5.50	.26	.44	a		
Wrapping and coating of all pipe	5.30	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen, salamander tenders, pitmen and dumpmen	5.25	.26	.44	a		
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

WD No. AM-1,720—36 F.R. 14900, Union County, N.J., Modification No. 3						
CHANGE:						
Building construction:						
Carpenters and insulators	8.59	.45	.50		.02	
Millwrights	8.84	.45	.50		.02	
N.J.-2-LAB-2-3-A						
Heavy and highway construction:						
Laborers:						
Blaster	6.35	.26	.44	a		
Finishers, rammer, paver and gunnite nozzle man	6.20	.26	.44	a		
Timberman	5.95	.26	.44	a		
Form setters	5.90	.26	.44	a		
Grademan	5.80	.26	.44	a		
Sewer pipe, conduit and duct line layers	5.70	.26	.44	a		
Wagon drill operator and drill masters	5.80	.26	.44	a		
Wagon drill operator, helper and drill master helper	5.45	.26	.44	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter operators, and such other power tools used to perform work usually done mannally by laborers	5.80	.26	.44	a		
Signal man	5.50	.26	.44	a		
Wrapping and coating of all pipe	5.30	.26	.44	a		
Common laborers, landscape laborers, railroad track laborers, rakers tampers on cold patch work, flagmen salamander tenders, pitmen and dumpmen	5.25	.26	.44	a		
Rock shafts and tunnel work:						
Blasters	7.97	.26	.44	a		
Miners, drill runners, jacking pipe and other skilled workers	7.57	.26	.44	a		
Miners' helpers, chuck tenders, nippers and powder carriers	7.41	.26	.44	a		
Form erectors and form movers	7.41	.26	.44	a		
Bell man or signal man in shaft bottom, brakeman, trackman, shaft and tunnel laborers	7.41	.26	.44	a		
Top laborers	6.9025	.26	.44	a		

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day: D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-3,613—36 F.R. 16744, Bernalillo County, N. Mex., Modification No. 3						
CHANGE:						
General building and heavy engineering construction:						
Ironworkers:						
Structural; ornamental; reinforcing; machinery movers; riggers; erectors	6.20	.35	.50			
Electricians:						
Electricians:						
Zone (1)	7.20	.25	1%		14%	
Zone (2)	7.70	.25	1%		14%	
Zone (3)	8.14	.25	1%		14%	
Zone (4)	8.64	.25	1%		14%	
Cable splicers:						
Zone (1)	7.92	.25	1%		14%	
Zone (2)	8.42	.25	1%		14%	
Zone (3)	8.86	.25	1%		14%	
Zone (4)	9.36	.25	1%		14%	
Carpenters:						
Zone (1)	5.61	.30	$0.35	$0.20	$0.04	
Zone (2)	6.11	.30	.35	.20	.04	
Zone (3)	6.36	.30	.35	.20	.04	
Millwrights and piledrivermen:						
Zone (1)	5.86	.30	.35	.20	.04	
Zone (2)	6.36	.30	.35	.20	.04	
Zone (3)	6.61	.30	.35	.20	.04	
WD No. AM-3,614—36 F.R. 16749, Los Alamos County, N. Mex., Modification No. 3						
CHANGE:						
General building and heavy engineering construction:						
Ironworkers:						
Structural; ornamental; reinforcing; machinery movers; riggers; erectors	6.20	.35	.50			
WD No. AM-1,722—36 F.R. 14912, Albany County, N.Y., Modification No. 3						
CHANGE:						
Building construction:						
Asbestos workers	7.96	.40	.10			
WD No. AM-1,724—36 F.R. 14921, Dutchess County, N.Y., Modification No. 2						
CHANGE:						
Building construction:						
Asbestos workers	10.332	5%	4%			
WD No. AM-1,725—36 F.R. 14928, Erie County, N.Y., Modification No. 3						
CHANGE:						
Building construction:						
Boilermakers	8.34	$0.40	$0.50		.01	
Boilermakers' helpers	4.54	.40	.50		.01	
WD No. AM-1,726—36 F.R. 14932, Jefferson County, N.Y., Modification No. 3						
CHANGE:						
Building construction:						
Plumbers and steamfitters	7.20	.30	.40		.025	
WD No. AM-1,727—36 F.R. 14938, Monroe County, N.Y., Modification No. 3						
CHANGE:						
Building construction:						
Boilermakers	8.34	.40	.50		.01	
Boilermakers' helpers	4.54	.40	.50		.01	
WD No. AM-1,728—36 F.R. 14945, Nassau County, N.Y., Modification No. 2						
CHANGE:						
Building construction:						
Millwrights	8.40	.75	1.40	.50	.02	
WD No. AM-1,729—36 F.R. 14950, Niagara County, N.Y., Modification No. 3						
CHANGE:						
Building construction:						
Boilermakers	8.34	.40	.50		.01	
Boilermakers' helpers	4.54	.40	.50		.01	
WD No. AM-1,730—36 F.R. 14955, Oneida County, N.Y., Modification No. 3						
CHANGE:						
Building construction:						
Bricklayers, etc.:						
Remainder of county:						
Bricklayers, cement masons, plasterers & stonemasons	7.65	.35	.20			
Carpenters, building:						
Carpenters and soft floor layers	6.86	.15	.20	g		
Piledrivermen and millwrights	7.11	.15	.20	g		
Elevator constructors	8.40	.195	.20	1½%+a+b	.005	
Elevator constructors' helpers	5.88	.195	.20	1½%+a+b	.005	
Elevator constructors' helpers (prob.)	4.20					
Laborers, building:						
Remainder of county:						
Laborers	6.625	.25	.25			
Jackhammermen and excavation 8 feet or more in depth	6.725	.25	.25			

ADD:
Footnote:
g. Holidays: B and D.

V 37-14 JAN 21 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1, 731—36 F.R. 14960, Onondaga County, N.Y., Modification No. 4						
CHANGE:						
Building construction:						
Electricians:						
Elebridge and Skaneateles Townships	$7.47	.35	1%		.05	
WD No. AM-1,732—36 F.R. 14965, Orange County, N.Y., Modification No. 2						
CHANGE:						
Building construction:						
Asbestos workers	10.332	5%	4%			
Millwrights	8.40	$0.75	$1.40	$0.50	.02	
Plumbers and steamfitters:						
Remainder of county	6.50	.30	.47		.04	
WD No. AM-1,733—36 F.R. 14972, Rensselaer County, N.Y., Modification No. 5						
CHANGE:						
Building construction:						
Asbestos workers	7.96	.40	.10			
WD No. AM-1,734—36 F.R. 14976, Schenectady County, N.Y., Modification No. 3						
CHANGE:						
Building construction:						
Asbestos workers	7.96	.40	.10			
WD No. AM-1,736—36 F.R. 14985, Westchester County, N.Y., Modification No. 5						
CHANGE:						
Building construction:						
Asbestos workers	10.332	5%	4%			
Millwrights	8.40	$0.75	$1.40	.50	.02	
Piledrivermen and dock builders	8.40	.75	1.40	.50	.02	
WD No. AM-2,509—36 F.R. 17133, Statewide North Dakota, Modification No. 1						
CHANGE:						
Truck drivers:						
Single axle	3.62					
Tandem	3.72					
Agitator dumpcrete	3.82					
Lowboy; off road heavy duty end dumps, 20 yards and under; tandem, semi	3.97					
Euclid, over 20 yards	4.60					
WD No. AM-2,510—36 F.R. 17119, Burleigh-Morton Counties, N. Dak., Modification No. 1						
CHANGE						
Building construction:						
Carpenters	5.45					
Piledrivermen	5.575					
Laborers:						
General construction labor	3.95					
Air tool operator (jackhammer, vibrator); cement handler; concrete block and stone tenders; pipelayers (concrete and clay)	3.95					
Mortar mixers; nozzlemen and power buggies	3.95					
Underpinning	3.95					
Cement finishers' helpers; hod carriers	3.95					
Truck drivers	3.95					
Truck drivers (site preparation, excavating and incidental paving):						
Single axle	3.62					
Tandem	3.72					
Agitator dumpcrete	3.82					
Lowboy; off road heavy duty end dumps, 20 yards and under; tandem semi	3.97					
Euclid, over 20 yards	4.60					
WD No. AM-2,511—36 F.R. 17122, Cass-Richland Counties, N. Dak., Modification No. 1						
CHANGE:						
Building construction:						
Carpenters	6.15					
Plumbers; steamfitters	7.09	.30	.15		.005	
Roofers and kettlemen	4.60					
Truck drivers (site preparation, excavation and incidental paving):						
Single axle	3.62					
Tandem	3.72					
Agitator dumpcrete	3.82					
Lowboy; off road heavy duty end dumps, 20 yards and under; tandem semi	3.97					
Euclid, over 20 yards	4.60					
WD No. AM-2,512—36 F.R. 17125, Grand Forks-Steele-Walsh Counties, N. Dak., Modification No. 1						
CHANGE:						
Building construction:						
Carpenters:						
(Grand Forks—N½ of Steele-Walsh Counties):						
Carpenters	5.55				.02	
Piledrivermen	5.78				.02	
Millwrights	6.11				.02	
(S½ of Steele County):						
Carpenters	6.15					
Plumbers; steamfitters	7.09	.30	.15		.005	
Roofers and kettlemen	4.60					
Truck drivers (site preparation, excavation and incidental paving):						
Single axle	3.62					
Tandem	3.72					
Agitator dumpcrete	3.82					
Lowboy; off road heavy duty end dumps, 20 yards and under; tandem semi	3.97					
Euclid, over 20 yards	4.60					

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,513—36 F.R. 17129, Ward County, N. Dak., Modification No. 1						
CHANGE:						
Building construction:						
Carpenters	5.65					
Piledrivermen	5.88					
Millwrights	6.13					
Plumbers; steamfitters	6.38		.25		.02	
Sheet metal workers	6.80					
TRUCK DRIVERS (Site preparation, excavating and incidental paving):						
Single axle	3.62					
Tandem	3.72					
Agitator dumperete	3.82					
Lowboy; off road heavy duty end dumps, 20 yards and under; tandem semi	3.97					
Euclid, over 20 yards	4.60					
WD No. AM-407—36 F.R. 15911, Franklin and Pickaway Counties, Ohio, Modification No. 4						
CHANGE:						
Laborers:						
Unskilled	5.91	.30	.15			
Mortar mixers	6.11	.30	.15			
Mason and plasterers' tenders	6.11	.30	.15			
Asphalt and black top rakers	6.11	.30	.15			
Scaffold builders	6.11	.30	.15			
Jackhammer operator	6.11	.30	.15			
Air or electric pneumatic tools	6.11	.30	.15			
Power driven tool and power buggy	6.11	.30	.15			
Power wheel barrow operator	6.11	.30	.15			
Wreckers and barmen	6.11	.30	.15			
Marble setters	7.06					
Marble setters' helpers	5.65					
Terrazzo workers	7.06					
Terrazzo workers' helpers	5.65					
Terrazzo base grinders	5.90					
Terrazzo floor grinder	5.75					
Tile setters	7.05					
Tile setters' helpers	5.65					
WD No. AM-408—36 F.R. 15915, Green and Montgomery Counties, Ohio, Modification No. 5						
CHANGE:						
Laborers:						
Unskilled	6.44	.20	.15			
All machine tools, jackhammer, vibrator	6.59	.20	.15			
Sewer pipelayers (nonmetallic)	6.24	.20	.15			
Bottom men	6.24	.20	.15			
Railroad spikers (by hand)	6.59	.20	.15			
Torchmen on wrecking	6.74	.20	.15			
Gunnite operator	6.94	.20	.15			
Swing scaffold over 15 feet	6.59	.20	.15			
Marble setters	7.91	.25				
Terrazzo and tile setters	7.91	.25				
WD No. AM-410—36 F.R. 15925, Licking County, Ohio, Modification No. 6						
CHANGE:						
Carpenters and soft floor layers—resilient floor layers	7.65	.20	.20			
Millwrights and piledrivermen	8.21	.20	.20			
WD No. AM-412—36 F.R. 15934, Mahoning County, Ohio, Modification No. 4						
CHANGE:						
Laborers:						
Building and construction laborers	6.43	.30	.10			
Jackhammer operator (all machine driven tools, electric gas or air and gas buggies)	6.55	.30	.10			
Mortar mixers (hand or machine)	6.55	.30	.10			
Trenching and shaft excavations (7 feet or more)	6.53	.30	.10			
Jackhammer operator in trench and shaft excavation (7 feet or more)	6.65	.30	.10			
Powder and dynamite	6.73	.30	.10			
Sewer pipelayers	6.73	.30	.10			
Asphalt paving	6.43	.30	.10			
Scrap iron burning	6.53	.30	.10			
Gunnite nozzlemen	7.04	.30	.10			
Gunnite scaffoldman (over 25 feet)	6.63	.30	.10			
Gunnite gunman	7.04	.30	.10			
Gunnite mixerman	6.53	.30	.10			
Plasterers' hod carriers and tenders	6.73	.20	.15			
WD No. AM-415—36 F.R. 15938, Muskingum County, Ohio, Modification No. 6						
CHANGE:						
Carpenters and soft floor layers	7.65	.20	.20			
Millwrights and piledrivermen	8.21	.20	.20			
Electricians:						
Jobs 1,500 hours or less	7.30	.13	1%		.02	
Jobs over 1,500 hours	7.55	.13	1%		.02	
Line Construction:						
Linemen	7.55	.13	1%			
Truck driver	5.15	.13	1%			
Groundman	4.90	.13	1%			
Equipment operator	7.55	.13	1%			
Building construction:						
Laborers:						
Brick droppers, lock tenders, miners (tunnel and caisson), powdermen or blasters	6.28	.30	$0.15		.02	
Air and machine driven tool operator, asphalt plant aggremeter operator, ashalt plant mixer men, asphalt rakers, tampers, forkers, shoveler, brick slingers, car pushers and tunnel laborers, caulkers, yarners and wrenchmen, cement handlers, concrete puddlers (behind mixers), curb cutters and setters, cutting with burning torches, dumpmen (batch trucks), hand spikers operators, jackhammer operators, muckers (tunnels and caissons), mason tenders, mortar mixers, pipelayers, proportioning plant operators, pump men (under 4 inches), road form setters, sewer bottom men, stone mason tenders, sheeting and shoring men, vibrator operators, plasterers' tenders	6.13	.30	.15		.02	
Planters (landscape), tree trimmers, plumbers' helpers, carpenters' tenders, building and construction laborers	6.03	.30	.15		.02	

V 37-14 JAN 21 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,858—36 F.R. 16296, Delaware County, Pa., Modification No. 4						
CHANGE:						
Carpenters, building	8.07	1.05	.35		.07	
Millwrights	8.57	1.05	.35		.07	
Sheet metal workers	9.40	.30	.25		.01	
Soft floor layers	6.73	.35	.35			
Stone masons	6.65	.47	.45			
Tile setters	6.825	.40	.20			
PA-51-LAB-1-T:						
Building Construction						
Laborers:						
Stripping and dismantling concrete form work, loading, unloading, carrying and handling of all reinforced steel and steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers and all other pneumatic tools, building scaffolds, raking, shoveling and tamping of asphalt, spading and concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying nonmetallic pipe and caulking, all other types of laborers	5.61	.44	.20			
Mason tender, power buggies, burners on demolition	5.71	.44	.20			
Wagon drill operator (single)	5.72	.44	.20			
Powdermen, wagon drill operator (multiple)	5.91	.44	.20			
Circular Caissons Excavation:						
Caisson groundmen	5.91	.44	.20			
Caisson bottom man	6.01	.44	.20			
Underpinning Excavation:						
Laborers, working at depth of 8 feet or under	5.91	.44	.20			
Yard workers	5.55	.44	.20			
PA-51-LAB-2-3-F						
Heavy and highway construction laborers:						
Powdermen, multiple wagon drill operators	5.85	.45	.20			
Finished surface asphalt rakers, operators, pipelayers, caulkers, conduct and duct layers	5.65	.45	.20			
Other pneumatic tool operators, laborers stripping concrete forms, carrying or handling lumber, steel and steel mesh and other concrete materials, form pinners, toolroom men, mortar mixers, Concrete pitmen and spaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite, or artificial stone, hod carriers, scaffold builders	5.55	.45	.20			
Wagon drill operators	5.70	.45	.20			
Yard workers:						
Laborers, scale mixermen, burnermen, dustmen, feeders	5.45	.45	.20			
Free air tunnels:						
Miners, miners bore driver, blasters, drillers, pneumatic shield operators, welders and burners	6.10	.45	.20			
Miners' helpers, form setters	6.95	.45	.20			
Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels	5.80	.45	.20			
Circular caisson excavation bottom men	5.95	.45	.20			
Underpinning excavation bottom men	5.85	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	5.55	.45	.20			
PA-51-PEO-1-2-B						
Power equipment operators, building and heavy construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above	8.96	4.6%	5.2%	a	0.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers						
All types of cranes						
All types of backhoes; cableways; draglines; Keystones; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21 E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; Gradalls; front-end loaders over 3 cubic yards, boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (Drillmaster type); fork lift (20 feet and over); motor patrols (fine grade), batch plant with mixer; machines similar to the above	8.72	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and Tournapulls, asphalt plant engineers, roller (high grade finishing); caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards						
Maintenance engineers with tools; spreaders, high- or low-pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; ditch witch type trencher, motor patrol; machines similar to the above	7.93	4.6%	5.2%	a	.7%	
Footnote						
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						
51-PEO-3-B:						
Power equipment operators highway construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; helicopters; machines similar to the above	8.73	4.6%	5.2%	a	.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; cableways; draglines; Keystones; all types of shovels; pavers 21E and over; trenching machines; gradalls; front end loaders over 3 cubic yards; boat captain; Pippin type backhoes; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self contained (drillmaster type); forklift (20 feet and over); motor patrols (fine grade); batch plant with mixer; machines similar to the above	8.53	4.6%	5.2%	a	.7%	
Wage Group III:						
Carryalls, scrapers, turnapulls, asphalt plant engineers; roller (high grade finishing); caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards; spreaders (asphalt); concrete pumps; well drillers; bulldozers D-7 or equivalent and over; ditch witch (small trencher); motor patrols; maintenance engineers with tools; machines similar to the above	7.95	4.6%	5.2%	a	.7%	
Wage Group IV:						
Conveyor loader; bulldozer under D-7 rating, tractors including rubber-tired type and front end under 2 cubic yards overhead loaders; Seaman pulverizer; 10-ton roller (grade fill stone base); welders and maintenance engineers; concrete breaking machines; machines similar to the above	7.48	4.6%	5.2%	a	.7%	
Wage Group V:						
Form line grader; fine grade machines; farm tractors; road finishing concrete spreaders; compressors; power broom, self-contained; seed spreader; pumps; well point pumps; welding machines; fireman, power equipment maintenance engineers (power boats); machines similar to the above	7.15	4.6%	5.2%	a	.7%	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
51-PEO-3-B—Continued						
Wage Group VI:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage Group VII:						
Oilers and deck hands (personnel boats)	6.14	4.6%	5.2%	a	.7%	
Footnote:						
a. Paid Holidays: News Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						
WD No. AM-1,860—36 F.R. 16305, Montgomery County, Pa., Modification No. 4						
CHANGE:						
Bricklayers:						
Remainder of county	8.09	.57	.35		½%	
Carpenters, building	8.07	1.05	.35		$0.07	
Millwrights	8.57	1.05	.35		.07	
Piledrivermen	8.30	.92	.25		.07	
Sheet metal workers	9.40	.30	.25		.01	
Soft floor layers	6.73	.35	.35			
Tile setters	6.825	.40	.20			
PA-51-LAB-1-T:						
Building construction:						
Laborers:						
Stripping and dismantling concrete form work, loading, unloading, carrying and handling of all reinforced steel and steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers and all other pneumatic tools, building scaffolds, raking, shoveling and tamping of asphalt, spading and concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying nonmetallic pipe and caulking, all other types of laborers	5.61	.44	.20			
Mason tender, power buggies, burners on demolition	5.71	.44	.20			
Wagon drill operator (single)	5.72	.44	.20			
Powdermen, wagon drill operator (multiple)	5.91	.44	.20			
Circular caissons excavation:						
Caisson groundmen	5.91	.44	.20			
Caisson bottom man	6.01	.44	.20			
Underpinning excavation:						
Laborers, working at depth of 8 feet or under	5.91	.44	.20			
Yard workers	5.55	.44	.20			
PA-51-LAB-2-3-F:						
Heavy and highway construction laborers, operators:						
Powdermen, multiple wagon drill operators	5.85	.45	.20			
Finished surface asphalt rakers, operators, pipelayers, caulkers, conduct and duct layers	5.65	.45	.20			
Other pneumatic tool operators, laborers stripping concrete forms, carrying or handling lumber, steel and steel mesh and other concrete materials, form pinners, toolroom men, mortar mixers, concrete pitmen and spaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, scaffold builders	5.55	.45	.20			
Wagon drill operators	5.70	.45	.20			
Yard workers:						
Laborers, scale mixermen, burnermen dustmen, feeders	5.45	.45	.20			
Free air tunnels:						
Miners, miners bore driver, blasters, drillers, pneumatic shield operators, welders and burners	6.10	.45	.20			
Miners' helpers, form setters	6.95	.45	.20			
Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels	5.80	.45	.20			
Circular caisson excavation bottom men	5.95	.45	.20			
Underpinning excavation bottom men	5.85	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	5.55	.45	.20			
PA-51-PEO-1-2-B:						
Power equipment operators, building and heavy construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above	8.96	4.6%	5.2%	a	0.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers						
All types of cranes						
All types of backhoes; cableways; draglines; keystones; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21 E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; gradalls; front-end loaders over 3 cubic yards, boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (drillmaster type); fork lift (20 feet and over), motor patrols (fine grade), batch plant with mixer; machines similar to the above	8.72	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and and tournapulls, asphalt plant engineers, roller (high grade finishing); caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards						
Maintenance engineers with tools; spreaders, high- or low-pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; ditch witch type trencher, motor patrol; machines similar to the above	7.93	4.6%	5.2%	a	.7%	
Footnote:						
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.						
Power equipment operators highway construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; helicopters; machines similar to the above	8.73	4.6%	5.2%	a	.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; cableways; draglines; Keystones; all types of shovels; pavers 21 E and over; trenching machines; gradalls; front end loaders over 3 cubic yards; boat captain; Pippin type backhoes; tandem scrapers; tower type crane operation, erecting; dismantling, jumping or jacking; drills self-contained (drillmaster type); forklift (20 feet and over); motor patrols (fine grade); batch plant with mixer; machines similar to the above	8.53	4.6%	5.2%	a	.7%	
Wage Group III:						
Carryalls scrapers, tournapulls, asphalt plant engineers; roller (high grade finishing); caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards; spreaders (asphalt); concrete pumps; well drillers; bulldozers D-7 or equivalent and over; ditch witch (small trencher); motor patrols; maintenance engineers with tools; machines similar to the above	7.95	4.6%	5.2%	a	.7%	

V 37-14 JAN 21 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Power equipment operators highway construction—Continued						
Wage Group IV:						
Conveyor loader; bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 cubic yards overhead loaders; Seaman pulverizer; 10-ton roller (grade fill stone base); welders and maintenance engineers; concrete breaking machines; machines similar to the above	7.48	4.6%	5.2%	a	.7%	
Wage Group V:						
Form line grader; fine grade machines; farm tractors; road finishing concrete spreaders; compressors; power broom, self-contained; seed spreader; pumps; well point pumps; welding machines; tireman, power equipment maintenance engineers (power boats); machines similar to the above	7.15	4.6%	5.2%	a	.7%	
Wage Group VI:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage Group VII:						
Oilers and deck hands (personnel boats)	6.14	4.6%	5.2%	a	.7%	

Footnote:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

WD No. AM-[illegible] 37 F.R. 167[illegible], Philadelphia County, Pa., Modification No. 4

CHANGE:						
Carpenters, building	8.07	$1.05	$0.35		$0.07	
Electricians	9.20	4%	3%		1½%	
Millwrights	8.57	$1.05	$0.35		$0.07	
Piledrivermen	8.20	.92	.25		.07	
Sheet metal workers	9.40	.30	.25		.01	
Soft floor layers	6.73	.35	.35			
Stonemasons	6.65	.47	.45			
Tile setters	6.825	.40	.20			
PA-51-LAB-1-T:						
Building construction:						
Laborers:						
Stripping and dismantling concrete form work, loading, unloading, carrying and handling of all reinforced steel and steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers and all other pneumatic tools, building scaffolds, raking, shoveling and tamping of asphalt, spading and concrete pit work; grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, tagging, laying nonmetallic pipe and caulking, all other types of laborers	5.61	.44	.20			
Mason tender, power buggies, burners on demolition	5.71	.44	.20			
Wagon drill operator (single)	5.72	.44	.20			
Powdermen, wagon drill operator (multiple)	5.91	.44	.20			
Circular caissons excavation:						
Caisson groundmen	5.91	.44	.20			
Caisson bottom man	6.01	.44	.20			
Underpinning excavation:						
Laborers, working at depth of 8 feet or under	5.91	.44	.20			
Yard workers	5.55	.44	.20			
PA-51-LAB-2-3-F						
Heavy and highway construction laborers:						
Powdermen, multiple wagon drill operators	5.85	.45	.20			
Finished surface asphalt rakers, operators, pipelayers, caulkers, conduit and duct layers	5.65	.45	.20			
Other pneumatic tool operators, laborers stripping concrete forms, carrying or handling lumber, steel and steel mesh and other concrete materials, form pinners, toolroom men, mortar mixers, concrete pitmen and spaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite, or artificial stone, hod carriers, scaffold builders	5.55	.45	.20			
Wagon drill operators	5.70	.45	.20			
Yard workers:						
Laborers, scale mixermen, burnermen, dustmen, feeders	5.45	.45	.20			
Free air tunnels:						
Miners, miners bore driver, blasters, drillers, pneumatic shield operators, welders and burners	6.10	.45	.20			
Miners' helpers, form setters	6.95	.45	.20			
Trackmen, brakemen, grountmen, bottom shaft men, all others in free air tunnels	5.80	.45	.20			
Circular caisson excavation bottom men	5.95	.45	.20			
Underpinning excavation bottom men	5.85	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	5.55	.45	.20			
PA-51-PEO-1-2-B:						
Power equipment operators, building and heavy construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; cable spinning machine; helicopters; machines similar to the above	8.96	4.6%	5.2%	a	0.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers						
All types of cranes						
All types of backhoes; cableways; draglines; Keystones; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; gradalls; front-end loaders over 3 cubic yards, boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (drillmaster type); fork lift (20 ft. and over), motor patrols (fine grade), batch plant with mixer; machines similar to the above	8.72	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and tournapulls, asphalt plant engineers, roller (high grade finishing); caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards						
Maintenance engineers with tools; spreaders, high- or low-pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; ditch witch type trencher, motor patrol; machines similar to the above	7.93	4.6%	5.2%	a	.7%	

Footnote:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
51-PEO-3-B:						
Power equipment operators highway construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; helicopters; machines similar to the above	8.73	4.6%	5.2%	a	.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; cableways; draglines; Keystones; all types of shovels; pavers 21E and over trenching machines; Gradalls; front end loaders over 3 cubic yards; boat captain; Pippin type backhoes; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (drillmaster type); forklift (20 feet and over); motor patrols (fine grade); batch plant with mixer; machines similar to the above	8.53	4.6%	5.2%	a	.7%	
Wage Group III:						
Carryalls, scrapers, tournapulls, asphalt plant engineers; roller (high grade finishing); caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards; spreaders (asphalt); concrete pumps; well drillers; bulldozers D-7 or equivalent and over; ditch witch (small trencher); motor patrols; maintenance engineers with tools; machines similar to the above	7.95	4.6%	5.2%	a	.7%	
Wage Group IV:						
Conveyor loader; bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 cubic yards overhead loaders; Seaman pulverizer; 10-ton roller (grade fill stone base); welders and maintenance engineers; concrete breaking machines; machines similar to the above	7.48	4.6%	5.2%	a	.7%	
Wage Group V:						
Form line grader; fine grade machines; farm tractors; road finishing concrete spreaders; Compressors; power broom, self-contained; seed spreader; pumps; well point pumps; welding machines; tireman, power equipment maintenance engineers (power boats); machines similar to the above	7.15	4.6%	5.2%	a	.7%	
Wage Group VI:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage Group VII:						
Oilers and deck hands (personnel boats)	6.14	4.6%	5.2%	a	.7%	

Footnote:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

WD No. AM-1,805—36 F.R. 16333, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., Modification No. 2

CHANGE:						
PA-51-LAB-2-3-F:						
Highway construction laborers:						
Powdermen, multiple wagon drill operators	5.85	.45	$0.20			
Finished surface asphalt rakers, operators, pipelayers, caulkers, conduct and duct layers	5.65	.45	.20			
Other pneumatic tool operators., laborers stripping concrete forms, carrying or handling lumber, steel and steel mesh and other concrete materials, form pinners, toolroom men, mortar mixers, concrete pitmen and spaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborer asssisting in the setting of cut stone, granite, or artificial stone, hod carriers, scaffold builders	5.55	.45	.20			
Wagon drill operators	5.70	.45	.20			
Yard workers:						
Laborers, scale mixermen, burnermen, dustmen, feeders	5.45	.45	.20			
Free air tunnels:						
Miners, miners bore driver, blasters, drillers, pneumatic shield operators, welders and burners	6.10	.45	.20			
Miners' helpers, form setters	6.95	.45	.20			
Trackmen, brakemen, grountmen, bottom shaft men, all others in free air tunnels	5.80	.45	.20			
Circular caisson excavation bottom men	5.95	.45	.20			
Underpinning excavation bottom men	5.85	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	5.55	.45	.20			
51-PEO-3-B:						
Power equipment operators highway construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; helicopters; machines similar to the above	8.73	4.6%	5.2%	a	.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; cableways; draglines; Keystones; all types of shovels; pavers 21E and over; trenching machines; Gradalls; front end loaders over 3 cubic yards; boat captain; Pippin type backhoes; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self contained (drillmaster type); forklift (20 feet and over); motor patrols (fine grade); batch plant with mixer; machines similar to the above	8.53	4.6%	5.2%	a	.7%	
Wage Group III:						
Carryalls, scrapers, tournapulls, asphalt plant engineers; roller (high grade finishing); caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cubic yards up to and including 3 cubic yards; spreaders (asphalt); concrete pumps; well drillers; bulldozers D-7 or equivalent and over; ditch witch (small trencher); motor patrols; maintenance engineers with tools; machines similar to the above	7.95	4.6%	5.2%	a	.7%	
Wage Group IV:						
Conveyor loader; bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 cubic yards overhead loaders; Seaman pulverizer; 10-ton roller (grade fill stone base); welders and maintenance engineers; concrete breaking machines; machines similar to the above	7.48	4.6%	5.2%	a	.7%	
Wage Group V:						
Form line grader; fine grade machines; farm tractors; road finishing concrete spreaders; compressors; power broom, self-contained; seed spreader; pumps; well point pumps; welding machines; tireman, power equipment maintenance engineers (power boats); machines similar to the above	7.15	4.6%	5.2%	a	.7%	
Wage Group VI:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage Group VII:						
Oilers and Deck Hands (Personnel Boats)	6.14	4.6%	5.2%	a	.7%	

Footnote:
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

V 37-14 JAN 21 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,[illegible]—36 F.R. 16335, 19 Eastern Counties, Pa., Modification No. 1						
CHANGE:						
Laborers:						
Free air tunnel and rock shafts:						
Laborers, outside	4.64	$0.15	$0.15			
WD No. AM-7,489—36 F.R. 21737, Harris County, Tex., Modification No. 4						
CHANGE:						
Building construction:						
Cement masons	6.00	.30	.35		$0.02	
WD No. AM-7,716—36 F.R. 22123, Lubbock County, Tex., Modification No. 3						
CHANGE:						
Building construction:						
Lathers	6.125	.125			.01	
Painters:						
Brush	5.00					
Spray	5.65					
Plumbers—steamfitters	6.20		.30		.02	

[FR Doc.72-752 Filed 1-20-72;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATIONS:	
2799 (see Proc. 4101)	659
2937 (see Proc. 4101)	659
2938 (see Proc. 4101)	659
2942 (see Proc. 4101)	659
2972 (see Proc. 4101)	659
3314 (see Proc. 4101)	659
4100	199
4101	659
EXECUTIVE ORDERS	
11627 (see EO 11639)	521
11639	521

5 CFR

	Page
213	201, 257, 258, 661, 925
531	859
890	7

6 CFR

	Page
105	1002
201	284
205	1004
300	284, 426, 587, 652, 775, 1007
305	1008
401	1010

7 CFR

	Page
52	131, 587
354	587, 788
510	69
722	7, 272, 789
725	725
730	8, 859
811	661, 725, 925
812	9
814	9
846	133
857	588
905	523
907	10, 134, 523, 663, 860
910	70, 272, 663, 726
912	273, 664
914	664
917	273
930	273
932	323
953	926
982	588
993	861
1007	323
1610	275
PROPOSED RULES:	
51	616
68	844
301	217, 218
718	742
725	793
730	19
928	793
953	286
966	81
980	81
981	617
1001	447
1002	447
1004	20, 447, 742, 793
1006	447
1007	447
1011	447
1012	447
1013	447
1015	447
1030	447
1032	447
1033	447
1036	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447
1062	447
1063	447
1064	447
1065	447, 743
1068	447
1069	447
1070	447
1071	447
1073	447
1075	447
1076	447
1078	447
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447, 801
1106	447, 801
1108	447
1120	447
1121	447
1124	447
1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447
1207	81
1421	936
1430	20
1481	810
1701	811

8 CFR

	Page
103	927
214	328
334	928
334a	928

9 CFR

	Page
53	134
75	862
76	329, 435, 665
78	863
82	135, 589
97	791
203	276
311	435
316	435
317	435
400	135, 435
PROPOSED RULES:	
92	935
327	85

10 CFR

	Page
50	864
PROPOSED RULES:	
50	287, 288
110	92

12 CFR

	Page
201	11
211	776
545	523
561	524
563	524
700	329
702	70
PROPOSED RULES:	
225	938
528	811
545	543
700	813
701	339
715	95
741	813

13 CFR

	Page
121	258

14 CFR

	Page
13	436
39	11, 12, 70, 437, 665, 666, 726, 776, 928
71	13, 71, 135, 136, 276, 323, 437, 726, 727, 776, 777, 928
73	437, 438, 590
75	13, 71, 667, 777
95	777
97	71, 525, 668
214	728
223	778
225	72
249	728
302	277
PROPOSED RULES:	
39	811
43	222
71	21, 91, 144, 146, 286, 287, 620, 621, 744, 937
73	478
91	222
135	222
207	222
208	222
212	222
214	222
372a	222
373	478
378	478
378a	478

16 CFR

	Page
13	729–735, 779
502	928
PROPOSED RULES:	
435	622

17 CFR

	Page
230	590, 591, 599
231	600
239	590, 591, 599
240	73
241	600
249	600, 601
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

	Page
2	780
201	601
204	601
205	601
PROPOSED RULES:	
141	22
201	337
204	337
205	337
250	885
260	337

19 CFR

	Page
4	865
173	782
PROPOSED RULES:	
Ch. I	19

20 CFR

	Page
PROPOSED RULES:	
405	89

21 CFR

	Page
29	865
121	14, 74, 329, 740
130	201
135	137
135c	14, 137
135e	74, 740
135f	14
141a	438
146a	438
146c	440
148e	330, 865
148k	865
148m	15
148x	866
295	741
301	137
PROPOSED RULES:	
3	219
19	468, 869
27	20, 470
130	85
145	336
191	1020
191b	1020
304	144
308	867

22 CFR

	Page
11	277
41	15

24 CFR

	Page
200	75, 203, 209
201	210
203	138
207	138
220	138
222	76
275	211
1914	280, 608, 783
1915	281, 609, 784
PROPOSED RULES:	
203	144

25 CFR

	Page
232	526
PROPOSED RULES:	
16	536

26 CFR

	Page
1	527
12	16, 281
601	1016
PROPOSED RULES:	
1	19, 99, 286, 336, 544

28 CFR

	Page
0	931
41	784
301	138
PROPOSED RULES:	
48	935

29 CFR

	Page
1904	736
1910	332
1975	929
PROPOSED RULES:	
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620
688	620
689	620
690	620
720	620
727	620
1910	466, 743

30 CFR

	Page
75	17
225	441
225a	441

31 CFR

	Page
10	1010

32 CFR

	Page
270	77
1499	668
PROPOSED RULES:	
1467	99
Ch. XVI	486
1604	479
1606	479, 484
1609	484
1611	479
1613	484
1621	479
1622	479
1623	479
1624	479
1625	479

V 37 14 JAN 21 72 XUM

32 CFR—Continued Page

PROPOSED RULES—Continued
1626 479
1627 479
1630 479
1631 479
1632 479
1641 479
1643 479
1660 485

32A CFR
Ch. X:
OI Reg. 1 601

33 CFR
117 784
204 527
207 668
PROPOSED RULES:
401 938

35 CFR
5 77
253 281

36 CFR
212 737
231 211
261 737

37 CFR
2 931

38 CFR
8a 282

39 CFR
235 77
760 211, 443
761 211, 443

40 CFR
85 669, 784
180 78, 140, 141, 332–334, 443, 737–739
PROPOSED RULES:
2 721
6 879
115 478
180 92–94, 337

41 CFR
1–3 610
1–16 610
5A–1 527
5A–2 932
5A–3 141
5A–7 141
5A–8 142
5A–16 528
5A–72 932
5A–76 528
5B–1 334
8–1 613
101–17 78
101–26 668
101–32 932
101–43 614
101–44 614
101–47 740
103–40 17
114–26 934
114–43 934
PROPOSED RULES:
3–4 743
51–1 336

42 CFR
53 182

43 CFR
4110 213
PUBLIC LAND ORDERS:
1932 (amended by PLO 5147) 18
3530 (revoked in part by PLO 5153) 785
3869 (revoked in part by PLO 5153) 785
4582 (modified by PLO 5149) 18
4962 (see PLO 5149) 18
5081 (see PLO 5149) 18
5147 18
5148 18
5149 18
5150 142
Amended by PLO 5151 142, 528
5151 142, 528
5152 785
5153 785
PROPOSED RULES:
2800 217
2810 217

45 CFR
177 335
249 443
1060 444
PROPOSED RULES:
121 870
130 470

46 CFR
157 528
310 335
390 16
PROPOSED RULES:
72 676
92 676
137 879
146 220, 937
190 676
510 678

47 CFR
2 604
31 605
33 605
73 529, 605
89 213
91 283
PROPOSED RULES:
0 145
1 537
2 145, 146, 537
15 94, 146
21 146
73 539–542, 621
87 537
89 146, 676
91 146, 676
93 676

49 CFR
7 214
99 532
Ch. I 535
178 444
301 214
571 284, 445
1002 215
1033 934
1203 886
1300 335
PROPOSED RULES:
192 145
571 222

50 CFR
28 79, 445, 535
33 79, 80, 785
240 786
PROPOSED RULES:
28 447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date
1–62	Jan. 4	515–582	Jan. 13
63–123	5	583–654	14
125–193	6	655–717	15
195–249	7	719–767	18
251–315	8	769–852	19
317–427	11	853–918	20
429–513	12	919–1027	21

federal register

FRIDAY, JANUARY 21, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 14

PART II

COST OF LIVING COUNCIL

INTERNAL REVENUE SERVICE

PAY BOARD

PRICE COMMISSION

■

Economic Stabilization Regulations

V 37 N 14 JAN 21 72 XUM

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 105—COST OF LIVING COUNCIL PROCEDURAL REGULATIONS

Part 105—Cost of Living Council Procedural Regulations will be added to Title 6, Chapter I, Code of Federal Regulations.

Part 105, as set forth below, prescribes procedures during the Post-Freeze Economic Stabilization Program for (1) appealing from adverse actions by the IRS; (2) initial action on Requests for Exception, Exemption, and Reclassification and the reconsideration of denials of such requests, in whole or in part; (3) public comment on regulations and published rulings of the Council; and (4) appointment of Hearing Officers.

This part shall become effective upon publication in the FEDERAL REGISTER (1-21-72).

DONALD RUMSFELD,
Director,
Cost of Living Council.

Subpart A—General

Sec.
105.1 Purpose and scope.
105.2 Definitions.
105.3 Representation.
105.4 Filing of documents.
105.5 Computation of time.
105.6 Service.
105.7 Extensions of time.
105.8 Subpenas; witness fees.
105.9 Consolidations.

Subpart B—Appeals From Adverse Actions

105.20 Purpose and scope.
105.21 Who may appeal.
105.22 Where to file appeal.
105.23 When to file appeal.
105.24 Contents of appeal.
105.25 Screening of appeals.
105.26 Obtaining record.
105.27 Hearing.
105.28 Decision by Council.

Subpart C—Requests for Exception, Exemption, and Reclassification

105.30 Purpose and scope.
105.31 Initial action by Council.
105.32 Scope of review.
105.33 Who may request reconsideration.
105.34 Where to file.
105.35 When to file.
105.36 Contents.
105.37 Hearing.
105.38 Decision by Council.

Subpart D—Public Comments on Council Regulations or Rulings

105.40 Purpose and scope.
105.41 Where to file.

Subpart E—Hearing Officer

105.50 Appointment of Hearing Officer.
105.51 Notice of appointment of Hearing Officer.
105.52 Powers and duties of Hearing Officer.

AUTHORITY: The provisions of this Part 105 are issued under the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order 11627, as amended.

Subpart A—General

§ 105.1 Purpose and scope.

(a) This part establishes procedures for (1) appeals from adverse actions by the IRS; (2) action on requests for exception, exemption and reclassification and reconsideration of denials of such requests, in whole or in part; (3) public comment on regulations or published rulings of the Council and (4) appointment of Hearing Officers.

(b) If any small business enterprise referred to in § 214(b)(3) of the Act files a request application or appeal under the provisions of this part, such request application or appeal will be accorded expeditious handling by affording it priority on the dockets maintained by the Council for the orderly conduct of its business.

(c) This part applies to any person aggrieved by a denial of a requested action by IRS or the Council made on or after the effective date of this part.

§ 105.2 Definitions.

"Act" means the Economic Stabilization Act of 1970, as amended.

"Adverse action" means an action by the Council or IRS denying a requested action in whole or in part or an interpretation or ruling issued by IRS which is contrary to the position asserted by the person seeking the interpretation or ruling.

"Council" means the Cost of Living Council established by Executive Order No. 11615 as amended, or its delegate.

"Exception" means a waiver from the provisions of Part 101 of this chapter directed to an individual firm in a particular case which relieves it from the requirements of a rule, regulation or order issued pursuant to the Act.

"Exemption" means a general waiver of the requirements of all rules, regulations, and orders issued pursuant to the Act.

"Hearing Officer" means a person appointed by the Director of the Council for the purpose of conducting a hearing in accordance with subparts B, C, and D of this part.

"IRS" means the Internal Revenue Service.

"Person aggrieved" means a reclassification within the meaning of § 101.19 or § 101.29 of this chapter.

"Regulation" means a regulation promulgated by the Council which appears in Chapter I of Title 6, Code of Federal Regulations.

§ 105.3 Representation.

Representation under this part shall be in accordance with the rules governing authority to practice before IRS prescribed in § 401.702 of this title.

§ 105.4 Filing of documents.

A document required to be filed directly with the Council under this chapter is considered filed if it has been received at Council offices, New Executive Office Building, Washington, D.C. 20507. Documents received after regular business hours are deemed filed in Council offices, New Executive Office Building, Washington, D.C. 20507. Documents received after regular business hours are deemed filed in the next regular business day.

§ 105.5 Computation of time.

Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part for the doing of any act, the day of the act, event, or default on which the designated period of time begins to run shall not be counted.

(a) If the last day of the period falls on a Saturday, Sunday, Federal legal holiday, or other nonbusiness day, the period shall be extended to the next day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day.

(b) If the period prescribed or allowed is 7 days or less an intervening Saturday, Sunday, or Federal legal holiday shall not be counted.

§ 105.6 Service.

(a) All documents required to be served under this part shall be served personally or by registered or certified mail on the person specified in the regulations in this part.

(b) Whenever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed for each document served.

(d) Service by mail is complete upon mailing.

§ 105.7 Extensions of time.

Where an action is required to be taken within a prescribed time, an extension of time will be granted only upon good cause shown and only where the application is made before the expiration of the time prescribed.

§ 105.8 Subpenas; witness fees.

The Director of the Council or a Hearing Officer may issue subpenas on written application of a party to the proceedings or on their own motion.

(a) A subpena may require the attendance of witnesses and/or the production of relevant papers, books, and documents in the possession or under the control of the person served.

(b) A subpena may be served by any person who is not a party and is not less than 18 years of age.

(c) The original subpena bearing a certificate of service shall be filed with the Hearing Officer.

(d) A witness subpenaed by any party shall be paid the same fees and mileage as are paid for like service in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the subpena was issued.

§ 105.9 Consolidations.

Upon its own initiative or upon the motion of a party, the Council, the Director of the Council or the Hearing Officer may consolidate two or more appeals or request for exception, exemption, or reclassification which involve substantially the same parties or issues which are closely related if it finds that such consolidation will expedite the proceedings.

Subpart B—Appeals from Adverse Actions

§ 105.20 Purpose and scope.

This subpart establishes the rules of the Council governing the conduct of its administrative review proceedings.

(a) The Council has jurisdiction to consider and decide appeals from adverse actions issued by IRS.

(b) The Council may review all relevant questions of law and fact.

(c) Review will be limited to the material evidence in the record before the IRS at the time of the latter's action, except as otherwise directed by the Council.

§ 105.21 Who may appeal.

Any person aggrieved by an action by IRS issued pursuant to Part 401 of this title may file an appeal with the Council.

§ 105.22 Where to file appeal.

An appeal shall be filed with the Cost of Living Council, New Executive Office Building, Washington, D.C. 20507, and a copy of the appeal shall be sent by the appellant to the IRS official who issued the adverse action being appealed.

§ 105.23 When to file appeal.

An appeal must be filed within 10 days of service by IRS of the adverse action upon which the appeal is based. The appellant must have exhausted his administrative remedies within the IRS before filing an appeal.

§ 105.24 Contents of appeal.

(a) An appeal must include the following—

(1) The name and address of the appellant;

(2) A clear designation of the document as an appeal to the Council;

(3) A copy of the adverse action appealed from;

(4) A concise statement of the facts and contentions; and,

(5) A statement of the grounds for review and relief requested.

(b) Appeals may be accompanied by briefs.

§ 105.25 Screening of appeals.

(a) The Council will determine whether the appeal contains a prima facie showing, the Council may summarily reject the appeal, notifying the applicant of its action, and advise him that he has exhausted his administrative remedies, and that he may seek judicial review under the Act.

(b) Where the Council determines that the appellant has established a prima facie showing, it will proceed in accordance with the provision of § 105.26 through § 105.28.

§ 105.26 Obtaining record.

(a) Upon receipt of a copy of an appeal, the District Director who took the adverse action on the subject of the appeal will forward to the Council its record in the matter.

(b) This record, together with the appeal and briefs, if any, and any statement submitted by the IRS will constitute the record on appeal.

(c) The Council on its own motion may request any additional evidence it deems necessary.

§ 105.27 Hearing.

(a) If the Council in its discretion deems that a hearing is advisable, it will direct that a hearing be held before a Hearing Officer, or where the Council deems it appropriate before the Council in the first instance.

(b) Where a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted within 10 days after written notice to the appellant at such time and place as the Council may direct.

(c) Where a hearing is conducted in accordance with this section, the applicant may present oral argument and submit such additional documentary evidence as the Hearing Officer deems necessary to fully disclose the position of the appellant.

(d) Within 10 days after the close of the hearing, the Hearing Officer will submit to the Council a report and any recommendation he deems appropriate with respect to the applicant's request for relief.

§ 105.28 Decision by Council.

When administratively feasible, within 10 days of receipt of an appeal within 10 days of receipt of a Hearing Officer's report where a hearing has been directed, or as soon thereafter as practicable—

(a) The Council will issue a decision in writing directed to the appellant setting forth its decision, the basis therefor, and an appropriate order.

(b) A copy of the decision and order will be served upon each party to the proceedings.

(c) Where the decision denies the relief requested, in whole or in part, each party will be advised that he may seek judicial review under the Act.

Subpart C—Requests for Exception, Exemption and Reclassification

§ 105.30 Purpose and scope.

(a) Requests for an exception or an exemption are initiated pursuant to Subpart D of Part 401 of this title.

(b) Requests for reclassification must be filed with the Director of the Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

(c) This subpart establishes the rules of practice of the Council governing initial action on requests for exception, exemption, and reclassification and reconsideration of denials of such requests, in whole or in part.

§ 105.31 Initial action by Council.

After considering the record, the Council will issue a decision in writing directed to the person filing the request for exemption, or reclassification setting forth its decision and the basis therefor, and an appropriate order.

(a) Where the Council grants requests for an exception, exemption, or reclassification it will serve upon the applicant a copy of its decision and order.

(b) Where the Council refuses to grant an exception, exemption, or reclassification in whole or in part, it will—

(1) Serve upon the applicant a copy of its decision and order;

(2) Advise him that he may request reconsideration of the Council's denial pursuant to §§ 105.32 through 105.38.

§ 105.32 Scope of review.

The Council shall reconsider its refusal to grant an exception, exemption, or reclassification if the request makes a prima facie showing by the applicant that the Council's initial action was erroneous in fact or in law.

(a) Where the Council determines that the request for reconsideration has failed to make a prima facie showing, the Council may summarily reject the request for reconsideration notifying the applicant of its action, and advise him that he has exhausted his administrative remedies, and that he may seek judicial review under the Act.

(b) Where the Council determines that the appellant has established a prima facie showing, it will proceed in accordance with the provisions of § 105.33 through § 105.38.

§ 105.33 Who may request reconsideration.

Any person who meets the requirements set forth in § 105.32 may request reconsideration by the Council.

§ 105.34 Where to file.

A request for reconsideration shall be addressed to the Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

§ 105.35 When to file.

A request for reconsideration must be filed within 10 days of service of the decision and order refusing to grant the exception, exemption, or reclassification.

§ 105.36 Contents.

A request for reconsideration shall—

(a) Be in writing and signed by the appellant;

(b) Be designated clearly as a request for reconsideration;

(c) Contain a concise statement of the grounds for reconsideration and the requested relief; and,

(d) Be accompanied by briefs, if any.

§ 105.37 Hearing.

(a) If the Council in its discretion deems that a hearing is advisable, it will, within 10 days of receipt of the request for reconsideration, direct that an informal hearing be held before a Hearing Officer.

(b) Where a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted within 10 days after written notice to the appellant at such time and place as the Council may direct.

V 37-14 JAN 21 72 XUM

(c) Where a hearing is conducted in accordance with this section, the appellant may present oral argument and submit such additional documentary evidence as the Hearing Officer deems necessary to fully disclose the position of the appellant.

(d) Within 10 days after the close of the hearing, the Hearing Officer will submit to the Council his report and any recommendation he deems appropriate with respect to the appellant's request for reconsideration.

§ 105.38 Decision by Council.

When administratively feasible, within 10 days of receipt of a request for reconsideration or within 10 days of receipt of a Hearing Officer's report where a hearing has been directed, or as soon thereafter as practicable—

(a) The Council will issue a decision in writing directed to the appellant setting forth its decision and the basis therefor, and an appropriate order.

(b) A copy of the decision will be served upon each party to the proceedings.

(c) Where the decision denies the relief requested in whole or in part, each party will be advised that he is entitled to judicial review under the Act.

Subpart D—Public Comments on Cost of Living Council Regulations and Rulings.

§ 105.40 Purpose and scope.

(a) The provisions of 5 U.S.C. 553 shall be followed for the issuance of all regulations or amendments to regulations by the Council, to the extent such provisions apply.

(b) In addition, the Council will accept written comments from members of the public on its regulations or on its published rulings at any time. If in the opinion of the Council such comments warrant a proceeding similar to a rule making proceeding as provided by 5 U.S.C. 553, the Council shall conduct such a proceeding pursuant to notice published in the FEDERAL REGISTER.

§ 105.41 Where to file.

A written comment shall be filed with the Council, New Executive Office Building, Washington, D.C. 20507.

Subpart E—Hearing Officer

§ 105.50 Appointment of Hearing Officer.

Where a hearing is directed, it will be presided over by a Hearing Officer appointed by the Council.

§ 105.51 Notice of appointment of Hearing Officer.

All parties entitled to notice will be notified of the appointment of the Hearing Officer and, thereafter, all motions, applications and other papers and documents shall be filed with the Hearing Officer.

§ 105.52 Powers and duties of the Hearing Officer.

(a) A Hearing Officer shall have the powers in addition to any other specified in this part:

(1) To hold prehearing conferences;

(2) To administer oaths and affirmations;

(3) To examine or cross-examine witnesses;

(4) To issue subpenas authorized by the Act and to take or cause depositions to be taken;

(5) To rule upon offers of proof and receive evidence;

(6) To regulate the course and conduct of the hearing, including—

(i) Continuing the hearing from day to day or adjourning it to a later date or different place by announcement thereof at the hearing or by other appropriate notice;

(ii) Take official notice of any material fact not appearing in evidence in the record;

(iii) Excluding from the hearing persons who engage in misconduct; and,

(iv) Striking all related testimony of a witness who refuses to answer questions ruled to be proper.

(7) To hold conferences, before or during the hearing for the settlement or simplification of issues;

(8) To rule on motions and to dispose of procedural requests or similar matters;

(9) Where appropriate, to make a report and recommendation to the Council; and

(10) To render decisions.

(b) The Hearing Officer will conduct the hearing and make final disposition of the matter before him as expeditiously as possible.

(c) The Hearing Officer's authority will terminate—

(1) Upon the filing of an appeal from his decision or upon the expiration of the period within which an appeal to the Council from his decision may be filed; or

(2) Upon transmission to the Council of his report and recommendation with the record of the hearing conducted in behalf of the Council.

[FR Doc.72-959 Filed 1-20-72;8:49 am]

Chapter II—Pay Board

PART 205—PAY BOARD PROCEDURAL REGULATIONS

Part 205—Pay Board Procedural Regulations will be added to Title 6, Chapter II, Code of Federal Regulations.

Part 205, as set forth below, prescribes procedures during the Post Freeze Economic Stabilization Program for (1) Appeals from adverse actions by the Internal Revenue Service; (2) Initial action on requests for exceptions or pay challenges and the reconsideration of denials of such requests or challenges, in whole or in part; (3) Petitions and comments on rule making; and (4) Formal hearings on certain wage and salary increases.

Since the procedures set forth in this part are essential to the expeditious implementation of the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743) and Executive Order No. 11627, as amended, the Board finds that it is impracticable to provide for the submission of written data, views or arguments by interested persons in accordance with usual rule making procedures and that good cause exists for promulgating these regulations in less than 30 days.

This part shall become effective upon its publication in the FEDERAL REGISTER (1-21-72). However, written comments including views or arguments may be submitted to the Office of the General Counsel, Pay Board, 2000 M Street, Washington, DC 20508.

GEORGE H. BOLDT,
Chairman of the Pay Board.

Subpart A—General

Sec.
205.1 Purpose and scope.
205.2 Definitions.
205.3 Representation.
205.4 Filing of documents.
205.5 Computation of time.
205.6 Service.
205.7 Extensions of time.
205.8 Subpenas; witness fees.
205.9 Consolidations.

Subpart B—Appeals From Adverse Actions

205.20 Purpose and scope.
205.21 Who may appeal.
205.22 Where to file appeal.
205.23 When to file appeal.
205.24 Contents.
205.25 Screening of appeals.
205.26 Obtaining record.
205.27 Informal hearings.
205.28 Decision by Board.

Subpart C—Requests for Exceptions and Pay Challenges

205.30 Purpose and scope.
205.31 Initial action on requests for exception.
205.32 Application for leave to participate in pay challenge proceedings.
205.33 Initial action on pay challenges.
205.34 Scope of review.
205.35 Who may request reconsideration.
205.36 Where to file.
205.37 When to file.
205.38 Contents.
205.39 Informal hearings.
205.40 Decision by Board on reconsideration.

Subpart D—Petition and Comment on Rule Making

205.50 Scope.
205.51 Where to file.
205.52 When to file.

Subpart E—Formal Hearings

205.60 Purpose and scope.
205.61 Appointment of Hearing Officer.
205.62 Notice of hearing.
205.63 Powers and duties of the Hearing Officer.
205.64 Record.

AUTHORITY: The provisions of this Part 205 are issued under the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558; 84 Stat. 1468; Public Law 92-8, 85 Stat. 13, Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order 11627 (36 F.R. 20139, October 16, 1971), as amended, Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971).

Subpart A—General

§ 205.1 Purpose and scope.

(a) This part establishes procedures for—

(1) Appeals from adverse actions by the Internal Revenue Service;

(2) Initial action on requests for exceptions or pay challenges and reconsideration of denials of such requests or challenges, in whole or in part;

(3) Petitions and comments on rule making; and

(4) Formal hearings on certain wage and salary increases.

(b) Pursuant to section 214(b)(3) of the Economic Stabilization Act of 1970, as amended, if any small business enterprise files a request, challenge, application, or appeal under the provisions of this part, such request, challenge, application, or appeal will be accorded expeditious handling by affording it priority on the dockets maintained by the Board for the orderly conduct of its business.

§ 205.2 Definitions.

For purposes of this part—

"Act" means the Economic Stabilization Act of 1970, as amended.

"Adverse action" means an action by the Board or IRS denying a requested action in whole or in part, or an interpretation or ruling issued by IRS which is contrary to the position asserted by the person seeking the interpretation or ruling.

"Board" means the Pay Board as established pursuant to Executive Order No. 11627, as amended, or its delegate.

"District Director" means a district director of the IRS.

"Exception" means an order issued by the Board to a person as defined by § 201.3 of this chapter waiving requirements of a specific rule, regulation, or order issued pursuant to the Act.

"Hearing Officer" means a person appointed by the Board for purposes of conducting a hearing in accordance with Subparts B, C, and E of this part.

"IRS" means the Internal Revenue Service.

"Pay adjustment" means a change in wages or salaries.

"Pay Challenge" means a objection to a pay adjustment as set forth in § 201.14 of this chapter, filed by—

(1) A party at interest as defined in § 201.3 of this chapter; or

(2) Five or more members of the Board.

"Person aggrieved" means a person with a substantial pecuniary interest in a pay adjustment which is the subject of an adverse action, such as—

(1) An employer who proposes or puts into effect a pay adjustment, or his duly authorized bargaining representative; or

(2) An employee whose wage or salary is subject to a pay adjustment, or his duly authorized bargaining representative.

"Petition" means a written objection to a ruling or regulation promulgated by the Board, or a request for the Board to issue a ruling or regulation.

"Regulation" means a regulation issued by the Board which appears in Chapter II of Title 6, Code of Federal Regulations.

§ 205.3 Representation.

Representation by counsel or other individuals under this part shall be in accordance with the rules governing authority to practice before IRS prescribed in § 401.702 of this title.

§ 205.4 Filing of documents.

A document required to be filed directly with the Board under this chapter is considered filed if it has been received at Pay Board offices, 2000 M Street NW., Washington, DC 20508. Documents received after regular business hours are deemed filed on the next regular business day.

§ 205.5 Computation of time.

(a) In computing any period of time prescribed or allowed by this part for the performance of any act, the day of the act, event, or default on which the designated period of time begins to run will not be counted.

(b) If the last day of the period falls on a Saturday, Sunday, or a Federal legal holiday, the period will be extended to the next day which is not a Saturday, Sunday, or Federal legal holiday.

(c) If the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday will not be counted.

§ 205.6 Service.

(a) All documents required to be served under this part are to be served personally or by registered or certified mail.

(b) Wherever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed for each document served.

(d) Service by registered or certified mail is complete upon mailing.

§ 205.7 Extensions of time.

If an action is required to be taken within a prescribed time, an extension of time will be granted only upon a showing of good cause.

§ 205.8 Subpenas; witness fees.

(a) The Chairman of the Board or his duly authorized agent may issue subpenas in response to a written application of a party to the proceedings or on his own motion.

(b) A subpena may require the attendance of witnesses and the production of relevant papers, books, and documents in the possession or under the control of the person served.

(c) A subpena may be served by any person who is not a party and not less than 18 years of age.

(d) The original subpena bearing a certificate of service shall be filed with the issuing official.

(e) A witness subpenaed by any party shall be paid the same fees and mileage as are paid for like service in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the subpena was issued.

§ 205.9 Consolidations.

Upon the initiative of the Board, the Chairman of the Board or a Hearing Officer, or in response to a party's motion, two or more appeals or requests for exception or pay challenges which involve substantially the same parties or issues which are closely related, may be consolidated if it is found that such consolidation will expedite the proceedings.

Subpart B—Appeals from Adverse Actions

§ 205.20 Purpose and scope.

(a) The purpose of this subpart is to establish the rules of practice of the Board which govern the conduct of its administrative review proceedings.

(b) The Board has jurisdiction to consider and decide appeals from adverse actions by IRS.

(c) The Board may review all relevant questions of law and fact.

(d) Review will be limited to the evidence in the record before IRS at the time of the latter's action, except as otherwise directed by the Board.

§ 205.21 Who may appeal.

Any person aggrieved by an action of IRS taken or issued pursuant to Part 401 of this title, or in accordance with delegated authority, other than a person found by IRS to be in violation of the Act or Regulations, may file an appeal with the Board.

§ 205.22 Where to file appeal.

An appeal shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508, and a copy of the appeal shall be sent to the District Director or other official who issued the adverse action being appealed.

§ 205.23 When to file appeal.

A person, who is appealing any matter to the Board under this subpart, must first exhaust his administrative remedies within IRS. An appeal must be filed within 10 days of service by IRS of the adverse action upon which the appeal is based.

§ 205.24 Contents.

An appeal may be accompanied by a brief and must include the name and address of the appellant, a clear designation that the document is an appeal to the Board, a copy of the adverse action appealed from, a concise statement of the facts and contentions, a statement of the grounds for appeal, the relief requested and that he has complied with §§ 205.22 and 205.23.

§ 205.25 Screening of appeals.

(a) The Board will determine whether the appeal makes a prima facie showing that the adverse action was erroneous in fact or in law.

(b) Where the Board determines that the appeal has failed to make a prima facie showing, the Board may summarily

V 37-14 JAN 21 72 XUM

reject the appeal, notify the appellant of its action, and advise him that he has exhausted his administrative remedies, and that he may seek judicial review under the Act.

(c) Where the Board determines that the appellant has made a prima facie showing, it will proceed in accordance with the provisions of §§ 205.26 through 205.28.

§ 205.26 Obtaining record.

(a) Upon receipt of a copy of an appeal, the office which took the adverse action on the subject of the appeal will forward to the Board its entire file on the matter.

(b) This file, together with the appeal and briefs, if any, and any statement submitted by IRS will constitute the record on appeal.

(c) The Board on its own motion may request any additional evidence it deems necessary.

§ 205.27 Informal hearings.

(a) If the Board in its discretion deems that a hearing is advisable, it may direct that an informal hearing be held before a Hearing Officer.

(b) Where a hearing has been provided for in accordance with this section, it will be conducted within 10 days after written notice to the appellant at such time and place as the Board may direct.

(c) Where a hearing is conducted in accordance with this section, the appellant may present oral argument and submit such additional documentary evidence as is deemed necessary to fully disclose the position of the appellant.

(d) The Hearing Officer, if one is appointed, will submit to the Board a report and any recommendation he deems appropriate with respect to the appellant's request for relief. Such report and recommendation will be submitted within 10 days after the close of the hearing, if administratively practicable.

§ 205.28 Decision by Board.

Within 10 days of receipt of an appeal or within 10 days of a Hearing Officer's report, if a hearing has been provided for, or as soon thereafter as practicable—

(a) The Board will issue a decision in writing directed to the appellant setting forth its decision, the basis therefor, and an appropriate order;

(b) A copy of the decision and order will be served upon each party to the proceedings; and

(c) If the decision denies the relief requested, in whole or in part, each party will be advised that he may seek judicial review under the Act.

Subpart C—Requests for Exceptions and Pay Challenges

§ 205.30 Purpose and scope.

(a) The purpose of this subpart is to establish procedures for initial action by the Pay Board on requests for exceptions or pay challenges and for reconsideration by the Pay Board of denials of such requests or challenges.

(b) This subpart shall not apply to those requests for exceptions or pay challenges in which initial action is taken by IRS pursuant to authority delegated by the Pay Board. In those cases on which initial action is taken by IRS, appeals from adverse actions may be filed with the Pay Board in accordance with the regulations under Subpart B of this part.

(c) In all cases under paragraph (a) or (b) of this section, filing and processing, if appropriate, of—

(1) Requests for exceptions shall be in accordance with the regulations issued under Subpart D of Part 401 of this title, and

(2) Pay challenges shall be in accordance with the regulations issued under Subpart E of Part 401 of this title.

§ 205.31 Initial action on requests for exception.

(a) The Board in its discretion may invite the applicant and other parties, if appropriate, to make an oral presentation, or provide for an informal hearing (pursuant to § 205.39), or a formal hearing (pursuant to Subpart E of this part).

(b) In general, the Board will render its decision on the record which will consist of the request, any information developed by IRS and other written submissions by the applicant. However, if a presentation or hearing is conducted in accordance with paragraph (a) of this section, the record will also contain an account of such presentation or hearing. The Board will determine whether such account will be in the form of a report, minutes, or transcript.

(c) After considering the record, the Board will issue a decision in writing directed to the person filing the request for exception setting forth the facts, conclusions of law, its decision and the basis therefor, and an appropriate order.

(d) If the Board grants an exception, it will serve upon the applicant a copy of its decision and order.

(e) If the Board denies an exception, in whole or in part, it will—

(1) Serve upon the applicant a copy of its decision and order, and

(2) Advise him that he may request reconsideration of the Board's denial pursuant to §§ 205.34 through 205.40.

§ 205.32 Application for leave to participate in pay challenge proceedings.

(a) Upon receipt of a pay challenge, the Board will notify the parties at interest as defined in § 201.3 of this chapter that a pay challenge has been filed and that they have 5 days in which to request leave to participate in the proceedings.

(b) If a person who is—

(1) An employer or employee subject to the challenged pay adjustment, or the representative thereof, or

(2) An employer whose competitive position in a labor market is adversely affected by the challenged pay adjustment, applies to the Board for leave to participate in its proceedings, such person shall state the name and address of the applicant, identify the docket number of the pay challenge, if known, state specifically the manner in which the applicant is interested in the challenged adjustment, specify the relief sought, and be signed by the applicant.

(c) Upon receipt of an application filed in accordance with paragraph (b) of this section, the Board will determine whether:

(1) The applicant is a person as defined by paragraph (b) of this section, and

(2) The applicant's participation in the proceedings will contribute to the equitable disposition of the pay challenge.

(d) Where the Board grants leave to participate, it will so notify the applicant in writing and afford him a reasonable opportunity to submit documentary evidence or briefs in support of his position.

(e) If the Board denies leave to participate in the proceedings, it will so notify the applicant in writing.

§ 205.33 Initial action on pay challenges.

(a) The Board in its discretion may invite any person or party at interest specified in § 205.32 to make an oral presentation, or provide for an informal hearing (pursuant to § 205.39), or a formal hearing (pursuant to Subpart E of this part).

(b) In general, the Board will render its decision on the record which will consist of the challenge, any information developed by IRS and other written submissions by persons or parties at interest specified in § 205.32. However, if a presentation or hearing is conducted in accordance with paragraph (a) of this section, the record will also contain an account of such presentation or hearing. The Board will determine whether such account will be in the form of a report, minutes, or transcript.

(c) After considering the record, the Board will issue a decision in writing directed to the person filing the pay challenge setting forth its decision and the basis therefor, and an appropriate order.

(d) Where the Board allows the challenged pay adjustment to stand or overturns such pay adjustment in whole or part, it will serve upon each party a copy of its decision and order.

(e) Any person aggrieved by a decision of the Board under paragraph (c) of this section or other party who participated in the initial proceedings may request reconsideration by the Board pursuant to §§ 205.34 through 205.40.

§ 205.34 Scope of review.

The Board will reconsider its refusal to grant an exception, or its decision with respect to a pay challenge if the request for reconsideration makes a prima facie showing that the Board's initial action was erroneous in fact or in law.

§ 205.35 Who may request reconsideration.

Any person aggrieved or other party to the initial proceedings who meets the requirements set forth in § 205.34 may request reconsideration by the Board.

§ 205.36 Where to file.

A request for reconsideration shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508.

§ 205.37 When to file.

A request for reconsideration must be filed within 10 days of service of the decision refusing to grant the relief requested.

§ 205.38 Contents.

A request for reconsideration shall—

(a) Be in writing and signed by the party requesting such reconsideration;

(b) Be designated clearly as a request for reconsideration;

(c) Contain a concise statement of the grounds for reconsideration and the requested relief; and, such request may be accompanied by briefs.

§ 205.39 Informal hearings.

(a) If the Board in its discretion deems that a hearing is advisable, it will within 10 days of the request for reconsideration or as soon as possible in connection with an initial action direct that an informal hearing be held before a Hearing Officer or before the Board.

(b) Where a hearing has been directed in accordance with paragraph (a) of this section, it will, if administratively practicable, be conducted within 10 days after written notice to the parties at such time and place as the Board may direct.

(c) Where an informal hearing is conducted in accordance with this section, the parties may present oral argument and submit such additional documentary evidence as the Hearing Officer or the Board deems necessary to fully disclose their positions.

(d) If a Hearing Officer is used, he will conduct the hearing as expeditiously as possible in accordance with instructions received from the Board.

(e) Within 10 days after the close of the hearing, the Hearing Officer, if there is one, will submit to the Board a report and any recommendation he deems appropriate.

§ 205.40 Decision by Board on reconsideration.

The Board will—

(a) Issue a decision in writing directed to the appellant setting forth its decision, the basis therefor, and an appropriate order;

(b) Serve upon each party to the proceedings a copy of the decision and order; and

(c) Advise each party that he may seek judicial review under the Act if the decision denies the relief requested. Such action by the Board will occur within 10 days of receipt of a request for reconsideration or within 10 days of a Hearing Officer's report if a Hearing Officer was used or within 20 days after a hearing before the Board is concluded, or as soon thereafter as administratively practicable.

Subpart D—Petition and Comment on Rule Making

§ 205.50 Scope.

The Board shall afford any interested person the right to petition or comment on the issuance, amendment, or repeal of any ruling or regulation promulgated by the Board.

§ 205.51 Where to file.

Petitions or comments shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508.

§ 205.52 When to file.

A petition or comment may be filed at any time.

Subpart E—Formal Hearings

§ 205.60 Purpose and scope.

(a) To the maximum extent possible, the Board will conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a wage or salary increase or proposed wage or salary increase if such increase or proposed increase has or may have a significantly large impact upon the National Economy.

(b) A formal hearing held pursuant to this subpart will be open to the public, but such hearings may be closed to the public for the purpose of receiving information considered to be confidential under section 205 of the Act.

§ 205.61 Appointment of Hearing Officer.

If a formal hearing is directed by the Board in accordance with § 205.60, a Hearing Officer may be appointed by the Board to preside over such hearing.

§ 205.62 Notice of hearing.

The public will be notified in the FEDERAL REGISTER of the nature, date, and time of the hearing, and of the appointment of the Hearing Officer, if appropriate. Thereafter, all documents and other papers shall be filed with the Hearing Officer, or in the absence of the appointment of a Hearing Officer, with the Executive Secretariat of the Board.

§ 205.63 Powers and duties of the Hearing Officer.

(a) In addition to any other powers specified in this part, a Hearing Officer shall have the power:

(1) To administer oaths and affirmations;

(2) To examine or cross-examine witnesses;

(3) To issue subpenas authorized by the Act;

(4) To rule upon offers of proof and receive evidence;

(5) To regulate the course and conduct of the hearing, including:

(i) Continuing the hearing from day to day or adjourning it to a later date or different place by announcement thereof at the hearing or by other appropriate notice;

(ii) Taking official notice of any material fact not appearing in evidence in the record;

(iii) Excluding from the hearing persons who engage in misconduct; and

(iv) Striking all related testimony of a witness who refuses to answer questions ruled to be proper;

(6) To rule on motions and to dispose of procedural requests or similar matters; and

(7) To issue recommendations and prepare orders.

(b) The Hearing Officer will conduct the hearing as expeditiously as possible, in accordance with instructions received from the Board in each individual case. Within 30 days after the close of the hearing, he will transmit the record of the hearing together with his recommendations and proposed order, if any, to the Board.

(c) The Hearing Officer's authority in each case will terminate upon transmitting the record of the hearing and his recommendation and proposed order, if any, to the Board.

§ 205.64 Record.

(a) The record of a formal hearing will consist of an account of the proceedings of such hearing and all documents and exhibits submitted during the course of such hearing.

(b) The Board will determine whether the account of the hearing shall be in the form of a report, minutes or transcript. If the hearing is conducted by a Hearing Officer, such determinations will be part of the instructions given to such Officer pursuant to § 205.63(b).

(c) Copies of the account of the hearing may be obtained by any party upon payment of the fees fixed therefor.

[FR Doc.72-937 Filed 1-20-72;8:48 am]

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Deletion of Certain Procedural Provisions

The Price Commission is today issuing (37 F.R. 1008) Part 305 of its regulations "Procedural Regulations," which contains all of the Commission procedures for appealing from adverse actions by the Internal Revenue Service, for handling requests for exceptions, and for formal hearings on price or rent increases, as well as certain other procedural matters.

In view of that action by the Commission, §§ 300.511 *Exceptions by ruling;* 300.513 *Rulings;* 300.514 *Adverse determinations and appeals;* 300.515 *Failure to obtain relief;* and 300.516 *Reports of alleged violations* are no longer necessary.

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended by deleting §§ 300.511, 300.513, 300.514, 300.515, and 300.516, effective on the date of publication of this document in the FEDERAL REGISTER (1-21-72).

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat.

JAN 21 72
XUM

38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order No. 11627, 36 F.R. 20139, Oct. 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

Issued in Washington, D.C., on January 14, 1972.

C. JACKSON GRAYSON, JR.,
Chairman of the Price Commission.

[FR Doc.72-938 Filed 1-20-72;8:49 am]

PART 305—PRICE COMMISSION PROCEDURAL REGULATIONS

Part 305—Price Commission Procedural Regulations will be added to Title 6, Chapter III, Code of Federal Regulations.

Part 305, as set forth below, prescribes procedures during the Post-Freeze Economic Stabilization Program for (1) appealing from adverse actions by the Internal Revenue Service; (2) initial action on requests for exception and the reconsideration of denials of such requests, in whole or in part; (3) formal hearings on price or rent increases or proposed price or rent increases; (4) public comments on Price Commission regulations or rulings; and (5) appointment of Hearing Officers.

This part shall become effective upon publication in the FEDERAL REGISTER (1-21-72).

Issued in Washington, D.C., on January 14, 1972.

C. JACKSON GRAYSON, JR.,
Chairman of the Price Commission.

Subpart A—General

Sec.
305.1 Purpose and scope.
305.2 Definitions.
305.3 Representation.
305.4 Filing of documents.
305.5 Computation of time.
305.6 Service.
305.7 Extensions of time.
305.8 Subpenas; witness fees.
305.9 Consolidations.

Subpart B—Appeals from Adverse Actions

305.20 Purpose and scope.
305.21 Who may appeal.
305.22 Where to file appeal.
305.23 When to file appeal.
305.24 Contents of appeal.
305.25 Screening of appeals.
305.26 Obtaining the record.
305.27 Hearing.
305.28 Decision by Commission.

Subpart C—Requests for Exceptions

305.30 Purpose and scope.
305.31 Initial action on request for exception.
305.32 Scope of review.
305.33 Who may request reconsideration.
305.34 Where to file.
305.35 When to file.
305.36 Contents of request.
305.37 Hearing.
305.38 Decision by Commission.

Subpart D—Formal Hearings

305.40 Purpose and scope.

Subpart E—Public Comments on Price Commission Regulations or Rulings

305.50 Purpose and scope.
305.51 Where to file.

Subpart F—Hearing Officers

305.60 Appointment of Hearing Officers.
305.61 Notice of Appointment of Hearing Officer.
305.62 Powers and duties of Hearing Officer.

AUTHORITY: The provisions of the Part 305 are issued under the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order 11627, as amended; Cost of Living Council Order No. 4, 36 F.R. 20202.

Subpart A—General

§ 305.1 Purpose and scope.

(a) This part establishes procedures for—

(1) Appealing from adverse actions by the Internal Revenue Service;

(2) Initial action on requests for exception and reconsideration of denials of such requests in whole or in part;

(3) Formal hearings on price or rent increases or proposed price or rent increases;

(4) Public comments on Price Commission regulations and ruling; and,

(5) Appointment of Hearing Officers.

(b) This part applies to any person aggrieved by a denial of a requested action by IRS or the Commission made on and after the effective date of this part.

(c) Where any small business enterprise within the meaning of § 102.2 of this title files a request, application or appeal under the provisions of this part, it will be accorded expedited handling by affording it priority on the dockets maintained by the Commission for the orderly conduct of its business.

§ 305.2 Definitions.

For the purpose of this part—

"Act" means the Economic Stabilization Act of 1970, as amended.

"Adverse action" means an action by the Commission or IRS denying a requested action in whole or in part or an interpretation or ruling issued by IRS which is contrary to the position asserted by the person seeking the interpretation or ruling.

"Commission" means the Price Commission established pursuant to Executive order or its delegate.

"District Director" means the district director of the IRS.

"Exception" means an order issued by the Commission to an individual firm waiving the requirements of a specific rule, regulation, or order issued pursuant to the Act.

"Hearing Officer" means a person appointed by the Commission to conduct a hearing.

"IRS" means the Internal Revenue Service.

"Person aggrieved" means a person who increased or seeks to increase a price or rent or a person who is required to pay an increase in rent.

"Price adjustment" means a change in the unit price or a decrease in the quality without a proportionate change in the unit price of substantially the same property or services.

"Price Commission Ruling" means a Price Commission ruling as defined in § 401.2 of this title.

"Regulation" means a regulation issued by the Commission, which appears in Chapter III of Title 6, Code of Federal Regulations.

§ 305.3 Representation.

Representation under this part shall be in accordance with the rules governing authority to practice before the Internal Revenue Service prescribed in § 401.702 of this title.

§ 305.4 Filing of documents.

A document required to be filed with the Commission under this part is considered filed if it has been received at the Commission offices, 2000 M Street NW., Washington, DC 20508. Documents received after regular business hours are deemed filed on the next regular business day.

§ 305.5 Computation of time.

Except as otherwise provided by law, in computing a period of time prescribed or allowed by this part for the doing of any act, the day of the act, event, or default on which the designed period of time begins to run shall not be counted.

(a) If the last day of the period falls on a Saturday, Sunday, or Federal legal holiday, the period shall be extended to the next day which is not a Saturday, Sunday, or Federal legal holiday.

(b) If the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday shall not be counted.

§ 305.6 Service.

(a) All documents required to be served under this part shall be served personally or by registered or certified mail on the person specified in the regulations in this part.

(b) Wherever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed for each document served.

(d) Service by mail is complete upon mailing.

§ 305.7 Extensions of time.

Where an action is required to be taken within a prescribed time, an extension of time will be granted only upon good cause shown and only where the application is made before the expiration of the time prescribed.

§ 305.8 Subpenas; witness fees.

The Chairman of the Commission or a Hearing Officer may issue subpenas on written application of a party to the proceedings or on their own motion.

(a) A subpena may require the attendance of witnesses and/or the production of relevant papers, books and documents in the possession or under the control of the person served.

(b) A subpena may be served by any person who is not a party and is not less than 18 years of age.

(c) The original subpena bearing a certificate of service shall be filed with the Hearing Officer.

(d) A witness subpenaed by any party shall be paid the same fees and mileage as are paid for like service in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the subpena was issued.

§ 305.9 Consolidations.

Upon its own initiative or upon the motion of a party, the Commission, the Chairman of the Commission or the Hearing Officer may consolidate two or more appeals or requests for exception which involve substantially the same parties or issues which are closely related, if it or he finds that such consolidation will expedite the proceedings.

Subpart B—Appeals from Adverse Actions

§ 305.20 Purpose and scope.

This subpart establishes the rules of the Commission governing the conduct of its administrative review proceedings.

(a) The Commission has jurisdiction to consider and decide appeals from adverse actions by IRS.

(b) The Commission may review all relevant questions of law and fact.

(c) Review will be limited to the evidence in the record before the IRS at the time of the latter's action, except as otherwise directed by the Commission.

§ 305.21 Who may appeal.

Any person aggrieved by an action by IRS issued pursuant to Part 401 of this title may file an appeal with the Commission.

§ 305.22 Where to file appeal.

An appeal shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508, and a copy of the appeal shall be sent to the IRS District Director who issued the adverse action appealed from.

§ 305.23 When to file appeal.

An appeal must be filed within 10 days of service by IRS of the adverse action upon which the appeal is based. Appellant must have exhausted his administrative remedies within IRS before filing an appeal.

§ 305.24 Contents of appeal.

(a) An appeal must include the following—

(1) The name and address of the appellant;

(2) A clear designation of the document as an appeal to the Commission;

(3) A copy of the adverse action appealed from;

(4) A concise statement of the facts and contentions; and,

(5) A statement of the grounds for appeal and the relief requested; and,

(b) Appeals may be accompanied by briefs.

§ 305.25 Screening of appeals.

The Commission will determine whether the appeal contains a prima facie showing that the adverse action was erroneous in law or in fact.

(a) Where the Commission determines that the appeal has failed to make a prima facie showing with regard to the requirements specified in this section, the Commission may summarily reject the appeal, notifying the applicant of its action and advise him that he has exhausted his administrative remedies, and that he may seek judicial review under the Act.

(b) Where the Commission determines that the appellant has established a prima facie showing of an erroneous determination, it will proceed in accordance with the provisions of §§ 305.26 through 305.28.

§ 305.26 Obtaining record.

(a) Upon receipt of a copy of an appeal, the office which took the adverse action on the subject of the appeal will forward to the Commission its entire record in the matter.

(b) This record, together with the appeal and briefs, if any, and any statement submitted by IRS will constitute the record on appeal.

(c) The Commission on its own motion may request any additional evidence it deems necessary.

§ 305.27 Hearing.

(a) If the Commission in its discretion deems that a hearing is advisable, it will direct that hearing be held before a Hearing Officer, or where the Commission deems it appropriate, before the Commission in the first sentence.

(b) Where a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted within 10 days after written notice to the appellant at such time and place as the Commission may direct.

(c) Where hearing is conducted in accordance with this section, the applicant may present oral argument and submit such additional documentary evidence as the Hearing Officer deems necessary to fully disclose the position of the appellant.

(d) Within 10 days after the close of the hearing, the Hearing Officer will submit to the Commission a report and any recommendation he deems appropriate with respect to the appellant's request for relief.

§ 305.28 Decision by Commission.

Where administratively feasible, within 10 days of receipt of an appeal or within 10 days of receipt of a Hearing Officer's report where a hearing has been directed—

(a) The Commission will issue a decision in writing directed to the appellant setting forth the facts, conclusions of law, its decision, the basis therefor, and an appropriate order.

(b) A copy of the decision and order will be served upon each party to the proceedings.

(c) Where the decision denies the relief requested, in whole or in part, each party will be advised that he may seek judicial review under the Act.

Subpart C—Requests for Exceptions

§ 305.30 Purpose and scope.

(a) Requests for exception are initiated pursuant to Subpart D of Part 401 of this title.

(b) This subpart establishes the rules of practice of the Commission governing initial actions on requests for exceptions and the reconsideration of denials of such requests, in whole or in part.

§ 305.31 Initial action on request for exception.

After considering the record, the Commission will issue a decision in writing setting forth the facts, conclusions of law, its decision and the basis therefor, and an appropriate order.

(a) Where the Commission grants an exception it will serve upon the applicant a copy of its decision and order.

(b) Where the Commission refuses to grant an exception in whole or in part, it will—

(1) Serve upon the applicant a copy of its decision and order; and

(2) Advise him that he may request reconsideration of the Commission's denial pursuant to §§ 305.32 through 305.38.

§ 305.32 Scope of review.

The Commission shall reconsider its refusal to grant an exception if the request for reconsideration makes a prima facie showing that the Commission's initial action was erroneous in fact or in law.

(a) Where the Commission determines that the request for reconsideration failed to make a prima facie showing, the Commission may summarily reject the request for reconsideration notifying the applicant of its action and advise him that he has exhausted his administrative remedies, and that he may seek judicial review under the Act.

(b) Where the Commission determines that the appellant has made a prima facie showing, it will proceed in accordance with the provisions of §§ 305.37 through 305.38.

§ 305.33 Who may request reconsideration.

Any person who meets the requirements set forth in § 305.32 may request reconsideration by the Commission.

§ 305.34 Where to file.

A request for reconsideration shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508.

§ 305.35 When to file.

A request for reconsideration must be filed within 10 days of service of the decision refusing to grant the exception.

§ 305.36 Contents of request.

A request for reconsideration shall—

(a) Be in writing and signed by the appellant;

(b) Be designated clearly as a request for reconsideration;

(c) Contain a concise statement of the grounds for reconsideration and the requested relief; and,

(d) Be accompanied by briefs, if any.

V 37 N 14 JAN 21 72 XUM

§ 305.37 Hearing.

(a) If the Commission in its discretion deems that a hearing is advisable, it will, within 10 days of the request for reconsideration, direct that a hearing be held before a Hearing Officer, or where the Commission deemed it appropriate, before the Commission in the first instance.

(b) Where a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted within 10 days after written notice to the appellant at such time and place as the Commission may direct.

(c) Where hearing is conducted in accordance with this section, the appellant may present oral argument and submit such additional documentary evidence as the Hearing Officer deems necessary to fully disclose the position of the appellant.

(d) Within 10 days after the close of the hearing, the Hearing Officer will submit to the Commission a report and any recommendation he deems appropriate with respect to the appellant's request for reconsideration.

§ 305.38 Decision by Commission.

Where administratively feasible, within 10 days of receipt of a request for reconsideration, or within 10 days of a Hearing Officer's report, where a hearing has been directed—

(a) The Commission will issue a decision in writing directed to the appellant setting forth the facts, conclusions of law, its decision, the basis therefor, and an appropriate order.

(b) A copy of the decision and order will be served upon each party to the proceedings.

(c) Where the decision denies the relief requested, in whole or in part, each party will be advised that he may seek judicial review under the Act.

Subpart D—Formal Hearings

§ 305.40 Purpose and scope.

(a) To the maximum extent possible, the Commission will conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a price or rent increase or proposed price or rent increase where such increase or proposed increase has or may have a significantly large impact upon the national economy.

(b) Normally, a formal hearing held pursuant to this section shall be open to the public, but a private formal hearing may be held to receive information considered confidential under section 205 of the Act.

(c) Normally, a hearing held pursuant to this section shall be held before a Hearing Officer and conducted as described in §§ 305.37 and 305.38. In extraordinary cases, however, the Commission itself may hold such a hearing.

Subpart E—Public Comments on Price Commission Regulations and Rulings

§ 305.50 Purpose and scope.

(a) The provisions of 5 U.S.C. 553 shall be followed for the issuance of all regulations or amendments to regulations by the Commission, to the extent such provisions apply.

(b) In addition, the Commission will accept written comments from members of the public on its regulations or on its published rulings at any time. If in the opinion of the Commission such comments warrant a proceeding similar to a rule making proceeding as provided by 5 U.S.C. 533, the Commission shall conduct such a proceeding pursuant to notice published in the FEDERAL REGISTER.

§ 305.51 Where to file.

A written comment shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508.

Subpart F—Hearing Officers

§ 305.60 Appointment of Hearing Officer.

Where a hearing is directed, it will be presided over by a Hearing Officer appointed by the Commission unless the Commission decides to conduct the hearing itself. If the Commission conducts a hearing itself, it shall have all the powers of a Hearing Officer set forth hereunder.

§ 305.61 Notice of appointment of Hearing Officer.

All parties entitled to notice will be notified of the appointment of the Hearing Officer and, thereafter, all motions, applications and other papers and documents shall be filed with the Hearing Officer.

§ 305.62 Powers and duties of the Hearing Officer.

(a) A Hearing Officer shall have the powers in addition to any other specified in this part:

(1) To hold prehearing conferences;

(2) To administer oaths and affirmations;

(3) To examine or cross-examine witnesses;

(4) To issue subpenas authorized by the Act and to take or cause depositions to be taken;

(5) To rule upon offers of proof and receive evidence;

(6) To regulate the course and conduct of the hearing, including—

(i) Continuing the hearing from day to day or adjourning it to a later date or different place by announcement thereof at the hearing or by other appropriate notice;

(ii) Take official notice of any material fact not appearing in evidence in the record;

(iii) Excluding from the hearing persons who engage in misconduct; and,

(iv) Striking all related testimony of a witness who refuses to answer questions ruled to be proper.

(7) To hold conferences, before or during the hearing, for the settlement or simplification of issues;

(8) To rule on motions and to dispose of procedural requests or similar matters;

(9) Where appropriate, to make a report and recommendation to the Commission; and

(10) To render decisions.

(b) The Hearing Officer will conduct the hearing and make final disposition of the matter before him as expeditiously as possible.

(c) The Hearing Officer's authority will terminate—

(1) Upon the filing of an appeal from his decision or upon the expiration of the period within which an appeal to the Commission from his decision may be filed; or

(2) Upon transmission to the Commission of his report and recommendation with the record of the hearing conducted in behalf of the Commission.

[FR Doc.72-939 Filed 1-20-72;6:49 am]

Chapter IV—Internal Revenue Service

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Establishment of new chapter, and new part. Chapter IV—Internal Revenue Service is added to Title 6, Code of Federal Regulations, and Part 401—Procedural Rules Relating to Economic Stabilization Matters is added to such chapter. The purpose of this new part is to prescribe and explain the procedures used by the Internal Revenue Service, and the Office of the Chief Counsel, for the Internal Revenue Office in administering the President's Economic Stabilization Program.

Because the purpose of these regulations is to provide immediate guidance as to procedures applicable after November 13, 1971, it is hereby found impracticable to issue this regulation with notice and public procedure thereon under 5 U.S.C., section 553(b), or subject to the effective date limitation of 5 U.S.C., section 533(d).

These regulations shall become effective when filed with the FEDERAL REGISTER.

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

K. MARTIN WORTHY,
Chief Counsel for the Internal Revenue Service.

Subpart A—General

Sec.
401.1 Purpose.
401.2 Definitions and terms.
401.3 Filing of documents.
401.4 Computation of time.
401.5 Service.
401.6 Timely mailing treated as timely filing.
401.7 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.
401.8 Extensions of time.

Subpart B—Instructions to Applicants

401.101 Instructions to applicants.

Subpart C—Interpretations and Rulings Issued To a Person

401.201 Introduction.
401.202 Who may file.
401.203 Where to file.
401.204 [Reserved]
401.205 Practices and policies with respect to interpretations and rulings.

Subpart D—Exceptions and Exemptions

401.301 Who may file.
401.302 Where to file.
401.303 Instructions to applicants.
401.304 Processing of requests.

Subpart E—Pay Challenges

Sec.
401.401 Who may institute.
401.402 Where to file.
401.403 When to file.
401.404 Instructions to applicants.
401.405 Processing of pay challenges.

Subpart F—Complaints and Violations

401.501 Complaints.
401.502 Violations.
401.503 Violations other than those discovered through requests for an interpretation or ruling, or through a complaint.

Subpart G—Appeals

401.601 Right to appeal.
401.602 Time and place for filing appeal.
401.603 Contents of appeal.
401.604 Action by district conferee on appeal.
401.605 Effect of decision on appeal.

Subpart H—Conference and Practice Requirements

401.701 Scope of conference and practice requirements.
401.702 Rules governing authority to practice; who may practice.

Subpart I—Rules and Regulations

401.801 Rules and regulations.

Subpart J—Published Rulings

401.901 Proposal of rulings for publication.
401.902 Basis for proposals of publication.
401.903 Processing of rulings proposed for publication.
401.904 Adoption, amendment, or modification of rulings proposed for publication.

AUTHORITY: The provisions of this Part 401 issued pursuant to Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 744, Executive Order No. 11627, as amended; Cost of Living Council Order No. 5, 36 F.R. 21798; Pay Board Order No. 1, 36 F.R. 21798; Price Commission Order No. 1, 36 F.R. 21796.

Subpart A—General

§ 401.1 Purpose.

(a) It is the purpose of this part to prescribe and explain the procedures used by the Internal Revenue Service, including the Office of the Chief Counsel, in administering the President's Economic Stabilization Program, with respect to acts and transactions occurring after November 13, 1971.

(b) These regulations shall be construed to effectuate the purpose of the Act and the economic stabilization regulations and guidelines and to provide for the just and prompt disposition of all proceedings.

§ 401.2 Definitions and terms.

As used in this part, except where the context indicates otherwise, the term:

"Act" means the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799), as amended.

"Act or transaction" shall include a series or combination of such acts or transactions.

"Adverse action" means an interpretation or ruling, issued by the Internal Revenue Service or the Office of the Chief Counsel, which declares an administrative determination contrary to the position asserted by the applicant.

"Attorney" means any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia.

"Certified public accountant" means any person who is duly qualified to practice as a certified public accountant in any State, possession, territory, Commonwealth, or the District of Columbia.

"Complaint" means an allegation of a violation of the President's Economic Stabilization Program.

"Cost of Living Council" means the body established pursuant to the provisions of Executive Order 11627, 36 F.R. 20139 (1971), as amended.

"Cost of Living Council Ruling" means an official determination by the Office of the Chief Counsel for the Internal Revenue Service, with the advice and concurrence of the General Counsel of the Cost of Living Council and the General Counsel of the Treasury Department, which has been promulgated in the name of the Cost of Living Council and published in the FEDERAL REGISTER. Cost of Living Council Rulings are issued only by the Office of the Chief Counsel and are published for the information and guidance of citizens, Internal Revenue Service officials, and others concerned.

"District conferee" means a person designated by Internal Revenue Service to process and decide any appeal referred to in § 401.601.

"District director" means a district director of the Internal Revenue Service, or his delegate.

"District office" means a district director's office and such local offices within his district as a director may designate.

"Economic stabilization regulations and guidelines" means the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission in this title.

"Exception" means a waiver in a particular case of the requirements of any rule, regulation, or order, issued pursuant to the Act.

"Exemption" means a general waiver from the President's Economic Stabilization Program granted by the Cost of Living Council with respect to a class of property, services, or economic transactions.

"Information letter" means a statement issued by a district director which calls attention to a well-established interpretation or principle of the regulations or guidelines of the Cost of Living Council, Pay Board, or Price Commission, without applying it to a specific set of facts. An information letter may be issued when the nature of the request from the individual or the organization suggests that it is seeking general information or where the request does not meet all the requirements of § 401.101, and it is believed that such general information will assist the individual or organization.

"Interpretation" means a written statement issued by a district director in response to an inquiry by an individual or an organization, which applies to the particular facts involved the principles and precedents previously announced by the Office of the Chief Counsel and the Cost of Living Council, Pay Board, or Price Commission, as appropriate. Interpretations are issued only where a determination can be made on the basis of established rules as set forth in the regulations and guidelines of the Cost of Living Council, Pay Board, and Price Commission, or by rulings or court decisions.

"Notice of violation" means a written statement issued to a person by the Internal Revenue Service setting forth one or more charges of alleged violation of the President's Economic Stabilization Program.

"Pay adjustment" means a change in wages and salaries.

"Pay Board" means the body established pursuant to Executive Order 11627, 36 F.R. 20139 1971), as amended.

"Pay Board Ruling" means an official interpretation by the Office of the Chief Counsel for the Internal Revenue Service, with the advice and concurrence of the General Counsel of the Pay Board and the General Counsel of the Treasury Department, which has been promulgated in the name of the Pay Board and published in the FEDERAL REGISTER. Pay Board Rulings are issued only by the Office of the Chief Counsel and are published for the information and guidance of citizens, Internal Revenue Service officials, and others concerned.

"Pay Challenge" means an objection to a pay adjustment as defined in § 201.14 of this title, filed by—

(1) A party at interest as defined in § 201.3 of this title; or,

(2) Five or more members of the Pay Board.

"Person" means any individual, estate, trust, sole proprietorship, partnership, association, company, joint-venture, corporation, bargaining representative, governmental unit or instrumentality thereof, or a charitable, educational or other such institution; however, the term does not include a foreign government or instrumentality thereof or international organizations established by treaty or by agreement among participating governments.

"Person aggrieved" means:

(1) A person with a substantial pecuniary interest in the denial of a requested action,

(2) An employee whose wage or salary is subject to a pay adjustment, or his representative, or

(3) A person whose competitive position in a labor market or with respect to the sale of property or services may be altered by the pay adjustment or price adjustment, or his representative.

"Person with a substantial pecuniary interest" means a person who increased or seeks to increase a price or rent, a person who is required to pay an increase in rent, or a person who put into effect or proposed a pay adjustment.

"Practice before the Internal Revenue Service" comprehends all matters connected with presentation to the Internal Revenue Service or any of its officers or employees relating to a client's rights,

V 37-14 JAN 21 72 XUM

privileges, or liabilities under laws or regulations administered by the Internal Revenue Service relating to economic stabilization matters. Such presentations include the preparation and filing of necessary documents, correspondence with and communications to the Internal Revenue Service, and the representation of a client at conferences, hearings, and meetings. Neither the appearance of an individual as a witness, nor the furnishing of information at the request of the Internal Revenue Service or any of its officers or employees is considered practice before the Revenue Service.

"President's Economic Stabilization Program" means the program established and constituted pursuant to Executive Order 11627, 36 F.R. 20139 (1971), and the regulations and guidelines promulgated in this title, to effectuate the purposes of the Act.

"Price adjustment" means a change in the unit price or a decrease in the quality without a change in the unit price of substantially the same property or services.

"Price Commission" means the body established pursuant to Executive Order 11627, 36 F.R. 20139 (1971), as amended.

"Price Commission Ruling" means an official interpretation by the Office of the Chief Counsel for the Internal Revenue Service, with the advice and concurrence of the General Counsel of the Price Commission and the General Counsel of the Treasury Department, which has been promulgated in the name of the Price Commission and published in the FEDERAL REGISTER. Price Commission Rulings are issued only by the Office of the Chief Counsel and are published for the information and guidance of citizens, Internal Revenue Service officials, and others concerned.

"Request for a determination" means a written inquiry by a person as to the application to him of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission in respect of a completed or proposed act or transaction. Thus, such a request may be a request for an information letter, interpretation, or ruling, an application for an exception or exemption, or a pay challenge.

"Ruling" means a written statement issued to a person or his authorized representative by the Office of the Chief Counsel for the Internal Revenue Service which interprets and applies the regulations and guidelines of the Cost of Living Council, Pay Board, or Price Commission, as appropriate, to a specific set of facts. Rulings are issued only by the Office of the Chief Counsel for the Internal Revenue Service. The issuance of rulings is under the general supervision of the Chief Counsel and has been largely redelegated to the Stabilization Division.

§ 401.3 Filing of documents.

Except as otherwise provided in this subpart, a document is filed in the office where the filing is required only when the document is received in that office during the office hours when filing is permitted. Documents received after such hours are deemed filed on the next regular business day.

§ 401.4 Computation of time.

Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part for the performance of any act, the day of the act, event, or default on which the designated period of time begins to run shall not be counted.

§ 401.5 Service.

(a) All documents required to be served under this part shall be served personally or by registered or certified mail.

(b) Wherever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed for each document served.

(d) Service by mail is complete upon mailing.

§ 401.6 Timely mailing treated as timely filing.

(a) *General rule*—(1) *Date of delivery.* If any appeal, statement or other document required to be filed within a prescribed period or on or before a prescribed date under authority of any provision of this part is, after such period or such date, delivered by U.S. mail to the officer or office with which such appeal, statement or other document is required to be filed, the date of the U.S. postmark stamped on the cover in which such appeal, statement or other document is mailed shall be deemed to be the date of delivery.

(2) *Mailing requirements.* This paragraph shall apply only if:

(i) The postmark date falls within the prescribed period or on or before the prescribed date for the filing (including any extension granted for such filing) of the appeal, statement or other document, and

(ii) The appeal, statement or other document was within the time prescribed in subdivision (1) of this subparagraph deposited in the mail in the United States in an envelope or other appropriate wrapper, postage prepaid, properly addressed to the officer or office with which the appeal, statement or other document is required to be filed.

(b) *Registered and certified mail*—(1) *Registered mail.* For purposes of this section, if any such appeal, statement, or other document is sent by U.S. registered mail:

(i) Such registration shall be prima facie evidence that the appeal, statement, or other document was delivered to the officer or office to which addressed, and,

(ii) The date of registration shall be deemed the postmark date.

(2) *Certified mail.* For purposes of this section, if any such appeal, statement, or other document is sent by U.S. certified mail and the sender's receipt is postmarked by the postal employee to whom such document is presented:

(i) Such sender's receipt shall be prima facie evidence that the appeal, statement, or other document was delivered to the officer or office thereon indicated, and

(ii) The date of such postmark shall be deemed the postmark date.

§ 401.7 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.

When the last day prescribed under this part for performing any act falls on Saturday, Sunday, or a legal holiday, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday, or a legal holiday. For purposes of this section, the last day for the performance of any act shall be determined by including any authorized extension of time; the term "legal holiday" means a legal holiday in the District of Columbia; and in the case of any appeal, statement, or other document required to be filed, or any other act required under authority of this part to be performed at any office of the Internal Revenue Service, located outside the District of Columbia but within an internal revenue district, the term "legal holiday" also means a Statewide legal holiday in the State where such office is located.

§ 401.8 Extension of time.

Where the provisions of this part require that an action be taken within a prescribed time, an extension of time may be granted by the appropriate district director, but only upon good cause shown and only where application is made before the expiration of the time otherwise prescribed (or January 31, 1972, if later).

Subpart B—Instructions to Applicants

§ 401.101 Instructions to applicants.

(a) Each request for a determination must be submitted in writing to the appropriate district director and contain a complete statement of all relevant facts relating to the act or transaction. Such facts include names, addresses, and identifying numbers of all affected parties; a full and precise statement of the business reasons for the act or transaction (where appropriate); and a carefully detailed description of the act or transaction. In addition, true copies of all contracts, agreements, leases, instruments, and other documents involved must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. The request must contain a statement whether, to the best of the knowledge of the applicant or his representative, the identical issue is being considered by any field office of the Service (or other Governmental agency) in connection with a possible violation of economic stabilization regulations or guidelines by the person who is the subject of the requested determination. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. As documents and exhibits become a part of the Internal Revenue Service file and cannot be returned, the original documents should not be submitted.

(b) If the applicant is contending for a particular determination, he must furnish an explanation of the grounds for his contentions, together with a statement of relevant authorities in support of his views. Even though the applicant is urging no particular determination with regard to an act or transaction, he must state his views as to the effect of economic stabilization regulations and guidelines upon the action and furnish a statement of relevant authorities to support such views.

(c) A request by or for an applicant must be signed by the applicant or his authorized representative. If the request is signed by a representative of the applicant, or if the representative is to appear before the Internal Revenue Service in connection with the request, he must either be:

(1) An attorney who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Service a written declaration that he is currently qualified as an attorney and he is authorized to represent the principal, or

(2) A certified public accountant who is duly qualified to practice in any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Service a written declaration that he is currently qualified as a certified public accountant and he is authorized to represent the principal. The above requirements do not apply to an individual representing his full-time employer, or to a bona fide officer, administrator, trustee, etc., representing a corporation, trust, estate, association, or organized group. Any authorized representative must also comply with the conference and practice requirements of subpart H of this part. Forms 2848, Power of Attorney, and 2848–D, Authorization and Declaration, may be used with regard to determinations requested pursuant to this section.

(d) Any request for a determination which does not comply with all the provisions of this section will be acknowledged, and the requirements which have not been met will be pointed out.

(e) An applicant or his representative who desires an oral discussion of the issues or issues involved should indicate such desire in writing when filing the request or soon thereafter in order that the conference, if granted, may be arranged at that stage of consideration when it will be most helpful.

(f) It is the practice of the Service to process requests for interpretations and determinations in regular order and as expeditiously as possible. Compliance with a request for consideration of a particular matter ahead of its regular order, or by a specified time, tends to delay the disposition of other matters. Requests for processing ahead of the regular order, made in writing in a separate letter submitted with the request or subsequent thereto and showing clear need for such treatment will be given consideration as the particular circumstances warrant. However, no assurance can be given that any request for determination will be processed by the time requested. For example, the scheduling of a closing date for transaction or a meeting of the board of directors or shareholders of a corporation without due regard to the time it may take to obtain such a determination will not be deemed sufficient reason for handling a request ahead of its regular order. Neither will the possible effect of fluctuation in the market price of goods or commodities on a transaction be deemed sufficient reason for handling a request out of order. Requests by telegram will be treated in the same manner as requests by letter. Determinations ordinarily will not be issued by telegram.

Subpart C—Interpretations and Rulings Issued to a Person

§ 401.201 Introduction.

It is the practice of the Internal Revenue Service to answer inquiries of individuals and organizations, whenever appropriate in the interest of sound administration of the President's Economic Stabilization Program, as to the application to them of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission in their acts and transactions. One of the functions of the Office of the Chief Counsel for the Internal Revenue Service is to issue rulings in such matters. District directors apply the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission rulings published in the FEDERAL REGISTER, and other precedents in issuance of interpretations in answer to citizen's inquiries or requests as to the application to them of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission.

§ 401.202 Who may file.

Any person may file a request for an interpretation or a ruling.

§ 401.203 Where to file.

A request for an interpretation or a ruling shall be in writing and filed with the district office of the Internal Revenue Service for the district in which the applicant resides or has his principal place of business.

§ 401.204 [Reserved]

§ 401.205 Practices and policies with respect to interpretations and rulings.

(a) *Circumstances under which the Office of the Chief Counsel issues rulings.* The Office of the Chief Counsel issues rulings on prospective or completed acts or transactions. However, rulings will not be issued if:

(1) The Office of the Chief Counsel knows or has reason to believe that the identical issue is being considered by any field office of the Service (or other governmental agency) in connection with a possible violation of economic stabilization regulations or guidelines by the person who is the subject of the requested determination,

(2) The issue involved has been the subject of a recent court decision adverse to the Government and the question of following the decision or further litigating the matter has not been resolved, or

(3) The requested determination includes an application for an exception or exemption, or a pay challenge.

(b) *Circumstances under which district directors issue interpretations.* District directors issue interpretations in response to requests submitted to their offices involving completed or prospective acts or transactions, but only if the question presented is covered specifically by the regulations and guidelines of the Cost of Living Council, Pay Board, or Price Commission, or specifically by a ruling or court decision. However, interpretations will not be issued if—

(1) The requested interpretation includes an application for an exception or exemption, or a pay challenge.

(2) The district director knows or has reason to believe that the identical issue is being considered by any field office of the Service (or other Governmental agency) in connection with a possible violation of economic stabilization regulations or guidelines by the person who is the subject of the requested determination, or

(3) The issue involved has been the subject of a recent court decision adverse to the Government, and the question of following the decision of further litigating the matter has not been resolved.

(c) *Discretionary authority to issue rulings and interpretations.* There are certain areas where, because of the sensitive nature of the problem involved, or for other reasons, the Office of the Chief Counsel and the Service will not issue rulings or interpretations. The Office of the Chief Counsel and the Service may decline to issue rulings or interpretations whenever warranted by the facts or circumstances of a particular case. The National Office (including the Office of the Chief Counsel) and district directors may, when it is deemed appropriate and in the best interest of the Service and the public, issue information letters calling attention to well-established principles of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission.

(d) *Reference of matters to district offices.* The National Office and Office of the Chief Counsel will not entertain direct requests for interpretations and rulings, and, except in unusual circumstances, will forward such requests received for appropriate action to the appropriate district office.

(e) *Review of interpretations.* Interpretations are not generally reviewed by the National Office or Office of the Chief

V 37 I 14 JAN 21 72 XUM

Counsel as they merely inform an applicant of a position previously established by regulations or guidelines, or in a ruling or court decision. If an applicant believes that an interpretation is in error, he may appeal under the provisions of §§ 401.601 to 401.605, if he has a substantial pecuniary interest. If an applicant without a substantial pecuniary interest believes that an interpretation is in error, he may request a review of the interpretation by the district director who issued the interpretation.

(f) *Withdrawals of requests.* Even though a request is withdrawn, all correspondence and exhibits will be retained in the Service and may not be returned to the applicant.

(g) *Oral advice.* (1) The Service does not issue rulings or interpretations upon oral requests. Furthermore, officials and employees of the National Office and Office of the Chief Counsel ordinarily will not discuss a substantive issue with an applicant or his representative. This should not be construed as preventing an applicant or his representative from inquiring whether the Service will rule on a particular question. The Service will also discuss questions relating to procedural matters with regard to submitting a request for an interpretation or ruling.

(2) An applicant may, of course, seek oral technical assistance from a district office, pursuant to other established procedures. Such oral advice is advisory only and the Service is not bound to recognize it in arriving at a formal determination.

(h) *Effect of rulings.* (1) A ruling may be revoked or modified at any time in the sound administration of economic stabilization regulations and guidelines.

(2) A ruling found to be in error or no longer appropriate may be modified or revoked. Modification or revocation may be affected by a notice to the applicant to whom the ruling originally was issued, or by a Cost of Living Council, Pay Board, or Price Commission ruling, as appropriate.

(3) Except in rare or unusual circumstances, the revocation or modification of a ruling will not be applied retroactively with respect to the applicant to whom the ruling was originally issued.

(4) A ruling issued to an applicant on a particular act or transaction applies to that act or transaction only. If the ruling is later found to be in error or no longer in accord with the position of the Service, it will afford the applicant no protection with respect to a like act or transaction.

(5) Persons generally may rely upon Cost of Living Council, Pay Board, and Price Commission rulings published in the FEDERAL REGISTER in determining the treatment of their own acts or transactions and need not request specific rulings applying the principles of a published ruling to the facts of their particular cases. However, since each published ruling represents the conclusion of the Service as to the application of the law to the entire state of facts involved, citizens, Service personnel, and others concerned are cautioned against reaching the same conclusion in other cases unless the facts and circumstances are substantially the same. Furthermore, they should consider the effect of subsequent legislation, regulations, court decisions, and published rulings.

(i) *Effect of interpretations.* An interpretation issued by a district director, in accordance with this section, shall be given the same effect with respect to the applicant to whom the interpretation was issued as is described in paragraph (h) of this section, in the case of a ruling issued to an applicant.

Subpart D—Exceptions and Exemptions

§ 401.301 Who may file.

Any person may file a request for an exception or an exemption.

§ 401.302 Where to file.

Unless the Cost of Living Council, Pay Board, or Price Commission, as appropriate, has agreed to accept a direct filing, a request for an exception or an exemption shall be filed with the district office of the Internal Revenue Service for the district in which the applicant resides or has his principal place of business.

§ 401.303 Instructions to applicants.

(a) *In general.* See § 401.101, for instructions generally applicable in the case of requests for determinations.

(b) *Special instructions.* In addition to the information otherwise required by § 401.101, a request for an exception or exemption shall also present evidence sufficient to establish—

(1) That the application of economic stabilization regulations and guidelines will result in serious hardship or gross inequity, and

(2) That the request is not designed as part of a plan to avoid the intent and purpose of the Act.

§ 401.304 Processing of requests.

Requests for exception or exemption are processed and evaluated by the appropriate district director in accordance with established procedures; and, when appropriate, forwarded to the National Office along with the case file for transmittal to the Cost of Living Council, Pay Board, or Price Commission, as appropriate. For statements of the policies and principles followed by the Council, Board, and Commission in making determinations with respect to such requests, see Chapters I, II, and III of this title, respectively.

Subpart E—Pay Challenges

§ 401.401 Who may initiate.

A pay challenge may be initiated by any party at interest, as defined in § 201.3 of this title.

§ 401.402 Where to file.

A pay challenge shall be filed with the district office of the Internal Revenue Service for the district in which the party resides or has its principal place of business.

§ 401.403 When to file.

A pay challenge shall be filed—

(a) In the case of a proposed pay adjustment submitted to the Pay Board in accordance with § 101.21 of this title, within 30 days of the date of such submission, or

(b) In the case of the establishment of a pay adjustment not required to be submitted in accordance with such section, within 30 days of the date of such establishment.

§ 401.404 Instructions to applicants.

(a) *In general.* See § 401.101, for instructions generally applicable in the case of requests for determinations.

(b) *Special instructions.* In addition to the information otherwise required by § 401.101, a pay challenge shall also present evidence sufficient to establish that the pay adjustment will result in serious hardship or gross inequity.

§ 401.405 Processing of pay challenges.

Pay challenges are not determined by the Internal Revenue Service. However, pay challenges are processed and evaluated by the appropriate district director in accordance with established procedures, and then forwarded to the National Office along with the case file for transmittal to the Pay Board. For a statement of the policies and principles followed by the Board in making determinations with respect to pay challenges, see Chapter II of this title.

Subpart F—Complaints and Violations

§ 401.501 Complaints.

Complaints as to possible violations of the President's Economic Stabilization Program shall be processed, investigated, and evaluated by the Internal Revenue Service in accordance with established procedures. Citizens should be advised that a price, rent, or pay increase is not necessarily a violation of the Program. However, if a satisfactory explanation of such an increase which appears unwarranted cannot be obtained, a complaint is encouraged. Such complaints must be submitted to the appropriate district office. The telephone numbers and addresses of such offices may be obtained from telephone directories or information operators.

§ 401.502 Violations.

(a) *General.* Each district has a mission to encourage and achieve the highest possible degree of voluntary compliance with the economic stabilization regulations and guidelines by: Enforcing the statutory sanctions applicable to the President's Economic Stabilization Program through the investigation of possible violations of such regulations and guidelines and the recommendation (when warranted) of civil or criminal action; developing information concerning the extent of violations of all economic stabilization regulations and guidelines; and measuring the effectiveness of the investigation process.

(b) *Investigative procedure.* A person who is issued a notice of violation will be given an opportunity to explain his position with respect to the alleged violation prior to the submission of the case by the district director to Regional Counsel or to a U.S. attorney, as appropriate, unless compelling reasons exist to the contrary. The principal (the person to whom the notice was issued) will be granted an interview if he makes a request within 48 hours after receipt of the notice of violation. At this interview, the principal may have counsel present and will be informed, by a general oral statement, of the features of his case which are alleged to show a violation of economic stabilization regulations and guidelines and, at the same time, there will be made available to the principal sufficient facts, figures, and legal analysis to acquaint him with the nature, basis, and other essential elements of the alleged violation. The procedure described in this paragraph shall be in lieu of the appeal procedure set forth in Subpart G of this part.

(c) *Civil and criminal action.* The Internal Revenue Service may recommend, to the full extent of sanctions available under the President's Economic Stabilization Program, with respect to the alleged violations, the institution of appropriate actions against the principal.

§ 401.503 Violations other than those discovered through requests for interpretation, or ruling, or complaint.

A violation discovered through any means other than through a request for an interpretation or ruling, or a complaint, shall be reported to the appropriate district director, including but not limited to a violation revealed by a report submitted in accordance with §§ 101.13 and 101.23 of this title, or during monitoring or spotcheck pursuant to §§ 101.15 and 101.25 of this title, or during any other authorized investigation.

Subpart G—Appeals

§ 401.601 Right to appeal.

Any person who is—

(a) A person aggrieved (as defined in § 401.2), or

(b) Subject to any provision of a ruling or interpretation,

may appeal in the manner set forth in this subpart. A person is, for the purposes of paragraph (b) of this section, subject to such a provision only if the ruling or interpretation was issued to him, the action is adverse to him, and he has a substantial pecuniary interest. A principal referred to in paragraph (b) of § 401.502 may not make an appeal pursuant to the provisions of this subpart with respect to the subject matter of the notice of violation issued to him. Any appeal filed by or on behalf of a person not subject to the provision protested, or otherwise not in accordance with this subpart, may be rejected by the appropriate district director. See § 401.502(b) for the appeal procedure applicable in the case of a principal.

§ 401.602 Time and place for filing appeal.

Any appeal referred to in § 401.601 shall be filed within 10 days of—

(a) the administrative determination causing the person to be aggrieved, or

(b) the issuance of the ruling or interpretation referred to in § 401.601, as appropriate, with the district director whose office processed the appellant's request for determination with respect to which such ruling or interpretation was issued.

§ 401.603 Contents of appeal.

Every appeal shall set forth:

(a) The name, address, and identifying number of the appellant,

(b) A copy of the interpretation or ruling,

(c) A clear and concise statement of all objections raised by the appellant against the provision or provisions objected to, and

(d) Whether or not a conference is desired.

The appellant must also include with his appeal a statement of his views as to the affect of economic stabilization regulations and guidelines upon the subject act or transaction and furnish a statement of relevant authorities to support such views.

§ 401.604 Action by district conferee on appeal.

The district conferee shall process and decide an appeal pursuant to the procedural rules of this section:

(a) Within a reasonable time after the filing of any appeal in accordance with this subpart, but in no event more than 10 days after such filing, the district conferee shall:

(1) Grant or deny such appeal in whole or in part,

(2) Advise the appellant in writing that, in accordance with established procedures, a decision will be delayed, or

(3) If a conference has been requested and granted, issue a notice of the date it is to be held (see § 401.701),

(b) Where a conference on an appeal has been granted, the district conferee shall, within 10 days after such conference, grant or deny such appeal in whole or in part.

(c) Notice of any such action taken by the district conferee shall promptly be issued to the appellant. In any case in which an appeal has been denied in whole or in part, the appellant shall be advised by such notice that he may appeal to the Pay Board or Price Commission in accordance with the provisions of §§ 205.20 through 205.29 of this title, or §§ 305.20 through 305.29 of this title, respectively.

For purposes of this title, the denial of an appeal in whole or in part by a district conferee pursuant to this section shall be considered a final action by the Internal Revenue Service.

§ 401.605 Effect of decision upon appeal.

A decision of a district conferee pursuant to § 401.604 shall be binding on all Service personnel and may only be reversed upon appeal if granted, to the Cost of Living Council, Pay Board, or Price Commission, as appropriate, pursuant to the provisions of this title or by a final court decision.

Subpart H—Conference and Practice Requirements

§ 401.701 Scope of conference and practice requirements.

The conference and practice provisions and requirements prescribed by 26 CFR Part 601 are generally adopted with respect to practice (including conferences) before all offices of the Internal Revenue Service, including the Office of the Chief Counsel, relating to economic stabilization matters, to the extent applicable and consistent with the policies and principles promulgated in this part; except however, that the rules relating to authority to practice shall be governed solely by § 401.702.

§ 401.702 Rules governing authority to practice; who may practice.

(a) *In general.* No person may appear in a representative capacity on behalf of another unless such person is recognized to practice before the Internal Revenue Service on economic stabilization matters. In general, only the following persons will be recognized to practice before the Internal Revenue Service on economic stabilization matters—

(1) Any attorney, as defined in § 401.2, who files with the Revenue Service a written declaration that he is currently qualified as an attorney and is authorized to represent the particular party on whose behalf he acts;

(2) Any certified public accountant, as defined in § 401.2, who files with the Revenue Service a written declaration that he is currently qualified as a certified public accountant and is authorized to represent the particular party on whose behalf he acts;

(3) Any individual may appear on his own behalf and may otherwise appear, provided he presents satisfactory identification, in the following classes of cases:

(i) An individual may represent another individual who is his regular full-time employer, may represent a partnership of which he is a member or a regular full time employee, or may represent without compensation a member of his immediate family.

(ii) Corporations (including parents, subsidiaries or affiliated corporations), trusts, estates, associations, or organized groups may be represented by bona fide officers or regular full-time employees.

(iii) Trusts, receiverships, guardianships, or estates may be represented by their trustees, receivers, guardians, administrators or executors or their regular full-time employees.

(iv) Any governmental unit, agency, or authority may be represented by an

VOL 37 NO 14 JAN 21 72 XUM

officer or regular employee in the course of his official duties.

(b) *Government officers and employees; others.* No officer or employee of the United States in the executive, legislative, or judicial branch of the Government, or in any agency of the United States, including the District of Columbia, may practice before the Service, except that such officer or employee may, subject to the conditions and requirements of these regulations and of 18 U.S.C. 205, represent a member of his immediate family or any other person or estate for which he serves as guardian, executor, administrator, trustee, or other presonal fiduciary. No Member of Congress or Resident Commissioner (elect or serving) may practice before the Revenue Service in connection with any matter for which he directly or indirectly receives, agrees to receive, or seeks any compensation. 18 U.S.C. 203, 205.

Subpart I—Rules and Regulations

§ 401.801 Rules and regulations.

(a) *Formulation.* Internal Revenue Service rules relating to economic stabilization matters take various forms. The most important rules are issued as regulations prescribed by the Commissioner. Other rules may be issued over the signature of the Commissioner or the signature of any other official to whom authority has been delegated. Regulations are prepared in the Office of the Chief Counsel. After approval by the Chief Counsel and the Commissioner, the regulations are published in the FEDERAL REGISTER.

(b) *Publication of rules and regulations.* All Internal Revenue Services regulations relating to economic stabilization matters are published in the FEDERAL REGISTER and in the Code of Federal Regulations. The FEDERAL REGISTER is also the authoritative instrument of the Internal Revenue Service for the announcement of official rulings, decisions, opinions, and procedures, and for the publication of other items pertaining to economic stabilization matters. It is the policy with respect to economic stabilization matters to have published in the FEDERAL REGISTER all substantive and procedural rulings of importance or general interest, the publication of which is considered necessary to promote a uniform application of economic stabilization regulations and guidelines. It is also the policy to have published in the FEDERAL REGISTER all rulings which revoke, modify, amend, or affect any published ruling. Rules relating solely to matters of internal practices and procedures are not published; however, statements of Internal Revenue Service practices and procedures affecting rights or duties of citizens or industry regulation, which appear in internal documents, are published in the FEDERAL REGISTER.

Subpart J—Published Rulings

§ 401.901 Proposal of rulings for publication.

Cost of Living Council, Pay Board, and Price Commission Rulings may be proposed only by the Chief Counsel for the Internal Revenue Service and the General Counsels of the Council, Board, and Commission, respectively.

§ 401.902 Basis for proposals of publication.

A proposed ruling will be formulated for publication only where it will be:

(a) Of general applicability,

(b) Illustrative of a general principle, or

(c) Of assistance to the public, Service personnel, and others concerned, in applying the Act and economic stabilization regulations and guidelines to a specific situation.

§ 401.903 Processing of rulings proposed for publication.

Upon receipt of a ruling proposed for publication, the Cost of Living Council, Pay Board, or Price Commission, as appropriate, shall:

(a) Review the proposed ruling, and

(b) Determine its suitability for publication.

§ 401.904 Adoption, amendment, or modification of rulings proposed for publication.

In the case a ruling proposed for publication which is adopted (as proposed, amended, or modified) by the Cost of Living Council, Pay Board, or Price Commission, the Council, Board, or Commission shall transmit such ruling to the Office of the Chief Counsel for publication in the FEDERAL REGISTER, as a Cost of Living Council Ruling, Pay Board Ruling, or Price Commission Ruling, as appropriate.

[FR Doc.72-940 Filed 1-20-72;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Practice Before Internal Revenue Service Relating to Economic Stabilization Matters

Part 601 as filed with the FEDERAL REGISTER on June 29, 1955, was last amended on April 22, 1971 (36 F.R. 7584). In order to establish practice requirements for persons desiring to appear before the Internal Revenue Service on matters concerning economic stabilization in 6 CFR Part 401, the following amendments are made to Part 601 of this Title 26.

Because the purpose of these regulations is to provide immediate guidance as to procedures applicable after November 13, 1971, it is hereby found impracticable to issue this regulation with notice and public procedure thereon under 5 U.S.C., section 553(b), or subject to the effective date limitation of 5 U.S.C., section 533(d).

These regulations shall become effective when filed with the FEDERAL REGISTER.

PARAGRAPH 1. Section 601.101 is amended by adding a new paragraph (c) to read as follows:

§ 601.101 Introduction.

* * * * *

(c) *Procedural rules governing economic stabilization matters.* The procedural rules of the Internal Revenue Service relating to economic stabilization matters administered by the Service are set forth in 6 CFR Part 401.

PAR. 2. Section 601.501 is amended by revising paragraph (a) to read as follows:

§ 601.501 Scope of conference and practice requirements; definitions.

(a) *Scope.* The conference and practice requirements prescribed in this subpart apply to all offices of the Internal Revenue Service, including the Office of Chief Counsel, in all matters under the jurisdiction of the Internal Revenue Service, except economic stabilization matters. Such requirements are applicable to practice (including conferences) with respect to any matter involving any internal revenue tax, but do not extend to the mere signing of a tax return, claim, or election, since such an act, of itself, does not constitute practice before the Revenue Service. The signing of a tax return, claim, or election is governed by other rules or instructions relating to such matters. For special provisions relating to alcohol, tobacco, and firearms activities, see §§ 601.521 through 601.527.

* * * * *

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

K. MARTIN WORTHY,
Chief Counsel for the Internal Revenue Service.

[FR Doc.72-941 Filed 1-20-72;8:49 am]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 10—PRACTICE BEFORE INTERNAL REVENUE SERVICE

Economic Stabilization Matters

The Treasury Department amends Part 10 of Subtitle A of Title 31 of the Code of Federal Regulations (Treasury Department Circular No. 230), concerning practice before the Internal Revenue Service. The purpose of these amendments is to prescribe rules governing practice before the Internal Revenue Service on matters relating to the President's Economic Stabilization Program. The amendments are set forth below:

1. The second sentence of § 10.0 is amended by inserting "including matters relating to economic stabilization" before the period at the end thereof. As amended, the second sentence of § 10.0 reads:

§ 10.0 Scope of part.

* * * Subpart A of this part sets forth rules relating to authority to practice before the Internal Revenue Service including matters relating to economic stabilization. * * *

2. Paragraph (a) of § 10.2 is amended by adding the following sentence at the end thereof:

§ 10.2 Definitions.

(a) * * * See § 10.9 for rules relating to authority to practice before the Internal Revenue Service on matters relating to economic stabilization.

* * * * *

3. New § 10.9 is added to Subpart A to read as follows:

§ 10.9 Practice before the Internal Revenue Service on economic stabilization matters.

(a) *Who may practice.* Persons qualified under §§ 10.3(a), 10.3(b), and 10.7 (a)(1), (2), (3), or (4) of this part may be admitted and recognized to appear before the Internal Revenue Service on matters relating to economic stabilization pursuant to such procedural requirements as the Commissioner of Internal Revenue may hereafter set forth.

(b) *Disciplinary proceedings.* Pursuant to the regulations contained in Subpart C of this part, persons qualified under §§ 10.3(a) and 10.3(b) of this part appearing before the Internal Revenue Service on matters relating to economic stabilization may be suspended or disbarred from further appearances before the Internal Revenue Service for disreputable conduct which includes, but is not limited to, the following:

(1) Filing false or altered documents, affidavits, financial statements and other papers on matters relating to economic stabilization.

(2) Making false representations either orally or in writing, on matters relating to economic stabilization, knowing the same to be false.

(3) Willfully misleading, misinforming, or deceiving an officer or employee of the Internal Revenue Service concerning any material or relevant fact in connection with matters relating to economic stabilization.

(4) Directly or indirectly attempting to influence or offering or agreeing to attempt to influence, the official action of any officer or employee of the Internal Revenue Service on matters relating to economic stabilization by the use of threats, false accusations, duress, or coercion, by the offer of any special inducement or promise of advantage, or by bestowing of any gift, favor or thing of value.

(5) Using intemperate or abusive language or engaging in contumelious or obnoxious conduct in connection with practice on matters relating to economic stabilization.

(6) Making false accusations or statements in connection with practice on matters relating to economic stabilization, knowing such statements to be false, or circulating or publishing malicious or libelous matter in connection with such practice.

Because the purpose of these regulations is to provide immediate guidance as to procedures applicable after November 13, 1971, it is hereby found impracticable to issue this regulation with notice and public procedure thereon under 5 U.S.C., section 553(b), or subject to the effective date limitation of 5 U.S.C., section 533(d).

These regulations shall become effective when filed with the FEDERAL REGISTER.

(Sec. 3, 23 Stat. 258, secs. 2-12, 60 Stat. 237 et seq.; 5 U.S.C. 301, 500, 551-559, 31 U.S.C. 1026, Reorg. Plan No. 26 of 1950, 15 F.R. 4935, 64 Stat. 1280, 3 CFR, 1949-1953 Comp.)

[SEAL] SAMUEL R. PIERCE, JR.,
General Counsel.

[FR Doc.72-942 Filed 1-20-72;8:49 am]

FEDERAL REGISTER, VOL. 37, NO. 14—FRIDAY, JANUARY 21, 1972

V 37 I 14 JAN 21 72 J XUM

federal register

FRIDAY, JANUARY 21, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 14

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

Certain Electrically Operated Toys and Children's Articles

Proposed Classification as Banned Hazardous Substances

V 37 14 JAN 21 72 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 191, 191b]

CERTAIN ELECTRICALLY OPERATED TOYS AND OTHER ELECTRICALLY OPERATED CHILDREN'S ARTICLES

Proposed Classification as Banned Hazardous Substances

The Federal Hazardous Substances Act, as amended by the Child Protection and Toy Safety Act of 1969 (Public Law 91–113), provides that any toy or other article intended for use by children may be classified as a hazardous substance upon a determination that it presents an electrical, mechanical, or thermal hazard. Such a determination may be made by a regulation promulgated in accordance with 5 U.S.C. 553. A determination that any toy or other article intended for use by children presents such a hazard classifies it as a banned hazardous substance.

In the FEDERAL REGISTER of December 19, 1970 (35 F.R. 19266), an order was published establishing § 191.9a(a) which banned certain toys possessing mechanical hazards. The Commissioner of Food and Drugs herein proposes regulations to eliminate electrically operated toys with unacceptable electrical, mechanical, and/or thermal hazards.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (r), (s), (t), (3e)(1), 74 Stat. 372, 374, 375 as amended 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 191.9a be amended by adding thereto a new paragraph (b), that § 191.65a be amended by revising the introduction of paragraph (a) and by adding a new paragraph (b), and that a new Part 191b be added to Title 21, Chapter I, as follows:

PART 191—HAZARDOUS SUBSTANCES; DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

§ 191.9a Banned toys and other banned articles intended for use by children.

* * * * *

(b) *Electrically operated toys and other electrically operated children's articles presenting electrical, mechanical, and/or thermal hazards.* Under the authority of section 2(f)(1)(D) of the act and pursuant to provisions of section 3(e) of the act, the Commissioner has determined that the following types of electrically operated toys or other electrically operated articles intended for use by children present electrical, mechanical, and/or thermal hazards within the meaning of section 2 (r), (s), and/or (t) of the act because in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture may cause personal injury or illness by electric shock and/or presents an unreasonable risk of personal injury or illness because of mechanical hazard or because of heat as from heated parts, substances, or surfaces:

(1) Any electrically operated toy or other electrically operated article designed for use by a child for amusement, for development of skills or training, or for other purposes which is intended to be powered by electrical current from nominal 115 v. (110–125 v.) branch circuits and which does not meet the requirements of Part 191b of this chapter. If the package (including packing materials) of the toy or other article is intended to be used with the product, it is considered to be a part of the toy or other article.

§ 191.65a Exemptions from classification as a banned toy or other banned article for use by children.

(a) *Mechanical safety.* The term "banned hazardous substance" as used in section 2(q)(1)(A) of the act shall not apply to the following articles:

* * * * *

(b) *Electrical, mechanical, and/or thermal safety.* The term "banned hazardous substance" as used in section 2(a)(1)(A) of the act shall not apply to the following articles:

(1) The electrically operated toys or other electrically operated articles described in § 191.9a(b)(1) provided the requirements of Part 191b of this chapter are met.

PART 191b—REQUIREMENTS UNDER § 191.65a(b)(1) OF THIS CHAPTER REGARDING ELECTRICALLY OPERATED TOYS OR OTHER ELECTRICALLY OPERATED ARTICLES FOR USE BY CHILDREN

Sec.

191b.1 Definitions.
191b.2 Coverage.
191b.3 Labeling.
191b.4 Nonelectrical construction.
191b.5 Electrical design and construction.
191b.6 Performance.
191b.7 Maximum acceptable surface temperatures.
191b.8 Maximum acceptable material temperatures.

AUTHORITY: The provisions of this Part 191b issued under secs. 2(f)(1)(D), (r), (t), 3(e)(1), 74 Stat. 372, 374, 375, as amended 83 Stat. 187–89; 15 U.S.C. 1261, 1262.

§ 191b.1 Definitions.

(a) The definitions set forth in § 191.1 of this chapter and the following apply to this Part 191b:

(1) An electrically operated toy or other electrically operated article for use by children is any object, mechanism, machine, etc., that is designed for use by a child for amusement, for development of skills or training, or for other purposes and that is intended to be powered by electrical current. Such items are referred to in this part in various contexts as "toy," "electric toy," and "electrically operated toy."

§ 191b.2 Coverage.

Electrically operated toys can develop hazards of a mechanical, electrical, or thermal nature during normal use and reasonably forseeable abuse. To minimize such hazards, safety requirements are set forth in this part. These requirements cover electrically operated toys designed for operation from nominal 115 v. (110–125 v.) branch circuits. If the package (including packing material) of the toy is intended to be used with the toy, it is considered to be part of the toy.

§ 191b.3 Labeling.

All toys, instruction sheets, and outer packaging shall be suitably labeled in accordance with this section.

(a) *General.* All labeling shall be prominently and conspicuously displayed under customary conditions of purchase, storage, and use with the required information visible, noticeable, clear, and in legible English (other languages may also be included as appropriate). Such factors governing labeling as location, size of type, contrast against background, and toy size should be based on necessary condensations to provide a reasonable display. All labeling should comply with §§ 191.101 through 191.108 of this chapter.

(b) *Specific items.* (1) The toy shall be permanently labeled to indicate:

(i) The name and address of the manufacturer.

(ii) The catalog number or equivalent.

(iii) The electrical ratings.

(iv) Any precautionary statements required by paragraph (e) of this section.

(2) The shelf pack or package shall be marked to indicate:

(i) The name and address of the manufacturer.

(ii) The catalog number or equivalent.

(iii) The manufacturer's factory and date (month and year) of manufacture (or appropriate codes).

(iv) Electrical ratings.

(v) Any precautionary statements required by paragraph (e) of this section.

(vi) The age span of the children for which the toy is recommended by the manufacturer.

(3) Toys requiring specific information for the assembly, use, maintenance, or other functions, shall be packaged with instruction sheets containing all appropriate information as well as the required information which is to appear on the toy itself.

(4) If the manufacturer produces or assembles toys at more than one factory, each finished toy or package shall have a distinctive marking (it may be in code) that can identify the toy as the product of a particular factory.

(c) *Rating.* (1) A toy shall be rated in volts and also in amperes and/or watts; however, if the ratio of the power input of full load watts to full load volt-amperes is less than 0.8, the wattage rating shall not be acceptable as a substitute for the rating in amperes.

(2) If a toy utilizes a single motor as its only electric energy consuming component, the electrical rating given on the motor nameplate need not be shown elsewhere on the toy if this nameplate is readily visible after the motor has been installed in the toy.

(3) A toy may be rated for alternating current only, direct current only, or both alternating and direct current.

(4) The alternating current rating shall include the frequency or frequency range requirement, if necessary, because of a special component.

(d) *Markings.* (1) All markings required on the toy by paragraph (b) of this section shall be of a permanent nature, whether paint-stenciled, diestamped, molded, or indelibly stamped. All markings on the toy and the shelf pack shall appear in block lettering of a height not less than that specified in subparagraph (2) of this paragraph, shall contrast sharply with their background (whether by color, projection, or indentation), and shall be readily visible and legible. The markings shall not be permanently obliterable by spillage of any material intended for use with the toy and shall not be removable by cleaning with ordinary household cleaning agents or abrasives.

(2) Lettering heights for required markings are as follows:

Surface area displaying marking	*Minimum height of lettering (inches)*
(Square inches):	
Under 5	1/16
5 or more and under 25	1/8
25 or more and under 100	3/16
100 or more and under 400	1/4
400 or more	1/2

(e) *Precautionary statements* — (1) *General.* All toys intended to be operated at voltages higher than 30 volts r.m.s. (42.4 volts peak) shall bear the statement "CAUTION—Electric Toy." The shelf pack and instructions shall bear the statement "CAUTION—Electric Toy. As with all electric products, precautions should be observed during handling and use to prevent electric shock."

(2) *Thermal hazards.* (i) Toys having type C or type D surfaces (described in § 191b.6(g)(2)) which reach temperatures greater than those shown in subdivision (ii) of this subparagraph shall be defined as hot and shall be marked where readily noticeable when the surface is in view with the statement "HOT—Do Not Touch." When the marking is on other than the hot surface, the word "HOT" shall be followed by appropriate descriptive words such as "Molten Material," "Sole Plate," "Heating Element," etc., and the statement "Do Not Touch." An alternative required marking for a surface intended to be handheld as a functional part of the toy can be "HOT ---------—Handle Carefully," the blank being filled in with a word or words such as "Curler," "Cooking Surface," or whatever describes the potential hazard.

(ii) Surfaces requiring precautionary statements of thermal hazards are those exceeding the following temperatures:

Surface type (see § 191b.6(g)(2))	Thermal inertia type [1]	Temperature	
		Degrees C.	Degrees F.
C	1	65	149
C	2	75	167
C	3	85	185
C	4	95	203
D	1	55	131
D	2	70	158
D	3	80	176
D	4	90	194

[1] Thermal inertia types are defined in terms of lambda as follows:
Type 1: Greater than 0.0045 (e.g., most metals).
Type 2: More than 0.0005 but not more than 0.0045 (e.g., glass).
Type 3: More than 0.0001 but not more than 0.0005 (e.g., most plastics).
Type 4: 0.0001 or less (e.g., future polymeric materials).
The thermal inertia of a material can be obtained by multiplying the thermal conductivity (cal./cm./sec./degrees C.) by the density (gm./cm.^{3}) by the specific heat (cal./gm./degrees C.).

(3) *Lamp hazards*—(i) *Replaceable incandescent lamps.* A toy with one or more replaceable incandescent lamps, having a potential difference of more than 30 volts r.m.s. (42.4 volts peak) between any of its electrodes or lampholder contacts and any other part or ground, shall be marked where noticeably visible during lamp replacement with "WARNING—Pull plug before changing light bulb. Shock or thermal hazard may exist. Do not use light bulbs larger than ------ watts," the blank being filled in with a legible number specifying the wattage rating of the lamp. If space for marking is insufficient, the statement "WARNING—Do not use light bulbs larger than ------ watts," the blank being filled in as above, shall be marked inside the lamp compartment and "WARNING—Shock hazard. Pull plug before changing light bulb" shall be marked outside of the lamp compartment where it will be easily noticed before gaining access to the lamp compartment.

(ii) *Nonreplaceable incandescent lamps.* A toy which utilizes one or more nonreplaceable incandescent lamps (other than pilot or indicator lamps) shall be marked where clearly visible with "SEALED UNIT—Do not attempt to change light bulb," or equivalent.

(4) *Water.* (i) Electrical toys (such as toy irons) shall not be designed or manufactured to be used with water except for toy steam engines or other devices in which the electrical components are separate from the water reservoir and are completely contained in a sealed chamber.

(ii) If not suitable for immersion in water, a toy cooking appliance (for example, corn popper, skillet, candy maker) or other item which might conceivably be immersed in water shall be marked with "Danger—To prevent electric shock, do not immerse in water; wipe clean with damp cloth," or equivalent. When water seepage would produce a hazardous condition, toys requiring occasional or repeated cleaning with a wet cloth shall be constructed to prevent seepage of water into any electrically active area.

(5) *Shelf package.* The shelf package of a toy that through design or construction contains one or more inherent hazards (for example, hot, small, sharp, or moving parts) shall be marked where readily visible with "CAUTION:" followed by a statement specifying the hazard or hazards such as "Hot Parts," "Small Parts," "Moving Parts," etc. A statement shall follow of how to avoid possible injuries from the hazard(s) such as "Keep away from infants and small children" or "Not intended for use by children under ------ years old," the blank being filled in with the appropriate number.

(6) *Flexible plastic packaging materials.* Flexible plastic film bags and flexible plastic sheets used as packaging material for shelf packages or intended for use with toys shall be at least 0.002 inch in thickness since thinner flexible plastic packaging material may have the potential for causing suffocation. This is not required for shrink-film packaging material nor for flexible film bags with a capacity less than 125 cubic inches and an opening perimeter less than 14 inches after stretching the perimeter to its fullest extent without tearing.

(f) *Instructions.* Each toy shall be provided with adequate instructions that are easily understood by children of those ages for which the toy is intended. The instructions shall describe the applicable installation, assembly, use, cleaning, and maintenance (including lubrication). Applicable precautions shall be included and shall be located and displayed to attract attention.

§ 191b.4 Nonelectrical construction.

(a) *General.* (1) Only materials safe and suitable for the particular use shall be employed in a toy.

(2) Toys shall be produced in accordance with detailed material specifications, production specifications, and quality assurance requirements. Quality assurance programs shall be established and maintained by each manufacturer producing electrically operated toys and other electrically operated articles intended for use by children to assure compliance with all established requirements.

(3) The manufacturer shall keep and maintain for 3 years after termination of the production of each electrically operated toy or other article the specifications referenced in subparagraph (2) of this paragraph and the description of the quality assurance program as well as the results of the inspections and tests conducted and records of sale and distribution of each electrically operated toy or other article. These records shall be made available upon request at all reasonable hours to any officer or employee of the Food and Drug Administration and to any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare. The

VOL 37 NO 14 JAN 21 72 XUM

manufacturer shall permit such officer to inspect and copy such records and to make such inventories of stock as he deems necessary and otherwise check the correctness of such records.

(4) Toys shall be constructed and finished with a high degree of uniformity and as fine a grade of workmanship as is practicable in a well-equipped factory that is manned by experienced personnel and follows recognized production practices. Each component of a toy shall comply with the requirements for that component, except that such requirements may be modified if appropriate for a particular application.

(b) *Coatings.* Paints and other surface-coating materials that are applied to a toy shall comply with § 191.5(a)(2) of this chapter (proposed November 2, 1971; 36 F.R. 20985).

(c) *Corrosion protection.* All iron and steel parts shall be suitably protected against corrosion if the lack of such, in normal use or when subjected to reasonably foreseeable damage or abuse, would be likely to produce a hazardous condition.

(d) *Mechanical assembly*—(1) *General.* A toy shall be so designed and assembled that it will have the strength and rigidity necessary to resist reasonably foreseeable damage and abuse without producing or increasing its shock, fire, or accident hazard. An increase in hazards could be due to total or partial structural collapse of a toy resulting in a reduction of critical spacings, loosening or displacement of one or more components, or other serious defects (see possibilities under § 191b.6).

(2) *Mounting.* Each switch, lampholder, attachment plug, receptacle, motor, automatic control, transformer, and similar component shall be mounted securely and shall be prevented from turning, unless turning is part of the design and produces no additional hazard such as reduced spacings below acceptable levels or stress on the connection. Friction between tight-fitting surfaces is not a sufficient method for preventing the turning of components. The proper use of a suitable lockwasher or a keyed and notched insert plus a suitable lockwasher for single-hole mountings is acceptable. Each toy shall be designed and constructed so that vibrations occurring during normal operation and after reasonably foreseeable abuse will not affect it adversely. Brush caps shall be tightly threaded or otherwise designed to prevent loosening.

(3) *Structural integrity.* Heating elements shall be supported in a substantial and reliable manner and shall be structurally prevented from making contacts inside or outside of the toy which may provide shock hazards. The heating element should be enclosed, and the enclosure designed or insulated to prevent the development of a shock or fire hazard that might result from element failure. A toy, such as an electrically operated steam engine, operating with a gas or liquid under pressure shall be tested with respect to its explosion hazard and shall be provided with a pressure relief device that will discharge in the safest possible direction; that is, completely avoiding human contact and avoiding the wetting of electrical contacts. Gases or liquids used in toys shall meet the requirements of part 191 of this chapter.

(e) *Insulating material.* (1) Material to be used for mounting uninsulated live electrical elements shall be material that is widely accepted as suitable for the specific application, particularly in regard to electrical insulation (voltage breakdown) and good aging characteristics (no significant change in insulating characteristics over the expected lifetime of the toy).

(2) Material used to thermally insulate a heating element from neighboring parts shall be suitable for the purpose. If plain asbestos in a glass braid is used, it shall be tightly packed and totally enclosed by the braid and the overall thickness, including the braid, shall not be less than one-sixteenth inch. Hard fiber may be used for electrical insulating of bushings, washers, separators, and barriers, but is not sufficient as the sole support of uninsulated live metal parts.

(f) *Enclosures*—(1) *General.* Each toy shall have an enclosure, constructed of protective material suitable for the particular application, for the express purpose of housing all electrical parts that may present a fire, shock, or accident hazard under any conditions of use or reasonably foreseeable damage or abuse. The degree of protection required of an enclosure shall depend upon the general design and intended use and any reasonably foreseeable damage and abuse to which the toy may be subjected.

(2) *Accessibility.* Access into an enclosure shall not be easily possible by the use of hands or fingers alone nor by use of keys or other readily available household implements (except tools). An enclosure containing a wire, splice, brush cap, connection, electrical component, or uninsulated live part or parts at a potential of more than 30 volts r.m.s. (42.4 volts peak) to any other part or to ground:

(i) Shall be sealed by welding, riveting, and/or using special screws not removable with a common household tool (screw driver, pliers, or other similar household tool) used as intended;

(ii) Shall have no opening permitting entry of a 0.010-inch-diameter music wire that could contact a live part; and

(iii) Shall have all accessible live parts insulated.

Cross-notch-head screws, spring clips, bent tabs, and the like are not suitable sealing devices for enclosures because they are easy to remove with common household tools. (Bent tabs are acceptable if due to metal thickness or other factors they successfully resist forceful attempts to dislodge them with ordinary tools.)

(3) *Nonapplication.* The requirements of this section are not applicable to an insulating husk enclosure or equivalent that covers the electrodes of a replaceable incandescent lamp and its lampholder contacts. The primary function of an enclosure containing a lamp shall be to protect it from breakage.

(g) *Spacings.* The shortest distance, through air or across the surface of an insulator, between uninsulated live metal parts and a metallic enclosure shall be one-fourth inch and between all other parts shall be one-eighth inch, except:

(1) An electrically insulating lining or barrier of vulcanized fiber or similar materials employed where spacings would otherwise be insufficient shall be not less than one thirty-second inch in thickness and shall be so located and made of such material that it will not be adversely affected by arcing.

(2) Insulating material having a thickness less than that specified in this paragraph may be used if it provides insulation equivalent to vulcanized fiber insulating material one thirty-second inch thick.

(h) *Special safety features*—(1) *Moving parts.* If the normal operation of a toy involves accident hazards, suitable protection shall be provided for the reduction of such hazards to an acceptable minimum. For example, rotors, pulleys, belting, gearing, and other moving parts shall be enclosed or guarded to prevent accidental contact during normal operation or when subjected to reasonably foreseeable damage or abuse. Such enclosure or guard rail shall contain no openings through which a one-fourth-inch rod 3 inches long could be inserted so as to contact any moving part(s). Inside an enclosure, any moving part that is a potential hazard and is located near an opening in the enclosure shall be separated from the opening by a distance of at least twice the minor diameter of the opening.

(2) *Switch marking.* Any toy having one or more moving parts which perform an inherent function of the toy and may cause personal injury shall have a switch that can deenergize the toy by a simple movement to a plainly marked "OFF" position. Momentary contact switches do not have to be so marked.

(3) *Electrically operated sewing machines.* An electrically operated toy sewing machine shall be designed to eliminate the possibility of a child's finger(s) being pierced by a needle. For the purposes of this subparagraph, spacing of no more than five thirty-seconds inch between the point of the needle, when in its uppermost position, and the sewing surface is deemed to provide a satisfactory degree of protection.

(4) *Overload protection.* A circuit breaker or nonreplaceable plug fuse of suitable quality and having a suitable current capacity shall be provided in toys subject to hazards resulting from electrical overload conditions.

(5) *Pressure relief valves.* A pressurized enclosure shall have an automatic pressure relief device and shall be capable of withstanding hydrostatic pressure equal to at least five times the relief pressure.

(6) *Containers for heated materials.* Pots, pans, and other containers intended for holding molten compounds and hot liquids shall be constructed to prevent

accidental spillage that can result in personal injury or a thermal hazard. A pot or pan having a lip and one or more properly located pouring spouts and an adequately (thermally) insulated handle may provide the degree of protection contemplated. Pans intended solely for baking need not comply with spillage requirements. Pots, pans, and the like should be of such material and construction as not to deform or melt when subjected to the maximum operating temperature occurring during normal use or after reasonably foreseeable damage or abuse.

§ 191b.5 Electrical design and construction.

(a) *Switches.* (1) A switch or other control device shall be suitable for the application and shall have a rating not less than that of the load it controls (see § 191b.6(e)(5)(ii) regarding electrical switch overload). A switch which is at a potential of more than 30 volts r.m.s. (42.4 volts peak) to any other part or to ground shall open both sides of the circuit and shall have a marked "OFF" position. A switch subjected to a temperature higher than 50° C. (122° F.) is to be constructed of materials which are suitable for use at such higher temperatures.

(2) A switch on a toy shall be so located and protected that it is not subject to mechanical damage from normal use or from reasonably foreseeable damage or abuse that would produce a hazard (see § 191b.6(b)).

(b) *Lamps.* (1) A replaceable incandescent lamp having a voltage of more than 30 volts r.m.s. (42.4 volts peak) between any of its electrodes or lampholder contacts and any other part or to ground shall be located inside of an enclosure that has at least one door or cover permitting access to the lamp.

(2) Opening any such door or cover shall require the use of a common household tool (screw driver, pliers, or other similar household tool) to release a latch or fastening (bent tabs are not acceptable), and the closed position shall be necessary for operating the toy.

(3) With all access doors and covers closed, the lamp enclosure shall have no opening that will permit entry of a straight rod 6 inches long and one-fourth of an inch in diameter if entry would cause an electrical hazard. The lamp will be located no less than one-half inch away from any edge of any ¼-inch-diameter opening in the enclosure.

(4) A toy provided with one or more lampholders shall be so designed that no live parts other than the contacts of the lampholders are exposed to contact by persons removing or replacing lamps. The shells of all lampholders for incandescent lamps shall be at the same potential.

(5) Except for the electrodes of a replaceable incandescent lamp and its lampholder contacts, a potential of more than 30 volts r.m.s. (42.4 volts peak) shall not exist between any live part in a toy and any other part or ground.

(6) If the potential between the contacts of a lampholder for a replaceable incandescent lamp and any other part or ground is greater than 30 volts r.m.s. (42.4 volts peak), one or both of the contacts shall be in the bottom of the lampholder body.

(c) *Transformers.* A transformer that is an integral part of a toy shall be of the 2-coil insulated type.

(d) *Automatic controls.* An automatic control for temperature regulation shall have the necessary capacity and reliability for the particular application.

(e) *Motors.* A motor provided as a part of a toy shall have the performance characteristics required for the particular application.

(f) *Power supply connections (cords and plugs).* (1) A toy shall be provided with a suitable means for attachment to the power supply circuit.

(2) Toys shall have power cords that are permanently attached to the toy.

(3) The perimeter of the face of the attachment-plug cap shall be a distance of not less than five-sixteenths of an inch from any point on either blade of the plug. The cord and attachment-plug cap shall not include grounding.

(4) The body of the attachment-plug cap shall decrease in cross section from the face but shall have an expansion of the body, after a suitable distance from the face, sufficient to provide an effective finger grip.

(5) The flexible electrical power cord provided on a toy shall be type SP-2 (as defined in the "National Electric Code" published by the National Fire Protection Association) or its equivalent, or a heavier general-use type, and shall be not less than 5 nor more than 10 feet long—measured as the overall length of the attached cord outside of the overall enclosure of the toy, including fittings, up to the face of the attachment-plug cap.

(6) The flexible cord and plug or plugs provided with an electric toy shall have a current-carrying capacity not less than the ampere rating of the toy.

(7) Cords supplied with toys in which water is to be used shall be of a jacketed type. Cords supplied with toys with which water is to be used indirectly (such as for cooling a mold) shall be plastic covered.

(g) *Bushings.* (1) At the point where a power supply cord passes through an opening in a wall, barrier, or the overall enclosure, a suitable and substantial bushing, insulating bushing, or equivalent shall be reliably secured in place and shall have smooth surfaces and well-rounded edges against which the cord may bear.

(2) If the cord hole is in wood, porcelain, phenolic composition, or other suitable insulating material, the surface of the hole is acceptable if the edges of the hole are smooth and well-rounded. Where a separate insulating bushing is required, a bushing made of ceramic material or a suitable molded composition usually is acceptable when its edges are smooth and well-rounded.

(3) In no case is a separate bushing of wood, rubber, or any of the hot-molded shellac-and-tar compositions acceptable.

(h) *Wiring.* (1) The internal wiring of a toy shall consist of suitable insulated conductors having adequate mechanical strength, dielectric properties, and electrical capacity for the particular application.

(2) Wireways shall be smooth and entirely free of sharp edges, burrs, fins, and moving parts that may abrade conductor insulation. Each splice and connection shall be mechanically secure, shall provide adequate and reliable electrical contact, and shall be provided with insulation at least equivalent to that of the wire involved unless adequate spacing between the splice and all other metal parts is permanently assured.

(3) A wire connector for making a splice in a toy shall be a type that is applied by a tool and for which the application force of the tool is independent of the force applied by the operator of the tool.

(4) Soldered connections shall be made mechanically secure before soldering.

(5) A current-carrying part shall be made of silver, copper, a copper alloy, or other electrically conductive material suitable for the particular application.

(i) *Strain relief.* (1) A means of strain relief shall be provided to prevent a mechanical stress on a flexible cord from being transmitted to terminals, splices, or interior wiring.

(2) When for mechanical protection suitable auxiliary insulation is provided under the clamp, clamps of any material are acceptable for use on type SP-2 (as defined in the "National Electric Code" published by the National Fire Protection Association) or equivalent rubber-insulated cord. For heavy types of thermoplastic-insulated cord, clamps may be used in which case the auxiliary insulation is not required unless the clamp may damage the cord installation.

(3) Means shall be provided to prevent the flexible cord from being pushed into the toy through the cord-entry hole if such displacement results in a hazardous condition.

(4) A knot is not an acceptable means of strain relief since knots generally reduce the mechanical strength of the materials involved and often allow unacceptable flexing of load connections.

§ 191b.6 Performance.

(a) *General.* An electrically operated toy shall be capable of passing all tests described in this section in such a manner as to provide the necessary assurance that reasonably foreseeable damage or abuse will not result in a hazardous condition. Any such toy shall be capable of passing all such tests with any door, cover, handle, operable part, or accessory of the subject toy placed in any normal position. A toy shall not present a fire or accident hazard when operated continuously for a period of 6 hours under abnormal conditions, including the most hazardous position in which the toy can be left.

(b) *Enclosures.* For purposes of this section, an enclosure is any surface or

V 37 N 21 1 14 JAN 72 XUM

surrounding envelope which prevents access to a potential or real hazard. An enclosure which serves to prevent access to a part involving a real or potential hazard shall withstand drop, rod pressure, and pressure tests (see subparagraphs (1), (2), and (3) of this paragraph) without developing any opening, reduction of electrical spacings below those specified, or other fire, casualty, or shock hazard, including the loosening or displacement of electric parts but excluding breakage of a lamp.

(1) *Drop test.* Each of three samples of the subject toy shall be dropped four times in succession from a height of 3 feet to a concrete slab covered with asphalt tile. This required test is to be conducted while the toy is energized and operating and with all dead metal of the toy that may be energized connected together electrically and grounded through a 3-ampere plug fuse. The toy shall be dropped so that the point of impact is different for each drop. The toy is to be permitted to come to rest before being dropped again. After completion of the test drops, the sample shall comply with the requirements of the insulation resistance and repeated dielectric strength tests (see paragraph (e)(2) of this section) and be subjected to a visual examination for evidence of the development of one or more hazards. Rupture of the fuse is considered to be a test failure.

(2) *Rod pressure test.* A point on the enclosure selected for possible structural weakness which, because of geometry, is inaccessible to impact during the drop test shall be subjected to a force of 25 pounds for 1 minute. The force is to be applied gradually (over a period of 5 seconds) through the axis of a ½-inch-diameter metal rod having a flat end with the edge rounded to a 1/32-inch radius. The axis of the rod is to be perpendicular to the surface under test. During the test the toy is to rest on a flat hard surface in any test-convenient position.

(3) *Pressure test.* If any portion of the top surface of a toy has a flat surface measuring 24 or more square inches and has a minor dimension of not less than 3 inches, any point on that supporting surface shall resist a vertical pressure of 50 pounds applied through a steel ball 2 inches in diameter for a period of 1 minute with the toy in an upright position on a flat and horizontal solid surface.

(c) *Handles and knobs*—(1) *General.* For the purposes of tests in this paragraph, the parts of a lifting handle on a toy that are within seven-sixteenth of an inch of the surface to which a handle is attached or parts of a lifting knob within one-fourth inch of the surface to which a knob is attached are considered to be for support purposes, and the remainder of the handle or knob is considered to be generally functional in nature. A handle or knob shall withstand crushing and lifting tests (see subparagraphs (2) and (3) of this paragraph) without fracture of the handle or knob, development of an opening that may pinch the hand, or breakage of the means used to fasten the handle or knob in place.

(2) *Crushing test.* The functional portion of a handle or knob shall withstand a crushing force of 25 pounds applied through two flat and parallel hardwood blocks, each at least 2½ inches thick and each having dimensions slightly exceeding those of the handle or knob being tested. The direction of the crushing force between the blocks is to be in any direction perpendicular to the major axis of the handle or knob. The force is to be applied gradually (over a period of 5 seconds) and held for 1 minute.

(3) *Lifting test.* The support portion of a handle or knob shall withstand a force equal to four times the weight of the object it is intended to support. The direction of the lifting force is to be as intended by the design of the toy and shall be applied by the use of a ½-inch-wide strap through or around a handle or by fingers or the equivalent on a knob. The force is to be applied gradually (over a period of 5 seconds) through the center of gravity of the toy and maintained for 1 minute.

(4) *Strain-relief test.* (i) This test is made with the connection within the toy disconnected. When tested, the strain-relief means provided on the flexible power cord shall be capable of withstanding a direct pull of 40 pounds applied to the cord for 2 minutes without displacement of the strain-relief unit or deformation of the anchoring surface. A 40-pound weight is to be suspended on the cord and supported by the toy in such a manner that the strain-relief means is stressed from any angle that the construction of the toy permits.

(ii) The initial 2-minute test is to be conducted with the force vector parallel to the longitudinal axis of the cord and perpendicular to the anchoring surface for the strain-relief unit. Each test at other angles of stress shall be conducted for periods of 1 minute. The strain-relief means is not acceptable if, at the point of disconnection of the cord, there is any movement (of the cord) to indicate that stress would have resulted on the connections.

(iii) The strain-relief unit and its support base shall be designed and constructed in such a manner that if the cord is held 3 feet from the strain-relief unit and the toy dropped the 3 feet, at any angle (with the cord held firmly in place), no indication of stress would result which would produce a hazard.

(d) *Stability.* A toy not designed for tumbling during normal use shall not overturn when resting in the upright position on a surface inclined 15° from the horizontal. No spillage of molten material or hot liquids from pots, pans, or other containers shall occur while the toy is operating in this position under normal conditions of use. During the test for stability, casters, if any, are to be in the position most likely to result in tipping, but they are not to be artificially held in one position to prevent a natural rotation to another position.

(e) *Electrical*—(1) *Power input.* The actual current flow in a toy with no heating element shall be no more than 110 percent of the rated value (but is never to exceed 5.5 amperes) at rated voltage after the first minute under normal operating conditions. The power input to a toy with a heating element shall be no more than 105 percent of the rated value under normal operating conditions. The power input rating of a toy employing one or more incandescent lamps as the only power-consuming components will be taken as the total rated wattage of those lamps. The rated voltage is considered to be the mean value of a marked voltage range.

(2) *Dielectric strength and insulation resistance.* (i) A toy shall be capable of withstanding without breakdown for 1 minute a 60-cycle-per-second (60-Hertz) essentially sinusoidal potential of 1,000 volts applied between live parts and any dead metal parts.

(ii) If a toy employs a low-voltage secondary winding (either in the form of a conventional transformer or as an insulated coil of a motor), the toy shall be capable of withstanding for 1 minute without breaking down a sinusoidal test potential applied between the high-voltage and low-voltage windings. The test potential is to be applied at the rated frequency of the toy and is to have a value of 1,100 volts plus twice the rated voltage of the high-voltage winding. The test potential is to be supplied from a suitable capacity-testing transformer, the output voltage of which can be regulated. The waveform of the test voltage should approximate a sine wave as closely as possible.

(iii) The applied test potential is to be increased rapidly and uniformly from zero until the required test value is reached and is held at that value for 1 second. Unless otherwise specified, the toy shall be at the maximum operating temperature reached in normal use prior to conducting the tests. Ordinarily, insulation resistance is to be measured by means of a high-resistance voltmeter using a 250-volt direct-current circuit.

(iv) Each toy shall be tested for compliance with the dielectric-strength requirements of this subparagraph. For the purpose of this test, the toy need not be in a heated condition.

(3) *Leakage current and repeated dielectric withstand tests.* (i) Both before and after being conditioned, a toy intended to operate from a source exceeding 42.4 volts peak shall:

(*a*) Have a leakage current of no more than 0.5 milliamperes, except that the leakage current of a toy employing a heater element may be no more than 2.5 milliamperes during the interval beginning 5 seconds and terminating 10 minutes after the appliance is first energized.

(*b*) Comply with the requirements in a repeated dielectric withstand test with and without preheating.

(ii) All accessible parts of a toy shall be tested for leakage currents. If an insulating material is used for the enclosure or part of the enclosure, the leakage current shall be measured using a metal foil with an area not exceeding 10 by 20 centimeters in contact with accessible surfaces of insulating material. Where the accessible surface of insulating material is less than 10 by 20 centimeters, the metal foil shall be the same size as the surface. The metal foil shall be so applied that it will not affect the toys' temperature. The accessible parts shall be tested individually, collectively, and from one part to another. The toy is to be conditioned for 48 hours in air at a temperature of 32°±2° C. (89.6°±3.6° F.) and with a relative humidity of 90–95 percent.

(iii) The specified relative humidity is to be maintained inside a closed compartment in which a saturated solution of potassium sulphate is kept in a suitable container. Leakage current measurements are to be made while the toy is in the humidity compartment as specified in subdivision (ii) of this subparagraph and before the toy is energized.

(iv) With the connections intended for the source of supply connected and then connected to the ungrounded side of a power supply circuit having a voltage equal to 110 percent of the rated voltage of the toy, the leakage current through a noninductive resistor connected between the grounded side of the supply circuit and each dead metal part (accessible and inaccessible) is to be measured when stable except that, for a toy with an enclosed element heater (not a lamp type), the leakage during the first 5 seconds after application of power is to be disregarded. The resistor is to have a value of 1,500 ohms. Next, the measurements are to be repeated using a value of 500 ohms. The toy shall then be removed from the humidity chamber, energized, and tested again after attaining its normal operating temperature. From these measurements, a leakage current with no resistance is to be calculated and used to determine compliance.

(v) For a toy whose outer enclosure consists wholly or partly of insulating material, the term "dead metal part" signifies metal foil tightly wrapped around the exterior of the enclosure in a manner that covers, but does not enter into, any enclosure openings.

(4) *Motor operation.* (i) A motor provided as a part of a toy shall be capable of driving its maximum normal load in the toy without introducing any hazardous condition. A motor-operated toy is to be tested with the motor stalled if the construction is such that any person can touch moving parts associated with the motor from outside the toy.

(ii) The performance of the toy is unacceptable if, during the test, temperatures in excess of those specified in § 191b.8 are attained on any accessible surface. The performance of the toy is also unacceptable if the rise in temperature during the test causes melting, scorching, embrittlement, or other evidence of thermal damage to the insulating material depended on to prevent exposure of live metal parts.

(5) *Overload*—(i) *Motor.* A motor-control switch that is a part of a toy shall be horsepower-rated to cover the load or shall be capable of performing acceptably when subjected to an overload test consisting of 50 cycles of operation by making and breaking the stalled-rotor current of the toy at maximum rated voltage. There shall be no electrical or mechanical failure nor any burning or pitting of the switch contacts as a result of this test.

(ii) *Switch.* In a test to determine if the switch is capable of performing acceptably in the overload test, the toy is to be connected to a grounded supply circuit of rated frequency and maximum rated voltage with the rotor of the motor locked in position. During the test, exposed dead metal parts of the toy are to be connected to ground through a 3-ampere plug fuse and the connection is to be such that any single pole, current-rupturing device will be located in the ungrounded conductor of the supply circuit. If the toy is intended for use on direct current, or on direct current as well as alternating current, the exposed dead metal parts of the toy are to be so connected as to be positive with respect to a single pole, current-rupturing device. The switch is to be operated at a rate of not more than 10 cycles per minute. The performance is unacceptable if the fuse in the grounding connection is blown during the test.

(f) *Hydrokinetic*—(1) *General.* An electrically operated toy steam engine shall be capable of performing acceptably when subjected to the tests described in this paragraph.

(2) *Preliminary test.* The ultimate strength of the boiler assembly is first to be determined by applying a hydrostatic pressure to the boiler with all openings blocked (the pressure-relief valve, steam exhaust, and any whistle or other accessory are all to be removed and the resulting openings sealed); however, a water or other type of gauge is to be left in place. The hydrostatic pressure is to be applied slowly and the ultimate value attained recorded.

(3) *Pressure-relief test.* A pressure gauge is to be connected to the boiler assembly which is then to be operated normally. The pressure at which the pressure-relief valve functions is to be noted while the engine is shut off (if a shutoff valve is provided) and with the whistle, if any, turned off. This test is to be discontinued when, and considered a failure if, the observed pressure exceeds one-fifth the value attained in the preliminary test described in subparagraph (2) of this paragraph.

(4) *Operating pressure test.* If the boiler is still intact and no failure has occurred, the pressure-relief valve is then to be rendered inoperable and all other valves (such as a whistle and exhaust from the assembly) are to be tightly closed. Operation is to be continued until the pressure becomes constant. This test is to be discontinued and considered a failure if the observed pressure exceeds one-third the value attained in the preliminary test described in subparagraph (2) of this paragraph. During this test, all valves, gaskets, joints, etc., are to be tightened sufficiently to prevent leakage. Rupture of the boiler or of any other fittings supplied with the engine will be considered a failure.

(5) *Hydrostatic test.* If there has been no failure, two previously untested samples are to withstand for 1 minute a hydrostatic pressure of five times the pressure at which the safety valve operated or three times the constant pressure observed with the pressure-relief valve inoperable, whichever is greater. During this test, all openings are to be blocked (the pressure-relief valve, steam exhaust from the assembly, and any whistle or other outlet); however, a water or other type of gauge is to be left in place. Rupture of the boiler or of a gauge is considered a failure.

(g) *Thermal*—(1) *General.* The normal operation of a toy includes its performance under the normal service or after being subjected to reasonably foreseeable abusive conditions likely to produce the highest temperatures or, in the case of a motor-operated toy, the load that approximates as closely as possible the severest conditions of normal use or reasonably foreseeable damage or abuse.

(2) *Classification.* Parts or surfaces of a toy are classified according to their use or function as follows:

(i) *Type A.* A part or surface of a toy (such as a handle) likely to be grasped by the hand or fingers for the purpose of carrying the toy or lifting a separable lid.

(ii) *Type B.* A part or surface of a toy that is (*a*) part of a handle, knob, etc., as in type A (described in subdivision (i) of this subparagraph), but which is not normally grasped or contacted by the hand or fingers for carrying (including parts of a handle within seven-sixteenth inch of the surface to which the handle is attached and parts of a finger knob within one-fourth inch of the surface to which the knob is attached, if the remainder of the knob is large enough to be grasped), or (*b*) a handle, knob, or part that may be touched but which need not be grasped for carrying the toy or lifting a lid, door, or cover (support part of handle, knob, etc.).

(iii) *Type C.* A part or surface of a toy that can be touched by casual contact or that can be touched without employing the aid of a common household tool and that is either (*a*) a surface that performs an intended heating function (the soleplate of a flatiron, a cooking surface, a heating element surface), or (*b*) a material heated by the element and intended to be used as the product of the toy, excluding pans, dishes, or other containers used to hold the material to be cooked or baked if a common household tool or other device is supplied with the toy and specific instructions are established for using such a device to remove the container from the heated area.

(iv) *Type C marked.* A type C surface which has been marked with a precautionary statement of thermal hazards in accordance with § 191b.3(e)(2).

(v) *Type D.* An accessible part or surface of a toy other than types A, B, C,

V 37 14
JAN 21 72
XUM

or E (see subdivisions (i), (ii), (iii), and (vii) of this subparagraph).

(vi) *Type D marked.* A type D surface which has been marked with a precautionary statement of thermal hazards in accordance with § 191b.3(e)(2).

(vii) *Type E.* A surface in an oven or other article that is inaccessible or protected by an electrical-thermal safety interlock. Such interlocks must prohibit the operation of a heating device whenever such surfaces are accessible and must not allow accessibility to such surfaces until the temperatures of those surfaces have been reduced to levels below those established for type D surfaces (subdivision (v) of this subparagraph). For the purposes of subdivisions (v), (vi), and (vii) of this subparagraph, accessibility shall be defined as the ability to reach a heated surface with a ¼-inch rod 3 inches long.

(3) *Requirements.* When tested under the conditions described in subparagraph (4) of this paragraph, a toy shall not attain a temperature at any point sufficiently high to constitute a fire hazard or to affect injuriously any materials employed and shall not show a maximum temperature higher than those indicated in §§ 191b.7 and 191b.8. These maximum surface temperature requirements are not applicable to "educational" or "hobby-type" thermal toys such as lead-casting sets and wood-burning tools which are appropriately labeled as being intended only for children over 12 years of age provided that the maximum surface temperature of any such toy does not exceed that reasonably required to accomplish the intended technical effect. Such toys shall be provided with specific instructions and the warning statements required by § 191b.3(e)(2) and shall be appropriately identified as "educational" or "hobby-type" toys.

(4) *Test conditions*—(i) *General.* Tests shall be conducted while the toy is connected to a circuit of 60-cycle current using the materials supplied with the toy or using materials otherwise intended to be used with the toy. Following such tests, the toy shall be energized for a 6-hour period to determine that no hazardous conditions would result from the unattended use of the toy.

(ii) *Temperature.* Normally, tests are to be performed at an ambient (room) temperature of 25° C. (77° F.); however, a test may be conducted at any ambient temperature within the range of 21° to 25° C. (69.8° to 77° F.).

(iii) *Voltage.* The toy shall be tested at the voltage indicated in the manufacturer's rating or at 115 volts, whichever is greater.

(5) *Temperature measurements*—(i) *General.* Temperatures are to be measured by means of instruments utilizing thermocouples of No. 30 AWG (American Wire Gage) wire (either copper and constantan or iron and constantan) and potentiometer-type instruments that are accurate and are calibrated in accordance with good laboratory practice. The thermocouple wire is to conform with the requirements for "special" thermocouples as listed in the table of limits of error of thermocouples in "Temperature Measurement Thermocouples," a publication designated C96.1–1964 and published by the American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.

(ii) *Test procedures.* A thermocouple junction and adjacent thermocouple lead wire are to be securely held in good thermal contact with the surface of the material whose temperature is being measured. In most cases good thermal contact will result from securely taping or cementing the thermocouple in place. If a metal surface is involved, brazing or soldering the thermocouple to the metal may be necessary. The surface temperatures of a toy are to be measured with the toy operating in any unattended condition (for example, with and without opening and closing doors or covers) for a sufficient period of time to allow temperatures to become constant. Generally, a temperature is considered to be constant when three successive readings taken at 15-minute intervals indicate no change or, in the case of a toy with a thermostatically controlled heating element, for a sufficient period of time to determine the maximum surface temperature attained.

(iii) *Heating devices.* Toy ovens, casting toys, popcorn and candy makers, and other performing toys are to be additionally tested by feeding strips of newspaper and tissue paper into the toy in place of the intended ingredients. The performance of the toy is unacceptable if flaming occurs within a 60-minute period following the attainment of normal operating temperatures.

§ 191b.7 Maximum acceptable surface temperatures.

The maximum acceptable surface temperatures for the toys are as follows:

Surface type (as described in § 191b.6(g)(2))	Thermal inertia type [1]	Temperatures	
		Degrees C.	Degrees F.
A	1	50	122
A	2	55	131
A	3	60	140
B	1	55	131
B	2	65	149
B	3	75	167
C (unmarked)	1	65	149
C (unmarked)	2	75	167
C (unmarked)	3	85	185
C (unmarked)	4	95	203
C Marked	1	70	158
C Marked	2	90	194
C Marked	3	110	230
C Marked	4	130	266
D (unmarked)	1	55	131
D (unmarked)	2	70	158
D (unmarked)	3	80	176
D (unmarked)	4	90	194
D Marked	1	60	140
D Marked	2	75	167
D Marked	3	100	212
D Marked	4	125	257
E	All types	No limit	No limit

[1] Thermal inertia types are defined in terms of lambda as follows:

Type 1: Greater than 0.0045 (e.g., most metals).

Type 2: More than 0.0005 but not more than 0.0045 (e.g., glass).

Type 3: More than 0.0001 but not more than 0.0005 (e.g., most plastics).

Type 4: 0.0001 or less (e.g., future polymeric materials).

The thermal inertia of a material can be obtained by multiplying ther thermal conductivity (cal./cm./sec./degrees C.) by the density (gm./cm.³) by the specific heat (cal./gm./degrees C.).

§ 191b.8 Maximum acceptable material temperatures.

The maximum acceptable material temperatures for the toys are as follows. The classes specified (classes 105, 130, A, and B) are per "Motors and Generators," Standard MG–1–1967, published by the National Electrical Manufacturers Association.

Material	Degrees C.	Degrees F.
Capacitors	25 less than marked temperature limit.[1]	77 less than marked temperature limit.[1]
Class 105 insulation on windings of relays, solenoids, etc.:		
1. Thermocouple method [2]	90	194
2. Resistance method	110	230
Class 130 insulation system	110	230
Insulation:		
1. Varnished-cloth insulation	85	185
2. Fiber used as electrical insulation	90	194
Insulation on coil windings of a.c. motors (not including universal motors) and on vibrator coils:		

Material	Degrees C.		Degrees F.	
	Class A	*Class B*	*Class A*	*Class B*
1. In open motors and on vibrator coils—thermocouple or resistance method [3]	100	120	212	248
2. In totally enclosed motors—thermocouple or resistance method [3]	105	125	221	257
Insulation on coil windings of d.c. motors and of universal motors:				
1. In open motors:				
a. Thermocouple method [3]	90	110	194	230
b. Resistance method	100	120	212	248
2. In totally enclosed motors:				
a. Thermocouple method [3]	95	115	203	239
b. Resistance method	105	125	221	257

See footnote at end of table.

Material	Degrees C.	Degrees F.
Phenolic composition	150	302
Rubber- or thermoplastic-insulated wires and cords [3]	60	140
Sealing compound	40 less than melting point.	104 less than melting point.
Supporting surface while the toy is operating normally	90	194
Wood and other similar combustible material	90	194

[1] If the capacitor has no marked temperature limit, the maximum acceptable temperature rise will be assumed to be 40° C. (72° F.) for an electrolytic type and 65° C. (117° F.) for other than an electrolytic type.

[2] The temperature rise indicated refers to the hottest spot on the outside surface of the coil measured by the thermocouple method.

[3] The limitations on rubber- and thermoplastic-insulated wires and cords and on phenolic composition do not apply if the insulation or the phenolic has been investigated and found to have special heat-resistant properties, or if the insulation meets the thermal requirements.

When an order is published adopting this proposal, it is proposed that it bear an effective date of 90 days after the date that the order is published in the FEDERAL REGISTER.

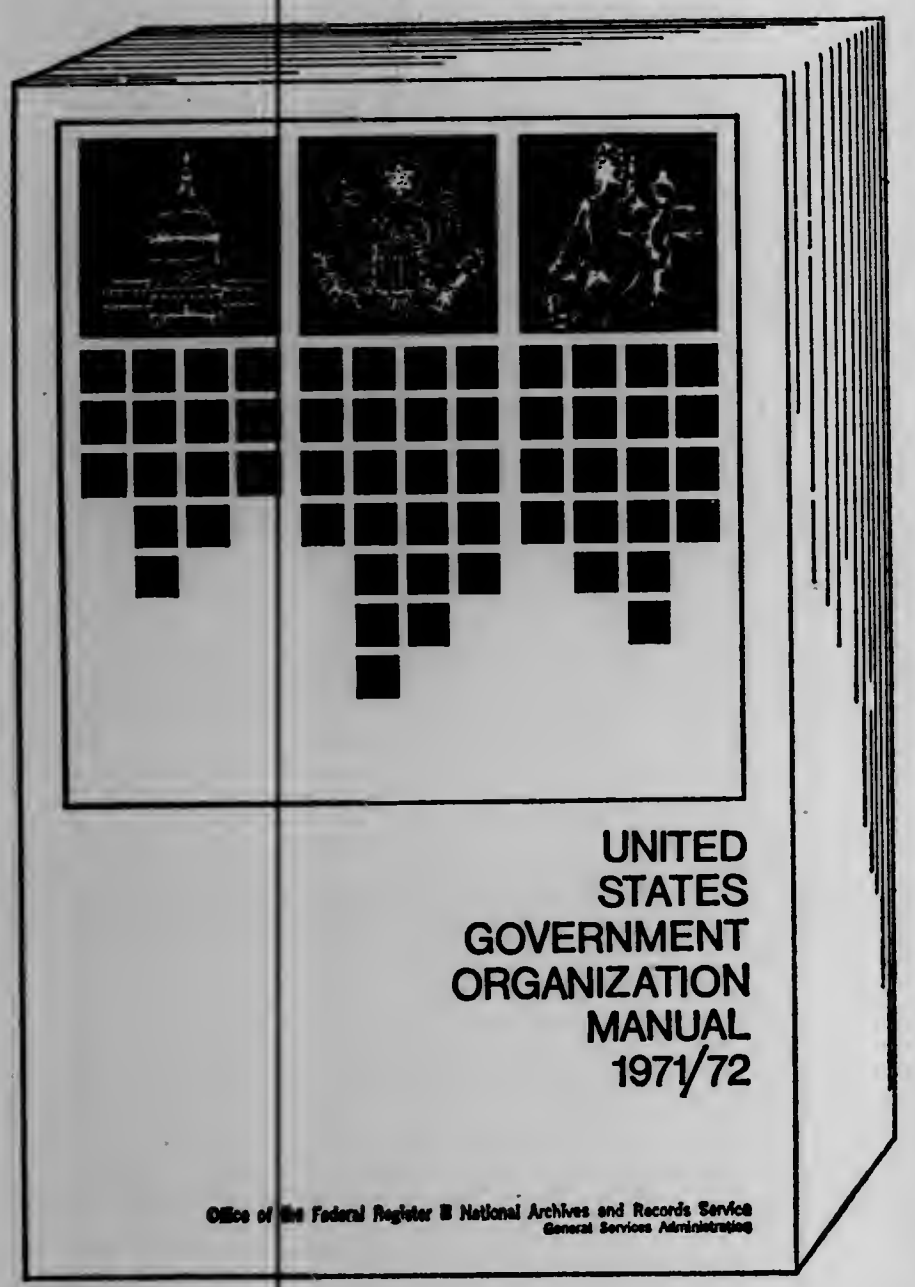
Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quituplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 13, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72–851 Filed 1–20–72;8:45 am]

JAN 21 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

ARMY LIBRARY
LAW SECTION

federal register

SATURDAY, JANUARY 22, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 15

Pages 1029–1096

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ECONOMIC STABILIZATION—CSC amendment on pay adjustments; effective 1–11–72 1033

BANK HOLDING COMPANIES—FRS amendments expanding authority of Reserve Banks regarding applications; effective 1–21–72 1034

MAIL RATE PROCEEDINGS—CAB rule on filing times; effective 1–18–72 1035

FLOOD INSURANCE—HUD rule on eligible properties; effective 3–1–72 1036

PROCUREMENT—GSA rule on contracts with Small Business Administration; effective 3–29–72 1037

MOTOR VEHICLE SAFETY—DoT proposal on exterior protection testing; comments by 2–21–72 .. 1059

FOREIGN ATOMIC ENERGY PROGRAMS—AEC extension of comment time on proposal to 3–6–72 1059

ENVIRONMENT—
- AEC notices of availability of reports (4 documents) 1073
- EPA proposal on suspension and cancellation proceedings under Federal Insecticide, Fungicide, and Rodenticide Act; comments within 30 days 1059
- Council on Environmental Quality listing of impact statements 1082

(Continued inside)

V37 • 15 JAN 22 72

XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1972)

Title 7—Agriculture (Part 52) $3.25
Title 26—Internal Revenue (Part 600–End) ..... .60
Title 27—Intoxicating Liquors ..... .45

[*A Cumulative checklist of CFR issuances for 1972 appears in the first issue of the Federal Register each month under Title 1*]

Order from Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

TELECOMMUNICATIONS—
FCC proposal on FM Table of Assignments; comments by 2–25–72 1067
FCC ruling on FM Table of Assignments; effective 2–25–72 1041
FCC notice on hearing for DoD-Western Union assessment complaint 1085
FCC notice on ABC prime time waiver 1085

FOOD ADDITIVES—FDA notice of withdrawal of petition 1072

FEDERAL SERVICE—CSC notices on certain pay rate adjustments (2 documents); effective 1–1–72 and 2–6–72 ..... 1075, 1080

RAILROADS—ICC amendments on abandonment procedures (2 documents); effective 1–22–72 ..... 1046, 1049

Contents

AGRICULTURE DEPARTMENT
See also Consumer and Marketing Service; Forest Service.
Notices
Animal and Plant Health Inspection Service; proposed transfer of assignments of functions and delegations of authority 1071
Designation of areas for emergency loans:
Arkansas 1071
South Carolina 1071
Utah 1071

ATOMIC ENERGY COMMISSION
Proposed Rule Making
Foreign atomic energy programs; unclassified activities 1059
Notices
Availability of applicants' environmental reports:
Commonwealth Edison Co. (2 documents) 1073
Northern Indiana Public Service Co 1073
Northern States Power Co 1073

CIVIL AERONAUTICS BOARD
Rules and Regulations
Economic proceedings; time for filing answers in mail rate proceedings 1035
Notices
Hearings, etc.:
Air West 1074
ATC bylaws investigation 1074
Eastern Air Lines, Inc 1074
Kodiak-Western Alaska merger case 1074
Texas International Airlines, Inc. 1074
Wisconsin points dehyphenation case 1074

CIVIL SERVICE COMMISSION
Rules and Regulations
Pay adjustments under economic stabilization program 1033
Notices
Minimum rates and rate ranges; adjustment (2 documents) ... 1075, 1080

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Handling limitations; California and Arizona:
Lemons 1034
Navel oranges 1033
Proposed Rule Making
Milk handling in Minneapolis-St. Paul and southeastern Minnesota-northern Iowa (Dairyland) marketing areas; recommended decision 1050

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rule Making
Advisory committees and hearings under Federal Insecticide, Fungicide, and Rodenticide Act 1059
Notices
Assistant Administrator for Categorical Programs; delegation of authority to publish rules 1084

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental impact statements; public availability 1082

FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
Standard instrument approach procedures; miscellaneous amendments 1035
Notices
Kentucky; transfer of air carrier functions 1072
Old Town, Maine; relocation of flight service station 1072

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
Experimental, auxiliary, special broadcast and other program distributional services; CATV systems; correction 1045
FM broadcast stations; table of assignments; certain States 1041
Proposed Rule Making
FM broadcast stations; table of assignments; certain States 1067
Notices
Primer on ascertainment of community problems by broadcast applicants; petition for reconsideration 1089
Hearings, etc.:
Action Radio, Inc 1084
American Broadcasting Companies, Inc 1085
Department of Defense and Western Union Telegraph Co 1085
KFPW Broadcasting Co. and George T. Hernreich 1086
Jackson, Phil D., et al 1088

FEDERAL INSURANCE ADMINISTRATION
Rules and Regulations
Flood insurance program; miscellaneous amendments 1036

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Hill, John H., et al 1090
Pennzoil Pipeline Co 1091

FEDERAL RESERVE SYSTEM
Rules and Regulations
Delegations of authority; bank acquisitions by holding companies 1034

(Continued on next page)

V 37 15 JAN 22 72 XUM

Notices

Auglaize County Bank; order approving application for merger of banks ---- 1091
Formation of one-bank holding companies:
Bankshares of Nebraska, Inc.. 1092
Security Pacific Corp ---- 1092

FISH AND WILDLIFE SERVICE

Rules and Regulations

Sport fishing on Missisquoi National Wildlife Refuge, Vermont ---- 1049
Wilderness preservation and management; access to State and private lands; correction.. 1049

FOOD AND DRUG ADMINISTRATION

Notices

FMC Corp.; withdrawal of petition for food additives ---- 1072

FOREST SERVICE

Notices

Regional Foresters; delegation of authority ---- 1070

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Procurement; contracts with Small Business Administration 1037

Notices

Secretary of Defense; delegation of authority ---- 1092

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Rules and Regulations

Delegations of authority; issuance of U.S. Government bills of lading for transportation of household goods ---- 1041

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Insurance Administration.

Notices

Assistant to the Secretary; designation ---- 1072

INDIAN AFFAIRS BUREAU

Notices

Crow Creek and Lower Brule Reservations; establishment of agencies ---- 1070

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; National Park Service.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Abandonment of railroad lines; special procedures (2 documents) ---- 1046, 1049
Car service; Union Pacific Railroad Co. authorized to operate over certain trackage of Burlington Northern Inc ---- 1046

Notices

Assignment of hearings ---- 1092
Curtis, Inc., Denver, Colo.; hearing regarding meats over irregular routes ---- 1093

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Proposed Rule Making

Exterior protection; removal of trailer hitches during testing 1059

NATIONAL PARK SERVICE

Notices

Padre Island National Seashore, Tex.; suitability as wilderness; public hearing ---- 1070

PIPELINE SAFETY OFFICE

Notices

Petition for waiver of gas pipeline safety standards; hearing ---- 1072

SMALL BUSINESS ADMINISTRATION

Notices

Wisconsin; declaration of disaster loan area ---- 1092

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; National Highway Traffic Safety Administration; Pipeline Safety Office.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR

532 ---- 1033

7 CFR

907 ---- 1033
910 ---- 1034
PROPOSED RULES:
1061 ---- 1050
1068 ---- 1050

10 CFR

PROPOSED RULES:
110 ---- 1059

12 CFR

265 ---- 1034

14 CFR

97 ---- 1035
302 ---- 1035

24 CFR

1909 ---- 1036
1911 ---- 1036
1913 ---- 1037
1914 ---- 1037

40 CFR

PROPOSED RULES:
164 ---- 1059

41 CFR

1-1 ---- 1037
3-75 ---- 1041

47 CFR

73 ---- 1041
74 ---- 1045
PROPOSED RULES:
73 ---- 1067

49 CFR

1033 ---- 1046
1121 (2 documents) ---- 1046, 1049
PROPOSED RULES:
571 ---- 1059

50 CFR

33 ---- 1049
35 ---- 1049

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 532—PAY UNDER PREVAILING RATE SYSTEMS

Subpart K—Pay Adjustments Under Economic Stabilization Program

Part 532 is amended by adding a new Subpart K to provide the bases for adjusting schedules to conform to pay guidelines established by the Pay Board in accordance with Executive Order 11639.

Effective January 11, 1972, a new Subpart K is added to Part 532 as set out below.

Subpart K—Pay Adjustments Under Economic Stabilization Program

Sec.
532.1101 Purpose.
532.1102 Applicability.
532.1103 Definitions.
532.1104 Responsibility of surveying agency.
532.1105 Application of the guidelines.
532.1106 Determination process.

AUTHORITY: The provisions of this Subpart K issued under Executive Order 11639, 36 F.R. 521.

§ 532.1101 Purpose.

The purpose of this subpart is to provide the regulations necessary for administering each pay schedule adjustment for employees whose rates of basic pay are fixed by administrative action under subchapter IV of chapter 53 of title 5 of the United States Code, and for carrying out the intent of the Congress and the President in providing for the stabilization of the economy, provided for under the Economic Stabilization Program and Executive Order 11639, dated January 11, 1972, as administered by the Pay Board established under Executive Order 11627 of October 15, 1971.

§ 532.1102 Applicability.

(a) *Agency.* This subpart applies to each executive agency of military department authorized to fix by administrative action the rate of basic pay for a position or employee under subchapter IV of chapter 53 of title 5 of the United States Code.

(b) *Employee.* This subpart applies to an employee who is excepted from chapter 51 of title 5, United States Code by sections 5102(c)(7) and 5102(c)(8) of that title.

(c) *Wage schedules.* This subpart applies to all wage rate schedules which are issued by responsible agency authority on or after January 11, 1972, irrespective of the effective date of the schedules.

§ 532.1103 Definitions.

(a) "Tandem relationship" means a well established and consistently maintained practice before August 15, 1971, whereby the timing, amount, and nature of general increase in wages, salaries, and other compensation within a commonly recognized industry are used to establish the wage schedules for wage employees performing similar work.

(b) "Guidelines" means the general wage and salary standard limiting annual aggregate increases to a rate of increase established by the Pay Board for the non-Federal sector.

§ 532.1104 Responsibility of surveying agency.

Each executive agency or military department responsible for establishing rates of basic pay for employees under subchapter IV of chapter 53, title 5 United States Code and to whom this subpart applies is responsible for establishing those wage rates in accordance with the requirements prescribed herein, notwithstanding any other Commission or agency regulations or instruction concerning the fixing and adjusting of pay for wage employees issued prior to the effective date of this subpart.

§ 532.1105 Application of the guidelines.

In determining the amount of the annual aggregate increase permitted under the guidelines, the annual period shall be computed from the normal effective date. For the purpose of this section "normal effective date" means the date the wage schedule would have been effective from the normal application of an agency's fiscal year 1972 wage survey schedule as developed before the limitations imposed by Executive Order 11615.

§ 532.1106 Determination process.

In determining the applicability of section 5341(c) of title 5, United States Code, no pay schedule adjustment may exceed the guidelines except when the Civil Service Commission finds that: (a) A tandem relationship exists between a Federal pay schedule for an employee unit and pay increases granted in an activity in the private sector, (b) the Pay Board has permitted a pay increase for the activity in the private sector which is in excess of the guidelines and (c) a comparable increase is essential to the continued operation of the Government service concerned.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1031 Filed 1-21-72;8:50 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 250, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 907.550 (Navel Orange Regulation 250; 37 F.R. 523) during the period January 14, 1972, through January 20, 1972, are hereby fixed as follows:

§ 907.550 Navel Orange Regulation 250.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 924,000 cartons;

(ii) District 2: 176,000 cartons.

* * * * *

V37-15 JAN 22 72 XUM

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 19, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–976 Filed 1–21–72;8:46 am]

[Lemon Reg. 517]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.817 Lemon Regulation 517.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 18, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 23, through January 29, 1972, is hereby fixed at 185,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 20, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–1054 Filed 1–21–72;8:50 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Bank Acquisitions by Holding Companies

The Board of Governors has expanded the authority of the Federal Reserve Banks to approve applications by bank holding companies to acquire control of a bank.

In August 1971 the Board delegated to the Reserve Banks substantial authority to approve the formation of one-bank holding companies and dispensed with the publication of an order and statement in cases approved by a Reserve Bank.

The Board's evaluation of the manner in which such delegated authority has been exercised and the Board's experience in considering applications by holding companies for bank acquisitions have led the Board to expand the Reserve Banks' authority. Under the expanded authority the appropriate Reserve Bank may approve the acquisition by a registered bank holding company of a controlling interest in the shares of a newly formed bank, within specified limitations.

The Board has also delegated to the Reserve Banks authority to approve acquisition by a holding company of additional shares in a subsidiary bank to the extent the shares are acquired through the exercise of rights received as a bank shareholder.

The Board has clarified that the Reserve Banks' authority to approve the formation of a one-bank holding company includes the authority to approve merger and/or membership applications that are incidental to such formation.

To accomplish these delegations, § 265.2(f)(22) of the Board's rules regarding delegation of authority is amended, and § 265.2(f) (23) and (24) are added, to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district:

* * * * *

(22) Under the provisions of section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842), to approve the acquisition by a company of a controlling interest in the voting shares of one bank, if (i) no objection to the proposed acquisition has been made by the bank's supervisory authority, (ii) no significant policy issue is raised by the proposal as to which the Board has not expressed its views, and (iii) neither the holding company nor any of its subsidiaries or affiliates is engaged in any activities other than those specifically permissible for bank holding companies by either the Act or Part 225 of this chapter (Regulation Y).[2]

(23) Under the provisions of section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842), to approve the acquisition by a bank holding company of additional shares in a subsidiary bank that are to be acquired through exercise of rights received, on a pro rata basis, by the bank's shareholders.

(24) Under the provisions of section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842), to approve the acquisition of a controlling interest in the shares of a newly formed bank, if (i) no objection to the proposed acquisition has been made by the bank's supervisory authority, (ii) no significant policy issue is raised by the proposal as to which the Board has not expressed its views, and (iii) the Reserve Bank determines that:

(*a*) The general condition of the holding company and its bank subsidiaries is satisfactory;

(*b*) The holding company has either (*1*) a proven record of furnishing to its subsidiary banks, when needed, special services, management, capital funds, or general guidance, or (*2*) in the case of a relatively new holding company, the Reserve Bank is satisfied that the company has the potential to provide such services;

(*c*) (*1*) Bank subsidiaries of the holding company do not hold in the aggregate more than 20 percent of the commercial bank deposits in the relevant market area and (*2*) the holding company is not one of the dominant banking organizations in the State.

Effective date. These amendments are effective with respect to applications received by the Reserve Banks after January 21, 1972.

[2] This delegation includes authority to approve (a) a merger transaction under the provisions of section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) and (b) an application, under section 9 of the Federal Reserve Act (12 U.S.C. 321), for membership in the Federal Reserve System that are incidental to an application to become a one-bank holding company.

By order of the Board of Governors, January 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–998 Filed 1–21–72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11670; Amdt. 792]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets for the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective February 17, 1972.

Bridgeport, N.J.—Bridgeport Airport; VOR Runway 34, Amdt. 4; Revised.
Oakland, Calif.—Metropolitan Oakland International Airport; VOR–A, Amdt. 7; Revised.
Oakland, Calif.—Metropolitan Oakland International Airport; VOR Runway 9R, Amdt. 2; Revised.
Prospectville, Pa.—Turner Field; VOR Runway 14, Original; Established.
Oakland, Calif.—Metropolitan Oakland International Airport; VOR/DME Runway 27L, Amdt. 5; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following SDF–LOC–LDA SIAPs effective February 17, 1972.

Oakland, Calif.—Metropolitan Oakland International Airport; LOC (BC) Runway 11, Amdt. 2; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 17, 1972.

Latrobe, Pa.—Latrobe Airport; NDB Runway 23, Amdt. 4; Revised.
Oakland, Calif.—Metropolitan Oakland International Airport; NDB Runway 29, Amdt. 8; Revised.
Washington, N.C.—Warren Field; NDB Runway 35, Original; Established.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective February 17, 1972.

Latrobe, Pa.—Latrobe Airport; ILS Runway 23, Amdt. 4; Revised.
Miami, Fla.—Miami International Airport; ILS Runway 9L, Amdt. 11; Revised.
Miami, Fla.—Miami International Airport; ILS Runway 27L, Amdt. 11; Revised.
Oakland, Calif.—Metropolitan Oakland International Airport; ILS Runway 27R, Amdt. 24; Revised.
Oakland, Calif.—Metropolitan Oakland International Airport; ILS Runway 29, Amdt. 13; Revised.

5. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective February 17, 1972.

Atlanta, Ga.—De Kalb-Peachtree Airport; RNAV Runway 20L, Amdt. 2; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 14, 1972.

R. S. SLIFF,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72–917 Filed 1–21–72;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR–125, Amdt. 9]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Time for Filing Answers to Petitions in Mail Rate Proceedings

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of January 1972.

Rule 303 of the Board's rules of practice (Part 302, § 302.303) provides, inter alia, that proceedings for the determination of rates of compensation for the transportation of mail may be commenced by the filing of a petition by an air carrier whose rate is to be fixed, or by the Postmaster General, or upon the issuance of an order by the Board. In the absence of a special provision for the time to answer petitions in such proceedings, the general provisions of Rule 6(c) of the rules of practice (Part 302, § 302.6(c)) apply. The general provision is that an answer to a document shall be filed within 7 days after service of the document to which the response is directed.[1]

By a petition dated October 13, 1971,[2] the Postal Service requests that Part 302 be amended so as to allow 20 days, rather than seven, for the filing of answers to service mail rate petitions. In support of its petition, the Postal Service states that answers to petitions filed pursuant to Rule 303 involve complex costing issues, and that a meaningful answer—particularly in response to a carrier's petition—requires detailed and time-consuming analysis of Form 41 reports, which are not so compiled as to permit a ready identification of unit mail costs. Moreover, the Postal Service says that an extension of the time for filing such answers in recent proceedings would not have significantly delayed the final decision in these cases.

No answer to the petition has been filed.

Upon consideration, we are of the view that the request of the Postal Service is reasonable, and we have determined to grant the petition.

Since this rule is wholly procedural in nature, the Board finds that notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends § 302.303 of its procedural regulations (14 CFR Part 302), effective January 18, 1972, by adding a new paragraph (d) as follows:

§ 302.303 Institution of proceedings.

* * * * *

[1] Rule 303 requires service upon the Postmaster General.
[2] Docket 23990.

V37-15 JAN 22 72 XUM

(d) Answers to petitions shall be filed within 20 days after service of the petition.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-1002 Filed 1-21-72;8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

[Docket No. R-71-116]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Pursuant to section 1305(b) of the National Flood Insurance Act of 1968 (42 U.S.C. section 4012(b), 82 Stat. 574) and section 2 of Public Law 92-213 (85 Stat. 775), the following amendments are made to the regulations of the National Flood Insurance Program.

In accordance with section 1305(a) of the Act, a priority has been previously given to making flood insurance available in eligible communities on dwelling properties designed for the occupancy of from one to four families and on properties owned or leased and operated by small business concerns. The amendments to § 1909.1 and to Part 1911 are intended to expand the existing program by permitting flood insurance coverage to be written on certain types of properties previously ineligible for this insurance. The program as expanded by these amended regulations now includes all properties used for residential, business, religious, and agricultural purposes, properties occupied by nonprofit organizations, and properties owned by State or local governments or agencies thereof.

These amendments are also intended to implement the provisions of section 2 of Public Law 92-213. Section 1909.3 is revised to reflect the statutory extension of the emergency program. Section 1913.1 is amended to reflect the statutory delay in the effective date of subsection 1314 (a)(2) of the National Flood Insurance Act.

Although it is the general policy of the Federal Insurance Administration to propose its regulatory changes for public comment whenever practical and in the public interest, it has been determined that since (1) manuals and forms, reflecting the new regulations, must be printed and distributed to affected companies and producers well in advance of the effective date of the expanded program; and (2) these amendments do not change the nature or structure of the program but merely make additional properties eligible for insurance under the same terms and conditions as have existed in the past, it is in the public interest to make these amendments effective on March 1, 1972, without formal publication for comment.

Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

PART 1909—GENERAL PROVISIONS

§ 1909.1 [Amended]

1. Section 1909.1 is amended by revoking the definitions of "Dwelling" or "dwelling property," "Small Business," and "Small Business Property" and by adding the following definition of "Structure," in the proper alphabetical sequence:

"Structure" means a building which is used for residential, business, agricultural, or religious purposes, or which is occupied by a private nonprofit organization, or which is owned by a State or local government or an agency thereof. The term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

2. Section 1909.3 is amended to read as follows:

§ 1909.3 Emergency program.

The 1968 Act required a ratemaking study to be undertaken for each community before it could become eligible for the sale of flood insurance. Since this requirement resulted in a delay in providing insurance, the Congress, in section 408 of the Housing and Urban Development Act of 1969 (Public Law 91-152, Dec. 24, 1969), established an Emergency Flood Insurance Program as a new section 1336 of the National Flood Insurance Act (42 U.S.C. 4056) to permit the early sale of insurance in flood-prone communities. The emergency program (which was extended for the period ending December 31, 1973) does not affect the requirement that a community must adopt adequate land use and control measures but permits insurance to be sold before a study is conducted to determine actuarial rates for the community. The amended program still requires the charging of actuarial rates for higher limits of coverage for existing structures and for all new construction in areas having special flood and/or mudslide hazards. After December 31, 1973, under existing law, no properties can be newly insured or have policies renewed except those in communities for which actuarial rates are available.

PART 1911—INSURANCE COVERAGE AND RATES

3. In the table of contents to Part 1911, §§ 1911.1 and 1911.3 are amended to read as follows:

Sec.
1911.1 Special definition.
1911.3 Types of coverage.

4. Section 1911.1 is revised to read as follows:

§ 1911.1 Special definition.

The definitions set forth in § 1909.1 of this subchapter are applicable to this part except that, for the purposes of this part, "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of inland or tidal waters, (b) the unusual and rapid accumulation or runoff of surface waters from any source, or (c) mudslides which are caused or precipitated by accumulations or water on or under the ground.

5. Section 1911.3 is revised to read as follows:

§ 1911.3 Types of coverage.

Insurance coverage under the program is available for structures and the contents thereof. Coverage for each may be purchased separately.

6. In § 1911.5, paragraphs (d), (f), (g), and (h) are amended to read as follows:

§ 1911.5 Special terms and conditions.

* * * * *

(d) Each loss sustained by the insured is subject to a deductible provision under which the insured bears a portion of the loss before payment is made under the policy. The amount of the deductible for each loss occurrence is (1) for structural losses, $200 or 2 percent of the amount of the loss applicable to the structure, whichever is greater, and (2) for contents losses, $200 or 2 percent of the amount of the loss applicable to the contents, whichever is greater.

* * * * *

(f) The insured may apply up to, but not in excess of, 10 percent of the face amount of the structural coverage on a property used for residential purposes to appurtenant structures and outbuildings (such as carports, garages, and guest houses).

(g) The following are not insurable under the program: Outdoor swimming pools, bulkheads, wharves, piers, bridges, and docks.

(h) The contents coverage for premises used for residential purposes excludes money and securities, birds or animals, most motor vehicles, boats, trailers, business property, and certain other types of property. It provides only limited amounts of protection for certain other items, such as paintings and jewelry.

* * * * *

7. Section 1911.6 is revised to read as follows:

§ 1911.6 Maximum amounts of coverage available.

The maximum limits of coverage of the policy under the regular program are the following, and the maximum limits of coverage under the emergency program are one-half the following—

(a) For structures used for residential purposes and designed for the occupancy of a single family (including townhouses or rowhouses), which are either separated from other structures by standard firewalls or open space, or contiguous to the ground and customarily regarded as separate structures:

(1) $35,000 structural coverage,
(2) $10,000 contents coverage, which may be purchased by either the owner or the tenant;
(b) For all other structures:
(1) $60,000 structural coverage,
(2) $10,000 contents coverage per unit in the case of premises used for residential purposes or $10,000 contents coverage per occupant in the case of premises used for nonresidential purposes, which may be purchased by either the owner or the tenant.

8. Section 1911.8 is revised to read as follows:

§ 1911.8 Applicability of actuarial rates.

Actuarial rates are applicable to all flood insurance made available for—

(a) Any structure, the construction or substantial improvement of which was started after the Administrator has identified the area in which the property is located as an area having special flood or mudslide hazards under Part 1915 of this subchapter; and

(b) Coverage which exceeds the following limits:

(1) For structures used for residential purposes and designed for the occupancy of a single family (including townhouses or rowhouses), which are either separated from other structures by standard firewalls or open space, or contiguous to the ground and customarily regarded as separate structures:
(i) $17,500 structural coverage, and
(ii) $5,000 contents coverage; and
(2) For all other structures:
(i) $30,000 structural coverage, and
(ii) $5,000 contents coverage per unit in the case of premises used for residential purposes or $5,000 contents coverage per occupant in the case of premises used for nonresidential purposes; and

(c) Any structure or the contents thereof for which the chargeable rates prescribed by this part would exceed the actuarial rates.

9. Section 1911.9 is revised to read as follows:

§ 1911.9 Establishment of chargeable rates.

(a) Pursuant to section 1308 of the Act, chargeable rates per year per $100 of flood insurance are established as follows for all areas designated by the Administrator under Part 1914 of this subchapter for the offering of flood insurance—

Type of structure	Value of structure	Rate per year per $100 structural coverage	Rate per year per $100 contents coverage
(1) Single family residential.	$17,500 and under	$0.40	$0.40
	17,501-35,000	.45	.55
	35,001 and over	.50	.60
(2) All other residential.	30,000 and under	.40	.50
	30,001-60,000	.45	.55
	60,001 and over	.50	.60
(3) All nonresidential (including hotels and motels with normal occupancy of less than six months in duration).	30,000 and under	.50	1.00
	30,001-60,000	.60	1.00
	60,001 and over	.70	1.00

(b) The contents rate shall be based upon the use of the individual premises for which contents coverage is purchased.

PART 1913—EXEMPTION FROM DENIAL OF FEDERAL DISASTER BENEFITS

10. Section 1913.1 is amended by adding a new sentence at the end thereof, to read as follows:

§ 1913.1 Purpose of part.

* * *. The provisions of subsection 1314 (a)(2) shall not apply to any loss, destruction, or damage of real or personal property that occurs on or before December 31, 1973.

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

11. Section 1914.1(b) is amended to read as follows:

§ 1914.1 Purpose of part.

* * * * *

(b) Section 1336 of the Act authorizes an emergency implementation of the National Flood Insurance Program whereby, for a period ending on December 31, 1973, the Administrator may make subsidized coverage available to eligible communities prior to the completion of ratemaking studies for such areas. This part also describes procedures under the emergency program and lists communities which become eligible under that program.

Effective date. These amendments shall be effective on March 1, 1972.

GEORGE K. BERNSTEIN, *Federal Insurance Administrator.*

[FR Doc.72-968 Filed 1-21-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Contracts With the Small Business Administration

This amendment to the Federal Procurement Regulations establishes new § 1-1.713, Contracts with the Small Business Administration, which prescribes policies and procedures on the award of procurement contracts to the Small Business Administration (SBA) for further award of subcontracts to eligible concerns under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

The table of contents for Part 1-1 is changed to add new entries, as follows:

Sec.
1-1.713 Contracts with the Small Business Administration.
1-1.713-1 Authority.
1-1.713-2 Policy.
1-1.713-3 Procurement of supplies, services, and research and development.
1-1.713-4 Procurement of construction.

Subpart 1-1.7—Small Business Concerns

1. Section 1-1.705-7 is revised to include a cross-reference to new § 1-1.713. As revised, the section reads as follows:

§ 1-1.705-7 Performance of contract by SBA.

In accordance with the Small Business Act (15 U.S.C. 637(a)), in any case in which the Administrator of SBA certifies to the head of the procuring agency concerned that SBA is competent to perform any specific contract, the contracting officer is authorized, in his discretion, to award the contract to SBA upon such terms and conditions, consistent with applicable procurement regulations as may be agreed upon between SBA and the contracting officer. The policies and procedures governing the award of such contracts are set forth in § 1-1.713.

2. Section 1-1.713 is added to prescribe policies and procedures for the award of contracts to the SBA for further award of subcontracts to eligible concerns under section 8(a) of the Small Business Act (15 U.S.C. 637(a)). The new section reads as follows:

§ 1-1.713 Contracts with the Small Business Administration.

§ 1-1.713-1 Authority.

In any case in which the Small Business Administration certifies to a procuring agency that SBA is competent to perform any specific contract, the contracting officer is authorized, in his discretion, to award the contract to SBA pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)) and this section and upon such terms and conditions consistent therewith as may be agreed upon between the SBA and the procuring agency. This authorization applies to all types of procurement contracts for personal property and nonpersonal services (including construction and research and development).

§ 1-1.713-2 Policy.

(a) It is the policy of the Government to increase the participation of small business concerns in Government procurement by awarding procurement contracts to the Small Business Administration as authorized by section 8(a) of the Small Business Act for award of subcontracts by SBA to eligible concerns.

(b) In requesting a contract from a procuring agency for the purpose of assisting an eligible concern, the SBA will provide detailed purchase descriptions, Federal stock numbers, and other pertinent information to the fullest extent possible. However, authorized representatives of the procuring agency shall cooperate with and assist SBA representatives, as needed, in developing identifying information for the requirements being sought from the procuring agency. When practicable and feasible, the procuring agency representatives shall arrange for such additional assistance as may be required from agency procurement, technical, and supply management officials. The SBA will provide its best estimates of current and future procurement requirements so as to enable

V37-15 JAN 22 72 XUM

the procuring agency to evaluate its ability to render future assistance. For construction, the SBA will identify the category or categories of work, the extent of work needed, and location restrictions, if any.

(c) In addition to giving consideration to requests for procurement commitments received from the SBA, each procuring agency should also review other proposed procurements estimated to exceed $2,500 for the purpose of identifying other requirements which may be awarded to the SBA. The procuring agency should promptly notify the SBA of any such proposed procurements which are available for award to SBA under section 8(a). In connection with all proposed procurements which may become involved in an award to SBA, the procuring agency should furnish all available information concerning the work including, where applicable but not limited to, quantities, required delivery schedules or time for performance, location, drawings and specifications, if any, and current detailed Government estimates, where readily available, including quantities and unit costs; labor costs, identified where possible with specific items of materials to be placed or operations to be performed; facilities and equipment required, including rental, hours, and rates; workmen's compensation and public liability insurance; overhead, general and administrative, and profit; employment taxes under FICA and FUTA; bonds; and any other readily available information which will help SBA to determine whether it will submit a request to the procuring agency for a procurement commitment.

(d) When requested by the SBA, the contracting officer of the procuring agency and his authorized representatives shall render all possible assistance to the SBA relative to its negotiations with eligible concerns regarding the possible award of section 8(a) subcontracts. At the SBA's request, the contracting officer of the procuring agency or his authorized representatives may conduct the negotiations with eligible concerns, but any agreements which may be reached as the result of such negotiations must be approved by an authorized representative of the SBA.

(e) Generally, section 8(a) contracts between a procuring agency and the SBA will not be considered for specific items or work after such items or work have been synopsized in the Commerce Business Daily or publicized to or solicited from industry.

§ 1–1.713–3 Procurement of supplies, services, and research and development.

(a) *Factors to be considered.* When a procuring agency receives a request from SBA which involves the procurement of supplies, services, or research and development, consideration shall be given to:

(1) Estimated total requirements of the identified items planned for procurement in the current fiscal year and, to the extent possible, future fiscal years;

(2) Required monthly rates of production and delivery or performance;

(3) Items of work of similar complexity and nature if there are no known requirements for the specifically identified items;

(4) Impact if the items or work are urgent or if slippage in performance or delivery occurs; and

(5) Any other information concerning the items or work of the prospective subcontractor which is pertinent to the requested commitments, including the price range in previous or current procurements.

(b) *Cost or pricing data.* When required by § 1–3.807–3, the SBA shall secure from its prospective subcontractor cost or pricing data, together with any necessary supporting certificate.

(c) *Notification.* After completing its review of the SBA's request for a commitment, the procuring agency will notify the SBA of the extent to which a section 8(a) contract will be placed with the SBA and the time frames within which the prime and subcontract actions have to be completed in order to satisfy the procuring agency's program responsibilities. This notification represents a firm commitment by the procuring agency to award a contract to SBA under terms and conditions which are agreeable to both agencies, provided that there is no material change in requirements, availability of funds, or other pertinent factors. In the notification to the SBA, the procuring agency may also fix a time limit (generally not less than 30 workdays after receipt of the notification) within which the SBA must establish contact with the designated procuring activity of the procuring agency and initiate negotiation of the section 8(a) contract. If negotiations are not completed within the time frame established by the procuring agency, the agency may notify SBA that it intends to proceed with the procurement without futher regard for the section 8(a) procedures, unless additional time is requested by SBA and such additional time is granted by the procuring agency after giving due regard to the urgency of the proposed procurement.

(d) *Provisions of contracts with SBA.* After the SBA has completed its negotiations with an eligible concern pursuant to the procurement commitment made by the procuring agency, and after the SBA and the procuring agency have reached an agreement concerning the terms and conditions (including price) to be included in the contract to be awarded by the procuring agency to the SBA and have also mutually agreed upon the terms and conditions (including price) to be included in the subcontract to be awarded by the SBA to a small business concern, the procuring agency shall prepare two sets of contract documents as follows:

(1) Standard Form 26, Award/Contract, and Standard Form 36, Continuation Sheet, shall be prepared for execution by the SBA and the procuring agency. Authority for negotiation of the contract shall be cited as 41 U.S.C. 252 (c)(15) and 15 U.S.C. 637(a). The contract shall be prepared in the same detail as would be required for an award to a private business. It should be recognized, however, that the contract is to be executed by the SBA and the procuring agency. No requirement for the SBA to furnish payment or performance bonds shall be included in the contract. In addition to the terms and conditions which have been mutually agreed upon by the SBA and the procuring agency, Standard Form 32, General Provisions, appropriate procuring agency forms, and other appropriate provisions shall be incorporated in the contract. Unless otherwise agreed upon between the SBA and the procuring agency, the following clause (or a clause similar thereto) also shall be incorporated in the contract:

SPECIAL 8(a) CONTRACT CONDITIONS

The Small Business Administration (SBA) agrees as follows:

(a) To furnish the supplies or services set forth in this contract according to the specifications and the terms and conditions hereof by subcontracting with an eligible concern pursuant to the provisions of section 8(a) of the Small Business Act, as amended (15 U.S.C. 637(a)).

(b) That in the event SBA does not award a subcontract for all or a part of the work hereunder, this contract may be terminated either in whole or in part without cost to either party.

(c) SBA hereby delegates to the (insert name of procuring agency) the responsibility for administering the subcontract to be awarded hereunder with complete authority to take any action on behalf of the Government under the terms and conditions of the subcontract: *Provided, however,* That the (insert name of procuring agency) shall give advance notice to the SBA before it issues a final notice terminating the right of a subcontractor to proceed with further performance, either in whole or in part, under the subcontract for default or for the convenience of the Government.

(d) Payments to be made under any subcontract awarded under this contract will be made directly to the subcontractor by the (insert name of procuring agency).

(e) That the subcontractor awarded a subcontract hereunder shall have the right of appeal from decisions of the Contracting Officer cognizable under the "Disputes" clause of said subcontract, which clause shall be identical with that set out in Article 12 of Standard Form 32. It is further understood and agreed that the subcontract to be executed between the SBA and SBA's subcontractor shall also include a clause as follows:

For the purpose of this subcontract, the reference to the "Secretary or his duly authorized representative" in the "Disputes" clause of this subcontract (Article 12 of Standard Form 32, General Provisions) shall be deemed to mean, respectively, the (insert Secretary or Administrator) of the (insert name of procuring agency) and the Board of Contract Appeals of the (insert name of procuring agency).

(2) The original and one duplicate original copy of the contract documents shall be executed by an authorized official of the SBA and the contracting officer of the procuring agency. The original executed contract (and such additional authenticated, conformed, or reproduced copies as may be required by the procuring agency) shall be retained by the procuring agency and distribution shall be made in accordance with its internal regulations and procedures. The duplicate original copy of the contract (and such additional authenticated, conformed, or reproduced copies as may be required by SBA) shall be forwarded by the procuring agency to SBA for distribution in accordance with its internal regulations and procedures.

(e) *Provisions of subcontracts awarded by SBA.* (1) The subcontract which will be executed by SBA and its subcontractor shall be prepared by the procuring agency on Standard Form 33, Solicitation, Offer, and Award, or on Standard Form 26, Award/Contract, as appropriate, and Standard Form 36, Continuation Sheet. It shall be prepared in the same detail as would be required for a normal procurement contract awarded by the procuring agency, recognizing at the same time, however, that the subcontract is to be executed by SBA and its subcontractor. In addition to the terms and conditions, including price, delivery and performance dates, and other pertinent information which have been agreed upon and incorporated in the contract between SBA and the procuring agency, and which, in turn, have been agreed upon during the negotiations between the SBA and its subcontractor, Standard Form 32, General Provisions, and other appropriate procuring agency forms and special provisions shall also be incorporated in the subcontract. Unless otherwise agreed upon between the SBA and the procuring agency, the following clause (or a similar clause) shall also be incorporated in the subcontract:

SPECIAL 8(a) SUBCONTRACT CONDITIONS

(a) The Small Business Administration (SBA) has entered into Contract No. (insert number of contract) with the (insert name of procuring agency) to furnish the supplies or services as described therein. A copy of said contract is attached hereto and made a part hereof. As used in this subcontract, the reference to "the Secretary or his duly authorized representative" in the "Disputes" clause of this subcontract (Article 12 of Standard Form 32, General Provisions) shall be deemed to mean, respectively, the (insert Secretary or Administrator) of the (insert name of procuring agency) and the Board of Contract Appeals of the (insert name of procuring agency).

(b) The (insert name of the subcontractor), hereafter referred to as the subcontractor, agrees and acknowledges as follows:

(1) That he will, for and on behalf of the SBA, fulfill and perform all of the requirements of Contract No. (insert number of contract) for the consideration stated therein and that he has read and is familiar with each and every part of said contract.

(2) That the SBA has delegated responsibility for the administration of this subcontract to the (insert name of procuring agency) with complete authority to take any action on behalf of the Government under the terms and conditions of this subcontract.

(3) That he will not subcontract the performance of any of the requirements of this subcontract to any lower tier subcontractor without the prior written approval of the SBA and the designated contracting officer of the (insert name of procuring agency).

(c) Payments, including any progress payments, under this subcontract will be made directly to the subcontractor by the (insert name of procuring agency).

(2) The original and two duplicate original copies of the subcontract shall be executed by the subcontractor and an authorized official of the SBA. The original executed subcontract and such additional authenticated, conformed, or reproduced copies as may be required by SBA shall be retained by SBA for internal distribution in accordance with its regulations and procedures. One duplicate original copy of the executed subcontract and such additional authenticated, conformed, or reproduced copies as may be required by the procuring agency shall be furnished to the procuring agency for internal distribution in accordance with its regulations and procedures. The second duplicate original copy of the executed subcontract, together with an attached copy of the contract between SBA and the procuring agency shall be furnished to the subcontractor.

(f) *Special services.* The requirements set forth in §§ 1–1.713–3(d)(1) and 1–1.713–3(e)(1) concerning the terms and conditions to be included in contracts between the SBA and procuring agencies and in subcontracts between the SBA and eligible concerns may be modified as appropriate for contracts and subcontracts involving specialized types of services such as building services, food services, and business concessions.

§ 1–1.713–4 Procurement of construction.

(a) *Information furnished by SBA.* In subcontracts for construction (including maintenance, repair, and alteration), it is the policy of the Small Business Administration to award subcontracts under the section 8(a) program only to those concerns which have been approved by SBA as supporting the policy objectives of § 1–1.713–2. In the execution of this policy, the SBA will furnish to the procuring agency its request for a commitment showing at least the following information:

(1) The various categories of maintenance, repair, alteration, and construction work in such specific work project categories as mechanical, electrical, heating and air conditioning, demolition, building painting, paving, earth work, waterfront work, or general construction work; and

(2) The individual identification of the estimated dollar value in each category.

(b) *Evaluation of SBA requests.* The procuring agency will evaluate the SBA request for a commitment and determine to what extent the agency has proposed work projects for which funding is available in those requested categories. In the evaluation of the SBA request for a commitment, the matters considered shall include the following:

(1) The extent to which work projects of the type requested by SBA are planned for procurement in the current fiscal year and, to the extent known, future fiscal years; and

(2) Work projects of similar complexity and nature if there are no known work projects of the specific type requested.

(c) *Lists of construction projects.* In addition to specific individual requests by the SBA, the procuring agency shall furnish to the SBA, in accordance with a mutually acceptable schedule, lists of construction work projects which it deems to be suitable for subcontracting by SBA under the section 8(a) program.

(d) *Cost or pricing data.* When required by § 1–3.807–3, the SBA shall secure from its prospective subcontractor cost or pricing data, together with any necessary supporting certificate.

(e) *Notification.* After completing its review of the SBA request for a commitment, the procuring agency shall notify the SBA of the extent to which a section 8(a) contract will be placed with the SBA and the time frames within which the contract actions need to be completed in order to satisfy its program responsibilities. This notification represents a firm commitment by the procuring agency to award a contract to SBA under mutually acceptable terms and conditions, provided there is no material change in requirements, availability of funds, or other pertinent factors. The notification should contain the following information with regard to the work projects:

(1) A summary of the proposed work;

(2) Plans and specifications;

(3) Required performance schedules;

(4) Any other pertinent and reasonably available data, wage determination by the Secretary of Labor, if required; and

(5) Available detailed Government cost estimates, including:

(i) Material quantities and unit costs;

(ii) Labor costs (identified with the specific item of material to be placed or operation to be performed);

(iii) Construction equipment (hours and rates);

(iv) Workmen's compensation and public liability insurance;

(v) Overhead and profit;

(vi) Employment taxes under FICA and FUTA; and

(vii) Bonds.

(f) *Time limitations.* In the notification to the SBA, the procuring agency may also fix a time limit (generally not less than 30 days after receipt of the notification) within which the SBA must establish contact with the designated procuring activity and initiate negotiations of the section 8(a) contract. If negotiations are not completed within the time frame established by the procuring agency, the designated procuring activity may notify the SBA that it intends to proceed with the procurement without further regard to the section 8(a) procedures, unless additional time is requested by SBA and granted by the procuring activity after due consideration for the urgency of the proposed procurement.

(g) *Provisions of contracts with SBA.* The procuring agency shall prepare two sets of contract documents as provided by this paragraph (g) after: The SBA has completed negotiations with the eligible concern pursuant to the commitment made by the procuring agency; the SBA and the procuring agency have reached mutual agreement concerning all terms and conditions (including price) to be included in the contract to

V 37 • 15 JAN 22 72
XUM

be awarded by the procuring agency to SBA; and the SBA and the procuring agency have agreed upon all the terms and conditions (including price) to be included in the subcontract to be awarded by SBA to the eligible concern.

(1) The contract to be executed between the SBA and the procuring agency shall be prepared by the procuring agency on Standard Form 19, Invitation, Bid, and Award (Construction, Alteration, or Repair), or Standard Form 23, Construction Contract, as may be appropriate. Authority for negotiation of the contract shall be cited as 41 U.S.C. 252(c)(15) and 15 U.S.C. 637(a). The contract shall be prepared in the same detail as would be required for a normal procurement contract to be awarded by the procuring agency to a private business, recognizing at the same time, however, that the contract documents are to be executed by the SBA and the procuring agency. No requirement for the SBA to furnish payment and performance bonds shall be included in the contract. In addition to including the terms and conditions (including price) which have been mutually agreed upon between SBA and the procuring agency, there shall also be incorporated in the contract Standard Form 19–A, Labor Standards Provisions Applicable to Contracts in Excess of $2,000, if the contract is in excess of $2,000, and Standard Form 23–A, General Provisions (Construction Contract), or the General Provisions on Standard Form 19, whichever is appropriate, together with such other procuring agency forms and special conditions as may be required. The contract shall also contain a provision that the SBA shall not be entitled to any commission on work performed by its subcontractor or any lower tier subcontractor. Unless otherwise agreed upon between the SBA and the procuring agency, the following additional clause (or a similar clause) shall be incorporated in contracts prepared on Standard Form 19 or Standard Form 23.

SPECIAL 8(a) CONTRACT CONDITIONS

The Small Business Administration (SBA) agrees as follows:

(a) SBA will perform the work set forth in this contract according to the specifications and drawings and the terms and conditions hereof by subcontracting with an eligible concern pursuant to the provisions of section 8(a) of the Small Business Act, as amended (15 U.S.C. 637(a)).

(b) If SBA does not award a subcontract for the work hereunder, this contract may be terminated without cost to either party.

(c) The SBA hereby delegates to the (insert name of procuring agency) the responsibility for administering the subcontract to be awarded hereunder with complete authority to take any action on behalf of the Government under the terms and conditions of the subcontract.

(d) Progress payments to be made under the subcontract awarded under this contract shall be made directly to the subcontractor by the (insert name of procuring agency). However, final payment under the subcontract will be made only upon the written authorization of the SBA and after receipt of an executed release of claims from the subcontractor.

(e) The subcontractor awarded a subcontract hereunder shall have the right of appeal from decisions of the contracting officer under the "Disputes" clause of the subcontract, which shall be identical to Clause 3 on Standard Form 19 or to Clause 6 on Standard Form 23–A, whichever is applicable. Further, the subcontract to be executed between the SBA and its subcontractor pursuant to this contract shall contain the following clause:

For the purpose of this subcontract, the reference to the "head of the Federal agency" and "his duly authorized representative" in the "Disputes" clause of this subcontract (Article 3 of Standard Form 19 or Article 6 of Standard Form 23–A, whichever is applicable) shall be deemed to mean, respectively, the (insert Secretary or Administrator) of the (insert name of procuring agency) and the Board of Contract Appeals of the (insert name of procuring agency).

(2) The original and one duplicate copy of the contract documents shall be executed by an authorized official of the SBA and the contracting officer of the procuring agency. The original executed contract (and such additional authenticated, conformed, or reproduced copies as may be required by the procuring agency) shall be retained by the procuring agency and distribution shall be made in accordance with its internal regulations and procedures. The duplicate original copy of the contract (and such additional authenticated, conformed, or reproduced copies as may be required by SBA) shall be forwarded by the procuring agency to SBA for distribution in accordance with its internal regulations and procedures.

(h) *Provisions of subcontracts awarded by SBA.* (1) The subcontract which will be executed by SBA and its subcontractor shall be prepared by the procuring agency on Standard Form 19, Invitation, Bid, and Award (Construction, Alteration, or Repair), or Standard Form 23, Construction Contract, as appropriate. It shall be prepared in the same detail as would be required for a normal procurement contract awarded by the procuring agency, recognizing at the same time, however, that the subcontract is to be executed by the SBA and its subcontractor. A provision shall be included in the subcontract which requires the subcontractor to furnish a performance bond on Standard Form 25, Performance Bond, and a payment bond on Standard Form 25A, Payment Bond, as required by the Miller Act (40 U.S.C. 270a–270e). Applicable policies and procedures regarding the use of these bonds appear in §§ 1–10.104–1 and 1–10.105–1. In addition to incorporating the terms and conditions (including price) which have been agreed upon and incorporated in the contract between SBA and the procuring agency, and which, in turn, have been agreed upon during the negotiations between SBA and its subcontractor, the following shall also be incorporated in the subcontract: (i) Standard Form 19–A, if the subcontract is in excess of $2,000, (ii) Standard Form 23–A, General Provisions (Construction Contract), or the General Provisions on Standard Form 19, as appropriate, and (iii) such other procuring agency forms and special conditions as may be required. Unless otherwise agreed to by the SBA and the procuring agency, the following clause (or a similar clause) shall be included in the subcontract:

SPECIAL 8(a) SUBCONTRACT CONDITIONS

(a) The Small Business Administration (SBA) has entered into Contract No. (insert contract number) with the (insert name of procuring agency) to perform the work as described therein. A copy of said contract is attached hereto and made a part hereof.

(b) The Small Business Administration and (insert name of subcontractor), hereinafter called the subcontractor, agree as follows:

(1) The subcontractor shall, for and on behalf of the SBA, fulfill and perform all of the requirements of Contract No. (insert contract number) for the consideration stated therein. The subcontractor acknowledges that it has read and is familiar with each and every part of said contract.

(2) The SBA has delegated responsibility for the administrattion of this subcontract to the (insert name of procuring agency) with complete authority to take any action on behalf of the Government under the terms and conditions of this subcontract.

(3) The term "Contracting Officer" as used in the General Provisions (Standard Form 19 or Standard Form 23–A, whichever applies) means the person designated by the (insert name of procuring agency) as Contracting Officer. The Contracting Officer designated for this subcontract shall be (name), (address), (insert name of procuring activity and the name of the procuring agency) or his duly appointed successor or authorized representative.

(4) The term "Contractor" as used in the General Provisions (Standard Form 19 or Standard Form 23–A, whichever applies) means the "subcontractor" who has entered into this subcontract with SBA for the performance of all of the work under this subcontract.

(5) The reference to the "head of the Federal agency" and to "his duly authorized representative" in the "Disputes" clause of this subcontract (General Provisions, Article 3 of Standard Form 19 or Article 6 of Standard Form 23–A, whichever applies) shall be deemed to mean, respectively, the (insert Secretary or Administrator) of the (insert name of procuring agency) and the Board of Contract Appeals of the (insert name of procuring agency).

(6) The subcontractor will not subcontract the performance of any of the requirements of this subcontract to a lower tier subcontractor without the prior written approval of the SBA and the designated Contracting Officer of the (insert name of procuring agency), or his duly appointed successor or authorized representative.

(7) Nothing contained in this contract shall be construed as creating any contractual relationship between the Government and any second or lower tier subcontractor which may be authorized by the SBA and the Contracting Officer. The divisions or sections of the specifications are not intended to control the subcontractor in dividing the work among any duly authorized second tier subcontractors, or to limit the work of any trade.

(8) The subcontractor shall be responsible to the Government for the acts or omissions of his own employees and of any duly authorized lower tier subcontractors and their employees. He shall also be responsible for the coordination of the work of the trades, any duly authorized lower tier subcontractors, and suppliers.

(9) Any progress payments to be made under this subcontract will be made directly to the subcontractor by the (insert name of procuring agency). However, the final payment under the subcontract will be made only upon the written authorization of the SBA and after receipt of an executed release of claims from the subcontractor.

(2) The original and two duplicate original copies of the subcontract shall be executed by the subcontractor and an authorized official of the SBA. The original executed subcontract (and such additional authenticated, conformed, or reproduced copies as may be required by SBA) shall be retained by SBA for internal distribution in accordance with its regulations and procedures. One duplicate original copy of the executed subcontract (and such additional authenticated, conformed, or reproduced copies as may be required by the procuring agency) shall be furnished to the procuring agency for internal distribution in accordance with its regulations and procedures. The second duplicate original copy of the executed subcontract (together with an attached copy of the contract between the SBA and the procuring agency) shall be furnished to the subcontractor.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective March 29, 1972, but may be observed earlier.

Dated: January 14, 1972.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.72-997 Filed 1-21-72;8:50 am]

Chapter 3—Department of Health, Education, and Welfare

PART 3–75—DELEGATIONS OF AUTHORITY

Issuance of U.S. Government Bills of Lading for Transportation of Household Goods

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to authorize members of the Public Health Service Commissioned Corps to issue and sign as "Issuing Officer" Government bills of lading for the shipment of household goods under certain conditions.

It is the policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, this amendment involves only a minor technical matter. Therefore, the public rule making process is deemed unnecessary in this instance.

1. The table of contents of Part 3–75 is amended to add new sections under Subpart 3–75.1 as follows:

Subpart 3–75.1—Procurement Authority

Sec.
3–75.105 Special and limited delegations.
3–75.105–1 Issuance of U.S. Government bills of lading for transportation of household goods.

2. Sections 3–75.105 and 3–75.105–1 are added to read as follows:

§ 3–75.105 Special and limited delegations.

§ 3–75.105–1 Issuance of U.S. Government bills of lading for transportation of household goods.

When a member of the Public Health Service Commissioned Corps is authorized travel at Government expense, including the shipment of household goods, and it is determined by Commissioned Personnel Operations Division, Office of Personnel and Training, that the shipment cannot be arranged by a designated household goods shipping officer, such member is delegated authority to issue and sign as "Issuing Officer," Government bill(s) of lading to accomplish such shipment. The Government bill(s) of lading will be prepared in accordance with instructions provided with personnel orders.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. This amendment shall be effective 30 days after publication in the FEDERAL REGISTER.

Dated: January 14, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.72-1001 Filed 1-21-72;8:48 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19074; FCC 72-46]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain States

Report and Order. In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Greenville, Ky.; Burnside, Greensburg, and Jamestown, Ky.; Oak Ridge and Jamestown, Tenn.; Pineville, Barbourville, and Middlesboro, Ky.; and Big Stone Gap, Va.) Docket No. 19074, RM–1390, RM–1427, RM–1436, RM–1581.

1. The Commission here considers the notice of proposed rule making in this docket, adopted October 28, 1970 (FCC 70–1162). This proceeding is an off-shoot of Docket No. 18476, and, indeed, takes up proposals which could not be dealt with in that proceeding without unduly delaying disposition of other proposals; see second report and order in Docket No. 18476, also adopted October 28, 1970 (26 FCC 2d 162). This proceeding deals with: (a) Alternative proposals for Greenville, Greensburg, and Jamestown, Ky.; (b) further consideration of the Burnside, Ky., petition (RM–1390); and (c) the intertwined proposals for Oak Ridge and Jamestown, Tenn., and Pineville, Ky. (RM–1436); Big Stone Gap, Va. (RM–1427); and Middlesboro, Ky. (RM–1581). The comments and reply comments originally were due December 21, 1970, and January 4, 1971, respectively. The Commission on its own motion extended these times to and including February 12 and 26, 1971, respectively, because of the failure to personally serve the notice on certain interested parties whose views were deemed essential; see order extending time, adopted January 13, 1971 (FCC 71–41).[1] All population figures are from the 1970 Census, unless otherwise indicated.

2. Greenville, Ky.: By the second report and order in Docket No. 18476 (26 FCC 2d 162), we deleted the Channel 292A assignment at Greenville to allow assignment of that channel to three other communities, but, in this proceeding, we put out for further consideration the possibility of assigning Channel 288A as a substitute to Greenville as urged by one of the parties to that portion of Docket No. 18476. Shain Broadcasting Co., the applicant for Channel 292A at Greenville (BPH–6671), had opposed the counterproposal stating that Channel 288A was unsuitable because (i) with the transmitter having to be over 7 miles from the city to meet mileage separations, a signal of strength required by the rules could not be placed over the city, (ii) a suitable transmitter site was unavailable because of terrain, and (iii) other objections. Because of the population figure (3,875), the fact that it is the county seat, and the lack of a local AM outlet, we invited comments on whether Channel 288A is usable at Greenville or if there is another alternative.

3. No comments were filed as to this portion of the proceeding. Our own search for a possible other channel reveals that no alternative is available. In the absence of further information and data as to site availability and terrain factors (see 26 FCC 2d at 165), we are unable to decide whether Channel 288A can be assigned to Greenville. In the circumstances, we must decline making an

[1] This incidentally has the effect of making moot the motion of Trevor F. Swoyer & Associates (Swoyer) to strike "reply comments" filed by WATO, Inc. (WATO). The Swoyer motion touched on how silence of a petitioner or a party supporting or opposing a petition, failure to plead to a notice, and the failure to comment but filing reply comments on a point, should be treated. Since the notice of proposed rule making in this docket, we have dealt with this problem by requiring petitioner(s) and any other proponent(s) to file certain minimal data else failure could lead to denial. See, for example, paragraph 6 of the notice of proposed rule making in Docket No. 19315, adopted September 8, 1971 (FCC 71–954). The procedure in rule making calls for comments and reply comments (§ 1.415), and, while we agree that the practice of some to first raise a contention in a reply comment and thus effectively bar another to rebut the issue may be burdensome, this has been permitted except to "cut off" the opportunity in FM rule making to make a counterproposal (see, e.g., paragraph 17 of the notice of proposed rule making in this docket). The "cut off" procedure was first adopted in this docket. In any event, the parties agree that the motion became moot when the time was extended.

V 37 15 JAN 22 72 XUM

assignment to Greenville, Ky. at this time.

4. Greensburg, Burnside, and Jamestown, Ky.: Here, we are considering an alternative proposal for allocating Channel 276A to Greensburg, population 1,990, the county seat and largest community in Green County (population 10,350), to be used 1 mile or more northeast of the city. The original proposal of petitioners Virgil A. Price and E. J. Milby to allocate Channel 261A to Greensburg conflicted with the use of the same channel at Elizabethtown, Ky., an integral part of the FM Table of Assignments changes adopted in the second report and order in Docket No. 18476 to provide a substitute channel for Station WQXE operating at Elizabethtown. Although the petitioners then also were applicants for a daytime only AM station at Greensburg,[2] nonetheless, we felt that because of the lack of any other aural service to the county, an FM assignment should be considered to provide a first full-time aural service to Green County. In order to assign Channel 276A to Greensburg, the channel for Station WJRS–FM at Jamestown, Ky.,[3] about 30 miles away, would have to be changed from 276A to 285A. The notice noted that this proposal would require the denial of RM–1391, based on the petition of Leon Jasper for Channel 285A as the first FM assignment to Burnside, although we indicated our doubt as to the merit of that proposal because of the lack of population (586 persons) and the abundance of aural service from Somerset, the county seat (population 10,436), about 7 miles away—one Class A FM, a daytime AM, and a Class IV AM station. See both the notices in this proceeding and in Docket No. 18476 (paragraph 31; FCC 69–207). In the earlier Notice, we stated our disposition to deny because of the small population, and, in this proceeding, we additionally indicated the conflict with the proposed assignment to Jamestown. See paragraph 6 of the notice. Our notice mentioned the "dubious merit" but we said further comments about Burnside would be entertained, and specifically said that "[m]aterial previously [filed in Docket No. 18476] * * * need not be resubmitted but may be incorporated by reference." (Notice, paragraph 7; compare with the general procedure since adopted described in footnote 1.)

5. The only one filing comments as to this part of the proceeding is Welby Hoover, doing business as Lake Cumberland Broadcasters (Lake Cumberland), the licensee of Station WJRS–FM, Jamestown, Ky. Lake Cumberland's interest is that Station WJRS–FM would have to change channels. In the circumstances, the policy of the Commission is "well settled", that is, as an operating station, it is entitled to reimbursement of actual costs of change from the party or parties benefitting. See paragraph 15 of the notice in this proceeding and paragraph 11 of the second report and order in Docket No. 18476 (26 FCC 2d at 166). In this respect, Lake Cumberland refers to the loss of listeners and goodwill, if compelled to change its frequency, money and time expended for programing and jingles to promote its current frequency. Suffice it to say that these are not "actual costs."

6. Lake Cumberland also commented on the merits of the proposed assignment to Greensburg. Lake Cumberland states that an FM channel assignment at Greensburg is unnecessary because of service to that community from WJRS–FM (the distance between the communities is only 30 miles) especially public service and public affairs programing and the station earns some revenue from Greensburg. Lake Cumberland contends that an allocation at Greensburg is not warranted as a fair, efficient, and equitable distribution of radio service under section 307(b) of the Act. This party also urges that Greensburg has no need for an FM assignment because of the then pending application for a daytime only AM station (BPH–18198) (which has been granted in the interim; see paragraph 4 above and footnote 2). Lake Cumberland also says that the proposed assignment to Greensburg would mean the denial of the Burnside petition, thus in effect creating two harmful results.

7. The latter thesis is a pragmatic approach based on numbers of assignments while ignoring more valid public interest considerations of populations and needs. A more persuasive argument than the one made by WJRS–FM is necessary. In some respects, petitioner's contentions that smaller nearby communities are "part" of Burnside and there is a large yearly tourist population are similar to contentions made and rejected in other recent proceedings; e.g., the reports and orders in Docket No. 18883, 27 FCC 2d 884, 848 (1971); and 28 FCC 2d 641 (1971).[4]

8. While there is no presumption in this respect,[5] we can only construe the failure of the petitioners for Greensburg to file comments as evidencing a present lack of interest in pursuing their proposal to seek an FM channel at Greensburg.[6] In the circumstances, we shall deny their petition at this time.[7]

9. Oak Ridge and Jamestown, Tenn.; Pineville, Barbourville, and Middlesboro, Ky.; and Big Stone Gap, Va.: As elaborated in the notice, this portion of the proceeding involves three petitions. The principal proposal is that of Trevor F. Swoyer & Associates for Channel 262C at Oak Ridge, Tenn., which submitted two alternative proposals and which concomitantly involved changes at Pineville, Ky., and Jamestown, Tenn. Under both alternatives, Channel 280A would be substituted at Jamestown for Channel 261A, which is assigned to Station WDEB–FM and is entitled to "reimbursement" (see paragraph 5, above). While either Channel 228A or 292A were proposed as alternatives for Channel 261A at Pineville, the former involves a cochannel short-spacing with RM–1427—the petition of Gap Broadcasting Co. at Big Stone Gap, Va.—and the latter conflicted with RM–1581—the petition of Walter Powell, Jr. trading as Tri-State Broadcasters—for the same channel at Middlesboro. We noted that Pineville and Middlesboro were both in Bell County; Middlesboro has both an operating FM channel (Station WMIK–FM) and AM Stations WAFI and WMIK; Knox County, where Barbourville is located, has no FM channel assigned; and that Barbourville—Community Broadcasting Co., the daytime AM licensee at Barbourville, had applied for the Pineville channel for use at Barbourville (BPH–6331).[8] Those filing comments and/or reply comments as to this phase of the docket are: Trevor F. Swoyer & Associates; Walter Powell, Jr., trading as Tri-State Broadcasters; Barbourville-Community Broadcasting Co.; WDEB, Inc.; and WATO, Inc. The cities involved, the counties in which located, and the populations are as follows:

City	Population	County	Population
Oak Ridge, Tenn.	28,319	Anderson	60,300
		Roane	38,881
Jamestown, Tenn.	1,899	Fentress	12,593
Knoxville, Tenn.	174,578	Knox	276,293
Pineville, Ky.	2,817	Bell	31,087
Barbourville, Ky.	3,549	Knox	23,689
Middlesboro, Ky.	11,644	Bell	31,087
Big Stone Gap, Va.	4,153	Wise	35,947
Norton, Va.	4,001		

10. As already noted the core proposal is the assignment of Channel 262C to Oak Ridge. The petitioner urged the historical importance of Oak Ridge as a "unique city" incorporated in 1959, which has since grown to a population of 31,400 (28,319 according to the 1970 Census), has an effective purchasing power of $95 million and retail sales of about $66 million, and is the main population center of Anderson County with numerous churches and schools (including Oak Ridge Associated University, the University of Tennessee Evening School, and the University of Tennessee Resident Graduate School). It was urged that the existing local aural services Stations WATO (full-time regional) and WATO–FM (Class A) demonstrably are insufficient to serve the needs and interests of Oak Ridge either for local programing or local advertising.[9] Petitioner urged that the addition of Channel 262C would result in a substantial benefit to the area's economic and philosophic growth. Further, at full power and height from a mountain about 12 miles north of Oak Ridge, petitioner envisaged service to a large area (12,874 square miles), including substantial areas without primary FM service (597 square miles) or with only one such service (3,461 square miles).

11. Both WATO, Inc. (WATO), the licensee of Stations WATO and WATO–FM at Oak Ridge, and WDEB, Inc. (WDEB), the licensee of Station WDEB–FM at Jamestown, oppose the assignment of Channel 262C to Oak Ridge. We turn first to WATO's arguments. This party raises the question whether the failure of Swoyer to file comments before we reopened the proceeding (see footnote 1) in fact is not tantamount to a dismissal so that reply comments were unnecessary. This appears to be a further allusion to Swoyer's earlier motion to strike WATO's original comments; aside from this too being mooted by our having extended the time for filing comments and reply comments to serve certain interested parties, it was only after the notice in this case that we adopted a policy to the effect that a petitioner and other parties to FM Table of Assignments rule making have an obligation to file a comment, even if merely a nominal pleading to the effect that one adheres to views expressed in the petition stage. Ibid. WATO urges that mixing Class A and Class C channels is contrary to the public interest. In this respect, the Commission tried to adhere to such a concept to the extent possible, but now that FM allocations are becoming more difficult in some areas, to continue to do so would be a vain effort aimed at equality and parity of service inconsistent with public interest, convenience, and necessity considerations as required by the Communications Act of 1934, as amended; see and compare second report and order in Docket No. 18125, 17 FCC 2d 952, 957 (1969).[10]

12. Both WATO and WDEB attack the proposal as an effort to serve the more lucrative market of Knoxille located about 20 miles east of Oak Ridge. Knoxville, located in Knox County, has three Class C channels (248, 278, and 299), respectively occupied by Stations WBIR–FM, WEZK, and WIVK–FM. WDEB, in this respect, places strong reliance on the fact that both Oak Ridge—at least the Anderson County part of that city (population 26,829)[11] and the proposed "site" are in the Knoxille SMSA which includes Knox, Anderson (60,300), and Blount (63,744) Counties. In the circumstances, WATO refers to the proposed Oak Ridge assignment as a "hollow mockery" with the true effort and indeed requirement under § 73.206(a)(4) to serve Knoxville. This party goes on to say that it is doubtful whether Oak Ridge can economically support a wide area FM station or for that matter an additional FM station, and, thus, a Class C station of necessity would look to Knoxville for economic support with the result a de facto reallocation to Knoxville contrary to the objectives of section 307(b). WATO says that in order to prove unserved (none) and underserved (one other) areas, Swoyer must also consider AM service since FM is only part of a single aural service. Reliance is placed on Cherokee Broadcasting Co., 17 FCC 2d 121 (1969), reversed on other grounds, 18 FCC 2d 488 (1969); compare New Sun Broadcasting Co., 24 FCC 2d 770, 773 (Rev. Bd., 1970). The economic injury to an operating station argument advanced by WATO has long since been disposed of by "FCC v. Sanders Bros. Radio Station," 309 U.S. 470 (1940). On the other hand, WATO's argument that, since AM and FM are parts of a single aural service, the type of showing Swoyer should make about unserved and underserved areas is persuasive; in this respect Swoyer's reply comments adduces engineering data that considering nighttime AM service there would be service to an unserved area of 223 square miles and an underserved area of 2,490 square miles.

13. Swoyer vigorously attacks WDEB's argument that, since Oak Ridge is within Knoxville SMSA, the proposal must be considered as one of Knoxville as inconsistent with the reasons and facts previouly presented. This rationale, Swoyer says, would mean that only one city within an SMSA would be allocated FM channels, even though there are two or more large cities in a particular SMSA and the contention is contrary to the admonition of section 307(b) for fair, efficient, and equitable distribution of radio service. It should be fairly obvious that we do not subscribe to such a theory else we would not have recently assigned channels to Lowell, Ind. (second report and order in Docket No. 18883, 28 FCC 2d 641 (1971)); and Cayce, S.C. (report and order in Docket No. 19144, 30 FCC 2d 180 (1971)).[12] As Swoyer says, the current test for an allocation to a community is that it be separate and distinct with its own needs and interests;[13] further, we agree with Swoyer's position that, if unserved and underserved areas includes AM services, the appropriate test would be nighttime service.[14]

14. WDEB, Inc., also claims that reimbursement should include potential loss of income and indemnification for possible loss of listeners. We need not detail these, for it is now settled law that the right to reimbursement is a circumscribed one. See paragraph 5, above. See also, e.g., Cocoa Beach, 1 FCC 2d 646 (1965); Wenatchee, 2 FCC 2d 828, 830 (1966); Kenton and Bellefontaine, 3 FCC 2d 598, 603–5 (1966); Gretna and Danville, 5 FCC 2d 333, 341 (1966); and Circleville, 8 FCC 2d 159 (1967).

15. We now turn our attention to the Pineville, Barbourville, Middlesboro, and Big Stone Gap portion of this proceeding. As already noted above, a necessary part of the Swoyer petition included a proposal to substitute either 228A or 292A for 261A at Pineville located in Bell County for which Barbourville-Community Broadcasting Co. (Barbourville-Community), the licensee of daytime-only AM Station WYWY there, had filed an application (BPH–6331) for use at Barbourville (see footnote 8).[15] Both alternatives conflicted with other petitions: the 228A proposal at Pineville conflicted with that of Gap Broadcasting Co., licensee of daytime only AM Station WLSD at Big Stone Gap, Va., filed in order to provide that city and surrounding area with a first local nighttime service (RM–1427). The Channel 292A alternative conflicted with the petition of Walter Powell, Jr., trading as Tri-State Broadcasters (Powell), licensee of Station WAFI (daytime only) there, to allocate Channel 292A as a second FM channel to Middlesboro also located in Bell County. Station WMIK–FM operates on the Middlesboro channel (224A); it was first licensed in August 1971 (our notice reported that Cumberland Gap Broadcasting Co., licensee of daytime-only Station WMIK, had been granted a CP after a hearing on a concentration of control issue; 24 FCC 2d 393 (1970)). Our notice noted that Channel 228A proposal was deficient because the distance between the proposed transmitter site for Barbourville-Community and the Big Stone Gap reference point or Gap Broadcasting Co.'s proposed site was 5 miles short under the rules (60 as opposed to the 65-mile cochannel Class A separation required by § 73.207 of the adopted July 25, 1963 (23 R.R. 1859, 1871). However, our study of the situation shows that no FM channel can be assigned at the Knoxville reference point and an additional channel would have to be located well outside of the city. Assuming that we assign Channel 262C to Oak Ridge, any applicant with the intention of serving Knoxville or Knoxville and Oak Ridge would of necessity have to seek a reassignment to Knoxville or a dual city assignment.

[2] This application was granted on Feb. 19, 1971. Call letters "WGRK" were authorized May 10, 1971.

[3] Population 1,027. Its county—Russell—has 10,542 inhabitants.

[4] As to the latter, reconsideration is pending as to the pertinent part about Whaleyville, Virginia (RM–1481).

[5] But see footnote 1.

[6] The need to reimburse Station WJRS–FM, Jamestown, Ky., in addition to the financial burden of building an AM station and prosecuting an application for an FM station may well have deterred Price and Milby's interest in an FM station at Greensburg.

[7] It should be evident that from the notice we felt that the public interest warrants an FM assignment at Greensburg. However, to make the allocation without assurance that someone would apply in the near future appears somewhat futile; cf. the new "practice" discussed in footnote 1, and see also paragraph 21, below.

[8] The distance between Pineville and Barbourville is 13 miles, but the application was filed prior to amending § 73.203(b) of the rules in 1968 to decrease use of a Class A FM channel to an unlisted community within 10 miles of the city of assignments.

[9] On Sept. 1, 1971, Radioak, Inc. (BP–18003), was authorized to construct a daytime-only AM station at Oak Ridge.

[10] Two of the seven communities in Tennessee having two or more FM channels have mixed assignments—Chattanooga and Kingsport.

[11] The part of Oak Ridge in Roane County has a population of 1,490.

[12] Nor would we here have gone through the lengthy discussion in the latter docket to deny an FM allocation to Burnettown, S.C.

[13] The Commission recognizes that Channel 262C would fully serve Knoxville from the "site" selected by Swoyer. However, any action on our part to allocate Channel 262C to Oak Ridge does not mean that one may not apply for the use of the channel from another site. As concerns service to Knoxville, it should be noted that on the basis of population criteria, Knoxville is entitle to a greater number of channels. See the further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62–867), and incorporated by reference in paragraph 25 of the third report, memorandum opinion and order,

[14] The test heretofore was that set out in the Roanoke Rapids and Goldsboro, N.C. rule making (9 FCC 2d 672 (1967)).

[15] In July 1971, John O. McPherson filed for Channel 261A at Pineville (BPH–7565). Because the times had already lapsed, he filed neither comments nor reply comments.

V 37 I 15 JAN 22 72 XUM

rules); indeed, because of this, Swoyer proposed the 292A alternative at Pineville. In the petition stage, Powell suggested the feasibility of allocating Channel 228A to both Pineville and Big Stone Gap, while Swoyer pursued the 292A proposal for Barbourville contending that assignment of the latter channel to Middlesboro is inconsistent with Commission population criterion for FM allocations (i.e., the further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62–867) incorporated by reference in paragraph 25 of the third report, memorandum opinion and order, adopted July 25, 1963 (23 R.R. 1859, 1871)). Swoyer erred as to the latter, for a city the size of Middlesboro may have a second FM assignment. Our notice asked for comments as to assigning either Channels 228A or 292A to Barbourville, or Channel 292A to either Pineville or Middlesboro.

16. The notice pointed out some of the contentions of the parties and relevant considerations. For example, Powell asserted that Middlesboro is entitled to a second channel as the largest city in Bell County; that Middlesboro is the commercial center of the county with more than one-half of the retail business—$168 million of $300 million, and it accounts for two-thirds of the county's retail sales ($24 million). From the technical viewpoint, we noted a 2-mile shortage from Station WNVA–FM, Norton, Va., to the Pineville reference point, but this was not a problem because a transmitter site could easily be found west of Pineville. Our notice also noted the degree of radio service at each of the communities and the status of the community within its county. All of them have one local AM outlet. Barbourville is the seat and largest city of Knox County, which includes a part of Corbin (1,179 of the total 7,317 population; the 6,138 balance is in Whitley County), and aside from service from two AM stations (one daytime, one fulltime) and two Class A FM stations there, the only aural service is Barbourville's daytime AM Station WYWY. Big Stone Gap is the largest community within Wise County which surrounds the independent city of Norton; there are no FM channels assigned to Wise County (in contrast to Norton) and only one AM station—daytime-only WLSD at Big Stone Gap (Norton has AM Station WNVA (daytime only) and FM Station WNVA–FM). Middlesboro and Pineville about 10 miles apart are both in Bell County; the former is the largest city and the latter the seat; there are two daytime AM stations and one Class A FM station at Middlesboro, while Pineville, as already noted, has an FM allocation for which there are two applicants, one for use at Barbourville (Barbourville-Community) and that of John O. McPherson for use at Pineville.

17. Only Barbourville-Community and Powell directly commented on this phase of the proposed rule making. Barbourville-Community indicates that it favors a change of assignment because its application for Channel 261A is short-spaced to the application of Irvine Broadcasting Co. which has applied for use of Winchester Channel 261A at Irvine, Ky. (BPH–5996), and Station WSIP–FM at Paintsville, Ky. Barbourville-Community urges that Channel 292A rather than Channel 228A be assigned to Barbourville. As to the possibility of assigning Channel 228A, it suggests a waiver of spacing, or that Station WLSD (Big Stone Gap) be required to select a new site because the latter acted later than Barbourville-Community. The latter is an extension of this party's view that an important economic factor for it as a small town station is that its FM transmitter site must be at AM Station WYWY's transmitter site. This party also filed reply comments which more or less reiterate the views expressed in the comments.

18. Powell contends that assignment of Channel 292A to Middlesboro offers an advantage over assigning that channel to Barbourville or Pineville because more channel allocations may be made: Specifically, Channel 292A to Middlesboro; Channel 262C to Oak Ridge; Channel 228A to Barbourville; and Channel 228A to Big Stone Gap; as opposed to allocating Channel 292A to Pineville (or Barbourville) which precludes Channel 292A to Middlesboro. Powell submitted a preclusion study; if Channel 292A were assigned to Middlesboro, the sizeable communities affected are two cities in Tennessee—Tazewell (population 1,860) in Claiborne County (population 19,420) and Jefferson City (5,124) in Jefferson County (population 29,940)—and Clinton, Ky. (4,754), located in Hickman County (6,264 population). Each has an operating AM station and Clinton also has an FM station. Powell states that Clinton does not need a second FM and the other two show no particular need for a local FM station. Powell argues that not only would 292A at Middlesboro be more efficient but a second FM channel is needed because of the control of media by commonly owned Stations WMIK, WMIK–FM, and the daily newspaper there.[16] The supporting engineering statement also contends that from a site west of Pineville (to comply with the mileage spacing to WNVA–FM (see paragraph 16 above)) Pineville would not receive proper coverage. On the other hand, allocation of Channel 228A to Barbourville would be particularly efficient because of slight preclusion and a station on Channel 292A at Middlesboro would cover Pineville with a 1 mv/m contour.

CONCLUSIONS—OAK RIDGE, ET AL.

19. It would appear that the conclusions to be reached would be put in proper perspective by a verbatim repetition of paragraph 14 of the notice of proposed rule making, inasmuch as information and data adduced are directed at the points set therein. That paragraph, entitled proposals and alternatives, said:

[16] Powell, by letter, later advised that the Daily News had been sold, although it and the WMIK stations exchange news and weather services and the paper does not carry the schedule of Powell's AM Station WAFL.

It appears clear that the assignment of Channel 262C at Oak Ridge should be proposed herein, along with the concomitant change of the Class A assignment and station at Jamestown, Tenn., in view of the importance of Oak Ridge and the wide-area and needed service which a station on the channel could provide. As to the Big Stone Gap-Pineville-Barbourville-Middlesboro requests, it appears that there are a wide range of alternatives. Of the four, Big Stone Gap appears the most meritorious, since it is the largest of the three communities now without an FM assignment, and there is none (and no fulltime AM service) actually in its county. Barbourville appears meritorious for much the same reasons. It has not had a channel assigned up to now, but there is demand there for use of a channel, as shown by the pending application. As indicated above, cochannel assignment of Channel 228A at these places does not appear to be out of the question, if sites 65 miles apart could be utilized. Pineville has the one present FM channel, and it has fulltime AM service and there is one FM assignment in the same county at Middlesboro. Middlesboro is much the largest of the communities, but it has one FM assignment already. As indicated above, whether a second assignment would be made depends on what is shown about the preclusive effect on needed assignments elsewhere. We do not now decide which of the proposals discussed above should be preferred. One consideration, which the parties should discuss, is assignment flexibility: where the channels involved here, 228A and 292A, could be used if not assigned to one of the places proposed.

20. In paragraphs 10–14, above, we have discussed the contentions of the parties as to assigning Channel 262C to Oak Ridge. Our analysis of the basic question leads us to conclude that the public interest would be served by allocating Channel 262C to Oak Ridge. In reaching this conclusion, we have pointed out the fallacy of the economic injury argument made by WATO, and that the contention that the Commission does not mix different classes of channels is erroneous. To the extent that the Roanoke Rapids-Goldsboro case is applicable, we agree that, since AM and FM are parts of a single aural service, AM service should be considered, and, in this respect, it is AM nighttime service that should be considered. In reaching our result, we also have disposed of the contention that Swoyer intends to serve Knoxville. The argument is unpersuasive in the circumstances, but, assuming otherwise, it should be noted that Knoxville is entitled to another channel under the population criteria for FM assignments; any additional Knoxville channel assignment would have to be located outside the city because of mileage separation requirements, and should someone apply for the Channel 262C assignment made here to Oak Ridge for use at Knoxville, that applicant should concomitantly seek rule making to reassign the channel to Knoxville or a dual assignment, if intending to serve both Knoxville and Oak Ridge.[17] Because of the lengthy discussion of the guiding principles in the notice and the report and order adopted in Docket No. 18476 (26 FCC 2d 162, 166 (1970)), adopted at the same time, our discussion about reimbursement to Station WDEB–FM was brief.

[17] From an engineering point of view, a station with appropriate height and power from the site "selected" by Swoyer could cover Knoxville with a requisite city-grade signal.

21. As stated in our notice, of the Big Stone Gap-Pineville-Barbourville-Middlesboro proposals, the one for Big Stone Gap appears the most meritorious, since the more populous of the communities without an FM allocation, none in its county (while Norton, with an FM and a daytime-only station, is within the county, it is an independent city under Virginia law). Channel 228A could be assigned to Big Stone Gap, although the petitioner—Gap Broadcasting Co., licensee of WLSD—like Barbourville-Community insisted on the need for the FM station operating from the site of its AM station. Channel 228A could be assigned to both Barbourville and Big Stone Gap if transmitter sites are selected at other than the reference points and the transmitter sites; specifically, if a station at Big Stone Gap is about 2 miles east of the city and a station at Barbourville about 2 miles west. We believe that status of both communities are comparable; as to size, Barbourville has a population of 3,549, and Big Stone Gap is 4,153; neither county has an FM outlet of its own; and both cities have daytime-only AM radio stations. Barbourville-Community's priority of application argument is meaningless. Also, in this respect, should we assign Channel 292A to Barbourville, the transmitter site would have to be about a mile south of the reference point to meet the cochannel mileage spacing to Lancaster, Ky. In the circumstances, that is, if Channel 228A were assigned to both Barbourville and Big Stone Gap, Channel 292A could be assigned to either Pineville or Middlesboro. This would allow the maximum use of the potential channel assignments. As between Middlesboro (population 11,844) and Pineville (population 2,817), there are a number of considerations. From the technical viewpoint, an allocation at either cannot be made at the reference point because of the cochannel mileage separation to Norton's WNVA–FM; the nearest point is 0.7 mile to the west of Middlesboro and 2 miles west of Pineville. From the point of view of service, Middlesboro has two daytime-only AM stations and an FM station which recently became operative. Pineville has a full-time AM station and there are two applicants for Channel 261A presently assigned there—that of Barbourville-Community for use at Barbourville and John O. McPherson's filed in July of this year. Should we assign Channel 228A to Barbourville, it seems clear that Barbourville-Community would amend its application for that channel. If we assign 228A to both Barbourville and Big Stone Gap, the allocation of Channel 292A rests on the needs and interests of Pineville for a first FM channel as opposed to Middlesboro's need for a second one. In the latter respect, Powell proceeds on the basis that as the licensee of daytime Station WAFI at Middlesboro he is entitled to equality with Cumberland Gap Broadcasting Co., licensee of Stations WMIK (daytime-only) and WMIK–FM. We are not persuaded by this reasoning; similarly, the fact that under our population criteria, a second FM assignment to Middlesboro is only a single factor to be considered. Nor are we oblivious to the fact that Pineville would receive FM service from both Middlesboro and Barbourville. On balance, we are disposed to assign Channel 292A to Pineville which perhaps not insignificantly is the city from which Channel 261A is being deleted to allow Channel 262C to be assigned to Oak Ridge.

22. From the foregoing, it is our decision to assign Channel 262C to Oak Ridge, Channel 228A to Barbourville and Big Stone Gap, respectively, and Channel 292A to Pineville. As to Big Stone Gap, there seems to be some uncertainty whether Gap Broadcasting, the petitioner, or anyone else, intends to apply for and build an FM station there. Therefore, if no interest in the channel is evidenced within 1 year of the effective date of the assignment, the Commission will, on formal request, give consideration to the issuance of an order deleting the assignment.

23. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

24. In accordance with the foregoing: *It is ordered*, That effective February 25, 1972, the FM Table of Assignments (§ 73.202(b) of the rules) is amended, with respect to the cities listed below, as follows:

City	*Channel No.*
Oak Ridge, Tenn	232A, 262C
Jamestown, Tenn	280A
Big Stone Gap, Va	228A
Pineville, Ky	292A
Barbourville, Ky	228A

25. *It is further ordered*, That the proposal to assign Channel 288A to Greenville, Ky., is denied.

26. *It is further ordered*, That the proposals to assign Channel 276A to Greensburg, Ky., Channel 285A to Burnside, Ky., and Channel 285A to Jamestown, Ky., are denied.

27. *It is further ordered*, That the petition of Walter Powell, Jr., trading as Tri-State Broadcasters to assign Channel 292A to Middlesboro, Ky. (RM–1581), is denied.

28. *It is further ordered*, That effective February 25, 1972, the outstanding license held by WDEB, Inc., for Station WDEB–FM, Jamestown, Tenn., is modified to specify operation on Channel 280A in lieu of Channel 261A, subject to the following conditions:

(a) The licensee shall inform the Commission in writing by no later than February 25, 1972, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 16, 1972, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WDEB–FM on Channel 280A at Jamestown, Tenn.

(c) The licensee may continue to operate on Channel 261A under its outstanding authorization until February 25, 1972, or until 45 days after it receives notice from the Commission that a station is authorized to operate on Channel 262 at Oak Ridge, Tenn., whichever is later, or the licensee is ready to operate earlier on the new frequency and submits an application for an FM broadcast station license with proof of performance measurement data to demonstrate compliance with technical performance requirements of the rules. The licensee shall not operate on Channel 280A without prior authorization from the Commission.

29. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 12, 1972.

Released: January 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[18]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-990 Filed 1-21-72;8:48 am]

[Docket No. 18397]

PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

CATV Systems; Correction

In the matter of amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to community antenna television systems; and inquiry into the development of communications technology and services to formulate regulatory policy and rule making and/or legislative proposals.

In F.R. Doc. 71-18674 in the issue of Wednesday, December 22, 1971, the Order, FCC 71-1234, in the above-entitled matter, released December 20, 1971, footnote 2 is corrected to read "Commissioner Johnson concurring in part and dissenting in part".

Released: January 18, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-989 Filed 1-21-72;8:47 am]

[18] Commissioners H. Rex Lee and Reid absent.

V37-15 JAN 22 72 XUM

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1074, Amdt. 2]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized to Operate Over Certain Trackage of Burlington Northern Inc.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 18th day of January 1972.

Upon further consideration of service Order No. 1074 (36 F.R. 12225 and 25424), and good cause appearing therefor:

It is ordered, That: Section 1033.1074 *Service Order No. 1074* (Union Pacific Railroad Co. authorized to operate over certain trackage of Burlington Northern Inc.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., February 29, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1972.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1011 Filed 1-21-72;8:49 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 274, Sub-No. 1]

PART 1121—ABANDONMENT OF RAILROAD LINES

Special Procedures

Special procedures for proposed railroad abandonment where no public objection is sustained or where the requirements of public convenience and necessity are minimal or nonexistent.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 14th day of January 1972.

These amendments to Part 1121 of the Commission's regulations governing the filing and handling of applications to abandon railroad lines, or the operation thereof, provide special relief, reducing costs and expediting disposition of applications where no public objection is sustained, or where the requirements of public convenience and necessity are minimal or nonexistent.

A large majority of the abandonment cases decided by the Commission in the past 10 years have been unopposed by the general public or specific shippers. The record in such cases generally shows that there is little or no traffic moving over the lines of railroads (hereinafter referred to as "abandonment trackage"); that there are little or no prospects for additional tonnage; that the abandonment trackage is generally in poor physical condition, with operations thereover substantially slowed down for reasons of safety; and that the materials that can be salvaged after the abandonments frequently can be sold or used to public advantage in the operations of the applicant and in the public interest. Based on this experience in abandonment proceedings, it is apparent that the same long-form application and its attendant procedures are not warranted in all instances. It is the purpose of these amendments to provide for the use of more expedient and more economical short-form applications and procedures in situations where the applicant does not anticipate serious public opposition, or where the public's use of the abandonment trackage has been minimal. In such cases, the failure to sustain public opposition, or the negligible or minimal public use of the facilities, would give rise to a finding that the public convenience and necessity permit the proposed abandonment.

As to the proposed abandonments which are actively contested and subjected to oral hearings, the Commission has completed a study of all such proceedings decided during 1969 and 1970. The study is considered to constitute a valid and representative sample of the kind of abandonment applications likely to incur serious public opposition. Its purpose was to derive procedural standards for avoiding the unnecessary protraction of litigation. Based on Commission findings in the study cases, and on applied statistical analysis, it has been determined that, on the average for a 12-month period, 34 carloads of freight traffic per mile of abandonment trackage are necessary to enable a railroad to operate the trackage on a break-even basis.

The Commission recognizes that certain deficit operations are draining carrier resources more urgently needed in the production of essential railroad services elsewhere in the rail system, and that the public convenience and necessity may well permit the summary elimination of various relatively little-used services entailing such deficits. Accordingly, these amendments to Part 1121 will establish a rebuttable presumption that the public convenience and necessity does not require continued maintenance and/or operation (as the case may be) of all or a portion of a line of railroad (abandonment trackage) and permit the abandonment thereof, upon submission of proof by the carrier that, on the average, fewer than 34 carloads of freight per mile were carried on the abandonment trackage during the preceding 12-month period. Unless a party opposing the abandonment application indicates by a proffer of substantial evidence that it would be able to rebut this presumption, a certificate permitting the proposed abandonment shall be issued without further formal proceedings. The effect of this rule is to shift to the protestants the burden of going forward with the evidence, after the applicant has established its prima facie case on the basis of the statistical standard incorporated herein. Protestants are advised of the availability of discovery procedures as provided in the Commission's general rules of practice, 49 CFR 1100.56–1100.67.

These amendments make three application forms available to abandonment applicants, a short form provided by Subpart C for use where applicant carrier does not anticipate serious public opposition, a modified long form provided by Subpart B for use where the facts of the case satisfy the single mathematical criterion for establishing the rebuttable presumption in favor of abandonment; and the ordinary long form provided by Subpart A for use when the factual situation does not warrant either of the other two. The Commission's experience in more than 1,000 abandonment proceedings over a 10-year period indicates that these options will permit a more expedient and economical disposition of the majority of abandonment applications while maintaining the protections of due process.

The Commission finds that the amendments prescribed herein are in the public interest and are necessary and appropriate for the administration of the Interstate Commerce Act. Since the amendments grant relief from existing regulations and/or relate to matters of practice and procedure, and since they are based on the findings of numerous public hearings conducted by this Commission during a span of several years, further notice and public proceedings under 5 U.S.C. 553 are unnecessary, and good cause exists for making the amendments effective upon publication hereof in the FEDERAL REGISTER.

Wherefore, and good cause therefor appearing:

It is ordered, That Part 1121 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by designating §§ 1121.1 through 1121.5 (the only regulations in this part) issued on March 31, 1971 (36 F.R. 7741), as Subpart A, and by adding Subparts B and C as follows:

Subpart B—Special Rules for Railroads Proposing Abandonments Where the Requirements of Public Convenience and Necessity Are Minimal or Nonexistent

Sec.
1121.20 Scope of special rules.
1121.21 Form of application.
1121.22 Notice, publication, posting, service.
1121.23 Rebuttable presumption.
1121.24 Refiling.

Subpart C—Special Relief for Railroads Proposing Abandonments Where No Public Objection is Sustained

1121.30 Scope of special rules.
1121.31 Applications (short form).
1121.32 Notice, publication, posting, service.
1121.33 Defective or inadequate notice.
1121.34 No public objection, waivers, certification.
1121.35 Public objection, withdrawal, refiling.

AUTHORITY: The provisions of Subparts B and C issued under sec. 1 (18)–(20), 49 Stat. 543, as amended; 49 U.S.C. section 1.

Subpart B—Special Rules for Railroads Proposing Abandonments Where the Requirements of Public Convenience and Necessity are Minimal or Nonexistent

§ 1121.20 Scope of special rules.

These special rules govern the filing and handling of applications under section 1, paragraphs (18) to (20), inclusive, of the Interstate Commerce Act (49 Stat. 543, as amended; 49 U.S.C. 1 (18)–(20)), for certificates of public convenience and necessity authorizing the abandonment of a line of railroad, or the operation thereof, where the requirements of public convenience and necessity are minimal or nonexistent; and certain other procedural matters with respect thereto including the establishment of a rebuttable presumption in support of an abandonment authorization where the line fails to generate at least 34 carloads of traffic per mile of abandonment trackage on the average, during a 12-month period.

§ 1121.21 Form of application.

(a) *Carriers to be assigned an abandonment docket number.* Each carrier by railroad desiring to propose abandonments pursuant to these special rules shall request the Commission to assign to it an abandonment docket number (No. AB– ------). Thereafter, carrier shall date and consecutively subnumber each application at the bottom of each page in substantially the following manner:

No. AB– ------ (Sub-No. ------), ------ (date) ------.

(b) *Form and style.* Applications shall be in the form of a notice with supporting information as specified in paragraph (d) of this section. The front page may be on the letterhead of the applicant. Applications shall be typewritten or printed on paper approximately 8½ x 11 inches with 1½-inch margin at the left side for binding. Reproduction may be by any process which provides clearly legible copies. The words "Notice of Proposed Abandonment" shall be in large boldface type near the top. If printed, nothing less than 12-point type shall be used in the remainder of the notice.

(c) *Content.* The first six paragraphs of the notice must appear in substantially the following form:

Notice is hereby given that the Interstate Commerce Commission is being requested to issue a certificate of public convenience and necessity permitting abandonment of (a) the line of railroad of (applicant) or (b) operations by (applicant) over the line of railroad, extending from railroad milepost ------ near (station name) in a ---------- direction to (end of line or railroad milepost) near (station name), a distance of ------ miles, in ---------- County(ies), (State). This line includes the stations of (list all stations on the line).

The interest of employees will be protected by (specify imposition of "the Burlington conditions") (Chicago, B. & Q.R. Co. Abandonment, 257 I.C.C. 700) or (some other appropriate conditions).

The reasons for this proposed abandonment are (here in a paragraph headed "Reasons for Proposed Abandonment" tell the public, briefly and plainly, why the abandonment is being undertaken).

The name and address of applicant's representative to whom inquiries may be made is ----------

---

The Interstate Commerce Commission will rule on this application without hearings unless protests are received which contain information indicating a need for such hearings.

Any protests referring to this notice (No. AB–------ (Sub-No. ------)) shall be filed with the Interstate Commerce Commission, Washington, D.C. 20423, not later than (here insert a date not earlier than 20 days from the final date of publication of this notice in county newspapers.)

(d) *Information to establish the presumption described in § 1121.23.* Applicant shall submit a list of all freight carloads moved by the applicant over the abandonment trackage during the preceding 12 months, the dates of such shipments, the consignor and/or consignee of each, and the distance each moved over the abandonment trackage. On the basis of these facts, the applicant shall prepare and submit its computations in terms of the statistical criterion, i.e., average number of carloads per mile of abandonment trackage. Thus, for a 10-mile segment, a total carload figure less than 340, or an average carloads-per-mile figure less than 34, would suffice to establish the presumption.

(e) *Other pages, additional statements.* The prescriptions in paragraphs (c) and (d) of this section shall not preclude applicant from furnishing additional statements and explaining its reasons to the Commission or responding to inquiries from the general public. Applicant's statements shall include the amount of traffic (tonnage and carloads) handled on the line (abandonment trackage) in the preceding 2 plus calendar years, and whether continued operation would be at a deficit. If the reasons for the proposed abandonment are stated in condensed form, applicant shall indicate whether and where a more complete statement is available.

(f) *Signature, verification.* The original application shall be signed and verified under oath as provided in § 1121.3.

(g) *Date, filing, copies.* The application shall be dated and filed, with copies as provided in § 1121.4, not later than 30 days before the date specified in the notice of proposed abandonment for the filing of protests with the Commission.

(h) *Filing fee.* Applicant must submit with the application a check or money order made out to the Interstate Commerce Commission for the filing fee as an application (long-form) under Subpart A of this part.

§ 1121.22 Notice, publication, posting, service.

Notice, publication, posting, and service shall be as provided in § 1121.5.

§ 1121.23 Rebuttable presumption.

A presumption that the public convenience and necessity does not require maintenance and/or continued operation, and permits the abandonment, of all or a portion of a line of railroad, or operation thereof, as the case may be, shall be established upon proof that, on the average, fewer than 34 carloads of freight per mile were carried over said line (abandonment trackage) during the 12 months preceding filing of the application. The prima facie case thus established may be rebutted by evidence establishing that the public convenience and necessity requires continued maintenance and/or operation of the said line of railroad. Unless a party opposing the abandonment indicates by a proffer of substantial evidence that it would be able to rebut the presumption, a certificate permitting the proposed abandonment shall be issued without further formal proceedings.

§ 121.24 Refiling.

An application filed pursuant to this Subpart B may not be refiled under these special rules sooner than 1 year from the last publication date as provided in § 1121.5.

Subpart C—Special Relief for Railroads Proposing Abandonments Where No Public Objection Is Sustained

§ 1121.30 Scope of special rules.

These special rules govern the filing and handling of applications (short-form) under section 1, paragraphs (18) to (20), inclusive, of the Interstate Commerce Act (49 Stat. 543, as amended; 49 U.S.C. 1(18)–(20)), for certificates of public convenience and necessity authorizing the abandonment of a line of railroad, or the operation thereof, where no public objection is sustained; and certain other procedural matters with respect thereto.

§ 1121.31 Applications (short-form).

(a) *Carriers to be assigned an abandonment docket number.* Each carrier by railroad desiring to propose abandonments pursuant to these special rules shall request the Commission to assign to it an abandonment docket number (No. AB– ------). Thereafter, carrier shall date and consecutively subnumber

V 37 N 15 JAN 22 72 XUM

each short-form application at the bottom of each page in substantially the following manner:

(No. AB- ------- (Sub-No -------), -------
(date) ------

(b) *Form and style.* Applications shall be in the form of a notice, the front page of which may be on the letterhead of the applicant. Applications shall be typewritten or printed on paper approximately 8½ x 11 inches with 1½ inch margin at the left side for binding. Reproduction may be by any process which provides clearly legible copies. The words "Notice of Proposed Abandonment" shall be in large bold-face type near the top. If printed, nothing less than 12-point type shall be used in the remainder of the notice.

(c) *Content.* The first six paragraphs of the notice must appear in substantially the following form:

Notice is hereby given that the Interstate Commerce Commission is being requested to issue a certificate of public convenience and necessity permitting abandonment of (a) the line of railroad of (applicant) or (b) operations by (applicant) over the line of railroad, extending from railroad milepost ------ near (station name) in a ------ direction to (end of line or railroad milepost) near (station name), a distance of ------ miles, in (County(ies)), (State). This line includes the stations of (list all stations on the line).

The interest of employees will be protected by (specify imposition of "the Burlington conditions") (Chicago, B. & Q.R. Co. Abandonment, 257 I.C.C. 700) or (some other appropriate conditions).

The reasons for the proposed abandonment are (here, in a paragraph headed "Reasons for Proposed Abandonment," tell the public, briefly and plainly, why the abandonment is being undertaken).

The name and address of applicant's representative to whom inquiries may be made is ----------

---

The Interstate Commerce Commission will rule upon this application without hearings unless protests are received which contain information indicating a need for such hearings.

Any protests referring to this notice (No. AB-------- (Sub-No. -------)) shall be filed with the Interstate Commerce Commission, Washington, D.C., 20423, not later than (here insert a date not earlier than 20 days from the final date of publication of this notice in county newspapers).

(d) *Other pages, additional statements.* The prescription in paragraph (c) of this section shall not preclude applicant from furnishing additional statements and explaining its reasons to the Commission or in response to inquiries from the general public. Applicant's statements shall include the amount of traffic (tonnage and carloads) handled on the line (abandonment trackage) in the preceding 2 plus calendar years, and whether continued operation would be at a deficit. If the reasons for the proposed abandonment are stated in condensed form, applicant shall indicate whether and where a more complete statement is available.

(e) *Signature, verification.* The original application shall be signed and verified under oath as provided in § 1121.3.

(f) *Date, filing, copies.* The application shall be dated and filed, with copies as provided in § 1121.4, not later than 30 days before the date specified in the notice of proposed abandonment for the filing of protests with the Commission.

(g) *Filing fee.* Applicant must submit with the application (short-form) a check or money order made out to the Interstate Commerce Commission for 25 percent of the filing fee for an application (long-form) under Subpart A of this part.

§ 1121.32 Notice, publication, posting, service.

(a) *Publication in county newspapers.* The front page of the application (short-form) and attachment (if any) must be published by the applicant in some newspaper of general circulation in each county in which any part of the line of railroad sought to be abandoned is situated. The notice must be published at least once during each of 3 consecutive weeks. The last publication date must be at least 20 days before the date specified therein for the filing of protests with the Commission.

(b) *Posting.* Copy of the front page of the application and attachment (if any) must be posted in a conspicuous place at each agency station on the line sought to be abandoned. If there is no agency station on the line sought to be abandoned, the notice shall be posted at the agency station on the applicant's line through which business for the line sought to be abandoned is handled.

(c) *Mail service.* On or before the date the application is filed with the Commission, the applicant shall serve, by first class mail:

(1) A confirmed copy of the application on the Governor and public service commission of each State in which any part of the line of railroad sought to be abandoned is situated, accompanied by a statement that if they desire to be heard in the matter they shall advise the Commission within the period specified of their interest in the proceeding; and

(2) Copy of the notice on all shippers and consignees which, after diligent inquiry, are found to be located on the line proposed to be abandoned and to have used the services of said line during the 12-month period immediately preceding the date of filing the application and upon all prospective shippers and consignees which may have newly located on the line during the aforesaid 12-month period regardless of whether or not they may have utilized the line during the period.

(d) *Certificate of service.* A certificate of mail service and proof of publication and posting of the notice shall be filed with the Commission at least 10 days before the date specified in the notice for the filing of protests.

§ 1121.33 Defective or inadequate notice.

Where the notice required by § 1121.32 is inadequate or defective, the applicant will be so advised by the Commission with a statement specifying the inadequacies. The applicant may publish, post, and serve a notice with appropriate modification unless public objection to the proposed abandonment has already been sustained.

§ 1121.34 No public objection, waivers, certification.

(a) *Waiver of additional information.* Where no public objection is submitted, maintained in force, and unsatisfied, all or any part of the information requirements in § 1121.1 may be waived.

(b) *Waiver of additional fee.* Where no public objection is sustained, the balance of the filing fee for an application (long-form) under subpart A of this part shall be waived.

(c) *Certification.* Appropriate certificates and orders will be issued to applicants found eligible to abandon lines of railroad, or the operation thereof, pursuant to these special rules.

§ 1121.35 Public objection, withdrawal, refiling.

(a) *Partial withdrawal.* Where public objection is sustained as to only a part of the line being proposed for abandonment, the applicant, with the consent of the protestants, may request that, that part of the application be withdrawn, and that a certificate be issued permitting abandonment of the remainder of the line sought to be abandoned.

(b) *Applicant may file (long-form) application.* A notice to which public objection is sustained, in whole or in part, is without prejudice to applicant's right to file and prosecute an application for the same authority, or any portion thereof, pursuant to the provisions of Subparts A or B of this part. As soon as practicable after public objection is made, the Commission will request applicant to advise whether an application under Subparts A or B will be filed and prosecuted. If such an application is filed not more than 60 days after the last publication date as provided in § 1121.32(a), notice and service of the application (long-form) will be required only as provided in § 1121.5(b). The fee paid under § 1121.31(g) will apply toward the fee for the application (long-form).

(c) *Application may be dismissed.* Where public objection is sustained, and no application under Subparts A or B is filed, the application under these rules will be deemed to have been withdrawn and will be dismissed.

(d) *No refiling within 1 year.* A notice to which public objection is sustained may not be refiled under these special rules sooner than 1 year from the last publication date as provided in § 1121.32 (a).

(Secs. 1 (18)-(20) and 12, 49 Stat. 543, as amended, and 24 Stat. 383, as amended; 49 U.S.C. section 1 (18)-(20), 12)

It is further ordered, That this order shall become effective upon publication in the FEDERAL REGISTER (1-22-72).

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1081 Filed 1-21-72;8:50 am]

[Ex Parte 274, Sub 1]

PART 1121—ABANDONMENT OF RAILROAD LINES

Special Procedures

Special procedures for proposed railroad abandonment where no public objection is sustained or where the requirements of public convenience and necessity are minimal or nonexistent.

An order in this matter was served on January 18, 1972, and is published this date in the FEDERAL REGISTER, which promulgates certain regulations of the Commission.

With respect to Subpart B and Subpart C thereof, notice is hereby given that approval of the Office of Management and Budget has been granted, specifically:

(1) As to Subpart B: OPF 250A and OMB 60—R 0397, ex date 12-74.

(2) As to Subpart C: OPF 250B and OMB 60—R 0398, ex date 12-74.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1082 Filed 1-21-72;8:50 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-22-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in Lake Champlain and the Missisquoi River from the Missisquoi National Wildlife Refuge, Vt. The refuge is delineated on a map available at refuge headquarters, Swanton, Vt., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special condition:

(1) Taking of fish by use of firearms is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

EDWIN H. CHANDLER, *Refuge Manager.*

JANUARY 17, 1972.

[FR Doc.72-1000 Filed 1-21-72;8:48 am]

PART 35—WILDERNESS PRESERVATION AND MANAGEMENT

Access to State and Private Lands

Correction

In F.R. Doc. 71-19113 appearing at page 25426 in the issue of Friday, December 31, 1971, the existing last sentence of § 35.13 should read as follows: "Use will be consistent with reasonable purposes for which such land is held. The Director will issue such permits as are necessary for access, designating the means and route of travel for ingress and egress so as to preserve the wilderness character of the area."

V37-15 JAN 22 72 XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1061, 1068]

[Dockets Nos. AO-347-A4, AO-178-A27]

MILK IN MINNEAPOLIS-ST. PAUL AND SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREAS

Notice of Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa (Dairyland) marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Bloomington, Minnesota, August 17–18, 1971, pursuant to notice thereof which was issued on August 2, 1971 (36 F.R. 14476).

The material issues on the record of the hearing relate to:

Issues concerning Order 68 (Minneapolis-St. Paul). . Charges on overdue accounts.

2. Provisions for pooling supply plants.

3. The need for emergency action on Issue No. 2.

4. Diversion of producer milk.

5. Mileage limitation on classification of transfers to nonpool plants.

6. Location adjustments.

7. Miscellaneous, administrative, and conforming changes.

Issues concerning Order 61 (Southeastern Minnesota-Northern Iowa (Dairyland)). 8. Distributing plant pooling standard.

9. Supply plant pooling standard.

10. Computation of supply plant pooling qualification.

The decision deals with all the issues listed above, except issues No. 2 and 3 for the Minneapolis-St. Paul order. These two issues were considered previously in an emergency final decision issued by the Assistant Secretary on September 10, 1971 (36 F.R. 18474).

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Charges on overdue accounts.* The rate charged on overdue accounts under the Minneapolis-St. Paul order should be raised from four-tenths of 1 percent to three-fourths of 1 percent per month.

A group of cooperatives, representing a majority of the producers, proposed the increase. A witness for the association testified that the current rate of four-tenths of 1 percent per month is unrealistic when compared with present-day commercial rates for borrowing money. Proponent stated that the increase to three-fourths of 1 percent would reflect more closely the current level of rates charged on commercial borrowings in the Minneapolis-St. Paul area for similar transactions. There was no opposition to the proposal either at the hearing or in briefs filed by interested parties.

A charge on overdue accounts was adopted in the order to encourage prompt payment of handler obligations. It is essential that all handler payments to the producer-settlement fund be made promptly in order that the market administrator will be able to make required payments from the producer-settlement fund. The charge applied to overdue accounts is not a substitute, however, for prompt payment as required by the order.

Proponent cited varying interest rates associated with credit transactions in the Minneapolis-St. Paul area, stating that most area department stores charge at the rate of 1½ percent per month (18 percent on an annual basis). Area banks charge their prime customers at the rate of about 6 percent annually. Bank loans at the prime rate are not general. When they are made such loans are secured. Accordingly, the rate charge on overdue accounts under the order that are already past due and are not secured should be somewhat higher than the prime rate.

The current order rate of 4.8 percent on an annual basis is below the prime rate and is not effective in insuring prompt payment. It permits a handler to use monies owed producers at an interest cost lower than the handler would have to pay if he obtained the funds through conventional money channels.

Handlers who pay late are, in effect, borrowing from producers through the producer-settlement fund. While the principal purpose of the interest charge is to discourage late payment, if a handler does obtain operating capital in this way, producers should be compensated in an amount consistent with what the handler would have to pay to borrow through conventional money channels.

Failure of a handler to pay his producer-settlement fund obligation promptly places a possible burden on other handlers who are entitled to draw money from such fund for their producers. Payments from the producer-settlement fund would have to be reduced pro rata until the overdue pool obligation is paid. If such receiving handler must borrow money to pay his producers in order to retain his milk supply, it is evident that he will pay a higher rate to obtain such funds than the delinquent handler currently is charged on the overdue account under the order.

The main thrust of proponent's case for raising the charge was the obvious opportunity for handlers to take advantage of the disparity between the rate charged on overdue accounts under the order and the interest rate charged on money borrowed from conventional sources.

Proponent stated, on the other hand, that late payments by handlers are not a serious problem in the market currently. However, a situation that occurred following the expansion of the marketing area about 2 years ago was cited. A handler who became fully regulated by the order at that time refused to pay his producer-settlement fund obligation. Before final settlement, almost 2 years later, this obligation involved a substantial amount of money and was subject only to the low rate on overdue accounts. During the 2 years there was significant disparity between the rate charged under the order and the rate charged on short term commercial credit transactions. Short term interest rates rose significantly during the 2-year period.

The order should continue to provide a carrying charge on overdue obligations of fully regulated handlers to the producer-settlement fund, including any adjustment resulting from audit by the market administrator of a handler's receipts and utilization. The charge should apply also to overdue obligations of partially regulated handlers, including audit adjustments. There should be no opportunity for financial advantage through delay in payments of obligations to the market administrator. Increasing the rate on overdue obligations as adopted herein will tend to preclude such situations from occurring.

A charge of three-fourths of 1 percent per month (9 percent on an annual basis) is a reasonable rate to encourage prompt settlement of accounts when due. It is in line with the prevailing rate on short-term commercial borrowings in this area.

This charge would continue to be applied to an obligation on the day following the date on which payment is due. Prompt application of the charge is necessary to discourage delays. In case a handler refuses or fails to file a report from which his obligation to the producer-settlement fund is computed, a charge should be applied to the payment due the market administrator as though the report had been filed when due. Otherwise, some handlers might find it advantageous to be delinquent in filing their reports.

The charge presently is applied to overdue handler obligations payable to individual producers and cooperative associations as well as to payments due the producer-settlement fund. However, the date payment actually is made to producers or cooperatives by handlers may not be available when the pool is computed. This can be particularly complicated if there are other transactions between the two parties involving monies owed one by the other, and the terms and allocation of payments among various debt accounts are not known to the market administrator on a current basis. In fact, this information may not be ascertainable for several months. Moreover, verification of the actual date of payment, and the computation and collection of small increments of carrying charges for individual producers, would unduly burden order administration. Therefore, the application of the carrying charge to these types of obligations should not be continued.

The current order does not provide for a carrying charge on overdue handler obligations for marketing services or order administration. No change was proposed regarding the application of the carrying charge to these types of obligations, and therefore no revision is made at this time.

4. *Diversion of producer milk.* The Minneapolis-St. Paul order should be amended to provide for certain diversions of producer milk directly to nonpool plants without losing its eligibility for pooling as "producer milk" under the order.

The current order does not provide for diversions of milk to nonpool plants for Class II purposes. The order does provide that milk may be moved directly from farms to nonpool plants for Class I use. In this connection, the proposed diversion provision adopted herein would eliminate the need for §§ 1068.11(b) and 1068.44(c) of the current order, under which a cooperative, as a handler, may move milk directly from producers' farms to nonpool plants for Class I purposes. This change will enable the cooperative to divert within the specific limits, to a nonpool plant for use in either class.

Except for the above situation, all milk must be received at a pool plant to be eligible for pricing and pooling, as producer milk, under the present order. However, when milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be further facilitated.

Requiring all milk to be received at a pool plant to qualify as producer milk can result in uneconomic milk movements. In this circumstance, when milk is not needed at the pool plant, it must be reloaded and hauled to a nonpool plant for manufacturing. This can be a costly procedure. The order should be amended to eliminate to the extent possible the necessity for uneconomic handling of the market's production in excess of fluid needs.

A group of cooperatives proposed amending the order to accommodate diversions of producer milk to nonpool manufacturing plants. Proponents contended that this would meet the current needs of the market. There was no opposition to the proposal presented at the hearing or in briefs.

The diversion provisions provided herein basically follow those proposed. The association's proposal included a provision to allow a cooperative association, as a handler, to divert 10 percent of its total receipts of member milk during September–November and 25 percent of such receipts in the other months.

Proponent testified that the marketing situation with respect to handling the market's reserve supply has changed significantly in the past 2 years. Cooperatives supplying the market's fluid needs have assumed primary responsibility for disposal of the market's surplus. Two years ago the largest cooperative in the market did not operate a nonpool plant. Today most of the nonpool manufacturing outlets being used for this purpose are owned and operated by cooperatives supplying milk to the market. Many of these plants are located a considerable distance from the main consumption centers.

Because of the day-to-day and seasonal variation in both production and sales, a producer's milk may not always be needed at a pool plant each day. The day-to-day sales variation is influenced primarily by bottling plant operations that are conducted on a 5-day week. Milk purchases by consumers tend to be greater on the weekend than during the week. Therefore, daily bottling schedules at processing plants vary also.

Distributing plants tend to associate a supply of milk sufficient to meet their needs on peak bottling days. This leaves substantial quantities of milk produced on other than the peak bottling days, weekends and holidays, that must be moved to manufacturing outlets. Diversion provisions are provided to enable handlers operating pool plants and cooperative associations to divert producer milk on such occasions when the milk is not needed in the market for Class I purposes.

Prior to expansion of the marketing area in May 1969, the surplus handling problem was not so acute. Since the market utilization was considerably higher at that time and the available reserve could be processed in pool plants, lack of the diversion privilege for manufacturing use did not create significant problems for handlers.

Production has increased considerably since the marketing area expansion in May 1969. In June 1969, 167 million pounds of producer milk were pooled under the Minneapolis-St. Paul order. Of this total 35 percent was utilized in Class I. During June 1971, 193 million pounds of producer milk were pooled and only 33 percent was used in Class I. The increase in producer milk and a decrease in the portion used in Class I has resulted in a greater amount of surplus to be disposed of, and has required the use of distant nonpool plants for the manufacture of some of this surplus.

Also, the milk supply area for the market is gradually moving farther away from the central market of Minneapolis-St. Paul. Land near the city used for dairy farms in the past now is being used for suburban residential housing. As the milkshed moves farther away from the city, it becomes more efficient to ship milk in excess of fluid needs directly to a nearby nonpool plant than to require it to be received at a pool plant, reloaded and hauled back to a nonpool plant located nearer the producers' farms.

While it is appropriate to provide for diversions for Class II use, it is necessary also to provide limitations on the amount of milk that may be diverted in order that only milk genuinely associated with the market will be eligible for diversion, and that diversion will occur only to accommodate regular supplies when not needed in the market for Class I purposes. The "producer milk" definition is rewritten accordingly.

Diversion of producer milk by a cooperative association to a nonpool plant should be limited to 10 percent of the milk received from its producer-members at pool plants (including both the milk actually received at pool plants and diverted therefrom) during any month of September through November. Similarly, a pool plant operator other than a cooperative association should be in position to divert for his account up to 10 percent of the producer milk received from producers at his plant (including both the milk actually received at the pool plant and diverted from the plant) during any month of September through November. The pool plant operator may divert producers who are not members of a cooperative association diverting from such plant. As proposed, the percentage limits would be 25 percent during the December–August period.

The proposal provided that a cooperative be allowed to divert 10 percent of its total member milk during September through November and 25 percent in other months. Some of the cooperatives

V 37 15 JAN 22 72 XUM

supplying the market also supply milk to other Federal order markets. Based on the market's present need to divert milk to nonpool plants for manufacturing the proposal to base diversion on total member milk is unnecessarily liberal. The market's diversion need for Class II purposes can be served adequately by providing a more limited provision that will still assure orderly marketing. Accordingly, the percentage adopted should be related only to the amount of member producer milk that a cooperative associates with the Minneapolis-St. Paul market.

Under the proposal, only a cooperative association could be the handler on diverted producer milk. It is deemed appropriate, however, that a pool plant operator should be afforded the same opportunity as a cooperative association to divert milk in excess of fluid needs to nonpool plants for Class II use. Accordingly, a pool plant operator may divert milk of producers who are not members of a cooperative association, subject to the same monthly limitations as the cooperative association.

Only milk genuinely associated with the market and available to the market on a continuing basis should be eligible to be diverted to nonpool plants. Therefore, it should be provided, in addition, that at least 6 days' production of the producer must be received at a pool plant during the month to qualify any of his production for diversion in the same month within the limits described above. A producer shipping on an every-other-day basis thus would be required to deliver his milk to pool plants 3 days each month. The requirement herein adopted is sufficient to establish a producer's continuing association with the fluid market and still permit the necessary flexibility in diverting milk not needed for fluid use.

Milk diverted to nonpool plants in excess of the limitations provided would not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on any excess quantity. In such instances, the diverting handler would specify the milk that is ineligible as producer milk. If the handler fails to make such designation, thereby making it infeasible for the market administrator specifically to determine which milk was overdiverted, all milk diverted to nonpool plants by such handler would be ineligible as producer milk.

As proposed, diverted producer milk should be priced at the location of the plant to which diverted rather than the location of the pool plant to which it is customarily delivered. If such milk were priced at the pool plant from which diverted, producers regularly supplying the market could be placed in the position of "subsidizing" those producers whose milk is diverted to manufacturing plants. This would be particularly disadvantageous when the diverted milk both originates and is diverted at a great distance from the market center. A producer who does not incur the cost of transporting milk from his farm to the market center should not receive the f.o.b. market price as if he had incurred such cost, as do producers who actually pay to have their milk delivered to the main consumption center.

To carry out the intent of the diversion provisions provided herein, the "producer" definition needs to be revised. Since the present order does not provide for all types of diversions, the "producer" definition is silent concerning the producer status of a dairy farmer whose milk is diverted to a nonpool plant that is a pool plant under another order. As proposed herein, a dairy farmer will not be a producer under this order if his milk is moved directly from the farm to a pool plant regulated by another order. Such milk will be producer milk under the order where the milk is actually received. Otherwise the result might be that such dairy farmer would be a producer under both orders for the same milk.

In cases where milk may be diverted from pool plants under another order (such as the Dairyland order) to a Minneapolis-St. Paul pool plant, Order 68 should provide that the dairy farmer whose milk was so diverted would not obtain producer status under the Minneapolis-St. Paul order if both handlers request a Class II utilization on their reports of receipts and utilization filed with their respective market administrator, and the other order provides for such diversion of producer milk to other order plants. If the other order does not provide for such diversion of producer milk to other order plants, the dairy farmer whose milk is delivered directly from the farm to pool plants regulated by this order would be a producer under the Minneapolis-St. Paul order.

In addition, the definition of "handler" should be amended by adding a new paragraph to make a cooperative associaion the handler on milk diverted to a nonpool plant for the account of the association. Since cooperatives have assumed the primary responsibility for the market's surplus disposal, the order should provide that the cooperative may be the handler on diverted producer milk.

5. *Mileage limitation on classification of transfers to nonpool plants.* The mileage basis for classifying certain transfers to nonpool plants as Class I should be removed from the Minneapolis-St. Paul order.

The order now provides that milk transferred to any nonpool plant located more than 150 miles from the Minnesota Transfer Viaduct at University Avenue in St. Paul, Minn., shall be classified in Class I irrespective of the actual use of such milk at the nonpool plant.

The proponent, a group of cooperatives, testified that the mandatory Class I classification of transfers over 150 miles is unnecessary and inappropriate under today's marketing conditions. There was no opposition to the proposal at the hearing or in briefs.

When this provision was placed in the order, milk markets, including the Minneapolis-St. Paul market, tended to be smaller and more localized, and much of the milk supply moved in cans. Compared with manufactured dairy products, fluid milk is costly to transport because of its bulky, perishable nature. There were ample facilities in the Minneapolis-St. Paul milkshed for manufacturing reserve supplies. Accordingly, milk moved more than 150 miles from the market at that time was intended primarily for fluid use and it was classified as Class I milk.

As indicated by proponent, the milk marketing situation is different today. Milk has become increasingly more mobile. Milk travels in bulk tank trucks, and it is not unusual for milk to move from producers' farms to distant plants regularly not only for fluid use but also for manufacturing.

Proponent indicated that important outlets for surplus milk may be located beyond the 150-mile limit within which milk may be moved and classified as Class II under the present provisions. Proponent stated, as an example, there are times during the year when the cooperative would like to transfer surplus milk from its supply plant at Milaca, Minn., to a nonpool manufacturing plant located at Perham, Minn., to produce butter and nonfat dry milk or to a nonpool plant located at Hibbing, Minn., to be used in ice cream or cottage cheese. However, both Perham and Hibbing, Minn., are located beyond the 150-mile radius and all such transfers must be classified in Class I regardless of the end use of the milk.

In addition, milk handling facilities are being consolidated into fewer but larger units. These larger units may do business in several different market areas. The more widespread organizations become the more important it is to have uniform order provisions regarding classification. The change adopted herein will implement this procedure.

In earlier years, limiting distant movements of milk to Class I classification was appropriate not only in terms of the milk handling costs and practices of the period but also in terms of a saving in administrative cost. The costs involved in verifying utilization at distant plants is not a problem today, however, because the Federal milk order program is extensive. The 62 Federal milk orders operate in most of the larger cities and arrangements for checking utilization at distant nonpool plants are readily made through the cooperative efforts of the market administrators.

Removal of the automatic Class I classification for milk moved to nonpool plants located more than 150 miles from St. Paul will result in handlers accounting to the producer-settlement fund on the basis of use at the nonpool plant to which the milk is transferred or diverted. If a handler claims Class II utilization in his monthly report of receipts and utilization filed with the market administrator, the operator of the nonpool plant will be required to maintain records that must be made available to the market administrator upon request.

6. *Location adjustments.* The location adjustment provisions of the Minneapolis-St. Paul order should be amended to (a) expand to a radius of 40 miles from the St. Paul basing point the area within which no adjustment applies, (b) revise the rate schedule, and (c) base the computation of mileage on hard-surfaced highway distance.

The order now provides no price adjustment on milk received at plants located less than 15 miles in any direction from the basing point in St. Paul. The order also provides for reducing the Class I and uniform prices 3 cents for milk received at plants at least 15 miles but less than 20 miles from the basing point. Such prices are reduced further at the rate of 3 cents for each 10 miles or fraction thereof for milk received at plants located at least 20 but less than 50 miles from the St. Paul basing point. In addition, for distances 50 miles and over the prices are reduced in increments of 1 cent for each 10 miles or fraction thereof.

The purpose of location adjustments is to reflect the value of milk at the point of receipt at a plant. If a producer delivers his milk to a plant located in the zero zone, he bears the cost of hauling the milk all the way to the market, or consuming area, and should be compensated for such cost by receiving the zero zone price. Contrarily, if the producer delivers his milk to a plant located nearer his farm, the pay price to such a producer should not reflect the cost of moving the milk to the market center, since it is not he but the plant operator who must bear the cost of transporting the milk to the market.

The changes to expand the "no adjustment zone" and to revise the rate were proposed by a cooperative association representing a majority of producers on the market. At the hearing, the proponent contended that the 15-mile radius is no longer appropriate, stating that since the consuming area, and the area of competition among fluid milk handlers, have expanded substantially, the area where no location adjustment would apply should be expanded also.

In recent years, suburbs have expanded around the cities of Minneapolis and St. Paul. While these areas are outside the city limits of Minneapolis and St. Paul, they represent an extension of the market center, thereby changing the makeup of the total consuming area.

The population in a nine-county area surrounding the Twin-Cities, and within a 40-mile radius of the St. Paul basing point, has increased significantly over the past 10 years. Population increases in this nine-county area ranged from 12 percent in one county to 80 percent in another of the nine betwen 1960 and 1970. In 1960 about 1.6 million persons were residing in the nine-county area, while in 1970 the population was almost 2 million. During this same 10-year period the population for the State of Minnesota rose about 10 percent, while in the nine counties, the rate of population increase was more than double that rate, at 23 percent.

Under the order's present location adjustment provisions, plants located at least 15 miles but less than 40 miles from the basing point receive location adjustments ranging from minus 3 to minus 9 cents to cover the cost of transporting the milk into the consuming center. However, with the extension of the market center, it is not always necessary to move all milk to Minneapolis or St. Paul, because the distributing plants located at outlying points from such major cities are now serving these areas. Distributing plants located less than 15 miles from St. Paul, now receiving no location adjustment, are in strong competition in a common sales area with plants located between 15–40 miles from the basing point that receive price adjustments ranging from minus 3 to minus 9 cents.

In addition, areas of milk procurement have moved somewhat farther away from the city as suburban areas have developed. Some land used for dairy farms in the past is now used for homes and shopping centers for an expanded population.

The changed circumstances in distribution resulting from population shifts, and changes in areas of milk procurement, warrant an extension, to a radius of 40 miles from St. Paul, of the area within which no location adjustment should apply. The applicable Class I and uniform prices for milk received at plants located at least 40 but less than 50 miles from the St. Paul basing point should be reduced 6 cents.

Further adjustments, at the rate of 1.5 cents for each 10 miles, or fraction thereof, should apply at plants located 50 miles or more from the St. Paul basing point. Proponent testified that the proposed rate of 1.5 cents for each 10 miles is an appropriate measure of the cost of transporting bulk milk in this market. Such a rate has been widely accepted as a reasonable measure of the cost of transporting bulk milk, and is used as a standard in applying location adjustments in most Federal orders at the present time.

For the purpose of establishing location adjustments, mileage distances between the basing point in St. Paul and various plant locations are determined by the market administrator. The determinations currently are made in terms of airline miles.

Milk is delivered in bulk tank trucks moving over highways; therefore, in computing such adjustments, the costs associated with transporting milk would be reflected more accurately by using highway miles rather than airline miles. This procedure is a more practical method to establish location adjustments and is being used in all other Federal order markets at the present time.

It is concluded that the basis for computing mileage in determination of location adjustments be changed. All future mileage distances determined by the market administrator should be measured by the shortest hard-surfaced highway distance.

The changes in the location adjustment provisions adopted herein would result, in most cases, in location adjustments at individual plants that range between the plant's present location adjustment and that which was proposed. Generally, the location adjustments provided herein would be less than those now provided by the order.

7. *Miscellaneous, administrative, and conforming changes.* Three changes in the Minneapolis-St. Paul order were proposed for administrative improvement. A witness for the cooperatives testified on each of the proposals.

The first change deals with the requirement that a handler must have paid producers or cooperative associations for the prior month to have his report of receipts and utilization included in the next computation of the uniform price. This prerequisite should be eliminated.

The order now excludes from the computation of the uniform price the receipts and utilization of a handler: (1) Who has not filed his report of receipts and utilization for the month; (2) who has not paid his producer-settlement fund obligation for the preceding month; and (3) who has not paid producers or cooperative associations for the preceding month.

Obviously, if a handler does not file a report of his receipts and utilization such data cannot be included in the current uniform price computation. Federal orders generally exclude a handler's utilization from the uniform price computation for the additional reason that the handler has failed to pay his previous month's obligation to the producer-settlement fund. If the handler reports, but has failed to pay his producer-settlement fund obligation for the preceding month, this fact is known to the market administrator prior to the time for computing a uniform price in the following month.

Except for a "de minimus" situation, it is reasonable to require that payment to the producer-settlement fund for the preceding month also be a prerequisite for including the handler's receipts and uses in the current pool. Failure to pay in the preceding month provides strong indication of the handler's intention for the current month, which could affect moneys available for payments out of the pool.

Excluding a handler's utilization from the computation of the uniform price, if he has not also paid producers or cooperative associations, presents obvious administrative difficulties. At the time the uniform price is computed, the market administrator may not know whether a handler has paid producers or cooperative associations for the prior month. Audit of such payments for the preceding month normally has not been made by the date of the current uniform price computation. Whether such payments have been made could involve disputed questions of fact or arrangements between producers or cooperative associations, and handlers. The market administrator may not know, prior to the next computation of the pool, the complete facts concerning a particular incident of payment. It may not be feasible to have such questions cleared up prior to the date on which the uniform price must be computed. For this reason, the order should be amended to eliminate payments to producers and cooperatives as a prerequisite to pooling in the current month.

V 37 • 15 JAN 22 72 XUM

The prompt and timely payment of producers and cooperative associations is essential, and these requirements will continue to be enforced. However, experience in a substantial number of markets demonstrates that it is not necessary to use such nonpayment for the preceding month as a criterion for excluding a handler's utilization from the uniform price computation the next month.

As a second administrative change, the order should be amended to eliminate the possibility of double charges on milk moving from a regulated plant to an unregulated plant and thence to a regulated plant.

More and more, plants are tending to specialize in the processing of certain products, or in the packaging of products in particular types of containers. It is not uncommon for milk to be transferred from a pool plant to a nonpool plant for special processing and the finished products to be moved back to a regulated plant. When the milk is initially priced at the Class I price, the market price structure is in no way undermined if this milk, or its equivalent, is disposed of by the nonpool plant in the regulated market.

The order should provide that the pool plant operator will have no obligation to the pool on such other source Class I milk. This is achieved through a revision of the allocation provisions and the procedure for computing the pool obligation of the pool plant operator. Receipts of packaged fluid milk products at a pool plant from an unregulated supply plant would be allocated to the pool plant's Class I utilization to the extent that an equivalent amount of skim milk or butterfat disposed of to the unregulated plant by handlers fully regulated under any Federal order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order. This allocation would be made prior to any other allocation of receipts to the plant's Class I utilization, and no order obligation would apply to the milk so allocated to Class I. In the case of fluid milk products received at a pool plant from an unregulated supply plant in bulk form, the provisions setting forth a handler's pool obligation would specify that no payment would apply to any such milk allocated to Class I if, as just described for packaged milk, an equivalent amount of milk received at the unregulated plant had been priced as Class I milk under some order.

The provisions prescribing the obligation of a partially regulated distributing plant should be changed also in this regard. When such plant's obligation is computed as though it were a pool plant, proper recognition must be given to any transfers from the plant to a regulated plant that already have been priced as Class I milk under another Federal order. Also, in computing such a plant's pool obligation on route sales in the marketing area, recognition should be given to any receipt of milk at such plant from an unregulated plant if an equivalent amount of milk received at the latter plant already has been priced as Class I milk under another order.

The order now imposes a handler assessment for administering the order on all other source Class I milk, except that received in fluid form from a pool plant or an other order plant. This may include milk that already has been priced as Class I milk under some Federal order as described above. With the removal of a "double" Class I charge on such milk the order should be changed to remove any assessment on such milk for administrative expenses when such milk is subject to an administrative assessment under the order that initially priced the milk.

The third change would correct a cross-reference in paragraph (a)(6) of the allocation section (§ 1068.46) of the order. Also, in the proviso of paragraph (c) of the "pool plant" section (§ 1068.9) August 1 should be changed to September 1. These changes are needed for clarification purposes.

Another change made herein is a corollary change to carry out the objective of better coordinating the pooling provisions among the orders in this region, and particularly between the Southeastern Minnesota-Northern Iowa order and the Minneapolis-St. Paul order. Changing the pool plant performance standards was an issue for each market at the hearing.

The corollary change would amend the provision for determining under which order a plant should be regulated when it qualifies as a pool plant under more than one order. The Minneapolis-St. Paul order would be changed so that the determination would be based on marketing area route disposition and on disposition to pool distributing plants in the respective markets.

Issues Concerning Order 61 Southeastern Minnesota-Northern Iowa (Dairyland)

8. *Distributing plant pooling standard.* The proportion of a distributing plant's receipts of Grade A fluid milk products that must be disposed of as Class I milk on routes should be increased in the Southeastern Minnesota-Northern Iowa order as a basis for pooling qualification.

The order now provides that during the months of February–August distributing plants must dispose of at least 15 percent of such Grade A receipts as Class I milk either on routes or in the form of packaged fluid milk products moved to other plants in order to qualify for pool plant status. During the months of September–January the applicable percentage is 20 percent.

A cooperative association, representing a majority of producers supplying the market, proposed increasing the minimum standard for pooling distributing plants to 30 percent during the months of February–August, and 40 percent in the other months. The proposal is supported by five other cooperatives.

No change was proposed in the 10 percent minimum in-area sales performance standard for distributing plants.

The minimum Class I disposition performance standard for qualifying distributing plants regulated under this order is lower than the similar pooling standards included in nearby contiguous orders.

Under the Minneapolis-St. Paul order distributing plants must dispose of 30 percent of their Grade A receipts as Class I milk during the months of January–June, and 50 percent during July–December, to qualify for pooling. To qualify under the Chicago Regional order, distributing plants must dispose of 45 percent of their Grade A receipts as packaged fluid milk products on routes or moved to other plants. Under the Eastern South Dakota and Nebraska-Western Iowa orders, distributing plants must dispose of 35 percent of their Grade A receipts on routes as Class I milk to qualify as a pool plant. These compare with a performance standard of only 15–20 percent, as described earlier in this decision, for distributing plants regulated under this order.

The minimum pooling standard should be increased, as proposed, to coordinate more effectively the performance standard of this order with the performance standards provided in surrounding Federal order markets. Coordinating the pooling standards to the extent possible will promote a more uniform and orderly method for pooling distributing plants located in this region under the various regulatory programs.

At the present time, the Dairyland order provides that a distributing plant may obtain pool status when a specified proportion of its receipts of milk is disposed of on routes or moved as packaged fluid milk products to other plants. Better coordination, particularly with the Minneapolis-St. Paul order, can be achieved by limiting this standard to route disposition. This corollary change will insure that the pool distributing plant standard for each market will provide pooling for such plants on approximately the same basis in each market.

Increasing the minimum percentage standard to 30–40 percent, as proposed, would not affect the pool plant status of any distributing plant currently serving the market, because distributing plants regulated by the order are demonstrating a higher Class I utilization than that proposed.

9. *Supply plant pooling standard.* The minimum performance standard for pooling plants under the Southeastern Minnesota-Northern Iowa order should be changed.

The order now provides that a supply plant must deliver at least 15 percent of its Grade A receipts from dairy farmers to pool distributing plants to qualify for pool plant status. A cooperative, representing a majority of producers on the market, proposed increasing the shipping percentage to 30 percent. The proposal is supported by five other cooperatives. The witness for the proponent cooperative testified that undue quantities of milk have been attached to this market since the order was promulgated because of the low minimum performance standard.

During May 1969 there were 704 dairy farmers delivering producer milk to this market. In May 1970 the number increased to 909 and during May 1971 there were 1,109 producers. This represents an increase of 405 producers, or almost 60 percent.

In August 1970 a hearing was held to consider a proposal to increase the shipping percentage for supply plants. At that time only one supply plant was qualifying as a pool plant. The proposed increase was denied because it would have made ineligible for pooling, without adequate supporting reasons, the milk of a substantial number of producers who had been shipping to the market since the inception of the order.

Since the hearing in August 1970, four supply plants have been added to the market. At the time of the most recent hearing (August 1971) five supply plants were being pooled. Four of these plants came on the market during September 1970. Such plants could qualify easily under the relatively low performance standard provided in this order, even though the milk were not needed for fluid use, and certainly more easily than in other markets in this region with marketwide pooling provisions.

It is appropriate that the performance standard for pooling supply plants in this market be consonant with the standards in nearby Federal order markets. Some supply plants pooled under this order are so situated that they could become pool supply plants under the Minneapolis-St. Paul order or the Chicago Regional order. Similarly, some supply plants regulated under such nearby orders readily could become pool plants under this order.

The monthly shipping standards for pooling supply plants in each of the surrounding markets are: 30 percent under the Minneapolis-St. Paul order; 40 percent during September–November and 30 percent in the other months under the Chicago Regional order; 35 percent under the Eastern South Dakota order; and 50 percent under the Nebraska-Western Iowa order. These compare with a shipping standard of 15 percent under this order.

Obviously, the shipping standard of this order is substantially lower than for the nearby markets. Such difference could cause any additional milk supply in the area that is attempting to find a market to gravitate in undue proportion to this market. This would result in a lower Class I utilization in this market, depressing the blend price for all producers serving the market as compared to the other markets drawing milk from the same general area.

Increasing the shipping standard to 30 percent, as proposed, will better coordinate the performance standards for qualifying supply plants with those of surrounding markets, and more specifically with the recently amended shipping standard for the Minneapolis-St. Paul order.

When markets draw milk from a common supply area, as is the case in this region, the respective markets should have substantially the same opportunity to draw supplies on the basis of relative prices and need. Under these circumstances, similar pooling standards will facilitate the opportunity for milk to gravitate toward the market that has the need. Relative blend prices are an efficient way to draw the milk to such market.

Two producer organizations opposed the proposal in their brief. They proposed increasing the shipping percentage in two steps, an increase to 20 percent for the 1972 qualifying period, and consideration of an increase to 30 percent at some future time. All supply plants that qualified during the September–November 1971 period have automatic pool status until September 1972. Supply plant operators consequently are afforded adequate time to reprogram their operations to accommodate the increase in the shipping percentage.

10. *Computation of supply plant pooling qualification.* The proposal to determine a supply plant's qualification under the Southeastern Minnesota-Northern Iowa order based on its "net" shipments to pool distributing plants should not be adopted.

The order now provides that a supply plant must deliver 15 percent of its Grade A receipts from dairy farmers to pool distributing plants to qualify as a pool plant. This decision changes the shipping performance standard to 30 percent of such receipts.

The change in the computational method used to determine whether a supply plant has met the shipping percentage was proposed by the same cooperative that proposed the increase in the shipping percentage. Five other cooperative associations supported the change.

Under the proposal, only the net amount of milk received at pool distributing plants would be counted toward meeting the minimum shipping percentage for qualifying a supply plant. Transfers and diversions of milk from the distributing plant for manufacturing purposes on the day of any receipt from a supply plant would be subtracted from the distributing plant's receipts from the supply plant in arriving at the "net" shipments from such plant.

Several examples of practices that could circumvent the intent of the shipping standard of an order were cited by proponent at the hearing. In some instances, shipments of milk from a supply plant to distributing plants might be made only for the purpose of qualifying the supply plant without relation to the utility of the milk in serving the Class I market. Also, a supply plant might make the necessary shipments to meet the minimum shipping percentage during the qualifying period only to get automatic pool status in the other months without making any shipments.

Further, a supply plant operator might make specific prearrangements with distributing plants that receive his milk to transfer an equivalent amount back to the supply plant or to a nonpool manufacturing plant for processing into manufactured products (Class II). Also, a supply plant operator might be willing to pay handling charges in various amounts to operators of distributing plants to pool his milk in this manner. These payments and the added hauling cost incurred could be offset by the benefits of pooling the milk, since the supply plant operator would account for the milk at the Class II price and be credited at the higher uniform price for payment to his producers.

Proponent indicated that the pooling practices described above are not a problem in this market at the present time, but that the proposed change is needed to insure the intent of the performance standard. Concern was expressed that some supply plants regulated under the Chicago order may attempt to become associated with this market. At this time, no such development has occurred and the problem is one of apprehension on the part of producers. Accordingly, we may not conclude that the proposed change is necessary at this time to maintain orderly marketing.

While it was pointed out that the Chicago Regional order provides for pooling a supply plant on the basis of its "net" shipments to distributing plants, the supply conditions of the Chicago market are quite different from those in this market. In the Chicago market, country supply plants and reload points are regularly used to assemble distant milk supplies for transshipment to the city to meet a large proportion of the fluid needs of the market. In the Southeastern Minnesota-Northern Iowa market there is an adequate supply of nearby milk available that may be moved directly from producers' farms to city plants to meet such needs.

Ruling on Objection

Prior to taking testimony on proposed amendments to Order No. 61 (Southeastern Minnesota-Northern Iowa), an attorney for a cooperative objected to this part of the proceeding on the ground that interested parties were not given an opportunity to submit additional proposals. The Hearing Examiner stated that reasonable time was provided between the publication of the hearing notice and the hearing date to enable interested parties to submit additional proposals or to request other action. Since no action was taken during this time period, he overruled the objection. The ruling of the Hearing Examiner is affirmed.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determination hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection

V 37 N 2 15 JAN 22 72 XUM

with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa (Dairyland) areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

In § 1061.11, paragraph (a) (1) and (2) and the introductory text of paragraph (b) are revised as follows:

§ 1061.11 Pool plant.

* * * * * * *

(a) * * *

(1) Not less than 10 percent of such receipts is disposed of from such plant as Class I milk in the marketing area as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants; and

(2) Not less than 30 percent during the months of February–August and 40 percent during the months of September–January of such receipts is disposed of as Class I milk as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant from which not less than 30 percent of its total Grade A milk receipts from dairy farmers during the month is delivered as fluid milk products to pool plants pursuant to paragraph (a) of this section subject to subparagraphs (1) and (2) of this paragraph:

* * * * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA MARKETING AREA

1. In § 1068.9, paragraph (c) is revised as follows:

§ 1068.9 Pool plant.

* * * * * * *

(c) Upon written request by the handler to the market administrator, received or postmarked on or before the last day of any month, any plant qualified as a pool plant pursuant to paragraph (b) of this section may be withdrawn from pool plant status beginning with the next month. Any such plant withdrawn from automatic pool plant status may not regain such status prior to the next September 1 and then only by meeting the requirements set forth in the first proviso of paragraph (b) of this section in the same manner as a plant qualifying for pool plant status for the first time.

2. Section 1068.11 is revised as follows:

§ 1068.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is received at a pool plant as producer milk directly from the farm; or diverted from a pool plant to a nonpool plant subject to the rules in § 1068.12. "Producer" shall not include the milk of any person produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler diverting such milk and the operator of the pool plant have each requested Class II classification on the reports filed with their respective market administrators. Neither shall it include the milk of any person produced by him which is diverted to an other order plant if such person is designated as a producer with respect to such milk under the other order.

3. Section 1068.12 is revised as follows:

§ 1068.12 Producer milk.

"Producer milk" means the skim milk and butterfat in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer; and

(b) Diverted from a pool plant to a nonpool plant (except a producer handler plant or an other order plant) subject to the following conditions:

(1) Such milk shall be priced at the location of the nonpool plant to which diverted;

(2) In any month that less than 6 days' production of a producer is delivered to pool plants the quantity of milk of the producer diverted during the month that exceeds that delivered to pool plants shall not be producer milk;

(3) During the months of September through November, a cooperative association handler may divert for his account the milk of any member producer. The total quantity of producer milk diverted by such handler in excess of 10 percent of the milk received from member producers at pool plants during the month shall not be producer milk;

(4) During the months of December through August, a cooperative association handler may divert for his account the milk of any member producer. The total quantity of producer milk diverted by such handler in excess of 25 percent of the milk received from member producers at pool plants during the month shall not be producer milk;

(5) During the months of September through November, the operator of a pool plant, other than a cooperative association, may divert for his account the milk of any producer other than a member of a cooperative association. The total quantity of producer milk diverted by such handler in excess of 10 percent of the milk received at such pool plant during the month from producers who are not members of a cooperative association shall not be producer milk;

(6) During the months of December through August, the operator of a pool plant, other than a cooperative association, may divert for his account the milk of any producer other than a member of a cooperative association. The total quantity of producer milk diverted by such handler in excess of 25 percent of the milk received at such pool plant during the month from producers who are not members of a cooperative association shall not be producer milk; and

(7) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (3), (4), (5), and (6) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

4. In § 1068.13, a new paragraph (a–1) is added as follows:

§ 1068.13 Handler.

* * * * * * *

(a–1) Any cooperative association with respect to milk of its members diverted for its account from a pool plant to a nonpool plant subject to the provisions of § 1068.12.

* * * * * * *

5. In § 1068.30, paragraph (a) (1) is revised and a new paragraph (d) is added as follows:

§ 1068.30 Monthly reports of receipts and utilization.

(a) * * *

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including diverted milk, and such handler's own production) producer-handlers' and other pool plants.

* * * * * * *

(d) On or before the 10th day of each month and in detail as prescribed by the market administrator each handler specified in § 1068.13(a–1) shall report to the market administrator for the preceding month the utilization of all skim milk and butterfat in diverted producer milk pursuant to § 1068.12.

6. In paragraph (b) (5) of § 1068.41, a new subdivision (vii) is added as follows.

§ 1068.41 Classes of utilization.

* * * * * * *

(b) * * *

(5) * * *

(vii) 1.5 percent of producer milk diverted to a nonpool plant pursuant to § 1068.12 except that if the operator of the nonpool plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent; and

* * * * * * *

7. Section 1068.44 is revised as follows:

§ 1068.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1068.46(a)(7) and the corresponding step of § 1068.46 (b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1068.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1068.46(a)(6) or (7) and the corresponding steps of § 1068.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph.

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1068.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular sources of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk;

(d) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1068.41.

8. In § 1068.46(a), subparagraphs (1), (4), (5), and (6) are revised as follows:

§ 1068.46 Allocation of skim milk and butterfat classified.

* * * * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II milk pursuant to § 1066.41(b)(5);

* * * * * * *

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (1) (i) of this paragraph;

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association as a handler pursuant to the proviso of § 1068.13(a), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess

V 37 ▪ 15 JAN 22 72 XUM

of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (1)(i) or (4)(i) of this paragraph;

* * * * *

9. Section 1068.55 is revised as follows:

§ 1068.55 Location adjustments to handlers.

The Class I price for producer milk and other source milk (for which a location adjustment is applicable) received at a plant located at least 40 miles (by the shortest hard-surfaced highway distance as determined by the market administrator) from the Minnesota Transfer Viaduct at University Avenue in St. Paul, Minn., shall be reduced by an amount indicated below.

Plant location (miles):	*Amount of deduction (cents)*
Less than 40	0
40 but less than 50	6

For distances of 50 miles or more, an additional 1.5 cents for each 10 miles or fraction thereof beyond 50 miles.

9a. In § 1068.62, paragraph (a) is revised as follows:

§ 1068.62 Milk under more than one Federal order.

* * * * *

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either on routes or to pool plants qualified on the basis of route disposition than is disposed of from such plant in the Minneapolis-St. Paul marketing area either on routes or to pool plants qualified on the basis of route disposition.

* * * * *

10. In § 1068.64, subdivision (i) of paragraph (a)(1) and paragraph (b)(2) are revised as follows:

§ 1068.64 Obligations of handlers operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1068.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. No obligation shall apply to Class I milk transferred to a pool plant or an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which such milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1068.70(d) and a credit in the amount specified in § 1068.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

11. In § 1068.70, paragraph (d) is revised as follows:

§ 1068.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received of the skim milk and butter fat subtracted from Class I pursuant to § 1068.46(a)(6) and the corresponding step of § 1068.46(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order.

12. In § 1068.71, paragraph (a) is revised as follows:

§ 1068.71 Computation of uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1068.70 for all handlers who filed reports pursuant to § 1068.30 for the month and who made the payments pursuant to § 1068.84 for the preceding month;

* * * * *

13. Section 1068.82 is revised as follows:

§ 1068.82 Location adjustments to producers and on nonpool milk.

(a) In making payments pursuant to § 1068.80 (b) and (c) for milk received at a pool plant located 40 miles or more from the Minnesota Transfer Viaduct at University Avenue in St. Paul, Minn., each handler shall deduct from the applicable price payable to such producers an amount in accordance with the location of the plant based on the rates set forth in § 1068.55; and

(b) For the purpose of computations pursuant to §§ 1068.84 and 1068.85, the uniform price shall be adjusted at the rates set forth in § 1068.55 applicable at the location of the nonpool plant from which the milk was received, except that the uniform price shall not be less than the Class II price.

14. Section 1068.90 is revised as follows:

§ 1068.90 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production); (b) other source milk allocated to Class I pursuant to § 1068.46(a)(3) and (6) and the corresponding steps of § 1068.46(b) except such other source milk on which no handler obligation applies pursuant to § 1068.70(d); and (c) Class I route disposition in the marketing area by partially regulated distributing plants that exceeds the Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order pursuant to the Act; and

(2) Specified in § 1068.64(b)(2)(ii).

15. Section 1068.92 is revised as follows:

§ 1068.92 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1068.64, and 1068.84, and 1068.86(a), for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased three-fourths of 1 percent for each month and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and for the purpose of this section any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

Signed at Washington, D.C., on January 20, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-1067 Filed 1-21-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Dockets Nos. 1-9, 1-10; Notice 10]

EXTERIOR PROTECTION STANDARDS

Proposal to Permit Removal of Trailer Hitches During Testing

The purpose of this notice is to propose an amendment of Motor Vehicle Safety Standard No. 215, 49 CFR 571.215, that would add a new test condition, S6.1.5, to permit removal of trailer hitches during testing.

The proposal is made in response to a request from General Motors, in which the company indicated that it installs large numbers of trailer hitches on passenger cars prior to sale to customers. The configuration of these hitches is such that a vehicle carrying them would not conform to the pendulum test requirements of the Exterior Protection Standard, No. 215. GM points out that the use of these hitches is well established, and that if factory installations are effectively prohibited by the standard, as they are at present, automobile buyers would almost certainly have them installed after purchase of the vehicle. Thus, the standard would have no effect with respect to trailer hitches except to alter the normal marketing pattern, and would have a negligible or negative net benefit to consumers.

Accordingly, it is proposed that Standard No. 215, 49 CFR 571.215, be amended by adding a new S6.1.5, reading as follows:

§ 571.215 Standard No. 215; exterior protection.

* * * * *

S6.1.5 Trailer hitches are removed from the vehicle.

* * * * *

Proposed effective date: September 1, 1972.

Interested persons are invited to submit written data, views, and arguments concerning the proposed amendment. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on February 21, 1972, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments filed after the above date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on January 17, 1972.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.72-978 Filed 1-21-72;8:47 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 110]

FOREIGN ATOMIC ENERGY PROGRAMS

Unclassified Activities; Extension of Time for Filing of Comments

On January 5, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 F.R. 92) proposed amendments to 10 CFR Part 110, to require specific Commission authorization to engage in a number of activities outside the United States involving facilities for the chemical processing of irradiated special nuclear material, facilities for the production of heavy water and facilities for the separation of isotopes of uranium. Interested persons were invited to submit comments or suggestions within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

The Commission is hereby extending the time for submitting comments to March 6, 1972. Comments received after that date will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the time specified. Copies of the comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 18th day of January 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-977 Filed 1-21-72;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 164]

RULES GOVERNING ADVISORY COMMITTEES AND RULES OF PRACTICE GOVERNING HEARINGS UNDER FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Notice of Proposed Rule Making

Notice is hereby given that Part 164 of Chapter I of Title 40 of the Code of Federal Regulations, issued pursuant to sections 4 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135b, 135d), is proposed to be revised to read as set forth below. Any person may file comments on this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be filed in duplicate and addressed to the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 14th and Independence Avenue SW., Washington, D.C. All written submissions filed pursuant to this notice will be available for public inspection.

It is proposed that these rules, when adopted in final form, will govern all future cancellation and suspension proceedings under this part and shall apply to any proceeding now underway insofar as it is practicable and will not be prejudicial to any party. In developing these rules this Agency has taken into account prior experience under this part and also recent judicial pronouncements.

Dated: January 19, 1972.

DAVID D. DOMINICK,
Assistant Administrator
for Categorical Programs.

Explanatory statement. This explanatory statement should assist interested persons in the preparation of comments on one aspect of the proposed rules, viz., the sections dealing with the relationship between the Agency's decisions whether to issue or continue in effect notices of cancellation and the right of persons adversely affected by such decisions to take administrative appeals (§§ 164.4(b) and 164.12(j)).

Recent judicial decisions have underscored the importance of bringing "the public into the decision-making process, and creat[ing] a record that facilitates judicial review" of decisions concerning the registration and cancellation of pesticides. Environmental Defense Fund v. Ruckelshaus, 439 F. 2d 584 (C.A.D.C., 1971); Wellford v. Ruckelshaus, 439 F. 2d 598 (C.A.D.C., 1971). Of particular concern to the courts was the absence of any procedure whereby administrative appeals could be taken from the Agency's refusal to issue notices of cancellation.

These rules represent an attempt by the Agency to be responsive to those decisions and to insure that the public voice is heard in the decision-making process.

V 37 15 JAN 22 72 XUM

The rules provide that, in considering whether to issue notices of cancellation initially or continue them in effect after review by an advisory committee, the Agency staff will weigh benefits against risks and make a determination on the merits of the registration. If that determination is for cancellation, administrative review will proceed as it has previously. If, on the other hand, the determination is for continued registration, the Agency will at the same time state whether that registration presented at least a substantial question of safety. If it did, persons who oppose that determination will be able to demand the issuance, or continuation in effect, of the notices of cancellation as a means of triggering further administrative review. Adoption of this procedure now, to govern the Agency's broad review of registrations, will result in a more reasonable approach to cancellation decisions. That approach should be satisfactory, on the one hand, to registrants and users of pesticides, for they will not be faced with cancellation decisions which have the support of neither the Agency nor other interested persons. On the other hand, it will afford to persons who oppose registration a mechanism, not previously available, for insuring that a full public hearing is held when necessary. In addition, this approach will assist the office of the General Counsel in taking a position at the administrative hearings consistent with the Agency's policy determinations, for it is difficult to make the initial decision to cancel in a vacuum that ignores overriding benefits which this Agency's staff would, itself, wish to emphasize at a public hearing.

Subpart A—General

Sec.
164.1 Meaning of words.
164.2 Definitions.
164.3 Scope and applicability of this part.
164.4 Administrative review of determinations respecting economic poisons.
164.5 Arrangements for monitoring Agency records, transcripts, and decisions.

Subpart B—Rules Governing the Advisory Committees

164.10 Docketing of request for advisory committee.
164.11 Appointment of advisory committee.
164.12 Procedure for advisory committee.

Subpart C—Rules of Practice Governing Hearings

164.20 Docketing of request for hearing.
164.21 Contents of document setting forth objections.
164.22 Filing copies of notification respecting registration.
164.23 Answer to objections not required.
164.24 Motions and requests.
164.25 Intervention.
164.26 Depositions.
164.27 Fees of witnesses.
164.28 Consolidation.
164.29 Prehearing conference.
164.30 Qualification and duties of examiner.
164.31 Procedure for a public hearing.
164.32 Order of procedure and burden of proof.
164.33 Evidence.
164.34 Transcripts.
164.35 Proposed findings of fact, conclusions and order.
164.36 Examiner's report.
164.37 Exceptions, objections, request for oral argument.
164.38 Argument before the Administrator.
164.39 Final order.
164.40 Ex parte discussion of proceeding.
164.41 Application for reopening hearings; for rehearing; or reargument of proceeding; or for reconsideration of order.
164.42 Procedure for disposition of petitions.
164.43 Filing and service.
164.44 Computation and extensions of time.

Subpart A—General

§ 164.1 Meaning of words.

As used in this part, words in the singular form shall be deemed to import the plural, and vice-versa, as the case may require.

§ 164.2 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean:

(a) The term "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act (61 Stat. 163, et seq. as amended, 7 U.S.C. 135–135k).

(b) The term "Administrator" means the Administrator, Environmental Protection Agency, or any officer or employee of the Agency to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead. When used in Subpart C of this part the term Administrator shall be interchangeable with judicial officer.

(c) The term "Advisory Committee" means a group of qualified scientists refered by the National Academy of Sciences and designated to submit an independent report to the Administrator regarding the registration of an economic poison.

(d) The term "Agency", unless otherwise specified, means Environmental Protection Agency.

(e) The term "applicant" means any person who has made application to have an economic poison registered pursuant to the provisions of the Act.

(f) The term "examiner" means a hearing examiner appointed pursuant to section 3105 of title 5 of the United States Code.

(g) The term "hearing" means a public hearing which is conducted pursuant to the provisions of the Administrative Procedure Act and the regulations in this part.

(h) The term "hearing clerk" means the Hearing Clerk, Environmental Protection Agency, Washington, D.C.

(i) The term "judicial officer" shall mean an officer or employee of the Agency appointed pursuant to these rules and who shall perform functions as herein provided.

(1) *Office.* There may be designated for the Agency one or more judicial officers, one of whom may be Chief Judicial Officer. As work requires, there may be a judicial officer designated to act for the purpose of a particular case. All prior designations of judicial officer shall stay in force until further notice.

(2) *Qualifications.* A judicial officer may be a permanent or temporary employee of the Agency who performs other duties for the Agency. Such judicial officer shall not be employed by the office of pesticides, or have any connection with the preparation or presentation of evidence for a hearing.

(3) *Functions.* The Administrator may delegate any or part of his authority to act in a given case under Subpart C of this part to a judicial officer. The Administrator can separately delegate his authority to rule on interlocutory orders and motions, and may also delegate his authority to make findings of fact and draw conclusions of law in a particular proceeding, providing that this delegation shall not preclude the judicial officer from referring any motion or case to the Administrator when the judicial officer determines such referral to be appropriate. The Administrator, in deciding a case himself, may consult with and assign the preliminary drafting of conclusions of law and findings of fact to any judicial officer.

(4) *Other duties.* The chief judicial officer shall supervise the hearing clerk in the performance of the duties assigned by these rules, and be responsible for scheduling hearings.

(j) The term "party" means any person, group, organization, or any Federal agency or department that participates in a hearing.

(k) The term "person" includes any individual, partnership, association, corporation, or any organized group of persons, whether incorporated or not.

(l) The term "recommended decision" means a report made by an examiner to the Administrator containing (1) proposed findings of fact and conclusions regarding all material issues of fact, law or discretion, as well as the reasons or basis therefor and (2) a proposed order.

(m) The term "registrant" means any person who has registered an economic poison pursuant to the provisions of the Act.

§ 164.3 Scope and applicability of this part.

The provisions of Subpart B of this part shall be applicable to the appointment, compensation, and proceedings of an advisory committee; and the provisions of Subpart C of this part shall govern hearings conducted pursuant to the provisions of the Act. The rules in this part upon adoption in final form shall apply to remaining phases of all proceedings underway insofar as practicable and fair, provided that once commenced or passed, any phase of a proceeding which might have been conducted differently under the rules in this part shall not be affected. For the purpose of the rules in this part, the advisory committee proceeding and Administrator's determination thereafter, pleading, prehearing discovery, the hearing, post-hearing objections and briefs, final and interlocutory appeals to the Administrator shall each constitute a separate phase.

§ 164.4 Administrative review of determinations respecting economic poisons.

(a) *Applications for registration of an economic poison under the Act.* Whenever the Administrator determines, in connection with an application for registration of an economic poison under the Act, that it does not appear that the article or its labeling or other material required to be submitted complies with the provisions of the Act, the Administrator shall notify the applicant of the manner in which the article, labeling or other material required to be submitted fails to comply with the Act and the applicant shall have an opportunity to make the necessary corrections, where possible. If the applicant does not make the corrections, or if no corrections are possible, the Administrator will refuse to register the article. An applicant may, within 30 days after service of notice of refusal to register and the reasons therefor:

(1) File a petition with the hearing clerk requesting that the matter be referred to an advisory committee, or

(2) File objections with the hearing clerk and request a public hearing respecting the matter.

(b) *Cancellation of the registration of an economic poison under the Act.* The Administrator may, upon his own initiative or in response to a petition filed by any person with him, review the registration of an economic poison to determine whether such registration should be canceled. The Administrator may cancel any registration whenever he determines that the article or its labeling or other material required to be submitted does not comply with the provisions of the Act.

(1) When cancellation or suspension action is requested by petition, immediate notice of receipt of the petition shall be given in the FEDERAL REGISTER and the Administrator shall act on such petition within 120 days of its receipt by the Agency Hearing Clerk.

(2) Whenever, after review of the registration of an economic poison, the Administrator determines that a registration of an economic poison should be canceled, he will notify the registrant of his action and state the reasons therefor. He may at the same time, or at any time thereafter, suspend the registration, pursuant to paragraph (c) of this section. A cancellation of registration shall be effective 30 days after service of the cancellation notice on the registrant unless within such time the registrant:

(i) Makes the necessary corrections, if possible in light of the reasons for cancellation;

(ii) Files a petition with the hearing clerk requesting that the matter be referred to an advisory committee and serves a copy on the Administrator; or

(iii) Files objections with the hearing clerk and requests a public hearing and serves a copy on the Administrator.

(3) (i) Whenever, following either the filing of a petition by any person pursuant to the opening language of this paragraph or any major, intensive review of a registration undertaken on his own initiative, the Administrator determines that, considering all relevant factors, an economic poison is entitled to retain its registration, he shall within 120 days of the receipt of the petition publish a notice of his decision in the FEDERAL REGISTER and, if his review was occasioned by the filing of a petition, shall notify the person filing such petition directly. In his decision the Administrator shall state whether he found, in the course of evaluating the registration, the existence of a substantial question of safety.

(ii) Within 30 days after such publication or notification, whichever occurs later, any person may file a petition requesting that, notwithstanding the decision that the product is entitled to retain its registration, the Administrator issue a notice of cancellation of the registration of the product on the ground that its continued registration presents a substantial question of safety. If the Administrator has stated in his decision that such a question exists, he shall forthwith issue the notice of cancellation. In such case, the registrant shall have the same opportunity to correct his registration or request administrative review as is provided under subparagraph (1) of this paragraph. If the registrant requests a hearing, the hearing shall proceed on the same basis as a hearing held pursuant to subparagraph (1) of this paragraph, except with respect to the position taken by counsel for the Agency. The burden to establish all the elements necessary to continued registration shall be on the registrant at the hearing: *Provided,* That no person appears at the hearing to oppose registration, the examiner shall order that the notice of cancellation be withdrawn.

(iii) If the Administrator's order finds that no substantial question of safety arises in connection with the registration, that shall be a final Agency order.

(c) *Suspension of the registration of an economic poison under the Act.* Whenever the Administrator finds that such action is necessary to prevent an imminent hazard to the public, he may suspend the registration of the economic poison immediately. Unless he has previously done so, he shall at the same time issue a notice of cancellation of the registration. Whenever the Administrator suspends the registration of an economic poison he will give the registrant notice of that action and the registrant shall have the opportunity to have the matter submitted to an advisory committee and shall have the opportunity for an expedited hearing regarding the matter in accordance with the provisions of the regulations in this part governing refusals to register and cancellations of registrations.

§ 164.5 Arrangements for monitoring Agency records, transcripts, and decisions.

(a) *Reporting of opinions and reports.* All advisory committee reports and other decisions required by the rules in this part, including conclusions of law and findings of fact, whether issued by an examiner, judicial officer, or the Administrator, shall be made available to the public and notice of availability shall be given in the FEDERAL REGISTER.

(b) *Establishment of an Agency repository.* All transcripts and docket entries shall become part of the official docket and shall be retained by the hearing clerk. At least two copies of all opinions and reports shall be retained by the hearing clerk and filed chronologically according to the date of issuance. These shall be periodically bound and indexed. All documents shall be made available to the public for reasonable inspection during agency hours.

Subpart B—Rules Governing the Advisory Committees

§ 164.10 Docketing of request for advisory committee.

Whenever a petition requesting that a matter be referred to an advisory committee is filed with the hearing clerk, the hearing clerk shall docket the matter and assign it an "I.F.&R." docket number.

§ 164.11 Appointment of advisory committee.

(a) *Selection of members.* Whenever a petition for an advisory committee is filed or the Administrator otherwise deems such referral desirable, the Administrator shall request the National Academy of Sciences, National Research Council, to refer a specified number of experts of adequately diversified professional background, including at least one representative from a land-grant college, willing to serve on the advisory committee. The Administrator shall request the National Academy of Sciences, when it furnishes the names of such experts, to supply biographical sketches showing the background of their experience and education. Copies of such such biographical sketches will be available to any person upon request.

(1) Upon receipt of the names of the experts, the Administrator shall ascertain whether any of them is affected by a financial or other conflict of interest. Any experts found to be so affected or who express unwillingness to serve or who fail to respond to inquiries as to availability or conflict of interest within a reasonable period of time shall be disqualified by the Administrator.

(2) In the event the number of eligible experts referred by the Academy and available for service exceeds in number the size of the proposed committee, the Administrator shall select a panel of appropriately diversified background and discipline, including one representative from a land-grant college.

(3) In the event that at any time experts selected by the Academy and available for service constitute less than the number required to fill the committee or reflect insufficient diversity, the Administrator shall request the National Academy of Sciences to refer additional experts.

(4) At the earliest opportunity, the advisory committee shall select one of its

V 37 N 22 1 5 JAN 72 XUM

members to act as chairman. The chairman shall be the spokesman for the committee and shall carry out such other functions for the committee as may be necessary.

(b) *Compensation for members.* The Administrator shall appoint the experts so selected and fix their compensation at $75 per day for actual time spent in committee work, plus necessary traveling and subsistence expenses while the members are serving away from their places of residence. Subsistence expenses shall not exceed the maximum per diem permitted by this Agency.

§ 164.12 Procedure for advisory committee.

(a) *Secretariat.* A secretariat to assist advisory committees will be established by the Administrator.

(b) *Submission of information to advisory committees.* The Administrator shall submit to the secretariat for distribution to the chairman of the committee the petition filed by the applicant or registrant and such other relevant information, including any petition filed pursuant to § 164.4(b), as he may have available with respect to registration of the product. At that time, the Administrator shall charge the committee to report to him concerning the scientific questions posed by the registration or application involved. When the secretariat submits a matter to an advisory committee he shall furnish the applicant or registrant and any person who has filed a petition pursuant to § 164.4(b) with copies of the material that is furnished to the committee. A copy of such material shall be available for public inspection in the office of the hearing clerk. The chairman shall acknowledge receipt of the information and the readiness of the committee to act. A copy of this acknowledgement shall be forwarded by the secretariat to the applicant or registrant and to any person who has filed a petition pursuant to § 164.4(b).

(c) *Advisory committee meetings.* If the chairman of the committee believes that a meeting of the committee is necessary before making a recommendation, he shall so advise the secretariat. The secretariat shall advise the applicant and registrant and other persons who have requested that they receive such advice of the date and place of any such meetings. Such meeting shall be held in Washington, D.C., or such other appropriate place as the chairman may designate. The secretariat shall arrange a suitable meeting place for the committee. If a meeting is held, the secretariat shall keep the minutes and provide clerical and such other assistance as may be required.

(d) *Presentation of evidence—(1) Consultation with advisory committee.* The applicant or registrant, any person who has submitted a petition pursuant to § 164.4(b), and representatives of the Environmental Protection Agency shall have the right to consult with the advisory committee. Such persons shall notify the chairman of a desire to consult with the committee and, if practicable, make appointments through him. In addition, the committee may request or permit any other person to appear before it or submit written data relevant to the matter under consideration. The report of the advisory committee shall show the names of all persons, other than committee members, discussing the petition or referral with the committee or a committee member.

(2) *Submission of written data to the committee and to the Administrator.* As soon as practicable after the referral of a matter to an advisory committee, the committee shall establish a time period of not less than 30 days within which the committee will entertain the submission of any additional written data pertaining to the scientific effects of the registered product in accordance with the procedure established below. The secretariat shall publish notice of that time period, or any extension thereof similarly established and published, in the FEDERAL REGISTER. Any person may submit to the secretariat in duplicate data in written form bearing on the scientific questions before the committee concerning the registration of the article. The secretariat shall promptly inform the members of the committee of the receipt of such data. One copy of such data shall be available for public inspection in the office of the hearing clerk.

(e) *Confidentiality of data.* All data in support of a petition submitted by the registrant or applicant to an advisory committee shall be considered confidential by such committee, unless the registrant or applicant waives its right to confidentiality. This paragraph shall not be construed as prohibiting the use of such data by the committee in connection with its consultation with the applicant or registrant or representatives of the Agency, and in connection with its report and recommendations to the Administrator. After the submission of the committee's report, such data shall be available for public inspection in the office of the hearing clerk, except for matters contained therein the disclosure of which is prohibted by statute.

(f) *Report of the advisory committee.* As soon as practicable, but not later than 60 days after the date on which the information referred to in paragraph (b) of this section has been received by the committee (unless the time has been extended as provided in paragraph (g) of this section), the chairman shall certify to the Administrator the report of the committee including any minority report. The report shall respond to the charge given to the committee and be accompanied by copies of all data or material submitted to or considered by the committee (including information received under paragraph (d)(2) of this section) except that in the case of scientific literature readily available in scientific libraries, proper reference may be made to it instead of furnishing actual copies. Notice of the certification of the report shall be given in the FEDERAL REGISTER. The report of the advisory committee shall be furnished upon request by any person. The Agency may charge for the cost of reproducing the report.

(g) *Extension of time for advisory committee report.* If at any time within the 60-day period referred to in paragraph (f) of this section the chairman believes that the advisory committee needs more time, he shall so inform the Administrator in writing, in which case the Administrator may extend said time not to exced 60 additional days. Notification of any such extension of time will be sent to the applicant or registrant and other interested persons by the secretariat.

(h) *Assessment of costs of submission to an advisory committee.* (1) In the event that an applicant or a registrant requests that a matter concerning the registration of an economic poison be referred to an advisory committee, the costs of such referral shall be borne by the applicant or the registrant unless the committee shall recommend in favor of the applicant or the registrant.

(2) Costs of the advisory committee shall include compensation for experts as provided in § 164.10(b) and the expense of the secretariat, including the costs of duplicating petitions and other related material referred to the committee.

(3) An advance deposit shall be made in the amount of $5,000 to cover the costs. Further advance deposits of $2,500 each shall be made upon request of the Administrator when necessary to cover additional costs. Any deposits in excess of actual expenses will be refunded to the depositor.

(4) All deposits and fees required by the regulations in this part shall be paid by money order, bank draft, or certified check drawn to the order of the Environmental Protection Agency, Washington, D.C., whereupon after making appropriate record thereof they will be transmitted to the Treasurer of the United States, for deposit to the proper account.

(5) The Administrator may waive or refund such fees in whole or in part when in his judgment such action will be warranted and equitable under the particular circumstances and promote the public interest.

(i) *Submission of comments.* Any person may within 45 days of publication of the notice of certification of the report to the Administrator from the advisory committee submit comments pertaining to the issues before the Administrator. Such comments shall not be in the nature of evidence or data that could have been submitted to the advisory committee pursuant to paragraph (d) of this section.

(j) *Order of the Administrator.* Within 90 days of the date of his receipt of the advisory committee report and recommendations, the Administrator shall make the determination and issue the order required by the Act and file that decision with the hearing clerk. Any applicant or registrant aggrieved by such an order may, within 60 days from the date of such order, file objections thereto and request a public hearing thereon. Any person aggrieved by an order granting or continuing registration may, if the Administrator's determination includes

the statement that a substantial question of safety exists concerning the registration, request that the Administrator reconsider his order and continue the cancellation in effect on that basis. The Administrator shall forthwith grant any such request and issue a notice continuing cancellation. Any applicant or registrant aggrieved by such reconsidered order may, within 60 days from that date of that reconsidered order, file objections thereto and request a public hearing thereon. Such a hearing shall proceed on the same basis as one held pursuant to § 164.4(b)(2).

(k) *Chairman to designate committee member to testify.* At the request of the examiner or any party to the hearing, the Chairman or another member of the committee designated by the Chairman will be available to appear and testify at a public hearing, if one occurs, with respect to the report and recommendations of the committee: *Provided, however,* That this shall not preclude any other member of the committee from being requested to appear and testify at such hearing.

Subpart C—Rules of Practice Governing Hearings

§ 164.20 Docketing of request for hearing.

Whenever a document setting forth objections and requesting a public hearing is filed with the hearing clerk, the matter shall be docketed and assigned and "I.F.&R." docket number: *Provided,* That if the matter has previously been assigned an "I.F.&R." number pursuant to § 164.10, it shall be assigned that same number. Notice of the filing of such objection shall be given to the public by appropriate announcement in the FEDERAL REGISTER.

§ 164.21 Contents of document setting forth objections.

(a) *Concise statement required.* Any document containing objections to an order of the Administrator refusing to register an economic poison or determining to cancel or suspend the registration of such a product, shall clearly and concisely set forth such objections and the basis for each objection, including relevant allegations of fact concerning the economic poison under consideration.

(b) *Amendments to objections.* Objections may be amended at any time prior to the public hearing by leave of the examiner or by written consent of all adverse parties. The examiner shall freely grant such leave when justice so requires. If the examiner determines that additional time is necessary in order to permit a party to prepare for matters raised by amendments to objections, the commencement of the hearing shall be delayed for an appropriate period.

§ 164.22 Filing copies of notification respecting registration.

After a copy of the document setting forth the objections and requesting a public hearing is served upon the Administrator, the Administrator shall file with the hearing clerk a copy of the notice of cancellation or suspension of the registration of such economic poison.

§ 164.23 Answer to objections not required.

The filing of an answer to objections is not required. An answer may be filed within 30 days after service of the objections.

§ 164.24 Motions and requests.

(a) *General.* All motions and requests except those made orally during the course of a public hearing must be in writing and shall be filed with the hearing clerk. The examiner is authorized to rule upon all motions and requests filed or made prior to the filing of his report with the hearing clerk as hereinafter provided in § 164.32. The Administrator will rule upon all motions and requests filed after that time.

(b) *Motions.* All motions and requests concerning the sufficiency of the objections must be made within 30 days after service of the objections. All such motions and requests shall state with particularity the ground upon which the objection is alleged to be insufficient and shall state the nature of the relief requested.

(c) *Answers to motions and requests.* Within 10 days after service of any written motion or request filed pursuant to this subpart, or within any longer period fixed by the Administrator or the examiner, an opposing party shall file an answer to the motion or request or shall be deemed to have no objection to the granting of the relief asked for in the motion or request. Unless specifically permitted by the Administrator or the examiner on motion made by a party, the movant shall have no right to respond to the answer to his motion.

(d) *Certification of interlocutory issues to the Administrator.* Except as provided herein, appeals shall lie to the Administrator only from a final judgment by the hearing examiner. Appeals from other rulings will, except as provided in this section, lie only if the examiner certifies such rulings for appeal. The examiner shall certify a ruling for appeal to the Administrator when: (1) The ruling involves an important question of law or policy about which there is substantial ground for difference of opinion; and (2) either an immediate appeal from the ruling will materially advance the ultimate termination of the proceeding or review after the final judgment is issued will be inadequate or ineffective. The examiner shall certify rulings for appeal only upon the request of a party. If the Administrator determines that certification was improvidently granted, or takes no action within 30 days of the certification, the appeal shall be deemed dismissed. When a ruling is not certified by the examiner, it shall be reviewed by the Administrator only upon appeal from the final judgment except when the Administrator determines, upon request of a party and in exceptional circumstances, that delaying review would be deleterious to vital public or private interests. Except under extraordinary circumstances, proceedings will not be stayed pending an interlocutory appeal; a stay of more than 30 days must be approved by the Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submission made to the examiner, but the Administrator may allow further briefs and oral argument.

§ 164.25 Intervention.

(a) *Pleading.* Any person may file a petition for leave to intervene in a hearing conducted under this Subpart. A petition must set forth the grounds for the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or opposition to the order of the Administrator to which objection has been taken.

(b) *When filed.* A petition for leave to intervene in a hearing may be filed any time prior to the commencement of the hearing. Any petition filed after that time shall contain, in addition to the information set forth in paragraph (a) of this section, a statement of good cause for the failure to file the petition prior to the commencement of the hearing. A motion to intervene for the purpose of appeal may be filed and submitted to the Administrator.

(c) *Reply.* Any opposition to a petition for leave to intervene must be filed within 10 days after service of the petition.

(d) *Disposition.* Leave to intervene will be freely granted but only insofar as it raises matters which are reasonably pertinent to and do not unreasonably broaden the issues already presented. If leave is granted, the petitioner thereby shall become a party to the proceeding.

§ 164.26 Depositions.

(a) *Application for taking deposition.* Upon the application of a party to the proceeding, the examiner may, at any time after the filing of the moving paper, authorize, under the facsimile signature of the Administrator, the taking of testimony by deposition. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (1) The name and address of the proposed deponent; (2) the name and address of the person (referred to in this section as the "officer"), qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which should be at least 15 days after the date of the mailing of the application; and (4) the reasons why deposition should be taken.

(b) *Examiner's order for taking deposition.* If the examiner is satisfied that good cause for taking the deposition is present, he may order its taking. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) The time and place of the examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; and (3) the name of the

V37-15 JAN 22 72 XUM

deponent. The officer and the time and place need not be the same as those suggested in the application.

(c) *Qualifications of officer.* The deposition shall be made before the examiner, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Administrator to administer oaths. No deposition shall be made before an officer who is a relative (within the third degree of blood or marriage), employee, attorney, or counsel of any party or who is a relative (within the third degree by blood or marriage) or employee of any attorney or counsel for any party or who is financially interested in the result of the proceeding.

(d) *Procedure on examination.* (1) The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral cross-examination, parties may transmit written cross-interrogatories to the officer prior to the examination and the officer shall propound such cross-interrogatories to the deponent.

(2) The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the examiner, upon protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories, copies of the interrogatories shall be served upon the other parties to the proceeding at least 5 days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(e) *Signature by witness.* The transcript of the deposition shall be read to or by the deponent, unless such reading is waived by the parties and the deponent. Any changes which the deponent wishes to make shall be entered upon the deposition by the officer, with a statement of the reasons given by the deponent for such changes. The deposition shall be signed by the deponent, unless the parties by stipulation waive such signing, or unless the deponent is ill or cannot be found or refuses to sign. If the deponent does not sign the officer shall sign and shall state on the record the reason why the deponent did not sign. In such case the deposition shall be as valid as though signed by the deponent, unless the examiner finds that the reason given by the deponent for his refusal to sign requires rejection of the deposition in whole or in part.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of depositions.* A deposition ordered and taken in accord with the provisions of this section, or in accord with the provisions of the Rules of Civil Procedure of the Courts of the United States, may be used in a proceeding under the act if the examiner finds that the evidence is relevant and material and (1) that the witness is dead; or (2) that the witness is at a greater distance than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4), in any event, upon application and notice that such exceptional circumstances exist as to make it desirable, in the interests of justice and with due regard to the importance of presenting the testimony orally before the examiner, to allow the deposition to be used. If any part of a deposition is put in evidence by a party, any other party may require the production of the remainder, or any portion, of the deposition.

§ 164.27 Fees of witnesses.

Witnesses who appear before the examiner or the Administrator shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken, and the persons taking the same, shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears or the deposition is taken.

§ 164.28 Consolidation.

Whenever it appears to the examiner, by motion or otherwise, that it will expedite or simplify consideration of the issues in two or more docketed proceedings involving the same economic poison under this subpart, he may consolidate such proceedings. Consolidation shall not preclude the right of any party to raise issues that could otherwise be raised if such consolidation had not occurred. At the conclusion of proceedings consolidated under this section, the examiner shall issue one report under § 164.36.

§ 164.29 Prehearing conference.

(a) Except as otherwise provided herein, the examiner shall, prior to the commencement of the hearing and for the purpose of expediting the hearing, file with the hearing clerk an order for a prehearing conference. Such order shall request the parties or their counsel to consider (1) the simplification of issues; (2) the necessity or desirability of amendments to the pleadings; (3) the possibility of obtaining stipulations of fact and documents which will avoid unnecessary proof; (4) the limitation of the number of experts and other witnesses; and (5) any other matter that may expedite the hearing or aid in the disposition of the matter. No transcript of such prehearing conference shall be made unless a request therefor by one of the parties is granted by the examiner in view of the nature of the matters to be considered at the conference and the purposes of the conference. In the absence of a transcript, the examiner shall prepare and file for the record a written summary of the action taken at such conference, which shall incorporate any written stipulations or agreements made by the parties at or as a result of the conference.

(b) If circumstances render a prehearing impracticable, the examiner may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section. The examiner shall forward copies of letters and documents sent to him in this connection to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the examiner shall submit a written summary for the record if any action is taken.

§ 164.30 Qualifications and duties of examiner.

(a) *Qualifications.* Examiners shall have the qualifications required by statute and shall not have any direct connection with the office of pesticides. No person shall act to decide any matter in connection with a hearing where such person has a financial interest in any of the parties or a relationship with a party that would make it otherwise inappropriate for him to act.

(b) *Disqualification of the examiner.* (1) Any party may, by motion made to the examiner, request that the examiner disqualify himself and withdraw from the proceeding. The examiner shall then rule upon the motion and, upon request of the movant, shall certify an adverse ruling for appeal.

(2) An examiner may withdraw from any proceeding in which he deems himself disqualified for any reason.

(c) *Conduct.* The examiner shall conduct the proceeding in a fair and impartial manner, and shall not consult with any party or person on any matter in issue unless upon notice and opportunity for all parties to participate.

(d) *Power.* Subject to review, as provided elsewhere in this part, the examiner shall have power to:

(1) Rule upon motions and requests;

(2) Set the time and place of hearing, adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine witnesses;

(5) Rule on objections and admit evidence relevant and material to the issues and exclude other evidence;

(6) Hear oral argument on the facts or on the law; and

(7) Do all acts and take all measures necessary for the maintenance of order at the hearing and for the efficient, fair and impartial conduct of the proceeding.

(e) *Who may act in the absence of the examiner.* In case of the absence of the examiner or his inability to act, the powers and duties to be performed by him under this part in connection with a hearing assigned to him may, without abatement of the proceeding unless otherwise directed by the Administrator, be assigned to another examiner.

§ 164.31 Procedure for a public hearing.

(a) *Time and place of hearing.* After a proceeding has been instituted in accordance with the procedures set forth in this part the examiner, after giving careful consideration to the convenience of all the parties and the public interest, shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place of hearing which shall be served upon the parties. If any change in the time or place of hearing is made, the examiner shall file with the hearing clerk a notice of such change, which notice shall be served upon the parties unless the change is made during the course of the public hearing and is made a part of the transcript.

(b) *Appearances*—(1) *Representatives.* Parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States. Whenever the Administrator finds, after notice and opportunity for hearing, that a person who is acting or has acted as counsel or representative for another person in any proceeding before the Administrator is unfit to act as such counsel or representative, he will order that such person be precluded from acting as counsel or representative in any proceeding under the Act.

(2) *Failure to appear.* If any party to the proceeding after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to participate in the public hearing in the proceeding. Except as provided in § 164.4(b)(2), in the event that a party appears at the hearing and no party appears for the opposing side, the examiner shall recommend that a decision be entered in favor of the party who is present and the Administrator shall enter his decision in accordance with such recommendation.

(c) *Broadcasting of proceedings.* The hearing examiner shall grant any request for permission to record hearings for subsequent radio, television, or other form of broadcasting. The hearing examiner may impose such limitations upon the manner in which the recording is obtained, including the nature of the equipment utilized, as he deems necessary to minimize the physical disruption of the proceedings. The hearing examiner shall, upon the request of any witness, prohibit the recording of the testimony of that witness and may, if he believes that the recording process is generally having an adverse impact upon the conduct of proceedings, order that the recording be discontinued entirely.

§ 164.32 Order of proceeding and burden of proof.

At the hearing, the registrant or applicant shall have the burden to establish the elements necessary to entitle the product to registration. If, after pretrial proceedings, the examiner determines in the interest of justice, or clarifying the issues, or expediting the hearing, that another party other than the registrant should proceed first at the hearing, he may so order.

§ 164.33 Evidence.

(a) *General.* The examiner shall admit all relevant and material evidence, except evidence that is unduly repetitious. Relevant and material evidence may be received at any hearing even though inadmissible under the rules or evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value. Parties shall have the right to cross-examine a witness who appears at the hearing. In multiparty proceedings the examiner may limit cross-examination to the Agency and to one other party on each side if it appears that the cross-examination by one party will adequately protect parties similarly situated. Other parties may, however, engage in cross-examination if they can demonstrate that their cross-examination will go into matters not already covered by previous cross-examination.

(b) *Report of an advisory committee.* If a matter concerning the registration of an economic poison had been submitted to an advisory committee, the report of the advisory committee and the material accompanying it shall be made a part of the record of the hearing in accordance with the provisions of 7 U.S.C. 135b(c).

(c) *Testimony of member of advisory committee.* If a matter concerning the registration of an economic poison had been submitted to an advisory committee, the testimony of the chairman of the advisory committee, or other member designated by him pursuant to § 164.12(k), with respect to the report and recommendations of such committee shall be received on request of any party or the examiner: *Provided, however,* That this shall not preclude any other member of the advisory committee from appearing and testifying at the hearing pursuant to such a request.

(d) *Objections.* If a party objects to the admission or rejection of any evidence or the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection. The transcript shall include any argument or debate thereon, unless the examiner, with the consent of all parties, orders that such argument not be transcribed. The ruling of the examiner on any objection shall be a part of the transcript. An automatic exception will follow if the objection is overruled by the examiner.

(e) *Records of the agency.* A true copy of every written entry in the records of the Environmental Protection Agency, made by an officer or employee thereof in the course of his official duty and relevant and material to the issues involved in the hearing, shall be admissible as prima facie evidence of the facts stated therein, without the production of such officer or employee.

(f) *Exhibits.* Except where the examiner finds that the furnishing of copies is impracticable, a copy of each exhibit filed with the examiner shall be furnished to each other party. A true copy of an exhibit may, in the discretion of the examiner, be substituted for the original.

(g) *Official notice.* Official notice may be taken of the official publications of the Environmental Protection Agency and other Federal agencies, of such matters as are judicially noticed in the courts of the United States, and of any other matter of technical or scientific fact of established character: *Provided, however,* That the parties shall be given adequate opportunity to show that such facts are erroneously noticed.

(h) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. If the evidence consists of an exhibit, it shall be inserted in the record in total. In the event the Administrator decides that the examiner's ruling in excluding the evidence was erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence, or, where appropriate, the Administrator may evaluate the evidence and proceed to a final decision.

(i) *Verified statements.* With the approval of the examiner, a witness may read into the record, as his testimony, statements of fact or opinion prepared by him, or written answers to interrogatories of counsel, or may submit as an exhibit his prepared statement, provided that such statements or answers must not include argument. Before any such statement or answer is read or admitted in evidence the witness shall deliver to the examiner, the reporter, and opposing counsel a copy of such. The admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced in the usual manner, including the right of cross-examination of the witness. Such approval may be denied when it appears to the examiner that the memory or the demeanor of the witness is of importance.

§ 164.34 Transcripts.

(a) *Filing and certification.* Oral hearings shall be stenographically reported and transcribed. As soon as practicable after the taking of the last evidence, the examiner shall certify (1) that the original transcript is a true transcript of the testimony offered or received at the hearing, except in such particulars as he shall specify and (2) that the exhibits accompanying the transcript are all the exhibits introduced at the hearing, with such exceptions as he shall specify. A copy of such certificate shall

V 37 I 15 JAN 22 72 XUM

be attached to each of the copies of the transcript.

(b) *Ordering copies.* Parties to the proceeding or other persons who desire a copy of the transcript of the hearing may place orders with the reporter who will furnish and deliver such copies directly to the purchaser upon payment therefor at the rate per page provided by the contract between the reporter and purchaser.

§ 164.35 Proposed findings of fact, conclusions and order.

Within 30 days after the last evidence is taken, each party may file with the hearing clerk proposed findings of fact, conclusions and orders, based solely on the record, and a brief in support thereof. A copy of each such document filed by a party shall be served upon the other party or parties. The hearing shall be deemed closed at the conclusion of that 30-day period.

§ 164.36 Examiner's report.

The examiner, within 25 days after the close of the hearing, shall prepare on the basis of the record and shall file with the hearing clerk, his recommended decision, a copy of which shall be served upon each of the parties.

§ 164.37 Exceptions, objections, request for oral argument.

(a) Within 20 days after service of the examiner's recommended decision, each party may take exception to any matter set forth in such decision and in such case shall file exceptions in writing with the hearing clerk, with an attachment reproducing the relevant portions of the record including a complete copy of the examiner's finding and conclusions, and suggesting corrected findings of fact, conclusions or order. Within the same period of time, each party may file with the hearing clerk a brief statement in writing upon which the party wishes to rely concerning each of the objections taken to the action of the examiner at the hearing, as set out in § 164.33(d). There shall be an attachment reproducing if any, the relevant portions of the record. A party may file a brief in support of any exceptions or objections which he may file.

(b) Where more than one party is filing objections or exceptions the parties may agree to submit a joint appendix reproducing the relevant portions of the record and other information required as an attachment under paragraph (a) of this section.

(c) Within 7 days of the service of exceptions, objections or a brief under paragraph (a) of this section, any other party may file and serve a brief responding to exceptions and objections or arguments raised by any other party by the papers submitted pursuant to paragraph (a) of this section. Such brief shall include an appendix reproducing any additional portions of the record on which respondent chooses to rely. Such brief shall not, however, raise additional exceptions or objections.

(d) A party, if he files exceptions or a statement of objections, or a brief, shall state in writing whether he desires to make an oral argument thereon before the Administrator; otherwise, he shall be deemed to have waived such oral argument.

(e) Copies of all material filed under this section shall be filed with the clerk.

§ 164.38 Argument before the Administrator.

Except where the Administrator determines that argument on additional issues would be helpful, argument whether oral or on brief, shall be limited to the issues raised by the exceptions and statement of objections to action of the examiner. If the Administrator determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination so as to permit preparation of adequate argument on all the issues to be argued.

§ 164.39 Final order.

As soon as practicable, but no later than after the expiration of the period for filing exceptions, objections and responding briefs, three copies of objections, exceptions, briefs, attachments, and appendices, and the record shall be submitted to the Administrator by the clerk. As soon as practicable thereafter, but not more than 90 days after the close of the hearing, unless otherwise stipulated by the parties, the Administrator shall issue his final decision and order, including his rulings on any exceptions or objections filed by the parties. Such final order may accept or reject the recommended findings of the examiner even if acceptable to the parties.

§ 164.40 Ex parte discussion of proceeding.

At no stage of the hearing between its institution and the issuance of the final order shall the Administrator discuss ex parte the merits of the proceeding with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate, or in an investigative or expert capacity, or with any representative of such person: *Provided, however,* That the Administrator may discuss the merits of the case with any such person if all parties to the proceeding, or their representatives, have been given reasonable notice and opportunity to be present. Any memorandum or other communication addressed to the Administrator, during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding. The Administrator shall cause any such communication to be filed with the hearing clerk and served upon all other parties to the proceeding, who will be given the opportunity to file a reply thereto.

§ 164.41 Application for reopening hearings; for rehearing; or reargument of proceeding; or for reconsideration of order.

(a) *Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding or for reconsideration of the order, must be made by petition to the Administrator filed with the hearing clerk. Every such petition must state specifically the grounds relied upon.

(b) *Petitions to reopen hearings.* A petition to reopen a hearing to take further evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at a hearing.

(c) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue or reopen the proceeding or to reconsider the order shall be filed within 10 days after the date of service of the order. Every such petition must state specifically the matters claimed to have been erroneously decided and alleged errors must be briefly stated.

§ 164.42 Procedure for disposition of petitions.

Within 7 days following the service of any petition provided for in § 164.41, any other party to the proceeding may file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Administrator shall announce his decision whether to grant or to deny the petition. Unless the Administrator shall determine otherwise, operation of the order shall not be stayed pending the decision to grant or to deny the petition. In the event that any such petition is granted by the Administrator, the applicable rules of practice, as set out elsewhere herein, shall be followed.

§ 164.43 Filing and service.

(a) All documents or papers required or authorized to be filed, except as provided otherwise in this part, shall be filed with the hearing clerk and shall be accompanied by sufficient copies for all other parties. If filing is accomplished by mail addressed to the clerk, filing shall be deemed timely if the papers are mailed on the due date. The hearing clerk shall promptly cause the copies to be served upon all other parties.

(b) Each document filed shall contain the I.F. & R. docket number and, if the document affects less than all of the registrations included under that docket number, the registration number or file symbol of each product which is the subject of the document.

(c) In addition to copies served on other parties, each party shall file three (3) copies of any memoranda, briefs, reply briefs or memoranda or appendices filed in connection with an appeal to the Administrator.

§ 164.44 Computation and extensions of time.

(a) Saturdays, Sundays, and holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided, however,* That, when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

(b) Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon him, the period shall be computed from the day on which the paper is mailed or otherwise served by the hearing clerk.

(c) The time for the filing of any document or paper required or authorized to be filed under the rules in this part may be extended by the examiner (before the examiner's report is filed), or by the Administrator (after the examiner's report is filed) if request for such extension of time is made prior to the final date allowed for such filing and if in the judgment of the Administrator, after notice to and consideration of the views of the other party when practicable there is good reason for the extension. In this connection, consideration shall also be given to the fact that, under the provisions of the Act (7 U.S.C. 135b), the Administrator must issue his order not later than 90 days after the completion of the hearing, unless all parties agree by stipulation to extend this period of time pursuant to § 164.39.

[FR Doc.72-993 Filed 1-21-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19401; FCC 72-45]

FM BROADCAST STATIONS IN CERTAIN CITIES IN IOWA, WEST VIRGINIA, AND FLORIDA

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM broadcast stations. (Hampton, Pella, Cedar Rapids, and Charles City, Iowa; Keyser, W. Va.; Crystal River and Gainesville, Fla.), Docket No. 19401, RM-1750, RM-1756, RM-1757, RM-1777, RM-1790, RM-1829.

1. Notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the Commission's rules, the FM Table of Assignments, as listed and discussed below. Briefly, the petitions involve request for:

(a) First assignments at Hampton and Pella, Iowa; and Crystal River, Fla. The Hampton and Pella proposals conflict with each other, and the Crystal River proposal conflicts with one of the Gainesville, Fla., proposals below.

(b) A change in the assignment at Keyser, W. Va.

(c) A third and a fourth assignment at Gainesville, Fla.

2. The proposals summarized above are advanced herein for comments. In some cases, as discussed below, we have substantial reservations about whether the proposed amendments should be adopted, and the fact that comments are invited does not indicate a present Commission view, even tentatively, that they should be.

3. Hampton, Pella, Cedar Rapids, and Charles City, Iowa (RM-1750 and RM-1829). Mr. Obed S. Borgen (RM-1750) petitions for assignment of Channel 276A at Hampton, Iowa. He suggests that such an assignment could be made if Channel 275 assigned to Cedar Rapids, Iowa, were to be changed to 276A.[1] As an alternative solution, he suggests that Channel 275 could be retained at Cedar Rapids if its use were to be limited to a site 8 to 10 miles south or east of the community. However, this proposal conflicts with a request for assignment of Channel 277 at Pella, Iowa, and these will be considered jointly.

4. Hampton, with a population of 4,376, is the seat of Franklin County, Iowa (population 13,255).[2] There are no AM, FM, or TV stations assigned to Hampton or to Franklin County. Mr. Borgen asserts that Channel 276A is the last reasonable opportunity for a local broadcast service to Hampton, Iowa. However, Mr. Willie Howard opposes the proposed change in the assignment at Cedar Rapids and the restriction that would be placed in the selection of a transmitter site. He states that he plans to apply for the channel at Cedar Rapids and locate the transmitter site northwest of the city in an effort to serve the Black populations of Cedar Rapids, Waterloo, and the intervening cities in the east-central part of Iowa.

5. Mr. Dwaine F. Meyer (RM-1829) seeks assignment of Class C Channel 277 to Pella, Iowa, which may be assigned there without changing any of the presently assigned channels Pella (population 6,688) is located in Marion County (population 26,352). Although there is one FM asignment (Class A) and a daytime-only AM station in Marion County at Knoxville, there are no AM or FM stations or assignments at Pella, some 12 miles from Knoxville. Mr. Meyer asserts that Pella is one of the fastest growing nonsuburban cities in Iowa, with a number of industries and schools, and a college, and that a Class C channel is needed to serve large areas under development around Red Rock Dam, where there are a large number of sports activities which are of interest to the wide area, and to serve a large number of Dutch speaking people living within 30 to 40 miles of Pella.

6. The petitioner's preclusion study indicates that the assignment of Channel 277 at Pella would preclude the use of Channel 276A and 280A in limited areas. However, Mr. Meyer shows that there are other channels available for assignment to the communities located within these areas. In addition, the proposed coverage showing indicates that there are fairly large areas where a first and a second FM service could be provided by a Class C station at Pella. However, it failed to specify the size and the population that would be involved. A cursory examination reveals that if the study had been made using the presently authorized facilities of stations which exceed the level generally assumed in such calculations of 75 kw. and 500 feet for Class C stations (e.g., Station WHO-FM, 87 kw. and 1,700 feet), the unserved and the underserved areas may not be as large as shown.[3]

7. As stated above, the proposal to assign Channel 277 at Pella conflicts with the proposal to assign Channel 276A to Hampton and to change the assignment at Cedar Rapids from Channel 275 to Channel 276A. Mr. Meyer suggests that if Channel 285A at Charles City, Iowa, were to be deleted and replaced with Channel 240A, which could be assigned there without altering other assignments, then Channel 285A could be assigned to Hampton, leaving Channel 275 at Cedar Rapids unchanged, and Channel 277 could be assigned to Pella. However, in view of the above question as to whether a Class C station at Pella would provide a first and second service to wide areas, we are not convinced, at this time, that Channel 277 should be assigned there. It has been shown that Channel 292A could be assigned to Pella without affecting any of the other assignments. For additional reasons which are discussed below, we will tentatively propose to assign either Channel 277 or Channel 292A to Pella, Iowa. The petitioner must make a convincing showing of a need for a Class C channel and supply the missing information. We would, under normal circumstances, assign a Class A channel to a community of the size of Pella.

8. As to Hampton, Iowa, Channel 276A could be assigned there if Channel 292A were to be assigned at Pella. However, it would require either changing the assignment of Channel 275 at Cedar Rapids to Channel 276A or retaining Channel 275 with a limitation in the selection of a transmitter site. Since there are three Class C stations in operation at Cedar Rapids, we do not believe it would be desirable to intermix them with a Class A station. Further, placing restriction on the use of the presently assigned channel would create hardship on the applicant, or applicants, seeking the use of Channel 275. The only possible solution, if the assignment of a channel to Hampton is imperative, would be to implement Mr. Meyer's suggestion to assign Channel 285A at Hampton and replace Channel 285A with Channel 240A at Charles City. This would also allow for the possible use of Channel 277 at Pella, Iowa.

9. We are of the opinion that, since Hampton and Franklin County, in which it is located, do not have a local aural broadcast facility, it would be in the public interest to propose the assignment of Channel 285A to Hampton. However, it would require Radio Incorporated, the licensee of Station KCHA-FM at Charles City, Iowa, to change its channel assignment from Channel 285A to Channel 240A. The beneficiaries of the changeover would be the permittees for the Hampton Channel 285A and for Pella Channel 277, if this channel were to be

[1] There are two applications pending for Channel 275 at Cedar Rapids, Iowa.

[2] All population figures are from the 1970 U.S. Census unless indicated.

[3] Consideration also should be given to the recent change in the assignment at Centerville, Iowa, from Channel 237A to Channel 254, Docket No. 19297, FCC 71-1158, adopted Nov. 10, 1971.

V 37 N 15 JAN 22 72 XUM

assigned there instead of Channel 292A. Thus, the proponents herein should state, if granted construction permits, whether they would be willing to reimburse Station KCHA-FM their pro rata share of the reasonable expense that would be incurred in the changeover of the assignments. If Channel 292A were assigned to Pella, the permittee at Hampton would be expected to reimburse the entire share of the reasonable cost of changeover.

10. Keyser, W. Va. (RM-1756). Four Star Broadcasters, Inc. (Four Star), is seeking an assignment of Class B Channel 231 to Keyser, W. Va. This would be its second assignment as Channel 240A is presently assigned there. It appears that Four Star made application for Channel 240A but encountered difficulties in finding a suitable site which would comport with the requirements of § 73.207 of the rules. It asserts that the use of Channel 231 is limited to a very small area around Keyser. However the assignment there would preclude the use of Channels 228A and 232A in limited areas. Although there are a number of communities within the precluded areas, the communities either have channel assignments or there are other channels available for assignment. Four Star shows that a Class B station would provide a first service to 2,090 persons in an area of 175 square miles and a second service to 4,540 persons in an area of 230 square miles. A Class A station would not provide such services.

11. Keyser with a population of 6,586 is the seat of Mineral County, W. Va. (population 22,219). There is one local day-time only AM station in Keyser. In support of its request, Four Star recites the history and growth of Keyser, including schools and colleges, industry, news media, etc. Four Star asserts that its experience with a Class A facility in rugged mountainous terrain such as that surrounding Keyser leaves much to be desired and that a Class B station, with additional power, would result in better coverage of the rural areas.

12. It appears that the public interest would be served by instituting a rule making proceeding to propose assignment of a Class B channel at Keyser, W. Va. A Class B channel here would provide for an FM station serving the rural areas located in the mountainous region which are without an FM service or with only one service. However, there is a question as to the necessity of assigning two channels to a community of the size of Keyser. Since the use of Channel 240A is restricted by assignment at Williamsport, Md., it would appear that it should be removed from Keyser and made available for assignment to some other community where the employment of the channel is less restricted. It would also provide flexibility in the use of Channel 240A at Williamsport. The current restriction at Williamsport requires an applicant there to select a site at least 2 miles east of the community.

13. Crystal River and Gainesville, Fla. (RM-1757, RM-1777, and RM-1790): George N. Manthos seeks assignment of Channel 253 at Crystal River, Fla. (RM-1757). The channel can be assigned there without requiring any changes in the present Table of Assignments. However, this proposal conflicts with that of Capitol City Broadcasting, Inc. (Capitol City) (RM-1777), requesting the assignment of the same channel at Gainesville, Fla.,[4] and these will be considered together. In addition, the proposal submitted by James M. Hansford and Frank J. Terrell (RM-1790) for assignment of Channel 265A at Gainesville will also be considered herein. Channel 265A may be assigned there without affecting any present assignments.

14. Crystal River (population 1,676) is located in Citrus County (population 19,196). Although there is a daytime AM station at Inverness, the seat of Citrus County, there are no aural broadcast facilities in Crystal River. Mr. Manthos points to the growth in population and rise in personal income and retail sales as evidence of need for an FM station. He states that Crystal River is an incorporated municipality with its own water and sewage disposal service, shopping centers, bank, other community sponsored conveniences and accommodations, schools and social organizations. Mr. Manthos contends that the current need will be accentuated and increased as the population growth continues, and the FM station will be used to broadcast the availability of public services, agricultural reports, community events, public affairs programing and storm warnings.

15. Gainesville, with a population of 64,510, is the seat of Alachua County (population 104,754). Presently Gainesville has four standard broadcast stations, two of which operate during daytime hours only, and two FM stations, a Class A and a Class C station.[5] In urging assignment of Channel 253, Capitol City contents that Gainesville is the largest city in the county, the focal point of industrial activity in north central Florida and the home of the University of Florida and a number of other schools. The Gainesville petitioners contend that there is a need for a nighttime broadcast service to provide emergency and disaster warnings to the outlying areas and to disseminate public affairs, government, civic, social and entertainment information. Messrs. Hansford and Terrell also contend that there is a need to serve the youthful community of college students with programs more attuned to the group.

16. The preclusion studies for Channel 253 indicate that Channels 252A and 253 would be precluding limited areas in Florida by the proposed assignments at Crystal River and Gainesville, and Channel 254 in a limited area in Georgia by the Gainesville proposal. Channel 265A at Gainesville would preclude the use of Channel 265A only in a limited area in Florida. All of the communities located within the precluded areas either have an FM assignment or are not of sufficient size to warrant an assignment and are located near other communities which have at least one FM assignment. Thus, the preclusionary effects of the proposed assignments on the two channels are not sufficient to foreclose consideration of the proposals herein.

17. The questions we are faced with here are whether Gainesville should have one or two additional FM assignments, a Class A and/or a Class C channel, or should a Class C assignment be made to Crystal River instead (or none at either or both communities). Mr. Manthos shows that, if a Crystal River station were to operate with a facility of 75 kw. and 500 feet, it could provide a first service to 750 square miles, compared to 215 square miles for a Class A station operating with 3 kw. and 300-foot facility. He asserts that a Gainesville Class C station could only provide first service to 35 square miles.[6] No showing was made of the population that would be affected. In our view, Gainesville, with a population of 64,510, warrants assignment of one additional channel. Since it presently has a Class A and a Class C station, the question is which class of station should be assigned there. In contrast a Crystal River Class C station could provide service to a large unserved area. However, to a community the size of Crystal River, we would normally assign a Class A station, and our study shows that there are two Class A channels available for assignment to this area. Due to the complexity of the problem, we need additional information on the areas and populations that are presently unserved and underserved within the 1 mv/m contours of proponents' Class C FM stations, if authorized, compared to a Class A station operating with a maximum facility.[7] Graphic showings of the affected areas should also be included. In the interim, we tentatively propose to assign either Channel 224A or Channel 253 to Crystal River, and either Channel 253 or Channel 269A to Gainesville, Fla.

18. Showings required. Comments are invited upon the various proposals discussed above and listed below. As indicated, in some cases the Commission has reservations or questions concerning the proposals, and proponents of the proposed assignments will be expected to answer them. More generally, the proponents of the various proposals contained herein are expected to file comments, even if they do little more than resubmit or refer to their petitions. They are expected, among other things, to state their intention to apply for the channels if assigned, and, if authorized, to promptly build their stations. Failure to make these showings may result in denial of the proposals.

19. Cutoff procedure: As in other recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

20. In view of the foregoing, subject to the conditions and reservations set forth hereinabove in certain respects, and pursuant to authority found in sections (4)(i), 303 (g) and (r), of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, as follows (where indicated by footnote indicator below, the assignment must be used at a short distance outside of the specific city):

City	Channel No. Present	Channel No. Proposed
Crystal River, Fla.		224A or 253
Gainesville, Fla.	279, 288A	253[1] or 269A and 279, 288A
Charles City, Iowa	285A	240A
Hampton, Iowa		285A
Pella, Iowa		277 or 292A
Keyser, W. Va.	240A	231

[1] Proposed assignment at Gainesville, Fla., must be used at a point approximately 10 miles south of the community.

21. Further, if the assignment above which involves a change in the channel of an existing station is concluded to be in the public interest and is adopted, the following licensee will be ordered to show cause why the license of its stations should not be modified to specify the new channel instead of its present channel as indicated below (subject to reimbursement of the reasonable costs of changing channel by the party or parties which become the permittee or permittees on the new assignments thus made possible):

Station and location	Licensee	Present channel	Proposed channel
KCHA-FM, Charles City, Iowa.	Radio, Inc..	285A	240A

22. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before February 25, 1972, and reply comments on or before March 7, 1972. All submissions by parties to this proceeding, or persons acting in behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

23. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

Adopted: January 12, 1972.

Released: January 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION[8]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-981 Filed 1-21-72;8:47 am]

[8] Commissioners H. Rex Lee and Reid absent.

[4] Channel 253 at Gainesville would have to be sited at least 10 miles south of the city.

[5] An opposition to the Gainesville proposals was filed June 18, 1971, by Gator Radio, Inc., a recent assignee of AM Station WGGG (1230 kHz), contending that there is no need for an additional radio broadcast service in Gainesville.

[6] Mr. Manthos filed, Aug. 18, 1971, a petition requesting acceptance of further pleading, contending that the sole purpose of the supplement is to provide the Commission with significant and relevant comparative data, which is merely informational. The petition is granted.

[7] The showing should be made in accordance with the criteria set forth in Roanoke Rapids and Goldsboro, N.C., 9 FCC 2d 672 (1967).

V 37 I 15 JAN 22 72 XUM

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CROW CREEK AND LOWER BRULE RESERVATIONS

Establishment of Agencies

JANUARY 14, 1972.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Notice is hereby given that the Crow Creek Agency and the Lower Brule Agency will be established effective January 1, 1972. The headquarters office for the Crow Creek Agency will be located at Fort Thompson, S. Dak. 57339. The headquarters office for the Lower Brule Agency will be located at Lower Brule, S. Dak. 57548.

LOUIS R. BRUCE,
Commissioner.

[FR Doc.72-969 Filed 1-21-72;8:46 am]

National Park Service

PADRE ISLAND NATIONAL SEASHORE, TEX.

Suitability as Wilderness; Public Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5 that a public hearing will be held beginning at 1 p.m. on March 23, 1972, at the Fort Brown Motor Hotel, 1900 East Elizabeth Street, Brownsville, TX, and on March 25, 1972, at City Hall, 302 South Shoreline, Corpus Christi, TX, for the purpose of receiving comments and suggestions as to the suitability of lands within Padre Island National Seashore for designation as wilderness. The seashore is located in Kleberg, Kenedy, and Willacy Counties, Texas.

A packet containing a draft master plan, a map depicting the roadless area studied, and providing additional information about the suitability study, may be obtained from the Superintendent, Padre Island National Seashore, Post Office Box 8560, Corpus Christi, TX 78412, or from the Director, Southwest Region, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501.

A topographic map of the area studied for its suitability or nonsuitability as wilderness is available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, DC.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Office, in care of the Superintendent, Padre Island National Seashore, Post Office Box 8560, Corpus Christi, TX 78412, by March 21 of their desire to appear. Those not wishing to appear in person may submit written statements on the suitability study to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the national seashore is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notices, to the extent there is remaining time.

Dated: December 30, 1971.

LAURENCE C. HADLEY,
Acting Director,
National Park Service.

[FR Doc.72-613 Filed 1-21-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

REGIONAL FORESTERS

Delegation of Authority

Pursuant to (a) the Delegation of Authority and Assignment of Functions by the Secretary of Agriculture dated November 27, 1964 (29 F.R. 16210), (b) the Delegations of Authority effective October 20, 1971, by the Acting Secretary of Agriculture and the Assistant Secretary for Rural Development and Conservation (36 F.R. 21529), and (c) the Delegation of Authority by the Chief, Forest Service, dated June 5, 1968 (33 F.R. 8552) the following delegations are made to each Regional Forester of the Forest Service:

1. The authority to perform all duties and to exercise all the powers and functions required in connection with lands or interests in lands acquired in conformance with Public Law 91-646, January 2, 1971, as specified by the implementing rules and regulations of the Secretary of Agriculture dated April 28, 1971 (36 F.R. 8433) as amended September 22, 1971 (36 F.R. 19007); Title 7, Part 21, except §§ 21.107, 21.108, 21.803 (a) when the amount established by appraisal exceeds Regional approval authority, § 21.809 when notice is less than 90 days, and § 21.901.

2. The authority to enter into and execute on behalf of the Forest Service agreements with displaced homeowners which provide for a provisional replacement housing payment to the homeowner when the exact amount due as required by sections 203 and 204, Public Law 91-646, January 2, 1971, cannot be determined until final adjudication of the case in a condemnation suit, and provided further that such an agreement provides that—

(a) Upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court; (b) if the acquisition price as determined by the court is greater than the agency's offer upon which the provisional replacement housing is based, the recomputed replacement housing payment will be less than the provisional replacement housing payment, and the difference shall be refunded to the Forest Service or applied as a credit to the deficiency payment made to satisfy the excess award of the court; (c) if the acquisition price as determined by the court is less than the agency's offer upon which the provisional housing payment is based the recomputed replacement housing payment will be more than the provisional replacement housing payment and the difference shall be paid to the homeowner.

3. The authority to redelegate any authority conferred upon him herein to each Forest Supervisor.

Effective date. This delegation of authority shall be effective upon publication in the FEDERAL REGISTER (1-22-72).

EDWARD W. SCHULTZ,
Deputy Chief, Forest Service.

JANUARY 17, 1972.

[FR Doc.72-1012 Filed 1-21-72;8:49 am]

Office of the Secretary

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Proposed Transfer of Assignments of Functions and Delegations of Authority

In accordance with Reorganization Plan No. 2 of 1953, and in order to afford interested persons and groups an opportunity to place before the Department their views with respect to the proposed action, the Department is giving advance public notice of a proposed transfer of assigned functions and delegations of authority and the establishment of a new agency.

1. *General.* a. In carrying out its responsibilities to protect the animal and plant resources of the Nation the U.S. Department of Agriculture:

Makes surveys to detect harmful pests and diseases;

Establishes programs to control, contain, and eradicate animal and plant health problems;

Operates a port of entry inspection and quarantine program to prevent the introduction of harmful pests and diseases into the United States;

Undertakes emergency programs to control and eradicate emergency outbreaks of animal and plant diseases, insects and nematodes;

Certifies plants and plant products for export;

Administers laws and regulations to protect and insure the welfare and humane care of transported livestock and certain laboratory animals;

Directs efforts to prevent the production and interstate distribution of worthless or harmful veterinary biologics;

Checks the effect of the use of herbicides and pesticides on the environment;

Cooperates closely with State and local agencies and with foreign goverments in these programs.

These programs, which are of extreme importance to insuring a stable and consistent supply of wholesome food and fiber products are administered by the Animal and Plant Health Service reporting to the Director of Science and Education.

b. In carrying out its poultry and meat inspection responsibilities the Department:

Inspects for wholesomeness all poultry and meat and related products processed by plants meeting Department inspection requirements and qualifying to sell across State lines or to other countries.

Reviews foreign inspection systems and packing plants which export poultry and meat to this country, and reinspects imported products at U.S. ports of entry.

Checks plant facilities and equipment, slaughter and processing methods, containers and labeling for adherence to approved standards.

Cooperates with, and provides assistance to States to develop poultry and meat inspection programs which meet Federal standards.

These programs, of extreme importance to the health and welfare of consumers, have been administered by a Deputy Administrator for Meat and Poultry Inspection in the Consumer and Marketing Service which Service reports to the Assistant Secretary for Marketing and Consumer Services.

2. *Functions shifted.* In order to more effectively carry out these programs, to accommodate to changing industry patterns and State participation, and to gain economics and efficiencies through cross utilization of similar skills it is proposed to accomplish the following in sequential order:

a. Establish a new agency, the Animal and Plant Health Inspection Service to be headed by an Administrator reporting to the Assistant Secretary for Marketing and Consumer Services.

b. Transfer those functions, responsibilities, and Delegations of Authority now exercised by or under the Administrator of the Animal and Plant Health Service from the Director of Science and Education to the Assistant Secretary for Marketing and Consumer Services, with authority to delegate them to the Administrator of the proposed Animal and Plant Health Inspection Service.

c. Continue to vest those functions, responsibilities, and Delegations of Authorities exercised by or under the Consumer and Marketing Services Deputy Administrator for Meat and Poultry Inspection in the Assistant Secretary for Marketing and Consumer Services, with the authority to delegate them to the Administrator of the proposed Animal and Plant Health Inspection Service.

d. Change the name of the Consumer and Marketing Service to the Agricultural Marketing Service.

3. *Management support activities.* All finance, budget, personnel, administrative services, information, and other management support activities performed by the Consumer and Marketing Service or by the Animal and Plant Health Service in the administration of the functions identified in section 2 above will be transferred to the proposed Animal and Plant Health Inspection Service.

In order to be considered, views and comments of the interested persons and groups must be received by the Secretary by March 1, 1972. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 18th day of January 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-1028 Filed 1-21-72;8:50 am]

ARKANSAS

Designation of Areas for Emergency Loans

For the purpose of making Emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Arkansas natural disasters have caused a general need for agricultural credit:

COUNTIES	
Crittenden.	Miller.
Desha.	Monroe.
Independence.	Phillips.
Jackson.	Poinsett.
Lafayette.	Randolph.
Lawrence.	St. Francis.
Lee.	White.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for Emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 19th day of January 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-1013 Filed 1-21-72;8:49 am]

SOUTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making Emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following county in the State of South Carolina natural disasters have caused a general need for agricultural credit:

COUNTY
Clarendon.

Emergency loans will not be made in the above-named county under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for Emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 19th day of January 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-1014 Filed 1-21-72;8:49 am]

UTAH

Designation of Areas for Emergency Loans

For the purpose of making Emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970

V 37 1 15 JAN 22 72 XUM

(Public Law 91-606), it has been determined that in the following counties in the State of Utah natural disasters have caused a general need for agricultural credit:

COUNTIES

Grand. San Juan.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for Emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 19th day of January 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-1015 Filed 1-21-72;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-141]

ASSISTANT TO THE SECRETARY

Designation

The Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration) is designated as the Assistant to the Secretary who shall be responsible for providing information and advice to nonprofit organizations desiring to sponsor housing projects assisted under programs administered by the Department.

(Sec. 917 of the Housing and Urban Development Act of 1970, 84 Stat. 1816; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This designation shall be effective as of January 1, 1972.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72-1016 Filed 1-21-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

KENTUCKY

Transfer of Air Carrier Functions

Notice is hereby given that on or about February 1, 1972, Flight Standards Air Carrier functions for the State of Kentucky will be transferred from the Eastern Region to the Southern Region. These functions will be assumed by the Air Carrier District Office, SO-ACDO-35, at Nashville, Tenn. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in East Point, Ga., on January 14, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-971 Filed 1-21-72;8:46 am]

OLD TOWN, MAINE

Relocation of Flight Service Station

Notice is hereby given that on or about February 1, 1972, the Flight Service Station at Old Town, Maine, will be relocated to Bangor, Maine. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Boston, Mass., on January 14, 1972.

W. E. CROSBY,
Acting Director, New England Region.

[FR Doc.72-972 Filed 1-21-72;8:46 am]

Office of Pipeline Safety

[Notice No. W-4; Docket No. OPS-16]

PETITION FOR WAIVER OF GAS PIPELINE SAFETY STANDARDS

Notice of Hearing

The New Orleans Public Service, Inc., of New Orleans, La., has petitioned for a waiver from the requirements of § 192.455 of the Federal safety standards for gas pipelines (49 CFR Part 192). Section 192.455 establishes requirements for control of external corrosion on buried or submerged pipelines installed after July 31, 1971. The corrosion protection method which petitioner desires to use does not meet the requirements of § 192.455(a).

In support of a grant of waiver, petitioner makes the following arguments:

For short isolated sections of steel distribution mains and 1½" and 2" utilization pressure (¼ p.s.i.g.) screw coupled steel service piping from cast iron distribution mains, we have found it advantageous and perfectly satisfactory to use a protective cement coating without cathodic protection. The coating is a one part cement and three parts sand mix cast to a minimum ¾" thickness. The passivation effect of cement on steel inhibits corrosion of the metal and provides effective protection of the pipeline. This method has been successfully practiced by our company since 1902. We would appreciate your investigation into our practice and also provide us an opportunity to further demonstrate its effectiveness.

Accurate statistics are not available relative to the number of small isolated sections of steel main installed by this method, but they are considerable and certainly in excess of 100,000. We have no record or supporting data to indicate even one (1) corrosion failure on these installations.

A total of 95,822 cement-coated services, not cathodically protected, were on our system as of December 31, 1970. During 1970, leaks from all causes occurred on only 175 or 0.18 percent of the cement-coated services and over 50 percent of these were by outside forces. Corrosion was a possible factor on 20 of these leaks of which all occurred on cement-coated services installed prior to 1930.

This experience record proves that our practice of cement coating is sound and entirely consistent with gas pipeline safety. In view of this, we request a tentative continuation of our practice until final action can be provided on our request for waiver.

Complying with section 192.455 would require measures that would result in higher costs for installation, surveillance and maintenance which are not warranted from an operational or safety standpoint based on 69 years of experience.

In accordance with section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672(e)), notice is hereby given that a hearing on the petition by the New Orleans Public Service, Inc., will be held at 10 a.m. on February 24, 1972, in Room 1715, 400 Sixth Street SW., Washington, DC 20590.

Interested persons are invited to present their views at the hearing or to submit them in writing by February 17, 1972, to the Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590.

Issued in Washington, D.C., on January 19, 1972.

JOSEPH C. CALDWELL,
Acting Director, Office of Pipeline Safety.

[FR Doc.72-995 Filed 1-21-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FMC CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Viscose Divison, FMC Corp., Marcus Hook, Pa. 19061, has withdrawn its petition (FAP 1B2703), for which notice of filing was published in the FEDERAL REGISTER of August 3, 1971 (36 F.R. 14279), proposing that § 121.2535 *Textiles and textile fibers* (21 CFR 121.2535) be amended to provide for the safe use of polyethylene terephthalate in the manufacture of textiles and textile fibers for food-contact use.

Dated: January 11, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-867 Filed 1-21-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Environmental Impact Assessment, Supplemental Information to the Quad-Cities Environmental Report" by the Commonwealth Edison Co. is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Moline Public Library, 504 17th Street, Moline, IL 61265. The report is also being made available to the public at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, Ill. 62706 and the Bi-State Metropolitan Planning Commission, 1054 Third Avenue, Rock Island, IL 61201. This report discusses environmental considerations related to the operation of the Quad-Cities Nuclear Power Station located in Rock Island County, Ill.

After the Supplemental report has been analyzed by the Commission's Director of Regulation or his designee, a supplemental draft detailed statement of environmental considerations will be prepared. Upon preparation of the supplemental draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the supplemental draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the supplemental draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 12th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-961 Filed 1-21-72;8:45 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental policy act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Environmental Report for Bailly Generating Station—Nuclear 1—Construction Permit Stage" dated March 22, 1971, by the Northern Indiana Public Service Co. is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the West Chester Township Public Library, 125 South Second Street, Chesterton, IN 46304. The report is also being made available to the public at the Office of the Governor, 206 State House, Indianapolis, IN 46204 and the Lake-Porter County Regional Transportation and Planning Commission, 9290 Taft Place, Crown Point, IN 46307. Amendment No. 1 to the Environmental Report, dated November 23, 1971, is also being made available at the above locations.

This report as amended, discusses environmental considerations related to the proposed construction of the Bailly Generating Station—Nuclear 1 to be located in Westchester Township, Porter County, Ind. After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 12th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-963 Filed 1-21-72;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Environmental Report", dated November 3, 1971, by the Northern States Power Co. is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Environmental Resource Center, Minneapolis Public Library, 1222 Southeast Fourth Street, Minneapolis, MN 55414. The report is also being made available to the public at the office of the Minnesota State Planning Agency, Suite 603, 550 Cedar Street, St. Paul, MN 55101.

This report discusses environmental considerations related to the operation of the Monticello Nuclear Generating Plant located in Wright and Sherburne Counties, Minn. After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

V 37 15 JAN 22 72 XUM

Dated at Bethesda, Md., this 17th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-964 Filed 1-21-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23627]

AIR WEST

Notice of Prehearing Conference Regarding Deletion of Roseburg, Oreg.

Hughes Air Corp. d/b/a Air West; deletion of Roseburg, Oreg.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 24, 1972, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William J. Madden.

In order to facilitate the conduct of the conference, parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 10, 1972, and the other parties on or before February 18, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., January 19, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1005 Filed 1-21-72;8:48 am]

[Docket No. 23642]

ATC BYLAWS INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 1, 1972 at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Henry Whitehouse.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 16, 1972, and the other parties on or before February 24, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., January 19, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1003 Filed 1-21-72;8:48 am]

[Docket No. 23661]

EASTERN AIR LINES, INC.

Notice of Prehearing Conference Regarding Deletion of Reading, Pa.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 29, 1972, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Thomas P. Sheehan.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 11, 1972, and the other parties on or before February 22, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., January 19, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1004 Filed 1-21-72;8:48 am]

[Docket No. 23760]

KODIAK-WESTERN ALASKA MERGER CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 8, 1972, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Merritt Ruhlen.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on December 28, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 18, 1972.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[FR Doc.72-1006 Filed 1-21-72;8:49 am]

[Docket No. 24130]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Prehearing Conference Regarding Acquisition of Control by Jet Capital Corp.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 15, 1972, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Hyman Goldberg.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 3, 1972, and the other parties on or before February 10, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., January 19, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1007 Filed 1-21-72;8:49 am]

[Docket No. 21115, etc.]

WISCONSIN POINTS DEHYPHENATION CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 23, 1972, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Joseph L. Fitzmaurice.

In order to facilitate the conduct of the conference, parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 9, 1972, and the other parties on or before February 18, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., January 19, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1008 Filed 1-21-72;8:49 am]

CIVIL SERVICE COMMISSION

MINIMUM RATES AND RATE RANGES

Notice of Adjustment

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has adjusted the minimum rates and rate ranges for certain occupations and grade levels for which special rates were approved under 5 U.S.C. 5303. The following tables contain the basic special salary rate information for each occupation and grade level for which special rates are authorized. Only the special minimum and special maximum rate (i.e., 10th step) are shown; however, a full special rate range is authorized for each occupation and grade level specified. The full range of special rates can be prepared by successively adding the amount of the within grade increase, as shown for each grade, beginning with the special minimum to produce a rate for each step up to the special maximum rate.

The effective date of the revised rates is the pay period that begins on or after January 1, 1972.

[SEAL] UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

GS-000 MISCELLANEOUS OCCUPATIONS GROUP

Occupational Series Coverage	Geographic Coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective Date
GS-007 Correctional Officer Series Table No. 009	District of Columbia Government.	GS-6	$8,425	$10,873	$272	1-1-72
GS-081 Firefighter (General) Firefighter (Structural) Firefighter (Airfield) Table No. 001	Naval Training Center, Great Lakes Illinois and Federal installations within a 22-mile radius of the Center.	GS-3 GS-4 GS-5	6,410 6,960 7,563	8,156 8,942 9,759	194 218 244	1-1-72
GS-081 Firefighter (General) [1] Firefighter (Structural) [1] Firefighter (Airfield) [1] Fire Protection Inspector [1] Fire Chief [1] Covers both nonsupervisory and supervisory positions at applicable grade levels Table No. 002	San Francisco and 35-mile radius extended to include Travis Air Force Base near Fairfield, Calif.	GS-3 GS-4 GS-5 GS-6 GS-7 GS-8	7,186 8,070 8,539 8,969 9,657 10,347	8,932 10,032 10,735 11,417 12,375 13,353	194 218 244 272 302 334	1-1-72
GS-081 Fire Protection and Prevention Series Table No. 003	Washington, D.C. SMSA, including Quantico Marine Base	GS-3 GS-4 GS-5 GS-6	6,902 7,416 7,807 8,425	8,738 9,378 10,003 10,873	194 218 244 272	1-1-72
GS-081 Fire Protection and Prevention Series Table No. 004	San Diego County, Calif.	GS-3 GS-4 GS-5 GS-6 GS-7 GS-8	7,186 8,070 8,539 8,969 9,657 10,347	8,932 10,032 10,735 11,417 12,375 13,353	194 218 244 272 302 334	1-1-72
GS-081 Fire Protection and Prevention Series Table No. 005	Ventura County, Calif.	GS-3 GS-4 GS-5 GS-6	6,798 7,198 7,807 8,425	8,544 9,160 10,003 10,873	194 218 244 272	1-1-72
GS-081 Fire Protection and Prevention Series Table No. 006	City of Stockton, Calif., including Sharpe Army Depot, and Defense Depot, Tracy, Calif.	GS-3 GS-4 GS-5	6,410 6,960 7,563	8,156 8,942 9,759	194 218 244	1-1-72
GS-083 Police Series Table No. 008	Washington, D.C. SMSA, including District of Columbia Children's Center, Laurel, Md., and Quantico Marine Base	GS-4 GS-5 GS-6	7,852 8,296 8,697	9,814 10,491 11,145	218 244 272	1-1-72
GS-085 Guard Series Table No. 007	Washington, D.C. SMSA, including District of Columbia Children's Center, Laurel, Md., and Quantico Marine Base	GS-2 GS-3 GS-4 GS-5 GS-6	6,370 7,186 7,852 8,296 8,697	7,918 8,932 9,814 10,491 11,145	172 194 218 244 272	1-1-72
GS-085 Guard Series Table No. 010	U.S. Naval Ordnance Station, Indian Head, Md.	GS-2 GS-3 GS-4 GS-5 GS-6	6,370 7,186 7,852 8,296 8,697	7,918 8,932 9,814 10,491 11,145	172 194 218 244 272	1-1-72
GS-100 SOCIAL SCIENCE, PSYCHOLOGY AND WELFARE GROUP						
GS-180 Psychology Series Table No. 060	Worldwide	GS-11	$14,197	$18,193	$444	1-1-72
GS-300 GENERAL ADMINISTRATIVE, CLERICAL, AND OFFICE SERVICES GROUP						
GS-301 Police Cadet Table No. 150	District of Columbia Metropolitan Police Department	GS-2 GS-3	$5,854 6,410	$7,402 8,156	$172 194	1-1-72
GS-312 Clerk-Stenographer GS-316 Clerk-Dictating Machine Transcriber GS-318 Secretary GS-322 Clerk-Typist Table No. 152	Cook County, Ill. (includes city of Chicago)	GS-2 GS-3	5,338 6,022	6,886 7,766	172 194	1-1-72
GS-312 Clerk-Stenographer GS-316 Clerk-Dictating Machine Transcriber GS-318 Secretary	New York, N.Y. (includes the counties of Bronx, Kings, New York, Queens, and Richmond)	GS-2 GS-3	5,510 6,022	7,058 7,766	172 194	1-1-72

V 37 I 15 JAN 22 72 XUM

GS-300 General Administrative, Clerical, and Office Services Group—Continued

Occupational Series Coverage	Geographic Coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-322 Clerk-Typist In addition to above series, coverage includes all positions in grades GS-2 and GS-3 with the following parenthetical titles: (Typing); or (Stenography); or (Dictating Machine Transcribing). Use of any of the parenthetical titles cited indicates that a substantial requirement for the skill identified exists in the position, and the requirement is of sufficient significance to warrant selective certification from an appropriate clerical register (or equivalent selectivity in noncompetitive actions). In all cases the position description must reflect those duties which necessitated the use of the parenthetical title. Table No. 900						
GS-343 GAO Management Auditor Table No. 250	Worldwide (except for New York, New York SMSA)	GS-7 GS-9	$10,563 11,414	$13,281 14,726	$302 368	1-1-72
GS-343 GAO Management Auditor Table No. 251	New York, N.Y., SMSA	GS-7 GS-9	11,167 12,150	13,885 15,462	302 368	1-1-72
GS-356 Card Punch Operation Series Table No. 156	San Francisco-Oakland Standard Metropolitan Statistical Area (includes Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties); Santa Clara County; Solano County; Los Angeles County; Orange County; and Government Activities at Edwards AFB in Kern County, Calif.	GS-3	6,022	7,768	194	1-1-72
GS-356 Card Punch Operation Series Table No. 157	Boston, Mass. SMSA (includes Essex County (Part), Middlesex County (Part), Norfolk County (Part), Plymouth County (Part) and Suffolk County)	GS-2 GS-3 GS-4	5,682 6,216 6,762	7,230 7,962 8,724	172 194 218	1-1-72
GS-359 Electric Accounting Machine Operating Series, Grade 4 Only GS-362 Electric Accounting Machine Project Planning Series, Grade 7 Only Table No. 154	Juneau Election District, Alaska	GS-4 GS-7	7,198 9,355	9,160 12,073	218 302	1-1-72
GS-400 Biological Sciences Group						
GS-403 Microbiology Series Table No. 220	Nationwide	GS-5	$7,807	$10,003	$244	1-1-72
GS-500 Accounting and Budget Group						
GS-510 Accounting Series GS-512 Internal Revenue Agent Series Table No. 258	Worldwide (except for New York, N.Y. SMSA.)	GS-5 GS-6 GS-7 GS-8 GS-9	$9,027 9,785 10,563 11,015 11,414	$11,223 12,233 13,281 14,021 14,726	$244 272 302 334 368	1-1-72
GS-510 Accounting Series GS-512 Internal Revenue Agent Series Table No. 259	New York, N.Y. SMSA	GS-5 GS-6 GS-7 GS-8 GS-9 GS-10	9,027 10,057 11,167 11,683 12,150 12,961	11,223 12,505 13,885 14,689 15,462 16,606	244 272 302 334 368 405	1-1-72
GS-600 Medical, Hospital, Dental, and Public Health Group						
GS-602 Medical Officer Series Table No. 290	Worldwide	GS-11 GS-12 GS-13 GS-14 GS-15	$17,305 20,627 23,737 25,620 27,289	$21,301 25,388 29,362 32,208 34,966	$444 529 625 732 853	1-1-72
GS-610 Nurse Series Table No. 306	Galveston, Tex.	GS-4 GS-5 GS-6	8,070 8,539 8,697	10,032 10,735 11,145	218 244 272	1-1-72
GS-610 Nurse Series Table No. 301	State of California (Excluding San Francisco, Calif., and 35-mile radius extended to include Travis Air Force Base; San Diego County; and Division of Indian Health Nurses)	GS-4 GS-5 GS-6	8,070 8,539 8,697	10,032 10,735 11,145	218 244 272	1-1-72
GS-610 Nurse Series Table No. 303	San Francisco, Calif., and 35-mile radius extended to include Travis Air Force Base	GS-4 GS-5 GS-6 GS-7 GS-8 GS-9	8,506 9,027 9,513 9,959 10,681 11,414	10,468 11,223 11,961 12,677 13,687 14,726	218 244 272 302 334 368	1-1-72
GS-610 Nurse Series GS-615 Public Health Nurse Series Table No. 293	Division of Indian Health, Public Health Service, Continental United States; Ellsworth Air Force Base, Rapid City, S. Dak.; Albuquerque, N. Mex., including Kirtland Air Force Base and Sandia Base Military Reservation; Fort Sill, Okla.; Job Corps center Box Elder, S. Dak.; State of Alaska	GS-4 GS-5	7,416 8,051	9,378 10,247	218 244	1-1-72
GS-610 Nurse Series Table No. 299	Seattle and Bremerton, Wash.	GS-4 GS-5 GS-6	7,852 8,295 8,697	9,814 10,491 11,145	218 244 272	1-1-72
GS-610 Nurse Series Table No. 297	Philadelphia, Pa.	GS-4 GS-5	7,416 8,051	9,378 10,247	218 244	1-1-72
GS-610 Nurse Series Table No. 295	New Orleans, La.	GS-4 GS-5	6,980 7,563	8,942 9,759	218 244	1-1-72
GS-610 Nurse Series Table No. 292	Baltimore, Md., Standard Metropolitan Statistical Area	GS-4 GS-5 GS-6	7,852 8,295 8,697	9,814 10,491 11,145	218 244 272	1-1-72

GS-600 Medical, Hospital, Dental, and Public Health Group—Continued

Occupational Series Coverage	Geographic Coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-610 Nurse Series Table No. 305	Boston, Mass., Standard Metropolitan Statistical Area	GS-4 GS-5 GS-6	$8,070 8,539 8,697	$10,032 10,735 11,145	$218 244 272	1-1-72
GS-615 Public Health Nurse Series Table No. 300	Washington, D.C., Standard Metropolitan Statistical Area	GS-5	8,539	10,735	244	1-1-72
GS-610 Nurse Series Table No. 304	Washington, D.C., Standard Metropolitan Statistical Area including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.	GS-4 GS-5	8,288 8,783	10,250 10,979	218 244	1-1-72
GS-610 Nurse Series GS-615 Public Health Nurse Series Table No. 296	New York, N.Y.	GS-4 GS-5 GS-6 GS-7 GS-8 GS-9 GS-10	8,506 9,515 10,057 10,563 11,349 12,150 12,556	10,468 11,711 12,505 13,281 14,355 15,462 16,201	218 244 272 302 334 368 405	1-1-72
GS-621 Nursing Assistant Series Table No. 307	City of Palo Alto and Federal Installations within a 10-mile radius, Calif.	GS-2 GS-3	5,510 6,022	7,058 7,768	172 194	1-1-72
GS-621 Nursing Assistant Series (Excluding Licensed Practical Nurse) Table No. 333	New York, N.Y., SMSA (Includes New York City; Nassau, Rockland, Suffolk, and Westchester Counties)	GS-2 GS-3	5,510 6,022	7,058 7,768	172 194	1-1-72
GS-621 Licensed Practical Nurse Table No. 334	New York, N.Y. SMSA	GS-3 GS-4 GS-5 GS-6	7,186 7,634 8,051 8,425	8,932 9,596 10,247 10,873	194 218 244 272	1-1-72
GS-621 Licensed Practical Nurse Table No. 337	Cook County, Ill. (Including the city of Chicago)	GS-3 GS-4	6,410 6,980	8,156 8,942	194 218	1-1-72
GS-621 Nursing Assistant Series (Excluding Licensed Practical Nurse) Table No. 335	East Orange and Lyons Veterans Administration Hospitals, N.J.	GS-2 GS-3	5,510 6,022	7,058 7,768	172 194	1-1-72
GS-621 Licensed Practical Nurse Table No. 342	West Haven, Conn.	GS-3 GS-4 GS-5	6,798 7,198 7,563	8,544 9,160 9,759	194 218 244	1-1-72
GS-621 Licensed Practical Nurse Table No. 343	Boston SMSA and Brockton, Mass.	GS-3 GS-4 GS-5	6,798 7,198 7,563	8,544 9,160 9,759	194 218 244	1-1-72
GS-621 Licensed Practical Nurse Table No. 336	East Orange and Lyons Veterans Administration Hospitals, N.J.	GS-3 GS-4	6,410 6,980	8,156 8,942	194 218	1-1-72
GS-631 Occupational Therapists GS-633 Physical Therapists Table No. 308	Washington, D.C. SMSA	GS-5 GS-6	8,539 8,697	10,735 11,145	244 272	1-1-72
GS-631 Occupational Therapist GS-633 Physical Therapist Table No. 309	Los Angeles—Long Beach, Calif., SMSA	GS-5 GS-6 GS-7 GS-8	8,783 9,241 9,657 10,347	10,979 11,689 12,375 13,353	244 272 302 334	1-1-72
GS-633 Physical Therapist Table No. 311	Cincinnati, Ohio, SMSA	GS-5 GS-6	8,295 8,425	10,491 10,873	244 272	1-1-72
GS-631 Occupational Therapist GS-633 Physical Therapist Table No. 310	New York City and Suffolk County, N.Y.	GS-5 GS-6 GS-7 GS-8 GS-9	9,515 10,057 10,563 11,015 11,414	11,711 12,505 13,281 14,021 14,726	244 272 302 334 368	1 1-72
GS-644 Medical Technologist Series Table No. 318	Washington, D.C., SMSA	GS-5	8,539	10,735	244	1-1-72
GS-644 Medical Technologist Series Table No. 317	Omaha, Nebr., Standard Metropolitan Statistical Area	GS-5	7,807	10,003	244	1-1-72
GS-644 Medical Technologist Series Table No. 316	Ann Arbor, Mich., Standard Metropolitan Statistical Area	GS-5 GS-7	9,027 9,657	11,223 12,375	244 302	1-1-72
GS-644 Medical Technologist Series Table No. 315	New Orleans, La.	GS-5	7,563	9,759	244	1-1-72
GS-644 Medical Technologist Series Table No. 314	Milwaukee, Wis.	GS-5 GS-7	8,539 9,355	10,735 12,073	244 302	1-1-72
GS-644 Medical Technologist Series Table No. 312	Baltimore, Md., SMSA	GS-5	8,051	10,247	244	1-1-72
GS-644 Medical Technologist Series Table No. 313	State of California	GS-5 GS-6 GS-7 GS-8 GS-9	9,027 9,513 10,261 10,681 11,414	11,223 11,961 12,979 13,687 14,726	244 272 302 334 368	1-1-72
GS-644 Medical Technologist Series Table No. 319	Chicago and Hines, Ill.	GS-5	8,051	10,247	244	1-1-72
GS-644 Medical Technologist Series Table No. 331	New York City, N.Y. (includes Bronx, Kings, New York, Queens, and Richmond Counties)	GS-5	8,295	10,491	244	1-1-72

VOL 37-15 JAN 22 72 XUM

GS-600 MEDICAL, HOSPITAL, DENTAL, AND PUBLIC HEALTH GROUP—Continued

Occupational Series Coverage	Geographic Coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-647 Medical Radiology Technician Series	New York City	GS-4	$8,506	$10,468	$218	1-1-71
		GS-5	9,027	11,223	244	
		GS-6	9,513	11,961	272	
		GS-7	10,261	12,979	302	
		GS-8	10,681	13,687	334	
Table No. 320						
GS-647 Medical Radiology Technician Series	San Francisco, Calif., and Federal installations within a 35-mile radius	GS-5	8,051	10,247	244	1-1-71
		GS-6	8,697	11,145	272	
		GS-7	9,355	12,073	302	
Table No. 321						
GS-647 Medical Radiology Technician Series	Los Angeles—Long Beach, Calif., SMSA (includes all of Los Angeles County)	GS-4	8,070	10,032	218	1-1-71
		GS-5	8,295	10,491	244	
		GS-6	8,697	11,146	272	
		GS-7	9,355	12,073	302	
Table No. 340						
GS-647 Medical Radiology Technician Series	Cook County, Ill. (including the city of Chicago)	GS-4	7,634	9,596	218	1-1-71
		GS-5	8,051	10,247	244	
		GS-6	8,425	10,873	272	
Table No. 341						
GS-649 Inhalation Therapy Technician	New York, N.Y. SMSA (includes New York City, Nassau, Rockland, Suffolk, and Westchester Counties)	GS-4	7,852	9,814	218	1-1-71
		GS-5	8,539	10,735	244	
		GS-6	8,969	11,417	272	
		GS-7	9,355	12,073	302	
Table No. 344						
GS-649 Inhalation Therapy Technician	Seattle, Wash.	GS-4	7,198	9,160	218	1-1-72
		GS-5	7,807	10,003	244	
		GS-6	8,425	10,873	272	
Table No. 339						
GS-649 Inhalation Therapy Technician	West Haven, Conn.	GS-4	7,198	9,160	218	1-1-72
		GS-5	7,807	10,003	244	
		GS-6	8,425	10,873	272	
Table No. 330						
GS-660 Pharmacist	State of California	GS-9	12,518	15,830	368	1-1-72
		GS-10	13,366	17,011	405	
		GS-11	14,197	18,193	444	
Table No. 322						
GS-665 Speech Pathology and Audiology Series	Worldwide	GS-11	14,197	18,193	444	1-1-72
Table No. 324						
GS-668 Podiatrist	Washington, D.C., SMSA	GS-9	12,518	15,830	368	1-1-72
		GS-10	13,771	17,416	405	
		GS-11	15,085	19,081	444	
Table No. 325						
GS-682 Dental Hygienist Series	Norfolk and Newport News-Hampton, Va. SMSA's	GS-4	8,070	10,032	218	1-1-72
Table No. 327		GS-5	9,027	11,223	244	
GS-682 Dental Hygienist Series	States of California and Nevada	GS-4	7,634	9,596	218	1-1-72
		GS-5	8,539	10,735	244	
		GS-6	8,969	11,417	272	
		GS-7	9,657	12,375	302	
Table No. 328						
GS-682 Dental Hygienist Series	Denver, Colo. SMSA	GS-4	7,852	9,814	218	1-1-72
		GS-5	8,295	10,491	244	
		GS-6	8,969	11,417	272	
		GS-7	9,657	12,375	302	
Table No. 338						
GS-682 Dental Hygienist Series	Boston SMSA, Brockton, and Fort Devens, Mass.	GS-4	6,960	8,942	218	1-1-72
Table No. 332		GS-5	7,563	9,759	244	
GS-690 Industrial Hygiene Series	Worldwide	GS-5	8,783	10,979	244	1-1-72
		GS-6	9,785	12,233	272	
		GS-7	10,865	13,583	302	
		GS-8	11,349	14,355	334	
		GS-9	12,150	15,462	368	
		GS-10	12,556	16,201	405	
Table No. 329						
GS-700 VETERINARY MEDICAL SCIENCE GROUP						
GS-701 Veterinarian Series	Worldwide	GS-9	$11,782	$15,094	$368	1-1-72
Table No. 400						
GS-800 ENGINEERING AND ARCHITECTURE GROUP						
GS-800 All Professional Series in the Engineering and Architecture Group. Professional Series in the GS-800 Group Are:	Worldwide	GS-5	$9,027	$11,223	$244	1-1-72
		GS-6	10,057	12,505	272	
		GS-7	11,167	13,885	302	
		GS-8	11,683	14,689	334	
		GS-9	12,150	15,462	368	
		GS-10	12,556	16,201	405	
GS-801 General						
GS-803 Safety						
GS-804 Fire Prevention						
GS-806 Materials						
GS-807 Landscape Architecture						
GS-808 Architecture						
GS-810 Civil						
GS-819 Sanitary						
GS-830 Mechanical						
GS-840 Nuclear						
GS-850 Electrical						
GS-855 Electronic						
GS-861 Aerospace						
GS-870 Marine						
GS-871 Naval Architecture						
GS-880 Mining						
GS-881 Petroleum						
GS-890 Agricultural						
GS-892 Ceramic						
GS-893 Chemical						
GS-894 Welding						
GS-896 Industrial						
Table No. 410						

GS-1100 BUSINESS AND INDUSTRY GROUP

Occupational Series Coverage	Geographic Coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-1169 Revenue Officer	State of California	GS-5	$7,807	$10,003	$244	1-1-72
Table No. 560						
GS-1200 COPYRIGHT, PATENT, and TRADE-MARK GROUP						
GS-1221 Patent Adviser	Worldwide	GS-5	$ 9,027	$11,223	$244	1-1-72
GS-1223 Patent Classifying		GS-6	10,057	12,505	272	
GS-1224 Patent Examining		GS-7	11,167	13,885	302	
		GS-8	11,683	14,689	334	
		GS-9	12,150	15,462	368	
Table No. 575		GS-10	12,556	16,201	405	
GS-1300 PHYSICAL SCIENCES GROUP						
GS-1301.1 Physical Science Subseries	Worldwide	GS-5	$9,027	$11,223	$244	1-1-72
		GS-6	10,057	12,505	272	
		GS-7	11,167	13,885	302	
		GS-8	11,683	14,689	334	
		GS-9	12,150	15,462	368	
Table No. 585		GS-10	12,556	16,201	405	
Certain Series in the GS-1300 Group as follows:	Worldwide	GS-5	8,783	10,979	244	1-1-72
GS-1306 Health Physics		GS-6	9,785	12,233	272	
GS-1310 Physics		GS-7	10,865	13,583	302	
GS-1313 Geophysics		GS-8	11,349	14,355	334	
GS-1315 Hydrology		GS-9	12,150	15,462	368	
GS-1320 Chemistry		GS-10	12,556	16,201	405	
GS-1321 Metallurgy						
GS-1330 Astronomy and Space Science						
GS-1340 Meteorology						
GS-1360 Oceanography						
GS-1372 Geodesy						
GS-1380 Forest Products Technology						
GS-1386 Photographic Technology						
Table No. 586						
GS-1350 Geology Series	Worldwide	GS-5	9,027	11,223	244	1-1-72
Table No. 587		GS-7	9,959	12,677	302	
GS-1370 Cartographer Series	(1) Cartographer, GS-1370, in grades GS-5 through 7, in the St Louis, Missouri Standard Metropolitan Statistical Area, and the Washington, D.C., SMSA. (2) Physical Scientists, GS-1301, in grade GS-7 at the Air Force Aeronautical Chart and Information Center in the St, Louis, Mo., SMSA. (Incumbents of these positions perform professional work in cartography in combination with professional work in at least one other recognized scientific occupation, such as geodesy. Such positions are normally filled by reassignment or promotion from positions of cartographer.)	GS-5	8,051	10,247	244	1-1-72
GS-1301 Physical Science Series		GS-6	8,969	11,417	272	
		GS-7	9,959	12,677	302	
Table No. 588						
GS-1500 MATHEMATICS AND STATISTICS GROUP						
GS-1510 Actuary	Worldwide	GS-5	$8,295	$10,491	$244	1-1-72
GS-1515 Operations Research		GS-6	9,241	11,689	272	
GS-1520 Mathematics Series		GS-7	10,261	12,979	302	
GS-1529 Mathematical Statistics		GS-8	11,015	14,021	334	
Table No. 595		GS-9	11,782	15,094	368	
GS-1600 EQUIPMENT, FACILITIES, AND SERVICE GROUP						
GS-1654 Printing Management Series	Nationwide	GS-5	$9,027	$11,223	$244	1-1-72
(Note: Eligibility for these special rates is limited to employees who have at least a Baccalaureate Degree with a major in printing management.)		GS-7	9,657	12,375	302	
Table No. 725						
GS-1700 EDUCATION GROUP						
GS-1710 Teacher	Mary G. Zeigler School, Department of Public Welfare,	GS-5	$8,783	$10,979	$244	1-1-72
Note: Eligibility for these special rates is limited to employees engaged in teaching students with "special needs" in the school identified.	Disirict of Columbia Government, Laurel, Md.	GS-7	9,355	12,073	302	
Table No. 750						
GS-1800 INVESTIGATION GROUP						
GS-1811 Criminal Investigator (Limited to positions of Special Agent (Intelligence) in the Internal Revenue Service)	Nationwide (Except New York, N.Y. SMSA)	GS-5	$9,027	$11,223	$244	1-1-72
		GS-6	9,785	12,233	272	
		GS-7	10,563	13,281	302	
		GS-8	11,015	14,021	334	
		GS-9	11,414	14,726	366	
Table No. 260						
GS-1811 Criminal Investigator (Limited to positions of Special Agent (Intelligence) in the Internal Revenue Service)	New York, N.Y. SMSA	GS-5	9,027	11,223	244	1-1-72
		GS-6	10,057	12,505	272	
		GS-7	11,167	13,885	302	
		GS-8	11,683	14,689	334	
		GS-9	12,150	15,462	368	
		GS-10	12,961	16,606	405	
Table No. 261						

VOL 37 NO 15 JAN 22 72 XUM

Grade	Statutory range (Effective the first day of the first pay period beginning on or after Jan. 1, 1972)										Extended range for special rates										Within grade increases
GS-1	$4,564	$4,716	$4,868	$5,020	$5,172	$5,324	$5,476	$5,628	$5,780	$5,932	$6,084	$6,236	$6,388	$6,540	$6,692	$6,844	$6,996	$7,148	$7,300		$152
GS-2	5,165	5,338	5,510	5,682	5,854	6,026	6,198	6,370	6,542	6,714	6,886	7,058	7,230	7,402	7,574	7,746	7,918	8,090	8,262		172
GS-3	5,826	6,022	6,216	6,410	6,604	6,798	6,992	7,186	7,380	7,574	7,768	7,962	8,156	8,350	8,544	8,738	8,932	9,126	9,320		194
GS-4	6,544	6,762	6,980	7,198	7,416	7,634	7,852	8,070	8,288	8,506	8,724	8,942	9,160	9,378	9,596	9,814	10,032	10,250	10,468		218
GS-5	7,319	7,563	7,807	8,051	8,295	8,539	8,783	9,027	9,271	9,515	9,759	10,003	10,247	10,491	10,735	10,979	11,223	11,467	11,711		244
GS-6	8,153	8,425	8,697	8,969	9,241	9,513	9,785	10,057	10,329	10,601	10,873	11,145	11,417	11,689	11,961	12,233	12,505	12,777	13,049		272
GS-7	9,053	9,355	9,657	9,959	10,261	10,563	10,865	11,167	11,469	11,771	12,073	12,375	12,677	12,979	13,281	13,583	13,885	14,187	14,489		302
GS-8	10,013	10,347	10,681	11,015	11,349	11,683	12,017	12,351	12,685	13,019	13,353	13,687	14,021	14,355	14,689	15,023	15,357	15,691	16,025		334
GS-9	11,046	11,414	11,782	12,150	12,518	12,886	13,254	13,622	13,990	14,358	14,726	15,094	15,462	15,830	16,198	16,566	16,934	17,302	17,670		368
GS-10	12,151	12,556	12,961	13,366	13,771	14,176	14,581	14,986	15,391	15,796	16,201	16,606	17,011	17,416	17,821	18,226	18,631	19,036	19,441		405
GS-11	13,309	13,753	14,197	14,641	15,085	15,529	15,973	16,417	16,861	17,305	17,749	18,193	18,637	19,081	19,525	19,969	20,413	20,857	21,301		444
GS-12	15,966	16,495	16,924	17,453	17,982	18,511	19,040	19,569	20,098	20,627	21,156	21,685	22,214	22,743	23,272	23,801	24,330	24,859	25,388		529
GS-13	18,737	19,362	19,987	20,612	21,237	21,862	22,487	23,112	23,737	24,362	24,987	25,612	26,237	26,862	27,487	28,112	28,737	29,362	29,987		625
GS-14	21,960	22,692	23,424	24,156	24,888	25,620	26,352	27,084	27,816	28,548	29,280	30,012	30,744	31,476	32,208	32,940	33,672	34,404	35,136		732
GS-15	25,583	26,436	27,289	28,142	28,995	29,848	30,701	31,554	32,407	33,260	34,113	34,966	35,819	[1] 36,672	[1] 37,525	[1] 38,378	[1] 39,231	[1] 40,084	[1] 40,937		853

[1] Rates may not exceed the rate for Executive Level V. As of Jan. 1972, Executive Level V rate was $36,000.

[FR Doc.72-853 Filed 1-21-72;8:45 am]

MINIMUM RATES AND RATE RANGES

Notice of Adjustment

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has adjusted the minimum rates and rate ranges for certain occupations and grade levels for which special rates were approved under 5 U.S.C. 5303. The following tables contain the basic special salary rate information for each occupation and grade level for which special rates are authorized. Only the special minimum and special maximum rate (i.e., 10th step) are shown; however, a full special rate range is authorized for each occupation and grade level specified. The full range of special rates can be prepared by successively adding the amount of the within grade increase, as shown for each grade, beginning with the special minimum to produce a rate for each step up to the special maximum rate.

The effective date of the revised rates is the pay period that begins on or after February 6, 1972.

[SEAL]

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

GS-000 MISCELLANEOUS OCCUPATIONS

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-081 Firefighter (General) Firefighter (Structural) Firefighter (Airfield) Table No. 001	Naval Training Center, Great Lakes, Ill., and Federal installations within a 22-mile radius of the Center	GS-3 GS-4 GS-5	$6,410 6,980 7,563	$8,156 8,942 9,759	$194 218 244	2-6-72
GS-083 Police Series Table No. 008	Washington, D.C. SMSA, including District of Columbia Children's Center, Laurel, Md., and Quantico Marine Base	GS-4 GS-5	7,416 7,807	9,378 10,003	218 244	2-6-72
	GS-300 GENERAL ADMINISTRATIVE, CLERICAL, AND OFFICE SERVICES GROUP					
GS-301 Police Cadet Table No. 150	District of Columbia Metropolitan Police Department	GS-2 GS-3	$5,510 6,022	$7,058 7,768	$172 194	2-6-72
GS-359 Electric Accounting Machine Operating Series, Grade 4 Only GS-362 Electric Accounting Machine Project Planning Series, Grade 7 Only Table No. 154	Juneau Election District, Alaska	GS-4 GS-7	7,198 9,355	9,160 12,073	218 302	2-6-72
	GS-600 MEDICAL, HOSPITAL, DENTAL, AND PUBLIC HEALTH GROUP					
GS-602 Medical Officer Series Table No. 290	Worldwide	GS-11 GS-12 GS-13 GS-14 GS-15	$17,305 20,627 23,737 25,620 27,289	$21,301 25,388 29,362 32,208 34,966	$444 529 625 732 853	2-6-72
GS-610 Nurse Series Table No. 306	Galveston, Tex.	GS-4 GS-5	7,634 8,051	9,596 10,247	218 244	2-6-72
GS-610 Nurse Series Table No. 303	San Fracisco, Calif., and 35-mile radius extended to include Travis Air Force Base	GS-4 GS-5 GS-6 GS-7	8,070 8,539 8,969 9,355	10,032 10,735 11,417 12,073	218 244 272 302	2-6-72
GS-610 Nurse Series Table No. 292	Baltimore, Md., Standard Metropolitan Statistical Area	GS-4 GS-5 GS-6	7,852 8,295 8,697	9,814 10,491 11,145	218 244 272	2-6-72
GS-610 Nurse Series Table No. 306	Boston, Mass., Standard Metropolitan Statistical Area	GS-4 GS-5	7,634 8,051	9,596 10,247	218 244	2-6-72
GS-610 Nurse Series Table No. 304	Washington, D.C., Standard Metropolitan Statistical Area including the D.C. Government's Children's Center, Laurel, Md., and the U.S. Marine Corps Base, Quantico, Va.	GS-4 GS-5	7,852 8,295	9,814 10,491	218 244	2-6-72
GS-610 Nurse Series GS-615 Public Health Nurse Series Table No. 396	New York, N.Y.	GS-4 GS-5 GS-6 GS-7 GS-8 GS-9	8,070 9,027 9,513 9,959 10,681 11,414	10,032 11,223 11,961 12,677 13,687 14,726	218 244 272 302 334 368	2-6-72

GS-600 MEDICAL, HOSPITAL, DENTAL, AND PUBLIC HEALTH GROUP—Continued

Occupational series coverage	Geographic coverage	Grade	1st step rate	10th step rate	Within grade increase	Effective date
GS-621 Licensed Practical Nurse Table No. 334	New York, N.Y., SMSA	GS-3 GS-4 GS-5	$6,796 7,198 7,563	$8,544 9,160 9,759	$194 218 244	2-6-72
GS-621 Licensed Practical Nurse Table No. 337	Cook County, Ill. (Including the city of Chicago).	GS-3 GS-4	6,410 6,980	8,156 8,942	194 218	2-6-72
GS-621 Licensed Practical Nurse Table No. 342	West Haven, Conn.	GS-3 GS-4	6,410 6,980	8,156 8,942	194 218	2-6-72
GS-621 Licensed Practical Nurse Table No. 343	Boston SMSA and Brockton, Mass.	GS-3 GS-4	6,410 6,980	8,156 8,942	194 218	2-6-72
GS-631 Occupational Therapists GS-633 Physical Therapists Table No. 308	Washington, D.C. SMSA	GS-5 GS-6	8,539 8,697	10,735 11,145	244 272	2-6-72
GS-631 Occupational Therapist GS-633 Physical Therapist Table No. 309	Los Angeles—Long Beach, Calif., SMSA	GS-6	8,697	11,145	272	2-6-72
GS-631 Occupational Therapist GS-633 Physical Therapist Table No. 310	New York City and Suffolk County, N.Y.	GS-6 GS-7 GS-8	9,513 9,959 10,347	11,961 12,677 13,353	272 302 334	2-6-72
GS-644 Medical Technologist Series Table No. 318	Washington, D.C. SMSA	GS-5	8,051	10,247	244	2-6-72
GS-644 Medical Technologist Series Table No. 316	Ann Arbor, Mich., Standard Metropolitan Statistical Area	GS-5	8,539	10,735	244	2-6-72
GS-644 Medical Technologist Series Table No. 314	Milwaukee, Wis.	GS-5	8,051	10,247	244	2-6-72
GS-644 Medical Technologist Series Table No. 313	State of California	GS-5 GS-7	8,539 9,657	10,735 12,375	244 302	2-6-72
GS-644 Medical Technologist Series Table No. 331	New York City, N.Y. (includes Bronx, Kings, New York, Queens, and Richmond Counties)	GS-5	8,295	10,491	244	2-6-72
GS-647 Medical Radiology Technician Series Table No. 320	New York City	GS-4 GS-5 GS-6 GS-7	8,070 8,539 8,969 9,657	10,032 10,735 11,417 12,375	218 244 272 302	2-6-72
GS-647 Medical Radiology Technician Series Table No. 321	San Francisco, Calif., and Federal installations within a 35-mile radius	GS-5	7,563	9,759	244	2-6-72
GS-647 Medical Radiology Technician Series Table No. 340	Los Angeles—Long Beach, Calif., SMSA (includes all of Los Angeles County)	GS-4 GS-5	7,634 7,807	9,596 10,003	218 244	2-6-72
GS-647 Medical Radiology Technician Series Table No. 341	Cook County, Ill. (including the city of Chicago)	GS-4 GS-5	7,198 7,563	9,160 9,759	218 244	2-6-72
GS-649 Inhalation Therapy Technician Table No. 344	New York, N.Y. SMSA (includes New York City, Nassau, Rockland, Suffolk, and Westchester Counties)	GS-4 GS-5 GS-6	7,416 8,051 8,425	9,378 10,247 10,873	218 244 272	2-6-72
GS-660 Pharmacist Table No. 322	State of California	GS-9 GS-10	11,782 12,556	15,094 16,201	368 405	2-6-72
GS-682 Dental Hygienist Series Table No. 327	Norfolk and Newport News-Hampton, Va. SMSA's	GS-4 GS-5	7,634 8,539	9,596 10,735	218 244	2-6-72
GS-682 Dental Hygienist Series Table No. 328	States of California and Nevada	GS-4 GS-5 GS-6	7,198 8,051 8,425	9,160 10,247 10,873	218 244 272	2-6-72
GS-682 Dental Hygienist Series Table No. 338	Denver, Colo., SMSA	GS-4 GS-5 GS-6	7,416 7,807 8,425	9,378 10,003 10,873	218 244 272	2-6-72
	GS-000 MISCELLANEOUS OCCUPATIONS					
GS-701 Veterinarian Series Table No. 400	Worldwide	GS-9	$11,782	$15,094	$368	2-6-72
GS-1654 Printing Management Series (Note: Eligibility for these special rates is limited to employees who have at least a Baccalaureate Degree with a major in printing management.) Table No. 725	Nationwide	GS-5	8,539	10,735	244	2-6-72
GS-1710 Teacher (Note: Eligibility for these special rates is limited to employees engaged in teaching students with "special needs" in the school identified.) Table No. 750	Mary G. Zeigler School, Department of Public Welfare, District of Columbia Government, Laurel, Md.	GS-5	8,295	10,491	244	2-6-72

VOL 37 NO 15 JAN 22 72 XUM

Grade	Statutory range (Effective the first day of the first pay period beginning on or after Jan. 1, 1972)							Extended range for special rates							Within grade increases
GS-1	$4,564	$4,716	$4,868	$5,020	$5,172	$5,324	$5,476	$5,628	$5,780	$5,932	$6,084	$6,236	$6,388	$6,540	$6,692	$6,844	$6,996	$7,148	$7,300	152
GS-2	5,166	5,338	5,510	5,682	5,854	6,026	6,198	6,370	6,542	6,714	6,886	7,058	7,230	7,402	7,574	7,746	7,918	8,090	8,262	172
GS-3	5,828	6,022	6,216	6,410	6,604	6,798	6,992	7,186	7,380	7,574	7,768	7,962	8,156	8,350	8,544	8,738	8,932	9,126	9,320	194
GS-4	6,544	6,762	6,980	7,198	7,416	7,634	7,852	8,070	8,288	8,506	8,724	8,942	9,160	9,378	9,596	9,814	10,032	10,250	10,468	218
GS-5	7,319	7,563	7,807	8,051	8,295	8,539	8,783	9,027	9,271	9,515	9,759	10,003	10,247	10,491	10,735	10,979	11,223	11,467	11,711	244
GS-6	8,153	8,425	8,697	8,969	9,241	9,513	9,785	10,057	10,329	10,601	10,873	11,145	11,417	11,689	11,961	12,233	12,505	12,777	13,049	272
GS-7	9,053	9,353	9,653	9,959	10,261	10,563	10,865	11,167	11,469	11,771	12,073	12,375	12,677	12,979	13,281	13,583	13,885	14,187	14,489	302
GS-8	10,013	10,347	10,681	11,015	11,349	11,683	12,017	12,351	12,685	13,019	13,353	13,687	14,021	14,355	14,689	15,023	15,357	15,691	16,025	334
GS-9	11,046	11,414	11,782	12,150	12,518	12,886	13,254	13,622	13,990	14,358	14,726	15,094	15,462	15,830	16,198	16,566	16,934	17,302	17,670	368
GS-10	12,151	12,556	12,961	13,366	13,771	14,176	14,581	14,986	15,391	15,796	16,201	16,606	17,011	17,416	17,821	18,226	18,631	19,036	19,441	405
GS-11	13,309	13,753	14,197	14,641	15,085	15,529	15,973	16,417	16,861	17,305	17,749	18,193	18,637	19,081	19,525	19,969	20,413	20,857	21,301	444
GS-12	15,866	16,395	16,924	17,453	17,982	18,511	19,040	19,569	20,098	20,627	21,156	21,685	22,214	22,743	23,272	23,801	24,330	24,859	25,388	529
GS-13	18,737	19,362	19,987	20,612	21,237	21,862	22,487	23,112	23,737	24,362	24,987	25,612	26,237	26,862	27,487	28,112	28,737	29,362	29,987	625
GS-14	21,960	22,692	23,424	24,156	24,888	25,620	26,352	27,084	27,816	28,548	29,280	30,012	30,744	31,476	32,208	32,940	33,672	34,404	35,136	732
GS-15	25,853	26,736	27,619	28,502	29,385	30,268	31,151	32,034	32,917	33,800	34,113	34,966	35,819	[1] 36,672	[1] 37,525	[1] 38,378	[1] 39,231	[1] 40,084	[1] 40,937	853

[1] Rates may not exceed the rate for Executive Level V. As of Jan. 1972, Executive Level V rate was $36,000.

[FR Doc.72-854 Filed 1-21-72;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality, January 10–January 14, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388–7803.

FOREST SERVICE

Draft, January 4
Transfer of 2,240 acres of Lincoln National Forest, N. Mex., to the Department of the Interior to be held in trust for the Mescalero Apache Tribe. Operating the Sierra Blanca Ski area under a special-use permit from the Forest Service, the Tribe has requested the transfer on the premise that obtaining title to the land would facilitate obtaining financing for further expansion and development of the Area. (ELR Order No. 1580, 24 pages) (NTIS Order No. PB–205 450–D)

Draft, January 6
Mount Bailey winter sports site, Douglas County, Oreg. Construction of a major regional winter sports complex on Mount Bailey to include base area, aerial lifts, 11 miles of ski runs and trails and an access road to base area. Will affect 1,300 acres. (ELR Order No. 1571, 8 pages) (NTIS Order No. PB–205 454–D)

Draft, December 13
Federal-State cooperative 1972 Gypsy Moth suppression program. Treatment of 300,000 acres in Alabama, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and Wisconsin with carbaryl. Will temporarily reduce certain beneficial insects and arthropods. (ELR Order No. 1579, 104 pages) (NTIS Order No. PB–205 589–D)

SOIL CONSERVATION SERVICE

Final, January 5
Winnebago-Bean Creek Watershed, Richardson County, Nebr. Conservation land treatment of 3,100 acres over a 5-year period and construction of 16 grade stabilization structures. Will inundate 6 miles of intermittent stream channels and periodically inundate 90 acres in the detention pools. Comments made by Army, EPA, HEW, DOI, Nebraska Game and Parks Commission, and Nebraska Soil and Water Conservation Commission. (ELR Order No. 1586, 32 pages) (NTIS Order No. PB–201 254–F)

ATOMIC ENERGY COMMISSION

Contact: For Nonregulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545, (202) 973–5391.
For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973–7531.

Draft, January 7
Midland Plant Units 1 and 2, Midland, Mich. Application for construction permit and operating license by Consumers Power Co. for two pressurized water reactors (1,300 mw.); 4,050,000 pounds per hour of stream will be delivered to Dow Chemical Co. Will affect downstream flow of Tittabawassee River. Dockets 50–329 and 50–330. (ELR Order No. 1580, 134 pages) (NTIS Order No. PB–205 573–D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

CORPS OF ENGINEERS

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314 (202) 639–6346.

Draft, January 6
Corte Madera Creek, Marin County, Calif. Flood control by dredging and channel excavation (completed), rectangular concrete channel on Tamalpais Creek (completed), rectangular concrete channel with stilling basin from earth channel to 600 feet below Lagunitas Road Bridge (under construction) and rectangular concrete channel upstream to Sir Francis Drake Boulevard. Involves loss of marshland and riparian woodland associations. (ELR Order No. 1570, 38 pages) (NTIS Order No. PB–205 455–D)

Draft, January 5
Diked disposal area, Ashland Harbor, Ashland, Wis. Diking of 6 acres of land area for containment of polluted dredge spoils previously deposited in open waters of Lake Superior. Will produce some noxious odors. (ELR Order No. 1587, 18 pages) (NTIS Order No. PB–205 586–D)
Diked disposal area, Ontonagon Harbor, Ontonagon, Mich. Diking of 20 acres of land area for containment of polluted dredge spoils previously deposited in open waters of Lake Superior. Will produce some noxious odors. (ELR Order No. 1588, 15 pages) (NTIS Order No. PB–205 587–D)

Final, January 4
Battery Park City Authority bulkhead and fill project, Hudson River, Borough of Manhatten, N.Y. Bulkhead and fill to be placed in Hudson River between the Battery and Reade Street, extending 600–950 feet offshore to create 90.8 acres of land. Involves demolition of old structures and dredging. Comments made by USDA, DOC, EPA, DOI, DOT, New York State Department of Environmental Conservation, and three city agencies. (ELR Order No. 1562, 35 pages) (NTIS Order No. PB–202 066–F)

ENVIRONMENTAL PROTECTION AGENCY

Contact: George Marienthal, Acting Director, Office of Federal Activities, 1750 K Street NW., Room 440, Washington, DC 20460, (202) 254–7420.

Draft, January 4
Palm Beach County, Fla., sewerage improvement program. A regional system connected to one waste water treatment facility. Four projects: New and expanded secondary waste water treatment and disposal facilities owned and operated by West Palm Beach to serve coastal region of the county and interceptor sewers, major sewage pumping stations and force mains to connect with the facilities, part to be owned and operated by the county. Projects WPC–FLA–328, –329, –330, and –331. (ELR Order No. 1589, 176 pages) (NTIS Order No. PB–205 588–D)

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Deputy Administrator, General Services Administration—AD, Washington, D.C. 20405, (202) 343–6077.

Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, General Services Administration—AD, (202) 343–4161.

Draft, January 7
Disposal of 198 acres of Fort Des Moines, Des Moines, Iowa, by assigning 95 acres to HEW for conveyance to Des Moines for educational use and 103 acres to BOR for conveyance to Polk County for park and recreational use. (ELR Order No. 1568, 12 pages) (NTIS Order No. PB–205 446–D)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, (202) 755–6186.

Final, January 7
Pike Plaza redevelopment project, Seattle, Wash. The city of Seattle is requesting a loan and grant contract for clearance and redevelopment of 22.81 acres except for the Public Market, about 7 acres, to include shops, markets, apartments, office buildings, etc. Comments made by EPA, HEW, DOT, Washington Planning and Community Affairs Agency, Advisory Council on Historic Preservation, and Puget Sound Governmental Conference. (ELR Order No. 1553, 30 pages) (NTIS Order No. PB–201 252–F)

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343–6416.

BUREAU OF RECLAMATION

Draft, January 6
China Meadows Dam and Reservoir, Lyman Project, Utah. Construction of an earthfill dam and dike on the East Fork of Smiths Fork. Inundation of 372 acres of meadow and forest will result in loss of 2 miles of trout stream, 205 acres of timber, grazing for 24 cows, forage for wildlife and 13 family campground units. (ELR Order No. 1606, 73 pages) (NTIS Order No. PB–205 581–D)

BUREAU OF RECREATION

Draft, January 10
Legislative proposal for establishment of the Potomac Heritage National Scenic Trail, generally following the Potomac River shore and passing through the District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia (874 miles). (ELR Order No. 1612, 25 pages) (NTIS Order No. PB–205 577–D)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Ralph E. Cushman, Special Assistant, Office of Administration, Washington, D.C. 20546, (202) 967–8107.

Final, January 10
Pioneer F/G Program to conduct exploration beyond the orbit of Mars and the interplanetary medium, the nature of the Asteroid Belt and the planet Jupiter. Comments made by AEC, CEQ, EPA, and the Attorney General of Massachusetts. (ELR Order No. 1585, 37 pages) (NTIS Order No. PB–202 085–F)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,[2] Director, Office of Program Coordination, 400 Seventh Street SW., Washington, DC 20590, (202) 462–4357.

FEDERAL AVIATION ADMINISTRATION

Draft, January 10
Dade County Airport, Trenton, Ga. Construction of a basic utility airport adequate for 95 percent of propeller-driven aircraft weighing less than 12,500 pounds. (ELR Order No. 1611, 23 pages) (NTIS Order No. PB–205 578–D)

Final, January 5
Shively Field, Saratoga, Wyo. Extension and paving runway, construction of taxiway and enlargement of apron. Comments made by USDA, Army COE, and EPA. (ELR Order No. 1561, 34 pages) (NTIS Order No. PB–203 475–F)
Pittsfield Municipal Airport, Pittsfield, Mass. Installation of a medium intensity lighting system on one runway and relocation of existing system to another runway. Comments made by DOI, DOT, Massachusetts Office of Planning and Program Coordination, Berkshire County Regional Planning Commission, and Pittsfield Conservation Commission. (ELR Order No. 1569, 25 pages) (NTIS Order No. PB–203 471–F)
University Park Airport, University Park, Pa. Construction of runway and taxiway and extension of runway. Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, four State agencies, three Pennsylvania State University Offices, Phillipsburg Area Chamber of Commerce, and five businesses. (ELR Order No. 1574, 45 pages) (NTIS Order No. PB–202 798–F)

Final, January 12
Manchester Municipal Airport, Manchester, N.H. Acquisition of easements and removal of trees and poles obstructing runway approaches. Comments made by EPA, FPC, HEW, HUD, DOI, DOT, and ten State offices. (ELR Order No. 1607, 29 pages) (NTIS Order No. PB–203 226–F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, January 3
S.R.–37: Perry County, Ind. Relocation from Tell City to S.R.–62/I–64 interchange north of St. Croix (20.8 miles). 4(f) determination required for use of 72 acres of Hoosier National Forest for right-of-way. Project F–19(3)A–D. (ELR Order No. 1563, 25 pages) (NTIS Order No. PB–205 451–D)
S.R.–16 and S.R.–76: Coshocton County, Ohio. Improvement of alignment of S.R.–16 from Township Road 285 east to County Road 6 and construction of interchange at S.R.–16/S.R.–76 intersection. Will affect 26 families, two farms, and two businesses. Project COS–16/76–4.42/8.82. (ELR Order No. 1565, 11 pages) (NTIS Order No. PB–205 449–D)

Draft, January 5
S.R.–95, Lake Havasu City—I–40 Highway: Mohave County, Ariz. Construction from south boundary of Lake Havasu City north to 1 mile south of I–40. Projects S–405–601(R/W) and S–405–602(R/W). (ELR Order No. 1566, 13 pages) (NTIS Order No. PB–205 449–D)

[2] Mr. Convisser's office will refer you to the regional office from which the statement originated.

Draft, January 7
S.R.–60 Bypass: Bradley County, Tenn. Construction of last link of bypass around central Cleveland (2.2 miles). Will displace 16 residences and three businesses. Project F–066–1( ), 06069–5207–04 (ELR Order No. 1567, 16 pages) (NTIS Order No. PB–205 447–D)

Draft, January 6
FAS Route 297 (County Road 531) and Cisco-Lindsley Bridge: Gogebic County, Mich. Relocation from FAS Route 1043 (C.R. 535) to FAS Route 295 and construction of a bridge and approaches connecting Cisco and Lindsley Lakes on relocated route. Project S 297( ). (ELR Order No. 1572, 30 pages) (NTIS Order No. PB–205 457–D)
U.S. 73–75 and Nebr.–1 (Murray intersection and Murray East): Cass County, Nebr. Improvement of intersection of U.S. 73–75/N–1 intersection, improvement on U.S. 73–75 (0.9 mile) and rebuilding of N–1 from intersection to Murray (1.1 miles). Requires removal of service station, mobile homes, a dwelling, and various other buildings. Projects F–28(10) and S–534(11). (ELR Order No. 1573, 10 pages) (NTIS Order No. PB–205 456–D)

Draft, January 5
Supplement to draft (5/21), 4(f) information relating to 1.6 acres of Windsor Meadow Management Resource Area. I–291 Windsor to Manchester, Conn., connection between I–91 and I–86. Project I–291–5(1). (ELR Order No. 1575, supplement, 50 pages) (draft, NTIS Order No. PB–199 252–D; supplement, NTIS Order No. PB–205 572)

Draft, January 3
U.S.–2 (Arrowhead Bridge and approaches): Duluth, Minn., and Superior, Wis. Relocation of bridge over St. Louis River. Minnesota project F 170001–4( ); Wisconsin project F 08–5, I.D. 8680–0–00. (ELR Order No. 1576, 25 pages) (NTIS Order No. PB–205 452–D)

Draft, January 6
Wilson Bridge and approaches: Wahiawa, Oahu, Hawaii. Replacement of bridge and widening of Kamehameha Highway to Kilani Avenue (2,500 feet). Will displace residences and businesses. Project F–060–1(3) (ELR Order No. 1577, 40 pages) (NTIS Order No. PB–205 453–D)

Draft, January 7
Route 86: Riverside County, Calif. Freeway construction between the Imperial County line and Indio (21 miles). Will displace 69 people. Project 11–Riv–86, 11 201–094111, –094121, –094131, –094141. (ELR Order No. 1600, 13 pages) (NTIS Order No. PB–205 580–D)

Draft, January 11
U.S.–74: Columbus County, N.C. Relocation from Hallsboro to Bolton. Will displace 12 families and affect wildlife in cutting through Friar Swamp. Project 8.801570. (ELR Order No. 1602, 16 pages) (NTIS Order No. PB–205 584–D)
I–95 (Fayetteville Bypass): Cumberland County, N.C. Construction from 6.6 miles south of Fayetteville to 4.8 miles north of Fayetteville (15.2 miles). Will displace 29 families. Project 8.1347401, FA I–95–2(24)32. (ELR Order No. 1603, 80 pages) (NTIS Order No. PB–205 583–D)
County Route 40/8 (Wheeling hospital access road): Wheeling, Ohio County, W. Va. Upgrading and extension of

JAN 22 72
XUM

Mount De Chantel Road from Washington Avenue southeast to the new hospital site (0.83 mile). Project APL-9422(001). (ELR Order No. 1604, 40 pages) (NTIS Order No. PB-205 585-D)

S.R.-1216 and S.R.-1201: Carteret County, N.C. Improvement from the new Bogue Sound Bridge to Atlantic Beach (17.3 miles). Project 9.8025201 (ELR Order No. 1605, 21 pages) (NTIS Order No. PB-205 582-D)

Draft, January 10.

I-505 (Industrial Freeway): Northwest Portland, Multonomah County, Oreg. Freeway construction from I-405 west to St. Helens Road (U.S.-30). Will displace residents and commercial/industrial units. (ELR Order No. 1603, 28 pages) (NTIS Order No. PB-205 579-D)

U.S.-31-E: Allen County, Ky. Construction from just south of U.S.-231 1.5 miles west of Scottsville to a point south of Jefferson School Road (4.5 miles). Will displace 11 families and one business. Project F 28 (17), SP 2-95-0L (sec. 1). (ELR Order No. 1613, 20 pages) (NTIS Order No. PB-205 576-D)

Draft, January 11.

S.R.-2000-2180: Kannapolis, Cabarrus County, N.C. Widening Lane Street from I-85 west to Cannon Boulevard. Project 6.803080. (ELR Order No. 1614, 14 pages) (NTIS Order No. PB-205 571-D)

U.S.-30 (Columbia River Highway): Columbia County, Oreg. Improvement to four lanes from Scappoose to Warren (4.6 miles). Will dislocate 29 residential units and 10 businesses. (ELR Order No. 1615, 8 pages) (NTIS Order No. PB-205 575-D)

Final, January 5

Routes 347 (Hauppauge-Port Jefferson, S.H.-9376), and 25 (Smithtown Branch-Coram, S.H.-8268), Smithtown and Brookhaven, Suffolk County, N.Y. Upgrading to expressway standards of Route 347 between Browns Road and Route 25A (8 miles) and reconstruction of Route 25 from Sunny Road to Hawkins Road (2 miles). Projects PIN 0054.00 and PIN 0054.01. Comments made by HUD, New York Department of Environmental Conservation, Nassau-Suffolk Regional Planning Board, and Suffolk County Council on Environmental Quality. (ELR Order No. 1581, 27 pages) (NTIS Order No. PB-200 530-F)

Red Lake River Bridge and approaches: Polk County, Minn. Construction between TH-220 and TH-2 1.5 miles south of East Grand Forks. Project SP 60-663-01 (C.S.A.H. 63) ER 69 (12). Comments made by USDA, Army COE, EPA, DOC, FPC, HUD, DOI, OCD, DOT, Minnesota Soil Conservation Service, Minnesota Planning Agency, Polk County Planning Commission, and city of East Grand Forks. (ELR Order No. 1582, 40 pages) (NTIS Order No. PB-203 217-F)

Final, January 6

U.S.-52: Moncks Corner, Berkeley County, S.C. Widening to four lanes from U.S.-52 relocation north to U.S.-17A and S.C.-402 (3.1 miles). Comments made by HUD and DOT. (ELR Order No. 1583, 15 pages) (NTIS Order No. PB-198 945-F)

Final, January 5

U.S.-3: Northumberland, Coos County, N.H. Rerouting of U.S.-3 from a section on Main and State Streets to Church Street (0.2 mile). Project F-035-2(6); P-1636. Comments made by USDA, EPA, HUD, DOT, and State Office of Planning. (ELR Order No. 1584, 37 pages) (NTIS Order No. PB-202 179-F)

Final, January 6

I-H-1, Nimitz Spur: Oahu, Hawaii. Completion of the remaining portion between the Pearl Harbor Interchange and connections to the military reservations. Comments made by USDA, Army COE, DOC, DOD, DOI, DOT, six State agencies, and four offices of city and county of Honolulu. (ELR Order No. 1590, 62 pages) (NTIS Order No. PB-201 571-F).

Final, January 5

La.-21 (Bush-Sun Highway): St. Tammany Parish, La. Widening from 1 mile south of the Bogue Chitto River Bridge north to its junction with La.-16 at Sun (2 miles). Involves replacement of bridge with twin structures. Project 30-02-12, 30-02-17, BR-F-F-244(10), F-244(11). Comments made by Advisory Council on Historic Preservation, USDA, Army COE, EPA, GSA, HEW, DOI, Louisiana Bureau of Outdoor Recreation, Louisiana State University, and Regional Planning Commission. (ELR Order No. 1591, 24 pages) (NTIS Order No. PB-202 324-F)

LR-50 Spur S, section A10, Pennsylvania Route 950: Jefferson County, Pa. Relocation of 0.6 mile to accommodate expansion of the Crescent brick plant. Comments made by USDA and twelve State agencies. (ELR Order No. 1592, 35 pages) (NTIS Order No. PB-202 299-F)

Final, January 6

STH-78 (Gratiot-Argyle Road): Lafayette County, Wis. Grading and surfacing of roadway and relocation of two sections (4.4 miles). Project S 0252(6), I.D. 5591-1-100. Comments made by USDA, EPA, HUD, DOI, DOT, and Wisconsin Department of Natural Resources. (ELR Order No. 1593, 13 pages) (NTIS Order No. PB-201 250-F)

North Carolina 24: Onslow County, N.C. Widening from two to four lanes from Camp Lejeune at Hubert to Swansboro (7 miles). Project 6.801743, Part II. Comments made by USDA, EPA, FPC, GSA, HUD, DOI, OEO, State Clearinghouse, and Neuse River Regional Planning and Development Council. (ELR Order No. 1594, 33 pages) (NTIS Order No. PB-200 782-F)

S.R.-62: Knoxville, Tenn. Construction of expressway from Hinton Road west of the proposed I-640 interchange to the Oldham Avenue/I-75 interchange (3.05 miles). Will displace businesses and residences. Project U-083-2( ). Comments made by USDA, FAA, HUD, DOI, TVA, Tennessee Office of Urban and Federal Affairs, and eight State agencies, East Tennessee Economic Development District, Knox County Judge, Knoxville-Knox County Metropolitan Planning Commission, and Knoxville Housing Authority. (ELR Order No. 1595, 66 pages) (NTIS Order No. PB-205 504-F)

Pine and Cincinnati Streets intersection: Tulsa, Okla. Reconstruction of intersection. Project T 8390(202). Comments made by HEW, DOI, Tulsa Metropolitan Area Planning Commission, Model City and State Clearinghouse. (ELR Order No. 1596, 43 pages) (NTIS Order No. PB-202 656-F)

Vermont Route 109: Lamoille County, Vt. Upgrading from intersection with Town Highway 8 in Belvidere Center to its intersection with Vermont Route 118 and Town Highway 8 (3.7 miles). Project S 0282(2). Comments made by EPA and State Clearinghouse. (ELR Order No. 1597, 22 pages) (NTIS Order No. PB-202 590-F)

Batesville Topics, Broad Street grade separation: Independence County, Ark. Construction of an overpass across the Missouri Pacific RR. and Polk Bayou to connect Broad Street with Bayou Street. (1,500 feet). Project T-8020(3), Job 5613 (5622). Comments made by DOI, six State agencies, and White River Planning and Development District. (ELR Order No. 1598, 19 pages) (NTIS Order No. PB-200 209-F)

Route 13 (Crane Bypass): Stone County, Mo. Construction from its junction with Route 248 in Galena, in part on a new location, to about 1.2 miles south of Bailey Creek. Job 8-F-13-4, F-FG-13-1 (2). Comments made by USDA, Army COE, EPA, HUD, DOI, DOT, State Clearinghouse, and Lakes Country Regional Planning Commission. (ELR Order No. 1599, 21 pages) (NTIS Order No. PB-199 858-F)

Final, January 12

S.R.-24: Alachua County, Fla. Upgrading from Sperry plant in Gainesville to Waldo (9.3 miles). Job 26050-1506, F-008-1(9). Comments made by USDA, EPA, DOI, North Central Florida Regional Planning Council, and four State agencies. (ELR Order No. 1617, 35 pages) (NTIS Order No. PB-202 171-F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.72-1017 Filed 1-21-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

ASSISTANT ADMINISTRATOR FOR CATEGORICAL PROGRAMS

Delegation of Authority To Publish Rules

Authority to publish revised rules governing Advisory Committees and Rules of Practice governing hearings under the Federal Insecticide, Fungicide, and Rodenticide Act is hereby delegated to the Assistant Administrator for Categorical Programs.

WILLIAM D. RUCKELSHAUS,
Administrator.

JANUARY 19, 1972.

[FR Doc.72-992 Filed 1-21-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19274; FCC 72-52]

ACTION RADIO, INC.

Order Extending Time

In regard application of Action Radio, Inc. for renewal of license of Radio Station KTLK, Denver, Colo. Docket No. 19274, File No. BR-1969.

1. The Commission has under consideration: (a) A petition for further extension of time filed January 7, 1972, by Action Radio, Inc., (b) an opposition thereto filed January 11, 1972, by the Chief, Broadcast Bureau, and (c) a reply filed January 12, 1972, by Action Radio.

2. Petitioner seeks an extension of time to and including February 14, 1972, within which to file a reply to the Broadcast Bureau's opposition to petition for reconsideration of order designating case for hearing, asserting that additional time is required for preparation of the pleading due to the illness of counsel and his family and so that a deposition in support of the pleading can be taken. According to the Bureau, however, while it does not object to an extension to January 21, 1972, based on counsel's illnesses, the purpose of a petition for reconsideration is to demonstrate that no basis for a hearing exists, discovery procedures herein are not to begin until after action is taken on the petition for reconsideration of the designation order, and, thus, the taking of a deposition is totally irrelevant to the requested extension of time. In reply, petitioner contends that the proposed deposition is necessary to present all of the facts for the Commission's consideration in passing on the petition for reconsideration and that counsel for both parties had reserved the right to use discovery techniques in connection with the petition for reconsideration.

3. During the July 28, 1971, prehearing conference in this proceeding, counsel for both parties agreed that the time for invoking discovery procedures would not begin to run until after action has been taken upon Action Radio's petition for reconsideration, and counsel for both parties reserved the right to use discovery procedures. Without regard to the question concerning the propriety of filing depositions in support of a petition for reconsideration submitted pursuant to § 1.111 of the rules, we believe that good cause has been shown, in light of the agreement of counsel in this proceeding, for the relatively brief extension of time.

4. *Accordingly, it is ordered*, That the petition for further extension of time filed January 7, 1972, by Action Radio, Inc. is granted and the time for filing a reply pleading is extended to and including February 14, 1972.

Adopted: January 14, 1972.

Released: January 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-986 Filed 1-21-72;8:47 am]

[FCC 72-53]

AMERICAN BROADCASTING COMPANIES, INC.

Memorandum Opinion and Order Regarding "Prime Time" Waiver in Connection With Certain Sports Events

In the matter of request by American Broadcasting Cos., Inc. (ABC), for waiver of the "Prime Time Access" rule (§ 73.658(k)) in connection with certain sports events.

1. The Commission here considers a request filed on January 7, 1972, by American Broadcasting Cos., Inc. (ABC) for waiver of the "prime time access rule", § 73.658(k), in connection with three sports events, involving five Saturday or Sunday dates in January and early February 1972. The events, all in the afternoon, are an NBA basketball game on Sunday, January 16, the Andy Williams San Diego golf tournament on Saturday and Sunday, January 29 and 30, and the Hawaiian Open golf tournament on the next Saturday and Sunday, February 5 and 6. In all cases, ABC contemplates that coverage will be completed by 7 p.m., e.s.t. (6 p.m. c.s.t.), which is when "prime time", as defined in the rule, begins; but waiver is asked in case unexpected "runovers" prevent completion of coverage by that time.

2. ABC earlier asked for waivers in connection with these events, and others; and as to these waivers, was denied Commission action, October 6, 1971 (FCC 71-1037). However, the earlier request was on a different basis, ABC contemplating coverage lasting until 7:30 p.m., e.s.t. on the 4 golf days and 8 p.m. for the basketball game. ABC has now revised its scheduling, and the basketball game starting time has been moved up from 5:30 to 4:55 p.m., so that ABC believes coverage in all cases can be expected to be completed by 7 p.m., e.s.t. It is stated that any "runover" time, if necessary, will be only that necessary for the completion of the contest, with no "post-game" or "post-match" coverage. The waiver is requested in case it is necessary because of overtime or "sudden death" playoffs, or rain delays in the case of the golf tournaments.[1] ABC asserts that the Commission recognized this type of situation in "Footnote 35" of the May 1970 report and order adopting the prime time access rule, and followed the same principle in the October 6, 1971 decision mentioned, granting waivers to CBS and NBC in essentially similar circumstances (including one golf tournament in the case of NBC).

3. Upon consideration of this request, the Commission is of the view that the events involved do fall within the "Footnote 35" principle and the October 1971 action concerning CBS and NBC, and accordingly that waiver here is appropriate: *Accordingly, it is ordered*, That the provisions of § 73.658(k) are waived, with respect to stations affiliated with the ABC network, to permit them to carry to completion the coverage of the NBA basketball game on January 16, 1972, the Andy Williams San Diego golf tournament on January 29 and January 30, 1972, and the Hawaiian Open golf tournament on February 5 and February 6, 1972, without counting toward the time of permissible "prime time" network programs under that rule. This waiver shall not extend to the presentation of any material concerning these events following completion of the events themselves.

Adopted: January 14, 1972.

Released: January 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-985 Filed 1-21-72;8:47 am]

[Docket No. 19396; FCC 72-28]

DEPARTMENT OF DEFENSE AND WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Designating Matter for Hearing

U.S. Department of Defense, Washington, D.C., Complainant, versus the Western Union Telegraph Co., New York, N.Y., Defendant, regarding Bomb Alarm Service, Defendant, Docket No. 19396.

1. The Commission has before it a complaint filed April 23, 1970, by the U.S. Department of Defense (DOD) against the Western Union Telegraph Co. (W.U.) requesting refund of asserted "overcharges" for communication service allegedly furnished in violation of section 201(b) of the Communications Act of 1934, as amended, 47 U.S.C. 201 (b). The complaint concerns the Attack Assessment/Bomb Alarm System (Bomb Alarm), a private line telecommunications service, which complainant obtained from W.U. during the period from February 10, 1961 to February 20, 1970.[2] The asserted overcharges, covering nearly 8 years, amount to $4,461,629. W.U.'s answer, filed on October 23, 1970, denies that it collected any sum from DOD in excess of just and reasonable charges. DOD subsequently filed a reply to such answer on November 12, 1970. Thereafter, we exchanged correspondence with the parties in order to clarify certain allegations of the pleadings and to obtain stipulation as to certain facts. As a result W.U. filed a supplement to its answer on or about August 31, 1971.

2. Bomb Alarm was a system of electronic detectors designed to detect and report the fact of nuclear explosions, to identify all sites hit, to provide information on the numbers of detonations and automatically to feed such information to DOD Display Centers. Specifically, DOD alleges unlawful "overcharges" during the following periods of service:

a. From February 10, 1961, through October 15, 1965—DOD alleges that the

[1] Commissioners H. Rex Lee and Reid absent.

[1] ABC states that its policy in connection with Saturday golf coverage is not to extend coverage beyond the scheduled closing time simply to complete a round, but only if some development occurs at about the scheduled closing time which must be completed. It does normally carry Sunday coverage to completion, but it states that the rounds are scheduled so that this should be over well before 7 p.m. The chief need for the waiver is the possibility of a tie and resulting "sudden death" playoff.

[2] Commissioners Johnson and H. Rex Lee absent.

[2] Charges for Bomb Alarm are currently set forth in W.U. Tariff FCC No. 254 at pages 301-305.

JAN 22 72

operating expenses claimed by W.U. were "grossly excessive," by $2,161,000.

b. From February 10, 1961, through December 31, 1969—DOD alleges that the maintenance expenses claimed by W.U. were "exhorbitant" and exceeded amounts actually incurred by $1,005,072.

c. From February 10, 1961, through December 31, 1969—DOD alleges that W.U. included factors in its rate calculations to cover Federal income taxes and return even though W.U. was not liable for and did not in fact pay any such taxes and the amount of return was calculated at 10 percent rather than the 9 percent allowed by the Commission, with a resulting "overcharge" of $1,294,557.

3. DOD requests that Defendant be ordered to refund the alleged unlawful charges in the amount of $1,461,429, or such other or greater amount as may be determined at hearing, together with interest. DOD seeks also such further relief as the Commission may deem to be warranted.

4. W.U. answers by pointing out that DOD has failed to submit any study regarding the total revenues received by W.U. from DOD as compared to the total overall cost of the Bomb Alarm service in its entirety. DOD has not, W.U. claims, provided the detail required to sustain a prima facie claim of specific violation under the Communications Act. W.U. further maintains that the fact of overcharges cannot be determined by reference to a single cost item, e.g., Federal income tax charges or maintenance charges, as DOD seeks to do herein; that the Bomb Alarm System service was a complete service, indivisible by categories of W.U. expenses; and that DOD's fragmentation of expenses is predicated upon a "patently erroneous rate-making theory." In essense, W.U. claims that it did not realize an amount in excess of a reasonable return on the total Bomb Alarm System service, or on its private line service generally, or on its total common carrier operations. W.U. claims in its supplemental answer that its rate of return for Bomb Alarm equipment was 18.8 percent per year (weighted average, pretax) on net investment; this is said to be the equivalent to an after-tax rate of return of approximately 11 percent.[3]

5. We reject W.U.'s claim that DOD has failed to provide "the detail required to sustain a prima facie claim of specific violation of the Communications Act" (Answer, p. 4). The complaint identifies, with reasonable certainty, the nature of the service in question, and alleges sufficient facts to raise questions as to whether the total charges for the Bomb Alarm service were unjust and unreasonable in violation of section 201(b). We believe that a cause of action has been stated and that we cannot resolve the issues without a hearing. Therefore, we shall set the complaint for hearing upon the issues raised therein. However, we agree with W.U. that the question to be resolved herein is whether the total charges for the Bomb Alarm service in its entirety were just and reasonable. Thus, DOD will be required to prove not only the factual allegations set forth in its complaint, but will be required to show that the total overall return to W.U. for the Bomb Alarm service as a separate class of service was in excess of a fair and reasonable return for such service.

6. Complainant uses the term "overcharges" in seeking relief herein. However, this terminology is appropriate only in conjunction with claims under section 203 of the Act. (See the definition of "overcharges" in section 415(g) of the Act.) The present matter does not concern "overcharges" but involves damages claimed for the alleged imposition by the carrier of unjust and unreasonable charges within the meaning of section 201(b) of the Act.

7. *Accordingly, it is ordered,* That, pursuant to sections 201–209 of the Communications Act of 1934, as amended, this matter is designated for hearing at the Commission's offices in Washington, D.C., at a time to be specified, and that the examiner to be designated to preside at the hearing shall, upon the close of the record, prepare an initial decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR 1.276 and 1.277, after which the Review Board shall issue its decision as provided in 47 CFR 0.365.

8. *It is further ordered,* That the issues in this proceeding shall be as follows:

1. Whether the total charges for the aforementioned Bomb Alarm service (including circuitry) provided by W.U. to DOD from February 10, 1961, through February 20, 1970, were unjust and unreasonable within the meaning of section 201(b) of the Act;

2. Whether, in the light of the evidence adduced under the foregoing issue, DOD is entitled to monetary damages and, if so, how much.

Adopted: January 5, 1972.

Released: January 14, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-963 Filed 1-21-72;8:47 am]

[3] These alleged rates of return are limited to the equipment dedicated to Bomb Alarm and do not reflect the cost-revenue relationship of the circuitry utilized in connection with that system.

[4] Commissioner H. Rex Lee absent.

[Dockets Nos. 19291, 19292; FCC 72R-4]

KFPW BROADCASTING CO. AND GEORGE T. HERNREICH

Memorandum Opinion and Order Enlarging Issues

In regard applications of George T. Hernreich, trading as KFPW Broadcasting Co. (KFPW-TV) Fort Smith, Ark., for license to cover construction permit, Docket No. 19291, File No. BLCT-2093; George T. Hernreich (KAIT-TV), Jonesboro, Ark., for renewal of license, Docket No. 19292, File No. BRCT-623.

1. This proceeding involves the application of George T. Hernreich (Hernreich), trading as KFPW Broadcasting Co., for a license to cover a construction permit for television Station KFPW-TV, Fort Smith, Ark.; and Hernreich's application for renewal of license of television Station KAIT-TV, Jonesboro, Ark. The proceeding was designated for hearing by Commission Order, FCC 71-768, 30 FCC 2d 903, released July 29, 1971, on the following issues:

(1) To determine all of the facts and circumstances surrounding the payments made by George T. Hernreich to a representative of the American Broadcasting Co. and the changes in the station KAIT-TV affiliation agreement relevant thereto.

(2) To determine whether George T. Hernreich made any misrepresentations to the Commission or was lacking in candor in connection with his representations to the Commission.

(3) To determine in light of the evidence adduced pursuant to the above issues, whether George T. Hernreich has the requisite qualifications to be a licensee of the Commission.

(4) To determine in light of the evidence adduced pursuant to the above issues, whether a grant of the applications would serve the public interest, convenience and necessity.[1]

The resolution of these issues was made res judicata to Hernreich and to all his licensed or authorized broadcasting facilities.[2] Presently before the Review Board is a petition to enlarge issues, filed August 19, 1971, by Hernreich,[3] seeking the addition of issues which would allow the introduction of evidence concerning the past programing of Stations KAIT-TV, KFPW-TV, KFPW-AM, and KZNG (AM).

2. In support of his request, Hernreich argues that he would be denied a full and fair hearing if the hearing were limited to the "negative" issues already specified, i.e., the bribery and misrepresentation issues. Therefore, Hernreich urges that he be allowed to introduce evidence concerning the past programing of all of his stations (radio and television) and to demonstrate the record of public service operations at these stations so that the Commission may weigh the alleged benefits along with the results of the other issues.[4] Hernreich cites five cases in which the Commission allegedly permitted applicants in analogous situations to introduce their past broadcast records into evidence in order to mitigate violations of the Commission's rules or to justify waiver of the rules.[5]

The Broadcast Bureau, in its comments, opposes the addition of the issue concerning the past programing of KAIT-TV. In the Bureau's view, such an issue is unnecessary because the station is presumed to have been operated in the public interest. The Bureau argues that the cases cited in support of Hernreich's position (see note 5, supra) involved situations where the operational record of the licensee was in issue, and, therefore, the Commission could consider past meritorious programing as relevant to mitigate such violations. The Bureau cites two court decisions "(Immaculate Conception Church of Los Angeles v. FCC," 116 U.S. App., D.C. 73, 320 F. 2d 795, 25 RR 2128a, cert. denied 375 U.S. 904 (1963); and "Lorain Journal Company v. FCC," 122 U.S. App. D.C. 127, 351 F. 2d 824, 5 RR 2d 2111 (1965), cert. denied sub nom. "WWIZ, Inc. v. FCC, 383 U.S. 967 (1966))" for the proposition that the Commission need not consider the public service rendered by a station where the licensee is disqualified because of his character. The Bureau also opposes the addition of an issue going to the past programing of KFPW-TV. The station received its program test authority on July 29, 1971, and, according to the Bureau, only programing broadcast prior to the time a licensee became aware of the threat to his application may be considered, citing Chronicle Broadcasting Co., supra, note 5. The Bureau asserts that, since the bribery and misrepresentation issues were designated on July 29, 1971, and the investigation obviously began earlier, KFPW-TV would have no past programing that the Commission could consider. Finally, the Bureau opposes the addition of a past programing issue relating to Stations KFPW-AM and KZNG(AM) because their renewal applications are not in an adjudicatory posture; they are not part of the instant proceeding; and, therefore, Hernreich's request for such an issue is premature. In reply, Hernreich states that he seeks to show, by addition of the requested programing issue, that his stations have gone well beyond minimum FCC or public interest requirements to provide outstanding public service programing to their communities.

4. The Review Board, consistent with past practice, will permit the introduction of evidence of KAIT-TV's past programing, insofar as it is meritorious, since the Commission has the discretion to consider such evidence to mitigate violations of law. See General Electric Co., FCC 64-641, 2 RR 2d 1038 (1964); Melody Music, 37 FCC 405, 2 RR 2d 996 (1964). However, the Board will limit the applicability of the programing evidence to issue (1) (the so-called "bribery" issue) based on the authority of "Immaculate Conception Church of Los Angeles v. FCC," supra, which held that: "The Commission need not consider the public service rendered by a station where a licensee is disqualified by its attempts to deceive the Commission." 116 U.S. App. D.C. at 75, 320 F. 2d at 797, 25 RR at 2130. Thus, if it is ultimately determined that Hernreich made willful misrepresentations to the Commission, the fact that Station KAIT-TV may have served the public interest, no matter how well, would be of no decisional significance. See "Immaculate Conception Church of Los Angeles v. FCC," supra. "Cf. FCC v. WOKO, Inc.," 329 U.S. 223 (1946); "Lorain Journal Company v. FCC," supra.[6] Further, although petitioner has requested a broadly framed programing issue ("To determine the past operational record of KAIT-TV and the public service benefits to be derived from a renewal of its license"), the Board, as the Broadcast Bureau suggests, will add a "meritorious programing" issue similar to the one added in Star Stations of Indiana, Inc., 28 FCC 2d 488, 21 RR 2d 646 (1971). See also Jack Straw Memorial Foundation, 26 FCC 2d 97, 20 RR 2d 492 (1970); and Wagoner Radio Co., 12 FCC 2d 978, 13 RR 2d 114 (1968). Such wording is more in keeping with Hernreich's argument supporting addition of the issue because of his statement, in his reply, that he desires to show that his programing has gone well beyond minimal FCC or public interest requirements to provide outstanding public service programing. Addition of this issue will not, of course, preclude the parties from arguing the weight to be accorded the evidence adduced. Hawaiian Paradise Park Corp., 31 FCC 2d 745, 19 RR 2d 824 (1970). The Board is also in agreement with the Bureau that the Chronicle case, supra, precludes consideration of evidence of the past broadcast record of KFPW-TV. In Chronicle, it was held that, "no consideration will be given to alleged meritorious programing instituted after the licensee received notice that action against it was being contemplated by the Commission." 18 FCC 2d 122, 16 RR 2d at 497. See also Hawaiian Paradise Park, supra. In his reply, Hernreich acknowledges that Chronicle would exclude evidence concerning KFPW-TV's past programing, but argues that his program proposal for that station was submitted prior to the emergence of the bribery and misrepresentation issues. Therefore, Hernreich requests an opportunity to demonstrate the extent to which he has implemented the proposal. The Board is of the opinion that the latter phrasing of the issue does not change the result. Any implementation of the program proposals would have occurred after Hernreich learned of the issues that were to be raised against him; therefore, under the reasoning in Chronicle, supra, this evidence cannot be considered.

5. Finally, we will deny Hernreich's request that the past programing of radio Stations KFPW-AM and KZNG (AM) be considered at the hearing. Hernreich contends that, since the Commission, in its designation order, specified that the outcome of the bribery and misrepresentation charges would be res judicata as to all of his broadcast facilities, consideration of his radio stations' programing is essential to a full and fair hearing on his television applications. Hernreich does not contest the applicability of the res judicata principle by the Commission, but indicates, in his reply, that this is the one "turn at bat" for his radio stations. The Board cannot accept the inference that these two stations will be deprived of a fair hearing if their past programing is not considered in this proceeding. Hernreich, the licensee of these stations, will have ample opportunity to defend himself against the bribery and misrepresentation charges in the present hearing; and, if these issues are not resolved in his favor, he then may request that the past programing records of Stations KFPW-AM and KZNG be considered when and if the renewal applications of these stations are designated for hearing. At present, since the renewal applications for these stations are being held in abeyance pending the outcome of this proceeding, the Board finds that the request is premature.

6. *Accordingly, it is ordered,* That the petition to enlarge issues, filed August 19, 1971, by George T. Hernreich, is granted to the extent indicated below and is denied in all other respects; and

7. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether the programing of Station KAIT-TV has been meritorious, particularly with regard to public service programs, so as to mitigate possible adverse findings under issue (1); and

8. *It is further ordered,* That the burdens of proceeding with the introduction

[1] These issues arose out of the Commission's nonpublic inquiry in Docket 18811 ("Inquiry into alleged practices of broadcast licensees or permittees involving payments to employees or officers of networks to influence the grant of network affiliations"). The record in Docket 18811 was certified to the Commission by Order of the Chief Hearing Examiner, FCC 71M-1548, released Sept. 24, 1971.

[2] This would include Stations KFPW-AM, Fort Smith, Ark., and KZNG(AM), Hot Springs, Ark. In an Initial Decision released Dec. 17, 1971 (FCC 71D-97), the Hearing Examiner recommended a conditional grant of Hernreich's application for a new FM broadcast facility at Fort Smith, Ark. Consistent with paragraph 4 of the designation order in this proceeding (FCC 71-768, supra), the grant of the FM permit was conditioned on the eventual outcome of this proceeding.

[3] Also before the Review Board are: (a) Broadcast Bureau's comments, filed Sept. 24, 1971; and (b) reply, filed Oct. 19, 1971, by Hernreich.

[4] Petitioner states that the addition of "past record of operations" and "public service benefits" issues is required by section 310(b) of the Communications Act of 1934, as amended. However, that section deals with transfers of construction permits and station licenses or any rights thereunder or control of any corporation holding such a license. The relevance of the statutory provision to the instant request is not shown by Hernreich, and the relevance is not apparent on its face.

[5] Hernreich cites: Chronicle Broadcasting Co., 18 FCC 2d 120, 16 RR 2d 494 (1969) (anti-competitive and news slanting issues); Metropolitan Television Co., 13 FCC 2d 295, 346, 13 RR 2d 479 (1968) (television multiple ownership rules); Daily Telegraph Printing Co., 20 FCC 2d 976, 18 RR 2d 95 (1969) (UHF impact issue); Metals Broadcasting Co., Inc., 20 FCC 2d 242, 17 RR 2d 761 (1969) (technical violations); and Reginaldo Espinoso, II, 17 RR 2d 1018 (1969) (failure to file requested ownership report).

[6] To the extent that our prior opinion in Western Connecticut Broadcasting Co., 26 FCC 2d 1019, 20 RR 2d 961 (1970), is inconsistent with the holding herein, that opinion is overruled by the instant case.

JAN 22 72

of evidence and proof on the issue herein designated shall be on George T. Hernreich.

Adopted: January 11, 1972.

Released: January 12, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-984 Filed 1-21-72;8:47 am]

[Dockets Nos. 19294 etc.; FCC 72R-13]

PHIL D. JACKSON ET AL.

Memorandum Opinion and Order Modifying Issues

In regard applications of Phil D. Jackson, Eureka, Calif., Docket No. 19294, File No. BP-18196; W. H. Hansen, Eureka, Calif., Docket No. 19295, File No. BP-18455; Carroll R. Hauser, Eureka, Calif., Docket No. 19296, File No. BP-18463; for construction permits.

1. This proceeding involves the mutually exclusive applications of Phil D. Jackson, W. H. Hansen (Hansen), and Carroll R. Hauser (Hauser) for authorization to construct a new standard broadcast station at Eureka, Calif., to replace the deleted facilities of former Station KDAN.[1] The applications were designated for consolidated hearing under five issues by Commission memorandum opinion and order, FCC 71-800, 36 F.R. 16131, published August 19, 1971. The Commission specified four issues against Hansen, including the following:

(1) To determine with respect to the application of W. H. Hansen:

(a) The basis for the estimate of the first year's operating expenses and whether such estimate is reasonable.

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(4) To determine, in the light of the record in Docket No. 18349, et seq., whether W. H. Hansen has the requisite qualifications to be a licensee of the Commission and, if so, the impact of such matters on his comparative qualifications.[2]

Presently before the Board is a petition to enlarge issues, filed September 27, 1971, by Hauser,[3] which seeks to expand the financial issue and add a misrepresentation—§ 1.65 issue against Hansen.

FINANCIAL ISSUE

2. Hauser concedes that his petition is filed beyond the timeliness requirements of § 1.229(b) of the Commission's rules. In an affidavit, he avers that good cause exists to accept his petition because the necessary information came to him after the filing deadline, whereupon he immediately prepared and filed the instant petition. According to petitioner, Hansen in his application relies upon his ownership of the former KDAN property (see note 1, supra) to justify his estimate of no costs for construction. Hauser states that in Hansen's balance sheet of November 26, 1968, Hansen estimated the value of the property at $100,000, and reported a mortgage of $7,500 on the property. Hauser maintains that there are liens and encumbrances on the KDAN property "far in excess" of the $7,500 mortgage shown on Hansen's balance sheet. In particular, petitioner asserts that the property is subject to liens and encumbrances totaling at least $41,566.20, which Hauser states is $9,000 more than Hansen's total estimated construction and first year operation costs. Hauser therefore requests a general financial issue against Hansen. In support, he attaches a statement of the auditor-controller of Humboldt County, Calif., and a title report concerning the KDAN property. The declaration of the auditor-controller states that the KDAN property was "sold to" the State of California for taxes in 1968, and the total amount due through September 30, 1971, is $3,778.87. The title report shows, in addition: (1) A $25,000 mortgage on the property contingent upon grant of a construction permit to operate on the former KDAN site or sale of the property, whichever occurs first; (2) a $12,631.59 deed of trust; and (3) a $155.74 county tax lien. Hauser also charges that Hansen's estimates for legal fees may be low in view of the pending comparative hearing; that Hansen makes no provision for repair of the long-dormant KDAN facilities; and that no financial plan has been submitted regarding the proposal to install auxiliary equipment. Hauser concludes, therefore, that a general financial issue is necessary against Hansen to examine the availability of funds and his overall financial qualifications.

3. The Broadcast Bureau, in its comments, notes that Hauser's petition is late filed, but believes that the public interest will be served by consideration of the issues raised. After reviewing all the alleged encumbrances, the Bureau concludes that an issue should be added unless Hansen can adequately explain the existence of the encumbrances upon the KDAN property. Hansen opposes Hauser's petition as untimely and contends that good cause has not been shown for the tardiness. On the merits, Hansen submits a letter from the office of the auditor-controller of Humboldt County stating that the phrase "sold to the state" is a formality which means that taxes are delinquent. Hansen also alleges that his November, 1968, balance sheet was in error because he had transposed the $7,500 figure assigned to the liabilities on his property with a $14,000 figure assigned to a mortgage on his house trailer. Therefore, as corrected, the amount of liabilities upon the property should read $14,000, and the mortgage on the house trailer should read $7,500.[4] According to Hansen, the $14,000 figure included all tax liens and the deed of trust on the property. In regard to the outstanding $25,000 mortgage, Hansen states that it was his belief that the note was conditioned upon either reassignment of the KDAN license to Hansen (subsequently dismissed by the Commission) or sale and transfer of the KDAN property, and both conditions have failed. Hansen does concede, however, that legal questions may exist regarding the effectiveness of the $25,000 mortgage. In addition, Hansen attaches a new loan commitment totaling $60,000 from Jean Robnett, to cover any additional first year costs of operation.

4. In reply, Hauser contends that Hansen's amended financial statement of November 2, 1971 (see note 4, supra), raises further questions because Hansen fails to demonstrate the availability of capital to cover all first year costs and repayment of all current financial obligations. Hauser submits that Hansen's new estimates for first year of operation make no provision for repayment of $9,300 in current liabilities, the $25,000 mortgage, or any of his long-term obligations. Moreover, asserts petitioner, there appears to be a discrepancy between Hansen's balance sheet submitted in Docket 18349 (see note 2, supra), and Hansen's amended financial statement in this proceeding, which raises further questions concerning the actual amount of liabilities on the former KDAN property.

5. The Board is not persuaded that Hauser has shown good cause for acceptance of his late-filed petition. However, we agree with the Broadcast Bureau that the petition does raise substantial public interest questions which should be considered on their merits. Furthermore, addition of a general financial issue will not burden or unduly disrupt the proceeding. Therefore, following the policy outlined in previous cases,[5] the Board will consider the merits of Hauser's petition. In our opinion, Hauser's petition raises serious questions concerning Hansen's financial qualifications, and, in particular, the availability to Hansen of sufficient funds to cover construction and first year operation costs. With regard to the encumbrances on the KDAN property, Hansen merely submits statements which show that the phrase, "sold to the state" is a legal formality used with regard to state tax liens. With respect to the tax liens and deed of trust, Hansen explains his previous failure to make repayment provision by asserting that a transposition error had been made in his original balance sheet. By his amendment of November 2, 1971 (see note 4, supra), he finally corrected the error and has now included these indebtednesses under his current liabilities. Also included in this new amended financial plan is a loan commitment for $60,000 from Jean Robnett and data supporting her ability to lend the money. With regard to the $25,000 mortgage note, however, Hansen has neither made provision for repayment nor has he included the mortgage note in his revised balance sheet. While he admits that financial obligations may still exist under the note, he presents no documentary showing to support his belief that his obligation is ended. Significantly, there is no statement from the mortgagees supporting Hansen's opinion. The Board therefore believes that since Hansen may have a legal commitment under this note, it is necessary to include this obligation in his overall financial plans. See Orange County Broadcasting, Inc., 15 FCC 2d 991, 15 RR 2d 306 (1969). Other discrepancies exist concerning the adequacy of Hansen's financial resources. As Hauser's reply demonstrates, Hansen's amended proposal will require a total of $56,720. If the $9,300 amount of current liabilities listed on Hansen's balance sheet is added to this estimate, the total amount is over $60,000, the maximum amount of Mrs. Robnett's proposed loan. Furthermore, Hansen has $24,100 in long-term liabilities for which he has made no repayment provisions or explanation. The Board is not satisfied that Hansen, even under his amended financial proposal, has demonstrated the availability of adequate funds to construct and operate his proposed station for 1 year without reliance on revenues. Therefore, the Board will add the issue requested by Hauser. See Christian Voice of Central Ohio, 15 FCC 2d 303, 14 RR 2d 785 (1968).

MISREPRESENTATION AND § 1.65 ISSUES

6. Hauser also requests a misrepresentation-Rule 1.65 issue against Hansen based on the alleged concealment of facts regarding the aforementioned encumbrances on the former KDAN property, including the state and county tax liens, the deed of trust, and the $25,000 mortgage note. According to Hauser, Hansen's application contains numerous misrepresentations because he failed to disclose substantial matters which are of decisional significance. In violation of § 1.65, Hauser argues, Hansen has continuously failed to amend his application to correct his financial statement. In his opposition, Hansen asserts that he is the legal owner of the former KDAN property and documents the use of the term "sold for taxes" as a legal formality. See paragraph 3, supra. Hansen contends that there was a transposition of figures in his original balance sheet of November, 1968, and for this reason, the two tax liens and deed of trust were not included under current liabilities. Hansen avers that he has attempted to correct this deficiency with an amended financial statement. With regard to the $25,000 mortgage note, Hansen attempts to explain that it was his understanding that the obligation has ceased since the conditions upon which it was predicated have failed. The Broadcast Bureau supports Hauser's request and also questions Hansen's failure to include the liens and encumbrances in his original balance sheet. Hauser's reply criticizes Hansen's long-standing failure of 33 months to correct his balance sheet and notes that Hansen continues to be in violation of the Commission's rules for failure to report the existence of the $25,000 mortgage note on the property.

7. The Board believes that misrepresentation and Rule 1.65 issues are warranted against Hansen because he failed to disclose material facts of decisional significance in his application and he did not report subsequent changes regarding his financial qualifications. Factors affecting an applicant's financial qualifications have long been held to be of decisional significance. See, e.g., Eastern Broadcasting Corp., 30 FCC 2d 745, 22 RR 2d 472 (1971). In his original application, Hansen failed to report the full amount of existing tax liens on the former KDAN property and the existence of the deed of trust. He attempts to explain his initial failure to disclose by relying upon a transposition of figures in the original balance sheet, and he seeks to correct the error with a financial amendment. However, the Board notes that the error remained unchanged for almost 3 years, and this fact, in our view, raises questions of a possible intent by Hansen to mislead the Commission. See Home Service Broadcasting Corp., 22 FCC 2d 464, 18 RR 2d 972 (1970). Furthermore, Hansen's amended financial statement still fails to report the existence of the $25,000 mortgage note on the property, which Hansen admits may be legally binding on him. Hansen's continued failure to report the existence of this encumbrance raises both misrepresentation and Rule 1.65 issues. See Voice of Reason, Inc. (KICM), 23 FCC 2d 782, 19 RR 2d 288 (1970); United Television Co., Inc., 19 FCC 2d 1060, 17 RR 2d 467 (1969).

8. *Accordingly, it is ordered*, That the petition to enlarge issues filed Sept. 27, 1971, by Carroll R. Hauser is granted; and

9. *It is further ordered*, That Issue No. 1 is modified to read as follows:

(1) To determine with respect to the application of W. H. Hansen:

(a) The basis for the estimate of the first year's operating expenses and whether such estimate is reasonable;

(b) The availability of sufficient funds, without reliance on revenues, to construct and operate his proposed Eureka, Calif., AM station for 1 year; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

10. *It is further ordered*, That issue No. 5 is renumbered to No. 7 and a new issue No. 5 is added to read as follows:

(5) To determine whether W. H. Hansen has misrepresented his financial qualifications to the Commission and, if so, whether such conduct reflects adversely on his basic and/or comparative qualifications to be a Commission licensee.

11. *It is further ordered*, That issue No. 6 is added to read as follows:

(6) To determine whether W. H. Hansen has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial and significant changes as required by § 1.65, and, if not, the effect of such noncompliance on his basic and/or comparative qualifications to be a Commission licensee.

12. *It is further ordered*, That the burden of proceeding under issues (5) and (6) added herein shall be on Carroll R. Hauser; and that the burden of proof under those issues shall be on W. H. Hansen.

Adopted: January 14, 1972.

Released: January 18, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-988 Filed 1-21-72;8:47 am]

[Docket No. 18774; FCC 72-12]

PRIMER ON ASCERTAINMENT OF COMMUNITY PROBLEMS BY BROADCAST APPLICANTS

Report and Order

Order regarding FCC 71-176 (36 F.R. 4092). In the matter of: primer on ascertainment of community problems by broadcast applicants, Part I, sections IV-A and IV-B of FCC Forms Docket No. 18774.

1. On February 18, 1971, we adopted a Primer on the ascertainment of community problems by broadcast applicants, 27 FCC 2d 650, 21 RR 2d 1507. Now before us is a petition filed March 26, 1971, by the National Association of Broadcasters (NAB) seeking reconsideration of answer 17 of the Primer.

2. Question and answer 17 of the Primer are as follows:

Question: In consultations to ascertain community problems, may a preprinted form or questionnaire be used?

Answer: Yes. A questionnaire may serve as a useful guide for consultations with community leaders, but cannot be used in lieu of personal consultations. Members of the general public may be asked to fill out a questionnaire to be collected by the applicant. If the applicant uses a form or questionnaire, a copy should be submitted with the application.

[1] Station KDAN was formerly licensed to Hansen until 1959, when it was transferred to Radio KDAN, Inc. Radio KDAN went bankrupt and, pursuant to a mortgage note, Hansen foreclosed on the property. The parties applied for assignment of the license back to Hansen, but the Commission declared the license forfeit because the station had remained dark without Commission consent and the assignment application was dismissed as moot. See Radio Station KDAN, Inc., 11 FCC 2d 934, 12 RR 2d 584 (1968).

[2] The proceeding in Docket 18349 involves three applications for broadcast stations in Oregon and California, with several hearing issues against Hansen alleging, inter alia, intentional misrepresentation to the Commission, participation in an unauthorized transfer of control, and concealment of station ownership. In an Initial Decision, FCC 69D-59, released November 25, 1969 (17 RR 2d 1129), the Hearing Examiner resolved all of the character qualifications issues against Hansen and therefore concluded that Hansen was unfit to be a Commission licensee. The case is presently pending before the Commission on exceptions to the Initial Decision. Oral argument was held on Dec. 13, 1971.

[3] Other pleadings before the Board are: (a) Opposition, filed Oct. 27, 1971, by Hansen; (b) comments filed Oct. 27, 1971, by the Broadcast Bureau; and (c) reply, filed Nov. 6, 1971, by Hauser.

[4] Hansen's amendment, filed Nov. 2, 1971, was accepted by the Hearing Examiner, by Order, FCC 71M-1799, released Nov. 17, 1971.

[5] E.g., Medford Broadcasters, Inc., 18 FCC 2d 699, 16 RR 2d 900 (1969); DeWitt Radio, 18 FCC 2d 494, 16 RR 2d 821 (1969).

JAN 22 72

The NAB requests that answer 17 be amended "to permit broadcast applicants to make use of mail surveys which involve the voluntary return of the questionnaire by a stamped, self-addressed envelope supplied by the applicant-interviewer."

3. As we indicated in the Report and Order in Docket No. 18774, 27 FCC 2d 650, 21 RR 2d 1507 (1971), in which we adopted the Primer, consultations with members of the general public are required. This was based on our belief that they may perceive community problems differently than community leaders.[1] So that a wide range of their views would be known and evaluated, we sought to assure that those members of the general public who were consulted would be generally distributed throughout the population of the city of license. This can, of course, be quite simply accomplished by using a telephone directory to select members of the general public to be called. On the other hand, we do not believe that the mailing of questionnaires which are to be voluntarily returned by the person whose views are sought will result in an appropriate distribution. For example, a study of broadcast renewals submitted by one party, in response to our notice of inquiry in this proceeding, found some instances where the response was less than 25 percent from a very small sample. Thus, a substantial question is raised as to whether there was a general distribution. While we do not require statistical accuracy, we believe that this factor reduces the efficacy of consultations with members of the general public to a point where such consultations would serve little purpose.

4. The NAB states, however, that there are followup procedures for improving response rates and generally avoiding the pitfalls we saw in the mailed questionnaire which was to be voluntarily returned by the persons consulted. Our goal, as stated above, is to assure that those members of the general public who are consulted are generally distributed throughout the city of license. Therefore, if the applicant can demonstrate that this goal can be reached by using mailed questionnaires with appropriate followup procedures, he may rely on that method. But, as a general rule, we believe that the considerations set out in paragraph two, above, remain valid. Accordingly, answer 17 will be changed to read as follows:

Answer: Yes. A questionnaire may serve as a useful guide for consultations with community leaders, but cannot be used in lieu of personal consultations. Members of the general public may be asked to fill out a questionnaire to be collected by the applicant. The applicant may also permit members of the general public to return the questionnaires by mail, but only if the applicant submits an appropriate showing that this method has resulted in responses from members of the general public who are generally distributed throughout the community to be served. If the applicant uses a form or questionnaire, a copy should be submitted with the application.

[1] See paragraph 20 of the Report and Order in Docket No. 18774, adopting the Primer.

5. *Accordingly, it is ordered,* That the petition for reconsideration filed by the National Association of Broadcasters is granted to the extent indicated above.

Adopted: January 5, 1972.

Released: January 13, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-987 Filed 1-21-72;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-68 etc.]

JOHN H. HILL ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JANUARY 12, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 7, 1972, file with the Federal Power Commisison, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

Docket No.	Date Filed	Name of Applicant
CS71-68	10-22-71	John H. Hill,[1] Suite 406, Bank of Dallas Bldg., 3635 Lemmon Ave., Dallas, TX 75219.
CS71-625	12-28-71	Chieftain Petroleum, Inc. (successor to Big Chief Drilling Co.), Post Office Box 1437, Oklahoma City, OK 73114.
CS72-506	12-15-71	Oliver H. Daniel, Trustee, 6019 Berkshire Lane, Suite 215, Dallas, TX 75225.
CS72-507	12-15-71	Mortimer M. Caplin, Trustee of Webb & Knapp, Inc., 430 Park Ave., New York, NY 10022.
CS72-508	12-15-71	U-Tex Oil Co., 1112 Walker Bank Bldg., Salt Lake City, Utah 84111.
CS72-509	12-16-71	William D. Johnson, 1003 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.
CS72-510	12-17-71	E. A. Courtney, Post Office Box 519, Hammond, LA 70401.
CS72-511	12-16-71	Caroline Gruss, 55 Broad St., New York, NY 10004.
CS72-512	12-16-71	Evmar Oil Corp., 55 Broad St., New York, NY 10004.
CS72-513	12-16-71	Joseph S. Gruss, 55 Broad St., New York, NY 10004.
CS72-514	12-16-71	Jogruss Oil Corp., 55 Broad St., New York, NY 10004.
CS72-515	12-27-71	R. C. Wynn, 1525 Republic Bank Bldg., Dallas, Tex. 75201.
CS72-516	12-20-71	Pierce & Dehlinger, Post Office Box 82, Midland, TX 79701.
CS72-517	12-17-71	Mid Tex Oil Corp., Post Office Box 251, Mount Carmel, IL 62863.
CS72-518	12-20-71	C. S. McCain, Jr., 1009 Commercial National Bank Bldg., Shreveport, La. 71101.
CS72-519	12-20-71	Winwell Inc., 1011 Commercial National Bank Bldg., Shreveport, La. 71101.
CS72-520	12-20-71	O. B. Mobley, Jr., 1011 Commercial National Bank Bldg., Shreveport, La. 71101.
CS72-521	12-21-71	London Gas Co., 4704 North Miller, Oklahoma City, OK 73112.
CS72-522	12-21-71	Olive G. Devore, 585 16th St., Beaumont, TX 77706.
CS72-523	12-21-71	Odds-On Oil Corp., Post Office Box 51875, OCS, Lafayette, LA 70501.
CS72-524	12-21-71	Don C. Wiley, Jr., Post Office Box 51875, OCS, Lafayette, LA 70501.
CS72-525	12-22-71	Louis G. Shushan, 550 Saratoga Bldg., New Orleans, La. 70112.
CS72-526	12-22-71	New & Hughes Drilling Co., Inc., Post Office Box 1487, Natchez, MS 39120.
CS72-527	12-22-71	Dr. William S. Renaudin, 2520 Napoleon Ave., New Orleans, LA 70115.
CS72-528	12-22-71	Salmen Co., Post Office Box 53335, New Orleans, LA 70150.
CS72-529	12-22-71	Saisul Co., Post Office Box 53335, New Orleans, LA 70150.
CS72-530	12-22-71	Roger E. Kelly, 458 South Spring St., Los Angeles, CA 90013.
CS72-531	12-22-71	A. H. Stall, 30th Floor, Bank of New Orleans Bldg., New Orleans, La. 70130.
CS72-532	12-22-71	Paul H. Byrne, Jr., Post Office Box 1227, Natchez, MS 39120.
CS72-533	12-22-71	T. J. Guido, Box 951, Natchez, MS 39120.
CS72-534	12-22-71	Alexander Harthill, D.V.M., 3200 Woodside Rd., Louisville, KY 40222.
CS72-535	12-22-71	Irving D. Goldman, 438 Whitman Ct., Cincinnati, OH 45202.
CS72-536	12-22-71	Frederic E. Frans, 453 Coventry Green, Crystal Lake, IL 60014.
CS72-537	12-22-71	Rennie Kelly (Enterprises), 1500 National Bank of Commerce Bldg., New Orleans, La. 70112.

See footnote at end of table.

[2] Commissioner Johnson dissenting and issuing a statement which is filed as part of the original document; Commissioner H. Rex Lee absent.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date Filed	Name of Applicant
CS72-538	12-22-71	Shelley Schuster, Trimex International, Inc., 2 Canal St., New Orleans, LA 70130.
CS72-539	12-22-71	T. J. Tillman, 1500 National Bank of Commerce Bldg., New Orleans, La. 70112.
CS72-540	12-22-71	James C. Franz, 453 Coventry Green, Crystal Lake, IL 60014.
CS72-541	12-23-71	Reynolds Mining Corp., Post Office Box 27003, Richmond, VA 23261.
CS72-542	12-23-71	D-N-O Exploration Corp., 220 Cravens Bldg., Oklahoma City, OK 73102.
CS72-543	12-27-71	Smith Operating & Management Co., Inc., 604 Johnson Bldg., Shreveport, La. 71101.
CS72-544	12-27-71	General Crude Oil Co., Post Office Box 2252, Houston, TX 77001.
CS72-545	12-27-71	Dean A. Draper, 2344 North Woodward Ave., Royal Oak, MI 48073.
CS72-546	12-27-71	Roy R. Gardner, 706 First City National Bank Bldg., Houston, Tex. 77002.
CS72-547	12-27-71	Richard H. Forgey, 810 Fair Foundation Bldg., Tyler, Tex. 75701.
CS72-548	12-27-71	Columbia Trust, R. A. Graddy, Trustee, Post Office Box 576, Richardson, TX 75080.
CS72-549	12-27-71	James A. Noe, Post Office Box 4067, Monroe, LA 71201.
CS72-550	12-27-71	H. C. Federer, 804 Amarillo Bldg., Amarillo, Tex. 79101.
CS72-551	12-28-71	Jack E. Trigz, 410 Woolworth Bldg., Boulder, Colo. 80302.
CS72-552	12-27-71	Rueda Oil & Gas Industry, Inc., Post Office Box 709, Hebbronville, TX 78361.
CS72-553	12-27-71	W. D. Greenshields, Post Office Box 630, Ponca City, OK 74601.
CS72-554	12-28-71	C. H. Thigpen, 331 Ricou-Brewster Bldg., Shreveport, La. 71101.
CS72-555	12-27-71	Craig Steel & Salvage Co., Box 778, Craig, CO 81625.
CS72-556	12-27-71	K. D. Lankford, 604 Johnson Bldg., Shreveport, La. 71101.
CS72-557	12-28-71	Laurel Royalty Co., 1145 19th St. NW., Washington, DC 20036.
CS72-558	12-30-71	Nora Laskey Minter, c/o The First National Bank of Shreveport, Post Office Box 1116, Shreveport, La. 71154.
CS72-559	12-29-71	The Hunter Co., Inc., Post Office Box 532, Shreveport, LA 71162.
CS72-560	12-30-71	Kedco Corp., 1111 Vickers Tower, Wichita, Kans. 67202.
CS72-561	12-29-71	G. C. Walters, Jr., Post Office Box 51875, OCS, Lafayette, LA 70501.
CS72-562	1- 3-72	Priscilla Goodrich Rea, 609 Bank of the Southwest Bldg., Houston, Tex. 77002.
CS72-563	1- 3-72	Hugh R. Goodrich, 609 Bank of the Southwest Bldg., Houston, Tex. 77002.
CS72-564	1- 3-72	Thomas E. Berry, 609 Bank of the Southwest Bldg., Houston, Tex. 77002.
CS72-565	1- 3-72	John C. Bowers, 825 Beck Bldg., Shreveport, La. 71101.
CS72-566	1- 3-72	Webb Resources, Inc., 1776 Lincoln St., Denver, CO 80203.
CS72-567	1- 3-72	R. S. Brennand, Jr., Scharbauer Hotel, Midland, Tex. 79701.
CS72-568	1- 3-72	Tomlinson Oil Co., Inc., 200 West Douglas, Wichita, KS 66610.
CS72-569	1- 3-72	Western Oil & Minerals Corp., Post Office Box 191, Farmington, NM 87401.
CS72-570	1- 3-72	Justin R. Querbes, Jr., Post Office Box 5, Shreveport, LA 71161.
CS72-571	1- 3-72	Santa Fe Oil Co., 2020 N.B.C. Bldg., San Antonio, Tex. 78205.
CS72-572	1- 3-72	Mercantile National Bank at Dallas, Trustee for Florence A. Florance Trust, Post Office Box 5415, Dallas, TX 75222.
CS72-573	1- 3-72	Mercantile National Bank at Dallas, Trustee for Douglas E. J. Florance Trust No. I, Post Office Box 5415, Dallas, TX 75222.
CS72-574	1- 3-72	Mercantile National Bank at Dallas, Trustee for James Joseph Florance Trust No. I, Post Office Box 5415, Dallas, TX 75222.
CS72-575	1- 3-72	Mercantile National Bank at Dallas, Trustee for Maurice J. Florance, Jr., Trust No. I, Post Office Box 5415, Dallas, TX 75222.
CS72-576	1- 3-72	Mercantile National Bank at Dallas, Trustee for Maureen Ellen Florance Trust No. I, Post Office Box 5415, Dallas, TX 75222.
CS72-577	1- 3-72	Mercantile National Bank at Dallas, Trustee for Catherine Mary Florance Trust No. I, Post Office Box 5415, Dallas, TX 75222.

[1] Application to amend to cover interests of J. W. Bullion, Trustee, and Texas Broadcasting Corp.

[FR Doc.72-895 Filed 1-21-72;8:45 am]

[Docket No. CP72-179]

PENNZOIL PIPELINE CO.

Notice of Application

JANUARY 19, 1972.

Take notice that on January 13, 1972, Pennzoil Pipeline Co. (applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP72-179 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) in Fort Bend County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas to United on December 4, 1971, within the contemplation of section 2.86 of the Commission's general policy and interpretations (18 CFR 2.68) and that it proposes to continue said sale for 1 year from February 2, 1972, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell and deliver an average daily quantity of 8,000 Mcf of gas at the rate of 31.75 cents per Mcf at 14.65 p.s.i.a. subject to prospective change to the same price specified in United's then applicable Rate Schedule PLE-C.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-991 Filed 1-21-72;8:48 am]

FEDERAL RESERVE SYSTEM

AUGLAIZE COUNTY BANK

Order Approving Application for Merger of Banks

The Auglaize County Bank, St. Marys, Ohio, which is to be a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with The Home Banking Co., St. Marys, Ohio. As an incident to the merger, the present offices of The Home Banking Co. would become branches of The Auglaize County Bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Applicant is a wholly owned subsidiary of Central Bancorporation, Inc., a registered bank holding company. The proposed merger is one step in a plan of corporate reorganization whereby Central Bancorporation, Inc., is to acquire all of the capital stock of The Home Banking Co. Central Bancorporation has already received approval of the Board under the Bank Holding Company Act to acquire The Home Banking Company (36 F.R. 18034).

The proposed merger of The Home Banking Co. and applicant, a nonoperating bank formed solely to facilitate the corporate reorganization described above, would itself have no effect on competition or on banking convenience and needs. The financial and managerial resources and prospects of The Home Banking Co. are satisfactory, as they will be with respect to the resulting bank.

Accordingly, the Board concludes that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] January 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 72-999 Filed 1-21-72;8:46 am]

BANKSHARES OF NEBRASKA, INC.

Formation of One-Bank Holding Company

Bankshares of Nebraska, Inc., Grand Island, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Grand Island, Grand Island, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 11, 1972.

Pursuant to § 225.3(b) of Regulation Y, this application shall be deemed to be approved on February 25, 1972, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, January 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-965 Filed 1-21-72;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Robertson.

SECURITY PACIFIC CORP.

Formation of One-Bank Holding Company

Security Pacific Corp., Los Angeles, Calif., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Security Pacific National Bank, Los Angeles, Calif. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 11, 1972.

Pursuant to § 225.3(b) of Regulation Y, this application shall be deemed to be approved on February 25, 1972, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, January 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-966 Filed 1-21-72;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-131]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Montana Public Service Commission in a proceeding (Docket No. 6117) involving the application of the Great Falls Gas Co. for a rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROD KREGER,
Acting Administrator of General Services.

JANUARY 14, 1972.

[FR Doc.72-967 Filed 1-21-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 863; Class B]

WISCONSIN

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to homes and business property located in the State of Wisconsin;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Waukesha, Wis., suffered damage or destruction resulting from fire on December 20, 1971.

OFFICE

Small Business Administration District Office, 25 West Main Street, Madison, WI 53703.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1972.

Dated: December 23, 1971.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-970 Filed 1-21-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 19, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only

once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 1872 Sub 76, Ashworth Transfer, Inc., MC 43716 Sub 28, Bigge Drayage Co., now being assigned February 22, 1972, in Room 2437 Federal Building, 125 South State Street, Salt Lake City, UT, March 6, 1972, in Room 1540 U.S. Courthouse, 312 North Spring Street, Los Angeles, CA, March 8, 1972, in Room 13025 Federal Building, 450 Golden Gate Avenue, San Francisco, CA, March 13, 1972, in Room 401 Multnomah Building, 319 Southwest Pine Street, Portland, OR, March 16, 1972, in Denver, Colo., in a hearing room to be later designated.

MC 13250 Sub 110, J. H. Rose Truck Line, Inc., now being assigned March 6, 1972, at the Statler Hilton Hotel, 930 Wilshire Boulevard, Los Angeles, CA.

MC 105997 Sub 11, Oil-Ways Co., now assigned January 24, 1972, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

MC 34975 Sub 5, Tredways Express, Inc., now assigned February 14, 1972, at New York, N.Y., canceled and the application is dismissed.

FD 26629, San Francisco Belt Railroad Abandonment Ferry Slip, San Francisco, Calif., now being assigned February 28, 1972, in Room 13025 Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

MC 119619 Sub 43, Distributors Service Co., now assigned February 14, 1972, at Washington, D.C., postponed indefinitely.

No. 35380, National Electrical Manufacturers Association et al. v. Aberdeen and Rockfish Railroad Co. et al., assigned April 11, 1972, at Washington, D.C., is postponed to May 31, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 31879 Sub 32, Exhibitors Film Delivery & Service Co., Inc., assigned for hearings on March 6, 1972, at Kansas City, Mo., on March 13, 1972, at Denver, Colo., and on March 20, 1972, at Albuquerque, N. Mex., in hearing rooms to be later designated.

No. 35481, Public Service Co., of Indiana, Penn Central Transportation Co. et al., now assigned Jan. 26, 1972, at Washington, postponed to April 18, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135728, Richard J. Franks, now being assigned March 9, 1972, in Buffalo, N.Y., in a hearing room to be later designated.

MC 106359 Sub 6, Western New York Motor Lines, Inc., now being assigned March 6, 1972, at Buffalo, N.Y., in a hearing room to be later designated.

MC-F-11170, Hyman Freightways, Inc.—Control—Tri-D Truck Line, Inc., assigned for continued hearing March 6, 1972, at Kansas City, Mo., in a hearing room to be later designated.

MC-F-11221, Alleghany Corp, doing business as Jones Motor—Control—R. F. Post, now assigned January 24, 1972, at Washington, D.C., canceled and transfered to modified procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1009 Filed 1-21-72;8:49 am]

[No. MC-113678 (Sub-No 285)]

CURTIS, INC., DENVER, COLO.

Notice of Hearing Regarding Meats Over Irregular Routes

Order. At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 16th day of December, 1971.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of applicant (entitled "Objections, Notice, and Election"), filed November 12, 1971, for oral hearing;

(2) Reply (letter) by Frozen Food Express, intervener in opposition, filed December 1, 1971;

and good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, designated for oral hearing, at a time and place to be fixed, for the purpose of giving applicant the opportunity to show cause why Certificate No. MC-113678 (Sub-No. 285), dated May 24, 1968, should not be modified in the manner and to the extent authorized by the Commission, Division 1, by report and order entered April 12, 1971 (printed at 113 M.C.C. 170), and to establish the existence of a public need for the operation described in part (B) of the findings paragraph appearing on pages 187-188 of the said report.

It is further ordered, That notice of the action taken in this order be published in the FEDERAL REGISTER.

By the Commission, Division 1.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1010 Filed 1-21-72;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

Page

PROCLAMATIONS:
2799 (see Proc. 4101) ... 659
2937 (see Proc. 4101) ... 659
2938 (see Proc. 4101) ... 659
2942 (see Proc. 4101) ... 659
2972 (see Proc. 4101) ... 659
3314 (see Proc. 4101) ... 659
4100 ... 199
4101 ... 659

EXECUTIVE ORDERS:
11627 (see EO 11639) ... 521
11639 ... 521

5 CFR

213 ... 201, 257, 258, 661, 925
531 ... 859
532 ... 1033
890 ... 7

6 CFR

105 ... 1002
201 ... 284
205 ... 1004
300 ... 284, 426, 587, 652, 775, 1007
305 ... 1008
401 ... 1010

7 CFR

52 ... 131, 587
354 ... 587, 788
510 ... 69
722 ... 7, 272, 789
725 ... 725
730 ... 8, 859
811 ... 661, 725, 925
812 ... 9
814 ... 9
846 ... 133
857 ... 588
905 ... 523
907 ... 10, 134, 523, 663, 860, 1033
910 ... 70, 272, 663, 726, 1034
912 ... 273, 664
914 ... 664
917 ... 273
930 ... 273
932 ... 323
953 ... 926
982 ... 588
993 ... 861
1007 ... 323
1610 ... 275

PROPOSED RULES:
51 ... 616
68 ... 844
301 ... 217, 218
718 ... 742
725 ... 793
730 ... 19
928 ... 793
953 ... 286
966 ... 81
980 ... 81
981 ... 617
1001 ... 447
1002 ... 447
1004 ... 20, 447, 742, 793
1006 ... 447

7 CFR—Continued

Page

PROPOSED RULES—Continued
1007 ... 447
1011 ... 447
1012 ... 447
1013 ... 447
1015 ... 447
1030 ... 447
1032 ... 447
1033 ... 447
1036 ... 447, 465
1040 ... 447
1043 ... 447
1044 ... 447
1046 ... 447
1049 ... 447
1050 ... 447
1060 ... 447
1061 ... 447, 1050
1062 ... 447
1063 ... 447
1064 ... 447
1065 ... 447, 743
1068 ... 447, 1050
1069 ... 447
1070 ... 447
1071 ... 447
1073 ... 447
1075 ... 447
1076 ... 447
1078 ... 447
1079 ... 447
1090 ... 447
1094 ... 447
1096 ... 447
1097 ... 447
1098 ... 447
1099 ... 447
1101 ... 447
1102 ... 447
1103 ... 447
1104 ... 447, 801
1106 ... 447, 801
1108 ... 447
1120 ... 447
1121 ... 447
1124 ... 447
1125 ... 447
1126 ... 447
1127 ... 447
1128 ... 447
1129 ... 447
1130 ... 447
1131 ... 447
1132 ... 447
1133 ... 447
1134 ... 447
1136 ... 447
1137 ... 447
1138 ... 447
1207 ... 81
1421 ... 936
1430 ... 20
1481 ... 810
1701 ... 811

8 CFR

103 ... 927
214 ... 328
334 ... 928
334a ... 928

9 CFR

Page

53 ... 134
75 ... 862
76 ... 329, 435, 665
78 ... 863
82 ... 135, 589
97 ... 791
203 ... 276
311 ... 435
316 ... 435
317 ... 435
400 ... 135, 435

PROPOSED RULES:
92 ... 935
327 ... 85

10 CFR

50 ... 864

PROPOSED RULES:
50 ... 287, 288
110 ... 92, 1059

12 CFR

201 ... 11
211 ... 776
265 ... 1034
545 ... 523
561 ... 524
563 ... 524
700 ... 329
702 ... 70

PROPOSED RULES:
225 ... 938
528 ... 811
545 ... 543
700 ... 813
701 ... 339
715 ... 95
741 ... 813

13 CFR

121 ... 258

14 CFR

13 ... 436
39 ... 11, 12, 70, 437, 665, 666, 726, 776, 928
71 ... 13, 71, 135, 136, 276, 323, 437, 726, 727, 776, 777, 928
73 ... 437, 438, 590
75 ... 13, 71, 667, 777
95 ... 777
97 ... 71, 525, 668, 1035
214 ... 728
223 ... 778
225 ... 72
249 ... 728
302 ... 277, 1035

PROPOSED RULES:
39 ... 811
43 ... 222
71 ... 21, 91, 144, 146, 286, 287, 620, 621, 744, 937
73 ... 478
91 ... 222
135 ... 222
207 ... 222
208 ... 222

14 CFR—Continued

Page

PROPOSED RULES—Continued
212 ... 222
214 ... 222
372a ... 222
373 ... 478
378 ... 478
378a ... 478

16 CFR

13 ... 729–735, 779
502 ... 928

PROPOSED RULES:
435 ... 622

17 CFR

230 ... 590, 591, 599
231 ... 600
239 ... 590, 591, 599
240 ... 73
241 ... 600
249 ... 600, 601

PROPOSED RULES:
270 ... 289
274 ... 99, 289

18 CFR

2 ... 780
201 ... 601
204 ... 601
205 ... 601

PROPOSED RULES:
141 ... 22
201 ... 337
204 ... 337
205 ... 337
250 ... 885
260 ... 337

19 CFR

4 ... 865
173 ... 782

PROPOSED RULES:
Ch. I ... 19

20 CFR

PROPOSED RULES:
405 ... 89

21 CFR

29 ... 865
121 ... 14, 74, 329, 740
130 ... 201
135 ... 137
135c ... 14, 137
135e ... 74, 740
135f ... 14
141a ... 438
146a ... 438
146c ... 440
148e ... 330, 865
148k ... 865
148m ... 15
148x ... 866
295 ... 741
301 ... 137

PROPOSED RULES:
3 ... 219
19 ... 468, 869
27 ... 20, 470
130 ... 85
145 ... 336
191 ... 1020
191b ... 1020
304 ... 144
308 ... 867

22 CFR

Page

11 ... 277
41 ... 15

24 CFR

200 ... 75, 203, 209
201 ... 210
203 ... 138
207 ... 138
220 ... 138
222 ... 76
275 ... 211
1909 ... 1036
1911 ... 1036
1913 ... 1037
1914 ... 280, 608, 783, 1037
1915 ... 281, 609, 784

PROPOSED RULES:
203 ... 144

25 CFR

232 ... 526

PROPOSED RULES:
16 ... 536

26 CFR

1 ... 527
12 ... 16, 281
601 ... 1016

PROPOSED RULES:
1 ... 19, 99, 286, 336, 544

28 CFR

0 ... 931
41 ... 784
301 ... 138

PROPOSED RULES:
48 ... 935

29 CFR

1904 ... 736
1910 ... 332
1975 ... 929

PROPOSED RULES:
601 ... 620
606 ... 620
613 ... 620
616 ... 620
670 ... 620
675 ... 620
677 ... 620
678 ... 620
688 ... 620
689 ... 620
690 ... 620
720 ... 620
727 ... 620
1910 ... 466, 743

30 CFR

75 ... 17
225 ... 441
225a ... 441

31 CFR

10 ... 1016

32 CFR

270 ... 77
1499 ... 668

PROPOSED RULES:
1467 ... 99
Ch. XVI ... 486
1604 ... 479
1606 ... 479, 484

32 CFR—Continued

Page

PROPOSED RULES—Continued
1609 ... 484
1611 ... 479
1613 ... 484
1621 ... 479
1622 ... 479
1623 ... 479
1624 ... 479
1625 ... 479
1626 ... 479
1627 ... 479
1630 ... 479
1631 ... 479
1632 ... 479
1641 ... 479
1643 ... 479
1660 ... 485

32A CFR

Ch. X:
OI Reg. 1 ... 601

33 CFR

117 ... 784
204 ... 527
207 ... 668

PROPOSED RULES:
401 ... 938

35 CFR

5 ... 77
253 ... 281

36 CFR

212 ... 737
231 ... 211
261 ... 737

37 CFR

2 ... 931

38 CFR

8a ... 282

39 CFR

235 ... 77
760 ... 211, 443
761 ... 211, 443

40 CFR

85 ... 669, 784
180 ... 78, 140, 141, 332–334, 443, 737–739

PROPOSED RULES:
2 ... C21
6 ... 879
115 ... 478
164 ... 1059
180 ... 92–94, 337

41 CFR

1–1 ... 1037
1–3 ... 610
1–16 ... 610
3–75 ... 1041
5A–1 ... 527
5A–2 ... 932
5A–3 ... 141
5A–7 ... 141
5A–8 ... 142
5A–16 ... 528
5A–72 ... 932
5A–76 ... 528
5B–1 ... 334
8–1 ... 613
101–17 ... 78

JAN 22 72 XUM

41 CFR—Continued Page

101–26 668
101–32 932
101–43 614
101–44 614
101–47 740
103–40 17
114–26 934
114–43 934

PROPOSED RULES:

3–4 743
51–1 336

42 CFR

53 182

43 CFR

4110 213

PUBLIC LAND ORDERS:

1932 (amended by PLO 5147) 18
3530 (revoked in part by PLO 5153) 785
3869 (revoked in part by PLO 5153) 785
4582 (modified by PLO 5149) 18
4962 (see PLO 5149) 18
5081 (see PLO 5149) 18
5147 18
5148 18
5149 18
5150 142
Amended by PLO 5151 142, 528
5151 142, 528
5152 785
5153 785

43 CFR—Continued Page

PROPOSED RULES:

2800 217
2810 217

45 CFR

177 335
249 443
1060 444

PROPOSED RULES:

121 870
130 470

46 CFR

157 528
310 335
390 16

PROPOSED RULES:

72 676
92 676
137 879
146 220, 937
190 676
510 678

47 CFR

2 604
31 605
33 605
73 529, 605, 1041
74 1045
89 213
91 283

47 CFR—Continued Page

PROPOSED RULES:

0 145
1 537
2 145, 146, 537
15 94, 146
21 146
73 539–542, 621, 1067
87 537
89 146, 676
91 146, 676
93 676

49 CFR

7 214
99 532
Ch. I 535
178 444
301 214
571 284, 445
1002 215
1033 934, 1046
1121 1046, 1049
1203 866
1300 335

PROPOSED RULES:

192 145
571 222, 1059

50 CFR

28 79, 445, 535
33 79, 80, 785, 1049
35 1049
240 786

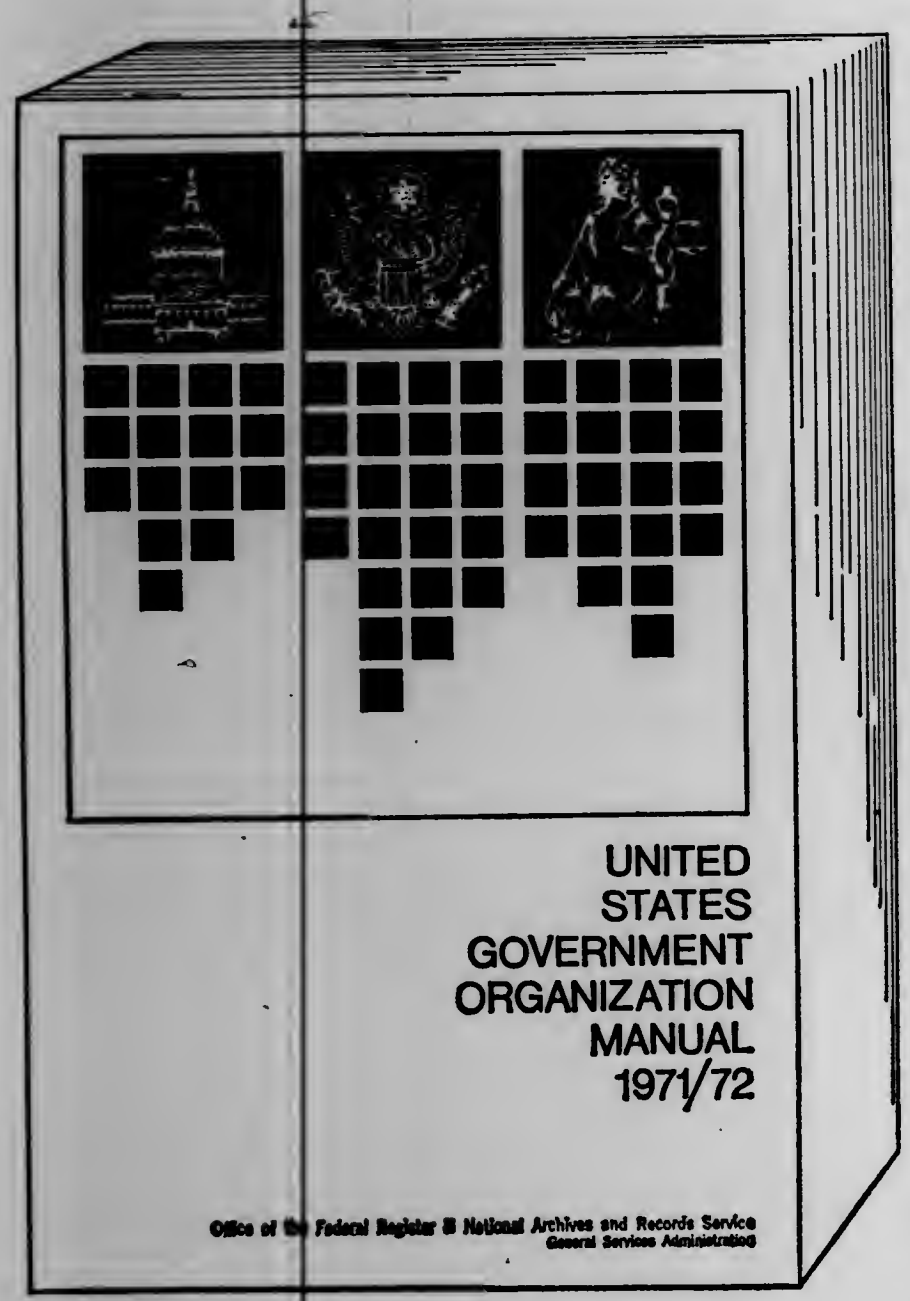
PROPOSED RULES:

28 447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
1–62	Jan. 4	317–427	Jan. 11	719–767	Jan. 18
63–123	5	429–513	12	769–852	19
125–193	6	515–582	13	853–918	20
195–249	7	583–654	14	919–1027	21
251–315	8	655–717	15	1029–1096	22

JAN 22 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

TUESDAY, JANUARY 25, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 16

Pages 1097–1152

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

RHODESIAN SANCTIONS—Treasury Dept. amendment lifting restrictions on certain strategic and critical imports 1108

BID PROTESTS—GAO amendment designating 2–7–72 as the effective date for interim procedures 1103

TUNG NUTS—USDA price support program for the 1971 crop; effective 1–25–72 1103

INSTALLMENT LOANS—Federal Home Loan Bank Board amendment increasing loan-to-value ratio and term length; effective 1–25–72 1104

DRUGS—
- FDA recodification of the rules on a certain antibiotic 1105
- FDA amendment changing sterility test procedures for antibiotics 1104
- FDA proposals for the use of alternative methods in the assay of antibiotics; comments within 30 days 1116
- FDA notice of an animal drug deemed adulterated 1130

MOTOR VEHICLE LIGHTING—DoT amendment to permit the off-center spacing of identification lamps in certain cases; effective 1–25–72 1107

TARIFF FILINGS—ICC adjustment of procedures to conform to Price Commission regulations 1107

(Continued inside)

V37-16 JAN25 72 XUM

30-year Reference Volumes
Consolidated Indexes and Tables

Presidential Proclamations and Executive Orders

Consolidated subject indexes and tabular finding aids to Presidential proclamations, Executive orders, and certain other Presidential documents promulgated during a 30-year period (1936–1965) are now available in two separately bound volumes, published under Title 3 of the Code of Federal Regulations, priced as follows:

Title 3, 1936–1965 Consolidated Indexes **$3.50**

Title 3, 1936–1965 Consolidated Tables **$5.25**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

CANNED GRAPEFRUIT AND ORANGE JUICE—USDA proposed revision of product description standards; comments by 4–1–72 1110

MEAT INSPECTION—USDA proposal to allow importation from Trust Territory of the Pacific Islands; comments within 30 days 1114

ELECTRIC DISTRIBUTION BORROWERS—Rural Electrification Admin. proposed revision of its policy on financial operations assistance; comments within 30 days 1114

PRESTERILIZED DEVICES—FDA proposed regulations to deal with interstate shipping practices; comments within 60 days 1115

DOMESTIC PUBLIC RADIO SERVICES—FCC listing of applications accepted for filing 1132

DRAFT LOTTERY—Selective Service System notice announcing a drawing on 2–2–72 1140

LEAD-BASED PAINT POISONING—HEW proposed regulations on grants for local prevention programs; comments within 30 days 1116

MOTOR VEHICLE SAFETY—DoT suspension of rule making on proposals concerning consumer information and other matters 1120

ATOMIC ENERGY LICENSES—AEC proposed revision of fee schedules for facilities and materials; comments within 30 days 1121

CHARTER AIR TRAVEL—CAB time extension to 2–22–72 for comments on the proposed new group class 1122

TELECOMMUNICATIONS—
FCC disallowance of proposed amendments to the TV table of assignments 1122
FCC notice of changes in the allocations for Canadian broadcasting stations 1132

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Beekeeper indemnity payment program; proving loss of bees 1103

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service; Rural Electrification Administration.

ARMY DEPARTMENT
See Engineers Corps.

ATOMIC ENERGY COMMISSION
Proposed Rule Making
Facilities and materials licenses; fee schedules 1121
Notices
Duke Power Co.; determination to grant exemption 1131

CIVIL AERONAUTICS BOARD
Proposed Rule Making
Charter air travel; new class; comment time extended 1122
Notices
Capitol International Airways, Inc.; order of investigation and suspension regarding baggage liability limitation 1131

COMMERCE DEPARTMENT
See National Bureau of Standards.

COMMODITY CREDIT CORPORATION
Rules and Regulations
Tung oil warehouse-stored loan program; 1971 crop of tung nuts 1103

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Hearing conduct; order of procedure 1103
Proposed Rule Making
Canned blended grapefruit juice and orange juice; standards for grades 1110
Meat and meat products; importation 1114
Milk in Boston regional and New York-New Jersey marketing areas; recommended decision 1112

CUSTOMS BUREAU
Rules and Regulations
Air commerce; Put-in-Bay Airport, Ohio; revocation of international airport status 1104

DEFENSE DEPARTMENT
See Engineers Corps.

EMERGENCY PREPAREDNESS OFFICE
Notices
McMillen, William C., et al.; appointment of Federal Coordinating Officer for disaster relief 1140
Mississippi; notice of major disaster and related determinations 1140
Oregon; notice of major disaster and related determinations 1141

ENGINEERS CORPS
Rules and Regulations
Glen Elder Dam and Waconda Lake, Solomon River, Kansas; flood control 1106

FEDERAL AVIATION ADMINISTRATION
Proposed Rule Making
Control zone and transition area; alteration 1119

(Continued on next page)

V371-16 J
JAN 25 72
XUM

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Television table of assignments, substituting Channel 26 for Channel 59 at New Haven, Conn.; report and order terminating proceeding ---------- 1122

Notices

Canadian FM broadcasting channels; table of allocations ---------- 1132
Common carrier services informations; domestic public radio services applications accepted for filing ---------- 1132

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Real estate operations; monthly installment loans ---------- 1104

FEDERAL MARITIME COMMISSION

Notices

Agreement with United States Postal Service regarding transportation of mail; modification of order of investigation and hearing ---------- 1139
Andrews, D.C., & Company of Maryland, Inc. et al.; revocation of independent ocean freight forwarder license ---------- 1139
El Sol De Mayo Express and San Lorenzo Express Corp.; notice of intent to reject deficient tariffs ---------- 1139

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Natural Gas Pipeline Company of America ---------- 1139
Pennzoil Producing Co ---------- 1140

FEDERAL RESERVE SYSTEM

Rules and Regulations

Corporations engaged in foreign banking and financing; participation in acceptance credits; correction ---------- 1104

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Antibiotic and antibiotic-containing drugs; tests and methods of assay:
Dicloxacillin; recodification of part ---------- 1105
Penicillin and cephalosporin preparations; sterility testing ---------- 1104

Proposed Rule Making

Antibacterial ingredients in drug and cosmetic products for repeated daily human use; policy; correction ---------- 1116
Antibiotic and antibiotic-containing drugs; alternative assay methods; including automated procedures ---------- 1116
Non-sterile devices shipped in interstate commerce for sterilization ---------- 1115

Notices

Haver-Lockhart Laboratories; drug deemed adulterated ---------- 1130

FOREIGN ASSETS CONTROL OFFICE

Rules and Regulations

Rhodesian strategic and critical materials; removal of controls on importation ---------- 1108

GENERAL ACCOUNTING OFFICE

Rules and Regulations

Interim bid protest procedures and standards; clarification of effective date ---------- 1103

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Public Health Service.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Director, Program Planning Staff, et al.; designation to act as Acting Regional Administrator ---------- 1130

INTERIOR DEPARTMENT

See Land Management Bureau; National Park Service; Reclamation Bureau.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Economic stabilization; tariff filing procedures ---------- 1107

Notices

Assignment of hearings ---------- 1148
Motor carrier temporary authority applications ---------- 1148

LABOR DEPARTMENT

See also Occupational Safety and Health Administration.

Notices

Alaska; termination of extended unemployment compensation ---------- 1148

LAND MANAGEMENT BUREAU

Notices

Outer continental shelf off Louisiana; cancellation of competitive lease offering ---------- 1126

NATIONAL BUREAU OF STANDARDS

Notices

Certain standards; notice of intent to withdraw ---------- 1130

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules and Regulations

Motor vehicle safety standards; lamps, reflective devices, and associated equipment:
Off-center spacing of identification lamps ---------- 1107
Correction ---------- 1107

Proposed Rule Making

Motor vehicle safety; suspension of proposal concerning consumer information and other matters ---------- 1120

NATIONAL PARK SERVICE

Notices

Saguaro National Monument, Ariz.; public hearing regarding wilderness proposal ---------- 1129

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Rust Engineering Co., et al.; application for variance and interim order and grant of interim order ---------- 1146

PUBLIC HEALTH SERVICE

Proposed Rule Making

Lead-based paint poisoning; grants for prevention ---------- 1116

RECLAMATION BUREAU

Notices

Environmental statements; issuance of directives regarding preparation ---------- 1126

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rule Making

Electric distribution borrowers; financial security; policy revision ---------- 1114

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Air Products and Chemicals, Inc., et al ---------- 1141
American Natural Gas Co., et al ---------- 1143
Atlantic Richfield Co ---------- 1141
Broad Street Investing Corp., et al ---------- 1142
Data Products Corp., et al ---------- 1143
Gulf Mortgage and Realty Investments ---------- 1141
Hasbro Industries, Inc., et al ---------- 1142
Marshall Industries, et al ---------- 1143
S & P National Corp., et al ---------- 1144
Teleprompter Corp., et al ---------- 1143
Tri-Continental Corp ---------- 1144
Union Capital Fund, Inc ---------- 1145
West Penn Power Co ---------- 1145

SELECTIVE SERVICE SYSTEM

Proposed Rule Making

Selective Service regulations; correction ---------- 1115

Notices

Draft lottery; announcement of drawing ---------- 1140

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Customs Bureau; Foreign Assets Control Office.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

4 CFR
20 ---------- 1103

7 CFR
760 ---------- 1103
900 ---------- 1103
1421 ---------- 1103
PROPOSED RULES:
52 ---------- 1110
1001 ---------- 1112
1002 ---------- 1112
1701 ---------- 1114

9 CFR
PROPOSED RULES:
327 ---------- 1114

10 CFR
PROPOSED RULES:
170 ---------- 1121

12 CFR
211 ---------- 1104
545 ---------- 1104

14 CFR
PROPOSED RULES:
71 ---------- 1119
207 ---------- 1122
208 ---------- 1122
212 ---------- 1122
214 ---------- 1122
372a ---------- 1122

19 CFR
6 ---------- 1104

21 CFR
141 (2 documents) ---------- 1104, 1105
149a ---------- 1105
PROPOSED RULES:
1 ---------- 1115
3 ---------- 1116
141 ---------- 1116

31 CFR
530 ---------- 1108

32 CFR
PROPOSED RULES:
1624 ---------- 1115
1626 ---------- 1115

33 CFR
208 ---------- 1106

42 CFR
PROPOSED RULES:
91 ---------- 1116

47 CFR
PROPOSED RULES:
73 ---------- 1122

49 CFR
571 (2 documents) ---------- 1107
1311 ---------- 1107
PROPOSED RULES:
571 ---------- 1120

V37-16 JAN 25 72 XUM

Rules and Regulations

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER A—GENERAL PROCEDURES

PART 20—INTERIM BID PROTEST PROCEDURES AND STANDARDS

Definitions and Effective Date

Some confusion has arisen as to the effective date of these interim bid protest procedures and standards as prescribed by § 20.12(b). Therefore, § 20.12(b) is revised to read as follows:

§ 20.12 Definitions and effective date.

* * * * *

(b) These interim bid protest procedures and standards will be applied to bid protests received by the General Accounting Office on or after February 7, 1972.

(Sec. 311, 42 Stat. 25, as amended, 31 U.S.C. 52. Interpret or apply sec. 305, 42 Stat. 24, 31 U.S.C. 71; sec. 204, 42 Stat. 24, as amended 31 U.S.C. 74)

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.72-1060 Filed 1-24-72;8:48 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 760—INDEMNITY PAYMENT PROGRAMS

Subpart—Beekeeper Indemnity Payment Program

PROVING LOSS OF BEES

The regulations governing the Beekeeper Indemnity Payment Program, 7 CFR Part 760, are amended to provide for the making of indemnity payments, at the lowest rate of payment under the program, to beekeepers who have lost bees prior to June 11, 1971, as a result of application of pesticides but who are unable to establish the extent of such loss.

This amendment reduces the requirements upon applicants for payments. Further, the final date for filing applications for indemnity payments for losses covered by this amendment is February 29, 1972. It is, therefore, determined to be unnecessary and impracticable to give notice of proposed rule making with respect to this amendment.

Section 760.105(a) is amended by adding at the end thereof the following sentence:

§ 760.105 Proving loss of bees.

(a) * * * If the beekeeper is unable to establish the extent of his loss (that is, whether his loss of bees resulted in his colonies being destroyed, severely damaged, or moderately damaged), the extent of his loss will, for the purposes of this subpart, be deemed to be moderate damage: *Provided,* That the beekeeper submits to the County Committee, together with whatever other documents are required by this subpart, a written statement signed by a disinterested person that he witnessed the beekeeper's loss of bees but could not assess the extent of such loss.

* * * * * *

(Sec. 804, 84 Stat. 1382; 7 U.S.C. 135b note)

Effective date: Date of publication in the FEDERAL REGISTER (1-25-72).

Signed at Washington, D.C. on January 19, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-1055 Filed 1-24-72;8:48 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 900—GENERAL REGULATIONS

Conduct of Hearing

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and by Executive Order No. 10199, December 22, 1950 (15 F.R. 9217), the General Regulations issued thereunder, are hereby further amended as follows:

1. Delete § 900.8(c)(1) and insert in lieu thereof the following:

§ 900.8 Conduct of the hearing.

* * * * *

(c) *Order of procedure.* (1) The presiding officer shall, at the opening of the hearing prior to the taking of testimony, have noted as part of the record the notice of hearing as filed with the Office of the Federal Register and the affidavit or certificate of the giving of notice or the determination provided for in § 900.4(c).

* * * * *

Done at Washington, D.C., this 20th day of January 1972. To be effective upon publication in the FEDERAL REGISTER (1-25-72).

EARL L. BUTZ,
Secretary.

[FR Doc.72-1076 Filed 1-24-72;8:49 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1971 Crop Tung Oil Warehouse-Stored Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1971 Crop Tung Oil Warehouse-Stored Loan Program

On page 19170 of the FEDERAL REGISTER of September 30, 1971, there was published a notice of proposed rule making relating to the support program for the 1971 crop of tung nuts. Interested persons were given 30 days in which to submit written data, views, and recommendations pertaining to the level of support, the method of support, conditions of eligibility, area and period of the program, and other program provisions. No comments have been received.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363) and any amendments thereto and the 1970 and Subsequent Crop Tung Oil Warehouse-Stored Loan Program Regulations (35 F.R. 19499) and any amendments to such regulations are supplemented by revising §§ 1421.450-1421.453, effective as to the 1971 crop of tung oil. The material previously appearing in these sections remains in full force and effect as to the crop to which it was applicable. The revised sections read as follows:

§ 1421.450 Availability.

(a) *Area.* The program will be available in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas.

(b) *Period.* Loans will be available from November 1, 1971, through September 30, 1972.

§ 1421.451 Service fees and delivery charges.

Producers shall pay a loan service fee as provided in § 1421.11(a) of the general regulations, and instead of the delivery charge specified in § 1421.11(b) of the general regulations, a delivery charge of 6 cents per hundredweight for the quantity of tung oil tendered to CCC for loan which is not redeemed by October 31, 1972. Such fee and charge will be deducted from loan proceeds, but the charge applicable to the quantity of oil redeemed will be credited to the producer's account.

V 37-16 JAN 25 72 XUM

§ 1421.452 **Support rate.**

Loans on eligible tung oil produced from 1971-crop tung nuts shall be made at the rate of 27.2 cents per pound.

§ 1421.453 **Maturity of loans.**

Loans will mature on demand but not later than October 31, 1972.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714(b). Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U.S.C. 714(c); 7 U.S.C. 1446, 1421)

Effective date: Upon publication in the FEDERAL REGISTER (1–25–72).

Signed at Washington, D.C., on January 18, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-1056 Filed 1-24-72;8:48 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. K]

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

Acceptances

Correction

In F.R. Doc. 72–726 appearing at page 776 of the issue for Wednesday, January 19, 1972, the following phrase should be inserted after the words "extend to" in the 12th line of § 211.107(b): "any purchaser of exports or imports unsecured acceptance credits in".

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 72–78]

PART 545—OPERATIONS

Real Estate Loans

JANUARY 18, 1972.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 20311) and all revelant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of increasing the maximum loan-to-value ratio from 75 to 80 percent and the maximum loan term from 25 to 30 years for loans by Federal savings and loan associations which are secured by "other dwelling units." Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 by revising subparagraph (1) of § 545.6–1(b) to read as follows, effective January 25, 1972:

§ 545.6–1 Lending powers under sections 13 and 14 of Charter K.

* * * * *

(b) *Other dwelling units; combination of dwelling units, including homes, and business property involving only minor or incidental business use*—(1) *Monthly installment loans.* Subject to the limitations of § 545.6–7, installment loans may be made on other dwelling units or combinations of dwelling units, including homes, and business property involving only minor or incidental business use for an amount not in excess of 50 percent (or if authorized by the members of such an association, not in excess of 80 percent) of the value thereof, repayable monthly within 30 years, or, if an insured or guaranteed loan, not in excess of the maximum percentage of value acceptable to the insuring or guaranteeing agency and repayable within the period acceptable to such agency. Such installment loan may be combined into a single loan with a loan for the purpose of construction which meets the requirements of subparagraph (3)(ii) of this paragraph, and the term of the monthly installment loan shall be considered to begin at the end of the term allowed for construction.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendment relieves restriction, publication of the amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

Resolved further that the Board, in adopting the above amendment which was only a part of the published regulatory proposal (36 F.R. 20311), determined to defer final consideration of other parts of said published proposal pending further staff report on comments received.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-1071 Filed 1-24-72;8:49 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72–30]

PART 6—AIR COMMERCE REGULATIONS

Put-in-Bay Airport, Ohio; Revocation of International Airport Status

Notice of the proposed revocation of Put-in-Bay Airport at Put-in-Bay, Ohio, as an international airport was published in the FEDERAL REGISTER on October 8, 1971 (36 F.R. 19598), and the submission of written data, views and comments was invited. No objections to the proposal were received.

Therefore, under the authority of section 1109(b) of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1509(b)), the designation of Put-in-Bay Airport as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States is hereby revoked effective 30 days after publication of this decision in the FEDERAL REGISTER.

The list of international airports in § 6.13 of the Customs Regulations is amended by deleting from the columns headed "Location" and "Name" Put-in-Bay, Ohio, and Put-in-Bay Airport respectively.

(80 Stat. 379, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 4, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.72-1072 Filed 1-24-72;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Penicillin and Cephalosporin Preparations: Sterility Testing

No adverse comments were received in response to the notice published in the FEDERAL REGISTER of August 20, 1971 (36 F.R. 16195), proposing that § 141.2 be revised to make the membrane filtration sterility test more sensitive for penicillin and cephalosporin preparations by the addition of concentrated penicillinase to the diluting fluid used to wash the membrane. Accordingly, the Commissioner of Food and Drugs concludes that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 141.2(e)(1)(ii) is revised to read as follows:

§ 141.2 Sterility test methods and procedures.

* * * * *

(e) * * *

(1) * * *

(ii) *Test procedure.* Aseptically filter the sollution through a bacteriological membrane filter. All air entering the filtering system is filtered through air filters capable of removing microorganisms. Filter three 100-milliliter quantities of diluting fluid A through the membrane. For the penicillin and cephalosporin classes of antibiotics, add sufficient penicillinase to diluting fluid A to inactivate the residual antibiotic activity on the membrane after filtration. By means of a sterile circular blade, paper punch, or any other suitable sterile device, cut a circular portion (approximately 17.5 millimeters in diameter) from the center of the filtering area. Transfer the cut center area to a sterile 38 by 200 millimeter (outside dimensions) test tube containing 90±10 milliliters of sterile medium A. Incubate the tube for 7 days at 30°–32° C. Using sterile forceps, transfer the remaining outer portion of the membrane into a second similar tube containing 90±10 milliliters of medium E. Incubate the second tube for 7 days at 22°–25° C.

* * * * *

Effective date. This order shall become effective 30 days after its date of FEDERAL REGISTER publication.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 17, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-1034 Filed 1-24-72;8:46 am]

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 149a—DICLOXACILLIN

Recodification

Effective 30 days after publication in the FEDERAL REGISTER, Part 141 is editorially amended as it applies to sodium dicloxacillin and Part 149a is republished as follows to incorporate editorial and nonrestrictive technical changes. This order revokes all prior publications of Part 149a.

1. In Part 141, § 141.5(b) is amended in the "antibiotic drug" column by revising the item "Sodium dicloxacillin" to read "Sodium dicloxacillin monohydrate."

2. Part 149a is republished as follows:

Sec.
149a.1 Nonsterile sodium dicloxacillin monohydrate.
149a.2–149a.10 [Reserved]
149a.11 Sodium dicloxacillin monohydrate capsules.
149a.12 Sodium dicloxacillin monohydrate for oral suspension.

AUTHORITY: The provisions of this Part 149a issued under sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

§ 149a.1 Nonsterile sodium dicloxacillin monohydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Nonsterile sodium dicloxacillin monohydrate is the monohydrated sodium salt of 5-methyl-3-(2, 6-dichlorophenyl)-4-isoxazolyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of dicloxacillin per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 3 percent nor more than 5 percent.

(iv) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 4.5 nor more than 7.5.

(v) Its organic chlorine content is not less than 13.0 percent nor more than 14.2 percent.

(vi) Its free chloride content is not more than 0.5 percent.

(vii) It is crystalline.

(viii) It gives a positive identity test for sodium dicloxacillin monohydrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(ii) Samples required: 10 containers, each containing not less than 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay, as follows: Dissolve an accurately weighed portion of the sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of dicloxacillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine, colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter.

(3) *Moisture content.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(5) *Organic chlorine content*—(i) *Reagents.* (*a*) o-chlorobenzoic acid of known purity.

(*b*) 0.01*N* Silver nitrate solution. Store in brown glass reagent bottle. Standardize against an accurately weighed sample of 20 to 25 milligrams of o-chlorobenzoic acid using the procedure described in subdivision (ii) of this subparagraph.

$$\text{Normality } (N) = \frac{\text{Percent purity of the o-chlorobenzoic acid} \times \text{milligrams of o-chlorobenzoic acid}}{15.657 \times \text{milliliters of silver nitrate consumed}}$$

(*c*) 0.1*N* Sodium hydroxide solution.

(*d*) 1:1 Nitric acid solution: Mix 1 volume of concentrated nitric acid with 1 volume of distilled water.

(ii) *Total chlorine.* (Caution—The analyst should wear safety glasses and use a suitable shield between himself and the apparatus. The glassware must be scrupulously clean.) Accurately weigh 20 to 25 milligrams of the sample and place it on the center of a piece of halide-free filter paper measuring about 4 centimeters square (this is specially cut paper with a fuse strip attached to the area that holds the sample), and fold the paper to enclose it. Place 10 milliliters of 0.1*N* sodium hydroxide into an oxygen combustion flask (Schoniger flask), and flush the air from the flask with a stream of rapidly flowing oxygen. Place the sample into the platinum sample holder and ignite the fuse strip by suitable means. If the strip is ignited outside the flask, immediately plunge the stopper into the flask, invert so that the sodium hydroxide solution makes a seal around the stopper, and hold the stopper firmly in place. If the ignition is carried out in a closed system, the inversion of the flask may be omitted. After combustion is completed, shake the flask vigorously, add a small amount of distilled water to the collar to insure an air tight seal, and allow to stand for not less than 10 minutes with intermittent shaking. Transfer to a suitable titration vessel, heat on a steam bath for 20 to 30 minutes, cool to room temperature, add 5 milliliters of nitric acid solution, and titrate potentiometrically with 0.01*N* silver nitrate, using one silver electrode and one silver/silver chloride electrode.

$$\text{Percent total chlorine} = \frac{N \times \text{milliliters of silver nitrate} \times 3545.7}{\text{Milligrams of sample}}$$

(iii) *Free chloride.* Accurately weigh 100 to 150 milligrams of sample directly into a titration flask, dissolve in 10 milliliters of 0.1*N* sodium hydroxide, and add about 20 milliliters of distilled water. Heat this solution on the steam bath 20 to 30 minutes. Cool to room temperature, add 5 milliliters of 1:1 nitric acid solution and titrate potentiometrically with 0.01*N* silver nitrate using one silver electrode and one silver/silver chloride electrode.

V 37-16 JAN 25 72 XUM

$$\text{Percent free chloride} = \frac{N \times \text{milliliters of silver nitrate} \times 3545.7}{\text{Milligrams of sample}}$$

(iv) *Organic chlorine.* Percent organic chlorine=Percent total chlorine−percent free chloride.

(6) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(7) *Identity.* Proceed as directed in § 141.521 of this chapter, using the 1 percent potassium bromide disc described in paragraph (b)(1) of that section.

§ 149a.11 Sodium dicloxacillin monohydrate capsules.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sodium dicloxacillin monohydrate capsules are composed of sodium dicloxacillin monohydrate and one or more suitable diluents and lubricants. Each capsule contains sodium dicloxacillin monohydrate equivalent to 62.5, 125, 250, or 500 milligrams of dicloxacillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dicloxacillin that it is represented to contain. The moisture content is not more than 5 percent. The sodium dicloxacillin monohydrate conforms to the requirements of § 149a.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium dicloxacillin monohydrate used in making the batch for potency, safety, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(*b*) The batch for potency and moisture.

(ii) Samples required:

(*a*) The sodium dicloxacillin monohydrate used in making the batch: 10 containers, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay—(1) Potency—(i) Sample preparation.* Place a representative number of capsules into a high-speed glass blender jar containing sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 1 to the reference concentration of 5.0 micrograms of dicloxacillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

(ii) *Assay procedure.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter.

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

§ 149a.12 Sodium dicloxacillin monohydrate for oral suspension.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sodium dicloxacillin monohydrate for oral suspension is a mixture of sodium dicloxacillin monohydrate with one or more suitable colorings, flavorings, buffer substances, and preservatives. When reconstituted as directed in the labeling, it contains the equivalent of 12.5 or 25 milligrams of dicloxacillin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of dicloxacillin that it is represented to contain. Its moisture content is not more than 2 percent. The pH of the suspension, when reconstituted as directed in the labeling, is not less than 4.5 nor more than 7.5. The sodium dicloxacillin monohydrate used conforms to the requirements of § 149a.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assay on:

(*a*) The sodium dicloxacillin monohydrate used in making the batch for potency, safety, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The sodium dicloxacillin monohydrate used in making the batch: 10 containers, each containing not less than 500 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay—(1) Potency—(i) Sample preparation.* Reconstitute the sample as directed in the labeling. Place an accurately measured aliquot of the sample containing an estimated 125 milligrams of dicloxacillin into a 100-milliliter volumetric flask. Add 20 milliliters of dimethylformamide and shake mechanically for 30 minutes. Dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). The addition of dimethylformamide may be omitted if complete solution can be obtained with solution 1. Further dilute an aliquot with sufficient solution 1 to the reference concentration of 5.0 micrograms of dicloxacillin per milliliter (estimated) for the microbiological agar diffusion assay and to the prescribed concentration for the iodometric assay.

(ii) *Assay procedure.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter.

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter.

(2) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(3) *pH.* Proceed as directed in § 141.503 of this chapter, using the drug reconstituted as directed in the labeling.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: January 17, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-1033 Filed 1-24-72;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

Glen Elder Dam and Waconda Lake, Solomon River, Mitchell County, Kans.

Pursuant to the provisions of sections 7 and 9 of the act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U.S.C. 709) the following regulations are hereby prescribed to govern the use of storage capacity allocated for flood-control purposes in Waconda Lake by the operation of Glen Elder Dam on the Solomon River, in Mitchell County, Kans.

§ 208.51 Glen Elder Dam and Waconda Lake, Solomon River, Mitchell County, Kans.

The Bureau of Reclamation, Department of the Interior, represented by the Project Manager in charge of the locality, hereinafter referred to as the Project Manager, shall regulate Glen Elder Dam and Waconda Lake in the interest of flood control in accordance with instructions furnished by the Department of the Army, represented by the District Engineer in charge of the locality, hereinafter referred to as the District Engineer, as follows:

(a) The exclusive flood-control storage space between elevations 1455.6 and 1488.3 shall be regulated for flood control on the Solomon and Smoky Hill Rivers. Any water temporarily stored in this space shall be released as rapidly as practicable. The objectives of the flood-control operation are to limit, insofar as practicable, the flow in the Solomon River to 7,500 cubic feet per second and/or a stage of 25 feet at Beloit, Kans., and the flow in the Smoky Hill River to 25,000 cubic feet per second and/or a stage of 25.5 feet at Junction City, Kans. The exclusive flood-control storage space in Waconda Lake includes exchange capacity which allows reallocation of flood-control storage from Kirwin and Webster Reservoirs to provide space for sediment accumulation in those reservoirs.

(b) The flood-control operation will be coordinated with other projects in the Solomon and Smoky Hill River basins and releases will be modified as necessary to satisfy the above stated conditions for flood control.

(c) The discharge characteristics of the outlet works and the gated spillway (combined capacity of 210,170 cubic feet per second with reservoir level at elevation 1488.3) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC-6147), as modified by the "as-built" drawings.

(d) Proposed schedules of conservation releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Project Manager. Operating data shall be tabulated daily and furnished periodically as required and shall include such items as: Reservoir elevation, reservoir storage, inflow, discharge, and other pertinent available hydrologic data.

(e) Oral instructions issued by the District Engineer to the Project Engineer and the Maintenance Superintendent for flood-control regulation shall be confirmed in writing under date of the day issued.

(f) Flood-control operations shall not restrict release necessary for conservation purposes.

(g) Nothing in the regulations of this section shall be construed to require that releases shall be made at rates or in a manner inconsistent with requirements protecting the dam and reservoir from major damage.

(h) All elevations stated in this section are at the Glen Elder Dam and are referred to the datum in use at that location.

[Regs., Dec. 22, 1971, DAEN-CWE-Y] (sections 7 and 9, 58 Stat. 890, 891; 33 U.S.C. 709)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-1026 Filed 1-24-72;8:45 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 69-18; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108 and 571.108a, Motor Vehicle Safety Standard No. 108 and No. 108a, *Lamps, Reflective Devices, and Associated Equipment*, to permit off-center spacing of identification lamps on vehicles 80 inches or more in overall width.

Utility Trailer Manufacturing Co., has petitioned for the reinstatement of former requirements for the location of identification lamps. Before January 1, 1972, the three-lamp cluster was required to be mounted "as close as practicable to the vertical centerline." On vehicles manufactured on or after that date, the three identification lamps must be mounted "one on the vertical centerline, and one on each side of the vertical centerline." A type of trailer manufactured by Utility mounts a lock on the centerline of the trailer with the lock socket at the rear header. Typically the header is shallow and does not allow room to mount the gasket seal, the center lock socket, and an identification lamp all "on the vertical centerline." Extensive retooling is necessary for compliance, and apparently would cause hardship to Utility and other manufacturers of this type of trailer. The Administration believes that permitting the lamp cluster to be mounted slightly off center would not compromise motor vehicle safety, and accordingly is returning to the original mounting requirement for all vehicles required to have identification lamps.

In consideration of the foregoing, the specifications for "Identification Lamps" in Table II, Location of Required Equipment, 49 CFR 571.108, and 571.-108a, are revised to read as follows:

TABLE II—LOCATION OF REQUIRED EQUIPMENT

MULTIPURPOSE PASSENGER VEHICLES, TRUCKS, TRAILERS, AND BUSES, OF 80 OR MORE INCHES OVERALL WIDTH

Item	Multipurpose passenger vehicles, trucks, and buses	Trailers
Column 1	Column 2	Column 3
Identification lamps.	On the front and rear—3 lamps, amber in front, red in rear, as close as practicable to the top of the vehicle, at the same height, as close as practicable to the vertical centerline, with lamp centers spaced not less than 6 inches or more than 12 inches apart.	On the rear—3 lamps as close as practicable to the top of the vehicle at the same height, as close as practicable to the vertical centerline, with lamp centers spaced not less than 6 inches or more than 12 inches apart.

Effective date: January 25, 1972. Because the amendments create no additional burden or obligation, the Administrator finds for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on January 19, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-1064 Filed 1-24-72;8:48 am]

[Docket No. 69-18; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment; Correction

In F.R. Doc. 71-18901 appearing at pages 25013-14 in the issue of Tuesday, December 28, 1971, the references to "S4.3.8" and "S4.3.7" in the amendments to paragraph S4.3.1 of Standard No. 108 (§ 571.108) and Standard No. 108a (§ 571.108a) are changed to read "S4.3.1.8" and "S4.3.1.7."

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on January 19, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-1063 Filed 1-24-72;8:48 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 280]

PART 1311—SPECIAL PROCEDURES FOR TARIFF FILINGS UNDER THE WAGE AND PRICE STABILIZATION PROGRAM

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 19th day of January 1972.

The Interstate Commerce Commission, by order approved November 19, 1971, having adopted rules and regulations prescribing special procedures for tariff filings under the wage and price stabilization program, which rules and regulations require revision to conform to, and to implement, § 300.16 of the regulations of the Price Commission, as revised January 12, 1972, 37 F.R. 652, January 14, 1972, and good cause appearing therefor:

It is ordered, That Part 1311 is revised to read as follows:

Sec.
1311.0 General provisions; applicability; definitions.
1311.1 Procedures governing the filing of schedules by or on behalf of a reporting carrier.
1311.2 Procedures governing the filing of schedules by or on behalf of all other carriers.
1311.3 Certification by the Interstate Commerce Commission.

AUTHORITY: The provisions of this Part 1311 issued under secs. 6(6), 217(a), 216(a), 306(b), 306(c), and 405(b) of the Interstate Commerce Act, 49 U.S.C. 6(6), 317(a), 318(a), 906(b), 906(c), and 1005(b), and the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public

V37-16 JAN 25 72 XUM

Law 92-210, 85 Stat. 743; Executive Order No. 11627, 36 F.R. 20139, Oct. 16, 1971; and § 300.16 of the regulations of the Price Commission, 37 F.R. 652, Jan. 14, 1972.

§ 1311.0 General provisions; applicability; definitions.

(a) These rules and regulations are promulgated in furtherance of the wage and price stabilization program, as announced by Executive Order No. 11627, and in implementation of § 300.16 of the regulations of the Price Commission, as revised.

(b) These rules and regulations shall be binding upon all carriers subject to Parts I, II, III, or IV of the Interstate Commerce Act, shall be effective at 12:01 a.m. on the day following their publication in the FEDERAL REGISTER, and shall remain in effect until further order of the Commission.

(c) For purposes of this part a "reporting carrier" shall be any carrier subject to Parts I, II, III, or IV of the Interstate Commerce Act which alone or together with any person controlling, controlled by or under common control with such carrier, has annual revenues of $100 million or more; and a "rate increase" shall include any increase in the rates, fares or charges of a carrier subject to Parts I, II, III, or IV of the Interstate Commerce Act including any increase for transportation or other services not subject to the jurisdiction of the Interstate Commerce Commission.

§ 1311.1 Procedures governing the filing of schedules by or on behalf of a reporting carrier.

(a) A reporting carrier proposing a rate increase before April 18, 1972, which would increase its aggregate annual revenues by more than one percent, or any rate increase thereafter, shall publish such increase to become effective on no less than 30 days' notice.

(b) A reporting carrier proposing such a rate increase at the time of its filing with the Interstate Commerce Commission, shall submit sufficient evidence under certification by its chief executive officer which will enable the Commission to determine:

(1) The former or existing rate, the new or proposed rate and the percentage increase;

(2) The dollar amount of increased revenue which the increase is expected to provide;

(3) The amount by which the increase will increase the carrier's profits as a percentage of its total revenue;

(4) The amount by which the increase will increase the carrier's overall rate of return on capital;

(5) That the increase, in whole or in part, is cost-based and does not reflect future inflationary expectations;

(6) That the increase, in whole or in part, is the minimum required to assure continued, adequate and safe service or to provide for necessary expansion to meet future requirements; and

(7) That the increase, in whole or in part, will achieve the minimum rate of return or profit margin needed to attract capital at reasonable costs and not impair the credit of the carrier.

(c) A reporting carrier, to the extent authorized by law, may participate with other carriers parties to a rate bureau, conference or similar organization to propose a rate increase, in which event the rate bureau, conference or similar organization may submit the evidence required by the preceding subsection based upon cost or other data compiled on the basis of membership or industry averages.

§ 1311.2 Procedures governing the filing of schedules by or on behalf of all other carriers.

All other carriers proposing a rate increase shall file their tariffs or schedules as otherwise provided in this subchapter.

§ 1311.3 Certification by the Interstate Commerce Commission.

(a) Anytime after a rate increase is proposed by a reporting carrier or by a rate bureau, conference or similar organization but before the rate increase is published to become effective, by operation of law or subject to an accounting and refunding order, the Commission, upon written request, shall furnish a certification that the rate increase does or does not meet the criteria of § 1311.1 (b) or meets them only to a particular extent, with the reasons therefor, or shall inform the Price Commission that the furnishing of such a certification is not feasible for want of sufficient information or otherwise.

(b) The Commission shall provide a certification for any rate increase approved by it that the rate increase, to the extent approved by the Commission, meets the criteria of § 1311.1(b).

(c) Said certifications shall be by the Director of the Bureau of Traffic, Board of Suspension, Review Boards, Division 2 or the Commission, as may be appropriate.

(d) The Commission will not advance the effective date of any rate increase proposed by or on behalf of a reporting carrier except with the approval of the Price Commission.

(e) Notwithstanding any actions of the Commission or the provisions of the Interstate Commerce Act or of the rules or regulations thereunder, the Price Commission may postpone the effective date of any rate increase by or on behalf of any carrier, suspend all or part of the increase or limit, refuse, rescind, reduce, or modify such increase, all as provided by § 300.16 of the regulations of the Price Commission (6 CFR 300.16).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1083 Filed 1-24-72;8:50 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 530—RHODESIAN SANCTIONS REGULATIONS

Removal of Controls on Importation of Rhodesian Strategic and Critical Materials

A general license is being issued under the Rhodesian Sanctions Regulations authorizing imports of strategic and critical materials of Southern Rhodesian origin, and of ferrochrome produced from Rhodesian chromite. This license is issued in connection with the enactment of Title V, section 503, Public Law 92-156, 85 Stat. 427 (November 17, 1971). The license also authorizes transfers in payment for commodities the importation of which is licensed by the section, to the extent that such transfers do not exceed the amounts customarily paid on the world market for comparable commodities.

Part 530 is amended by adding a new section, reading as follows:

§ 530.518 Certain materials listed under Strategic and Critical Materials Stockpiling Act.

(a) Except as provided in paragraph (b) of this section, all transactions incidental to the importation into the United States of the following commodities are hereby authorized:

(1) Chromium: Ore and concentrates thereof of Southern Rhodesian origin—Schedule 6, Part 1, Item 601.15, Tariff Schedules of the United States (TSUS).

(2) Ferrochrome produced in any country from chromium ore or concentrates of Southern Rhodesian origin.

(3) Any other material of Southern Rhodesian origin determined to be strategic and critical pursuant to the provisions of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U.S.C. 98-98h), so long as the importation of such material from any country or area listed in general headnote 3(e) of the Tariff Schedules of the United States (19 U.S.C. 1202(3)(e)) is not prohibited by any provision of law.

(b) This section does not authorize payment of the purchase price for a commodity imported under this section if such price exceeds the price per pound customarily paid at the time of purchase on the world market for that commodity in arms-length dealings between other buyers and sellers.

(c) (1) District Directors of Customs shall not accept or allow any entry with respect to merchandise imported under this section unless it is accompanied by a report containing the following information:

(i) Name and address of importer on record

(ii) Name and address of buyer
(iii) Name of commodity
(iv) Quantity entered (in pounds)
(v) Name and address of shipper
(vi) Name and address of seller
(vii) Port of exportation
(viii) Price per pound f.o.b. port of exportation
(ix) Details of payment (letter of credit, bank transfer, etc., including names of banks and identifying numbers for payment instruments).

(2) The district director shall promptly forward this report to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220. The district director shall also satisfy himself that the importer or his agent has mailed a duplicate copy of this report directly to the Office of Foreign Assets Control.

(3) In cases where more than one entry is made with respect to the same lot of merchandise (e.g., warehouse entry; in-transit entry; consumption entry) only one such report is required to be filed with respect to that lot.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[FR Doc.72-1199 Filed 1-24-72;10:47 am]

V 37-16 JAN 25 72 XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

CANNED BLENDED GRAPEFRUIT JUICE AND ORANGE JUICE

Proposed Revision of Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering revising the U.S. Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice (7 CFR 52.1281–52.1293). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than April 1, 1972 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the proposed revision of the standards. The principal reason for the proposed action is to revise the product description of the standards to reflect current manufacturing practice, and to permit appropriate future innovations within the scope of the grade standards. The product description in the current issue of the U.S. standards is no longer completely accurate because of changing marketing and manufacturing procedures.

The purpose of the product description section of each U.S. grade standard for fruit and vegetable products is for information only—to identify the product covered by the quality requirements of the particular U.S. standard. The section does not establish "identity" for purposes of labeling, composition, or manufacturing procedures since identity standards for processed fruits and vegetables are not within the purview of the U.S. Department of Agriculture.

Currently there are no Federal "standards of identity" for Canned Blended Grapefruit Juice and Orange Juice, or for grapefruit juice, a principal ingredient of this product. Therefore, for purposes of defining the scope of the USDA standards, the proposed revised "product description" includes only the most identifying characteristics of the product, and recognizes that the soluble solids, insoluble solids, Brix-acid ratios, and flavor may be adjusted by suitable manufacturing procedures. Such adjusting procedures at present include blending, concentrating, or adding of suitable grapefruit or orange juice concentrates, reconstituting such concentrates, removing or adding citrus oils or essences, sweetening with any nutritive sweetner, and any other similar appropriate procedure not in violation of the provisions of the Federal Food, Drug, and Cosmetic Act. The "product description" for Canned Grapefruit Juice and Orange Juice, as proposed, is similar to the product description in the U.S. Standards for Grades of Grapefruit Juice which became effective on December 7, 1968.

Other changes in the standards are proposed for improved presentation, in accord with established Department policy, or to prevent possible misinterpretation. Among these changes are:

1. The word "blended" would be removed from the title since it serves no useful purpose and could possibly be misinterpreted. The title would read "U.S. Standards for Grades of Canned Grapefruit Juice and Orange Juice".

2. U.S. Grade C would be redesignated as U.S. Grade B and the point spread in each grade would be 10 points instead of 15 points; and the points allowed for each scoring factor would be adjusted accordingly.

3. The limits for recoverable oil would be moved from consideration under the factor of "defects", to the factor of "flavor".

4. Styles have been redesignated to eliminate Roman numerals.

5. Under the factor of "color", recognition is given to the use of the juice from either white fleshed or red or deep pink fleshed grapefruit.

6. A minimum of 25 percent, by weight, of fruit solids is specified for the minor juice ingredient, either orange or grapefruit.

The proposed revision is as follows:

Subpart—U.S. Standards for Grades of Canned Grapefruit Juice and Orange Juice

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1281 Product description.
52.1282 Styles.
52.1283 Grades.

FILL OF CONTAINER

52.1284 Recommended fill of container.

FACTORS OF QUALITY

Sec.
52.1285 Ascertaining the grade.
52.1286 Ascertaining the rating for the factors which are scored.
52.1287 Color.
52.1288 Defects.
52.1289 Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.1290 Definitions of terms and methods of analysis.

LOT COMPLIANCE

52.1291 Ascertaining the grade of a lot.

SCORE SHEET

52.1292 Score sheet.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1281 Product description.

(a) Canned grapefruit juice and orange juice is prepared from a combination of unfermented juices obtained from mature fresh grapefruit (Citrus paradisi) and mature sweet oranges (Citrus sinensis). The juice of oranges from the mandarin group (Citrus reticulata), however, may be added in such quantities that not more than 10 percent, by volume, of the orange juice ingredient consists of juice from Citrus reticulata. The minor juice ingredient (either orange or grapefruit) shall provide not less than 25 percent, by weight, of the total soluble fruit solids present in the finished product.

(b) The fruit is prepared and the juice extracted and processed in a manner to assure a clean and wholesome product. Soluble solids, insoluble solids, Brix-acid ratios, and flavor may be adjusted by suitable manufacturing procedures. The product is sufficiently processed by heat to assure its preservation in hermetically sealed containers.

§ 52.1282 Styles.

(a) Unsweetened.
(b) Sweetened.

§ 52.1283 Grades.

(a) "U.S. Grade A" (or U.S. Fancy) is the quality of canned grapefruit juice and orange juice that:
(1) Shows no coagulation;
(2) Has a very good color;
(3) Is practically free from defects;
(4) Has a very good flavor; and
(5) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or U.S. Choice) is the quality of canned grapefruit juice and orange juice that:
(1) May show only a slight coagulation;
(2) Has a good color;
(3) Is fairly free from defects;

(4) Has a good flavor; and
(5) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned grapefruit juice and orange juice that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.1284 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of grapefruit juice and orange juice as practicable.

FACTORS OF QUALITY

§ 52.1285 Ascertaining the grade.

(a) *General.* Consideration is given to the degree of coagulation, the ratings for the factors which are scored, and the limiting rules which may apply.

(b) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
Color	20
Defects	40
Flavor	40
Total score	100

§ 52.1286 Ascertaining the rating for the factors which are scored.

The essential variations, within each factor which is scored, are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1287 Color.

(a) (*A*) *classification.* Canned grapefruit juice and orange juice that has a very good color may be given a score of 18 to 20 points. "Very good color" means that the juice mixture has a yellow-orange color that is bright and typical of the freshly extracted juice of oranges and either white fleshed grapefruit or of red or deep pink fleshed grapefruit, and is free from browning due to scorching, oxidation, caramelization, or other causes.

(b) (*B*) *classification.* If the canned grapefruit juice and orange juice has a good color, a score of 16 or 17 points may be given. Canned juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (limiting rule). "Good color" means that the juice has a fairly typical color that may range from light yellow to light amber, may be dull or show evidence of slight browning, but is not off color.

(c) (*SStd*) *classification.* Canned grapefruit juice and orange juice that for any reason fails to meet the requirements of U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (limiting rule).

§ 52.1288 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and seed portions; from discolored specks, harmless extraneous material, and other similar defects; from juice sacs and particles of membrane, core, and peel in excess of that normally present in citrus juices; and from free and suspended pulp.

(b) (*A*) *classification.* (1) Canned grapefruit juice and orange juice that is practically free from defects may be assigned a score of 36 to 40 points.

(2) "Practically free from defects" means that the juice may not contain more than 12 percent free and suspended pulp as determined by the method outlined in this subpart, and that any other defects present may no more than slightly detract from the apperance or drinking quality of the juice.

(c) (*B*) *classification.* (1) If the canned grapefruit juice and orange juice is reasonably free from defects, a score of 32 to 35 points may be given. Such product may not be graded above U.S. Grade B regardless of the total score for the product (limiting rule).

(2) "Reasonably free from defects" means that the juice may not contain more than 18 percent free and suspended pulp as determined by the method outlined in this subpart, and that any other defects present may not seriously detract from the appearance or drinking quality of the juice.

(d) (*SStd*) *classification.* Canned grapefruit juice and orange juice that fails to meet the U.S. Grade B classification for defects may be assigned a score of 0 to 31 points and shall not be graded above Substandard regardless of the total score for the product (limiting rule).

§ 52.1289 Flavor.

(a) (*A*) *classification.* Canned grapefruit juice and orange juice that has a very good flavor may be given a score of 36 to 40 points. "Very good flavor" means a fine, distinct canned grapefruit juice and orange juice flavor which is free from off flavors of any kind and meets the following requirements for the respective style:

(1) Unsweetened:

	Minimum	Maximum
Brix (degrees)	10.0°	
Acid (per 100 grams)	0.75 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 11.5°	9.5:1	18:1.
If Brix is 11.5° or more	8.5:1	18:1.
Recoverable oil percent by volume.		0.035.

(2) Sweetened:

	Minimum	Maximum
Brix (degrees)	11.5°	
Acid (per 100 grams)	0.75 gm.	1.60 gms.
Brix-acid ratio:		
If Brix is less than 15°	10.5:1	18:1.
If Brix is 15° or more		18:1.
Recoverable oil percent by volume.		0.035.

(b) (*B*) *classification.* If the canned grapefruit juice and orange juice has a good flavor, a score of 32 to 35 points may be given. Canned juice that falls into this classification shall not be graded above U.S. Grade B regardless of the total score for the product (limiting rule). "Good flavor" means a good, normal canned grapefruit juice and orange juice flavor which is free from off flavors of any kind and meets the following requirements for the respective style:

(1) Unsweetened:

	Minimum	Maximum
Brix (degrees)	9.5°	
Acid (per 100 grams)	0.60 gm.	1.70 gms.
Brix-acid ratio	8:1	
Recoverable oil percent by volume.		0.055.

(2) Sweetened:

	Minimum	Maximum
Brix (degrees)	11.5°	
Acid (per 100 grams)	0.60 gm.	1.70 gms.
Brix-acid ratio:		
If Brix is less than 15°	10.5:1	
If Brix is 15° or more	No minimum.	
Recoverable oil percent by volume.		0.055.

(c) (*SStd*) *classification.* Canned grapefruit and orange juice that fails to meet the requirements of the U.S. Grade B classification, or is off-flavor for any reason, may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.1290 Definitions of terms and methods of analysis.

(a) *Brix.* "Brix" means the degrees Brix of the juice when tested with a Brix hydrometer calibrated at 20° C. (68° F.) and to which any applicable temperature correction has been made. The degrees Brix may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Brix-acid ratio.* "Brix-acid ratio" means the ratio between the Brix and the acid as defined in this section.

(d) *Recoverable oil.* "Recoverable oil" means the percent of oil by volume, determined by the Bromate titration method as described in the current issue

V 37 • 16 JAN 25 72 XUM

ment and order regulating the handling of milk in the Boston Regional and New York-New Jersey marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at New York, N.Y., on January 6, 1972, pursuant to notice thereof which was issued December 17, 1971 (36 F.R. 24820).

The material issues on the record of the hearing relate to:

1. Increased takeouts under the seasonal incentive plan.
2. Emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Increased takeouts under the seasonal incentive plan.* The Boston Regional and New York-New Jersey milk orders should be amended to provide an additional 10 cents per hundredweight takeout under the seasonal incentive pricing plans during the months of March through June. The resulting amount taken out for each month under these orders thus would be: March, 20 cents; April, 30 cents; and May and June, 40 cents.

Under the terms of the current orders the Class I price is based on and moved by the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis. The class II price is the lesser of such Minnesota and Wisconsin pay price or a butter powder formula price and is adjusted monthly in varied amounts ranging from a subtraction of a maximum of 10 cents to an addition of a maximum of 10 cents.

Before computing the uniform price payable to producers for each of the months of March through June, an amount determined by multiplying the volume of pooled milk by the specified takeout rate under the seasonal incentive pricing plan is subtracted from the pool funds. These amounts are held by the market administrator and added to the pool funds distributed during the months of August through November. The amount of the payback during the month of August is 25 percent of the total amount withheld in the 4 spring months, in September 30 percent, in October 30 percent, and in November the remainder plus interest earned on the aggregate fund withheld in the March through June period.

The New York-New England Cooperative Coordinating Committee, representing 16 cooperative producer associations with extensive producer membership under the northeastern orders, proposed that the specified amounts of takeout under the Boston Regional and New York-New Jersey milk orders be increased by 10 cents per hundredweight during the months of March through June, in the identical manner here adopted.

Another substantial cooperative association also proposed that the Boston Regional order takeout be increased by 10 cents per hundredweight during these months but held that no change should be made in the New York-New Jersey order at this time.

other processed food products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.1292 Score sheet.

Scoring factors	Score points	
Size and kind of container		
Container mark	Cans	
	Cases	
Identification		
Label (including ingredient statement, if any)		
Liquid measure (fluid ounces)		
Variation (inches)		
Style		
Brix (degrees)		
Acid (grams/100 gms calculated as anhydrous citric acid)		
Brix-acid ratio (÷)		
Pulp (free and suspended) (%)		
Recoverable oil (% by Volume)		
Degree of coagulation (None), (Slight), or (Serious)		
Color	20	(A)[1] 18-20 (B)[1] 0-17 (SStd)[1] 0-15
Defects	40	(A)[1] 36-40 (B)[1] 32-36 (SStd)[1] 0-31
Flavor	40	(A)[1] 36-40 (B)[1] 32-36 (SStd)[1] 0-31
Total score	100	
Grade		

[1] Indicates limiting rule.

Dated: January 18, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-967 Filed 1-24-72;8:45 am]

[7 CFR Parts 1001, 1002]

[Docket Nos. AO-14-A51, AO-71-A64]

MILK IN BOSTON REGIONAL AND NEW YORK-NEW JERSEY MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and to orders regulating the handling of milk in the Boston Regional and New York-New Jersey marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at New York, N.Y., on January 6, 1972, pursuant to notice thereof which was issued December 17, 1971 (36 F.R. 24820).

The material issues on the record of the hearing relate to:

1. Increased takeouts under the seasonal incentive plan.
2. Emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Increased takeouts under the seasonal incentive plan.* The Boston Regional and New York-New Jersey milk orders should be amended to provide an additional 10 cents per hundredweight takeout under the seasonal incentive pricing plans during the months of March through June. The resulting amount taken out for each month under these orders thus would be: March, 20 cents; April, 30 cents; and May and June, 40 cents.

Under the terms of the current orders the Class I price is based on and moved by the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis. The class II price is the lesser of such Minnesota and Wisconsin pay price or a butter powder formula price and is adjusted monthly in varied amounts ranging from a subtraction of a maximum of 10 cents to an addition of a maximum of 10 cents.

Before computing the uniform price payable to producers for each of the months of March through June, an amount determined by multiplying the volume of pooled milk by the specified takeout rate under the seasonal incentive pricing plan is subtracted from the pool funds. These amounts are held by the market administrator and added to the pool funds distributed during the months of August through November. The amount of the payback during the month of August is 25 percent of the total amount withheld in the 4 spring months, in September 30 percent, in October 30 percent, and in November the remainder plus interest earned on the aggregate fund withheld in the March through June period.

The New York-New England Cooperative Coordinating Committee, representing 16 cooperative producer associations with extensive producer membership under the northeastern orders, proposed that the specified amounts of takeout under the Boston Regional and New York-New Jersey milk orders be increased by 10 cents per hundredweight during the months of March through June, in the identical manner here adopted.

Another substantial cooperative association also proposed that the Boston Regional order takeout be increased by 10 cents per hundredweight during these months but held that no change should be made in the New York-New Jersey order at this time.

Diameter (inches):	Approximate revolutions per minute
10	1,609
10½	1,570
11	1,534
11½	1,500
12	1,468
12½	1,438
13	1,410
13½	1,384
14	1,359
14½	1,336
15	1,313
15½	1,293
16	1,271
16½	1,252
17	1,234
17½	1,216
18	1,199
18½	1,182
19	1,167
19½	1,152
20	1,137

LOT COMPLIANCE

§ 52.1291 Ascertaining the grade of a lot.

The grade of a lot of canned grapefruit juice and orange juice covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain

[1] Copies may be obtained from this Association at Box 540, Benjamin Franklin Station, Washington, DC 20044.

Proponents' justification for amending the orders emanates from the fact that:

1. The blend prices payable to producers under the two orders have substantially increased since the seasonal incentive plan was adopted. Because the takeout amounts are fixed under the terms of the orders and have remained unchanged, their effect as a tool for promoting more uniform production has decreased.

2. The seasonality in the Class II prices is less than when the seasonal incentive plan was adopted, and this has reduced the seasonality in the blend prices under the orders.

Milk production in these markets normally peaks during spring months and reaches its lowest level during the fall months, usually in November. Market needs for milk for fluid use tend to be greatest during the period when supply is shortest. To encourage more even production, the orders historically employed seasonally varied Class I prices. Prices were lowest in the flush production months and highest in the months of shortest production. The seasonally varied prices, which handlers were required to pay, generally resulted in seasonally varied resale prices. The resulting variations in resale prices were not well received by consumers and were believed to have an adverse effect on overall consumption.

In April 1967 these orders were amended to provide the present seasonal incentive plan generally referred to as the Louisville plan. Under this plan, a specified amount per hundredweight is deducted during the spring months of greatest production. These monies are added back, plus interest earned, during the fall months when production is lowest. The plan results in seasonally varied producer prices and thus functions to promote uniform production in essentially the same manner as the pricing plan employed previously under the orders by financially rewarding those dairymen who adjust their production to peak during the fall months when prices for milk are highest.

Proponents indicated that uniform production contributes to marketing efficiency which results in lower hauling and storage costs, reduced overall operating costs, and increased returns on surplus utilization. They pointed out that because take-out amounts are fixed amounts under terms of the order, the effectiveness of such deductions decreases as milk prices increase.

Since adoption of the plan in 1967, the Minnesota-Wisconsin price for milk of 3.5 percent butterfat content has increased 82 cents, or 21 percent. In addition, the seasonal spread in the Class II price, which averaged 40 cents in the 1964–68 period, decreased to an average of only 26 cents in the 1968–71 period.

The upward spiral of the Minnesota and Wisconsin manufacturing milk price, on which both Class I and Class II prices are based, has resulted in a very substantial increase in class prices under the orders. The fixed spring take-outs under the seasonal incentive pricing plan throughout this period of rapidly increasing prices in conjunction with a decline in the seasonality in Class II prices has resulted in a decline in the seasonality of prices payable to producers.

Under usual circumstances it would be expected that insufficient seasonal swing in producers' pay price would result in deterioration of the seasonal production pattern. There is little indication that the production pattern in these markets has been significantly altered by the change in seasonality of pricing which has thus far occurred. However, proponents' concern that the present seasonal production pattern may not continue in the face of the declining price incentive for fall production is valid. It is concluded, therefore, that proponents' request for a 10-cent hundredweight increase in the take-out amounts during the spring months should be and is hereby adopted.

The spokesman for the cooperative which proposed amendment of the Boston Regional order but opposed amendment of the New York-New Jersey order held that an increased take-out rate under order 1 would facilitate an improved pattern of production under that order. He indicated, however, that the change would result in an identical seasonal pricing plan under the Boston Regional and Connecticut orders (the Connecticut take-out is currently 10 cents higher than Boston Regional and New York-New Jersey) and this would tend to implement consolidation of those orders. This, he stated, was the primary reason for the cooperative's proposal to amend the Boston Regional order.

The cooperative's spokesman held that there was no indication that the reduced seasonality of pricing has had an adverse effect on the production pattern under Order 2. He also suggested that there could be producer opposition to the change in Order 2 and, therefore, held that the order should not be amended at this time.

Price alignment between the several northeastern markets has long been a matter of great concern both to producers and handlers. Numerous hearings have been held in the past to correct interorder price alignment to insure continuing orderly marketing which was threatened by shifts of producers between markets in response to price differences. As brought out in the cross-examination of the cooperative's spokesman, institutional factors in the Connecticut market tend to override price differences for producers seeking a market in Connecticut. This is not the case, however, between Orders 1 and 2. In large measure, producers can and do shift in substantial numbers whenever unusual price differences arise. It would be impractical to change the existing interorder price relationship between these two markets by modifying the takeout rate under the seasonal incentive pricing plan under the Boston Regional order only.

The proponent cooperatives for amendment of the two orders represent a very substantial segment of the producers in both markets. For the reasons previously stated, it is concluded that the proposal to amend both the Boston Regional and New York-New Jersey orders to increase the take-out rates under the seasonal incentive pricing plan should be adopted.

2. *Emergency action.* The notice of hearing stated that emergency action was requested with respect to these amendments. This would mean omission of a recommended decision. At the hearing, producer representatives favored issuance of a recommended decision. They indicated that emergency action should be taken only if the orders could not be amended by March, the first month of the take-out period under each order.

The cooperative favoring amendment of only the Boston Regional order further requested that a recommended decision be issued if the seasonal incentive plans under both orders are recommended for amendment. This would afford interested parties opportunity to file exceptions to the decision.

It is concluded that a recommended decision should be issued. It appears that sufficient time exists to amend the orders by March 1, the first month of the take-out period. Moreover, because there is some indication of possible disagreement among producer groups, it is desirable that opportunity be afforded for the filing of exceptions. Accordingly, the request for emergency action through omission of the recommended decision is denied.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the

V37 N25 72 J
XUM

Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the Boston Regional and New York-New Jersey marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1001—MILK IN BOSTON REGIONAL MARKETING AREA

1. In § 1001.65, paragraph (c) is revised as follows:

§ 1001.65 Basic blended price.

* * * * *

(c) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 20 cents in March, 30 cents in April, and 40 cents in May and June.

* * * * *

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.71, paragraph (c) is revised as follows:

§ 1002.71 Computation of the uniform price.

* * * * *

(c) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk for the month by 20 cents in March, 30 cents in April, and 40 cents in May and June;

* * * * *

Signed at Washington, D.C., on January 20, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-1074 Filed 1-24-72;8:49 am]

[9 CFR Part 327]

IMPORTATION OF MEAT AND MEAT PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the authority contained in the Federal Meat Inspection Act (34 Stat. 2160, as amended, 21 U.S.C. 601 et seq.), the Consumer and Marketing Service is considering amending § 327.2(b) of the Federal meat inspection regulations (9 CFR 327.2(b)) by adding the Trust Territory of the Pacific Islands to the list of countries specified therein.

Statement of considerations. The Federal Meat Inspection Act prohibits the importation into the United States of carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, or equines, capable of use as human food, unless they comply with all the provisions of the act and regulations issued thereunder applicable to such articles in commerce within the United States. Such articles from approved plants in the countries listed in § 327.2 (b) are eligible for importation into the United States as provided in the regulations. The laws and regulations of the Trust Territory of the Pacific Islands concerning these matters have been reviewed and appear to be acceptable. Further, onsite reviews of the export meat inspection program of the Trust Territory of the Pacific Islands indicate that it is equal to our program in the United States. Certificates issued by the Trust Territory of the Pacific Islands officials for export of carcasses, parts thereof, meat and meat food products to the United States are reliable.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to the Director, Field Operations Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views within the 30-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on January 19, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-1075 Filed 1-24-72;8:49 am]

Rural Electrification Administration

[7 CFR Part 1701]

FINANCIAL SECURITY OF REA ELECTRIC DISTRIBUTION BORROWERS

Revision of REA Policy and Procedure

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 100–4, Financial Security of REA Distribution Borrowers. This REA Bulletin provides REA policy and procedure for identifying and assisting electric distribution borrowers having conditions that may endanger the sound financial operations of the system. On final issuance of this revised REA Bulletin, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the provisions of revised REA Bulletin 100–4 may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

The text of the proposed revision of REA Bulletin 100–4 is as follows:

REA BULLETIN 100–4

SUBJECT: Financial Security of REA Distribution Borrowers:

I. *Purpose.* To set forth Rural Electrification Administration policy and procedures for identifying and assisting distribution borrowers having conditions that may endanger the sound financial operation of the system.

II. *Policy.* As a minimal financial standard, borrowers are expected to earn a Times Interest Earned Ratio (TIER) of at least 1.5 and a Debt Service Coverage (DSC) of at least 1.25 each calendar year. Accordingly, each borrower is expected to identify actual and potential financial conditions where these minimal standards of TIER and DSC are not met or where special circumstances exist, and take prompt steps to correct the conditions. To the extent possible, REA will give assistance to borrowers in preparing and implementing corrective plans.

III. *Identification of Borrower Problems.* The following are indicators of needed improvement in a borrower's operation:

A. *Default in Loan Payments.* Payment of principal and/or interest is overdue 30 days or more.

B. *Inadequate TIER or DSC.* A TIER of less than 1.5 or a DSC of less than 1.25 for the last calendar year determined in accordance with the formula attached as Exhibit A.

C. *Special Circumstances.* The board of directors or the area director may identify special circumstances which may endanger sound financial operation such as: Unsatisfactory condition of utility plant; unfavorable wholesale power supply and delivery conditions; unsatisfactory condition of records; unsatisfactory quality of service; loss of consumers due to territorial conflict; a poor safety record; labor or regulatory problems; unsatisfactory board-manager, manager-member or public relationships; violation of mortgage convenants; unreasonably high operating expenses; or other circumstances.

IV. *Corrective Action Program.* A. Each borrower having any of the conditions described in this bulletin or any other condition which adversely affects the system's operation should make a thorough analysis of its situation. A written formal program should be prepared by the borrower's staff with help from REA as necessary. The program should:

1. Define the problem or problems.
2. State the steps required for the elimination of problems.
3. Establish dates for the completion of the necessary steps indicated above.
4. Be approved by the board of directors.

B. A board-approved copy of the plan should be submitted to the area office through the operations field representative. The area director will evaluate the program to determine if it provides for the necessary improvement. The board of directors should review, at least once every three months, the progress achieved in following its plan to determine:

1. Whether the various steps are being carried out on schedule and are achieving the recommended objectives, or
2. Whether the plan needs revision or modification to place system operations on a sound basis.

C. When REA assistance is needed, the area director will coordinate the development of a corrective action program in cooperation with the borrower. Early identification of the need for such assistance and prompt referral of the request to REA representatives will facilitate REA's giving proper priority to assist in meeting the system's needs.

Dated: January 19, 1972.

DAVID A. HAMIL,
Administrator.

[FR Doc.72-1077 Filed 1-24-72;8:49 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1624, 1626]

SELECTIVE SERVICE REGULATIONS

Procedure When Registrant Fails to Appear; Correction

In F.R. Doc. 72–456 appearing at pages 479–484 in the issue of Wednesday, January 12, 1972, the following corrections are made:

(a) The first sentence of paragraph (a) of §1624.5 that appears on page 481 should read as follows: "Whenever the registrant for whom a personal appearance has been scheduled fails to appear in accord with such schedule, the local board shall consider any explanation of such failure that has been filed within 5 days (or extension thereof granted by the local board) after such failure in accordance with § 1624.3."

(b) "Section 1626.24 *Review by appeal board"* that appears on page 482 should read "§ 1626.4 *Review by appeal board"* and in the first sentence of paragraph (c) of such section the word "local" should read "appeal."

CURTIS W. TARR,
Director.

JANUARY 19, 1972.

[FR Doc.72-1057 Filed 1-24-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

NONSTERILE DEVICES SHIPPED IN INTERSTATE COMMERCE FOR STERILIZATION

Proposal Regarding Label Statements

In the past 10 years there has been an ever increasing use of presterilized devices at hospitals, clinics, doctors' offices, nursing homes, and elsewhere. The Food and Drug Administration is aware that in producing these devices it is a common practice among the members of the industry to manufacture and/or assemble, package, and fully label sterile devices at one establishment and to ship them in interstate commerce to be sterilized. The shipment in interstate commerce of a nonsterile device labeled as sterile is a violation of the Federal Food, Drug, and Cosmetic Act. Such a product is adulterated and misbranded under sections 501 (c) and 502(a) of the act.

The Food and Drug Administration recognizes that, while there has been little or no known abuse of this practice, it is a violation of the law and that the possibility of a nonsterile device's being diverted to the market without being sterilized represents a hazard to the consumer. FDA also recognizes that such shipments are essentially an extension of the processing of such devices and are economically necessary for some firms.

The Commissioner of Food and Drugs has concluded that it is in the interest of the consumer and the regulated industries to sanction the practice by which a device that is manufactured and/or assembled, packed, and labeled as sterile in one establishment is shipped or otherwise delivered to another establishment for sterilization. Accordingly, he proposes, insofar as sterility of the product is concerned, to exempt devices which meet certain conditions from compliance with sections 501(c) and 502(a) of the Federal Food, Drug, and Cosmetic Act during the time in which they are subject to interstate commerce and while they are being held for sterilization.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(c), 502(a), 701(a), 52 Stat. 1050, 1055; 21 U.S.C. 351(c), 352(a), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 1 be amended by adding a new paragraph (i) to § 1.107, as follows:

§ 1.107 Drugs and devices; exemptions.

* * * * *

(i) In view of the fact that it is a common industry practice to manufacture and/or assemble, package, and fully label a device as sterile at one establishment and then ship such device in interstate commerce to a contract sterilizer for sterilization, the Food and Drug Administration will initiate no regulatory action against the device as misbranded or adulterated when the device is labeled sterile, provided all the following conditions are met:

(1) There is in effect a written agreement which:

(i) Contains the names and post office addresses of the firms involved and is signed by the person authorizing such shipment and the operator or person in charge of the establishment receiving the devices for sterilization,

(ii) Provides instructions for maintaining proper records or otherwise accounting for the number of units in each shipment to insure that the number of units shipped is the same as the number received and sterilized,

(iii) Acknowledges that the device is nonsterile and is being shipped for further processing, and

(iv) States in detail the sterilization process, the gaseous mixture or other media, the equipment, and the testing method or quality controls to be used by the contract sterilizer to assure that the device will be brought into full compliance with the Federal Food, Drug, and Cosmetic Act.

(2) Each pallet, carton, or other designated unit is conspicuously marked to show its nonsterile nature when it is introduced into and is moving in interstate commerce, while it is being held prior to sterilization, and until such time as it is established that the device is sterile and can be released from quarantine.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1035 Filed 1-24-72;8:46 am]

V 37 16 JAN 25 72 XUM

[21 CFR Part 3]

ANTIBACTERIAL INGREDIENTS IN DRUG AND COSMETIC PRODUCTS FOR REPEATED DAILY HUMAN USE

Proposed Statement of Policy; Correction

In F.R. Doc. 72-209 appearing at page 219 in the January 7, 1972, issue of the FEDERAL REGISTER, the paragraph immediately following paragraph (d) of the proposed statement of policy is corrected by designating it as paragraph (e) and changing it to read as follows:

§ 3.___ Antibacterial ingredients in drug and cosmetic products for repeated daily human use.

* * * * *

(e) To the extent that they are inconsistent with this statement of policy, the following prior notices are hereby superseded:

DESI No. 4749 (34 F.R. 15389, October 2, 1969), "Certain OTC Drugs for Topical Use;" DESI No. 2855 (35 F.R. 12423, August 4, 1970), "Certain Mouthwash and Gargle Preparations;" DESI No. 6940 (36 F.R. 14518, August 6, 1971), "Topical Cream Containing Pyrilamine Maleate, Benzocaine, Hexachlorophene, and Cetrimonium Bromide;" DESI No. 6615 (36 F.R. 18022, September 8, 1971), "Deodorant/Antiperspirant;" and DESI No. 6270 (36 F.R. 23330, December 8, 1971), "Certain Preparations Containing Hexachlorophene."

Dated: January 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1036 Filed 1-24-72;8:46 am]

[21 CFR Part 141]

TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Proposal Regarding Alternative Assay Methods, Including Automated Procedures

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Part 141 be revised to provide for the use of suitable alternative assay methods, including automated procedures, employing the same basic microbiology or chemistry as the official methods described in the certification monographs and providing results of equivalent accuracy.

It is proposed that Part 141 be amended:

1. By establishing a new Subpart A consisting at this time of existing § 141.1 and a new § 141.1a as follows:

Subpart A—Definitions and Interpretations Applicable to Part 141

Sec.
141.1 Sterility tests.
141.1a Alternative assay methods.

2. By revising § 141.1 in the heading and in the paragraph headings of paragraphs (a), (b), (c), and (d) to read as follows:

§ 141.1 Sterility tests.

(a) *"Filling operation" and "sample" defined.* * * *

(b) *Packaging requirements for samples.* * * *

(c) *Diluents packaged in combination with sterile antibiotic drugs.* * * *

(d) *Droppers packaged in combination with sterile antibiotc drugs.* * * *

3. By adding a new section as follows:

§ 141.1a Alternative assay methods.

Alternative assay methods (including automated procedures) employing the same basic chemistry or microbiology as the official methods described in this part and in the individual monographs of this chapter may be used, provided the results obtained are of equivalent accuracy. However, only the results obtained from the official methods designated in the individual monographs are conclusive.

4. By redesignating existing Subpart A as Subpart B, consisting of § 141.2 et seq., by changing the heading to read as follows: "Subpart B—Biological Test Methods."

5. By redesignating Subpart B as Subpart C, consisting of § 141.101 et seq., by changing the heading to read as follows: "Subpart C—Microbiological Assay Methods."

6. By redesignating Subpart C as Subpart D, consisting of § 141.501 et seq., by changing the heading to read as follows: "Subpart D—Chemical Tests for Antibiotics."

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 17, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc. 72-1037 Filed 1-24-72;8:46 am]

Public Health Service

[42 CFR Part 91]

GRANTS FOR PREVENTION OF LEAD-BASED PAINT POISONING

Notice of Proposed Rule Making

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue a new Part 91 of Title 42, CFR, to govern grants for the prevention of lead-based paint poisoning under titles I and II of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 and 4811), as set out below.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed 42 CFR Part 91 to the Bureau of Community Environmental Management, Room 15-87, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852, within 30 days after the publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection at the foregoing address during regular business hours.

It is therefore proposed to amend Chapter I of Title 42 in the manner set forth below.

Dated: December 15, 1971.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: January 17, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Chapter I of Title 42 is amended by adding a new Part 91, to read as follows:

PART 91—GRANTS FOR PREVENTION OF LEAD-BASED PAINT POISONING

Sec.
91.1 Applicability.
91.2 Definitions.
91.3 Eligible applicants.
91.4 Form and manner of application.
91.5 Description of program.
91.6 Evaluation and grant award.
91.7 Grant payments.
91.8 Use of grant funds.
91.9 Nondiscrimination.
91.10 Confidentiality.
91.11 Inventions and discoveries.
91.12 Publication and copyright.
91.13 Expenditures by grantee.
91.14 Grantee accountability.
91.15 Records, reports, inspection, and audit.
91.16 Additional conditions.
91.17 Early termination and withholding of payments.

AUTHORITY: The provisions of this Part 91 issued under secs. 101 and 201, 42 U.S.C. 4801 and 4811; 84 Stat. 2078.

§ 91.1 Applicability.

The regulations in this part are applicable to the award of grants under titles I and II of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 and 4811; 84 Stat. 2078) to assist units of general local government in any State in developing and carrying out local programs for the detection and treatment of incidents of lead-based paint poisoning and for the identification and elimination of the hazards of lead-based paint poisoning.

§ 91.2 Definitions.

As used in this part:

(a) "Act" means the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695 (42 U.S.C. 4801 et seq.; 84 Stat. 2078).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(d) "Unit of general local government" means (1) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; (2) any combination of units of general local government in one or more States; (3) an Indian tribe; or (4) with respect to lead-based poisoning elimination activities in their urban areas, the territories and possessions of the United States.

(e) "Lead-based paint" means any paint containing more than 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of liquid paints or in the dried film of paint already applied.

§ 91.3 Eligible applicants.

Any unit of general local government is eligible to apply for a grant under this part.

§ 91.4 Form and manner of application.

(a) An application for a grant under this part shall be submitted to the Secretary in such form and manner and at such time as the Secretary may prescribe.[1]

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this part.

(c) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct the project and carry out the requirements of this part, and shall clearly identify the respective amounts of grant funds to be utilized under title I and title II of the act.

(d) Prior to submission of the application to the Secretary, reasonable opportunity for review and comment with respect to the application shall be afforded to the appropriate State comprehensive health planning agency designated pursuant to section 314(a) of the Public Health Service Act (42 U.S.C. 246(a)) and to the appropriate areawide health planning agency, if any established pursuant to section 314(b) of the Public Health Service Act (42 U.S.C. 246(d)).

§ 91.5 Description of program.

An application for a grant under this part shall set forth a description of the proposed lead-based poisoning prevention program, which shall include:

[1] Applicants and instructions may be obtained from the Regional Health Director of the Health Services and Mental Health Administration at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted.

(a) A description of the applicant's legal authority and responsibility for the administration of such program, together with a description of the steps which the applicant proposes to take in order to obtain any legal authority which is necessary for the administration of such program but which is not currently available to the applicant.

(b) A description of the applicant's administrative organization, procedures, facilities, financial, and other resources, and staff, together with plans for changes or development, including additional staffing, necessary to carry out the programs efficiently and effectively.

(c) A description of the nature, effects and extent of the actual and potential local lead-based paint poisoning problems, including an identification of the major areas and population affected by lead-based paint poisoning, and the methods used in determining the nature, effect and extent of the lead-based paint poisoning problem.

(d) The overall objectives of the program (including immediate and long-range objectives) which must be appropriate to the solution of the lead-based paint poisoning problems identified in paragraph (c) of this section.

(e) A description of the manner in which the proposed program will be integrated with existing comprehensive health service and housing programs.

(f) A description of a comprehensive program for the detection and treatment of incidents of lead-based paint poisoning and for the identification and elimination of the hazards of lead-based paint poisoning, which program must include specific measures taken or to be taken to accomplish the objectives identified pursuant to paragraph (d) of this section, and a schedule for their accomplishment. The program shall emphasize screening and detection activities, and shall include:

(1) The development of effective informational programs designed to develop awareness of the problem among the population of the communities affected;

(2) Community self-help programs to enable residents to remove lead-based paint poisoning hazards from the residential community;

(3) To the maximum extent feasible, opportunities for training, education, and employment of the residents of communities affected by lead-based paint poisoning, and shall include a program for providing information which may be necessary to inform such residents of opportunities for employment in the lead-based paint elimination program;

(4) Establishment of lead-based paint poisoning screening services at such locations and at such times as to be easily accessible to the residents of the communities identified as needing such services;

(5) An intensified community follow-up program to insure that children with elevated blood lead levels (over 40 micrograms per 100 milliliters of blood) are given prompt medical treatment;

(6) A comprehensive program of testing to detect the presence of lead-based paints in residential housing; and

(7) A comprehensive program requiring owners or landlords of housing units found to have unacceptable levels of lead-based paint, on interior surfaces or exterior surfaces accessible to children, to eliminate the paint from such surfaces or otherwise control the hazard; and, requiring other actions to eliminate or reduce lead-based paint poisoning.

(g) A description of the ongoing evaluation and planning by which the applicant will measure and further its progress in attaining the program objectives.

(h) An assurance that, in the operation of the program, no charge will be made for screening and detection tests.

§ 91.6 Evaluation and grant award.

(a) Within the limits of funds available for such purposes, the Secretary may award grants with respect to those projects which will in his judgment best promote the purposes of the act, taking into account:

(1) The significance of each project in terms of the extent of and need for the services to be provided;

(2) The general quality and effectiveness of the lead-based paint poisoning prevention program in relation to the requirements of § 91.5;

(3) The extent to which representatives of the communities to be served have been involved in the development of the project;

(4) The extent to which, in the judgment of the Secretary, a grant under this part will assist in the establishment of a continuing lead-based paint poisoning prevention program which will be conducted by the applicant beyond the termination of Federal financial support; and

(5) The extent to which the Federal and local programs are coordinated and utilized to impact on the lead-based paint poisoning problem.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary. *Provided*, however, that no grant under this part shall include an amount for carrying out the purposes of title I of the act

V37-16 JAN 25 72 XUM

which exceeds 75 percent of the cost of carrying out such purposes, as described in the application and determined by the Secretary. In determining the grantee's share of project costs, costs for which Federal grants from other sources have been or may be claimed or received or costs used to match other Federal grants except as may be otherwise provided by law, or costs to be met from the Federal share of grant related income (except as may be permitted by chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual [1]) may not be included.

(c) Except as may otherwise be provided by the regulations of this part, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in chapters 1–76, 2–65, 2–66, and 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual.

(d) All grant awards shall be in writing, shall set forth the respective amounts of funds granted under title I and under title II of the act, and the period for which support is recommended.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

§ 91.7 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 91.8 Use of grant funds.

(a) Any funds granted pursuant to this part as well as other funds to be used in performance of the approved project shall be expended solely for carrying out the approved project in accordance with the statute, the regulations of this part, the terms and conditions of the award and cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual. Such funds may be expended for medical care or treatment and the deleading of residential environments only under special circumstances as indicated in the following items:

(1) Providing medical care or treatment on only an emergency basis of victims of lead-based paint poisoning where the applicant finds, and demonstrates to the satisfaction of the Secretary, either before or after the provision of such care or treatment, that no other funds are reasonably available for such care and treatment; or

(2) Deleading of residential dwellings, only where the applicant finds that the presence of lead-based paint on interior surfaces of such a dwelling presents an imminent danger to the health and safety of one or more residents and where the applicant finds, and demonstrates to the satisfaction of the Secretary, either before or after such deleading, that no other funds are reasonably available for such deleading.

(b) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

§ 91.9 Nondiscrimination.

(a) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252) which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(b) All services and employment opportunities provided with the aid of grants under this part shall, except where otherwise medically indicated, be made available without discrimination on the grounds of age, sex, creed, marital status, or duration of residence.

§ 91.10 Confidentiality.

Each grant award is subject to the condition that all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 91.11 Inventions or discoveries.

Any grant award pursuant to this part is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 91.12 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 91.13 Expenditures by grantee.

The total cost of a project includes the identifiable direct costs and the associated indirect costs. Except as may otherwise be provided by or pursuant to the regulations of this part, the identification of direct and indirect costs will be consistent with the same policies and methods that the grantee applies to its own activities and in conformance with the applicable cost principles as set forth in the Department's Grants Administration Manual. Funds granted for the direct costs of approved projects may be expended by the grantee to the extent that such items are required to carry out the approved project. The amount of any award for the indirect costs of any project, subject to such maximum amounts or percentages as may be prescribed by law, shall be calculated in accordance with chapter 1–80 of the Department's Grants Administration Manual. The Secretary may issue rules, instructions, interpretations or limitations supplementing the regulations of this part and prescribing the extent to which particular types of expenditures may be charged as direct or indirect costs to the granted funds.

§ 91.14 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards and separate records shall be maintained for payment with respect to title I and title II of the act. With respect to each approved project, the grantee shall account for the sum total of all amounts paid out by presenting or otherwise making available evidence, satisfactory to the Secretary, of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment.* As used in this section the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1–410–50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other lead-based paint poisoning prevention projects.* Equipment may be used without adjustment of accounts on other grant supported projects (whether or not federally supported) within the scope of the act, and no other accounting for such equipment shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization, or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of the act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1–410–50B of the Department of Health, Education, and Welfare Grants Administration Manual, may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in Chapter 1–420 of the Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full accounting, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of—

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for materials on hand as provided in paragraph (b) of this section;

(iii) Any credits for earned interest pursuant to subparagraph (c) (1) of this section; and

(iv) Any other settlements required by paragraph (c) (2) and (3) of this section.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

§ 91.15 Records, reports, inspection, and audit.

(a) *Records and reports.* Each grant awarded pursuant to this part shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purpose of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant under this part shall constitute the consent of the applicant to inspections of the facilities, equipment and other resources of the applicant at reasonable times by persons designated by the Secretary and to interviews with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under this part shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of records relating to the use of grant funds.

§ 91.16 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 91.17 Early termination and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act, the regulations of this part, or the terms of the grant, he may on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[FR Doc.72-1039 Filed 1-24-72;8:46 am]

[1] The Department Grants Administration Manual is available for inspection at the Public Information Office of the several department regional offices and available for purchase at the Government Printing Office, GPO document No. 894-523.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-WA-26]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation regulations that would alter the Cordova, Alaska, control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air

V 37 16 JAN 25 72 XUM

Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 95501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recomended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes the following airspace action:

1. Revoke the Cordova, Alaska, control zone extension predicated on the Cordova RR southeast course.

2. Amend the Cordova, Alaska, transition area to read as follows:

That airspace extending from 700 feet above the surface within 6 miles northwest and 9.5 miles southeast of the 233° bearing from the Cordova (CDV) NDB extending from the intersection of the 233° bearing from the Cordova (CDV) NDB and the east course of the Hinchinbrook, Alaska, RR to 19 miles southwest; that airspace extending upward from 1,200 feet above the surface within 6 miles each side of the Cordova localizer east course extending from the localizer to 40 miles east; and within 5 miles each side of a line extending from the Johnstone Point, Alaska, VOR to the Cordova (CDV) NDB.

The control zone extension and the associated transition area predicated on the Cordova RR southeast course are no longer required since there is no associated instrument approach procedure.

The existing 700-foot transition area southwest of Egg Island Intersection requires alteration to provide controlled airspace, specified by existing criteria, for aircraft executing the Cordova NDB-A instrument approach procedure and aircraft holding at the Egg Island Intersection.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 18, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1019 Filed 1-24-72;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

PROPOSED MOTOR VEHICLE SAFETY REGULATIONS

Suspension of Rule Making

The purpose of this notice is to suspend rule making in the dockets listed below. After consideration of the available information, it has been determined that sufficient justification for regulations of the nature proposed has not been shown at this time. Accordingly, no regulation on any of these subjects will be issued without additional notice and opportunity for comment.

Rule Title	Docket No.	Latest action	Date of issuance	FEDERAL REGISTER reference
Trailer Hitches, Couplings & Safety Chains	1-20	NPRM	8- 6-70	35 F.R. 12847.
Theft Protection—Amendment to Standard No. 114	1-21	ANPRM	9-26-69	34 F.R. 15421.
Fuel System Integrity (Heavy Vehicles Only)	3-2	ANPRM	10-11-67	32 F.R. 14282.
Radiator Caps	4-1	ANPRM	10-11-67	32 F.R. 14282.
Odometers	4-4	ANPRM	10-11-67	32 F.R. 14282.
Motor Vehicles of 1,000 lbs. or Less Curb Weight	5-1	NPRM	2-16-70	35 F.R. 3297.
Illumination and Glare Produced by Headlamps (Consumer Information).	28-4	ANPRM	10- 3-68	33 F.R. 14971.
Field of View of the Driver (Consumer Information)	28-5	NPRM	5-27-70	35 F.R. 8667.
Overall Steering Ratio (Consumer Information)	28-7	NPRM	12- 6-68	33 F.R. 18382.
		NPRM[1]	12-30-68	34 F.R. 17.
Trailer Towing Performance (Consumer Information)	28-8	NPRM	8- 6-70	35 F.R. 12849.
Flammability of Materials in Vehicle Interiors (Consumer Information).	28-9	NPRM	12- 6-68	33 F.R. 18392.
Motor Vehicle Safety Standard No. 205 (Glazing Materials) Forward Facing Windows and Partitions and Edges (Amendment).	29	NPRM	9-13-68	33 F.R. 14173.
		NPRM[1]	10- 2-68	33 F.R. 15029.
Stability and Control of Coupled Vehicles	69-1	ANPRM	1-17-69	34 F.R. 1055.
Motor Vehicle Safety Standard No. 205; Glazing Materials (Amendment).	69-5	NPRM	2-27-69	34 F.R. 3699.
Power Operated Window Systems	69-11b	ANPRM	8-20-69	34 F.R. 13609.
Horns and Other Audible Warning Devices	69-14	ANPRM	9-10-69	34 F.R. 14438.
Seat Belt Assemblies (Amendment to Std. 209)	69-21	ANPRM	9-29-69	34 F.R. 15421.
Seat Belt Assemblies	69-22	ANPRM	12-17-69	34 F.R. 20211.
Tilt Cab Vehicle Latch Systems	69-27	ANPRM	10-11-69	34 F.R. 17115.
Effect of Vehicle Loading on Headlamp Aim (Consumer Information).	70-13	NPRM	6- 1-70	35 F.R. 8832.
Airbrake Line Couplers	70-18	NPRM	8-18-70	35 F.R. 13527.
Acceleration & Passing Ability (Consumer Information)	70-19	NPRM	8-18-70	35 F.R. 13583.

[1] Extension of time for comments.

This notice is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1401, 1407) and the delegations of authority at 49 CFR 1.51 and 501.8.

Issued on January 18, 1972.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.72-979 Filed 1-24-72;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 170]

FACILITIES AND MATERIALS LICENSES

Proposed Fee Schedules

The Atomic Energy Commission is proposing to amend its regulations in 10 CFR Part 170 to revise the fees for facilities and materials licenses to reflect increased licensing costs and to include health and safety compliance and inspection costs.

The Commission first adopted rules providing for regulatory license fees in 1968. This action was based on title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290; 31 U.S.C. 483a). The fees in Part 170 became effective on October 1, 1968. On February 5, 1971, the Commission amended Part 170 to permit recovery of the regulatory costs associated with the processing of facilities and materials licenses, except those costs for certain categories of licenses set forth in § 170.11 which are exempt from payment of fees. Costs related to health and safety compliance and inspections, rule making, development of standards, codes, criteria, safeguards activities, and administration of the State relations program were not included in the February 5, 1971, schedule.

The Commission in its review of the fee schedule in Part 170 has determined that the schedule should reflect increased licensing costs and should include costs related to health and safety compliance and inspection costs. Accordingly, a proposed revised fee schedule has been developed to cover these costs. In addition, further refinements have been made in the schedule to more accurately reflect the allocation of costs to specific types of licenses.

The fees set forth in the proposed revised schedules in §§ 170.21 and 170.31 are designed to recover the Commission's regulatory health and safety inspection and compliance costs in addition to its costs of licensing, except those costs for certain categories of licenses which are exempt from payment of fees.

Costs related to rule making, development of standards, codes, criteria, safeguards activities, and administration of the State relations program were not included in the schedule.

New fee categories would apply to licenses for (1) plutonium processing and fuel fabrication plants as defined in § 70.4(r) of 10 CFR Part 70, (2) possession and use of byproduct material in quantities of less than 10,000 curies in sealed sources for irradiation of materials, (3) use of byproduct material for research and development, (4) use of special nuclear material and byproduct material for well logging and well surveys, and (5) laundry facilities authorized to decontaminate clothing containing radioactive material.

The prescribed fees for certain materials licenses have been reduced.

Footnotes 3 and 4 in § 170.21, relating to fees for facilities licenses, would be modified to reflect the consideration of the costs of health and safety inspection and compliance activities with respect to such licenses.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 170 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments may be examined in the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

1. Section 170.21 of 10 CFR Part 170 is revised to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the fees set forth below: *Provided, however,* That annual fees shall not be paid by holders of licenses which authorize the possession but not operation of production or utilization facilities:

SCHEDULE OF FEES

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license)[1]	Application fee for construction permit	Construction[2] permit fee	Operating[4] license fee	Annual fee after issuance of operating license
(1) Power reactor[3]	$70,000	$60,000+ $30/Mw(t)[2].	$125,000+ $95/Mw(t)[2].	$12/Mw(t)[5] ($12,000 minimum).
(2) Testing facility	3,900	$10,600	$15,200	$14,500.
(3) Research reactor	600	$2,300	$3,500	$3,500.
(4) Other production or utilization facility	60,000	$155,000	$145,000	$145,000.

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount already paid.

[2] Thermal megawatts.

[3] When construction permits are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the construction permit fee for the first reactor will be $60,000+ $30/Mw(t) and $30,000+$30/Mw(t) for each additional reactor.

[4] When operating licenses are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the operating license fee will be $125,000+$95/Mw(t) for the first reactor and $95,000+$60/Mw(t) for each additional reactor.

[5] For construction permits and operating licenses for power reactors with a capacity in excess of 3,000 Mw(t), the fee will be computed on a maximum power level of 3,000 Mw(t).

2. Section 170.31 of 10 CFR 170 is revised to read as follows:

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials licenses[1]	Application fee[1]	Annual fee
1. Special nuclear material:		
A. Licenses for quantities of five (5) kilograms or more of contained uranium-235, uranium-233 and plutonium, except for licenses for plutonium processing and fuel fabrication plants as defined in § 70.4(r) of this chapter, licenses for storage only and licenses authorizing possession and use of special nuclear material in sealed sources as defined in Part 70 of this chapter.	$10,000+$10 per kilogram (maximum fee $26,000).	$10,000+$10 per kilogram (maximum fee $26,000).
B. Licenses for possession and use of special nuclear material in plutonium processing and fuel fabrication plants as defined in § 70.4(r) of this chapter.	$27,000	$27,000.
C. Licenses for quantities of five (5) kilograms or more of contained uranium-235, uranium-233 and plutonium for storage only except for licenses authorizing storage only of special nuclear material in sealed sources as defined in Part 70 of this chapter.	$2,440	$2,440.
D. Licenses for quantities of 350 grams to five (5) kilograms of contained uranium-235, uranium-233 and plutonium except for licenses for storage only and licenses authorizing possession and use of special nuclear material in sealed sources as defined in Part 70 of this chapter.	$2/gram (maximum fee $6,000).	$2/gram (maximum fee $6,000).
E. All other specific special nuclear material licenses	$120	$120.
2. Source material:		
A. Licenses for source material in quantities greater than 50 kilograms, except licenses for storage only and licenses for use only of source material in counterweights.	$80+$0.10 per kilogram (maximum fee $1,300).	$80+$0.10 per kilogram (maximum fee $1,300).
B. All other specific source material licenses	$80	$80.
3. Byproduct material:		
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing, or manufacturing of items containing byproduct material or quantities of byproduct material for commercial distribution.	$1,755	$1,755.
B. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography.	$610	$610.
C. Licenses for possession and use of byproduct material in quantities of 10,000 curies or more in sealed sources for irradiation of materials.	$555	$555.

Footnotes at end of table.

V 37-16 JAN 25 72 XUM

SCHEDULE OF MATERIALS LICENSES FEES—Continued

Category of materials licenses [1]	Application fee [2]	Annual fee
3. Byproduct material—Continued		
D. Licenses for possession and use of byproduct material in quantities of less than 10,000 curies in sealed sources for irradiation of materials.	$265	$265.
E. Licenses issued pursuant to Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Part 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under Part 31 or 35 of this chapter.	$690	$690.
F. Licenses issued pursuant to Part 32, except §32.11, of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter, except specific license authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of Part 30 of this chapter, and specific licenses which authorize distribution of timepieces, hands, and dials.	$690	$690.
G. Licenses for possession and use of byproduct material for research and development, except those licenses covered by Category 3A.	$265	$265.
4. Waste disposal:		
A. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee.	$1,625	$1,625.
5. Well logging and well surveys:		
A. Licenses for possession and use of special nuclear material and byproduct material for oil and gas well logging and well surveys.	$265	$265
6. Nuclear laundries:		
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material and special nuclear material.	$265	$265.
7. All other licenses:		
A. All other specific materials licenses other than licenses in Categories 1A through 6A.	$25	$25.

[1] Amendments reducing the scope of a licensee's program shall not entitle the licensee to a partial refund of any fee; applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee for less the amount already paid.

[2] Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Washington, D.C., this 19th day of January 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-994 Filed 1-24-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23055]

[14 CFR Parts 207, 208, 212, 214, 372a]

CHARTER AIR TRAVEL

Proposed New Class; Extension of Time for Filing Comments

JANUARY 19, 1972.

The Board, by circulation of notice of proposed rule making EDR-218/SPDR-22A, dated December 30, 1971, and published at 37 F.R. 222, gave notice that it had under consideration the amendment of Parts 207, 208, 212, and 214 of its economic regulations (14 CFR Parts 207, 208, 212, and 214), and the adoption of a new Part 372a of its Special Regulations (14 CFR Part 372a), establishing a new class of charter to be called "Travel Group Charter." Interested persons were invited to participate in the proceeding by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before February 7, 1972, with reply comments thereon due on or before February 22, 1972.

Counsel for 10 trunkline carriers has requested that the time for filing initial comments be extended to February 22, 1972, and that the time for filing responsive comments be extended to March 21, 1972. It is asserted that a 2-week extension of time for filing initial comments is required to obtain evidence to rebut the presumptions stated in the Explanatory Statement accompanying the proposed rule, to prepare drafts of comments, to coordinate a joint position for the various clients, and to print the comments and perform related tasks. It is further asserted that a 2-week extension of time for filing reply comments is needed because many interested persons do not serve their comments in rule making proceedings and it sometimes takes days or weeks to obtain copies. Counsel for the member carriers of the National Air Carrier Association (NACA), representing the supplemental air carriers, opposes the request for extensions of time, stating that the purpose of the trunkline carriers' request is to preclude the use of travel group charters during the 1972 summer season, that the basic outline of the Board's proposal has been known to the trunkline carriers since January 1971, and that the problem of coordinating the joint comments of a number of carriers is one which NACA also faces but does not warrant any extension of time.

The Board desires to move forward with this rule making proceeding as expeditiously as possible. However, considering the complexity of the proposed rule and its importance to the air travel industry and the public, the request for a 2-week extension of time for filing initial comments appears reasonable and will be granted. In light of this extension of time for filing initial comments, a 1-week additional extension of time for filing responsive comments appears reasonably adequate, and will be granted.

The Board does not contemplate granting any further extensions of time in this matter except under the most compelling circumstances.

Accordingly, the Board hereby extends the time for submitting initial comments to February 22, 1972, and the time for filing reply comments is hereby extended to March 15, 1972.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1069 Filed 1-24-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19047; FCC 72-47]

TELEVISION TABLE OF ASSIGNMENTS, SUBSTITUTING CHANNEL 26 FOR CHANNEL 59 AT NEW HAVEN, CONN.

Report and Order Terminating Proceeding

In the matter of amendment of § 73.606(b) of the Commission's rules, Television Table of Assignments, Substituting Channel 26 for Channel 59 at New Haven, Conn., Docket No. 19047, RM-1361.

1. The Commission has before it for consideration the television channel interchange proposal of Impart System, Inc. (Impart), permittee of UHF Station WTVU, not yet constructed on Channel 59 at New Haven, Conn.,[1] upon which we initially denied rule making[2] but, upon reconsideration, granted and invited comments in the notice of proposed rule making, released herein on October 12, 1970 (FCC 70-1104), and published in the FEDERAL REGISTER on October 15, 1970 (35 F.R. 16163). The proposal would amend the television Table of Assignments by interchanging Channel 59 at New Haven with the unoccupied Channel 26 assignments at New London, Conn., as follows:

City	Channel No.	
	Present	Proposed
New Haven, Conn.	8+, 59, *65	8+, 26, *65
New London, Conn.	26	59

In addition, Impart requests that its permit for Station WTVU at New Haven be modified to specify operation on Channel 26 instead of Channel 59.

2. Comments were received on the proposal from the petitioner, Impart; WATR, Inc. (WATR), licensee of Station WATR-TV (Channel 20), Waterbury, Conn.; the Association of Maximum Service Telecasters, Inc. (MST); and Louis Van Leeuwen, acting for himself and six other unnamed residents of the New Haven area who, he states, desire to establish a UHF station in the New Haven area. Except for the petitioner, none of these parties urge its adoption. WATR, which opposed rule making on the proposal, continues to oppose it, urging that, in any case, if Channel 26 is substituted for Channel 59 at New Haven, it should be open for application by any and all interested parties. MST takes no position on whether the proposal should be adopted. Its single concern with it is that a New Haven Channel 26 assignment would involve a short spacing of 4.3 miles between the New Haven Channel 26 reference point and either the present or proposed transmitter for Station WXTV, Channel 41, Paterson, N.J., and it requests that if Channel 26 is reassigned to New Haven that its use there be conditioned on the employment of a site meeting all mileage separation requirements. While Leeuwen and his group support the reassignment of Channel 26 from New London to New Haven, they alternatively propose that it be assigned to New Haven, not in substitution for the New Haven Channel 59 assignment, but as an additional assignment in order to make a second unreserved UHF channel available at New Haven for which they can apply. Their proposal would replace Channel 26 at New London with Channel 69, leaving Channel 59 at New Haven undisturbed. The Leeuwen proposal was opposed by Impart in reply comments.

3. New Haven (1970 population, 137,707) is located in New Haven County (1970 population, 744,948), with an urbanized population coextensive with that of New Haven County, and a 1970 Standard Metropolitan Statistical Area population of 348,424.[3] Of the three New Haven television channel assignments, only Channel 8, occupied by Station WNHC-TV since 1957, is in use. Although neither UHF assignment at New Haven has been activated as yet, there is an application on file for the reserved Channel 65 educational assignment, filed November 2, 1970, by Connecticut Educational Television Corp., and Impart holds a construction permit for a commercial station on Channel 59, which it acquired by assignment in 1967.

4. New Haven is a part of the Hartford-New Haven-New Britain-Waterbury, Conn., television market, which ranks as the 19th largest in the country.[4] Besides the New Haven VHF station, there are four other commercial television stations (1 VHF, 3 UHF) and a UHF educational station operating in this market area. The commercial stations include VHF Station WTIC (Channel 3) and UHF Station WHCT (Channel 18) at Hartford, approximately 35 miles north of New Haven; UHF Station WHNB (Channel 30), New Britain, Conn., approximately 25 miles north of New Haven; and UHF Station WATR (Channel 20), Waterbury, Conn., approximately 18 miles northwest of New Haven. An educational UHF Station (WEDH) operates on the Hartford reserved Channel 24 assignment. Besides the New Haven Channel 59 assignment, the only other unreserved assignment still unused in this market area is Channel 61 at Hartford.[5] Channel 43, assigned to Bridgeport, Conn., approximately 18 miles south of New Haven, is also not in use.[6] The other reserved Channel *49 Bridgeport assignment has been occupied by an educational station (WEDW) since December 1967. American Research Bureau (ARB) audience estimates for February-March 1971, indicate that the New Haven and Hartford VHF stations have the greatest share of the available TV audience in the Hartford-New Haven Area of Dominant Influence (ADI), with the New Britain-Hartford Channel 30 station having the third largest share. In New Haven County, however, it appears that three New York VHF stations (WCBS, WNBC, WNEW) draw larger audiences than either the New Britain UHF station or those at Hartford and Waterbury.[7]

[1] Impart has applications on file to extend time or construction of Station WTVU (BMPCT-7097) and to modify its WTVU permit to specify a new antenna site and make other changes (BMPCT-6611). Action is being withheld on these applications pending resolution of the proceeding which we instituted on Dec. 2, 1970, in Dockets Nos. 19103-19108, ordering Victor Muscat (100 percent stockholder of Impart), Impart (Docket No. 19107), and various other entities controlled by Muscat to show cause why their various construction permits should not be revoked in light of his conviction for breach of fiduciary duty ("Securities and Exchange Commission v. Fifth Avenue Coach Lines, Inc.," Victor Muscat, Edward Krock, Thomas Bolan, and Roy M. Cohn, 289 F. Supp. 3 (1968)) and the pendency of various civil and criminal charges against him. See Order to Show Cause, Victor Muscat, et al., released December 7, 1970, FCC 70-1270, 26 FCC 2d 631. By order released Jan. 6, 197, oral argument was postponed in the proceeding until further order (FCC 70-1344, 26 FCC 2d 977). By order, released Dec. 10, 1971 (FCC 71-1227), oral argument in the proceeding is now scheduled on Feb. 15, 1972, before the Commission, en banc.

[2] See Memorandum Opinion and Order, adopted Feb. 12, 1969, FCC 69-133, 16 FCC 2d 620, 15 Pike & Fischer R.R. 2d 1551.

[3] Population statistics are from the 1970 U.S. Census of Population.

[4] American Research Bureau (ARB) ranking, as of June 30, 1971, based on average viewing households during prime time.

[5] A construction permit held by Kappa Television Corp. for Channel 61, Hartford, was deleted Apr. 30, 1971, and no application has since been filed for the channel.

[6] A station operated on Channel 43 at Bridgeport prior to 1960 (WICC-TV) but has since been inactive. The permit held by Newsvision Co. for Station WFTT on Channel 43 was deleted July 20, 1971, and no application has since been filed for the channel.

[7] ARB TV Audience Estimates (Ratings) in the Hartford-New Haven ADI, February-March 1971:

Station	Monday-Friday 5-7:30 p.m.	Sunday-Saturday 7:30 p.m.-11 p.m.	Sunday-Saturday 9 a.m.-midnight
	Percent	*Percent*	*Percent*
WTIC (3), Hartford	17	20	12
WNHC (8), New Haven	9	16	7
WHCT (18), Hartford	3	1	1
WATR (20), Waterbury		1	
WEDH (*24), Hartford	1		1
WHNB (30), New Britain	6	11	5
WCBS (2), New York	2	3	2
WNBC (4), New York	1	4	2
WNEW (5), New York	4	2	2
Homes tuned to TV	47	61	34

ARB TV AUDIENCE ESTIMATES (RATINGS) IN NEW HAVEN AND HARTFORD COUNTIES, FEBRUARY-MARCH, 1971

Station	Monday-Friday 5-7:30 p.m.		Sunday-Saturday 7:30 p.m.-11 p.m.		Sunday-Saturday 9 a.m.-midnight	
	New Haven	Hartford	New Haven	Hartford	New Haven	Hartford
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
WTIC (3), Hartford	10	21	12	25	7	15
WNHC (8), New Haven	13	6	19	12	9	5
WHCT (18), Hartford		6		1		3
WATR (20), Waterbury		2		1		
WEDH (*24), Hartford		1		1		1
WHNB (30), New Britain	2	11	4	18	2	9
WCBS (2), New York	5		8		4	
WNBC (4), New York	3		10		4	
WNEW (5), New York	8		5		4	
Homes tuned to TV	46	36	66	39	34	33

V37-16 JAN 25 72 XUM

5. New London (1970 population, 31,630) is located in New London County (1970 population 230,348), approximately 50 miles southwest of Providence, R.I., 55 miles southwest of New Bedford, Mass., and 40 miles southeast of Hartford and northeast of New Haven, with an urbanized population coextensive with that of New London County. It is a part of the New London-Groton-Norwich Standard Metropolitan Statistical Area (1970 population 198,228) and the Providence ADI. While Channel 26 has been assigned to New London since 1952, it has never been activated. A construction permit, granted for the channel in 1952, was deleted in 1960 for failure to construct, and no application has since been filed for the channel. New London County is principally served at the present time by the three VHF stations at Providence and New Bedford, and also by Hartford, New Haven, and Boston VHF stations.

6. Impart desires to operate on Channel 26 instead of Channel 59 at New Haven because it considers the lower channel technically superior for use in serving the New Haven area and in competing with the other UHF stations in the area. This is basically because it believes the lower channel has a capacity for somewhat higher signal strength in areas of shadow encountered in the rugged terrain in the New Haven area and because the other UHF stations now operating in the area operate on relatively low channels (WTIC–TV, Channel 18, Hartford; WHNB, Channel 30, New Britain; WATR, Channel 20, Waterbury). We were not, however, persuaded by Impart's prior argument and technical showings that the technical advantages of Channel 26 over Channel 59 at New Haven would be of such significance as to warrant rule making on its proposal, and particularly since there would be no gain in channel efficiency in terms of added assignments resulting from adoption of its channel interchange proposal. The additional argument and technical showing contained in its present comments add nothing which changes our viewpoint in this regard.

7. In adopting the present UHF assignment plan in 1966, we stated that, in order to derive an efficient nationwide table of assignments capable of meeting our assignment and television objectives, we would be guided by considerations of assignment efficiency in assigning high and low channels, and we emphasized that there is no advantage to lower assignments sufficient to warrant deviation from this policy.[8] Further, since the television situation is not static, and changes in the facilities and sites of existing stations and the advent of new stations are unpredictable, and any differences in propagation characteristics which might possibly affect the coverage potentialities of a high UHF channel over a low UHF channel can be compensated for by judicious site selection and sufficient power and antenna height, we do not consider it possible to conclude with any certainty that a particular low band UHF channel would be significantly better than a particular high band channel for coverage and use from a technical or competitive standpoint. We have, on occasion, as Impart notes, changed assignments from high to lower numbered channels as a matter of accommodation (mostly to existing stations) where the change was otherwise feasible and without adverse impact on existing assignments and stations. However, the assignment pattern and assignment possibilities in this Connecticut Valley area are now such as to make it evident that high, as well as low numbered, UHF channels must be used in this area in meeting additional demands and needs for new television services in the future. Consequently, unless channel efficiency would be increased, we do not believe that our television objectives or the interests of the public in this area would be served by altering that pattern by shifting channels from one place to another in this area merely to provide a lower numbered channel in one place for reasons of accommodation or of some claimed technical advantage over a higher numbered channel in use.

8. While Impart's proposal would not increase channel efficiency, since it appeared otherwise technically feasible, we did decide, upon reconsideration, to give it further consideration in rule making for one central reason. Since the channel interchange proposed would also not decrease channel efficiency, we felt that, in that circumstance, rule making was warranted to determine whether Channel 26 would have advantages over Channel 59 at New Haven for promoting the prompt commencement of a second TV commercial service there as to constitute an overriding public interest reason for making the change. We also were of the view that we should give consideration to whether there might be some public interest advantage in moving Channel 59 to New London in place of Channel 26 to open up new areas for translator usage.

9. Now that we have again considered Impart's channel exchange proposal in light of the comments filed herein, we are convinced that it would have no public interest advantage in either regard and should be denied. There appears no basis whatsoever for concluding that Channel 26 holds potential over Channel 59 at New Haven for the earlier advent of a second commercial television service there. Impart itself agrees that the proposed substitution would have no impact upon its prompt commencement of a new commercial television service at New Haven once it is authorized to construct and operate at the site and with the facilities proposed in its pending modification application for Channel 59. There would also be no public interest advantage in replacing Channel 26 with Channel 59 at New London in order to free more channels for translator usage. Our further study of this possibility reveals that the areas where channels would be released for translator use by moving Channel 59 to New London are now precluded from translator usage on those channels because of authorized stations.

10. We have also given consideration to Leeuwen's proposal to reassign Channel 26 to New Haven for an additional UHF assignment without disturbing Channel 59 at New Haven by replacing Channel 26 at New London with Channel 69. We are satisfied that Channel 26 at New Haven would be technically feasible, since there is a relatively large area east and close to New Haven meeting spacing requirements where a Channel 26 transmitter could be located.[9] We are not convinced, however, of the technical suitability of Channel 69 as a replacement for Channel 26 at New London, since the area northeast of New London meeting spacing requirements where a Channel 69 transmitter could be located is some 17 miles from the nearest New London city limit. While there is no evidence at this time of any developing interest in establishing a local station at New London, it would not appear that a channel asignment with such a limitation on possible site location would be likely to stimulate such interest and that, in a community the size of New London, and with the VHF services available in that area, it might well be the added deterrent which would keep the New London area from having a local television service in the future.

11. While we do not consider Channel 69 a desirable replacement for Channel 26 at New London, we also are not persuaded by Leeuwen's showing that there is a need for a second unreserved UHF assignment at New Haven at this time which would warrant reassigning Channel 26 from New London to New Haven with or without replacement at New London. From the record, and particularly the impact study submitted with the Impart comments, it appears reasonable to conclude that use of Channel 26 at New Haven could not be expected to have a significantly greater impact upon existing and potential UHF services on unused assignments in the area than Channel 59. But the showings in this regard are based on the assumption that Channel 26 would replace Channel 59 at New Haven and fill the need for a second rather than a third commercial TV service there. In view of the VHF and UHF services now available in the New Haven area, the problems of further UHF growth in this area, as evidenced by the unsuccessful attempts to activate unused UHF assignments in the area at Bridgeport for a first local commercial service and at Hartford for a third commercial service, both of which are larger than New Haven, it would appear much more questionable whether a second UHF unreserved assignment at New Haven is warranted on the basis of any need which would outweigh considerations of adverse impact upon commencement and continuation of UHF service upon channels now assigned to this area. The Leeuwen showing does not demonstrate any particular need for Channel 26 as a third commercial television service at New Haven or provide anything helpful in resolving the impact question. While there is, of course, the possibility that adoption of the Leeuwen proposal might lead to New Haven having a second local commercial station sooner on Channel 26 than on Channel 59, this possibility is too speculative and uncertain to be a basis for decision, considering that the assignment, under our rules, would be open for application not only to the Leeuwen group, but to Impart, and all other interested parties, and, as a result, might require a lengthy comparative hearing.

12. In view of the foregoing, we are not amending the television Table of Assignments for New Haven and New London at this time, either by adopting the Impart proposal to interchange Channel 59 at New Haven with Channel 26 at New London, or the proposal of the Leeuwen group to assign Channel 26 at New Haven by replacing Channel 26 with Channel 69 at New London, and this proceeding is terminated.

Adopted: January 12, 1972.

Released: January 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-982 Filed 1-24-72;8:45 am]

[8] See fifth report and memorandum opinion and order, paragraph 59, Docket No. 14229, 2 FCC 2d 527, 6 Pike & Fischer R.R. 2d 1643.

[9] The transmitter site now sought by Impart for its Channel 59 operation in its pending modification application (BMPCT-6611), and which it also contemplates for a Channel 26 operation, is within this area, located approximately 6 miles east-northeast of the northeast corner of New Haven's city limits within the town of North Branford. Impart considers this location the optimum site for operation on either Channel 59 or 26 at New Haven in view of terrain, zoning, and aeronautical considerations.

[10] Commissioners H. Rex Lee and Reid absent.

V37-116 JAN 25 72 XUM

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Cancellation of Competitive Lease Offering

JANUARY 24, 1972.

The competitive oil and gas lease offering of blocks on the Outer Continental Shelf off Louisiana scheduled for December 21, 1971, as announced in the FEDERAL REGISTER on November 20, 1971 (36 F.R. 22188), and subject to the notice of December 21, 1971, published in the FEDERAL REGISTER on December 22, 1971 (36 F.R. 24232), has been canceled and withdrawn. All bids which were received have been returned unopened.

HARRISON LOESCH,
Assistant Secretary of the Interior.

[FR Doc.72-1197 Filed 1-24-72;10:37 am]

Bureau of Reclamation

ENVIRONMENTAL STATEMENTS

Issuance of Bureau Directives Regarding Preparation

Notice is hereby given of the publication of procedures of the Bureau of Reclamation to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970); section 2(f) of Executive Order 11514 (March 5, 1970); the guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); Office of Management and Budget Bulletin No. 72-6 (September 14, 1971); and Departmental Manual Chapter 516.2 (September 27, 1971).

Set forth below is Reclamation Instructions Chapter 376.5 entitled "Statement of Environmental Impact." The numbering system used is that of Reclamation Instructions.

Dated: January 18, 1972.

ELLIS L. ARMSTRONG,
Commissioner.

Included in the Reclamation Instructions Part, but not published in this notice, are various format and tabular illustrations.

RECLAMATION INSTRUCTIONS—PART 376—ENVIRONMENTAL QUALITY—PRESERVATION AND ENHANCEMENT

CHAPTER 5—STATEMENT OF ENVIRONMENTAL IMPACT

.1 *Requirement.* This chapter sets forth requirements and procedures for preparing and processing statements of the environmental impact of Bureau activities. These instructions implement applicable provisions the statement. However, if an ongoing project of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970), hereafter referred to as the act; section 2(f) of Executive Order No. 11514 (March 5, 1970); and guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971), Office of Management and Budget Bulletin No. 72-6, and Departmental Manual Part 516.

The act requires that environmental statements be prepared and submitted with every recommendation or report on proposals for legislation and for other major Federal actions significantly affecting the quality of the environment. Environmental statements are required for proposed actions with major environmetal impacts or which are or may be highly controversial.

Each Reclamation activity that authorizes or otherwise provides for modification of the environment, including the legal and administrative protection afforded to it, must be carefully analyzed and assessed in regard to its environmental impact. Environmental statements will be submitted to the Council on Environmental Quality (CEQ) on all legislation or other proposed major actions which may result in significant changes in the quality of the environment. The study and analysis supporting each environmental statement will utilize a systematic interdisciplinary approach that draws heavily on the natural and social sciences, the environmental design arts, and current evaluation procedures.

.2 *Applicability—A. Actions initiated after January 1, 1970.* All Bureau activities after the effective date of the act (January 1, 1970) which significantly affect the environment, either by modifying it or by changing its legal or administrative protection, are subject to the provisions of this chapter. If a feasibility report environmental statement has not been prepared, an environmental statement shall be prepared for the definite plan report. Where the feasibility report environmental statement has been prepared, individual feature statements will be required only when it is not adequately covered in the overall environmental statement, or is materially changed from the planning report.

B. *Actions initiated before January 1, 1970.* The provisions of this chapter apply to continuing major Bureau actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the act.

Where it is not practicable to reassess the basic course of action, continuing major actions must be shaped to minimize adverse environmental consequences. It is also important in continuing actions that account be taken of environmental consequences not fully evaluated at the outset of the project or program. Ongoing programs or uncompleted features of projects which were authorized prior to January 1, 1970, must be reconsidered to determine whether they constitute major Federal actions significantly affecting the environment. If the ongoing program or uncompleted feature of a project has significant environmental impact, alternatives must be considered and an environmental statement must be prepared.

It is essential that the act be applied as effectively as possible. The application may require alterations in features of the project to which resources have not yet been unalterably committed. The ongoing program or uncompleted feature of a project need not be stopped or delayed pending preparation of ect entails individual major features or separable operating entities not yet authorized or not yet funded for start of construction, an environmental statement is necessary if it is determined that any of the incremental features have a significant environmental impact.

In deciding between an overall project environmental statement or an individual feature environmental statement, the rule to apply is that the overall project environmental statement is preferred.

.3 *Purpose of statement.* The environmental impact statement provides a means for giving environmental impact careful and appropriate review in the decisionmaking process. Environmental statements summarize the salient features of a proposed project or action program. They describe the environmental setting and provide concise, factual information concerning "Alternatives to the Proposed Action" where unresolved environmental issues are raised.

The environmental statement must have sufficient detail to allow responsible officials to understand the effects of a proposed action and to make accurate decisions regarding protection and enhancement of environmental values. The statement should reflect the measures taken to create and maintain conditions under which man and nature can exist in productive harmony.

.4 *Definitions—A. "Major federal actions significantly affecting the quality of the human environment"* (quoted from the Act) is to be construed with a view to the overall cumulative impact of the action proposed, and of further actions contemplated. Such actions may be localized in their impact, but, if the components of the environment or its uniqueness may be significantly affected, the statement is to be prepared.

Significant effects include those that degrade or enhance the quality of the environment; curtail or extend the range of beneficial uses of the environment; or serve short term, to the disadvantage of long term, environmental goals. Significant effects can also include actions which may be both beneficial and detrimental. Significant effects on the quality of the human environment include impacts that directly and indirectly affect human beings.

B. *Draft Environmental Statement.* This document, to be as complete as possible, is circulated to Federal, State, and local agencies and to any public or private entity having an expressed interest, for their review and comment as to its accuracy and completeness. It should accompany a proposed action document through the Bureau's review process. It may be circulated concurrently with the review process as long as final decisions are not made prior to Departmental clearance or the Final Environmental Statement (see .4C below).

C. *Final Environmental Statement.* This should be complete in all elements and must incorporate review comments, including discussions of unresolved issues. A copy of the review comments of each agency and interested party is included with the Final Environmental Statement (see Appendix A-7).[1] The final environmental statement should accompany a proposed action document through the Department's final decisionmaking process.

D. *Lead Agency.* "Lead Agency" is the Federal agency having primary authority for committing the Federal Government to a course of action. An "agency" is usually thought to mean the Departmental level. The definition of "lead bureau" within an "agency" would be identical to that of "lead agency." Where the authority of agencies or bureaus is more or less equal, and the consequences are major for each, a determination will be sought by the Office of the Commissioner through the Assistant Secretary—Program Policy.

.5 *Responsibility.* Responsibility with regard to environmental statements follows the delineation of functional responsibilities in DM155 (included in the Bureau's Executive Manual as D155), and the following:

A. *Regions and E&R Center.* (1) Regional Directors, the Chief, Division of Atmospheric Water Resources Management, the Chief, Division of General Research, and the Chief, Western U.S. Water Plan, each within his area of principal functional responsibility, determine the need for and prepare environmental statements.

(2) The E&R Center divisions, under the coordination of Code 800, review draft environmental statements directed to them and assist the regions, when requested, by providing information for environmental statements.

B. *Office of the Commissioner.* (1) The division of functional concern in the Office of the Commissioner is responsible for review and processing of environmental statements.

(2) The Office of Assistant to the Commissioner—Ecology provides coordination and advice on environmental statements, and responds to requests from other agencies and individuals for copies of Reclamation environmental statements.

.6 *Bureau actions requiring Environmental Statements.* Bureau plans and actions of the following types may require environmental impact statements. This list is, in itself, neither mandatory nor all-inclusive, and the responsible official must base his judgment on the criteria in .7 below.

A. Recommendations or favorable reports to the Congress relating to legislation that changes the legal or administrative status afforded to the environment and legislation relating to appropriations for programs or projects that result in significant impact on the environment.

B. Projects, programs, and continuing activities including research:

(1) Directly undertaken by the Bureau of Reclamation.

(2) Supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of financial assistance.

(3) Involving a Federal lease, permit, license, certificate, or other entitlement for use.

C. Recommendation or adoption of policies, principles, standards, procedures, regulations, and plans which affect the environment through changes in management, operation or maintenance of facilities or which modify the legal or administrative protection afforded environmental resources.

D. Actions relating to natural or cultural resources:

(1) Acquisition or disposal of the resources.

(2) Regulation, permission, prohibition, or other institutional control of their use.

(3) Their operational or physical management.

(4) Construction or operation of various structures to manage them.

(5) Recommendations of comprehensive, program, or project plans for their management for which immediate authorization is anticipated based on recommendations made.

E. Activities that will significantly affect the following will require an environmental statement:

(1) Rare or endangered species—plant, animal, or fish.

(2) Formally classified areas such as Wilderness Areas, Primitive Areas, Wild and Scenic Rivers, National Recreation Areas, Scenic Areas, Historical Areas, Archeological Areas, Geological Areas, National Trails, National Wildlife Refuges, State Wildlife Refuges or Management Areas, parks or similar locally designated areas, and areas being studied for classification for such purposes.

(3) Municipal watersheds.

(4) Reservoir operation (major changes).

(5) Large roadless areas.

(6) Scenic attractions.

(7) Wetlands and estuaries.

(8) Free-flowing streams or major changes in regulated streams.

(9) Air quality.

(10) Water quality.

(11) Key wildlife or fish habitat.

F. Planning Federal water and related land resources projects and programs. Examples: Irrigation, municipal and/or industrial water, hydroelectric projects, and atmospheric water resources management programs.

G. Research or investigations where the on-the-ground tests involve treatment or modification of natural resources.

H. Construction activities on Federal water and related land resources projects and programs. Examples: Irrigation, municipal and/or industrial water; hydroelectric projects which have not been covered by a prior environmental statement, or where there has been a major change in design from that presented in the Authorization Report and environmental statement accompanying that report; and major new transmission lines or transmission line relocations.

I. Other activities such as:

(1) Changes in river operation or reservoir operation procedures.

(2) Major dam modification programs.

(3) Major canal modification programs.

(4) Vegetative management programs.

(5) Major acquisition leases, exchanges, or disposals of lands.

(6) Major public service developments, such as recreation facilities developed after the initial construction period.

(7) Major powerplant modification programs.

.7 *General criteria.* The following criteria as they pertain to effects on the environment should be applied in determining whether a statement is required:

(1) Degree of disturbance on the components of the ecosystem. Both onsite and offsite effects should be recognized.

(2) Irreversible effects on basic resources; short-term versus long-term commitments.

(3) Cumulative effects of many small actions.

(4) Chain reactions or secondary effects of interrelated activities.

(5) Whether the action is of national, regional, or local importance.

(6) A demonstrated or proven uniqueness or rareness of the resource affected.

(7) Precedent-setting cases.

(8) Scope of anticipated public involvement and controversy anticipated.

.8 *Interagency and intergovernmental coordination.* In addition to the procedures set forth herein, existing mechanisms for obtaining the views of departmental bureaus and offices and of other Federal, State, and local agencies will be utilized to the maximum extent practicable in the preparation and subsequent review of draft environmental statements. When seeking assistance and comments on such statements, the Bureau should request that the views expressed should be guided by the national policy as expressed in Public Law 91-190 "• • • to use all practical means and measures, including financial, and technical assistance in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans."

A. *Departmental bureaus and offices.* A number of offices and bureaus within Interior may have inputs into the preparation of the draft environmental statement. Accordingly, working-level consultations will be initiated early in the development of the proposal and during the preparation of the draft environmental statement.

The draft environmental statement will be circulated for review and comments, to all Interior entities which have delegated jurisdiction or special environmental expertise. Comments received from these bureaus and offices will be attached to the final environmental statement.

The Advisory Council on Historic Preservation and the National Park Service have taken steps to implement the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470) and they should be consulted to determine if a National Registry property is involved in the undertaking.

B. *Other Federal agencies.* (1) Those Federal agencies having "jurisdiction by law or special expertise with respect to any environmental impact involved" or "which are authorized to develop and enforce environmental standards" must be consulted in the preparation of environmental statements. The CEQ guidelines, section 7, set forth the agencies to be consulted and from whom formal comments will, where appropriate, be solicited in the review of the draft statement. The offices to which drafts are to be sent for official agency review and comment are listed in the CEQ guidelines, appendix III;[1] except for Small Reclamation Projects Act loans which are circulated only at the regional level.

(2) The Environmental Protection Agency will be invited to review each draft statement on matters related to air or water quality standards, noise control, solid waste disposal, pesticide regulation, radiation criteria and standards, or other matters within its authority.

(3) A period of not less than 45 days will normally be established for reply, after which it may be presumed, unless an extension is requested, that the agency consulted has no comment. Whenever feasible, extensions of time of up to 15 days should be granted. In exceptional cases, where time is critical, a review time limit of 30 days may be established. A period of 45 days shall be allowed for EPA review. The review period will officially start on the date the Notice of Availability is published in the FEDERAL REGISTER.

C. *State and local agencies.* (1) Where no public hearing was held to invite State and local review, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, State and local review shall be provided as follows:

(a) For Federal water and related land resources plans, projects, and programs, review by State and local governments will be through procedures set forth by the Water Resources Council (section IIIE of Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources, approved by the President on May 15, 1962, and printed as Senate Document 97, 87th Congress; Handbook for Coordination of Planning Studies and Reports, June 1969).

(b) For direct Federal development projects, including water and related land resource projects, and for projects assisted under programs listed in attachment D of Office of Management and Budget Circular A-95, review by State and local governments will be through State and regional or metropolitan clearinghouses in accordance with

[1] Appendix not filed with the Office of Federal Register.

[1] Appendix not filed with the Office of Federal Register.

V37-116 JAN 25 72 XUM

Circular A-95 and implementing Bureau instructions.

(c) For actions affecting the cultural or historic components of the environment, review by State and local agencies will be through procedures set forth by the Advisory Council on Historic Preservation (36 F.R. 3310), and draft environmental statements will reflect consultation with the State Liaison Officer for Historic Preservation and with the State Archeologist.

(d) For actions having an impact on Indian lands or communities, review by State and local agencies will also include review by local Indian tribal governing bodies.

(2) Where the procedures in C(1) above are not appropriate, review and comment by State and local agencies authorized to develop and enforce environmental standards may be obtained by distributing the draft environmental statement to the appropriate State and regional or metropolitan clearinghouses, unless the Governor of the State has designated some other point for obtaining this review.

(3) Clearinghouse procedures allow State and local agencies 30 days for initial comment, with an extension of 30 days upon request. The review period will officially start on the date the Notice of Availability is published in the FEDERAL REGISTER.

D. *Special situations.* When a proposed grant, leasing, or similar program does not entail approval by other agencies, the views of Federal, State and local agencies in the legislative, and possibly the appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals.

.9 *Public participation and availability of statements.* The public must be provided timely information and material sufficient for an understanding of plans and programs with their environmental impact in order to obtain the views of interested parties. The public must also be provided information on alternative courses of action.

A. *Public hearings.* Public hearings may be held to solicit the views of interested parties. Notice of such hearings will include publication in the FEDERAL REGISTER no less than 30 days before the hearing date, and such other notice as the Regional Director or responsible E&R Center official deems appropriate. Proposals to hold public hearings as well as plans to publish the FEDERAL REGISTER notice shall be coordinated with the Office of the Commissioner. If it is decided to prepare a draft environmental statement prior to a hearing, the statement shall be made available to the public at least 15 days, and preferably 30 days, before the hearing date.

B. *Public inspection.* Draft and final environmental statements, including required attachments (see appendix A-7 attachments),[1] will be made available for public inspection at the following locations:

(1) The Department's Office of Communications (for statements considered especially newsworthy by the Director of Communications; otherwise that office will assist the public in locating and inspecting such statements).

(2) Office of Ecology in the Office of the Commissioner. (This office also maintains review comments and a complete record of hearings.)

(3) Division of Engineering Support, Technical Services Branch, E&R Center. (This office also maintains review comments and a complete record of hearings.)

(4) Any involved regional office. (The involved regional office also maintains review comments and a complete record of hearings.)

(5) Involved field offices as appropriate. (Those offices with primary involvement maintain review comments and a complete record of hearings.)

(6) State and regional or metropolitan clearinghouses, where appropriate.

(7) A local public meeting place, such as a county courthouse or public library, in the immediate vicinity of the proposed action, where appropriate.

C. *Charges for copies.* Whenever possible, copies of draft and final environmental statements, including required attachments, will be made available to the public at no cost. In those cases where the cost of reproduction of such statements is prohibitive, or when an unreasonably large number are requested by a single entity, the public may be charged a fee no greater than the incremental costs of reproduction (43 CFR 2.3).

D. *Notifying the public.*—(1) FEDERAL REGISTER *publication.* Notices of availability of draft and final environmental statements will be made in the FEDERAL REGISTER at the time of transmittal of the statement to CEQ. Format is shown in appendix B.[1]

(2) *Local mailing list.* Regional Directors and the Division of Engineering Support, Technical Services Branch, E&R Center, will develop and maintain a mailing list of local environmental, conservation, and other groups who have expressed an interest in reviewing draft environmental statements during the concurrent review process.

(3) *News releases.* News releases at the Commissioner, regional, and/or E&R Center levels will be made when appropriate with respect to the draft and final environmental statement.

.10 *General procedures.*—A. *Administrative action (see .13 and appendix C).*[1] (1) Administrative actions are defined as any proposed action subject to section 102(2)(C) of the act other than proposals for legislation to the Congress or reports on legislation. (Examples: Planning report process on projects that will make a significant impact on the environment; award of contracts on actions that make a significant impact on the environment.)

(2) To the maximum extent practicable, no action is to be taken before the expiration of 90 days after a draft environmental statement has been furnished to CEQ, circulated for comment, and publicly announced in the FEDERAL REGISTER, whichever is later.

(3) To the maximum extent practicable, no action is to be taken sooner than 30 days after a final environmental statement has been made available to CEQ and to the public, and a Notice of Availability has been published in the FEDERAL REGISTER. If the final statement is filed within the 90-day period in (2) above, the two periods may run concurrently to the extent that they overlap.

(4) Where, in the opinion of the Commissioner, emergency circumstances which override considerations of expense to the Government or impaired program effectiveness make it necessary to take an action having significant environmental impact without observing the time limitations in (2) and (3) above, the Commissioner will consult with the Assistant Secretary—Program Policy, who will in turn consult with CEQ, concerning alternative arrangements.

B. *Legislative proposals and favorable reports on legislation.* (Also see appendix C.) (1) The Bureau is responsible for preparing environmental statements for its legislative proposals which have significant impact upon the environment, and for any necessary consultations with appropriate Federal, State, and local agencies in the course of preparing and reviewing such statements. State and local agency consultations are not required unless there is a specific impact in the jurisdiction of a State or local agency.

(a) Information copies of approved draft or final environmental statements will accompany all such legislative proposals when submitted by the Bureau to the Legislative Counsel for circulation within the Department, and will be circulated with such proposals.

(b) Information copies of approved draft or final environmental statements will accompany the Legislative Counsel's submittals of such legislative proposals to OMB for clearance.

(2) In referring introduced legislation to the Bureau of Reclamation for comment, the Legislative Counsel, in consultation with the Assistant Secretary—Program Policy, will indicate whether an environmental statement will be required in the event of a proposed favorable report; and, if required, will designate the bureau or office responsible for its preparation.

(a) If Reclamation is designated to prepare the environmental statement, the Bureau will submit the proposed draft environmental statement to the Legislative Counsel along with comments on the introduced legislation. This proposed draft environmental statement will accompany the proposed favorable report on its "2-day wait" period within the Department.

(b) The approved draft environmental statement will be circulated by Reclamation for official review and comment at the same time that the Legislative Counsel submits the Department's proposed favorable report, accompanied by information copies of the statement to OMB for clearance. The Assistant Secretary—Program Policy will clear the statement, assign a control number, date it, and transmit 10 copies to CEQ prior to Reclamation sending it out for review and comment. No FEDERAL REGISTER notice is required.

(3) Final environmental statements for legislative proposals and for favorable reports on legislation, and draft environmental statements, where appropriate under section 10(c) of the CEQ Guidelines, will be sent to the Congress by the Legislative Counsel. Reclamation will transmit 35 copies through the Assistant Secretary—Water and Power Resources, to the Assistant Secretary—Program Policy, who will endorse the statement, number and date it, and transmit copies to CEQ, the Legislative Counsel, and the Director of Communications. No FEDERAL REGISTER notice is required.

(4) The Legislative Counsel may permit deviation from the above procedures if undue delay in the presentation of Departmental views to the Congress would result.

C. *Annual budget estimates.* (1) Environmental statements and summary lists for annual budget estimates shall be handled in accordance with OMB Bulletin 72-6 and Appendix C[1] of this chapter, as modified below.

(2) Draft environmental statements for projects and programs included in annual budget estimates will be prepared and circulated for review and comment by August 1 of the fiscal year preceding the year under consideration. The draft statements to be circulated should therefore be based on the proposed program used in the spring review and the environmental statement information would be available for the Annual Program Conference. When the Presidential allowances are known, the Office of the Commissioner will notify the Regional Director or the Division Chief in the E&R Center of the final environmental statements which will be needed for transmittal to the Congress and CEQ prior to Congressional hearings.

(3) Final environmental statements for projects and programs included in the budget will be transmitted to the Congress by the Assistant Secretary—Management and Budget and to CEQ by the Assistant Secretary—Program Policy following the President's budget transmittal to the Congress and before Congressional hearings.

[1] Appendix not filed with the Office of Federal Register.

(4) Regional Directors or the responsible E&R Center Division Chief shall furnish the following budget material in response to the annual budget call letter:

(a) A tabulation in format of Exhibit 1 to OMB Bulletin 72-6.

(b) A narrative, by appropriation, for the Bureau's Summary Statement. In the case of programs for which it is not possible to make an assessment of the potential impact on the environment, or to identify environmental statements that will be required, the narrative may include a statement about general environmental impact and the expected timing of decisions regarding the need for environmental statements.

.11 *Preparation of statements.* Unless otherwise determined by the Office of the Commissioner, statements shall be prepared by an entity responsible to officials designated in .5A, who shall form a multiple-disciplinary team as may be needd for a properly balanced statement. Information helpful to the preparation of the statement may be obtained from all appropriate sources, including contractors, study reports submitted by applicants for grants, contracts, loans, leases, licenses, or permits, and study reports of bureaus or offices within the Department, other Federal agencies or States. However, the environmental statement is a Bureau of Reclamation product, and the official designated in .5A is fully responsible for its content.

Each statement shall contain the following:

(1) Cover sheet—see Appendix A-1[1] for draft statement; Appendix A-2 for final statement.

(2) Summary sheet—see Appendix A-3[1] for draft statement; Appendix A-4[1] for final statement.

(3) Body of the Statement, containing eight sections in the order shown in Appendix A-5.[1]

(4) Consultation and coordination with others—see Appendix A-6.[1]

(5) Attachments—see Appendix A-7.[1]

Draft statements shall be double spaced and final statements shall be single spaced.

.12 *Processing Environmental Statements.*—A. *General.* The Regional Director or the E&R Center division chief with principal functional interest in the action should identify the stage or stages of a series of actions at which the provisions of this chapter will be applied. Environmental statements may be necessary both in the development of a national program and in the review of proposed projects within the national program. Care should be taken not to duplicate the review process, but when actions being considered differ significantly from those that have already been reviewed pursuant to this chapter, an environmental statement shall be provided.

B. *Specific procedures.* The several steps for the review, clearance, and approval of draft and final environmental statements are set forth in tabular form in Appendix C.[1]

C. *Advance copies of statements.* Since a substantial number of copies of both the draft and the final statements is to be transmitted to Washington, it is requested that advance copies of each statement be sent to the Commissioner for final review and approval before the statement is reproduced in numbers. Advance copies should also be sent to the E&R Center, Code 800, for review and comment, and to the respective Regional Solicitor's office for information.

D. *Federal Agencies having jurisdiction by law or special expertise.* The Federal agencies to which statements are to be referred in accordance with Appendix C,[1] steps 8 and 28, include the following:

Department of Agriculture—Office of the Secretary.
Department of Commerce—Deputy Assistant Secretary for Environmental Affairs.
Department of Defense—Assistant Secretary for Defense.
Department of Health, Education, and Welfare—Assistant Secretary for Health and Science Affairs.
Department of Housing and Urban Development (HUD has delegated review authority to its regional offices).
Department of State—Special Assistant to the Secretary for Environmental Affairs.
Department of Transportation—Assistant Secretary for Environment and Urban Systems.
Atomic Energy Commission—Director, Office of Environmental Affairs.
Federal Power Commission—Commission's Advisor on Environmental Quality.
Environmental Protection Agency (EPA has delegated review authority to its regional offices).
Office of Economic Opportunity—Director.
Department of the Army—Executive Director of Civil Works, Office of the Chief of Engineers.

.13 *Special requirements of reclamation programs.*—A. *Planning reports.*—(1) *Feasibility reports.* The Regional Director's proposed and final feasibility reports wil contain a chapter on environmental aspects. The chapter should be in sufficient detail that all environmental aspects associated with the proposal can be adequately described in the environmental statement to be developed later.

A proposed draft environmental statement shall accompany the Regional Director's proposed feasibility report when it is transmitted for field level review. The proposed draft does not have to be cleared through the Department before it is sent for field level review.

The Regional Director's feasibility report when transmitted to the Commissioner shall be accompanied by a draft environmental statement. This draft statement will accompany the Secretary's proposed planning report when the Bureau sends it, on behalf of the Secretary of the Interior, for review by the States and Federal agencies. The draft statement also will be sent to local agencies, conservation/environmental groups, and the public. At that time it will also be sent to other bureaus and offices within Interior. Concurrently, copies of the draft environmental statement will be sent to the Council on Environmental Quality by the Assistant Secretary—Program Policy, and a notice of availability will be published in the FEDERAL REGISTER.

The final environmental statement will accompany the Secretary's final planning report when it is sent to the President for advice as to the relationship of the proposal to his program. At that time, the final environmental statement will be sent by the Assistant Secretary—Program Policy to the Council on Environmental Quality and a notice published in the FEDERAL REGISTER.

(2) *Reconnaissance and definite plan reports.* Environmental statements shall accompany significant favorable reconnaissance reports as determined by the Regional Director in consultation with the Office of the Commissioner. Environmental statements should not accompany definite plan reports if an adequate environmental statement was prepared for a feasibility report and the plan has not changed significantly since the feasibility report. Both reconnaissance and definite plan reports will have an environmental impact chapter.

B. *Small reclamation project loan applications.* Processing of environmental statements for the Small Reclamation Project Loan Program will generally follow the procedures in appendix C, with the following modifications. Loan applicants will prepare an environmental impact study report in consultation with appropriate Federal, State, and local agencies. The draft environmental statement will be prepared by the Regional Director using the study report as appropriate, and advance copies will be furnished the E&R Center and the Commissioner for review and approval before reproduction.

In appendix C,[1] step 4, only 50 copies of environmental statements for loan applications should be sent to the Commissioner, attention 700. After clearance by the Assistant Secretary—Program Policy, the control number and date will be furnished the Regional Director for concurrent distribution of the draft statement.

The distribution and review called for in appendix C, steps 8 to 10, should be modified as necessary to follow procedures applicable to the loan program. Comments on the draft environmental statement will be requested by the Commissioner from bureaus and offices within Interior and the Executive Director, Advisory Council on Historic Preservation. The regional office should contact the State Liaison Officer in the affected State to determine if properties are being considered for National Register nomination in its distribution for review and comment.

The procedures with respect to comments and the final environmental statement are the same as in appendix C.[1]

[1] Appendix not filed with the Office of Federal Register.

[FR Doc.72-1027 Filed 1-24-72;8:45 am]

National Park Service

SAGUARO NATIONAL MONUMENT, ARIZ.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5, that a public hearing will be held beginning at 1 p.m. on March 25, 1972, at the City Council Chambers, 250 West Alameda, Tucson, Ariz., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 32,300 acres within the Saguaro National Monument, Pima County, Ariz.

A packet containing a draft master plan and a preliminary wilderness study report, and providing additional information about the proposal, may be obtained from the General Superintendent, Southern Arizona Group, National Park Service, Post Office Box 13408, Phoenix, AZ 85002, or from the Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102.

A topographic map of the area proposed for establishment as wilderness is available for review in the above offices, at the Saguaro National Monument office, and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the General Superintendent, Southern Arizona Group, National Park Service, Post Office Box 13408, Phoenix,

V 37 16 JAN 25 72 XUM

AZ 85002, by March 23 of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the county in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: January 17, 1972.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.72-1040 Filed 1-24-72;8:46 am]

DEPARTMENT OF COMMERCE

NATIONAL BUREAU OF STANDARDS

Notice of Intent To Withdraw Certain Standards

In accordance with § 10.12 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as revised; 35 F.R. 8349, dated May 28, 1970), notice is hereby given of the Department's intent to withdraw the nine standards identified below. It has been tentatively determined that each of these standards, Commercial Standard (CS) and Simplified Practice Recommendation (SPR), are technically inadequate and that due to the existence of other more up-to-date nationally recognized standards for the products covered, revision of these out-of-date standards would serve no useful purpose. The more up-to-date standards that are considered to be suitable and appropriate replacements for the standards listed for withdrawal are identified below in parentheses.

CS 116–54 Homogeneous-Wall Bituminized-Fibre Drain and Sewer Pipe.
(ASTM D 1861–69 Standard Specification for Homogeneous Bituminized Fiber Drain and Sewer Pipe.)
CS 226–59 Laminated-Wall, Bituminized-Fibre Drain and Sewer Pipe.
(ASTM D 1862–64 Standard Specification for Laminated-Wall Bituminized Fiber Drain and Sewer Pipe.)
CS 270–65 Acrylonitrile-Butadiene-Styrene (ABS) Plastic Drain, Waste and Vent Pipe and Fittings.)
(ASTM D 2661–68 Standard Specification for Acrylonitrile - Butadiene - Styrene (ABS) Plastic Drain, Waste and Vent Pipe and Fittings.)
CS 272–65 Polyvinyl Chloride (PVC) Plastic Drain, Waste and Vent Pipe and Fittings.
(ASTM D 2665–68 Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings.)
CS 228–61 Styrene Rubber Plastic Drain and Sewer Pipe and Fittings.
(ASTM D 2852–69T Standard Specification for Styrene-Rubber Plastic Drain and Building Sewer Pipe and Fittings.)
CS 188–66 Cast-Iron Soil Pipe and Fittings.
(ASTM A 74–69 Standard Specification for Cast Iron Soil Pipe and Fittings.)
CS 143–60 Perforated Vitrified Clay Pipe (Standard and Extra Strength.)
(ASTM C 13–69 Standard Specification for Standard Strength Clay Sewer Pipe.)
(ASTM C 200–69 Standard Specification for Extra Strength Clay Pipe.)
(ASTM C 211–68 Standard Specification for Standard and Extra Strength Perforated Clay Pipe.)
CS 224–60 Vitrified Clay Sewer Pipe (Standard and Extra Strength).
(ASTM C 13–69 Standard Specification for Standard Strength Clay Sewer Pipe.)
(ASTM C 200–69 Standard Specification for Extra Strength Clay Pipe.)
(ASTM C 211–68 Standard Specification for Standard and Extra Strength Perforated Clay Pipe.)
SPR 211–45 Clay Sewer Pipe and Fittings.
(ASTM C 12–64 Standard Specification for Installing Vitrified Clay Sewer Pipe.)

Any comments or objections concerning the intended withdrawal of any of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, within 45 days of the publication of this notice. The effective date of withdrawal, where appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures, from the effective date of the withdrawal.

LAWRENCE M. KUSHNER,
Acting Director.

JANUARY 19, 1972.

[FR Doc.72-1084 Filed 1-24-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-422]

HAVER-LOCKHART LABORATORIES

Neomycin Sulfate-Sulfacetamide-Phenacaine Ophthalmic Ointment; Notice of Drug Deemed Adulterated

In the FEDERAL REGISTER of February 19, 1970 (35 F.R. 3181), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Neocetacaine Ophthalmic Ointment Veterinary, marketed by Haver-Lockhart Laboratories, Kansas City, Mo. 64141.

The announcement provided the manufacturer and all interested persons a 6-month period in which to submit new animal drug applications. Haver-Lockhart Laboratories does not hold an approved new animal drug application for said drug.

Based on the foregoing and the information before him, the Commissioner concludes that the above named drug is adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that it is not the subject of an approved new animal drug application pursuant to section 512 of the act. Therefore, notice is given to Haver-Lockhart Laboratories, and all interested persons that all stocks of said drug within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343–51; 21 U.S.C. 351(a)(5), 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 14, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-1038 Filed 1-24-72;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-142]

DIRECTOR, PROGRAM PLANNING STAFF, ET AL.

Designation To Act as Acting Regional Administrator

The officers appointed to the following listed positions in Region V (Chicago) are hereby designated to serve as Acting Regional Administrator, Region V (Chicago), during the absence of both the Regional Administrator and the Deputy Regional Administrator, with all the powers, functions, and duties redelegated or assigned to both the Regional Administrator and Deputy Regional Administrator: *Provided,* That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Director, Program Planning Staff.
2. Assistant Regional Administrator for Administration.
3. Regional Counsel.

This designation supersedes the designation effective April 23, 1968 (33 F.R. 5599, May 9, 1968).

(Delegation May 4, 1962, 27 F.R. 4319; Dept. Interim Order 11, 31 F.R. 815, Jan. 21, 1966)

Effective as of October 1, 1971.

GEORGE J. VAVOULIS,
Regional Administrator,
Region V (Chicago, Ill.).

[FR Doc.72-1018 Filed 1-24-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-369, 50-370]

DUKE POWER CO.

Determination To Grant Exemption From Licensing for Certain Construction Activities

Pursuant to the provisions of 10 CFR 50.12 of the Atomic Energy Commission's (Commission) regulations, the Commission has granted an exemption from the requirements of 10 CFR 50.10(b) to the Duke Power Co. (the applicant) for certain additional construction activities involving units 1 and 2 of its William B. McGuire Nuclear Station prior to the issuance of construction permits and the completion of the National Environmental Policy Act of 1969 (NEPA) environmental review.

In an application dated September 18, 1970, the applicant applied for permits to construct two pressurized water nuclear power reactors, designated as the William B. McGuire Nuclear Station, units 1 and 2 (facilities), at the applicant's site in Mecklenburg County, N.C. On June 23, 1971, in response to a request by the applicant, the Commission granted the applicant an exemption from the provisions of 10 CFR 50.10(b) to allow certain construction activities at the facilities prior to the issuance of construction permits.

By letters dated September 3, October 1, and December 8, 1971, the applicant requested a further exemption from the provisions of 10 CFR 50.10(b) for certain additional construction activities at the facilities prior to the issuance of construction permits and provided the Commission with supporting information, including information on the environmental impact of the activities to be conducted under the exemption, if granted.

On the basis of our review of the information provided by the applicant in support of the request for an exemption and after consideration and balancing of the environmental factors specified in the proposed revision to 10 CFR 50.12 published in the FEDERAL REGISTER on December 1, 1971 (36 F.R. 22848), it has been determined that the requested exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest and should be authorized.

The basis for granting this exemption prior to the completion of the ongoing NEPA review of these facilities is set forth in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to a Request for an Exemption from Licensing for Certain Construction Activities at the McGuire Nuclear Station, Units 1 and 2, Prior to the Completion of the NEPA Environmental Review, AEC Docket Nos. 50-369 and 50-370," dated December 21, 1971.

The applicant's letters of September 3, October 1, and December 8, 1971, relating to this request for an exemption, a letter from the Director, Division of Reactor Licensing to the applicant dated January 17, 1972, granting the exemption, and the "Discussion and Findings" referred to above, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Public Library of Charlotte, and Mecklenburg County, 310 Tryon Street, Charlotte, NC 28208. Copies of the "Discussion and Findings" document may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 17th day of January 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-1032 Filed 1-24-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24164; Order 72-1-68]

CAPITOL INTERNATIONAL AIRWAYS, INC.

Order of Investigation and Suspension Regarding Baggage Liability Limitation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of January 1972.

By tariff revisions [1] marked to become effective January 22, 1972, Capitol International Airways, Inc. (Capitol) proposes to reduce its baggage liability limitation provided without charge to the passenger (applicable to other than foreign air transportation) from $500 to $100, and to assess an excess valuation charge of $1 on any valuation declared by the passenger in excess of $100 up to a maximum of $500.

In support of its proposal, Capitol states that with the effectiveness of the proposed change it intends to institute a self-insurance program; that the increase is designed to cover the cost of administering that program; and that the increase will in no way result in an increase in its pretax profits. The carrier also states that during the last 6 months the average claim has been $100 or less, and that with the passengers' option of increased valuation its anticipated claim settlements will be larger. The carrier further alleges that its proposal is within the Price Commission stabilization guidelines, and that it is not required to advise the Commission of its proposal inasmuch as its gross revenue is under $50 million annually.

No complaints have been filed.

Upon consideration of the proposal and all other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

In our opinion, Capitol's proposal is inconsistent with the Board's decision in the Baggage Liability Rules Case, Docket 15529,[2] in which we found that $500 was the minimum limitation domestic trunk and local service carriers should place on their liability for personal property, including baggage, provided without assessing a charge. Although that case was limited in scope to the liability rules applicable to domestic services of the trunkline and local service carriers, we find no basis, absent a convincing showing to the contrary, upon which to depart from the standards established therein. We will also investigate the lack of a provision in Capitol's tariff for the declaration of value in excess of the $500 free limit at a reasonable charge.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charge and provisions of Rule No. 55(D)(1) on 2d [3] and 3d revised pages 16 of Capitol International Airways, Inc.'s C.A.B. No. 160 (Capitol Airways, Inc., series), and rules, regulations, or practices affecting such charge and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if

[1] Capitol International Airways, Inc., C.A.B. No. 160.

[2] Order E-24198, Sept. 19, 1966.

[3] Insofar as the rule does not provide, at a reasonable charge, for the declaration of value in excess of the present limitation of $500.

V 37 16 JAN 25 72 XUM

found to be unlawful, to determine and prescribe the lawful charge and provisions, and rules, regulations, or practices affecting such charge and provisions;

2. Pending hearing and decision by the Board, Rule No. 55(D)(1) on 3d revised page 16 of Capitol International Airways, Inc.'s C.A.B. No. 160 (Capitol Airways, Inc., series) is suspended and its use deferred to and including April 20, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed with the aforesaid tariff and be served upon Capitol International Airways, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1070 Filed 1-24-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Supp. 1]

CANADIAN FM BROADCASTING CHANNEL ALLOCATIONS

Addition to Table

JANUARY 14, 1972.

Amendment of Table A of the 1963 Working Arrangement for Allocations of FM Broadcast Stations under the Canada-U.S.A. FM Agreement of 1947. *Supplement No. 1* To the Table of Canadian FM broadcasting channel allocations within 250 miles of the Canada-U.S.A. border, dated October 1, 1971, as revised to September 15, 1971.

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, table A of the FM Working Arrangement has been amended as follows:

City	Channel No.	
	Delete	Add
Bonnington, British Columbia		222A
Toronto, Ontario	[1] 260C1*	260C1*
Chicoutimi, Quebec		300
Drummondville, Quebec		243A
Quebec City, Quebec	298B	298C1
St. Anne de Beaupre, Quebec		267B
Sherbrooke, Quebec	243C1*	266C1*

[1] Limited to parameters of 200 kw. and 440 feet or equivalent.

Further amendments to Table A will be issued as public notices in the form of numbered supplements or recaptiulated lists.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-980 Filed 1-24-72;8:45 am]

[Report 579]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 17, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

1973-C2-P-72—Southwestern Bell Telephone Co. (KKD283), for additional facilities to operate on 454.575 MHz at location No. 2: Normandy Road and 42d Street, Fort Worth, TX.

4019-C2-P-(4)-72—The Bell Telephone Co. of Pennsylvania (KGA474), for additional facilities to operate on 152.60 MHz and change the antenna system operating on 152.63 and 152.78 MHz located at 1.9 miles north of Wyoming, Pa.

4140-C2-ML-72—Montana Communications (KOP294), change base frequency to 152.06 MHz located on XL Heights, 3 miles northeast of Butte, Mont.

4145-C2-P-72—Mobilphone-Paging Radio Corp. (KCA725), for additional facilities to operate on 454.25 MHz at location No. 3: On Folmouth Street, Johnston, R.I.

4148-C2-P-72—Ranch Radio, Inc. (KLB324), for additional facilities to operate on 454.225 MHz located 2 miles northwest of Wharton, Tex.

4169-C2-P-(5)-72—Southern Bell Telephone & Telegraph Co. (KIG292), delete frequencies 152.63 MHz base and 157.89 MHz test; replace transmitter operating on 152.51 MHz base; replace test transmitter operating on 157.77 MHz; add four base channels on 152.57, 152.66, 152.72, and 152.78 MHz; add test frequencies 157.83, 157.92, 157.98, and 158.04 MHz; change the antenna system and relocate facilities to 325 Gardenia Street, West Palm Beach, FL.

4177-C2-P-(2)-72—Communications Equipment & Service Co. (KWA632), change repeater frequencies from 72.30 and 459.175 MHz to 2175 MHz at location No 1: Ester Dome, Alaska, and change control frequencies from 75.68 and 454.175 MHz to 2125 MHz at location No. 2: 1010 College Road, Fairbanks, AK.

4178-C2-P-(7)-72—Mountain States Telephone & Telegraph Co. (KOA607), change the antenna structure for 152.51, 152.57, 152.60, 152.63, 152.66, 152.72, and 152.81 MHz at location No. 2: 12403 North 15th Avenue, Phoenix, AZ.

4179-C2-P-72—Lalie Hampton, doing business as Radio Call Co. (New), for a new one-way station to be located at 17th Street on Beaver Creek Knob, Bristol, Tenn., to operate on 152.24 MHz.

4180-C2-P-72—R. O. Deaderick Co. (KCI308), for additional facilities to operate on 152.18 MHz at location No. 3: WBIR TV Tower, Knoxville, Tenn.

4181-C2-P-72—Curtin-Call Communications, Inc. (New), for a new one-way station to be located at Division and Main Streets, Fond du Lac, WI, to operate on 158.70 MHz.

4186-C2-P-72—Radio Dispatch Co. (New), for a new one-way station to be located at 2210 Boardwalk, Atlantic City, NJ, to operate on 158.700 MHz.

4187-C2-P-(2)-72—Mueller Electronics, Inc. (New), for a new one-way station to be located at Boardwalk at Iowa Avenue, Atlantic City, N.J., to operate on 152.24 and 158.70 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4114-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles northeast of Cashion, Okla., at latitude 35°49'23" N. and longitude 97°38'23" W. Frequency 6152.8V MHz on azimuth 46°7" and 6063.8H MHz on azimuth 188°28'.

4115-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles east-southeast of Dibble, Okla., at latitude 35°01'45" N. and longitude 97°35'14" W. Frequency 6152.8H MHz on azimuth 343°39' and 6063.8V MHz on azimuth 111°23'.

4116-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 1 mile north of Wayne, Okla., at latitude 34°56'21" N. and longitude 97°18'33" W. Frequency 6404.8V MHz on azimuth 291°33' and 6315.9H MHz on azimuth 209°23'.

4117-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 3 miles north of Foster, Okla., at latitude 34°23'16" N. and longitude 97°37'05" W. Frequency 6404.8H MHz on azimuth 29°17' and 6063.8H MHz on azimuth 199°48'.

4118-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2.5 miles south of Alma, Okla., at latitude 34°23'16" N. and longitude 97°37'05" W. Frequency 6404.8H MHz on azimuth 19°44' and 6315.9H MHz on azimuth 182°26'.

4119-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles southwest of Cornish, Okla., at latitude 34°07'47" N. and longitude 97°37'53" W. Frequency 6152.8H MHz on azimuth 02°27' and 6063.8V MHz on azimuth 167°40'.

4120-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 4 miles southeast of Bonita, Tex., at latitude 33°43'50" N. and longitude 97°31'37" W. Frequency 6404.8V MHz on azimuth 347°43' and 6315.9V MHz on azimuth 133°25'.

4121-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 1.5 miles north-northeast of Hood, Tex., at latitude 33°34'28" N. and longitude 97°19'48" W. Frequency 6152.8V MHz on azimuth 313°21' and 6063.6H MHz on azimuth 173°19'.

4122-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 5 miles northeast of Stony, Tex., at latitude 33°16'03" N. and longitude 97°17'14" W. Frequency 6404.8H MHz on azimuth 353°21' and 6315.9H MHz on azimuth 161°27'.

4123-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles south-southeast of Roanoke, Tex., at latitude 32°59'56" N. and longitude 97°10'49" W. Frequency 6152.8H MHz on azimuth 341°31' and 6063.8V MHz on azimuth 126°50'.

(INFORMATIVE: Applicant, MCI Indiana-Ohio, Inc., is modifying its original proposal for specialized common carrier radio service between Cleveland, Ohio, and Cincinnati, Ohio, and other major cities in Ohio by filing seven new applications as listed below.)

4124-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 3, Medina, Ohio. C.P. for a new station 3 miles south-southeast of Medina, Ohio, at latitude 41°04'45" N., longitude 81°50'32" W. Frequencies 6197.2V MHz on azimuth 17°33' toward North Royalton, Ohio, 6226.9H MHz on azimuth 256°25' toward Nova, Ohio, and 3730.0V MHz on azimuth 89°30' toward Akron, Ohio.

4125-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 5, Nova, Ohio. C.P. for a new station 2.3 miles south-southeast of Nova, Ohio, at latitude 40°59'55" N., longitude 82°16'56" W. Frequencies 5974.8H MHz on azimuth 76°08' toward Medina, Ohio, and 5945.2V MHz on azimuth 211°21' toward Mansfield, Ohio.

4126-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 6, Mansfield, Ohio. C.P. for a new station 2.3 miles south of Mansfield, Ohio, at latitude 40°41'02" N., longitude 82°32'02" W. Frequencies 6197.2V MHz on azimuth 31°11' toward Nova, Ohio, and 6226.9V on azimuth 211°01' toward Chesterville, Ohio.

4127-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 7, Chesterville, Ohio. C.P. for a new station 1.8 miles north-northeast of Chesterville, Ohio, at latitude 40°30'08" N., longitude 82°40'37" W. Frequencies 5945.2H MHz on azimuth 30°56' toward Mansfield, Ohio, and 6345.2V MHz on azimuth 218°44' toward Sunbury, Ohio.

4128-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 8, Sunbury, Ohio. C.P. for a new station 3 miles west-northwest of Sunbury, Ohio, at latitude 40°14'45" N., longitude 82°55'09" W. Frequencies 6197.2V MHz on azimuth 35°36' toward Chesterville, Ohio, and 6226.9H MHz on azimuth 221°28' toward Hilliard, Ohio.

4129-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 11, Vienna, Ohio. C.P. for a new station 0.7 mile north-northeast of Vienna, Ohio, at latitude 39°56'13" N., longitude 83°36'26" W. Frequencies 6197.2V MHz on azimuth 77°04' toward Hilliard, Ohio, and 6226.9V MHz on azimuth 240°12' toward Byron, Ohio.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4130-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 12, Byron, Ohio. C.P. for a new station 0.7 mile north-northeast of Byron, Ohio, at latitude 41°19'39" N., longitude 84°03'12" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Vienna, Ohio, and 6226.9V MHz on azimuth 240°12' toward Archbold, Ohio.

4131-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 13, Archbold, Ohio. C.P. for a new station 0.7 mile north-northeast of Archbold, Ohio, at latitude 41°31'32" N., longitude 84°18'49" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Byron, Ohio, and 6226.9V MHz on azimuth 240°12' toward Swanton, Ohio.

4132-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 14, Swanton, Ohio. C.P. for a new station 0.7 mile north-northeast of Swanton, Ohio, at latitude 41°48'08" N., longitude 83°54'49" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Archbold, Ohio, and 6226.9V MHz on azimuth 240°12' toward Oregon, Ohio.

4133-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 15, Oregon, Ohio. C.P. for a new station 0.7 mile north-northeast of Oregon, Ohio, at latitude 41°41'37" N., longitude 83°27'46" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Swanton, Ohio, and 6226.9V MHz on azimuth 240°12' toward Bono, Ohio.

4134-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 16, Bono, Ohio. C.P. for a new station 0.7 mile north-northeast of Bono, Ohio, at latitude 41°34'30" N., longitude 83°09'43" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Oregon, Ohio, and 6226.9V MHz on azimuth 240°12' toward Lakeside, Ohio.

4135-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 17, Lakeside, Ohio. C.P. for a new station 0.7 mile north-northeast of Lakeside, Ohio, at latitude 41°27'24" N., longitude 82°52'50" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Bono, Ohio, and 6226.9V MHz on azimuth 240°12' toward Vermilion, Ohio.

4136-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 18, Vermilion, Ohio. C.P. for a new station 0.7 mile north-northeast of Vermilion, Ohio, at latitude 41°20'13" N., longitude 82°21'57" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Lakeside, Ohio, and 6226.9V MHz on azimuth 240°12' toward Amherst, Ohio.

4137-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 19, Amherst, Ohio. C.P. for a new station 0.7 mile north-northeast of Amherst, Ohio, at latitude 41°13'06" N., longitude 82°13'04" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Vermilion, Ohio, and 6226.9V MHz on azimuth 240°12' toward Elyria, Ohio.

4138-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 20, Elyria, Ohio. C.P. for a new station 0.7 mile north-northeast of Elyria, Ohio, at latitude 41°23'00" N., longitude 82°04'10" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Amherst, Ohio, and 6226.9V MHz on azimuth 240°12' toward Rocky River, Ohio.

4139-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 21, Rocky River, Ohio. C.P. for a new station 0.7 mile north-northeast of Rocky River, Ohio, at latitude 41°29'47" N., longitude 81°50'32" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Elyria, Ohio, and 6226.9V MHz on azimuth 240°12' toward Akron, Ohio.

4140-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 22, Akron, Ohio. C.P. for a new station 0.7 mile north-northeast of Akron, Ohio, at latitude 41°04'45" N., longitude 81°30'32" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Rocky River, Ohio, and 6226.9V MHz on azimuth 240°12' toward Hiram, Ohio.

4141-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 23, Hiram, Ohio. C.P. for a new station 0.7 mile north-northeast of Hiram, Ohio, at latitude 41°19'39" N., longitude 81°09'43" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Akron, Ohio, and 6226.9V MHz on azimuth 240°12' toward Ravenna, Ohio.

4142-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 24, Ravenna, Ohio. C.P. for a new station 0.7 mile north-northeast of Ravenna, Ohio, at latitude 41°12'32" N., longitude 81°14'49" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Hiram, Ohio, and 6226.9V MHz on azimuth 240°12' toward Canton, Ohio.

4143-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 25, Canton, Ohio. C.P. for a new station 0.7 mile north-northeast of Canton, Ohio, at latitude 40°49'23" N., longitude 81°23'11" W. Frequency 6152.8V MHz on azimuth 46°7" and 6063.8H MHz on azimuth 188°28'.

4144-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles northeast of Cashion, Okla., at latitude 35°49'23" N. and longitude 97°38'23" W. Frequency 6152.8V MHz on azimuth 46°7" and 6063.8H MHz on azimuth 188°28'.

4145-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles east-southeast of Dibble, Okla., at latitude 35°01'45" N. and longitude 97°35'14" W. Frequency 6152.8H MHz on azimuth 343°39' and 6063.8V MHz on azimuth 111°23'.

4146-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 1 mile north of Wayne, Okla., at latitude 34°56'21" N. and longitude 97°18'33" W. Frequency 6404.8V MHz on azimuth 291°33' and 6315.9H MHz on azimuth 209°23'.

4147-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 3 miles north of Foster, Okla., at latitude 34°23'16" N. and longitude 97°37'05" W. Frequency 6404.8H MHz on azimuth 29°17' and 6063.8H MHz on azimuth 199°48'.

4148-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2.5 miles south of Alma, Okla., at latitude 34°23'16" N. and longitude 97°37'05" W. Frequency 6404.8H MHz on azimuth 19°44' and 6315.9H MHz on azimuth 182°26'.

4149-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles southwest of Cornish, Okla., at latitude 34°07'47" N. and longitude 97°37'53" W. Frequency 6152.8H MHz on azimuth 02°27' and 6063.8V MHz on azimuth 167°40'.

4150-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 4 miles southeast of Bonita, Tex., at latitude 33°43'50" N. and longitude 97°31'37" W. Frequency 6404.8V MHz on azimuth 347°43' and 6315.9V MHz on azimuth 133°25'.

4151-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 1.5 miles north-northeast of Hood, Tex., at latitude 33°34'28" N. and longitude 97°19'48" W. Frequency 6152.8V MHz on azimuth 313°21' and 6063.6H MHz on azimuth 173°19'.

4152-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 5 miles northeast of Stony, Tex., at latitude 33°16'03" N. and longitude 97°17'14" W. Frequency 6404.8H MHz on azimuth 353°21' and 6315.9H MHz on azimuth 161°27'.

4153-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles south-southeast of Roanoke, Tex., at latitude 32°59'56" N. and longitude 97°10'49" W. Frequency 6152.8H MHz on azimuth 341°31' and 6063.8V MHz on azimuth 126°50'.

(INFORMATIVE: Applicant, MCI Indiana-Ohio, Inc., is modifying its original proposal for specialized common carrier radio service between Cleveland, Ohio, and Cincinnati, Ohio, and other major cities in Ohio by filing seven new applications as listed below.)

4154-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 3, Medina, Ohio. C.P. for a new station 3 miles south-southeast of Medina, Ohio, at latitude 41°04'45" N., longitude 81°50'32" W. Frequencies 6197.2V MHz on azimuth 17°33' toward North Royalton, Ohio, 6226.9H MHz on azimuth 256°25' toward Nova, Ohio, and 3730.0V MHz on azimuth 89°30' toward Akron, Ohio.

4155-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 5, Nova, Ohio. C.P. for a new station 2.3 miles south-southeast of Nova, Ohio, at latitude 40°59'55" N., longitude 82°16'56" W. Frequencies 5974.8H MHz on azimuth 76°08' toward Medina, Ohio, and 5945.2V MHz on azimuth 211°21' toward Mansfield, Ohio.

4156-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 6, Mansfield, Ohio. C.P. for a new station 2.3 miles south of Mansfield, Ohio, at latitude 40°41'02" N., longitude 82°32'02" W. Frequencies 6197.2V MHz on azimuth 31°11' toward Nova, Ohio, and 6226.9V on azimuth 211°01' toward Chesterville, Ohio.

4157-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 7, Chesterville, Ohio. C.P. for a new station 1.8 miles north-northeast of Chesterville, Ohio, at latitude 40°30'08" N., longitude 82°40'37" W. Frequencies 5945.2H MHz on azimuth 30°56' toward Mansfield, Ohio, and 6345.2V MHz on azimuth 218°44' toward Sunbury, Ohio.

4158-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 8, Sunbury, Ohio. C.P. for a new station 3 miles west-northwest of Sunbury, Ohio, at latitude 40°14'45" N., longitude 82°55'09" W. Frequencies 6197.2V MHz on azimuth 35°36' toward Chesterville, Ohio, and 6226.9H MHz on azimuth 221°28' toward Hilliard, Ohio.

4159-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 11, Vienna, Ohio. C.P. for a new station 0.7 mile north-northeast of Vienna, Ohio, at latitude 39°56'13" N., longitude 83°36'26" W. Frequencies 6197.2V MHz on azimuth 77°04' toward Hilliard, Ohio, and 6226.9V MHz on azimuth 240°12' toward Byron, Ohio.

4160-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 12, Byron, Ohio. C.P. for a new station 0.7 mile north-northeast of Byron, Ohio, at latitude 41°19'39" N., longitude 84°03'12" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Vienna, Ohio, and 6226.9V MHz on azimuth 240°12' toward Archbold, Ohio.

4161-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 13, Archbold, Ohio. C.P. for a new station 0.7 mile north-northeast of Archbold, Ohio, at latitude 41°31'32" N., longitude 84°18'49" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Byron, Ohio, and 6226.9V MHz on azimuth 240°12' toward Swanton, Ohio.

4162-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 14, Swanton, Ohio. C.P. for a new station 0.7 mile north-northeast of Swanton, Ohio, at latitude 41°48'08" N., longitude 83°54'49" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Archbold, Ohio, and 6226.9V MHz on azimuth 240°12' toward Oregon, Ohio.

4163-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 15, Oregon, Ohio. C.P. for a new station 0.7 mile north-northeast of Oregon, Ohio, at latitude 41°41'37" N., longitude 83°27'46" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Swanton, Ohio, and 6226.9V MHz on azimuth 240°12' toward Bono, Ohio.

4164-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 16, Bono, Ohio. C.P. for a new station 0.7 mile north-northeast of Bono, Ohio, at latitude 41°34'30" N., longitude 83°09'43" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Oregon, Ohio, and 6226.9V MHz on azimuth 240°12' toward Lakeside, Ohio.

4165-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 17, Lakeside, Ohio. C.P. for a new station 0.7 mile north-northeast of Lakeside, Ohio, at latitude 41°27'24" N., longitude 82°52'50" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Bono, Ohio, and 6226.9V MHz on azimuth 240°12' toward Vermilion, Ohio.

4166-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 18, Vermilion, Ohio. C.P. for a new station 0.7 mile north-northeast of Vermilion, Ohio, at latitude 41°20'13" N., longitude 82°21'57" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Lakeside, Ohio, and 6226.9V MHz on azimuth 240°12' toward Amherst, Ohio.

4167-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 19, Amherst, Ohio. C.P. for a new station 0.7 mile north-northeast of Amherst, Ohio, at latitude 41°13'06" N., longitude 82°13'04" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Vermilion, Ohio, and 6226.9V MHz on azimuth 240°12' toward Elyria, Ohio.

4168-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 20, Elyria, Ohio. C.P. for a new station 0.7 mile north-northeast of Elyria, Ohio, at latitude 41°23'00" N., longitude 82°04'10" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Amherst, Ohio, and 6226.9V MHz on azimuth 240°12' toward Rocky River, Ohio.

4169-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 21, Rocky River, Ohio. C.P. for a new station 0.7 mile north-northeast of Rocky River, Ohio, at latitude 41°29'47" N., longitude 81°50'32" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Elyria, Ohio, and 6226.9V MHz on azimuth 240°12' toward Akron, Ohio.

4170-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 22, Akron, Ohio. C.P. for a new station 0.7 mile north-northeast of Akron, Ohio, at latitude 41°04'45" N., longitude 81°30'32" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Rocky River, Ohio, and 6226.9V MHz on azimuth 240°12' toward Hiram, Ohio.

4171-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 23, Hiram, Ohio. C.P. for a new station 0.7 mile north-northeast of Hiram, Ohio, at latitude 41°19'39" N., longitude 81°09'43" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Akron, Ohio, and 6226.9V MHz on azimuth 240°12' toward Ravenna, Ohio.

4172-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 24, Ravenna, Ohio. C.P. for a new station 0.7 mile north-northeast of Ravenna, Ohio, at latitude 41°12'32" N., longitude 81°14'49" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Hiram, Ohio, and 6226.9V MHz on azimuth 240°12' toward Canton, Ohio.

4173-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 25, Canton, Ohio. C.P. for a new station 0.7 mile north-northeast of Canton, Ohio, at latitude 40°49'23" N., longitude 81°23'11" W. Frequency 6152.8V MHz on azimuth 46°7" and 6063.8H MHz on azimuth 188°28'.

4174-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles northeast of Cashion, Okla., at latitude 35°49'23" N. and longitude 97°38'23" W. Frequency 6152.8V MHz on azimuth 46°7" and 6063.8H MHz on azimuth 188°28'.

4175-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles east-southeast of Dibble, Okla., at latitude 35°01'45" N. and longitude 97°35'14" W. Frequency 6152.8H MHz on azimuth 343°39' and 6063.8V MHz on azimuth 111°23'.

4176-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 1 mile north of Wayne, Okla., at latitude 34°56'21" N. and longitude 97°18'33" W. Frequency 6404.8V MHz on azimuth 291°33' and 6315.9H MHz on azimuth 209°23'.

4177-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 3 miles north of Foster, Okla., at latitude 34°23'16" N. and longitude 97°37'05" W. Frequency 6404.8H MHz on azimuth 29°17' and 6063.8H MHz on azimuth 199°48'.

4178-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2.5 miles south of Alma, Okla., at latitude 34°23'16" N. and longitude 97°37'05" W. Frequency 6404.8H MHz on azimuth 19°44' and 6315.9H MHz on azimuth 182°26'.

4179-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles southwest of Cornish, Okla., at latitude 34°07'47" N. and longitude 97°37'53" W. Frequency 6152.8H MHz on azimuth 02°27' and 6063.8V MHz on azimuth 167°40'.

4180-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 4 miles southeast of Bonita, Tex., at latitude 33°43'50" N. and longitude 97°31'37" W. Frequency 6404.8V MHz on azimuth 347°43' and 6315.9V MHz on azimuth 133°25'.

4181-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 1.5 miles north-northeast of Hood, Tex., at latitude 33°34'28" N. and longitude 97°19'48" W. Frequency 6152.8V MHz on azimuth 313°21' and 6063.6H MHz on azimuth 173°19'.

4182-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 5 miles northeast of Stony, Tex., at latitude 33°16'03" N. and longitude 97°17'14" W. Frequency 6404.8H MHz on azimuth 353°21' and 6315.9H MHz on azimuth 161°27'.

4183-C1-P-72—MCI St. Louis—Texas, Inc. (New), a new station 2 miles south-southeast of Roanoke, Tex., at latitude 32°59'56" N. and longitude 97°10'49" W. Frequency 6152.8H MHz on azimuth 341°31' and 6063.8V MHz on azimuth 126°50'.

(INFORMATIVE: Applicant, MCI Indiana-Ohio, Inc., is modifying its original proposal for specialized common carrier radio service between Cleveland, Ohio, and Cincinnati, Ohio, and other major cities in Ohio by filing seven new applications as listed below.)

4184-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 3, Medina, Ohio. C.P. for a new station 3 miles south-southeast of Medina, Ohio, at latitude 41°04'45" N., longitude 81°50'32" W. Frequencies 6197.2V MHz on azimuth 17°33' toward North Royalton, Ohio, 6226.9H MHz on azimuth 256°25' toward Nova, Ohio, and 3730.0V MHz on azimuth 89°30' toward Akron, Ohio.

4185-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 5, Nova, Ohio. C.P. for a new station 2.3 miles south-southeast of Nova, Ohio, at latitude 40°59'55" N., longitude 82°16'56" W. Frequencies 5974.8H MHz on azimuth 76°08' toward Medina, Ohio, and 5945.2V MHz on azimuth 211°21' toward Mansfield, Ohio.

4186-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 6, Mansfield, Ohio. C.P. for a new station 2.3 miles south of Mansfield, Ohio, at latitude 40°41'02" N., longitude 82°32'02" W. Frequencies 6197.2V MHz on azimuth 31°11' toward Nova, Ohio, and 6226.9V on azimuth 211°01' toward Chesterville, Ohio.

4187-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 7, Chesterville, Ohio. C.P. for a new station 1.8 miles north-northeast of Chesterville, Ohio, at latitude 40°30'08" N., longitude 82°40'37" W. Frequencies 5945.2H MHz on azimuth 30°56' toward Mansfield, Ohio, and 6345.2V MHz on azimuth 218°44' toward Sunbury, Ohio.

4188-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 8, Sunbury, Ohio. C.P. for a new station 3 miles west-northwest of Sunbury, Ohio, at latitude 40°14'45" N., longitude 82°55'09" W. Frequencies 6197.2V MHz on azimuth 35°36' toward Chesterville, Ohio, and 6226.9H MHz on azimuth 221°28' toward Hilliard, Ohio.

4189-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 11, Vienna, Ohio. C.P. for a new station 0.7 mile north-northeast of Vienna, Ohio, at latitude 39°56'13" N., longitude 83°36'26" W. Frequencies 6197.2V MHz on azimuth 77°04' toward Hilliard, Ohio, and 6226.9V MHz on azimuth 240°12' toward Byron, Ohio.

4190-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 12, Byron, Ohio. C.P. for a new station 0.7 mile north-northeast of Byron, Ohio, at latitude 41°19'39" N., longitude 84°03'12" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Vienna, Ohio, and 6226.9V MHz on azimuth 240°12' toward Archbold, Ohio.

4191-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 13, Archbold, Ohio. C.P. for a new station 0.7 mile north-northeast of Archbold, Ohio, at latitude 41°31'32" N., longitude 84°18'49" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Byron, Ohio, and 6226.9V MHz on azimuth 240°12' toward Swanton, Ohio.

4192-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 14, Swanton, Ohio. C.P. for a new station 0.7 mile north-northeast of Swanton, Ohio, at latitude 41°48'08" N., longitude 83°54'49" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Archbold, Ohio, and 6226.9V MHz on azimuth 240°12' toward Oregon, Ohio.

4193-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 15, Oregon, Ohio. C.P. for a new station 0.7 mile north-northeast of Oregon, Ohio, at latitude 41°41'37" N., longitude 83°27'46" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Swanton, Ohio, and 6226.9V MHz on azimuth 240°12' toward Bono, Ohio.

4194-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 16, Bono, Ohio. C.P. for a new station 0.7 mile north-northeast of Bono, Ohio, at latitude 41°34'30" N., longitude 83°09'43" W. Frequencies 6197.2V MHz on azimuth 60°48' toward Oregon, Ohio, and 6226.9V MHz on azimuth 240°12' toward Lakeside, Ohio.

4195-C1-P-72—MCI St. Louis—Texas, Inc. (New), Site 17, Lakeside, Ohio. C.P. for a new station 0.7 mile north-northeast of Lakeside, Ohio, at latitude 41°27'24" N., longitude 82°52'50" W. Frequencies 6197.2V MHz on azimuth 60°48'

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4150-C1-P-72—American Telephone & Telegraph Co. (KSP38), location: 1.5 miles east-northeast of Eagle Point, Wis. To add frequencies 3990H MHz toward Bellinger, Wis., and add 3910H MHz toward Cameron, Wis.

4160-C1-P-72—American Telephone & Telegraph Co. (KSP37), location: 3 miles southeast of Cameron, Wis. To add 3870H MHz toward Eagleton, Wis., and add 3970H toward Cumberland, Wis.

4161-C1-P-72—American Telephone & Telegraph Co. (KSP36), location: 1.5 miles southwest of Cumberland, Wis. To add 3910H MHz toward Cameron, Wis., and add 3910H toward Centuria, Wis.

4162-C1-P-72—American Telephone & Telegraph Co. (KSP35), location: 2 miles northwest of Centuria, Wis. To add 3870H MHz toward Cumberland, Wis., and 3870V MHz toward Wyoming, Minn.

4163-C1-P-72—American Telephone & Telegraph Co. (KAK48), location: 2 miles northeast of Wyoming, Minn. To add frequency 3910V MHz toward Centuria, Wis.

4170-C1-P-72—General Telephone Co. of the Southwest (KLT94), location: Northside of Tate Street, between Athlus and 15th Street, Brownfield, Tex. For C.P. to replace transmitter and change antenna system for frequencies 6937.8V MHz and 6036.4V MHz.

4171-C1-P-72—General Telephone Co. of the Southwest (KLU98), location: Northwest corner of intersection at Conway and Porterfield Streets, Tahoka, Tex. For C.P. to replace transmitter for frequencies 6189.8V and 6308.4V MHz and change the antenna system.

4172-C1-P-72—Microwave Communications, Inc. (New), 2.75 miles south-southeast of Waynesville, Ill. Frequencies 6404.8H toward Station WAX69, Bloomington, Ill., and 6019.3H MHz toward Station WAX70, Elkhart, Ill.

4173-C1-MP-72—Microwave Communications, Inc. (WAX69), 0.66 mile west of Bloomington, Ill. Modification of C.P. (5427-C1-MP-70) delete frequencies, equipment, and path toward WAX70, Elkhart, Ill., and substitute frequency 6152.8H MHz toward (New), Waynesville, Ill.

4174-C1-MP-72—Microwave Communications, Inc. (WAX70), 0.5 mile east-northeast of Elkhart, Ill. Modification of C.P. (5428-C1-MP-70) delete frequencies, equipment, and path toward WAX69, Bloomington, Ill., and substitute 6271.4H toward (New) Waynesville, Ill.

4175-C1-P-72—New York Telephone Co. (New), 158 State Street, Albany NY. (Developmental) Frequency: 11,095 V and H MHz toward Troy, N.Y.

4176-C1-P-72—New York Telephone Co. (New), 94 Fourth Street, Troy, NY. (Developmental) Frequency: 11,225 V and H MHz toward Albany, N.Y.

4182-C1-ML-72—West Coast Telephone Co. of California (KMU51), Patrick's Point, near Trinidad, Calif. Modification of license change polarization from H to V on frequencies 6234.3 and 6412.2 MHz toward Eureka, Calif.

4183-C1-P-72—Wisconsin Telephone Co. (WDE34), 2 miles east of Fisk, Wis. C.P. to add 6404.8H MHz toward Oshkosh, Wis.

4184—C1-P-72—Wisconsin Telephone Co. (New), 315 Algoma Boulevard, Oshkosh, WI. Frequency: 6123.1H toward Fisk, Wis.

The following applicants proposes to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programed" television service.

4146-C1-P-72—Colony Communications, Inc. (New), off Ludlow Street, Johnston, R.I. Latitude 41°48'22" N., longitude 71°28'12" W. Frequencies: 2150.20V (aural), 2152.325 (visual) directed toward various receiving points of system and 2154.00 (aural), 2158.50H (visual) toward various receiving points of system.

4166-C1-P-72—United Video, Inc. (New), corner of Jolly and Hagedorn Road approximately 3.5 miles south and 1 mile east center of East Lansing, Mich. Latitude 42°40'50.7" N., longitude 84°27'37" W. Frequencies: 2152.325V (visual), 2150.2V (aural) toward various receiving points of system and 2158.5V (visual), 2162.0 (aural) toward various receiving points.

4167-C1-P-72—Western Tele-Communications, Inc. (New), 933 Valley Ridge Drive, Homewood, Ala. Latitude 33°25'58" N., longitude 86°48'41" W. Frequencies: 2152.325 (visual), 2150.20 (aural) toward various receiving points of system and 2158.325 (visual), 2154.000 (aural) toward various receiving points of systems.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

4246-C1-P-72—MCI Mid-Continent Communications, Inc. (New), Site 23, Kelley, Iowa. C.P. for a new station 2.6 miles northwest of Kelley, Iowa, at latitude 41°58'19", longitude 93°42'46". Frequencies 6226.9 MHz on azimuth 241°15' toward Woodward, Iowa, 6226.9 MHz on azimuth 98°29' toward Colo, Iowa, and 11,665.0, 11,265.0 MHz on azimuth 53°52' toward Ames, Iowa.

4247-C1-P-72—MCI Mid-Continent Communications, Inc. (New), Site 28, Toledo, Iowa. C.P. for a new station 1.8 miles northwest of Toledo, Iowa, at latitude 42°00'51", longitude 92°36'47". Frequencies 5945.2 MHz on azimuth 276°59' toward Lamoille, Iowa, and 5974.8 MHz on azimuth 97°06' toward Keystone, Iowa.

4248-C1-P-72—MCI Mid-Continent Communications, Inc. (New), Site 29, Keystone, Iowa. C.P. for a new station 2.2 miles west-southwest of Keystone, Iowa, at latitude 41°58'44", longitude 92°14'23". Frequencies 6226.9 MHz on azimuth 277°21' toward Toledo, Iowa, and 6197.2 MHz on azimuth 95°54' toward Atkins, Iowa.

4249-C1-P-72—MCI Mid-Continent Communications, Inc. (New), Site 34, Buchanan, Iowa. C.P. for a new station 3.1 miles southeast of Buchanan, Iowa, at latitude 41°45'23", longitude 91°13'33". Frequencies 5945.2 MHz on azimuth 274°51' toward North Liberty, Iowa, and 5974.8 MHz on azimuth 94°10' toward Bennett, Iowa.

4250-C1-P-72—MCI Mid-Continent Communications, Inc. (New), Site 36, Blue Grass, Iowa. C.P. for a new station 2.6 miles south-southwest of Blue Grass, Iowa, at latitude 41°32'50", longitude 90°47'02". Frequencies 5945.2 MHz on azimuth 332°20' toward Bennett, Iowa, and 10,735.0, 11,135.0 MHz on azimuth 94°25' toward Davenport, Iowa.

INFORMATIVE: Applicant, MCI Mid-Continent Communications, Inc., is modifying its previously filed application by the addition of 14 new sites. These new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's first report and order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding Frequency Coordination Report No. 562, Common Carrier Services Information released Sept. 20, 1971.

4256-C1-MP-72—American Telephone & Telegraph Co. (KMJ86), 434 South Grand Avenue, Los Angeles, CA. Modification of C.P. (3895-C1-P-71) to increase output power from 2 to 5 watts on frequencies 3830V and 3810V MHz directed toward Corona Del Mar, Calif.

4267-C1-MP-72—American Telephone & Telegraph Co. (KNL24), 3.5 miles east of Corona Del Mar, Calif. Modification of C.P. (3884-C1-P-71) to increase output power from 2 to 5 watts on frequencies 3790V and 3870V MHz toward Los Angeles, Calif.

4268-C1-MP-72—American Telephone & Telegraph Co. (KNL28), Salton, 9.5 miles northeast of Ocotillo, Calif. Modification of C.P. (3890-C1-P-71) to increase output power from 2 to 5 watts on frequencies 3870V and 3950V MHz toward Brawley, Calif.

4269-C1-MP-72—American Telephone & Telegraph Co. (KNL29), 1.4 miles west-southwest of Brawley, Calif. Modification of C.P. (3889-C1-P-71) to increase output power from 2 to 5 watts on frequencies 3910V and 3990V directed toward Salton and Glamis, Calif.

4260-C1-MP-72—American Telephone & Telegraph Co. (KNL30), 14.8 miles east-northeast of Glamis, Calif. Modification of C.P. (3888-C1-P-71) to increase output power from 2 to 5 watts on frequencies 3870V and 3950V MHz toward Brawley, Calif.

4261-C1-P-72—American Telephone & Telegraph Co. (KSA46), 3 miles northwest of Chicago Heights, Ill. C.P. to add frequency 3710V MHz directed toward St. John, Ind.

4262-C1-P-72—Bell Telephone Co. of Nevada (KPY31), Murry Summit, 1.4 miles west of Ely, Nev. C.P. to relocate and replace antenna; replace transmitters and change frequencies 6286.5 and 6378.2 MHz to 10,895H and 11,135H MHz toward Ely, Nev.

4263-C1-P-72—Bell Telephone Co. of Nevada (KPY32), 1026 Altman Street, Ely, NV. C.P. to replace facilities from 6004.5 and 6123.1 MHz to 11,205H and 11,545V MHz directed toward Murry Summit, Nev.

6264-C1-MP-72—KHC Microwave Corp. (WDD87), 2.5 miles south of Labelle, Tex. at latitude 29°50'25" N., longitude 94°09'41" W. Modification of C.P. to change location of receiving site and correct azimuth of transmission for frequencies 6226.9H and 6286.2H MHz to 56°00'.

4265-C1-MP-72—KHC Microwave Corp. (WDE80), Modification of C.P. to change location of station to 2 miles east-southeast of Port Neches, Tex., at latitude 29°58'45" N., longitude 93°56'50" W. Frequencies: 6974.8V and 6084.2V MHz on azimuth 73°15'. Applicant is requesting special temporary authority to construct and operate.

V37 I16 JA
AN25 72
XUM

Major Amendments

402–C1–P–72—Microwave Relay Services, Inc. (New), change frequency 3910H to 4190H MHz at station located at 1651 Southampton Road, Jacksonville, FL.

403–C1–P–72—Microwave Relay Services, Inc. (New), change frequency from 3750H to 6375.2V MHz at station located at 1070 East Adams Street, Jacksonville, FL.

404–C1–P–72—Microwave Relay Services, Inc. (New), change polarization on frequencies 5974.8, 6034.2, 6093.5, and 6152.8 MHz from vertical to horizontal and on frequency 5945.2 change polarization from horizontal to vertical at station located at North Meadowbrook Terrace, 4 miles west-northwest of Orange Park, Fla.

406–C1–P–72—Microwave Relay Services, Inc. (New), change coordinates from latitude 29°41'33" N., longitude 81°30'19" W., to latitude 29°41'31" N., longitude 81°30'17" W. at station located at 1.7 miles south of Hastings, Fla.

407–C1–P–72—Microwave Relay Services, Inc. (New), change polarization on frequencies 6256.5 and 6315.9 MHz from horizontal to vertical, toward Hastings, Fla., at station located at Bunnell, Fla.

414–C1–P–72—Microwave Relay Services, Inc. (New), change polarization on frequencies 4110 MHz from horizontal to vertical and 4130 from vertical to horizontal, toward Ocoee, Fla., at station located at Davenport Lake, 13.5 miles north of Haines, Fla.

417–C1–P–72—Microwave Relay Services, Inc. (New), change frequency from 4170V to 4150H toward B Keysville, Fla., and change coordinates from latitude 27°56'42" N., longitude 82°27'26" W., to latitude 27°56'42" N., longitude 82°27'29" W., at station located at 101 North Tampa Street, Tampa, FL.

419–C1–P–72—Microwave Relay Services, Inc. (New), change polarization on frequencies 3770, 3850, 3930, and 4170 from vertical to horizontal and on frequencies 3750, 3830, and 4150 MHz from horizontal to vertical, at station located at Fort Green, Fla.

422–C1–P–72—Microwave Relay Services, Inc. (New), change polarization on frequency 3950 from vertical to horizontal, at station located at 5.1 miles east of Bermont, Fla.

426–C1–P–72—Microwave Relay Services, Inc. (New), change azimuth from 155°17' to 158°42' and change polarization on frequencies 3770, 3850, and 3930 from horizontal to vertical and on frequencies 3750 and 3830 from vertical to horizontal, all toward Big Cypress, Fla., at station located at Seminole, 24.7 miles east of Immokalee, Fla.

428–C1–P–72—Microwave Relay Services, Inc. (New), change frequencies 3770H and 3850H to 4090H and 4170H toward West Palm Beach, Fla., at station located at Belle Glade, Fla.

430–C1–P–72—Microwave Relay Services, Inc. (New), change frequency 4110V to 4050H toward Seminole, Fla., and change coordinates from latitude 26°13'47" N., longitude 80°54'45" W., to latitude 26°13'15" N., longitude 80°55'37" W., at station located at Big Cypress, 27 miles east-southeast of Sunniland, Fla.

3262–C1–P–72—MCI—New York West, Inc. (New), station location: 3.5 miles northeast of Chatham, Ohio. Change polarization of frequency 6226.9 MHz toward North Royalton, Ohio, to horizontal.

3265–C1–P–72—MCI—New York West, Inc. (New), station location: 5.1 miles north of Zelienople, Pa. Change polarization of frequency 6197.2 MHz toward Poland, Ohio, to horizontal.

All other particulars same as reported on Public Notice dated Dec. 6, 1971.

431–C1–P–72—Microwave Relay Services, Inc. (New), change polarization on frequency 4150 from horizontal to vertical and on frequency 4170 from vertical to horizontal, at station located at Alligator Alley, 10.5 miles east of Andytown, Fla. All other particulars as reported on public notice No. 556 dated Aug. 9, 1971, remain the same.

7183–C1–P–71—Northwestern Bell Telephone Co. (New), change polarization of frequency 6004.5 from vertical to horizontal. Station location: Midway, Minn.

7185–C1–P–71—Northwestern Bell Telephone Co. (New), change polarization of frequency 6004.5 from horizontal to vertical. Station location: Duluth, Minn.

All other particulars same as reported in Public Notice dated June 21, 1971.

INFORMATIVE: Applicant, MCI Indiana-Ohio, Inc., is amending nine of its previously filed applications for authority to construct a new specialized common carrier service in the State of Ohio from Cleveland, Ohio, to Cincinnati, Ohio, and serving a number of other major cities in Ohio. The applications now being amended were originally filed on June 26, 1970. They appeared in Public Notice, July 6, 1970, FCC Report No. 499. No prior amendments to these applications have been filed. Each application that is now amended is referenced to the date filed. In addition, seven new sites are now proposed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's first report and order in Docket No. 18920, effective July 15, 1971, and information guidelines published regarding Frequency Coordination in Report No. 562, FCC Common Carrier Services Information released Sept. 20, 1971.

8871–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 15, Mason, Ohio. Change proposed station location to a new station 2.8 miles south of Mason, Ohio, at latitude 39°18'58" N. and longitude 84°18'36" W. Correct azimuths and frequencies to frequency 5945.2V MHz on azimuth 216°15' toward Cincinnati, Ohio, and 5974.8H MHz on azimuth 30°42' toward Wawnesville, Ohio. Delete frequencies 6004.5V MHz and 6123.1V MHz on azimuth 359°37' toward Middletown, Ohio, frequencies 11,525.0V MHz and 11,285.0V MHz on azimuth 310°30' toward Hamilton, Ohio; frequencies 5974.8V MHz and 6093.5V MHz on azimuth 2°10' toward Farmersville, Ohio, and frequencies 11,405.0V MHz and 11,645.0V MHz on azimuth 204°33' toward Cincinnati, Ohio. Delete Farmersville, Ohio, Middletown, Ohio, and Hamilton, Ohio, as points of communication.

8874–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 16, Cincinnati, Ohio. Change proposed station location to a new station at the Cincinnati Center, corner of Fifth and Vine Streets, Cincinnati, Ohio. Correct coordinates to latitude 39°06'06" N., longitude 84°30'42" W. Correct azimuths and frequencies to frequency 6197.2V MHz on azimuth 36°08' toward Mason, Ohio. Delete frequencies 10,955.0V MHz and 10,715.0V MHz on azimuth 24°29' toward Gano, Ohio. Delete Gano, Ohio, as a point of communication.

8875–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 14, Dayton, Ohio. New station to be located at 1048 South Main Street, Dayton, Ohio. Correct coordinates to latitude 39°45'39" N., longitude 84°11'28" W. Correct azimuths and frequencies to frequency 3730.0H MHz on azimuth 162°44' toward Waynesville, Ohio. Delete frequencies 11,155.0H MHz and 10,915.0H MHz on azimuth 248°04' toward Fowlerville, Ohio, and frequencies 5974.8V MHz and 6093.5V MHz on azimuth 84°04' toward Cortsville, Ohio. Delete Fowlerville, Ohio, and Cortsville, Ohio, as points of communication.

8876–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 13, Waynesville, Ohio. Change proposed station location to a new station 2.7 miles north-northwest of Waynesville, Ohio, at latitude 39°34'14" N., longitude 84°06'53" W. Correct azimuths and frequencies to frequency 6197.2H MHz on azimuth 30°56' toward Byron, Ohio, 6226.9H MHz on azimuth 210°49' toward Mason, Ohio, and frequency 3770.0H MHz on azimuth 342°47' toward Dayton, Ohio. Delete frequencies 6226.9V MHz and 6345.5V MHz on azimuth 264°22' toward Dayton, Ohio, frequencies 6256.5V MHz and 6375.2V MHz on azimuth 81°41' toward Big Plain; Ohio, and frequencies 11,405.0V MHz and 11,645.0V MHz on azimuth 332°19' toward Springfield, Ohio. Delete Big Plain, Ohio, and Springfield, Ohio, as points of communication.

8878–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 9, Hilliard, Ohio. Change proposed station location to a new station 0.1 mile northeast of Hilliard, Ohio, at latitude 40°00'37" N., longitude 83°11'16" W. Correct azimuth and frequencies to frequency 5974.8H MHz on azimuth 41°17' toward Sunbury, Ohio, frequency 5945.2V MHz on azimuth 257°20' toward Vienna, Ohio, and frequencies 10,775.0V MHz and 11,175.0V MHz on azimuth 107°57' toward Columbus, Ohio. Delete frequencies 6034.2V MHz and 6152.8V MHz on azimuth 261°57' toward Cortsville, Ohio, and frequencies 10,795.0V MHz and 11,035.0V MHz on azimuth 62°32' toward Columbus, Ohio. Delete Cortsville, Ohio, as a point of communication.

8879–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 10, Columbus, Ohio. New station to be located at 100 East Broad Street, Columbus, OH, at latitude 39°57'46" N., longitude 82°59'52" W. Correct azimuth and frequencies to frequency 1166.5V MHz and 11,265.0V MHz on azimuth 288°04' toward Hilliard, Ohio. Delete frequencies 11,245.0V MHz and 11,485.0V MHz on azimuth 242°44' toward Big Plain, Ohio, and frequencies 11,245.0V MHz and 11,485.0V MHz on azimuth 92°50' toward Etna, Ohio. Delete Big Plain, Ohio, and Etna, Ohio, as points of communication.

8885–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 4, Akron, Ohio. Change proposed station location to a new station at the corner of Bowery and Main Streets, Akron, Ohio, latitude 41°04'54" N., longitude 81°31'11" W. Correct azimuths and frequencies to frequency 3770.0V MHz on azimuth 269°43' toward Medina, Ohio. Delete frequencies 5945.2V MHz and 6063.8V MHz on azimuth 212°54' toward Apple Creek, Ohio, and frequencies 6004.5V MHz and 6123.1V MHz on azimuth 01°49' toward Warrensville, Ohio. Delete Apple Creek, Ohio, and Warrensville, Ohio, as points of communication.

8886–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 2, North Royalton, Ohio. Change proposed station location to new station 1 mile northwest of North Royalton, Ohio. Correct coordinates to latitude 41°19'25" N., longitude 81°44'24" W. Correct azimuth and frequencies to frequencies 10,735.0V MHz and 11,135.0V MHz on azimuth 14°09' toward Cleveland, Ohio, and frequency 5945.2V MHz on azimuth 197°37' toward Medina, Ohio. Delete frequencies 11,605.0H MHz and 11,365.0H MHz on azimuth 288°10' toward Cleveland, Ohio, and frequencies 6197.2V MHz and 6315.9V MHz on azimuth 181°49' toward Dayton, Ohio. Delete Dayton, Ohio, as a point of communication.

8887–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 1, Cleveland, Ohio. Change proposed station location to new station at 1621 Euclid Avenue, Cleveland, OH. Correct coordinates to latitude 41°30'03" N., longitude 81°40'50" W. Correct azimuth and frequencies to frequencies 11,625.0V MHz and 11,225.0V MHz on azimuth 194°11' toward North Royalton, Ohio. Delete frequencies 11,155.0H MHz and 10,915.0H MHz on azimuth 108°03' toward Warrensville, Ohio. Delete Warrensville, Ohio, as a point of communication.

INFORMATIVE: Applicant, MCI St. Louis-Texas, Inc., is amending 13 of 42 point-to-point microwave sites for specialized common carrier service in a four-State area from Missouri to Texas and intermediate points. The amendments are necessitated to insure compliance with the new engineering standards set forth in the Commission's first report and order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding frequency coordination Report No. 562 FCC Common Carrier Services Information released Sept. 20, 1971.

5931–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 3.5 miles north-northeast of Marionville, Mo. Delete frequencies 5945.2 MHz and 6063.8 MHz on azimuth 271°31'. Add frequency 6226.9 MHz on 256°17'. All other particulars same as reported on Public Notice Nov. 8, 1971.

5932–C1–P–70—MCI St. Louis-Texas, Inc. (N$_6$w), station location: 2 miles east of Freistatt, Mo. Delete frequencies 6286.2V MHz and 6404.8V MHz on azimuth 91°13', and 6197.2H MHz and 6315.9H MHz on azimuth 274°11'. Add frequency 5945.2H on azimuth 76°07' and 5974.8H MHz on azimuth 266°01'. Relocate site to latitude 37°00'05" N. and longitude 93°52'16" W.

5933–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 601 Main Street, Joplin, MO. Delete frequencies 6034.2H MHz and 6152.8H MHz on azimuth 93°56', and 5974.8V MHz and 6093.5V MHz on azimuth 268°13'. Add frequency 6152.8H on azimuth 116°49' and 6063.8V MHz on azimuth 297°87'.

5934–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 3 miles northwest of Columbus. Delete frequencies 6256.5V MHz and 6375.2V MHz on azimuth 88°01', and 6226.9V MHz and 6345.5V MHz on azimuth 333°20'. Add frequency 6404.8V on azimuth 117°26' and 6315.9V MHz on azimuth 240°31'. Relocate site to latitude 37°12'40" N. and longitude 94°48'51" W.

5935–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 3 miles south-southeast of Welch, Okla. Delete frequencies 5945.2V MHz and 6063.8V MHz on azimuth 53°07', and 5974.8V MHz and 6093.5V MHz on azimuth 244°44'. Add frequency 6404.8H on azimuth 357°11' and 6315.9H MHz on azimuth 232°50'. Relocate site to latitude 36°47'25" N. and longitude 95°07'30" W.

5936–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 4 miles north of Broken Arrow, Okla. Delete frequencies 6197.2V MHz and 6315.9V MHz on azimuth 64°25', and 6286.2V MHz and 6404.8V MHz on azimuth 201°21'. Add frequency 6152.8H on azimuth 26°38' and 6063.8H MHz on azimuth 289°53'. Relocate site to latitude 36°04'56" N. and longitude 95°45'27" W.

5950–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 15 West Sixth Street, Tulsa, OK. Delete frequencies 6004.5V MHz and 6123.1V MHz on azimuth 21°12', and 10,915V MHz and 11,115V MHz on azimuth 284°27'. Add frequency 6404.8H on azimuth 109°45' and 6315.9H MHz on azimuth 278°33'. Relocate site to latitude 36°09'01" N. and longitude 95°59'25" W.

5951–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 3 miles northwest of Tanglewood. Delete frequencies 11,325V MHz and 11,605V MHz on azimuth 84°17', and 5974.8V MHz and 6093.5V MHz on azimuth 232°05'. Add frequency 6152.8H on azimuth 98°24' and 6152.8V MHz on azimuth 294°35'. Relocate site to latitude 36°10'48" N. and longitude 96°14'10" W.

5953–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 1.5 miles south of Sara, Okla. Delete frequencies 6004.5V MHz and 6123.1V MHz on azimuth 95°33', and 6034.2V MHz and 6152.8V MHz on azimuth 218°47'. Add frequency 6404.8V on azimuth 8°26' and 6315.9V MHz on azimuth 124°34'. Relocate site to latitude 35°83'55" N. and longitude 97°41'12 W.

5954–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 204 North Robinson Avenue, Oklahoma City, OK. Delete frequencies 6226.9V MHz and 6345.5V MHz on azimuth 38°34', and 6197.2V MHz and 6315.9V MHz on azimuth 114°19'. Add frequency 6152.8V on azimuth 304°40' and 6063.8 MHz on azimuth 220°21.

5955–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 1 mile north of Snow Hill, Okla. Delete frequencies 6004.5V MHz and 6123.1V MHz on azimuth 294°29', and 5974.8V MHz and 6093.5V MHz on azimuth 97°12'. Add frequency 6404.8V on azimuth 40°15' and 6315.9H MHz on azimuth 163°36'. Relocate site to latitude 35°18'17' N. and longitude 97°41'09'' W.

5962–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: Route 183 and Darr Street, Irving, Tex. Delete frequencies 6197.2V MHz and 6315.9V MHz on azimuth 337°15', and 6286.2V MHz and 6404.8V MHz on azimuth 223°58'. Add frequency 6404.8V on azimuth 306°58', and 6315.9 MHz on azimuth 114°59'. Relocate site to latitude 32°50'02'' N. and longitude 96°55'11'' W.

5963–C1–P–70—MCI St. Louis-Texas, Inc. (New), station location: 2001 Bryan Street, Dallas, TX. Delete frequencies 6034.2V MHz and 6152.8V MHz on azimuth 43°42'. Add frequency 6152.8V on azimuth 295°3'. Relocate site to latitude 32°47'07'' N. and longitude 96°47'47'' W.

INFORMATIVE: A,pplicant, MCI Mid-Continent Communications, Inc., is amending 23 of its previously filed applications for authority to construct new specialized common carrier systems in a four-State area from Kansas City, Mo., through Kansas, Nebraska, into Iowa. The applications now being amended were originally filed on June 12, 1970. They appeared on Public Notice, June 22, 1970. Each application now amended is referenced to the date originally filed. In addition 14 new sites are now proposed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's first report and order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding frequency coordination Report No. 562 Common Carrier Services Information released Sept. 20, 1971.

8253–C1–P–70—MCI Mid-Continent Communications, Inc. (New), Site 12, Springfield, Nebr. Change proposed station location to a new station 3.2 miles northeast of Springfield, Nebr., at latitude 41°06'30'', longitude 96°04'14''. Correct frequencies to 5945.2V MHz on azimuth 120°46' toward Tabor, Iowa, and 5974.8H MHz on azimuth 28°27' toward Omaha, Nebr. Delete Lincoln and Thurman, Nebr., as points of communication. Delete frequencies 11,155V, 10,915V MHz, 6286.2V, 6404.8V MHz, and 6226.9H, 6345.5H MHz.

8254–C1–P–70—MCI Mid-Continent Communications, Inc. (New), Site 11, Tabor, Iowa. Change proposed station location to a new station 1.4 miles north of Tabor, Iowa, at latitude 40°55'37'', longitude 95°40'13''. Correct frequencies to 6226.9H MHz on azimuth 158°16' toward Riverton, Iowa, and 6197.2V MHz on azimuth 301°01' toward Springfield, Nebr. Delete Alvo and Barada, Nebr., as points of communication. Delete frequencies 6004.5V, 6123.1V MHz and 6034.2V, 6152.8V MHz.

8255–C1–P–70—MCI Mid-Continent Communications, Inc. (New), Site 10, Riverton, Iowa. Change proposed station location to a new station 1.9 miles southeast of Riverton, Iowa, at latitude 40°39'57'', longitude 95°32'01''. Correct frequencies to 5945.2H MHz on azimuth 119°53' toward Elmo, Mo., and 5974.8H MHz on azimuth 336°21' toward Tabor, Iowa. Delete Thurman and Blair, Nebr., as points of communication. Delete frequencies 6256.5V, 6375.2V MHz and 6286.2V, 6404.8V MHz.

8256–C1–P–70—MCI Mid-Continent Communications, Inc. (New), Site 5, Helena, Mo. Change proposed station location to a new station 5.6 miles south-southwest of Helena, Mo., at latitude 39°49'58'', longitude 94°40'49''. Correct frequencies to 5945.2H MHz on azimuth 163°14' toward Gower, Mo., 10,735.0V, 11,135.0V MHz on azimuth 244°11' toward St. Joseph, Mo., and 5974.8H MHz on azimuth 314°17' toward Fillmore, Mo. Delete Barada, Nebr., and Hoover, Mo., as points of communication. Delete frequencies 6034.2V, 6152.8V MHz, 6063.8H MHz and 6004.5H, 6123.1H MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

8267-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 24, Ames, Iowa. C.P. for a new station 301 Main Street, Ames, IA, at latitude 42°01'31", longitude 93°36'53". Correct frequencies to 10,735.0V, 11,135.0V MHz on azimuth 233°56' toward Kelley, Iowa. Delete Collins, Iowa, as a point of communication. Delete frequencies 6074.8V, 6093.5V MHz.

8268-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 26, Lamoille, Iowa. Change proposed station location to 1.2 miles east of Lamoille, Iowa, at latitude 42°02'38", longitude 93°00'07". Correct frequencies to 6197.2H MHz on azimuth 254°22' toward Colo, Iowa, 11,265.0H, 11,565.0H MHz on azimuth 65°00' toward Marshalltown, Iowa, and 6197.2V MHz on azimuth 95°43' toward Toledo, Iowa. Delete Collins and Garrison, Iowa, as points of communication. Delete frequencies 6004.5V, 6123.1V MHz, 6074.8V, 6093.5V MHz, and 5974.8V, 6093.5V MHz.

8269-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 27, Marshaltown, Iowa. C.P. for proposed station, corner of Second and Main Streets, Marshaltown, Iowa, at latitude 42°02'58", longitude 92°54'59". Correct frequencies to 10,735.0V, 11,135.0V MHz on azimuth 266°03' toward Lamoille, Iowa. Delete Gladbrook, Iowa, as a point of communication. Delete frequencies 6197.2V, 6315.9V MHz.

8270-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 30, Atkins, Iowa. Change proposed station location to 2.9 miles south-southwest of Atkins, Iowa, at latitude 41°57'03", longitude 91°52'58". Correct frequencies to 5945.2H MHz on azimuth 276°06' toward Keystone, Iowa, 6152.8V MHz on azimuth 65°31' toward Cedar Rapids, Iowa, and 5974.8H MHz on azimuth 124°28' toward North Liberty, Iowa. Delete Gladbrook and Waterloo, Iowa, as points of communication. Delete frequencies 6226.9V, 6345.6V MHz, 6280.2H, 6404.8H MHz, and 6197.2V, 6315.9V MHz.

8272-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 31, Cedar Rapids, Iowa. C.P. for new station location 5225 C Avenue, Cedar Rapids, IA, at latitude 42°01'54", longitude 91°38'38". Correct frequencies to 6404.8V MHz on azimuth 245°41' toward Atkins, Iowa. Delete Garrison, Amber and Solon, Iowa, as points of communication. Delete frequencies 6004.5V, 6123.1V MHz, 5945.2H, 6063.8H MHz and 6034.2H, 6152.8H MHz, 6345.6V MHz, and 6256.5V, 6375.2V MHz.

8276-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 32, North Liberty, Iowa. Change proposed station location to 3.1 miles northeast of North Liberty, Iowa, at latitude 41°46'34", longitude 91°32'36". Correct frequencies to 6226.9H MHz on azimuth 304°40' toward Atkins, Iowa, 6197.2V MHz on azimuth 94°38' toward Buchanan, Iowa, and 11,665.0H, 11,265.0H MHz on azimuth 176°52' toward Iowa City, Iowa. Delete Cedar Rapids, and New Liberty, Iowa, as points of communication. Delete frequencies 6004.5V, 6123.1V MHz, 5945.2H, 6063.8H MHz and 6034.2H, 6152.8H MHz, 6345.6V MHz, and 6256.5V, 6375.2V MHz.

8277-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 33, Iowa City, Iowa. C.P. for a new station location 102 South Clinton Street, Iowa City, IA, at latitude 41°39'44", longitude 91°32'06". Correct frequencies to 10,735.0V, 11,135.0V MHz on azimuth 356°52' toward North Liberty, Iowa. Delete Solon, Iowa, as a point of communication. Delete frequencies 5945.2V, 6063.8V MHz.

8278-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 35, Bennett, Iowa. Change proposed station location to 2.7 miles east of Bennett, Iowa, at latitude 41°44'21", longitude 90°55'08". Correct frequencies to 6226.9V MHz on azimuth 274°23' toward Buchanan, Iowa, and 6197.2H MHz on azimuth 152°14' toward Blue Grass, Iowa. Delete Solon and Davenport, Iowa, as points of communication. Delete frequencies 5974.8V, 6093.5V MHz and 5945.2V, 6063.8V MHz.

8279-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 37, Davenport, Iowa. C.P. for a new station 1416 West 16th Street, Davenport, IA, at latitude 41°32'10", longitude 90°35'42". Correct frequencies to 11,665.0H, 11,265.0H MHz on azimuth 274°32' toward Blue Grass, Iowa. Delete New Liberty, Iowa, as a point of communication. Delete frequencies 6197.2V, 6315.9V MHz.

Corrections

4011-C1-P-72—The Pacific Telephone & Telegraph Co. (WBO39), correct frequency 10,815V MHz to read 10,815V MHz. All other terms same as listed in Report No. 578 dated Jan. 10, 1972.

4050-C1-P-72—Pacific Power & Light Co. (KPE26), Kalispell, Mont. Correct location to read: 111 First Avenue East, Kalispell, MT. Latitude 48°11'53" N., longitude 114°18'37" W.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

8257-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 6, St. Joseph, Mo. C.P. for a new station 7th and Fourth Avenue, St. Joseph, Mo., at latitude 39°46'02", longitude 94°51'20". Correct frequencies to 11,565H, 11,265H MHz on azimuth 64°05' toward Helena, Mo. Delete Blair, Kans., as a point of communication. Delete frequencies 6197.2V, 6315.9V MHz.

8258-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 3, Nashua, Mo. Change proposed station location to a new station 3.1 miles northwest of Nashua, Mo., at latitude 39°30'21", longitude 94°36'55". Correct frequencies to 5945.2V MHz on azimuth 224°35' toward Victory Junction, Kans., and 5974.8V MHz on azimuth 06°45' toward Gower, Mo. Delete Blair, Kans., and Kansas City, Mo., as points of communication. Delete frequencies 6256.5H, 6375.2H MHz and 6296.2H, 6404.8H MHz.

8259-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 1, Kansas City, Mo. C.P. for new station 125 East 31st Street, Kansas City, MO, at latitude 39°04'14", longitude 94°34'59". Correct frequencies to 5974.8H MHz on azimuth 269°31' toward Victory Junction, Kans. Delete Gower, Mo., as a point of communication. Delete frequencies 6045.2H, 6063.8H MHz.

8260-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 13, Omaha, Nebr. C.P. for a new station 3501 Farnam Street, Omaha, NE, at latitude 41°15'26", longitude 95°57'49". Correct frequencies to 6226.9H MHz on azimuth 208°31' toward Springfield, Nebr., and 6197.2H MHz on azimuth 43°10' toward Honey Creek, Iowa. Delete Alvo, Nebr., and Pisgah, Iowa, as points of communication. Delete frequencies 6004.5H, 6123.1H MHz and 5945.2V, 6063.8V MHz.

8261-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 14, Honey Creek, Iowa. Change proposed station location to a new station location 4.4 miles southeast of Honey Creek, Iowa, at latitude 41°24'16", longitude 95°46'48". Frequencies 5945.2H MHz on azimuth 223°18' toward Omaha, Nebr., and 5974.8H MHz on azimuth 18°45' toward Woodbine, Iowa. Delete Boina, Iowa, and Decatur, Nebr. Delete frequencies 6226.9V, 6345.6V MHz, 6197.2V, 6315.9V MHz, and 6256.5V, 6375.2V MHz.

8262-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 17, Ross, Iowa. Change proposed station location to 1.1 miles east of Ross, Iowa, at latitude 41°46'31", longitude 94°58'57". Frequencies 6197.2H MHz on azimuth 267°39' toward Irwin, Iowa, and 6226.9H MHz on azimuth 114°20' toward Guthrie Center, Iowa. Delete Pisgah, Iowa, and Casey, Iowa, as points of communication. Delete frequencies 6004.5V, 6123.1V MHz and 5974.8H, 6093.5H MHz.

8263-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 18, Guthrie Center, Iowa. Change proposed station location to a new station location 3.5 miles west-southwest of Guthrie Center, Iowa, at latitude 41°39'47", longitude 94°34'11". Correct frequencies to 5974.8H MHz on azimuth 294°34' toward Ross, Iowa, and 5945.2V MHz on azimuth 72°22' toward Linden, Iowa. Delete Botna, Iowa, and Dallas Center, Iowa, as points of communication. Delete frequencies 6256.5H, 6375.2H MHz and 6197.2V, 6315.9V MHz.

8264-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 21, Grimes, Iowa. Change proposed station location to a new station location 4.2 miles south-southwest of Grimes, Iowa, at latitude 41°37'54", longitude 93°50'51". Frequencies 6404.8V MHz on azimuth 336°57' toward Woodward, Iowa, and 10,735.0V, 11,135.0V MHz on azimuth 106°09' toward Des Moines, Iowa. Delete Casey, Iowa, as a point of communication. Delete frequencies 6034.2V, 6152.8V MHz and 11,605.0V, 11,365.0V MHz.

8265-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 22, Des Moines, Iowa. C.P. for a new station location 715 Locus Street, Des Moines, IA, at latitude 41°35'12", longitude 93°37'38". Correct frequencies to 11,665.0H, 11,265.0H MHz on azimuth 295°18' toward Grimes, Iowa. Delete Dallas Center and Collins, Iowa, as points of communication. Delete frequencies 11,155.0V, 10,815.0V MHz and 6945.2H, 6063.8H MHz.

8266-C1-P-70—MCI Mid-Continent Communications, Inc. (New), Site 25, Colo, Iowa. Change proposed station location to 2.2 miles south of Colo, Iowa, at latitude 41°58'45", longitude 93°18'36". Correct frequencies to 5974.8 MHz on azimuth 268°45' toward Kelley, Iowa, and 5945.2H MHz on azimuth 74°10' toward Lamoille, Iowa. Delete Des Moines, Ames, and Gladbrook, Iowa, as points of communication. Delete frequencies 6256.5H, 6375.2H MHz, 6280.2V, 6404.8V MHz, and 6226.9V, 6345.5V MHz.

Corrections—Continued

All other terms same as listed in Report No. 578 dated Jan. 10, 1972.

4051-C1-P-72—Pacific Power & Light Co. (New), correct to read: Frequencies: 10,795H and 11,035H MHz toward Blacktail Mountain, Mont., via passive reflector. All other terms same as listed in Report No. 578 dated Jan. 10, 1972.

4011-C1-P-72—The Pacific Telephone and Telegraph Company (WBO39) correct frequency 10816V MHz to read 10815V MHz. All other terms same as listed in Report No. 578 dated Jan. 10, 1972.

[FR Doc.72-933 Filed 1-24-72;8:45 am]

FEDERAL MARITIME COMMISSION

BUREAU OF COMPLIANCE

Notice of Intent To Reject Regarding Deficient Tariffs

The domestic offshore files of the Federal Maritime Commission contain tariffs which have, for a period of time, not been in conformity with the Commission's regulations as required by section 2 of the Intercoastal Shipping Act, 1933, and the Commission's Tariff Circular No. 3. The following carriers have such tariffs on file:

El Sol De Mayo Express, 1301 Oak Point Avenue, Bronx, NY 10460.

San Lorenzo Express Corp., 2556 West Fullerton Avenue, Chicago, IL 60647.

Although numerous letters have been sent to them specifically identifying the tariff deficiencies, the Commission's staff has been unable to persuade the tariff filers over a period of 1 year or more to correct their tariffs to comply with the Commission's regulations. El Sol De Mayo's tariff contains conflicting and duplicating tariff provisions. San Lorenzo's tariff fails to publish its bill of lading provisions and disclaims liability on certain named commodities.

Section 2 of the Intercoastal Shipping Act, 1933, provides:

The Commission shall by regulations prescribe the form and manner in which the schedules required by this section shall be published, filed, and posted; and the Commission is authorized to reject any schedule filed with it which is not in consonance with this section and with such regulations. Any schedule so rejected by the Commission shall be void and its use shall be unlawful.

Deficient tariffs are ambiguous, reflect inaccurate information to the shipping public and violate the Commission's regulations as published in Tariff Circular No. 3. Further, Rule 13(d) of Tariff Circular No. 3, as amended (46 CFR 531.13(d)), states that the fact a tariff publication is on file with the Commission does not relieve carriers from responsibility for any violation of law or regulations of the Commission issued thereunder; and, accordingly, the Commission proposes to reject their deficient tariffs in the absence of a showing of good cause as to why they should not be rejected.

Now, therefore it is ordered, That the above carriers advise the Director, Bureau of Compliance, at 1405 I Street NW., Washington, DC 20573, in writing within 30 days after the publication of this order in the FEDERAL REGISTER of any reasons why the Commission should not reject these deficient tariffs;

It is further ordered, That a copy of this order be sent by registered mail to the last known address of the carriers listed herein;

It is further ordered, That this notice be published in the FEDERAL REGISTER and a copy thereof filed in place of any tariff rejected pursuant to this notice.

By the Commission pursuant to authority delegated by § 7.01 of Commission Order No. 1 (Revised) dated September 29, 1971 (34 F.R. 15416).

AARON W. REESE,
Managing Director.

[FR Doc.72-1080 Filed 1-24-72;8:50 am]

[Docket No. 71-82; Agreement 9950]

POSTAL SERVICE

Modification of Order of Investigation and Hearing Regarding Agreement Relating to Rates and Other Matters To Be Used as a Basis for Negotiating Arrangements for Transportation of Mail

Upon consideration of motion of the Postmaster General, through counsel, for purposes of this proceeding, the Postmaster General is redesignated a party to the proceeding rather than petitioner as specified in the Order of Investigation and Hearing served October 28, 1971.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1078 Filed 1-24-72;8:49 am]

[Independent Ocean Freight Forwarder License 586, 659, 806, 922]

D. C. ANDREWS & COMPANY OF MARYLAND, INC., ET AL.

Order of Revocation

Pursuant to the Commission Order dated December 27, 1971, approving the merger of D. C. Andrews International, Inc. and its subsidiaries, the following Licensees have submitted their respective Licenses to the Commission for revocation. D. C. Andrews & Co. of Maryland, Inc., FMC–586, D. C. Andrews & Co. of Massachusetts, FMC–659, D. C. Andrews & Co. of Louisiana, Inc., FMC–606 and D. C. Andrews & Co., Inc., New York, New York, FMC–922.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9–29–70);

It is ordered, That the Independent Ocean Freight Forwarder Licenses of the aforementioned companies are hereby revoked effective January 7, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon D. C. Andrews & Co. of Maryland, Inc., D. C. Andrews & Co. of Massachusetts, D. C. Andrews & Co. of Louisiana, Inc., and D. C. Andrews & Co., Inc., New York, N.Y.

AARON W. REESE,
Managing Director.

[FR Doc.72-1079 Filed 1-24-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-180]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JANUARY 21, 1972.

Take notice that on January 14, 1972, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72–180, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of equivalent volumes of natural gas with Arkansas Louisiana Gas Co. (Arkla) and the construction and operation of the facilities to effectuate such exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that as a result of a sudden high demand for natural gas by human needs customers on Arkla's Lawton transmission system, which serves Lawton, Okla., it commenced on January 4, 1972, pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22), emergency deliveries of natural gas to Arkla in Grady County, Okla., in exchange for equivalent volumes of natural gas to be received in Wheeler County, Tex. Applicant seeks authorization to continue to exchange up to 10,000 Mcf of natural gas per day with Arkla during periods of high demand for a term ending March 1, 1973, and to construct and operate the necessary facilities to effectuate such exchange in Wheeler County, Tex. Applicant estimates the cost of the Wheeler County facilities at $20,900 for which applicant will be reimbursed by Arkla.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to

V37-16 JAN 25 72 XUM

become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1101 Filed 1-24-72;8:50 am]

[Docket No. CI72-425]

PENNZOIL PRODUCING CO.

Notice of Application

JANUARY 21, 1972.

Take notice that on January 12, 1972, Pennzoil Producing Co. (applicant), 900 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CI72-425 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Co. from the Cadeville Sand Unit, Calhoun Field, Jackson, Ouachita, and Lincoln Parishes, La., at the total initial rate of 25 cents per Mcf at 15.025 p.s.i.a., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the subject sale on December 28, 1971, within the contemplation of § 157.29 of the Commission's general policy and interpretations (18 CFR 157.29).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1102 Filed 1-24-72;8:50 am]

SELECTIVE SERVICE SYSTEM

RANDOM SELECTION SEQUENCE FOR INDUCTION OF REGISTRANTS

Notice of Lottery Drawing

By virtue of the authority vested in me by § 1631.1 of Selective Service Regulations (32 CFR 1631.1), a drawing will be conducted in the Department of Commerce Auditorium, Washington, D.C., on February 2, 1972, beginning at 10 a.m., e.s.t., to establish a random selection sequence for induction of registrants who during the calendar year 1972 have attained their 19th but not their 20th year of age.

CURTIS W. TARR,
Director.

JANUARY 19, 1972.

[FR Doc.72-1058 Filed 1-24-72;8:48 am]

OFFICE OF EMERGENCY PREPAREDNESS

WILLIAM C. McMILLEN, ET AL.

Appointment of Federal Coordinating Officer

Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint William C. McMillen as Federal Coordinating Officer to perform the duties specified by section 201 of the Act for the disasters listed below to be effective November 16, 1971.

State	Disaster No.	Declaration date
Florida Vice William H. Hollaway, appointed January 7, 1970 (35 F.R. 403, January 10, 1970).	262	Nov. 7, 1968
Tennessee Vice Joseph W. Moody, appointed January 7, 1970 (35 F.R. 403, January 10, 1970).	263	July 11, 1969
Mississippi Vice William H. Hollaway, appointed March 21, 1970 (35 F.R. 5136, March 26, 1970).	271	Aug. 18, 1969
Alabama Vice William H. Hollaway, appointed January 7, 1970 (35 F.R. 403, January 10, 1970).	280	Apr. 9, 1970
Mississippi Vice William H. Hollaway, appointed February 26, 1971 (36 F.R. 4450, March 5, 1971).	302	Feb. 22, 1971
Kentucky Vice William H. Hollaway, appointed May 13, 1971 (36 F.R. 9045, May 18, 1971).	305	May 10, 1971
Tennessee Vice William H. Hollaway, appointed May 25, 1971 (36 F.R. 9806, May 28, 1971).	306	May 18, 1971

Dated: January 18, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-1030 Filed 1-24-72;8:45 am]

MISSISSIPPI

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on January 19, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Mississippi from heavy rains and flooding, beginning about December 3, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Mississippi. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended) I hereby appoint Mr. Ronard Van Dame, Disaster Assistance Coordinator, OEP Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Mississippi to have been adversely affected by this declared major disaster:

The Counties of:

Amite.	Marion.
Franklin.	Pike.
Lawrence.	Wilkinson.
Lincoln.	

Dated: January 19, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-1061 Filed 1-24-72;8:48 am]

OREGON

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on January 21, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Oregon from severe storms and flooding, beginning about January 11, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Oregon. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Creath A. Tooley, Regional Director, OEP Region 10, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Oregon to have been adversely affected by this declared major disaster:

The Counties of:

Clatsop.	Tillamook.
Lincoln.	

Dated: January 24, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-1200 Filed 1-24-72;11:01 am]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-3998 etc.]

AIR PRODUCTS AND CHEMICAL, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 17, 1972.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Air Products and Chemicals, Inc.	7-3998
Bank of New York Co., Inc.	7-4000
Bulova Watch Co., Inc.	7-4001
Capital Cities Broadcasting Corp.	7-4002
Child World, Inc.	7-4003
Columbia Pictures Industries, Inc.	7-4004
Electronic Data Systems Corp.	7-4005
Grolier Inc.	7-4006
Harcourt Brace Jovanovich, Inc.	7-4008

Upon receipt of a request, on or before February 1, 1972 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1041 Filed 1-24-72;8:46 am]

[File No. 7-3999]

ATLANTIC RICHFIELD CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 17, 1972.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Atlantic Richfield Co., $3 Cumulative Convertible Preference Stock, $1 Par Value, File No. 7-3999.

Upon receipt of a request, on or before February 1, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1042 Filed 1-24-72;8:47 am]

[File No. 7-4007]

GULF MORTGAGE AND REALTY INVESTMENTS

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 17, 1972.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the shares of beneficial interest of the following company, which security is listed and registered on one or more other national securities exchanges:

Gulf Mortgage and Realty Investments, shares of beneficial interest no par value, File No. 7-4007.

Upon receipt of a request, on or before February 1, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1043 Filed 1-24-72;8:47 am]

V37-116 JAN25 72 XUM

[File Nos. 7-4009—7-4014]

HASBRO INDUSTRIES, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 17, 1972.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Hasbro Industries, Inc.	7-4009
Houston Natural Gas Corp.	7-4010
Indianapolis Power & Light Co.	7-4011
International Utilities Corp.	7-4012
Kansas City Power & Light Co.	7-4013
Louisville Gas & Electric Co.	7-4014

Upon receipt of a request, on or before February 1, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1044 Filed 1-24-72;8:47 am]

[812-3049]

BROAD STREET INVESTING CORP. ET AL.

Notice of Filing of Application for Exemption from Transactions

JANUARY 18, 1972.

Notice is hereby given that Broad Street Investing Corp., National Investors Corp., Union Capital Fund, Inc., Whitehall Fund, Inc., 65 Broadway, New York, NY 10006, open-end, diversified, management investment companies, and Tri-Continental Corp., a closed-end, diversified, manabement investment company (hereinafter collectively referred to as "Applicants"), all registered under the Investment Company Act of 1940 (Act), have filed an application for an order pursuant to section 6(c) of the Act that its directors shall not be deemed to be interested persons as that term is defined under section 2(a)(19) of the Act solely by reason of their having any interest in any security issued by, or being a director or officer of, Applicants who may be deemed controlling persons of Union Service Distributor, Inc. (Union Distributor), or by being a director or officer of Union Service Corp., which wholly-owns Union Distributor. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicants receive investment research and administrative services at cost from Union Service Corp. (Union Service), all of the outstanding securities of which are owned by Applicants. The principal underwriter for Applicants, except Tri-Continental Corp., is Union Distributor, a broker-dealer registered under the Securities Act of 1934.

Under a mutual service agreement with Union Service, Applicants are each entitled to one representative on the Board of Directors of Union Service, and they each have designated one of their directors to serve as a director of Union Service. These directors comprise five of the nine members of that Board, the others being directors-at-large who are also officers or members of the executive committees of Applicants. In addition several directors of Applicants serve as officers of Union Service.

Section 2(a)(19) provides that an interested person of a principal underwriter of an investment company includes any person who has any interest in any security issued by a controlling person of such principal underwriter.

By virtue of ownership of stock of Union Service and effective ownership and control under the mutual service agreement, Applicants as a group may be concluded to be controlling persons of Union Distributor and thus all directors who own stock in Applicants may be concluded to be interested persons of Union Distributor. At the present time, all of the directors of Applicants own shares of one or more of such investment companies and all of the directors therefore may be interested persons.

Section 2(a)(19) further provides that an interested person of an investment company includes any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker-dealer. An interested person of a principal underwriter of an investment company is defined therein to include, in addition to the above, any affiliated person of such underwriter.

An affiliated person of another person is defined in section 2(a)(3) of the Act to include any officer or director of such other person. Control is defined under section 2(a)(9) to mean the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company.

Applicants state that each director of Applicants might as such may be deemed a controlling person of Union Distributor and thus an interested person of Union Distributor and Applicants. Applicants further state that, if Union Service and Union Distributors are collapsed, a director and officer of Union Service and Applicants may be regarded as a director and officer of Union Distributor and thus an interested person of Union Distributor and Applicants.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that the requested exemption is consistent with the provisions of section 6(c) primarily due to the unique organization of the investment company which has been beneficial to their shareholders in terms of operating costs.

Notice is further given that any interested person may, not later than February 7, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1049 Filed 1-24-72;8:47 am]

[File Nos. 7-4015—7-4024]

AMERICAN NATURAL GAS CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 17, 1972.

In the matter of applications of Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
American Natural Gas Co.	7-4015
Arlen Realty & Development Corp.	7-4016
Asamera Oil Corp. Ltd.	7-4017
Automation Industries, Inc.	7-4018
Beverly Enterprises	7-4019
California Computer Products, Inc.	7-4020
Cerro Corp.	7-4021
Ohadbourn, Inc.	7-4022
Chris-Craft Industries, Inc.	7-4023
Data Processing Financial & General Corp.	7-4024

Upon receipt of a request, on or before February 1, 1972 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1045 Filed 1-24-72;8:47 am]

[File Nos. 7-4025—7-4034]

DATA PRODUCTS CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 17, 1972.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Data Products Corp.	7-4025
Deltona Corp.	7-4026
Denny's Restaurants, Inc.	7-4027
Digital Equipment Corp.	7-4028
Eastern Gas & Fuel Associates	7-4029
General Cable Corp.	7-4030
Gino's Inc.	7-4031
Interstate Stores, Inc.	7-4032
Kaufman & Broad, Inc.	7-4033
Levi Strauss & Co.	7-4034

Upon receipt of a request, on or before February 1, 1972 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1046 Filed 1-24-72;8:47 am]

[Files Nos. 7-4035—7-4044]

MARSHALL INDUSTRIES, ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 17, 1972.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Marshall Industries	7-4035
Mattel Inc.	7-4036
Milgo Electronic Corp.	7-4037
Nortek, Inc.	7-4038
Norton Simon, Inc.	7-4039
Reading & Bates Offshore Drilling Co.	7-4040
Republic Corp.	7-4041
Solitron Devices, Inc.	7-4042
Sybron Corp.	7-4043
Syntex Corp.	7-4044

Upon receipt of a request, on or before February 1, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1047 Filed 1-24-72;8:47 am]

[File Nos. 7-4045—7-4048]

TELEPROMPTER CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 17, 1972.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Teleprompter Corp.	7-4045
Transcontinental Investing Corp.	7-4046
U.S. Freight Co.	7-4047
Zayre Corp.	7-4048

Upon receipt of a request, on or before February 1, 1972 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature

V37-16 JAN 25 72 XUM

of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1048 Filed 1-24-72;8:47 am]

[811-1389, etc.]

S & P NATIONAL CORP. ET AL.

Notice of Proposal To Terminate Registration

JANUARY 17, 1972.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that S & P National Corp. (S & P), Smith-Palmer Machine Corp. (Smith-Palmer) and Southwest International Corp. (Southwest), c/o Room 2930, 120 Broadway, New York, NY 10005, registered under the Act as closed-end nondiversified management investment companies, have ceased to be investment companies.

S & P registered under the Act on May 24, 1966. Smith-Palmer and Southwest registered under the Act on June 8, 1966. Smith-Palmer, an Illinois corporation, was dissolved by means of a decree entered November 12, 1964. S & P and Southwest, both Delaware corporations, were dissolved on October 7, 1968 by the filing of certificates of dissolution. It appears that the liquidation and dissolution procedures for all three companies have followed a plan of complete liquidation and dissolution pursuant to orders of the District Court for the Southern District of New York, dated March 25, 1968, June 28, 1968, and June 4, 1970.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 17, 1971, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon S & P, Smith-Palmer or Southwest at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1050 Filed 1-24-72;8:47 am]

[812-3050]

TRI-CONTINENTAL CORP.

Notice of Filing of Application for Exemption

JANUARY 18, 1972.

Notice is hereby given that Tri-Continental Corp. (Applicant), 65 Broadway, New York, NY 10006, a closed-end, diversified management investment company registered under the Investment Company Act of 1940 (Act) has filed an application for an order pursuant to section 6(c) of the Act declaring that Lewis A. Lapham shall not be deemed an interested person of Applicant as that term is defined under section 2(a)(19) of the Act solely by reason of his status as a director of the Chubb Corp. (Chubb). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mr. Lapham, a director of Applicant, is also a director of Chubb, an insurance holding company. Chubb owns all of the Capital Stock of United Life and Accident Insurance Co. (ULAICO), which has a wholly owned subsidiary, ULAICO Equity Services, Inc. (Equity Services), registered as a broker-dealer under the Securities Exchange Act of 1934. Applicant states that Chubb plans to acquire all the outstanding capital stock of Equity Services from ULAICO.

Equity Services is in the business of selling mutual funds and combined programs of mutual fund shares and life insurance issued by ULAICO, and independent insurance agents of ULAICO are registered representatives for these purposes. Equity Services is not a member of any securities exchange, does not make markets in securities and does not execute or clear security transactions, except transactions in mutual funds which it sells. It is not otherwise engaged in the securities business.

Mr. Lapham is neither a director, officer nor employee of ULAICO or Equity Services. The day-to-day activities of UALICO and Equity Services are conducted by their respective officers and the final responsibility for their affairs rests with their respective boards of directors.

Section 2(a)(19) of the Act, as here pertinent, defines an interested person of an investment company as any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer.

Section 2(a)(3) of the Act includes in the definition of an "affiliated person" of another person, any director of such other person.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that Mr. Lapham should not be deemed an "interested person" of Applicant because his affiliation with Chubb does not and will not impair his independence in acting on behalf of Applicant and its shareholders, and that the requested exemption is therefore consistent with the provisions of section 6(c).

Notice is further given that any interested person may, not later than February 7, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1051 Filed 1-24-72;8:47 am]

[812-3054]

UNION CAPITAL FUND, INC.

Notice of Filing of Application for Exemption

JANUARY 18, 1972.

Notice is hereby given that Union Capital Fund, Inc. (Applicant), 65 Broadway, New York, NY 10006, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) for an order declaring that Maurice R. Greenberg (Greenberg) shall not be deemed an "interested person" of Applicant or Union Service Distributor, Inc. (Union Distributor), principal underwriter of Applicant, as that term is defined under section 2(a)(19) of the Act solely by reason of his status as an affiliated person of American International Fund Distributors, Inc. (AIF Distributors). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mr. Greenberg, a director of Applicant, is also a director of AIF Distributors, a broker-dealer registered under the Securities Exchange Act of 1934.

AIF Distributors is the wholly-owned broker-dealer subsidiary of American International Group, Inc., the parent company of a group of insurance companies, of which Mr. Greenberg is director and president. AIF Distributors was formed and registered as a broker-dealer so that licensed life insurance representatives could become registered security representatives in order to sell investment company shares in connection with the sale of life insurance. At the present time, a combined insurance-mutual fund package is sold which provides for the purchase of life insurance underwritten by American International Life Assurance Co. and shares of National Investors Corp., an investment company associated with Applicant.

AIF Distributors is not and does not intend to be a member of any securities exchange, does not make markets in securities and does not execute or clear security transactions. It is not otherwise engaged in the securities business.

Mr. Greenberg is not an executive officer nor an employee of AIF Distributors. Day to day activities of AIF Distributors are conducted by its officers and employees and Mr. Greenberg takes no part in such decisions.

Section 2(a)(19) of the Act defines an interested person of an investment company and its principal underwriter to include any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any director of such other person.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Mr. Greenberg, as a director of AIF Distributors, is an affiliate of a broker-dealer and is thus an interested person of Applicant and Union Service Distributor, Inc., its principal underwriter.

Applicant asserts that Mr. Greenberg should not be deemed an "interested person" of Applicant because his affiliation with AIF Distributors does not affect and will not impair his independence in acting on behalf of Applicant and its shareholders and the requested exemption is therefore consistent with the provisions of section 6(c).

Notice is further given that any interested person may, not later than February 7, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1052 Filed 1-24-72;8:48 am]

[70-5133]

WEST PENN POWER CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks and Commercial Paper Dealers and Exception from Competitive Bidding

JANUARY 18, 1972.

Notice is hereby given that West Penn Power Co. (West Penn), 800 Cabin Hill Drive, Greensburg, PA 15601, a public utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

West Penn requests that from the date of the granting of this application to March 31, 1974, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issue and sale of notes to banks and to dealers in commercial paper up to the maximum amount allowable under West Penn's charter without preferred stockholder consent, which, as of December 31, 1971, amounted to $56 million. West Penn proposes, under the proposed exemption, to issue and sell from time to time its short-term notes to banks and to dealers in commercial paper prior to March 31, 1974: *Provided*, That none of such notes shall mature later than September 30, 1974: *And provided further*, That $56 million represents the maximum amount of notes to be outstanding at any one time. Changes may be made in the maximum amount of notes to be outstanding upon the filing of a post-effective amendment and additional authorization by the Commission. The proceeds from the sale of the notes will be used by West Penn to reimburse its treasury for past expenditures made in connection with its construction program, to pay in part the cost of future construction, and for other corporate purposes. Construction expenditures of West Penn for the years 1972, 1973, and 1974 are estimated to total $227,302,000. The application states that, unless otherwise authorized by the Commission, any of West Penn's short-term debt outstanding hereunder after March 31, 1974, will be retired with internal cash resources, permanent debt or equity financing, or cash capital contributions.

Each note payable to a bank will be dated as of the date of borrowing and will mature not more than 270 days after the date of issue or renewal thereof. Each such note will bear interest at the prime rate of commercial banks at the time of

V 37 16 JAN 25 72 XUM

issue and will be prepayable at any time without premium or penalty. The proposed borrowings will be effected from among banks in maximum amounts as set forth below:

First National City Bank	$40,000,000
Mellon National Bank & Trust Co	15,000,000
Pittsburgh National Bank	12,000,000
The Chase Manhattan Bank N.A	5,000,000
Total	$72,000,000

The maximum amount of such borrowings will not, when taken together with any commercial paper outstanding, be in excess of $56 million. West Penn maintains balances at each of the above banks to meet regular operating requirements. If average balances were maintained solely to fulfill compensating balance requirements, at a customary 20 percent level, the effective interest cost to West Penn assuming a 5¼ percent prime rate would be approximately 6.6 percent.

The commercial paper notes will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5 million and will be of varying maturities, with no maturity more than 270 days after the date of issue. None will be prepayable prior to maturity. The commercial paper notes will be sold directly to a dealer at a discount not in excess of the discount rate per annum prevailing at the time of issue for commercial paper of comparable quality and of the particular maturity. The dealer may reoffer the commercial paper at a discount rate of one-eighth of 1 percent per annum less than the discount rate then available to West Penn. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which West Penn could borrow from banks. The dealer will reoffer the commercial paper notes to not more than 200 of its customers identified and designated in a list (nonpublic) prepared in advance. It is expected that the commercial paper notes will be held by the dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 200 customers.

West Penn requests an exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof. West Penn also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this application on a quarterly basis.

The application states that fees and expenses related to the proposed transactions are estimated not to exceed $2,900, including credit rating fees in the amount of $2,500, and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 15, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1053 Filed 1-24-72;8:48 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

RUST ENGINEERING CO., ET AL.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that on August 26, 1971, the Rust Engineering Co., 930 Fort Duquesne Boulevard, Pittsburgh, PA 15222, has jointly with Continental-Heine Chimney Co., Inc., 127 North Dearborn Street, Chicago, IL 60602, Custodis Construction Co., Inc., a division of Research-Cottrell, Inc., 120 South Riverside Plaza, Chicago, IL 60602, and the M. W. Kellog Co., Chimney Division, Post Office Box 1007, Williamsport, PA 17701, made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the construction safety standards prescribed in 29 CFR 1518.552(c) (36 F.R. 7385), concerning personnel hoists, and 29 CFR 1518.451 (1), (4), and (5) (36 F.R. 7378), concerning boatswain's chairs, which were made occupational safety and health standards by 29 CFR 1910.12.

The applicants state that all construction projects are under the direct supervision of their principal offices, listed below, even though the projects themselves are spread throughout the country. The addresses of the principal offices are as follows:

The Rust Engineering Co., 930 Fort Duquesne Boulevard, Pittsburgh, PA 15222, and 1130 South 22d Street, Birmingham, AL 35201.

Continental-Heine Chimney Co., Inc., 127 North Dearborn Street, Chicago, IL 60602.

Custodis Construction Co., 120 South Riverside Plaza, Chicago, IL 60606, and Box 368, Bound Brook, NJ 08805.

The M. W. Kellog Co., Chimney Department, Post Office Box 1007, Williamsport, PA 17701.

In making this application, the applicants certify that all employees who will be affected by the variance have been notified of the application by posting a copy thereof at each jobsite and of their right to petition for a hearing by posting a notice to that effect at each jobsite.

Regarding the merits of the application, applicants state that in constructing a chimney, an elevated working platform or scaffolding is moved upward with the construction. To reach such a platform an access ladder or equivalent safe access must be provided pursuant to 29 CFR 1518.451(a)(13). The use of an access ladder soon becomes impractical as the height of the construction increases and therefore another safe means of access must be provided.

Applicants state it is not feasible to use personnel hoists meeting the requirements of § 1518.552(c) inside a chimney. In a small chimney there would be insufficient room to construct a hoist tower and the hoist tower would interfere with the design and construction of proper scaffolding. Extension of the hoist tower above chimney construction involves many difficulties in erection, bracing, and guying. With reference to towers outside a chimney, the applicants state it is difficult to provide safe access from tower to chimney over increasing distances due to tapering of the chimney toward the top. Tower extension itself would be hazardous due to high winds, and guying a hoist tower 600 to 1,000 feet or more in height is generally not feasible. An outside hoist would not provide access to the movable working platform or the jack scaffold used in constructing a brick lining.

Applicants propose to use Special Workmen's Hoist and Safety Cages which they contend are feasible and safer for use in their construction than personnel hoists meeting the requirements of § 1518.552(c). On construction work on a chimney with a small lining, where the safety cage is not feasible, applicants would use a boatswain's chair to raise and lower workmen. During this procedure, the workmen's safety belts would be attached to clamps as an additional safety measure. During construction or maintenance work on high chimneys where it is not feasible to use "block and falls" for transporting a workman, applicants propose to substitute a material hoist for the "block and falls".

A copy of the application will be made available for inspection and copying upon request at the Office of Safety and Health Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, DC 20210, and at the following Area Offices: Occupational Safety and Health Administration, 1370 Filbert Street, Suite 1010, Philadelphia, PA 19107; Occupational Safety and Health Administration, Room 848, Federal Office Building, 219 Dearborn Street, Chicago, IL 60604; Occupational Safety and Health Administration, Todd Mall, 2047 Canyon Road, Birmingham, AL 35216; Occupational Safety and Health Administration, Federal Building, Room 635, 970 Broad Street, Newark, NJ 07102; and Occupational Safety and Health Administration, Room 445-D, Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

Interested persons, including affected employers and employees, are invited to submit written data, views, and arguments regarding the application for a variance within 30 days following the publication of this notice in the FEDERAL REGISTER. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application for a variance within 30 days after the publication of this notice in the FEDERAL REGISTER, in conformity with the requirements of 29 CFR 1905.15. Submissions of written comments and requests for a hearing shall be in quadruplicate, and shall be addressed to the Office of Safety and Health Standards at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, and supporting data, filed by the Rust Engineering Co., Continental-Heine Chimney Co., Inc., Custodis Construction Co., Inc., and the M. W. Kellog Co. that the practices, means, methods, and operations proposed by applicants will provide employment and places of employment which are as safe and healthful as those which would prevail if the applicants were to comply with the requirements of 29 CFR 1518.552(c), 29 CFR 1518.451 (1), (4), and (5), and 29 CFR 1910.12. It further appears from the application that an interim variance is necessary to prevent undue hardships to affected employers and employees: *Therefore it is ordered*, Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, section 105 of the Contract Work Hours and Safety Standards Act, as amended, 29 CFR 1905.11(c), and in 29 CFR 1518.2, as amended, that Rust Engineering Co., Continental-Heine Chimney Co., Inc., Custodis Construction Co., Inc., and The M. W. Kellog Co. be, and they are hereby, authorized to transport personnel to and from the elevated platform, during maintenance (repair) or construction work on chimneys, utilizing a Special Workmen's Hoist, including the hoist machine, safety cage with safety cables on opposite sides, safety devices that will grip the safety cables in the event of any failure of the hoisting cable and limit switches to prevent overrun of the cage at both top and bottom of the chimney; to transport personnel one at a time to and from the elevated scaffold during maintenance or construction work on chimneys or chimney linings of a small diameter or from a bracket scaffold on the outside of a chimney utilizing a boatswain's chair attached to the hoisting cable of a material hoist from which the material bucket shall be temporarily disconnected; to attach the safety belt of the personnel being transported one at a time to or from the elevated scaffold in the boatswain's chair to a clamp riding a separate lifeline of ⅜-inch diameter wire rope securely attached to the rigging at the top and to a weight at the bottom; to substitute the material hoist for the "block and falls" when transporting personnel one at a time in a boatswain's chair; in accordance with the following additional conditions, in lieu of the requirements of 29 CFR 1518.451 (1), (4), and (5), 29 CFR 1518.552(c), and 29 CFR 1910.12:

(a) *Hoist machine.* (1) The hoist machine shall be a type designated as a Portable Man-Hoist, which meets all the conditions set forth herein.

(2) The hoist machine shall be powered both in the up and down direction and shall be located far enough from the footblock to obtain correct fleet angle or proper spooling on the hoist drum.

(3) The hoist machine shall be equipped with: (i) Torque converter and forward-reverse transmission;

(ii) Winding drum not less than 30 times diameter of rope used, and flange diameter not less than 1½ times the drum diameter;

(iii) A "Deadman" Control Switch in top of operating lever which shall stop the hoist immediately if released; and

(iv) A line speed indicator maintained in good working order.

(4) (i) The hoist shall be equipped with two independently operated brakes, each capable of holding the load. Braking shall be automatically applied with an electromagnetic braking device, capable of holding 150 percent of the rated load upon cessation of power.

(ii) Electromagnetic brake shall be located on input shaft to gear reducer. In addition, an externally contracting band-type brake shall be mounted directly on the hoist drum: A foot pedal shall be located near the operator's seat for sit-down control. The gear reduction shall be a totally enclosed worm gear reducer in oil bath.

(5) Hoist machine frame shall be a self-supporting, rigid, welded steel frame with skid base. Holding brackets for anchor lines shall be located at corners, as well as legs for anchor bolts.

(6) Hoisting machine wiring shall be equipped with terminal blocks for connections with limit switches that are placed at upper and lower end of travel to prevent the bottom of the cage from being taken above the platform level of the top scaffold or below the bottom loading platform. The hoist shall stop automatically if limit switch contact is opened.

(7) All electrical equipment shall be waterproof.

(8) Single lever control for both speed and direction shall be used.

(b) *Operating control.* (1) The operator of the hoist shall be an experienced operator.

(2) The hoist shall not be operated in excess of 250 f.p.m. when carrying personnel.

(3) Signals shall consist of two-way radio or wired intercom between hoist operator, the lower landing, and the upper landing.

(c) *Hoist rope.* (1) The hoisting rope shall be improved plow steel or equivalent quality of nonrotating type or regular lay rope with proper swivel and shall be not less than ½-inch diameter. It shall be attached to the cage by a closed hook or hook with locking swivel safety latch.

(2) Where clip fastening is used, there shall be at least three at each fastening and they shall be installed with "U" of clip on dead end of rope. Spacing, clip-to-clip, shall be 6 times the diameter of the rope.

(d) *Footblock.* (1) The footblock shall be of construction type of solid single piece ball.

(2) The line diameter of the footblock shall be not less than 24 times the rope diameter.

(3) The change in directions of hoist rope at the footblock shall be approximately 90°.

(e) *Cathead.* (1) The overhead sheave supports shall be securely fastened together by bolts to prevent spreading. The sheaves shall be installed between the supporting members and shall rotate on a fixed shaft or the shaft shall revolve in pillow block bearings.

(2) The sheaves used on cathead shall have a minimum diameter equal to 24 times diameter of rope when travel of rope on the sheaves is approximately 90°. When using ½-inch diameter rope, the corresponding minimum sheave diameter shall be 12 inches.

(f) *Safety cables.* (1) There shall be two steel safety cables suitable for use with safety clamps, as described in paragraph (g) (6), (7), and (8), or equivalent. One end shall be fastened to overhead support and the bottom end attached to a 100-pound weight with cable grips for adjusting. Safety cables shall be ⅜-inch diameter when used with two-man cage or ½-inch diameter when used with four-man cage.

(2) Clamping device used for fastening to weight must be of type that will not damage the ropes and will not require acute bending of the rope.

(3) Where the cage passes through the platform at top of project, adequate beveled cone shaped guard shall be provided at the underside of the working platform.

V 37 16 JAN 25 72 XUM

(g) *Cage.* (1) The cage shall be of welded construction, of two-man, or four-man capacity.

(2) The framework of the cage shall be covered with aluminum expand-x or equivalent covering.

(3) The floor shall be of plywood securely fastened in place, ¾-inch thick, for two-man cage or 1-inch thick for four-man cage.

(4) The roof shall be two thicknesses of ¾-inch plywood or in case of a steeply sloped roof shall be of ⅛-inch aluminum sheet.

(5) The entrance to the cage shall have a hinged gate equipped with a mechanical locking device.

(6) Safety clamps shall be of a type that are portable and can be attached or detached from the lifeline. The clamps shall be fabricated 100 percent of stainless steel, have instant holding action, and a solid self-locking pin, spring loaded for locking the two parts together.

(7) The safety clamps attached on opposite sides of the cage shall grip the safety cables in case of emergency.

(8) The safety clamps shall operate on the broken rope principle.

(h) *Capacity.* The maximum capacity for the two-man cage shall be two men or 400 pounds and for the four-man cage, four men or 800 pounds. A sign stating capacity shall be posted in the cage.

(i) *Emergency escape.* An emergency escape device with accommodations for each man in the cage with a minimum 5/16-inch braided nylon rope or better, long enough to reach the bottom landing from the highest escape point below the upper landing shall be securely attached to the inside of the cage. Not more than one man shall use the escape means at a time.

(j) *Welding.* All welding shall be done by welders in accordance with standards of the American Welding Society.

(k) When the safety cage is not being used to transport personnel, the safety cage and safety cables shall be pulled aside off the foundation and the hoisting hook transferred to the "bucket" for hoisting materials. The procedure shall be reversed when transporting of workmen is again required.

(l) The applicants, Rust Engineering Co., Continental-Heine Chimney Co., Inc., Custodis Construction Co., Inc., and the M. W. Kellog Co., shall give notice to affected employees of the terms of this interim order by the same means required to be used to inform them of the application for the variance.

Effective date. This interim order shall be effective as of January 22, 1972, and shall remain in effect until a decision is rendered on the application for variance by Rust Engineering Co., Continental-Heine Chimney Co., Inc., Custodis Construction Co., Inc., and the M. W. Kellog Co.

Signed at Washington, D.C., this 19th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-1062 Filed 1-24-72;8:48 am]

NOTICES

Office of the Secretary

ALASKA

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation which provides for payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the act, notice is hereby given that Frank E. Cashel, Director of the Alaska Department of Labor has determined that there was a State "off" indicator in Alaska for the week ending November 6, 1971, and that an extended benefit period terminated in the State with the week ending November 27, 1971.

Signed at Washington, D.C., this 14th day of January 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-1029 Filed 1-24-72;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 20, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 116519 Sub. 13, Frederick Transport Ltd., now being assigned March 13, 1972, at Buffalo, N.Y., in a hearing room to be later designated.

MC 116519 Sub 15, Frederick Transport Ltd., now being assigned March 15, 1972, at Buffalo, N.Y., in a hearing room to be later designated.

MC 135437 Tri-Northeastern Transport, Inc., now being assigned March 17, 1972, at Buffalo, N.Y., in a hearing room to be later designated.

MC 135580 Lambert Transfer & Storage Co., assigned January 25, 1972, at Columbus, Ohio, canceled and application dismissed.

MC 15770 Sub 3, Calore Freight System, Inc., assigned February 18, 1972, MC 1756 Sub 18, People Express Co., assigned February 17, 1972, will be held in Room E 2222, 26 Federal Plaza, New York, N.Y.

MC 135965 J. P. Weist, doing business as Weist Trucking, assigned at Minneapolis, Minn., application dismissed.

MC-F 11209 H. C. Gabler, Inc.—Purchase—John E. Foley, District Director, Internal Revenue Service, heard January 19, 1972, at Washington, D.C., and continued to February 4, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 23618 Sub 16, McAlister Trucking Co., MC 43867 Sub 22, Alton Leander McAlister, MC 54847 Sub 9, Intracoastal Truck Line, Inc., MC 60157 Sub 16, C. A. White Trucking Co., MC 74321 Sub 51, B. F. Walker, Inc., MC 79999 Sub 11, E. Jack Walton Trucking Co., MC 93318 Sub 17, Joe D. Hughes, Inc., MC 99776 Sub 7, Buckner Trucking, Inc., MC 103066 Sub 29, Stone Trucking Co., MC 106407 Sub 27, T. E. Mercer Trucking Co., MC 106509 Sub 22, Younger Transportation, Inc., MC 106775 Sub 29, Atlas Truck Line, Inc., MC 107687 Sub 43, Hill & Hill Truck Line, Inc., MC 108942 Sub 5, C. G. Todd Trucking Co., MC 109064 Sub 25, Tex-O-Ka-N Transportation Co., MC 110817 Sub 16, E. L. Farmer & Co., MC 115840 Sub 72, Colonial Fast Freight Lines, Inc., MC 119776 Sub 10, The Squaw Transit Co., MC 119774 Sub 27, Mary Ellen Stidham, N. M. Stidham, Inez Mankins & James E. Mankins, Sr. (doing business as) Eagle Trucking Co., MC 119897 Sub 12, A-1 Transportation Co., MC 120257 Sub 12, K. L. Breeden & Sons, Inc., assigned March 6, 1972, at Houston, Tex., are postponed to March 13, 1972, in Room 8212, Federal Building, 515 Rusk St., Houston, TX.

MC 107818 Sub 56, Greenstein Trucking Co., assigned January 27, 1972, at Chicago, Ill., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1065 Filed 1-24-72;8:50 am]

[Notice 10]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 19, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 65802 (Sub-No. 49 TA), filed January 6, 1972. Applicant: LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, WA 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, from Seattle, Wash., to points in Oregon, Idaho, Montana, and those in California lying on or north of a line drawn east and west through Redding, Calif., for 180 days. Supporting shipper: Master Builders, Inc., Lee at Mayfield, Cleveland, Ohio 44118. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 66124 (Sub-No. 5 TA), filed January 7, 1972. Applicant: PACIFIC NORTHWEST MOTOR FREIGHT LINES, INC., 600 South Edmunds, Seattle, WA 98108. Applicant's representative: George Kargianis, 21st Floor, Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Seattle, Wash., and Portland, Oreg., and return, for 180 days. Supporting shipper: Pacific International Freight Liners (Washington) Inc., Norton Building, Seattle, Wash. 98104. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 72423 (Sub-No. 2 TA) (Amendment), filed December 20, 1971, published FEDERAL REGISTER issue January 6, 1972, amended in part and republished as amended this issue. Applicant: R. D. HOUNSHELL, doing business as STERLING TRANSFER CO., 111 East Chestnut Street, Post Office Box 1007, Sterling, CO 80203. Applicant's representative: John P. Thompson, 450 Capitol Life Building, East 16th Avenue, Denver, CO 80203. NOTE: The purpose of this partial republication is to include request for applicant's republication to show carrier's intention to interline shipments at Denver and Julesburg, Colo. The rest of the application remains the same.

No. MC 103993 (Sub-No. 686 TA), filed January 7, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Wilkes County, N.C., to points in the United States east of the Mississippi River, and Minnesota and Louisiana, for 180 days. Supporting shipper: Bowen Mobile Homes, Inc., U.S. Highway 319 North, Tifton, Ga. 31794 (Reply to Boomer, N.C. 28606). Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 113528 (Sub-No. 20 TA), filed January 7, 1972. Applicant: MERCURY FREIGHT LINES, INC., 710 North Joachim Street, 36603, Post Office Box 1247, Mobile, AL 36601. Applicant's representative: Herb Reynolds (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco and tobacco products*, including cigarettes, from points in North Carolina, to points in Alabama south of U.S. Highway 278, for 180 days. NOTE: Applicant intends to tack this authority with its present permanent authority at common points of Birmingham, Selma, and Mobile, Ala., and thereupon provide through service. Supporting shippers: Liggett & Meyers, Inc., Post Office Box 3836, Durham, NC 27702, Attention: Roland C. Hendricks, Distribution Manager; The American Tobacco Co., 245 Park Avenue, New York, NY 10017, Attention: C. F. Hardy. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 113666 (Sub-No. 63 TA), filed January 7, 1972. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in pneumatic tank trailers, from points in Monongahela Township, Greene County, Pa., to points in Maryland, Ohio, and West Virginia, for 180 days. Supporting shipper: Dayton Fly Ash Co., Inc. Subsidiary of AMAX (American Metal Climax, Inc.), Post Office Box 465, New Eagle, PA 15067. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 117758 (Sub-No. 2 TA), filed December 30, 1971. Applicant: GRINGERI BROS. TRANSPORTATION CO., INC., 70 Phillips Street, Watertown, MA 02172. Applicant's representative: John F. Curley, 15 Court Square, Boston, MA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Massachusetts and Rhode Island, for 150 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Assistant Regional Director James F. Martin, Jr., Interstate Commerce Commission, Bureau of Operations, JFK Federal Building, Government Center, Boston, Mass. 02203.

No. MC 133562 (Sub-No. 11 TA) (correction), filed December 27, 1971, published FEDERAL REGISTER January 14, 1972, corrected and republished in part as corrected this issue. Applicant: HOLIDAY EXPRESS CORPORATION, Post Office Box 204, Estherville, IA 51334. NOTE: The purpose of this partial republication is to include the State of South Carolina as a destination point which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 135650 (Sub-No. 1 TA) (correction), filed January 3, 1972, published FEDERAL REGISTER January 15, 1972, corrected and republished in part as corrected this issue. Applicant: ROYAL DELITE FOODS, INC., 4817 Governors Printz Boulevard, Edgemoor, DE 19809. Applicant's representative: F. D. Hammond, Post Office Box 53, Dover, DE 19901. NOTE: The purpose of this partial republication is to include the States of North Carolina and South Carolina as destination points which were inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 136228 TA (correction), filed December 13, 1971, published FEDERAL REGISTER January 12, 1972, corrected and republished in part as corrected this issue. Applicant: LUISI TRUCK LINES, INC., Post Office Box 606, Milton-Freewater, OR 97862. Applicant's representative: Thomas G. Karter, 4410 Northeast Fremont, Portland, OR 97213. NOTE: The purpose of this partial republication is to set forth the correct MC 136228 TA, in lieu of MC 136222 TA, shown in error in previous publication. The rest of the notice remains the same.

No. MC 136232 TA (correction), filed December 13, 1971, published FEDERAL REGISTER January 12, 1972, corrected and republished in part as corrected this issue. Applicant: FRALEY'S INCORPORATED, Route 1, Big Stone Gap, VA 24219. Applicant's representative: Don R. Pippin, Norton, Va. 24273. NOTE: The purpose of this partial republication is to set forth the correct MC 136232 TA, in lieu of MC 136212 TA, shown in error in previous publication. The rest of the application remains as previously published.

No. MC 136233 (Sub-No. 1 TA), filed January 7, 1972. Applicant: NORTHTOWN TRUCK LINES, INC., 1112 Swift Street, Post Office Box 7333, North Kansas City, MO 64116. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverage in containers and related advertising material*, between Kansas City, Mo., and Richmond, Mo., on the one hand, and, on the other, Omaha, Nebr., Peoria, Ill., and Detroit, Mich., *empty containers and pallets* on return, for 150 days. Supporting shippers: Northland Distribution Co., Inc., 1112 Swift Street, North Kansas City, MO 64116; Richmond Distribution Co., Richmond, Mo. 64085. Send protests to: Vernon V. Coble, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136262 (Sub-No. 1 TA), filed January 7, 1972. Applicant: J. C. MORIN,

V37-16 JAN 25 72 XUM

doing business as UNIC PARCEL SERVICE, 410 St. Nicholas Street, Montreal, PQ, Canada. Applicant's representative: H. Neil Garson, Court Square West Building, 1400 North Uhle Street, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading). Restriction: The service authorized herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. Between the site of the U.S. Customshouse at or near Highgate Springs, Vt., on the one hand, and, on the other, the port of entry on the United States-Canada boundary line, at or near Highgate Springs, Vt., for 120 days. Supporting shippers: Pfizer Co. Ltd., 50 Place Cremazie, Montreal 351, PQ, Canada; Blackpool Brokerage Ltd., 410 St. Nicholas Street, Room 103, Montreal, PQ, Canada; Schering Corp. Ltd., Pointe Claire, Quebec, Canada; Querecair, Hagar No. 2, Montreal International Airport, Dorval, Quebec, Canada; Sylvania Electric (Canada) Ltd., 8750 Cote de Liesse Road, Montreal 376, PQ, Canada; Bechard & McMahon Ltd., 410 St. Nicholas Street, Room 26, Montreal 125, PQ, Canada; St. Arnaul & Bergevin Ltee., 410, rue St-Nicholas, Montreal 125, PQ, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 136309 TA, filed January 6, 1972. Applicant: KIRK A. JEFFERTS, 2915 Green Lantern Road, Everett, WA 98204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shingles, shakes, and ridge trim*, from points in Skagit County, Wash., to points in California, for 180 days. Supporting shippers: Hurn Shingle Co., Inc., Route 1, Concrete, Wash.; Supreme Cedar Products, Inc., Post Office Box 457, Hamilton, WA 98255. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136312 TA, filed January 7, 1972. Applicant: HASKELL FOODS COMPANY OF OKLAHOMA, INC., Haskell, Okla. 74436. Applicant's representative: Ezra Drake (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the warehouse of R.J.R. Foods, Haskell, Okla., to points in Arkansas, Kansas, Mississippi, Missouri, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: R.J.R. Foods, Inc., Donalf J. Kays, General Traffic Manager, 750 Third Avenue, New York, NY 10017. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1086 Filed 1-24-72;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATIONS:	
2799 (see Proc. 4101)	659
2937 (see Proc. 4101)	659
2938 (see Proc. 4101)	659
2942 (see Proc. 4101)	659
2972 (see Proc. 4101)	659
3314 (see Proc. 4101)	659
4100	199
4101	659
EXECUTIVE ORDERS:	
11627 (see EO 11639)	521
11639	521

4 CFR

	Page
20	1103

5 CFR

	Page
213	201, 257, 258, 661, 925
531	859
532	1033
890	7

6 CFR

	Page
105	1002
201	284
205	1004
300	284, 426, 587, 652, 775, 1007
305	1008
401	1010

7 CFR

	Page
52	131, 587
354	587, 788
510	69
722	7, 272, 789
725	725
730	8, 859
760	1103
811	661, 725, 925
812	9
814	9
846	133
857	588
900	1103
905	523
907	10, 134, 523, 663, 860, 1033
910	70, 272, 663, 726, 1034
912	273, 664
914	664
917	273
930	273
932	323
953	926
982	588
993	861
1007	323
1421	1103
1610	275
PROPOSED RULES:	
51	616
52	1110
68	844
301	217, 218
718	742
725	793
730	19
928	793
953	286
966	81
980	81
981	617
1001	447, 1112
1002	447, 1112
1004	20, 447, 742, 793
1006	447
1007	447, 1114
1011	447
1012	447
PROPOSED RULES—Continued	
1013	447
1015	447
1030	447
1032	447
1033	447
1036	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447, 1050
1062	447
1063	447
1064	447
1065	447, 743
1068	447, 1050
1069	447
1070	447
1071	447
1073	447
1075	447
1076	447
1078	447
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447, 801
1106	447, 801
1108	447

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
1120	447
1121	447
1124	447
1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447
1207	81
1421	936
1430	20
1481	810
1701	811

8 CFR

	Page
103	927
214	328
334	928
334a	928

9 CFR

	Page
53	134
75	862
76	329, 435, 665
78	863
82	135, 589
97	791
203	276
311	435
316	435
317	435
400	135, 435
PROPOSED RULES:	
92	935
327	85

10 CFR

	Page
50	864
PROPOSED RULES:	
50	287, 288
110	92, 1059
170	1121

12 CFR

	Page
201	11
211	776, 1104
265	1034
545	523, 1104
561	524
563	524
700	329
702	70
PROPOSED RULES:	
225	938
528	811
545	543
700	813
701	339
715	95
741	813

13 CFR

	Page
121	258

14 CFR

	Page
13	436
39	11, 12, 70, 437, 665, 666, 726, 776, 928
71	13, 71, 135, 136, 276, 323, 437, 726, 727, 776, 777, 928
73	437, 438, 590
75	13, 71, 667, 777
95	777
97	71, 525, 668, 1035
214	728
223	778
225	72
249	728
302	277, 1035
PROPOSED RULES:	
39	811
43	222
71	21, 91, 144, 146, 286, 287, 620, 621, 744, 937, 1119
73	478
91	222
135	222
207	222, 1122
208	222, 1122
212	222, 1122
214	222, 1122
372a	222, 1122
373	478
378	478
372a	222, 1122

16 CFR

	Page
13	729–735, 779
502	928
PROPOSED RULES:	
435	622

17 CFR

	Page
230	590, 591, 599
231	600
239	590, 591, 599
240	73
241	600
249	600, 601
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

	Page
2	780
201	601
204	801
205	601
PROPOSED RULES:	
141	22
201	337
204	337
205	337
250	885
260	337

19 CFR

	Page
4	865
6	1104
173	782
PROPOSED RULES:	
Ch. I	19

20 CFR

	Page
PROPOSED RULES:	
405	89

21 CFR

	Page
29	865
121	14, 74, 329, 740
130	201
135	137
135c	14, 137
135e	74, 740
135f	14
141	1104, 1105
141a	438
146a	438
146c	440
148e	330, 865
148k	865
148m	15
148x	866
149a	1105
295	741
301	137
PROPOSED RULES:	
1	1115
3	219, 1116
19	468, 869
27	20, 470
130	85
141	1116
145	336
191	1020
191b	1020
304	144
308	867

22 CFR

	Page
11	277
41	15

24 CFR

	Page
200	75, 203, 209
201	210
203	138
207	138
220	138
222	76
275	211
1909	1036
1911	1036
1913	1037
1914	280, 608, 783, 1037
1915	281, 609, 784
PROPOSED RULES:	
203	144

25 CFR

	Page
232	526
PROPOSED RULES:	
16	536

26 CFR

	Page
1	527
12	16, 281
601	1016
PROPOSED RULES:	
1	19, 99, 286, 336, 544

28 CFR

	Page
0	931
41	784
301	138
PROPOSED RULES:	
48	935

29 CFR

	Page
1904	736
1910	332
1975	929
PROPOSED RULES:	
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620

V37-16 JAN 25 72 XUM

29 CFR—Continued

PROPOSED RULES—Continued

	Page
688	620
689	620
690	620
720	620
727	620
1910	466, 743

30 CFR

75	17
225	441
225a	441

31 CFR

10	1016
530	1108

32 CFR

270	77
1499	668

PROPOSED RULES:

1467	99
Ch. XVI	486
1604	479
1606	479, 484
1609	484
1611	479
1613	484
1621	479
1622	479
1623	479
1624	479, 1115
1625	479
1626	479, 1115
1627	479
1630	479
1631	479
1632	479
1641	479
1643	479
1660	485

32A CFR

Ch. X:

OI Reg. 1	601

33 CFR

117	784
204	527
207	668
208	1106

PROPOSED RULES:

401	938

35 CFR

5	77
253	281

36 CFR

212	737
231	211
261	737

37 CFR

2	931

38 CFR

8a	282

39 CFR

235	77
760	211, 443
761	211, 443

40 CFR

85	669, 784
180	78, 140, 141, 332–334, 443, 737–739

PROPOSED RULES:

2	621
6	879
115	478
164	1059
180	92–94, 337

41 CFR

1–1	1037
1–3	610
1–16	610
3–75	1041
5A–1	527
5A–2	932
5A–3	141
5A–7	141
5A–8	142
5A–16	528
5A–72	932
5A–76	528
5B–1	334
8–1	613
101–17	78
101–26	668
101–32	932
101–43	614
101–44	614
101–47	740
103–40	17
114–26	934
114–43	934

PROPOSED RULES:

3–4	743
51–1	336

42 CFR

53	182

PROPOSED RULES:

91	1116

43 CFR

4110	213

PUBLIC LAND ORDERS:

1932 (amended by PLO 5147)	18
3530 (revoked in part by PLO 5153)	785
3869 (revoked in part by PLO 5153)	785
4582 (modified by PLO 5149)	18
4962 (see PLO 5149)	18
5081 (see PLO 5149)	18
5147	18
5148	18
5149	18
5150	142
Amended by PLO 5151	142, 528
5151	142, 528
5152	785
5153	785
2800	217
2810	217

45 CFR

177	335
249	443
1060	444

PROPOSED RULES:

121	870
130	470

46 CFR

157	528
310	335
390	16

PROPOSED RULES:

72	676
92	676
137	879
146	220, 937
190	676
510	678

47 CFR

2	604
31	605
33	605
73	529, 605, 1041
74	1045
89	213
91	283

PROPOSED RULES:

0	145
1	537
2	145, 146, 537
15	94, 146
21	146
73	539–542, 621, 1067, 1122
87	537
89	146, 676
91	146, 676
93	676

49 CFR

7	214
99	532
Ch. I	585
178	444
301	214
571	284, 445, 1107
1002	215
1033	934, 1046
1121	1046, 1049
1203	866
1300	335
1311	1107

PROPOSED RULES:

192	145
571	222, 1059, 1120

50 CFR

28	79, 445, 535
33	79, 80, 785, 1049
35	1049
240	786

PROPOSED RULES:

28	447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date	Pages	Date
1–62	Jan. 4	317–427	Jan. 11	719–767	Jan. 18
63–123	5	429–513	12	769–852	19
125–193	6	515–582	13	853–918	20
195–249	7	583–654	14	919–1027	21
251–315	8	655–717	15	1029–1096	22
				1097–1152	25

C-1

federal register

WEDNESDAY, JANUARY 26, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 17

Pages 1153–1205

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FOOD STAMP PROGRAM—
USDA notice on amendments to eligibility standards and purchase requirements 1159
USDA amendment relating to implementation of revised regulations; effective 1–26–72 1180

SMALL BUSINESS CONCERNS—SBA amendment to size standards 1160

FPC LICENSEES—FPC rule on annual charges 1163

SALT AND IODIZED SALT—FDA amendments on label statements 1166

FOOD STANDARDS—FDA amendments for certain canned fruits; comments within 30 days 1167

RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES—USDA proposed amendments; comments within 20 days 1174

AIRCRAFT OPERATORS—FAA proposal on applicability of regulations to unauthorized operators; comments by 3–27–72 1175

PESTICIDES—EPA proposed tolerance for certain chemical; comments within 30 days 1176

NEW ANIMAL DRUGS—
FDA notice of withdrawal of approval; effective 1–26–72 1181
FDA approval of anthelmintic and anti-bacterial drug (2 documents); effective 1–26–72 1170

OTC DRUGS—FDA notice on submitting data for methapyrilene sleeping preparations 1181

(Continued inside)

V37 N17 JAN 26 72
XUM

Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements; and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. It includes an Index of Contents and a system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist of White House releases, and a digest of other White House announcements.

This systematic publication of Presidential items provides users with up-to-date information and a permanent reference source concerning Presidential policies and pronouncements.

Subscription Price: $9.00 per year

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from: Superintendent of Documents
U.S. Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER
Area Code 202 Phone 963-5626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

TELECOMMUNICATIONS—
FCC notice on automatic dialing, recording, and answering devices 1183
FCC extension of comment time on proposal concerning fair broadcasting of public issues 1183
FCC extension of comment time to 2–15–72 on FM station assignment 1177
FCC proposal on TV Table of Assignments; comments by 3–3–72 1177
FCC amendment to TV Table of Assignments; effective 3–3–72 1161

GAS PIPELINES—
DoT proposal on qualification standards for pipe; comments by 3–15–72 1175
DoT rule on annual leak reporting requirements for small systems 1172

ANTIDUMPING—
Customs Bur. notice on Australian Bartlett pears 1179
Treasury Dept. notice of tentative determination on Canadian floor tile; comments within 30 days 1179

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Upland cotton; 1972 crop; base acreage allotments; correction 1159
Proposed Rule Making
Reconstitution of farms, allotments, and bases 1174

AGRICULTURE DEPARTMENT
See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service; Food and Nutrition Service.
Notices
Economic Research Service and Foreign Economic Development Service; proposed transfer of assignments of functions and delegations of authority 1181

ATOMIC ENERGY COMMISSION
Notices
Chem-Nuclear Services, Inc.; receipt of application for land burial of radioactive waste 1182
Rochester Gas and Electric Corp.; proposed issuance of amendment to provisional operating license 1182

CIVIL SERVICE COMMISSION
Notices
Manpower shortages; listing:
Museum Specialist (Art); Smithsonian Institution 1182
Music Specialist (Jazz); Smithsonian Institution 1183

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Domestic dates produced or packed in Riverside County, Calif.; export of free dates for withholding credit 1159

CUSTOMS BUREAU
Notices
Canned Bartlett pears from Australia; antidumping proceeding notice 1179

EMPLOYEES' BENEFITS BUREAU
Rules and Regulations
Criteria for determining whether State workmen's compensation laws provide adequate coverage for pneumoconiosis; transfer of part 1166

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rule Making
Carbofuran; tolerance for pesticide chemical in or on raw agricultural commodity 1176

FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
Airworthiness directives: SIAI-Marchetti airplanes 1160
Federal airway segment; alteration 1161
Proposed Rule Making
Applicability of operating rules 1175

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
Television broadcast stations; table of assignments; Parsons, Kansas 1161
Proposed Rule Making
Table of assignments:
FM broadcast stations, Chico, Calif 1177
Television broadcast stations, Fredericksburg, Va 1177
Notices
Handling of public issues under Fairness Doctrine and public interest standards; extension of time 1183
Standards program for interconnection of telephone dialers and answering devices; establishment of advisory committee 1183
United Television Co., Inc., et al.; memorandum opinion and order modifying issue 1184

FEDERAL POWER COMMISSION
Rules and Regulations
Annual charges; substitution of staff estimates for late or unsubmitted licensee's statement showing gross amount of power generated 1163
Policy and interpretations; implementation of National Environmental Policy Act 1162
Uniform system of accounts for natural gas companies; gathering and production plant facilities and costs relating to leases 1164
Notices
Hearings, etc.:
Cities Service Gas Co 1185
Colorado Interstate Gas Co 1185
Columbia Gas Transmission Corp. et al 1186
El Paso Natural Gas Co 1188
Grand River Dam Authority 1186
Texas Eastern Transmission Corp 1167
Trident Oil and Gas Corp 1187
United Gas Pipe Line Co. and Southern Natural Gas Co 1188

FEDERAL RESERVE SYSTEM
Notices
Orders approving acquisition of banks:
Mercantile Bancorporation Inc 1188
Society Corp 1189
Wyoming Bancorporation; acquisition of banks 1189

(Continued on next page)

V37-17-72 JAN 26 72 XUM

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Canned peaches, canned pears, and canned fruit cocktail; identity standards ---- 1167
New animal drugs:
Cephaloridine injection ---- 1170
Pyrantel tartrate powder ---- 1170
Salt and iodized salt; label statements ---- 1166
Sulfaquinoxaline; revocation of exemption from labeling and certification requirements; correction ---- 1171

Proposed Rule Making

Over-the-counter drugs; rule making procedures for classification; correction ---- 1175

Notices

Drugs for human use; efficacy study implementations:
Certain preparations containing hexachlorophene; correction ---- 1181
OTC methapyrilene-containing drugs for relief of insomnia; postponement of deadline for submitting data ---- 1181
M & M Livestock Products Co.; M & M Noctol 600; withdrawal of approval of new animal drug application ---- 1181
Over-the-counter antibacterial ingredients in drug products for repeated daily human use; request for data and information; correction ---- 1182
Safety and efficacy review of over-the-counter antacid drug products; request for data and information; correction ---- 1182

FOOD AND NUTRITION SERVICE

Rules and Regulations

Food stamp program; participation of State agencies and eligible households ---- 1159

Notices

Food stamp program; participation of State agencies and eligible households ---- 1180

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Telecommunications; surveys of installation and use of telephone station equipment ---- 1172

Notices

Cape Vincent National Fish Hatchery, New York; transfer of property ---- 1189
Secretary of Defense; delegation of authority ---- 1189

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HIGHWAY BEAUTIFICATION COMMISSION

Notices

Highway beautification; change of starting time of initial public hearing ---- 1183

INTERIOR DEPARTMENT

See Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ---- 1194
Fourth section applications for relief ---- 1194
Greyhound lines; limitation of free baggage allowance ---- 1195
Motor carriers:
Alternate route deviation notices (2 documents) ---- 1195
Applications and certain other proceedings ---- 1195
Intrastate applications; filing ---- 1202
Temporary authority applications ---- 1200

LABOR DEPARTMENT

See Employees' Benefits Bureau; Labor Standards Bureau; Wage and Hour Division.

LABOR STANDARDS BUREAU

Rules and Regulations

Criteria for determining whether State workmen's compensation laws provide adequate coverage for pneumoconiosis; transfer of part ---- 1172

LAND MANAGEMENT BUREAU

Notices

Anchorage Land District, Alaska; filing of protraction diagram ---- 1179
Washington; proposed withdrawal and reservation of land; correction ---- 1180

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Final environmental impact statement; public notice regarding availability ---- 1190

PIPELINE SAFETY OFFICE

Rules and Regulations

Elimination of annual report requirement for small petroleum gas distribution systems ---- 1172

Proposed Rule Making

Federal safety standards for gas pipelines; qualifications for pipe ---- 1175

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Investment Company Act of 1940; size of type used in registration statements and reports ---- 1162

Notices

Columbia Gas System, Inc. et al.; notice of proposed issue and sale of installment notes to holding company ---- 1190

SMALL BUSINESS ADMINISTRATION

Rules and Regulations

Small business size standards; definition of small "concern" for purpose of government procurement ---- 1160

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Pipeline Safety Office.

TREASURY DEPARTMENT

See also Customs Bureau.

Notices

Special Assistant to the Secretary (Debt Management); transfer of functions ---- 1179
Vinyl asbestos floor tile from Canada; tentative negative determination ---- 1179

VETERANS ADMINISTRATION

Notices

Statement of organization ---- 1191

WAGE AND HOUR DIVISION

Rules and Regulations

Wage orders:
Food and related products industry in Puerto Rico ---- 1171
Minimum wage rates in industries in Virgin Islands ---- 1171

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

7 CFR

271 ---- 1159
722 ---- 1159
987 ---- 1159

PROPOSED RULES:

719 ---- 1174

13 CFR

121 ---- 1160

14 CFR

39 ---- 1160
71 ---- 1161

PROPOSED RULES:

121 ---- 1175

17 CFR

270 ---- 1162

18 CFR

2 ---- 1162
11 ---- 1163
201 ---- 1164
260 ---- 1164

20 CFR

101 ---- 1166

21 CFR

3 ---- 1166
27 ---- 1167
135b ---- 1170
135c ---- 1170
144 ---- 1171

PROPOSED RULES:

130 ---- 1175

29 CFR

673 ---- 1171
694 ---- 1171
1520 ---- 1172

40 CFR

PROPOSED RULES:

180 ---- 1176

41 CFR

101-35 ---- 1172

47 CFR

73 ---- 1161

PROPOSED RULES:

73 (2 documents) ---- 1177

49 CFR

191 ---- 1172

PROPOSED RULES:

192 ---- 1175

V37-17 JAN 26 72 XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter II—Food and Nutrition Service, Department of Agriculture

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Section 271.1(s) of Title 7 of the Code of Federal Regulations is amended to allow a reasonable period of time for implementing the revised purchase requirements and household eligibility standards. In view of the need for placing the following amendment into effect at the earliest possible date, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this amendment.

Subdivisions (iv), (v), and (vi) of § 271.1(s)(1) are revised to read as follows:

§ 271.1 General terms and conditions for State agencies.

* * * * *

(s) *Implementation.* (1) Each State agency shall:

* * * * *

(iv) Put into effect the coupon allotments, purchase requirements, and household eligibility standards prescribed by this subchapter for all new applications and household recertifications not later than April 1, 1972;

(v) Put into effect all other provisions of the regulations in this subchapter within 60 days of implementation of the provisions in subdivision (iv) of this subparagraph; and

(vi) Complete the recertification of its entire caseload within 120 days of implementation of the provisions in subdivision (iv) of this subparagraph.

* * * * *

Section 271.6(h) of Title 7 of the Code of Federal Regulations is revised to except officials and employees of the U.S. Postal Service from the requirement that every official or employee who receives and issues food coupons or accepts cash and other receipts from eligible households shall be covered by a surety bond. Since the amendment does not affect the participation of households in the Food Stamp Program, it is determined that compliance with the proposed rule making procedures is not necessary with respect to this amendment.

Section 271.6(h) is revised to read as follows:

§ 271.6 Methods of distributing, issuing and accounting for coupons and receipts.

* * * * *

(h) Every official or employee, except officials and employees of the U.S. Postal Service, who is responsible for receiving and issuing coupons or accepting cash or other receipts from eligible households shall be covered by an appropriate form of surety bond in favor of the State agency or the State issuing agency.

(78 Stat. 703, as amended, 7 U.S.C. 2011–2025)

Effective date. This amendment shall be effective on the date of its publication in the FEDERAL REGISTER (1–26–72).

Signed at Washington, D.C., on January 21, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–1149 Filed 1–25–72;8:49 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1972 Crop of Upland Cotton; Base Acreage Allotments

COUNTY RESERVES

Correction

In F.R. Doc. 72–698 appearing at page 789 in the issue of Wednesday, January 19, 1972, the following changes should be made in the table under § 722.468(a):

1. In the parish listing for Louisiana the entries for "Catahoule" and "St. Marin" should read "Catahoula" and "St. Martin."

2. The county listing reading "Careteret" under North Carolina should read "Carteret."

3. The county listing reading "Dectaur" under Tennessee should read "Decatur."

4. The county reserve acreage allotment for Franklin County, Tex., reading "2.2" should read "2.0."

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Export of Free Dates for Withholding Credit

Notice was published in the December 31, 1971, issue of the FEDERAL REGISTER (36 F.R. 25431) regarding a proposal to amend § 987.155(a)(3) of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Section 987.155(a)(3) currently provides, among other things, for free dates certified for handling as dates packed for handling and exported to an approved country, to be reclassified by the committee as restricted dates, and the exportation credited to the exporting handler's withholding obligation. However, this provision does not extend to free dates certified for further processing. Exports of such dates have increased substantially in recent years. The amendment would afford handlers exporting such dates the same opportunity for reclassification as handlers exporting free dates certified for handling as dates packed for handling and thereby contribute to more uniform administration of the marketing agreement and order program.

The documentation requirements prescribed pursuant to § 987.155(a)(3) provide for the exporting handler to submit to the committee an on-board bill of lading or other satisfactory documentary evidence of export before the exportation can be credited to the handler's withholding obligation. However, circumstances beyond the control of the handler and the committee may delay receipt by the committee of the necessary documentation. These delays make it impossible to determine promptly the extent to which handlers have met their withholding obligations, the need, if any, for handlers to defer their obligations, and the quantity of credits from excess disposition in restricted outlets which are available for transfer to other handlers. The amendment would enable the committee to make the necessary determinations sooner, thereby facilitating administration of the withholding and transfer of credit provisions.

The notice afforded interested persons an opportunity to submit written data, views or arguments with respect to the proposal; and one such submission was received from the California Date Administrative Committee. In connection with that portion of the proposal which reads "and his restricted and assessment obligations adjusted accordingly", the committee recommended that the reference to assessment obligation be deleted and that the word "restricted" be changed to "withholding." It contended that the matter at issue is merely the

V 37 ▪ 17 JAN 26 72 XUM

reclassification of one category of marketable dates to another category, and that both categories are subject to identical assessments. Hence, the exporting handler's assessment obligation will not change and no adjustment is due the handler insofar as assessments are concerned. With respect to changing the word "restricted" to "withholding," it contended that § 987.45 of the marketing order creates a "withholding obligation," and that the word "restricted" is only a designation of the dates withheld. Hence, the obligation to withhold is a withholding obligation rather than a restricted obligation, and it should be so described in the amendment. Both recommendations of the committee are adopted.

After consideration of all relevant matter presented, including that in the notice, the written comment of the committee received pursuant to the notice, and other available information, it is hereby found that amendment of § 987.155(a)(3), as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, § 987.155(a) of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174) is amended by revising subparagraph (3) thereof to read as follows:

§ 987.155 Disposition of restricted and other marketable dates by export or diversion.

(a) *By export.* • • •

(3) Any handler may export to an approved country free dates certified for handling pursuant to either paragraph (a) or (b) of § 987.41, and the quantity of dates so exported shall be credited as disposition of restricted dates and his withholding obligation adjusted accordingly. The credit shall be given to the handler upon the committee receiving notification from the inspection service that such dates are being exported to an approved country. Such credit shall be contingent upon the committee receiving in due course an on-board export bill of lading or other documentary evidence of export satisfactory to the committee. The provisions of this subparagraph or of subparagraph (1) of this paragraph shall not be construed as prohibiting the dates packed in the prescribed cartons or containers from being placed in larger shipping containers.

• • • • •

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves restrictions on handlers by authorizing an additional category of free date exports to be reclassified as restricted dates and permitting prompter crediting of all free date exports to the exporting handler's withholding obligation; (2) no advance preparation is required by handlers to comply with this action; and (3) handlers are aware of this action and no useful purpose would be served by postponing the effective time of this action beyond the date of publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated January 20, 1972, to become effective upon publication in the FEDERAL REGISTER (1–26–72).

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–1134 Filed 1–25–72;8:48 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 11, Amdt. 1]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small "Concern" for the Purpose of Government Procurement

On October 28, 1971, there was published in the FEDERAL REGISTER (36 F.R. 20705) a notice that the Administrator of the Small Business Administration proposed to revise the definition of "concern" in § 121.3–2(i) of Part 121, Chapter 1, Title 13 of the Code of Federal Regulations to require that a "concern," for the purpose of Part 121, have in the United States, a place of business which makes a significant contribution to the U.S. economy.

The only comment received concerning the proposal suggested that the wording be clarified. This has been accomplished in the amendment set forth below.

Part 121 of Chapter 1 of Title 13 of the Code of Federal Regulations is hereby amended by revising the definition of concern in § 121.3–2(i) to read as follows:

§ 121.3–2 Definition of terms used in this part.

• • • • • •

(i) "Concern" means any business entity organized for profit with a place of business located in the United States and which makes a significant contribution to the U.S. economy through payment of taxes and/or use of American products, material and/or labor, etc. "Concern" includes but is not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see paragraph (a) of this section) any business entity, whether organized for profit or not, and any foreign business entity, i.e., any entity located outside the United States, shall be included.

• • • • • •

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER, but shall apply only to procurements issued on or after that date.

Dated: January 19, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72–1093 Filed 1–25–72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11417, Amdt. 39–1386]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI-Marchetti Models S.205 and S.208 Airplanes

A proposal to amend Part 39 of the Aviation Regulations to include an airworthiness directive requiring modification of the fuselage frame 2BIS, P/N 205–1–043–01, and periodic inspections pending modification, on SIAI-Marchetti Models S.205 and S.208 airplanes was published in the FEDERAL REGISTER (36 F.R. 18800).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIAI-MARCHETTI. Applies to Model S.205, Serial Nos. 001 through 003, 101 through 104, 106 through 108, 110 through 339, 4–101 through 4–104, 4–106 through 4–133, 4–135 through 4–165, 4–167 through 4–202, 4–204 through 4–206, 4–208 through 4–235, 4–237 through 4–252, 4–256 through 4–268, 4–271, 4–273, 4–274, 4–277 through 4–282, 4–285, 5–302, and 5–303; and to Model S.208, Serial Nos. 001 through 003, 1–03 through 1–12, 1–14, 1–15, 2–16 through 2–19, 2–48 through 2–50, 3–100, and 4–51 airplanes.

Compliance required as indicated.

To prevent structural failure of the wing front spar attachments to the fuselage frame, accomplish the following:

(a) For airplanes with 500 or more hours' time in service on the effective date of this AD, within the next 100 hours' time in service after the effective date of this AD comply with paragraph (c).

(b) For airplanes with less than 500 hours' time in service on the effective date of this AD—

(1) Within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, until modified in accordance with paragraph (c), visually inspect, using a magnifying glass of at least 5 powers, the wing front spar attachments to the fuselage frame 2BIS, P/N 205–1–043–01, for cracks in accordance with SIAI-Marchetti Service Bulletin No. 205B28, dated May 11, 1971, or an FAA-approved equivalent. If cracks are found during an inspection required by this paragraph, before further flight comply with paragraph (c).

(2) Before the accumulation of 600 hours' time in service comply with paragraph (c).

(c) Modify both sides of the fuselage frame No. 2BIS, P/N 205–1–043–01, in accordance with SIAI-Marchetti Service Bulletin No. 205B28, dated May 11, 1971, or an FAA-approved equivalent.

This amendment becomes effective February 25, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 18, 1972.

WILLIAM G. SHREVE, Jr.,*
Acting Director, Flight Standards Service.

[FR Doc.72–1092 Filed 1–25–72;8:45 am]

[Airspace Docket No. 71–GL–14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

On November 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22071) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 92 segment between Mansfield, Ohio, and Bellaire, Ohio.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective, 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.123 (37 F.R. 2009) V–92 is amended by deleting "Briggs, Ohio;" and substituting "Tiverton, Ohio; Newcomerstown, Ohio;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 19, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–1088 Filed 1–25–72;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19332; FCC 72–64]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Parsons, Kans.

Report and order. In the matter of amendment of § 73.606, *Table of Assignments,* Television Broadcast Stations (Parsons, Kans.), Docket No. 19332, RM–1736.

1. In response to a petition of the Parsons District Schools (Parsons Educators), filed on January 13, 1971, the Commission adopted, on October 14, 1971, a notice of proposed rule making, released October 19, 1971 (FCC 71–1072) in the above-entitled matter, which proposed to assign Channel *39 to Parsons, Kans., as a noncommercial educational television channel. Interested parties were afforded an opportunity to comment on or before November 30, 1971, and to reply to such comments on or before December 10, 1971. The only filing received was a supporting comment of petitioner. No oppositions were presented.

2. Parsons, population 13,015, is the county seat of Labette County, Kans. (25,775 residents).[1] The community has no commercial or educational television assignment at this time. However, according to petitioner, it is served by a community antenna system (American Television and Communications Corp.) which has in excess of 2,450 subscribers.

3. Petitioner wishes the assignment of Channel *39 to Parsons not only to serve that community but in addition to give first educational service to nine southeast Kansas counties with a total population of 190,299.[2] The following statement is made by Parsons Educators to indicate the economic status and educational needs of the area:

> The project area is generally described as "the Balkans" of Kansas. The population of the area consists of a high incidence of first generation Americans, with families coming to a large extent from the Balkan countries of Europe to work as a common labor force in both strip and shaft mining operations in the area. Modern mining methods have recently left the area with a high incidence of unemployment (in excess of 10 percent). Three counties have been designated within the last month as eligible for Public Assistance Grants due to their high rate of unemployment. There is also a high level of general rural deprivation (in excess of 25 percent of all families have under $3,000 income level), a typically low verbal/language facility (documented from college entrance and school achievement patterns), and a high incidence of general educational deprivation (40 percent of adult population have not completed schooling beyond grade 7).

4. Parsons Educators note that schools and homes in the project area will be able to receive programing directly from Channel *39 and that there are 27 CATV systems within 60 miles of Parsons that would be able to carry the proposed Channel *39 educational programs. These systems have a potential of 270,000 viewers. In other words, the television facility contemplated will give the educational interests in southeast Kansas a substantial capability for making an impact on the area described in the previous paragraph.

5. With respect to the approach of petitioner: Initially, petitioner proposes 2 hours of daytime telecasting and 3 hours of evening telecasting 5 days a week with 11½ hours programed on Saturdays. The programing is to be directed not only to preschool, elementary school, and high school but also to junior college and adult education. Petitioner remarks that "• • • It is planned to develop programs for young adults and adult vocational education, as well as to broadcast NET, CPB, and NAEB programs. • • •"

6. We have carefully considered the facts and proposal presented by Parsons Educators in this proceeding and have come to the judgment that it is in the public interest to assign Channel *39 to Parsons, Kans. as a noncommercial educational television channel. The nine-county area to be served by the proposed television station clearly requires, and can benefit from, an imaginative first educational service. We think that it is important that petitioner wishes not only to supplement in-school education, but desires also to provide educational and informational programing (from a variety of sources, national and local) to the young adults and adults residing in southeast Kansas. The vehicle petitioner contemplates can be an effective tool to raise the level of education in southeast Kansas and thereby ultimately provide the potential for developing the economy of the area.

7. Authority for the action taken herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. *Accordingly, it is ordered,* That effective March 3, 1972, that the Television Table of Assignments in § 73.606 of the Commission's rules is amended, insofar as the city listed below is concerned, to read as follows:

City	*Channel No.*
Parsons, Kans.	*39

9. *It is further ordered,* That this proceeding (Docket No. 19332, RM–1736) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: January 19, 1972.

Released: January 21, 1972.

FEDERAL COMMUNICATIONS COMMISSION,*
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–1142 Filed 1–25–72;8:49 am]

[1] Population figures cited in this instrument are from the 1970 U.S. Census unless otherwise specified.

[2] The nine Kansas' counties petitioner proposes to provide with educational television are: Montgomery, Labette, Cherokee, Wilson, Neosho, Crawford, Bourbon, Allen, and Woodson.

* Commissioners Bartley and H. Rex Lee absent.

V 37 ■ 17 JAN 26 72 XUM

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6935]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Size of Type Used in Registration Statements and Reports

On October 29, 1971, the Securities and Exchange Commission published notice (Investment Company Act Release No. 6785, and in the FEDERAL REGISTER issue of November 17, 1971 (36 F.R. 21897)) that it had under consideration the amendment of Rule 8b-12 (17 CFR 270.8b-12) under the Investment Company Act of 1940 (Act) and invited all interested persons to comment on the proposal. The Commission has considered the comments received and has determined to adopt the amendment in the form set forth below. Adoption of the amendment is made pursuant to the authority granted the Commission in section 38(a) of the Act (15 U.S.C. 80a-37(a)).

Section 38(a) of the Act authorizes the Commission to make, issue and amend such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission, including rules prescribing the form or forms in which information required in registration statements and reports to the Commission shall be set forth.

Paragraph (c) of Rule 8b-12 has required that the body of all printed registration statements and reports be in roman type at least as large as 10-point modern type. The rule contained an exception for financial statements and other statistical or tabular data and the notes thereto which, to the extent necessary for convenient presentation, were permitted to be in roman type at least as large as 8-point modern type.

On April 30, 1971, the Commission adopted amendments to rules under the Securities Act of 1933 and the Securities Exchange Act of 1934 to require that notes to financial statements shall be set forth in 10-point type. (Securities Act Release No. 5145, Exchange Act Release No. 9151.) (36 F.R. 8935) The amendment of paragraph (c) of Rule 8b-12 makes this requirement applicable as well to registration statements and reports filed under the Investment Company Act.

The amendment as adopted differs from that originally proposed by adding the words "included therein" after the words "tabular data" in the first sentence of paragraph "(c)" of Rule 8b-12.

Commission action:

Section 270.8b-12 of Chapter II of Title 17 of the Code of Federal Regulations is amended as indicated below:

a. The first sentence of paragraph (c) is amended by adding after the word "reports" the following language, "and all notes to financial statements and other tabular data included therein."

b. The second sentence of paragraph (c) is amended by adding after the words "tabular data," the following language, "including tabular data in notes," and by adding after the phrase "as large" the following language, "and as legible."

As amended, § 270.8b-12 reads as follows:

§ 270.8b-12 Requirements as to paper, printing and language.

(a) Registration statements and reports shall be filed on good quality, unglazed, white paper, approximately 8½ by 11 inches or approximately 8½ by 13 inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper if folded to that size.

(b) The registration statement or report and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed, or typewritten. However, the registration statement or report or any portion thereof may be prepared by any similar process which, in the opinion of the Commission, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(c) The body of all printed registration statements and reports and all notes to financial statements and other tabular data included therein shall be in roman type at least as large as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other statistical or tabular data, including tabular data in notes, may be set in type at least as large and as legible as 8-point modern type. All types shall be leaded at least 2 points.

(d) Registration statements and reports shall be in the English language. If any exhibit or other paper or document filed with a registration statement or report is in a foreign language, it shall be accompanied by a translation into the English language.

The foregoing action shall be effective with respect to any materials filed with the Commission or sent to security holders on or after February 21, 1972.

(Sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a-37(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 17, 1972.

[FR Doc.72-1118 Filed 1-25-72;8:47 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-398]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Implementation of the National Environmental Policy Act

JANUARY 19, 1972.

Order granting intervention, granting rehearing for the purpose of further consideration and amending Order No. 415-B for clarification.

On December 4, 1970, the Commission issued Order No. 415 (35 F.R. 18958, December 15, 1970) which prescribed §§ 2.80-2.82 of its General Policy and Interpretations (18 CFR 2.80-2.82) and various related amendments to the Commission's regulations under the Federal Power and Natural Gas Acts. On April 13, 1971, the Commission issued its Order No. 415-A (36 F.R. 7232, April 16, 1971) further clarifying the procedures in § 2.81 and § 2.82. Experience in applying these regulations, as amended, and the Final Guidelines of the Council on Environmental Quality (36 F.R. 7724) demonstrated the desirability of once again proposing revisions to the Commission's Regulations for Implementation of the National Environmental Policy Act of 1969 (83 Stat. 852).

Accordingly, on July 7, 1971 (36 F.R. 13040, July 13, 1971), the Commission issued a notice of proposed rule making to amend §§ 2.80-2.82 of its "Statement of General Policy to Implement Procedures for Compliance with the National Environmental Policy Act of 1969", and § 4.41 of the Commission's regulations under the Federal Power Act. All interested persons were invited to submit comments for consideration in connection with the proposed amendments on or before August 9, 1971.

On November 19, 1971, the Commission issued Order No. 415-B which was an order amending §§ 2.80, 2.81, 2.82, of the general rules and § 4.41 of the regulations under the Federal Power Act.

Separate petitions were filed in this docket by Phillips Petroleum Co. (Phillips) and the National Wildlife Federation (NWF) requesting distinctly different relief. However, both matters will be considered in this single order because of the common environmental policy involved.

On December 17, 1971, Phillips Petroleum Co. filed an application for reconsideration and clarification of Order 415-B. In this filing, Phillips referred to its comment of July 31, 1971, on the notice of proposed rule making (36 F.R. 13040, July 13, 1971). The effect of § 2.82 (a) as promulgated was to require that an environmental impact statement accompany each application filed under section 7(c) of the Natural Gas Act. This was not the intent of the Commission. The Commission intended to require that an environmental impact statement accompany only each application for the construction of pipeline facilities under 7(c), except those filed pursuant to § 157.7 (b), (c), (d), and (e) of Commission regulations. Further, the Commission did not intend that producer applications for the sale of gas, filed under § 157.23-29 of Commission regulations require an environmental impact statement.

On December 20, 1971, the National Wildlife Federation (NWF) filed a petition to intervene for the purpose of applying for a rehearing and, separately, a petition for amendment or, in the alternative, application for rehearing with respect to the regulations promulgated in Order 415-B in this docket.

The Commission finds:

(1) The amendment prescribed herein is of a clarifying nature and represents matters of procedure which do not require notice of hearing under 5 U.S.C. 553.

(2) In view of the purpose, intent, and effect of the amendments herein ordered, good cause exists for making revisions in the Commission's general rules effective upon issuance of this order.

(3) The amendments adopted herein are necessary and appropriate for carrying out the provisions of the Natural Gas Act and the National Environmental Policy Act.

(4) It may be in the public interest to allow intervention for the purpose of applying for a rehearing by the National Wildlife Federation;

(5) It is appropriate and in the public interest in administering the provisions of the Federal Power Act, the Natural Gas Act, and the National Environmental Policy Act of 1969 that rehearing be granted for the purpose of further consideration of the petition for rehearing filed herein by NWF.

The Commission, acting pursuant to the provisions for the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830, 56 Stat. 83, 84, 61 Stat. 459; 15 U.S.C. 717f, 717o), and the National Environmental Policy Act of 1969, Public Law 91-190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854) orders:

A. The statement of general policy to implement procedures for compliance with the National Environmental Policy Act of 1969 in Part 2—General Policy and Interpretations is revised to read as follows:

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

§ 2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act.

(a) A notice of all certificate applications filed under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) for the construction of pipeline facilities, except abbreviated applications filed pursuant to § 157.7 (b), (c), (d), and (e) of the Commission regulations in this chapter, will be transmitted by the Commission to the Council on Environmental Quality and the Environmental Protection Agency. Notice of all certificate applications, including producer applications for the sale of gas filed pursuant to § 157.23-29 of the Commission's regulations in this chapter, will continue to be published as prescribed by law, and transmitted to other appropriate Federal and State governmental bodies.

* * * * *

B. The revisions adopted herein shall be effective upon issuance of this order.

C. Intervention for the purpose of applying for rehearing by the National Wildlife Federation in Docket R-398 is granted.

D. The application for rehearing by the National Wildlife Federation is granted for the purposes of further consideration of the petition for rehearing filed herein by NWF.

E. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.72-1106 Filed 1-25-72;8:47 am]

SUBCHAPTER B—REGULATIONS UNDER THE FEDERAL POWER ACT

[Docket No. R-431; Order 447]

PART 11—ANNUAL CHARGES

Substitution of Staff Estimates for Late or Unsubmitted Licensee's Statement Showing Gross Amount of Power Generated

JANUARY 20, 1972.

On November 24, 1971, the Commission issued a notice of proposed rule making in this proceeding (36 F.R. 22854, December 1, 1971) relating to the staff estimate of gross amount of power generated to be used in the computation of annual charge bills to be issued by the Commission.

Comments were invited from interested persons to be submitted by December 27, 1971. In response to this notice, the Commission has received comments from one respondent.[1] Respondent felt the proposed rule would tend to penalize the innocent and suggested three alternative solutions to the administrative problem which was set forth in the notice of rule making. Those alternative suggestions include: (1) In the event that the staff estimate is too low, reallocation of cost of administration to all licensees using the energy output as finally filed, refunding or charging appropriately all licensees the difference between the costs first allocated and as reallocated, and charge the late filing licensees with the entire cost of reallocation; (2) credit any overcharge paid by a licensee resulting from use of estimates by staff to those licensees to whom is was billed and make a charge for a commensurate amount in the ensuing year to those who have made the late filings in addition to the proper amount of annual charges for the second year; and (3) promulgate penalties for the late filings in amount which staff estimates would at least cover the administrative cost of the recalculation and billing caused by such late filings.

We do not concur in and have not adopted any of the alternative solutions recommended by the respondent. The first suggested alternative would result in such a prohibitive amount of time being consumed in the recalculation, preparation, and rebilling of licensees that it would unduly delay the receipt of moneys due the Federal Power Commission to defray the costs of administering part I of the Federal Power Act thus re-creating the situation which is now existent and highly undesirable. Alternative solution No. 2 would require, albeit in the year following the issuance of the annual charge bills, reallocation of the administrative costs, which recalculation and billing added on to the bill for the ensuing year, would be in excess of the dollars recovered thereby as is the current situation. Alternative solution No. 3 would require the Commission to recover the entire cost of reallocation from those licensees which are tardy in filing the reports required by § 11.20 of the Commission's regulations under the Federal Power Act rather than the small amount by which the staff estimate may exceed the annual energy output. Not only does section 10(e) of the Federal Power Act state that the licensee shall pay reasonable annual charges in an amount to be fixed by the Commission, but further instructs this Commission that in fixing such the Commission shall seek to avoid increasing the price to the consumers of power by such charges. We cannot justify the adoption of the respondent's third suggested solution in view of this language.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission in writing of data, views, and comments in the manner described above are consistent and in accordance with the procedural requirements of section 553 of title 5 of the United States Code.

(2) Since the amendment to the regulations under the Federal Power Act set forth in the notice of rule making and this order can best be accomplished if the staff is able to utilize the amendment to bill licensees for the annual charges covering the calendar year 1971, good cause exists for making this order effective upon issuance.

(3) The amendment to the regulations under the Federal Power Act herein prescribed is necessary and appropriate for the administration of the Federal Power Act.

[1] Southern California Edison Co.

V 37 17 JAN 26 72 XUM

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 thereof (49 Stat. 858; 16 U.S.C. 825h) orders:

(A) Paragraph (a)(4) of § 11.20, in Part 11, Subchapter B, Regulations Under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended to read as follows:

§ 11.20 Cost of administration.

• • • • •

(a) • • •

(4) To enable the Commission to determine such charges annually, each licensee shall file with the Commission, on or before February 1 of each year, a statement under oath showing the gross amount of power generated (or produced by nonelectrical equipment) and the amount of power used for pumped storage pumping by the project during the preceding calendar year, expressed in kilowatt hours. If any licensee does not report the gross energy output of its project within the time specified above, the Commission's staff shall estimate the energy output which estimate will be used in lieu of any filings made by such licensee after February 1.

• • • • •

(B) The amendment ordered herein shall be effective immediately upon the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1105 Filed 1-25-72;8:46 am]

[Docket No. R-397; Order No. 456]

SUBCHAPTER F—ACCOUNTS, NATURAL GAS ACT

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS A AND CLASS B)

SUBCHAPTER G—APPROVED FORMS, NATURAL GAS ACT

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Gathering and Production Plant Facilities and Costs Relating to Leases

JANUARY 18, 1972.

Amendments to the Uniform System of Accounts for Class A and B Natural Gas Companies and FPC Form No. 2 to separate gathering and production plant facilities, and to separate costs relating to leases acquired October 7, 1969, and before and leases acquired October 8, 1969, and after.

On August 8, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 14130, September 5, 1970) proposing to amend certain accounts in the Uniform System of Accounts, for Class A and Class B, Natural Gas Companies, prescribed in Part 201, Chapter I, Title 18, CFR and certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies, prescribed by § 260.1, Chapter I, Title 18, CFR. The purpose of the amendments is to implement the accounting needs relative to the Commission's Opinion No. 568, Pipeline Production Area Rate Proceeding (phase 1), issued October 7, 1969, Docket No. RP66-24 (42 FPC 738; 34 F.R. 17803, November 5, 1969) and Opinion No. 568-A, issued December 5, 1969 (42 FPC 1089; 35 F.R. 1104, January 28, 1970).

Views and comments were invited from interested persons to be submitted on or before October 12, 1970. An extension of time to and including December 14, 1970, was granted for filing comments. (35 F.R. 15164, September 29, 1970) Further extensions were granted to and including January 15, 1971 (35 F.R. 19188, December 18, 1970) and February 15, 1971 (36 F.R. 945, January 20, 1971). The Commission received 12 responses.[1] Of those replying, seven respondents requested a conference on the rule making. Notice was given to interested parties and a conference with the staff was held on September 15, 1971.[2]

The respondents and conferees to the rule making generally were in agreement with the underlying principles involved in the proposed revisions.

The main thrust of the respondents and conferees comments, with wide variations, involved the concept of what should constitute "a production system" and "a gathering system" with emphasis on how these definitions would affect their particular company, service area, or area rate structure. Generally the need for establishing a definition for a gathering system and establishing a gathering plant function was questioned since it was believed that the provision of the Commission's Opinion No. 568 did not require this. The respondents did not believe that Opinion No. 568 necessitated that accounts relating to the separation of the gathering system, as was proposed, needed to be further subdivided by "old" and "new" leases. The feasibility of subdividing the gathering system to isolate related costs and expenses was also questioned in that this system carries intermingled gas from old and new leases. And finally, the proposal of specifically establishing a fixed, uniform definition for a "gathering system" was strongly opposed on the basis that because of practices peculiar to various pricing areas, it is not feasible to apply a uniform definition. Recognizing this problem, and considering the advice of the conferees, we have amended the definition for a "production system" from that originally proposed. The amended definition is believed to be flexible enough for companies to operate under without requiring a major reclassification within the plant, operation and maintenance expense accounts. In addition, this definition obviates the need for a specific definition for a "gathering system" and for plant reclassification. Essentially, what is being promulgated is a requirement for companies to subdivide the present Natural Gas Production and Gathering Plant accounts and the Natural Gas Production and Gathering Operation and Maintenance Expense accounts by: (1) "Old" leases (on or before October 7, 1969), (2) "new" leases (on or after October 8, 1969), and (3) gathering.

It was suggested that the term "affiliate" as used in Opinion No. 568 be defined. Provisions have been made for this in the definitions section of the Uniform System of Accounts by stating that the terms "affiliate" and "associate" are synonymous, for accounting purposes.

The respondents commented on the FPC Form No. 2, Gas Purchases, schedule pages 535 and 536. The comments related to columns (c) "Type of gas" and (j) "Date of contract." The information requested in column (c), it was maintained, was not available, as it is generally indeterminable, as such. Therefore, we are withdrawing the reporting requirement and have deleted it from the schedule. The objections to column (j) referred to the time involved in supplying the information. We believe that the instructions for this column, as revised, will supply the information necessary to our regulatory needs while meeting the main objections that were expressed.

Certain other constructive suggestions received from the respondents and conferees, such as limiting the number of account digits and eliminating certain reporting and recording requirements, have been included in the revisions to the Commission's Uniform System of Accounts and Annual Report Form No. 2, ordered herein.

The Commission finds:

(1) The notice and opportunity to participate in this rule making by submission, in writing and presentation at a conference held on September 15, 1971, of data, views, and comments in the manner described above are consistent and in accordance with the procedural requirements of section 553 of title 5 of the United States Code.

(2) The amendments to Part 201 of the Commission's Uniform System of Accounts under the Natural Gas Act and to FPC Annual Report Form No. 2 herein prescribed are necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the revision to FPC Annual Report Form No. 2 are being prescribed for the reporting year 1972, good cause exists for making the amendments to the Uniform System of Accounts adopted herein effective as of January 1, 1972.

(4) Since the changes prescribed herein which were not included in the notice of the proceeding are of a minor nature, further notice and opportunity for comment is unnecessary.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), orders:

(A) The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is revised and amended as follows:

1. In the definitions section, definition "5A. Associated Companies," is revised. Immediately following definition "25. Premium," a new definition "26. Production, transmission, and distribution," is added and the remaining definitions "26. Property retired," "27A. Replacing," "27B. Research and development," "28. Retained earnings," "29. Retirement units," "30. Salvage value," "31. Service life," "32. Service value," "33. Unsuccessful exploration and development costs," "34. Utility," are redesignated as 27, 28A, 28B, 29, 30, 31, 32, 33, 34, and 35, respectively.

Revised definition 5A and new definition 26 read:

Definitions

• • • • •

5A. "Associated (affiliated) companies" means companies or persons that directly or indirectly, through one or more intermediaries, control, or are controlled by, or are under common control with the accounting company.

• • • • •

26. "Production, transmission, and distribution plant." For the purposes of this system of accounts:

A. "Production System" shall consist of plant and equipment used in the production of gas. It shall include producing lands and leaseholds, gas rights, other land rights, structures, drilling and clearing equipment, gas wells, well head equipment, separation and other facilities used in the production of natural gas. The production system ends where the gas enters a gathering system, transmission system or distribution system, as applicable, in accordance with the practices in the pricing area where such system is located.

B. "Transmission System" means the land, structures, mains, valves, meters, boosters, regulators, tanks, compressors, and their driving units and appurtenances, and other equipment used primarily for transmitting gas from a production plant, delivery point of purchased gas, gathering system, storage area, or other wholesale source of gas, to one or more distribution areas. The The transmission system begins at the outlet side of the valve at the connection to the last equipment in a manufactured gas plant, the connection to gathering lines to delivery point of purchased gas, and includes the equipment at such connection that is used to bring the gas to transmission pressure, and ends at the outlet side of the equipment which meters or regulates the entry of gas into the distribution system or into a storage area. It does not include storage land, structures or equipment. Pipeline companies, including those companies which measure deliveries of gas to their own distribution systems, shall include city gate and main line industrial measuring and regulating stations in the transmission function.

C. "Distribution System" means the mains which are provided primarily for distributing gas within a distribution area, together with land, structures, valves, regulators, services and measuring devices, including the mains for transportation of gas from production plants or points of receipt located within such distribution area to other points therein. The distribution system owned by companies having no transmission facilities connected to such distribution system begins at the inlet side of the distribution system equipment which meters or regulates the entry of gas into the distribution system and ends with and includes property on the customer's premises. For companies which own both transmission and distribution facilities on a continuous line, the distribution system begins at the outlet side of the equipment which meters or regulates the entry of gas into the distribution system and ends with and includes property on the customer's premises. The distribution system does not include storage land, structures, or equipment.

D. "Distribution Area" means a metropolitan area or other urban area comprising one or more adjacent or nearby cities, villages or unincorporated areas, including developed areas contiguous to main highways.

2. In the General Instructions section, a new general instruction 16 is added. As so amended, this portion of the General Instructions reads:

General Instructions

• • • • •

16. *Significance of Commission Opinions Nos. 568 and 568A on accounting.* On October 7, 1969, the Commission issued Opinion No. 568 (42 FPC 738; 34 F.R. 17803, November 5, 1969) amending Part 2, General Policy and Interpretations, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations by adding a new § 2.66 entitled "Pricing of New Gas Produced by Pipelines and Pipeline Affiliates." Section 2.66 was further amended by Opinion No. 568A, issued December 5, 1969 (42 FPC 1089; 35 F.R. 1104, January 28, 1970). Paragraph (b) of 18 CFR 2.66 provides in part that pipelines acquiring production leases subsequent to the date of this opinion either on their own part or through affiliates should, where they have their own production, maintain separate subdivisions of their plant and expense accounts related to production properties and production activities, so as to show separately costs related to production from present leases and costs related to production from leases acquired on or after October 8, 1969. When making a rate filing, pipelines should provide additional detail in subdivisions within the production function, i.e., as between gas from present leases and gas from leases acquired on or after October 8, 1969, with respect to their own production and also with respect to any production of their affiliates.

Pursuant to the statement of policy in 18 CFR 2.66, as amended, subdivisions shall be maintained in the following accounts or any other accounts which may contain applicable lease costs so that production costs relating to leases acquired up to and including October 7, 1969, and costs relating to leases acquired as of October 8, 1969, and thereafter, and gathering costs can be readily identified. Where no production plant is owned or operated, no subdivision of these accounts need be made. However, these provisions do not apply if the leases were acquired, either directly or through intermediaries, from other pipelines or their affiliates which had held them prior to October 8, 1969. The accounts to which the foregoing instructions are applicable include, among others:

108	Accumulated Provisions for Depreciation of Gas Plant in Service.
111.1	Accumulated Provision for Amortization and Depletion of Producing Natural Gas Land and Land Rights.
325.1–338	Natural Gas Production and Gathering Plant.
403	Depreciation expense.
404.1	Amortization and depletion of producing natural gas land and land rights.
408.1	Taxes other than income taxes, utility operating income.
409.1	Income taxes, utility operating income.
750–769	Natural Gas Production and Gathering.

3. In the Gas Plant Instructions section, instruction "14. Transmission and distribution plant," is revoked and instructions "15. Employee villages and living quarters" and "16. Fees for applications filed with the Commission" are redesignated as 14 and 15., respectively. As so amended, that portion of the Gas Plant Instructions reads:

Gas Plant Instructions

• • • • •

14. [Revoked]

14. *Employee villages and living quarters.* • • •

15. *Fees for applications filed with the Commission.* • • •

• • • • •

[1] Arthur Andersen & Co., Arkansas Louisiana Gas Co., Colorado Interstate Gas Co., Columbia Gas System Service Corp., Consolidated Gas Supply Corp., El Paso Natural Gas Co., Humble Oil & Refining Co., Phillips Petroleum Co., Southern Natural Gas Co., Tennessee Gas Pipeline Co., United Gas Pipeline Co., Washington Gas Light Co.

[2] Colorado Interstate Gas Co., Columbia Gas System, Inc., Consolidated Gas Supply Corp., El Paso Natural Gas Co., Florida Gas Transmission Co., Michigan Wisconsin Pipe Line Co., Natural Gas Pipeline Co. of America, Northern Natural Gas Co., Panhandle Eastern Pipe Line Co., Phillips Petroleum Co., Southern Natural Gas Co., Tennessee Gas Pipeline Co., Transcontinental Gas Pipe Line Corp., United Gas Pipe Line Co.

V37-17 JAN 26 72 XUM

(B) Effective for the reporting year 1972, FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising schedule pages 535 and 536, entitled Gas Purchases (Accounts 800, 801, 802, 803, 804, and 805) and by adding new schedule pages 552, 553, 553A, and 553B, entitled Natural Gas Production and Gathering Statistics, all as set out in Attachment A hereto.[2]

(C) Effective January 1, 1972, paragraph (c) of § 260.1, in Subchapter G—Approved Forms, Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, is amended by adding a new schedule title, "Natural Gas Production and Gathering Statistics," immediately following schedule title "Natural Gas Reserves Available from Purchase Agreements." The amended portion of § 260.1 reads:

§ 260.1 Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B).

* * * * *

(c) * * *

Natural Gas Production and Gathering Statistics

* * * * * *

(D) The amendments ordered herein are effective as of January 1, 1972.

(E) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1104 Filed 1-25-72;8:46 am]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

SUBCHAPTER J—THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

PART 101—CRITERIA FOR DETERMINING WHETHER STATE WORKMEN'S COMPENSATION LAWS PROVIDE ADEQUATE COVERAGE FOR PNEUMOCONIOSIS

Redesignation of Part

In the transfer and redesignation of regulations appearing in Chapter XIII of Title 29 published at 36 F.R. 25156, December 29, 1971, and at 36 F.R. 25229, December 30, 1971, no disposition of Part 1520 was made. Therefore, in order to fully vacate Chapter XIII of Title 29, Part 1520 is hereby redesignated Part 101 of Subchapter J, the Federal Coal Mine Health and Safety Act of 1969, in Chapter I of Title 20 of the Code of Federal Regulations. The necessary renumbering of the part and its components is the only change in the part, as there is no change in the text.

Signed at Washington, D.C., this 19th day of January 1972.

HORACE E. MENASCO, *Administrator, Wage and Hour and Employment Standards Administration.*

[FR Doc.72-1097 Filed 1-25-72;8:45 am]

[2] Filed as part of the original document.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Salt and Iodized Salt; Label Statements

In the FEDERAL REGISTER of February 31, 1971 (36 F.R. 2974), the Commissioner of Food and Drugs proposed that Subpart A of Part 3 (21 CFR Part 3) be amended (1) to require the labels of consumer packages of salt and iodized salt to prominently bear specified statements indicating whether the food contains the necessary nutrient iodide, (2) to restrict the prominence of label declarations describing the characteristics imparted by anticaking agents, and (3) to provide a reasonable period of time for manufacturers to bring labeling into compliance with these requirements.

Sixteen comments were received in response to the proposal. All endorsed the principle that packages of salt should be labeled so as to assist consumers in choosing between salt and iodized salt. In addition, there is general agreement that it would be desirable to have greatly increased human consumption of iodized salt. Units of the States of Indiana, North Dakota, and Washington support the proposal, but Oregon holds that product names such as "iodized salt" and "noniodized salt" would be sufficiently informative without the proposed supplementary statements. The principal additional comments and the Commissioner's conclusions based upon an evaluation of them, are as follows:

1. The statements following the name of the food calling attention to the presence or absence of iodide and the need for it as a nutrient would be meaningless or confusing to consumers and might tend to discourage the use of iodized salt by calling attention to the presence of an additive, and thus action on the proposal should be delayed to allow time for a survey of consumer reaction to the proposed statements. The Commissioner concludes that the label statement for packages of salt should be revised to read "This salt does not supply iodide, a necessary nutrient." This revision would increase consumers' understanding and would make the label consistent with the one for iodized salt.

2. The requirement that the label statements discussed in the proceding paragraph be in letters not less than one-third the height of the largest letter in the name of the food should be deleted. Instead, the statements should be in letters no smaller than those required for the declaration of net quantity of contents by § 1.8b (21 CFR 1.8b). The Commissioner agrees that the minimum letter size originally proposed would in some cases result in the statements' occupying an unreasonably large area on the label and that the requirements of § 1.8b will insure sufficient prominence. The suggestion has been adopted.

3. All table salt should be iodized. The matter is being explored with attention given to the possible need to make noniodized salt available to those individuals for whom the iodized product might be medically inadvisable or who may specifically desire the noniodized product for reasons of their own. The Government of Canada has required iodization of table salt (with the exception of salt sold to the housewife for pickling and canning) for about 20 years. The effect of that experience in reducing endemic goiter is being surveyed and is not likely to be known for at least 1 year. The results can then be compared with those which will become available after analysis of a 10-State nutrition survey conducted in the United States (where iodization of salt has been voluntary and where only approximately 50 percent of the table salt has been iodized) by the Center for Disease Control, Department of Health, Education, and Welfare. If such comparison indicates that mandatory iodization of salt would be desirable, the details of providing for that requirement, while at the same time providing for noniodized salt for those who may need or desire it, will require still additional time. In the meantime, the Commissioner concludes that the labeling requirements set forth below should be adopted to alert consumers to the necessity of including iodide in the diet.

4. There should be an exemption from the proposed labeling for animal feed. Since it is not intended that the regulation apply to animal feed, the Commissioner concurs, and this suggestion is adopted.

5. There should also be an exemption for labeling individual serving packages. The Commissioner recognizes that there may be insufficient space on very small packages for all of the proposed declarations and has provided an exemption in the regulation.

6. The proposed 18-month time period allowed for manufacturers to bring labeling into compliance with the proposed requirements should be increased to 2 years to allow orderly disposition of current inventories of labels. This suggestion is rejected since the Commissioner concludes that it would not be in the public interest to allow more than 18 months for manufacturers to dispose of existing stocks of labels and to complete transition to the use of labeling complying with the statement of policy set forth below.

7. The term "consumer packages" should be defined to include only packages sold at retail. The Commissioner concurs in this comment and has changed the order to replace the words "consumer packages" with "packages intended for retail sale."

8. Statements from the Salt Institute request that packages containing more than 2½ pounds of salt be exempt from the declarations following the name of the food which call attention to the presence or absence of iodide and the need for it as a nutrient. The Institute states (1) that less than 5 percent of all salt purchased by consumers is in containers of more than 2½ pounds, (2) that such salt is purchased largely during the canning season and is used chiefly for home pickling and canning, and (3) that, since iodide may cause undesirable clouding in pickled and canned foods, it is not added to salt used for such purposes. The Commissioner recognizes that noniodized salt in large containers has a restricted food use in the household and has provided the requested exemption in the statement of policy. Further, in the event that mandatory iodization of salt may be required at some future date, this exemption would provide for the availability of noniodized salt for those individuals who might need or want it for whatever reason.

The Commissioner notes that if iodization of salt is eventually made mandatory the labeling under the proposed amendment would be compatible with such requirement.

Having considered the comments received and other relevant material, the Commissioner concludes that the proposed amendment, with changes, should be adopted as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403 (a) and (f), 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343 (a) and (f), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 3 is amended in Subpart A by adding a new section, as follows:

§ 3.87 Salt and iodized salt; label statements.

(a) For the purposes of this section, the term "iodized salt" or "iodized table salt" is designated as the name of salt for human food use to which iodide has been added in the form of cuprous iodide or potassium iodide permitted by § 121.101(d)(5) of this chapter. In the labeling of such products, all words in the name shall be equal in prominence and type size. The statement "This salt supplies iodide, a necessary nutrient" shall appear on the label immediately following the name and shall be in letters which are not less in height than those required for the declaration of the net quantity of contents as specified in § 1.8b of this chapter.

(b) Salt or table salt for human food use to which iodide has not been added shall bear the statement, "This salt does not supply iodide, a necessary nutrient." This statement shall appear immediately following the name of the food and shall be in letters which are not less in height than those required for the declaration of the net quantity of contents as specified in § 1.8b of this chapter.

(c) Salt, table salt, iodized salt, or iodized table salt to which anticaking agents have been added may bear in addition to the ingredient statement designating the anticaking agent(s), a label statement describing the characteristics imparted by such agent(s) (for example, "free flowing"), providing such statement does not appear with greater prominence or in type size larger than the statements which immediately follow the name of the food as required by paragraphs (a) and (b) of this section.

(d) Individual serving-sized packages containing less than ½ ounce and packages containing more than 2½ pounds of a food described in this section shall be exempt from declaration of the statements which paragraphs (a) and (b) of this section require immediately following the name of the food. Such exemption shall not apply to the outer container or wrapper of a multiunit retail package.

(e) All salt, table salt, iodized salt, or iodized table salt in packages intended for retail sale shipped in interstate commerce 18 months after the date of publication of this statement of policy in the FEDERAL REGISTER, shall be labeled as prescribed by this section; and if not so labeled, the Food and Drug Administration will regard them as misbranded within the meaning of section 403 (a) and (f) of the Federal Food, Drug, and Cosmetic Act.

(Secs. 403 (a) and (f), 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343 (a) and (f), 371(a))

Dated: January 13, 1972.

CHARLES C. EDWARDS, *Commissioner of Food and Drugs.*

[FR Doc.72-1163 Filed 1-24-72;10:06 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Peaches, Canned Pears, and Canned Fruit Cocktail; Order Amending Standards of Identity

In the matter of amending the standards of identity for canned peaches, canned pears, and canned fruit cocktail (21 CFR 27.2, 27.20, and 27.40):

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 20, 1971 (36 F.R. 7467), based: (1) On a petition submitted by Libby, McNeill and Libby, 200 South Michigan Avenue, Chicago, IL 60604, to provide for the use of "slightly sweetened fruit juices from concentrates" as an optional packing medium; and (2) on a proposal by the Commissioner of Food and Drugs which invited comments regarding the optional use of packing media prepared from fruit juices from fruit other than the fruit being packed.

Four comments were received in response to the proposal. All comments favored the proposed changes suggested by the Libby petition and the proposal of the Commissioner. On the basis of information submitted in the petition, the comments received; and other relevant information, the Commissioner concludes that it will promote honesty and fair dealing and will be in the interest of consumers to amend the standards of identity for canned peaches (§ 27.2), canned pears (§ 27.20), and canned fruit cocktail (§ 27.40) to provide for the optional use of packing media prepared from a single fruit juice that is fresh, frozen, canned, or concentrated or a blend of two or more fruit juices, one of which may be that of the same fruit being packed, or all of which may be from different fruits.

Therefore, pursuant to the provision of the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120). *It is ordered*, That Part 27 be amended, as follows:

1. In § 27.2 by amending paragraphs (c), (d), and (e) to read as follows:

§ 27.2 Canned peaches; identity; label statement of optional ingredients.

* * * * * *

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Fruit juice(s).
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.
(vii) Slightly sweetened fruit juice(s).
(viii) Light fruit juice(s) sirup.
(ix) Heavy fruit juice(s) sirup.
(x) Extra heavy fruit juice(s) sirup.

For the purposes of this section the term "fruit juice(s)" means single strength expressed juice(s) of sound, mature fruit(s). It may be fresh, frozen, canned, or made from concentrate(s). However, if it is made from concentrate(s), the juice(s) shall be reconstituted with water to the soluble solids that each fruit juice had before concentration. Fruit juice(s) may be used singly or in combination. If a fruit juice(s) is used that is regulated by a standard of identity of this chapter, it shall conform to the compositional requirements prescribed by such standard, prior to the addition of any sweetener which may be used. The term "water" means, in addition to water, any mixture of water and fruit juice(s), except that water used in preparing equivalent single strength juice(s) from concentrate(s) shall not be considered under the meaning of this term.

(2) Each of the packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which the packing

V37-17 JAN 26 72 XUM

media in subparagraph (1) (iii) to (vi) of this paragraph, inclusive, are prepared, and fruit juice(s) as defined in subparagraph (1) of this paragraph is the liquid ingredient from which the packing media in subparagraph (1) (vii) to (x) of this paragraph, inclusive, are prepared. The saccharine ingredient from which the packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, are prepared is one of the following: Sugar, invert sugar sirup; any combination of sugar or invert sugar sirup and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar or invert sugar sirup used; any combination of sugar or invert sugar sirup and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar or invert sugar sirup used; or any combination of sugar or invert sugar sirup, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar or invert sugar sirup used; except that the packing media in subparagraph (1) (vii) to (x) of this paragraph, inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with fruit juice(s) and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

(3) The respective densities of the packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the peaches are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(1) (iii)	Less than 14°.
(1) (vii)	10° or more but less than 14°.
(1) (iv) and (viii).	14° or more but less than 19°.
(1) (v) and (ix).	19° or more but less than 24°.
(1) (vi) and (x).	24° or more but not more than 30°.

(d) (1) The principal display panel of the label shall bear the name of the optional peach ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in," except that as regards the word "fruit": If the optional packing media in paragraph (c) (1) (ii), (vii) to (x) of this section, inclusive, are prepared with:

(i) A single fruit juice, the name of the juice shall be used in lieu of the word "fruit" in the name of the packing medium.

(ii) A combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium or be declared on the label as specified in paragraph (e) (2) of this section.

(iii) A single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as speicfied in paragraph (e) (2) of this section.

(2) When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section are used, the label shall bear the words set forth below after the number of such subparagraph:

(a) (1) "Spiced" or "Spice Added" or "With Added Spice," or in lieu of the word "Spice," the common name of the spice.

(2) "Flavoring Added" or "With Added Flavoring," or in lieu of the word "Flavoring," the common name of the flavoring.

(3) "Seasoned with Vinegar" or "Seasoned with ---------- Vinegar," the blank being filled in with the word showing the kind of vinegar used.

(4) "Seasoned with Peach Pits."

(5) "Seasoned with Peach Kernels."

(6) "Ascorbic acid added ----------," the blank being filled in with "to preserve color" or "to protect color."

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil, and Peach Kernels."

(e) (1) Wherever the name "peaches" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements specified in paragraph (d) (2) of this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

(2) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided for in paragraph (d) (1) (ii) of this section such names, and as specified in paragraph (d) (1) (iii) of this section, the words "from concentrate," shall appear together in an ingredient statement on the principal display panel or any appropriate information panel or panels in conspicuous and easily legible letters or boldface print of type the size of which shall be not less than one-half of that required by Part I of this chapter for the statement of net quantity of contents appearing on the label but in no case less than one-sixteenth of an inch in height.

2. In § 27.20 by amending paragraphs (c), (d), and (e) to read as follows:

§ 27.20 Canned pears; identity; label statement of optional ingredients.

* * * * *

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Fruit juice(s).
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.
(vii) Slightly sweetened fruit juice(s).
(viii) Light fruit juice(s) sirup.
(ix) Heavy fruit juice(s) sirup.
(x) Extra heavy fruit juice(s) sirup.
(xi) Clarified juice.

For the purposes of this section, the term "fruit juice(s)" means single strength expressed juice(s) of sound, mature fruit(s). It may be fresh, frozen, canned or made from concentrate(s). However, if it is made from concentrate(s), the juice(s) shall be reconstituted with water to the soluble solids that each fruit juice had before concentration. Fruit juice(s) may be used be used singly or in combination. If a fruit juice(s) is used that is regulated by a standard of identity of this chapter, it shall conform to the compositional requirements prescribed by such standard, prior to the addition of any sweetener which may be used. The term "water" means, in addition to water, any mixture of water and fruit juice(s), or any mixture of water and clarified juice, except that water used in preparing equivalent single strength juice(s), from concentrate(s) shall not be considered under the meaning of this term. The term "clarified juice" means the liquid expressed wholly or in part from pear peelings, cores, or from pear flesh or parts thereof, which liquid is clarified and may be further refined or concentrated. Any substances used to aid in clarifying, refining, or concentrating the pear liquid are either substances that are not food additives within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act or they are food additives and are used in conformity with regulations established pursuant to section 409 of the act. In the case of concentrated clarified juice, if the concentration is such that the packing medium conforms to the density range for one of the sirups referred to in this subparagraph, such concentrated liquid is considered to be light sirup, heavy sirup, or extra heavy sirup, as the case may be.

(2) Except as concentrated clarified juice is considered to be a sirup packing medium as provided in this section, each of the packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which the packing media in subparagraph (1) (iii) to (vi) of this paragraph, inclusive, are prepared, and fruit juice(s) as defined in subparagraph (1) of this paragraph is the liquid ingredient from which the packing media in subparagraph (1) (vii) to (x) of this paragraph, inclusive, are prepared. The saccharine ingredient from which the packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, are prepared is one of the following: Sugar; invert sugar sirup; any combination of sugar or invert sugar sirup and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar or invert sugar sirup used; any combination of sugar or invert sugar sirup and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar or invert sugar sirup used; or any combination of sugar or invert sugar sirup, dextrose, and corn sirup or glucose sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup or glucose sirup used is not more than the weight of the solids of the sugar or invert sugar sirup used; except that the packing media in subparagraph (1) (vii) to (x) of this paragraph, inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup or with any glucose sirup other than dried glucose sirup. A packing medium prepared with fruit juice(s) and any invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup is considered to be prepared with water as the liquid ingredient.

(3) The respective densities of the packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the pears are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(1) (iii)	Less than 14°.
(1) (vii)	10° or more but less than 14°.
(1) (iv) and (viii).	14° or more but less than 18°.
(1) (v) and (ix).	18° or more but less than 22°.
(1) (vi) and (x).	22° or more but not more than 35°.

(d) (1) The principal display panel of the label shall bear the name of the optional pear ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in," except that as regards the word "fruit": If the optional packing media in paragraph (c) (1) (ii), (vii) to (x) of this section, inclusive, are prepared with:

(i) A single fruit juice, the name of the juice shall be used in lieu of the word "fruit" in the name of the packing medium.

(ii) A combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall either be used in lieu of the word "fruit" in the name of the packing medium or be declared on the label as specified in paragraph (e) (2) of this section.

(iii) A single fruit juice or a combination of two or more fruit juices any of which are made from concentrate(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and in the name(s) of such juice(s) when declared as specified in paragraph (e) (2) of this section.

(2) When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section are used, the label shall bear the words set forth after the number of such subparagraph:

(a) (1) "Spiced" or "Spice Added" or "With Added Spice," or in lieu of the word "spice," the common name of the spice.

(2) "Flavoring Added" or "With Added Flavoring," or, in lieu of the word "Flavoring," the common name of the flavoring.

(3) "Seasoned with Vinegar" or "Seasoned with ---------- Vinegar," the blank being filled in with the word showing the kind of vinegar used.

(4) "With Added Flavoring and Artificial Coloring" or "Flavoring and Artificial Coloring Added." The word "Flavoring" may be replaced by "Mint Flavoring," "Spice Flavoring," or "spice," as is appropriate, or by the common or usual name of the flavoring or ing Added." The word "Flavoring" may be named as "Artificial Green Coloring" or "Artificial Red Coloring," as the case may be.

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) of this section are used, such words may be combined, as for example, "With Added Cloves and Cinnamon Oil, Artificial Red Coloring, and Seasoned with Cider Vinegar."

(e) (1) Wherever the name "pears" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words and statements specified in paragraph (d) (2) of this section showing optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the pears may so intervene.

(2) Whenever the names of the fruit juices used do not appear in the name of packing medium as provided for in paragraph (d) (1) (ii) of this section such names, and as specified in paragraph (d) (1) (iii) of this section the words "from concentrates," shall appear together in an ingredient statement on the principal display panel or any appropriate information panel or panels in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than one-half of that required by Part I of this chapter for the statement of net quantity of contents appearing on the label but in no case less than one-sixteenth of an inch in height.

3. In § 27.40 by amending paragraphs (c), (d), and (e) to read as follows:

§ 27.40 Canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail; identity; label statement of optional ingredients.

* * * * *

(c) (1) The optional packing media referred to in paragraph (a) of this section are:

(i) Water.
(ii) Fruit juice(s).
(iii) Slightly sweetened water.
(iv) Light sirup.
(v) Heavy sirup.
(vi) Extra heavy sirup.
(vii) Slightly sweetened fruit juice(s).
(viii) Light fruit juice(s) sirup.
(ix) Heavy fruit juice(s) sirup.
(x) Extra heavy fruit juice(s) sirup.

(2) Each of the packing media in subparagraph (1) (iii), (iv), (v), and (vi) of this paragraph is prepared with water as its liquid ingredient, and each of the packing media in subparagraph (1) (vii), (viii), (ix), and (x) of this paragraph is prepared with fruit juice(s) as defined in paragraph (d) (1) of this section as its liquid ingredient. Except as provided in paragraph (d) (3) of this section, each of the packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, is prepared with any one of the following saccharine ingredients: Sugar; invert sugar sirup; any combination of sugar or invert sugar sirup and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar or invert sugar sirup used; any combination of sugar or invert sugar sirup and corn sirup or glucose sirup in which the weight of the solids of the corn sirup or glucose sirup used is not more than one-third the weight of the solids of the sugar or invert sugar sirup used; or any combination of sugar or invert sugar sirup, dextrose, and corn sirup or glucose sirup in which the weight of the solids of the dextrose used multiplied by two, added to the weight of the solids of the corn sirup or the glucose sirup used multiplied by three, is not more than the weight of the solids of the sugar or invert sugar sirup used. The respective densities of the packing media in subparagraph (1) (iii) to (x) of this paragraph, inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(1) (iii)	Less than 14°.
(1) (vii)	10° or more but less than 14°.
(1) (iv) and (viii).	14° or more but less than 18°.
(1) (v) and (ix).	18° or more but less than 22°.
(1) (vi) and (x).	22° or more but not more than 35°.

(d) For the purposes of this section:

(1) The term "fruit juice(s)" means single strength expressed juice(s) of sound, mature fruit(s). It may be fresh, frozen, canned or made from concentrate(s). However, if it is made from concentrate(s), the juice(s) shall be reconstituted with water to the soluble solids that each fruit juice had before concentration. Fruit juice(s) may be used singly or in combination. It may be strained or filtered. If a fruit juice(s) is used that is regulated by a standard of identity of this chapter, it shall conform

V 37 17 JAN 26 72 XUM

to the compositional requirements prescribed by such standard prior to the addition of any sweetener which may be added.

(2) The term "water" means, in addition to water, any mixture of water and fruit juice(s) except that water used in preparing equivalent single strength juice(s) from concentrate(s) shall not be considered under the meaning of this term.

(3) When the optional packing medium is prepared with fruit juice(s) as defined in subparagraph (1) of this paragraph and invert sugar sirup or corn sirup other than dried corn sirup or glucose sirup other than dried glucose sirup, it shall be considered to be slightly sweetened water, light sirup, heavy sirup, or an extra heavy sirup, as the case may be, and not a slightly sweetened fruit juice(s), light fruit juice(s) sirup, heavy fruit juice(s) sirup, or an extra heavy fruit juice(s) sirup.

(4) The term "light sirup," "heavy sirup," or "extra heavy sirup" includes a sirup which conforms in all other respects to the provisions of this section in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a light sirup, heavy sirup, or extra heavy sirup.

(5) Except as provided in subparagraph (3) of this paragraph, the term "slightly sweetened fruit juice(s)", "light fruit juice(s) sirup," "heavy fruit juice(s) sirup," "heavy fruit juice(s) sirup," or "extra heavy fruit juice(s) sirup" includes a packing medium which conforms in all other respects to the provisions of this section, in the preparation of which there may be used fruit juice(s) as defined in subparagraph (1) of this paragraph or the liquid drained from any fruit ingredients previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of slightly sweetened fruit juice(s), light fruit juice sirup, heavy fruit juice sirup, or extra heavy fruit juice sirup.

(e) (1) The name of the food is "fruit cocktail," "cocktail fruits," or "fruits for cocktail." The principal display panel of the label shall bear the name of the food and the name whereby the optional packing medium used is designated in paragraph (c) of this section preceded by "In" or "Packed in" except that as regards the word "fruit": if the optional packing media in paragraph (c) (1) (ii), (vii) to (x) of this section, inclusive, are prepared with:

(i) A single fruit juice, the name of the juice shall be used in lieu of the word "fruit" in the name of the packing medium.

(ii) A combination of two or more fruit juices, the names of the juices in the order of predominance by weight shall be used either in lieu of the word "fruit" in the name of the packing medium or be declared on the label as specified in paragraph (f) (2) of this section.

(iii) A single fruit juice or a combination of two or more fruit juices any of which are made from concentration(s), the words "from concentrate(s)" shall follow the word "juice(s)" in the name of the packing medium and, the name(s) of such juice(s) when declared as specified in paragraph (f) (2) of this section.

(2) When the optional cherry ingredients specified in paragraphs (b) (5) (ii) and (iii) of this section are used, the label shall bear the names whereby each is so specified.

(f) (1) Whenever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in paragraph (e) (2) of this section showing the optional ingredients used shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter.

(2) Whenever the names of the fruit juices used do not appear in the name of the packing medium as provided for in paragraph (e) (1) (ii) of this section such names, and as specified in paragraph (e) (1) (iii) of this section the words "from concentrate," shall appear together in an ingredient statement on the principal display panel or any appropriate information panel or panels in conspicuous and easily legible letters of boldface print or type the size of which shall be not less than one-half of that required by Part 1 of this chapter for the statement of net quantity of contents appearing on the label but in no case less than one-sixteenth of an inch in height.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 12, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1129 Filed 1-25-72;8:48 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Cephaloridine Injection

The Commissioner of Food and Drugs has evaluated a new animal drug application (46-417V) filed by Elanco Products Co., Post Office Box 1750, Indianapolis, Ind. 46206, proposing the safe and effective use of cephaloridine injection in dogs and cats for the treatment of certain bacterial infections of the urinary bladder. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding the following new section:

§ 135b.45 Cephaloridine injection.

(a) *Specifications.* Cephaloridine injection is sterile; each cubic centimeter contains 100 milligrams of cephaloridine activity.

(b) *Sponsor.* See code No. 014 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is intended for use in dogs and cats for the treatment of bacterial infection of the urinary bladder (cystitis) due to cephaloridine-sensitive organisms.

(2) It is administered by intramuscular or subcutaneous injection at a dosage level of 5 milligrams per pound of body weight. It is administered twice a day. Treatment should not exceed 7 days without reassessment of diagnosis.

(3) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1-26-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 11, 1972.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.72-1121 Filed 1-25-72;8:48 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Pyrantel Tartrate Powder

The Commissioner of Food and Drugs has evaluated a new animal drug application (42-888V) filed by Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017, proposing the safe and effective use of pyrantel tartrate as an anthelmintic in horses and ponies. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding the following new section:

§ 135c.59 Pyrantel tartrate powder.

(a) *Specifications.* Pyrantel tartrate powder contains 11.3 percent of pyrantel tartrate.

(b) *Sponsor.* See code No. 030 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in horses and ponies for the removal and control of infections from the following mature parasites:

(i) Large strongyles (*Strongylus vulgaris, Strongylus edentatus, Strongylus equinus*),

(ii) Small strongyles (*Trichonema spp., Triodontophorus*),

(iii) Pinworms (*Oxyuris*), and

(iv) Large roundworms (*Parascaris*).

(2) It is administered as a single dose at 0.57 grams of pyrantel tartrate per 100 pounds of body weight mixed with the usual grain ration.

(3) It is recommended that severely debilitated animals not be treated with this drug. Do not administer by stomach tube or dose syringe. The drug should be used immediately after it is opened.

(4) Warning: Not for use in horses and ponies to be slaughtered for food purposes.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (1-26-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 11, 1972.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.72-1122 Filed 1-25-72;8:48 am]

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Revocation of Exemption of Sulfaquinoxaline; Correction

In F.R. Doc. 71-17901 appearing at page 23293 in the FEDERAL REGISTER of December 8, 1971, the amendment to § 144.26 *Animal feed containing certifiable antibiotic drugs* is corrected so that only the parenthetical phrase in paragraph (b) (1) (i) is revoked and not the entire subdivision.

Dated: January 12, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1120 Filed 1-25-72;8:48 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 618 (36 F.R. 7686), the Secretary of Labor appointed and convened Industry Committee No. 105 for the Food and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, 29 CFR 511.18, the recommendations of Industry Committee No. 105 are hereby published, amending subparagraphs (3), (4), and (7) of paragraph (a); subparagraphs (5), (6), and (7) of paragraph (b) and paragraph (c) of § 673.2 of Title 29, Code of Federal Regulations.

As amended, § 673.2 reads as follows:

§ 673.2 Wage rates.

• • • • • •

(a) *Pre-1961 Coverage Classifications.* (1) The classifications for pre-1961 coverage apply to all activities in the industry to which section 6 of the Fair Labor Standards Act would have applied prior to the Fair Labor Standards Amendments of 1961.

• • • • • •

(3) [Reserved.]

(4) *Citron brining and fruit, vegetable, nut, and green coffee packing classification.* (i) The minimum wage for this classification is $1.45 an hour.

• • • • • •

(7) *General classification.* (i) The minimum wage for this classification is $1.60 an hour.

(b) • • •

(5) *Canning and preserving of food products; packing of frozen fish; the bottling or canning of olives, capers, and oils; the manufacture of alimentary pastes; and workers other than chauffeurs in the manufacture of ice cream, ices, and similar frozen products classification.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the canning and preserving of food products; packing of frozen fish; the bottling or canning of olives, capers, and oils; the manufacture of alimentary pastes; and workers other than chauffeurs in the manufacture of ice cream, ices, and similar frozen products.

(6) *Coffee roasting.* (i) The minimum wage for this classification is $1.60 an hour.

(ii) This classification is defined as the roasting of coffee, and the manufacture of coffee concentrates and extracts in powdered, liquid, and frozen form.

(7) *General classification.* (i) The minimum wage for this classification is $1.50 an hour.

(c) *1966 coverage classification.* (i) The minimum wage for this classification is $1.60 an hour.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064 as amended; 29 U.S.C. 205, 206, 208)

Effective date. This amendment shall become effective upon the expiration of 15 days after the date of publication.

Signed at Washington, D.C., this 19th day of January 1972.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72-1098 Filed 1-25-72;8:45 am]

PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 620 (36 F.R. 13099), the Secretary of Labor appointed and convened Special Industry Committee No. 13 for the Virgin Islands, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Special Industry Committee No. 13 are hereby published in this order amending § 694.1 of Title 29, Code of Federal Regulations.

In § 694.1, subdivision (i) of subparagraph (3) of paragraph (b) is amended to read as follows:

§ 694.1 Wage rates.

• • • • • •

(b) • • •

(3) *Laundry and cleaning classification.* (i) The minimum wage rate for this classification is $1.60 an hour.

• • • • • •

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Effective date. This amendment shall become effective upon the expiration of 15 days after the date of publication.

V37-17 JAN 26 72 XUM

Signed at Washington, D.C., this 19th day of January 1972.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72-1099 Filed 1-25-72;8:45 am]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1520—CRITERIA FOR DETERMINING WHETHER STATE WORKMEN'S COMPENSATION LAWS PROVIDE ADEQUATE COVERAGE FOR PNEUMOCONIOSIS

Redesignation of Part

In the transfer and redesignation of regulations appearing in this chapter, published at 36 F.R. 25158, December 29, 1971, and at 36 F.R. 25229, December 30, 1971, no disposition of Part 1520 was made. Therefore, in order to fully vacate this chapter, Part 1520 is hereby redesignated Part 101 of Title 20 of the Code of Federal Regulations and accordingly Chapter XIII of this Title 29 is hereby vacated.

Signed at Washington, D.C., this 19th day of January 1972.

HORACE E. MENASCO,
Administrator, Wage and Hour and Employment Standards Administration.

[FR Doc.72-1096 Filed 1-25-72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

PART 101-35—TELECOMMUNICATIONS

Subpart 101-35.3—Utilization and Ordering of Telecommunications Services

SURVEYS OF INSTALLATION AND USE OF TELEPHONE STATION EQUIPMENT

This amendment requires that agencies make periodic surveys of the installation and use of telephone station equipment and certify to GSA that the surveys were conducted.

The table of contents for Part 101-35 is amended by the addition of the following new entries:

Sec.
101-35.307-1 Agency surveys.
101-35.307-2 Deviations from standards.

Section 101-35.307 is revised to read as follows:

§ 101-35.307 Control of telephone station equipment.

§ 101-35.307-1 Agency surveys.

Each agency shall establish a program of systematic survey of its installed telephone station equipment. Agencies shall establish internal regulations that require (a) compliance with §§ 101-35.307 and 101-35.308; (b) control of the installation and use of telephone station equipment at all levels of activity to insure that only station equipment necessary to carryout assigned missions is provided; (c) periodic surveys of installed equipment; and (d) correction of any deficiencies found. Agencies shall conduct the initial survey not later than June 30, 1972. Subsequent reviews shall be made at least annually. Additional surveys shall be made soon after the establishment, reorganization, or major move of any agency or subordinate activity. Copies of agency regulations shall be furnished to the General Services Administration (TC), Washington, DC 20405. In addition, each agency shall certify annually to GSA that the required surveys have been conducted.

§ 101-35.307-2 Deviation from standards.

The standards provided in § 101-35.308 are applicable to the ordering of such equipment except where the head of an agency or his authorized designee determines, in writing, that deviation is essential to the effective execution of agency responsibilities or is required by operational needs (to be specified). Orders for equipment deviating from the standards and placed through GSA facilities shall be accompanied by a copy of the written determination. When orders for such equipment are placed directly with commercial common carriers, the determination shall be retained in the agency's file.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (1-26-72).

Dated: January 19, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72-1151 Filed 1-25-72;8:50 am]

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 191-2; Docket No. OPS-17]

PART 191—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: REPORTS OF LEAKS

Elimination of Annual Report Requirement for Small Petroleum Gas Distribution Systems

The purpose of this amendment to the leak reporting requirements of Part 191 is to relieve the operators of petroleum gas systems serving less than 100 customers of the requirement of making a 1971 annual report. The amendment is made in response to a petition by the National LP-Gas Association.

In the petition and other related correspondence, several contentions are made in support of the requested relief. The Association points out that, in contrast to most natural gas distribution companies, LP gas operators are relatively small businesses, frequently involving only one or two employees. Thus the requirement for preparing an annual report imposes a much greater burden on these small operators. In addition, since the annual report was prepared on the basis of experience with the larger, natural gas distribution companies, many of the information items on the report are not appropriate for small, isolated petroleum gas systems.

Due to these factors it appears that much of the information received will be misleading, incorrectly stated, and of very little value in the data processing system the Department has established for these reports. To avoid the continuation of this burden which does not provide a commensurate benefit, the Department is amending the annual report requirements for the operators of small petroleum gas systems.

The 1971 annual report will not be required from any operator whose systems serve less than 100 customers from a single source. An operator with one or more systems serving 100 or more customers is still required to report, but only with respect to those large systems.

The Department plans at an early date to begin action aimed at developing new reporting requirements and forms which will be more appropriate for petroleum gas systems and small operators. In developing these new requirements, the Department will consider also the situation of operators of small natural gas systems, since they may have similar difficulties. This further action in developing new requirements will be carried out through formal rule making in which all interested parties have an opportunity to comment on proposed regulations.

Due to the imminence of the February 15 reporting deadline, good cause is found for making this amendment effective immediately.

In consideration of the foregoing § 191.11 of Title 49 of the Code of Federal Regulations is amended to read as follows, effective immediately.

This amendment is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. section 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1), and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

§ 191.11 Distribution system: Annual report.

(a) Except as provided in paragraph (b) of this section, each operator of a distribution system shall submit an annual report on Department of Transportation Form DOT F 7100.1-1. This report must be submitted not later than February 15 for the preceding calendar year.

(b) The annual report required by paragraph (a) of this section need not be submitted with respect to petroleum gas systems which serve less than 100 customers from a single source.

Issued in Washington, D.C., on January 21, 1972.

JOSEPH C. CALDWELL,
Acting Director, Office of Pipeline Safety.

[FR Doc.72-1241 Filed 1-24-72;5:00 pm]

V37-17 JAN 26 72 XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 719]

RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Notice of Proposed Rule Making

Notice is hereby given of a proposal to amend the regulations governing the reconstitution of farms, allotments, and bases (36 F.R. 11271 and 11802) issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Agricultural Act of 1949, as amended (7 U.S.C. 1441 et seq.), section 124 of the Soil Bank Act (7 U.S.C. 1812), section 602 of the Food and Agriculture Act of 1965 (7 U.S.C. 1838), and the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590 g–q).

The proposed amendment includes the following:

(a) Revision of the definitions of the words "landlord" and "owner" in § 719.2.

(b) In § 719.3, deletion of the term "nearby and easily accessible" and substitution of the term "single farming unit" in determining the land to be included in a farm; removal of the prohibition against including land of unequal productivity under different ownership in a farm; and addition of a prohibition against including a farm which has been declared ineligible to participate in a set-aside program.

(c) In § 719.4, deletion of the term "nearby and easily accessible" and addition of a definition of the term "single farming unit."

(d) In § 719.8: (1) Removal of the requirement for concurrence by the Deputy Administrator in applying the estate method of dividing allotments and bases where the part of the farm from which ownership is being transferred was owned for less than 3 years and (2) making such method inapplicable to all cases involving Burley tobacco.

Interested persons are invited to submit written data, views, or arguments regarding the proposed changes to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Room 3629–South, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 20 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.).

The proposed amendment is as follows:

1. In § 719.2, paragraphs (m) and (p) are revised to read as follows:

§ 719.2 Definitions.

* * * * *

(m) *Landlord.* A person who rents or leases farmland to another person.

* * * * *

(p) *Owner.* A person who has legal ownership of farmland, including a person who is buying farmland under a purchase agreement.

* * * * *

2. In § 719.3, paragraph (b) and paragraphs (c)(2) and (d)(1) are revised to read as follows:

§ 719.3 Farm constitution.

* * * * *

(b) *Farms constituted for the first time or reconstituted hereafter.* With respect to the constitution and identification of land as a farm for the first time or the reconstitution of farms made hereafter, a farm shall include all land operated by one person as a single farming unit except that it shall not include land under any of the following conditions:

(1) Land under separate ownership unless the owners agree in writing;

(2) Field-rented tracts under a short-term agreement of 1 year or less (such tracts shall remain with the farm of which they are a part);

(3) Federally owned land under a restrictive lease.

(4) Federal- and State-owned wildlife land unless the former owner has possession of the land under a leasing agreement.

(5) Land covered by a whole farm conservation reserve contract unless all the other land included in the farm is also covered by a whole farm conservation reserve contract;

(6) Land covered by a whole farm cropland conversion program agreement unless all the other land included in the farm is also covered by a whole farm cropland conversion program agreement;

(7) Land covered by a cropland adjustment or cropland conversion program agreement unless (i) the specific commodity diverted under the agreement is also diverted under a cropland adjustment or cropland conversion program agreement covering the other land and having the same expiration date, or (ii) the other land does not have an allotment or base of the same commodity, or (iii) the farm operator agrees to a zero permitted acreage for the commodity under agreement.

(8) Land constituting a farm which is declared ineligible to participate in a set-aside program under the regulations governing the program.

(c) *Location of farm for administrative purposes.* * * *

(2) If the land in the farm is located in more than one county, the farm shall be administratively located in either of such counties as the county committee of the receiving county and the farm operator agree. The receiving county is the county in which the farm operator requests that the farm be located. If the agreement can be reached, the farm shall be administratively located in the county (i) where the principal dwelling is situated, or (ii) where the major portion of the farm is located, if there is no dwelling.

* * * * *

(d) *Required reconstitutions.* * * *

(1) A change has occurred in the operation of the land after the last constitution or reconstitution and as a result of such change the farm does not meet the conditions for constitution of a farm as set forth in paragraph (b) of this section: *Provided,* That no reconstitution shall be made if the county committee determines that the primary purpose of the change in operation is to establish eligibility to transfer allotments subject to sale or lease;

* * * * *

3. Section 719.4 is revised to read as follows:

§ 719.4 Guides for determining the land constituting a farm.

(a) *General.* In determining the constitution of a farm, consideration shall be given to provisions such as ownership and operation. A brief explanation of these provisions is outlined in this section to assist committees in properly determining what land is to be included in a farm.

(b) *Ownership.* The county committee shall require specific proof where there is doubt as to ownership.

(c) *Family members.* Land owned by different members of an immediate family living in the same household and operated as a single farming units shall be considered as being under the same ownership in determining a farm.

(d) *Parent corporations and subsidiaries.* All land which is operated as a single farming unit and which is owned and operated by a parent corporation and subsidiary corporations of which the parent corporation owns more than 50 percent of the value of the outstanding stock (or which is owned and operated by such subsidiary corporations) shall be constituted as one farm.

(e) *Single farming unit.* Land which the committee determines is being operated by one person with cropping practices, equipment, labor, accounting system, and management substantially separate from that of any other unit shall be considered to constitute a single farming unit.

(f) *Operation.* In determining the constitution of a farm, the county committee shall satisfy itself that the operator will be in general control of the farming operations on the farm for the program year.

4. In § 719.8, paragraphs (b) (4) and (5) are revised to read as follows:

§ 719.8 Rules for determining allotments and bases where reconstitution is made by division.

* * * * *

(b) *Designation of allotments and bases by landowner.* * * *

(4) Where the part of the farm from which the ownership is being transferred was owned for a period of less than 3 years, the provisions of this paragraph shall not be applicable to such transfer unless the State committee finds that the primary purpose of the ownership transfer was not to retain or sell an allotment or base. In the absence of such a finding, and if the farm contains land which has been owned for a period less than 3 years, that part which has been owned for less than 3 years shall be considered as a separate farm and the allotments and bases shall be assigned to that part using the rules in paragraphs (c) through (f) of this section, as applicable. Such apportionment shall be made prior to any designation of allotments and bases with respect to the part which has been owned for 3 years or more.

(5) This method is not applicable to Burley tobacco.

* * * * *

Signed at Washington, D.C., on January 18, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–1133 Filed 1–25–72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

OVER-THE-COUNTER DRUGS

Proposal Establishing Rule Making Procedures for Classification; Correction

In F.R. Doc. 72–147 appearing at page 85 in the January 5, 1972, issue of the FEDERAL REGISTER, proposed § 130.301(a)(2) is corrected by changing the sentence immediately preceding the outlined information to read, "To be considered, eight copies of the data and/or views on any marketed drug within the class must be submitted in the following format:".

Dated: January 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–1122 Filed 1–25–72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 11675; Notice 72–1]

UNAUTHORIZED OPERATORS

Proposed Applicability of Operating Rules

The Federal Aviation Administration is considering an amendment to Part 121 of the Federal Aviation Regulations to make those rules of Part 121 which currently apply to persons certificated under Part 121 apply as well to persons who engage in a Part 121 operation without obtaining the appropriate certification required by that part.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC–24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before March 29, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Part 121 of the Federal Aviation Regulations prescribes the certification and operations requirements for domestic, flag, and supplemental air carriers and for commercial operators of large aircraft. Currently, the operating rules of the regulations in Part 121 applicable to certificate holders under that part do not apply to persons who engage in activities governed by Part 121 without the appropriate certificate and operations specifications required. As a consequence, while a Part 121 certificate holder may be subject to a $1,000 civil penalty for each operating rule in Part 121 that he violated, an uncertificated operator engaging in operations regulated under Part 121 may be subject to a civil penalty solely for violation of the certificate and operations specifications requirements of § 121.3.

In order to deter persons from engaging in operations governed by Part 121 without compliance with that part, it is proposed to add a new § 121.4 titled "Applicability of rules to unauthorized operators" immediately after § 121.3 which will make the rules of Part 121 applicable to certificate holders apply to any person who engages in Part 121 operations without the appropriate certificate and operations specifications required by that part.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by adding a new § 121.4 immediately after § 121.3 in Subpart A of Part 121 to read as follows:

§ 121.4 Applicability of rules to unauthorized operators.

The rules in this part which refer to a person certificated under § 121.3 apply also to any person who engages in an operation governed by this part without the appropriate certificate and operations specifications required by § 121.3.

This notice of proposed rule making is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 19, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.72–1090 Filed 1–25–72;8:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice 72–2; Docket No. OPS–15]

FEDERAL SAFETY STANDARDS FOR GAS PIPELINES

Qualifications for Pipe

The Department of Transportation is considering several amendments to Part 192 to provide greater flexibility in qualifying pipe. An amendment to § 192.55 would permit the use of steel pipe manufactured before November 12, 1970, in compliance with an unlisted edition of a specification included in section I of Appendix B. An amendment to § 192.65 would permit the use of certain pipe transported by railroad before November 12, 1970, not in accordance with API RP5L1. Finally, amendments to Appendices A and B would add the 1971 editions to the lists of API pipe specifications.

Many operators have stockpiled a large amount of steel pipe which was manufactured before the effective date of Part 192. Most of this pipe was made in accordance with a specification included in section I of Appendix B, although not to an edition of that specification that has been accepted by the Department. It is estimated that approximately $28 million worth of pipe fall within this category.

Under § 192.55, pipe not manufactured in compliance with an accepted edition of a specification included in section I of Appendix B may be used only if (1) it meets the requirements of section II of

V37-17 JAN 26 72 XUM

Appendix B, (2) the allowable operating stress in the pipe is drastically reduced, or (3) in the case of pipe not previously used, it is employed for replacement purposes in a pipeline constructed of pipe manufactured to the same specification as the replacement pipe.

Early editions of specifications included in section I of Appendix B that have not been accepted by the Department contain the major requirements of the accepted editions and are equally worthy from a safety standpoint. Under these circumstances, it is unnecessary to use the alternative requirements to qualify pipe made according to an early edition. To alleviate the situation, a new paragraph (f) would be added to § 192.55. Under this new paragraph, new or used steel pipe made before November 12, 1970, in accordance with an early edition of a specification which has not been accepted by the Department would qualify for use if (1) the pipe can pass an inspection test, (2) its seams have been nondestructively inspected, and (3) it has chemical and physical properties that meet the requirements of an accepted edition of that specification.

Operators are faced with a second problem which has prevented the use of a large amount of stockpiled pipe. Under § 192.65, certain pipe that is transported by railroad may not be used unless the transportation is carried out in accordance with API RP5L1. It is estimated that roughly $13 million worth of this pipe cannot be used because it was shipped by rail prior to the effective date of Part 192, and operators are unable to verify that the pipe moved according to the API recommended practice.

To prevent a considerable waste of pipe, § 192.65 would be amended to permit the use of certain pipe shipped before November 12, 1970, not in accordance with API RP5L1, provided it can withstand a hydrostatic test of at least 90 percent of SMYS.

The purpose of the API recommended practice is to eliminate fatigue cracks which sometimes occur during rail transit. However, fatigue cracks which are present in the pipe would leak or break out when subjected to a high level hydrostatic test. Therefore, the proposed amendment would not reduce the level of safety provided by § 192.65.

Subsequent to the issuance of Part 192 and the amendments of November 10, 1970, the 1971 editions of several API specifications were published. The new editions to API specifications 5A, 5L, 5LS, and 5LX have been reviewed by the Department and are proposed for inclusion in Appendices A and B.

Interested persons are invited to participate by submitting written comments on the proposals contained in this notice. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. Communications received before March 15, 1972, will be considered before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend Part 192 of Title 49 of the Code of Federal Regulations as set forth below.

1. It is proposed to add a new paragraph (f) to § 192.55 to read as follows:

§ 192.55 Steel pipe.

* * * * *

(f) New or used steel pipe manufactured before November 12, 1970, in accordance with a specification of which a later edition is listed in section I of Appendix B is qualified for use under this part if—

(1) The pipe meets the requirements of paragraph II–C of Appendix B to this part; and

(2) The edition of the specification to which the pipe was manufactured and any later edition of that specification listed in section I of Appendix B contain substantially the same requirements with respect to—

(i) Nondestructive inspection of the full thickness of welded seams over their entire length, and standards for the acceptance or rejection and repair of welded seams;

(ii) Physical properties of pipe, including yield and tensile strength, elongation, and yield to tensile ratio, and testing requirements to verify the physical properties; and

(iii) Chemical properties of pipe and testing requirements to verify the chemical properties.

2. It is proposed to amend § 192.65 to read as follows:

§ 192.65 Transportation of pipe.

In a pipeline to be operated at a hoop stress of 20 percent or more of SMYS, no operator may use pipe having an outer diameter wall thickness ratio of 70 to 1, or more, that is transported by railroad unless—

(a) The transportation was performed in accordance with API RP5L1; or

(b) In the case of pipe transported before November 12, 1970, the pipe is hydrostatically tested to at least 90 percent of SMYS.

3. In section II–A of Appendix A, it is proposed to amend items 1, 2, 3, and 5 to read as follows:

APPENDIX A—INCORPORATED BY REFERENCE

* * * * *

II. Documents incorporated by reference.

A. American Petroleum Institute.

1. API Standard 5L "API Specification for Line Pipe" (1967, 1970, 1971 editions).

2. API Standard 5LS "API Specification for Spiral-Weld Line Pipe" (1967, 1970, 1971 editions).

3. API Standard 5LX "API Specification for High-Test Line Pipe" (1967, 1970, 1971 editions).

* * * * *

5. API Standard 5A "API Specification for Casing, Tubing, and Drill Pipe" (1968, 1971 editions).

* * * * *

4. It is proposed to amend section I of Appendix B to read as follows:

APPENDIX B—QUALIFICATION OF PIPE

I. *Listed Pipe Specifications.* Numbers in parentheses indicate applicable editions.

API 5L—Steel and iron pipe (1967, 1970, 1971).

API 5LS—Steel pipe (1967, 1970, 1971).

API 5LX—Steel pipe (1967, 1970, 1971).

* * * * *

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671, et seq.), § 1.58(d) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16488).

Issued in Washington, D.C., on January 19, 1972.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.72–1132 Filed 1–25–72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

CARBOFURAN

Proposed Tolerance for Pesticide Chemical in or on Raw Agricultural Commodity

FMC Corp., 100 Niagara Street, Middleport, NY 14105, submitted a petition (PP 2E1205) proposing establishment of a tolerance for negligible residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl *N*-methylcarbamate) and its metabolite 2,3-dihydro-2,2 - dimethyl-3-hydroxy-7-benzofuranyl *N*-methylcarbamate in or on bananas at 0.1 part per million.

Based on consideration given the data submitted, and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerance is proposed.

2. The proposed usage is not reasonably expected to result in residues of the insecticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

3. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that § 180.254 be amended by adding a new paragraph before the paragraph "0.1 part per million * * *", as follows:

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

0.1 part per million (negligible residue) in or on bananas.

* * * * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: January 20, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72–1087 Filed 1–25–72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19330]

FM BROADCAST STATIONS IN CHICO, CALIF.

Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, *Table of Assignments,* FM Broadcast Stations. (Chico, Calif.), Docket No. 19330, RM–1621.

1. The notice of proposed rule making in the above-entitled proceeding was adopted October 14, 1971, released October 19, 1971, and published in the FEDERAL REGISTER October 23, 1971, 36 F.R. 20534. The date for filing comments has expired and the date for filing reply comments is presently designated as January 18, 1972.

2. On January 13, 1972, Odyssey Radio Inc. (Odyssey), filed a request for an extension of time to and including February 15, 1972 in which to file reply comments. Odyssey indicates that it will not be possible to prepare reply comments by the deadline date.

3. We are of the view that the requested extension is warranted and would serve the public interest. *Accordingly, it is ordered,* That the time for filing reply comments in the above docket, RM–1621, is extended to and including February 15, 1972.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: January 17, 1972.

Released: January 19, 1972.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72–1137 Filed 1–25–72;8:49 am]

[47 CFR Part 73]

[Docket No. 19404; FCC 72–63]

TELEVISION BROADCAST STATIONS

Table of Assignments in Fredericksburg, Va.

In the matter of amendment of § 73.606, *Table of Assignments,* Television Broadcast Stations (Fredericksburg, Va.), Docket No. 19404, RM–1798.

1. On May 18, 1971, Charles McDaniel and Jerry Leonard filed a petition requesting that Channel 66 be assigned to Fredericksburg, Va., as the first commercial assignment to that city. The only assignment to Fredericksburg is educational Channel 53 for which a construction permit has been granted. No other revisions in our Table of Assignments were proposed and there were no comments filed in respect to this petition.

2. The petitioners set forth considerable data supporting their request for a first commercial channel to Fredericksburg, Va. No short spacings will be involved as to Channel 66 and the assignment will conform to all the Commission's technical rules. The city of Fredericksburg shows a population of 14,450 according to the Advance Reports of the U.S. Census for 1970. It is situated astride Stafford and Spotsylvania counties and is not located in an urbanized area or a Standard Metropolitan Statistical Area (SMSA). Fredericksburg is located between Richmond, Va., and Washington, D.C., about 50 miles from each. It is claimed that the city together with the four surrounding counties has an area of 1,500 square miles and a population of about 100,000. The Advance Census indicates a population for those four counties of Stafford (24,587), Spotsylvania (16,424), Caroline (13,925), and King George (8,039) that total 62,975. The economic base of the area is mixed in that there is industry, agriculture, and tourism throughout the area. American Viscose has a plant in Fredericksburg that employs 1,600 persons and it is the largest plant in the world making cellophane. Other industries include clothing, electrical products, and various building materials.

3. In the claimed 100,000 population area, there are about 500 retail firms that gross $80 million, 286 of which are in Fredericksburg and in 1963 they grossed $51,489,000. Wholesale businesses number 36 and grossed $26,319,000 in 1963. Selective services brought in $5,244,000 and tourism brings about $17.5 million. A bank and a savings and loan association had, for 1964, deposits of $34,001,000. Principal highways serve the area as well as major railroads. Fredericksburg is a port (12-foot channel) on the Rappahannock River for shallow draft carriers. There is ample power, both electric and water, to the area. There are six high schools and Mary Washington College of the University of Virginia located in Fredericksburg. There are numerous recreation and cultural facilities in the city and the area.

4. There is a daily (except Sunday) newspaper (The Free Lance-Star) with a circulation of 16,490. Radio Stations WFLS(AM) (1350 kHz, 1 kw., Day, Class III); WFLS–FM (Class B); WFVA(AM) (1230 kHz, 250 w., 1 kw.–LS–U, Class IV) and WFVA–FM (Class B) are operating stations assigned to Fredericksburg. The city does not receive a grade A television signal, but is on the outer edges of the Grade B signals from Richmond and Harrisonburg in Virginia and Washington, D.C. According to Television Factbook for 1971–72, the city of Fredericksburg is served by a 12-channel cable television system that brings in WBAL–TV and WJZ–TV, Baltimore, Md., WTVR–TV and WWBT–TV, Richmond, Va., WXEX–TV, Petersburg, Va., and WRC–TV, WMAL–TV, WETA, WTTG, WDCA–TV and WTOP–TV, Washington, D.C., and does time and weather originations.

5. We have considered the data presented by the petitioners, as well as other data, and are of the opinion that based on the intent of the Communications Act of 1934, as amended, and existing Commission policies and priorities, that a rule making proceeding should be instituted to explore the question of making a first commercial assignment to Fredericksburg, Va. However, we can't agree with the petitioners that Channel 66 would be the most efficient assignment to the area. Channel 66 would no doubt be a feasible assignment to Fredericksburg, but an independent examination by the Commission indicates that Channel 66 is the last available television assignment for heavily populated Northern Virginia-Washington, D.C., area and that Channel 69 would be feasible assignment for the Fredericksburg area. Since Commission procedures are controlled by section 307(b) of the Communications Act, we are constrained to deny petitioners' request for Channel 66 and substitute, on our own motion, Channel 69 as the more fair, efficient and equitable distribution of television assignments as the proposed channel in the rule making proceeding. Commenting parties should file comments explaining the prospective use of and need for Channel 69 at Fredericksburg as well as any other public interest considerations.

6. With the above material before us, we propose to consider the following revision in our Television Table of Assignments (§ 73.606 of our rules) with respect to the city listed below:

V 37-17 JAN 26 72 XUM

City	Channel No.	
	Present	Proposed
Fredericksburg, Va.	*53	*53, 69

7. Authority for the action proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before March 3, 1972, and reply comments on or before March 14, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission.

10. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: January 19, 1972.

Released: January 21, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1138 Filed 1-25-72;8:49 am]

[1] Commissioners Bartley and H. Rex Lee absent.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

CANNED BARTLETT PEARS FROM AUSTRALIA

Antidumping Proceeding Notice

JANUARY 24, 1972.

On December 2, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that canned Bartlett pears, from Australia are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved:

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1253 Filed 1-25-72;9:42 am]

Office of the Secretary

[T.D. Order No. 170-12]

SPECIAL ASSISTANT TO THE SECRETARY (DEBT MANAGEMENT)

Transfer of Functions

By virtue of the authority vested in the Secretary of the Treasury, including the authority of Reorganization Plan No. 26 of 1950, I hereby transfer as of this date responsibility for supervision of the Director, Office of Debt Analysis, from the Assistant Secretary (Economic Policy) to the Special Assistant to the Secretary (Debt Management).

Dated: January 15, 1972.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc. 72-1145 Filed 1-25-72;8:50 am]

VINYL ASBESTOS FLOOR TILE FROM CANADA

Notice of Tentative Negative Determination

JANUARY 24, 1972.

Information was received on March 15, 1971, that vinyl asbestos floor tile from Canada was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER on May 5, 1971, on page 8407.

I hereby make a tentative determination that vinyl asbestos floor tile from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Sales to the United States were made to unrelated parties within the meaning of section 207 of the Act (19 U.S.C. 166).

Based on the available information, it was determined that sufficient quantities of such or similar merchandise were sold in the home market to furnish an adequate basis for fair value comparisons.

Accordingly, for fair value purposes, purchase price was compared with the price at which such or similar merchandise was sold in the home market.

Purchase price was calculated by deducting from the c.i.f. delivered duty-paid price for exportation to the United States the cash discount, costs for freight and duty, plus an addition for the appropriate Canadian sales tax which was not collected by reason of exportation to the United States.

Home market price was calculated on the basis of the f.o.b. Montreal price, less cash discount. No adjustments were made from this price for packing or freight equalization because both were the same in each market.

Comparison of purchase price with the adjusted home market price revealed that purchase price was higher than the adjusted home market price.

In accordance with § 153.33(b), Customs Regulations (19 CFR 153.33(b)), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any writen views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs Regulations (19 CFR 153.33).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1254 Filed 1-25-72;9:42 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 38]

ANCHORAGE LAND DISTRICT, ALASKA

Notice of Filing of Protraction Diagram

Notice is hereby given that effective with this publication, the following protraction diagram is officially filed of record in the Anchorage Land Office, 555 Cordova Street, Anchorage, AK 99501. In accordance with 43 CFR 3101.1-4 this protraction will become the basic record for the description of oil and gas lease offers, State selection applications under 43 CFR 2627, and other authorized uses filed at and subsequent to 10 a.m., on the 31st day after the publication of this notice.

ALASKA PROTRACTION DIAGRAM (UNSURVEYED)

SEWARD MERIDIAN

Sec. 24-10, T. 37 S., R. 33 W.

Copies of this diagram are for sale at two dollars ($2) per sheet by the Anchorage Land Office, Bureau of Land Management, mailing address: 555 Cordova Street, Anchorage, AK 99501.

CLARK R. NOBLE,
Land Office Manager.

[FR Doc.72-1131 Filed 1-25-72;8:47 am]

V37-17 JAN 26 72 XUM

[OR 8761 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

Correction

In F.R. Doc. 71-19108, appearing at page 25239, in the issue of Thursday, December 30, 1971, the bracket should read as set forth above.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[FSP No. 1971-1]

FOOD STAMP PROGRAM

Participation of State Agencies and Eligible Households

Notice FSP No. 1971-1, which is a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is revised to amend the uniform national standards of eligibility with respect to the maximum allowable income levels for nonpublic assistance households and to reduce the purchase requirements for certain households.

In view of the need for placing the following amendment into effect at the earliest possible date, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this amendment. Notice FSP No. 1971-1 is, therefore, revised to read as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in any State other than Alaska or Hawaii or in the District of Columbia, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in such State or the District of Columbia prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards which were established on July 29, 1971:

Household Size:	*Maximum allowable monthly income standards—48 States and District of Columbia*
One	$170
Two	222
Three	293
Four	360
Five	427
Six	493
Seven	547
Eight	600
Each additional member	+53

"Income" as the term is used in the notice is as defined in paragraph (b) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the program and the amount charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—48 STATES AND DISTRICT OF COLUMBIA

Monthly net income	For a Household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is— $32	$60	$88	$108	$128	$148	$164	$180
	And the monthly purchase requirement is—							
$0-$19.99	0	0	0	0	0	0	0	0
$20-$29.99	1	1	0	0	0	0	0	0
$30-$39.99	4	4	4	4	5	5	5	5
$40-$19.99	6	7	7	7	8	8	8	8
$50-$59.99	8	10	10	10	11	11	12	12
$60-$69.99	10	12	13	13	14	14	15	16
$70-$79.99	12	15	16	16	17	17	18	19
$80-$89.99	14	18	19	19	20	21	21	22
$90-$99.99	16	21	21	22	23	24	25	26
$100-$109.99	18	23	24	25	26	27	28	29
$110-$119.99	20	26	27	28	29	31	32	33
$120-$129.99	22	29	30	31	33	34	35	36
$130-$139.99	22	31	33	34	36	37	38	39
$140-$149.99	22	34	36	37	39	40	41	42
$150-$169.99	22	36	40	41	42	43	44	45
$170-$189.99	22	40	46	47	48	49	50	51
$190-$209.99		40	52	53	54	55	56	57
$210-$229.99		40	58	59	60	61	62	63
$230-$249.99			64	65	66	67	68	69
$250-$269.99			70	71	72	73	74	75
$270-$289.99			70	74	78	79	80	81
$290-$309.99			70	78	84	85	86	87
$310-$329.99				82	86	91	92	93
$330-$359.99				82	90	96	98	99
$360-$389.99				84	94	100	106	106
$390-$419.99					98	104	110	110
$420-$449.99					100	108	114	114
$450-$479.99						112	118	118
$480-$509.99						116	122	122
$510-$539.99							126	126
$540-$569.99							128	130
$570-$599.99								134
$600-$629.99								138
$630-$659.99								140

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA:

A. *Value of the total allotment.* For each person in excess of eight, add $16 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $599.99 or less per month.

2. For households with monthly incomes of $600 or more, use the following formula: For each $30 worth of monthly income (or portion thereof) over $599.99, add $4 to the monthly purchase requirement shown for an eight-person household with an income of $599.99.

3. Maximum monthly purchase requirements for households of more than eight persons are: Nine persons $152, 10 persons $164, and add $12 for each person over 10.

Effective date. The provisions of this notice shall become effective in accordance with the provisions of § 271.1(s).

RICHARD LYNG,
Assistant Secretary.

JANUARY 21, 1972.

[FR Doc.72-1150 Filed 1-25-72;8:49 am]

Office of the Secretary

ECONOMIC RESEARCH SERVICE AND FOREIGN ECONOMIC DEVELOPMENT SERVICE

Proposed Transfer of Assignments of Functions and Delegations of Authority

In accordance with Reorganization Plan No. 2 of 1953, and in order to afford interested persons and groups an opportunity to place before the Department their views with respect to the proposed action, the Department is giving advance public notice of a proposed transfer of assigned functions and delegations of authority.

1. *General.* The U.S. Department of Agriculture supports the international assistance efforts of the U.S. Government through reimbursable arrangements with AID and the Peace Corps. In this way the agricultural expertise of the Department is utilized in the training programs and technical assistance programs of these agencies. These departmental activities have been coordinated and administered by the Foreign Economic Development Service, reporting to the Secretary through the Director of Agricultural Economics.

2. *Functions to be transferred.* In a continuing effort to more effectively carry out these activities, and adjust them to changes in U.S. assistance programs and advancements in the lower income countries, as well as to coordinate them more fully with complementary economic activities of the Department, we are proposing to merge the functions and authorities of the Foreign Economic Development Service with those of the Economic Research Service. Responsibility for these functions and authorities would continue to be vested in the Director of Agricultural Economics, with authority to delegate them to the Administrator of the Economic Research Service.

This proposed action covers the general administration and coordination of the Department's responsibilities and activities in foreign development assistance and training programs including those under sections 301 and 302 of the U.S. Information and Educational Exchange Act of 1948 (22 U.S.C. 1451-1452); the Foreign Assistance Act of 1961, Public Law 87-195, as amended (22 U.S.C. 2161-2169, 2171-2178, 2211-2213, 2241-2242, 2357, 2387, 2388); the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451-2458);

Section 109 of the Agricultural Trade and Development Assistance Act of 1954, as amended (7 U.S.C. 1709); and in developing and maintaining effective relationships with international and U.S. organizations in planning and carrying out such programs which include the following:

(1) Providing leadership in the formulation of current and long-range policies and plans for carrying out technical assistance and agricultural development responsibilities abroad, including nutrition and other related activities.

(2) Developing and maintaining effective relationships with the Agency for International Development, Peace Corps and other appropriate public and private U.S. and international organizations, with respect to planning and carrying out development assistance and training programs.

(3) Coordinating the resources of the Department and expedition of the applications of these resources in the planning, review, evaluation, and operation of country or regional agricultural development projects and activities for which the Department is given responsibility, including the orientation of U.S. personnel and the training of foreign nationals.

(4) Coordinating the recruitment, assignment, and direction, of Department personnel on detail or loan to the Agency for International Development, Food, and Agriculture Organization, and other agencies and organizations under agreements relating to development assistance.

(5) Providing a focal point of contact within the Department for private organizations seeking cooperation with the Department in technical assistance and agricultural development activities.

(6) Coordinating of the implementation of Government-sponsored agricultural exchange programs.

3. *Management support activities.* Management support activities such as accounting, budget, personnel, and other administrative service for the functions proposed to be transferred will continue to be provided by the Office of Management Services.

In order to be considered, views and comments of interested persons and groups must be received by the Secretary not later than February 4, 1972.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 24th day of January 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-1206 Filed 1-25-72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CERTAIN PREPARATIONS CONTAINING HEXACHLOROPHENE

Drugs for Human Use; Drug Efficacy Study Implementation; Correction

In F.R. Doc. 71-17776 appearing at page 23330 in the FEDERAL REGISTER of December 8, 1971, DESI 6270, the following corrections are made:

1. In item B, 3, b, on page 23330, the reference to "(a)(3)(ii)" is changed to read "(a)(3)(iii)".

2. In item C, 4, on page 23331, the entry "Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs" should be changed to read "Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs."

Dated: January 12, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1128 Filed 1-25-72;8:47 am]

[Docket No. FDC-D-394; NADA No. 7-477V]

M & M LIVESTOCK PRODUCTS CO.

M & M Noctol 600; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing proposing to withdraw approval of NADA (new animal drug application) No. 7-477V for the drug M & M Noctol 600 was published in the FEDERAL REGISTER of November 9, 1971 (36 F.R. 21419). M & M Livestock Products Co., Eagle Grove, Iowa 50533, holder of said NADA, did not file a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice, the Commissioner of Food and Drugs concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 7-477V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: January 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1119 Filed 1-25-72;8:48 am]

[DESI 7659]

OTC METHAPYRILENE-CONTAINING DRUGS FOR RELIEF OF INSOMNIA

Drugs for Human Use; Drug Efficacy Study Implementation; Postponement of Deadline for Submitting Data

In an announcement (DESI 7659) published in the FEDERAL REGISTER of

V 37 17 J JAN 26 72 XUM

July 31, 1971 (36 F.R. 14228), the Commissioner of Food and Drugs invited suppliers of OTC methapyrilene-containing drugs for relief of insomnia to submit to the Food and Drug Administration, within 180 days following the date of publication of the announcement in the FEDERAL REGISTER, (1) the quantitative composition and complete labeling for the drug and (2) the best available evidence (as prescribed in the notice) supporting both the safety and effectiveness of the drug.

Subsequently, in the FEDERAL REGISTER of January 5, 1972 (37 F.R. 85), the Commissioner proposed to establish procedures for rule making which will result in classifying some OTC drugs as generally recognized among qualified experts as safe and effective and not misbranded under prescribed, recommended, or suggested conditions of use.

In view of the proposal of January 5, 1972, and in consideration of his having been advised that additional clinical trials with methapyrilene-containing drugs are now in progress, the Commissioner concludes that the 180-day deadline prescribed by the announcement of July 31, 1971, should be and is hereby postponed. Compilation of the safety and effectiveness data both on methapyrilene and on similar ingredients in the form contained in the proposal of January 5, 1972, should be continued in preparation for a future notice requesting submission of this data.

Dated: January 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1125 Filed 1-25-72;8:48 am]

OVER-THE-COUNTER ANTIBACTERIAL INGREDIENTS IN DRUG PRODUCTS FOR REPEATED DAILY HUMAN USE

Request for Data and Information Regarding Safety and Efficacy Review; Correction

In F.R. Doc. 72-210 appearing at page 235 in the January 7, 1972, issue of the FEDERAL REGISTER, the sentence immediately preceding the outlined information is corrected to read "To be considered, eight copies of the data and/or views must be submitted in the following format:".

Dated: January 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1128 Filed 1-25-72;8:47 am]

SAFETY AND EFFICACY REVIEW OF OVER-THE-COUNTER ANTACID DRUG PRODUCTS

Request for Data and Information; Correction

In F.R. Doc. 72-148 appearing at page 102 in the January 5, 1972, issue of the FEDERAL REGISTER, the sentence immediately preceding the outlined information is corrected to read "To be considered, eight copies of the data and/or views must be submitted in the following format:".

Dated: January 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1127 Filed 1-25-72;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 27-47]

CHEM-NUCLEAR SERVICES, INC.

Notice of Receipt of Application for Land Burial of Radioactive Waste

Please take notice that Chem-Nuclear Services, Inc., Post Office Box 918, Wenatchee, WA 98801, has filed an application for amendment to License No. 46-13536-01 which requests authority to possess up to 850 grams of uranium-235 and to dispose of uranium-235 by land burial at its facility located at Barnwell, S.C.

A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., January 18, 1972.

For the Atomic Energy Commission.

S. H. SMILEY,
Director,
Division of Materials Licensing.

[FR Doc.72-1130 Filed 1-25-72;8:48 am]

[Docket No. 50-244]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Proposed Issuance of Amendment to Provisional Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Provisional Operating License No. DPR-18 which presently authorizes the Rochester Gas and Electric Corporation to possess, use and operate the R. E. Ginna Nuclear Power Plant Unit No. 1 located on the south shore of Lake Ontario in Wayne County, N.Y., at steady state power levels up to a maximum of 1,300 megawatts (thermal). The amendment would authorize Rochester Gas and Electric to operate its R. E. Ginna Nuclear Power Plant Unit No. 1 at steady state power levels up to a maximum of 1,520 megawatts (thermal) in accordance with Rochester's application notarized February 2, 1971, and subsequent amendments thereto.

The Commission has found that the application, as amended, for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Ch. I. The license amendment will be issued after the Commission makes the findings relating to its review of the application, which are set forth in the proposed amendment, and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment notarized February 2, 1971, Amendments 1 through 4 thereto, notarized February 17, September 30, October 7, and November 18, 1971, respectively; (2) the Report of the Advisory Committee on Reactor Safeguards dated December 17, 1971; (3) the proposed amendment to the provisional operating license; and (4) a related Safety Evaluation prepared by the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of each of items (3) and (4) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Reactor Licensing. As soon as they are available, and prior to issuance of the license amendment, a copy of the proposed revised Technical Specifications will be made available for public inspection at the Commission's Public Document Room.

Dated at Bethesda, Md., this 20th day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-1215 Filed 1-25-72;8:51 am]

CIVIL SERVICE COMMISSION

MUSEUM SPECIALIST (ART), SMITHSONIAN INSTITUTION, WASHINGTON, D.C.

Manpower Shortage; Notice of Listing

Under provisions of 5 U.S.C. 5723, the Civil Service Commission found on January 4, 1972, a manpower shortage for a single position of Museum Specialist (Art), GS-1016-12, National Portrait Gallery, Smithsonian Institution, Washington, D.C.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1118 Filed 1-25-72;8:47 am]

MUSIC SPECIALIST (JAZZ), SMITHSONIAN INSTITUTION, WASHINGTON, D.C.

Manpower Shortage; Notice of Listing

Under provisions of 5 U.S.C. 5723, the Civil Service Commission found on January 18, 1972, a manpower shortage for a single position of Music Specialist (Jazz), GS-1051-12, Division of Performing Arts, Smithsonian Institution, Washington, D.C.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1115 Filed 1-25-72;8:47 am]

COMMISSION ON HIGHWAY BEAUTIFICATION

HIGHWAY BEAUTIFICATION

Change of Starting Time of Initial Public Hearing

JANUARY 24, 1972.

The Commission on Highway Beautification hereby gives notice that its initial public hearing in Atlanta on January 31, 1972, is now scheduled to start at 10 a.m., instead of 10:30 a.m., at the Regency Hyatt House, 265 Peachtree Street NE.

The Notice of Initial Public Hearing was published in the FEDERAL REGISTER on January 12, 1972, at 37 F.R. 495.

LEO A. BYRNES,
Staff Director and Counsel.

[FR Doc.72-1274 Filed 1-25-72;10:21 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19260; FCC 72-66]

HANDLING OF PUBLIC ISSUES UNDER FAIRNESS DOCTRINE AND PUBLIC INTEREST STANDARDS

Order Extending Time

1. After the date for receipt of reply comments for Part III of the above-captioned notice relating to access to the broadcast media as a result of carriage of product commercials, the Commission received initial comments from the Federal Trade Commission, Students for Fair Access to the Media, Kool Radio Television, Inc., Physicians for Automotive Safety and the Southern Broadcasting Co.

2. While we do not normally favor late-filed comments, we believe that the importance of this proceeding warrants full consideration of these comments, and therefore other interested parties should be afforded an opportunity to reply to issues raised therein. We stress, however, that there is no need to file additional reply comments if prior filings have already addressed the points raised in these late-filed comments.

3. In view of the foregoing: *It is ordered:* That the above late-filed comments will be accepted for consideration, and that time for filing reply comments to them is extended 20 days from the date of release of this order.

Adopted and released: January 20, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1140 Filed 1-25-72;8:49 am]

[FCC 72-62]

STANDARDS PROGRAM FOR INTERCONNECTION OF TELEPHONE DIALERS AND ANSWERING DEVICES

Establishment of Advisory Committee

JANUARY 19, 1972.

On December 16, 1971, the Chief, Common Carrier Bureau addressed a letter to the American Telephone and Telegraph Co. raising certain questions concerning the lawfulness of the tariff provisions and practices of the telephone companies insofar as they have been applied to customer-provided automatic dialers (e.g., the "Magicall") and to customer-provided automatic recording and answering devices (e.g., the "Code-a-Phone"). By letter of January 6, 1972, A.T. & T., responded to the staff's letter of December 16, 1971, and stated, among other things, that the Bell System again renews its offer, in parallel with the PBX effort, "to continue to assist the Commission, the NARUC, and other interested parties in the exploration of a standards and certification program for application to these devices as a possible alternative to the present tariff approach."

As a result of informal conferences held by the staff with interested parties, drafts of proposed standards have been submitted by the makers of "Magicall" and "Code-a-Phone" devices that could be used as a basis for a standards and certification program for all such devices. The objectives of such program would be to help us resolve the questions of unlawfulness raised in the aforementioned letter of December 16, 1971, to A.T. & T. and to provide to the public meaningful options of obtaining automatic dialers and answering and recording devices from sources other than the telephone company for use in connection with the telephone system under reasonable protective provisions.

In furtherance of the aforementioned objectives, the Commission, pursuant to the provisions of Executive Order 11007, February 26, 1962, has determined that the formation of an advisory committee to function as a task force for the purposes noted above is in the public interest in connection with the performance of the Commission's duties under the Communications Act of 1934. Accordingly, the Commission is establishing such a task force to be composed of representatives from the Commission, the National Association of Regulatory Utility Commissioners, the Rural Electrification Administration, communications common carriers, domestic manufacturers, suppliers, distributors of automatic telephone dialers and automatic telephone recording and answering devices, and consumer groups.

This advisory committee will be expected to develop recommended standards and a recommended program of enforcement thereof that would give to customers the aforementioned options of obtaining their automatic telephone dialers and recording and answering devices from sources other than the telephone companies for use in direct connection with the facilities of common carriers. The recommended standards and enforcement program should be the minimum deemed essential by the committee to protect the telephone company facilities from (a) excessive voltages, (b) improper network signaling and (c) line imbalance. We believe that, in view of the preparatory work already done in this area, the committee should be able to submit its report and recommendations at an early date.

The names of the persons appointed to this advisory committee task force and the appointment of a chairman will be announced later.

An organizational meeting will be held in the offices of the Commission in Washington, D.C. on February 1, 1972, at 10 a.m. Persons interested in serving on this committee are invited to attend.

Action by the Commission January 19, 1972.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1073 Filed 1-25-72;8:49 am]

[1] Commissioner H. Rex Lee.

[1] Commissioners Burch (chairman), Robert E. Lee, Johnson, Reid, and Wiley.

V 37 17 JAN 26 72 XUM

[Docket Nos. 18559, etc.; FCC 72R–17]

UNITED TELEVISION CO., INC., ET AL.

Memorandum Opinion and Order Modifying Issue

In regard application of United Television Co., Inc. (WFAN–TV), Washington, D.C., for renewal of license, Docket No. 18559, File No. BRCT–585; United Television Co., Inc. (WFAN–TV), Washington, D.C., for consideration permit, Docket No. 18561, File No. BPCT–1917; United Broadcasting Co., Inc., Washington, D.C., for renewal of license, Docket No. 18562, File No. BR–1104; Washington Community Broadcasting Co., Washington, D.C., Docket No. 18563, File No. BP–17416.

1. This proceeding involves, inter alia, the applications for renewal of licenses of television broadcast Station WFAN–TV and standard broadcast Station WOOK, Washington, D.C., licensed to United Television Co., Inc. and United Broadcasting Co., Inc., respectively (collectively referred to as "United"), and the application of Washington Community Broadcasting Co. (Community) for the frequency now occupied by Station WOOK. By Memorandum Opinion and Order, 18 FCC 2d 363, 16 RR 2d 621 (1969), the Commission designated these applications for hearing on various issues. The Review Board, by Memorandum Opinion and Order, 19 FCC 2d 1060, 17 RR 2d 467 (1969), added a § 1.65 issue against United. Presently before the Board is an appeal, filed October 22, 1971, by United from an adverse ruling of the Hearing Examiner or, in the alternative, a motion to enlarge the § 1.65 issue specified in this proceeding.[1]

2. During the course of a hearing session held on October 14, 1971, United requested the Hearing Examiner to rule that evidence adduced at hearing of additional failures of Community to report business and professional interests of its principals is encompassed within the § 1.65 issue added by the Review Board. The Examiner refused to so rule, stating that he read the issue framed by the Board as limited to a particular Community principal, Dr. Phillip C. Brooks, and not including failures to disclose business interests of other members of the applicant. The Examiner declared that the basis for his ruling was that Community had no notice that the matter of failure to disclose business interests of other members of the applicant was going to be tried. The instant appeal ensued.[2]

3. In support of its appeal, United states that testimony adduced during the comparative phase of the hearing revealed that Community had failed to report instances in which its principals had acquired "a 25 percent or greater interest or any official relationship" (officer or director) in a business or financial enterprise as is required by table II, section II of Form 301. For example, United submits, the testimony shows that a Theodore R. Hagans, Jr., listed as Community's assistant treasurer, had become a director of Public National Bank; that Community's president, Marjorie Lawson, had become a director of the National Bank of Washington; and that two of Community's stockholders failed to report that they were directors of a corporation which had applied for a CATV franchise in the District of Columbia.[3] Furthermore, United states, Mrs. Lawson conceded that she had misunderstood the necessity of reporting such information. United alleges that none of the testimony referred to above was objected to by Community. Absent such objection, United contends, the "notice" basis of the Examiner's ruling was erroneous. Therefore, United states, a ruling that the § 1.65 issue encompasses the newly discovered material would not entail further proceedings beyond the filing of Community's aforementioned amendment.[4] United concludes that the sole purpose of its pleading is to have the issues construed or framed to encompass the evidence already adduced.

4. In opposition, Community sets forth relevant portions from the Board's order specifying the § 1.65 issue in this proceeding, and argues that these excerpts clearly show that the Board intended the inquiry to be limited to Dr. Brooks. Community points out that United's request of the Examiner was made shortly before the agreed upon termination of the hearing; therefore, it argues, there was no advance notice, and the request was properly denied as untimely. Community attaches to its pleading a letter from Mr. Hagans which recites that on December 18, 1969, he became a director of the Public National Bank (and has since resigned), that he has been serving on the board of Pepco since February 8, 1971, and that he acquired a 50 percent interest in W & H Investment Co. in April 1967, and a 50 percent interest in Park Monroe Associates in June 1968. Community posits that United presumably learned of these interests through contemporaneous press announcements, and, as such, United should have sought enlargement of the § 1.65 issue shortly after the aforementioned dates, rather than at the close of the hearing. Furthermore, Community argues, the omissions were inadvertent, did not reflect major changes in the current business status of the relevant parties, and do not therefore necessitate additional hearing, citing Greenfield Broadcasting Corp., 30 FCC 2d 774, 22 RR 2d 497 (1971). Mrs. Lawson's intention to submit an amendment setting forth all changes relating to all stockholders did not constitute consent to enlargement of the issues, Community states. Once the amendment is submitted, the Examiner will have all relevant facts before him, Community urges, and there would be no need to unduly delay the proceedings by the adduction of new evidence.[5] Thus, Community concludes that the Examiner correctly construed the § 1.65 issue and that the motion to enlarge at the time of the hearing was untimely.

5. In its comments, the Broadcast Bureau argues that, although it believes the wording of the § 1.65 issue to be sufficiently broad to permit consideration of the matters raised by United, Community was not given proper notice that these matters would be explored at hearing. The Bureau would therefore have us deny the appeal. As to the alternative request to enlarge issues, the Bureau submits that it is unclear as to when United first learned of the matters raised in its appeal. As such, the Bureau concludes that, absent a showing of good cause justifying enlargement at this time, the request should be denied.

6. In reply, United first reiterates its contention that the notice grounds relied upon by the Examiner and by Community is rebutted by Community's failure to object to the admission of the evidence in question. United submits that, contrary to the positions taken by Community and the Bureau, it did not learn of the "significant omissions" at issue until the hearing sessions which commenced on October 6, 1971. Community's "cooperative stance," United alleges, is dictated by its president's admission that she did not understand the § 1.65 requirements. United argues that the significance of the matters it is raising goes beyond Mr. Hagans' business interests and includes, for example, Mrs. Lawson's association with the National Bank of Washington, which bank, United states, is providing the entire financing for Community's proposal.

[1] Related pleadings before the Board are: (a) Motion to accept late-filed pleading, filed Oct. 22, 1971, by United; (b) opposition to United's appeal/motion to enlarge, filed Nov. 8, 1971, by Community; (c) comments on United's petition, filed Nov. 8, 1971, by the Broadcast Bureau; (d) reply, filed Nov. 18, 1971, by United; and (e) request for leave to file additional statement concerning appeal, filed Jan. 13, 1972, by United. The motion to accept late-filed pleading is unopposed and recites good cause; the appeal will therefore be considered on its merits.

[2] Permission to file this appeal was granted orally by the Examiner at the Oct. 14, 1971, hearing session.

[3] United states that Mrs. Lawson agreed to obtain further information regarding the business interests of Community's principals in order to bring its application up to date. United further states that Community stipulated that information regarding Mr. Hagans' unreported interests would be furnished the Commission by way of an amendment, but that no such amendment has yet been filed.

[4] United points out that the § 1.65 issue in this proceeding is comparative only and argues that evidence of Community's stockholders' application for CATV facilities is relevant to its integration proposal, as is evidence of business interests held by Mr. Hagans.

[5] On Nov. 15, 1971, Community submitted an amendment which, in part, sets forth changes in interests and offices of Community shareholders since the filing of its original application.

United alleges that Community delayed, without explanation, 11 months after addition of a financial issue against it before submitting this bank loan as part of its financial plan. This, in United's view, reflects Community's attitude toward its obligations to the Commission and adds further reason, United concludes, for examination of Community's "conduct" through enlargement of the issues.

7. The Review Board concurs in the Hearing Examiner's judgment that adequate notice was not afforded Community at the hearing and will affirm his ruling. A fundamental requisite of fair procedure is that of reasonable notice to the parties of the issues to be tried. Both the language of the § 1.65 issue specified by the Board as well as the underlying discussion made clear that the issue was limited in scope to one of Community's principals, Dr. Phillip C. Brooks. The Examiner so read the issue and therefore could not allow allegations of reporting omissions on the part of other Community principals to be tried. Accordingly, we shall deny the appeal from adverse ruling. However, we believe that the request to enlarge issues should be granted. Contrary to Community's position, this request was not initially raised before the Examiner but was placed before the Board on appeal when the Examiner refused to consider the disputed matters under the designated issue. The alleged unreported interests of several members of Community listed in United's appeal pleading as well as those interests listed in the letter from one of these individuals submitted with United's opposition, raise a substantial question as to the applicant's compliance with § 1.65.[6] Because these matters are not encompassed within the scope of the Board's earlier order, the existing § 1.65 issue will be appropriately modified. Also, since it appears that most of the facts upon which the enlargement request is based were not known to United until the October 6, 1971, hearing session, and the petition has been filed within a reasonable time after that date, we believe that good cause for its acceptance has been shown. Snake River Valley Television, Inc., 18 FCC 2d 70, 16 RR 2d 442 (1969); Chapman Radio and Television Corp., 7 FCC 2d 557, 9 RR 2d 831 (1967).[7] Finally, we point out that, despite United's language in its reply, nothing before us warrants any broader inquiry into the circumstances surrounding the financial issue specified against Community or regarding Community's "conduct" in general.[8]

8. *Accordingly, it is ordered*, That the motion to accept late-filed pleading, filed October 22, 1971, by United Television Co., Inc. (WFAN–TV) and United Broadcasting Co., Inc., is granted; and

9. *It is further ordered*, That the appeal from the presiding officer's adverse ruling or, in the alternative, motion to enlarge issues, filed October 22, 1971, by United Television Co., Inc. (WFAN–TV) and United Broadcasting Co., Inc., is granted to the extent indicated below, and is denied in all other respects; and that the request for leave to file additional statement concerning appeal, filed January 13, 1972, by United, is denied; and

10. *It is further ordered*, That the issue added by the Review Board by Memorandum Opinion and Order, 19 FCC 2d 1060, 17 RR 2d 467, released October 1, 1969, is modified to read as follows:

To determine whether Washington Community Broadcasting Co., its principal, Dr. Philip C. Brooks, or any of its other principals, failed to keep its application up to date as required by § 1.65 of the rules; and if so, whether the failure reflects adversely on the applicant's comparative qualifications.

FEDERAL COMMUNICATIONS COMMISSION,[9]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–1139 Filed 1–25–72;8:49 am]

[6] The applicant's failure to amend to report substantial changes in the status of its members in this case is, in our view, readily distinguishable from the situation in Greenfield Broadcasting Corp., supra. There, among other things, in the only two omissions of significance, the Commission was "fully aware" of one interest and the involved principal had resigned his unreported office with respect to the other. Also, that case, unlike this one, was a single applicant proceeding and did not allow for an issue assessing the impact of the omissions on the applicant's comparative qualifications.

[7] Community offers no substantiation for its allegation that United actually learned of the unreported interests through press announcements at the time of their occurrence and should have therefore acted sooner.

[8] On Jan. 13, 1972, United submitted a request for leave to file additional statement concerning appeal. Having examined the content of this pleading, and finding it unnecessary to our determination herein, the Board will deny it as cumulative.

[9] Board Member Berkemeyer absent, and Board Member Pincock abstaining.

FEDERAL POWER COMMISSION

[Docket No. CP72–174]

CITIES SERVICE GAS CO.

Notice of Application

JANUARY 19, 1972.

Take notice that on January 7, 1972, Cities Service Gas Co. (applicant), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP72–174 an application pursuant to section 7 (c) and (b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of certain natural gas facilities and for permission of and approval to replace and abandon certain natural gas facilities to be reclaimed, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install and operate one 2,000 horsepower unit at each of its existing North Ulysses Compressor Stations in Kearny County, Kans., and Sublette Compressor Station in Haskell County, Kans.; one 2,400 horsepower unit at its existing Blackwell Compressor Station in Kay County, Okla.; and to abandon by reclaiming approximately 10.8 miles of 18-inch obsolete and inadequate pipeline in Washington County, Okla.; and Montgomery County, Kans., and to replace it with a 16-inch pipeline. The total cost of the proposed facilities is estimated at $3,050,000 which applicant plans to finance from treasury cash.

Applicant states that the proposed project will enhance its ability to meet its customers' demands for natural gas under peak day and summer conditions, will permit operational flexibilty, and will create needed reserve capacity.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurdisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–1107 Filed 1–25–72;8:46 am]

[Docket No. CP72–170]

COLORADO INTERSTATE GAS CO.

Notice of Application

JANUARY 18, 1972.

Take notice that on December 30, 1971, Colorado Interstate Gas Co. (applicant), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP72–170 an application pursuant to section 7(c)

V37-17 JAN 26 72 XUM

of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to expand its transmission system capacity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to increase its transmission system peak day sales capacity by an additional 46,200 Mcf of natural gas to a total of 1,304,500 Mcf by the construction and operation of the following facilities: a 2,000 horsepower addition at the existing Rawlins Compressor Station near Rawlins, Wyo.; a total of approximately 38.6 miles of 24-inch pipeline loop on applicant's Wyoming transmission line to be installed at three locations; three new gas storage wells to be drilled and connected at the Fort Morgan Storage Field in Morgan County, Colo.; approximately 21.2 miles of 20-inch pipeline loop on its Fort Morgan-to-Watkins storage pipeline; and a 3,300 horsepower addition to the existing Mocane Compressor Station in Beaver County, Okla. The estimated cost of all the proposed facilities is $8,415,835 which applicant plans to finance from working funds on hand, funds from operations, short-term borrowings, or issuance of long-term debt securities.

Applicant states the purpose of the proposed facilities is to provide sufficient capacity to permit it to take the maximum prudent volume of natural gas supplies in Wyoming, to enable it to take an additional 8,000 Mcf of natural gas per day from El Paso Natural Gas Co. into its system, to enable it to meet increasing peak day requirements of its resale firm customers, and to offset declining reservoir pressures. Applicant states that no new gas supplies will be attached but that increased volumes from existing supplies will be utilized.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1108 Filed 1-25-72;8:46 am]

[Docket No. CP72-173]

COLUMBIA GAS TRANSMISSION CORP. ET AL.

Notice of Joint Application

JANUARY 18, 1972.

Take notice that on January 5, 1972, Columbia Gas Transmission Corp. (Columbia), 20 Montchanin Road, Wilmington, DE 19807, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, WV 26301, and Texas Eastern Transmission Corp. (Texas Eastern), Post Office Box 2521, Houston, TX 77001, filed in Docket No. CP72-173 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale, exchange and transportation of natural gas and the construction and operation of certain natural gas facilities in Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that Columbia and Consolidated have entered into an agreement whereby Columbia will exchange certain natural gas production properties and facilities in the Benezetee Field, Cameron, Clearfield, and Elk Counties, Pa., in return for certain production properties and facilities of Consolidated in the Artemas Field, Bedford County, Pa.; and Columbia, Consolidated and Texas Eastern have entered into an agreement for the exchange and transportation of the subject gas which supercedes three existing exchange agreements between the companies. Applicants seek authorization for the exchange of the remaining natural gas reserves of 2,082,000 Mcf in the Benezetee Field and 214,000 Mcf in the Artemas Field, for the resale by Consolidated of the difference in transferred gas reserves to Columbia at a price of 27.5 cents per Mcf plus a transportation charge of 9.5 cents, for the transportation of the subject gas as provided for in the exchange agreements, and for the construction and operation of a new delivery point by Consolidated. Cost to Consolidated of the delivery point is estimated to be $8,216 which it plans to finance from cash on hand. Applicants expect no other costs by reason of the proposed exchange of properties.

Applicants state that the proposed exchange is necessary in order for Columbia to proceed with the development and activation of the Artemas Storage Field which it requires in order to minimize its contract demand obligations with its suppliers, improve its overall operational load factor provide peak-day deliverability, and eliminate substantial mainline construction.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 8, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1109 Filed 1-25-72;8:46 am]

[Project 2524]

GRAND RIVER DAM AUTHORITY

Notice of Application for Amendment of License for Partially Constructed Project

JANUARY 19, 1972.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the Grand River Dam Authority (correspondence to Q. B. Boydstun, Consulting Attorney, Post Office Box 444, Fort Gibson, OK 74434) for amendment of license for partially constructed Project No. 2524, located on Chimney Rock Hollow and Little Saline Creek, in Mayes and Wagoner Counties, Okla.

The application seeks to delete from Article 30, paragraphs c and d, of the license, the commencement date of April 1, 1972, and the completion date of July 1, 1974, for Stage 3, and the commencement date of April 1, 1975, and completion date July 1, 1977, for Stage 4. Applicant wishes to amend Article 30 (c and d) to extend the commencement and completion dates of Stage 3 to April 1, 1974 and July 1, 1976, and for Stage 4, to April 1, 1977 and July 1, 1979.

Applicant states that the changes are necessary and desirable because the bonding authorization is insufficient at present for construction of Stages 3 and 4, and no increase from the Oklahoma legislature will be possible until after January 1972. Applicant states that it can fulfill its electric power requirements until 1976, the proposed date of completion for Stage 3.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1110 Filed 1-25-72;8:46 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application for Rate Change

JANUARY 20, 1972.

Take notice that on January 14, 1972, Texas Eastern Transmission Corp. (Texas Eastern) filed in Docket No. RP72-98 an application for an increase in its resale rates of approximately $32,830,000 annually.

The nature of the filing is set out in the Company's transmittal letter as follows: (1) Composed of Third Revised Volume No. 1 and Eighth Revised Sheets Nos. 232 and 235; (2) proposed to be effective as of February 13, 1972, which follows the end of the moratorium period established in Docket No. RP70-29; (3) includes a purchased gas adjustment clause; and (4) reflects an overall rate of return of 8.5 percent.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The Company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1111 Filed 1-25-72;8:46 am]

[Docket No. CI71-615]

TRIDENT OIL AND GAS CORP.[1]

Order Setting Matter for Hearing, Prescribing Procedure, and Granting Intervention

JANUARY 17, 1972.

On March 1, 1971, Trident Oil and Gas Corp. (Trident) filed an application for permission to abandon sales of natural gas to Texas Gas Transmission Corp. (Texas Gas) from acreage in the Monroe Field, Union, Ouachita, and Morehouse Parishes, North Louisiana.

In support of the proposed abandonment, Trident states that the volume of gas available from the dedicated acreage has declined to the point that continued operation of the wells and related gathering and compression facilities has become economically unfeasible. It is further stated that production from the forty wells involved has declined to an average of less than 20 Mcf per day per well.

On April 19, 1971, Texas Gas filed for leave to intervene in opposition to the proposed abandonment. In its petition, Texas Gas requests that the Commission set the matter for formal hearing for a determination of whether or not the dedicated reserves of natural gas have been depleted and other relevant issues.

Inherent in Texas Gas' stated opposition and issues to be delved into during the course of this proceeding are (1) whether the continuation of the service is uneconomical, (2) whether the available supply of gas is depleted to the extent that continuation of service is unwarranted, and depleted to the extent that no further production can be obtained, (3) whether the proposed abandonment is consistent with the contract terms, (4) whether relief available under section 4 of the Natural Gas Act has been sought, (5) what size rate increase, if any, is necessary to make the sale and delivery of gas economically feasible, and (6) whether the present or future public convenience and necessity permit such abandonment.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing on the matters presented in Trident's application to abandon service.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) Participation of the above-named petitioner (Texas Gas) may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act particularly sections 7, 15, and 18 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing February 8, 1972, at 10 a.m., e.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

(B) After the hearing has commenced and testimony submitted, the presiding examiner shall recess the proceedings in favor of a prehearing conference between the parties in order to facilitate the resolution of any issues and other related matters. If the parties are unable to reach an agreement then cross-examination shall proceed immediately.

(C) On or before February 1, 1972, Trident shall prepare and file with the Commission and serve, on the presiding examiner, the Commission's Staff, and Texas Gas, its direct testimony and exhibits in support of the application for abandonment of service.

(D) On or before February 1, 1972, Texas Gas shall file and serve, on the presiding examiner, the Commission staff, and Trident, prepared written testimony in support of its position.

(E) The above-named party, which has filed a petition to intervene herein, is hereby permitted to become an intervenor in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene: *And provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) A presiding Examiner to be designated by the Chief Examiner for that purpose shall preside at the hearing in this proceeding pursuant to the Commission rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1112 Filed 1-25-72;8:46 am]

[1] Trident Oil and Gas Corp., successor to H&H Oil and Gas Corp., received a small producer certificate in Docket No. CS71-513 which authorized it to continue sales previously made by H&H.

V37-17 JAN 26 72 XUM

[Docket No. CP71-166]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

JANUARY 19, 1972.

Take notice that on January 10, 1972, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, Tex. 77002, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71-166 a petition to amend the order of the Commission issued in subject docket on May 3, 1971, by authorizing two additional delivery points in Iberia and Plaquemines Parishes, La., and the exchange of certain volumes of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioners propose to exchange gas at an existing delivery point where CRA International, Inc., delivers gas to United in the Iberia Field, Iberia Parish, La., and at an existing delivery point in the Bastian Bay Field, Plaquemines Parish, La. The gas would be delivered by CRA to United for the account of Southern and by Phillips to Southern for the account of United. Petitioners state that the additional exchange points will assist in the operation of each company's system and provide added flexibility of operation and continuity of service to both.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1113 Filed 1-25-72;8:46 am]

[Docket No. RP72-6]

EL PASO NATURAL GAS CO.

Notice of Availability of Environmental Statement for Inspection

JANUARY 21, 1972.

Notice is hereby given that on January 21, 1972, in view of the Presiding Examiner's indication of the applicability of the procedures outlined by § 2.82(b) of the Commission regulations under Order No. 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with proposed revised tariff sheets to El Paso Natural Gas Co., FPC Gas Tariff Original Volume 1. These proposed revised tariff sheets were submitted pursuant to Commission Order No. 431 in Docket No. R-418. This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The revised environmental statement prepared by El Paso Natural Gas Co. pursuant to the wishes of the Presiding Examiner in the proceeding in Docket No. RP72-6 as stated in orders dated October 27, 1971, and November 23, 1971, pertains to a proposal by El Paso Natural Gas Co. to establish for its Southern Division Mainline System a curtailment policy necessitated by a present pipeline capacity limitation and possible future natural gas supply shortage. The proposal involves the establishment of a daily volumetric entitlement for its customers based on a maximum reliable capacity of the system and the procedure for curtailment in the event of a natural gas supply shortage.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene together with a detailed statement of the nature of the evidence to be submitted; written comments by persons not wishing to intervene may be filed for the Commission's consideration by March 6, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-1233 Filed 1-25-72;8:51 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANCORPORATION INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the voting shares of County Bank of St. Charles, St. Charles, Mo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the largest banking organization and largest bank holding company in Missouri on the basis of deposits, has five subsidiary banks with aggregate deposits of $1.12 billion, representing 9.8 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1971, adjusted to reflect holding company acquisitions and formations approved by the Board through November 30, 1971.) Consummation of the proposal herein would increase Applicant's share of commercial bank deposits in the State by less than 0.1 percentage point.

Bank ($9.7 million of deposits) is one of the smaller banks operating in the St. Louis banking market, and is the smallest of four banks in Bank's primary service area, which is approximated by St. Charles and the immediate surrounding area. The St. Charles area has enjoyed substantial population growth in the past, and the prospects for the area's economic growth appear highly favorable. Two of applicant's subsidiary banks, including its lead bank ($966 million deposits), are located in downtown St. Louis approximately 23 miles from Bank. While there appears to be some competition between Bank and applicant's subsidiaries in the St. Louis area, or some potential therefor, consummation of the proposed acquisition is not likely to substantially lessen competition nor to have any significant effect on competition in any relevant area. In light of the facts of record, notably the large number of banks in the St. Louis banking market (over 100), the existence of geographical barriers and the distance separating applicant's subsidiaries and Bank, and Missouri's restrictive branching laws, there seems to be little prospect for the development of significant competition between Bank and applicant's subsidiaries. Furthermore, consummation of the proposal herein is not likely to have any adverse effects on Bank's competitors nor would it raise any significant barriers to entry by others into the area; rather it would enable Bank to compete more effectively with the larger banks in its service area.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are all regarded as satisfactory and consistent with approval of the application. Applicant proposes to assist Bank in enlarging its mortgage lending services and in establishing additional services such as trust and bond services. The addition and expansion of such services should enhance Bank's ability to meet the expanding needs of its service area. Thus, considerations relating to the convenience and needs of the communities to be served lend weight in support of approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] January 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1094 Filed 1-25-72;8:45 am]

SOCIETY CORP.

Order Approving Acquisition of Bank

Society Corp., Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's prior approval under section 3(a)(3) of the Act (12 U.S.C. 1842 (a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The 1st State Bank & Trust Co., Columbus, Ohio (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls 11 banks with aggregate deposits of approximately $1,147 million, representing 5.2 percent of the total commercial bank deposits in Ohio and is the fifth largest banking organization in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved by the Board through November 30, 1971.) Consummation of the acquisition of Bank ($19 million deposits) would add less than 0.1 percent to applicant's percentage share of deposits and would not change its rank.

Though Bank is the ninth largest of 40 banking organizations in the Columbus area, it controls less than 1 percent of the area deposits. Applicant's acquisition of Bank would constitute its initial entry in the Columbus area. Applicant's nearest subsidiary to Bank is located over 25 miles away, and there is little existing competition between this subsidiary or any other of applicant's subsidiaries and Bank. Moreover, due to the distances involved and Ohio's branching law, and other facts of record, there appears to be only a slight possibility of substantial potential competition developing between any of applicant's subsidiaries, or applicant itself and Bank. On the other hand, applicant's acquisition of Bank should make the latter a stronger competitor in the Columbus area, which is dominated by three large holding companies. On the basis of the record before it, the Board considers that consummation of the proposal would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank appear to be satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application, since applicant proposes to expand Bank's trust services; to provide participation lending arrangements; and to institute a credit card program. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] January 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1095 Filed 1-25-72;8:45 am]

WYOMING BANCORPORATION

Acquisition of Banks

Wyoming Bancorporation, Cheyenne, Wyo., has applied in three separate applications, as set forth below, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire 58 percent or more of the voting shares of The First National Bank of Lander, Lander, Wyo.;

(2) To acquire 59 percent or more of the voting shares of The First National Bank of Rawlins, Rawlins, Wyo.; and

(3) To acquire 84 percent or more of the voting shares of Stockmans National Bank of Lusk, Lusk, Wyo.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 21, 1972.

Board of Governors of the Federal Reserve System, January 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1114 Filed 1-25-72;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Robertson.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Robertson.

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 93; I-NY-671]

CAPE VINCENT NATIONAL FISH HATCHERY, CAPE VINCENT, N.Y.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated December 29, 1971, the property known as the Cape Vincent National Fish Hatchery, Cape Vincent, N.Y., consisting of 31.98 acres of land with water and sewage line easement and improvements, and more particularly described in the deed, has been transferred from the United States to the State of New York.

2. The above described property was transferred for fish and wildlife purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b).

Dated: January 17, 1972.

RICHARD W. AUSTIN,
Assistant Commissioner, Office of Real Property.

[FR Doc.72-1146 Filed 1-25-72;8:50 am]

[Federal Property Management Regs.; Temporary Reg. F-132]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the State Corporation Commission of Kansas in a proceeding (Docket No. 92,581-U) involving the application of the Kansas Gas and Electric Co. for a rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with

V 37 17 JAN 26 72 XUM

the responsible officers, officials, and employees thereof.

ROD KREGER,
Acting Administrator of General Services.

JANUARY 19, 1972.

[FR Doc.72-1148 Filed 1-25-72;8:49 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-1]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Pioneer F/G Program of the National Aeronautics and Space Administration.

Comments on the draft Environmental Statement for the Pioneer F/G Program were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of August 25, 1971.

Copies of the draft statement were sent to the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency.

Copies of the final statement will be furnished to the Office of Management and Budget and the Council on Environmental Quality.

Copies of the final statement may be purchased (price $1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla., 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 2100 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room 3-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 17th day of January 1971.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72-1100 Filed 1-25-72;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5129]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Installment Notes to Holding Company

JANUARY 20, 1972.

Notice is hereby given that the Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, DE 19807, a registered holding company, and its wholly-owned subsidiary companies listed above have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9, 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The subsidiary companies have outstanding unsecured promissory notes payable to Columbia, maturing February 25, 1972, and issued during 1969 and 1970 to provide funds for construction, as follows:

Columbia Gas Transmission Corp	$32,600,000
Columbia Gas of Kentucky, Inc.	1,030,000
Columbia Gas of Virginia, Inc.	655,000
Columbia Gas of Ohio, Inc.	7,540,000
The Ohio Valley Gas Co.	1,035,000
The Preston Oil Co.	1,040,000
Columbia Gas of Pennsylvania, Inc	2,785,000
Columbia Gas of New York, Inc.	275,000
Columbia Gas of Maryland, Inc.	505,000
Columbia Gulf Transmission Co	40,795,000
The Inland Gas Co., Inc.	50,000
Columbia Gas of West Virginia, Inc	1,060,000
Columbia Gas Development Corp	10,630,000
Total	100,000,000

It is now proposed that the above-mentioned unsecured promissory notes be repaid from the proceeds of the issuance and sale to Columbia of a like amount of 25-year installment promissory notes, divided equally by each subsidiary company into two series designated A and B. The notes will be nonregistered and dated the date of their issue. The principal amount will be due in 25 equal annual installments on May 31 of each of the years 1973 to 1997, inclusive. Interest is to be paid semiannually on May 31 and November 30 on the unpaid principal thereof, commencing on May 31, 1972. Initially, the interest rate will be the minimum commercial lending rate in effect from time to time at Morgan Guaranty Trust Co. of New York (Morgan), which is equal to the interest rate on Columbia's proposed short-term bank loans (File No. 70-5124). With respect to the above-mentioned Series A notes, the minimum commercial lending rate at Morgan will be in effect from the date of their issue to May 25, 1972; and with respect to the Series B notes, the minimum commercial lending rate at Morgan will be in effect from the date of their issue to January 25, 1973. Such periods coincide with the dates of Columbia's obligation to repay the aforementioned proposed short-term bank loans. The proposed installment promissory notes, both the Series A and Series B notes, will, after May 25, 1972, and January 25, 1973, respectively, each bear interest at a rate equal to Columbia's cost of money on its last sale of debentures prior to said dates decreased by an amount necessary in order that the interest rate be a multiple of 1/10 of 1 percent.

The application-declaration states that expenses to be incurred by Columbia and its subsidiary companies in connection with the proposed transactions are estimated at $75 and $750, respectively, and that $550 of these aggregate expenses are for services, at cost, to be provided by Columbia Gas System Service Corp.

It is further stated that authorizations of the sale of securities are required from the Public Service Commission of West Virginia, the Kentucky Public Service Commission, the State Corporation Commission of Virginia, the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, and the New York Public Service Commission, and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 14, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as

provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1117 Filed 1-25-72;8:47 am]

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

The VA (Veterans Administration) statement of organization (32 F.R. 9767, 34 F.R. 14406) is amended to read as follows:

1. In section 1, *General*, paragraph (b)(2) is amended to read as follows:

SECTION 1. *General.* • • •

(b) *General description of organization.* • • •

(2) The VA is organizationally divided as follows: (i) *The Central Office.* The Central Office of the VA consists of the following staff offices and departments:

STAFF OFFICES

Information Service.
Office of the Controller.
Office of the General Counsel.
Office of Management and Evaluation.
Contract Compliance Service.
Office of Construction.
Office of Personnel.
Office of Administrative Services.

DEPARTMENTS

Department of Medicine and Surgery.
Department of Veterans Benefits.
Department of Data Management.

(ii) *The Field stations.* This term applies to Veterans Administration installations located in the field, and includes the following:

Insurance centers.
Regional offices.
Veterans Benefits Office—District of Columbia.
Hospitals.
VA centers.
Domiciliaries.
Outpatient clinics.
VA offices.
Supply depots.
Marketing center.
Forms and publications depot.
Data processing centers.

2. In section 2, *Central Office*, paragraph (a), subparagraphs (3) and (4) are amended and subparagraphs (6) and (8) are revoked as follows:

SEC. 2. *Central Office*—(a) *Office of the Administrator.* • • •

(3) *Associate Deputy Administrator.* (i) The Associate Deputy Administrator assists the Administrator and the Deputy Administrator in the overall administration of the VA. He has primary responsibility in the areas of construction and administrative services. He is responsible for coordination of the VA construction function and for relations external to the agency dealing with construction. He acts for the Deputy Administrator in the latter's absence and for the Administrator in the absence of both the Administor and the Deputy Administrator.

(ii) The Assistant Administrator for Construction and the Manager, Administrative Services, report to the Administrator and the Deputy Administrator through the Associate Deputy Administrator.

(4) *Assistant Deputy Administrator.* (i) The Assistant Deputy Administrator, as full assistant to the Administrator and the Deputy Administrator, participates in high-level policy discussions and contributes recommendations regarding solutions of problems and decisions to be made on all programs administered by VA. As directed, he represents the Administrator with the Congress, and other Federal agencies. He is responsible for the VA's emergency planning functions. He also acts for the Associate Deputy Administrator in the latter's absence and for the Deputy Administrator in the absence of both the Deputy Administrator and the Associate Deputy Administrator.

(ii) The Director, Contract Compliance Service, reports to the Administrator and Deputy Administrator through the Assistant Deputy Administrator.

• • • • • •

(6) *Office of the Executive Assistant.* [Revoked]

• • • • • •

(8) *Administrator's Advisory Council.* [Revoked]

• • • • • •

3. In section 2, *Central Office*, paragraph (b), subparagraphs (2)(vii), (4), (5), and (6)(viii) are amended and subparagraph (3)(xv), (xvi), and (xviii) is added so that the amended and added material reads as follows:

(b) *Staff offices.* • • •

(2) *Office of the Controller.* The Controller: • • •

(vii) Conducts surveys and reviews, and prepares analyses of recommendations on financial management problems in current and long-range plans, agency-wide.

• • • • • •

(3) *Office of the General Counsel.* The General Counsel: • • •

(xv) As the designee of the Administrator, makes the agency decision on formal complaints of discrimination filed by VA employees or qualified applicants for employment.

(xvi) Represents the VA during proceedings in cases coming within the purview of title VI of the Civil Rights Act of 1964, after a determination that compliance cannot be secured by voluntary means.

(xvii) Prepares the Government defense in case of appeals of contractors from decisions of VA contracting officers under construction, architect-engineer, and supply contracts, in Central Office and at field stations. Represents the VA contracting officers before the VA Contract Appeals Board and provides counsel to represent the Government in appeals under supply contracts.

(4) *Office of Management and Evaluation.* The Assistant Administrator for Management and Evaluation: (i) Formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(a) Management engineering (including specific programs such as manpower utilization and systematic reviews of programs and operations).

(b) Internal audits and program reviews.

(c) Fiscal audits.

(d) Appraisal programs.

(e) Paperwork management.

(f) Investigation.

(g) Security.

(ii) Seeks out new ideas, new skills, new methods, and technologies in the field of management engineering and in collaboration with the departments and staff offices selectively facilitates their implementation in the VA, through programs of education, demonstration, and use.

(iii) Directs the conduct of necessary studies and research to determine policy requirement in the above areas.

(iv) Directs the conduct of systems analysis studies, surveys, and special studies authorized by the Administrator, Deputy Administrator, or Associate Deputy Administrator of Veterans Affairs.

(v) Formulates criteria for the development and operation of management and operating standards systems.

(vi) Provides needed technical staff management engineering assistance to department and staff office heads.

(vii) Conducts internal audits of all activities and elements and reviews all programs of VA as a basis for protective and constructive service to management.

(viii) Conducts fiscal audits of all activities and elements of VA.

(ix) Conducts administrative investigations covering all activities of the VA as well as of individuals and organizations having dealings with the VA.

(x) Operates a technical laboratory for the examination, analysis, identification, and classification of handwriting, typewriting, questioned documents, fingerprints, and other material subject to laboratory analysis.

(xi) Conducts a VA-wide personnel and document security program.

(xii) Submits appraisals and reports for the use of the Administrator, Deputy Administrator, or Associate Deputy Administrator of Veterans Affairs; disseminates information from these reports to the heads of departments and other top officials; and maintains controls to assure that corrective action is accomplished by the responsible officials in accordance with instructions of the Administrator.

(xiii) Furnishes advice, guidance, and assistance to the Administrator, department heads, and top staff officials in connection with the above activities.

V 37 17 JAN 26 72 XUM

(xiv) Appraises and evaluates the effectiveness and economy of the above activities for the Administrator.

(xv) Maintains liaison and acts in cooperation with the officials of other offices and agencies of the Government on these matters.

(xvi) Coordinates review and evaluation of General Accounting Office reports concerning VA matters, including summary reports to the Office of Management and Budget.

(xvii) Provides staff leadership for such programs as cost reduction, management improvement, and Federal Executive Board activities.

(5) *Contract Compliance Service.* The Director: (i) Formulates and recommends to the Administrator basic policies, plans and procedures pertaining to the following activities:

(*a*) Contract compliance program under Executive Order 11246.

(*b*) Title VI (Public Law 88–352) compliance Survey program as it relates to proprietary schools and other specified training institutions.

(*c*) Coordination of agency's other title VI programs.

(ii) Serves as an advisor to the Administrator on civil rights matters relating to veterans benefits and medical programs administered by the VA.

(iii) Directs the conduct of necessary studies, surveys, and analyses needed to determine policy requirements in the above areas.

(iv) Furnishes advice and guidance to department heads and top staff officials in connection with the above activities.

(v) Maintains liaison with officials of departments and other agencies of the Government in connection with the above activities.

(vi) Serves as VA Contract Compliance Officer.

(vii) Serves as Agency Coordinator for title VI programs.

(6) *Office of Construction.* The Assistant Administrator for Construction: • • •

(viii) Acts as duly authorized representative of the Administrator under provisions of contracts related to assigned activities except hearing and decision appeals from the decisions of the VA Contracting Officers.

• • • • •

4. In section 2, *Central Office,* paragraph (c), subparagraph (1) is revised to read as follows:

(c) *Departments*—(1) *Department of Medicine and Surgery.* The Chief Medical Director has jurisdiction over and is responsible to the Administrator for the proper conduct of the activities of the Department of Medicine and Surgery; insures complete medical and hospital service for the medical care and treatment of veterans as prescribed by the Administrator of Veterans Affairs pursuant to title 38, United States Code, and other statutory authority and regulations. Formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to accident prevention, fire prevention, and fire protection.

The Deputy Chief Medical Director serves as the immediate and full assistant to the Chief Medical Director and, as delegated by him or in his absence, performs any statutory or other duty which he is required or authorized to perform with respect to the department.

The Associate Deputy Chief Medical Director serves as an assistant to the Chief Medical Director and the Deputy Chief Medical Director.

The Executive Assistant assists the Chief Medical Director and the Deputy Chief Medical Director in the discharge of their duties; serves as their principal staff advisor and representative on administrative matters in the field of hospital, clinic, and domiciliary administration. Provides leadership and advice at all echelons of the organization on management problems relating to the mission and operation of the department; provides general guidance to adjunct staff elements.

The Associate Deputy Chief Medical Director for Field Operations exercises direct line supervision from the Office of the Chief Medical Director to the field station Directors through the Regional Medical Directors for the overall operation of Department of Medicine and Surgery field stations. Works in close collaboration with the Assistant Chief Medical Directors in directing and coordinating systemwide departmental field operations.

(i) *Office of the Assistant Chief Medical Director for Professional Services.* The Assistant Chief Medical Director for Professional Services: (*a*) Is responsible to the Chief Medical Director for the clinical and clinical support programs of the Department of Medicine and Surgery.

(*b*) Advises and assists the Chief Medical Director and his staff (including Regional Medical Directors) on all clinical and clinical support matters.

(*c*) Provides leadership and direction toward the attainment of a high quality of care and treatment in VA health care facilities.

(*d*) Provides support, guidance, and coordinated direction for the Directors of Professional Services and Special Staffs in carrying out their assigned responsibilities and evaluates performance.

(*e*) Recommends policies, plans, and objectives pertaining to Administrative Assistants to the Chiefs of Staff.

(ii) *Office of the Assistant Chief Medical Director for Research and Education in Medicine.* The Assistant Chief Medical Director for Research and Education in Medicine: (*a*) Formulates and recommends policies and plans of department-wide application pertaining to programs of research and education in medicine.

(*b*) Develops and administers a coordinated research program.

(*c*) Develops and coordinates programs of medical, paramedical, and medical administrative education.

(*d*) Appraises the effectiveness of policies and plans pertaining to research and education in medicine activities.

(*e*) Collects and disseminates information of a purely professional, scientific or technical, nondirective nature to research and education staffs in hospitals, domiciliaries, clinics, and restoration centers.

(iii) *Office of the Assistant Chief Medical Director for Dentistry.* The Assistant Chief Medical Director for Dentistry: (*a*) Formulates and recommends policies, plans and professional standards, of department-wide application, pertaining to a program of dental care.

(*b*) Develops and recommends standards governing kinds and quality of staff, facilities, equipment, and supplies needed for an integrated program of dental care. Collaborates with the Assistant Chief Medical Directors and other elements of the Chief Medical Director's staff in developing and maintaining unified planning and operations.

(*c*) Appraises the effectiveness of policies and plans pertaining to the dental service, and the validity of professional standards.

(*d*) Collects and disseminates information of a purely professional, nondirective nature, dealing with clinical and scientific matters, to professional staffs of hospitals, domiciliaries, clinics, and restoration centers.

(*e*) Maintains liaison with dental activities in other Federal agencies and dental organizations.

(*f*) To the extent delegated by the Chief Medical Director has jurisdiction over and responsibility for the conduct of the dental activities.

(iv) *Office of the Assistant Chief Medical Director for Administration and Facilities.* The Assistant Chief Medical Director for Administration and Facilities: (*a*) Is assigned responsibility for the supervision and management of departmental activities relating to health care facilities, building management, canteen, engineering, medical administration, supply, safety and fire protection, management analyst program, and emergency planning coordination.

(*b*) Takes independent action on the field activation and deactivation instructions and coordination of their implementation, which does not require the personal attention of the Chief Medical Director.

(v) *Office of the Assistant Chief Medical Director for Planning and Evaluation.* The Assistant Chief Medical Director for Planning and Evaluation: (*a*) Manages a staff activity relating to department-wide planning, design of evaluation and quality control techniques, health systems research and development, sharing programs and data management liaison.

(*b*) Coordinates clinical and clinical support services with operating and research activities to achieve unified planning and consistent policies and objectives for a total program of medical care, education, training, and research.

(*c*) Assists in the development of professional standards for the kinds and quality of staff, facilities, equipment, and supplies needed by the approved medical program.

(*d*) Appraises department-wide medical operations for conformance with

established policies, standards, and objectives.

(*e*) Collects and disseminates pertinent professional and technical information relating to his areas of responsibility.

(*f*) Maintains close rapport with non-VA professional and allied health care groups, agencies, and individuals.

(*g*) Recommends policies and develops techniques, programs, and plans concerning audits and surveys conducted by elements internal and external to the VA of the department's programs and activities in Central Office and field installations. These audits and surveys evaluate policies, management, operations, quality of care, organization and manpower utilization. Evaluates effectiveness of survey techniques and methodologies used by the department.

(*h*) Responsible for departmental coordination and liaison with the Department of Data Management on all matters relating to developmental activities effecting operating programs and changes in health care delivery systems.

(*i*) As required, reviews proposed facility modernization and alteration plans to assure that they incorporate the most effective and economical design, systems, and equipment for accomplishment of mission objectives.

(*j*) Develops facility evaluation criteria with the advice and assistance of concerned program officials.

(vi) *Regional Medical Directors.* The director: (*a*) Is responsible to the Associate Deputy Chief Medical Director for Field Operations for the supervision of field stations within assigned geographical boundaries.

(*b*) Participates with field station management and Central Office staff in the establishment and revision of station missions.

(*c*) Participates with Central Office staff in evaluating and establishing priorities for all special medical treatment programs and facilities.

(*d*) Appraises and evaluates the management effectiveness of field station operations and quality of medical care programs through the use of intra-VA and extra-VA specialty consultants. Conducts comprehensive surveys and special visits to evaluate policies, management, operations, and manpower utilization.

(*e*) Provides the Associate Deputy Chief Medical Director (for Field Operations) with current and objective information on the total operation of individual field stations.

(*f*) Coordinates effective working relationships between field stations and affiliated training and health care institutions.

(*g*) Assures that all approved recommendations regarding operations of field stations made by Internal Audit, General Accounting Office and the Joint Commission on Accreditation of Hospitals are implemented by management.

5. In section 2, *Central Office,* paragraph (c), subparagraph (3), subdivisions (iv) (*a*) and (*d*) and (vi) (*a*) are amended to read as follows:

(c) *Departments*—(3) *Department of Veterans Benefits.* • • •

(iv) *Program Planning and Budgeting Service.* The Director, Program Planning and Budgeting Service: (*a*) Formulates, upon consultation with staff officials, and recommends to the Chief Benefits Director, policies, plans, and procedures pertaining to the following activities of the department:

(*1*) Budgetary programs.

(*2*) Planning-Programing-Budgeting system.

(*3*) Adequacy, efficiency and quality of finance field operations.

(*4*) ADP input—Compensation, Pension, and Education systems.

(*5*) Internal Management Program.

(*6*) Establishment and maintenance of standards: Work measurement, quality, management, and evaluation.

(*7*) Management improvement and manpower utilization programs.

(*8*) Research activities.

• • • • •

(*d*) Responsible for the continuing development and support of the Planning-Programing-Budgeting system in the department, and presenting the program and financial plans and program memorandums, including systematic analysis of programs and special analytic studies.

• • • • •

(vi) *Veterans Assistance and Administrative Service.* The Director, Veterans Assistance and Administrative Service: (*a*) Formulates and recommends to the Chief Benefits Director policies, plans, regulations, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(*1*) A Veterans assistance program at regional offices/centers, hospitals, veterans assistance centers, VA offices, and other locations to furnish information, advice, and assistance relating to rights, benefits, and the preparation and development of claims under laws affecting veterans administered by the VA or other agencies; a departmentwide program of social service activities; and a program of special telephone (foreign exchange and wide area telephone service) service for toll free communication with distant regional offices.

(*2*) A program of providing information and benefit assistance to separatees from military service at Armed Forces hospitals, separation points and other military establishments, both overseas and in continental United States.

(*3*) Participation by Veterans Assistance Counselors and Community Service Specialists in the VA Drug Dependence Treatment Centers and Clinics.

(*4*) Foreign affairs, including veterans' services in foreign countries and U.S. possessions not under regional office jurisdiction; liaison with Department of State employees at embassies and consulates on VA benefits; negotiation of reciprocal agreements with foreign governments on veterans benefits; reception of foreign visitors; and furnishing of information on foreign travel.

(*5*) Matters relating to the administration of the Manila regional office, including performance of certain functions for the Social Security Administration in the Philippines.

(*6*) Release of information from VA records to veterans, their dependents, service and other authorized representatives, Government agencies, private organizations and attorneys.

(*7*) Accepting or revoking powers of attorney, including declarations of representation received from private attorneys or agents. Recommends administrative practices and techniques whereby field stations may effectively apply provisions of regulations and changes thereto. Maintains liaison with concerned elements within VA and service organizations with respect to changes in regulations affecting operating procedures on a departmentwide basis.

(*8*) An Administrative Services program involving records management; initial development of claims for benefits; correspondence management; centralized field station remote control dictating system; publications, forms, and form letter management; release of information from other than claimant records; office machines and equipment; transportation; telecommunications; general office practices, liaison in connection with real and personal property management involving acquisition, utilization, disposition of field office space, and safety and fire prevention activities; and a records processing center with nationwide activities.

• • • • •

6. In section 3, the introductory portion and paragraphs (a), (b), (d), (j), and (k) are amended to read as follows:

SEC. 3. *Field Stations.* VA centers, domiciliaries, hospitals, insurance centers, data processing centers, and regional offices, located throughout the United States, and the Veterans Benefits Office, located in the District of Columbia, facilitate the granting of benefits provided for veterans and their dependents. Under the jurisdiction of regional offices are located VA offices to render service to veterans nearer their homes. Outside the United States, a regional office is located in the Philippines and a Veterans Administration center (hospital and regional office) is located at San Juan, P.R.

(a) *Insurance Centers.* The VA, Department of Veterans Benefits, operates Insurance field activities through two VA Centers—at Philadelphia and St. Paul. They provide policy, underwriting and insurance claims service to servicemen and veterans within assigned geographical areas, as well as insurance death settlements to surviving beneficiaries. All WW I U.S. Government Life Insurance policyholders, and those with WW II National Service Life Insurance who pay premiums by allotment from service department or qualifying employer pay or deduction from VA benefit

V37-17 JAN 26 72 XUM

payments are serviced only at the Philadelphia VA Center. All remaining accounts are distributed between Philadelphia and St. Paul based on their areas of jurisdiction (the Mississippi River is the approximate dividing line).

(b) *Regional Office.* A VA regional office is a field station which grants benefits and services provided by law for veterans, their dependents, and beneficiaries within an assigned territory; furnishes information regarding VA benefits and services; adjudicates claims and makes awards for disability compensation and pension; determines eligibility for hospitalization; handles guardianship and fiduciary matters and authorized legal proceedings; aids, guides, and prescribes vocational rehabilitation training and administers educational benefits; guarantees loans for purchase or construction of homes, farms, or business property and, under certain conditions, makes direct home loans; processes death claims; aids and otherwise assists the veteran in exercising his rights to benefits and services; and supervises VA offices under its jurisdiction. The regional office is also responsible for U.S. Veterans Assistance Centers in large urban areas and coordination of efforts of participating agencies in a "reach out" program to assist returning servicemen, particularly those who are educationally disadvantaged.

• • • • •

(d) *Hospital.* A VA hospital is an organizational element established to provide eligible beneficiaries with medical care at a level comparable with the best civilian institutions treating similar types of illnesses. Hospitals are generally classified as General or Psychiatric indicating the major type of treatment. Generally, hospitals are equipped to render more than one type of treatment and some hospitals have facilities for highly specialized services. Many hospitals also have nursing home care units and several operate restoration centers. Hospitals are frequently affiliated with medical schools for residency and intern training, participate with universities in programs of allied health personnel training and conduct medical and prosthetic research programs.

• • • • •

(j) *Data Processing Center.* A VA Data Processing Center (DPC) is responsible for the implementation and maintenance of automated systems developed to support VA medical, veterans benefits and administrative programs. There are nine strategically located DPCs in the United States at Atlanta, Ga.; Austin, Tex.; Boston, Mass.; Hines, Ill.; Los Angeles, Calif.; Philadelphia, Pa.; St. Louis, Mo.; St. Paul Minn.; Washington, D.C.; and one in Manila, Republic of the Philippines.

(k) *Services to veterans in foreign countries.* Services to veterans in foreign countries are normally provided by the Veterans Benefits Office, in cooperation with embassy staffs of the Department of State. Additional services are provided by the Manila Regional Office, Republic of the Philippines.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-1135 Filed 1-25-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 21, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 75651 Sub 69, R. C. Motor Lines, Inc., continued to February 9, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116763 Sub 190, Carl Subler Trucking, Inc., heard January 13, 1972, at Miami, Fla., and continued to March 20-22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133470 Sub 4, S. J. Durrance, now assigned February 1, 1972, at Atlanta, Ga., is postponed indefinitely.

MC-F 11185, Terminal Transport Co., Inc.—purchase (portion)—Michigan Express, Inc. and Cushman Motor Delivery Co., MC-F 11252, IML Freight, Inc.—purchase (portion)—Michigan Express, Inc., assigned February 14, 1972, will be held in the La Salle Hotel, 10 North La Salle Street, Chicago, IL.

MC 135574, Parthurst Motor Freight Co., assigned February 7, 1972, will be held in the V.A. Conference Room 243, Courthouse Building, Broad and Eighth Streets, Nashville, TN.

MC 133095 Sub 6, Texas Continental Express, Inc., assigned February 23, 1972, will be held in Room 8B37 Federal Building, 1100 Commerce Street, Dallas, TX.

No. 35085, Edward S. Watts, et al. v. Missouri-Kansas-Texas Railroad Co., assigned February 28, 1972, in Room 16B3 Federal Building, 1100 Commerce Street, Dallas, TX.

MC 29886 Sub 272, Dallas & Mavis Forwarding Co., assigned for hearing March 13, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 60437 Sub 6, Edgar J. Mason, doing business as Mason's Transfer, assigned for hearing March 14, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61048 Sub 12, Leonard Express, Inc., assigned for hearing March 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 62499 Sub 11, Hagertown Motor Express Co., Inc., assigned for hearing March 13, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123407 Sub 88, Sawyer Transport, Inc., assigned for hearing March 14, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123639 Sub 139, J. B. Montgomery, Inc., assigned for hearing March 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123902 Sub 4, North Jersey Transfer, Inc., assigned for hearing March 15, 1972, at the Offices of the Interstate Commerce Commission, Washintgon, D.C.

MC 126102 Sub 6, Anderson Motor Lines, heard January 19, 1972, at Washington, D.C., has been continued to February 7, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 117199 Sub 438, Willis Shaw Frozen Express, Inc., assigned February 22, 1972, MC 133615 Sub 3, Raymond L. Nelson and Patrick Fitzmorris, doing business as Brick Cartage Co., assigned February 24, 1972, will be held in Room 16B3 Federal Building, 1100 Commerce Street, Dallas, TX.

MC 108298 Sub 32, Ellis Trucking Co., Inc., assigned February 8, 1972, at Chicago, Ill., canceled and application dismissed.

MC 121339 Sub 1, Econ, Inc., assigned February 23, 1972, at Chicago, Ill., is canceled.

MC 51146 Sub 222, Schneider Transport & Storage, Inc., assigned February 14, 1972, MC 51146 Sub 219, Schneider Transport & Storage, Inc., assigned February 7, 1972, MC 107496 Sub 810, Ruan Transport Corp., assigned February 10, 1972, MC 109397 Sub 257, Tri-State Motor Transit Co., assigned February 11, 1972, MC 113678 Sub 421, Curtis, Inc., assigned February 8, 1972, MC 113855 Sub 243, International Transport, Inc., assigned February 16, 1972, MC 114211 Sub 152, Warren Transport, Inc., assigned February 16, 1972, MC 117574 Sub 200, Daily Express, Inc., assigned February 16, 1972, MC 124174 Sub 87, Momsen Trucking Co., assigned February 15, 1972, and MC 128273 Sub 94, Midwestern Express, Inc., assigned February 17, 1972, in Room 1736, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1160 Filed 1-25-72;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 21, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42338—*Calcium chloride from Amherstburg and Quarries, Ontario, Canada.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3013), for interested rail carriers. Rates on calcium chloride, in carloads, as described in the application, from Amherstburg and Quarries, Ontario, Canada, to points in official territory, including points in northern Illinois and southern Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 86 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-733. Rates are published to become effective on February 18, 1972.

FSA No. 42339—*Iron or steel sheet from Ashland, Ky.* Filed by M. B. Hart, Jr., agent (No. A6294), for interested rail carriers. Rates on iron or steel sheet, in carloads, as described in the application, from Ashland, Ky., to Clinton, Miss.

Grounds for relief—Rate relationship.

Tariff—Supplement 52 to Southern Freight Association, agent, tariff ICC S-907. Rates are published to become effective on February 28, 1972.

FSA No. 42340—*Iron and steel articles between points in Illinois Freight Association Territory.* Filed by Illinois Freight Association, agent (No. 373), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from and to points in Illinois Freight Association territory.

Grounds for relief—Carrier competition.

Tariff—Supplement 148 to Illinois Freight Association, agent, tariff ICC 1087. Rates are published to become effective on February 7, 1972.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1159 Filed 1-25-72;8:50 am]

[No. MC-C-6829].

GREYHOUND LINES

Limitation of Free Baggage Allowance; Extension of Time

JANUARY 14, 1972.

At the request of Mr. John S. Fessenden, attorney for respondent, the time for filing initial statements has been extended from January 26, 1972, to March 13, 1972. The time for filing reply statements has been extended from February 28, 1972, to April 12, 1972.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1152 Filed 1-25-72;8:50 am]

[Notice 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 21, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules-motor carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No MC-109780 (Deviation No. 39), CONTINENTAL TRAILWAYS, INC., 300 South Broadway Avenue, Wichita, KS 67201, filed January 10, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 54 and Interstate Highway 57 near Onarga, Ill., over Interstate Highway 57 to junction Interstate Highway 72, thence over Interstate Highway 72 to junction Illinois Highway 47, thence over Illinois Highway 47 to junction Illinois Highway 48 near Cisco, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 41 to Hammond, Ind., thence over U.S. Highway 6 to Harvey, Ill. (also from Hammond over Sibley Boulevard to Harvey), thence over U.S. Highway 54 via Kankakee, Ill. to junction Illinois Highway 115, thence over Illinois Highway 115 to junction U.S. Highway 54, thence over U.S. Highway 54 to Fullerton, Ill., thence over Illinois Highway 48 to junction U.S. Highway 66, thence over U.S. Highway 66 via Litchfield, Ill., to junction unnumbered highway near Mount Olive, Ill., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1155 Filed 1-25-72;8:50 am]

[Notice 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 21, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules-motor carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-223 (Deviation No. 1), LOGAN VALLEY TRANSFER, INC., Lyons, Nebr. 68038, filed January 10, 1972. Carrier's representative: Winston W. Hurd, 2360 West County Road C, St. Paul, MN 55113. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Omaha, Nebr., over Interstate Highway 680 to junction Nebraska Highway 133, thence over Nebraska Highway 133 to junction U.S. Highway 30, thence over U.S. Highway 30 to Blair, Nebr., and (2) from Tekamah, Nebr., over U.S. Highway 73 to junction U.S. Highway 77 at or near Winnebago, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Lyons, Nebr., over U.S. Highway 77 to junction Nebraska Highway 32, thence over Nebraska Highway 32 to Tekamah, Nebr., thence over U.S. Highway 73 to Omaha, Nebr., (2) from Lyons, Nebr., over U.S. Highway 77 to Fremont, Nebr., thence over U.S. Highway 275 to Omaha, Nebr., and (3) from Lyons, Nebr., over U.S. Highway 77 to Sioux City, Iowa, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1156 Filed 1-25-72;8:50 am]

[Notice 5]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 21, 1972.

The following publications are governed by the new special rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 107103 (Sub-No. 6) (Amendment), filed May 20, 1971, published in the FEDERAL REGISTER issue of June 10, 1971, and republished as amended this

V 37-17 JAN 26 72 XUM

issue. Applicant: ROBINSON CARTAGE CO., a corporation, 2712 Chicago Drive SW., Grand Rapids, MI 49509. Applicant's representative: Robert D. Schuler, One Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment or specialized handling, and *related machinery parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which because of size or weight require the use of special equipment or specialized handling, from points in Muskegon, Ottawa, and Kent Counties, Mich., and Holland, Mich., to points in the United States (except those in Alaska, Connecticut, Hawaii, Illinois, Wisconsin, Maryland, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and West Virginia), restricted: (1) Against the transportation of boats (2) to traffic originating at the named origin points (3) against the joinder of said authority with authority presently held by carrier with the purpose of performing a through service. NOTE: The purpose of this republication is (1) to reflect a change in the scope of the authority sought, and (2) include the hearing information. Hearing: Remains as assigned, February 28, 1972, at Chicago, Ill., location of hearing room will be by subsequent notice.

No. MC 118989 (Sub-No. 32) (republication), filed July 16, 1969, published in the FEDERAL REGISTER issue of August 14, 1969, and republished this issue. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. A decision and order of the Commission, Review Board No. 2, dated December 9, 1971, and served January 18, 1972, finds: that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of containers, metal, paper, plastic, or composite (1) from the plant and warehouse sites of American Can Co., at Cook and Kane Counties, Ill., Hoopeston, Ill., Indianapolis and Austin, Ind., Detroit, Mich., Kansas City and St. Louis, Mo., Delaware, Ohio, and Milwaukee, Wis., to points in Illinois, Iowa, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin; (2) from the plant and warehouse sites of Continental Can Co., at Cook County, Ill., Detroit, Mich., St. Louis, Mo., and Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, the Lower Peninsula of Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin; (3) (a) from the plant and warehouse sites of Inland Container Corp. at Cook County, Ill., Detroit, Mich., and Milwaukee, Wis., to points in Illinois, Indiana (except from Cook County), Iowa, Kansas, Kentucky, the Lower Peninsula of Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin; and (b) from the plant and warehouse sites of Inland Container Corp. at St. Louis, Mo., to points in Tennessee, Ohio, Kentucky, and Indiana (except those on, south and west of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 50 to junction U.S. Highway 231, and thence along U.S. Highway 231 to the Indiana-Kentucky State line). Restriction: The above authority is restricted to the transportation of traffic orginating at and destined to the named points. The authority granted to applicant herein and that heretofore granted shall be construed as conferring only a single operating right, and shall not be severable by sale or otherwise. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted to applicant will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119531 (Sub-No. 120) (republication), filed July 24, 1969, published in the FEDERAL REGISTER issue of August 21, 1969, and republished this issue. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, OH 45226. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, IL 60602. A decision and order of the Commission, Review Board No. 2, dated December 9, 1971, and served January 18, 1972, finds: that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of containers, metal, paper, plastic, or composite (1) from the plant and warehouse sites of American Can Co., at Cook and Kane Counties, Ill.; Hoopeston, Ill., Indianapolis and Austin, Ind., Detroit, Mich., Kansas City and St. Louis, Mo., Delaware, Ohio, and Milwaukee, Wis., to points in Illinois, Iowa, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin; (2) from the plant and warehouse sites of Continental Can Co., at Cook County, Ill., Detroit, Mich., St. Louis, Mo., and Milwaukee, Wis., to points in Illinois, Iowa, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan Minnesota, Missouri, Ohio, Tennessee, and Wisconsin; (3) (a) from the plant and warehouse sites of Inland Container Corp. at Cook County, Ill., Detroit, Mich., and Milwaukee, Wis., to points in Illinois, Indiana (except from Cook County), Iowa, Kansas, Kentucky, the Lower Peninsula of Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin; and (b) from the plant and warehouse sites of Inland Container Corp. at St. Louis, Mo., to points in Tennessee, Ohio, Kentucky, Indiana (except those on, south and west of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 50 to junction U.S. Highway 231, and thence along U.S. Highway 231 to the Indiana-Kentucky State line). Restriction: The above authority is restricted to the transportation of traffic originating at and destined to the named points. The authority granted to applicant herein and that heretofore granted shall be construed as conferring only a single operating right, and shall not be severable by sale or otherwise. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted to applicant will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICES OF FILING OF PETITIONS

No. MC 52598 (Notice of Filing of Petition to Modify Permit), filed December 29, 1971. Petitioner: SIOUX CITY REFRIGERATED EXPRESS, INC., Friend, Nebr. Petitioner's representative: David R. Parker, 300 NSEA Building, 14th and J Streets, Post Office Box 82028, Lincoln, NE 68501. Petitioner holds a permit in No. MC 52598, which reads as follows: Regular routes: *Fresh meats and packinghouse products*, from Sioux City, Iowa, to Chicago, Ill., serving no intermediate points: From Sioux City over unnumbered highway (formerly portion Iowa Highway 141) to junction Iowa Highway 141, thence over Iowa Highway 141 to Denison, Iowa, thence over U.S. Highway 30 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, and thence over U.S. Highway 34 to Chicago, and *Supplies and equipment used in the operation of packinghouses*, from Chicago, Ill., to Sioux City, Iowa, serving no intermediate points: From Chicago over the above-specified route to Sioux City. *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, from West Point, Nebr., to Chicago, Ill., serving no intermediate points: From West Point over U.S. Highway 275 to junction U.S. Highway 30, thence over U.S. Highway 30 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago; and restriction: The service authorized immediately above is restricted to traffic originating at the plant of Iowa Beef Processors, Inc., of Dakota City, Nebr.

Such commodities as are used by meatpackers in the conduct of their businesses when destined to and for use by meatpackers, except commodities in bulk, from Chicago, Ill., to West Point, Nebr., serving no intermediate points: From Chicago over the route described next above to West Point. Restriction: The service authorized immediately above is restricted to traffic destined to the plant of Iowa Beef Processors, Inc., of Dakota City, Nebr. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Iowa Beef Processors, Inc., of Dakota City, Nebr. By the instant petition, petitioner requests that its permit be modified to authorize the movement of the named commodities between the service points over irregular routes. In the alternative, petitioner requests that its permit be modified to permit alternate route operations over the interstate highway system connecting Sioux City, Iowa, and West Point, Nebr., with Chicago, Ill. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 96098 and Subs Nos. 28 and 46 (Notice of Filing of Petition To Add Name of Shipper), filed January 6, 1972. Petitioner: MILTON TRANSPORTATION, INC., Milton, Pa. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds authority in No. MC 96098 to transport, over irregular routes, *Printing paper*, from Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the commodity description next above are limited to a transportation service to be performed, under a continuing contract or contracts, with St. Regis Paper Co. of New York, N.Y.; in *No. MC 96098 Sub-No. 28;* Irregular routes: *Printing paper*, from Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts with St. Regis Paper Co. of New York, N.Y.; and in *MC-96098 Sub-No. 46;* irregular routes: *Printing paper, gummed paper, gummed paper tape, and paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio, to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with St. Regis Paper Co., of New York, N.Y. By the instant petition, petitioner seeks permission to add the name of Howard Paper Mills, Inc. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109373 (Notice of filing of petition for conversion and/or modification), filed January 3, 1972. Petitioner: NATIONAL TRUCKING, INC., 8110 La Porte Road, Houston, TX 77052. Petitioner's representative: Morgan Nesbitt, Post Office Box 275, Austin, TX 78767. Petitioner is authorized in No. MC 109373 to transport, over irregular routes, oil-field equipment, from Houston, Tex., to oil-field locations in Texas, with no transportation for compensation on return except as otherwise authorized, and between Houston, Tex., and oil-field locations in Louisiana. By the instant petition, petitioner prays that said certificate be converted and/or modified so as to authorize the transportation of: "Oil-field equipment (1) from Houston, Tex., to points in Texas, and (2) between Houston, Tex., and points in Louisiana". Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115278 (Notice of filing of petition for modification, clarification and amendment of certificate), filed January 4, 1972. Petitioner: SIEGEL & COHEN EXPRESS, INC., Newark, N.J. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds a certificate in No. MC 115278 authorizing it to perform service in interstate or foreign commerce, over irregular routes, transporting: Wearing apparel, and materials and supplies used in the manufacture of wearing apparel, between New York, N.Y., on the one hand, and, on the other, points in New Jersey within 35 miles of New York, N.Y. By the instant petition, petitioner requests that an order be entered (a) to amend its certificate to read: Between points in the New York commercial zone, as defined by the Commission, on the one hand, and, on the other, points in New Jersey within 35 miles of New York, N.Y., or (b) the Commission issue an appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., commercial zone as defined by the Commission. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115831 (Sub-No. 4), (Notice of filing of petition to modify certificate), filed December 1, 1971. Petitioner: TIDEWATER TRANSIT COMPANY, INC., Kinston, N.C. Petitioner holds authority in No. MC 115831 (Sub-No. 4) to conduct operations as a motor common carrier, over irregular routes, transporting: Liquid fertilizer and liquid fertilizer materials, in bulk, in tank vehicles, in seasonal operations, beginning on February 1 and ending on July 15 of each year, from points in North Carolina, to points in Virginia on and east of U.S. Highway 29, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner requests the Commission to eliminate the dates February 1st and ending July 15th of each year, and permitting the above authority to be on a year round basis. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 118904 (Sub-No. 6) (Notice of filing of petition for the interpretation and determination of authority), filed January 11, 1972. Petitioner: MOBILE HOMES EXPRESS, LTD., Lawton, Okla. 73501. Petitioner's representative: I. E. Chenoweth, 3010 South Braden, Tulsa, OK 74114. Petitioner holds authority in No. MC 118904 (Sub-No. 6), to transport, over irregular routes, Trailers, designed to be drawn by passenger automobiles, initial movements, from Claremore, Okla., to points in the United States (including Alaska, but excepting Hawaii and Oklahoma), with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner requests the Commission to make a determination of its certificate as to its authority or lack of authority to handle trailers, in initial movements, from Claremore, Okla., when such trailers are manufactured at a point other than Claremore, and when such is a through movement, on through billing as provided in its published tariffs from points of manufacture in originating carriers certificate to final authorized destination of petitioner. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123283 (Sub-No. 1) (Notice of Filing of Petition To Change or Substitute Shippers To Be Served), filed December 30, 1971. Petitioner: CITY BEVERAGES, INC., Kent, Wash. Petitioner's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Petitioner holds authority in No. MC 123283 (Sub-No. 1),

V37-17 JAN 26 72 XUM

as here pertinent, to transport malt beverages, malt beverage containers and cartons, bottle and can openers, and advertising matter, from Van Nuys, Calif., to Yakims, Wash., under contract with Crown Distributing Co.; to Bellingham under contract with Sound Beverage Distributors, Inc.; to Bremerton under contract with Pugent Sound Distributing Co.; to Anacortes under contract with Northwest Distributing Co., to Olympia under contract with Cammarano Bros., Inc.; to Aberdeen under contract with Henry Duncan; and Port Angeles under contract with Port Angeles Distributing Co. By the instant petition, petitioner seeks to withdraw and cancel and eliminate the existing authority and contract to Bellingham and substitute Crown Distributing Co. of Everett, Wash., City Beverages, Inc., of Kent, Wash., and Cammarano Bros., Inc., of Tacoma, Wash., in lieu of Sound Beverage Distributors, Inc., of Bellingham, Wash., Puget Sound Distributing Co. of Bremerton, Wash., and Port Angeles Distributing Co. of Port Angeles, Wash. The commodity description would remain the same. The origins would remain exactly the same in that it would be from Van Nuys, Calif., to the substituted destination points. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127834 (Sub-No. 36) (Notice of Filing of Petition To Modify Certificate and Remove Restriction), filed November 26, 1971. Petitioner: CHEROKEE HAULING & RIGGINS, INC., Nashville, Tenn. Petitioner's representative: Fred F. Bradley, Courthouse, Frankfort, Ky. 40601. Petitioner holds authority in No. MC 127834 (Sub-No. 36), as follows: Common carrier, irregular routes, *Iron and Steel Articles*, from Nashville, Tenn., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. Restricted to the transportation of shipments originating at Nashville, Tenn. (except shipments having a prior movement by rail or water), and destined to points in the named States. By the instant petition, petitioner seeks to modify its certificate by removing the above restriction insofar as it restricts transportation to shipments originating at Nashville, Tenn. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128860 (correction) (Notice of Filing of Petition for Modification of Permit To Add Additional Contracting Shipper), filed November 10, 1971, published in FEDERAL REGISTER, issue of November 24, 1971, and republished as corrected this issue. Petitioner: LARRY'S EXPRESS, INC., Tomah, Wis. Petitioner's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Petitioner holds a permit in No. MC 128860 to conduct operations in interstate or foreign commerce, as a motor contract carrier, transporting, among other things: *Malt beverages and related advertising materials, and premiums, and malt beverage dispensing equipment* in mixed loads with malt beverages, from Denver, Colo., St. Louis, Mo., La Crosse, Wis., Chicago, Ill., South Bend, Ind., Detroit, Mich., New York, N.Y., and Newark, N.J., to Minneapolis, Minn., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts, with Kuether Distributing Co. of Minneapolis, Minn. By the instant petition, petitioner seeks to enter into a continuing contract, or contracts with Capitol City Distributing Co., Inc., of St. Paul, Minn., to authorize operations as a contract motor carrier, over irregular routes, transporting: Malt beverages and related advertising materials, and premiums, and malt beverage dispensing equipment, in mixed loads with malt beverages, from St. Louis, Mo., La Crosse, Wis., Chicago, Ill., Detroit, Mich., and Newark, N.J., to St. Paul, Minn. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments, in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER. NOTE: The purpose of this republication is to add the correct name of the proposed shipper.

No. MC 129250 (Notice of Filing of Petition To Add a Shipper), filed December 13, 1971. Petitioner: T. D. WILLIAMS, doing business as TED WILLIAMS, Sterling, Colo. Petitioner's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Petitioner holds authority in permit No. MC 129250 over irregular routes authorizing the transportation of: *Soybean meal*, from Minneapolis, Minn., Fort Dodge, Des Moines, and Sioux City, Iowa, Lincoln, Nebr., and St. Joseph, Mo., to points in Boulder and Weld Counties, Colo., with no transportation for compensation on return except as otherwise authorized. *Feathermeal*, from points in Boulder City, Colo., to Omaha, Nebr., and points in Iowa, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the commodity descriptions in the two paragraphs next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Quality Poultry Products Co. of Denver, Colo. *Soybean meal*, from Minneapolis, Minn., Fort Dodge, Des Moines, and Sioux City, Iowa, Lincoln, Nebr., and St. Joseph, Mo., to points in Laramie, Albany, Platte, and Goshen Counties, Wyo., and points in that part of Colorado in and east of Conejos, Alamosa, Huerfano, Custer, Fremont, Park, Clear Creek, Gilpin, Boulder, and Larimer Counties, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized immediately above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Williams Bros., of Sterling, Colo. By the instant petition, petitioner requests permission to enter into a contract with Cargill, Inc., as an additional contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129631 (Notice of Filing of Petition for Interpretation of Certificate or for Other Appropriate Relief), filed December 20, 1971. Petitioner: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Petitioner's representative: Max D. Eliason, Post Office Box 2602, Salt Lake City, UT 84110. Petitioner holds Certificate No. MC 129631 authorizing (the part here pertinent) the transportation, over specified regular routes, of: Building materials, feed, seed, salt, machinery, and agricultural commodities, between Idaho Falls, Idaho, and Salt Lake City, Utah, serving the intermediate points of Pocatello, Inkom, and Blackfoot, Idaho, and Smithfield, Logan, and Odgen, Utah, and the off-route points of Rigby, Rexburg, and Spencer, Idaho, and those on U.S. Highway 91 within 15 miles north of Idaho Falls. By the instant petition, petitioner requests interpretation of this portion of its certificate, so as to make clear the extent of operating rights covered thereby. Petitioner suggests that the operating rights to which it is entitled include the following, as interpreted by present usage: "Building materials, construction materials, steel, foundry supplies, machinery (including tractors and stokers)." Feed, seed, salt, and agricultural commodities are not at issue here. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134219 (Sub-No. 3), (Notice of filing of petition to add name of shipper), filed December 29, 1971. Petitioner: GEORGE V. D'AGOSTINO, doing business at AIRLIN TRUCKING CO., 213–217 Poinier Street, Newark, NJ 07114. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds authority in permit No. MC 134219 authorizing transportation, over irregular routes, of: *Iron and steel bars, rods, sheets, angles, and plates, and structural steel* (except iron and steel bars, rods, sheets, angles, and plates, and structural steel articles the transportation of which, because of size or weight requires special handling or equipment), between Harrison, N.J., on

the one hand, and, on the other, Philadelphia, Pa., and points in New York, except New York, N.Y., and points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665. Restricted: To continuing contract with Newark Steel Warehouse Co. By the instant petition, petitioner seeks to add the name of Framen International, Ltd., as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134287 (Notice of filing of petition for waiver of Rule 1.101(e), for reconsideration, and for modification of certificates), filed December 28, 1971. Petitioner: BELLEVUE TRUCKING COMPANY, a corporation, Philadelphia, Pa. Petitioner's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Petitioner holds authority in No. MC 134287 authorizing the transportation, over irregular routes, of: *Structural steel, steel plates, machinery, hot water heaters and boilers*, and *safes*, between points in New Jersey, New York, and Pennsylvania, within 200 miles of Newark, N.J. Restriction: The authority granted above is restricted against the handling of traffic moving to or from the plantsite of the Elliott Co. Division of Carrier Corp. at Jeannette, Pa. *Heavy machinery* requiring special equipment, between Newark, N.J., and points in Connecticut, Rhode Island, Massachusetts, Delaware, and Maryland, within 200 miles of Newark, N.J. Restriction: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right. By the instant petition, petitioner seeks modification of its certificate, in that the commodity description be modified so as to read as follows: New or used machines and commodities, the transportation of which because of their size or weight require special handling or special equipment and related contractors materials, supplies, and equipment, when the transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special handling or special equipment. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 29120 (Sub-No. 135), filed December 28, 1971. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, SD 57101. Applicant's representative: H. Lauren Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between Morris and Chicago, Ill.: (a) From Morris over U.S. Highway 6 to Joliet, Ill., alternate U.S. Highway 66 to junction with U.S. Highway 66 and thence over U.S. Highway 66 to Chicago, and return over the same route, serving all intermediate points and the off-route point of Minooka, Ill.; (b) From Morris over Illinois Highway 47 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Chicago, and return over the same route, serving all intermediate points and the off-route point of Minooka, Ill. NOTE: Common control may be involved. This is a matter directly related to MC–F–11418, published in the FEDERAL REGISTER issue of January 12, 1972. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11412. (GARDINER'S EXPRESS, INC.—Purchase (Portion)—RICH'S EXPRESS, INC.), published in the January 5, 1972, issue of the FEDERAL REGISTER on page 121. Application filed January 14, 1972, for temporary authority, under section 210a(b).

No. MC–F–11436. Authority sought for purchase by MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847, of the operating rights of MILTON TRUCKING, INC., Post Office Box 207, Milton, PA 17847, and for acquisition by RAY B. BOWERSOX, also of Milton, Pa., of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Operating rights sought to be transferred: *Foodstuffs* (except in bulk), as a *contract carrier* over irregular routes, from Milton, Pa., to points in Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine; *pulpboard*, from the plantsite of National Gypsum Co., near New Columbia, Pa., to Portsmouth, N.H., and points in Ohio, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Connecticut, Massachusetts, and the District of Columbia; *scrap paper and materials and supplies* used in the manufacture and distribution of pulpboard, from points in the above-named destination States and the District of Columbia, to the plantsite of National Gypsum Co., near New Columbia, Pa., with restrictions. Vendee is authorized to operate as a *contract carrier* in Pennsylvania, New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Indiana, Illinois, Michigan, Iowa, Kentucky, Missouri, North Carolina, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11437. Authority sought for purchase by GLENN McCLENDON TRUCKING COMPANY, INC., Post Office Drawer H, Lafayette, AL 36862, a portion of the operating rights of POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401, and for acquisition by GLENN R. McCLENDON, also of Lafayette, Ala., of control of such rights through the purchase. Applicants' attorney: Robert E. Tate, Post Office Drawer 500, Evergreen, AL 36401. Operating rights sought to be transferred: *Paper and paper articles* and woodpulp (except woodpulp in bulk), as a *common carrier* over irregular routes, from points in McMinn County, Tenn. (except those points on U.S. Highway 41), to Louisville, Ky., and St. Louis, Mo., and points in Arkansas, Florida, Louisiana, Mississippi, Texas, and West Virginia; *paper and paper products*, from the plantsite of the Union Camp Corp. near Decatur, Ala., to points in Mississippi and Louisiana; *materials and supplies* (except commodities in bulk) used in the manufacture of paper and paper products, from points in Louisiana and Mississippi to the plantsite of Union Camp Corp. near Decatur, Ala. Vendee is authorized to operate as a *common carrier* in Georgia, Florida, Alabama, Mississippi, North Carolina, South Carolina, Tennessee, Arkansas, Louisiana, Texas, Kentucky, Indiana, Virginia, Arizona, Missouri, Oklahoma, New Mexico, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11438. Authority sought for control and merger by NEEDHAM'S MOTOR SERVICE, INC., 2751 Brunswick Avenue, Trenton, NJ 08634, of the operating rights and property of ELKTON TRUCKING COMPANY, Post Office Box 349, Elkton, MD 21921, and for acquisition by DISTRIBUTION SYSTEMS, INC., 1918 Park Street, Alameda, CA, 94501, of control of such rights and property through the transaction. Applicants' attorney: R. Frederic Fisher, 311 California Street, San Francisco, CA 94104. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Baltimore, Md., and New York, N.Y., via Camden, N.J., and also via Philadelphia, Pa., and between Elkton, Md., and junction Pennsylvania Highways 113 and 100, serving all intermediate points and off-route points in a defined area of Maryland, Pennsylvania, New Jersey, and Delaware,

V 37 17 JAN 26 72 XUM

with restriction; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between points within 8 miles of Baltimore, Md., including Baltimore; *lubricating oil*, in drums and cartons, from Bayonne, N.J., and Marcus Hook, Pa., to Chestertown, Md.; *cider, glass containers, barrels, apple juice, orange juice, pickles, apples, and peaches*, from Cheswold, Del., to New York, N.Y., Philadelphia, Pa., Baltimore, Md., and points in New Jersey; *spray materials*, from Camden, N.J., to Cheswold, Del.; *machinery*, from New York, N.Y., to Cheswold, Del.; *wooden tanks*, from Philadelphia, Pa., to Cheswold, Del.; *asphalt*, from Philadelphia, Pa., and Camden, N.J., to Cheswold, Del.; *tin cans*, from Baltimore, Md., to Cheswold, Del.; *coal*, from Pottsville, Pa., to points in Delaware and Maryland within 15 miles of Dover, Del.; *milk products*, from points in Maryland within 50 miles of Baltimore, Md., including Baltimore to Richmond, Va., Mount Holly, N.J., points in Delaware, and those in that part of New Jersey on and south of New Jersey Highway 40; *canned goods*, from points in Adams, York, Chester, and Lancaster Counties, Pa., those in Delaware on the Delmarva Peninsula, and those in a defined area of Maryland to points in Delaware, Maryland, New York, New Jersey, Pennsylvania, Virginia, and the District of Columbia. NEEDHAM'S MOTOR SERVICE, INC., is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11439. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223, of the operating rights of T. G. GARLAND, doing business as B & W FREIGHT LINES, Post Office Box 2884, 200 North Buchanan Street, Amarillo, TX 79105, and for acquisition by UNITED TRANSPORTATION INVESTMENT COMPANY, and in turn by DAVID H. RATNER, both of 310 South Michigan Avenue, Chicago, IL 60604, of control of such rights through the purchase. Applicants' attorney: Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, as a *common carrier*, over regular routes, between Amarillo, Tex., and Dodson, Tex., serving the intermediate points of Quail and Wellington, Tex., with restriction; *general commodities*, excepting among others, classes A and B explosives, and commodities in bulk, between Amarillo, Tex., and Clinton-Sherman Air Force Base, Okla., serving the termini and all intermediate points in Oklahoma, and the off-route point of Norrick, Tex. Vendee is authorized to operate as a *common carrier*, in New Mexico, California, Arizona, Texas, Colorado, Illinois, Missouri, Nebraska, Nevada, Indiana, Oklahoma, Iowa, Kansas, Utah, Louisiana, Maryland, Arkansas, Florida, New York, Tennessee, Wyoming, Connecticut, New Jersey, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–1157 Filed 1–25–72;8:50 am]

[Notice 12]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 21, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1756 (Sub-No. 19 TA), filed January 12, 1972. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, NJ 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends;* between Edison Township, N.J., and Williamansett, Mass., for 180 days. Supporting shipper: Kaiser Aluminum & Chemical Corp., 300 Lakeside Drive, Oaklans, CA 94604. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 59264 (Sub-No. 52 TA), filed January 11, 1972. Applicant: SMITH & SOLOMON TRUCKING COMPANY, How Lane, New Brunswick, N.J. 08902. Applicant's representative: Zelby & Berstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic bottles*, in containers, from the plantsite of Graham Engineering at York, Pa., to the plantsite of the Clorox Co. at Jersey City, N.J., for 150 days. Supporting shipper: The Clorox Co., General Offices, 7901 Oakport Street, Oakport, CA 94621. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 111401 (Sub-No. 357 TA), filed January 11, 1972. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Victor Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from the Continental Oil Co., Ponca City, Okla., to Franklin Oil Co., Caldwell, Idaho, with a stop to part unload at Willis-Shaw Trucking, Boise, Idaho, for 180 days. Supporting shipper: Western Hemisphere Petroleum, Division Continental Oil Co., B. P. Thompson, Supervisor, Petroleum Transportation, Post Office Box 1267, Ponca, OK 74601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111401 (Sub-No. 358 TA), filed January 11, 1972. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer materials*, from the Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: Willchemco, Inc., J. J. Stefanec, Traffic Manager, National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK.

No. MC 114533 (Sub-No. 247 TA), filed January 14, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory specimens and reports*, between Wichita, Kans., on the one hand, and, on the other, points in the counties of Grant, Kay, Nowata, Ottawa, Craig, Delaware, Noble, Payne, Garfield, Woods, Harper, Beaver, Texas, Cimarron, Oklahoma, and Woodward, Okla.; (2) *microbiological supplies* used by hospitals and clinics, between Wichita, Kans., on the one hand, and, on the other, points in the counties of Grant, Kay, Nowata, Ottawa, Craig, Delaware, Noble, Payne, Garfield, Woods, Harper, Beaver, Texas, Cimarron, Oklahoma, and Woodward, Okla.; (3) *exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), *cameras, and projectors*, between Wichita, Kans., on the one hand, and, on the other, points in the counties of Grant, Kay, Nowata, Ottawa, Craig, Delaware, Noble, Payne, Garfield, Woods, Harper, Beaver, Texas, Cimarron, Oklahoma, and Woodward, Okla.; and (4) *restorative dentistry products*, (a) between Wichita, Kans., on the one hand, and, on the other, points in the counties of Grant, Kay, Nowata, Ottawa, Craig, Delaware, Noble, Payne, Garfield, Woods, Harper, Beaver, Texas, Cimarron, Oklahoma, and Woodward, Okla.; (b) between Topeka, Kans., on the one hand, and, on the other, points in the counties of Texas, Beaver, Woodward, Blaine, Kingfisher, Candian, Garfield, Grant, Kay, Payne, Osage, Washington, Ottawa, Cherokee, Muskogee, Tulsa, Okmulgee, McIntosh, Oklahoma, Pottawatomie, Cleveland, McClaine, Garvin, Stephens, Comanche, Jackson, Greer, Kiowa, Caddo, and Custer, Okla.; (c) between Wichita, Kans., on the one hand, and, on the other, points in Oklahoma; and (d) between Topeka, Kans., on the one hand, and, on the other, points in Oklahoma located in the northern half of the State, for 180 days. Supporting shippers: Statlabs Inc., Post Office Box 2180, Wichita, KS 67201; Carr Microbialogicals, Post Office Box 2180, Wichita, KS 67201; Photo Service, 1024 South Broadway, Wichita, KS 67211; Kaylor Dental Lab Inc., Post Office Box 1957, Wichita, KS; Heumann & Associates Dental Lab, 520 East Fifth Street, Topeka, KS 66601; Pearce Turk Dental Lab, 201 North Emporia, Wichita, KS; Dental Studios, Ltd., Post Office Box 1243, Topeka, KS 66601. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 114533 (Sub-No. 248 TA), filed January 14, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Proofs, cuts, copy, and other graphic arts material*, between South Bend, Ind., on the one hand, and, on the other, points in Michigan, Illinois, Ohio, and Wisconsin; (2) *exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between Racine, Wis., on the one hand, and, on the other, points in Illinois, Wisconsin, Michigan, Indiana, and Missouri; and (3) *Audit media and other business records* (a) between Will County, Ill., on the one hand, and, on the other, points in Illinois, Wisconsin, Indiana, Michigan, and Ohio; (b) between Elmhurst, Ill., on the one hand, and, on the other, points in Indiana, Michigan, and Ohio; (c) between Bloomingdale, Ill., on the one hand, and, on the other, Winamac, Ind.; (d) between Elk Grove Village, Ill., on the one hand, and, on the other, Milwaukee, Wis.; (e) between Lima, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Wisconsin, and Ohio; (f) between Milwaukee, Wis., on the one hand, and, on the other, Carol Stream, Ill.; (g) between Glenview, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, and Ohio; and (h) between Aurora, Ill., on the one hand, and, on the other, points in Indiana, Michigan, Wisconsin, and Ohio, for 180 days. Supporting shippers: Massberg & Co., Inc., 301 East Sample Street, South Bend, IN 46623; Orlo Photo Service, 1230 Racine Street, Racine, WI 53403; Mobil Oil Corp., Post Office Box 5553, Milwaukee, WI 53201; Matheson Scientific, 1850 Greenleaf, Elk Grove Village, IL 60007; Clark Equipment Co., 324 East Dewey Avenue, Buchanan, MI 49107; Frito-Lay Inc., 188 Industrial Drive, Elmhurst, IL 60126; Plymouth Tube, Bloomingdale, Ill. 60108; Clark Equipment Co., 601 North Farnsworth Avenue, Aurora, IL 60507; Moore Business Forms, Park Ridge, Ill.; Crown Zellerback Corp., 139 East Fullerton Avenue, Carol Stream, IL 60187. Send protests to: District Supervisor R. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 117765 (Sub-No. 141 TA), filed January 11, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth Street, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: J. J. Stefanec, Traffic Manager, Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117799 (Sub-No. 23 TA), filed January 11, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Cartage, Mo., to Landover, Md., for 150 days. Supporting shipper: Safeway Stores, Inc., Post Office Box 2225, Fitchburg Station, Oakland, CA 94621. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 118159 (Sub-No. 118 TA), filed January 11, 1972. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: Jack R. Anderson, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food*, from the plantsite and/or warehouse facilities of Lipton Pet Foods at Golden Meadow, Lockport, or New Orleans, La., to points in Florida, for 180 days. Supporting shipper: Lipton Pet Foods, Inc., Box 89–209, New Boston Street, Woburn, MA 01801. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 125474 (Sub-No. 33 TA), filed January 13, 1972. Applicant: BULK HAULERS, INC., Post Office Box 3601, U.S. Highway 421 Number, Wilmington, NC 28401. Applicant's representative: Ralph G. Simmons (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycols*, in bulk, in tank vehicles, from Wilmington, N.C., to points in South Carolina, Virginia, West Virginia, Tennessee, Georgia, and Florida, for 180 days. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 126049 (Sub-No. 10 TA), filed January 11, 1972. Applicant: DODEN TRUCKING COMPANY, INC., Woden, Iowa 50484. Applicant's representative: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk and packaged ice cream, ice milk and sherbet and ice cream, ice milk, sherbet and fruit flavored novelty items*, from Mason City, Iowa to Pekin, Ill., for 180 days. Supporting shipper: Borden Dairy & Services Division Borden, Inc., 115 First Street SW., Mason City, IA 50401. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128375 (Sub-No. 79 TA), filed January 11, 1972. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, 1444 Main, Crete, NE 68333. Applicant's representative: Duane W. Acklie, Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors, from the warehouse and storage facilities of Amway Corp. located in the Dallas, Tex., commercial zone to points in Texas, New Mexico, Arizona, Colorado, Missouri, Oklahoma,

V 37-17 JAN 26 72 XUM

Arkansas, Louisiana, and Kansas, for 180 days. Supporting shipper: Michael La Monde, Traffic Manager, Amway Corp., 7575 East Fulton Road, Ada, MI 49301. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 129350 (Sub-No. 20 TA), filed December 28, 1971. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Post Office Box 212, 410 North 10th Street (59101), Billings, MT 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and prefabricated iron and steel products*, from Britt and Cedar Falls, Iowa; Chicago, Mortan, and Taylorville, Ill., Minneapolis, Minn., Kansas City, Mo., and Spokane, Wash., to points in Idaho, Montana, and Wyoming, for 180 days. Supporting shipper: Lord Equipment Co., 101 South 32d Street, Billings, MT 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133123 (Sub-No. 5 TA), filed January 11, 1972. Applicant: RUJAC TRUCKING CORP., 1133 Sixth Avenue, New York City, NY 10009. Applicant's representative: Morris Honig, 150 Broadway, New York, NY. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical goods*, containerized and noncontainerized from New York, N.Y., commercial zone as defined in 53 MCC 451, and Port Elizabeth and Port Newark, N.J., to Albany, N.Y., for 180 days. Supporting shipper: Panasonic New York, Division of Matsushita Electric, Corporation of America, 43-30 24th Street, Long Island City, NY 11101, Attention: Herbert Cadel. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 134308 (Sub-No. 5 TA), filed January 11, 1972. Applicant: CADDO EXPRESS, INC., 1016 Southwest Second, Oklahoma City, OK 73125. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Elmwood Okla., and Felt, Okla., via Oklahoma Highway 3, for 180 days. NOTE: Applicant will tack and interline with other carriers at Woodward, Okla. Supporting shippers: Andy's Iron & Supply Co., Guymon, Okla.; Friendly Service Corner, Guymon, Okla.; Hinchley Ford, Inc., Guymon, Okla.; Home Lumber & Supply, Guymon, Okla.; W. E. Bland Hardware Co., Guymon, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, Oklahoma City, Okla. 73102.

No. MC 134404 (Sub-No. 3 TA), filed January 11, 1972. Applicant: AMERICAN TRANS-FREIGHT, INC., 33 Circle Drive, North, Piscataway, NJ 08854. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic plumbing fixtures*, including but not limited to plastic bath tubs, shower stalls, equipment, supplies and accessories, from the plantsite of American Standard, Inc., at Richmond, Mich., to points in Illinois, Indiana, Michigan, Kentucky, West Virginia, Wisconsin, Minnesota, Iowa, Ohio, North Dakota, South Dakota, Missouri, Tennessee, Arkansas, Louisiana, Mississippi, Texas, Kansas, Nebraska, New York (on and west of Highway 14), and Pennsylvania (on and west of Highway 15). Restriction: The above service is to be performed under contract with American Standard, Inc., for 180 days. Supporting shipper: American Standard, Inc., Corporate Traffic Department, Post Office Box 2003, New Brunswick, N.J. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136323 TA, filed January 11, 1972. Applicant: STEPHEN BERMAN, c/o INSTRUMENTS SYSTEMS CORPORATION, 410 Jericho Turnpike, Jericho, NY 11753. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mouldings*, from Northvale, N.J., to points in the New York, N.Y., commercial zone as described by the Commission, points in Nassau, Suffolk, and Westchester Counties, N.Y., for 150 days. Supporting shipper: Instruments Systems Corp., 410 Jericho Turnpike, Jericho, NY 11753. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1158 Filed 1-25-72;8:50 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 21, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

North Carolina State Docket No. T-681 (Sub-No. 34), filed December 31, 1971. Applicant: HELMS MOTOR EXPRESS, INC., Post Office Drawer 700, Albemarle, NC 28001. Applicant's representative: Bailey, Dixon, Wooten, and McDonald, Post Office Box 2246, Raleigh, NC 27602. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except those requiring special equipment serving Richmont Fabbrics Inc. plantsite 6 miles south of Mount Gilead, N.C., on North Carolina Highway 109 as an offroute point out of either Mount Gilead or Wadesboro, N.C. Both intrastate and interstate authority sought.

HEARING: February 29, 1972, 2 p.m., North Carolina Utilities Commission Hearing Room, Ruffin Building, One West Morgan Street, Raleigh, NC. Requests for procedural information including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commisson, Post Office Box 991, Raleigh, NC 27602, and should not be directed to the Interstate Commerce Commission.

State Docket No. CPC A-2061 filed November 19, 1971. Applicant: ALVIN J. KUEMMERLIN, doing business as KUEMMERLIN ENTERPRISES, Post Office Box 15525, Las Vegas, NV 89114. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Las Vegas, Nev. and Lincoln County points, including, but not limited to, Caliente, Hiko, Pioche, Panaca, and Alamo, Nev. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Service Commission of Nevada, 222 East Washington Street, Carson City, NV 89701 and should not be directed to the Interstate Commerce Commission.

State Docket No. CPC A-2144 filed May 10, 1971. Applicant: MARK IV CORPORATION, doing business as TRI-COUNTY BUS LINES, 3925 Alto Drive, Las Vegas, NV 89110. Applicant's representative: Robert Cohen, 229 North Third Street, Las Vegas, NV 89101. Convenience of public convenience and necessity sought to operate a service as follows: Transportation of *Passengers and light express*, through the use of buses and standby limousines, between Las Vegas and Ely, Nev., via Interstate Highway 15 and thence over State Route No. 7 to regular route U.S. Highway 93. No service to Glendale, Nev., from Las Vegas, Nev., unless through tickets to points north of Glendale, Nev.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Service Commission of Nevada, 222 East Washington Street, Carson City, NV 89701 and should not be directed to the Interstate Commerce Commission.

Utah State Docket No. 4599 (Sub-No. 1) filed December 9, 1971. Applicant: BILL'S MOVING, INC., doing business as PIONEER MOVING & STORAGE, 471 West Fifth South, Salt Lake City, UT 84101. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *new furniture and appliances*, between all points in the State of Utah. Both intrastate and interstate authority sought.

HEARING: March 23, 1972, 10 a.m., 330 East Fourth South Street, Salt Lake City, UT 84111. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Utah Department of Business Regulation, 330 East Fourth South, Salt Lake City, UT 84111, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1154 Filed 1-25-72;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATIONS:	
2799 (see Proc. 4101)	659
2937 (see Proc. 4101)	659
2938 (see Proc. 4101)	659
2942 (see Proc. 4101)	659
2972 (see Proc. 4101)	659
3314 (see Proc. 4101)	659
4100	199
4101	659
EXECUTIVE ORDERS:	
11627 (see EO 11639)	521
11639	521

4 CFR

20	1103

5 CFR

213	201, 257, 258, 661, 925
531	859
532	1033
890	7

6 CFR

105	1002
201	284
205	1004
300	284, 426, 587, 652, 775, 1007
305	1008
401	1010

7 CFR

52	131, 587
271	1159
354	587, 788
510	69
722	7, 272, 789, 1159
725	725
730	8, 859
760	1103
811	661, 725, 925
812	9
814	9
846	133
857	588
900	1103
905	523
907	10, 134, 523, 663, 860, 1033
910	70, 272, 663, 726, 1034
912	273, 664
914	664
917	273
930	273
932	323
953	926
982	588
987	1159
993	861
1007	323
1421	1103
1610	275
PROPOSED RULES:	
51	616
52	1110
68	844
301	217, 218
718	742
719	1174
725	793
730	19
928	793
953	286
966	81
980	81
981	817
1001	447, 1112
1002	447, 1112
1004	20, 447, 742, 793
1006	447
1007	447, 1114
1011	447
1012	447
1013	447
1015	447
1030	447
1032	447
1033	447
1036	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447, 1050
1062	447
1063	447
1064	447
PROPOSED RULES—Continued	
1065	447, 743
1068	447, 1050
1069	447
1070	447
1071	447
1073	447
1075	447
1076	447
1078	447
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447, 801
1106	447, 801
1108	447
1120	447
1121	447
1124	447
1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447
1207	81
1421	936
1430	20
1481	810
1701	811, 1114

8 CFR

103	927
214	328
334	928
334a	928

V 37 17 JAN 26 72 J XUM

9 CFR

	Page
53	134
75	862
76	329, 435, 665
78	863
82	135, 589
97	791
203	276
311	435
316	435
317	435
400	135, 435
PROPOSED RULES:	
92	935
327	85, 1114

10 CFR

50	864
PROPOSED RULES:	
50	287, 288
110	92, 1059
170	1121

12 CFR

201	11
211	776, 1104
265	1034
545	523, 1104
561	524
563	524
700	329
702	70
PROPOSED RULES:	
225	938
528	811
545	543
700	813
701	339
715	95
741	813

13 CFR

121	258, 1160

14 CFR

13	436
39	11, 12, 70, 437, 665, 666, 726, 776, 928, 1160
71	13, 71, 135, 136, 276, 323, 437, 726, 727, 776, 777, 928, 1161
73	437, 438, 590
75	13, 71, 667, 777
95	777
97	71, 525, 668, 1035
214	728
223	778
225	72
249	728
302	277, 1035
PROPOSED RULES:	
39	811
43	222
71	21, 91, 144, 146, 286, 287, 620, 621, 744, 937, 1119
73	478
91	222
121	1175
135	222
207	222, 1122
208	222, 1122
212	222, 1122
214	222, 1122
372a	222, 1122

14 CFR—Continued

	Page
PROPOSED RULES—Continued	
373	478
378	478
372a	222, 1122

16 CFR

13	729–735, 779
502	928
PROPOSED RULES:	
435	622

17 CFR

230	590, 591, 599
231	600
239	590, 591, 599
240	73
241	600
249	600, 601
270	1162
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

2	780, 1162
11	1163
201	601, 1164
204	601
205	601
206	1164
PROPOSED RULES:	
141	22
201	337
204	337
205	337
250	885
260	337

19 CFR

4	865
6	1104
173	782
PROPOSED RULES:	
Ch. I	19

20 CFR

101	1166
PROPOSED RULES:	
405	89

21 CFR

3	1166
27	1167
29	865
121	14, 74, 329, 740
130	201
135	137
135b	1170
135c	14, 137, 1170
135e	74, 740
135f	14
141	1104, 1105
141a	438
144	1171
146a	438
146c	440
148e	330, 865
148k	865
148m	15
148x	866
149a	1105
295	741
301	137
PROPOSED RULES:	
1	1115
3	219, 1116

21 CFR—Continued

	Page
PROPOSED RULES—Continued	
19	468, 869
27	20, 470
130	85, 1175
141	1116
145	336
191	1020
191b	1020
304	144
308	867

22 CFR

11	277
41	15

24 CFR

200	75, 203, 209
201	210
203	138
207	138
220	138
222	76
275	211
1909	1036
1911	1036
1913	1037
1914	280, 608, 783, 1037
1915	281, 609, 784
PROPOSED RULES:	
203	144

25 CFR

232	526
PROPOSED RULES:	
16	536

26 CFR

1	527
12	16, 281
601	1016
PROPOSED RULES:	
1	19, 99, 286, 336, 544

28 CFR

0	931
41	784
301	138
PROPOSED RULES:	
48	935

29 CFR

673	1171
694	1171
1520	1172
1904	736
1910	332
1975	929
PROPOSED RULES:	
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620
688	620
689	620
690	620
720	620
727	620
1910	466, 743

30 CFR

	Page
75	17
225	441
225a	441

31 CFR

10	1016
530	1108

32 CFR

270	77
1499	668
PROPOSED RULES:	
1467	99
Ch. XVI	486
1604	479
1606	479, 484
1609	484
1611	479
1613	484
1621	479
1622	479
1623	479
1624	479, 1115
1625	479
1626	479, 1115
1627	479
1630	479
1631	479
1632	479
1641	479
1643	479
1660	485

32A CFR

Ch. X:	
OI Reg. 1	601

33 CFR

117	784
204	527
207	668
208	1106
PROPOSED RULES:	
401	938

35 CFR

5	77
253	281

36 CFR

212	737
231	211
261	737

37 CFR

2	931

38 CFR

8a	282

39 CFR

235	77
760	211, 443
761	211, 443

40 CFR

	Page
85	669, 784
180	78, 140, 141, 332–334, 443, 737–739
PROPOSED RULES:	
2	621
6	879
115	478
164	1059
180	92–94, 337, 1176

41 CFR

1–1	1037
1–3	610
1–16	610
3–75	1041
5A–1	527
5A–2	932
5A–3	141
5A–7	141
5A–8	142
5A–16	528
5A–72	932
5A–76	528
5B–1	334
8–1	613
101–17	78
101–26	668
101–32	932
101–35	1172
101–43	614
101–44	614
101–47	740
103–40	17
114–26	934
114–43	934
PROPOSED RULES:	
3–4	743
51–1	336

42 CFR

53	182
PROPOSED RULES:	
91	1116

43 CFR

4110	213
PUBLIC LAND ORDERS:	
1932 (amended by PLO 5147)	18
3530 (revoked in part by PLO 5153)	785
3869 (revoked in part by PLO 5153)	785
4582 (modified by PLO 5149)	18
4962 (see PLO 5149)	18
5081 (see PLO 5149)	18
5147	18
5148	18
5149	18
5150	142
Amended by PLO 5151	142, 528
5151	142, 528
5152	785
5153	785
2800	217
2810	217

45 CFR

	Page
177	335
249	443
1060	444
PROPOSED RULES:	
121	870
130	470

46 CFR

157	528
310	335
390	16
PROPOSED RULES:	
72	676
92	676
137	879
146	220, 937
190	676
510	678

47 CFR

2	604
31	605
33	605
73	529, 605, 1041, 1161
74	1045
89	213
91	283
PROPOSED RULES:	
0	145
1	537
2	145, 146, 537
15	94, 146
21	146
73	539–542, 621, 1067, 1122, 1177
87	537
89	146, 676
91	146, 676
93	676

49 CFR

7	214
99	532
Ch. I	535
178	444
191	1172
301	214
571	284, 445, 1107
1002	215
1033	934, 1046
1121	1046, 1049
1203	866
1300	335
1311	1107
PROPOSED RULES:	
192	145, 1175
571	222, 1059, 1120

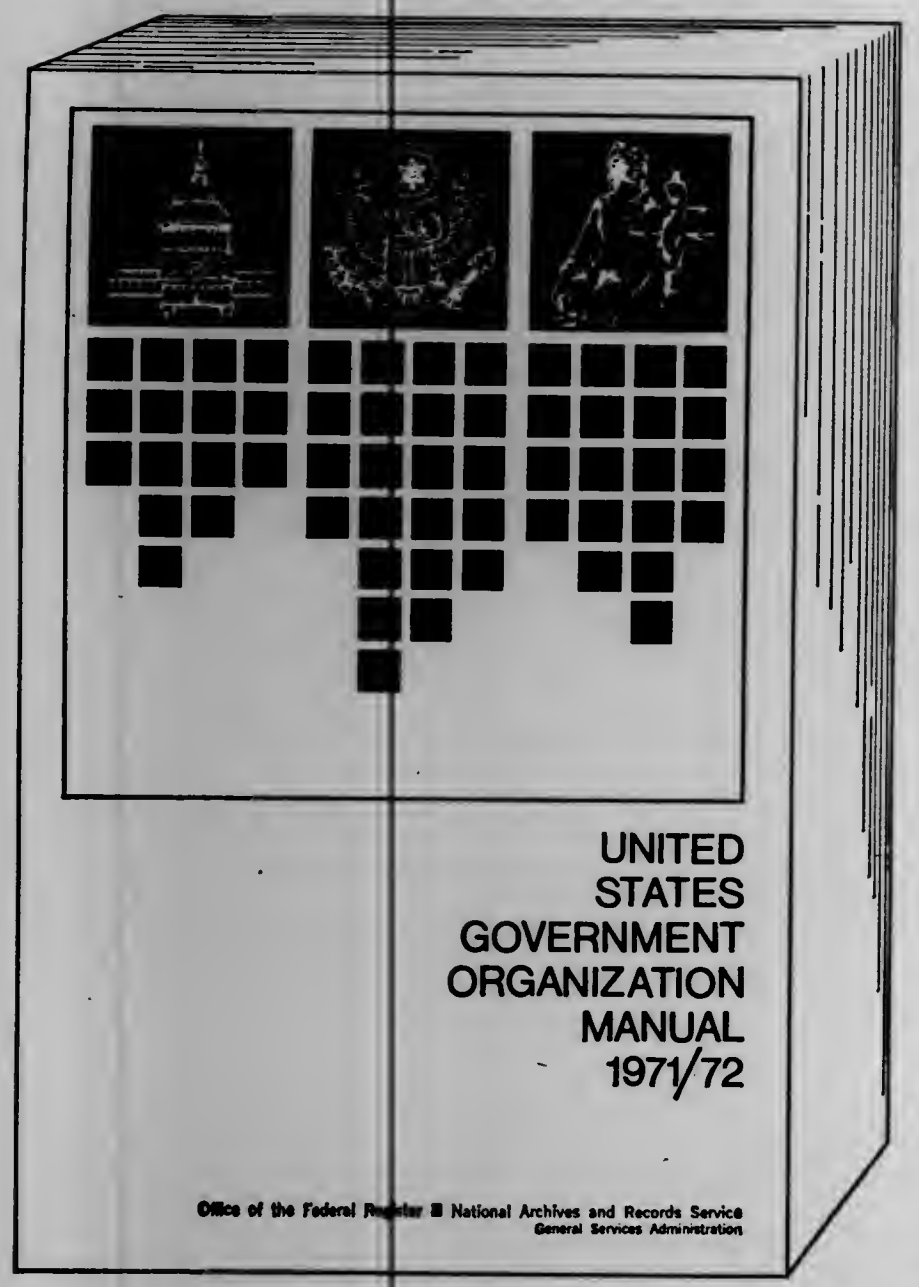
50 CFR

28	79, 445, 535
33	79, 80, 785, 1049
35	1049
240	786
PROPOSED RULES:	
28	447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date	Pages	Date
1–62	Jan. 4	317–427	Jan. 11	769–852	Jan. 19
63–123	5	429–513	12	853–918	20
125–193	6	515–582	13	919–1027	21
195–249	7	583–654	14	1029–1096	22
251–315	8	655–717	15	1097–1152	25
		719–767	18	1153–1205	26

V 37 17 JAN 26 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

THURSDAY, JANUARY 27, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 18
Pages 1207–1349
PART I
(Part II begins on page 1301)
(Part III begins on page 1327)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ECONOMIC STABILIZATION—Presidential Executive order providing further controls over prices and wages 1213

ECONOMIC STABILIZATION—
Price Commission amendment modifying price posting requirements for certain retailers; effective 1–15–72 1244
Price Commission rules for reviews of initial decisions denying price adjustments; effective 1–15–72 1244
Pay Board rules on retroactive and deferred wage increases prohibited by the freeze; effective 1–27–72 1242
Cost of Living Council miscellaneous amendments; effective 1–26–72 1237

INTERSTATE LAND SALES—
HUD rules for registration under the full disclosure law; effective 1–27–72 1303
HUD regulations for the conduct of investigative and adjudication proceedings; effective 1–27–72 1319

HEAD START GRANT—HEW announcement of a hearing on 2–8–72 concerning a termination of assistance 1256

WHEAT AND BARLEY CROP INSURANCE—USDA amendments designating counties for 1973 1221

(Continued inside)

No. 18—Pt. I——1

V37-18 JAN 27 72 XUM

Announcing the latest addition to the series of . . .

Public Papers of the Presidents of the United States

RICHARD NIXON, 1970

The volume contains public messages and statements, verbatim transcripts of the President's news conferences, and other selected papers released by the White House from January 1 through December 31, 1970.

In the Foreword to the book President Nixon writes "The story of the year, for me and for the administration team working with me, was above all a story of building for peace. Peace, we believed from the beginning, does not come to the passive; and so we pressed on through 1970 with a determination that the United States should act creatively, not merely react reflexively, on the world stage."

Among the items that are a part of the record for 1970 are addresses to the Nation on progress toward peace in Vietnam and in Southeast Asia; reports on the Cambodian sanctuary operation; speeches made by the President during his five-nation European tour; and the President's television interview on foreign policy with representatives of the three major networks.

The 1305-page clothbound volume, fully indexed, is available to the public at $15.75 per copy.

Similar volumes are available covering the administrations of Presidents Truman, Eisenhower, Kennedy, and Johnson, and the first year of President Nixon.

All volumes in the "Public Papers" series are sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Distribution for official use is governed by the provisions of sections 32.15–32.19 of Title 1 of the Code of Federal Regulations.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

INCOME TAX—
IRS announcement of a hearing on 2–29–72 concerning the proposed depreciation allowance amendments 1328
IRS proposals on the class life asset depreciation range system; comments by 2–28–72 1328
IRS time extension to 3–31–72 for comments on proposals dealing with farm losses 1247

MEAT INSPECTION—USDA amendments to permit the shipment of certain inedible products under seal 1228

LOW COST HOUSING MORTGAGE INSURANCE—HUD eligibility requirements 1245

FLOOD INSURANCE—HUD additions to the lists of hazard areas and eligible communities (2 documents); effective 1–28–72 1246

RAILROAD RADIO SERVICE—FCC amendments concerning tone modulation and frequency allocations; effective 3–3–72 1235

ONION IMPORTS—USDA proposal to apply domestic standards to foreign products; comments within 30 days 1247

OFFICIAL DRUG NAMES—FDA proposed changes and additions; comments within 60 days 1248

MEDICARE—HEW proposal to require disclosure of reasons for termination of coverage; comments within 30 days 1249

TELEPHONE COMPANIES—FCC proposal to require a computer format for monthly statistical reports; comments by 3–3–72 1250

FREIGHT FORWARDER LICENSING—FMC time extension to 2–25–72 for comments on the proposed qualification of business associates 1252

BANK HOLDING COMPANIES—FRS notice rescheduling hearing on armored car and courier services for 2–10–72 1251

COMMERCIAL ZONES—ICC proposal for Chicago; comments by 2–23–72 1252

FOOD ADDITIVES—
EPA notice of a tolerance petition for a chemical used in tea 1261
EPA notices of petition withdrawals (2 documents) 1256

PESTICIDES—
EPA amendment establishing a tolerance for a chemical used in dairy and poultry produce . 1232
EPA notices of tolerance petitions for various chemicals (3 documents) 1260, 1261
EPA notice of the establishment of a temporary tolerance for a plant regulator 1260

ANTIDUMPING—Tariff Commission notice of investigation and hearing on 2–29–72 concerning netting from Japan 1277

BARRIERS TO U.S. TRADE—Tariff Commission notice requesting briefs to assist investigation 1276

Contents

THE PRESIDENT

EXECUTIVE ORDER

Further providing for the stabilization of the economy 1213

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See also Animal and Plant Health Service; Consumer and Marketing Service; Federal Crop Insurance Corporation.

Rules and Regulations

Procurement; miscellaneous amendments 1233

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations

Hog cholera and other communicable swine diseases; areas quarantined 1228

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Rules and Regulations

Multifamily housing, and low cost and moderate income mortgage insurance; eligibility requirements 1245

ATOMIC ENERGY COMMISSION

Notices

Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co.; order extending provisional construction permit completion date 1257

CHILD DEVELOPMENT OFFICE

Notices

Cortland County, Inc.; termination of head start grant to opportunities; hearing 1256

(Continued on next page)

V 37-118 JAN 27 72 XUM

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Continental Air Lines, Inc. 1257
Delta Air Lines, Inc. 1259
Piair, Ltd. 1260

COMMERCE DEPARTMENT

See Maritime Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Meat inspection; certain inedible products; shipment 1226
Milk in Red River Valley and Oklahoma metropolitan marketing areas; order amending orders 1225
Navel oranges grown in Arizona and designated part of California; handling limitation 1223
Onions grown in South Texas; shipments limitation 1223

Proposed Rule Making

Onion imports; standards 1247

COST OF LIVING COUNCIL

Rules and Regulations

Economic units; coverage, exemptions and classification; miscellaneous amendments 1237

CUSTOMS BUREAU

Notices

Regional commissioners; delegation of authority to settle certain claims 1253

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

2,2-Dichlorovinyl dimethyl phosphate in or on raw agricultural commodities; tolerance for residues 1232

Notices

Ethephon; temporary tolerance 1260
Pesticides and food additives; filing of petitions:
E. I. Du Pont De Nemours and Co., Inc. 1260
Rohm and Haas Co. 1260
W. R. Grace & Co. 1261
Stauffer Chemical Co.; filing of petition for food additive 1261

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives:
McDonnell Douglas Model DC-8 series airplanes 1230
Mitchell automatic pilot instruments 1229
Sikorsky aircraft 1230
Standard instrument approach procedures; changes and additions 1231
Temporary restricted area; designation 1231

Proposed Rule Making

Area high routes; designation 1250
Transition area; alteration 1249

Notices

Air Carrier District Office, Logan Airport, Boston, Mass.; transfer of jurisdiction 1257
WSUN, Inc.; petition for and grant of review 1257

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Railroad radio service; frequency allocations and tone modulation 1235

Proposed Rule Making

Telephone companies; computer format for monthly statistical reports 1250

Notices

Canadian broadcast stations notification list; correction 1261

FEDERAL CROP INSURANCE CORPORATION

Rules and Regulations

Crop insurance; counties designated, 1969 and succeeding crop years:
Barley 1221
Wheat 1221

FEDERAL HOME LOAN BANK BOARD

Notices

Lincoln Central Industries, Inc., et al.; application for permission to acquire control of savings association 1261

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations

National flood insurance:
Sale of insurance; list of eligible communities 1246
Special hazard areas; list of communities 1246

FEDERAL MARITIME COMMISSION

Proposed Rule Making

Independent ocean freight forwarders; qualification of business associates; comment time extended 1252

Notices

Dominion Far East Line (Hong Kong) Ltd.; certificate revocation 1261

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Columbia Gas Transmission Corp 1265
Detroit Edison Co 1266
Distrigas Corp 1268
El Paso Natural Gas Co 1269
Michigan Wisconsin Pipe Line Co 1269
Mountain Fuel Supply Co. et al 1265
National Gas Survey Coordinating Committee 1266
Wiser Oil Co. et al 1261

FEDERAL RESERVE SYSTEM

Proposed Rule Making

Bank holding companies; courier and armored car services hearings 1251

Notices

Atlantic Bancorporation; order approving acquisition of bank 1270
North Platte Corp.; order approving formation of bank holding company 1270

FISCAL SERVICE

Rules and Regulations

Surety companies doing business with the United States; adoption of schedule of user fees for Treasury services 1231

FISH AND WILDLIFE SERVICE

Rules and Regulations

Crab Orchard National Wildlife Refuge, Illinois; public use 1237

FOOD AND DRUG ADMINISTRATION

Proposed Rule Making

Drugs: official names 1248

Notices

Food additives: withdrawal of petitions:
Colloidal Products Corp. 1256
Dow Chemical Co. 1256

GENERAL SERVICES ADMINISTRATION

Notices

Secretary of Defense; delegation of authority 1270

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Child Development Office; Food and Drug Administration; Social Security Administration.

HEARINGS AND APPEALS OFFICE

Notices

Imperial Coal Co.; modification of interim mandatory safety standards (2 documents) 1254

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Assistant Secretary for Housing Production and Mortgage Credit Office; Federal Insurance Administration; Interstate Land Sales Registration Office.

Notices

Acting Assistant Secretary for Administration; designation 1256

INDIAN AFFAIRS BUREAU

Notices

Intoxicants; ordinance legalizing introduction, sale, or possession:
Fallon Paiute-Shoshone Indian Reservation, Nevada 1253
Wind River Indian Reservation, Wyoming 1253

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Hearings and Appeals Office; Indian Affairs Bureau.

INTERNAL REVENUE SERVICE

Proposed Rule Making

Farm losses; extension of comment time 1247
Income tax; depreciation allowances using class life asset depreciation range system (2 documents) 1238

INTERSTATE COMMERCE COMMISSION

Proposed Rule Making

Chicago, Ill., commercial zone; redefinition of limits 1252

Notices

Assignment of hearings 1287
Motor carrier, broker, water carrier and freight forwarder applications 1279
Motor carriers:
Temporary authority applications 1288
Transfer proceedings 1291

INTERSTATE LAND SALES REGISTRATION OFFICE

Rules and Regulations

Interstate land sales:
Investigative and adjudication proceedings 1319
Land registration 1304

LABOR DEPARTMENT

Notices

Foot Flairs, Inc.; revised certification of eligibility of workers to apply for adjustment assistance 1277

MARITIME ADMINISTRATION

Notices

American Steamship Co.; applications (2 documents) 1255

PAY BOARD

Rules and Regulations

Stabilization of wages and salaries; retroactive increases and certain deferred increases 1242

PRICE COMMISSION

Rules and Regulations

Price stabilization; base price information requirements 1244
Procedural regulations; review of initial decisions on matters other than exceptions 1244

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Broad Street Investing Corp. et al. 1271
Hornblower, Weeks, Hemphill, and Noyes 1271
Metropolitan Edison Co. 1272
Municipal Bond Fund et al. 1273
Tri-Continental Corp. 1275
Union Capital Fund, Inc. 1275

SMALL BUSINESS ADMINISTRATION

Notices

Disaster loan area declarations:
Colorado 1276
Georgia 1276

SOCIAL SECURITY ADMINISTRATION

Proposed Rule Making

Federal health insurance for the aged; disclosure of reasons for termination of coverage 1249

TARIFF COMMISSION

Notices

Fish nets and netting from Japan; investigation and hearing 1277
Principal trading nations; barriers to trade; request for briefs 1276

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Customs Bureau; Fiscal Service; Internal Revenue Service.

VETERANS ADMINISTRATION

Rules and Regulations

Procurement; miscellaneous amendments 1234

V37-1-8 JAN 27 72 XUM

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:

11588 (see EO 11640) ---- 1213
11615 (see EO 11640) ---- 1213
11627 (superseded by EO 11640) -- 1213
11630 (superseded by EO 11640) -- 1213
11632 (superseded by EO 11640) -- 1213
11639 (see EO 11640) ---- 1213
11640 ---- 1213

6 CFR

101 ---- 1237
201 ---- 1242
300 ---- 1242
305 ---- 1244

7 CFR

401 (2 documents) ---- 1221
907 ---- 1223
959 ---- 1223
1104 ---- 1225
1106 ---- 1225

PROPOSED RULES:

980 ---- 1247

9 CFR

76 ---- 1228
301 ---- 1229
320 ---- 1229
325 ---- 1229

12 CFR

PROPOSED RULES:

225 ---- 1250

14 CFR

39 (3 documents) ---- 1229, 1230
73 ---- 1231
97 ---- 1231

PROPOSED RULES:

71 ---- 1249
75 ---- 1250

20 CFR

PROPOSED RULES:

405 ---- 1249

21 CFR

PROPOSED RULES:

138 ---- 1248

24 CFR

207 ---- 1245
221 ---- 1245
1710 ---- 1304
1720 ---- 1319
1914 ---- 1246
1915 ---- 1246

26 CFR

PROPOSED RULES:

1 (3 documents) ---- 1247
13 ---- 1247

31 CFR

223 ---- 1231

40 CFR

180 ---- 1232

41 CFR

4-4 ---- 1233
4-5 ---- 1233
8-1 ---- 1235
8-2 ---- 1235
8-3 ---- 1235
8-7 ---- 1235
8-12 ---- 1235

45 CFR

PROPOSED RULES:

510 ---- 1252

47 CFR

93 ---- 1235

PROPOSED RULES:

43 ---- 1250
73 ---- 1250

49 CFR

PROPOSED RULES:

1048 ---- 1252

50 CFR

28 ---- 1237

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11640

Further Providing for the Stabilization of the Economy

On August 15, 1971, I issued Executive Order No. 11615 providing for the stabilization of prices, rents, wages, and salaries, for a period of 90 days from the date of that Order. That Order also established the Cost of Living Council and charged it with the primary responsibility for administering the stabilization program, and for recommending to me additional policies and mechanisms to permit an orderly transition from the 90-day general prices, rents, wages, and salaries freeze imposed by Executive Order No. 11615 to a more flexible and selective system of economic restraints.

Subsequently, I received recommendations from the Cost of Living Council, and determined that the intent of the Economic Stabilization Act of 1970 (P.L. 91-379; 84 Stat. 799), as amended, could more effectively be carried out and the goals I specified in my speech to the Nation on October 7, 1971, could more effectively be achieved, on and after October 15, 1971 by substituting Executive Order No. 11627 for Executive Order No. 11615, as amended. Notwithstanding this substitution, the findings which I made in the preamble of Executive Order No. 11615 of August 15, 1971, were, after careful reconsideration, reaffirmed.

On December 22, 1971, I signed the Economic Stabilization Act Amendments of 1971 (P.L. 92-210; 85 Stat. 743) into law. To reflect the changes made by such Amendments in the Economic Stabilization Act of 1970 and to reaffirm the existing delegation of authority to the Council, this Order is substituted for Executive Order No. 11627, as amended. I hereby reaffirm the goals I specified in my speech to the Nation of October 7, 1971, and the findings which I made in the preamble of Executive Order No. 11615 of August 15, 1971.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970, as amended, it is hereby ordered as follows:

SECTION 1. (a) The Pay Board and Price Commission established by sections 7 and 8 of Executive Order No. 11627 of October 15, 1971, are hereby continued and shall act as agencies of the United States, and the Chairman of each of these bodies, acting in accordance with the majority vote of its members, shall, pursuant to the goals established by the Cost of Living Council, take such steps as may be necessary, and authorized by or pursuant to this Order, to stabilize prices, rents, wages, and salaries. Subject to action already taken under Executive Order No. 11627 and pending action under this Order, and except as otherwise

V37-18 JAN 27 72 XUM

provided in section 203 of the Economic Stabilization Act of 1970, as amended, Executive Order No. 11639 of January 11, 1972, and the President's memorandum concerning administrative pay adjustments of January 11, 1972, prices, rents, wages, and salaries are stabilized effective as of August 16, 1971, at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual, business, firm, or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. If no transactions occurred in that period, the ceiling will be the highest price, rent, salary, or wage in the nearest preceding 30-day period in which transactions did occur. No person shall charge, assess, or receive, or knowingly pay or offer to pay, directly or indirectly, in any transaction, prices or rents in any form higher than those permitted hereunder, and no person shall, directly or indirectly, pay or agree to pay, in any transaction, wages or salaries in any form, or to use any means to obtain payment of wages and salaries in any form, higher than those permitted hereunder, whether by retroactive increase or otherwise.

(b) Each person engaged in the business of selling or providing commodities or services shall maintain available for public inspection a record of the highest prices or rents charged for such or similar commodities or services during the 30-day period ending August 14, 1971.

(c) The provisions of sections 1 and 2 of this Order shall not apply to the prices charged for raw agricultural products.

SEC. 2. (a) The Cost of Living Council (hereinafter referred to as the Council), established by section 2 of Executive Order No. 11615 of August 15, 1971, is hereby continued and shall continue to act as an agency of the United States.

(b) The Council shall be composed of the following members: The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Housing and Urban Development, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Director of the Office of Emergency Preparedness, the Special Assistant to the President for Consumer Affairs, and such others as the President may, from time to time, designate. The Secretary of the Treasury shall serve as Chairman of the Council and the Chairman of the Council of Economic Advisers shall serve as Vice Chairman. The Chairman of the Board of Governors of the Federal Reserve System shall serve as adviser to the Council.

(c) There shall be a Director of the Cost of Living Council who shall be appointed by the President, be a member of the Council, be a full-time official of the United States, be the Council's Chief Executive Officer, and shall be compensated at the rate prescribed for level III of the Executive Schedule by Section 5314 of Title 5 of the United States Code.

SEC. 3. (a) Except as otherwise provided herein, all of the powers and duties conferred upon the President by the Economic Stabilization Act of 1970, as amended, shall continue to be delegated to the Council, including, without limitation, the power to stabilize interest rates and corporate dividends and similar transfers at levels consistent with orderly economic growth and the power and duty to make the determinations and take the actions required or permitted by the Act.

(b) The Council shall develop and recommend to the President policies, mechanisms and procedures to achieve and maintain stability of prices and costs in a growing economy. To this end it shall consult with representatives of agriculture, industry, labor, State and local governments, consumers and the public, through the National Commission on Productivity and otherwise.

(c) In all of its actions the Council shall be guided by the need to maintain consistency of price and wage policies with fiscal, monetary, international, and other economic policies of the United States.

(d) The Council shall inform the public, agriculture, industry, and labor concerning the need for controlling inflation and shall encourage and promote voluntary action to that end.

(e) The Council shall prepare the section of the Economic Report and the quarterly reports required by section 216 of the Economic Stabilization Act of 1970, as amended.

SEC. 4. (a) The Council, in carrying out the provisions of this Order, may continue to (i) prescribe definitions for any terms used herein, (ii) make exceptions or grant exemptions, (iii) issue regulations and orders, (iv) provide for the establishment of committees and other comparable groups, and (v) take such other actions as it determines to be necessary or appropriate to carry out the purposes of this Order. More particularly, the Council, working through appropriate delegations to the Chairman of the Pay Board and the Chairman of the Price Commission, may (1) notwithstanding the provisions of subsection (a) of section 1 of this Order, prescribe base periods for determining maximum levels for prices, rents, wages, and salaries other than the base period specified in subsection (a) of section 1 of this Order, and (2) otherwise increase or decrease, subject to section 203 of the Economic Stabilization Act of 1970, as amended, the maximum levels for prices, rents, wages, and salaries prescribed by subsection (a) of section 1 of this Order.

(b) The Council may redelegate to any agency, instrumentality, or official of the United States any authority under this Order, and may, in administering this Order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

(c) On request of the Chairman of the Council, each executive department or agency is authorized and directed, consistent with law, to furnish the Council with any available information which the Council may require in the performance of its functions.

SEC. 5. The Council may require the maintenance of appropriate records or other evidence which are necessary in carrying out the provisions of this Order, and may require any person to maintain and produce for examination such records or other evidence, in such form as it shall require, concerning prices, rents, wages, and salaries and all related matters. The Council may make such exemptions or exceptions from any requirement otherwise imposed as are consistent with the purposes of this Order. Any type of record or evidence required under regulations issued under this Order shall be retained for such period as the Council may prescribe.

V37-18 JAN 27 72 XUM

SEC. 6. The expenses of the Council shall be paid from such funds as may be available therefore, under legislation, from the Department of the Treasury or otherwise.

SEC. 7. (a) There is hereby continued the "Pay Board" (hereinafter referred to as the Board).

(b) The Board shall be composed of fifteen members. The members shall be appointed by the President by and with the advice and consent of the Senate; except that the foregoing requirement with respect to Senate confirmation does not apply to any member of the Board (other than the Chairman) who was serving, pursuant to appointment by the President, on December 22, 1971, and who continues to serve pursuant to such appointment, after such time. The Board shall include five labor representatives, five business representatives, and five representatives of the general public. The members of the Board shall serve at the pleasure of the President, and the President shall designate one of the members representing the public to serve as Chairman. Any person serving in the Office of Chairman on December 22, 1971, may continue to serve in such capacity on an interim basis without regard to the requirement with respect to Senate confirmation until the expiration of 60 days after December 22, 1971. The Chairman shall serve full-time and be an official of the United States and shall be compensated at the rate prescribed for Level III of the Executive Schedule by Section 5314 of Title 5 of the United States Code. Each other member shall receive compensation at a rate equal to the per diem equivalent of the rate prescribed for Level IV of the Executive Schedule by Section 5314 of Title 5 of the United States Code, when actually engaged in the performance of his duties as such member. The Chairman shall designate an Executive Director of the Board who shall be compensated at the rate prescribed for Level V of the Executive Schedule by Section 5316 of Title 5 of the United States Code, and who shall serve under the direction of the Chairman of the Board and perform such duties as the Chairman may specify. The Board shall conduct its proceedings in such manner as will be conducive to the proper dispatch of its business and to the ends of justice.

(c) The Board shall perform such functions with respect to the stabilization of wages and salaries as the Council delegates to the Board. Legal authority shall be in the Chairman of the Board, who shall act only in accordance with the majority vote of its members, shall perform such functions with respect to the stabilization of wages and salaries as the Council may delegate to him, including the development and establishment of criteria and standards for the stabilization of wages and salaries which shall be applied in the administration of this Order, as may be delegated to him by the Council.

SEC. 8. (a) There is hereby continued the "Price Commission" (hereinafter referred to as the Commission).

(b) The Commission shall be composed of seven members. The members shall be representative of the general public and shall be appointed by the President by and with the advice and consent of the Senate except that the foregoing requirement with respect to Senate confirmation does not apply to any member of the Commission (other than the Chairman) who was serving, pursuant to appointment by the President, on December 22, 1971, and who continues to serve pursuant to such appointment, after such time. The members of the Commission shall serve at the pleasure of the President, and the President shall designate one of the members to serve as Chairman. Any person serving in the Office of Chairman on December 22, 1971, may continue to serve in such capacity on an interim basis without regard to the requirement with respect to Senate confirmation until the expiration of 60 days after December 22, 1971. The Chairman shall serve full-time and be an official of the United States and shall be compensated at the rate prescribed for Level III of the Executive Schedule by Section 5314 of Title 5 of the United States Code. Each other member shall receive compensation at a rate equal to the per diem equivalent of the rate prescribed for Level IV of the Executive Schedule by Section 5315 of Title 5 of the United States Code, when actually engaged in the performance of his duties as such member. The Chairman shall designate an Executive Director of the Board who shall be compensated at the rate prescribed for Level V of the Executive Schedule by Section 5316 of Title 5 of the United States Code, and who shall serve under the direction of the Chairman of the Commission and perform such duties as the Chairman may specify. The Commission shall conduct its proceedings in such manner as will be conducive to the proper dispatch of its business and to the ends of justice.

(c) The Commission shall perform such functions with respect to the stabilization of prices and rents as the Council delegates to the Commission. The Chairman of the Commission, who shall act only in accordance with the majority vote of its members, shall perform such functions with respect to the stabilization of prices and rents as the Council may delegate to him, including the development and establishment of criteria and standards for the stabilization of prices and rents which shall be applied in the administration of this Order, as may be delegated to him by the Council.

SEC. 9. (a) The Committee on Interest and Dividends established by section 9 of Executive Order No. 11627 is hereby continued. The Committee shall be composed of the Chairman of the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Chairman of the Federal Deposit Insurance Corporation, the Chairman of the Federal Home Loan Bank Board, and such others as the President may, from time to time, designate. The Chairman of the Board of Governors of the Federal Reserve System shall serve as Chairman of the Committee.

(b) This Committee shall, subject to review by the Council, formulate and execute a program for obtaining voluntary restraints on interest rates and dividends.

SEC. 10. (a) The Committee on the Health Services Industry established by section 10 of Executive Order No. 11627 is hereby continued. The Committee shall be composed of such members as the President may from time to time appoint. The members shall be generally representative

V 37 18 JAN 27 72 XUM

of medical professions and related occupations, hospitals, the insurance industry, other supporting industries, consumer interests, and the public. The President shall designate the Chairman of the Committee.

(b) This Committee shall provide advice concerning special considerations that tend to contribute to inflation in the health services industry. This Committee shall also assist the Board and Commission in the performance of their functions by making technical analyses of specific matters referred to it by the Board or Commission.

SEC. 11. (a) The Committee on State and Local Government Cooperation established by section 11 of Executive Order No. 11627 is hereby continued. The Committee shall be composed of such representatives of State and local governments and subdivisions thereof, representatives of State and local employees, and such others as the President may, from time to time, appoint. The President shall designate the Chairman of the Committee.

(b) This Committee shall provide advice concerning special considerations involved in the stabilization of prices, rents, wages, and salaries pursuant to this Order as they relate to State and local governments, and subdivisions and employees thereof. This Committee shall also assist the Board and Commission in the performance of their functions by making technical analyses of specific matters referred to it by the Board or Commission.

SEC. 12. (a) The Rent Advisory Board established by section 11A of Executive Order No. 11627, as amended, is hereby continued. The Rent Advisory Board shall be composed of such members as the President may from time to time appoint. The President shall designate the Chairman of the Rent Advisory Board.

(b) The Rent Advisory Board shall provide advice concerning special considerations involved in the stabilization of rents. It shall also assist the Commission in the performance of its functions by making technical analyses of specific matters referred to it by the Commission.

SEC. 13. On request of the Chairman of the Council, Federal departments and agencies shall provide such assistance in carrying out the provisions of this Order as is permitted by law.

SEC. 14. All orders, regulations, circulars, or other directives issued and all other actions taken pursuant to Executive Order No. 11615, as amended, and Executive Order No. 11627, as amended, and in effect on the date of this Order, are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this Order, unless and until altered, amended, or revoked by the Council or by such competent authority as the Council may specify.

SEC. 15. (a) The Construction Industry Stabilization Committee established by section 1 of Executive Order No. 11588 of March 29, 1971, and the craft dispute boards authorized by section 2 of that Order, are hereby continued, except as modified by the provisions of the Economic Stabilization Act of 1970, as amended.

(b) The Chairman of the Pay Board, acting in accordance with the majority vote of its members, shall continue to perform all functions vested in the Secretary of Labor by Executive Order No. 11588, with respect to (1) the certification of determinations that a proposed wage or salary increase is not acceptable pursuant to section 5 of that Order, (2) the approval of rules and regulations issued by the Construction Industry Stabilization Committee pursuant to section 10 of that Order, and (3) the issuance of rules and regulations pursuant to section 10 of that Order.

(c) The revocation of subsection (d) of section 5 and section 6 of Executive Order No. 11588 contained in subsection (c) of section 14 of Executive Order No. 11627 shall remain in effect.

(d) Section 8 of Executive Order No. 11588 is hereby revoked and the Interagency Committee on Construction established by that section is therefore abolished.

SEC. 16. (a) Whoever willfully violates this Order or any order or regulation issued under authority of this Order shall be subject to a fine of not more than $5,000 for each such violation. Whoever violates this Order or any order or regulation issued under authority of this Order shall be subject to a civil penalty of not more than $2,500 for each such violation.

(b) The Council may in its discretion request the Department of Justice to bring actions for injunctions authorized under Section 209 of the Economic Stabilization Act of 1970, as amended, whenever it appears to the Council that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order issued pursuant to this Order. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of moneys received in violation of any such order or regulation.

(c) The Chairman of the Cost of Living Council, the Chairman of the Pay Board, the Chairman of the Price Commission, or the Secretary of the Treasury, respectively, or the duly authorized agent of any of them, shall have authority, for any purpose related to the Economic Stabilization Act of 1970, as amended, to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with the provisions of Section 206 of the Economic Stabilization Act of 1970, as amended.

SEC. 17. Executive Order No. 11627 of October 15, 1971, Executive Order No. 11630 of October 30, 1971, and Executive Order No. 11632 of November 22, 1971, are hereby superseded.

SEC. 18. This Order shall be effective as of December 22, 1971.

Richard Nixon

THE WHITE HOUSE,
January 26, 1972.

[FR Doc.72-1357 Filed 1-26-72; 4:34 pm]

V37-18 JAN 27 72 XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following counties have been designated for barley crop insurance for the 1973 crop year.

ARIZONA

Maricopa.
Pinal.
Yuma.

CALIFORNIA

Modoc.

COLORADO

Boulder.
Larimer.
Logan.
Morgan.
Sedgwick.
Washington.
Weld.

IDAHO

Ada.
Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.
Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Owyhee.
Power.
Teton.
Twin Falls.

MARYLAND

Caroline.
Kent.
Queen Annes.

MINNESOTA

Becker.
Chippewa.
Clay.
Grant.
Kittson.
Mahnomen.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Pope.
Red Lake.
Roseau.
Stevens.
Swift.
Traverse.
Wilkin.

MONTANA

Big Horn.
Blaine.
Carbon.
Cascade.
Chouteau.
Daniels.
Fallon.
Fergus.
Glacier.
Golden Valley.
Hill.
Judith Basin.
Liberty.
Musselshell.
Phillips.
Pondera.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sheridan.
Stillwater.
Teton.
Toole.
Valley.
Wheatland.
Yellowstone.

NORTH DAKOTA

Barnes.
Benson.
Bottineau.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McKenzie.
McLean.
Mercer.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OREGON

Gilliam.
Jefferson.
Klamath.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Wheeler.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lebanon.
York.

SOUTH DAKOTA

Beadle.
Brookings.
Brown.
Clark.
Codington.
Day.
Deuel.
Edmunds.
Faulk.
Grant.
Hamlin.
Kingsbury.
McPherson.
Marshall.
Miner.
Roberts.
Spink.

UTAH

Cache.
Davis.
Salt Lake.
Utah.
Weber.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Spokane.
Walla Walla.
Whitman.
Yakima.

WYOMING

Big Horn.
Goshen.
Park.
Washakie.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.72-1205 Filed 1-26-72;8:49 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following counties have been designated for wheat crop insurance for the 1973 crop year.

ARKANSAS

Chicot.
Clay.
Craighead.
Crittenden.
Cross.
Desha.
Greene.
Jackson.
Mississippi.
Phillips.
Poinsett.
St. Francis.

CALIFORNIA

Modoc.

COLORADO

Adams.
Arapahoe.
Boulder.
Cheyenne.
Elbert.
Kit Carson.
Larimer.
Lincoln.
Logan.
Morgan.
Phillips.
Sedgwick.
Washington.
Weld.
Yuma.

IDAHO

Ada.
Bannock.
Benewah.
Bingham.
Bonneville.
Camas.
Canyon.
Caribou.
Cassia.
Franklin.
Fremont.
Gooding.
Idaho.
Jefferson.
Jerome.
Kootenai.
Latah.
Lewis.
Lincoln.
Madison.
Minidoka.
Nez Perce.
Oneida.
Owyhee.
Power.
Teton.
Twin Falls.

ILLINOIS

Adams.
Bond.
Brown.
Cass.
Champaign.
Christian.
Clark.
Clinton.
Coles.
Crawford.
Cumberland.
DeWitt.
Douglas.
Edgar.
Effingham.
Fayette.
Fulton.
Greene.
Hancock.
Iroquois.
Jasper.
Jefferson.
Jersey.
Kankakee.
Logan.
McDonough.
McLean.
Macon.
Macoupin.
Madison.
Mason.
Menard.
Monroe.
Montgomery.
Morgan.
Moultrie.
Piatt.
Pike.
St. Clair.
Sangamon.
Schuyler.
Scott.
Shelby.
Tazewell.
Vermilion
Washington.
Wayne.

INDIANA

Adams.
Allen.
Bartholomew.
Benton.

V37-18 JAN 27 72 XUM

INDIANA—Continued

Blackford.
Boone.
Carroll.
Cass.
Clay.
Clinton.
Decatur.
DeKalb.
Delaware.
Elkhart.
Fayette.
Fountain.
Fulton.
Gibson.
Grant.
Hamilton.
Hancock.
Hendricks.
Henry.
Howard.
Huntington.
Jackson.
Jasper.
Jay.
Johnson.
Knox.
Kosciusko.
Lagrange.
Madison.
Marion.
Marshall.
Miami.
Montgomery.
Morgan.
Newton.
Noble.
Parke.
Pulaski.
Putnam.
Randolph.
Ripley.
Rush.
Shelby.
Sullivan.
Tippecanoe.
Tipton.
Union.
Vermillion.
Vigo.
Wabash.
Warren.
Wayne.
Wells.
White.
Whitley.

KANSAS

Allen.
Anderson.
Atchison.
Barber.
Barton.
Bourbon.
Brown.
Butler.
Chase.
Chautauqua.
Cherokee.
Cheyenne.
Clark.
Clay.
Cloud.
Coffey.
Comanche.
Cowley.
Crawford.
Decatur.
Dickinson.
Doniphan.
Douglas.
Edwards.
Elk.
Ellis.
Ellsworth.
Finney.
Ford.
Franklin.
Geary.
Gove.
Graham.
Grant.
Gray.
Greeley.
Greenwood.
Hamilton.
Harper.
Harvey.
Haskell.
Hodgeman.
Jackson.
Jefferson.
Jewell.
Johnson.
Kearny.
Kingman.
Kiowa.
Labette.
Lane.
Lincoln.
Linn.
Logan.
Lyon.
McPherson.
Marion.
Marshall.
Meade.
Miami.
Mitchell.
Montgomery.
Morris.
Nemaha.
Neosho.
Ness.
Norton.
Osage.
Osborne.
Ottawa.
Pawnee.
Phillips.
Pottawatomie.
Pratt.
Rawlins.
Reno.
Republic.
Rice.
Riley.
Rooks.
Rush.
Russell.
Saline.
Scott.
Sedgwick.
Seward.
Shawnee.
Sheridan.
Sherman.
Smith.
Stafford.
Stanton.
Stevens.
Sumner.
Thomas.
Trego.
Wabaunsee.
Wallace.
Washington.
Wichita.
Wilson.
Woodson.

KENTUCKY

Christian.

MARYLAND

Caroline.
Kent.
Queen Annes.

MICHIGAN

Bay.
Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Gratiot.
Hillsdale.
Huron.
Ingham.
Ionia.
Jackson.
Kalamazoo.
Lenawee.
Livingston.
Monroe.
Saginaw.
St. Clair.
St. Joseph.
Sanilac.
Shiawassee.
Tuscola.
Washtenaw.

MINNESOTA

Becker.
Big Stone.
Blue Earth.
Chippewa.
Clay.
Dakota.
Douglas.
Faribault.
Freeborn.
Grant.
Kandiyohi.
Kittson.
Lac qui Parle.
Le Sueur.
Mahnoman.
Marshall.
Norman.
Otter Tail.
Pennington.
Polk.
Red Lake.
Redwood.
Renville.
Roseau.
Stevens.
Swift.
Traverse.
Waseca.
Wilkin.
Yellow Medicine.

MISSISSIPPI

Bolivar.
Coahoma.
De Soto.
Humphreys.
Issaquena.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tunica.
Washington.
Yazoo.

MISSOURI

Adair.
Andrew.
Audrain.
Barton.
Bates.
Boone.
Buchanan.
Butler.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Chariton.
Clark.
Clinton.
Cooper.
Dade.
Daviess.
DeKalb.
Dunklin.
Franklin.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jasper.
Johnson.
Knox.
Lafayette.
Lawrence.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mississippi.
Monroe.
Montgomery.
New Madrid.
Nodaway.
Pemiscot.
Pettis.
Pike.
Platte.
Ralls.
Randolph.
Ray.
St. Charles.
Saline.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.

MONTANA

Blaine.
Big Horn.
Carbon.
Cascade.
Chouteau.
Custer.
Daniels.
Dawson.
Fallon.
Fergus.
Glacier.
Golden Valley.
Hill.
Judith Basin.
Liberty.
McCone.
Musselshell.
Petroleum.
Phillips.
Pondera.
Prairie.
Richland.
Roosevelt.
Rosebud.
Sheridan.
Stillwater.
Teton.
Toole.
Treasure.
Valley.
Wheatland.
Wibaux.
Yellowstone.

NEBRASKA

Adams.
Banner.
Box Butte.
Butler.
Cass.
Chase.
Cheyenne.
Clay.
Dawes.
Deuel.
Dodge.
Fillmore.
Franklin.
Frontier.
Furnas.
Gage.
Garden.
Gosper.
Hall.
Hamilton.
Harlan.
Hayes.
Hitchcock.
Jefferson.
Johnson.
Kearney.
Keith.
Kimball.
Lancaster.
Lincoln.
Merrick.
Morrill.
Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Perkins.
Phelps.
Polk.
Red Willow.
Richardson.
Saline.
Saunders.
Scotts Bluff.
Seward.
Sheridan.
Thayer.
Washington.
Webster.
York.

NEW MEXICO

Curry.

NORTH DAKOTA

Adams.
Barnes.
Benson.
Bottineau.
Bowman.
Burke.
Burleigh.
Cass.
Cavalier.
Dickey.
Divide.
Dunn.
Eddy.
Emmons.
Foster.
Golden Valley.
Grand Forks.
Grant.
Griggs.
Hettinger.
Kidder.
La Moure.
Logan.
McHenry.
McIntosh.
McKenzie.
McLean.
Mercer.
Morton.
Mountrail.
Nelson.
Oliver.
Pembina.
Pierce.
Ramsey.
Ransom.
Renville.
Richland.
Rolette.
Sargent.
Sheridan.
Sioux.
Slope.
Stark.
Steele.
Stutsman.
Towner.
Traill.
Walsh.
Ward.
Wells.
Williams.

OHIO

Allen.
Ashland.
Auglaize.
Butler.
Champaign.
Clark.
Clinton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hancock.
Hardin.
Henry.
Highland.
Huron.
Knox.
Licking.
Logan.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morrow.
Ottawa.
Paulding.
Pickaway.
Preble.
Putnam.
Richland.
Sandusky.
Seneca.
Shelby.
Union.
Van Wert.
Wayne.
Williams.
Wood.
Wyandot.

OKLAHOMA

Alfalfa.
Beaver.
Beckham.
Blaine.
Caddo.
Canadian.
Comanche.
Cotton.

OKLAHOMA—Continued

Craig.
Custer.
Delaware.
Dewey.
Ellis.
Garfield.
Grady.
Grant.
Greer.
Harmon.
Harper.
Jackson.
Kay.
Kingfisher.
Kiowa.
Logan.
Major.
Mayes.
Noble.
Nowata.
Osage.
Ottawa.
Pawnee.
Payne.
Texas.
Tillman.
Washington.
Washita.
Woods.
Woodward.

OREGON

Baker.
Gilliam.
Jefferson.
Klamath.
Linn.
Malheur.
Morrow.
Sherman.
Umatilla.
Union.
Wallowa.
Wasco.
Wheeler.

PENNSYLVANIA

Adams.
Chester.
Cumberland.
Dauphin.
Franklin.
Lancaster.
Lebanon.
Perry.
York.

SOUTH DAKOTA

Aurora.
Beadle.
Bennett.
Bon Homme.
Brown.
Campbell.
Clark.
Codington.
Corson.
Day.
Deuel.
Dewey.
Douglas.
Edmunds.
Faulk.
Grant.
Haakon.
Hamlin.
Hand.
Hughes.
Hutchinson.
Hyde.
Jones.
Kingsbury.
Lyman.
McPherson.
Marshall.
Mellette.
Miner.
Perkins.
Potter.
Roberts.
Spink.
Stanley.
Sully.
Tripp.
Walworth.

TENNESSEE

Dyer.
Lake.
Lauderdale.
Obion.
Robertson.

TEXAS

Baylor.
Carson.
Castro.
Collin.
Cooke.
Dallam.
Deaf Smith.
Denton.
Fannin.
Floyd.
Foard.
Gray.
Grayson.
Hale.
Hansford.
Hartley.
Hutchinson.
Jones.
Knox.
Lipscomb.
Moore.
Ochiltree.
Oldham.
Parmer.
Randall.
Sherman.
Swisher.
Wilbarger.

UTAH

Box Elder.
Cache.
Davis.
Salt Lake.
Utah.
Weber.

WASHINGTON

Adams.
Asotin.
Benton.
Columbia.
Douglas.
Franklin.
Garfield.
Grant.
Klickitat.
Lincoln.
Okanogan.
Spokane.
Walla Walla.
Whitman.
Yakima.

WYOMING

Goshen.
Laramie.
Platte.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.72-1204 Filed 1-26-72;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 253]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.553 Navel Orange Regulation 253.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the Act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 25, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 28 through February 3, 1972, are hereby fixed as follows:

(i) District 1: 913,000 cartons.

(ii) District 2: 187,000 cartons.

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 26, 1972.

FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-1337 Filed 1-26-72;11:35 am]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in designated counties in South Texas, was published in the FEDERAL REGISTER, November 20, 1971 (36 F.R. 22165). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 30 days after publication. Within the period specified, written comments were filed with the Hearing Clerk by Oliver H. Miller, Director of Research, McKee Baking Co., Collegedale, Tenn.

Mr. Miller took exception to the prohibition of packaging or loading onions on Sundays, and proposed that such activities be limited to any 6 days of a week, to eliminate any personal, philosophical, or religious conflict. This exception has been carefully considered and is denied because the Sunday holidays are needed to avoid heavy shipments of onions on Mondays which in the

V37-18 JAN 27 72 XUM

past have resulted in depressed prices to producers.

Statement of consideration. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1972 crop of South Texas onions and of the marketing prospects for the shipping season which is expected to being on or about March 1.

The grade and size requirements herein are recommended to prevent culls and poor quality onions, as well as undesirable sizes, from being distributed in fresh market channels. This should provide consumers with desirable onions, at reasonable prices and at the same time result in higher returns to producers for the better grades and preferred sizes and enhance the reputation of South Texas onions.

The container requirement should prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, it would not preclude the use of containers customarily packed for the retail trade. It would not preclude the use of containers which have been the subject of experimental shipments during past seasons, and it would not preclude the use of containers required for the export market.

The prohibition on packaging and loading onions on Sunday is recommended to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings at reasonable prices.

The regulation is as follows:

§ 959.312 Limitation of shipments.

During the period beginning March 1, 1972, through May 15, 1972, no handler may: Package or load onions on Sundays; or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraph (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25-pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2-, 3-, or 5-pound containers customarily packed for the retail trade, 20-kilogram bags, or 50-pound cartons, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments: *Provided*, That shipments of 2-, 3- and 5-pound containers shall not exceed 10 percent of handler's total weekly onion shipments, and provided further that shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(v) The average net weight per lot of 20-kilogram bags shall not exceed 22 kilograms per bag, and with outside dimensions not larger than 32 inches by 36 inches.

(vi) 20-kilogram bags shall be conspicuously labeled with the words "For Export Only" and shipments shall be only to points outside of the 48 contiguous States of the United States, the District of Columbia, Canada, or Mexico.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles such shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled.

Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraphs (d) or (e)(3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the U.S. Standards for Grades of Onions other than Bermuda-Granex-Grano and Creole types) (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety.

All terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

Dated January 24, 1972, to become effective March 1, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-1201 Filed 1-26-72;8:49 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order Nos. 104 and 106; Dockets Nos. AO-298-A18 and AO-210-A30]

PART 1104—MILK IN RED RIVER VALLEY

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREAS

Order Amending Orders

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the aforesaid orders effective not later than February 1, 1972. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the respective marketing area.

The provisions of this order amending the aforesaid orders are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued on December 10, 1971 (36 F.R. 23821), and the decision of the Assistant Secretary containing all amending provisions of this order was issued January 14, 1972. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good causes exists for making this order amending each of the aforesaid orders effective February 1, 1972, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559.)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) or more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended; and

(3) The issuance of the order amending each of the specified orders is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the respective marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Red River Valley and Oklahoma metropolitan marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended, as follows:

A. In Part 1104 the following changes are made:

1. Section 1104.6 is revised to read as follows:

§ 1104.6 Producer.

(a) "Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act or a person described pursuant to paragraph (b) of this section, who produces milk approved for fluid consumption by a duly constituted health authority, which milk is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant, subject to the provisions of § 1104.14.

(b) This definition shall not include:

(1) Any person with respect to milk produced by him that is diverted to a pool plant from another order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each have requested Class II classification of such milk in their reports of receipts and utilization filed with the respective market administrator; or

(2) Any person with respect to milk produced by him that is diverted to another order plant if such person is designated as a producer under the other order with respect to such milk.

2. Section 1104.7 is revised to read as follows:

§ 1104.7 Distributing plant.

"Distributing plant" means all the buildings, premises, and facilities of a plant:

(a) Approved by a duly constituted health authority for the handling of milk approved for fluid consumption;

(b) In which fluid milk products are processed or packaged; and

(c) From which fluid milk products are disposed of on routes.

3. Section 1104.8 is revised to read as follows:

§ 1104.8 Supply plant.

"Supply plant" means a plant from which fluid milk products are transferred to a distributing plant(s) during the month.

4. Section 1104.9 is revised to read as follows:

§ 1104.9 Pool plant.

"Pool plant" means any plant (other than a plant operated by a producer-handler or one exempt pursuant to § 1104.61) described in paragraph (a) or (b) of this section:

(a) A distributing plant from which during the month:

(1) Fluid milk products (except filled milk) are disposed of on routes in an amount not less than 50 percent of the total quantity of fluid milk products (except filled milk) received at the plant or diverted to a nonpool plant by the plant operator under the limitations of § 1104.14; and

(2) Fluid milk products (except filled milk) are disposed of on routes in the marketing area in an amount not less than 15 percent of the total route disposition of the plant.

(b) A supply plant from which fluid milk products (except filled milk) are transferred during the month to a plant(s) described in paragraph (a) of this section in an amount not less than 50 percent of milk received at the supply plant from dairy farmers who would be eligible as producers under § 1104.6 if such plant qualifies pursuant to this paragraph and milk of such dairy farmers diverted from such plant by the plant operator. Any plant that qualifies under this paragraph during each of the months of September through December shall continue so qualified in each of the following months of January through

V 37 N 18 JAN 27 72 XUM

August until any month of such period in which less than 20 percent of the plant receipts and diverted milk specified previously herein is transferred to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such January–August period shall be qualified under this paragraph in any remaining month of the year only if transfers of fluid milk products (except filled milk) from the plant during the month to plant(s) described in paragraph (a) of this section are at least 50 percent of the plant receipts and diverted milk specified previously herein.

§ 1104.11 [Amended]

5. In § 1104.11(c) change "§ 1104.63" to read "§ 1104.14."

6. Section 1104.14 is revised to read as follows:

§ 1104.14 Producer milk.

"Producer milk" means skim milk and butterfat in milk from producers that is:

(a) Received by the operator of a pool plant at such pool plant from producers;

(b) Received by the operator of a pool plant at such pool plant from a cooperative association handler pursuant to § 1104.11(e);

(c) Diverted by the operator of a pool plant from such pool plant to a nonpool plant subject to the conditions of paragraph (f) of this section;

(d) Received from producers by a cooperative association handler pursuant to § 1104.11(e) in an amount in excess of the quantity delivered by such cooperative association to pool plants pursuant to paragraph (b) of this section; or

(e) Diverted by a cooperative association for its account from the pool plant of another handler to a nonpool plant subject to the conditions of paragraph (f) of this section;

(f) Milk diverted from a pool plant to a nonpool plant shall be subject to the following conditions:

(1) A cooperative association may divert from pool plants to nonpool plants for its account, subject to the conditions of subparagraph (3) of this paragraph, a total quantity of milk not in excess of total milk of its member-producers received at all pool plants during the month. Diversions in excess of such quantity shall not be eligible under this section and the diverting cooperative shall specify the dairy farmers whose diverted milk is not so eligible. If the cooperative association fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such cooperative association;

(2) The operator of a pool plant other than a cooperative association may divert from his pool plant to a nonpool plant for his account, subject to the conditions of subparagraph (3) of this paragraph, milk of producers not members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of the milk of producers not members of such cooperative association received at such pool plant(s) during the month. Milk diverted in excess of such quantity shall not be eligible under this section and the diverting handler shall specify the dairy farmers whose diverted milk is not so eligible. If a handler fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such handler;

(3) Milk of a producer shall not be eligible for diversion from a pool plant under this section if during the month less than 15 percent of the total milk of such person as a producer is received at a pool plant;

(4) Milk qualified as producer milk that is diverted by a handler to a nonpool plant pursuant to this section shall be accounted for as received by the diverting handler at the location of the nonpool plant.

§ 1104.32 [Amended]

7. In § 1104.32(b) the phrase "to another pool plant or" is deleted.

8. Revise § 1104.41(b)(6)(i) to read as follows:

§ 1104.41 Classes of utilization.

* * * * * *

(b) * * *

(6) * * *

(i) Two percent of milk received directly from producers at a pool plant or diverted from such pool plant by the plant operator; and

* * * * * *

§ 1104.43 [Amended]

9. In § 1104.43(a) change "§ 1104.14(a)(2)" to read "§ 1104.14(b)."

10. In § 1104.44 revise the text of paragraph (a) preceding subparagraph (1) of such paragraph, the text of paragraph (e) preceding subparagraph (1) of such paragraph, and subparagraph (2) and (3) of paragraph (e) to read as follows:

§ 1104.44 Transfers.

* * * * *

(a) At the utilization mutually indicated in writing to the market administrator by the operators of both plants on or before the seventh day after the end of the month in which the transaction occurred, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

* * * * *

(e) As follows, if transferred or diverted to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

* * * * *

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

* * * * *

§ 1104.52 [Amended]

11. In § 1104.52(a) the word "pool" preceding the word "plant" is deleted.

§ 1104.61 [Amended]

12. In § 1104.61(c) the provision ", except during the months of January through August if such plant retains automatic pooling status under this part" is deleted.

§ 1104.62 [Amended]

13. In § 1104.62(a)(1)(ii) change "§ 1104.8" to read "§ 1104.9(b)."

§ 1104.63 [Revoked]

14. Section 1104.63 is revoked in its entirety.

15. Section 1104.74 is revised to read as follows:

§ 1104.74 Location differentials to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1104.80 for producer milk received at a pool plant, the uniform price computed pursuant to § 1104.71 shall be reduced according to the location of the pool plant at the rate set forth in § 1104.52(a);

(b) For the purpose of computations pursuant to §§ 1104.82 and 1104.83, the weighted average price shall be adjusted at the rate set forth in § 1104.52(a) applicable at the location of the nonpool plant from which the milk was received; and

(c) In making payments to producers pursuant to § 1104.80 for producer milk diverted from a pool plant to a nonpool plant, the uniform price computed pursuant to § 1104.71 shall be reduced according to the location of the nonpool plant at which the milk is received at the rate set forth in § 1104.52(a).

§ 1104.86 [Amended]

16. In § 1104.86(a) change "§ 1104.14(a)(2)" to read "§ 1104.14(b)."

B. In Part 1106 the following changes are made:

1. Section 1106.7 is revised to read as follows:

§ 1106.7 Distributing plant.

"Distributing plant" means all the buildings, premises, and facilities of a plant:

(a) Approved by a duly constituted health authority for the handling of milk approved for fluid consumption;

(b) In which fluid milk products are processed or packaged; and

(c) From which fluid milk products are disposed of on routes.

2. Section 1106.8 is revised to read as follows:

§ 1106.8 Supply plant.

"Supply plant" means a plant from which fluid milk products are transferred to a distributing plant(s) during the month.

3. Section 1106.9 is revised to read as follows:

§ 1106.9 Pool plant.

"Pool plant" means any plant (other than a plant operated by a producer-handler or one exempt pursuant to § 1106.61) described in paragraph (a), (b), or (c) of this section;

(a) A distributing plant from which during the month:

(1) Fluid milk products (except filled milk) are disposed of on routes in an amount not less than 50 percent of the total quantity of fluid milk products (except filled milk) received at the plant or diverted to a nonpool plant by the plant operator under the limitations of § 1106.13; and

(2) Fluid milk products (except filled milk) are disposed of on routes in the marketing area in an amount not less than 15 percent of the total route disposition of the plant.

(b) A supply plant from which fluid milk products (except filled milk) are transferred during the month to a plant(s) described in paragraph (a) of this section in an amount not less than 50 percent of milk received at the supply plant from dairy farmers who would be eligible as producers under § 1106.12 if such plant qualifies pursuant to this paragraph and milk of such dairy farmers diverted from such plant by the plant operator. Any plant that qualifies under this paragraph during each of the months of September through December shall continue so qualified in each of the following months of January through August until any month of such period in which less than 20 percent of the plant receipts and diverted milk specified previously herein is transferred to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such January–August period shall be qualified under this paragraph in any remaining month of the year only if transfers of fluid milk products (except filled milk) from the plant during the month to plant(s) described in paragraph (a) of this section are at least 50 percent of the plant receipts and diverted milk specified previously herein.

(c) A plant(s) operated by a cooperative association and located not more than 50 miles from the City Hall of Tulsa or Oklahoma City, Okla., at which milk is received from dairy farmers producing milk approved by a duly constituted health authority for fluid consumption if the total of fluid milk products described in subparagraphs (1) and (2) of this paragraph received at plants described pursuant to paragraph (a) of this section is not less than 50 percent of total milk of member producers during the month:

(1) Fluid milk products (except filled milk) transferred from such cooperative association plant(s); and

(2) Milk of member producers received from such producers.

§ 1106.11 [Amended]

4. In § 1106.11 paragraph (c) is revised to read as follows:

(c) A cooperative association with respect to the milk of its member producers delivered to the pool plant of another handler in a tank truck owned or operated by such cooperative association for the account of such cooperative association. Such milk shall be considered to have been received by such cooperative association at the location of the plant to which it is delivered; or

5. Section 1106.12 is revised to read as follows:

§ 1106.12 Producer.

(a) "Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act or a person described pursuant to paragraph (b) of this section, who produces milk approved for fluid consumption by a duly constituted health authority, which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account from a pool plant to a nonpool plant subject to the provisions of § 1106.13.

(b) This definition shall not include:

(1) Any person with respect to milk produced by him that is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler under the other order diverting such milk and the operator of the pool plant each request Class II classification of such milk in their reports of receipts and utilization filed with the respective market administrator; or

(2) Any person with respect to milk produced by him that is diverted to an other order plant if such person is designated as a producer under the other order with respect to such milk.

6. Section 1106.13 is revised to read as follows:

§ 1106.13 Producer milk.

"Producer milk" means skim milk and butterfat in milk from producers that is:

(a) Received by the operator of a pool plant at such pool plant from producers;

(b) Diverted by the operator of a pool plant from such pool plant to a nonpool plant subject to the conditions of paragraph (e) of this section;

(c) Received from producers by a cooperative association handler pursuant to § 1106.11(c); or

(d) Diverted by a cooperative association for its account from the pool plant of another handler to a nonpool plant subject to the conditions of paragraph (e) of this section.

(e) Milk diverted from a pool plant to a nonpool plant shall be subject to the following conditions:

(1) A cooperative association may divert from pool plants to nonpool plants for its account, subject to the conditions of subparagraph (3) of this paragraph, a total quantity of milk not in excess of total milk of its member-producers received at all pool plants during the month. Diversions in excess of such quantity shall not be eligible under this section and the diverting cooperative shall specify the dairy farmers whose diverted milk is not so eligible. If the cooperative association fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such cooperative association;

(2) The operator of a pool plant other than a cooperative association may divert from his pool plant to a nonpool plant for his account, subject to the conditions of subparagraph (3) of this paragraph, milk of producers not members of a cooperative association diverting milk pursuant to subparagraph (1) of this paragraph, in a total quantity not in excess of the milk of producers not members of such cooperative association received at such pool plant(s) during the month. Milk diverted in excess of such quantity shall not be eligible under this section and the diverting cooperative shall specify the dairy farmers whose diverted milk is not so eligible. If the cooperative association fails to designate such persons, status under this section shall be forfeited with respect to all milk diverted by such cooperative association;

(3) Milk of a producer shall not be eligible for diversion from a pool plant under this section if during the month less than 15 percent of the total milk of such person as a producer is received at a pool plant;

(4) Milk qualified as producer milk that is diverted by a handler to a nonpool plant pursuant to this section shall be accounted for as received by the diverting handler at the location of the nonpool plant.

7. In § 1106.44 revise the text of paragraph (a) preceding subparagraph (1) of such paragraph and subparagraph (2) of paragraph (e) to read as follows:

§ 1106.44 Transfers.

* * * * *

(a) At the utilization mutually indicated in writing to the market administrator by both handlers on or before the seventh day after the end of the month in which the transaction occurred, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

* * * * *

(e) * * *

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

* * * * *

§ 1106.53 [Amended]

8. In § 1106.53(a) the word "pool" preceding the word "plant" is deleted.

§ 1106.61 [Amended]

9. In § 1106.61(c) the provision ", except during the months of January through August if such plant retains automatic pooling status under this part" is deleted.

V 37 N 18 JAN 27 72 XUM

§ 1106.62 [Amended]

10. In § 1106.62(a)(1)(ii) change "§ 1106.8" to read "§ 1106.9(b)."

11. Section 1106.81 is revised to read as follows:

§ 1106.81 Location differential to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1106.80 for producer milk received at a pool plant, the uniform price computed pursuant to § 1106.72 shall be reduced according to the location of the pool plant at the rate set forth in § 1106.53(a);

(b) For the purpose of computations pursuant to §§ 1106.84 and 1106.85, the uniform price shall be adjusted at the rate set forth in § 1106.53(a) applicable at the location of the nonpool plant from which the milk was received; and

(c) In making payments to producers pursuant to § 1106.80 for producer milk diverted from a pool plant to a nonpool plant, the uniform price computed pursuant to § 1106.72 shall be reduced according to the location of the nonpool plant at which the milk is received at the rate set forth in § 1106.53(a).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1972.

Signed at Washington, D.C., on January 21, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-1202 Filed 1-26-72;8:49 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

[Docket No. 72-505]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f). Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e)(1) relating to the State of Texas, is amended to read:

(e) • • •

(1) *Texas.* That portion of the State of Texas comprised of all of Atascosa, Bee, Bexar, Cameron, De Witt, Duval, Goliad, Gonzales, Hidalgo, Jackson, Karnes, Starr, Victoria, Webb, Willacy, and Wilson Counties.

2. In § 76.2, the reference to the State of New Hampshire in paragraph (f) is deleted, and paragraph (g) is amended by adding thereto the name of the State of New Hampshire.

(Secs. 4–7, 23 Stat. 32, as amended; sec. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126 134b, 134f; 29 F.R. 16210, as amended; 36 F.R. 20707)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine all of Atascosa, Bee, Bexar, Cameron, DeWitt, Duval, Goliad, Gonzales, Hidalgo, Jackson, Karnes, Starr, Victoria, Webb, Willacy, and Wilson Counties in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the counties quarantined.

The amendments delete New Hampshire from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to New Hampshire. Further, the amendments add New Hampshire to the list of the hog cholera free States in § 76.2(g), and the special provisions pertaining to the interstate movement of swine and swine products from or to such free States are applicable to New Hampshire.

Insofar as the amendments impose certain further restrictions necessary to prevent the Interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making procedure would make additional relevant informaton available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of January 1972.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.72-1238 Filed 1-26-72;8:52 am]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

SHIPMENT OF CERTAIN INEDIBLE PRODUCTS

Miscellaneous Amendments to Subchapter

On August 4, 1971, there was published in the FEDERAL REGISTER (36 F.R. 14335) in accordance with the administrative procedure provisions in 5 U.S.C. 553, a notice of proposed rule making under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) to amend the regulations governing Federal meat inspection (9 CFR Chapter III, Subchapter A) for the purpose of permitting the shipment under the Act of certain inedible products under seal and other restrictions in lieu of denaturing. Interested persons were given 60 days in which to submit data, views, or arguments regarding the proposed amendments.

Twenty-four letters of comment favorable to the proposal and one in opposition were received. Eleven of the favorable comments were from "collectors" of inedible products who advocated that the proposed procedures be extended to their business. It was also requested that permission be given for the storage of such articles in public warehouses after such shipment.

After consideration of the comments and other relevant information, it has been decided to issue the proposed amendments, with certain changes, but without extending the amendments to allow shipments of the undenatured, inedible products to be made by "collectors" or to permit the undenatured, inedible articles to be shipped under the Act for storage in public warehouses. It is considered that, at least for the present time, these extensions should not be made because of the additional problems that they would present with respect to maintaining necessary controls over the inedible products. After the amendments have been put into effect and there is opportunity to evaluate their operation, consideration may be given to further amendment of the regulations to extend the new procedures to certain categories of "collectors" and to permit shipment of the undenatured, inedible articles for storage in public warehouses.

PART 301—DEFINITIONS

1. Section 301.2 is amended by adding a new paragraph (iii) to read:

§ 301.2 Definitions.

• • • • • •

(iii) *Regional Director.* The official [1] in charge of the program within each of the following regions:

Northeastern Region—The States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and the District of Columbia.

Southeastern Region—The States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; the Commonwealth of Puerto Rico; and the Virgin Islands of the United States.

North Central Region—The States of Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

Southwestern Region—The States of Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Western Region—The States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and Guam.

PART 320—RECORDS, REGISTRATION, AND REPORTS

2. In § 320.1(b), a new subparagraph (3) is added to read:

§ 320.1 Records required to be kept.

• • • • • •

(b) • • •

(3) A record of seal numbers required to be kept by consignees of inedible products shipped under unofficial seals under § 325.11 (c) or (f) of this subchapter, and a record of new consignees of inedible products diverted under § 325.11(f) of this subchapter.

PART 325—TRANSPORTATION

3. Section 325.11 is amended by adding a new paragraph (f) to read as follows:

§ 325.11 Inedible articles: Denaturing and other means of identification; certificates; exceptions.

• • • • • •

(f) Except for inedible rendered animal fats and lungs or lung lobes, inedible products (including condemned products only if condemned for causes specified in § 314.11 of this subchapter) which were prepared at any official establishment, or at any State inspected establishment in any State not listed in § 331.2 of this subchapter, and which have the physical characteristics of a product fit for human food, may be transported from an official establishment or in commerce, without denaturing as required by this subchapter, if the following conditions are met:

(1) The shipper must have obtained a numbered permit for such activity from the appropriate Regional Director, as identified in § 301.2 of this subchapter. Such permit may be obtained upon written application to the appropriate Regional Director and his determination that the proposed transportation would be authorized under this paragraph (f). The application shall state the name and address of the applicant, a description of the type of his business operations, and the purpose of making such application.

(2) Such inedible products may be transported under this paragraph (f) only if consigned to a manufacturer in the United States of articles other than for human food and if the product is for use solely by the consignee for manufacturing articles not for human food. Such products may not be transported in commerce to any consignee other than the one to which they were originally shipped unless prior notice of the diversion is given to the appropriate Regional Director and a record identifying the new consignee is maintained by the shipper as required by § 320.1 of this subchapter.

(3) When transported from an official establishment or in commerce under this paragraph (f), the outside container of such inedible products shall be marked conspicuously with the words "Inedible—Not Intended for Human Food" in letters not less than 2 inches high, in the case of containers such as cartons, drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks used to transport such products not in other containers.

(4) Such inedible products shall be transported from an official establishment or in commerce under this paragraph (f) only in railroad cars, trucks, or containers which bear unofficial seals applied by the shipper, which shall include the identification number assigned to the permit holder and an individual seal serial number assigned by the shipper; and the product so transported shall be accompanied by an invoice or bill of lading specifying the permit holder's identification number. The consignee in the United States must retain a record of the identification and serial numbers shown on the seals in his records as prescribed in Part 320 of this subchapter.

(5) Any diversion, or effort to divert, undenatured, inedible product contrary to the provisions of this paragraph (f) or other violation of the provisions of this section may result in the revocation of the permit for shipment of inedible products under this paragraph (f), at the discretion of the Administrator.

• • • • • •

In § 325.11(a), the phrase "paragraph (c), (d), or (e)" is deleted and the phrase "paragraph (c), (d), (e), or (f)" is substituted therefor.

The foregoing amendments relieve restrictions upon the distribution of certain inedible meat products. The amendments differ from those proposed in the notice of rule making. The differences are due to changes in the interests of clarification of the requirements of the regulations or more effective control of the inedible products or to reflect organizational changes. It does not appear that further public participation in rule-making proceedings with respect to the amendments would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further public rule making proceedings on the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER (1-27-72).

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., on January 19, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-1275 Filed 1-26-72;8:52 am]

[1] The addresses of the Regional Directors are as follows:
Northeastern Region—Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102.
Southeastern Region—Room 216, 1718 Peachtree Road NW., Atlanta, GA 30309.
North Central Region—Room 419, U.S. Courthouse Building, East First and Walnut Streets, Des Moines, IA 50309.
Southwestern Region—Room 5-F41, 1100 Commerce Street, Dallas, TX 75201.
Western Region—Room 822, Appraisers Building, 630 Sansome Street, San Francisco, CA 94111.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-SW-1, Amdt. 39-1383]

PART 39—AIRWORTHINESS DIRECTIVES

Mitchell Automatic Pilot Instruments

There have been fatigue failures of the control wheel shaft of certain Cessna airplanes modified by the installation of some Mitchell Industries, Inc. automatic pilot instruments. In one instance, shortly after takeoff, loss of aileron control was experienced. After a fatigue failure, the modified control wheel shaft can come out of its mounting bearing, causing loss of elevator and aileron control. The Mitchell automatic pilot instrument has been installed in several Cessna aircraft models. An Airworthiness Directive is being issued to require an inspection and modification of these Cessna model airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

JAN 27 72

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MITCHELL INDUSTRIES, INC., doing business as EDO-AIRE MITCHELL. Applies to Mitchell automatic pilot instruments installed in various Cessna aircraft in accordance with the following Supplemental Type Certificates:

Autopilot model	STC No.	Aircraft make and model
AK086	SA20SW	Cessna 210B and C.
AK086R	SA20SW	Cessna 210B and C.
AK086E	SA20SW	Cessna 210B and C.
AK088	SA27SW	Cessna 182E and F.
AK088R	SA27SW	Cessna 182E and F.
AK088E	SA27SW	Cessna 182E and F.
AK110	SA101SW	Cessna 182E, F and G.
AK110E	SA101SW	Cessna 182E, F and G.
AK110E-3	SA101SW	Cessna 182E, F and G.
AK112	SA89SW	Cessna 210B and C.
AK120	SA149SW	Cessna 210-5, 210-5A, 206, P206, and U206.
AK120E	SA149SW	
AK120E-3	SA149SW	
AK126	SA330SW	Cessna 210D and E.
AK126E	SA330SW	Cessna 210D and E.
AK126E-3	SA330SW	Cessna 210D and E.
AK154	SA489SW	Cessna 182H.
AK154E	SA489SW	Cessna 182H.
AK154E-3	SA489SW	Cessna 182H.
AK155	SA491SW	Cessna 337.
AK155E	SA491SW	Cessna 337.
AK155E-3	SA491SW	Cessna 337.

Compliance required within the next ten (10) hours' time in service after the effective date of this AD, unless already accomplished.

To prevent fatigue failure of the control wheel shaft with possible resultant loss of aileron and elevator control, accomplish the following:

Remove the Mitchell automatic pilot instrument servo, inspect the control wheel shaft, take corrective action as necessary, and reassemble in accordance with Edo-Aire Mitchell Service Bulletin No. MB-6 dated October 29, 1971, or later FAA approved revision, or any other method approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Tex.

NOTE: The Mitchell automatic pilot instrument servo may be reinstalled in accordance with Edo-Aire Mitchell Service Letter ML-32 dated December 22, 1971, or later FAA approved revision, or any other method approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Tex.

The bulletin and letter mentioned herein may be obtained from Edo-Aire Mitchell, Post Office Box 610, Mineral Wells, TX 76067.

This amendment becomes effective January 31, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on January 18, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-1091 Filed 1-26-72;8:45 am]

[Airworthiness Docket No. 71-WE-15-AD, Amdt. 39-1384]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 Series Airplanes

Amendment 39-1358 (36 F.R. 23549), AD 71-25-9, requires certain inspections and rework on the main landing gear retract cylinder attach pins on McDonnell Douglas Model DC-8 airplanes. After issuing Amendment 39-1358, the agency received a complaint from one airline that the Amendment had been changed from the NPRM and that this change would require undue rework on their part, as they had already reworked many airplanes in accordance with the NPRM.

It was not the agency's intention to make the application of PR 1436G sealant around the boss lips a mandatory item; but only as a suggested modification to the procedures specified in the NPRM. Therefore, the AD is being amended to clarify the wording of paragraph (c).

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1358 (36 F.R. 23549), AD 71-25-9, is amended by revising the second sentence of Paragraph (c) to read:

It is recommended that a bead of PR 1436G sealant or equivalent be applied around the boss lip, where the retract pin protrudes, to seal out moisture.

This amendment becomes effective January 29, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 18, 1972.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.72-1167 Filed 1-26-72;8:46 am]

[Docket No. 71-EA-157; Amdt. 39-1382]

PART 39—AIRWORTHINESS DIRECTIVE

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Sikorsky S-61 type helicopters.

There have been reports of cracks found in members of the primary control systems of HH-3F helicopters operated by the U.S. Coast Guard. These parts were all 7075-T6 or 7079-T6 aluminum alloy forgings. An examination of the failed parts revealed that the cracks were due to stress corrosion. These helicopters are the military counterpart of the Sikorsky S-61 and have many control system components in common with S-61 aircraft.

Since this deficiency can exist in helicopters of similar civilian type design, an airworthiness directive is being issued requiring an inspection and replacement where necessary of the specified parts. Since the foregoing deficiency could cause loss of flight control upon failure of the part, cause exists for expeditious adoption of the rule and thus notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

SIKORSKY AIRCRAFT. Applies to S-61 Type Helicopters Certificated in all categories. To prevent failures of flight control system components accomplish the following:

(a) Within the next 30 days after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 30 days from the last inspection, perform inspections of 7075-T6 and 7079-T6 aluminum alloy forgings of the flight control systems in accordance with section 2 Accomplishment Instructions, Part IA(1) of Sikorsky Service Bulletin No. 61B40-5A or later FAA-approved revisions, or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. If a crack is found, remove the component from service prior to further flight.

(b) Within the next 75 days after the effective date of this AD, unless already accomplished, perform an inspection of control system components P/N S6140-62118, S6140-62115, and S6140-20004 in accordance with section 2, Accomplishment Instructions, Part IIB of Sikorsky Service Bulletin No. 61B40-5A or later FAA-approved revisions or an alternate method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. If a crack is found, remove the component from service prior to further flight.

This amendment is effective February 1, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 17, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-1169 Filed 1-26-72;8:46 am]

[Airspace Docket No. 71-SW-56]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Area

On November 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22772) stating that the Federal Aviation Administration was considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary restricted area in the vicinity of Killeen, Tex., to be utilized for a 6-day period, for the Joint Training Exercise Gallant Hand 72.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Several adverse comments were received objecting to restrictions to private operators during times the restricted area is in use. Meetings with users were held in San Angelo, Brownwood, and Temple, Tex., to resolve the individual problem areas. The result was to reconfigure the area to one of lesser size to provide the needed relief. The description of the restricted area contained herein is mutually acceptable to the military and civilian operators. Subsequent to publication of the notice it was noted that the original dates established would conflict with the Easter holiday. Action is taken herein to alter the effective dates "from March 26, 1972, to March 31, 1972" to "from March 23, 1972, to March 28, 1972." Since these changes are minor in nature and lessen the burden on the public, additional notice and public procedure are deemed unnecessary. The U.S. Air Force has stated that all reasonable precautions have been taken and will be taken to preclude damage to persons and/or property on the surface within the designated temporary restricted area.

In view of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 2, 1972, as hereinafter set forth.

Section 73.63 (37 F.R. 2371) is amended by adding the following:

Name: R-6314 Killeen, Tex.

Boundaries. Beginning at lat. 31°06'06" N., long. 97°32'42" W.; to lat. 31°13'45" N., long. 97°32'35" W.; to lat. 31°19'37" N., long. 97°40'32" W.; to lat 31°20'48" N., long. 97°40'32" W.; to lat. 31°22'33" N., long. 97°42'45" W.; to lat. 32°00'00" N., long. 97°50'00" W.; to lat. 32°10'00" N., long. 98°32'00" W.; to lat. 32°10'00" N., long. 99°30'00" W.; to lat. 31°20'00" N., long. 99°55'00" W.; to lat. 30°44'00" N., long. 98°02'00" W.; to lat. 30°50'00" N., long. 97°44'00" W.; to point of beginning, excluding that airspace within a 3-nautical-mile radius of lat. 31°11'00" N., long. 99°19'27" W.; from surface to 2,500 feet above the surface, excluding that airspace west of a line from lat. 32°04'00" N., long. 99°33'00" W.; to lat. 31°02'30" N., long. 98°58'00" W.; above FL 280; excluding that airspace east of a line from lat. 30°44'00" N., long 98°00'00" W.; to lat. 31°05'00" N., long. 97°47'00" W.; lat. 31°40'00" N., long. 97°45'00" W.; above FL 200, and excluding that airspace from lat 31°00'00" N., long. 97°37'00" W.; to lat. 31°03'54" N., long. 97°42'05" W.; to lat. 31°09'03" N., long. 97°41'18" W.; to lat. 31°06'06" N., long. 97°32'42" W.; from the surface to 4,000 feet MSL.

Designated altitudes: Surface to 35,000 feet MSL.

Time of designation: Continuous from 0001 c.s.t. March 23, 1972, to 2359 c.s.t. March 28, 1972.

Controlling agency: Federal Aviation Administration, Houston ARTC Center.

Using agency: U.S. Air Force, Tactical Command/USAF Readiness Command (TAC/USAFREDCOM) Langley Air Force Base, Va.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 20, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1170 Filed 1-26-72;8:46 am]

[Docket No. 11674; Amdt. No. 793]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets for the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective February 24, 1972:

Dunkirk, N.Y.—Dunkirk Municipal Airport; VOR Runway 24, Amdt. 3; Revised.
Mount Vernon, Ohio—Mount Vernon Airport; VOR-A, Amdt. 3; Revised.
Orange, Mass.—Orange Municipal Airport; VOR-A, Amdt. 3; Revised.
Blacksburg, Va.—VPI Airport; VOR/DME Runway 8, Amdt. 3; Revised.

2. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective February 24, 1972:

Blacksburg, Va.—VPI Airport; NDB Runway 8, Amdt. 2; Revised.
Grand Junction, Colo.—Walker Field; NDB Runway 11, Amdt. 8; Revised.
Orange, Mass.—Orange Municipal Airport; NDB-A, Amdt. 1; Revised.

3. Section 97.29 is amended by establishing, revising or canceling the following ILS SIAPs, effective February 24, 1972:

Grand Junction, Colo.—Walker Field; ILS Runway 11, Amdt. 1; Revised.
Salt Lake City, Utah—Salt Lake City International Airport; ILS Runway 34L, Amdt. 27; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 19, 1972.

WILLIAM G. SHREVE, JR.,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610), approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-1089 Filed 1-26-72;8:45 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 223—SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Adoption of Schedule of User Fees for Treasury Services

In the FEDERAL REGISTER of December 2, 1971, there was published at page 22985 a notice of proposed rule making to amend the regulations at 31 CFR Part 223 (Treasury Department Circular No. 297 Revised) governing surety companies doing business with the United States.

V 37 N 18 JAN 27 72 XUM

The amendments were proposed to establish a schedule of fees to recover costs related to financial and legal services performed for, and special benefits conferred upon, such companies by the Department's Fiscal Service in connection with its maintenance and publication of the annual listing of companies certificated by the Secretary of the Treasury as acceptable sureties or reinsurers only on Federal bonds (Treasury Department Circular 570), and with its maintenance and circulation of the annual listing of admitted reinsurers (except on excess risks running to the United States) of certificated companies. Interested persons were given 30 days within which to submit written comments on the proposed amendments, and such comments have been duly considered.

Circular 570 constitutes a reliable determination that each company named therein is approved by the Secretary for the securing of bonds required by Federal law. The list of admitted reinsurers constitutes Treasury recognition that each company named therein is acceptable as a reinsurer of certificated companies (except on excess risks running to the United States). Accordingly, the cost of making such determinations and of the circular and the list may properly be recovered by means of the imposition of a schedule of user fees, in accordance with 31 U.S.C. 483a. Furthermore, the establishment of user charges is not inconsistent with the Economic Stabilization Program, in view of the provision covering charges by the Federal Government in 6 CFR 101.34(a).

Because of the need to asure as equal treatment as possible of all surety companies dealing with the Fiscal Service in the new calendar year, the Department finds in accord with 5 U.S.C. 553(d)(3), that there is good cause not to postpone the effective date of the amendments. Accordingly, the proposed amendments are hereby adopted, effective upon publication in the FEDERAL REGISTER, subject to the following changes:

1. The first sentence of § 223.19 is revised by changing, from "January 1, 1972," to "January 20, 1972," the date on which the imposition of fees will begin.

2. The second sentence of § 223.19 is revised by changing the payee of the check or other instrument in payment of fees from the "Treasurer of the United States" to the "Bureau of Accounts, Treasury Department."

Dated: January 12, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

1. A new section heading is added to the table of sections to read:

§ 223.19 Schedule of fees.

2. Section 223.2 is amended by adding a new final sentence to read:

§ 223.2 Application for certificate of authority.

* * * A fee of $560 shall be transmitted with the application as prescribed in § 223.19(a).

3. Section 223.3 is amended by revising the final sentence to read:

§ 223.3 Issuance of certificates of authority.

* * * A new certificate of authority shall be issued annually on the first day of July, so long as the company remains qualified under the law and the regulations in this part, and transmits to the Assistant Comptroller (Chief Auditor) by March 1 each year the fee of $365 as prescribed in § 223.19(c).

4. Section 223.12 is amended by revising the introductory text of paragraphs (a) and (b), and by adding a new final sentence to paragraph (c). As amended, § 223.12 reads in pertinent part:

§ 223.12 Recognition as reinsurer.

(a) *Application by U.S. company.* Any company organized under the laws of the United States or of any State thereof, wishing to apply for recognition as an admitted reinsurer (except on excess risks running to the United States) of surety companies doing business with the United States, shall file the following data with the Assistant Comptroller (Chief Auditor) and shall transmit therewith the fee of $50 prescribed by § 223.19(b):

(1) A certified copy of its charter or articles of incorporation, and

* * * * *

(b) *Application by a U.S. branch.* A U.S. branch of an alien company applying for such recognition shall file the following data with the Assistant Comptroller (Chief Auditor) and shall transmit therewith the fee of $50 prescribed by § 223.19(b):

(1) The submissions listed in subparagraphs (1) through (5) of paragraph (a) of this section, except that the financial statement of such branch shall show that it has net assets of not less than $250,000 over and above all liabilities, and

* * * * *

(c) *Financial reports.* * * * A fee of $25 shall be transmitted with the foregoing data, as prescribed in § 223.19(d).

5. A new § 223.19 is added to read:

§ 223.19 Schedule of fees.

Fees shall be imposed and collected for the following services performed by the Treasury Department, whether the action requested is granted or denied, effective with requests submitted as of January 20, 1972. The payee of the check or other instrument shall be the Bureau of Accounts, Treasury Department.

(a) For examining a company's application for a certificate of authority as an acceptable surety on Federal bonds or as an acceptable reinsuring company on such bonds: $550 (see § 223.2).

(b) For examining a company's application for recognition as an admitted reinsurer (except on excess risks running to the United States) of surety companies doing business with the United States: $50 (see § 223.12 (a) and (b)).

(c) For determining the continuing qualifications for annual renewal of a company's certificate of authority: $365 (see § 223.3).

(d) For determining the continuing qualifications for annual renewal of a company's authority as an admitted reinsurer: $25 (see § 223.12(c)).

[FR Doc 72-1059 Filed 1-20-72;11:51 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,2-Dichlorovinyl Dimethyl Phosphate

A petition (PP 1F1132) was filed by Shell Chemical Co., Division of Shell Oil Co., Suite 1103, 1700 K Street NW., Washington, DC 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the insecticide 2,2-dichlorovinyl dimethyl phosphate in or on nonperishable bulk stored raw agricultural commodities at 0.5 part per million resulting from dispersion of the insecticide from resin strips used in bulk storage areas.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerance is being established.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.235 is amended by revising the paragraph "0.5 part per million from postharvest * * *", as follows:

§ 180.235 2,2-Dichlorovinyl dimethyl phosphate; tolerances for residues.

* * * * *

0.5 part per million from postharvest application in or on nonperishable bulk stored raw agricultural commodities and in or on nonperishable packaged or bagged raw agricultural commodities that contain 6 percent fat or less.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1-27-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 18, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-1196 Filed 1-26-72;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

PART 4-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Miscellaneous Amendments

These amendments involve matters relating to agency management and to contracts and include rules interpreting and implementing existing regulations of other Federal agencies which are not subject to the notice and public procedure requirements for rule making under 5 U.S.C. 553. It is in the public interest that these provisions be made effective immediately. Accordingly, in accordance with the Secretary's Statement of Policy (36 F.R. 13804) it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest.

(44 U.S.C. 103, 501, 502)

§§ 4-4.5048—4-4.5071 [Deleted]

1. Sections 4-4.5048 and 4-4.5071 are deleted in their entirety.

2. The table of contents for Part 4-5 is amended as follows:

a. The following new entry is added:

4-5.5400-1 Definitions.

b. The following entries are revised:

4-5.5401-5 Supervision over Federal printing and binding.

4-5.5403 Distribution of publications.

3. Section 4-5.5400 is amended to read as follows:

§ 4-5.5400 Scope.

The purpose of this subpart is to outline methods for procurement of Federal printing and various supplies from the Government Printing Office or one of the Government Printing Office Regional Printing Procurement Offices. These items are divided into three categories: (a) Federal printing; (b) blank paper and blank envelopes, and miscellaneous supplies, including inks, glues, etc.; and (c) distribution of publications.

4. A new § 4-5.5400-1 is added as follows:

§ 4-5.5400-1 Definitions.

As used throughout this subpart, the following terms shall have the meanings set forth below:

(a) "Federal printing" means all printing, binding, and blank book work, including any items requiring the processes of composition, platemaking, presswork, and binding, irrespective of the place of production or procurement origin or ultimate end-use.

(b) "Government Printing Office Regional Printing Procurement Offices" means any office established by the Public Printer which shall procure Federal printing needs which are determined to be commercially procurable and which originate or are for distribution within its region.

(c) "Field printing" includes all Federal printing that is intended for local and area use and distribution. Maps and informational brochures are examples of this type printing.

(d) "Departmental printing" includes all Federal printing that is intended for public distribution on a national or agency wide basis. Smokey Bear information is an example of this type printing.

5. Section 4-5.5401 is revised to read as follows:

§ 4-5.5401 Printing and binding items.

(a) *Federal printing.* All printing (field) shall be procured through a Government Printing Office Regional Procurement Office by use of Standard Form-1, Printing and Binding Requisition, in accordance with those procedures outlined in the Agency Procedural Handbook for Commercial Procurement of Printing Services (P305.1, May 1971) and the Printing and Binding Regulations published by the Joint Committee on Printing (April 1971, No. 21). All Federal printing (departmental) procured from the Government Printing Office, Washington, D.C., shall be obtained through the Office of Information by use of Form AD-78, Request for Printing and Binding.

(b) *Exceptions to printing and binding items.* In 18 Comp. Gen. 565, the following items are specifically cited as not falling within the provision of "printing and binding:"

Pads, ruled and unruled.
Pads, calendar.
Pads, columnar.
Cards, guide, monthly.
Sheets, backing (punched but not printed).
Fillers, looseleaf binder.
Indices, looseleaf binder.
Indices, tab, alphabetical.
Sheets, ledger.
Labels, gummed.
Labels, dispensing set.
Labels, poison.
Paper, graph.
Paper, cross section.
Paper, profile.
Cloth, ruled tracing.
Cards, index, library.
Dials, watchmen's clocks.
And other similar paper articles.

Section 4-5.5401-1 is amended to read as follows:

§ 4-5.5401-1 Authority.

Under the provisions of the act of October 22, 1968 (44 U.S.C. 501), all Federal printing for agencies shall be done at the Government Printing Office or one of the Government Printing Office Regional Procurement Offices except classes of work the Joint Committee on Printing considers to be urgent or necessary to have done elsewhere. However, the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 756) provides that the General Supply Fund of the General Services Administration shall be available for purchase from or through the Public Printer of standard forms or blank book work for stores depots issue. (A blank book is any book requiring printing, binding, or ruling operations, for its manufacture, and the primary purpose of which is for writing, sketching, or making entries. Generally, it must have covers, however light, and be stitched by wire or thread to be considered a "book." If the pages are merely held together with an adhesive, it is usually a "pad" and not a "book.") The Printing and Binding Regulations of the Joint Committee on Printing provide that standard forms approved by the Bureau of the Budget or the General Accounting Office shall be obtained from the General Services Administration, unless otherwise authorized by the Joint Committee on Printing. With the approval of the Joint Committee on Printing, the Public Printer may arrange for such printing, binding, and blank book work as he is not able or equipped to do at the Government Printing Office to be done elsewhere under contract. (Act of October 22, 1968, 44 U.S.C. 502.)

7. Section 4-5.5401-3 is revised to read as follows:

§ 4-5.5401-3 Waiver.

Under the provisions of the act of October 22, 1968 (44 U.S.C. 504), the

JAN 27 1972

Joint Committee on Printing may permit the Public Printer to return to any agency of the Government any written requisition for Federal printing as in his opinion he is neither able nor suitably equipped to execute or which may be more economically, or in the best interest of the Government, procured elsewhere. No agency requisitioning printing from the Government Printing Office or one of the Government Printing Office Regional Procurement Offices shall anticipate the release of any requisition for direct procurement until so advised by the Public Printer. (See 3 AR 295)

8. Section 4–5.5401–5 is amended to read as follows:

§ 4–5.5401–5 Supervision over Federal printing and binding.

Administrative supervision over all Federal printing and binding rests with the Director of Information. (See 3 AR 290)

9. Section 4–5.5402–1 is amended to read as follows:

§ 4–5.5402–1 Authority.

Under the provisions of the act of October 22, 1968 (44 U.S.C. 1121), the Public Printer is authorized to procure, under direction of the Joint Committee on Printing, and furnish on requisition paper and envelopes (except envelopes printed during course of manufacture) in common use by two or more departments, establishments, or services of the Government in the District of Columbia. Reimbursement is to be made to the Public Printer from appropriations available for such purposes. The act of October 22, 1968 (44 U.S.C. 314), provides the same authority with respect to inks, glues, and other miscellaneous supplies.

10. Section 4–5.5403 is amended to read as follows:

§ 4–5.5403 Distribution of publications.

The Superintendent of Documents, Government Printing Office, maintains stocks of various publications for sale to Federal agencies and to the general public. (44 U.S.C. 1702, 1705) Such publications may be acquired for Washington or field delivery by forwarding Form AD–38 to the Superintendent of Documents, Government Printing Office, Washington, D.C.

Effective date. Upon publication in the FEDERAL REGISTER (1–27–72).

Done at Washington, D.C., this 21st day of January 1972.

T. M. BALDAUF,
Director of Plant and Operations.

[FR Doc.72–1203 Filed 1–26–72;8:49 am]

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8–1—GENERAL

1. Section 8–1.603 is revised to read as follows:

§ 8–1.603 Treatment to be accorded firms or individuals in debarred, suspended, or ineligible status.

The Director, Supply Service, may authorize procurement from a firm or individual debarred or suspended by the Veterans Administration when requested by a contracting officer and when considered essential in the public interest under the circumstances permitted by FPR 1–1.603.

PART 8–2—PROCUREMENT BY FORMAL ADVERTISING

2. Section 8–2.204 is revised to read as follows:

§ 8–2.204 Records of invitations for bids and records of bids.

A single register will be established and maintained by the issuing office on a fiscal year basis, for all solicitations by invitations for bid or requests for proposal number, date of issue, date of opening, commodity or service involved and disposition; i.e., contract number or purchase order number or, when applicable, no award.

PART 8–3—PROCUREMENT BY NEGOTIATION

3. In § 8–3.207, paragraph (b)(5) and (c) are amended to read as follows:

§ 8–3.207 Medicines or medical supplies.

* * * * *

(b) *Drugs and chemicals.* The following contracting officers are authorized to negotiate contracts for the purchase of drugs and chemicals:

* * * * *

(5) One senior contracting officer and one contracting officer, Marketing Division for Drugs and Chemicals when so designated by the marketing division chief.

(c) *Prosthetic appliances.* (1) The following contracting officers are authorized to negotiate contracts for the purchase of prosthetic appliances defined as wheelchairs, hearing aids and batteries, artificial limbs, canes and stump socks:

(i) Director, Supply Service.

(ii) Chief, Purchase and Contract Division.

(2) The following contracting officers are authorized to negotiate contracts for the purchase of the appliances specified in subparagraph (1) of this paragraph provided the dollar value of the item(s) to be purchased, singly or collectively, does not exceed $25,000:

(i) Manager, Veterans Administration Marketing Center.

(ii) Chief, Marketing Division for Administrative Medical Supplies and Equipment.

(iii) One senior contracting officer, Marketing Division for Administrative Medical Supplies and Equipment when so designated by the marketing division chief.

* * * * *

PART 8–7—CONTRACT CLAUSES

§ 8–7.150–1 [Revoked]

4. Section 8–7.150–1, *Shipping rate adjustment,* is revoked.

5. Section 8–7.150–6 is revised to read as follows:

§ 8–7.150–6 Frozen processed foods.

(a) The following clause will be included in all solicitations for the purchase of frozen processed foods, issued by the Veterans Administration Marketing Division for Subsistence:

FROZEN PROCESSED FOODS

The products delivered under this contract shall be in excellent condition, shall not show evidence of defrosting, refreezing, or freezer burn and shall be transported and delivered to the consignee at a temperature of 0° Fahrenheit or lower.

(b) The following clause will be included in all solicitations for the purchase of frozen processed foods, issued by a field station:

FROZEN PROCESSED FOODS

The products delivered under this contract shall be in excellent condition, shall not show evidence of defrosting, refreezing, or freezer burn and shall be transported and delivered to the consignee at a temperature of 10° Fahrenheit or lower.

(c) Field stations, when utilizing VA Form 07–2138, Order for Supplies and Services, to procure items of this nature in the open market, will amend the terms and conditions on the reverse thereof to include the clause shown in paragraph (b) of this section.

PART 8–12—LABOR

6. In Part 8–12, a new Subpart 8–12.3 is added to read as follows:

Subpart 8–12.3—Contract Work Hours and Safety Standards Act (Other Than Construction Contracts)

§ 8–12.304 Variations and tolerances.

In the performance of any contract entered into pursuant to the provisions of 38 U.S.C. 620 to provide nursing home care of veterans (§ 8–12.901), no contractor or subcontractor under such contract shall be deemed in violation of section 102 of the Contract Work Hours and Safety Standards Act by virtue of failure to pay the overtime wages required by such section for work in excess of 8 hours in any calendar day or 40 hours in the workweek to any individual employed by an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises, if such individual receives compensation for employment in excess of 48 hours in any workweek at a rate not less than 1½ times the regular rate at which he is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended.

(Sec. 205(c), 63 Stat. 389, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective February 28, 1972.

Approved: January 20, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72–1219 Filed 1–26–72;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72–57]

PART 93—LAND TRANSPORTATION RADIO SERVICES

Memorandum Opinion and Order Regarding Railroad Radio Service

In the matter of amendment of Part 93 of the Commission's rules concerning frequency allocations and tone modulation in the Railroad Radio Service, RM Nos. 1101 and 1548.

1. The Commission has under consideration two petitions for rule changes in the Railroad Radio Service submitted by the Association of American Railroads (AAR). In RM–1548, petitioner requests that tone modulation on a secondary basis to voice operations be regularly permitted on railroad frequencies in the 160 MHz band and on certain 450 MHz band frequencies for the remote control of locomotives and cab indicators.[1] The other petition, RM–1101, requests allocation of the "splinter" frequencies 157.450 and 159.480 MHz to the Railroad Radio Service to be used on a nationwide basis for radio remote control of "slave" locomotives.

2. At the time petitioner submitted RM–1548, the Commission's rules contained only limited provisions[2] for the use of tone modulation by railroad licensees. However, by rule changes adopted on August 18, 1971, in Docket 19086, the operations of nonvoice radio systems on voice frequencies in the land mobile radio services were expanded and are now generally permitted subject to the requirement that they not interfere with voice operations.[3] In adopting the new rule provisions, the Commission took cognizance of the railroads' nonvoice communications needs and, with regard to a proposal for a primary voice requirement for such operations, stated as follows:

> While this requirement would no doubt help to preserve voice systems on land mobile frequencies, it would also, as stated by the Association of American Railroads, "appear to prohibit the obtaining of licenses under this rule for controlling the movement of locomotives and trains . . ." Therefore we are deleting the proposed primary voice requirement to permit the operations described for railroad . . . and other purposes where the use of voice transmissions would not be necessary.

3. Since the amendments adopted in Docket 19086 include authorization for nonvoice operations substantially as requested by the AAR, its petition in this regard is granted. We are also adopting modifications to the Railroad Radio Service rules which conform that rule part to the new provisions for expanded nonvoice operations and which will serve to remove any ambiguities concerning these operations relating to general authority for tone modulation, frequencies available, and exemption from station identification requirements.

4. Additionally, the two pairs of frequencies in the 450–460 MHz band now reserved exclusively for slave locomotive control will be made available on a secondary basis for the additional functions requested by the petitioners since, according to AAR, this would be "extremely helpful" to railroads "* * * without interfering in any way" with slave locomotive control. The petitioner also asked that we relax the frequency tolerance standard for base stations operating on the above-mentioned two frequency pairs. Petitioner wants to use the mobile transmitter frequency tolerance standard for remote control operations in yard and terminal areas by base stations noting that, "Because of the small number of base stations available for this service, it would be desirable to use in this operation the same type of transmitting equipment used in mobile installations." The Commission agrees and § 93.102(a) of our rules will be amended to permit frequency tolerance of .0005 percent for base stations operating on these two frequency pairs for remote control purposes in railroad yards and terminal areas.

5. The AAR's other petition, RM–1101, requests additional frequency allocations for "slave" locomotive control. Slave locomotives are usually positioned about one-third from the rear of a particularly lengthy train. Their purpose is to assist the lead locomotive by providing auxiliary starting, pulling, and breaking action which reduces the danger of a break-in-two, eases shock and strain on the lead locomotives, and contributes to faster and safer emergency stops. Radio remote control equipment utilized for the control of slave locomotives uses frequency modulation of the radio frequency carrier by audio tones. Repeat-back by the slave locomotive showing compliance, and "fail-safe" provisions which neutralize the slave locomotive controls if timely signal is not received from the lead locomotive, are featured in the system.

6. The Commission has recognized the slave locomotive control requirements and has allocated two frequency pairs in the 450 MHz band for this purpose.[4] AAR contends, however, that 450 MHz frequencies cannot completely provide for a nationwide system particularly in some areas where mountains and rugged terrain are encountered "due to loss of signals around curves in mountainous country and at other times when the lead locomotives and the slave locomotives are not in visual line-of-sight range." As a result, petitioner believes that radio control of slave locomotives should be developed in the 150–160 MHz band which does not present as great a "line-of-sight" limitation as 450 MHz, and it points to developmental operation of a 160 MHz slave control system by the Southern Railway system which demonstrates that "uses of these frequencies with transmitters in the 30–60 watt range is feasible if mobile relay stations are installed to provide coverage in tunnels." However, AAR contends that even in the 160 MHz band, "because of the near saturation of frequencies by the railroads in the major metropolitan railroad terminal areas, no frequency allocated to the Railroad Radio Service is currently available for this type of use nationwide by all of the U.S. railroads." It is for this reason that AAR is requesting the allocation of two additional frequencies to the Railroad Radio Service to be specifically used for nationwide slave locomotive control.

7. The two frequencies sought by petitioner are the band edge "splinter" frequencies 157.450 and 159.480 MHz which are now assigned in the land mobile services only for developmental operations. The frequency 157.450 MHz is between the Automobile Emergency Radio Service and the Maritime Mobile Service and can provide a 25 kHz channel which is satisfactory for use with equipment designed

[1] Involved, as suggested by AAR, are rule amendments of § 93.352(a) to make the 160 MHz railroad service frequencies available for remote control purposes; amendment of § 93.352(c) to make available for this purpose also two pairs of 450–460 MHz frequencies new reserved solely for slave locomotive control. AAR also asked for authority to employ continuous transmit mode of operation when necessary but this request was withdrawn by letter dated Sept. 26, 1971.

[2] Footnote 2 to Rule § 93.352(c) and see also Rule § 93.357(c) (2) and (3).

[3] See new Rule § 93.103(b) adopted by report and order, Docket 19086 (FCC 71–854; 36 F.R. 16914) as modified by Memorandum Opinion and Order adopted Oct. 28, 1971 (FCC 71–1104; 36 F.R. 21199).

[4] Section 93.352(c), adopted Feb. 7, 1968, second report and order, Docket 13847 (11 FCC 2d 648).

JAN 27 72

for 30 kHz spaced channels. The frequency 159.480 MHz provides a 15 kHz channel between the Forestry-Conservation and Motor Carrier Radio Services. Use of this frequency could involve adjacent channel interference problems which could only be controlled by case-by-case consideration of railroad uses and forestry and motor carrier requirements, including appropriate power and antenna height limitations on base stations on adjacent frequencies. The two frequencies would be initially used, according to petitioner, for operational tests to evaluate various techniques that have been developed for remote control of slave locomotives and "to permit simultaneous east-west or north-south use of the type of equipment now available over the same railroad system." Eventually, AAR estimates "at least five discrete frequencies," not now available to railroads, may "become necessary if all of the trains entering and leaving the larger metropolitan railroad terminal areas, such as Chicago, within communication range of each other" were to be equipped for slave locomotive operations.

8. Petitioner's arguments for additional frequencies have been carefully considered but do not convince us that the requested allocation is warranted. We can see that the 450 MHz frequencies which have already been allocated for slave locomotive control will not provide nationwide capability. However, there is a solution other than the allocation of additional frequencies. As AAR has stated, the frequency shortage, which the petitioner claims precludes the handling of both normal communications and slave locomotive control on the same frequencies, exists primarily in the major rail terminals and not in the rural, mountainous areas. Consequently, it is feasible for railroads to utilize the 450 MHz allocation for slave locomotive control in terminal areas where the propagation characteristics of the band can be utilized to advantage and where these frequencies are particularly well suited because, among other things, they are less subject to man-made noise and provide better reflection of radio signals. In short, if the railroads pursue development of the 450 MHz frequencies, their foreseeable requirements for radio remote control of slave locomotives in congested areas would be substantially met. In the rural, remote areas, the railroads can use their existing frequency complement in the 160 MHz band for slave locomotive control in the same manner as they have proposed to do on the two 150 MHz frequencies they have requested. Further, as already noted, the Commission's rules have been recently amended to permit the regular use of tone modulation on Railroad Radio Service frequencies and this covers slave locomotive control operations. We are also adopting herein such additional rule modifications as are necessary to clarify that this is one of the specific uses now permitted on railroad frequencies. As to frequency coordination for the use of the same frequencies in the same area with different types of emissions, the railroads are unique in that they formulate and self-regulate their own frequency assignment plans. They should be able to adjust their plans to accommodate these multiple uses.

9. For the foregoing reasons, the Commission is unable to justify allocation of additional frequencies to the Railroad Radio Service for slave locomotive control and it is concluded that the rule making action requested in RM-1101 should be denied.

10. In consideration of the foregoing, the Commission determines, with respect to the petitions submitted for rule making by the Association of American Railroads, that RM-1548, relating to the use of tone modulation, should be and is granted, and that RM-1101, relating to the allocation of frequencies for slave locomotive control, should be and is denied. The Commission further finds that it is in the public interest to clarify the rules so as to remove any uncertainty as to whether or not the control operations discussed herein are permitted.

11. In adopting the amendments herein, we have omitted the customary notice of proposed rule making and public procedure as unnecessary. Some of these amendments are interpretive in nature, others are of minor importance, and the remaining relax requirements. Further, all of these amendments affect primarily railroad licensees which the petitioner represents. Under these circumstances, it is unlikely that prior notice for the purpose of eliciting comments would be useful. Accordingly, we have concluded that compliance with 5 U.S.C. 553 is not required.

12. Authority for these rule amendments is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended. Accordingly, *It is ordered*, That, effective March 3, 1972, Part 93 of the Commission's rules is amended as shown below. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: January 19, 1972.

Released: January 21, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

Part 93 of the Commission's rules is amended as follows:

1. In § 93.102(a), the chart is amended by deletion of footnote 2 from the percent ".0005" under the column headed "3 Watts or Less" and the text of footnote 2 is revised as follows:

§ 93.102 Frequency stability.

(a) • • •

Frequency range (MHz)	All fixed and base stations	All mobile stations	
		Over 3 watts	3 watts or less
	Percent	*Percent*	*Percent*
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 450	[1] .0005	.0005	.005
450 to 470	[2] .00025	.0005	.0005
470 to	.0005	.0005	.0005
Above 950	(3)	(3)	(3)

• • • • • •

[2] A frequency tolerance of 0.0005 percent is permitted in the Railroad Radio Service for base stations operating in the frequencies 452.925, 952.950, 457.925, and 457.950 MHz used for remote control purposes in railroad yard and terminal areas.

• • • • • •

2. Section 93.152(e) is amended to read as follows:

§ 93.152 Station identification.

• • • • • •

(e) A station which is transmitting for telemetering purposes or for the activation of devices which are employed solely as a means of attracting attention, or for remote control purposes, or is retransmitting by self-actuating means a radio signal received from another radio station or stations, may be granted an exemption from the requirements of paragraph (a) of this section in a specific instance upon a showing of need for such exemption.

3. In § 93.353(c), footnote 2 is amended to read as follows:

§ 93.352 Frequencies below 952 MHz available for base and mobile stations.

• • • • • •

(c) • • •

[2] These frequencies may be assigned primarily for stations used for purposes of controlling slave locomotives. Additionally, these frequencies may be assigned on a secondary basis for remote control of all types of locomotives and for remote control of cab indicators within railroad yard or terminal areas subject to causing no harmful interference to transmissions for control of slave locomotives (A1, A2, F1, or F2 emissions may be authorized).

NOTE: Slave locomotives are those placed within a train to assist the lead locomotive by providing, among other functions, auxiliary starting, pulling, and braking actions. Cab indicators are devices within a locomotive which give visual signals to the operator of the locomotive.

• • • • • •

4. Section 93.357(c)(2) is amended to read as follows:

§ 93.357 Scope of service.

• • • • • •

(c) • • •

(2) Transmission of tone signals for signaling purposes or for remote control of locomotives, including slave locomotives and radio controlled cab indicators, subject to the provisions of § 93.103(b).

NOTE: See § 93.352(c), footnote 2, for identification of the terms "slave locomotive" and "cab indicators."

• • • • • •

[FR Doc.72-1141 Filed 1-26-72;8:45 am]

[5] Commissioners Bartley and H. Rex Lee absent; Commissioner Johnson concurring in the result.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-27-72).

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public use is permitted on the Crab Orchard National Wildlife Refuge subject to the following special conditions:

(1) Swimming is permitted only at beach areas as designated by signs.

(2) All types of flotation devices, other than U.S. Coast Guard approved lifesaving devices, are prohibited on refuge waters.

(3) Foodstuffs, drink containers (cans, bottles, cartons), pets or fires are prohibited at designated beach areas and on the rock area immediately below Crab Orchard Lake Spillway.

(4) The Carterville Beach, Hogan Point, Lookout Point, Crab Orchard Beach, Bulliner Point, Playport Boat Dock, Sailboat Basin, Crab Orchard Spillway and Spillway parking lot and picnic areas are closed to unauthorized use from 9 p.m., local time, until 5 a.m., local time, daily.

(5) Horseback riding is prohibited except on designated horseback riding trails.

(6) Sailboats or sailing craft are not permitted on Devils Kitchen and Little Grassy Lakes.

(7) Sailboats underway between sunset and sunrise must display a bright white light visible all around the horizon for a distance of 2 miles.

(8) Alcoholic liquor may not be transported, carried, or possessed on any boat propelled by sail or mechanical power, except in the original package and with the seal unbroken, while the craft is in operation on refuge waters.

(9) No marine head (toilet) on any boat or watercraft operated upon refuge waters may be so constructed and operated as to discharge any sewage into the waters directly or indirectly.

(10) The drinking or possession of alcoholic liquor by persons under 21 years of age is prohibited on the refuge area.

(11) No person shall transport, carry, possess or have any alcoholic liquor in or upon or about any motor vehicle except in the original package and with the seal unbroken, while on the refuge area.

L. A. MEERHOFF, Jr.,
Project Manager, Crab Orchard National Wildlife Refuge, R.R. No. 2, Carterville, Ill. 62918.

JANUARY 20, 1972.

[FR Doc.72-1212 Filed 1-26-72;8:50 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTIONS AND CLASSIFICATION OF ECONOMIC UNITS

Part 101—Coverage, Exemptions and Classification of Economic Units was added to a new Title 6 and a new Chapter I of the Code of Federal Regulations on November 13, 1971 (36 F.R. 21788). Part 101 was subsequently amended on November 17, 1971 (36 F.R. 21952) and on December 16, 1971 (36 F.R. 23974).

The purpose of these amendments is to amend, modify, revise, and republish regulations previously issued by the Cost of Living Council, to make certain changes to reflect the 1971 amendments to the Economic Stabilization Act, to reflect Cost of Living Council decisions, to supersede the present provisions of Part 101, and to repromulgate Part 101 as amended, modified, and revised.

Subpart A is amended to include § 101.2 *Definitions*, formerly under Subpart E, which is now reserved. Minor language changes in the definitions of "annual sales or revenues," "Council," "exception," "exemption," "Pay Board," "Price Commission," and "security" have been made to conform to the stated purpose of the regulations. New definitions have been added for "Act," "nonprofit organizations," and for "State and local governments" to provide additional guidance.

As a result of the 1971 amendments of the Act, a new definition has been added for "mass transportation system." Also as a result of such amendments, the definition of "Pay adjustment" has been modified to exclude employer contributions to certain pension and profit sharing plans, group insurance plans, and disability and health plans, unless unreasonably inconsistent with the general wage and salary standard.

Subpart B is amended in § 101.11 to include mass transportation systems, not otherwise regulated, as price category I firms, in accordance with § 215 of the Economic Stabilization Act, of 1970 as amended. Section 101.16 has been amended to modify the prenotification requirements: In paragraph (b) for all price adjustments below the base price as determined under subpart F of chapter III of this title; in paragraph (c) for price adjustments by certain utilities, subject to conditions and procedures in § 300.16 of this title; in paragraph (d) for price adjustments by certain insurance firms subject to conditions and procedures in § 300.20 of this title; in paragraph (e) for price adjustments by certain providers of health services subject to conditions and procedures in §§ 300.18 and 300.19 of this title; in paragraph (f) for price adjustments by certain real estate lessors subject to conditions and procedures in part 301 of this title; and in paragraph (g) for price adjustments by certain multi-industry firms subject to conditions and procedures prescribed by the Price Commission. Section 101.17 has been added to modify the reporting requirements of the utilities referred to in § 101.16(c). *"Reclassification,"* which was formerly § 101.17 has been renumbered to § 101.19 but is otherwise unchanged.

Subpart C is amended in § 101.28 to provide for the modification of prenotification requirements of pay adjustments of certain State and local government employees and of reporting requirements when certification is provided to the Pay Board that such pay adjustments are not in excess of 5.5 percent. *"Reclassification,"* which was formerly § 101.27, has been renumbered to § 101.29 but is otherwise unchanged.

Modifications of the prenotification and reporting requirements in Subparts B and C have been made to facilitate the administration of the Act and the regulations and to implement the purposes of the Act and the economic stabilization program. In most cases, alternate procedures and requirements have been established under Price Commission and Pay Board regulations.

Subpart D, in addition to being amended, has been arranged to describe exemptions more clearly. New exemptions have been added to reflect decisions of the Cost of Living Council. These new exemptions and their section numbers are: Certain insurance premiums (§ 101.33(b)); certain charges and fees of the Federal and State and local governments (§ 101.34(a)); tuition fees of private, nonprofit educational organizations (§ 101.34(b)); transactions in gold (§ 101.34(g)); brokerage fees charged for the sale of securities on a securities exchange (§ 101.34(i)); mint oil and maple syrup or sugar (§ 101.36); and dehydrated fruits (§ 101.36).

Among the factors considered in making an exemption are: (1) The objectives and requirements of the Act and the economic stabilization program; (2) whether the economic sector is characterized by a large number of sellers and frequent price fluctuations, with a minimum of inflationary pressure; (3) whether international transactions are involved or whether, in some special situations such as insurance, domestic firms would be at a disadvantage with respect to international competition because of economic controls on price increases; (4)

JAN 27 1972 J
XUM

whether there is a clear basis for establishing a fair and equitable price because of the nature of the product and the selling process; (5) whether prices are self-assessed or characterized by a strong element of mutuality; (6) whether other controls have been established by law or by other regulatory authorities; (7) whether other non-exempt sectors will serve as an effective restraint on an exempt sector; and (8) considerations of administration and enforcement, including the ability to effectively enforce the controls in sectors with significant inflationary impact.

Subpart F is amended to extend certain special provisions for prenotification of pay adjustments between November 14, 1971 and January 1, 1972 to January 31, 1972 (§ 101.101(a)). Certain special provisions for prenotification of price adjustments between November 14, 1971 to January 1, 1972, have been deleted because of expiration. Certain sections have been added as a result of the 1971 amendments of the Act: Section 101.102, to reflect section 203(c) relating to certain retroactive and deferred pay adjustments provided prior to August 15, unless unreasonably inconsistent with the general wage and salary standard; § 101.103 to reflect section 203(f) relating to pay adjustments required under the Fair Labor Standards Act; certain wage determinations made by an agency in the executive branch, and certain employee incentive plans.

Subpart G has been added to incorporate in the regulations those sanctions provided for in section 208 of the Economic Stabilization Act of 1970, as amended.

Because the purpose of these regulations is to repromulgate Part 101, as amended, modified and revised, to provide immediate guidance and information as to Cost of Living Council decisions and to implement Executive Order No. 11640 and the 1971 amendments of the Act, the Cost of Living Council finds that their publication in accordance with usual rule making procedures is impracticable and that good cause exists for making these regulations effective in less than 30 days.

These amendments shall become effective when filed with the FEDERAL REGISTER.

DONALD RUMSFELD,
Director,
Cost of Living Council.

Subpart A—General

Sec.
101.1 Purpose and scope.
101.2 Definitions.

Subpart B—Price Adjustments—Classification and Procedures

101.11 Price Category I firms; prenotification and reporting requirements.
101.13 Price Category II firms; reporting requirements.
101.15 Price Category III firms; monitoring and spot checks.
101.16 Modification of prenotification requirements.
101.17 Modification of reporting requirements.
101.19 Reclassification.

Subpart C—Pay Adjustments—Classification and Procedures

101.21 Category I pay adjustments; construction pay adjustments; prenotification requirements.
101.23 Category II pay adjustments; reporting requirements.
101.25 Category III pay adjustments; monitoring and spot checks.
101.28 Pay adjustments of State and local government employees.
101.29 Reclassification.

Subpart D—Exemptions—Items not Included in Coverage

101.31 General.
101.32 Raw agricultural products, raw seafood products, and raw sugar price adjustments.
101.33 Real estate and insurance premiums.
101.34 Certain price adjustments.
101.35 Certain pay adjustment.
101.36 Miscellaneous.

Subpart E—[Reserved]

Subpart F—Special Provisions

101.101 Special provisions applicable from November 14, 1971 to January 31, 1972.
101.102 Special provisions applicable to retroactive and deferred pay adjustments provided prior to August 15, 1971.
101.103 Pay adjustments required under the Fair Labor Standards Act, wage determinations made by an agency in the executive branch and certain employee incentive plans.

Subpart G—Sanctions

101.201 Sanctions; criminal fine and civil penalty.
101.202 Injunctions and other relief.

AUTHORITY: The provisions of this Part 101 issued under Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640.

Subpart A—General

§ 101.1 Purpose and scope.

(a) The purpose of this part is to establish the economic units and transactions which are covered by, or are exempt from, the controls, standards, and criteria established for the post-freeze economic stabilization period. The purpose is also to establish categories of economic units which must comply with the prenotification, reporting, and other procedural requirements prescribed by the Cost of Living Council.

(b) This part applies to all price adjustments and to all pay adjustments which occur during the post-freeze economic stabilization period, except those which are specifically exempt under this part.

(c) This part does not apply to economic transactions which are not prices, rents, wages, and salaries within the meaning of the Act as amended. Examples of transactions not within the meaning of the Act are:

(1) State or local income, sales and real estate taxes;

(2) Workmen's compensation payments;

(3) Welfare payments;

(4) Child support payments; and

(5) Alimony payments.

(d) The Cost of Living Council may permit any exceptions, exemptions or reclassifications that it considers appropriate with respect to the coverage, classification, and other procedural requirements prescribed in this part. Requests for exceptions or exemptions from the coverage, classification, and other procedural requirements of this part shall be submitted in accordance with the provisions of Parts 105, 205, 305, and 401 of this title.

(e) This part applies only to economic units and transactions in the several States and the District of Columbia.

§ 101.2 Definitions.

"Act" means the Economic Stabilization Act of 1970, as amended.

"Annual sales or revenues" means the total gross receipts of a firm during its most recent fiscal year from whatever source derived.

"Council" means the Cost of Living Council established by Executive Order No. 11615 and continued under the provisions of Executive Order No. 11640.

"Employer" means a firm which employs one or more persons who receive a wage or salary.

"Exception" means a waiver directed to an individual firm in a particular case which relieves it from the requirements of a rule, regulation, or order issued pursuant to the Act.

"Exemption" means a general waiver of the requirements of all rules, regulations, and orders issued pursuant to the Act.

"Firm" means any person, corporation, association, estate, trust, partnership, joint-venture, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal and State and local governments.

"Mass transportation system" means a public benefit corporation, with annual sales or revenues in excess of $10 million, which is charged by law or contract with the responsibility of operating a mass transportation facility or facilities which:

(a) Serves a Standard Metropolitan Statistical Area (SMSA); and

(b) Constitutes the sole or a principal means of public transportation for that area.

A facility or facilities includes a rapid rail transit, subway, elevated, bus system but does not include school buses or other conveyances used primarily for sight-seeing or chartered for private use.

"Non-profit organization" or one which is "not operated for profit" is a firm which is defined as a nonprofit organization in section 501(c) and is exempt under section 501(a) of the Internal Revenue Code of 1954, amended.

"Pay adjustment" means a change in wages and salaries which includes all forms of direct or indirect remuneration or inducement to employees by their employers for personal services, which are reasonably subject to valuation, including but not limited to: Vacation and holiday payments; bonus; layoff and severance pay plans; supplemental unemployment benefits; night shift, overtime, production; and incentive pay; employer contributions for insurance plans (but not including public plans, e.g. old age, survivors, health, and disability insurance under the Social Security system, Railroad Retirement Acts, Federal Insurance Contributions Act, Federal Unemployment Tax Acts, Civil Service Retirement Acts and the Carriers and Employees Tax Act); savings, pension, profit sharing, annuity funds, and other deferred compensation and welfare benefits; payments in kind, job perquisites; housing allowances; uniform and other work clothing allowances (but not including employer-required uniforms and work clothing whether or not for safety purposes); cost-of-living allowances; commission rates, stock options, and other fringe benefits; and benefits which result in more pay per hour or other unit of work or production (e.g., by shortening the workday without a proportionate decrease in pay). Notwithstanding the foregoing definition of pay adjustment, contributions by any employer for:

(a) Any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;

(b) Any group insurance plan; or

(c) Any disability and health plan;

are not to be included in wages and salaries unless such contributions are determined by the Pay Board to be unreasonably inconsistent with the standards issued pursuant to section 203(b) of the Act.

"Pay Board" means the Board established pursuant to section 7 of Executive Order No. 11627.

"Prenotification" means notice submitted to the Price Commission or Pay Board relating to a proposed price adjustment or pay adjustment.

"Price adjustment" means an increase in the unit price of property or services or a decrease in the quality of substantially the same property or services.

"Price Commission" means the Commission established pursuant to section 8 of Executive Order No. 11627.

"Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"State and local governments" means the several States and the District of Columbia, a municipality or other political subdivision, authority, commission, board, district, public corporation or other agency or instrumentality of the several States and the District of Columbia and any board, commission, agency, or other instrumentality of a local government.

Subpart B—Price Adjustments—Classification and Procedures

§ 101.11 Price category I firms; prenotification and reporting requirements.

(a) A price category I firm is a firm with annual sales or revenues of $100 million or more, or a firm that operates or controls a mass transportation system the fares of which are not otherwise regulated.

(b) Each price category I firm shall submit a prenotification to the Price Commission of each proposed price adjustment in accordance with regulations issued by the Price Commission.

(c) No proposed price adjustment shall be put into effect by any price category I firm unless such price adjustment has been approved or permitted to take effect in accordance with regulations issued by the Price Commission.

(d) Each price category I firm shall submit quarterly reports to the Price Commission with information on prices, costs, and profits in accordance with regulations issued by the Price Commission.

§ 101.13 Price category II firms; reporting requirements.

(a) A price category II firm is a firm with annual sales or revenues from $50 million to $100 million.

(b) Each price category II firm shall submit quarterly reports to the Price Commission with information on prices, costs, and profits in accordance with regulations issued by the Price Commission.

§ 101.15 Price category III firms; monitoring and spot checks.

(a) A price category III firm is a firm with annual sales or revenues of less than $50 million.

(b) The price adjustments of price category III firms are not subject to prenotification or reporting. However, they are subject to monitoring and spot checks, as are price adjustments by firms in other categories.

§ 101.16 Modification of prenotification requirements.

Notwithstanding the provisions of § 101.11 the following price adjustments by price category I firms need not be prenotified:

(a) Price adjustments based upon the increased cost of raw or partially processed products subject to the conditions and procedures prescribed in § 300.51 (f) through (i) of this title.

(b) Price adjustments below the base price as determined under Subpart F of chapter III of this title subject to the conditions and procedures prescribed therein.

(c) Price adjustments proposed or established by those utilities subject to the conditions and procedures prescribed in § 300.16 of this title.

(d) Price adjustments with respect to insurance premiums affecting less than $1 million in aggregate annualized premiums under the existing rate or when the annual sales or revenues of the firm are less than $250 million, by those firms subject to the conditions and procedures prescribed in § 300.20 of this title.

(e) Price adjustments for institutional and noninstitutional providers of health services subject to the conditions and procedures prescribed in §§ 300.18 and 300.19 of this title.

(f) Price adjustments by firms leasing or offering to lease any residence or other real property subject to the conditions and procedures prescribed in Part 301 of this title.

(g) Subject to conditions and procedures prescribed by the Price Commission price adjustments proposed or established by a multi-industry firm with respect to goods or services when the annual sales or revenues of the firm of such goods and services are less than $100 million within any two-digit Standard Industrial Classification as published in the 1967 Standard Industrial Classification Manual by the Office of Management and Budget (formerly the Bureau of the Budget).

§ 101.17 Modification of reporting requirements.

Notwithstanding the provisions of §§ 101.11 and 101.13, quarterly reports to the Price Commission need not be submitted to the Price Commission by a utility subject to the conditions and procedures prescribed in § 300.16 of this title: *Provided, however,* That any such utility which has not submitted quarterly reports pursuant to this section shall submit to the Price Commission such certification as may be required by regulations issued by the Price Commission.

§ 101.19 Reclassification.

With the advice of the Price Commission, the Director of the Cost of Living Council has authority to reclassify firms from one price category to another when he deems such action necessary or advisable to effectuate the purposes of the Act and regulations issued pursuant thereto.

Subpart C—Pay Adjustments—Classification and Procedures

§ 101.21 Category I pay adjustments; construction pay adjustments; prenotification requirements.

(a) A category I pay adjustment means a pay adjustment which applies to or affects 5,000 or more employees or which applies to or affects employees who are engaged in construction as defined by section 11 of Executive Order No. 11588.

(b) Prenotification of each proposed category I pay adjustment shall be submitted to the Pay Board in accordance with regulations issued by the Pay Board.

V 37 N 18 JAN 27 72 XUM

(c) No proposed category I pay adjustment shall be put into effect unless such pay adjustment has been approved or permitted to take effect in accordance with regulations issued by the Pay Board.

§ 101.23 Category II pay adjustments; reporting requirements.

(a) A category II pay adjustment means a pay adjustment which applies to or affects from 1,000 to 5,000 employees.

(b) Each category II pay adjustment shall be reported to the Pay Board in accordance with regulations issued by the Pay Board.

§ 101.25 Category III pay adjustments; monitoring and spot checks.

(a) A category III pay adjustment means a pay adjustment which applies to or affects less than 1,000 employees.

(b) Category III pay adjustments are not subject to prenotification and reporting. However, they are subject to monitoring and spot checks as are pay adjustments by firms in other categories.

§ 101.28 Pay adjustments of State and local government employees.

Notwithstanding the provisions of § 101.21 prenotification of category I pay adjustments which affect the employees of State and local governments need not be submitted to the Pay Board in accordance with the provisions of § 101.21. Such pay adjustments are, however, subject to the reporting requirements of § 101.21 prenotification of category I pay ments and other pay adjustments affecting the employees of State and local governments which would otherwise be subject to § 101.23, need not be submitted to the Pay Board when certification is submitted at the beginning of such government's fiscal year and each 6 months thereafter to the Pay Board in accordance with regulations issued by the Pay Board that such pay adjustments are not in excess of 5.5 percent. Approval, however, must be granted by the Pay Board for any pay adjustment in excess of 5.5 percent which affects the employees of State and local governments.

§ 101.29 Reclassification.

With the advice of the Pay Board, the Director of the Cost of Living Council has authority to reclassify pay adjustments from one category to another when he deems such action necessary or advisable to effectuate the purposes of the Act and regulations issued pursuant thereto.

Subpart D—Exemptions—Items not Included in Coverage

§ 101.31 General.

Price adjustments and pay adjustments with regard to the property, services, wages, and salaries set forth in this subpart are exempt from and not included in the coverage of this title.

§ 101.32 Raw agricultural products, raw seafood products, and raw sugar price adjustments.

(a) *Raw agricultural products.* Agricultural products which retain their original physical form and have not been processed. Processed agricultural products are products which have been canned, frozen, slaughtered, milled, or otherwise changed in their physical form. Packaging is not considered a processing activity. Examples:

Exempt	*Nonexempt*
Live cattle, calves, hogs, sheep, and lambs.	Carcasses and meat cuts.
Live poultry	Dressed broilers and turkeys.
Raw milk	Pasteurized milk and processed products such as butter, cheese, ice cream.
Shell eggs, packaged or loose.	Frozen, dried, or liquid eggs.
Sheared or pulled wool.	Wool products.
Raw honeycomb honey.	Processed and blended honeybutter product.
Mohair.	
Hay: Bulk, pelleted, cubed, or baled.	Dehydrated alfalfa meal or alfalfa meal pellets.
Wheat	Flour.
Feed grains including:	
Corn	Mixed feed.
Sorghum	Cracked corn.
Barley	Rolled barley.
Oats	Rolled oats.
Soybean	Soybean meal and oil.
Leaf tobacco	Cigarettes and cigars.
Baled cotton, cottonseed, cotton lint.	Cotton yarn, cottonseed oil, cottonseed meal.
Fresh potatoes, packaged or not.	Frozen french fries, dehydrated potatoes.
Unmilled rice	Milled rice.
All raw nuts—shelled and unshelled.	Roasted, salted, or otherwise processed nuts.
Fresh mushrooms	Canned or freeze dried mushrooms.
Fresh mint.	
Fresh hops.	
Dried beans, peas, and lentils.	
Sugar beets and sugar cane.	Refined sugar.
Maple sap.	
All seeds for planting.	Seeds processed for other uses.
Raw coffee bean	Roasted coffee bean.
All fresh vegetables and melons including:	Canned and frozen vegetables.
Tomatoes.	
Lettuce.	
Sweet corn.	
Onions.	
Green beans.	
Cantaloupe.	
Cucumbers	Dill pickles.
Cabbage	Packaged slaw.
Carrots.	
Watermelons.	
Green peas.	
Asparagus.	
Pepper.	
Broccoli.	
Cauliflower.	
Spinach.	
Green lima beans.	
Honeydews.	
Escarole.	
Garlic.	
Artichokes.	
Eggplant.	
Brussel sprouts.	
Beets.	
Unpopped popcorn.	Popped popcorn.
Stumpage or trees cut from the stump.	Milled lumber.

Exempt	*Nonexempt*
All fresh or naturally dried fruits, packaged or not, including:	Canned fruit or juices.
Fresh oranges	Glazed citrus peel.
Grapes and raisins.	Canned grapes, wine.
Apples	Applesauce.
Peaches.	
Strawberries.	
Grapefruit.	
Pears.	
Lemons.	
Plums and prunes.	Canned prunes and prune juice.
Cherries.	
Cranberries.	
Avocados.	
Blueberries.	
Apricots.	
Tangerines.	
Olives, uncured	Canned olives.
Nectarines.	
Raspberries.	
Blackberries.	
Figs.	
Tangelos.	
Limes.	
Dates.	
Papayas.	
Bananas.	
Pomegranates.	
Currants.	
Persimmons.	
Garden plants and cut flowers.	Floral wreath.

(b) *Raw seafood products.* Raw seafood products including those which have been shelled, shucked, iced, skinned, scaled, eviscerated, or decapitated.

(c) *Raw sugar prices.* Raw sugar price adjustments which are controlled under the Sugar Act of 1948, as amended.

§ 101.33 Real estate and insurance premiums.

(a) *Real estate.*—(1) *Sales.* (i) Unimproved real estate.

(ii) Real estate with improvements completed prior to August 15, 1971.

(iii) Real estate with improvements completed on or after August 15, 1971, if—

(*a*) The sales price is determined after the completion of construction; or

(*b*) The sales price is determined before the completion of construction and the wage rates estimated by the builder at the time the price is determined are not subsequently reduced by any action of the Pay Board.

(2) *Rentals.* (i) Industrial, farm, and nonresidential commercial property.

(ii) Rental units, including houses, apartments, or any other residential rental property, on which construction is completed, and which are offered for rent for the first time, after August 15, 1971.

(iii) Rehabilitated dwellings for which the cost of rehabilitation exceeds one-third of the total value of the rehabilitated property (including the cost of rehabilitation), offered for rent in the newly rehabilitated condition for the first time after August 15, 1971.

(b) *Insurance premiums.* Premiums charged for the following lines of insurance purchased or renewed after November 13, 1971:

(1) Reinsurance of all kinds.

(2) Ocean marine insurance.

(3) Inland marine insurance on a bid basis applicable to facilities of transportation and communication.

(4) Life insurance, annuities, and endowments (including individual and group contracts of: Ordinary and term life insurance, fixed and variable annuities, and endowments of all kinds); but excluding credit life insurance of any kind.

(5) Individually negotiated and rated insurance contracts written in excess of a self-insured retention of at least $100,000.

§ 101.34 Certain price adjustments.

(a) *Federal, State, and local governments.* (1) Price adjustments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility, performed; furnished, provided, granted, prepared, issued, or transferred by any Federal department, agency, or other instrumentality including the Postal Service and wholly owned Government corporations as defined in the Government Corporation Control Act of 1945, as amended.

(2) Price adjustments by State and local governments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, facilities, materials, or similar thing of value or utility, performed, furnished, provided, granted, prepared, issued, or transferred including tuition and other charges for schools, colleges, and universities owned or operated by a State and local government; except, however, that fees or charges for health services and for utility services (including gas, electricity, telephone, telegraph, public transportation by vehicle or pipeline, but not including water or sewage disposal services) provided directly or indirectly by a State and local government are not exempt under the provisions of this section.

(b) *Tuition fees of private nonprofit educational organizations.* Tuition fees and other charges by private schools, colleges, and universities not operated for profit.

(c) *Custom products and services.* (1) The following products when custom made to individual order:

(i) Leather goods.

(ii) Wigs and toupees.

(iii) Fur apparel.

(iv) Jewelry.

(2) The following custom services when provided to individual order:

(i) Tailoring of clothing.

(ii) Framing of pictures and mirrors.

(iii) Taxidermy.

(d) *Exports, imports, and shipping rates.* (1) Exports, including products sold to a domestic purchaser who certifies that the product is for export.

(2) Imports, but only the first sale into U.S. commerce.

(3) International ocean shipping rates.

(e) *Damaged and used products.* Damaged and used products other than products which have been rebuilt, repackaged, baled, reassembled, or otherwise processed.

(f) *Government property.* (1) Abandoned or confiscated property sold by any Federal, State, or local government agency pursuant to authorization of a court.

(2) Property sold by the United States, including lease-sales.

(g) *Transactions in gold.* Transactions in gold on the domestic market under license from the Secretary of the Treasury pursuant to the Gold Reserve Act of 1934 as amended, and regulations issued pursuant thereto.

(h) *Securities and financial instruments.* (1) Securities as defined in § 101.2.

(2) Property subject to net leases as defined in 26 U.S.C. 163(d)(4)(a).

(3) Commercial paper.

(4) Commodity futures sold on an organized commodities exchange but not including the commodity (unless otherwise exempt).

(i) *Brokerage fees charged on a securities exchange.* Brokerage fees, charged for the trading of securities on a securities exchange, that are subject to the jurisdiction of the Securities and Exchange Commission, when the Securities and Exchange Commission has certified that such fees are consistent with the objectives of the economic stabilization program.

§ 101.35 Certain Pay Adjustments.

(a) *Federal pay adjustments.* Federal Government employees' pay adjustments which are based upon Federal law and regulations and are determined by Presidential directives, including therein pay adjustments in the compensation and allowances of members of the Armed Forces; employees of the Judicial and of the Legislative Branch of the Federal Government: *Provided, however,* This section shall not exempt pay adjustments affecting employees of the U.S. Postal Service.

(b) *Pay adjustments affecting certain U.S. citizens.* Pay adjustments which apply to or affect U.S. citizens who reside and are employed outside the United States and the District of Columbia.

(c) *Minimum wages.* Wages below the minimum wage rate established by Federal law.

§ 101.36 Miscellaneous.

(a) Royalties and other payments from the sale of copyrights, manuscripts, and like materials prepared for publication.

(b) Dues paid to a nonprofit organization.

(c) Antiques and art objects including paintings, etchings, and sculpture.

(d) Collectors' coins and stamps.

(e) Rock and stone specimens including precious stones and mounting into which precious stones are set.

(f) Handicraft objects.

(g) Mint oil and maple syrup or sugar.

(h) Dehydrated fruits.

Subpart E—[Reserved]

Subpart F—Special Provisions

§ 101.101 Special provisions applicable from November 14, 1971—January 31, 1972.

Notwithstanding the provisions of § 100.21, pay adjustments scheduled to take effect between November 14, 1971, and January 31, 1972, pursuant to existing contracts or pay practices in effect before November 14, 1971, need not be prenotified to, or approved by, the Pay Board, but must be reported to the Pay Board in accordance with its regulations and will be otherwise subject to such regulations. The provisions of this section shall not apply to pay adjustments which are subject to the provisions of Executive Order Number 11588, March 29, 1971.

§ 101.102 Special provisions applicable to retroactive and deferred pay adjustments provided prior to August 15, 1971.

(a) Nothing in this title shall limit any pay adjustment (including any insurance or other fringe benefit offered in connection with an employment contract or an established pay practice) scheduled to take effect after November 13, 1971, and to be paid pursuant to an employment contract executed, or a pay practice established, prior to August 15, 1971 to a level below that agreed or established in such contract or practice, unless the Pay Board determines the increase provided in such contract or by such practice is unreasonably inconsistent with standards issued pursuant to section 203(b) of the Act.

(b) Nothing in this title shall preclude any pay adjustment (including any insurance or other fringe benefit offered in connection with an employment contract or an established pay practice) scheduled to take effect prior to November 14, 1971, pursuant to an employment contract executed, or a pay practice established, prior to August 15, 1971 which was not paid as a result of any regulation issued pursuant to the Act, unless the Pay Board determines that the pay adjustment provided in such contract or by such practice is unreasonably inconsistent with standards issued pursuant to section 203(b) of the Act.

(c) In addition to paragraphs (b) and (c) of this section, the Pay Board shall promptly take such action as may be necessary to require the payment of any pay adjustment (including any insurance or other fringe benefit offered in connection with an employment contract or established pay practice) which has been or in the absence of this section would be, withheld under the authority of the Act, if the Pay Board determines:

(i) Such pay adjustment was provided for by law, contract or an established pay practice prior to August 15, 1971; and

(ii) Prices have been advanced, productivity increased, taxes have been raised, appropriations have been made, or funds have otherwise been raised or provided for in order to cover such increases.

V 37 18 JAN 27 72 XUM

§ 101.103 Pay adjustments required under the Fair Labor Standards Act, wage determinations made by an agency in the Executive Branch and certain employee incentive plans.

(a) Notwithstanding the provisions of this title, this title shall not be exercised to preclude the payment of any pay adjustment:

(1) Required under the Fair Labor Standards Act of 1938, as amended, or effected as a result of enforcement action under such Act; or

(2) Required in order to comply with wage determinations made by any agency in the executive branch of the Government pursuant to law for work:

(i) Performed under contracts with, or to be performed with financial assistance from, the United States, or the District of Columbia, or any agency or instrumentality thereof, or

(ii) Performed by aliens who are immigrants or who have been temporarily admitted to the United States pursuant to the Immigration and Nationality Act; or

(3) Paid in conjunction with existing or newly established employee incentive programs which are designed to reflect directly increases in employee productivity.

Subpart G—Sanctions

§ 101.201 Sanctions; criminal fine and civil penalty.

(a) Whoever willfully violates any order or regulation under this title shall be subject to a fine of not more than $5,000 for each violation.

(b) Whoever violates any order or regulation under this title shall be subject to a civil penalty of not more than $2,500 for each violation.

§ 101.202 Injunctions and other relief.

Whenever it appears to the Council that any firm has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any order or regulation under this title, the Council may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of moneys received in violation of any such order or regulation.

[FR Doc.72-1315 Filed 1-26-72;9:31 am]

Chapter II—Pay Board

PART 201—STABILIZATION OF WAGES AND SALARIES

Retroactive Increases and Certain Deferred Increases

The purpose of these amendments is to include in the regulations relating to the stabilization of wages and salaries (6 CFR Part 201) provisions conforming to sections 203(c) (2) and (3) of the Economic Stabilization Act of 1970, as amended (85 Stat. 743).

Pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743), Executive Order No. 11627 (36 F.R. 20139, October 16, 1971, as amended), and Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971), the Pay Board hereby adopts the following amendments to Part 201 in implementation of the President's economic program.

Because of the need for immediate guidance from the Pay Board with respect to the provisions contained herein, it is hereby found impracticable to issue these amendments with notice and public procedure thereon under 5 U.S.C. sec. 553(b), or subject to the effective date limitation of 5 U.S.C., sec. 553(d).

Effective date. These regulations shall be effective on the date of their publication in the FEDERAL REGISTER (1-27-72).

GEORGE H. BOLDT,
Chairman of the Pay Board.

PARAGRAPH 1. Section 201.13 is amended to read as follows:

§ 201.13 Scheduled increases in wages and salaries for services rendered on or after August 15, 1971, and before November 14, 1971.

(a) *In general.* Scheduled increases in wages and salaries for services rendered by employees on or after August 15, 1971, and before November 14, 1971, which were not paid because prohibited by the freeze, may be made retroactively if permitted by any other paragraph of this section.

(b) *Certain conditions for retroactive payment; section 203(c)(2) of the Act.* Payments of wage and salary increases (including any insurance or other fringe benefits offered in connection with employment) may be made if—

(1) Such increases were (i) agreed to in an employment contract executed, entered into, or in effect prior to August 15, 1971, or (ii) contained in a pay practice announced, reduced to writing, placed in effect, or otherwise clearly established prior to August 15, 1971;

(2) Such increases were scheduled to take effect prior to November 14, 1971;

(3) Such increases were not paid as a result of orders issued under the Act; and

(4) (i) The aggregate of such increases does not exceed seven percent (7%) and (*a*) in case of a Category II pay adjustment of a Category III pay adjustment (as defined in §§ 101.23 and 101.25 of this title), the employer certifies by letter to the appropriate district director of Internal Revenue within 20 days subsequent to payment that the requirements of this paragraph have been fulfilled or (*b*) in case of a Category I pay adjustment (as defined in § 101.21 of this title), the Board has received prenotification of such adjustment and a challenge to determine that the provisions of subparagraphs (1), (2), and (3) of this paragraph have been met or that the increase does not exceed seven percent (7%) has not been made by a party at interest or five or more members of the Board within 14 days of such prenotification or within 14 days of providing any additional proof requested by the Board, or

(ii) The aggregate of such increases does exceed seven percent (7%), and the Board has received prenotification of the proposed payment and there has not been a challenge by a party at interest or five or more members of the Board within 14 days of such prenotification, or within 14 days of providing any additional proof requested by the Board.

For the purposes of determining the percentage of the aggregate increases under this paragraph, the base compensation shall be the average cost of wages, salaries, and benefits per man hour for the appropriate employee unit affected by the increases on the day before the wage and salary increase pursuant to this paragraph was scheduled to take effect.

(c) *Certain challenges.* With respect to a challenge of proposed payments of wage and salary increases under paragraph (b)(4) of this section, the payments of such increases may be made if the Board determines that such increases are not unreasonably inconsistent with the standards published under §§ 201.10 and 201.11.

(d) *Price increases in anticipation of wage and salary increases.* Payments of wage and salary increases not otherwise payable under the provisions of § 201.15 may be made if a determination is made by the Internal Revenue Service, with right of appeal to the Pay Board in the event of an adverse determination, that the employer of the employees on whose behalf such payment is being sought raised the prices for his products or services prior to August 16, 1971, in anticipation of wage and salary increases scheduled to be paid to such employees after August 15, 1971.

(e) *Consecutive agreements or practices.* Payments of wage and salary increases may be made if a determination is made by the Internal Revenue Service, with right of appeal to the Pay Board in the event of an adverse determination, that a wage and salary agreement or pay schedule or practice adopted after August 15, 1971, succeeded an agreement, schedule or practice that expired or terminated prior to August 16, 1971, and retroactivity is demonstrated to be an established past practice of an employer and his employees or retroactivity had been agreed to prior to November 14, 1971.

(f) *Tandem relationships.* Payments of wage and salary increases may be made if a determination is made by the Internal Revenue Service, with right of appeal to the Pay Board in the event of an adverse determination, that in the case of a tandem relationship (as defined in § 201.3) the following conditions have been met—

(1) The employment contract or pay practice to which a tandem relationship is claimed was reached or in existence prior to August 16, 1971;

(2) (i) The prior employment contract of the unit to which a tandem relationship is claimed expired no more than ninety (90) days before the expiration of the prior employment contract of the tandem-claiming unit; or

(ii) In the case of a pay practice, the effective date of the increase with respect to which a tandem relationship is claimed was, consistent with past pay practice, no more than ninety (90) days prior to the scheduled effective date of the increase for the tandem-claiming unit.

(3) The tandem relationship has been clearly established as a past pay practice for 5 years or in the immediately preceding two employment contracts; and

(4) It can be shown that retroactivity was either an established pay practice or had been agreed to prior to November 14, 1971.

(g) *Low wage employees; one-time benefits.* (1) Payments of wage and salary increases may be made if the employer determines, subject to compliance checks by the Internal Revenue Service that—

(i) An employee in an appropriate employee unit would have become eligible for a wage and salary increase but for the freeze, and that the employee's straight time hourly rate of pay prior to the freeze was $2 per hour or less.

(ii) An employee in an appropriate employee unit would have become eligible to receive a new or increased benefit under a fringe benefit plan but for the freeze, and the employee cannot otherwise (because of death, retirement, etc.) become eligible for the benefit after the freeze.

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). A, an employee-member of an appropriate employee unit in a company, died on September 16, 1971. Pursuant to a collective bargaining agreement reached before the freeze, A's employer was to have increased his contribution to the group life insurance plan applicable to such unit on September 1, 1971. Under the plan death benefits were scheduled to be increased up to $2,000 per employee based on age and length of employee service to the company. The life insurer is willing to pay the increased benefit to A's estate if the employer will retroactively pay the unit's increased contribution to the group life insurance plan. A retroactive payment may be made by the employer of the scheduled increase in group life insurance premiums for the appropriate employee unit in such a case to remedy the severe inequity to an employee such as A who, because of his death during the freeze, could not become eligible for the increased benefit after the freeze ended.

Example (2). B, an employee-member of an appropriate employee unit in a company, retired on October 31, 1971. Pursuant to a collective bargaining agreement reached before the freeze, B's employer was to have increased the lump-sum payment on or after October 1, 1971, available to employees of the unit for vacation accrued but not taken prior to retirement. A retroactive increase in the lump-sum payment of accrued vacation may be made to B who, because of his retirement during the freeze, could not become eligible for the increase benefit after the freeze.

(h) *Other criteria for retroactivity.* Payments of wage and salary increases may be made upon Pay Board approval if it is demonstrated to the Board that the proposed retroactive payments satisfy such further criteria as the Board may hereafter establish to remedy severe inequities.

PAR. 2. Section 201.16 is deleted, § 201.15 is amended and redesignated as § 201.16, and a new § 201.15 is added immediately after § 201.14. These added, amended, and redesignated provisions read as follows:

§ 201.15 Wage increases provided for prior to August 15, 1971, for which funds have been raised or provided.

(a) *In general.* Subject to the provisions of this section, any wage and salary increases (including any insurance or other fringe benefits offered in connection with employment) which have been or would be withheld under the authority granted by the Act are lawfully due and payable, if a determination is made as provided in paragraph (b) of this section that such increases were provided for by law, contract, agreement or established practice prior to August 15, 1971, and that prices have been advanced, productivity increased, taxes have been raised, appropriations have been made or funds have otherwise been raised or provided for in order to cover such increases.

(b) *Determinations—(1) By Category I employers.* Any person who desires to make payments of wage and salary increases described in paragraph (a) of this section may do so provided (i) he is an employer whose pay adjustments qualify as Category I pay adjustments (as defined in § 101.21 of this title), (ii) he believes the requirements of paragraph (a) of this section have been met, and (iii) he files a prenotification in the manner prescribed by the Pay Board of his intent to make such payment detailing the factual basis for qualification under paragraph (a) of this section. The payment of such an increase may begin 14 days after the prenotification is filed with the Board, or (if appropriate) 14 days after any additional proof requested by the Board has been furnished to the Board unless a challenge is made by a party at interest or five or more members of the Board. In computing the 14-day period prescribed by this section, the rules provided for in § 205.5 of this chapter will apply.

(2) *By Category II and III employers.* Any person who desires to make a payment of wage and salary increaser described in paragraph (a) of this section may do so provided (i) he is an employer whose pay adjustments qualify as either Category II or III pay adjustments (as defined in §§ 101.23 and 101.25 of this title), (ii) he believes the requirements of such paragraph (a) have been met because such wage and salary increases meet the requirements of paragraphs (c) (1), (2), and (3) of this section, and (iii) he certifies by letter to the appropriate district director of internal revenue that he has met the requirements of paragraphs (c) (1), (2), and (3) of this section. The payments of such an increase may begin 20 days before certification is made to the Revenue Service.

(3) *By the Internal Revenue Service.* A party at interest claiming authority to make or receive payment of a wage or salary increase pursuant to paragraph (a) of this section, after giving notice to the other parties at interest, may apply to the Internal Revenue Service for a determination that the requirements of paragraph (a) of this section have been met. The application to the Internal Revenue Service shall detail the manner in which one or more of each of the requirements of paragraph (c) (1), (2), and (3) of this section have been met, or that the requirements of paragraph (a) of this section have otherwise been met. When the Service makes a determination that such requirements have or have not been met the Service will provide for notice upon request to parties at interest of the determination. Payment of an increase determined to be permissible under paragraph (a) of this section shall begin within 20 days of such determination by the Service unless an appeal is taken by the Pay Board. The Service may transmit to the Pay Board for determination any application based upon a claim that the requirements of paragraph (a) of this section have been met without meeting the requirements of paragraph (c) (1), (2), and (3) of this section.

(4) *By the Board.* If the Pay Board determines with respect to (i) a challenge of an increase under subparagraph (1) of this paragraph, or (ii) an appeal from a final determination by the Internal Revenue Service with respect to an increase under subparagraph (3) of this paragraph, or (iii) a transmittal by the Internal Revenue Service with respect to an increase under subparagraph (3) of this paragraph, that such payment qualifies under paragraph (a) of this section, the increase shall be payable immediately after the Board's final decision.

(c) *Special rules.* For the purposes of this section the factual requirements of paragraph (a) of this section are deemed satisfied with respect to whether:

(1) A wage or salary increase was provided for by law, contract, agreement, or established practice prior to August 15, 1971, if—

(i) The amount of the wage or salary increase was determined and definite prior to August 15, 1971; and

(ii) A contract was executed, entered into, or became effective prior to August 15, 1971; or

(iii) A pay practice was announced, reduced to writing, placed in effect, or otherwise clearly established prior to August 15, 1971; or

(iv) A law, ordinance, or resolution, or a rule, regulation, or decision of a governmental agency having the effect of law, became effective or was finally enacted by signature of the chief executive of the governmental unit prior to August 15, 1971, or by failure of the chief executive to veto prior to August 15, 1971, or by completion of all action required for final enactment under the constitution and laws applicable to the governmental unit.

(2) Prices have been advanced, productivity increased, taxes have been raised, appropriations have been made or funds have otherwise been raised or provided for, if—

V37 N27 72 JAN XUM

(i) New taxes were enacted or levied or existing taxes were increased prior to August 15, 1971, which provide revenue for the fiscal year in which the wage and salary increase is to take effect; or

(ii) Appropriations have been passed or a budget of a governmental unit has been adopted prior to August 15, 1971, for the fiscal year in which the wage and salary increase is to take effect, and the appropriations or budget contain funds from which the increase would be payable; or

(iii) Prices have been advanced prior to August 15, 1971; or

(iv) An employer and the employee members of the unit, or their collective bargaining agent, have taken action prior to August 15, 1971, to modify work practices either relating to the introduction of new or changed equipment methods or processes, or otherwise, which is designed to and does result in an increase in the productivity of the appropriate employee unit; or

(v) An employer has taken action prior to August 15, 1971, which has otherwise raised or provided funds to provide for the wage and salary increase.

(3) The prices advanced, productivity increased, taxes raised, appropriations made or funds otherwise raised or provided for are in order to cover a wage and salary increase, if—

(i) The advancement of prices prior to August 15, 1971, was in direct anticipation of the wage and salary increase, and no additional advance in prices is or has been required on or after August 15, 1971, in order to raise funds to cover the wage and salary increase for the balance of the fiscal year in which it takes effect; or

(ii) Action modifying work practices to increase productivity taken by an employer and the employee members of the unit, or their collective bargaining agent, was taken to provide for a wage and salary increase and the resulting increase in productivity is adequate to cover the wage and salary increase; or

(iii) The taxes were raised or levied to fund a budget containing proposed expenditures for the wage and salary increase, and the taxes raised or levied, the existing taxes and other resources of the taxing body are sufficient to cover the increases and all of the other projected expenditures of the taxing body for the fiscal year in which the increase takes effect; or

(iv) The amount of the appropriation or governmental budget item from which the wage and salary increase is payable is sufficient to cover the increase and all other projected expenditures to be made from the appropriation or budget item without any contemplated additional, supplemental, or deficiency appropriation or budget amendment during the fiscal year in which the increase takes effect, and without any contemplated transfer of funds appropriated for or intended for another purpose; or

(v) Action taken by an employer to otherwise raise or provide funds was taken in direct anticipation of a wage and salary increase and funds of sufficient amount to cover the cost of the wage and salary increase were raised or provided on or before August 15, 1971, or would be raised or provided thereafter without further action by the employer after August 15, 1971.

§ 201.16 Unaffected wages and salaries.

Until further action of the Pay Board, those classes of wages and salaries which were held by the Cost of Living Council not to be subject to control by the freeze shall not be affected by this part. However, this section shall not exempt any contracts subject to Executive Order No. 11588 (36 F.R. 6339, March 29, 1971), relating to the stabilization of wages and prices in the construction industry, as amended by Executive Order No. 11627 (36 F.R. 20139, October 16, 1971), further providing for the stabilization of the economy, from the general wage and salary standards in this part.

[FR Doc.72-1330 Filed 1-26-72;10:54 am]

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Base Price Posting Requirements

The purpose of this amendment is to modify the base prices posting requirement by providing that retailers with revenues of less than $200,000 annually who do not operate as retailers on the premises of, or in conjunction with, a retailer with annual revenues of $200,000 or more are not subject to the posting requirements of § 300.13(b) and certain base price information requirements of § 300.13(c). For the purposes of this modification, annual revenues are to be determined without regard to the number of retailing outlets operated by the retailer.

Retailers excluded from the provisions of § 300.13(c) must, however, post a sign or signs indicating the availability of base price information and respond to written requests for base price information in accordance with § 300.13(d).

A new paragraph, § 300.13(e) is added to accomplish these modifications.

Because the purpose of these amendments is to provide immediate guidance and information as to the price stabilization rules in effect, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11627, 36 F.R. 20139, October 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as follows. This amendment becomes effective as of January 15, 1972.

Issued in Washington, D.C. on January 24, 1972.

C. JACKSON GRAYSON,
Chairman,
Price Commission.

(1) Section 300.13(e) is revised to read as follows:

§ 300.13 Retailers and wholesalers.

* * * * * * *

(e) *Small retailers—Special rule.* Paragraphs (b) and (c) of this section do not apply to retailers with revenues of less than $200,000 annually (determined without regard to the number of retailing outlets operated by the retailer) who do not operate as retailers on the premises of, or in conjunction with, a retailer with annual revenues of $200,000 or more. However, retailers not subject to paragraphs (b) and (c) of this section must post on each floor of their establishments at least one sign (minimum 22" x 28"), as specified below, announcing availability of base price information and adhere to paragraph (d) of this section:

BASE PRICE INFORMATION

Information regarding the lawful base price for any item sold by this store may be obtained by submitting a written request to the owner, manager, or operator of this store. You will receive a prompt answer by mail.

[FR Doc.72-1293 Filed 1-26-72;8:52 am]

PART 305—PRICE COMMISSION PROCEDURAL REGULATIONS

Review of Initial Commission Decisions on Matters Other Than Exceptions

The purpose of this amendment is to add Subpart G—Review of Initial Commission Decisions on Matters Other Than Exceptions to Part 305 of the Price Commission procedural regulations. Subpart G is necessary to provide a mechanism for obtaining review of Commission actions denying certain price adjustments in whole or in part and other decisions initially made by the Commission, other than for exceptions.

In consideration of the foregoing, Part 305 of Title 6 of the Code of Federal Regulations is amended by adding Subpart G, effective on January 21, 1972.

Issued in Washington, D.C. on January 25, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman,
Price Commission.

1. The table of contents for Part 305 is amended by adding thereto the table of contents for Subpart G as follows:

Subpart G—Review of Initial Commission Decisions on Matters Other Than Exceptions

Sec.
305.70 Purpose and scope.
305.71 Scope of review.
305.72 Who may request reconsideration.
305.73 Where to file.
305.74 When to file.
305.75 Contents of request.

AUTHORITY: The provisions of this Subpart G issued under Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order No. 11627, 36 F.R. 20139, October 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971.

2. Section 305.1(a) is amended by adding new subparagraph (6) as follows:

§ 305.1 Purpose and scope.

(a) This part establishes procedures for—

* * * * * *

(5) Appointment of Hearing Officer; and,

(6) Obtaining reconsideration of initial decisions made by the Price Commission on matters other than exceptions.

* * * * * *

3. Subpart G is added immediately following the last line of Subpart F as follows:

Subpart G—Review of Initial Commission Decisions on Matters Other Than Exceptions

§ 305.70 Purpose and scope.

(a) Requests for obtaining initial decisions by the Commission other than for exceptions are initiated pursuant to Part 300 of this title.

(b) This subpart establishes the rules of the Commission governing reconsideration of denials of such requests, in whole or in part.

§ 305.71 Scope of review.

The Commission shall reconsider its initial action if the request for reconsideration makes a prima facie showing that the Commission's initial action was erroneous in fact or in law.

(a) Where the Commission determines that the request for reconsideration failed to make a prima facie showing, the Commission may summarily reject the request for reconsideration notifying the applicant of its action and advising him that he has exhausted his administrative remedies and that he may seek judicial review under the Act.

(b) Where the Commission determines that the appellant has made a prima facie showing, it will proceed in accordance with the provisions of §§ 305.37 through 305.38.

§ 305.72 Who may request reconsideration.

Any person who meets the requirements set forth in § 305.71 may request reconsideration by the Commission.

§ 305.73 Where to file.

A request for reconsideration shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508.

§ 305.74 When to file.

A request for reconsideration must be filed within 10 days of service of the initial decision by the Commission.

§ 305.75 Contents of request.

A request for reconsideration shall—

(a) Be in writing and signed by the appellant;

(b) Be designated clearly as a request for reconsideration;

(c) Contain a concise statement of the grounds for reconsideration and the requested relief; and

(d) Be accompanied by briefs, if any.

[FR Doc.72-1294 Filed 1-26-72;8:52 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

[Docket No. R-71-143]

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Eligibility Requirements for Insurance of Mortgages on Real Estate Held Under Lease

On page 18583 of the FEDERAL REGISTER of September 17, 1971, there was published a notice of proposed rule making to amend Parts 207 and 221 of the Department's regulations governing eligibility requirements for multifamily housing and moderate income project mortgage insurance. The amendments permit the Commissioner to insure mortgages on real estate held under a lease executed by a lessor approved by the Commissioner with a maximum term consistent with the legal authority for the execution of such lease, provided the term thereof is not less than 50 years from the execution date of the mortgage. Interested persons were given until October 18, 1971 to submit written comments or suggestions with respect to the proposal.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

1. In § 207.23, paragraph (a)(4) is amended to read as follows:

§ 207.23 Eligibility of property.

(a) * * *

(4) Under a lease executed by a governmental agency, an Indian, an Indian tribe, or such other lessor as the Commissioner may approve for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than 50 years from the date the mortgage is executed.

* * * * * *

2. In § 221.544, paragraph (a)(4) is amended to read as follows:

§ 221.544 Eligibility of property.

(a) * * *

(4) Under a lease executed by a governmental agency, an Indian, an Indian tribe, or such other lessor as the Commissioner may approve for the maximum term consistent with the legal authority for the execution of such lease, provided that the term of any such lease shall run for a period of not less than 50 years from the date the mortgage is executed.

(Secs. 207 and 221, 52 Stat. 16, 68 Stat. 599; 12 U.S.C. 1713, 1715*l*)

Effective date. These regulations shall be effective 30 days from publication in the FEDERAL REGISTER.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner.

[FR Doc.72-1229 Filed 1-26-72;8:51 am]

JAN 27 72
XUM

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Orange	Fountain Valley				Jan. 28, 1972.
Do.	San Diego	National City				Do.
Do.	San Mateo	San Carlos				Do.
Do.	El Dorado	South Lake Tahoe.				Do.
Georgia	Fulton	East Point				Do.
Illinois	Cook	Arlington Heights				Do.
Do.	Stephenson	Freeport				Do.
Massachusetts	Bristol	Mansfield				Do.
Minnesota	Brown	Unincorporated areas.				Do.
New Jersey	Morris	Chatham Borough.				Do.
Do.	do.	Hanover Township.				Do.
Do.	Somerset	Peapack and Gladstone Borough.				Do.
Do.	Camden	Pennsauken Township.				Do.
Do.	Warren	Phillipsburg				Do.
Ohio	Erie	Sandusky				Do.
Vermont	Bennington	Manchester				Do.
Do.	Addison	Middlebury				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: January 19, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–1143 Filed 1–26–72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Orange	Fountain Valley				Jan. 28, 1972.
Do.	San Diego	National City				Do.
Do.	San Mateo	San Carlos				Do.
Do.	El Dorado	South Lake Tahoe.				Do.
Georgia	Fulton	East Point				Do.
Illinois	Cook	Arlington Heights.				Do.
Do.	Stephenson	Freeport				Do.
Massachusetts	Bristol	Mansfield				Do.
Minnesota	Brown	Unincorporated areas.				Do.
New Jersey	Morris	Chatham Borough.				Do.
Do.	do.	Hanover Township.				Do.
Do.	Somerset	Peapack and Gladstone Borough.				Do.
Do.	Camden	Pennsauken Township.				Do.
Do.	Warren	Phillipsburg				Do.
Ohio	Erie	Sandusky				Do.
Vermont	Bennington	Manchester				Do.
Do.	Addison	Middlebury				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: January 19, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–1144 Filed 1–26–72;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 13]

FARM LOSSES

Notice of Extension of Time for Comments

Proposed amendments to the regulations under sections 341, 453, 1251, and 1252 of the Internal Revenue Code of 1954, relating to farm losses, appear in the FEDERAL REGISTER for December 28, 1971 (36 F.R. 25015).

Written comments or suggestions pertaining to the proposed amendments were required to be submitted by January 27, 1972. The time for submission of written comments or suggestions pertaining to the proposed amendments is hereby extended to March 31, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

[FR Doc.72–1324 Filed 1–26–72;10:32 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 980]

[Amdt. 2]

ONION IMPORTS

Notice of Proposed Rule Making

Notice is hereby given of a proposed amendment of § 980.110 Onion import regulation (36 F.R. 13260, 14724), applicable to the importation of onions into the United States to become effective March 20, 1972, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Under Section 8e–1 of the Act (7 U.S.C. 608e–1), whenever two or more marketing orders are concurrently in effect regulating the same agricultural commodity produced in different areas of the United States, the importation of such commodity shall be prohibited unless it complies with the grade, size, quality, and maturity provisions of the order which, as determined by the Secretary of Agriculture, regulates the commodity produced in the area with which the imported commodity is in most direct competition.

Onion import regulation § 980.110 (36 F.R. 13260), became effective July 20, 1971, and sets forth similar grade, size, quality, and maturity requirements as those in effect for onions handled under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the shipments of onions grown in designated counties in Idaho and Eastern Oregon. Grade, size, quality, and maturity requirements become effective for the period March 1 through May 15, 1972, under Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas. It is anticipated that imported onions will be in most direct competition with those regulated under Marketing Order 959 on or about March 20 and the proposed changes will be necessary to bring import regulations into line with domestic regulations covering these South Texas onions.

Consideration will be given to any written data, views, or arguments pertaining to the proposed amendment which are filed in quadruplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

Section 980.110 Onion import regulation (36 F.R. 13260, 14724), is hereby amended to read as follows:

§ 980.110 Onion import regulation.

Pursuant to § 608e–1 of the act (7 U.S.C. 608e–1) and except as otherwise provided herein, during the period beginning March 20, 1972, and continuing through May 15, 1972, the importation of onions is prohibited unless such onions are inspected and meet the requirements of this section.

(a) Minimum grade and size requirements: (1) *Grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(2) *Size.* White onions—1-inch minimum diameter; all other varieties of onions—1¾ inches minimum diameter.

(b) Condition: Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of 10 or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) Minimum quantity: Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) Plant quarantine: Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) Designation of governmental inspection service: The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of section 8e–1 of the act.

(f) Inspection and official inspection certificates: (1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e–1 (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables, and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give at least 1 day advance notice, except the requirement for "All California points" and "All other points" is at least 3 days advance notice, to the applicable office listed below prior to the time the onions will be imported.

All Texas points:
W. T. McNabb, Post Office Box 310, Austin, TX 78767 (Phone 512–385–5385).

All Arizona points:
B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621 (Phone 602–287–2902).

All California points:
D. P. Thompson, 294 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles, CA 90021 (Phone 213–622–8756).

All Hawaii points:
Stevenson Ching, 1428 South King Street, Honolulu, HI 96814 (Phone 808–941–3071).

New York City:
Edward J. Beller, Room 28A, Hunts Point Market, Bronx, N.Y. 10474 (Phone 212–991–7669).

New Orleans:
Pascal J. Lamarca, 5027 Federal Office Building, 701 Loyola Avenue, New Orleans, LA 70113 (Phone 504–527–6741).

JAN 27 72

All other points:
D. S. Matheson, Fruit and Vegetable Division, C&MS, USDA, Washington, D.C. 20250 (Phone 202–388–5870).

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(g) Reconditioning prior to importation: Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) It is hereby determined that imports of onions, during the effective time of this section, are in most direct competition with onions grown in South Texas. The requirements set forth in this section are the same as those applicable to grade, size, quality, and maturity being made effective for onions grown in South Texas.

(i) Definitions: For the purpose of this section, "Onions" means all (except red) varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. Onions commonly referred to as "braided," that is, with tops, may be imported if they meet the grade and size requirements except for top length. The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), U.S. Standards for Grades of Creole Onions (§§ 51.3955–51.3970 of this title), or in the U.S. Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety. Tolerances for size shall be those in the applicable U.S. Standards. The requirements of Canada No. 1 grade are deemed comparable to the requirements of U.S. No. 1 grade. "Importation" means release from custody of the U.S. Bureau of Customs.

Dated: January 24, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–1239 Filed 1–26–72;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 138]

DRUGS

Proposed Official Names

The Commissioner of Food and Drugs proposes to amend § 138.2 *Drugs; official names* by deleting two official names, benazoline and poncuronium, and replacing them with the names metizoline and pancuronium, respectively, and by designating additional official names. The USAN (U.S. Adopted Names) Council has adopted the names metizoline and pancuronium, to avoid a conflict in names in the case of benazoline and to conform to the INN (International Non-Proprietary Names) name in the case of poncuronium.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 508, 76 Stat. 1789; 21 U.S.C. 358) and the administrative procedure provisions of 5 U.S.C. 552 (80 Stat. 383, as amended 81 Stat. 54) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the Commissioner proposes that § 138.2 be amended as follows:

1. By deleting from the table the official names benazoline and poncuronium and the accompanying chemical names or descriptions and molecular formulae.

2. By alphabetically inserting in the table the following items as official names for drugs:

§ 138.2 Drugs; official names.

* * * * * *

Official name	Chemical name or description	Molecular formula
Acetylcysteine	*N*-Acetyl-L-cysteine	$C_5H_9NO_3S$
Adenosine	6-Amino-9-β-D-ribofuranosyl-9*H*-purine	$C_{10}H_{13}N_5O_4$
Allobarbital	5,5-Diallylbarbituric acid	$C_{12}H_{14}N_2O_3$
Ambuphylline	Theophylline, compound with 2-amino-2-methyl-1-propanol	$C_7H_8N_4O_2.C_4H_{11}NO$
Aminacrine	9-Aminoacridine	$C_{13}H_{10}N_2$
Amphomycin	A substance produced by *Streptomyces canus*.	
Anisotropine	Tropine 2-propylvalerate	$C_{18}H_{33}NO_2$
Artegraft	Arterial graft composed of a section of bovine carotid artery that has been subjected to enzymatic digestion with ficin and tanned with dialdehyde starch.	
Bialamicol	5,5'-Diallyl-α,α'-bis(diethylamino)-*m,m'*-bitolyl-4,4'-diol	$C_{34}H_{46}N_2O_2$
Butaperazine	1-[10-[3-(4-Methyl-1-piperazinyl)propyl]phenothiazin-2-yl]-1-butanone.	$C_{24}H_{31}N_3OS$
Calcium carbasprin	Calcium salicylate diacetate compound with urea	$C_{18}H_{16}CaO_8.CH_4N_2O$
Carbocloral	Ethyl (2,2,2-trichloro-1-hydroxyethyl)carbamate	$C_5H_8Cl_3NO_3$
Casanthranol	A purified mixture of the anthranol glycosides derived from *Cascara sagrada*.	
Cellulase	A concentrate of cellulose-splitting enzymes derived from *Aspergillus niger* and other sources.	
Cetalkonium	Benzylhexadecyldimethylammonium ion	$C_{25}H_{46}N+$
Chlophedianol	2-Chloro-α-[2-(dimethylamino)ethyl]benzhydrol	$C_{19}H_{24}ClNO$
Chlordantoin	5-(1-Ethylpentyl)-3-[(trichloromethyl)thio]hydantoin	$C_{11}H_{17}Cl_3N_2O_2S$
Chlorhexidine	1, 1'-Hexamethylenebis[5-(*p*-chlorophenyl)biguanide]	$C_{22}H_{30}Cl_2N_{10}$
Chlorindanol	7-Chloro-4-indanol	C_9H_9ClO
Chlorphenesin	3-(*p*-Chlorophenoxy)-1, 2-propanediol	$C_9H_{11}ClO_3$
Chlorphenterimine	4-Chloro-α, α-dimethylphenethylamine	$C_{10}H_{14}ClN$
Cinnarizine	1-Cinnamyl-4-diphenylmethylpiperazine	$C_{26}H_{28}N_2$
Cloflucarban	4, 4'-Dichloro-3-(trifluoromethyl)carbanilide	$C_{14}H_9Cl_2F_3N_2O$
Cyclopenthiazide	6-Chloro-3-(cyclopentylmethyl)-3, 4-dihydro-2*H*-1, 2, 1-benzothiadiazine-7-sulfonamide 1, 1-dioxide.	$C_{13}H_{18}ClN_3O_4S_2$
Dioxybenzone	2, 2'-Dihydroxy-4-methoxybenzophenone	$C_{14}H_{12}O_4$
Epinephryl borate	Cyclic (-)-1-[1-hydroxy-2-(methylamino)ethyl] o-phenylene borate.	$C_9H_{12}BNO_4$
Ethylestrenol	19-Nor-17α-pregn-4-en-17β-ol	$C_{20}H_{32}O$
Floxuridine	2'-Deoxy-5-fluorouridine	$C_9H_{11}FN_2O_5$
Fluocinonide	6α, 9α-Difluoro-11β, 16α, 17α, 21-tetrahydroxypregna-1, 4-diene-3, 20-dione, cyclic 16, 17-acetal with acetone, 21-acetate.	$C_{26}H_{32}F_2O_7$
Glucosamine	2-Amino-2-deoxy-β-D-glucopyranose	$C_6H_{13}NO_5$
Hexafluorenium	Hexamethylenebis[9-fluorenyldimethylammonium ion]	$C_{38}H_{42}N_2++$
Hydroxocobalamin	Cobinamide hydroxide phosphate, 3'-ester with 5, 6-dimethyl-1-α-D-ribofuranosylbenzimidazole, inner salt.	$C_{62}H_{89}N_{13}O_{15}P$
Inositol niacinate	*myo*-Inositol hexanicotinate	$C_{42}H_{30}N_6O_{12}$
Iothalamic acid	5-Acetamido-2,4,6-triiodo-*N*-methylisophthalamic acid	$C_{11}H_9I_3N_2O_4$
Iron sorbitex	A sterile, colloidal solution of a complex of trivalent iron, sorbitol, and citric acid, stabilized with dextrin and sorbitol.	
Ketamine	(±)-2-(o-Chlorophenyl)-2-(methylamino)cyclohexanone	$C_{13}H_{16}ClNO$
Levamfetamine	(−)-α-Methylphenethylamine	$C_9H_{13}N$
Lucanthone	1-[[2-(Diethylamino)ethyl]amino]-4-methylthioxanthen-9-one	$C_{20}H_{24}N_2OS$
Lypressin	8-Lysine vasopressin	$C_{46}H_{65}N_{13}O_{12}S_2$
Medrysone	11β-Hydroxy-6α-methylpregn-4-ene-3,20-dione	$C_{22}H_{32}O_3$
Mefenamic acid	*N*-(2,3-Xylyl)anthranilic acid	$C_{15}H_{15}NO_2$
Meprednisone	17α,21-Dihydroxy-16β-methylpregna-1,4-diene-3,11,20-trione	$C_{22}H_{26}O_5$
Mesoridazine	10-[2(1-Methyl-2-piperidyl)ethyl]-2-(methylsulfinyl)phenothiazine	$C_{21}H_{26}N_2OS_2$
Metizoline	2-[(2-Methylbenzo[b]thien-3-yl)methyl]-2-imidazoline	$C_{13}H_{14}N_2S$
Minocycline	4,7-Bis(dimethylamino)-1,4,4a,5,5a,6,11,12a-octahydro-3,10,12,12a-tetrahydro-1,11-dioxo-2-naphthacenecarboxamide.	$C_{23}H_{27}N_3O_7$
Naloxone	(−)-17-Allyl-4,5α-epoxy-3,14-dihydroxymorphinan-6-one	$C_{19}H_{21}NO_4$
Nifuraldezone	5-Nitro-2-furaldehyde semioxamazone	$C_7H_6N_4O_5$
Oxybenzone	2-Hydroxy-4-methoxybenzophenone	$C_{14}H_{12}O_3$
Oxychlorosene	The hypochlorous acid complex of a mixture of the phenyl sulfonate derivatives of aliphatic hydrocarbyl-2-imidazolines.	
Pancuronium	1,1'-(3α,17β-Dihydroxy-5α-androstan-2β,16β-ylene)bis[1-methylpiperidinium] ion diacetate.	$C_{35}H_{60}N_2O_4++$
Phthalolyne	Mono(1-ethyl-1-methyl-2-propynyl) phthalate	$C_{14}H_{16}O_4$
Piperacetazine	10-[3-[4-(2-Hydroxyethyl)piperidino]propyl]phenothiazin-2-yl methyl ketone.	$C_{24}H_{30}N_2O_2S$
Poloxalene	Liquid nonionic surfactant polymer of the polyoxypropylene polyoxyethylene type, having a molecular weight of approximately 3000.	
Polyglycolic acid	Poly(oxycarbonylmethylene)	$(C_2H_2O_2)_n$
Polymacon	Poly(2-hydroxyethyl methacrylate)	$(C_6H_{10}O_3)_n$
Pregnenolone	3β-Hydroxypregn-5-en-20-one	$C_{21}H_{32}O_2$
Propiolactone	2-Oxetanone; β-propiolactone	$C_3H_4O_2$

Official name	Chemical name or description	Molecular formula
Pyrithione zinc	Bis[1-hydroxy-2(1*H*)-pyridinethionato]zinc	$C_{10}H_8N_2O_2S_2Zn$
Pyrrocaine	1-Pyrrolidineaceto-2', 6'-xylidide	$C_{14}H_{20}N_2O$
Quinaldine blue	1-Ethyl-2-[3-(1-ethyl-2(1*H*)-quinolylidene)propenyl] quinolinium chloride.	$C_{23}H_{23}ClN_2$
Sulisobenzone	5-Benzoyl-4-hydroxy-2-methoxybenzenesulfonic acid	$C_{14}H_{12}O_6S$
Surgibone	Bone and cartilage obtained from bovine embryos and young calves.	
Testolactone	13-Hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17oic acid -lactone	$C_{19}H_{24}O_3$
Tiliphenamil	S[2-(Diethylamino)ethyl] diphenylthioacetate	$C_{20}H_{25}NOS$
Thonzonium	Hexadecyl[2-[2-(*p*-methoxybenzyl)-2-pyrimidinylamino]ethyl] dimethylammonium ion.	$C_{31}H_{52}N_4O^+$
Triclocarban	3,4,4'-Trichlorocarbanilide	$C_{13}H_9Cl_3N_2O$
Trifluperidol	4'-Fluoro-4-[4-hydroxy-4-(α,α,α-trifluoro-*m*-tolyl)piperidino] butyrophenone.	$C_{21}H_{23}F_4NO_2$
Tyloxapol	*p*-(1,1,3,3-Tetramethylbutyl)phenol polymer with formaldehyde, ether with polyethylene glycol.	

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 12, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–1124 Filed 1–26–72;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Reg. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Agreements, Elections, Contracts, Nominations, and Notices

Notice of termination of provider agreement by the Secretary or of rescission of approval of coverage of services of independent laboratory or supplier of portable X-ray services.

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations would require that the notice of termination of a provider agreement, given to the provider and to the public, shall state the reasons for termination, and that similar disclosure shall be made with respect to diagnostic tests furnished by independent laboratories and suppliers of portable X-ray services.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed regulations are to be issued under the authority contained in sections 1102, 1861, 1866, 1871, 49 Stat. 647, as amended, 79 Stat. 325, 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.

Dated: December 27, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: January 21, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Subpart F of Part 405 is amended as follows:

1. The title of Subpart F is amended to read as follows: "Agreements, Elections, Contracts, Nominations, and Notices."

2. Paragraph (b) of § 405.614 is revised to read as follows:

§ 405.614 Termination by Secretary.

* * * * *

(b) *Notice of termination.* The Secretary shall give notice of termination to the provider of services at least 15 days before the effective date of termination of the provider's agreement. In addition to giving notice to the provider, the Secretary shall also give notice of such termination to the public. Each notice of termination by the Secretary shall state the reasons for the termination of the provider agreement, the effective date of the termination, and the applicability of termination (see § 405.615), as it relates to the services of the provider.

* * * * *

3. New § 405.640 is added to read as follows:

§ 405.640 Public notice of determination by the Secretary rescinding approval of coverage of services of independent laboratory or supplier of portable X-ray services.

Whenever the Secretary shall send written notice in accordance with § 405.1503 to an independent laboratory or to a supplier of portable X-ray services stating that the independent laboratory or supplier of portable X-ray services no longer meets the conditions for coverage of some or all of its services, the Secretary shall also give notice of such determination to the physicians, hospitals, and other parties having an interest in knowing the terms of the determination, and the notice shall state the reasons for the determination that services are not covered under section 1861(s)(3) of the Act, and it shall specify the effective date on which coverage of services is rescinded and, in the case of an independent laboratory, the applicability of the determination to the various categories of diagnostic tests performed (see § 405.1314).

[FR Doc.72–1234 Filed 1–26–72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72–NW–01]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Moses Lake, Wash., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

The additional transition area would provide controlled airspace for en route traffic and for transition to approach procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (36 F.R. 2140), the description of the Moses Lake, Wash., transition area as amended (36 F.R. 3463 and

JAN 27 72 XUM

36 F.R. 4538) is further amended as follows:

MOSES LAKE, WASH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grant County Airport (latitude 47°-12'19" N., longitude 119°19'05" W.), within 3.5 miles west and 4 miles east of the Moses Lake ILS localizer south course extending from the 5-mile-radius area to 9.5 miles south of the Pelican RBN, within 7 miles southeast and 10 miles northwest of the Ephrata VORTAC 043° and 223° radials extending from 8 miles southwest to 19 miles northeast;

That airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Ephrata VORTAC 043° radial extending from the VORTAC to the arc of a 21-mile-radius circle centered on the Ephrata VORTAC, within 5 miles southwest and 9.5 miles northeast of the Ephrata VORTAC 337° radial extending from the VORTAC to 19 miles northwest of the VORTAC, within 5 miles southwest and 6 miles northeast of Moses Lake VOR 144° radial extending from 26 miles southeast of the VOR to the northwest edge of V-112W, within 15 miles east and 10 miles west of the Moses Lake VOR 161° and 341° radials extending from 27 miles south to 14 miles north of the VOR, that airspace northeast of Moses Lake bounded on the northwest by a line 5 miles northwest of and parallel to the Ephrata VORTAC 066° radial, on the east by an arc of a 52-mile-radius circle centered on Fairchild Air Force Base, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.) on the southeast by a line 6 miles southeast of and parallel to the Moses Lake VOR 066° radial on the west by longitude 119°15'00" W., that airspace west of Moses Lake bounded on the north by latitude 47°30'00" N., on the east by longitude 119°15'00" W., on the south by a line 6 miles south of and parallel to the Moses Lake VOR 266° radial, on the west by an arc of a 39-mile-radius circle centered on the Grant County Airport;

That airspace extending upward from 3,500 feet MSL bounded on the northeast by a line 5 miles southwest of and parallel to the Moses Lake VOR 144° radial, on the southeast by the northwest edge of V-112 W, on the south by the north edge of V-298, on the west by longitude 119°15'00" W. and on the north by latitude 46°44'00" N.;

That airspace east of Moses Lake extending upward from 4,500 feet MSL bounded on the northwest by a line 6 miles southeast of and parallel to the Moses Lake VOR 066° radial, on the northeast by the 52-mile-radius arc of Fairchild AFB, on the southeast by the northeast edge of V-112W and on the west by a line 15 miles east of the Moses Lake VOR 161° radial;

That airspace southwest of Moses Lake extending upward from 5,500 feet MSL, bounded on the southeast by a line 10 miles southeast of and parallel to the Moses Lake VOR 238° radial extending from 10 miles to 52 miles southwest of the VOR on the west by a 52-mile-radius arc centered on the Moses Lake VOR, on the north by a line 4 miles south of and parallel to the Moses Lake VOR 266° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on January 18, 1972.

C. B. WALK, JR.,
Director.

[FR Doc.72-1165 Filed 1-26-72;8:46 am]

[14 CFR Part 75]

[Airspace Docket No. 71-GL-21]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high route J991R from Greater Southwest, Tex., to Minneapolis, Minn.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER (35 F.R. 10653) which established regulatory bases for the designation of specific area high and low routes.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Central Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high route J991R as follows:

J991 MINNEAPOLIS, MINN., TO GREATER SOUTHWEST, TEX.

Reference facility	Bearing/ distance	N. latitude/W. longitude
Minneapolis, Minn	000.0/00.0	45°08'45"/093°22'23"
Fort Dodge, Iowa	068.0/25.8	42°34'21"/093°42'55"
Lamoni, Iowa	177.0/65.8	39°39'13"/094°05'16"
Springfield, Mo	294.1/79.0	37°49'10"/094°53'04"
Oklahoma City, Okla	099.4/84.7	34°59'03"/096°08'31"
Greater Southwest, Tex	000.0/00.0	32°49'10"/097°02'28"

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 20, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1166 Filed 1-26-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 43]

[Docket No. 19402; FCC 72-58]

CONVERSION OF FORM 901 TO COMPUTER FORMAT

Notice of Proposed Rule Making

In the matter of amendment of FCC Form 901, conversion of FCC Form 901 to computer format and related amendment of Part 43 of the Commission's rules, Docket No. 19402.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. As part of the Commission's plan to utilize an Automatic Data Processing (ADP) system to facilitate the compilation and publication of statistical information submitted by the carriers, the Commission is proposing in this rule making proceeding to amend its rules to require telephone carriers designated as Class A telephone companies which had operating revenues for the preceding year in excess of $1 million to file monthly reports of financial, operating, and statistical information on ADP media (punched cards) and to revise FCC Form 901 to provide instructions for reporting on ADP media. These instructions are set forth in Appendix A.[1] At present these carriers are filing manually prepared monthly reports FCC Form 901, Monthly Report of Revenues, Expenses, and Other Items—Telephone Companies. This rule making proceeding does not alter the present monthly reporting practices of the Communications Satellite Corp. It is believed that the adoption of an ADP system report format will provide for more efficient collection and dissemination of financial data and economic study results to both the Commission and the general public without imposing any new major information burden upon the carriers. In maintaining its public information responsibilities, the Commission's Staff will generate by computer a completed Form 901 (for each reporting carrier) which will be immediately available for public inspection.

3. It is proposed further that the data prescribed for submission on Form 901 by the carriers be expanded to include plant, depreciation reserve, revenue, and expense data with respect to satellite earth stations. Presently, this information is being interlined on the manually prepared monthly report form by those subject telephone carriers which have interests in earth stations, as requested in the Commission's letter of December 27, 1967. In addition, it is proposed that the prescribed data include a breakdown of originating telephone toll messages between (1) interstate and overseas combined and (2) intrastate. Further, it is proposed that carriers who operate overseas telephone facilities shall indicate in a footnote on the ADP report format that portion of message toll revenue and telephone toll message traffic which is associated with overseas message telephone service. This separation of telephone toll revenue and messages would be beneficial to the Commission in discharging its regulatory responsibilities and would not create an additional hardship on the carriers because the information can be generated from data already maintained by them. It should be noted that no provision is being made on the manually prepared Form 901 for separately reporting of overseas telephone toll revenue and message data. It is further proposed that the requirement for Bell System operating companies to submit a footnote detailing local and toll service revenues derived from telegraph operations be deleted. This requirement, which originated in 1949, is no longer deemed necessary.

4. To facilitate the changeover, it is contemplated that parallel reporting on ADP media (punched cards) and on manually prepared report forms will be required for a reasonable period. In this regard, the adoption of the proposed ADP system, except for data being requested in a footnote by those carriers operating overseas facilities, has been informally discussed with representatives of the carriers involved, and it is felt an efficient workable computer oriented system can be put into effect with parallel reporting for the period not to exceed 12 months. During this period of parallel reporting, the carriers should utilize the revised Form 901 for reporting the manually prepared monthly data. It is proposed that the manually prepared report be discontinued after the conversion period.

5. In view of the foregoing, it is proposed to amend FCC Form 901 as set forth in Appendix B.[2] In this regard, it should be noted that provision is not being made in the instructions for reporting on ADP media (see Appendix A [1]) for the reporting on punched cards of subtotals and totals which can be generated internally from the information provided. However, subtotals and totals as presently provided for on the manually prepared Form 901 shall continue to be reported on the revised manually prepared Form 901.

6. No change is proposed in § 1.786 of Part 1 of the rules since we plan to continue to designate the report format as FCC Form 901, Monthly Report of Revenue, Expenses, and Other Items—Telephone Companies.

7. It is proposed to amend § 43.31 of Part 43 of the Commission's rules so as to provide for filing monthly reports of financial and operating data by telephone carriers on computer media (punched cards).

8. Since the proposed reporting format will require few, if any, additional records to be maintained, it is proposed that any amendment made as a result of this proceeding will be made effective for the reporting month beginning January 1, 1972.

9. The proposed amendment of Part 43 of the Commission's rules is set forth in Appendix C.

10. This notice of proposed rule making is issued under authority of sections 4(i), 201, 219, and 220 of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before March 3, 1972, and reply comments on or before March 14, 1972. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. Comments in response to this notice will be available for inspection in the Commission's Broadcast and Dockets Reference Room.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements or briefs shall be furnished to the Commission.

Adopted: January 19, 1972.

Released: January 24, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX C

In Part 43 of Chapter I of Title 47 of the Code of Federal Regulations, § 43.31 is revised to read as follows:

§ 43.31 Monthly reports of communication common carriers.

(a) Each Class A telephone common carrier which had operating revenues for the preceding year in excess of $1 million shall file with the Commission, within forty (40) days after the end of each calendar month, a report on computer media as prescribed by the Commission.

(b) Each other communication common carrier which had operating revenues for the preceding year in excess of $250,000 shall file with the Commission, within forty (40) days after the end of each calendar month, two certified copies of a report for that month on forms prescribed (or approved) by the Commission.

(c) A copy of each such report (in the case of telephone companies, a printout from the computer media) shall be retained in the principal office of the carrier and shall be filed in such manner as to be readily available for reference and inspection. The monthly reports shall contain all the information called for therein as prescribed by the Commission.

[FR Doc.72-1218 Filed 1-26-72;8:50 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

BANK HOLDING COMPANIES

Hearings Regarding Courier and Armored Car Services

On January 12, 1972, the Board of Governors announced postponement of a scheduled January 19 hearing to consider whether armored car and courier services are closely related to banking under the 1970 Amendments to the Bank Holding Company Act. The hearing has been rescheduled to commence at 10 a.m., Thursday, February 10, 1972, in Room 1202 of the Federal Reserve Building, Washington, D.C., before a hearing officer to be appointed by the Board.

In addition to rescheduling the hearing, the Board acted upon three motions by parties who have asked to appear at the hearing. Those motions and the Board's determinations with respect to them are as follows:

Separation of issues. On December 13, 1971, Wachovia Corp. and Wachovia Courier Corp. filed a "Motion to Provide Separate Consideration of Armored Car and Courier Services Proposed Amendment." The Board believes that separate consideration will facilitate a sharpening of the issues and avoid possible confusion that might otherwise result from a joint consideration. Accordingly, separate but consecutive hearings will be held. The subject of courier services will be considered beginning at 10 a.m. on February 10; the subject of armored car services will be considered following completion of the consideration of courier services.

Type of hearing. On December 14, 1971, the National Courier Association and the National Armored Car Association filed a petition for reconsideration by the Board of its denial of a request that these hearings be conducted under sections 556 and 557 of title 5, United States Code. (For the Board's order denying the original request, see 36 F.R. 23256). On January 11, 1972, the Independent Bankers Association of America also requested the Board to conduct the hearing under sections 556 and 557.

The Board is authorized by section 4(c)(8) of the Bank Holding Company Act to permit bank holding companies to engage in an activity that "the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling

[1] Appendix A filed as part of the original document.

[1] Appendix A filed as part of the original document.
[2] Appendix B filed as part of the original document.

[3] Commissioners Bartley and H. Rex Lee absent.

JAN 27 72 XUM

banks as to be a proper incident thereto." In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the Board is required to consider whether performance of the activity by an affiliate of a holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

In the subject hearings, the Board proposes to determine whether courier services and/or armored car services are closely related to banking, and, if so, whether the usual procedures of § 225.4 (b) (1) and (2) of Regulation Y for entry by a holding company into activities on the list of activities specified in § 225.4(a) should apply to those services. The Board will not decide in these hearings whether any particular holding company may engage in courier or armored car services.

In the Board's judgment, the regulatory actions under consideration in the subject proceedings does not constitute an order subject to the judicial review provisions of section 9 of the Bank Holding Company Act. Further, the Holding Company Act does not require a formal hearing on the record with respect to such regulatory actions; and no considerations or arguments have been presented to the Board that, in the Board's judgment, warrant a formal hearing on the issues involved in the hearings, as a matter of Board discretion. Accordingly, the motions for formal hearings are denied.

Access to memoranda. The National Courier Association, the National Armored Car Association, and the Independent Bankers Association have also requested access to intra-agency memoranda considered by the Board in deciding to announce its proposed rulemaking regarding courier and armored car services.

Section 552 of title 5 specifically exempts from public inspection "interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency". The Board believes that the staff memoranda involved would not be available to the Associations in the event of litigation. Moreover, the Board's knowledge and experience in economics, the payments mechanism, banking, and supervision of banks are reflected in the Board's proposal but are not reflected in said staff memoranda, so that such memoranda cannot be considered to be the basis for the Board's announced proposal for rulemaking.

In these circumstances, the Board believes that there is no legal requirement compelling production and that petitioners' access to the staff memoranda would not contribute to their knowledge of relevant facts or to their understanding of the Board's rationale in this matter. Accordingly, the requests for access to them are denied.

Other matters. Although the hearing will not be conducted under sections 556 and 557 of title 5, it will be a more formal type proceeding than if conducted as previously announced before available members of the Board. The hearing officer will have legal training and skills. He will be qualified to establish orderly procedures; limit presentations in an appropriate manner; exclude irrelevant, immaterial, repetitious, or cumulative material; distinguish between fact and opinion evidence; and accord appropriate weight to material presented.

Accordingly, the Board has authorized the hearing officer to resolve all matters relating to the number and identity of participants, time accorded to participants, the receipt of evidence, expert opinion, rebuttal, written and oral arguments and other presentations, and the desirability and use of a prehearing conference.

The hearing officer will make recommendations to the Board, with supporting findings and reasons, on the basis of the subject hearings and material filed in the proceedings. However, the Board will make the final determinations whether, and for what reasons, to adopt its proposal or any modification thereof.

By order of the Board of Governors, January 12, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1185 Filed 1-26-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[MC-C-3 (Sub-No. 3)]

CHICAGO, ILL. COMMERCIAL ZONE

Proposed Redefinition of the Limits

JANUARY 21, 1972.

Petitioner: Cooper-Jarrett, Inc.; Petitioner's representative: Edwood J. Buckley, Vice President, Economic Development, Cooper-Jarrett, Inc., 23 South Essex Avenue, Orange, NJ.

By petition filed December 20, 1971, the above-named petitioner requests the Commission to reopen the above-proceeding for the purpose of redefining a portion of the limits of the Chicago, Ill., commercial zone to include the petitioner's Burr Ridge, Ill., terminal facility. Petitioner recently relocated its terminal from a point within the Chicago commercial zone to Burr Ridge. Petitioner requests that a portion of the western boundary of the present zone be redescribed as follows: From the intersection of County Line Road and International Road; thence westerly along International Road to Frontage Road; thence in a southerly direction along Frontage Road to and including the terminal property of Cooper-Jarrett, Inc., located on Frontage Road (approximately one-half mile west of County Line Road); thence return along Frontage Road to the intersection of International Road; thence to County Line Road.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against the above-proposed specific redefinition of the limits of the Chicago, Ill., commercial zone, may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before February 23, 1972. A copy of each representation should be served upon petitioner's representative. Petitioner is directed to submit a map in sufficient detail to show the present western limits of the zone, the corporate limits of Willow Springs, Ill., and the location of petitioner's Burr Ridge facilities. Written material or suggestions submitted will be available for public inspection at the Offices of The Interstate Commerce Commission, 12th and Constitution, Washington, DC, during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1153 Filed 1-26-72;8:46 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 72-4]

LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Enlargement of Time To File Comments Regarding General Requirements

JANUARY 20, 1972.

Upon the request of various freight forwarder associations, and good cause appearing, time within which interested persons may submit views and comments in response to the notice of proposed rule making this proceeding (37 F.R. 678; January 15, 1972) is enlarged to and including February 25, 1972. The Bureau of Hearing Counsel shall file reply to comments on or before March 6, 1972. Answers to Hearing Counsel's replies shall be submitted on or before March 13, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1232 Filed 1-26-72;8:51 am]

Notices

DEPARTMENT OF THE TREASURY

Customs Bureau

[T.D. 72-31; Customs Delegation Order 43]

REGIONAL COMMISSIONERS OF CUSTOMS

Delegation of Authority To Settle Certain Claims Arising Under the Federal Tort Claims Act

By virtue of the authority vested in me by Treasury Department Order No. 145, Revision 3 (32 F.R. 3066), I hereby delegate to the regional commissioners of Customs the authority to consider, ascertain, adjust, determine, settle and pay claims not in excess of $250 arising under 28 U.S.C. 2672 by reason of the negligent or wrongful act or omission of any employee of the Bureau of Customs.

I also delegate to the regional commissioners of Customs the authority to consider, ascertain, adjust, determine, settle and pay claims not in excess of $500 arising under 28 U.S.C. 2672 for loss to property caused by the negligent or wrongful act or omission of any employee of the Bureau of Customs in the operation of a motor vehicle owned or leased by the Bureau of Customs.

This order supersedes Customs Delegation Order No. 25, dated July 29, 1966 (T.D. 66-158, 31 F.R. 10540).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.72-1240 Filed 1-26-72;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

FALLON PAIUTE-SHOSHONE INDIAN RESERVATION, NEV.

Ordinance Legalizing the Introduction, Sales, or Possession of Intoxicants

JANUARY 20, 1972.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, First Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Fallon Paiute-Shoshone Indian Reservation, Nev., was adopted on November 9, 1971, by the Fallon Business Council, which has jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

An Ordinance, pursuant to section 1161, title 18, United States Code, regulating the sale and possession of intoxicating beverages on and within the Fallon Paiute-Shoshone Reservation and Colony, Nev.

Be it enacted by the Tribal Council of the Fallon Reservation and Colony, Nev., that the sale, introduction, and possession of intoxicating beverages shall be lawful within the exterior boundaries of the Fallon Reservation and Colony: *Provided*, That such introduction, sale, and possession is in conformity with the laws of the State of Nevada, and in accordance with the following:

SECTION 1. (a) It shall be unlawful for any person to sell alcoholic beverages on and within the Fallon Reservation and Colony, Nev., without first obtaining a valid State and County License as required by law or County Ordinance, and as a valid license issued by the Fallon Reservation-Colony Tribal Council.

(b) Such license will authorize the holder thereof to sell alcoholic beverages at retail in packages, or buy the drink for consumption on the premises.

(c) Such license shall set forth the location and description of the building and premises where such sales may be made and for which said license is issued.

(d) Such license shall be displayed in a conspicuous place within the building or room where such alcoholic beverages are sold.

(e) Such license shall not be issued until a valid State or County license is obtained and will then be issued for a period of time concurrent with the State or County license. The license fee will be paid in advance and fees shall be set at the discretion of the Tribe through appropriate resolutions.

SEC. 2. (a) No person shall sell, deliver, or give away an alcoholic beverage to any person actually or apparently under the influence of alcoholic beverages.

(b) No person shall sell, give away, or otherwise furnish any alcoholic beverages to any person under the age of twenty-one (21) years, or leave or deposit any such alcoholic beverages in any place with the intent that same shall be procured by any person under the age of twenty-one (21) years.

Penalty: Any Indian who violates any of the provisions of this ordinance shall be deemed guilty of an offense and upon conviction thereof shall be punished by a fine of not more than $300, or by sentence to imprisonment for not more than 150 days, or both such fine and imprisonment, and/or suspension or revocation of his or her license. When any provision of this ordinance is violated by a non-Indian, he or she shall be referred to the State and/or Federal authorities for prosecution under applicable law, and his or her license may be suspended or revoked.

LOUIS R. BRUCE,
Commissioner of Indian Affairs.

[FR Doc.72-1178 Filed 1-26-72;8:47 am]

WIND RIVER INDIAN RESERVATION, WYO.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

JANUARY 20, 1972.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Wind River Indian Reservation, Wyo., was adopted on February 13, 1971, and February 26, 1971, by the Shoshone and Arapahoe Tribes, which have jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

Whereas, the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161, making the Federal Indian liquor laws inapplicable to: Any act or transaction within any area of Indian Country provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER, and;

Whereas, on November 3, 1953, the Shoshone and Arapahoe Tribes of the Wind River Reservation, Wyo. (hereafter the Tribes) adopted Ordinance No. 398 providing: That the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the Shoshone and Arapahoe Tribes: *Provided*, That such introduction, sale, or possession is in conformity with the laws of Wyoming.

Now therefore, be it enacted and ordained: That the introduction, possession, transportation, and sale of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the Tribes, provided:

SECTION 1. *Conformity with Laws of Wyoming and this Ordinance.* That such introduction, possession, transportation, and sale are in conformity both with the laws of the State of Wyoming and with this Ordinance.

SEC. 2. *Corporate and tribal entity.* The Joint Business Council may form a corporation, or a subordinate tribal entity, or a tribal enterprise, to operate off-sale or packaged sale of intoxicating beverages, under such license or licenses as may be required by law.

SEC. 3. *Tribal license required.* No person shall engage in the sale of intoxicating beverages within the Indian Country under the jurisdiction of the Tribes unless duly licensed by the Tribes and, in the case of non-Indians, by the

JAN 27 72
XUM

Tribes and the State of Wyoming, except that this Ordinance shall not apply to any licensee under the laws of the State of Wyoming on the effective date of this Ordinance, until the expiration of the annual term of any such license: *Provided*, That the Tribes, in the discretion of the Joint Business Council, may require individual Indians to obtain licenses from the State.

SEC. 4. *Application for tribal liquor license; requirements.* No tribal license shall be issued under this Ordinance except upon a sworn application filed with the Joint Business Council containing a full and complete showing of the following:

a. If the applicant is a non-Indian, satisfactory proof that the applicant is or will be duly licensed by the State of Wyoming.

b. If the applicant is an Indian, and the Joint Business Council determines that a State license should be obtained, satisfactory proof that the applicant is or will be duly licensed by the State of Wyoming, or that such license has been withheld or denied for reasons in excess of the powers vested in the State licensing authorities, or for arbitrary or capricious reasons.

c. Satisfactory proof that the applicant is of good character and reputation among the people of the Wind River Reservation, with particular reference to the Indian people, and that he is financially responsible.

d. The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license, and a complete detailed, itemized inventory of all intoxicating beverages on and in the premises where the intoxicating beverages are to be sold.

e. Agreement by the applicant to accept and abide by the conditions of the tribal license.

f. Payment of a fee of not less than $300 or more than $1,500 per annum.

g. Satisfactory proof that the applicant is not an officer or member of the Joint Business Council, is not an employee of either of the Tribes, and has never been convicted of a felony.

SEC. 5. *Conditions of the Tribal license.* Any tribal license issued under this Ordinance shall be subject to the following conditions:

a. The license shall be for a term of 1 year, and shall expire as of even date with any license issued under the laws of Wyoming.

b. The licensee shall at all times maintain an orderly, clean, and neat establishment, both inside and outside the licensed premises.

c. The licensed premises shall be subject to patrol by the Wind River Reservation police force, for the purpose of enforcing tribal law, and by State and county law officers for the purpose of enforcing State law against non-Indians, and the licensee shall cooperate with such police and law officers.

d. The licensed premises shall be open to inspection by any member of the Shoshone and Arapahoe Joint Business Council, or the duly authorized representative of the Council, at all times during the regular business hours.

e. No intoxicating beverages shall be sold, served, disposed of, delivered, or given to any person, or consumed on the licensed premises except between the hours of 8 a.m., and 1 a.m., Monday through Friday, and 8 a.m. to 12 midnight on Saturday, and 1 p.m. to 8 p.m. on Sunday.

f. The premises covered by the tribal liquor license be closed on tribal election days, or when a referendum is held of the people of either or both the Shoshone Tribe or the Arapahoe Tribe and including special days of observance as designated by the Business Councils.

g. All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the State of Wyoming, and shall be in accordance with this Ordinance and any tribal license issued pursuant to this Ordinance.

h. No person under the age of 21 shall be admitted into the licensed establishment.

i. There shall be no discrimination in the operations under the tribal license by reason of race, color, or creed.

SEC. 6. *Cancellation and suspension.* Any license issued hereunder may be suspended or canceled by the Joint Business Council for the breach of any of the provisions of this Ordinance, or of the conditions of the tribal license, upon hearing before the Joint Business Council after 10 days' notice to the licensee.

SEC. 7. *Prior tribal laws repealed.* Ordinance No. 398, adopted November 3, 1953, by the Joint Business Council, is hereby repealed.

SEC. 8. *Effective date.* This Ordinance shall be effective upon publication in the FEDERAL REGISTER (1-27-72).

LOUIS R. BRUCE,
Commissioner of Indian Affairs.

[FR Doc.72-1184 Filed 1-26-72;8:47 am]

Office of Hearings and Appeals

[Docket No. M71-20]

IMPERIAL COAL CO.

Notice Regarding Modification of Interim Mandatory Safety Standard

In regard petition of the Imperial Coal Co. for modification of interim mandatory safety standard (section 303(b)).

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (1970)), notice is given that the Imperial Coal Co. has filed an amendment to a petition to modify the application of section 303(b) of the Act, 30 U.S.C. section 863(b) (1970), as it applies to its Imperial Mine. Notice of the petition was published in the FEDERAL REGISTER on June 8, 1971, 36 F.R. 11048.

Section 303(b) provides in pertinent part as follows:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute * * *

The petitioner originally proposed to modify the application of section 303(b) by reducing the minimum quantity of air in its mine which reaches each working face at which coal is currently being extracted. By the amendment, the petitioner proposes to further modify the application of section 303(b) by reducing the minimum quantity of air in its mine reaching the last open crosscut in any pair or set of rooms to 6,000 cubic feet a minute, and by reducing the minimum quantity of air in its mine reaching the intake end of a pillar line to 6,000 cubic feet a minute. Petitioner states that "any amount of air in excess of 6,000 feet a minute imposes a great hazard to the miners during the cold winter months in that it greatly reduces the temperature by causing them to contract colds and pneumonia." Petitioner further states that "an additional hazard is created from the excess amount of air above 6,000 feet per minute in that it causes spontaneous combustion."

Parties interested in the petition as amended should file their answers or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition and the amendment to the petition, are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JANUARY 19, 1972.

[FR Doc.72-1213 Filed 1-26-72;8:50 am]

[Docket No. M 71-23]

IMPERIAL COAL CO.

Notice of Petition Regarding Modification of Interim Mandatory Safety Standard

In regard petition of the Imperial Coal Co. for modification of interim mandatory safety standard (section 303(b)).

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 816(c) (1970)), notice is given that the Imperial Coal Co. has filed an amendment to a petition to modify the application of section 303(b) of the Act, 30 U.S.C. section 863(b) (1970), as it applies to its Eagle Mine. Notice of the petition was published in the FEDERAL REGISTER on June 8, 1971, 36 F.R. 11048.

Section 303(b) provides in pertinent part as follows:

All active workings shall be ventilated by a current of air containing not less than 19.5 volume per centum of oxygen, not more than 0.5 volume per centum of carbon dioxide, and no harmful quantities of other noxious or poisonous gases; and the volume and velocity of the current of air shall be sufficient to dilute, render harmless, and to carry away, flammable, explosive, noxious, and harmful gases, and dust, and smoke and explosive fumes. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms shall be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line shall be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute * * *

The petitioner originally proposed to modify the application of section 303(b) by reducing the minimum quantity of air in its mine which reaches each working face at which coal is currently being extracted. By the amendment, the petitioner proposes to further modify the application of section 303(b) by reducing the minimum quantity of air in its mine reaching the last open crosscut in any pair or set of rooms to 6,000 cubic feet a minute, and by reducing the minimum quantity of air in its mine reaching the intake end of a pillar line to 6,000 cubic feet a minute. Petitioner states that "any amount of air in excess of 6,000 feet a minute imposes a great hazard to the miners during the cold winter months in that it greatly reduces the temperature by causing them to contract colds and pneumonia." Petitioner further states that "an additional hazard is created from the excess amount of air above 6,000 feet per minute in that it causes spontaneous combustion."

Parties interested in the petition as amended should file their answers or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition, and the amendment to the petition, are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

JANUARY 19, 1972.

[FR Doc.72-1214 Filed 1-26-72;8:50 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-277]

AMERICAN STEAMSHIP CO.

Notice of Application

Notice is hereby given that American Steamship Co. has filed an application requesting an operating-differential subsidy contract for a 2-year period covering approximately 10 U.S. flag ships, but aggregating for each year of the contract not more than 1 ship year (about 260 days) of subsidized operating time in the carriage of dry bulk cargoes in U.S. foreign commerce between United States and Canadian ports on the Great Lakes and St. Lawrence River. The purpose of such an operating-differential subsidy contract will be to determine the feasibility of subsidized U.S. flag operations in the following described trades:

No.	*Origin/Destination*
1.	U.S. Lake Erie ports to Canadian ports on Lake Erie, Detroit River, St. Clair River, and St. Mary's River.
2.	U.S. ports on Lake Superior, Lake Michigan, and Lake Erie to Canadian ports on Lake Ontario and St. Lawrence River.
3.	U.S. ports on Lake Huron to Canadian ports on Detroit River and Lake Ontario.
4.	Canadian ports on St. Lawrence River to U.S. ports on Lake Erie and Lake Michigan.
5.	U.S. ports on Lake Erie and Lake Michigan to Canadian ports on St. Lawrence River.
6.	Canadian ports on Lake Superior to U.S. ports on Lake Erie.

American Steamship Co. proposes to use vessels it owns or charters including those of its subsidiaries in the above trades. The combined part-time employment of these vessels in subsidized operations will not exceed the equivalent in time of 1 ship year in the foreign commerce of the United States.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry in the carriage of dry bulk cargo tonnage moving in the foreign commerce of the United States on the Great Lakes and St. Lawrence River is inadequate, must, on or before February 7, 1972, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the transportation of dry bulk cargo tonnage on the Great Lakes and St. Lawrence River in the foreign commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: January 25, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.72-1282 Filed 1-26-72;8:52 am]

[Docket No. S-278]

AMERICAN STEAMSHIP CO.

Notice of Application

Notice is hereby given that American Steamship Co. has filed an application dated January 13, 1972, under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy for a 2-year period on a vessel or vessels to be employed in U.S. foreign trade. Inasmuch as American Steamship Co., its subsidiaries or affiliates, own and/or operate U.S.-flag bulk cargo vessels which are employed in the domestic Great Lakes service, written permission of the Maritime Administration under section 805 (a) of the Merchant Marine Act, 1936, as amended, will be required for American Steamship Co. if its application for operating-differential subsidy is granted.

American Steamship Co. advises that it or its subsidiary or affiliated companies own or operate a total of 21 U.S.-flag vessels. American Steamship Co., accordingly, requests permission in its operating-differential subsidy contract for the transportation of bulk cargoes within the area of the Great Lakes with free interchange of the vessels in that domestic trade.

As information the following U.S.-flag bulk cargo vessels are owned, managed, or operated by American Steamship Co., its subsidiaries or affiliates:

Adam E. Cornelius, Jr.
John J. Boland.
Detroit Edison.
H. Lee White.
John T. Hutchinson.
Consumers Power.
Diamond Alkali.
Joseph S. Young.
J. F. Schoellkopf, Jr.
Fred A. Manske.
Harris N. Snyder.
United States Gypsum.
Ben W. Calvin.
Richard J. Reiss.
Charles C. West.
John A. Kling.
Jack Wirt.
Peter Reiss.
Nicolet.
Hennepin.
McKee Sons.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room No. 4885, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on

JAN 27 72

February 7, 1972, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on February 8, 1972, in Room 4892, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: January 25, 1972.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 72-1283 Filed 1-26-72;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COLLOIDAL PRODUCTS CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulation (21 CFR 121.52), Colloidal Products Corp., Post Office Box 621, Petaluma, Calif. 94952, has withdrawn its petition (FAP 1H2680), notice of which was published in the FEDERAL REGISTER of May 29, 1971 (36 F.R. 9889), proposing that § 121.1225 *Adjuvants for pesticide use dilutions* (21 CFR 121.1225) be amended to provide for the safe use of 2-methylbutanol-4 *omega* hydroxypoly (oxyethylene) mixture of dihydrogen and monohydrogen phosphate esters (the poly (oxyethylene) content averaging 4 moles) to be used as an adjuvant for pesticide use dilutions by a grower or applicator prior to application to the growing crop.

Dated: January 19, 1972.

VIRGIL O. WODICKA,
Director,
Bureau of Foods.

[FR Doc.72-1208 Filed 1-26-72;8:49 am]

DOW CHEMICAL CO.

Notice of Withdrawal of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), The Dow Chemical Co., 2020 Abbott Road Center, Midland, Mich. 48640, has withdrawn its petition (FAP 0A2505), notice of which was published in the FEDERAL REGISTER of February 13, 1970 (35 F.R. 3000), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of hydroxypropyl sodium carboxymethylcellulose as a foam stabilizer in beer.

Dated: January 19, 1972.

VIRGIL O. WODICKA,
Director,
Bureau of Foods.

[FR Doc.72-1209 Filed 1-26-72;8:49 am]

Office of Child Development

TERMINATION OF HEAD START GRANT TO OPPORTUNITIES FOR CORTLAND COUNTY, INC.

Notice of Hearing

Notice of Hearing is hereby given as set forth in the following letter which has been sent to Opportunities for Cortland County, Inc.

Mr. GEORGE F. YAGER, Chairman,
Board of Directors,
Opportunities for Cortland County, Inc.,
Clinton Avenue Extension,
Cortland, N.Y. 13045.

JANUARY 20, 1972.

DEAR MR. YAGER: In accordance with your request for a hearing on the termination of assistance under the Head Start program to your agency, I have set February 8, 1972, at 9:30 a.m., at Room 2805, Federal Office Building, 26 Federal Plaza, New York, NY, as the time and place for a hearing. This hearing is held under the authority in section 604(3) of the Economic Opportunity Act of 1964 (81 Stat. 715, section 108(d); 42 USC 2944(3)). Attached is a copy of my order designating the Honorable Arthur E. Flynn to preside over this hearing.

The hearing will be conducted in accordance with the procedures set forth in 45 CFR Part 1067, with such changes as are necessary to take into account the fact that the Department of Health, Education, and Welfare rather than the Office of Economic Opportunity, is conducting the Head Start program. For purposes of this hearing, the Director, Office of Child Development, U.S. Department of Health, Education, and Welfare, is the "responsible official" referred to in the regulations, and the procedure is hereby modified so that there is no review, such as the one in § 1067.1-8(e), subsequent to the review by the responsible official.

The reason for the termination of assistance is the failure of the Board of Directors of Opportunities for Cortland County, Inc. to obtain the concurrence of the Head Start Policy Council for the discharge, on or about October 7, 1971, of the Director of Head Start for Cortland County. Discharge of a project director without the concurrence of the Head Start Policy Council is a violation of the requirement concerning the hiring and firing of director and staff as set forth in Instruction I-30, section B-2, "The Parents," of the Head Start Policy Manual.

Sincerely yours,

EDWARD ZIGLER,
Director,
Office of Child Development.

Interested persons or organizations may be permitted to participate in the hearing as parties if, in the discretion of the presiding officer, the participation of such persons or organizations is necessary to a proper determination of the issues involved. Any person or group requesting to participate shall file an application with the Office of Child Development Hearing Clerk, Room 500 W, 400 Sixth Street SW., Washington, DC 20201, as soon as possible, but not later than February 3, 1972. The application shall state the applicant's interest in the proceeding, the evidence or arguments the applicant intends to contribute, and the necessity for the introduction of such evidence or arguments. The hearing clerk shall forward all such applications to the presiding officer.

Dated: January 20, 1972.

EDWARD ZIGLER,
Director,
Office of Child Development.

[FR Doc.72-1198 Filed 1-26-72;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-143]

ACTING ASSISTANT SECRETARY FOR ADMINISTRATION

Designation

Vincent J. Hearing, Deputy Assistant Secretary for Administration, is designated to serve as Acting Assistant Secretary for Administration with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Administration.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This designation shall be effective January 17, 1972.

GEORGE ROMNEY,
Secretary of Housing
and Urban Development.

[FR Doc.72-1207 Filed 1-26-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR CARRIER DISTRICT OFFICE 33 AT LOGAN AIRPORT, BOSTON, MASS.

Notice of Transfer of Jurisdiction

Notice is hereby given that on or about February 1, 1972, the Air Carrier District Office at Boston, Mass., will be reassigned from the jurisdiction of the FAA Eastern Region to the FAA New England Region. No changes in geographic location, services to the aviation public or staffing are anticipated as a result of this action. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Burlington, Mass., on January 17, 1972.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.72-1164 Filed 1-26-72;8:46 am]

[OE Docket No. 71-SO-3]

WSUN, INC.

Notice of Petition for and Grant of Review

On November 9, 1971, the Federal Aviation Administration, Southern Region issued a Determination of No Hazard to Air Navigation under Aeronautical Study No. 71-SO-798-OE. The determination concerns a proposal by WSUN, Inc., St. Petersburg, Fla., to erect a television antenna tower near Parrish, Fla., at latitude 27°33'37" North, longitude 82°21'-54" West. The overall height of the structure would be 1,500 feet above ground level and 1,525 feet above mean sea level.

The Administrator was petitioned for a review of the determination by the Air Line Pilots Association, the city of Lakeland, Fla., and the Department of Transportation of the State of Florida. The petitions cite the following as grounds for a review:

1. The proposed tower would compromise operations at the proposed regional airport.

2. The proposed tower would interfere with Visual Flight Rules traffic operating between Lakeland and Sarasota.

3. The increase in procedure turn altitude for VOR RWY 22 approach procedure, Sarasota-Bradenton Airport, would adversely affect use of the procedure.

4. The increased minimum flight altitude would compromise the flexibility of air traffic control.

5. The proposed tower should be located with other towers of the same height in the Riverview area.

6. The FAA can and should recommend additional lighting for a tower of the height proposed.

A review will be conducted. The review will be on the basis of written materials pursuant to FAR, § 77.37(c)(1). Interested persons may within 30 days of the date of issuance of this notice submit information relevant to the question of whether the proposed construction would have an adverse effect on the safe and efficient use of airspace. Sufficient detail must be provided to establish a clear understanding of the reasons for any claims made. Submissions should be in triplicate and sent to the Chief, Airspace Obstruction and Airports Branch, AT-240, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

Pending final disposition of the petition, the Determination of No Hazard to Air Navigation issued by the Southern Region under Aeronautical Study No. 71-SO-798-OE is not and will not be final.

Issued in Washington, D.C., on January 18, 1972.

ROBERT W. MARTIN,
Acting Director,
Air Traffic Service.

[FR Doc.72-1168 Filed 1-26-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Order Extending Provisional Construction Permit Completion Date

By application dated January 5, 1972, Commonwealth Edison Co., acting for itself and on behalf of Iowa-Illinois Gas and Electric Co., requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-24 as extended by order, dated April 12, 1971. The permit authorizes Commonwealth Edison Co. to construct a single cycle, forced circulation, boiling water nuclear reactor, known as Quad-Cities Unit No. 2, at the Quad-Cities Station in Rock Island County, Ill. about 3 miles north of Cordova, Ill.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-24 is extended from January 1, 1972 to January 1, 1973.

Dated at Bethesda, Md., this 21st day of January 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-1211 Filed 1-26-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21994; Order 72-1-79]

CONTINENTAL AIR LINES, INC.

Order To Show Cause Regarding Trust Territory Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of January 1972.

By Order 69-10-40, October 9, 1969, the Board established fair and reasonable service mail rates of $1.07 per ton-mile for the period May 16, 1968, through December 31, 1968, and $1 per ton-mile for the period on and after January 1, 1969, to be paid Continental Air Lines, Inc. (Continental), for the transportation of mail by aircraft between points in the trust territory and between Honolulu, Johnston Island, the Trust Territory, Guam, and Okinawa. Order 69-10-40 was amended by Order 70-3-14, March 3, 1970, to make the $1 per ton-mile rate applicable to service between the trust territory and Nauru for the period on and after December 5, 1969. Subsequently, the Department of Defense (DOD) advised the Postal Service that military mail formerly carried by other means between Honolulu, Johnston Island, and Kwajalein (located in the trust territory) would be available for tender to Continental flights. Informal exploration by the parties of the cost consequences of the addition of this substantial volume of mail to Continental's trust territory service did not lead to the resolution of the problem.

The Postmaster General (PMG) filed a petition on March 10, 1970, requesting the Board to establish substantially reduced service mail rates for Continental for the transportation of military ordinary mail and priority airmail between points in the trust territory and between such points and certain Pacific points outside the territory. Continental filed an answer on March 19, 1970, stating that it could not agree to the rates proposed by the PMG, and that the current $1 rate is a fair and reasonable rate for the carriage of mail in its trust territory service. On March 24, 1970, the Department of Defense (DOD) petitioned the Board for permission to intervene. Upon consideration of the facts and reasons why DOD thinks it should be permitted to intervene, including the specific references in the petition to the factors set forth in paragraph (b) of Rule 15 of the Board's rules of practice, we have decided to grant DOD leave to intervene in this preceeding.

On June 17, 1971, the PMG filed a petition requesting the Board to establish the rates set forth in the petition as the fair and reasonable final mail rates for Continental's trust territory service. The petition indicates that agreement to the proposed rates was reached by the Postal Service and Continental after protracted discussions and extensive analyses of cost and traffic data. Continental filed an answer in support of the PMG's petition on

JAN 27 72

June 24, 1971. Both petition and answer state that the rates[1] and yields agreed to by Continental and the PMG were arrived at after arm's length bargaining and will provide fair and reasonable compensation for the services involved.

As shown in the appendix,[2] on the basis of standards mileages, a rate of 71 cents per ton-mile for airmail, when conjoined with the existing 21.84 cents military ordinary mail (MOM) and 11.40 cents space-available military mail (SAM) rates,[3] is adequate to cover Continental's estimated cost of 52.71 cents per ton-mile for transporting U.S. mail over its trust territory routes for calendar year 1970.

In view of the recently filed petition of the PMG in Docket 19973, which seeks the establishment of nonstop great circle miles as the basis for computing compensation for Continental's services between Honolulu, Guam, and Okinawa, the parties deemed it appropriate to base the rates proposed herein on nonstop great circle miles for the period on and after January 26, 1971. Thus, the aforementioned rates would, after adjustment for circuitry, become 82.75 cents for airmail, 22.28 cents for MOM, and 12.31 cents for SAM, when Midway is served as the intermediate point on the Honolulu-Kwajalein segment. The airmail rate would be 75.63 cents per ton-mile when Johnston Island is used as the intermediate point on that segment. The petition points out that, since the SAM rate is already applicable to Continental's service, it is necessary to establish only airmail and MOM rates for the period prior to January 26, 1971. Beginning January 26, 1971, it is necessary to establish a new SAM rate because of the change from standard mileages to nonstop great circle mileages.

Based on adjusted cost and traffic data submitted by Continental (see appendix), the total cost of air transportation of U.S. mail over the carrier's trust territory routes is estimated to be $379,000 for the year ended December 31, 1970, an amount equal to the total mail revenues received from the rates proposed herein for airmail, MOM mail and SAM mail. While the Board recognizes that a certain amount of judgment has been exercised in arriving at the cost and revenue estimates underlying the proposed rates, as we have previously noted, costing the mail does not lend itself to mathematical precision. In addition, the proposed rates are the product of arm's length bargaining between Continental and the Postal Service and are acceptable to the parties. Finally, it is our judgment that the rates are well within the zone of reasonableness on the basis of all the considerations involved.[4]

Under the foregoing circumstances, the Board has determined to grant the PMG's petition, subject to adjustment of the airmail rates proposed therein, as explained in footnote 1 on page 2 of this order. Therefore, the Board tentatively finds and concludes that:

(1) The fair and reasonable rates of compensation to be paid Continental Air Lines, Inc., for the transportation of mail by aircraft between points within the trust territory, between Honolulu, Guam, and Okinawa, on the one hand, and Johnston Island and points within the trust territory, on the other hand, between Honolulu, Guam, and Okinawa, on the one hand, and Midway Island and points within the trust territory, on the other hand, and between Nauru and Majuro, trust territory, the facilities used and useful therefor, and the services connected therewith, are as follows:

(a) For all mail matter other than specific mail matter for which rates are elsewhere established, the rate of compensation for the period March 10, 1970, through April 30, 1970, shall be $1 per ton-mile, the rate of compensation for the period May 1, 1970, through January 25, 1971, shall be 71 cents per ton-mile, and the rate of compensation for the period on and after January 26, 1971, shall be 82.75 cents per ton-mile, when Midway Island is the intermediate point on the Honolulu-Kwajalein segment, and 75.63 cents per ton-mile, when Johnston Island is the intermediate point on that segment, which rates shall be applied in accordance with the terms and conditions set forth below.

(b) For that mail matter (for convenience sometimes referred to as military mail) consisting of all classes of U.S. mail other than airmail and air parcel post, including official and personal letters and parcels addressed to or from Armed Forces Post Offices outside of the United States and tendered from time to time to an air carrier by the U.S. Postal Service or its agents or representatives for transportation in this class of service, the rate of compensation for the period March 10, 1970, through April 30, 1970, shall be 21.84 cents per ton-mile, the rate of compensation for the period May 1, 1970, through January 25, 1971, shall be 21.84 cents per ton-mile, and the rate of compensation for the period on and after January 26, 1971, shall be 22.28 cents per ton-mile, which rates shall be applied in accordance with the terms and conditions set forth below.

No such mail may be transported in this class of service on any aircraft unless the air carrier has first provided fully for the needs of the postal service for the transportation of airmail and air parcel post on that aircraft, and (in the case of a service offering passenger transportation) has also first provided fully for the passenger requirements on that flight.

(c) For that class of mail (hereinafter referred to as SAM mail) consisting of the mail matter described in sections 4303(d)(5) and 4560 of title 39 of the United States Code when airlifted on a space available basis, the rate of compensation for the period March 10, 1970, through April 30, 1970, shall be 11.40 cents per ton-mile, the rate of compensation for the period May 1, 1970, through January 25, 1971, shall be 11.40 cents per ton-mile, and the rate of compensation for the period on and after January 26, 1971, shall be 12.31 cents per ton-mile which rates shall be applied in accordance with the terms and conditions set forth below.

No such mail shall be transported at the rates fixed herein on any aircraft if such transportation will displace any other available revenue traffic.

MAIL TON-MILES

The rates established herein shall be applied to the mail ton-miles carried in each class of service to which the respective rates are applicable. For the periods March 10, 1970, through April 30, 1970, and May 1, 1970, through January 25, 1971, the mail ton-miles for each shipment of mail shall be based upon the standard mileages established in Order 69-12-28, December 5, 1969, for service between the points of origin and destination of each shipment. For the period on and after January 26, 1971, the mail ton-miles shall be computed on the basis of the nonstop great circle mileage between the points of origin and destination of each shipment. The nonstop great circle mileages shall be the mileages computed in accordance with the formula set forth in the notice to users of CAB official mileages issued May 21, 1970 (35 F.R. 8249).

ORIGIN AND DESTINATION OF MAIL SHIPMENTS

As used herein "point of origin" means the point at which the carrier first enplanes the mail shipment after receipt thereof from a Postal Administration, or its representatives, from another rate-making division of the same carrier, the operations of which division are not encompassed herein, or from another carrier; and "point of destination" means the point at which the carrier deplanes the mail shipment for a delivery to a Postal Administration, or its representatives, to a separate rate-making division of the same carrier, the operations of which division are not encompassed herein, or to another carrier.

EQUALIZATION OF RATES

Election to equalize. Any air carrier, or, pursuant to agreement, any two or more air carriers providing service on an interline or interchange basis, may, by notice, elect to establish a reduced charge for the carriage of mail between:

(a) Any point where a U.S. Postal Service international exchange office is located[5] and any other point to which such international exchange office is authorized to dispatch airmail, or

(b) Foreign points, equal to the charge then in effect for service between such points by any other air carrier or air carriers.

NOTICE OF ELECTION TO EQUALIZE RATE

An original and three copies of each notice of election and agreement to equalize shall be filed with the Board and a copy thereof shall be served upon the Postmaster General and each carrier providing on-line or connecting service between the stated points. Such notices shall contain a complete description of the reduced charge being established, the routing over which it applies, how it is constructed, and the charge with which equalization is sought.

Any equalized rate established pursuant to this order shall be effective for the electing carrier or carriers as of the date of filing of the notice or such later date as may be specified in the notice and shall continue in effect until such election is terminated. Elections may be terminated by any electing carrier upon 10 days' notice filed with the Board and served upon the Postmaster General and each carrier providing online or connecting service between the stated points.

DIVISION OF EQUALIZED RATES

In case of equalization of rates by agreement, the agreement shall provide for the proration of the mail compensation between participating carriers on the basis of the relative compensation which would otherwise be payable to each carrier in the absence of such an equalization. In the absence of an agreement among carriers for equalization of rates for interline or interchange shipments between a stated pair of points, any carrier (or two or more carriers jointly) may, by notice, elect to receive as its portion of the total compensation for each shipment the amount remaining after subtracting from such total compensation the compensation due the other carrier or carriers involved (nonelecting carriers). Such total compensation shall be computed on the basis of the lowest rate then in effect for service between the stated pair of points for any carrier or carriers. The compensation due the nonelecting carrier or carriers shall be that otherwise applicable to the point-to-point service it actually provides. In those instances where there is a nonelecting carrier or carriers involved in providing the through service and two or more carriers elect to receive payment under this provision, the total payment due such electing carriers shall be prorated by them on the basis of the relative compensation which would otherwise be payable to each of them in the absence of the provisions of this paragraph.

DIVISIONS OF EQUALIZED RATES PRESCRIBED BY THE BOARD

In the event that any carrier is unable to enter into an agreement with any other carrier to transport mail between any stated points at a reduced rate, it may file an application with the Board requesting it to determine and fix a different method of apportioning the total compensation for each such shipment of mail between the participating carriers. Such applications shall not be deemed to reopen the mail rates fixed by this order. Applications filed pursuant to this paragraph shall conform generally to the provisions of the rules of practice governing the filing of petitions in mail rate cases. Within 7 days after the application is served, any party may file an answer in support of, or in opposition to, the application, together with any documentary material upon which it relies. Any order upon an application filed pursuant to this paragraph shall be effective no earlier than the filing date of the application with the Board.

In reviewing such application, the Board will consider, among other pertinent factors, the need for the proposed service, the historical participation of electing carrier or carriers in the transportation of mail between such stated points, the amount of absorption required, and the grounds for refusal by the carrier or carriers to enter into an equalization agreement. After hearing the carriers concerned, either in writing or orally in those cases where it deems such action appropriate, the Board will, by order, prescribe the method for apportioning the total compensation between such carriers, but in no event shall the carrier or carriers, which refuse to enter into an agreement to equalize compensation, be required to accept less than the compensation which would have been payable if the service were performed under voluntary equalization agreement.

(2) The compensation provided herein shall be in lieu of, and not in addition to, the service mail compensation received by Continental Air Lines, Inc., for mail transported to, from, and within the trust territory on and after March 10, 1970.

(3) The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the regulations promulgated in 14 CFR Part 302,

It is ordered, That:

1. Permission to intervene in this proceeding is hereby granted to the Department of Defense.

2. All interested persons and particularly Continental Air Lines, Inc., the Postmaster General, and the Department of Defense are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above.

3. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and, if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

4. If notice of objection is not filed within 10 days, or, if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein.

5. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

6. This order shall be served upon Continental Air Lines, Inc., the Postmaster General and the Department of Defense.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1228 Filed 1-26-72;8:51 am]

[Docket No. 24158; Order 72-1-83]

DELTA AIR LINES, INC.

Order Dismissing Complaint Regarding Point-to-Point Charter Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1972.

By tariff revisions[1] which became effective January 6, 1972, Delta Air Lines, Inc. (Delta) established point-to-point

---

[1] The petition proposes the following air mail rates:

For the period May 1, 1970, through Jan. 25, 1971, 70 cents per ton-mile.

For the period on and after Jan. 26, 1971, 81 cents per ton-mile, when Midway Island is the intermediate point on the Honolulu-Kwajalein segment, and 74 cents per ton-mile, when Johnston Island is the intermediate point on that segment.

We have increased these rates to 71.00, 82.75, and 75.63 cents per ton-mile, respectively, to reflect proper allocations of traffic servicing costs between U.S. mail and other traffics.

[2] Filed as part of the original document.

[3] The MOM rate was established by Order 68-9-8, Sept. 4, 1968, and the SAM rate was established by Order E-25654, Sept. 8, 1967, as amended by Order E-28713, Apr. 25, 1968. The Board has no reason to believe that the rates applicable to MOM and SAM are not reasonable for the services here under consideration.

[4] Based on the difference between the total mail compensation paid Continental under existing rates and the estimated compensation to be paid under the rates proposed herein, it is estimated that the carrier will be required to refund to the Postal Service approximately $282,000 of excess mail pay for the period May 1, 1970–January 31, 1971. We note particularly that the Board establishes rates on the basis of assignments and allocations of costs to the airmail itself (see Nonpriority Mail Rates, Order 70-6-66, June 10, 1970), and that the approach utilized in the special circumstances herein is not intended to serve as a precedent in other mail rate determinations.

[5] International exchange offices currently authorize to dispatch mail for the transpacific area are located in Seattle, Anchorage, San Francisco, Los Angeles, Honolulu, Wake, Guam, Pago Pago, Washington, Chicago, and New York. The terms of this paragraph shall apply to points at which international exchange offices are hereafter established and shall cease to apply to any points at which international exchange offices are discontinued. The Postmaster General will file a notice of such new and discontinued offices in this docket and serve a copy on Continental Air Lines.

[1] Revisions to Delta Air Lines, Inc., tariff C.A.B. No. 109.

round-trip charter charges for its DC–8–33 aircraft between 14 midwest and eastern U.S. points, on the one hand, and Las Vegas, on the other hand. It had previously published rates for its DC–8–61 aircraft only in these markets. At the same time, Delta established point-to-point charges for its DC–8–61 aircraft between the same 14 points and San Francisco. Effective January 26, 1972, Delta proposes to extend its DC–8–33 and DC–8–61 charter rates in the Las Vegas market to 17 additional points, generally east of the Mississippi, and to provide for charter rates for DC–8–51 aircraft at the level of its DC–8–33 rates.[2]

United Air Lines, Inc. (United) filed a complaint in Docket 24069 against a Delta tariff filing dealing with point-to-point charter charges which was subsequently rejected. This complaint was dismissed by Order 72–1–35, dated January 12, 1972. Delta refiled to correct the rejected tariff (effective January 26, 1972) and United has requested that its complaint in Docket 24069 be considered against the refiled tariff marked to become effective January 26, 1972. United requests that the revisions marked to become effective January 26, 1972 be suspended and investigated. In addition it requests investigation of all of Delta's point-to-point charter rates, both effective and proposed. We will grant United's request that its complaint in Docket 24069 be considered against Delta's fourth revised page 16 of its tariff C.A.B. 109 marked to become effective January 26, 1972.

The thrust of United's complaint is that the proposed point-to-point rates are substantially below Delta's general charter rates, and that they raise questions of reasonableness. United further contends that the Board should not permit point-to-point charter rates for off-line points which are less than a carrier's general charter rates for on-line points, since such practice can only lead to a devastating debasement of charter rates by other carriers.

Delta answers that its proposal is merely an extension to additional eastern and midwest U.S. cities of existing rates against which no complaints were filed. The carrier further alleges that both the existing and proposed rates will produce a reasonable profit even under the most conservative costing approach.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposal and the request therefor and consequently the request for suspension will be denied and the complaint dismissed.[3]

A substantial part of the proposal involves the extension to additional cities of existing charter rate levels, as alleged by Delta, and we do not find these proposed rates to be inconsistent with its presently effective charter rates. While the existing and proposed point-to-point rates are generally somewhat lower than Delta's general per-mile charter rates, they do not appear to be uneconomically low or out of line with existing charter rates of other carriers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002, thereof,

It is ordered, That:

1. The complaint of United Air Lines, Inc., in Docket 24158 is hereby dismissed; and

2. A copy of this order be served upon Delta Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–1227 Filed 1–26–72;8:51 am]

[Docket No. 24024]

PIAIR LTD.

Notice of Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on Tuesday, February 8, 1972, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the report of prehearing conference and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 20, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72–1226 Filed 1–26–72;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 2F1218) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, proposing establishment of a tolerance (40 CFR Part 180) for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl) - 2 - benzimidazolecarbamate) in or on the raw agricultural commodity grapes at 10 parts per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 2H5004) proposing establishment of a food additive tolerance (21 CFR Part 121) of 50 parts per million for residues of benomyl in or on raisins resulting from application of the fungicide to growing grapes.

The analytical method proposed in the petition for determining residues of the fungicide is that of H. L. Pease and J. A. Gardiner, "Journal of Agricultural and Food Chemistry," Vol. 17, pp. 267–270 (1969).

Dated: January 17, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator For Pesticides Programs.

[FR Doc.72–1190 Filed 1–26–72;8:48 am]

ETHEPHON

Notice of Establishment of Temporary Tolerance

Amchem Products, Inc., Ambler, Pa. 19002, submitted a petition requesting a temporary tolerance for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodity cherries at 10 parts per million.

It has been determined that a temporary tolerance of 10 parts per million for residues of the plant regulator in or on cherries is safe and will protect the public health. It is therefore established as requested on condition that the plant regulator be used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Amchem Products, Inc. name.

This temporary tolerance expires January 18, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: January 18, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–1193 Filed 1–26–72;8:48 am]

ROHM AND HAAS CO.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 2F1211) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing establishment of tolerances (40 CFR Part 180) for residues of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether in or on the raw agricultural commodities rice and rice straw at 0.1 part per million and in milk and meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 part per million (negligible residue).

Notice is also given that the same firm has filed a related food additive petition (FAP 2H5002) proposing establishment of a food additive tolerance (21 CFR Part 121) of 0.1 part per million for residues of the herbicide in or on rice bran, hulls, polishings, and other rice milling fractions.

The analytical method proposed in the pesticide petition for determining residues of the herbicide is a gas liquid chromatographic procedure with electron-capture detection.

Dated: January 17, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–1191 Filed 1–26–72;8:48 am]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2H5006) has been filed by Stauffer Chemical Co., Richmond, CA 94804, proposing issuance of a food additive tolerance (21 CFR Part 121) of 20 parts per million for residues of carbophenothion (*S*-[(*p*-chlorophenylthio)methyl] *O,O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on dried tea resulting from application of the insecticide to the growing crop.

Dated: January 17, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–1194 Filed 1–26–72;8:48 am]

W. R. GRACE & CO.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition (PP 2F1216) has been filed by W. R. Grace & Co., Washington Research Center, Clarksville, Md. 21029, proposing establishment of a tolerance (40 CFR Part 180) for residues of the fungicide ammonium isobutyrate in or on raw agricultural commodities intended for feeding animals at 20,000 parts per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 2H5005) proposing establishment of a food additive tolerance (21 CFR Part 121) of 20,000 parts per million for residues of ammonium isobutyrate in or on processed foods intended for feeding animals.

The analytical method proposed in the pesticide petition for determining residues of the fungicide is a gas chromatographic procedure with flame ionization detection.

Dated: January 17, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–1192 Filed 1–26–72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 285]

CANADIAN BROADCAST STATIONS

Notification List

Correction

In F.R. Doc. 72–523 appearing at page 550 in the issue of Thursday, January 13, 1972, in the heading, the Canadian list number in brackets should read as set forth above.

FEDERAL HOME LOAN BANK BOARD

[H.C. 116]

LINCOLN FINANCIAL, INC., ET AL.

Notice of Receipt of Application for Permission to Acquire Control of Benjamin Franklin Savings Association

JANUARY 21, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Lincoln Financial, Inc., Houston, Tex., for approval of acquisition of control of the Benjamin Franklin Savings Association, an insured institution, presently controlled by Lincoln Consolidated, Inc., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the merger of Lincoln Consolidated, Inc., into Lincoln Financial, Inc. This acquisition is to be accomplished by an exchange of stock of Lincoln Financial, Inc. for stock of Lincoln Consolidated, Inc. Following said acquisition, LF Corp., a subsidiary of Illinois Central Industries, Inc. will be merged into Lincoln Financial, Inc. This merger will be accomplished by an exchange of stock of LF Corp. for stock of Lincoln Financial, Inc. Following said exchange, there will be an exchange of stock of Lincoln Financial, Inc. for stock of Illinois Central Industries, Inc. which will result in Lincoln Financial, Inc. becoming a subsidiary of Illinois Central Industries, Inc. Illinois Central Industries, Inc. and its subsidiaries do not currently control an insured institution. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.72–1230 Filed 1–26–72;8:51 am]

FEDERAL MARITIME COMMISSION

DOMINION FAR EAST LINE (HONG KONG) LTD.

Notice of Issuance of Casualty Certificate and Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P–87 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C–1,082.

Dominion Far East Line, (Hong Kong) Ltd., 22 Pedder Street, Hong Kong.

Whereas, Dominion Far East Line (Hong Kong) Ltd. has ceased to operate the passenger vessel Marco Polo, and

Whereas, Dominion Far East Line (Hong Kong) Ltd. has returned Certificate (Performance) No. P–87 and Certificate (Casualty) No. C–1,082 for revocation.

It is ordered, That Certificate (Performance) No. P–87 and Certificate (Casualty) No. C–1,082 covering the Marco Polo be and are hereby revoked effective January 18, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–1231 Filed 1–26–72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. CS66–57, etc.]

WISER OIL CO. ET AL.

Findings and Order After Statutory Hearing

JANUARY 17, 1972.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, canceling FPC gas rate schedules, terminating rate proceedings, making successor respondent, redesignating proceedings,

[2] Delta's DC–8–33 and DC–8–51 aircraft both have a 135-seat capacity.

[3] We will also deny the request for investigation of Delta's existing point-to-point charter rates.

JAN 27 72
XUM

amending certificates, and dismissing applications.

Each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the applications and Appendix A hereto.

Certain applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The temporary and permanent certificates authorizing said sales will be terminated and the related rate schedules will be canceled except with regard to Zephyr Oil Co., applicant in Docket No. CS72-264, who is filing only to cover its future sales. Some sales made pursuant to the certificates terminated herein and the canceled FPC gas rate schedules were made at rates in effect subject to refund. There are other rate increases which are suspended. Certain proceedings in which these increased rates are suspended or have been collected subject to refund by any of these applicants and were equal to or below area ceiling rates will be terminated.

Cenard Oil & Gas Co., et al., applicant in Docket No. CS72-162, proposes to continue the sales of natural gas heretofore authorized in Dockets Nos. G-3863 and G-18432 to be made pursuant to Nafco Oil and Gas, Inc., FPC Gas Rate Schedule Nos. 3, 6, 7, and 10. The rates have been subject to refund in Docket No. RI70-741 for sales under Nafco's FPC Gas Rate Schedule No. 3; in Docket No. RI70-688 for sales under Nafco's FPC Gas Rate Schedule No. 6; and in Docket No. RI70-694 for sales under Nafco's FPC Gas Rate Schedule Nos. 7 and 10. Applicant will be made respondent in said proceedings and the proceedings will be redesignated accordingly.

Howard E. Sutton, applicant in Docket No. CS72-188, proposes to continue in part the sales of natural gas heretofore authorized in Dockets Nos. G-3329 and G-7247 to be made pursuant to the estate of Francis W. Scott, FPC Gas Rate Schedule No. 1 and Skelly Oil Co., FPC Gas Rate Schedule No. 234, respectively. Therefore, the order issuing certificates of public convenience and necessity to the estate of Francis W. Scott in Docket No. G-3329 and Skelly Oil Co. in Docket No. G-7247 will be amended by deleting therefrom authorization to make the sales of natural gas which will be continued by Howard E. Sutton.

Applicant Marjorie Cone Kastman, et al., proposes to continue the sales heretofore authorized in Docket No. CS66-71 by S. E. Cone, et al., effective October 19, 1971. Therefore, the order issuing a certificate in Docket No. CS66-71 will be amended by the substitution of Marjorie Cone Kastman et al., as the certificate holder.

Maynard Oil Co. (operator), et al., holder of a small producer certificate in Docket No. CS71-782 has acquired effective July 1, 1971, the assets of Homa Oil & Gas Co., a small producer certified in Docket No. CS71-602. Docket No. CS71-602 therefore will be terminated.

Burk Gas Corp., et al. listed herein in Appendix B has been granted a small producer certificate of public convenience and necessity authorizing sales of natural gas in interstate commerce. Burk Gas Corp., et al. was theretofore authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The certificates authorizing the former sales, which are now made under the small producer certificate in Docket No. CS71-7, will be terminated and the related FPC gas rate schedules will be canceled.

Freeport Oil Co., a division of Freeport Minerals Co., applicant in Docket No. CS69-6, listed herein at Appendix B, requests the amendment of the order issuing the small producer certificate heretofore issued in subject docket to Freeport Oil Co. (a division of Freeport Sulhpur Co.) to reflect the new corporate name, Freeport Oil Co., a division of Freeport Minerals Co. Therefore, the order issuing the small producer certificate in Docket No. CS69-6 will be amended by the substitution of Freeport Oil Co., a division of Freeport Minerals Co. as certificate holder in lieu of Freeport Oil Co. (a division of Freeport Sulphur Co.) and Freeport Oil Co., a division of Freeport Minerals Co., will be made respondent in the rate proceeding RI71-729. The certificates authorizing Freeport Oil Co., a division of Freeport Sulphur Co.'s former sales, which are now made under the small producer certificate in Docket No. CS69-6, will be terminated and the related FPC gas rate schedules will be canceled.

The Wiser Oil Co. listed herein in Appendix B proposes to continue the sales of natural gas heretofore authorized Southern Petroleum Exploration, Inc., in the subject docket. Southern Petroleum Exploration merged into The Wiser Oil Co. effective December 31, 1970. Therefore Docket No. CS66-57 will be amended by the substitution of The Wiser Oil Co. as certificate holder in lieu of Southern Petroleum Exploration, Inc. The certificates authorizing Southern's former sales, which are now made under the small producer certificate in Docket No. CS66-57, will be terminated and the related FPC gas rate schedules will be canceled.

R. J. Bean has been issued small producer certificates of public convenience and necessity in Dockets Nos. CS71-222 and CS71-369. Since R. J. Bean (operator), et al., has all the necessary authority to make small producer sales in Docket No. CS71-222, the certificate issued in Docket No. CS71-369 will be terminated.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

At a hearing held on December 30, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sale of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefore should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the temporary and permanent certificates of public convenience and necessity heretofore issued to applicants should be terminated and that the related FPC gas rate schedules should be canceled.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Cenard Oil & Gas Co. should be made respondent in the proceedings pending in Dockets Nos. RI70-741, RI70-688, and RI70-694, and that said proceedings should be redesignated accordingly.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the order issuing a certificate of public convenience and necessity to the estate of Francis W. Scott in Docket No. G-3329 and Skelly Oil Co. in Docket No. G-7247 should be amended as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Marjorie Cone Kastman, et al., should be substituted in lieu of S. E. Cone, et al., as certificate holder in Docket No. CS66-71.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the small producer certificates of public convenience and necessity heretofore issued to Homa Oil & Gas Co. in Docket No. CS71-602 and R. J. Bean in Docket No. CS71-369 should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Freeport Oil Co., a division of Freeport Minerals Co., should be substituted in lieu of Freeport Oil Co. (a division of Freeport Sulphur Co.) and that Freeport Oil Co., a division of Freeport Minerals Co., should be made respondent in the proceedings pending in Docket No. RI71-729.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the Wiser Oil Co. should be substituted in lieu of Southern Petroleum Exploration, Inc., as certificate holder in Docket No. CS66-57.

(13) The applications pending in Dockets Nos. CI68-286, CI69-637, CI70-526, CI71-121, CI71-653 and CI71-753 are moot.

(14) In view of all the facts and circumstances in this case, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination, applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) With respect to any small producer sales made pursuant to the authorization herein, the small producer shall not be relieved from compliance with section 7(b) of the Natural Gas Act.

(E) The temporary and permanent certificates heretofore issued to applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are canceled as indicated in Appendix A hereto.

(F) The proceedings in which applicants' increased rates have not been made effective and certain proceedings in which increased rates have been made effective subject to refund and are equal to or below the applicable area base rate are terminated as indicated in Appendix A and B hereto.

(G) The temporary and permanent certificates of public convenience and necessity heretofore issued to small producer certificate holders for sales continued under their small producer certificate are terminated and the related FPC gas rate schedules are canceled as indicated in Appendix B hereto.

(H) Cenard Oil & Gas Co., et al., is made respondent in the proceedings pending in Dockets Nos. RI70-688, RI70-694, and RI70-751, and said proceedings are redesignated accordingly.

(I) The orders issuing certificates of public convenience and necessity to the estate of Francis W. Scott in Docket No. G-3329 and Skelly Oil Co. in Docket No. G-7247 are amended by deleting therefrom authorization to make the sales of natural gas which will be continued by Howard E. Sutton.

(J) Marjorie Cone Kastman, et al., is substituted in lieu of S. E. Cone, et al., as certificate holder in Docket No. CS66-71.

(K) The small producer certificates of public convenience and necessity heretofore issued to Homa Oil & Gas Co. in Docket No. CS71-602 and R. J. Bean in Docket No. CS71-369 are terminated.

(L) Freeport Oil Co., a division of Freeport Minerals Co. is substituted in lieu of Freeport Oil Co. (a division of Freeport Sulphur Co.) as certificate holder in Docket No. CS71-729, and Freeport Oil Co., a division of Freeport Minerals is made respondent in the proceedings pending in Docket No. RI71-729.

(M) The Wiser Oil Co. is substituted in lieu of Southern Petroleum Exploration, Inc. as certificate holder in Docket No. CS66-57.

(N) The applications pending in Docket Nos. CI68-286, CI69-637, CI70-526, CI71-121, CI71-653, and CI71-753 are dismissed.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-530 4-29-71 [2]	Crystal Oil Co., et al	1	CI69-637 [1]	
	do	2	CI68-286 [1]	
	do	3	CI70-526 [1]	
	do	4	CI64-873	
	do	5	CI64-873	
	do	6	CI65-1257	
	do	8	G-13139	
	do	9	G-19810	
	do	10	G-20361	
	do	11	CI61-209	
	do	12	CI61-231	
	do	13	CI62-816	
	do	14	CI66-268	
	do	15	CI66-231	
	do	16	CI66-1044	
	do	17	CI67-233	
	do	18	CI67-1259	
	do	19	CI67-1290	
	do	20	CI67-1355	
	do	21	CI68-138	
	do	22	CI65-790	
	do	23	CI61-652	
	do	24	G-5211	
	do	25	CI71-653 [1]	
	do	26	G-4567, G-11179, CI71-753 [1]	
CS71-855 5-5-71	W. Earl Rowe et al	1	G-9079	
	do	2	G-10185	
	do	3	G-10280	
	do	4	G-11194	
	do	5	G-9026	
	do	6	CI61-526	
	do	7	CI64-1368	
	do	8	CI64-1538	
CS72-120 8-11-71	Atlas Corp	1	CI62-816	
	do	2	CI63-436	
	do	3	CI63-436	
	do	4	CI63-482	
	do	5	CI62-801	
	do	6	CI63-1569	
	do	7	CI66-909	
	do	8	CI71-719	
	do	9	CI71-720	
	do	10	CI71-721	

See footnotes at end of table.

JAN 27 72

APPENDIX A—Continued

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS72-217, 9-6-71	Tribal Oil Co.	1	G-4244	
CS72-220, 9-7-71	R. Lacy, Inc., et al.	2	G-4245	
CS72-230, 9-7-71	do	3	G-4246	
	do	8	G-4247	
	do	11	G-4241	
	do	12	G-4262	
	do	13	G-4250	
	do	14	G-4813	
	do	15	G-4240	
	do	16		
CS72-264, 9-20-71	Zephyr Oil Co.[10]			
CS72-265, 9-20-71	C. W. Hughes			
CS72-266, 9-20-71	David L. Billingsley			
CS72-267, 9-23-71	Roden Drilling Co.			
CS72-290, 9-28-71	Drew, Howard H. and Littell, Weldon	1	G-10467, G-10487	
CS72-306, 10-4-71	Don C. Rider			
CS72-307, 10-4-71	Western Petroleum Co., Operator			
CS72-308, 10-5-71	George W. Moran			
CS72-309, 10-5-71	Gary R. Reagan			
CS72-310, 10-5-71	Morris E. Pyle			
CS72-311, 10-5-71	Husky Producing Co.			
CS72-345, 10-18-71	J. Evans Attwell			
CS72-348, 10-18-71	Lynco Oil Corp.			
CS72-349, 10-18-71	Newport Industries, Inc., d.b.a., Allied Petroleum Co.			
CS72-350, 10-18-71	Plaza Oil of California			
CS72-353, 10-18-71	Less Whitaker			
CS72-382, 10-19-71	The Petroleum Corp.			
CS72-373, 10-26-71	Perry Lynn Larson			
CS72-374, 10-26-71	Gibraltar Oil Corp.			
CS72-403, 11-8-71	Grapevine Corp.			
CS72-217, 9-6-71	Conard Oil & Gas Co. et al.	1	G-6256	
	do	2	G-17338	
	do	3	C144-1192	R160-778.
	do	4	C160-1274	
	do	5	C160-1275	
	do	6	C160-1276	
	do	7	C168-1277	R169-778.
	do	8	C103-1429	
	do	9	C107-1288	
	do	10	C-4780	
	do	11	C102-1298	R165-433.
	do	12	G-18432	
	do	13	G-18432	
	do	14	G-18432	
	do	15	G-18132	
	do	16	G-18132	
	do	17	G-3803	
	do	18	G-3803	
	do	19	G-3803	
	do	20	G-3803	
	do	21	G-12769	R163-197, R163-161.
	do	22	G-14287	
	do	23	G-13509	R170-605.
	do	24	G-14735	
	do	25	G-18432	R102-460.
	do	26	G-18432	R170-696.
	do	27	G-18641	
	do	28	C101-1181	
	do	29	C161-1584	R170-696.
	do	30	C162-1304	
	do	31	G-6126	
	do	32	G-4238	R169-580.
	do	33	C154-2003	
CS72-157, 8-20-71	Sklar & Phillips Oil Co. et al.	2	C165-1014	
	do	3	C165-1017	
	do	4	C161-342	
	do	5	C-8658	R170-578, R170-576.
	do	6	C-9210	
	do	7	C-14038	
	do	8	C-10285	
	do	9	C-4027	
	do	10	C-1207	
	do	11	C-4171	
CS72-188, 9-28-71	Howard E. Sutton			
CS72-190, 9-2-71	Donald B. Anderson			
CS72-191, 9-2-71	Robert L. Nolan			
CS72-192, 9-2-71	True Oil Co.	1	C160-657	
CS72-193, 9-3-71	Fred L. Oliver			
CS72-194, 9-2-71	Clay J. Calhoun			
CS72-198, 9-2-71	Mackeller, Inc., et al.			
CS72-199, 9-8-71	J. E. Stack, Jr., et al.	1	C164-61	
CS72-216, 9-8-71	Chas. A. Neal & Co.			

See footnotes at end of table.

[1] Temporary certificate.
[2] Application amended on Nov. 30, 1971, to include "et al." parties.
[3] Certificate and rate schedule on file as Sunland Oil Corp.
[4] Certificate and rate schedule on file as Murphy Oil Corporation of Oklahoma, Inc.
[5] Certificate and rate schedule on file as Nafco Oil and Gas Inc.
[6] Certificate and rate schedule on file as Leonard W. Phillips, et al.
[7] Certificate and rate Schedule on file as Sam Sklar et al.
[8] Certificate and rate Schedule on file as Sam Sklar, Trustee.
[9] Only insofar as it pertains to applicant.
[10] Applicant has existing sales but does not want them covered by the small producer exemption at this time.

APPENDIX B

Docket No.	Certificate holder	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
C866-67	The Wiser Oil Co.	[1] 7	G-3573 [1]	
	do	[1] 11	G-13132 [1]	
	do	[1] 15	C163-378 [1]	
	do	[1] 17	C165-492 [1]	
C869-6	Freeport Oil Co., a division of Freeport Minerals Co. et al.	[2] 1	G-15915 [2]	
	do	[2] 2	C162-720 [2]	
	do	[2] 3	C169-255 [2]	
C871-7	Burk Gas Corp. et al.	1	C164-285	
	do	2	G-17907	
	do	3	G-6210	
	do	4	C166-740	
	do	5	G-6210	
	do	6	G-6210	
	do	7	G-6210	
	do	8	G-6210	
	do	9	G-6210	
	do	10	C167-239	
	do	11	C163-152	R165-291
	do	12	C163-153	R169-589.
	do	13	C164-1147	R170-1552.
	do	14	C170-630	
	do	15	C171-121 [2]	

[1] Certificate and rate schedule on file as Southern Petroleum Exploration, Inc.
[2] Certificate and rate schedule on file as Freeport Oil Co. (a division of Freeport Sulphur Co.).
[3] Temporary certificate.

[FR Doc.72-1103 Filed 1-26-72;8:45 am]

[Docket No. RP 72-89]

COLUMBIA GAS TRANSMISSION CORP.

Order Suspending Proposed Tariff Sheets

JANUARY 14, 1972.

On December 15, 1971, Columbia Gas Transmission Corp. (Columbia) tendered for filing under section 4 of the Natural Gas Act revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1 [1] and requested that those sheets become effective January 15, 1972, or, if suspended, that the period of suspension not extend beyond April 1, 1972.

The filing is Columbia's response to our Order No. 431 and the changes contained in those tariff sheets represent Columbia's proposed curtailment plan. The basic change made by this filing is the addition of limitations of service and curtailment provisions under gas supply deficiency conditions. Section 14.2 limits Columbia's obligation to deliver maximum monthly volumes of gas to its customers, except those who purchase under Rate Schedule SGS. Such monthly volumes are set forth on Original Sheet Nos. 90 through 94 of the tariff.

In summary, Columbia's filing provides that, in the event that it must institute curtailment procedures to protect storage or as a result of deficient gas supply, it will ratably curtail all customers, except those who purchase under Rate Schedule SGS. Additionally, should all attempts to provide adequate ratable service on its system fail, Columbia will consider customer's requests not to be curtailed below the level existing after all such measures have been taken, and that provisions will be made for crediting the accounts of those customers who must bear the burden of any additional curtailment below that level. Further, proposed new section 6(c) and CDS and G Rate Schedules provide for penalties for volumes taken in excess of the volumes specified in the limitations and curtailment procedures. Proposed new section 6(d) provides that any penalties otherwise payable under other tariff provisions will be deducted from those penalties imposed under section 6(c). Further, proposed § 14.5 provides for a commodity rate adjustment whereby Columbia's rates shall reflect the net balance of credits and penalties and, on an annual basis, such net balance will be used in the computation of a rate adjustment to be effective for the year.

Protests have been filed to Columbia's proposed curtailment plan and requests have been made that we suspend the plan for the full statutory period. We find that because of the uncertainty of Columbia's gas supply (three of Columbia's nonaffiliated Southwest gas suppliers are presently curtailing gas deliveries) and to insure that Columbia has a curtailment program in effect before storage injection season begins, we will suspend the proposed tariff sheets until April 1, 1972, as suggested by Columbia. Our action, thus, will accomplish the goal of permitting Columbia to invoke a standard procedure of curtailment for its storage injection season when warranted and, at the same time, the plan will be in effect subject to refund with interest to protect Columbia's customers.

The Commission finds:

It is necessary and appropriate for the purposes of the Natural Gas Act, particularly sections 4, 5, and 16 thereof, that the operation of the proposed tariff sheets tendered by Columbia on December 15, 1971, and designated in footnote 1 above, be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

The proposed tariff sheets tendered by Columbia on December 15, 1971, to its FPC Gas Tariff, Original Volume No. 1, and designated in footnote 1 above, are hereby suspended and the use thereof deferred until April 1, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc. 72-1172 Filed 1-26-72;8:46 am]

[Docket No. CP72-5]

MOUNTAIN FUEL SUPPLY CO. ET AL.

Order Granting Petitions To Intervene, Setting Date for Filing Case-in-Chief, and Setting Dates for Prehearing Conference and Hearing

JANUARY 17, 1972.

Mountain Fuel Supply Co., applicant, Colorado Interstate Gas Co., a division of Colorado Interstate Corp., respondent, Docket No. CP72-5.

On July 8, 1971, Mountain Fuel Supply Co. (Mountain Fuel) filed in Docket No. CP72-5 an application pursuant to section 7(a) of the Natural Gas Act [1] for an order of the Commission directing Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), to sell and deliver up to 30,000 Mcf of natural gas per day to Mountain Fuel on a firm basis for a period of 20 years, at an existing interconnection of their respective facilities near Green River, Sweetwater County, Wyo., all as more fully set forth in the application. Mountain Fuel's application also requested that proceedings in this matter be consolidated with proceedings on CIG's petition to amend the certificate issued by the Commission on May 19, 1971, in Docket No. CP71-190 (Phase I).

On August 20, 1971, CIG filed a petition for rejection or dismissal of Mountain Fuel's application citing deficiencies in supporting exhibits and failure to make a threshold showing of need for the gas. Mountain Fuel filed on September 17, 1971, an amendment to its application and a response to CIG's petition. While Mountain Fuel's application as amended may be sufficient to avoid rejection or dismissal, Mountain Fuel should include in its case-in-chief detailed information regarding gas supply and deliverability.

In its amended application Mountain Fuel did not renew its request for consolidation with proceedings in Docket No. CP71-190 (Phase I) which were concluded on August 30, 1971.

Notice of Mountain Fuel's application was issued by the Commission July 19, 1971, and published in the FEDERAL REGISTER on July 24, 1971 (36 F.R. 13818). The notice set August 9, 1971, as the date

[1] The proposed tariff sheets are designated as First Revised Sheet Nos. 1, 18, 19, 20, 28, 29, 30, 33, 47, and 62 and Original Sheet Nos. 19A, 28A, 28B, 47A, 62A, 62B, 90, 91, 92, 93, and 94.

[1] 52 Stat. 824 (1938); U.S.C. section 717f(a).

JAN 27 1972

by which any protests or petitions to intervene were to be filed. Timely petitions to intervene were filed by the following:

Natural Gas Pipeline Co. of America.

Public Service Co. of Colorado et al., including Western Slope Gas Co., The Pueblo Gas and Fuel Co., Cheyenne Light, Fuel, and Power Co.

An untimely notice of intervention in support of Mountain Fuel was filed by the Public Service Commission of Utah on August 11, 1971.

A formal hearing was requested by Natural Gas Pipeline Co. of America.

The Commission finds:

(1) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) Good cause exists to permit the filing of the untimely notice of intervention by the Public Service Commission of Utah.

The Commission orders:

(A) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the provisions of § 2.62(c) of the Commission's rules of practice and procedure, the applicant shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to Part 156 of the regulations of the Natural Gas Act.

(C) Mountain Fuel Supply Co. shall file with the Commission and serve on all parties and the Commission staff, on or before February 3, 1972, its case-in-chief including the exhibits and prepared testimony upon which it relies in support of its application and including detailed information regarding gas supply and deliverability.

(D) Colorado Interstate Gas Co. shall file with the Commission and serve on all parties and the Commission staff, on or before February 17, 1972, its case-in-chief including the exhibits and prepared testimony upon which it relies in opposition to the application of Mountain Fuel Supply Co.

(E) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.s.t., on March 7, 1972, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 for the purpose of effectuating the expeditious disposition of this proceeding. The purpose of such conference shall be to consider all matters at issue in the above docket and to consider any and all matters which might contribute to an expeditious disposition of this proceeding. The applicant, the Commission staff, and all persons who have been permitted to intervene by the Commission shall be entitled to participate in that conference.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held immediately following the conclusion of the aforeordered prehearing conference in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the matters involved in and the issues presented by Mountain Fuel Supply Co.'s application.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1173 Filed 1-26-72;8:46 am]

NATIONAL GAS SURVEY COORDINATING COMMITTEE

Order Designating Secretary

JANUARY 14, 1972.

The Federal Power Commission by order issued May 10, 1971, established a Coordinating Committee of the National Gas Survey.

1. *Secretary.* A new Secretary to the Coordinating Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

John P. Mathis, Federal Power Commission.

Mr. Mathis is to fill the position vacated by the resignation of Mr. Stephen A. Wakefield, Federal Power Commission, from this Committee.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1171 Filed 1-26-72;8:46 am]

[Docket No. E-7687]

DETROIT EDISON CO.

Order Suspending Tendered Rate Schedules, Denying Petition for Rejection of Rate Filings, Providing for Hearing, and Granting Intervention

JANUARY 21, 1972.

The Detroit Edison Co. (Detroit Edison), a public utility subject to the jurisdiction of this Commission, filed on November 24, 1971, changes in rates for sales to five wholesale customers,[1] which would increase its revenues by approximately $1,818,300 (or 18.8 percent), based upon estimated sales for the year 1972. The increase is proposed to be effective January 1, 1972, or as soon thereafter as permitted by the Commission. An effective date of January 1, 1972, would require waiver of the 60-day notice requirement of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act. Since we have concluded that it will be necessary to suspend the proposed rate increase filings for the full statutory period we believe that the suspension period should commence running upon expiration of the notice period, i.e., January 24, 1972, subject to the provisions of this order.

In support of the proposed rate increase, Detroit Edison points to the continued rise in its costs of operation and the need to earn a reasonable rate of return on all segments of its business. According to the Company, the rate schedule revisions are made in an attempt to provide more uniform treatment of wholesale customers and to establish rates designed on the basis of cost to serve; and the Fuel Adjustment base is being revised to conform with FPC standards and to represent more fully the current cost of fuel.

Notice of the filing was issued on December 16, 1971, and published in the FEDERAL REGISTER on December 23, 1971 (36 F.R. 24837), stating that any person desiring to be heard or to make any protest with reference to said application should on or before December 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure.

On December 29, 1971, Consumers Power Co. filed a petition for intervention in this proceeding, and requested that the Commission order a hearing on the rate increase filing.

On December 30, 1971, Southeastern Michigan Rural Electric Cooperative, Inc. (Southeastern) and Thumb Rural Electric Cooperative, Inc. (Thumb) filed a joint "Protest and Petition to Intervene and for Rejection of Supplements to Rate Schedules Submitted for Filing". The petitioners inter alia, (1) request intervention in the proceeding; (2) request that the Commission reject the tendered rate schedule supplements on the ground that the Company's rate agreements with the cooperatives are fixed rate contracts containing no language permitting Detroit Edison unilaterally to increase its

[1] City of Croswell, Mich., Supplement No. 2 to Rate Schedule FPC No. 2; Consumers Power Co. at Pontiac, Mich., Supplement No. 5 to Rate Schedule FPC No. 5; Southeastern Michigan Rural Electric Cooperative, Supplement No. 1 to Rate Schedule FPC No. 14; Thumb Electric Cooperative, Supplement No. 1 to Rate Schedule FPC No. 4; and the village of Clinton, Mich., Supplement No. 2 to Rate Schedule FPC No. 6.

rates by a filing made pursuant to section 205 of the Federal Power Act; (3) aver that Detroit Edison's filing should be rejected on the additional basis of failing to comply with the requirements of § 35.13(b)(4) of the Commission's regulations under the Federal Power Act; (4) contend that a cost of service study properly prepared will show that the rate of return Detroit Edison earns from the cooperatives is substantially greater than that shown by Detroit Edison; (5) argue that a wholesale rate increase of the magnitude here involved raises serious antitrust questions; (6) maintain that the fuel adjustment provision proposed by the Company is unreasonable and not in conformity with § 35.14 of the Commission's regulations under the Federal Power Act; and (7) urge that the Commission suspend the rate filings for not less than 5 months and convene a hearing on the reasons advanced for their rejection in the event that the Commission does not elect to reject them.

Citing the Supreme Court's Sierra[2] and Mobile[3] decisions as support, joint petitioners contend that the subject rate filings should be rejected because their presently effective rate agreements with Detroit Edison allegedly do not contain contractual authorization permitting the Company to make unilateral rate change filings.

As petitioners point out, the contracts do contain the following language relevant to this question under the caption "Contract Term":

> It is expressly understood that the rates, charges and rules for wholesale electric service to the cooperatives are subject to the jurisdiction and order of the Michigan Public Service Commission and are subject to change from time to time by order issued from said Commission. A copy of this agreement will be filed with the Michigan Public Service Commission.

Additionally, the Thumb contract includes this provision:

> In the event of any change in rates ordered by the Michigan Public Service Commission, the Cooperative shall have the option of immediately exercising the 24-month termination notice.

The language in the above provision that the rates and charges for service to the cooperatives "* * * are sunbject to change from time to time by order issued from said (Michigan Public Service) Commission" clearly indicates that changes in the rates and charges contained in the subject contracts were contemplated by or with the approval of the Michigan Commission. Requiring approval for such changes by the Michigan Public Service Commission instead of the Federal Power Commission merely evidences a belief by the parties at the time of drafting the contracts that the State commission had jurisdiction over the sales in question, and is not material to our consideration for this purpose here.

[2] F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[3] United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956).

The language in these contracts is, in substance, to the same effect as that in the Memphis case[4] which permits a public utility unilaterally to modify its rate by filing a tariff increase under section 4 of the Natural Gas Act (and thus under the companion section 205 of the Federal Power Act) if the utility's contract with its customers provides for such change. The provision in the cooperatives' agreements, moreover, is virtually identical to that in certain of Carolina Power & Light Co.'s contract with municipalities which we found to authorize unilateral rate filings by the Company.[5] See Opinion No. 608, Carolina Power & Light Co., Docket No. E-7564, issued January 3, 1972, —— FPC ——.

We conclude that these rate agreements provide for, in effect, a "going rate" rather than a fixed rate, and accordingly that the petition for rejecting on that ground should be denied.

The petitioners' assertion that improper cost of service methodology was utilized by the Company raises a question essentially as to the weight to be accorded Detroit Edison's cost analysis in meeting its burden of proof herein rather than affording a basis for outright rejection. Moreover, the antitrust matters referred to in the joint petition do not disclose per se such inconsistency with the antitrust laws as would warrant rejection. In addition, we find no ground for directing that a hearing be held solely on the issues raised by petitioners.

On January 10, 1972, Detroit Edison filed a motion for waiver of § 36.2 of the Commission's regulations under the Federal Power Act requiring that a filing fee be paid at the time of its rate schedule filing, and requested further that the Secretary accept as the filing fee the Company's check tendered January 10, 1972, and the Commission consider Detroit Edison's rate filing to be complete as of the original filing date, November 24, 1971. On the same date the Company also filed a petition requesting inter alia that the Commission waive all rules and requirements necessary to permit its rate increase filing to become effective January 2, 1972, subject to refund, following a 1 day suspension.

Inasmuch as the substantive data in support of the rate increase filing was submitted on November 24, 1971, we shall waive § 36.2 of the Commission's regulations under the Federal Power Act. We deny the request to make Detroit Edison's rate changes effective January 2, 1972, for reasons hereinbefore set forth.

A preliminary review of the subject rate filing indicates that the proposed rates may be excessive, unduly discriminatory, or otherwise unjust and unreasonable. The allegations made in support of the increased rates and the arguments against them raise questions best resolved through a public hearing. Hence, we are directing that a hearing be held to determine the lawfulness of the proposed changed rates, and we shall suspend them in accordance with section 205(e) of the Federal Power Act.

The Commission further finds:

(1) The tendered rate schedule filings as designated in footnote (1) of the recital above may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful under the Federal Power Act.

(2) It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, that the Commission enter upon a hearing concerning the lawfulness of the tendered filings and that the tendered filings be suspended and the use thereof be deferred and a public hearing be initiated in accordance with the procedures set forth below.

(3) In view of all the facts and circumstances in this case, the Commission's action herein of permitting the subject rate increases to become effective, subject to refund, at the expiration of the suspension period ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

(4) Good cause has been shown to grant Detroit Edison's request for waiver of § 36.2 of the Commission's regulations under the Federal Power Act.

(5) Participation by the aforementioned petitioners for intervention in this proceeding may be in the public interest.

(6) The joint petition of Southeastern and Thumb to reject the filing should be denied.

(7) Detroit Edison's petition to make the rate increase effective as of January 2, 1972, should be denied.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened at the offices of the Federal Power Commission in Washington, D.C., concerning the lawfulness of Detroit Edison's rate schedules as designated in footnote (1) of the recital above.

(B) Pending such hearing and decision thereon, Detroit Edison's revised rate schedules listed in footnote (1) of the recital above are hereby suspended and the use thereof deferred until June 24, 1972.

(C) Staff will serve its direct case no later than May 2, 1972. Intervenors will serve their direct cases no later than May 16, 1972. Detroit Edison's rebuttal evidence shall be served no later than June 6, 1972. Cross-examination of all evidence shall commence June 20, 1972, at 10 a.m. in a hearing room of the Federal Power Commission.

(D) Any revenue collected under increased rates and charges found by the Commission in this proceeding to be not justified shall be refunded and shall bear simple interest at the rate of 7 percent

[4] United Gas Pipeline Co., v. Memphis Light, Gas and Water Division, et al., 358 U.S. 103 (1958).

[5] See also the Commission orders issued May 19, 1971, and January 7, 1972, in Central Telephone & Utilities Corp., Western Power Division, Docket No. E-7602, ----- FPC -----.

JAN 27 72

per annum. Detroit Edison shall bear all costs of refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges which become effective at the termination of the suspension period, and shall file with the Commission a monthly written report in duplicate and under oath for each billing period. Such report shall set forth (1) the billing determinants of electric power and energy sold and delivered during the billing period, and (2) the revenues resulting from such sales and deliveries computed under the Company's present rate and under the increased rate, and shall show the differences in revenues so computed.

(E) Unless otherwise ordered by the Commission, Detroit Edison shall not change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(F) A Presiding Examiner to be designated by the Chief Examiner for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the terms of this order, the Commission's rules of practice and procedure, and the Federal Power Act.

(G) Each of the afore-mentioned petitioners for intervention is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene; *and provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

(H) Section 36.2 of the Commission's regulations under the Federal Power Act is hereby waived.

(I) The joint petition by Southeastern and Thumb to reject the filing herein and Detroit Edison's petition to place the increased rates into effect, subject to refund, on January 2, 1972, are hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1221 Filed 1-26-72;8:50 am]

[Docket No. CP72-165, etc.]

DISTRIGAS CORP.

Order Consolidating Proceedings, Authorizing Importation of One Shipload of Liquefied Natural Gas, Scheduling Formal Hearing, Establishing Procedures, and Granting Intervention

JANUARY 20, 1972.

On December 21, 1971, Distrigas Corp. (Distrigas) filed in Docket No. CP72-165 an application pursuant to section 3 of the Natural Gas Act requesting authorization to import liquefied natural gas (LNG) from Algeria for delivery to its Everett, Mass. LNG terminal facilities. The proposal is to import up to three shiploads of LNG of approximately 1.1 trillion B.t.u. for each shipload during the period of January through March 1972. Applicant states that the LNG will be purchased from British Methane Ltd., and transported from Arzew, Algeria, to Everett, by the cryogenic tanker Descartes, at a total cost of approximately $1.20 per million B.t.u.

On December 28, 1971, Distrigas filed, in Docket No. CP72-167, an application pursuant to section 7(c) of the Natural Gas Act requesting a certificate of public convenience and necessity authorizing the sale to Algonquin Gas Transmission Co. (Algonquin) of 1.05 trillion B.t.u. of the LNG Distrigas seeks to import in Docket No. CP72-165. Distrigas states that the proposed sale to Algonquin would be f.o.b. Distrigas' Everett facilities at a price of $1.625 per million B.t.u. plus 10 cents per million B.t.u. for vaporization.

Also on December 28, 1971, Distrigas filed in Docket No. CP72-168 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of imported LNG volumes to various distributing companies in the following quantities:

Customers	Total volume (million B.t.u.)
Elizabethtown Gas Co	3,000
Haverhill Gas Co	100,000
Lowell Gas Co	100,000
New England Gas and Electric Systems	80,000
South Jersey Gas Co	60,000
UGI Corp	25,000
Valley Gas Co	60,000
	426,000

Distrigas states that those proposed sales will be made f.o.b. its LNG terminal at Everett, Mass., during brief periods this winter as a price of $1.70 per million B.t.u. plus 10 cents per million B.t.u. if delivery to the customer requires vaporization.

Applicant states that the purpose of the importation and sales proposed in Dockets Nos. CP72-165, CP72-167, and CP72-168 is to provide a supplemental gas supply vitally needed by east coast distribution companies in order to meet their winter peak requirements beginning in January 1972.[1] Additionally, in order to forestall the alleged imminent gas supply emergency involving the systems of the distributing companies to be served by Distrigas, we will authorize the importation of one shipload of LNG as proposed in Distrigas' section 3 application. The terms under which LNG may be sold, however, and Distrigas' proposal to import and sell up to two additional shiploads of LNG will be the subject of the consolidated proceeding hereinafter ordered.

[1] On January 20, 1972, we received responses from Department of State and Department of Defense indicating no opposition to the requested section 3 authorization.

Petitions to intervene were filed in Dockets Nos. CP72-165, CP72-167, and CP72-168 by Superior Oil Co. (Superior), and in Docket No. CP72-165 by the Public Service Electric and Gas Co. Neither petitioner has requested formal hearing. Superior's petition to intervene was withdrawn by communication dated January 13, 1972.

Distrigas' section 7 applications in Dockets Nos. CP72-167 and CP72-168 request authorization to sell LNG volumes, which are the subject matter of the import authorization sought in Docket No. CP72-165. Since these proceedings, of necessity, will contain common questions of law and fact, they should be consolidated for purposes of hearing and decision.

We note that the project proposed in the applications consolidated herein differs from Distrigas' original proposal to import LNG in Docket No. CP70-196. We believe that formal hearings should be held in the consolidated proceeding to explore, inter alia, the reasonableness of the import and sales prices proposed, the need for import LNG volumes, the availability of domestic facilities to accommodate the volumes to be imported, the availability of alternate domestic sources, and any other issues that may result from the hearings herein ordered.

Because the first delivery of imported LNG is proposed for January 1972, this consolidated proceeding should be heard expeditiously. Accordingly, we will establish procedures to effectuate an expeditious determination of the issues involved.

The Commission finds:

(1) It is necessary and appropriate in the public interest that the proceedings in the above-named applications be consolidated for purposes of hearing and decision.

(2) Good cause exists for formal hearings to be held in the proceedings consolidated herein and for the procedures hereinafter ordered.

(3) The participation of the Public Service Electric and Gas Co. in this consolidated proceeding may be in the public interest.

(4) The importation of one shipload of liquefied natural gas by Distrigas from Algeria, as hereinbefore described and as set forth in the application in Docket No. CP72-165, will not be inconsistent with the public interest within the meaning of section 3 of the Natural Gas Act, provided that said importation be on the terms and conditions hereinafter ordered.

The Commission orders:

(A) The above-designated matters are consolidated for the purposes of hearing and decision.

(B) The Public Service Electric and Gas Co. is hereby permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered in these proceedings.

(C) Authorization is granted to applicant to import one shipload of LNG from Algeria to its Everett, Mass. LNG terminal facilities, as hereinbefore described and as set forth in the application filed in Docket No. CP72-165, upon the conditions herein ordered and subject to the provisions of the Natural Gas Act and the Commission's regulations issued thereunder.

(D) The authorization granted by paragraph (C) above is conditioned as follows:

(i) The maximum amount of LNG to be imported by applicant shall not exceed one shipload of 1.1 trillion B.t.u. and shall be unloaded into Distrigas' storage facilities no later than March 15, 1972.

(ii) Applicant shall secure all necessary Federal, State, and local authorizations for the authorization granted above.

(iii) Applicant shall comply with all the requirements of § 153.8 of the Commission's regulations under the Natural Gas Act before initiating the proposed importation.

(iv) Applicant shall file statements or reports with the Commission from time to time under oath and in such detail as the Commission may require with respect to the whole or any part of the above import authorization.

(v) Thirty days after the completion of the above authorization, applicant will submit a written report to the Commission stating the actual volumes delivered both in gallons and Mcf equivalent under standard conditions (60° F., 14.73 p.s.i.a. at 1000 B.t.u. per cubic foot) and the cost thereof, including taxes, duties, and any other costs incurred by applicant and resulting from the above import authorization.

(vi) Applicant shall file with the Commission a copy of the transportation contract prior to the delivery authorized herein.

(vii) The import authorization herein granted is without prejudice to determination of any issue or issues involved in the formal hearing hereinafter ordered on applicant's applications filed with this consolidated hearing.

(E) In the event that the applicant should abandon or permanently cease for any reason whatsoever all or any part of the instant operation described herein, applicant shall notify the Commission immediately of said fact and the reasons therefor.

(F) The authorization granted herein is not transferable and applicant shall not, during the term of the authorization granted by this order, materially change or alter its operations described herein, including but not restricted to changes in price and delivery pattern, without first obtaining the permission and approval of the Commission.

(G) A formal hearing shall be convened in this consolidated proceeding in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, on February 7, 1972, at 10 a.m., e.s.t., concerning the issues involved in the applications filed on December 21 and 28, 1971, by Distrigas under sections 3 and 7 of the Natural Gas Act. The Chief Examiner will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

(H) Applicant's direct case shall be filed and served on all parties on or before January 28, 1972, and the hearing ordered by paragraph (G) above shall commence with cross-examination of applicant's direct case and shall proceed, under procedures established by the Presiding Examiner, to an expeditious conclusion and determination.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1222 Filed 1-26-72;8:50 am]

[Docket No. CP71-312]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JANUARY 21, 1972.

Take notice that on January 13, 1972, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP71-312, a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(b) of the Natural Gas Act on October 21, 1971, so as to delete therefrom authorization to abandon certain tap facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner was granted in the subject docket on October 21, 1971, permission and approval to abandon 14 taps and sales made thereby to Southern Union Gas Co. (Southern Union) in New Mexico. Petitioner states that subsequent to receipt of the abandonment authorization it was disclosed that three of the taps, the Wallace B. Horn, the Seb Maestas, and the Manuel Gutierrez Taps, were still serving Southern Union. Petitioner requests the Commission to delete from the aforementioned order the authorization to abandon the subject taps.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1223 Filed 1-26-72;8:50 am]

[Docket No. CP72-175]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 21, 1972.

Take notice that on January 7, 1972, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-175 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its customers for the contract year commencing September 1, 1972, have nominated an increased maximum daily quantity of natural gas of 177,378 Mcf which it plans to obtain from newly acquired offshore Louisiana reserves. Applicant proposes to increase the capacity of its transmission system to handle the newly acquired reserves by the installation and operation of 187.1 miles of 36-inch loop line on its Louisiana main line system in the States of Louisiana, Mississippi, Tennessee, Kentucky, and Indiana, by the installation of one 5,000 horsepower class compressor unit and one 4,500 horsepower class compressor unit at its St. John and Bridgman Compressor Stations, respectively, and through the uprating of a compressor unit at its Hamilton Compressor Station from 15,000 to 19,000 horsepower. Applicant also proposes to expand the capacity of its onshore Louisiana gathering system by the installation of 12.5 miles of 30-inch loop line, to provide a new delivery point for Community Natural Gas Co., Inc., at Christmas Lake, Ind., and to loop its Abbotsford lateral in Wisconsin with 15.7 miles of 6-inch line to meet the increased firm requirements served by this lateral. Applicant estimates the cost of the proposed facilities to be $58,311,000 which it plans to finance from treasury funds, retained earnings, and borrowings from banks under short term lines of credit.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

JAN 27 72 XUM

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1224 Filed 1-26-72;8:50 am]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

Order Approving Acquisition of Bank

Atlantic Bancorporation, Jacksonville, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First State Bank and Trust Co., Eustis, Fla. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant presently controls 19 banks with aggregate deposits of $687 million, representing 4.7 percent of total commercial bank deposits held by Florida's banks. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through November 30, 1971.) Applicant's acquisition of Bank, with deposits of approximately $21 million, would not represent a significant increase in Applicant's share of total deposits in the State.

Bank is the larger of two banks headquartered in Eustis and the second largest of 10 banks located in Lake County, the relevant market, wherein it holds 13.2 percent of the market's total deposits. However, the fifth and eighth largest of the county banks are closely affiliated and together hold 16.3 percent of market deposits, and two other county banks, as subsidiaries of the fifth and sixth largest banking organizations in the State, together control 28.5 percent of market deposits. Bank does not compete significantly with any of applicant's subsidiary banks, the nearest of which is located in Sanford, 26 miles east of Eustis. It also appears that consummation of this proposal would not eliminate any meaningful potential competition due, among other factors of record, to the distances involved, the number of intervening banks, and the restrictions placed on branching by Florida law.

Based upon the record, the Board concludes that consummation of the proposed acquisition would have no significant adverse effect on competition in any relevant area. The financial conditions and managerial resources of applicant and its subsidiary banks are regarded as satisfactory and prospects for applicant's group appear favorable. The financial resources and future prospects of Bank are generally satisfactory and favorable; however, applicant's ability to provide Bank with management strength as needed lends some weight toward approval of this application. The convenience and needs aspects of the proposal also lend weight toward approval since applicant proposes to increase Bank's lending capabilities, and to provide Bank with counseling regarding trusts, investments, credit and overall operations of the Bank. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] January 20, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1186 Filed 1-26-72;8:48 am]

NORTH PLATTE CORP.

Order Approving Formation of Bank Holding Company

North Platte Corp., Torrington, Wyo., has applied for the Board's approval, under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), for the formation of a bank holding company through acquisition of 100 percent (less directors' qualifying shares) of the voting shares of The Citizens National Bank of Torrington, Torrington, Wyo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a nonoperating corporation formed for the express purpose of acquiring Bank which has aggregate deposits of approximately $14 million. (All banking data are as of June 30, 1971.) The proposed transaction would effect a corporate ownership of Bank, and all shareholders of Bank are being accorded equal treatment. Since applicant has no present operations or subsidiaries, it appears that consummation of the proposal would not significantly affect existing or potential competition, nor have an adverse effect on the other bank in the area.

The banking considerations are consistent with approval of the application. The financial and managerial resources of Bank and its prospects are regarded as generally satisfactory. Applicant has not commenced operations; thus, its financial condition, management, and prospects are dependent on those of Bank. Applicant's projected earnings appear to be sufficient to service its debt without undue strain on Bank's income. The acquisition herein is not likely to have any significant immediate effect on the convenience and needs of the community. However, the new and expanded services which applicant proposes to institute should ultimately benefit the public; and this aspect of the proposal lends some weight toward approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] January 20, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1187 Filed 1-26-72;8:48 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-133]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the South Carolina Public Service Commission in a proceeding (Docket No. 15,849) involving the application of Carolina Power & Light Co. for increased rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROD KREGER,
Acting Administrator of General Services.

JANUARY 20, 1972.

[FR Doc.72-1210 Filed 1-26-72;8:49 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

SECURITIES AND EXCHANGE COMMISSION

[812-3051]

BROAD STREET INVESTING CORP. ET AL.

Notice of and Order for Hearing on Application for Exemption

JANUARY 20, 1972.

Notice is hereby given that Broad Street Investing, National Investors Corp., Whitehall Fund, Inc. (Applicants), 65 Broadway, New York, NY 10006, open-end, diversified, management investment companies registered under the Investment Company Act of 1940 (Act), have filed an application for an order pursuant to section 6(c) of the Act declaring that Richard S. Maynard (Maynard) shall not be an interested person of applicants or Union Service Distributor, Inc. (Union Distributor), principal underwriter for applicants, solely by reason of his status as an affiliated person of Stillman, Maynard & Co. (Stillman, Maynard). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mr. Maynard, a director of applicants, is a senior partner of Stillman, Maynard, a broker-dealer registered under the Securities Exchange Act of 1934.

Stillman, Maynard, which is Mr. Maynard's primary occupation, is a member of the National Association of Securities Dealers, Inc., the New York Stock Exchange and the American Stock Exchange.

Stillman, Maynard has entered into a sales agreement with Union Distributor to sell shares of applicants. For the year 1971 through August 31, Stillman, Maynard had received commissions totaling $1,931 representing the selling commission to a dealer selling shares of the Union Service Group of Mutual Funds. Stillman, Maynard does not participate in any underwritings so it is not involved in any commissions paid by applicants for portfolio securities acquired from an underwriting group. Applicants, as well as two investment companies associated with applicants, do not purchase or sell any portfolio securities through or from Stillman, Maynard.

Section 2(a)(19) of the Act, in pertinent part, defines an interested person of an investment company and its principal underwriter to include any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any partner or copartner of such other person.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Mr. Maynard, a partner of Stillman, Maynard, is an "affiliate" of a broker-dealer and is thus an "interested person" of applicants and Union Distributor, their principal underwriter.

Applicants assert that Mr. Maynard's affiliation with Stillman, Maynard does not affect and will not impair his independence in acting on behalf of applicants or their shareholders, and that the requested exemption is therefore consistent with the provisions of section 6(c).

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing of the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on February 22, 1972 at 10 a.m., in the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington DC 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person other than the applicant desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission on or before February 15, 1972, his application pursuant to Rule 9(c) of the Commission's rules of practice setting forth the nature and extent of his interest in the proceeding and any issues of law or fact which he deems raised by the application with respect to which this notice and order have been issued. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or to be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of this proceeding.

It is further ordered, That any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters are presented for consideration, without prejudice to its specifying additional matters upon further examination:

(1) Whether the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, that the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to the applicant, and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1177 Filed 1-26-72;8:47 am]

[812-3043]

HORNBLOWER & WEEKS—HEMPHILL, NOYES

Notice of Filing of Application To Amend an Order of Exemption of the Act to the Extent That It Adopts Certain Transactions

JANUARY 20, 1972.

Notice is hereby given that Hornblower & Weeks, Hemphill, Noyes (Applicant),

8 Hanover Street, New York, NY 10004, in connection with a proposed public offering of 4 million shares of common stock of Chase Convertible Fund of Boston, Inc. (Company), a registered, closed-end, diversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) to amend an order issued by the Commission pursuant to section 6(c) of the Act on December 22, 1971 (Investment Company Act Release No. 6910). The order exempted certain transactions from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act). The order states that Applicant and W. E. Hutton & Co. are the prospective representatives (Representatives) of a group of Underwriters (Underwriters) formed in connection with the above public offering. Applicant has requested that the order be amended to reflect the addition of E. F. Hutton & Co., Inc., as a representative of the Underwriters and the modification of the contemplated Underwriting Agreement between the Company and the Underwriters to include an option whereby the Underwriters may purchase up to an additional 400,000 shares to cover overallotments, if any. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant contemplates that each Underwriter, including the Representatives, will execute an Agreement Among Underwriters and that the Representatives acting both for themselves and as Representatives for several Underwriters, will execute an Underwriting Agreement with the Company. It is also contemplated that one or more dealers will offer and sell certain of the shares and in connection therewith will enter into Selected Dealer Agreements. Under the proposed underwriting arrangements, each Underwriter will be obligated to offer to the public, respectively, its expected Underwriting Commitment.

Applicant states that it is possible that the Underwriting Commitment of any one or more of the Underwriters, including each of the Representatives, will exceed 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the closing of the initial public offering of the shares. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b–2 under the Exchange Act exempts certain Underwriters from the operation of section 16(b). Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares. Applicant states that such purchases, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b–2.

Applicant states that although it is anticipated that the requirements of Rule 16(b)–2(a)(3) that the aggregate particor more of the Underwriters, through their participation in the distribution of the shares of the Company, may not be entitled to rely upon Rule 16b–2 to exempt them from section 16(b) of the Exchange Act. The requirement in Rule 16(b)–2(a)(3) that the aggregate participation of Underwriters not within section 16(b) of the Exchange Act be at least equal to the participation of Underwriters exempted therefrom under Rule 16b–2 may not be met because it is possible that one or more of the Underwriters may purchase more than 10 percent of the aggregate number of the shares of the Company's common stock to be outstanding after the closing, as a result of obligations to purchase additional shares due to defaults by other Underwriters. Moreover, one or more of the Underwriters who are obligated through the Underwriting Agreement to purchase more than 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the closing, may, as Underwriters and as selected dealers, distribute more than 50 percent of the aggregate number of shares being offered. Such a distribution would not meet the requirement of Rule 16b–2(a)(3).

In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that there is no inside information in existence since the Company, prior to the initial distribution of the shares, will have no assets other than cash, or business of any sort, and all material facts with respect to the Company will be set forth in the prospectus pursuant to which the shares will be offered and sold. No partner, director or officer of Applicant, W. E. Hutton & Co. or E. F. Hutton & Co., Inc. is a director or officer of either the Company or John P. Chase, Inc., the Company's investment adviser (Adviser), and Applicant states that it is not anticipated that any partner, director or officer of any other Underwriter will be a director or officer of the Company or the Adviser.

Applicant maintains that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. It further asserts that the transactions sought to be exempted cannot lend themselves to the practices to which section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to apply.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption cannot lend themselves to the practices to which section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to apply.

Notice is further given that any interested person may, not later than February 11, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–1178 Filed 1–26–72;8:47 am]

[70–5134]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of 350,000 Shares of Cumulative Preferred Stock at Competitive Bidding

JANUARY 20, 1972.

Notice is hereby given that Metropolitan Edison Co. (Met-Ed), 2800 Pottsville Pike, Muhlenberg Township, Berks County, PA 19605, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 350,000 shares of its Cumulative Preferred Stock, — percent Series G, par value $100 per share. The dividend rate of the preferred stock (which will be a multiple of one-twenty-fifth of 1 percent) and the price to be paid to Met-Ed (which will be not less than $100 nor more than $102.75 per share) will be determined by competitive bidding. The terms of the preferred stock include a prohibition against refunding the preferred stock prior to March 1, 1977, directly or indirectly, with funds derived from the issue of debt securities at a lower effective interest cost or preferred stock at a lower effective dividend cost.

The proceeds from the proposed sale of the preferred stock will be used to pay a portion of Met-Ed's short-term bank borrowings, which were incurred for construction purposes and which are expected to aggregate approximately $48,750,000 at the time of the proposed sale. Met-Ed's 1972 construction program is estimated at $138,500,000. Met-Ed plans to finance its 1972 construction program by the issuance and sale of additional preferred stock and funded debt securities, funds provided from operations, and/or cash contributions by GPU. The proceeds from any premium resulting from the sale of the preferred stock will be used to finance the business of Met-Ed, including the payment of the expenses of financing.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $87,000, including legal fees of $24,500 and accounting fees of $6,800. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. The application further states that the issue and sale of the preferred stock is subject to the jurisdiction of the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 14, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–1179 Filed 1–26–72; 8:47 am]

[812–3098—812–3100]

MUNICIPAL BOND FUND, SERIES 1 (AND SUBSEQUENT FUNDS)

Notice of Filing of Applications for Orders of Exemption From Provisions and for Order Granting Confidential Treatment

JANUARY 21, 1972.

Notice is hereby given that The Municipal Bond Fund, Series 1 (Series 1), a unit investment trust registered under the Investment Company Act of 1940 (Act) and its sponsors, Paine, Webber, Jackson & Curtis Inc., 140 Broadway, New York, NY 10005, and Dean Witter & Co. Inc. (Sponsors), 45 Montgomery Street, San Francisco, CA 94106 (hereinafter both Sponsors and Series 1 are collectively referred to as "Applicants"), have filed applications pursuant to section 6(c) of the Act for orders of the Commission exempting Series 1 (and subsequent funds) from compliance with the provisions of section 14(a) of the Act and exempting the secondary market operations of Sponsors from the provisions of Rule 22c–1 under the Act. Applicants further seek an order pursuant to section 45(a) of the Act granting confidential treatment to the profit and loss statements of the Sponsors supplied in connection with certain registration statements filed with the Commission from time to time. All interested persons are referred to the applications on file with the Commission for a statement of the representations therein, which are summarized below.

The exemptive orders are requested for Series 1 and subsequent funds sponsored by the Sponsors and meeting the description of such funds in the applications. The confidential treatment sought is to extend to the profit and loss statements of the Sponsors supplied in connection with registration statements and amendments thereto filed with the Commission by Series 1, and all subsequent funds sponsored by the Sponsors and meeting the description of such funds in the application. The Municipal Bond Fund, Series 1 and each future fund will be governed by a trust agreement for that fund (hereinafter called the "Agreement") to be entered within 2 months of the registration of the fund with the Securities and Exchange Commission under which the Sponsors will act as such and U.S. Trust Co. of New York will act as trustee. Standard & Poor's Corp. will act as evaluator. The trust Agreement for each fund will contain standard terms and conditions of trust common to all funds. Pursuant to the Agreement, the Sponsors will deposit with the Trustee not less than $5 million principal amount of bonds (hereinafter called the "Bonds") which the Sponsors shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsors registered certificates for not less than 5,000 units, which will represent the entire ownership of the fund. These units are in turn to be offered for sale to the public by the Sponsors.

It shall be noted that the Bonds will not be pledged or be in any other way subjected to any debt at any time after the Bonds are deposited in the fund. All of the Bonds will be municipal bonds the interest on which is exempt from Federal income taxation. The Sponsors have been accumulating the Bonds for the purpose of deposit in Series 1 and will follow a similar procedure of accumulating the Bonds for each future fund. In selecting the Bonds, the following factors are considered: (i) Standard & Poor's Corp.'s rating of "BBB" or better, (ii) the price of the Bonds relative to other bonds of comparable quality and maturity, (iii) diversification as to the purpose of issue and location of issuer and (iv) income to the unit holder of the fund.

Each fund will consist of the Bonds, such bonds as may continue to be held from time to time in exchange or substitution for any of the Bonds upon certain refundings, accrued and undistributed interest and undistributed cash. Certain of the Bonds may from time to time be sold under circumstances set forth in the Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to unit holders and not reinvested. There is no provision in the Agreement for Series 1, and there will be no provision in the Agreement for any future fund, for the sale and reinvestment of the Bonds, and such activity will not take place. Reference is made to the Agreement and to the prospectus for Series 1 for a full explanation of the operation of the funds.

Initially each unit for a particular fund will represent a fractional undivided infractional interest represented will be 1; the denominator, the number of units then in the fund. Units will be redeemable. In the event that any units shall be redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by each unit increased. Units will remain outstanding until redeemed or until the

JAN 27 72 XUM

termination of the Agreement. The Agreement may be terminated by 100 percent agreement of the unit holders of the fund, or, in the event that the value of the Bonds shall fall below 20 percent of the principal amount of Bonds originally deposited in the fund, upon direction of the Sponsors to the trustee. There is no provision in the Agreement for Series 1, and there will be no provision in the Agreements for future funds, for the issuance of any units after the initial offering of units (except to the extent that the secondary trading by the Sponsors in the units is deemed the issuance of units under the Act) and such activity will not take place.

Following the deposit of Bonds for each fund by the Sponsors with the trustee, and following the declaration of effectiveness of that fund's registration statement under the Securities Act of 1933 and clearance by the securities authorities of the various States, the Sponsors will offer the units of that fund to the public at the public offering price set forth in the prospectus, plus accrued interest.

It is the purpose of each fund to provide a diversified investment of quality not less than Standard & Poor's Corp.'s rating of BBB or better. In the opinion of counsel, none of the funds will be associations taxable as corporations under the Internal Revenue Code and to the extent that income of any fund consists of interest excludable from gross income under the Internal Revenue Code such income is excludable from the gross income of the unit holders when distributed to them.

The Sponsors intend to maintain a market for the units of Series 1 of Municipal Bond Fund and continually offer to purchase such units at prices based on the most recent evaluation by the evaluator which exceed the redemption price at the time of such evaluation for such units by amounts which depend upon supply and demand for units. While the Sponsors undertake no obligation to do so, it is their intention to maintain a market for units of each fund and continuously to offer to purchase such units at prices in excess of the redemption price as set forth in the Agreement.

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of section 14(a) in order that they may make a public offering of units of the fund as described above. In connection with the requested exemption from section 14(a), the Sponsors have agreed (i) to refund on demand and without deduction the sales load to purchasers of units, if within 90 days after the registration of a fund under the Securities Act of 1933 becomes effective, the net worth of that fund shall be reduced to less than $100,000 or if the fund is terminated, (ii) to instruct the trustee on the date the bonds are deposited in each fund that if the fund shall at any time have a net worth of less than 20 percent of the principal amount of bonds originally deposited in the fund, as a result of redemption by the Sponsors of units constituting a part of the unsold units, the trustee shall terminate the fund in the manner provided in the trust Agreement and distribute any bonds or other assets deposited with the trustee pursuant to the trust Agreement as provided therein; and (iii) in event of termination for the reasons described in (ii) above to refund any sales load to any purchaser of units purchased from the Sponsors on demand and without any deduction.

Rule 22c–1 provides, in pertinent part, that no registered investment, issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants seek an order exempting the secondary market operations of Sponsors from the provisions of Rule 22c–1 under the Act.

Applicants assert that the pricing by the Sponsors in the secondary market will in no way affect the funds' assets, and that the public unit holders will benefit from such pricing procedure by receiving a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. In addition, the application states that Sponsors have undertaken to adopt a procedure whereby the evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the evaluator cannot state that the previous Friday's price is at least equal to the current bid price, Sponsors will order a full evaluation. Sponsors have agreed that, in case of the resale of units in the secondary market, if the evaluator cannot state that the previous Friday's price is not more than one-half point ($5 on a unit representing $1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 45(a) of the Act provides in pertinent part that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission • • • by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors."

Applicants seek an order granting confidential treatment to the profit and loss statements of the Sponsors supplied in connection with registration statements and amendments thereto filed with the Commission by Series 1, and all subsequent funds sponsored by the Sponsors and meeting the description of such funds in the application.

Applicants submit that public disclosure of the profit and loss statements of the Sponsors is neither necessary nor appropriate in the public interest, or for the protection of investors. Investors in the funds are not offered an opportunity to acquire any interest whatsoever in the Sponsors. Apart from the Sponsors' minimal obligation under the trust agreement to direct the disposition of municipal bonds which are, or are likely to be, defaulted upon by the issuers thereof (which obligation may be performed by the trustee or successor Sponsor if not performed by current Sponsors), Applicants state that the Sponsors will function solely as underwriters of the funds. Applicants also assert that there is no legitimate interest on the part of investors in the public disclosure of the profit and loss statements of the underwriters from whom the units are purchased.

In addition, Applicants submit that to the extent the Sponsors' solvency may conceivably be thought relevant to the maintenance of the secondary market in the units of the funds, the Sponsors' statements of financial condition, which are filed with the Commission and various stock exchanges, and which are readily available to the public, contain fully adequate information. Further, the prospectuses disclose the Sponsors' right to terminate secondary market activities in a particular fund. Should the Sponsors exercise this right, for whatever reason, the unit holders would be fully protected by their right under the trust agreements to redeem their units upon presentation of such units properly endorsed to the trustee, and to receive the redemption value of the units computed on the underlying assets of the particular fund.

In addition, Applicants state that the soundness of the investors' interest in the funds is solely a function of the fiscal conditions of the issuing municipalities. Applicants thus represent that the financial operations of the Sponsors will in no way enhance or diminish the prospect for an orderly payment of the underlying bonds.

Notice is further given that any interested person may, not later than February 1, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon each of the Applicants at the addresses stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–1189 Filed 1–26–72;8:48 am]

[812–3052]

TRI-CONTINENTAL CORP.

Notice of Filing of Application for Exemption

JANUARY 18, 1972.

Notice is hereby given that Tri-Continental Corp. (Applicant), 65 Broadway, New York, NY 10006, a closed-end, diversified, management investment company registered under the Investment Company Act of 1940 (Act) has filed an application for an order pursuant to section 6(c) of the Act declaring that Mr. W. Paul Stillman shall not be deemed an interested person of Applicant as that term is defined under section 2(a)(19) of the Act solely by reason of his status as Chairman of the Board of Directors of the Mutual Benefit Life Insurance Company (Mutual Benefit). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mr. Stillman, a director of Applicant, is also a director of Mutual Benefit, a mutual life insurance company. Mutual Benefit has a wholly owned subsidiary, Mutual Benefit Financial Service Co. ("FISCO"), registered as a broker-dealer under the Securities Exchange Act of 1934.

FISCO, a member of the National Association of Securities Dealers, Inc., is engaged in the business of selling variable annuities offered by mutual funds organized by Mutual Benefit. FISCO is not a member of any securities exchange, does not make markets in securities, and does not execute or clear security transactions, except transactions in the mutual funds of which it is the distributor and in other mutual funds where it has signed a dealer agreement with the distributors of those funds. FISCO is not otherwise engaged in the securities business.

Mr. Stillman is not an officer or employee of Applicant. He is neither a director, officer or employee of FISCO. Day to day activities of FISCO are conducted by its officers and employees and the final responsibility for its affairs rests with its board of directors.

Section 2(a)(19) of the Act, in pertinent part, defines an interested person of an investment company as any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any director of such other person.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that Mr. Stillman should not be deemed an "interested person" of Applicant because his affiliation with Mutual Benefit does not and will not impair his independence in acting on behalf of Applicant and its stockholders, and the requested exemption is therefore consistent with the provisions of section 6(c).

Notice is further given that any interested person may, not later than February 7, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is in order will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–1180 Filed 1–26–72;8:47 am]

[812–3053]

UNION CAPITAL FUND, INC.

Notice of and Order for Hearing on Application for Exemption

JANUARY 20, 1972.

Notice is hereby given that Union Capital Fund (Applicant), 65 Broadway, New York, NY 10006, an open-end, diversified management investment company, registered under the Investment Company Act of 1940 (Act) has filed an application for an order pursuant to section 6(c) of the Act declaring that Robert H. Mundheim (Mundheim) shall not be deemed an interested person of Applicant or of Union Service Distributor, Inc., the principal underwriter of Applicant, solely by reason of his status as an affiliated person of Weeden & Co. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mr. Mundheim, a director of Applicant, is also a director of Weeden & Co., registered as a broker-dealer under the Securities Exchange Act of 1934. He also serves as a consultant to Union Service Corp.

Weeden & Co., a member of the National Association of Securities Dealers, Inc., is a dealer in securities and makes markets in a number of securities both listed and unlisted. Applicant has not purchased or sold portfolio securities from or to Weeden & Co. but it might do so in the future. Some of the four investment companies associated with Applicant have purchased and sold portfolio securities from or to Weeden & Co. and from time to time any one of these investment companies might do so in the future. Weeden & Co. does not sell shares of Applicant.

Section 2(a)(19) of the Act defines an interested person of an investment company and its principal underwriter to include any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any director of such other person.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Mr. Mundheim, as a director of Weeden & Co., is an affiliate of a broker-dealer and is thus an interested person of Applicant and Union Service Distributor, Inc., its principal underwriter.

Applicant asserts that Mr. Mundheim's affiliation with Weeden & Co. does not affect and will not impair his independence in acting on behalf of Applicant and its shareholders, and that the requested exemption is therefore consistent with the provisions of section 6(c).

JAN 27 72

It appears to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the said application.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing of the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on February 24, 1972, at 10 a.m., in the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person other than the Applicant desiring to be heard or otherwise wishing to participate in the proceeding is directed to file with the Secretary of the Commission on or before February 17, 1972, his application pursuant to Rule 9(c) of the Commission's rules of practice setting forth the nature and extent of his interest in the proceeding and any issues of law or fact which he deems raised by the application with respect to which this notice and order have been issued. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. Persons filing an application to participate or to be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of this proceeding.

It is further ordered, That any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42(b) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters upon further examination:

(1) Whether the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to the Applicant, and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1181 Filed 1-26-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 870, Class B]

COLORADO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of Colorado;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Boulder, Larimer, Weld, and Jefferson Counties, Colo., suffered damage or destruction resulting from fire and windstorm on January 11, 1972.

OFFICE

Small Business Administration Regional Office, 721, 19th Street, Room 426A, Denver, CO 80202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 31, 1972.

Dated: January 14, 1972.

A. H. SINGER, *Associate Administrator for Operations and Investment.*

[FR Doc.72-1182 Filed 1-26-72;8:47 am]

[Declaration of Disaster Loan Area 869; Class B]

GEORGIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1972, because of the effects of certain disasters, damage resulted to homes and business property located in the State of Georgia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Fulton and De Kalb Counties, Ga., suffered damage or destruction resulting from a tornado on January 10, 1972.

OFFICE

Small Business Administration Regional Office, 1401 Peachtree Street NE., Atlanta, GA 30309.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 31, 1972.

Dated: January 13, 1972.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.72-1183 Filed 1-26-72;8:47 am]

TARIFF COMMISSION

[332-66]

BARRIERS TO TRADE AMONG PRINCIPAL TRADING NATIONS

Request for Briefs

The Tariff Commission, in investigation No. 332-66 being conducted at the request of the Committee on Finance, U.S. Senate, is seeking to identify all procedures, regulations, or practices by governments or private organizations, which in recent years have significantly impeded or distorted the normal flow of U.S. exports and imports, and to assess the impact on U.S. trade of such measures. Notice of the investigation was issued on April 30, 1971, and was published in the FEDERAL REGISTER on May 5, 1971 (36 F.R. 8419).

To assist the Commission in identifying such barriers and in determining their impact on U.S. trade, the Commission hereby solicits from all interested parties relevant information in the form of briefs, written statements, or data, including copies of relevant depositions filed with other Government agencies or with industry or trade groups acting in the field of foreign trade. Barriers currently encountered are of principal interest for the Commission's study, but information on barriers which have been removed in the past few years, or otherwise became inoperative, is also sought. With respect to import duties, the Commission already has extensive data on rates levied by the United States and foreign countries, but seeks information on the impact of individual rates on trade in particular products. The following illustrative list describes some categories of measures, other than import duties, which may impede or distort trade and which may be considered in the Commission's investigation:

SPECIFIC LIMITATIONS ON IMPORTS AND EXPORTS

Quantitative restrictions.
Embargoes.
Import and export licensing practices.
Screen-time quotas.
Local content and mixing requirements.
Exchange controls.
Discrimination resulting from bilateral agreement among countries.
Discriminatory sourcing.
Export restraints.
Minimum and maximum price and process controls.
Tariff quotas.
Restrictive business practices.

STANDARDS INVOLVING IMPORTS AND DOMESTIC GOODS

Industrial standards.
Health and safety standards.
Pharmaceutical standards.
Processing standards.
Requirements on weights and measures.
Product content requirements.
Labelling and container regulations.
Packaging requirements.
Marking requirements.

SPECIAL FEES, TAXES AND LEVIES

Border tax adjustments.
Variable levies.
Surcharges, port taxes, statistical taxes, etc.
Discriminatory excise taxes, film taxes, use taxes, etc.
Consular fees.
Stamp taxes.

CUSTOMS AND ADMINISTRATIVE ENTRY PROCEDURES

Arbitrary classification of merchandise.
Customs valuation practices.
Documentation requirements.
Regulations on samples and repayment of duties on returned goods and re-exports.
Consular formalities.
Antidumping practices.
Countervailing duty practices.

OTHER PRACTICES

Subsidies and other aids to domestic production or exports.
Government procurement practices.
State trading practices.
Government monopolies, including exclusive franchises to private enterprises.
Prior import deposit requirements.
Government-controlled insurance rates.
Discriminatory credit restrictions.

To be of maximum usefulness in preparing the Commission's report, submissions should be as specific and detailed as possible in describing the operation of individual barriers, identifying products on which they impinge, and indicating the magnitude of their effect on trade. Submissions should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436. To receive appropriate consideration, they should be submitted not later than March 15, 1972.

Issued: January 21, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-1162 Filed 1-26-72;8:46 am]

[AA1921-85]

FISH NETS AND NETTING FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on January 18, 1972, the fish nets and netting of man-made fibers from Japan are being, or are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m. e.s.t., on February 29, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: January 21, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-1161 Filed 1-26-72;8:46 am]

DEPARTMENT OF LABOR

Office of the Secretary

[TEA-W-39]

FOOT FLAIRS, INC., MANCHESTER, N.H.

Notice of Revised Certification of Eligibility of Workers to Apply for Adjustment Assistance

Following a Tariff Commission report under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884), the President's decision under section 330(d)(1) of the Tariff Act of 1930, as amended, in respect thereto, and subsequent investigation as authorized under 29 CFR Part 90 and notice in 34 F.R. 18342; 36 F.R. 7625, a certification under section 302(c) of the Trade Expansion Act was made on June 14, 1971, certifying that "all workers (hourly, piecework, and salaried) of the Foot Flairs, Inc., plant located at Manchester, N.H., who became unemployed or underemployed after October 2, 1969, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962." (36 F.R. 11836)

On the basis of a further showing and further investigation by the Director of the Office of Foreign Economic Policy, and pursuant to the provisions of section 302(d) of such Act, the certification issued by the Department on June 14, 1971, is hereby revised to change the date shown therein, and accordingly, to include within the coverage of the certification additional workers who became unemployed or underemployed. Such revised certification is hereby made as follows:

"All workers (hourly, piecework, and salaried), of the Foot Flairs, Inc., plant located at Manchester, N.H., who became unemployed or underemployed after September 28, 1969, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962."

Signed at Washington, D.C., this 18th day of January 1972.

EDWARD B. PERSONS, *Associate Deputy Under Secretary for International Affairs.*

[FR Doc.72-1188 Filed 1-26-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 6]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JANUARY 21, 1972.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

JAN 27 72

the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 730 (Sub-No. 333), filed December 20, 1971. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 958, Oakland, CA 94604. Applicant's representative: Earl J. Brooks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Firearms International Corp., Accokeek, Prince Georges County, Md., as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Washington, D.C. NOTE: Applicant states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 2202 (Sub-No. 403), filed December 23, 1971. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: James W. Conner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Firearms International Corp., at or near Accokeek, Md., as an off-route point in connection with applicant's regular route authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 6380 (Sub-No. 10), filed December 29, 1971. Applicant: R. F. TRUESDELL, INC., 1616 West 47th Street, Ashtabula, OH 44004. Applicant's representative: Edwin C. Reminger, 731 Leader Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Ashtabula, Ohio, to Winchester, Va., under contract with Inland Container Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 7419 (Sub-No. 4), filed December 27, 1971. Applicant: RELIABLE TRANSFER & STORAGE COMPANY, INC., 1251 Occidental Avenue South, Seattle (King County), WA 98134. Applicant's representative: Edward C. Pewters, 5403 Rainier Avenue South, Seattle, WA. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General freight* in cargo vans or containers and *empty cargo vans or containers*, between points in King, Snohomish, and Pierce Counties, Wash., restricted to shipments having an immediate prior or subsequent movement by water. NOTE: Applicant states no duplications exist. It further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 13250 (Sub-No. 113), filed December 23, 1971. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, TX 77022. Applicant's representative: James M. Doherty, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Car wash systems*, (2) *parts, attachments, and accessories* for the commodities specified in (1) above, and (3) *supplies* used in the operation and maintenance of commodities specified in (1) above, from Los Angeles, Calif., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it has no *present* intention to tack the authority sought with existing authority. However, tacking would be possible in order to serve on any of the involved commodities which require the use of special equipment, between points in Washington and Oregon, on the one hand, and, on the other, points in the involved destination area (via Los Angeles County, Calif.). If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 22301 (Sub-No. 12), filed December 20, 1971. Applicant: SIOUX TRANSPORTATION COMPANY, INC., 1230 Steuben Street, Sioux City, IA 51105. Applicant's representative: Paul Beck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk and those requiring special equipment) (1) between Sioux City, Iowa and Chicago, Ill.: From Sioux City over Iowa Highway 141 to Dennison, Iowa, thence over U.S. Highway 30 to junction Alternate Highway 30, and thence over, Alternate U.S. Highway 30 to Chicago, and return over the same route. Service is authorized to and from the intermediate points of Carroll, Iowa; (2) between Omaha, Nebr., and Chicago, Ill.: From Omaha over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, and return over the same route. Service is authorized to and from the intermediate points of Council Bluffs, Missouri Valley, and Carroll, Iowa, and serving Lombard, Ill., as an off-route operations point in connection with applicant's authorized regular routes operations to and from Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 30844 (Sub-No. 384), filed December 13, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, department store findings, and footwear display cabinets*, from the plantsites and facilities of Meldisco Shoe Division of Melville Shoe Corp. at Brockton, Mass., to points in Arkansas, Illinois (except Chicago, and commercial zone), Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, and Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 30844 (Sub-No. 385), filed December 20, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail discount stores (except foodstuffs and commodities in bulk), from points in New York City, N.Y., and commercial zone to points in Colorado, Illinois (except Chicago and commercial zone), Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, Wisconsin, restricted to transportation of

traffic originating at or destined to the facilities of Diana Stores Corp., Division of Daylin, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill., or New York, N.Y.

No. MC 35320 (Sub-No. 132), filed December 23, 1971. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant's representative: Frank M. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Firearms International Corp., Accokeek, Prince Georges County, Md., as an off-route point in connection with applicant's authorized regular route operations to and from Washington, D.C. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or any location convenient to the Commission.

No. MC 40270 (Sub-No. 12), filed December 19, 1971. Applicant: CRABBS TRANSPORT, INC., Post Office Box 3486, Enid, OK 73701. Applicant's representative: Rufus H. Lawson, 106 Bixler Building (Post Office Box 75124), Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bulk, in tank or hopper type vehicles, between Enid, Okla., on the one hand, and, on the other, points in Kansas. NOTE: Applicant states the purpose of this application is to remove the restriction under Docket No. MC 40270 which prohibits the transportation of said commodities in tank or hopper type vehicles, between Enid, Okla., on the one hand, and, on the other, points in Kansas. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Tulsa, Okla.

No. MC 42487 (Sub-No. 782), filed December 23, 1971. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a corporation, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: Eugene T. Liipfert, 1660 L Street NW., Suite 1100, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of Eastalco Aluminum Co. near Frederick, Md., as an off-route point in connection with applicant's presently authorized regular route serving Frederick, Md. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 46007 (Sub-No. 5), filed December 23, 1971. Applicant: J. W. BROWNETT, INC., 70 Canal Street, Jersey City, NJ 07302. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shortenings, margarine, and edible greases*, in bulk, in tank vehicles, from the facilities of Colfax, Inc., Pawtucket, R.I., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Vermont, Virginia, and the District of Columbia; and (2) *animal oils, vegetable oils and oils kindred to animal and vegetable oil*, in bulk, in tank vehicles, from points in New Jersey, New York, Pennsylvania, and Virginia, to the facilities of Colfax, Inc., Pawtucket, R.I., under a continuing contract with Colfax, Inc., Pawtucket, R.I. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 61592 (Sub-No. 254), filed December 3, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal panels, metal insulated panels, insulation, metal windows and doors and frames therefor, and accessories*, necessary for the installation and completion of the named commodities, from Pine Bluff, Ark., to points in the United States (except Alaska, Arkansas, and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 76429 (Sub-No. 5), filed December 27, 1971. Applicant: WILLIAM A. STEWART, doing business as STEWART TRUCK LINE, Dry Ridge, Ky. 41035. Applicant's representative: Rudy Yessin, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Sherman, Ky., and Corinth, Ky., serving all intermediate points and points within 5 miles thereof, over U.S. Highway 25; and (2) between Dry Ridge, Ky., and Glenco, Ky., serving all intermediate points and points within 5 miles of said route, over Kentucky Highway 22 and U.S. Highway 127. NOTE: Applicant states it will tack at common points. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 83539 (Sub-No. 326), filed December 23, 1971. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors and parts, implements, attachments, accessories, and supplies*, from New Orleans, La., to points in Alabama, Arkansas, Illinois, Louisiana, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 94350 (Sub-No. 292) (correction), filed August 12, 1971, published in the FEDERAL REGISTER issue of September 23, 1971, and republished as corrected this issue. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles in initial shipments, and (2) *Buildings in sections*, mounted on wheeled undercarriages, from points of manufacture from points in Rockingham County, N.H., to all points east of the Mississippi River, including Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect the origin in part (2) above as *Rockingham County, N.H.* in lieu of *Rockingham County, N.Y.* which was in error. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 100449 (Sub-No. 32), filed December 28, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Hampton, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to traffic originating at the plantsite and facilities of Kitchens of Sara Lee at New Hampton, Iowa, and destined to the above-named destination States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 101075 (Sub-No. 111) filed December 22, 1971. Applicant: TRANSPORT, INC., Post Office Box 396, Moorhead, MN 56560. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, from Superior, Wis., to points in South Dakota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 102567 (Sub-No. 147), filed December 13, 1971. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze preparations, glycols, glycol ethers, jet fuel anti-icing agents, and motor fuel antiknock compound* from the plantsite of Houston Chemical Co. located near Beaumont, Tex., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, and Tennessee, restricted to traffic originating at the plantsite of Houston Chemical Co. near Beaumont, Tex., and destined to points in the above named States. NOTE: If a hearing is deeemd necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 105813 (Sub-No. 183), filed January 3, 1972. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, FL 33148. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mattoon, Ill., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn., and points in its commercial zone). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 580), filed December 15, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Onslow County, N.C., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 107295 (Sub-No. 593), filed December 20, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing materials*, from points in Franklin, Warren County, Ohio, to points in Indiana, Kentucky, North Carolina, Pennsylvania, Tennessee, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplications anticipated, however, should any develop full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 594), filed December 20, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving joints, paving compound, concrete curing compound, asphalt siding and roofing cement*, from Elgin and Hampshire, Ill., to points in Alabama, Kansas, Louisiana, Minnesota, Mississippi, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplications are anticipated. However, should any develop, full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 335), filed December 6, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, (1) from Providence, R.I., to points in Connecticut, Maine, Massachusetts, Pennsylvania, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, and (2) from points in Connecticut, Maine, Massachusetts, New Hampshire, Pennsylvania, New Jersey, New York, Rhode Island, and Vermont, to Providence, R.I. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Providence, R.I.

No. MC 110420 (Sub-No. 647), filed December 27, 1971. Applicant: QUALITY CARRIERS, INC., I-94 and County Highway C, Bristol Wis., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfural*, in bulk, from Cedar Rapids, Iowa, to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 110689 (Sub-No. 5), filed December 16, 1971. Applicant: AIRWAY TRUCKING CO., a corporation, 1605 Chapin Road, Montebello, CA 90640. Applicant's representative: Charles R. Hart, Jr., 6055 East Washington Boulevard, Suite 1020, Los Angeles, CA 90040. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Over regular routes: *Property* necessary or incidental to the establishment, maintenance, or dismantling of *oil, gas, or water well, pipe lines, refineries and cracking or gasinghead plants, equipment, and material* used in construction, *and equipment* used in farming, (1) between Oregon-California State line and California-Mexico line over U.S. Highway 101 and U.S. Highway 101 Bypass; (2) between Oregon-California State line and Mexican Border over U.S. Highways 99, 99E, and 99W; (3) between Redding and Alturas, Calif., over California Highway 299; (4) between the Oregon-California State line and the California-Nevada State line, via Alturas and Johnstonville, Calif., over U.S. Highway 395; (5) between junction U.S. Highway 99E near Red Bluff, Calif., and junction U.S. Highway 395 at Johnstonville, Calif., over California Highway 36; (6) between Marysville, Calif., and junction U.S. Highway 40 over California Highway 20; (7) between San Francisco and California-Nevada State line over U.S. Highway 40; (8) between Sacramento, Calif., and the California-Nevada State line over U.S. Highway 50; (9) between the California-Nevada State line at Topaz Lake and junction U.S. Highway 66 over U.S. Highway 395; (10) between Los Angeles and Needles, Calif., over U.S. Highway 66; (11) between Los Angeles, Calif., and California-Arizona State line over U.S. Highway 60; (12) between Barstow and Nevada-California State line over U.S. Highways 91 and 466; (13) between San Diego and California-Arizona State line over U.S. Highway 80; and (14) between Baker, Calif., and Nevada-California State line over California Highway 127, and return over the same routes in 1 through 14 above, and serving all

intermediate points with the right to make lateral departures thereon within a radius of 50 miles of such routes;

Over irregular routes: (1) *Commodities* which by reason of size or weight require special handling or the use of special equipment, and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading; (2) *self-propelled articles* transported on trailers and *related machinery, tools, parts, and supplies* moving in connection therewith; (3) *machinery and machines;* (4) *iron and steel articles* as described in Appendix 5 to the Commission's report in Descriptions in *Motor Carriers Certificates*, ex parte, MC 45, 61 MCC 209 and 766; (5) *pipe*, other than iron and steel, together with fittings; and (6) *construction materials*, between points in California, Oregon, Washington, Idaho, Montana, Utah, Nevada, Wyoming, Colorado, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states the instant application seeks to convert the certificate of registration under MC 110689 (Sub-No. 4) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif., or Portland, Oreg.

No. MC 111729 (Sub-No. 333), filed December 20, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds*, and *advertising material moving therewith*, (a) between Piscataway, N.J., on the one hand, and, on the other, Fairless Hills, Hamburg, and Hanover, Pa.; Cambridge, Md.; Danbury, Conn.; and Millis, Mass.; (b) between Lincoln, R.I., and New York, N.Y.; (c) between Marseilles, Ill., and Des Moines, Iowa; (d) between Bradley, Ill., and Munster, Ind.; and (e) between Waldorf, Md., and Manassas, Va.; (2) *small plumbing and heating supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Waldorf, Md., and Manassas, Va.; and (3) *whole human blood and blood derivatives*, between Washington, D.C., on the one hand, and, on the other, Charlottesville, Culpeper, Fort Belvoir, Front Royal, Fredericksburg, Gordonsville, Harrisonburg, Leesburg, Louisa, Luray, Manassas, Quantico, Warrenton, Winchester, and Woodstock, Va.; and Berkeley Springs, Martinsburg, Petersburg, Ranson, and Romney, W. Va., and Clinton, Frederick, Hagerstown, La Plata, Leonardtown, Lexington Park, Olney, and Prince Frederick, Md. NOTE: Applicant now holds contract carrier authority under its No. MC 112750 and subs, therefore dual operations may be involved. Common control may also be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities, however, applicant does not at present have any intentions to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111812 (Sub-No. 463), filed December 23, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, S.D. 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of The Kitchens of Sara Lee at or near New Hampton, Iowa, to points in North Dakota, South Dakota, Montana, Idaho, Washington, Oregon, Utah, Arizona, Nevada, and California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago Ill.

No. MC 111812 (Sub-No. 464), filed December 23, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Estherville, Iowa, to points in California, Oregon, Washington, Colorado, Salt Lake City, Utah, Arizona, Idaho, and Montana. NOTE: Applicant states that the requested authority can be tacked with its existing authority in Subs 48, 64, 188, 236, 237, and 283, wherein applicant is authorized to serve points in Pennsylvania, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Wisconsin, New York, Colorado, Kansas, Oregon, New Hampshire, Maryland, Delaware, Virginia, West Virginia, Massachusetts, Illinois, California, and the District of Columbia. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or St. Paul, Minn.

No. MC 111812 (Sub-No. 465), filed January 3, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen baked potatoes*, from the plantsite of Penobscot Frozen Foods, Belfast, Maine to points in Nebraska, Kansas, Colorado, South Dakota, North Dakota, Wyoming, Idaho, Utah, New Mexico, Arizona, Nevada, California, Montana, Oregon, and Washington. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Augusta or Bangor, Maine.

No. MC 111839 (Sub-No. 9), filed December 28, 1971. Applicant: BEE LINE EXPRESS, INC., Post Office Box 388, Albertville, AL 35950. Applicant's representative: Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of the Monsanto Co. located at or near Sand Mountain, Marshall County, Ala., approximately 10 miles northeast of Guntersville, Ala., as an off-route point in connection with applicant's authorized regular-route operations between Chattanooga, Tenn., and Birmingham, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Chattanooga, Tenn.

No. MC 112822 (Sub-No. 219), filed December 23, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little (Post Office Box 1191), Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, syrups, and blends thereof*, in bulk, from Kansas City, Kans.-Mo. commercial zone, to Omaha, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 112822 (Sub-No. 220), filed December 30, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little (Post Office Box 1191), Cushing, OK 74023. Applicant's representative: K. Charles Elliott, 1401 North Little Street (Post Office Box 1191), Cushing, OK 74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, and corrugated cartons knocked-down*, from Waco, Tex., to points in Louisiana and New Mexico. NOTE: Applicant states it will tack with its authority in Sub-No. 108, from Ada and Muskogee, Okla., to points in Louisiana. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Houston, Tex.

No. MC 113434 (Sub-No. 48), filed December 28, 1971. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carnivorous animal feed*, in packages and (2) *materials and supplies* used in the manufacture, sale, and distribution of carnivorous animal feed (except in bulk), between points in Michigan and the plantsite and warehouse facilities of Kal-Kan Food, Inc., at Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Detroit, Mich., or Washington, D.C.

No. MC 113587 (Sub-No. 6), filed December 23, 1971. Applicant: WARD RUGH, INC., Post Office Box 68, Ellensburg, WA 98926. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from Caldwell, Idaho to points in Yakima, Kittitas, Benton, Adams, Franklin, Grant, Lincoln, and Douglas Counties, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 113678 (Sub-No. 445) (amendment) filed November 24, 1971, published in the FEDERAL REGISTER issue of December 30, 1971, and republished as amended this issue. Applicant: CURTIS, INC., 4810 Pontiac (Post Office Box 16004, Stockyard Station), Denver, CO 80216. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and storage facilities of Iowa Beef Processors, Inc., at Luverne, Minn.; West Point, Nebr.; Dennison and Fort Dodge, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at and destined to named locations. NOTE: The purpose of this republication is to reflect a change in one of the origin points as *West Point, Nebr.*, in lieu of *West Point, Iowa*, which applicant states was in error. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.; Chicago, Ill.; or Denver, Colo.

No. MC 113843 (Sub-No. 178), filed December 20, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Milton, Del., to points in Ohio and West Virginia and that part of Pennsylvania on and west of U.S. Highway 220, restricted to traffic originating at Milton, Del., and destined to the named destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113861 (Sub-No. 53), filed November 22, 1971. Applicant: WOOTEN TRANSPORTS, INC., 153 Gaston Avenue, Memphis, TN 38106. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from points in Davidson County, Tenn., to points in Alabama and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 114725 (Sub-No. 49), filed November 19, 1971. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Applicant's representative: Donald W. Wynne (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, feed supplements, urea, feed grade urea, urea when used in feed or feed ingredients or feed supplements*, in bulk, in tank or hopper vehicles, from Fremont, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Missouri, Minnesota, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114772 (Sub-No. 8), filed December 23, 1971. Applicant: MERCER & DUNBAR ARMORED CAR SERVICE, INC., doing business as DAS, 75 Maxim Road, Hartford, CT. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Scrap platinum*, from Southbridge, Mass., to Carteret, N.J.; and (b) *platinum coated electrodes*, from Carteret, N.J., to Southbridge, Mass., under contract with American Optical Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Hartford, Conn.

No. MC 114965 (Sub-No. 46), filed December 27, 1971, Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, Iola, KS 66749. Applicant's representative: Charles H. Apt, 104 South Washington, Iola, KS 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from the plantsite of Midwest Terminal Warehouse in Kansas City Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 115793 (Sub-No. 14) (Correction), filed December 7, 1971, published in the FEDERAL REGISTER issue of January 6, 1972, and republished as corrected this issue. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 321 South, Post Office Box 672, Lenoir, NC 28645. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain products, bakery mixes and bases for bakery products*, from Alton, Ill., to points in North Carolina on and west of U.S. Highway 301, those in South Carolina on and north of U.S. Highway 29, those in Georgia on and north of U.S. Highway 78 (except Atlanta, Ga.), those in Tennessee on and east of Alternate U.S. Highway 41 and those in Kentucky within the area bounded by U.S. Highway 41 from the Tennessee-Kentucky State line north to U.S. Highway 62, thence northeast along U.S. Highway 62 to U.S. Highway 231, thence southeast along U.S. Highway 231 to U.S. Highway 80, thence east along U.S. Highway 80 to Interstate Highway 75, thence south along Interstate Highway 75 to the Tennessee-Kentucky State line and westward along that State line to point of beginning, including points on all designated boundary lines. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115826 (Sub-No. 233), filed December 27, 1971. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Morgan, Colo., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Kentucky, Tennessee,

Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115826 (Sub-No. 235), filed December 27, 1971. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Oregon, Washington and Idaho, to Turlock, Calif., and cold storage facilities utilized by Banquet Foods Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 115840 (Sub-No. 75), filed December 27, 1971. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except in bulk), from Dothan, Ala., to points in Florida, Georgia, Mississippi, Louisiana, and Tennessee; (2) *conduit, plastic pipe, fittings and valves*, from Slocomb and Mobile, Ala., to points in the United States (except Alaska and Hawaii); (3) *equipment, materials, and supplies* used in the manufacture of conduit plastic pipe, fittings, and valves, from points in the United States (except Alaska and Hawaii) to Slocomb and Mobile, Ala. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala.

No. MC 115841 (Sub-No. 421) (amendment), filed November 12, 1971, published in the FEDERAL REGISTER issue of December 23, 1971, amended and republished as amended, this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 10327, Birmingham, AL 35204. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from points in California, to points in Ohio, Pennsylvania, New York, Georgia, Missouri, Texas, Oklahoma, Illinois, and Florida. NOTE: Applicant states tacking is possible at Cleveland, Ohio, but it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. The purpose of this republication is to broaden the scope of authority sought by adding Pennsylvania, New York, Georgia, Missouri, Texas, Oklahoma, Illinois, and Florida. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.; Cleveland, Ohio, or Washington, D.C.

No. MC 115841 (Sub-No. 422), filed December 23, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Birmingham, AL 35204. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in tank vehicles equipped with mechanical refrigeration, from King of Prussia and Philadelphia, Pa., to Cleveland, Ohio and its commercial zone, Syracuse, N.Y., and New York City, N.Y., and its commercial zones. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, Philadelphia, Pa., or Washington, D.C.

No. MC 116073 (Sub-No. 212), filed December 23, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in York County, Nebr., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 116073 (Sub-No. 213), filed December 30, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements and *pickup caps and covers*, from points in Plymouth County, Mass., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 116073 (Sub-No. 214), filed January 3, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Hamilton County, Nebr., to points in the United States (except Alaska, and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 116073 (Sub-No. 215), filed December 27, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings* or *buildings in sections* (excluding buildings or buildings in sections, mounted on wheeled undercarriages), between points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states it intends only to transport modular units on specially designed lowboy equipment. Applicant further states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., Chicago, Ill., Dallas, Tex., Denver, Colo., or Los Angeles, Calif.

No. MC 116092 (Sub-No. 4), filed December 27, 1971. Applicant: E. J. PERSONS TRANSPORT LTD., 785 Main Street, Sweetsburg, PQ, Canada. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the ports of entry on the United States-Canada international boundary line at or near Highgate Springs, Richford, and Troy, Vt., to point in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, restricted to shipments originating in Canada and destined to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116273 (Sub-No. 150), filed December 20, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to

JAN 27 72
XUM

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pellets and liquid latex*, in bulk, from Marseilles, Ill., to points in Michigan, Missouri, Kansas, Colorado, Utah, Tennessee, Wisconsin, Ohio, Idaho, Washington, Oregon, California, Texas, Minnesota, West Virginia, Alabama, Kentucky, and Indiana; and (2) *petroleum and petroleum products*, in bulk, from points in Milwaukee County, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the territories which can be served. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 216), filed December 16, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, and lubricating oils*, in containers or barrels or boxes or in bulk in barrels, kits or pails; and *grease guns, grease gun parts, and related articles, vehicle body sealer or sound deadener compounds*, from Wichita, Kans., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 117815 (Sub-No. 185), filed December 27, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from St. James, Madelia, and Butterfield, Minn., to points in Iowa, Nebraska, Kansas, Missouri, Illinois, Wisconsin, Michigan, and Indiana, and (2) from Estherville, Iowa, to points in Nebraska, Kansas, Missouri, Illinois, Minnesota, Wisconsin, Michigan, and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 117883 (Sub-No. 166), filed December 23, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 118288 (Sub-No. 39), filed December 27, 1971. Applicant: STEPHEN F. FROST, 14750 Boyle Avenue, Fontana, CA 92335. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving Montgomery Pass, Nev. as an intermediate point in connection with applicant's presently authorized regular route authority under MC 118288 (Sub-No. 9). NOTE: If a hearing is deemed necessary, applicant request it be held at Carson City, Nev.

No. MC 118520 (Sub-No. 7), filed December 22, 1971. Applicant: ALASKA TRUCK TRANSPORT, INC., 832 Denny Building, 2200 Sixth Avenue, Seattle, WA 98121. Applicant's representative: R. F. Sites (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Ada and Canyon Counties, Idaho, to points in Alaska, west of the Alaska-Yukon Territory boundary line and its southward extension. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska or Seattle, Wash.

No. MC 118806 (Sub-No. 19), filed December 28, 1971. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, MB, Canada. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bus bodies*, and (2) *parts, attachments and accessories* for bus bodies, between points in St. Joseph County, Ind., on the one hand, and, on the other, ports of entry on the United States-Canada boundary line at Noyes, Minn., and Sault Ste. Marie, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119422 (Sub-No. 51), filed December 27, 1971. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, IL 62204. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics*, in bulk, in tank vehicles, from East St. Louis, Ill., to points in Kansas, Iowa, Nebraska, Missouri, Indiana, Ohio, Tennessee, and Kentucky, restricted to shipments having a prior movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 119767 (Sub-No. 280), filed December 27, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, I-94 and County Highway C, Bristol, WI., Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Kitchens of Sara Lee at New Hampton, Iowa, to points in Michigan, points in Ohio on and west of a line beginning at Sandusky, thence south over Ohio Highway 4 to Marion, thence south over U.S. Highway 23 to Portsmouth, Ohio, points in Indiana, Kentucky, Minneosta, Missouri, Illinois, Wisconsin, points in South Dakota on and east of U.S. Highway 281, and points in North Dakota on and east of U.S. Highway 281. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119777 (Sub-No. 231), filed December 27, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Highway 85 East, Madisonville, KY 42431. Applicant's representative: Ronald E. Butler, Post Office Drawer 477, Madisonville, KY 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings* (except commodities as described by the Commission in Mercer Extension—Oilfield Commodities, 74 M.C.C. 459), from points in Calhoun County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 126970 and subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 119789 (Sub-No. 111), filed December 20, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Winston M. Boggs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Honeycomb, unexpandable cardboard, paper and paper products*, from Tulleytown, Pa., to Los Angeles, Calif., and the Los Angeles commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 119872 (Sub-No. 9), filed December 27, 1971. Applicant: GULF TRANSPORT, LIMITED, a corporation, 61 St. Peters Road, Charlottetown, PE, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points on the international boundary line between the United States and Canada at or near Houlton and Calais, Maine, restricted to shipments moving to points in Canada. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 123294 (Sub-No. 24), filed December 30, 1971. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Warsaw, IN 46580. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum ingots and aluminum molten metal*, from the plantsite of Wabash Smelting, Inc., at Wabash, Ind., to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, Michigan, Minnesota, Virginia, Wisconsin, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, South Dakota, West Virginia, and Oklahoma, and (2) *aluminum scrap metal*, from the above-named destination points to the plantsite of Wabash Smelting, Inc., at Wabash, Ind. NOTE: Applicant states that the request authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123372 (Sub-No. 23), filed December 29, 1971. Applicant: CARTAGE SERVICES, INC., 26380 Van Born Road, Dearborn Heights, MI 28125. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations and work gloves*, from Detroit, Mich., to points in Indiana, Illinois, Minnesota, and Wisconsin, and (2) *materials and supplies used in the manufacture of toilet preparations and work gloves* from points in Indiana, Illinois, Minnesota, and Wisconsin to Detroit, Mich., under a continuing contract, or contracts with Advance Glove Co., and its division, Joseph Frenkel Co., of Detroit, Mich. NOTE: Applicant also holds common carrier authority under MC 118594, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 124708 (Sub-No. 40), filed November 22, 1971. Applicant: MEAT PACKERS EXPRESS, INC., 222 South 72d Street, Omaha, NE 68114. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Carroll, Iowa and Omaha, Nebr., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, West Virginia, California, Arizona, Nevada, Oregon, Washington, and the District of Columbia, under contract with Farmlands Foods, Inc., of Denison, Iowa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 124078 (Sub-No. 505), filed December 23, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Medusa Portland Cement Co. at Wampum, Pa., to points in Illinois, Kentucky, Maryland, Pennsylvania, and Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 124170 (Sub-No. 27), filed December 22, 1971. Applicant: FROSTWAYS, INC., 2450 Scotten, Detroit, MI 48209. Applicant's representative: Robert D. Schuler, One Woodward Avenue, Suite 1700, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, in vehicles equipped with mechanical refrigeration, from points in North Carolina and South Carolina to points in Illinois, Indiana, Michigan, New York, New Jersey, Ohio, and Pennsylvania, restricted to shipments having a prior movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Washington, D.C.

No. MC 124402 (Sub-No. 7), filed December 29, 1971. Applicant: FLEET LINE, INC., 3109 Alton Boulevard, Chattanooga, TN. Applicant's representative: Robert D. Rierson, Greyhound Towers, Phoenix, Ariz. 85077. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils, animal fats, vegetable oils and products including blends thereof* (except in bulk in tank trailers) all in vehicles equipped with mechanical refrigeration, from Chattanooga, Tenn., to points in Kentucky, Tennessee, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi, limited to a transportation service to be performed under a continuing contract or contracts with Armour & Co., of Phoenix, Ariz. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Chattanooga, Tenn., or Washington, D.C.

No. MC 125708 (Sub-No. 125), filed December 17, 1971. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: James W. Major (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp board or fibre board, paper or pulp lined*, from points in Kalamazoo, Mich., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico. NOTE: Applicant holds no authority or has no pending applications which could feasibly be tacked or joined with authority sought in this application however applicant would tack or join this authority with future authority where feasible to serve the shipping public. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 128007 (Sub-No. 41), filed December 27, 1971. Applicant: HOFER, INC., Post Office Box 583 (4032 Parkview Drive), Pittsburg, KS 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from the plant and warehouse facilities of Farmland Industries, Inc., and/or Farmers Chemical Co., located in Jasper County, Mo., to points in New Mexico, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Arkansas, Louisiana, Wisconsin, Illinois, Kentucky, Tennessee, Indiana, Wyoming, Montana, Michigan, Utah, Ohio, Mississippi, Arizona, Idaho, Alabama, and Georgia, restricted to traffic originating at the plant and warehouse facilities of Farmland Industries, Inc., and/or Farmers Chemical Co., in Jasper County, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

JAN 27 72 XUM

No. MC 128235 (Sub-No. 10), filed December 23, 1971. Applicant: ALVIN JOHNSON, 137 13th Avenue NE., Minneapolis, MN 55413. Applicant's representative: Earl Hacking, 503 11th Avenue South, Minneapolis, MN 55415. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from St. Louis, Mo., to Virginia, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 128273 (Sub-No. 121), filed December 30, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from the warehouse facilities of Farmland Industries, Inc., and Farmer's Chemical Co. located in Jasper County, Mo., to points in New Mexico, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Arkansas, Louisiana, Wisconsin, Illinois, Kentucky, Tennessee, and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128527 (Sub-No. 25), filed December 27, 1971. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: John K. Gatchel, Post Office Box 195, Payette, ID 83661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Pipe or tubing*, aluminum or plastic, in straight or mixed shipments; and (b) *pipe fittings* when included with pipe or tubing, aluminum, plastic, or iron and steel, not to exceed 10 percent of the total weight of the shipment, from points in Vancouver, Wash., Portland and Eugene, Oreg., to points in Idaho south of the southern boundary of Idaho County and points in Nevada on and north of U.S. Highway 40 and points in Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128762 (Sub-No. 7), filed December 27, 1971. Applicant: P. L. LAWTON, INC., Post Office Box 325, Berwick, PA 18603. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal siding and roofing, and other component parts, accessories and materials for mobile homes, modular or assembled buildings, and recreational vehicles, and metal sheets and slabs*, between Bloomsburg, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Amax Aluminum Mill Products, Inc., a division of American Metal Climax, Inc., of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 133095 (Sub-No. 19), filed December 30, 1971. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafoods and frozen foods* when moving in the same vehicle at the same time with frozen seafoods, from points in Maine and Massachusetts to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia, and Pensacola, Fla. NOTE: Applicant holds a pending contract application under MC 136032. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., Dallas, Tex., or Washington, D.C.

No. MC 133655 (Sub-No. 52), filed December 29, 1971. Applicant: TRANSNATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, from Booker and Amarillo, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with various subs of its existing authority under MC 133655 and will tack where feasible. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Kans.

No. MC 133884 (Sub-No. 2), filed December 22, 1971. Applicant: BRUCE FULLER, 1710 Main Street, Buhl, ID 83316. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blood flour and brewers dried yeast*, from Denver and Greeley, Colo., to Gardners, Pa., under continuing contract with Rangen, Inc., Buhl, Idaho. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 135364 (Sub-No. 2), filed December 27, 1971. Applicant: MORWALL TRUCKING, INC., Route 502, Post Office Box 152, Dunmore, PA 18512, Daleville, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, gummed, enameled other tank clothlined; paper, cloth or plastic, enameled, glazed or surface coated*, from Moosic, Pa., and Danville, Ill., to points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used or useful in the manufacture of the above commodities (except commodities in bulk), from points in New Jersey, New York, Ohio, Michigan, Massachusetts, West Virginia, Delaware, Virginia, Vermont, Maine, California, and New Hampshire, to Moosic, Pa., and Danville, Ill., under contract with Fitchburg Coated Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135537 (Sub-No. 1), filed December 23, 1971. Applicant: METRO HEAVY HAULING, INC., 19060 Frager Road, Kent, WA 98031. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel rods, rebar wire mesh and tie wire*, from Seattle, Wash., to the site of the nuclear energy plant of Portland Gas & Electric Co., at or near St. Helens, Oreg., under contract with Tri-M Erectors, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135611 (Sub-No. 3), filed December 27, 1971. Applicant: WALKER & WHITTED TRANSPORTATION CO., INC., 320 North Eighth Street, Brawley, CA 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, from points in California in and south of San Luis Obispo, Kern, and San Bernardino Counties, to points in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 135858 (Sub-No. 1), filed December 23, 1971. Applicant: A. G. KNORR, ROBERT D. KNORR, AND GENE A. KNORR, a partnership doing business as KNORR TRUCKING, Sawyer, N. Dak. 58781. Applicant's representative: Harris P. Kenner, 615 South Broadway, Minot, ND 58701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaged oil and grease products and containers*, from Shreveport, La., to Minot, N. Dak., under contract with Westland Oil Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minot or Fargo, N. Dak., or Minneapolis-St. Paul, Minn.

No. MC 136003 (Sub-No. 1), filed December 27, 1971. Applicant: JOSEPH C. PETRAITIS, Post Office Box 752, Murphysboro, IL 62966. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Jackson, Perry, and Williamson Counties, Ill., on the one hand, and, on the other, Lambert Field (International Airport), St. Louis, Mo., on traffic having an immediately prior or subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 136121 (Sub-No. 1) (Correction), filed October 21, 1971, published in the FEDERAL REGISTER issue of December 2, 1971, and republished in part, as corrected this issue. Applicant: MINYARD TRUCKING COMPANY, INC., Post Office Box 45388, Tulsa, OK 74145. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. NOTE: The sole purpose of this partial republication is to reflect the correct docket number assigned thereto as MC 136121 (Sub-No. 1) in lieu of MC 136121. The rest of the application remains the same.

No. MC 136170 (Sub-No. 1), filed November 17, 1971. Applicant: HUBERT WM HENRY SR., HUBERT WM HENRY JR., AND RICHARD M HENRY, a partnership, doing business as HENRY TRUCKING COMPANY, 11221 Cadigan Drive, St. Louis, MO 63138. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, from points in Bartow, Gilmer, Gordon, Murray, and Whitfield Counties, Ga., to St. Louis, Mo., under contract with Standard Floor Covering, Inc., and Camelot Carpets, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 136219 (Sub-No. 1), filed November 22, 1971. Applicant: ACKERMAN MOTOR LINES, INC., 208 Alpine Trail, Sparta, NJ 07870. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and materials, equipment, and supplies* used or useful in the manufacture and sale of textiles, between Millville, N.J., on the one hand, and, on the other, Newburgh and points in the New York, N.Y., commercial zone as defined by the Commission, Carlstadt and Paramus, N.J., and points in Pennsylvania east of the Susquehanna River, under contract with Millville Dyeing Finishing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136289, filed December 9, 1971. Applicant: FACTORY BUILDING SUPPLY, INC., Post Office Drawer 2327, Fairlane Station, Columbus, MS 39701. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements and *buildings*, in sections when moving on their own undercarriages, and *modular homes*, from points in Lowndes County, Miss., to points in the United States (except Alaska and Hawaii), and (2) *refused, rejected, disabled, wrecked, and repossessed trailers*, designed to be drawn by passenger automobiles and *buildings*, in sections when moving on their own undercarriages and *modular homes*, from points in the United States (except Alaska and Hawaii) to points in Lowndes County, Miss., under contract with New Dimension Homes, Inc., a division of MacKay Industries, Ltd. Restrictions: (1) The above authority is restricted to traffic moving from or to the facilities of New Dimension Homes, Inc., a division of MacKay Industries, Ltd., in Lowndes County, Miss., and (2) the above authority is restricted to the transportation of traffic moving under a continuing contract or contracts with New Dimension Homes, Inc., a division of MacKay Industries, Ltd. NOTE: Applicant states that it is commonly controlled by the shipper and the purpose of this application is to substitute the commonly controlled contract carrier for its private carriage. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 136307, filed December 22, 1971. Applicant: BURKEWITZ TRANSPORT, INC., Post Office Box 47, Coventry, VT 05825. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, MA 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, wood lath, and hardwood squares, fencing parts and fencing accessories* (except commodities which because of size or weight require the use of special equipment), from the port of entry on the international boundary line between the United States and Canada, at or near Derby Line, Vt., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Ohio, Virginia, North Carolina, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt.

MOTOR CARRIER OF PASSENGERS

No. MC 59238 (Sub-No. 67), filed December 27, 1971. Applicant: VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, VA 22902. Applicant's representative: James W. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers* and *their baggage, and express and newspapers* in the same vehicle with passengers, between Roanoke and Christiansburg, Va., from Roanoke over Interstate Highway 581 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Virginia Highway 8, thence over Virginia Highway 8 to Christiansburg, and return over the same routes, serving all intermediate points. NOTE: Applicant holds contract carrier authority under MC 135567, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 29886 (Sub-No. 277), filed December 24, 1971. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Parabolic antennas, plastic domes, antenna parts and related transmission equipment*, from the plantsite of Gabriel Electronics, Inc., in Scarboro, Maine, to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved.

No. MC 127264 (Sub-No. 2), filed December 20, 1971. Applicant: AMERICAN PARCEL SERVICE, INC., 1800 East Bessemer Avenue, Greensboro, NC 27405. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies, sold, used or distributed by a manufacturer of cosmetics*, from Greensboro, N.C., to points in Person, Granville, Orange, Alamance, Yadkin, Davie, Caswell, Guilford, Rockingham, Stokes, Surry, Forsyth, Davidson, Randolph, Moore, and Chatham Counties, N.C. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Avon Products, Inc., of Newark, Del. NOTE: Applicant states that the only purpose of this application is to broaden the existing commodity description under MC 127264 (Sub-No. 1) to allow applicant to continue rendering a complete service for the supporting shipper. Applicant further states no duplicating authority sought. This authority to replace existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-1147 Filed 1-26-72;8:45 am]

ASSIGNMENT OF HEARINGS

JANUARY 24, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The

JAN 27 72

hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 51146 Sub 217, Schneider Transport & Storage, assigned February 8, 1972, MC 51146 Sub 218, Schneider Transport & Storage, assigned February 9, 1972, MC 112304 Sub 48, Ace Doran Hauling & Rigging Co., assigned February 10, 1972, and MC 113678 Sub 423, Curtis, Inc., assigned February 11, 1972, at Chicago, Ill., will be held in Room 1066A, Everett McKinley Dirksen Building, 219 South Dearborn St.

MC 4405 Sub 485, Dealers Transit, Inc., assigned February 10, 1972, MC 69116 Sub 137, Spector Freight System, assigned February 9, 1972, MC 101474 Sub 17, Red Top Trucking, assigned February 10, 1972, Room 1430, Everett McKinley Dirksen Building, 219 South Dearborn St., Chicago, Ill.

MC 118989 Sub 65, Container Transit, Inc., assigned February 7, 1972, at Chicago, Ill., will be held in Room 1430, Everett McKinley Dirksen Building, 219 South Dearborn St.

MC 68078 Sub 34, Central Motor Express, Inc., assigned January 31, 1972, at Nashville, Tenn., is canceled and application dismissed.

MC 116763 Sub 204, Carl Subler Trucking, Inc., assigned February 9, 1972, at Denver, Colo., postponed indefinitely.

MC 128173 Sub 91, Midwestern Express, Inc., heard January 17, 1972, through January 18, 1972, at Chicago, Ill., and continued to March 6, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 126276 Sub 46, Fast Motor Service, Inc., assigned for hearing February 22, 1972, at Chicago, Ill., will be held in Room 1630, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 123407 Sub 89, Sawyer Transport, Inc., assigned February 23, 1972, at Chicago, Ill., will be held in Room 1430, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC-F-11216, Home Transportation—Purchase (portion)—Machinery Transports, assigned February 24, 1972, MC-F-11235 Machinery Transports—Purchase (portion)—L. J. Wellenhofer Transfer, assigned February 28, 1972, MC-FC-72913, Russell Transportation, assigned February 25, 1972, MC-FC-72950, K & B Mounting, Transferee & Geo. F. Burnett, Transferor, assigned February 22, 1972, MC 107295 Sub 519, Pre-Fab Transit, assigned March 3, 1972, and MC 111812 Sub 424, Midwest Coast Transport assigned March 2, 1972, at Chicago, Ill., will be held in Room 1736, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 124211 Sub 187, Hilt Truck Line, Inc., assigned February 7, 1972, MC 126276 Sub 53, Fast Motor Service, Inc., assigned February 9, 1972, MC 118989 Sub 67, Container Transit, Inc., assigned February 11, 1972, MC 111375 Sub 51, Pirkle Refrigerated Freight Lines, MC 31455 Sub 24, Gene Mitchell Co., assigned February 16, 1972, MC 125967, Flaggwayn, Inc., assigned February 18, 1972, will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1235 Filed 1-26-72;8:51 am]

[Notice 11]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 20, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 218 TA), filed January 10, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of the George C. Moore Co., located near Scottsboro, Ala., as an off-route point in connection with existing regular routes to and from Scottsboro, Ala., for 180 days. NOTE: Applicant intends to tack the above authority with that presently held in MC 2900 and subs thereto. Supporting shipper: George C. Moore Co., Westerly, R.I. Send protests to: District Supervisor, G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, FL 32202.

No. MC 18535 (Sub-No. 52 TA), filed January 10, 1972. Applicant: HICKLIN MOTOR LINE, INC., Box 377, U.S. Highway 601, St. Matthews, SC 29135. Applicant's representative: Lawrence M. Gressett, Jr., Post Office Box 346, St. Matthews, SC 29135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and stabilizer, and aggregates*, in bulk and bags, from the plantsite of Southern Products and Silica Co., Inc., at or near Hoffman, N.C., to points in South Carolina, for 180 days. Supporting shipper: Southern Products and Silica Co., Inc., Hoffman, N.C. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 66886 (Sub-No. 24 TA), filed January 11, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Suite 812, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and/or plastic tubing*, including plastic fittings for same, from the plantsite of Tex-Tube Division, 1503 North Post Road, Houston, TX, to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, and Wyoming, for 180 days. Supporting shipper: Tex-Tube Division, Detroit Steel Corp., Post Office Box 7705, Houston, TX 77007. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 113267 (Sub-No. 276 TA) (Correction), filed November 29, 1971, published FEDERAL REGISTER December 10, 1971, corrected and republished and corrected this issue. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Morehead City, N.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Kansas, Michigan, Minnesota, Mississippi, Missouri, North Carolina, North Dakota, Nebraska, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, Texas, and Wisconsin, and the District of Columbia, for 150 days. Supporting shipper: Ben E. Klein, Vice President Marketing, West Indies Fruit Co., Post Office Box 1940, Miami, FL 33101. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704. NOTE: The purpose of this republication is to broaden the territorial scope.

No. MC 117233 (Sub-No. 9 TA), filed January 7, 1972. Applicant: MERCURY MOTOR FREIGHT, INC., 415 Waddell Avenue, Clairton, PA 15025. Applicant's representative: Stephen T. Wardzinski, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roof trusses, precut and prefabricated building sections, and components and materials* used in the construction of prefabricated buildings, from Belle Vernon and Elizabeth, Pa., to points in Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, and West Virginia, under continuing contracts with Lincoln Homes Co., Wylie Construction & Development, Inc., and Swift Development Co., for 180 days. Supporting shippers: Lincoln Homes Co., 241 Curry Hollow Road, Pittsburgh, PA 15236; Wylie Construction & Development, Inc., 241 Curry Hollow Road, Pittsburgh, PA 15236; Swift Development Co., 241 Curry Hollow Road, Pittsburgh, PA 15236. Send protests to: John J. England, District Supervisor, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 117991 (Sub-No. 3 TA), filed December 30, 1971. Applicant: ZAVITZ BROTHERS LTD., Rural Route No. 1, Wainfleet, ON Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to the United States-Canada international boundary at the Niagara and St. Lawrence River Crossings in New York, for 150 days. Supporting shipper: Chiquita Brands Inc., 1250 Broadway, New York, NY 10001. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 119493 (Sub-No. 87 TA), filed January 6, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Walter E. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feedstuffs, health and related products, insecticides and pesticides, empty bags and containers, advertising matter and premiums*, from the plant of Columbian Hog & Cattle Powder Co., in Kansas City, Mo., to points in Iowa, Illinois, and Nebraska; from the plant of Columbian Hog & Cattle Powder Co., in Geneseo, Ill., to Norfolk, Nebr., Atlantic and Storm Lake, Iowa; and Kansas City, Mo.-Kans., commercial zone; from the plant of Columbian Hog & Cattle Powder Co., in Norfolk, Nebr., to Kansas City, Mo.-Kans., commercial zone and Atlantic and Storm Lake, Iowa; for 180 days. Supporting shipper: Columbian Hog & Cattle Powder Co., 1457 Genesee Street, Kansas City, MO 64102. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119880 (Sub-No. 50 TA), filed January 10, 1972. Applicant: DRUM TRANSPORT, INC., Post Office Box 2056, East Peoria, IL 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Penin, Ill., to Cincinnati, Ohio, for 180 days. Supporting shipper: National Distillers Products Co., 99 Park Avenue, New York, NY 10016. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 123025 (Sub-No. 3 TA), filed January 10, 1972. Applicant: LUVERNE MARCUSSION, 307 Oak Street, Red Oak, IA 51566. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and rock*, from points in Johnson County, Kans., to Red Oak, Iowa, for 180 days. Supporting shipper: Wilson Concrete, Post Office Box 56, Red Oak, IA 51566. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Building, Omaha, Nebr. 68102.

No. MC 124078 (Sub-No. 506 TA), filed January 13, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the site of Bulk Distribution Centers, Inc., at Chattanooga, Tenn., to points in Alabama, Georgia, North Carolina, and Tennessee, for 150 days. Supporting shipper: Bulk Distribution Centers, Inc., Post Office Box 19022, Louisville, Ky. 40219 (K. G. Helfrich, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 125474 (Sub-No. 32 TA), filed January 10, 1972. Applicant: BULK HAULERS, INC., Post Office Box 3601, U.S. Highway 421 North, Wilmington, NC 28401. Applicant's representative: Ralph G. Simmons (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate*, from the plantsite of Hercules, Inc., in New Hanover County, N.C., to points in Virginia, Tennessee, and South Carolina, for 180 days. Supporting shipper: Hercules Inc., 900 Life of Georgia Tower, Atlanta, Ga. 30308. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, N.C. 27611.

No. MC 127099 (Sub-No. 17 TA), filed January 10, 1972. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Post Office Box 2015, Zanesville, OH 43701. Applicant's representative: Edwin H. Van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blower wheels, and assemblies, and propeller fans*, from Cleveland and Dayton, Ohio, and Indianapolis, Ind., to Totowa and Trenton, N.J., Chicago, Ill., Witchita, Kans., Blackville, S.C., and Lewisburg, Tenn., *and containers on return*, for 180 days. Supporting shipper: Lau Inc., 2027 Home Avenue, Dayton, OH 45407. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 127337 (Sub-No. 7 TA), filed January 10, 1972. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666, Charlotte, West Pembroke, Maine 04688. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, and meat products*, from New York, N.Y., to ports of entry on the international boundary, between the United States and Canada at or near Calais, Houlton, Vanceboro, Bar Harbor, and Portland, Maine, for 180 days. Supporting shipper: W. Shattuck Co., Inc., 30 10th Avenue, New York, NY 10014. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167 PSS, Portland, ME 04112.

No. MC 128285 (Sub-No. 11 TA), filed January 10, 1972. Applicant: MELLOW TRUCK EXPRESS, INC., Post Office Box 17063, 9801 North Vancouver Way, Portland, Oreg. 97217. Applicant's representative: David C. White, Farley Building, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Western red cedar panels and shakes*, for Shakertown Corp., from Lebam, Winlock, Toledo, and Cathlamet, Wash., and Independence, Oreg., to points in Oregon, California, and Nevada, for 180 days. Supporting shipper: Shakertown Corp., Post Office Box 400, Winlock, Wash. 98596. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 99204.

No. MC 133161 (Sub-No. 8 TA), filed January 11, 1972. Applicant: GRIESER TRUCKING CO., Route 1, Box 151A, Archbold, OH 43502. Applicant's representative: Paul F. Berry, Suite 1600, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and furniture stock*, from the plantsite of Sauder Designare International, Inc., Stryker, Ohio, to Wappingers Falls, N.Y., Fullerton, Md., McCordsville, Ind., Oxford, Nebr., Lansing, Mich., Baltimore, Md., New York, N.Y., Boston, Mass., and Pittsburgh, Pa., for 180 days. Supporting shipper: Sauder Designare International, Inc., Box 200, Archbold, OH. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 235 Summit Street, Toledo, OH 43604.

JAN 27 72

No. MC 133436 (Sub-No. 15 TA), filed January 10, 1972. Applicant: DUDDEN ELEVATOR, INC., Post Office Box 60, 121 East Second Street, Ogallala, NE 69153. Applicant's representative: Richard A. Dudden (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, for the account of NII Metal Services Corp., a division of National Industries, Inc., from Chicago, Ill., and its commercial zone to points in Nebraska (except Columbus, Nebr., and its commercial zone), for 180 days. Supporting shipper: Bernard J. Senelick, Sales Manager, NII Metals Services, 1919 West 74th Street, Chicago, IL 60636. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 133646 (Sub-No. 10 TA), filed January 10, 1972. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., Post Office Box 404, Billings, MT 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in specialized tank vehicles, from Bayard and Mitchell, Nebr., to South Torrington, Wyo., for 180 days. Supporting shipper: The Great Western Sugar Co., 1530 16th Street (Box 5308 Terminal Annex, Denver, Colo. 80217), Denver, CO. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 134060 (Sub-No. 8 TA), filed January 6, 1972. Applicant: DAVINDER FREIGHTWAY'S LTD., 2739 James Street, Duncan, BC, Canada. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate*, in bulk, in tank vehicles, from the port of entry on the United States-Canada boundary at or near Blaine, Wash., to Everett, Wash., for 180 days. Supporting shipper: Electric Reduction Company of Canada, Ltd., 2 Gibbs Road (Toronto), Islington 678, Ontario. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 135363 (Sub-No. 2 TA), filed January 10, 1972. Applicant: CONSOLIDATED PACKAGE DELIVERY, INC., Post Office Box 50126, 1036 Baronne Street, New Orleans, LA 70150. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning compounds, waxes, polishes, brushes, handles, gift items, cosmetics, premiums*, and (2) *merchandise, equipment and supplies*, sold, used or distributed by a manufacturer of home products, from New Orleans, La., to the Louisiana parishes of Iberia, St. Mary, Iberville, part of St. Martin, Assumption, Ascension, Livingston, East Feliciana, St. Helena, Tangipohoa, St. James, Terrebonne, Lafourche, St. Charles, St. Tammany, St. John the Baptist, Orleans, Jefferson, St. Bernard, and Plaquemines, and the counties of Jefferson, Adams, Wilkinson, Franklin, Amite, Lincoln, Pike, Lawrence, Walthall, Jefferson Davis, Marion, Covington, Lamar, Jones, Forrest, Perry, Wayne, Greene, Stone, Pearl River, Hancock, Harrison, George, and Jackson, in the State of Mississippi, for 180 days. Supporting shipper: Stanley Home Products, Inc., Easthampton, Mass. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-4009, Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 135371 (Sub-No. 1 TA), filed January 10, 1972. Applicant: PACIFIC INLAND TRANSPORT COMPANY, 5902½ East Sharp, Spokane, WA, 6545 Fifth Avenue, South Seattle, WA 98188. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Spokane County, Wash., to points in Idaho located in and north of Idaho County, and points in Lincoln County, Mont., for 180 days. Supporting shipper: Ideal Cement Co., Division of Ideal Basic Industries, Inc., 821 17th Street, Denver, CO 80202. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136079 (Sub-No. 1 TA), filed January 10, 1972. Applicant: INDUSTRIAL INDUSTRIES, INC., doing business as INDUSTRIAL TRUCKING, 6 Southeast 80th Avenue, Portland, OR 97216. Applicant's representative: Kenneth A. Lewis (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete mixing plants and two-wheel concrete delivery trailers*, not exceeding 2 cubic yards in carrying capacity, for the account of U-Cart Concrete Systems, Inc., from Vancouver, Wash., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: U-Cart Concrete Systems, Inc., Post Office Box 1863, Vancouver, Wash. 98663. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136267 (Sub-No. 1 TA), filed January 10, 1972. Applicant: BELS PRODUCE CO., INC., 11357 Vienna Road, Montrose, MI 48457. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers from the plant and warehouse sites of the Vlasic Foods, Inc., at Bridgeport and Imlay City, Mich., to points in Maine, Rhode Island, Vermont, New Hampshire, Connecticut, and Massachusetts, for 180 days. Supporting shipper: Vlasic Foods, Inc., 28820 Southfield, Lathrup Village, MI 48070. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 136305 (Sub-No. 1 TA), filed January 7, 1972. Applicant: GAIL CISSELL AND ALICE CISSELL, a partnership, doing business as CISSELL TRANSFER AND STORAGE CO., 112 East Railroad Avenue, Portales, NM 88130. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in Curry, DeBaca, Guadalupe, Quay, Roosevelt Counties, N. Mex., and Bailey, Pamer Counties, Tex., Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement in interstate commerce beyond the points authorized; or to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

No. MC 136310 TA, filed January 6, 1972. Applicant: R. WALKER TRUCKING, INC., 1409 East 19th, The Dalles, OR 97058. Applicant's representative: Douglas A. Wilson, Suite 2 Yakima Legal Center, 303 East D Street, Yakima, WA 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyethelyn resin* in bulk, from Torrance and Los Angeles, Calif., to Yakima, Wash.; and (2) *polyethelyn bags and sheets* in rolls, boxes or bundles, from Yakima, Wash., to points in California, Oregon, Idaho, Montana, Colorado, Arizona, Nevada, and Utah, for 180 days. Supporting shipper: Sheilds Bag and Printing Co., 1009 Rock Avenue, Yakima, WA 98902. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136311 TA, filed January 10, 1972. Applicant: M & W TRANSPORTS, INC., Post Office Box 25794, Oklahoma City, OK 73125. Applicant's representative: H. P. Montgomery (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting* and *carpet padding*, from Anadarko, Davis, Pawhuska, Oklahoma City, and Watonga, Okla., to points in Arizona, California, Nevada, Utah, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Michigan, Ohio, Pennsylvania, Maryland, New York, Rhode Island, Delaware, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: Sequoyah Industries, Inc., John C. Perkins, 4545 Lincoln Boulevard, Oklahoma City, OK 73105. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136317 (Sub-No. 1 TA), filed January 10, 1972. Applicant: KENNETH DONALD DUNKER, doing business as KEN DUNKER TRUCKING, 2698 Carlow Street, El Cajon, CA 92020. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles* in haulaway highway service, from San Diego and Los Angeles to points in Arizona, California, and Nevada, for 180 days. Supporting shipper: Intercontinental Equipment Corp., 5383 Overland Avenue, San Diego, CA 92123. Send protests to: District Supervisor Philip Yallowtiz, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136319 TA, filed January 11, 1972. Applicant: GUSTOM TRANSIT, INC., 2406 Glenbrook South, Garland, TX 75040. Applicant's representative: Darrell McNatt (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass, automobile or boat, cut to shape; mineral wool; mineral wool conduit or pipe*, from Dallas, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: PPG Industries, Inc., 410 Braniff Building, Box 35966, Dallas, TX 75235. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1237 Filed 1-26-72;8:52 am]

[Notice 6]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 24, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35441. By order of January 19, 1972, the Motor Carrier Board approved the lease to Allen Transportation, Inc., Beaumont, Tex., of certificate of registration No. MC-121587, issued to Gulf Coast Transportation, Inc., Winnie, Tex., evidencing the right of the holder to engage in interstate or foreign commerce, in the transportation of commodities specified in areas solely within the State of Texas. William D. Lynch, attorney, Post Office Box 912, Austin, TX 78767.

No. MC-FC-73362. By order of January 20, 1972, the Motor Carrier Board approved the transfer to E. K. Motor Service, Inc., a Missouri corporation, Joliet, Ill., of the operating rights in permit No. MC-107129 (Sub-No. 6) issued September 9, 1968 to E. K. Motor Service, Inc., Joliet, Ill., authorizing the transportation of various commodities between Kansas City, Mo., on the one hand, and, on the other, points in specified counties in Kansas. Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

No. MC-FC-73372. By order of January 20, 1972, the Motor Carrier Board approved the transfer to William P. Caruso, doing business as B & C Transportation, Medford, Mass., of certificate of registration No. MC-120976 (Sub-No. 1) issued July 19, 1968, to Sheehan's Express, Inc., Brookline, Mass., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 1954, dated May 13, 1961, transferred and reissued November 1, 1967, by the Massachusetts Department of Public Utilities. John F. Curley, 15 Court Square, Boston, MA 02108, attorney for applicants.

No. MC-FC-73381. By order of January 14, 1972, the Motor Carrier Board approved the transfer to Tillman Transfer, Inc., Omaha, Nebr., of certificate of registration No. MC-120504 (Sub-No. 1), issued November 23, 1971, to Helen L. Tillman, Fremont, Nebr., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificate of Public Convenience and Necessity No. M-11094, dated February 16, 1960, transferred, renumbered M-11094, Supplement No. 1, and reissued August 2, 1971, by the Nebraska State Railway Commission. Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, attorney for applicants.

No. MC-FC-73389. By order of January 20, 1972, the Motor Carrier Board approved the transfer to Bolduc's Express, Inc., Dudley, Mass., of the operating rights in certificate No. MC-56092 issued March 27, 1968, to Leonard E. Langevin, doing business as Langevin's Express, Webster, Mass., authorizing the transportation of general commodities, with exceptions, over regular routes, between Sturbridge, Mass., and Providence, R.I. George J. Robinson, 297 Main Street, Webster, MA 01570, attorney for applicants.

No. MC-FC-73390. By order of January 19, 1972, Dual Operations Involved, the Motor Carrier Board approved the transfer to Scott Transfer Co., Inc., Atlanta, Ga., certificate No. MC-117956 and subs thereunder, and permit No. MC-116947 and subs thereunder issued to Hugh H. Scott, doing business as Scott Transfer Co., Atlanta, Ga., authorizing the transportation of: Various specifically named commodities, i.e., metal containers, lacquer, sheet plastic, etc., between points in Alabama, Georgia, Maryland, South Carolina, North Carolina, Kentucky, Virginia, Pennsylvania, Florida, Tennessee, and Indiana.

No. MC-FC-73401. By order of January 20, 1972, the Motor Carrier Board approved the transfer to Foglia Bros., Inc., Newark, N.J., of the operating rights in permit No. MC-65106 issued October 27, 1959 to M. E. Flemming & Sons, Inc., Brooklyn, N.Y., authorizing the transportation of various commodities between specified points and areas in New York and New Jersey. Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817, representative for transferee. Martin Werner, 2 West 45th Street, New York, NY 10036, attorney for transferor.

No. MC-FC-73404. By order of January 14, 1972, the Motor Carrier Board approved the transfer to James Baker, doing business as Baker Motor Service, Bridgeton (St. Louis), Mo. 63044, of the operating rights in certificate No. MC-7099 (Sub-No. 2) issued August 28, 1967, to Flash Motor Service, Inc., St. Louis, Mo. 63107, authorizing the transportation of communications equipment when moving under Federal security procedures, between St. Louis, Mo., on the one hand, and on the other, points in Arkansas, Oklahoma, Kansas, and Texas. Austin C. Knetzger, 722 Chestnut Street, St. Louis, Mo. 63101, attorney for applicants.

No. MC-FC-73409. By order of January 13, 1972, the Motor Carrier Board approved the transfer to John F. Scott, doing business as River Cartage, Aurora, Ill., of the operating rights in certificate No. MC-7099 issued October 23, 1967, to Flash Motor Service, Inc., St. Louis, Mo., authorizing the transportation of general commodities, with usual exceptions, between points and places in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission in 1 MCC 656. James R. Madler, Room 1608, 1255 North Sandburg Terrace, Chicago, IL 60610, attorney for applicants.

JAN 27 72 XUM

No. MC-FC-73431. By order of January 20, 1972, the Motor Carrier Board approved the transfer to Byrne Trucking, Inc., White City, Oreg., of the operating rights set forth in certificates Nos. MC-71652 and MC-71652 (Sub-No. 1), issued August 3, 1956 and April 24, 1962, respectively, to Athel Hupp Dudley, Inc., White City, Oreg., authorizing the transportation of vegetables, fruit, building materials, machinery, livestock, and specified wood products, from, to, or between specified points in California and Oregon.

Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1236 Filed 1-26-72;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATIONS:	
2799 (see Proc. 4101)	659
2937 (see Proc. 4101)	659
2938 (see Proc. 4101)	659
2942 (see Proc. 4101)	659
2972 (see Proc. 4101)	659
3314 (see Proc. 4101)	659
4100	199
4101	659
EXECUTIVE ORDERS:	
11588 (see EO 11640)	1213
11615 (see EO 11640)	1213
11627 (superseded by EO 11640)	1213
11630 (superseded by EO 11640)	1213
11632 (superseded by EO 11640)	1213
11639 (see EO 11640)	1213
11640	1213
11627 (see EO 11639)	521
11639	521

4 CFR

20	1103

5 CFR

213	201, 257, 258, 661, 925
531	859
532	1033
890	7

6 CFR

101	1237
105	1002
201	284, 1242
205	1004
300	284, 426, 587, 652, 775, 1007, 1244
305	1008, 1244
401	1010

7 CFR

52	131, 587
271	1159
354	587, 788
401	1221
510	69
722	7, 272, 789, 1159
725	725
730	8, 859
760	1103
811	661, 725, 925
812	9
814	9
846	133
857	588
900	1103
905	523
907	10, 134, 523, 663, 860, 1033, 1223
910	70, 272, 663, 726, 1034
912	273, 664
914	664
917	273
930	273
932	323
953	926
959	1223
982	588
987	1159
993	861
1104	1225
1106	1225
1007	323
1421	1103
1610	275
PROPOSED RULES:	
51	616
52	1110
68	844
301	217, 218
718	742
719	1174
725	793
730	19
928	793
953	286
966	81
980	81, 1247
981	617
1001	447, 1112
1002	447, 1112
1004	20, 447, 742, 793
1006	447
1007	447, 1114
1011	447
1012	447
1013	447
1015	447
1030	447
1032	447
1033	447
1036	447, 465
1040	447
1043	447
1044	447
1046	447
1049	447
1050	447
1060	447
1061	447, 1050
1062	447
1063	447
1064	447
1065	447, 743
1068	447, 1050
1069	447
1070	447
1071	447
1073	447
1075	447
1076	447
1078	447
1079	447
1090	447
1094	447
1096	447
1097	447
1098	447
1099	447
1101	447
1102	447
1103	447
1104	447, 801
1106	447, 801
1108	447
1120	447
1121	447
1124	447
1125	447
1126	447
1127	447
1128	447
1129	447
1130	447
1131	447
1132	447
1133	447
1134	447
1136	447
1137	447
1138	447
1207	81
1421	936
1430	20
1481	810
1701	811, 1114

8 CFR

103	927
214	328
334	928
334a	928

9 CFR

53	134
75	862
76	329, 435, 665, 1228
78	863
82	135, 589
97	791
203	276
301	1229
311	435
316	435
317	435
320	1229
325	1229
400	135, 435

9 CFR—Continued

	Page
PROPOSED RULES:	
92	935
327	85, 1114

10 CFR

50	864
PROPOSED RULES:	
50	287, 288
110	92, 1059
170	1121

12 CFR

201	11
211	776, 1104
265	1034
545	523, 1104
561	524
563	524
700	329
702	70
PROPOSED RULES:	
225	938, 1251
528	811
545	543
700	813
701	339
715	95
741	813

13 CFR

121	258, 1160

14 CFR

13	436
39	11, 12, 70, 437, 665, 666, 726, 776, 928, 1160, 1229, 1230
71	13, 71, 135, 136, 276, 323, 437, 726, 727, 776, 777, 928, 1161
73	437, 438, 590, 1230
75	13, 71, 667, 777
95	777
97	71, 525, 668, 1035, 1231
214	728
223	778
225	72
249	728
302	277, 1035
PROPOSED RULES:	
39	811
43	222
71	21, 91, 144, 146, 286, 287, 620, 621, 744, 937, 1119, 1249
73	478
75	1250
91	222
121	1175
135	222
207	222, 1122
208	222, 1122
212	222, 1122
214	222, 1122
372a	222, 1122
373	478
378	478
372a	222, 1122

16 CFR

13	729-735, 779
502	928
PROPOSED RULES:	
435	622

17 CFR

230	590, 591, 599
231	600
239	590, 591, 599
240	73
241	600
249	600, 601
270	1162
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

2	780, 1162
11	1163
201	601, 1164
204	601
205	601
260	1164
PROPOSED RULES:	
141	22
201	337
204	337
205	337
250	885
260	337

19 CFR

4	865
6	1104
173	782
PROPOSED RULES:	
Ch. I	19

20 CFR

101	1166
PROPOSED RULES:	
405	89, 1249

21 CFR

3	1166
27	1167
29	865
121	14, 74, 329, 740
130	201
135	137
135b	1170
135c	14, 137, 1170
135e	74, 740
135f	14
141	1104, 1105
141a	438
144	1171
146a	438
146c	440
148e	330, 865
148k	865
148m	15
148x	866
149a	1105
295	741
301	137
PROPOSED RULES:	
1	1115
3	219, 1116
19	468, 869
27	20, 470
130	85, 1175
138	1248
141	1116
145	336
191	1020
191b	1020
304	144
308	867

22 CFR

	Page
11	277
41	15

24 CFR

200	75, 203, 209
201	210
203	138
207	138, 1245
220	138
221	1245
222	76
275	211
1710	1304
1720	1319
1909	1036
1911	1036
1913	1037
1914	280, 608, 783, 1037, 1246
1915	281, 609, 784, 1246
PROPOSED RULES:	
203	144

25 CFR

232	526
PROPOSED RULES:	
16	536

26 CFR

1	527
12	16, 281
601	1016
PROPOSED RULES:	
1	19, 99, 286, 336, 554, 1247, 1328
13	1247

28 CFR

0	931
41	784
301	138
PROPOSED RULES:	
48	935

29 CFR

673	1171
694	1171
1520	1172
1904	736
1910	332
1975	929
PROPOSED RULES:	
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620
688	620
689	620
690	620
720	620
727	620
1910	466, 743

30 CFR

75	17
225	441
225a	441

31 CFR

10	1016
223	1231
530	1108

VOL 37 NO 18 JAN 27 72 XUM

32 CFR — Page

270 — 77
1499 — 668
PROPOSED RULES:
1467 — 99
Ch. XVI — 486
1604 — 479
1606 — 479, 484
1609 — 484
1611 — 479
1613 — 484
1621 — 479
1622 — 479
1623 — 479
1624 — 479, 1115
1625 — 479
1626 — 479, 1115
1627 — 479
1630 — 479
1631 — 479
1632 — 479
1641 — 479
1643 — 479
1660 — 485

32A CFR

Ch. X:
OI Reg. 1 — 601

33 CFR

117 — 784
204 — 527
207 — 668
208 — 1106
PROPOSED RULES:
401 — 938

35 CFR

5 — 77
253 — 281

36 CFR

212 — 737
231 — 211
261 — 737

37 CFR

2 — 931

38 CFR

8a — 282

39 CFR

235 — 77
760 — 211, 443
761 — 211, 443

40 CFR

85 — 669, 784
180 — 78, 140, 141, 332–334, 443, 737–739, 1232
PROPOSED RULES:
2 — 621
6 — 879

40 CFR—Continued — Page

PROPOSED RULES—Continued
115 — 478
164 — 1059
180 — 92–94, 337, 1176

41 CFR

1–1 — 1037
1–3 — 610
1–16 — 610
3–75 — 1041
4–4 — 1233
4–5 — 1233
5A–1 — 527
5A–2 — 932
5A–3 — 141
5A–7 — 141
5A–8 — 142
5A–16 — 528
5A–72 — 932
5A–76 — 528
5B–1 — 334
8–1 — 613, 1234
8–2 — 1234
8–3 — 1234
8–7 — 1234
8–12 — 1234
101–17 — 78
101–26 — 668
101–32 — 932
101–35 — 1172
101–43 — 614
101–44 — 614
101–47 — 740
103–40 — 17
114–26 — 934
114–43 — 934
PROPOSED RULES:
3–4 — 743
51–1 — 336

42 CFR

53 — 182
PROPOSED RULES:
91 — 1116

43 CFR

4110 — 213
PUBLIC LAND ORDERS:
1932 (amended by PLO 5147) — 18
3530 (revoked in part by PLO 5153) — 785
3869 (revoked in part by PLO 5153) — 785
4582 (modified by PLO 5149) — 18
4962 (see PLO 5149) — 18
5081 (see PLO 5149) — 18
5147 — 18
5148 — 18
5149 — 18
5150 — 142
Amended by PLO 5151 — 142, 528
5151 — 142, 528
5152 — 785
5153 — 785
2800 — 217
2810 — 217

45 CFR — Page

177 — 335
249 — 443
1060 — 444
PROPOSED RULES:
121 — 870
130 — 470

46 CFR

157 — 528
310 — 335
390 — 16
PROPOSED RULES:
72 — 676
92 — 676
137 — 879
146 — 220, 937
190 — 676
510 — 678, 1252

47 CFR

2 — 604
31 — 605
33 — 605
73 — 529, 605, 1041, 1161
74 — 1045
89 — 213
91 — 283
93 — 1235
PROPOSED RULES:
0 — 145
1 — 537
2 — 145, 146, 537
15 — 94, 146
21 — 146
43 — 1250
73 — 539–542, 621, 1067, 1122, 1177
87 — 537
89 — 146, 676
91 — 146, 676
93 — 676

49 CFR

7 — 214
99 — 532
Ch. I — 535
178 — 444
191 — 1172
301 — 214
571 — 284, 445, 1107
1002 — 215
1033 — 934, 1046
1121 — 1046, 1049
1203 — 866
1300 — 335
1311 — 1107
PROPOSED RULES:
192 — 145, 1175
571 — 222, 1059, 1120
1048 — 1252

50 CFR

28 — 79, 445, 535, 1237
33 — 79, 80, 785, 1049
35 — 1049
240 — 786
PROPOSED RULES:
28 — 447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date	Pages	Date
1–62	Jan. 4	429–513	Jan. 12	853–918	Jan. 20
63–123	5	515–582	13	919–1027	21
125–193	6	583–654	14	1029–1096	22
195–249	7	655–717	15	1097–1152	25
251–315	8	719–767	18	1153–1205	26
317–427	11	769–852	19	1207–1349	27

federal register

THURSDAY, JANUARY 27, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 18

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

■

Land Registration; and Formal Procedures and Rules of Practice

V 37 N 18 JAN 27 72 XUM

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

[Docket No. R-72-149]

PART 1710—LAND REGISTRATION

On February 24, 1971, the Department published a proposed revision of 24 CFR Part 1710, providing registration requirements under the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701). Various comments were received and on August 16 and 17, 1971, informal hearings were held in accordance with a notice published in the FEDERAL REGISTER on August 5, 1971.

Upon consideration of the comments filed and the statements of record presented at the hearings, certain substantive modifications, editorial clarifications, and changes of format were considered, and a second proposed revision of Part 1710 was published on November 3, 1971. Further comments were invited and received. Careful consideration was given to each comment, and certain suggestions were adopted, in whole or in part, as reflected in this Part 1710.

The following paragraphs describe changes effected by these regulations. Any pertinent changes made from the second revision are also described. Additionally, as reflected in the present heading, this revision of Part 1710 will now appear as an amendment of Chapter IX of Title 24, rather than Chapter V, as a result of the recent reorganization of the title.

In § 1710.1, new definitions of "date of filing," "exemption advisory opinion," "exemption order," and "sale" are included, and the former definition of "unimproved land" is deleted. The definitions of "exemption determination" and "property report" which appeared in the second revision, have been omitted because these terms are adequately explained in their respective sections.

"Date of filing" is a term that has been used in the former regulations without formal definition. Although that term was defined in the second revision, it was also expanded considerably. In response to comments received objecting to the expanded definition, it was reexamined, and the comments were found justifiable. The definition has been modified accordingly.

Section 1710.2 gives the official address of the Office of Interstate Land Sales Registration.

Section 1710.5 *General applicability*, which was omitted from the second revision, has been reinstated in clearer language.

Former § 1710.10, which dealt with exemptions, is now divided into five separate sections. The separation differentiates statutory exemptions which do not require a determination (§ 1710.10) from the statutory exemption that does require a determination (§ 1710.11), and regulatory exemptions that do not require an order (§ 1710.13) from the regulatory exemption that does require an order (§ 1710.14). Section 1710.10 sets forth the first nine exemptions contained in former § 1710.10.

Section 1710.11 is basically former § 1710.10(j) and requires that developers submit a Statement of Reservations, Restrictions, Taxes, and Assessments to the Secretary for approval. This section has been changed from the former regulations and the second revision to reflect the statutory requirement that a developer submit an affirmation concerning purchasers' on-the-lot inspections after sales have been made. The fee requirement set forth in the second revision has been eliminated. Also, paragraph (d), which appeared in the second revision as a prohibition against sales made prior to receipt of the Secretary's determination, is eliminated.

The prohibition against disposition for the purpose of evasion of the Act, which appeared in the introductory paragraph of former § 1710.10 and the same section of the second revision, is now set forth in § 1710.12.

The regulatory exemptions, which appeared in § 1710.12 of the second revision and in paragraphs (k) and (m) of former § 1710.10, are now set forth in § 1710.13.

Section 1710.14, which is unchanged from the second revision, establishes a regulatory exemption dealing with limited offerings. This section, which requires an order by the Secretary, sets forth most of the criteria used in determining exemptions under former § 1710.10(1), plus certain additional criteria, most notably, a maximum offering of less than 300 lots. Comments were received which criticized the provision which limits this exemption to subdivisions of less than 300 lots, on the basis that such a requirement would not be in accord with the legislative history of the Act. We have carefully considered these comments and have concluded that the 300 lot criterion is fully consonant with the legislative history and that the inclusion of this ceiling is necessary to achieve the consumer protection objectives of the statute.

Section 1710.15 provides more detailed information on preparing and filing requests for "exemption advisory opinions."

Section 1710.17 provides for the concurrent submission of a request for either an exemption order or an exemption advisory opinion, together with a Statement of Record; it provides further that after the issuance of an exemption order or a favorable exemption advisory opinion, the Statement of Record will be deemed ineffective and withdrawn unless the developer notifies the Secretary to the contrary.

Section 1710.18 explains the use of and the criteria for the issuance of No-Action Letters.

Section 1710.20, which deals with Statements of Record and Property Reports, is simplified to cover only the form and filing requirements for those documents (including State filings), and a new § 1710.21 prescribes the basis for determining the effective dates for consolidations and amendments. A new § 1710.22 provides for the filing of consolidated Statements of Record. Consolidations were treated previously in former § 1710.30.

Section 1710.23, which deals with the form and filing of amendments, is clarified by requiring an amendment to the Property Report, as well as the Statement of Record, if a material change occurs in any representation of fact made in the Property Report or the Statement of Record. This section was designated as § 1710.30 in the second revision.

Former § 1710.25, dealing with State filings, is now separated into three sections. Section 1710.25 sets forth the criteria upon which State filings will be accepted by the Secretary as meeting the registration requirements of this part. Included in this section is the requirement that a statement from the appropriate State agency be submitted with the filing, though such statement need not be in the form of a certification, as was required in the second revision. The former section provided for an effective date "as of the date of filing." The second revision provided for the same 30-day period applicable to original filings and this provision has been retained. Section 1710.26 lists the States from which State filings may be accepted. Section 1710.27 provides for amendments and consolidations of State filings. In response to comments received this section has been changed from the second revision to permit filing of such amendments or consolidations within 10 days, rather than 5 (five), after the amendments or consolidations have become effective under the applicable State laws.

Section 1710.32 provides that use of Property Reports that contain any material misrepresentation or omission of fact is unauthorized and prohibits representations that Property Reports have been prepared or approved by HUD.

Section 1710.35 is now in tabular form to avoid possible confusion in the computation of fees. The language in the second revision providing for a fee for a determination under § 1710.11 has been deleted.

Section 1710.45, which deals with suspensions, has been clarified and changed to reflect properly the applicable section of the Act. In paragraph (a) the words, "the date of filing" have been substituted for the word, "receipt." Also, a 10-day period within which to request a hearing is now provided. In paragraph (b) the first three words of the title, "Notice of proceeding," have been eliminated. Paragraph (b) also provides for a 15-day period within which a developer may request a hearing and defines the time at which an order to suspend a Statement of Record shall be effective. The former section and the section appearing in the second revision were identical.

Section 1710.50 of the second revision, which dealt with the applicability of the regulations to effective Statements of Record, has been deleted. The effective date of this part and the applicability thereof is set forth in § 1710.130.

Section 1710.101, *Claim of exemption*, is amended to reflect the redesignation of former § 1710.10(j) as § 1710.11.

Section 1710.102, format and instructions of the Statement of Reservations, Restrictions, Taxes, and Assessments, is revised, in part, to require under paragraph 1, "Reservations and Restrictions," that the developer furnish specific recording information whenever he refers to instruments of record.

Section 1710.103 is new and sets forth a format for the affirmation required by § 1710.11.

In § 1710.105, which provides the format and instructions for the Statement of Record, Part IV has been retitled to include the word "Nuisances" and section D thereof has been retitled as "Nuisances." Section C of Part IV now includes a line for information regarding precipitation. The corresponding instructions have been changed accordingly and contain examples of the nuisances toward which this section is directed. Other instructions have been revised to explain certain terms, e.g., water quality and purity (Part VIII), and to describe in detail what information is sought to be set forth in certain parts of the Statement of Record. For example, in Part XI, "Taxes and Assessments—Common Facilities," information concerning the ownership of common facilities and the details of a property owner's association, if any, must be furnished in this part; in Part IV, "Legal Description, Topography, Climate, Nuisances, Subdivision Map," information concerning the vulnerability of the subdivision to natural hazards must be provided under section B. The "100 year flood plain" language that appeared in the second revision of this section has been deleted and except for section B, the instructions for the Statement of Record are essentially identical to those of the second revision.

In § 1710.110, the format and instructions for the Property Report and lease addendum, the order of the format and the instructions for completion of the documents have been reversed. A new paragraph 8(d) has been added to the format of the Property Report. This paragraph, which appeared in the second revision, has in the effective regulation been modified to include information concerning natural hazards as well as unusual conditions concerning noise or safety which affect the subdivision. Paragraph 15 has been changed to include the climate information set forth in Part IV C. of the Statement of Record.

The instructions have been broken into two parts, as shown in the second revision, but differ basically from that revision only in the revised instructions concerning Paragraphs 2(b) and 8(d).

Section 1710.115, which sets forth the State Property Report disclaimer, includes a new paragraph to inform recipients of a State Property Report disclaimer that the Office of Interstate Land Sales Registration has accepted a State Property Report as the Property Report for a particular subdivision.

Section 1710.120, which sets forth certain procedures for a State filing, has been changed from the second revision by deleting the duplicate paragraph in section III.

Section 1710.125, concerning partial Statements of Record, is revised to require that information filed in the heading of a partial Statement of Record shall be filed under the same format as prescribed for a complete Statement of Record under § 1710.105.

Section 1710.130 sets forth the effective date of this part and its applicability to developers who have taken some action pursuant to the former regulations. This section provides that: All initial requests, filings, and other applicable actions made after the effective date of these regulations shall be made pursuant to these regulations. Effective Statements of Record, including Statements of Record, consolidations, and amendments filed with OILSR prior to the effective date of these regulations which become effective subsequent to that date, shall be amended to comply with these regulations; compliance amendments must be submitted not later than March 31, 1972. All developers who currently hold a favorable exemption advisory opinion pursuant to § 1710.10(1) of the former regulations and whose operations are affected by these regulations shall either reapply for an exemption order pursuant to § 1710.14 or file a complete Statement of Record not later than March 31, 1972. All developers who currently hold a favorable exemption advisory opinion pursuant to § 1710.10(j) of the former regulations and whose operations are affected by these regulations shall either submit a revised Statement of Reservations, Restrictions, Taxes, and Assessments pursuant to § 1710.11 or file a complete Statement of Record not later than March 31, 1972. The submissions of affirmations required by § 1710.11(a)(2) shall not apply to sales made prior to the effective date of this part. Requests for exemptions submitted prior to the effective date but for which the Secretary has not issued an opinion will be treated as initial requests. A State filing is deemed to be a Statement of Record for the purposes of this paragraph.

Accordingly, Part 1710 is amended to read as follows:

Subpart A—General Requirements

Sec.
1710.1 Definitions.
1710.2 Official address.
1710.5 General applicability.
1710.10 Statutory exemptions.
1710.11 Statutory exemptions—determination required.
1710.12 Statutory exemptions—when inapplicable.
1710.13 Regulatory exemptions.
1710.14 Regulatory exemptions—exemption order required—limited offering.
1710.15 Exemption advisory opinions.
1710.17 Concurrent submission — request for exemption/Statement of Record.
1710.18 No-Action Letters.
1710.20 Statement of Record and Property Report—form and filing.
1710.21 Statement of Record, consolidations, amendments—effective date.
1710.22 Consolidated Statements of Record.
1710.23 Amendments—Statement of Record and Property Report—form and filing.
1710.25 State filings—in general.
1710.26 State filings—acceptable filings.
1710.27 State filings—consolidations and amendments.
1710.32 Use of Property Reports—misstatements or omissions prohibited; representation of HUD approval prohibited.
1710.35 Payment of fees.
1710.45 Suspensions.

Subpart B—Reporting Requirements

1710.101 Claim of Exemption—format of affirmation.
1710.102 Statement of Reservations, Restrictions, Taxes and Assessments—format and instructions.
1710.103 Affirmation—purchaser's on-the-lot inspection—format.
1710.105 Statement of Record—format and instructions.
1710.110 Property Report and lease addendum—format and instructions.
1710.115 State Property Report disclaimer.
1710.120 Statement of Record—State filing.
1710.125 Partial Statement of Record—request for exemption.
1710.130 Effective date.

AUTHORITY: The provisions of this Part 1710 are issued under section 1419 of the Interstate Land Sales Full Disclosure Act, 82 Stat. 590; 15 U.S.C. 1718.

Subpart A—General Requirements

§ 1710.1 Definitions.

As used in this chapter:

(a) "Act" means the Interstate Land Sales Full Disclosure Act, 82 Stat. 590, 15 U.S.C. 1701, which became effective in its original form on April 28, 1969.

(b) "Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell, or a trust agreement, affecting a subdivision or affecting more than one lot offered within a subdivision, except that such term shall not include any lien or other encumbrance arising as the result of the imposition of any tax assessments by any public authority.

(c) "Date of filing" means the date a Statement of Record, amendment or consolidation, accompanied by the applicable fee, is received by the Secretary.

(d) "Developer" means any person who, directly or indirectly, sells or leases, or offers to sell or lease, or advertises for sale or lease any lots in a subdivision.

(e) "Exemption advisory opinion" means the formal written decision of the Secretary, pursuant to § 1710.10 or § 1710.13, stating whether or not a particular method of sale is exempt from the requirements of this part. Such decision shall be issued on the basis of an

VOL 37 NO 18 JAN 27 72 XUM

examination of the information submitted and will not be considered binding if such information is incomplete or inaccurate in any material respect.

(f) "Exemption order" means the formal written decision of the Secretary, pursuant to § 1710.14, to exempt any subdivision or any lots in a subdivision from the requirements of this part.

(g) "Interstate commerce" means trade or commerce among the several States.

(h) "Offer" means any inducement, solicitation, or attempt to encourage a person to acquire a lot in a subdivision.

(i) "OILSR" means the Office of Interstate Land Sales Registration.

(j) "Person" means an individual, or an unincorporated organization, partnership, association, corporation, trust, or estate.

(k) "Purchaser" means an actual or prospective purchaser or lessee of a lot in a subdivision.

(l) "Rules and regulations" refer to all rules and regulations adopted pursuant to the Act, including the general requirements published in this part.

(m) "Sale" and "Seller" include in their meanings "lease" and "lessor," respectively.

(n) "Secretary" means the Secretary of Housing and Urban Development or his duly authorized representatives.

(o) "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(p) "Subdivision" means any land which is divided or proposed to be divided into 50 or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan; and, where subdivided land is offered for sale or lease by a single developer or a group of developers acting in concert and where such land is contiguous or is known, designated, or advertised as a common unit or by a common name, such land shall be presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

§ 1710.2 Official address.

The official address of the Secretary for delivery of all mail, telegrams, information, filings, registration, and other material required by or relating to the Act or this chapter is:

Office of Interstate Land Sales Registration, HUD Building, 451 Seventh Street SW., Washington, DC 20411

§ 1710.5 General applicability.

Except in the case of an exempt transaction, a developer may not sell or lease land in a subdivision, making use of any means or instruments of transportation or communication in interstate commerce or of the mails, unless a Statement of Record is in effect in accordance with the provisions of this part; and the developer furnishes each purchaser with a printed Property Report, meeting the requirements of the provisions of this part, in advance of the signing of any contract or agreement for sale or lease by the purchaser. As used in this part, "land" shall include lots located in a foreign country.

§ 1710.10 Statutory exemptions.

The requirements of this part shall not apply to:

(a) The sale or lease of real estate not pursuant to a common promotional plan to offer or sell 50 or more lots in a subdivision.

(b) The sale or lease of lots in a subdivision, all of which are 5 acres or more in size.

(c) The sale or lease of any lots on which there is a residential, commercial, or industrial building, or to the sale or lease of land under a contract obligating the seller to erect such a building thereon within a period of 2 years.

(d) The sale or lease of real estate under or pursuant to court order.

(e) The sale of evidences of indebtedness secured by a mortgage or deed of trust on real estate.

(f) The sale of securities issued by a real estate investment trust.

(g) The sale or lease of real estate by any government or government agency.

(h) The sale or lease of cemetery lots.

(i) The sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease of such lots to persons engaged in such business. The foregoing exemptions are available where the particular factual circumstances of the sale or lease meet the express requirements of the exemption provision. No formal written decision is required, but an exemption advisory opinion pursuant to § 1710.15 may be obtained if desired.

§ 1710.11 Statutory exemptions—determination required.

(a) The sale or lease of real estate shall be exempt from the requirements of this chapter if all of the following criteria are met:

(1) At the time of sale or lease the real estate is free and clear of all liens, encumbrances, and adverse claims.

(2) Each and every purchaser or his or her spouse has made a personal on the lot inspection of the real estate which he purchased or leased, prior to the signing of a contract to purchase or lease, and the developer submits his written affirmation to that effect, in the format set forth in § 1710.103.

(3) The developer has filed with the Secretary a Claim of Exemption in the form set forth in § 1710.101.

(4) The developer has obtained the Secretary's approval of the form and content of a Statement of Reservations, Restrictions, Taxes, and Assessments, prepared in accordance with the instructions in § 1710.102.

(5) Prior to the time a purchaser signs a contract for sale or lease the developer shall have furnished to such purchaser the Statement of Reservations, Restrictions, Taxes, and Assessments and shall have obtained in writing the purchaser's acknowledgment of receipt of such statement.

(b) (1) Within 31 days after the expiration of the calendar year in which the sale or lease is made, the developer shall file with the Secretary a copy of each acknowledged statement, together with the developer's affirmation required by paragraph (a)(2) of this section.

(2) If the developer has relied upon the provisions of paragraph (c)(1) of this section to establish the time of sale, he shall file with each acknowledged statement and affirmation a copy of the applicable contract of sale. Such submissions shall be bound in alphabetical order and indexed by purchaser's surname. Each bound volume shall contain only such documents as are applicable to a single subdivision and shall be identified on the outer cover by the name and location of the subdivision and the number assigned by OILSR to such subdivision. Upon demand by the Secretary, made at any time during the calendar year, the developer shall, without delay, file copies of such acknowledged statements, affirmations, and applicable contracts as the Secretary shall request.

(c) For the purposes of this section:

(1) "Time of sale or lease" means the date the sales contract or lease is signed by the purchaser except that the "time of sale" shall be deemed to be the effective date of the conveyance if both of the following conditions are met:

(i) The contract of sale requires delivery of a deed to the purchaser within 120 days following the signing of the sales contract.

(ii) Any earnest money deposit, or other payment on account of the purchase price, made by the purchaser prior to the effective date of the conveyance, is placed in an escrow account fully protecting the interest of the purchaser. Such account shall be with an institution or organization which has trust powers or in an established bank, title insurance, or abstract company, or an escrow company which is doing business in the jurisdiction in which the property is located.

(2) "Liens, encumbarnces, and adverse claims" do not include the following:

(i) Property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed.

(ii) Taxes and assessments imposed by a State, by any other public body having authority to assess and tax property or by a property owners' association which under applicable State or local law constitute liens before they are due and payable.

(iii) Beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision.

§ 1710.12 Statutory exemptions—when inapplicable.

The exemptions set forth under §§ 1710.10 and 1710.11 of this part shall not be applicable when the method of sale, lease, or other disposition of land or an interest in land is adopted for the purpose of evasion of the Act.

§ 1710.13 Regulatory exemptions.

The requirements of this part shall not apply to:

(a) The sale or lease of lots each of which exceeds 10,000 square feet and each of which will be sold for less than $100, including closing costs.

(b) The lease of lots for a term not to exceed 5 years provided the terms of the lease do not obligate the lessee to renew.

The foregoing exemptions are available where the particular factual circumstances of the sale or lease meet the express requirements of the exemption provision. No formal written decision is required, but an exemption advisory opinion pursuant to § 1710.15 may be obtained if desired.

§ 1710.14 Regulatory exemptions—exemption order required—limited offering.

(a) The Secretary may exempt from the provisions of this part any subdivision or any lots in a subdivision which otherwise would be covered by the provisions of this part, by issuing an exemption order in writing to the effect that the enforcement of this part with respect to such subdivision or lots is not necessary in the public interest and for the protection of purchasers by reason of the small amount involved or the limited character of the public offering, if he determines that:

(1) The request for the exemption order is limited to a single transaction; or

(2) All of the following criteria are met:

(i) There are less than 300 lots in the subdivision.

(ii) The subdivision is located entirely within one State.

(iii) The offering of lots in the subdivision is entirely or almost entirely limited to the State in which the subdivision is located.

(iv) The use of all advertising and other promotional means, the distribution of which is within control of the developer or his agents, is confined to the State in which the subdivision is located. All use of billboards and similar signs, telephonic methods of communication and direct mail shall be conclusively presumed to be within the control of the developer or his agents.

(v) No more than 5 percent of the sales in the subdivision in any one year will be made to nonresidents of the State in which the subdivision is located.

(b) To obtain an order by the Secretary under paragraph (a) of this section, the developer shall:

(1) File a partial Statement of Record—Request for Exemption in accordance with § 1710.125, except that the developer may file a complete Statement of Record as provided in § 1710.17(a).

(2) Pay the filing fee required by § 1710.35(g).

(3) Submit a comprehensive statement.

(i) Identifying the lots which are the subject of the exemption request and setting forth the reasons supporting such request. The developer shall enumerate and identify prior sales, if any.

(ii) Describing the advertising and promotional media and metohds used or to be used in connection with the sale or lease or offers to sell or lease lots in the subdivision. The statement shall describe the area and States in which newspapers and periodicals are distributed, or in which broadcasts of radio or television stations are received, or to which mailings or other promotional materials are directed. If the request is for the exemption of a single transaction, the statement shall include the details of that transaction only.

(iii) Stating whether any of the holders of an ownership interest in the land, or the developer or any principals in the holder or developer, are directly or indirectly involved in any other subdivision for which they have filed a Statement of Record with or have requested an exemption order, determination or advisory opinion from the Office of Interstate Land Sales Registration. If so, the statement shall identify the subdivision by name, location and OILSR number or numbers. If any of the above-mentioned persons are involved in any other subdivision for which they plan to file a Statement of Record or for which they plan to request an exemption order, determination or advisory opinion, the statement shall identify such subdivision by name and location and shall state the proposed number of lots in that subdivision.

(4) Submit such additional information as the Secretary may require in order to make his decision.

(c) Any exemption order issued pursuant to the provisions of this section shall be limited to the facts, affirmations, and methods of operation as represented in the request and any material change in or deviation therefrom shall automatically terminate the effect of such exemption order.

§ 1710.15 Exemption advisory opinions.

(a) *In general.* A developer of a subdivision may obtain an exemption advisory opinion from the Secretary stating whether or not, in the opinion of the Secretary, a particular method of sale or lease is exempt from the requirements of this part. An exemption advisory opinion is issued solely in connection with those methods of sale or lease exempted by §§ 1710.10 and 1710.13.

(b) *Supporting statement and fees.* Any opinion request shall be accompanied by the required fee, set forth in § 1710.35(g), and a comprehensive statement of facts and applicable law under which the developer believes the method of disposition to be exempt. Such statement shall:

(1) Describe the advertising and promotional media and methods used or to be used in connection with the sale or lease or offers to sell or lease lots in the subdivision.

(2) Describe the area and States in which newspapers and periodicals are distributed, or in which broadcast of radio or television stations are received, or to which mailings or other promotional materials are directed.

(3) State whether any of the holders of an ownership interest in the land, or the developer or any principals in the holder or developer, are directly or indirectly involved in any other subdivision for which they have filed a Statement of Record with or have requested an exemption order, determination or advisory opinion from the Office of Interstate Land Sales Registration. If so, the statement shall identify the subdivision by name, location, and OILSR number or numbers. If any of the above-mentioned persons are involved in any other subdivision for which they plan to file a Statement of Record or for which they plan to request an exemption order, determination or advisory opinion, the statement shall identify such subdivision by name and location and shall state the proposed number of lots in that subdivision.

§ 1710.17 Concurrent submission—request for exemption/Statement of Record.

A request for an exemption order pursuant to § 1710.14 or for an exemption advisory opinion pursuant to § 1710.15 also may be obtained by following the applicable procedure described in paragraph (a) or (b) of this section.

(a) *Exemption order or advisory opinion request—complete Statement of Record.* (1) A developer who wishes to begin promptly to offer or to sell lots in a subdivision may submit in connection with a request for an exemption order or for an exemption advisory opinion a complete Statement of Record (§ 1710.-20). Such request shall not affect the date upon which the Statement of Record shall become effective.

(2) If a Statement of Record has become effective prior to the issuance of an exemption order or an exemption advisory opinion of the Secertary to the effect that the method of disposition is exempt, the developer shall elect within 30 days of the date of such opinion whether he intends to rely upon such opinion or intends for the Statement of Record to remain in effect. Unless the developer informs the Secretary to the contrary, the Statement of Record shall be deemed ineffective and permanently withdrawn, and it will be presumed that the developer intends to rely upon the opinion of the Secretary. Thereafter, the developer shall not represent to a purchaser that:

(i) The subdivision has been registered with the Secretary,

(ii) The Statement of Record is in effect, or

(iii) The Secretary has accepted any Property Report or similar information given to a purchaser.

If the developer does not intend to rely on the exemption order or on the exemption advisory opinion and so notifies the

V 37 N 27 1 8 JAN 27 72 XUM

Secretary of his election within 30 days of the date of such opinion, he shall not thereafter represent to a purchaser that his method of sale, lease, or other disposition is exempt from the Act.

(b) *Exemption advisory opinion request—partial Statement of Record.* A developer who, for any reason, prefers not to file a complete Statement of Record may file a partial Statement of Record in connection with a request for an exemption advisory opinion. The partial Statement of Record shall be in the form required by § 1710.125. The partial Statement of Record shall not operate as registration under the Act.

§ 1710.18 No-Action Letters.

Whenever the Secretary determines on the basis of the facts presented that no affirmative action is necessary to protect the public interest or prospective purchasers, a letter stating that no action will be taken by the Secretary may be issued. Any letter by the Secretary that action shall not be taken shall not bind the Secretary with regard to his future actions relating to such matter unless the Secretary shall specifically set forth in writing his determination to be so bound and the extent and nature thereof. Any such No-Action Letter by the Secretary shall not affect any right which any purchaser may have under the Act.

§ 1710.20 Statement of Record and Property Report—form and filing.

The requirements for registering a subdivision, by filing a Statement of Record and a Property Report with the Secretary and obtaining the Secretary's determination of a date when such filing becomes effective, are as follows:

(a) *Filing.* A Statement of Record and a Property Report relating to a subdivision shall be filed with the Secretary by personal delivery or by certified mail, return receipt requested, addressed as shown in § 1710.2.

(b) *Form of Statement of Record.* The Statement of Record shall be filed in the form, and shall be supported by the documentation, required by § 1710.105. The Statement of Record shall also include such other information as the Secretary may require as being reasonably necessary or appropriate for the protection of purchasers.

(c) *Form of Property Report.* The Property Report shall be in the form set forth in § 1710.110.

(d) *State filings.* Instead of the forms required by paragraphs (b) and (c) of this section, a Statement of Record and Property Report may be in the form required by State authorities if filed in accordance with the provisions of §§ 1710.25, 1710.115, and 1710.120.

(e) *Effective date—Property Report.* The Property Report shall be considered to be a part of the Statement of Record for the purpose of determining the effective date and the suspension of the effective date thereof.

§ 1710.21 Statement of Record, consolidations, amendments—effective date.

(a) *Original filing and amendment thereto—effective date.* The effective date of a Statement of Record or any amendment thereto shall be the 30th day after the date of filing unless the Secretary shall notify the developer in writing prior to such 30th day either that:

(1) The effective date has been suspended in accordance with § 1710.45(a), or

(2) An earlier effective date has been determined by the Secretary.

(b) *Consolidated filing—effective date.* The effective date of a consolidated Statement of Record shall be governed by the provisions of paragraph (a) of this section except that the date of filing

(c) *Amendments — effective date.* Amended Statements of Record shall become effective as follows: If a Statement of Record or any amendment thereto has been filed but is not yet effective, the effective date of the Statement or amendment, as amended, shall be the 30th day after the filing of the latest amendatory material unless the Secretary shall notify the developer in writing prior to such 30th day either that:

(1) The effective date has been suspended in accordance with § 1710.45(a), or

(2) An earlier effective date has been determined by the Secretary.

§ 1710.22 Consolidated Statements of Record.

If in connection with lots previously offered for sale and covered by an effective Statement of Record, the developer intends to offer additional lots as part of a common promotional plan, either a new or a consolidated Statement of Record must be filed. The developer shall answer specifically each question in the Statement of Record and submit a new Property Report. The developer may not incorporate by reference answers to questions or suporting documentation in the previous filing, except that supporting documentation may be incorporated by reference in those instances where it is applicable specifically to both the original filing and to the additional lots to be offered. In all other respects the consolidated Statement of Record shall conform to the format requirements of an initial Statement of Record filed in accordance with these regulations.

§ 1710.23 Amendments—Statement of Record and Property Report—form and filing.

(a) An amendment to an effective Statement of Record or to a Property Report shall be filed with the Secretary if any material change occurs in any representation of fact made in such statement or report. An amendment shall be filed within 15 days of the date on which the developer knows or should have known that there has been a material change. The OILSR number of the Statement of Record shall appear at the top of each page of the material submitted.

(b) An amendment to a Statement of Record or Property Report shall incorporate by reference the prior Statement of Record or Property Report except for any material change which may have occurred. A material change shall be specifically described and shall be supported by such documentation as would be required in connection with an initial filing. Any such amendments shall be accompanied by:

(1) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that part and page of the Statement of Record which is being amended.

(2) All pages of the Statement of Record, which have been amended, retyped in the approved format reflecting the amendments.

(3) A copy of the Property Report, if amended.

§ 1710.25 State filings—in general.

(a) Material filed with and found acceptable by State authorities charged with the responsibility of regulating the sale of lots in subdivisions may be accepted for filing by the Secretary as meeting the requirements of this part if the Secretary determines such action to be appropriate and such determination is set forth in § 1710.26. Material filed with the Secretary under this section must be accompanied by a statement from the appropriate State authority which states substantially that:

The Department of Real Estate (or Real Estate Commission or Securities Commission) has reviewed the copies of documents attached to this filing and finds that these copies consist of _____ pages and that they are copies of all documents upon which the Public Report (or Public Offering Statement or Public Statement), which became effective on ----------, 197--, is based.

(b) Where duplicate material has been accepted for filing by the Secretary under paragraph (a) of this section and such material, or any part thereof, for any reason, is no longer acceptable to the State authorities or effective in that State, the filing with the Secretary shall be ineffective unless amended pursuant to § 1710.27.

(c) The effective date of a State filing shall be determined in accordance with the provisions of §§ 1710.20 and 1710.21.

§ 1710.26 State filings—acceptable filings.

The Secretary has determined that material initially filed with and allowed to become effective by authorities in the several States listed below may be accepted pursuant to § 1710.25:

(a) California.

(b) Florida, except as to material filed with State authorities prior to enactment of section 478, Florida statutes, effective August 1, 1967.

(c) Hawaii, except as to material filed with State authorities prior to the enactment of Act 223, Session laws of Hawaii 1967.

(d) New York.

§ 1710.27 State filings—consolidations and amendments.

(a) *Procedures.* Where material filed with State authorities also has been filed with the Secretary pursuant to § 1710.25, and subsequent thereto, the State authorities approved amendments or a consolidation to such material, copies of amended or consolidated material, as approved, shall be filed with the Secretary. The OILSR number shall appear at the top of each page of the material submitted. Such a filing shall be made with the Secretary within 10 days after it becomes effective under the applicable State laws and shall include the following additional items:

(1) A letter or other document from the State authorities stating that the amendment or additional material has been allowed to become effective.

(2) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment or consolidation and referring to that part and page of the Statement of Record which is being amended.

(3) All pages of the Statement of Record, which have been amended, retyped in the approved format reflecting the amendments.

(4) A copy of the Property Report, if amended.

(b) *Requirement for amendment.* The Statement of Record and Property Report shall be immediately amended when any omission is discovered or any change occurs which causes the Statement of Record or Property Report to contain any material misstatement or omission of fact.

(c) *Effective date—State filing.* The effective date of a State filing consolidation or amendment shall be determined in accordance with the provisions of § 1710.21.

§ 1710.32 Use of Property Reports—misstatements or omissions prohibited; representation of HUD approval prohibited.

Nothing in this part shall be construed to authorize or approve any use of a Property Report containing any untrue statement of a material fact or omitting to state a material fact required to be stated therein. Nor shall anything in this part be construed to authorize or permit any representation that the Property Report is prepared or approved by the Secretary, OILSR or the Department of Housing and Urban Development.

§ 1710.35 Payment of fees.

(a) *Method of payment.* Fees shall be paid by certified check or cashier's check or postal money order. Such check or money order shall be payable to the Treasurer of the United States.

(b) *Initial filing.* The fee, not to exceed $1,000, for the initial filing of a Statement of Record, shall be, as set forth in column 1 of paragraph (f) of this section, based on the number of lots in the offering.

(c) *Consolidated filing.* The fee, not to exceed $1,000, for filing a consolidated Statement of Record, shall be, as set forth in column 2 of paragraph (f) of this section, based on the number of lots in addition to the number which were offered in the initial Statement of Record.

(d) *Initial State filing.* The fee, not to exceed $1,000, for an initial filing of a duplicate of material filed with a State (§ 1710.25), shall be, as shown in column 3 of paragraph (f) of this section, based on the number of lots in the offering.

(e) *Consolidated State filing.* The fee, not to exceed $1,000, for the filing of a duplicate of material filed with a State covering a number of lots in addition to the number contained in the initial offering approved by the State (§ 1710.27), shall be, as shown in column 4 of paragraph (f) of this section, based on the number of lots being added to the number in the initial offering. This paragraph applies only in those instances where the State has permitted the consolidation of the additional number of lots with those included in the initial offering.

(f) *Fee schedule.* The following chart shall be used in computing fees required to be paid under paragraphs (b), (c), (d), and (e) of this section.

Number of lots	Fees column 1	2	3	4
1-50	$300	$250	$225	$125
51-100	350	300	250	150
101-150	400	350	275	175
151-200	450	400	300	200
201-250	500	450	325	225
251-300	550	500	350	250
301-350	600	550	375	275
351-400	650	600	400	300
401-450	700	650	425	325
451-500	750	700	450	350
501-550	800	750	475	375
551-600	850	800	500	400
601-650	900	850	525	425
651-700	950	900	550	450
701-750	1,000	950	575	475
751-800	1,000	1,000	600	500
801-850	1,000	1,000	625	525
851-900	1,000	1,000	650	550
901-950	1,000	1,000	675	575
951-1,000	1,000	1,000	700	600
1,001-1,050	1,000	1,000	725	625
1,051-1,100	1,000	1,000	750	650
1,101-1,150	1,000	1,000	775	675
1,151-1,200	1,000	1,000	800	700
1,201-1,250	1,000	1,000	825	725
1,251-1,300	1,000	1,000	850	750
1,301-1,350	1,000	1,000	875	775
1,351-1,400	1,000	1,000	900	800
1,401-1,450	1,000	1,000	925	825
1,451-1,500	1,000	1,000	950	850
1,501-1,550	1,000	1,000	975	875
1,551-1,600	1,000	1,000	1,000	900
1,601-1,650	1,000	1,000	1,000	925
1,651-1,700	1,000	1,000	1,000	950
1,701-1,750	1,000	1,000	1,000	975
1,751-or more	1,000	1,000	1,000	1,000

(g) *Exemption order or exemption advisory opinion.* The fee for an exemption order or exemption advisory opinion (§ 1710.14 or § 1710.15) shall be $100, which shall not be refundable and is to be collected as follows:

(1) When the developer files a complete Statement of Record pursuant to § 1710.17(a), the fee required by paragraphs (b) through (e) of this section shall be submitted and if the Secretary advises or orders that the offering is exempt under §§ 1710.10, 1710.13 or 1710.14, the Secretary will refund the submitted fee except for $100.

(2) When the developer files a request for an exemption order or advisory opinion not accompanied by a complete Statement of Record, the fee of $100 shall be submitted. If the Secretary finds that the filing of a complete Statement of Record is required, the fee of $100 shall be applied as a credit toward the fee required for the filing of the complete Statement of Record.

§ 1710.45 Suspensions.

(a) *Suspension notice—prior to effective date.* (1) A suspension notice with respect to a Statement of Record or an amendment may be issued to a developer by the Secretary within 30 days after the date of filing if prior to its effective date, the Secretary has reasonable grounds to believe that a Statement of Record is on its face incomplete or inaccurate in any material respect; or prior to its effective date, the Secretary has reasonable grounds to believe that an amendment is on its face incomplete or inaccurate in any material respect.

(2) Suspension notices issued pursuant to this subsection shall suspend the effective date of the statement or the amendment until 30 days, or such earlier date as the Secretary may determine, after the developer files such additional information as the Secretary shall require.

(3) A developer, upon receipt of a suspension notice, may request a hearing within 10 days of receipt of such notice. Such hearing shall be held within 20 days of receipt of such request by the Secretary.

(b) *Suspension orders—subsequent to effective date.* (1) A notice of proceedings to suspend an effective Statement of Record may be issued to a developer if the Secretary has reasonable grounds to believe that an effective Statement of Record includes an untrue statement of a material fact, or omits a material fact required by the Act or the rules and regulations, or omits a material fact which is necessary to make the statements therein not misleading. The Secretary may, after notice, and after opportunity for a hearing requested within 15 days of receipt of such notice, issue and order suspending the Statement of Record. In the event that a suspension order is issued, such order shall remain in effect until the developer has amended the Statement of Record or otherwise complied with the requirements of the order. When the developer has complied with the requirements of the order, the Secretary shall so declare and thereupon the suspension order shall cease to be effective.

(2) If the Secretary undertakes an examination of a developer or his records to determine whether a suspension order should be issued, and the developer fails to cooperate with the Secretary or obstructs, or refuses to permit the Secretary to make such examination, the Secretary may issue an order suspending the Statement of Record. Such order shall remain in effect until the developer has complied with the requirements of the order.

JAN 27 72

When the developer has complied with the requirements of the order, the Secretary shall so declare and thereupon the suspension order shall cease to be effective.

(3) Upon receipt of an amendment to an effective Statement of Record, the Secretary may issue an order suspending the Statement of record until the amendment becomes effective if he has reasonable grounds to believe that such action is necessary or appropriate in the public interest or for the protection of purchasers.

(4) Suspension orders issued pursuant to this subsection shall operate to suspend the Statement of Record as of the date the order is either served on the developer or his registered agent or is delivered by certified or registered mail to the address of the developer or his authorized agent.

Subpart B—Reporting Requirements

§ 1710.101 Claim of exemption—format of affirmation.

A claim of exemption pursuant to § 1710.11 shall be made to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, and shall be supported by an affirmation as follows:

CLAIM OF EXEMPTION

I hereby affirm on this ------ day of ------, 19--, as follows:

(1) I am the developer, or the duly authorized agent of the developer, of the subdivision known as ----------, located at ----------, in the State of ----------, County of ----------.

(2) Each and every purchaser or lessee of a lot to be covered by this exemption, or his or her spouse, prior to his signing a contract to purchase or lease will have:

(a) Made a personal on-the-lot inspection of the real estate which he purchases or leases; and

(b) Acknowledged, in writing, receipt of a statement furnished by the developer setting forth all reservations, restrictions, taxes, and assessments applicable to the lot to be purchased or leased whether or not such reservations, restrictions, taxes, or assessments are included within the term "liens, encumberances, and adverse claims" as used in paragraph (7) below.

(3) This affirmation is accompanied by a Statement of Reservations, Restrictions, Taxes, and Assessments prepared in accordance with the provisions of 24 CFR 1710.102. The Secretary's approval of such statement will be obtained prior to its distribution and use.

(4) The Statement of Reservations, Restrictions, Taxes, and Assessments is complete and correct.

(5) The receipt of such statement will be acknowledged in writing, in duplicate, by the purchaser or lessee prior to the time of the signing of the contract.

(6) A copy of the acknowledged statement will be filed with the Secretary within 31 days after the expiration of the calendar year in which the sale or lease is made. Upon demand by the Secretary made at any time during the calendar year, the developer shall file such copies of such acknowledged statements as shall be specified by the Secretary.

(7) At the time of sale or lease, the lot will be free and clear of all liens, encumbrances, and adverse claims. The term "liens, encumbrances, and adverse claims" (as used in this paragraph) is not intended to include property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, nor to taxes and assessments imposed by a State, by any other public body having authority to assess and tax property or by a property owners' association, which, under applicable State or local law, constitute liens on the property before they are due and payable, nor to beneficial property restrictions which would be enforceable by other lot owners or lessees in the subdivision.

(8) For the purpose of this claim of exemption, the undersigned agrees that the "time of sale or lease" shall be deemed to be the date the sales contract or lease is signed by the purchaser or lessee except that the "time of sale" shall be deemed to be the effective date of the conveyance or lease if both of the following requirements are met:

(a) The contract of sale requires delivery of a deed to the purchaser within 120 days following the signing of the sales contract.

(b) Any earnest money deposit or other payment on account of the purchase price made by the purchaser prior to the effective date of the conveyance will be placed in an escrow account, fully protecting the interests of the purchaser, in an institution or organization which has trust powers, or in an established bank, title insurance, or abstract company, or escrow company doing business in the jurisdiction in which the property is located.

(Title)

(If the affirmation is made by an agent of the developer of the subdivision, submit written authorization to act as agent.)

§ 1710.102 Statement of Reservations, Restrictions, Taxes, and Assessments—format and instructions.

A Statement of Reservations, Restrictions, Taxes, and Assessments shall be prepared by the developer in accordance with the following format and instructions:

STATEMENT OF RESEAVATIONS, RESTRICTIONS, TAXES, AND ASSESSMENTS

Employer's IRS Number ------
Developer----------
Owner----------
Name of developer----------
Address ----------
Owner (if developer is other than owner)

Address ----------
Name of subdivision----------
Location ----------
Number of lots in subdivision----------
Number of acres in subdivision----------

1. *Reservations and restrictions.*

(The developer shall set forth, in descriptive and concise terms, a complete statement of all reservations and restrictions affecting the property within the above-named subdivision. Where reservations or restrictions are not applicable to all lots within a subdivision the statement shall identify the lots affected. State whether such reservations and restrictions are enforceable by other lot owners or lessees of lots in the subdivision. Reference to instruments of record shall include a specific citation to the public record in which such instruments are recorded or filed by book, page, and place of record.)

2. *Taxes.*

(The developer shall set forth, in descriptive and concise terms, a complete statement listing all taxes and liens presently due and payable and those which constitute liens on the property before they become due and payable, together with the date such taxes will become due and payable. Itemize taxes, amounts and rates by lots. Where taxes, amounts or rates shown are not yet available for the current calendar year, those for the previous year should be shown with a statement that they are not for the current year and that the new taxes, amounts or rates may vary; and, if property has been rezoned or subdivided since the last taxing period, the estimated amount of changes for the current year should also be shown. Where the previous year's taxes were based other than on lots as presently subdivided, estimates should be shown and so identified.)

3. *Assessments.*

(The developer shall set forth in descriptive and concise terms a statement of all assessments which are made or may be made by State or local authorities or by a property owners' association or similar organization. The statement shall include any dues or fees paid in the last year or payable to a property owner's association. Itemize assessments, dues, fees, amounts and rates. State the authority under which the assessments, dues, and fees are imposed.)

WARNING: This subdivision is not registered with the Office of Interstate Land Sales Registration nor has that Office passed upon the accuracy or adequacy of this statement, nor does this statement serve as an endorsement or recommendation by that Office of the above offering.

The undersigned by his signature hereby acknowledges that he has received a Statement of Reservations, Restrictions, Taxes, and Assessments, on (identify subdivision and location) from (name of developer) located at (address) and that he has made a personal on-the-lot inspection of (at the time of delivery to the purchaser or lessee insert a legal description of the particular lot) which is the lot upon which the undersigned plans to execute a contract of sale or lease.

(Date)

(Signature of purchaser or lessee)

§ 1710.103 Affirmation—purchaser's on-the-lot inspection—format.

The affirmation required by § 1710.11 (a) (2) shall be submitted in the form set forth below and may be submitted as a separate document or as an attachment to the purchaser's acknowledgment of receipt of the Statement of Reservations, Restrictions, Taxes, and Assessments.

AFFIRMATION RE PURCHASER'S ON-THE-LOT INSPECTION

I hereby affirm on this ------ day of ----------, 19--, that:

(1) I am the developer, or the duly authorized agent of the developer, of the subdivision known as ----------, located at ----------, in the State of ----------, County of ----------.

(2) On ----------, 19--, Mr. and Mrs. ----------, of ----------, signed a contract for the purchase (lease) of lot ------ in section ---------- of said subdivision.

(3) Prior to signing the contract Mr. and Mrs. (Mr. or Mrs.) ---------- made a personal on-the-lot inspection of the lot described in paragraph (2) above.

(Title)

(If the affirmation is made by an agent, submit written authorization to act as agent. Only one authorization per agent need be submitted for a calendar year, though copies of such authorization may be submitted with each affirmation.)

§ 1710.105 Statement of Record—format and instructions.

The Statement of Record required by § 1710.20 shall be prepared in accordance with the format and instructions as follows:

Employer's IRS number: ------
Developer: ----------
Owner: ----------

STATEMENT OF RECORD

Name of subdivision: ----------
Location: ----------
Name of developer: ----------
Developer's address: ----------
Authorized agent: ----------
Authorized agent's address: ----------

PART I. ADMINISTRATIVE INFORMATION

A. Identification and filing information:
1. ----------
2. ----------
3. ----------
B. General information:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. Acres owned ----------
Acres under option or other similar arrangement ----------
Total ----------
C. Filings with State authorities:
1. ----------
2. ----------
D. Supporting documentation:
1. ----------
2. ----------

PART II. DEVELOPERS AND HOLDERS OF OWNERSHIP INTERESTS IN LAND

A. Holder of ownership interest----------
Type of legal entity----------
Extent and type of interest----------
B. Holder of interest in developer----------
Type of legal entity----------
Extent and type of interest----------
C. Supporting documentation----------

PART III. IDENTITY OF INTEREST IN MORE THAN ONE FILING

A. Subdivision ----------
Location ----------
OILSR number ----------
Date of filing ----------
B. Suspensions ----------

PART IV. LEGAL DESCRIPTION, TOPOGRAPHY, CLIMATE, NUISANCES, SUBDIVISION MAP

A. Legal description ----------
B. Topography and physical characteristics:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. ----------
7. ----------
C. Climate and temperature:
1. ----------
2. ----------
3. ----------
D. Nuisances:
1. ----------
2. ----------
E. Subdivision map:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. Supporting documentation:
F. Supporting documentation:
1. ----------
2. ----------

PART V. CONDITION OF TITLE, ENCUMBRANCES, DEED RESTRICTIONS, AND COVENANTS

A. ----------
B. ----------
C. ----------
D. ----------

PART VI. GENERAL TERMS AND CONDITIONS OF OFFER, PROPOSED RANGE OF SELLING PRICES OR RENTS

A. Summary of General Terms and Conditions of Offer:
1. ----------
2. ----------
3. ----------
B. Proposed range of selling prices or rents ----------
C. Supporting documentation:
1. ----------
2. ----------
3. ----------

PART VII. ACCESS, NEARBY COMMUNITIES, ROAD SYSTEM WITHIN THE SUBDIVISON

A. Access—Nearby communities:
1. ----------
2. ----------
3. Name of community----------
Population ----------
Distance over paved roads----------
Distance over unpaved roads----------
Total ----------
B. Road system within the subdivision:
1. ----------
2. ----------
3. ----------
C. Supporting documentation:
1. ----------
2. ----------
3. ----------

PART VIII. UTILITIES

A. Water:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. ----------
7. ----------
8. Supporting documentation:
a. ----------
b. ----------
c. ----------
d. ----------
B. Electricity:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. Supporting documentation:
a. ----------
b. ----------
c. ----------
C. Gas:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. Supporting documentation:
a. ----------
b. ----------
c. ----------
D. Telephone:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. Supporting documentation:
a. ----------
b. ----------
c. ----------
E. Sewage disposal:
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. ----------
7. ----------
8. ----------
9. ----------
10. Supporting documentation:
a. ----------
b. ----------
F. Drainage and flood control:
1. ----------
2. ----------
3. ----------
4. ----------
5. Supporting documentation:
a. ----------
b. ----------
G. Television:
1. ----------
2. ----------

PART IX. RECREATIONAL AND COMMON FACILITIES

A. ----------
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
B. ----------

PART X. MUNICIPAL SERVICES

A. Fire protection:
1. ----------
2. ----------
3. ----------
B. Police protection----------
C. Garbage and trash collection:
1. ----------
2. ----------
3. ----------
D. Public schools:
1. Elementary school:
a. ----------
b. ----------
c. ----------
2. Junior high school:
a. ----------
b. ----------
c. ----------
d. ----------
3. High school:
a. ----------
b. ----------
c. ----------
d. ----------
E. Medical and dental facilities:
1. Hospital facilities:
a. ----------
b. ----------
c. ----------
d. ----------
e. ----------
2. Physicians and dentists:
a. ----------
b. ----------
F. Public transportation:
1. ----------
2. ----------
3. ----------
4. ----------

V 37 18 JAN 27 72 XUM

PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

A. ----------
B. ----------
C. ----------
1. ----------
2. ----------
3. ----------
4. ----------
5. ----------
6. ----------
7. ----------

PART XII. OCCUPANCY STATUS

A. ----------
B. ----------
C. ----------

PART XIII. SHOPPING FACILITIES

A. ----------
B. ----------

PART XIV. FINANCIAL STATEMENT

A. ----------
B. ----------

PART XV. AFFIRMATION

Affirmation

I hereby affirm that I am the developer of the lots herein described or will be the developer at the time lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent):

That the statements contained in this Statement of Record and any supplement thereto, together with any documents submitted herewith, are full, true, complete, and correct;

That the fees accompanying this application are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

---------- ----------
(Date) (Signature)

---------- ----------
(Corporate seal if applicable) (Title)

WARNING: Section 1413 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a statement of record filed under, or in a property report issued pursuant to, this title, makes any untrue statement of a material fact * * *, shall upon conviction be fined not more than $5,000 or imprisoned not more than 5 years, or both."

INSTRUCTIONS FOR COMPLETION OF STATEMENT OF RECORD

These instructions must be followed in completing the Statement of Record. All spaces in the specified format must be completed. The format must not be changed in any respect, except as follows:

a. Spaces provided in the format may be enlarged or extended for the purpose of providing a comprehensive explanation.

b. In addition to the information expressly required to be stated in the Statement of Record, there shall be added such further material information, if any, as may be necessary to make the required statements in the light of the circumstances under which they are made, not misleading.

c. If a filing is to be consolidated pursuant to § 1710.22, the developer shall answer specifically each question in the Statement of Record and submit a new Property Report. The developer shall not incorporate by reference the answers to questions or supporting documentation in the previous filing, except that supporting documentation may be incorporated by reference in those instances where it is applicable specifically to both the original filing and to the additional lots to be offered. This shall be accomplished by placing after the applicable part or subpart in the format the OILSR number of the previous filing identifying the appropriate part, subpart, exhibit, and page number. In all other respects the consolidated Statement of Record shall conform to the format requirements of an initial Statement of Record filed under these regulations.

To facilitate proper filing, Statements of Record shall be filed on good quality, unglazed, white paper, approximately 8½ by 13 inches in size, with a 2-inch margin at the top and a 1½-inch margin on each side. They shall be in black ink in standard elite or pica type. They may be printed, lithographed, mimeographed, or typewritten; but the standard size of elite or pica type must be used. Deeds, title policies, subdivision maps or plats, and other supporting documents may be on different size paper but should be folded to the 8½- by 13-inch size. A copy of the Property Report containing the text in its entirety as it is intended to be reproduced for delivery to prospective purchasers shall be attached to the Statement of Record. Statements of Record shall be properly signed and dated.

In the upper right hand corner, the developer shall give his employer's IRS number as well as that of the owner of the subdivision, if the developer is not the owner. The name at the heading of the Statement of Record shall be the common promotional name used for the subdivision. The name and address of the authorized agent shall be the name and address of the party designated by the developer to receive correspondence and to receive service of process or notice of any action taken by OILSR. In all filings, including filings by foreign developers, the authorized agent shall be a resident of the United States.

The supporting documents required by the various parts of these instructions shall be attached as exhibits at the back of the Statement of Record. Each exhibit shall be identified by affixing a tab on the right side of the cover sheet of the exhibit and by identifying thereon the applicable part and subpart by Roman numeral, letter and Arabic number. The pages of each exhibit shall be numbered beginning with the number one for the first page in each exhibit and numbering the remaining pages in the exhibit sequentially. If, at a later time, additional data is furnished to be incorporated into, or to amend, an exhibit, the pages of the additional data shall be numbered beginning with the number following the last page number in the exhibit and following sequentially therefrom. If the information in an exhibit is applicable to more than one part, the developer may incorporate that information by reference to the appropriate exhibit and to the applicable page or pages within that exhibit.

If an item in the Statement of Record is supported by information in an exhibit, place the appropriate exhibit and page number in the right margin immediately adjacent to the item. Whenever the Statement of Record requires a summary or statement of terms or items, such summary or statement must be presented in a clear and concise manner.

Where the documentation required by the Statement of Record cannot be obtained, a letter stating the reasons therefore must be furnished by the developer, along with the best alternative assurance available.

The following instructions correspond to the part and subpart letters and numbers set forth in the Statement of Record format.

PART I. ADMINISTRATIVE INFORMATION

A. Identification and filing information.

1. State whether the filing is an initial filing with the Office of Interstate Land Sales Registration on the subdivision or an additional offering of lots to be consolidated with a Statement of Record previously filed for lots offered under the same common promotional plan. If the filing is to be consolidated, identify the OILSR filing number assigned to the original Statement of Record.

2. Do you intend to make subsequent filings for additional lots within the subdivision?

3. Are you submitting documentation to support a request for an exemption?

B. General information.

1. Name the State, Commonwealth, territory, or possession of the United States or the country in which the subdivision is located.

2. Name the county or counties or other political subdivision or subdivisions within which the subdivision is located.

3. State the number of lots in this offering.

4. If more than one offering of lots in the subdivision has been made or will be made, state the number of lots to be offered in the entire subdivision. See instruction D.2 of this part.

5. State the number of acres included in this offering.

6. If more than one offering of lots in the subdivision has been made or will be made, state the number of acres owned, the number of acres under option or other similar arrangement for acquisition of title to the land and the total number of acres to be offered pursuant to the same common promotional plan.

C. Filings with State authorities.

1. If a Statement of Record or similar instrument for the subdivision has been filed in any State or States, list the State or States.

2. If any of the States listed in answer to figure 1 above has not permitted the filing to become effective or has suspended the filing, give reasons cited by the State and also the developer's reasons, if different from those cited by the State.

D. Supporting documentation.

2. If the present offering is a subdivision which is or will be offered with one or more additional subdivisions having recreational and/or other common facilities, submit the general or total plan. Include a map showing the total land owned or under option or other similar arrangement for acquisition of title to the land; and delineate thereon the land included in this offering.

PART II. DEVELOPERS AND HOLDERS OF OWNERSHIP INTERESTS IN LAND

A. List the name and address and the type and extent of interest of each holder of any ownership interest in the land included in this offering. (Individual lot owners or lessees who have purchased or leased lots from the developer need not be listed.) If the holder is other than an individual, name the type of legal entity and list the interest and the extent thereof, of each principal. For the purposes hereof, "principal" shall mean any person or entity having a 10 percent or more financial interest.

B. If the developer does not own an interest in the land, list name and address of each individual or entity having an ownership interest in the developer. If the developer is other than an individual, name the type of legal entity and list the interest, and the extent thereof, of each principal. For the purposes hereof, principal shall mean any person or entity having a 10 percent or more financial interest.

C. If the developer is a corporation, submit a copy of the Articles of Incorporation, with all amendments thereto; and a list of the officers and directors of the corporation.

If the developer is a trust, submit copies of the instruments creating the trust.

If the developer is a partnership, unincorporated association, joint-stock company, or any other form of organization, submit copies of articles of partnership or association and all other documents relating to its organization.

If the holder of any ownership interest in the land being offered is a person or entity other than the developer, submit copies of the above documents for such holder. (For purposes of this subpart C, it is not necessary to include the sales agent if the sales agent is a legal entity other than a holder of an ownership interest in the land.)

PART III. IDENTITY OF INTEREST IN MORE THAN ONE FILING

A. Are any of the holders of an ownership interest in the land or the developer, or any principals in the holder or developer, directly or indirectly involved in any other subdivision or development which has been filed with the Office of Interstate Land Sales Registration? If so, identify by subdivision name, location, OILSR number or numbers, and date of filing. If not applicable, state "None."

B. Has a suspension order been issued with respect to any Statement of Record identified in subpart A? If so, give reasons. (Do not include the suspension of a Statement of Record prior to its effective date or the suspension of an amendment prior to its effective date.)

PART IV. LEGAL DESCRIPTION, TOPOGRAPHY, CLIMATE, NUISANCES, SUBDIVISION MAP

A. Legal description. Include an adequate legal description acceptable in the political subdivision for conveyancing of the land included in this offering; and if additional offerings have been made or will be made pursuant to a common promotional plan, include a legal description of the total area offered or to be offered pursuant to the common promotional plan.

B. Topography and physical characteristics.

1. Describe the general topography and physical characteristics of the subdivision; for example, level, hilly, rocky, etc.; soil conditions, for example, loose sand, alkaline, etc.

2. State whether any of the lots or portions thereof, in the offering are covered by water at any time during the year or are subject to floods, hurricanes, tornadoes, earthquakes, mudslides, brushfires, forest fires, avalanches, volcanic eruptions or other natural hazards. The existence, severity and frequency of natural hazards should be fully explained. If any of the natural hazards of the type illustrated in this paragraph are present, state whether the area in which the subdivision is located has been formally identified by any Federal, State, or local agency as being in an area subject to a special natural hazard and whether the area is or will be subject to any special land use requirements which will restrict development or entail unusual development or maintenance expense.

3. Is any part of the subdivision subject to any type of flood control easement?

4. Will any unusual construction techniques be necessary to build on any part of the land? If so, describe.

5. What percentage of the land will require fill before construction? If any, describe plans for fill, including composition and estimated cost to lot buyer or lessee.

6. What percentage of the land in the subdivision will require corrective work, other than fill, before construction of a one-story residential structure? If any, describe type of work and plans for correction, and state the estimated cost to buyer or lessee.

7. State elevation of the highest and lowest lots in the subdivision.

C. Climate and temperature.

1. Describe general weather conditions of the area and state whether the area is sub-

2. State temperature ranges for summer and winter, including high, low, and mean.

3. State annual average rainfall and, if applicable, snowfall, in inches.

D. Nuisances.

1. Is the land affected by any unusual or unpleasant noises, odors, pollutants, or other nuisances? (Examples of unusual noises which might affect the subdivision include proposed or existing industrial activity, airports or other transportation facilities, animal pens, entertainment centers or the like. Examples of unpleasant odors include noxious smoke, chemical fumes, stagnant ponds or marshes, slaughter houses, sewage treatment facilities, and the like.) Any such conditions should be accurately described and fully explained identifying their origin and location and stating whether they are proposed or existing—if existing, whether temporary (estimate duration) or permanent.

2. Do you know of any unusual safety factors or any proposed plans, private or governmental, for construction of any facility which may create a nuisance or adversely affect the use of the land? (Examples of unusual safety factors which might affect the subdivision would include a physical hazard such as dilapidated or abandoned properties, unsafe construction, air or vehicular traffic hazards, danger from fire, or explosion, radiation hazards and the like.) Any such conditions should be accurately described and fully explained identifying their origin and location and stating whether they are proposed or existing—if existing, whether temporary (estimate duration) or permanent.

E. Subdivision map.

1. State whether a subdivision map has been filed with and accepted for recording by local authorities. If so, give recording data.

2. Has each lot in the subdivision been surveyed?

3. Has each individual lot been staked or marked so that the buyer can identify the boundary lines of his lot? If not, state estimated cost to purchaser or lessee to obtain a survey and to have boundary lines staked or marked.

4. Will all streets shown on the tract map, if any, be public streets?

5. Has legal access been provided to each of the individual lots within the subdivision?

6. State minimum width of legal access to the lots.

F. Supporting documentation.

1. Copy of an accurate map prepared to scale showing the dimensions of the lots and their relation to existing streets and roads. (To comply with this requirement, supply a map or maps which have been submitted to local authorities, if available.) If the land has not been divided, include a map showing the proposed division, lot dimension and their relationship to existing streets and roads.

2. Copy of the current Geological Survey Topographic Map or Maps of the largest scale available from the U.S. Geological Survey, Washington, D.C., with an outline of the subdivision area clearly indicated thereon.

PART V. CONDITION OF TITLE, ENCUMBRANCES, DEED RESTRICTIONS AND COVENANTS

A. State condition of the title to the land comprising the subdivision, including all encumbrances, easements, covenants, conditions, reservations, limitations or restrictions applicable thereto. This requirement may be met only by submission of title evidence in the form of (1) an original or copy of a fee or owners policy of title insurance, a guaranty or guarantee of title, or a certificate of title, or an interim title binder or commitment for title insurance, or similar instrument issued by a title company, duly authorized by law to issue such instruments in the State in which the subdivision is located; or (2) a legal opinion, stating the condition of title, prepared and signed by an attorney at law experienced in the examination of titles and a member of the Bar in the State in which the property is located.

The title evidence shall be dated as of a date no earlier than 20 business days preceding the date of this filing and shall include:

1. A legal description of all of the property included in this offering together with a legal description of the property upon which there is or will be located any common areas or facilities which will be advertised as being available for the benefit or use of purchasers of lots. (Where the legal description does not specifically describe as individual parcels each of the lots included in this offering, an affirmative statement, to the effect that each of the lots included in the offering is encompassed by the description, is required.)

2. The name of the person(s) or other legal entity(ies) holding fee title to the property described.

3. The name of any person(s) or other legal entity(ies) holding a leasehold estate or other interest of record in the property described.

4. A listing of any and all exceptions or objections to the title, estate or interest of the person(s) or legal entity(ies), referred to in 2 or 3 above, including any encumbrances, easements, covenants, conditions, reservations, limitations, restrictions of record. (Any reference to exceptions or objections to title shall include specific references to the instruments in the public records upon which the exception is based.) When an objection or exception to title affects less than all of the property included in this offering, the title evidence should specifically note which lots are affected.

5. Copies of all instruments in the public records specifically referred to in 4 above. (Abstracts of such instruments are acceptable if prepared by an attorney or professional or official abstracter qualified and authorized by law to prepare and certify to abstracts and if the abstracts contain the material portion of the recorded instruments to determine the nature and effect of such instruments.)

Where the title evidence is dated earlier than 20 days prior to the date of filing, the requirement for a statement of the condition of title may be met by submitting that evidence together with an attorney's opinion of title covering the period from the date of the title evidence to a date no earlier than 20 business days preceding the date of the filing. The attorney's opinion shall be prepared and signed by an attorney at law experienced in the examination of titles and a member of the Bar in the State in which the property is located.

B. Describe and furnish copies of any instrument, not of public record, known to the developer, which if recorded would affect the condition of title. (Copies of instruments to individual lot owners or lessees who have purchased or leased lots from the developer need not be described or furnished.)

C. State the consequences for an individual purchaser of a failure, by the person or persons bound, to fulfill obligations under any instrument or instruments, referred to under A or B above, which create a blanket encumbrance upon the property, or any portion thereof, described under A, above.

V371 8 JAN 27 72 XUM

D. Describe and furnish copy(ies) of any trust deed(s), deed(s) in trust, escrow agreement(s) or other instrument(s) which purport to protect the purchaser in the event of default by the person or persons bound to fulfill obligations under any instrument or instruments, referred to under A or B, above, which create a blanket encumbrance upon the property or any portion thereof, described under A, above.

PART VI. GENERAL TERMS AND CONDITIONS OF OFFER, PROPOSED RANGE OF SELLING PRICES OR RENTS

A. Summarize the terms and conditions of the offer and of the contract of sale or lease. The summary must include, but shall not be limited to:

1. A statement of the terms of release of lots from the blanket encumbrance, if the subdivision, or any portion thereof, is subject to a blanket encumbrance. If there is no provision for release, describe any legal steps taken to protect the purchaser or lessee in the event the obligor on the blanket encumbrance defaults.

2. A statement of the disposition which will be made of earnest money or good faith deposits and downpayments or other payments received from buyers or lessees including any steps taken to protect the buyer or lessee in the event the seller or lessor does not perform his obligations under the contract.

3. A statement of the disposition which will be made of earnest money or good faith deposits and downpayments and other payments received from buyers or lessees who default under the terms of the contract.

B. State the range of selling prices or rents for lots in the subdivision.

C. Supporting documentation.

1. A copy of all forms of contracts or agreements to be used in selling or leasing lots. (The contracts or agreements must contain language (a) giving the purchaser the option to void the contract or agreement if he does not receive a Property Report prepared pursuant to the rules and regulations of the U.S. Department of Housing and Urban Development, in advance of, or at the time of, his signing the contract or agreement; and (b) giving the purchaser the right to revoke the contract or agreement within 48 hours after signing the contract or agreement if he did not receive the Property Report at least 48 hours before signing the contract or agreement. [The contract or agreement may stipulate that the revocation authority shall not apply in the case of a purchaser who (i) has received the Property Report and inspected the lot to be purchased or leased in advance of signing the contract or agreement, and (ii) acknowledges by his signature that he has made such inspection and has read and understood such report.])

2. A copy of the agreement, if not included in the sales contract, in which seller agrees with buyer to secure release of lots from any blanket encumbrance.

3. Copies of deeds and leases by which the developer will lease or convey title to the lots to purchasers or lessees.

PART VII. ACCESS, NEARBY COMMUNITIES, ROAD SYSTEM WITHIN THE SUBDIVISION

A. Access—nearby communities.

1. Describe present condition of access routes to the subdivision, including type and width of road surface and number of lanes.

2. Are any improvements proposed to access routes? If so, state who will bear the cost of the improvements and the estimated completion date. If the improvements are to be made by a local governmental authority, state the name of the authority, and the source of funds to complete the improvements. If lot owners will be subject to a special assessment or similar charge for such improvements which shall be a lien on the lots in the subdivision, so state.

3. List nearest large cities and the county seat, and the population of each. List the total distance to the center of the subdivision from each and the portion of that distance which is paved and unpaved. If the geographical center of the subdivision is located more than 50 miles from a large city or the county seat, list also the nearest established community or communities.

B. Road system within the subdivision.

1. Describe the present condition of the road system within the subdivision, including the type and width of road surface, number of lanes and approximate dedicated width of roads. State whether all of the lots in the subdivision can be reached by conventional automobile.

2. State any proposed improvements to the road system within the subdivision, the percentage completed, and the estimated schedule for completion. State who will bear the cost of the improvements; and if any of the cost is to be borne by the purchaser, state the estimated cost to the purchaser.

3. State whether the roads within the subdivision have been dedicated to and accepted by a public authority responsible for maintenance. If not dedicated and accepted, state who will be responsible for maintenance. If the lot owner will be responsible for maintenance, state the estimated cost to the purchaser.

C. Supporting documentation.

1. If the developer is to complete access routes, submit copies of contracts and copy of any bonds or escrow agreements to guarantee completion thereof. If the access routes are to be completed by the local government, a copy of a letter from the local authorities setting forth the plan for the completion of access routes and maintenance thereof.

2. Copies of contracts for the completion of the road system within the subdivision and copies of the bond or escrow agreements to assure completion thereof.

3. Copy of letter from local authority setting forth the plan for maintenance of the road system with the subdivision.

PART VIII. UTILITIES

A. Water.

1. State the availability of the water supply and whether the supply will be adequate to serve the anticipated population of the area.

2. Is the water supplied or to be supplied by a public or private utility company? If so, state the name and address and whether the company is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. State whether the waterlines will be extended to the individual lots. If they are to be extended, state the estimated schedule for the extension and the assurance of completion.

4. State estimated cost of installation or construction to be borne by the purchaser, if any.

5. Is the water supply to be obtained from private well? If so, indicate (1) probable depth and (2) results of test borings or other data establishing that a sufficient quantity of potable water is available to each buyer or lessee and (3) estimated total completion cost to buyer or lessee.

6. If water is provided by a supplier not regulated by a public body, state the rate schedule.

7. If privately supplied water or individual wells are to be the source of water for human use, has the cognizant State or county health authority issued a report on the quality of the water?

8. Supporting documentation.

a. Copy of a letter from water company stating that it will supply the water.

b. Copy of the contract for construction, if any, and the bond or escrow agreement to assure completion of the facility, if any.

c. If available, copy of engineer's report or geological report or any other data indicating the source and quantity of water. If it is stated that there will be an adequate supply of available water to serve the anticipated population of the area, submit a copy of an engineer's report or hydrological survey supporting such statement.

d. Copy of letter or report from cognizant health officer which includes an analysis of the chemical quality and bacteriological purity of water.

B. Electricity.

1. State whether electricity is available and, if so, the name and address of the supplier from which it may be obtained.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates.

3. Have the electrical facilities been extended to the individual lots?

4. If the electrical facilities have not been extended to the individual lots, what is the estimated schedule for installation and what estimated costs, if any, will be borne by the purchaser?

5. State the assurance of completion if the electrical facilities are to be installed by the developer.

6. Supporting documentation.

a. Copy of a letter from the electric company stating that it will supply the electricity.

b. If electricity is provided by a supplier not regulated by a public body, state the rate schedule.

c. Copy of the contract for construction of electrical facilities, if any, and any bond or escrow arrangements to assure completion of the facilities.

C. Gas.

1. State the availability of gas including the name and address of the supplier.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have gaslines been extended to the individual lots?

4. If the gas facilities have not been extended to the individual lots, what is the estimated schedule for installation and what estimated costs will be borne by the purchaser?

5. State the assurance of completion if the gas facilities are to be installed by the developer.

6. Supporting documentation.

a. Letter from the gas supplier stating that it will provide the service.

b. If gas is provided by a supplier not regulated by a public body, state rate schedule for the service.

c. Copy of the contract for construction of the gas facilities, if any, and any bond or escrow arrangements to assure completion of the facilities.

D. Telephone.

1. State the availability of telephone service including the name and address of the supplier.

2. Is the supplier a public or private utility company? State whether the supplier is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have the telephone facilities been extended to the individual lots?

4. If the telephone facilities have not been extended to the individual lots, what is the estimated schedule for installation and what cost will be borne by the purchaser?

5. State the assurance of completion of the telephone facilities if those facilities are to be installed by the developer.

6. Supporting documentation.

a. Copy of a letter from the telephone company stating that the company will supply the service.

b. If telephone service is provided by a supplier not regulated by a public body, state the rate schedule.

c. Copy of the contract for the construction of the telephone services, if any, and any bond or escrow arrangements to assure completion of the facilities.

E. Sewage disposal.

1. State whether sewers are available and, if so, the name and address of the entity responsible for installation and maintenance.

2. Is the entity a public or private utility company? State whether entity is regulated by a public body. If not, is there any other means of assurance of continuous service at reasonable rates?

3. Have the sewage facilities been extended to the individual lots?

4. If the sewage facilities have not been extended to the individual lots, what is the estimated schedule for their installation and what estimated costs will be borne by the purchaser, including construction, installation, and connection costs?

5. State the assurance of completion if the sewage facilities are to be installed by the developer.

6. If public sewers are not now installed and are not to be installed, state the alternate sewage disposal method to be used, such as septic tanks or cesspools.

7. If a public sewer is not or will not be installed, state the estimated cost of installing the alternate method of sewage disposal.

8. Will the local health authorities approve the use of an alternate method of sewage disposal? Has such approval been obtained?

9. If use of septic tanks is contemplated, state whether the land is suitable for the use of septic tanks; include in your statement the results of any percolation tests.

10. Supporting documentation.

a. Copy of the contract for construction of the sewage disposal facilities, if any, and any bond or escrow arrangements to assure the completion of the facilities.

b. Copy of a letter from local health authorities stating the methods of sewage disposal which will or will not be permitted.

F. Drainage and flood control.

1. State whether there has been or will be any drainage required to render any of the lots suitable for construction purposes. If so, list the lots, and state estimated cost to purchaser.

2. Have artificial drains, storm sewers, or flood control channels been installed?

3. If these facilities have not been installed, what is the estimated schedule for completion, if any, and what estimated costs or other assessments will the purchaser be expected to pay?

4. If the developer is to install these facilities, state the assurance of completion.

5. Supporting documentation.

a. Copy of the contract for the construction of the artificial drains, storm sewers, or flood control channels, if any, and any bonds or escrow agreements to assure completion of the facilities.

b. If drainage is provided or to be provided by a public or private company, submit a letter from the company stating that it will provide the service.

G. Television.

1. Is television reception available to the lots within the subdivision without reception cost?

2. If not, state estimated cost to user.

PART IX. RECREATIONAL AND COMMON FACILITIES

List any common or recreational facilities which have been or are to be installed for the beneficial use and enjoyment of the owners of lots in the subdivision which have not been discussed in the previous parts of the Statement of Record. Identify each facility and answer the following questions for each:

A. (Name of facility.)

1. If the facility has not been installed, what is the percentage of completion, the estimated schedule for completion and what estimated costs will the purchaser have to pay?

2. What provisions have been made for the maintenance and operation of the facility and what is the estimate of the assessments or other recurring charges to be paid by the purchaser?

3. Include a statement of the assurance of completion of the facility if the developer is responsible for construction.

4. If a property owners' association, or similar organization, owns or will own the facility, so state. If the association has not been formed as a legal entity, state when it is expected to be formed and the conditions under which the association will take title to the facility.

5. Supporting documentation. Include copy of the contract for construction of the facilities, if any, and describe any bond or escrow arrangements to assure completion of the facilities.

B. (Name of facility.)

PART X. MUNICIPAL SERVICES

A. Fire protection.

1. State the availability of fire protection and list the name and address of the particular force exercising jurisdiction over the subdivision.

2. State whether the service is provided by the municipality or by a volunteer organization.

3. State the distance in terms of road miles from the geographical center of the subdivision to the nearest fire station or substation.

B. Police protection.

State the availability of police protection and list the name and address of the particular force exercising jurisdiction over the subdivision.

C. Garbage and trash collection.

1. State the availability of garbage and trash collection service and the name and address of the company which presently furnishes the service. If garbage and trash collection service is not presently available, state whether such service is proposed; and if it is, give the date on which it will become effective.

2. State whether the cost of the service is to be paid directly by the lot owner or whether the service is to be provided by a municipal agency.

3. If the cost of the service is to be paid directly by the lot owners, state the estimated monthly cost per lot.

D. Public schools.

1. Elementary school.

a. State name and address of the nearest elementary school available to residents of the subdivision.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

2. Junior high school.

a. State name and address of the nearest junior high school available to residents of the subdivision.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

3. High school.

a. State name and address of the nearest high school available to residents of the subdivision.

b. State the distance to the school in terms of road miles from the geographical center of the subdivision.

c. State whether school bus transportation will be provided.

d. State whether public transportation is available to the school.

E. Medical and dental facilities.

1. Hospital facilities.

a. State the availability of hospital facilities and the name and address of the particular hospitals available to residents of the subdivision.

b. State whether the hospital is publicly or privately owned and whether the services are general or specialized.

c. State the bed capacity of the hospital.

d. State the distance in terms of road miles from the geographical center of the subdivision to the nearest general hospital.

e. State the availability of ambulance service and specify whether this service is furnished by the hospital(s) or by a volunteer organization.

2. Physicians and dentists.

a. State the distance in terms of road miles from the geographical center of the subdivision to physicians' and dentists' offices.

b. State whether or not public transportation is available from the subdivision to the general physicians' and dentists' offices.

F. Public transportation.

1. State whether public transportation is available from the subdivision to nearby municipalities including the frequency, type and estimated cost of service.

2. If no such transportation is available, state whether it will be available and give estimated date of availability.

3. Include in your statement the proposed frequency of service and estimated cost.

4. If public transportation is not presently available from the subdivision, state the distance in road miles to nearest public transportation.

PART XI. TAXES AND ASSESSMENTS—COMMON FACILITIES

A. Will the buyer or lessee be required to pay any property taxes or special assessments to any municipal, governmental or public body after signing the contract of purchase or to lease and prior to delivery of an executed deed or lease? Will the buyer or lessee be required to pay any assessments, dues or other payments to a property owners' association, the developer or any other organization or entity for the maintenance of common facilities or other purposes after signing the contract to purchase or lease and prior to delivery of an executed deed or lease? If the answer to either of the foregoing questions is affirmative, itemize the amounts or rates to be paid and to whom they must be paid.

B. Will the buyer or lessee be required to pay any property taxes or special assessments to any municipal, governmental or public body after taking title? Will the buyer or lessee be required to pay any assessments, dues or other payments to a property owners'

V 37 I 18 JAN 27 72 XUM

association, the developer or any other organization or entity for the maintenance of common facilities or other purposes after taking title? If the answer to either of the foregoing questions is affirmative, itemize the amounts or rates to be paid and to whom they must be paid.

C. If a property owners' association, the developer, or any other organization or entity, exercises or will exercise any control over or provides or will provide any services or maintenance on any lots or common facilities or areas in or adjacent to the development, include:

1. A statement that the association, organization or other entity has been formed or setting forth the steps to be taken to form such association or organization or other entity.

2. A statement setting forth the requirements for membership in the association, organization or other entity and stating whether all lot owners will be members of the association, organization or other entity and if not whether nonmember lot owners will be liable for assessments levied by that association, organization or other entity.

3. Financial statements or pro forma financial statements of any property owners' association, including a Statement of Sources and Application of Funds for the 12-month period ending not earlier than the 60th day prior to the date of the submission of the Statement of Record and a pro forma Statement of Sources and Application of Funds for the period of time that the developer will control the association. If moneys paid by buyers or lessees as assessments, dues or other payments for the purpose of providing any services or maintenance on any lots or common facilities or areas are received by the developer or any other organization or entity other than a property owners' association, a Statement of Sources and Application of Funds and a pro forma Statement of Sources and Application of Funds covering funds received for such purposes shall be submitted. A financial statement or pro forma financial statement of the developer or other organization or entity shall also be submitted. In no event shall a pro forma Statement of Sources and Application of funds be required to extend beyond 5 years from the date of submission of the Statement of Record. If the developer has no control over the property owners' association or other organization or entity and cannot obtain this information, so state.

4. A statement as to who may use the facilities.

5. A statement of the degree and duration of control of the developer in the association, organization, or other entity.

6. If the association, organization, or other entity has been formed as a legal entity, attach as exhibits copies of articles of association and bylaws or similar documents and a statement from the appropriate State authority confirming that the charter is in effect. If not formed, attach proposed articles of association and bylaws or similar documents, if available.

7. Copy of membership agreement or similar documents.

PART XII. OCCUPANCY STATUS

A. State the approximate number of dwellings in the subdivision at the time of filing.

B. State the number of dwellings which are proposed and the estimated completion date of those dwellings.

C. State the approximate number of dwellings presently occupied, if any.

PART XIII. SHOPPING FACILITIES

A. State what shopping facilities are available to the subdivision. Include available types of stores and consumer services and the distance in terms of road miles from the geographical center of the subdivision to the facilities.

B. State whether public transportation is available to the facility, the frequency of the service and the estimated cost.

PART XIV. FINANCIAL STATEMENT

A. Submit a copy of the latest financial statement of the developer. Such financial statement shall not be more than 6 months old and shall include a balance sheet and a statement of profit and loss.

B. State the means by which the developer will finance the obligations undertaken or proposed and as set forth in this Statement of Record. A statement of past performance in completing obligations undertaken by the developer may be included.

PART XV. AFFIRMATION

§ 1710.110 Property Report and lease addendum—format and instructions.

The Property Report and, if applicable, the lease addendum to be filed with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, as a part of the Statement of Record, and as provided in § 1710.20, shall be prepared in question and answer form. The Property Report shall state verbatim the questions in this section. The developer should then answer the questions directly and completely in accordance with the instructions and format as follows:

PROPERTY REPORT

NOTICE AND DISCLAIMER BY OFFICE OF INTERSTATE LAND SALES REGISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

This report is not a recommendation or endorsement of the offering herein by the Office of Interstate Land Sales Registration, nor has that office made an inspection of the property nor passed upon the accuracy or adequacy of this report or any promotional or advertising materials used by the seller.

It is in the interest of the buyer or lessee to inspect the property and carefully read all sale or lease documents.

Prospective buyers and lessees are notified that unless they have received this Property Report prior to, or at the same time they enter into a contract, they may void the contract by notice to the seller.

Unless a buyer or lessee acknowledges in writing that he has read the report and personally inspected the lot prior to signing his contract, he may revoke his contract within 48 hours from the signing of his contract, if he has received the Property Report less than 48 hours prior to signing such contract.

1. Name(s) of developer _____
   Address _____
2. Name of subdivision _____
   Location _____ County, State of _____
   a. Effective date of Property Report _____
   b. This offering consists of _____

3. List names and populations of surrounding communities and list distances over paved and unpaved roads to the subdivision.

Name of community	Population	Distance over paved roads	Unpaved roads	Total
a.				
b.				
c.				
d.				
e.				

4. If periodic payments are to be made by a buyer (as in the case of installment sales contracts) complete all items under this paragraph 4. If not, enter "Not Applicable."

a. Will the sales contract be recordable? Yes or No?

b. In the absence of recording, could the developer's creditors or others acquire title to the property free of any obligation to deliver a deed to the buyer when final payment has been made under the sales contract? Yes or No? _____ Explain. _____

c. What provision, if any, has been made for refunds if buyer defaults?

d. State prepayment penalties or privileges, if any.

5. Is there a blanket mortgage or other lien on the subdivision or portion thereof in which the subject property is located? Yes or No? If yes, list below and describe arrangements, if any, for protecting interests of the buyer or lessee if the developer defaults in payment of the lien obligation. If there is such a blanket lien, describe arrangements for release to a buyer of individual lots when the full purchase price is paid.

Type of lien	Effect on buyers if developer defaults
a. _____	_____
b. _____	_____
c. _____	_____

6. Does the offering contemplate leases of the property in addition to, or as distinguished from, sales? Yes or No? If yes, a lease addendum must be completed, attached, and made a part of the Property Report.

7. Is buyer or lessee to pay taxes, special assessments, or to make payments of any kind for the maintenance of common facilities in the subdivision (a) before taking title or signing of lease or (b) after taking title or signing of lease? If yes, complete the schedule below:

	Approximate amount of buyer's or lessee's annual payments
Taxes	$_____
Special assessments	_____
Payments to property owner's association	_____
Other	_____
Specify	_____

8. (a) Will buyer's downpayment and installment payments be placed in escrow or otherwise set aside? Yes or No? If yes, with whom? If not, will title be held in trust or in escrow?

(b) Except for those property reservations which land developers commonly convey or dedicate to local bodies or public utilities for the purpose of bringing public services to the land being developed, will buyer receive a deed free of exceptions? Yes or No? If no, list all restrictions, easements, covenants, reservations and their effect upon buyer.

(c) Buyer should determine permissible uses of the property from local zoning authorities.

(d) List all existing or proposed unusual conditions relating to the location of the subdivision and to noise, safety or other nuisances which affect or might affect the subdivision.

9. (a) List all recreational facilities currently available (e.g. television, sports, beaches, etc.). State any costs or assessments to buyer or lessee.

(b) If facilities are proposed or partly completed, state promised completion date, provisions to assure completion, and all estimated costs or assessments to buyer or lessee. If there are no provisions to assure completion, so state.

10. State whether or not the following are now available in the subdivision: Garbage and trash collection, sewage disposal, paved streets, electricity, gas, water, telephone. If yes, state any estimated costs to buyer or lessee. If proposed or partly completed, state promised completion date, provisions to assure completion and give estimate of all costs including maintenance costs to buyer or lessee.

11. Will the water supply be adequate to serve the anticipated population of the area?

12. Is any drainage of surface water, or use of fill necessary to make lots suitable for construction of a one-story residential structure? Yes or No? If yes, state whether any provision has been made for drainage or fill and give estimate of any costs buyer would incur.

13. State whether any of the following are currently available in the subdivision: Schools; medical facilities (hospitals, doctors, dentists); shopping facilities. List availability of public transportation to, and distance of facility from geographical center of subdivision. If facility is proposed or partly completed, state promised completion date and any provisions to insure completion.

14. Approximately how many homes were occupied as of _____ (insert date of filing)?

15. (a) State elevation of the highest and lowest lots in the subdivision had briefly describe topography and physical characteristics of the property.

(b) State in inches the average annual rainfall and, if applicable, the average annual snowfall for the subdivision or the area in which it is located.

(c) State temperature ranges for summer and winter, including highs, lows and means.

16. Will any subsurface improvement, or special foundation work be necessary to construct one story residential or commercial structures on the land? Yes or No? If yes, state if any provision has been made and estimate any costs buyer would incur.

17. Are all lots and common facilities legally accessible by public road or street? Yes or No? If not, explain.

18. Has land, in the subdivision been platted of record? Yes or No? If not, has it been surveyed? Yes or No? If not, state estimated cost to buyer to obtain a survey.

19. Are lots staked or marked so that buyer can locate his lot(s)? Yes or No?

LEASE ADDENDUM

1. State term of lease.

2. Will the lease be recordable? Yes or No?

3. Is there any prohibition or penalty against the lessee for recording the lease? Yes or No? If yes, explain.

4. Can the owner's or developer's creditors or others acquire title to the property free of any obligation to continue the lease? Yes or No? Explain.

5. Describe whether rental payments are flat sums or graduated. Describe any provisions for increase of rental payments during the term of the lease.

6. Are there any provisions in lease prohibiting assignment and/or subletting? Yes or No? If yes, describe.

7. Summarize termination provisions in the lease.

8. Does the lease prohibit the lessee from mortgaging or otherwise encumbering the leasehold? Yes or No?

9. Will lessee be permitted to remove improvement when lease expires?

INSTRUCTIONS FOR COMPLETING PROPERTY REPORT AND LEASE ADDENDUM

These instructions must be followed in completing the Property Report and lease addendum. All spaces must be completed. This format may not be changed in any respect, except as follows:

a. All references to leases, lessees, and rents should be deleted if no leasing is proposed and the offering is exclusively for sales. In this event, the lease addendum may be disregarded.

b. Spaces provided in the format may be enlarged or extended for the purpose of providing a summary explanation of the subject under discussion but may not be used to insert promotional or advertising matter designed to counteract facts adverse to the interests of the buyer or lessee.

c. Questions on the Property Report must be answered in concise, plain language but should disclose all pertinent facts.

d. The Property Report shall contain information in addition to that elicited by the questions appearing therein if at any time it appears to the Secretary that the inclusion of additional information is necessary or appropriate in the public interest, and the Secretary so advises the developer.

SPECIAL INSTRUCTIONS

The instructions below correspond to the numbered paragraphs in the Property Report:

Paragraph 2a. The effective date of registration is the date the Statement of Record becomes effective under § 1710.21. This date will be left blank in the proposed Property Report. When the developer receives notification of effectiveness from OILSR this date shall be inserted. The final printed copies of the Property Report submitted in accordance with this section must state that date. If the Statement of Record has been amended or consolidated, the date the most recent amendment to the Statement of Record or consolidation became effective should be used.

Paragraph 2b. The legal description of the land offered for sale shall describe the lots adequately to permit identification from the plat maps of the developer and from the public records of the county where located. If all of the lots in a particular unit of the subdivision are not being offered for sale, the legal description shall be sufficiently detailed to permit the purchaser to determine whether his lot is included in the offering. The developer shall also state the total number of lots being offered in each unit of the subdivision.

Paragraph 3. List the nearest large city or county seat and the population of each. List the total distance to the center of the subdivision from each and the portion of that distance which is paved and unpaved. If the subdivision is located more than 50 miles from either, list also the nearest established community or communities.

Paragraph 4. If the buyer or lessee is exposed to the risk of losing his investment in the event of the developer's failure or bankruptcy, this fact must be made unmistakably clear in this paragraph. Explanations should include any measures designed to protect the buyer's interests, and they must disclose any circumstances under which the buyer would lose his investment either because of his own default or the developer's inability to perform under the sales contract. If there is any prohibition or penalty against the buyer recording the sales contract or lease, so state. Describe also any potential adverse effect on the buyer's interests which may arise from not having his contract recorded. ("Potential adverse effect" includes subordination of the buyer's interest to liens recorded against the property after the buyer has signed his contract.) A statement may be included by the developer describing his past performance in conveying free and clear titles to buyers upon their payment of the full purchase price.

Paragraph 5. Whether the offering includes only cash sales, or installment contracts and leases, explain fully how the buyer or lessee is to be protected against loss of his investment. If a blanket mortgage or other lien is foreclosed against the developer, will the holder of such mortgage or other lien be obligated to perform the agreement with the purchaser or lessee? If not, are the buyer's or lessee's payments and investments in improving the property protected through an escrow or by other means? The buyer or lessee must be told of the possible consequences in the explanation of the answer to this question.

Paragraph 7. Buyers and lessees must be told when their obligation to pay taxes, special assessments and similar charges begins. They should also be made aware of the approximate amount of buyer's or lessee's annual payments, but the items for indicating the amount of taxes and special assessments may be answered by the statement "Consult local taxing authorities."

Paragraph 8(b). Include all limitations upon the buyer's use or enjoyment of the property, including mineral rights reservations.

Paragraph 8(d). In answering this question the following guidelines shall be followed: Examples of unusual conditions relating to the location of the subdivision would include whether the subdivision, or any part thereof, is covered by water at any time during the year or is subject to floods, hurricanes, tornadoes, earthquakes, mudslides, brushfires, forest fires, avalanches, volcanic eruptions or other natural hazards. The existence, severity and frequency of natural hazards should be fully explained. If any of the natural hazards of the type illustrated in this paragraph are present, state whether insurance against such hazards is available. State whether the area in which the subdivision is located has been formally identified by any Federal, State or local agency as being in an area subject to a special natural hazard and whether the area is or will be subject to any special land use requirements which will restrict development or entail unusual development or maintenance expense. Examples of unusual noises which might affect the subdivision would include proposed or existing industrial activity, airports or other transportation facilities, animal pens, entertainment centers and the like. Unusual safety factors which might affect the subdivision would include any proposed or existing conditions in the area which create physical hazards such as dilapidated or abandoned buildings, unsafe construction, air or vehicular traffic hazards, danger from fire or explosion, radiation hazards, and the like. Examples of other nuisances which might affect the subdivision include noxious odors such as smoke, chemical fumes, stagnant ponds or marshes, slaughterhouses, sewage treatment facilities, and the like. Any such conditions should be fully explained, identifying their origins and locations and stating whether they are proposed or existing—if existing, whether temporary (include estimate of duration) or permanent.

Paragraph 10. Describe arrangements made (contracts supported by completion bonds or escrows, for example) to assure completion of the improvements. If no arrangements have been made, so state. If it later becomes evident that an improvement will not be completed on or before the specified date, amendments to the Statement of Record and Property Report are required. If no sewage disposal arrangements are contemplated, state if land is suitable for the use of septic tanks, describing the results of any percolation tests. State estimated cost to buyer for septic tank. If water is to be provided by private well, indicate (1) estimated completion cost and (2) any other data establishing that a sufficient quantity of potable water is available to each buyer or lessee. If water is to be provided by a private utility, describe assurances for continuous service at reasonable rates.

V 37 18 JAN 27 72 XUM

Paragraph 11. If the developer states that the water supply will be adequate to serve the anticipated population of the area such statement must be supported by an engineer's report or hydrological survey which is to be submitted as Exhibit VIII A–8c of the Statement of Record. If such documentation is unavailable, the answer to this question should state that the developer has not obtained an engineer's report or a hydrological survey indicating the source and quantity of water in the subdivision and accordingly, there is no assurance that a sufficient quantity of water will be available to serve the anticipated population of the area.

Paragraph 14. The number of homes occupied can be amended to reflect periodic increases subsequent to the initial filing date.

Paragraph 15. Include statement as to nature of terrain (flat, rolling, hilly, mountainous, etc.), type of soil (sandy, swampy, rocky, etc.) and vegetation (cactus, trees, grass, etc.).

ADDITIONAL REQUIREMENTS FOR PROPERTY REPORT

a. The Property Report, as filed with the Statement of Record and in final form to be given to prospective purchasers, shall be on good quality unglazed, white or pastel paper, approximately 8½ by 11 to 13 inches in size with margins in final form to be not less than 1 inch at the top, 1 inch at the sides, and one-half inch at the bottom. It shall be in blue, blue-black or black ink, and the type size shall not be smaller than 10 point leaded type of uniform font and in an easily readable style.

b. The questions and answers shall be printed in such a manner as to be readily distinguishable from each other. For example, the distinction could be shown by two type faces, type styles, type sizes, column settings or by two margin measures. No other portion of the Property Report shall be underscored, italicized, or printed in larger, bolder or different style type than the balance of the report, except where the Secretary requires or permits it as being necessary or appropriate in the public interest or for the protection of purchasers.

c. The Secretary may require or permit such additional information to be included in a Property Report or such change in the sequence or position of information required by this section as he may consider necessary or appropriate in the public interest or for the protection of purchasers.

d. The developer shall attach to and file with the Property Report submitted as part of the Statement of Record a statement in the following form:

"The proposed Property Report attached hereto contains the text in its entirety as it is intended to be reproduced for delivery to prospective purchasers of lots in the (insert identification of subdivision)."

e. Within 20 days of the date upon which the Statement of Record is allowed to become effective by the Secretary, 10 copies of the Property Report, in the identical form in which it will be distributed to prospective purchasers, shall be filed with the Secretary. Ten copies of any subsequent reproduction, alteration, duplication or reprint of the Property Report shall be filed with and accepted by the Secretary prior to its use if such subsequent reproduction, duplication or reprint contains any change in content or form.

f. If the amendment to or the consolidation of the Statement of Record causes no change in the Property Report except the effective date of registration, the subsequent effective date of registration may be shown by overprinting on the front cover of the Property Report.

§ 1710.115 State Property Report disclaimer.

If the developer is filing with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, pursuant to § 1710.25, the following statement must be delivered to each purchaser simultaneously with the delivery of the State Property Report:

STATE PROPERTY REPORT DISCLAIMER

NOTICE AND DISCLAIMER BY OFFICE OF INTERSTATE LAND SALES REGISTRATION, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development has accepted this (name of State) (name of Property Report e.g., Public Offering Statement, Subdivision Report) as the Property Report on this subdivision.

This report is not a recommendation or endorsement of the offerings herein by the Office of Interstate Land Sales Registration, nor has that Office made an inspection of the property nor passed upon the accuracy or adequacy of this report or of any promotional or advertising materials used by the seller. Information contained herein has been filed with the State of _____ and the Office of Interstate Land Sales Registration.

It is in the interest of the buyer to inspect the lot and to read all contract documents before signing the contract to purchase or lease.

Prospective buyers and lessees are notified that unless they have received this Property Report prior to, or at the same time they enter into a contract, they may void the contract by notice to the seller.

Unless a buyer or lessee acknowledges in writing that he has read the report and personally inspected the lot prior to signing his contract, he may revoke his contract within 48 hours from signing his contract if he has received the Property Report less than 48 hours prior to signing such contract.

Although a Statement of Record has been filed with the Office of Interstate Land Sales Registration, the filing has not been examined or verified.

§ 1710.120 Statement of Record—State filing.

If the developer is filing pursuant to § 1710.25, there shall be filed with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, a statement as follows:

SECTION I. State Filings—The following information shall preface the State Statement of Record or similar instrument and shall be done in accordance with the general instructions set forth in § 1710.105 for Part I, Administrative Information, and Part III, Identity of Interest in More Than One Filing, and shall be set forth in the following format.

Employer's IRS number_____
Developer:_____
Owner:_____

STATEMENT OF RECORD

Name of subdivision:_____
Location: _____
State of filing:_____
Name of developer:_____
Developer's address:_____
Authorized agent:_____
Authorized agent's address:_____

ADMINISTRATIVE INFORMATION

A. Identification and filing information:
1. _____
2. _____
3. _____

B. General information:
1. _____
2. _____
3. _____
4. _____
5. _____
6. Acres owned_____
Acres under option or other similar arrangement_____
Total _____

C. Filings with State authorities:
1. _____
2. _____

D. Supporting documentation:
1. _____
2. _____

IDENTITY OF INTEREST IN MORE THAN ONE FILING

Subdivision _____
Location _____
OILSR number_____
Date of filing_____

SEC. II. A. Submit all of the information, documentation, and certifications or affirmations submitted to the State.

B. If the State does not require the information and documentation required in Part II, C. of § 1710.105, submit such information and documentation.

C. The contract of sale or lease which will be executed by prospective purchasers or lessees must contain language (a) giving the purchaser the option to void the contract or agreement if he does not receive a Property Report prepared pursuant to the rules and regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, in advance of, or at the time of, his signing the contract or agreement, and (b) giving the purchaser the right to revoke the contract or agreement within 48 hours after signing the contract or agreement if he did not receive the Property Report at least 48 hours before signing the contract or agreeemnt. (The contract or agreement may stipulate that the revocation authority shall not apply in the case of a purchaser who (1) has received the Property Report and inspected the lot to be purchased or leased in advance of signing the contract or agreement, and (2) asknowledges by his signature that he has made such inspection and has read and understood such report.)

D. Consolidation—Incorporation by Reference: If a filing is for an offering of lots to be sold pursuant to a common promotional plan and there has been an earlier filing with OILSR for lots offered under the same promotional plan and if the State has approved a consolidation to such filing, the consolidated material, as approved, shall be filed with the Secretary. The OILSR number shall appear at the top of each page of the material submitted. Any such filing shall be made with the Secretary within 10 days after it becomes effective under the applicable State laws and shall meet the requirements of § 1710.27 of this part.

SEC. III. *Affirmation.* I hereby affirm that I am the developer of the lots herein described or will be the developer at the time lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent);

That the statements contained in this Statement of Record and any supplement thereto, together with any documents submitted herewith, are full, true, complete, and correct;

That I have complied with the land development and disclosure requirements of the State of _____ (State of filing);

That the material submitted is a true and accurate copy of all the material filed with and accepted by the State of _____ (State of filing); and

That the fees accompanying this application are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

_____ _____
(Date) (Signature)

_____ _____
(Corporate seal if applicable) (Title)

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a Statement of Record filed under, or in a Property Report issued pursuant to, this title, makes any untrue statement of a material fact or omits to state any material fact * * * shall upon conviction be fined not more than $5,000 or imprisoned not more than 5 years, or both."

§ 1710.125 Partial Statement of Record—request for exemption.

Requests for an exemption order or an exemption advisory opinion pursuant to § 1710.14 or § 1710.17(b) shall be prepared in accordance with the following instructions:

INSTRUCTIONS FOR COMPLETION OF PARTIAL STATEMENT OF RECORD—REQUEST FOR EXEMPTION

The partial Statement of Record shall be prepared in the manner shown below and shall contain the information requested, as follows:

Employer's IRS No_____
Developer _____
Owner _____

STATEMENT OF RECORD

Name of subdivision_____
Location _____
Name of developer_____
Developer's address_____
Authorized agent_____
Authorized agent's address_____

Part I. Administrative Information, shall be filed in the form set forth in § 1710.105 followed by the affirmation and agreement as set forth below:

The filing of this information does not preclude a developer from filing a complete Statement of Record. If the developer files the material necessary to complete the Statement of Record, the date of filing shall be the date the complete Statement of Record is received by the Secretary.

AFFIRMATION AND AGREEMENT

I hereby affirm that I am the developer of the lots herein described or will be the developer at the time the lots are offered for sale or lease to the public, or that I am the agent authorized by such developer to complete this statement (if agent, submit written authorization to act as agent);

That the statements contained in this partial Statement of Record and any supplement thereto, together with any documents submitted are full, true, complete, and correct;

That, if this request is filed pursuant to 24 CFR 1710.14(a)(2) the developer hereby affirms and represents to the Secretary that the facts, affirmations and method of operation are within the requirements of 24 CFR 1710.14(a)(2) subparagraphs (i), (ii), (iii), (iv), and (v);

That the fee accompanying this application is in the amount required by the regulations of the Office of Interstate Land Sales Registration;

That I agree that this filing is a partial Statement of Record and that the receipt of this filing by the Secretary shall not be the date of filing of a Statement of Record for the purpose of determining the effective date thereof; and

That if the Secretary advises that the offering is not exempt, I agree to file the remaining portions of the Statement of Record as set forth in § 1710.105 of these rules and regulations prior to any offering and that the date of the receipt of the complete Statement of Record by the Secretary shall be the date of filing for the purpose of determining the effective date of the Statement of Record.

_____ _____
(date) (signature)

_____ _____
(corporate seal if applicable) (title)

WARNING: Section 1415 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or the rules and regulations prescribed pursuant thereto * * *, shall upon conviction be fined not more than $5,000 or imprisoned not more than 5 years, or both."

(Sec. 1419, 82 Stat. 598, 15 U.S.C. 1718, Secretary's delegation published 36 F.R. 5006)

§ 1710.130 Effective date.

This part is effective upon publication in the FEDERAL REGISTER (1–27–72). All initial requests, filings and other applicable actions made after the effective date stated above shall be made pursuant to these regulations. Effective Statements of Record, including Statements of Record, consolidations, and amendments filed with OILSR prior to the effective date of these regulations which become effective subsequent to that date, shall be amended to comply with these regulations; compliance amendments must be submitted not later than March 31, 1972. All developers who currently hold a favorable exemption advisory opinion pursuant to § 1710.10(1) of the former regulations and whose operations are affected by these regulations shall either reapply for an exemption order pursuant to § 1710.14 or file a complete Statement of Record not later than March 31, 1972. All developers who currently hold a favorable exemption advisory opinion pursuant to § 1710.10(j) of the former regulations and whose operations are affected by these regulations shall either submit a revised Statement of Reservations, Restrictions, Taxes, and Assessments pursuant to § 1710.11 or file a complete Statement of Record not later than March 31, 1972. The submissions of affirmations required by § 1710.11(a)(2) shall not apply to sales made prior to the effective date of this part. Requests for exemptions submitted prior to the effective date but for which the Secretary has not issued an opinion will be treated as initial requests. A State filing is deemed to be a Statement of Record for the purposes of this section.

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Credit—FHA Production and Mortgage Commissioner.

[FR Doc.72–1065 Filed 1–26–72;8:45 am]

[Docket No. R–72–162]

PART 1720—FORMAL PROCEDURES AND RULES OF PRACTICE

Pursuant to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701), the Secretary of Housing and Urban Development published in the FEDERAL REGISTER a notice of proposed rule making pertaining to formal procedures and rules of practice for the conduct of investigative and adjudication proceedings in regard to land registrations (36 F.R. 985, Jan. 21, 1971).

Interested persons were invited to submit comments on all the proposed rules. Extensive comments were received which have been taken into consideration in the final regulations hereby adopted.

The comments were favorable with respect to the substantive proposals, although certain editorial changes were suggested. Accordingly the part as it is being adopted follows in substance the proposal except for technical revisions and minor changes in format to improve the coherence and organization of the material. For example, § 1720.245 concerning policy now appears as § 1720.210 and the designation of hearing examiner formerly provided for in § 1720.260 now appears in § 1720.190.

In view of the foregoing, Chapter IX of Title 24 is hereby amended to include a new Part 1720 as follows:

Subpart A—Rules and Rule Making

Sec.
1720.1 Scope of rules in this subpart.
1720.5 Initiation of proceedings.
1720.10 Investigations and conferences.
1720.15 Notice.
1720.20 Promulgation of rules and regulations.
1720.25 Effective date of rules and regulations.

Subpart B—Filing Assistance

1720.30 Scope of this subpart.
1720.35 Prefiling assistance.
1720.40 Processing of filings.

Subpart C—Formal Investigations

1720.45 Scope of rules in this subpart.
1720.55 Violations, investigations or inquiries.
1720.70 Subpoenas in investigations.
1720.75 Investigational proceedings.
1720.80 Rights of witnesses in investigations.
1720.85 Noncompliance.
1720.90 Disposition.
1720.100 Settlements.

Subpart D—Proceedings and Hearings

1720.110 Scope of rules in this subpart.
1720.115 Applicability of sections of this subpart.
1720.120 Suspension notice under § 1710.45(a) of this chapter.
1720.125 Notice of proceedings pursuant to § 1710.45(b)(1) of this chapter.

V 37 N 18 JAN 27 72 XUM

Sec.
1720.130 Suspension order under § 1710.45 (b) (2) and (3) of this chapter.
1720.135 Motion for more definite statement.
1720.140 Time for filing answer to notice of proceedings.
1720.145 Content of answer.
1720.150 Settlements.
1720.155 Hearings—suspension notice pursuant to § 1710.45(a) of this chapter.
1720.160 Hearings—notice of proceedings pursuant to § 1710.45(b)(1) of this chapter.
1720.165 Hearings—suspension order issued pursuant to § 1710.45(b)(2) of this chapter.
1720.170 Intervention by interested persons.
1720.175 Consolidation.
1720.180 Conduct of hearings.
1720.190 Hearing examiner, powers and duties.
1720.195 Prehearing conferences.
1720.200 Reporting—prehearing conferences.
1720.205 Amendments and supplemental pleadings.
1720.210 Policy.
1720.215 Ex parte communications.
1720.220 Disqualification of hearing examiner.
1720.225 Failure to comply with hearing examiner's directions.
1720.230 Motions—filing requirements.
1720.235 Answers to motions.
1720.240 Motions for extension.
1720.245 Rulings on motions for dismissal.
1720.250 Interlocutory review of hearing examiner's rulings.
1720.255 Presentation and admission of evidence.
1720.260 Production of witnesses' statements.
1720.265 Depositions and discovery.
1720.270 Subpoenas ad testificandum.
1720.275 Subpoenas duces tecum.
1720.280 Motion to limit or quash.
1720.285 Rulings on applications for compulsory process; appeals.
1720.290 Form of and rulings on applications for subpoenas for confidential records of the Office of Interstate Land Sales Registration; for appearance of employees; appeals; review.
1720.300 Official notice.
1720.320 Reporting and transcription.
1720.325 Corrections.
1720.330 Proposed findings, conclusions, and order.
1720.345 Initial decisions: Time for filing; when effective.
1720.350 Initial decision—content.
1720.360 Reopening of proceeding by hearing examiner; termination of jurisdiction.
1720.365 Appeal from initial decision.
1720.375 Answering brief.
1720.380 Reply brief.
1720.385 Length and form of briefs.
1720.390 Oral argument.
1720.400 Decision on appeal or review.
1720.405 Reconsideration.

Subpart E—Miscellaneous Rules

1720.410 Qualifications for appearances.
1720.415 Restrictions on appearances as to former officers and employees.
1720.425 Standards of practice.
1720.430 Form and filing requirements.
1720.435 Time computation.
1720.440 Service.

Subpart F—Interstate Land Sales Board and Appeals Officers

1720.500 Functions of the Interstate Land Sales Board and appeals officers.
1720.510 Composition of the Interstate Land Sales Board.
1720.520 Decisions of appeals officer.
1720.525 Reconsideration of final decision of appeals officer.
1720.530 Department representative.

AUTHORITY: The provisions of this Part 1720 are issued under sec. 1419 of the Interstate Land Sales Full Disclosure Act, 82 Stat. 598; 15 U.S.C. 1718.

Subpart A—Rules and Rule Making

§ 1720.1 Scope of rules in this subpart.

The rules in this subpart apply to and govern procedure for the promulgation of rules and regulations under the Act. The rules in this subpart do not apply to interpretative rules, general statements of policy, rules of organization procedure, or practice or in any situation in which the Secretary for good cause finds (and incorporates the findings and brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest.

§ 1720.5 Initiation of proceedings.

Proceedings for the issuance of rules and regulations may be commenced by the Secretary upon his own initiative or pursuant to petition filed with the Secretary by any interested person stating reasonable grounds therefor. If the Secretary determines that a petition is not sufficient to warrant the holding of a rule making proceeding, the petitioner shall be promptly notified and given an opportunity to submit additional data. Procedures for the amendment or repeal of a rule or regulation are the same as for the issuance thereof.

§ 1720.10 Investigations and conferences.

(a) In connection with a rule making proceeding, the Secretary may conduct such investigations, make such studies and hold such conferences as he may deem necessary. All or any part of such investigations may be conducted under the provisions of Subpart C of this part.

(b) At any such conferences, interested persons may appear to express views and suggest amendments relative to proposed rules and regulations.

§ 1720.15 Notice.

General notice of proposed rule making shall be published in the FEDERAL REGISTER and, to the extent practicable, otherwise made available to interested persons. Such notice shall include a statement of the time, place and nature of the proceeding; reference to the authority under which the rule or regulation is proposed; either the terms or substance of the proposed rule or regulation or a description of the subjects and issues involved and the manner in which interested persons shall be afforded the opportunity to participate in the proceeding. If the rule making proceeding was instituted pursuant to petition, a copy of the notice shall be served on the petitioner.

§ 1720.20 Promulgation of rules and regulations.

The Secretary, after consideration of all relevant matters of fact, law, policy and discretion, including all relevant matters presented by interested persons in the rule making proceedings, shall adopt and publish in the FEDERAL REGISTER an appropriate rule or regulation together with a concise general statement of its basis and purpose and any necessary findings; or the Secretary shall give other appropriate public notice of disposition of the rule making proceeding.

§ 1720.25 Effective date of rules and regulations.

The effective date of any rule or regulation or of an amendment, suspension, or repeal of any rule or regulation shall be specified in a notice published in the FEDERAL REGISTER. Such date shall not be less than 30 days after the date of such publication unless the Secretary specifies an earlier effective date for good cause found and published with the rule or regulation.

Subpart B—Filing Assistance

§ 1720.30 Scope of this subpart.

The rules in this subpart apply to and govern procedures under which developers may obtain prefiling assistance and be notified of and permitted to correct deficiencies in the Statement of Record.

§ 1720.35 Prefiling assistance.

Persons intending to file with the Office of Interstate Land Sales Registration may receive advice of a general nature as to the preparation of the filing, including information as to proper format to be used and the scope of the items to be included in the format. Inquiries and requests for informal discussions with staff members should be directed to the Administrator, Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20411.

§ 1720.40 Processing of filings.

(a) Statements of Record and accompanying filing fees will be received on behalf of the Secretary by the Administrator, Office of Interstate Land Sales Registration, for determination of (1) completeness of the statement, (2) adequacy of the filing fee and (3) adequacy of disclosure. Where it appears that all three criteria are satisfied and it is otherwise practicable, acceleration of the effectiveness of the Statement of Record will normally be granted.

(b) Filings intended as Statements of Record but which do not comply in form with §§ 1710.105 and 1710.120 of this chapter, whichever is applicable, and Statements of Record accompanied by inadequate filing fees will not be accepted as Statements of Record within the meaning of the Act and will not be effective to accomplish any purpose under the Act. At the discretion of the Administrator, such filings and any moneys accompanying them may be immediately returned to the sender or after notification

may be held pending the sender's appropriate response.

(c) Persons filing incomplete or inaccurate Statements of Record which are, nevertheless, correct in form and accompanied by adequate filing fees will be notified and given reasonable opportunity to correct deficiencies. Failure to correct will result in the application of the suspension procedures in § 1710.45 of this chapter.

Subpart C—Formal Investigations

§ 1720.45 Scope of rules in this subpart.

(a) The rules in this subpart apply to and govern procedures for the conduct of formal inquiries and investigations undertaken by the Secretary and the manner in which persons alleged to have violated the Act or the rules and regulations may be afforded an opportunity to comply voluntarily with the Act and the rules and regulations.

(b) The Secretary or his designee may make inquiries and investigations to determine whether any person has violated or is about to violate any provision of the Act or the rules and regulations, or to aid in the enforcement of the Act, or in prescribing rules and regulations thereunder or in securing information to serve as a basis for recommending further legislation. The Secretary or his designee shall have the authority to administer oaths and affirmations in any matter under investigation.

§ 1720.55 Violations, investigations or inquiries.

In connection with a formal investigation or inquiry involving an alleged or suspected violation or threatened violation of the Act or rules and regulations, the Secretary may require or permit any person to file with him a signed statement setting forth facts and circumstances known to such person and relevant to the investigation or inquiry. The Secretary may publish or otherwise divulge information concerning any violation of the Act or the rules and regulations.

§ 1720.70 Subpoenas in investigations.

(a) The Secretary or his designee may issue subpoenas relating to any matter under investigation for any or all of the following purposes:

(1) Requiring testimony to be taken by interrogatories.

(2) Requiring the attendance and testimony of witnesses at a specific time and place.

(3) Requiring access to, examination of and the right to copy documents, books, records, and papers.

(4) Requiring the production of documents, books, records, and papers at a specified time and place.

(b) A motion to limit or quash any such subpoena may be filed with the Secretary or his designee within 10 days after service of the subpoena, and in no event less than 72 hours prior to the return date and hour of such subpoena.

§ 1720.75 Investigational proceedings.

(a) For the purpose of hearing the testimony of witnesses and receiving documents and other data relating to any subject under investigation, investigational proceedings, as distinguished from adjudicative hearings, may be conducted in the course of any investigation including rule making proceedings under Subpart A of this part.

(b) Investigational proceedings shall be presided over by the Secretary or his designee and shall be stenographically or mechanically reported. A transcript shall be a part of the record of the investigation.

(c) Unless the Secretary or his designee determines otherwise investigational proceedings shall be public.

§ 1720.80 Rights of witnesses in investigations.

(a) Any person compelled to testify or to submit data in connection with any investigational proceedings shall be entitled to retain a copy or, on payment of lawfully prescribed costs, procure a copy of any data submitted by him and of his own testimony as stenographically or mechanically reported, except that in a nonpublic proceeding the witness may for good cause be limited to inspection of the official transcript of his testimony.

(b) Any witness compelled to appear in person in an investigational proceeding may be accompanied, represented, and advised by counsel as follows:

(1) Counsel for a witness may advise his client, in confidence, and upon initiative of either himself or the witness, with respect to any question asked of his client; and if the witness refuses to answer a question, then counsel may briefly state on the record if he has advised his client not to answer the question and the legal grounds for such refusal.

(2) Where it is claimed that the testimony or other evidence sought from a witness is outside the scope of the investigation, or it is claimed that the witness is privileged to refuse to answer a question or to produce other evidence, counsel for the witness may object on the record to the question or requirement and may state briefly and precisely the grounds thereof.

(3) Objections interposed under the rules in this subpart will be continuing objections throughout the course of the proceeding, and repetitious or cumulative statement of an objection or of the grounds therefore, in such cases, is unnecessary and impermissible.

(4) Counsel for a witness may not, for any purpose or to any extent not allowed by subparagraphs (1) and (2) of this paragraph, interrupt the examination of the witness by making any objections or statements on the record. Motions challenging the authority of the Secretary to conduct the investigation or the sufficiency or legality of the subpoena must have been addressed to the Secretary in advance of the proceeding. Copies of such motions may be filed with the presiding official at the proceeding as part of the record of the investigation, but no arguments in support thereof will be allowed at the proceeding.

(5) Upon completion of the examination of a witness, counsel for the witness may request that on the record the presiding official permit the witness to clarify any of his answers in order that specified points of ambiguity, equivocation, or incompleteness may be corrected. The granting or denial of such request, in whole or in part, shall be within the sole discretion of the presiding official.

(6) The presiding official shall take all necessary action to regulate the course of the proceeding to avoid delay and to prevent or restrain disorderly, dilatory, obstructionist or contumacious conduct or contemptuous language. Such official shall, for reasons stated on the record, immediately report to the Secretary any instances where an attorney or witness has failed or refused to comply with his directions, lawful rules, regulations or orders in the course of the proceedings or has engaged in disorderly, dilatory, obstructionist, or contumacious conduct or contemptuous language. The Secretary or his designee may exclude the attorney or witness from further participation in the particular investigation.

§ 1720.85 Noncompliance.

Failure to comply with the Secretary's investigational process may result in action pursuant to section 1415 of the Act.

§ 1720.90 Disposition.

(a) When investigation by the Secretary indicates that corrective action is warranted, the Secretary pursuant to § 1710.45(b)(2) of this chapter may issue a suspension order: *Provided, however,* That any person being investigated may be afforded an opportunity to submit to the Secretary a proposal for disposition of the matter in the form of an executed settlement agreement complying with the requirements of § 1720.100 for consideration by the Secretary.

(b) When an investigation discloses that corrective action is not necessary or warranted in the public interest for the protection of purchasers or lessees, the investigational file will be closed. The matter may at any time thereafter be reinvestigated if circumstances so warrant.

§ 1720.100 Settlements.

(a) *Offer of settlement.* At any time during a proceeding, parties may be afforded an opportunity to submit to the Secretary or his designee a written proposal for disposition of the matter in the form of a settlement offer.

(b) *Settlement agreements.* When the Secretary or his designee determines the public interest will be fully safeguarded thereby he may accept an executed offer of settlement. Where the Secretary or his designee rejects an offer of settlement, the party making the offer shall be notified and the offer of settlement shall be deemed withdrawn and such offer and any documents relating thereto shall not constitute a part of the record.

V37-18 JAN 27 72 XUM

Subpart D—Proceedings and Hearings

§ 1720.110 Scope of rules in this subpart.

The rules in this subpart are applicable to adjudicative proceedings which involve a hearing or opportunity for a hearing under the Interstate Land Sales Full Disclosure Act.

§ 1720.115 Applicability of sections of this subpart.

Succeeding sections of this subpart not specifically limited in applicability either to hearings conducted subsequent to a suspension notice under § 1710.45(a) of this chapter, to a notice of proceedings under § 1710.45(b)(1) of this chapter, or to hearings conducted subsequent to a suspension order issued pursuant to paragraph (2) of § 1710.45(b) of this chapter, shall apply to all such hearings.

§ 1720.120 Suspension notice under § 1710.45(a) of this chapter.

A suspension pursuant to § 1710.45(a) of this chapter shall be effected by service of a suspension notice which shall contain:

(a) An identification of the filing to which the notice applies.

(b) A specification of the deficiencies of form, disclosure, accuracy, documentation or fee tender which constitute the grounds, under § 1710.45(a) of this chapter, of the suspension, and of the additional or corrective procedure, information, documentation, or tender which will satisfy the Secretary's requirements.

(c) A notice of the hearing rights of the developer under § 1720.155, and of the procedures for invoking those rights.

(d) A notice that, unless otherwise ordered, the suspension shall remain in effect until 30 days after the developer cures the specified deficiencies as required by the notice.

§ 1720.125 Notice of proceedings pursuant to § 1710.45(b)(1) of this chapter.

A proceeding pursuant to § 1710.45(b)(1) of this chapter is commenced by issuance and service of a notice which shall contain:

(a) A clear and accurate identification of the filing or filings to which the notice relates.

(b) A clear and concise statement of material facts, sufficient to inform the respondent with reasonable definiteness of the statements, omissions, conduct, circumstances or practices alleged to constitute the grounds for the proposed suspension order under § 1710.45(b)(1) of this chapter.

(c) Specification of a time and place at which the developer shall have opportunity for hearing.

(d) Designation of the hearing examiner appointed to preside over prehearing procedures and over the hearings.

(e) A notice that failure to file an answer or motion as provided under § 1720.140 will result in an order suspending the Statement of Record.

§ 1720.130 Suspension order under § 1710.45(b)(2) and (3).

A suspension pursuant to subparagraphs (2) and (3) of § 1710.45(b) of this chapter shall be effected by service of a suspension order which shall contain:

(a) An identification of the filing to which the order applies.

(b) Bases for issuance of order.

(c) A notice of the hearing rights of the developer under § 1720.165 and of the procedures for invoking those rights.

(d) A statement that the order shall remain in effect until the developer has complied with the Secretary's requirements.

§ 1720.135 Motion for more definite statement.

Where a reasonable showing is made by a respondent of his inability to respond to the allegations in a suspension notice or a notice of proceedings, motion may be made requesting a more definite statement of the allegations before filing an answer. Such motion shall be filed with the Secretary or his designee within 5 days after service of the notice and shall specifically indicate in what manner the notice is indefinite or defective.

§ 1720.140 Time for filing answer to notice of proceedings.

(a) Within 15 days after service of the notice of proceedings, the respondent shall file with the Secretary or his designee an answer and six copies thereof signed by the respondent or his attorney. Unless a different time is fixed by the Secretary or his designee, the filing of a motion for a more definite statement of the allegations shall alter the period of time in which to file an answer as follows:

(1) If the motion is denied, the answer shall be filed within 10 days after service of the denial or 15 days after service of the notice of proceedings, whichever is later; or

(2) If the motion is granted, in whole or in part, the more definite statement of allegations shall be filed after service of the order granting the motion and the answer shall be filed within 10 days after service of the more definite statement of allegations.

(b) If a notice of proceedings is amended, the respondent shall have 15 days after service of the amended notice of proceedings within which to file an answer thereto.

§ 1720.145 Content of answer.

An answer to a suspension notice or a notice of proceedings shall contain:

(a) A brief statement of the facts constituting each defense; and

(b) Specific admission, denial or explanation of each fact alleged in the notice, or if the respondent is without knowledge thereof a statement to that effect. Allegations not answered in this matter shall be deemed to have been admitted.

§ 1720.150 Settlements.

Parties may propose in writing, at any time during the course of a proceeding, offers of settlement which shall be submitted to and considered by the Secretary or his designee. If determined to be appropriate, the party making the offer may be given an opportunity to make an oral presentation in support of such offer. If an offer of settlement is rejected, the party making the offer shall be so notified and the offer shall be deemed withdrawn and shall not constitute a part of the record in the proceeding. Final acceptance by the Secretary or his designee of any offer of settlement will automatically terminate any proceeding related thereto.

§ 1720.155 Hearings—suspension notice pursuant to § 1710.45(a) of this chapter.

(a) A developer, upon receipt of a suspension notice issued pursuant to § 1710.45(a) of this chapter, may obtain a hearing by filing a written request in accordance with the instructions regarding such request contained in the suspension notice. Such request must be filed within 10 days of receipt of the suspension notice and must be accompanied by an answer and six copies thereof signed by the respondent or his attorney conforming to the requirements of § 1720.145. Filing of a motion for a more definite statement pursuant to § 1720.135 shall alter the period of time to request a hearing as follows:

(1) If the motion is denied, the request for hearing accompanied by the answer must be filed within 10 days after service of the denial or 15 days after service of the suspension notice whichever is later; or

(2) If the motion is granted, in whole or in part, the more definite statement of allegations shall be filed after service of the order granting the motion and the request for hearing accompanied by the answer shall be filed within 10 days after service of the more definite statement of allegations.

(b) When a hearing is requested pursuant to paragraph (a) of this section, such hearing shall be held within 20 days of receipt of the request. The time and place for hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

(c) A request for hearing filed pursuant to paragraph (a) of this section shall not interrupt on annul the effectiveness of the suspension notice, and suspension of the effective date of the statement or amendment shall continue until vacated by order of the Secretary. Except in cases in which the developer shall waive or withdraw his request for such hearing, or shall fail to pursue the same by appropriate appearance at a hearing duly scheduled, noticed and convened, the suspended filing shall be reinstated in the event of failure of the Secretary or his designee to schedule, give notice of or hold a duly-requested hearing within the time specified in paragraph (b) of this section, or in the event of a finding that the Secretary has failed to support at such hearing the propriety of the suspension with respect to the material

issues of law and fact raised by the answer. Such reinstatement shall be effective on the date on which the filing would have become effective had no notice of suspension been issued with respect to it.

§ 1720.160 Hearings—notice of proceedings pursuant to § 1710.45(b)(1) of this chapter.

(a) A developer, upon receipt of a notice of proceedings issued pursuant to § 1710.45(b)(1) of this chapter, may obtain a hearing by filing a written request in accordance with the instructions regarding such request contained in the notice of proceedings. Such a request must be filed within 15 days of receipt of the notice of proceedings or in the case of a request for a more definite statement within 15 days after receipt of either the more definite statement or the denial thereof. The request must be accompanied by an answer conforming to the requirements of § 1720.145.

(b) When a hearing is requested pursuant to paragraph (a) of this section, a date for such hearing shall be scheduled within 20 days of receipt of the request. The time and place for hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

(c) Failure to answer within the time allowed by § 1720.140 shall result in an appropriate order under § 1710.45(b) of this chapter suspending the Statement of Record.

§ 1720.165 Hearings—suspension order issued pursuant to § 1710.45(b)(2) of this chapter.

(a) A developer, upon receipt of a suspension order issued pursuant to subparagraph (2) of § 1710.45(b) of this chapter, may obtain a hearing by filing a written request in accordance with the instructions regarding such request contained in the suspension order. Such request must be filed within 10 days of receipt of the suspension order and must be accompanied by an answer conforming to the requirements of § 1720.145.

(b) When a hearing is requested pursuant to paragraph (a) of this section, a date for such hearing shall be scheduled within 20 days of receipt of the request. The time and place for hearing shall be fixed with due regard for the public interest and the convenience and necessity of the parties or their representatives.

§ 1720.170 Intervention by interested persons.

(a) Upon timely application, the Secretary or his designee upon petition in writing and for good cause shown, and if deemed to be in the public interest, may permit any person to participate by intervention in the proceeding. The petition shall contain (1) the petitioner's relationship to and interest in the matters contained in the proceeding; (2) a concise statement of his position with respect to each specific issue upon which he proposes to intervene, and of the facts which he proposes to adduce in support of each such position; and (3) an assent to exercise of jurisdiction by the Department with respect to the petitioner.

(b) The Secretary or his designee shall determine the propriety of such intervention and the extent to which such intervener may participate, basing such determination upon applicable law, the directness and substantiality of the petitioner's interest in the proceeding and the effect upon the proceeding of allowing such participation.

§ 1720.175 Consolidation.

When more than one proceeding involves a common question of law or fact, the Secretary or his designee may order a joint hearing of any or all of the matters in issue in the proceedings and may make such orders concerning the proceedings as may tend to avoid unnecessary costs or delay.

§ 1720.190 Hearing examiner, powers and duties.

(a) Hearings in adjudicative proceedings shall be presided over by a duly qualified hearing examiner who shall be designated by the Secretary in a notice to the parties in the proceeding.

(b) Hearing examiners shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings and to maintain order. They shall have all powers necessary to those ends including all powers granted under 5 U.S.C. 556(c), and also including but not limited to the following:

(1) To administer oaths and affirmations.

(2) To issue subpoenas and orders requiring access.

(3) To take or to cause depositions to be taken.

(4) To rule upon offers of proof and receive evidence.

(5) To regulate the course of the hearings and the conduct of the parties and their counsel.

(6) To hold conferences for simplification and clarification of the issues or any other purpose.

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adjudicative proceeding, including motions to open defaults.

(8) To make and file initial decisions.

(9) To certify questions to an appeals officer on the Interstate Land Sales Board for his determination.

(10) To take any action authorized by the rules in this part or other appropriate action.

§ 1720.195 Prehearing conferences.

(a) In any proceeding in which it appears that such procedure will expedite the proceeding, the hearing examiner may direct or allow the parties or their representatives to appear before him for a conference to consider: (1) Simplification and clarification of the issues; (2) necessity or desirability of amendments to the pleadings; (3) stipulations and admissions of fact and the contents and authenticity of documents; (4) expedition in the discovery and presentation of evidence; (5) matters of which official or judicial notice will be taken; and (6) such other matters as may aid in the orderly and expeditious disposition of the proceeding, including disclosure of the names of witnesses and of documents or other exhibits which will be introduced in evidence in the course of the proceeding. Prior to the conference, the hearing examiner may direct or allow the parties or their representatives to file memorandums specifying the issues of law and fact to be considered.

(b) If the circumstances are such that a conference is impracticable, the hearing examiner may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section.

§ 1720.200 Reporting—prehearing conferences.

Prehearing conferences shall be stenographically or mechanically reported; and the hearing examiner shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written agreements or stipulations made by the parties at the conference or as a result of the conference.

§ 1720.205 Amendments and supplemental pleadings.

(a) *Amendments.* The hearing examiner may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings whenever determination of a controversy on the merits will be facilitated thereby.

(b) *Variances of proof.* When issues not raised by the pleadings but reasonably within the scope of the suspension notice or notice of proceedings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time.

(c) *Supplemental pleadings.* The hearing examiner may, upon reasonable notice and such terms as are just, permit service of a supplemental pleading setting forth transactions or events which have occurred since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 1720.210 Policy.

(a) All hearings in adjudicative proceedings shall be public.

(b) Hearings shall proceed with all reasonable speed; and, insofar as practicable, shall be held at one place and shall continue without recess or suspension until concluded. The hearing examiner shall have the authority to order brief intervals of the sort normally involved in judicial proceedings and, in unusual and exceptional circumstances for good cause stated on the record, he shall have the authority to order hearings at more than one place and to order brief intervals to permit discovery necessarily deferred during the prehearing procedures.

V 3718 JAN 27 72 XUM

§ 1720.215 Ex parte communications.

(a) No person shall communicate with any hearing examiner or any appeals officer on the Interstate Land Sales Board either directly or indirectly concerning any pending proceeding unless prior to or simultaneously with such communication its contents are disclosed in detail to all persons interested in the proceeding; nor shall any hearing examiner or appeals officer request or consider any such unauthorized ex parte communication. This prohibition shall not apply to a simple request for information respecting the status of the proceeding, nor to any ex parte communication expressly authorized by these rules.

(b) Any hearing examiner or appeals officer, who receives an ex parte communication which he knows or has reason to believe is unauthorized, shall promptly place the communication, or its substance, in the public file and shall inform all persons interested in the proceeding of its existence and general contents. Facts or arguments so communicated shall not be taken into account in deciding any matter in issue unless such facts or arguments shall be brought properly before the hearing examiner.

(c) Opportunity to answer allegations or contentions contained in an unauthorized ex parte communication may be afforded any interested person upon his motion for leave to do so, wherever such leave will operate to assure a fair hearing or decision.

§ 1720.220 Disqualification of hearing examiner.

(a) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify the Secretary of such withdrawal.

(b) Whenever any party believes that the hearing examiner should be disqualified to preside, or to continue to preside, in a particular proceeding, such party may file with the hearing examiner a motion that the hearing examiner disqualify and remove himself. Such motion shall be supported by affidavits setting forth the alleged grounds for disqualification. If the hearing examiner does not disqualify himself, he shall proceed with the hearing and the question of fair hearing and due process may be raised on appeal to the appeals officer on the Interstate Land Sales Board who shall determine the matter as a part of the record and decision.

§ 1720.225 Failure to comply with hearing examiner's directions.

Any party who refuses or fails to comply with a lawfully issued order or direction of a hearing examiner may be considered to be in contempt of the Secretary. The circumstances of any such neglect, refusal or failure, together with a recommendation for appropriate action, shall be promptly certified by the hearing examiner to the Secretary or his designee who may make such orders in regard thereto as the circumstances may warrant.

§ 1720.230 Motions—filing requirements.

During the time a proceeding is before a hearing examiner, all motions therein shall be in writing; and, except as otherwise provided in this part, a copy of each motion shall be served on the other party or parties. Such motions shall be signed, addressed to and filed with the hearing examiner and shall be ruled upon by him.

§ 1720.235 Answers to motions.

Within 5 days after service of any motion, an opposing party shall answer or shall be deemed to consent to the granting of the relief asked for in the motion. The moving party shall have no right to reply except as permitted by the hearing examiner or the designated officer on the Interstate Land Sales Board.

§ 1720.240 Motions for extension.

As a matter of discretion, the hearing examiner or the designated officer on the Interstate Land Sales Board may waive the requirements of § 1720.235 as to motions for extensions of time, and may rule upon such motions ex parte. Extensions of time or continuances in any proceeding may be ordered for sufficient cause in the discretion of the hearing examiner, on his own motion, or on the motion of either party; but the policy of the Secretary under § 1720.210 shall be observed and enforced.

§ 1720.245 Rulings on motions for dismissal.

(a) When a motion is granted with the result that the proceeding before the hearing examiner is terminated, the hearing examiner shall file an initial decision in accordance with the provisions of § 1720.345. If such a motion is not granted as to all allegations and as to all respondents, the hearing examiner shall enter his ruling on the record and take it into account in his initial decision. When a motion to dismiss, based upon alleged failure to establish a prima facie case, is made at the close of the evidence offered in support of the notice of proceedings or suspension notice, the hearing examiner may defer ruling thereon until the close of the case for the reception of evidence.

(b) A motion to dismiss may be made by any party within 5 days after the close of the case for the reception of evidence. The hearing examiner shall enter his ruling on the record and take it into account in his initial decision.

§ 1720.250 Interlocutory review of hearing examiner's rulings.

The designated appeals officer on the Interstate Land Sales Board will not review a ruling of the hearing examiner prior to his consideration of the entire proceeding in the absence of extraordinary circumstances. Except as provided in § 1720.190 a hearing examiner shall not certify a ruling for interlocutory review to an appeals officer unless a party so requests and the hearing examiner finds, either on the record or in writing, that in his opinion (a) a subsequent reversal of his ruling would cause unusual delay or expense, taking into consideration the probability of such reversal, or (b) substantial rights are at stake and the final decision might be materially affected. The certification by the hearing examiner shall be in writing and shall specify the material relevant to the ruling involved. The appeals officer may decline to consider the ruling certified if he determines that interlocutory review is not warranted or appropriate under the circumstances. If the hearing examiner does not certify a matter, a party who had requested certification may apply to the appeals officer for review. An application for review shall be in writing and shall briefly state the grounds relied on and shall be filed within 2 days after notice of the ruling complained of. Review will not be granted unless the appeals officer concludes that the hearing examiner erred in failing to certify the matter. Unless otherwise ordered by the hearing examiner, the hearing shall continue whether or not such certification or application is made. Failure to request certification or to make such application will not waive the right to seek review of the ruling of the hearing examiner after the close of the hearing.

§ 1720.255 Presentation and admission of evidence.

(a) All witnesses at a hearing for the purpose of taking evidence shall testify under oath or affirmation which shall be administered by the hearing examiner. Every party shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The hearing examiner shall receive relevant and material evidence, rule upon offers of proof and exclude all irrelevant, immaterial or unduly repetitious evidence.

(b) Evidence shall not be excluded merely by application of technical rules governing its admissibility, competency, weight or foundation in the record; but evidence lacking any significant probative value, or substantially tending merely to confuse or extend the record, shall be excluded.

(c) When offered evidence is excluded, the party offering the same shall be permitted to state on the record an offer of proof with respect thereto and rejected exhibits, adequately marked, shall on request of the party offering the same be retained in the record for purposes of review. Evidence may be received subject to deferred ruling on objections to its admissibility.

(d) Objections to evidence shall be interposed timely and shall specify the particular ground of objection without argument except as argument may be expressly required by the hearing examiner. Formal exception to an adverse ruling is unnecessary.

§ 1720.260 Production of witnesses' statements.

After a witness called by the attorney for the Office of Interstate Land Sales Registration has given direct testimony in a hearing, any other party may request and obtain the production of any statement, or part thereof, of such witness pertaining to his direct testimony in the possession of the Office of Interstate Land Sales Registration, subject, however, to the limitations applicable to the production of witnesses' statements under the Jencks Act, 18 U.S.C. 3500.

§ 1720.265 Depositions and discovery.

(a) At any time during the course of a proceeding, the hearing examiner, in his discretion, may order the taking of a deposition and the production of documents by the deponent. Such order may be entered upon a showing that the deposition is necessary for the purpose of discovery and that such discovery could not be accomplished by voluntary methods. Such order may also be entered in extraordinary circumstances to preserve relevant evidence upon a showing that there is substantial reason to believe that such evidence could not be presented through a witness at the hearing. Insofar as consistent with considerations of fairness and the requirements of due process and the rules of this subpart, a deposition shall not be ordered when it appears that it will result in undue burden to any other party or in undue delay of the proceeding. A deposition shall not be ordered to obtain evidence from a person relating to matters with regard to which he is expected to testify at the hearing, or to obtain evidence which there is reason to believe can be presented at a hearing without the need for deposition or to circumvent the orderly presentation of evidence at the hearing. Depositions may be taken orally or upon written interrogatories and cross-interrogatories before any person having power to administer oaths who may be designated by the hearing examiner.

(b) Any party desiring to take a deposition shall make application in writing to the hearing examiner setting forth the justification therefor and the time and place proposed for the taking of the deposition. The application shall include also the name and address of each proposed deponent and the subject matter concerning which each is expected to depose and shall be accompanied by an application for any subpoenas desired.

(c) Such order as the hearing examiner may issue for taking a deposition shall state the circumstances warranting its being taken, and shall designate the time and place and shall show the name and address of each person who is expected to appear and the subject matter with regard to which each is expected to depose. The time designated shall allow not less than 5 days from date of service of the order when the deposition is to be taken within the United States, and not less than 15 days when the deposition is to be taken elsewhere.

(d) After an order is served for taking a deposition, upon motion timely made by any party or by the person to be deposed and for good cause shown, the hearing examiner may issue any of the following orders which he considers to be appropriate:

(1) That the deposition shall not be taken.

(2) That it may be taken only at some designated place other than that stated in the order.

(3) That it may be taken only on written interorgatories.

(4) That certain matters shall not be inquired into.

(5) That the examination shall be held with no one present except the parties to the action, their counsel and a person qualified in the designated place to administer oaths and affirmations.

(e) The hearing examiner may make any other order which justice requires to protect the party or deponent from annoyance, embarrassment or oppression, or to prevent the unnecessary disclosure or publication of information contrary to the public interest and beyond the requirements of justice in the particular proceeding.

(f) Each deponent shall be duly sworn, and any adverse party shall have the right to cross-examine. Objections to questions or documents shall be in short form, stating the grounds of objections relied upon. The questions and the answers, together with all objections made, but excluding argument or debate, shall be reduced to writing and certified by the person before whom the deposition was taken. Thereafter such person shall forward the deposition and one copy thereof to the party at whose instance the deposition was taken, and shall forward one copy thereof to the representative of each party who was present or represented at the taking of the deposition.

(g) A deposition taken to preserve relevant evidence which any party intends to offer in evidence may be corrected in the manner provided by § 1720.325. Any such deposition shall, in addition to the other required procedures, be read to or by the deponent and subscribed by him if the party intending to offer it in evidence so notifies the person before whom the deposition was taken. Subject to appropriate rulings on such objections to the questions and answers as were noted at the time the deposition was taken or as may be valid when it is offered, a deposition taken to preserve relevant evidence, or any part thereof, may be used or offered in evidence as against any party who was present or represented at the taking of the deposition or who had due notice thereof if the hearing examiner finds any of the following:

(1) That the deponent is dead.

(2) That the deponent is out of the United States or is located at such a distance that his attendance would be impractical unless it appears that the absence of the deponent was procured by the party offering the deposition.

(3) That the deponent is unable to attend or testify because of age, sickness, infirmity or imprisonment.

(4) That the party offering the deposition has been unable to procure the attendance of the deponent by subpoena.

(5) That such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

§ 1720.270 Subpoenas ad testificandum.

Application for issuance of a subpoena requiring a person to appear and depose or testify at the taking of a deposition or at an adjudicative hearing shall be made to the hearing examiner who may issue such subpoena.

§ 1720.275 Subpoenas duces tecum.

(a) Application for issuance of a subpoena requiring a person to appear and depose or testify and to produce specific documents, papers, books, or other physical exhibits at the taking of a deposition, or at a prehearing conference, or at an adjudicative hearing shall be made in writing to the hearing examiner who may issue such subpoena and shall specify as exactly as possible the general relevancy of the material and the reasonableness of the scope of the subpoena.

(b) Subpoenas duces tecum may be used by any party for purposes of discovery or for obtaining documents, papers, books, or other physical exhibits for use in evidence, or for both purposes. When used for discovery purposes, a subpoena may require a person to produce and permit the inspection and copying of nonprivileged documents, papers, books, or other physical exhibits which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody or control of such person.

§ 1720.280 Motion to limit or quash.

Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 5 days after the date of service of such subpoena, apply to the hearing examiner to quash or modify such subpoena, accompanying such application with a brief statement of the reasons therefor. The hearing examiner shall have the discretion of granting, denying or modifying said motion.

§ 1720.285 Rulings on applications for compulsory process; appeals.

(a) Applications for orders requiring the production of witnesses' statements pursuant to the provisions of § 1720.260, applications for orders requiring the taking of depositions pursuant to the provisions of § 1720.265 and applications for the issuance of subpoenas pursuant to the provisions of §§ 1720.270 and 1720.275 (other than as provided in § 1720.290) may be made ex parte, and, if so made, such applications and the rulings thereon shall remain ex parte unless otherwise ordered by the hearing examiner. Such applications shall be ruled upon by the hearing examiner assigned to hear the case or, in the event he is not available, by another hearing examiner designated by the Secretary.

(b) Appeals to an appeals officer on the Interstate Land Sales Board from rulings denying applications within the scope of paragraph (a) of this section, or from rulings on motions to limit or quash

V 37 I 18 JAN 27 72 XUM

process issued pursuant to such applications (other than as provided in § 1720.290) will be entertained by the appeals officer only upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision, and that a determination of its correctness before conclusion of the hearing is essential to serve the interests of justice. Such appeals shall be made on the record, shall briefly state the grounds relied on and shall be filed within 5 days after notice of the ruling complained of. Appeals from denials of ex parte applications shall have annexed thereto copies of the applications and rulings involved. Any answer to such appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the appeals officer.

§ 1720.290 Form of and rulings on applications for subpoenas for confidential records of the Office of Interstate Land Sales Registration; for appearance of employees; appeals; review.

(a) An application for issuance of a subpoena requiring the production of documents, papers, books, physical exhibits or other material, or the disclosure of confidential information in the records of the Office of Interstate Land Sales Registration, other than material or information to which the applicant is entitled by law, or for the issuance of a subpoena requiring the appearance of an official or employee of the Office of Interstate Land Sales Registration shall be made in the form of a written motion filed in accordance with the provisions of § 1720.230.

(b) The motion shall specify as exactly as possible the material to be produced, the nature of the material to be produced, the nature of the information to be disclosed or the expected testimony of the official or employee of the Office of Interstate Land Sales Registration and shall contain a statement showing the general relevancy of the material, information, or testimony and the reasonableness of the scope of the application, together with a showing that such material, information, or testimony is not available from other sources by voluntary methods or through other provisions of the rules in this subpart.

(c) Applications in the form of written motions shall be ruled upon by the hearing examiner and to the extent that such a motion is granted provision shall be made for such terms and conditions relating to the production of the material, the disclosure of the information or the appearance of the official or employee of the Office of Interstate Land Sales Registration as may appear necessary and appropriate for the protection of the public interest.

(d) Appeals to the appeals officer on the Interstate Land Sales Board from rulings on motions to limit or quash subpoenas within the scope of paragraph (a) of this section shall be made on the record and shall be in the form of a brief not to exceed 30 pages in length which shall be filed within 5 days after notice of the ruling is received by the objecting party. Any answer to such appeal shall be filed within 5 days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the appeals officer.

§ 1720.300 Official notice.

Official notice may be taken of any material fact which might be judicially noticed by a District Court of the United States, any matter in the public official records of the Office of Interstate Land Sales Registration or any matter which is peculiarly within the knowledge of the appeals officer on the Interstate Land Sales Board; provided, that when any decision of a hearing examiner or of an appeals officer on the Interstate Land Sales Board rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record opportunity to disprove such noticed fact shall be granted any party making timely request therefor.

§ 1720.320 Reporting and transcription.

Hearings shall be stenographically or mechanically reported and transcribed under the supervision of the hearing examiner. The original transcript shall be a part of the record and the sole official transcript. Copies of transcripts are available from the reporter at rates not to exceed the maximum rates fixed by contract between the Secretary or his designee and the reporter.

§ 1720.325 Corrections.

Corrections of the official transcript ordered by the hearing examiner shall be included in the record. Corrections shall not be ordered by the hearing examiner except upon notice and opportunity for the hearing of objections. Such corrections shall be made by the reporter by furnishing substitute pages, under the usual certificate of the reporter, for insertion in the official record.

§ 1720.330 Proposed findings, conclusions, and order.

The hearing examiner may fix a reasonable time, not to exceed 30 days after the close of the evidence, during which any party may file with the hearing examiner proposed findings of fact, conclusions of law and rules or orders together with briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties and shall contain adequate references to the record and to authorities relied on. The record shall show the hearing examiner's ruling on each proposed finding and conclusion, except when his rule or order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

§ 1720.345 Initial decisions: Time for filing; when effective.

(a) The hearing examiner shall make and file an initial decision within 60 days after the close of the taking of evidence in cases in which a hearing is held.

(b) The initial decision shall become the decision of the Secretary 30 days after service thereof upon the parties unless one of the following occurs:

(1) An appeal is perfected under § 1720.365.

(2) The appeals officer on the Interstate Land Sales Board by order stays the effective date of the decision.

§ 1720.350 Initial decision—content.

The initial decision shall include a statement of (a) findings, with specific references to principal supporting items of evidence in the record and conclusions, as well as the reasons or bases therefor, upon all of the material issues of fact, law or discretion presented on the record, and (b) an appropriate order. The initial decision shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.

§ 1720.360 Reopening of proceeding by hearing examiner; termination of jurisdiction.

(a) At any time prior to the filing of his initial decision, a hearing examiner may reopen the proceeding for the reception of further evidence.

(b) Except for the correction of clerical errors, the jurisdiction of the hearing examiner is terminated upon the filing of his initial decision unless and until the proceeding is remanded to him by the appeals officer on the Interstate Land Sales Board.

§ 1720.365 Appeal from initial decision.

(a) *Notice of intention.* Any party to a proceeding may appeal an initial decision to an appeals officer on the Interstate Land Sales Board: *Provided,* That within 10 days after the completion of service of the initial decision such party files a notice of intention to appeal.

(b) *Appeal brief.* The appeal shall be perfected by filing and serving on all parties to the proceeding a brief conforming to § 1720.385 to be filed within 30 days after completion of service of the initial decision. In addition, the appeal brief shall contain a proposed form of rule or order for the consideration of the appeals officer on the Interstate Land Sales Board in lieu of the rule or order contained in the initial decision.

§ 1720.375 Answering brief.

Within 20 days after service of an appeal brief upon a party, such party may file an answering brief conforming to the requirements of § 1720.385.

§ 1720.380 Reply brief.

A brief in reply to an answering brief, limited to rebuttal of matters in the answering brief, may be filed and served by a party within 7 days after receipt of the answering brief or the day preceding oral argument, whichever is earlier. No answer to a reply brief will be permitted.

§ 1720.385 Length and form of briefs.

No brief shall exceed 60 pages in length except with the permission of the hearing examiner or the appeals officer on the Interstate Land Sales Board and shall contain, in the order indicated, the following:

(1) The title of the proceeding, file number, the name of the party on whose behalf it is submitted and the name and address of his attorney in the matter on the front cover or title page.

(2) Subject index with page references.

(3) Table of cases alphabetically arranged, statutes, texts, and other authorities and materials cited, with page references.

(4) A concise statement of the facts of the case, without argument.

(5) A concise statement of the questions sought to be raised.

(6) The argument, presenting clearly the points of fact and law relied upon in support of the position taken on each question with specific page references to the record so far as available, and to legal authority or other material relied upon in support of statements contained in the argument.

§ 1720.390 Oral argument.

Oral arguments will not be heard in cases on appeal to the appeals officer on the Interstate Land Sales Board unless the officer otherwise orders, and stenographic or mechanical record of such oral argument may be made, in the officer's discretion. The purpose of oral argument is to emphasize and clarify the written argument appearing in the briefs and to answer questions.

§ 1720.400 Decision on appeal or review.

(a) Upon appeal from or review of an initial decision, the appeals officer on the Interstate Land Sales Board will consider such parts of the record as are cited or as may be necessary to resolve the issues and, in addition, will, to the extent necessary or desirable, exercise all the powers which he could have exercised if he had made the initial decision. Unless exceptional circumstances are present, however, all appeals and reviews will be determined upon the record made before the hearing examiner.

(b) In rendering his decision, the appeals officer may affirm, reverse, modify, set aside or remand for further proceedings, in whole or in part, the initial decision by the hearing officer, and shall include in his decision a statement of the reasons or bases for his action and any concurring or dissenting opinions.

(c) In those cases where the appeals officer believes that he should have further information or additional arguments of the parties as to the form and content of the rule or order to be issued, he may withhold final decision pending the receipt of such additional information or argument under procedures specified.

(d) The decision of the appeals officer shall be final, and shall become the decision of the Secretary 30 days after service thereof upon the parties, unless the appeals officer determines that the protection of the public interest necessitates an earlier effective date under the circumstances, in which event he will specify in the order his specific findings as to such circumstances.

§ 1720.405 Reconsideration.

Within 10 days after completion of service of a decision by an appeals officer on the Interstate Land Sales Board, any party may file with the Interstate Land Sales Board a petition for reconsideration of such decision, setting forth the relief desired and the grounds in support thereof. Any petition filed hereunder must relate to new questions raised by the decision or final order and upon which the petitioner had no opportunity to argue before an appeals officer on the Interstate Land Sales Board. Any party desiring to oppose such a petition shall file an answer thereto within 10 days after service upon him of the petition. The filing of a petition for reconsideration shall not operate to stay the effective date of the decision or order to toll the running of any statutory period affecting such decision or order unless specifically so ordered by the Interstate Land Sales Board.

Subpart E—Miscellaneous Rules

§ 1720.410 Qualifications for appearances.

(a) Members of the bar of a Federal Court or of the highest court of any state or of the United States are eligible to practice before the Secretary. No register of attorneys will be maintained.

(b) Any individual or member of a partnership involved in any proceeding or investigation may appear on behalf of himself or of such partnership upon adequate identification. A corporation or association may be represented by a bona fide officer thereof upon a showing of adequate authorization.

(c) A person shall not be represented except as stated in paragraphs (a) and (b) of this section unless otherwise permitted.

§ 1720.415 Restrictions on appearances as to former officers and employees.

(a) Except as specifically authorized by the Secretary, no former officer or employee of the Department of Housing and Urban Development shall appear as attorney or counsel or otherwise participate through any form of professional consultation or assistance in any proceeding or investigation, formal or informal, which was pending in any manner in the Office of Interstate Land Sales Registration while such former officer or employee served with the Department of Housing and Urban Development.

(b) In cases to which paragraph (a) of this section is applicable, a former officer or employee of the Department of Housing and Urban Development may request authorization to appear or participate in a proceeding or investigation by filing with the Secretary a written application disclosing the following relevant information: (1) The nature and extent of the former officer's or employee's participation in, knowledge of, and connection with the proceeding or investigation during his service with the Department of Housing and Urban Development; (2) whether the files of the proceeding or investigation came to his attention; (3) whether he was employed in the same office, division, or administrative unit in which the proceeding or investigation is or has been pending; (4) whether he worked directly or in close association with Office of Interstate Land Sales Registration personnel assigned to the proceeding or investigation; (5) whether during his service with the Department of Housing and Urban Development he was engaged in any matter concerning the individual, company, or industry in the proceeding or investigation.

(c) The requested authorization will not be given in any case (1) where it appears that the former officer or employee during his service with the Department of Housing and Urban Development participated personally and substantially in the proceeding or investigation, or (2) where the application is filed within one (1) year after termination of the former officer's or employee's service with the Department of Housing and Urban Development and it appears that within a period of one (1) year prior to the termination of his service the proceeding or investigation was within the official responsibility of the former officer or employee. In other cases, authorization will be given where the Secretary is satisfied that the appearance or participation will not involve any actual conflict of interest or impropriety thereof.

(d) In any case in which a former officer or employee of the Department of Housing and Urban Development is prohibited under this section from appearing or participating in a proceeding or investigation, any partner or legal or business associate of such former officer or employee shall likewise be so prohibited, unless: (1) Such partner or legal or business associate files with the Secretary an affidavit that in connection with the matter the services of the disqualified former officer or employee will not be utilized in any respect and the matter will not be discussed with him in any manner, and that the disqualified former officer or employee shall not share, directly or indirectly, in any fees or retainers received for services rendered in connection with such proceeding or investigation; (2) the disqualified former officer or employee files an affidavit stating that he will not participate in the matter in any manner, and that he will not discuss it with any person involved in the matter; and (3) upon the basis of such affidavits, the Secretary determines that the appearance or participation by the partner or associate would not involve any actual conflict of interest or impropriety thereof.

§ 1720.425 Standards of practice.

(a) Attorneys shall conform to the standards of professional and ethical conduct required by practitioners in the courts of the United States and by the bars of which the attorneys are members.

(b) The privilege of appearing or practicing may be denied, temporarily or permanently, to any person who is found after notice and opportunity for hearing

V 37-18 JAN 27 72 XUM

which at his request or in the discretion of the Secretary may be private, and for presentation of oral argument in the matter (1) not to possess the requisite qualifications to represent others, or (2) to be lacking in character or integrity or (3) to have engaged in unethical or improper professional conduct.

(c) Contemptuous conduct at any hearing shall be grounds for summary exclusion from said hearing for the duration of the hearing.

§ 1720.430 Form and filing requirements.

(a) *Filing.* Except as otherwise permitted, six copies of all documents shall be filed with the Office of Interstate Land Sales Registration, Department of Housing and Urban Development, Washington, D.C. 20411, on official work days between the hours of 8:45 a.m. and 5:15 p.m.

(b) *Title.* Documents shall clearly show the file, docket number, and title of the action in connection with which they are filed.

(c) *Form.* Except as otherwise permitted, all documents shall be printed, typewritten, or otherwise processed in clear, legible form and on good unglazed paper.

§ 1720.435 Time computation.

Computation of any period of time prescribed or allowed by the rules and regulations in this part, or by order of the Secretary or his designee or of a hearing examiner, shall begin with the first business day following that on which the act, event, development or default initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the Department of Housing and Urban Development is closed, the period shall run until the end of the next following business day. Except when any prescribed or allowed period of time is 7 days or less, each of the Saturdays, Sundays, and national holidays shall be included in the computation of the prescribed or allowed period.

§ 1720.440 Service.

Service of notices, orders, processes, determinations and other documents required or permitted to be served under these rules may be effected as follows:

(a) *Upon the Secretary.* By personal delivery at the office, or by registered or certified mail addressed to the office of any of the following officials in the Office of Interstate Land Sales Registration: Administrator; Deputy Administrator; Director, Examination Division; or Director, Administrative Proceedings Division.

(b) *Upon any other person.* By delivery of a copy of the documents to the person to be served wherever he may be found, or by leaving such copy at his office or place of business with a person apparently in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, by leaving a copy at his residence with some person of suitable age and discretion then residing therein, or by sending a copy by registered or certified mail, return receipt requested, addressed to the person at his last known residence, or at his or its last know principal office or place of business. If the address of the residence, principal office, or place of business is unknown and cannot with due diligence be ascertained, service by mail may be made to any office at which the person to be served is known to be employed.

(c) *Service on corporations, partnerships, associations, other entities.* Service may be made upon any corporation, partnership, business association or other entity by serving any officer, director, partner, trustee, agent for service or managing agent thereof. A managing agent, within the meaning of this subsection, is an agent having the principal managerial responsibility in connection with the regular operation of a distinct office or activity of the enterprise.

(d) *Service through attorney.* When a person other than the Secretary and his staff shall have appeared of record in a proceeding, generally or specially, by attorney, all subsequent services of notices, orders, processes, and other documents in connection with such proceeding may be made upon such person by serving the attorney, except that subpoenas and other orders by which such person may be brought in contempt shall be served upon him by one of the methods described in paragraphs (b) and (c) of this section. In any case, copies of documents not served by serving such attorney shall be promptly sent to him; but service on such person shall be effective without proof that copies so sent were received.

(e) *Proof of service.* Proof of service shall not be required unless the fact of service is seasonably put in issue by appropriate motion or objection on the part of the person allegedly served or other party. In such cases, service may be established by written admission signed by or on behalf of the person to be served, or may be established prima facie by affidavit or certificate of service or mailing, as appropriate. When service is by registered or certified mail, it is complete upon delivery of the document by the post office.

Subpart F—Interstate Land Sales Board and Appeals Officers

§ 1720.500 Functions of the Interstate Land Sales Board and appeals officers.

There is hereby established within the Department of Housing and Urban Development an Interstate Land Sales Board, the members of which are designated as appeals officers and may be appointed from time to time by the Secretary. The functions, powers, and responsibilities delegated to an appeals officer designated from the Board as the authorized representative of the Secretary shall be to hear, consider and determine fully and finally appeals from decisions made pursuant to the rules in this part by hearing examiners and to conduct hearings pursuant to 15 U.S.C. 1715.

§ 1720.510 Composition of the Interstate Land Sales Board.

The Board shall consist of four (4) appointed employees of the Department of Housing and Urban Development designated as appeals officers, other than employees in the Office of Interstate Land Sales Registration. An appeals officer on the Board shall be available at all times for the hearing of each appeal. Records of proceedings before an appeals officer shall be kept by a Secretary to the Board who shall be an employee of the Office of General Counsel.

§ 1720.520 Decisions of appeals officer.

A decision of an appeals officer shall be considered the final action on behalf of the Secretary on matters properly before such officer pursuant to the rules in this part.

§ 1720.525 Reconsideration of final decision of appeals officer.

Any hearing for reconsideration pursuant to § 1720.405 of this part shall be heard by any three of the four appeals officers who shall sit in review as the Interstate Land Sales Board.

§ 1720.530 Department representative.

In each case being heard before a hearing examiner or an appeals officer, pursuant to this part, the Department shall be represented by a Department hearing attorney. The General Counsel shall designate one or more attorneys under his jurisdiction to act as Department hearing attorneys.

Effective date. This part shall be effective on publication in the FEDERAL REGISTER (1–27–72).

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72-1066 Filed 1-26-72;8:45 am]

federal register

THURSDAY, JANUARY 27, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 18

PART III

DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

Income Tax

Proposed Depreciation Allowances Using Class Life Asset Depreciation Range System

V 37-18 JAN 27 72 XUM

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Depreciation Allowances Using Class Life Asset Depreciation Range System; Notice of Hearing

Proposed amendments to the regulations under section 167 of the Internal Revenue Code of 1954, relating to depreciation allowances using the class life asset depreciation range system, appear in the FEDERAL REGISTER for January 27, 1972 (37 F.R. 1328).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, February 29, 1972, at 10 a.m., e.s.t., and if necessary will continue on Wednesday, March 1, 1972, beginning at 10 a.m., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments at such hearing should by February 23, 1972, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by February 25, 1972. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to a minimum charge of $1.

LEE H. HENKEL, JR.,
Acting Chief Counsel.

[FR Doc.72-1278 Filed 1-26-72;8:52 am]

[26 CFR Part 1]

INCOME TAX

Depreciation Allowances Using Class Life Asset Depreciation Range System

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by February 28, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by February 28, 1972. A public hearing will be held, and notice of the time, place, and date is simultaneously published herewith. The proposed regulations are to be issued under the authority contained in sections 167(m) (85 Stat. 508; 26 U.S.C. 167), 263(f) (85 Stat. 509; 26 U.S.C. 263), and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 109 of the Revenue Act of 1971 (85 Stat. 508), and to make other changes, the regulations are amended as follows:

PARAGRAPH 1. The title of § 1.167(a)-11 is revised to read "Depreciation based on class lives and asset depreciation ranges for property placed in service after December 31, 1970."

PAR. 2. Paragraph (a)(1) of § 1.167(a)-11 is revised by adding "and class life" after "range" in the first sentence, by deleting "will" and inserting in lieu thereof "must" in the fifth sentence, and by deleting "(within the asset depreciation range)" from the seventh sentence.

PAR. 3. Paragraph (a)(2) of § 1.167(a)-11 is revised by deleting "(b)(5)(iii)(*a*)" and inserting in lieu thereof "(b)(5)(iii)(*c*)".

PAR. 4. Paragraph (b)(2) of § 1.167(a)-11 is revised by inserting "tangible" after "means" in the first sentence, by inserting "asset guideline" immediately after "and" in subdivision (i), by deleting "paragraph" and inserting in lieu thereof "subparagraph" in subdivision (i), by deleting subdivision (ii) and redesignating subdivision (iii) as subdivision (ii), by adding a new subdivision (iii), by deleting subdivision (iv), by deleting the first sentence of the flush language following subdivision (iv), and by deleting "(*a*)", and inserting in lieu thereof "(*c*)" in the second sentence of the flush language following subdivision (iv).

PAR. 5. Paragraph (b)(3) of § 1.167(a)-11 is revised by inserting "(determined without regard to a convention described in paragraph (c)(2) of this section)" and deleting the comma immediately after "election" the first time it appears in the fourth sentence of subdivision (i), by deleting "paragraphs" and inserting in lieu thereof "paragraph" in the fifth sentence of subdivision (i), by adding a new sentence at the end of subdivision (i), and by inserting two new sentences at the beginning of subdivision (ii).

PAR. 6. Paragraph (b)(4)(i) of § 1.167(a)-11 is revised by adding "and periods" after "ranges" in the title, by deleting "the asset depreciation period selected by the taxpayer from the asset depreciation range for the assets in such account" from the first sentence and inserting in lieu thereof new subdivisions (*a*) and (*b*), by deleting "and asset depreciation range" from the second sentence, by adding "for the taxable year" after "effect" in the second sentence, and by deleting the third and fourth sentences and inserting in lieu thereof six new sentences.

PAR. 7. Paragraph (b)(4)(ii) of § 1.167(a)-11 is revised by inserting "the asset guideline" after "and" the first time it appears in the first sentence, by inserting a comma after "periods" the second time it appears in the first sentence, by deleting "and" the third time it appears in the first sentence and inserting in lieu thereof ", asset guideline", by deleting "71-25" and inserting "72-10" in the first sentence, and by deleting "year" the second time it appears in the third sentence.

PAR. 8. Paragraph (b)(4)(iii)(*a*) of § 1.167(a)-11 is revised by inserting ", solely with respect to property for which an asset depreciation range is in effect for the taxable year," after "may" in the first sentence, by deleting "as provided in Revenue Procedure 64-21" and inserting "by applying the provisions of Revenue Procedure 64-21 to such property" at the end of the first sentence, by deleting "for" the second time it appears in the second sentence and inserting in lieu thereof "at the beginning of", and by adding "Except as provided in paragraph (d)(2)(iii) of this section with respect to buildings and other structures," after the second sentence.

PAR. 9. Paragraph (b)(4)(iii)(*b*) of § 1.167(a)-11 is revised by inserting ", including a change in use which results in section 1250 property becoming section 1245 property" at the end thereof.

PAR. 10. Paragraph (b)(4)(iii)(*c*) of § 1.167(a)-11 is revised by adding "or characterization" after "classification" each time it appears, by deleting the comma after "characterization" the third time it appears, and by inserting "or (3)(ii)" after "(2)" in the first sentence.

PAR. 11. Paragraph (b)(4)(iii)(*d*) of § 1.167(a)-11 is revised by inserting "Generally," at the beginning of the first sentence, by inserting "not described in section 167(b)(1), (2), (3), or (k), such as a method" after "depreciation" the second time it appears in the first sentence, and by deleting "described in subparagraph (5)(v)(*a*) of this paragraph" and inserting in lieu thereof "not described in section 167(b)(1), (2), (3), or (k)" after "depreciation" the first time it occurs in the second sentence.

PAR. 12. Paragraph (b)(4)(iv) of § 1.167(a)-11 is revised by deleting "personal property," "predominantly used with the United States," in the third sentence of example (1) and inserting in lieu thereof "property", by deleting "71-25" and inserting in lieu thereof "72-10" in the fourth sentence of example (1), by deleting the second sentence and inserting in lieu thereof four new sentences in example (2), by deleting "(iii)" and inserting in lieu thereof "(ii)" in the fourth sentence of example (3), by deleting "71-25" and inserting in lieu thereof "72-10" in the sixth and ninth sentences of example (3), by deleting "good faith mistakes" and inserting in lieu thereof "mistake" in the eighth sentence of example (3), by deleting "repair and" and inserting in lieu thereof "repair. Also by mistake, corporation Y" in the eighth sentence of example (3), by adding "(*a*)" after "Example (4)." in example (4), by deleting "71-25" and inserting in lieu thereof "72-10" in the second and third sentences of example (4), by adding a new sentence after the third sentence of example (4), by adding "all" immediately after "on" in the fifth sentence of example (4), by deleting "can" and inserting in lieu thereof "may, at its option (see subparagraph (5)(v) of this paragraph)," in the 12th sentence of example (4), by adding a new sentence at the end to example (4), and by adding a new subdivision (*b*) to example (4).

PAR. 13. Paragraph (b)(5)(i) of § 1.167(a)-11 is revised by adding "and certain conditions to an election," after "election," in the second sentence, and by deleting "subdivisions (v) and (vi)" and inserting in lieu thereof "subdivision (v)" in the third sentence.

PAR. 14. Paragraph (b)(5)(ii) of § 1.167(a)-11 is revised by adding a comma after "property" the second time it appears, and by adding "in subdivision (vi) of this subparagraph dealing with certain section 1250 property, in subdivision (vii) of this subparagraph dealing with certain subsidiary assets," after "amortization,".

PAR. 15. Subdivision (iii) of paragraph (b)(5) of § 1.167(a)-11 is deleted and a new subdivision (iii) inserted in lieu thereof.

PAR. 16. Paragraph (b)(5)(iv) of § 1.167(a)-11 is revised by adding "and which is not property described in section 50" after "49" in subdivision (*a*), and by deleting subdivision (*b*) and inserting a new subdivision (*b*) in lieu thereof.

PAR. 17. Paragraph (b)(5)(v) of § 1.167(a)-11 is revised by deleting subdivision (*a*) and inserting a new subdivision (*a*) in lieu thereof, by adding "188" after "187," in the first sentence of subdivision (*b*), and by deleting "*d*" and inserting "(*e*)" in the last sentence of subdivision (*b*).

PAR. 18. Paragraph (b)(5) of § 1.167(a)-11 is revised by deleting subdivision (vi) and by adding new subdivisions (vi) and (vii).

PAR. 19. Paragraph (b)(6) of § 1.167(a)-11 is revised by adding "a period for depreciation no less than the lesser of" immediately after "using" in the first sentence of subdivision (ii), deleting subdivision (ii)(*a*), by adding "(b)" immediately after "or" in the first sentence of subdivision (*b*), by deleting "a period for depreciation no less than the lesser of" from the first sentence of subdivision (*b*), by redesignating subdivision (ii)(*b*) as subdivision (ii)(*a*), by deleting the first sentence of subdivision (iii) and inserting a new sentence in lieu thereof, by deleting "(*d*)" and inserting in lieu thereof "(*e*)" in the fifth sentence of subdivision (iii), by deleting "modified" from the fifth sentence of example (1) of subdivision (iv), by deleting "(ii)" and inserting in lieu thereof "(iii)" in the fifth sentence of example (1) of subdivision (iv), by deleting the portion of the fifth sentence in example (1) of subdivision (iv) which follows "section)", by deleting "$171,428" and inserting in lieu thereof "$114,285" in the sixth sentence of example (1) of subdivision (iv), by deleting the portion of the seventh sentence in example (1) of subdivision (iv) which follows "period)", by deleting "($171,428)" and "$125,974" in the ninth sentence in example (1) of subdivision (iv) and inserting in lieu thereof "($114,258)" and "$68,831", respectively, by deleting "$125,974, or $60,467" and inserting in lieu thereof "$68,831, or $33,039" in the 10th sentence of example (1) of subdivision (iv), and by deleting example (2) and redesignating examples (3) and (4) as examples (2) and (3).

PAR. 20. Paragraph (b)(7) of § 1.167(a)-11 is revised by deleting the first sentence of the flush language following subdivision (ii), by deleting "held" the second time it appears in the third sentence of the flush material following subdivision (ii) and inserting in lieu thereof "used", by deleting the period at the end of subdivision (ii) and inserting a colon in lieu thereof, and by deleting example (1) and inserting a new example (1).

PAR. 21. Paragraph (c)(1)(i) of § 1.167(a)-11 is revised by deleting "selected by the taxpayer from the asset depreciation range" from the first sentence of subdivision (*a*), by inserting "and (j)" immediately after "(c)" in the second sentence of subdivision (*a*), by adding "(*b*)" after "(iii)" in the second sentence of subdivision (*b*), by deleting "selected" each time it appears in subdivision (c), by adding a new sentence at the end of subdivision (c), by deleting "(including any depreciation allowed under section 179)" from the first sentence of subdivision (*e*), by deleting "for all purposes of this section" and inserting in lieu thereof "under section 167.", and by adding a new sentence at the end of subdivision (*e*).

PAR. 22. Paragraph (c)(1)(ii) of § 1.167(a)-11 is revised by adding "under this section" immediately after "allowable" in the third sentence, by deleting "(*c*)" and inserting in lieu thereof "(*d*)" in the third sentence, and by adding "paragraph" immediately before "(d)(3)(iv)" in the third sentence, and by deleting "(vi) and paragraph (b)" from the third and seventh sentences.

PAR. 23. Paragraph (c)(1)(iii) of § 1.167(a)-11 is revised by adding "(a)" immediately after the title of the subdivision, by adding a new sentence immediately after the first sentence, by deleting "such change" from the second sentence and inserting in lieu thereof, "any change in depreciation method permitted under this section", by deleting the last sentence, by inserting "(b)" immediately after the third sentence, and by adding new subdivisions (c), (*d*), (*e*), and (*f*).

PAR. 24. Paragraph (c)(1)(iv) of § 1.167(a)-11 is deleted and a new paragraph (c)(1)(iv) inserted in lieu thereof.

PAR. 25. Paragraph (c)(1)(v) of § 1.167(a)-11 is revised by adding "(other than depreciation under section 179)" after "amortization" in the first sentence of subdivision (*a*), by adding "under this section" immediately after "asset" the third time it appears in the second sentence of subdivision (*b*), and by deleting "(including any depreciation allowed under section 179 for the asset)" from the second sentence of subdivision (*b*).

PAR. 26. Paragraph (c)(2) of § 1.167(a)-11 is revised by deleting "second half of the" from the first sentence of subdivision (ii)(*b*) and inserting in lieu thereof "succeeding", by deleting "last half of the" from the second sentence of subdivision (ii) and inserting in lieu thereof "succeeding", by deleting the last sentence of subdivision (ii), and by deleting the last four sentences of subdivision (iv) and inserting in lieu thereof four new sentences.

PAR. 27. Paragraph (c)(3) of § 1.167(a)-11 is revised by adding "for any such taxable year" after "may" in the third sentence, and by deleting "application" and inserting in lieu thereof "convention" in the third sentence.

PAR. 28. Paragraph (c)(4) of § 1.167(a)-11 is revised by deleting examples (1) through (7) and inserting in lieu thereof new examples (1) through (6).

PAR. 29. Paragraph (d)(1) of § 1.167(a)-11 is revised by adding a new example (4) to subdivision (vi).

PAR. 30. Paragraph (d)(2)(i) of § 1.167(a)-11 is redesignated as (d)(2)(i)(*a*), and by adding a new subdivision (*b*).

PAR. 31. Paragraph (d)(2)(ii) of § 1.167(a)-11 is revised by adding "In the case of an asset guideline class which consists of 'repair allowance property' as defined in subdivision (iii) of this subparagraph," at the beginning of the first sentence.

PAR. 32. Paragraph (d)(2)(iii) of § 1.167(a)-11 is revised by adding "which consists of 'repair allowance property'" after "class" the first time it appears in subdivision (*a*), by deleting "(as described in this subdivision)" immediately after "property" the first time it appear in subdivision (*a*)(*1*), by deleting "during the taxable year" from subdivision (*a*)(*2*) and inserting in lieu thereof, "(including ordinary retirements during the taxable year)", by inserting two new sentences at the beginning of the flush material following subdivision (*b*), by deleting "71-25" and inserting in lieu thereof "72-10" immediately after "Procedure" in the first sentence of the flush material following subdivision (*b*), by deleting "(iii)" and inserting in lieu thereof "(ii)" in the sixth sentence of the flush material following subdivision (*b*), by adding "in an asset guideline class for which a repair allowance percentage is in effect for the taxable year" after "1970)" in the sixth sentence of the flush material following subdivision (*b*), and by adding

V37-18 JAN 27 72 XUM

two new sentences at the close of the flush material following subdivision (*b*).

PAR. 33. Paragraph (d)(2)(iv) of § 1.167(a)–11 is revised by deleting "repair allowance" and inserting "eligible" in lieu thereof in the first sentence, by adding "determined without regard to paragraph (b)(2)(ii) of this section)," immediately after "property" in the first sentence, by adding "If such property is repair allowance property and" at the beginning of subdivision (*a*), by adding "If such property is not repair allowance property or" at the beginning of subdivision (*b*), and by adding "or expenditures for which a deduction is allowed under section 167(k)" at the close of the first sentence of the flush material, following subdivision (*b*).

PAR. 34. Paragraph (d)(2)(v) of § 1.167(a)–11 is revised by deleting "with respect to" in the first sentence of subdivision (*a*) and inserting in lieu thereof "for the repair, maintenance, rehabilitation or improvement of", by deleting "in the asset guideline class" from the first sentence of subdivision (*a*), by adding a new sentence at the close of subdivision (*a*), by deleting subdivision (*b*) and inserting a new subdivision (*b*) in lieu thereof, by deleting "used" immediately after "used" the first time it appears in subdivision (c)(2), and by deleting "such expenditures shall not be treated as expenditures for the repair, maintenance, rehabilitation or improvement of property for the purposes of this subparagraph and" immediately after "event," in the last sentence of subdivision (c)(2).

PAR. 35. Paragraph (c)(2) of § 1.167(a)–11 is revised by deleting subdivision (vi) and inserting a new subdivision (vi) in lieu thereof.

PAR. 36. Paragraph (c)(2)(vii) of § 1.167(a)–11 is revised by deleting "repair allowance" immediately after "of" the third time it appears in subdivision (*b*).

PAR. 37. Paragraph (c)(2)(ix) of § 1.167(a)–11 is revised by deleting "71–25" and inserting in lieu thereof "72–10" in the second sentence of example (1), by deleting "Example" and inserting in lieu thereof "example" in the first sentence of example (2), and by deleting "equipment" and inserting in lieu thereof "machines" in the third sentence of example (2).

PAR. 38. Paragraph (d)(3)(i) of § 1.167(a)–11 is revised by deleting "In general," at the beginning of the second sentence, and by deleting the last sentence.

PAR. 39. Paragraph (d)(3) of § 1.167(a)–11 is revised by deleting subdivision (ii) and inserting a new subdivision (ii) in lieu thereof.

PAR. 40. Paragraph (d)(3)(iii) of § 1.167(a)–11 is revised by adding "optional" immediately after "'for" in the fourth sentence, by adding "(*a*)" immediately after "(v)" in the last sentence, by deleting "ordinary" from the last sentence, and by adding a new sentence at the end thereof.

PAR. 41. Paragraph (d)(3) of § 1.167(a)–11 is revised by redesignating subdivision (iv) as subdivision (iv)(*a*), by deleting the comma after "337" in the first sentence and inserting in lieu thereof "or is one to which subdivision (v)(*b*) of this subparagraph applies,", by adding a comma after "165" in the first sentence, by deleting "section 1245" and inserting "sections 1245 and 1250" at the end of the first sentence, by adding a new second sentence, by adding "In all other cases," at the beginning of the second sentence, by deleting "account." and inserting "account, and" at the end of the second sentence, by adding "in the case of an account containing section 1245 property" immediately after "gain" in the fourth sentence, by adding "such" immediately after "for" the second time it appears in the fifth sentence, by adding a new sentence after the fifth sentence, and by adding a new subdivision (*b*).

PAR. 42. Paragraph (d)(3)(v) of § 1.167(a)–11 is revised by deleting subdivision (v) and inserting a new subdivision (v) in lieu thereof.

PAR. 43. Paragraph (d)(3)(vi) of § 1.167(a)–11 is revised by deleting "selected" from the third sentence, by deleting the comma after "C" in the first sentence of the example, by deleting "subparagraph" and inserting in lieu thereof "paragraph" the second time it appears in the second sentence of the example, and by deleting "to" the last time it appears in the last sentence of the example and inserting in lieu thereof "from".

PAR. 44. Paragraph (d)(3)(vii) of § 1.167(a)–11 is revised by designating the third and fourth sentences as subdivision (*b*), by deleting "in lieu thereof" and inserting ", at his option," in the third sentence of subdivision (*a*), by inserting "ordinary" immediately before "retirements" in the fourth sentence of subdivision (*a*), by redesignating subdivision (*b*) as subdivision (*c*), by deleting "or by any other reasonable method which is consistently applied" from the last sentence of subdivision (*b*) and inserting in lieu thereof "or any other method consistently applied which reasonably reflects that portion of the salvage value for the account originally attributable to the retired asset.", by deleting subdivision (*c*) and inserting in lieu thereof a new subdivision (*d*), by redesignating subdiviison (*d*) as subdivision (*e*), by deleting "(vi) or paragraph (b)" from the first sentence of subdivision (*d*), by deleting the comma from the first sentence of subdivision (*d*), and by deleting (*b*) and inserting in lieu thereof (*c*) in the last sentence of subdivision (*d*).

PAR. 45. Paragraph (d)(3)(viii) of § 1.167(a)–11 is revised by inserting "*Special optional*" at the beginning of the title to the subdivision, by deleting "follows" and inserting in lieu thereof "does not follow" in the first sentence, by deleting "(*b*) and (*c*)" and inserting in lieu thereof "(*c*) and (*d*)" in the first sentence, by deleting "for determining the basis of the retired asset in the supplies or scrap account" in the first sentence, by adding "reducing salvage value as ordinary retirements occur by transfer of assets to supplies or scrap and" immediately after "of" the fourth time it appears in the first sentence, by deleting "salvage" in the first sentence of subdivision (*b*), by deleting "subdivision (vii)(*b*) of this subparagraph" and inserting in lieu thereof "(*a*) of this subdivision" in the first sentence of subdivision (*b*), and by deleting "or" and inserting in lieu thereof "and" in the first sentence of subdivision (*b*)(*1*).

PAR. 46. Paragraph (d)(3)(ix) of § 1.167(a)–11 is revised by adding "In the case of a vintage account for section 1245 property," at the beginning of subdivision (*a*), by deleting "a vintage" in the first sentence of subdivision (*a*) and inserting in lieu thereof "such", by deleting "shall" immediately after "gain" in the second sentence of subdivision (*a*), by inserting "shall" at the beginning of subdivision (*a*)(*1*), by deleting "for all years" immediately after "reserve" in the first sentence of subdivision (*a*)(*1*), by inserting "May" at the beginning of subdivision (*a*)(2), by deleting the last three sentences of subdivision (*a*), by inserting "In the case of an account for section 1245 property," at the beginning of subdivision (*b*), by deleting "a particular" immediately after "in" in the first sentence of subdivision (*b*) and inserting "the" in lieu thereof, by deleting "shall" from the second sentence of subdivision (*b*) and inserting in lieu thereof "may", by adding a new sentence at the end of subdivision (*b*), and by adding a new subdivision (*c*).

PAR. 47. Paragraph (d)(3) of § 1.167(a)–11 is revised by adding a new subdivision (xi).

PAR. 48. Paragraph (d)(4) of § 1.167(a)–11 is revised by inserting "for section 1245 property" immediately after "account" in the first sentence of example (1), by deleting "$30" and "$22.50" and inserting in lieu thereof "$15" in the penultimate sentence of example (1), by adding "1971" after "a" in the first sentence of example (2), by deleting "of 1971" from the first sentence of example (2) and inserting in lieu thereof "for section 1245 property", by deleting "(3)(vii)(*b*)" and inserting in lieu thereof "(3)(vii)(*c*) and (*d*)(2)" in the ninth sentence of example (2).

PAR. 49. Paragraph (e)(1) of § 1.167(a)–11 is revised by deleting subdivision (iii) and inserting a new subdivision (iii) in lieu thereof.

PAR. 50. Paragraph (e)(2) of § 1.167(a)–11 is revised by deleting "or (v)" and inserting in lieu thereof "(v), (vi) or (vii)".

PAR. 51. Paragraph (e)(3)(i) of § 1.167(a)–11 is revised by adding "(*a*) In general the acquiring corporation in a transaction to which section 361(a) applies is for the purposes of this section treated as if it were the distributor or transferor corporation." after the title of subdivision (i), by inserting "(*b*)" at the beginning of the first sentence, by deleting "is treated as if it were the distributor or transferor corporation with respect to such property. The acquiring corporation" at the end of the first sentence, by deleting "each" and inserting "the" in the third sentence, by deleting "selected by the" in the third sentence and inserting "in the hands of the" in lieu thereof, by deleting "from the asset depreciation range" immediately after "corporation" the first time it appears in the third sentence, by deleting "under paragraph (b) of § 1.167(e)–1 or" in the fourth sentence, by deleting "Thus, the" at the beginning of the fifth sentence and inserting in lieu thereof "(c) The", and by adding a new subdivision (*d*).

PAR. 52. Paragraph (f)(1) of § 1.167(a)–11 is revised by deleting "September 20, 1971." and inserting in lieu thereof "120 days after final regulations under this section are published in the FEDERAL REGISTER." after "(*b*)" in subdivision (i), and by revising the title of subdivision (ii) to read "*Other elections under this section.*".

PAR. 53. Paragraph (f)(2) of § 1.167(a)–11 is revised by deleting "by taking a full year's depreciation on property first placed in service in the first half of the taxable year" immediately after "convention" the second time it appears in subdivision (iv), by deleting "if such salvage value has been determined by application of section 167(f), the amount" and inserting in lieu thereof "the amount, if any," at the end of subdivision (v), by deleting "(v) or (6)" and inserting in lieu thereof "(v), (vi), or (vii) or paragraph (b)(6)," in subdivision (viii), by inserting "making an election and for" immediately after "for" in the first sentence of the flush material following subdivision (x), by adding a new sentence immediately after "required" in the flush material following subdivision (x), by deleting "and an" from the flush material following subdivision (i) and inserting "An" in lieu thereof, and by adding, "in good faith," immediately after "compliance" in the flush material following subdivision (x).

PAR. 54. Paragraph (f)(4)(ii) of § 1.167(a)–11 is revised by deleting the comma after "sale" in subdivision (*d*) and inserting in lieu thereof "or", by deleting "and an election" from the second sentence of the flush material following subdivision (*f*) and inserting in lieu thereof ". An election", by inserting in a new sentence immediately after "required" in the flush material following subdivision (*f*), and by inserting, "in good faith," immediately after compliance in the flush material following subdivision (*f*).

PAR. 55. Paragraph (g)(1) of § 1.167(a)–11 is revised by inserting "—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph," immediately after the title of subparagraph (1), by adding "asset depreciation" immediately before "period" in the first sentence, by deleting "selected by the taxpayer" from the first sentence, and by adding a new subdivision (ii).

PAR. 56. Paragraph (g)(3)(ii) of § 1.167(a)–11 is revised by deleting "Examples" and "examples" the first time they appear and inserting in lieu thereof "Example" and "example", by deleting "(1)" after "Example" the first time it appears, and by deleting Example (2).

PAR. 57. Sections 1.167(m) and 1.167(m)–1 are added immediately before § 1.168.

PAR. 58. Sections 1.263(f) and 1.263(f)–1 are added immediately before § 1.264.

PAR. 59. The provisions of § 1.167(a)–11, as revised, read as follows:

§ 1.167(a)–11 Depreciation based on class lives and asset depreciation ranges for property placed in service after December 31, 1970.

(a) *In general*—(1) *Summary.* This section provides an asset depreciation range and class life system for determining the reasonable allowance for depreciation of designated classes of assets placed in service after December 31, 1970. The system is designed to minimize disputes between taxpayers and the Internal Revenue Service as to the useful life of property, and as to salvage value, repairs, and other matters. The system is optional with the taxpayer. The taxpayer has an annual election. Generally, an election for a taxable year must apply to all additions of eligible property during the taxable year of election, but does not apply to additions of eligible property in any other taxable year. The taxpayer's election, made with the return for the taxable year, may not be revoked or modified for any property included in the election. Generally, the taxpayer must establish vintage accounts for all eligible property included in the election, must determine the allowance for depreciation of such property in the taxable year of election, and in subsequent taxable years, on the basis of the asset depreciation period specified in the election, and must apply the first-year convention specified in the election to determine the allowance for depreciation of such property. This section also contains special provisions for the treatment of salvage value, retirements, and the costs of the repair, maintenance, rehabilitation or improvement of property. In general, a taxpayer may not apply any provision of this section unless he makes an election and thereby consents to, and agrees to apply, all the provisions of this section. A taxpayer who elects to apply this section does, however, have certain options as to the application of specified provisions of this section. A taxpayer may elect to apply this section for a taxable year only if for such taxable year he complies with the reporting requirements of paragraph (f)(4) of this section.

(2) *Definitions.* For the meaning of certain terms used in this section, see paragraphs (b)(2) ("eligible property"), (b)(3) ("vintage account" and "vintage"), (b)(4) ("asset depreciation range", "asset guideline class", "asset guideline period", and "asset depreciation period"), (b)(5)(iii)(*c*) ("used property"), (b)(6)(i) ("public utility property"), (c)(1)(iv) ("original use"), (c)(1)(v) ("unadjusted basis" and "adjusted basis"), (c)(2)(ii) ("modified half-year convention"), (c)(2)(iii) ("half-year convention"), (d)(1)(i) ("gross salvage value"), (d)(1)(ii) ("salvage value"), (d)(2)(iii) ("repair allowance", "repair allowance percentage", and "repair allowance property"), (d)(2)(vi) ("excluded addition"), (d)(2)(vii) ("property improvement"), (d)(3)(ii) ("ordinary retirement" and "extraordinary retirement"), (d)(3)(vi) ("special basis vintage account"), and (e)(1) ("first placed in service") of this section.

(b) *Reasonable allowance using asset depreciation ranges*—(1) *In general.* The allowance for depreciation of eligible property (as defined in subparagraph (2) of this paragraph) to which the taxpayer elects to apply this section shall be determined as provided in paragraph (c) of this section and shall constitute the reasonable allowance for depreciation of such property under section 167(a).

(2) *Definition of eligible property.* For purposes of this section, the term "eligible property" means tangible property which is subject to the allowance for depreciation provided by section 167(a) but only if—

(i) An asset guideline class and asset guideline period are in effect for such property for the taxable year of election (see subparagraph (4) of this paragraph);

(ii) The property is first placed in service (as described in paragraph (e)(1) of this section) by the taxpayer after December 31, 1970 (but see subparagraph (7) of this paragraph for special rule where there is a mere change in the form of conducting a trade or business); and

(iii) The property is either—

(*a*) Section 1245 property as defined in section 1245(a)(3), or

(*b*) Section 1250 property as defined in section 1250(c).

See, however, subparagraph (6) of this paragraph for special rule for certain public utility property as defined in section 167(l)(3)(A). The term "eligible property" includes any property which meets the requirements of this subparagraph, whether such property is new property, "used property" (as described in subparagraph (5)(iii)(*c*) of this paragraph), a "property improvement" (as described in paragraph (d)(2)(vii) of this section), or an "excluded addition" (as described in paragraph (d)(2)(vi) of this section). For the treatment of expenditures for the repair, maintenance, rehabilitation or improvement of certain property, see paragraph (d)(2) of this section.

(3) *Requirement of vintage accounts*—(i) *In general.* For purposes of this section, a "vintage account" is a closed-end depreciation account containing eligible property to which the taxpayer elects to apply this section, first placed in service by the taxpayer during the taxable year of election. The "vintage" of an account refers to the taxable year during which the eligible property in the account is first placed in service by the taxpayer. Such an account will consist of an asset, or a group of assets, within a single asset

V 37 18 JAN 27 72 XUM

guideline class established pursuant to subparagraph (4) of this paragraph and may contain only eligible property. Each item of eligible property to which the taxpayer elects to apply this section, first placed in service by the taxpayer during the taxable year of election (determined without regard to a convention described in paragraph (c)(2) of this section) shall be placed in a vintage account of the taxable year of election. For rule regarding "special basis vintage accounts" for certain property improvements, see paragraph (d)(2)(viii) and (3)(vi) of this section. Any number of vintage accounts of a taxable year may be established. More than one account of the same vintage may be established for different assets of the same asset guideline class. See paragraph (d)(3)(xi) of this section for special rule for treatment of certain multiple asset and item accounts.

(ii) *Special rule.* Section 1245 property may not be placed in a vintage account with section 1250 property. Each item of section 1250 property must be placed in a separate item vintage account. A building is generally an item of section 1250 property, but if two or more buildings or structures on a single tract or parcel (or contiguous tracts or parcels) of land are placed in service in the same taxable year in the same asset guideline class and are operated as an integrated unit (as evidenced by their actual operation, management, financing, and accounting), they may be treated as a single building. Property the original use of which does not commence with the taxpayer may not be placed in a vintage account with property the original use of which commences with the taxpayer. Property described in section 167(f)(2) may not be placed in a vintage account with property not described in section 167(f)(2). Property described in section 179(d)(1) for which the taxpayer elects the allowance for the first taxable year in accordance with section 179(c) may not be placed in a vintage account with property not described in section 179(a)(1) or for which the taxpayer does not elect such allowance for the first taxable year. For special rule for property acquired in a transaction to which section 381(a) applies, see paragraph (e)(3)(i) of this section. For additional rules with respect to accounting for eligible property, see paragraph (e) of this section.

(4) *Asset depreciation ranges and periods*—(i) *Selection of asset depreciation period.* An election shall specify for each vintage account of the taxable year of election—

(*a*) In the case of vintage account for property in an asset guideline class for which no asset depreciation range is in effect for the taxable year, the asset depreciation period (which shall be equal to the asset guideline period for the assets in such account), or

(*b*) In the case of a vintage account for property in an asset guideline class for which an asset depreciation range is in effect for the taxable year, the asset depreciation period selected by the taxpayer from the asset depreciation range for the assets in such account.

For purposes of this section the term "asset guideline class" means a category of assets for which a separate asset guideline period is in effect for the taxable year as provided in subdivision (ii) of this subparagraph. The "asset depreciation range" is a period of years which extends from 80 percent of the asset guideline period to 120 percent of such period, determined in each case by rounding any fractional part of a year to the nearer of the nearest whole or half year. In the case of an asset guideline class for which an asset depreciation range is in effect, any period within the asset depreciation range for the assets in a vintage account which is a whole number of years or a whole number of years plus a half year, may be selected. The term "asset depreciation period" means the period selected from the asset depreciation range, or if no asset depreciation range is in effect for the class, the asset guideline period. The "asset guideline period" is established in accordance with subdivision (ii) of this subparagraph and is the class life under section 167(m). See Revenue Procedure 72–10 for special rules for section 1250 property and property predominately used outside the United States. In general, an asset guideline period, but no asset depreciation range, is in effect for such property.

(ii) *Establishment of asset guideline classes and periods.* The asset guideline classes and the asset guideline periods, and the asset depreciation ranges determined from such periods, in effect for taxable years ending before the effective date of the first supplemental asset guideline classes, asset guideline periods, and asset depreciation ranges, established pursuant to this section are set forth in Revenue Procedure 72–10. Asset guideline classes and periods, and asset depreciation ranges, will from time to time be established, supplemented, and revised with express reference to this section, and will be published in the Internal Revenue Bulletin. The asset guideline classes, the asset guideline periods, and the asset depreciation ranges determined from such periods in effect on the last day of a taxable year of election shall apply to all vintage accounts of such taxable year; except that the lower limit of the asset depreciation range for any such account shall not be longer than the lower limit of the asset depreciation range for such account in effect on the first day of such taxable year. The reasonable allowance for depreciation of property for any taxable year in a vintage account shall not be changed to reflect any supplement or revision of the asset guideline classes or periods, and asset depreciation ranges, after the end of the taxable year in which the account was established.

(iii) *Applicable guideline classes and periods in special situations.* (*a*) An electric or gas utility which would in accordance with Revenue Procedure 64–21 be entitled to use a composite guideline class basis for applying Revenue Procedure 62–21 may, solely with respect to property for which an asset depreciation range is in effect for the taxable year, elect to apply this section on the basis of a composite asset guideline class and asset guideline period determined by applying the provisions of Revenue Procedure 64–21 to such property. The asset depreciation range for such a composite asset guideline class shall be determined by reference to the composite asset guideline period at the beginning of the first taxable year to which the taxpayer elects to apply this section and shall not be changed until such time as major variations in the asset mix or the asset guideline classes or periods justify some other composite asset guideline period. Except as provided in paragraph (d)(2)(iii) of this section with respect to buildings and other structures, for the purposes of this section, all property in the composite asset guideline class shall be treated as included in a single asset guideline class. If the taxpayer elects to apply this subdivision, the election shall be made on the tax return filed for the first taxable year for which the taxpayer elects to apply this section. An election to apply this subdivision for any taxable year shall apply to all succeeding taxable years to which the taxpayer elects to apply this section, except to the extent the election to apply this subdivision is with the consent of the Commissioner terminated with respect to a succeeding taxable year and all taxable years thereafter.

(*b*) For purposes of this section, property shall be included in the asset guideline class for the activity in which the property is primarily used. See paragraph (e)(3)(iii) of this section for rule for leased property. Property shall be classified according to primary use even though the activity in which such property is primarily used is insubstantial in relation to all the taxpayer's activities. No change in the classification of property shall be made because of a change in primary use after the end of the taxable year in which property is first placed in service, including a change in use which results in section 1250 property becoming section 1245 property.

(*c*) An incorrect classification or characterization by the taxpayer of property for the purposes of this section (such as under (*b*) of this subdivision or under subparagraph (2) or (3)(ii) of this paragraph) shall not cause or permit a revocation of the election to apply this section for the taxable year in which such property was first placed in service. The classification or characterization of such property shall be corrected. All adjustments necessary to the correction shall be made, including adjustments of unadjusted basis, adjusted basis, salvage value, the reserve for depreciation of all vintage accounts affected, and the amount of depreciation allowable for all taxable years involved. If because of incorrect classification or characterization property included in an election to apply this section was not placed in a vintage account and no asset depreciation period was selected for the property or the property was placed in a vintage account but an asset depreciation period was selected from an incorrect asset depreciation range, the taxpayer shall place the property in a vintage account and select an asset depreciation period for the account from the correct asset depreciation range. The asset depreciation period selected shall be specified on the tax return filed for the taxable year during which the classification or characterization of the property is determined to be incorrect.

(*d*) Generally, if for a taxable year for which the taxpayer elects to apply this section, the taxpayer computes depreciation for eligible property first placed in service during the taxable year under a method of depreciation not described in section 167 (b) (1), (2), (3), or (k), such as a method described in subparagraph (5)(v)(*a*) of this paragraph, then all eligible property in the same asset guideline class as such property shall be excluded from the election. However, if the taxpayer establishes to the satisfaction of the Commissioner that a method of depreciation not described in section 167 (b) (1), (2), (3), or (k) was adopted for property in the asset guideline class on the basis of a good faith mistake as to the proper asset guideline class for the property, then the taxpayer may terminate (as of the beginning of the taxable year) such method of depreciation with respect to all eligible property in the asset guideline class which was first placed in service during the taxable year. In such event, the taxpayer's election to apply this section shall include eligible property in the asset guideline class without regard to subparagraph (5)(v)(*a*) of this paragraph. The provisions of (*c*) of this subdivision shall apply to the correction in the classification of the property.

(iv) *Examples.* The principles of this subparagraph may be illustrated by the following examples:

Example (1). Corporation X purchases a bulldozer for use in its construction business. The bulldozer is first placed in service in 1972. Since the bulldozer is tangible property for which an asset guideline class and period have been established, the bulldozer is eligible property. The bulldozer is in asset guideline class 15.1 of Revenue Procedure 72–10, and the asset depreciation range is 4–6 years.

Example (2). In 1972, corporation Y first places in service a factory building. Since the factory building is tangible property for which an asset guideline class and period have been established, it is eligible property. The factory building is in asset guideline class 65.11 of Revenue Procedure 72–10. Since no asset depreciation range is in effect for the asset guideline class, the asset depreciation period is the asset guideline period of 45 years. (See subparagraph (5)(vi) of this paragraph for election to exclude certain section 1250 property during transition period.)

Example (3). In January of 1971, corporation Y, a calendar year taxpayer, pays or incurs $2,000 for the rehabilitation and improvement of machine A which was first placed in service in 1969. On January 1, 1971, corporation Y first placed in service machines B and C, each with an unadjusted basis of $10,000. Machines B and C are eligible property. Machine A would be eligible property but for the fact it was first placed in service prior to January 1, 1971 (that is, machine A is eligible property determined without regard to subparagraph (2)(ii) of this paragraph). Corporation Y elects to apply this section for the taxable year, and adopts the modified half-year convention described in paragraph (c)(2)(ii) of this section, but does not elect to apply the asset guideline class repair allowance described in paragraph (d)(2)(iii) of this section. Machines A, B, and C are in asset guideline class 24.4 under Revenue Procedure 72–10 for which the asset depreciation range is 8 to 12 years. The $2,000 expended on machine A substantially increases its capacity and is a capital expenditure under sections 162 and 263. The $2,000 is a property improvement (as defined in paragraph (d)(2)(vii)(*b*) of this section) which is eligible property. However, corporation Y by mistake treats the property improvement of $2,000 as a deductible repair. Also by mistake, corporation Y includes machine B in asset guideline class 24.3 under Revenue Procedure 72–10 for which the asset depreciation range is 5 to 7 years. Corporation Y establishes vintage accounts for 1971, and computes depreciation for 1971 and 1972 as follows:

	Dec. 31, 1972, reserve for depreciation	Dec. 31, 1972, adjusted basis
Vintage account for machine B, with an asset depreciation period of 5 years and an unadjusted basis of $10,000 for which corporation Y adopts the straight line method	$4,000	$6,000
Vintage account for machine C, with an asset depreciation period of 8 years and an unadjusted basis of $10,000 for which corporation Y adopts the straight line method	2,500	7,500

After audit in 1973 of corporation Y's taxable years 1971 and 1972, it is determined that the $2,000 paid in 1971 for the rehabilitation and improvement of machine A is a capital expenditure and that machine B is in asset guideline class 24.4. The incorrect classification is corrected. Corporation Y places machine B and the property improvement in a vintage account of 1971 and on its tax return filed for 1973 selects an asset depreciation period of 8 years for that account. Giving effect to the correction in classification of the property in accordance with subdivision (iii)(*c*) of this subparagraph, at the end of 1972 the unadjusted basis, reserve for depreciation, and adjusted basis of the vintage account for machine B and the property improvement with respect to machine A are $12,000, $3,000, and $9,000, respectively. Corporation Y's deduction of the $2,000 property improvement in 1971 as a repair expense under section 162 is disallowed. For 1971 and 1972 depreciation deductions are disallowed in the amount of $500 each year (that is, $750 excess annual depreciation on machine B minus $250 annual depreciation on the property improvement).

Example (4). (*a*) In 1971, Corporation X, a calendar year taxpayer, first places in service machines A through M, all of which are eligible property. All the machines except machine A are in asset guideline class 24.3 under Revenue Procedure 72–10. Machine A is in asset guideline class 24.4 under Revenue Procedure 72–10. Machine B has an unadjusted basis equal to 80 percent of the total unadjusted basis of machines B through M. By good faith mistake as to proper classification, corporation X includes both machine A and machine B in asset guideline class 24.4. Corporation X consistently uses the machine hour method of depreciation on all property in asset guideline class 24.4, and for 1971 computes depreciation for machines A and B under that method. Corporation X elects to apply this section for 1971 on the assumption that the election includes machines C through M which are in asset guideline class 24.3. In 1973, upon audit of corporation X's taxable years 1971 and 1972, it is determined that machine B is included in asset guideline class 24.3 and that since for 1971 corporation X computed depreciation on machine B under the machine hour method, in accordance with subparagraph (5)(v)(*a*) of this paragraph, all property in asset guideline class 24.3 (machines B through M) is excluded from corporation X's election to apply this section for 1971. Although corporation X has consistently used the machine hour method for asset guideline class 24.4, corporation X has not in the past used the machine hour method for machines of the type and function of machines C through M which are in asset guideline class 24.3. Both machine A and machine B are used in connection with the manufacture of wood products. These is reasonable basis for corporation X having assumed that machine B is in asset guideline class 24.4 along with machine A to which it is similar. Corporation X establishes to the satisfaction of the Commissioner that it used the machine hour method for machine B on the basis of a good faith mistake as to the proper classification of the machine. Corporation X may, at its option (see subparagraph (5)(v) of this paragraph), terminate the machine hour method of depreciation for machine B as of the beginning of 1971, and in that event corporation X's election to apply this section for 1971 will apply to machines B through M without regard to subparagraph (5)(v)(*a*) of this paragraph. The adjustments provided in subdivision (iii)(*c*) of this subparagraph will be made as a result of the correction in classification of property. If corporation X does not terminate the machine hour method with respect to machine B, machines B through M must be excluded from the election to apply this section (see subparagraph (5)(v) of this paragraph).

(*b*) The facts are the same as in (*a*) of this example except that machine B has an unadjusted basis equal to only 65 percent of the total unadjusted basis of machines B through M. In this case, corporation must terminate the machine hour method of depreciation with respect to asset B, since the provisions of subparagraph (5)(v) of this paragraph do not permit the exclusion of the property from the election to apply this section. (See paragraph (c)(1)(ii) for limitation on methods which may be adopted for property included in the election to apply this section.)

(5) *Requirements of election*—(i) *In general.* Except as otherwise provided in paragraph (d)(2) of this section dealing with expenditures for the repair, maintenance, rehabilitation or improvement of certain property, no provision of this section shall apply to any property other than eligible property to which the taxpayer elects in accordance with this section, to apply this section. For the time and manner of election, and certain conditions to an election, see paragraph (f) of this section. Except as otherwise provided in subdivision (v) of this subparagraph and in subparagraph (6)(iii) of this paragraph, a taxpayer's election to apply this section may not be revoked or modified after the last day prescribed for filing the election. Thus, for example, after such day, a taxpayer may not cease to apply this section to property included in the election, establish different vintage accounts for the taxable year of election, select a different

V 37 • 18 JAN 27 72 XUM

period from the asset depreciation range for any such account, or adopt a different first-year convention for any such account.

(ii) *Property required to be included in election.* Except as otherwise provided in subdivision (iii) of this subparagraph dealing with certain "used property", in subdivision (iv) of this subparagraph dealing with "section 38 property", in subdivision (v) of this subparagraph dealing with property subject to special depreciation or amortization, in subdivision (vi) of this subparagraph dealing with certain section 1250 property, in subdivision (vii) of this subparagraph dealing with certain subsidiary assets, and in paragraph (e)(3)(i) of this section dealing with transactions to which section 381(a) applies, if the taxpayer elects to apply this section to any eligible property first placed in service by the taxpayer during the taxable year of election, the election shall apply to all such eligible property, whether placed in service in a trade or business or held for production of income.

(iii) *Special 10 percent used property rule.* (*a*) If (*1*) the unadjusted basis of eligible used section 1245 property (as defined in (c) of this subdivision) first placed in service by the taxpayer during the taxable year of election, for which no specific used property asset guideline class (as defined in (c) of this subdivision) is in effect for the taxable year, exceeds (2) 10 percent of the unadjusted basis of all eligible section 1245 property first placed in service during the taxable year of election, the taxpayer may exclude all (but not less than all) the property described in (*a*)(*1*) of this subdivision from the election to apply this section.

(*b*) If (*1*) the unadjusted basis of eligible used section 1250 property first placed in service by the taxpayer during the taxable year of election, for which no specific used property asset guideline class is in effect for the taxable year, exceeds (2) 10 percent of the unadjusted basis of all eligible section 1250 property first placed in service during the taxable year of election, the taxpayer may exclude all (but not less than all) the property described in (*b*)(*1*) of this subdivision from the election to apply this section.

(c) For the purposes of this section, the term "used property" means property the original use of which does not commence with the taxpayer. Solely for the purpose of determining whether the 10 percent rule of this subdivision is satisfied, (*1*) eligible used property first placed in service during the taxable year and excluded from the election to apply this section pursuant to subdivision (v)(*a*) of this subparagraph and (2) eligible property acquired during the taxable year in a transaction to which section 381(a) applies, shall all be treated as used property regardless of whether such property would be treated as new property under section 167(c) and the regulations thereunder. The term "specific used property asset guideline class" means a class established in accordance with subparagraph (4) of this paragraph solely for used property primarily used in connection with the activity to which the class relates.

(iv) *Property subject to investment tax credit.* The taxpayer may exclude from an election to apply this section all, or less than all, units of eligible property first placed in service during the taxable year which is—

(*a*) "Section 38 property" as defined in section 48(a) which meets the requirements of section 49 and which is not property described in section 50, or

(*b*) Property to which section 47(a)(5)(B) applies which would be section 38 property but for section 49 and which is placed in service to replace section 38 property (other than property described in section 50) disposed of prior to August 15, 1971.

(v) *Property subject to special method of depreciation or amortization.* (*a*) In the case of eligible property first placed in service in a taxable year of election (and not otherwise properly excluded from an election to apply this section) the taxpayer may not compute depreciation for any of such property in the asset guideline class under a method not described in section 167(b)(1), (2), (3), or (k) unless he (*1*) computes depreciation under a method or methods not so described for eligible property first placed in service in the taxable year in the asset guideline class with an unadjusted basis at least equal to 75 percent of the unadjusted basis of all eligible property first placed in service in the taxable year in the asset guideline class and (2) agrees to continue to depreciate such property under such method or methods until the consent of the Commissioner is obtained to a change in method. The consent of the Commissioner must be obtained by filing Form 3115 with the Commissioner of Internal Revenue, Washington, D.C. 20224, within the first 180 days of the taxable year for which the change is desired. If for the taxable year of election the taxpayer computes depreciation under any method not described in section 167(b)(1), (2), (3), or (k) for any eligible property (other than property otherwise properly excluded from an election to apply this section) first placed in service during the taxable year, an election to apply this section for the taxable year shall not include such property or any other eligible property in the same asset guideline class as such property.

(*b*) An election to apply this section shall not include eligible property for which, for the taxable year of election, the taxpayer computes depreciation under section 167(k), or computes amortization under section 169, 184, 185, 187, 188, or paragraph (b) of § 1.162–11. If the taxpayer has elected to apply this section to eligible property described in section 167(k), 169, 184, 185, or 187 and the taxpayer thereafter computes depreciation or amortization for such property for any taxable year in accordance with section 167(k), 169, 184, 185, or 187, then the election to apply this section to such property shall terminate as of the beginning of the taxable year for which depreciation or amortization is computed under such section. Application of this section to the property for any period prior to the termination date will not be affected by the termination. The unadjusted basis of the property shall be removed as of the termination date from the unadjusted basis of the vintage account. The depreciation reserve established for the account shall be reduced by the depreciation allowable for the property, computed in the manner prescribed in paragraph (c)(1)(v)(*b*) of this section for determination of the adjusted basis of the property. See paragraph (d)(3)(vii)(*a*) of this section for treatment of salvage value when property is removed from a vintage account.

(vi) *Certain section 1250 property.* The taxpayer may exclude from an election to apply this section all, or less than all, items of eligible section 1250 property first placed in service during the taxable year of election provided that—

(*a*) The item is first placed in service before the earlier of (*1*) the effective date of the first supplemental asset guideline class including such property established in accordance with subparagraph (4)(ii) of this paragraph, or (2) January 1, 1974, and

(*b*) The taxpayer establishes that a useful life shorter than the asset guideline period in effect on January 1, 1971, for such item of property is justified for such taxable year.

A useful life shorter than the asset guideline period in effect on January 1, 1971, will be considered justified only if such life is justified in accordance with the provisions of Revenue Procedure 62–21, determined without application of the minimal adjustment rule in section 4, Part II, of Revenue Procedure 65–13. If an item of section 1250 property is excluded from an election to apply this section pursuant to this subdivision, any elevator or escalator which is a part of such item shall also be excluded from the election.

(vii) *Subsidiary assets.* The taxpayer may exclude from an election to apply this section all (but not less than all) subsidiary assets first placed in service during the taxable year of election in an asset guideline class, provided that—

(*a*) The unadjusted basis of eligible subsidiary assets first placed in service during the taxable year in the class is as much as 3 percent of the unadjusted basis of all eligible property first placed in service during the taxable year in the class, and

(*b*) Such subsidiary assets are first placed in service by the taxpayer before the earlier of (*1*) the effective date of the first supplemental asset guideline class including such subsidiary assets established in accordance with subparagraph (4)(ii) of this paragraph, or (2) January 1, 1974.

For purposes of this subdivision the term "subsidiary assets" includes jigs, dies, molds, returnable containers, glassware, silverware, textile mill cam assemblies, and other equipment included in Group 1, Class 5, of Revenue Procedure 62–21

which is usually and properly accounted for separately from other property and under a method of depreciation not expressed in terms of years.

(6) *Special rule for certain public utility property.*—(i) *Requirement of normalization in certain cases.* Under section 167(l), in the case of public utility property (as defined in section 167(l)(3)(A)), if the taxpayer—

(*a*) Is entitled to use a method of depreciation other than a "subsection (l) method" of depreciation (as defined in section 167(l)(3)(F)) only if it uses the "normalization method of accounting" (as defined in section 167(l)(3)(G)) with respect to such property, or

(*b*) Is entitled to use only a "subsection (l) method" of depreciation,

such property shall be eligible property (as defined in subparagraph (2) of this paragraph) only if the taxpayer normalizes the tax deferral resulting from the election to apply this section.

(ii) *Normalization.* The taxpayer will be considered to normalize the tax deferral resulting from the election to apply this section only if it computes its tax expense for purposes of establishing its cost of service for rate making purposes and for reflecting operating results in its regulated books of account using a period for depreciation no less than the lesser of—

(*a*) 100 percent of the asset guideline period in effect in accordance with subparagraph (4)(ii) of this paragraph for the first taxable year to which this section applies, or

(*b*) The period for computing its depreciation expense for rate making purposes and for reflecting operating results in its regulated books of account,

and makes adjustments to a reserve to reflect the deferral of taxes resulting from the election to apply this section. A determination whether the taxpayer is considered to normalize (within the meaning of the preceding sentence) the tax deferral resulting from the election to apply this section shall be made in a manner consistent with the principles for determining whether a taxpayer is using the "normalization method of accounting" (within the meaning of section 167(l)(3)(G)). See § 13.13 of the temporary regulations prescribed by T.D. 7049 approved June 25, 1970.

(iii) *Failure to normalize.* If a taxpayer, which has elected to apply this section to any eligible public utility property and is required under subdivision (i) of this subparagraph to normalize the tax deferral resulting from the election to apply this section to such property, fails to normalize such tax deferral, the election to apply this section to such property shall terminate as of the beginning of the taxable year for which the taxpayer fails to normalize such tax deferral. Application of this section to such property for any period prior to the termination date will not be affected by the termination. The unadjusted basis of the property shall be removed as of the termination date from the unadjusted basis of the vintage account. The depreciation reserve established for the account shall be reduced by the depreciation allowable for the property, computed in the manner prescribed in paragraph (c)(1)(v)(*b*) of this section for determination of the adjusted basis of the property. See paragraph (d)(3)(vii)(*e*) of this section for treatment of salvage value when property is removed from a vintage account.

(iv) *Examples.* The principles of this subpargaraph may be illustrated by the following examples:

Example (1). Corporation A is a gas pipeline company, subject to the jurisdiction of the Federal Power Commission, which is entitled under section 167(l) to use a method of depreciation other than a "subsection (l) method" of depreciation (as defined in section 167(l)(3)(F)) only if it uses the "normalization method of accounting" (as defined in section 167(l)(3)(G)). Corporation A elects to apply this section for 1972 with respect to all eligible property. In 1972, corporation A places in service eligible property with an unadjusted basis of $2 million. One hundred percent of the asset guideline period for such property is 22 years and the asset depreciation range is from 17.5 years to 26.5 years. The taxpayer uses the double declining balance method of depreciation, selects an asset depreciation period of 17.5 years and applies the half-year convention (described in paragraph (c)(2)(iii) of this section). The depreciation allowable under this section with respect to such property in 1972 is $114,285. The taxpayer will be considered to normalize the tax deferral resulting from the election to apply this section and to use the "normalization method of accounting" (within the meaning of section 167(l)(3)(G)) if it computes its tax expense for purposes of determining its cost of service for rate making purposes and for reflecting operating results in its regulated books of account using a "subsection (l) method" of depreciation, such as the straight line method, determined by using a depreciation period of 22 years (that is, 100 percent of the asset guideline period). A depreciation allowance computed in this manner is $45,454. The difference in the amount determined under this section ($114,285) and the amount used in computing its tax expense for purposes of estimating its cost of service for rate making purposes and for reflecting operating results in its regulated books of account ($45,454) is $68,831. Assuming a tax rate of 48 percent, the deferral of taxes resulting from an election to apply this section and using a different method of depreciation for tax purposes from that used for establishing its cost of service for rate making purposes and for reflecting operating results in its regulated books of account is 48 percent of $68,831, or $33,039, which amount should be added to a reserve to reflect the deferral of taxes resulting from the election to apply this section and from the use of a different method of depreciation in computing the allowance for depreciation under section 167 from that used in computing its depreciation expense for purposes of establishing its cost of service for rate making purposes and for reflecting operating results in its regulated books of account.

Example (2). Corporation B, a telephone company subject to the jurisdiction of the Federal Communications Commission used a "flow-through method of accounting" (as defined in section 167(l)(3)(H)) for its "July 1969 accounting period" (as defined in section 167(l)(3)(I)) with respect to all of its pre-1970 public utility property and did not make an election under section 167(l)(4)(A). Thus, corporation B is entitled under section 167(l) to use a method of depreciation other than a "subsection (l) method" with respect to certain property without using the "normalization method of accounting." In 1972, corporation B makes an election to apply this section with respect to all eligible property. Corporation B is not required to normalize the tax deferral resulting from the election to apply this section in the case of property for which it is not required to use the "normalization method of accounting" under section 167(l).

Example (3). Assume the same facts as in example (2) except that corporation B made a timely election under section 167(l)(4)(A) that section 167(l)(2)(C) not apply with respect to property which increases the productive or operational capacity of the taxpayer. Corporation B must normalize the tax deferral resulting from the election to apply this section with respect to such property.

(7) *Mere change in form of conducting a trade or business.* Property which was first placed in service by the transferor before January 1, 1971, shall not be eligible property if such property is first placed in service by the transferee after December 31, 1970, by reason of a mere change in the form of conducting a trade or business in which such property is used. A mere change in the form of conducting a trade or business in which such property is used will be considered to have occurred if—

(i) The transferor (or in a case where the transferor is a partnership, estate, trust, or corporation, the partners, beneficiaries, or shareholders) of such property retains a substantial interest in such trade or business, or

(ii) The basis of such property in the hands of the transferee is determined in whole or in part by reference to the basis of such property in the hands of the transferor.

For purposes of this subparagraph, a transferor (or in a case where the transferor is a partnership, estate, trust, or corporation, the partners, beneficiaries, or shareholders) shall be considered as having retained a substantial interest in the trade or business only if, after the change in form, his (or their) interest in such trade or business is substantial in relation to the total interest of all persons in such trade or business. This subparagraph shall apply to property first placed in service prior to January 1, 1971, held for the production of income (within the meaning of section 167(a)(2)) as well as to property used in a trade or business. The principles of this subdivision may be illustrated by the following examples:

Example (1). Corporation X and corporation Y are includible corporations in an affiliated group as defined in section 1504(a). In 1971 corporation X sells property to corporation Y for cash. The property would meet the requirements of subparagraph (2) of this paragraph for eligible property except that it was first placed in service by corporation X in 1970. After the transfer, the property is first placed in service by corporation Y in 1971. The property is not eligible property because of the mere change in the form of conducting a trade or business.

Example (2). In 1971, in a transaction to which section 351 applies, taxpayer B transfers to corporation W property which would

V37-18 JAN 27 72 XUM

meet the requirements of subparagraph (2) of this paragraph for eligible property except that the property was first placed in service by B in 1969. Corporation W first places the property in service in 1971. The property is not eligible property because of the mere change in the form of conducting a trade or business.

(c) *Manner of determining allowance*—(1) *In general.*—(i) *Computation of allowance.* (*a*) The allowance for depreciation of property in a vintage account shall be determined in the manner specified in this paragraph by using the method of depreciation adopted by the taxpayer for the account and a rate based upon the asset depreciation period for the account. (For limitations on methods of depreciation permitted with respect to property, see section 167 (c) and (j) and subdivision (iv) of this subparagraph.) In applying the method of depreciation adopted by the taxpayer, the annual allowance for depreciation of a vintage account shall be determined without adjustment for the salvage value of the property in such account except that no account may be depreciated below the reasonable salvage value of the account. (For rules regarding estimation and treatment of salvage value, see paragraph (d) (1) and (3) (vii) and (viii) of this section.) Regardless of the method of depreciation adopted by the taxpayer, the depreciation allowable for a taxable year with respect to a vintage account may not exceed the amount by which (as of the beginning of the taxable year) the unadjusted basis of the account exceeds (*1*) the reserve for depreciation established for the account plus (2) the salvage value of the account. The unadjusted basis of a vintage account is defined in subdivision (v) of this subparagraph. The adjustments to the depreciation reserve are described in subdivision (ii) of this subparagraph.

(*b*) The annual allowance for depreciation of a vintage account using the straight line method of depreciation shall be determined by dividing the unadjusted basis of the vintage account (without reduction for salvage value) by the number of years in the asset depreciation period selected for the account. See subdivision (iii) (*b*) of this subparagraph for the manner of computing the depreciation allowance following a change from the declining balance method or the sum of the years-digits method to the straight line method.

(*c*) In the case of the sum of the years-digits method, the annual allowance for depreciation of a vintage account shall be computed by multiplying the unadjusted basis of the vintage account (without reduction for salvage value) by a fraction, the numerator of which changes each year to a number which corresponds to the years remaining in the asset depreciation period for the account (including the year for which the allowance is being computed) and the denominator of which is the sum of all the year's digits corresponding to the asset depreciation period for the account. See subdivision (iii) (*c*) of this subparagraph for the manner of computing the depreciation allowance following a change from the declining balance method to the sum of the years-digits method.

(*d*) The annual allowance for depreciation of a vintage account using a declining balance method is determined by applying a uniform rate to the excess of the unadjusted basis of the vintage account over the depreciation reserve established for that account. The rate under the declining balance method may not exceed twice the straight line rate based upon the asset depreciation period for the vintage account.

(*e*) The allowance for depreciation under this paragraph shall constitute the amount of depreciation allowable under section 167. See section 179 for additional first-year allowance for certain property.

(ii) *Establishment of depreciation reserve.* The taxpayer must establish a depreciation reserve for each vintage account. The amount of the depreciation reserve for a vintage account must be stated on each income tax return on which depreciation with respect to such account is determined under this section. The depreciation reserve for a vintage account consists of the accumulated depreciation allowable under this section with respect to the vintage account, increased by the adjustments for ordinary retirements prescribed by paragraph (d) (3) (iii) of this section, by the adjustments for reduction of the salvage value of a vintage account prescribed by paragraph (d) (3) (vii) (*d*) of this section, and by the adjustments for transfers to supplies or scrap prescribed by paragraph (d) (3) (viii) (*b*) of this section, and decreased by the adjustments for extraordinary retirements and certain special retirements as prescribed by paragraph (d) (3) (iv) and (v) of this section, by the adjustments for the amount of the reserve in excess of the unadjusted basis of a vintage account prescribed by paragraph (d) (3) (ix) (*a*) of this section, and by the adjustments for property removed from a vintage account prescribed by paragraph (b) (5) (v) (*b*) and (6) (iii) of this section. The adjustments to the depreciation reserve for ordinary retirements during the taxable year shall be made as of the beginning of the taxable year. The adjustments to the depreciation reserve for extraordinary retirements shall be made as of the date the retirement is treated as having occurred in accordance with the first-year convention (described in subparagraph (2) of this paragraph) adopted by the taxpayer for the vintage account. The adjustment to the depreciation reserve for reduction of salvage value and for transfers to supplies or scrap shall, in the case of an ordinary retirement, be made as of the beginning of the taxable year, and in the case of an extraordinary retirement the adjustment for reduction of salvage value shall be made as of the date the retirement is treated as having occurred in accordance with the first-year convention (described in subparagraph (2) of this paragraph) adopted by the taxpayer for the vintage account. The adjustment to the depreciation reserve for property removed from a vintage account in accordance with paragraph (b) (5) (v) (*b*) and (6) (iii) of this section shall be made as of the beginning of the taxable year. The depreciation reserve of a vintage account may not be decreased below zero.

(iii) *Consent to change in method of depreciation.* (*a*) During the asset depreciation period for a vintage account, the taxpayer is permitted to change under this section from a declining balance method of depreciation to the sum of the years-digits method of depreciation and from a declining balance method of depreciation or the sum of the years-digits method of depreciation to the straight line method of depreciation with respect to such account. Except as provided in section 167(j) (2) and paragraph (e) (3) (i) of this section, no other changes in the method of depreciation adopted for a vintage account will be permitted. The provisions of § 1.167(e)–1 shall not apply to any change in depreciation method permitted under this section. The change in method applies to all property in the vintage account and must be adhered to for the entire taxable year of the change.

(*b*) When a change is made to the straight line method of depreciation, the annual allowance for depreciation of the vintage account shall be determined by dividing the adjusted basis of the vintage account (without reduction for salvage value) by the number of years remaining (at the time as of which the change is made) in the asset depreciation period selected for the account. However, the depreciation allowable for any taxable year following a change to the straight line method may not exceed an amount determined by dividing the unadjusted basis of the vintage account (without reduction for salvage value) by the number of years in the asset depreciation period selected for the account.

(*c*) When a change is made from the declining balance method of depreciation to the sum of the years-digits method of depreciation, the annual allowance for depreciation of a vintage account shall be determined by multiplying the adjusted basis of the account (without reduction for salvage value) at the time as of which the change is made by a fraction, the numerator of which changes each year to a number which corresponds to the number of years remaining in the asset depreciation period selected for the account (including the year for which the allowance is being computed), and the denominator of which is the sum of all the year's digits corresponding to the number of years remaining in the asset depreciation period at the time as of which the change is made.

(*d*) The number of years remaining in the asset depreciation period selected for an account is equal to the asset depreciation period less the number of years of depreciation previously allowed. For this purpose, regardless of the first year convention adopted by the taxpayer, it will be assumed that depreciation was allowed for one-half of a year in the first year.

(*e*) The taxpayer shall furnish a statement setting forth the vintage accounts for which the change is made with the income tax return filed for the taxable year of the change.

(*f*) The principles of this subdivision may be illustrated by the following examples:

Example (1). A, a calendar year taxpayer, places new section 1245 property in service in a trade or business as follows:

Year	Unadjusted basis	Rate	Depreciation	Reserve	Adjusted basis
1971	$1,000	[1] 0.18182	$181.82	$181.82	$818.18
1972	1,000	.36363	297.52	479.34	520.66
1973	1,000	.30303	247.93	727.27	272.73
1974	1,000	[2] .33333	110.44	837.71	162.29
1975	1,000	.33333	110.44	889.55	110.44
1976	1,000	.33333	[3] 40.44	930.00	70.00

[1] Rate applied to adjusted basis of the account (without reduction by salvage) at the time as of which the change is made to the straight line method.
[2] The allowable depreciation is limited by estimated salvage.

Example (2). The facts are the same as in example (1) except that A elects to use the modified half-year convention described in subparagraph (2) (ii) of this paragraph. The depreciation allowances would be as follows:

Year	Unadjusted basis	Rate	Depreciation	Reserve	Adjusted basis
1971	$1,000	[1] 0.36363	$327.27	$327.27	$672.73
1972	1,000	.36363	244.63	571.90	428.10
1973	1,000	.30303	165.67	737.57	272.43
1974	1,000	.33333	90.81	828.38	161.62
1975	1,000	.33333	90.81	919.19	80.81
1976	1,000	.33333	[2] 10.81	930.00	70.00

[1] Rate applied to $800, the amount of assets placed in service during the first half of the taxable year.
[2] The allowable depreciation is limited by estimated salvage.

Example (3). The facts are the same as in example (1) except that A adopted the sum of the years-digits method of depreciation and does not change to the straight line method of depreciation. The depreciation allowances would be as follows:

Year	Unadjusted basis	Rate	Depreciation	Reserve	Adjusted basis
1971	$1,000	[1] 2.75/18	$152.78	$152.78	$847.22
1972	1,000	5/18	277.78	430.56	569.44
1973	1,000	4/18	222.22	652.78	347.22
1974	1,000	3/18	166.67	819.45	180.55
1975	1,000	2/18	[2] 110.55	930.00	70.00
1976	1,000	1/18	0.00	930.00	70.00
1977	1,000	0.25/18	0.00	930.00	70.00

[1] Rate is equal to one-half of 5.5/18. The denominator is equal to 5.5+4.5+3.5+2.5+1.5+0.5.
[2] The allowable depreciation is limited by estimated salvage.

Example (4). The facts are the same as in example (3) except that A elects to use the modified half-year convention described in subparagraph (2) (ii) of this paragraph. The depreciation allowances would be as follows:

Year	Unadjusted basis	Rate	Depreciation	Reserve	Adjusted basis
1971	$1,000	[1] 5.5/18	$275.00	$275.00	$725.00
1972	1,000	5/18	277.78	552.78	447.22
1973	1,000	4/18	222.22	775.00	225.00
1974	1,000	3/18	[2] 155.00	930.00	70.00
1975	1,000	2/18	0.00	930.00	70.00
1976	1,000	1/18	0.00	930.00	70.00
1977	1,000	0.25/18	0.00	930.00	70.00

[1] Rate applied to $800, the amount of assets placed in service during the first half of the taxable year.
[2] The allowable depreciation is limited by estimated salvage.

Example (5). The facts are the same as in example (2) except that after 2 years A changes from the 200-percent declining balance method to the sum of the years-digits method of depreciation. The depreciation allowances would be as follows:

Year	Unadjusted basis	Rate	Depreciation	Reserve	Adjusted basis
1971	$1,000	[1] 0.36363	$327.27	$327.27	$672.73
1972	1,000	.36363	244.63	571.90	428.10
1973	1,000	.30303	165.67	737.57	272.43
1974	1,000	.33333	90.81	828.38	161.62
1975	1,000	.33333	90.81	919.19	80.81
1976	1,000	.33333	[2] 10.81	930.00	70.00

[1] The allowable depreciation is limited by estimated salvage.

(iv) *Limitation on methods.* (*a*) The same method of depreciation must be adopted for all property in a single vintage account. Generally, the method of depreciation which may be adopted is subject to the limitations contained in section 167 (c) and (j).

(*b*) Except as otherwise provided in section 167(j) with respect to certain eligible section 1250 property—

(*1*) In the case of a vintage account for which the taxpayer has selected an asset depreciation period of 3 years or more and which only contains property the original use of which commences with the taxpayer, any method of depreciation described in section 167(b) (1), (2), or (3) may be adopted, but if the vintage account contains property the original use of which does not commence with the taxpayer, or if the asset depreciation period for the account is less than 3 years, a method of depreciation described in section 167(b) (2) or (3) may not be adopted for the account, and

(2) The declining balance method using a rate not in excess of 150 percent of the straight line rate based upon the asset depreciation period for the vintage account may be adopted for the account even if the original use of the property does not commence with the taxpayer provided the asset depreciation period for the account is at least 3 years.

(*c*) The term "original use" means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer. (See § 1.167(c)–1).

(v) *Unadjusted and adjusted basis.* (*a*) For purposes of this section, the unadjusted basis of an asset (including an "excluded addition" and a "property improvement" as described, respectively, in paragraph (d) (2) (vi) and (vii) of this section) is its cost or other basis without any adjustment for depreciation or amortization (other than depreciation under section 179) but with other adjustments required under section 1016 or other applicable provisions of law. The unadjusted basis of a vintage account is the total of the unadjusted bases of all the assets in the account. The unadjusted basis of a "special basis vintage account" as described in paragraph (d) (3) (vi) of this section is the amount of the property improvement determined in paragraph (d) (2) (vii) (*a*) of this section.

(*b*) The adjusted basis of a vintage account is the amount by which the un-

Asset	Placed in service	Unadjusted basis	Estimated salvage
X	Mar. 15, 1971	$400	$20
Y	June 13, 1971	800	0
Z	July 30, 1971	100	

The property is eligible property and is properly included in a single vintage account. The asset depreciation range for such property is 5 to 7 years and the taxpayer selects an asset depreciation period of 5½ years and adopts the 200-percent declining balance method of depreciation. The taxpayer adopts the half-year convention described in subparagraph (2) (iii) of this paragraph. After 3 years, A changes from the 200-percent declining balance method to the straight line method of depreciation. Depreciation allowances would be as follows:

Year	Unadjusted basis	Rate	Depreciation	Reserve	Adjusted basis
1971	$1,000	0.18182	$181.82	$181.82	$818.18
1972	1,000	.36363	297.52	479.34	520.66
1973	1,000	.30303	247.93	727.27	272.73
1974	1,000	[1] .33333	110.44	837.71	162.29
1975	1,000	.33333	110.44	889.55	110.44
1976	1,000	.33333	[2] 40.44	930.00	70.00

[1] Rate applied to adjusted basis of the account (without reduction by salvage) at the time as of which the change is made to the straight line method.
[2] The allowable depreciation is limited by estimated salvage.

Example (2). The facts are the same as in example (1) except that A elects to use the modified half-year convention described in subparagraph (2) (ii) of this paragraph. The depreciation allowances would be as follows:

Year	Unadjusted basis	Rate	Depreciation	Reserve	Adjusted basis
1971	$1,000	[1] 0.36363	$327.27	$327.27	$672.73
1972	1,000	.36363	244.63	571.90	428.10
1973	1,000	.30303	165.67	737.57	272.43
1974	1,000	.33333	90.81	828.38	161.62
1975	1,000	.33333	90.81	919.19	80.81
1976	1,000	.33333	[2] 10.81	930.00	70.00

[1] Rate applied to $800, the amount of assets placed in service during the first half of the taxable year.
[2] The allowable depreciation is limited by estimated salvage.

Example (3). The facts are the same as in example (1) except that A adopted the sum of the years-digits method of depreciation and does not change to the straight line method of depreciation. The depreciation allowances would be as follows:

Year	Unadjusted basis	Rate	Depreciation	Reserve	Adjusted basis
1971	$1,000	[1] 5.5/18	$152.78	$152.78	$847.22
1972	1,000	5/18	277.78	430.56	569.44
1973	1,000	4/18	222.22	652.78	347.22
1974	1,000	3/18	166.67	819.45	180.55
1975	1,000	2/18	[2] 110.55	930.00	70.00
1976	1,000	1/18	0.00	930.00	70.00
1977	1,000	0.25/18	0.00	930.00	70.00

[1] Rate is equal to one-half of 5.5/18. The denominator is equal to 5.5+4.5+3.5+2.5+1.5+0.5.
[2] The allowable depreciation is limited by estimated salvage.

V37-18 JAN 27 72 XUM

adjusted basis of the account exceeds the reserve for depreciation for the account. The adjusted basis of an asset in a vintage account is the amount by which the unadjusted basis of the asset exceeds the amount of depreciation allowable for the asset under this section computed by using the method of depreciation and the rate applicable to the account. For purposes of this subdivision, the depreciation allowable for an asset shall include, to the extent identifiable, the amount of proceeds previously added to the depreciation reserve in accordance with paragraph (d)(3)(iii) of this section upon the retirement of any portion of such asset. (See paragraph (d)(3)(vi) of this section for election under certain circumstances to allocate adjusted basis of an amount of property improvement determined under paragraph (d)(2)(vii)(*a*) of this section.)

(2) *Conventions applied to additions and retirements*—(i) *In general.* The allowance for depreciation of a vintage account (whether an item account or a multiple asset account) shall be determined by applying one of the conventions described in subdivisions (ii) and (iii) of this subparagraph. (For the manner of applying a convention in the case of taxable years beginning before and ending after December 31, 1970, see subparagraph (3) of this paragraph.) The same convention must be adopted for all vintage accounts of a taxable year, but the same convention need not be adopted for the vintage accounts of another taxable year. An election to apply this section must specify the convention adopted. (See paragraph (f) of this section for information required in making the election.) The convention adopted by the taxpayer is a method of accounting for purposes of section 446, but the consent of the Commissioner will be deemed granted to make an annual adoption of either of the conventions described in subdivisions (ii) and (iii) of this subparagraph.

(ii) *Modified half-year convention.* The depreciation allowance for a vintage account for which the taxpayer adopts the "modified half-year convention shall be determined by treating: (*a*) All property in such account which is placed in service during the first half of the taxable year as placed in service on the first day of the taxable year; and (*b*) all property in such account which is placed in service during the second half of the taxable year as placed in service on the first day of the succeeding taxable year. The depreciation allowance for a vintage account for a taxable year in which there is an extraordinary retirement (as defined in paragraph (d)(3)(ii) of this section) is determined by treating all extraordinary retirements from such account during the first half of the taxable year as occurring on the first day of the taxable year and all extraordinary retirements from such account during the second half of the taxable year as occurring on the first day of the succeeding taxable year.

(iii) *Half-year convention.* The depreciation allowance for a vintage account for which the taxpayer adopts the "half-year convention" shall be determined by treating all property in the account as placed in service on the first day of the second half of the taxable year and by treating all extraordinary retirements (as defined in paragraph (d)(3)(ii) of this section) from the account as occurring on the first day of the second half of the taxable year.

(iv) *Rules of application.* The first-year convention adopted for a vintage account must be consistently applied to all additions to and all extraordinary retirements from such account. See paragraph (d)(3)(ii) and (iii) of this section for definition and treatment of ordinary retirements. If the actual number of months in a taxable year is other than 12 full calendar months the term "taxable year", for purposes of this subparagraph, shall mean only such number of months. In such event, the first half of such taxable year shall be deemed to expire at the close of the last day of a calendar month which is the closest such last day to the middle of such taxable year and the second half of such taxable year shall be deemed to begin the day after the expiration of the first half of such taxable year. If a taxable year consists of a period which includes only one calendar month, the first half of the taxable year shall be deemed to expire on the first day which is nearest to the midpoint of the month, and the second half of the taxable year shall begin the day after the expiration of the first half of the month. Thus, for example, if a taxpayer which is a corporation comes into existence (within the meaning of paragraph (a)(2) of § 1.6012) on September 1st and adopts a taxable year ending on December 31st, the taxable year consists of 4 months, and for the purposes of this subparagraph the first half of such taxable year ends on October 31st and the second half of such taxable year begins on November 1st.

(3) *Taxable years beginning before and ending after December 31, 1970.* In the case of a taxable year which begins before January 1, 1971, and ends after December 31, 1970, property first placed in service after December 31, 1970, but treated as first placed in service before January 1, 1971, by application of a convention described in subparagraph (2) of this paragraph shall be treated as provided in this subparagraph. The depreciation allowed (or allowable) for the taxable year shall consist of the depreciation allowed (or allowable) for the period before January 1, 1971, determined without regard to this section plus the amount allowable for the period after December 31, 1970, determined under this section. However, neither the modified half-year convention described in subparagraph (2)(ii) of this paragraph, nor the half-year convention described in subparagraph (2)(iii) of this paragraph may for any such taxable year be applied with respect to property placed in service after December 31, 1970, to allow depreciation for any period prior to January 1, 1971, unless such convention is consistent with the convention applied by the taxpayer with respect to property placed in service in such taxable year prior to January 1, 1971.

(4) *Examples.* The principles of this paragraph may be illustrated by the following examples:

Example (1). Taxpayer A, a calendar year taxpayer, places new property in service in a trade or business as follows:

Asset	Placed in service	Unadjusted basis
W	Apr. 1, 1971	$5,000
X	June 30, 1971	8,000
Y	July 15, 1971	12,000

Taxpayer A adopts the modified half-year convention described in subparagraph (2)(ii) of this paragraph. Assets W, X, and Y are placed in a multiple asset account for which the asset depreciation range is 8 to 12 years. A selects 8 years, the minimum asset depreciation period with respect to such assets, and adopts the declining balance method of depreciation using a rate twice the straight line rate (computed without reduction for salvage). The annual rate under this method using a period of 8 years is 25 percent. The depreciation allowance for assets W and X for 1971 is $3,250, a full year's depreciation under the modified half-year convention (that is, basis of $13,000 (unreduced by salvage) multiplied by 25 percent). The depreciation allowance for asset Y for 1971 is zero under the modified half-year convention.

Example (2). The facts are the same as in example (1), except that the taxpayer adopts the half-year convention described in subparagraph (2)(iii) of this paragraph. The depreciation allowance with respect to asset Y is $1,500 (that is the basis of $12,000 multiplied by 25 percent, then multiplied by ½). Assets W and X are also entitled to a depreciation allowance for only a half year. Thus, the depreciation allowance for assets W and X for 1971 is $1,625 (that is, ½ of the $3,250 allowance computed in example (1)).

Example (3). Asset Z is placed in service by a calendar year taxpayer on December 1, 1971. The taxpayer places asset Z in an item account and adopts the sum of the years-digits method and the half year convention described in subparagraph (2)(iii) of this paragraph. The asset depreciation range for such asset is 4 to 6 years and the taxpayer selects an asset depreciation period of 5 years. The depreciation allowance for asset Z in 1971 is $10,000 (that is, basis of $60,000 (unreduced by salvage) multiplied by $\frac{5}{15}$, the appropriate fraction using the sum of the years-digits method then multiplied by ½, since only one half year's depreciation is allowable under the convention).

Example (4). A is a calendar year taxpayer. All taxpayer A's assets are placed in service in the first half of 1971. If the taxpayer selects the modified half-year convention described in subparagraph (2)(ii) of this paragraph, a full year's depreciation is allowable for all assets.

Example (5). (i) The taxpayer during his taxable year which begins April 1, 1970, and ends March 31, 1971, places new property in service in a trade or business as follows:

Asset	Placed in service	Unadjusted basis
A	Apr. 30, 1970	$10,000
B	Dec. 15, 1970	10,000
C	Jan. 1, 1971	10,000

The taxpayer adopted a convention under § 1.167(a)-10(b) with respect to assets placed in service prior to January 1, 1971, which treats assets placed in service during the first half of the year as placed in service on the first day of such year and assets placed in service in the second half of the year as placed in service on the first day of the following year. If the taxpayer selects the half-year convention described in subparagraph (2)(iii) of this paragraph, one year's depreciation is allowable on asset A determined without regard to this section. No depreciation is allowable for asset B. No depreciation is allowable for asset C for the period prior to January 1, 1971. One-fourth year's depreciation is allowable on asset C determined under this section.

(ii) The facts are the same as in (i) of this example except that the taxpayer adopts the modified half-year convention described in subparagraph (2)(ii) of this paragraph for 1971. No depreciation is allowable for assets B and C which were placed in service in the second half of the taxable year.

Example (6). The taxpayer during his taxable year which begins August 1, 1970, and ends July 31, 1971, places new property in service in a trade or business as follows:

Asset:	*Placed in service*
A	Aug. 1, 1970.
B	Jan. 15, 1971.
C	June 30, 1971.

The taxpayer adopted a convention under § 1.167(a)-10(b) with respect to assets placed in service prior to January 1, 1971, which treats all assets as placed in service at the mid-point of the taxable year. If the taxpayer selects the half-year convention described in subparagraph (2)(iii) of this paragraph, one-half year's depreciation is allowable for asset A determined without regard to this section. One-half year's depreciation is allowable for assets B and C determined under this section.

(d) *Special rules for salvage, repairs and retirements*—(1) *Salvage value*—(i) *Definition of gross salvage value.* "Gross salvage" value is the amount which is estimated will be realized upon a sale or other disposition of the property in the vintage account when it is no longer useful in the taxpayer's trade or business or in the production of his income and is to be retired from service, without reduction for the cost of removal, dismantling, demolition or similar operations. If a taxpayer customarily sells or otherwise disposes of property at a time when such property is still in good operating condition, the gross salvage value of such property is the amount expected to be realized upon such sale or disposition, and under certain circumstances, as where such property is customarily sold at a time when it is still relatively new, the gross salvage value may constitute a relatively large proportion of the unadjusted basis of such property.

(ii) *Definition of salvage value.* "Salvage value" means gross salvage value less the amount, if any, by which the gross salvage value is reduced by application of section 167(f). Generally, as provided in section 167(f), a taxpayer may reduce the amount of gross salvage value of a vintage account by an amount which does not exceed 10 percent of the unadjusted basis of the personal property (as defined in section 167(f)(2)) in the account. See paragraph (b)(3)(ii) of this section for requirement of separate vintage accounts for personal property described in section 167(f)(2).

(iii) *Estimation of salvage value.* The salvage value of each vintage account of the taxable year shall be estimated by the taxpayer at the time the election to apply this section is made, upon the basis of all the facts and circumstances existing at the close of the taxable year in which the account is established. The taxpayer shall specify the amount, if any, by which gross salvage value taken into account is reduced by application of section 167(f). See paragraph (f)(2) of this section for requirement that the election specify the estimated salvage value for each vintage account of the taxable year of election. The salvage value estimated by the taxpayer will not be redetermined merely as a result of fluctuations in price levels or as a result of other facts and circumstances occurring after the close of the taxable year of election. Salvage value for a vintage account need not be established or increased as a result of a property improvement as described in subparagraph (2)(vii) of this paragraph. The taxpayer shall maintain records reasonably sufficient to determine facts and circumstances taken into account in estimating salvage value.

(iv) *Salvage as limitation on depreciation.* In no case may a vintage account be depreciated below a reasonable salvage value after taking into account any reduction in gross salvage value permitted by section 167(f).

(v) *Limitation on adjustment of reasonable salvage value.* The salvage value established by the taxpayer for a vintage account will not be redetermined if it is reasonable. Since the determination of salvage value is a matter of estimation, minimal adjustments will not be made. The salvage value established by the taxpayer will be deemed to be reasonable unless there is sufficient basis in the facts and circumstances existing at the close of the taxable year in which the account is established and the taxpayer has not followed a practice of understating his estimates of gross salvage value, or if the taxpayer follows the practice of understating his estimates of gross salvage value to take advantage of this subdivision, and if there is a determination of an amount of salvage value for the account which exceeds the salvage value established by the taxpayer for the account, an adjustment will be made by increasing the salvage value established by the taxpayer for the account by an amount equal to the difference between the salvage value as determined and the salvage value established by the taxpayer for the account. For the purposes of this subdivision, a determination of salvage value shall include all determinations at all levels of audit and appellate proceedings, and as well as all final determinations within the meaning of section 1313(a)(1). This subdivision shall apply to each such determination. (See example (3) of subdivision (vi) of this subparagraph.)

(vi) *Examples.* The principles of this subparagraph may be illustrated by the following examples in which it is assumed that the taxpayer has not followed a practice of understating his estimates of gross salvage value:

Example (1). Taxpayer B elects to apply this section to assets Y and Z, which are placed in a multiple asset vintage account of 1971 for which the taxpayer selects an asset depreciation period of 8 years. The unadjusted basis of asset Y is $50,000 and the unadjusted basis of asset Z is $30,000. B estimates a gross salvage value of $55,000. The property qualifies under section 167(f)(2) and B reduces the amount of salvage taken into account by $8,000 (that is, 10 percent of $80,000 under section 167(f)). Thus, B establishes a salvage value of $47,000 for the account. Assume that there is not sufficient basis for determining a salvage value for the account greater than $52,000 (that is, $60,000 minus the $8,000 reduction under section 167(f)). Since the salvage value of $47,000 established by B for the account is within the 10 percent range, it is reasonable. Salvage value for the account will not be redetermined.

Example (2). The facts are the same as in example (1) except that B estimates a gross salvage value of $50,000 and establishes a salvage value of $42,000 for the account (that is, $50,000 minus the $8,000 reduction under section 167(f)). There is sufficient basis for determining an amount of salvage value greater than $50,000 (that is, $58,000 minus the $8,000 reduction under section 167(f)). The salvage value of $42,000 established by B for the account can be redetermined without regard to the limitation in subdivision (v) of this subparagraph, since it is not within the 10 percent range. Upon audit of B's tax return for a taxable year for which the redetermination would affect the amount of depreciation allowable for the account, salvage value is determined to be $52,000 after taking into account the reduction under section 167(f). Salvage value for the account will be adjusted to $52,000.

Example (3). The facts are the same as in example (1) except that upon audit of B's tax return for a taxable year the examining officer determines the salvage value to be $58,000 (that is, $66,000 minus the $8,000 reduction under section 167(f)), and proposes to adjust salvage value for the vintage account to $58,000 which will result in disallowing an amount of depreciation for the taxable year. B does not agree with the finding of the examining officer. After receipt of a "90-day letter", B waives a district conference and initiates proceedings before the Appellate Division. In consideration of the case by the Appellate Division it is concluded that there is not sufficient basis for determining an amount of salvage value for the account in excess of $55,000 (that is $63,000 minus the $8,000 reduction under section 167(f)). Since the salvage of $47,000 established by B for the account is within the 10 percent range, it is reasonable. Salvage value for the account will not be redetermined.

Example (4). Taxpayer C elects to apply this section to factory building X which is placed in an item vintage account of 1971. The unadjusted basis of factory building X is $90,000. C estimates a gross salvage value for the account of $10,000. The property does not qualify under section 167(f)(2). C establishes a salvage value of $10,000 for the account. Assume that there is not sufficient basis for determining a salvage value for the account greater than $18,000. Since the

V37-18 JAN 27 72 XUM

salvage value of $10,000 established by B for the account is within the 10 percent range, it is reasonable. Salvage value for the account will not be redetermined.

(2) *Treatment of repairs*—(i) *In general.* (*a*) Sections 162, 212, and 263 provide general rules for the treatment of certain expenditures for the repair, maintenance, rehabilitation or improvement of property. In general, under those sections, expenditures which substantially prolong the life of an asset, or are made to increase its value or adapt it to a different use are capital expenditures. If an expenditure is treated as a capital expenditure under section 162, 212, or 263, it is subject to the allowance for depreciation. On the other hand, in general, expenditures which do not substantially prolong the life of an asset or materially increase its value or adapt it for a substantially different use may be deducted as an expense in the taxable year in which paid or incurred. Expenditures, or a series of expenditures, may have characteristics both of deductible expenses and capital expenditures. Other expenditures may have the characteristics of capital expenditures, as in the case of an "excluded addition" (as defined in subdivision (vi) of this subparagraph). This subparagraph provides a simplified procedure for determining whether expenditures with respect to certain property are to be treated as deductible expenses or capital expenditures.

(*b*) The amount paid or incurred for the repair, maintenance, rehabilitation or improvement of eligible property (determined without regard to paragraph (b)(2)(ii) of this section) in a taxable year for which the taxpayer elects to apply this section which is by application of § 1.162–4, § 1.263(a) (1) and (2), or this subparagraph treated as a deductible repair or as a capital expenditure (or otherwise subject to capitalization as part of the cost of such property) shall include only costs (direct or indirect) identified or associated with the repair, maintenance, rehabilitation or improvement of such property. Such expenditures in general include the cost paid or incurred for the services of third parties and the cost of self-performed repair, maintenance, rehabilitation or improvement. In the latter case, the expenditures in general include the cost of direct labor and the cost of direct materials used in the repair, maintenance, rehabilitation or improvement of such property, as well as an allocable portion of indirect cost associated therewith. Such expenditures need not, however, include such indirect costs as State, local, and foreign taxes, depreciation and depletion, pension and profit-sharing contributions and other employee benefits, officers salaries, and general and administrative expenses except to the extent the taxpayer allocates such costs to repair, maintenance, rehabilitation or improvement for purposes of financial reports (including consolidated financial statements) to shareholders, partners, beneficiaries or other proprietors and for credit purposes. The taxpayer may at his option consistently include in such expenditures an allocable portion of indirect costs associated with repair, maintenance, rehabilitation or improvement without regard to whether included in financial reports or for credit purposes. The rules of this subdivision shall also apply to expenditures for an excluded addition. Amounts otherwise deductible as repairs (as well as other costs associated with production) may instead be required to be included in the cost of goods sold. See § 1.471–11 relating to valuation of inventories of manufacturers. Principles of this subdivision may be illustrated by the following example.

Example. (i) During taxable year 1972, B (a manufacturer) pays or incurs the following expenditures: (*1*) $100,000 wages for direct labor used in the repair, maintenance, rehabilitation or improvement of property; (*2*) $35,000 for direct parts and materials used in the repair, maintenance, rehabilitation or improvement of property; (*3*) $10,000 to an outside contractor for rehabilitation of machinery; (*4*) $15,000 salary for indirect labor of a factory maintenance supervisor; (*5*) $85,000 for officers salaries; (*6*) $10,000 current service cost contribution to the qualified pension plan for employees (some of whom are maintenance employees); and (*7*) $35,000 general and administrative expenses. Assume that none of the expenditures is for an excluded addition.

(ii) Expenditures (*1*) through (*3*) are expenditures for the repair, maintenance, rehabilitation or improvement of property which are taken into account under subdivision (iv) (*a*) or (*b*) of this subparagraph. Expenditure (*4*) is also taken into account under such subdivision to the extent, as would normally be the case, such expenditure is associated with repair, maintenance, rehabilitation or improvement. No portion of expenditures (*5*) through (*7*) is required to be taken into account under such subdivision (or is otherwise subject to capitalization) since it is assumed that B neither, at his option, consistently includes such costs in repair, maintenance, rehabilitation or improvement nor includes such costs in repair, maintenance, rehabilitation or improvement for purposes of financial reports and for credit purposes.

(iii) Assume that for 1972 B elects the asset guideline class repair allowance (as described in subdivision (iii) of this subparagraph) and that B's repair allowance for the asset guideline class is $90,000. Taking into account only expenditures (*1*) through (*4*) (a total of $160,000), by application of the asset guideline class repair allowance B may deduct $90,000 as repairs and must capitalize the balance of $70,000 as a property improvement. No portion of expenditures (*5*) through (*7*) are taken into account in the repair allowance (or otherwise subject to capitalization). All or part of the $90,000 deductible as repairs (as well as other costs associated with production) may be required to be included in the cost of goods sold. See § 1.471–11.

(iv) Assume that for 1972 B does not select the asset guideline class repair allowance, and further assume that in accordance with subdivision (iv)(*b*) of this subparagraph expenditures (*1*), (*2*), and (*4*) are deductible repairs and expenditure (*3*) is required to be capitalized. No portion of expenditures (*5*) through (*7*) are taken into account under subdivision (iv)(*b*) or otherwise required to be capitalized.

(ii) *Election of repair allowance.* In the case of an asset guideline class which consists of "repair allowance property" as defined in subdivision (iii) of this subparagraph, subject to the provisions of subdivision (v) of this subparagraph, the taxpayer may elect to apply the asset guideline class repair allowance described in subdivision (iii) of this subparagraph for any taxable year ending after December 31, 1970, for which the taxpayer elects to apply this section.

(iii) *Repair allowance for an asset guideline class.* For a taxable year for which the taxpayer elects to apply this section, the "repair allowance" for an asset guideline class which consists of "repair allowance property" is an amount equal to—

(*a*) The average of (*1*) the unadjusted basis of all "repair allowance property" in the asset guideline class at the beginning of the taxable year, less in the case of such property in a vintage account the unadjusted basis of all such property retired in an ordinary retirement (as described in subparagraph (3)(ii) of this paragraph) in prior taxable years, and (*2*) the unadjusted basis of all "repair allowance property" in the asset guideline class at the end of the taxable year, less in the case of such property in a vintage account the unadjusted basis of all such property retired in an ordinary retirement (including ordinary retirements during the taxable year), multiplied by—

(*b*) The repair allowance percentage in effect for the asset guideline class for the taxable year.

In applying the asset guideline class repair allowance to buildings and other structures which are section 1250 property, for the purposes of this subparagraph each item of such property shall be treated as in a separate asset guideline class. A building is generally an item of property for this purpose, but if two or more buildings or other structures (in the same asset guideline class determined without regard to the preceding sentence) on a single tract or parcel (or contiguous tracts or parcels) are operated as an integrated unit (as evidenced by their actual operation, management, financing and accounting), they shall be treated as a single item for this purpose. The "repair allowance percentages" in effect for taxable years ending before the effective date of the first supplemental repair allowance percentages established pursuant to this section are set forth in Revenue Procedure 72–10. Repair allowance percentages will from time to time be established, supplemented and revised with express reference to this section. These repair allowance percentages will be published in the Internal Revenue Bulletin. The repair allowance percentages in effect on the last day of the taxable year shall apply for the taxable year; except that the repair allowance percentage for a particular taxable year shall not be less than the repair allowance percentage in effect on the first day of such taxable year. The repair allowance percentages for a taxable year shall not be changed to reflect any supplement or revision of the repair allowance percentages after the end of such taxable year. For the purposes of this section, "repair allowance property" means eligible property determined without regard to paragraph (b)(2)(ii) of this section (that is, without regard to whether such property was first placed in service by the taxpayer before or after December 31, 1970) in an asset guideline class for which a repair allowance percentage is in effect for the taxable year. The determination whether property is repair allowance property shall be made without regard to whether such property is excluded, under paragraph (b)(5) of this section, from an election to apply this section. Property in an asset guideline class for which the taxpayer elects to apply the asset guideline class repair allowance described in this subdivision, which results from expenditures in the taxable year of election for the repair, maintenance, rehabilitation, or improvement of property in an asset guideline class shall not be "repair allowance property" for such taxable year but shall be for each succeeding taxable year provided such property is a property improvement as described in subdivision (vii)(*a*) of this subparagraph and is in an asset guideline class for which a repair allowance percentage is in effect for such succeeding taxable year.

(iv) *Application of asset guideline class repair allowance.* In accordance with the principles of sections 162, 212, and 263, if the taxpayer pays or incurs any expenditures during the taxable year for the repair, maintenance, rehabilitation or improvement of eligible property (determined without regard to paragraph (b)(2)(ii) of this section), the taxpayer must either—

(*a*) If such property is repair allowance property and if the taxpayer elects to apply the repair allowance for the asset guideline class, treat an amount of all such expenditures in such taxable year with respect to all such property in the asset guideline class which does not exceed in total the repair allowance for that asset guideline class as deductible repairs, and treat the excess of all such expenditures with respect to all such property in the asset guideline class in the manner described for a property improvement in subdivision (viii) of this subparagraph, or

(*b*) If such property is not repair allowance property or if the taxpayer does not elect to apply the repair allowance for the asset guideline class, treat each of such expenditures in such taxable year with respect to all such property in the asset guideline class as either a capital expenditure or as a deductible repair in accordance with the principles of sections 162, 212, and 263 (without regard to (*a*) of this subdivision), and treat the expenditures which are required to be capitalized under sections 162, 212, and 263 (without regard to (*a*) of this subdivision) in the manner described for a property improvement in subdivision (viii) of this subparagraph.

For the purposes of (*a*) and (*b*) of this subdivision, expenditures for the repair, maintenance, rehabilitation or improvement of property do not include expenditures for an excluded addition or expenditures for which a deduction is allowed under section 167(k). (See subdivision (viii) of this subparagraph for treatment of an excluded addition.) The taxpayer shall elect each taxable year whether to apply the repair allowance and treat expenditures under (*a*) of this subdivision, or to treat expenditures under (*b*) of this subdivision. The treatment of expenditures under this subdivision for a taxable year for all asset guideline classes shall be specified in the tax return filed for the taxable year. The taxpayer may treat expenditures under (*a*) of this subdivision with respect to property in one asset guideline class and treat expenditures under (*b*) of this subdivision with respect to property in some other asset guideline class. In addition, the taxpayer may treat expenditures with respect to property in an asset guideline class under (*a*) of this subdivision in one taxable year, and treat expenditures with respect to property in that asset guideline class under (*b*) of this subdivision in another taxable year.

(v) *Limitations on use of repair allowance.* (*a*) The asset guideline class repair allowance described in subdivision (iii) of this subparagraph shall apply only to expenditures for the repair, maintenance, rehabilitation or improvement of repair allowance property (as described in subdivision (iii) of this subparagraph). The taxpayer may apply the asset guideline class repair allowance for the taxable year only if the taxpayer maintains books and records sufficient to determine the information reasonably required for its application, including—

(*1*) The amount and general description of expenditures paid or incurred during the taxable year for the repair, maintenance, rehabilitation or improvement of repair allowance property in the asset guideline class, and

(*2*) A determination of which expenditures (and the amount of each) with respect to such property are for excluded additions (such as whether the expenditure is for an additional identifiable unit of property, or substantially increases the productivity or capacity of an existing identifiable unit of property or adapts it for a substantially different use).

In general, such books and records shall be sufficient to identify the amount and nature of expenditures with respect to specific items of repair allowance property or groups of similar properties in the same asset guideline class. However, in the case of expenditures for labor costs and supplies for general maintenance of plant and equipment part of which is repair allowance property and part is not, or part of which is in one asset guideline class and part in another, to the extent books and records are not maintained identifying such expenditures with respect to specific items of property or groups of properties and it is not practicable to do so, the total amount of such expenditures may be allocated by any reasonable method consistently applied. The cost of repair, maintenance, rehabilitation or improvement of property performed by production personnel may be allocated by any reasonable method consistently applied and if performed incidental to production and not substantial in amount no allocation to repair, maintenance, rehabilitation or improvement need be made.

(*b*) If for the taxable year the taxpayer elects to deduct under section 263 (e) expenditures with respect to repair allowance property consisting of railroad rolling stock (other than a locomotive) in a particular asset guideline class, the taxpayer may not, for such taxable year, use the asset guideline class repair allowance described in subdivision (iii) of this subparagraph for any property in such asset guideline class.

(*c*) (*1*) If the taxpayer repairs, rehabilitates or improves property for sale or resale to customers, the asset guideline class repair allowance described in subdivision (iii) of this subparagraph shall not apply to expenditures for the repair, maintenance, rehabilitation or improvement of such property, or (*2*) if a taxpayer follows the practice of acquiring for his own use property (in need of repair, rehabilitation or improvement to be suitable for the use intended by the taxpayer) and of making expenditures to repair, rehabilitate or improve such property in order to take advantage of this subparagraph, the asset guideline class repair allowance described in subdivision (iii) of this subparagraph shall not apply to such expenditures. In either event, such property shall not be "repair allowance property" as described in subdivision (iii) of this subparagraph.

(vi) *Definition of excluded addition.* The term "excluded addition" means—

(*a*) An expenditure which substantially increases the productivity of an existing identifiable unit of property over its productivity when first acquired by the taxpayer;

(*b*) An expenditure which substantially increases the capacity of an existing identifiable unit of property over its capacity when first acquired by the taxpayer;

(*c*) An expenditure which modifies an existing identifiable unit of property for a substantially different use;

(*d*) An expenditure for an identifiable unit of property if (*1*) such expenditure is for an additional identifiable unit of property or (*2*) such expenditure (other than an expenditure described in (*e*) of this subdivision) is for replacement of an identifiable unit of property which was retired;

(*e*) An expenditure for replacement of a part in or a component or portion of an existing identifiable unit of property (whether or not such part, component or portion is also an identifiable unit of property) if (*1*) such part, component or portion is for replacement of a part, component or portion which was retired in a retirement upon which gain or loss is recognized (or would be recognized but for a special nonrecognition provision of the Code or § 1.1502–13), or (*2*) such part, component or portion has substantially greater capacity or productivity than did the part, component or

V 37 18 JAN 27 72 XUM

portion replaced when first acquired by the taxpayer.

(f) In the case of a building or other structure (in addition to (b), (c), (d), and (e) of this subdivision which also apply to such property), an expenditure for additional cubic or linear space; and

(g) In the case of those units of property of pipelines, electric utilities, telephone companies, and telegraph companies consisting of lines, cables and poles (in addition to (d) through (e) of this subdivision which also apply to such property), an expenditure for replacement of a material portion of the unit of property.

Except as provided in (d) and (e)(1) of this subdivision, notwithstanding any other provision of this subdivision, the term "excluded addition" does not include any expenditure in connection with the repair, maintenance, rehabilitation or improvement of an identifiable unit of property which does not exceed $100. For this purpose all related expenditures with respect to the unit of property shall be treated as a single expenditure. For the purposes of (a), (b), and (e) of this subdivision, an increase in productivity or capacity is substantial only if the increase is more than 25 percent. An expenditure which merely extends the productive life of an identifiable unit of property is not an increase in productivity within the meaning of (a) of this subdivision. Under (g) of this subdivision a replacement is material only if the portion replaced exceeds 5 percent of the unit of property with respect to which the replacement is made. For the purposes of this subdivision, a unit of property generally consists of each operating unit (that is, each separate machine or piece of equipment) which performs a discrete function and which the taxpayer customarily acquires for original installation and retires as a unit. In the case of a building, the unit of property generally consists of the building as well as all its structural components. However, both in the case of machinery and equipment and in the case of a building, for the purpose of applying (d) of this subdivision a unit of property may consist of a part in or a component or portion of a larger unit of property. In the case of property described in (g) of this subdivision (such as a pipeline), a unit of property generally consists of each segment which performs a discrete function either as to capacity, service, transmission or distribution between identifiable points. Thus, for example, under this subdivision in the case of a vintage account of five automobiles each automobile is an identifiable unit of property (which is not merely a part in or a component or portion of larger unit of property within the meaning of (e) of this subdivision). Accordingly, the replacement of one of the automobiles (which is retired) with another automobile is an excluded addition under (d)(2) of this subdivision. Also the purchase of a sixth automobile is an expenditure for an additional identifiable unit of property and is an excluded addition under (d)(1) of this subdivision. An automobile air conditioner is also an identifiable unit of property for the purposes of (d)(1) of this subdivision, but not for the purposes of (d)(2) of this subdivision. Accordingly, the addition of an air conditioner to an automobile is an excluded addition under (d)(1) of this subdivision, but the replacement of an existing air conditioner in an automobile is not an excluded addition under (d)(2) of this subdivision (since it is merely the replacement of a part in an existing identifiable unit of property). The replacement of the air conditioner may, however, be an excluded addition under (e) of this subdivision, that is, if it has a substantially greater capacity than the air conditioner replaced or if the air conditioner replaced was retired in a retirement upon which gain or loss was recognized. The principles of this subdivision may be further illustrated by the following examples in which it is assumed (unless otherwise stated) that (e)(1) of this subdivision does not apply:

Example (1). For the taxable year, B pays or incurs only the following expenditures: (1) $5,000 for general maintenance of repair allowance property (as described in subdivision (iii) of this subparagraph) such as inspection, oiling, machine adjustments, cleaning, and painting; (2) $175 for replacement of bearings and gears in an existing lathe; (3) $125 for replacement of an electric starter (of the same capacity) and certain electrical wiring in an automatic drill press; (4) $300 for modification of a metal fabricating machine (including replacement of certain parts) which substantially increases its capacity; (5) $175 for repair of the same metal fabricating machine which does not substantially increase its capacity; (6) $800 for the replacement of an existing lathe with a new lathe; and (7) $65 for the repair of a drill press. Expenditures (1) through (3) are expenditures for the repair, maintenance, rehabilitation or improvement of property to which B can elect to apply the asset guideline class repair allowance described in subdivision (iii) of this subparagraph. Expenditure (4) is an excluded addition under (b) of this subdivision. Expenditure (5) is not an excluded addition. Expenditure (6) is an excluded addition under (d)(2) of this subdivision. Without regard to (a), (b), (c), and (e)(2) of this subdivision, expenditure (7) is not an excluded addition since the expenditure does not exceed $100.

Example (2). Corporation M operates a steel plant which produces rails, blooms, billets, special bar sections, reinforcing bars, and large diameter line pipe. During the taxable year, corporation M: (1) relines an open-hearth furnace; (2) places in service 20 new ingot molds; (3) replaces one reversing roll in the blooming mill; (4) overhauls the rail and billet mill with no increase in capacity; (5) replaces a roll stand in the 20-inch bar mill; and (6) overhauls the 11-inch bar mill and reducing stands increasing billet speed from 1,800 feet per minute to 2,300 feet per minute. Assume that each expenditure exceeds $100. Expenditure (1) is not an excluded addition. Expenditure (2) is an excluded addition under (d)(1) of this subdivision. Expenditure (3) is not an excluded addition since the expenditure for the reversing roll merely replaces a part in an existing identifiable unit of property. Expenditure (4) is not an excluded addition. Expenditure (5) is an excluded addition under (d)(2) of this subdivision since the roll stand is not merely a part of an existing identifiable unit of property. Expenditure (6) is an excluded addition under (a) of this subdivision since it increases the billet speed by more than 25 percent.

Example (3). For the taxable year, corporation X pays or incurs the following expenditures: (1) $1,000 for two new temporary partition walls in the company's offices; (2) $1,400 for repainting the exterior of a terminal building; (3) $300 for repair of the roof of a warehouse; (4) $150 for replacement of two window frames and papes in the warehouse; and (5) $100 for plumbing repair. Expenditure (1) is an excluded addition under (d)(1) of this subdivision. None of the other expenditures are excluded additions.

Example (4). For the taxable year, corporation Y pays or incurs the following expenditures: (1) $10,000 for expansion of a loading dock from 600 square feet to 750 square feet; (2) $600 for replacement of two roof girders in a factory building; and (3) $9,500 for replacement of columns and girders supporting the floor of a second story loft storage area within the factory building in order to permit storage of supplies with a gross weight 50 percent greater than the previous capacity of the loft. Expenditure (1) is an excluded addition under (f) of this subdivision. Expenditure (2) is not an excluded addition. Expenditure (3) is an excluded addition under (b) of this subdivision.

Example (5). Corporation A has an office building with an unadjusted basis of $10 million. The building has 10 elevators, five of which are manually operated and five of which are automatic. During 1971, corporation A:

(1) Replaces the five manually operated elevators with highspeed automatic elevators at a cost of $400,000;

(2) Replaces the cable in one of the existing automatic elevators at a cost of $1,700.

Assume that each of the automatic elevators has a capacity to carry 50 percent more passengers per hour than the manually operated elevator it replaced. The replacements of the elevators are excluded additions under (e)(2) of this subdivision. The replacement of the cable is not an excluded addition.

Example (6). Taxpayer W, a cement manufacturer, engages in the following modification and maintenance activities during the taxable year: (1) replaces eccentric-bearing, spindle, and wearing surface in a gyratory crusher; (2) places in service a new apron feeder and hammer mill; (3) replaces four buckets on a chain bucket elevator; (4) relines refractory surface in the burning zone of a rotary kiln; (5) installs additional new dust collectors; and (6) replaces two 16-inch x 90-foot belts on his conveyer system. Assume that there is no increase in productivity or capacity and that each expenditure exceeds $100. Expenditure (1) is not an excluded addition. Expenditure (2) an excluded addition under (d)(1) of this subdivision. Expenditures (3) and (4) are not excluded additions. Expenditures (5) is an excluded addition under (d)(1) of this subdivision. Expenditure (6) is not an excluded addition.

Example (7). Corporation X, a gas pipeline company, has, in addition to others, the following units of property: (1) A gathering pipeline for a field consisting of 25 gas wells; (2) the main transmission line between compressor stations (that is, in the case of a 500-mile main transmission line with a compressor station every 100 miles, each one hundred miles section between compressor stations is a separate unit of property); (3) a lateral transmission line from the main transmission line to a city border station; (4) a medium pressure distribution line to the northern portion of the city; and (5) a low pressure distribution line serving a group of approximately 200 residential customers off the medium pressure distribution line. In 1971, corporation (X pays or incurs the following expenditures in connection with the repair, maintenance, rehabilitation or improvement of repair allowance property: (1) replaces a meter on a gas well; (2) in connection with the repair and rehabilitation of a unit of property consisting of a 2-mile gathering pipeline, replaces a 3,000-foot section of the gathering line; (3) in connection with the repair of leaks in a unit of property consisting of a 100-mile gas transmission line (that is, the 100 miles between compressor stations), replaces a 2,000-foot section of pipeline at one point; and (4) at another point replaces a 7-mile section of the same 100-mile gas transmission line. Assume that none of these expenditures substantially increases capacity and that each expenditure exceeds $100. Expenditure (1) is an excluded addition under (d) of this subdivision. Expenditure (2) is an excluded addition under (g) of this subdivision since the portion replaced is more than 5 percent of the unit of property. Expenditure (3) is not an excluded addition. Expenditure (4) is an excluded addition under (g) of this subdivision.

Example (8). Taxpayer Y, an electric utility company, has in addition to others, the following units of property: (1) A high voltage (usually over 69,000 volts) transmission circuit from the switching station (at the generating station) to the transmission station; (2) a series of 100 poles (fully dressed) supporting the circuit in (1); (3) a high voltage (usually not over 34,000 volts) circuit from the transmission station to the distribution substation; (4) a high voltage (usually 4,000 to 7,500 volts) distribution circuit (either radial or looped) from the distribution substation; (5) a transformer on a distribution pole; (6) a circuit breaker on a distribution pole; and (7) a 220 (and lower) volt circuit (including customer service connections) off the distribution circuit in (4). In 1971, Taxpayer Y pays or incurs the following expenditures for the repair, maintenance, rehabilitation or improvement of repair allowance property: (1) replaces 25 adjacent poles in a unit of property consisting of the 300 poles supporting a radial distribution circuit from a distribution substation; (2) replaces a transformer on one of the poles in (1); (3) replaces a cross-arm on one of the poles in (1); (4) replaces a 200-foot section of a 2-mile 220-volt radial distribution circuit serving 100 residential customers; and (5) replaces a 2,000-foot section of a 10-mile 34,000-volt circuit from a transmission station to a distribution substation which was destroyed by a casualty which taxpayer Y treated as an extraordinary retirement under paragraph (d)(3)(ii) of this section. Expenditure (1) is an excluded addition under (g) of this subdivision. Expenditures (2) is an excluded addition under (d)(2) of this subdivision. Expenditures (3) and (4) are not excluded additions. Expenditure (5) is an excluded addition under (e)(1) of this section.

Example (9). Corporation Z, a telephone company, has in addition to others, the following units of property: (1) A buried feeder cable 3 miles in length off a local switching station; (2) a buried subfeeder cable 1 mile in length off the feeder cable in (1); (3) all the distribution cable (and customer service drops) off the subfeeder cable in (2); (4) the 300 poles (fully dressed) supporting the distribution cable in (3); (5) a 10-mile local trunk cable which interconnects two local tandem switching stations; (6) a toll connecting trunk cable from a local tandem switching station to a long distance tandem switching station; (7) a toll trunk cable 50 miles in length from the access point at one city to the access point at another city. In 1971, corporation Z pays or incurs the following expenditures in connection with the repair, maintenance, rehabilitation or improvement of repair allowance property: (1) replaces 100 feet of distribution cable in a unit of property consisting of 8 miles of local distribution cable (plus customer service drops); (2) replaces an amplifier in the distribution system; and (3) replaces 10 miles of a unit of property consisting of a toll trunk cable 50 miles in length. Expenditure (1) is not an excluded addition. Expenditure (2) is an excluded addition under (d)(2) of this subdivision. Expenditure (3) is an excluded addition under (g) of this subdivision.

(vii) *Definition of property improvement.* The term "property improvement" means—

(a) If the taxpayer treats expenditures for the asset guideline class under subdivision (iv)(a) of this subparagraph, the amount of all expenditures paid or incurred during the taxable year for the repair, maintenance, rehabilitation or improvement of repair allowance property in the asset guideline class, which exceeds the asset guideline class repair allowance for the taxable year; and

(b) If the taxpayer treats expenditures for the asset guideline class under subdivision (iv)(b) of this subparagraph, the amount of each expenditure paid or incurred during the taxable year for the repair, maintenance, rehabilitation or improvement of property which is treated under sections 162, 212, and 263 as a capital expenditure.

The term "property improvement" does not include any expenditure for an excluded addition.

(viii) *Treatment of property improvements and excluded additions.* If for the taxable year there is a property improvement as described in subdivision (vii) of this subparagraph or an excluded addition as described in subdivision (vi) of this subparagraph, the following rules shall apply—

(a) The total amount of any property improvement for the asset guideline class determined under subdivision (vii)(a) of this subparagraph shall be capitalized in a single "special basis vintage account" of the taxable year in accordance with the taxpayer's election to apply this section for the taxable year (applied without regard to paragraph (b)(5)(v)(a) of this section). See subparagraph (3)(vi) of this paragraph for definition and treatment of a "special basis vintage account".

(b) Each property improvement determined under subdivision (vii)(b) of this subparagraph, if it is eligible property, shall be capitalized in a vintage account of the taxable year in accordance with the taxpayer's election to apply this section for the taxable year (applied without regard to paragraph (b)(5)(v)(a) of this section).

(c) Each excluded addition, if it is eligible property, shall be capitalized in a vintage account of the taxable year in accordance with the taxpayer's election to apply this section for the taxable year.

For rule as to date on which a property improvement or an excluded addition is first placed in service, see paragraph (e)(1)(iii) and (iv) of this section.

(ix) *Examples.* The principles of this subparagraph may be illustrated by the following examples:

Example (1). For the taxable year 1972, B elects to apply this section. B has repair allowance property (as described in subdivision (iii) of this subparagraph) in asset guideline class 20.2 under Revenue Procedure 72–10 with an average unadjusted basis determined as provided in subdivision (iii)(a) of this subparagraph of $100,000 and repair allowance property in asset guideline class 24.4 with an average unadjusted basis of $300,000. The repair allowance percentage for asset guideline class 20.2 is 4.5 percent and for asset guideline class 24.4 is 6.5 percent. The two asset guideline class repair allowances for 1972 are $4,500 and $19,500, respectively, determined as follows:

ASSET GUIDELINE CLASS 20.2

$100,000 average unadjusted basis multiplied by 4.5 percent	$4,500

ASSET GUIDELINE CLASS 24.4

$300,000 average unadjusted basis multiplied by 6.5 percent	$19,500

Example (2). The facts are the same as in example (1). During the taxable year 1972, B pays or incurs the following expenditures for the repair, maintenance, rehabilitation or improvement of repair allowance property in asset guideline class 20.2.

General maintenance (including primarily labor costs)	$3,000
Replacement of parts in several machines (including labor costs of $1,650)	4,000
	7,000

In addition, in connection with the rehabilitation and improvement of two other machines B pays or incurs $6,000 (including labor costs of $2,000) which is treated as an excluded addition because the capacity of the machines was substantially increased. For 1972, B elects to apply this section and to apply the asset guideline class repair allowance to asset guideline class 20.2. Since the asset guideline class repair allowance is $4,500, B can deduct $4,500 in accordance with subdivision (iv)(a) of this subparagraph. B must capitalize $2,500 in a special basis vintage account in accordance with subdivisions (vii)(a) and (viii)(a) of this subparagraph. Since the excluded addition is a capital item and is eligible property, B must also capitalize $6,000 in a vintage account in accordance with subdivision (viii)(c) of this subparagraph. B selects from the asset depreciation range an asset depreciation period of 17 years for the special basis vintage account. B includes the excluded addition in a vintage account of 1972 for which he also selects an asset depreciation period of 17 years.

(3) *Treatment of retirements*—(i) *In general.* The rules of this subparagraph specify the treatment of all retirements from vintage accounts. The rules of § 1.167(a)–8 shall not apply to any retirement from a vintage account. An asset in a vintage account is retired when such asset is permanently withdrawn from use in a trade or business or in the production of income by the taxpayer. A retirement may occur as a result of a sale or exchange, by other act of the taxpayer amounting to a permanent disposition of an asset, or by physical abandonment of an asset. A retirement may also occur by transfer of an asset to supplies or scrap.

No. 18—Pt. III——3

V37-18 JAN 27 72 XUM

(ii) *Definitions of ordinary and extraordinary retirements.* The term "ordinary retirement" means any retirement of section 1245 property from a vintage account which is not treated as an "extraordinary retirement" under this subparagraph. The retirement of an asset from a vintage account in a taxable year is an "extraordinary retirement" if—

(*a*) The asset is section 1250 property;

(*b*) The asset is section 1245 property which is retired as the direct result of fire, storm, shipwreck, or other casualty and the taxpayer, at his option consistently applied (taking into account type, frequency, and the size of such casualties) treats such retirements as extraordinary; or

(*c*) (*1*) The asset is section 1245 property which is retired (other than by transfer to supplies or scrap) in a taxable year as the direct result of a cessation, termination, curtailment, or disposition of a business, manufacturing, or other income producing process, operation, facility of unit, and (*2*) the unadjusted basis (determined without regard to subdivision (vi) of this subparagraph) of all such assets so retired in such taxable year from such account as a direct result of the event described in (*c*)(*1*) of this subdivision exceeds 20 percent of the unadjusted basis of such account immediately prior to such event.

For the purposes of (*c*) of this subdivision, all accounts (other than a special basis vintage account as described in subdivision (vi) of this subparagraph containing section 1245 property of the same vintage in the same asset guideline class, and from which a retirement as a direct result of such event occurs within the taxable year, shall be treated as a single vintage account. See subdivision (xi) of this subparagraph for special rule for item accounts. The principles of this subdivision may be illustrated by the following examples:

Example (1). Taxpayer A is a processor and distributor of dairy products. Part of taxpayer A's operation is a bottle washing facility consisting of machines X, Y, and Z, each of which is in an item vintage account of 1971. Each item vintage account has an unadjusted basis of $1,000. Taxpayer A also has a 1971 multiple asset vintage account consisting of machines E, S, and C. Machines E and S, used in processing butter, each has an unadjusted basis of $10,000. Machine C used in capping bottles has an unadjusted basis of $1,000. In 1975, taxpayer A changes to the use of paper milk cartons and disposes of all bottle washing machines (X, Y, and Z) as well as machine C which was used in capping bottles. The sales of machine C, X, Y, and Z are the direct result of the termination of a manufacturing process. However, since the total unadjusted basis of the eligible section 1245 property retired as a direct result of such event is only $4,000 (which is less than 20 percent of the total unadjusted basis of machines E, S, C, X, Y, and Z, $24,000) the sales are ordinary retirements. All the assets are in the same asset guideline class and are of the same vintage. Accordingly, machines E, S, C, X, Y, and Z are for this purpose treated as being in a single vintage account.

Example (2). The facts are the same as in example (1) except that in 1976, taxpayer A sells six of his 12 milk delivery trucks as a direct result of eliminating home deliveries to customers in the suburbs. Deliveries within the city require only six trucks. Each of the trucks has an unadjusted basis of $3,000. Six of the taxpayer's delivery trucks are in a multiple asset vintage account of 1974 and six are in a multiple asset vintage account of 1972. Neither account contains any other property. Four trucks are retired from the 1972 vintage account and two trucks are retired from the 1974 vintage account. The sales result from the curtailment of taxpayer A's home delivery operation. The unadjusted basis of the four trucks retired from the 1972 vintage exceeds 20 percent of the total unadjusted basis of the affected account. The same is true for the two trucks retired from the 1974 vintage account. The sales of the trucks are extraordinary retirements.

(iii) *Treatment of ordinary retirements.* No loss shall be recognized upon an ordinary retirement. Gain shall be recognized only to the extent specified in this subparagraph. All proceeds from ordinary retirements shall be added to the depreciation reserve of the vintage account from which the retirement occurs. See subdivision (vi) of this subparagraph for optional allocation of basis in the case of a special basis vintage account. See subdivision (ix) of this subparagraph for recognition of gain when the depreciation reserve exceeds the unadjusted basis of the vintage account. The amount of salvage value for a vintage account shall be reduced (but not below zero) as of the beginning of the taxable year by the excess of (*a*) the depreciation reserve for the account, after adjustment for depreciation allowable for such taxable year and all other adjustments prescribed by this section (other than the adjustment prescribed by subdivision (ix) of this subparagraph), over (*b*) the unadjusted basis of the account less the amount of salvage value for the account before such reduction. Thus, in the case of a vintage account with an unadjusted basis of $1,000 and a salvage value of $100, to the extent that proceeds from ordinary retirements increase the depreciation reserve above $900, the salvage value is reduced. If the proceeds increase the depreciation reserve for the account to $1,000, the salvage value is reduced to zero. The unadjusted basis of the asset retired in an ordinary retirement is not removed from the account and the depreciation reserve for the account is not reduced by the depreciation allowable for the retired asset. The previously unrecovered basis of the retired asset will be recovered through the allowance for depreciation with respect to the vintage account. See subdivision (v)(*a*) of this subparagraph for treatment of retirements on which gain or loss is not recognized in whole or in part. See subdivision (v)(*b*) of this subparagraph for treatment of retirements by disposition to a member of an affiliated group as defined in section 1504(a).

(iv) *Treatment of extraordinary retirements.* (*a*) Unless the transaction is governed by a special nonrecognition section of the Code such as 1031 or 337 or is one to which subdivision (v)(*b*) of this subparagraph applies, gain or loss shall be recognized upon an extraordinary retirement in the taxable year in which such retirement occurs subject to section 1231, section 165, and all other applicable provisions of law such as sections 1245 and 1250. If the asset which is retired in an extraordinary retirement is the only or last asset in the account, the account shall terminate and no longer be an account to which this section applies. In all other cases, the unadjusted basis of the retired asset shall be removed from the unadjusted basis of the vintage account, and the depreciation reserve established for the account shall be reduced by the depreciation allowable for the retired asset computed in the manner prescribed in paragraph (c)(1)(v)(*b*) of this section for determination of the adjusted basis of the asset. See subdivision (ix) of this subparagraph for recognition of gain in the case of an account containing section 1245 property when the depreciation reserve exceeds the unadjusted basis of the vintage account. See subdivision (iii) of this subparagraph for reduction of salvage value for such an account when the depreciation reserve exceeds the unadjusted basis of the account minus salvage value. See subdivision (v)(*b*) of this subparagraph for treatment of retirements by disposition to a member of an affiliated group as defined in section 1504(a).

(*b*) The principles of this subdivision may be illustrated by the following examples:

Example (1). Corporation X has a multiple asset vintage account of 1971 consisting of assets K, R, A, and P all of which are section 1245 property. The unadjusted basis of the account is $40,000. The unadjusted basis of asset A is $10,000. When the reserve for depreciation for the account is $20,000, asset A is sold in an extraordinary retirement for $8,000 in cash. The $10,000 unadjusted basis of asset A is removed from the account and the $5,000 depreciation allowable for asset A is removed from the reserve for depreciation. Gain in the amount of $3,000 (to which section 1245 applies) is recognized upon the sale of asset A.

Example (2). Corporation X has an item vintage account of 1972 consisting of residential apartment unit A. Unit A is section 1250 property. It is residential rental property and meets the requirements of section 167(j)(2). Corporation X adopts the declining balance method of depreciation using a rate twice the straight line rate. The asset depreciation period is 40 years. Unit A has an unadjusted basis of $200,000. On June 30, 1974, when the reserve for depreciation for the account is $19,500, unit A is sold for $220,000. Since unit A is section 1250 property, the sale is an extraordinary retirement in accordance with subdivision (ii)(*a*) of this subparagraph (without regard to subdivision (ii)(*b*) or (*c*) of this subparagraph). The adjusted basis of unit A is $180,500. Gain in the amount of $39,500 is recognized. The "additional depreciation" (as defined in section 1250(b)) for unit A is $9,500. Accordingly, $9,500 is in accordance with section 1250 treated as gain from the sale or exchange of an asset which is neither a capital asset nor property described in section 1231. The $30,000 balance of the gain from the sale of unit A may be gain to which section 1231 applies.

(v) *Special rule for certain retirements.* (*a*) In the case of an ordinary retirement on which gain or loss is in whole or in part not recognized because of a special nonrecognition section of the Code, such as 1031 or 337, no part of the proceeds from such retirement shall be added to the depreciation reserve of the vintage account in accordance with subdivision (iii) of this subparagraph. Instead, such retirement shall for all purposes of this section be treated as an extraordinary retirement.

(*b*) The provisions of § 1.1502–13 shall apply to a retirement which results in "deferred gain or loss" within the meaning of paragraph (c) of § 1.1502–13. In the case of an ordinary retirement to which the provisions of § 1.1502–13 apply, no part of the proceeds from such retirement shall be added to the depreciation reserve of the vintage account in accordance with subdivision (iii) of this subparagraph. Instead, such retirement shall for all purposes of this section be treated as an extraordinary retirement.

(*c*) The principles of this subdivision may be illustrated by the following examples:

Example (1). Corporation X has a vintage account of 1971 consisting of machines A, B, and C, each with an unadjusted basis of $1,000. The unadjusted basis of the account is $3,000 and at the end of 1977 the reserve for depreciation is $2,100. On January 1, 1978, machine A is transferred to corporation Y solely for stock in the amount of $1,400 in a transaction to which section 351 applies. Since the adjusted basis of machine A is $300, a gain of $1,100 is realized, but no gain is recognized under section 351. Even though machine A was transferred in an ordinary retirement in accordance with (*a*) of this subdivision the rules for an extraordinary retirement are applied. The proceeds are not added to the reserve for depreciation for the account. Machine A is removed from the account, the unadjusted basis of the account is reduced by $1,000, and the reserve for depreciation for the account is reduced by $700.

Example (2). The facts are the same as in example (1) except that the consideration received for machine A is stock of corporation Y in the amount of $1,200 and cash in the amount of $200. The result is the same as in example (1) except that gain is recognized in the amount of $200 all of which is gain to which section 1245 applies.

Example (3). The facts are the same as in example (1) except that machine A is sold for $1,400 cash in an ordinary retirement and corporation X and corporation Y are includible corporations in an affiliated group as defined in section 1504(a) which files a consolidated return for 1978. The affiliated group has not elected under paragraph (c)(3) of § 1.1502–13 not to defer gain or loss. Accordingly, (b) of this subdivision applies. The retirement is treated as an extraordinary retirement. Machine A is removed from the account, the unadjusted basis of the account is reduced by $1,000, and the reserve for depreciation for the account is reduced by $700. The gain of $1,100 is deferred gain to which § 1.1502–13 applies.

(vi) *Treatment of special basis vintage accounts.* A "special basis vintage account" is a vintage account for an amount of property improvement determined under subparagraph (2)(vii)(*a*) of this paragraph. In general, reference in this section to a "vintage account" shall include a special basis vintage account. The unadjusted basis of a special basis vintage account shall be recovered through the allowance for depreciation in accordance with this section over the asset depreciation period for the account. Except as provided in this subdivision, the unadjusted basis, adjusted basis and reserve for depreciation of such account shall not be allocated to any specific asset in the asset guideline class, and the provisions of this subparagraph shall not apply to such account. However, in the event of a sale, exchange or other disposition of "repair allowance property" (as described in subparagraph (2)(iii) of this paragraph) in an extraordinary retirement as described in subdivision (ii) of this subparagraph (or if the asset is not in a vintage account, in an abnormal retirement as described in § 1.167(a)–8), the taxpayer may, if consistently applied to all such retirements in the taxable year and adequately identified in the taxpayer's books and records, elect to allocate the adjusted basis (as of the end of the taxable year) of all special basis vintage accounts for the asset guideline class to each such retired asset in the proportion that the adjusted basis of the retired asset (as of the beginning of the taxable year) bears to the adjusted basis of all repair allowance property in the asset guideline class at the beginning of the taxable year. The election to allocate basis in accordance with this subdivision shall be made on the tax return filed for the taxable year. The principles of this subdivision may be illustrated by the following example:

Example. In addition to other property, the taxpayer has machines A, B, and C all in the same asset guideline class and each with an adjusted basis on January 1, 1977, of $10,000. The adjusted basis on January 1, 1977, of all repair allowance property (as described in subparagraph (2)(iii) of this paragraph) in the asset guideline class is $90,000. The machines are sold in an extraordinary retirement in 1977. The taxpayer is entitled to and does elect to allocate basis in accordance with this subdivision. There is also a 1972 special basis vintage account for the asset guideline class, as follows:

	Unadjusted basis	Reserve for depreciation	Dec. 31, 1977, adjusted basis
1972 special basis vintage account, for which the taxpayer selected an asset depreciation period of 10 years, adopted the straight line method, and used the half-year convention	$2,000	$1,100	$900

By application of this subdivision, the adjusted basis of machines A, B, and C is increased to $10,100 each (that is, $10,000×$900=$100). The unadjusted basis, $90,000 reserve for depreciation and adjusted basis of the special basis vintage account are reduced, respectively, by one-third (that is, $300=⅓) in order to reflect the allocation of $900 basis from the special basis vintage account.

(vii) *Reduction in the salvage value of a vintage account.* (*a*) A taxpayer may apply this section without reducing the salvage value for a vintage account in accordance with this subdivision or in accordance with subdivision (viii) of this subparagraph (relating to transfers to supplies or scrap). See subdivision (iii) of this subparagraph for reduction of salvage value in certain circumstances in the amount of proceeds from ordinary retirements.

(*b*) However, the taxpayer may, at his option, follow the consistent practice of reducing, as retirements occur, the salvage value for a vintage account by the amount of salvage value attributable to the retired asset, or the taxpayer may consistently follow the practice of so reducing the salvage value for a vintage account as extraordinary retirements occur while not reducing the salvage value for the account as ordinary retirements occur. If the taxpayer does not reduce the salvage value for a vintage account as ordinary retirements occur, the taxpayer may be entitled to a deduction in the taxable year in which the last asset is retired from the account in accordance with subdivision (ix)(*b*) of this subparagraph.

(*c*) For purposes of this subdivision, the portion of the salvage value for a vintage account attributable to a retired asset may be determined by multiplying the salvage value for the account by a fraction, the numerator of which is the unadjusted basis of the retired asset and the denominator of which is the unadjusted basis of the account, or any other method consistently applied which reasonably reflects that portion of the salvage value for the account originally attributable to the retired asset.

(*d*) In the case of ordinary retirements the taxpayer may—

(*1*) In the case of retirements (other than by transfer to supplies or scrap) follow the consistent practice of reducing the salvage value for the account by the amount of salvage value attributable to the retired asset and not adding the same amount to the depreciation reserve for the account, and

(*2*) In the case of retirements by transfer to supplies or scrap, follow the consistent practice of reducing the salvage value for the account by the amount of salvage value attributable to the retired asset and not adding the same amount to the depreciation reserve for the account (in which case the basis in the supplies or scrap account of the retired asset will be zero) or follow the consistent practice of reducing the salvage value for the account by the amount of salvage value attributable to the retired asset and adding the same amount to the depreciation reserve for the account (up to an amount which does not increase the depreciation reserve to an amount in excess of the unadjusted basis of the account) in which case the basis in the supplies or scrap account of the retired asset will be the amount added to the depreciation reserve for the account.

Thus, for example, in the case of an ordinary retirement by transfer of an asset to supplies or scrap, the basis of the asset in the supplies or scrap account would either be zero or the amount added to the depreciation reserve of the vintage

V 37-18 JAN 27 72 XUM

account from which the retirement occurred. When the depreciation reserve for the account equals the unadjusted basis of the account no further adjustment to salvage value for the account will be made. See subdivision (viii) of this subparagagph for special optional rule for reduction of salvage value in the case of an ordinary retirement by transfer of an asset to supplies or scrap.

(e) In the event of a removal of property from a vintage account in accordance with paragraph (b) (5) (v) (b) or (6) (iii) of this section the salvage value for the account may be reduced by the amount of salvage value attributable to the asset removed determined as provided in (c) of this subdivision.

(viii) *Special optional adjustments for transfers to supplies or scrap.* If the taxpayer does not follow the consistent practice of reducing, as ordinary retirements occur, the salvage value for a vintage account in accordance with subdivision (vii) of this subparagraph, the taxpayer may (in lieu of the method described in subdivision (vii) (c) and (d) of this subparagraph) follow the consistent practice of reducing salvage value as ordinary retirements occur by transfer of assets to supplies or scrap and of determining the basis (in the supplies or scrap account) as assets retired in an ordinary retirement by tranfer to supplies or scrap, in the following manner—

(a) The taxpayer may determine the value of the asset (not to exceed its unadjusted basis) by any reasonable method consistently applied (such as average cost, conditioned cost, or fair market value) if such method is adequately identified in the taxpayer's books and records.

(b) The value attributable to the asset determined in accordance with (a) of this subdivision shall be subtracted from the salvage value for the account (to the extent thereof) and the greater of (1) the amount subtracted from the salvage value for the vintage account and (2) the value of the asset determined in accordance with (a) of this subdivision, shall be added to the reserve for depreciation of the vintage account.

(c) The amount added to the reserve for depreciation of the vintage account in accordance with (b) of this subdivision shall be treated as the basis of the retired asset in the supplies or scrap account.

If the taxpayer makes the adjustments in accordance with this subdivision, the reserve for depreciation of the vintage account may exceed the unadjusted basis of the account, and in that event gain will be recognized in accordance with subdivision (ix) of this subparagraph.

(ix) *Recognition of gain or loss in certain situations.* (a) In the case of a vintage account for section 1245 property, if at the end of any taxable year after adjustment for depreciation allowable for such taxable year and all other adjustments prescribed by this section, the depreciation reserve established for such account exceeds the unadjusted basis of the account, the entire amount of such excess shall be recognized as gain in such taxable year. Such gain—

(1) Shall constitute gain to which section 1245 applies to the extent that it does not exceed the total amount of depreciation allowances in the depreciation reserve at the end of such taxable year, reduced by gain recognized pursuant to this subdivision with respect to the account previously treated as gain to which section 1245 applies, and

(2) May constitute gain to which section 1231 applies to the extent that it exceeds such total amount as so reduced.

In such event, the depreciation reserve shall be reduced by the amount of gain recognized, so that after such reduction the amount of the depreciation reserve is equal to the unadjusted basis of the account.

(b) In the case of an account for section 1245 property, if at the time the last asset in the vintage account is retired the unadjusted basis of the account exceeds the depreciation reserve for the account (after all adjustments prescribed by this section), the entire amount of such excess shall be recognized in such taxable year as a loss under section 165 or as a deduction for depreciation under section 167. If the retirement of such asset occurs by sale or exchange on which gain or loss is recognized, the amount of such excess may constitute a loss subject to section 1231. Upon retirement of the last asset in a vintage account, the account shall terminate and no longer be an account to which this section applies. See subdivision (xi) of this subparagraph for treatment of certain multiple asset and item accounts.

(c) The principles of this subdivision may be illustrated by the following example:

Example. The taxpayer has a vintage account for section 1245 property with an unadjusted basis of $1,000 and a depreciation reserve of $700 (of which $600 represents depreciation allowances and $100 represents the proceeds of ordinary retirements from the account). If $500 is realized during the taxable year from ordinary retirements of assets from the account, the reserve is increased to $1,200, gain is recognized to the extent of $200 (the amount by which the depreciation reserve before further adjustment exceeds $1,000) and the depreciation reserve is then decreased to $1,000. The $200 of gain constitutes gain to which section 1245 applies. If the amount realized from ordinary retirements during the year had been $1,100 instead of $500, the gain of $800 would have consisted of $600 of gain to which section 1245 applies and $200 of gain to which section 1231 may apply.

(x) *Dismantling cost.* The cost of dismantling, demolishing, or removing an asset in the process of a retirement from the vintage account shall be treated as an expense deductible in the year paid or incurred, and such cost shall not be subtracted from the depreciation reserve for the account.

(xi) *Special rule for treatment of multiple asset and item accounts.* For the purposes of subdivision (ix) (b) of this subparagraph, all accounts (other than a special basis vintage account as described in subdivision (vi) of this subparagraph) of the same vintage in the same asset guideline class for which the taxpayer has selected the same asset depreciation period and adopted the same method of depreciation, and which contain only section 1245 property permitted by paragraph (b) (3) (ii) of this section to be included in the same vintage account, shall be treated as a single multiple asset vintage account.

(4) *Examples.* The principles of this paragraph may be illustrated by the following examples:

Example (1). (a) Taxpayer A has a multiple asset vintage account for section 1245 property with an unadjusted basis of $1,000. All the assets were first placed in service by A on January 15, 1971. This account contains all of A's assets in a single asset guideline class. A elects to apply this section for 1971 and adopts the modified half-year convention. A estimates a salvage value for the account of $100 and this estimate is determined to be reasonable. (See subparagraph (1) (v) of this paragraph for limitation on adjustment of reasonable salvage value.) A adopts the straight line method of depreciation with respect to the account and selects a 10-year asset depreciation period. A does not follow a practice of reducing the salvage value for the account in the amount of salvage value attributable to each retired asset in accordance with subparagraph (3) (vii) of this paragraph. The depreciation allowance for each of the first 4 years is $100, that is 1/10 multiplied by the unadjusted basis of $1,000, without reduction for salvage.

(b) In the fifth year of the asset depreciation period, three assets are sold in an ordinary retirement for $300. Under paragraph (c) (1) (ii) of this section and subparagraph (3) (iii) of this paragraph, the proceeds of the retirement are added to the depreciation reserve as of the beginning of the fifth year. Accordingly, the reserve as of the beginning of the fifth year is $700, that is, $400 of depreciation as of the beginning of the year plus $300 proceeds from ordinary retirements. The depreciation allowance for the fifth year is $100, that is 1/10 multiplied by the unadjusted basis of $1,000, without reduction for salvage. Accordingly, the depreciation reserve at the end of the fifth year is $800.

(c) In the sixth year, asset X is sold in an extraordinary retirement for $30 and gain or loss is recognized. Under the first-year convention used by the taxpayer, the unadjusted basis of X, $300, is removed from the unadjusted basis of the vintage account as of the beginning of the sixth year and the depreciation reserve as of the beginning of such year is reduced to $650 by removing the depreciation applicabe to asset X, $150 (see subparagraph (3) (iv) of this paragraph). Since the depreciation reserve ($650) exceeds the unadjusted basis of the account ($700) minus salvage value ($100) by $50, under subparagraph (3) (iii) of this paragraph, salvage value is reduced by $50. No depreciation is allowable for the sixth year.

(d) In the seventh year, an asset is sold in an ordinary retirement for $110. This would increase the reserve as of the beginning of the seventh year to $760 and under subparagraph (3) (iii) of this paragraph the salvage value is reduced to zero. Under subparagraph (3) (ix) (a) of this paragraph the depreciation reserve is then decreased to $700 (the unadjusted basis of the account) and $60 is reported as gain, without regard to the adjusted basis of the asset. No depreciation is allowable for the seventh year since the depreciation reserve ($700) equals the unadjusted basis of the account ($700).

(e) (1) In the eighth year, A elects to apply this section and to treat expenditures during the year for repair, maintenance, rehabilitation or improvement under subparagraph (2) (iii) and (iv) (a) of this paragraph (the "guideline class repair allowance"). This results in the treatment of $300 as a property improvement for the asset guideline class. (See subparagraph (2) (vii) of this paragraph for definition of a property improvement.) The property improvement is capitalized in a special basis vintage account of the eighth taxable year (see subparagraph (2) (viii) (a) of this paragraph). A selects an asset depreciation period of 10 years and adopts the straight line method for the special basis vintage account. A adopts the modified half-year convention for the eighth year.

(2) In the eighth year, A sells asset Y in an ordinary retirement for $175. Under paragraph (c) (1) (ii) of this section and subparagraph (3) (iii) of this paragraph, $175 is added to the depreciation reserve for the account as of the beginning of the taxable year. Since the depreciation reserve for the account ($875) exceeds the unadjusted basis of the account ($700) by $175, that amount of gain is recognized under subparagraph (3) (ix) of this paragraph. Upon recognition of gain in the amount of $175, the depreciation reserve for the account is reduced to $700.

(3) No depreciation is allowable in the eighth year for the vintage account since the depreciation reserve ($700) equals the unadjusted basis of the account ($700). The depreciation allowable in the eighth year for the special basis vintage account is $15, that is, unadjusted basis of $300, multiplied by 1/10, the asset depreciation period selected for the special basis vintage account, but limited to $15 under the modified half-year convention. (See paragraph (e) (1) (iv) of this section for treatment of $150 of the property improvement as first placed in service in the first half of the taxable year and $150 of the property improvement as first placed in service in the last half of the taxable year.)

Example (2). Taxpayer B has a 1971 multiple asset vintage account for section 1245 property with an unadjusted basis of $100,000. B selects from the asset depreciation range an asset depreciation period of 10 years and adopts the straight line method of depreciation and the modified half-year convention. B establishes a salvage value for the account of $10,000. All the assets in the account are first placed in service on January 15, 1971. B follows the practice of reducing salvage value for the account as ordinary retirements occur in accordance with subparagraph (3) (vii) of this paragraph, but does not follow the optional practice of determining the basis of assets transferred to supplies or scrap in accordance with subparagraph (8) (viii) of this paragraph. No retirements occur during the first five years. The depreciation reserve at the beginning of the sixth year is $50,000. In the sixth year an asset with an unadjusted basis of $20,000 is transferred to supplies in an ordinary retirement. By application of subparagraph (3) (vii) (c) and (d) (2) of this paragraph B determines the reduction in salvage value for the account attributable to such asset to be

$$\$2{,}000 \text{ (that is, } \frac{\$20{,}000}{100{,}000} \times \$10{,}000 = \$2{,}000\text{).}$$

B reduces the salvage value for the account by $2,000 and adds $2,000 to the depreciation reserve for the account. The basis of the retired asset in the supplies account is $2,000. The depreciation allowable for the account for the sixth year is $10,000. The depreciation reserve for the account at the beginning of the seventh year is $62,000. At the mid-point of the seventh year all the remaining assets in the account are sold in an ordinary retirement for $20,000, which is added to the depreciation reserve as of the beginning of the seventh year, thus increasing the reserve to $82,000. The $5,000 depreciation allowable for the account for the seventh year (one-half of a full-year's depreciation of $10,000) increases the depreciation reserve to $87,000. Under subparagraph (3) (ix) (b) of this paragraph, a loss of $13,000 subject to section 1231 is realized in the seventh year (that is, the excess of the unadjusted basis of $100,000 over the depreciation reserve of $87,000). No depreciation is allowable for the account after the mid-point of the seventh year since all the assets are retired and the account has terminated.

(e) *Accounting for eligible property*—(1) *Definition of first placed in service*—(i) *In general.* The term "first placed in service" refers to the time the property is first placed in service by the taxpayer, not to the first time the property is placed in service. Property is "first placed in service" when first placed in a condition or state of readiness and availability for a specifically assigned function, whether in the taxpayer's trade or business, in the production of income, in a tax-exempt activity, or in a personal activity. The provisions of paragraph (d) (1) (ii) and (2) of § 1.46-3 shall apply for the purpose of determining the date on which property is first placed in service. See subdivision (ii) of this subparagraph for special rule for certain replacement parts. The date on which depreciation begins under a convention used by the taxpayer or under a particular method of depreciation, such as the unit of production method or the retirement method, shall not determine the date on which the property is first placed in service. See paragraph (c) (2) of this section for application of a first-year convention to determine the allowance for depreciation of property in a vintage account.

(ii) *Certain replacement parts.* Property (such as replacement parts) the cost or other basis of which is deducted as a repair expense in accordance with the asset guideline repair allowance described in paragraph (d) (2) (iii) of this section shall not be treated as placed in service.

(iii) *Property improvements and excluded additions.* (a) Except as provided in (b) of this subdivision, a property improvement determined under paragraph (d) (2) (vii) (b) of this section, and an excluded addition (other than an excluded addition referred to in the succeeding sentence) is first placed in service when its cost is paid or incurred. The general rule in subdivision (i) of this subparagraph applies to an excluded addition described in paragraph (d) (2) (vi) (d), (e), (f), or (g) of this section.

(b) If a property improvement or an excluded addition to which the first sentence of (a) of this subdivision applies is paid or incurred in part in one taxable year and in part in the succeeding taxable year (or in part in the first half of a taxable year and in part in the last half of the taxable year) the taxpayer may at his option consistently treat such property improvements and excluded additions under the general rule in subdivision (i) of this subparagraph.

(iv) *Certain property improvements.* In the case of an amount of property improvement determined under paragraph (d) (2) (vii) (a) of this section, one-half of such amount is first placed in service in the first half of the taxable year in which the cost is paid or incurred and one-half is first placed in service in the last half of such taxable year.

(v) *Special rules for clearing accounts.* In the case of public utilities which consistently account for certain property through "clearing accounts," the date on which such property is first placed in service shall be determined in accordance with rules to be prescribed by the Commissioner.

(2) *Special rules for transferred property.* If eligible property is first placed in service by the taxpayer during a taxable year of election, and the property is disposed of before the end of the taxable year, the election for such taxable year shall include such property unless such property is excluded in accordance with paragraph (b) (5) (iii), (iv), (v), (vi), or (vii) of this section.

(3) *Special rules in the case of certain transfers*—(i) *Transaction to which section 381 (a) applies.* (a) In general the acquiring corporation in a transaction to which section 381 (a) applies is for the purposes of this section treated as if it were the distributor or transferor corporation.

(b) If the distributor or transferor corporation (including any distributor or transferor corporation of any distributor or transferor corporation) has made an election to apply this section to eligible property transferred in a transaction to which section 381 (a) applies, the acquiring corporation must segregate such eligible property (to which the distributor or transferor corporation elected to apply this section) into vintage accounts as nearly coextensive as possible with the vintage accounts created by the distributor or transferor corporation identified by reference to the year the property was first placed in service by the distributor or transferor corporation. The asset depreciation period for the vintage account in the hands of the distributor or transferor corporation must be used by the acquiring corporation. The method of depreciation adopted by the distributor or transferor corporation, shall be used by the acquiring corporation unless such corporation obtains the consent of the Commissioner to use another method of depreciation in accordance with paragraph (e) of § 1.446-1 or changes the method of depreciation under paragraph (c) (1) (iii) of this section.

(c) The acquiring corporation may apply this section to the property so acquired only if the distributor or transferor corporation elected to apply this section to such property.

(d) See paragraph (b) (7) of this section for special rule for certain property where there is a mere change in the form of conducting a trade or business.

(ii) *Partnerships, trusts, estates, donees, and corporations.* Except as pro-

V37I18 JAN27 72 XUM

vided in subdivision (i) of this subparagraph with respect to transactions to which section 381(a) applies, if eligible property is placed in service by an individual, trust, estate, partnership or corporation, the election to apply this section shall be made by the individual, trust, estate, partnership or corporation placing such property in service. For example, if a partnership places in service property contributed to the partnership by a partner, the partnership may elect to apply this section to such property. If the partnership does not make the election, this section will not apply to such property. See paragraph (b)(7) of this section for special rule for certain property where there is mere change in the form of conducting a trade or business.

(iii) *Leased property.* The asset depreciation range and the asset depreciation period for eligible property subject to a lease shall be determined without regard to the period for which such property is leased, including any extensions or renewals of such period. See paragraph (b)(5)(v) of this section for exclusion of property amortized under paragraph (b) of § 1.162–11 from an election to apply this section. In the case of a lessor of property, unless there is an asset guideline class in effect for lessors of such property, the asset guideline class for such property shall be determined as if the property were owned by the lessee. See paragraph (b)(4)(iii) (b) of this section for general rule for classification of property according to primary use.

(f) *Election with respect to eligible property*—(1) *Time and manner of election*—(i) *In general.* An election to apply this section to eligible property shall be made with the income tax return filed for the taxable year in which the property is first placed in service (see paragraph (e)(1) of this section) by the taxpayer. An election to compute the allowance for depreciation under this section is a method of accounting but the consent of the Commissioner will be deemed granted to make an annual election. For election by a partnership see section 703 (b) and paragraph (e)(3)(ii) of this section. If the taxpayer does not file a timely return (taking into account extensions of the time for filing) for the taxable year in which the property is first placed in service, the election shall be filed at the time the taxpayer files his first return for that year. The election may be made with an amended return only if such amended return is filed no later than the later of (*a*) the time prescribed by law (including extensions thereof) for filing the return for the taxable year of election, or (*b*) 120 days after final regulations under this section are published in the FEDERAL REGISTER. If an election is not made within the time and in the manner prescribed in this paragraph, no election may be made for such taxable year (by the filing of an amended return or in any other manner) with respect to any eligible property placed in service in the taxable year.

(ii) *Other elections under this section.* All other elections under this section may be made only within the time and in the manner prescribed by subdivision (i) of this subparagraph with respect to an election to apply this section.

(2) *Information required.* The election under this section must specify:

(i) That the taxpayer makes such election and consents to, and agrees to apply, all the provisions of this section;

(ii) The asset guideline class for each vintage account of the taxable year;

(iii) The asset depreciation period selected by the taxpayer for each vintage account;

(iv) The first-year convention adopted by the taxpayer for the taxable year of election and (if the taxpayer applies the modified half-year convention), the total cost or other basis of all eligible property first placed in service in the first half of the taxable year and the total cost or other basis of all eligible property first placed in service in the last half of the taxable year;

(v) The unadjusted basis and salvage value for each vintage account, and the amount, if any, by which gross salvage value was decreased under section 167(f).

(vi) Whether the special 10 percent used property rule described in paragraph (b)(5)(iii) of this section has been applied to exclude used property from the election and, if so, the unadjusted basis of the used property first placed in service during the taxable year;

(vii) Each asset guideline class for which the taxpayer elects to apply the asset guideline class repair allowance described in paragraph (d)(2)(iii) of this section. the amount of property improvement for each such class determined under paragraph (d)(2)(vii)(*a*) of this section, and whether or not the taxpayer elects for the taxable year to allocate the unadjusted basis of a special basis vintage account for the taxable year in accordance with paragraph (d)(3)(vi) of this section;

(viii) A reasonable description of any eligible property for which the taxpayer was not required or permitted to make an election because of the special rules of paragraph (b)(5)(v), (vi), or (vii) or (6), or (e)(3)(i) of this section;

(ix) A reasonable description of all "section 38 property" excluded under paragraph (b)(5)(iv) of this section from the election to apply this section; and

(x) Such other information as may reasonably be required. (See paragraph (b)(4)(iii)(*a*) of this section for special election by certain public utilities.)

Forms will be provided for making an election and for submission of the information required. An election may be made and the information submitted only in accordance with such forms. An election to apply this section will not otherwise be rendered invalid under this subparagraph so long as there is substantial compliance, in good faith, with the requirements of this subparagraph.

(3) *Irrevocable election.* An election to apply this section to eligible property for any taxable year may not be revoked or changed after the time for filing the election prescribed under subparagraph (1) of this paragraph has expired. No other election under this section may be revoked or changed after such time unless expressly provided for under this section. (See paragraph (b)(5)(v)(*b*) of this section for special rule.)

(4) *Special condition to election to apply this section*—(i) *In general.* The taxpayer may not elect to apply this section for a taxable year unless he files, within the time prescribed in subparagraph (1)(i) of this paragraph for an election to apply this section, the information required by subdivision (ii) of this subparagraph, in the form and manner prescribed by the Commissioner.

(ii) *Special information required.* The taxpayer shall file the following information with respect to each asset guideline class for the taxable year for which the taxpayer elects to apply this section—

(*a*) The total unadjusted basis of all assets retired during the taxable year from each vintage account of each asset guideline class, and the proceeds realized during the taxable year from the retirement of such assets;

(*b*) A general description, in reasonable asset groupings, of all assets retired from each vintage account of each asset guideline class during the taxable year;

(*c*) The vintage (that is, the taxable year in which established) of each vintage account from which assets were retired during the taxable year, associated with the information required in (*a*) and (*b*) of this subdivision so as to identify the age of the assets retired;

(*d*) A reasonable description of the reasons for and manner of the retirement of the assets, in reasonable asset groupings in accordance with (*b*) of this subdivision (that is, by sale or exchange, casualty, abandonment, or transfer to scrap);

(*e*) Such reasonable information with respect to expenditures for the repair, maintenance, rehabilitation or improvement of assets as shall be prescribed by the Commissioner; and

(*f*) Such other information required by subparagraph (2) of this paragraph as may be prescribed by the Commissioner.

A retirement of an asset by transfer to a supplies account for reuse shall not be included in the information required by this subparagraph. Forms will be provided for submission of the information required. The information may be submitted only in accordance with such forms. An election to apply this section will not otherwise be rendered invalid under this subparagraph so long as there is substantial compliance, in good faith, with the requirements of this subparagraph.

(g) *Relationship to other provisions*—(1) *Useful life*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, an election to apply this section to eligible property constitutes an agreement under section 167(d) and this section to treat the asset depreciation period for each vintage account as the useful life of the property in such account for all purposes of the

Code, including sections 46, 47, 48, 57, 163(d), 167(c), 167(f)(2), 179, 312(m), 514(a), and 4940(c). For example, since section 167(c) requires a useful life of at least 3 years and the asset depreciation period selected is treated as the useful life for purposes of section 167(c), the taxpayer may adopt a method of depreciation described in section 167(b)(2) or (3) for an account only if the asset depreciation period selected for the account is at least 3 years.

(ii) *Special rules.* (*a*) For the purposes of paragraph (d) of this section, the anticipated period of use (estimated at the close of the taxable year in which the asset is first placed in service) on the basis of which salvage value is estimated, shall be determined without regard to the asset depreciation period for the property.

(*b*) For the purposes of sections 162 and 263 and the regulations thereunder, whether an expenditure prolongs the life of an asset shall be determined on the basis of the anticipated period of use of the asset (estimated at the close of the taxable year in which the asset is first placed in service) without regard to the asset depreciation period for such asset.

(*c*) The determination whether a transaction with respect to qualified property constitutes a sale or a lease of such property shall be made without regard to the asset depreciation period for the property.

(*d*) The principles of this subdivision may be illustrated by the following example:

Example. Corporation X has assets in asset guideline class 32.3 which are used in the manufacture of stone and clay products. The asset depreciation range for assets in asset guideline class 32.3 is from 12 to 18 years. Assume that corporation X selects 14 years as the asset depreciation period for all assets in asset guideline class 32.3. Under paragraph (d)(1)(i) of this section, corporation X must estimate salvage value on the basis of the anticipated period of use of the property (determined as of the close of the taxable year in which the property is first placed in service). The anticipated period of use must also be used for purposes of sections 162 and 263 in determining whether an expenditure materially prolongs the useful life of an asset. The anticipated period of use of an asset is determined without regard to the asset depreciation period of 14 years. Corporation X has, among other assets in the asset guideline class, machines A, B, and C. Corporation X estimates the anticipated period of use of machines A, B, and C as 8 years, 14 years, and 22 years, respectively. These estimates are reasonable and will be used for estimating salvage value and for purposes of sections 162 and 263.

(2) *Section 167(d) agreements.* If the taxpayer has, prior to January 1, 1971, entered into a section 167(d) agreement which applies to any eligible property, the taxpayer will be permitted to withdraw the eligible property from the agreement provided that an election is made to apply this section to such property. The statement of intent to withdraw eligible property from such an agreement must be made in an election filed for the taxable year in which the property is first placed in service. The withdrawal, in accordance with this subparagraph, of any eligible property from a section 167(d) agreement shall not affect any other property covered by such an agreement.

(3) *Relationship to the straight line method*—(i) *In general.* For purposes of determining the amount of depreciation which would be allowable under the straight line method of depreciation, such amount shall be computed with respect to any property in a vintage account using the straight line method in the manner described in paragraph (c)(1)(i) of this section and a rate based upon the period for the vintage account selected from the asset depreciation range. Thus, for example, section 57(a)(3) requires a taxpayer to compute an amount using the straight line method of depreciation if the taxpayer uses an accelerated method of depreciation. For purposes of section 57(a)(3), the amount for property in a vintage account shall be computed using the asset depreciation period for the vintage account selected from the asset depreciation range. In the case of property to which the taxpayer does not elect to apply this section, such amount computed by using the straight line method shall be determined under § 1.167(b)–1 without regard to this section.

(ii) *Examples.* The principles of this subparagraph may be illustrated by the following example:

Example. (*a*) Corporation X places a new asset in service to which it elects to apply this section. The cost of the asset is $200,000 and the estimated salvage value is zero. The taxpayer selects 9 years from the applicable asset depreciation range of 8 to 12 years. Corporation X adopts the double declining balance method of depreciation and thus the rate of depreciation is 22.2 percent (twice the applicable straight line rate). The depreciation allowance in the first year would be $44,400, that is, 22.2 percent of $200,000.

(*b*) Assume that the provisions of section 57(a)(3) apply to the property. The amount of the tax preference would be $22,200, that is, the excess of the depreciation allowed under this section ($44,400) over the depreciation which would have been allowable if the taxpayer had used the period selected from the asset depreciation range and the straight line rate ($22,200).

PAR. 60. The following new sections are added immediately before § 1.168 to read as follows:

§ 1.167(m) Statutory provisions; depreciation; class lives.

SEC. 167. *Depreciation.* • • •

(m) *Class lives*—(1) *In general.* In the case of a taxpayer who has made an election under this subsection for the taxable year, the term "reasonable allowance" as used in subsection (a) means (with respect to property which is placed in service during the taxable year and which is included in any class for which a class life has been prescribed) only an allowance based on the class life prescribed by the Secretary or his delegate which reasonably reflects the anticipated useful life of that class of property to the industry or other group. The allowance so prescribed may (under regulations prescribed by the Secretary or his delegate) permit a variance from any class life by not more than 20 percent (rounded to the nearest half year) of such life.

(2) *Certain first-year conventions not permitted.* No convention with respect to the time at which assets are deemed placed in service shall be permitted under this section which generally would provide greater depreciation allowances during the taxable year in which the assets are placed in service than would be permitted if all assets were placed in service ratably throughout the year and if depreciation allowances were computed without regard to any convention.

(3) *Making of election.* An election under this subsection for any taxable year shall be made at such time, in such manner, and subject to such conditions as may be prescribed by the Secretary or his delegate by regulations.

[Sec. 167(m), as added by sec. 109, Revenue Act of 1971 (85 Stat. 506)]

§ 1.167(m)–1 Class lives.

(a) For rules regarding the election to use the class life system authorized by section 167(m), see the provisions of § 1.167(a)–11.

PAR. 61. The following new sections are added immediately before § 1.264, to read as follows:

§ 1.263(f) Statutory provisions; capital expenditures; reasonable repair allowance.

SEC. 263. *Capital expenditurres.* • • •

(f) *Reasonable repair allowance.* The Secretary or his delegate may by regulations provide that the taxpayer may make an election under which amounts representing either repair expenses or specified repair, rehabilitation, or improvement expenditures for any class of depreciable property—

(1) Are allowable as a deduction under section 162 or 212 (whichever is appropriate) to the extent of the repair allowance for that class, and

(2) To the extent such amounts exceed for the taxable year such repair allowance, are chargeable to capital account.

Any allowance prescribed under this subsection shall reasonably reflect the anticipated repair experience of the class of property in the industry or other group.

[Sec. 263(f), as added by sec. 109, Revenue Act of 1971 (85 Stat. 508)]

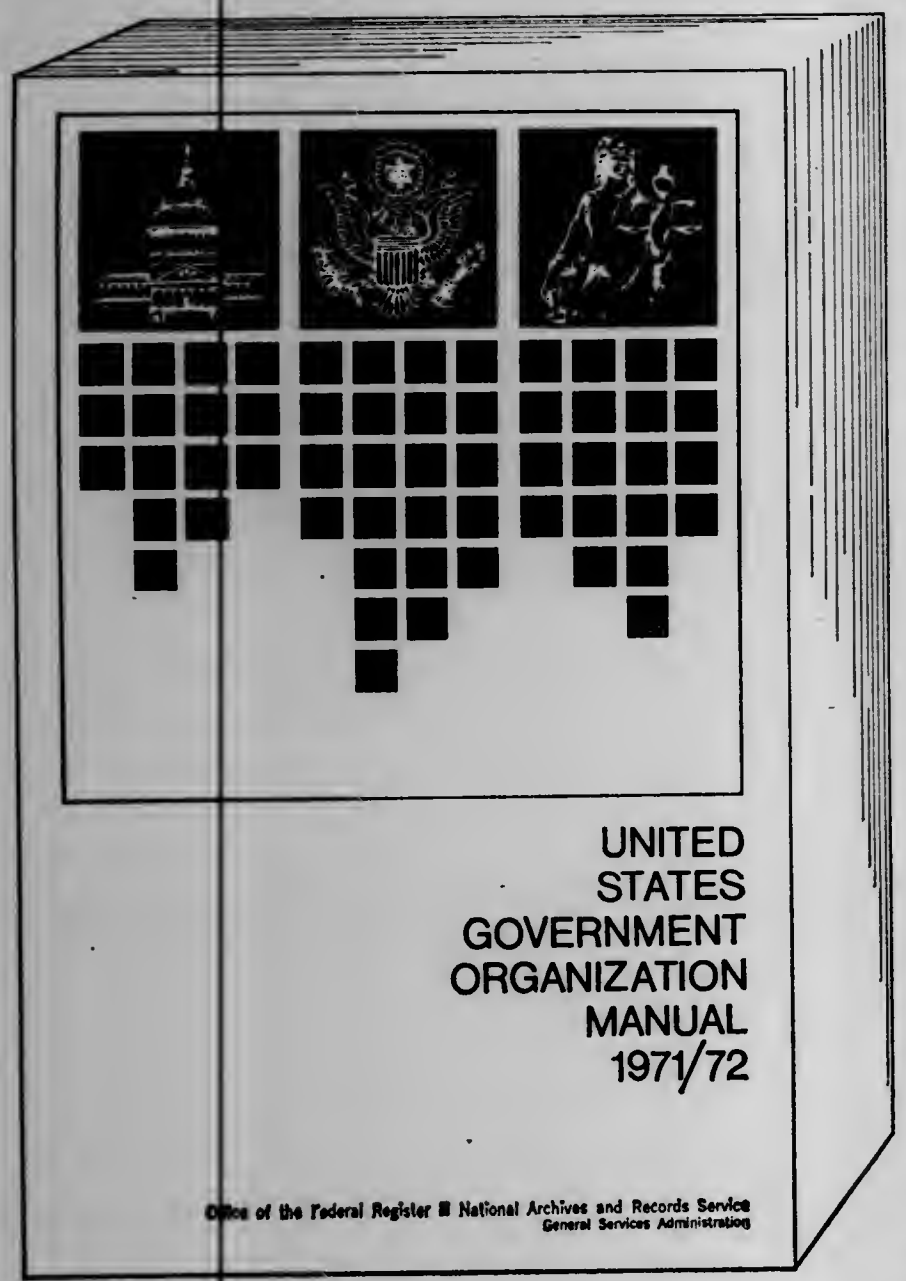
§ 1.263(f)–1 Reasonable repair allowance.

(a) For rules regarding the election of the repair allowance authorized by section 263(f), the definition of repair allowance property, and the conditions under which an election may be made, see paragraphs (d)(2) and (f)(5)(*e*) of § 1.167(a)–11. An election may be made under this section for a taxable year only if the taxpayer makes an election under § 1.167(a)–11 for such taxable year.

[FR Doc.72–1279 Filed 1–26–72;8:52 am]

V37118 JAN 27 72 XUM

Know your Government...



The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

FRIDAY, JANUARY 28, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 19

Pages 1351–1445

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ECONOMIC STABILIZATION—
IRS notices on Price Commission rulings concerning display of base prices and other matters (5 documents) 1411, 1412
IRS notice on Cost of Living Council and Price Commission ruling relating to new services 1411
Price Commission rule on rent stabilization; effective 12–29–71 1357

FEDERAL EMPLOYEES HEALTH BENEFITS—CSC amendments to regulations 1357

FOREIGN DIRECT INVESTMENT—Commerce Dept. miscellaneous amendments 1360

NATIONAL PARKS—
Interior Dept. rule concerning travel on national scenic trails 1362
Interior Dept. proposed amendments to alcohol and drug regulations; comments within 30 days 1365

MESITYL OXIDE—EPA exemption from tolerance for residues requirements for certain uses; effective 1–28–72 1362

MOTOR VEHICLE SAFETY—DoT rule on manufacturer's identification of production items; effective 2–1–72 1364

LETTUCE—USDA decision on proposed marketing agreement and order 1365

MILK—USDA proposed amendments to marketing agreements and orders 1388

(Continued inside)

V37 ■ 19
JAN 28 72
XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1972)

Title 6—Economic Stabilization $0.35
Title 25—Indians 1.75
Title 26—Internal Revenue (Parts 30–39) 1.50

[A Cumulative checklist of CFR issuances for 1972 appears in the first issue of the Federal Register each month under Title 1]

**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**

FEDERAL REGISTER
Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGH DENSITY TRAFFIC AIRPORTS—FAA proposed amendment; comments by 2–28–72 1410

NUCLEAR POWER—AEC notice of hearing on 2–23–72 on effluents from certain reactors 1410

HAZARDOUS AIR POLLUTANTS—EPA cancellation of public hearing on national emission standards 1410

PUBLIC LANDS—Interior Dept. notice on certain California sites 1412

COAL CONVERSION PROJECT—Interior Dept. notice of environmental statement 1415

COTTON TEXTILES—Interagency Textile Administrative Comm. notice on visa requirement for products from Mexico 1419

DRY MILK PLANT INSPECTION—USDA memo of understanding with FDA 1415

LABOR-MANAGEMENT RELATIONS—FHLBB establishment of procedures; effective 1–20–72 1423

ENVIRONMENT—
Interior Dept. notice on statement preparation by Office of Coal Research 1414
NASA notice on statement availability 1429

MINIMUM WAGES—Labor Dept. new determinations for Federal and federally assisted construction in certain localities 1430

TELECOMMUNICATIONS—FCC notices on domestic public radio services applications and on new Dominican Republic broadcasting stations (2 documents) 1419

Contents

AGRICULTURE DEPARTMENT
See Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION
Proposed Rule Making
Licensing of production and utilization facilities; hearing regarding effluents from light water-cooled nuclear power reactors 1410
Notices
General Electric Co. and Southwest Atomic Energy Associates; order extending provisional operating license expiration date 1416

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
American Airlines, Inc., et al 1416
Detroit-Nashville nonstop investigation 1417
Domestic trunkline and local service carriers 1417
Modern Air Transport, Inc., and GAC Corp 1417
New England service investigation 1418
Reopened Washington/Baltimore helicopter service investigation 1418

CIVIL SERVICE COMMISSION
Rules and Regulations
Federal employees health benefits program; extension of open season for annuitants 1357

COAL RESEARCH OFFICE
Notices
Environmental statements; issuance of directives regarding preparation 1414

COMMERCE DEPARTMENT
See Foreign Direct Investments Office; National Oceanic and Atmospheric Administration.

CONSUMER AND MARKETING SERVICE
Proposed Rule Making
Marketing agreements and orders:
Lettuce grown in California, Arizona, Colorado, New Mexico, and designated part of Texas 1365
Milk in Boston regional and certain other marketing areas 1388
Notices
Inspection of dry milk plants; memorandum of understanding 1415

EMERGENCY PREPAREDNESS OFFICE
Notices
Casey, Thomas R.; appointment as Federal Coordinating Officer (2 documents) 1429

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and federally assisted construction; modification to area determination decisions for specified localities in certain States 1430

ENVIRONMENTAL PROTECTION AGENCY
Rules and Regulations
Mesityl oxide; exemption from tolerance 1362
Proposed Rule Making
National emission standards for hazardous air pollutants; cancellation of public hearing 1410

FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
Airworthiness directives; Cessna airplanes 1357
Control zone; revocation 1359
Control zones and transition areas:
Alterations (4 documents) 1358, 1359
Designation and alteration 1359
Transition areas:
Alteration 1360
Designations (3 documents) 1360
Proposed Rule Making
Control zones and transition areas; alterations (2 documents) 1408, 1409
O'Hare International Airport, Chicago, Ill.; increase in IFR operations per hour 1410
Transition areas:
Alterations (2 documents) 1407, 1408
Designations (2 documents) 1409

FEDERAL COMMUNICATIONS COMMISSION
Notices
Common carrier services information; domestic public radio services applications accepted for filing 1419
Dominican Republic standard broadcast stations; change list 1419

(Continued on next page)

V 37 19 JAN 28 72 XUM

FEDERAL HOME LOAN BANK BOARD

Notices

Labor-management relations; establishment of procedures 1423

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Panhandle Producing Co. et al 1425
Wynn, R. C., et al 1426

FEDERAL RESERVE SYSTEM

Notices

Acquisition of banks:
BancOhio Corp 1427
First Financial Corp 1427
Formation of bank holding companies:
Casco-Northern Corp 1427
First Financial Group, Inc 1427
NCNB Corp.; proposed acquisition of C. Douglas Wilson & Co 1427
National Bancshares Corporation of Texas; order approving formation of bank holding company 1428

FOREIGN DIRECT INVESTMENTS OFFICE

Rules and Regulations

Foreign direct investment; miscellaneous amendments 1360

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Small business concerns; size standards, definitions, and set-asides 1363

Notices

Secretary of Defense; authority delegation 1428

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Cotton textiles and products produced or manufactured in Mexico; visa requirement, entry or withdrawal from warehouse for consumption 1419

INTERIOR DEPARTMENT

See also Coal Research Office; Land Management Bureau; National Park Service.

Notices

Proposed coal gasification pilot plant; availability of draft environmental statement 1415

INTERNAL REVENUE SERVICE

Notices

Certain revolving credit programs as new services; Cost of Living Council and Price Commission ruling 1411
Price Commission rulings:
Investigation of profit margin calculation 1412
Posting base prices; automobile dealers 1411
Posting pharmaceutical prices 1412
Prominent display of base price 1411
Sales of certain processed livestock feed 1411

INTERSTATE COMMERCE COMMISSION

Notices

Assignments of hearings 1440
Fourth section application for relief 1440
Motor carriers:
Temporary authority applications 1440
Transfer proceedings 1442

LABOR DEPARTMENT

See Employment Standards Administration; Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Notices

California; order providing for opening of public lands 1412
Montana; proposed withdrawal and reservation of lands 1413

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Goddard Space Flight Center; final environmental impact statement; public notice regarding availability 1429

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules and Regulations

Manufacturer identification; incomplete vehicles 1364

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Pomilia, Vito and Victor G.; loan application 1415

NATIONAL PARK SERVICE

Rules and Regulations

Travel on national scenic trails and other trails 1362

Proposed Rule Making

Public use and recreation in national parks; possession and use of drugs and alcohol 1365

Notices

Notice of intention to extend concession contracts:
Glacier National Park 1413
National Capital Parks 1413

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Advisory Committee on Asbestos Standards; establishment and hearing 1440

PANAMA CANAL

Notices

Canal Zone Postal Service; postage rates and fees 1429

PRICE COMMISSION

Rules and Regulations

Rent stabilization; clarification 1357

TARIFF COMMISSION

Notices

Sphygmomanometers; notice of finding 1429

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR

890 1357

6 CFR

301 1357

7 CFR

PROPOSED RULES:

Ch. IX 1365
1001 1388
1002 1388
1004 1388
1006 1388
1007 1388
1011 1388
1012 1388
1013 1388
1015 1388
1030 1388
1032 1388
1033 1388
1036 1388
1040 1388
1043 1388
1044 1388
1046 1388
1049 1388
1050 1388
1060 1388
1061 1388
1062 1388
1063 1388
1064 1388
1065 1388
1068 1388
1069 1388
1070 1388
1071 1388
1073 1388
1075 1388
1076 1388
1078 1388
1079 1388
1090 1388
1094 1388
1096 1388
1097 1388
1098 1388
1099 1388
1101 1388
1102 1388
1103 1388
1104 1388
1106 1388
1108 1388
1120 1388
1121 1388
1124 1388
1125 1388
1126 1388
1127 1388
1128 1388
1129 1388
1130 1388
1131 1388
1132 1388
1133 1388
1134 1388
1136 1388
1137 1388
1138 1388

10 CFR

PROPOSED RULES:

50 1410

14 CFR

39 1357
71 (10 documents) 1358–1360

PROPOSED RULES:

71 (6 documents) 1407–1409
93 1410

15 CFR

1000 1360

36 CFR

2 1362

PROPOSED RULES:

2 1365

40 CFR

180 1362

PROPOSED RULES:

61 1410

41 CFR

1–1 1363

49 CFR

566 1364

V37-19 JAN 28 72 XUM

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

Extension of Open Season for Annuitants

By virtue of the authority vested in the U.S. Civil Service Commission by 5 U.S.C. section 8913, the health benefits regulations are hereby amended to extend the open season for annuitants only (not for employees) from January 31 through February 29, 1972. The effective date of any open-season change in enrollment made by an annuitant through February 29, 1972, is the first day of his first pay period which begins in 1972.

These amendments to the health benefits regulations are made necessary because the recent extension of the open season to January 31, 1972, occurred too late to permit the Civil Service Commission to mail notice thereof to affected annuitants sufficiently prior to January 31 to afford them adequate opportunity to make an intelligent open-season decision. Since these amendments need to become effective no later than January 31, 1972, the Civil Service Commission has for good cause found that the urgency of publication makes notice and public procedure impracticable and contrary to the public interest.

Accordingly, effective immediately, the health benefits regulations are amended as set out below.

1. Section 890.301(d) is amended to read as follows:

§ 890.301 Opportunities to register to enroll and change enrollment.

* * * * *

(d) *Open season.* During the period November 15, 1971, through January 31, 1972, and the period November 15 through November 30 of each year thereafter beginning with 1972, an employee who is not registered to be enrolled may register to be enrolled, and an enrolled employee or annuitant may change his enrollment from one plan or option to another, or from self only to self and family, or both. An enrolled annuitant may also make such a change during the period February 1, 1972, through February 29, 1972.

* * * * *

2. Section 890.306(c) is amended to read as follows:

§ 890.306 Effective dates.

* * * * *

(c)(1) The effective date of a change in enrollment under § 890.301(d) is the first day of the first pay period which begins in January of the next following year, except that a change in enrollment for the open season for employees ending January 31, 1972, and for annuitants ending February 29, 1972, is effective on the first day of the first pay period which begins in 1972.

* * * * *

(5 U.S.C. Sec. 8913)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1326 Filed 1-27-72;8:52 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 301—RENT STABILIZATION

Clarification

The purpose of this clarification is to make clear that rent increases for rent controlled units subject to the control of a governmental authority under paragraph (b) (1) and (2) of § 301.106, which section applies to transactions pertaining to rent controlled units after December 1, 1971, are not subject to the procedures of Subpart F of Part 301, relating to rental increase procedures applicable to rental units not included within the coverage of § 301.106.

Because the purpose of this clarification is to provide immediate guidance and information as to the rent stabilization rules which became effective December 29, 1971, it is hereby found that notice and public procedure thereon is impractical and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order No. 11627, 36 F.R. 20139, Oct. 16, 1971; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, effective December 29, 1971, § 301.501 is amended by adding the following new sentence at the end thereof:

§ 301.501 General rule.

* * *. This subpart does not apply to rent increases for rent controlled units that are subject to the control of a governmental authority under paragraph (b) (1) and (2) of § 301.106.

Issued in Washington, D.C., on January 26, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.72-1373 Filed 1-26-72;3:56 pm]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-2-AD; Amdt. 39-1385]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models A150, 150, 172, 177, 182, 205, 206, 207, and 210 Airplanes

Amendment 39-1050 (35 F.R. 12059, 12060), as amended by Amendment 39-1104 (35 F.R. 17030), AD 70-15-16, applicable to Cessna Models A150, 150, 172, 177, 182, 205, 206, 207, and 210 airplanes is an Airworthiness Directive which requires repetitive inspections and servicing of the electrical flap actuators on these model airplanes in accordance with Cessna Service Letter SE70-16, Supplement 1, dated July 10, 1970, and Supplement 2, dated August 28, 1970. In addition, the AD requires at each annual inspection, or at least once every 12 calendar months, that the flap actuator on these model airplanes must be removed and serviced in accordance with the procedures described in Supplement 1 of the above-mentioned service letter.

Subsequent to the issuance of AD 70-15-16, as amended, the manufacturer has developed an improved flap system for these airplanes which eliminates any possibility of sudden flap retraction and insures positive operation of the electrical wing flap actuators. Cessna Service Letter SE72-2, dated January 21, 1972, provides for the modifications in service kits which includes parts and instructions. Accordingly, AD 70-15-16 is being further amended by adding a paragraph requiring on or before January 1, 1973, the modification of applicable aircraft in accordance with this service letter. When this installation has been accomplished the requirements for inspecting, removing, cleaning and relubricating the actuator jack screw as specified in paragraphs A, B, and C of the AD will no longer be required.

Due to these changes to AD 70-15-16 and to avoid unnecessary confusion, it is being superseded and reissued in its entirety.

Since this amendment is in part relaxatory in nature and is in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Adminstrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1050 as amended by Amendment 39-1104, AD

V37-19 JAN 28 72 XUM

70–15–16, is being superseded by a new AD which reads as follows:

CESSNA. Applies to the following airplanes:

Models:	Serial Numbers
150----	15061533 through 15072629.
F150---	F15000001 through F15000378.
A150---	A1500001 through A1500277.
FA150--	FA15000001 through FA15000161.
172----	17251823 through 17259904.
F172---	F17200086 through F17200804.
R172---	R17200001 through R17200494.
FR172--	FR17200001 through FR17200305.
177----	17700001 through 17701633.
177RG--	177RG0001 through 177RG0212.
F177RG	F177RG0001 through F177RG0042.
182----	18253599 through 18260698.
A182---	A18200001 through A18200136.
205----	205–0001 through 205–0577.
206----	2060001 through 2060275.
P206---	P20600001 through P20600647.
U206---	U20600276 through U20601673.
207----	20700001 through 20700205.
210----	21058221 through 21059470.
T210---	T2100001 through T2100454.

Compliance: Required as indicated, unless already accomplished.

To prevent inadvertent retraction of wing flap and to insure positive operation of the electrical wing flap actuators, accomplish the following:

(A) On all aircraft with more than 100 hours' time in service, within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the previous 75 hours' time in service, visually inspect the actuator jackscrew for condition of lubricant and presence of contamination and scale in accordance with the procedure described in Cessna Service Letter SE70–16, Supplement 1, dated July 10, 1970, or later FAA-approved revision. If any of the conditions prescribed in the inspection criteria are noted, prior to further flight, remove, clean, and relubricate the actuator jackscrew in accordance with Cessna Service Letter SE70–16, dated June 12, 1970, or later FAA-approved revision, or any equivalent procedure approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(B) On all aircraft with more than 500 hours' time in service, within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the previous 75 hours' time in service, remove, clean, and relubricate the actuator jackscrew in accordance with the procedure described in Cessna Service Letter SE70–16, dated June 12, 1970, or later FAA-approved revision, or any equivalent procedure approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(C) In addition, on all aircraft at each annual inspection or at intervals not to exceed 12 months, whichever occurs first, remove clean and relubricate the actuator jackscrew in accordance with the procedure described in Cessna Service Letter SE70–16, dated June 12, 1970, or later FAA-approved revision or any equivalent procedure approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(1) NOTE: Compliance with Paragraphs A, B, and C commenced on all applicable airplanes, except the Model A150, on July 28, 1970, and commenced on Model A150 airplanes on November 10, 1970.

(2) NOTE: Cessna Service Letter SE70–16, Supplement 2, dated August 28, 1970, specified some brand names of molybdenum disulfide grease.

(D) On or before January 1, 1973, modify the applicable aircraft in accordance with Cessna Service Letter SE72–2, dated January 21, 1972. Equivalent methods of compliance with this paragraph must be approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(E) Upon compliance with Paragraph D, the requirements of Paragraphs A, B, and C are no longer applicable.

NOTE: The agency recommends that the procedures for maintaining the flap system as specified in applicable Cessna service manuals be followed.

This amendment becomes effective February 1, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on January 20, 1972.

CHESTER W. WELLS,
Acting Director,
Central Region.

[FR Doc.72-1255 Filed 1-27-72;8:46 am]

[Airspace Docket No. 71-EA-154]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 22846 of the FEDERAL REGISTER for December 1, 1971, the Federal Aviation Administration published a proposed rule which would alter the Bluefield, W. Va., control zone (36 F.R. 2063) and transition area (36 F.R. 2156).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on January 17, 1972.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

1. Amend § 71.171 of the Federal Aviation Regulations so as to delete the description of the Bluefield, W. Va., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center, 37°-17'45" N., 81°12'29" W., of Mercer County Airport, Bluefield, W. Va.; within a 7.5-mile radius of the center of the airport, extending clockwise from a 079° bearing from the airport to a 125° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 170° bearing from the airport to a 239° bearing from the airport; within 3 miles each side of the Bluefield VORTAC 047° radial, extending from the 5.5-mile radius zone to 9.5 miles northeast of the VORTAC and within 4.5 miles each side of the Bluefield VORTAC 224° radial, extending from the 5.5-mile radius zone to 17 miles southwest of the VORTAC.

2. Amend § 71.181 of the Federal Aviation Regulations so as to delete the description of the Bluefield, W. Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 37°17'45" N., 81°12'29" W., of Mercer County Airport, Bluefield, W. Va.; within a 14.5-mile radius of the center of the airport, extending clockwise from a 078° bearing to a 113° bearing from the airport; within a 17-mile radius of the center of the airport, extending clockwise from a 113° bearing to a 195° bearing from the airport; within a 23.5-mile radius of the center of the airport, extending clockwise from a 195° bearing to a 248° bearing from the airport and within 3.5 miles each side of the Bluefield VORTAC 047° radial, extending from the 11-mile-radius area to 11 miles northeast of the VORTAC.

[FR Doc.72-1264 Filed 1-27-72;8:47 am]

[Airspace Docket No. 71-EA-147]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 22846 of the FEDERAL REGISTER for December 1, 1971, the Federal Aviation Administration published a proposed rule which would alter the Clarksburg, W. Va. control zone (36 F.R. 2069, 11915) and transition area (36 F.R. 2167).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 17, 1972.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to delete the description of the Clarksburg, W. Va., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center of 39°17'44" N., 80°13'46" W. of Benedum Airport, and within 3 miles each side of the Clarksburg VOR 219° radial extending from the 5.5-mile-radius zone to 8.5 miles southwest of the VOR. This control zone is effective 0700 to 2300 hours, local time daily.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to delete the description of the Clarksburg, W. Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile-radius of the center of 39°17'44" N., 80°13'46" W. of Benedum Airport and within 5 miles each side of the Clarksburg VOR 219° radial extending from the 8.5-mile-radius area to 11.5 miles southwest of the VOR.

[FR Doc.72-1261 Filed 1-27-72;8:47 am]

[Airspace Docket No. 71-EA-153]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On page 22847 of the FEDERAL REGISTER for December 1, 1971, the Federal Aviation Administration published a proposed rule which would designate a Dublin, Va., control zone and alter the Dublin, Va., transition area (36 F.R. 2178).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on January 17, 1972.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

1. Amend § 71.171 of the Federal Aviation Regulations so as to designate a Dublin, Va., control zone as follows:

DUBLIN, VA.

Within a 5-mile radius of the center 37°08'-12" N., 80°40'50" W. of New River Valley Airport, Dublin, Va.; within an 11-mile radius of the center of the airport, extending clockwise from a 250° bearing to a 295° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 295° bearing to a 037° bearing from the airport; and within 3.5 miles each side of the Pulaski VORTAC 012° and 192° radials, extending from the 5-mile-radius zone to 10.5 miles south of the VORTAC. This control zone is effective from 0900 to 2000 hours, local time, daily.

2. Amend § 71.181 of the Federal Aviation Regulations so as to delete the description of the Dublin, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°08'12" N., 80°40'50" W., of New River Valley Airport, Dublin, Va.; within a 23-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 272° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 272° bearing to a 291° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 291° bearing to a 314° bearing from the airport; within a 15.5-mile radius of the center of the airport, extending clockwise from a 314° bearing to a 355° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 355° bearing to a 015° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 015° bearing to a 060° bearing from the airport; within 5 miles each side of the Pulaski VORTAC 192° radial extending from the VORTAC to 11.5 miles south of the VORTAC and within 5 miles each side of the 233° bearing from a point 37°08'39" N., 80°40'03" W., extending from said point to a point 16 miles southwest.

[FR Doc.72-1263 Filed 1-27-72;8:47 am]

[Airspace Docket No. 71-EA-149]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 22847 of the FEDERAL REGISTER for December 1, 1971, the Federal Aviation Administration published a proposed rule which would alter the Lynchburg, Va., control zone (36 F.R. 2100) and transition area (36 F.R. 2223).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on January 17, 1972.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

1. Amend § 71.171 of the Federal Aviation Regulations, so as to delete the description of the Lynchburg, Va., control zone and substitute the following in lieu thereof:

Within a 5.5-mile radius of the center 37°19'37" N., 79°12'04" W. of Lynchburg Municipal-Preston Glenn Field, Lynchburg, Va.; within 3 miles each side of the Lynchburg, Va., VORTAC 021° and 201° radials extending from the 5.5-mile-radius zone to 1 mile south of the VORTAC; within 2 miles each side of the Lynchburg, Va., VORTAC 023° radial extending from the 5.5-mile-radius zone to 13 miles northeast of the VORTAC and within a 1.5-mile radius of the center 37°22'40" N., 79°07'21" W. of Falwell Airport, Lynchburg, Va. This control zone is effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to delete the description of the Lynchburg, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 37°19'37" N., 79°12'04" W. of Lynchburg Municipal-Preston Glenn Field, Lynchburg, Va.; within 3 miles each side of the Lynchburg, Va., VORTAC 201° radial, extending from the 9-mile-radius area to 8.5 miles south of the VORTAC and within 3.5 miles each side of the Lynchburg, Va., VORTAC 023° radial extending from the 9-mile-radius area to 24.5 miles northeast of the VORTAC.

[FR Doc.72-1262 Filed 1-27-72;8:47 am]

[Airspace Docket No. 71-NE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Millinocket, Maine, control zone (35 F.R. 2105) and transition area (35 F.R. 2232).

The agency is attempting to eliminate duplicate names of navigational aids (NAVAIDs) to avoid possible pilot confusion. Therefore, an editorial change to the Millinocket, Maine, control zone and transition area descriptions will be required to reflect a new name assignment.

Since the foregoing amendments are editorial in nature, notice and public procedure hereon are unnecessary and the amendments may be made effective in less than 30 days.

In view of the foregoing, the Federal Aviation Administration, having completed review of the airspace requirements in the terminal airspace of Millinocket, Maine, amends Part 71 of the Federal Aviation regulations, as follows, effective 0901 G.m.t., March 30, 1972.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Millinocket, Maine, control zone by deleting "Millinocket RBN" and substituting "Sterns RBN" therefor.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Millinocket, Maine, 700-foot transition area by deleting "Millinocket RBN" and substituting "Sterns RBN" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on January 12, 1972.

W. E. CROSBY, Jr.,
Deputy Director,
New England Region.

[FR Doc.72-1265 Filed 1-27-72;8:47 am]

[Airspace Docket No. 72-NE-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The Federal Aviation Administration is amending § 71.171 of the Federal Aviation regulations so as to revoke the Old Town, Maine, control zone (37 F.R. 2056).

Due to the relocation on February 1, 1972, of the flight service station from Old Town, Maine, to Bangor, Maine, Old Town will not meet the weather and communications requirements necessary to support a control zone.

Since this amendment is less restrictive and does not create any additional burden on any person, notice and public procedure hereon are unnecessary and

V37-19 JAN 28 72 XUM

the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation regulations is amended effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations so as to revoke the Old Town, Maine, control zone.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Mass., on January 20, 1972.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.72-1258 Filed 1-27-72;8:47 am]

[Airspace Docket No. 71-GL-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 20372 of the FEDERAL REGISTER dated October 21, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Bad Axe, Mich.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 2, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on December 23, 1971.

R. O. ZIEGLER,
Director,
Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is added:

BAD AXE, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Huron County Airport (latitude 43°-47'00" N., longitude 82°56'00" W.); within 3 miles each side of the 023° and 215° bearings from the Huron County Airport extending from the 5-mile-radius area to 8 miles northeast and southwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4¼ miles northwest and 9½ miles southeast of the 215° bearing from the airport and 4½ miles east and 9½ miles west of the 023° bearing from the airport extending from the airport to 18½ miles southwest and north of the airport.

[FR Doc.72-1256 Filed 1-27-72;8:46 am]

[Airspace Docket No. 71-GL-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 21211 of the FEDERAL REGISTER dated November 4, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Gallipolis, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 6, 1972.

LYLE K. BROWN,
Director,
Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is added:

GALLIPOLIS, OHIO

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Gallia-Meigs Regional Airport, Gallipolis, Ohio (latitude 38°50'03" N., longitude 82°09'49" W.).

[FR Doc.72-1257 Filed 1-27-72;8:47 am]

[Airspace Docket No. 71-SO-164]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the Montgomery, Ala., transition area.

The Montgomery transition area is described in § 71.181 (36 F.R. 2140). An RNAV RWY 3 Instrument Approach Procedure to Dannelly Field, effective January 13, 1972, requires a very small amount of additional controlled airspace protection. It is necessary to alter the transition area description to provide this protection. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Montgomery, Ala., transition area is amended as follows: "• • • LOM • • •" is deleted and "• • • LOM; within 3.5 miles each side of Runway 3 extended centerline, extending from the 8.5-mile radius area to 10 miles SW of the runway end; • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 14, 1972.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.72-1259 Filed 1-27-72;8:47 am]

[Airspace Docket No. 71-EA-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 12111 of the FEDERAL REGISTER for June 25, 1971, and page 20050 for October 15, 1971, the Federal Aviation Administration published a proposed rule which would designate a Toughkenamon, Pa., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t. March 2, 1972, except as follows:

1. Delete the phrase "047° radial" and insert in lieu thereof "047° and 227° radials."

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on January 6, 1972.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

1. By deleting the description of the Toughkenamon, Pa. transition area and inserting in lieu thereof the following:

TOUGHKENAMON, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°49'55" N., 75°48'08" W. of the New Garden Flying Field, Toughkenamon, including that airspace 5 miles west and 3 miles east of the Modena, Pa., VORTAC 047° and 227° radials extending from 5 miles southwest to 10 miles northeast of the VORTAC.

[FR Doc.72-1260 Filed 1-27-72;8:47 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations (the "regulations") appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). Thus, all sections of the regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.312). The "1000" prefix has, for convenience, been eliminated from the section references contained in this notice. The abbreviations "DI" and "AFN" are used in this notice to refer to "direct investor" and "affiliated foreign national."

The Office of Foreign Direct Investments (OFDI) has promulgated certain amendments to the Foreign Direct Investment Regulations. These amendments relieve or extend the period for complying with restrictions that would have the effect of requiring DIs to engage in transactions during the time of uncertainty in international monetary conditions in the latter part of 1971. In view of the DIs' need for certainty and immediate opportunity to act in reliance upon the amendments before December 31, 1971, or before the optional dates of January 31, 1972 and February 29, 1972, as provided by the amendments, OFDI found that publication of these amendments in proposed form was impracticable. Notice was given to DIs by an explanation of the amendments that was mailed to all DIs on December 20, 1971, and published in the FEDERAL REGISTER on December 23, 1971 (36 F.R. 24830), wherein DIs were advised that they could rely on the explanation until publication of the amendments.

The amendments are described as follows:

1. The prohibition under section 203 (d)(1) against making a positive net transfer of capital resulting in positive direct investment in any scheduled area during a year if a DI electing schedular allowables holds, at the end of such year, available proceeds of long-term foreign borrowing exceeding $100,000 in any form of foreign property is revoked for 1971 by a postponement of its effectiveness until the year 1972.

2. Section 306(e)(1) is amended to permit a DI to deduct from positive direct investment made during 1971 an amount equal to any available proceeds of long-term foreign borrowing (or proceeds borrowing from the DI's overseas finance subsidiary) made on or before February 29, 1972, that are allocated to such positive direct investment; provided (1) the DI makes the appropriate bookkeeping entries for allocation, (2) the allocation and deduction are reported on the DI's Form FDI-102F for 1971, and (3) the proceeds, as of February 29, 1972, are not held, directly or indirectly, in any form of foreign property.

Thus, a DI may reduce positive direct investment made during 1971 by allocating available proceeds of any long-term foreign borrowing that is outstanding on February 29, 1972. Such borrowing may be made during the first 60 days of 1972 or may have been made by the DI during 1971 or a prior year. In either event, the available proceeds need not be repatriated to the United States until February 29, 1972. The 12-month maturity test for long-term foreign borrowing will, of course, apply to any borrowing of which available proceeds are allocated, i.e., the borrowing, as refinanced, must be continuously outstanding for at least 12 months.

It should be noted by DIs that they may still allocate to positive direct investment made during 1971 any available proceeds that have been repatriated on or before December 31, 1971, notwithstanding the repayment of the underlying long-term foreign borrowing during the first 60 days of 1972. Such repayment will involve a transfer of capital during 1972.

3. Section 313 is amended to permit a DI, in calculating a net transfer of capital made during 1971, to treat as repaid during 1971 any debt obligation or other credit of an AFN that was outstanding on December 31, 1971, and is in fact repaid by the AFN to the DI during the first 60 days of 1972. The aggregate amount of repayments receiving this prior-year treatment may not exceed the worldwide negative net transfer of capital to all non-Canadian AFNs that is made by the DI during such 60-day period. If the DI makes a positive net transfer of capital to all non-Canadian AFNs during such period, prior-year treatment of repayments is not available.

Alternatively, a DI may treat as repaid during 1971 any debt obligation or other credit of an AFN that was outstanding on December 31, 1971, and is in fact repaid by the AFN to the DI on or before January 31, 1972. If the DI elects this 1-month period, the aggregate amount of repayments receiving prior-year treatment may not exceed the worldwide negative net transfer of capital to all non-Canadian AFNs that is made by the DI during January 1972. Prior-year treatment is not available under this alternative if the DI makes a positive net transfer of capital to all non-Canadian AFNs during January.

In calculating the net transfer of capital to determine whether prior-year treatment of repayments is available, the aggregate of all transfers of capital made during the relevant 1- or 2-month period by all non-Canadian incorporated AFNs to the DI is subtracted from the aggregate of all transfers of capital made during such period by the DI to its non-Canadian incorporated AFNs, and the result is added to the net transfer of capital made by the DI to all of its non-Canadian unincorporated AFNs during such period. This calculation is made on a worldwide basis by all DIs, without regard to the election of worldwide or schedular allowables for 1971. No deduction shall be made for the expenditure of available proceeds in making trasnfers of capital during the 1- or 2-month period in 1972; however, transfers of capital resulting from the repayment of long-term foreign borrowing during such period must be included. A DI shall exclude from this calculation any transfers of capital that are deemed to occur as the result of conditions imposed by specific authorization or compliance settlement.

If a DI makes a negative net transfer of capital, calculated as described above, repayments of qualifying debt obligations or other credits by AFNs to the DI during the 1- or 2-month period in 1972 that is elected for such purpose may be treated as having been made from their respective scheduled areas during 1971. The aggregate amount of repayments selected by the DI to receive such prior-year treatment may not exceed the worldwide negative net transfer of capital. However, such repayments are not required to be made from a particular scheduled area in which there is a negative net transfer of capital.

The effect of prior-year treatment of repayments is to reduce direct investment made by the DI during 1971 for all purposes, including compliance and the calculation of amounts specifically authorized. It should be noted that repayments during 1972 that are treated as having occurred during 1971 will be excluded from the calculation of direct investment made during 1972, which will increase correspondingly.

The text of the amendments is as follows:

1. Section 1000.203(d)(1) is amended to read as follows:

§ 1000.203 Liquid foreign balances.

• • • • • •

(d)(1) A direct investor which holds available proceeds, as defined in § 1000.324(d), in excess of $100,000 in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property as of the end of any year commencing with the year 1972 shall be prohibited from making a positive net transfer of capital to any scheduled area for such year, but only to the extent such positive net transfer of capital results in positive direct investment in such scheduled area for such year that is not authorized by § 1000.1002: *Provided,* That this subparagraph shall not apply to a direct investor which elects to be governed for such year by § 1000.503 or § 1000.507: *And provided further,* That for purposes of this subparagraph, allocations to positive direct investment under § 1000.306(e) or subparagraph (2) of this paragraph and reallocations under subparagraph (3) of this paragraph shall be deemed to reduce any positive net transfer of capital to a scheduled area and thereafter to reduce any reinvested earnings in such scheduled area.

• • • • • •

2. Section 1000.306(e)(1) is amended to read as follows:

§ 1000.306 Positive and negative direct investment.

• • • • • •

(e)(1) There shall be deducted from positive direct investment in a scheduled area during any year, as calculated under paragraph (a) of this section, an amount equal to any available proceeds (as defined in § 1000.324(d)) allocated by the direct investor to such positive direct investment for such year. Available proceeds shall be allocated to such positive direct investment for such year if (i) an entry is made in the books and records maintained by the direct investor under §§ 1000.203(b) and 1000.601; (ii) the allocation and deduction is reported

V37N19 JAN28 72 XUM

on the next annual report of the direct investor (Form FDI–102F) filed for the year for which the deduction is made; and (iii) the proceeds, as of the end of the year for which the deduction is made, are not held, directly or indirectly, in the form of foreign balances or in the form of securities (including debt obligations, equity interests and any other type of investment contract) of foreign nationals or in the form of any other foreign property. In addition, available proceeds of long-term foreign borrowing made on or before February 29, 1972 (including available proceeds so treated under § 1000.1403(a)(1) as the result of proceeds borrowing made on or before February 29, 1972) shall be allocated to such positive direct investment for the year 1971 if bookkeeping entries and a report on Form FDI–102F for 1971 are made with respect to such allocation, as required under this section, and such proceeds, as of February 29, 1972, are not held, directly or indirectly, in the form of foreign balances or in the form of securities of foreign nationals or in the form of any other foreign property.

• • • • • •

3. Section 1000.313 is amended by adding paragraph (e) to read as follows:

§ 1000.313 Net transfer of capital.

• • • • • •

(e)(1) In calculating the amount of the net transfer of capital made by a direct investor to all affiliated foreign nationals in any scheduled area during the year 1971, the direct investor may include transfers of capital by incorporated affiliated foreign nationals and decreases in net assets of unincorporated affiliated foreign nationals in such scheduled area that are recognized upon repayments of debt obligations outstanding as of December 31, 1971, by such affiliated foreign nationals to the direct investor during January 1972 or, as alternatively elected by the direct investor, during the first 60 days of 1972: *Provided*, That the direct investor has made a worldwide negative net transfer of capital during the period elected under this section: *And provided further*, That the aggregate amount of such transfers of capital and decreases in net assets included in calculating the amounts of the net transfers of capital made by the direct investor during the year 1971 does not exceed the amount of such worldwide negative net transfer of capital.

(2) The worldwide net transfer of capital by a direct investor during the period elected by the direct investor under this section means the algebraic sum of the net transfers of capital, calculated without deductions provided under § 1000.313(d)(1), by the direct investor to all incorporated and unincorporated affiliated foreign nationals in all scheduled areas during such period.

(3) Any transfer of capital or decrease in net assets that is included in calculating the amount of a net transfer of capital made by a direct investor to all affiliated foreign nationals in any scheduled area during the year 1971 pursuant to this section shall be excluded in calculating the amount of the net transfer of capital made by the direct investor to such affiliated foreign nationals in such scheduled area during the year 1972.

The amendments hereby adopted shall apply to all direct investment during the year 1971 and to all transactions thereby permitted to affect such direct investment.

(Sec. 5, act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

WILLIAM V. HOYT,
Director, Office of Foreign Direct Investments.

JANUARY 24, 1972.

[FR Doc.72–1242 Filed 1–27–72;8:45 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 2—PUBLIC USE AND RECREATION

National Scenic Trails and Other Trails

On pages 19388 and 19389 of the FEDERAL REGISTER of October 5, 1971, there was published a proposal of rule making to revise § 2.30 of Title 36 of the Code of Federal Regulations, concerning travel on trails. The purpose of the proposal was to provide regulations for National Park Service administered segments of the Appalachian National Scenic Trail and segments of the Pacific Crest National Scenic Trail within areas of the National Park System and to revise regulations for other trails. Interested persons were given 60 days to submit written comments on the proposal.

After careful review of comments submitted, the following changes have been made. Paragraph (a)(1) of § 2.30, as it appears in the proposal, would preclude vehicle use on all future national scenic trails. There are now in existence only two such trails—the Appalachian National Scenic Trail and the Pacific Crest Trail. It was brought to our attention that as other trails are studied and subsequently recommended for designation as national scenic trails, bicycle use may be found appropriate on some National Park Service administered segments of them. Accordingly, we have made changes in this paragraph to limit the named vehicular prohibitions to service-administered segments of the national scenic trails already designated.

In addition, it has been concluded that the proposed revision of regulations concerning travel on trails other than the national scenic trails, the general effect of which would be increased lenience concerning motor vehicles and increased restriction on bicycles, is unnecessary and inappropriate.

Therefore existing regulations concerning travel on trails are renumbered and retained for trails other than the national scenic trails covered by paragraph (a) of the proposed revision.

It has also been decided that the proposed change in name of § 2.30 from Travel on Trails to Travel on National Scenic and Other Trails is unnecessary. Therefore the present name, Travel on Trails, is retained.

The proposed revision is hereby amended in accordance with the abovementioned changes and is adopted as set forth below. The revision will take effect 30 days after publication of this notice in the FEDERAL REGISTER.

§ 2.30 Travel on trails.

(a) *Appalachian and Pacific Crest National Scenic Trails.* (1) The use of bicycles, motorcycles, snowmobiles, or other motor vehicles by the general public is prohibited on these two national scenic trails.

(2) Horseback riding and the use of pack animals are permitted on national scenic trails subject to § 2.23. *Provided*, That such uses are permitted on the Appalachian National Scenic Trail only when the trail or trail section is posted as open for these purposes. Where such uses are permitted, pedestrians shall remain quiet when saddle or pack animals are passing. Horses shall not be tied, hobbled, or corralled within 50 feet of the trail, or any trail structure or facility.

(b) *Travel on other trails.* The following regulations apply to all trails in areas of the National Park System except those trails covered by paragraph (a) of this section:

(1) In natural and historical areas, the use of bicycles, motorcycles, and other motor vehicles is prohibited on trails, except that bicycles may be used on those trails designated for their use by posted signs.

(2) In recreational areas, the use of motorcycles and other motor vehicles on trails is prohibited except on trails designated by the Superintendent and posted for such use. The use of bicycles is permitted unless restricted by posted signs.

(3) Pedestrians on trails shall remain quiet when saddle or pack animals are passing.

RAYMOND L. FREEMAN,
Acting Director, National Park Service.

JANUARY 20, 1972.

[FR Doc.72–1291 Filed 1–27–72;8:50 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemption From Tolerance for Mesityl Oxide

A petition (PP 1F1106) was filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, proposing establishment of an exemption from the requirement of a tolerance for residues of mesityl oxide when used as an inert solvent or cosolvent with other permitted solvents in pesticide formulations applied to growing crops prior to formation of the edible portion of the plant.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that mesityl oxide is useful for the purpose for which an exemption is being established and that the exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (38 F.R. 9038), § 180.1001 is amended by revising the items "Mesityl oxide" and "Methyl alcohol" in the table in paragraph (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

• • • • • •

(d) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
Mesityl oxide	Not for use after edible parts of plant begin to form. Do not graze livestock in treated areas within 48 hours after application.	Solvent, cosolvent.
Methyl alcohol		Do.
• • •	• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–28–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 17, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–1195 Filed 1–27–72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–1—GENERAL

Subpart 1–1.7—Small Business Concerns

SIZE STANDARDS, DEFINITIONS, AND SET-ASIDES

Section 1–1.701–1 is amended to include a revised small business size standard for meatpacking plants and a revised definition for the term "annual receipts" which have been prescribed by the Small Business Administration for use in determining the status of a business as a small business concern. In addition, § 1–1.706–3 is amended to codify FPR Temporary Regulation 21 (36 F.R. 14080, July 29, 1971). This amendment extends the notification and appeal requirements applicable to withdrawal of joint determination small business set-asides to include unilateral small business set-asides where SBA has designated either resident or liaison representatives for an agency.

1. Section 1–1.701–1 is amended to modify the definition of "annual receipts" in paragraph (a) and to delete the reference in paragraph (h) to "Census Classification Code 2011, Meatpacking plants, 750." As amended, the section reads as follows:

§ 1–1.701–1 Small business concern (for Government procurement).

(a) *General.* A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on Government contracts, and can further qualify under the criteria set forth in this § 1–1.701. "Concern" means any business entity organized for profit with a place of business located in the United States, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative. "Annual receipts" means the gross income (less returns and allowances, sales of fixed assets and interaffiliate transactions) of a concern (and its domestic and foreign affiliates) from sales of products and services, interest, rents, fees, commissions, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year (whether on a cash, accrual, completed contracts, percentage of completion, or other acceptable accounting basis) and, in the case of a concern subject to U.S. Federal income taxation, reported or to be reported to the Department of the Treasury, Internal Revenue Service, for Federal income tax purposes. If a concern has been in business less than a year its annual receipts shall be computed by determining its average weekly receipts for the period in which it has been in business and multiplying such figure by 52. If a concern has acquired an affiliate during the applicable accounting period, it is necessary in computing the concern's annual receipts to include the affiliate's receipts during the accounting period, rather than only its receipts during the period in which it has been an affiliate. The receipts of a former affiliate are not included even if such concern had been an affiliate during a portion of the applicable accounting period.

• • • • • •

(h) *Table of specific industry employment size standards for the purpose of Government procurement.* (See footnotes at end of table.)

MANUFACTURING

Census classification code	Industry	Employment size standard (number of employees)
•	• • • • •	•
	MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS	
2026	Fluid milk	750
2032	Canned specialties	1,000
2043	Cereal preparations	1,000
2046	Wet corn milling	750
2052	Biscuit, crackers, and pretzels	750
2062	Cane sugar refining	750
2063	Beet sugar	750
2085	Distilled, rectified, and blended liquors	750
2093	Vegetable oil mills, except cottonseed and soybean	1,000
2096	Shortening, table oils, margarine and other edible fats and oils, not elsewhere classified	750

• • • • • •

2. Section 1–1.706–3 is amended to modify the requirements in paragraph (b) to read as follows:

§ 1–1.706–3 Withdrawal or modification of set-asides.

• • • • • •

(b) If, prior to the award of a contract involving an individual or class set-aside for small business, the contracting officer considers the procurement of the set-aside portion from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price), the contracting officer may withdraw either a joint or a unilateral set-aside determination. In the case of (1) a joint set-aside determination, or (2) a unilateral set-aside determination where SBA has designated either a resident or a liaison representative for the agency, the contracting officer shall initiate the withdrawal thereof by giving notice, containing the reason therefor, to the SBA representative (by telephone where liaison representatives are involved). Similarly, a class set-aside may be modified

V37-19 JAN 28 72 XUM

so as to withdraw one or more individual procurements therefrom. If the SBA representative does not agree to a withdrawal or modification, the action may be appealed in accordance with the procedures set forth in § 1–1.706–2(a). This procedure is not applicable to automatic dissolutions of set-asides as provided in § 1–1.706–7. In all cases where SBA has not designated either resident or liaison representatives for the agency, the contracting officer shall withdraw a unilateral set-aside determination where he considers that procurement of the set-aside from a small business concern would be detrimental to the public interest (e.g., because of unreasonable price).

• • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effect on other issuances. This amendment cancels Federal Procurement regulations, Temporary Regulation 21 (36 F.R. 148080, July 29, 1971).

Effective date. This regulation is effective March 1, 1972, but may be observed earlier.

Dated: January 20, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72-1251 Filed 1-27-72;8:48 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71-11; Notice 4]

PART 566—MANUFACTURER IDENTIFICATION

Coverage of Incomplete Vehicles

This notice amends Part 566 in Title 49, Code of Federal Regulations, to provide for the coverage of "incomplete vehicles," as defined in Part 568, Vehicles Manufactured in Two or More Stages. A notice of proposed rule making on this subject was published on November 2, 1971 (36 F.R. 20987). No comments on the proposed amendment were received, and the amendment is adopted as proposed.

Part 566, published on November 2, 1971 (36 F.R. 20977), requires manufacturers of motor vehicles and of motor vehicle equipment other than tires to which a motor vehicle safety standard applies to submit identifying information and a description of the items which they produce. In responding to a comment on the proposed regulation from an incomplete vehicle manufacturer, it was noted that while the regulation clearly covers intermediate and final-stage manufacturers (as defined in Part 568) it makes no reference to incomplete vehicle manufacturers. This amendment is intended to clarify this ambiguity by specifically providing for coverage of incomplete vehicles.

The incomplete vehicle manufacturer stated that he was unaware of the final use of his light truck vehicles and requested that he be permitted to submit a brief description of the incomplete vehicle expressed in the terminology of the industry as an alternative to the description in terms of final use. This method for incomplete vehicle manufacturers has been found acceptable, and the NHTSA accordingly grants this request.

In consideration of the foregoing, the NHTSA adopts the following amendments to Part 566 of Title 49, Code of Federal Regulations:

1. Section 566.4 is amended to read as follows:

§ 566.4 **Definitions.**

All terms defined in the Act and the rules and standards issued under its authority are used as defined therein. Specifically, "incomplete vehicle," "intermediate manufacturer," and "final-stage manufacturer" are used as defined in Part 568—Vehicles Manufactured in Two or More Stages.

2. Section 566.5 is amended to read as follows:

§ 566.5 **Requirements.**

Each manufacturer of motor vehicles, and each manufacturer of covered equipment, shall furnish the information specified in paragraphs (a) through (c) of this section to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

• • • • •

(c) • • •

(3) In the case of motor vehicles produced in two or more stages, if the manufacturer is an incomplete vehicle manufacturer, the description shall so state and include a description indicating the stage of completion of the vehicle and, where known, the types of use for which the vehicle is intended.

EXAMPLE: "Incomplete vehicle manufacturer—Chassis-cab intended for completion as van-type truck."

If the manufacturer is an intermediate manufacturer, or a final stage manufacturer, the description shall so state and include a brief description of the work performed.

EXAMPLE: "Multipurpose passenger vehicles: Motor homes with GVWR from 8,000 to 12,000 pounds. Final-stage manufacturer—add body to bare chassis."

Effective date: February 1, 1972.

(Secs. 103, 108, 112, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1397, 1401, 1407; delegation of authority, 49 CFR 1.51)

Issued on January 24, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-1295 Filed 1-27-72;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 2]

PUBLIC USE AND RECREATION IN NATIONAL PARKS

Possession and Use of Drugs and Alcohol

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), it is proposed to amend Part 2 of Title 36 of the Code of Federal Regulations to add § 2.37 concerning possession and delivery of drugs and drug incapacitation; and to amend § 2.16 concerning possession of alcohol and intoxication.

The purpose of the proposed § 2.37 is to regulate the possession and delivery of certain drugs within park areas and to amend and recodify that portion of the current § 2.16 which deals with drug incapacitation.

The purpose of the proposed amendment of § 2.16 is to eliminate all reference to drug incapacitation and to change the language of § 2.16 regarding alcoholic beverages.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendments to the Director, National Park Service, Department of the Interior, Washington, D.C. 20240, within 30 days of the publication of this notice in the FEDERAL REGISTER.

It is proposed that § 2.16(a) be amended to read as follows:

§ 2.16 **Intoxication; possession of alcohol by minors.**

(a) Presence in a park area when under the influence of alcohol, to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a park area is prohibited.

• • • • •

It is proposed that § 2.37 be added to read as follows:

§ 2.37 **Possession and delivery of controlled substances: Incapacitation.**

(a) *Definitions.* (1) The term "controlled substance" means a drug or other substance, or immediate precursor, included in Schedules I, II, III, IV, or V of Part B of the Controlled Substance Act (title 21, United States Code, section 812) or any drug or substance added to these schedules pursuant to the terms of the Act.

(2) The term "practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he practices to distribute or possess a controlled substance in the course of professional practice.

(3) The term "delivery" means the actual, attempted or constructive transfer of a controlled substance, whether or not there exists an agency relationship.

(b) *Offenses.* (1) The delivery of any controlled substance is prohibited, provided that distribution by a practitioner in accordance with applicable law is permitted.

(2) The possession of a controlled substance is prohibited unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of his professional practice, or except as otherwise authorized by applicable law.

(3) Presence in a park area when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a park area, is prohibited.

Dated: January 12, 1972.

RAYMOND L. FREEMAN,
Acting Director, National Park Services.

[FR Doc.72-1292 Filed 1-27-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-373]

LETTUCE GROWN IN CALIFORNIA, ARIZONA, COLORADO, NEW MEXICO, AND DESIGNATED PART OF TEXAS

Decision With Respect to Proposed Marketing Agreement and Order and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act" and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Los Angeles, Calif., March 2–6, 1971, and continued at Albuquerque, N.Mex., March 10–12, 1971. It was held pursuant to a notice thereof which was published in the January 27, 1971, issue of the FEDERAL REGISTER (36 F.R. 1266) with a minor correction in the February 2, 1971, issue (36 F.R. 1541) upon a proposed marketing agreement and order regulating the handling of lettuce grown in California, Arizona, Colorado, New Mexico, and a designated part of Texas.

Based on evidence adduced at the hearing and the record thereof, the Deputy Administrator, Consumer and Marketing Service, on July 29, 1971, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision (including a proposed marketing agreement and order, hereinafter referred to collectively as the "order"), which was published in the FEDERAL REGISTER August 4 and 21, 1971 (36 F.R. 14316, 16517). It afforded opportunity to file written exceptions thereto within 20 days, and was later extended another 20 days to September 13, 1971.

Ruling on exceptions. Exceptions to the recommended decision were filed within the prescribed time by Halbert Moller for Growers Exchange, Inc.; Andrew A. D'Arrigo for D'Arrigo Bros. of California; Harold G. Bradshaw for Inter Harvest, Inc.; J. F. Barkley for Barkley Company of Arizona; Allan Grant for California Farm Bureau Federation; R. C. Samsel for Ralph Samsel Co.; Frank Eckel, Jr., for Eckel Produce Co.; Ray Koyama for Koyama Farms; James R. Martin for Cal-a-Pak; Ernest J. Holcomb for Western States Lettuce Producers Committee; Marshall H. Davis for Mel Finerman Co., Inc.; Carl Nakayama for New Mexico Lettuce Growers Committee; Frank R. Gailor for The Irvine Co.; Alfred P. Carpenter for The Alfred Carpenter Co.; Charles F. Wheatley, Jr. for Thomas M. Bunn; 25 individuals or firms from the Santa Maria-Guadalupe area of California; The Committee to oppose and defeat the Proposed Western States Lettuce Marketing Order; Allen L. Marlatt; and Stuart H. Russell for New Mexico Lettuce Growers Committee. Exceptions were also received from William H. Carder for United Farm Workers Organizing Committee, AFL–CIO; Bruce Parr for the Texas Vegetable Marketing Association and Robert V. Antle for Bud Antle, Inc.; however, such exceptions were all filed after the prescribed time.

Each of the exceptions filed within the prescribed time has been carefully and fully considered in conjunction with a thorough evaluation of the record evidence and the recommended decision in arriving at the findings and conclusions set forth in this decision. To any extent that any exception is not specifically ruled upon or the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto such exception is denied on the basis of the findings and conclusions relating to the issues to which the exception refers.

V 37 I 19 JAN 28 72 XUM

Exceptions filed by certain opponents of the proposed regulatory program charge in effect that officials of the Department had engaged in improper action in the decision making aspects of this proceeding, alleging improper discussions with proponents in the development of the proposals and related evidence and prejudgment of the issues, constituting a denial of due process of law in contravention of the requirements of both the Administrative Procedure Act and the applicable rules of practice.

The act and the rules of practice both contemplate and provide that the Department will inquire into the potential merits of a proposal for an order before a hearing is called. Under section 8c(3) of the act, a hearing notice is to issue "whenever the Secretary of Agriculture has reason to believe that the issuance of an order will tend to effectuate the declared policy * * *" of the act. Section 900.3 of the rules of practice (7 CFR 900.1–900.18) implements this by providing for a preliminary investigation as to whether there is reason to believe that the proposal will tend to effectuate the declared policy of the act. As shown by the rules of practice covering this type of proceeding, the hearing is a legislative, or factfinding, type of hearing rather than an adversary proceeding. In such hearings, Department personnel do not advocate one position or another, but instead endeavor to encourage development of a record containing all material facts relevant to the issues involved. There is no denial of due process in such circumstances. As to this proceeding, there was no prejudgment as the findings, conclusions, and actions recommended are all based on, and supported by, the record as a whole.

The act does not treat as to who may propose a marketing order. This is covered by § 900.3 of the aforesaid rules of practice which state that it may be proposed by the Secretary or by any other person. Accordingly, it is concluded that there was no denial of due process in this proceeding and the proceeding is legal.

It has been ascertained that the Department officials responsible for drafting the recommended decision read and considered each and every brief filed subsequent to the hearing. Also recommendations by persons other than proponents were adopted or recognized in the provision changes over those appearing in the notice of hearing. Between the time of issuance of a notice of hearing and the actual hearing, the proponents adopted changes in response to issues raised by other industry members. Exception was taken to the general findings on such grounds as not effectuating, not smallest area, should be a larger area, and the commodity to be covered should encompass "lettuce" grown outside the proposed production area. Exception was taken to the order itself as being ineffectually drawn and inoperable to effectuate the declared policy of the act. However, the findings and conclusions to which exceptions are taken are properly stated in the recommended decision and such findings and conclusions are amplified herein. Consequently, these exceptions are denied.

In the exceptions, reference is made to some Florida State and California State programs that were declared by State authorities to be unlawful. The lawfulness of the Federal program involved in the proceeding, authority for which flows from the Agricultural Marketing Agreement Act of 1937, as amended, and from interstate commerce powers of the Federal Constitution is, of course, unaffected by the rulings of such State authorities. Opponent's objections to the order on constitutional grounds are also overruled. The act and orders authorized by it have been found by the courts to be fully constitutional.

Some exceptions made reference to alleged monopolistic and other activities contrary to antitrust laws that could be fostered or protected under the marketing agreement and order program covered by the recommended decision in this promulgation proceeding. The act provides that the making of a marketing agreement shall not be held to be in violation of any of the antitrust laws of the United States; however, such an agreement, when accompanied by an order as here proposed, may contain only those provisions that are authorized for orders by the act. The act does not provide a blanket exemption from all antitrust laws. Such exemption extends only to acts or actions which are authorized or required by the marketing agreement and order. The aforesaid marketing agreement and order are concerned with establishing more orderly marketing conditions for lettuce in the production area to alleviate the marketing problems that now exist and that may reasonably be expected to continue for some time unless adjustments are made. The committee established to administer the order is composed of members of the industry, selected as provided in the act for reasonable representation of producers and handlers in the determination of committee actions. Moreover, in connection with volume regulation under the order, these actions are limited, by the order, to such matters as making recommendations for regulation, checking compliance, and establishing base quantities and allocations for producers. Further, final action with respect to volume regulations is by the Secretary; and all committee actions relating to the establishment of base quantities and allocations for producers are, as provided in the order, expressly made subject to review by the Secretary.

Some exceptors urged that producers should be informed of the total base quantity of the industry prior to their voting in a referendum. However, such information would not be available prior to such a referendum and would, in fact, become available only on the basis of information submitted pursuant to the regulatory program if it becomes effective.

Numerous exceptions were filed regarding the extent, if any, of lettuce regulation and size of the production area. These ranged in scope from no regulation to a production area comprising all lettuce producing areas in the United States. Some contended the program would increase competition from unregulated areas. While this contention may be true to a degree, the impact is not likely to be significant due to climatic and economic factors that limit production in such unregulated areas. In contrast, exceptions were also filed to eliminate parts of the production area from the program. As pointed out in the recommended decision, however, the movement of any production area lettuce is inextricably intermingled in the market, and in direct competition, with other production area lettuce. Exemption of any part of the production area could therefore undermine the overall effectiveness of the program by, for example, allowing unlimited quantities of such competing lettuce to be added to the maximum quantity of regulated lettuce deemed necessary to effectuate the declared policy of the act. The act requires that the production area be limited to the smallest regional production area found practicable, consistent with carrying out the declared policy of the act and the production area hereinafter described is found to meet these criteria.

The definition of the production area appearing in the recommended decision (insofar as the State of Texas is concerned) reads as follows: "those counties in the State of Texas north of and in which no part of U.S. Highway 90 between the cities of Orange and Del Rio is located." Since U.S. Highway 90 extends north and west from Del Rio to Van Horn, this definition could perhaps be construed as encompassing certain areas south of the segment of U.S. Highway 90 situated west of Del Rio. Such interpretation would be incorrect. The record shows that the production area should not encompass any area of Texas south of U.S. Highway 90, and further, that lettuce-producing areas north of U.S. Highway 90 (including counties in the western portion of the State, e.g., El Paso County) should constitute a part of the production area. Inasmuch as the portion of U.S. Highway 90 that is west of Del Rio does not course through lettuce producing regions, it would facilitate administration of, and operations under, the order to fix as part of the southern boundary of the production area the segment of U.S. Highway 90 from Del Rio to Van Horn. However, the portion of U.S. Highway 90 that runs from Del Rio to Orange cuts through some lettuce producing counties (e.g., Uvalde County) and through lettuce farms therein. It would be impractical to administer such a program applicable to only a part of a lettuce-producing county or farm. It is therefore necessary in order to effectuate the declared policy of the Act, for the production area to exclude all counties from Del Rio to Orange intersected by U.S. Highway 90.

Additionally while all areas in the State of Texas south and west of the western end of U.S. Highway 90 may be construed as being south of such point and would be excluded from the production area, such excluded areas should be more explicitly described. This should be done by excluding that portion of Texas that is south of a line due west from Van Horn. The recommended decision and order are revised accordingly.

Another exception maintained that other types of lettuce, such as soft lettuce, should be included under the program. It is found, however, on the basis of the record and as stated in the recommended decision that the regulated commodity should be limited to iceberg-type head lettuce grown in the production area inasmuch as it is a distinct commodity with no perfect substitute. While other types of lettuce, regardless of where grown, and other salad vegetables are partially substitutable for this commodity, they are produced and handled differently and their regulation would not be feasible under this program.

Exceptions were filed that the order violates the democratic concept of equality of voting and weights the referendum and operation of the order very heavily in favor of grower-handlers and on producers in California and Arizona.

It seems evident that having handlers (whether or not they are also producers) on the committee who handle lettuce year round will be an important asset to the committee by providing a broad perspective of the production area lettuce marketing situation from month to month and district to district. There is nothing inherently unlawful in such an arrangement.

As discussed in the recommended decision, producer representation on the committee should be distributed among the districts in the production area on the basis of their past record of acreage and production in each district. This basis should provide equitable representation on the committee and should also provide the separate districts with reasonable representation, thus recognizing that the California and Arizona portions of the production area account for a substantially large majority of the lettuce production. Moreover, the reapportionment and redistricting authority in the order should assure the making of such adjustments in the future as would be warranted in committee representation to reflect significantly changing conditions.

It is not unlawful, arbitrary or capricious to give proper weight to the 12-month handling of lettuce, in the selection of nominees for handler members, by the voting handlers. There is nothing in the Constitution or in the act which would compel the selection of committee members on a one-person, one-vote basis, as contended by opponents. Section 8c (7)(C) of the act does not restrict the Secretary in this fashion and, in fact, gives him wide discretion in the nature of the agency or agencies to be employed by him to administer an order and how that agency will be established. In regards to the referendum, it should be noted that the act (section 8c (8), (9) and (19)) expressly recognizes that the volume of the commodity produced as well as the number of producers voting may be controlling factors on the important question of whether a marketing order is to be issued and made effective with or without a marketing agreement.

Exceptions contending that the order will unlawfully discriminate in favor of handlers with large volumes of lettuce are without merit. All handlers, large or small, will be restricted as to the volume they may purchase from or handle on behalf of any and all producers under a uniform rule based upon the amounts sold by such producers in the representative period as authorized by section 608 c(6)(B) of the act.

Exceptions were offered that the order would deny entry into lettuce growing to a new producer. To the contrary, provision for entry of new producers is expressly provided in § ___.53(c) of the order as hereinafter set forth. Furthermore, it is required that any new base quantities be divided equally among all base quantity periods in the season, thus assuring that all applicants would have an equal opportunity for entry. Also, provision is made for the free transfer of base quantities thereby further affording new producers opportunity to achieve entry.

Contentions were made but no factual evidence offered that the proposed program would create undue monetary value for base quantities and allotments thereunder. Safeguard against such an occurrence is provided inasmuch as under the order only the Secretary may establish the various allocation periods and the applicable total allocations; and all base quantity applications and determinations with respect to the establishment of applicable base quantities will be subject to review by the Secretary. Also, the committee may establish only such rules, guides, bases, or standards, as are approved by the Secretary, to be used in determining base quantity awards or adjustments.

Several exceptions stressed the need to delay issuance of the initial volume regulation to provide adequate time for handlers, producers, and the committee to prepare for operations under the program. One contended that issuing such regulation in the middle of the season would be discriminatory, and therefore should not be effective prior to August 1, 1972, the beginning of the season or fiscal period. Others suggested a delay of at least 120 days—which is the approximate time period from lettuce planting to harvest. In order to provide equitable treatment of producers and handlers and to insure adequate time for preparations these exceptions are granted and the order as hereinafter set forth requires that no volume regulation shall become effective before August 1, 1972, but in any event not until at least 120 days after the effective date of the order, if the order becomes effective.

Exceptions were filed opposing the exclusion of the 1970–71 season's sales in determining base quantities. They contended that the options listed in the recommended decision favored producers with histories of "declining production" and that it would "seem only equitable to permit the use of the most recent year's production for these producers with expanded production." Further, they discounted the contention in the recommended decision that any substantial expansion could have occurred in the 1970–71 season as a result of the proposed marketing agreement and order described in the notice of hearing. That proposal, published in January 1971, did not state that credit would be given for lettuce produced and sold during the 1970–71 season. In view of this, it appears unlikely that harmful expansion of production would have been encouraged in anticipation of gaining an advantage in computation of base quantities. Also, it would be inequitable not to include any 1970–71 sales as part of the sales in the applicable representative period. Such sales could well tend to reflect the most recent trend in producers' lettuce sales and would also give recognition to the entry of new producers during the season in which the hearing was held. Such would provide the most equity among producers. Section ___.53 of the order and the portion of the recommended decision dealing with this matter are modified accordingly to add the 1970–71 season as an additional optional season in determining base quantities. On the basis set forth in the recommended decision and the supplemental criteria and considerations herein, it is concluded that the 1964–65 season through 1970–71 season is a reasonable and proper initial representative period.

The record indicates that some lettuce growers in the production area produce lettuce for several years prior to the 1967–68 season but because of adverse growing conditions or weather conditions (such as hail or freeze) in their producing regions since that time were unable to finish and market a lettuce crop during each of the subsequent seasons. In recognition of this circumstance caused by conditions beyond the lettuce grower's control where he made at least a bona fide effort to produce lettuce in any one or more of the marketing years 1967–68, 1968–69, 1969–70, 1970–71, provisions should be included in the order for such a lettuce grower to be considered as a producer for purposes of the establishment of base quantities for him pursuant to § ___.53(b)(1) during the initial season. The absence of such an effort by a lettuce grower during those marketing years should indicate that such person ceased being a lettuce producer and should, therefore, not be eligible for an initial base quantity under § ___.53 of the order.

Exceptions were filed recommending the elimination of the possibility of double counting of base histories of lettuce producing businesses acquired from producers. According to the record, a person who acquired such a business from a producer should be entitled to all of the base history referable to such producer's business in computing base quantities for such person. Conversely, the disposing producer should not be entitled to any of that base history. These exceptions are granted so as to make the foregoing considerations and requirements explicit in the recommended decision and in the order. Section ___.53(b)(1) of the order

V 37-19 JAN 28 72 XUM

and the recommended decision are modified accordingly.

A number of exceptors complained that total base quantities issued under the program would be inflated beyond aggregate sales made in any comparable base quantity period, and implied that this would lead to excessive marketings. Although the former is true, it is of little consequence, as pointed out in the recommended decision in connection with the assignment of additional base quantities, as the total allocation is the significant figure.

In contrast, another exceptor stated concern that the order would restrict expansion of lettuce producing acreage. While no direct acreage controls are provided, this development is not unlikely in a program designed in part to curb excessive marketings; and a secondary effect of this nature is not incompatible with the objectives of the act. Thus these exceptions are denied. It was contended, in exceptions, that the allotment program under the order would result in continuous supplies of poor quality lettuce due to overmature lettuce being marketed while younger lettuce is held, hoping for an increase in the allocation. Based on the record, with a limit on the quantity which could be marketed, handlers would tend to ship the higher value (and hence more desirable) lettuce in preference to that of lower quality and value. Any handler shipping lettuce of lower quality and value under an allocation in expectation of an increased total allocation takes the risk of such a business judgment whereby the absence of such an increase would result in higher value lettuce not being shipped or not receiving the higher value return therefor.

Exceptions were filed to the effect that base quantities and allocations should be considered property rights of the land owner and as such should be tied to specific parcels of land. The contention was made that under another marketing agreement and order program issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, base quantities may be transferred only in accordance with the lease contract or with the consent of the land owner and therefore such requirement should apply to the regulatory program being considered here. Regardless of the requirements of other programs, the record evidence in this proceeding does not support such a provision. Further, the statute does not require that base quantities or allocations with respect to lettuce relate only to the acreage upon which the lettuce was grown. The act does specifically provide that the total quantity "* * * to be purchased, or handled during any specific period or periods shall be apportioned equitably among producers" in accordance with the act but makes no reference to the acreage upon which the commodity was produced.

Exception was taken that the committee or the Secretary should maintain control and supervision of transfers. The contention was that without supervision, such producers would, at their own option, be able to transfer lettuce operations to different acreages. However, this problem can arise without the existence of an order; and the order should not concern itself with these matters. Unlike the price support programs which are issued under different legislation and which involve acreage control and acreage allotments assigned to the farm, based on the farm history, the Agricultural Marketing Agreement Act of 1937, as amended, expressly provides for apportioning the total quantity to be purchased or handled during a specific period among producers, based on sales by producers in a prior period, without reference to the particular acreage where the commodity was grown. Thus, a producer is entitled to, receives, and retains, consistent with the method of allotting set forth in the marketing order, a base quantity. Just as the base quantity provisions of the order do not directly regulate lettuce production or confine it to any particular parcel of land, neither should the transfer provisions. Consistent with the provisions of the order, this base quantity is his. Hence, he should be able to use it on locations of his choosing or to dispose of it to another producer. Neither the committee nor the Secretary should interfere with such actions, but knowledge sufficient to permit operation of the program should be obtained. As to the issue of denying a transfer until the committee and the Secretary are satisfied that no party or parties having an interest in the lettuce crop, machinery, buildings or land will be injured by such transfer, such would place upon them responsibilities which they may find impossible to discharge. Here, too, the order should not concern itself with these matters. Accordingly, the exception is denied.

An exception was filed that the export exemption proposed in the notice of hearing should be included in the order. It indicates that the exemption of lettuce exports from volume regulations might contribute to the development of new foreign markets and thus aid in improving the balance of payments of the United States, while not impeding the effectiveness of the program.

While these export goals would be commendable, the record evidence does not support the need for authority for exemption of such exports and the exception must be denied.

One exceptor urged that the order require that a referendum be conducted every 3 years after its effective date to ascertain whether continuation of the program is favored by producers. Such a requirement is unnecessary in that provision is made in the order hereinafter set forth for a mandatory referendum every fifth year, and that further, the Secretary is directed by the statute and the order to terminate the provisions of the order at the end of any marketing year whenever he finds that such termination is favored by the requisite majority of producers. Moreover, he is not precluded from conducting a referendum at any time in order to arrive at a finding with respect to termination or continuation of the order.

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision (36 F.R. 14316) are hereby approved and adopted and are set forth in full herein subject to correction of inadvertent, grammatical or obvious errors and the following modifications:

1. Under Material Issue No. (3), paragraph 2 (p. 14317), concerning the definition of the production area, is revised and two new paragraphs are added clarifying the area included in Texas.

2. Under Material Issue No. (5)(a) concerning definition of terms, paragraphs 5, 6, 7, 8, and 9 (pp. 14318–14319) are revised.

3. Under Material Issue No. (5)(b) (p. 14319) concerning committee representation, paragraph 3 is revised.

4. Under Material Issue No. (5)(d) concerning method of regulating, a new paragraph is added immediately following paragraphs 13, 22 (p. 14322), and 48 (p. 14324), paragraphs 19, 22 (p. 14322), 28, 36 and 38 (p. 14323) are revised.

5. Under Material Issue No. (5)(g) (p. 14326), a new paragraph is added immediately following paragraph 3 concerning a periodic referendum.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the commodity, the persons, and the marketing transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the local administrative agency for assisting the Secretary in administration of the order;

(c) The incurring of expenses and the levying of assessments on handlers to obtain revenue for paying such expenses;

(d) The method of regulating the handling of lettuce grown in the production area, including the establishment of base quantities and allocations and other terms and provisions relating to volume regulations;

(e) The establishment of requirements for reporting and recordkeeping on marketing transactions;

(f) The requirements of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(g) Additional terms and conditions of miscellaneous provisions published (36 F.R. 1266) as §§ ___.86 through ___.96 which are common to marketing orders and other terms and conditions published as §§ ___.97 through ___.99 which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

The proposed program should regulate the handling of lettuce by restricting the quantity that handlers may purchase from or handle on behalf of any and all producers during an allocation period of 1 or more weeks duration. It should provide a method of allotting the quantity of lettuce during any base quantity period among handlers based on amounts sold by producers during a prior representative period determined by the Secretary to the end that the total quantity to be handled from such crop will be apportioned equitably among producers. This is for the purpose of carrying out the declared policy of the act by establishing and maintaining orderly marketing conditions and increasing returns to producers of lettuce as provided therein.

(1) Lettuce is the Nation's most important fresh vegetable crop in terms of volume and total value. Its average annual farm value during the past 3 years was over $220 million. The average U.S. annual production of lettuce over the past 3 years was nearly 4.5 billion pounds, of which over 90 percent was grown in the proposed production area.

Production area lettuce is marketed in substantial volume in every month of the year. During 1970 the average monthly shipments were approximately 7,800 carlot equivalents. Approximately 65 percent of the unloads of production area lettuce shown in USDA's Market News reports of unloads in 41 cities are accounted for by 38 major cities outside of the production area. Every one of the 41 cities reported unloads of production area lettuce in 1970 and for practically every month. Expert testimony indicates that production area lettuce is shipped to virtually every city in the United States.

Production area lettuce is so grown, harvested, and packed that virtually any given lot may be, and often is, sold or transported to any market in the United States. The industry's domestic market for lettuce is the entire United States and its members are in daily contact with buyers across the Nation. At times shipments are diverted from initial destinations to other destinations either within or outside of the States of origin. With modern communication and transportation systems, lettuce prices or supplies in any one location are promptly known elsewhere and have a direct effect on lettuce prices and supplies in all other locations.

No significant differentiations occur in sales as between lettuce for use within a State in the production area as compared with lettuce for use in other parts of the United States or the world. If a program regulating only interstate and foreign commerce in lettuce were to be made effective, the market for lettuce in some States within the production area would be greatly overburdened with the unregulated supplies resulting in lower prices in such States. In turn, this would adversely affect the price of lettuce in other States. The evidence of record is that all movement of lettuce in marketing channels is inextricably intermingled and in direct competition, and hence it is concluded that the handling of lettuce within the respective States in the production area directly burdens, obstructs, or affects interstate and foreign commerce to such an extent as to make necessary the regulation of intrastate commerce in lettuce as well as the interstate and foreign commerce in lettuce.

Lettuce is an agricultural commodity within the group of vegetables named in the act to which its marketing authority may be applied.

It is determined from substantial evidence in the record of hearing that the right to exercise Federal jurisdiction in the marketing of lettuce grown in the production area hereinafter defined is proper and appropriate under the act and the order hereinafter set forth.

(2) Production of lettuce in the proposed production area has trended upward in the past decade, going from 34.2 million hundredweight in 1961 to over 42.4 million in 1970. Both increased acreage and improving yields accounted for the rise. During most years from 1961 through 1970, some lettuce was not marketed due to adverse market conditions. However, such losses of seasonal crops became more frequent and larger during the latter half of the period. Less than one-tenth of 1 percent of New Mexico's 1965 lettuce tonnage was not marketed. But growers in that State abandoned 3 percent of their 1969 output, and California growers did not market 5 percent of the lettuce that was available for marketing during the last half of 1970.

Season average farm prices for lettuce were less than parity prices each year during the 1961–70 period. The simple average for the 10 years is less than 82 percent of parity, ranging from only 69 percent of parity in 1961 to 95 percent in 1966. The ratio of farm to parity prices has declined since 1966, reaching a low of 70 percent in 1970.

During this period of relatively low prices, producers' costs for virtually all supplies and especially labor have steadily increased. Record evidence shows that costs per acre to grow and harvest lettuce in the Salinas, Calif. area, were approximately $1,067 in 1970. This represented an approximate 57 percent increase over 1964 costs.

Exhibit 47 regarding operations in the Yuma, Ariz., area further illustrates the cost trend, showing increases over the last 10 years in virtually every item. These included increases of 114 percent for growing costs per acre; 100 percent for preharvest labor, 84 percent for harvest labor, and 67 percent in cooling charges.

A number of witnesses presented evidence that lettuce prices have not been returning the cost of production. For example, Exhibit 65 (table 6) shows the North Texas area lettuce industry had negative producer returns in eight of the last 11 years with total losses of $519,000 or more in 1960 and 1969. The average annual total producer return for the 11 years was a minus $181,000.

Exhibits 14 through 17 show lettuce industry losses in Imperial County, Calif., as follows: 1966–67—$3,875,744; 1967–68—$4,558,153; and 1969–70—$10,801,920. Although official figures are not available for the 1970–71 season, it was generally expected that they will show a heavy loss. All of the areas that compete during the Imperial County, Calif., shipping season have about the same costs and experience the same market conditions. So the negative returns likely were common in all competing areas as well.

While burdensome on an annual basis, lettuce supplies vary sharply within the year. Exhibit 36 shows that U.S. weekly shipments during the January 1969–January 1971 period ranged from 1,033 to 2,459 carlot equivalents. Such drastic changes in short-run supply resulted in U.S. average prices ranging in 1970 from a low of 50 percent of parity in February to 127 percent in September.

With both supplies and prices swinging widely, gross returns have been volatile. Production area lettuce has produced agricultural income ranging from about $109 million to nearly $218 million in annual farm value during the last decade. The element of economic risk in lettuce production is among the highest in agriculture.

Many farmers have not been able to withstand the extreme income variability and continuing periods of loss. Census data show that 1,800 farms in the five-State area harvested lettuce for sale in 1959, 1,400 did so in 1964, and by 1970, their number was down to about a thousand. Evidence by hearing witnesses attested that more growers were likely to be forced out soon if the current marketing system continued.

Record evidence also indicates that total lettuce marketings have been below its potential because retailers are reluctant to promote lettuce even in times of abundant supply due to the short-term irregularity in production and price. Growers and shippers believe that by eliminating the wide variations in shipments they can smooth out price levels, reduce the need for the wide spreads between shipping point and retail prices, and sell more lettuce than at present.

It was contended by several witnesses at the hearing that the order would reduce industry income from lettuce because the demand for lettuce was elastic. The foundation for this contention was a statistical analysis of supply-price relationships in New York City published in 1957 by the University of Arizona. The applicability of that study to current conditions is at best questionable in view of the substantial changes in marketing practices that have occurred in the past decade. In addition, the fact that the analysis concerned terminal market relationships discounts its value as a measure of elasticity at the shipping point level. Subsequently, the University of Arizona analyzed economic relationships for more recent years at the shipping point level and concluded in effect that

V 37 I 19 JAN 28 72 XUM

the total demand for lettuce is inelastic throughout almost all of the relevant range, and therefore, it is to be expected that any reduction in total quantity shipped that would likely result from a marketing control program would cause the total net revenue to the grower to increase.

Several witnesses at the hearing testified that although overproduction was a real problem to the lettuce industry, the situation was self-correcting through voluntary reductions in production to bring supply in line with demand. Recent downtrends in New Mexico lettuce output were cited as illustrations of better ways of attaining orderly and stable marketing conditions. Production in New Mexico in 1970 was reduced 29 percent from a year earlier, largely because of less acreage. However, aggregate production in other production area States increased, so for the much smaller crop, New Mexico producers received a 27 percent lower price. This indicates that efforts to regulate supply voluntarily do not succeed.

The record evidence shows that individual lettuce growers have been unable to cope with the industrywide problem of balancing supply with demand. Reductions by individual producers, or in one area, have been negated by increases by other producers or in other producing districts.

On the basis of their experience over the past decade, numerous grower and handler witnesses with long experience in production area lettuce production and marketing attested that in the absence of a program such as they proposed, supplies will likely continue to exceed demand, resulting in depressed prices. The need exists to regulate marketings through allocations to producers, thereby stabilizing supplies, promoting orderly marketing, and tending to improve prices toward parity, with due regard to interests of consumers.

The need for the order hereinafter set forth, is determined to exist in fact. Further, the terms and provisions of such order are authorized by the act as a means of establishing and maintaining orderly marketing conditions for this commodity.

(3) The term "lettuce" should be defined to identify the commodity to be regulated hereunder. Such term should mean all varieties of lettuce classified under the botanic name *Lactuca sativa*, commonly known as iceberg-type head lettuce, grown within the production area. It should exclude "soft lettuce" such as Romaine, endive, and Bibb lettuce and should also exclude iceberg-type lettuce grown outside the production area because these have significantly different characteristics and they are not considered as exact substitutions for production area lettuce.

A definition of the term "production area" should be incorporated into the order to designate the specific area in which the lettuce to be regulated is grown. It should include all of the States of California, Arizona, Colorado, and New Mexico, and all parts of the State of Texas except: (1) Those counties intersected by U.S. Highway 90 between the cities of Orange and Del Rio and all counties south thereof, (2) all area south of U.S. Highway 90 between the cities of Del Rio and Van Horn, and (3) all area south of a line due west from Van Horn.

The definition of the production area appearing in the recommended decision (insofar as the State of Texas is concerned) reads as follows: "those counties in the State of Texas north of and in which no part of U.S. Highway 90 between the cities of Orange and Del Rio is located." Since U.S. Highway 90 extends north and west from Del Rio to Van Horn, this definition could perhaps be construed as encompassing certain areas south of the segment of U.S. Highway 90 situated west of Del Rio. Such interpretation would be incorrect. The record shows that the production area should not encompass any area of Texas south of U.S. Highway 90, and further, that lettuce-producing areas north of U.S. Highway 90 (including counties in the western portion of the State, e.g., El Paso County) should constitute a part of the production area. Inasmuch as the portion of U.S. Highway 90 that is west of Del Rio does not course through lettuce-producing regions, it would facilitate administration of, and operations under, the order to fix as part of the southern boundary of the production area the segment of U.S. Highway 90 from Del Rio to Van Horn. However, the portion of U.S. Highway 90 that runs from Del Rio to Orange cuts through some lettuce-producing counties (e.g., Uvalde County) and through lettuce farms therein. It would be impractical to administer such a program applicable to only a part of a lettuce-producing county or farm. It is therefore necessary in order to effectuate the declared policy of the act, for the production area to exclude all counties from Del Rio to Orange intersected by U.S. Highway 90.

Additionally while all areas in the State of Texas south and west of the western end of U.S. Highway 90 may be construed as being south of such point and would be excluded from the production area, such excluded areas should be more explicitly described. This should be done by excluding that portion of Texas that is south of a line due west from Van Horn. The definition of the term "production area" should read as hereinafter set forth. This production area has accounted for over 90 percent of the U.S. lettuce production during the past 3 years. It is the smallest regional production area practicable for application of the order. The lettuce from all districts in the production area is of the same varieties and grown under similar cultural practices. It is harvested, packed, cooled, and transported in a similar manner and is purchased by the trade at comparable prices for similar quality and is all known as Western iceberg lettuce.

There are numerous producer-shippers who operate in more than one of the States or districts of the production area. Applying the order to any lesser area could materially jeopardize the effectiveness of the program. California usually accounts for two-thirds or more of the annual U.S. lettuce supply. Arizona, New Mexico, Colorado, and a designated part of Texas each account for substantially smaller proportions of annual shipments. But each assumes an important role as a supplier within the year. If any district were excluded from the production area, its shipments could have a very detrimental effect on the program, especially during the months when its shipments are at a peak. The acreage in any one of the production area districts would likely be expanded if it were excluded from the order. Thus, while contributing to the oversupply of lettuce, producers in such districts would benefit from the operation of the order at the expense of other producers whose lettuce was being regulated.

(4) The term "handler" should be defined in the order to identify the persons who would be subject to regulation under the order. Therefore, the term should apply to all persons who perform any of the activities within the scope of the term "handle" as hereinafter defined. Obligations are placed on such persons for meeting requirements of the order and the regulations issued thereunder such as volume limitations, assessments, and reporting requirements.

Common or contract carriers transporting lettuce owned by another person should be excluded from this definition as their function is solely to supply freight or other services on an agency basis for other persons who own the commodity.

A producer who handles the lettuce he has produced is considered to be a handler when he performs the handling function on such lettuce. However, harvest crews, whether or not permanently employed by the owner of the lettuce, are considered as performing harvest activities on a custom basis, i.e., service on a fee basis, and have no other interest in or control over the commodity or its disposition. It is not necessary for purposes of order operation that the crew or its members be considered as handlers.

"Handle" should mean the act or function, or both, whereby any person places lettuce in the current of the commerce within the production area or between the production area and any point outside thereof.

According to the record, lettuce harvesting and market preparation processes generally are as follows: Lettuce in most fields matures at irregular rates so that in harvesting it is necessary to select and harvest each individual head, leaving the immature heads for later harvest. As many as five different harvestings may be required to complete the harvest on an individual field, but most fields require three.

Nearly all of the production area lettuce volume is harvested and packed by the so-called field pack method. Handlers' crews consist of about 30 to 35 individuals—typically 16 cutters, eight packers, four loaders, and two water boys plus a crew foreman and his assistants—who work as a unit. The cutters examine each individual head, and if the proper size and maturity, cut it from its roots.

The head is then inspected for defects, and trimmed to allow four to five wrapper leaves to remain. The packers follow, placing the heads in a two-layer-pack standard corrugated carton. The top layer is washed with water, and the carton is closed, stapled, and loaded on pallets aboard field trucks, to be transported to vacuum cooler plants. The packaged lettuce is cooled to 34° and loaded into rail cars and trucks for shipment to market under controlled refrigeration. Although most harvested lettuce is field packed, some is moved to packing sheds for packaging and other handling.

The harvesting of lettuce terminates its production and brings the harvested lettuce into the visible supply on which trading takes place. Therefore, the harvesting of lettuce should be considered as an act of handling and the person responsible for such act as a handler.

Since harvesting is the initial act of handling, it should be the point of impact for the application of allocations, as hereinafter discussed, and for the determination of compliance therewith, except as otherwise specifically provided.

Applying the allocation in this manner at an early stage of trading should effectively coordinate the quantities of lettuce that may be purchased from producers, and handled on behalf of producers, with the allocations established for a particular allocation period. Conformance with the respective allocations of producers, in terms of the amount that may be handled, should be readily ascertainable by measurement on the basis of number of cartons of harvested lettuce, regardless of whether packed in the field or at the packinghouse.

In addition to the harvesting function, handlers are responsible for packaging, selling, shipping, and transporting harvested lettuce, and such acts should be construed as handling whether or not on behalf of a producer.

The record evidence shows that some lettuce is harvested but subsequently condemned by regulatory authorities because of quality factors, or rendered unsaleable by mishandling during packing, moving, loading, cooling, etc. When such lettuce, condemned or otherwise rendered unsaleable, is destroyed before shipment, the committee may credit an equal quantity to the producer's allocation as a replacement for such quantity of lettuce already charged. It should not be creditable to any allocation period subsequent to the period in which the destroyed lettuce was originally handled.

Although it is normally considered that the handler function begins with the cutting of the lettuce in the field, the harvested heads of lettuce continue as the property of the producer unless and until he sells his lettuce. In such circumstances, the handler acts on behalf of the producer in performing the various handling functions to prepare it for market as a matter of practical convenience in the operation of this industry.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

"Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations throughout the order.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

"Producer" should mean any person engaged in a proprietary capacity in the production of lettuce in the production area for market: *Provided*, That in the case of so-called joint venture agreements wherein the parties to the agreement contribute resources to a single endeavor to produce and market a crop of lettuce and each party in such joint venture shares in the production risks and ownership of such lettuce, each such party shall be deemed a producer in his own right to the extent of such ownership as specified in the agreement. Such a person would normally have the right to sell lettuce so that handlers may purchase from such person or may handle it on such person's behalf.

Producers include individuals, partnerships, corporations, or any other business units which engaged in such a proprietary capacity in the production of lettuce and own all or a portion of the lettuce produced. The term "partnership" should include husband-and-wife with respect to ownership of the lettuce produced and vested in them as tenants in common, joint tenants by the entirety, or under community property laws as community property.

The record indicates that a substantial amount of production area lettuce is produced under joint venture arrangements by which several persons contribute resources to a single endeavor to produce and market a lettuce crop. In such ventures, one party is the farmer who may contribute one or more factors such as his labor, time, production facilities, or cultural skills. The other party typically is a handler who may contribute money and cultural supervision, the latter particularly as the crop nears the harvest stage. The handler generally also contractually agrees to harvest and market the venture's lettuce at a fixed fee per unit, such as a carton. Also, as each party in such joint venture shares in the production risks and ownership of such lettuce, each party should be deemed a producer in his own right to the extent of such ownership as specified in the agreement.

For purposes of determining base quantities under the order pursuant to § ___.53, it would be appropriate that all parties to any such joint venture be considered as producers, inasmuch as each had a proprietary interest in the lettuce produced by the venture. "Proprietary interest" is construed as sharing in the production risks and ownership of a joint venture's crop of lettuce through a direct contractual arrangement between the parties in the venture. The handler usually shares in the risk by financing the production, advancing as a guarantee, part or all of the growing expenses. Each party to the joint venture should be considered a producer in proportion to the share of his proprietary interest as specified in the contract reflecting their respective proprietary interests. Thus, in a so-called 50–50 joint venture (one in which each party has a proprietary interest in one-half of the crop) each party should be considered the producer of half of the lettuce that was produced and marketed.

Occasionally a field of lettuce may be sold before it is ready to be harvested. The buyer of such unharvested lettuce should then also be considered a "producer" along with the seller as each would bear production risks and otherwise have proprietary interest. They should share 50–50 in any resulting credit for base quantity purposes unless otherwise specified in a written agreement regarding the sharing of such base quantities. If the second producer similarly sells the same crop in the field unharvested he should similarly share his half, or other percentage, of the aforesaid resulting credit with the purchaser who should also be considered as a producer.

Since there are so many other possibilities regarding producer arrangements or actions such as foreclosures, bankruptcies, et cetera, rather than try to outline all cases, the order should provide for rule making recommended by the committee and approved by the Secretary to cover such situations.

Some lettuce is also raised by contract farmers, essentially salaried personnel who have no proprietary interest in the crop. Such individuals should not be considered "producers" under this program.

"Registered producer" means any producer registered with the committee pursuant to § ___.53. To obtain a base quantity, a producer should register with the committee, indicate his desire for a base quantity, and report and substantiate the number of cartons of his lettuce sold during a specified prior period or periods. The information furnished should clearly evidence sales by him in the representative period or on his behalf.

"Pack" should be defined as a specific quantity of lettuce in any type of container and which falls within prescribed weight limits, numerical limits, size limits, or any combination of the three, as prescribed by the Secretary upon recommendation by the committee so that whenever a pack regulation is issued

VOL 37-19 JAN 28 72 XUM

under the order its meaning will be readily ascertainable.

"Carton" should be defined as set forth in the order as a basis of providing a standard unit of measure for identifying lettuce production, shipments, sales, base quantities and allocations. Even though containers other than those covered by the term "carton" may be used, the quantity of lettuce in such containers could readily be converted to an equivalent in terms of "cartons."

"Marketing year," "season," and "fiscal period" should be defined to set forth an appropriate annual period of time with respect to financial operations and regulatory provisions and records under the order. Although production area lettuce is produced and marketed in or from the production area each month of the year, the most desirable annual period at the present time is the 12-month period beginning August 1 through the following July 31. This period is appropriate since on August 1 the number of districts engaged in production or marketing is at a seasonal low. Several States in the production area (Arizona, New Mexico, and Texas) are generally not shipping lettuce at that time. Planting of most fall and winter crops is not yet underway. However, to allow sufficient operational flexibility, authority should be provided to permit changing the term of the marketing year to cover a different series of 12 consecutive calendar months. Any such change should, however, be made effective by the Secretary upon recommendation of the committee. In this way the views of the administrative agency, the committee, should be able to apprise the Secretary of needed changes based on operational experiences.

(5) (b) Section 608c(7)(C) of the act provides for an administrative agency for effective operation of an order. It is desirable to establish such an agency to administer this order, as an aid to the Secretary in carrying out the purposes of the order and the declared policy of the act. The term "Western States Lettuce Administrative Committee" is a proper identification of the agency and reflects the character thereof. A committee of 18 members, with representation as hereinafter provided in § ___.20, with a like number of alternates, should be a workable, equitable, representative committee adequate to judiciously recommend marketing regulations and to satisfactorily handle the other various committee duties and responsibilities. Record evidence shows that because of the size of the production area and the nature of the program involved, a committee of 18 is considered the least number which would allow good representation from the various districts while holding, within reason travel and other committee expenses incidental to attendance at potential weekly committee meetings.

Since a primary purpose of the act is to increase returns to producers, a preponderance of committee members should be producers. Therefore, 15 of the committee members should be persons who are producing lettuce for market in the respective districts at the time of selection and during their term of office, or who are officers or employees of such corporate producers in that district. A handler who is also a producer should not be precluded from being appointed as a producer member and vice versa. Three handler members and their alternates, selected from the production area at large and who handled lettuce during each of the 12 months of the season, should complement the producer representation, providing balanced judgments and a broad perspective of the production area lettuce marketing situation from month to month and district to district.

San Luis Obispo County of California, which was listed in District No. 5 in the notice of hearing, should be in District No. 1. The districts (i.e. the geographical divisions of the production area) delineate the producing sections generally in accordance with industry understanding of subdivisions of the production area. Producer representation on the committee should be distributed among such districts on the basis of their past record of acreage and production in each district. This basis should provide equitable representation on the committee and should also provide the separate districts with reasonable representation, thus recognizing that the California and Arizona portions of the production area account for a substantial large majority of the lettuce production. This should be accomplished by allowing District No. 5, with one-third of the harvested acres, three producer members. Districts No. 3 and 8, each with over 15 percent of the acreage should have two each. Each of the remaining districts should have one member.

The order should provide for reapportionment and redistricting so that the Secretary may, upon recommendation of the committee, give consideration to adjustments and to make adjustments when warranted in committee representation in the event of significantly changing conditions in the future, such as major shifts in production within the production area.

A 1-year term of office, with no limitation on successions in office, seems reasonable and will allow the lettuce industry to express its approval or disapproval of the committee membership near the end of each marketing year and prior to the beginning of a new one.

The proponents' proposal that a public meeting be held in each district to nominate producer members and alternates prior to May 15 of each year, or such other date as may be specified by the Secretary, is a proper and practical method of providing the Secretary with names of nominees the industry desires to have serve on the committee.

Persons who produce in more than one district have invested time, effort, and resources in each such district and have a direct interest in any regulation affecting their lettuce wherever grown. Thus if a producer grows lettuce in more than one district he should be represented in each such district and able to vote at nomination meetings in each such district.

Since the three handler members and their alternates are elected from the production area at large, an assembled nomination meeting might be impractical. Therefore, a mail balloting procedure should be permitted if recommended by the committee and approved by the Secretary. The committee could submit to every known handler a list of persons affiliated with and designated by handlers who handled production area lettuce during each month of the immediately preceding season. From such list each handler should vote for three persons. The committee should tabulate the returned ballots, with the three handlers having the most votes being nominated as members and the next three as alternates. The handler with the fourth largest vote should be the nominee for alternate to the handler with the highest vote, the fifth highest, alternate to the second, and the sixth highest alternate to the third. The entire voting process should be completed not less than 45 days prior to the pending term of office.

As the Western States Lettuce Administrative Committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a special procedure for selection of the initial members.

Proponent testimony stressed the urgent need for prompt issuance of the order and regulations thereunder. It would be desirable to hold public meetings to nominate the initial committeemen. However, as this procedure might cause undue delay, the Secretary should have the flexibility of accepting nominations obtained in other manners. The Secretary should be authorized to select the committee without regard to nomination in this case, or in other cases if for some reason nominations are not submitted to him in conformance with the procedures prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in his position.

Provisions should be set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The order should provide that an alternate member shall be selected for each member of the committee in order to insure that each district has the opportunity to have representation at meetings. Each alternate who is selected shall have the same qualifications for membership as the member for whom he is alternate so that during the member's absence or in the event that the member should die, resign, be removed from office, or be disqualified, the district

representation on the committee will remain unchanged. In such cases, the alternate should serve until a successor to such member has been appointed and has qualified.

With regard to committee meetings and procedure, the evidence of record shows that on actions not involving volume regulations, 10 members, including alternates acting as members, should be necessary to constitute a quorum and pass any motion. This should be adequate to reflect a representative and accurate cross section of industry thoughts and attitudes. However, on all motions to recommend volume regulations for a particular base quantity period, the record supports a different voting procedure. Since such action will vitally affect producers whose lettuce is or will be handled during that period of regulation, the only committee men who should qualify to vote are the three handler members including alternates acting as such and those producer members or their alternates from districts which are subject to allocation during that regulation period: *Provided*, That both the quorum and the number of concurring votes needed should be the majority of all those eligible to vote whether they are present or not.

The committee should have authority to follow procedures which will assure its proper and efficient operation. In order to facilitate the transaction of routine, noncontroversial business where it might be expensive and unreasonable to call an assembled meeting, or in other instances when rapid action may be necessary, the committee should be authorized to conduct meetings by telephone, telegraph or other means of communication. Since the committee may find it necessary to meet every week and since individual committeemen may have to travel many miles round trip to attend an assembled meeting, other arrangements may be vital to expedite transactions of the committee. Such possibilities as conference telephone calls or simultaneous meeting of groups of its members in two or more places with direct communications connections should be investigated.

Any votes cast at nonassembled meetings should be confirmed promptly in writing to provide a record of how each member, or the alternate acting in his stead, voted.

It is appropriate that the members and alternates of the committee be reimbursed for necessary expenses incurred when performing authorized committee business, since it would be unfair for them to bear personally such expenses incurred in the interests of all lettuce producers in the production area.

The committee should be given those specific powers which are set forth in section 608c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function properly under the marketing order. The committee's duties as set forth in the order are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this nature. It should be recognized that these specified duties are not necessarily all-inclusive and it is probable that there are other duties which the committee may need to perform which are incidental to and not inconsistent with its specified duties or the order.

An annual report should be prepared by the committee as soon as possible after the close of each marketing year to document fully its operations for the season to the industry and the Secretary.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. While expenses and income cannot be anticipated with exact mathematical certainty, the committee with its knowledge of conditions within the industry will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard. The funds to cover committee expenses should be obtained by levying assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under the order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each person who first handles lettuce during a fiscal period should pay assessments to the committee at a rate fixed by the Secretary on all lettuce he so handles. In this way, each handler's total payments of assessments during a fiscal period would be proportional to the quantity of lettuce handled by such handler, and assessments would be levied on the same lettuce only once.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a unit basis, such as a carton.

Although handling of lettuce from the production area is a continuous 12-month operation, the period near the beginning of the marketing year will be one of extra activity, for the committee will be closing out one marketing year, auditing its account, preparing the annual report, surveying the crop and marketing situation, developing a marketing policy and holding meetings to develop recommendations for regulations. This means that in all probability a large percentage of the committee's expenses will be incurred before income for the current fiscal period equals expenses.

In order to provide funds for the administration of this program during the fiscal period prior to the time sufficient assessment income becomes available during such period, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money to meet such deficiency.

The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing order programs and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are made in an appreciable amount. Revenue accruing to the committee from assessments later in the season would normally provide the means of repaying any loans.

Should it develop that assessment income during a fiscal period plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all lettuce handled during the particular fiscal period, so that the total payments by each handler during each fiscal period will be proportional to his share of the total volume of lettuce handled by all handlers during that period.

Should the regulatory provisions of the order be suspended during any portion or all of a fiscal period, it will be necessary to obtain funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. Thus authorization should be provided to require the payment of assessments to meet any necessary expenses during such periods.

The assessment rates under the program would be set at the beginning of the season based on a crop of an estimated volume. However, lettuce in the production area is susceptible to damage from frosts, wind, hail, and other factors. Should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, it might be necessary for handlers to cover the deficit through increased assessments. Since this would impose an extra burden on the industry, it would be equitable and less burdensome for handlers to establish an operating reserve during years of normal production. The reserve fund would be built during years when funds exceed expenses. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately one fiscal period's expenses should be provided.

Except as necessary to establish and maintain an operating reserve as set

V 37 N 28 1 9 JAN 72 XUM

forth in the order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess funds that remain at the end of a fiscal period.

Upon termination of the order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, the precise equities of handlers may be impractical to ascertain. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee from assessments should be used solely for the purpose of the order. The committee should as a matter of good business practice maintain up-to-date books and records clearly reflecting the operation of its affairs. It should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing year or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the activities and operations.

The marketing order should provide authority for production research, market research, and market development. Such activity could contribute to greater efficiency in production and marketing, and stimulate sales and per capita consumption. Since the act contains no authority for paid advertising for lettuce, market development does not include paid advertising.

(d) The declared policy of the act is to establish and maintain such orderly marketing conditions for lettuce, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of lettuce, as authorized in the order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should toward the end of each marketing year, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to producers and handlers. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the production and marketing of the crop, of the committee's basic plans for regulations, including estimates of the respective total allocations of lettuce and producer allocations with respect thereto. Handlers and producers could then plan their individual operations in accordance therewith and thus reduce the overproduction that has plagued the industry in the past. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

In order to develop a comprehensive and effective policy for regulating the handling of lettuce in any marketing year, it is necessary that all of the important economic factors having a bearing on the marketing of the crop be considered by the committee. Hence, the committee in preparing its marketing policy should give consideration to the supply and demand factors, as hereinafter set forth in the order, affecting marketing conditions for lettuce since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The marketing policy report should contain forecasts of the probable demand for lettuce during the applicable base quantity periods. The record shows that the committee should be able to make reasonably accurate estimates of demand since there are detailed USDA records of weekly shipments for many years which can be correlated with economic and other relevant data. Since the committee will also have a record of the total of base quantities for any given base quantity period throughout the year, by relating the aggregate base quantities to the estimated aggregate demand it should be able to determine fairly closely the allocation percentages needed for each such period.

Information regarding the trend and level of consumer income should also be included in the marketing policy report. Changes in consumer income, particularly disposable income, influence the demand and prices for lettuce and would need to be considered by the committee.

The committee should also give consideration to prospective production of lettuce and competing vegetables by time periods, both in the production area and in competing areas.

The marketing policy report should also contain information regarding any other factors such as U.S. population and export demand conditions which have a bearing upon the economic and price-making situation for lettuce.

Section ___.50 dealing with marketing policy should also include the total of base quantities during each base quantity period. This is an important factor which must be included in considering any allocation regulation. As the divisor, it is one of two numbers used to calculate the uniform percentage which, when applied to each producer's base quantity, results in his allocation.

These factors should provide adequate criteria to consider in developing a marketing policy statement and should be adopted.

If supply or demand conditions for lettuce change significantly the committee should have authority to revise the marketing policy statement when the situation warrants. A report of each revised marketing policy should be submitted to the Secretary and made available to producers and handlers by bulletins, or other appropriate media.

The order should provide for volume regulations as hereinafter discussed under which the volume of lettuce handled during any allocation period could be limited to such quantity as may be expected to meet market requirements at fair returns to producers. The record evidence indicates that the order, as hereinafter set forth, would provide an effective method of so regulating the handling of lettuce.

In administration of the order, the committee is given direct responsibility for recommending to the Secretary the number of cartons of lettuce which should be marketed during an allocation period. To carry out such responsibilities effectively and equitably, and with due regard for the public interest, certain standards of operation and administration are prescribed in the marketing order. Such standards, which are deemed essential in the exercise of authority authorized by the act, relate to all the various elements which experienced lettuce producers take into consideration in planning and managing their production and marketing of production area lettuce.

Thus the order should provide that the committee should recommend to the Secretary whether regulation of lettuce is needed during a particular allocation period. The members of the committee would be representative of lettuce producers and handlers. Consequently, it is proper that the committee should be qualified to evaluate and recommend to the Secretary whether, and the extent that, the available supplies of lettuce are excessive in relation to demand and whether restriction on the quantity of lettuce which handlers may purchase from, or handle on behalf of, producers during such period is needed to improve producer returns.

Several exceptions stressed the need to delay issuance of the initial volume regulation to provide adequate time for handlers, producers and the committee to prepare for operations under the program. One contended that issuing such regulation in the middle of the season would be discriminatory, and therefore should not be effective prior to August 1, 1972, the beginning of the season or fiscal period. Others suggested a delay of at least 120 days—which is the approximate time period from lettuce planting to harvest. In order to provide equitable treatment of producers and handlers and to insure adequate time for preparations, these exceptions are granted and the order as hereinafter set forth requires that no volume regulation shall become effective before August 1, 1972, but in any event not until at least 120 days after the effective date of the order, if the order becomes effective.

"Base quantity" should mean the number of cartons of lettuce determined for a producer pursuant to § ___.53 for a base quantity period. "Base quantity period" should mean each of the 12 calendar months or other specified periods during the marketing year.

"Allocation" means the number of cartons of lettuce which during an allocation period a handler may purchase from or handle on behalf of a producer holding a base quantity. "Allocation period" should mean 1 week or a number of consecutive weeks as established pursuant to § ___.54.

These four terms are used frequently in the order and should be defined to reduce the repetitive language that would otherwise be required.

The authority of the Secretary to limit the total quantity of lettuce to be purchased from, or handled on behalf of producers during an allocation period is granted by the act. Further, the terms and conditions of the order, as hereinafter set forth, are an appropriate means of exercising such authority. Such authority also applies to increasing such quantity previously established.

Whenever the total amount of lettuce which may be purchased from or handled on behalf of producers during any allocation period has been established by the Secretary, such total allocation should then be apportioned equitably among producers in accordance with methods and standards authorized by the act. The act authorizes more, than one method of allotting the total amount of a commodity which handlers may market. Equitably allocating such total amount among producers based upon the amounts of lettuce sold by such producers in a representative prior period would best accomplish the declared policy of the act. A program based on producers' current availability of lettuce was rejected because it would stimulate lettuce plantings and thus magnify the problem of excessive production. Therefore an approach utilizing a representative base period should be adopted.

Several criteria were considered in arriving at the representative period. Use of recent years was considered imperative to reflect as nearly as possible the current status of the industry, including relative importance of areas and individual operations. At the same time, mandatory use of only one or two marketing years seemed to be disadvantageous or discriminatory to some districts and would have given excessive weight to extreme situations. On the other hand, if too many years were included, it might be difficult or impossible to obtain and verify accurate historical data on weekly lettuce sales, contracts, etc. It was originally proposed that a 5-year base period beginning the 1965–66 season would satisfy these requirements. According to the record adequate information was available for 1964–65 and inclusion of that season was necessary to provide equity among producers.

Exceptions were filed opposing the exclusion of the 1970–71 season's sales in determining base quantities. They contended that the options listed in the recommended decision favored producers with histories of "declining production" and that it would "seem only equitable to permit the use of the most recent year's production for these producers with expanded production." Further, they discounted the contention in the recommended decision that any substantial expansion could have occurred in the 1970–71 season as a result of the proposed marketing agreement and order described in the notice of hearing. That proposal, published in January 1971, did not state that credit would be given for lettuce produced and sold during the 1970–71 season. In view of this, it appears unlikely that harmful expansion of production would have been encouraged in anticipation of gaining an advantage in computation of base quantities. Also, it would be inequitable not to include any 1970–71 sales as part of the sales in the applicable representative period. Such sales could well tend to reflect the most recent trend in producers' lettuce sales and would also give recognition to the entry of new producers during the season in which the hearing was held. Such would also provide equity among producers. On the basis of these criteria and considerations it is concluded that the 1964–65 season through the 1970–71 season is a reasonable and proper initial representative period. Section ___.53 of the order should therefore read as hereinafter set forth.

The considerations involved in determining a producer's base quantities are particularly important to producers, singularly and jointly. Vagaries of weather and the market often result in producers selling less lettuce in some years than in others although approximately the same production facilities may have been utilized. These variations may affect some producers more than others in a particular season. Therefore, some flexibility should be provided producers in selecting seasons within the representative period for the purpose of base quantity computation so that the influence of unusual seasons can be minimized. The record shows that this would be in the best interest of all producers and would provide the best method of promoting and preserving equitable apportionment among them.

The mandatory use of all seasons or a specific combination of seasons in the representative period would not treat all producers equitably. Therefore, options should be provided which would allow each producer to minimize or eliminate the influence of an unrepresentative season or seasons. By allowing the various choices or combinations hereinafter specified in the order, individual inequities will tend to be moderated to an acceptable level. These options are found to be both practical and reasonable and are incidental to the other provisions of the order and necessary to effectuate such provisions and should be adopted.

The order should provide that any person who acquired the lettuce producing business of another producer may, in the determination of his initial base quantities, use the lettuce sales of the selling producer during the representative period. As a matter of equity, such acquiring producers should have the same opportunity as is available to other producers to select the historical sales options most favorable to them. In recent years, several large corporations have purchased such facilities as production equipment, leasehold interests, and office equipment of lettuce producing businesses in the production area and employed the people who operated the businesses for the selling producers in the same or similar capacities. Thus, even though there was a change in producer entity, there was continuity in the lettuce producing businesses. In addition to purchase, a producer might acquire a lettuce producing business through inheritance, as a gift, in payment of debts, or in other ways. Regardless of the means whereby one becomes a lettuce producer, there should be written evidence of the transfer of the lettuce producing business.

Exceptions were filed recommending the elimination of the possibility of double counting of base histories of lettuce producing businesses acquired from producers. According to the record, a person who acquired such a business from a producer should be entitled to all of the base history referable to such producer's business in computing base quantities for such person. Conversely, the disposing producer should not be entitled to any of that base history. These exceptions are granted so as to make the foregoing considerations and requirements explicit in the order as hereinafter set forth.

For most purposes, 12 base quanity periods per year, based on calendar months, appear to best meet program requirements. However, the committee should have the right to recommend and the Secretary to determine modifications of this should conditions so warrant.

While 12 monthly base quantity periods would meet the needs of most producers, it is recognized that exclusive use of this approach might be inequitable for others whose sales within a month are heavily weighed within a particular part of such month. This occurrence most frequently reflects climatic conditions which influence each district's normal harvest season. A district may usually begin harvest in the last week of a calendar month or end harvest in the first week in another. The record also indicates that in some districts a harvest season may extend over only a few weeks in its entirety.

To require that a producer's base quantity be extended over a full month although earned on the basis of sales recorded within a shorter period might be inequitable to such producers in application of a uniform percentage during an allocation period since it could cause an artificial dilution of his historic sales record. To cite an extreme example, a producer's base quantity for a particular month may have been entirely earned during the final week of that month in prior seasons, and because of climatic conditions he may be unable to harvest earlier. Thus to assign this producer allocations during the first weeks of the month would require him to transfer such allocations to others, while in the final week of the month (his normal harvest period) he might be forced to acquire allocations from others by transfer in order to maintain his enterprise.

Such requirements might place an unreasonable burden on such a producer, and means should be provided to avert this. Therefore, at least 120 days prior to any particular base quantity period, each producer not wishing his base quantity for that period to be applied

VOL 37 NO 19 JAN 28 72 XUM

throughout the period should be given the option of requesting the application of his base quantity on a proportional basis within such base quantity period. The producer exemplified above could request that his base quantity be applied entirely to the final week of the month; another producer faced with different circumstances could request 70 percent of his base quantity to be applied during the first week of the month and 30 percent in the second week. Procedures to provide for such proportional application of base quantities within a base quantity period should be recommended by the committee and approved by the Secretary.

This option would require more exact production and harvest timing than under the longer base quantity period, but flexibility would be provided by transfer authority.

The record indicates that some lettuce growers in the production area produced lettuce for several years prior to the 1967–68 season but because of adverse growing conditions or weather conditions (such as hail or freeze) in their producing regions since that time were unable to finish and market a lettuce crop during each of the subsequent seasons. In recognition of this circumstance caused by conditions beyond the lettuce grower's control where he made at least a bona fide effort to produce lettuce in any one or more of the marketing years 1967–68, 1968–69, 1969–70, 1970–71, provisions should be included in the order for such a lettuce grower to be considered as a producer for purposes of the establishment of base quantities for him pursuant to § ___.53(b)(1) during the initial season. The absence of such an effort by a lettuce grower during those marketing years should indicate that such person ceased being a lettuce producer and should, therefore, not be eligible for an initial base quantity under § ___.53 of the order. It would be inequitable and inappropriate to include any lettuce produced after the 1970–71 season and prior to issuance of any volume regulations under this proposed program in computing initial base quantities. To provide for such an inclusion would encourage harmful expansion and production of additional surplus to gain advantage over other producers in anticipation of this regulatory program.

Subsequent to the proposed program's inception, if a producer is granted a base quantity but does not make a bona fide effort during two consecutive seasons to produce and market lettuce thereunder, the committee should be empowered under rules and regulations recommended by the committee and approved by the Secretary, to declare such base quantity invalid and canceled at the end of the second season. This should enhance the committee's ability to evaluate potential production and should contribute to more efficient program operation. This provision should not be mandatory, however, in order that exceptions may be made to recognize extenuating circumstances.

Section ___.53(b)(2) provides for a moving or "rolling" base approach to annually adjust base quantities in order to recognize trends in sales volume of individual operations. This provision should be included in the program to keep base quantities relative to actual sales in recent years and thus preclude excessive rigidity in the industry structure.

For producers with base quantities calculated by use of sales in less than five seasons, each season's sales should be weighted according to the formula in § ___.53(b)(2)(ii) with a weight of one fifth assigned to sales recorded in each subsequent season. In this manner, sales in subsequent seasons would have a uniform effect on each producer's base quantities, regardless of the number of seasons used in calculating his prior base quantities.

For producers with base quantities calculated on a five-season basis, subsequent base quantities in each base quantity period would be computed by (1) arraying all sales used in computing each existing base quantity, (2) dropping the sales in the earliest season included, (3) adding his sales in the most recent season during such period, and (4) dividing by 5. The resulting average(s) would be his new base quantity(ies).

In addition to annual adjustments made on the basis of prior sales, provisions should be included to permit annual additive adjustments in total base quantities which would recognize changes in the demand for lettuce. Such additive adjustments should reflect changes in U.S. population, per capita lettuce consumption, export demand and other factors which effect the aggregate demand for the commodity. For such additive adjustments, a maximum annual limit of 5 percent of the total base quantities of the previous season should be prescribed to insure year to year stability. Such adjustments should be issued to permit new producers to gain entry into the industry, and to allow established producers to expand.

The order should provide that the committee shall, with the approval of the Secretary, establish rules, standards, and procedures to be used in determining additive adjustments in base quantities to be recommended to the Secretary. Such specific criteria would help insure that additive adjustments would be fair and reasonable.

It should also be required that additive adjustments be divided equally among base quantity periods in each marketing season. There was testimony at the hearing against this requirement inasmuch as it would cause future inflation in a base quantity period which might already have an unusually high base quantity, while adding only the same amount to a relatively small total base quantity in another base quantity period. It was contended that the committee should have discretion to make assignments of additive base quantities in base quantity periods in which total base quantities were smallest in relation to market needs. However, the assignment of additive base quantities would not add quantity but would only affect the criteria for assigning allocations. Thus it would have no effect on quantities permitted to be handled. Furthermore, it would fail to provide equity to applicants for additive base quantities or to established producers. Should the committee be permitted to assign additive base quantities in specific base quantity periods and to exclude other such periods, new growers climatically limited to producing in the excluded base quantity periods would be effectively barred from entry. Moreover, the relative importance of base quantities of established producers in the excluded periods would be unaffected. But for those periods in which the base was increased, growers would experience a decline in their share of the base.

New base quantities should be issued on a scale necessary for a minimum economic enterprise. Additive adjustments in base quantities issued to established producers should also recognize the need for a minimum economic enterprise and this consideration should be given priority in authorizing such adjustments. In making its recommendations, the committee should evaluate each application for such adjustments individually, considering the acreage range and crop rotation practices of the lettuce enterprises in the district involved, land, labor, and equipment available, experience of the applicant, other enterprises of the applicant, and such other factors as it may consider relevant. However, the Secretary should not be precluded from making annual additive adjustments in base quantities due to lack of applications or committee recommendations.

The proponents requested a postponement of such additive adjustments until the 1974–75 season. They contended that this provision would otherwise impose a substantial hardship on the initial committee struggling to become operational. Also final data on which adjustments would be based would ordinarily be issued about one year after the period covered. It appears the committee should be given additional time. However, making this provision effective in the 1973–74 season should provide adequate time for the committee preparations in this regard.

It was contended that the order would deny entry into lettuce growing to any new producer, would restrict expansion of acreage and would create a large monetary value for a base quantity. However, consideration has been given to these matters; and the program has been designed to give equitable treatment to producers consistent with program objectives. To the contrary, provision for entry of new producers is expressly provided in § ___.53(c) of the order as hereinafter set forth. Furthermore, it is required that any new base quantities be divided equally among all base quantity periods in the season, thus assuring that all applicants would have an equal opportunity for entry. Also, provision is made for the free transfer of base quantities thereby further affording new producers opportunity to achieve entry. No factual evidence was offered that the proposed program would create undue monetary value for base quantities and allotments thereunder. Safeguard against such an occurrence is, however, provided inasmuch as under

the order only the Secretary may establish the various allocation periods and the applicable total allocations. In addition, all base quantity applications and determinations with respect to the establishment of applicable base quantities will be subject to review by the Secretary. Also, the committee may establish only such rules, guides, bases, or standards, as are approved by the Secretary, to be used in determining base quantity awards or adjustments.

Administrative procedures required to establish volume limitations during any allocation period under the marketing order are (1) determination of a base quantity for each producer and total base quantities for all producers; (2) committee recommendations for and establishment by the Secretary of the total allocation of lettuce; (3) computation of a uniform percentage which the total allocation is of total base quantities and (4) application of such uniform percentage to each producer's base quantity to determine his allocation in cartons for the period.

Administration of the marketing order is facilitated by computation of the uniform percentage. This provides a readily available and easily understood expression of the ratio of total allocation to total base quantities in the form of a ratio or percentage figure applicable to each producer's enterprise. It provides each producer with an equitable apportionment of the total allocation under a uniform rule and his allocation becomes readily ascertainable by multiplying his base quantity by the uniform percentage. The resulting number of cartons thereby becomes his allocation.

A modified procedure to determine producer's allocations should be used when an allocation period falls within two base quantity periods. Under such circumstances, the total allocation should be divided in proportion to the number of days of the allocation period in each of the base quantity periods, and the resulting computed allocations then divided by the applicable total base quantities to compute uniform percentages. Thus, for such an allocation period, the allocation for a producer holding a base quantity should be established by multiplying his base quantity referable to one of the base quantity periods by the applicable computed uniform percentage and adding the product to that derived by multiplying the producer's base quantity referable to the other base quantity period by the applicable computed uniform percentage. It would be unreasonably restrictive to require that the portion of a producer's allocation computed on the basis of a particular uniform percentage be used only in those days of the allocation period within the applicable base quantity period. Therefore, handlers should be permitted to purchase lettuce from a producer or handle lettuce on his behalf throughout the entire allocation period. However, for purposes of determining future base quantities of the producer, any sales by, or on behalf of, the producer during such an allocation period should be prorated to the separate base quantity periods in the same ratio as used in computing the respective components of the producer's allocation, so that the relationship of base quantities to particular base quantity periods continues essentially the same notwithstanding an allocation period which overlaps base quantity periods.

An adaptation of the uniform percentage would be required to apply to base quantities of producers who request proportional application of their base quantities within base quantity periods. Procedures to provide equity in such cases should be established through rules issued by the committee.

As each handler is the one who is putting lettuce in channels of commerce within the production area or between the production area and any point outside thereof, the responsibility for and burden of compliance should be on handlers.

The requirement that no handler may purchase from, or handle on behalf of a producer, lettuce unless it is within the allocation of a producer who has a base quantity provides an appropriate, administratively feasible, and effective method for allotting the amount of lettuce which handlers may purchase from or handle on behalf of any or all producers thereof.

To assist in the administration and effective enforcement of the marketing order each producer who is given an allocation should determine which handler or handlers will handle all or portions of his marketable lettuce. The requirement that each such producer shall notify the committee of the handler or handlers who will handle such lettuce and that the committee advise such handlers of the applicable quantities involved is both a necessary and a reasonable administrative requirement.

If and when marketing conditions arise which make it appropriate that the total allocation should exceed the total base quantities, it is proper that the resulting uniform percentage may be applied to each producer's allocation even though it may be more than 100 percent of his base quantity. This would tend to discourage indiscriminate overplanting by individual producers hoping that no allocation might be set but who collectively may cause the opposite effect.

Just as land, equipment, or other factors involved in producing lettuce may be shifted by loan, sale, inheritance, or in any other manner, provisions should be included in the order for transferring base quantities or allocations, in whole or in part, to other producers along the same general lines. Except as hereinafter discussed, transfers of base quantities should be made at least 4 months prior to the applicable base quantity period to be effective for such period to allow adequate time for planning and allocating the needed production resources.

Transfer of allocations, however, should be permitted at any time so that the market will tend to be provided to the extent practicable with a total allocation comprised of the best quality available. Since lettuce production is not a process which can be precisely adjusted during a growing season to meet needs, it is unlikely that producers will always be able to precisely balance their supplies of lettuce ready for harvest and their allocations. Some producers may have too much and others too little. By transferring allocations, producers should be able to greatly improve the balance of supplies and allocations. With respect to the sales of lettuce covered by a transferred allocation, credit therefor in future base quantity computations for the producers involved in the transfer should be in behalf of the transferor unless otherwise provided in the written agreement between the producers, a copy of which should be delivered to the committee. Details of all transfers should be confirmed to the committee by both parties thereto within 48 hours after the agreement so that the committee will be informed reasonably promptly of the producers and handlers who are relying on transferred allocations for their lettuce and accurate and proper program records can be maintained.

Exception was taken that the committee or the Secretary should maintain control and supervision of transfers. The contention was that without supervision, such producers would, at their own option, be able to transfer lettuce operations to different acreages. However, this problem can arise without the existence of an order; and the order should not concern itself with these matters. Unlike the price support programs which are issued under different legislation and which involve acreage control and acreage allotments assigned to the farm, based on the farm history, the Agricultural Marketing Agreement Act of 1937, as amended, expressly provides for apportioning the total quantity to be purchased or handled during a specific period among producers, based on sales by producers in a prior period, without reference to the particular acreage where the commodity was grown. Thus, a producer is entitled to, receives, and retains, consistent with the method of allotting set forth in the order, a base quantity. Just as the base quantity provisions of the order do not directly regulate lettuce production or confine it to any particular parcel of land, neither should the transfer provisions. Consistent with the provisions of the order, the base quantity is his. Hence, he should be able to use it on locations of his choosing or to dispose of it to another producer. Neither the committee nor the Secretary should interfere with such actions, but knowledge sufficient to permit operation of the program should be obtained. As to the issue of denying a transfer until the committee and the Secretary are satisfied that no party or parties having an interest in the lettuce crop, machinery, buildings, or land will be injured by such transfer, such would place upon them responsibilities which they may find impossible to discharge. Here, too, the order should not concern itself with these matters. Accordingly, the exception is denied.

The committee should set up means to act as a clearinghouse of information

V 37 N 19 JAN 28 72 XUM

so that it may assist producers and handlers in locating and identifying any unused allocations and lettuce in excess of allocations so that the total allocation, insofar as practical, is handled.

The proponents proposed two modifications of § ___.55 of the proposal in the notice of hearing which should be adopted. First, that new base quantities or adjustments to base quantities pursuant to §___.53(c) should be prohibited from being transferred for at least 2 years. This requirement should tend to minimize applications from persons who have little desire to actually grow lettuce for market to the extent permitted by the new base quantities or adjustments and inhibit applicants applying for base quantities with the sole intent of selling such base quantities to others. Also, the order should provide for rules by which the committee may facilitate pooling of allocations of producers dealing with a common handler. As discussed heretofore, by transferring allocations producers should be able to improve the balance of supplies and allocations. Authority to overship or compensate for shortages, as in §§___.56 and ___.57, provides additional flexibility. On occasion, however, allocations of producers may go unused. In such an event, a pooling arrangement where each producer would receive credit in proportion to his share of the total allocation would benefit producers for purposes of base quantity history. The proponents used the example of producers A, B, and C, each with 100 units of allocation and each in a separate joint venture with the same handler. However, producer A had a supply of 150 units of preferred lettuce, B had only 25, which were not desirable for market; and C had 75 desirable units. If efforts to transfer unneeded allocations were unsuccessful and the market demanded only the better quality lettuce, the handler might elect to harvest and market all of the lettuce of producers A and C, but none of B's for a total sale of 225 units. With a previously agreed upon pooling arrangement, producers A, B, and C would share equally in the credit of 225 units, or 75 each. Without such a feature, producer B would have gotten no credit for future base quantity history and producer A's lettuce would not have been harvested in an amount more than 100 units and would not have received the remuneration for the additional 50 units harvested.

A pooling arrangement would provide producers insurance of equal treatment, during periods of unusual market conditions, and would contribute to the shipment of the best quality lettuce available. Therefore, to provide benefits to producers and promote efficiency of handlers' operations, while providing the consumer with the best quality lettuce available, authority should be provided for such pooling of allocations, with the provisions of such pooling agreements at the discretion of the parties involved.

Some flexibility in addition to transfer authority is essential for reasonable operation of the proposed allocation program. Otherwise, transfers would have to be made to accommodate minute deviations of available supplies from assigned allocations. Harvesting might have to stop in the middle of a row, or a railroad car might have to be one carton short of a carload qualifying for a lower freight rate. At times, weather limitations or other conditions may cause a producer's allocation to be unfilled and he may find it impractical or otherwise undesirable to acquire lettuce to make up for such deficit. Therefore, there is a need for including authority for overages and shortages as hereinafter specified in §§ ___.56 and ___.57.

While it is necessary to provide a means to maintain efficiency in lettuce harvesting and to permit short run distortions of harvest patterns to be averaged out, the quantities permitted to be handled under this provision should be limited in order to avoid defeat of the general program objectives. Accordingly, the order should provide that handlers may in the aggregate purchase from or handle on behalf of a producer an additional quantity of lettuce not exceeding 10 percent of the producer's allocation pursuant to § ___.54, with the proviso that the quantity of lettuce so handled be deducted from the producer's allocation for the next allocation period. Conversely, if during an allocation period handlers do not purchase from or handle on behalf of a producer the total quantity of lettuce representing the allocation established for the producer less required deductions due to prior overshipments, then a volume not to exceed 25 percent of the producer's allocation for such period may be purchased from or handled on behalf of such producer in excess of such producer's allocation in the next allocation period. The evidence of record shows that a maximum overage of 10 percent and compensating adjustments for shortages of up to 25 percent would be adequate to provide for short term flexibility. However, the order should permit the Secretary, on the basis of a committee recommendation, to determine any other percentage that would be more appropriate so as to accommodate operations to the then current needs therefor. The producers should designate the handler or handlers who are to handle such additional quantities and notify the committee thereof. The committee would then be in a position to apprise the relevant handlers of their respective quantities, the same as with respect to quantities of lettuce that may be handled within a producer's allocation. This will assure a means of checking compliance; also, the committee will know how much lettuce is involved and who is authorized to handle the additional quantities.

In connection with the application of the total quantity of lettuce handled during an allocation period to the allocation established for a producer, if the total quantity of a producer's harvested lettuce handled during such an allocation period is in an amount less than that covered by the allocation and allocations obtained by transfer, the quantity handled should be applied first proportionately to the established allocation less any required reduction due to a prior overage, and to any allocations received by transfer but with credit for sales retained by the transferor. The remaining quantity handled should be applied in order as follows: (1) To the authorized compensation for a prior shortage and (2) the remainder to any allocation transferred to him on which he obtains credit for future base quantities. This requirement is necessary to insure equitable treatment to producers who transfer allocations and retain credit for any sales pursuant thereto, and to avoid pyramiding. If during an allocation period the quantity of a producer's lettuce handled were first applied to any additional quantity authorized to be handled (whether because of a previous shortage, or a transfer, or otherwise) and the total quantity handled failed to exhaust the total quantity permitted to be handled, the unused portions based on available allocations could then be pyramided for all producers and handled in a subsequent allocation period in an amount greatly in excess of the total allocation for such period, thereby tending to diminish the effectiveness of the program.

At times within a marketing year, a producer might not have an allocation needed in order to compensate for an overage that took place in the preceding allocation period. This could occur because he did not have a base quantity during subsequent base quantity periods of that marketing year, allocation regulations might not be issued in the remainder of the marketing year, or for other reasons. The purpose of the overage and shortage authorities is to provide weekly flexibility with respect to operations during a marketing year.

Requiring compensating adjustments during the following marketing year would not meet such an objective, but would instead result in substantial administrative problems for the committee in determining base quantities, and in evaluating allocation requirements. Under such circumstances, the producer should not be obligated to make a compensating adjustment the following marketing year. However, for purposes of determining future base quantities, a producer's sales should be reduced by the amount of overages incurred but not repaid. This would be fair and equitable to producers generally and tend to minimize advantages a producer may have derived from overages for which compensatory adjustments are not made.

The proponents recommended deleting authority for the "Other Regulations" listed in the notice of hearing, except to fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging, transportation, or shipment of lettuce. It is important that the order provide authority for such regulations to assure standardized containers and packs of such containers to establish a uniform basis for trading. The committee should have authority to recommend the elimination of any containers which introduce an element of competition that adversely affects prices or tends to disrupt orderly marketing conditions for lettuce. Standardization of containers

to those most suitable for the packing, transportation, or shipment of lettuce, and prescribing the use of containers of sizes and capacities which can readily be distinguished from each other would tend to establish more orderly marketing conditions and increase returns to producers.

However, the exercise of this authority should not be used to close the door on experimenting with new containers more suitable for lettuce, or ones needed due to changes in marketing practices, or to preclude commercial development of new containers of different sizes, weights, dimensions, and capacities.

The order should contain authority for establishing and prescribing such pack specifications for lettuce as would be desirable for the marketing of, and reflect favorably on, production area lettuce so as to tend to improve returns to producers, increase the demand for such lettuce, and otherwise effectuate the declared policy of the act.

Provisions should be included in the order to permit certain shipments such as donation to relief or charitable institutions, and experimental shipments, to be exempt from regulation if they meet the rules and safeguards prescribed by the Secretary upon recommendation of the committee to assure the exempted shipments do not enter regulated channels of trade contrary thereto.

According to the record the committee needs authority to recommend the establishment of rules and regulations to exempt the handling of small quantities of lettuce from regulations or assessments, or both. This should be provided to eliminate expending committee time, effort and expense needed for record keeping and compliance checking far out of proportion to the benefits that such insignificant quantities of lettuce might have on improved returns to producers or assessments.

(e) The committee should have such information and data as may be needed for the performance of its functions under the order including but not limited to those necessary to establish base quantities, allocations, modifications thereof, and to verify compliance with regulations. The industry has routinely maintained such information and has it in its possession and readily available, and the requirement that such information be furnished to the committee in the form of reports would not constitute an undue burden. It is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. One report that should be submitted each week by each handler is the quantity of lettuce the handler purchased from producers and the quantity of lettuce handled on behalf of each and all producers. Therefore, the committee should have the authority to require, with approval of the Secretary, reports and information from handlers, as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

All reports and records furnished or submitted pursuant to the order to the committee should be treated as confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. Under certain circumstances, release of information compiled from handlers' reports may be helpful to the committee and the industry generally. However, such reported information should not be released other than on a composite basis, and such releases should not disclose information concerning individual operations. Such prohibition is necessary to prevent the disclosure of information that may affect detrimentally the business operations of the persons who furnished the reports. However, since the operation of this allocation program is inextricably involved with individual producers' base quantities and allocations, this information should not be treated as confidential.

Since it is possible that a question could arise with respect to compliance, it would be appropriate to provide in the order that handlers be required to maintain for each marketing year complete records on their receipts, handling, and disposition of lettuce. Such records should be retained for not less than 2 years after the termination of the marketing year in which the transaction occurred, so that, if needed in connection with enforcement, or other necessary purposes under the order, the requisite records will be available for that purpose. Such a 2-year period should afford an adequate and reasonable time for access thereto and should not impose an unreasonable or burdensome obligation on handlers inasmuch as such records are generally retained for similar time for purposes of business operations.

The successful operation of a program of this type depends upon the degree of compliance with its provisions. In this connection, it is necessary that the committee's designees for the purpose be given the same authority that the Secretary has to examine and verify records and ascertain the quantity of lettuce handled. The verification of records and reports and the inspection needed in connection therewith should be performed during reasonable working hours and in such manner that normal operations would not be interrupted.

(f) No handler should be permitted to handle lettuce, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle lettuce except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(g) The provisions of §§ ___.86 through ___.96, as hereinafter set forth, are generally similar to those which are included in marketing agreements and orders now operating.

Such provisions, identified by section numbers and heading, as follows: § ___.86 *Right of the Secretary;* § ___.87 *Effective time;* § ___.88 *Termination;* § ___.89 *Proceedings after termination;* § ___.90 *Effect of termination or amendments;* § ___.91 *Duration of immunities;* § ___.92 *Agents;* § ___.93 *Derogation;* § ___.94 *Personal liability;* § ___.95 *Separability* and § ___.96 *Amendments* are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the order and to effectuate the declared policy of the act. The hearing record supports the inclusion of each such provision in the order.

The record shows that the order should provide for the periodic presentation to the Secretary through referenda of the views of producers covering the future continuation of the order. Such a provision should be in addition to the one set forth in the act, requiring the termination of the order whenever a majority of the producers favor termination. A referendum every fifth year the order is in effect is reasonable. This should provide the opportunity for producers to express themselves as to whether or not the regulatory program should continue in effect. Five years of operations under the order should provide a sufficient amount of time for producers to evaluate the worth of the program. If the results of a referendum show that more than 50 percent of the producers by number, and volume of production, favor termination of the order, the Secretary should consider termination of the order. If such a number of the producers favor termination, it seems reasonable that the program is not measuring up to expectations. Under such circumstances continuation of the program would be precluded under the act. Therefore, the Secretary should terminate the program in accordance with the act. However, such action should be taken so as to become effective at the end of the then current marketing year provided the proposed termination is announced by June 30 of that year so as to afford producers and handlers reasonable opportunity to arrange for their future operations accordingly.

One exceptor urged that the order require that a referendum be conducted every 3 years after its effective date to ascertain whether continuation of the program is favored by producers. Such a requirement is unnecessary in that provision is made in the order hereinafter set forth for a mandatory referendum every fifth year, and that, further, the Secretary is directed by the statute and the order to terminate the provisions of the order at the end of any marketing year whenever he finds that such termination is favored by the requisite majority of producers. Moreover, he is not precluded from conducting a referendum at any time in order to arrive at a finding with respect to termination or continuation of the order.

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § ___.97 *Counterparts;* § ___.98 *Additional parties;* and § ___.99 *Order with marketing agreement.* Such provisions are also included in marketing agreements now in effect,

V371H9 JAN28 72 XUM

and the record supports inclusion of such provisions in the marketing agreement.

Rulings on briefs of interested parties. At the conclusion of the hearing the Presiding Officer fixed April 26, 1971, as the deadline for interested parties to file briefs with respect to the evidence adduced at the hearing and the findings and conclusions to be drawn therefrom. It was later extended to May 3, 1971.

Briefs were filed by the following: Ernest J. Holcomb on behalf of the Western States Lettuce Producers Committee; Stuart H. Russell, Esq., on behalf of the New Mexico Lettuce Growers Committee; William H. Carder, Esq., on behalf of the United Farm Workers Organizing Committee, AFL–CIO; Charles F. Wheatley, Jr., Esq., on behalf of Mr. Thomas M. Bunn; Bruce Parr, on behalf of the Texas Vegetable Marketing Association; and Marshall H. Davis for Mel Finerman Co., Inc. Letters received from the following were also considered with the briefs: William J. Williams for the Irvine Co.; H. S. Raymond for the J. G. Boswell Co.; Nish Noroian for the Nish Noroian Farms; and Bill V. Kontilis for the Pacific Lettuce Co.; Adrian Ogaz; Miss Josephine M. Bunn; Thomas M. Bunn for General Farm Investment Co.; and Allan Grant for the California Farm Bureau Federation.

Every point in the briefs and letters was carefully considered along with record evidence in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs and letters are inconsistent with findings and conclusions contained herein, requests to make such findings or to reach such conclusions are denied on the basis of facts found and stated in connection with this recommended decision.

One of the briefs filed objected to the conduct of the hearing in that, "When counsel for UFWOC attempted to introduce farm worker testimony on this point, however, they were first denied an interpreter by the hearing officer; participation in the hearing by Spanish-speaking persons was thus precluded. Moreover, the hearing officer subsequently ruled during the cross-examination of proponent witness William B. Witner (See testimony on March 4, 1971) that such testimony was irrelevant 'under the Act' and thus inadmissible."

The applicable rules of practice governing conduct of the hearing do not provide that interpreters be furnished by the Department of Agriculture. However, statements in Spanish made by a witness were interpreted into English by counsel for the witness and entered as such in the record. No exception or objection was made to the portion of the hearing record containing the statements as so interpreted by counsel. Regarding the alleged ruling that certain testimony was "irrelevant 'under the act' and thus inadmissible," the record contains no ruling, nor any objection, with respect thereto. As provided in said rules of practice, only objections before the presiding officer may subsequently be relied upon in the proceeding. In the absence of any such objections and ruling in the hearing record for review and consideration, the appeal is denied.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of lettuce grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of lettuce grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of lettuce grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Order Regulating the Handling of Lettuce Grown in California, Arizona, Colorado, New Mexico, and a Designated Part of Texas," and "Marketing Agreement Regulating the Handling of Lettuce Grown in California, Arizona, Colorado, New Mexico, and a Designated Part of Texas," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirement of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period August 1, 1970, through July 31, 1971 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged, in the production area, in the production for market of lettuce to determine whether such producers approve or favor the issuance of the said annexed order regulating the handling of lettuce grown in California, Arizona, Colorado, New Mexico, and a designated part of Texas.

Warren C. Noland and James B. Wendland of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Order for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 et seq.), as hereinafter modified for purposes of such referendum.

In § 900.401 paragraphs (g) and (h) are modified to read as follows:

(g) "Person" means any individual, partnership, corporation, association, or other business unit. For the purpose of the definition, the term "partnership" includes a husband and wife who have title to, or leasehold interest in, land as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property.

(h) "Producer" means any person engaged in a proprietary capacity in the production of lettuce for market who: (1) Owns and farms land, resulting in his ownership of the commodity produced thereon; (2) rents and farms land, resulting in his ownership of all or a portion of the commodity produced thereon; (3) owns land which he does not farm and, as rental for such land, obtains the ownership of a portion of the commodity produced thereon: *Provided*, That in the case of so-called joint venture agreements, wherein the parties to the agreement contribute resources to a single endeavor to produce and market a crop of lettuce and each party in such joint venture shares in the production risks and ownership of such lettuce, each such party shall be deemed a producer in his own right to the extent of such ownership as specified in the agreement. Ownership of, or leasehold interest in, land and the acquisition, in any manner other than as hereinbefore set forth, of legal title to the commodity grown thereon shall not be deemed to result in such owners or lessees becoming producers.

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed order.

A copy of the annexed order and of the aforesaid referendum procedure, as modified herein, may be examined in the following offices of the Fruit and Vegetable Division of C&MS: Warren C. Noland, Room 1733, 312 North Spring Street, Los Angeles, CA 90012; David B. Fitz, 2217 North 10th Street, McAllen, TX 78501; and Robert B. Case, Room 365, U.S. Customhouse, 721 19th Street, Denver, CO 80202; or James B. Wendland, Room 2552, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, DC 20250.

Ballots to be cast in the referendum and other necessary forms and instructions may be obtained from any referendum agent or appointee.

It is hereby ordered, That this entire decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: January 25, 1972.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Regulating the Handling of Lettuce Grown in California, Arizona, Colorado, New Mexico, and a Designated Part of Texas

Sec.
---.0 Findings and determinations.

DEFINITIONS

---.1 Secretary.
---.2 Act.
---.3 Person.
---.4 Production area.
---.5 Lettuce.
---.6 Handler.
---.7 Handle.
---.8 Producer.
---.9 Registered producer.
---.10 Pack.
---.11 Carton.
---.12 Committee.
---.13 Marketing year, season, or fiscal period.
---.14 Base quantity; base quantity period.
---.15 Allocation; allocation period.
---.16 District.

COMMITTEE

---.20 Establishment and membership.
---.21 Term of office.
---.22 Nominations.
---.23 Selection.
---.24 Failure to nominate.
---.25 Acceptance.
---.26 Vacancies.
---.27 Alternate members.
---.28 Procedure.
---.29 Expenses.
---.30 Powers.
---.31 Duties.
---.32 Annual report.

EXPENSES AND ASSESSMENTS

---.40 Expenses.
---.41 Budget.
---.42 Assessments.
---.43 Accounting.
---.44 Excess funds.

RESEARCH AND DEVELOPMENT

---.48 Research and development.

REGULATIONS

---.50 Marketing policy.
---.51 Recommendation for volume regulation.
---.52 Issuance of volume regulation.
---.53 Base quantities.
---.54 Allocations.
---.55 Transfers.
---.56 Overages.
---.57 Shortages.
---.58 Priority of allocations.

OTHER REGULATIONS

---.61 Recommendations for regulation.
---.62 Issuance of regulations.
---.63 Modification, suspension, or termination of regulations.
---.64 Special purpose shipments.

MINIMUM QUANTITY EXEMPTION

---.75 Minimum quantity exemption.

REPORTS

---.80 Weekly report.
---.81 Manifest report.
---.82 Other reports.
---.83 Handler records.
---.84 Verification of reports and records.
---.85 Compliance.
---.88 Right of the Secretary.
---.87 Effective time.
---.88 Termination.
---.89 Proceedings after termination.
---.90 Effect of termination or amendments.
---.91 Duration of immunities.
---.92 Agents.
---.93 Derogation.
---.94 Personal liability.
---.95 Separability.
---.98 Amendments.

AUTHORITY: The provisions of this Part --- issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ ---.0 Findings and determinations.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., March 2–6, 1971, and continued at Albuquerque, N. Mex., March 10–12, 1971, on a proposed marketing agreement and order regulating the handling of lettuce grown in California, Arizona, Colorado, New Mexico, and a designated part of Texas.

Upon the basis of the evidence introduced at such hearing and the record therof, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of lettuce grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of lettuce grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of lettuce grown in the production area, as defined in said order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is therefore ordered, That on and after the effective date hereof, all handling of lettuce produced in the production area shall be in conformity to and in compliance with the terms and conditions of the order which are as follows:

The provisions of the proposed marketing agreement and order contained in the recommended decision published in the FEDERAL REGISTER on August 4, 1971 (36 F.R. 14316, 16517) shall be and are the terms and provisions of this order and are set forth in full herein with correction of inadvertent, grammatical, or obvious errors and the following modifications:

1. Section ---.4 and District No. 10 in § ---.20(b)(1) are revised.

2. Section ---.8 is revised.

3. In § ---.22 paragraph (f) is revised.

4. In § ---.52 a new paragraph (d) is added.

5. In § ---.53 paragraphs (a), (b) (1) and (2) are revised, subparagraph (3) is renumbered (4) and a new subparagraph (3) is added. In paragraph (c), (4) is renumbered (d), (5) is revised and renumbered (4), (6) is renumbered (5), and (d) is renumbered (e).

6. In § ---.64 paragraph (b) is revised. paragraph (c) is renumbered (d) and a new paragraph (c) is added.

DEFINITIONS

§ ---.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may be hereafter delegated, to act in his stead.

§ ---.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ ---.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ ---.4 Production area.

"Production area" means the States of California, Arizona, Colorado, and New Mexico and all parts of the State of Texas except: (a) those counties intersected by U.S. Highway 90 between the cities of Orange and Del Rio and all counties south thereof, (b) all area south of U.S. Highway 90 between the cities of Del Rio and Van Horn, and (c) all area south of a line due west from Van Horn.

§ ---.5 Lettuce.

"Lettuce" means all varieties of Lactuca sativa, commonly known as iceberg type head lettuce, grown within the production area.

§ ---.6 Handler.

"Handler" means any person (except a common or contract carrier transporting, or crews harvesting, lettuce owned by another person) who handles lettuce on behalf of a producer or on his own behalf.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

VOL 37 NO 19 JAN 28 72 XUM

§ ___.7 Handle.

"Handle" means to harvest lettuce or to package, sell, ship, or transport harvested lettuce or in any other way to place harvested lettuce in the current of the commerce within the production area or between the production area and any point outside thereof.

§ ___.8 Producer.

"Producer" means any person engaged in a proprietary capacity in the production of lettuce for market: *Provided*, That in the case of so-called joint venture agreements wherein the parties to the agreement contribute resources to a single endeavor to produce and market a crop of lettuce and each party in such joint venture shares in the production risks and ownership of such lettuce, each such party shall be deemed a producer in his own right to the extent of such ownership as specified in the agreement.

§ ___.9 Registered producer.

"Registered producer" means any producer who is registered with the committee pursuant to § ___.53.

§ ___.10 Pack.

"Pack" means a quantity of harvested lettuce in any specified container and which falls within specific weight limits, numerical limits, or size limits, or any combination of these, prescribed by the Secretary upon recommendation of the committee.

§ ___.11 Carton.

"Carton" means the standard container No. 45B as described in section 43607 of the Agricultural Code of California, as amended, or the equivalent thereof or any other container prescribed by the Secretary upon recommendation of the committee.

§ ___.12 Committee.

"Committee" means the Western States Lettuce Administrative Committee established pursuant to § ___.20.

§ ___.13 Marketing year, season or fiscal period.

"Marketing year," "season" or "fiscal period" means the period from August 1 to the following July 31, both dates inclusive, or such other 12-month period recommended by the committee and approved by the Secretary: *Provided*, That in connection with such a change the period of the then current or an adjoining fiscal period may be shortened or extended to accord therewith, and the initial period shall begin on the effective date of this part and end on the following July 31.

§ ___.14 Base quantity; base quantity period.

"Base quantity" means the number of cartons of harvested lettuce determined for a producer by the committee pursuant to § ___.53 for a base quantity period. "Base quantity period" means each of the 12 calendar months, or other period during the marketing year prescribed by the Secretary upon recommendation of the committee.

§ ___.15 Allocation; allocation period.

"Allocation" means the number of cartons of harvested lettuce which during an allocation period may be purchased from, or handled on behalf of, a producer based on a producer's base quantity. "Allocation period" means 1 week or a number of consecutive weeks as established pursuant to § ___.54.

§ ___.16 District.

"District" means each of the applicable districts specified in, or pursuant to, § ___.20.

COMMITTEE

§ ___.20 Establishment and membership.

(a) There is hereby established a Western States Lettuce Administrative Committee consisting of 18 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate.

(b) Fifteen of the members and their respective alternates shall be individuals who are producers or officers or employees of corporate producers and are hereinafter referred to as "producer members." Three of the members shall be individuals who are handlers, or officers or employees of handlers and are hereinafter referred to as "handler members." An individual who is both a producer and a handler is not precluded from being nominated and appointed as a producer member or handler member.

(1) Nominations for and selections of, producer members and their alternates shall be in such numbers and in such districts as follows:

District No. 1. Santa Barbara and San Luis Obispo Counties in the State of California—one member;

District No. 2. Ventura, Los Angeles, and Orange Counties and that part of San Diego County west of a north-south line through the present post office in the city of Julian in the State of California—one member;

District No. 3. Imperial County (excluding that part of the Palo Verde Irrigation District located therein) and that part of San Diego County not located in District No. 2 in the State of California—two members;

District No. 4. Riverside, San Bernardino, Inyo, and Mono Counties and that part of the Palo Verde Irrigation District located in Imperial County in the State of California—one member;

District No. 5. Monterey, San Benito, Santa Clara, Santa Cruz, San Mateo, Alameda, Contra Costa, Marin, Napa, Sonoma, Mendocino, Humboldt, and Del Norte Counties in the State of California—three members;

District No. 6. All other counties in the State of California—one member;

District No. 7. Yuma County in the State of Arizona—one member;

District No. 8. All other counties in the State of Arizona—two members;

District No. 9. The State of New Mexico and El Paso County in the State of Texas—one member;

District No. 10. That part of the production area in the State of Texas not included in District No. 9—one member; and

District No. 11. The State of Colorado—one member.

(2) The three handler members and their alternates shall be selected from the production area at large and each shall have handled lettuce during each of the 12 months of the preceding season.

(c) The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. With respect to any such changes, the committee and the Secretary shall give consideration to: (1) Shifts in lettuce acreage and production within the districts and within the production area during recent years; (2) the importance of new production in its relation to existing districts; (3) the equitable relationship of committee membership and districts; (4) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (5) other relevant factors.

§ ___.21 Term of office.

(a) The initial term of office for members and alternates shall be the initial fiscal period and each subsequent term shall be for a fiscal period, except as otherwise specified by the Secretary pursuant to the committee's recommendation.

(b) Each member and each alternate shall serve in such capacity during the term of office for which he is selected and has qualified and until his successor is selected and has qualified.

§ ___.22 Nominations.

Nominations for committee members and their alternates shall be made in the following manner:

(a) A meeting of producers shall be held in each district to nominate producer members and alternates of the committee in such numbers and districts as provided in § ___.20. The committee shall hold or cause to be held such meetings prior to May 15 of each year, or by such other date as may be specified by the Secretary.

(b) At each such meeting the eligibility of the nominees for producer member positions and of the producers voting for nominees shall be recorded for the purpose of determining participation.

(c) Each producer shall be entitled to cast only one vote for each producer member position in each district in which the producer's lettuce was or is being grown in the then current season.

(d) The committee shall, prior to May 15 of each year, submit to each handler, a list of persons affiliated with and designated by handlers who are qualified to serve as a handler member in accordance with § ___.20(b) and ask that they nominate at least three members and three alternates from such list to represent them.

(e) The names of nominees shall be supplied to the Secretary in such manner and form as he may prescribe not later than June 15 of each year, or by such other date as may be specified by the Secretary.

(f) Nominations for each of the initial member and alternate member positions of the committee may be submitted

to the Secretary individually by producers and handlers. Such nominations may be made by means of a meeting or meetings of handlers, and a meeting or meetings of producers concerned in each district. In the event such nominations for the initial members are not so submitted, the Secretary may select the initial members and alternates without regard to nominations, but selection shall be on the basis of the representation provided for in § ___.20.

§ ___.23 Selection.

The Secretary shall select all members and their alternates on the basis of representation provided for in § ___.20 from the nominations made pursuant to § ___.22, except with respect to the initial members and alternates, or from other eligible persons.

§ ___.24 Failure to nominate.

If recommendations are not made within the time and manner prescribed in § ___.22, the Secretary may, without regard to nominations, select the members and alternates of the committee on the basis of the representation provided for in § ___.20.

§ ___.25 Acceptance.

Any person selected by the Secretary as a member or alternate member of the committee shall prior to serving as such qualify by filing a written acceptance with the Secretary within the time specified by the Secretary.

§ ___.26 Vacancies.

To fill committee vacancies, the Secretary may select members or alternates from nominees on the latest nomination reports or from nominations made in the manner specified in § ___.22 or from other eligible persons. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, but such selection shall be made on the basis of representation provided for in § ___.20.

§ ___.27 Alternate members.

An alternate member of the committee shall act in the place and stead of of the member for whom he is an alternate during such member's absence or when desginated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ ___.28 Procedure.

(a) Other than to recommend volume regulation and actions relating thereto, ten members (including alternates acting as members) of the committee shall be necessary to constitute a quorum and ten concurring votes shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person. To recommend volume regulation for an allocation period and actions related thereto, those eligible to vote shall be all handler members (including alternates acting as such members) and those producer members (including alternates acting as such such members) representing producers for whom allocations are to be established for such allocation period. *Provided:* That both the quorum and the number of concurring votes in voting on volume regulations and related matters shall be a majority of those eligible to vote.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing.

§ ___.29 Expenses.

Members and alternates of the committee shall serve without compensation, but shall be reimbursed for expenses necessarily incurred by them in attending authorized committee business and in the performance of their duties under this part.

§ ___.30 Powers.

The comimttee shall have the following powers:

(a) To administer this part in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ ___.31 Duties.

The committee shall have, among others, the following duties:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select from among its members and alternates such officers and subcommittees, and to adopt such rules, regulations, and bylaws for the conduct of its business as it deems necessary;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the compensation and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to lettuce;

(f) To prepare a marketing policy;

(g) To recommend regulations pursuant to this part to the Secretary;

(h) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or by his authorized agent or representative; such minutes to be reported promptly to the Secretary;

(i) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(j) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee and to send two copies to the Secretary.

(k) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request; two copies of a report of each such audit shall be furnished to the Secretary and show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report (excluding therefrom confidential information), shall be made available at the principal office of the committee for inspection by producers and handlers;

(l) To notify producer and handler members and alternates of meetings of the committee to consider recommendations for regulations and to give the Secretary the same notice of such meetings and of meetings of its subcommittees as is given to the applicable membership;

(m) To investigate compliance and use means available to prevent violation of the provisions of this part;

(n) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part; and

(o) To the extent practicable, act as a clearing house of information, to facilitate transfers pursuant to this part.

§ ___.32 Annual report.

The committee shall, as soon as is practicable after the close of each marketing season, prepare and mail an annual report to the Secretary and make a copy available to each grower and handler who requests a copy of the report.

EXPENSES AND ASSESSMENTS

§ ___.40 Expenses.

The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each handler's pro rata share of such expenses shall be proportionate to the ratio between the total quantity of lettuce handled by him as the first handler thereof during a fiscal period and the total quantity of lettuce so handled by all handlers as first handlers thereof during such fiscal period.

§ ___.41 Budget.

As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall

V 37 I 19 JAN 28 72 XUM

prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ ___.42 Assessments.

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided for in this subpart. Each handler who first handles lettuce shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied during each fiscal period upon handlers at a rate per unit established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all lettuce which was handled by each first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required irrespective of whether particular provisions of this part are suspended or become inoperative.

§ ___.43 Accounting.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a committee member or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in his successor, the committee, or person designated by the Secretary, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committe property during periods of suspension of this part, or during any period or periods when regulations under this part are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons may act as such trustee or trustees.

§ ___.44 Excess funds.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of any such assessments which represent payments by the handler in excess of his pro rata share, shall be credited with such refund against his operations of the following fiscal period or such excess shall be accounted for in accordance with one of the following:

(1) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established: *Provided*, That funds in the reserve shall not exceed approximately one fiscal period's expenses. Such reserve funds may be used (i) to defray any expenses authorized under this part, (ii) to defray expenses during any fiscal period prior to the time assessment income is insufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. If upon such termination any funds not required to defray the necessary expenses of liquidation, and after reasonable effort by the committee it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

(2) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided in subparagraph (1) of this paragraph, it shall be refunded proportionately to the handlers from whom collected: *Provided*, That any sum paid by any handler in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such handler.

RESEARCH AND DEVELOPMENT

§ ___.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research and marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of lettuce. The expenses of such projects shall be paid from funds collected pursuant to § ___.42.

REGULATIONS

§ ___.50 Marketing policy.

(a) For each season, prior to or at the same time as initial recommendations are made pursuant to § ___.51 or § ___.61, or both as applicable, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for such season. The report shall indicate the kinds or types of regulations contemplated during such season and to the extent practical, shall include recommendations for particular volume regulations or other regulations which are deemed necessary to meet market requirements and establish orderly marketing conditions. Additional reports shall be submitted if the committee adopts a new or revised marketing policy because of changes in the supply and demand situation with respect to lettuce.

(b) In determining each such marketing policy, committee considerations shall include:

(1) Prospective lettuce production within the production area by districts and periods and in competing areas;

(2) Prospective lettuce demand for such, recognizing trend and level of consumer income;

(3) Market prices for such lettuce, including prices by grade, size, quality, and pack;

(4) Total of base quantities during each base quantity period; and

(5) Other relevant factors.

(c) The committee shall publicly announce the submission of each marketing policy (including new or revised policies) and notice and contents thereof shall be provided to producers and handlers by bulletins, newspapers, or other appropriate media.

VOLUME REGULATION

§ ___.51 Recommendation for volume regulation.

(a) The committee may recommend to the Secretary the total quantity of lettuce which it deems advisable to be purchased from producers, and otherwise handled on behalf of producers during an allocation period. Each such recommendation shall be made prior to the beginning of the allocation period.

(b) In making its recommendation the committee shall give due consideration to the following factors: market prices for lettuce, supply of lettuce on track and en route to the principal markets, and the supply, maturity, and condition of lettuce in the production area, and the market prices and supply of lettuce from competing producing areas, and any other relevant factors.

(c) At any time during an allocation period for which the Secretary, pursuant to § ___.52 has fixed the total quantity of lettuce which handlers may purchase from and otherwise handle on behalf of producers, the committee may recommend to the Secretary that such quantity be increased. Each such recommendation, together with the committee's reason for such recommendation, shall be promptly submitted to the Secretary.

§ ___.52 Issuance of volume regulation.

(a) Whenever the Secretary finds on the basis of a commitee recommendation or other information, that limiting the total quantity of lettuce which handlers may purchase from, and otherwise handle on behalf of, producers during an allocation period, and establishing a total allocation or increasing a total allocation previously established, would tend to effectuate the declared policy of the act, he shall establish the total allocation which handlers may purchase from, or handle on behalf of, producers for such period, or increase a previously established total allocation.

(b) When a total allocation, including an increased total allocation, is established for any allocation period, no handler may purchase from, or handle on behalf of, producers any lettuce during such period unless (1) it is within the unused allocation of a producer holding a base quantity pursuant to § ___.53, and (2) the committee has been notified of the proposed handling as provided in § ___.54(c).

(c) The committee may, with the approval of the Secretary, establish such rules and regulations regarding obtaining, using, holding, or transferring base quantities or allocations as it feels are necessary to administer the volume regulation provisions of this part. Such rules and regulations may deal with procedures, reports, records, or other requirements, including but not limited to quantities marketed during initial and other representative periods, qualifications as producers, producer arrangements, particulars on harvesting, sale or other handling of lettuce.

(d) No volume regulation shall become effective before August 1, 1972, but in any event not until at least 120 days after the effective date of this subpart.

§ ___.53 Base quantities.

(a) Upon request of the committee, each producer desiring one or more base quantities shall register with the committee and furnish to it, on forms provided by the committee, a report of the number of cartons of lettuce produced and sold by him, or on his behalf, during the seven seasons, 1964–65 through 1970–71, broken down by cartons, handlers, and such time periods thereof as may be required by the committee and approved by the Secretary.

(b) (1) For the initial season the base quantities shall be established by the committee for each registered producer in accordance with the option of such producer as either (i) the number of cartons of harvested lettuce produced and sold by him or on his behalf in the corresponding base quantity period during the 1969–70 or 1970–71 season or (ii) the average number of cartons of harvested lettuce produced and sold by him or on his behalf in such corresponding periods in one of the following combinations of seasons: 1968–69 and 1969–70; 1967–68 through 1969–70; 1966–67 through 1969–70; 1965–66 through 1969–70; 1967–68 and 1968–69; 1966–67 through 1968–69; 1965–66 through 1968–69; or 1964–65 through 1968–69: *Provided*, That the person must have at least made a bona fide effort to produce lettuce in at least one of the four seasons 1967–68, 1968–69, 1969–70, or 1970–71 to qualify as a producer under this section: *Provided, further*, That only one such option may be employed by any producer to apply to all his base quantity periods. In determining the base quantities of any registered producer who acquired the lettuce producing business of some other producer, such registered producer may include the quantity sold by or on behalf of the other producer in previous applicable seasons. In any event, the same lettuce sales may not be used in establishing a base quantity for such other producer.

(2) For each season subsequent to the initial season under this part, base quantities for each registered producer shall be adjusted by the committee to recognize trends in sales volume of individual operations. This shall be accomplished by annually recalculating all base quantities for all base quantity periods according to the applicable one of the following procedures:

(i) The base quantity computed on a five-season basis shall be adjusted by: (*a*) adding the producer's latest season's sales for the corresponding base quantity period to his five-season total sales used in computing his existing base quantity; (*b*) subtracting the sales recorded for the corresponding base quantity period in the earliest season included in the existing base, and (*c*) recalculating a new five-season simple average which shall be the new base quantity.

(ii) Base quantities computed on a less than five-season basis shall be adjusted by weighting each season in the original base quantity by the following values and adding a weight of one-fifth to the producer's sales during the initial season of regulation under this part and to such producer's sales in each subsequent season:

Number of years in original base	Year of adjustment			
	First	Second	Third	Fourth
	(weight of each year in original base)			
4	⅓			
3	4/15	⅓		
2	⅔	3/10	⅓	
1	⅘	⅗	⅖	⅕

(iii) For purposes of computing base quantities for seasons subsequent to the initial season, sales of harvested lettuce involving transfers of allocations (§ ___.55) shall be credited to the transferor unless otherwise provided in the written agreement between the producers involved.

(3) For the purpose of computing base quantities pursuant to subparagraphs (1) and (2) of this paragraph in instances in which a field of lettuce was sold before it was ready to be harvested, the buyer and the seller shall each be considered as a producer of such lettuce and shall share equally in any resulting credit from the sale of the harvested lettuce for base quantity purposes unless otherwise specified in the written agreement covering the sale of the unharvested lettuce.

(4) A condition for the continuing validity of a base quantity is production of lettuce thereunder. If no bona fide effort is made to produce and sell lettuce thereunder for commercial purposes during any two consecutive seasons such base quantity may be declared invalid due to lack of use and canceled at the end of the second consecutive season of nonproduction.

(c) (1) It shall be a policy under this part to continually provide the American public with high quality lettuce in adequate volume at a reasonable cost. In carrying out this policy the committee shall, for 1973–74 season and each subsequent season, recommend to the Secretary an adjustment in base quantities covered by this part which will reflect (i) changes in per capita consumption of lettuce in the United States; (ii) changes in population of the United States; (iii) other factors which reflect an increase in consumer demand for lettuce; (iv) desires of new producers to gain entry, and established producers to expand, as evidenced by applications for base quantities or increased base quantities; and (v) any additional factors which bear on industry adjustments to new and changing conditions.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph the annual increase in the quantity of lettuce provided for by all base quantities covered by this part shall be no more than 5 percent of the total base quantities encompassed by this part during the previous season. Such increase shall be distributed equally among all base quantity periods in the season.

(3) Any person may apply, under rules and procedures to be established by the committee with the approval of the Secretary either for a new base quantity or for an increase in an existing base quantity. Said applications may be submitted annually, but must be filed with the committee on or before January 1 of a given season in order to be considered for an award of a new base quantity or the adjustment of an existing base quantity to take effect the following season.

(4) The committee's recommendations, with justification, supporting data, and a listing and summary of all applications for new or adjusted base quantities, shall be submitted to the Secretary no later than February 1 of each season. Not more than sixty (60) days after receipt of the committee's recommendations, the Secretary shall either approve said recommendations or make whatever alterations therein that he deems necessary in the public interest. In the event no such recommendations or list of applications are received, the Secretary may issue annual additive adjustments in base quantities. The decision of the Secretary shall be final: *Provided*, That he shall communicate his decision and the reasons therefor to the committee in writing.

(5) Within thirty (30) days after receipt of the Secretary's decision, the

V 37 N 19 JAN 28 72 XUM

committee shall notify each applicant of the Secretary's decision and for those awarded base quantities, of their base quantity or quantities, by period, for the following season.

(d) The committee may, with the approval of the Secretary, establish rules, guides, bases, or standards to be used in determining base quantity awards or adjustments that are to be recommended to the Secretary taking into account among other things, the minimum economic enterprise requirements for lettuce production.

(e) The committee shall have the authority and responsibility to correct any errors or inaccuracies in base quantity determinations. However, the producers and others involved should have an opportunity to discuss such proposed corrections with the committee. All base quantity applications and determinations covered by this section shall be subject to review by the Secretary.

§ ___.54 Allocations.

(a) When the Secretary establishes an allocation period consisting of a specified week or number of consecutive weeks, and fixes the total allocation for such period, a uniform percentage for such period shall be determined by dividing such total allocation by the total of all existing base quantities. The percentage so determined shall be the uniform percentage for the entire allocation period unless changed by a revised total allocation.

(b) (1) Except as otherwise provided in subparagraphs (2) and (3) of this paragraph, for each allocation period, the allocation for each producer holding a base quantity shall be established by the committee by multiplying each such base quantity by such period's uniform percentage. The committee shall notify each such producer of the aggregate allocation established for him pursuant to this section.

(2) When an allocation period falls within two base quantity periods the total allocation shall be divided in proportion to the number of days of the allocation period in each of the base quantity periods. The resulting computed allocations shall then be divided by the applicable total base quantities to compute uniform percentages by which the producer's base quantities referable to each of the two base quantity periods are multiplied. The sum of the resulting two products shall be established as his allocation for that allocation period.

(3) Each producer not wishing his base quantity to be applied throughout the regular base quantity period shall be given the option of having it applied on a proportional basis within such base quantity period under rules and regulations established by the Secretary upon recommendation of the committee: *Provided*, That such option be exercised at least 120 days prior to the applicable base quantity period.

(4) Producers dealing with a common handler, who mutually agree prior to handling to pool their allocations, shall receive sales credit for purposes of base quantity history in proportion to their share of the pooled allocations.

(c) Prior to the handling of harvested lettuce during an allocation period, each such producer shall notify the committee in such manner as it may prescribe, of the handler or handlers who will first handle all or a portion of such allocation during such period. The committee shall then notify the respective handlers.

§ ___.55 Transfers.

(a) Base quantities, allocations, or both may be transferred in whole or in part, for specified periods of time, in accordance with rules and procedures prescribed by the Secretary and based on recommendations of the committee: *Provided*, That: (1) Transfers of base quantities shall be made at least 4 months prior to the applicable base quantity period, and (2) that base quantities issued pursuant to § ___.53(c) shall not be transferred for at least 2 years after issuance.

(b) Details of all such transfers shall be confirmed to the committee within 48 hours by parties thereto.

(c) The committee shall be notified if a different amount will be handled by a handler or handlers due to any transfer authorized in paragraph (a) of this section. The committee, upon receipt of such notification, shall advise the handler or handlers involved of the adjustments in the amount each may handle as the first handler thereof, based upon the number of cartons involved in the transfer, and shall revise as necessary the base quantities of, and allocations to, the producers involved.

(d) As a service to producers and handlers to facilitate transfers, the committee shall act as a clearing house of information on producers with deficits in production and availability of lettuce in excess of allocations. Such information shall be available at the committee office to any producer or handler upon request.

§ ___.56 Overages.

Any handler who purchases from or handlers on behalf of a producer during any allocation period a quantity of harvested lettuce covered by a regulation issued pursuant to § ___.52 may purchase from or handle on behalf of such producer and in addition to such producer's allocation, established for him pursuant to § ___.54 an amount equal to 10 percent of such producer's allocation: *Provided*, That the quantity of lettuce so handled in excess of each such producer's allocation shall be deducted from such producer's allocation for the next allocation period: *Provided further*, That the committee, with the approval of the Secretary, may change the overage percentage permitted. Similarly they shall adopt rules and regulations to ensure repayment of any coverages and to effectuate the provisions of this section.

§ ___.57 Shortages.

Any handler who purchases from or handles on behalf of, a producer during any allocation period a quantity of lettuce covered by a regulation issued pursuant to § ___.52, in any amount less than the allocation established for such producer pursuant to § ___.54 for such period, may so purchase or handle, in addition to such producer's allocation for the next allocation period only, an amount equal to any such shortage but not to exceed 25 percent of the allocation for the period in which the shortage occurred: *Provided*, That the committee, with the approval of the Secretary, may change this percentage.

§ ___.58 Priority of allocations.

Any handler who, during any allocation period, has the right to purchase from, or handle on behalf of, a producer a quantity of lettuce in addition to such producer's available allocation for such period pursuant to §§ ___.54 and ___.56 by reason of a shortage of such producer's preceding weekly allocation pursuant to § ___.57 or the transfer of allocation to him from other producers pursuant to § ___.55, and such handler so purchases from or handles on behalf of such producer a quantity of lettuce which is less than the total quantity of lettuce which he may so purchase or handle during such period then the amount of such lettuce purchased from, or handled on behalf of, the producer shall first apply proportionately to the producer's current week's allocation and to any allocation transferred to him pursuant to § ___.55 on which the producer whose allocation was transferred retains the right to include the quantities sold in the calculation of his base quantity in future years. The remainder, if any, shall be applied in the following order: (a) To any shortage of his immediate preceding weekly allocation, (b) to any allocations transferred to him on which he retains the right to include the quantity sold in the calculation of base quantity in future years, and (c) to any overage of his current week's allocation.

Other Regulations

§ ___.61 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of lettuce in the manner provided in § ___.62 it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for lettuce during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information of which such recommendation is predicated and such other available information as the Secretary may request.

§ ___.62 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section the handling of lettuce whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of harvested lettuce.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary and the committee shall promptly give notice thereof to handlers.

§ ___.63 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulation issued pursuant to § ___.62 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendations and information submitted by the committee or from other available information that a regulation should be modified, suspended, or terminated with respect to any or all shipments of lettuce in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ ___.64 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ ___.42, ___.52, and ___.62 and the regulations issued thereunder, handle lettuce donated (1) for consumption by charitable institutions; or (2) for distribution by relief agencies.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to §§ ___.42, ___.52, and ___.62 the handling of lettuce for such specified purposes including shipments to facilitate the conduct of production or marketing research and development projects established pursuant to § ___.48, as may be prescribed.

(c) Harvested lettuce handled pursuant to this section without regard to the allocation regulations pursuant to this subpart shall not be included in computing future base quantities pursuant to § ___.53(b)(2).

(d) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent lettuce handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle lettuce pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the lettuce will not be used for any purpose not authorized by this section.

Minimum Quantity Exemption

§ ___.75 Minimum quantity exemption.

The committee, with the approval of the Secretary, may establish a minimum quantity of lettuce which may be handled free from regulations issued pursuant to: § ___.52 Issuance of volume regulation; § ___.62 Issuance of regulations; and § ___.42 Assessments.

Reports

§ ___.80 Weekly report.

On or before such day of each week as approved by the Secretary, each handler shall report to the committee, on forms prepared by it, the following information with respect to lettuce handled by such handler during the immediate preceding week:

(a) Quantity handled.

(b) Total quantity disposed of otherwise, showing the manner and quantity of each such disposition.

§ ___.81 Manifest report.

Each handler shall furnish to the committee, at such times and for such periods as the committee may designate, certified reports covering each shipment of lettuce as follows:

(a) Name of shipper and shipping point.

(b) The car or truck license number.

(c) The date of shipment.

(d) The number of cartons of lettuce.

(e) The quantity shipped.

(f) The destination.

§ ___.82 Other reports.

(a) Upon requests of the committee, with the approval of the Secretary, each handler shall furnish to the committee such information as may be necessary to enable the committee to perform its duties under this part.

(b) When necessary the committee may request reports from individual handlers. Such reports may include, but are not limited to:

(1) Information regarding specific sales, transportation or other handling of lettuce.

(2) Anticipated lettuce planting intentions for the next three successive weeks.

(3) Fields or blocks of lettuce owned or controlled by applicant.

(4) Quantity of lettuce harvested from particular fields or blocks of lettuce with dates of harvest.

(5) Identification of each lot by original base quantity holder and subsequent transfers.

(c) All reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees or agents thereof, so that the information contained therein which may adversely affect the competitive position of any handler or producer in relation to other handlers or producers will not be disclosed. Compilations of general reports from data submitted by handlers and producers is authorized, subject to the prohibition of disclosure of any individual handler's or producer's operations: *Provided*, That all individual base quantities and allocations shall be considered public information.

§ ___.83 Handler records.

Each handler shall maintain for at least 2 succeeding years after the end of the season to which they relate such records of the lettuce received, and of lettuce disposed of by him as may be necessary to substantiate the reports he submits to the committee pursuant to §§ ___.80 and ___.83.

§ ___.84 Verification of reports and records.

(a) For the purpose of assuring compliance with recordkeeping requirements and certifying reports of producers and handlers, the Secretary and the committee, through their duly authorized employees or agents, shall have access to any premises where applicable records are located, where lettuce is handled, and at any time during reasonable business hours shall be permitted to inspect such producer and handler premises and any and all records of such persons with respect to matters within the purview of this part.

(b) Any person filing a report, record, or application that is willfully misrepresented shall be subject to the legal penalties for such misrepresentation on government reports, as well as subject to correcting any base quantity or allocation issued by the committee based upon any such misrepresentation.

§ ___.85 Compliance.

Except as provided in this subpart, no handler shall handle lettuce, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle lettuce except in conformity to the provisions of this subpart.

§ ___.86 Right of the Secretary.

The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ ___.87 Effective time.

The provisions of this subpart or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until

VOL 37 NO 19 JAN 28 72 XUM

terminated in one of the ways specified in this subpart.

§ ___.88 Termination.

(a) The Secretary at any time may terminate the provisions of this subpart by giving at least 1 day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall, whenever he finds that any or all provisions of this subpart, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or such provision thereof.

(c) The Secretary shall conduct a referendum within the month of February of every fifth year after the effective date of this subpart to ascertain whether continuation of this part is favored by the producers.

(d) The Secretary shall terminate the provisions of this subpart at the end of the then current marketing year whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary, have been engaged in the production for market of lettuce, within the production area: *Provided*, That such majority have during such representative period produced for market more than 50 percentum of the volume of such lettuce produced for market, but such termination shall be effective only if announced on or before June 30 of the current marketing year.

(e) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ ___.89 Proceedings after termination.

(a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ ___.90 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) effect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ ___.91 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ ___.92 Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ ___.93 Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ ___.94 Personal liability.

No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ ___.95 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ ___.96 Amendments.

Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[FR Doc.72-1304 Filed 1-27-72;8:50 am]

[7 CFR Parts 1001, 1002, 1004, 1006, 1007, 1011, 1012, 1013, 1015, 1030, 1032, 1033, 1036, 1040, 1043, 1044, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1103, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138]

[Docket No. AO-14-A50 etc.]

MILK IN THE BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

7 CFR Part	Marketing area	Docket No.
1001	Boston Regional	AO-14-A50.
1002	New York-New Jersey	AO-71-A63.
1004	Middle Atlantic	AO-160-A18.
1006	Upper Florida	AO-356-A9.
1007	Georgia	AO-366-A9.
1011	Appalachian	AO-251-A14.
1012	Tampa Bay	AO-347-A13.
1013	Southeastern Florida	AO-286-A21.
1015	Connecticut	AO-305-A29.
1030	Chicago Regional	AO-361-A6.
1032	Southern Illinois	AO-313-A22.
1033	Ohio Valley	AO-166-A42.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A35.
1040	Southern Michigan	AO-225-A24.
1043	Upstate Michigan	AO-247-A17.
1044	Michigan Upper Peninsula.	AO-299-A19.
1046	Louisville-Lexington-Evansville.	AO-123-A39.
1049	Indiana	AO-319-A19.
1050	Central Illinois	AO-355-A11.
1060	Minnesota-North Dakota	AO-360-A7.
1061	Southeast Minnesota-Northern Iowa (Dairyland).	AO-367-A6.
1062	St. Louis-Ozarks	AO-10-A41.
1063	Quad Cities-Dubuque	AO-105-A36.
1064	Greater Kansas City	AO-23-A43.
1065	Nebraska-Western Iowa	AO-86-A26.
1068	Minneapolis-St. Paul	AO-178-A29.
1069	Duluth-Superior	AO-153-A20.
1070	Cedar Rapids-Iowa City	AO-229-A27.
1071	Neosho Valley	AO-227-A27.
1073	Wichita, Kans	AO-173-A27.
1075	Black Hills, S. Dak	AO-248-A14.
1076	Eastern South Dakota	AO-260-A18.
1078	North Central Iowa	AO-272-A21.
1079	Des Moines, Iowa	AO-295-A25.
1090	Chattanooga, Tenn	AO-266-A16.
1094	New Orleans, La	AO-103-A34.
1096	Northern Louisiana	AO-257-A21.
1097	Memphis, Tenn	AO-219-A26.
1098	Nashville, Tenn	AO-184-A32.
1099	Paducah, Ky	AO-183-A27.
1101	Knoxville, Tenn	AO-195-A21.
1102	Fort Smith, Ark	AO-237-A21.
1103	Mississippi	AO-346-A15.
1104	Red River Valley	AO-238-A20.
1106	Oklahoma Metropolitan	AO-210-A32.
1108	Central Ark	AO-243-A23.
1120	Lubbock Plainview, Tex	AO-328-A14.
1121	South Texas	AO-364-A5.
1124	Oregon-Washington	AO-308-A5.
1125	Puget Sound, Wash	AO-226-A24.
1126	North Texas	AO-231-A38.
1127	San Antonio, Tex	AO-232-A24.
1128	Central West Texas	AO-238-A27.
1129	Austin-Waco, Tex	AO-256-A20.
1130	Corpus Christi, Tex	AO-359-A24.
1131	Central Arizona	AO-271-A16.
1132	Texas Panhandle	AO-262-A23.
1133	Inland Empire	AO-275-A23.
1134	Western Colorado	AO-301 A13.
1136	Great Basin	AO-309-A18.
1137	Eastern Colorado	AO-326-A17.
1138	Rio Grande Valley	AO-335-A19.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Washington, D.C., December 13, 1971, pursuant to notice thereof issued on December 3, 1971 (36 F.R. 23222).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on January 5, 1972, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications under "1. Advance pricing.":

1. A paragraph is added immediately following the 10th paragraph.

2. The first sentence in the 15th paragraph is revised.

3. Two paragraphs are added immediately following the 16th paragraph.

4. The last sentence in the 21st paragraph is revised.

The material issues on the record relate to:

1. Advancing the date for announcing the Class I price.

2. Taking emergency action with regard to issue 1.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Advance pricing.* The Class I price for the month under each of the 62 orders, except south Texas, should be announced by the fifth day of the preceding month instead of in the current month, as now provided in the orders. Also, the Minnesota-Wisconsin price for the second preceding month (instead of for the immediately preceding month, as now provided in the orders) should be used in computing the Class I price.

The Milk Industry Foundation (MIF), whose membership includes handlers under the 62 orders, proposed the earlier determination and announcement of Class I prices adopted herein. MIF claims that because handlers are unable to adjust their resale prices at the same time as, or within a reasonable period of, the change in their raw material cost, they are forced to absorb Class I price increases for extended periods before they can make necessary adjustments in their resale prices. The need for advance pricing is particularly urgent now, according to MIF, because of the requirements to which handlers are subject under the Economic Stabilization Act. Proponents claim handlers would be required to substantiate resale price increases resulting from Class I price changes in accordance with steps prescribed pursuant to that Act. This procedure, it is argued, will extend even further the period of time between a Class I price change and the corresponding adjustment in resale prices.

A handler who operates regulated plants under a number of orders testified in support of the MIF proposal. The witness emphasized particularly that advance pricing is needed by handlers to enable them to change resale prices at the same time the Class I price increases. He stated that handlers are now at a disadvantage in not knowing the Class I price for the month before the fifth of the month and, therefore, are unable to institute resale price changes before the greater part of the month to which the Class I price applies is over.

National Milk Producers Federation (NMPF), which represents producer associations under the 62 orders, supported the MIF proposal. A number of producer association members of NMPF maintain milk processing and distribution operations. According to the NMPF witness, such associations have the same interest in advance Class I pricing as do proprietary handlers. The witness further stated that its other producer association members, however, fully support the proposal. He took the position that using the Minnesota-Wisconsin price for a month earlier than at present (in computing the Class I price) would not result in producers receiving any less money for their milk than they do now. He reasoned that the increases and decreases from month to month in the Class I price (due to changes in the Minnesota-Wisconsin price) would be fully reflected in returns to producers as they now are, except for a delay of one month.

The spokesman for a cooperative representing producers under five orders in the northeast stated that the cooperative had not had sufficient time to study the proposal and its effect on its members, and therefore, urged that no action be taken on it. He questioned particularly whether the principal basis of proponents for requesting advance pricing is a valid one. In this connection, he cited an earlier decision of the Secretary in which it was found that there is no basis for assuming that there is a direct relationship between changes in Class I prices and changes in prices charged to stores and to consumers.

The rapidly changing structure of the milk distribution industry throughout the United States makes it desirable that handlers be notified at a reasonable period in advance of changes in the price they must pay for Class I milk. An increasing proportion of the milk distribution throughout the country is by large firms, including cooperative associations as well as proprietary handlers. The centralized control of these large distributors requires a longer period of time between the date a Class I price change is announced and the time when the change may be made in their resale prices.

According to an industry witness, it is mechanically impossible to place in effect a price increase in less than 2 to 4 weeks after learning of Class I price changes. This problem is compounded by the adoption of machine accounting by both handlers and retailers. Computer programs must be changed by both parties, a new price list developed and circulated by handlers, and new pricing schedules issued to retailers by both chain and cooperative buying groups.

The major portion of the distribution of the principal handlers in the order markets is to large volume buyers, such as supermarket chains and institutions (e.g. hospitals, schools). The prices at which sales are made to these are primarily on a contractual basis, many by advance bidding. Announcing Class I prices before the month to which they apply will facilitate the resale pricing of milk sold to large volume outlets.

Replacing the Minnesota-Wisconsin price for the month immediately preceding with that for the second preceding month for computing Class I prices need not have, as testified by producers, any significant effect on producer returns since the proposed change only involves advance setting of price and not a change in the basis of pricing Class I milk.

To follow strictly the proposal made by the industry, advance pricing could not be incorporated in the orders to affect Class I prices prior to March 1972. That is, if the orders were amended (as a result of this decision) to be effective February 1, 1972, the Class I price for March would be announced on February 5 and would be based on the Minnesota-Wisconsin price for January (instead of February as now provided).

The orders should specify that for the first month the changes herein adopted would become effective the market administrators announce, by the fifth of the month, the Class I prices for that month (as now provided in the orders) as well as the Class I prices for the following month (as would be provided by the amended orders). Absent such a provision, the orders would be silent regarding the Class I price announcement for the first month in which the proposed amendments would become effective. The Class I prices announced in this first month for the current month would be calculated by using the Minnesota-Wisconsin price for the second month preceding it.

Although the Minnesota-Wisconsin price and other quotations necessary for announcing the Class I price and Class I butterfat differential (and all other class prices and butterfat differentials) are available by the fifth of the month, the date by which they are required to be announced varies among the orders. In 38 of the 62 orders they must be announced by the fifth of the month, in 19 by the sixth, in one by the eighth, in two by the 10th, and in two by the 12th. For classes other than Class I, prices and butterfat differentials announced by these dates are those for the preceding month.

Since the information necessary for these determinations is available by the fifth of the month, the orders should provide explicitly and uniformly that the market administrator publicly announce

JAN 28 72 XUM

all class prices by that date. For Class I, the price announced would be that for the following month and the butterfat differential that for the current month. For classes other than Class I, the prices and butterfat differentials announced would be those for the preceding month.

The date by which the uniform price(s) in each order must be announced was not considered at the hearing and is unchanged by this decision.

Providing the same uniform language in all orders regarding the announcement of class prices, butterfat differentials and uniform prices will not change a market administrator's obligation to mail copies of all price announcements to handlers and other interested parties. Neither will it diminish the obligation of the market administrator under any order from that required of him at present with regard to issuing price announcements. On the other hand, it will contribute towards obtaining uniformity in the order provisions and thus provide price information to all parties at the same time.

The Minnesota-Wisconsin price (adjusted to a 3.5 percent butterfat basis) should be designated as the basic formula price in all orders and should be set forth in the same language in all orders as "the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33."

No purpose is served by the variations in the language now used in the orders to define the basic formula price. Accordingly, provision is made in this decision to institute precisely the same language, as cited above, in all orders in referring to the Minnesota-Wisconsin price, as adjusted to a 3.5 percent butterfat basis. Likewise, a basic formula price definition as set forth above should be instituted in the several orders in which reference is now made to the Minnesota-Wisconsin price, but in which it is not indicated as the basic formula price. The uniformity thus achieved will facilitate cross references sometimes appropriate between the orders.

Producers and handlers excepted to adding the phrase "average butterfat content" in the first sentence of the basic formula price definition contained in the recommended decision. That sentence is: "The basic formula price shall be the average price per hundredweight for manufacturing grade milk (average butterfat content), f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent." "Average butterfat content" is not now so used in the orders in describing how the Minnesota-Wisconsin price or basic formula price must be determined. Exceptors claim that the addition of this phrase could result in changing the basic formula price from what is now provided in the orders, and that such a change was not a matter under consideration at the hearing.

The orders are sufficiently clear (without using the phrase "average butterfat content") that the Minnesota-Wisconsin price, as reported by the Department, must be adjusted from the average test at which the various plants report their pay prices to a 3.5 percent butterfat basis. Accordingly, it is not included in the basic formula price definition adopted in this decision.

In all orders the Class I price is determined, directly or indirectly, by adding a differential to the basic formula price. In most orders the Class I differential is a stated amount "plus 20 cents." The "plus 20 cents," which was instituted in these orders by amendment for specified periods prior to January 1, 1969, has been effective without a termination date since then. There is, therefore, no apparent need to continue listing the "plus 20 cents" separately from the stated Class I differential. In the amended order language here adopted, the Class I differential for each order is stated as one amount, which includes the plus 20 cents heretofore listed separately.

No change should be made in computing the Class I butterfat differential. Except for the three Florida orders (which specify that the Class I butterfat differential shall be 7.5 cents each month) Class I butterfat differentials are based on the average of the wholesale selling prices of 92-score butter at Chicago for the preceding month.

Proponents advocating the use of the Minnesota-Wisconsin price for the second preceding month in computing the Class I price proposed at the hearing that the Class I butterfat differential be announced by the fifth day of the preceding month and be based on the Chicago butter price for the second preceding month. The hearing notice contained no proposal, however, for advancing the Class I butterfat differential announcements. Those proposing it urged its adoption as an appropriate corollary change.

The Class I butterfat differential changes infrequently. This is because the Chicago butter price quotations, which are strongly influenced by the prices paid for butter by the Government under the price support program, do not vary significantly from month to month. Consequently, there is no compelling need to advance the Class I butterfat differential announcement in connection with the adoption of advance Class I pricing. Moreover, proposals to revise the butterfat differential provisions in 40 of the 62 orders were considered at hearings which began in Clayton, Mo., July 14, 1970 (35 F.R. 10694) for seven orders and in Atlanta, Ga., on October 18, 1971 (36 F.R. 19604) for 33 orders. Action on the record of these hearings has not been completed. It would be inappropriate, therefore, to amend any butterfat differential provision in these orders without full consideration of the evidence on the still open records of the hearings previously held.

No change in the South Texas order should be made now on the basis of this record. An order issued by the Secretary on July 16, 1971, terminated the South Texas order effective August 1, 1971. However, an injunction issued by the U.S. District Court for the District of Columbia deferred the termination date pending a further hearing by the court into the authority of the Secretary to terminate the order. The hearing on this matter has not yet been held. In this circumstance, no action to amend the South Texas order is deferred at this time.

2. *Emergency action.* The request by proponents for emergency action (that no recommended decision be issued and that the final decision be issued in sufficient time to amend the orders January 1, 1972) is denied.

A primary reason advanced by proponents for emergency action is the time-consuming procedures required for making price changes under the Economic Stabilization Program (Phase II). This is not a problem distinguishable on the record from the problems faced by participants in many other industries with respect to the pricing of their goods. Also, there is uncertainty at present of the extent to which the various categories of milk handlers are affected by that program. It cannot be concluded therefore, that the requirements of the Economic Stabilization Act per se warrant the emergency action requested.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fuly considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the orders regulating the handling of milk in the aforesaid specified marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

October 1971 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas is approved or favored by producers, as defined under the terms of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on January 24, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order [1] Amending the Orders, Regulating the Handling of Milk in Certain Specified Marketing Areas

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas, and the minimum prices specified in the orders as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreements upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and orders amending each of the specified orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on January 5, 1972, and published in the FEDERAL REGISTER on January 12, 1972 (37 F.R. 449) shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein subject to the modifications made in §§ 1001.32, 1001.60, 1002.22, 1002.50, 1004.22, 1004.50, 1006.22, 1006.50, 1007.27, 1007.50, 1011.22, 1011.50, 1012.22, 1012.50, 1013.27, 1013.50, 1015.32, 1015.60, 1030.22, 1030.50, 1032.22, 1032.50, 1033.27, 1033.50, 1036.27, 1036.50, 1040.27, 1040.50, 1043.22, 1043.50, 1044.22, 1044.50, 1046.22, 1046.50, 1049.27, 1049.50, 1050.22, 1050.50, 1060.32, 1060.50, 1062.22, 1062.50, 1063.22, 1063.50, 1064.22, 1065.50, 1068.22, 1068.51, 1069.22, 1069.50, 1070.22, 1070.50, 1071.22, 1071.50, 1073.22, 1073.50, 1075.27, 1075.50, 1076.27, 1076.50, 1077.22, 1077.50, 1079.27, 1079.50, 1090.27, 1090.50, 1094.22, 1094.50, 1096.27, 1096.50, 1097.22, 1097.50, 1098.22, 1098.50, 1099.22, 1099.50, 1101.22, 1101.50, 1102.22, 1102.50, 1103.22, 1103.50, 1104.27, 1106.22, 1106.50, 1108.27, 1108.50, 1120.27, 1120.50, 1124.22, 1124.50, 1125.22, 1125.50, 1126.27, 1126.50, 1128.22, 1128.50, 1129.27, 1129.50, 1131.22, 1131.50, 1132.27, 1132.50, 1133.22, 1133.50, 1134.22, 1134.50, 1136.22, 1136.50, 1137.22, 1137.50, 1138.22, and 1138.50.

PART 1001—MILK IN BOSTON REGIONAL MARKETING AREA

1. In § 1001.32, paragraph (j) is revised as follows:

§ 1001.32 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class II price for the preceding month; and

(iii) The butterfat differential for the preceding month;

(2) The 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d); and

(3) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

* * * * *

2. The Class I price provisions of § 1001.60 are revised and redesignated. A new § 1001.60 is added as follows:

§ 1001.60 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such

JAN 28 72

adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1001.61 is revised as follows:

§ 1001.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for the month, at plants located in zone 21, shall be computed as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.58.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price for the month computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in § 1001.60;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1001.62 [Amended]

4. In § 1001.62 the reference "§ 1001.60," and the comma following the reference to § 1001.61 are deleted.

§ 1001.56 [Amended]

5. In § 1001.56, the reference to "§ 1001.32(j)(4)" in subparagraph (1) of paragraph (b) is changed to "§ 1001.32(j)(3)".

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) is revised as follows:

§ 1002.22 Additional duties of the market administrator.

* * * * *

(m) Publicly announce the following:
(1) The fifth day of each month:

(i) The Class I price for the following month applicable at the 201–210-mile zone and at the 1–10-mile zone, and for the first month for which this paragraph is effective, the Class I price for the current month at such zones.

(ii) The Class II price for the preceding month applicable at the 201–210-mile zone and at the 1–10-mile zone; and

(iii) The butterfat differential for the preceding month;

* * * * *

2. The class prices provisions of § 1002.50 are revised and redesignated. A new § 1002.50 is added as follows:

§ 1002.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. A new § 1002.50a is added as follows:

§ 1002.50a Class prices.

For pool milk received during each month from dairy farmers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 1002.51 and 1002.81. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler but which does not operate the plant or the unit receiving the milk from producers shall on or before the 15th day of the following month pay such class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51, 1002.81, and 1002.82(b) applicable at the location where the milk is received from producers. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler and which operates the plant or the unit receiving the milk from producers shall on or before the 15th day of the following month pay such cooperative association in full for such milk at not less than the minimum class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51, 1002.52, 1002.81, and 1002.82(b) applicable at the plant at which the milk is first received.

(a) For Class I–A milk the price shall be the basic formula price for the second preceding month plus $2.40.

(b) For Class I–B milk the price shall be the price for Class I–A milk.

(c) Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph:

Month	Amount
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in § 1002.50;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents and round to the nearest cent.

§ 1002.51 [Amended]

4. In § 1002.51 the reference "§ 1002.50" is changed to "§ 1002.50a".

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.22, paragraph (j) is revised as follows:

§ 1004.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class II price for the preceding month; and

(iii) The producer butterfat differential for the preceding month.

(2) The 13th day of each month, the uniform price(s) pursuant to §§ 1004.71 and 1004.72 for the preceding month.

* * * * *

2. The class price provisions of § 1004.50 are revised and redesignated. A new § 1004.50 is added as follows:

§ 1004.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. A new § 1004.50a is added as follows:

§ 1004.50a Class prices.

Subject to the provisions of § 1004.51 the minimum class prices per hundredweight of milk containing 3.5 percent butterfat for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.08
December	+.08

(1) Multiply by 4.2 the Chicago butter price specified in § 1004.50;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

1. In § 1006.22, paragraph (j) is revised as follows:

§ 1006.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month;

(iii) The Class II price and the Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1006.50 is revised as follows:

§ 1006.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1006.51, paragraph (a) is revised as follows:

§ 1006.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

* * * * *

PART 1007—MILK IN GEORGIA MARKETING AREA

1. In § 1007.27, paragraph (j) is revised as follows:

§ 1007.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price(s) pursuant to §§ 1007.61 and 1007.61a and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1007.50 is revised as follows:

§ 1007.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1007.51, paragraph (a) is revised as follows:

§ 1007.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.30.

* * * * *

PART 1011—MILK IN APPALACHIAN MARKETING AREA

1. In § 1011.22, paragraph (k) is revised as follows:

§ 1011.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1011.50 is revised as follows:

§ 1011.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1011.51, paragraph (a) is revised as follows:

§ 1011.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.13.

* * * * *

PART 1012—MILK IN TAMPA BAY MARKETING AREA

1. In § 1012.22, paragraph (j) is revised as follows:

VOL 37 NO 19 JAN 28 72 XUM

§ 1012.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and the Class II butterfat differential, both for the preceding month;
(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1012.50 is revised as follows:

§ 1012.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1012.51, paragraph (a) is revised as follows:

§ 1012.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.95.

• • • • •

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.27, paragraph (j) is revised as follows:

§ 1013.27 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1013.50 is revised as follows:

§ 1013.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1013.51(a) is revised as follows:

§ 1013.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.15.

• • • • •

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) is revised as follows:

§ 1015.32 Additional duties of the market administrator.

• • • • •

(g) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class II price for the preceding month; and
(iii) The butterfat differential for the preceding month;
(2) The 14th day of each month the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and
(3) Whenever required for the purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

• • • • •

2. The Class I price provisions of § 1015.60 are revised and redesignated. A new § 1015.60 is added as follows:

§ 1015.60 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1015.61 is revised as follows:

§ 1015.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for the month at plants located in the nearby plant zone shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.98.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.088
February	+.078
March	+.008
April	−.032
May	−.062
June	−.052
July	+.088
August	+.158
September	+.118
October	+.118
November	+.118
December	+.118

(1) Multiply by 4.2 the Chicago butter price specified in § 1015.60;
(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and
(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1015.62 [Amended]

4. In § 1015.62 the reference "§ 1015.60," is deleted.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. In § 1030.22, paragraph (j) is revised as follows:

§ 1030.22 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1030.50 is revised as follows:

§ 1030.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1030.51, paragraph (a) is revised as follows:

§ 1030.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.26.

• • • • •

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.22, paragraph (h) is revised as follows:

§ 1032.22 Additional duties of the market administrator.

• • • • •

(h) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price fo rthe current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1032.50 is revised as follows:

§ 1032.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

1. In § 1033.27, paragraph (k) is revised as follows:

§ 1033.27 Additional duties of the market administrator.

• • • • •

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1033.50 is revised as follows:

§ 1033.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1033.51, paragraph (a) is revised as follows:

§ 1033.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

• • • • •

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. In § 1036.27, paragraph (j) is revised as follows:

§ 1036.27 Additional duties of the market administrator.

• • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1036.50 is revised as follows:

§ 1036.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1036.51, paragraph (a) is revised as follows:

§ 1036.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.87 for plants in the Cleveland-Erie district and $1.97 for plants in the Pittsburgh district. At a plant outside the marketing area, add to the basic formula price for the second preceding month the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest such plant (by the shortest hard-surfaced highway distance as determined by the market administrator): Canton and Cleveland, Ohio; Erie, Pittsburgh, and Uniontown, Pa.; and Clarksburg, W. Va.

• • • • •

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

1. In § 1040.27, paragraph (k) is revised as follows:

§ 1040.27 Additional duties of the market administrator.

• • • • •

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and

VOL 37 NO 19 JAN 28 72 XUM

(iii) The Class II and Class III prices, the corresponding butterfat differentials and the producer butterfat differential, all for the preceding month; and

(2) The 11th day of each month, the uniform prices pursuant to §§ 1040.62, 1040.63, and 1040.65, and the excess milk price, all for the preceding month;

2. Section 1040.50 is revised as follows:

§ 1040.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1040.51, paragraph (a) is revised as follows:

§ 1040.51 Class I milk price.

* * * * *

(a) To the basic formula price for the second preceding month add $1.60.

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. In § 1043.22, paragraph (i) is revised as follows:

§ 1043.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1043.50 is revised as follows:

§ 1043.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1043.51, the text preceding paragraph (b) is revised as follows:

§ 1043.51 Class prices.

Subject to the provisions of §§ 1043.52 and 1043.53, the prices per hundredweight to be paid by each handler, f.o.b. his pool plant for milk received from producers or from cooperative associations during the month, shall be as follows:

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.49.

* * * * *

§ 1043.62 [Amended]

4. In § 1043.62, the reference to "§ 1043.51(b)(2)(i)" is changed to "§ 1043.50."

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. In § 1044.22, paragraph (i) is revised as follows:

§ 1044.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1044.50 is revised as follows:

§ 1044.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1044.51, paragraph (a) is revised as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price for plants located in Zone 1 shall be the basic formula price for the second preceding month plus $1.15. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2.

* * * * *

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. In § 1046.22, paragraph (k) is revised as follows:

§ 1046.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1046.50 is revised as follows:

§ 1046.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1046.51, paragraph (a) is revised as follows:

§ 1046.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.49.

* * * * *

PART 1049—MILK IN INDIANA MARKETING AREA

1. In § 1049.27, paragraph (j) is revised as follows:

§ 1049.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1049.50 is revised as follows:

§ 1049.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1049.51, paragraph (a) is revised as follows:

§ 1049.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.47.

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.22, paragraph (h) is revised as follows:

§ 1050.22 Additional duties of the market administrator.

* * * * *

(h) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1050.50 is revised as follows:

§ 1050.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1050.51, paragraph (a) is revised as follows:

§ 1050.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.39.

* * * * *

PART 1060—MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

1. In § 1060.32, paragraph (j) is revised as follows:

§ 1060.32 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1060.50 is revised as follows:

§ 1060.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1060.51, paragraph (a) is revised as follows:

§ 1060.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.30.

* * * * *

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. In § 1061.22, paragraphs (h) and (i) are revised as follows:

§ 1061.22 Additional duties of the market administrator.

* * * * *

(h) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

(i) On or before the 12th day of each month, notify each handler of his obligations to the producer-settlement fund for the preceding month;

* * * * *

2. Section 1061.50 is revised as follows:

§ 1061.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1061.51, paragraph (a) is revised as follows:

§ 1061.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.06.

* * * * *

JAN 28 72 XUM

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

1. In § 1062.22, paragraph (i) is revised as follows:

§ 1062.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1062.50 is revised as follows:

§ 1062.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1062.51, paragraph (a) is revised as follows:

§ 1062.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price at plants located in Zone I shall be the basic formula price for the second preceding month plus $1.60.

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.22, paragraph (j) is revised as follows:

§ 1063.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1063.50 is revised as follows:

§ 1063.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:
(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.
(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33.
(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. In § 1064.22, paragraph (j) is revised as follows:

§ 1064.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price(s) pursuant to §§ 1064.71 and 1064.72 and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1064.50 is revised as follows:

§ 1064.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1064.51, paragraph (a) is revised as follows:

§ 1064.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.74.

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

1. In § 1065.22, paragraph (k) is revised as follows:

§ 1065.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1065.50 is revised as follows:

§ 1065.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1065.51, paragraph (a) is revised as follows:

§ 1065.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.60 for pool plants located in Zone 1, plus $1.50 in Zone 2 and plus $1.75 in Zone 3.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

1. In § 1068.22, paragraph (h) is deleted, and paragraph (g) is revised as follows:

§ 1068.22 Additional duties of the market administrator.

* * * * *

(g) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 15th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;
(h) [Reserved]

* * * * *

2. Section 1068.51 is revised as follows:

§ 1068.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1068.53 is revised as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a), the price per hundredweight for Class I milk shall be the basic formula price for the second preceding month plus $1.06.

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

1. In § 1069.22, paragraph (i) is revised as follows:

§ 1069.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) the fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1069.50 is revised as follows:

§ 1069.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1069.51, paragraph (a) is revised as follows:

§ 1069.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.10.

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. In § 1070.22, paragraph (j) is revised as follows:

§ 1070.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1070.50 is revised as follows:

§ 1070.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:
(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.
(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33.
(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

1. In § 1071.22, paragraph (j) is revised as follows:

§ 1071.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1071.50 is revised as follows:

§ 1071.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1071.51, that portion of paragraph (a) which precedes subparagraph (1) thereof is revised as follows:

§ 1071.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.54: *Provided,* That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

* * * * *

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. In § 1073.22, paragraph (i) is revised as follows:

VOL 37 NO 19 JAN 28 72 XUM

§ 1073.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1073.50 is revised as follows:

§ 1073.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33

3. In § 1073.51, paragraph (a) is revised as follows:

§ 1073.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price at plants located in Zone I shall be the basic formula price for the second preceding month plus $1.80. Such price shall not be less than the Class I price established for the same month pursuant to Part 1064 (Greater Kansas City) of this chapter, nor more than the Greater Kansas City Class I price plus 60 cents.

* * * * *

PART 1075—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

1. In § 1075.27, paragraph (j) is revised as follows:

§ 1075.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1075.50 is revised as follows:

§ 1075.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1075.51, paragraph (a) is revised as follows:

§ 1075.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

1. In § 1076.27, paragraph (j) is revised as follows:

§ 1076.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1076.50 is revised as follows:

§ 1076.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1076.51, paragraph (a) is revised as follows:

§ 1076.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.50.

* * * * *

PART 1078—MILK IN THE NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.22, paragraph (j) is revised as follows:

§ 1078.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price for each handler and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1078.50 is revised as follows:

§ 1078.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:
(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.
(b) *Class I price.* The Class I price at plants in Zone 1 shall be the basic formula price for the second preceding month plus $1.25. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.
(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

1. In § 1079.27, paragraph (j) is revised as follows:

§ 1079.27 Additional duties of the market administrator

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1079.50 is revised as follows:

§ 1079.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:
(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.
(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40.
(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

1. In § 1090.27, paragraph (k) is revised as follows:

§ 1090.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price(s) pursuant to §§ 1090.71 and 1090.72 and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1090.50 is revised as follows:

§ 1090.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1090.51, paragraph (a) is revised as follows:

§ 1090.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.15.

* * * * *

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

1. In § 1094.22, paragraph (k) is revised as follows:

§ 1094.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1094.50 is revised as follows:

§ 1094.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1094.51, paragraph (a) is revised as follows:

§ 1094.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

1. In § 1096.27, paragraph (j) is revised as follows:

§ 1096.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1096.50 is revised as follows:

§ 1096.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1096.51, paragraph (a) is revised as follows:

§ 1096.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.47.

* * * * *

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. In § 1097.22, paragraph (i) is revised as follows:

§ 1097.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:

JAN 28 72

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 13th day of each month, the uniform price(s) for each handler pursuant to §§ 1097.71 and 1097.72, the location differential for each handler and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1097.50 is revised as follows:

§ 1097.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1097.51, paragraph (a) is revised as follows:

§ 1097.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94.

* * * * *

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

1. In § 1098.22, paragraph (j) is revised as follows:

§ 1098.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price(s) pursuant to §§ 1098.71 and 1098.72 and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1098.50 is revised as follows:

§ 1098.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1098.51, paragraph (a) is revised as follows:

§ 1098.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.58.

* * * * *

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

1. In § 1099.22, paragraph (k) is revised as follows:

§ 1099.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1099.50 is revised as follows:

§ 1099.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. In § 1101.22, paragraph (j) is revised as follows:

§ 1101.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1101.50 is revised as follows:

§ 1101.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1101.51, paragraph (a) is revised as follows:

§ 1101.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

* * * * *

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. In § 1102.22, paragraph (j) is revised as follows:

§ 1102.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price(s) pursuant to §§ 1102.71 and 1102.72 and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1102.50 is revised as follows:

§ 1102.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1102.51, paragraph (a) is revised as follows:

§ 1102.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

* * * * *

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

1. In § 1103.22, paragraph (i) is revised as follows:

§ 1103.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1103.50 is revised as follows:

§ 1103.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1103.51, paragraph (a) is revised as follows:

§ 1103.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.47.

* * * * *

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

In § 1104.27, paragraph (k) is revised as follows:

§ 1104.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.22, paragraph (j) is revised as follows:

§ 1106.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1106.50 is revised as follows:

§ 1106.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1106.51, paragraph (a) is revised as follows:

§ 1106.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.98.

* * * * *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.27, paragraph (k) is revised as follows:

§ 1108.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1108.50 is revised as follows:

§ 1108.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1108.51, paragraph (a) is revised as follows:

§ 1108.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94.

* * * * *

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. In § 1120.27, paragraph (j) is revised as follows:

JAN 28 72

§ 1120.27 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. In § 1120.50, paragraph (a) is revised and a new paragraph (c) is added as follows:

§ 1120.50 Basic formula and class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.42.

• • • • • •

(c) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

PART 1124—MILK IN THE OREGON-WASHINGTON MARKETING AREA

1. In § 1124.22, paragraph (i) is revised as follows:

§ 1124.22 Additional duties of the market administrator.

• • • • • •

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 14th day of each month, the uniform prices and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1124.50 is revised as follows:

§ 1124.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1124.51, paragraph (a) is revised as follows:

§ 1124.51 Class prices.

• • • • • •

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

• • • • • •

PART 1125—MILK IN THE PUGET SOUND, WASH., MARKETING AREA

1. In § 1125.22, paragraph (k) is revised as follows:

§ 1125.22 Additional duties of the market administrator.

• • • • • •

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 13th day of each month, the weighted average and the uniform price(s) pursuant to §§ 1125.71 and 1125.72, the location adjustments for excess milk pursuant to § 1125.81(a)(2) and the producer butterfat differential, all for the preceding month;

• • • • • •

2. Section 1125.50 is revised as follows:

§ 1125.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1125.51, paragraph (a) is revised as follows:

§ 1125.51 Class prices.

• • • • • •

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.85.

• • • • • •

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. In § 1126.27, paragraph (j) is revised as follows:

§ 1126.27 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1126.50 is revised as follows:

§ 1126.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1126.51, paragraph (a) is revised as follows:

§ 1126.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.32.

• • • • • •

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. In § 1127.22, paragraph (j) is revised as follows:

§ 1127.22 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class II–A prices and the corresponding butterfat differentials all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. In § 1127.50, paragraph (b) is revised as follows:

§ 1127.50 Minimum prices and basic formula price.

• • • • • •

(b) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1127.51 is revised as follows:

§ 1127.51 Class I price.

The Class I price shall be the basic formula price for the second preceding month plus $2.74.

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.22, paragraph (j) is revised as follows:

§ 1128.22 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class II–A prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1128.50 is revised as follows:

§ 1128.50 Basic formula and Class I price.

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* Subject to the provisions of §§ 1128.52 and 1128.53, the Class I price per hundredweight shall be the basic formula price for the second preceding month plus $2.57.

PART 1129—MILK IN AUSTIN-WACO, TEX., MARKETING AREA

1. In § 1129.27, paragraph (i) is revised as follows:

§ 1129.27 Additional duties of the market administrator.

• • • • • •

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price for each handler and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1129.50 is revised as follows:

§ 1129.50 Basic formula and Class I price.

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* Subject to the provisions of §§ 1128.52 and 1128.53, the Class I price per hundredweight shall be the basic formula price for the second preceding month plus $2.70.

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. In § 1130.22, paragraph (i) is revised as follows:

§ 1130.22 Additional duties of the market administrator.

• • • • • •

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1130.50 is revised as follows:

§ 1130.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1130.51, paragraph (a) is revised as follows:

§ 1130.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.07.

• • • • • •

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. In § 1131.22, paragraph (k) is revised as follows:

§ 1131.22 Additional duties of the market administrator.

• • • • • •

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

VOL 37 NO 19 JAN 28 72 XUM

2. Section 1131.50 is revised as follows:

§ 1131.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound as Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1131.51, the part of paragraph (a) that precedes subparagraph (1) is revised as follows:

§ 1131.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $2.52, and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

* * * * *

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. In § 1132.27, paragraph (j) is revised as follows:

§ 1132.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1132.50 is revised as follows:

§ 1132.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1132.51, paragraph (a) is revised as follows:

§ 1132.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.25.

* * * * *

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

1. In § 1133.22, paragraph (k) is revised as follows:

§ 1133.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. In § 1133.50, the first paragraph of the text preceding paragraph (a), and paragraph (a) are revised as follows:

§ 1133.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the second preceding month plus $1.95.

* * * * *

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

1. In § 1134.22, paragraph (i) is revised as follows:

§ 1134.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The 5th day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding months; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1134.50 is revised as follows:

§ 1134.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1134.51, paragraph (a) is revised as follows:

§ 1134.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $2.

* * * * *

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

1. In § 1136.22, paragraph (k) is revised as follows:

§ 1136.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. In § 1136.50, paragraph (a) is revised as follows:

§ 1136.50 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.90.

* * * * *

3. Section 1136.51 is revised as follows:

§ 1136.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

1. In § 1137.22, paragraph (i) is revised as follows:

§ 1137.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1137.50 is revised as follows:

§ 1137.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1137.51, paragraph (a) is revised as follows:

§ 1137.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $2.30.

* * * * *

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.22, paragraph (i) is revised as follows:

§ 1138.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1138.50 is revised as follows:

§ 1138.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1138.51, paragraph (a) is revised as follows:

§ 1138.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the second preceding month plus $2.35.

* * * * *

[FR Doc.72-1277 Filed 1-27-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-EA-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the New York, N.Y., transition area (36 F.R. 2243).

A revised VOR-A instrument approach procedure for Kupper Airport, Manville, N.J., will require the aforesaid alteration.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of New York, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation regulations so as to amend the New York, N.Y., 700-foot floor transition area as follows: Following the phrase, "to the point of beginning;" add, "including that airspace 5 miles N. and 3 miles S. of the Solberg, N.J. VORTAC 298° radial extending from the VORTAC to a point 10 miles NW. of the VORTAC."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

VOL 37 NO 19 JAN 28 72 XUM

Issued in Jamaica, N.Y., on January 17, 1972.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

[FR Doc.72-1267 Filed 1-27-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-35]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to alter the control zone and transition area at Hibbing, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3158 Des Plaines Avenue, Room 18, Des Plaines, IL 60018.

Since designation of controlled airspace at Hibbing, Minn., the Hibbing "H" facility was decommissioned and the instrument approach based on this facility was canceled. A review of the designated airspace in the Hibbing area results in the elimination of the control zone extension to the southwest. We also find it is operationally desirable to extend the 1,200-foot transition area to cover the small portion of uncontrolled airspace between V430 and the Chisholm-Hibbing Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

HIBBING, MINN.

That airspace within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'-10" N., longitude 92°50'15" W.); within 2 miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to 15 miles northwest of the VORTAC; within 1½ miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to the VORTAC.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

HIBBING, MINN.

That airspace extending upward from 700 feet above the surface within an 11½-mile radius of Chisholm-Hibbing Airport (latitude 47°23'18" N., longitude 92°50'19" W.); within 3 miles each side of the Hibbing VORTAC 313° radial, extending from the 11½-mile radius area to 23 miles northwest of the VORTAC; within an 11-mile radius of Eveleth-Virginia Airport (latitude 47°25'55" N., longitude 92°30'03" W.); and within 9½ miles north and 4½ miles south of the Eveleth VOR 092° radial, extending from the 11-mile radius area to 18½ miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Hibbing VORTAC, extending from the Hibbing VORTAC 196° radial clockwise to the Hibbing VORTAC 340° radial; within a 13-mile radius of Hibbing VORTAC extending from the Hibbing VORTAC 095° radial clockwise to the Hibbing VORTAC 196° radial; within 4½ miles northeast and 9½ miles southwest of the Hibbing VORTAC 313° radial, etxending from the 27-mile radius area to 33½ miles northwest of the VORTAC, excluding the portion which overlies the Duluth, Minn. transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on January 6, 1972.

LYLE K. BROWN,
Director,
Great Lakes Region.

[FR Doc.72-1266 Filed 1-27-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-NE-11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to redesignate the Whitefield, N.H., transition area (36 F.R. 2293).

In order to provide airspace protection for IFR arrival and departure procedures at the Whitefield Regional Airport, Whitefield, N.H., it will be necessary to redesignate the Whitefield 700-foot transition area and to designate a new Whitefield 1,200-foot transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Whitefield, N.H., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to delete the description of the Whitefield, N.H., 700-foot floor transition area and insert the following in lieu therof:

That airspace extending upward from 700 feet above the surface, within an arc of a 25.5-mile radius circle centered on the Whitefield, N.H. Regional Airport (44°21'53" N., 71°33'07" W.) extending clockwise between the 012° and 160° bearings from the Whitefield Airport; within an arc of a 29.5-mile radius circle centered on the Whitefield Airport extending clockwise between the 160° and 218° bearings from the Whitefield Airport; within an arc of a 12.5-mile radius circle centered on the Whitefield Airport extending clockwise between the 218° and 294° bearings from the Whitefield Airport; within an arc of a 24-mile radius circle centered on the Whitefield Airport extending clockwise between the 294° and 337° bearings from the Whitefield Airport; within an arc of a 17-mile radius circle centered on the Whitefield Airport extending clockwise between the 337° and 012° bearings from the Whitefield Airport; within 3.5 miles each side of the 267° bearing from the Dalton, N.H. NDB extending from the 12.5-mile radius area to 11.5 miles west of the NDB, excluding that airspace contained within the Berlin, N.H. and North Conway, N.H. transition areas.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Whitefield, N.H., 1,200-foot floor transition area described as follows:

That airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line extending from the Dalton, N.H. NDB (44°21'43" N., 71°41'08" W.) to the North Conway, N.H. NDB (44°01'26" N., 71°06'59" W.); within 5 miles each side of a direct line extending from the Dalton, N.H. NDB to the Newport, Vt. NDB (44°57'10" N., 72°10'40" W.); within 5 miles each side of a direct line extending from the Dalton, N.H. NDB to the Montpelier, Vt. VOR; within 5 miles each side of a direct line extending from the Dalton, N.H. NDB to the Lebanon, N.H. VOR; and within 4.5 miles north and 9.5 miles south of the 267° bearing from the Dalton, N.H. NDB extending from the Dalton, N.H. NDB to a point 18.5 miles west, excluding those portions that coincide with the Burlington, Vt. and Lebanon, N.H. 1,200-foot transistion areas.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Mass., on January 13, 1972.

W. E. CROSBY, JR.,
Deputy Director,
New England Region.

[FR Doc.72-1271 Filed 1-27-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-166]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Huntington, W. Va., control zone (36 F.R. 2090) and transition area (36 F.R. 2205).

Revision of the instrument approach procedures for Tri-State Airport (Walker-Long Field) will require the aforesaid alterations.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Huntington, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations so as to delete the description of the Huntington, W. Va. control zone and substitute the following in lieu thereof:

Within a 6-mile radius of the center 38°-22'00" N., 82°33'20" W. of Tri-State Airport (Walker-Long Field), Huntington, W. Va. and within 1.5 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer east course, extending from the 6-mile radius zone to 5 miles east of the Shoals, W. Va., FM.

2. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to delete the description of the Huntington, W. Va. 700-foot floor transition area and substitute the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center 38°22'00" N., 82°33'20" W. of Tri-State Airport (Walker-Long Field) Huntington, W. Va.; within 2 miles each side of the Tri-State Airport (Walker-Long Field) localizer east course, extending from the 11-mile radius area to 7 miles east of the Shoals, W. Va., FM; and within 3 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer west course, extending from the 11-mile radius area to 8.5 miles west of the OM.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 18, 1972.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

[FR Doc.72-1268 Filed 1-27-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-168]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a Honesdale, Pa., transition area over Cherry Ridge Airport, Honesdale, Pa.

A new VOR-A instrument approach procedure to the airport requires the aforesaid designation.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Honesdale, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a Honesdale, Pa. 700-foot floor transition area as follows:

HONESDALE, PENNSYLVANIA

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 41°30'52" N., 75°15'10" W. of Cherry Ridge Airport, Honesdale, Pa., and within 5 miles each side of the Wilkes-Barre VORTAC 054° radial extending from the 6.5-mile radius area to 10 miles northeast of the Wilkes-Barre VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 17, 1972.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

[FR Doc.72-1269 Filed 1-27-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-171]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a Somerset, Pa., transition area over Somerset County Airport, Somerset, Pa.

New NDB and LOC instrument approach procedures developed for the airport will require designation of a 700-foot floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

V37 N28 72 XUM

No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Somerset, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a Somerset, Pa. 700-foot floor transition area as follows:

SOMERSET, PA.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the center (40°02'15" N., 79°01'00" W.) of Somerset County Airport, Somerset, Pa. and within 3.5 miles each side of the 056° bearing from the Stoystown RBN (40°-05'17" N., 78°55'20" W.) extending from the 9.5-mile radius area to 11 miles northeast of the RBN, excluding the portion that coincides with the Johnstown, Pa. transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on January 17, 1972.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

[FR Doc.72-1270 Filed 1-27-72;8:48 am]

[14 CFR Part 93]

[Docket No. 11678; Notice No. 72-2]

O'HARE INTERNATIONAL AIRPORT, CHICAGO, ILL.

Proposed Increase in IFR Operations Per Hour

The Federal Aviation Administration is considering amending Part 93 of the Federal Aviation Regulations to increase the hourly number of allocated IFR operations (takeoffs and landings) that may be reserved for the specified classes of users at O'Hare International Airport, Chicago, Ill.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel: Attention Rules Docket GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before February 28, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

The special air traffic rule for High Density Traffic Airports was extended until October 25, 1972, by an amendment effective October 25, 1971 (36 F.R. 16574). That amendment also partially suspended the allocation and reservation requirements for operation into and out of Kennedy and O'Hare International Airports. This partial suspension was in recognition of the fact that traffic conditions at the named airports had improved to such an extent that the quota system was required only during peak traffic periods.

As a result of continued study and review of the traffic situation at the five High Density Traffic Airports, it appears that there has been a modest increase in traffic handling capability at O'Hare Airport. This increase may be attributed to introduction of new ATC equipment, certain airport improvements, and some progress in ATC facility staffing. Because of these factors, the FAA believes that a modest increase in quotas at O'Hare Airport may be justified at this time.

In consideration of the foregoing, it is proposed that the table titled IFR Operations Per Hour, in paragraph (a) of § 93.123 of the Federal Aviation Regulations be amended by deleting the numbers 115, 10 and 10 in the column for O'Hare Airport and by substituting therefor the numbers 130, 12, and 12.

This amendment is proposed under the authority of sections 103, 307, 313, and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348, 1354, and 1421); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and section 1.4(b), Part 1 of the Regulations of the Office of the Secretary (49 U.S.C. 14(b)).

Issued in Washington, D.C., on January 26, 1972.

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service.

[FR Doc.72-1328 Filed 1-27-72;8:52 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 61]

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Notice of Cancellation of Public Hearing

On December 16, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 23931, December 16, 1971) announcing public hearings on proposed emission standards for hazardous air pollutants under section 112(b)(1)(B) of the Clean Air Act, as amended by Public Law 91-604. Hearings were scheduled in New York City on January 18, 1972, in Kansas City, Mo., on February 1, 1972, and in Los Angeles on February 15, 1972. Persons wishing to make a statement were requested to indicate their intention to do so no later than 15 days before the appropriate hearing.

Due to lack of requests to participate, the hearing in Kansas City is canceled. Interested persons are invited to participate in the hearing in Los Angeles on February 15, 1972. Persons desiring to participate should consult the December 16, 1971, FEDERAL REGISTER for details on the time and place of the hearing, notification requirements, and other pertinent information. Statements may be made in person or submitted in writing for the record of the hearing.

Dated: January 26, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-1325 Filed 1-26-72;10:43 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

[Docket No. RM-50-2]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Notice of Hearing on Effluents From Light Water-Cooled Nuclear Power Reactors

Notice is hereby given that in accordance with this Board's order of January 13, 1972, the hearing in the above captioned matter will resume at 10 a.m., on February 23, 1972. The location of the hearing has been changed from Germantown, Md. to: Woodmont Building, Room 100, 8120 Woodmont Avenue, Bethesda, MD 20014.

Dated this 24th day of January 1972, at Washington, D.C.

ALGIE A. WELLS,
Chairman.

[FR Doc.72-1243 Filed 1-27-72;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972-7; Price Commission Ruling 1972-24]

CERTAIN REVOLVING CREDIT PROGRAMS AS NEW SERVICES

Cost of Living Council and Price Commission Ruling

Facts. Company A, a retail clothing merchant, currently makes credit sales under a program in which the buyer is billed in full for the merchandise within 30 days of the sale and the bill is payable in full upon receipt. There are no carrying charges. Company A wishes to institute a revolving charge plan under which the customer would be required to make monthly payments of 10 percent of the unpaid balance due on his account or $20 (whichever is smaller) plus a monthly carrying charge. The company would also retain the old credit practice for customers who still desire that procedure.

Issue. Is the revolving charge plan a new service within § 300.409 of the Economic Stabilization Regulations?

Ruling. The revolving credit plan effects a substantially different result from the previous credit program offered by Company A and therefore it is a new service. Company A may charge a carrying charge equal to the average price charged by persons offering comparable services in the same marketing area. Section 300.409(c)(2) of the Economic Stabilization Regulations. The portion of the carrying charge that is interest is not subject to the regulations of the Price Commission because it is not a price or rent. The Company, however, will be expected to comply with the interest guidelines published by the President's Committee on Interest and Dividends.

This ruling has been approved by the General Counsel of the Price Commission and the Cost of Living Council.

Dated: January 24, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: January 24, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1336 Filed 1-27-72;8:52 am]

[Price Commission Ruling 1972-23]

SALES OF CERTAIN PROCESSED LIVESTOCK FEED

Price Commission Ruling

Facts. Company A is a miller engaged in the business of processing wheat, a raw agricultural product. This milling process yields approximately 74 percent flour and 26 percent millfeed. Millfeed is used as a feed for livestock and is sold at prices which historically have been lower in warmer months when livestock is able to feed on pasture and higher in colder months when pasture becomes unavailable. Flour prices in general reflect the cost Company A must pay for wheat. In calculating flour prices, the milling industry, including Company A, traditionally treats revenues from millfeed sales as a credit against the cost of wheat. The anticipated future sales volume of millfeed is treated as a deduction from the cost of wheat and the flour price is based on the net wheat cost.

Issue. May Company A continue to price and account for millfeed as it has in the past?

Ruling. Yes. Because of these unique circumstances, a manufacturer producing flour or other products by the milling of wheat or a similar resource may sell the resulting byproduct, millfeed or other livestock feed, at such prices as are from time to time obtainable in the market place, provided that in determining "allowable costs" incurred in the manufacture of flour, for the purposes of § 300.12 of the Economic Stabilization Regulations, the manufacturer of flour shall deduct from the cost of the wheat the anticipated sales price to be received from the sale of the millfeed.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 24, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: January 24, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1331 Filed 1-27-72;8:52 am]

[Price Commission Ruling 1972-25]

PROMINENT DISPLAY OF BASE PRICE

Price Commission Ruling

Facts. Company A is a retail grocer with sales of over $200,000 per year. Due to increased wholesale costs of a number of items, Company A wishes to increase its prices after January 2, 1972. Company A has posted several large signs in its store stating that the base prices of all of its food products are available in the manager's office.

Issue. Has Company A satisfied the base price posting requirements of § 300.13(b) of the Economic Stabilization regulations?

Ruling. Before Company A may make its proposed price increases, it must prominently display in its place of sale the base prices with respect to all of its nonexempt food products. Section 300.13 (a) and (b) of the Economic Stabilization regulations. A sign merely directing the customer to a list maintained in the manager's office (or other office) is not a "prominent display" of base prices.

To meet the requirement of "prominent display" the grocer must present the base prices on the selling floor to the public in such a way that the food prices are readily accessible and can be understood by a person of average intelligence. For example, the base prices may be shown in a price book or other publication placed at such locations on the selling floor that any member of the public can conveniently refer to the publication without having to request to see it. Product identification information must be available in or with the publication so that a person can identify the item of merchandise at the point of sale and find the price of that item in the publication without undue difficulty. Signs must be available in each department indicating the location of the base price list for food and food-related items.

If a retailer wishes to present base prices to the public in a different manner which is similarly accessible, convenient, and understandable he may do so. For example, the retailer may display base prices side by side with the actual selling price at the point of sale. Or the retailer may display the base prices on a bulletin board or sign near the point of sale.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 21, 1972.

Approved: January 21, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1332 Filed 1-27-72;8:52 am]

[Price Commission Ruling 1972-26]

POSTING BASE PRICES—AUTOMOBILE DEALERS

Price Commission Ruling

Facts. X, a new car dealer desires to comply with the price regulations and post his prices under Economic Stabilization Regulations § 300.13(b). He plans to post the "sticker price" of cars sold during the base period.

Issue. Is X correct in posting the "sticker price" rather than the price at which he actually sold new cars during the base period?

Ruling. No, X must post his actual sale prices. Depending on his pricing policies these may or may not be the "sticker price".

V 37-19 JAN 28 72 XUM

Section 1232 of title 15, U.S.C. requires auto manufacturers to affix to the windshield or window of each automobile a label containing the suggested retail price for the automobile and its accessories and requires this label to remain affixed until the automobile has reached the ultimate purchaser. This price is what is commonly referred to as the "sticker price." The actual price for a new automobile may be considerably less than the "sticker price" and may vary from dealer to dealer.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 24, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: January 24, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1333 Filed 1-27-72;8:52 am]

[Price Commission Ruling 1972-27]

INVESTIGATION OF PROFIT MARGIN CALCULATION

Price Commission Ruling

Facts. While investigating an alleged price violation by X company an Internal Revenue Service Agent has discovered that X has no formal published financial statements. The statements he has been shown have not been audited.

Issue. May the agent look beyond the financial statement to the books and records of the business to verify the business' base period profit margin?

Ruling. Yes. In defining "profit margin" in § 300.5 two requirements are imposed. That is, the profit margin calculation must be in accordance with published financial statements as well as consistent with generally accepted accounting principles. Thus, when an investigating agent has reason to think that the financial statements he has been shown are not in accordance with the second requirement, he may look beyond the statements to verify or establish the true profit margin.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 24, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: January 24, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1334 Filed 1-27-72;8:52 am]

[Price Commission Ruling 1972-28]

POSTING PHARMACEUTICAL PRICES

Price Commission Ruling

Facts. X owns and operates a prescription pharmacy in State Y. The laws of state Y prohibit the posting of prescription drug prices and even if it did not, the pharmaceutical association to which X belongs considers it a violation of ethics to post prices.

Issue. Is X a "retailer" under the Price Regulations and so must post his prices? Must he do so if such posting would violate state law?

Ruling. The dispensing of prescription drugs is regarded as a retail transaction and thus would be subject to the requirements of § 300.13(b) of the Price Commission regulations that base prices be posted before January 2, 1972. The fact that a professional pharmacist may be employed to dispense the drugs is considered incidental to the actual sale. This position is consistent with cases that have held that, although professionals may be involved in the dispensing of prescription medicine, the person for whom the medicine is prescribed purchases a commodity in interstate commerce. Northern California Pharmaceutical Association v. United States, 306 F. 2d 379 (C.A. 9, 1962), cert. denied, 371 U.S. 862; United States v. Utah Pharmaceutical Association, 201 F. Supp. 29 (D. Utah, 1962), appeal dismissed for lack of jurisdiction, 306 F. 2d 493 (C.A. 10, 1962), aff'd., 371 U.S. 24.

The Price Commission Regulations were promulgated under the authority of an act of Congress (Economic Stabilization Act of 1970). Consequently, such regulations control when there is a conflict with the State constitution or laws. Under Article VI of the U.S. Constitution (Supremacy Clause) a State statute is subordinated to Federal statutes when there is a conflict between the two. Accordingly, the regulations of the Price Commission which were promulgated pursuant to an act of Congress, prevail over conflicting State law. Florida v. Mellon, 273 U.S. 12, 71 L. Ed. 511, 47 S. Ct. 265 (1926) (Federal revenue act controls when State constitution prohibits imposition of inheritance tax). Therefore, X must comply with the Price Regulations requiring posting of prices despite State laws to the contrary.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: January 24, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: January 24, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1335 Filed 1-27-72;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 240, S 490, S 1252, S 3799, SAC 078394, SAC 080235]

CALIFORNIA

Order Providing for Opening of Public Lands

JANUARY 20, 1972.

1. In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, the following described lands have been conveyed to the United States:

HUMBOLDT MERIDIAN

S 1252

T. 1 N., R. 4 E.,
Sec. 21, SW¼NE¼.

MOUNT DIABLO MERIDIAN

S 240

T. 45 N., R. 1 E.,
Sec. 3, lot 4, SW¼NW¼;
Sec. 4, S½NE¼.
T. 46 N., R. 1 E.,
Sec. 34, NW¼NW¼.

S 490

T. 8 N., R. 2 W.,
Sec. 6, lots 6 and 7.
T. 8 N., R. 3 W.,
Sec. 1, SE¼, SE¼NE¼.

S 3799

T. 19 S., R. 12 E.,
Sec. 1, lots 1, 2, SE¼NE¼, E½SE¼;
Sec. 2, S½NE¼, SE¼NW¼, S½SE¼, SW¼SE¼, NE¼SW¼, S½SW¼;
Sec. 5, lots 1, 2, 3, 4, SE¼SE¼, S½NW¼, SW¼NE¼;
Sec. 8, lot 1;
Sec. 9, lots 1, 2, 3, 4, SE¼NW¼, S½NE¼;
Sec. 10, NW¼;
Sec. 11, W½NE¼, NW¼, NW¼SW¼;
Sec. 12, NE¼NE¼.
T. 19 S., R. 13 E.,
Sec. 6, lots 3, 4, 5, 6, W½SE¼, SE¼SE¼;
Sec. 7, lot 1, N½NE¼, SE¼NE¼, NE¼SE¼.
T. 18 S., R. 12 E.,
Sec. 31, E½E½SE¼;
Sec. 32, SW¼NW¼, W½SW¼.

SACRAMENTO 078394

T. 36 N., R. 4 E.,
Sec. 21, SW¼SW¼;
Sec. 28, W½NW¼;
Sec. 29, SE¼NE¼.
T. 36 N., R. 5 E.,
Sec. 7, S½ lot 5.

SACRAMENTO 080235

T. 45 N., R. 1 E.,
Sec. 5, lots 3, 4, SE¼NW¼.
T. 46 N., R. 1 E.,
Sec. 32, SW¼, S½NW¼, NW¼NW¼.

The areas described aggregate approximately 3,236.07 acres in Humboldt, Napa, Siskiyou, Shasta, Fresno, and San Benito Counties.

2. The above-described grazing lands have been acquired to block up Federal lands to further Federal programs providing multiple-use management of all the resources.

3. Subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law, the lands will at 10 a.m. on February 29, 1972 be open to operation of the public land laws. All valid applications received at or prior to February 29, 1972 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands will be open to location under the U.S. mining laws and to applications and offers under the mineral leasing laws at 10 a.m. on February 29, 1972.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

ELIZABETH H. MIDTBY,
Acting Chief, Branch of
Lands & Minerals Operations.

[FR Doc.72-1272 Filed 1-27-72;8:48 am]

[Montana 20510]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 20, 1972.

The Forest Service, U.S. Department of Agriculture, has filed application, M 20510, for the withdrawal of national forest land described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land to protect existing fire lookout towers from mineral location and entry.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

LOLO NATIONAL FOREST

White Mountain Lookout

T. 12 N., R. 24W.,
Sec. 20, W½SW¼SW¼NE¼ and E½SE¼SE¼NW¼.

Baldy Lookout

T. 22 N., R. 25 W.,
Sec. 32, W½NE¼NW¼SE¼ and E½NW¼NW¼SE¼.

Patrick's Knob Lookout

T. 19 N., R. 26 W.,
Sec. 25, E½NE¼SW¼SW¼ and W½NW¼SE¼SW¼.

Big Hole Peak Lookout

T. 21 N., R. 27 W.,
Sec. 4, NE¼SW¼SW¼.

Eddy Mountain Lookout

T. 21 N., R. 28 W.,
Sec. 33, W½NW¼NE¼NE¼ and E½NE¼NW¼NE¼.

Priscilla Peak Lookout

Unsurveyed, but which probably will be when surveyed:

T. 22 N., R. 28 W.,
Sec. 2, SW¼SW¼SW¼.

Clark Mountain Lookout

T. 21 N., R. 29 W.,
Sec. 28, S½SE¼SE¼SE¼;
Sec. 33, N½NE¼NE¼NE¼.

Cougar Peak Lookout

T. 23 N., R. 30 W.,
Sec. 24, W½NE¼NW¼NE¼ and E½NW¼NW¼NE¼.

Driveway Peak Lookout

Unsurveyed, but which probably will be when surveyed:

T. 21 N., R. 31 W.,
Sec. 9, SW¼NE¼SW¼SE¼, SE¼NW¼SW¼SE¼, NE¼SW¼SW¼SE¼, and NW¼SE¼SW¼SE¼.

The areas described aggregate 90 acres and are located in Sanders and Mineral Counties, Mont.

ROLAND F. LEE,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.72-1273 Filed 1-27-72;8:48 am]

National Park Service

GLACIER NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Secretary of the Interior, through the Director of the National Park Service, proposes to issue a concession permit with the Whitefish Clinic authorizing it to provide concession facilities and services for the public at Glacier National Park, Mont., for a period of one (1) year from January 1, 1972, through December 31, 1972. The foregoing concessioner has performed its obligations under its current permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposals to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Glacier National Park, West Glacier, Mont. 59936, for information as to the requirements of the proposed permit.

Dated: December 20, 1971.

WILLIAM J. BRIGGLE,
Superintendent.

[FR Doc.72-1290 Filed 1-27-72;8:49 am]

NATIONAL CAPITAL PARKS

Notice of Intention to Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Edgewater Riding Academy, Inc., authorizing it to provide concession facilities and services for the public within National Capital Parks, for a period of nine (9) months from January 1, 1972, through September 30, 1972.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. Under the Act cited above, however, the Secretary is also required to consider and evaluate all pro-

V 37-19 JAN 28 72 XUM

posals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Division of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: January 14, 1972.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.72-1289 Filed 1-27-72;8:49 am]

Office of Coal Research

ENVIRONMENTAL STATEMENTS

Issuance of Directives Regarding Preparation

There are set forth below the procedures of the Office of Coal Research, Department of the Interior, to implement the policy and directives of section 102 (2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970).

These procedures supplement the departmental directives published September 27, 1971 (36 F.R. 19343).

HOLLIS M. DOLE,
Assistant Secretary
of the Interior.

JANUARY 18, 1972.

PROCEDURES FOR THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

I. *Purpose of Procedures.* The purpose of these procedures is to enable the Office of Coal Research (OCR) to discharge its responsibilities with respect to the National Environmental Policy Act of 1969 (Public Law 90-190) and to provide guidance to the office and its staff in the determination of those OCR major actions which significantly affect the human environment and in the preparation of environmental statements for such actions.

II. *Policy.* The Office of Coal Research will discharge its responsibilities in compliance with the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970); section 2(f) of Executive Order No. 11514 (March 5, 1970); the guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) (Appendix A), Bulletin No. 72-6 of the Office of Management and Budget (September 14, 1971) and Ch. 2, Statement of Environmental Impact, Part 516 of the Department of the Interior Manual (516 DM2).

III. *Determination of OCR Actions which (A) require (B) do not require Environmental Statements.* A. OCR recognizes that the following actions will ordinarily require the preparation of environmental statements.

1. The erection of a pilot plant, the purpose of such plant being to obtain design data for a demonstration plant.

2. The erection of a demonstration plant, the purpose of such plant being to test out significant parts of a process on a semicommercial scale to prove out the operation for full commercialization.

3. The substantial alteration of an OCR pilot or demonstration plant shall require consideration of the action by OCR to determine whether the changes constitute a major Federal action significantly affecting the quality of the human environment. If this alteration involves significant impact, alternatives will be considered and an environmental statement prepared.

B. The following OCR actions will not ordinarily require the preparation of an environmental statement.

a. Laboratory work which takes place in a laboratory.

b. Bench scale work which may combine several laboratory experiments, but other than taking more space, is confined to a building with other like experiments.

c. A process development unit which is built near a laboratory to use its facilities, such as heat, water, steam, electricity, etc.

d. A commercial application which uses OCR developed technology but does not use Federal funds or direction.

e. Engineering and process design which does not involve any site action.

IV. *OCR designation of responsibilities.* A. The environmental officer shall be responsible for the preparation and coordination of environmental statements and comments on environmental statements sent to the Office of Coal Research by other offices and agencies.

B. The environmental officer shall have the following specific duties:

1. Obtain the information needed to prepare environmental statements.

2. Consult with appropriate Department of the Interior bureaus and offices, other Federal agencies, and other appropriate sources of environmental expertise not available within OCR.

3. Recommend to the Director of Coal Research, where necessary, the hiring of specialists in disciplines and areas of expertise not otherwise available to OCR.

4. Recommend contract environmental research, where necessary.

5. Assist in the development of the scope of the study, make an estimate of the probable cost, and monitor contractor performance.

6. Consult with the Solicitor's Office, where necessary, with respect to identifying actions which require environmental statements and legal questions which may arise in connection with the preparation and processing thereof.

7. Prepare environmental statements in accordance with the form and content specified in the departmental manual (516.2.6).

8. Prepare draft environmental statements which reflect and consider the information obtained.

9. Transmit such draft environmental statement after clearance by the Assistant Secretary—Program Policy to Federal, State, or local agencies having special jurisdiction or expertise and to appropriate private organizations for evaluation and comment.

10. Give public notice of the availability of such draft environmental statement and invite comments.

11. Consult, where appropriate, with those providing comments.

12. Prepare a final environmental statement which recognizes and responds to relevant comments.

13. Transmit copies of the final environmental statement after clearance by the Assistant Secretary—Program Policy to all those from whom comments were solicited and received.

V. *Procedures.* A. OCR will follow the instructions contained in the departmental manual and any revisions thereof (516.2.6).

B. The body of the statement shall contain the following eight sections:

1. Description of the proposal.
2. Description of the environment.
3. The environmental impact of the proposed action.
4. Mitigating measures included in the proposed action.
5. Any adverse effects which cannot be avoided should the proposed be implemented.
6. The relationships between local short-term uses of man's environment and maintenance and enhancement of long-term productivity.
7. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
8. Alternatives to the proposed action.

C. Consultation and coordination with others:

1. The Office of Coal Research in obtaining the view of the Department of the Interior's bureaus and offices and of other Federal, State, and local agencies shall utilize to the maximum extent practical existing mechanisms that have been established to expedite a response.

2. OCR shall develop early in the development of a proposal, working-level consultations with those in the Department of the Interior who have inputs needed in the preparation of draft environmental statements.

3. OCR shall circulate such draft statements to all of the Department's bureaus and offices having delegated jurisdiction or special environmental expertise and these comments shall be attached to the final environmental statement.

4. Other Federal and Federal-State agencies having jurisdiction by law or special environmental expertise shall be consulted by OCR in connection with the preparation of environmental statements.

5. Appendix II of the CEQ guidelines shall be used by OCR to determine those agencies from which consultation and comments should be solicited.

6. The Environmental Protection Agency shall be consulted and comments requested on matters related to air, or water quality standards, noise control, solid waste disposal or other matters within the authority of EPA.

7. A period of not less than 45 days will be allowed for comments on draft environmental statements. Where time is critical this may be reduced to 30 days except that EPA will always be allowed 45 days for comment. If an agency does not request a time extension and does not reply within the time period OCR will presume that it has no comment to make.

8. State and local agency review shall be obtained in the manner provided in the departmental manual (516.2.7C).

9. Timely information shall be provided the public by OCR as to environmental impact and alternate courses of action.

10. Draft and environmental statements shall be made available for public inspection by the OCR Environmental Officer as specified in the departmental manual (516.2.8C).

VI. *The Role of the Environmental Statement in the OCR review and decisionmaking process.* 1. These procedures are intended to insure that the environmental aspects of a proposed action receive balancing and consideration throughout the decisionmaking process.

2. In order that the evaluation process may have meaningful application to a proposal, OCR will apply its environmental statement procedures as soon as possible in the decisionmaking process.

[FR Doc.72-1252 Filed 1-27-72;8:48 am]

Office of the Secretary

[DES 72-3]

PROPOSED COAL GASIFICATION PILOT PLANT

Notice of Availability of Draft Environmental Statement

Proposed coal gasification pilot plant to demonstrate feasibility of converting coal to substitute natural gas.

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Mines, Department of the Interior, has prepared a draft environmental statement concerning the construction and operation of a pilot plant to test the Bureau's Synthane process to concert coal to a clean-burning gaseous fuel. Written comments are invited for a period of 30 days after the publication of this notice.

The proposed research to be conducted includes the construction of a unit on Federal property near Pittsburgh, Pa., which is capable of processing approximately 75 tons of coal per day. Sufficient information would be developed to evaluate the economic feasibility of the process and to identify and resolve any environmental problems associated with the operations.

Single copies of the Draft Statement are available from:

Director, Bureau of Mines, Room 4614, Department of the Interior, Washington, D.C. 20240.

Acting Research Director, Pittsburgh Energy Research Center, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

In requesting this document, please refer to the Statement Number above.

Dated: January 24, 1972.

JOHN W. LARSON,
Assistant Secretary of the Interior.

[FR Doc.72-1365 Filed 1-27-72;8:53 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

INSPECTION OF DRY MILK PLANTS

Memorandum of Understanding

Memorandum of understanding between the Food and Drug Administration, DHEW and the Consumer and Marketing Service, USDA on the inspection of dry milk plants[1] approved by USDA for inspection and grading and operating under the USDA Salmonella Surveillance Program.

The Food and Drug Administration (hereinafter called FDA) and the U.S. Department of Agriculture have long recognized the need for exchange of information and coordination of activities in order to avoid duplication of efforts in the inspection and sampling coverage of dry milk plants. An informal working agreement between the Deputy Administrator of Consumer Marketing Service (hereinafter called CMS) and the Associate Commissioner for Compliance of FDA has been in effect since May 1968.

Purpose. To update and formalize the pertinent provision of the 1968 understanding with respect to routine Salmonella inspection and sampling in dry milk plants approved for USDA inspection and grading, and operating under the USDA Quarterly Salmonella Surveillance Program. This understanding does not amend nor supersede the memorandum of understanding of November 1970 covering Instant Non-Fat Dry Milk Plants operating under continuous USDA-C&MS inspection.

I. *Services to be performed.* A. C&MS will:

1. Supply FDA with copies of the quarterly revisions of the publication "Dairy Plants Surveyed and Approved for USDA Grading Service." Dry milk plant approval includes participation in the Salmonella Surveillance Program.

2. Supply FDA with a list of dry milk plants using the USDA Salmonella Surveillance Program. The list will be kept up to date by adding and deleting names when changes in status occur. The list will be reviewed and reissued annually.

3. Report to FDA, by telephone, positive product samples when found in two or more production lots of finished products from plants engaged in commercial distribution. The telephoned report will be followed by written confirmation.

4. Report to FDA any single positive product sample whether taken from the finished product or the processing line.

5. Report all results, both positive and negative, of follow-up tests on positive product samples.

6. Advise FDA of positive environmental samples whenever the positive tests are repetitive.

7. Report any conclusions as to whether the positive product result was an isolated finding, or if not, whether the apparent source of contamination was detected and corrected.

8. Advise FDA of any plant which fails to cooperate with C&MS in effecting Salmonella control in the plant or products.

B. FDA will:

1. Not institute plant inspections or in-plant sampling in any plant operating under USDA inspection and grading, or participating in the USDA Salmonella Surveillance Program except when C&MS reports positive samples on two or more production lots from plants engaged in commercial distribution.

2. Institute sampling of commercially distributed products when two or more production lots are identified with positive results, when such course is deemed advisable. FDA will not duplicate USDA efforts by resampling the same stocks at the same locations previously examined by USDA.

3. Report to C&MS names and locations of plants whose products are found Salmonella positive during course of market sampling.

4. Report to C&MS, on request, data and results on its Salmonella surveillance of dry milk plants that are not approved under the C&MS program, or those in the USDA Salmonella Surveillance Program.

II. *Name and address of participating Agency.*

Consumer Marketing Service—USDA, Dairy Division, Washington, D.C.

III. *Liaison officers.*

A. Mr. Edwin F. Garbe, Consumer Marketing Service, Dairy Division, Washington, D.C. 20250, 202-388-3171.

B. Mr. Richard C. Swanson, Executive Director of Regional Operations, 5600 Fishers Lane, Rockville, MD 20852, 301-443-3340.

IV. *Period of agreement.* This agreement, when accepted by both parties, covers an indefinite period of time and may be modified by mutual consent of both parties or may be terminated by either party upon thirty (30) days advance written notice to the other.

V. *Authority.* This agreement is entered into under the authority of the Economy Act, approved June 30, 1932, as amended, 31 U.S.C. 686.

Approved and accepted for the Consumer and Marketing Service—USDA:

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

Dated: December 7, 1971.

Approved and accepted for the Food and Drug Administration:

SAM D. FINE,
Associate Commissioner
for Compliance.

Dated: December 3, 1971.

Dated: January 21, 1972.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.72-1276 Filed 1-27-72;8:48 am]

[1] Includes plants manufacturing dry buttermilk, dry whey, casein, caseinate, lactose, etc.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-360]

VITO AND VICTOR G. POMILIA

Notice of Loan Application

JANUARY 21, 1972.

Vito Pomilia and Victor G. Pomilia, 83 Wakefield Avenue, Daly City, CA 94015, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new steel vessel, about 47-foot in length, to engage in the fishery for salmon, albacore, Dungeness crab, and sablefish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-1245 Filed 1-27-72;8:46 am]

VOL 37-19 JAN 28 72 XUM

ATOMIC ENERGY COMMISSION

[Docket No. 50-231]

GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

Order Extending Provisional Operating License Expiration Date

General Electric Co. and Southwest Atomic Energy Associates having filed a request dated December 29, 1971, for an extension of the expiration date of Provisional Operating License No. DR-15 which authorizes the possession and operation of the Southwest Experimental Fast Oxide Reactor (SEFOR), a sodium-cooled experimental reactor, at thermal power levels not to exceed 20 megawatts located in Coves Creek Township, Washington County, Ark.; and

Good cause having been shown in the application for this extension pursuant to paragraph 4 of said license and Part 50 of the Commission's regulations in 10 CFR: *It is hereby ordered*, That the expiration date of Provisional Operating License No. DR-15 is extended from March 4, 1972, to September 4, 1973.

Dated at Bethesda, Md., this 19th day of January 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-1244 Filed 1-27-72;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24175; Order 72-1-85]

AMERICAN AIRLINES, INC., ET AL.

Order Rejecting Tariff Filings Regarding East Coast, Puerto Rico/Virgin Islands Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1972.

By tariff revisions marked to become effective February 1, 5, and 9, 1972, American Airlines, Inc. (American),[1] Eastern Air Lines, Inc. (Eastern),[2] and Pan American World Airways, Inc. (Pan American),[3] propose to increase most of their fares between northeastern U.S. gateway points (plus Hartford and Providence), on the one hand, and Puerto Rico and the U.S. Virgin Islands, on the other hand. The increases generally approximate 9 percent.

The carriers' principal argument in support of their proposals is that they are sustaining substantial operating losses in the San Juan and Virgin Islands markets and that even with the revenue increase their respective profit positions will remain unsatisfactory. The carriers also allege that they have incurred cost increases and will incur additional increases in 1972. American and Pan American refer to possible capacity reductions, but allege that cost savings stemming from such reductions would not be sufficient in themselves to produce satisfactory profits. American indicates that if it operated at a 65-percent load factor to San Juan in 1972 instead of the 55.3 percent forecast, it would save $5.2 million in operating costs which, together with the $5 million revenue increase, would yield a 5.5-percent return on investment. Pan American alleges that it would not show an operating profit to San Juan even at a 70-percent load factor. Eastern makes no estimates based on higher load factors, but would have made an operating profit for the year ended September 30, 1971, at its experienced load factor of 60.4 percent had the proposed fares been in effect.

Each of the carriers states that the Price Commission has been informed of the proposed increases and alleges that the increases are within the stabilization guidelines. In support thereof, American alleges that it has incurred substantial losses, that its forecast is based on increases in unit salary expenses of 6.5 percent and average increases in other expenses of 2 percent, and that it has taken higher productivity into account. Accordingly, it alleges that the fare increases are neither based on nor will they contribute to, inflationary expectations, and contends that this is the minimum revenue increase necessary to assure continued adequate service.

Eastern alleges that it has been imposing a hiring freeze for some time and that consequently, productivity measures on a per-employee basis have increased. However, it is alleged this in a sense represents a false productivity gain since further construction of the work force in the future is impractical. Eastern alleges that, since it will earn less than a 12-percent return on its investment even with the increase, the increases proposed could not be construed as inflationary.

Pan American alleges that the San Juan fares are now substantially below domestic fare levels and that the proposed increases, which apply in markets having a great amount of discretionary income travel, will not contribute to inflationary pressures. Pan American further alleges that even with the increase its return on investment would still be far below the 12-percent return found reasonable by the Board; that in view of its large earnings deficiency the proposed increases are needed in order for it to continue service; and that all of these arguments would hold true even if they are successful in their efforts to reduce capacity.

The Government of the U.S. Virgin Islands (Virgin Islands) has filed complaints against the proposals of American and Pan American, and the Commonwealth of Puerto Rico (Commonwealth) has filed complaints against all three proposals. The Virgin Islands allege that their economy is dependent upon tourism, and that the requested increases would have an adverse impact.

The principal thrust of the Commonwealth's complaint is that the carriers' financial losses in the markets are due primarily to overscheduling—and in the case of Pan American also to excessive costs and inefficient operations—and that the public should not be required to absorb a third round of fare increases to finance these inefficiencies.[4]

The Commonwealth also alleges that Puerto Rico's tourism and economic development require the maintenance of present fare levels, that fares to Puerto Rico and the Virgin Islands should not be increased when fares to competitive destinations (Europe and Hawaii) are being slashed, that the carriers have failed to submit justifications required by the Board's rules which would support the proposed increases, and that to the extent they can be evaluated the costs assigned to Puerto Rico operations in the carriers' justifications are excessive. The Commonwealth also states that the Board should not consider another fare increase in these markets without first holding the hearings that Puerto Rico twice requested in 1969 and which it again requests now.

Pan American has answered the complaints. In answer to the Virgin Islands complaint, Pan American alleges that they set forth no facts or argument justifying investigation and suspension, and that the complaints do not controvert the factual justification that it has presented in support of the proposal.

In answer to the Commonwealth's complaint, Pan American states that the thrust of the Commonwealth's complaint—i.e., excessive capacity, excessive costs, and inefficient operation, and existence of low fares to competitive destinations—has not been supported. Pan American acknowledges that there is over capacity, but reiterates its claim that even with a 70-percent load factor it would have sustained an operating loss for the year ended September 30, 1971: Pan American contends that the fact that its unit costs may be higher than those of other carriers does not mean that they are inconsistent with the statutory rate-making standards, and that its costs can be disregarded in setting fares.

The Board has determined that the carriers have not adequately demonstrated that the proposed increases are within the stabilization guidelines or otherwise consistent with the purpose of the Economic Stabilization Act of 1970 as required by Order 71-11-97, and accordingly, the tariffs will be rejected. Any refiling of these fare proposals must be accompanied by the data described below. The thrust of the carriers' justifications is that they are sustaining operating losses in the San Juan and Virgin Islands markets, and that even with the proposed increases their respective profit positions will remain unsatisfactory. The carriers also allege that they have incurred cost increases and will sustain additional increases in 1972.

The Price Commission issued new regulations applicable to public utilities, including air carriers, effective January 17, 1972. Unlike the previous regulations they require the Board to certify any increases which it approves[5] based on the criteria set forth in § 300.16(e) thereof. When approving a price increase, the Board must state the dollar amount of increased revenue expected, and the amount by which the carrier's profits as a percentage of sales and rate of return on investment will be increased. The Board must also certify that the price stabilization criteria, set forth in § 300.16(d) are met, namely, that the increase is (1) cost based and does not reflect inflationary expectations, (2) required to assure continued adequate and safe service or to provide for future expansion, and (3) will achieve the minimum rate of return or profit margin needed to attract capital at reasonable costs.

Most of these matters relate to the future, and therefore, the carriers must provide forecast data for the period subsequent to the proposed increase if the Board is to make the required certifications. Eastern and Pan American have provided no forecast data, and while American has provided certain forecast data, additional data is required. The additional information must include, for the year subsequent to the proposed increase, forecasts, with and without the proposed increases, of east coast-San Juan/Virgin Islands operations including capacity and traffic, revenues and expenses (broken down by normal Form 41 categories and functional accounts) operating profit, interest expense, Federal income taxes, investment, and rate of return on investment. All assumptions and allocative procedures should be fully explained. In developing their forecasts the carriers should bear in mind the Board's decision in the Domestic Passenger Fare Investigation, Phase 6B, that fares should be based upon load factor levels reasonably attainable over an extended period of time rather than on those anticipated in the period immediately ahead. In view of the special characteristics of the San Juan/Virgin Islands markets, we believe it reasonable to expect that load factors appreciably higher than the standard established for operations within the continental United States can be achieved.

This forecast should also specifically itemize cost increases which allegedly necessitate the proposed fare increase, and should be limited to actual increases incurred during, but not fully reflected in, the most recent reporting year (September 30, 1971); actual increases which have been incurred since; and contracted future increases. Anticipated cost increases and expected inflationary increases should not be included.

Accordingly, it is ordered, That:

1. The tariff pages listed in Appendix A[6] hereto are hereby rejected;

2. The complaints in Dockets 24094, 24101, 24109, and 24127 are dismissed as moot; and

3. Copies of this order be filed in the aforesaid tariffs and served upon American Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., the Commonwealth of Puerto Rico, and the Government of the U.S. Virgin Islands.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1300 Filed 1-27-72;8:50 am]

[Docket No. 21454]

DETROIT-NASHVILLE NONSTOP INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 21, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William F. Cusick.

In order to facilitate the conduct of the conference, parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 28, 1972, and the other parties on or before March 10, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., January 25, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1296 Filed 1-27-72;8:50 am]

[Docket No. 23140]

DOMESTIC TRUNKLINE AND LOCAL SERVICE CARRIERS

Notice of Hearing Regarding Reasonableness of Passenger Fares

Reasonableness of passenger fares charged by domestic trunkline and local service carriers from October 1, 1969, through October 14, 1970.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on February 22, 1972, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on August 9, 1971, the Supplemental Prehearing Conference Report served on September 3, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 24, 1972.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[FR Doc.72-1298 Filed 1-27-72;8:50 am]

[Docket No. 24051]

MODERN AIR TRANSPORT, INC., AND GAC CORP.

Application for Waiver of Jurisdiction or Approval of Corporate Reorganization

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., January 25, 1972.

A. M. ANDREWS,
Director,
Bureau of Operating Rights.

Issued under delegated authority.

GAC Corp. (GAC), GAC Properties, Inc. (Properties) and Modern Air Transport, Inc. (Modern) request that the Board disclaim jurisdiction over or, in the alternative, approve pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) a corporate reorganization by which Modern will become a direct subsidiary of GAC.

Modern, a supplemental air carrier, is presently owned by Properties,[1] a wholly owned subsidiary of GAC. GAC is a diversified company providing a wide range of products and services through subsidiaries engaged in land sales and development, consumer finance, insurance, savings and loan operations, real estate, mortgage banking, and retail merchandising. Other than Modern, GAC has no affiliates or subsidiaries which are air carriers or persons engaged in a phase of aeronautics,[2] and it has only one subsidiary which is a common carrier:

White City Terminal and Utility Co., a terminal railroad which is immediately

---

[1] Revisions to American Airlines, Inc., Tariff C.A.B. No. 244.

[2] Revisions to Eastern Air Lines, Inc., Tariff C.A.B. No. 326.

[3] Revisions to International Air Traffic Tariff Corp., agent, Tariffs C.A.B. No. 334 and C.A.B. No. 404.

[4] Fare increases were permitted effective Mar. 1, 1969, Order 69-2-148, Feb. 28, 1969 and effective Jan. 11, 1970, Order 69-12-112, Dec. 24, 1969. These increases totaled an estimated 18 percent.

[5] For present purposes, we assume that the term "approves" as employed in § 300.16(e) encompasses a denial of the complaints requesting suspension of the subject tariff revisions, although such determination would not constitute an approval of the rate under the Federal Aviation Act.

[6] Filed as part of the original document.

[1] The Board previously approved the acquisition of Modern by Gulf American Corp. (now Properties) in 1966 pursuant to Order E-23825. Gulf American was itself acquired by GAC in 1969, the Board disclaiming jurisdiction over the transaction in Order 69-2-110.

[2] In Order 69-2-110, the Board noted GAC's control of Kahr Bearing Corp., a phase of aeronautics. However, GAC has since disposed of the company.

V 37 19 JAN 28 72 XUM

owned by another GAC subsidiary, Commonwealth, Inc.[3] At December 31, 1970, GAC had assets of $1.7 billion and total stockholders equity of $296 million. No individual or group of individuals owns 10 percent or more of GAC's common stock.[4]

To effectuate the proposed reorganization, GAC intends to issue to Properties, in return for all of the capital stock of Modern, a non-interest bearing demand promissory note in the sum of $4,950,438, representing Properties' investment in Modern at July 1, 1971 to the extent it has not been forgiven or written off, plus Properties' outstanding and reimbursable loans and advances to Modern at the time. The purpose of the transaction is to remove Modern's losses from the financial statements of Properties. In this regard, Modern has been unable to reach profitability since 1967 and has required financial advances from Properties of approximately $14 million in the last three years, distorting the profit and loss statistics regarding Properties' land sales and development activities.

Following the transfer, all of Modern's officers and directors will be officers either of GAC or of Modern. Properties' management will no longer have participation in the management of Modern. Such guarantees as Properties has made on Modern's behalf will not be disturbed by the transfer.

Modern's transactions with its GAC affiliates have been confined substantially to Properties' purchase of charter airline transportation[5] and to Modern's purchase of aircraft hull and automobile physical damage insurance.[6]

---

[3] With respect to the railroad operation, applicants request that the Board respect Commonwealth, Inc. as an intervening corporate entity, as was done in Order 69-2-110, thereby recognizing no common control or ownership of Modern and any common carrier.

[4] The largest stockholdings in GAC are held directly and in various trust capacities by Leonard Rosen and the Estate of Julius L. Rosen. Leonard Rosen's principal occupation is that of consultant to GAC. The Rosen holdings have a direct voting interest in GAC of 5 percent. However, 1.2 percent of such direct voting stock is voting preference stock which can be converted to provide the Rosen interests a possible 27 percent of GAC's common stock. Applicants assert that such stockholdings are presently below 10 percent and thus are not sufficient to constitute control of Modern. Furthermore, applicants state that an agreement between GAC and the Rosens provides that at such time as the voting powers of the Rosens' stockholdings exceeds 8 percent of the total number of voting shares, the shares representing such excess shall be placed in a voting trust. Beyond the question of stock holdings, GAC has followed the practice of allowing the Rosens to appoint two nominees to GAC's 15-man board of directors.

[5] Properties' charters from Modern amounted to $4.8 million in calendar 1970 but subsided to $189,700 during the seven months ending July 31, 1971. The reduction is stated to be brought about by a policy change in the conduct of Properties' land sales and development business. Properties no longer employs long-haul charter flights as a regular part of its sales program. Therefore, GAC has no present intentions of purchasing charter air transportation from Modern.

[6] In 1972, Modern will pay the Stuyvesant Insurance Co., a GAC subsidiary, $234,311 for hull insurance. In 1971, Modern paid premiums of $436 for automobile physical damage insurance to the Southern General Insurance Co., a GAC affiliate.

No comments or requests for a hearing have been received.

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Subsequent to the issuance of Order 69-2-110, wherein the Board disclaimed jurisdiction over GAC's acquisition of Properties (which owned Modern), Congress amended section 408 of the Act with the passage of Public Law 91-62, effective August 5, 1969, providing for Board approval of the acquisition of control of an air carrier by "any person." The acquisition of Modern, an air carrier, by GAC, a person, therefore comes within the Board's jurisdiction.[7]

The reorganization provides for the transfer of Modern from Properties, a GAC subsidiary, to GAC. As noted previously, all of Modern's officers and directors will be officers either of GAC or of Modern. GAC's control of Modern has been a fact for almost 3 years, and will not be materially affected by this transaction. In this regard, the transfer appears to be in the public interest insofar as GAC has sufficient financial resources to continue to supply needed financial assistance to Modern. It has therefore been determined under the third proviso of section 408(b) that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest is requesting a hearing and it is concluded that the public interest does not require one.[8] Approval of the control relationships is based only on the information of record as of this date. Consistent with previous Board action in similar instances jurisdiction shall be retained over the proceeding to reexamine the relationship and to impose other appropriate conditions. Also, to protect the public against any impairment of the air carrier's certificate obligations which might arise by reason of the relationships, reporting requirements will be imposed which will apprise the Board of any intercompany transactions with or affecting Modern having an aggregate volume annually of $100,000 or more.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, subject to certain conditions, without hearing.

Accordingly, it is ordered, That:

1. The control of Modern by GAC be and it hereby is approved, subject to conditions described below;

2. Modern shall file in this docket on or before March 1, 1973, and on or before March 1 of each succeeding year in which approval herein is effective, a report in triplicate setting forth for the preceding calendar year:

(a) A description, including quantity and dollar amount, of each type of product or service purchased by Modern from GAC and its subsidiaries, or of air transportation services purchased from Modern by GAC or its subsidiaries, where such transactions in the aggregate exceed $100,000 per year; [9]

(b) For each item not involving the purchase of air transportation from Modern which is reported pursuant to 2(a) above, the basis upon which each vendor was selected;

3. Jurisdiction in this proceeding be and it hereby is retained for the purpose of reviewing at any time the circumstances of the relationship approved herein and for imposing such further terms and conditions on such approval as the Board may find necessary to protect the public interest;

4. To the extent not granted herein, all other outstanding requests for relief in Docket 24051 be and they hereby are dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1301 Filed 1-27-72;8:50 am]

---

[7] Cf. The Flying Tiger Line Inc., Order 70-6-119, issued May 5, 1970, involving the corporate reorganization of Flying Tiger.

[8] Cf. The Flying Tiger Line, Order 69-12-121, Dec. 29, 1969.

[9] Negative reports should be submitted where appropriate.

[Docket No. 22973]

NEW ENGLAND SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 14, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Greer M. Murphy.

In order to facilitate the conduct of the conference, parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 22, 1972, and the other parties on or before March 3, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., January 25, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1297 Filed 1-27-72;8:50 am]

[Docket No. 17665]

REOPENED WASHINGTON/BALTIMORE HELICOPTER SERVICE INVESTIGATION

Notice of Further Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a further hearing in the above-entitled proceeding will be held with respect to the application of Pioneer Airlines, Inc., in Docket 23952, on February 10, 1972, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to Order 72-1-16, dated January 7, 1972, in which the Board ordered the record herein reopened, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 25, 1972.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[FR Doc.72-1299 Filed 1-27-72;8:50 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Visa Requirement; Entry or Withdrawal From Warehouse for Consumption

JANUARY 21, 1972.

On August 26, 1971, there was published in the FEDERAL REGISTER (36 F.R. 16957) a letter dated August 23, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs prohibiting the entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Mexico, and exported from Mexico to the United States on or after 30 days after the date of said publication, for which Mexico had not issued a visa. One of the visa requirements is that a visa is required for each one of the 64 categories of cotton textiles and cotton textile products covered by a single invoice. The Government of Mexico has requested, and the Government of the United States has acceded to the request, that this requirement be changed so that a single visa for each invoice, regardless of the number of categories covered by the invoice, likewise will be acceptable.

Accordingly, there is published below a letter of January 21, 1972, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the directive of August 23, 1971, so as to conform the directive to the Mexican request.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

JANUARY 21, 1972.

DEAR MR. COMMISSIONER: This letter amends the directive of August 23, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee that directed you to prohibit, effective 30 days after publication of notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Mexico, and exported from Mexico to the United States for which Mexico had not issued a Visa.

Pursuant to the authorities set forth in the first paragraph of the aforementioned letter of August 23, 1971, the second sentence in the second paragraph of that directive is amended, effective as soon as possible, to read as follows:

"Generally, a separate Visa will be required for each of the 64 categories of cotton textiles and cotton textile products: *Provided, however,* That when more than one category is listed on a single invoice, a single Visa may cover all the cotton textiles and cotton textile products on that invoice regardless of the number of categories."

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.72-1281 Filed 1-27-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Informal Dominican Republic Change List No. 1/71]

DOMINICAN REPUBLIC STANDARD BROADCAST STATIONS

Change List

DECEMBER 27, 1971.

Notification of new Dominican Republic broadcasting stations and of changes in or deletions of existing stations made in conformity with Part III Section II of the North American Regional Broadcasting Agreement, Washington, D.C.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		730 kHz				
HIZ (previously 1350 kHz, 1 kw. D/0.25 kw. N—now in operation).	Santo Domingo	5 kw. D/1 kw. N				
		1350 kHz				
HIXZ (previously 730 kHz, 5 kw. D/1 kw. N—now in operation).	Santo Domingo	1 kw. D/0.25 kw. N.				

FCC Note: These changes were transmitted informally by letter from the Government of the Dominican Republic dated Dec. 27, 1971.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-1216 Filed 1-27-72;8:46 am]

[Report 580]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 24, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major chage will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect

---

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

JAN 28 72 XUM

to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4027–C2–ML–72—Chalfont Communications (KMM581), change frequency from 74.02 MHz to 72.20 MHz for control at location No. 2: 664 North Palm Canyon Drive, Palm Springs, CA.

4346–C2–P–72—R.C.S., Inc. (KMD689), replace transmitter for control facilities operating on 454.05 MHz at location No. 3 and redescribe the address of location for 454.05 and 454.20 MHz control to read: 619 West Church Street, Santa Maria, CA.

4352–C2–P–72—Answer, Inc. of San Antonio (KKG559), for additional facilities to operate on 454.025, 454.125, 454.275, 454.350 MHz at new location designated as location No. 3: 7711 Louis Pasteur Drive, San Antonio, TX.

4354–C2–P–(2)–72—RCA Alaska Communications, Inc. (New), for a new two-way station to be located at Diamond Ridge WACS, Diamond Ridge Road, Homer, AK. to operate on 152.57 and 152.66 MHz.

4401–C2–P–72—New Jersey Radio Telephone Co. (New), for a new two-way station to be located at Elm and Orchard, Vineland, N.J. to operate on 454.300 MHz.

4402–C2–P–72—Mahaffey Message Relay (KDT223), for additional facilities to operate on 152.030 MHz at a new site designated as location No. 3: 1.7 miles southeast of Collierville, Tenn.

4410–C2–MP–72—Services Unlimited, Inc. (KRH656), relocate facilities operating on 158.70 MHz to a new site designated as location No. 2: 3333 Silas Creek Parkway, Forsyth Memorial Hospital, Winston-Salem, NC.

4411–C2–P–72—Radio Telephone Co. of Gainesville (New), for a new one-way station to be located at 540 Corporation Avenue, Daytona Beach, FL, to operate on 152.24 MHz.

4412–C2–AL–72—Montana Communications, consent to assignment of license from Montana Communications, Assignor, to Industrial Electronics & Automation, Inc., Assignee, Station: KOP294 Butte, Mont.

4421–C2–P–72—A. F. Kimmel (KGA589), change the base frequency to 152.18 MHz, replace transmitter and change the antenna system located at Sharp Mountain, North Manheim Township, Pottsville, Pa.

RURAL RADIO SERVICE

4355–C1–P–72—RCA Alaska Communications, Inc. (New), for a new rural subscriber station to be located at Halibut Cove, Dick Bertoglio's home east edge of village, approximately 18.4 miles east-northeast from Homer, Alaska, to operate on 157.83 and 157.92 MHz.

4409–C1–P/L–72—Navajo Communications Co., Inc. (New), for a new rural subscriber station to operate on 157.83 and 158.04 MHz with (6 units) in any temporary-fixed location within the territory of applicant.

4422–C1–P–72—RCA Alaska Communications, Inc. (New), for a new interoffice station to be located at Anna Platform, 29 miles north of Kenai, Alaska, to operate on 454.625 MHz.

4423–C1–P–72—RCA Alaska Communications, Inc. (New), for a new interoffice station to be located at Baker Platform 18.5 miles north-northeast of Kenai, Alaska, on 454.400 MHz.

4424–C1–P–72—RCA Alaska Communications, Inc. (New), for a new interoffice station to be located at Bruce Platform, 30.5 miles north of Kenai, Alaska, on 459.625 MHz.

4425–C1–P–72—RCA Alaska Communications, Inc. (New), for a new interoffice station to be located at Dillon Platform, 13.5 miles northeast of Kenai, Alaska.

INFORMATIVE: Microwave channels originally authorized for protection purposes may be converted to working channels without prior Commission authorization: *Provided*, That no modification of radio facilities is involved and appropriate section 214 or other authority is obtained for the circuits to be deprived. However, the Commission should be notified by letter of the change.

POINT-TO-POINT MICROWAVE RADIO SERVICE

INFORMATIVE: Western Tele-Communications, Inc., is proposing 33 new stations for specialized common carrier service between Chicago and New York with intermediate stations at Detroit, Cleveland, Pittsburg, Washington, D.C., Baltimore, and Philadelphia.

4307–C1–P–72—Western Tele-Communications, Inc. (New). C.P. for a new fixed station Chicago, latitude 41°49'54" N., longitude 87°41'20" W. Frequencies 11,665V, 11,345V, 11,425H, and 11,585H on azimuth 225°50'.

4308–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Bridge View, latitude 41°44'30" N., longitude 87°48'45" W. Frequencies 10,935V, 11,095V, 11,015H, and 11,175H MHz on azimuth 45°45' and 6197.2V, 6256.5V, 6315.9V, and 6375.2V on azimuth 118°5'.

4309–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Glen Park, latitude 87°20'20" N., longitude 87°20'20" W. Frequencies 5945.2V, 6004.5V, 6063.8V, and 6123.1V on azimuth 76°43' and 5945.2V, 6004.5V, 6063.8V, and 6123.1V on azimuth 398°24'.

4310–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Michigan City, latitude 41°36'46" N., longitude 86°47'36" W. Frequencies: 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 76°44' and 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 257°5'.

4311–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station South Bend, latitude 41°45'0" N., longitude 86°11'47" W. Frequencies: 5974.8H, 6034.2H, 6093.5H, and 6152.8H on azimuth 257°8' and 5974.8V, 6034.2V, 6093.5V, and 6152.8V on azimuth 62°59'.

4312–C1–P–72—Western Tele-Communications, Inc. (New). C.P. for a new fixed station Sturgis, latitude 41°49'16" N., longitude 85°23'40" W. Frequencies 6226.9V, 6286.2V, 6345.5V, and 6404.8V on azimuth 263°31' and 11,625H, 11,305H, 11,545V, and 11,225V on azimuth 96°35'.

4313–C1–P–72—Western Tele-Communications, Inc. (New). C.P. for a new fixed station Kinderhook, latitude 41°47'1" N., longitude 84°58'10" W. Frequencies: 10,735H, 10,895H, 11,135V, and 10,815V on azimuth 276°52' and 10,775V, 10,935V, 11,015H, and 11,175H on azimuth 68°15'.

4314–C1–P–72—Western Tele-Communications, Inc. (New). C.P. for a new fixed station Hillsdale, latitude 41°53'14" N., longitude 84°37'12" W. Frequencies: 11,665V, 11,345V, 11,425H, and 11,585H on azimuth 248°29' and 5974.8H, 6034.2H, 6093.5H, and 6123.1V on azimuth 64°31'.

4315–C1–P–72—Western Tele-Communications, Inc. (New). C.P. for a new fixed station Adrain, latitude 41°55'37" N., longitude 84°02'48" W. Frequencies: 6226.9V, 6286.2V, 6345.5V, and 6404.8V on azimuth 132°11' and 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 264°54'.

4316–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Toledo, latitude 41°37'49" N., longitude 83°36'42" W. Frequencies: 5945.2H, 6004.5H, 6063.8H, and 6123.1H on azimuth 312°29'; 5945.2V, 6004.5V, 6063.8V, and 6123.1V on azimuth 133°38'; 6034.2V on azimuth 23°34'.

4317–C1–P–72—Western Tele-Communications, Inc. (New). C.P. for a new fixed station La Salle, latitude 41°51'31" N., longitude 83°28'42" W. Frequencies 6226.9H on azimuth 33°39' and 6315.9H on azimuth 203°40'.

4318–C1–P–72—Western Tele-Communications, Inc. (New). C.P. for a new fixed station Detroit, latitude 42°20'01" N., longitude 83°03'05" W. Frequency 6034.2V on azimuth 213°57'.

4319–C1–P–72—Western Tele-Communications, Inc. (New). C.P. for a new fixed station Fremont, latitude 41°21'32" N., longitude 83°14'05" W. Frequencies 6197.2V, 6256.5V, 6286.2H, and 6404.8H on azimuth 313°53' and 6197.2H, 6256.5H, 6315.9H, and 6375.2H on azimuth 108°29'.

4320–C1–P–72—Western Tele-Communication, Inc. (New). C.P. for a new fixed station Monroeville, latitude 41°16'10" N., longitude 82°44'45" W. Frequencies: 6004.5V, 6123.1V, 6034.2H, and 6152.8H on azimuth 283°48' and 6034.2H, 6093.5H, 6152.8H, and 6123.1V on azimuth 84°6'.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4321–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Oberlin, latitude 41°16'31" N., longitude 82°13'39" W. Frequencies: 6197.2V, 6256.5V, 6315.9V, and 6375.2V on azimuth 264°27' and 6256.5V, 6375.2V, 6286.2H, and 6404.8H on azimuth 81°23'.

4322–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Cleveland, latitude 41°21'56" N., longitude 81°43'9" W. Frequencies: 6004.5V, 6123.1V, 6034.2H, and 6152.8H MHz on azimuth 261°43' and 5974.8V, 6034.2V, 6093.5V MHz, and 6123.1H on azimuth 97°19'.

4323–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Hiram, latitude 41°18'43" N., longitude 81°10'44" W. Frequencies: 6197.2V, 6256.5V, 6286.2H, and 6404.8H on azimuth 277°40' and 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 129°5'.

4324–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Austintown, latitude 41°6'40" N., longitude 80°51'10" W. Frequencies: 5945.2V, 6004.5V, 6063.8V, and 6123.1V on azimuth 309°18' and 5974.8V, 6034.2V, 6093.5V MHz, and 6152.8V on azimuth 144°13'.

4325–C1–P–72—Western Tele-Communication, Inc. (New), C.P. for a new fixed station E. Palestine, latitude 40°50'37" N., longitude 80°35'57" W. Frequencies: 6226.9V, 6286.2V, 6345.5V, and 6404.8V on azimuth 130°4'.

4326–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Aliquippa, latitude 40°37'14" N., longitude 80°15'7" W. Frequencies 5945.2H, 6004.5H, 6063.8H, and 6123.1H on azimuth 310°18' and 5945.2H, 6004.5H, 6063.8H, and 6123.1H on azimuth 113°6'.

4327–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Pittsburg, latitude 40°28'5" N., longitude 79°47'12" W. Frequencies: 6197.2H, 6256.5H, 6315.9H, and 6375.2H MHz on azimuth 293°24' and 6197.2V, 6256.5V, 6315.9V, and 6375.2V on azimuth 195°37'.

4328–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Carroll, latitude 40°28'5" N., longitude 79°47'12" W. Frequencies: 6197.2H, 6256.5H, 6315.9H, and 6375.2H on azimuth 293°24' and 6197.2V, 6256.5V, 6315.9V, and 6375.2V on azimuth 195°37'.

4329–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Brownfield, latitude 39°45'40" N., longitude 79°42'54" W. Frequencies: 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 342°25' and 6226.9V, 6286.2V, 6345.5V, and 6404.8V on azimuth 119°59'.

4330–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Meadow Mountain, latitude 39°32'47" N., longitude 79°14'12" W. Frequencies 5974.8V, 6034.2V, 6093.5V, and 6152.8V MHz on azimuth 300°18' and 5945.2H, 6004.5H, 6063.8H, and 6123.1H on azimuth 135°40'.

4331–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Nathaniel Mountain, latitude 39°11'39" N., longitude 78°47'44" W. Frequencies: 6197.2H, 6256.5H, 6315.9H, and 6375.2H on azimuth 315°57' and 6226.9V, 6286.2V, 6345.5V, and 6404.8V on azimuth 65°45'.

4332–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Shockeysville, latitude 39°23'10" N., longitude 78°14'33" W. Frequencies: 5974.8V, 6034.2V, 6093.5V, and 6152.8V on azimuth 246°7' and 5945.2V, 6004.5V, 6063.8V, and 6123.1V on azimuth 140°11'.

4333–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Blue Ridge, latitude 39°3'31" N., longitude 77°53'35" W. Frequencies: 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 320°25' and 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 113°20'.

4334–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Herndon, latitude 38°53'2" N., longitude 77°22'42" W. Frequencies: 5945.2V, 6004.5V, 6063.8V, and 6123.1V on azimuth 293°40' and 5974.8H, 6034.2H, 6093.5H, and 6152.8H on azimuth 100°27'.

4335–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Washington, latitude 38°50'48" N., longitude 77°7'20" W. Frequencies: 6256.5V, 6315.9V, 6286.2H, and 6404.8H on azimuth 280°37' and 11,585H, 11,265H, 11,345V, and 11,505V on azimuth 28°8'.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4336–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Burtonsville, latitude 39°7'15" N., longitude 76°56'5" W. Frequencies: 11,175H, 10,855H, 10,935V, and 11,095V on azimuth 208°9' and 5945.2H, 6004.5H, 6063.8H, and 6123.1H on azimuth 47°39'.

4337–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Baltimore, latitude 39°24'46" N., longitude 76°31'15" W. Frequencies: 6226.9H, 6286.2H, 6345.5H, and 6315.9V on azimuth 227°55' and 11,585H, 11,265H, 11,345V, and 11,505V on azimuth 39°15'.

4338–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Vale, latitude 39°32'50" N., longitude 76°22'44" W. Frequencies: 11,015H, 11,175H, 10,855H, and 11,095V on azimuth 219°20' and 5945.2H, 6004.5H, 6063.8H, and 6123.1H on azimuth 55°52'.

4339–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Rising Sun, latitude 39°43'31" N., longitude 76°2'16" W. Frequencies: 6197.2H, 6256.5H, 6315.9H, and 6375.2H on azimuth 236°5' and 6197.2V, 6256.5V, 6315.9V, and 6375.2V on azimuth 62°31'.

4340–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Gradyville, latitude 39°56'48" N., longitude 75°28'54" W. Frequencies: 5974.8H, 6034.2H, 6093.5H, and 6152.8H on azimuth 242°52' and 5974.8H, 6034.2H, 6093.5H, and 6152.8H on azimuth 70°58'.

4341–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Philadelphia, latitude 40°1'30" N., longitude 75°11'6" W. Frequencies: 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 251°9' and 6226.9H, 6286.2H, 6345.5H, and 6404.8H on azimuth 318°19'.

4342–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Norristown, latitude 40°10'33" N., longitude 75°21'37" W. Frequencies: 5974.8H, 6034.2H, 6093.5H, and 6157.8H on azimuth 138°12' and 5945.2H, 6004.5H, 6063.8H, and 6123.1H on azimuth 1°24'.

4343–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Hellertown, latitude 40°31'46" N., longitude 75°20'56" W. Frequencies: 6197.2H, 6256.5H, 6315.9H, and 6375.2H on azimuth 181°25' and 6197.2H, 6256.5H, 6315.9H, and 6375.2H on azimuth 57°26'.

4344–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Hackettstown, latitude 40°47'22" N., longitude 74°48'39" W. Frequencies: 5945.2H, 6004.5H, 6063.8H, and 6123.1H on azimuth 237°47' and 11,405V, 11,245V, 11,325H, and 11,485H on azimuth 92°4'.

4345–C1–P–72—Western Tele-Communications, Inc. (New), C.P. for a new fixed station Orange, latitude 40°46'26" N., longitude 74°17'20" W. Frequencies 10,955V, 11,115V, 10,715H, and 10,875H on azimuth 272°25'.

4347–C1–P–72—General Telephone Co. of Florida (KIY21), 830 Arlington Avenue, St. Petersburg, FL. C.P. to add frequency 6330.7V MHz toward Bradenton, Fla.

4348–C1–P–72—General Telephone Co. of Florida (KIO64), 1015 Fourth Avenue, Bradenton, FL. C.P. to delete frequencies 5967.4V, 6066.0V MHz toward Sarasota, Fla., and substitute frequencies 6019.3V, 6078.6V, 6137.9V MHz toward Sarasota, Fla., and delete frequencies 6019.3V, 6137.9V MHz toward St. Petersburg, Fla., and substitute frequency 6078.6V MHz toward St. Petersburg, Fla.

4349–C1–P–72—General Telephone Co. of Florida (KIO65), Corner of Pine Place and Bamboo Lane, Sarasota, Fla. C.P. to delete frequencies 6219.5V, 6338.1V MHz toward Bradenton, Fla., and substitute frequencies 6271.4V, 6330.7V, 6390.0V MHz toward Bradenton, Fla.

4350–C1–P–72—Andrews Tower Rentals, Inc. (KLP96), 1.9 miles west of Brownwood, Tex. C.P. to add a point of communication at Santa Anna, Tex., using a power split on frequency 6034.2H and 6226.9H MHz on azimuth 274°30'. Applicant proposes to provide the television signals of stations KTVT and KDFW of Fort Worth-Dallas to Santa Anna Cable TV in Santa Anna, Tex.

4356–C1–P–72—Indiana Bell Telephone Co. (WAY99), 2 miles east-northeast of Bruceville, Ind. C.P. to add 10,835V MHz toward Vincennes, Ind.

4357–C1–MP–72—American Telephone & Telegraph Co. (KSP69), 3.3 miles north-northwest of Lawrenceburg, Ind. Modification of C.P. (6186–C1–P–71) to change polarization from V to H on frequency 6315.9H toward Versailles, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4434–C1–P–72—Mountain Microwave Corp. (New), C.P. for a new station 3.6 miles northwest of Benedict, N. Dak. at latitude 47°52'51" N., longitude 101°03'30" W. Frequencies 10,878V and 11,155V MHz on azimuth 334°07'. Applicant proposes to provide the television signals of stations WTCN of Minneapolis, Minn. and KORN–TV of Mitchell, S. Dak. to Community Tele-Communications, Inc. in Minot, N. Dak.

Major Amendments

3007–C1–P–71—Southern Bell Telephone & Telegraph Co. (KJM36), Change frequencies from 6241.7H and 6360.3H MHz to 6197.2H MHz toward Avon Park (KIU43), Fla. All other particulars the same as reported in Public Notice, Report 521 dated Dec. 7, 1970.

2010–C1–P–71—United Telephone Co. of Florida (KIU43), Change frequencies from 5989.7H and 6108.3H MHz to 5945.2H MHz toward West Frostproof (KJM36), Fla. All other particulars the same as reported in Public Notice, Report 514 dated Oct. 19, 1970.

3400–C1–P–70—MCI–New England, Inc. (New), 3.3 miles northwest of Staffordville, Conn. Change frequency 5974.8V MHz toward Avon, Conn. to 5960.0V MHz. All other particulars same as reported on Public Notices dated Dec. 22, 1969 and Dec. 13, 1971.

3619–C1–P–72—Data Transmission Co. (New), Change frequency on azimuth 78°33' toward Sidewinder Mountain, Calif. to "6004.5H MHz on azimuth 78°33' toward Sidewinder Mountain, Calif." All other particulars the same as reported on Public Notice, Report No. 576 dated Dec. 27, 1971.

3620–C1–P–72—Data Transmission Co. (New), Change frequency "on azimuth 258°58' toward Mescal Creek" to "6256.5H MHz on azimuth 258°58' toward Mescal Creek." All other particulars the same as reported on Public Notices dated Dec. 22, 1969 and Dec. 13, 1971.

5217–C1–P–71—RCA Alaska Communications, Inc. (New), 301 Outer Drive, Juneau, AK. Add frequency 11.325V MHz toward Lena Point via passive reflector on Mount Roberts.

5218–C1–P–71—RCA Alaska Communications, Inc. (New), Lena Point, Alaska. Add frequency 10,965V MHz toward Juneau via passive reflector on Mount Roberts.

5219–C1–P–71—RCA Alaska Communications, Inc. (WCF58), 200 Gaffney Road, Fairbanks, AK. Add frequency 11.325V MHz toward proposed station 8 miles northwest of Fairbanks via passive reflector at Engineer Creek.

5220–C1–P–71—RCA Alaska Communications, Inc. (New), Goldstream Road, 8 miles northwest of Fairbanks, Alaska. Add frequency 10,955V MHz toward Fairbanks via passive reflector at Engineer Creek.

All other particulars same as reported on Public Notice dated Apr. 12, 1971.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

Major Amendments

INFORMATIVE: Applicant Microwave Communications, Inc. is amending seven of its previously filed applications for authority to construct a new specialized common carrier service in a two-State area from Bloomington, Ill., to Blue Grass, Iowa and serving other cities in Illinois. The applications now being amended were originally filed in June 1970. They appeared in Public Notice June 22, 1970, FCC Report No. 497. No prior amendments to these applications have been filed. Each application that is now amended is referenced to the date filed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commissions' first report and order in Docket No. 18920 effective July 15, 1971, and informative guideline published regarding frequency coordination in Report No. 562, FCC Common Carrier Services Information released Sept. 20, 1971.

8372–C1–P–70—Microwave Communications, Inc. (New), Site 1, Bloomington, Ill. Proposed station to be located 0.66 mile west of Bloomington, Ill. at latitude 40°28'34" N., longitude 89°02'02" W. Correct frequencies and azimuths to frequencies 5945.2 MHz on azimuth 314°22' toward Goodfield, Ill. Delete frequencies 5974.8 MHz and 6093.5 MHz on azimuth 300°18' to Deer Creek, Ill. Delete Deer Creek, Ill. as a point of communication.

Major Amendments—Continued

8373–C1–P–70—Microwave Communications, Inc. (New), Site 2, Goodfield, Ill. Change proposed station location to a new station 3.3 miles north-northwest of Goodfield, Ill. at latitude 40°40'26" N., longitude 89°18'01" W. Correct frequencies and azimuths to frequencies 6197.2 MHz on azimuth 134°11' toward Bloomington, Ill. and 6226.9 MHz on azimuth 275°22' toward Peoria, Ill. Delete frequencies 6226.9 MHz and 6345.5 MHz on azimuth 120°03' toward Bloomington, Ill. and frequencies 11,175.0 MHz and 10,855.0 MHz on azimuth 291°02' toward Peoria, Ill.

8374–C1–P–70—Microwave Communications, Inc. (New), Site 3, Peoria, Ill. Proposed station to be located at 411 Hamilton Boulevard, Peoria, IL at latitude 40°41'39" N., longitude 89°35'20" W. Correct frequencies and azimuths to frequencies 5974.8 MHz on azimuth 95°11' to Goodfield, Ill., and 5945.2 MHz on azimuth 280°34' to Elmwood, Ill. Delete frequencies 11,225.0 MHz and 11,465.0 MHz on azimuth 110°55' to Deer Creek, Ill. and frequencies 6226.9 MHz and 6345.5 MHz on azimuth 266°24' to Farmington, Ill. Delete Deer Creek, Ill. and Farmington, Ill. as points of communication.

8375–C1–P–70—Microwave Communications, Inc. (New), Site 4, Elmwood, Ill. Change proposed station location to a new station 3.3 miles southeast of Elmwood, Ill. at latitude 40°44'31" N., longitude 89°55'44" W. Correct frequencies and azimuths to frequencies 6197.2 MHz on azimuth 100°21' toward Peoria, Ill. and 6226.9 MHz on azimuth 299°27' toward Galesburg, Ill. Delete frequencies 5945.2 MHz and 6123.1 MHz on azimuth 86°09' to Peoria, Ill. and frequencies 6034.2 MHz and 6152.8 MHz on azimuth 311°07' to Galesburg, Ill.

8376–C1–P–70—Microwave Communications, Inc. (New), Site 5, Galesburg, Ill. Change proposed station location to a new station 1.7 miles southeast of Galesburg, Ill. at latitude 40°55'15" N., longitude 90°20'54" W. Correct frequencies and azimuths to frequencies 5974.8 MHz on azimuth 119°11' toward Elmwood, Ill. and 5945.2 MHz on azimuth 332°36' toward Boden, Ill. Delete frequencies 6197.2 MHz and 6315.9 MHz on azimuth 130°50' to Farmington, Ill. and frequencies 6256.5 MHz and 6375.2 MHz on azimuth 320°50' to Matherville, Ill. Delete Farmington, Ill. and Matherville, Ill. as points of communication.

8377–C1–P–70—Microwave Communications, Inc. (New), Site 6, Boden, Ill. Change proposed station location to a new station 1.8 miles north-northwest of Boden, Ill. at latitude 41°16'35" N., longitude 90°35'34" W. Correct frequencies and azimuths to frequencies 6197.2 MHz on azimuth 152°27' toward Galesburg, Ill. and 6226.9 MHz on azimuth 332°05' toward Blue Grass, Iowa. Delete frequencies 6004.5 MHz and 6123.1 MHz on azimuth 149°41' to Galesburg, Ill. and frequencies 5945.2 MHz and 6063.8 MHz on azimuth 02°08' to Davenport, Ill. Delete Davenport, Ill. as a point of communication.

8378–C1–P–70—Microwave Communications, Inc. (New), Site 7, Blue Grass, Iowa. Change proposed station location to a new station 2.6 miles north-northwest of Blue Grass, Iowa at latitude 41°32'50" N., longitude 90°47'02" W. Correct frequencies and azimuths to frequency 5974.8 MHz on azimuth 151°57' toward Boden, Ill. Delete frequencies 6226.9 MHz and 6345.5 MHz on azimuth 182°08' toward Matherville, Ill. Delete Matherville, Ill. as a point of communication.

[FR Doc.72-1217 Filed 1-27-72;8:46 am]

FEDERAL HOME LOAN BANK BOARD

[No. 72-83]

LABOR-MANAGEMENT RELATIONS

General Provisions and Implementation of Rules

JANUARY 20, 1972.

Resolved, That the Board hereby adopts, effective January 20, 1972, regulations governing labor-management relations, to establish procedures under which the Board will recognize, consult with, negotiate with, and approve and administer agreements with labor organizations, and resolve disputes and appeals arising therefrom, and directs that a copy of said regulations be placed in the Minute Exhibit File.

Resolved further, That the Board directs the Secretary to transmit these regulations for publication in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

GENERAL PROVISIONS

SECTION 1.01 *Purpose.* These regulations implement the provisions of Executive Order 11491, as amended (34 F.R. 8191, 36 F.R. 17319), by establishing procedures under which the Board will recognize, consult with, negotiate with, and approve and administer agreements with labor organizations, and resolve disputes and appeals arising therefrom.

SEC. 1.02 *Policy.* (a) The Board recognizes the right of its employees to form, join, and assist any lawful labor organization which exists for the purpose of dealing with management officials concerning matters affecting employment. This right may be exercised freely and without restraint, coercion, or discrimination.

(b) The Board's management officials will recognize, consult with, and negotiate with lawful and qualified labor organizations in good faith and in full compliance with governing laws, regulations, and Executive Orders.

(c) Nothing in these regulations nor in any agreement entered into thereunder shall restrict the Board of its officials in any emergency situation from taking any lawful and necessary action to carry out the Board's mission.

SEC. 1.03 *Employee participation.* (a) These regulations cover all employees of the Board.

(b) The following employees may not act as representatives or participate in the management of any labor organization seeking or holding exclusive recognition or national consultation rights with the Board:

(1) **Management officials;**
(2) **Supervisors;**
(3) **Employees engaged in personnel work in other than a clerical capacity;** and
(4) **Designated Board representatives in consultations or negotiations with labor organizations.**

(c) **Supervisors and management officials are excluded from units for which exclusive recognition is granted.**

(d) **Exclusive recognition will not be granted to a labor organization representing a unit of guards, if the labor organization admits to membership, or is affiliated directly or indirectly with a labor organization which admits to membership, employees other than guards.**

SEC. 1.04 *Intra-management communications.* **The Executive Assistant to the Chairman shall be responsible for developing and implementing procedures for an intra-management communications system for supervisors. This shall include methods for dissemination of policy matters to supervisors and opportunities for the participation of supervisors in the development of such policies. This will include direct written communication, special conferences, and regular meetings. Supervisory training courses shall be constructed to include methods and principles of labor-management relations.**

SEC. 1.05 *Definitions.* **(a) The following terms have the same meaning as set forth in E.O. 11491, as amended (34 F.R. 8191, 36 F.R. 17319):**

Activity.
Appropriate unit.
Assistant Secretary.
Council.
Employee.
Exclusive Recognition.
Guard.
Labor Oragnization.
National Consultation Rights.
Panel.
Standards of Conduct for Labor.
Organizations.
Supervisor.
Unfair Labor Practices.

(b) The following terms have the same meaning as set forth in 29 CFR Part 201 (§§ 201.10–201.26):

Area Administrator.
Certification.
Hearing Examiner.
Hearing Officer.
Party.
Regional Administrator.

(c) *Management Official.* The term "Management official" means any employee responsible for making, recommending, or administering policies or procedures which control the activities of one or more organizational units of the Board.

(d) *Board.* The term "Board" means the Federal Home Loan Bank Board, including the Federal Savings and Loan Insurance Corporation.

IMPLEMENTATION OF RULES

SEC. 1.11 *Responsible officials.* (a) The Chairman of the Board shall be responsible for labor-management relations affecting the Board and for the implementation of the provisions of E.O. 11491, as amended.

JAN 28 72
XUM

(b) The Executive Assistant to the Chairman shall advise the Chairman with respect to labor-management relations affecting the Board. He, or his designated representative, shall also be responsible for all representations and reports from the Board to the Federal Labor Relations Council, the Federal Service Impasses Panel, and the Assistant Secretary of Labor for Labor-Management Relations and for all actions involving the recognition, consultation, negotiations, approval, and administration of agreements and the resolution of disputes and appeals thereunder.

SEC. 1.12 *Activities of labor organizations*—(a) *General.* Customary and routine facilities and services may be furnished by the Board, upon request, on an impartial basis, to labor organizations having equivalent status. The facilities and services that may be furnished include those that do not involve direct costs and that can be used during nonduty hours of the employees who request them.

(b) *Membership solicitation.* Labor organizations may solicit membership among employees during the nonduty hours of such employees. No employee may be granted official leave to solicit membership. Labor organization representatives may post or distribute literature or hold organizational meetings to solicit membership, but permission may not be extended for such activities in a unit in which another labor organization has been granted exclusive recognition unless a valid, timely challenge to such recognition has been filed and rules for election campaigning have been adopted.

(c) *Employee lists.* Lists of names, positions, titles, grades, salaries, and/or duty stations of eligible employees in a unit or a proposed unit may be furnished by the Director of Personnel to requesting labor organizations. If the cost of preparing such lists is significant, a charge may be made to recover the actual cost. In the case of labor organizations granted exclusive recognition, the frequency with which updated lists of unit employees are furnished will be a matter for negotiation. Where a representation election is scheduled, lists of eligible employees in the unit shall be furnished without charge to each organization which will appear on the ballot. Lists of employees' home addresses or telephone numbers will not be furnished to labor organizations.

(d) *Meeting space.* Meeting space may be made available outside regular working hours for meetings of labor organization members if such action will not conflict with the provisions of a negotiated agreement.

(e) *Distribution and posting of notices and bulletins.* Subject to published guidelines, labor organization notices or bulletins may be distributed or posted only in areas designated by a responsible official. Literature posted or distributed within the premises of the Board must not violate any law or the security of the operational responsibilities of any unit or contain scurrilous or libelous material. Violation of these standards is grounds for revocation of permission to distribute or post such material.

(f) *Use of official time.* (1) Activities concerning the internal management of labor organizations may not be conducted within regular working hours of the employees involved, unless such employees are on approved annual leave or leave without pay.

(2) Employees representing a recognized labor organization may be permitted to count as official duty time half the time necessary for the negotiation of a labor-management agreement, including any ground rules governing negotiating procedures, but not in excess of 40 hours.

(3) An employee who is an official or representative of an organization holding exclusive recognition may be excused without charge of leave for the purpose of attending a training session sponsored by a labor organization if (i) the subject matter of such training is of mutual concern to the Government and the employee in his capacity as an organization representative and (ii) the Government's interest will be served by the employee's attendance. Such excused time may not normally exceed eight (8) hours for any individual within a 12-month period.

(g) *Organizations holding national consultation rights.* A labor organization granted national consultation rights shall have the rights granted to such organizations by section 9(b) of E.O. 11491, as amended.

(h) *Organizations having exclusive recognition.* A labor organization having exclusive recognition in an appropriate unit shall have the rights and obligations granted such organizations by section 10(e) and section 11 (a) and (b) of E.O. 11491, as amended.

SEC. 1.13 *Negotiation and effect of agreements*—(a) *Time of negotiations.* Times and places of negotiation of agreements with organizations having exclusive recognition shall be mutually agreeable to management officials and to such organizations.

(b) *Applicability of agreements.* Agreements shall be applicable only to the unit for which negotiated and shall not contain any provision contrary to any law, Civil Service Commission regulation, or published Board policy or regulation in effect on the date of approval of the agreement. Conflicts with any such Board policy may be waived by an appropriate official in response to a joint request by the parties to the negotiations.

(c) *Effect of agreements.* For the stated duration of an agreement, such agreement shall have the full force and effect of regulations within the applicable units. During this period, such agreement may be modified only by the passage of legislation, the issuance of Civil Service Commission or other controlling regulations, the issuance of Board regulations required by law or other appropriate authorities, or the mutual agreement of the parties. When an agreement expires, the applicable Board regulations in effect on such expiration date shall be controlling.

(d) *Minimum elements of agreements.* An agreement negotiated with a labor organization having exclusive recognition must contain, as a minimum, the following:

(1) A list of parties to the agreement;

(2) A description of the specific units involved;

(3) A procedure, applicable only to such units, for the consideration of grievances over the interpretation and application of the agreement, pursuant to section 13 of E.O. 11491, as amended.

(4) Statements incorporating the provisions of subsections (a), (b), and (c) of section 12 of E.O. 11491, as amended, and a statement that such provisions shall apply to all supplemental, implementing, subsidiary, or informal agreements.

(e) *Negotiable matters.* Listed below are examples of matters which, among others, are negotiable with the Board. Nothing in these regulations prescribes what, if any, provisions are to be negotiated. However, all agreements must comply with the requirements of paragraph (d) of this section.

(1) Provisions for cooperative efforts between Union representatives and the appropriate agency officials in the development of the agency's Equal Employment Opportunity Program.

(2) Appropriate arrangements, consistent with law and governing regulations, for employees adversely affected by reorganizations or technological change.

(3) Duration of agreements: *Provided,* That no agreement will exceed 2 years in duration. Provisions may be negotiated for the automatic renewal of an agreement for equivalent periods if neither party has requested negotiation by the 60th day prior to its terminal date. Agreements may be extended by the mutual consent of both parties for specified, limited periods during which the resolution of negotiability or other issues arising during renegotiation is being sought. Agreements must be brought into conformance with current published Board policy and regulations at the time they are negotiated, renewed, or extended.

(f) *Efforts to achieve agreement.* Management and labor organization officials have mutual responsibility for negotiating in good faith. Every effort must be made to avoid or resolve deadlocks and to achieve agreement. The use of joint fact-finding committees, the seeking of guidance from the Director of Personnel or the headquarters of the labor organization involved, or both, and the use of a third party from within or outside the Board for consultation or advice are all permissible methods of seeking resolution of deadlocks in negotiations.

(g) *Disputes concerning negotiability.* When a dispute arises between management officials and a labor organization having exclusive recognition over the interpretation of any published regulation or a controlling agreement that affects the negotiability of any matter, the labor organization may present its position on the matter in writing to the Executive Assistant to the Chairman who shall, within 5 calendar days of receipt of such writing issue a decision in writing on the negotiability question. This decision may be appealed in writing to the Chairman within 10 calendar days of receipt of the decision. A decision by the Chairman shall be the final agency decision.

(h) *Negotiation impasses.* (1) Mediation shall be considered the primary means of resolving negotiation impasses.

(2) When a negotiation impasse remains unresolved, the issues involved will be referred to the national headquarters of the labor organization and to the Director of Personnel. If the impasse cannot then be resolved, it may be referred to the Federal Service Impasses Panel in accordance with rules established by the Panel.

(3) Arbitration or third party fact-finding with recommendations as a means of resolving negotiation impasses may be used only when authorized or directed by the Panel.

SEC. 1.14. *Unfair labor practice complaints.* (a) Any unfair labor practice for which there is an appeals procedure must be processed in accordance with such procedure.

(b) Any grievance with respect to the interpretation or application of a collective bargaining agreement between the Board and a labor organization accorded exclusive recognition which may also constitute an unfair labor practice under E.O. 11491, as amended, may be processed at the option of the aggrieved party under the negotiated grievance procedure contained in any such collective bargaining agreement, or the unfair labor practice procedure. The aggrieved party may not use both procedures, either simultaneously or sequentially.

SEC. 1.15 *Standards of conduct for labor organizations.* The Executive Assistant to the Chairman is responsible for assuring that the Standards of Conduct for Labor Organizations, set forth in section 18 of E.O. 11491, as amended, are met. Upon finding that a labor organization is in violation of any such Standard of Conduct, the Executive Assistant to the Chairman may authorize the transmission of a complaint to the Assistant Secretary.

SEC. 1.16 *Payroll withholding of labor organization dues.* (a) When a labor organization has exclusive recognition for a unit of employees, an agreement may be entered into with such organization under which eligible members may make voluntary allotments from their salary for the payment of dues to such organization. Such employee shall have the right to revoke such allotment at 6-month intervals.

(b) Where such allotment has been made by an employee, dues shall be withheld from his pay each pay period, but no dues will be withheld for any pay period in which the employee's net salary, after other legal and required deductions, is insufficient to cover the amount of the allotment for dues.

(c) The cost for such payroll withholding service shall be a negotiable matter.

[FR Doc.72-1303 Filed 1-27-72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-44, etc.]

PANHANDLE PRODUCING CO., ET AL.

Findings and Order

JANUARY 14, 1972.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, canceling FPC gas rate schedules, terminating rate proceedings dismissing applications, and canceling docket numbers.

Each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the applications and the appendix below.

Certain applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The temporary and permanent certificates authorizing said sales will be terminated and the related rate schedules will be canceled. Some sales made pursuant to the certificates terminated herein and the canceled FPC gas rate schedules were made at rates in effect subject to refund. There are other rate increases which are suspended. Certain proceedings in which these increased rates are suspended or have been collected subject to refund by any of these applicants and were equal to or below area ceiling rates will be terminated.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

Certain applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. The temporary and permanent certificates authorizing said sales will be terminated and the related rate schedules will be canceled. Some sales made pursuant to the certificates terminated herein and the canceled FPC gas rate schedules were made at rates in effect subject to refund. There are other rate increases which are suspended. Certain proceedings in which these increased rates are suspended or have been collected subject to refund by any of these applicants and were equal to or below area ceiling rates will be terminated.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications has been filed.

At a hearing held on December 22, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefore should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the temporary and permanent certificates of public convenience and necessity heretofore issued to applicants should be terminated and that the related FPC gas rate schedules should be canceled.

(7) The applications pending in Docket Nos. CI64-1228 and CI71-154 are moot.

(8) In view of all the facts and circumstances in this case, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

V37-19 JAN 28 72 XUM

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on applications terminate said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination, applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) With respect to any small producer sale made pursuant to the authorization herein, the small producer shall not be relieved from compliance with section 7(b) of the Natural Gas Act.

(E) The temporary and permanent certificates heretofore issued to applicants for sales proposed to be continued under small producer certificates are terminated and the related FPC gas rate schedules are canceled as indicated in the appendix below.

(F) The proceedings in which applicants' increased rates have not been made effective and certain proceedings in which increased rates have been made effective subject to refund and are equal to or below the applicable area rate base are terminated as indicated in the appendix below.

(G) The applications pending in Dockets Nos. CI64-1224 and CI71-154 are dismissed.

(H) Dockets Nos. CS71-369 and CS71-944 are canceled.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-44 10-26-70	Panhandle Producing Co., et al	1	G-8006	RI64-157. RI64-808.
	do	2	G-8007	RI64-575.
	do	3	G-3892	
	do	4	G-9481	
CS72-95. 8-2-71	Owen Oil Co., Inc			
CS72-180 8-27-71	Estate of Gerald L. Reason			
CS72-248 9-9-71	J. Malcolm Shelton			
CS72-220 9-9-71	Presidio Exploration, Inc	1	C171-182	
CS72-221 9-9-71	Wilhelmina duP. Ross et al	2	G-13000	RI70-827.
	do	3	G-12993	RI70-824.
CS72-222 9-9-71	John J. Nolan			
CS72-251 9-20-71	Olympia Exploration Co			
CS72-253 9-20-71	Sidney Gore			
CS72-268 9-24-71	William E. Portman et al	1	C164-509	RI67-373.
	do	2	C166-691	
CS72-269 9-24-71	Jack Cuthbirth			
CS72-292 9-29-71	Beard Oil Co., et al	1	C164-863	
	do	2	C164-1228	(1).
	do	3	C165-754	
	do	4	C165-922	
	do	5	C167-350	RI68-517.
	do	6	C168-231	
	do	7	C171-154	
CS72-293 9-29-71	C. C. Freeman Estate			
CS72-296 9-27-71	McCarrick, Gouger, & Mitchell et al	2	G-4177	
	do	3	G-4175	
	do	4	G-11650	
	do	5	G-19045	RI62-343.
	do	6	G-19049	RI70-140.
CS72-297 9-30-71	J. M. Tindall			
CS72-299 9-24-71	L. R. Goblike			

[1] Temporary certificate.

[FR Doc.72-1174 Filed 1-27-72;8:45 am]

[Dockets Nos. RI72-166, etc.]

R. C. WYNN ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 19, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-166..	R. C. Wynn	1	9	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex., San Juan Basin).	$44,882	12-20-71		6-20-72	14.2693	29.23	RI70-708.
	do			do	44,882	12-20-71		6-20-72	[1] 15.2693	29.23	RI70-708. RI70-1443.
RI72-167..	Phillips Petroleum Co	492	1	El Paso Natural Gas Co. (James Ranch Area, Eddy County, N. Mex., Permian Basin).	3,960	12-27-71		2-27-72	[2] [4] 24.5	[3] [4] 30.0	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Includes 1-cent minimum guarantee for liquids. Initial rate under Mitchell type certificate.
[2] Increase to contract rate which is subject to upward or downward B.t.u. adjustment.
[3] The pressure base is 14.65 p.s.i.a.

The proposed increases by R. C. Wynn for sales to El Paso in San Juan Basin are based on a favored-nation clause which was allegedly activated by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents which became effective subject to refund in Docket No. RI71-744 on August 1, 1971. El Paso Natural Gas Co. and Southern California Gas Co. are expected to protest these favored nation increases, as they have previous filings, on the basis that they are not contractually authorized. In view of the contractual problem presented, the hearing herein shall concern itself with the contractual basis for these favored-nation filings as well as the justness and reasonableness of the proposed increased rates. The proposed increases exceed the corresponding rate filing limitations imposed in Southern Louisiana and therefore are suspended for 5 months.

Phillips' initial rate was authorized under a Mitchell type certificate. A 1-day suspension is therefore appropriate for its proposed rate increase.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

In view of all the facts and circumstances in these cases, the Commission's action herein of permitting the subject rate increases to become effective, subject to refund, at the expiration of the respective suspension periods ordered herein pending Commission determination of the justness and reasonableness of such increased rates is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

[FR Doc.72-1225 Filed 1-27-72;8:45 am]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Acquisition of Bank

BancOhio Corp., Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Central National Bank at Cambridge, Cambridge, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 24, 1972.

Board of Governors of the Federal Reserve System, January 24, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-1246 Filed 1-27-72;8:46 am]

CASCO-NORTHERN CORP.

Formation of Bank Holding Company

Casco-Northern Corp., Portland, Maine, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Casco Bank & Trust Co., Portland, Maine, and Northern National Bank, Presque Isle, Maine. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 24, 1972.

Board of Governors of the Federal Reserve System, January 24, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-1247 Filed 1-27-72;8:46 am]

FIRST FINANCIAL CORP.

Acquisition of Bank

First Financial Corporation, Tampa, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent of the voting shares of Union Trust National Bank of St. Petersburg, St. Petersburg, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 24, 1972.

Board of Governors of the Federal Reserve System, January 24, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-1248 Filed 1-27-72;8:46 am]

FIRST FINANCIAL GROUP, INC.

Formation of Bank Holding Company

First Financial Group, Inc., Janesville, Wis., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank and Peoples State Bank, both of Janesville, Wis. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 21, 1972.

Board of Governors of the Federal Reserve System, January 20, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-1286 Filed 1-27-72;8:4 am]

NCNB CORP.

Proposed Acquisition of C. Douglas Wilson & Co.

NCNB Corp., Charlotte, N.C., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of C. Douglas Wilson & Co., Greenville, S.C. Notice of the application was published in newspapers and circulated in:

Anderson, S.C., The Anderson Independent, December 18, 1971.
Charleston, S.C., The News and Courier, December 17, 1971.

V37-19 JAN 28 72 XUM

Columbia, S.C., The Columbia State, December 17, 1971.
Florence, S.C., The Florence News, December 17, 1971.
Greenville, S.C., The Greenville News, December 18, 1971.
Spartanburg, S.C., The Spartanburg Herald, December 16, 1971.

Applicant states that the proposed subsidiary engages in the activities of originating, selling and servicing residential and commercial mortgage loans, and originating construction and development mortgage loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 24, 1972.

Board of Governors of the Federal Reserve System, January 24, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1249 Filed 1-27-72;8:46 am]

NATIONAL BANCSHARES CORPORATION OF TEXAS

Order Approving Formation of Bank Holding Company

National Bancshares Corporation of Texas, San Antonio, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to National Bank of Commerce of San Antonio (Commerce Bank), San Antonio, Texas, and 51 percent or more of the voting shares of Randolph Field National Bank (Randolph Bank), Universal City, Tex. The bank into which Commerce Bank is to be merged has no significance except as a means of acquiring all of the shares of Commerce Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Commerce Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a newly organized corporation. Consummation of the proposal herein would result in Applicant controlling $276.8 million representing 1 percent of total commercial bank deposits in the State and applicant would become the 10th largest banking organization and the 6th largest bank holding company in Texas. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions approved by the Board through October 31, 1971.)

Commerce Bank ($264 million in deposits) and Randolph Bank ($12.8 million in deposits) are both located within the San Antonio banking market which is approximated by Bexar, Guadalupe, and Comal Counties. On the basis of deposits, Commerce Bank is the second largest of 39 banking organizations within the market controlling 17.1 percent of commercial bank deposits; Randolph Bank is the 24th largest banking organization holding 0.8 percent of commercial bank deposits.

Commerce Bank is a large wholesale bank which competes with other large banks throughout Texas and the nation, while Randolph Bank is a small retail-oriented institution located 18 miles from Commerce Bank. Since 1969, several directors of Commerce Bank have held indirect ownership of 51 percent of the voting shares of Randolph Bank. This relationship has had the effect of eliminating any meaningful competition between the banks, though it is doubtful that any such competition existed prior to this time. Thus, Commerce Bank and Randolph Bank do not compete with each other to any significant extent, and the development of such competition, in the future, even in the event of disaffiliation, appears unlikely because of the large number of intervening banks, the distance involved, and the unit banking laws of Texas. Moreover, the slight increase in concentration in the market is not considered to be significant in the light of the numerous existing banking alternatives. Accordingly, on the basis of the record before it, the Board concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area.

The financial, managerial, and future prospects of applicant and Commerce Bank are regarded as satisfactory. Although acquisition of the Randolph Bank shares involves short-term debt, applicant and Commerce Bank appear to be capable of servicing and repaying such debt without undue strain; the proposed debt to capital ratio does not appear to be at an unsatisfactory level. Future prospects of the Randolph Bank will be improved by affiliation with applicant since Randolph Bank will have easier access to necessary capital funds and a pool of trained management personnel. Affiliation with applicant will also provide Randolph Bank with access to the expertise of Commerce Bank particularly with respect to trust matters, international banking, and other specialized services. Thus, considerations related to the convenience and needs of the community as well as financial, managerial, and future prospects of applicant and the banks involved lend some weight for approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] January 21, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1250 Filed 1-27-72;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-134]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the Federal Government before the Louisiana Public Service Commission (Docket No. 11048) in a proceeding involving the rates for telecommunications service provided by the South Central Bell Telephone Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROD KREGER,
Acting Administrator of General Services.

JANUARY 21, 1972.

[FR Doc.72-1285 Filed 1-27-72;8:49 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-2]

GODDARD SPACE FLIGHT CENTER

Final Environmental Impact Statement; Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Goddard Space Flight Center of the National Aeronautics and Space Administration.

Comments on the draft Environmental Statement for the Goddard Space Flight Center were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of March 18, 1971.

Copies of the draft statement were sent to the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency.

Copies of the final statement will be furnished to the Office of Management and Budget and the Council on Environmental Quality.

Copies of the final statement may be purchased (price $1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 21st day of January 1972.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72-1284 Filed 1-27-72;8:49 am]

OFFICE OF EMERGENCY PREPAREDNESS

THOMAS R. CASEY

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742), I hereby appoint Thomas R. Casey as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for New Jersey disaster number 310 with date of declaration, September 4, 1971, to be effective January 24, 1972.

This notice changes my designation of November 22, 1971 (36 F.R. 22795, November 30, 1971) with respect to the same disaster listed, naming Albert D. O'Connor as Federal Coordinating Officer.

Dated: January 24, 1972.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.72-1287 Filed 1-27-72;8:49 am]

THOMAS R. CASEY

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742), I hereby appoint Thomas R. Casey as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for New York disaster number 311 with date of declaration, September 13, 1971, to be effective January 24, 1972.

This notice changes my designation of November 22, 1971 (36 F.R. 22795, November 30, 1971) with respect to the same disaster listed, naming Albert D. O'Connor as Federal Coordinating Officer.

Dated: January 24, 1972.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.72-1288 Filed 1-27-72;8:49 am]

PANAMA CANAL

CANAL ZONE POSTAL SERVICE

Postage Rates and Fees; Temporary Changes

The Canal Zone Government hereby gives notice of increased postage rates as set out in the schedule below. These rates will govern during the period that the temporary postage rates which have been prescribed by the U.S. Postal Service, to become effective January 24, 1972, continue in effect (36 F.R. 24953, Dec. 24, 1971; corrected, 36 F.R. 25190-91, Dec. 29, 1971).

Mail category	Postage rate unit	Rate in cents
Third class:		
Single-piece rate	2 ozs.	8
Do.	3 ozs.	10
Do.	4 ozs.	13
Do.	5 ozs.	16
Do.	6 ozs.	18
Do.	7 ozs.	21
Do.	8 ozs.	24
Do.	9 ozs.	26
Do.	10 ozs.	29
Do.	11 ozs.	32
Do.	12 ozs.	34
Do.	13 ozs.	37
Do.	14 ozs.	40
Do.	15 ozs.	42
Do.	Up to, but not including 16 ozs.	45
Regular bulk rate:		
Circulars, etc.	Pound	28
Do.	Minimum per piece	5
Books, catalogs, etc.	Pound	21
Do.	Minimum per piece	5

Effective date. The changes in postal rates provided in this order shall become effective on January 24, 1972.

(2 C.Z.C. secs. 1131-1133, 76A Stat. 38-39)

Date signed: January 17, 1972.

[SEAL] DAVID S. PARKER,
Governor.

[FR Doc.72-1175 Filed 1-27-72;8:45 am]

TARIFF COMMISSION

[337-26]

SPHYGMOMANOMETERS

Notice of Finding

Upon completion of its investigation (337-26) under section 337 of the Tariff Act of 1930, in response to a complaint of W. A. Baum Co., Inc., the Commission finds no violation of section 337(a) of the Tariff Act of 1930 by unfair methods of

V37-19 JAN 28 72 XUM

competition and unfair acts in the importation and sale of certain sphygmomanometers, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Under the statute (19 U.S.C. 1337(c)) a rehearing before the Commission may be requested. In accordance with § 201.14 of the Commission's rules of practice and procedure (19 CFR 201.14), a motion for a rehearing may be granted for good cause shown. Any such motion for a rehearing must be in writing and filed with the Secretary of the U.S. Tariff Commission, Washington, D.C. 20436, within twenty (20) days after publication of this notice. The motion must state clearly the grounds which are relied upon for the granting of a rehearing and must be accompanied by 19 true copies.

Issued January 25, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-1280 Filed 1-27-72;8:49 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Determination Decisions for Specified Localities in Certain States

Modification to area determination decisions for specified localities in Alabama, Florida, Illinois, Indiana, Kansas, Michigan, Mississippi, New York, Oklahoma, Pennsylvania, Tennessee, and Texas, and Washington, D.C.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM-1721, AM-1726, AM-1730, AM-332, AM-338, AM-341, AM-342, AM-351, AM-353, AM-365, AM-366, AM-367	Aug. 11, 1971
AM-373, AM-375, AM-376, AM-377, AM-378, AM-379, AM-380, AM-382, AM-383, AM-384, AM-385, AM-386, AM-388, AM-389, AM-390, AM-391, AM-392	Aug. 13, 1971
AM-442, AM-451, AM-460, AM-489, AM-490, AM-499, AM-500, AM-502, AM-503, AM-1843, AM-1848, AM-1850, AM-1851, AM-1854, AM-1857, AM-1863, AM-1864	Aug. 18, 1971
AM-3602, AM-3611, AM-3612, AM-3621, AM-3622, AM-3623, AM-3624, AM-3625	Aug. 20, 1971
AM-7489	Aug. 25, 1971
AM-7706, AM-7716, AM-7718	Nov. 12, 1971
	Nov. 19, 1971

are hereby modified as set forth below.

These modifications are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, procedure for predetermination of wage rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modifications are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. No. 553 is set forth in the document being modified.

The modifications to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 21st day of January 1972.

HORACE E. MENASCO, *Administrator, Employment Standards Administration.*

MODIFICATIONS

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-448—36 F.R. 16349, Jefferson County, Ala., Modification No. 5						
CHANGE:						
Electricians:						
Electricians	$6.85	$0.25	1%		1%	
Cable splicers	7.10	.25	1%		1%	
Roofers	4.55		$0.20			
Roofers' helpers	3.40		.20			
Lathers	5.85		.10		$0.01	
WD No. AM-451—36 F.R. 16397, Brevard and Volusia Counties, Fla., Modification No. 2						
(Cape Kennedy, Kennedy Space Flight Center, and Patrick Air Force Base only.)						
CHANGE:						
Building construction:						
Carpenters	5.90	.20	.25		.01	
Piledrivermen	6.15	.20	.25		.01	
Soft floor layers	5.90	.20	.25		.01	
WD No. AM-460—36 F.R. 16397, Palm Beach County, Fla., Modification No. 1						
CHANGE:						
Building construction:						
Carpenters	7.10	.30	.15		.02	
WD No. AM-532—36 F.R. 15166, Kane County, Ill., Modification No. 5						
CHANGE:						
Sheet metal workers	7.56	.30	.15	$0.57	.02	
WD No. AM-533—36 F.R. 15201, Sangamon County, Ill., Modification No. 2						
CHANGE:						
Marble setters	7.20	.35				
Terrazzo workers	7.20	.35				
Tile setters	7.20	.35				

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-541—36 F.R. 15215, Will County, Ill., Modification No. 6						
CHANGE:						
Bricklayers	9.50	.30				
Stonemasons	9.50	.30				
WD No. AM-542—36 F.R. 15218, Winnebago County, Ill., Modification No. 5						
CHANGE:						
Modification No. 2—36 F.R. 24949, Dec. 24, 1971, to Modification No. 3.						
Modification No. 3—37 F.R. 640, Jan. 14, 1972, to Modification No. 4.						
Bricklayers	6.80	.20	.40	.15		
Plumbers and steamfitters	6.75	.35	.40		.02	
Line construction:						
Linemen	7.65	.15	1%		0.25%	
Groundmen	5.90	.15	1%		.25%	
Groundmen equipment operators and tractor operators	5.20	.15	1%		.25%	
Sheet metal workers:						
Eastern one-half of county	7.15	.20	$0.30	.50		
Stonemasons	6.80	.20	.40	.15		
WD No. AM-551—36 F.R. 15277, Allen County, Ind., Modification No. 4						
CHANGE:						
Building construction:						
Cement masons	6.90	.30				
Electricians	7.70	.18	1%		$0.04	
Ironworkers	8.25	.40	$0.65		.01	
Painters:						
Brush and roller	5.70	.25	.15		.05	
Spray and sandblasting	6.70	.25	.15		.05	
Highwork:						
31 feet to 60 feet	6.10	.25	.15		.05	
61 feet to 100 feet	6.50	.25	.15		.05	
Over 100 feet	6.70	.25	.15		.05	
WD No. AM 553—36 F.R. 15287, Benton and Tippecanoe Counties, Ind., Modification No. 4						
CHANGE:						
Modification No. 4—36 F.R. 23102, Dec. 3, 1971, to Modification No. 3.						
WD No. AM 565—36 F.R. 15365, Adams, Allen, De Kalb, Elkhart, Huntington, Kosciusko, La Grange, Marshall, Noble, Starke, Steuben, Wells, and Whitley Counties, Ind., Modification No. 2						
CHANGE:						
Cement masons:						
Starke County	7.50	.30	.70		.03	
Marshall County	6.82	.30	.30		.01	
Remainder of counties	6.90	.30				
Ironworkers:						
Elkhart, Marshall, and Starke Counties, western one-half of La Grange County, and northwest portion of Kosciusko County	8.10	.40	.65		.01	
Remainder of counties	8.25	.40	.65		.01	
WD No. AM-566—36 F.R. 15370, Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash, and White Counties, Ind., Modification No. 3						
CHANGE:						
Cement masons:						
Remaining counties	6.65	.30	.20			
Ironworkers:						
Wabash County	8.25	.40	.65		.01	
Fulton and Pulaski Counties	8.10	.40	.65		.01	
Southern one-half of Jasper County, western two-thirds of Clinton County and remainder of counties	8.225	.40	.65		.02	
WD No. AM-567—36 F.R. 15374, Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union, and Wayne Counties, Ind., Modification No. 2						
CHANGE:						
Cement masons:						
Shelby County	6.70					
Marion and Johnson Counties, southern half of Hamilton County and western half of Hancock County	6.63				.04	
Ironworkers:						
Blackford and Grant Counties, and northeastern corner of Delaware County	8.25	.40	.65		.01	
WD No. AM 5521—36 F.R. 16839, Douglas, Jefferson, and Shawnee Counties, Kans., Modification No. 1						
CHANGE:						
Electricians	7.65	.25	1%+0.30		3%%	
Power equipment operators (Shawnee and Douglas Counties):						
Master mechanic	6.50	.25	$0.25	.25	$0.05	
Group I	6.25	.25	.25	.25	.05	
Group II:						
Asphalt plant operator; elevating grader operator; pushcat operator	6.00	.25	.25	.25	.05	
Blades, all types, dozer; scoop operator, all types	6.25	.25	.25	.25	.05	
Group III	5.75	.25	.25	.25	.05	
Group IV	5.40	.25	.25	.25	.05	
Group V	5.50	.25	.25	.25	.05	
Power equipment operators (Jefferson County):						
Master mechanic	5.25	.25	.25		.05	
Group I	5.00	.25	.25		.05	
Group II:						
Asphalt plant operator; elevating grader operator; pushcat operator	4.75	.25	.25		.05	
Blades, all types, dozer; scoop operator, all types	5.00	.25	.25		.05	
Group III	4.50	.25	.25		.05	
Group IV	4.15	.25	.25		.05	
Group V	4.25	.25	.25		.05	

V37-119 JAN 28 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-3,622—36 F.R. 16845, Johnson, Leavenworth, Miami, and Wyandotte Counties, Kans., Modification No. 4						
Electricians:						
Miami County	7.65	.25	1½+0.30		2½%	
Johnson County:						
That portion east of Monticello, Olathe, and Spring Hill Townships	7.95	.15	1½+0.20	.70	$0.03	
Remainder of county	7.65	.25	1½+0.30		2½%	
Wyandotte County	7.95	.15	1½+0.20	.70	$0.03	
Leavenworth County:						
Delaware, High Prairie, Kickapoo, and Leavenworth Townships only	7.95	.15	1½+0.20	.70	.03	
Remainder of county	7.65	.25	1½+0.30		2½%	
Power equipment operators (Miami County):						
Master mechanic	5.25	.25	$0.25		$0.05	
Group I	5.00	.25	.25		.05	
Group II:						
Asphalt plant operator; elevating grader operator; pusheat operator	4.75	.25	.25		.05	
Blades, all types; dozer; scoop operator; all types	5.00	.25	.25		.05	
Group III	4.50	.25	.25		.05	
Group IV	4.15	.25	.25		.05	
Group V	4.25	.25	.25		.05	
WD No. AM-3,623—36 F.R. 16849, Shawnee County, Kans., Modification No. 4						
CHANGE:						
Site preparation and grading:						
Power equipment operators:						
Master mechanic	6.50	.25	.25	.25	.05	
Group I	6.25	.25	.25	.25	.05	
Group II:						
Asphalt plant operator; elevating grader operator; pusheat operator	6.00	.25	.25	.25	.05	
Blades, all types, dozer; scoop operator, all types	6.25	.25	.25	.25	.05	
Group III	5.75	.25	.25	.25	.05	
Group IV	5.40	.25	.25	.25	.05	
Group V	5.50	.25	.25	.25	.05	
WD No. AM 3,624—36 F.R. 16853, Leavenworth County, Kans., Modification No. 5						
CHANGE:						
Building construction:						
Electricians (remainder of county):						
Electricians-technician	7.95	.15	1½+0.20	.70	.03	
WD No. AM 3,625—36 F.R. 16859, Sedgwick County, Kans., Modification No. 2						
CHANGE:						
Building construction:						
Carpenters:						
Carpenters	7.25				.03	
Millwrights; piledriverman	7.55				.03	
Cement masons:						
Cement masons	7.00					
Trowelbg machine operator	7.25					
Ironworkers	6.78	.20	$0.25	.25	.02	
Laborers:						
Common laborers	5.15	.35	.25			
Machine tool operators (air or electric); all sewer and drain in tile layers; mortar mixers and hod carriers and plaster tenders; all men erecting scaffolds and directly tending masons and mortar mixers for cement finishers; pipe dopers and pipe painters; work on swing scaffold; power buggies taking place of wheel barrows and concrete buggies; powdermen; gunnite nozzleman; gunnite rodman; core driller wagon drill—diamond; air track drill; sandblaster, nozzleman and/or potman	5.30	.35	.25			
Plasterers	6.50					
Site preparation and grading:						
Power equipment operators:						
Master mechanic	6.50	.25	.25	.25	.05	
Group I	6.25	.25	.25	.25	.05	
Group II:						
Asphalt plant operator; elevating grader operator; pusheat operator	6.00	.25	.25	.25	.05	
Blades, all types, dozer; scoop operator, all types	6.25	.25	.25	.25	.05	
Group III	5.75	.25	.25	.25	.05	
Group IV	5.40	.25	.25	.25	.05	
Group V	5.50	.25	.25	.25	.05	
WD No. AM-7,718—36 F.R. 22101, Shawnee County, Kans., Modification No. 2						
CHANGE:						
Site preparation and grading:						
Power equipment operators:						
Master mechanic	6.50	.25	.25	.25	.05	
Group I	6.25	.25	.25	.25	.05	
Group II:						
Asphalt plant operator; elevating grader operator; pusheat operator	6.00	.25	.25	.25	.05	
Blades, all types, dozer; scoop operator, all types	6.25	.25	.25	.25	.05	
Group III	5.75	.25	.25	.25	.05	
Group IV	5.40	.25	.25	.25	.05	
Group V	5.50	.25	.25	.25	.05	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-573—36 F.R. 15777, Allegan County, Mich., Modification No. 5						
CHANGE:						
Building construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Carpenters	6.55	.35	.40		.01	
Ironworkers:						
Structural and ornamental	7.85	.50	.50		.02	
Reinforcing	7.80	.50	.50		.02	
WD No. AM-575—36 F.R. 15787, Berrien County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Ironworkers:						
All categories	8.10	.40	.65		.01	
WD No. AM-576—36 F.R. 15791, Calhoun County, Mich., Modification No. 6						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Ironworkers:						
Structural and ornamental	7.85	.50	.50		.02	
Reinforcing	7.80	.50	.50		.02	
Roofers, composition	7.10					
Roofers, slate and tile	7.35					
WD No. AM-577—36 F.R. 15795, Charlevoix County, Mich., Modification No. 4						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Ironworkers:						
Structural and ornamental	7.85	.50	.50		.02	
Reinforcing	7.80	.50	.50		.02	
WD No. AM-578—36 F.R. 15800, Chippewa and Mackinac Counties, Mich., Modification No. 5						
CHANGE:						
Modification No. 2—36 F.R. 22126, Nov. 19, 1971, to Modification No. 4						
ALSO CHANGE:						
Building construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Laborers:						
Construction laborers	4.60	.30	.20	.35		
Material mixers, mortar mixers (hand or machine), vibrator operators, concrete mixer operators, motor driven buggy operators, chipping hammers, tamping machines (whether run by air, electric, or gas), and sand blasters	4.70	.30	.20	.35		
Underground work:						
Muckers, caisson workers, miners, drillers, blasters	5.15	.30	.20	.35		
Blasters, miners, drillers, buster operators, and layers of all nonmetallic pipe, cement gun nozzlemen	5.00	.30	.20	.35		
WD No. AM-579—36 F.R. 15804, Emmet County, Mich., Modification No.						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Ironworkers:						
Structural and ornamental	7.85	.50	.50		.02	
Reinforcing	7.80	.50	.50		.02	
Sheet metal workers	7.02	.35	.23	.60	.10	
WD No. AM-580—36 F.R. 15809, Genesee County, Mich., Modification No. 4						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
WD No. AM 582—36 F.R. 15817, Grand Traverse and Leelanau Counties, Mich., Modification No. 4						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Ironworkers:						
Structural and ornamental	7.85	.50	.50		.02	
Reinforcing	7.80	.50	.50		.02	
Sheet metal workers	7.02	.35	.23	.60	.10	
WD No. AM-583—36 F.R. 15822, Huron County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
WD No. AM-584—36 F.R. 15828, Ingham County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
WD No. AM-585—36 F.R. 15835, Kalamazoo County, Mich., Modification No. 5						
CHANGE:						
Modification No. 2—36 F.R. 22126, Nov. 19, 1971, to Modification No. 3						
ALSO CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Roofers, composition	7.10					
Roofers, slate and tile	7.35					

V 37-19 JAN 28 72 J XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-386—36 F.R. 15837, Kent County, Mich., Modification No. 5						
CHANGE:						
Building construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Carpenters	6.55	.35	.40		.01	
Cement masons	6.90	.32	.18		.02	
WD No. AM-388—36 F.R. 15840, Marquette County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Laborers:						
Construction laborers	4.60	.30	.20	.35		
Material mixers, mortar mixers (hand or machine), vibrator operators, concrete mixer operators, motor driven buggy operators, chipping hammers, tamping machines (whether run by air, electric, or gas), and sand blasters	4.70	.30	.20	.35		
Underground work:						
Muckers, caisson workers, miners, driller, blaster	5.15	.30	.20	.35		
Blasters, miners, drillers, buster operators, and layers of all nonmetallic pipe, cement gun nozzlemen	5.00	.30	.20	.35		
WD No. AM-389—36 F.R. 15850, Mason County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Ironworkers:						
Structural and ornamental	7.85	.50	.50		.02	
Reinforcing	7.80	.50	.50		.02	
Roofers, compositions	7.10					
Roofers, slate and tile	7.35					
WD No. AM-390—36 F.R. 15855, Muskegon and Oceana Counties, Mich., Modification No. 4						
CHANGE:						
Building construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
Carpenters	6.55	.35	.40		.01	
Ironworkers:						
Structural and ornamental	7.85	.50	.50		.02	
Reinforcing	7.80	.50	.50		.02	
Roofers, composition	7.10					
Roofers, slate and tile	7.35					
WD No. AM 391—36 F.R. 15861, Saginaw County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
WD No. AM-392—36 F.R. 15867, St. Clair County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Boilermakers	7.83	.50	1.00	1.00	.01	
WD No. 389—36 F.R. 16361, Harrison and Pearl River Counties, Miss., Modification No. 4						
CHANGE:						
Electricians:						
Electricians	6.50	.25	1%+0.10		c	
Cable splicers	6.75	.25	1%+0.10		c	
Roofers	4.90					
Helpers	3.75					
Kettlemen	4.15					
WD No. AM 396—36 F.R. 16464, Hinds County, Miss., Modification No. 2						
CHANGE:						
Roofers	4.90					
Roofers' helpers	3.75					
WD No. AM-1,721—36 F.R. 14908, New York, Bronx, Kings, Queens, and Richmond Counties, N.Y., Modification No. 2						
CHANGE:						
Building construction:						
Painters:						
Interior	6.10	6½%	6½%+h	3%		
Interior and exterior swing scaffold work	7.41	6½%	6½%+h	3%		
Plumbers:						
Manhattan and Bronx	7.50	$0.868	$0.865	$0.763	$0.04	
WD No. AM 1,728—36 F.R. 14935, Nassau County, N.Y., Modification No. 3						
CHANGE:						
Building construction:						
Painters:						
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, East Rockaway, part of Oceanside, part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lido Beach, Point Lookout, Gibson and part of Valley Stream:						
Interior	6.10	6½%	6½%+f	3%		
Interior and exterior swing scaffold	7.41	6½%	6½%+f	3%		
Sheet metal workers	9.05	3%+0.10	4%+0.40	3%+0.35	½ of 1%	
WD No. AM-1,730—36 F.R. 14955, Oneida County, N.Y., Modification No. 4						
CHANGE:						
Building construction:						
Laborers, building:						
Townships of Forestport, Remsen, Trenton, Marcy, Deerfield, Whitestown, New Hartford, Kirkland, Marshall, Harris, Sangerfield and Bridgewater:						
Laborers	5.05	$0.65	$0.35			
Pipelayers, asphalt rakers, mortar mixers (hand or machine), mortar buggy operator (walk behind), power high lift, mason tender and power tool operator	5.20	.65	.35			
Blasters, form setters, motor buggy rider type	5.30	.65	.35			
Wagon drill operator, acetylene torch, chainsaw operator and wagon drill operator	5.55	.65	.35			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-3608—36 F.R. 16758 Tulsa County, Okla., Modification No. 5						
CHANGE:						
Painters:						
Brush	5.95				$0.20	$0.01
High work and stage	6.35				.20	.01
Spray and sandblasting	6.60				.20	.01
Hot or bituminous	7.25				.20	.01
Sheetrock hand tools	5.95				.20	.01
Sheetrock power tools	6.20				.20	.01
Hazardous work	8.15				.20	.01
Electricians	6.25	.29	1%+.10		.24	.04
Cable splicers	6.45	.29	1%+.10		.24	.04
WD No. AM-3,611—36 F.R. 16769, Tulsa County, Okla., Modification No. 1						
ADD:						
Electricians	6.25					
WD No. AM-3,612—36 F.R. 16770, Oklahoma County, Okla., Modification No. 1						
ADD:						
Electricians	6.80					
WD No. AM-1,848—36 F.R. 16250, Allegheny County, Pa., Modification No. 1						
CHANGE:						
Lathers	7.28	.30	$0.10		.01	
Line construction:						
Lineman and cable splicer	9.02	.15	1%		.5%	
Groundman	5.41	.15	1%		.5%	
Line truck operator	6.31	.15	1%		.5%	
Painters, commercial:						
Brush	7.88	.275	$0.20			
Paperhangers	7.93	.275	.20			
Spray	8.38	.275	.20			
Painters, industrial:						
Brush	8.18	.275	.20			
Spray	8.68	.275	.20			
WD No. AM-1,850—36 F.R. 16260, Dauphin County, Pa., Modification No. 1						
CHANGE:						
Carpenters	6.05	.20	.25		$0.02	
Cement masons	6.115	.20	.25			
Marble setters	7.345	.21	.175			
Painters:						
Brush	5.47	.16	.13			
Structural steel	5.92	.16	.13			
Spray	6.22	.16	.13			
Tank, bridges, stacks	6.72	.16	.13			
Tile setters	6.525	.21	.175			
WD No. AM-1,851—36 F.R. 16262, Cumberland County, Pa., Modification No. 1						
CHANGE:						
Carpenters	6.05	.20	.25		.02	
Cement masons	6.115	.20	.25			
Marble setters	7.345	.21	.175			
Painters:						
Brush	5.47	.16	.13			
Structural steel	5.92	.16	.13			
Spray	6.22	.16	.13			
Tank, bridges, stacks	6.72	.16	.13			
Tile setters	6.525	.21	.175			
PA-22-PEO-1-2:						
Power equipment operators (Building and heavy construction):						
Wage Group I:						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	8.68	4.6%	5.2%	a	.7%	
Wage Group II:						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3½ cubic yards and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20-foot lift and over, machines similar to the above	8.41	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high- or low-pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3½ cubic yards, mechanic-welders, motor patrols, drill helper—self contained rotary drills, core drill operator, forklift trucks under 20-foot lift, machines similar to the above	7.61	4.6%	5.2%	a	.7%	
Wage Group IV:						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	6.90	4.6%	5.2%	a	.7%	
Wage Group V:						
Fireman, grease truck	6.47	4.6%	5.2%	a	.7%	
Wage Group VI:						
Oilers and deckhands (personnel boats), core drill helper	6.64	4.6%	5.2%	a	.7%	
Wage Group VII:						
All machines with booms (including jibs, masts, leads, etc.):						
100 feet and over	8.93	4.6%	5.2%	a	.7%	
150 feet and over	9.18	4.6%	5.2%	a	.7%	
200 feet and over	9.43	4.6%	5.2%	a	.7%	

Footnote:
a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

V37-19 JAN 28 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,854—36 F.R. 16276, Franklin County, Pa., Modification No. 1						
CHANGE:						
Asbestos workers	7.48	$0.25	$0.30			
Cement masons	6.115	.20	.25			
Painters:						
Townships of Metal, Letterkenny, Hamilton, Greene, South Hampton, Lurgan and Fannett, Chambersburg and Shippensburg, Orida and Tempo Boroughs:						
Brush	5.47	.16	.13			
Structural steel	5.92	.16	.13			
Spray	6.22	.16	.13			
Tank, bridge and stack	6.72	.16	.13			
Roofers:						
Roofer	5.05	.35	.15			
Precast slabs and sheeters	5.85	.35	.15			
Slate and tile	5.50	.35	.15			
WD No. AM-1,857—36 FR 16291, Lehigh County, Pa., Modification No. 1						
CHANGE:						
Elevator constructors	8.02	.195	.20	1½%+a+b	$0.005	
Elevator constructors' helpers	5.61	.195	.20	1½%+a+b	.005	
Elevator constructors (prob.)	4.09					
Marble setters	6.19	.25	.35			
Terrazzo workers	6.44	.25	.35			
Tile setters	6.19	.25	.35			
PA-22-PEO-1-2-B:						
Power equipment operators (building and heavy construction):						
Wage Group I:						
Machines, doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	8.68	4.6%	5.2%	a	.7%	
Wage Group II:						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3½ cubic yards and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20-foot lift and over, machines similar to the above	8.41	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3½ cubic yards, mechanic-welders, motor patrols, drill helper—self contained rotary drills, core drill operator, forklift trucks under 20-foot lift, machines similar to the above	7.61	4.6%	5.2%	a	.7%	
Wage Group IV:						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	6.90	4.6%	5.2%	a	.7%	
Wage Group V:						
Fireman, grease truck	6.47	4.6%	5.2%	a	.7%	
Wage Group VI:						
Oilers and deck hands (personnel boats), core drill helper	5.61	4.6%	5.2%	a	.7%	
Wage Group VII:						
All machines with booms (including bibs, masts, leads, etc.):						
100 feet and over	8.93	4.6%	5.2%	a	.7%	
150 feet and over	9.18	4.6%	5.2%	a	.7%	
200 feet and over	9.43	4.6%	5.2%	a	.7%	
Footnote:						
a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.						
WD No. AM 1,863—36 F.R. 16319, Washington County, Pa., Modification No. 1						
CHANGE:						
Asbestos workers	8.72	$0.25	$0.60			
Lathers	7.28	.30	1.10		$0.01	
Line construction:						
Linemen and cable splicers	9.02	.15	1%		.5%	
Line truck operator	6.31	.15	1%		.5%	
Groundman	5.41	.15	1%		.5%	
Plumbers (remainder of county)	8.28	.50	$0.625	$0.075		
Soft floor layers	7.50	4%	5%	d	½%	
Terrazzo workers (charlerio)	8.575	$0.35	$0.20			
Terrazzo workers' helpers (charlerio)	7.355	.35	.10			
Terrazzo workers (dry grinding)	7.855	.35	.10			
Tile setters (charlerio)	7.90	.15				
Tile setters' helpers (charlerio)	7.39	.35				
WD No. AM 1,864—36 F.R. 16336, Westmoreland County, Pa., Modification No. 1						
CHANGE:						
Asbestos workers	8.72	.25	.60			
Bricklayers and stonemasons:	8.85	.35	.10			
Remainder of county	7.28	.30	1.10		$0.01	
Lathers						
Line construction:						
Linemen and cable splicers	9.02	.15	1%		.5%	
Groundman	5.41	.15	1%		.5%	
Line truck operators	6.31	.15	1%		.5%	
Plasterers	7.58	.37	$0.50			
Plumbers and steamfitters	7.10	.45	1.00	$1.00	.04	
Soft floor layers	7.50	4%	5%	d	½%	
Terrazzo workers	8.575	$0.35	$0.20			
Terrazzo workers (dry grinding)	7.855	.35	.10			
Terrazzo workers' helpers	7.355	.35	.10			
Tile setters	8.20	.15				
Tile setters' helpers	7.39	.35				

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-499—36 F.R. 16476, Roane and Anderson Counties, Tenn., Modification No. 3						
CHANGE:						
Building construction:						
Electricians (Oak Ridge in Anderson County and Roane County):						
Electricians	6.56	.20	1%		.5%	
Cable splicers	7.06	.20	1%		.5%	
Electricians (remaining area):						
Electricians	6.50	.20	1%		.5%	
Cable splicers	6.90	.20	1%		.5%	
Painters:						
Commercial	5.65		$0.20		$0.02	
Industrial	6.00		.20		.02	
Stacks, towers, bridges, and tanks over 50 feet high	6.35		.20		.02	
WD No. AM-500—36 F.R. 16478, Davidson County, Tenn., Modification No. 4						
CHANGE:						
Building construction:						
Painters:						
Brush and roller	5.30		.20		.05	
Spray	5.55		.20		.05	
Structural steel	5.55		.20		.05	
Sandblasting	6.05		.20		.05	
Roofers:						
Composition	5.50		.10	d		
Slate and tile	5.75		.10	d		
Tenn.—Zone-1-II:						
Highway construction:						
Bricklayers	4.91					
Carpenters	4.07					
Cement masons	3.97					
Ironworkers, reinforcing	3.98					
Ironworkers, structural	4.38					
Painter or sand blaster	3.81					
Laborers:						
Laborers, unskilled	2.50					
Air tool operator	2.72					
Mortar mixer, chain saw, pipelayer, conc. rubber	2.70					
Concrete saw operator, guard rail erector, sign erector	2.79					
Firemen	2.76					
Asphalt raker	2.87					
Concrete edger	2.89					
Powderman	3.25					
Form setter, steel road	2.91					
Nozzleman or gunman (gunite)	3.97					
Flagman	2.50					
Operating engineers:						
Dragline operator, shovel operator, crane operator, end loader 5 yards and over, pile driver operator, motor patrol finish, mechanic (class I)	4.07					
Backhoe operator, concrete paver operator	4.03					
End loader under 5 yards, mechanic, class II, motor patrol (rough), central mixing (asphalt or concrete), concrete finishing machine, soil cement machine, asphalt paver	3.65					
Bulldozer or push dozer operator, scraper operator, trenching machine, tractor (boom and hoist)	3.69					
Roller (high type)	3.51					
Spreader (self-propelled)	3.48					
Distributor (bituminous)	3.37					
Roller, other than finish, dozer or loader—stock pile only	3.24					
Tractor, crawler, utility	3.31					
Concrete mixer, less than 1 yard, earth drill	3.02					
Mulcher or seeder, scale operator, motor crane driver and oiler	3.00					
Tractor, farm	2.78					
Curb machine	2.77					
Ditch paver, mechanic helpers	2.74					
Pump operator, welder helper	2.71					
Track drill operator	2.84					
Oiler	2.77					
Truck drivers:						
2 axles	2.77					
3 axles	2.82					
4 axles	2.97					
5 axles or more or heavy off the road trucks or haulers	3.18					
Welders—Rate for craft.						

V37-19 JAN 28 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-605—36 F.R. 16486, Knox County, Tenn., Modification No. 3						
CHANGE:						
Building construction:						
Electricians and line construction:						
Electricians and linemen	$6.50	.20	1%		.5%	
Cable splicers	6.90	.20	1%		.5%	
Painters:						
Commercial	5.65		$0.20		$0.03	
Industrial	6.00		.20		.03	
Tenn.—Zone-1-II:						
Highway construction:						
Bricklayers	4.91					
Carpenters	4.07					
Cement masons	3.97					
Ironworkers, reinforcing	3.98					
Ironworkers, structural	4.38					
Painter or sand blaster	3.84					
Laborers:						
Laborers, unskilled	2.50					
Air tool operator	2.72					
Mortar mixer, chain saw, pipelayer, conc. rubber	2.70					
Concrete saw operator, guard rail erector, sign erector	2.79					
Firemen	2.76					
Asphalt raker	2.87					
Concrete edger	2.89					
Powderman	3.25					
Form setter, steel road	2.94					
Nozzleman or gunman (gunite)	3.97					
Flagman	2.50					
Operating engineers:						
Dragline operator, shovel operator, crane operator, end loader 5 yards and over, pile driver operator, motor patrol finish, mechanic (class I)	4.07					
Backhoe operator, concrete paver operator	4.03					
End loader under 5 yards, mechanic, class II, motor patrol (rough), central mixing (asphalt or concrete), concrete finishing machine, soil cement machine, asphalt paver	3.65					
Bulldozer or push dozer operator, scraper operator, trenching machine, tractor (boom and hoist)	3.69					
Roller (high type)	3.54					
Spreader (self-propelled)	3.48					
Distributor (bituminous)	3.37					
Roller, other than finish, dozer or loader—stock pile only	3.24					
Tractor, crawler, utility	3.31					
Concrete mixer, less than 1 yard, earth drill	3.02					
Mulcher or seeder, scale operator, motor crane driver and oiler	3.00					
Tractor, farm	2.78					
Curb machine	2.77					
Ditch paver, mechanic helpers	2.74					
Pump operator, welder helper	2.71					
Track drill operator	2.84					
Oiler	2.77					
Truck drivers:						
2 axles	2.77					
3 axles	2.82					
4 axles	2.97					
5 axles or more or heavy off the road trucks or haulers	3.18					
Welders—Rate for craft.						
WD No. AM-605—36 F.R. 16489, Shelby County, Tenn., Modification No. 2						
Change:						
Building construction:						
Electricians and linemen	6.83	.30	1%		.5%	
Cable splicers	6.93	.30	1%		.5%	
Tenn.—Zone-1-II:						
Heavy and highway construction:						
Bricklayers	4.91					
Carpenters	4.07					
Cement masons	3.97					
Ironworkers, reinforcing	3.98					
Ironworkers, structural	4.38					
Painter or sand blaster	3.84					
Laborers:						
Laborers, unskilled	2.50					
Air tool operator	2.72					
Mortar mixer, chain saw, pipelayer, conc. rubber	2.70					
Concrete saw operator, guard rail erector, sign erector	2.79					
Firemen	2.76					
Asphalt raker	2.87					
Concrete edger	2.89					
Powderman	3.25					
Form setter, steel road	2.94					
Nozzleman or gunman (gunite)	3.97					
Flagman	2.50					
Operating engineers:						
Dragline operator, shovel operator, crane operator, end loader 5 yards and over, pile driver operator, motor patrol finish, mechanic (class I)	4.07					
Backhoe operator, concrete paver operator	4.03					
End loader under 5 yards, mechanic, class II, motor patrol (rough), central mixing (asphalt or concrete), concrete finishing machine, soil cement machine, asphalt paver	3.65					
Bulldozer or push dozer operator, scraper operator, trenching machine, tractor (boom and hoist)	3.69					
Roller (high type)	3.54					
Spreader (self-propelled)	3.48					
Distributor (bituminous)	3.37					
Roller, other than finish, dozer or loader—stock pile only	3.24					
Tractor, crawler, utility	3.31					
Concrete mixer, less than 1 yard, earth drill	3.02					
Mulcher or seeder, scale operator, motor crane driver and oiler	3.00					
Tractor, farm	2.78					
Curb machine	2.77					
Ditch paver, mechanic helpers	2.74					
Pump operator, welder helper	2.71					
Track drill operator	2.84					
Oiler	2.77					
Truck drivers:						
2 axles	2.77					
3 axles	2.82					
4 axles	2.97					
5 axles or more or heavy off the road trucks or haulers	3.18					

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-7,489—36 F.R. 21737, Harris County, Tex., Modification No. 3						
CHANGE:						
Building construction:						
Painters:						
Brush	5.91	.275	$0.30	$0.20	$0.03	
Roller, steam cleaning, pneumatic tools	5.91	.275	.30	.20	.03	
Spray	6.285	.275	.30	.20	.03	
Sandblasting-waterblasting	6.285	.275	.30	.20	.03	
Steeple jack work, hot materials	6.535	.275	.30	.20	.03	
Plumbers	6.60	.22	.42	.50	.05	
WD No. AM-7,706—36 F.R. 22117, Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Castro, Swisher, and Childress Counties, Tex., Modification No. 2						
OMIT:						
Building construction:						
Laborers:						
Laborers	3.00					
Mason tenders	3.15					
ADD:						
Building construction:						
Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Wheeler, and Gray Counties:						
Laborers:						
Laborers	3.15					
Mason tenders	3.30					
Potter, Carson, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Castro, Swisher, and Childress Counties:						
Laborers:						
Laborers	3.00					
Mason tenders	3.15					
WD No. AM-7,716—36 F.R. 22125, Lubbock County, Tex., Modification No. 2						
CHANGE:						
Building construction:						
Laborers:						
Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading and unloading materials, wrecking buildings and all structures, and all construction laborers except those named below	3.60					
Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all nonmetallic pipe); handling, laying and cleaning pumperete pipe	3.875					
Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tampers, and spreaders; pot men and kettlemen, well drillers, bell hole men, dumpers, and spotters	3.70					
Wagon drill	3.95					
Blasterers and powder makeup men	4.20					
WD No. AM-1,845—36 F.R. 16241, Washington, D.C., Modification No. 9						
Sewer and Water lines:						
CHANGE:						
Bricklayers	8.60	.37	.18			
Carpenters	7.44	.20	.24		.07	
Ironworkers, reinforcing	7.15	.35	.25		.03	
Piledrivermen	7.565	.20	.24		.07	
Laborers:						
Open Cut:						
Laborers, probationary (first 60 days)	4.33	.25	.25		.03	
Laborers, jackhammer, rammers, and spaders	5.41	.25	.25		.03	
Timbermen, sheetingman, shoringman, caulkers, pipelayers' helpers	5.56	.25	.25		.03	
Bottom man	5.46	.25	.25		.03	
Wagon drillers, air track drillers	5.76	.25	.25		.03	
Pipelayers	5.76	.25	.25		.03	
Rock drillers	5.51	.25	.25		.03	
Tunnel:						
Brakeman, bull gang, dumper, trackman, concrete man	6.04	.25	.25		.03	
Chuck tender, powderman in prime house, form setters and movers, nippers, cablemen, housemen, grout men, bell or signal man, top or bottom, vibrator operator, caulkers helpers	6.345	.25	.25		.03	
Miners, rodmen, rebar underground, concrete or gunite, nozzleman, powderman, timberman, wood, steel including liner plate or any other support material, motormen, caulkers, diamond drill, riggers, cement finishers underground, welders and burners, shield driver	6.995	.25	.25		.03	
Mucking machine operator	7.245	.25	.25		.03	

Compressed air:

Gauge pressure pounds	*Work period minutes*	DAILY RATE	
From 1 to 14	360	61.56	a b
From 14 to 22	360	64.76	a b
From 22 to 32	268	67.96	a b
From 32 to 38	240	71.16	a b
From 38 to 44	240	73.86	a b

Footnotes:
a. Employer contributes $2 per day to Health and Welfare.
b. Employer contributes $2 per day to Pension.

[FR Doc.72-1136 Filed 1-27-72;8:45 am]

V37-19 JAN 28 72 XUM

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON ASBESTOS STANDARDS

Notice of Establishment and Meeting

Notice is hereby given that a standards advisory committee has been established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), and that it will meet at 10 a.m. on February 3, 1972, in Conference Room 107C, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C.

The advisory committee has been established to advise the Assistant Secretary of Labor for Occupational Safety and Health with regard to proposed rules concerning exposure of employees to asbestos dust which were published in the FEDERAL REGISTER on January 12, 1972 (37 F.R. 446). The meeting shall be open to the public.

Signed at Washington, D.C., this 26th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-1390 Filed 1-27-72;9:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 25, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119641 Sub 101, Ringle Express, Inc., assigned February 22, 1972, MC 128648 Sub 6, Trans United, Inc., assigned February 23, 1972, MC 117574 Sub 208, Daily Express, Inc., MC 123048 Sub 197, MC 114211 Sub 157, assigned February 24, 1972, MC 114211 Sub 156, assigned February 25, 1972, MC 107103 Sub 6, assigned February 28, 1972, MC 135739, assigned March 2, 1972, will be held in Room 1992, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 107456 Sub 16, Harry L. Young & Sons, Inc., application dismissed.

MC 97068 Sub 14, H. S. Anderson Trucking Co., MC 115608 Sub 11, Turner Bros. Trucking Co., Inc., now being assigned March 13, 1972, in Room 8212, Federal Building, 515 Rusk Street, Houston, TX.

FD 26969 IML Freight, Inc.—Purchase (Portion)—Michigan Express, Inc., now being assigned February 14, 1972, at the La Salle Hotel, 10 North La Salle Street, Chicago, IL.

MC 123639 Sub 144, J. B. Montgomery, Inc., assigned for hearing March 2, 1972, in Room 812, Federal Office Building, 106 South 15th Street, Omaha, NE.

MC 59934 Sub 8, Main Trucking & Rigging Co., Inc., application dismissed.

MC 13002 Sub 8 and 9, Fremont Smith Truck Line, Inc., MC 13087 Sub 35, Stockberger Transfer & Storage, Inc., MC 30844 Sub 365, Kroblin Refrigerated Express, MC 41404 Sub 96, Argo-Collier Truck Lines Corp., MC 59367 Sub 76, Decker Truck Line, Inc., MC 61592 Sub 235, Jenkins Truck Line, Inc., MC 82492 Sub 57, Michigan & Nebraska Transit Co., Inc., MC 83217 Sub 56, Dakota Express, Inc., MC 99780 Subs 16 and 17, Chipper Cartage Co., Inc., MC 105566 Subs 56 and 57, Sam Tanksley Trucking, Inc., MC 108053 Sub 104, Little Audrey's Transportation Co., Inc., MC 108449 Sub 328, Indianhead Truck Line, Inc., MC 110098 Sub 113, Zero Refrigerated Lines, MC 110563 Subs 63 and 69, Coldway Food Express, Inc., MC 111375 Subs 49 and 52, Pirkle Refrigerated Freight Lines, Inc., MC 112822 Sub 192, Bray Lines, Inc., MC 113362 Subs 208 and 217, Ellsworth Freight Lines, Inc., MC 113678 Sub 424, Curtis, Inc., MC 114273 Subs 84 and 93, Cedar Rapids Steel Transportation, Inc., MC 114457 Sub 112, Dart Transit Co., MC 114632 Sub 47, Apple Lines, Inc., MC 115331 Sub 310, Truck Transport, Inc., MC 117119 Sub 435, Willis Shaw Frozen Express, Inc., MC 117815 Sub 173, Pulley Freight Lines, Inc., MC 118180 Sub 11, Govan Express, Inc., MC 118263 Sub 48, Coldway Carriers, Inc., MC 119619 Sub 54, Distributors Service Co., MC 119741 Subs 38 and 39, Green Field Transport Co., Inc., MC 119767 Sub 267, Beaver Transport Co., MC 124211 Sub 190, Hilt Truck Line, Inc., MC 126473 Sub 17, Harold Dickey Transport, Inc., MC 127042 Sub 85, Hagen, Inc., MC 128497 Sub 10, Jack Link Truck Line, Inc., MC 128750 Sub 5, Pitt Truck, Inc., MC 129387 Sub 9, Bill Payne, doing business as Bill Payne Trucking Co., MC 133655 Sub 49, Trans-National Truck, Inc., MC 133775 Sub 9, Reefer Transit Line, Inc., MC 134777 Sub 11, Sooner Express, Inc., and MC 135100 Subs 4 and 5, Signal Transport, Inc., assigned February 28, 1972, will be in Room 286, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 110563 Sub 58, Coldway Food Express, Inc., now assigned January 26, 1972, at Washington, D.C., postponed to February 29, 1972, at the Office of the Interstate Commerce Commission, Washington, D.C.

MC 129708 Sub 1, McRay Truck Line, Inc., assigned January 31, 1972, at Louisville, Ky., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1308 Filed 1-27-72;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 25, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG- AND SHORT-HAUL

FSA No. 42341—*Superphosphate from Florida producing points.* Filed by M. B. Hart, Jr., agent (No. A6295), for interested rail carriers. Rates on superphosphate (including diammonium phosphate and monoammonium phosphate), in carloads, as described in the application, from specified Florida producing points, to East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief—Rail-barge-truck competition.

Tariff—Supplement 36 to Southern Freight Association, agent, tariff ICC S-948. Rates are published to become effective on March 2, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1307 Filed 1-27-72;8:51 am]

[Notice 13]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 24, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106943 (Sub-No. 106 TA), filed January 11, 1972. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, IN 47801. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., as an off-route point in connection with carrier's authorized regular-route operations to and from Harrisburg, Pa., for 180 days. NOTE: Applicant states tacking possibilities in MC 106943 would be performed at any interstate point on applicant's authority where concurrences are

in effect. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 107012 (Sub-No. 138 TA), filed January 14, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Karlten Holle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New pianos, uncrated and new piano benches*, when moving with shipments of new pianos, from the plant and warehouse facilities of Grand Piano Co., Inc., in or near Morganton, N.C., to points in the United States (except Alaska and Hawaii), *damaged, rejected, and return shipments* on return, for 180 days. Supporting shipper: Grand Piano Co., Inc., Post Office Box 842, Morganton, NC 28655 (Dennis K. Kincaid, President). Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 108207 (Sub-No. 339 TA), filed January 11, 1972. Applicant: FROZEN FOOD EXPRESS, Post Office Box 5888, 318 Cadiz (75207), Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Houston, Tex., to points in New Mexico, Arizona, and California, for 180 days. Supporting shipper: Hallson Icelandic Import Co., 5728 Green Ash, Houston, TX 77036. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 112822 (Sub-No. 221 TA), filed January 14, 1972. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: Joe Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, dry, in bulk, in bags, from the Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 150 days. Supporting shippers: Willchemco, J. J. Stefanec, Traffic Manager, National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113908 (Sub-No. 219 TA), filed January 14, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrates*, in bulk, in tank vehicles, from Mission, Tex., to Cicero, Ill., for 180 days. Supporting shipper: Wagner Industries, Division of A. E. Staley Manufacturing Co., 2011 Swift Drive, Oak Brook, IL 60521. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 124170 (Sub-No. 28 TA), filed January 13, 1972. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, MI 48207, 2450 Scotten, Detroit, MI 48209. Applicant's representative: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* in vehicles equipped with mechanical refrigeration, from the Port of Charleston, S.C., to points in Ohio, Michigan, Illinois, Indiana, and points in Pennsylvania west of U.S. Highway 15, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: District Supervisor Melvin F. Kirsch, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 124813 (Sub-No. 89 TA), filed January 14, 1972. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bulk, from the plantsite of American Colloid Co. near Belle Fourche, S. Dak., to points in Iowa, Minnesota, Nebraska, and Wisconsin, and St. Joseph, Mo., for 180 days. Supporting shipper: American Colloid Co., 5100 Suffield Court, Skokie, IL 60076. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 135578 (Sub-No. 2 TA), filed January 11, 1972. Applicant: TODD & BINDNER, INC., 3721 East 10th Street, Indianapolis, IN 46201. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from the plantsite of Glass Containers Corp., at Indianapolis, Ind., to the plantsite of Coca Cola Bottling Co., at Detroit, Mich., for 180 days. Supporting shipper: Glass Containers Corp., 114 Penn Avenue, Knox, PA 16232. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 136254 TA (Correction), filed December 17, 1971, published FEDERAL REGISTER January 12, 1972, corrected and republished in part as corrected this issue. Applicant: HOWARD & GENEVA SMITH, doing business as ARIZONA MOBILE HOME MOVERS, 3140 North Oracle Road, Tucson, AZ 85705. NOTE: The purpose of this partial republication to show applicant correct name as Arizona Mobile Home Movers, in lieu of Mobile Home Movers, and to show the correct zip code of the supporting shipper as 79701 in lieu of 97701. The rest of the application remains the same.

No. MC 136318 TA, filed January 11, 1972. Applicant: COYOTE TRUNK LINE, INC., 4295 East Mexico Avenue, No. 301, Denver, CO 80222; 1170 Dahlia Street, Denver, CO 80220. Applicant's representative: Earl H. Scudder, Jr., Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, new store fixtures, new laboratory equipment, new lamps and accessories, carpets, and padding*, from points in Buncombe, Burke, Catawba, Cleveland, Guilford, and McDowell Counties, N.C., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. Restriction: Restricted to the performance of service under a continuing contract or contracts with U.S. Plywood-Champion Papers, Inc., and its subsidiaries, Drexel Enterprises Division, for 180 days. Supporting shipper: Drexel Enterprises Division, Drexel, N.C. 28619. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 171 TA), filed January 11, 1972. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113, Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: J. E. Adkins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, between Glenville and Millstone, W. Va., serving all intermediate points; from Glenville, W. Va., over West Virginia Highway 5 to Grantsville, W. Va., thence over West Virginia Highway 16 to Millstone, W. Va., and return over the same route, for 180 days. NOTE: Applicant states joinder of the proposed authority with the authority now held under Docket MC 1515 and subs would be, specifically, at Glenville and Millstone, W. Va., authority in the area in which the foregoing joinder of routes is proposed, is authorized in Docket MC 1501 Sub 172 (renumbered MC 1515 sub 8 but not yet reissued). Further, it is also intended that traffic originating at or

V371 9 JAN 28 72 XUM

terminating on the proposed route described in Appendix A herein will be interlined with other carriers at points where applicant presently interlines traffic with such other carriers. Supported by: There are approximately 13 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1306 Filed 1-27-72;8:51 am]

[Notice 7]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 25, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73305. By order of January 24, 1972, the Motor Carrier Board authorized the transfer to Wallace Wiskow, doing business as O'Hara Fuel and Transfer Co., 309 East Third Street, Thief River Falls, MN, of certificate No. MC-88619 issued July 7, 1953, to Gerald O'Hara, and Clair O'Hara, doing business as O'Hara Fuel and Transfer Co., 309 East Third Street, Thief River Falls, MN, authorizing the transportation of: Household goods as defined by the Commission, between points in Pennington, Marshall, Red Lake, and Roseau Counties, Minn., on the one hand, and, on the other, points in North Dakota and South Dakota.

No. MC-73364. By order of January 24, 1972, the Motor Carrier Board approved the transfer to Rabon Transfer, Inc., Chadbourn, N.C., of certificates Nos. MC-112205 (Sub-No. 1) and MC-112205 (Sub-No. 5), issued September 25, 1958 and December 11, 1963, to Elsworth Lamotte Rabon, doing business as Rabon Transfer, Chadbourn, N.C., authorizing the transportation of: Finished lumber, plywood, and veneer, from Whiteville, and Hallsboro, N.C., and points within 3 miles of Whiteville and Hallsboro, to points in New York, New Jersey, Pennsylvania, and Maryland; roofing, roofing materials, asbestos siding, and insulation materials, from Bound Brook, Manville, and Newark, N.J., Philadelphia, Pa., and Baltimore, Md., to Whiteville, N.C.; fertilizer, from Wilmington, N.C., and points within 3 miles of Wilmington, to points in South Carolina within 20 miles of Tabor City, N.C.; household goods as defined by the Commission, and general commodities, with the usual exceptions, between points within 50 miles of Fairmont, N.C.; roofing and roofing materials, from Barber, N.J., to points in Columbus County, N.C.; household goods, between Whiteville, N.C., and points in North Carolina within 50 miles of Whiteville, on the one hand, and, on the other, points in Florida, Georgia, South Carolina, Maryland, Pennsylvania, and the District of Columbia; lumber, from Whiteville, Tabor City, Evergreen, and Hallsboro, N.C., to points in New York; from Whiteville and Hallsboro, N.C., to points in West Virginia; lumber (except plywood and veneer), from Whiteville, Hallsboro, and Grifton, N.C., to points in Tennessee, Kentucky, Ohio, Indiana, Connecticut, and Illinois; from Whiteville, N.C., to points in Florida; and forest products, lumber and veneer, from points in Brunswick and Columbus Counties, N.C., to points in Virginia, Maryland, Delaware, New Jersey, Pennsylvania, and the District of Columbia. Edward L. Williamson, 136 Washington Street, Whiteville, NC, attorney for applicants.

No. MC-FC-73396. By order of January 20, 1972, the Motor Carrier Board approved the transfer to Jenkins Van & Storage, Inc., 1535 Lincoln Boulevard, Santa Monica, CA, of certificate No. MC 81723, issued June 10, 1953, to Frank M. Jenkins, Leroy F. Jenkins, and James Jenkins, Jr. (above address), authorizing the transportation of: Household goods, as defined by the Commission between Santa Monica, and Los Angeles, Calif.

No. MC-FC-73417. By order of January 24, 1972, the Motor Carrier Board approved the transfer to Western Motor Freight, Inc., Oklahoma City, Okla., of certificate of registration No. MC-121673, issued May 28, 1971, to James Swindle, doing business as Western Motor Freight, Oklahoma City, Okla., evidencing a right to engage in transportation in interstate commerce corresponding in scope to Motor Carrier certificate No. MC-27289 Sub 1, granted by order dated January 19, 1971, issued by the Corporation Commission of Oklahoma. Rufus H. Lawson, 2400 Northwest 23d Street, Oklahoma City, OK 73107, attorney for applicants.

No. MC-FC-73429. By order of January 21, 1972, the Motor Carrier Board approved the transfer to Pack Transport, Inc., Salt Lake City, Utah, of certificate No. MC-10480, issued January 27, 1966, to Charles Rudolph Johnson, Ann M. Christiansen, Administratrix, Salt Lake City, Utah, authorizing the transportation of: Household goods, between specified counties in Utah and Idaho; building materials, coke, lime, and contractors' equipment and machinery, between points in Cache County, Utah, and specified counties in Idaho; and general commodities, with the usual exceptions, between points in Cache County, Utah. Max Eliason, Post Office Box 2602, Salt Lake City, Utah 84110, attorney for applicants.

No. MC-FC-73430. By order of January 21, 1972, the Motor Carrier Board approved the transfer to Mishak Truck Line, Inc., Clear Lake, Iowa, of permit No. MC-127410 (Sub-No. 1), issued December 19, 1966, to Frank Mishak, Clear Lake, Iowa, authorizing the transportation of prestressed concrete beams, from Clear Lake, Iowa, to Ortonville, Minn., and points in that part of Minnesota on and south of U.S. Highway 12, restricted to transportation for the account of A & M Prestress, Inc., and of certificate No. MC-27500, issued October 11, 1960, in the name of Milton G. Stites, and subsequently transferred to Frank Mishak, pursuant to MC-FC-73129, consummated January 5, 1972, authorizing the transportation of livestock, tankage, feed, seeds, grain, flour, salt, oil, building materials, fencing materials, agricultural implements and parts, heavy machinery, hardware, farm machinery, fertilizer, binder twine, wire and wire products, corrugated roofing, and coal, from, to, or between specified points in Iowa, South Dakota, Minnesota, and Illinois. Dual operations authorized. Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1305 Filed 1-27-72;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATIONS:	
2799 (see Proc. 4101)	659
2937 (see Proc. 4101)	659
2938 (see Proc. 4101)	659
2942 (see Proc. 4101)	659
2972 (see Proc. 4101)	659
3314 (see Proc. 4101)	659
4100	199
4101	659
EXECUTIVE ORDERS:	
11588 (see EO 11640)	1213
11615 (see EO 11640)	1213
11627:	
See EO 11639	521
Superseded by EO 11640	1213
11630 (superseded by EO 11640)	1213
11632 (superseded by EO 11640)	1213
11639	521
See EO 11640	1213

4 CFR

20	1103

5 CFR

213	201, 257, 258, 661, 925
531	859
532	1033
890	7, 1357

6 CFR

101	1237
105	1002
201	284, 1242
205	1004
300	284, 426, 587, 652, 775, 1007, 1244
301	1357
305	1008, 1244
401	1010

7 CFR

52	131, 587
271	1159
354	587, 788
401	1221
510	69
722	7, 272, 789, 1159
725	725
730	8, 859
760	1103
811	661, 725, 925
812	9
814	9
846	133
857	588
900	1103
905	523
907	10, 134, 523, 663, 860, 1033, 1223
910	70, 272, 663, 726, 1034
912	273, 664
914	664
917	273
930	273
932	323
953	926
959	1223
982	588
987	1159
993	861

7 CFR—Continued

	Page
1104	1225
1106	1225
1007	323
1421	1103
1610	275
PROPOSED RULES:	
51	616
52	1110
68	844
301	217, 218
718	742
719	1174
725	793
730	19
Ch. IX	1365
928	793
953	286
966	81
980	81, 1247
981	617
1001	447, 1112, 1388
1002	447, 1112, 1388
1004	20, 447, 742, 793, 1388
1006	447, 1338
1007	447, 1114, 1338
1011	447, 1388
1012	447, 1388
1013	447, 1388
1015	447, 1388
1030	447, 1388
1032	447, 1388
1033	447, 1388
1036	447, 465, 1388
1040	447, 1388
1043	447, 1388
1044	447, 1388
1046	447, 1388
1049	447, 1388
1050	447, 1388
1060	447, 1388
1061	447, 1050, 1388
1062	447, 1388
1063	447, 1388
1064	447, 1388
1065	447, 743, 1388
1068	447, 1050, 1388
1069	447, 1388
1070	447, 1388
1071	447, 1388
1073	447, 1388
1075	447, 1388
1076	447, 1388
1078	447, 1388
1079	447, 1388
1090	447, 1388
1094	447, 1388
1096	447, 1388
1097	447, 1388
1098	447, 1388
1099	447, 1388
1101	447, 1388
1102	447, 1388
1103	447, 1388
1104	447, 801, 1388
1106	447, 801, 1388
1108	447, 1388
1120	447, 1388
1121	447, 1388
1124	447, 1388
1125	447, 1388
1126	447, 1388
1127	447, 1388

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
1128	447, 1388
1129	447, 1388
1130	447, 1388
1131	447, 1388
1132	447, 1388
1133	447, 1388
1134	447, 1388
1136	447, 1388
1137	447, 1388
1138	447, 1388
1207	81
1421	936
1430	20
1481	810
1701	811, 1114

8 CFR

103	927
214	328
334	928
334a	928

9 CFR

53	134
75	862
76	329, 435, 665, 1228
78	863
82	135, 589
97	791
203	276
301	1229
311	435
316	435
317	435
320	1229
325	1229
400	135, 435
PROPOSED RULES:	
92	935
327	85, 1114

10 CFR

50	287, 288, 1410
PROPOSED RULES:	
50	287, 288
110	92, 1059
170	1121

12 CFR

201	11
211	776, 1104
265	1034
545	523, 1104
561	524
563	524
700	329
702	70
PROPOSED RULES:	
225	938, 1251
528	811
545	543
700	813
701	339
715	95
741	813

13 CFR

121	258, 1160

V37-19 JAN 28 72 XUM

14 CFR

	Page
13	436
39	11, 12, 70, 437, 665, 666, 726, 776, 928, 1160, 1229, 1230, 1357
71	13, 71, 135, 136, 276, 323, 437, 726, 727, 776, 777, 928, 1161, 1358–1360
73	437, 438, 590, 1231
75	13, 71, 667, 777
95	777
97	71, 529, 668, 1035, 1231
214	728
223	778
225	72
249	728
302	277, 1035
PROPOSED RULES:	
39	811
43	222
71	21, 91, 144, 146, 286, 287, 620, 621, 744, 937, 1119, 1249, 1407–1409
73	478
75	1250
91	222
93	1410
121	1175
135	222
207	222, 1122
208	222, 1122
212	222, 1122
214	222, 1122
372a	222, 1122
373	478
378	478
372a	222, 1122

15 CFR

	Page
1000	1360

16 CFR

	Page
13	729–735, 779
502	928
PROPOSED RULES:	
435	622

17 CFR

	Page
230	590, 591, 599
231	600
239	590, 591, 599
240	73
241	600
249	600, 601
270	1162
PROPOSED RULES:	
270	289
274	99, 289

18 CFR

	Page
2	780, 1162
11	1163
201	601, 1164
204	601
205	601
260	1164
PROPOSED RULES:	
141	22
201	337
204	337
205	337
250	885
260	337

19 CFR

	Page
4	865
6	1104
173	782
PROPOSED RULES:	
Ch. I	19

20 CFR

	Page
101	1166
PROPOSED RULES:	
405	89, 1249

21 CFR

	Page
3	1166
27	1167
29	865
121	14, 74, 329, 740
130	201
135	137
135b	1170
135c	14, 137, 1170
135e	74, 740
135f	14
141	1104, 1105
141a	438
144	1171
146a	438
146c	440
148e	330, 865
148k	865
148m	15
148x	866
149a	1105
295	741
301	137
PROPOSED RULES:	
1	1115
3	219, 1116
19	468, 869
27	20, 470
130	85, 1175
138	1248
141	1116
145	336
191	1020
191b	1020
304	144
308	867

22 CFR

	Page
11	277
41	15

24 CFR

	Page
200	75, 203, 209
201	210
203	138
207	138, 1245
220	138
221	1245
222	76
275	211
1710	1302
1720	1317
1909	1036
1911	1036
1913	1037
1914	280, 608, 783, 1037, 1246
1915	281, 609, 784, 1246
PROPOSED RULES:	
203	144

25 CFR

	Page
232	526
PROPOSED RULES:	
16	536

26 CFR

	Page
1	527
12	16, 281
601	1016
PROPOSED RULES:	
1	19, 99, 286, 336, 554, 1247, 1328
13	1247

28 CFR

	Page
0	931
41	784
301	138
PROPOSED RULES:	
48	935

29 CFR

	Page
673	1171
694	1171
1520	1172
1904	736
1910	332
1975	929
PROPOSED RULES:	
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620
688	620
689	620
690	620
720	620
727	620
1910	466, 743

30 CFR

	Page
75	17
225	441
225a	441

31 CFR

	Page
10	1016
223	1231
530	1108

32 CFR

	Page
270	77
1499	668
PROPOSED RULES:	
1467	99
Ch. XVI	486
1604	479
1606	479, 484
1609	484
1611	479
1613	484
1621	479
1622	479
1623	479
1624	479, 1115
1625	479
1626	479, 1115
1627	479
1630	479
1631	479
1632	479
1641	479
1643	479
1660	485

32A CFR

	Page
Ch. X:	
OI Reg. 1	601

33 CFR

	Page
117	784
204	527
207	668
208	1106
PROPOSED RULES:	
401	938

35 CFR

	Page
5	77
253	281

36 CFR

	Page
2	1362
212	737
231	211
261	737
PROPOSED RULES:	
2	1365

37 CFR

	Page
2	931

38 CFR

	Page
8a	282

39 CFR

	Page
235	77
780	211, 443
761	211, 443

40 CFR

	Page
85	669, 784
180	78, 140, 141, 332–334, 443, 737–739, 1232, 1362
PROPOSED RULES:	
2	621
6	879
61	1410
115	478
164	1059
180	92–94, 337, 1176

41 CFR

	Page
1–1	1037, 1363
1–3	610
1–16	610
3–75	1041
4–4	1233
4–5	1233
5A–1	527
5A–2	932
5A–3	141
5A–7	141
5A–8	142
5A–16	528
5A–72	932
5A–76	528
5B–1	334
8–1	613, 1234
8–2	1234
8–3	1234
8–7	1234
8–12	1234
101–17	78
101–26	668
101–32	932
101–35	1172
101–43	614
101–44	614
101–47	740
103–40	17
114–26	934
114–43	934
PROPOSED RULES:	
3–4	743
51–1	336

42 CFR

	Page
53	182
PROPOSED RULES:	
91	1116

43 CFR

	Page
4110	213
PUBLIC LAND ORDERS:	
1932 (amended by PLO 5147)	18
3530 (revoked in part by PLO 5153)	785
3869 (revoked in part by PLO 5153)	785
4582 (modified by PLO 5149)	18
4962 (see PLO 5149)	18
5081 (see PLO 5149)	18
5147	18
5148	18
5149	18
5150	142
Amended by PLO 5151	142, 528
5151	142, 528
5152	785
5153	785
2800	217
2810	217

45 CFR

	Page
177	335
249	443
1060	444
PROPOSED RULES:	
121	870
130	470

46 CFR

	Page
157	528
310	335
390	16
PROPOSED RULES:	
72	676
92	676
137	879
146	220, 937
190	676
510	678, 1252

47 CFR

	Page
2	604
31	605
33	605
73	529, 605, 1041, 1161
74	1045
89	213
91	283
93	1235
PROPOSED RULES:	
0	145
1	537
2	145, 146, 537
15	94, 146
21	146
43	1250
73	539–542, 621, 1067, 1122, 1177
87	587
89	146, 676
91	146, 676
93	676

49 CFR

	Page
7	214
99	532
Ch. I	585
178	444
191	1172
301	214
566	1364
571	284, 445, 1107
1002	215
1033	934, 1046
1121	1046, 1049
1203	866
1300	335
1311	1107
PROPOSED RULES:	
192	145, 1175
571	222, 1059, 1120
1048	1252

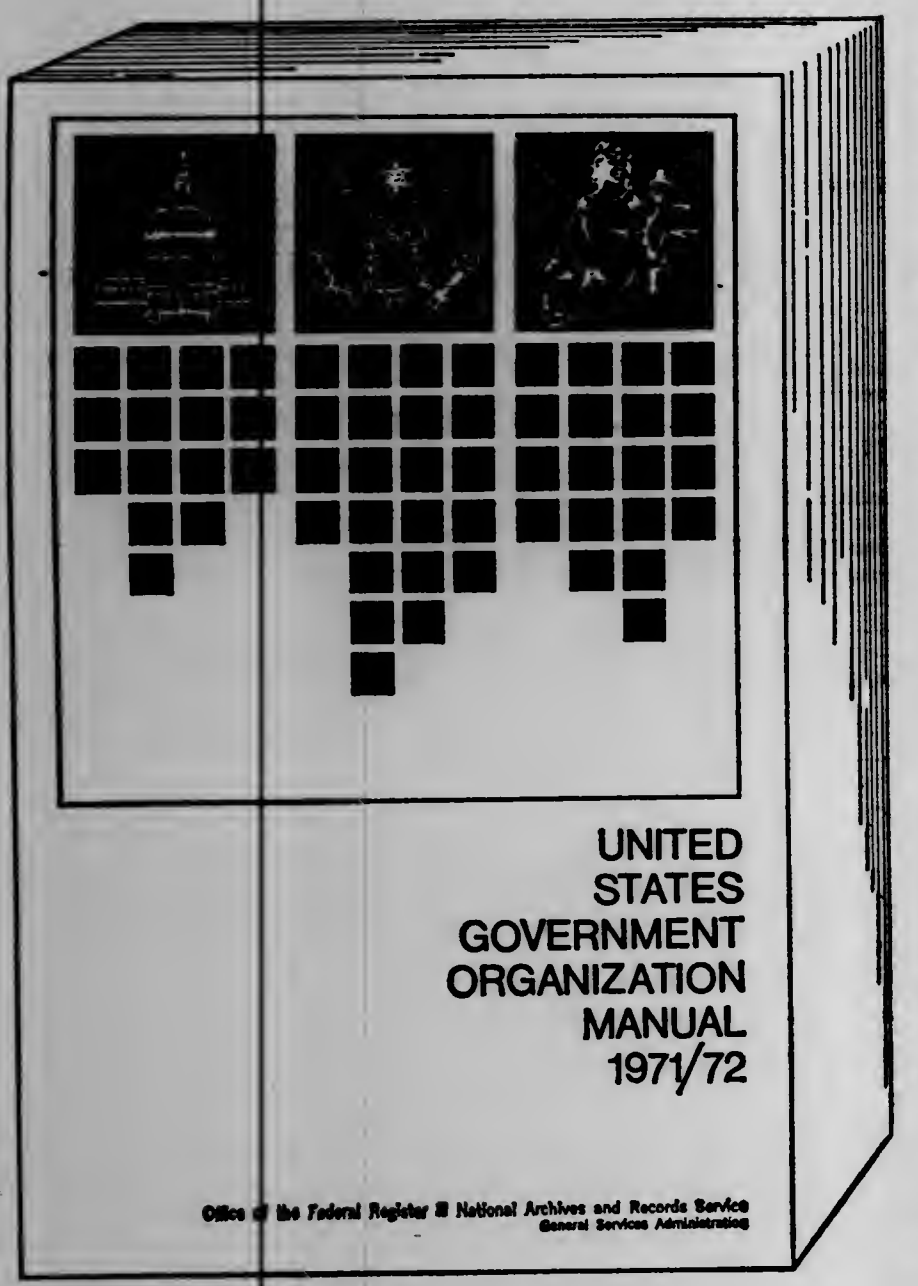
50 CFR

	Page
28	79, 445, 535, 1237
33	79, 80, 785, 1049
35	1049
240	786
PROPOSED RULES:	
28	447

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date	Pages	Date	Pages	Date
1–62	Jan. 4	429–513	Jan. 12	853–918	Jan. 20
63–123	5	515–582	13	919–1027	21
125–193	6	583–654	14	1029–1096	22
195–249	7	655–717	15	1097–1152	25
251–315	8	719–767	18	1153–1205	26
317–427	11	769–852	19	1207–1349	27
				1351–1445	28

V37-19 JAN 28 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-2

federal register

SATURDAY, JANUARY 29, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 20
Pages 1447–2410
PART I

(Part II begins on page 2001)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

INCOME TAX—IRS temporary regulations on the Class Life Asset Depreciation Range System 1469

INVESTMENT COMPANIES—
SEC guidelines for checking accounts 1474
SEC proposal to allow petty cash accounts in custodian banks; comments by 1–14–72 1494
SEC time extension to 2–29–72 for comments on the petty cash account proposal 1493

INSURANCE COMPANIES—SEC notice of withdrawal of the separate accounts proposals 1494

MOTOR CARRIER SAFETY—DoT proposals for more stringent accident-reporting requirements; comments by 4–14–72 1491

DRUGS—
FDA extension of time to 3–11–72 for comments on the proposed policy concerning the potency of antibiotics 1477
FDA notice withdrawing approval of a certain animal drug 1501

FHA LOANS—USDA proposal to provide a review opportunity for rejected applicants; comments within 20 days 1476

DANGEROUS DRUGS—Justice Dept. amendment to control Propiran 1468

FOOD ADDITIVES—FDA amendments providing for the use of a certain paper component and a surface lubricant; effective 2–29–72 (2 documents) 1466, 1467

(Continued inside)

VOL. 37 NO. 20 JAN 29 72 XUM

Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements, system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist

HIGHLIGHTS—Continued

COSMETICS PACKAGING—FDA amendment making exemptions from the required quantity of contents statement .. 1466

NET CAPITAL OF BROKERS—SEC amendment on the handling of liability reserves; effective 3–6–72 1473

SECURITIES FILINGS—SEC amendments setting up a fee schedule; effective 3–1–72 1471

BANK HOLDING COMPANIES—FRS amendment and interpretation to permit investment advisor activities (2 documents); effective 2–1–72 1463, 1464

INVESTIGATION OF RAIL FREIGHT—ICC notice of decisions on various petitions 1512

ANTIDUMPING—Tariff Commission notice of investigation and hearing on 3–7–72 regarding large power transformers from France, Italy, Japan, Switzerland and the United Kingdom 1509

AIRLINES—CAB notice of the resumption of talks on capacity reduction in the New York/Newark-San Juan market 1502

NATURAL LANDMARKS—Interior Dept. revision of the National Register 1496

V37-20

GS 4.107:
37/20/pt.1

DOCUMENTS

LIBRARY USE ONLY

federal register

SATURDAY, JANUARY 29, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 20
Pages 1447–2410
PART I



(Part II begins on page 2001)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

INCOME TAX—IRS temporary regulations on the Class Life Asset Depreciation Range System 1469

INVESTMENT COMPANIES—
SEC guidelines for checking accounts 1474
SEC proposal to allow petty cash accounts in custodian banks; comments by 1–14–72 1494
SEC time extension to 2–29–72 for comments on the petty cash account proposal 1493

INSURANCE COMPANIES—SEC notice of withdrawal of the separate accounts proposals 1494

MOTOR CARRIER SAFETY—DoT proposals for more stringent accident-reporting requirements; comments by 4–14–72 1491

DRUGS—
FDA extension of time to 3–11–72 for comments on the proposed policy concerning the potency of antibiotics 1477
FDA notice withdrawing approval of a certain animal drug 1501

FHA LOANS—USDA proposal to provide a review opportunity for rejected applicants; comments within 20 days 1476

DANGEROUS DRUGS—Justice Dept. amendment to control Propiran 1468

FOOD ADDITIVES—FDA amendments providing for the use of a certain paper component and a surface lubricant; effective 2–29–72 (2 documents) 1466, 1467

(Continued inside)

LIBRARY
EASTERN MICHIGAN UNIVERSITY
YPSILANTI
U. S. DEPOSITORY DOCUMENT

No. 20—Pt. I——1

FEB 3 1972

V 37 NO 20 JAN 29 72 XUM

Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements; and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. It includes an Index of Contents and a system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist of White House releases, and a digest of other White House announcements.

This systematic publication of Presidential items provides users with up-to-date information and a permanent reference source concerning Presidential policies and pronouncements.

Subscription Price: $9.00 per year

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from: Superintendent of Documents
U.S. Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

COSMETICS PACKAGING—FDA amendment making exemptions from the required quantity of contents statement 1466

NET CAPITAL OF BROKERS—SEC amendment on the handling of liability reserves; effective 3–6–72 1473

SECURITIES FILINGS—SEC amendments setting up a fee schedule; effective 3–1–72 1471

BANK HOLDING COMPANIES—FRS amendment and interpretation to permit investment advisor activities (2 documents); effective 2–1–72 ..... 1463, 1464

INVESTIGATION OF RAIL FREIGHT—ICC notice of decisions on various petitions 1512

ANTIDUMPING—Tariff Commission notice of investigation and hearing on 3–7–72 regarding large power transformers from France, Italy, Japan, Switzerland and the United Kingdom 1509

AIRLINES—CAB notice of the resumption of talks on capacity reduction in the New York/Newark-San Juan market 1502

NATURAL LANDMARKS—Interior Dept. revision of the National Register 1496

Contents

AGRICULTURE DEPARTMENT
See Consumer and Marketing Service; Farmers Home Administration; Packers and Stockyards Administration.

CIVIL AERONAUTICS BOARD
Rules and Regulations
Facts contained in certain documents; official notice 1465
Notices
Hearings, etc.:
Compania Mexicana de Aviacion, S.A. (CMA) 1502
Pan American World Airways, Inc 1502

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service; termination of certain Commissions, Task Force, and Council 1453

COAST GUARD
Proposed Rule Making
Special purpose water safety buoyant devices; revision of listing and labeling procedures 1491

COMMERCE DEPARTMENT
See Import Programs Office; International Commerce Bureau.

COMPTROLLER OF THE CURRENCY
Rules and Regulations
Annual report of bank and statements of beneficial ownership of equity securities; forms 1458
Bank holding companies; nonbanking activities (2 documents) 1463, 1464

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Lemons grown in California and Arizona; handling limitation 1453
Milk in Middle Atlantic marketing area; order amending order 1454
Navel oranges grown in Arizona and designated part of California; handling limitations (2 documents) 1453
Raisins produced from grapes grown in California; free and reserve percentages for 1971–72 crop year 1454
Proposed Rule Making
Milk in the Boston regional and certain other marketing areas; decision on proposed amendments to marketing agreements and to orders; correction 1476

CUSTOMS BUREAU
Notices
Assistant Commissioners of Customs et al.; performance of functions 1496

ENVIRONMENTAL PROTECTION AGENCY
Rules and Regulations
Transportation; contract delivery terms 1470

FARMERS HOME ADMINISTRATION
Rules and Regulations
Federal statute of limitations; prevention of use as defense in suits 1457
Proposed Rule Making
Loan applications; procedure for review 1476

FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
Compilation of regulations 2002
Federal airway segments; alteration and revocation 1464

FEDERAL HIGHWAY ADMINISTRATION
Proposed Rule Making
Highway accidents; revision of notification, reporting and recording procedures 1491

FEDERAL MARITIME COMMISSION
Notices
American West African Freight Conference; agreement filed 1503

FEDERAL POWER COMMISSION
Notices
Cabot Corp. et al.; applications for certificates, abandonment of service and petitions to amend certificates 1503

FEDERAL RESERVE SYSTEM
Notices
First Banc Group of Ohio, Inc.; approval of acquisition of bank 1505
Firstbrook Corp.; order denying formation of bank holding company 1506
First National Holding Corp.; proposed acquisitions (2 documents) 1506
Mechanics and Farmers' Bank of Albany, approval of application for merger of banks 1507

(Continued on next page)

LIBRARY
EASTERN MICHIGAN UNIVERSITY
YPSILANTI
U. S. DEPOSITORY DOCUMENT

V 37 - 20 JAN 29 72 XUM

FISH AND WILDLIFE SERVICE

Rules and Regulations

Sand Lake National Wildlife Refuge, S. Dak.; sport fishing regulations ---- 1470

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Cosmetic packaging; exemption from required quantity of contents statement ---- 1466
Food additives:
Paper and paperboard components in contact with aqueous and fatty foods ---- 1466
Surface lubricants used in manufacture of metallic articles ---- 1467

Proposed Rule Making

Potency of antibiotic-containing drugs at time of certification; extension of time for filing comment on policy statement ---- 1477

Notices

Wyeth Laboratories, Inc.; withdrawal of approval of new animal drug application ---- 1501

FOREIGN-TRADE ZONES BOARD

Notices

Mayaguez, Puerto Rico; filing and investigation regarding application for contiguous expansion of zone ---- 1507

GENERAL SERVICES ADMINISTRATION

Notices

Secretary of Defense; delegation of authority ---- 1508

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Proposed Rule Making

Government property:
Accounting, control, and utilization ---- 1487
Contractor use ---- 1477

Notices

Health Services and Mental Health Administration; statement of organization, functions, and delegations of authority ---- 1501

IMPORT PROGRAMS OFFICE

Notices

Duty-free entry of scientific articles; decisions on applications (5 documents) ---- 1500

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

Notices

Black Diamond Coal Mining Co.; opportunity for public hearing regarding applications for renewal permits ---- 1508

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; National Park Service.

INTERNAL REVENUE SERVICE

Rules and Regulations

Economic stabilization; procedural rules; correction ---- 1453
Temporary income tax regulations; election of class life asset depreciation range system ---- 1469

INTERNATIONAL COMMERCE BUREAU

Rules and Regulations

Export regulations; miscellaneous amendments ---- 1465

Notices

Armazens de Productos Quimicos de Mozambique Limitada (APQ); order terminating indefinite denial order ---- 1499

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ---- 1510
Fourth section applications for relief ---- 1510
General Mills, Inc., et al.; petitions for reconsideration of investigation of railroad freight rate structure ---- 1512
Motor carrier temporary authority applications ---- 1510

JUSTICE DEPARTMENT

See also Narcotics and Dangerous Drugs Bureau.

Rules and Regulations

Bureau of Narcotics and Dangerous Drugs; redelegation of functions ---- 1470

LAND MANAGEMENT BUREAU

Notices

Wyoming; proposed classification; correction ---- 1496

NARCOTICS AND DANGEROUS DRUGS BUREAU

Rules and Regulations

Control of Propiram ---- 1468

NATIONAL PARK SERVICE

Notices

National landmarks; National Register revision ---- 1496

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Livestock Marketers, Inc., et al.; deposting of stockyards ---- 1499
Phillips Sale Co. et al.; posted stockyards ---- 1499

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Certain filings and services; adoption of fee schedule ---- 1471
Checking accounts established by investment companies having bank custodians; guidelines ---- 1474
Net capital of brokers; handling of liability reserves ---- 1473

Proposed Rule Making

Insurance company separate accounts for variable annuity contracts; withdrawal of proposal ---- 1494
Registered investment companies which retain bank custodians; establishment and maintenance of petty cash accounts (2 documents) ---- 1493, 1494

Notices

Hearings, etc.:
Coatings Unlimited, Inc ---- 1508
Columbia Gas System, Inc. and Columbia Gas System Service Corp ---- 1508
Continental Vending Machine Corp ---- 1509
Ecological Science Corp ---- 1509
Environment and Ecology Fund, Inc ---- 1509

SELECTIVE SERVICE SYSTEM

Proposed Rule Making

Selective Service regulations; claims, classifications, etc ---- 1494

TARIFF COMMISSION

Notices

Large power transformers from France, Italy, Japan, Switzerland and the United Kingdom; investigation and hearing regarding sale at less than fair value ---- 1509

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Highway Administration.

TREASURY DEPARTMENT

See also Comptroller of the Currency; Customs Bureau; Internal Revenue Service.

Notices

Division of Classification and Value et al.; changes in titles and designation of certain divisions ---- 1496

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR

213 ---- 1453

6 CFR

401 ---- 1453

7 CFR

907 (2 documents) ---- 1453
910 ---- 1453
989 ---- 1454
1004 ---- 1454
1861 ---- 1457

PROPOSED RULES:

1096 ---- 1476
1801 ---- 1476

12 CFR

11 ---- 1458
225 (2 documents) ---- 1463, 1464

14 CFR

71 (2 documents) ---- 1464, 2002
73 ---- 2002
75 ---- 2002
302 ---- 1465

15 CFR

372 ---- 1465
375 ---- 1465
379 ---- 1465

17 CFR

230 ---- 1471
240 (2 documents) ---- 1471, 1473
250 ---- 1472
270 ---- 1472
271 ---- 1474
275 ---- 1473

PROPOSED RULES:

270 (3 documents) ---- 1493, 1494

21 CFR

1 ---- 1466
121 (2 documents) ---- 1466, 1467
308 ---- 1468

PROPOSED RULES:

145 ---- 1477

26 CFR

12 ---- 1469

28 CFR

0 ---- 1470

32 CFR

PROPOSED RULES:

1609 ---- 1494
1622 ---- 1494
1628 ---- 1494
1655 ---- 1494

41 CFR

15–19 ---- 1470

PROPOSED RULES:

3–56 ---- 1477
103–27 ---- 1487
103–43 ---- 1487

46 CFR

PROPOSED RULES:

160 ---- 1491

49 CFR

PROPOSED RULES:

394 ---- 1491

50 CFR

33 ---- 1470

V37-20 JAN 29 72 XUM

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Termination of Certain Commissions, Task Force, and Council

Schedule A is amended to reflect the termination of the following organizations: National Council on Marine Resources and Engineering Development; Atlantic-Pacific Interoceanic Canal Study Commission; Commission on Marine Science, Engineering, and Resources; National Commission on Consumer Finance; and the Presidential Foreign Assistance Task Force.

Effective on publication in the FEDERAL REGISTER (1-29-72), Part 213 is amended as set out below.

§ 213.3103 Executive Office of the President.

* * * * *

(b) [Revoked]

* * * * *

§ 213.3178 [Revoked]

§ 213.3190 [Revoked]

§ 213.3199 Temporary boards and commissions.

* * * * *

(f) [Revoked]

* * * * *

(j) [Revoked]

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1327 Filed 1-28-72;8:46 am]

Title 6—ECONOMIC STABILIZATION

Chapter IV—Internal Revenue Service

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Correction

In F.R. Doc. 72-940 appearing at page 1010 in the issue of Friday, January 21, 1972, the following changes should be made:

1. In the definition of "Pay Board" in § 401.2, the third line should read "36 F.R. 20139 (1971), as amended."

2. In § 401.205, the last two lines of paragraph (b)(3) should read "following the decision or further litigating the matter has not been resolved".

3. The section heading of § 401.304, now reading "Processing or requests." should read "Processing of requests."

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 252, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* This provision in paragraph (b)(1) (i) and (ii) of § 907.552 (Navel Orange Regulation 252, 37 F.R. 860) during the period January 21 through January 27, 1972, are hereby fixed as follows:

§ 907.552 Navel Orange Regulation 252.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 924,000 cartons;

(ii) District 2: 176,000 cartons.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 26, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-1381 Filed 1-28-72;8:50 am]

[Navel Orange Reg. 252]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling; Correction

In the FEDERAL REGISTER issue of January 20, 1972, a Navel orange volume regulation was issued as Navel Orange Regulation 251, § 907.551 (37 F.R. 860). A Navel orange size regulation bearing the same citation was processed at an earlier date, to become effective on the same date as the volume regulation. The Navel orange volume regulation should have been Navel orange regulation No. 252, § 907.552.

The heading for § 907.552 is corrected to read as follows:

§ 907.552 Navel Orange Regulation 252.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: January 26, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-1382 Filed 1-28-72;8:50 am]

[Lemon Reg. 518]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.818 Lemon Regulation 518.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regarding the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said

V37-20 JAN 29 72 XUM

amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 25, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 30 through February 5, 1972, is hereby fixed at 185,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 27, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–1407 Filed 1–28–72;8:51 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Free and Reserve Percentages for 1971–72 Crop Year

Pursuant to §§ 989.54(b) and 989.55 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, the preliminary free tonnage percentage and reserve tonnage percentage applicable to standard natural Thompson Seedless raisins acquired by handlers during the 1971–72 crop year were designated 65 percent and 35 percent, respectively (§ 989.229; 36 F.R. 20742). Such preliminary free tonnage percentage was recommended by the Raisin Administrative Committee, established pursuant to the amended marketing agreement and order, as tending to release 117,000 tons, or about 89 percent of the desirable free tonnage (§ 989.222; 36 F.R. 20150) of 131,250 tons for such raisins. This marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

The Committee is required by § 989.54 (b) to recommend, no later than February 15, a free tonnage percentage which will tend to release the full desirable free tonnage of 131,250 tons of standard natural Thompson Seedless raisins. The 1971–72 crop year production of standard raisins of such varietal type was estimated by the Committee to be 171,000 tons, and the Committee, on that basis, recommended at its meeting on January 6, 1972, a final free tonnage percentage of 77 percent and a reserve tonnage percentage of 23 percent. The designation; pursuant to § 989.55, of 77 percent as the final free tonnage percentage would tend to release the full desirable free tonnage of 131,250 tons. As provided in § 989.54(b), the difference between the free tonnage percentage and 100 percent is the reserve percentage.

After consideration of all relevant information, including the information and recommendation submitted by the Committee, and other available information, it is hereby found that the designation of the final free tonnage percentage and the reserve tonnage percentage, as hereinafter set forth, would tend to effectuate the declared policy of the act.

Therefore, § 989.229 (36 F.R. 20742) is revised to read as follows:

§ 989.229 Free and reserve percentages for the 1971–72 crop year.

The percentages of standard natural Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1971, which shall be free tonnage and reserve tonnage, respectively, are designated as follows: Free tonnage percentage, 77 percent; and reserve tonnage percentage, 23 percent.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice of this action and engage in public rule making procedure, and that good cause exists for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves restrictions as to the amount of standard raisins available immediately to handlers for use in free tonnage outlets; (2) under this part the respective free tonnage and reserve tonnage percentages, designated for a particular varietal type and crop year, apply to all standard raisins of such varietal type acquired by handlers from the beginning of the crop year; (3) the current crop year began September 1, 1971, and the percentages designated herein will automatically apply to such raisins acquired by handlers on or after that date; and (4) handlers are aware that this action has been recommended by the Committee and require no additional time beyond the date of such publication to comply therewith.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 25, 1972.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division.

[FR Doc.72–1338 Filed 1–28–72;8:47 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Docket No. AO–160–A47; Milk Order 4]

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments therto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1397, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interest of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1004.60 is revised as follows:

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.46, 1004.50 through 1004.52, 1004.62 through 1004.65, 1004.70 through 1004.72, 1004.80 through 1004.89, and 1004.100 through 1004.110 shall not apply to a producer-handler.

2. In § 1004.62, paragraph (b)(5) is revised as follows:

§ 1004.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), less the value of such skim milk at the Class II price.

3. In § 1004.71, a new paragraph (c) is added as follows:

§ 1004.71 Computation of weighted average price.

* * * * * *

(c) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

* * * * * *

4. In § 1004.72, paragraphs (a) (1) and (2) are revised as follows:

§ 1004.72 Computation of uniform prices for base milk and excess milk.

* * * * * *

(a) * * *

(1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents.

(2) Multiply the remaining hundredweight quantity of excess milk by the Class I price less 5 cents; and

* * * * * *

5. In § 1004.85, paragraph (b)(2) is revised as follows:

§ 1004.85 Payments to the producer-settlement fund.

* * * * * *

(b) * * *

(2) The value at the weighted average price plus 5 cents, adjusted by the applicable location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value of the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

6. Immediately following § 1004.89, a new centerhead and new §§ 1004.100 through 1004.112 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1004.100 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1004.111(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1004.101 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1004.103(b) is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1004.103(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1004.102 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1004.103 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating membership and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1004.101 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible

FEDERAL REGISTER, VOL. 37, NO. 20—SATURDAY, JANUARY 29, 1972

V 37 N 20 JAN 29 72 XUM

votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1004.104 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1004.105 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1004.100;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1004.100 and 1004.107.

§ 1004.106 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1004.100 and 1004.107;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1004.107 Advertising, research, education, and promotion programs.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1004.108 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1004.111(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1004.109 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1004.110 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A producer, located in a State which has a State advertising and promotion program in which producers are required to participate unless they are participating in an advertising and promotion program under a Federal order, may (in lieu of a refund request) authorize the market administrator to pay to the State the amount of his required participation not in excess of 5 cents per hundredweight.

§ 1004.111 Duties of the market administrator.

Except as specified in § 1004.106, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1004.103(c);

(b) Set aside the amounts subtracted under § 1004.71(c) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraph (3) of this paragraph; payments, if any, to producers or states pursuant to subparagraph (2) of this paragraph; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1004.71(c).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1004.110 or make payment to any State on behalf of any producer for which specific authorization has been received pursuant to § 1004.110(d). Such refund or payment, as the case may be, shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.71(c) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1004.100 through 1004.112).

(d) Audit the Agency's records of receipts and disbursements.

§ 1004.112 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1004.84.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1972, with respect to marketings on and after April 1, 1972.

Signed at Washington, D.C., on January 27, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–1401 Filed 1–28–72;8:51 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 450.6]

PART 1861—ROUTINE

Federal Statute of Limitations

Part 1861, Routine, is amended by adding a new Subpart E, "Federal Statute of Limitations." The new Subpart E provides the procedure to be followed to prevent the Federal Statute of Limitations from being asserted as a defense in suits on Farmers Home Administration claims.

Subpart E—Federal Statute of Limitations

Sec.
1861.71 Purpose.
1861.72 Time within which court action must be commenced.
1861.73 Time limit for submission for litigation.
1861.74 Servicing policy on contract claims.

AUTHORITY: The provision of this Subpart E issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Act. Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529; Order of Director, OEO, 29 F.R. 14764.

Subpart E—Federal Statute of Limitations

§ 1861.71 Purpose.

This subpart outlines the procedure to be followed in preventing the Federal Statute of Limitations from being asserted as a defense in suits on Farmers Home Administration (FHA) claims. The Federal Statute of Limitations Act of 1966, approved July 18, 1966 (28 U.S.C. 2415), is hereinafter called the "Act."

§ 1861.72 Time within which court action must be commenced.

(a) *Conversion of security property.* The Act provides a 3-year time limitation for suits for damages for conversion of FHA security property. In cases in which the conversion occurred prior to July 18, 1966, the time limitation began to run on July 18, 1966, and will complete running on July 17, 1969. In cases in which the conversion occurred or occurs after July 18, 1966, the 3-year period usually begins to run on the date of the conversion.

(b) *Contract claims.* The Act places a 6-year time limit on suits to enforce collection debts owed to FHA. Such suits include those to collect promissory notes, foreclose security instruments, and other contract actions. In cases in which the cause of action accrued before July 18, 1966, the time limitation began to run on that date and will complete running on July 17, 1972. In cases in which the indebtedness became or becomes due after July 18, 1966, the 6-year period usually begins to run on the date when the indebtedness falls due.

(1) When a debt is payable in installments it will be assumed that the time limit runs on each installment from its due date, unless otherwise prescribed by the State Director. When any amount of a collection other than an involuntary collection, such as a setoff, is applied to interest that is due on an installment debt, the time limit on all debts and installments on debts that are due and payable will be extended to 6 years from the date of the payment. Involuntary collections do not extend the time limit.

(c) *Tolling Statute of Limitations.* The time limitation set forth in paragraphs (a) and (b) of this section are extended by periods during which:

(1) The defendant or the security property is outside the United States, its territories and possessions, the District of Columbia, or the Commonwealth of Puerto Rico.

(2) The defendant is exempt from legal process because of infancy, mental incompetency, or any other reason.

(3) The facts material to the right of action are not known and reasonably could not be known by the FHA County Supervisor or other FHA employees or officials having responsibility for servicing the loan or other transaction involved.

(d) *Starting a new statutory period.* A new statutory period may be commenced during the running of an existing statutory period or after it has been completed by:

(1) Part payment.

(2) Acknowledgment of the debt by execution of Form FHA 460–10, "New Promise To Pay," or other form approved by the Office of the General Council (OGC) if Form FHA 460–10 is not legally satisfactory for use in the particular State or case.

§ 1861.73 Time limit for submission for litigation.

If the Statute of Limitation period is about to complete running and cannot be renewed by part payment or acknowledgment of the debt, the case should be submitted to the State Director for legal action in the usual manner as required by applicable FHA procedures. The submission should be made at least 90 days before the Statute of Limitation period completes running. However, if a period of more than 3 but less than 6 years has actually elapsed, the case will be submitted to the OGC for appropriate action when required under the provisions of § 1871.22 (b) and (c) of this chapter.

§ 1861.74 Servicing policy on contract claims.

The following will be observed in cases involving contract claims; such claims include those based on promissory notes, security instruments, and other contracts:

(a) In cases in which the cause of action accrued before July 18, 1966, the time limit on contract claims will complete running on July 17, 1972. In such cases, one of the following actions will be taken:

(1) If eligible, the claim will be settled under the provisions of Part 1864 of this chapter before July 17, 1972.

(2) If the borrower has the ability to pay only a part of the debt, has assets or income out of which a substantial recovery can be made and refuses to make a compromise or adjustment offer for the amount FHA determines is within his ability to pay, the claim will be handled as provided in subdivision (i) of subparagraph (3) of this paragraph.

(3) If the borrower has assets or income out of which our claim can be collected in full, he will be requested to pay accordingly. If the borrower is unable to pay in full immediately, plans will be developed for payment to be made within a reasonable period and he will be required to make a partial payment on our claim or execute Form FHA 460–10 before April 15, 1972.

(i) If the borrower does not agree to our claim being serviced as outlined in subparagraphs (2) or (3) of this paragraph, his case will be referred not later than April 15, 1972, to the OGC in accordance with the provisions of Subpart B of Part 1871 of this chapter, with the recommendation that appropriate action be taken to enforce collection before the Federal Statute of Limitations has run.

(b) In cases in which the cause of action accrued on or after July 18, 1966,

V 37-20 JAN 29 72 XUM

the time limit on contract claims will complete running 6 years from such date. Such cases will be serviced in the same manner as provided above. Cases which require referral to the OGC to enforce collection will be submitted to the OGC not later than 90 days before the Federal Statute of Limitations will complete running.

(c) County Offices will make lists of cases in which the time limit specified in the Federal Statute of Limitations will complete running during the next 12-month period. Such cases will be grouped by the month in which the time limitation will complete running. District Supervisors will review such lists to insure that all claims will be serviced as provided herein before the time limitation completes running.

Dated: January 21, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72-1339 Filed 1-28-72;8:47 am]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 11—SECURITIES ACT DISCLOSURE RULES

Forms for Annual Report of Bank and Statements of Beneficial Ownership of Equity Securities

This amendment is issued under the authority of section 12(i) (15 U.S.C. 781 (i)) of the Securities Exchange Act of 1934. Since it involves minor technical changes in the rules for preparation of year-end financial statements, and since notice of the changes has previously been furnished to the national banks affected, notice and public procedure are found to be unnecessary and not in the public interest. The amendment accordingly will become effective upon publication.

Section 11.71 of Part 11, Chapter I, Title 12, Code of Federal Regulations of the United States of America is amended as follows:

1. *A. Balance Sheet, Item 5.* "Other Loans" is changed to read "Loans".

2. *A. Balance Sheet, Item 14.* "Other liabilities for borrowed money" is changed to read "Liabilities for borrowed money".

3. *Instructions to the Balance Sheet, Item 5.* "Other Loans" is changed to read "Loans".

4. *Instructions to the Balance Sheet, Item 14.* "Other Liabilities for borrowed money" is changed to read "Liabilities for borrowed money".

5. *B. Statement of Income, Item 2.* (e) "Interest on other borrowed money" is changed to read "Interest on borrowed money".

6. *Instructions to the Statement of Income, Item 2.* (e) "Interest on other borrowed money" is changed to read "Interest on borrowed money".

7. *Instructions to the Statement of Income, Item 2.* (e)(1) is changed to read "Include all interest on bills payable, and other instruments issued for the purpose of borrowing money".

8. *Instructions to the Statement of Income.* The first Note to Item 2. (i) is changed.

9. *D. Schedules.* Schedule III "Other Loans" is changed to read "Loans".

10. *D. Schedules.* Schedule VI "Other Liabilities for Borrowed Money" is changed to read "Liabilities For Borrowed Money".

The revised text of § 11.71 of Part 11, Chapter 1, Title 12 CFR of the United States of America will read as follows:

§ 11.71 Forms for financial statements (Forms F-9 A, B, C, and D).

FORM F-9: FINANCIAL STATEMENTS

A. BALANCE SHEET (FORM F-9A)

B. STATEMENT OF INCOME (FORM F-9B)

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS (FORM F-9C)

D. SCHEDULES (FORM F-9D)

GENERAL INSTRUCTIONS

1. *Preparation of forms.* The forms for financial statements are not to be used as blank forms to be filled in but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this part. Particular attention should be given to the general requirements as to financial statements in § 11.7 including paragraphs (e) and (f) thereof, which prescribe when statements of changes in capital accounts and schedules will be filed. Although inapplicable items specified in the forms for financial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. *Accrual accounting.* Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

A. BALANCE SHEET

ASSETS

1. Cash and due from banks----------
2. Investment securities:
   a) U.S. Treasury securities------
   b) Securities of other U.S. Government agencies and corporations ----------
   c) Obligations of States and political subdivisions----------
   d) Other securities----------
3. Trading account securities------
4. Federal funds sold and securities purchased under agreements to resell ----------
5. Loans ----------
6. Bank premises and equipment..
7. Other real estate owned----------
8. Investments in subsidiaries not consolidated ----------
9. Customers' acceptance liability----
10. Other assets----------
11. Total assets----------

LIABILITIES

12. Deposits:
    (a) Demand deposits in domestic offices ----------
    (b) Savings deposits in domestic offices ----------
    (c) Time deposits in domestic offices ----------
    (d) Deposits in foreign offices----
13. Federal funds purchased and securities sold under agreements to repurchase ----------
14. Liabilities for borrowed money---
15. Bank's acceptances outstanding...
16. Mortgages payable----------
17. Other liabilities----------
18. Total liabilities----------
19. Minority interests in consolidated subsidiaries ----------

RESERVES

20. Allowance for possible loan losses..

CAPITAL ACCOUNTS

21. Capital notes and debentures-----
22. Equity capital:
    (a) Capital stock:
    Preferred Stock----------
    Common stock----------
    (b) Surplus ----------
    (c) Undivided stock----------
    (d) Reserve for contingencies and other capital reserves----------
23. Total capital accounts----------
24. Total liabilities, reserves, and capital ----------

ASSETS

1. *Cash and due from banks.* (a) State the total of (1) currency and coin (A) owned and held in the bank's vaults and (B) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) demand and time balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets".

(d) Cash items in process of collection include: (1) Checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day); (2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and (3) such other items in process of collection, including redeemed U.S. savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(e) Checks drawn on a bank other than the reporting bank that have been deposited in the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement

until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted from the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Investment securities.* (a) State separately book value of (1) U.S. Treasury securities, (2) securities of other U.S. Government agencies and corporations; (3) obligations of States and political subdivisions; and (4) other securities owned by the bank; include securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(b) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and, at the option of the bank, for accretion of discount. There shall be set forth in a note to financial statements (1) the basis of accounting for book value, and (2) if bond discount is systematically accrued and amounts to 5 percent or more of interest and dividends on investments, the total of accretion income and deferred income taxes applied thereto.

(c) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.

(d) Do not include borrowed securities or securities purchased under resale agreements or similar arrangements.

3. *Trading account securities.* State the aggregate value at the balance sheet date, of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (1) cost, (2) lower of cost or market, or (3) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

4. *Federal funds sold and securities purchased under agreements to resale.* (a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buybacks, turnarounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

5. *Loans.* (a) State the aggregate gross value of all loans including (1) acceptances of other banks and commercial paper purchased in the open market; (2) acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (3) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (4) "cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(b) Include (1) paper rediscounted with the Federal Reserve or other banks; and (2) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(c) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "other real estate".

(d) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

6. *Bank premises and equipment.* (a) State the aggregate cost of (1) bank premises owned, (2) leasehold improvements, and (3) equipment less any accumulated depreciation or amortization with respect to such assets.

(b) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to July 1, 1967, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "leasehold improvements" comprehends two types of situations: (1) where the bank erects a building on leased property; and (2) where a bank occupies leased quarters or uses leased parking lots and appropriately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

7. *Other real estate owned.* (a) State the current book value of all real estate owned by the bank that is not a part of bank premises.

(b) With respect to real estate acquired through default of a loan, state in a footnote the unpaid balance on the defaulted loan plus the bank's out-of-pocket costs in acquiring clear title to the property.

(c) The aggregate market value of all real estate owned by the bank that is not a part of bank premises shall be set forth in a footnote, together with an explanation of the method of determining such market value.

8. *Investments in subsidiaries not consolidated.* State the aggregate investment, including advances, in subsidiaries not consolidated.

9. *Customers' acceptance liability.* (a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank, on the reporting date. (If held by the reporting bank, they should be reported as "loans".)

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability or any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits".

(c) Do not include customer's liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

10. *Other assets.* State separately, if material, (1) income earned but not collected; (2) prepaid expenses; (3) property acquired for the purpose of direct lease financing; and (4) any other asset not included in the preceding item.

11. *Total assets.* State the sum of all asset items.

LIABILITIES

12. *Deposits.* (a) State separately (1) demand deposits in domestic offices of the bank, (2) savings deposits in domestic offices of the bank, (3) time deposits in domestic offices of the bank, and (4) deposits in foreign offices. Related unposted debits, if any, should preferably be deducted from domestic deposits.

(b) The domestic deposit liability categories shall be segregated in accordance with the rules and regulations of the Federal Deposit Insurance Corporation, Part 327.2 Classification of Deposits.

(c) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(d) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(e) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(f) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

13. *Federal funds purchased and securities sold under agreements to repurchase.* (a) State the aggregate value of Federal funds purchased and securities sold under repurchase or similar arrangements. All securities sold under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buy-backs, turn-arounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

14. *Liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including commodity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

15. *Bank's acceptances outstanding.* (a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the

V37-20 JAN 29 72 XUM

amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

(b) Include bills of exchange accepted by the reporting bank that were drawn by banks or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange as required by usage of trade in respective countries, dependencies, or insular possessions.

16. *Mortgages payable.* (a) State separately here, or in a note referred to herein, such information as will indicate (1) the general character of the debt including the rate of interest; (2) the date of maturity; (3) if the payment of principal or interest is contingent, an appropriate indication of such contingency; and (4) a brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount thereof together with an appropriate explanation.

17. *Other liabilities.* State separately, if material, (a) accrued payrolls; (b) accrued income tax liability (Federal and State combined); (c) accrued interest; (d) cash dividends declared but not paid; (e) income collected but not earned; and (f) any other liability not included in Items 12 through 16.

18. *Total liabilities.* State the sum of Items 12 through 17.

19. *Minority interests in consolidated subsidiaries.* State the aggregate amount of minority stockholders' interests in capital stock, surplus, and undivided profits of consolidated subsidiaries.

RESERVES

20. *Allowance for possible loan losses.* (a) State the balance of the loan losses allowance account at the end of the fiscal year. Include in this allowance only (1) any provision that the bank makes for possible loan losses pursuant to the Treasury tax formula and (2) any amount in excess of the provision taken under such formula that (A) represents management's judgement as to possible loss or value depreciation and (B) has been established through a charge against income.

(b) Any provision for possible loan losses that the bank establishes as a precautionary measure that is in excess of the amount reported in paragraph (a) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

NOTE: Any allowance that (1) represents management's judgment as to possible loss or value depreciation in investment securities and (2) has been established through an appropriate charge against income shall be separately stated. Any provision for possible security losses that the bank establishes as a precautionary measure only (such as to reflect normal fluctuations in market value of readily marketable securities) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

CAPITAL ACCOUNTS

21. *Capital notes and debentures.* State separately here, or in a note referred to herein, each issue or type of obligation and such information as will indicate (a) the general character of each type of debt including the rate of interest; (b) the date of maturity (or dates if maturing serially) and call provisions; (c) the aggregate amount of maturities, and sinking fund requirements, each year for the 5 years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency; (e) a brief indication of priority; and (f) if convertible, the basis.

22. *Equity capital.* (a) Capital stock. State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

(b) Surplus. State the net amount formally transferred to the surplus account on or before the reporting date.

(c) Undivided profits. State the amount of undivided profits shown by the bank's books.

(d) Reserve for contingencies and other capital reserves.

(1) State separately each such reserve and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen or indeterminable liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits".

23. *Total capital accounts.* State the total of Items 21 and 22.

24. *Total liabilities, reserves, and capital.* State the total of Items 18, 19, 20, and 23.

B. STATEMENT OF INCOME

1. Operating Income:
   - (b) Income on Federal funds sold and securities purchased under agreements to resell
   - (c) Interest and dividends on investments:
     - (1) U.S. Treasury securities
     - (2) Securities of other U.S. Government agencies and corporations
     - (3) Obligations of States and political subdivisions
     - (4) Other securities
   - (d) Trust department income
   - (e) Service charges on deposit accounts
   - (f) Other service charges, collection and exchange charges, commissions, and fees
   - (g) Other operating income
   - (h) Total operating income
2. Operating Expenses:
   - (a) Salaries and wages
   - (b) Pensions and other employee benefits
   - (c) Interest on deposits
   - (d) Expenses of Federal funds purchased and securities sold under agreements to repurchase
   - (e) Interest on borrowed money
   - (f) Interest on capital notes and debentures
   - (g) Occupancy expense of bank premises, net:
     Gross occupancy expense _____
     Less: Rental income _____
   - (h) Furniture and equipment expense (Including depreciation of $_____)
   - (i) Provision for loan losses
   - (j) Other operating expenses
   - (k) Total operating expenses
3. Income before Income Taxes and Securities Gains (Losses)
4. Applicable Income Taxes
5. Income before Securities Gains (Losses)
6. Net Security Gains (Losses), less related tax effect, $_____
7. Net income

OR

7. Income before Extraordinary Items
8. Extraordinary Items, less related tax effect, $_____
9. Net Income
10. Earnings per common share: [1]
    Income before securities gains (losses)
    Net Income

[1] Per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, per share amount of income before extraordinary items and per share amount of extraordinary items shall be stated separately.

1. *Operating income.* State separately:

(a) *Interest and fees on loans.*

(1) Include interest, fees and other charges on all assets that are reported on the balance sheet as other loans.

(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc.

Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.

(3) Include service charges and other fees on loans.

(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(5) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

(b) *Income on Federal funds sold and securities purchased under agreements to resell.* Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.

(c) *Interest and dividends on investments.*

(1) State separately interest and dividends from (A) U.S. Treasury securities, (B) securities and other U.S. Government agencies and corporations, (C) obligations of States and political subdivisions, and (D) other securities owned by the bank, including securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If the reporting bank accrues bond discount and such income amounts to 5 percent or more of the total of interest and dividends on investments, state in a note to financial statements, the amount of accretion income and deferred income taxes applicable thereto.

(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.

(d) *Trust department income.*

(1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.

(2) This item may be reported on the cash basis in those instances where the presentation of the item on the financial statements would not be materially affected thereby. The cash basis may also be used with respect to an individual trust or estate if accrual of income therefrom is not feasible. If any portion of trust department income is not reported on the accrual basis, there shall be a footnote explaining the method of reporting and the reason for departing from reporting on the accrual basis.

(e) *Service charges on deposit accounts.* Include amounts charged depositors that fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges; etc.

(f) *Other service charges, collection and exchange charges, commissions, and fees.* State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.

(g) *Other operating income.*

(1) Include all operating income not reported in Items 1(a) through 1(f).

(2) Include (A) net trading account income consisting of profits and losses, interest, and other income and expenses related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions, and other indirect expenses; (B) income from lease financing; (C) gross rentals from "other real estate" and safe deposit boxes; (D) net remittable profits (or losses) of foreign branches and consolidated subsidiaries less any minority interests (unless the reporting bank preferably combines or consolidates each item of income and expense); (E) interest on time balances with other banks; and (F) all other recurring credits (such as miscellaneous recoveries) and immaterial nonrecurring credit items.

(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(g). In the event there is a net occupancy income, the income shall be shown in parenthesis in Item 2(g).

(4) Itemize (A) net trading account income, (B) net remittable profits (or losses) of foreign branches and consolidated subsidiaries (if included in this subitem), and (C) all other amounts that represent 25 percent or more of the total of this subitem, unless "other operating income" is less than 5 percent of "total operating income."

(h) *Total operating income.* State the sum of Items 1(a) through 1(g).

2. *Operating expenses.* State separately:

(a) *Salaries.*

(1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees.

(2) Include amounts withheld from salaries for Social Security taxes and contributions to the bank's pension fund. Do not include Social Security taxes paid by the bank for its own account and the bank's contribution to pension funds. Such amounts shall be included in Item 2(b).

(3) Include bonus and profit sharing paid directly or through a trustee. Such compensation that is deferred and not distributed to employees shall be reported in Item 2(b).

(4) Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(g).

(5) Do not include amounts paid to legal, management, and investment counsel for professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(j).

(b) *Pensions and other employee benefits.*

(1) Include all supplementary benefits, other than direct compensation included in Item 2(a) accrued during the report period on behalf of all officers and employees except building department personnel (see Item 2(g)).

(2) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividends received) and hospitalization insurance payable by the bank; and other employee benefits.

(3) Do not include expenses related to testing, training, or education of officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(j).

(c) *Interest on deposits.* Include interest on all deposits.

(d) *Expense of Federal funds purchased and securities sold under agreements to repurchase.* Include the total gross expenses of Federal funds purchased and securities sold under agreements to repurchase.

(e) *Interest on borrowed money.*

(1) Include all interest on bills payable, and other instruments issued for the purpose of borrowing money.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(g).

(f) *Interest on capital notes and debentures.*

(1) Include all interest on capital notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amounts shall be reported in Item 1(g) or 2(j).

(g) *Occupancy expense of bank premises, net.*

(1) Include in "gross occupancy expense" inset the aggregate amount of (A) salaries, wages, and supplementary compensation of bank personnel who devote the major portion of their time to the operation of bank premises or its consolidated premises subsidiaries; (B) depreciation of bank premises and amortization of leasehold improvements; (C) rent expense of bank premises; (D) real estate taxes; (E) interest on mortgages on bank premises owned; and (F) other bank premises operating and maintenance expenses.

(2) Include in "rental income" inset the aggregate amount of rentals from bank premises leased by the bank or its consolidated premises subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parenthesis.

(h) *Furniture and equipment expense.*

(1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown in parenthesis.

(2) Include taxes on equipment.

(i) *Provision for loan losses.*

(1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses. Such amount shall be determined by management in light of past loan loss experience and evaluation of potential loss in the current loan portfolio. The estimated loan loss factor allocable to operating expense shall not be less than the amount computed under one of the elective methods set forth in subitem (2).

(2) The bank may elect in 1969, and thereafter consistently use for financial reporting purposes, one of the following methods for allocating loan losses to operating expense:

(A) Average ratio of loss over the past 5 years applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs (losses less recoveries) and total average loans for the 5 most recent years, including the current year.

(B) Average ratio of loss on a forward moving average beginning with the year 1969 applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs and total average loans for the number of years beginning with 1969 and ending with the year of report. In 1973, banks which elect the forward moving average method will compute the minimum allocable credit loss expense on the same basis as banks which elect method (1).

NOTE: To determine the "annual average loans outstanding" the loans as reported in Condition Reports called for by the Comptroller of the Currency during the year will be averaged. In computing the average, any schedule of frequency greater than the foregoing is also permissible.

(C) Actual net chargeoffs as experienced in the current year.

(3) An estimated amount for loan losses allocable to operating expense in excess of the minimum amount computed as instructed in subitem (2) should be provided when judged appropriate in the opinion of management.

(4) Furnish in a note to financial statements an explanation of the basis for allocating loan losses to operating expense including (A) the method followed, and (B) amount added at the discretion of management, if any.

V 37 N 20 JAN 29 72 XUM

(5) The amount may be expressed in even dollars or thousands of dollars.

NOTE: The amount reported for loan losses in operating expense shall be adjusted, if necessary, to the amount transferred to the allowance for loan losses recorded on the books of the bank by an entry to the undivided profits account in the statement of changes in capital accounts. For example, if the estimated loan loss expense reported in the statement of income is less than the amount transferred to the allowance for loan losses, the amount of difference, less related tax effect, should be charged against the undivided profits account. If the estimated loan loss expense reported in the statement of income (1) is more than the amount transferred to the allowance for loan losses, and (2) represents the minimum amount the bank is required to allocate under its elected method, the amount of difference, less related tax effect, should be credited to the undivided profits account.

(6) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net chargeoffs (losses less recoveries) for the current year.

(j) *Other operating expenses.*

(1) Include all operating expenses not reported in Items 2(a) through 2(i).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessment, fees paid to directors and members of committees, membership, net cash shortages or overages, operating expenses (except salaries) of "Other real estate owned", postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables, telephone, temporary agency help, travel, unreimbursed losses on counterfeits, forgeries, payments over stops, and all other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Itemize all amounts that represent 25 percent or more of this item.

(k) *Total operating expenses.* State the sum of Items 2(a) through 2(j).

3. *Income before income taxes and security gains (losses).* State the difference of Item 1(h) minus Item 2(k).

4. *Applicable income taxes.* (a) State the aggregate of Federal and State taxes applicable to the amount reported in Item (3).

(b) Do not include taxes applicable to net security gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. Income before securities gains (losses). State the difference of Item 3 minus Item 4.

6. *Net security gains (losses).* State the net result of security gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Net income.* State the sum or difference of Items 5 and 6.

NOTE: If extraordinary items are reported (See Item 8) the caption to this Item shall read, "Income before extraordinary items."

8. *Extraordinary items.* State the material results of nonrecurring transactions that have occurred during the current reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would include, but not be limited to, material gain or loss from sale of bank premises, expropriation of properties, and major devaluation of foreign currency. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of nonrecurring transactions are to be included in Items 1(g) or 2(j), as appropriate.)

9. *Net income.* State the sum or difference of Items 7 and 8.

10. *Earnings per common share.* State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to financial statements.

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS

Increase (decrease)	Capital notes and debentures	Preferred stock $_____ par	Common stock $_____ par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Net income transferred to undivided profits						
2. Capital notes and debentures, preferred stock and common stock sold (par or face value)						
3. Stock issued incident to mergers and acquisitions						
4. Premium on capital stock sold						
5. Additions to, or reductions in, surplus, undivided profits, and reserves incident to mergers						
6. Transfer to allowance for loan loss, exclusive of portion charged against income, less related income tax effect $						
7. Cash dividends declared on preferred stock						
8. Cash dividends declared on common stock						
9. Stock issued in payment of stock dividend, ___ shares at par value						
10. All other increases (decreases) [1]						
11. Net increase (decrease) for the year						
12. Balance at beginning of year [2]						
13. Balance at end of year						

[1] State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.

[2] If the statement is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances as filed for the previous fiscal period, state in a footnote the difference and explain.

D. SCHEDULES

SCHEDULE I—U.S. TREASURY SECURITIES, SECURITIES OF OTHER U.S. GOVERNMENT AGENCIES AND CORPORATIONS, AND OBLIGATIONS OF STATES AND POLITICAL SUBDIVISIONS

Type and maturity grouping	Principal amount	Book value [1]
U.S. Treasury securities		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total U.S. Treasury securities		
Securities of other U.S. Government agencies and corporations		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total securities of other U.S. Government agencies and corporations		
Obligations of States and political subdivisions [2] [3]		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total obligations of States and political subdivisions		

[1] State briefly in a footnote the basis for determining the amounts in this column.

[2] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.

[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of securities that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.

SCHEDULE II—OTHER SECURITIES

Type	Amount	Book value [1]
Bonds, notes, and debentures [2] [3]		
Stock of the Federal Reserve Bank		
Other stocks [3] [4]		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.

[2] State in a footnote the aggregate amount and book value of foreign securities included.

[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of bonds, notes, and debentures that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.

[4] State in a footnote the aggregate market value.

SCHEDULE III—LOANS [1]

Type	Book value
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Commercial and industrial loans	
Loans to individuals for household, family, and other consumer expenditures	
All other loans (including overdrafts)	
Total other loans reported in balance sheet	

[1] If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption stating the total amount of such loans may be inserted. Such action should be explained in a footnote.

SCHEDULE IV—BANK PREMISES AND EQUIPMENT

Classification [1]	Gross book value [2]	Accumulated depreciation and amortization [3] [4]	Amount at which carried on balance sheet
Bank premises (including land)			
Equipment			
Leasehold improvements			
Totals [5]			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted. Such action should be explained in a footnote.

[2] State briefly in a footnote the basis of determining the amounts in this column.

[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amounts for the last fiscal year shall be stated in an explanatory footnote.

[4] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.

[5] Show in a footnote totals (corresponding to the first two columns) representing amounts reported for Federal income tax purposes.

SCHEDULE V—INVESTMENTS IN, DIVIDEND INCOME FROM, AND SHARE IN EARNINGS OR LOSSES OF UNCONSOLIDATED SUBSIDIARIES

Name of subsidiary	Percent of voting stock owned	Total investment, including advances	Equity in underlying net assets at balance sheet date [1]	Amount of dividends [2]	Bank's proportionate part of earnings or loss for the period
Totals					

[1] Equity shall include advances reported in preceding column to the extent recoverable.

[2] In a footnotes state as to any dividends other than cash, the basis on which they have been reported as income. Also, if any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

SCHEDULE VI—LIABILITIES FOR BORROWED MONEY

Item	Amount
Borrowings from Federal Reserve Bank	
Unsecured notes payable within 1 year	
Unsecured notes payable after 1 year	
Other obligations	
Total	

SCHEDULE VII—ALLOWANCE FOR POSSIBLE LOAN LOSSES

Item	Amount set up pursuant to Treasury tax formula	Other amount [1]
Balances at beginning of period		
Recoveries credited to Allowance		
Additions due to mergers and absorptions [2]		
Transfers to Allowance:		
From income		
From undivided profits [2]		
Totals		
Losses charged to Allowance		
Balances at end of period [4]		

[1] Do not include any provision for possible loan losses that the bank establishes as a precautionary measure. Include only any provision that (1) has been established through a charge against income, (2) represents management's judgment as to possible loss or value depreciation, and (3) is in excess of the provision taken under the Treasury tax formula.

[2] Describe briefly in a footnote any such addition.

[3] Indicate by parenthesis the gross amount of any credit adjustment to undivided profits.

[4] Describe briefly in a footnote the basis used in computing the amount accumulated in the Allowance at the end of the period. State the amount that could have been deducted for Federal income tax purposes if such amount is in excess of the amount provided by the bank pursuant to the Treasury tax formula.

NOTE.—The sum of the balances should equal the amount of "Allowance for possible loan losses" reported in the balance sheet.

Dated: January 24, 1972.

[SEAL]

WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.72-1302 Filed 1-28-72;8:45 am]

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Nonbanking Activities of Bank Holding Companies

By notice of proposed rule making published in the FEDERAL REGISTER on August 25, 1971 (36 F.R. 16895), the Board of Governors proposed to add to the list of activities that it has determined to be closely related to banking or managing or controlling banks (§ 225.4 (a) of Regulation Y) the following: "Serving as investment adviser to an investment company registered under the Investment Company Act of 1940". A hearing on this proposal was held on November 12, 1971, after a notice thereof was published in the FEDERAL REGISTER on October 29, 1971 (36 F.R. 20779).

Following consideration of the comments received and the record of the hearing, the Board has amended § 225.4 (a), effective February 1, 1972, to add the new activity, with a minor modification in language from that proposed, to its list of permitted activities.

An accompanying interpretation expresses the Board's views on several questions, which arose during the course of its consideration of this matter, concerning the scope of the new activity and the applicability of certain provisions of the Banking Act of 1933 (48 Stat. 162) thereto.

The text of the amendment to § 225.4 (a) reads as follows:

§ 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.* * * * The following activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto:

* * * * * *

(5) Acting as investment or financial adviser, including—(i) serving as the advisory company for a mortgage or a real estate investment trust; (ii) serving as investment adviser, as defined in § 2(a)(20) of the Investment Company Act of 1940, to an investment company registered under that Act; and (iii) furnishing economic or financial information; [1]

* * * * * *

Effective date: February 1, 1972.

By order of the Board of Governors, January 20, 1972.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc. 72-1340 Filed 1-28-72;8:47 am]

[1] For an interpretation relating to the scope of the activity described in (ii) see 12 CFR 225.125. Acting as a management consultant is not regarded by the Board as within this activity (5). Whether to propose expanding activity (5) to include management consulting is under consideration by the Board.

V 37 N 20 JAN 29 72 XUM

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Nonbanking Activities of Bank Holding Companies

§ 225.125 Investment adviser activities.

(a) Effective February 1, 1972, the Board of Governors amended § 225.4(a) of Regulation Y to add "serving as investment adviser, as defined in section 2(a)(20) of the Investment Company Act of 1940, to an investment company registered under that Act" to the list of activities it has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. During the course of the Board's consideration of this amendment several questions arose as to the scope of such activity, particularly in view of certain restrictions imposed by sections 16, 20, 21, and 32 of the Banking Act of 1933 (12 U.S.C. 24, 377, 378, 78) (sometimes referred to hereinafter as the "Glass-Steagall Act provisions") and the U.S. Supreme Court's decision in Investment Company Institute v. Camp, 401 U.S. 617 (1971). The Board's views with respect to some of these questions are set forth below.

(b) It is clear from the legislative history of the Bank Holding Company Act Amendments of 1970 (84 Stat. 1760) that the Glass-Steagall Act provisions were not intended to be affected thereby. Accordingly, the Board regards the Glass-Steagall Act provisions and the Board's prior interpretations thereof as applicable to a holding company's activities as an investment adviser. Consistently with the spirit and purpose of the Glass-Steagall Act, this interpretation applies to all bank holding companies registered under the Bank Holding Company Act irrespective of whether they have subsidiaries that are member banks.

(c) Under § 225.4(a)(5), as amended, bank holding companies (which term, as used herein, includes both their bank and nonbank subsidiaries) may, in accordance with the provisions of § 225.4(b), act as investment advisers to various types of investment companies, such as "open-end" investment companies (commonly referred to as "mutual funds") and "closed-end" investment companies. Briefly, a mutual fund is an investment company which, typically, is continuously engaged in the issuance of its shares and stands ready at any time to redeem the securities as to which it is the issuer; a closed-end investment company typically does not issue shares after its initial organization except at infrequent intervals and does not stand ready to redeem its shares.

(d) The Board intends that a bank holding company may exercise all functions that are permitted to be exercised by an "investment adviser" under the Investment Company Act of 1940, except to the extent limited by the Glass-Steagall Act provisions, as described, in part, hereinafter.

(e) The Board recognizes that presently most mutual funds are organized, sponsored and managed by investment advisers with which they are affiliated and that their securities are distributed to the public by such affiliated investment advisers, or subsidiaries or affiliates thereof. However, the Board believes that (1) the Glass-Steagall Act provisions do not permit a bank holding company to perform all such functions, and (2) it is not necessary for a bank holding company to perform all such functions in order to engage effectively in the described activity.

(f) In the Board's opinion, the Glass-Steagall Act provisions, as interpreted by the U.S. Supreme Court, forbid a bank holding company to sponsor, organize or control a mutual fund. However, the Board does not believe that such restrictions apply to closed-end investment companies as long as such companies are not primarily or frequently engaged in the issuance, sale and distribution of securities. In no case, however, should a bank holding company act as investment adviser to an investment company which has a name that is similar to, or a variation of, the name of the holding company or any of its subsidiary banks.

(g) In view of the potential conflicts of interests that may exist, a bank holding company and its bank and nonbank subsidiaries should not (1) purchase for their own account securities of any investment company for which the bank holding company acts as investment adviser; (2) purchase in their sole discretion, any such securities in a fiduciary capacity (including as managing agent); (3) extend credit to any such investment company; or (4) accept the securities of any such investment company as collateral for a loan which is for the purpose of purchasing securities of the investment company.

(h) A bank holding company should not engage, directly or indirectly, in the sale or distribution of securities of any investment company for which it acts as investment adviser. Prospectuses or sales literature should not be distributed by the holding company, nor should any such literature be made available to the public at any offices of the holding company. In addition, officers and employees of bank subsidiaries should be instructed not to express any opinon with respect to advisability of purchase of securities of any investment company for which the bank holding company acts as investment adviser. Customers of banks in a bank holding company system who request information on an unsolicited basis regarding any investment company for which the bank holding company acts as investment adviser may be furnished the name and address of the fund and its underwriter or distributing company, but the names of bank customers should not be furnished by the bank holding company to the fund or its distributor. Further, a bank holding company should not act as investment adviser to a mutual fund which has offices in any building which is likely to be identified in the public's mind with the bank holding company.

(i) Acting in such capacities as registrar, transfer agent, or custodian for an investment company is not a selling activity and is permitted under § 225.4(a)(4) of Regulation Y. However, in view of potential conflicts of interests, a bank holding company which acts both as custodian and investment adviser for an investment company should exercise care to maintain at a minimal level demand deposit accounts of the investment company which are placed with a bank affiliate and should not invest cash funds of the investment company in time deposit accounts (including certificates of deposit) of any bank affiliate.

(Interprets and applies 12 U.S.C. 1843(c)(8))

By order of the Board of Governors, January 20, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-1341 Filed 1-28-72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-WE-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Federal Airway Segments

On November 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22772) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 68, 109, 244, and 334, and revoke a segment of VOR Federal airway No. 6.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

Section 71.123 (37 F.R. 2009) is amended as follows:

a. In V-6 all before "Lake Tahoe, Calif.;" is deleted and "From Oakland, Calif.; INT Oakland 039° and Sacramento, Calif., 212° radials; Sacramento, including a south alternate via INT Oakland 077° and Sacramento 194° radials;" is substituted therefor.

b. In V-109 "INT Stockton 268°" is deleted and "INT Stockton 267°" is substituted therefor.

c. In V-244 "Stockton, Calif., 268° radials;" is deleted and "Stockton, Calif., 267° radials;" is substituted therefor.

d. In V-334 "INT San Jose 026° and Sacramento, Calif., 192° radials;" is deleted and "INT San Jose 022° and Sacramento, Calif., 194° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 24, 1972.

H. B. HELSTROM, *Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.72-1309 Filed 1-28-72;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-126, Amdt. 10]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Official Notice of Facts Contained in Certain Documents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of January 1972.

Rule 24 of Part 302[1] provides that facts contained in any document within the categories of documents enumerated therein are officially noticed in all formal economic proceedings, except enforcement proceedings. The rule is intended to eliminate the need to negotiate voluntary stipulations covering evidentiary material, or to apply for official notice to be taken of such material in the exercise of discretion.[2]

In our experience, Forms 242 (Report of Scheduled All-Cargo Services), 243 (Report of MAC Charter Services), 244 (Report of Air Freight Forwarders and International Air Freight Forwarders) and 244A (Report of Cooperative Shippers Association) are documents which are frequently referred to in economic proceedings and are only rarely challenged for alleged inaccuracy. Accordingly, to obviate the need for parties to stipulate, or to apply for the exercise of discretion to officially notice, these documents in individual proceedings, the Board believes it desirable to amend Rule 24 to include Forms 242, 243, 244, and 244A in the listed categories of documents accorded official notice in every formal economic proceeding.

Since this amendment relates solely to agency practice and procedure, notice and public procedure thereon are not required, and the amendment may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends paragraph (m)(1) of § 302.24 of the Procedural Regulations (14 CFR Part 302) by adding to the items listed therein a new Item 44, effective January 26, 1972, to read as follows:

[1] 14 CFR Part 302, § 302.24(m)(1).
[2] PR-54, Oct. 7, 1961.

§ 302.24 Hearings.

• • • • • •

(m) *Official notice of facts contained in certain documents.* (1) Without limiting • • •. The matters officially noticed under the provisions of this paragraph are:

• • • • • •

44. CAB Forms 242, 243, 244, and 244A (including all monthly, quarterly, semi-annual, and annual reports required to be filed by carriers in connection therewith), filed with the Board.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-1383 Filed 1-28-72;8:51 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. Export Rev., Amdt. 30]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

13th Gen. Rev. of the Export Regulations (Amdt. 30), Parts 372, 375, and 379 are amended to read as set forth below.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

§ 372.11 [Amended]

1. U.S. Department of Commerce field offices may now amend licenses to export copper scrap or refined copper. Therefore, § 372.11(g)(3)(vii) is deleted.

PART 375—DOCUMENTATION REQUIREMENTS

2. The following changes are made in § 375.4:

a. Paragraph (a)(1) is amended to read as follows.

b. Paragraph (e) is amended to read as follows.

§ 375.4 Yugoslav End-Use Certificate.

(a) *Requirement*—(1) *Request of certificate.* A license application to export commodities to Yugoslavia, regardless of value, must be accompanied by the original End-Use Certificate issued to the Yugoslav importer by the Federal Chamber of Economy in Belgrade covering the proposed export.[1] Where the certificate includes commodities for which more than one license application is submitted, the original of the certificate shall be attached to the first such application. Each subsequent application shall include the following certification in the space entitled "Additional Information" or on an attachment:

I (We) certify that the quantities of commodities shown on all export licenses based on the Yugoslav End-Use Certificate No. ------, when added to the quantities shown on all additional applications pending in the Office of Export Control based on the same End-Use Certificate, including the present application, do not total more than the quantities shown on that certificate. This End-Use Certificate was submitted in support of application number (Insert case number or, if case number is unknown, the applicant's reference number, date of submission of the application to which the End-Use Certificate was attached, and Export Control Commodity Numbers and Processing Number on that application.).

• • • • • •

(e) *Return of Yugoslav End-Use Certificate.* In the Yugoslav End-Use Certificate, the Yugoslav Federal Chamber of Economy certifies that the commodities will be consumed in Yugoslavia and will not be reexported. If the Yugoslav importer is unable to obtain the commodities covered by the certificate, he may be required to produce evidence of such fact by the return of the unused certificate. When a U.S. exporter is requested by a Yugoslav firm to return an unused or partially used certificate, he should apply to the Office of Export Control for the return of such document in the same manner as established for return of Swiss Blue Import Certificates (see § 375.3(e)).

[1] Foreign consignees may obtain End-Use Certificates from the Yugoslav Federal Chamber of Economy, Knes Mihailova 10, Belgrade.

PART 379—TECHNICAL DATA

3. In § 379.4(d), subdivision (1) is amended to read as follows:

§ 379.4 General License GTOR: Technical data under restriction.

• • • • • •

(d) • • •

(1) Civil aircraft, civil aircraft equipment, parts, accessories, or components; except laminated or tempered safety glass for aircraft (Export Control Commodity No. 664(15)); hydraulic motors (Export Control Commodity No. 711(24)); internal combustion engines (Export Control Commodity No. 711(24)); air conditioning systems (Export Control Commodity No. 7191(31)); heat exchangers and oil and liquid coolers (Export Control Commodity No. 7191(31)); pumps, air compressors, fans, and blowers (Export Control Commodity No. 7192(26)); fire extinguishing systems (Export Control Commodity No. 7196(4)); electric motors and motor controls (Export Control Commodity No. 722(30)); electrical apparatus for making, breaking, or protecting electrical circuits (Export Control Commodity No. 722(30)); ignition harness and cable sets (Export Control Commodity No. 723(16)); electrical starting and ignition equipment (Export Control Commodity No. 7294(3)); meters and instruments (Export Control Commodity

V 37 • 20 JAN 29 72 XUM

No. 7295(64)); alarm, warning, and signaling instruments (Export Control Commodity No. 7299(43)); constant speed propellers, fixed pitch and ground-adjustable propellers for nonmilitary aircraft, and rotors and rotor blades for nonpowered rotorcraft (Export Control Commodity No. 734(14)); landing lights and other lighting fixtures (Export Control Commodity No. 81(2)); apparatus, equipment, and components for oxygen systems (Export Control Commodity No. 8617(4)); mechanical tachometers (Export Control Commodity No. 8618(4)); and other engine instruments (Export Control Commodity No. 8619(9a)) as described on the Commodity Control List;

• • • • •

4. A new Supplement No. 1 to Part 379 is established to read as follows:

SUPPLEMENT NO. 1 TO PART 379.—TECHNICAL DATA INTERPRETATIONS

1. Technology based on U.S.-origin technical data. U.S.-origin technical data does not lose its U.S.-origin when it is redrawn, used, consulted, or otherwise commingled abroad in any respect with other technical data of any other origin. Therefore, any subsequent or similar technical data prepared or engineered abroad for the design, construction, operation, or maintainance of any plant or equipment, or part thereof, which is based on or utilizes any U.S.-origin technical data, is subject to the same U.S. Export Control Regulations that are applicable to the original U.S.-origin technical data, including the requirement for obtaining Office of Export Control authorization prior to reexportation.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: January 27, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-1371 Filed 1-28-72;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Exemption From Required Quantity of Contents Statement for Cosmetics

In the matter of amending the regulations for the enforcement of the Fair Packaging and Labeling Act and the Federal Food, Drug, and Cosmetic Act (21 CFR Part 1) to exempt certain packages of cosmetics from the requirement of both acts that the labels bear a quantity of contents statement:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of June 10, 1971 (36 F.R. 11217), based on petitions independently submitted by Jerome L. Isaacs, 320 East 42d Street, New York, N.Y. 10017, and by Estée Lauder, Inc., with its affiliates, Aramis, Inc., and Clinique Laboratories, Inc., 767 Fifth Avenue, New York, N.Y. 10022. No comments were received in response to the proposal.

Having considered the petitions and other relevant information, the Commissioner of Food and Drugs concludes that the proposed amendment should be adopted as set forth below.

Therefore, pursuant to provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (secs. 602(b)(2), 701, 52 Stat. 1054–56 as amended; 21 U.S.C. 362(b)(2), 371), and under authority delegated to the Commissioner (21 CFR 2.120), Part 1 is amended in § 1.1c by adding a new paragraph, as follows:

§ 1.1c Exemptions for required label statements.

• • • • •

(c) *Cosmetics.* (1) Cosmetics in packages containing less than one-fourth ounce avoirdupois or one-eighth fluid ounce shall be exempt from compliance with the requirements of section 602(b)(1) of the Federal Food, Drug, and Cosmetic Act and section 4(a)(2) of the Fair Packaging and Labeling Act:

(i) When such cosmetics are affixed to a display card labeled in conformance with all labeling requirements of this part; or

(ii) When such cosmetics are sold at retail as part of a cosmetic package consisting of an inner and outer container and the inner container is not for separate retail sale and the outer container is labeled in conformance with all labeling requirements of this part.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objection thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299; 15 U.S.C. 1453, 1455; secs. 602(b)(2), 701, 52 Stat. 1054–56 as amended; 21 U.S.C. 362(b)(2), 371)

Dated: January 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 72-1348 Filed 1-28-72;8:47 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2565) filed by Union Carbide Corp., River Road, Bound Brook, N.J. 08805, and other relevant material concludes that the food additive regulations should be amended to provide for the safe use of ethylene-acrylic acid copolymers as a component of paper and paperboard intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(b)(2) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

• • • • •

(b) • • •
(2) • • •

List of Substances	*Limitations*
• • •	• • •
Ethylene-acrylic acid copolymers produced by the copolymerization of ethylene and acrylic acid and/or their partial ammonium salts. The finished copolymer shall contain no more than 25 weight-percent of polymer units derived from acrylic acid and no more than 0.35 weight percent of residual monomeric acrylic acid, and have a melt index not to exceed 350 as determined by ASTM method D 1238.	----------
• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–29–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1349 Filed 1-28-72;8:47 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN THE MANUFACTURE OF METALLIC ARTICLES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0B2469) filed by the Aluminum Association, Foil Division, 420 Lexington Avenue, New York, N.Y. 10017, and other relevant material, concludes that the food additive regulations should be amended, as set forth below to provide for the safe use of light petroleum hydrocarbons in surface lubricants used in the manufacture of metallic food-contact articles. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.2531(a) by adding a new item (4), as follows:

§ 121.2531 Surface lubricants used in the manufacture of metallic articles.

• • • • •

(a) • • •

(4) Light petroleum hydrocarbons identified in subdivision (i) of this subparagraph: *Provided*, That, the total residual lubricant on the metallic article in the form in which it contacts food meets the ultraviolet absorbance limits prescribed in subdivision (ii) of this subparagraph as determined by the analytical method described in subdivision (iii) of this subparagraph.

(i) Light petroleum hydrocarbons are derived by distillation from virgin petroleum stocks or are synthesized from petroleum gases. They are chiefly paraffinic, isoparaffinic, naphthenic, or aromatic in nature, and meet the following specifications:

(*a*) Initial boiling point is 75° F. minimum and final boiling point is 500° F. maximum, as determined by ASTM Method D–86.

(*b*) Nonvolatile residue is 0.005 gram per 100 milliliters, maximum, as determined by ASTM Method D–381 when the final boiling point is 250° F. or above and by ASTM Method D–1353 when the final boiling point is below 250° F.

(*c*) Saybolt color 20 minimum as determined by ASTM Method D–156.

(*d*) Aromatic component content shall not exceed 32 percent.

(*e*) Conforms with ultraviolet absorbance limits prescribed in § 121.2589(c) as determined by the analytical method described therein.

(ii) Ultraviolet absorbance limits on residual lubricants are as follows:

Wavelength (mμ):	*Maximum absorbance per 5 centimeters optical path length*
280–289	0.7
290–299	.6
300–359	.4
360–400	.09

(iii) The analytical method for determining ultraviolet absorbance limits on residual lubricants is as follows:

GENERAL INSTRUCTIONS

Because of the sensitivity of the test, the possibility of errors arising from contamination is great. It is of the greatest importance that all glassware be scrupulously cleaned to remove all organic matter such as oil, grease, detergent, residues, etc. Examine all glassware including stoppers and stopcocks, under ultraviolet light to detect any residual fluorescent contamination. As a precautionary measure it is recommended practice to rinse all glassware with purified isooctane immediately before use. No grease is to be used on stopcocks or joints. Great care to avoid contamination of oil samples in handling and to assure absence of any extraneous material arising from inadequate packaging is essential. Because some of the polynuclear hydrocarbons sought in this test are very susceptible to photo-oxidation, the entire procedure is to be carried out under subdued light.

APPARATUS

Separatory funnels. 250-milliliter, 500-milliliter, 1,000-milliliter, and preferably 2,000-milliliter capacity, equipped with tetrafluoroethylene polymer stopcocks.

Evaporation flask (optional). 250-milliliter or 500-milliliter capacity all-glass flask equipped with standard-taper stopper having inlet and outlet tubes to permit passage of nitrogen across the surface of contained liquid to be evaporated.

Spectrophotomertic cells. Fused quartz cells, optical path length in the range of 5.000 centimeters ± 0.005 centimeter; also for checking spectrophotometer performance only, optical path length in the range 1.000 centimeter ± 0.005 centimeter. With distilled water in the cells, determine any absorbance differences.

Spectrophotometer. Special range 250 millicrons-400 millimicrons with spectral slit width of 2 millimicrons or less; under instrument operating conditions for these absorbance measurements, the spectrophotometer shall also meet the following performance requirements:

Absorbance repeatability, ±0.01 at 0.4 absorbance.

Absorbance accuracy,[1] ±0.05 at 0.4 absorbance.

Wavelength repeatability, ±0.2 millimicron.

Wavelength accuracy, ± millimicron.

Soxhlet apparatus. 60-millimeter diameter body tubes fitted with condenser and 500-milliliter round-bottom boiling flask. A supply of paper thimbles to fit is required.

Nitrogen cylinder. Water-pumped or equivalent purity nitrogen in cylinder equipped with regulator and valve to control flow at 5 p.s.i.g.

REAGENTS AND MATERIALS

Organic solvents. All solvents used throughout the procedure shall meet the specifications and tests described in this specification. The isooctane (2,2,4-trimethylpentane) shall pass the following test:

Place 180 milliliters of solvent in a 250-milliliter Erlenmeyer flask, add 1 milliliter of purified *n*-hexadecane and evaporate on the steam bath under a stream of nitrogen (a loose aluminum foil jacket around the flask will speed evaporation). Discontinue evaporation when not over 1 milliliter of residue remains.

Alternatively, the evaporation time can be reduced by using the optional evaporation flask. In this case the solvent and *n*-hexadecane are placed in the flask on the steam bath, the tube assembly is inserted, and a stream of nitrogen is fed through the inlet tube while the outlet tube is connected to a solvent trap and vacuum line in such a way as to prevent any flow-back of condensate into the flask.

Dissolve the 1 milliliter of hexadecane residue in isooctane and make to 25 milliliters volume. Determine the absorbance in the 5-centimeter path length cells compared to isooctane as reference. The absorbance of the solution of the solvent residue shall not exceed 0.01 per centimeter path length between 280 and 400 mμ. Purify, if necessary, by passage through a column of activated silica gel (Grade 12, Davison Chemical Co., Baltimore, Maryland, or equivalent) about 90 centimeters in length and 5 centimeters to 8 centimeters in diameter.

n-Hexadecane, 99-percent olefin-free. Dilute 1.0 milliliter of *n*-hexadecane to 25 milliliters with isooctane and determine the absorbance in a 5-centimeter cell compared to isooctane as reference point between 280 mμ-400 mμ. The absorbance per centimeter path length shall not exceed 0.00 in this range. Purify, if necessary, by percolation through activated silica gel or by distillation.

Dimethyl sulfoxide. Spectrophotometric grade (Crown Zellerbach Corp., Camas, Washington, or equivalent). Absorbance (1-centimeter cell, distilled water reference, sample completely saturated with nitrogen).

Wavelength:	*Absorbance (maximum)*
261.5	1.00
270	0.20
275	0.09
280	0.06
300	0.015

There shall be no irregularities in the absorbance curve within these wavelengths.

Phosphoric acid. 85 percent A.C.S. reagent grade.

[1] As determined by procedure using potassium chromate for reference standard and described in National Bureau of Standards Circular 484, Spectrophotometry, U.S. Department of Commerce, 1949. The accuracy is to be determined by comparison with the standard values at 290, 345, and 400 millimicrons.

V37-20 JAN 29 72 XUM

Sodium sulfate, anhydrous, A.C.S. reagent grade, preferably in granular form. For each bottle of sodium sulfate reagent used, establish as follows the necessary sodium sulfate prewash to provide such filters required in the method: Place approximately 35 grams of anhydrous sodium sulfate in a 30-milliliter coarse, fritted-glass funnel or in a 65-milliliter filter funnel with glass wool plug; wash with successive 15-milliliter portions of the indicated solvent until a 15-milliliter portion of the wash shows 0.00 absorbance per centimeter path length between 280 m_μ and 400 m_μ when tested as prescribed under "Organic solvents." Usually three portions of wash solvent are sufficient.

Before proceeding with analysis of a sample, determine the absorbance in a 5-centimeter path cell between 250 millimicrons and 400 millimicrons for the reagent blank by carrying out the procedure, without a metal sample. The absorbance per centimeter path length should not exceed 0.02 in the wavelength range from 280 m_μ to 400 m_μ.

Place 300 milliliters of dimethyl sulfoxide in a 1-liter separatory funnel and add 75 milliliters of phosphoric acid. Mix the contents of the funnel and allow to stand for 10 minutes. (The reaction between the sulfoxide and the acid is exothermic. Release pressure after mixing, then keep funnel stoppered.) Add 150 milliliters of isooctane and shake to preequilibrate the solvents. Draw off the individual layers and store in glass-stoppered flasks.

PROCEDURE

Sample. Select metal foil or sheet stock for the test which has not been previously contaminated by careless handling or exposure to atmospheric dust and fumes. A commercial coil in the form supplied for spindle mounting in a packaging line or wrapping machine is most suitable. Strip off the outside turn of metal and discard. Carefully avoid contamination or damage from handling the metal (wear gloves). Remove a 16–18-foot length from the coil and place it on a flat surface protected by a length of new kraft paper. Cut four 15-foot strips from the sample, each 3 inches wide (avoid tearing the edges of the strips). Using a piece of suitable glass rod, roll the strips of metal into loose coils and insert each into a Soxhlet thimble. Each turn of coil should be visibly separated from the adjacent turn.

Extraction. Fill each of the four Soxhlet tubes with purified isooctane (see under heading "Reagents and Materials," above) until siphon action occurs and then refill the tube body. Supply heat to the boiling flask and allow extraction to continue for at least 8 hours or until repeated weighings of the dried and cooled coil show no further weight loss.

Combine the isooctane extracts from the four Soxhlet units in a suitable beaker, rinsing each tube and flask into the beaker with fresh purified solvent. Evaporate the solvent under an atmosphere of inert gas (nitrogen) to residual volume of 50–60 milliliters and transfer this solution to a 500-milliliter separatory funnel containing 100 milliliters of preequilibrated sulfoxide-phosphoric acid mixture. Complete the transfer of the sample with small portions of preequilibrated isooctane to give a total volume of the residue and solvent of 75 milliliters. Shake the funnel vigorously for 2 minutes. Set up three 250-milliliter separatory funnels with each containing 30 milliliters of preequilibrated isooctane. After separation of liquid phases, carefully draw off lower layer into the first 250-milliliter separatory funnel and wash in tandem with the 30-milliliter portion of isooctane contained in the 250-milliliter separatory funnels. Shaking time for each wash is 1 minute. Repeat the extraction operation with two additional portions of the sulfoxide-acid mixture and wash each extractive in tandem through the same three portions of isooctane.

Collect the successive extractives (300 milliliters total) in a separatory funnel (preferably 2-liter) containing 480 milliliters of distilled water; mix, and allow to cool for a few minutes after the last extractive has been added. Add 80 milliliters of isooctane to the solution and extract by shaking the funnel vigorously for 2 minutes. Draw off the lower aqueous layer into a second separatory funnel (preferably 2-liter) and repeat the extraction with 80 milliliters of isooctane. Draw off and discard the aqueous layer. Wash each of the 80-milliliter extractives three times with 100-milliliter portions of distilled water. Shaking time for each wash is 1 minute. Discard the aqueous layers. Filter the first extractive through anhydrous sodium sulfate pre-washed with isooctane (see sodium sulfate under "Reagents and Materials" for preparation of filter) into a 250-milliliter Erlenmeyer flask (or optionally into the evaporation flask). Wash the first separatory funnel with the second 80-milliliter isooctane extractive and pass through the sodium sulfate. Then wash the second and first separatory funnels successively with a 20-milliliter portion of isooctane and pass the solvent through the sodium sulfate into the flask. Add 1 milliliter of *n*-hexadecane and evaporate the isooctane on the steam bath under nitrogen. Discontinue evaporation when not over 1 milliliter of residue remains. To the residue, add a 10-milliliter portion of isooctane, reevaporate to 1 milliliter of hexadecane, and repeat this operation once.

Quantitatively transfer the residue with isooctane to a 25-milliliter volumetric flask, make to volume, and mix. Determine the absorbance of the solution in 5-centimeter pathlength cells compared to isooctane as reference between 280$m\mu$–400$m\mu$ (take care to lose none of the solution in filling the sample cell). Correct the absorbance values for any absorbance derived from reagents as determined by carrying out the procedure without a metal sample. If the corrected absorbance does not exceed the limits prescribed in this paragraph, the residue meets the ultraviolet absorbance specifications.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (1–29–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–1350 Filed 1–28–72;8:47 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

[BNDD Decision No. 1]

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Control of Propiram

By letter dated November 17, 1971, the Secretary-General of the United Nations advised the Secretary of State of the United States that the Commission on Narcotic Drugs has decided that the drug Propiram should be added to Schedule II of the Single Convention on Narcotic Drugs, 1961. Therefore, under the provisions of section 201(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)), the Attorney General is required to control Propiram in the schedule deemed appropriate. The Bureau of Narcotics and Dangerous Drugs has determined that inasmuch as there is currently no accepted medical use for Propiram in treatment in the United States it should be controlled in Schedule I.

Therefore, under the authority vested in the Attorney General by section 201(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(d)) and delegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of Title 28 of the Code of Federal Regulations and in accordance with § 308.49 of Title 21 of the Code of Federal Regulations, the Director hereby orders that: Section 308.11(b) of Title 21 of the Code of Federal Regulations be amended as follows: Items (41) and (42) are renumbered (42) and (43), and a new item (41) is added:

§ 308.11 Schedule I.

* * * * * * *

(b) * * *

(41)	Propiram	9649
(42)	Racemoramide	9645
(43)	Trimeperidine	9646

* * * * * * *

This order will take effect 30 days from the date of the publication in the FEDERAL REGISTER.

§ 308.13 [Amended]

In another matter, by order appearing in the FEDERAL REGISTER of November 6, 1971 (36 F.R. 21336), § 308.13(b)(1) of Title 21 of the Code of Federal Regulations was amended. At the time of this amendment, a Bureau Controlled Substances Code Number was not assigned. Therefore, the Director hereby orders that: Section 308.13(b)(1) of Title 21 of the Code of Federal Regulations be further amended by adding after the period "1405."

This order will take effect upon publication in the FEDERAL REGISTER (1–29–72).

Dated: January 25, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72–1368 Filed 1–28–72;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7159]

PART 12—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

Election of Class Life Asset Depreciation Range System

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, relating to the manner of making an election to compute depreciation under the Class Life Asset Depreciation Range System (ADR) established by section 109 of the Revenue Act of 1971 (Public Law 92–178, 85 Stat. 508), the following regulations are hereby adopted:

§ 12.4 Election of Class Life Asset Depreciation Range System (ADR).

(a) *Elections filed before February 1, 1972.* No election or tax return shall be filed which does not conform to section 109 of the Revenue Act of 1971 (Public Law 92–178, 85 Stat. 508). If a taxpayer has before February 1, 1972 filed an election and a tax return in accordance with § 1.167(a)–11 of this chapter (relating to depreciation allowances using the Asset Depreciation Range System published in the FEDERAL REGISTER for June 23, 1971), such election will be treated as an election under the Class Life Asset Depreciation Range System (ADR) as contained in section 109 of the Revenue Act of 1971 and the proposed amendments to § 1.167(a)–11 of this chapter published in the FEDERAL REGISTER for January 27, 1972, provided that the election conforms with the provisions of the Class Life Asset Depreciation Range System (ADR) contained in section 109 of the Revenue Act of 1971 and the amendments to the regulations as finally adopted. Such an election and the determination of tax liability on the tax return are subject to the terms and conditions of section 109 of the Revenue Act of 1971 and the final regulations prescribing the Class Life Asset Depreciation Range System (ADR). (For revocation of an election, see paragraph (c) of this section.) An election and tax return filed before February 1, 1972, which does not conform with the final regulations prescribing the Class Life Asset Depreciation Range System (ADR) is an invalid election unless corrected by an amended tax return and election filed no later than the time permitted by paragraph (c) of this section. If a valid election under § 1.167(a)–11 of this chapter is not filed for a taxable year, the taxpayer is required to file or amend his tax return and determine tax liability for the taxable year without regard to § 1.167(a)–11 of this chapter.

(b) *Elections filed after January 31, 1972.* No election or tax return shall be filed which does not conform with section 109 of the Revenue Act of 1971. An election and tax return filed under § 1.167(a)–11 of this chapter after January 31, 1972, and before the final amendments to the regulations are published in the FEDERAL REGISTER, should be filed in accordance with section 109 of the Revenue Act of 1971 and the proposed amendments to § 1.167(a)–11 of this chapter relating to the Class Life Asset Depreciation Range System (ADR). Such election and the determination of tax liability on the tax return are subject to the terms and conditions of section 109 of the Revenue Act of 1971 and the final regulations prescribing the Class Life Asset Depreciation Range System (ADR). An election and tax return filed after January 31, 1972, which does not conform with the final regulations prescribing the Class Life Asset Depreciation Range System (ADR), is not a valid election unless corrected by an amended tax return and election filed no later than the time permitted by paragraph (c) of this section. (For revocation of election, see paragraph (c) of this section.) If a valid election under § 1.167(a)–11 of this chapter is not filed for a taxable year the taxpayer is required to file or amend his tax return and determine tax liability for the taxable year without regard to § 1.167(a)–11 of this chapter.

(c) *Special rule for election and revocation.* Notwithstanding the rules of § 1.167(a)–11 of this chapter, a taxpayer is permitted to make, amend or revoke an election under § 1.167(a)–11 of this chapter at any time before the latest of (1) the time the taxpayer files his first return for the taxable year of election, (2) 120 days after the final regulations prescribing the Class Life Asset Depreciation Range System (ADR) are published in the FEDERAL REGISTER, or (3) the time prescribed by law (including extensions thereof) for filing the return for the taxable year of election. The notification of amendment or revocation of an election shall be made by filing an amended tax return with the Internal Revenue Service Center with which the election was filed. The election should be filed in the manner specified in the Class Life Asset Depreciation Range System (ADR) regulations as finally prescribed.

(d) *Examples.* The principles of this section may be illustrated by the following examples:

Example (1). Taxpayer A filed an election under § 1.167(a)–11 before February 1, 1972. A elected to use the modified half-year convention by treating all assets as placed in service on the first day of the second quarter of the taxable year, excluded section 1250 property (as defined in section 1250(c)) and property used predominantly outside the United States from the election, and included "subsidiary assets" (as defined in § 1.167(a)–11(b)(5)(vii) of the proposed amendments to the regulations) in the election. A's election does not conform with the regulations under § 1.167(a)–11 as proposed to be amended. A should file an amended return and election within 120 days after the publication of the final class Life Asset Depreciation Range System (ADR) regulations under § 1.167(a)–11. Such amended return and election must conform to the final amendments to the regulations. In the amended election, A must adopt one of the conventions permitted by the final amendments. Assuming the proposed amendments are finally adopted, A may exclude his subsidiary assets from the election provided the conditions of paragraph (b)(5)(vii) of § 1.167(a)–11 of the regulations, as proposed to be amended, are met, and A must include property used predominantly outside the United States in the election unless paragraph (b)(5)(iii), (v), or (vi) of § 1.167(a)–11, as proposed to be amended, permit the exclusion of the property. Generally, A must include section 1250 property in the election unless paragraph (b)(5)(vi) of § 1.167(a)–11, as proposed to be amended, permits the exclusion of the property.

Example (2). Taxpayer B filed an election to compute depreciation under § 1.167(a)–11 before February 1, 1972. B elected to use the half-year convention and has no assets used predominantly outside the United States. B excluded section 1250 property from the election and included his subsidiary assets in the election. Assume that the provisions of paragraph (b)(5)(vi) of § 1.167(a)–11, as proposed to be amended, apply and permit the exclusion of section 1250 property and that B does not elect to exclude subsidiary assets pursuant to paragraph (b)(5)(vii), as proposed to be amended. B has no assets which were excluded from the election under paragraph (b)(5)(v) of § 1.167(a)–11, as proposed to be amended. The election which was filed before February 1, 1972, will be treated as a valid election under the Class Life Asset Depreciation Range System (ADR) as contained in the final amendments to the regulations, if it conforms with those amendments. B need not file an amended election provided his election conforms to the final regulations under § 1.167(a)–11. However, B may file an amended election within 120 days after the final regulations under § 1.167(a)–11 are published in the FEDERAL REGISTER in order to include section 1250 property, or to exclude subsidiary assets, or to make other changes, or to revoke the election.

Because the purpose of this Treasury decision is to provide immediate guidance to taxpayers regarding elections under the Class Life Asset Depreciation Range System (ADR) established by section 109 of the Revenue Act of 1971, and the treatment of elections already filed, it is hereby found to be impractical to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C., section 553(b), or subject to the effective date limitation of 5 U.S.C. section 553(d).

(Secs. 167(m), 85 Stat. 508; 26 U.S.C. 167; 263(t), 85 Stat. 509; 26 U.S.C. 263; 7805, 68A Stat. 917; 26 U.S.C. 7805, Internal Revenue Code of 1954)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: January 27, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.72–1469 Filed 1–28–72;10:00 am]

V 37 I 20 JAN 29 72 XUM

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Directive No. 14]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart R—Bureau of Narcotics and Dangerous Drugs

REDELEGATION OF FUNCTIONS

Under the authority delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by the Attorney General by §§ 0.159, 0.100 and 0.101 of Title 28, Code of Federal Regulations, Directive No. 12 (34 F.R. 9714) is hereby rescinded and the following changes made in order to accurately reflect the responsibilities of certain Bureau officials as a result of reorganization and reassignment:

ENFORCEMENT OFFICERS

DELEGATION OF AUTHORITY TO CARRY FIREARMS

The following officers and employees of the Bureau of Narcotics and Dangerous Drugs are authorized to carry firearms:

1. The Director.
2. Deputy Directors.
3. All criminal investigators, Series 1811, under Civil Service Commission Regulations.

ISSUANCE OF IMPORTATION AND EXPORTATION PERMITS

The authority to perform all functions with respect to the issuance of export and import permits for controlled substances pursuant to the Controlled Substances Import and Export Act is redelegated to the Chief of the Registration and Audit Division.

ABSENCE, INABILITY, OR DISQUALIFICATION OF DIRECTOR

In the case of the absence, inability, or disqualification of the Director of the Bureau of Narcotics and Dangerous Drugs, all duties and functions shall be performed by the Deputy Director for Operations, or in the event of his absence, by the Deputy Director for Support Programs.

Dated: January 25, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-1372 Filed 1-28-72;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 15—Environmental Protection Agency

PART 15-19—TRANSPORTATION

Contract Delivery Terms

Subpart 15-19.3, Contract Delivery Terms is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

Effective date. This regulation will become effective on its date of publication in the FEDERAL REGISTER (1-29-72).

Dated: January 26, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart 15-19.3—Contract Delivery Terms

Sec.
15-19.302 F.O.B. origin.
15-19.303 F.O.B. origin, contractor's facility.
15-19.305 F.O.B. origin, freight prepaid.

AUTHORITY: The provisions of this Subpart 15-19.3, issued under 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

Subpart 15-19.3—Contract Delivery Terms

§ 15-19.302 F.O.B. origin.

If shipments are to be made by parcel post the sender shall be instructed to prepay the postage charges and add them as a separate item to the invoice.

§ 15-19.303 F.O.B. origin, contractor's facility.

Shipments falling within this category will be handled in the same manner as provided in § 15-19.302.

§ 15-19.305 F.O.B. origin, freight prepaid.

(a) When it has been carefully determined that an f.o.b. origin purchase or delivery order will have transportation charges not in excess of $25, the delivery terms will be stated as "f.o.b. origin, transportation prepaid, with transportation charges to be included on the invoice.

(b) The vendor shall be instructed as follows:

(1) Consistent with the terms of the orders, pack, mark and prepare shipment in conformance with carrier requirements to protect the personal property and assure assessment of the lowest applicable transportation charge.

(2) Add transportation charges as a separate item on your invoice. Insurance charges will not be paid unless the order specifically requires that the shipment be insured. If shipment is made by other than parcel post, the invoice must be supported by either a receipted transportation bill or an unreceipted bill bearing the following certification: "The invoiced transportation charges have been paid and evidence of such payment will be furnished upon the Government's request."

(3) Do not prepay transportation charges on this order if such charges will exceed $25. Ship collect and annotate the commercial bill of lading or express receipt, "To be converted to Government Bill of Lading." These instructions do not apply if the order in question is placed against a Federal Supply Schedule contract that authorizes prepayment of transportation charges regardless of cost.

(c) Each contracting officer is responsible for:

(1) Making a diligent effort to obtain the most accurate estimate possible of transportation charges; and

(2) Utilizing the authority in paragraph (a) of this section only when to the best of his knowledge the transportation charges will not exceed $25.

(d) When in accordance with FPR 1-10.3 and 1-19.1 it is determined that a shipment is to be insured, the vendor will be specifically instructed to do so on the order.

[FR Doc.72-1323 Filed 1-28-72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (1-29-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 150 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from February 1 through December 31, 1972, inclusive.

(2) The use of boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

JANUARY 21, 1972.

LYLE J. SCHOONOVER,
Refuge Manager, Sand Lake National Wildlife Refuge, Columbia, S. Dak. 57433.

[FR Doc.72-1370 Filed 1-28-72;8:49 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

[Releases Nos. 33-5229, 34-9465, 35-17435, IA-306, IC-6959]

ADOPTION OF FEE SCHEDULE FOR CERTAIN FILINGS AND SERVICES

The Securities and Exchange Commission has adopted a fee schedule for certain filings and services under the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Investment Advisers Act of 1940 and the Investment Company Act of 1940. Fees will be charged for certain filings and services under these acts where no charges have previously been made, and there will be no refund of any fees. Rule 457 (17 CFR 230.457) under the Securities Act of 1933 has been amended to provide that no refund of the Securities Act registration fee will be made once the registration statement has been filed. Notice of the proposed action was published September 13, 1971, in Securities Act Release No. 5190 (36 F.R. 19042).

The rules impose the following fees and charges:

SECURITIES ACT OF 1933

1. Notifications and other exemptive filings under section 3(b) of the Securities Act of 1933, except for the notice required by Rule 237 (17 CFR 230.237)—$100 per offering.

SECURITIES EXCHANGE ACT OF 1934

2. Registration pursuant to section 12 of the Securities Exchange Act of 1934 of securities traded on exchanges and in the over-the-counter market—$250 per filing.

3. Annual reports under section 13 or 15(d) of the Securities Exchange Act of 1934—$250 per filing.

4. Proxy and information statements filed pursuant to section 14 (a) or (c) of the Securities Exchange Act of 1934—from $125 to $1,000. For details see infra.

5. Acquisition or tender offer statements filed pursuant to section 13(d) or 14(d) of the Securities Exchange Act of 1934—$100 per filing.

PUBLIC UTILITY HOLDING COMPANY SYSTEMS

6. Annual Report by Public Utility Holding Companies pursuant to section 14 of the Public Utility Holding Company Act of 1935 and Annual Reports by Mutual Service Companies pursuant to section 13(c) of the Public Utility Holding Company Act of 1935—$250 per report.

7. Application, declaration, or exemption statement filed pursuant to the Public Utility Holding Company Act of 1935—$2,000 per application, declaration or exemption statement.

INVESTMENT ADVISERS

8. Registration pursuant to section 203(b) of the Investment Advisers Act of 1940—$150 per filing.

9. Assessment for Investment Advisers registered with the Commission under the Investment Advisers Act of 1940—$100 annually.

INVESTMENT COMPANIES

10. Registration pursuant to section 8(b) of the Investment Company Act of 1940—$1,000 per filing.

11. Annual report filed pursuant to section 30(a) of the Investment Company Act of 1940—$250 per filing.

12. Application under the Investment Company Act of 1940—$500 per application.

13. Proxy consent and authorization material filed pursuant to section 20(a) of the Investment Company Act of 1940—$125 per filing.

No refunds of any of the above fees are permitted. Foreign issuers will pay the same fee as domestic issuers.

Commission action: Chapter II of Title 17 of the Code of Federal Regulations is hereby amended as follows:

PART 230—GENERAL RULES AND REGULATIONS UNDER SECURITIES ACT OF 1933

I. Part 230 of this chapter is amended by adding thereunder a new § 230.111, reading as follows:

§ 230.111 Payment of fees.

All payments of fees for registration statements under the Act shall be made in cash or by U.S. postal money order, certified check, bank cashier's check or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission. In addition, all other filing fees may be paid by personal check. There will be no refunds.

II. Paragraph (a) of § 230.236 of this chapter is hereby amended as follows:

§ 230.236 Exemption of shares offered in connection with certain transactions.

* * * * * *

(a) * * * At the time of filing this information, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded.

* * * * * *

III. Paragraph (b) of § 230.255 of this chapter is hereby amended as follows:

§ 230.255 Filing of notification on Form 1-A.

* * * * * *

(b) * * * At the time of filing a notification, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded.

* * * * * *

IV. The preamble paragraph of § 230.330 of this chapter is hereby amended as follows:

§ 230.330 Form and contents of offering sheets.

* * * * * *

* * * At the time of filing the offering sheet, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded.

* * * * * *

V. Paragraph (a) of § 230.457 of this chapter is hereby amended as follows:

§ 230.457 Computation of fee.

(a) If a filing fee based on a bona fide estimate of the maximum offering price, computed in accordance with this section where applicable, has been paid, no additional filing fee shall be required as a result of changes in the proposed offering price. If the number of shares or other units of securities, or the principal amount of debt securities, to be offered is increased by an amendment filed prior to the effective date of the registration statement, an additional filing fee, computed on the basis of the offering price of the additional securities, shall be paid. There will be no refund once the statement is filed.

* * * * * *

VI. Section 23.458 of this chapter is hereby rescinded.

§ 230.458 [Revoked]

VII. Paragraph (a) of § 23.604 of this chapter is hereby amended to read as follows:

§ 230.604 Filing of notification on Form 1-E.

(a) At least 10 days (Saturdays, Sundays and holidays excluded) prior to the date on which the initial offering of any securities is to be made under §§ 230.601 to 230.610a, there shall be filed with the Commission four copies of a notification on Form 1-E. At the time of filing the notification, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded. The Commission may, however, in its discretion, authorize the commencement of the offering prior to the expiration of such 10-day period upon a written request for such authorization.

* * * * * *

VIII. Section 230.652 of this chapter is hereby amended as follows:

§ 230.652 Filing of notification.

At least 10 days (Saturdays, Sundays, and holidays excluded) prior to the date of which the initial offering of any securities is to be made under §§ 230.651 to 230.656, there shall be filed with the Regional Office of the Commission for the region in which the issuer conducts its principal business operations four copies of a notification on Form 1-F containing the information specified in that form. At the time of filing the notification, the applicant shall pay to the Commission a fee of $100, no part of which shall be refunded. The Commission may, in its discretion authorize the commencement of the offering prior to the expiration of such 10-day period upon a written request for such authorization.

PART 240—GENERAL RULES AND REGULATIONS UNDER SECURITIES EXCHANGE ACT OF 1934

IX. Part 240 of this chapter is hereby amended by adding thereunder a new § 240.0-9, reading as follows:

V37-20 JAN 29 72 XUM

§ 240.0–9 Payment of fees.

All payment of fees shall be made in cash, certified check, personal check or by U.S. postal money order, bank cashier's check, or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

X. Part 240 of this chapter is hereby amended by adding thereunder a new § 240.12b–7, reading as follows:

§ 240.12b–7 Filing fee.

At the time of filing the registration statement, the registrant shall pay to the Commission a fee of $250, no part of which shall be refunded.

XI. Section 240.13a–1 of this chapter is amended as follows:

§ 240.13a–1 Requirements of annual reports.

• • • At the time of filing the annual report, the registrant other than a person registered under the Public Utility Holding Company Act of 1935 or the Investment Company Act of 1940 shall pay to the Commission a fee of $250, no part of which shall be refunded.

XII. Section 240.13d–1 of this chapter is hereby amended as follows:

§ 240.13d–1 Filing of Schedule 13D (§ 240.13d–101).

• • • At the time of filing the statement, the person making the filing shall pay to the Commission a fee of $100, no part of which shall be refunded.

XIII. Section 240.14a–6 of this chapter is amended by adding thereunder a new paragraph (i), reading as follows:

§ 240.14a–6 Material required to be filed.

• • • • • •

(i) At the time of filing the preliminary proxy solicitation material, the persons upon whose behalf the solicitation is made, other than companies registered under the Investment Company Act of 1940, shall pay to the Commission the following applicable fee: (1) For preliminary proxy material which solicits proxies for election of directors or other business for which a stockholder vote is necessary, but apparently no controversy is involved, a fee of $125; (2) for proxy material where a contest as set forth in Rule 14a–11 is involved a fee of $500 from each party to the controversy; and (3) for proxy material involving acquisitions or mergers, a fee of $1,000. Where both companies involved in the acquisition or merger must file proxy material with the Commission, each shall pay $500 of the fee. There shall be no refunds.

XIV. Paragraph (a) of § 240.14c–5 of this chapter is hereby amended as follows:

§ 240.14c–5 Filing of information statement.

(a) • • • At the time of filing the preliminary information statement, the issuer shall pay to the Commission a fee of $125, no part of which shall be refunded.

• • • • • •

XV. Section 240.14d–4 of this chapter is hereby amended by adding thereunder a new paragraph (d), reading as follows:

§ 240.14d–4 Filing of Schedule 14D.

• • • • • •

(d) At the time of filing of the statement the person making the filing shall pay to the Commission a fee of $100, no part of which shall be refunded.

XVI. Section 240.15d–1 of this chapter is hereby amended as follows:

§ 240.15d–1 Requirements of annual reports.

• • • At the time of filing the annual report, the registrant shall pay to the Commission a fee of $250, no part of which shall be refunded.

PART 250—GENERAL RULES AND REGULATIONS UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

XVII. Section 250.1 of this chapter is amended by adding thereunder a new paragraph (d), reading as follows:

§ 250.1 Registration.

• • • • •

(d) At the time of filing Form U5S (§ 259.U5S of this chapter) every registered holding company shall pay to the Commission a fee of $250, no part of which shall be refunded.

XVIII. Section 250.94 of this chapter is hereby amended as follows:

§ 250.94 Annual reports by mutual and subsidiary service companies.

• • • At the time of filing Form U–13–60 (§ 259.313 of this chapter) every mutual service or subsidiary service company filing such form shall pay to the Commission a fee of $250, no part of which shall be refunded.

XIX. Part 250 of this chapter is hereby amended by adding thereunder a new § 250.106, reading as follows:

§ 250.106 Fees.

At the time of filing any application or declaration or exemption statement under the Act the person or persons making such filing shall pay to the Commission a total fee of $2,000: *Provided however*, If an initial exemption statement has been filed, there shall be paid a fee to the Commission of $500 at the time of the filing of each subsequent exemption statement. A posteffective amendment to any application or declaration shall be considered a separate application or declaration if (a) the subject of such posteffective amendment involves a different transaction than that for which authorization was initially requested, (b) if the posteffective amendment is filed more than 2 years after the original filing or (c) if the posteffective amendment requests an extension of time more than 2 years from that granted in the original order. There shall be no refunds.

XX. Part 250 of this chapter is hereby amended by adding thereunder a new section 107, reading as follows:

§ 250.107 Payment of fees.

All payment of fees shall be made in cash, certified check, personal check or by U.S. postal money order, bank cashier's check, or bank money order payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission.

PART 270—RULES AND REGULATIONS UNDER INVESTMENT COMPANY ACT OF 1940

Part 270 of this chapter is amended as follows:

XXI. Section 270.0–5 of this chapter is hereby amended by adding thereunder a new paragraph (d), reading as follows:

§ 270.0–5 Procedures with respect to applications and other matters.

• • • • • •

(d) At the time of filing an application under the Act, the applicant or applicants shall pay to the Commission a total fee of $500, no part of which shall be refunded; however, this fee shall not be applicable to applications for deregistration of an investment company pursuant to Section 8(f) of the Investment Company Act if such company has assets of less than $100,000.

XXII. Part 270 of this chapter is hereby amended by adding a new § 270.0–8 to read as follows:

§ 270.0–8 Payment of fees.

All payment of fees shall be made in cash, certified check, personal check or by U.S. postal money order, bank cashier's check, or bank money order payable to the Securities and Exchange Commission, omitting the name or title of officials of the Commission.

XXIII. Part 270 of this chapter is hereby amended by adding thereunder a new § 270.8b–6, reading as follows:

§ 270.8b–6 Fee for registration.

At the time of filing of a registration statement pursuant to section 8(b) of the Act by any registered investment company such company filing such statement shall pay to the Commission a fee of $100, no part of which shall be refunded.

XXIV. Section 270.20a–1 of this chapter is amended by adding thereunder a new paragraph (c), reading as follows:

§ 270.20a–1 Solicitations of proxies, consents, and authorizations.

• • • • • •

(c) In lieu of the fees specified in Rule 14a–6 of the general rules and regulations under the Securities Exchange Act of 1934, at the time of filing the preliminary solicitation material, the person upon whose behalf the solicitation is made shall pay to the Commission a fee of $125, no part of which shall be refunded.

XV. Paragraph (a) of § 270.30a–1 of this chapter is hereby amended as follows:

§ 270.30a–1 Annual reports.

(a) • • • At the time of filing such annual report, the registered investment company shall pay to the Commission a fee of $250, no part of which shall be refunded.

• • • • • •

PART 275—RULES AND REGULATIONS UNDER INVESTMENT ADVISERS ACT OF 1940

XVI. Part 275 of this chapter is hereby amended by adding thereunder a new § 275.203–3, reading as follows:

§ 275.203–3 Fees for registrants and applicants.

(a) At the time of filing by an investment adviser of an application for registration under the Act, the applicant shall pay to the Commission a fee of $150, no part of which shall be refunded.

(b) Every registered investment adviser shall pay a $100 assessment annually to the Commission while its registration is effective. Such assessment must be paid by each registrant by January 31 of the year following the end of the calendar year in which the investment adviser has been registered, provided, however, for the year 1971 the fee shall be paid not later than April 1, 1972. No part of this assessment will be refunded.

(c) All payments of fees shall be made in cash, certified check, personal check, or by U.S. Postal Money Orders, bank cashier's check or bank money order payable to the Securities and Exchange Commission, omitting the name or title of officials of the Commission.

The foregoing actions have been taken pursuant to Title V of the Independent Offices Appropriations Act of 1952; section 19(a) of the Securities Act of 1933; section 23(a) of the Securities Exchange Act of 1934; section 20 of the Public Utility Holding Company Act of 1935; sections 203, 204, and 211 of the Investment Advisors Act of 1940; and section 38(a) of the Investment Company Advisors Act of 1940; and section 38(a) of the Investment Company Act of 1940, shall be effective as of March 1, 1972.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 484(a); sec. 19, 48 Stat. 85, sec. 209, 48 Stat. 908; 15 U.S.C. 77s; sec. 23, 48 Stat. 901, sec. 203(a), 49 Stat. 704, sec. 8, 49 Stat. 1379, sec. 10, 78 Stat. 580; 15 U.S.C. 77w; sec. 20, 49 Stat. 833; 15 U.S.C. 79t; sec. 38, 54 Stat. 841; 15 U.S.C. 80a–37; sec. 203, 54 Stat. 850, secs. 2–5, 74 Stat. 885, sec. 24, 84 Stat. 1430; sec. 204, 54 Stat. 852, sec. 6, 74 Stat. 888; sec. 211, 54 Stat. 855, sec. 1(16), 74 Stat. 201, sec. 14, 74 Stat. 886; 15 U.S.C. 80b–3, 80b–4, 80b–11)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 25, 1972.

[FR Doc.72–1311 Filed 1–28–72;8:49 am]

Chapter II—Securities and Exchange Commission

[Release No. 34–9460]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Net Capital Requirements for Brokers and Dealers

The Securities and Exchange Commission announced today that it has amended Rule 15c3–1 (17 CFR 240.15c3–1) (the "net capital" rule) under the Securities Exchange Act of 1934 (the Act). The net capital rule imposes specified financial responsibility requirements on brokers and dealers with the object of requiring a broker or dealer to have at all times sufficient liquid assets to cover current indebtedness.[1]

On May 12, 1971, in Securities Exchange Act Release No. 9173, and in the FEDERAL REGISTER for May 21, 1971, at 36 F.R. 9280, the Commission published its proposal to amend the net capital rule as it related to the impact of proposed Rule 27d–1 (17 CFR 270.27d–1) under the Investment Company Act of 1940 (Investment Company Act) on the net capital computation of broker-dealers subject to proposed Rule 27d–1. (See Investment Company Act Release No. 6493 in the FEDERAL REGISTER for May 4, 1971, at 36 F.R. 8319, for a discussion of proposed Rule 27d–1). On July 2, 1971, in Investment Company Act Release No. 6600, and in the FEDERAL REGISTER for July 15, 1971, at 36 F.R. 1314, the Commission adopted that rule. Rule 27d–1, as adopted provides that every depositor of or principal underwriter for a periodic payment plan certificate sold subject to section 27 (d) or (f) of the Investment Company Act, or both, shall deposit and maintain funds in a "segregated trust account", in accordance with the provisions of Rule 27d–1.

The basic concept of requiring the deposit and maintenance of funds in a segregated trust account which was originally proposed was not changed by the Commission in adopting Rule 27d–1, and the amendments to Rule 15c3–1 as proposed in Securities Exchange Act Release No. 9173 have accordingly, after considering all the comments and suggestions received, been adopted without material changes except for clarifying language. As noted in Exchange Act Release No. 9173, those persons who are required to maintain such a segregated trust account are brokers and dealers who may be subject to the net capital rule. Accordingly, consideration must be given to the application of the requirements of Rule 27d–1, with respect to the computation of "aggregated indebtedness" and "net capital" under the net capital rule. Any approach to this subject must take into account that any such broker or dealer will have to establish, maintain, and include in its books and records a liability reserve consisting of estimates based on actual experience in effecting refunds under section 27 (d) and (f) of the Investment Company Act. Such liability reserves would be established by brokers or dealers, independent of the requirements of Rule 27d–1 under the Investment Company Act which requires a segregated trust account as the statutory reserve to satisfy the refund obligations of these sections. To the extent that liability reserves have been established, maintained, and included in the books and records of the broker or dealer to reflect its estimate and experience pursuant to the refund requirement, such liability must be taken into account in the computation of the net worth of the broker or dealer. It would, accordingly, serve to reduce net worth before the broker or dealer makes appropriate adjustments in accordance with Rule 15c3–1 in the computation of net capital. In addition, the amount on deposit in the segregated trust account would be available almost exclusively for the refunding of sales charges as provided for by section 27 (d) and (f) of the Investment Company Act and can be withdrawn from such account only as set forth in Rule 27d–1 under the Investment Company Act.[2] Within the context of the net capital rule, therefore, such funds, being restricted as to their use, are not readily convertible into cash, and would accordingly be ordinarily deducted from net worth in computing net capital.[3] However, in light of the fact that the liability reserves will have already been included in the reduction of net worth and, consequently, will have effected a corresponding reduction of net capital, it does not appear appropriate to require, as an additional deduction in the computation of net capital, the full amount of the segregated trust account; rather it appears appropriate in the circumstances to provide for a deduction from net worth of only so much of the amount in the segregated trust account as exceeds the liability reserves which have been established, maintained, and included in the books and records of the broker or dealer. Accordingly, subparagraph (B) of Rule 15c3–1(c)(2)(17 CFR 240.15c3–1(c)(2)(B)), has been amended to include such a provision.

With regard to the aggregate indebtedness of such a broker or dealer who is subject to Rule 27d–1, Rule 15c3–1 has been amended to include a new subparagraph (J) of subsection (c)(1) which excludes from aggregate indebtedness liability reserves established and maintained for refunds of charges required by section 27 (d) and (f) of the Investment Company Act but only to the extent of the amounts on deposit in a segregated trust account. This treatment

[1] Securities Exchange Act Release No. 8024 (Accounting Series Release No. 107), in the FEDERAL REGISTER for January 25, 1967, at 32 F.R. 856, Part I, A, Introduction.

[2] Paragraph (f) of Rule 27d–1 under the Investment Company Act provides in substance that withdrawals are generally to be confined to the making of refunds to customers as provided for by section 27 (d) and (f) of the Investment Company Act.

[3] See Rule 15c3–1(c)(2)(B) (17 CFR 240.15c3–1(c)(2)(B)).

V 37 N 20 JAN 29 72 XUM

is consistent with similar deductions from aggregate indebtedness provided for in the rule in comparable situations.[1] It should also be noted that the language of new subparagraph (J) has been changed from the proposed language in order to clarify its meaning, and that it is not a substantive change.

In Investment Company Act Release No. 6600, the Commission also announced the adoption of Rule 27d–2 under the Investment Company Act. Rule 27d–2 provides that any depositor of or principal underwriter for the issuer of a periodic payment plan sold subject to section 27 (d) and (f) of the Investment Company Act shall be exempt from the requirements of Rule 27d–1 under the Investment Company Act if an insurance company which meets the criteria of Rule 27d–2 undertakes to guarantee the performance of the refund obligations under those sections. A broker-dealer underwriter or depositor who has such an exemption still has the primary responsibility to refund charges pursuant to section 27 (d) and (f), and it must therefore establish, maintain, and include on its books and records a liability reserve consisting of estimates based on its actual experience in effecting refunds under section 27 (d) and (f) of the Investment Company Act. The amount of such liability reserve must be included in computing the aggregate indebtedness as well as in reducing the net worth of the broker-dealer underwriter or depositor for net capital purposes.

Adoption of the amendments is made pursuant to the provisions of the Act, particularly sections 15(c)(3) and 23(a) thereof. The amendments which have been adopted are to be effective March 6, 1972.

Commission action: The Securities and Exchange Commission, acting pursuant to the provisions of the Act, and particularly sections 15(c)(3) and 23(a) thereof, deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to provide safeguards with respect to the financial responsibility of brokers and dealers, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting § 240.15c3–1(c)(1)(x) as stated below, effective March 6, 1972. Paragraph (c)(2) of § 240.15c3–1 is hereby amended by adding to subdivision (ii) after the words "Federal Reserve System;" the following: and the funds on deposit in a "segregated trust account" in accordance with Rule 27d–1 under the Investment Company Act of 1940, but only to the extent that the amounts on deposit in such segregated trust account exceed the amount of liability reserves established and maintained for refunds of charges required by section 27 (d) and (f) of the Investment Company Act of 1940.

[1] See, e.g., subparagraphs (G) and (F) of Rule 15c3–1(c)(1) (17 CFR 240.15c3–1(c)(1)(G) and 17 CFR 240.15c3–1(c)(1)(F)).

As amended, § 240.15c3–1(c)(2)(ii) will read as follows:

§ 240.15c3–1 Net capital requirements for brokers and dealers.

* * * * *

(c) * * *

(1) * * *

(x) Liability Reserves established and maintained for refunds of charges required by section 27 (d) and (f) of the Investment Company Act of 1940, but only to the extent of the amounts on deposit in a segregated trust account in accordance with Rule 27d–1 under the Investment Company Act of 1940.

(2) * * *

(ii) Deducting fixed assets and assets which cannot be readily converted into cash (less any indebtedness secured thereby) including, among other things, real estate; furniture and fixtures; exchange memberships; prepaid rent, insurance and expenses; good will; organization expenses; all unsecured advances and loans; customers' unsecured notes and accounts; deficits in customers' accounts, except in bona fide cash accounts within the meaning of section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System; and the funds on deposit in a "segregated trust account" in accordance with Rule 27d–1 under the Investment Company Act of 1940, but only to the extent that the amounts on deposit in such segregated trust account exceed the amount of liability reserves established and maintained for refunds of charges required by section 27 (d) and (f) of the Investment Company Act of 1940.

* * * * *

(Sec. 15(c)(3), 48 Stat. 895, 52 Stat. 1075, 84 Stat. 1653, 15 U.S.C. 780; sec. 17(a), 48 Stat. 897, 49 Stat. 1379, 52 Stat. 1076, 15 U.S.C. 78q; sec. 23(a), 48 Stat. 901, 52 Stat. 1076, 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 21, 1972.

[FR Doc.72–1312 Filed 1–28–72;8:49 am]

[Release No. IC–6663]

PART 271—INTERPRETATIVE RELEASES RELATIVE TO THE INVESTMENT COMPANY ACT OF 1940 AND RULES AND REGULATIONS THEREUNDER

Guidelines Relating to Checking Accounts Established by Investment Companies Having Bank Custodians

This is the seventh in a series of releases[1] relating to the Investment Company Amendments Act of 1970 (1970 Act), Public Law 91–547 (84 Stat. 1413), enacted December 14, 1970. The purpose of this release is to call to the attention of registered investment companies and other interested persons some important provisions of the 1970 Act which will take effect on December 14, 1971, relating to checking accounts maintained by registered investment companies having bank custodians and also to establish guidelines in the use of such accounts.

[1] See Investment Company Act Release Nos. 6324, 6392, 6430, 6440, 6506, and 6568 (1971) (36 F.R. 2267, 36 F.R. 5040, 36 F.R. 7897, 36 F.R. 8729, 36 F.R. 9130, 36 F.R. 12164).

CHECKING ACCOUNTS MAINTAINED BY INVESTMENT COMPANIES

Under section 17(f) of the Investment Company Act of 1940 (Act) (15 U.S.C. 80a–17(f)), a registered management investment company must place and maintain its securities and similar investments in the custody of (i) a bank, or (ii) a member firm of a national stock exchange subject to rules and regulations prescribed by the Commission, or (iii) itself, subject to rules, regulations or orders prescribed by the Commission. Section 17(f) was amended by the 1970 Act to provide that if an investment company employs a bank as custodian for securities and similar investments then all of its "cash assets," including proceeds from the sale of its portfolio securities, shall likewise be held by a bank or banks. It should be noted that the term "cash assets" encompasses all cash of the investment company, including, for example, interest and dividends derived from portfolio securities of the registered investment company, cash proceeds from the sale of the investment company's own securities, and cash derived from realization of a legal judgment.

A self-operating exception from bank custodianship is provided in new section 17(f), however, for cash maintained in checking accounts in banks meeting certain qualifications. The statute requires that the aggregate balances in such checking accounts cannot exceed the fidelity bond maintained by the registered investment company covering the officers and employees authorized to draw on the checking accounts. These checking accounts are maintained by registered investment companies to meet current expenses and sometimes as dividend distribution accounts, and, of course, should not be used to such an extent that they constitute a substitution for bank custodianship.

The act, as amended, does not require a registered investment company to employ a bank as custodian. If, however, a company chooses to use a bank as custodian, its shareholders are entitled to expect that the cash held by the company is afforded a degree of protection similar to that given to its portfolio securities. The Commission has authority to allow specified amounts of petty cash to be held apart from bank custodianship. That exception will be the subject of a separate rule not discussed herein.

Section 17(f) states, in pertinent part:

"* * * If a registered company maintains its securities and similar investments in the custody of a qualified bank or banks, the cash proceeds from the sale of such securities and similar investments and other cash assets of the company shall likewise be kept in the custody of such a bank or banks, * * * except that such a registered company may maintain a checking account in a bank or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts with the balance of such account or the aggregate balances of such accounts at no time in excess of the amount of the fidelity bond, maintained pursuant to section 17(g) of this title, covering the officers or employees authorized to draw on such account or accounts."

The Commission believes the following guidelines should be considered and utilized by registered investment companies in establishing and maintaining checking accounts pursuant to section 17(f) of the Act, as amended.[2]

(1) Any checking account or accounts created under section 17(f) of the Act, as amended, should be created and funded with monies drawn from the bank custodian account pursuant to a resolution of the board of directors of the registered investment company. The resolution should specify the purposes for which monies placed in the checking account may be disbursed.

(2) The balance maintained in such accounts should not exceed that amount which is necessary to meet current recurring expenses and distributions declared and payable to shareholders. Pursuant to the statute, such amounts should not in the aggregate exceed fidelity bond coverage.

(3) Checks written on such an account should be prenumbered by a printer and limited to a specified reasonable maximum dollar amount established by a resolution of the board of directors.

(4) Checks written on such an account should require the signatures of at least two persons designated by resolution of the board of directors.

(5) All persons who handle cash or are involved in cash transactions must be covered by the fidelity bond maintained pursuant to section 17(g) of the Act.

(6) The depositary bank should be notified in writing of the above requirements, and also should be instructed that checks presented to the bank made out to "Cash" or to the order of the investment company may be accepted for deposit only and may not be cashed. All check disbursements made out of the account of the investment company should be made payable to a designated payee. No checks should be cashed except that checks of specified maximum amount limited to the amount of authorized petty cash and made out to the order of "(Named Person), Petty Cashier" may be cashed.

(7) All checks when presented for signature should be accompanied by adequate documentation supporting the disbursement. Supporting documentation should be effectively noted to show the item has been paid immediately following the signing of the check.

(8) A person other than a person who receives, records, deposits, disburses, or authorizes disbursements of cash should be designated by the board of directors to receive the bank statement and supporting data by mail, unopened, and shall reconcile the bank statement monthly.

(9) Cash receipts should be deposited within a reasonable time after receipt. Usually this would require that they be transmitted to the bank on the same day received.

(10) Other controls as are necessary in the circumstances of the particular company should be established.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 6, 1971.

[FR Doc.72–1313 Filed 1–28–72;8:49 am]

[2] These guidelines are consistent with existing accounting procedures. See, Holmes, Auditing Principles and Procedure, Business Publications, Inc. (1966); Statements on Auditing Procedure, No. 33, Chapter 5, issued by the Committee on Auditing Procedure of the American Institute of Certified Public Accountants (1963); Case Studies in Auditing Procedure, No. 6, "A Management Investment Company of the Open-End Type," issued by American Institute of Certified Public Accountants (1949).

V 37 N 20 JAN 29 72 XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1096]

[AO 257–A21]

MILK IN NORTHERN LOUISIANA MARKETING AREA

Decision on Proposed Amendments to Marketing Agreements and to Orders; Correction

In the decision issued on January 24, 1972, for the aforesaid orders, certain language was inadvertently omitted from the amendments to the Northern Louisiana order (Part 1096). As indicated in the findings of the decision, this language was adopted for all orders proposed to be amended.

Accordingly, the first amendment listed in the decision for Part 1096 is corrected to read as follows:

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

1. In § 1096.27, paragraph (j) is revised as follows:

§ 1096.27 Additonal duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

Signed at Washington, D.C., on January 27, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–1402 Filed 1–28–72;8:51 am]

Farmers Home Administration

[7 CFR Part 1801]

[FHA Ins. 410.1]

RECEIVING AND PROCESSING OF LOAN APPLICATIONS

Proposed Review Procedure

Notice is hereby given that the Farmers Home Administration has under consideration a proposed amendment of Part 1801, Title 7, Code of Federal Regulations (36 F.R. 15737) as follows:

1. In § 1801.3(d)(4), subdivision (ii) (*b*) has been revised and made subdivisions (ii) (*b*) and (*c*) to clarify the County Supervisor's responsibilities when a loan has been refused to an applicant; subparagraphs (5), (6), and (7) have been added to provide an opportunity for an applicant whose loan has been refused to have his loan application reviewed by the State Director.

As amended, the proposed changes read as follows:

§ 1801.3 Processing applications.

* * * * *

(d) * * *

(*b*) The specific reason why the applicant did not meet the requirements for the assistance requested, except where factors such as honesty and integrity are involved.

(*c*) An invitation to call at the County Office to discuss in detail with the County Supervisor or the County Committee the reasons for the rejection and, when appropriate, the corrective action the applicant may take to qualify for the loan. If the applicant wishes to bring additional information or a representative with him to this meeting, he should be allowed to do so.

* * * * *

(5) If, after meeting with the County Supervisor, or the County Committee, the loan is not approved, the County Supervisor will confirm this decision in a letter to the applicant. Such a letter will, in addition to confirming the decision, include the following statement:

If you wish you may write to the State Director asking him to review the action taken on your application giving the reasons why you believe your loan should be approved. His name and address is ----------

(6) Upon receipt of a request from an applicant that his application be reviewed, the State Director will usually have the District Supervisor contact the applicant and try to resolve the issue unless it involves civil rights. In civil rights cases the complaint will be forwarded to the National Office for appropriate handling; otherwise, if the District Supervisor is unable to resolve the question of eligibility, he will submit the application and a complete supplementary report to the State Director. The State Director, upon receipt of information from the District Supervisor, will determine whether the available information submitted by the District Supervisor and any additional information he may obtain is adequate to determine whether the applicant's request was properly considered, and whether the applicant might qualify if, for example, he selected a different house, building site, or farm; or provided additional information to support a conclusion that he would be able to meet all of his obligations including loan payments, taxes, insurance, and maintenance. Additional information will be requested by the State Director if needed.

(7) The State Director will, if he agrees with the County Committee that the applicant is not eligible, inform the applicant of his decision by letter giving the reasons for the decision.

(*i*) Where the County Committee has found the applicant eligible but favorable action was not taken on the loan and the State Director determines that a loan should be approved he will request the County Supervisor to advise the applicant that his loan has been reconsidered by the State Director and may be approved or approved subject to certain conditions.

(*ii*) Where the County Committee has found the applicant ineligible and the State Director concludes that in his opinion a loan should be approved, he will request the County Supervisor to resubmit any additional information to the Committee and inform them of the State Director's recommendation for their consideration.

(*a*) If the County Committee acts favorably on the application, the County Supervisor will inform the applicant of the decision.

(*b*) If the County Committee does not act favorably on the application, the County Supervisor will send a complete report to the State Director, who will notify the applicant of the determination that has been made.

* * * * *

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Sec. 4, 64 Stat. 100, 40 U.S.C. 442; Sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Act. Sec. of Agr., 36 F.R. 21529; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 F.R. 21529)

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 20 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours. (8:15 a.m.–4:45 p.m.)

Dated: January 26, 1972.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[FR Doc.72–1380 Filed 1–28–72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 145]

POTENCY OF ANTIBIOTIC-CONTAINING DRUGS AT TIME OF CERTIFICATION

Proposed Statement of Policy; Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of January 11, 1972 (37 F.R. 336), proposing § 145..... *Potency of antibiotic-containing drugs at the time of certification; statement of policy*, provided for comments to be filed within 30 days of said date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments on the proposal is extended to March 11, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(a), 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–1351 Filed 1–28–72;8:47 am]

Office of the Secretary

[41 CFR Part 3–56]

CONTRACTOR USE OF GOVERNMENT PROPERTY

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by adding a new Part 3–56, Government Property. The new part will establish Department policy and procedures for use whenever Government property is authorized for use by HEW contractors in the performance of contracts for the procurement of personal property and nonpersonal services (including construction).

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director, Office of Procurement and Materiel Management, OASAM, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days after publication of this notice in the FEDERAL REGISTER. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Procurement and Materiel Management.

Dated: January 25, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

As proposed, the new Part 3–56 would read as follows:

PART 3–56—GOVERNMENT PROPERTY

Sec.
3–56.000 Scope of part.

Subpart 3–56.1—General

3–56.100 Scope of subpart.
3–56.101 Definitions.
3–56.101–1 Property.
3–56.101–2 Government property.
3–56.101–3 [Reserved]
3–56.101–4 [Reserved]
3–56.101–5 [Reserved]
3–56.101–6 [Reserved]
3–56.101–7 [Reserved]
3–56.101–8 Equipment.
3–56.101–9 [Reserved]
3–56.101–10 [Reserved]
3–56.101–11 Facilities contract.
3–56.101–12 [Reserved]
3–56.101–13 Nonprofit organization.
3–56.101–14 Miscellaneous terms.
3–56.102 Responsibility and liability for Government property.
3–56.102–1 Prime contractors.
3–56.102–2 Subcontractors.
3–56.103 [Reserved]
3–56.104 Profits and fees.
3–56.105 Use for or by contractors of property owned and operated by the Government.

Subpart 3–56.2—[Reserved]

Subpart 3–56.3—Providing Government Property to Contractors

3–56.301 Providing property.
3–56.302 [Reserved]
3–56.303 Use of facilities contracts.
3–56.304 [Reserved]
3–56.305 [Reserved]
3–56.306 Loans of Government property.
3–56.307 Providing Government property when disposal is limited (nonservable, etc.).
3–56.308 Offer to furnish Government property "as is".
3–56.309 Changing Government property to be provided.

Subpart 3–56.4—Use and Rental of Government Property

3–56.401 Policy.
3–56.402 Authorizing a contractor to use Government property without charge.
3–56.403 Rental of Government property.
3–56.404 Rental rates and policies applicable to the use of Government property.
3–56.405 [Reserved]
3–56.406 Rent-free use of Government property on work for foreign governments.
3–56.407 Use of Government property without charge by nonprofit organizations.

Subpart 3–56.5—Competitive Advantage

3–56.501 Policy.
3–56.502 Advertised procurements—use of existing Government property.
3–56.502–1 General.
3–56.502–2 Procedures for use of evaluation factors.
3–56.502–3 Limitations.
3–56.502–4 Rent.
3–56.503 Negotiated procurement—use of existing Government property.
3–56.504 Residual value to the Government of property to be acquired in competitively negotiated procurements.
3–56.505 [Reserved]
3–56.506 Solicitations—description of evaluation procedure.

Subpart 3–56.6—Administration of Government Property

3–56.601 Maintenance.
3–56.602 [Reserved]
3–56.603 Termination of facilities contracts.
3–56.604 Standby or layaway provision.
3–56.605 [Reserved]
3–56.606 Disposition.
3–56.607 Insurance.
3–56.608 Accounting and control of Government property in possession of contractors.
3–56.609 Handbook—Government Property Held by Contractors.
3–56.610 Abandonment of Government property.
3–56.611 Property warranty or guaranty.

Subpart 3–56.7—Contract Clauses

3–56.701 Applicability.
3–56.702 Government property clause for fixed-price contracts.
3–56.703 Government property clause for cost-reimbursement type contracts with commercial and non-profit organizations.
3–56.704 Government property clause for cost-reimbursement type contracts for research with educational institutions.
3–56.705 [Reserved]
3–56.706 Government property clause for fixed-price type contracts with nonprofit institutions executed on a nonprofit basis.
3–56.707 Abandonment of Government property clause.
3–56.708 [Reserved]
3–56.709 Clause for Government property furnished "as is."
3–56.710 [Reserved]
3–56.711 Use and charges clause for facilities contracts.
3–56.712 Maintenance clause for facilities contracts.
3–56.713 Liability clause for facilities contracts.
3–56.714 Examination of records.

§ 3–56.000 Scope of part.

This part sets forth policies and procedures with respect to providing Government property for use by HEW contractors in connection with the procurement of personal property and nonpersonal services (including construction), and prescribes applicable contract clauses.

Subpart 3–56.1—General

§ 3–56.100 Scope of subpart.

This subpart contains (a) definitions of terms used throughout Part 3–56, and (b) statement of general policy concerning the use of Government property in the performance of contracts.

V37-20 JAN 29 72 XUM

§ 3–56.101 Definitions.

For the purpose of this part, the following terms have the meaning set forth in this section.

§ 3–56.101–1 Property.

(a) *Real property.* Buildings, grounds, and structures including building service equipment permanently installed in or attached to buildings and structures and which becomes a part of real property for the purpose of rendering the building or structure usable or habitable (includes items normally required for the functional use of buildings and structures, such as heating and air conditioning systems, light fixtures, elevators, fire protection systems, etc.) which, installed, becomes an integral part of real property (i.e. lands and buildings).

(b) *Personal property.* Property of any kind or any interest therein, except real property and records of the Federal Government.

§ 3–56.101–2 Government property.

Government property is all property provided at Government expense regardless of the method by which it is acquired, title to which is vested in the Government. Government property is categorized as follows:

(a) Government-furnished property is Government property in the possession of, or acquired directly by the Government and delivered or otherwise made available to the contractor.

(b) Contractor-acquired property is property procured or otherwise obtained by the contractor through sources other than the Government for performance of an HEW contract, title to which is vested in the Government.

(c) Contractor inventory. (1) Any property acquired by and in the possession of a contractor or subcontractor (including Government-furnished property) under a contract pursuant to the terms of which title is vested in the Government; and (2) any property which the Government by contract clause is obligated or has the option to take over under any type of contract.

§ 3–56.101–3 [Reserved]

§ 3–56.101–4 [Reserved]

§ 3–56.101–5 [Reserved]

§ 3–56.101–6 [Reserved]

§ 3–56.101–7 [Reserved]

§ 3–56.101–8 Equipment.

General. The term "'equipment" means any item of mechanical, electronic, medical, technical, or scientific property as well as office furniture and machines having a useful life expectancy of 1 year or more. Capitalization of equipment is prescribed in Subpart 103–27.54 of this title, HEWPMR covering Accounting and Control of Contractor Inventories.

§ 3–56.101–9 [Reserved]

§ 3–56.101–10 [Reserved]

§ 3–56.101–11 Facilities contract.

Facilities contract means a contract for the use of Government real and/or personal property which are provided to a contractor or subcontractor for use in connection with a separate contract or contracts for supplies, research, training, or other articles or services.

§ 3–56.101–12 [Reserved]

§ 3–56.101–13 Nonprofit organization.

Nonprofit organization means any corporation, foundation, trust, or institution operated for scientific, educational, or medical purposes, not organized for profit, no part of net earnings of which inures to the benefit of any private shareholder or individual.

§ 3–56.101–14 Miscellaneous terms.

(a) Provide, as used in the context of such phrases as "Government property provided to the contractor" means either to furnish, as in "Government-furnished property," or to permit the contractor to acquire, as in "contractor-acquired property."

(b) Nonseverable, when related to Government property, means that such property cannot be removed after erection or installation without substantial loss of value or damage thereto, or to the premises where installed.

(c) Procurement contract means a contract with a non-Federal source for the acquisition of personal property or nonpersonal services of any description.

§ 3–56.102 Responsibility and liability for Government property.

§ 3–56.102–1 Prime contractors.

It is the policy not to hold a contractor responsible for loss of property except for loss, destruction, or damage resulting from willful misconduct or lack of good faith of any of the contractor's managerial personnel to maintain and administer the program for maintenance, repair, protection and preservation of the property, when such Government property is provided under:

(a) A facilities contract; or

(b) A negotiated fixed-price procurement contract for which the price is not based on:

(1) Adequate price competition,

(2) Established catalog or market prices of commercial items sold in substantial quantities to the general public, and

(3) Prices set by law or regulation (see § 1–3.807–3 of this title); or

(c) A cost type procurement contract.

§ 3–56.102–2 Subcontractors.

(a) If Government property is provided to a subcontractor directly by the Government, the policy set forth in § 3–56.102–1 shall apply.

(b) If Government property is provided to a subcontractor by a prime contractor, the latter shall be required to hold the subcontractor liable for any loss of or damage to such property: *Provided, however,* (1) If the prime contract falls under either paragraph (b) or (c) of § 3–56.102–1, the prime contractor may, with the prior approval of the contracting officer, include in any cost-reimbursement type subcontract a provision similar to that contained in § 3–56.702(b); and (2) Include in any fixed-price type subcontract, meeting the criteria set forth in § 3–56.102–1(b), a provision similar to that contained in § 3–56.702(b).

(c) Contracting officers shall, prior to approving the inclusion of the provisions referred to in paragraph (b) of this section in any subcontract, balance the need for the protection and care of Government property against the cost thereof. A prime contractor who provides Government property to a subcontractor shall not be relieved of any responsibility to the Government that he may have under the terms of his contract.

§ 3–56.103 [Reserved]

§ 3–56.104 Profits and fees.

No fee is to be provided or allowed a contractor under a facilities contract. Where Government property is provided under a facilities contract, profit or fee terms shall be considered in the negotiation of the related procurement contract or contracts for products or services, consistent with the profit guidelines established in § 1–3.808 of this title.

§ 3–56.105 Use for or by contractors of property owned and operated by the Government.

The on-site use for or by contractors of existing Government-owned property (such as test and other facilities) located at installations owned and operated by the Government may be authorized in connection with the performance of Government contracts only when:

(a) There is no commercial capability adequate for the needs; or

(b) Substantial cost savings will result from use of the Government-owned property.

Whenever any such use is authorized, adequate consideration comparable to commercial charges, if any, shall be obtained under any affected contract.

Subpart 3–56.3—Providing Government Property to Contractors

§ 3–56.301 Providing property.

(a) It is HEW policy that property required in the performance of Government contracts will be furnished by the contractor. However, a contractor may be provided Government property or allowed to acquire such property at Government expense if authorized by the head of the procuring activity (§ 3–75.101) upon the determination that:

(1) No practicable or economical alternative exists; e.g., procurement from other sources, utilization of subcontractors, rental of property, or modification of program/project requirements, etc.;

(2) The Government receives adequate consideration for providing the property; or

(3) Furnishing Government property is likely to result in substantially lower cost to the Government for the items produced or services rendered when all cost involved (e.g., transportation, installation, modification, maintenance, etc.) are compared with the cost to the Government of the contractor's use of privately-owned property.

(b) The determination that it is necessary to provide a contractor or subcontractor with property will be evidenced by a written justification signed by the contracting officer and the official responsible for management of the program involved and submitted to the head of the procuring activity for approval. The justification will:

(1) Explain the necessity for providing property;

(2) Describe the kind, quantity, and estimated cost of the individual items to be provided; and

(3) If necessary, request authorization for the expenditure of appropriated funds for providing the property and furnish a fund citation obtained from the fiscal office.

(c) If the program manager is aware, prior to the request for a contract, that it will be necessary to provide prospective contractors with property, a written justification must accompany the request for a contract to the procurement activity.

(d) If after award of a contract it is determined that property is required or modifications and/or additions to property provided are necessary, a justification as required under § 3–56.301(b) will be executed and provided the approving authority.

(e) Permanent improvements, other than foundations and similar improvements essential for installation of equipment may not be made to private property unless authorized by law.

(f) New construction or improvements to real property having general utility shall not be provided with appropriations for research or development unless authorized by law.

(g) Contracting officers shall ensure that solicitation documents:

(1) Require prospective contractors to identify Government-owned property in their possession and/or property acquired from Federal funds and title vests in the contractor, which they propose to use in the performance of the prospective contract (see §§ 3–56.502 and 3–56.503). The contractor must provide written permission to use the Government property from the contracting officer of the Federal agency owning the property.

(2) Require prospective contractors to state in writing property that will be required, and indicate that property which he does not have available for the contract, the estimated cost and nature of such items, and whether the contractor will furnish the items with his funds.

(3) Inform the prospective contractors of the Government's intention to provide property and list the property to be provided, if any.

§ 3–56.302 [Reserved]

§ 3–56.303 Use of facilities contracts.

When Government facilities are to be provided a contractor a facilities contract is to be used except as provided below:

(a) The acquisition value of the property (real and personal) to be provided a contractor does not exceed $50,000 (provide for the use of the property in this instance in the procurement contract);

(b) The contract is for the performance of work within an establishment of or installation operated by the Government; or

(c) The contract is for the performance of services involving the operation of a Government-owned facility and the property provided is to be used only in connection with such contract.

§ 3–56.304 [Reserved]

§ 3–56.305 [Reserved]

§ 3–56.306 Loans of Government property.

Subpart 103–27.56 of this title provides for the loan of personal property to activities outside the Government other than in connection with a procurement or separate facilities contract with DHEW. Accordingly, the kinds of loans described in Subpart 103–27.56 of this title would not come under the purview of this Part 3–56.

§ 3–56.307 Providing Government property when disposal is limited (nonseverable, etc.).

(a) *Nonseverable property.* Government property, other than foundations and similar improvements necessary for the installation of equipment, shall not be installed or constructed on land not owned by the Government in such fashion as to be nonseverable, unless the head of a procuring activity (see § 3–75.101 of this chapter) determines that such is necessary; and

(1) The contract under which such property is provided contains a provision for reimbursing the Government for the fair value of the property at the completion or termination of the contract or within a reasonable time thereafter (for example, in appropriate cases, such a provision may require the contractor to purchase the property at a value to be determined by appraisal, or at a price equal to its acquisition cost less depreciation at a specified rate considering its estimated useful life, or may require the contractor to reimburse the Government for its scrap or salvage value if the head of the procuring activity determines that its estimated useful life will not extend beyond the expiration of the facilities contract or the completion of the work for which the property was provided);

(2) The Government has an option to acquire the underlying land; or

(3) The contract under which such property is provided contains an alternate provision that the Assistant Secretary for Administration and Management (see § 3–75.104–1(b) of this chapter) considers to be adequate to protect the interests of the Government therein.

(b) *Property subject to patent or other proprietary rights.* If patent or other proprietary rights of a contractor may restrict the disposal of Government property, the condition in either paragraph (a) (1) or (3) of this § 3–56.307 shall be satisfied before such property is provided.

§ 3–56.308 Offer to furnish Government property "as is."

(a) Government property may be offered on an "as is" basis in any solicitation for fixed-price type contracts, whether such property is in storage or in the possession of a contractor. The clause set forth in § 3–56.709 shall be used.

(b) Government property may be offered on an "as is" basis for the performance of fixed-price type contracts only if it can be inspected by bidders or proposers prior to the submission of their bids or offers. In such cases, the invitation or solicitation shall state:

(1) The availability and location of the property, and the conditions under which it may be inspected;

(2) That the property will be offered in its current condition, f.o.b. present location;

(3) That bidders or proposers must satisfy themselves that the property is suitable for their use;

(4) That any costs of transporting, installing, modifying, repairing, or otherwise making the property suitable for use shall be borne by the successful bidder or proposer;

(5) That evaluations will be made to eliminate any competitive advantage from the use of the property (see Subpart 3–56.5);

(6) The bidders or proposers to whom the property is offered, if it is not to be offered to all; and

(7) Instructions concerning disposition of Government property at the completion or termination of the contract.

(c) If, in accordance with the policy stated in §§ 3–56.402 and 3–56.403, the successful bidder or proposer is authorized to use property furnished on an "as is" basis, the Government shall furnish the property in its current condition, f.o.b. present location. If a facilities contract is used to furnish Government property offered on an "as is" basis, the contract shall state that the contractor shall not be reimbursed thereunder for transporting, installing, modifying, repairing, or otherwise making the property ready for use.

§ 3–56.309 Changing Government property to be provided.

The amount of Government property specified to be provided may be increased by a bilateral modification of the contract. Such increases shall be made only when approved in accordance with the policies prescribed in this Subpart 3–56.3 and when the Government receives adequate consideration therefor. Unilateral decreases in or substitutions for the Government property specified to be provided by the Government may be ordered by the contracting officer, subject to the equitable adjustment of the contract, in accordance with the appropriate Government property clause in Subpart 3–56.7.

Subpart 3–56.4—Use and Rental of Government Property

§ 3–56.401 Policy.

It is HEW policy to promote the greatest possible use in the performance of

V 37-20 JAN 29 72 XUM

Government contracts or subcontracts of available Government property.

§ 3–56.402 Authorizing a contractor to use Government property without charge.

(a) A contractor may use Government property without charge:

(1) In the performance of—

(i) Prime contracts which specifically authorize use without charge;

(ii) Subcontracts of any tier if the contracting officer having cognizance over the prime contract concerned has authorized use without charge by:

(a) Approving a subcontract specifically authorizing such use;

(b) Including such authorization in the prime contract; or

(c) By otherwise approving such use in writing.

(iii) Contracts with a foreign government if use without charge has been authorized in writing pursuant to § 3–56.406; or

(iv) Research, development, or educational work by nonprofit organizations if the contracting officer having cognizance of such property approves such use in writing after obtaining the authorization required by § 3–56.407.

(2) *Provided*, as to subdivisions (i) and (ii) of paragraph (a)(1)—

(i) The procedures set forth in Subpart 3–56.5 are complied with;

(ii) The contracting officer having cognizance of the prime contract determines that the Government will receive adequate consideration for the use of the property through reduced costs for the supplies or services or otherwise; and

(iii) A concurrence in, or authorization for, the proposed use of the property in accordance with paragraph (b) of this § 3–56.402 is obtained.

(b)(1) A contracting officer desiring to authorize use of Government property under the cognizance of another contracting officer may request the latter to give concurrence in such use.

(2) Unless the use of Government property is authorized by the solicitation, each solicitation shall require that any contractor or subcontractor desiring to use Government property in his possession in the performance of the proposed Government contract or subcontract shall request the contracting officer having cognizance of such property to give his written concurrence in such use. Such concurrence shall be given whenever possible and shall contain all information required by §§ 3–56–502 or 3–56.503.

(c) Notwithstanding paragraph (a) of this § 3–56.402, a contract may be modified to provide for the use of Government property on a rent-free basis, if the contract is equitably adjusted.

§ 3–56.403 Rental of Government property.

(a) When use of Government property is authorized, rent computed in accordance with § 3–56.404 shall be charged for such use except where use without charge is authorized under § 3–56.402.

(b) When Government property is no longer required for the performance of Government contracts or subcontracts, it shall not continue to be made available to a contractor for non-Government use.

(c) Each contracting officer having cognizance of Government property shall be responsible for the collection of rent thereon.

§ 3–56.404 Rental rates and policies applicable to the use of Government property.

(a) Except as provided below, the rent for all Government property shall be computed in accordance with the criteria set forth in § 3–56.711 (a) and (b). Rent for Government property shall be based on the time such property is available for use. However, if the head of the procuring activity (see § 3–75.101 of this chapter) concerned determines it to be in the best interest of the Government, rent may be charged on an actual use or other basis. In such cases, the "Use and Charges" clause (§ 3–56.711) should be appropriately modified.

§ 3–56.405 [Reserved]

§ 3–56.406 Rent-free use of Government property on work for foreign governments.

(a) Upon the request of a foreign government, or a contractor certifying that he is acting on behalf of a foreign government, the head of the procuring activity cognizant of Government property located in the United States, its possessions, or Puerto Rico, may give written approval for its use without charge on contracts of foreign governments or subcontracts thereunder if:

(1) The foreign government would be authorized to place the contract with the agency concerned under the Foreign Assistance Act of 1961, as amended, or such use is authorized by an agreement with the foreign government;

(2) The foreign government's placement of the contract directly with the contractor is consistent with the best interest of the United States;

(3) It appears that the foreign government will place the contract with the contractor whether or not such use is authorized, and that no competitive pricing advantage will accrue to the contractor by virtue of such use;

(4) The contractor agrees that no charge for the use of such property will be included in the price charged the foreign government under the contract; and

(5) Such use will not interfere with foreseeable requirements of the United States.

§ 3–56.407 Use of Government property without charge by nonprofit organizations.

Using the provisions in Subpart 103–27.56, Loan of Government Property, the contracting officer cognizant of Government property in the possession of a nonprofit organization may approve the use of such property by such organization without charge, for research, development or education work, if:

(a) Such use is directly or indirectly in the National interest;

(b) Such use is not for the direct benefit of a profit-making organization; and

(c) The Government receives some direct benefit from such use (such benefit shall, at a minimum, include the furnishing of a report by the contractor on the work for which the property was provided, and may include rights to use the results of the work without charge, or any other benefit that may be appropriate).

Subpart 3–56.5—Competitive Advantage

§ 3–56.501 Policy.

It is the Department policy to eliminate the competitive advantage to a prospective contractor that might arise from the availability of Government property. This is accomplished by charging rental or by use of rental equivalents in evaluating bids and proposals as provided in §§ 3–56.502 and 3–56.503.

§ 3–56.502 Advertised procurements—use of existing Government property.

§ 3–56.502–1 General.

In formally advertised procurements, the competitive advantage that might otherwise accrue to a contractor from the availability and use of Government property shall be eliminated by adding an evaluation factor to each bid for which such use is requested, i.e. a use or rental charge.

§ 3–56.502–2 Procedures for use of evaluation factors.

Where an evaluation factor is used, it shall be equal to the rent, allocable to the contract, which would otherwise have been charged for such use. The invitation for bids shall set forth a description of the evaluation procedure to be followed, as required by § 3–56.506, and it shall require all bidders to submit with their bids:

(a) A list or description of all Government property which the bidder or his anticipated subcontractors propose to use on a rent-free basis, including property offered for use in the invitation for bids, as well as property already in possession of the bidder and his subcontractors under other contracts;

(b) With respect to such property already in possession of the bidder and his proposed subcontractors, identification of the facilities contract (§ 3–56.303) or other instrument under which the property is held, and the written permission of the contracting officer having cognizance of the property for use of that property;

(c) The months during which such property will be available for use, which shall include the first, last, and all intervening months, and with respect to any such property which will be used concurrently in performance of two or more contracts, the amounts of the respective uses in sufficient detail to support the proration required by § 3–56.502–3(b); and

(d) The amount of rent which would otherwise be charged for such use, computed in accordance with § 3–56.404.

§ 3–56.502–3 Limitations.

(a) The invitation for bids shall provide that no use of Government property other than as described and permitted pursuant to § 3–56.502–2 shall be authorized unless such use is approved in writing by the contracting officer cognizant of the property, and either rent calculated in accordance with § 3–56.404 is charged, or the contract price is reduced by an equivalent amount.

(b) If Government property will be used on other work under one or more existing contracts for which use had been authorized (see §§ 3–56.402 and 3–56.403), the evaluation factor shall be determined by prorating the rent between the proposed contract and such other work. The pro rata share applicable to a proposed contract shall be determined by multiplying the full rental charge for the use of Government property for the period for which rent-free use is requested (i.e., the full charge for the requisite number of rental periods computed in accordance with paragraph (b)(2) of the "Use and Charges" clause, § 3–56.711(a), before application of the credit for rent-free use) by a fraction, the numerator of which is the amount of use of such property requested by the contractor under that contract determined in accordance with paragraph (b)(1)(iv) of the clause in § 3–56.711(a), and the denominator of which is the sum of the previously authorized use of the property by the contractor for the period and the use requested under the proposed contract.

§ 3–56.502–4 Rent.

If competitive advantage is to be eliminated by charging rent, any bidder or prospective subcontractor may use Government property after obtaining the written approval of each contracting officer having cognizance of such property. Rent shall be charged for such use in accordance with § 3–56.404.

§ 3–56.503 Negotiated procurement—use of existing Government property.

In negotiated procurements, competitive advantage arising from the use of Government property shall be eliminated by the use of an evaluation factor established in accordance with § 3–56.502, except when the contracting officer determines that the use of an evaluation factor would not affect the choice of contractors.

§ 3–56.504 Residual value to the Government of property to be acquired in competitively negotiated procurements.

(a) In competitively negotiated procurements that permit the acquisition of property, an evaluation of the residual value of such property to the Government may be made where practicable in accordance with paragraphs (b) and (c) of this § 3–56.504. Such an evaluation is appropriate in cases where the contracting officer has determined that such property will have a reasonably foreseeable future usefulness and related residual value to the Government (remaining useful life plus scrap value) beyond the period of use of the award under consideration, and it is anticipated that the cost of such property as proposed by the several offerors may be a factor in making the award.

(b) The purpose of evaluating the residual value of property is to apportion to each proposal under consideration only that part of the total cost of such property which represents the amount of useful life to be consumed during performance of the resulting contract. Accordingly, the proposed price or cost of such property may be reduced for evaluation purposes by an amount representing the residual value to the Government of such property. In estimating such residual value, the following factors shall be considered:

(1) The useful life of the property to be acquired;

(2) Its adaptability for use by other contractors or by the Government;

(3) The reasonably foreseeable requirements for its future use; and

(4) Its scrap or salvage value.

(c) If the contracting officer decides to consider the residual value in a competitively negotiated procurement, the solicitation shall give notice thereof and a statement of the reasonably foreseeable future requirements of the Government for the supplies in question, in order to afford offerors the opportunity to consider such residual value as a factor in making their proposals. If the solicitation does not contain such notice and statement but the contracting officer decides to consider the residual value of property after receipt of the proposals, he shall, during the negotiations, give all offerors within a competitive range a notice and statement as above, and shall permit them to make such changes in their proposals as they may consider necessary as a result of the addition of the residual value factor.

§ 3–56.505 [Reserved]

§ 3–56.506 Solicitations—description of evaluation procedure.

Generally, where Government property is offered for use in a competitive procurement, the solicitation should provide that the user will assume all costs related to making the property available (such as transportation or rehabilitation costs), to avoid the need for separate evaluation of such costs. Where this is not feasible, or it is otherwise in the Government's interest, the Government may assume certain of such costs provided they are included in the evaluation of bids or proposals. The rental charges or factors to be used to eliminate competitive advantage, as well as all costs or savings to be evaluated, shall be clearly shown in the solicitation to ensure that all prospective bidders or offerors understand the basis to be used for selection of the lowest bid or proposal and take these factors into account in preparing their bids or proposals.

Subpart 3–56.6—Administration of Government Property

§ 3–56.601 Maintenance.

(a) Government property provided under a facilities or procurement contract shall be maintained by the contractor in accordance with sound business practice. Such contracts shall provide for specific maintenance requirements in accordance with the "Government property" clause of the contract or by a separate maintenance agreement. (Also see § 103–27.5406, HEVPMR, and § 3–56.609.)

(b) In formally advertised procurements the minimum specific maintenance requirements which the contractor must meet shall be set forth in the Invitation For Bid. In competitively negotiated procurements the specific maintenance requirements shall be negotiated prior to award.

(c) Any maintenance program that is agreed to shall provide specific details for the protection, preservation, maintenance, and repair of the Government property to assure that the interests of the Government will be adequately protected. In addition, such program shall include general language covering any aspects of maintenance which are not specifically provided for.

§ 3–56.602 [Reserved]

§ 3–56.603 Termination of facilities contracts.

A facilities contract (see § 3–56.303) shall be terminated when the Government property covered thereby is no longer required for the performance of Government contracts or subcontracts, unless such termination is detrimental to the interest of the Government. The contractor shall not be granted the unilateral right to extend the time during which he is entitled to use the property provided under the facilities contract.

§ 3–56.604 Standby or layaway provision.

(a) A facilities contract may include appropriate provisions for maintenance and storage of Government property in standby or layaway status. Such provisions shall include specifications for the care and maintenance of the property appropriate for its intended future use.

(b) If the Government is required to pay the contractor for maintenance and storage of Government property in standby or layaway, the facilities contract shall identify what constitutes standby or layaway items, and when and under what circumstances such payments will commence and terminate with respect to all or any part of the property.

(c) The facilities contract shall provide that, if the contractor is required to pay any State or local property tax measured by his possession of or interest in Government property in standby or layaway, he shall be reimbursed therefor to the extent provided under § 1–15.205–41.

§ 3–56.605 [Reserved]

§ 3–56.606 Disposition.

Disposition of Government property shall be in accordance with applicable regulations and contract provisions. See PR 1–8, Subpart 103–43.3 of the HEWPMR and § 3–56.610 of this subpart.

V 37 • 20 JAN 29 72 XUM

§ 3–56.607 Insurance.

When less than 75 percent of the total use of facilities is for Government work, consideration shall be given to requiring that the contractor procure and maintain insurance against loss of or damage to the facilities. If necessary, facilities contracts may be modified to require such insurance.

§ 3–56.608 Accounting and control of Government property in possession of contractors.

Contracting officers shall ensure that all Government property in a contractor's possession is accounted for under the contract for which it is provided, and a system is available, established and maintained as prescribed by Subpart 103–27.54, HEWPMR.

§ 3–56.609 Handbook — Government Property Held by Contractors.

The handbook sets forth basic requirements to be observed by contractors in establishing and maintaining control over Government property provided for performance of contracts with this Department. The handbook supplements provisions of the contract that apply to Government property, but does not supersede them. The contract provisions will govern in the event of any conflict with the statements in the handbook. If there is evidence that Government property will be required to perform a contract, the contracting officer shall reference the handbook in the solicitation document (IFB or RFP) and make it available on request. The handbook shall be issued to contractors using Government property at the time of the award.

§ 3–56.610 Abandonment of Government property.

(a) There are circumstances when it is to the advantage of the Government to reserve to itself the right to abandon property used under a contract. This necessarily includes instances whenever nonseverable property is involved as described in § 3–56.307, or whenever the provisions of 10 U.S.C. 2353 are evoked. Other circumstances may be when the contracting officer has reason to believe Government property may become fully depreciated or deteriorated beyond economical repair and removal would cost the Government more than the residual value or the acquisition of a new item. In such circumstances all determinations by the contracting officer shall be in writing setting forth the facts which clearly justify that the best interests of the Government will be served by the abandonment of the property and such action is approved by the head of the procuring activity. The clause in § 3–56.707 should be used whenever it is intended to evoke 10 U.S.C. 2353.

§ 3–56.611 Property warranty or guaranty.

When contractors are provided with Government property, the contracting officer shall assure that the contractors are aware of the responsibility for protecting the Government's interest in any warranty or guaranty associated with any item of Government property.

Subpart 3–56.7—Contract Clauses

§ 3–56.701 Applicability.

(a) As used throughout this subpart, the term "fixed-price contract" shall include any advertised or negotiated fixed-price type contract (see § 1–3.404) and any letter contract which will be converted into a fixed-price type definitive contract, but shall exclude small purchases made under Subpart 1–3.6.

(b) As used throughout this subpart, the term "cost-reimbursement contract" shall include any cost-reimbursement type contract (see § 1–3.405) and any letter contract which will be converted to a cost-reimbursement type definitive contract, but shall exclude facilities contracts (see § 3–56.303).

§ 3–56.702 Government property clause for fixed-price contracts.

(a) Except as provided in paragraph (b) of this § 3–56.702, the following clause shall be used in fixed-price contracts—except contracts for experimental, developmental, or research work with educational or non-profit institutions, where no profit to the contractor is contemplated, see § 3–56.706—under which the Government is to furnish to the contractor or the contractor is to acquire Government property:

GOVERNMENT PROPERTY (FIXED-PRICE)

(a) *Government-furnished property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described elsewhere in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (such property to be referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the contract or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and shall equitably adjust the delivery or performance dates, or the contract price, or all of them, and any other contractual provision affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes". Except for Government-furnished property furnished "as is", in the event the Government-furnished property is received by the Contractor in a condition not suitable for the intended use the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property, or (2) effect repairs or modifications. Upon the completion of subparagraphs (1) or (2) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or all of them, and any other contractual provision affected by the return or disposition, or the repair or modification, in accordance with the procedures provided for in the clause of this contract entitled, "Changes". The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-furnished property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property provided or to be provided by the Government under this contract, or (ii) substitute other Government property for property to be provided by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to subparagraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the contract to make available for the performance of this contract, or if the Contractor substitutes property on his own initiative which results in a decrease in the cost of performance, the Contracting Officer, upon written request of the Contractor, shall equitably adjust such contractual provisions as may be affected by the decrease, substitution, or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. Title to Government-furnished property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government nor shall such Government-furnished property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any realty.

(d) *Use of Government-furnished property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(e) *Maintenance and repair of Government-furnished property.* The Contractor shall maintain and administer, to assure that the interests of the Government will be adequately protected, a program for the maintenance, repair, protection, and preservation of Government furnished property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government-furnished property, the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however,* That if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government-furnished property made at the direction of the Government, in accordance with the procedures provided for in the "Changes" clause of this contract. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(f) *Risk of loss.* Unless otherwise provided in this contract, the Contractor assumes the risk of, and shall be responsible for, any loss of or damage to Government-furnished property provided under this contract upon its delivery to him or upon passage of title thereto to the Government as provided in paragraph (c) hereof, except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

(g) *Access.* The Government, and any persons designated by it, shall at all reasonable times have access to the premises wherein any Government-furnished property is located, for the purpose of inspecting such property.

(h) *Final accounting and disposition of Government-furnished property.* Upon the completion of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished property not consumed in the performance of this contract (including any resulting scrap) or not theretofore delivered to the Government, and shall prepare for shipment, deliver f.o.b. origin, or dispose of the Government-furnished property, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(i) *Restoration of contractor's premises.* Unless otherwise provided in the contract, the Government:

(1) May abandon any Government-furnished property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(2) Shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of, the Contractor's plant or any portion thereof which is affected by the abandonment or removal of any Government property.

(j) *Communications.* All communications issued pursuant to this clause shall be in writing.

(b) In fixed-price contracts under which the contractor is required to submit certified cost or pricing data (see § 1–3.807–3 of this title) prior to contract award, paragraph (e) of the clause in § 3–56.703(a) shall be substituted for paragraph (f) of the clause in this § 3–56.702(a).

§ 3–56.703 Government property clause for cost-reimbursement type contracts with commercial and nonprofit organizations.

(a) The following clause shall be used in all cost-reimbursement type contracts with commercial and nonprofit organizations excluding educational institutions for property and services under which the Government is to furnish to the contractor, or the contractor is to acquire Government property (refer to § 3–56.704 regarding clauses to be used in contracts with educational institutions):

GOVERNMENT PROPERTY (COST-REIMBURSEMENT TYPE)

(a) *Government-furnished property.*

(1) The Government reserves the right to furnish any property or services required for the performance of the work under this contract.

(2) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described elsewhere in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (such property to be referred to as "Government-furnished property"). In the event that Government-furnished property is not delivered to the contractor by such time or times as stated, in sufficient time to enable the contractor to meet such delivery or performance dates under this contract, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and make appropriate equitable adjustments to any contractual provisions affected by any such delay in accordance with the provisions of the clause of this contract entitled "Changes". In the event that Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, immediately upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer either (i) return or otherwise dispose of such property, or (ii) effect repairs or modifications thereto. Upon completion of (i) or (ii) above, the Contracting Officer, upon timely written request of the Contractor, shall make appropriate equitable adjustments to any contractual provisions affected thereby in accordance with the provisions of the clause of this contract entitled "Changes". The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Title.* (1) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this Contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property".

(2) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(c) *Use of Government property.* Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(d) *Property management and control.* The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection, preservation, control and accountability of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor agrees to promptly receipt for all Government property in a form and manner as prescribed by the Contracting Officer. The Contractor further agrees to take all reasonable steps to comply with all directions or instructions which the Contracting Officer may prescribe regarding the management and control of Government property.

(e) *Risk of loss.* (1) The Contractor shall not be liable for any loss of or damage to Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who have supervision or direction of (a) all or substantially all of the Contractor's operations at any one plant, laboratory or separate location in which this contract is being performed or (b) a separate and complete major organization, industrial or otherwise, in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers or other representatives mentioned in subdivision (i) above, (a) to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection, and preservation of Government property as required by paragraph (d) hereof, or (b) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (d) hereof;

(iii) For which the Contractor is otherwise responsible under the express terms of this contract;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: *Provided,* That if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) If the Contractor transfers Government property to the possession and control of a subcontractor the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to Government property as set forth in subparagraph (1) above. The Contractor shall require the subcontractor to assume the risk of and be responsible for any loss or destruction of or damage to Government property while in the latter's possession or control, and the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received (except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract): *Provided, however,* That the subcontractor may be relieved from such liability only to the extent that the subcontract, with the prior approval of the Contracting Officer, so provides.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provisions for a reserve, covering the risk of loss or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

V37 I20 JAN 29 72 XUM

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property, or take such other action as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(f) *Disposition of Government property.* (1) During the period of performance of this contract, the Contractor shall promptly and regularly report to the Contracting Officer, in such form and manner as the Contracting Officer may direct, concerning the status of Government property under the contract, including all Government property in the Contractor's possession which is not in use or which is excess to the needs of the contract. The Contractor shall make such disposition of Government property as the Contracting Officer may direct. The Contractor shall in no way be relieved of responsibility for Government property without the prior written approval of the Contracting Officer.

(2) Upon completion or expiration of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall render an accounting, as prescribed by the Contracting Officer, of all Government property which had come into the possession or custody of the Contractor under this contract. Such accounting shall include inventory schedules covering all items of Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, or for which the Contractor has not otherwise been relieved of responsibility. The Contractor shall deliver or make such other disposition of Government property covered in such inventory schedules as the Contracting Officer may direct.

(3) The net proceeds of any disposition of Government property, in accordance with subparagraphs (1) and (2) above, shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct.

(g) *Restoration of Premises.* Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's plant or any portion thereof which is affected by removal of any Government property.

§ 3–56.704 Government property clause for cost-reimbursement type contracts for research with educational institutions.

When a contract is for research with a nonprofit educational institution and the provisions of Office of Management and Budget Circular No. A–101 may be evoked the following shall be substituted for paragraphs (b) *Title*, and (d) *Property management and control*, of the clause in § 3–56.703(a) provided there is statutory authority such as that cited in 42 U.S.C. 1892 or other appropriate legislation which permits vesting title to property acquired from contract funds in the Contractor without further obligation to the Government:

(b) *Title.* (1) Title to all Government furnished property shall remain in the Government.

(2) Title to personal property purchased by the Contractor, the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, vests in the Contractor; however, the Government reserves the right to require the Contractor to transfer title of equipment costing $1,000 or more per unit to the Government or to a third party named by the Government, where the third party is eligible under existing statutes. This right may be exercised at any time during the contract period, but no later than twelve (12) months following any final reports which may be required after completion or termination of the contract.

(d) *Property management and control.* The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection, preservation, control, and accountability of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor agrees to promptly receipt for all Government property in a form and manner as prescribed by the Contracting Officer. The Contractor further agrees to take all reasonable steps to comply with all directions or instructions which the Contracting Officer may prescribe regarding the management and control of Government property. Whether or not title to property is vested in the Contractor, the Contractor is responsible for maintaining property acquired from contract funds available for the performance of the contract except for property through normal use becomes unservicable and uneconomically repairable.

§ 3–56.705 [Reserved]

§ 3–56.706 Government property clause for fixed-price type contracts with nonprofit institutions executed on a nonprofit basis.

The Government property clause in § 3–56.703(a) is to be used for fixed-price type contracts for research with nonprofit institutions executed on a nonprofit basis under which the Government is to furnish to the Contractor, or the Contractor is to acquire, Government property. The following is a suggested substitute for paragraph (a) *Government furnished property*, of the clause when the nonprofit institution under a fixed-price type contract is to acquire Government property:

(a) *Contract-acquired property.* In connection with its work under this contract, the Contractor shall, by the date(s) specified in the contract, acquire or manufacture for the Government's account the property listed in the contract. Such property shall be installed by the Contractor in his plant, or, if approved in writing by the Contracting Officer, in the plants of subcontractors. The Contractor shall insert provisions in all subcontracts under which such property is furnished to the subcontractors whereby there will be made applicable to the Government and the subcontractors substantially the same rights and obligations in respect to such property as are made applicable to the Government and the Contractor under this clause.

§ 3–56.707 Abandonment of Government property clause.

(a) The following clause shall be used when deemed advisable by the Contracting Officer to abandon Government property on the Contractor's premises (see § 3–56.610):

ABANDONMENT OF GOVERNMENT PROPERTY

The Government may abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease, and the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of, the Contractor's plant or any portion thereof which is affected by the abandonment of any Government property.

§ 3–56.708 [Reserved]

§ 3–56.709 Clause for Government property furnished "as is".

The following clause shall be inserted in all contracts in which Government property is furnished "as is" in accordance with § 3–56.308:

GOVERNMENT PROPERTY FURNISHED "AS IS"

(a) The Government makes no warranty whatsoever with respect to Government property furnished "as is" except that the property is in the same condition when placed at the f.o.b. point specified in the solicitation as when inspected by the Contractor pursuant to the solicitation, or, if not inspected by the Contractor, as when last available for inspection under the solicitation.

(b) The Contractor may repair any property made available to him "as is". Such repair will be at the Contractor's expense except as otherwise provided in this clause. Such property may be modified at the Contractor's expense, but only with the written permission of the Contracting Officer. Any repair or modification of property furnished "as is" shall not affect the title of such property, which remains vested in the Government.

(c) If there is any change in the condition of Government property furnished "as is" from the time inspected or last available for inspection under the solicitation, and such change will adversely affect the Contractor, the Contractor, shall, immediately upon receipt of the property, notify the Contracting Officer of such fact, and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property, or (2) effect repairs to return the property to its condition when inspected under the solicitation, or if not inspected, when last available for inspection under the solicitation. Upon completion of (1) or (2) above, the Contracting Officer, upon written request of the Contractor, shall equitably adjust any contractual provisions affected by the return, disposition or repair, in accordance with the procedures provided for in the "Changes" clause of this contract. The foregoing provisions for adjustment are exclusive and the Government shall not be liable for any delivery of Government property furnished "as is" in a condition other than that in which it was originally offered.

(d) Except as otherwise provided in this clause, Government property furnished "as is" shall be governed by the "Government Property" clause of this contract.

§ 3–56.710 [Reserved]

§ 3–56.711 Use and charges clause for facilities contracts.

(a) The policy on rental of Government property is set forth in § 3–56.404, and the criteria for rates are prescribed in § 3–56.711(b). The following clause is for use in connection with facilities contracts:

USE AND CHARGES

(a) The Contractor may use the facilities without charge in the performance of:

(1) Prime contracts with the Government which specifically authorize use without charge;

(2) Subcontracts held by the Contractor under Government prime contracts or subcontracts of any tier thereunder if the Contracting Officer having cognizance of the prime contract concerned has authorized use without charge by approving a subcontract specifically authorizing such use in writing; and

(3) Other work with respect to which the Contracting Officer has authorized use without charge in writing.

(b) Subject to the payment of a rental therefor, the Contractor may use all or part of the facilities in the performance of work other than that specified in paragraph (a) above, as authorized by the Contracting Officer or as specifically provided in the contract. The amount of rentals to be paid for the right to use the facilities under this paragraph (b) shall be determined in accordance with the following procedure.

(1) The following bases are or shall be established in writing for the rental computation prescribed in subparagraph (2) below in advance of any use of the facilities provided under this contract:

(i) The rental rates for the right to use the property shall be those established by the Contracting Officer in (insert reference) of this contract.

(ii) The acquisition cost of the property shall be the total cost to the Government, as determined by the Contracting Officer, of each item of property, including the cost of transportation and installation, if such costs are borne by the Government. When Government-owned special tooling or accessories are rented with any item of the property, the acquisition cost shall be increased to include the price charged the Government for such tooling or accessories. When any item of property has been modernized by substantial rebuilding at Government expense so as to enhance its original capability, the acquisition cost for that item shall include the increased value, as determined by the Contracting Officer, that such rebuilding and modernization represent. The determination made by the Contracting Officer under this subparagraph shall be final and conclusive on the Contractor.

(iii) The rental period shall be not less than 1 month nor more than 6 months, as may be mutually agreed to.

(iv) For the purpose of computing any credit under subparagraph (2) below the measurement unit for determining the amount of use of the property by the Contractor shall be direct labor hours, sales, hours of use, or any other measurement unit which will result in an equitable apportionment of the rental charge, as may be mutually agreed to.

(2) The Contractor shall compute the amount of rentals to be paid for each rental period, using the bases established pursuant to subparagraph (1) above. The rental rates shall be applied to the acquisition cost of such of the property as may have been authorized for use in advance pursuant to this paragraph (b), for each rental period. The full charge for each rental period, so determined, shall be reduced by a credit in the amount of such rental as would otherwise be properly allocable to work with respect to which the use of the property without charge is authorized in accordance with paragraph (a) above. Such credit shall be computed by multiplying the full rental period by a fraction whose numerator is the amount of use of the property by the Contractor without charge during such period, and whose denominator is the total amount of use of property by the Contractor during such period.

(3) The Contractor shall submit to the Contracting Officer within ninety (90) days after the close of each rental period a written statement of the use made of the property by the Contractor and the rental due the Government hereunder, and shall make available such records and data as are determined by the Contracting Officer to be necessary to verify the information contained in the statement.

(4) If the Contractor fails to submit the statement within the prescribed ninety (90) day period, the Contractor shall be liable for the full rental for the period in question, subject to the exception stated in subparagraph (5) below.

(5) If the Contractor's failure to submit the statement within the prescribed ninety (90) day period arose out of causes beyond the control and without the fault or negligence of the Contractor, the Contracting Officer shall grant to the Contractor in writing a reasonable extension of time in which to make such submission.

(c) Unless otherwise directed in writing by the Contracting Officer, the Contractor shall give priority in the use of the property to the performance of contracts and subcontracts of (insert name of Government agency) and shall not undertake any work involving the use of the property which would interfere with the performance of existing Government contracts or subcontracts.

(d) Concurrently with the submission of the written statement prescribed by paragraph (b)(3) above, the Contractor should pay the rental due the Government under this clause by check made payable to the DHEW organization providing the property. The name of the DHEW organization, to which the check should be made payable, should be indicated in the contract. Each check shall be mailed or delivered to the fiscal office designated in the contract. Receipt and acceptance by the Government of the Contractor's checks pursuant to this paragraph (d) shall constitute an accord and satisfaction of the final amount due the Government hereunder unless the Contractor is notified in writing within one hundred eighty (180) days following such receipt that the amount received is not regarded by the Government as the final amount due.

(e) If the Contractor uses any item of the property without authorization, the Contractor shall be liable for the full monthly rental, without credit, for such item for each month or part thereof in which such unauthorized use occurs. However, the Contracting Officer may waive the Contractor's liability for such unauthorized use if he determines that the Contractor exercised reasonable care to prevent such unauthorized use. In this latter event, the Contractor shall be liable only for the rental that would otherwise be due under this clause. The acceptance of any rental by the Government hereunder shall not be construed as a waiver or relinquishment of any rights it may have against the Contractor growing out of the Contractor's unauthorized use of the property or any other failure to perform this contract according to its terms.

(b) Rental rates will be established under the "Use and Charges" clause for facilities furnished contractors as follows:

(1) For land and land preparation, buildings, structures, and other facilities a fair and reasonable rental shall be established, based on sound commercial practice.

(2) For personal property and equipment not covered in (1) above, a rental shall be established at not less than the prevailing commercial rate, if any; or, in the absence of such rate, not less than two percent (2%) per month of the market value for electronic test equipment and automotive equipment; and not less than 1 percent per month for all other property and equipment.

§ 3–56.712 Maintenance clause for facilities contracts.

MAINTENANCE OF GOVERNMENT PROPERTY

(a) Except as otherwise provided in the contract, the Contractor shall perform normal maintenance of the Government property in accordance with sound industrial practice, including protection, preservation, maintenance, and repair of the property, and with respect to equipment, normal parts replacement.

(b) As soon as practicable after the execution of this contract, the Contractor shall submit to the Contracting Officer in writing a proposed normal maintenance program, including an appropriate maintenance records system, in sufficient detail to show its adequacy as a normal maintenance program. To the extent that the Contracting Officer and the Contractor agree upon such a program, it shall become the normal maintenance obligation of the Contractor; and the Contractor shall carry it out in satisfaction of (1) his normal maintenance obligation under paragraph (a) above, and (2) his obligation to maintain records under paragraph (c) below.

(c) The Contracting Officer may at any time specify, by written notice to the Contractor, a reduction in the work required by the then current normal maintenance obligation of the Contractor. After receipt of such notice, the Contractor shall perform only such work as is specified therein. If any such notice causes a decrease in the cost of performing the normal maintenance obligation, appropriate equitable adjustment may be made in any related procurement contract of the Contractor which so provides and which is affected by any such decrease.

(d) The Contractor shall perform such maintenance work as may be directed by the

V 37 I 20 JAN 29 72 XUM

Contracting Officer in writing. To the extent that such work is in excess of the Contractor's then current normal maintenance obligation under paragraphs (a) through (c) above, such work shall be at Government expense. The Contractor shall notify the Contracting Officer in writing whenever, in accordance with sound industrial practice, the property requires any work in excess of such normal maintenance obligation.

(e) The Contractor shall keep records of the work done on the property in performing his obligations under this clause, and shall afford the Government adequate opportunity to inspect all such records. The Contractor shall deliver such records to the Government or to third persons, if so directed by the Contracting Officer, whenever the property to which they relate are disposed of hereunder.

(f) The Contractor's obligation under this clause shall continue, with respect to each item of property, until such item is removed, abandoned, or otherwise disposed of, as authorized or directed in writing by the Contracting Officer, until the expiration of a period of ninety (90) days after the Contractor, in form satisfactory to the Contracting Officer, has accounted for all of the property covered by any notice of termination of the use of property or until the Contractor has discharged his obligations under this contract with respect to such items, whichever last occurs.

§ 3–56.713 Liability clause for facilities contracts.

LIABILITY FOR GOVERNMENT PROPERTY

(a) The Contractor shall not be liable for any loss of or damage to Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto) which results from:

(1) Willful misconduct, negligence, or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who have supervision or direction of—

(i) All or substantially all of the Contractor's business; or

(ii) All or substantially all of the Contractor's operations at any one plant or separate location, in which the Government property is installed or located.

(2) A failure, on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (1) above—

(i) To maintain and administer, in accordance with the clause of the contract entitled "Maintenance", a program for maintenance, repair, protection, and preservation of Government property; or

(ii) To take all reasonable steps to comply with any appropriate written directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Government property.

(3) A risk for which the Contractor is otherwise responsible under the express terms of this contract;

(4) A risk expressly required to be insured pursuant to paragraph (c) of this clause, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(5) A risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: *Provided*, That if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(b) If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(c) Unless expressly directed in writing by the Contracting Officer, the Contractor shall not include as an element of price or cost under any contract with the Government any amount on account of the cost of insurance (including self-insurance) against any form of loss or damage to Government property. Any insurance required under this clause shall be in such form, in such amounts, for such periods of time, and with such insurers (including the Contractor as self-insurer in appropriate circumstances, if so approved) as the Contracting Officer shall require or approve. Such insurance shall contain provision for thirty (30) days prior written notice to the Contracting Officer of cancellation or material change in the policy coverage on the part of the insurer. A certificate of insurance or a certified copy of each policy of insurance taken out hereunder shall be deposited promptly with said Contracting Officer. The Contractor shall, not less than thirty (30) days prior to the expiration of any insurance required by this contract to be carried by the Contractor on the facilities, deliver to said Contracting Officer a certificate of insurance or a certified copy of each renewal policy to cover the same risks. The insurance shall be in the names of the United States of America, Department of Health, Education, and Welfare, the Contractor, and such other interested parties as the Contracting Officer shall approve, and shall contain a loss payable clause reading substantially as follows:

"Loss, if any, under this policy shall be adjusted with (Contractor) and the proceeds, at the direction of the Government, shall be paid to (Contractor). Proceeds not paid to (Contractor) shall be paid to the (insert the name of the appropriate DHEW organization, e.g. FDA–DHEW, SRS–DHEW, NIH–DHEW, and so forth)."

(d) Upon the happening of any loss or destruction of or any damage to the property:

(1) The Contractor shall immediately notify the Contracting Officer thereof, and with the assistance of the Contracting Officer shall take all reasonable steps to protect the property from further damage, separate the damaged and undamaged property, arrange for inspection, and promptly furnish to the Contracting Officer (and in any event within thirty (30) days after the Contractor has determined that loss or destruction of, or damage to the property has occurred) the following:

(i) A list of the lost, destroyed, and damaged property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

(2) The Contractor shall make such repairs, replacements, and renovations of the lost, destroyed, or damaged Government property, or take such other actions as the Contracting Officer may direct in writing.

The Contractor shall perform its obligations under this paragraph (d) at Government expense, except to the extent that the Contractor is responsible for such damage, loss, or destruction under the terms of this clause, and except as any damage, loss, or destruction is compensated by insurance.

(e) The Government is not obliged to replace or repair Government property which has been lost, destroyed, or damaged. In such event the right of the parties to an equitable adjustment in delivery or performance dates, or price, or both, and in any other contractual condition of the related procurement contracts affected thereby shall be governed by the terms and conditions of such contracts.

(f) Except to the extent of any loss or destruction of or damage to Government property for which the Contractor is relieved of liability, the property shall be returned to the Government or otherwise disposed of under the terms of this contract in as good condition as when received by the Contractor, as subsequently improved or as they should have been subsequently improved or maintained under the terms of this contract, less ordinary wear and tear.

(g) In the event the Contractor is indemnified, reimbursed, or otherwise compensated (excepting any portion of the proceeds, from use and occupancy or business interruption insurance, which represents indemnity for loss or profit, since the insurance premium for such indemnity is not to be borne directly or indirectly by the Government) for any loss or destruction of, or damage to, Government property, he, to the extent and as directed by the Contracting Officer shall:

(1) Use the proceeds to repair, renovate, or replace the property involved; or

(2) Pay such proceeds to the Government.

(h) The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any loss or destruction of, or damage to, Government property, and upon the request of the Contracting Officer shall furnish to the Government, at Government expense, all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

§ 3–56.714 Examination of records.

Insert the following clause in all facilities contracts:

The Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract and to the use of and charges for the use of Government property thereinafter collectively called "the records" to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies, and services, and other costs and expenses of whatever nature, for which reimbursement is claimed under the provisions of this contract, and all use of the property, and all charges to be made for the use of the property. The Contracting Officer or his representative shall have access to such records at all times.

[FR Doc.72–1367 Filed 1–28–72;8:49 am]

Office of the Secretary

[41 CFR Parts 103–27, 103–43]

ACCOUNTING, CONTROL, AND UTILIZATION OF GOVERNMENT PROPERTY

Proposed Procedures for Grantees and Contractors

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 103 by adding new Parts 103–27, Inventory Management, and 103–43, Utilization of Personal Property, to establish policy and procedures applicable to the accounting, control and utilization of government property used by HEW contractors and grantees.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director of Procurement and Materiel Management, OASAM, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, within 30 days following publication of this notice in the FEDERAL REGISTER. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Procurement and Materiel Management.

Dated: January 25, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

As proposed, the new parts would read as follows:

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 103–27—INVENTORY MANAGEMENT

Subpart 103–27.54—Accounting and Control of Government Property Used by Contractors and Grantees

Sec.
103–27.5400 Definitions.
103–27.5401 Policy.
103–27.5402 Accounting for Government personal property in possession of contractors.
103–27.5403 Contracting officer's responsibilities.
103–27.5404 Property administrator's responsibilities.
103–27.5405 Report of loss, damage, or destruction of Government property.
103–27.5406 Care and maintenance.
103–27.5407 Vesting title to property—research contracts with nonprofit institutions and organizations.
103–27.5408 Report of inventory of contracts and Government-owned personal property held by contractors.
103–27.5409 Retention of records.
103–27.5410 Accounting for Government-owned personal property loaned to grantees.
103–27.5411 Report of Government-owned personal property loaned to grantees.

Subpart 103–27.54—Accounting and Control of Government Property Used by Contractors and Grantees

§ 103–27.5400 Definitions.

Definitions of such terms as used in this subpart are as follows:

(a) *Expendable property.* Categories or specific items of personal property which have been classified expendable when put to use and the cost or appraised value thereof is charged as expense.

(b) *Nonexpendable property.* Categories or specific items of personal property (generally equipment) which for property management and/or accounting purposes are to be carried as assets of the Government until disposed of by transfer, donation, or sale.

(c) *Sensitive items.* Supplies and materials which because of their nature are particularly susceptible to misappropriation (such as portable power tools, slide rules, etc.) or because they require special handling (such as controlled drug products, precious metals, alcohols suitable for human consumption, etc.).

(d) *Government-furnished property.* Property in the possession of or directly acquired by the Government and delivered or otherwise made available to a contractor.

(e) *Accessory items.* Items that facilitate or enhance the operation of equipment (e.g., remote control devices).

(f) *Auxiliary items.* Items (such as motors) without which the basic equipment cannot operate.

§ 103–27.5401 Policy.

(a) Each operating agency and the Office of the Secretary entering into contracts under which Government property is provided, will require under the terms of the contract that the contractor maintain property accounting records and control systems for recording transactions affecting Government property to meet the requirements of this subpart. The terms of the contract shall also require that the contractor's system for maintaining accountability for property following the award will be approved by the Contracting Officer. A property management officer or another official knowledgeable of property accounting systems shall be designated to serve as Property Administrator for the contract to provide the required property management expertise and to determine for the Contracting Officer the adequacy of the contractor's property control system. This determination shall be made by a review of the system at the contractor's facility or by a review of a detailed description furnished by the contractor.

(b) When initiating requests for proposals for negotiated contracts the minimum requirements for accounting for Government property should be made known to prospective contractors (see § 3–56.609 of the HEW Procurement Regulations).

(c) The prime contractor is responsible for all Government property in the possession or control of the subcontractor. The prime contractor's property control system is to include procedures to insure that any subcontractor in possession or control of Government property complies with the provisions of this subpart and the terms of the prime contract under which the Government property is provided. The data on accountable property to be maintained by the contractor and the Property Administrator are described under § 103–27.5402.

§ 103–27.5402 Accounting for government personal property in possession of contractors.

(a) *Accounting.* The contractor's system for accounting for equipment and supplies must meet at least the requirements for documentation and property records as prescribed by the Department.

(1) Identical items of nonexpendable Government property in a contractor's inventory with a unit value of under $500 may be grouped on a single property record. Individual item records, however, shall be established for all nonexpendable property having a unit value in excess of $500. Individual item records should be maintained on items of nonexpendable property under $500 when maintenance is a factor, required for effective control (especially items such as cameras, recorders, and other items susceptible to personal use whether or not such items cost $100), or to maintain calibration data. Separate item and group records shall be maintained by the contractor on equipment for each DHEW contract held by the contractor. Similar records shall be established for nonexpendable property fabricated from components provided by the Government under the terms of the contract, provided the product is not an end item of the contract. If an item is recorded as nonexpendable and the acquisition cost later drops to less than $100, the Property Administrator will make a determination regarding expendability. A similar action is to be taken if the acquisition cost of an expendable item having all other characteristics of a nonexpendable item reaches or exceeds $100. For consistency during the life of the contract, once an item has been classified to be either nonexpendable, expendable, or sensitive at the inception of or during the life of the contract, it should retain that classification. A change in classification shall be approved by the contracting officer. Extensions of contracts may be the basis for item reclassification. All property records shall include the contract number.

(2) All expendable Government property shall be recorded in accordance with the contractor's property control system as follows:

(i) *Property issued directly upon receipt.* Expendable property, either Government-furnished or contractor-acquired, that is put to use directly upon receipt, or within 30 days of receipt, is considered consumed or expended upon receipt. The documents evidencing acquisition, receipt, and issue to the user

V 37 I 20 JAN 29 72 XUM

will be accepted as adequate property records.

(ii) *Government property maintained in stocks.* The following information shall be recorded for expendable Government property in excess of 30 days supply maintained in a stores inventory by the contractor:

(a) Contract number;
(b) Name or description of item;
(c) Quantity received;
(d) Date received;
(e) Quantity issued;
(f) Date issued;
(g) Balance on hand;
(h) Posting reference;
(i) Price; and
(j) Disposition action taken.

(iii) *Other expendable Government property.* For other expendable property (such as small tools, protective clothing, etc. which may require management control), custodial records such as copies of requisitions, issue receipts, stock record books, etc., shall be maintained.

(b) *Location and identification.* (1) The contractor's property control system shall contain an adequate locator system to permit location of nonexpendable and sensitive items of Government property within a reasonable time.

(2) Property other than expendable items shall be tagged or marked to identify it to be Government property. When considered necessary by the Property Administrator identification markings should also refer to the contract number.

§ 103–27.5403 Contracting officer's responsibilities.

(a) The contracting officer shall obtain from the head of the procuring activity or his designee the designation of a qualified property administrator (see § 103–27.5404) for each contract or all contracts under his jurisdiction. Generally the property management officer for the program sponsoring the contract should be designated property administrator.

(b) The contracting officer is responsible for making available to the property administrator for the contract:

(1) A copy of each executed contract, termination, or amendment thereto involving the use or acquisition of Government property.

(2) Information of known or contemplated action, or of any situation, which affects the control or accounting for Government property used or acquired under a contract.

(3) A copy of the contractor's billing or written notification of the acquisition of property title to which is to be vested in the Government under the terms of the contract. Form HEW–565, Report of Property Acquired by Contractor, or other authorized form approved by the Director of Procurement and Materiel Management, OASAM, providing at a minimum identical information, shall be completed by the contractor and submitted with his voucher or bill. Sufficient signed copies of the form are to be provided to furnish a copy to the financial accounting office to post the value in General Ledger Asset Account 137.4 or 140.4, a copy for the contracting officer's file, and one copy for the property management officer's (property administrator) file.

(c) The contracting officer shall assure that the responsibilities of the contractor outlined in §§ 103–27.5402 and 103–27.5406, are made known to the contractor, as well as other responsibilities related to accounting for Government property deemed necessary.

§ 103–27.5404 Property administrator's responsibilities.

The official designated to be a property administrator and serve as the contracting officer's representative for personal property management shall approve the contractor's property and supply control system after requiring any modifications necessary to meet the minimum requirements as prescribed under § 103–27.5402. Approval or requirements for modification shall be furnished the contracting officer. When modifications are completed satisfactorily, the property administrator shall notify the contracting officer. The property administrator shall periodically (at least annually), spot check the system during the course of the contract. The results of each spot check shall be reported to the contracting officer.

(a) *Contract property control record.* Upon approval of the contractor's property control system the property administrator shall establish and maintain a Contract Property Control Record, consisting of a jacket file for pertinent papers and documents, and a voucher register to record property transaction documents related to the specific contract. The contract property control record shall at a minimum consist of:

(1) Documents providing information on such subjects as the review and approval of the contractor's property control system, dates of approval, subsequent system reviews, findings of deviations, and completion of corrective action;

(2) A copy of the contract or provisions thereof establishing requirements for property administration, and pertinent changes as they occur;

(3) Copies of contractor's receipts (see § 103–27.5403(b)(3)) of Government property as well as other documents reflecting transactions effecting the contractor's accountable property records and the general ledger account are to be contained in a separate folder within the contract property control record jacket file;

(4) Copies of inventories of Government property;

(5) A statement of closure of the contract property account; and

(6) Pertinent correspondence concerning the Government property related to the specific contract.

(b) The property administrator is to ensure that the records containing data on Government property held by the contractor are properly annotated to reflect the disposition of property. Disposition data are to reflect all disposals of property authorized by the contracting officer whether the disposal took place during the contract period or as the result of termination or completion of the contract.

§ 103–27.5405 Report of loss, damage, or destruction of Government property.

(a) The terms of the contract shall require that any loss, damage, or destruction of Government property be reported immediately to the contracting officer by the contractor.

(b) Such reports shall be furnished the property administrator by the contracting officer who shall investigate each case to develop facts and prepare findings. The findings shall be furnished the contracting officer for a determination and recommended action under the terms of the contract.

§ 103–27.5406 Care and maintenance.

(a) The contractor, under the terms of the contract, shall be required to maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection, and proper use of Government property in its possession or control until relieved of such responsibility.

(b) The contractor is responsible for protecting the Government's interest in any warranties or guarantees covering Government property. The property administrator through the contracting officer shall make the contractor aware of any warranties or guarantees applicable to Government-furnished property.

§ 103–27.5407 Vesting title to property—research contracts with nonprofit institutions and organizations.

This section implements section 2 of Public Law 85–934 (42 U.S.C.A. 1892). One purpose of the legislation is to permit a reduction in the administrative effort related to the control of equipment purchased with contract funds under research contracts when the contracts are with nonprofit institutions and organizations as described in paragraph (a) and (b) of this section. The record-keeping required for equipment when the Government retains title may be eliminated. The time and labor involved in the redistribution of highly specialized or minor items of equipment may be reduced as well as elimination of the need to relocate equipment when relocation is impractical or uneconomical and not required for other research programs of the Government. Sufficient administrative flexibility is therefore provided, when, from the standpoint of increased research effectiveness and in the absence of other departmental or governmental requirements, it is desirable to transfer title to equipment to a research contractor.

(a) *Vesting title—educational institutions.* (1) When the contract is for basic or applied scientific research with a nonprofit educational institution of higher learing, and Public Law 85–934 (42 U.S.C.A. 1892) or other appropriate legislation may be applied, the contract shall provide that title to the property authorized to be purchased or fabricated by use of contract funds shall vest in the contractor without further obligation to the Government upon acquisition or as soon as feasible thereafter.

(2) The contract shall reserve the right to require the contractor to transfer title of equipment costing $1,000 or more per unit to the Government or to a third party named by the Government, where the third party is eligible under existing statutes. The reservation shall provide that the right may be exercised at any time, but no later than twelve (12) months following the final fiscal report, or special equipment report, if required, from the contractor after completion or termination of the contract.

(3) When title is to be vested in the Government, the research contract shall specify which items are to be Government property. (For example, title to Government furnished property may not be transferred to the contractor unless specifically authorized by statute.) Disposal of Government property shall be in accordance with § 103–43.316.

(b) *Vesting title—other than educational institutions.* Title to property purchased with contract funds where the contract is for the conduct of basic or applied scientific research may, in accordance with 42 U.S.C.A. 1892, be vested in the contractor and accountability as required in § 103–27.5402 waived if the contractor is a nonprofit organization whose primary purpose is the conduct of scientific research, as long as such action is considered to be in furtherance of the objectives of the Government. Vesting title in such a contractor may be effected at the beginning, during the course of, or at the end of a contract in accordance with the terms thereof. When title to equipment is to be vested in the contractor, the contract shall include the following supplementing conditions:

(1) If the agreement is canceled or terminated prior to its completion, the Government shall have the right to claim any or all property on hand acquired under the contract.

(2) If work under the contract is interrupted by unforeseen events or circumstances for a period anticipated to exceed 90 days, and it is planned that research will resume at a later date, such property shall be inventoried, accounted for, stored, and preserved by the contrator or by the Government as determined by the contracting officer until research under the contract is resumed.

(3) If it is anticipated that research will be interrupted for a period of 90 days or more at the time of preparing the contract, the contract shall provide that title to the property is to be vested in the Government. At such time as the project is resumed after the period of interruption and it is assumed that the project will be concluded under the terms of the contract, title may be transferred to the contractor within the criteria of subparagraph (4) of this paragraph.

(4) Whenever under subparagraphs (2) and (3) of this paragraph, the Government has retained title to the property or required that the property be inventoried and held for further use and it is decided that the research is not to be resumed under the original agreement and that agreement is canceled or terminated, the property is to be disposed of under provisions of § 103–43.316 of this chapter. Or, if the contractor certifies that he will continue the research on his own initiative and it is certified by the head of the program responsible for the contract that it is to the advantage of the Government for the research to be continued in this manner, title to the property may be vested in the contractor.

(4) Title to property should be vested in the contractor, provided the conditions in this § 103–27.5407(b) are met, and when there exists one of the circumstances below:

(i) The items of property are so special in nature that there is no probability of use under another contract or of further use to the Government;

(ii) The anticipated useful life of the property as determined by the head of the sponsoring program will have been realized by the time the contract is completed and the estimated residual value would not be sufficient to warrant the administrative cost of disposal by the sponsoring organization if title is retained or taken;

(iii) There is reasonable expectation of continuing HEW support for research by the contractor throughout the remaining useful life of the property following completion of the contract, and there is a written determination to this effect by the head of the program sponsoring the research; or

(iv) The nature of the equipment and the contractor's research program makes it reasonable to expect that the property will continue to be devoted to research programs of interest to the Government upon termination of HEW program support: *Provided,* That

(*a*) A reasonable check of program activities indicates that there is no foreseeable need for the equipment elsewhere by other programs of the department;

(*b*) A certificate is obtained from the contractor, and maintained in the permanent contract file, that he intends to continue to use the equipment on research activities of interest to the Government; and

(*c*) A statement that the contractor will not charge against Government funds (either as direct or indirect cost) depreciation or use charges for equipment furnished or that portion of equipment which has been acquired with Federal funds unless as otherwise permitted in the Principles of Reimbursement for Provider Costs regarding hospitals and nursing homes providing Medicare services.

(c) *Other legislative authority.* Title to property may be vested in a contractor when the legislation for the program specifically provides for the vesting of title to property. However, the considerations in this § 103–27.5407 are applicable.

(d) *Exception.* Whenever the research contract may result in the production of a mold, pattern, or the design and fabrication of a special piece of production equipment which will serve as a prototype in the manufacture of an end item needed by the Government, the contract is to indicate that title to the mold, pattern, etc. will be vested in the Government for retention at the completion of or termination of the contract.

§ 103–27.5408 Report of inventory of contracts and Government-owned personal property held by contractors.

(a) *Purpose.* The report is to provide management with data regarding the value of nonexpendable and expendable Government property held by contractors at the end of each fiscal year. To prepare the report, the requirements for the data described in paragraph (b) of this section shall be included in each contract when the terms provide for the issuance of Government-owned nonexpendable property and supplies, and/or the contractor is authorized to acquire such property for use under the contract and title vests in the Government.

(b) *Inventory*— (1) *Nonexpendable property.* Each contractor is to furnish the contracting officer an annual inventory listing the items and the value of Government property on hand based on a physical inventory. The inventory should be as of June 30 each year. At the time the inventory is furnished, the contractor is to identify units of nonexpendable property for which there is no foreseeable need under the contract. Such property is to be made available for redistribution within the Department, for other Department contracts, or as excess for redistribution to other Federal agencies in accordance with § 103–43.316 of this chapter.

(2) *Supplies.* Stores inventories of expendable items of Government property shall be listed and reported annually. The special provisions of the contract shall require that inventories of such materials acquired for use under the contract be maintained separately from contractor-owned materials. Expandable property is defined in § 103–27.5400(a).

(3) *Certification and reconciliation.* (i) The contractor shall certify the date the inventory of Government property was completed, and identify units of idle nonexpendable property and unrequired line items of expendable property. The contractor shall also certify that all Government property is needed for performance under the contract. The certification is to be part of the report of inventory and a copy is to be kept in the contract file. A copy of the certified inventory is to be furnished the property administrator by the contracting officer.

(ii) The property administrator shall ensure that the fiscal office is furnished a copy for reconciliation with the general ledger asset accounts 137.4 or 140.4, Federal Property in the Custody of Contractors. These accounts are described in Chapter 4–20 of the HEW Accounting Manual.

(c) *Termination or completion inventory.* At the time of termination or completion of the contract and before final settlement and property disposal action is initiated, an inventory of all Government property including supplies and

V37 I20 JAN 29 72 XUM

materials as well as nonexpendable equipment shall be made and furnished the contracting officer in accordance with § 103–43.316 of this chapter.

(d) *Report preparation.* The program administering the contract shall use the format in § 103–27.4953–5 for the preparation of the Report of Inventory of Contracts and Government-owned Property Held by Contractors. The report is to be submitted to the Office of Procurement and Materiel Management, OASAM. The report shall be submitted within 60 days following the close of each fiscal year.

§ 103–27.5409 Retention of records.

The below listed records of equipment and supplies shall be retained by contractors and subcontractors during the life of the contract and for the periods designated following termination or completion of the contract:

(a) Stores requisitions for materials, supplies, equipment, and services; retain 2 years.

(b) Work orders for maintenance and other services; retain 4 years.

(c) Equipment records, consisting of equipment utilization and status reports, and equipment repair order; retain 4 years.

(d) Expendable property records, reflecting accountability for the receipt and use of material in performance of the contract; retain 4 years.

(e) Receiving and inspection: Report records, consisting of reports reflecting receipt and inspection of supplies, equipment and materials; retain 4 years.

(f) Purchase order files for supplies, equipment, materials or services to be used in the performance of the contract or subcontract; retain 4 years.

(g) Production records of quality control reliability and inspection; retain 4 years.

§ 103–27.5410 Accounting for Government-owned personal property loaned to grantees.

Under certain circumstances HEW grantees may be loaned Government personal property for use in connection with the grant. Refer to § 103–43.320 of this chapter. Such property is to be accounted for in the same manner as contractor held Government-owned personal property described in this Subpart 103–27.54 except the provisions of § 103–27.5407 concerning vesting of title do not apply. Only title to property acquired from grant funds may be transferred to the grantee. (Refer to Chapter 1–410, Grants Administration Policy Manual.) Property records maintained on Government-owned property loaned to grantees are subsidiary to general ledger accounts 137.5 and 140.5. Refer to section 4–20–30, HEW Accounting Manual.

§ 103–27.5411 Report of Government-owned personal property loaned to grantees.

An inventory report such as described under § 103–27.5408 shall be submitted accordingly as a separate report. Use the same format.

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 103–43—UTILIZATION OF PERSONAL PROPERTY

Subpart 103–43.3—Utilization of Excess

Sec.
- 103–43.316 Contractor inventory.
- 103–43.316–1 Utilization.
- 103–43.320 Use of excess property on contracts and grants.
- 103–43.350 Disposal of Government-owned property loaned to grantees.

Subpart 103–43.3—Utilization of Excess

§ 103–43.316 Contractor inventory.

The term "contractor inventories" is defined in § 103–27.5003–1(k) of this chapter.

§ 103–43.316–1 Utilization.

Inventories of expendable and nonexpendable contractor inventories of Government-owned property no longer required for the performance of a contract are to be made available for redistribution for further use by the Government. An inventory following completion or termination or at any time during the contract period is to be submitted by the contractor to the office administering the contract in accordance with instructions of the contracting officer or the property administrator (§ 103–27.5401 of this chapter). The inventory shall provide sufficient data to meet the requirements for the preparation of Standard Form 120, Report of Excess Personal Property. Refer to FPMR Subpart 101–43.3. Upon receipt of the listings, the following actions to dispose of the inventory shall be taken by the property administrator or property management officer for the program administering the contract:

(a) Contractor inventories available for redistribution are to be processed as unrequired property for redistribution to activities of the Department in accordance with the criteria provided in § 103–43.102. Redistribution will also include making such property available for use under an existing contract or proposed contract projects, when the Government has reserved the right under the terms of such contracts to issue Government property. While there may be circumstances when the terms of the contract or legislation provide that unrequired contractor inventories may be retained or disposed of by the contractor, disposal criteria in FPMR § 101–43.316 of this title is to be followed.

(b) Consideration of the cost of handling, crating, and shipping shall be compared with the value of the property, depreciation considered when selecting property for further utilization by the Government. Decisions not to make redistribution shall be documented. The document containing the reasons for the action is to be maintained with the contract file. The document is to be executed by the property administrator and the contracting officer. If further Government use is found for property, the transfer procedures for redistribution within the Department (§ 103–43.102), or to the other Federal agencies (FPMR Subpart 101–43.3) shall apply.

(c) When Government-owned contractor inventory is determined to be scrap or salvage by the property administrator, the property is to be sold (FPMR Section 101–45.301). The proceeds from the sale are generally covered or credited into the Treasury as miscellaneous receipts, however, exceptions are outlined in FPMR § 101–45.307. Government-owned contractor inventory determined by the property administrator to have no commercial value under the criteria in § 103–44.501 *Donation to public bodies*, and § 103–45.501 *Abandonment or destruction of surplus property*, may be disposed of accordingly. A public body is defined in FPMR section 101–44.201–14. Abandonment at the contractor's facility is subject to the terms of the contract. Refer to § 3–56.610 of this title.

(d) Government-owned contractor inventories not required by the Department or other Federal agencies and determined to be surplus by the property administrator (excess property not reportable to GSA) and by GSA for property reported excess to GSA, are to be made available for donation for Health, Education, and Civil Defense purposes in accordance with § 103–43.318 and Subpart 101–44.3 of this title.

(e) Surplus Government-owned contractor inventory not otherwise disposed of may be disposed of by sale subject to the following limitations:

(1) Retention of the inventory by the contractor or subcontractor shall be at a price no less than that which could be realized if offered for competitive sale, provided that the terms of the contract permit retention under such terms. The retention must be approved by the contracting officer, and property administrator.

(2) When the inventory will not be retained by the contractor or subcontractor, but is to be sold, Subparts 101–45.3 and 103–45.3 of this chapter apply. If it is anticipated that the inventory will be large or require extensive administrative effort on the part of the GSA sales organization to make disposition, GSA should be alerted as far in advance as practicable of the probable date of availability. GSA is also to be advised that unless otherwise justified by the contracting officer or property administrator and agreed to by the contractor, such property is to be removed within 60 days or sooner following conclusion of the administrative processes related to the termination or conclusion of the contract.

(3) If GSA authorizes the Department to dispose of the property by sale, in addition to Subpart 101–45.3 of this title, the following rules apply:

(i) Sale of contractor inventory shall be by competitive bid. Contractor inventory of Government property shall not be sold to persons known to be officers or employees of the Department, their agents or members of their immediate household.

(ii) When the original acquisition cost of serviceable material available for sale at any one time at any one location is $25,000 or more, the contractor shall publish a notice of proposed sale a reasonable time in advance of such sale in a newspaper of general circulation in the locality in which the property is located or as otherwise instructed by the contracting officer.

(iii) Disposal of substantial quantities of material by the contractor for the Government shall be subject to prior approval by the contracting officer in accordance with established criteria, or in the absence of such criteria, when the acquisition costs of material available for disposal at any one location is in excess of $50,000.

(iv) New items of contractor-acquired property for which the Government does not have a requirement should be returned to the vendor for full credit less the supplier's restocking charge or 15 percent of cost whichever is less. Such action must be authorized by the contracting officer and appropriate credits applied to the cost of the contract where the Government has not reimbursed the contractor.

§ 103–43.320 Use of excess property on contracts and grants.

(a) The use of excess personal property in cost-reimbursement type contracts will be handled in accordance with applicable procurement regulations.

(b) (1) The use of excess personal property by grantees will be limited generally to the following situations;

(i) Excess items which are approved as part of the grant proposal;

(ii) When it has been determined that the use of excess items will result in substantial savings; and/or

(iii) The use of excess items will avoid a delay in the start of action under the grant.

(2) Upon approval by the Federal official of the grantor agency authorized to approve the grant, the SF–122 will be executed by the agency property accountable official.

(c) Accountability for excess items made available to grantees shall be established in accordance with policies outlined in Subpart 103–27.54 of this chapter, except that part covering the "vesting of title" shall not be applicable as the title to excess property in the hands of grantees shall remain vested in the Government.

(d) Government furnished property no longer needed by the grantee shall be handled as any other unrequired property and utilization or disposal action taken in accordance with current regulations.

§ 103–43.350 Disposal of Government-owned property loaned to grantees.

Title to equipment loaned to a grantee is in the Government and when the property becomes available for disposal by the Government as the result of interruption, termination, or completion of the grant, it shall be utilized or disposed of under the criteria stated in § 103–43.316–1.

[FR Doc.72–1366 Filed 1–28–72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 160]

[CGFR 72–5]

SPECAL PURPOSE WATER SAFETY BUOYANT DEVICES

Proposed Revision of Listing and Labeling Procedures

The Coast Guard is considering amendments to its regulations concerning listing and labeling of special purpose water safety buoyant devices to reflect a change in the name of the recognized laboratory, to ensure disclosure of test information to the Coast Guard and to clarify administrative procedure.

Interested persons are invited to submit written views, data, arguments, objections or comments to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received within 45 days after the date of publication of this notice in the FEDERAL REGISTER will be fully considered before final action is taken on this notice. Each submission should identify the notice (CGFR 72–5) and the section, give reasons for any recommendations, and include proponent's name and address. The proposed amendments may be changed in the light of comments received.

Copies of all written communications will be available for examination at U.S. Coast Guard Headquarters, in Room 8234, 400 Seventh Street SW., Washington, D.C.

It is proposed to amend § 160.064–5 (a) (1) to reflect merger of the formerly recognized laboratory, Yacht Safety Bureau, into Underwriters' Laboratories.

Section 160.064–7 would be revised to provide for disclosure of test data necessary for Coast Guard evaluation and approval, for Coast Guard review, and for consultation with the Commandant.

In consideration of the foregoing, it is proposed to amend Part 160 of Chapter I of Title 46 of the Code of Federal Regulations as follows:

1. By revising § 160.064–5(a)(1) to read as follows:

§ 160.064–5 Recognized laboratory.

(a) • • •

(1) Underwriters' Laboratories, Inc., Marine Department Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619.

• • • • •

2. By revising § 160.064–7 to read as follows:

§ 160.064–7 Procedure for listing and labeling.

(a) Maufacturers having a special purpose water safety buoyant device, which they consider has characteristics particularly valuable for a special purpose and also is suitable for general use on motorboats of Classes A, 1 or 2, not carrying passengers for hire, may make application for listing and labeling of such product as a special purpose water safety device for the activity specified by addressing a request directly to a laboratory listed in § 160.064–5(a)(1). The request shall include permission for the laboratory to furnish a complete test report together with a description of the manufacturer's quality control procedures to the Commandant.

(b) The laboratory informs the submitter as to the requirements for inspection, examinations, and testing necessary for such listing and labeling. The Coast Guard or the laboratory may make tests in addition to those specified in any specifications or standards to determine if the device is actually suited for the purpose intended. The costs in connection with the examinations, tests, inspections, listing, and labeling must be borne by the manufacturer.

(c) The U.S. Coast Guard reviews the test report and the manufacturer's quality control procedures to determine if the device meets the requirements in § 160.064–3. The Commandant notifies the laboratory if the device is approved and that it may be marked as being Coast Guard approved. Notice of Coast Guard approval will be published in CG–190.

(d) If disagreements concerning procedural, technical, or inspection questions arise over U.S. Coast Guard approval requirements between the manufacturer and the laboratory, the opinion of the Commandant shall be requested by the laboratory.

(e) The manufacturer or the laboratory may at any time request clarification or advice from the Commandant on any question which may arise regarding manufacturing and approval of approved devices.

These amendments are proposed under the authority of 46 U.S.C. 369, 375, 390b, 404, 416, 481, 489, 526p, 49 U.S.C. 1655 (b)(1); 49 CFR 1.4(b), 1.46(b).

Dated: January 13, 1972.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72–1356 Filed 1–28–72;8:48 am]

Federal Highway Administration

[49 CFR Part 394]

[Docket No. MC–36; Notice 72–1]

HIGHWAY ACCIDENTS

Proposed Revision of Procedures for Notification, Reporting, and Recording

The Director, Bureau of Motor Carrier Safety, is considering revising the Motor Carrier Safety Regulations so that the accident-reporting requirements of Part 394 will (1) apply to all carriers by motor vehicle engaged in interstate or foreign commerce, including private carriers (who are now exempted); (2) increase

V 37-20 JAN 29 72 XUM

the minimum amount of property damage in a reportable accident from the present $250 to $1,000; (3) provide a more comprehensive definition of the term "reportable accident"; (4) require more detailed immediate telephone notification of facts of fatal accidents; (5) delete the requirement for annual reports by private carriers; and (6) revise accident-reporting forms to improve clarity and facilitate automatic data processing of information furnished on those forms.

The proposal would require private carriers of property to file accident reports. This aspect represents a major new departure; although private carriers constitute the largest segment of the interstate truck transportation industry (there are more than 93,000 private carriers in a total of some 160,000 interstate motor carriers), the Motor Carrier Safety Regulations historically have not required them to file accident reports. The Bureau is concerned because the data base upon which much of its activity rests consists solely of input from the smaller for hire, segment of the industry. This situation raises the possibility that the data base may have an inherent bias that renders it difficult to focus precisely on the safety issues the Bureau must meet. It is possible that private carriers may have safety problems that are considerably different from those of common and contract carriers. Under the existing system, however, the Bureau has no quantitative method of determining whether that is the case. The Director proposes to shed more light on the safety environment by extending the accident-reporting requirements to private carriers. By doing so, he would not impose any substantially novel burden on those carriers, since they now file accident reports with their liability insurers and State agencies.

As noted above, the proposal would delete the requirement for filing reports on accidents which result in property damage in the $250 to $1,000 range. It has become evident that an accident resulting in property damage within that range can no longer be regarded as a serious one for reporting purposes. Inflation in general and automotive repair costs in particular have escalated to render the $250-plus accident relatively insignificant in terms of its safety analysis potential or risk to life and limb. Therefore, the Director is considering raising the figure to $1,000.

Those parts of the proposed revision relating to the definition of reportable accidents and to telephone notification in case of fatal accidents are largely clarifications of what and how events are to be reported and should impose no substantial new burden upon any carrier.

The present accident reports have proved to be a vital source of information upon which the Bureau administers its regulatory program. However, the current report form may be obsolete and may need revision to meet requirements of anticipated future Bureau activities. The present process of receiving, processing, and codifying of information, performed manually, appears to be too cumbersome if the Bureau secures the broadened data base which is essential to provide a true picture of carriers' safety performance. Hence, the Bureau is considering a revision of the report form so that information supplied by carriers who file the form can easily be fed into, and processed by, automatic data processing machines. Copies of the proposed new form will be available for inspection by interested persons at the Bureau's Washington headquarters and its field offices.

Interested persons are invited to give their views on the proposal discussed herein. Communications should identify the docket and notice number and should be submitted in triplicate to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. Communications received on or before April 14, 1972, will be considered before further action is taken on the proposal. All comments received will be available for examination at Room 4136, 400 Seventh Street SW., Washington, DC 20590, both before and after the closing date.

In consideration of the foregoing, it is proposed to revise Part 394 of the Motor Carrier Safety Regulations (Subchapter B of Chapter III in Title 49, CFR) to read as set forth below.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304, sec. 220, Interstate Commerce Act, as amended, 49 U.S.C. 320, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, delegations of authority at 49 CFR 1.48 and 49 CFR 389.4)

Issued on January 18, 1972.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

PART 394—NOTIFICATION, REPORTING AND RECORDING OF HIGHWAY ACCIDENTS

Sec.
394.1 Scope of the rules in this part.
394.3 Definition of "reportable accident".
394.5 Immediate notification of fatal accidents.
394.7 Reporting of accidents.
394.9 Notice of death after filing report.
394.11 Accident register.
394.13 Assistance in investigations and special studies.

AUTHORITY: The provisions of this Part 394 issued under sec. 204, Interstate Commerce Act, 49 U.S.C. 304, sec. 220, Interstate Commerce Act, 49 U.S.C. 320, sec. 6, Department of Transportation Act, 49 U.S.C. 1655.

§ 394.1 Scope of the rules in this part.

(a) The rules in this part establish duties of motor carriers to make reports and keep records of accidents which occur during their operations.

(b) The rules in this part apply to all motor carriers.

(c) Related rules pertaining to the filing of incident and accident reports by motor carriers transporting hazardous materials are set forth in Part 171 of this title.

§ 394.3 Definition of "reportable accident".

A "reportable accident" is an occurrence involving a motor vehicle in the interstate, foreign, or intrastate operation of a motor carrier (other than an occurrence involving only boarding or alighting from a stationary motor vehicle or the loading or unloading of cargo) resulting in:

(a) Death;

(b) Bodily injury to any person which results in his seeking or receiving first aid or medical treatment;

(c) Total damage to all property aggregating $1,000 or more, based on actual costs or reliable estimates; or

(d) The overturn, running off the roadway, or rolling away from a parked position of a motor vehicle.

§ 394.5 Immediate notification of fatal accidents.

(a) When a reportable accident involves the death of a person within 24 hours after the accident occurs, the motor carrier must provide the information specified in paragraph (b) of this section by telephone or in person as soon as possible after the accident, of this section to the Director, Motor Carrier Safety Office of the Federal Highway Administration Region in which the carrier's principal place of business is located. The addresses and jurisdictions of the Federal Highway Administration Regions are specified in § 390.40 of this subchapter.

(b) The notification required by paragraph (a) of this section shall include the most reliable information available to the motor carrier on the following subjects:

(1) Date and time of the accident.
(2) Location of the accident.
(3) Name of each motor carrier involved.
(4) Number of persons killed.
(5) Number of persons injured.
(6) Estimate of total property damage.
(7) Number and types of vehicles involved.
(8) A very brief description of the accident.
(9) Name of the person reporting.
(10) Telephone number at which the person reporting can be reached.

(c) In addition to complying with rules in this section, a motor carrier must file the accident report required by § 394.7.

§ 394.7 Reporting of accidents.

(a) Within 15 days after a reportable accident occurs, the motor carrier must file the original and two copies of Form MCS 50–T (Property) or Form MCS 50–B (Passengers), completed as specified in paragraph (b) of this section, with the Director, Motor Carrier Safety Office of the Federal Highway Administration Region in which the carrier's principal place of business is located. The addresses and jurisdictions of the Federal Highway Administrations Regions are specified in § 390.40 of this subchapter. Form MCS 50–T, and MCS 50–B may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(b) The motor carrier must fill in the report form completely and accurately with the most reliable information available to him at the time the form is filed.

§ 394.9 Notice of death after filing report.

(a) If, as the result of a reportable accident, a person dies after a motor carrier has filed his report in accordance with § 394.7, the motor carrier must, as soon as possible after the death, give written notice of the death to the Director of the Motor Carrier Safety Office with whom he filed the accident report.

(b) The notice of death required by paragraph (a) of this section must include the following information:

(1) The date and location of the accident.
(2) The name and age of the decedent.
(3) The name and address of the motor carrier.

§ 394.11 Accident register.

(a) A motor carrier must currently maintain an accident register in his files at his principal place of business. Upon written request to, and with the approval of, the Director, Motor Carrier Safety Office of the Federal Highway Administration Region in which the motor carrier has his principal place of business, the carrier may maintain the accident register at a regional or terminal office. The addresses and jurisdictions of the Federal Highway Administration Regions are specified in § 390.40 of this subchapter. The accident register must contain the following information with respect to each occurrence in the motor carrier's interstate, foreign, or intrastate operations which results in death, personal injury, or damage to property (other than an occurrence involving only boarding or alighting from a stationary motor vehicle or the loading or unloading of cargo):

(1) Accident claim number or carrier's file number.
(2) Date and time of accident.
(3) Location of accident (city or town, and State).
(4) Name of driver.
(5) Number of persons killed and injured.
(6) Amount, in dollars, of damage to property.
(7) Nature of the accident (such as "collision", "overturn", "fire", "cargo damage").
(8) Whether the accident occurred during an interstate, intrastate, or exempt intracity operation.

(b) The file in which the accident register is maintained must also include a copy of each report that the carrier has filed pursuant to § 394.7, with a State agency, or with an insurer with respect to any incident entered in the accident register. The accident reports must be arranged or annotated in a manner which permits them to be identified with specific entries in the accident register.

(c) A motor carrier must keep the entries in the accident register pertaining to an accident, and the information specified in paragraph (b) of this section pertaining to that accident, in its files for at least 3 years after the date of the accident.

§ 394.13 Assistance in investigations and special studies.

(a) A motor carrier must make all records and information pertaining to any accident available to an authorized representative or special agent of the Federal Highway Administration upon his request. A motor carreir must give an authorized representative or special agent of the Federal Highway Administration all reasonable assistance in the investigation of any accident.

(b) If the Federal Highway Administration makes an inquiry to a motor carrier in connection with a study of accidents, the carrier must—

(1) Respond to the inquiry within 15 days after its receipt or within such other time as the inquiry may specify; and

(2) Provide a full, true, and correct answer to any question included in the inquiry.

[FR Doc.72-1355 Filed 1-28-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-6863]

REGISTERED INVESTMENT COMPANIES WHICH RETAIN BANK CUSTODIANS

Proposed Establishment and Maintenance of Petty Cash Accounts

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a rule, as set forth below, under the Investment Company Act of 1940 (Act) (15 U.S.C. 80a–1 et seq.), as amended by the Investment Company Amendments Act of 1970 (the 1970 Act). The proposed rule is designed to implement the provisions of section 17(f) of the Act, as amended by the 1970 Act effective December 14, 1971, and would be adopted pursuant to the authority granted to the Commission in section 17(f) of the Act (15 U.S.C. 80a–17(f), Sec. 9, Public Law 91–547, 84 Stat. 1420). This rule is designed to except petty cash accounts from bank custodianship in situations where a registered investment company employs a bank custodian.

Section 17(f) of the Act provides that every registered management investment company shall place and maintain its securities and similar assets in the custody of (i) a bank or banks meeting the qualifications set forth in section 26(a) of the Act, or (ii) a member firm of a national stock exchange, subject to rules and regulations as the Commission may prescribe, or (iii) itself, subject to rules, regulations and orders as the Commission may prescribe.

Where a registered investment company employs a bank custodian to hold its securities and similar investments, section 17(f), as amended by the 1970 Act, requires the cash proceeds from the sale of such securities and similar investments and other cash assets of the investment company to be similarly kept in the custody of such bank or banks, in accordance with such rules and regulations or orders as the Commission may prescribe for the protection of investors.[1] The legislative history of the 1970 Act clearly indicates that Congress intended consideration be given to allowing petty cash to be held apart from bank custodianship pursuant to appropriate rules prescribed by the Commission.[2]

The Commission proposes by rule to except from bank custodianship certain small amounts of free cash which may be maintained by a registered investment company in a petty cash account. Proposed Rule 17f–3 (17 CFR 270.17f–3) would permit registered investment companies having bank custodians to maintain a petty cash account in an amount not to exceed $500, upon resolution of its board of directors. The proposed rule would also require the account to be operated under the imprest system, that is, periodic reimbursements may be made to the account to replenish it, but the total amount in the account may never exceed its maximum authorized amount.

Under proposed Rule 17f–3 the Board of Directors has a responsibility to determine that such account is maintained subject to adequate internal controls. The company's independent public accountant is required to review this system of internal controls and report to the company's board of directors upon the inadequacies in practice and procedure of the system, and indicate any corrective action taken or proposed.[3]

The text of the proposed Commission action is as follows:

---

[1] An exception from bank custodianship is provided in section 17(f) for checking accounts under certain circumstances. The Commission has published a Release setting forth certain guidelines which should be considered and utilized by registered investment companies in connection with the establishment and maintenance of such checking accounts. (Rel. No. IC–6863, 37 F.R. 1474)

[2] The Commission would have authority to allow specified amounts of petty cash to be held apart from bank custody." H.R. Rep. No. 91–1382, 91st Cong., second session, (Aug. 7, 1970).

[3] See, Holmes, Auditing Principles and Procedure, Business Publications, Inc. (1966); Statements on Auditing Procedure, No. 33, Chapter 5, issued by Committee on Auditing Procedure of the American Institute of Certified Public Accountants (1963); Case Studies in Auditing Procedures, No. 6, "A Management Investment Company of the Open-End Type," issued by American Institute of Certified Public Accountants (1949); and, "Opinion of Independent Public Accountant," following Part II of Form N–1R, as revised July 15, 1971 [17 CFR 274.101, 36 F.R. 15430].

V 37 N 20 JAN 29 72 XUM

§ 270.17f–3 Free cash accounts for investment companies with bank custodians.

No investment company having a custodian bank shall hold free cash except, upon resolution of its board of directors, a petty cash account may be maintained in an amount not to exceed $500 provided that such account is operated under the imprest system and is maintained subject to adequate controls approved by the board of directors over disbursements and reimbursements including, but not limited to, fidelity bond coverage of persons having access to such funds.

* * * * *

All interested persons are invited to submit their written views and comments on the proposed rule to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before January 14, 1972. All communications to the Secretary in this regard should refer to File No. S7–416, and will be available for public inspection.

(Secs. 17(f), 38(a), 54 Stat. 815, 841, 15 U.S.C. 80a–17(f), 37(a), sec. 9, Public Law 91–547, 84 Stat. 1420)

[SEAL] RONALD F. HUNT, *Secretary.*

DECEMBER 6, 1971.

[FR Doc.72–1317 Filed 1–28–72;8:47 am]

[17 CFR Part 270]

[Release No. IC–6961]

REGISTERED INVESTMENT COMPANIES WHICH RETAIN BANK CUSTODIANS

Proposed Establishment and Maintenance of Petty Cash Accounts; Extension of Time for Comment

The Securities and Exchange Commission has extended from January 14, 1972, until February 29, 1972, the period within which written comments and views may be submitted on its proposal to adopt Rule 17f–3 (17 CFR 270.17f–3) designed to implement the provisions of section 17(f) of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–1 et seq.), to except petty cash accounts from bank custodianship in situations where a registered investment company employs a bank custodian. The proposed rule was announced on December 6, 1971, in Investment Company Act Release No. 6862.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 24, 1972.

[FR Doc.72–1316 Filed 1–28–72;8:47 am]

[17 CFR Part 270]

[Release No. IC–6949]

INSURANCE COMPANY SEPARATE ACCOUNTS FOR VARIABLE ANNUITY CONTRACTS

Notice of Withdrawal of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission hereby withdraws its proposal to adopt Rules 12d–2, 17f–3,[1] 26a–2, 27c–2 and the proposed amendment of Rule 0–1(e) (17 CFR 270.12d–2, 270.17f–3, 270.26a–2, 270.27c–2, 270.0–1(e)) Investment Company Act Release No. 6039, April 30, 1970, 35 F.R. 7985. The reasons for such withdrawal are: (i) The Investment Company Amendments Act of 1970 made unnecessary Rule 12d–2 exempting certain insurance company separate accounts for variable annuities from a requirement that they be administered under trust indentures, (ii) proposed Rule 17f–3, concerning custody of assets would not avoid individual applications for exemption, (iii) the Commission staff is studying levels of administrative charges of variable annuity separate accounts with which proposed Rule 26a–2 and 27c–2 are in part concerned, and (iv) the amendment to definitional Rule 0–1(e) is not necessary if the other rules are not adopted.

Commission action: I. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by withdrawing therefrom proposal to adopt §§ 270.12d–2, 270.17f–3, 270.26a–2, and 270.27c–2 as indicated below:

A. Proposed § 270.12d–2, withdrawn, effective January 19, 1972.

B. Proposed § 270.17f–3, withdrawn, effective January 19, 1972.

C. Proposed § 270.26a–2, withdrawn, effective January 19, 1972.

D. Proposed § 270.27c–2, withdrawn, effective January 19, 1972.

II. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is further amended by withdrawing a proposal to amend § 270.0–1(e) as indicated below:

Proposed amendment to § 270.0–1(e), withdrawn, effective January 19, 1972.

(Secs. 6, 38, 54 Stat. 800, 841, 15 U.S.C. 80a–6, 80a–37)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 19, 1972.

[FR Doc.72–1314 Filed 1–28–72;8:46 am]

[1] A different proposed Rule 17f–3 on the subject of petty cash accounts proposed Dec. 6, 1971 (Investment Company Act Release No. 6862, is not withdrawn.

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1609, 1622, 1628, 1655]

SELECTIVE SERVICE REGULATIONS

Notice of Proposed Rule Making

Pursuant to the Military Selective Service Act, as amended (50 United States Code App., sections 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These Regulations implement the Military Selective Service Act, as amended (50 United States Code App., sections 451 et seq.).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1609—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

Paragraph (a) of § 1609.51 *Claims* is amended to read as follows:

§ 1609.51 Claims.

(a) Funds appropriated for the operation and maintenance of the Selective Service System shall be available for payment of actual and reasonable expenses of (1) emergency medical care, including hospitalization of registrants who suffer illness or injury, and (2) the transportation and burial of the remains of registrants who suffer death, while acting under travel orders issued by or under the authority of the Director of Selective Service. Burial expenses shall not exceed the maximum prescribed in section 11 of the Military Selective Service Act in any one case. No expenses arising from the illness, injury, or death of a registrant shall be payable under the provisions of this section when such illness, injury, or death occurs while the registrant is performing civilian work contributing to the maintenance of the national health, safety, or interest which he has been ordered to perform by the local board.

* * * * *

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Paragraph (a) of § 1622.1 *General principles of Classification*, is amended to read as follows:

§ 1622.1 General principles of classification.

(a) It is the local board's responsibility to decide the classification in which each registrant shall be placed. Each registrant will be considered as available for military service until his eligibility for deferment or exemption from military service is clearly established to the satisfaction of the local board. The local board will receive and consider all information pertinent to the classification of a registrant, timely presented to it. The mailing by the local board of a Current Information Questionnaire (SSS Form 127) to the latest address furnished by a registrant shall be notice to the registrant that unless information is presented to the local board, within the time specified for the return of the questionnaire, which will justify his deferment or exemption from military service, the registrant will be classified in Class 1–A.

* * * * *

PART 1628—EXAMINATION OF REGISTRANTS

Paragraph (b) of § 1628.6 *Order To Report for Armed Forces Examination*, is amended to read as follows:

§ 1628.6 Order to report for Armed Forces Examination.

* * * * *

(b) A local board member, or the Executive Secretary or clerk if so authorized, shall select and order for Armed Forces examination registrants in accordance with the instructions of the Director of Selective Service. The date specified for reporting for such examination shall be at least 15 days after the date on which the Order To Report for Armed Forces Examination (SSS Form 223) is mailed, except that a registrant who has volunteered for induction may be ordered to report for such examination on any date after he has so volunteered.

* * * * *

PART 1655—REGISTRATION OF UNITED STATES CITIZENS OUTSIDE OF THE UNITED STATES AND CLASSIFICATION OF SUCH REGISTRANT.

§ 1655.4 [Revoked]

Section 1655.4 *Completion and disposition of Registration Questionnaire—Foreign (SSS Form No. 50)* is revoked.

Paragraph (b) of § 1655.5 *District of Columbia Local Board No. 100 (Foreign)* is amended to read as follows:

§ 1655.5 District of Columbia Local Board No. 100 (Foreign).

* * * * *

(b) District of Columbia Local Board No. 100 (Foreign) shall have jurisdiction for all purposes under selective service law over any person who at the time of his registration under the provisions of the regulations in this part does not designate for entry on line 2 of his Registration Questionnaire (SSS Form 100) an address of a place within the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone.

§§ 1655.10, 1655.11 and 1655.20 [Revoked]

Section 1655.10 *Preparation for Classification* is revoked.

Section 1655.11 *Classification* is revoked.

Section 1655.20 *Additional time for taking appeals* is revoked.

CURTIS W. TARR, *Director.*

JANUARY 25, 1972.

[FR Doc.72–1387 Filed 1–28–72;8:51 am]

V 37 • 20 JAN 29 72 XUM

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

Customs Bureau

[T.D. 72-43; Customs Delegation Order 1 (Rev. 1), amended]

ASSISTANT COMMISSIONERS OF CUSTOMS

Performance of Functions

JANUARY 24, 1972.

1. By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 F.R. 7241), as amended, Customs Delegation Order No. 1 (Revision 1) (T.D. 69-126, 34 F.R. 8208) is hereby amended as follows:

A. Paragraph 1-A is amended by striking "Division of Tariff Classification Rulings" and substituting "Division of Classification and Value" wherever it appears.

B. Subparagraph 1.A.(a)(1) is amended by striking the comma following "the Trade Fair Act of 1959" and substituting "; legal aspects of valuation, dumping and countervailing duty determinations and procedures;"

C. Subparagraph 1.A.(b)(1) is amended by striking the words "or valuation".

2. This order shall become effective on January 31, 1972.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.72-1389 Filed 1-28-72;8:51 am]

Office of the Secretary

[T.D. 72-41; Treasury Department Order 165-19, Amdt. 1]

DIVISION OF CLASSIFICATION AND VALUE, ET AL.

Changes in Titles and Changes in Designation of Certain Divisions

JANUARY 20, 1972.

By virtue of the authority vested in the Secretary of the Treasury, and pursuant to authorization given to me by Treasury Department Order No. 190, Revision 7 (34 F.R. 15846), the designations of divisions within the Office of Regulations and Rulings and the titles of the Directors of those divisions shall be as follows:

The Division of Classification and Value, under the direct supervision of the Director, Division of Classification and Value.

The Division of Entry Procedures and Penalties, under the direct supervision of the Director, Division of Entry Procedures and Penalties.

The Division of Carriers, Drawback, and Bonds, under the direct supervision of the Director, Division of Carriers, Drawback and Bonds.

The Division of Regulations, under the direct supervision of the Director, Division of Regulations.

Treasury Department Order No. 165-19 dated December 29, 1965, is hereby amended to the extent that it is inconsistent with the foregoing.

This order shall be effective on January 31, 1972.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1388 Filed 1-28-72;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 32605]

WYOMING

Notice of Proposed Classification

Correction

In F.R. Doc. 71-19038 appearing on page 25239 in the issue for Thursday, December 30, 1971, in the land description for Natrona County, the 13th line, now reading "T. 33 N., R. 81 W.," should read "T. 38 N., R. 81 W.,".

National Park Service

NATIONAL REGISTRY OF NATURAL LANDMARKS

Pursuant to authority contained in the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C. 461), the National Park Service, Department of the Interior, is administering and implementing a natural areas program, including the National Registry of Natural Landmarks. It is the purpose of this notice to revise the National Registry of Natural Landmarks as published in the FEDERAL REGISTER of August 18, 1970 at page 13141.

It is the purpose of this revised notice, through publication of the following information and list of sites, to apprise the public as well as governmental agencies, associations, and all other organizations and individuals interested in the preservation of nationally significant natural areas, of the objectives of the Natural Landmark Program, of the methods used in identifying potential natural landmarks, and of the criteria used in evaluating natural areas. Sites listed in this notice have been determined to be eligible for inclusion in the National Registry of Natural Landmarks. Those which have been registered are indicated by an asterisk.

Dated: January 19, 1972.

RAYMOND L. FREEMAN,
Acting Director,
National Park Service.

THE NATURAL LANDMARKS PROGRAM

I. THE NATIONAL REGISTRY OF NATURAL LANDMARKS AND PROCEDURES FOR REGISTRATION.

A. *Program objective.* The objective of the Natural Landmarks Program is to assist in the preservation of a variety of significant natural areas which, when considered together, will illustrate the diversity of the country's natural history. This objective is attained through identification of sites eligible for inclusion in the national registry. Natural landmark registration is voluntary and does not change ownership.

Inclusion in the national registry is intended to (1) encourage the preservation of sites illustrating the geological and ecological character of the United States, (2) enhance the educational and scientific value of sites thus preserved, (3) strengthen cultural appreciation of natural history, and (4) foster a wider interest and concern in the conservation of the Nation's natural heritage.

B. *Inventory of natural areas.* To provide a logical and scientific basis for the selection of natural landmarks which adequately represent the natural history of the United States the National Park Service has developed a system of natural history themes as follows:

LANDFORMS OF THE PRESENT

Plains, plateaus, mesas.
Cuestas and hogbacks.
Mountain systems.
Works of volcanism.
Hot water phenomena.
Sculpture of the land.
Eolian landforms.
River systems and lakes.
The work of glaciers.
Seashores, lakeshores, islands.
Coral islands, reefs, atolls.
Earthquake phenomena.
Caves and springs.
Meteor impact sites.

GEOLOGICAL HISTORY OF THE EARTH

Precambrian.
Cambrian—Early Silurian.
Late Silurian—Devonian.
Mississippian—Triassic.
Permian—Cretaceous.
Paleocene—Eocene.
Oligocene—Recent.

LAND ECOSYSTEMS

Tundra.
Boreal forest.
Pacific forest.
Dry coniferous forest and woodland.
Eastern deciduous forest.
Grassland.
Chaparral.
Deserts.
Tropical ecosystems.

AQUATIC ECOSYSTEMS

Marine environments.
Estuaries.
Streams.
Underground ecosystems.
Lakes and ponds.

A prime product of the natural history theme studies is an inventory of the country's natural areas. Evaluation focuses attention on these areas and often stimulates communities to take action in preserving significant sites.

C. *Natural landmarks criteria.* The National Registry of Natural Landmarks parallels, at the national level, the National Register of Historic Places, in that it lists the natural areas that are nationally significant (natural landmarks) similar in importance to the historical or archeological areas that are nationally significant (national historic landmarks) listed in the National Register of Historic Places. The difference between the two registers is that the National Register of Historic Places includes, in addition to national historic landmarks, historic areas administered by the National Park Service and historic places of State and local significance.

To be eligible for natural landmark designation, a site must be nationally significant as possessing exceptional value or quality in illustrating or interpreting the natural heritage of our Nation, and must present a true, accurate, essentially unspoiled example of natural history.

Examples of the kinds of areas which could qualify for natural landmark designation are:

1. Outstanding geological formations or features significantly illustrating geologic processes.

2. Significant fossil evidence of the development of life on earth.

3. An ecological community significantly illustrating characteristics of a physiographic province or a biome.

4. A biota of relative stability maintaining itself under prevailing natural conditions, such as a climatic climax community.

5. An ecological community significantly illustrating the process of succession and restoration to natural condition following disruptive change.

6. A habitat supporting a vanishing, rare, or restricted species.

7. A relict flora or fauna persisting from an earlier period.

8. A seasonal haven for concentrations of native animals, or a vantage point for observing concentrated populations, such as a constricted migration route.

9. A site containing significant evidence illustrating important scientific discoveries.

10. Examples of the scenic grandeur of our natural heritage.

D. *Implementation.* If, after study by the National Park Service, the site is considered to possess the requisite characteristics for eligibility, it is proposed to the Advisory Board on National Parks, Historic Sites, Buildings and Monuments of the Secretary of the Interior for consideration. The Advisory Board, authorized by the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463), is composed of 11 nonsalaried members who are appointed by the Secretary and who are competent in the fields of history, archeology, architecture, or human geography. The Advisory Board's recommendation is transmitted to the Secretary and, if approved by him, the Secretary may announce that the site is eligible for registration. The owner is then invited to apply for a certificate and bronze plaque designating the site a registered natural landmark.

Registration as a natural landmark requires agreement by the landowner to preserve, insofar as possible, the significant natural values contained in the site. In applying for such registration the owner agrees to so manage the site as to prevent the destruction or deterioration of the values upon which landmark status is based. He relinquishes none of his rights and privileges as to use of the land. Neither does the Department of the Interior gain any possessory interest in lands so designated, but will, upon request, provide consultative assistance in protecting and interpreting the natural values of the site.

Should the natural integrity of an eligible site deteriorate from either natural or man-induced causes, to the extent that national significance is lost, the site will be removed from the National Registry of Natural Landmarks.

The National Park Service will evaluate new sites and reevaluate designated sites periodically to determine their current eligibility for landmark status. Additions to and deletions from the National Registry of Natural Landmarks will be published at intervals in the FEDERAL REGISTER.

II. SITES ELIGIBLE FOR INCLUSION IN THE NATIONAL REGISTRY OF NATURAL LANDMARKS

(Sites which have been registered are indicated by an asterisk.)

ALABAMA

**Shelta Cave, Madison County*—within city limits of Huntsville.

ALASKA

**Aniakchak Crater*, 24 air miles southeast of Port Heiden.
**Arrigetch Peaks*, 250 miles northwest of Fairbanks.
**Bogoslof Island*, 25 miles north of Umnak Island in the Aleutian Archipelago.
**Brown Bear Refuge*, 200 miles southwest of Anchorage.
**Clarence Rhode National Wildlife Range*, on the Bering Sea Coast between Hooper Bay and Kipnuk.
**Lake George*, 44 miles northeast of Anchorage.
**Malaspina Glacier*, 25 miles west of Yakutat.
Middleton Island, 155 miles southeast of Anchorage.
**Mount Veniaminof*, 20 miles northeast of Port Moller on the Alaska Peninsula.
**Shishaldin Volcano*, 50 miles west of Cold Bay in the Aleutian Archipelago.
**Simeonof National Wildlife Refuge*, in the Shumagin Island Group south of the Alaska Peninsula.
**Unga Island*, in the Shumagin Island Group.
**Walker Lake*, 250 air miles northwest of Fairbanks.
**Walrus Islands*, 375 miles southwest of Anchorage in Bristol Bay on the Bering Sea.
**Worthington Glacier*, 30 miles east of Valdez.

ARIZONA

**Barringer Meteor Crater, Coconino County*—15 miles west of Winslow.
Hualapai Valley Joshua Trees, Mohave County—45 miles north of Kingman.
**Patagonia-Sonoita Creek Sanctuary, Santa Cruz County*—1 mile from Patagonia.
**Ramsey Canyon, Cochise County*—7 miles south of Sierra Vista.
Willcox Playa, Cochise County—4 miles south of Willcox.

CALIFORNIA

**Audubon Canyon Ranch, Marin County*—20 miles northwest of San Francisco.
**Elder Creek, Mendocino County*—4 miles north of Branscomb.
**Emerald Bay, El Dorado County*—16 miles south of Tahoe City.
**Point Lobos, Monterey County*—near Carmel.
**Pygmy Forest, Mendocino County*—5 miles southeast of Fort Bragg.
**Rainbow Basin, San Bernardino County*—8 miles north of Barstow.
**Rancho La Brea, Los Angeles County*—Hancock Park, Wilshire Boulevard, Los Angeles.
**San Andreas Fault, San Benito County*—at Clenega Winery, 8 miles south of Hollister.
**Sand Hills, Imperial County*—15 miles west of Yuma.
**Trona Pinnacles, San Bernardino County*—7 miles south of Argus.

COLORADO

**Garden of the Gods, El Paso County*—10 miles northeast of Pikes Peak.
Lost Creek Scenic Area, Park County—40 miles southwest of Denver.
Raton Mesa, Las Animas County—10 miles south of Trinidad.
Slumgullion Earthflow, Hinsdale County—2 miles south of Lake City.
**Summit Lake, Clear Creek County*—13 miles southwest of Idaho Springs.

CONNECTICUT

**Bartholomew's Cobble, Litchfield County, Conn. and Berkshire County, Mass.*, 1 mile west of Ashley Falls, Mass. (See also Massachusetts.)
**Dinosaur Trackway, Hartford County*—5 miles south of Hartford.

FLORIDA

**Big Cypress Bend, Collier County*—1 mile west of Florida 29 on Tamiami Trail (U.S. 41).
**Corkscrew Swamp Sanctuary, Collier County*—25 miles southeast of Fort Myers.
**Ichetucknee Springs, Columbia and Suwannee Counties*—22 miles southwest of Lake City.
Lignumvitae Key, Monroe County—one-half mile north of U.S. Highway No. 1 causeway near north end of Matecumbe Key.
**Manatee Springs, Levy County*—50 miles west-southwest of Gainesville.
**Rainbow Springs, Marion County*—4 miles north-northeast of Dunnellon.
**Reed Wilderness Seashore Sanctuary, Martin County*—8 miles south of Stuart.
**Silver Springs, Marion County*—5 miles northeast of Ocala.
**Wakulla Springs, Wakulla County*—15 miles south of Tallahassee.

GEORGIA

**Marshall Forest, Floyd County*—near Rome.
**Wassaw Island, Chatham County*—14 miles south of Savannah, in the Atlantic Ocean.

HAWAII

**Diamond Head, Island of Oahu*—in city of Honolulu.
**Kanaha Pond, Island of Maui*—1 mile west of the Kahului Airport.

IDAHO

**The Great Rift, Power County*—25 miles northwest of American Falls.

V 37 I 20 JAN 29 72 XUM

ILLINOIS

*Allerton Natural Area, Piatt County—25 miles southwest of Champaign.
*Forest of the Wabash, Wabash County—8 miles south of Mount Carmel.

INDIANA

Big Walnut Creek, Putnam County—35 miles west of Indianapolis.
Cowles Bog, Porter County—10 miles west of Michigan City.
Ohio Coral Reef (Falls of the Ohio)—in Ohio River between Jeffersonville, Ind., and Louisville, Ky. (See also Kentucky).
Pine Hills Natural Area, Montgomery County—15 miles west-southwest of Crawfordsville.
Pinhook Bog, La Porte County—4 miles south of Waterford.

IOWA

Cayler Prairie, Dickinson County—5 miles west of West Okoboji.
Hayden Prairie, Howard County—12 miles northwest of Cresco.
White Pine Hollow Preserve, Dubuque County—20 miles northwest of Dubuque.

KANSAS

Baker University Wetlands, Douglas County—3 miles south of Lawrence.
Monument Rocks Natural Area, Gove County—23 miles south of Oakley.

KENTUCKY

Lilly Cornett Woods, Letcher County—25 miles southeast of Hazard.
Ohio Coral Reef (Falls of the Ohio)—in Ohio River between Louisville, Ky., and Jeffersonville, Ind. (See also Indiana.)

MAINE

Gulf Hagas, Piscataquis County—14 air miles east of Greenville.
Monhegan Island, Lincoln County—10 miles south of Port Clyde in the Atlantic Ocean.
Mount Katahdin, Piscataquis County—20 miles north of Millinocket.

MARYLAND

Battle Creek Cypress Swamp, Calvert County—on Md. 506 between Bowens and Port Republic.
Cranesville Swamp Nature Sanctuary, Garrett County, Md., and *Preston County, W. Va.*—9 miles north of Terra Alta, W. Va. (See also West Virginia.)
Sugar Loaf Mountain, Frederick County—16 miles south of Frederick.

MASSACHUSETTS

Bartholomew's Cobble, Berkshire County, Mass., and *Litchfield County, Conn.*, 1 mile west of Ashley Falls, Mass. (See also Connecticut.)
Gay Head Cliffs, Dukes County—on western tip of Martha's Vineyard.

MICHIGAN

Grand Mere Lakes, Berrien County—2 miles southwest of Stevensville.
Warren Woods Natural Area, Berrien County—3 miles north of Three Oaks.

MINNESOTA

Ancient River Warren Channel, Traverse and Big Stone Counties, Minn., and *Roberts County, S. Dak.*—near Browns Valley, Minn. (See South Dakota.)
Itasca Natural Area, Clearwater County—30 miles southwest of Bemidji.
Lake Agassiz Peatlands, Koochiching County—30 airline miles south of International Falls.
Stone Harbor Bird Sanctuary, Cape May County—Stone Harbor Borough.
Sunfish Pond, Warren County—3 miles northeast of the Delaware Water Gap.
Troy Meadows, Morris County—near Troy Hills.

MISSISSIPPI

Chestnut Oak Disjunct, Calhoun County—16 miles north of Bruce.
Mississippi Petrified Forest, Madison County—17 miles north of Jackson.

MISSOURI

Maramec Spring, Phelps County—6 miles southeast of St. James.

MONTANA

Bug Creek Fossil Area, McCone County—84 miles southeast of Fort Peck.
Glacial Lake Missoula, Sanders County—12 miles north of Perma.
Hell Creek Fossil Area, Garfield County—16 miles north of Jordan.

NEBRASKA

Fontanelle Forest, Sarpy County—1 mile south of Omaha.

NEVADA

Valley of Fire, Clark County—36 miles northeast of Las Vegas.

NEW HAMPSHIRE

Franconia Notch, Grafton County—16 miles south of Littleton.
Madison Boulder, Carroll County—3 miles north of Madison.

NEW JERSEY

Great Falls of Paterson, Passaic County—Paterson.
Great Swamp, Morris County—7 miles south of Morristown.
Muggy Hollow Natural Area, Somerset County—2 miles east of Far Hills.
Stone Harbor Bird Sanctuary, Cape May County—Stone Harbor Borough.
Sunfish Pond, Warren County—3 miles northeast of the Delaware Water Gap.
Troy Meadows, Morris County—near Troy Hills.

NEW MEXICO

Grants Lava Flow, Valencia County—extends for about 25 miles south of Grants between State Routes 117 and 53 on the east and west, respectively.

NEW YORK

Bergen-Byron Swamp, Genesee County—between Bergen and Byron.
Deer Lick Nature Sanctuary, Cattaraugus County—4 miles southeast of Gowanda.
Ellenville Fault-Ice Caves, Ulster County—5 miles southeast of Ellenville.
Fall Brook Gorge, Livingston County—1½ miles south of Geneseo.
Fossil Coral Reef, Genesee County—4 miles northwest of Le Roy.
Gardiner's Island, Suffolk County—100 miles east of New York City, in Block Island Sound off Long Island.
Ironsides Island, Jefferson and St. Lawrence Counties—8 miles northeast of town of Alexandria Bay in St. Lawrence River.
Mendon Ponds Park, Monroe County—11 miles south of Rochester.
Mianus River Gorge, Westchester County—3 miles south of Bedford.
Petrified Gardens, Saratoga County—4 miles west of Saratoga Springs.

NORTH DAKOTA

Two-Top Mesa and Big Top Mesa, Billings County—14 airline miles northwest of Fairfield.

OHIO

Brown's Lake Bog, Wayne County—11 miles southwest of Wooster.
Brukenbrust Rock-Lynx Prairie, Adams County—75 miles east of Cincinnati.
Cedar Bog, Champaign County—7 miles north of Springfield.
Clear Fork Gorge, Ashland County—4 miles south of Loudenville.
Clifton Gorge, Greene County—10 miles south of Springfield.
Cranberry Bog, Licking County—20 miles east of Columbus.
Dysart Woods, Belmont County—11 miles southwest of St. Clairsville.
Glacial Grooves State Memorial, Erie county—5 miles off-shore from Marblehead on Kelleys Island.
Glen Helen Natural Area, Greene County—in Yellow Springs.
Holden Natural Areas, Lake and Geauga Counties—30 miles east of Cleveland.
Hueston Woods, Butler and Preble Counties—4½ miles north of Oxford.
Mentor Marsh, Lake County—near Painesville.
Tinkers Creek Gorge, Cuyahoga County—12 miles southeast of Cleveland.

OREGON

Crown Point, Multnomah County—24 miles east of Portland.
Horse Ridge Natural Area, Deschutes County—16 miles southeast of Bend.
John Day Fossil Beds, Grant County—40 miles west of town of John Day on Oregon 19.

PENNSYLVANIA

Bear Meadows Natural Area, Centre County—6 miles southeast of State College.
Box Huckleberry Site, Perry County—1 mile south of New Bloomfield.
Cook Forest, Clarion County—Cook Forest State Park.
Hawk Mountain Sanctuary, Berks County—30 miles north of Reading.
Hickory Run Boulder Field, Carbon County—In the Pocono Plateau region.
Lake Lacawac, Wayne County—25 miles east of Scranton.
Pine Creek Gorge, Tioga County—12-mile roadless stretch between Ansonia and Blackwell.
Presque Isle, Erie County—near the city of Erie.
Snyder-Middleswarth Natural Area, Snyder County—5 miles west of Troxelville.
Susquehanna Water Gaps, Perry County—18 miles north of Harrisburg.
The Glens Natural Area, Sullivan and Luzerne Counties—in Ricketts Glen State Park 25 miles east of Williamsport.
Tinicum Wildlife Preserve, Philadelphia County—Philadelphia.
Wissahickon Valley, Philadelphia County—Fairmount Park, Philadelphia.

SOUTH DAKOTA

Ancient River Warren Channel, Roberts County, S. Dak., and *Traverse and Big Stone Counties, Minn.*, near Brown Valley, Minn. (See also Minnesota.)
Bear Butte, Meade County—5 miles north of Fort Meade.
Fort Randall Eagle Roost, Charles Mix County—directly below Fort Randall Dam on Missouri River.
Sioux Hollow, Marshall and Roberts Counties—10 miles northwest of town of Sisseton.
Snake Butte, Washabaugh County—Pine Ridge Reservation.

TENNESSEE

Reelfoot Lake, Lake and Obion Counties—near Tiptonville.
Savage Gulf, Grundy County—25 miles southeast of McMinnville.

TEXAS

Attwater Prairie Chicken Preserve, Colorado County—55 miles west of Houston.
Caverns of Sonora, Sutton County—16 miles southwest of Sonora.
Devil's Sinkhole, Edwards County—9 miles northeast of Rocksprings.
Dinosaur Valley, Somervell County—just west of Glen Rose.
Enchanted Rock, Llano and Gillespie Counties—12 miles southwest of Oxford.
Ezell's Cave, Hays County—within city limits of San Marcos.
Longhorn Cavern, Burnet County—11 miles southwest of Burnet.
Natural Bridge Caverns, Comal County—16 miles west of New Braunfels.
Odessa Meteor Crater, Ector County—10 miles southwest of Odessa.
Santa Ana National Wildlife Refuge, Hidalgo County—7 miles south of Alamo.

UTAH

Cleveland-Lloyd Dinosaur Quarry, Emery County—7 miles east of Cleveland.
Joshua Tree Natural Area, Washington County—10 miles southwest of St. George.

VERMONT

Camel's Hump, Chittenden and Washington Counties—midway between Montpelier and Burlington.
Lake Willoughby Natural Area, Orleans County—Westmore Township.

VIRGINIA

Seashore Natural Area—near Cape Henry in City of Virginia Beach.

WASHINGTON

Ginkgo Petrified Forest, Kittitas County—20 miles east of Ellensburg.
Grand Coulee, Grant County—between towns of Grand Coulee and Soap Lake.
Mima Mounds, Thurston County—west of Little Rock.
Nisqually Delta, Pierce and Thurston Counties—15 miles east of Olympia.
Point of Arches, Clallam County—10 miles south of Cape Flattery.
Steptoe Butte, Whitman County—50 miles south of Spokane.

WEST VIRGINIA

Cathedral Park, Preston County—4 miles west of U.S. 219 on U.S. 50.
Cranesville Swamp Nature Sanctuary, Preston County, W. Va., and *Garrett County, Md.*—9 miles north of Terra Alta., W. Va. (See also Maryland.)

WISCONSIN

Ridges Sanctuary, Door County—60 miles northeast of Green Bay.

WYOMING

Como Bluff, Carbon and Albany Counties—5 miles east of Medicine Bow.
Crooked Creek Natural Area, Big Horn County—15 miles northeast of Lovell.
Lance Creek Fossil Area, Niobrara County—25 miles north of Lusk.
Two Ocean Pass, Teton County—on the Continental Divide in Teton National Forest.

[FR Doc.72-1353 Filed 1-28-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

LIVESTOCK MARKETERS, INC., ET AL.

Depositing of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, location of stockyard, and date of posting

GA-126, Livestock Marketers, Inc., Douglas, Ga., May 23, 1959.
IA-105, Northwest Iowa Livestock Exchange, Inc., Alta, Iowa, Mar. 1, 1957.
MN-106, Dawson Sales Barn, Dawson, Minn., Jan. 23, 1965.
MN-109, Dales Sales Barn, Detroit Lakes, Minn., Nov. 5, 1959.
MN-110, Detroit Lakes Auction Market, Detroit Lakes, Minn., Aug. 21, 1965.
MN-111, Eagle Bend Sales Barn, Eagle Bend, Minn., Jan. 18, 1960.
MN-114, Helmer & Jim Nielsen Dairy Cattle Market, Emmons, Minn., Mar. 21, 1961.
MN-118, Arrowhead Sales Barn, Grand Rapids, Minn., Oct. 31, 1960.
MN-123, Kiester Sales Co., Kiester, Minn., Oct. 14, 1959.
MN-124, Lafayette Livestock Yards, Lafayette, Minn., Oct. 6, 1959.
MN-126, Le Sueur Livestock Commission Company, Le Sueur, Minn., Oct. 17, 1959.
MN-131, Mankato Livestock Commission Co., Mankato, Minn., Oct. 29, 1959.
MN-141, Renville Sales Pavilion, Renville, Minn., Sept. 15, 1959.
MN-145, St. Cloud Livestock Market, St. Cloud, Minn., Nov. 4, 1959.
MN-153, Joppru Sales Barn, Thief River Falls, Minn., Sept. 21, 1959.
MN-160, Winger Sale Barn, Winger, Minn., Aug. 10, 1961.
MS-135, Philadelphia Stockyard, Inc., Philadelphia, Miss., Feb. 10, 1959.
MO-217, West Plains Livestock Auction, West Plains, Mo., May 12, 1959.
NV-102, Stardust Horseman's Park Horse Auction, Las Vegas, Nev., Mar. 16, 1971.
ND-123, Williston Sales Company, Stanley, N. Dak., June 11, 1960.
ND-129, Williston Sales Ring, Williston, N. Dak., June 12, 1959.
OH-104, Canfield Livestock Auction, Canfield, Ohio, June 3, 1959.
SD-137, Newell Stockyards, Inc., Newell, S. Dak., Sept. 10, 1965.
SD-144, Selby Livestock Sales Company, Selby, S. Dak., June 5, 1959.
TN-116, Tri-County Livestock Auction Co., Dickson, Tenn., Dec. 21, 1970.
TX-240, Palestine Livestock Commission Company, Palestine, Tex., Oct. 3, 1968.
TX-271, Tomball Livestock Commission Company, Tomball, Tex., Nov. 14, 1963.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (1-29-72).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 25th day of January 1972.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.72-1378 Filed 1-28-72;8:50 am]

PHILLIPS SALE CO., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Facility No., name, location of stockyard and date of posting

ILLINOIS

IL-165, Phillips Sale Company, Good Hope, Sept. 23, 1971.

INDIANA

IN-151, Walkerton Livestock Sales, Inc., Etna Green, Dec. 9, 1971.

IOWA

IA-238, Herbold Livestock Auction, Kingsley, Dec. 9, 1971.
IA-239, Johnson Livestock Market, Webster City, Dec. 10, 1971.

KANSAS

KS-196, Herington Livestock Auction Co., Inc., Herington, Dec. 7, 1971.

TEXAS

TX-291, Cow Palace Commission Co., Inc., Cleburne, Dec. 4, 1971.
TX-290, Menard County Commission Company, Inc., Menard, Dec. 4, 1971.
TX-292, Van Zandt Commission Company, Inc., Wills Point, Sept. 10, 1971.

Done at Washington, D.C., this 25th day of January 1972.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.72-1370 Filed 1-28-72;8:50 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(70)-8]

ARMAZENS DE PRODUTOS QUIMICOS DE MOZAMBIQUE LIMITADA (APQ)

Order Terminating Indefinite Denial Order

In the matter of Armazens de Produtos Quimicos de Mozambique Limitada (APQ), Lourenco Marques, Mozambique, Respondent, File No. 23(70)-8.

On September 11, 1970 (35 F.R. 14735), an order was entered against the above respondent denying it for an indefinite period, all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States. This order was issued in accordance with § 388.15 of the Export Control Regulations because respondent failed to answer interrogatories without showing good cause for such failure.

V 37 • 20 JAN 29 72 XUM

Responsive answers to the interrogatories have now been furnished and pursuant to § 388.15 the respondent is entitled to have the indefinite denial order terminated.

Accordingly, the above-mentioned indefinite denial order of September 11, 1970, is hereby terminated.

Dated: January 24, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-1364 Filed 1-28-72;8:49 am]

Office of Import Programs

INDIANA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00167-00-46040. Applicant: Indiana University Indianapolis, 530 West New York Street, Indianapolis, IN 46202. Article: Magazine for Universal camera for electron microscope. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for an existing electron microscope ordered from the same manufacturer.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1363 Filed 1-28-72;8:48 am]

INDIANA UNIVERSITY AND PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00141-00-46040. Applicant: Indiana University, Purdue University at Indianapolis, 630 West New York Street, Indianapolis, IN 46202. Article: Universal camera for electron microscope. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory to an existing electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1361 Filed 1-28-72;8:48 am]

NORTHEASTERN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00161-00-46040. Applicant: Northeastern University, 360 Huntington Avenue, Boston, MA 02115. Article: Large angle goniometer stage. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan.

Intended use of article: The article is an accessory for an existing electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1360 Filed 1-28-72;8:48 am]

SAINT LOUIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00564-33-46040. Applicant: Saint Louis University School of Medicine, 1402 South Grand, St. Louis, MO 63104. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for diagnostic studies of human renal and hepatic biopsies; diagnostic and investigational evaluations of human blood and bone marrow specimens; studies of experimental hepatic disease produced by manganese; studies of the incidence of viruses in human tumors; evaluations of human brain tumors as a means to better diagnosis and more rational treatment; and studies of the ultrastructure of hybrid cells and the relationship of chromosomal content to structure and function.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 220 to 550,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corp. The Model EMU-4C, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 1, 1971, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used. HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 220 to 550,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1363 Filed 1-28-72;8:49 am]

WASHINGTON STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00500-00-46500. Applicant: Washington State Univeristy, Pullman, Wash. 99163. Article: Freezing attachment for the OMU2 ultramicrotome, Model FC 150. Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used in studies in samples of sclerotia in progressive stages of drying to determine the ultrastructural changes which take place.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1359 Filed 1-28-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-290; NADA No. 12-644V]

WYETH LABORATORIES, INC.

Promazine Hydrochloride; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing proposing to withdraw approval of NADA (new animal drug application) No. 12-644V for the drug Sparine Pellets was published in the FEDERAL REGISTER of August 11, 1971 (36 F.R. 14772).

Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101, holder of said NADA, did not file a written appearance of election regarding whether or not they wish to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice, the Commissioner of Food and Drugs concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 12-644V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: January 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1362 Filed 1-28-72;8:48 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15963, October 30, 1968), as amended, is hereby amended with regard to section 3-20, *Organization and Functions*, as follows:

After the chapter alphabetically coded "3W00"—Bureau of Community Environmental Management (3W00)—add a new chapter alphabetically coded "3X00" by inserting the following center head and succeeding paragraphs:

NATIONAL HEALTH SERVICE CORPS (3X00)

(1) Establishes the guidelines for the utilization of Emergency Health Personnel Act assignees; (2) recruits and selects commissioned officers and other personnel for assignment to the areas designated; (3) determines, with advice from the Regional Offices, which communities or areas may receive assistance; (4) assigns health personnel to practice in areas designated as having a critical health manpower shortage; and (5) coordinates with Federal agencies, such as Department of Justice, Selective Service, and Treasury, with State and local governments, and with nongovernmental agencies and organizations, as necessary.

Office of the Director (3X01). By specific delegation from the Administrator: (1) Provides leadership and general direction for the National Health Service Corps operation; (2) establishes program objectives and policies; (3) participates with the Regional Offices in translating overall needs of the States in determining broad program policy; and (4) maintains relationships with other HSMHA components, HEW operating agencies, other Federal agencies, State and local governments, consumer groups, and national organizations concerned with health affairs.

Office of Information (3X17). As a part of HSMHA's total program of communication and public information and under general HSMHA policy guidelines: (1) Advises the Director on policies and activities dealing with communications and public information designed to achieve understanding and acceptance of the objectives and programs of the NHS Corps; (2) provides the public with information on the NHS Corps programs, through relationships with such media as radio, television, and the press; (3) prepares responses to inquiries from the Congress and the public; (4) develops exhibits, notices, information brochures, and other public information material; and (5) plans public information activities in connection with special events.

Office of Administrative Management (3X19). (1) Plans, directs, and evaluates the administrative management activities of the NHS Corps; (2) develops and implements management policies, procedures, and systems; (3) participates in

V37-20 JAN 29 72 XUM

administrative staff recruitment, training, and assignment; (4) provides program information to the staff of the HSMHA Office of Financial Management in the operation of a financial management system for the Corps, including program policy interpretation in budget formulation and execution and in preparation of program planning and budgeting data; and (5) maintains liaison with officials of the Office of the Administrator on financial, personnel, organization, supply, contracts, and other management matters.

Office of Program Planning Evaluation (3X31). (1) Provides leadership in development and operation of the NHS Corps' long-range and operational planning systems, which include the establishment of program goals and the preparation of annual and 5-year plans; (2) coordinates the development of the overall evaluation of the Corps program; (3) provides legislative services, including identification of the need for legislative action and the maintenance of current information on legislative implications; and (4) provides advice on program policy and operational implications arising from activities of the Office of the Director and from other Corps activities.

Division of Community Assistance (3X41). (1) Provides consultation to communities, chiefly through Regional Offices, in the planning and developing of applications for assistance that will assist in improving the community health manpower situation in areas of critical need; (2) assists communities in developing and coordinating local health manpower resources, recognizing the influence of geographic, transportation, economic, and social barriers to health care; (3) supports and monitors models of health care delivery systems developed in areas of critical health manpower shortages, giving special attention to interrelationships with existing community resources; (4) provides information to interested organizations concerning models which are successful in making health care services available to as many people as possible; and (5) coordinates the above activities with local, State, and Federal agencies as appropriate.

Division of Professional Services (3X45). (1) Coordinates and directs professional supervision of assignees in the field; (2) orients, and supplies continuing education to, assignees in professional areas and in social medicine; (3) performs professional aspects of recruitment, such as initial personal contact and screening of applications; (4) participates in formulation of the evaluation process, determining professional questions to be asked; and (5) maintains liaison with professional organizations, schools, accrediting bodies, and other Federal agencies for coordination of medical care standards and efforts.

Division of Field Operations (3X51). Administers the nonprofessional aspects of the entire National Health Service Corps field operations, in coordination with the Regional Offices, by: (1) planning, developing, and coordinating the management of the field operations; (2) providing management consultative service to increase the effectiveness of the program, by designing and performing studies and surveys of proposed, ongoing and discontinued field operations; (3) planning, developing, and administering health personnel programs and activities, including manpower planning, placement coordination, career development, employee relations, and performance evaluation; and (4) serving as a focal point for development of memorandums of agreement between NHSC and communities.

Dated: January 24, 1972.

ELLIOTT L. RICHARDSON,
Secretary,
Health, Education, and Welfare.

[FR Doc.72-1369 Filed 1-28-72;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24165]

COMPANIA MEXICANA DE AVIACION, S.A. (CMA)

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Compania Mexicana de Aviacion, S.A. (CMA), foreign air carrier permit, amendment to authorize service to St. Louis, Missouri; Chicago, Illinois; and Kansas City, Missouri.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 29, 1972, at 10 a.m., local time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William H. Dapper.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 17, 1972.

Dated at Washington, D.C., January 26, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1384 Filed 1-28-72;8:51 am]

[Docket No. 22908; Order 72-1-86]

PAN AMERICAN WORLD AIRWAYS, INC.

Order To Engage in Capacity Reduction Discussions in New York/Newark-San Juan Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of January 1972.

Pan American World Airways, Inc. (Pan American) requests authorization to resume capacity reduction discussions with American Airlines, Inc. (American) and Eastern Air Lines, Inc. (Eastern) with respect to the New York/Newark-San Juan market. The application is derived from similar multicarrier discussions approved by the Board involving the adjustment of capacity levels in 13 domestic markets, which included New York/Newark-San Juan.[1] At the time discussions were held, Pan American met with Eastern and American to negotiate a capacity reduction agreement. However, the carriers were unable to reach agreement within the time specified by the Board[2] for various reasons, including the uncertainties resulting from the relatively recent substitution of American for Trans Caribbean Airways (TCA) on the New York/Newark-San Juan route.

Eastern and American have filed answers supporting Pan American's request for resumption of these discussions. Delta Air Lines, Inc. (Delta) has also filed an answer to Pan American's application requesting the Board to authorize Delta to participate in the discussions if so granted and to require a strict accounting of freed capacity if the discussions sought are approved and a capacity reduction agreement is reached.

We note that financial and traffic conditions of the industry are less depressed than at the time we issued Order 71-5-68 authorizing such discussions for a limited time period, and that the need for further capacity reduction agreements may have diminished or even disappeared. However, in the New York/Newark-San Juan market, carrier discussions may be useful in reducing excess capacity in nonpeak periods, during which lower load factors prevail, and thus in aiding maintenance of the low fare structure in the market. Thus, we note that Pan American's reported load factors in this market are, for each of the 10 months in 1971 reported, significantly lower than for the same months in 1970. This factor, coupled with the unique fare structure in this market indicates that the rationale expressed in Order 71-5-68 would appear still to be applicable to this market and for authorization of another round of discussions. However, because we would need to review most carefully any request to extend other capacity agreements beyond their current expiration dates, we advise the carriers in this case not to reach a firm agreement for periods after October 28, 1972 which is shortly after those other capacity agreements are due to expire.[3]

Delta, alleging its interest in the market and in its competitor's activities, asks to be included in such discussions. We shall deny the request, since we do not consider Delta to be a carrier which provides meaningful service in the New York/San Juan market[4] and because we conclude that any interest which Delta has can be satisfied by observation of the discussions (see ordering paragraph 1(c), infra). It also requests that agreeing carriers be required to account for freed up capacity resulting from any agreement. Since this request parallels others made in this docket pertaining to markets which are already the subject of carrier agreements, we shall defer action on Delta's request pending determination of the other requests.

Accordingly, it is ordered, That:

1. The application by Pan American World Airways, Inc. for approval of discussions regarding capacity reductions in the New York/Newark-San Juan market be and it hereby is approved subject to the following conditions:

(a) Discussions shall be held in Washington, D.C.; the hour and date of such meetings to be determined by the discussing carriers. A notice of such meetings shall be served upon the Civil Aeronautics Board and the persons stated in the appendix at least 7 calendar days prior to such meetings;

(b) Participation in the discussions shall be limited to carriers certificated to provide single-plane scheduled service in the New York/Newark-San Juan market;

(c) Representatives of the Civil Aeronautics Board and any other local, State, or Federal Government agency; civic, trade, or consumer association, group or representative; or air carrier expressing an interest shall be permitted to attend and view the discussions as observers;

(d) A full transcript shall be maintained of all meetings, at the expense of the carriers, and a copy of said transcripts shall be filed with the Board within 10 days after the conclusion of each day's meeting, and shall be available for purchase by any person.

(e) Any agreement reached as a result of the discussions authorized herein shall be filed with the Board for approval under section 412 of the Act within 15 days of consummation thereof, accompanied by an explanatory statement and a statement of justification, and shall be served on the persons listed in the appendix hereto[5] within the same period: *Provided,* That no agreement shall be implemented without having been previously approved by the Board: and *Provided further,* That any agreement reached and submitted to the Board for approval shall have an expiry date of not later than October 28, 1972;

(f) Comments pertaining to any agreement filed pursuant to subparagraph (e) shall be filed within 15 days from the date of the filing of such agreements with the Board;

(g) Comments in reply to any previously filed document authorized to be filed in subparagraphs (e) and (f) shall be filed within 10 days of filing of such document;

(h) The relief granted herein shall expire within 90 days of the date of this order and may be revoked or amended at any time in the discretion of the Board; and

(i) This authorization does not extend to discussions of rates, fares, charges, or inflight or other services pertaining to air transportation.

2. Copies of this order shall be served on the persons named in the appendix; and

3. Except to the extent granted or deferred herein the application and all other requests in this proceeding be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[6]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1385 Filed 1-28-72;8:51 am]

[1] Approved by Order 71-5-68, May 14, 1971.

[2] The carriers were granted 90 days from the date of Order 71-5-68 for capacity reduction discussions.

[3] Order 71-8-91, Aug. 19, 1971.

[4] Although Delta's certificate allows it to provide single-plane service between New York/Newark-San Juan via New Orleans the circuity involved is 1275 miles, or 75 percent. Moreover, the international O&D survey indicates that Delta's participation in this market is barely measurable, and we find no published single-plane or New Orleans connecting service by Delta. Cf. Norfolk-New York Subpart M Proceeding, Order 70-10-136, Oct. 28, 1970, note 2. We therefore conclude for purposes of discussion participation in this market that Delta is not an eligible carrier.

[5] Filed as part of the original document.

[6] Dissenting statement of members Minetti and Murphy filed as part of the original document.

FEDERAL MARITIME COMMISSION

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreemcnt filed by:

John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, NY 10004.

Agreement No. 7680-31, among the member lines of the American West African Freight Conference, modifies the basic agreement by amending Article 11 (c), entitled, "(Voting by telephone poll and/or circular letter)", by deleting therefrom certain superfluous language in the final sentence thereof, namely, "signed by the requisite number of the active members."

Dated: January 25, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1386 Filed 1-28-72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. G-5236, etc.]

CABOT CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

JANUARY 20, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

V37-20 JAN 29 72 XUM

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI72-374..... B 12-27-71	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (South Lucky Field, Matagorda County, Tex.	(11)	.....
CI72-376..... A 12-27-71	Placid Oil Co., 2800 First National Bank Bldg., Dallas, Tex. 75202.	Michigan Wisconsin Pipe Line Co., Block 71, West Cameron Area, Offshore Louisiana.	1 23.0	15.025
CI72-377..... B 12-20-71	Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, OH 45840.	Panhandle Eastern Pipe Line Co., Southeast Wil Field, Stafford County, Kans.	(12)	.....
CI72-378..... (C-10867) B 1-4-72	H. H. Shockley (successor to Shell Oil Co.), Box 953, Artec, NM 87410.	El Paso Natural Gas Co., Bisti Gallup Field, San Juan County, N. Mex.	14.0	15.025
CI72-379..... B 12-27-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Laverne Field, Harper County, Okla.	Depleted	.....
CI72-380..... 12-27-71 13	Anadarko Production Co., Post Office Box 806, Liberal, KS 67901.	Northern Natural Gas Co., Hirlton, Murphy, and Reeves Gas Units, Hugoton Field, Haskell County, Kans.	11.0	14.65
CI72-381..... 12-27-71	do.....	Northern Natural Gas Co., Warner Gas Unit, Hugoton Field, Haskell County, Kans.	11.0	14.65
CI72-382..... 12-27-71 13	do.....	Northern Natural Gas Co., Chatfield Gas Unit, Hugoton Field, Haskell County, Kans.	12.5	14.65
CI72-383..... 12-27-71 13	do.....	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Pinney County, Kans.	1 12.5	14.65
CI72-384..... 12-27-71 17	do.....	Northern Natural Gas Co., Murphy, Stevens, and Bryant Gas Units, Hugoton Field, Haskell County, Kans.	11.0	14.65
CI72-385..... 12-29-71 13	do.....	Northern Natural Gas Co., Illinois Banker's Life Gas Unit, Hugoton Field, Haskell County, Kans.	11.0	14.65
CI72-387..... 12-29-71 13	do.....	Northern Natural Gas Co., Hamline, Nilen et al., Gas Units, Hugoton Field, Haskell County, Kans.	12.5	14.65
CI72-388..... (CI64-883) F 12-29-71	Zenith Exploration Co. (successor to Sun Oil Co.), 10 East Beau St., Washington, PA 15301.	Columbia Gas Transmission Corp., Ellisburville Field, Fayette County, Pa.	27.61	14.696
CI72-389..... 12-23-71 13	Exchange Oil & Gas Corp., 16th Floor, 1010 Common St., New Orleans, LA 70112.	Southern Natural Gas Co., Lake Campo Field, Plaquemines and St. Bernard Parishes, La.	22.375	15.25
CI72-390..... A 1-4-72	Getty Oil Co. Post Office Box 1404, Houston, TX 77001.	United Gas Pipe Line Co., East Texas Field, Gregg County, Tex.	22.5	14.65
CI72-391..... 12-30-71 13	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, KS 67202.	Michigan Wisconsin Pipe Line Co., Boston Bayou Field, Vermilion Parish, La.	22.26	15.025
CI72-392..... A 1-4-72	Humble Oil & Refining Co. Post Office Box 2180, Houston, TX 77001.	United Gas Pipe Line Co., Eugene Island Block 330 Field, Offshore Louisiana.	1 27.5	15.025
CI72-393.....	do.....	United Gas Pipe Line Co., Eugene Island Block 208, Offshore Louisiana.	1 27.5	15.025
CI72-394..... A 1-3-72	do.....	Arkansas Louisiana Gas Co., Northeast Oberlon Field, Blaine County, Okla.	1 17.4035	14.65
CI72-395..... A 1-4-72	Amoco Production Co. (successor to Marathon Oil Co.), Post Office Box 591, Tulsa, OK 74102.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	1 20.219	14.65
CI72-396..... A 1-4-72	TransOcean Oil, Inc., 2100 First City National Bank Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Block 208, Eugene Island Area, Offshore Louisiana.	1 20.0	15.025

Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5598..... O 1-10-72	Cabot Corp., Post Office Box 1473, Charleston, WV 25325.	Consolidated Gas Supply Corp., Fayette, McDowell, and Wyoming Counties, W. Va.	(1)	15.325
CI62-360..... B 1-4-72	Ashland Oil, Inc. (successor to Ashland Petroleum Corp.), Post Office Box 18695, Oklahoma City, OK 73118.	Trunkline Gas Co., Northeast Hitchcock Field, Galveston County, Tex.	1 15.5	14.65
CI72-375..... B 1-4-72	do.....	Consolidated Gas Supply Corp., Lobck District, Wood County, W. Va.	25.0	15.325
CI72-376..... B 12-27-71	South Shreveport Co., Inc. (successor to Sun Oil Co.), 10 East Beau St., Washington, PA 15301.	Columbia Gas Transmission Corp., Ellisville, Marion Township, Fayette County, Pa.	24.375	15.325
CI72-377..... B 12-27-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Transcontinental Gas Pipeline Co., a division of Tenneco Inc., East Cameron Block 17 Field, Offshore Louisiana.	Depleted	.....
CI72-847..... B 12-4-71	Chief Drilling, Inc., 3175 Cleveland Ave., Suite 216, Columbus, OH 43224.	Consolidated Gas Supply Corp., Acreage in Ritchie County, W. Va.	(7)	.....
CI72-854..... 12-14-71 3	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, KS 67202.	Arkansas-Louisiana Gas Co., Northeast Carlton Field, Blaine County, Okla.	1 15.2	14.65
CI72-855..... B 12-17-71	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, OK 73118.	Texas Gas Transmission Corp. Monroe Field, Union, Ouachita, and Morehouse Parishes, La.	Depleted	.....
CI72-856..... 12-13-71 3	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Transwestern Pipeline Co., Fleming Unit, Origer Area, Cimarron County, Okla.	1 13.7775	14.65
CI72-857..... A 12-17-71	Serendipity Gas Co., 2020 Republic Bank Tower, Dallas, Tex. 75201.	El Paso Natural Gas Co., acreage in Nolan and Fisher Counties, Tex.	1 20.0	14.65
CI72-860..... A 12-21-71	J. M. Huber Corp., 2000 West Loop South, Houston, TX 77027.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hitchcock Field, Garfield and Major Counties, Okla.	1 20.5	14.65
CI72-572..... 12-17-71 3	Ashland Oil, Inc., Post Office Box 18695, Oklahoma City, OK 73118.	Mountain Fuel Supply Co. South Buegs Field, Moffat County, Colo.	15.0	15.025
CI72-573..... A 12-27-71	E. A. Courtney et al., Post Office Box 819, Hammond, LA 70401.	Transcontinental Gas Pipe Line Corp., Vinton Field Area, Calcasieu Parish, La.	26.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI72-399..... 1-6-72 14	Anadarko Production Co., Post Office Box 806, Liberal, KS 67901.	Northern Natural Gas Co., Peoples Natural Gas Division, Pleasen Region Hugoton Field (Curtis A-1 Gas Unit), Stevens County, Kans.	14 12.5	14.65
CI72-400..... 1-6-72 14	do.....	Panhandle Eastern Pipe Line Co., Williams A No. 1-12 Gas Unit, Hugoton Field, Stevens County, Kans.	14 12.5	14.65
CI72-401..... B 1-6-72	Ross Production Co. (Operator), et al., Post Office Box 1185, Shreveport, LA 71102.	Texas Eastern Transmission Corp., Huxley Field, Shelby County, Tex.	Depleted	.....

1 Applicant proposes to sell and deliver gas to Consolidated Gas Supply Corp. under a gas exchange agreement
2 Rate in effect subject to refund in Docket No. RI70-678.
3 Acreage sold.
4 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI66-684 to be made pursuant to Apache Corp. FPC Gas Rate Schedule No. 42.
5 Includes 0.2 cent per Mcf tax reimbursement. Subject to upward and downward B.t.u. adjustment.
6 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI61-364 to be made pursuant to Graham-Michaelis Drilling Co. FPC Gas Rate Schedule No. 41.
7 The applicable area rate is 18.7775 cents per Mcf; however, the contract price is 26.5379 cents per Mcf.
8 Subject to upward and downward B.t.u. adjustment.
9 Gas-well gas, plus 2.0 cents per Mcf for off-lease gathering.
10 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI66-1343 to be made pursuant to Development Services Corp. FPC Gas Rate Schedule No. 1.
11 Cessation of production and assignment of acreage.
12 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 9.
13 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 7.
14 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 1.
15 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 27.
16 Pursuant to Opinion No. 596; however, the contract price is 14.5 cents per Mcf.
17 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 5.
18 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 3.
19 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 8.
20 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-18353 to be made pursuant to the Estate of William G. Helis, FPC Gas Rate Schedule No. 2.
21 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI61-561 to be made pursuant to Maynard Oil Co. FPC Gas Rate Schedule No. 1.
22 Includes 2.235 cents per Mcf upward B.t.u. adjustment and 0.2665 cents per Mcf T/R.
23 Includes 0.299 cents per Mcf tax reimbursement and 1.420 cents per Mcf upward B.t.u. adjustment.
24 Applicant is willing to accept a certificate at an initial rate of 26 cents per Mcf; however, the contract price is 22 cents per Mcf, subject to upward and downward B.t.u. adjustment.
25 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 21.
26 Pursuant to Opinion No. 596; however, the contract price is 14 cents per Mcf.
27 Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 14.
28 Pursuant to Opinion No. 596; however, the contract price is 13 cents per Mcf.

[FR Doc.72-1230 Filed 1-28-72;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank

First Banc Group of Ohio, Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to The Ashland Bank and Savings Co., Ashland, Ohio (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls nine banks with deposits of $715.5 million, representing 3.2 percent of the total commercial bank deposits in the State, and is the seventh largest banking organization in Ohio. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through November 30, 1971.) Acquisition of Bank (deposits of $12.8 million) would increase applicant's share of deposits in the State by an insignificant amount. Bank operates two banking offices in Ashland County, which approximates its banking market. It is the third largest of five banking organizations in the county with 18.4 percent of total deposits in that area. The two larger banks in the county respectively control 39 and 21 percent of market deposits.

Applicant's subsidiary located closest to Bank is approximately 11 miles west in adjacent Richland County and a second subsidiary is located approximately 20 miles east of Bank in adjacent Wayne County. Although some competition exists between Bank and applicant's Richland and Wayne County subsidiaries, the amount of competition is not considered substantial. Elimination of this competition as a result of consummation of the proposed acquisition would not have a significantly adverse effect on competition in the area. Some potential competition between applicant and Bank might be foreclosed by consummation of the proposal since applicant could enter Bank's market de novo or through acquisition of a smaller bank. However, due to the present "overbanked" character of the market, the restrictive branching laws in the State and other facts of record, there appears to be little likelihood that significant competition between Bank and applicant would develop in the future.[1]

On the basis of the foregoing, the Board concludes that consummation of the proposed transaction would not result in a monopoly, nor be in furtherance of any combination, conspiracy or attempt to monopolize the business of banking in any part of the United States, and would not restrain trade, substantially lessen competition, or tend to create a monopoly in any section of the country.

The financial and managerial resources and future prospects of applicant, its subsidiary banks and Bank are regarded as satisfactory and consistent with approval. Although there is no evidence that significant banking needs of the communities involved are going unserved, applicant proposes to expand mortgage and education loans, provide trust services and municipal financing through Bank and suggests the possibility of opening additional branches in rural areas of the county. Accordingly, considerations relating to convenience and needs of the community lend some weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] January 25, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1342 Filed 1-28-72;8:46 am]

[1] Population per banking office in Ashland County is 3,442 and deposits per banking office are $5.8 million. These ratios are well below both State and national averages.

[2] Voting for this action: Chairman Burns and Governors Robertson, Maisel, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Daane.

V37-20 JAN 29 72 XUM

FIRSTBROOK CORP.

Order Denying Formation of Bank Holding Company

Firstbrook Corp., Chicago, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Northbrook Trust & Savings Bank, Northbrook, Ill. (Bank).

Notice of receipt of the application has been given in accordance with § 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a newly formed organization and has no operating history. Upon acquisition of Bank ($31.5 million of deposits), applicant would control less than 0.1 percent of the commercial bank deposits in Illinois. (All banking data are as of June 30, 1971.) As the proposed transaction represents a sale of individuals' ownership of Bank to a presently nonoperating holding company, consummation of the transaction would not eliminate any existing or potential competition and would not result in any increase in the concentration of banking resources in any relevant area.

Bank is presently in satisfactory financial condition with adequate capital and satisfactory management. Its location in a growing community about 25 miles northwest of Chicago should insure favorable growth although growth may not continue at past rates due to the recent entrance of two other banks into the area previously served only by Bank. Despite future growth prospects of Bank, however, the proposed method of financing the acquisition of Bank, would, if utilized, adversely affect the financial condition and prospects of both applicant and Bank.

Applicant, upon consummation of the proposed transaction, would incur acquisition debt in the amount of $4,500,000 resulting in a debt-to-equity ratio of over 250 percent. Applicant proposes to repay the debt with interest in 10 years with increasing annual principal payments beginning in 1973. Based upon the expected rapid population growth and development of the Northbrook area and Bank's past earnings history, applicant projects Bank's annual earnings growth at a rate that would enable applicant to service its acquisition debt from no more than a 50 percent dividend payout from Bank.

However, Bank's present adequate capitalization derives from the restraint Bank has exercised in past declarations of dividends. Between 1966 and 1970, dividends averaged approximately 19 percent of current earnings (whereas applicant projects 50 percent to service the debt). The projected average annual earnings growth rate may be unrealistic; it is higher than that experienced by Bank between 1961 and 1970 when Bank was the only bank located in its service area. In fact, despite the favorable growth trend of the community which Bank serves, the growth rate of Bank's earnings has declined from 25.4 percent in 1969 to 9.5 percent in 1971. If earnings growth fails to keep pace with applicant's projections, the percentage of earnings paid out as dividends of Bank would have to be increased in order to service applicant's acquisition debt, in turn, retarding Bank's capital growth. Finally, it is not clear that applicant, even if its projections proved accurate, could properly service its acquisition debt and meet its expenses.

Besides imperiling Bank's future capital growth, the high level of acquisition debt contemplated by this application would hinder applicant's ability to meet any emergency capital needs of Bank should such arise. These factors weigh heavily against approval of this application. It should be emphasized, however, that these factors in no way reflect upon the present financial soundness of Bank, nor upon its future financial condition absent consummation of the instant proposal.

The banking needs of the residents of Bank's service area appear to be adequately served by existing institutions. The added flexibility of a holding company structure to enable Bank to better meet future demands lends some weight for approval.

Under all of the circumstances of this case, the Board concludes that the acquisition debt involved in this proposal presents adverse circumstances bearing on the financial condition and prospects of Applicant and Bank. Such circumstances are not outweighed by any procompetitive factors or by circumstances relating to the convenience and needs of the communities to be served. Accordingly, approval of the application is not in the public interest and it should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[1] January 20, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1343 Filed 1-28-72;8:46 am]

FIRST NATIONAL HOLDING CORP.

Proposed Acquisition of Dixie Finance Co., Inc.

Notice of receipt of the application of First National Holding Corp., Atlanta, Ga., a registered bank holding company, for permission to acquire voting shares of Dixie Finance Co., Inc., Atlanta, Ga., was published in the FEDERAL REGISTER on December 17, 1971 (36 F.R. 24022).

Applicant has notified the Board that it has, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, republished its notice to clarify that, in addition to consumer lending and the sale of credit life insurance in connection therewith Dixie Finance Co., Inc., also engages in the activities of selling credit health and accident insurance in connection therewith and property damage insurance for collateral supporting loans made by Dixie Finance Co., Inc.

Any comments on the insurance aspects of the proposed acquisition should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 15, 1972.

Board of Governors of the Federal Reserve System, January 25, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1344 Filed 1-28-72;8:46 am]

FIRST NATIONAL HOLDING CORP.

Proposed Acquisition of the Consumer Finance Subsidiaries of Gulf Financial Corp.

First National Holding Corp., Atlanta, Ga., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of the consumer finance subsidiaries of Gulf Financial Corp., Atlanta, Ga. Notice of the application was published in newspapers of general circulation in each of the 38 communities in Mississippi in which the consumer finance subsidiaries of Gulf Financial Corp. maintain offices.

Applicant states that the proposed subsidiaries engage in the activities of making loans to individuals for personal, family, or household purposes and selling credit life and health and accident insurance in connection therewith and property damage insurance for collateral supporting loans made by such subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 25, 1972.

Board of Governors of the Federal Reserve System, January 25, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1345 Filed 1-28-72;8:46 am]

MECHANICS AND FARMERS' BANK OF ALBANY

Order Approving Application for Merger of Banks

Mechanics and Farmers' Bank of Albany, Albany, N.Y. (Mechanics Bank), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with The Tanners National Bank of Catskill, Catskill, N.Y. (Tanners National), under the charter and title of Mechanics Bank. As an incident to the merger, the two present offices of Tanners National would become branches of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Mechanics Bank ($34 million deposits), a wholly owned subsidiary of The Bank of New York Co., Inc., New York, N.Y., the ninth largest banking organization in the State, operates two offices in the city of Albany and two offices in Albany County, in New York's Fourth Banking District. The Bank of New York Co., Inc., has no other subsidiary located in the Fourth District, wherein Mechanics Bank ranks as the 16th largest of 35 banks, holding 1.1 percent of this District's commercial bank deposits. Mechanics Bank is the smallest bank operating in the city of Albany.

Tanners National ($9 million deposits), the smaller of two commercial banks in Catskill, operates two offices in the town and serves an area comprised of Greene County wherein it ranks as fifth largest of the six banks operating in the county. Four of the five competing banks in the county are subsidiaries of multibank holding companies and are the largest banks headquartered in New York's Fourth Banking District. Tanners National is the 26th largest bank in the District and controls only 0.3 percent of the District's deposits.

The closest offices of Mechanics Bank and Tanners National are 33 miles apart, and there is no significant existing competition between them. It appears that the proposed merger would not foreclose any substantial amount of potential competition because of the distances involved and the presence of intervening banking offices. Tanners Bank is presently closely affiliated with Catskill's other bank, Catskill Savings Bank, through interlocking directorates, and it appears that consummation of the proposed merger would serve to stimulate competition by severing this affiliation by eliminating the existing home office protection. Moreover, de novo entry appears unlikely since there are already three commercial banking offices in the village of Catskill, which has a population of 5,317. It appears that consummation of the proposed merger would not materially increase the concentration of banking resources in the Fourth Banking District nor adversely affect other banks operating therein.

Based upon all the facts revealed in the record, the Board concludes that the merger would not have an adverse effect on competition in any relevant area. Considerations under convenience and needs lend some weight toward approval of the proposal since the residents of the town of Catskill would benefit by the addition of an alternative, full service banking facility. The banking factors as they pertain to Mechanics Bank and Tanners National are satisfactory, and the future prospects of the resulting bank appear favorable. It is the Board's judgment that consummation of the proposal would be in the public interest and that the action should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] January 25, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1346 Filed 1-28-72;8:46 am]

FOREIGN-TRADE ZONES BOARD

[Foreign-Trade Zone 7]

MAYAGUEZ, P.R.

Notice of Filing and Investigation Regarding Application for Contiguous Expansion

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (Board) by the Puerto Rico Industrial Development Company (PRIDCO), a public corporation and instrumentality of the Commonwealth of Puerto Rico, as Grantee of Foreign-Trade Zone No. 7, Mayaguez, P.R., requesting authority from the Board for the contiguous expansion of said foreign-trade zone in accordance with § 400.607 of the Board's regulations (15 CFR Part 400). Authority is requested to expand the present zone by some 12 acres. The application was found to be in filing order and was filed with the Board on January 20, 1972.

The present zone area covers some 30 acres comprising an industrial park within the city limits and Customs port of entry of Mayaguez. The zone was authorized by the Board on June 27, 1960 (Board Order No. 50), and on June 28, 1968 (Board Order No. 76) approval was given for an expansion of the facility from its original 20 acre size to its present 32 acres. It is operated by PRIDCO as an integral part of the Commonwealth's economic development program. The proposed expansion area is also owned by PRIDCO and has been earmarked from the outset for eventual zone expansion.

There are presently six firms operating within the zone. They are engaged in light manufacturing operations which involve such products as optical equipment, pharmaceuticals, textiles, apparel, and leather goods. Commitments have been made to lease all remaining operational space within the zone, and the additional space is needed for firms presently expressing an interest. These firms would engage in operations involving electronic office equipment, tools, pharmaceuticals, and metal rope. Their operations would create some 325 jobs.

In accordance with the Board's regulations an Examiners Committee has been appointed to investigate the application and consider public comments. The committee is composed of:

Chairman: John J. De Ponte, Jr., Acting Executive Secretary, Foreign-Trade Zones Board, Room 2208, U.S. Department of Commerce, Washington, D.C. 20230.

Members:

Rafael A. Torrens, District Director of Customs, U.S. Bureau of Customs, Post Office Box 2112, San Juan, PR 00903.

Colonel Avery S. Fullerton, U.S. Army District Engineer, Jacksonville, Post Office Box 4970, Jacksonville, FL 32201.

A copy of the application and accompanying exhibits is available for public inspection during regular business hours at the Office of the District Director of Customs, Deposito St., San Juan, P.R.; and at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2203, U.S. Department of Commerce, Washington, D.C.

Notice is hereby given that in connection with its investigation of the application the Examiners Committee invites interested persons and organizations to submit their written views regarding the application. The comments should be addressed to the committee chairman at the foregoing address, and must be received or postmarked within 30 calendar

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Daane.

V 37 N 20 JAN 29 72 XUM

days of the publication of this notice in the FEDERAL REGISTER.

Dated: January 21, 1972.

JOHN J. DA PONTE, JR.,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.72-1358 Filed 1-28-72;8:48 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-135]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the Federal Government before the North Carolina Utilities Commission in a proceeding (No. P-55 (Sub No. 681)) involving the rates for telecommunications service provided by Southern Bell Telephone and Telegraph Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: January 25, 1972.

ROD KREGER,
Acting Administrator
of General Services.

[FR Doc.72-1347 Filed 1-28-72;8:46 am]

INTERIM COMPLIANCE PANEL

(Coal Mine Health and Safety)

BLACK DIAMOND COAL MINING CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard specified in the Federal Coal Mine Health and Safety Act of 1969 have been received as follows:

ICP Docket No. 3020 000, BLACK DIAMOND COAL MINING CO., Black Diamond Mine, USBM ID NO. 01 00824 0, Birmingham, Jefferson County, Ala.:
ICP Permit No. 3020 001 (Joy Manufacturing Co. Loader, Ser. No. 4297).
ICP Permit No. 3020 002 (Joy Manufacturing Co. Loader, Ser. No. 4301).
ICP Permit No. 3020 003 (Joy Manufacturing Co. Loader, Ser. No. 4296).
ICP Permit No. 3020 007 (Joy Manufacturing Co. Shuttle Car, Ser. No. ET 3069).
ICP Permit No. 3020 006 (Joy Manufacturing Co. Shuttle Car, Ser. No. ET 4355).
ICP Permit No. 3020 009 (Jeffrey Manufacturing Co. Mining Machine, Ser. No. 22968).
ICP Permit No. 3020 010 (Joy Manufacturing Co. Coal Drill on 14BU Cats, Ser. No. Company No. 1).
ICP Permit No. 3020 011 (Joy Manufacturing Co. Coal Drill on 12BY Cats, Ser. No. Company No. 2).

In accordance with the provisions of section 305(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742 et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR, Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Eighth Floor, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 25, 1972.

[FR Doc.72-1329 Filed 1-28-72;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

COATINGS UNLIMITED, INC.

Order Suspending Trading

JANUARY 25, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Coatings Unlimited, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from January 26, 1972, through February 4, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1318 Filed 1-28-72;8:45 am]

[70-5131]

COLUMBIA GAS SYSTEM, INC., AND COLUMBIA GAS SYSTEM SERVICE CORP.

Notice of Proposed Charter Amendment and Issuance and Sale of Common Stock and Installment Promissory Notes by Subsidiary Service Company to Holding Company

JANUARY 24, 1972.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), a registered holding company, and its subsidiary service company, Columbia Gas System Service Corp. (Service Corp.), 20 Montchanin Road, Wilmington, DE 19807, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, 12, and 13, and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Service Corp. is currently constructing a new headquarters office building in Wilmington, Del., presently estimated to cost $8 million. In order to reimburse Columbia for funds heretofore expended by Columbia and for funds required to complete the construction, Service Corp. proposes to issue and sell to Columbia up to 36,000 shares of its common stock, $100 par value, at an aggregate of $3,600,000, and up to an aggregate of $4,400,000 principal amount of installment promissory notes, and Columbia proposes to acquire such securities. The notes, which will be issued during 1972, will be dated the date of issue and will be payable in 25 equal annual installments beginning May 31, 1973. The interest rate on each such notes shall be the actual cost of money to Columbia from its then most recent sale of debentures (currently 8.3 percent), decreased by the amount necessary in order that the interest rate be a multiple of one-tenth of 1 percent. In connection with the issuance of common stock, Service Corp. proposes to amend its Certificate of Incorporation to increase the number of authorized shares of its common stock to 84,000 from the presently authorized 48,000.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,050 for Service Corp. and $160 for Columbia. It is further stated that no

State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 16, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1320 Filed 1-28-72;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JANUARY 25, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 being trading otherwise on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 26, 1972, through February 4, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1319 Filed 1-28-72;8:45 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

JANUARY 20, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period January 24, 1972 through February 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1321 Filed 1-28-72;8:45 am]

[811-1983]

ENVIRONMENT AND ECOLOGY FUND, INC.

Notice of Filing of Application for Order Declaring that Company has Ceased to be An Investment Company

JANUARY 24, 1972.

Notice is hereby given that Environment and Ecology Fund, Inc. (Applicant), 4 Liberty Square, Boston, MA 02110, registered under the Investment Company Act of 1940 (Act) as an open-end diversified investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant was incorporated on December 10, 1969, and no registration statement pursuant to the Securities Act of 1933 was filed. It is a dormant corporation engaged in no business activity. The application states that it has been determined that current business conditions do not warrant offering the securities of Applicant at this time and it accordingly seeks to withdraw its registration under the Act.

Section 8(f) of the Act provides, in pertinent part that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 15, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1322 Filed 1-28-72;8:45 am]

TARIFF COMMISSION

[AA1921-86/90]

LARGE POWER TRANSFORMERS FROM FRANCE, ITALY, JAPAN, SWITZERLAND, AND THE UNITED KINGDOM

Notice of Investigation and Hearing

Having received advice from the Treasury Department on January 20, 1972, that large power transformers from France, Italy, Japan, Switzerland, and the United Kingdom are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted investigations Nos. AA1921-86 (France), AA1921-87 (Italy), AA1921-88 (Japan), AA1921-89 (Switzerland), and AA1921-90 (United Kingdom), under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

V 37 N 20 JAN 29 72 XUM

The term "large power transformers", as used in this notice, includes all transformers rated 10,000 kv.-a. or above, by whatever name designated, used in the generation, transmission, distribution, and utilization of electrical power, including but not limited to shunt reactors, autotransformers, rectifier transformers, and power rectifier transformers. See FEDERAL REGISTER of June 11, 1971 (36 F.R. 11308–9).

Hearing. A joint public hearing in connection with the investigations will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m. e.s.t., on March 7, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: January 26, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-1354 Filed 1-28-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

ASSIGNMENT OF HEARINGS

JANUARY 26, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. 34543, Increased Suburban Fares, New Jersey and New York Railroad Co. and Erie Lackawanna Railroad Co., assigned February 15, 1972, will be held in Room F-2230, 26 Federal Plaza, New York, N.Y.

FD 26572, Penndel Co. (George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of Penn Central Transportation Co.) abandonment Kiptopeke Branch between Cape Charles and Kiptopeke, Northampton County, Va., assigned for hearing March 21, 1972, at Cape Charles, Va., in a hearing room to be later designated.

No. 35518, Bus Fares, Asbury Park-New York Transit Corp., assigned February 22, 1972, at New York, N.Y., is postponed to March 13, 1973, in Room E-2222, 26 Federal Plaza, New York, N.Y.

MC 107295 Sub 504, Pre-Fab Transit Co., heard January 31, 1972, at Chicago, Ill., and continued to March 28, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 26522, Chesapeake and Ohio Railway Co., abandonment between Strathmore and Lindas, in Fluvanna and Louisa Counties, Va., assigned for hearing March 28, 1972, at Charlottesville, Va., in a hearing room to be later designated.

FD 26000, Chicago South Shore & South Bend Railroad Restructuring of Passenger Service now being assigned March 6, 1972, in Room 1630, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL, on March 8, 1972, in the Conrad Hilton Hotel, 720 South Michigan Avenue, Chicago, IL, on March 9, 1972, in Hammond City Hall, 5925 Calumet Avenue, Hammond, IN, on March 10, 1972, in the Council Chambers, City Hall, 401 Broadway, Gary, IN, on March 11, 1972, in the Police Department, City Court Building, Second and Franklin, Michigan City, IN, on March 13, 1972, in the South Bend Public Library, 122 West Wayne Street, South Bend, IN, on March 15, 1972, in Room 1992, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-F-10785, Continental Trailways, Inc.—Control—Colonial Trailways, assigned for hearing March 13, 1972, in Room 5A15, New Federal Building, 1100 Commerce Street, Dallas, TX.

MC 107295 Sub 550, Pre-Fab Transit Co., assigned for hearing March 6, 1972, in Room 5A15, New Federal Building, 1100 Commerce Street, Dallas, TX.

MC 107295 Sub 556, Pre-Fab Transit Co., assigned for hearing March 7, 1972, in Room 5A15, New Federal Building, 1100 Commerce Street, Dallas, TX.

MC 114004 Sub 100, Chandler Trailer Convly, Inc., assigned for hearing March 8, 1972, in Room 5A15, New Federal Building, 1100 Commerce Street, Dallas, TX.

MC 107295 Sub 543, Pre-Fab Transit Co., assigned January 31, 1972, at Atlanta, Ga., canceled and application dismissed.

MC 119789 Sub 68, Caravan Refrigerated Cargo, Inc., now assigned February 3, 1972, at Washington, D.C., canceled and transferred to modified procedure.

MC 119399 Sub 2, William's Chemical Transport, Inc., MC 135109, Seco, Inc., assigned February 1, 1972, at Washington, D.C., postponed to February 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 208, Schneider Transport & Storage, Inc., continued to February 9, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7602, Eastern Bus Lines, Inc.—Investigation and Revocation of Certificates, assigned for hearing February 7, 1972, at Hartford, Conn., will be held in Room 134, Federal Building, 450 Main Street.

MC 55429, Air-Freight Trucking Service, Inc., assigned February 10, 1972, MC 66101 Sub 1, Aft Services, Inc., assigned February 10, 1972, and MC 67200 Sub 36, The Furniture Transport Co., assigned February 8, 1972, at New York, N.Y., will be held in Room 238, Courtroom A, Court of Claims, 26 Federal Plaza.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1374 Filed 1-28-72;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 26, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42342—*Corn and grain sorghums and related articles from points in Missouri.* Filed by Southwestern Freight Bureau, agent (No. B-284), for interested rail carriers. Rates on corn and grain sorghums and related articles, in carloads, as described in the application, from points in Missouri, to points in Texas, also Texarkana, Ark.

Grounds for relief—Motor-truck competition and rate relationship.

Tariff—Supplement 26 to Southwestern Freight Bureau, agent, tariff ICC 4967. Rates are published to become effective on March 4, 1972.

FSA No. 42343—*Asphalt (asphaltum) from Sheerin, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-285), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), petroleum road oil and petroleum wax tailings, in tank carloads, from Sheerin, Tex., to points in Illinois and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 99 to Southwestern Freight Bureau, agent, tariff ICC 4801. Rates are published to become effective on February 26, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1375 Filed 1-28-72;8:50 am]

[Notice 14]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 25, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 44 TA), filed January 17, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, 210 West Park, Livingston, MT 59047. Applicant's representative: Wayne Waggoner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed, feed ingredients, and feed preservatives*, in bulk, and in bags, from Des Moines and Westside, Iowa, and Omaha, Nebr., to points in Montana and Wyoming, for 180 days. Supporting shipper: Triple "F" Feeds, Post Office Box 3600, Urbandale Branch, Des Moines, IA 50332. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 107403 (Sub-No. 829 TA), filed January 17, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from Reading, Pa., to Wilmington, Del., for 180 days. Supporting shipper: Artic Roofings, Inc., Edge Moor, Del. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111401 (Sub-No. 359 TA), filed January 14, 1972. Applicant: GROENDYKE TRANSPORT, INC., Box 632, 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic*, in bulk, in tank vehicles, from Oklahoma City, Okla., to Lubbock, Tex., for 180 days. Supporting shipper: Continental Oil Co., G. R. Watson, Assistant Director of Traffic, Post Office Box 1267, Ponca City, OK 74601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114533 (Sub-No. 249 TA), filed December 27, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, isotopes, and related products*, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas and Missouri, restricted however to shipments having a prior or subsequent movement by air, for 150 days. Supporting shipper: Harold T. Raven, Transportation Manager, E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.Y. 08903. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 116947 (Sub-No. 23 TA), filed January 10, 1972. Applicant: HUGH H. SCOTT, doing business as SCOTT TRANSFER CO., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, parts and accessories thereto*, from Birmingham, Ala., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and West Virginia, for 150 days. Supporting Shipper: Package & Chemical Supply Co., Inc., 3208 Fifth Avenue, Post Office Box 2371, Tampa, FL 33601. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 Peachtree Street NW., Atlanta, GA 30309.

No. MC 117865 (Sub-No. 5 TA), filed January 13, 1972. Applicant: ERIC LORENTZEN, 5 Beacon Road, Hull, MA 02045. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Massachusetts, Rhode Island, and New Hampshire, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Room 2211-B, Government Center, Boston, MA 02203.

No. MC 118535 (Sub-No. 48 TA), filed January 13, 1972. Applicant: JIM TIONA, JR., 111 South Prospect, Butler, MO 64730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Tulsa Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: Willichemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 129886 (Sub-No. 6 TA), filed January 11, 1972. Applicant: CALVIN E. SUMMERS, 112 Spruce Street, Etiasbethville, PA 17023. Applicant's representative: John W. Frame, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, in vehicles equipped with mechanical refrigeration, and *frozen foods* for the account of Servomation Mathias, Inc., of Baltimore, Md., from the warehouse of Calvin E. Summers at Elizabethville, Pa., to Greenville, Ill., Warrensburg and St. Louis, Mo., and El Paso and Dallas, Tex., for 180 days. Supporting shipper: Servomation Mathias, Inc., 803 Gleneagles Court, Baltimore MD 21204. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 129984 (Sub-No. 1 TA), filed January 18, 1972. Applicant: GLENN PETERSON, doing business as PETERSON TRANSIT, Route 2, Merrill, WI 54452. Applicant's representative: Frank M. Coyne, 1 West Main Street, Maidson, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured wire products*, from Merrill, Wis., to points in the Chicago, Ill., commerical zone and Du Quoin, Ill.; and (2) upon return movement, *raw wire, steel tubing, bar steel, bar copper, angle iron, galvanized rods, and used pallets and empty paper containers*, in mixed loads, from points in the Chicago, Ill., commercial zone and Waukegan, Ill., to Merrill, Wis., for 180 days. Supporting shipper: Wire Products Manufacturing Co., 106 North Gennesee Street, Merrill, WI 54432. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 133095 (Sub-No. 20 TA), filed January 18, 1972. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcohol beverages*, from Poughkeepsie and Brooklyn, N.Y.; and Tereboro, N.J.; to Little Rock, Ark.; Denver, Colo.; Oklahoma City and Tulsa, Okla.; Memphis, Tenn.; and Amarillo, Tex.; for 180 days. Supporting shipper: Monsieur Henri Wines, Ltd., 131 Morgan Avenue, Brooklyn, NY. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 135185 (Sub-No. 10 TA), filed January 17, 1972. Applicant: COLUMBINE CARRIERS, INC., 4971 South Emporia, Englewood, CO 80110. Applicant's representative: E. H. Scudder, Jr., Post Office Box 83028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Razors and razor blades, toilet articles and toilet preparations, and ball point and felt tip pens*, from Andover, Mass., to points in Pennsylvania, Ohio, Illinois, Minnesota, and those in New York on and west of a north-south line through Albany, N.Y.;

LIBRARY MICHIGAN UNIVERSITY EASTERN YPSILANTI U. S. DEPOSITORY DOCUMENT

V 37 I 20 JAN 29 72 XUM

(2) *materials, supplies, and equipment,* utilized in the manufacture, sale, and distribution of the commodities named in (1) above, from the destination area in (1) above to Andover, Mass., *and materials, supplies, and equipment,* utilized in the manufacture, sale, and distribution of razors, and razor blades, from the destination area in (1) above to Boston, Mass.; (3) *toilet articles and toilet preparations and hair curlers,* from St. Paul, Minn., to points in Illinois, Newark, N.J., Washington, D.C., and Baltimore, Md.; and (4) *materials, supplies, and equipment* utilized in the manufacture, sale, and distribution of the commodities named in (3) above, from the destination area in (3) above to St. Paul, Minn. All restricted against the transportation of commodities in bulk, all traffic to either originate or terminate at the plantsites or facilities utilized by the Gillete Co., under a continuing contract with the Gillete Co., for 180 days. Supporting shipper: The Gillete Co., 462 Boylston Street, Boston, MA 02116. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1376 Filed 1-28-72;8:50 am]

[Ex Parte No. 270 (Sub-No. 2)]

GENERAL MILLS, INC., ET AL.

Particulations for Reconsideration of Investigation of Railroad Freight Rate Structure and Service

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of January 1972.

Upon consideration of the record in the above-entitled proceedings, the decisions entered November 5, 1971, and of:

(1) Petitions for reconsideration, modification and/or clarification in the above-entitled proceedings filed (a) by General Mills, Inc. (GMI), on December 13, 1971, and (b) by American Home Products Corp., the Drug and Toilet Preparation Traffic Conference and the National Small Shipments Traffic Conference, Inc., on December 27, 1971;

(2) A petition for reconsideration in Ex Parte No. 270 (Sub-No. 2) filed by Geo. A. Hormel & Co., John Morrell & Co., Oscar Mayer & Co., and the Rath Packing Co., filed December 13, 1971;

(3) A petition for reconsideration in Ex Parte No. 270 (Sub-No. 2) filed by the Western Railroads on December 20, 1971; and

(4) A reply to (1)(a) and (2) above, filed by the Western Railroads on January 3, 1972, and

It appearing, that petitioner, GMI, in (1)(a) above seeks modification of the reports and orders of November 5, 1971, in the above-entitled proceedings in the following respects:

(a) Quality of service and the need for improved performance should be made more specific issues in Ex Parte No. 270;

(b) Alternative proposals and supporting evidence should be entertained from the parties relating to issues, such as the need for developing and prescribing functional accounting/costing standards for management purposes—including the determination of the capacity of facilities, their rates of utilization and the effects of improvements in utilization;

(c) Further proceedings in Ex Parte No. 270 (Sub-No. 2) should be stayed pending resolution of Ex Parte No. 270 as modified in (a) and (b) above;

(d) As an alternative to (a), (b), and (c) above, the matters set forth in (a) and (b) should be put in issue in Ex Parte No. 270 (Sub-No. 2);

(e) As an alternative to (a), (b), and (c) above, the information sought to be developed in Ex Parte No. 270 (Sub-No. 2) should be restructured and revised so as to sharpen its pertinence and ease the burden involved in its collection;

It further appearing, that American Home Products Corp. (American) et al., petitioners in (1)(b) above, seek to include less-than-carload services in the investigations in the above-entitled proceedings or that a separate part be initiated, devoted to that subject;

It further appearing, that Geo. A. Hormel et al., petitioners in (2) above, seek discontinuance of Ex Parte No. 270 (Sub-No. 2) and the institution of a separate proceeding conditioning future general freight rate increases upon the railroads' maintenance of certain service norms;

It further appearing, that Western Railroads, petitioners in (3) above, contend that the report of November 5, 1971, in Ex Parte No. 270 (Sub-No. 2) promulgated rules without the notice and opportunity to submit evidence and argument required by the Administrative Procedure Act;

It further appearing, that, in regard to GMI's petition in (1)(a) above, (1) the preliminary report in Ex Parte No. 270 considered the relationship between rail service, rates and costs and the information sought in the investigation; that the quality of rail service is the principal topic in Ex Parte No. 270 (Sub-No. 2) and should not be further injected in Ex Parte No. 270 as requested; (2) it is desirable that any interested persons should have an opportunity in Ex Parte No. 270 (Sub-No. 2) to present evidence necessary to establish standards and guidelines to measure the quality of rail freight service; and (3) more appropriate proceedings for considering functional accounting/costing standards are either Docket No. 34013, "Rules to Govern Assembling and Presenting of Cost Evidence," in which a Commission task force is considering the feasibility and practicability of additional research projects, or Docket No. 32153 and (Sub-No. 1), "Uniform System of Accounts for Railroad Companies;" and it appearing that consideration of functional accounting/costing standards would unnecessarily broaden the instant investigation and possibly duplicate the work of the Docket No. 34013 task force;

It further appearing, that in regard to the petition of American et al., in (1)(b) above, the Commission's action on April 13, 1971, vacating the maximum Docket No. 28300 class rate order prescribed on less-than-carload (LCL) traffic of less than 10,000 pounds (1) gave the carriers the necessary incentive to improve that service, and (2) permitted the carriers new latitude and managerial discretion toward initiation, consideration, and publication of revised increased LCL class rates for the reestablishment and performance of adequate and efficient LCL service;

And it further appearing, that upon consideration of the representations in Ex Parte No. 270, Investigation of Railroad Freight Rate Structure, decided November 5, 1971, regarding the inadequacies of railroad freight service, as well as the record in Ex Parte Nos. 265 and 267, "Increased Freight Rates, 1970 and 1971," 339 ICC 125, and the nature of the reports filed by the carriers on July 1 and October 1, 1971, as set forth in the report of Ex Parte No. 270 (Sub-No. 2) entered on November 5, 1971, we concluded that an investigation should be instituted into the pattern of railroad freight service performed throughout the Nation. Shippers and receivers should have an opportunity to respond as to the quality of rail service.

It is ordered, That the petition of the Western Railroads, insofar as it seeks adequate notice of proposed rule making, is granted;

It is further ordered, That all railroads subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding;

It is further ordered, That a proceeding be, and it is hereby, instituted under the authority of the National Transportation Policy (49 U.S.C. preceding section 1), Part I of the Interstate Commerce Act (49 U.S.C. 1), and more specifically sections 1(4), 1(6), 1(10), 2, 3(1), 3(2), 5a, 6(1), 6(2), 6(3), 6(4), 6(5), 6(6), 6(7), 12(1), 13(2), and 15a(2) thereof, and pursuant to 5 U.S.C. 553 and 559 (Administrative Procedure Act) for the purpose of (1) ascertaining the effectiveness of existing rules, regulations and practices of railroads subject to Part I of the Interstate Commerce Act, affecting such carriers' ability to provide adequate, efficient and economical transportation service, and the extent to which revisions of such rules, regulations and practices should be required, and (2) providing for the use of a revised "Railroad Freight Service Report" BOp-105, contained in Appendix A hereto:[1]

It is further ordered, That the Railroad Freight Service Report, shown in Appendix A, may be completed by shippers, consignees and/or others alleging deficiences in railroad freight service and filed with the nearest Regional Director whose address is contained in Appendix B, with a copy of the railroad involved. Within 30 days from the date the shipper's initial report is filed the railroad must file a reply to the same Regional Director to whom the shipper has filed its report, indicating the corrective action taken or other appropriate response. Within 30 days from the date of the railroad's reply statement, shipper must file a further statement to the same Regional Director, with a copy to the railroad, indicating that the service deficiency has not been corrected. If no such statement is filed, then the service deficiency will be presumed to have been corrected. Upon receipt of the shipper's final statement, if any, indicating that the service deficiency has not been alleviated, the Interstate Commerce Commission will, depending on the circumstances, take appropriate corrective action and, if necessary, notify the carrier regarding the remedial action he should take;

It is further ordered, That in Ex Parte No. 270 (Sub-No. 2), on or before 30 days from date of service of this order an original and 15 copies of initial statements of fact and argument relating to (a) practical and meaningful guidelines relating to the quality of railroad freight service, (b) standards relating to the quality of that service, (c) measures of performance against those standards, and (d) the necessary controls to improve and maintain performance standards, shall be filed with the Commission and at the same time a copy thereof shall be served upon each party named in the service list;

It is further ordered, That on or before 20 days thereafter, an original and 15 copies of verified reply statements shall be served with the Commission and upon each party named in the service list;

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in Ex Parte No. 270 (Sub-No. 2) unless a need therefor should later appear;

It is further ordered, That on or before 30 days from the service date any party or interested person may furnish in Ex Parte No. 270 (Sub-No. 2) representations or suggestions in regard to such matters as form BOp-105, the Railroad Freight Service Report and instructions, or the suggested method for handling them;

It is further ordered, That, in all other respects, the petitions in (1), (2), and (3) be, and they are hereby, denied.

And it is further ordered, That a copy of this notice and order be served on all parties on the service list and mailed to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

APPENDIX B

Names and addresses of Regional Directors:

REGION 1

Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.
Howard S. Thayer, Regional Director, John Fitzgerald Kennedy Building, Government Center, Room 2211B, Boston, Mass. 02203.

REGION 2

Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia.
Anthony W. Bummara, Regional Director, 16th Floor, 1518 Walnut Street, Philadelphia, PA 19102.

REGION 3

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Joseph F. Kucera, Assistant Regional Director, Room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

REGION 4

Illionis, Indiana, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.
James J. Werner, Regional Director, Room 1086, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL 60604.

REGION 5

Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas.
James H. Berry, Regional Director, 9A27 Fritz Garland Lanham Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

REGION 6

Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.
Marvin W. VanCleave, Regional Director, 13001 Federal Building, 450 Golden Gate Avenue, Post Office Box 36004, San Francisco, CA 94102.

[FR Doc.72-1377 Filed 1-28-72;8:50 am]

[1] Filed as part of the original document.

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

	Page
PROCLAMATIONS:	
2799 (see Proc. 4101)	659
2937 (see Proc. 4101)	659
2938 (see Proc. 4101)	659
2942 (see Proc. 4101)	659
2972 (see Proc. 4101)	659
3314 (see Proc. 4101)	659
4100	199
4101	659
EXECUTIVE ORDERS:	
11588 (see EO 11640)	1213
11615 (see EO 11640)	1213
11627:	
See EO 11639	521
Superseded by EO 11640	1213
11630 (superseded by EO 11640)	1213
11632 (superseded by EO 11640)	1213
11639	521
See EO 11640	1213

4 CFR

	Page
20	1103

5 CFR

	Page
213	201, 257, 258, 661, 925, 1453
531	859
532	1033
890	7, 1357

6 CFR

	Page
101	1237
105	1002
201	284, 1242
205	1004
300	284, 426, 587, 652, 775, 1007, 1244
301	1357
305	1008, 1244
401	1010, 1453

7 CFR

	Page
52	131, 587
271	1159
354	587, 788
401	1221
510	69
722	7, 272, 789, 1159
725	726
730	8, 859

7 CFR—Continued

	Page
760	1103
811	661, 725, 925
812	9
814	9
846	133
857	588
900	1103
905	523
907	10, 134, 523, 663, 860, 1033, 1223, 1453
910	70, 272, 663, 726, 1034, 1453
912	273, 664
914	664
917	273
930	273
932	323
953	926
959	1223
982	588
987	1159
989	1454
993	861
1004	1454
1007	323
1104	1226

V 37-20 JAN 29 72 XUM

7 CFR—Continued

	Page
1106	1226
1421	1103
1610	275
1861	1457
PROPOSED RULES:	
51	616
52	1110
68	844
301	217, 218
718	742
719	1174
725	793
730	19
Ch. IX	1365
928	793
953	286
966	81
980	81, 1247
981	617
1001	447, 1112, 1388
1002	447, 1112, 1388
1004	20, 447, 742, 793, 1388
1006	447, 1388
1007	447, 1114, 1388
1011	447, 1388
1012	447, 1388
1013	447, 1388
1015	447, 1388
1030	447, 1388
1032	447, 1388
1033	447, 1388
1036	447, 465, 1388
1040	447, 1388
1043	447, 1388
1044	447, 1388
1046	447, 1388
1049	447, 1388
1050	447, 1388
1060	447, 1388
1061	447, 1050, 1388
1062	447, 1388
1063	447, 1388
1064	447, 1388
1065	447, 743, 1388
1068	447, 1050, 1388
1069	447, 1388
1070	447, 1388
1071	447, 1388
1073	447, 1388
1075	447, 1388
1076	447, 1388
1078	447, 1388
1079	447, 1388
1090	447, 1388
1094	447, 1388
1096	447, 1388, 1476
1097	447, 1388
1098	447, 1388
1099	447, 1388
1101	447, 1388
1102	447, 1388
1103	447, 1388
1104	447, 801, 1388
1106	447, 801, 1388
1108	447, 1388
1120	447, 1388
1121	447, 1388
1124	447, 1388
1125	447, 1388
1126	447, 1388
1127	447, 1388
1128	447, 1388
1129	447, 1388
1130	447, 1388
1131	447, 1388
1132	447, 1388
1133	447, 1388
1134	447, 1388

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
1136	447, 1388
1137	447, 1388
1138	447, 1388
1207	81
1421	936
1430	20
1481	810
1701	811, 1114
1801	1476

8 CFR

103	927
214	328
334	928
334a	928

9 CFR

53	134
75	862
76	329, 435, 665, 1228
78	863
82	135, 589
97	791
203	276
301	1229
311	435
316	435
317	435
320	1229
325	1229
400	135, 435
PROPOSED RULES:	
92	935
327	85, 1114

10 CFR

50	864
PROPOSED RULES:	
50	287, 288, 1410
110	92, 1059
170	1121

12 CFR

11	1458
201	11
211	776, 1104
225	1463, 1464
265	1034
545	523, 1104
561	524
563	524
700	329
702	70
PROPOSED RULES:	
225	938, 1251
528	811
545	543
700	813
701	339
715	95
741	813

13 CFR

121	258, 1160

14 CFR

13	436
39	11, 12, 70, 437, 665, 666, 726, 776, 928, 1160, 1229, 1230, 1357
71	13, 71, 135, 136, 276, 323, 437, 726, 727, 776, 777, 928, 1161, 1358–1360, 1464, 2002
73	437, 438, 590, 1231, 2002
75	13, 71, 667, 777, 2002
95	777
97	71, 525, 668, 1035, 1231
214	728
223	778
225	72
249	728
302	277, 1035, 1465
PROPOSED RULES:	
39	811
43	222
71	21, 91, 144, 146, 286, 287, 620, 621, 744, 937, 1119, 1249, 1407–1409
73	478
75	1250
91	222
93	1410
121	1176
135	222
207	222, 1122
208	222, 1122
212	222, 1122
214	222, 1122
372a	222, 1122
373	478
378	478
372a	222, 1122

15 CFR

372	1465
375	1465
379	1465
1000	1360

16 CFR

13	729–735, 779
502	928
PROPOSED RULES:	
435	622

17 CFR

230	590, 591, 599, 1471
231	600
239	590, 591, 599
240	73, 1471, 1473
241	600
240	73, 1471, 1473
250	1472
270	1162, 1472
271	1474
275	1473
PROPOSED RULES:	
270	289, 1493, 1494
274	99, 289

18 CFR

2	780, 1162
11	1163
201	601, 1164
204	601
205	601
260	1164
PROPOSED RULES:	
141	22
201	337
204	337
205	337
250	885
260	337

19 CFR

4	865
6	1104
173	782

19 CFR—Continued

	Page
PROPOSED RULES:	
Ch. I	19

20 CFR

101	1166
PROPOSED RULES:	
405	89, 1249

21 CFR

1	1466
3	1166
27	1167
29	865
121	14, 74, 329, 740, 1466, 1467
130	201
135	137
135b	1170
135c	14, 137, 1170
135e	74, 740
135f	14
141	1104, 1105
141a	438
144	1171
146a	438
146c	440
148e	330, 865
148k	865
148m	15
148x	866
149a	1105
295	741
301	137
308	1468
PROPOSED RULES:	
1	1115
3	219, 1116
19	468, 869
27	20, 470
130	85, 1175
138	1248
141	1116
145	336, 1477
191	1020
191b	1020
304	144
308	867

22 CFR

11	277
41	15

24 CFR

200	75, 203, 209
201	210
203	138
207	138, 1245
220	138
221	1245
222	76
275	211
1710	1302
1720	1317
1909	1036
1911	1036
1913	1037
1914	280, 608, 783, 1037, 1246
1915	281, 609, 784, 1246
PROPOSED RULES:	
203	144

25 CFR

232	526
PROPOSED RULES:	
16	536

26 CFR

	Page
1	527
12	16, 281, 1469
601	1016
PROPOSED RULES:	
1	19, 99, 286, 336, 554, 1247, 1328
13	1247

28 CFR

0	931, 1470
41	784
301	138
PROPOSED RULES:	
48	935

29 CFR

673	1171
694	1171
1520	1172
1904	736
1910	332
1975	929
PROPOSED RULES:	
601	620
606	620
613	620
616	620
670	620
675	620
677	620
678	620
688	620
689	620
690	620
720	620
727	620
1910	466, 743

30 CFR

75	17
225	441
225a	441

31 CFR

10	1016
223	1231
530	1108

32 CFR

270	77
1499	668
PROPOSED RULES:	
1467	99
Ch. XVI	488
1604	479
1606	479, 484
1609	484, 1494
1611	479
1613	484
1621	479
1622	479, 1494
1623	479
1624	479, 1115
1625	479
1626	479, 1115
1627	479
1628	1494
1630	479
1631	479
1632	479
1641	479
1643	479
1655	1494
1660	485

32A CFR

	Page
Ch. X:	
OI Reg. 1	601

33 CFR

117	784
204	527
207	668
208	1106
PROPOSED RULES:	
401	938

35 CFR

5	77
253	281

36 CFR

2	1362
212	737
231	211
261	737
PROPOSED RULES:	
2	1365

37 CFR

2	931

38 CFR

8a	282

39 CFR

235	77
760	211, 443
761	211, 443

40 CFR

85	669, 784
180	78, 140, 141, 332–334, 443, 737–739, 1232, 1362
PROPOSED RULES:	
2	621
6	879
61	1410
115	478
164	1059
180	92–94, 337, 1176

41 CFR

1–1	1037, 1363
1–3	610
1–16	610
3–75	1041
4–4	1233
4–5	1233
5A–1	527
5A–2	932
5A–3	141
5A–7	141
5A–8	142
5A–16	528
5A–72	932
5A–76	528
5B–1	334
8–1	613, 1234
8–2	1234
8–3	1234
8–7	1234
8–12	1234
15–19	1470
101–17	78
101–26	668
101–32	932
101–35	1172
101–43	614
101–44	614
101–47	740

V37-20 JAN 29 72 XUM

41 CFR—Continued Page

103–40 17
114–26 934
114–43 934
PROPOSED RULES:
3–4 743
3–56 1477
51–1 336
103–27 1487
103–43 1487

42 CFR

53 182
PROPOSED RULES:
91 1116

43 CFR

4110 213
PUBLIC LAND ORDERS:
1932 (amended by PLO 5147) .. 18
3530 (revoked in part by PLO 5153) 785
3869 (revoked in part by PLO 5153) 785
4582 (modified by PLO 5149) ... 18
4962 (see PLO 5149) 18
5081 (see PLO 5149) 18
5147 18
5148 18
5149 18
5150 142
Amended by PLO 5151 ... 142, 528
5151 ..... 142, 528
5152 785
5153 785
2800 217
2810 217

45 CFR Page

177 335
249 443
1060 444
PROPOSED RULES:
121 870
130 470

46 CFR

157 528
310 335
390 16
PROPOSED RULES:
72 676
92 676
137 879
146 ..... 220, 937
160 1491
190 676
510 ..... 678, 1252

47 CFR

2 604
31 605
33 605
73 ..... 529, 605, 1041, 1161
74 1045
89 213
91 283
93 1235
PROPOSED RULES:
0 145
1 537
2 ..... 146, 146, 537
15 ..... 94, 146
21 146
43 1250

47 CFR—Continued Page

PROPOSED RULES—Continued
73 ..... 539–542, 621, 1067, 1122, 1177
87 537
89 ..... 146, 676
91 ..... 146, 676
93 676

49 CFR

7 214
99 532
Ch. I 535
175 444
191 1172
301 214
566 1364
571 ..... 284, 445, 1107
1002 215
1033 ..... 934, 1046
1121 ..... 1046, 1049
1203 866
1300 335
1311 1107
PROPOSED RULES:
192 ..... 145, 1175
394 1491
571 ..... 222, 1059, 1120
1048 1252

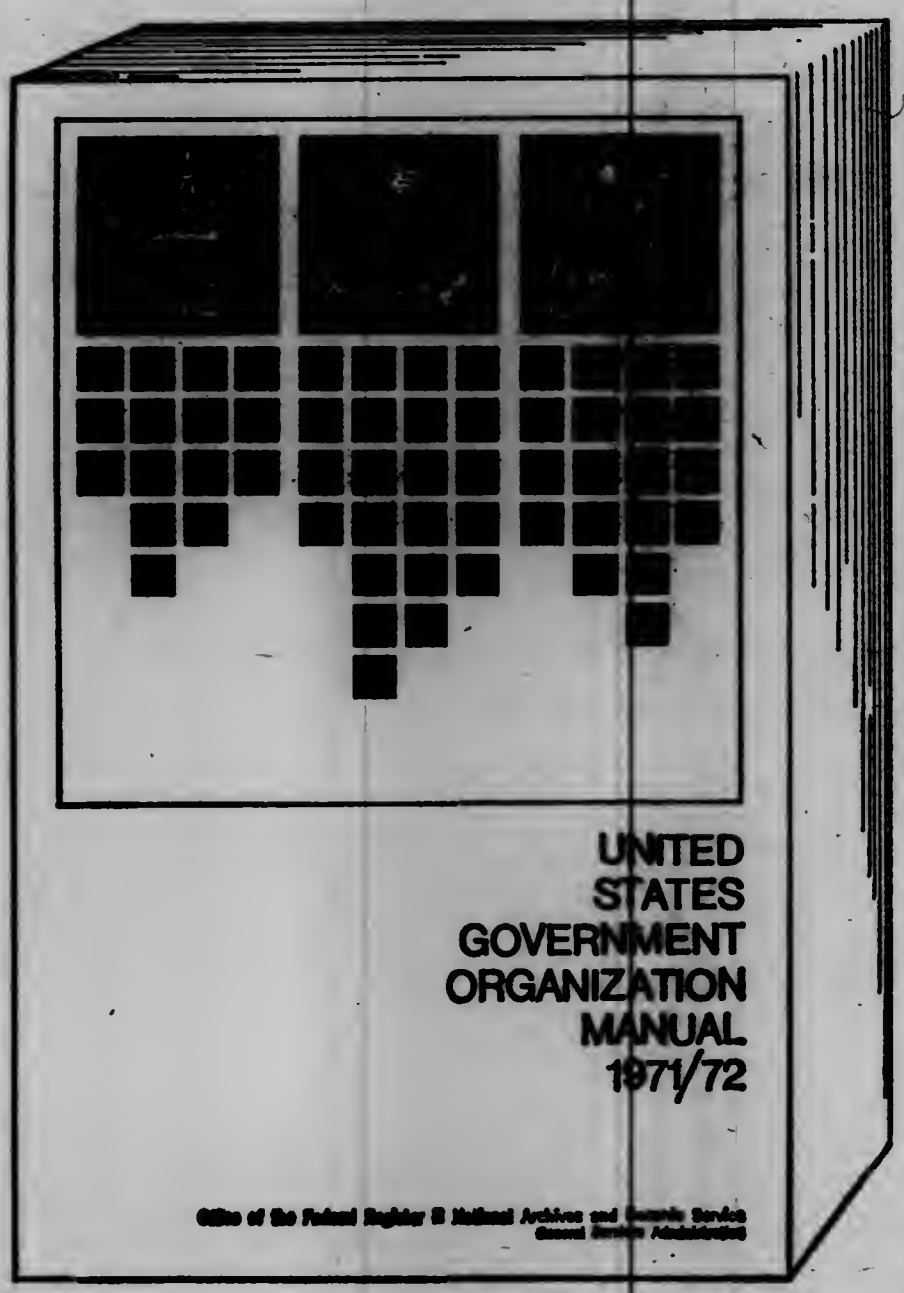
50 CFR

28 ..... 79, 445, 535, 1237
33 ..... 79, 80, 785, 1049
35 1049
240 786
PROPOSED RULES:
28 447
33 1470

LIST OF FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
1–62	Jan. 4	515–582	Jan. 13	919–1027	Jan. 21
63–123	5	583–654	14	1029–1096	22
125–193	6	655–717	15	1097–1152	25
195–249	7	719–767	18	1153–1205	26
251–315	8	769–852	19	1207–1349	27
317–427	11	853–918	20	1351–1445	28
429–513	12			1447–2410	29

V 37-20 JAN 29 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

GS4.107:
37/20/pt.2
DOCUMENTS

federal register

LIBRARY USE ONLY

SATURDAY, JANUARY 29, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 20

PART II

Section 1



(Section 2 begins on page 2193)

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

14 CFR Parts 71, 73, 75 Compilation of Regulations

LIBRARY
EASTERN MICHIGAN UNIVERSITY
YPSILANTI
U. S. DEPOSITORY DOCUMENT

EB 3 1972

V37-20 JAN 29 72 XUM

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WA-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Compilation of Regulations

The purpose of this compilation is to combine all amendments and pending amendments to Parts 71, 73 and 75 of the Federal Aviation Regulations which have been published by the Administrator of the Federal Aviation Administration in the FEDERAL REGISTER prior to January 6, 1972. Pending amendments are listed below the appropriate sections and include the effective dates and FEDERAL REGISTER citations.

Minor editorial corrections have been included to clarify existing airspace descriptions; however, no substantive changes or revision of airspace designations have been effected thereby. Therefore, compliance with the notice and public procedure requirements of 5 U.S.C. 553 is unnecessary and for that reason this docket may be made effective immediately.

In consideration thereof, this action is effective, 0901 G.m.t., January 6, 1972.

(Secs. 307, 313, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 6, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-996 Filed 1-28-72;8:45 am]

TITLE 14 - AERONAUTICS AND SPACE

CHAPTER I - FEDERAL AVIATION ADMINISTRATION

SUBCHAPTER E - AIRSPACE

PART 71

DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

TABLE OF CONTENTS

SUBPART A - GENERAL

Sec.
71.1 Applicability.
71.3 Classification of Federal Airways.
71.5 Extent of Federal Airways
71.6 Extent of area low routes.
71.7 Control areas.
71.9 Continental Control Area.
71.11 Control Zones.
71.12 Terminal Control Areas.
71.13 Tranaition Areas.
71.15 Positive Control Areas.
71.17 Reporting Points.
71.19 Bearings; radials; miles.

SUBPART B - COLORED FEDERAL AIRWAYS

71.101 Designation.
71.103 Green Federal Airways
71.105 Amber Federal Airways.
71.107 Red Federal Airways.
71.109 Blue Federal Airways.

SUBPART C - VOR FEDERAL AIRWAYS.

71.121 Designation.
71.123 Domestic VOR Federal Airways.
71.125 Alaskan VOR Federal Airways.
71.127 Hawaiian VOR Federal Airways.

SUBPART D - CONTINENTAL CONTROL AREA

71.151 Restricted areas included.

SUBPART E - CONTROL AREAS AND CONTROL AREA EXTENSIONS.

71.161 Designation of Control Areas Associated with Jet Routea Outside the Continental Control Area.
71.163 Designation of Additional Control Areas.
71.165 Designation of Control Area Extensions.

SUBPART F - CONTROL ZONES

71.171 Designation.

SUBPART G - TRANSITION AREAS.

71.181 Designation.

SUBPART H - POSITIVE CONTROL AREAS.

71.193 Designation of Positive Control Areas.

SUBPART I - REPORTING POINTS.

71.201 Designation.
71.203 Domestic Low Altitude Reporting Points.
71.207 Domestic High Altitude Reporting Points.
71.209 Other Domestic Reporting Points.
71.211 Alaskan Low Altitude Reporting Points.
71.213 Alaskan High Altitude Reporting Points.
71.215 Hawaiian Reporting Points.

SUBPART J - AREA LOW ROUTES

71.301 Designation

SUBPART K - TERMINAL CONTROL AREAS

71.401 Designation.

LIBRARY
EASTERN MICHIGAN UNIVERSITY
YPSILANTI
U. S. DEPOSITORY DOCUMENT

V 37-20 JAN 29 72 XUM

SUBPART A - GENERAL

§ 71.1 Applicability.

(a) The airspace assignments described in Subparts B and C are designated as Federal airways.

(b) The airspace assignments described in Subparts B through I are designated as control areas, the continental control area, control zones, transition areas, positive control areas, and reporting points, as described in the appropriate subpart.

(c) The airspace assignments described in Subpart K of this part are designated as terminal control areas.

(d) The airspace assignments described in Subpart J are designated as area low routes.

§ 71.3 Classification of Federal Airways.

Federal airways are classified as follows:

(a) Colored Federal airways:

(1) Green Federal airways.

(2) Amber Federal airways.

(3) Red Federal airways.

(4) Blue Federal airways.

(b) VOR Federal airways.

§ 71.5 Extent of Federal airways.

(a) Each Federal airway is based on a centerline that extends from one navigational aid or intersection to another navigational aid (or through several navigational aids or intersections) specified for that airway.

(b) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes the airspace within parallel boundary lines 4 miles each side of the centerline. Where an airway changes direction, it includes that airspace enclosed by extending the boundary lines of the airway segments until they meet.

(2) Where the changeover point for an airway segment is more than 51 miles from either of the navigational aids defining that segment, and -

(i) The changeover point is midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at each navigational aid and extending until they intersect opposite the changeover point; or

(ii) The changeover point is not midway between the navigational aids, the airway includes the airspace between lines diverging at angles of 4.5° from the centerline at the navigational aid more distant from the changeover point, and extending until they intersect with the bisector of the angle of the centerlines at the changeover point; and between lines connecting these points of intersection and the navigational aid nearer to the changeover point.

(3) Where an airway terminates at a point or intersection more than 51 miles from the closest associated navigational aid it includes the additional airspace within lines diverging at anglea of 4.5° from the centerline extending from the associated navigational aid to a line perpendicular to the centerline at the termination point.

(4) Where an airway terminates, it includes the airspace within a circle centered at the specified navigational aid or intersection having a diameter equal to the airway width at that point. However, an airway does not extend bevond the domestic/oceanic control area boundary.

(c) Unless otherwise specified in Subpart B or C -

(1) Each Federal airway includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that Federal airways for Hawaii have no upper limits. Variations of the lower limits of an airway are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the segment of an airway between adjoining navigational aids or intersections; and

(2) The airspace of a Federal airway within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

(d) One or more alternate airways may be designated between specified navigational aids or intersections along each VOR Federal airway described in Subpart C. Unless otherwise specified, the centerline of an alternate VOR Federal airway and the centerline of the corresponding segment of the main VOR Federal airway are separated by 15°.

(e) A Federal airway does not include the airspace of a prohibited area.

§ 71.6 Extent of area low routes.

(a) Each area low route is based on a centerline that extends from one waypoint to another waypoint (or through several waypoints) specified for that area low route. An area low route does not include the airspace of a prohibited area. All mileages specified in connection with area low routes are nautical miles.

(b) Unless otherwise specified in Subpart J, the following apply:

(1) Except as provided in subparagraph (2) of this paragraph, each area low route includes, and is limited to, that airspace within parallel boundary lines 4 or more miles on each side of the route centerline as described in the middle column of the following table, plus that additional airspace outside of those parallel lines and within lines drawn outward from those parallel lines at angles of 3.25°, beginning at the distance from the tangent point specified in the right-hand column of the following table:

Miles from reference facility to tangent point	Miles from centerline to parallel lines	Miles from tangent point along parallel lines to vortices of 3.25° angles
Less than 17	4	51.
17 to, but not including 27	4	50.
27 to, but not including 33	4	49.
33 to, but not including 38	4	48.
38 to, but not including 43	4	47.
43 to, but not including 47	4	46.
47 to, but not including 51	4	45.
51 to, but not including 55	4	44.
55 to, but not including 58	4	43.
58 to, but not including 61	4	42.
61 to, but not including 63	4	41.
63 to, but not including 66	4	40.
66 to, but not including 68	4	39.
68 to, but not including 70	4	38.
70 to, but not including 72	4	37.
72 to, but not including 74	4	36.
74 to, but not including 76	4	35.
76 to, but not including 78	4	34.
78 to, but not including 79	4	33.
79 to, but not including 81	4	32.
81 to, but not including 83	4	31.
83 to, but not including 84	4	30.
84 to, but not including 86	4	29.
86 to, but not including 87	4	28.
87 to, but not including 88	4	27.
88 to, but not including 89	4	26.
89 to, but not including 91	4	25.
91 to, but not including 92	4	24.
92 to, but not including 93	4	23.
93 to, but not including 94	4	22.
94 to, but not including 95	4	21.
95 to, but not including 96	4	19.
96 to, but not including 97	4	18.
97 to, but not including 98	4	17.
98 to, but not including 99	4	15.
99 to, but not including 100	4	13.
100 to, but not including 101	4	11.
101 to, but not including 102	4	8.
102 to, but not including 105	4	0 (i.e., at tangent point).
105 to, but not including 115	4.25	0 (i.e., at tangent point).
115 to, but not including 125	4.50	0 (i.e., at tangent point).
125 to, but not including 135	4.75	0 (i.e., at tangent point).
135 to, but not including 145	5.00	0 (i.e., at tangent point).
145 to, but not including 150	5.25	0 (i.e., at tangent point).

(2) Each area low route, whose centerline is at least 2 miles, and not more than 3 miles from the reference facility, includes, in addition to the airspace specified in subparagraph (1) of this paragraph, that airspace on the reference facility side of the centerline that is within lines connecting the point that is 4.9 miles from the tangent point on a perpendicular line from the centerline through the reference facility, thence to the edges of the boundary lines described in subparagraph (1) of this paragraph, intersecting those boundary lines at angles of 5.15°.

(3) Where an area low route changes direction, it includes that airspace enclosed by extending the boundary lines of the route segments until they meet.

(4) Where the widths of adjoining route segments are unequal, the following apply:

(i) If the tangent point of the narrower segment is on the route centerline, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point of the narrower route segment, until intersecting the boundary of the narrower segment.

(ii) If the tangent point of the narrower segment is on the route centerline extendad, the width of the narrower segment includes that additional airspace within lines from the lateral extremity of the wider segment where the route segments join, thence toward the tangent point until reaching the point where the narrower segment terminates or changes direction, or until intersecting the boundary of the narrower segment.

(5) Where an area low route terminates, it includes that airspace within a circle whose center is the terminating waypoint, and whose diameter is equal to the route segment width at that waypoint, except that an area low route does not extend beyond the domestic/oceanic control area boundary.

V 37-20 JAN 29 72 XUM

(6) Each area low route includes that airspace extending upward from 1,200 feet above the surface of the earth to, but not including, 18,000 feet MSL, except that area low routes for Hawaii have no upper limits. Variations of the lower limits of an area low route are expressed in digits representing hundreds of feet above the surface (AGL) or mean sea level (MSL) and, unless otherwise specified, apply to the route segment between adjoining waypoints used in the description of the route.

(7) The airspace of an area low route within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

§ 71.7 Control areas.
Control areas consist of the airspace designated in Subparts B, C, E, and J, but do not include the continental control area. Unless otherwise designated, control areas include the airspace between a segment of a main VOR Federal Airway and its associated alternate segments with the vertical extent of the area corresponding to the vertical extent of the related segment of the main airway.

§ 71.9 Continental Control Area
The Continental Control Area consists of the airspace of the 48 contiguous States, the District of Columbia and Alaska, excluding the Alaska peninsula west of longitude 160°00'00" W., at and above 14,500 feet M.S.L., but does not include -
(a) The airspace less than 1,500 feet above the surface of the earth; or
(b) Prohibited and restricted areas, other than restricted area military climb corridors and the restricted areas listed in Subpart D of this part.

AMENDMENTS 4/2/70 35 F. R. 622 (Rewritten); Eff. date changed 4/30/70 35 F. R. 5465

§71.11 Control Zones
The control zones listed in Subpart F of this part consist of controlled airspace which extends upward from the surface of the earth and terminates at the base of the continental control area. Control zones that do not underlie the continental control area have no upper limit. A control zone may include one or more airports and is normally a circular area with a radius of 5 miles and any extensions necessary to include instrument approach and departure paths.

§71.12 Terminal Control Areas
The terminal control areas listed in Subpart K of this part consist of controlled airspace extending upward from the surface or higher to specified altitudes, within which all aircraft are subject to operating rules and pilot and equipment requirements specified in Part 91 of this chapter. Each such location is designated as a Group I or Group II Terminal Control Area, and includes at least one primary airport around which the terminal control area is located.

§ 71.13 Transition Areas.
The transition areas listed in Subpart G consist of controlled airspace extending upward from 700 feet or more above the surface of the earth when designated in conjunction with an airport for which an approved instrument approach procedure has been prescribed; or from 1,200 feet or more above the surface of the earth when designated in conjunction with airway route structures or segments. Unless otherwise specified, transition areas terminate at the base of the overlying controlled airspace.

§ 71.15 Positive Control Areas.
The positive control areas listed in Subpart H consist of controlled airspace within which there is positive control of aircraft.

§ 71.17 Reporting Points.
(a) The reporting points listed in Subpart I consist of geographic locations, in relation to which the position of an aircraft must be reported in accordance with §91.125.
(b) Unless otherwise designated, each reporting point applies to all directions of flight. In any case where a geographic location is designated as a reporting point for less than all airways passing through that point, or for a particular direction of flight along an airway only, it is so indicated by including the airways or direction of flight in the designation of geographical location.
(c) Unless otherwise specified, place names appearing in the reporting point descriptions indicate VOR or VORTAC facilities identified by those names.

§ 71.19 Bearings: Radials: Miles.
(a) All bearings and radials in this Part are true, and are applied from point of origin.
(b) Except as otherwise specified and except that mileages for Federal airways are stated as nautical miles, all mileages in this Part are stated as statute miles.

SUBPART B - COLORED FEDERAL AIRWAYS

§ 71.101 Designation.

The airspace assignments described in this subpart are designated as Colored Federal Airways.

§71.103 Green Federal Airways.

G-7 From Nome, Alaska, RR, Norton Bay, Alaska, RBN; 46 miles, 57 miles, 55 MSL, Galena, Alaska, RBN; INT Galena RBN 089° bearing and west course Fairbanks, Alaska, RR; Fairbanks RR.

AMENDMENTS 10/14/71 36 F. R. 18191 (Changed)

G-8 From Shemya, Alaska, RBN, 20 AGL Adak, Alaska, RBN; 20 AGL Nikolski, Alaska, RBN; 20 AGL Driftwood Bay, Alaska, RBN; 20 AGL INT Cold Bay, Alaska, RR, 255° and Cape Sarichef, Alaska, RBN, 344° bearings; 20 AGL Cold Bay, RR; King Salmon, Alaska, RR; Big Mountain, Alaska, RBN; Homer, Alaska, RR; Kenai, Alaska, RR; INT northeast course Kenai and a bearing of 266° from Anchorage, Alaska, RR; Anchorage RR; INT northeast course Anchorage RR and southeast course Skwentna, Alaska, RR; Gulkana, Alaska, RR; INT northeast course Gulkana RR and southwest course Northway, Alaska, RR; Northway RR.

G-9 From Bethel, Alaska, RBN (BET) 35 miles, 125 miles, 55 MSL, Sparrevohn, Alaska, RBN; 24 miles, 29 miles, 53 MSL, 14 miles, 10,500 MSL, 42 miles, 12,500 MSL, Anchorage, Alaska, RR.

G-11 From Shemya, Alaska, RBN, 20 AGL, Kirilof Wharf, Alaska, RBN; 20 AGL Adak, Alaska, RBN; 20 AGL Nikolski, Alaska, RBN; 20 AGL Driftwood Bay, Alaska, RBN; 20 AGL INT Cold Bay, Alaska, RR, 255° and Cape Sarichef, Alaska, RBN, 344° bearings; 20 AGL Cold Bay, RR; 20 AGL INT Cold Bay, RBN, 041° and Port Moller, Alaska, RBN, 313° bearings; 20 AGL Port Heiden, Alaska, RBN; 174 miles, 85 MSL, 20 AGL Kodiak, Alaska, RR.

AMBER FEDERAL AIRWAYS

§71.105 Amber Federal Airways.

A-1 From Sandspit, British Columbia, Canada, RR; Sitka, Alaska, RR; 31 miles, 50 miles, 48 MSL, 112 miles, 20 MSL, Yakutat, Alaska, RR; INT northwest course Yakutat RR and southeast course Hinchinbrook, Alaska, RR; Hinchinbrook, RR; INT west course Hinchinbrook RR and southeast course Anchorage, Alaska, RR: Anchorage, RR; INT northwest course Anchorage and southeast course Skwentna,
Alaska, RR; Skwentna RR; Puntilla Lake, Alaska, RBN; Farewell, Alaska, RR; McGrath, Alaska, RR; 24 miles, 53 miles, 55 MSL, 46 miles, 40 MSL, Unalakleet, Alaska, RR; 52 miles, 51 miles, 25 MSL, Nome, Alaska, RR. The airspace within Canada is excluded.

AMENDMENTS 9/16/71 36 F. R. 13371 (Changed)

A-2 From Burwash, Yukon Territory, Canada, RR, 88 miles; 40 miles, Northway, Alaska, RR; Big Delta, Alaska, RR; INT northwest course Big Delta RR; Fairbanks, Alaska, RR; Bettles, Alaska,
RBN; 69 miles, 166 miles 95 MSL, Point Barrow, Alaska, RBN (PBA). The airspace within Canada is excluded.

A-3 From the Bettles, Alaska, RBN, 59 miles, 76 miles 95 MSL, Deadhorse, Alaska, RBN.

A-10 From the Pennfield Ridge, New Brunswick, Canada, RBN to the Forest City, New Brunswick, Canada, RBN, excluding the portion within Canada.

A-15 From Ethelda, British Columbia, Canada, RBN 112 miles; 26 miles, Annette Island, Alaska, RR; 42 miles, 52 MSL Petersburg, Alaska, RR; Coghlan Island, Alaska, RBN; Haines, Alaska, RBN; Burwash, Yukon Territory, Canada, RR; Northway, Alaska, RR; Big Delta, Alaska, Fairbanks, Alaska, RR; Chandalar Lake, Alaska, RBN; 30 miles, 60 miles 95 MSL, Sagwon,
Alaska, RBN; Deadhorse, Alaska, RBN; Oliktok, Alaska, RBN. The airspace within Canada is excluded. (Joins Canadian high level airway No. 502).

V 37-20 JAN 29 72 XUM

RED FEDERAL AIRWAYS

§71.107 Red Federal Airways.

R-27 From Summit, Alaska, RR; Nenana, Alaska, RR; Fairbanks, Alaska, RR.

R-39 From Bethel, Alaska, RBN (BET) Aniak, Alaska, RBN; 25 miles, 89 miles, 55 MSL, McGrath, Alaska, RR; 28 miles, 64 miles, 45 MSL, Minchumina, Alaska, RR; Nenana, Alaska, RR; Fairbanks, Alaska, RR.

R-40 From Kodiak, Alaska, RR; 27 miles, 24 miles, 35 MSL, 29 miles, 55 MSL; Homer, Alaska, RR; INT east course Kenai, Alaska, RR and southwest course Anchorage, Alaska, RR; Anchorage, RR.

R-50 From Galena, Alaska, RBN, Bear Creek, Alaska, RBN; Fairbanks, Alaska, RR.

R-75 From Vancouver, British Columbia, Canada, RR via White Rock, British Columbia, Canada, RBN; Abbotsford, British Columbia, Canada, RR; Cultus Lake, British Columbia, Canada, RBN; to Princeton, British Columbia, Canada, RR, excluding the portion within Canada.

R-82 From Skwentna, Alaska, RR, INT southeast course Skwentna RR and northeast course Anchorage, Alaska, RR.

R-99 From Big Mountain, Alaska, RBN Iliamna, Alaska, RBN; INT Iliamna RBN 145° and Big Mountain RBN 080° bearings.

R-103 From Kenai, Alaska, RR; INT southeast course Kenai RR and southwest course Anchorage, RR; 49 miles, 58 miles, 85 MSL, Middleton Island, Alaska, RBN.

BLUE FEDERAL AIRWAYS

§71.109 Blue Federal Airways.

B-12 From McGrath, Alaska, RR, 24 miles, 54 miles, 55 MSL, Galena, Alaska, RBN; 68 miles, 88 miles, 55 MSL, Kotzebue, Alaska, RBN.

B-19 From Fish Hook, Fla., RBN, INT Fish Hook RBN 037° and Perrine, Fla., RBN 232° bearings; Perrine RBN.

AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

B-25 From INT southwest course Hinchinbrook, Alaska, RR and Middleton Island, Alaska, RBN 296° bearing; Hinchinbrook RR; 11 miles, 21 miles 55 MSL, 28 miles, 90 MSL, INT northeast course Hinchinbrook RR and south course Gulkana, Alaska, RR; Gulkana, RR; Big Delta, Alaska, RR.

B-26 From Anchorage, Alaska, RR, Talkeetna, Alaska, RBN; Summit, Alaska, RR; INT north course Summit RR and southwest course Fairbanks, Alaska, RR; Fairbanks RR; Fort Yukon, Alaska, RBN; 86 miles, 75, 115 MSL, Barter Island, Alaska, RBN.

B-27 From Kodiak, Alaska, RR, 45 miles, 68 miles, 95 MSL, King Salmon, Alaska; RR; 53 miles, 84 miles, 70 MSL, Bethel, Alaska (BET) RBN; 46 miles, 173 miles, 30 MSL, Nome, Alaska, RR; 35 miles, 89 miles, 55 MSL, Kotzebue, Alaska, RBN.

AMENDMENTS 4/1/71 36 F. R. 1249 (Changed)

B-38 From Prince Rupert, British Columbia, Canada RBN, Annette Island, Alaska, RR; 42 miles, 52 MSL, Petersburg, Alaska, RR; Sisters Island, Alaska, RBN; Haines, Alaska, RBN; Whitehorse, Yukon Territory, Canada, RR. The airspace within Canada is excluded.

B-40 From the Haines, Alaska RBN, Robinson, Yukon Territory, Canada, RBN, excluding the portion within Canada.

B-79 From Sandspit, British Columbia, Canada, RR; Annette Island, Alaska, RR; 42 miles, 99 miles 55 MSL, Sitka, Alaska, RR; Sisters Island, Alaska, RBN; Cape Spencer, Alaska, RBN; INT Cape Spencer, RBN, 273° and Yakutat, Alaska, RR, Southeast course. The airspace in Canada is excluded.

SUBPART C - VOR FEDERAL AIRWAYS

§ 71.121 Designation
The airspace assignments described in this subpart are designated as VOR Federal airways. Unless otherwise specified, place names appearing in the descriptions indicate VOR or VORTAC navigational facilities identified by those names.

§71.123 Domestic VOR Federal Airways.

V-1 From Jacksonville, Fla., Charleston, S. C.; Myrtle Beach, S. C.; Wilmington, N. C.; Kinston, N. C., including a W alternate via INT Wilmington 352° and Kinston 214° radials; Cofield, N. C.; Norfolk, Va., including an east alternate segment from Kinston to Norfolk via the intersection of Kinston 050° and Norfolk 209° radials;
Cape Charles, Va.; INT Cape Charles 006° and Salisbury, Md., 206° radials; Salisbury; Waterloo, Del.; INT Waterloo 024° and Coyle, N. J., 216° radials; to coyle, excluding the airspace below 2,000 feet MSL outside the United States between Starfish INT and Charleston, S. C. The portion within R-5002 is excluded.

AMENDMENTS 8/19/71 36 F. R. 11641 (Changed)

V-2 From Seattle, Wash., Ellensburg, Wash., including a south alternate via INT Seattle 123° and Ellensburg 274° radials; Moses Lake, Wash.; Spokane, Wash., including a north alternate from Seattle to Spokane via Wenatchee, Wash., and Ephrata, Wash.; Mullan Pass, Idaho, including a north alternate via INT Spokane 073° and Mullan Pass 291° radials, and also a south alternate, via INT Spokane 109° and Mullan Pass 260° radials; 5 miles, 53 miles, 91 MSL, Missoula, Mont.; 6 miles, 84 MSL, Drummond, Mont.; 11 miles, 84 MSL, Helena, Mont.; INT Helena 119° and Bozeman, Mont., 338° radials; Bozeman; INT Bozeman 128° and Livingston, Mont., 281° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, Mont., including an N alternate from Helena, 21 miles, 10 miles 105 MSL, 115 MSL INT Helena 089° and Billings 301° radials, 35 miles 100 MSL, to Billings, excluding the airspace between the main and this N alternate; 19 miles, 79 miles, 49 MSL, Miles City, Mont., including an N alternate from Billings, 19 miles, 49 MSL INT Billings 057° and Miles City 269° radials, 42 miles, 49 MSL, to Miles City; 24 miles, 90 miles, 55 MSL, Dickinson, N. Dak.; 10 miles, 60 miles, 38 MSL, Bismarck, N. Dak., including an N alternate from Dickinson, 10 miles 38 MSL INT Dickinson 078° and Bismarck 290° radials, 28 miles, 38 MSL, to Bismarck; 14 miles, 62 miles, 34 MSL Jamestown, N. Dak., including an N alternate from Bismarck 14 miles, 65 miles, 34 MSL, Jamestown; 7 miles, 43 miles, 28 MSL, Fargo, N. Dak., including an N alternate from Jamestown 7 miles, 46 miles, 28 MSL, Fargo; 25 miles, 50 miles, 30 MSL, Alexandria, Minn., including an N alternate from Fargo, 25 miles, 52 miles, 30 MSL, Alexandria; 5 miles, 70 miles, 25 MSL, Minneapolis, Minn.; Nodine, Minn., including a N alternate; Lone Rock, Wis.; Madison, Wis.; Milwaukee, Wis.; Muskegon, Mich., including a S alternate via INT Milwaukee 102° and Muskegon
252° radials; Lansing, Mich., including a S alternate from Muskegon to Lansing via INT Muskegon 154° and Grand Rapids, Mich., 284° radials and Grand Rapids (7 miles wide, 3 miles north and 4 miles south of centerline Grand Rapids to Lansing; Salem, Mich., including a N alternate via INT Lansing 091° and Salem 308° radials; INT Salem 083° and Aylmer, Ont., Canada 260° radials; Aylmer; INT Aylmer 087° and Buffalo, N. Y., 259° radials; Buffalo; Rochester, N. Y., including a north alternate via INT of Buffalo 045° and Rochester 273° radials; Syracuse, N. Y., including a N alternate via INT Rochester 064° and Syracuse
283° radials; Utica, N. Y.; Albany, N. Y.; INT Albany 094° and Gardner, Mass., 284° radials; Gardner; Boston, Mass. The airspace within Canada is excluded.

V-3 From Key West, Fla., INT Key West 086° and Miami, Fla., 205° radials; INT Miami 205° and Biscayne Bay, Fla., 262° radials; Biscayne Bay; Palm Beach, Fla., including an E alternate via INT Biscayne Bay 021° and Palm Beach 166° radials; Vero Beach, Fla., including an E alternate via INT Palm Beach 358° and Vero Beach 143° radials; Daytona Beach, Fla.; INT Daytona Beach 334° and Jacksonville, Fla., 159° radials; Jacksonville, including an E alternate via INT Daytona Beach 360° and Jacksonville 144° radials; Brunswick, Ga.; Savannah, Ga., including an E alternate from Jacksonville to Savannah via INT Jacksonville 028° and Savannah 180° radials; Vance, S. C.; Florence, S. C.; Pinehurst, N. C.; Raleigh, N. C., including an E alternate from Florence to Raleigh via Fayetteville, N. C., excluding the airspace between the main and this alternate airway; INT Raleigh 016° and Flat Rock, Va., 214° radials; Flat Rock; Brooke, Va.; 6-mile wide, INT Brooke 014° and Westminster, Md., 195° radials; 6-mile wide, Westminster; INT Westminster 065° and Modena, Pa., 250° radials; Modena; Solberg, N. J.; Carmel, N. Y.; Hartford, Conn.; INT Hartford 044° and Boston, Mass., 251° radials; Boston; Kennebunk, Maine; Augusta, Maine; Bangor, Maine; INT Bangor 039° and Houlton, Maine, 203° radials; Houlton; Presque Isle, Maine. The portion outside the United States has no upper limit except that the portion of the E alternate between Jacksonville and Savannah extends up to but does not include 18,000 feet MSL. The airspace within R-2902A and R-2902B is excluded.

V 37-20 JAN 29 72 XUM

V-4 From Neah Bay, Wash., REN, Port Angeles, Wash.; INT Port Angeles 090° and Seattle, Wash., 329° radials; Seattle; Yakima, Wash., including a south alternate from Seattle to Yakima via INT Seattle 163° and Olympia, Wash., 084° radials and INT Olympia 044° and Yakima 305° radials, excluding the airspace between the main and this alternate airway; Pendleton, Oreg.; Baker, Oreg; Boise, Idaho, including a south alternate; INT Boise 130° and Burley, Idaho, 292° radials; Burley, including a north alternate from Boise 25 miles, 25 miles 90 MSL, 95 MSL INT Pocatello, Idaho, 286° and Burley 323° radials, Burley, excluding the airspace between the main and this alternate airway; Malad City, Idaho; 35 miles, 58 miles, 115 MSL, Rock Springs, Wyo., including an S alternate from Malad City, 20 miles, 68 miles 115 MSL, via Fort Bridger, Wyo., to Rock Springs, excluding the airspace between the main and this S alternate; 20 miles, 39 miles, 95 MSL, Cherokee, Wyo.; Laramie, Wyo.; Denver, Colo., including a north alternate from Laramie to Denver via Gill, Colo.; INT Denver 103° and Thurman, Colo., 275° radials; Thurman, Colo.; 50 miles, 65 MSL, Goodland, Kans.; Hill City, Kans.; INT Hill City 097° and Salina, Kans., 284° radials; Salina, including a S alternate via Hays, Kansas.; Topeka, Kans., including a S alternate via INT Salina 095° and Topeka 236° radials; Kansas City, Mo., including a N alternate and also a S alternate via INT Topeka 099° and Kansas City 231° radials; Hallsville, Mo.; St. Louis, Mo., including a N alternate; Troy, Ill.; Centralia, Ill.; Evansville, Ind., including a S alternate; Louisville, Ky., including a N alternate via INT Evansville 068° and Louisville 280° radials; Lexington, Ky., including a N alternate via INT Louisville 081° and Lexington 303° radials and also a S alternate via INT Louisville 114° and Lexington 251° radials; Newcombe, Ky.; Charleston, W. Va.; Elkins, W. Va., including a S alternate via INT Charleston 083° and Elkins 228° radials; Kessel, W. Va.; Front Royal, Va.; Herndon, Va. The airspace within R-6705 is excluded.

AMENDMENTS 11/11/71 36 F. R. 18508 (Changed)

V-5 From Jacksonville, Fla.; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma; Dublin, Ga., Athens, Ga.; INT Athens 339° and Anderson, S. C., 274° radials; INT Anderson 274° and Chattanooga, Tenn., 127° radials; Chattanooga; Nashville, Tenn., including an east alternate via INT Chattanooga 332° and Nashville 117° radials; Bowling Green, Ky.; New Hope, Ky., including an east alternate from Nashville to New Hope via INT Nashville 034° and New Hope 202° radials; Louisville, Ky.; Cincinnati, Ohio; Appleton; Ohio; Mansfield, Ohio; Cleveland, Ohio; London, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 4/29/71 36 F. R. 494 (Changed)
AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)
AMENDMENTS 1/6/72 36 F. R. 20418 (Changed)

V-6 From INT Oakland, Calif., 221° and Point Reyes, Calif., 161° radials, Oakland; INT Oakland 039° and Sacramento, Calif., 212° radials; Sacramento, including a S alternate via INT Oakland 077° and Sacramento 192° radials; Lake Tahoe, Calif.; Reno, Nev., including a N alternate from Sacramento to Reno via INT Sacramento 038° and Reno 257° radials; Lovelock, Nev., including a south alternate from Reno to Lovelock via Hazen, Nev.; Battle Mountain, Nev., including a north alternate; INT Battle Mountain 062° and Wells, Nev., 256° radials; Wells; 5 miles, 40 miles, 98 MSL, 85 MSL Lucin, Utah; 43 miles, 85 MSL, Ogden, Utah; 11 miles, 50 miles, 105 MSL, Fort Bridger, Wyo.; Rock Springs, Wyo.; 20 miles, 39 miles 95 MSL, Cherokee, Wyo.; 39 miles, 27 miles 95 MSL, Medicine Bow, Wyo.; INT Medicine Bow 106° and Sidney, Nebr., 291° radials; Sidney; 13 miles, 26 miles, 57 MSL, North Platte, Nebr.; Grand Island, Nebr.; Omaha, Nebr.; Des Moines, Iowa, including a S alternate; Iowa City, Iowa, including a S alternate via INT Des Moines 112° and Iowa City 252° radials; Cordova, Ill.; Naperville, Ill.; South Bend, Ind.; INT South Bend 092° and Waterville, Ohio, 288° radials; Waterville, including a S alternate via INT Waterville 108° and Cleveland, Ohio, 258° radials; Cleveland; Youngstown, Ohio, including a north alternate via INT Cleveland 081° and Youngstown 285° radials; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; Allentown, Pa., excluding the portion within R-4803 and R-4813

V-7 From Biscayne Bay, Fla., Fort Myers, Fla., including an east alternate via Miami, Fla., INT Miami 316° and Fort Myers 096° radials; Lakeland, Fla.; Cross City, Fla.; Greenville, Fla.; Dothan, Ala., including a W alternate from Cross City to Dothan via INT Cross City 287° and Marianna, Fla., 141° radials and Marianna; INT Dothan 333° and Montgomery, Ala., 129° radials; Montgomery; INT Montgomery 308° and Birmingham, Ala., 180° radials; 7 miles wide (4 miles on E, 3 miles on W and within 4.5° of the centerline) Birmingham; Muscle Shoals, Ala., including an E alternate via INT of Birmingham 358° and Muscle Shoals 122° radials and also a W alternate via INT Birmingham 313° and Muscle Shoals 178° radials; Graham, Tenn.; Nashville, Tenn.; Central City, Ky.; including an east alternate; Evansville, Ind.; INT Evansville 015° and Lewis, Ind., 198° radials; Lewis; Terre Haute, Ind., including a W alternate from Evansville to Terre Haute via INT Evansville 360° and Terre Haute 215° radials; Lafayette, Ind.; Chicago Heights, Ill.; INT Chicago Heights 358° and Milwaukee, Wis., 137° radials; Milwaukee, including an E alternate via INT Chicago Heights 013° and Milwaukee 137° radials; Green Bay, Wis.; Menominee, Mich.; Escanaba, Mich. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 11/11/71 36 F. R. 19360 (Changed)

V-8 From INT Seal Beach, Calif., 266° and Los Angeles, Calif., 236° radials; Seal Beach; Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline) Hector, Calif.; Goffs, Calif.; INT Goffs 033° and Morman Mesa, Nev., 196° radials; Morman Mesa, including a N alternate from Seal Beach to Morman Mesa via Pomona, Calif., Daggett, Calif., and Las Vegas, Nev.; Bryce Canyon, Utah, including a north alternate from INT Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City, INT Cedar City 004° and Bryce Canyon 292° radials, Bryce Canyon, excluding the airspace between the main and this N alternate; Hanksville, Utah, including a south alternate; Grand Junction, Colo., including a south alternate via INT of Hanksville 087° and Grand Junction 232° radials and also a north alternate from Bryce Canyon to Grand Junction via INT Bryce Canyon 048° and Grand Junction 250° radials; 33 miles, 130 MSL Kremmling, Colo., including a south alternate from Grand Junction 33 miles, 21 miles, 127 MSL, 120 MSL INT Grand Junction 074° and Kremmling 228° radials, 28 miles, 120 MSL, 130 MSL to Kremmling; 9 miles 130 MSL, 29 miles 144 MSL, 11 miles 127 MSL, Denver, Colo.; Akron, Colo.; including a south alternate via Denver 103° and Akron 242° radials; Hayes Center, Nebr., including a north alternate via INT Akron 063° and Hayes Center 276° radials and also a south alternate via INT Akron 094° and Hayes Center 246° radials; Grand Island, Nebr., including a N alternate via INT Hayes Center 059 and Grand Island 273° radials, and also a S alternate; Omaha, Nebr.; Des Moines, Iowa; Iowa City, Iowa; Cordova, Ill.; INT Cordova 087° and Joliet, Ill., 316° radials; Joliet; Chicago Heights, Ill.; Goshen, Ind.; Findlay, Ohio; Briggs, Ohio; Bellaire, Ohio; INT Bellaire 107° and Grantsville, Md., 285° radials; Grantsville; Martinsburg, W. Va.; INT Herndon, Va., 048° and Washington, D. C., 324° radials; Washington, including a north alternate from Grantsville to INT Washington 324° and Herndon 048° radials via Hagerstown, Md. The portion outside the United States has no upper limit.

V-9 From Leeville, La., via INT Leeville, 333° and New Orleans, La., 181° radials; New Orleans; McComb, Miss., including an E alternate from New Orleans to McComb via Picayune, Miss.; Jackson, Miss., including an E alternate and also a W alternate via INT McComb 348° and Jackson 199° radials; Greenwood, Miss., including an E alternate and also a W alternate; Memphis, Tenn., including an E alterante and also a W alternate; Malden, Mo., including a W alternate; Farmington, Mo.; St. Louis, Mo., including a W alternate; Capital, Ill., including a W alternate; Pontiac, Ill.; Joliet, Ill.; Naperville, Ill.; INT Naperville 317° and Milwaukee, Wis., 198° radials; Milwaukee; Oshkosh, Wis.; Green Bay, Wis.; Iron Mountain, Mich., including an east alternate from Green Bay to Iron Mountain via Menominee, Mich.; Houghton, Mich.; including an E alternate via Marquette, Mich.

AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)

V-10 From Pueblo, Colo., 18 miles, 48 miles, 60 MSL, Lamar, Colo.; Garden City, Kans.; Dodge City, Kans.; Hutchinson, Kans., including a N alternate via INT Dodge City 060° and Hutchinson 296° radials excluding the airspace between the main and alternate airway; Emporia, Kans.; Kansas City, Mo., including a N alternate Emporia to Kansas City via Topeka, Kans.; Kirksville, Mo.; Burlington, Iowa; Bradford, Ill.; INT Bradford 050° and Naperville, Ill., 254° radials; Naperville; South Bend, Ind., including a N alternate via INT Naperville 075° and South Bend 290° radials; Litchfield, Mich.; Carleton, Mich.; INT Jefferson, Ohio, 279° and Youngstown, Ohio, 320° radials; Youngstown; INT Youngstown 116° and Clarion, Pa., 222° radials; Revloc, Pa. The airspace within Canada is excluded.

V-11 From Mobile, Ala., Green County, Miss.; 28 miles 95 MSL, Laurel, Miss., including an east alternate from Mobile to Laurel via INT Mobile 356° and Laurel 109° radials; Jackson, Miss. From Memphis, Tenn., Dyersburg, Tenn., including a W alternate via INT Memphis 001° and Dyersburg 235° radials, and an E alternate via the INT Memphis 045° and Dyersburg 182° radials; Cunningham, Ky., including an E alternate; Evansville, Ind., including an east alternate; Indianapolis, Ind., including an E alternate from Evansville to Indianapolis via INT Evansville 046° and Indianapolis 185° radials; Fort Wayne, including an E alternate via INT Indianapolis 060° and Shelbyville, Ind., 006° radials, and INT Shelbyville 006° and Fort Wayne 218° radials; Salem, Mich.; 6-miles wide to INT Salem 052° and Windsor, Ont., Canada 335° radials.

AMENDMENTS 10/21/71 36 F. R. 20365 (Changed)

V 3 7 - 2 0 JAN 29 72 XUM

V-12 From Gaviota, Calif., Santa Barbara, Calif.; INT Santa Barbara 109° and Fillmore, Calif., 268° radials; Fillmore; Palmdale, Calif.; 38 miles, 6 miles wide, Hector, Calif.; 12 miles, 38 miles, 85 MSL, 14 miles, 75 MSL, Needles, Calif.; 45 miles, 34 miles, 95 MSL, Prescott, Ariz.; Winslow, Ariz.; 30 mi. 85 MSL Zuni, N. Mex.; Albuquerque, N. Mex., including a south alternate via INT Zuni 104° and Albuquerque 253° radials; Otto, N. Mex.; Anton Chico, N. Mex., including a S alternate from Albuquerque to Anton Chico via INT Albuquerque 103° and Anton Chico 249° radials; Tucumcari, N. Mex.; Amarillo, Tex., including a south alternate and also a north alternate via INT Tucumcari 071° and Amarillo 286° radials; Gage, Okla., including a north alternate from Amarillo to Gage via Borger, Tex., and INT Borger 061° and Gage 249° radials, and also a south alternate via INT Amarillo 072° and Gage 215° radials; Anthony, Kans.; Wichita, Kans., including a N alternate from Gage to Wichita via INT Gage 025° and Wichita 250° radials and also a S alternate via Anthony 060° and Wichita 190° radials; Emporia, Kans., including a N alternate via INT Wichita 037° and Emporia 259° radials; INT Emporia 050° and Topeka, Kans., 099° radials; INT Topeka 099° and Blue Springs, Mo., 268° radials; Blue Springs; Columbia, Mo.; Maryland Heights, Mo., including a S alternate from INT Macon, Mo., 202° and Columbia 273° radials to INT Hallsville, Mo., 134° and Columbia 102° radials via Jefferson City, Mo.; Troy, Ill.; Bible Grove, Ill.; Lewis, Ind.; Shelbyville, Ind.; Richmond, Ind.; Dayton, Ohio; Appleton, Ohio, including a N alternate from Dayton to Appleton via INT Dayton 068° and Rosewood, Ohio, 083° radials; Newcomerstown, Ohio; Allegheny, Pa.; Johnstown, Pa.; Harrisburg, Pa., including a S alternate from Johnstown to Harrisburg via St. Thomas, Pa.

AMENDMENTS 10/14/71 36 F. R. 15742 (Changed)
AMENDMENTS 10/14/71 36 F. R. 16050 (Changed)

V-13 From Houston, Tex., Humble, Tex.; Lufkin, Tex., including an east alternate from Houston to Lufkin via Daisetta, Tex., and a west alternate from Humble to Lufkin via INT Humble 002° and Lufkin 218° radials; Shreveport, La., including an E alternate; Texarkana, Ark., including a W alternate via INT Shreveport 275° and Texarkana 184° radials; Page, Okla.; Fort Smith, Ark.; INT Fort Smith 006° and Fayetteville, Ark., 190° radials; Fayetteville, including a W alternate from Page to Fayetteville via INT Page 006° and Fayetteville 205° radials; Neosho, Mo.; Butler, Mo.; Kansas City, Mo., including an E alternate via INT Butler 013° and Kansas City 157° radials; Lamoni, Iowa; Des Moines, Iowa, including a W alternate; Mason City, Iowa, including a W alternate from Des Moines to Mason City via Fort Dodge, Iowa, excluding the airspace between the main and this W alternate; Farmington, Minn.; Grantsburg, Wis., including a W alternate from Mason City to Grantsburg via INT Mason City 349° and Minneapolis, Minn., 188° radials and Minneapolis, excluding the airspace between the main and W alternate; Duluth, Minn., including an E alternate; 36 miles, 35 MSL Thunder Bay, Ontario, Canada. The airspace outside the United States is excluded.

AMENDMENTS 7/22/71 36 F. R. 9618 (Changed)

V-14 From Roswell, N. Mex., via Lubbock, Tex.; Childress, Tex., including a S alternate via INT Lubbock 086° and Childress 229° radials; Hobart, Okla.; Oklahoma City, Okla., including a S alternate via INT Hobart 076° and Oklahoma City 202° radials; Tulsa, Okla., including a N alternate via INT Oklahoma City 037° and Tulsa 261° radials, and also a S alternate via INT Oklahoma City 087° and Tulsa 228° radials; Neosho, Mo., including a N alternate and also a S alternate via INT Tulsa 087° and Neosho 223° radials; Springfield, Mo., including a S alternate via INT Neosho 074° and Springfield 210° radials; Vichy, Mo., including a N alternate; St. Louis, Mo., including a N alternate and also a S alternate via INT of Vichy 069° and St. Louis 219° radials; Vandalia, Ill., including a N alternate via INT of St. Louis 062° and Vandalia 273° radials; Terre Haute, Ind.; Indianapolis, Ind., including a S alternate via INT of Terre Haute 079° and Indianapolis 230° radials; Muncie, Ind.; Findlay, Ohio; INT Findlay 095° and Cleveland, Ohio, 241° radials; Cleveland; Jefferson, Ohio, Erie, Pa., including a N alternate from Cleveland to Erie via INT Cleveland 049° and Jefferson 279° radials; Dunkirk, N. Y.; Buffalo, N. Y. including a N alternate from Erie to Buffalo via INT Erie 043° and Buffalo 259° radials; Geneseo, N. Y., Georgetown, N. Y.; INT Georgetown 093° and Albany, N. Y. 270° radials; Albany; INT Albany 094° and Gardner, Mass., 284° radials; Gardner; INT Gardner 128° and Boston, Mass., 251° radials; Boston. The airspace within R-5207 and Canada is excluded.

V-15 From Scholes, Tex., via Houston, Tex.; Navasota, Tex., including an east alternate from Houston to Navasota via Humble, Tex.; College Station, Tex., including a west alternate from Houston to College Station via INT Houston 290° and College Station 151° radials; Waco, Tex., including a W alternate via INT College Station 307° and Waco 173° radials; Scurry, Tex.; Blue Ridge, Tex., including an east alternate via INT Scurry 023° and Blue Ridge 153° radials; Ardmore, Okla.; Okmulgee, Okla., including an E alternate and also a W alternate via INT Ardmore 006° and Okmulgee 245° radials; INT Okmulgee 048° and Neosho, Mo., 223° radials; Neosho. From Kansas City, Mo., St. Joseph, Mo.; INT St. Joseph 343° and Neola, Iowa, 157° radials; Neola; INT Neola 322° and Sioux City, Iowa, 159° radials; Sioux City; INT Sioux City 340° and Sioux Falls, S. Dak., 169° radials; Sioux Falls, including an E alternate; Huron, S. Dak., including a west alternate from Sioux Falls to Huron via Mitchell, S. Dak.; Aberdeen, S. Dak., including a W alternate; 18 miles, 89 miles, 42 MSL, Bismarck, N. Dak.; Minot, N. Dak.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)
AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)

V-16 From Los Angeles, Calif., Ontario, Calif.; Palm Springs, Calif.; Blythe, Calif.; 21 miles, 60 miles, 55 MSL, Buckeye, Ariz.; Phoenix, Ariz.; INT Phoenix 161° and Casa Grande, Ariz., 105° radials; Tucson, Ariz., including a south alternate from INT Phoenix 161° and Casa Grande 105° radials, to Tucson via INT Phoenix 161° and Tucson 298° radials; Cochise, Ariz., including a S alternate via INT Tucson 122° and Cochise 257° radials; Columbus, N. Mex.; El Paso, Tex., including a N alternate via INT Columbus 075° and El Paso 286° radial; Salt Flat, Tex.; Wink, Tex.; Wink 066° and Big Spring, Tex., 260° radials; Big Spring, including a S alternate from Wink to Big Spring via Midland, Tex.; Abilene, Tex.; Millsap, Tex.; Acton, Tex.; Scurry, Tex., including a south alternate; Quitman, Tex.; Texarkana, Ark., Pine Bluff, Ark.; Memphis, Tenn., including a S alternate; Jacks Creek, Tenn., including a N alternate via INT Memphis 045° and Jacks Creek 260° radials; Graham, Tenn., including a S alternate from Memphis to Graham via INT Memphis 078° and Graham 238° radial; Nashville, Tenn., including a north alternate from Jacks Creek to Nashville via INT Jacks Creek 049° and Nashville 286° radials; INT Nashville 102° and Hinch Mountain, Tenn., 285° radials; Hinch Mountain; including a south alternate via INT Nashville 117° and Hinch Mountain 268° radials, and a north alternate via INT Nashville 085° and Hinch Mountain 301° radials; Knoxville, Tenn., including a S alternate via INT Hinch Mountain 100° and Knoxville 243° radials; Holston Mountain, Tenn., including a S alternate from Knoxville to Holston Mountain via Snowbird, Tenn.; Pulaski, Va., including a N alternate from Knoxville to Pulaski via INT Knoxville 050° and Blackford, Va., 246° radials and Blackford; Roanoke, Va.; Gordonsville, Va., including a N alternate from Roanoke to Gordonsville via INT Roanoke 035° and Montebello, Va., 250° radials and Montebello, and also a S alternate from Pulaski to Gordonsville via INT Pulaski 094° and Lynchburg, Va., 253° radials and Lynchburg; Nottingham, Md.; 6-mile wide, Kenton, Del.; Millville, N. J.; Coyle, N. J.; Kennedy, N. Y.; Deer Park, N. Y.; Riverhead, N. Y.; Norwich, Conn.; Boston, Mass. The airspace within Mexico and the airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 4/29/71 36 F. R. 494 (Changed) Corr: 36 F. R. 4043
AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)
AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)

V-17 From McAllen, Tex., 29 miles, 34 miles, 25 MSL, Laredo, Tex.; Cotulla, Tex.; INT Cotulla 041° and San Antonio, Tex., 202° radials; San Antonio, including a E alternate via INT Cotulla 041° and San Antonio 183° radials; Austin, Tex., including a W alternate via INT San Antonio 002° and Austin 237° radials and also an E alternate via INT San Antonio 057° and Austin 198° radials; Waco, Tex., including an E alternate via INT Austin 046° and Waco 173° radials; Acton, Tex.; Bridgeport, Tex.; Duncan, Okla. INT Duncan 011° and Oklahoma City, Okla., 180° radials; Oklahoma City; Gage, Okla., including a W alternate via INT Oklahoma City 282° and Gage 153° radials; Garden City, Kans., including a W alternate from Gage to Garden City via Liberal; Kans.; Goodland, Kans. The airspace above 9,000 feet MSL is excluded between McAllen and Laredo.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)
AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)

V-18 From Millsap, Tex.; via greater Southwest, Tex.; INT Greater Southwest 090° and Quitman, Tex., 260° radials; Quitman; Shreveport, La., including a S alternate via INT Quitman 109° and Shreveport 246° radials; Monroe, La., including a N alternate and also a S alternate via INT Shreveport 117° and Monroe 268° radials; Jackson, Miss., including a N alternate and also a S alternate; Meridian, Miss., including a S alternate; Tuscaloosa, Ala.; Birmingham, Ala.; Talladega, Ala.; INT Talladega 083° and La Grange, Ga., 342° radials. From INT Rex, Ga., 090° and Athens, Ga., 192° radials; INT Rex 090° and Augusta, Ga., 278° radials; Augusta, including a north alternate from Birmingham to Augusta via Rome, Ga., INT Rome 060° and Anderson, S. C., 274° radials, INT Anderson 274° and Athens 339° radials, Athens, and INT Athens 109° and Augusta 294° radials; INT Augusta 103° and Charleston, S. C., 296° radials; Charleston, including a S alternate from Augusta to Charleston via INT Augusta 148° and Allendale, S. C., 273° radials, and Allendale, excluding the airspace within R-6004.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)
AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)
AMENDMENTS 11/11/71 36 F. R. 18076 (Changed) Corr: 36 F. R. 18725
AMENDMENTS 1/6/72 36 F. R. 22146 (Changed)

V-19 From Newman, Tex., via INT Newman 286° and Truth or Consequences, N. Mex., 159° radials; Truth or Consequences; INT Truth or Consequences 028° and Socorro, N. Mex., 189° radials; Socorro; Albuquerque, N. Mex., including a W alternate via INT Socorro 343° and Albuquerque 199° radials, and also an E alternate via INT Socorro 015° and Albuquerque 160° radials; Sante Fe, N. Mex., including a W alternate via INT Albuquerque 026° and Santa Fe 253° radials; Las Vegas, N. Mex.; Cimarron, N. Mex.; Pueblo, Colo., including an E alternate via INT Cimarron 053° and Pueblo 176° radials; Kiowa, Colo., including an east alternate; Denver; Cheyenne, Wyo.; Casper, Wyo., including an E alternate from Cheyenne to Casper via INT Cheyenne 002° and Douglas, Wyo., 152° radials and Douglas; 5 miles, 45 miles 71 MSL, Crazy Woman, Wyo.; Sheridan, Wyo., including an E alternate; 21 miles, 35 miles 75 MSL, Billings, Mont., including an E alternate from Sheridan 21 miles, 38 miles, 75 MSL, to Billings; 38 miles, 72 MSL INT Billings 347° and Lewistown, Mont., 104° radials; Lewistown; Great Falls, Mont., including a W alternate via INT Lewistown 274° and Great Falls 122° radials.

PENDING AMENDMENT

In V-19 all between "Albuquerque 160° radials;" and "Las Vegas, N. Mex.;" is deleted and "INT Albuquerque 036° and Santa Fe, N. Mex., 245° radials; Santa Fe, including a west alternate via INT Albuquerque 011° and Santa Fe 268° radials;" is substituted therefor.

AMENDMENTS 3/2/72 36 F. R. 24799 (Changed)

V 37-20 JAN 29 72 XUM

V-20 From McAllen, Tex., INT McAllen 039° and Corpus Christi, Tex., 181° radials; Corpus Christi, including a south alternate from McAllen to INT McAllen 039° and Corpus Christi 181° radials via Harlingen, Tex.; via INT Corpus Christi 054° and Palacios, Tex., 228° radials; Palacios, including a N alternate via INT Corpus Christi 039° and Palacios 241° radials; Houston, Tex., including a N alternate via INT Palacios 035° and Houston 251° radials, and a south alternate via INT Palacios 064° and Houston 201° radials; Beaumont, Tex., including a north alternate via INT Houston 045° and Beaumont 271° radials; Lake Charles, La., including a north alternate via INT Beaumont 056° and Lake Charles 272° radials, and also a south alternate from Houston to Lake Charles via INT Houston 090° and Sabine Pass, Tex., 265° radials and Sabine Pass; Lafayette, La., including a N alternate via INT Lake Charles 064° and Lafayette 285° radials; New Orleans, La., including a S alternate from Lafayette to New Orleans via Tibby, La.; INT New Orleans 070° and Gulfport, Miss., 247° radials; Gulfport; Mobile, Ala., including a N alternate from New Orleans to Mobile via Picayune, Miss., excluding the airspace between the main and this N alternate; INT Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including a 6-mile wide S alternate via INT Mobile 063° and Monroeville 216° radials; Montgomery, Ala.; Tuskegee, Ala.; Columbus, Ga.; INT Columbus 068° and Athens, Ga., 192° radials; Athens; Anderson, S. C.; Spartanburg, S. C., including a north alternate from Montgomery to Spartanburg via INT Montgomery 028° and Talladega, Ala. 083° radials, INT Chattanooga, Tenn., 190° and Rome, Ga., 252° radials, Rome, INT Rome 060° and Toccoa, Ga., 258° radials, and Toccoa; Greensboro, N. C.; South Boston, Va.; INT of Mobile 048° and Monroeville, Ala., 231° radials; Monroeville, including Richmond, Va.; INT Richmond 039° and Brooke, Va., 132° radials; INT Patuxent, Md., 228° and Nottingham, Md., 174° radials; Nottingham. The airspace on the main airway above 14,000 feet MSL from McAllen to 49 miles northeast and the airspace within Mexico is excluded.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed) Corr: 36 F. R. 18725

V-21 From INT Seal Beach, Calif., 250° and Los Angeles, Calif., 207° radials; Seal Beach; Ontario, Calif.; 35 miles, 7 miles wide (3 miles SE and 4 miles NW of centerline), Hector, Calif.; Boulder City, Nev., including a W alternate from INT Hector 226° and Daggett, Calif., 187° radials to INT Daggett 062° and Hector 047° radials via Daggett; Morman Mesa, Nev.; 30 miles, 52 miles, 95 MSL Milford, Utah, including an E alternate via INT of Morman Mesa 059° and Cedar City, Utah, 197° radials to Cedar City, to Milford, excluding the airspace between the man and this E alternate airway; Delta, Utah; Fairfield, Utah; Salt Lake City, Utah; Ogden, Utah; Malad City, Idaho; Pocatello, Idaho; Idaho Falls, Idaho; INT of Idaho Falls, 030° and DuBois, Idaho, 157° radials; DuBois; Dillon, Mont.; Whitehall, Mont.; Helena, Mont.; INT Helena 352° and Great Falls, Mont., 222° radials; Great Falls; Cut Bank, Mont., including a W alternate Helena direct Cut Bank; INT Cut Bank 348° radial and the United States/Canadian border.

V-23 From San Diego, Calif., Oceanside, Calif.; 24 miles, 6 miles wide, Seal Beach, Calif.; 6 miles wide, INT Seal Beach 287° and Los Angeles, Calif., 138° radials; Los Angeles; Gorman, Calif., Bakersfield, Calif.; Fresno, Calif.; 53 miles, 6 miles wide, Linden, Calif.; Sacramento, Calif., including a W alternate from Fresno to Sacramento via Los Banos, Calif., and Stockton, Calif.; INT Sacramento 346° and Red Bluff, Calif., 158° radials; Red Bluff; 58 miles, 95 MSL Fort Jones, Calif.; Medford, Oreg., including an east alternate via INT Fort Jones 041° and Medford 157° radials; Eugene, Oreg.; Portland, Oreg., including an east alternate and including a west alternate from Fort Jones to Portland via INT Fort Jones 340° and Roseburg, Oreg., 174° radials, Roseburg, INT Roseburg 355° and Corvallis, Oreg., 195° radials, Corvallis, and Newberg, Oreg.; 20 miles, 45 MSL INT Portland 350° and Seattle, Wash., 197° radials; 21 miles, 45 MSL, Seattle, including an east alternate from Portland to Seattle via direct radials; Paine, Wash.; Bellingham, Wash.; via INT Bellingham 290° radial to the United States/Canadian border.

AMENDMENTS 11/11/71 36 F. R. 18508 (Changed)

V-24 From Aberdeen, S. Dak., Watertown, S. Dak., including a N alternate; 15 miles, 64 miles 33 MSL, Redwood Falls, Minn.; Rochester, Minn.; Lone Rock, Wis., including a S alternate from Rochester to Lone Rock via Waukon, Iowa.

V-25 From San Diego, Calif., Los Angeles, Calif., including an E alternate from INT Los Angeles 138° and Seal Beach, Calif., 186° radials, via Seal Beach, 6 miles wide, to INT Seal Beach 287° and Los Angeles 138° radials; INT Los Angeles 261° and Ventura, Calif., 144° radials; 6 miles wide, Ventura; 6 miles wide, INT Ventura 331° and Santa Barbara, Calif., 109° radials; Santa Barbara; Paso Robles, Calif., Salinas, Calif., including an E alternate via INT Paso Robles 342° and Salinas 131° radials; INT Salinas 310° and Woodside, Calif., 158° radials; Woodside; San Francisco, Calif.; INT San Francisco 304° and Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352° and Ukiah, Calif., 147° radials; 28 miles, 24 miles, 85 MSL, 18 miles, 75 MSL, Red Bluff, Calif.; 53 miles, 95 MSL INT Red Bluff 015° and Klamath Falls, Oreg., 181 radials; 19 miles, 95 MSL, Klamath Falls; 21 miles, 77 miles, 90 MSL, Redmond, Oreg.; The Dalles, Oreg.; Yakima, Wash., including an east alternate via INT The Dalles 051° and Yakima 183° radials; Ellensburg, Wash., including a west alternate via INT Yakima 305° and Ellensburg 191° radials; Wenatchee, Wash. The airspace below 2,000 feet MSL outside the United States and the airspace more than 3 miles NE of the airway centerline between Long Beach and INT of Long Beach 287° and Los Angeles 138° radials is excluded. The airspace within R-2511, R-2520, and W-289 is excluded. The airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL is excluded. The portion outside the United States has no upper limit.

V-26 From Cherokee, Wyo.; 11 miles, 52 miles 111 MSL, Casper, Wyo.; 14 miles, 25 miles 75 MSL, 92 miles 90 MSL, Rapid City, S. Dak.; 43 miles, 35 MSL Philip, S. Dak.; 56 miles, 35 MSL, Pierre, S. Dak., including a north alternate; 26 miles, 41 miles, 35 MSL, Huron, S. Dak.; Redwood Falls, Minn., including a S alternate; Flying Cloud, Minn.; INT Flying Cloud 081° and Eau Claire, Wis., 271° radials; Eau Claire, including a south alternate from Redwood Falls to Eau Claire via Farmington, Minn.; Wausau, Wis.; Green Bay, Wis.; INT Green Bay 116° and White Cloud, Mich., 302° radials; White Cloud; Lansing, Mich.; Salem, Mich.; INT Salem 139° and Cleveland, Ohio, 309° radials; Cleveland. The airspace within Canada is excluded.

V-27 From San Diego, Calif., INT San Diego 319° and Santa Catalina, Calif., 099° radials; Santa Catalina; 6 miles wide, Ventura, Calif.; 6 miles wide, INT Ventura 331° and Fillmore, Calif., 268° radials; INT Fillmore 268° and Gaviota, Calif., 143° radials; Gaviota; San Luis Obispo, Calif.; INT San Luis Obispo 308° and Big Sur, Calif., 157° radials; Big Sur; INT Big Sur 325° and Point Reyes, Calif., 161° radials; Point Reyes; INT Point Reyes 352° and Ukiah, Calif., 147° radials; Ukiah; Fortuna, Calif.; Crescent City, Calif.; 31 miles, 32 miles, 50 MSL, North Bend, Oreg.; Newport, Oreg.; 39 miles, 30 miles, 45 MSL, Astoria, Oreg.; including an east alternate via INT of Newport 018° and Astoria 157° radials; Hoquiam, Wash., including a west alternate via INT Astoria 309° and Hoquiam 182° radials; Seattle, Wash., including an east alternate from Astoria to Seattle via Olympia, Wash., and INT Olympia 010° and Seattle 249° radials. The airspace below 2,000 feet MSL outside the United States between San Diego and Santa Catalina, the airspace within R-2516, R-2520, and W-289, the airspace within R-2519 more than 3 statute miles west of the airway centerline, and the airspace within R-2519 below 5,000 feet MSL, is excluded. The portion outside the United States has no upper limit.

V-28 From Oakland, Calif., INT Oakland 077° and Linden, Calif., 246° radials; Linden; INT Linden 046° and Reno, Nev., 208° radials; Reno.

V-29 From Snow Hill, Md., Salisbury, Md.; Kenton, Del., including a West alternate via INT Salisbury 340° and Kenton 217° radials; New Castle, Del.; Modena, Pa.; Pottstown, Pa.; East Texas, Pa.; Wilkes-Barre, Pa.; Binghamton, N. Y.; Syracuse, N. Y.; Watertown, N. Y.; INT Watertown 033° and Massena, N. Y., 241° radials; Massena. The airspace within R-4006 is excluded.

V-30 From Milwaukee, Wis., INT Milwaukee 102° and Pullman, Mich., 303° radials; Pullman, including a S alternate via INT Milwaukee 121° and Pullman 282° radials; Litchfield, Mich.; Waterville, Ohio; Cleveland, Ohio; Akron, Ohio; Clarion, Pa.; Philipsburg, Pa.; Selinsgrove, Pa.; East Texas, Pa.; INT East Texas 103° and Solberg, N. J., 255° radials; Solberg.

V-31 From INT Patuxent River, Md., 036° and Nottingham, Md., 128° radials; Nottingham. From Baltimore, Md.; Harrisburg, Pa.; Selinsgrove, Pa.; Williamsport, Pa.; Elmira, N. Y.; INT Elmira 357° and Rochester, N. Y., 125° radials; Rochester.

V-32 From Battle Mountain, Nev.; Elko, Nev.; Bonneville, Utah, including a north alternate from Elko to Bonneville via Wells, Nev.; 37 miles, 85 MSL, Salt Lake City, Utah; 17 miles, 45 miles, 105 MSL, Fort Bridger, Wyo.

V-33 From Cofield, N. C.; INT Cofield 007° and Harcum, Va., 187° radials; Harcum; INT Harcum 003° and Nottingham, Md., 174° radials; Nottingham. From Baltimore, Md., Harrisburg, Pa.; Philipsburg, Pa.; Keating, Pa.; Bradford, Pa.; Buffalo, N. Y.

V-34 From Kleinburg, Ont., INT Kleinburg 113° and Rochester, N. Y., 309° radials; Rochester, including a south alternate via INT of Kleinburg 133° and Rochester 289° radials; Ithaca, N. Y.; Hancock, N. Y.; Carmel, N. Y.; INT Carmel 093° and Riverhead, N. Y., 046° radials. The airspace within Canada and R-5207 is excluded.

V 37-20 JAN 29 72 XUM

V-35 From Key West, Fla., INT Key West 086° and Bimini, Bahamas, 215° radials; INT Bimini 215° and Miami, Fla., 147° radials; Miami; INT Miami 269° and Fort Myers, Fla., 137° radials, including a W alternate from INT Miami 147° radial and Miami International Airport Runway 9 left ILS localizer W course to INT Miami 269° and Fort Myers 137° radials via INT Miami International Airport Runway 9 left ILS localizer W course and Fort Myers 137° radial; Fort Myers; St. Petersburg, Fla., including a W alternate; INT St. Petersburg 350° and Cross City, Fla., 168° radials; Cross City, including an E alternate via Gainesville, Fla., and also a W alternate via INT St. Petersburg 316° and Cross City 185° radials; Greenville, Fla.; Albany, Ga., including a west alternate from Cross City to Albany via Tallahassee, Fla.; Macon, Ga., including a west alternate via INT Albany 009° and Macon 240° radials; Athens, Ga.; Anderson, Sugarloaf Mountain, N. C.; Holston Mountain, Tenn., including a west alternate via INT Sugarloaf Mountain 310° and Holston Mountain 209° radials; Blackford, Va.; Charleston, W. Va., including an E alternate via Bluefield, W. Va.; INT Charleston 051° and Elkins, W. Va., 264° radials; Clarksburg, W. Va.; Morgantown, W. Va.; Indian Head, Pa.; Johnstown, Pa., including a west alternate from Morgantown to Johnstown via INT Morgantown 010° and Johnstown 260° radials; Tyrone, Pa.; Philipsburg, Pa.; Stonyfork, Pa.; Elmira, N. Y.; Syracuse, N. Y. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

AMENDMENTS 10/14/71 36 F. R. 15742 (Changed)
AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)

V-36 From Toronto, Ont., via INT Toronto 141° and Buffalo, N. Y., 312° radials; Buffalo, including a S alternate via INT Toronto 172° and Buffalo 294° radials, excluding the airspace between the main and this S alternate; Elmira, N. Y.; Lake Henry, Pa.; INT Lake Henry 136° and Sparta, N. J., 290° radials; Sparta; Kennedy, N. Y. The airspace within Canada is excluded.

V-37 From Savannah, Ga., Allendale, S. C.; Columbia, S. C.; Fort Mill, S. C., including a W alternate via INT Columbia 294° and Fort Mill 201° radials; Pulaski, Va., Elkins, W. Va.; Morgantown, W. Va.; INT Morgantown 336° and Ellwood City, Pa., 177° radials; Ellwood City; Erie, Pa.; Toronto, Ont., Canada. The airspace within Canada is excluded.

AMENDMENTS 10/14/71 36 F. R. 16050 (Changed) Corr: 36 F. R. 17849

V-38 From Iowa City, Iowa, Moline, Ill.; Joliet, Ill.; Peotone, Ill.; Fort Wayne, Ind.; Findlay, Ohio; INT Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Parkersburg, W. Va.; Elins, W. Va.; Gordonsville, Va.; Richmond, Va.; Harcum, Va.; Cape Charles, Va.

V-39 From Myrtle Beach, S. C., 27 MSL Fayetteville, N. C., excluding the airspace at and above 5,000 feet MSL. From Pinehurst, N. C., South Boston, Va.; Gordonsville, Va.; INT Gordonsville, 019° and Casanova, Va., 201° radials; Casanova; Herndon, Va.; including an E alternate from Gordonsville to Herndon via INT Herndon 202° and Brooke, Va., 300° radials; Westminster, Md.; Lancaster, Pa.; East Texas, Pa.; Allentown, Pa.; Huguenot, N. Y.; INT Huguenot 032° and Pawling, N. Y., 259° radials; Pawling; Barnes, Mass.; Gardner, Mass.; Concord, N. H.; Kennebunk, Maine; Augusta, Maine; Bangor, Maine; Millinocket, Maine; Presque Isle, Maine; Mont Joli, Quebec, Canada, excluding the portion within Canada.

AMENDMENTS 10/14/71 36 F. R. 13912 (Changed)

V-40 From Cleveland, Ohio, Briggs, Ohio; INT Briggs 077° and Youngstown, Ohio, 177° radials.

V-41 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Youngstown.

V-42 From Flint, Mich.; via INT Flint 133° and Windsor, Ont., 320° radials; Windsor, including an E alternate INT Flint 118° and Windsor 335° radials, 7 mi. wide (3 mi. E and 4 mi. W of centerline), Cleveland, Ohio; Akron, Ohio, including an E alternate from Windsor, Ont., Canada, to Akron via INT Windsor 134° and Akron 312° radials. The airspace within Canada is excluded.

V-43 From Appleton, Ohio; Tiverton, Ohio; Briggs, Ohio; Youngstown, Ohio, including a west alternate from Tiverton to Youngstown via INT Tiverton 040° and Akron, Ohio, 233° radials, and Akron; Erie, Pa.

V-44 From Maryland Heights, Mo.; Centralia, Ill.; Samsville, Ill.; Nabb, Ind.; Falmouth, Ky.; York, Ky.; Parkersburg, W. Va.; Morgantown, W. Va.; Martinsburg, W. Va.; Baltimore, Md.; INT Baltimore 094° and Kenton, Del., 262° radials; Kenton; INT Kenton 086° and Atlantic City, N. J., 236° radials; Atlantic City; INT Atlantic City 048° and Deer Park, N. Y., 209° radials; Deer Park. The airspace within R-4001 and the airspace below 2,000 feet MSL outside the United States is excluded. The airspace within R-5002 more than 3 nmi W of the airway centerline above 9,000 feet MSL is excluded.

V-45 From New Bern, N. C., Kinston, N. C.; Raleigh-Durham, N. C.; INT Raleigh-Durham 275° and Greensboro, N. C., 105° radials; Greensboro; INT Greensboro 334° and Hickory, N. C., 049° radials; Pulaski, Va.; Bluefield, W. Va.; Charleston, W. Va. From INT Waterville, Ohio, 085° and Cleveland, Ohio, 335° radials; Waterville; Jackson, Mich.; Lansing, Mich.; Saginaw, Mich.; Alpena, Mich., including a west alternate via INT Saginaw 353° and Alpena 232° radials; Pellston, Mich. The airspace within R-5502 is excluded.

V-46 From Deer Park, N. Y., Riverhead, N. Y.; Hampton, N. Y.; INT Hampton 083° and Nantucket, Mass., 255° radials; Nantucket. The airspace below 2,000 feet MSL outside the United States is excluded.

V-47 From Evansville, Ind., Nabb, Ind.; Cincinnati, Ohio; Rosewood, Ohio; Findlay, Ohio, including a W alternate via INT Rosewood 309° and Findlay, Ohio, 218° radials; Waterville, Ohio; INT Waterville 353° and Salem, Mich., 197° radials; Salem; INT Salem 027° and Flint, Mich., 118° radials.

V-48 From Ottumwa, Iowa, Burlington, Iowa; Peoria, Ill.; Pontiac, Ill.

V-49 From Birmingham, Ala.; Decatur, Ala.; including an east alternate via INT Birmingham 013° and Decatur 130° radials and a west alternate via INT Birmingham 335° and Decatur 205° radials; Graham, Tenn.; INT Graham 006° and Bowling Green, Ky., 230° radials; Bowling Green; Mystic, Ky.; Nabb, Ind.

AMENDMENTS 4/29/71 36 F. R. 3262 (Changed) Corr: 36 F. R. 4862

V-50 From Pawnee City, Nebr., St. Joseph, Mo.; Kirksville, Mo.; Quincy, Ill.; Capital, Ill.; Decatur, Ill.; Terre Haute, Ind.; Indianapolis, Ind.; Dayton, Ohio, including a N alternate from Indianapolis to Dayton via Muncie, Ind.

V-51 From Key West, Fla., INT Miami, Fla., 222° and Biscayne Bay, Fla. 262° radials; Biscayne Bay; Miami; INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee; INT Pahokee 009° and Vero Beach, Fla., 193° radials; Vero Beach, including an east alternate from Biscayne Bay to Vero Beach via INT Biscayne Bay 348° and Vero Beach 178° radials; Daytona Beach, Fla.; INT Daytona Beach 344° and Jacksonville, Fla., 159° radials; Jacksonville; INT Jacksonville 319° and Alma, Ga., 148° radials; Alma, including an E alternate; Dublin, Ga.; Athens, Ga.; INT Athens 339° and Harris, Ga., 149° radials; Harris; Hinch Mountain, Tenn., including a west alternate from the INT Anderson, S.C., 274° and Athens 339° radials to Hinch Mountain via INT Anderson 274° and Hinch Mountain 160° radials; Livingston, Tenn.; Louisville, Ky., including an E alternate and also a W alternate from Livingston to Louisville via INT Livingston 333° and New Hope, Ky., 165° radials and New Hope; Nabb, Ind.; Shelbyville, Ind.; INT Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette; Chicago Heights, Ill. The airspace within R-2902A and R-2902B is excluded.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)

V-52 From Des Moines, Iowa; Ottumwa, Iowa; Quincy, Ill.; St. Louis, Mo., including a N alternate; Troy, Ill.; INT Troy 099° and Evansville, Ind., 311° radials; Evansville, Ind.

V-53 From Charleston, S. C., INT Charleston 296° and Columbia, S. C., 153° radials; Columbia; Spartanburg, S. C.; Sugarloaf Mountain, N. C.; Holston Mountain, Tenn.; Whitesburg, Ky.; Lexington, Ky.; Louisville, Ky.; INT Louisville 333° and Indianapolis, Ind., 170° radials; Indianapolis; INT Indianapolis 312° and Lafayette, Ind., 159° radials; Lafayette; INT Lafayette 313° and Peotone, Ill., 152° radials; Peotone; INT Peotone 003° and Naperville, Ill., 089° radials.

AMENDMENTS 3/25/71 36 F. R. 5582 (Changed)

88-000 O - 72 (pt. 2 Sec. 1) - 2

V 37-20 JAN 29 72 XUM

V-64 From Waco, Tex., Scurry, Tex.; Quitman, Tex.; Texarkana, Ark.; INT Texarkana 052° and Little Rock, Ark., 235° True radials; Little Rock, including a N alternate via INT Texarkana 037° and Hot Springs, Ark., 225° radials and Hot Springs; Memphis, Tenn., including a N alternate; Muscle Shoals, Ala., including a N alternate via INT Memphis 078° and Muscle Shoals 293° radials and also a S alternate via Holly Springs, Miss., and INT Holly Springs 099° and Muscle Shoals 255° radials; Huntsville, Ala., including a N alternate via INT Muscle Shoals 067° and Huntsville 282° radials; Chattanooga, Tenn., including a N alternate and also a S alternate via Huntsville 097° and Chattanooga 229° radials; Harris, Ga.; Spartanburg, S. C.; Fort Mill, S. C.; Pinehurst, N. C.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed) Corr: 36 F. R. 5582
AMENDMENTS 4/29/71 36 F. R. 4043 (Changed)

V-65 From Dayton, Ohio; Fort Wayne, Ind.; Goshen, Ind.; South Bend, Ind.; Keeler, Mich.; Pullman, Mich.; Muskegon, Mich.; INT Muskegon 327° and Green Bay, Wis., 116° radials; Green Bay; Stevens Point, Wis.; INT Stevens Point 281° and Eau Claire, Wis., 107° radials; Eau Claire; 9 miles, 55 miles, 25 MSL, Grantsburg, Wis.; 9 miles, 45 miles, 26 MSL, Brainerd, Minn.; 13 miles, 29 miles, 27 MSL, Park Rapids, Minn.; 7 miles, 58 miles, 30 MSL, 31 miles, 28 MSL, Grand Forks, N. Dak.

AMENDMENTS 1/6/72 36 F. R. 20418 (Changed)

V-66 From Meridian, Miss., Kewanee, Miss.; Craig, Ala.; Montgomery, Ala.; Tuskegee, Ala.; Columbus, Ga., including a south alternate from Montgomery to Columbus via INT Montgomery 090° and Columbus 219° radials; Macon, Ga.; Augusta, Ga.; Columbia, S. C., including a south alternate via INT of Augusta 103° and Columbia 236° radials; Florence S. C.; Fayetteville, N. C., 41 miles 15 MSL, INT Fayetteville 098° and New Bern, N. C., 256° radials; New Bern.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)
AMENDMENTS 1/6/72 36 F. R. 21670 (Changed)
AMENDMENTS 1/6/72 36 F. R. 22227 (Changed)

V-67 From Lexington, Ky., to Falmouth, Ky.

V-68 From Philipsburg, Pa.; Williamsport, Pa.; INT Williamsport 079° and Lake Henry, Pa., 265° radials; Lake Henry; Pawling, N. Y.; Hartford, Conn.; INT Hartford 130° and Providence, R. I., 212° radials.

V-69 From Pulaski, Va., Beckley, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; Briggs, Ohio.

V-60 From Albuquerque, N. Mex., via Otto, N. Mex., including a S alternate via INT Albuquerque 103° and Otto 253° radials; Las Vegas, N. Mex.

V-62 From INT Albuquerque, N. Mex., 329° and Santa Fe, N. Mex., 268° radials, via Santa Fe; Anton Chico, N. Mex.; Texico, N. Mex.; Lubbock, Tex.; Abilene, Tex.; INT Abilene 096° and Acton, Tex., 264° radials; Acton.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)

V-63 From Blue Ridge, Tex., via McAlester, Okla.; Fayetteville, Ark., Springfield, Mo.; Hallsville, Mo.; Quincy, Ill.; Burlington, Iowa; Moline, Ill.; Cordova, Ill.; Rockford, Ill.; Janesville, Wis.; Milwaukee, Wis.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)

V-64 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) INT Los Angeles 185° and Seal Beach, Calif., 266° radials; Seal Beach; Thermal, Calif.; Blythe, Calif. The portion outside the United States has no upper limit.

V-65 From INT Kansas City, Mo., 231° and St. Joseph, Mo., 178° radials; St. Joseph; Lamoni, Iowa.

V-66 From San Diego, Calif., Imperial, Calif.; 13 miles, 24 miles, 25 MSL, Yuma, Ariz.; 12 miles, 35 MSL INT Yuma 087° and Gila Bend, Ariz., 262° radials; 46 miles, 35 MSL, Gila Bend; Tucson, Ariz.; Douglas, Ariz.; INT Douglas 064° and Columbus, N. Mex., 277° radials; Columbus; El Paso, Tex., including a N alternate via INT Columbus 075° and El Paso 286° radials; 6 mi. wide, INT El Paso 109° and Hudspeth 287° radials; 6 mi. wide, Hudspeth; Pecos, Tex.; Midland, Tex.; Hyman, Tex.; INT Hyman 074° and Abilene, Tex., 251° radials; Abiline; INT Abilene 066° and Bridgeport, Tex., 248° radials; Bridgeport; Blue Ridge, Tex., including a north alternate via INT Bridgeport 069° and Blue Ridge 285° radials; Sulphur Springs, Tex.; Texarkana, Ark., including a north alternate via INT Sulphur Springs 060° and Texarkana 272° radials, and also a south alternate via INT Sulphur Springs 090° and Texarkana 240° radials. From Tuscaloosa, Ala., Brookwood, Ala.; INT Brookwood 083° and LaGrange, Ga., 294° radials; LaGrange; INT LaGrange 112° and Columbus, Ga., 068° radials; INT Columbus 068° and Athens, Ga., 192° radials; Athens; Fort Mill, S. C.; Raleigh-Durham, N. C.; Franklin, Va.; INT Franklin 087° and Norfolk, Va., 226° radials; Norfolk.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)
AMENDMENTS 6/24/71 36 F. R. 5211 (Changed) (Corr: 36 F. R. 10781 eff. date changed to 7/22/71)
AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)
PENDING AMENDMENT
V-66 is amended by deleting "Norfolk," and substituting "Norfolk, excluding the airspace above 13,000 feet MSL from the INT of Tucson, Ariz., 122° and Cochise, Ariz., 257° radials to the INT of Douglas, Ariz., 064° and Columbus, N. Mex., 277° radials," therefor.

AMENDMENTS 2/3/72 36 F. R. 23358 (Changed)

V-67 From Cunningham, Ky.; Marion, Ill.; Centralia, Ill.; INT Centralia 010° and Vandalia, Ill., 162° radials; Vandalia; Capital, Ill.; INT Capital 305° and Burlington, Iowa 134° radials; Burlington; Iowa City, Iowa; Cedar Rapids, Iowa; Waterloo, Iowa; Rochester, Minn.

AMENDMENTS 10/21/71 36 F. R. 20365 (Changed)
AMENDMENTS 11/11/71 36 F. R. 18786 (Changed)

V-68 From Albuquerque, N. Mex., via INT Albuquerque 120° and Corona, N. Mex., 311° radials; Corona, including a N alternate via INT Albuquerque 103° and Corona 328° radials and also a S alternate via INT Albuquerque 160° and Corona 269° radials; 41 mi. 85 MSL, Roswell, N. Mex., including an N alternate 85 MSL INT Corona 124° and Roswell 335° radials, Roswell; Hobbs, N. Mex., including a S alternate; INT Hobbs 120° and Midland, Tex., 312° radials; Midland, including a S alternate via INT Hobbs 136° and Midland 283° radials; San Angelo, Tex., including a S alterante via INT Midland 128° and San Angelo 278° radials; Junction, Tex., including a S alternate via INT San Angelo 181° and Junction 310° radials; San Antonio. Tex., including a south alternate via INT Junction 144° and San Antonio 290° radials.

AMENDMENTS 4/1/71 36 F. R. 974 (Changed)

V-69 From Shreveport, La., via INT Shreveport 087° and El Dorado, Ark., 218° radials; El Dorado, including a W alternate via INT Shreveport 087° and El Dorado 233° radials; Pine Bluff, Ark.; INT Pine Bluff 040° and Walnut Ridge, Ark., 187° radials; Walnut Ridge; Farmington, Mo.; INT Farmington 351° and Troy, Ill., 233° radials; Troy; Capital, Ill.; Pontiac, Ill.; Joliet, Ill.; Kedzie, Ill., RBN.

V-70 From Corpus Christi, Tex., via INT Corpus Christi 054° and Palacios, Tex., 226° radials; Palacios; Scholes, Tex.; Sabine Pass, Tex., including a north alternate from Palacios to Sabine Pass via Humble, Tex.; Lake Charles, La.; Lafayette, La.; Baton Rouge, La., including a N alternate via INT Lafayette 012° and Baton Rouge 264° radials; Picayune, Miss.; 95 MSL Greene County, Miss.; Monroeville, Ala.; INT Monroeville 073° and Eufaula, Ala., 258° radials; Eufaula; Vienna, Ga.; Allendale, S. C., including a north alternate from Eufaula to INT Dublin 101° and Allendale 247° radials, via Macon, Ga., and Dublin, Ga.

AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)

V-71 From Baton Rouge, La., Natchez, Miss., including an E alternate via INT Baton Rouge 026° and Natchez 156° radials; Monroe, La.; El Dorado, Ark.; Hot Springs, Ark.; INT Hot Springs 358° and Harrison, Ark., 176° radials; Harrison; Springfield, Mo., including a W alternate from Hot Springs to Springfield via Fayetteville, Ark., excluding the airspace between the main and this W alternate; Butler, Mo.; Kansas City, Mo.; INT Kansas City 310° and Pawnee City, Nebr., 122° radials; Pawnee City; INT Pawnee City 334° and Lincoln, Nebr. 146° radials; Lincoln; Columbus, Nebr.

V-72 From Fayetteville, Ark., Dogwood, Mo.; Maples, Mo.; Farmington, Mo.; Centralia, Ill.; Bible Grove, Ill.; INT Bible Grove 015° and Vandalia, Ill., 075° radials. From Rosewood, Ohio, Mansfield, Ohio; INT Cleveland, Ohio, 138° and Tiverton, Ohio, 017° radials; Akron, Ohio; Youngstown, Ohio; Tidioute, Pa.; Bradford, Pa.; INT Bradford 078° and Elmira, N. Y., 252° radials; Elmira; Binghamton, N. Y., Rockdale, N. Y.; Albany, N. Y.; Cambridge, N. Y.; INT Cambridge 063° and Keene, N. H., 336° radials.

V-73 From Wichita, Kans., Hutchinson, Kans.; INT Hutchinson 025° and Salina, Kans., 184° radials; Salina, including an east alternate from Wichita to Salina via INT Wichita 356° and Salina 169° radials.

V 37-20 JAN 29 72 XUM

V-74 From Garden City, Kans.; Dodge City, Kans.; Anthony, Kans.; Ponca City, Okla., including a north alternate via INT Anthony 091° and Ponca City 327° radials; Tulsa, Okla., including a N alternate via INT Ponca City 094° and Tulsa 319° radials; Fort Smith, Ark., including a N alternate via INT Tulsa 087° and Fort Smith 318° radials and a S alternate from Ponca City to Fort Smith via Okmulgee, Okla.; 6 miles, 7 miles wide (4 miles north and 3 miles south of centerline)
Little Rock, Ark., including a N alternate and also a S alternate via INT Fort Smith 133° and Little Rock 278° radials; Pine Bluff, Ark., including a N alternate via INT Little Rock 137° and Pine Bluff 006° radials.

AMENDMENTS 9/16/71 36 F. R. 13778 (Changed)

V-75 From Morgantown, W. Va.; Bellaire, Ohio; Briggs, Ohio; Cleveland, Ohio.

V-76 From Lubbock, Tex., via INT Lubbock 188° and Big Spring, Tex., 286° radials; Big Spring, including a N alternate from Lubbock direct to Big Spring, excluding the airspace between the main and this N alternate; Hyman, Tex.; San Angelo, Tex.; Llano, Tex.; Austin, Tex., including a S alternate via INT Llano 129° and Austin 257° radials; Industry, Tex.; INT Industry 101° and Houston, Tex., 290° radials; Houston, including a S alternate from Industry to Houston via Eagle Lake, Tex.; Scholes, Tex.

AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)

V-77 From San Angelo, Tex., via Abilene, Tex.; Wichita Falls, Tex., including an E alternate; INT Wichita Falls 028° and Oklahoma City, Okla., 202° radials; Oklahoma City, including an E alternate from Wichita Falls to Oklahoma City via INT Wichita Falls 047° and Duncan, Okla., 248° radials, Duncan, INT Duncan 011° and Oklahoma City 180° radials; Ponca City, Okla., including an E alternate via INT Oklahoma City 037° and Ponca City 186° radials; INT Ponca City 327° and Wichita, Kans., 225° radials; Wichita; INT Wichita 037° and Topeka, Kans., 236° radials; Topeka; St. Joseph, Mo.; Lamoni, Iowa; Des Moines, Iowa; Newton, Iowa; to Waterloo, Iowa. The airspace within R-5601 is excluded.

AMENDMENTS 11/11/71 36 F. R. 18786 (Changed)

V-78 From Huron, S. Dak., Watertown, S. Dak., including a S alternate; Darwin, Minn.; Minneapolis, Minn.; Eau Claire, Wis.

V-79 From Hobbs, N. Mex., via INT Hobbs 073° and Lubbock, Tex., 188° radials; Lubbock.

V-80 From Akron, Colo., North Platte, Nebr.

V-81 From Midland, Tex., via Lubbock, Tex.; Plainview, Tex.; Amarillo, Tex., including an east alternate via INT Plainview 025° and Amarillo 163° radials; Dalhart, Tex., including a west alternate via INT Amarillo 301° and Dalhart 157° radials; Tobe, Colo.; Pueblo, Colo.; Colorado Springs, Colo.; Denver, Colo.

AMENDMENTS 10/14/71 36 F. R. 15742 (Changed)

V-82 From Baudette, Minn., Bemidji, Minn.; 20 miles, 51 miles, 29 MSL, Brainerd, Minn.; 11 miles, 52 miles, 25 MSL, Minneapolis, Minn.; Farmington, Minn.; Rochester, Minn.; Nodine, Minn.; Dells, Wis.; INT Dells 097° and Timmerman, Wis., 322° radials; 6 mi. wide Timmerman.

V-83 From Carlsbad, N. Mex., via Roswell, N. Mex.; 40 miles, 85 MSL Corona, N. Mex., including an E alternate INT Roswell 335° and Corona 124° radials, 85 MSL Corona; Otto, N. Mex., Santa Fe, N. Mex.; Taos, N. Mex.; Alamosa, Colo.; INT Alamosa 074° and Pueblo, Colo., 191° radials; Pueblo; Colorado Springs; Colo.; Kiowa, Colo.
PENDING AMENDMENT
In V-83 "Santa Fe, N. Mex.;" is deleted and "Santa Fe, N. Mex., including an east alternate via INT Otto 019° and Santa Fe 117° radials;" is substituted therefor.

AMENDMENTS 3/2/72 36 F. R. 24799 (Changed)

V-84 From Bradford, Ill.; INT Bradford 033° and Chicago-O'Hare, Ill., 269° radials; Northbrook, Ill.; Pullman, Mich.; Lansing, Mich.; Flint, Mich.; Peck, Mich.; London, Ont., Canada; Buffalo, N. Y.; Geneseo, N. Y.; INT Geneseo 091° and Syracuse, N. Y., 242° radials; Syracuse. The airspace within Canada is excluded.

V-85 From Medicine Bow, Wyo., via Casper, Wyo., including a west alternate via INT Medicine Bow 336° and Casper 216° radials; 29 miles, 48 miles 77 MSL, to Riverton, Wyo.

V-86 From Butte, Mont., Whitehall, Mont.; Bozeman, Mont.; INT Bozeman 128° and Livingston, Mont., 261° radials; Livingston; 11 miles, 25 miles, 85 MSL, Billings, Mont.; 32 miles, 35 miles, 75 MSL, Sheridan, Wyo.; 20 miles, 45 miles, 70 MSL, 63 miles, 80 MSL, Rapid City, S. Dak.

V-87 From San Francisco, Calif., INT San Francisco 357° and Napa, Calif., 182° radials; Napa; INT Napa 004° and Maxwell, Calif., 188° radials; Maxwell; Red Bluff, Calif.

V-88 From Tulso, Okla., INT Tulsa 044° and Springfield, Mo., 261° radials; Springfield; Vichy, Mo., including a south alternate from
INT Springfield 058° and Forney (AAF), Mo., 266° radials; Forney (AAF), INT Forney (AAF) 046° and Vichy 216° radials; INT Vichy 091° and St. Louis, Mo., 171° radials, excluding that portion within R-4501A.

AMENDMENTS 8/19/71 36 F. R. 11640 (Changed) Corr: 36 F. R. 13912

V-89 From INT Denver, Colo., 207° and Kiowa, Colo., 246° radials; Denver; Cheyenne, Wyo., including an east alternate from Denver to Cheyenne via Gill, Colo., and INT Gill 003° and Cheyenne 131° radials; Chadron, including an E alternate from Cheyenne to Chadron via Scottsbluff, Nebr.

V-90 From Litchfield, Mich., via INT Litchfield 081° and Windsor, Ont., Canada, 265° radials; Windsor; INT Windsor 083° and Dunkirk, N. Y., 266° radials; Dunkirk, including a N alternate from INT Windsor 083° and Dunkirk 266° radials to Dunkirk via Aylmer, Ont. The airspace within Canada is excluded.

V-91 From Riverhead, N. Y., INT Riverhead 344° and Pawling, N. Y., 139° radials; Pawling; INT Pawling 342° and Albany, N. Y., 181° radials; Albany;
Glens Falls, N. Y.; INT Glens Falls 032° and Burlington, Vt., 187° radials; Burlington; Plattsburgh, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-92 From Joliet, Ill., Chicago Heights, Ill.; Goshen, Ind.; Waterville, Ohio; Mansfield, Ohio; Briggs, Ohio; Bellaire, Ohio; INT Bellaire 107° and Grantsville 285° radials; Grantsville; Front Royal, Va.

V-93 From Patuxent River, Md., INT Patuxent 013° and Baltimore, Md., 122° radials; Baltimore; Lancaster, Pa.; Wilkes-Barre, Pa.; Lake Henry, Pa.; Pawling, N. Y.; Chester, Mass.; Keene, N. H.; Concord, N. H.; INT Concord 041° and Augusta, Maine, 239° radials; Augusta; Bangor, Maine; Princeton, Maine; INT Princeton 057° radial and the United States/Canadian border.

V-94 From Gila Bend, Ariz., Casa Grande, Ariz.; 55 miles, 74 miles, 95 MSL, San Simon, Ariz.; Deming, N. Mex.; Newman, Tex., including a S alternate via INT Deming 119° and Newman 271° radials; Salt Flat, Tex., including a north alternate via INT Newman 091° and Salt Flat 312° radials; Wink, Tex.; Midland, Tex.; Hyman, Tex.; Tuscola, Tex.; Acton, Tex.; Scurry, Tex.; Gregg County, Tex.; Elm Grove, La.; Monroe, La. The airspace within R-5103A is excluded.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)
PENDING AMENDMENT
In V-94 "From Gila Bend, Ariz.," is deleted and "From Blythe, Calif.; INT Blythe 094° and Gila Bend, Ariz., 299° radials; Gila Bend;" is substituted therefor.

AMENDMENTS 2/3/72 36 F. R. 22366 (Changed)

V-95 From Gila Bend, Ariz., INT Gila Bend 096° and Phoenix, Ariz., 204° radials; Phoenix; 49 miles, 40 miles, 95 MSL, Winslow, Ariz., including a west alternate from Phoenis, INT Phoenix 006° and Winslow 224° radials; 52 miles, 95 MSL, Winslow; 66 miles, 39 miles, 125 MSL, Farmington, N. Mex. From Gunnison, Colo., 15 miles, 125 MSL, 12 miles, 145 MSL, 22 miles, 157 MSL, 23 miles, 135 MSL, 9 miles, 128 MSL, Kiowa, Colo.

AMENDMENTS 11/11/71 36 F. R. 18510 (Changed)

V-96 From Indianapolis, Ind., Kokomo, Ind.; Fort Wayne, Ind.; Waterville, Ohio; Windsor, Ontario, Canada, excluding the portion within Canada.

V 37-20 JAN 29 72 XUM

V-97 From Miami, Fla.; La Belle, Fla.; St. Petersburg, Fla.; Tallahassee, Fla., including a west alternate from St. Petersburg to INT St. Petersburg 331° and Cross City, Fla., 201° radials via INT St. Petersburg 316° and Cross City 201° radials; Albany, Ga.; INT Albany 352° and LaGrange, Ga., 112° radials.
From INT Knoxville, Tenn., 197° and Chattanooga, Tenn., 127° radials; Knoxville; London, Ky., including an E alternate via INT Knoxville 013° and London 141° radials;
Lexington, Ky.; Cincinnati, Ohio, including a W alternate via INT Lexington 327° and Cincinnati 192° radials, and also an E alternate from London to Cincinnati via INT London 004° and Lexington 107° radials and Falmouth, Ky.; Shelbyville, Ind., INT Shelbyville 313° and Lafayette, Ind., 136° radials; Lafayette, including a W alternate from Shelbyville to Lafayette via Indianapolis, Ind., and INT Indianapolis 344° and Shelbyville 313° radials and INT Shelbyville 313° and Lafayette 136° radials; Chicago Heights, Ill.; Joliet, Ill., INT Joliet 008° and Naperville, Ill., 340° radials; INT Naperville 340° and Janesville, Wis., 111° radials; Janesville; INT Janesville 294° and Lone Rock, Wis., 147° radials; Lone Rock; Nodine, Minn.; Minneapolis, Minn. The airspace below 2,000 feet MSL outside the United States is excluded.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)
AMENDMENTS 11/11/71 36 F. R. 19360 (Changed)

V-98 From INT Litchfield, Mich., 126° and Carleton, Mich., 249° radials; Carleton; Windsor, Ont., Canada; London, Ontario, Canada; Toronto, Ontario, Canada; Stirling, Ontario, Canada; Maseena, N. Y.; St. Jean, Quebec, Canada. The airspace within Canada is excluded.

V-99 From Bridgeport, Conn.; to Hartford, Conn.

V-100 From Medicine Bow, Wyo., Scottsbluff, Nebr.; Alliance, Nebr.; Ainsworth, Nebr.; O'Neill, Nebr.; Sioux City, Iowa; Fort Dodge, Iowa; Waterloo, Iowa; Dubuque, Iowa; Rockford, Ill.; INT Rockford 093° and Northbrook, Ill., 270° radials; Northbrook; INT Northbrook 095° and Keeler, Mich., 271° radials; Keeler; Litchfield, Mich.; Carleton, Mich.

AMENDMENTS 9/16/71 36 F. R. 13029 (Changed)

V-101 From Vernal, Utah, 25 miles, 25 miles 120 MSL, 22 miles 145 MSL, 20 miles 125 MSL, Salt Lake City, Utah; Ogden, Utah;
61 miles, 26 miles, 109 MSL, Burley, Idaho; INT Burley 323° and Pocatello, Idaho, 286° radials.

V-102 From Salt Flat, Tex., via Carlsbad, N. Mex.; Hobbs, N. Mex.; Lubbock, Tex.; Guthrie, Tex.; Wichita Falls, Tex., including a S alternate via INT Guthrie 103° and Wichita Falls 247° radials.

V-103 From Greensboro, N. C., Roanoke, Va.; Elkins, W. Va.; Clarksburg, W. Va.; Bellaire, Ohio; INT Bellaire 327° and Akron, Ohio, 181° radials; Akron, Ohio; INT Akron 312° and Windsor, Ontario, Canada 134° radials; INT Windsor 134° and Salem, Mich., 117° radials; Salem. The airspace within Canada is excluded.

V-104 From Ottawa, Ontario, Canada, INT Ottawa 095° and Massena, N. Y., 330° radials; Massena; Plattsburgh, N. Y. The airspace within Canada is excluded.

V-105 From Tucson, Ariz., INT Tucson 273° and Casa Grande, Ariz., 158° radials; Casa Grande; Phoenix, Ariz.; Prescott, Ariz.; 25 miles, 22 miles, 85 MSL, Boulder City, Nev.; Las Vegas, Nev., including an E alternate from Prescott, 25 miles, 85 MSL INT Prescott 319° and Peach Springs, Ariz., 134° radials, 8 miles, 85 MSL, Peach Springs, INT Peach Springs 305° and Las Vegas 081° radials, to Las Vegas; INT Las Vegas 266° and Beatty, Nev., 142° radials; 17 miles, 105 MSL Beatty; 105 MSL Coaldale, Nev.; 82 miles 110 MSL, to Reno, Nev., including an east alternate from Coaldale, 110 MSL via Mina, Nev., 110 MSL INT Mina 300° and Reno 135° radials, Reno.
PENDING AMENDMENT
In V-105 "INT Tucson 273° and Casa Grande, Ariz., 158° radials;" is deleted and "INT Tucson 298° and Casa Grande, Ariz., 145° radials;" is substituted therefor.

AMENDMENTS 2/3/72 36 F. R. 22366 (Changed)

V-106 From Johnstown, Pa.; INT Johnstown 068° and Selinsgrove, Pa., 259° radials; Selinsgrove; INT Selinsgrove 067° and Wilkes-Barre, Pa., 237° radials; Wilkes-Barre; Lake Henry, Pa., Pawling, N. Y.; Barnes, Mass.; Gardner, Mass.; Manchester, N. H.; Kennebunk, Maine.

AMENDMENTS 10/14/71 36 F. R. 13912 (Changed)

V-107 From Los Angeles, Calif., INT Los Angeles 061° and Santa Monica, Calif., 093° radials; Santa Monica; INT Santa Monica 276° and Fillmore, Calif., 163° radials; Fillmore, including a W alternate from Los Angeles to Fillmore via INT Los Angeles 291° and Fillmore 163° radials; and Ventura, Calif.; Avenal, Calif.; Los Banos, Calif.; Oakland, Calif., including an E alternate via INT Los Banos 317° and Oakland 110° radials;
Point Reyes, Calif.; INT Point Reyes 306° and Ukiah, Calif., 172° radials. The airspace within R-2519 more than 3 statute miles W of Ventura 155° and 331° radials, the airspace within R-2519 below 5,000 feet MSL, and the airspace within R-2520 is excluded. The portion outside the United States has no upper limit.

V-108 From San Francisco, Calif., INT San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; INT Sausalito 052° and Linden, Calif., 269° radials; Linden. From Colorado Springs, Colo.; Hugo, Colo., including a south alternate via INT Colorado Springs 153° and Hugo 249° radials; 74 miles, 65 MSL, Goodland, Kans.; Hill City, Kans.

AMENDMENTS 12/9/71 36 F. R. 19302 (Changed)

V-109 From Los Banos, Calif., Stockton, Calif.; INT Stockton 268° and Oakland, Calif., 077° radials; Oakland.

V-110 From Deming, N. Mex., Truth or Consequences, N. Mex.

V-111 From Big Sur, Calif., Salinas, Calif.; INT Salinas 026° and Los Banos, Calif., 317° radials.

V-112 From Astoria, Oreg., 44 miles; 15 miles, 6-mile wide, Portland, Oreg.; The Dalles, Oreg.; INT of The Dalles 101° and Pendleton, Oreg., 254° radials; Pendleton; 53 miles, 28 miles, 45 MSL, Spokane, Wash., including a W alternate from Pendleton via Pasco, Wash., 35 miles, 35 MSL INT Pasco 035° and Spokane 221° radials; 6 miles 35 MSL, to Spokane, and an east alternate from Pendleton via INT Pendleton 090° and Walla Walla, Wash., 215° radials, Walla Walla, 22 miles, 48 miles, 45 MSL, to Spokane, excluding the airspace between the main and west and east alternates; 47 miles, 105 MSL Kimberley, British Columbia, Canada, excluding the portion within Canada.

V-113 From San Luis Obispo, Calif., Paso Robles, Calif.; Priest, Calif.; Los Banos, Calif.; Stockton, Calif.; Linden, Calif.; INT Linden 046° and Reno, Nev. 208° radials; Reno; 42 miles, 24 miles, 115 MSL, 95 MSL Sod House, Nev.; 67 miles, 95 MSL, 85 MSL Rome, Oreg.; 61 miles, 85 MSL, to Boise, Idaho.

V-114 From Amarillo, Tex., via Childress, Tex., including a S alternate; Wichita Falls, Tex., including a S alternate via INT Childress 120° and Wichita Falls 262° radials; INT Wichita Falls 117° and Blue Ridge, Tex., 285° radials; Blue Ridge; Quitman, Tex.; Gregg County, Tex.; Alexandria, La., including a north alternate from Gregg County to Alexandria via Shreveport, La., and
INT Shreveport 176° and Alexandria 302° radials; Baton Rouge, La.; New Orleans, La., including a north alternate from Alexandria to New Orleans via INT Alexandria 109° and New Orleans 312° radials.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)

V-115 From Crestview, Fla., INT Crestview 001° and Montgomery, Ala., 204° radials; Montgomery; INT Montgomery 308° and Birmingham, Ala., 180° radials; 7 miles wide (4 miles E and 3 miles W and within 4.5° of centerline) Birmingham; Chattanooga, Tenn., including a E alternate via INT Birmingham 097° and Gadsden, Ala., 233° radials, Gadsden and INT Gadsden 042° and Chattanooga 214° radials; Knoxville, Tenn., including a West alternate via INT Chattanooga 028° and Knoxville 243° radials; Whitesburg, Ky.; Charleston, W. Va.; Parkersburg, W. Va.; Newcomerstown, Ohio; INT Newcomerstown 038° and Franklin, Pa., 239° radials; Franklin; Tidioute, Pa.; Jamestown, N. Y.; Buffalo, N. Y.

V-116 From Kansas City, Mo., Macon, Mo.; Quincy, Ill.; Peoria, Ill.; Joliet, Ill.; Naperville, Ill.; Keeler, Mich., including a south alternate via INT Naperville 089° and Keeler 234° radials; Jackson, Mich.; INT Jackson 084° and Salem, Mich., 254° radials; Salem; Windsor, Ontario, Canada; INT Windsor 100° and Erie, Pa., 275° radials; Erie; Bradford, Pa.; Stonyfork, Pa.; Lake Henry, Pa.; INT Lake Henry 109° and Deer Park, N. Y., 296° radials; Deer Park. The airspace within Canada is excluded.

V-117 From Parkersburg, W. Va.; Bellaire, Ohio; INT Bellaire 044° and Newcomerstown, Ohio, 099° radials.

V-118 From Medicine Bow, Wyo., 23 miles 85 MSL, Laramie, Wyo.; Cheyenne, Wyo.

V-119 From Newcombe, Ky., Henderson, W. Va.; Parkersburg, W. Va.; INT Parkersburg 067° and Indian Head, Pa., 254° radials; Indian Head; Clarion, Pa.; Bradford, Pa.; Wellsville, N. Y.; Geneseo, N. Y.; Rochester, N. Y.

V 3 7 - 2 0 JAN 29 72 XUM

V-120 From Mullan Pass, Idaho, 5 miles, 55 miles, 95 MSL, 43 miles, 125 MSL, Great Falls, Mont., Lewistown, Mont., including a N alternate INT Great Falls 074° and Lewistown 308° radials; 41 miles, 72 miles, 85 MSL, Miles City, Mont., 48 miles, 109 miles, 90 MSL, 38 MSL Dupree, S. Dak.; 60 miles, 38 MSL, Pierre, S. Dak.; Mitchell, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; to Waterloo, Iowa.

AMENDMENTS 11/11/71 36 F. R. 18786 (Changed)

V-121 From Medford, Oreg., INT Medford 352° and Roseburg, Oreg., 127° radials; Roseburg; North Bend, Oreg.; Eugene, Oreg.; INT Eugene 070° and Redmond, Oreg., 281° radials; Redmond.

V-122 From Crescent City, Calif., Medford, Oreg.; 22 miles, 75 MSL INT Medford 117° and Klamath Falls, Oreg., 282° True radials; 6 miles, 75 MSL Klamath Falls; 21 miles, 90 MSL Lakeview, Oreg.

V-123 From Washington, D. C., INT Baltimore, Md., 223° and Kenton, Del., 262° radials; INT Kenton 262° and Woodstown, N. J., 230° radials; Woodstown; INT Woodstown 043° and Robbinsville, N. J., 239° radials; Robbinsville; LaGuardia, N. Y.; INT LaGuardia 034° and Carmel, N. Y., 188° radials; Carmel.

V-124 From Blue Ridge, Tex., via Paris, Tex.; Hot Springs, Ark.; Little Rock, Ark.; Memphis, Tenn.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)

V-125 From Anthony, Kans., Hutchinson, Kans.

V-126 From Chicago Heights, Ill., Goshen, Ind.; Waterville, Ohio; Cleveland, Ohio; Jefferson, Ohio; Erie, Pa.; Bradford, Pa.; Stonyfork, Pa.; Lake Henry, Pa.; Huguenot, N. Y.

V-127 From Capital, Ill., INT Capital 013° and Bradford, Ill., 159° radials; Bradford; Polo, Ill.; Rockford, Ill.

AMENDMENTS 10/14/71 36 F. R. 15527 (Rewritten)

V-128 From INT Naperville, Ill., 089° and Peotone, Ill., 003° radials; Peotone; INT Peotone 152° and Indianapolis, Ind., 312° radials; Indianapolis; INT Indianapolis 137° and Cincinnati, Ohio, 290° radials; Cincinnati; York, Ky., including a S alternate via INT Cincinnati 120° and York 271° radials; Charleston, W. Va.; Casanova, Va.

AMENDMENTS 3/25/71 36 F. R. 5582 (Changed)

V-129 From Capital, Ill., Peoria, Ill.; Cordova, Ill.; Dubuque, Iowa; Waukon, Iowa; Nodine, Minn.; Eau Claire, Wis.; 15 miles, 73 miles, 35 MSL Duluth, Minn.; Hibbing, Minn., including an E alternate; 24 miles, 47 miles, 30 MSL, International Falls, Minn., including a W alternate from Hibbing, 24 miles 30 MSL INT Hibbing 325° and International Falls 182° radials, 25 miles, 30 MSL, to International Falls; INT International Falls 335° radial and the United States/Canadian border.

V-130 From Albany, N. Y., Hartford, Conn.; Norwich, Conn.; INT Norwich 090° radial and Providence, R. I., ILS localizer S course.

V-131 From McAlester, Okla., via Okmulgee, Okla.; Tulsa, Okla.; Chanute, Kans.; Topeka, Kans.

V-132 From Cheyenne, Wyo.; Akron, Colo.; 17 miles, 49 miles, 59 MSL, Goodland, Kans.; 50 miles, 97 miles, 65 MSL, Hutchinson, Kans.; INT Hutchinson 078° and Chanute, Kans., 294° radials; Chanute; INT Chanute 100° and Springfield, Mo., 276° radials; Springfield; INT Springfield 058° and Forney, Mo., 286°; Forney; INT Forney 086° and Maples, Mo., 052° radials, excluding that portion within R-4501A.

V-133 From Fort Mill, S. C., Hickory, N. C.; Charleston, W. Va.; Zanesville, Ohio; Tiverton, Ohio; Mansfield, Ohio; Sandusky, Ohio; INT Sandusky 342° and Salem, Mich., 139° radials; Salem; Flint, Mich.; Saginaw, Mich.; Traverse City, Mich., Escanaba, Mich.; Marquette, Mich.; Houghton, Mich.; 10 miles, 26 MSL Thunder Bay, Ontario, Canada. The airspace within Canada is excluded.

V-134 From Fairfield, Utah, via Price, Utah; to Grand Junction, Colo.

V-135 From Yuma, Ariz., Blythe, Calif.; Parker, Calif.; 5 miles, 24 miles, 55 MSL, Needles, Calif.; Goffs, Calif.; 84 miles, 105 MSL Beatty, Nev.; 105 MSL INT Beatty 326° and Tonopah, Nev., 198° radials; to Tonopah. The airspace within R-4807 is excluded.

V-136 From Pulaski, Va., INT Pulaski 094° and South Boston, Va., 295° radials; South Boston; Raleigh-Durham, N. C.

V-137 From Imperial, Calif., INT Imperial 350° and Thermal, Calif., 122° radials; Thermal; Palm Springs, Calif.; Palmdale, Calif.; Gorman, Calif.; Avenal, Calif.; Priest, Calif.; Salinas, Calif. The airspace within R-2521 is excluded.

V-138 From Riverton, Wyo., 35 mi. 80 mi. 107 MSL, 16 mi. 85 MSL, via Medicine Bow; Cheyenne, Wyo., including a N alternate via INT Medicine Bow 106° and Cheyenne 330° radials; Sidney, Nebr. From Grand Island, Nebr., 1200 feet AGL INT of Grand Island 099° and Lincoln, Nebr., 267° true radials; 1,200 feet AGL Lincoln; 1,200 feet AGL INT of Lincoln 040° and Neola, Iowa, 253° true radials; Neola; Fort Dodge, Iowa.

AMENDMENTS 4/1/71 36 F. R. 974 (Changed)
AMENDMENTS 10/14/71 36 F. R. 17644 (Changed)

V-139 From Wilmington, N. C., New Bern, N. C.; Cofield, N. C.; INT Cofield 077° and Norfolk, Va., 209° radials; Norfolk; Cape Charles, Va.; Snow Hill, Md.; Sea Isle, N. J.; INT Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; INT Hampton 059° and Providence, R. I., 212° radials; Providence; 6 miles wide, Whitman, Mass., including an E alternate; INT Whitman 041° and Manchester, N. H., 130° radials; Kennebunk, Maine. The airspace below 2,000 feet MSL outside the United States, the airspace below 3,000 feet MSL between the Kennedy, N. Y., 087° and 141° radials, and the airspace within R-6604 are excluded.

AMENDMENTS 5/27/71 36 F. R. 5676 (Changed) Corr: 36 F. R. 9065

V-140 From Amarillo, Tex., via Sayre, Okla., including a N alternate via INT Amarillo 072° and Sayre 288° radials; Kingfisher, Okla.; INT Kingfisher 072° and Tulsa, Okla., 261° radials; Tulsa; Fayetteville, Ark., including a N alternate via INT Tulsa 059° and Fayetteville 284° radials; Harrison, Ark., Walnut Ridge, Ark.; Dyersburg, Tenn.; Nashville, Tenn., Livingston, Tenn., including a south alternate via INT Nashville 085° and Livingston 232° radials; London, Ky., including a north alternate from Nashville to London via INT Nashville 049° and London 258° radials; Whitesburg, Ky., Bluefield W. Va.; INT of Bluefield 071° and Montebello, Va., 250° radials; Montebello; Casanova, Va.; Herndon, Va.; INT Herndon 061° and Modena, Pa., 234° radials; Modena.

AMENDMENTS 4/29/71 36 F. R. 494 (Changed)

V-141 From Nantucket, Mass., Hyannis, Mass.; Boston, Mass.; INT Boston 015° and Manchester, N. H. 117° radials; Manchester; Concord, N. H.; Lebanon, N. H., including an east alternate via INT Concord 022° and Lebanon 103° radials; Burlington, Vt.; Massena, N. Y.

V-142 From INT Atlanta, Ga., 117° and Augusta, Ga., 263° radials; to Augusta.

AMENDMENTS 11/11/71 36 F. R. 16076 (Added)

V-143 From Fort Mill, S. C., Greensboro, N. C.; Lynchburg, Va.; Montebello, Va.; Front Royal, Va.; Martinsburg, W. Va.; Lancaster, Pa., including a north alternate via INT Martinsburg 044° and Lancaster 256° radials; Pottstown, Pa.; Yardley, Pa.

V-144 From INT Naperville, Ill., 089° and Peotone, Ill., 003° radials; Peotone; Fort Wayne, Ind.; Findlay, Ohio; INT Findlay 131° and Appleton, Ohio, 312° radials; Appleton; Zanesville, Ohio; Morgantown, W. Va.; Kessel, W. Va.; Linden, Va.; INT Linden 104° and Herndon, Va., 185° radials.

AMENDMENTS 3/25/71 36 F. R. 5582 (Changed)

V-145 From Utica, N. Y., INT Utica 303° and Watertown, N. Y., 171° radials; Watertown; INT Watertown 358° radial and the United States/Canadian border.

V-146 From Pawling, N. Y., Putnam, Conn.; Providence, R. I.; Martha's Vineyard, Mass.; Nantucket, Mass.

V-147 From INT New Castle, Del., 058° and Pottstown, Pa., 143° radials; Pottstown; East Texas, Pa.; Wilkes-Barre, Pa.; Elmira, N. Y.; Geneseo, N. Y.; Rochester, N. Y.

V 37-20 JAN 29 72 XUM

V-148 From Denver, Colo.; INT Denver 174° and Kiowa, Colo., 273° radials; Kiowa; Thurman, Colo.; 65 MSL INT Thurman 067° and Hayes Center, Nebr., 246° radials; Hayes Center, Nebr.; North Platte, Nebr.; 21 miles, 84 miles 49 MSL, O'Neill, Nebr.; 10 miles, 62 miles, 35 MSL, Sioux Falls, S. Dak.; 29 miles, 46 miles, 31 MSL, Redwood Falls, Minn., including a south alternate from Sioux Falls 29 miles, 49 miles, 31 MSL, Redwood Falls; Minneapolis, Minn.

V-149 From INT Allentown, Pa. 147° and Solberg, N. J., 227° radials; Allentown, Pa.; Lake Henry, Pa.

V-150 From San Francisco, Calif., INT San Francisco 304° and Sausalito, Calif., 232° radials; Sausalito; Sacramento, Calif.

V-151 From Providence, R. I., Gardner, Mass.; Keene, N. H.; Lebanon, N. H., including a W alternate via INT Keene 336° and Lebanon 214° radials; Montpelier, Vt.; Burlington, Vt.

V-152 From St. Petersburg, Fla., Orlando, Fla., including a N alternate via INT St. Petersburg 040° and Orlando 258° radials, and also a S alternate via Lakeland, Fla.; Dayton Beach, Fla., including a S alternate via INT Orlando 049° and Daytona Beach 161° radials.

V-153 From INT Sparta, N. J., 194° and Stillwater, N. J., 110° radials; Stillwater; Lake Henry, Pa.; Hancock, N. Y.; Georgetown, N. Y.; Syracuse, N. Y.

V-154 From Macon, Ga.; Dublin, Ga.; Savannah, Ga.

V-155 From Augusta, Ga., Chesterfield, S. C.; Pinehurst, N. C.; Raleigh-Durham, N. C.; Lawrenceville, Va.; INT Lawrenceville 034° and Flat Rock, Va., 171° radials; Flat Rock; Gordonsville, Va.; Linden, Va.; Front Royal, Va. The airspace within R-6602 is excluded.

V-156 From Moline, Ill., Bradford, Ill.; Peotone, Ill.; INT Peotone 098° and Knox, Ind.; 238° radials; Knox; South Bend, Ind.

V-157 From Key West, Fla., Miami, Fla.; La Belle, Fla., including a W alternate from INT Miami 222° and Fort Myers, Fla., 137° radials to La Belle via INT Fort Myers 137° and La Belle 162° radials; Lakeland, Fla.; Ocala, Fla.; Gainesville, Fla.; Taylor, Fla.; Waycross, Ga.; Alma, Ga.; Allendale, S. C.; Vance, S. C.; Florence, S. C. From Kinston, N. C., Rocky Mount, N. C.; Lawrenceville, Va.; Richmond, Va.; INT Brooke, Va., 132° and Washington, D. C., 189° radials; 6-mile wide Washington; Baltimore, Md.; INT Baltimore 038° and New Castle, Del., 261° radials; New Castle; Robbinsville, N. J.; Colts Neck, N. J.; Kingston, N. Y. The airspace within R-4001, R-6602, R-6612 is excluded.

V-158 From Waterloo, Iowa, Dubuque, Iowa; Polo, Ill. The airspace within R-3302 is excluded.

V-159 From Miami, Fla., INT Miami 343° and Palm Beach, Fla., 222° radials; Palm Beach; INT Palm Beach 321° and Vero Beach, Fla., 178° radials; Vero Beach; Orlando, Fla., including an E alternate via INT Vero Beach 341° and Orlando 123° radials; Ocala, Fla., including a W alternate via INT Orlando 283° and Ocala 156° radials; Gainesville, Fla.; Greenville, Fla., including a W alternate from Ocala to Greenville via Cross City, Fla.; Albany, Ga.; Eufaula, Ala.; Tuskegee, Ala.; Birmingham, Ala.; INT Birmingham 298° and Hamilton, Ala., 122° radials; Hamilton; Holly Springs, Miss., including an east alternate from Birmingham to Holly Springs via INT Birmingham 313° and Holly Springs 099° radials; Memphis, Tenn., including a west alternate from Hamilton to Memphis via INT Hamilton 273° and Memphis 136° radials; Walnut Ridge, Ark.; Dogwood, Mo.; Springfield, Mo.; Blue Springs, Mo.; Kansas City, Mo.; St. Joseph, Mo.; INT St. Joseph 328° and Omaha, Nebr., 155° radials; Omaha; Sioux City, Iowa, including a west alternate via INT Omaha 320° and Sioux City 174° radials; Yankton, S. Dak.; Mitchell, S. Dak.

AMENDMENTS 6/24/71 36 F. R. 7049 (Changed)

V-160 From Denver, Colo.; INT Denver 045° and Sidney, Nebr., 230° radials; Sidney.

V-161 From Bridgeport, Tex., via Ardmore, Okla.; Okmulgee, Okla.; Tulsa, Okla.; Oswego, Kans.; Butler, Mo.; Blue Springs, Mo.; INT Blue Springs 016° and Lamoni, Iowa, 174° radials; Lamoni; Des Moines, Iowa; Mason City, Iowa; Rochester, Minn., including a W alternate via INT Mason City 023° and Rochester 243° radials; INT Rochester 356° and Minneapolis, Minn., 116° radials; Minneapolis; 14 miles, 52 miles, 25 MSL, Brainerd, Minn.; Grand Rapids, Minn.; 15 miles, 50 miles 30 MSL, International Falls, Minn.; to Winnipeg, Manitoba, Canada, excluding the portion within Canada.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)
AMENDMENTS 7/22/71 36 F. R. 9618 (Changed)
AMENDMENTS 11/11/71 36 F. R. 18786 (Changed)

V-162 From INT Clarksburg, W. Va., 135° and Elkins, W. Va., 092° radials; Clarksburg. From Harrisburg, Pa., East Texas, Pa., including a S alternate via INT Harrisburg 087° and East Texas 225° radials; Allentown, Pa. The airspace within R-5802 is excluded.

V-163 From Brownsville, Tex., INT Brownsville 356° and Corpus Christi 181° radials; Corpus Christi, including a west alternate from Brownsville to INT Brownsville 356° and Corpus Christi 181° radials via Harlingen, Tex.; Three Rivers, Tex., including a west alternate via INT Corpus Christi 296° and Three Rivers 165° radials; INT Three Rivers 345° and San Antonio 168° radials; San Antonio, including a west alternate; INT San Antonio 002° and Lometa, Tex., 173° radials; Lometa, including a W alternate from San Antonio to Lometa via INT San Antonio 334° and Llano, Tex., 180° radails and Llano; Millsap, Tex., including an E alternate from Lometa to Millsap via Acton, Tex.; Bridgeport, Tex.; Ardmore, Okla.; INT Ardmore 342° and Oklahoma City, Okla., 154° radials; Oklahoma City, including a W alternate via INT Ardmore 327° and Oklahoma City 180° radials and also an E alternate via INT Ardmore 006° and Oklahoma City 107° radials. The airspace within Mexico is excluded.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)
AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)

V-164 From Buffalo, N. Y., Wellsville, N. Y.; Stonyfork, Pa.; Williamsport, Pa.; INT Williamsport 129° and East Texas, Pa., 315° radials; East Texas.

V-165 From San Diego, Calif., INT San Diego 270° and Oceanside, Calif., 177° radials; Oceanside; 24 miles, 6 miles wide, Seal Beach, Calif.; 6 miles wide, INT Seal Beach 287° and Los Angeles, Calif., 138° radials; Los Angeles; INT Los Angeles 357° and Lake Hughes, Calif., 154° radials; Lake Hughes; INT Lake Hughes 344° and Bakersfield, Calif., 137° radials; Bakersfield; Porterville, Calif.; INT Porterville 339° and Fresno, Calif., 140° radials; Fresno; 68 miles, 50 miles, 131 MSL, Reno, Nev.; 40 miles, 7 miles, 115 MSL, 87 miles, 135 MSL, Lakeview, Oreg.; 5 miles, 72 miles, 90 MSL, Redmond, Oreg.; 16 miles, 19 miles, 95 MSL, 24 miles, 75 MSL, 12 miles, 65 MSL, Newberg, Oreg.; 32 miles, 45 MSL INT Newberg 355° and Olympia, Wash., 195° radials; Olympia; INT Olympia 010° and Seattle, Wash., 249° radials; Seattle.

V-166 From Parkersburg, W. Va., Clarksburg, W. Va.; Kessel, W. Va.; Martinsburg, W. Va.; Westminster, Md.; New Castle, Del.; Woodstown, N. J.; Sea Isle, N. J.

V-167 From Hancock, N. Y.; INT Hancock 120° and Kingston, N. Y., 274° radials; Kingston; INT Kingston 100° and Hartford, Conn., 268° radials; Hartford; INT Hartford 081° and Providence, R. I., 270° radials; Providence; INT Providence 101° and Hyannis, Mass., 224° radials; Hyannis. The airspace below 2,000 feet MSL outside the United States is excluded.

V-168 From Birmingham, Ala., to INT Birmingham 113° and Talladega, Ala., 179° radials.

AMENDMENTS 11/11/71 36 F. R. 18076 (Added)
AMENDMENTS 11/19/71 36 F. R. 22056 (Changed)

V-169 From Tobe, Colo., 69 MSL Hugo, Colo.; 38 miles, 67 MSL, Thurman, Colo.; Akron, Colo.; Sidney, Nebr.; Scottsbluff, Nebr.; Chadron, Nebr.; Rapid City, S. Dak.; Dupree, S. Dak.; Bismarck, N. Dak. The airspace within R-4701 is excluded.

V 37-20 JAN 29 72 XUM

V-170 From Aberdeen, S. Dak., Sioux Falls, S. Dak.; Worthington, Minn.; Fairmont, Minn.; Mankato, Minn.; Farmington, Minn. From Nodine, Minn., Dells, Wis.; INT Dells 097° and Milwaukee, Wis., 307° radials; Milwaukee; INT Milwaukee 102° and Pullman, Mich., 303° radials; Pullman; Salem, Mich. From Erie, Pa., Bradford, Pa.; Slate Run, Pa.; Selinsgrove, Pa.; Ravine, Pa.; INT Ravine 125° and Modena, Pa., 318° rsdials; Modena. The airspace within R-5802 is excluded.

PENDING AMENDMENT

In V-170 all between "Fairmont, Minn.;" and "Dells, Wis.;" is deleted and "Rochester, Minn.; Nodine, Minn.;" is substituted therefor.

AMENDMENTS 3/2/72 36 F. R. 23794 (Changed)

V-171 From Louisville, Ky., Lewis, Ind., including an E alternate from Louisville to Lewis via INT Louisville 312° and Bloomington 153° radials, and Bloomington; Danville, Ill.; Peotone, Ill.; Joliet, Ill.; Rockford, Ill.; Lone Rock, Wis.; Nodine, Minn.; INT Nodine 298° and Farmington, Minn., 124° radials; Farmington; Darwin, Minn.; 6 miles, 51 miles, 27 MSL, Alexandria, Minn.; INT Alexandria 321° and Grand Forks, N. Dak., 152° radials; Grand Forks.

V-172 From Denver, Colo., INT Denver 061° and Hayes Center, Nebr., 276° radials; INT Hayes Center 276° and North Platte, Nebr. 245° radials; North Platte; INT North Platte 073° and Wolbach, Nebr., 266° radials; Wolbach; Neola, Iowa; Newton, Iowa; Cedar Rapids, Iowa; Polo, Ill.; Chicago-O'Hare, Ill.; INT Chicago-O'Hare 091° and South Bend, Ind., 290° radials; South Bend.

V-173 From Capital, Ill., Roberts, Ill.; INT Roberts 008° and Joliet, Ill., 067° radials; Kedzie, Ill., RBN.

V-174 From York, Ky., Henderson, W. Va.; Elkins, W. Va.; Linden, Va.; INT Linden 104° and Herndon, Va., 185° radials.

V-175 From Malden, Mo.; Vichy, Mo.; Hallsville, Mo., including a west alternate via INT Vichy 321° and Hallsville 183° radials; Macon, Mo.; Kirksville, Mo.; Des Moines, Iowa; Sioux City, Iowa; Worthington, Minn.; Redwood Falls, Minn.

V-176 From Pontiac, Mich., to INT Pontiac 100° and Windsor, Ontario, Canada, 057° radials, excluding the portion within Canada.

V-177 From Naperville, Ill., Janesville, Wis.; Madison, Wis.; Stevens Point, Wis., including a west alternate via Dells, Wis.; Wausau, Wis., 32 miles, 99 miles, 55 MSL, Duluth, Minn.

V-178 From Vichy, Mo.; Farmington, Mo.; Cunningham, Ky., including a south alternate; Central City, Ky.; New Hope, Ky.; Lexington, Ky.; Bluefield, W. Va.

AMENDMENTS 10/21/71 36 F. R. 20365 (Changed)

V-179 From Dublin, Ga., via INT Dublin 329° and Atlanta, Ga., 117° radials; to INT Atlanta 117° and Augusta, Ga., 263° radials.

AMENDMENTS 11/11/71 36 F. R. 18076 (Added)

V-180 From San Antonio, Tex., via Eagle Lake, Tex.; Scholes, Tex.

AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)

V-181 From Kirksville, Mo., Lamoni, Iowa; Omaha, Nebr.; Norfolk, Nebr.; Yankton, S. Dak.; Sioux Falls, S. Dak., including a W alternate via INT Yankton 016° and Sioux Falls 230° radials; Watertown, S. Dak., including an east alternate; 34 miles, 24 miles, 34 MSL, Fargo, N. Dak., including an east alternate; Grand Forks, N. Dak., including an east alternate via INT Fargo 004° and Grand Forks 152° radials; Pembina, N. Dak.; INT Pembina 356° radial and the United States/Canadian border.

V-182 From Portland, Oreg., The Dalles, Oreg.; Baker, Oreg.

V-183 From Santa Barbara, Calif., Bakersfield, Calif.

V-184 From Erie, Pa., Tidioute, Pa.; INT Tidioute 154° and Philipsburg, Pa., 296° radials; Philipsburg; Harrisburg, Pa.; INT Harrisburg 132° and Modena, Pa., 274° radials; Modena; INT Modena 120° radial and Philadelphia, Pa., International Airport ILS localizer 256° course; Woodstown, N. J.; Millville, N. J.; Atlantic City, N. J.

V-185 From Savannah, Ga.; Augusta, Ga.; Greenwood, S. C.; Sugarloaf Mountain, N. C.; Snowbird, Tenn.; INT Snowbird 301° and Knoxville, Tenn., 069° radials; Knoxville, including an E alternate from Sugarloaf Mountain to Knoxville via INT Sugarloaf Mountain 329° and Knoxville 069° radials. The airspace within R-6004 is excluded.

V-186 From Fillmore, Calif., Van Nuys, Calif.; Ontario, Calif.

V-187 From Albuquerque, N. Mex., via Farmington, N. Mex.; 50 miles, 62 miles 115 MSL, Grand Junction, Colo., including a west alternate from Farmington, Cortez, Colo., Dove Creek, Colo., 17 miles, 28 miles 115 MSL, to Grand Junction, excluding the airspace between the main and west alternate; 75 miles, 50 miles, 112 MSL, Rock Springs, Wyo., including a west alternate from Grand Junction 45 miles 103 MSL, 14 miles 85 MSL, Vernal, Utah, 20 miles, 110 MSL, Rock Springs, excluding the airspace between the main and this west alternate; 20 miles, 37 miles 95 MSL, INT Rock Springs 026° and Riverton, Wyo., 180° radials; Riverton; Boysen Reservoir, Wyo.; 9 miles, 78 miles, 105 MSL, Billings, Mont., including a west alternate from Boysen Reservoir, 9 miles, 56 miles, 91 MSL, via Cody, Wyo., Billings, excluding the airspace between the main and this west alternate; 40 miles, 75 MSL INT Billings 317° and Great Falls, Mont., 122° radials; Great Falls; Missoula, Mont.

V-188 From Carleton, Mich., Jefferson, Ohio; Tidioute, Pa.; Slate Run, Pa.; Williamsport, Pa.; Wilkes-Barre, Pa.; INT Wilkes-Barre 094° and Sparta, N. J., 290° radials; Sparta. The airspace within Canada is excluded.

AMENDMENTS 10/14/71 36 F. R. 15527 (Changed)

V-189 From Rocky Mount, N. C., Franklin, Va.; Hopewell, Va.

V-190 From Phoenix, Ariz., 54 miles, 19 miles, 95 MSL, 59 miles, 115 MSL St. Johns, Ariz., including a north alternate via INT Phoenix 051° and St. Johns 263° radials; Albuquerque, N. Mex., including a south alternate via INT St. Johns 092° and Albuquerque 238° radials; Las Vegas, N. Mex.; 19 mi., 72 mi. 90 MSL, Dalhart, Tex.; 14 mi., 36 mi. 60 MSL, Gage, Okla.; INT Gage 059° and Ponca City, Okla., 280° radials; Ponca City; INT Ponca City 094° and Bartlesville, Okla., 256° radials; Bartlesville; INT Bartlesville 075° and Oswego, Kans., 233° radials; Oswego; INT Oswego 085° and Springfield, Mo., 261° radials; Springfield; Maples, Mo.; Farmington, Mo., Marion, Ill.; Evansville, Ind.

AMENDMENTS 9/16/71 36 F. R. 13377 (Changed) Corr: 36 F. R. 14743

V-191 From Troy, Ill.; Decatur, Ill.; Roberts, Ill.; INT Roberts 008° and Joliet, Ill., 067° radials; Northbrook, Ill.; INT Northbrook 079° and Chicago, Ill., 019° radials; INT Chicago 019° and Milwaukee, Wis., 121° radials; Milwaukee; Oshkosh, Wis.; Stevens Point, Wis.; Wausau, Wis.; Rhinelander, Wis., including an E alternate from Oshkosh direct to Rhinelander; Ironwood, Mich.; Duluth, Minn.

AMENDMENTS 9/16/71 36 F. R. 13029 (Changed)

V-192 From Champaign, Ill.; Terre Haute, Ind.

V-193 From INT Pullman, Mich., 243° and South Bend, Ind., 310° radials; Pullman; INT Pullman 029° and White Cloud, Mich., 168° radials; White Cloud; Traverse City, Mich., including a W alternate via Manistee, Mich.; Pellston, Mich.; Sault Ste. Marie, Mich.

AMENDMENTS 5/27/71 36 F. R. 4690 (Changed)

V-194 From Lafayette, La., via Baton Rouge, La.; McComb, Miss.; INT McComb 055° and Meridian, Miss., 221° radials; Meridian. From Norcross, Ga., INT Norcross 042° and Anderson, S. C., 274° radials; Anderson; INT Anderson 065° and Charlotte, N. C., 240° radials; Charlotte; Liberty, N. C.; Raleigh-Durham, N. C.; Rocky Mount, N. C.; Cofield, N. C.; Norfolk, Va., INT Norfolk 001° and Harcum, Va., 075° radials; INT Harcum 075° and Snow Hill 211° radials.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)

V-195 From Oakland, Calif., INT Oakland 004° and Williams, Calif., 191° radials; Williams; INT Williams 002° and Red Bluff, Calif., 158° radials; Red Bluff; Fortuna, Calif.

V-196 From Utica, N. Y., Saranac Lake, N. Y.; Plattsburgh, N. Y.

V 3 7 - 2 0 JAN 29 72 XUM

V-197 From Ontario, Calif.; Pomona, Calif.; Palmdale, Calif.; INT Palmdale 314° and Bakersfield, Calif., 137° radials; Bakersfield, excluding the airspace more than 3 miles northeast of the centerline from Palmdale to 30 miles northwest.

V-198 From San Simon, Ariz., Columbus, N. Mex.; El Paso, Tex., 6 mi. wide, INT El Paso 109° and Hudspeth, Tex., 287° radials; 6 mi. wide, Hudspeth; 29 mi., 38 mi. 82 MSL, INT Hudspeth 109° and Fort Stockton, Tex., 284° radials; 18 mi. 82 MSL, Fort Stockton; 30 mi., 116 mi. 55 MSL, Junction, Tex.; San Antonio, Tex.; Eagle Lake, Tex.; Houston, Tex.; INT Houston 090° and Sabine Pass, Tex., 265° radials; Sabine Pass, including a north alternate from Eagle Lake to Sabine Pass via Humble, Tex.; White Lake, La.; Tibby, La.; Harvey, La., 69 miles, 33 miles 25 MSL, Brookley; 6 miles wide Navy Saufley, Fla.; 6 miles wide INT
Navy Saufley 047° and Crestview, Fla., 251° radials; 6 miles wide Crestview; Marianna, Fla.; Tallahassee, Fla.; Greenville, Fla.; 18 miles, 6 miles wide, Taylor, Fla.; Jacksonville, Fla.

AMENDMENTS 6/24/71 36 F. R. 5211 (Changed) (Corr: 36 F. R. 10781 eff. date changed to 7/22/71)

V-199 From San Francisco, Calif. INT San Francisco 304° and Ukiah, Calif., 172° radials; Ukiah; 17 miles, 23 miles 85 MSL, 18 miles 75 MSL, Red Bluff, Calif. The portion outside the United States has no upper limit.

V-200 From Ukiah, Calif., Williams, Calif.; Reno, Nev. From Fairfield, Utah, 10 miles, 35 miles 125 MSL, Myton, Utah; 30 miles 79 MSL, 31 miles, 98 MSL Meeker, Colo.; 37 miles, 26 miles, 140 MSL, 130 MSL, Kremmling, Colo.; 9 miles, 130 MSL, 29 miles, 144 MSL, 11 miles, 127 MSL, Denver, Colo.

V-201 From INT Los Angeles, Calif., 207° and Long Beach, Calif., 250° radials; Los Angeles; Palmdale, Calif. The portion outside the United States has no upper limit.

V-202 From Cochise, Ariz., via San Simon, Ariz.; Silver City, N. Mex.; Truth or Consequences, N. Mex.

V-203 From Norwich, Conn., Chester, Mass.; INT Chester 293° and Albany, N. Y., 139° radials; Albany; Saranac Lake, N. Y.; Massena, N. Y.; St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-204 From Hoquiam, Wash., Olympia, Wash.; INT Olympia 114° and Yakima, Wash., 271° radials; Yakima.

V-205 From Sparta, N. J.; INT Sparta 023° and Pawling, N. Y., 238° radials; Pawling; INT Pawling 076° and Boston, Mass., 251° radials; to Boston.

V-206 From Blue Springs, Mo., INT Blue Springs 056° and Kirksville, Mo., 225° radials; Kirksville.

V-207 From Denver, Colo., Gill, Colo.; Scottsbluff, Nebr.

V-208 From Los Angeles, Calif., 7 miles wide (3 miles E and 4 miles W of centerline) INT Los Angeles 185° and Santa Catalina, Calif., 355° radials; 7 miles wide (3 miles E and 4 miles W of centerline) Santa Catalina; Oceanside, Calif.; Julian, Calif.; Thermal, Calif. Twentynine Palms, Calif.; 20 miles, 24 miles 73 MSL, Needles, Calif.; Peach Springs, Ariz. From Myton, Utah, 79 MSL, via Vernal, Utah, 25 miles, 105 MSL, Cherokee, Wyo. The airspace within R-2503 and the airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

V-209 From Mobile, Ala., INT Mobile 356° and Hattiesburg, Miss., 080° radials; 10 mi.; 6 mi. wide Kewanee, Miss.; 7 mi. wide (4 mi. on N, 3 mi. on S and within 4.5° of centerline) Brookwood, Ala.; Birmingham, Ala.

AMENDMENTS 4/29/71 36 F. R. 3262 (Changed)

V-210 From Los Angeles, Calif., INT Los Angeles 083° and Pomona, Calif., 240° radials; Pomona; INT Daggett, Calif., 229° and Hector, Calif., 263° radials; Hector; Goffs, Calif.; 13 miles, 23 miles 71 MSL, 85 MSL, Peach Springs, Ariz.; Grand Canyon, Ariz.; Tuba City, Ariz.; 10 mi. 90 MSL, 91 mi. 105 MSL, Farmington, N. Mex.; Alamosa, Colo., including a south alternate via INT Farmington 086° and Alamosa 232° radials; INT Alamosa 074° and Lamar, Colo., 250° radials; 40 miles, 51 miles, 65 MSL, Lamar; 13 miles, 79 miles, 55 MSL, Liberal, Kans.; INT Liberal 137° and Oklahoma City, Okla., 282° radials; Oklahoma City. From Indianapolis, Ind., Muncie, Ind.; Rosewood, Ohio; Tiverton, Ohio; Briggs, Ohio; INT Briggs 044° and Akron, Ohio, 088° radials; INT Akron 088° and Youngstown, Ohio, 116° radials; INT Youngstown 116° and Clarion, Pa., 222° radials; Revloc, Pa.; INT Revloc 096° and Harrisburg, Pa., 289° radials; Harrisburg; Lancaster, Pa.; INT Lancaster 095° and Pottstown, Pa., 143° radials.

V-211 From INT Alamosa, Colo., 232° and Durango, Colo., 110° radials via Durango; INT of Durango 286° and Cortez, Colo., 115° radials; Cortez, Colo., excluding the airspace below 1,200 feet above the surface.

V-212 From San Antonio, Tex., via INT San Antonio 089° and Industry, Tex., 233° radials; Industry; Navasota, Tex.; Lufkin, Tex.; Alexandria, La.; McComb, Miss.

V-213 From Myrtle Beach, S. C., INT Myrtle Beach 031° and Rocky Mount, N. C., 191° radials; Rocky Mount; Hopewell, Va.; INT Hopewell 019° and Brooke, Va., 132° radials; Patuxent River, Md.; Kenton, Del.; Woodstown, N. J.; INT Woodstown 043° and Robbinsville, N. J. 239° radials; Robbinsville.

V-214 From Richmond, Ind., INT Richmond 090° and Rosewood, Ohio, 202° radials. From INT Appleton, Ohio, 236° and Zanesville, Ohio, 274° radials; Zanesville; Bellaire, Ohio; INT Bellaire, 108° and Indian Head, Pa., 254° radials; Indian Head; Martinsburg, W. Va.

V-215 From INT Muskegon, Mich., 208° and Pullman, Mich., 261° radials; Muskegon; White Cloud, Mich.

AMENDMENTS 9/16/71 36 F. R. 15429 (Changed)

V-216 From Lamar, Colo., Hill City, Kans.; Mankato, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Ottumwa, Iowa; Iowa City, Iowa; INT Iowa City 062° and Janesville, Wis., 240° radials; Janesville; INT Janesville 076° and Muskegon, Mich., 252° radials; Muskegon; Saginaw, Mich.; Peck, Mich., including a southern alternate via INT Saginaw 131° and Peck 270° radials; Kleinburg, Ont., Canada. The airspace within Canada is excluded.

V-217 From Chicago-O'Hare, Ill., INT Chicago-O'Hare 019° and Milwaukee, Wis., 137° radials; INT Milwaukee 137° radial and Milwaukee (General Mitchell Field) ILS front course; Milwaukee (General Mitchell Field) ILS localizer; INT Milwaukee (General Mitchell Field) ILS localizer back course and Green Bay, Wis., 165° radial; Green Bay; 32 miles, 39 miles, 31 MSL, Rhinelander, Wis.; 24 miles, 80 miles, 55 MSL, Duluth, Minn.

V-218 From Fairmont, Minn., Rochester, Minn.; Waukon, Iowa; Rockford, Ill.; INT Rockford 136° and Naperville, Ill., 290° radials; Naperville; Keeler, Mich.; Lansing, Mich.; Pontiac, Mich.; to INT Pontiac 112° and Windsor, Ont., Canada, 320° radials.
PENDING AMENDMENT
In V-218 all before "Waukon, Iowa;" is deleted and "From Minneapolis, Minn.;" is substituted therefor.

AMENDMENTS 3/2/72 36 F. R. 23794 (Changed)

V-219 From Hayes Center, Nebr., INT Hayes Center 059° and Wolbach, Nebr., 251° radials; Wolbach; Norfolk, Nebr.; Sioux City, Iowa; Fairmont, Minn.; Mankato, Minn.; Farmington, Minn.

V-220 From Kremmling, Colo., 12 miles, 130 MSL, 32 miles, 147 MSL, 8 miles, 115 MSL INT Kremmling 081° and Denver, Colo., 334° radials; Akron, Colo., INT Akron 094° and McCook, Nebr., 264° radials; McCook; INT McCook 072° and Grand Island, Nebr., 241° radials; Kearney, Nebr.; Hastings, Nebr.; Columbus, Nebr.

V-221 From Fort Wayne, Ind., via Litchfield, Mich.; Jackson, Mich.; INT Jackson 084° and Salem, Mich. 254° radials; Salem; INT Salem 083° and Erie, Pa., 290° radials; Erie. The airspace within Canada is excluded.

V-222 From El Paso, Tex., via Salt Flat, Tex.; Fort Stockton, Tex.; 20 miles, 116 miles, 55 MSL, Junction, Tex.; INT Junction 112° and San Antonio, Tex., 334° radials; San Antoio; INT San Antonio 074° and Industry, Tex., 264° radials; Industry; INT Industry 085° and Humble, Tex., 274° radials; Humble; Beaumont, Tex.; Lake Charles, La., including a north alternate from Humble to Lake Charles via Daisetta, Tex.; McComb, Miss.; Hattiesburg, Miss.; Monroeville, Ala. From Montgomery, Ala., via LaGrange, Ga.; to INT LaGrange 053° and Rome, Ga., 157° radials. From Norcross, Ga., via INT Norcross 042° and Anderson, S. C., 274° radials Toccoa, Ga.; Sugarloaf, Mountain, N. C.; Hickory, N. C.; Lynchburg, Va.; INT Lynchburg 058° and Brooke, Va., 230° radials; Brooke; INT Brooke 045° and Richmond, Va., 009° radials.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)

V-223 From Flat Rock, Va., INT Brooke, Va., 300° and Herndon, Va., 202° radials; Herndon; Harrisburg, Pa.

V-224 From INT LaGrange, Ga., 342° and Rex, Ga., 270° radials; Rex; to INT Rex 090° and Athens, Ga., 192° radials.

AMENDMENTS 11/11/71 36 F. R. 18076 (Added)

V 37-20 JAN 29 72 XUM

V-225 From Key West, Fla., 30 miles, 72 miles, 17 AGL, Fort Myers, Fla., including an E alternate from Key West, 30 miles, 77 miles 17 AGL to Fort Myers; La Belle, Fla.; Vero Beach, Fla. The portion of V-225 E alternate outside the United States has no upper limit.

V-226 From INT Franklin, Pa., 175° and Clarion, Pa., 222° radials; Clarion, Pa.; Keating, Pa.; Williamsport, Pa., Wilkes-Barre, Pa.; Stillwater, N. J.; INT Stillwater 110° and Sparta, N. J., 194° radials.

V-227 From Lafayette, Ind., Roberts, Ill.; Pontiac, Ill.; INT Pontiac 338° and Rockford, Ill., 172° radials; Rockford.

V-228 From Northbrook, Ill., INT Northbrook 111° and South Bend, Ind., 290° radials; South Bend, including a N alternate via INT Northbrook 095° and South Bend 310° radials.

AMENDMENTS 9/16/71 36 F. R. 13029 (Changed)

V-229 From Kennedy, N. Y.; Madison, Conn.; Hartford, Conn.; INT Hartford 044° and Gardner, Mass., 150° radials; Gardner.

V-230 From INT Big Sur, Calif., 325° and Salinas, Calif., 281° radials; Salinas; Los Banos, Calif., including a south alternate via INT Salinas, Calif., 100° and Los Banos, Calif., 245° radials; Fresno, Calif.; Friant, Calif. The portion outside the United States has no upper limit.

AMENDMENTS 8/19/71 36 F. R. 11722 (Changed)

V-231 From Missoula, Mont., INT Missoula 354° and Kalispell, Mont., 180° radials; Kalispell.

V-232 From INT of Waterville, Ohio, 013° and Sandusky, Ohio, 296° radials, Sandusky; INT Sandusky 061° and Chadron, Ohio, 281° radials; Chadron; Franklin, Pa.; Keating, Pa.; Milton, Pa.; INT of Milton 099° and Stillwater, N. J., 172° radials.

AMENDMENTS 5/7/71 36 F. R. 8509 (Changed)

V-233 From Roberts, Ill., Knox, Ind.; Goshen, Ind.; Litchfield, Mich.; Lansing, Mich.; Mount Pleasant, Mich.; INT Mount Pleasant 351° and Gaylord, Mich., 206° radials; Gaylord; Pellston, Mich.

AMENDMENTS 8/19/71 36 F. R. 11641 (Changed)

V-234 From Anton Chico, N. Mex.; INT Anton Chico 067° and Dalhart, Tex., 243° radials; Dalhart; Liberal, Kans.; 32 miles, 74 miles, 65 MSL, Hutchinson, Kans.; Emporia, Kans.; Butler, Mo.; Vichy, Mo.; INT Vichy 091° and Centralia, Ill., 253° radials; Centralia.

V-235 From Fairfield, Utah, 10 miles, 15 miles, 135 MSL, 46 miles, 125 MSL, Fort Bridger. From Rock Springs, Wyo., 20 miles, 41 miles, 95 MSL, 37 miles, 107 MSL, to Casper, Wyo.

V-236 From INT Bonneville, Utah, 084° and Ogden, Utah, 235° radials; Ogden.

V-237 From Needles, Calif., 25 miles, 24 miles 71 MSL, Boulder City, Nev.; INT Boulder City 347° and Las Vegas, Nev., 081° radials; Las Vegas.

V-238 From Maples, Mo.; Troy, Ill.

V-239 From Forney, Mo., INT Forney 358° and Hallsville, Mo., 183° radials; Hallsville.

V-240 From New Orleans, La., via INT New Orleans 085° and Harvey, La., 065° radials; INT Brookley, Ala., 246° and Mobile, Ala., 224° radials; to Mobile.

V-241 From Crestview, Fla., INT Crestview 076° and Dothan, Ala., 232° radials; Dothan; Eufaula, Ala.; Columbus, Ga., including a W alternate from Dothan to Columbus via INT Dothan 002° and Columbus 219° radials; INT Columbus 019°and Rome, Ga., 157° radials.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)

V-242 From Mobile, Ala., Brookley, Ala.

V-243 From Jacksonville, Fla., INT Jacksonville 319° and Waycross, Ga., 126° radials; Waycross, including a W alternate via INT Jacksonville 304° and Waycross 149° radials; Vienna, Ga., including an E alternate via Alma Ga., and INT Alma 320° and Vienna 104° radials; INT Vienna 305° and La Grange, Ga., 112° radials; La Grange; INT La Grange 342° and Chattanooga, Tenn., 190° radials; Chattanooga; Bowling Green, Ky.; Lewis, Ind.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed) Corr: 36 F. R. 18725

V-244 From Oakland, Calif., INT Oakland 077° and Stockton, Calif., 268° radials; Stockton, including a S alternate INT Oakland 110° and Stockton 246° radials; 76 miles, 51 miles 145 MSL, Coaldale, Nev.; Tonopah, Nev.; 40 miles 115 MSL Wilson Creek, Nev.; 28 miles 115 MSL, Milford, Utah, Hanksville, Utah; 63 miles, 13 miles 140 MSL, 36 miles 115 MSL, Montrose, Colo.; Gunnison, Colo.; 33 miles, 122 MSL, 27 miles, 155 MSL, Pueblo, Colo.; 18 miles, 48 miles, 60 MSL, Lamar, Colo.; 20 miles, 116 miles 65 MSL, Hays, Kans.; Salina, Kans. The airspace within R-2531 is excluded.

V-245 From Alexandria, La., via Natchez, Miss.; Jackson, Miss.; Columbus, Miss., excluding the airspace at and above 8,000 feet MSL from Jackson to Columbus.

V-246 From Nodine, Minn., INT Nodine 055° and Stevens Point, Wis., 255° radials; to Stevens Point.

V-247 From Douglas, Wyo., 90 miles 75 MSL, to Crazy Woman, Wyo.

V-248 From Paso Robles, Calif., Avenal, Calif.; Bakersfield, Calif.

V-249 From Sparta, N. J., INT Sparta, N. J., 023° and DeLancey, N. Y., 131° radials; DeLancey; Utica, N. Y.

V-250 From O'Neill, Nebr.; Yankton, S. Dak.; Worthington, Minn.; Mankato, Minn.

V-251 From Decatur, Ill., via Champaign, Ill.; Danville, Ill.; Lafayette, Ind.

V-252 From Buffalo, N. Y., Geneseo, N. Y.; Binghamton, N. Y.; Huguenot, N. Y.

V-253 From Fairfield, Utah, INT Fairfield 326° and Salt Lake City, 265° radials; 24 miles, 85 MSL Bonneville; 5 miles, 85 MSL, 90 MSL Lucin, Utah; 14 miles, 90 MSL 19 miles, 105 MSL, Twin Falls, Idaho; Boise, Idaho; 42 miles; 99 MSL McCall, Idaho; 11 miles 99 MSL, 33 miles 115 MSL, Lewiston, Idaho; Pullman, Wash.; Spokane, Wash.

V-255 From Garden City, Kans., to Hays, Kansas.

V-257 From Pheonix, Ariz., Prescott, Ariz.; INT Prescott 003° and Grand Canyon, Ariz., 211° radials; Grand Canyon; 7 miles, 71 miles 125 MSL, Bryce Canyon, Utah; INT Bryce Canyon 338° and Delta, Utah, 186° radials, Delta; 39 miles, 105 MSL INT Delta 004° and Malad City, Idaho, 179° radials; 20 miles, 118 MSL, Malad City; Pocatello, Idaho; DuBois, Idaho; Dillon, Mont.; Butte, Mont.; 22 miles, 85 MSL INT Butte 002° and Helena, Mont., 272° radials; INT Helena 272° and Great Falls, Mont., 222° radials; Great Falls; 73 miles, 56 MSL, Havre, Mont. The airspace within R-6401 and R-6403 is excluded.

V-258 From Charleston, W. Va., Beckley, W. Va.; INT Beckley 125° and Roanoke, Va., 288° radials; Roanoke; INT Roanoke 145° and Danville, Va., 320° radials; Danville.

V-259 From Fort Mill, S. C., Holston Mountain, Tenn.

V-260 From Charleston, W. Va., Rainelle, W. Va.; Roanoke, Va., Lynchburg, Va.; Flat Rock, Va.; Richmond, Va.; Hopewell, Va.; INT Hopewell 128° and Norfolk, Va., 296° radials; Norfolk,

V-262 Fort Peoria, Ill., Bradford, Ill.; Joliet, Ill.; Kedzie, Ill., RBN.

66-000 O - 72 (pt. 2 Sec1) - 3

V 37-20 JAN 29 72 XUM

V-263 From Cimarron, N. Mex., Tobe, Colo., 54 miles, 69 MSL, Lamar, Colo.; 17 miles, 63 MSL Hugo, Colo.; Gill, Colo. From Pierre, S. Dak., Aberdeen, S. Dak.

AMENDMENTS 12/9/71 36 F. R. 19302 (Changed)

V-264 From Los Angeles, Calif., INT Los Angeles 061° and Pomona, Calif., 269° radials; 6 miles wide, Pomona; Twentynine Palms, Calif., including a S alternate from Los Angeles to Twentynine Palms via Ontario, Calif., and Palm Springs, Calif.; 17 miles, 28 miles 55 MSL, Parker, Calif.; 35 miles, 60 miles 95 MSL, Prescott, Ariz.; Winslow, Ariz.; St. Johns, Ariz.; 55 miles, 25 miles, 115 MSL, Socorro, N. Mex.; Corona, N. Mex.; 15 miles, 35 miles 105 MSL, Tucumcari, N. Mex.

AMENDMENTS 9/16/71 36 F. R. 13377 (Changed)

V-265 From INT Nottingham, Md., 271° and Westminster, Md., 179° radials; Westminster; INT Westminster 346° and Harrisburg, Pa., 196° radials; Harrisburg; Phillipsburg, Pa.; Keating, N. Y.; Bradford, Pa.; Jamestown, N. Y.; Dunkirk, N. Y.

V-266 From Hickory, N. C., South Boston, Va.; Lawrenceville, Va.; Franklin, Va.; INT Franklin 087° and Norfolk Va., 226° radials; Norfolk.

V-267 From Biscayne Bay, Fla., Miami, Fla.; INT of Miami 343° and Pahokee, Fla., 169° radials; Pahokee; Orlando, Fla.; including an east alternate from Miami to Orlando via Palm Beach, Fla., and INT Palm Beach 321° and Orlando 162° radials; Jacksonville, Fla., including an E alternate from Orlando to INT Dayton Beach, Fla., 308° and Jacksonville 174° radials via Daytona Beach; INT Jacksonville 334° and Dublin, Ga., 137° radials; Dublin; Athens, Ga.; INT Athens 339° and Harris, Ga., 149° radials; Harris; Knoxville, Tenn.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)

V-268 From INT Grantsville, Md., 080° and Martinsburg, W. Va., 297° radials; Hagerstown, Md.; Westminster, Md.; Baltimore, Md.; INT Baltimore 094° and Kenton, Del., 262° radials; Kenton; Kenton 086° and Sea Isle, N. J., 050° radials. The airspace within R-4001 and the airpace below 2,000 feet MSL outside the United States is excluded.

V-269 From Ely, Nev., 125 MSL to INT Ely 007° and Bonneville, Utah, 272° radials. From Wells, Nev., Twin Falls, Idaho; Burley, Idaho; Pocatello, Idaho.

V-270 From Erie, Pa., Jamestown, N. Y.; Wellsville, N. Y.; Elmira, N. Y.; Binghamton, N. Y.; DeLancey, N. Y.; Chester, Mass.

V-271 From Muskegon, Mich., to Manistee, Mich.

V-272 From Dalhart, Tex., via Borger, Tex.; Sayre, Okla.; Oklahoma City, Okla., including a N alternate via INT Sayre 070° and Oklahoma City 282° radials and also a S alternate via INT Sayre 101° and Oklahoma City 242° radials; INT Oklahoma City 107° and McAlester, Okla., 292° radials; McAlester.

V-273 From INT Sparta, N. J., 133° and Solberg, N. J., 051° radials; Sparta; INT Sparta 331° and Hancock, N. Y., 148° radials; Hancock; Georgetown, N. Y.; 6 mi. wide, Syracuse, N. Y.

V-274 From Pullman, Mich., Grand Rapids, Mich.; Saginaw, Mich.

V-275 From Cincinnati, Ohio, INT Cincinnati 006° and Dayton, Ohio, 207° radials; Dayton, including a W alternate from Cincinnati to Dayton via INT Cincinnati 336° and Richmond, Ind., 190° radials, and Richmond; INT Dayton 011° and Salem, Mich., 197° radials; Salem.

V-276 From Erie, Pa., via Franklin, Pa.; Clarion, Pa.; Tyrone, Pa.; INT Tyrone 096° and Ravine, Pa., 279° radials Ravine; Yardley, Pa.; Robbinsville, N. J.; INT Robbinsville 112° and Sea Isle, N. J., 050° radials. The airspace below 2,000 feet MSL outisde the United States is excluded.

AMENDMENTS 10/14/71 36 F. R. 16050 (Changed)

V-277 From Rosewood, Ohio, Fort Wayne, Ind.; Keeler, Mich.

V-278 From Texico, N. Mex., via Plainview, Tex.; Guthrie, Tex.; Bridgeport, Tex.; Blue Ridge, Tex.; Paris, Tex.; Texarkana, Ark.; Monticello, Ark.; Greenwood, Miss.; Columbus, Miss.; Birmingham, Ala., including a S alternate from Columbus to Birmingham via INT Columbus 082° and Tuscaloosa, Ala., 304° radials, and Tuscaloosa, excluding the airspace between the main and this alternate airway.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)

V-279 From the Columbus, Ohio, RBN, INT Findlay, Ohio, 148° and Rosewood, Ohio, 045° radials; 7 miles wide (4 miles northeast and 3 miles southwest of the centerline) to Findlay.

V-280 From El Paso, Texas, INT El Paso 070° and Pinon, N. Mex., 219° radials; Pinon; Roswell, N. Mex.; INT Roswell 083° and Texico, N. Mex., 216° radials; Texico, including a south alternate via INT Roswell 080° and Texico 216° radials; INT Texico 021° and Amarillo, Tex., 252° radials; Amarillo, including a south alternate from Texico to Amarillo via INT Texico 044° and Amarillo 252° radials; Gage,Okla.; INT Gage 025° and Hutchinson, Kans., 234° radials; Hutchinson;
INT Hutchinson 062° and Topeka, Kans., 236° radials; Topeka; INT Topeka 064° and Kansas City, Mo., 274° radials; Kansas City.

AMENDMENTS 6/24/71 36 F. R. 5211 (Changed) (Corr: 36 F. R. 10781 eff. date changed to 7/22/71)
AMENDMENTS 10/14/71 36 F. R. 15742 (Changed)

V-281 From Albany, Ga., via INT Albany 009° and Norcross, Ga., 176° radials; to INT Norcross 176° and Atlanta, Ga., 117° radials.

AMENDMENTS 11/11/71 36 F. R. 18725 (Added)

V-282 From Saranac Lake, N. Y., St. Eustache, Quebec, Canada. The airspace within Canada is excluded.

V-285 From Indianapolis, Ind., Kokomo, Ind.; Goshen, Ind.; South Bend, Ind.; Kalamazoo, Mich.; INT Kalamazoo 014° and Grand Rapids, Mich., 167° radials; Grand Rapids; White Cloud, Mich.

V-286 From Linden, Va., Casanova, Va.; INT Herndon, Va., 202° and Brooke, Va., 300° radials; Brooke; Cape Charles, Va.

V-287 From Medford, Oreg., North Bend, Oreg.; Newberg, Oreg., including a west alternate from North Bend to Newberg via Newport, Oreg., and including an east alternate from Medford to the INT Corvallis, Oreg., 352° and Newberg 204° radials via Roseburg, Oreg., INT Roseburg 003° and Eugene, Oreg., 187° radials, Eugene, and Corvallis; Portland, Oreg.,
including an east alternate via INT Newberg 069° and Portland 196° radials; 20 miles, 51 miles, 45 MSL, Olympia, Wash.; INT Olympia 010° and Seattle, Wash., 329° radials; INT Seattle 329° and Port Angeles, Wash., 090° radials; Port Angeles, Neah Bay, Wash., RBN. The airspace within Canada is excluded.

V-288 From Lucin, Utah, 50 miles, 85 MSL, INT Lucin 080° and Fort Bridger, Wyo., 278° radials; 17 miles, 50 miles, 105 MSL, Fort Bridger.

V-289 From Beaumont, Tex., via INT Beaumont 323° and Lufkin, Tex., 161° radials; Lufkin, including an E alternate; Gregg County, Tex.; Texarkana, Ark.; Fort Smith,
Ark.; Harrison, Mo.; Dogwood, Mo.; INT Dogwood 026° and Vichy, Mo., 239° radials; to Vichy.

AMENDMENTS 12/9/71 36 F. R. 19361 (Changed)

V-290 From Rainelle, W. Va., Montebello, Va.; Flat Rock, Va. From Franklin, Va., Elizabeth City, N. C.

V-291 From Albuquerque, N. Mex.; Gallup, N. Mex., including a north alternate via INT Albuquerque 303° and Gallup 089° radials; Winslow, Ariz.; Flagstaff, Ariz.; including a N alternate from Winslow to Flagstaff via INT Winslow 292° and Flagstaff 063° radials.

V-292 From Sparta, N. J.; INT Sparta 082° and Carmel, N. Y., 232° radials; Carmel; Hartford, Conn.; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 251° radials; Boston.

V-293 From Mormon Mesa, Nev., 30 miles, 95 MSL INT Cedar City, Utah, 294° and Milford, Utah 213° radials; 8 miles, 95 MSL, 108 MSL Wilson Creek, Nev.; 5 miles, 108 MSL, 37 miles, 115 MSL, Ely, Nev.; 125 MSL Elko, Nev.; 28 miles, 57 miles, 99 MSL, Twin Falls, Idaho; 37 miles, 33 miles, 87 MSL, 76 miles, 113 MSL, 99 MSL McCall, Idaho.

V 37-20 JAN 29 72 XUM

V-294 From Des Moines, Iowa, INT Des Moines 086° and Cedar Rapids, Iowa, 238° radials; Cedar Rapids; Cordova, Ill.

V-295 From Biscayne Bay, Fla., INT Biscayne Bay 021° and Vero Beach, Fla., 143° radials; Vero Beach, INT Vero Beach, 296° and Orlando, Fla., 182° radials; Orlando; INT Orlando 283° and Cross City, Fla., 150° radials; Cross City. The portion outside the United States has no upper limit.

V-296 From Sugarloaf Mountain, N. C., Fort Mill, S. C.; 27 MSL INT Fort Mill 093° and Fayetteville, N. C. 267° radials; 27 MSL Fayetteville; Wilmington, N. C.

AMENDMENTS 8/19/71 36 F. R. 11905 (Changed)
AMENDMENTS 1/6/72 36 F. R. 21670 (Changed)

V-297 From Johnstown, Pa.; INT Johnstown 315° and Clarion, Pa., 222° radials; INT Clarion 269° and Youngstown, Ohio, 116° radials; Akron, Ohio; INT Akron 298° and Carleton, Mich., 120° radials; Carleton; INT Carleton 334° and Saginaw, Mich., 182° radials; Saginaw; INT
Saginaw 353° and Pellston, Mich., 164° radials; Pellston. The airspace within Canada is excluded.

V-298 From Yakima, Wash., INT Yakima 129° and Pasco, Wash., 276° radials; Pasco; Pendleton, Oreg., 74 miles, 43 miles 115 MSL, 99 MSL via McCall, Idaho; 41 mi. 99 MSL, 89 mi. 145 MSL, Dubois, Idaho; 68 mi., 130 MSL Dunoir, Wyo.; 62 miles 135 MSL, Boysen Reservoir, Wyo.; 9 miles, 34 miles 105 MSL, Casper, Wyo., including a south alternate from Dunoir 43 miles 130 MSL, 15 miles 110 MSL, via Riverton, Wyo., 19 miles, 48 miles 77 MSL, to Casper, excluding the airspace between the main and this south alternate. The airspace within R-6715 is excluded.
NOTE: Delete exclusion on next change.

V-299 From Los Angeles, Calif., INT Los Angeles 291° and Fillmore, Calif., 163° radials; Fillmore; Gorman, Calif. The portion outside the United States has no upper limit.

V-300 From Victoria, British Columbia, Canada, RR to Vancouver, British Columbia, Canada. From Thunder Bay, Ontario, Canada, Sault Ste. Marie, Mich.; Wiarton, Ontario, Canada, including a N alternate. From Sherbrooke, Quebec, Canada, 86 miles 52 MSL, Millincoket, Maine; Fredericton, New Brunswick, Canada. The airspace within Canada is excluded.

V-301 From Point Reyes, Calif., Santa Rosa, Calif.; Williams, Calif.

V-302 From Augusta, Maine, INT Augusta 123° and Bangor, Maine, 192° radials.

V-303 From Hot Springs, Ark., Fort Smith, Ark.

V-304 From Amarillo, Tex., via Borger, Tex.; Liberal, Kans., including a W alternate via INT Borger 354° and Liberal 234° radials; 15 miles, 79 miles 55 MSL, Lamar, Colo.

V-305 From El Dorado, Ark., Little Rock, Ark.

V-306 From Austin, Tex., via Navasota, Tex.; Daisetta, Tex.; Lake Charles, La., including a south alternate from Daisetta to Lake Charles via Beaumont.

V-307 From Chanute, Kans., Emporia, Kans., INT of Emporia 336° and Pawnee City, Nebr., 193° radials; 35 MSL Pawnee City; Omaha, Nebr., including a west alternate via INT Pawnee 003° and Omaha 226° radials.

AMENDMENTS 6/24/71 36 F. R. 7049 (Changed)

V-308 From INT Linden, Va., 273° and Casanova, Va., 284° radials, Casanova; INT Casanova 076° and Nottingham, Md., 271° radials; Nottingham; Sea Isle, N. J.; INT Sea Isle 050° and Hampton, N. Y. 223° radials; Hampton; INT Hampton 059° and Norwich, Conn., 177° radials; Norwich; Putnam, Conn.; INT Putnam 043° and Boston, Mass., 251° radials; Boston. The airspace below 2,000 feet MSL that lies outside the United States and the airspace below 3,000 feet MSL between Kennedy, N. Y., 087° and 141° radials is excluded.

V-309 From Charleston, W. Va.; INT Charleston 034° and Morgantown, W. Va., 284° radials; Bellaire, Ohio.

V-310 From Louisville, Ky., London, Ky.; Holston Mountain, Tenn.; INT Holston Mountain 104° and Greensboro, N. C., 280° radials; Greensboro; INT Greensboro 105° and Raleigh-Durham, N. C., 275° radials; Raleigh-Durham; Rocky Mount, N. C.; Elizabeth City, N. C.

V-311 From Norcross, Ga., via INT Norcross 042° and Anderson, S. C., 274° radials; Anderson; Greenwood; S. C.; Columbia, S. C.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)

V-312 From Coyle, N. J.; INT Coyle 090° and Sea Isle, N. J., 050° radials. The airspace within R-5002 and below 2,000 feet MSL outside the United States is excluded.

V-313 From Malden, Mo., Cape Girardeau, Mo.; Centralia, Ill.; Decatur, Ill.; Pontiac, Ill.

V-314 From Quebec, Province of Quebec, Canada, 99 miles 55 MSL, Millinocket, Maine; Princeton, Maine; St. John, New Brunswick, Canada. The airspace within Canada is excluded.

V-315 From Paris, Tex., Page, Okla.

V-316 From Ironwood, Mich.; Marquette, Mich.; 15 miles, 100 miles 40 MSL, Sault Ste. Marie, Mich.; Sudbury, Ontario, Canada. The airspace within Canada is excluded.

V-317 From Waco, Tex., via Greater Southwest, Tex.; Ardmore, Okla.

AMENDMENTS 4/29/71 36 F. R. 3892 (Added)

V-318 From Quebec, Province of Quebec, Canada, 81 miles 65 MSL, 26 miles 85 MSL, Houlton, Maine. The airspace within Canada is excluded.

V-319 From Boysen Reservoir, Wyo., Worland, Wyo.; Cody, Wyo.

V-320 From Peck, Mich., Toronto, Ont., Canada. The airspace within Canada is excluded.

V-321 From Columbus, Ga., via LaGrange, Ga.; INT LaGrange 342° and Gadsden, Ala., 122° radials; Gadsden; INT Gadsden 333° and Huntsville, Ala., 149° radials; Huntsville.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)

V-322 From Concord, N. H., INT Concord, 022° and Berlin, N. H., 161° radials; Berlin, N. H.; Sherbrooke, Quebec, Canada. The airspace within Canada is excluded.

V-323 From Macon, Ga., to INT Macon 331° and Atlanta, Ga., 117° radials.

AMENDMENTS 11/11/71 36 F. R. 18076 (Added)

V-325 From Columbia, S. C.; Athens, Ga.; Norcross, Ga. From INT Gadsden, Ala., 094° and Rome, Ga., 135° radials via Gadsden; Muscle Shoals, Ala., including an
E alternate via INT Gadsden 318° and Decatur, Ala., 130° radials, and Decatur.

AMENDMENTS 8/19/71 36 F. R. 11905 (Changed)
AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)

V-326 From Fillmore, Calif., INT Fillmore 163° and Van Nuys, Calif., 270° radials; Van Nuys.

V-327 From Phoenix, Ariz.; Flagstaff, Ariz.

AMENDMENTS 11/11/71 36 F. R. 18610 (Rewritten)

V-328 From Dubois, Idaho, Jackson, Wyo.; Big Piney, Wyo.; 53 miles 95 MSL, Rock Springs, Wyo.

V 37-20 JAN 29 72 XUM

V-329 From INT Crestview, Fla., 091° and Eglin, Fla., 003° radials, INT Eglin 003° and Montgomery, Ala., 188° radials; Montgomery.

V-330 From INT Boise, Idaho, 130° and Mountain Home, Idaho, 084° radials; INT Mountain Home 084° and Burley, Idaho, 323° radials. From Idaho Falls, Idaho, Jackson, Wyo.

V-331 From Whitesburg, Ky., Newcombe, Ky.

V-333 From INT Rome, Ga., 135° and Gadsden, Ala., 094° radials via Rome; Chattanooga, Tenn.; Hinch Mountain, Tenn.; Lexington, Ky.

AMENDMENTS 11/11/71 36 F. R. 18076 (Changed)

V-334 From San Jose, Calif., INT San Jose 026° and Sacramento, Calif., 192° radials; Sacramento.

V-335 From St. Louis, Mo.; INT St. Louis 171° and Marion, Ill., 290° radials; Marion.

V-336 From Ellensburg, Wash., to Ephrata, Wash.

V-337 From INT Briggs, Ohio, 077° and Youngstown, Ohio, 177° radials; Akron, Ohio; INT Akron 328° and Windsor, Ontario, Canada, 116° radials; Windsor; INT Windsor 335° and Saginaw, Mich., 131° radials; Saginaw; Mount Pleasant Mich.; White Cloud, Mich., excluding the portion within Canada.

V-339 From Whitesburg, Ky., Falmouth, Ky.

V-341 From Cedar Rapids, Iowa, Dubuque, Iowa; Madison, Wis.; INT Madison 042° and Oshkosh, Wis., 208° radials; to Oshkosh.

V-342 From Vancouver, British Columbia, Canada, INT Vancouver 090° and Princeton, British Columbia, Canada, 244° radials; Princeton, excluding the airspace within Canada.

V-343 From Dubois, Idaho, Bozeman, Mont., 51 miles, 34 miles, 103 MSL, 84 MSL Drummond, Mont.

V-345 From Dells, Wis., INT Dells 321° and Eau Claire, Wis., 134° radials; to Eau Calire.

PENDING AMENDMENT
V-347 From Ironwood, Mich., to Houghton, Mich.

AMENDMENTS 2/3/72 36 F. R. 23549 (Added)

V-351 From Vancouver, British Columbia, Canada, INT Vancouver 090° and Princeton, British Columbia, Canada, 231° radials; Carmi, British Columbia, Canada, excluding the airspace within Canada.

V-355 From Bridgeport, Tex.; Wichita Falls, Tex.

AMENDMENTS 4/29/71 36 F. R. 3892 (Added)

V-371 From Lafayette, Ind., to Knox, Ind.

V-420 From Green Bay, Wis.; Traverse City, Mich.; Mount Pleasant, Mich.

AMENDMENTS 8/19/71 36 F. R. 11641 (Rewritten)

V-421 From Zuni, N. Mex., via Gallup, N. Mex.; Farmington, N. Mex.; Durango, Colo.; Gunnison, Colo.

V-422 From Chicago Heights, Ill., INT Chicago Heights 117° and Knox, Ind., 276° radials; Knox; Wolflake, Ind.; INT Wolflake 096° and Findlay, Ohio, 289° radials; Findlay.

V-423 From Williamsport, Pa., Binghamton, N. Y.; Ithaca, N. Y.; INT Ithaca 357° and Syracuse, N. Y., 210° radials; Syracuse.

V-424 From Blue Springs, Mo., INT Blue Springs 078° and Macon, Mo., 236° radials; Macon.

V-425 From Brookley, Ala., INT Brookley 357° and Mobile, Ala., 048° radials.

V-426 From St. Louis, Mo., to INT of St. Louis 062° radial and Troy, Ill., direct radial to Decatur, Ill.

V-428 From Elmira, N. Y., Ithaca, N. Y.; Georgetown, N. Y.; Utica, N. Y.

V-429 From Cape Girardeau, Mo., Marion, Ill.; INT Marion 011° and Bible Grove, Ill., 207° radials; Bible Grove; Mattoon, Ill.; Champaign, Ill.; Roberts, Ill.; Joliet, Ill.; INT Joliet 008° and Naperville, Ill., 340° radials; INT Naperville 340° and Oshkosh, Wis., 187° radials; Oshkosh.

AMENDMENTS 8/19/71 36 F. R. 11904 (Changed)

V-430 From Cut Bank, Mont., 10 miles, 74 miles 55 MSL, Havre, Mont.; 14 miles, 100 miles 50 MSL, Glasgow, Mont.; INT Glasgow 100° and Williston, N. Dak., 263° radials, 22 miles, 33 miles 55 MSL, Williston; Minot, N. Dak.; Devils Lake, N. Dak.; Grand Forks, N. Dak.; Bemidji, Minn., including a north alternate via Thief River Falls, Minn.; Grand Rapids, Minn.; Duluth, Minn., including a N alternate from Grand Rapids, to Duluth via Hibbing, Minn., excluding the airspace between the main and this N alternate airway; Ironwood, Mich.; Iron Mountain, Mich.; Escanaba, Mich. From Traverse City, Mich.; Gaylord, Mich.; Alpena, Mich.

V-431 From Boston, Mass., INT Boston 015° and Gardner, Mass., 097° radials; Gardner, Keene, N. H., Glens Falls, N. Y.; INT Glens Falls 286° and Albany, N. Y., 350° radials.

V-432 From Thermal, Calif., Parker, Calif.

V-433 From Washington, D. C., INT Baltimore, Md., 223° and Kenton, Del., 262° radials; INT Kenton 262° and New Castle, Del., 222° radials; New Castle; Yardley, Pa.; INT Yardley 059° and La Guardia, N. Y., 231° radials; La Guardia; INT La Guardia 049° and Bridgeport, Conn., 015° radials; INT Bridgeport 015° and Hartford, Conn., 280° radials.

V-434 From Ottumwa, Iowa, Moline, Ill.; Peoria, Ill.; Champaign, Ill.; Indianapolis, Ind.

V-435 From Rosewood, Ohio, via INT Rosewood 045° and Sandusky, Ohio, 221° radials; to Sandusky.

V-437 From Daytona Beach, Fla., 37 miles, 76 miles 75 MSL, Savannah, Ga.; Charleston, S. C.; Florence, S. C., including an E alternate via INT Charleston 029° and Florence 178° radials.

V-439 From Dickinson, N. Dak., 13 miles, 62 miles, 40 MSL, Williston, N. Dak.

V-441 From St. Petersburg, Fla., INT St. Petersburg 010° and Ocala, Fla., 213° radials; Ocala, including an E alternate via INT St. Petersburg 040° and Ocala 171° radials.

V-442 From Hector, Calif., 12 miles, 38 miles 85 MSL, 14 miles 75 MSL, INT Needles, Calif., 272° and Goffs, Calif., 163° radials; INT Goffs 163° and Parker, Calif., 333° radials; Parker.

V-443 From INT Newcomerstown, Ohio, 099° and Bellaire, Ohio, 044° radials; Newcomerstown, Ohio, Tiverton, Ohio; Cleveland, Ohio, including an E alternate via INT Tiverton 028° and Cleveland 138° radials; INT Cleveland 049° and Aylmer, Ont., Canada, 205° radials; Aylmer. The airspace within Canada is excluded.

V-445 From La Guardia, N. Y., INT La Guardia 034° and Hartford, Conn., 245° radials.

V-446 From Troy, Ill., INT Troy 099° and Centralia, Ill., 056° radials; Samsville, Ill.

V-447 From Montpelier, Vt., INT Montpelier 020° and Sherbrooke, Quebec, Canada, 217° radials; Sherbrooke. The airspace within Canada is excluded.

V 37-20 JAN 29 72 XUM

V-448 From Portland, Oreg., Yakima, Wash., including a south alternate; Moses Lake, Wash.; Spokane, Wash., 45 miles, 21 miles 75 MSL, 20 miles 80 MSL, Kalispell, Mont.

V-449 From Lake Henry, Pa.; DeLancey, N. Y.; Albany, N. Y.

V-450 From Green Bay, Wis.; Muskegon, Mich.; INT Muskegon 094° and Flint, Mich., 280° radials; Flint; INT Flint 088° and Peck, Mich., 237° radials.

V-451 From INT Whitman, Mass., 177° and Providence, R. I., 118° radials, Whitman; Boston, Mass.

V-452 From Newport, Oreg., to Eugene, Oreg.
PENDING AMENDMENT
V-452 is amended by deleting "to Eugene, Oreg." and substituting "Eugene, Oreg., via Klamath Falls, Oreg.; to Reno, Nev." therefor.

AMENDMENTS 2/3/72 36 F. R. 22226 (Changed)

V-454 From Monroeville, Ala., INT Monroeville 073° and Eufaula, Ala., 258° radials; INT Eufaula 258° and Columbus, Ga., 219° radials; Columbus; INT Columbus 068° and Athens, Ga., 192° radials; INT Athens 192° and Greenwood, S. C., 240° radials; Greenwood; INT Greenwood 060° and Fort Mill, S. C. 227° radials; Fort Mill; Liberty, N. C.; Lawrenceville, Va.; Hopewell, Va.

AMENDMENTS 11/11/71 36 F. R. 18078 (Changed)

V-455 From New Orleans, La., via Picayune, Miss.; Hattiesburg, Miss., including an E alternate from New Orleans to Hattiesburg via INT New Orleans 070° and Gulfport, Miss., 247° radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° radials, and also a W alternate from New Orleans to Hattiesburg via INT New Orleans 357° and Hattiesburg 221° radials; 8 mi. wide, Meridian, including a W alternate via INT Hattiesburg 010° and Meridian 221° radials.

V-458 From Santa Catalina, Calif., via Oceanside, Calif., Julian, Calif.; INT Julian 130° and Imperial, Calif., 272° radials; Imperial; 13 miles, 24 miles, 25 MSL, Yuma, Ariz., excluding the airspace within R-2503 and below 2,000 feet MSL outside the United States. The portion outside the United States has no upper limit.

V-459 From Seal Beach, Calif., Lake Hughes, Calif.; Porterville, Calif., Friant, Calif.; INT Friant 319° and Linden, Calif., 124° radials; Linden.

V-460 From Julian, Calif., INT Julian 065° and Blythe, Calif., 272° radials; Blythe.

V-461 From Gila Bend, Ariz., Buckeye, Ariz.

V-463 From Norcross, Ga., to Harris, Ga.

AMENDMENTS 11/11/71 36 F. R. 18076 (Added)

V-464 From Dunkirk, N. Y., Geneseo, N. Y.

V-465 From Elko, Nev., Wells, Nev.; 12 miles; 30 miles, 115 MSL, 20 miles, 90 MSL, 36 miles, 115 MSL, 24 miles, 95 MSL, Malad City, Idaho; 39 miles, 53 miles 124 MSL, Jackson, Wyo.; Dunoir, Wyo.; 14 miles, 45 miles, 137 MSL, Billings, Mont. From Miles City, Mont., Williston, N. Dak., including an E alternate.

V-467 From INT Kenton, Del., 217° and Sea Isle, N. J., 256° radials; INT Sea Isle 256° and Millville, N. J., 216° radials; Millville, INT Millville 037° and LaGuardia, N. Y., 211° radials; LaGuardia; Hartford, Conn.

V-469 From Danville, Va., Lynchburg, Va.

V-471 From INT Princeton, Maine, 208° and Bangor, Maine, 132° radials; Bangor; Millinocket, Maine; Houlton, Maine; INT Houlton 085° and the United States/Canadian border.

V-472 From Elizabeth City, N. C., via INT Elizabeth City 243° and Kinston, N. C., 029° radials; Kinston.

V-474 From INT Morgantown, W. Va., 010° and Johnstown, Pa., 260° radials; Indian Head, Pa.; St. Thomas, Pa.; INT St. Thomas 088° and Modena, Pa., 274° radials; Modena; INT Modena 095° and Woodstown, N. J., 043 radials.

V-475 From La Guardia, N. Y.; INT La Guardia 049° and Madison, Conn., 269° radials; Madison; Norwich, Conn.; Providence, R. I.; INT Providence 013° and Boston, Mass., 223° radials; Boston.

V-477 From Houston, Tex., Humble, Tex.; Leona, Tex., including an east alternate from Humble to Leona via INT of Rumble 002° and Leona 139° radials, and a west alternate from Houston to Leona via Navasota, Tex.; Scurry, Tex., including a W alternate via INT Leona 330° and Scurry 182° radials.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed)

V-478 From Falmouth, Ky., Newcombe, Ky.; Beckley, W. Va.

V-479 From Northbrook, Ill., to Milwaukee, Wis.

V-483 From Carmel, N. Y.; DeLancey, N. Y.; Rockdale, N. Y.; INT Rockdale 325° and Syracuse, N. Y. 100° radials; Syracuse.

V-484 From INT Twin Falls, Idaho, 007° and Burley, Idaho, 323° radials, Twin Falls, 49 miles, 34 miles 114 MSL, Salt Lake City, Utah; 25 miles, 31 miles, 125 MSL, Myton, Utah; 14 miles, 79 MSL, 33 miles, 100 MSL, Grand Junction, Colo.; Gunnison, Colo., including a south alternate from Grand Junction to Gunnison via Montrose, Colo.; 13 miles, 112 MSL, 131 MSL INT Gunnison 110° and Alamosa, Colo., 339° radials; Alamosa.

V-485 From Ventura, Calif., 6 miles wide, INT Ventura 331° and Fellows, Calif., 142° radials; Fellows; Priest, Calif.; INT of Priest 322° and San Jose, Calif., 139° radials; San Jose. The airspace within W-289 and R-2520, the airspace within R-2519 more than 3 statute miles W of the airway centerline and the airspace within R-2519 below 5,000 feet MSL is excluded.

V-487 From INT LaGuardia, N. Y., 034° and Carmel, N. Y., 188° radials; Carmel; Pawling, N. Y.; Cambridge, N. Y.; INT Cambridge 002° and Glens Falls, N. Y., 032° radials; Burlington, Vt.; INT Burlington 359° and St. Jean, Quebec, Canada, 158° radials; St. Jean. The airspace within Canada is excluded.

V-489 From Sparta, N. J.; INT Sparta 023° and Kingston 238° radials; Kingston, N. Y.; Albany, N. Y.; Glens Falls, N. Y.; Plattsburgh, N. Y.

V-490 From Utica, N. Y., Cambridge, N. Y.; Manchester, N. H.; INT Manchester 117° and Boston, Mass., 015° radials.

V-491 From INT Atlanta, Ga., 180° and Columbus, Ga., 068° radials, via Atlanta; to INT Atlanta 003° and Chattanooga, Tenn., 127° radials.

AMENDMENTS 11/11/71 36 F. R. 18076 (Added)

V-492 From St. Petersburg, Fla., La Belle, Fla.; INT La Belle 101° and Palm Beach, Fla., 272° radials; Palm Beach, including a north alternate from La Belle to Palm Beach via INT La Belle 043° and Palm Beach 298° radials.

AMENDMENTS 11/11/71 36 F. R. 19360 (Rewritten)

V-493 From Livingston, Tenn., Lexington, Ky.; York, Ky.; Appleton, Ohio; Waterville, Ohio; Carleton, Mich.; INT Carleton 334° and Flint, Mich., 202° radials; Flint.

V-494 From Ukiah, Calif., INT Ukiah 147° and Santa Rosa, Calif., 325° radials; Santa Rosa; Sacramento, Calif.; INT Sacramento 038° and Lake Tahoe, Calif., 249° radials; Lake Tahoe; INT Lake Tahoe 078° and Hazen, Nev., 244° radials; Hazen.

V-496 From Utica, N. Y., Glens Falls, N. Y.

V-497 From John Day, Oreg., 49 miles, 65 MSL, The Dalles, Oreg.

V 37-20 JAN 29 72 XUM

V-500 From Portland, Oreg., Newberg, Oreg.; 41 miles, 70 MSL John Day, Oreg.; 30 miles, 71 miles, 105 MSL, Boise, Idaho; 25 miles, 25 miles, 90 MSL, 26 miles, 95 MSL 22 miles, 25 miles, 70 MSL, Pocatello, Idaho.

V-501 From Martinsburg, W. Va., St. Thomas, Pa.; Philipsburg, Pa. From Wellsville, N. Y.; INT Elmira, N. Y., 357° and Geneseo, N. Y., 091° radials.

V-502 From Louisville, Ky., Falmouth, Ky.

V-516 From Liberal, Kans., Anthony, Kans.; Ponca City, Okla.; Oswego, Kans.

V-518 From Fillmore, Calif., INT Fillmore 102° and Ventura, Calif., 061° radials; INT Ventura 061° and Palmdale, Calif., 233° radials; Palmdale.

V-520 From Portland, Oreg., via The Dalles, Oreg.; Pasco, Wash.; Walla Walla, Wash.; to Lewiston, Idaho.

V-524 From Laramie, Wyo., INT Laramie 069° and Scottsbluff, Nebr., 254° radials; Scottsbluff; 18 miles, 93 miles, 54 MSL, North Platte, Nebr.

V-530 From Texico, N. Mex., Childress, Tex.

V-536 From North Bend, Oreg., INT North Bend 023° and Corvallis, Oreg., 235° radials; Corvallis; Redmond, Oreg., 32 miles, 58 miles, 71 MSL, Pendleton, Oreg.; Walla Walla, Wash.; Pullman, Wash.; 27 miles, 85 MSL Mullan Pass, Idaho; 5 miles, 34 miles, 95 MSL Kalispell, Mont.; 20 miles, 41 miles, 115 MSL, Great Falls, Mont.

V-538 From Twentynine Palms, Calif., INT Twentynine Palms 043° and Goffs, Calif., 200° radials; 23 miles 95 MSL, 21 miles 75 MSL, Goffs; Las Vegas, Nev. The airspace within R-2501E is excluded.

§71.125 Alaskan VOR Federal Airways.

V-307 From Sandspit, British Columbia, Canada, Annette Island, Alaska; 42 miles, 99 miles, 55 MSL, Biorka Island, Alaska; Sisters Island, Alaska. The airspace within Canada is excluded.

V-309 From Prince Rupert, British Columbia, Canada RBN, Annette Island, Alaska. The airspace within Canada is excluded.

V-317 From Ethelda Bay, British Columbia, Canada, RBN Annette Island, Alaska, including a west alternate via INT Sandspit, British Columbia, Canada, 039° and Annette Island 167° radials; 42 miles, 52 MSL Level Island, Alaska, including a west alternate via INT Annette Island 311° and Level Island 164° radials; Sisters Island, Alaska; INT Sisters Island 272° and Yakutat, Alaska, 139° radials; 86 miles, 20 MSL Yakutat; Johnstone Point, Alaska; INT Johnstone Point 286° and Anchorage, Alaska 117° radials; Anchorage, including a south alternate via INT Johnstone Point 275° and Anchorage 130° radials. The airspace within Canada is excluded.

AMENDMENTS 1/6/72 36 F. R. 20036 (Changed)

V-347 From Fairbanks, Alaska, Chandalar Lake, Alaska, RBN.

V-427 From King Salmon, Alaska, 042° 103 miles, 29 miles 135 MSL; INT King Salmon 042° and Anchorage, Alaska, 246° radials; 32 miles 135 MSL, 15 miles 120 MSL, 15 miles 105 MSL, to Anchorage.

Corr: 36 F. R. 3263

V-436 From King Salmon, Alaska, INT King Salmon 068° and Kenai, Alaska, 217° radials; Kenai, including an east alternate from King Salmon to Kenai via INT King Salmon 068° and Kenai 217° radials, and Homer, Alaska; Anchorage, Alaska; Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska RBN.

V-438 From Kodiak, Alaska, 27 miles, 24 miles, 35 MSL, 29 miles, 55 MSL, Homer, Alaska, including a west alternate from Kodiak 27 miles, 24 miles, 35 MSL, 33 miles, 55 MSL, to Homer; INT Homer 027° and Anchorage, Alaska, 198° radials; Anchorage; Big Lake, Alaska; Fairbanks, Alaska; 54 miles, 31 miles, 65 MSL, Fort Yukon, Alaska, including an east alternate from Fairbanks 54 miles, 34 miles, 65 MSL, to Fort Yukon and a west alternate.

AMENDMENTS 8/19/71 36 F. R. 11905 (Changed)

V-440 From Seattle, Wash., Victoria, British Columbia, Canada. From Sandspit, British Columbia; 83 miles; 115 miles, 35 MSL, Biorka Island, Alaska; 31 miles, 50 miles 48 MSL, 108 miles, 20 MSL, Yakutat, Alaska; 50 miles, 105 miles, 75 MSL, Middleton Island, Alaska; 56 miles, 48 miles, 80 MSL, Anchorage, Alaska, including a south alternate from Middleton Island, 56 miles, 85 MSL INT Middleton Island 298° and Anchorage 163° radials; to Anchorage, excluding the airspace between the main and this south alternate; McGrath, Alaska; 23 miles, 54 miles, 55 MSL, 46 miles, 40 MSL, Unalakleet, Alaska; 52 miles, 51 miles, 25 MSL, Nome, Alaska. The airspace within Canada is excluded.

V-444 From Bettles, Alaska, Fairbanks, Alaska, including a south alternate via INT Bettles 155° and Fairbanks 307° radials; Big Delta, Alaska; Northway, Alaska; Burwash, Yukon Territory, Canada. The airspace within Canada is excluded.

V-452 From Nome, Alaska, via Moses Point, Alaska; 47 miles, 57 miles, 55 MSL, Galena, Alaska; Nenana, Alaska.

AMENDMENTS 10/14/71 36 F. R. 18191 (Changed)

V-453 From King Salmon, Alaska, Dillingham, Alaska, including a south alternate; 38 miles, 60 MSL INT Dillingham 308° and Bethel, Alaska, 143° radials; 50 miles, 60 MSL, Bethel.

V-456 From Cold Bay, Alaska, 20 AGL King Salmon, Alaska, 053° 93 miles, 9 miles 125 MSL; INT King Salmon 053° and Kenai, Alaska, 239° radials, 46 miles 125 MSL, 10 miles 115 MSL, Kenai; Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; Northway, Alaska.

V-462 From Dillingham, Alaska, 35 miles, 45 MSL, 42 miles 100 MSL, 85 miles 135 MSL, 15 miles 120 MSL, 15 miles 105 MSL, to Anchorage, Alaska.

V-463 From Anchorage, Alaska, INT Anchorage 330° and Big Lake, Alaska, 294° radials.

V-473 From Level Island, Alaska, to Biorka Island, Alaska, via INT Level Island 277° and Biorka Island 127° radials.

AMENDMENTS 1/6/72 36 F. R. 20036 (Added)

V-480 From Bethel, Alaska, 105 miles, 89 miles, 55 MSL, McGrath, Alaska, 28 miles, 64 miles, 45 MSL, Nenana, Alaska; Fairbanks, Alaska.

V-488 From Galena, Alaska, INT Galena 074° and Tanana, Alaska, 260° radials; Tanana, including a south alternate; Fairbanks, Alaska.

V-498 From McGrath, Alaska, 24 miles, 54 miles, 55 MSL, Galena, Alaska; 68 miles, 88 miles, 55 MSL, Kotzebue, Alaska.

V-504 From Nenana, Alaska, Bettles, Alaska.

V-506 From INT Kodiak, Alaska, 107° radial and northwest boundary Anchorage Oceanic Control Area at latitude 57°28" N., longitude 150°32" W.; 37 miles, 20 MSL, Kodiak; 45 miles, 68 miles, 95 MSL; King Salmon, Alaska; 51 miles, 84 miles, 70 MSL, Bethel, Alaska; 47 miles, 173 miles, 30 MSL, Nome, Alaska, including a west alternate; 35 miles, 90 miles, 55 MSL, Kotzebue, Alaska, including a west alternate.

AMENDMENTS 4/1/71 36 F. R. 1249 (Changed)
AMENDMENTS 1/6/72 36 F. R. 20036 (Changed) Corr: 37 F. R. 71

V-508 From Middleton Island, Alaska, 56 miles, 58 miles, 85 MSL, Kenai, Alaska.

V-510 From McGrath, Alaska, INT McGrath 123° and Big Lake, Alaska, 294° radials; Big Lake.

V 37-20 JAN 29 72 XUM

§71.127 Hawaiian VOR Federal Airways.

V-1 HAWAII From INT Upolu Point, Hawaii, 093° and Hilo, Hawaii 336° radials, INT Upolu Point 093° and Hilo 013° radials; Hilo.

AMENDMENTS 9/10/71 36 F. R. 18191 (Changed)

V-2 HAWAII From South Kauai, Hawaii, Lihue, Hawaii, INT Lihue 130° and Honolulu, Hawaii, 269° radials; Honolulu; Lanai, Hawaii, including a south alternate; INT Lanai 107° and Upolu Point, Hawaii, 305° radials; Upolu Point; INT Upolu Point 093° and Hilo, Hawaii, 336° radials; Hilo. The airspace within R-3104 is excluded.

V-3 Hawaii From INT Kamuela, Hawaii, 245° and Upolu Point, Hawaii, 211° radials, Kamuela; INT Kamuela 068° and Hilo, Hawaii, 336° radials.

V-4 HAWAII From INT Lihue, Hawaii, 166° and Koko Head, Hawaii, 254° radials, 54 miles, 35 MSL, Koko Head; 15 miles, 25 MSL INT Koko Head 065° and Upolu Point, Hawaii, 002° radials.

V-5 Hawaii From Kona, Hawaii, INT Kona 338° and Maui, Hawaii, 179° radials, including a west alternate via INT Kona 323° and Maui 179° radials.

V-6 HAWAII From INT Molokai, Hawaii, 067° and Maui, Hawaii 331° radials, Maui; INT Maui 080° and Hilo, Hawaii, 336° radials; Hilo.

V-7 HAWAII From Kona, Hawaii, INT Kona 323° and Lanai, Hawaii, 140° radials; Lanai; Molokai, Hawaii.

V-8 HAWAII From INT Honolulu, Hawaii, 179° and Molokai, Hawaii, 262° radials, Molokai; 30 miles, 25 MSL INT Molokai 067° and Upolu Point, Hawaii, 010° radials.

V-9 HAWAII From INT Lanai, Hawaii, 223° and Honolulu, Hawaii, 179° radials, 78 mi. 35 MSL, Honolulu. The airspace above FL-300 within W-321B is excluded.

V-11 HAWAII From INT Kona, Hawaii, 323° and Upolu Point, Hawaii 211° radials; Upolu Point; INT Upolu Point 349° and Maui, Hawaii, 080° radials; Maui; INT Maui 331° and Molokai, Hawaii, 091° radials; Molokai; INT Molokai 262° and Honolulu, Hawaii, 179° radials.

V-12 HAWAII From INT Lihue, Hawaii, 195° and Honolulu, Hawaii, 269° radials, 38 miles, 35 MSL, Honolulu; Koko Head, Hawaii, 14 miles, 25 MSL INT Koko Head 050° and Maui, Hawaii, 012° radials.

V-13 HAWAII From Lihue, Hawaii, INT Lihue 145° and Honolulu, Hawaii, 269° radials; INT South Kauai, Hawaii, 133° and Koko Head, Hawaii 254° radials; Koko Head, 14 miles, 25 MSL, INT Koko Head 050° and Molokai 015° radial and the Honolulu FIR/Oceanic CTA.

AMENDMENTS 9/10/71 36 F. R. 18191 (Changed)

V-14 HAWAII From INT South Kauai, Hawaii, 271° radial and longitude 161°20'00" W.; 50 MSL longitude 159°42'00" W.; South Kauai; INT South Kauai 133° and Koko Head, Hawaii, 254° radials; Koko Head.

V-15 HAWAII From INT South Kauai, Hawaii, 288° radial and longitude 161°15'00" W.; 50 MSL longitude 159°42'00" W.; South Kauai; Honolulu, Hawaii; Koko Head, Hawaii; Molokai, Hawaii, Maui, Hawaii; INT Maui 095° and Hilo, Hawaii, 336° radials; Hilo; to INT Hilo 099° radial and the Honolulu FIR/Oceanic CTA.

V-16 HAWAII From Honolulu, Hawaii, INT Honolulu 179° and Lanai, Hawaii, 285° radial; Lanai; Upolu Point, Hawaii; INT Upolu Point 108° and Hilo, Hawaii, 013° radials; Hilo.

V-17 HAWAII From INT Lanai, Hawaii, 118° and Maui, Hawaii, 201° radials; Maui.

V-19 HAWAII From Hilo, Hawaii, to INT Hilo 013° and Maui, Hawaii, 086° radials.

V-20 HAWAII From Honolulu, Hawaii, INT Honolulu 134° and Kona, Hawaii, 308° radials; Kona.

V-21 HAWAII From INT Honolulu, Hawaii, 179° and Lanai, Hawaii, 285° radials; Lanai; INT Lanai 107° and Hilo, Hawaii, 013° radials; to INT Upolu Point 093° radial and the Honolulu FIR/Oceanic CTA.

V-22 Hawaii From Maui, Hawaii, INT Maui 095° and Hilo, Hawaii, 321° radials; Hilo; to INT Hilo 078° radial and the Honolulu FIR/Oceanic CTA.

V-23 HAWAII From Upolu Point, Hawaii; INT Upolu Point 277° and Honolulu, Hawaii, 134° radials.

V-24 HAWAII From Lanai, Hawaii; Maui, Hawaii; to INT Maui 086° radial and the Honolulu FIR/Oceanic CTA.

V-25 HAWAII From Hilo, Hawaii, to INT Hilo 356° radial and the Honolulu FIR/Oceanic CTA.

SUBPART D - CONTINENTAL CONTROL AREA

§ 71.151 Restricted areas included.

The airspace of the following restricted areas at or above 14,500 feet MSL and 1500 feet or more above the surface of the earth is continental control area:

R-2102 Fort McClellan, Ala.
R-2104A Huntsville, Ala.
R-2202A Big Delta, Alaska
R-2203A Eagle River, Alaska
R-2203B Eagle River, Alaska
R-2205A Yukon, Alaska
R-2205B Asa P. Gray Missile Range, Alaska
R-2301 Ajo, Arizona.
R-2303A Fort Huachuca, Arizona.
R-2303B Fort Huachuca, Arizona.
R-2304 Gila Bend, Arizona.
R-2305 Gila Bend, Arizona.
R-2306A Yuma West, Ariz.
R-2306B Yuma West, Ariz.
R-2306C Yuma West, Ariz.
R-2307 Yuma, Arizona
R-2308A Yuma East, Ariz.
R-2308B Yuma East, Ariz.
R-2402 Fort Chaffee, Ark.
R-2403A Little, Rock, Ark.
R-2403B Little Rock, Ark.

AMENDMENTS 9/16/71 36 F. R. 13778 (Added)

R-2501N Bullion Mountains, Calif.
R-2501C Bullion Mountains, Calif.
R-2501S Bullion Mountains, Calif.
R-2501E Bullion Mountains, Calif.

AMENDMENTS 9/16/71 36 F. R. 13778 (Added)

R-2502 Fort Irwin, Calif.
R-2503 Camp Pendleton, Calif.
R-2505 China Lake, Calif.
R-2507 Chocolate Mountains, Calif.
R-2508 California Complex.
R-2509 Cuddeback Dry Lake, Calif.
R-2510 El Centro, Calif.
R-2512 Holtville, Calif.
R-2513 Hunter-Liggett, Calif.
R-2515 Muroc Lake, Calif.
R-2519 Point Mugu, California
R-2521 Salton Sea, Calif.
R-2524 Trona, Calif.
R-2532 Blythe, Calif.
R-2534A Point Arguello, Calif.
R-2534B Point Arguello, Calif.
R-2601B Fort Carson, Colo.
R-2602 Fort Carson, Colo.
R-2901A Avon Park, Fla.
R-2901B Avon Park, Fla.
R-2902A Cape Kennedy, Fla.
R-2902B Cape Kennedy, Fla.
R-2903B Stevens Lake, Fla.
R-2907 Lake George, Fla.
R-2910 Pinecastle, Fla.
R-2914 Valparaiso. Fla.
R-2915A Eglin AFB, Fla.
R-2915B Eglin AFB, Fla.
R-3004 Fort Gordon, Ga.
R-3005A Fort Stewart. Ga.
R-3005B Fort Stewart. Ga.

AMENDMENTS 11/11/71 36 F. R. 18511 (Added)

AMENDMENTS 11/11/71 36 F. R. 18511 (Added)

V 37-20 JAN 29 72 XUM

R-3202 Sailor Creek, Idaho.
R-3401 Camp Atterbury, Ind.
R-3403 Jefferson Proving Ground, Ind.
R-3602 Manhattan, Kans.
R-3702 Fort Campbell, Ky.
R-3703 Fort Campbell, Ky.
R-3704 Fort Knox, Ky.
R-3801 Camp Claiborne, La.
R-3803 Fort Polk, La.
R-3804A Fort Polk, La.
R-3804C Fort Polk, La.
R-4001 Aberdeen, Md.
R-4005 Patuxent River, Md.
R-4006 Patuxent River, Md.
R-4105 No Man's Land Island, Mass.
R-4201 Camp Grayling, Mich.
R-4207 Upper Lake Huron, Mich.
R-4301 Camp Ripley, Minn.
R-4305 Lake Superior, Minn.
R-4401 Camp Shelby, Miss.
R-4803 Fallon, Nev.
R-4804 Twin Peaks, Nev.
R-4806 Las Vegas, Nev.
R-4810 Desert Mountains, Nevada
R-4812 Sand Springs, Nev.
R-4813 Carson Sink, Nev.
R-5103A McGregor, N. Mex.
R-5104A Melrose, N. Mex.
R-5104B Melrose, N. Mex.
R-5107A White Sands Proving Grounds, N. Mex.
R-5107C White Sands Proving Grounds, N. Mex.
R-5107D White Sands Proving Grounds, N. Mex.
R-5107E White Sands Proving Grounds, N. Mex.
R-5107F White Sands Proving Grounds, N. Mex.
R-5107G White Sands Proving Grounds, N. Mex.
R-5109A White Sands, N. Mex.
R-5109B White Sands, N. Mex.
R-5111A Elephant Butte, N. Mex. (East)
R-5111B Elephant Butte, N. Mex. (West)
R-5113 Socorro, N. Mex.
R-5116A White Sands Proving Grounds, N. Mex.
R-5201 Camp Drum, N. Y.
R-5311B Fort Bragg, N. C.
R-5314 Dare County, N. C.
R-5502 La Carne, Ohio
R-5503 Wilmington, Ohio
R-5504 Wilmington, Ohio
R-5601B Fort Sill, Okla.
R-5601C Fort Sill, Okla.
R-5701 Boardman, Oreg.
R-6001 Fort Jackson, S. C.
R-6302A Fort Hood, Texas
R-6302B Fort Hood, Texas
R-6302C Fort Hood, Texas
R-6303 Matagorda Island, Tex.
R-6312 Cotulla, Texas
R-6402 Deseret Test Center, Utah
R-6404A Hill AFB Rangs South, Utah
R-6404B Hill AFB Range North, Utah
R-6404C Hill AFB Range East, Utah
R-6405 Wendover, Utah
R-6406A Wendover North, Utah
R-6406B Wendover South, Utah
R-6407 Dugway West, Utah
R-6408 Indian Creek, Utah
R-6409 Green River, Utah
R-6604 Chincoteague Inlet, Va.
R-6609 Tangier Island, Va.
R-6611 Dahlgren Complex, Va.
R-6613 Dahlgren Complex, Va.
R-6714 Yakima, Wash.
R-6903 Sheboygan, Wis.
R-6904 Volk Field, Wis.
R-7001 Guernsey, Wyo.

Corr: 36 F. R. 11806

AMENDMENTS 8/19/71 36 F. R. 11905 (Added)
AMENDMENTS 8/19/71 36 F. R. 11905 (Added)

AMENDMENTS 12/9/71 36 F. R. 23358 (Added)

AMENDMENTS 11/11/71 36 F. R. 20366 (Added)

SUBPART E - CONTROL AREAS AND CONTROL AREA EXTENSIONS

§ 71.161 **Designation of control areas associated with jet routes outside the continental control area.**
Unless otherwise specified, the airspace centered on each of the following jet route segments has a vertical extent identical to that of a Jet Route and a lateral extent identical to that of a Federal airway and is designated as a control area. Unless otherwise specified, the place names appearing in the descriptions indicate VOR or VORTAC facilities identified by those names.

J-41 From Key West, Fla., to Tallahassee, Fla.

Jet Route No. 42 Robbinsville, N. J., to Hampton, N. Y.

J-43 From St. Petersburg, Fla., to Tallahassee, Fla.

Jet Route No. 53 from Key West, Fla., to Miami, Fla.

Jet Route No. 55 from Sea Isle, N. J., to Putnam, Conn.

Jet Route No. 58 from New Orleans, La., to Sarasota, Fla.

Jet Route No. 63 From Kennedy, N. Y., to Tuna INT.

Jet Route No. 77 from Biscayne Bay, Fla., to Vero Beach, Fla.; from Jacksonville, Fla., to Charleston, S. C.

Jet Route No. 79 from Daytona Beach, Fla., to Charleston, S. C.

Jet Route No. 86 from Houston, Tex., to Sarasota, Fla.

Jet Route No. 103 from Daytona Beach, Fla., to Savannah, Ga.

Jet Route No. 111, from Nome, Alaska, to McGrath, Alaska.

Jet Route No. 120, from Fort Yukon, Alaska, to Barter Island, Alaska, RBN.

Jet Route No. 121: Norfolk, Va., to Hampton, N. Y.; Providence, R. I., to INT of Providence 045° and Boston, Mass., 067° radials.

Jet Route No. 122, from Galena, Alaska, to Nome, Alaska.

Jet Route No. 123, From INT of Kodiak, Alaska, 107° radial and the NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W., via Kodiak to King Salmon, Alaska.

Jet Route No. 125, From Kodiak, Alaska, to Anchorage, Alaska.

Jet Route No. 133, From Annette Island, Alaska, to Anchorage, Alaska.

Jet Route No. 150, from Hampton, N. Y., via Hyannis, Mass., to Striper INT.

Jet Route No. 153 From Sea Isle, N. J., to Shad INT.

Jet Route No. 174, from Hampton, N. Y., via Hyannis, Mass., to Herring INT.

Jet Route No. 501, from the United Staes/Canadian border, via Yakutat, Alaska, to Anchorage, Alaska.

Jet Route No. 502 from Tofino, British Columbia, Canada, RBN via Neah Bay, Wash., RBN; Hoquiam, Wash.; to Medford, Oreg.; from Ukiah, Calif., to Oakland, Calif. excluding the portion within Canada.

Jet Route No. 573 from Providence, R. I., to Kennebunk, Maine
AMENDMENTS 5/27/71 36 F. R. 9676 (Added)

V 37 - 20 JAN 29 72 XUM

§ 71.163 Designation of additional control areas.

Unless otherwise specified, each control area designated below has a lateral extent identical to that of a Federal airway and extends upward from 700 feet (until designated from 1,200 feet or more) above the surface of the earth, except that the airspace of a control area within the lateral limits of a transition area has a floor coincident with the floor of the transition area.

Control 1141
That airspace within tangent lines from the circumference of a 5-mile radius circle centered at latitude 42°23'23" N., longitude 70°59'10" W., to a 15 mile radius circle centered on the midway point of a direct line between latitude 42°23'23" N., longitude 70°59'10" W., and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile radius circle centered on the Yarmouth RBN and that airspace from 18,000 feet MSL to flight level 260 bounded by a line from: Latitude 42°43'20" N., longitude 70°23'00" W.; thence to latitude 42°52'00" N., longitude 70°16'00" W.; thence to latitude 43°01'30" N., longitude 69°52'00" W.; thence to latitude 43°01'30" N., longitude 69°36'00" W.; thence to the point of beginning; and that airspace from 18,000 feet MSL to flight level 260 inclusive bounded by a line from: Latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°42'30" N., longitude 69°30'00" W.; thence to latitude 42°39'00" N., longitude 69°30'00" W.; thence to latitude 42°28'00" N., longitude 70°03'45" W.; thence to point of beginning; and that airspace extending upward from 2,000 feet MSL bounded by a line from; Latitude 42°33'35" N., longitude 70°03'45" W.; thence to latitude 42°23'45" N., longitude 70°03'45" W.; latitude 42°25'15" N., longitude 70°30'00" W.; latitude 42°26'15" N., longitude 70°30'00" W.; thence to the point of beginning; excluding the portion under the jurisdiction of Canada, the portion within the confines of Federal airways and the Boston, Mass., transition area, the portion below 2,000 feet MSL W of the 69°30'00" W meridian of longitude and the portion below 5,500 feet MSL E of the 69°30'00" W meridian of longitude.

Control 1142
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at latitude 42°21'30" N., longitude 70°41'25" W., to a 15-mile radius circle centered at latitude 42°02'00" N., longitude 68°00'00" W., and that airspace within lines drawn from latitude 42°16'00" N., longitude 68°00'00" W., thence to latitude 42°14'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to latitude 42°16'00" N., longitude 68°00'00" W., excluding the portion within the Boston Transition area, the airspace below 5,500 feet MSL E of longitude 68°00'00" W., and the airspace below 2,000 feet MSL W of longitude 68°00'00" W., except that airspace within the confines of Federal airways.

Control 1143
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., RBN to a 15-mile radius circle centered at the midway point on a direct line between the Nantucket RBN and the Yarmouth, Nova Scotia, Canada, RBN to a 5-mile radius circle centered on the Yarmouth RBN excluding that portion below 2,000 feet except that airspace within the confines of Federal airways.

AMENDMENTS 7/22/71 36 F. R. 8210 (Changed) Eff. date changed to 11/11/71 36 F. R. 13325

Control 1144
That airspace in the vicinity of Nantucket, Mass., within an area bounded by a line beginning at latitude 41°06'00" N., longitude 70°09'10" W., to latitude 41°25'35" N., longitude 70°09'35" W., to latitude 41°26'00" N., longitude 69°15'00" W., to latitude 41°46'00" N., longitude 68°00'00" W., to latitude 41°06'00" N., longitude 68°00'00" W., to the point of beginning, excluding the portion below 2,000 feet MSL except that airspace which lies within the confines of Federal airways.

Control 1145
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Nantucket, Mass., RBN to a 15-mile radius circle centered on the INT of a rhumb line between the Nantucket RBN and the Kindley AFB, Bermuda RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet except that airspace within the confines of Federal airway.

AMENDMENTS 7/22/71 36 F. R. 8210 (Changed) Eff. date changed to 11/11/71 36 F. R. 13325

Control 1146
That airspace within a 5 NM radius circle centered on the Nantucket, Mass., RBN and that airspace bounded by a line drawn from the tangent of the 5 NM radius circle centered on Nantucket RBN to latitude 42°05'20" N., longitude 68°00'00" W., thence to latitude 42°19'00" N., longitude 68°00'00" W., thence to latitude 43°00'00" N., longitude 67°00'00" W., thence to latitude 41°52'00" N., longitude 67°00'00" W., thence to latitude 41°46'00" N., longitude 68°00'00" W., thence to the tangent of the 5 NM radius circle centered on the Nantucket RBN excluding that airspace outside the United States below 2,000 feet MSL W of longitude 68°00'00" W., and below 5,500 feet MSL E of longitude 68°00'00" W.

AMENDMENTS 7/22/71 36 F. R. 8210 (Changed) Eff. date changed to 11/11/71 36 F. R. 13325

Control 1147
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered at Lat. 40°18'30" N, Long. 73°45'00" W, to the circumference of a 15-mile radius circle centered at the INT of the 137° bearing from the Newark, N. J., RBN and the W boundary of the New York Oceanic Control Area, and that airspace bounded by a line beginning at latitude 40°02'15" N., longitude 73°13'45" W.; to latitude 40°05'45" N., longitude 73°09'15" W.; to latitude 39°26'35" N., longitude 72°24'25" W.; to the point of beginning. That airspace below 2,000 feet outside the confines of Federal airways is excluded.

Control 1148
That airspace within tangent lines drawn from the circumference of 5-mile radius circles centered on the Rainbow, N. J., RBN and at the INT of Rainbow RBN 135° bearing and the Atlantic Ocean-U. S. Coastline to a 15-mile radius circle centered on the INT of Rainbow RBN 135° bearing and the west boundary of the New York Oceanic Control area at latitude 37°43'00" N., longitude 73°00'00" W., and that airspace which is within 5 miles southwest of and parallel to the Sea Isle, N. J., VORTAC 134° radial, extending from Sea Isle to a point 40 miles southeast of Sea Isle. That airspace below 2,000 feet outside the United States is excluded.

AMENDMENTS 10/14/71 36 F. R. 15741 (Changed)

Control 1149
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial at Long. 75° 32' 00" W. to the circumference of a 15-mile radius circle centered on the Norfolk, Va., VORTAC 088° radial on the west boundary of the New York Oceanic Control Area at Lat. 36° 57' 30" N.. Long. 73° 00' 00" W.. excluding the portion below 2,000 feet MSL outside the United States.

Control 1150
That airspace within a 5-nmi radius of the Carolina Beach, N. C., RBN (Lat. 34°06'22" N, Long. 77°57'42" W), within a 5-nmi radius of the Bimini, Bahamas, RBN (Lat. 25°42'32" N, Long. 79°16'33" W), within a 23-nmi radius of Lat. 29°53'15" N. Long. 78°39'15" W. within tangent lines drawn from the E and W sides of the Carolina Beach and Bimini 5-nmi radius area to the E and W sides of the 23-nmi radius area centered at Lat. 29°53'15" N. Long. 78°39'15" W. excluding that portion below 2,000 feet MSL outside the United States and that portion below 7,000 feet MSL within the Nassau, Bahamas, control area. The airspace above FL 430 south of latitude 30°36'50" N., and north of a line from latitude 29°06'30" N., longitude 79°09'10" W.; to latitude 29°20'00" N., longitude 78°20'20" W. is excluded.

Control 1151
That airspace N of Lat. 27°00'00" N. within tangent lines drawn from the circumference of a 25-mile radius circle centered at a point midway on a direct line between the Carolina Beach, N. C., RBN and the Nassau, British West Indies, RBN and circles 5 miles in radius centered on the Carolina Beach RBN and the Nassau RBN, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1152
That airspace east of Charleston, S. C., bounded by a line beginning at:
Latitude 33°02'00" N., longitude 80°03'35" W., thence to latitude 32°54'35" N., longitude 79°40'00" W., thence to latitude 32°50'35" N., longitude 79°23'00" W., thence to latitude 32°36'15" N., longitude 78°26'35" W., thence to latitude 32°13'25" N., longitude 77°00'00" W., thence to latitude 31°43'15" N., longitude 77°00'00" W., thence to latitude 32°35'55" N., longitude 79°18'45" W., thence to latitude 32°49'40" N., longitude 80°03'50" W., thence to latitude 32°52'25" N., longitude 80°03'45" W., thence to latitude 32°53'45" N., longitude 80°07'15" W., thence to the point of beginning, excluding the portion below 2,000 feet MSL outside the United States.
PENDING AMENDMENT
Control 1152 is amended by adding the following to the end of the text:
Including the airspace extending upward from FL 230 bounded by a line beginning at latitude 33°51'30" N., longitude 78°07'30" W.; to latitude 33°50'30" N., longitude 78°07'50" W.; to latitude 32°36'15" N., longitude 78°26'35" W.; to latitude 32°50'40" N., longitude 79°23'15" W.; to latitude 32°58'30" N., longitude 79°18'00" W.; to latitude 33°04'55" N., longitude 79°13'10" W.; thence via a line 3 nautical miles from and parallel to the shoreline to latitude 33°14'15" N., longitude 79°06'15" W.; to latitude 33°19'40" N., longitude 79°02'10" W.; to latitude 33°27'40" N., longitude 78°55'20" W.; thence counterclockwise along a 15-mile radius circle centered on the Conway TACAN to latitude 33°40'10" N., longitude 78°40'15" W.; to latitude 33°50'30" N., longitude 78° 23'45" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning.

AMENDMENTS 2/3/72 36 F. R. 23549 (Changed)

Control 1153
That airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Dinsmore, Fla., RBN (lat. 30°27'53" N., long. 81°48'06" W.) 090° bearing, including the additional airspace within lines diverging at angles of 5° from the centerline extending from the RBN to the western boundary of the New York Oceanic CTA/FIR boundary, excluding the portion below 2,000 feet MSL outside the United States.

AMENDMENTS 12/10/70 35 F. R. 13363 (Rewritten) Corr: 35 F. R. 18039 (Effective date changed to 3/4/71)
AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

86-000 O - 72 (pt. 2 Sec. 1) - 4

V 37 N 29 JA 72 XUM

Control 1154
That airspace extending upward from 5,000' MSL bounded on the east by VOR Federal airway No. 199; on the south by a line extending from latitude 38°03'25" N., longitude 123°11'45" W.; to latitude 38°00'00" N., longitude 123°23'00" W.; to latitude 37°50'00" N., longitude 124°24'30" W.; to latitude 37°40'00" N., longitude 125°23'30" W.; on the west by the Oakland Oceanic Control Area; and on the north by a line extending from latitude 38°50'00" N., longitude 123°11'05" W.; to latitude 38°52'00" N., longitude 125°52'30" W.; to latitude 39°00'00" N., longitude 123°56'30" W.; to latitude 39°02'55" N., longitude 123°22'00" W.

Control 1155
That airspace extending upward from 5,000 feet MSL within 5 miles each side of the San Luis Obispo, Calif., VORTAC 242° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the U. S. coastline to the Oakland Oceanic CTA/FIR boundary.

Control 1156
That airspace extending upward from 5,000 feet MSL within 5 miles each side of the San Diego, Calif., VORTAC 282° radial, including the additional airspace within lines diverging at angles of 5° from the centerline at the VORTAC, extending from the VORTAC to its intersection with Control 1177.

Control 1169
That airspace within 5 miles either side of a line extending from the Kennedy, N. Y., VORTAC via the INT of the Kennedy VORTAC 080° and the Nantucket, Mass., VORTAC 255° radials, to the Nantucket VORTAC and within lines diverging from the Kennedy VORTAC to points of tangency to a 9.5-mile radius circle centered at the INT of the Kennedy VORTAC 080° and the Nantucket VORTAC 255° radials; within the circumference of the circle and within lines tangent to that circle converging to the Nantucket VORTAC, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1173
That airspace W of San Francisco, Calif., bounded by a line extending from latitude 37°40'00" N., longitude 125°23'30" W., to latitude 37°50'00" N., longitude 124°24'30" W., to latitude 38°00'00" N., longitude 123°23'00" W., to latitude 38°03'25" N., longitude 123°11'45" W., thence via the W edge of V-199 and V-27 to latitude 37°09'20" N., longitude 122°34'50" W., to latitude 36°16'00" N., longitude 124°26'00" W., to the point of beginning, excluding the portion below 2,500 feet MSL. The portion within W-513 is excluded between the hours of 0800 and 2000 p.s.t., Monday through Friday, and below 3,000 feet MSL within W-513 between the hours of 2000 and 0800 p.s.t., Monday through Friday.

Control 1176
That airspace extending upward from 2,000 feet MSL, within lines 5 miles each side of the Santa Barbara, Calif., VORTAC 247° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the east boundary of the Oakland Oceanic Control Area, excluding the portion east of longitude 120°30'00" W.

Control 1177
That airspace SW of Los Angeles, Calif., bounded by a line beginning at Lat. 33°25'50" N, Long. 118°28'50" W. thence to Lat. 33°19'00" N. Long. 118°21'45" W. thence to Lat. 32°44'30" N. Long. 119°07'00" W. thence to Lat. 31°41'00" N. Long. 120°15'00" W. thence to Lat. 31°18'40" N. Long. 121°11'30" W. thence to Lat. 31°54'00" N. Long. 121°34'30" W. thence to Lat. 32°10'45" N. Long. 120°16'15" W. thence to Lat. 32°52'15" N. Long. 119°12'30" W. thence to point of beginning excluding the airspace below 5,000 feet MSL.

Control 1181
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Weeksville, N.C., RBN to a 10-mile radius circle centered on the INT of the 133° bearing from the Weeksville RBN and the W boundary of the New York Oceanic Control Area, excluding the portion below 2,000 feet which extends outside the United States.

Control 1215
That airspace SE of Galveston, Tex., bounded by a line beginning at latitude 29° 02' 10" N., longitude 95° 05' 00" W., extending NE 3 nmi from and parallel to the United States coastline to latitude 29° 19' 00" N., longitude 94° 40' 30" W., to latitude 28° 15' 00" N., longitude 92° 07' 00" W., to latitude 28° 15' 00" N., longitude 94° 00' 00" W., to latitude 28° 07' 45" N., longitude 94° 12' 00" W., to latitude 28° 10' 00" N., longitude 94° 14' 00" W., to latitude 28° 10' 00" N., longitude 94° 58' 00" W., to latitude 27° 37' 45" N., longitude 94° 59' 45" W., to latitude 27° 32' 00" N., longitude 95° 09' 00" W., to latitude 26° 50' 20" N., longitude 95° 30' 00" W., to latitude 27° 00' 00" N., longitude 95° 30' 00" W., to point of beginning; excluding the portion below 2,500 feet MSL.

Control 1216
That airspace extending upward from 2,000 feet MSL bounded on the N by a direct line from the Navy New Orleans, La., RBN to Lat. 29°25'00" N, Long. 87°00'00" W, on the SE by a line extending from Lat. 29°25'00" N, Long. 87°00'00" W to Lat. 28°50'00" N. Long. 88°00'00" W, thence S along Long. 88°00'00" W to the N boundary of the Houston Oceanic Control Area, on the S by the Houston Oceanic Control Area, on the W by Long. 90°15'00" W., and on the NW by the New Orleans transition area.
PENDING AMENDMENT
Control 1216
That airspace extending upward from 2,000 feet MSL bounded on the north and east by a line extending from the Navy New Orleans, La., RBN to lat. 29°42'50" N., long. 88°49'30" W.; to lat. 29°36'10" N., long. 88°01'30" W.; to lat. 29°25'20" N., long. 88°48'00" W.; to lat. 28°41'30" N., long. 88°48'00" W.; to lat. 28°55'00" N., long. 88°00'00" W.; thence south along long. 88°00'00" W., to the north boundary of the Houston Oceanic Control Area; on the south by the Houston Oceanic Control Area, on the west by long. 90°15'00" W.; on the northwest by the Louisiana transition area.

AMENDMENTS 2/3/72 36 F. R. 23795 (Rewritten)

Control 1217
That airspace within tangent lines drawn from the circumference of a 5 mile-radius circle centered on the Kodiak, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 107° bearing from the Kodiak RR with the NW boundary of the Anchorage Oceanic Control Area. The airspace below 2,000 feet MSL outside the United States is excluded.

Control 1218
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Homer, Alaska, RR to the circumference of a 10-mile radius circle centered at the INT of the 118° bearing from the Homer RR with the NW boundary of the Anchorage Oceanic Control Area.

Control 1226
That airspace within tangent lines drawn from the circumference of a 5-mile radius circle centered on the Galveston, Tex., RBN extending to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Galveston RBN and the Grand Isle, La., RBN, thence to the circumference of a 5-mile radius circle centered on the Grand Isle RBN, thence to the circumference of a 15-mile radius circle centered at a point midway on a rhumb line between the Grand Isle RBN and the Egmont Key, Fla., RBN, thence to the circumference of a 5-mile radius circle centered on the Egmont Key RBN, excluding the portion below 5,000 feet MSL from the Galveston RBN to the Grand Isle RBN, and the portion below 2,000 feet MSL from the Grand Isle RBN to the Egmont Key RBN.
Including the additional airspace bounded by a line beginning at lat. 28°36'00" N., long. 88°00'00" W.; to lat. 28°11'45" N., long. 86°28'45" W.; to lat. 27°43'00" N., long. 83°45'30" W.; to lat. 27°35'00" N., long. 83°45'00" W.; to lat. 27°47'00" N., long. 85°00'00" W.; to lat. 28°08'30" N., long. 88°00'00" W.; to point of beginning, excluding the airspace below 2,000 feet MSL.

AMENDMENTS 10/14/71 36 F. R. 15742 (Changed)

Control 1230
That airspace extending from the Portland, Fla., RBN to the INT of the Portland RBN 275° bearing and the eastern
boundary of the Miami Oceanic control area, excluding the airspace below 2,000 feet MSL outside the United States, and the airspace within W-168.

Control 1232
That airspace bounded on the north by a line 5 miles south and parallel to the Orlando, Fla., VOR 071° radial; on the east by a line extending from latitude 29°08'35" N., longitude 79°00'00" W. via latitude 24°40'00" N., longitude 79°00'00" W. to latitude 24°00'00" N., longitude 78°00'00" W.; on the south by latitude 24°00'00" N.; on the west by longitude 80°25'00" W. and V-3; excluding the airspace below 1,000 feet MSL within 5 miles each side of the Rubin, Fla., RBN, 090° bearing, outside the United States, and the airspace below 2,000 feet MSL elsewhere outside the United States. The airspace within the Nassau control area is excluded.

AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

LIBRARY
EASTERN MICHIGAN UNIVERSITY
YPSILANTI
U. S. DEPOSITORY DOCUMENT

V 37-20 JAN 29 72 XUM

Control 1233
That airspace extending upward from 2,000 feet MSL bounded on the north by V-35; on the east by a line 5 miles east of and parallel to the 180° bearing from the Marathon, Fla., RBN; on the south by latitude 24°00'00" N.; on the west by a line extending from the intersection of latitude 24°00'00" N., and a line 5 miles west of and parallel to the 180° bearing from the Marathon RBN, thence via this parallel line to its intersection with latitude 24°25'00" N., thence west via latitude 24°25'00" N., to the arc of a 35-mile radius circle centered at the Key West, Fla., VORTAC, thence northward via this arc to V-35, excluding the portion within W-465.

PENDING AMENDMENT
Control 1233
That airspace extending upward from 2,000 feet MSL bounded on the north by V-35; on the east by a line 15 nautical miles east of and parallel to the 189° bearing from the Marathon, Fla., radio beacon; on the south by lat. 24°00'00" N.; on the west by a line 5 nautical miles west and parallel to the 189° bearing from the Marathon radio beacon extending from lat. 24°00'00" N. to lat. 24°25'00" N.; thence west via lat. 24°25'00" N. to the arc of a 35-statute mile radius circle centered at the Key West, Fla., VORTAC, thence counterclockwise via the arc to V-35.

AMENDMENTS 2/3/72 36 F. R. 23358 (Rewritten)

Control 1234
That airspace extending upward from 2,000 feet above the surface within an area bounded by a line beginning at: latitude 58°07'00" N., longitude 160°00'00" W.; to latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 51°24'00" N., longitude 167°49'00" W.; to latitude 50°08'00" N., longitude 176°34'00" W.; to latitude 51°05'00" N., longitude 173°44'00" E.; to latitude 51°30'00" N., longitude 170°00'00" E.; to latitude 54°40'40" N., longitude 170°00'00" E.; to latitude 54°49'00" N., longitude 170°12'30" E.; to latitude 54°23'00" N., longitude 174°30'00" E.; to latitude 53°36'00" N., longitude 176°47'00" W.; to latitude 54°33'00" N., longitude 169°58'00" W.; to latitude 56°39'00" N., longitude 164°25'00" W.; to latitude 57°46'00" N., longitude 161°46'00" W.; thence to point of beginning. The portion within R-2204 is excluded.

Control 1235
That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at latitude 53°30'00" N., longitude 160°00'00" W.; to latitude 56°00'00" N., longitude 153°00'00" W.; to latitude 59°09'00" N., longitude 147°18'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the Anchorage, Alaska, VORTAC to latitude 58°50'00" N., longitude 151°58'00" W.; thence clockwise via the arc of a 172-mile radius circle centered on the King Salmon, Alaska, VORTAC to longitude 160°00'00" W.; thence to point of beginning, excluding the portion that lies within the Continental Control Area, Control 1217, Control 1218, Federal airways and the Kodiak, Alaska, transition area.

Control 1236
That airspace extending upward from 14,500 feet MSL to FL 450 within the area bounded by a line beginning at: latitude 60°00'00" N., longitude 170°00'00" W.; to latitude 61°00'00" N., longitude 165°00'00" W.; to latitude 60°00'00" N., longitude 164°00'00" W.; to latitude 60°00'00" N., longitude 160°00'00" W.; to latitude 57°00'00" N., longitude 160°00'00" W.; to latitude 60°00'00" N., longitude 168°00'00" W.; thence to the point of beginning, excluding the portion that lies within the Continental Control Area, Control 1234, Control 1483 and Control 1400.

Control 1310
That airspace within 4 nautical miles each side of a direct line extending from the Anchorage, Alaska, VORTAC to the Middleton Island, Alaska, VOR, including the additional airspace between lines diverging at 4.5° angles from the centerline, extending SE from the Anchorage VORTAC and NW from the Middleton Island VOR and which terminate at the intersecting points midway between Anchorage and Middleton Island; thence within 16 miles each each side of a line extending from the Middleton Island RBN to the Sandspit, British Columbia, Canada, RBN; including that airspace between lines diverging at 5° angles from the centerline, extending southeast from the Middleton Island RBN and northwest from the Sandspit RBN, and which terminate at the intersecting points midway between Middleton Island and Sandspit, excluding the portion within Canada, and the airspace below 2,000 feet MSL outside the United States.

AMENDMENTS 12/9/71 36 F. R. 20034 (Changed)

Control 1316
That airspace within 5 miles each side of the Los Angeles, Calif., VOR 264° radial extending from the VOR to the Oakland Oceanic Control Area boundary and between lines diverging at an angle of 5° from the 264° radial extending from the Los Angeles VOR to the Oakland Oceanic Control Area boundary, excluding the airspace below 5,000 feet MSL within W-289.

Control 1386
That airspace within 5 miles either side of the Orlando, Fla., VOR 071° radial, extending from the VOR to Control 1150 and between lines diverging at an angle of 4.5° from the centerline at the Orlando VOR excluding the airspace below 14,000 feet MSL and above FL 430 between the E boundary of R-2902B and the W boundary of control 1150.

Control 1400
That airspace within 5 miles either side of the 263° bearing from the King Salmon, Alaska, RR extending from the RR to the Anchorage Oceanic Control Area, and between lines diverging at an angle of 5° from the King Salmon RR to the E boundary of the Anchorage Oceanic Control Area, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1401
That airspace within 5 miles either side of the 248° bearing from the King Salmon, Alaska, RR extending from the RR to longitude 160°00'00" W, and between lines diverging at an angle of 5° from the King Salmon 248° bearing extending from the RR to longitude 160°00'00" W, excluding the airspace below 2,000 feet MSL outside the United States.

Control 1415
That airspace within parallel boundary lines 4 nmi each side of the Fortuna, Calif., VOR 270° radial including the additional airspace within lines diverging at angles of 4.5° from the centerline extending to the E boundary of the Oakland Oceanic Control Area, excluding the portion below 5,000 feet MSL W of longitude 124°30'00" W.

PENDING AMENDMENT
Control 1416
That airspace within 5 miles each side of the Fortuna, Calif., VORTAC 326° radial and the additional area between lines diverging at angles of 5° each side of the 326° radial, extending from the VORTAC to the Gateway Hemlock INT, excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

AMENDMENTS 3/2/72 36 F. R. 25098 (Added)

Control 1418
That airspace extending upward from 2,000 feet MSL centered on the Hoquiam, Wash., VORTAC 232° radial, 10 nmi in width at the VORTAC with each edge diverging at an angle of 5° with the centerline, extending from the VORTAC to the E boundary of the Oakland Oceanic Control Area and excluding the portion within W-460.

Control 1419
That airspace extending upward from 2,000 feet MSL within lines 5 miles each side of the Newport, Oreg., VORTAC 237° radial, including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to the E boundary of the Oakland Oceanic control area, excluding the portion within the Newport, Oreg., transition area.

Control 1445
That airspace S of the United States-Canadian border and the Vancouver Flight Information Region within lines tangent to the circumference of a 5-mile radius circle centered on the Neah Bay, Wash., RBN and the circumference of a 15-mile radius circle centered at Lat. 48°40'00" N, Long. 125°17'30" W, excluding the portion below 5,000 feet MSL. The portion within W-601 is excluded.

Control 1447
That airspace southwest of New Orleans, La., bounded by a line beginning at latitude 29° 22' 30" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 91° 05' 00" W., to latitude 29° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 90° 15' 00" W., to latitude 28° 15' 00" N., longitude 92° 21' 45" W., to point of beginning, excluding the portion below 2,500 feet MSL.

Control 1483
That airspace within 5 miles each side of the 237° bearing from the Bethel, Alaska, RBN, extending from the RBN to the E boundary of the Anchorage Oceanic Control Area, and between lines diverging at a 5° angle from the 237° bearing extending from the Bethel RBN to the E boundary of the Anchorage Oceanic Control area and excluding the airspace below 2,000 feet MSL outside the United States.

Control 1485
That airspace extending upward from FL-230 bounded by a line beginning at latitude 68°00'00" N., longitude 168°58'23" W.; to latitude 72°00'00" N., longitude 158°00'00" W.; to latitude 72°00'00" N., longitude 141°00'00" W.; to latitude 68°00'00" N., longitude 141°00'00" W.; to the point of beginning.

V 37-20 JAN 29 72 XUM

Control 1486
That airspace within 5 miles each side of the Ukiah, Calif., VOR 300° radial and the additional area between lines diverging at angles of 5° either side of the 300° radial extending from the VOR to the eastern boundary of the Seattle Oceanic Control Area; excluding the airspace below 5,000 feet MSL which lies outside the continental limits of the United States.

Control 1487
That airspace extending upward from 14,500 feet MSL; to FL 450, within the area bounded by a line beginning at latitude 59°08'30" N., longitude 147°16'00" W., counterclockwise via the arc of a 172-mile radius centered on the Anchorage VORTAC to latitude 60°14'10" N., longitude 145°29'30" W., thence southeastward 3 nmi from and parallel to the U. S. coastline to latitude 54°40'00" N., longitude 132°56'00" W., thence to latitude 54°14'00" N., longitude 134°57'00" W., thence along the eastern boundary of the Anchorage Oceanic control area to the point of beginning. The portion within Control 1310 and the portion within Canada is excluded.

Control 1488
That airspace extending upward from 5,500 feet MSL to flight level 410 within 4 nautical miles each side of the Key West, Fla., VOR 244° radial and within 5 statute miles each side of the Fish Hook, Fla., RBN 245° bearing including the additional airspace between lines diverging at 4.5° from the centerline at the VOR and 5° at the RBN, extending from the VOR/RBN to the Miami Oceanic Area boundary and latitude 24°00'00" N.

AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

Bozeman, Mont.
From Bozeman, Mont., VOR, 10,700 MSL Livingston, Mont., VORTAC.

Kirksville, Mo.
From Kirksville, Mo., VORTAC 12 AGL to Moline, Ill., VORTAC, and from Kirksville VORTAC 45 MSL to St. Louis, Mo., VORTAC.

Menominee, Mich.
From the Menominee, Mich., VORTAC, 12 AGL Marquette, Mich., VORTAC.

Omak, Wash.
That airspace extending upward from 5,500 feet MSL within 5 miles each side of a line extending from the Omak RBN to the Ephrata, Wash., VOR.

Ottumwa, Iowa
From the Ottumwa, Iowa, VORTAC 12 AGL 26 miles, 50 MSL to Kansas City, Mo., VORTAC.

Point Barrow/Barter Island, Alaska
From the Point Barrow, Alaska, RBN, 12 AGL Lonely, Alaska, RBN; 12 AGL Oliktok, Alaska, RBN; 12 AGL Deadhorse, Alaska, RBN; 12 AGL Barter Island, Alaska, RBN.

AMENDMENTS 10/14/71 36 F. R. 16505 (Changed)

Rattlesnake, Wyo.
That airspace extending upward from 8,500 feet MSL bounded on the north by V-298S, on the east by Casper, Wyo., 1,200-foot transition area, on the south and southwest by a line 4 NM south and southwest and parallel to the Casper ILS west course and Riverton, Wyo., VOR 099° radial and on the west by the Riverton, Wyo., 1,200-foot transition area.

Santa Barbara, Calif.
That airspace extending upward from 5,000 feet MSL bounded on the northwest by a line extending from lat. 34° 30'00" N., long. 123°15'00" W., to lat. 35°26'30" N., long. 121°03'40" W., on the northeast by a line 3 nautical miles southwest of and parallel to the shoreline, on the southeast by a line 5 nautical miles southeast of and parallel to the Santa Catalina 048° and 228° true radials and the northwest boundary of Warning Area W-291, and on the southwest by the Oakland Oceanic CTA/FIR boundary.

AMENDMENTS 12/9/71 36 F. R. 20673 (Added)

Sault Ste. Marie, Mich.
That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from the Lakehead, Ontario, Canada, RBN to the Sault Ste. Marie, Mich., RBN, including the additional airspace between lines diverging at 4.5° from the centerline at the Lakehead and Sault Ste. Marie RBNs and extending until the meet. The airspace within Canada is excluded.

Sidney, Mont.
That airspace extending upward from 1,200 feet AGL within 4 nautical miles each side of a direct line extending from latitude 47°41'00" N., longitude 104°06'15" W., to latitude 48°06'45" N., longitude 105°36'00" W.

Zuni, N. Mex.
From the Zuni, N. Mex., VORTAC 12,500 feet MSL to INT of Zuni VORTAC 226° and St. Johns, Ariz., VORTAC 247° radials.

71.165 Designation of control area extensions.
Unless otherwise specified, each control area extension designated below extends upward from 700 feet above the surface of the earth, except that the airspace of a control area extension within the lateral limits of a transition area has a floor coincident with that of the transition area.

Eniwetok Island
That airspace extending upward from 700 feet above the surface within a 50-nmi radius of the Eniwetok RBN (Lat. 11°21'00" N., Long. 162°20'00" E).

Kotzebue, Alaska
Within 10 miles NW and 9 miles SE of the 048° and 228° bearings from the Kotzebue RBN, extending from 10 miles SW to 25 miles NE of the RBN.

Middleton Island, Alaska
Within 8 miles either side of the Middleton Island VOR 037° and 217° radials extending from 29 miles NE to 8 miles SW of the VOR.

V 37-20 JAN 29 72 XUM

SUBPART F - CONTROL ZONES

§ 71.171 Designation.
The parts of airspace described below are designated as control zones.

Abbotsford, British Columbia, Canada
That airspace bounded on the north by lat. 49°05'15" N., on the east by long. 122°15'40" W., on the south by lat. 48°57'30" N., and on the west by long. 122°33'45" W., excluding the portion outside the United States.

AMENDMENTS 11/11/71 36 F. R. 18509 (Rewritten)

Aberdeen, Md.
Within a 5-mile radius of the center, 39°28'18" N., 76°10'13" W. of Phillips AAF and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 5-mile radius zone to 6 miles NE of the RBN. This control zone is effective from 0600 to 2200 hours, local time, Monday through Friday, excluding Federal legal holidays.

Aberdeen, S. Dak.
Within a 5-mile radius of Aberdeen Municipal Airport (latitude 45°27'00" N., longitude 98°25'00" W.) and within 3 miles each side of the Aberdeen VORTAC 131° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC.

Abilene, Tex. (Municipal Airport)
That airspace within a 5-mile radius of Abilene Municipal Airport (latitude 32°25'10" N., longitude 99°41'20" W.); within 2 miles each side of the Abilene ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Abilene VORTAC 112° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion within the Abilene, Tex. (Dyess AFB), control zone.

Abilene, Tex. (Dyess AFB)
That airspace within a 5-mile radius of Dyess AFB (latitude 32°25'10" N., longitude 99°51'15" W.); within 2 miles each side of the Dyess ILS localizer S course, extending from the 5-mile radius zone to 7.5 miles S of the OM; within 2 miles each side of the Tuscola VOR 350° radial, extending from the 5-mile radius zone to 2 miles N of the VOR; and within 2 miles each side of the Abilene VORTAC 353° radial, extending from the 5-mile radius zone to 8 miles N of the VORTAC.

Adak, Alaska
Within a 5-mile radius of the NS Adak Airport (latitude 51°52'59" N., longitude 176°38'54" W.); within 2 miles each side of the 054° bearing from the Adak RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN, and within 2 miles each side of the Navy Adak TACAN 067° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN.

Aguadilla, P. R.
Within a 6-mile radius of Ramey AFB (latitude 18°29'50" N., longitude 67°07'45" W.); within 2 miles each side of the Ramey ILS localizer west course, extending from the 6-mile radius zone to 12.5 miles west of the middle marker; within 2 miles each side of the ILS localizer west course, extending from the 6-mile radius zone to 11 miles west of the Airport; within 2 miles each side of the Ramey VORTAC 258° radial, extending from the 6-mile radius zone to 8 miles west of the airport.

Akron, Colo.
Within a 5-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.) and within 4 miles each side of the Akron VORTAC 123° radial, extending from the 5-mile radius zone to 11 miles southeast of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 19171 (Rewritten)

Akron, Ohio (Akron-Canton Airport)
Within a 5.5-mile radius of the center, lat. 40°54'58" N., long. 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile radius zone with the Akron, Ohio (Akron Municipal Airport), control zone.

AMENDMENTS 10/14/71 36 F. R. 14632 (Rewritten)

Akron, Ohio (Akron Municipal Airport)
Within a 5.5-mile radius of the center, lat. 41°02'18" N., long. 81°28'01" W. of Akron Municipal Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile radius zone with the Akron, Ohio (Akron-Canton Airport), control zone.

AMENDMENTS 10/14/71 36 F. R. 14632 (Rewritten)

Alameda, Calif.
Within a 5-mile radius of NAS Alameda (Lat. 37°47'10" N, Long. 122°19'00" W), excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the Oakland, Calif.. control zone.

Alamogordo, N. Mex.
Within a 5-mile radius of the Holloman Air Force Base Airport (latitude 32°51'04" N., longitude 106°06'05" W.); within 2 miles each side of the Holloman VOR 015° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the extended centerline of Runway 3 extending from the 5-mile radius zone to 4.5 miles northeast of the northeast end of Runway 3; within 2 miles each side of the extended centerline of Runway 15 extending from the 5-mile radius zone to 4.5 miles south of the south end of Runway 15; within 2 miles each side of the extended centerline of Runway 21 extending from the 5-mile radius zone to 4.5 miles southwest of the southwest end of Runway 21; within 2 miles each side of the Holloman TACAN 349° radial extending from the 5-mile radius zone to 17.5 miles north of the TACAN; and within 2 miles each side of the VOR 350° radial extending from the 5-mile radius zone to 8 miles north of the VOR; excluding that portion within a 2-mile radius of the Alamogordo Municipal Airport (latitude 32°50'27" N., longitude 105°59'17" W.) and within a 2-mile radius of the Midway Airport (latitude 32°52'04" N., longitude 105°59'26" W.). The portion of this control zone within R-5107D extends upward to 22,000 feet MSL.

Alamosa, Colo.
Within a 5-mile radius of Alamosa Municipal Airport (latitude 37°26'15" N., longitude 105°51'40" W.); within 3.5 miles each side of the Alamosa VORTAC 127° and 335° radials extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; within 3 miles each side of the 013° bearing from the Frontier Airlines NDB (latitude 37°26'36" N., longitude 105°51'12" W.) extending from the 5-mile radius zone to 10 miles northeast of the NDB; and within 2 miles each side of the Alamosa VORTAC 186° radial extending from the VORTAC to 10 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Albany, Ga. (Albany-Dougherty County Airport)
Within a 5-mile radius of Albany-Dougherty County Airport (lat. 31°32'07" N., long. 84°11'41" W.); within 2.5 miles each side of Albany VORTAC 145° radial, extending from the 5-mile radius zone to 1 mile southeast of the VORTAC.

AMENDMENTS 7/22/71 36 F. R. 9862 (Rewritten)

NAS Albany, Ga.
Within a 5-mile radius of NAS Albany (lat. 31°35'50" N., long. 84°05'06" W.); within 3.5 miles each side of the 031° bearing from NAS Albany UHF RBN, extending from the 5-mile radius zone to 11.5 miles northeast of the RBN; within 2 miles each side of Albany VORTAC 110° radial, extending from the 5-mile radius zone to the VORTAC; excluding the portion within Albany-Dougherty County Airport control zone.

AMENDMENTS 7/22/71 36 F. R. 9862 (Rewritten)

Albany, N. Y.
Within a 5-mile radius of the center 42°44'40" N., 73°48'15" W. of Albany County Airport, Albany, N. Y.; within 3.5 miles each side of the Albany VORTAC 354° radial extending from the 5-mile radius zone to 11.5 miles north of the VORTAC and within 3 miles each side of the Albany VORTAC 182° radial extending from the 5-mile radius zone to 11.5 miles south of the VORTAC.

Albuquerque, N. Mex.
Within a 5-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°36'02" W.); within 2 miles each side of the extended centerline of Runway 35, extending from the 5-mile radius zone to 7 miles north of the north end of Runway 35; within 2 miles each side of the extended centerline of Runway 17, extending from the 5-mile radius zone to 5 miles south of the south end of Runway 17; and within 2 miles each side of the Albuquerque VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 10/22/71 36 F. R. 21029 (Changed)

V 37-20 JAN 29 72 XUM

Alexandria, La. (England AFB)
That airspace within a 5-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.); within 2 miles each side of the 318° bearing from the Alexandria RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Alexandria VORTAC 151° and 331° radials, extending from the 5-mile radius zone to 1.5 miles southeast of the VORTAC; within 2 miles each side of the Alexandria VORTAC 327° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 6 miles northwest of the airport; within 2 miles each side of the extended centerline of Runway 18, extending from the 5-mile radius zone to 5.5 miles north of the airport; and within 2 miles each side of the extended centerline of Runway 36, extending from the 5-mile radius zone to 6.5 miles south of the airport.

Alexandria, La. (Esler Field)
Within a 5-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.), and within 3 miles each side of the Esler VOR 338° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR.

Alexandria, Minn.
Within a 5-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC.

Alice, Tex.
That airspace within a 5-mile radius of the Alice International Airport (latitude 27°44'30" N., longitude 98°01'40" W.); within 2 miles each side of the Alice VOR 153° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR; within 2 miles each side of the Alice VOR 270° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; and within 2 miles each side of the 134° bearing from latitude 27°44'20" N., longitude 98°01'46" W., extending from the 5-mile radius zone to 8 miles southeast of latitude 27°44'20" N., longitude 98°01'46" W.

Allentown, Pa.
Within a 5-mile radius of the center, 40°39'10" N., 75°26'20" W. of Allentown-Bethlehem-Easton Airport, Allentown, Pa., within 2 miles each side of a line bearing 050° from a point at 40°42'00" N., 75°26'06" W., extended from the 5-mile radius area to 6 miles northeast of said point, within 2 miles each side of the Allentown ILS localizer northeast course, extending from the 5-mile radius zone to 10 miles northeast of the localizer, and within 2 miles each side of the Allentown VORTAC 347° radial extending from the 5-mile radius zone to 7 miles north of the VORTAC.

Alliance, Nebr.
Within a 5-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); within 2½ miles each side of the Alliance VOR 304° radial, extending from the 5-mile radius zone to 6 miles northwest of the VOR; within 2½ miles each side of the Alliance VOR 150° radial, extending from the 5-mile radius zone to 6 miles southeast of the VOR; and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 5-mile radius zone to 9 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alma, Ga.
Within a 5-mile radius of Bacon County Airport (lat. 31°32'17" N., long. 82°30'33" W.); within 3 miles each side of Alma VORTAC 146° and 334° radials, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 7/22/71 36 F. R. 9861 (Rewritten)

Alpena, Mich.
That airspace within a 5-mile radius of Phelps-Collins Airport, Alpena, Mich. (latitude 45°04'50" N., longitude 83°33'35" W.); within 3 miles each side of the 360° bearing from the Alpena RBN, extending from the 5-mile radius to 8 miles north of the Alpena RBN; within 3 miles each side of the Alpena VORTAC 348° radial, extending from the 5-mile radius to 7½ miles north of the VORTAC; within 3 miles each side of the Alpena VORTAC 305° radial, extending from the 5-mile radius to 7 miles northwest of the VORTAC; and within 3 miles each side of the Alpena VORTAC 186° radial, extending from the 5-mile radius to 7 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alton, Ill.
Within a 5-mile radius of Civic Memorial Airport (latitude 38°53'30" N., longitude 90°03'00" W.); within 2½ miles each side of the 104° bearing from Civic Memorial Airport, extending from the 5-mile radius zone to 5½ miles east of the airport; and within 3 miles each side of the 009° bearing from Civic Memorial Airport; extending from the 5-mile radius zone to 7 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Altus, Okla.
Within a 5-mile radius of the Altus AFB (latitude 34°39'40" N., longitude 99°16'30" W.); within 2 miles each side of the Altus AFB ILS localizer S course, extending from the 5-mile radius zone to 1.5 miles S of the OM; and within 2 miles each side of the Altus AFB TACAN 185° radial, extending from the 5-mile radius zone to 9 miles S of the TACAN, excluding that airspace within a 1½ mile radius of the Altus, Okla., Municipal Airport, (latitude 34°41'57" N., longitude 99°20'21" W.).

Amarillo, Tex.
That airspace within a 5-mile radius of the Amarillo Air Terminal (latitude 35°13'10" N., longitude 101°42'40" W.); within 2 miles each side of the Amarillo VORTAC 221° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the extended centerline of the Amarillo AFB/Air Terminal Runway 21, extending from the 5-mile radius zone to 4.5 miles SW of the lift-off end of the runway.

Amchitka, Alaska
Within a 5-mile radius of the Amchitka, Alaska Airport (latitude 51°22'45" N., longitude 179°15'42" E.); within 2 miles each side of runway 7-25 centerlines extending from the 5-mile radius zone to 5.5 miles east and 5.5 miles west of the Amchitka Airport; within 2 miles each side of the 082° bearing from the Amchitka RBN extending from the RBN to 8 miles east; and within 2 miles each side of the 247° bearing from the Amchitka RBN, extending from the RBN to 8 miles southwest. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Anaheim, Calif. (Disneyland Heliport)
Within a 3-mile radius of Disneyland Heliport (latitude 33° 48' 40" N., longitude 117° 55' 30" W.), excluding that airspace within the Fullerton and Long Beach, Calif., airport control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time thereafter will be continuously published in the Airman's Information Manual.

Anchorage, Alaska (Anchorage International Airport)
Within a 5-mile radius of Anchorage International Airport (latitude 61°10' N., longitude 149°58' W.); within 2 miles each side of the Anchorage RR SW course extending from the 5-mile radius zone to 8 miles SW of the RR; within 2 miles each side of the Anchorage VORTAC 079° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Anchorage ILS localizer W course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) control zone.

Anchorage, Alaska (Bryant AAF)
Within a 3-mile radius of Bryant AAF (latitude 61°16'N., longitude 149°40' W.), excluding the portion west of longitude 149°43' W. This control zone is effective from 0700 to 2100 hours, local time, daily.

Anchorage, Alaska (Merrill Field/Elmendorf AFB)
Within a 3-mile radius of Merrill Field (latitude 61°13' N., longitude 149°51' W.); within a 5-mile radius of Elmendorf AFB (latitude 61°15' N., longitude 149°49' W.); within 2 miles each side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the OM, excluding the portion within the Anchorage (Bryant AAF) Control Zone.

Anderson, S. C.
Within a 5-mile radius of Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.); within 1.5 miles each side of Anderson VORTAC 039° radial, extending from the 5-mile radius zone to 1.5 miles northeast of the VORTAC.

Aniak, Alaska
Within a 5-mile radius of the Aniak Airport (latitude 61°35' N., longitude 159°32' W.); and within 2 miles each side of the 230° and 140° bearings from the Aniak RBN, extending from the 5-mile radius zone to 14 miles SW and 8 miles SE of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Annette Island, Alaska
Within a 5-mile radius of the Annette Island Airport (latitude 55°02'34" N., longitude 131°34'14" W.); within 3 miles each side of the Annette Island VOR 170° radial, extending from the 5-mile radius zone to 12 miles south of the VOR, and within 2 miles each side of the Annette Island VOR 311° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR.

V37-20 JAN 29 72 XUM

Anniston, Ala.
Within a 5-mile radius of Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within 1.5 miles each side of Talladega VOR 085° radial, extending from the 5-mile radius zone to the VOR; within 1 mile each side of the ILS localizer SW course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 4/15/71 36 F. R. 4480 (Changed)
AMENDMENTS 5/27/71 36 F. R. 3262 (Changed)

Appleton, Wis.
Within a 5-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); and within 2½ miles each side of the 135°, 285° and 016° bearings from Outagamie County Airport, extending from the 5-mile radius zone to 5½ miles southeast, west, and north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 5/27/71 36 F. R. 5905 (Rewritten)

Arcata, Calif.
Within a 5-mile radius of Arcata Airport (latitude 40°58'45" N., longitude 124°06'25" W.); and within 2 miles each side of the 219° bearing from the Arcata RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN.

Ardmore, Okla.
Within a 5-mile radius of Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W), within 2 miles either side of the Ardmore VOR 053° radial extending from the 5-mile radius zone to the VOR, and within 2 miles either side of the 085° bearing from the Ardmore RBN extending from the 5-mile radius zone to the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Asheville, N. C.
Within a 5-mile radius of Asheville Municipal Airport (lat. 35°26'04" N., long. 82°32'25" W.); within 2.5 miles each side of the 340° bearing from Broad River RBN, extending from the 5-mile radius zone to 2 miles north of the RBN; within 2 miles each side of Runway 16/34 extended centerlines, extending from the 5-mile radius zone to the Broad River and Biltmore RBNs.

AMENDMENTS 4/14/71 36 F. R. 7658 (Rewritten)

Aspen, Colo.
Within a 5-mile radius of the Aspen-Pitkin County (Sardy Field) Airport (latitude 39°13'30" N., longitude 106°52'09" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Astoria, Oreg.
Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (latitude 46° 09' 25" N., longitude 123° 52' 40" W.), and within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR.

Athens, Ga.
Within a 5-mile radius of Athens Municipal Airport (lat. 33°56'54" N., long. 83°19'37" W.); within 3 miles each side of Athens VORTAC 076° and 192° radials, extending from the 5-mile radius zone to 8.5 miles east and south of the VORTAC.

AMENDMENTS 4/29/71 36 F. R. 3262 (Rewritten)

Atlanta, Ga. (Fulton County Airport)
Within a 5-mile radius of Fulton County Airport (latitude 33°46'35" N., longitude 84°31'15" W.); within 2.5 miles each side of the 276° bearing from Bankhead RBN, extending from the 5-mile radius zone to 7.5 miles west of the RBN.

Atlanta, Ga.
Within a 5-mile radius of The William B. Hartsfield Atlanta International Airport (latitude 33°38' 35" N., longitude 84°25'25" W.); within 2 miles each side of Atlanta ILS Runway 33 localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the LOM; within 2 miles each side of Rex, Ga., VORTAC 264° and 271° radials, extending from the 5-mile radius zone to 1 mile west of the VORTAC; within 2 miles each side of Atlanta ILS Runway 9R localizer west course, extending from the 5-mile radius zone to the LOM; within 2 miles each side of Atlanta ILS Runway 9L localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM; within a 3-mile radius of Morris AAF (latitude 33°37'20" N., longitude 84°20'30" W.).

AMENDMENTS 9/2/71 36 F. R. 19496 (Changed)

Atlanta, Ga. (Dobbins AFB/NAS Atlanta)
Within a 5-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°54'40" N., longitude 84°31'00" W.); within 2 miles each side of the 105° bearing from Lost Mountain RBN, extending from the 5-mile radius zone to 1 mile southeast of the RBN; within 1.5 miles each side of Norcross VORTAC 265° radial, extending from the 5-mile radius zone to 30 miles west of the VORTAC; within 2 miles each side of Runway 29 extended centerline, extending from the 5-mile radius zone to 6 miles east of the runway end; within 1.5 miles each side of NAS Atlanta TACAN 301° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN; excluding the portion within Atlanta, Ga. (Fulton County Airport) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

Atlantic City, N. J.
Within a 12-mile radius of the Atlantic City NAFEC Airport (Lat. 39°27'25" N, Long. 74°34'45" W), and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3 nmi offshore, on the SE by a line 3 nmi offshore, and on the NE by the Atlantic City VORTAC 112° radial, excluding the portion within a 2-mile radius of the Ocean City Airport (Lat. 39°16'00" N, Long. 74°36'15" W).

Augusta, Ga.
Within a 5-mile radius of Bush Field (latitude 33°22'10" N., longitude 81°57'55" W.); within 2 miles each side of Augusta ILS localizer south course, extending from the 5-mile radius zone to 0.5 miles north of the LOM; within a 5-mile radius of Daniel Field (latitude 33°27'55" N., longitude 82°02'25" W.); within 2 miles each side of Augusta VORTAC 135° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

Augusta, Maine
Within a 5-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine; within 3.5 miles each side of the Capital City, Maine RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the 5-mile radius zone to 10.5 miles northwest of the RBN and within 3.5 miles each side of the Augusta VORTAC 328° radial, extending from the 5-mile radius zone to 10.5 miles northwest of the VORTAC.

Austin, Tex. (Robert Mueller Municipal Airport)
Within a 5-mile radius of Robert Mueller Municipal Airport (latitude 30°17'55" N., longitude 97°42'00" W.); within 2 miles each side of the Austin ILS localizer NW course, extending from the 5-mile radius zone to 1 mile SE of the INT of the ILS localizer NW course and the Austin VORTAC 269° radial; and within 2 miles each side of the Austin VORTAC 184° radial, extending from the 5-mile radius zone to the VORTAC.

Austin, Tex. (Bergstrom AFB)
Within a 5-mile radius of Bergstrom AFB (latitude 30°11'45" N., longitude 97°40'35" W.); within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 5-mile radius zone to the LOM, excluding that portion within the Austin, Tex. (Robert Mueller Municipal Airport) control zone.

Baker, Oreg.
Within a 5-mile radius of Baker Municipal Airport (latitude 44°50'25" N., longitude 117°48'35" W.), and within 3 miles each side of the Baker VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

Bakersfield, Calif.
Within a 5-mile radius of Meadows Field, Bakersfield, Calif. (latitude 35° 25' 40" N., longitude 119° 03' 05" W.), and within 2 miles W and 3 miles E of the Bakersfield VORTAC 338° radial, extending from the 5-mile radius zone to 7 miles NW of the VORTAC.

Baltimore, Md.
Within a 5-mile radius of the center, 39°10'25" N., 76°40'15" W., of Friendship International Airport, Baltimore, Md.; and within 2 miles each side of the Baltimore ILS west course extending from the 5-mile radius zone to 10 miles west of the OM.

V 37-20 JAN 29 72 XUM

Bangor, Maine
Within a 5-mile radius of the center, lat. 44°48'28" N., long. 68°49'41" W. of Bangor International Airport, Bangor, Maine; within 2.5 miles each side of the Bangor, Maine, VORTAC 318° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; within a 1-mile radius of the center, lat. 44°53'56" N., long. 69°01'12" W. of Levant Private Landing Area, West Levant, Maine; within 3.5 miles each side of the Bangor ILS localizer southeast course, extending from the 5-mile radius zone to 11.5 miles southeast of the OM.

AMENDMENTS 5/27/71 36 F. R. 7302 (Rewritten)

Bartlesville, Okla.
Within a 5-mile radius of the Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.), excluding the area north of latitude 36°46'00" N., and east of longitude 95°58'30" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/14/71 36 F. R. 16187 (Rewritten)

Baton Rouge, La.
Within a 5-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.), within 1 mile each side of the Baton Rouge ILS localizer southeast course extending from the 5-mile radius zone to 6.5 miles southeast of Ryan Airport, and within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 5-mile radius zone to 1 mile east of the VORTAC.

Battle Creek, Mich.
Within a 5-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 2 miles each side of the Battle Creek VORTAC 050°, 117° and 215° radials, extending from the 5-mile radius zone to 8 miles NE, SE and SW of the VORTAC; and within 2 miles each side of the Kellogg Field ILS localizer SW course, extending from the 5-mile radius zone to 5 miles SW of the approach end of runway 4.

Beaufort, S. C.
Within a 5-mile radius of Beaufort MCAS (lat. 32°28'40" N., long. 80°43'20" W.); within 3.5 miles each side of Beaufort MCAS TACAN 037° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 2.5 miles each side of the 042° bearing from Beaufort MCAS RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Beaumont, Tex.
Within a 7-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.).

Beckley, W. Va.
Within a 6.5-mile radius of the center, lat. 37°46'54" N., long. 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va., and within 3 miles each side of the Beckley VOR 284° radial extending from the 6.5-mile radius zone to 8.5 miles west of the VOR.

AMENDMENTS 12/9/71 36 F. R. 20363 (Added)

Bedford, Mass.
Within a 5-mile radius of Hanscom Airport (latitude 42°28'04" N., longitude 71°17'23" W.); within 2 miles each side of the Bedford ILS localizer W course extending from the 5-mile radius zone to 8 miles W of the LOM; within 2 miles each side of the extended centerline of Runway 23 extending from the 5-mile radius zone to 6 miles SW of the lift-off end of the runway; within 2 miles each side of the extended centerline of Runway 5 extending from the 5-mile radius zone to 6 miles NE of the lift-off end of the runway; and within a 1-mile radius of Erickson Airport (latitude 42°27'50" N., longitude 71°31'00" W.).

Beeville, Tex.
That airspace within a 5-mile radius of NAAS Chase Field, Beeville, Tex. (latitude 28°21'50" N., longitude 97°39'40" W.); within 2 miles each side of the NAAS Chase TACAN 129° and 321° radials extending from the 5-mile radius zone to 7 miles SE and NW of the TACAN.

Belleville, Ill.
Within a 5-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 5-mile radius zone to 5.5 miles SE of the SE end of Scott AFB Runway 31.

Bellingham, Wash.
Within a 5-mile radius of Bellingham Municipal Airport (latitude 48°47'40" N., longitude 122°32'10" W.); within 2 miles each side of the Bellingham VORTAC 169° radial, extending from the 5-mile radius zone to 3 miles south of the VORTAC and 4.5 miles each side of the Bellingham VORTAC 169° radial, extending from the 5-mile radius zone to 21.5 miles south of the VORTAC.

Bemidji, Minn.
Within a 5-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 1½ miles each side of the Bemidji VORTAC 138° radial, extending from the 5-mile radius zone to the VORTAC; and within 3½ miles each side of the 262° bearing from Bemidji Municipal Airport, extending from the 5-mile radius zone to 8 miles west of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Benton Harbor, Mich.
Within a 5-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bethel, Alaska
Within a 5-mile radius of the Bethel Municipal Airport (latitude 60°47'01" N., longitude 161°49'59" W.); within 3 miles each side of the BEA RBN 014° bearing extending from the 5-mile radius zone to 8 miles N of the RBN; within 2 miles each side of the BET RBN 293° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN; and within 2 miles each side of the Bethel VORTAC 213° radial extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

Bettles, Alaska
Within a 5-mile radius of the Bettles Municipal Airport (latitude 66°55'00" N., longitude 151°31'00" W.); within 2 miles southeast and 3 miles northwest of the 210° bearing from the Bettles RBN extending from the 5-mile radius zone to 8 miles southwest of the RBN.

Big Delta, Alaska
Within a 5-mile radius of the Allen AAF, Fort Greely, Alaska (latitude 64°00' N., longitude 145°43' W.), and within 2 miles each side of the Big Delta RR NE and NW courses, extending from the 5-mile radius zone to 8 miles NE and 9½ miles NW of the RR; within 2 miles each side of the Big Delta VOR 040° and 315° radials, extending from the 5-mile radius zone to 8 miles NE and 10 miles NW of the VOR. This control zone is effective from 0600 to 2200 hours local time daily or as established in advance by a Notice to Airmen and continuously published in the Flight Information Publication, Supplement Alaska.

AMENDMENTS 2/10/71 36 F. R. 2778 (Changed)

Big Spring, Tex.
That airspace within a 5-mile radius of Webb AFB, Big Spring, Tex. (latitude 32°12'50" N., longitude 101°31'25" W.), within a 5-mile radius of Howard County Airport, Big Spring, Tex. (latitude 32°18'05" N., longitude 101°26'20" W.), within 2 miles each side of the Big Spring VOR 191° radial, extending from the 5-mile radius zone to 1 mile S of the VOR, within 2 miles each side of the Big Spring VOR 155° radial, extending from the 5-mile radius zone to the VOR, within 2 miles each side of the Webb TACAN 355° radial, extending from the 5-mile radius zone to 7.5 miles north of the TACAN, and within 2 miles each side of the Webb TACAN 190° radial extending from the 5-mile radius zone to 7.5 miles south of the TACAN. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Billings, Mont.
Within a 5-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within 2 miles each side of the Billings ILS west and east courses, extending from the 5-mile radius zone to 8 miles west of the OM on the west and to the RBN on the east; and within 2 miles each side of the Billings VORTAC 095° and 267° radials, extending from the 5-mile radius zone to 8 miles west and 12 miles east of the VORTAC.

PENDING AMENDMENT
Billings, Mont.
Within a 5-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.); within 4 miles each side of the Billings ILS west localizer course extending from the 5-mile radius zone to 8 miles west of the OM; within 3.5 miles each side of the Billings VORTAC 267° radial extending from the 5-mile radius zone to 8 miles west of the VORTAC; within 2 miles each side of the Billings VORTAC 005° radial extending from the 5-mile radius zone to 12 miles east of the VORTAC; and within 2 miles each side of the Billings ILS east localizer course extending from the 5-mile radius zone to Lockwood NDB.

AMENDMENTS 2/3/72 36 F. R. 23550 (Rewritten)

V 37-20 JAN 29 72 XUM

Biloxi, Miss.
Within a 5-mile radius of Keesler AFB (latitude 30°24'39.2" N., longitude 88°55'25.9" W.); within 1.5 miles each side of Keesler TACAN 045° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN; within 1.5 miles each side of Keesler TACAN 206° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN; excluding the portion west of longitude 89°00'00" W., effective from 0600 to 2200 hours, local time daily.

Binghamton, N.Y.
Within a 5-mile radius of the center of Broome County Airport, Binghamton, N.Y., 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the airport ILS localizer SE course extending from the 5-mile radius zone to 2 miles SE of the OM.

Birmingham, Ala.
Within a 5-mile radius of Birmingham Municipal Airport (latitude 33°33'50" N., longitude 86°45'30" W.); within 2 miles each side of Birmingham ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 3 miles each side of the 056° and 236° bearings from Roebuck RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

Bismarck, N. Dak.
Within a 5½-mile radius of Bismarck Municipal Airport (latitude 46°46'40" N., longitude 100°45'05" W.); and within 2 miles each side of the Bismarck ILS localizer southeast course, extending from the 5½-mile radius zone to 1 mile northwest of the OM.

Blackstone, Va.
Within a 4-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.), excluding the portion within R-6602. This control zone is effective from 0800 to 1600 hours, local time, daily.

AMENDMENTS 6/23/71 36 F. R. 11904 (Changed)

Bloomington, Ill.
Within a 5-mile radius of Bloomington Normal Airport (latitude 40°28'55" N., longitude 88°55'40" W.); and within 2½ miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 5-mile radius zone to 6½ miles northeast, east and northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bloomington, Ind.
Within a 5-mile radius of Monroe County Airport (latitude 38°08'35" N., longitude 86°37'00" W.); within 3 miles each side of the Bloomington VORTAC 181° radial, extending from the 5-mile radius zone to 10½ miles south of the VORTAC; within 3 miles each side of the Bloomington VORTAC 062° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC; within 3 miles each side of the Bloomington VORTAC 341° radial; extending from the 5-mile radius zone to 10½ miles north of the VORTAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 5-mile radius zone to 9½ miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bluefield, W. Va.
Within a 5-mile radius of Mercer County Airport, Bluefield, W. Va. (latitude 37° 17' 45" N., longitude 81° 12' 30" W.), with 2 miles each side of the Bluefield VOR 047° radial, extending from the 5-mile radius zone to 4.5 miles NE of the VOR, and within 2 miles each side of the Bluefield VOR 267° radial, extending from the 5-mile radius zone to 15 miles W of the VOR.

Blythe, Calif.
Within a 5-mile radius of Blythe Airport (Lat. 33°37'15" N, Long. 114°43'00" W).

Blytheville, Ark.
Within a 5-mile radius of Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.), within 3 miles each side of the Blytheville VOR 357° radial extending from the 5-mile radius zone to 8.5 miles north of the VOR, and within 1.5 miles each side of the Blytheville TACAN 185° radial extending from the 5-mile radius zone to 5.5 miles south of the TACAN.

Boise, Idaho
Within a 5-mile radius of the Boise Air Terminal (latitude 43°33'55" N., longitude 116°13'35" W.); within 2 miles each side of the Boise VORTAC 304° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC; within 2 miles each side of the Boise VORTAC 319° radial, extending from the 5-mile radius zone to 12 miles northwest of the VORTAC and within 2 miles each side of the Boise VORTAC 114° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC;
and within 2 miles west and 5 miles east of the Boise VORTAC 179° radial extending from the 5-mile radius zone to 7 miles south of the VORTAC.

AMENDMENTS 1/6/72 36 F. R. 21281 (Changed)

Boston, Mass.
Within an 8-mile radius of the Logan International Airport (latitude 42°21'55" N., longitude 71°00'05" W.).

Bowling Green, Ky.
Within a 5-mile radius of Bowling Green-Warren County Airport (lat. 36°57'47" N., long. 86°25'07" W.); within 3 miles each side of Bowling Green VORTAC 206° radial, extending from the 5-mile radius zone to 9.5 miles southwest of the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 14383 (Rewritten)

Bozeman, Mont.
Within a 7-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.).

Bradford, Pa.
Within a 5-mile radius of the center, 41°48'15" N., 78°38'25" W., of Bradford Regional Airport, Bradford, Pa.; within 2.5 miles each side of the Bradford, Pa., VORTAC 139° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; within 3 miles each side of a 315° and a 135° bearing from the Bradford Regional Airport Runway 32 ILS LOM, extending from the 5-mile radius zone to 8 miles southeast of the LOM; within 2 miles each side of the Bradford, Pa., VORTAC 316° radial, extending from the 5-mile radius zone to 7 miles northwest of the VORTAC.

Brainerd, Minn.
Within a 5-mile radius of Brainerd-Crow Wing County Airport latitude 46°23'55" N., longitude 94°08'15" W.; within 2½ miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 313° bearing from the Brainerd-Crow Wing County Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Bremerton, Wash.
Within a 5-mile radius of the Kitsap County Airport (latitude 47°29'35" N., longitude 122°45'35" W.), within 3 miles each side of the 209° bearing from the Kitsap RBN (latitude 47°29'48" N., longitude 122°45'36" W.), extending from the 5-mile radius zone to 8 miles SW of the RBN. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Bridgeport, Conn.
Within a 5-mile radius of the center 41°09'41" N., 73°07'35" W., of Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 036° and 229° radials, extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

Brookings, S. Dak.
That airspace within a 6-mile radius of Brookings, S. Dak. Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.), and within 3 miles each side of the 142° bearing from the Brookings Airport, extending from the 6-mile radius area to 8 miles southeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/11/71 36 F. R. 19904 (Added)

Broomfield, Colo.
That airspace within a 5-mile radius of Jeffco Airport (latitude 39°54'30" N., longitude 105°06'50" W.). This control zone shall be effective during the specific dates and/or times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

V 37-20 JAN 29 72 XUM

Brownsville, Tex.
That airspace overlying the United States within a 5-mile radius of Brownsville International Airport (latitude 25°54'25" N., longitude 97°25'25" W.), within 2 miles each side of the Brownsville VORTAC 071° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC, and within 2 miles each side of the Brownsville ILS localizer northwest course extending from the 5-mile radius zone to the OM.

AMENDMENTS 3/17/71 36 F. R. 5582 (Changed)

Brunswick, Ga. (Malcolm-McKinnon Airport)
Within a 5-mile radius of Malcolm-McKinnon Airport (latitude 31°09'05" N., longitude 81°23'20" W.); within 1.5 miles each side of the Brunswick VOR 023° radial, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1.5-mile radius of Brunswick Municipal Airport (latitude 31°11'10" N., longitude 81°28'50" W.) and the portion within the Brunswick (NAS Glynco) control zone.

Brunswick, Ga. (NAS Glynco)
Within a 5-mile radius of NAS Glynco (latitude 31°15'30" N., longitude 81°28'00" W.); within 2 miles each side of the Glynco TACAN 055° radial, extending from the 5-mile radius zone to 5 miles northeast of the TACAN; within 3 miles each side of the Glynco TACAN 250° radial, extending from the 5-mile radius zone to 6.5 miles west of the TACAN, excluding the portion that is within a 1.5-mile radius of Brunswick Municipal Airport (latitude 31°11'10" N., longitude 81°28'50" W.) south of a line 3.5 miles south of and parallel to NAS Glynco Runway 7 centerline extended.

Brunswick, Maine
Within a 5-mile radius of NAS Brunswick (latitude 43°53'35" N., longitude 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 5-mile radius zone to 8 miles S of the VOR; within 2 miles each side of the 168° bearing of the Navy Brunswick UHF RBN (latitude 43°53'42" N., longitude 69°56'49" W.), extending from the 5-mile radius zone to 8 miles S of the RBN; within 2 miles each side of a line bearing 353° from latitude 43°48'53" N., longitude 69°55'30" W., extending from the 5-mile radius zone to latitude 43°48'53" N., longitude 69°55'30" W.; within 2 miles each side of the Navy Brunswick TACAN 008° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN, excluding that airspace within a 1-mile radius of Topsham Airport; Topsham, Maine (latitude 43°56'55" N., longitude 69°59'50" W.).

Buffalo, N. Y.
Within a 5-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport, Buffalo, N. Y.; within 2 miles each side of the Greater Buffalo International Airport northeast localizer course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC excluding the portion within a 1-mile radius of Buffalo Airpark, 42°51'45" N., 78°43'00" W.

Burbank, Calif.
Within a 5-mile radius of Hollywood-Burbank Airport, Calif. (latitude 34°12'15" N., longitude 118°21'30" W.), and within 2 miles each side of the Van Nuys, Calif., VOR 111° radial extending from the 5-mile radius zone to 17.5 miles SE of the VOR, excluding the portion W of a line from latitude 34°16'00" N., longitude 118°25'55" W., to latitude 34°09'25" N., longitude 118°25'40" W., and the portion within a 1-mile radius of Whiteman Airpark, Pacoima, Calif., latitude 34°15'35" N., longitude 118°24'45" W.

PENDING AMENDMENT
Burbank, Calif.
Within a 5-mile radius of Hollywood-Burbank Airport, Calif. (latitude 34°12'15" N., longitude 118°21'30" W.), excluding the portion west of a line from latitude 34°16'00" N., longitude 118°25'55" W., to latitude 34°09'25" N., longitude 118°25'40" W., and the portion within a 1-mile radius of Whiteman Airpark, Pocoima, Calif. (latitude 34°15'35" N., longitude 118°24'45" W.).

AMENDMENTS 2/3/72 36 F. R. 23997 (Rewritten)

Burley, Idaho
Within a 5-mile radius of Burley Municipal Airport (latitude 42°32'30" N., longitude 113°46'20" W.); within 3.5 miles each side of the Burley VORTAC 121° radial, extending from the 5-mile radius zone to 17.5 miles southeast of the VORTAC; within 3 miles each side of the Burley VORTAC 323° radial, extending from the 5-mile radius zone to 6 miles northwest of the VORTAC; within 3 miles each side of the Burley VORTAC 301° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC.

Burlington, Iowa
Within a 5-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); within 3 miles each side of the 293° radial of the Burlington VORTAC extending from the 5-mile radius zone to 2 miles northwest of the VORTAC.

Burlington, Vt.
Within a 5-mile radius of the center, 44°28'15" N., 73°09'10" W., of the Burlington International Airport, Burlington, Vt.; within 2 miles each side of the Burlington ILS localizer northwest course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the Burlington VOR 021° radial extending from the 5-mile radius zone to the VOR.

Butte, Mont.
Within a 5-mile radius of Silver Bow County Airport, Butte, Mont. (latitude 45°57'15" N., longitude 112° 29'50" W.).

Calverton, N. Y.
Within a 5-mile radius of Peconic River Airport (latitude 40°54'55" N., longitude 72°47'35" W.), and within 2 miles each side of the Riverhead VORTAC 079° radial extending from the 5-mile radius zone to 12.5 miles E of the VORTAC. This control zone is effective from 0800 to 1630 hours, local time, Monday through Friday.

Camp Douglas, Wis.
Within a 5-mile radius of Volk Field, Camp Douglas, Wis. (latitude43°56'25" N., longitude 90°15'20" W.). and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 5-mile radius zone to 12 miles E of the VORTAC. This control zone shall be effective during the specific dates and/or time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Camp Pendleton, Calif.
Within a 3-mile radius of Camp Pendleton, MCALF (latitude 33°18'04" N., longitude 117°21'06" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/11/71 36 F. R. 17849 (Added)

Camp Springs, Md.
Within a 5-mile radius of Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.), within 2 miles E of the extended centerline of the Andrews AFB Runway 19-L and 2 miles W of the Andrews AFB ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Andrews AFB ILS localizer N course, extending from the 5-mile radius zone to the OM, excluding the portion within a 1-mile radius of Hyde Field, Clinton, Md. (latitude 38°45'00" N., longitude 76°56'00" W.), and excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Washington, D. C., control zone.

Cape Girardeau, Mo.
Within a 5-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), within 2½ miles each side of the Cape Girardeau VOR 194°, 036° and 279° radials, extending from the 5-mile radius to 6½ miles south-northeast and west of the VOR.

AMENDMENTS 2/4/71 35 F. R. 18509 (Rewritten)

Carbondale, Ill.
Within a 5-mile radius of Southern Illinois Airport (latitude 37°46'50" N., longitude 89°15'15" W.); and within 3 miles each side of the 014° bearing from Southern Illinois Airport, extending from the 5-mile radius zone to 8 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Carlsbad, N. Mex.
Within a 5-mile radius of Cavern City Air Terminal (latitude 32°20'20" N., longitude 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 337° and 157° radials extending from the 5-mile radius zone to 10 miles southeast of the VOR.

Casper, Wyo.
Within a 5-mile radius of Casper Air Terminal (latitude 42°54'25" N., longitude 106°27'50" W.); within 2 miles each side of the Casper VORTAC 216° radial, extending from the 5-mile radius zone to 26 miles southwest of the VORTAC; within 3 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 10 miles west of the OM; within 4 miles each side of the Casper 216° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 18735 (Changed)

V 37-20 JAN 29 72 XUM

Cedar City, Utah
Within a 5-mile radius of Cedar City Municipal Airport (latitude 37°42'05" N., longitude 113°05'52" W.) and within 2 miles on each side of the Cedar City VOR 195° radial extending from the 5-mile radius zone to the VOR.

Cedar Rapids, Iowa
Within a 5-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'35" W.); within 3 miles each side of the Cedar Rapids VORTAC 094° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC; and within 3 miles each side of the Cedar Rapids VORTAC 264° radial, extending from the 5-mile radius zone to 9 miles west of the VORTAC.

Chadron, Nebr.
Within a 5-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.) and within 2 miles each side of the 010° bearing from the Chadron Municipal Airport, extending from the 5-mile radius zone to 8 miles N of the airport.

Chamblee, Ga.
Within a 5-mile radius of De Kalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.); within 1.5 miles each side of Norcross VORTAC 242° radial, extending from the 5-mile radius zone to 1 mile southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

Champaign, Ill.
Within a 5-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); within 2 miles each side of the Champaign VORTAC 123°, 237° and 328° radials, extending from the 5-mile radius zone to 12 miles southeast, southwest, and northwest of the VORTAC; and within 2 miles each side of the University of Illinois-Willard Airport ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

Chandler, Ariz.
Within a 5-mile radius of Williams AFB (latitude 33°18'30" N., longitude 111°39'27" W.); within 2 miles each side of the Rittenhouse VOR 290° radial extending from the 5-mile radius zone to the VOR, within 2 miles northeast and 3 miles southwest of the Chandler TACAN 130° radial extending from the 5-mile radius zone to 9 miles southeast of the TACAN, and within 2 miles each side of the Chandler TACAN 319° radial extending from the 5-mile radius zone to 9 miles northwest of the TACAN. This control zone is effective from 0630 to 2200 hours local time Monday through Friday, 0800 to 1600 hours local time Saturday, and 1000 to 1600 hours local time Sunday, excluding Federal legal holidays.

Chantilly, Va.
Within a 5-mile radius of Dulles International Airport, Chantilly, Va., (Lat. 38°56'40" N, Long. 77°27'24" W); within 2 miles either side of the Dulles runway 1-R ILS localizer S course extending from the 5-mile radius zone to the runway 1-R ILS OM; within 2 miles either side of the Dulles runway 19-R ILS localizer N course extending from the 5-mile radius zone to 2 miles N of the runway 19-R ILS OM; within 2 miles either side of the Herndon, Va., VORTAC 161° radial extending from the 5-mile radius zone to the VORTAC; and within 2 miles either side of the extended centerline of runway 30 extending from the 5-mile radius zone to 4 miles NW of the lift-off end of runway 30.

Chanute, Kans.
Within a 5-mile radius of Chanute Martin Johnson Airport (latitude 37°40'05" N., longitude 95°29'10" W.).

Charleston, S. C.
Within a 5-mile radius of Charleston AFB/Municipal Airport (latitude 32°53'55" N., longitude 80°02'20" W.); within 3 miles each side of Charleston VORTAC 018° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 2.5 miles each side of Charleston VORTAC 135° radial, extending from the 5-mile radius zone to 5.5 miles southeast of the VORTAC; within 2.5 miles each side of the 147° bearing from Ashley RBN, extending from the 5-mile radius zone to the RBN; within 3 miles each side of Charleston VORTAC 211° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC; within 3 miles each side of Charleston VORTAC 332° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC.

AMENDMENTS 5/27/71 36 F. R. 3262 (Changed)

Charleston, W. Va.
Within a 5-mile radius of the center, 38°22'21" N., 81°35'35" W., of Kanawha Airport, Charleston, W. Va.; within 2 miles each side of the ILS localizer NE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Charleston, VORTAC 081° radial extending from the 5-mile radius zone to 2 miles E of the VORTAC.

Charlotte, N. C.
Within a 5-mile radius of Douglas Municipal Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 003° radial, extending from the 5-mile radius zone to 8.5 miles north of the VORTAC; within 2 miles each side of Charlotte VORTAC 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the VORTAC; within 2 miles each side of Charlotte VORTAC 223° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VORTAC; within 2 miles each side of Charlotte ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM.

Charlotte Amalie, Saint Thomas, V. I. (Harry S. Truman Airport)
Within a 5-mile radius of the Harry S. Truman Airport (latitude 18°20'25" N., longitude 64°58'10" W.). This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International Notams.

Charlottesville, Va.
Within a 4-mile radius of the Charlottesville-Albemarle Airport (latitude 38°08'25" N., longitude 78°27'10" W.) and within 2 miles each side of the Charlottesville-Albemarle ILS localizer south course extending from the 4-mile radius zone to 4.5 miles south of the Charlottesville RBN.

Chattanooga, Tenn.
Within a 5-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.); within 2 miles each side of Chattanooga ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles southwest of Daisy RBN; within 1 mile each side of Chattanooga ILS localizer south course, extending from the 5-mile radius zone to 0.5 mile north of Chattanooga VORTAC 263° radial.

Chesterfield (Spirit of St. Louis), Mo.
Within a 5-mile radius of Spirit of St. Louis Airport (latitude 38°39'35" N., longitude 90°38'45" W.); within 3½ miles each side of the Maryland Heights, Mo., VORTAC 310° radial, extending from the VORTAC to 9½ miles northwest of the VORTAC; and within 5 miles each side of the Maryland Heights VORTAC 241° radial, extending from the VORTAC to 14½ miles SW of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Cheyenne, Wyo.
Within a 5-mile radius of Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.) and within 2 miles each side of the Cheyenne ILS localizer E course, extending from the 5-mile radius zone to the OM.

Chicago, Ill. (Midway Airport)
Within a 5-mile radius of Chicago Midway Airport (latitude 41°47'04" N., longitude 87°45'12" W.); and within 2 miles each side of the Chicago Midway ILS localizer SE course extending from the 5-mile radius zone to 8 miles SE of the Kedzie RBN; and within 2 miles each side of the Chicago Midway ILS localizer NW course extending from the 5-mile radius zone to the OM.

Chicago, Ill. (O'Hare International Airport)
Within a 5-mile radius of O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'30" W.); within 2 miles each side of the O'Hare International Airport runway 14R and 14L ILS localizer courses, extending from the 5-mile radius zone to 7 miles northwest of the airport; and within 2 miles each side of the O'Hare International Airport runway 32R and 32L ILS localizer courses, extending from the 5-mile radius zone to 7 miles southeast of the airport.

Chicago, Ill. (Meigs Airport)
Within a 3-mile radius of Meigs Airport (latitude 41°51'30" N., longitude 87°36'30" W.) from 0600 to 2400 hours, local time, daily.

Chico, Calif.
Within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, excluding the portion within a 1-mile radius of Ranchaero Airport, Chico, Calif. (latitude 39°43'10" N., longitude 121°52'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Childress, Tex.
Within a 5-mile radius of the Childress Municipal Airport (latitude 34°25'55" N., longitude 100°17'45" W.) and within 2 miles each side of the Childress VOR 182° radial, extending from the 5-mile radius zone to 8 miles S of the VOR.

V 37-20 JAN 29 72 XUM

China Lake, Calif.
Within a 5-mile radius of NAF China Lake (latitude 35°41'15" N., longitude 117°41'35" W.) and within 2 miles each side of the NAF China Lake TACAN 350° and 148° radials extending from the 5-mile radius zone to 8 miles N and SE of the TACAN.

Chincoteague, Va.
Within a 5-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.) and within 2 miles each side of the Snow Hill, Md., VOR 181° radial, extending from the 5-mile radius zone to 2.5 miles south of the VOR. This control zone is effective from 0730 to 1730 hours, local time, Monday through Friday, excluding Federal legal holidays.

Christiansted, St. Croix, V. I.
Within a 5-mile radius of Alexander Hamilton Airport (latitude 17°42'15" N., longitude 64°47'55" W.); within 3 miles each side of the St. Croix VOR 068° and 248° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR; within 3 miles each side of the 207° bearing from the St. Croix RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication, International NOTAMs.

Cincinnati, Ohio
Within a 5-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°06'14" N., long. 84°25'18" W.); within 2 miles each side of Runway 20L ILS localizer northeast course, extending from the 5-mile radius zone to Madeira RBN; within 1.5 miles each side of the 227° bearing from Lunken RBN, extending from the 5-mile radius zone to the RBN.

AMENDMENTS 10/14/71 36 F. R. 14636 (Rewritten)

Clarksburg, W. Va.
With a 5-mile radius of the center of Benedum Airport, Clarksburg, W. Va., 39°17'40" N., 80°13'40" W. and within 2 miles each side of the centerline of Runway 3 extended northeasterly for 5 miles from the end of the runway effective 0700 to 2300 hours, local time, daily.

AMENDMENTS 11/1/71 36 F. R. 19115 (Changed)

Cleveland, Ohio (Burke-Lakefront Airport)
Within a 5-mile radius of the center 41°31'00" N., 81°41'00" W., of Burke-Lakefront Airport, Cleveland, Ohio; within 2 miles each side of the Burke-Lakefront ILS localizer northeast course, extending from the 5-mile radius zone to the OM, excluding the portion within the Cleveland, Ohio (Cleveland-Hopkins International Airport) control zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

Cleveland, Ohio (Cleveland-Hopkins International Airport)
Within a 5-mile radius of the center 41°24'30" N., 81°51'00" W., of Cleveland-Hopkins International Airport, Cleveland, Ohio; within 1.5 miles each side of the Runway 5-R ILS localizer southwest course, extending from the 5-mile radius zone to 3 miles northeast of the Gilbert RBN; within 2 miles each side of the Runway 23-L ILS localizer northeast course, extending from the 5-mile radius zone to 2 miles southwest of the Stadium RBN; within 2 miles each side of the Runway 28-R ILS localizer east course, extending from the 5-mile radius zone to the Runway 28 OM; within 2 miles each side of the Runway 18-R centerline extended from the 5-mile radius zone to 7.5 miles south of the end of the runway.

AMENDMENTS 6/2/71 36 F. R. 12283 (Changed)

Cleveland, Ohio (Cuyahoga County Airport)
Within a 5-mile radius of the Cuyahoga County Airport (latitude 41°34'00" N., longitude 81°29'30" W.); within 2½ miles each side of the 050° bearing from the Cuyahoga County RBN extending from the 5-mile radius zone to 5 miles northeast of the RBN, excluding the portion within the Cleveland, Ohio (Burke-Lakefront Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

AMENDMENTS 10/29/71 36 F. R. 21878 (Rewritten)

Clinton, Okla. (Clinton-Sherman Airport)
Within a 5-mile radius of Clinton-Sherman Airport (latitude 35°20'25" N., longtiude 99°12'00" W.), and within 2 miles each side of the extended centerline of Clinton-Sherman Runways 17 and 35 extending from 7 miles north to 6 miles south of the ends of the runways. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Clovis, N. Mex.
Within a 6-mile radius of Cannon AFB, N. Mex. (latitude 34°23'01" N., longitude 103°18'58" W.); within 2 miles each side of the Cannon AFB TACAN 040° radial extending from the 6-mile radius zone to 9.5 miles northeast of the TACAN; within 2 miles each side of a 045° bearing from latitude 34°18'45" N., longitude 103°24'32" W., extending from the 6-mile radius zone to latitude 34°18'45" N., longitude 103°24'32" W.; within 2 miles each side of the Cannon AFB TACAN 230° radial extending from the 6-mile radius zone to 9.5 miles southwest of the TACAN, and within 2 miles each side of the Cannon AFB TACAN 232° radial extending from the 6-mile radius zone to 7 miles southwest of the TACAN.

Cocoa (Patrick AFB), Fla.
Within a 5-mile radius of Patrick AFB (latitude 28°14'05" N., longitude 80°36'35" W.); within 2 miles each side of the Patrick AFB TACAN 025° radial, extending from the 5-mile radius zone to 8 miles northeast of the TACAN; and within 2 miles each side of the Melbourne, Fla., VOR 007° radial, extending from the 5-mile radius zone to 4 miles northeast of the VOR.

Cody, Wyo.
Within a 5-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), and within 1.5 miles each side of the Cody, Wyo., VOR 202° radial, extending from the 5-mile radius zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Cold Bay, Alaska
Within a 5-mile radius of Cold Bay Airport (latitude 55°12'22" N., longitude 162°43'22" W.); within 2 miles each side of the Cold Bay VORTAC 335° radial and 2 miles each side of the Cold Bay ILS localizer N course, extending from the 5-mile radius zone to 12 miles N of the Cold Bay RR.

College Station, Tex.
Within a 5-mile radius of Easterwood Field, College Station, Tex. (latitude 30°35'00" N., longitude—96°22'00" W.), within 2 miles each side of the College Station VOR 287° radial extending from the 5-mile radius zone to 8 miles west of the VOR, within 2 miles each side of the College Station VOR 307° radial extending from the 5-mile radius zone to 9 miles northwest of the VOR, and within 2 miles each side of the College Station VOR 107° radial extending from the 5-mile radius zone to 10 miles east of the VOR.

Colorado Springs, Colo.
Within a 6-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.); within a 1-mile radius of Pikes Peak Airport, Fountain, Colo. (latitude 38°43'40" N., longitude 104°42'05" W.); within 2 miles each side of the Colorado Springs ILS localizer north course, extending from the 6-mile radius zone to 7 miles north of the localizer, within 2 miles each side of the Colorado Springs VORTAC 205° radial extending from the 6-mile radius zone to the VORTAC.

Columbia, Mo. (Regional Airport)
Within a 5-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.).

AMENDMENTS 10/14/71 36 F. R. 15526 (Rewritten)

Columbia, S. C.
Within a 5-mile radius of Columbia Metropolitan Airport (lat. 33°56'25.9" N., long. 81°07'11.2" W.); within 2 miles each side of Columbia ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM.

Columbus, Ga. (Lawson AAF)
Within a 5-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 2 miles each side of the 213° bearing from Lawson RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 2 miles each side of Lawson VOR 339° radial, extending from the 5-mile radius zone to 1 mile south of the Columbus LOM; excluding the portion within Columbus Metropolitan Airport control zone.

Columbus, Ga. (Columbus Metropolitan Airport)
Within a 5-mile radius of Columbus Metropolitan Airport (lat. 32°30'55"N., long. 84°56'25" W.); within 1.5 miles each side of Columbus ILS localizer northeast course, extending from the 5-mile radius zone to the intersection of the Columbus VOR 102° radial; within 1.5 miles each side of Columbus VOR 149° radial, extending from the 5-mile radius zone to 1 mile southeast of the VOR; within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 6 miles southwest of the runway end; within 2 miles each side of Runway 12 extended centerline, extending from the 5-mile radius zone to 6 miles northwest of the runway end.

V37-20 JAN 29 72 XUM

Columbus, Miss.
Within a 5-mile radius of Columbus AFB, Miss. (latitude 33°38'38" N., longitude 88°26'39" W.); within 1.5 miles each side of the ILS localizer northwest course, extending from the 5-mile radius zone to 1.5 miles southeast of the LOM; within 1.5 miles each side of the Caledonia TACAN 141° and 312° radials, extending from the 5-mile radius zone to 6.5 miles southeast and northwest of the TACAN.

Columbus, Nebr.
Within a 5-mile radius of the Columbus Municipal Airport (latitude 41°26'50" N., longitude 97°20'25" W.), and within 2 miles each side of the Columbus VOR 340° and 141° radials, extending from the 5-mile radius zone to 8 miles N and SE of the VOR, and within 2 miles each side of the 330° bearing from the Columbus RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Columbus, Ohio (Lockbourne AFB)
Within a 5.5-mile radius of the center, lat. 39°49'00" N., long. 82°56'00" W. of Lockbourne AFB, Columbus, Ohio; within 1.5 miles each side of the Lockbourne TACAN 042° radial, extending from the 5.5-mile radius zone to 7 miles northeast of the TACAN; within 1.5 miles each side of the Lockbourne TACAN 229° radial, extending from the 5.5-mile radius zone to 6 miles southwest of the TACAN; within a 1.5-mile radius of center, lat. 39°53' 11" N., long. 82°57'53" W. of South Columbus Airport, Columbus, Ohio, and within a 1-mile radius of the center, lat. 39°54'21" N., long. 82°51'17" W. of Esselburne Field, Columbus, Ohio.

AMENDMENTS 10/14/71 36 F. R. 14692 (Added)

Columbus, Ohio (Port Columbus International Airport)
Within a 6-mile radius of the center lat. 39°59'41" N., long. 82°53'08" W. of Port Columbus International Airport, Columbus, Ohio; within 2 miles each side of the 094° bearing from the Grandview LOM, extending from the 6-mile radius zone to 2 miles east of the Grandview LOM and within a 1-mile radius of the center, lat. 39° 55'00" N., long. 82°54'00" W. of Price Field, Columbus, Ohio, excluding the portion that coincides with the Columbus, Ohio (Lockbourne AFB), control zone.

AMENDMENTS 10/14/71 36 F. R. 14692 (Rewritten)

Columbus, Ohio (Ohio State University Airport)
Within a 5-mile radius of the center, lat. 40°04'40" N., long. 83°04'30" W. of Ohio State University Airport, Columbus, Ohio, and within 3 miles each side of the 273° bearing from the Ohio State University RBN, lat. 40°04' 47" N., long. 83°04'54" W., extending from the 5-mile radius zone to 8.5 miles west of the RBN. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 10/14/71 36 F. R. 14692 (Rewritten)
PENDING AMENDMENT
Columbus, Ohio (Ohio State University Airport)
Within a 5-mile radius of the Ohio State University Airport (latitude 40°04'40" N., longitude 83°04'30" W.); within 3 miles each side of the 273° and 090° bearings from the airport extending from the 5-mile radius zone to 8.5 miles west and east of the airport excluding that portion within the Columbus, Ohio, control zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 2/3/72 36 F. R. 23201 (Rewritten)

Concord, Calif.
Within a 3-mile radius of Buchanan Field, Concord, Calif. (latitude 37°59'20" N., longitude 122°03'20" W.). within 2 miles each side of the Concord VOR 188° radial extending from the 3-mile radius zone to the VOR, effective from 0700 to 2300 hours, local time daily.

Concord, N. H.
Within a 5-mile radius of the center, 43°12'10" N., 71°30'10" W., of Concord Municipal Airport, Concord, N. H.; within 2 miles each side of the Concord VORTAC 284° radial extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; within 3 miles each side of the 133° bearing from the Pembroke, N. H., RBN (43°10'57" N., 71°28'18" W.) extending from the 5-mile radius zone to 8.5 miles southeast of the RBN and within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius zone to 6 miles north of the end of the runway.

Cordova, Alaska
Within a 5-mile radius of the Cordova (mile 13) airport, latitude 60°29'33" N., longitude 145°28'36" W.; within 2 miles each side of the 233° bearing from the Cordova (CDV) NDB extending from the 5-mile radius zone to the intersection of the 233° bearing from the Cordova (CDV) NDB and the Hinchinbrook, Alaska, RR east course; within 2 miles each side of the 143° bearing from the Cordova (CDV) NDB extending from the 5-mile radius zone to the intersection of the 143° bearing from Cordova (CDV) NDB and the Hinchinbrook RR east course; and within 2 miles each side of the Cordova localizer east course extending from the 5-mile radius zone to 10 miles east of the localizer.

AMENDMENTS 6/24/71 36 F. R. 7845 (Rewritten)

Corpus Christi, Tex.
Within a 5-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within 2 miles each side of the Corpus Christi VORTAC 202° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the 5-mile radius zone to the OM.

AMENDMENTS 10/22/71 36 F. R. 21020 (Changed)

Corpus Christi NAS, Tex.
Within a 5-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within 2 miles each side of the Navy Corpus VOR 010° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Navy Corpus RBN 315° bearing extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the 5-mile radius zone to 6 miles SE of the TACAN;
and within 2 miles each side of the Navy Corpus TACAN 313° radial, extending from the 5-mile radius zone to 6 miles NW of the TACAN.

Cortez, Colo.
Within a 5-mile radius of Cortez-Montezuma County Airport, Cortez, Colo., (latitude 37°18'15" N., longitude 108°37'35" W.) and within 3 miles each side of the Cortez VOR 210° and 004° radials, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/29/71 36 F. R. 4373 (Rewritten)

Corvallis, Oreg.
Within a 5-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.), within 3 miles each side of the Corvallis VOR 090° radial, extending from the 5-mile radius zone to 8 miles east of the VOR and within 3.5 miles each side of the Corvallis VOR 180° radial extending from the 5-mile radius zone to 10 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 5/27/71 36 F. R. 5674 (Rewritten)

PENDING AMENDMENT
Coshocton, Ohio
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Richard Downing Airport (latitude 40°18'37" N., longitude 81°51'17" W.).

AMENDMENTS 2/3/72 36 F. R. 23049 (Added)

Cotulla, Tex.
That airspace within a 3-mile radius of Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 2 miles each side of the Cotulla VOR 265° radial extending from the 3-mile radius zone to the VOR.

Covington, Ky.
Within a 5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 1.5 miles each side of Runway 36 ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 3 miles each side of Cincinnati VORTAC 223° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC; within 1.5 miles each side of Runway 18 ILS localizer north course, extending from the 5-mile radius zone to Addyston LOM.

AMENDMENTS 10/14/71 36 F. R. 14636 (Rewritten)

Crescent City, Calif.
Within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 1.5 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius zone to 5.5 miles south of the VORTAC.

Crestview, Fla.
Within a 5-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.); within 1.5 miles each side of Crestview VORTAC 109° radial, extending from the 5-mile radius zone to 0.5-mile east of the VORTAC.

AMENDMENTS 4/27/71 36 F. R. 8363 (Rewritten)

V 37-20 JAN 29 72 XUM

Crossville, Tenn.
Within a 5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.) and within 2 miles each side of the Hinch Mountain VORTAC 334° radial extending from the 5-mile radius zone to 1.5 miles northwest of the VORTAC.

Crows Landing, Calif.
Within a 5-mile radius of ALF Crows Landing (latitude 37°24'35" N., longitude 121°06'40" W.), excluding the portion within a 1-mile radius of Patterson Field, Patterson, Calif. (latitude 37°28'05" N., longitude 121°10'00" W.). This control zone will be effective from 0800 to 1630 hours, local time daily, Monday through Friday and times established in advnace by a notice to airmen and continuously published in the Airman's Information Manual.

Cut Bank, Mont.
Within a 5-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 3½ miles each side of the Cut Bank VORTAC 150° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

AMENDMENTS 4/29/71 36 F. R. 4370 (Rewritten)

Dalhart, Tex.
That airspace within a 5-mile radius of Dalhart Municipal Airport latitude 36°01'10" N., longitude 102°33'10" W.).

Dallas, Tex. (Addison Airport)
That airspace within a 5-mile radius of Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.); and within 2 miles each side of the Addison VOR 334° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR; excluding the portion S of a line from latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., to latitude 32°54'00" N., longitude 96°46'30" W.; and excluding the portion within a 1-mile radius of Highland Park Airport (latitude 32°55'15" N., longitude 96°48'17" W.). This control zone is effective from 0600 to 2200 hours, local time, daily.

Dallas, Tex. (Love Field)
That airspace bounded by a line beginning at latitude 32°53'15" N., longitude 96°59'35" W.; thence northeast to latitude 32°56'30" N.; thence clockwise along the arc of a 5-mile radius circle centered at Addison Airport (latitude 32°58'05" N., longitude 96°50'05" W.) to latitude 32°59'30" N., longitude 96°55'30" W., through latitude 32°56'30" N., longitude 96°51'30" W., and continuing southeast along a line to latitude 32°54'00" N., longitude 96°46'30" W. until interception of the arc of a 5-mile radius circle centered at Addison Airport, southeast of Addison Airport; then clockwise along the arc of the 5-mile radius centered at Addison Airport to interception with and then clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to longitude 96°49'30" W., southeast of Love Field; thence south along longitude 96°49'30" W. to and counterclockwise along the arc of a 5-mile radius circle centered at Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.) until interception with and then northeast along a line drawn between latitude 32°39'35" N. longitude 96°54'15" W., and longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field, southwest of Love Field; thence clockwise along the arc of a 5-mile radius circle centered at Love Field to latitude 32°49'40" N., west of Love Field, to point of beginning; and within 2 miles each side of the Love Field No. 2 ILS localizer southeast course, extending from the arc of a 5-mile radius circle centered at Love Field to the Runway 31L OM (latitude 32°46'39" N., longitude 96°46'28" W.).

Dallas, Tex. (NAS Dallas)
That airspace bounded on the N by the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field) control zone, on the E by the Dallas, Tex. (Love Field) and (Redbird Airport) control zones; within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, extending from 6 to 9.5 miles of the VORTAC; thence E via latitude 32°41'20" N., extending from a line 2 miles E of and parallel to the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, to the arc of a 5-mile radius circle centered on Dallas NAS (latitude 32°44'00" N., longitude 96°58'05" W.), SW of Dallas NAS; thence counterclockwise along this arc to longitude 97°00'15" W., SW of Dallas NAS; thence S via longitude 97°00'15" W., to latitude 32°39'19" N.; thence E via latitude 32°39'19" N. to the intersection of a 5-mile radius circle centered on Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.), SW of Redbird Airport, thence counterclockwise along the arc of the 5-mile radius circle centered on Redbird Airport to its intersection with the arc of an 8-mile radius circle centered at Dallas NAS, SW of Redbird Airport.

Dallas, Tex. (Redbird Airport)
That airspace within a 5-mile radius of Redbird Airport (latitude 32°40'50" N., longitude 96°52'00" W.); and within 3.5 miles each side of the 165° bearing from the Redbird RBN extending from the 5-mile radius zone to 10 miles south of the RBN; excluding the portion W of a line from the intersection of the Redbird Airport 5-mile radius zone and the arc of an 8-mile radius circle centered at NAS Dallas (latitude 32°44'00" N., longitude 96°58'05" W.), SW of Redbird Airport, through latitude 32°39'35" N., longitude 96°54'15" W., to longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.), SW of Love Field. This control zone is effective from 0600 to 2200 hours, local time, daily.

Danville, Va.
Within a 5-mile radius of the center 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; and within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

PENDING AMENDMENT
Amend the description of the Danville, Va., control zone by adding, "This control zone is effective from 0600 to 2200 hours, local time, daily." following the phrase, "7 miles SW of the VOR."

AMENDMENTS 11/3/71 36 F. R. 21029 (Changed) Corr: 36 F. R. 22810 (eff. date changed to 1/13/72)

Davenport, Iowa
Within a 5-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Davenport RBN, extending from the 5-mile radius zone to 6½ miles southwest of the RBN; and within 2 miles each side of the Cordova VOR 220° radial, extending from the 5-mile radius zone to 1 mile southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dayton, Ohio (James M. Cox-Dayton Municipal)
Within a 5-mile radius of the center, 39°53'57" N., 84°12'45" W. of James M. Cox-Dayton Municipal Airport. Dayton, Ohio, excluding that airspace within a 1-mile radius of the center, 39°54'52" N., 84°18'45" W. of Studebaker Farms Airport, Union, Ohio.

Daytom, Ohio (Wright-Patterson AFB)
Within a 5-mile radius of the center, 39°49'25" N., 84°02'55" W. of Patterson AFB, Dayton, Ohio; within 2 miles each side of the Patterson VOR 039° radial extending from the 5-mile radius zone to 10 miles northeast of the VOR; within 2 miles each side of the Patterson TACAN 054° radial extending from the 5-mile radius zone to 8 miles northeast of the TACAN; within a 5-mile radius of the center, 39°46'35" N., 84°06'35" W. of Wright AFB, Dayton, Ohio; within a 5-mile radius of the center, 39°50'20" N., 83°50'25" W. of Springfield Municipal Airport Springfield, Ohio; and within 2 miles each side of the Springfield RBN 054° bearing extending from the Springfield 5-mile radius zone to 6 miles northeast of the RBN.

Daytona Beach, Fla.
Within a 5-mile radius of Daytona Beach Regional Airport (lat. 29°11'05" N., long. 81°03'20" W.); within a 5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.); within 5 miles each side of Daytona Beach VORTAC 256° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.

AMENDMENTS 3/4/71 36 F. R. 216 (Rewritten)

PENDING AMENDMENT
In the Daytona Beach, Fla., control zone "(lat. 29°11'05" N., long. 81°03'20" W.);" is deleted and "(lat. 29°10'49" N.,long. 81°03'23" W.);" is substituted therefor.

AMENDMENTS 3/2/72 36 F. R. 23796 (Changed)

Deadhorse, Alaska
Within a 5-mile radius of the Deadhorse Airport (latitude 70°11'37" N., longitude 148°29'10" W.); within 3 miles south and 8 miles north and parallel to the 082° True (050° Magnetic) bearing of the Deadhorse RBN (latitude 70°11'49" N., longitude 148°27'53" W.), extending from the Deadhorse RBN to 10 miles east of the Deadhorse RBN; and within 3 miles south and 8 miles north and parallel to the 250° True (218° Magnetic) bearing of the Deadhorse RBN, extending from the Deadhorse RBN to 8 miles west of the Deadhorse RBN. This control zone will be effective from 0645 to 2145 local time daily.

Decatur, Ill.
Within a 5-mile radius of Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Del Rio, Tex.
Within a 5-mile radius of Laughlin AFB (latitude 29°21'35" N., longitude 100°46'35" W.), within 2 miles each side of the Laughlin ILS NW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Laughlin TACAN 305° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN, within 2 miles each side of the Laughlin TACAN 149° radial extending from the 5-mile radius zone to 8 miles southeast of the TACAN, within 2 miles each side of the Laughlin VOR 148° radial extending from the 5-mile radius zone to 12 miles southeast of the VOR, within 2 miles each side of the Laughlin VOR 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Laughlin VOR 295° radial extending from the 5-mile radius zone to 12 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

V37-20 JAN 29 72 XUM

Deming, N. Mex.
Within a 5-mile radius of Deming Municipal Airport (lat. 32°15'40" N., long. 107°43'10" W.).

Denver, Colo.
Within a 9-mile radius of Stapleton International Airport (latitude 39°46'30" N., longitude 104°52'40" W.), within a 9-mile radius of Buckley ANGB Airport (latitude 39°42'05" N., longitude 104°45'10" W.), and within 4 miles each side of the Buckley ANGB VOR 152° radial extending from the 9-mile radius zone to 14 miles southeast of the VOR, excluding the portion within a 1-mile radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

AMENDMENTS 7/22/71 36 F. R. 9067 (Rewritten)

Des Moines, Iowa
Within a 5-mile radius of Des Moines Municipal Airport (latitude 41°32'10" N., longitude 93°39'27" W.); and within 1 mile each side of the Des Moines ILS localizer northwest course, extending from the 5-mile radius zone to 11½ miles northwest of the OM.

AMENDMENTS 6/24/71 36 F. R. 7843 (Rewritten)

Detroit, Mich. (Metropolitan Wayne County Airport)
Within a 5-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.); within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer northeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS east course, extending from the 5-mile radius zone to the OM, excluding the portion west of a line between the points of intersection of the 5-mile radius zone and the Detroit, Mich. (Willow Run) control zone.

Detroit, Mich. (Willow Run Airport)
Within a 5-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), within 2 miles each side of the Willow Run VOR 237° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, within 2 miles each side of the Willow Run Airport ILS localizer SW course, extending from the 5-mile radius zone to the OM, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Detroit, Mich. (Metropolitan Wayne County Airport) control zone.

Detroit, Mich.
Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), within 2 miles each side of the Detroit City Airport ILS localizer NW course extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15; and within 2 miles each side of the Windsor, Ontario, Canada VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

Devils Lake, N. Dak.
Within a 5-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 3½ miles each side of the Devils Lake VORTAC 134° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 3½ miles each side of the Devils Lake VORTAC 324° radial extending from the 5-mile radius zone to 10 miles northwest of the VORTAC; and within 3 nautical miles each side of the 026° bearing from the Devils Lake Municipal Airport extending from the 5-mile radius zone to 7 miles northeast of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Dickinson, N. Dak.
Within a 5-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.) and within 3 miles each side of the Dickinson VORTAC 013° radial extending from the 5-mile radius area to 8 miles north of the VORTAC.

AMENDMENTS 11/11/71 36 F. R. 19902 (Rewritten)

Dillingham, Alaska
Within a 5-mile radius of the Dillingham Municipal Airport (latitude 59°02'36" N., longitude 158°30'20" W.); within 2 miles each side of the Dillingham VOR 025° radial extending from the 5-mile radius zone to 14 miles northeast of the VOR; within 2 miles each side of the Dillingham VOR 205° radial extending from the 5-mile radius zone to 8 miles southwest of the VOR; and within 2 miles each side of the 053° bearing from the Northern Consolidated Airlines RBN (latitude 59°04'12" N., longitude 158°26'30" W.) extending from the 5-mile radius zone to 8 miles northeast of the RBN. This control zone would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time would thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Dillon, Mont.
Within a 6-mile radius of the Dillon Airport, Dillon, Mont. (latitude 45°15'20" N., longitude 112°33'10" W.) and within 3 miles each side of the Dillon VORTAC 025° radial, extending from the 6-mile radius zone to 8.5 miles northeast of the VORTAC.

AMENDMENTS 1/6/72 36 F. R. 21281 (Added)

Dodge City, Kans.
Within a 5-mile radius of Dodge City Municipal Airport (lat. 37°45'45" N., longitude 99°58'00" W.).

Dothan, Ala.
Within a 5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); within 3 miles each side of Dothan VORTAC 156° radial, extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC.

Douglas, Ariz.
Within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31°28'00" N., longitude 109°36'10" W.) and within 2 miles each side of the Douglas VORTAC 333° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC.

AMENDMENTS 7/22/71 36 F. R. 9067 (Rewritten)

Dover, Del.
Within a 5-mile radius of the center, 39°07'45" N., 75°27'50" W. of Dover AFB, Dover, Del., and within 2 miles each side of the Dover TACAN 176° radial extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Dover TACAN 130° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the Dover TACAN 008° radial extending from the 5-mile radius zone to 7 miles N of the TACAN.

Du Bois, Pa.
Within a 5-mile radius of the center, 41°10'45" N., 78°53'45" W. of Du Bois-Jefferson County Airport and within 3 miles each side of the Du Bois ILS localizer northeast course, extending from the 5-mile radius zone to 8.5 miles northeast of the OM.

Dubuque, Iowa
Within a 5-mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); within 3 miles each side of the Dubuque VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; and within 3 miles each side of the Dubuque VORTAC 128° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/6/72 36 F. R. 20673 (Rewritten)

Duluth, Minn.
Within a 6.5-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); and within 3 miles each side of the Duluth VORTAC 197° radial extending from the 6.5-mile radius zone to 11 miles south of the VORTAC.

AMENDMENTS 1/6/72 36 F. R. 21583 (Rewritten)

Durango, Colo.
Within a 5-mile radius of La Plata Field (latitude 37°09'12" N., longitude 107°45'04" W.) and within 3 miles each side of the Durango VOR 224° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/29/71 36 F. R. 4373 (Rewritten)

Dyersburg, Tenn.
Within a 5-mile radius of the Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 1.5 miles each side of the Dyersburg VORTAC 258° radial, extending from the 5-mile radius zone to the VORTAC, effective from 0600 to 2200 hours local time daily.

V 37-20 JAN 29 72 XUM

East Hartford, Conn.
Within a 5-mile radius of the center 41°45'10" N., 72°37'25" W. of Rentschler Field, East Hartford, Conn.; within 2 miles each side of the Hartford VOR 334° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of a 182° bearing from the Brainard RBN extending from the 5-mile radius zone to 7 miles S of the RBN and within 2 miles each side of the Hartford VOR 327° radial extending from the 5-mile radius zone to the VOR. This control zone is effective from 0700 to 2300 hours local time daily.

AMENDMENTS 10/14/71 36 F. R. 13830 (Changed)

Eastover, S. C.
Within a 5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 2 miles each side of McEntire ANG TACAN 138° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN.

Eau Claire, Wis.
Within a 5-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); within 2½ miles each side of the 304° bearing from Eau Claire Municipal Airport extending from the 5-mile radius zone to 5½ miles northwest of the airport; within 2½ miles each side of the 041° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles northeast of the airport; and within 2½ miles each side of the 274° bearing from the Eau Claire Municipal Airport, extending from the 5-mile radius zone to 5½ miles west of the airport.

Edwards AFB, Calif.
Within an 8-mile radius of Edwards AFB (latitude 34°54'20" N., longitude 117°52'55" W.).

Eglin AFB, Fla.
Within a 5-mile radius of Eglin AFB (latitude 30°29'10" N., longitude 86°31'50" W.); within 2 miles each side of the Eglin AFB TACAN 120° radial, extending from the 5-mile radius zone to 12 miles southeast of the TACAN; within 2 miles each side of the Eglin AFB ILS localizer southeast course, extending from the 5-mile radius zone to 12 miles southeast of the LMM; within 2 miles each side of the Eglin AFB TACAN 190° radial, extending from the 5-mile radius zone to 4 miles south of the TACAN; within a 3-mile radius of Destin-Fort Walton Beach Airport (latitude 30°23'55" N., longitude 86°28'20" W.); within 2 miles each side of the extended centerline of the Destin-Fort Walton Beach Airport Runway 14/32, extending from the 3-mile radius zone to 4 miles southeast of the airport.

PENDING AMENDMENT
Eglin AFB, Fla.
Within a 5-mile radius of Eglin AFB (lat. 30°29'07" N., long. 86°31'35" W.); within 3 miles each side of the ILS localizer southeast course, extending from the 5-mile radius zone to 8.5 miles southeast of the LMM; within a 3-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'57" N., long. 86°28'47" W.); within 2 miles each side of the extended centerline of runway 14/32, extending from the 3-mile radius zone to 4 miles southeast of the airport.

AMENDMENTS 2/3/72 36 F. R. 23795 (Rewritten)

Eglin AF Aux No. 3 (Duke Field), Fla.
Within a 5-mile radius of Eglin AF Aux No. 3 (Duke Field); (latitude 30°39'00" N., longitude 86°31'21" W.). The portion within a 5-mile radius of Bob Sikes Airport (latitude 30°46'45" N., longitude 86°31'10" W.) is excluded. This control zone is effective from 0700 to 1600 hours local time, Monday through Friday.

PENDING AMENDMENT
In the Eglin AF Aux No. 3 (Duke Field), Fla., control zone, "(lat. 30°39'00" N., long. 86°31'21" W.)." is deleted and "(lat. 30°39'01" N., long. 86°31'25" W.)." is substituted therefor, and "(lat. 30°46'45" N., long. 86°31'10" W.)." is deleted and "(lat. 30°46'47" N., long. 86°31'21" W.)." is substituted therefor.

AMENDMENTS 2/3/72 36 F. R. 23795 (Changed)

Eglin AF Aux No. 9 (Hurlburt Field), Fla.
Within a 5-mile radius of Eglin AF Aux No. 9 (Hurlburt Field), (latitude 30°25'40" N., longitude 86°41'20" W.); within 2 miles each side of the 287° bearing from the Destin (Eglin AFB) RBN extending from the 5-mile radius zone to 1 mile west of the RBN; and within 2 miles each side of the Eglin AFB TACAN 255° radial extending from the 5-mile radius zone to the Eglin AFB 5-mile radius zone. The portion which coincides with the Eglin AFB control zone is excluded.

PENDING AMENDMENT
Eglin AF Aux No. 9 (Hurlburt Field), Fla.
Within a 5-mile radius of Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'42" N., long. 86°41'05" W.); within 2 miles each side of the Eglin VOR 285° radial, extending from the 5-mile radius zone to 1 mile west of the VOR; excluding the portion within Eglin AFB control zone.

AMENDMENTS 2/3/72 36 F. R. 23795 (Rewritten)

El Centro, Calif.
Within a 5-mile radius of NAF El Centro (latitude 32°49'20" N., longitude 115°40'15" W.); within a 5-mile radius of Imperial County Airport, El Centro, Calif. (latitude 32°50'10" N., longitude 115°34'30" W.); within 2 miles each side of the Imperial VORTAC 297° radial, extending from the NAF El Centro 5-mile radius zone to the VORTAC, and within 2 miles each side of the Imperial VORTAC 327° radial, extending from the Imperial County 5-mile radius zone to the VORTAC.

El Dorado, Ark.
That airspace within a 5-mile radius of Goodwin Airport, El Dorado, Ark. (latitude 33°13'05" N., longitude 92°48'45" W.).

Elizabeth City, N. C.
Within a 5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 3 miles each side of Elizabeth City VOR 195° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR; within 2.5 miles each side of Elizabeth City VOR 357° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR; excluding the portion within a 1-mile radius of Elizabeth City Municipal Airport (latitude 36°14'45" N., longitude 76°15'35" W.). This control zone is effective from 0700 to 2200 hours, local time, daily.

Elkins, W. Va.
Within a 5-mile radius of the center, lat. 38°53'20" N., long. 79°51'24" W. of Elkins-Randolph County Airport, Elkins, W. Va., and within 3 miles each side of the 011° bearing from the Randolph County RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN. This control zone is effective from sunrise to sunset, daily.

AMENDMENTS 10/14/71 36 F. R. 14633 (Rewritten)

Elko, Nev.
Within a 5-mile radius of Elko Municipal Airport (Lat. 40°49'35" N, Long. 115°47'20" W),

Elmira, N.Y.
Within a 5-mile radius of the center of Chemung County Airport, Elmira, N.Y., 42°09'37" N., 76°53'35" W.; within 2 miles each side of the Elmira VOR 057° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the airport ILS localizer NE course extending from the 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the centerline of Runway 1 extended northerly from the 5-mile radius zone for 3 miles; within 2 miles each side of the centerline of Runway 10 extended easterly from the 5-mile radius zone for 1 mile; within 2 miles each side of the centerline of Runway 19 extended southerly from the 5-mile radius zone for 2 miles and within 2 miles each side of the centerline of Runway 28 extended westerly from the 5-mile radius zone for 4 miles.

El Monte, Calif.
Within a 3-mile radius of El Monte Airport (latitude 34°05'05" N., longitude 118°02'00" W.) and within 2 miles each side of the Pomona VORTAC 271° radial, extending from the 3-mile radius zone to 8 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

El Paso, Tex.
That airspace bounded by a line beginning at latitude 31°45'15" N., longitude 106°26'30" W.; thence clockwise along the arc of a 5-mile radius circle centered at the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.) to latitude 31°52'10" N., longitude 106°26'00" W.; to latitude 31°56'20" N., longitude 106°26'00" W.; thence clockwise along the arc of a 7-mile radius circle centered at latitude 31°50'55" N., longitude 106°22'45" W.; to latitude 31°47'30" N., longitude 106°16'45" W.; thence clockwise along the arc of a 6-mile radius circle centered at the El Paso International Airport; to latitude 31°43'15" N., longitude 106°22'20" W.; thence via the United States/Mexican Border to point of beginning.

El Toro, Calif.
Within a 5-mile radius of MCAS El Toro (latitude 33°40'34" N., longitude 117°43'50" W.); within 3.5 miles west and 3 miles east of the El Toro VOR 175° radial extending from the 5-mile radius zone to 12 miles south of the VOR, and within 2 miles each side of the El Toro VOR 225 radial extending from the 5-mile radius zone to 8 miles southwest of the VOR, excluding the portion within the Orange County, Calif., and Santa Ana, Calif., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

V37-20-JAN 29 72 XUM

Emporia, Kans.
Within a 5-mile radius of the Emporia Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.).

Enid, Okla.
That airspace within a 5-mile radius of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 2 miles W and 5 miles E of the Vance AFB ILS localizer S course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Vance AFB TACAN 185° radial, extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the Vance AFB TACAN 348° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN; and within 2 miles W and 3 miles E of the Vance AFB 17R-35L runway centerline, extending from the 5-mile radius zone to 6 miles N of Vance AFB; and within a 5-mile radius of Enid Woodring Municipal Airport (latitude 36°22'45" N., longitude 97°47'30" W.); and within 2 miles each side of the Woodring VOR
355° radial, extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Woodring VOR 185° radial, extending from the 5-mile radius zone to 8 miles S of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

Ephrata, Wash.
Within a 5-mile radius of Ephrata Municipal Airport (latitude 47°18'27" N., longitude 119°30'38" W.) and within 3 miles each side of the Ephrata VORTAC 043° and 223° radials, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

AMENDMENTS 4/29/71 36 F. R. 3463 (Rewritten)

Erie, Pa.
Within a 5-mile radius of Erie International Airport (latitude 42°04'56" N, longitude 80°10'44" W), within 2 miles either side of the Erie VORTAC 054° radial extending from the 5-mile radius zone to the VORTAC.

Escanaba, Mich.
Within a 5-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 2 miles each side of the Escanaba VORTAC 007°, 101°, and 266° radials, extending from the 5-mile radius zone to 8 miles north, east, and west of the VORTAC; and within 2 miles each side of the 349° bearing from Escanaba Municipal Airport, extending from the 5-mile radius zone to 11 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Eugene, Oreg.
Within a 5-mile radius of Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.), within 3 miles each side of the Eugene VORTAC 008° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC, and within 2.5 miles each side of the Eugene VORTAC 172° radial, extending from the 5-mile radius zone to 9 miles south of the VORTAC.

Evansville, Ind.
Within a 5-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°32'00" W.); and within 2 miles each side of the Evansville ILS localizer northeast course, extending from the 5-mile radius zone to 1 mile southwest of the OM.

Everett, Wash.
Within a 5-mile radius of the Snohomish County Airport (Paine Field), Wash. (latitude 47°54'40" N., longitude 122°16'50" W.), and within 3 miles each side of the Paine VOR 356° radial, extending from the 5-mile radius zone to 8 miles north of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/24/71 36 F. R. 7501 (Changed)

Fairbanks, Alaska (Eielson AFB).
Within a 5-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.); within 2 miles each side of the Eielson VOR 159° and 339° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the Runway 31 extended centerline, extending from the 5-mile radius zone to 5 miles NW of the NW end of Runway 31.

Fairbanks, Alaska (Fairbanks International-Wainwright AAF).
Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N., longitude 147°51'14" W.); within a 5-mile radius of Wainwright AAF (latitude 64°50'15" N., longitude 147°38'05" W.); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 8 miles SW of the airport; and within 2 miles each side of the Fairbanks RR E course, extending from the Wainwright 5-mile radius zone to 7 miles E of the RR.

Fairfield, Calif.
Within a 5-mile radius of Travis AFB, Fairfield, Calif. (latitude 38°15'45" N., longitude 121°55'35" W.), and within 2 miles each side of the Travis VOR 229° radial, extending from the 5-mile radius zone NE to the VOR and 18 miles SW of the VOR.

Fairmont, Minn.
Within a 5-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 2½ miles each side of the 132° bearing from the Fairmont Municipal Airport, extending from the 5-mile radius zone to 6½ miles southeast of the airport, and within 2½ miles each side of the 319° bearing from the Fairmont Municipal Airport, extending from the 5-mile radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/6/72 36 F. R. 20673 (Rewritten)

Fallon, Nev.
Within a 5-mile radius of NAAS Fallon (latitude 39°25'10" N., longitude 118°42'00" W.); within 2 miles each side of the NAAS Fallon TACAN 139° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 5-mile radius zone to 5.5 miles NW of the TACAN.

Falmouth, Mass.
Within a 5-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within 2 miles each side of the extended centerline of Runway 5, extending from the 5-mile radius zone to 6 miles NE of the end of Runway 5; within 2 miles each side of the Otis TACAN 030° radial, extending from the 5-mile radius zone to 8 miles NE of the TACAN; within 2 miles each side of the extended centerline of Runway 14, extending from the 5-mile radius zone to 5 miles SE of the end of Runway 14; within 2 miles each side of the Otis TACAN 139° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN; within 2 miles each side of the extended centerline of Runway 23, extending from the 5-mile radius zone to 5 miles SW of the end of Runway 23; within 2 miles each side of the Otis TACAN 224° radial, extending from the 5-mile radius zone to 8 miles SW of the TACAN; within 2 miles each side of the extended centerline of Runway 32, extending from the 5-mile radius zone to 5 miles NW of the end of Runway 32; within 2 miles each side of the Otis TACAN 299° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Farewell, Alaska
Within a 5-mile radius of Farewell Airport (lat. 62°30'25" N, Long. 153°53'25" W, from 0745 to 1545 hours, local time, daily.

Fargo, N. Dak.
Within a 5-mile radius of Hector Field (latitude 46°55'04" N., longitude 96°48'58" W.), within 2 miles each side of the Fargo ILS localizer N and S courses, extending from the RBN to LOM, and within 2 miles on each side of the Fargo VORTAC 009° radial, extending from the 5-mile radius zone to the VORTAC.

Farmingdale, N. Y.
Within a 5-mile radius of the center, 40°43'45" N., 73°24'45" W., of Republic Airport, Farmingdale, N. Y.; within 2 miles each side of the Babylon, N. Y., RBN 158° bearing extending from the 5-mile radius zone to 7 miles south of the RBN and within 1.5-mile radius of the center, 40°44'45" N., 73°29'35" W., of Grumman-Bethpage Airport. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

Farmington, N. Mex.
Within a 5-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.); and within 3 miles each side of the Farmington VORTAC 086° and 267° radials extending from the 5-mile radius zone to 8 miles east of the Farmington, N. Mex., VORTAC.

AMENDMENTS 4/1/71 36 F. R. 1886 (Rewritten)

Fayetteville, Ark.
Within a 5.5-mile radius of Drake Field (latitude 36°00'13" N., longitude 94°10'12" W.), within 3 miles each side of the Drake VOR 325° radial extending from the 5.5-mile radius zone to 8 miles northwest of the VOR.

Fayetteville, N. C.
Within a 5-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'35" N., longitude 78°52'50" W.); within 3 miles each side of Fayetteville VOR 233° radial, extending from the 5-mile radius zone to 8.5 miles southwest
of the VOR; within 3 miles each side of Fayetteville VOR 015° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR; excluding the portion within Simmons AAF control zone.

AMENDMENTS 9/16/71 36 F. R. 13831 (Changed)

66-000 O - 72 (pt. 2 Sec. 1) - 6

V 37-20 JAN 29 72 XUM

Findlay, Ohio
Within a 5-mile radius of the center, 41°00'55" N., 83°40'15" W. of Findlay Airport, Findlay, Ohio, excluding the portion within a 1-mile radius of the center, 40°57'40" N., 83°35'45" W. of Lutz Airport, Findlay, Ohio; within 2 miles each side of the Findlay VORTAC 045° radial extending from the Findlay Airport 5-mile radius to the VORTAC;
within 2 miles each side of the 178° bearing from the Findlay RBN, extending from the Findlay Airport 5-mile radius to 8 miles south of the RBN; within 2 miles each side of the 248° bearing from the Findlay RBN, extending from the Findlay Airport 5-mile radius to 8 miles west of the RBN; within a 5-mile radius of the center 40°53'15" N., 83°52'00" W. of Bluffton Flying Service Airport, Bluffton, Ohio; and within 2 miles each side of the Findlay VORTAC 051° radial and 231° radial extending from theBluffton Flying Service Airport 5-mile radius to the Findlay Airport 5-mile radius.

Flagstaff, Airz. (Pullium Airport)
That airspace within a 5-mile radius of Pullium Airport (latitude 35°08'16" N., longitude 111°40'17" W.), within 2 miles each side of the Flagstaff VOR 084° radial, extending from the 5-mile radius zone to 11.5 miles E of the VOR, within 2 miles each side of the Flagstaff VOR 096° radial extending from the 5-mile radius zone to 7.5 miles E of the VOR, and within 2 miles each side of the Flagstaff VOR 189° radial extending from the 5-mile radius zone to 7.5 miles S of the VOR.
PENDING AMENDMENT
Flagstaff, Aris. (Pullium Airport)
Within a 7-mile radius of Pullium Airport (latitude 35°08'16" N., longitude 111°40'17" W.) and within 2 miles each side of the Flagstaff VOR 127° radial, extending from the 7-mile radius zone to 10 miles southeast of the VOR.

AMENDMENTS 3/2/72 36 F. R. 24797 (Rewritten)

Flint, Mich.
Within a 5-mile radius of Flint, Mich., Bishop Airport (latitude 42°57'55" N., longitude 83°44'30" W.), and within 2 miles each side of the Flint VORTAC 052° 075°, 187°, 219°, 280° and 351° radials extending from the 5-mile radius zone to 8 miles NE, E, S, SW, W, and N of the VORTAC.

Florence, S. C.
Within a 5-mile radius of Florence Municipal Airport (latitude 34°11'17" N., longitude 79°43'28" W.); within 3 miles each side of Florence VOR 049° and 229° radials, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR.

Fort Belvoir, Va.
Within a 3-mile radius of the center, 38°42'55" N., 77°10'50" W., of the Davison AAF, Fort Belvoir, Va.; within 2 miles each side of the centerline of Runway 32 extended from the 3-mile radius zone to 5 miles northwest of the end of the runway; within 2 miles each side of the centerline of Runway 14 extended from the 3-mile radius zone to 5 miles southeast of the end of the runway.

Fort Bragg, N. C.
Within a 5-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.), excluding the portion within R-5311 and the portion southeast of a line extending from latitude 35°11'15" N., longitude 78°56'05" W., to latitude 35°05'55" N., longitude 79°00'50" W.

Fort Devens, Mass.
Within a 4-mile radius of the center, 42°34'15" N., 71°36'20" W., of Devens AAF, Fort Devens, Mass.; within a 1-mile radius of the center 42°38'30" N., 71°39'15" W., of Groton Airport, Groton, Mass.; within 2 miles each side of the 315° bearing from the Devens, RBN (42°34'05" N., 71°36'19" W.), extending from the 4-mile radius zone to 8 miles northwest of the RBN excluding that portion within a 1-mile radius of the center 42°31'30" N., 71°39'55" W.. of Shirley Airport, Shirley, Mass. This control zone is effective from 0700 to

Fort Dodge, Iowa
Within a 5-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Fort Eustis, Va.
Within a 5-mile radius of the center, lat. 37°07'45" N., long. 76°36'45" W., of Felker AAF, Fort Eustis, Va., and within 3 miles each side of the 323° bearing from the Felker AAF RBN, extending from the 5-mile radius zone to 8.5 miles northwest of the RBN, excluding the portion that coincides with the Newport News, Va., control zone. This control zone is effective from 0600 to 2300 hours, local time, daily.

AMENDMENTS 12/9/71 36 F. R. 20363 (Rewritten)

Fort Huachuca. Ariz.
Within a 5-mile radius of Libby AAF, Fort Huachuca, Ariz. (latitude 31°35'00" N., longitude 110°20'30" W.), within 2 miles each side of the 114° bearing from the Libby AAF RBN, extending from the 5-mile radius zone to 15 miles SE of the RBN, and within 2 miles each side of the Libby AAF VOR 121° radial, extending from the 5-mile radius zone to 15 miles SE of the VOR. This control zone shall be effective from 0600 to 2000 hours, local time, Monday through Friday, and from 0600 to 1800 hours, local time, Saturday and Sunday, excluding Federal legal holidays.

Fort Knox, Ky.
Within a 5-mile radius of Godman AAF (lat. 37°54'27" N., long. 85°58'21" W.); within 3 miles each side of the 354° bearing from Fort Knox RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN; within 3 miles each side of Fort Knox VOR 001°, 052°, 172° and 324° radials, extending from the 5-mile radius zone to 8.5 miles north, northeast, south, and northwest of the VOR.

AMENDMENTS 6/24/71 36 F. R. 8307 (Rewritten)

Fort Lauderdale, Fla.
Within a 5-mile radius of Fort Lauderdale-Hollywood International Airport (lat. 26°04'26" N., long. 80°09'10" W.); within 3 miles each side of Fort Lauderdale VOR 084°, 276° and 306° radials, extending from the 5-mile radius zone to 8.5 miles east, west, and northwest of the VOR.

AMENDMENTS 12/9/71 36 F. R. 20364 (Rewritten)

Fort Lauderdale, Fla. (Executive Airport)
Within a 5-mile radius of Fort Lauderdale Executive Airport (lat. 26°11'41" N., long. 80°10'15" W.); excluding the portion within Fort Lauderdale-Hollywood International Airport (lat. 26°04'26" N., long. 80°09'10" W.) control zone and within a 1.5-mile radius of Pompano Beach Airpark (lat. 26°15'00" N., long. 80°06'30" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/1/71 36 F. R. 2481 (Added)
AMENDMENTS 5/4/71 36 F. R. 8863 (Changed)

Fort Leonard Wood, Mo.
Within a 4-mile radius of Forney AAF (latitude 37°44'30" N., longitude 92°08'25" W.); within 3 miles each side of the Forney AAF VOR 323° radial extending from the 4-mile radius zone to 7½ miles northwest of the VOR; and within 3 miles each side of the 146° bearing from the Forney AAF RBN extending from the 4-mile radius zone to 7½ miles southeast of the Forney AAF RBN.

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)

Fort Lewis, Wash.
Within a 5-mile radius of Gray AAF, Fort Lewis, Wash. (latitude 47°04'55" N., longitude 122°34'55" W.), excluding the portions within the Tacoma, Washington (McChord AFB) control zone and the portion east of a line 2 miles west of and parallel to the McChord AFB VOR 182° radial. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 11/11/71 36 F. R. 19011 (Rewritten)

Fort Myers, Fla.
Within a 5-mile radius of Page Field (lat. 26°35'09" N., long. 81°51'51" W.); within 3 miles each side of Fort Myers VORTAC 126°, 213°, and 318° radials, extending from the 5-mile radius zone to 8.5 miles southeast, southwest, and northwest of the VORTAC.

AMENDMENTS 4/29/71 36 F. R. 2965 (Rewritten)
AMENDMENTS 5/27/71 36 F. R. 3262 Corr: 36 F. R. 5210

Fort Ord, Calif.
Within a 5-mile radius of the Fritzsche AAF (latitude 36°40'55" N., longitude 121°45'40" W.), excluding the portion SW of a chord drawn between the points of INT of 5-mile radius circles centered on the Monterey Peninsula Airport and Fritzsche AAF, and the portion E of a chord drawn between the points of INT of 5-mile radius circles centered on the Salinas Municipal Airport and Fritzsche AAF.
This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 1/6/72 36 F. R. 21282 (Changed)

V37-20 JAN 29 72 XUM

Fort Polk, La.
That airspace within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 9 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius zone to 7 miles NW of the north fan marker. This control zone is effective during the dates and times established in advance by publication of Special Notices in the Airman's Information Manual.

Fort Riley, Kans.
Within a 5-mile radius of Marshall AAF, Fort Riley, Kans. (latitude 39°03'15" N., longitude 96°45'50" W.); within 2 miles each side of the Fort Riley VOR 042° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 216° bearing from the Fort Riley RBN extending from the 5-mile radius zone to 8 miles SW of the RBN, excluding the portion within R-3602 and the portion bounded on the NE by the 318° bearing from the Fort Riley RBN and on the SE by a line 2 miles NW of and parallel to the Fort Riley VOR 042° radial.

Fort Rucker, Ala.
Within a 7-mile radius of latitude 31°18'30" N., longitude 85°42'20" W.; within 3 miles each side of Cairns, Ala., VOR 233° radial, extending from the 7-mile radius zone to 8.5 miles southwest of the VOR; within 2 miles each side of Cairns AAF Runway 36 extended centerline, extending from the 7-mile radius zone to 5 miles south of the runway end; within 3 miles each side of the 242° bearing from Lowe, Ala., NDB, extending from the 7-mile radius zone to 8.5 miles southwest of the NDB; within 3 miles each side of Hanchey, Ala., VOR 358° radial, extending from the 7-mile radius zone to 8.5 miles north of the VOR; within a 2-mile radius of Blackwell Field, Ozark, Ala. (latitude 31°25'50" N., longitude 85°37'10" W.); within a 2-mile radius of Hooper, Ala. Army Stage Field (latitude 31°24'25" N., longitude 85°41'20" W.); within a 2-mile radius of Allen, Ala., Army Stage Field (latitude 31°13'50" N., longitude 85°38'40" W.); excluding the portion within R-2103.

Fort Smith, Ark.
Within a 5-mile radius of Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.), within 2 miles each side of the Fort Smith VORTAC 238° radial extending from the 5-mile radius zone to the VORTAC, within 2 miles each side of the Fort Smilth ILS localizer east course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 5-mile radius zone to the Peno Bottoms RBN (latitude 35°19'21" N., longitude 94°28'28" W.).

Fort Stewart, Ga.
Within a 5-mile radius of Lyle H. Wright AAF (latitude 31°53'20" N., longitude 81°33'45" W.); within a 1.5-mile radius of Liberty County Airport (latitude 31°47'22" N., longitude 81°38'15" W.); within 3 miles each side of the 230° bearing from Liberty RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of Liberty TVOR 242° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the TVOR.

Fort Wayne, Ind.
Within a 5-mile radius of Baer Field (latitude 40°58'45" N., longitude 85°11'25" W.); within 3 miles each side of the Fort Wayne VORTAC 229° radial, extending from the 5-mile radius zone to 8½ miles southwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 320° radial, extending from the 5-mile radius zone to 8½ miles northwest of the VORTAC; within 3 miles each side of the Fort Wayne VORTAC 038° radial, extending from the 5-mile radius zone to 8½ miles northeast of the VORTAC; and within 3½ miles each side of the Fort Wayne VORTAC 265° radial, extending from the 5-mile radius zone to 10 miles west of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 18508 (Rewritten)

Fort Worth, Tex. (Carswell AFB)
That airspace within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); within 2 miles each side of the Carswell AFB TACAN 358° radial extending from the TACAN to 14 miles north; within 2 miles each side of the Benbrook VOR 360° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Carswell AFB TACAN 194° radial extending from the TACAN to 11.5 miles south; excluding the portion east of longitude 97°24'00" W.

Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field)
That airspace within an area bounded by a line beginning at latitude 32°48'00" N., longitude 96°59'00" W.; thence E along latitude 32°48'00" N. to and clockwise along the arc of a 5-mile radius circle centered at Love Field (latitude 32°51'00" N., longitude 96°50'50" W.) to latitude 32°49'40" N., W of Love Field; thence NW to latitude 32°53'15" N., longitude 96°59'35" W.; thence W along latitude 32°53'15" N. to and counterclockwise along the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field (latitude 32°49'35" N., longitude 97°02'45" W.); to longitude 96°59'00" W., SE of Greater Southwest International Dallas-Fort Worth Field; thence N along longitude 96°59'00" W. to point of beginning; within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field ILS localizer NW course, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 1-mile NW of the OM, within 2 miles each side of the Greater Southwest International Dallas-Fort Worth Field VORTAC 201° radial, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 6 miles S of the VORTAC, and within 2 miles each side of Greater Southwest International Dallas-Fort Worth Field VORTAC 322° radial, extending from the arc of a 5-mile radius circle centered on Greater Southwest International Dallas-Fort Worth Field to 7 miles NW of the VORTAC.

Fort Worth, Tex. (Meacham Field)
That airspace within a 5-mile radius of Meacham Field (latitude 32°49'00" N., longitude 97°21'35" W.); within a 5-mile radius of Carswell AFB (latitude 32°46'20" N., longitude 97°26'30" W.); and within 2 miles each side of the Meacham Field ILS localizer S course, extending from Meacham Field to 6 miles S; excluding the portion W of longitude 97°24'00" W.

Fort Yukon, Alaska
Within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'15" N. longitude 145°15'10" W.) and within 2 miles either side of the 062° bearing from the Fort Yukon RBN extending from the 5-mile radius zone to 8 miles NE of the RBN, as published by Notice to Airmen.

Franklin, Pa.
Within a 5-mile radius of the center, lat. 41°22'45" N., long. 79°51'40" W. of Chess-Lamberton Airport, Franklin, Pa.; within 3 miles each side of the Franklin, Pa. VOR 360° and 180° radials extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective from 0800 to 2000 hours, local time, Monday through Friday; 1100 to 1700 hours, local time, Saturday, and 1100 to 2000 hours, local time, Sunday.

AMENDMENTS 9/16/71 36 F. R. 13133 (Rewritten)

Fresno, Calif. (Chandler Municipal Airport)
Within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Chandler RBN extending from the 5-mile radius zone to 8 miles SW of the RBN and within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius zone to 1.5 miles S of the VORTAC, excluding the portion within the Fresno (Fresno Air Terminal) control zone. This control zone will be effective from 0700 to 2300 hours, local time daily.

Fresno, Calif. (Fresno Air Terminal).
Within a 5-mile radius of Fresno Air Terminal (latitude 36° 46' 25" N., longitude 119° 42' 35" W.), within 2 miles each side of the Fresno VORTAC 143° radial, extending from the 5-mile radius zone to 15 miles SE of the VORTAC, and within 2 miles each side of the Fresno VORTAC 150° radial, extending from the 5-mile radius zone to the VORTAC.

Fullerton, Calif.
Within a 3-mile radius of Fullerton Municipal Airport (latitude 33°52'20" N., longitude 117°58'45" W.), excluding the portion within the Long Beach, Calif., control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Gage, Okla.
Within a 5-mile radius of the Gage Municipal Airport (latitude 36°17'45" N., longitude 99°46'30" W.), and within 2 miles each side of the Gage VORTAC 118° radial, extending from the 5-mile radius zone to the VORTAC.

Gainesville, Fla.
Within a 5-mile radius of Gainesville Municipal Airport (lat. 29°41'22" N., long. 82°16'28" W.); within 1.5 miles each side of Gainesville VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC.
AMENDMENTS 8/19/71 36 F. R. 12005 (Rewritten)

Galena, Alaska
Within a 5-mile radius of the Galena Airport (latitude 64°44'10" N., longitude 156°56'00" W.); within 2 miles each side of the Galena VORTAC 089° radial extending from the 5-mile radius zone to 8 miles E of the VORTAC; and within 2 miles each side of the Galena VORTAC 269° radial extending from the 5-mile radius zone to 14 miles W of the VORTAC.

V 37-20 JAN 29 72 XUM

Galesburg, Ill.
Within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 2 miles each side of the Galesburg VOR 019° radial extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Galesburg VOR 214° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Gallup, N. Mex.
That airspace within a 5-mile radius of the Senator Clarke Field (latitude 35°30'35" N., longitude 108°47' 00" W.), within 3.5 miles each side of the Gallup, N. Mex., VORTAC 242° and 062° radials extending from the 5-mile radius zone to a point 10.5 miles southwest of the VORTAC. This control zone is effective during the dates and times published in the Airman's Information Manual.

AMENDMENTS 12/9/71 36 F. R. 19905 (Rewritten)

Galveston, Tex.
Within a 5-mile radius of Scholes Field, Galveston, Tex., (Lat. 29°15'55" N. Long. 94°51'35" W); within 2 miles either side of the 131° bearing from the Galveston RBN extending from the 5-mile radius zone to the RBN and within 2 miles either side of the Galveston VOR 119° radial extending from the 5-mile radius zone to the VOR.

Garden City, Kans.
Within a 5-mile radius of the Garden City Municipal Airport (latitude 37°55'40" N., longitude 100°43'40" W.), and within 2 miles each side of the 144° bearing from the Garden City RBN, extending from the 5-mile radius zone to 2 miles southeast of the RBN; and within 2½ miles each side of the 004° radial of the Garden City VORTAC extending from the 5-mile radius zone to 8 miles north of the VORTAC; and within 2½ miles each side of the 171° radial of the Garden City VORTAC extending from the 5-mile radius zone to 5 miles south of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 19573 (Rewritten)

Glasgow, Mont.
Within a 5-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); within 2½ miles each side of the 342° bearing from Glasgow International Airport, extending from the 5-mile radius zone to 5½ miles north of the airport; within 2½ miles each side of the Glasgow VOR 327° radial, extending from the 5-mile radius zone to 5½ miles northwest of the VOR; and within 2½ miles each side of the Glasgow VOR 127° radial, extending from the 5-mile radius zone to 5½ miles southeast of the VOR.

Glens Falls, N. Y.
Within a 5-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W., of Warren County Airport, Glens Falls,
N. Y.; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 11 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 12 miles north of the end of the runway; and within 2 miles each side of the Glens Falls VOR 005° radial extending from the 5-mile radius zone to 12 miles north of the VOR.

Glenview, Ill.
Within a 5-mile radius of NAS Glenview (latitude 42°05'30" N., longitude 87°49'20" W.); within 2 miles each side of the Northbrook, Ill., VOR 162° and 140° radials extending from the Chicago, Ill., (O'Hare International Airport),and the Glenview, Ill., 5-mile radius zones to 3½ miles south and 3½ miles southeast of the VOR; within 2 miles each side of the Northbrook VOR 071° radial, extending from 1
mile east to 6 miles east of the VOR; within 2 miles each side of the Northbrook VOR 070° radial, extending from 6 to 11 miles east of the VOR; within 2 miles each side of the 062° bearing from the Haley AAF, Fort Sheridan, Ill., RBN, extending from the RBN to 7 miles northeast of the RBN; within 2 miles each side of the 002° bearing from NAS Glenview RBN, extending from the 5-mile radius zone to 12 miles north of the RBN; and within 2 miles each side of the NAS Glenview TACAN 005° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN, excluding the area that overlies the Chicago, Ill. (O'Hare International Airport) control zone.

AMENDMENTS 11/12/71 36 F. R. 22670 (Changed)

Goldsboro, N. C.
Within a 5-mile radius of Seymour Johnson AFB (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of Seymour Johnson TACAN 073° radial, extending from the 5-mile radius zone to 4.5 miles east of the TACAN; within 2 miles each side of Seymour Johnson TACAN 253° radial, extending from the 5-mile radius zone to 8.5 miles west of the TACAN; within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of the LOM.

Goodland, Kans.
Within a 5-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101° 41'55" W.).

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)

Grand Forks, N. Dak.(International Airport)
Within a 5-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), within 2.5 miles each side of the Grand Forks VORTAC 012° radial, extending from the 5-mile radius zone to 6.5 miles north of the VORTAC and within 3 miles each side of the Grand Forks VORTAC 173° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 15114 (Rewritten)

Grand Forks, N. Dak. (Grand Forks Air Force Base)
Within a 5-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.), within 2 miles each side of the Red River VOR 360° radial extending from the 5-mile radius zone to 1 mile NE of the VOR, and within 2 miles each side of the Red River TACAN 004° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

Grand Island, Nebr.
Within a 5-mile radius of Grand Island County Airport (latitude 40°58'03" N., longitude 98°18'30" W.); within 3 miles each side of the Grand Island VORTAC 303° radial, extending from the 5-mile radius zone to 8½ miles northwest of the VORTAC; and within 3 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile radius zone to 8½ miles north of the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 15111 (Rewritten)

Grand Junction, Colo.
Within a 5-mile radius of Walker Field, Grand Junction, Colo. (lat. 39°07'05" N. Long. 108°31'10" W). and within 2 miles either side of the Grand Junction ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the localizer.

Grand Rapids, Mich.
Within a 5-mile radius of Kent County Airport (latitude 42°52'50" N., longitude 85°31'25" W.).

Grandview, Mo.
Within a 5-mile radius of Richars-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within 2½ miles each side of the Richards-Gebaur AFB ILS localizer south course, extending from the 5-mile radius zone to 1 mile south of the OM; and within 2½ miles each side of the Richards-Gebaur AFB TACAN 195° radial, extending from the 5-mile radius zone to 5½ miles south of the TACAN, excluding the area north of latitude 58°52'30" N., and west of longitude 94°35'50" W.

Grant County, Wash.
Within a 5-mile radius of Grant County Airport, Moses Lake, Wash. (latitude 47°12'35" N., longitude 119°18' 50" W.); within 2 miles each side of the Ephrata VORTAC 156° radial, extending from the 5-mile radius zone to 3 miles southeast of the VORTAC and within 2 miles each side of the Moses Lake ILS localizer south course, extending from the 5-mile radius zone to the Moses Lake VOR, excluding the portion within the Ephrata, Wash., control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 4/29/71 36 F. R. 3463 (Rewritten)

Great Falls, Mont. (International Airport)
Within a 5-mile radius of the Great Falls International Airport (latitude 47°29'00" N., longitude 111°22' 00" W.) within 3½ miles each side of the Great Falls VORTAC 225° radial, extending from the 5-mile radius zone to 10 miles southwest of the VORTAC; within 3½ miles each side of the Great Falls VORTAC 045° radial, extending from the 5-mile radius zone to 10 miles northeast of the VORTAC.

AMENDMENTS 1/6/72 36 F. R. 21280 (Rewritten)

V 37-20 JAN 29 72 XUM

Great Falls, Mont. (Malmstrom Air Force Base)
Within a 5-mile radius of the Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.); within 3½ miles each side of the Malmstrom AFB VOR 037° radial, extending from the 5-mile radius zone to 15½ miles northeast of the VOR; within 3½ miles each side of the Malmstrom AFB TACAN 227° radial, extending from the 5-mile radius zone to 7 miles southwest of the TACAN; excluding those portions within the Great Falls International Airport control zone.

AMENDMENTS 1/6/72 36 F. R. 21280 (Rewritten)

Green Bay, Wis.
That airspace within a 5-mile radius of Austin-Straubel Airport, Green Bay, Wis., (latitude 44°29' 16" N., longitude 88°07'49" W.).

AMENDMENTS 1/6/72 36 F. R. 20674 (Rewritten)

Greensboro, N. C.
Within a 5-mile radius of Greensboro/High Point/Winston-Salem Regional Airport (latitude 36°05'36" N, longitude 79°56'34" W.); within 2 miles each side of Greensboro VORTAC 035° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of Greensboro ILS localizer northwest course, extending from the 5-mile radius zone to 1 mile southeast of the LOM.

Greenville, Miss.
Within a 5-mile radius of the Greenville Municipal Airport (latitude 33°29'05" N., longitude 90°59'06" W.); within 3 miles each side of the Greenville VOR 358° radial extending from the 5-mile radius zone to 8.5 miles N of the VOR, effective from 0700 to 2000 hours, local time, daily.

Greenville, S. C.
Within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within a 5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); excluding the portion within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); effective from 0700 to 2300 hours local time daily.

Greenwood, Miss.
Within a 5-mile radius of the Greenwood Leflore Airport (latitude 33°29'30" N., longitude 90°04'50" W.); within 2.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 5-mile radius zone to 1.5 miles east of the VORTAC.

Greenwood, S. C.
Within a 5-mile radius of Greenwood County Airport (latitude 34°15'00" N., longitude 82°09'35" W.); within 3 miles each side of Greenwood VORTAC 099° and 259° radials, extending from the 5-mile radius zone to 8.5 miles east and west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Greenwood Village, Colo.
Within a 5-mile radius of Arapahoe County Airport (latitude 39°34'28" N., longitude 104°51'02" W.), excluding that airspace within the Denver, Colo., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Greer, S. C. (Greenville-Spartanburg Airport)
Within a 5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within 1 mile each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 5-mile radius zone to 6.5 miles northeast of the airport; within a 5-mile radius of Donaldson Center Airport (lat. 34° 45' 17" N., long. 82°22'30" W.); within a 5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50' 54" N., long. 82°21'01" W.); excluding the portion within Greenville control zone.

Groton, Conn.
Within a 4-mile radius of the center 41°19'50" N., 72°02'50" W. of Trumbull Airport, Groton, Conn.; within 2 miles each side of the Trumbull VOR 047° radial extending from the 4-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the Trumbull VOR 202° radial extending from the 4-mile radius zone to 6.5 miles S of the VOR and within 2 miles each side of the 216° and 244° bearings from the Groton RBN extending from the 4-mile radius zone to 6.5 miles SW of the RBN. This control zone is effective from 0530 to 2200 hours Monday through Saturday and 0900 to 2200 hours Sunday, local time, and during specific dates and times established in advance by a Notice to Airmen.

AMENDMENTS 10/14/71 36 F. R. 13830 (Changed)

Guam Island (Anderson AFB)
Within a 5-mile radius of Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.); within 2 miles each side of the Anderson TACAN 066° radial, extending from the 5-mile radius zone to 9 miles NE of the TACAN, and within 2 miles NW and 4 miles SE of the Anderson VOR 064° radial, extending from the 5-mile radius zone to the Guam Island (NAS Agana) 5-mile radius zone.

Guam Island (NAS Agana)
Within a 5-mile radius of NAS Agana (latitude 13°29'00" N., longitude 144°47'00" E.); within 4 miles NW and 2 miles SE of the Agana VOR 244° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR, and within 2 miles each side of the Guam RBN 028° bearing, extending from the 5-mile radius zone to 3 miles NE of the RBN.

Gulfport, Miss.
Within a 5-mile radius of Gulfport Municipal Airport (lat. 30°24'27.5" N., long. 89°04'05" W.); within 3 miles each side of Gulfport VORTAC 050°, 213°, and 325° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southwest, and northwest of the VORTAC; within 5 miles each side of Gulfport VORTAC 129° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC; excluding the portion within the Biloxi, Miss., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/14/71 36 F. R. 14636 (Rewritten) Corr: 36 F. R. 17643

Gulkana, Alaska
Within a 5-mile radius of the Gulkana Airport (latitude 62°09'20" N., longitude 145°27'15" W.); within 3 miles each side of the Gulkana VOR 349° radial extending from the 5-mile radius zone to 13.5 miles north of the VOR; and within 2 miles each side of the Gulkana VOR 182° radial extending from the 5-mile radius zone to 8 miles south of the VOR.

Hagerstown, Md.
Within a 5-mile radius of the center, 39°42'30" N., 77°43'45" W., of Hagerstown Airport, Hagerstown, Md.; and within 2 miles each side of the Hagerstown VOR 084° and 239° radials extending from the 5-mile radius zone to 5.5 miles SW of the VOR. This control zone is effective from 0600 to 2100 hours local time, daily.

Hampton Roads, Va.
Within a 5-mile radius of Langley AFB, Hampton Roads, Va., (latitude 37°05'05" N., longitude 76°21'25" W.), within 2.5 miles NW and 2 miles SE of the Langley AFB Runway 7 ILS localizer course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the Langley AFB TACAN 078° radial, extending from the 5-mile radius zone to 6 miles E of the TACAN.

Harrisburg, Pa.
Within a 5-mile radius of the center, 40°12'50" N., 76°51'03" W. of Capital City Airport, Harrisburg, Pa., and within a 5-mile radius of the center, 40°11'35" N., 76°45'47" W. of Harrisburg International Airport-Olmsted Field; Middletown, Pa.; within 2 miles each side of the Harrisburg VOR 100° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Capital City Airport ILS localizer west course extending from the 5-mile radius zone to 2 miles east of the OM; and within 2 miles each side of the centerline of Harrisburg International Airport-Olmsted Field Runway 13 extended from the Harrisburg International Airport-Olmsted Field 5-mile radius zone to 5 miles southeast of the end of the runway.

AMENDMENTS 11/3/71 36 F. R. 21030 (Changed)

Harrison, Ark.
Within a 5-mile radius of Boone County Airport (latitude 36°15'55" N., longitude 93°09'14" W.), within a 7.5-mile radius of the airport extending from the Harrison VOR 165° radial clockwise to the 230° radial, and within 1.5 miles each side of the Harrison VOR 140° radial extending from the 5-mile radius zone to the VOR.

Hastings, Nebr.
Within a 5-mile radius of Hastings, Nebr., Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport. The control zone shall be effective during the time established by a Notice to Airmen and continuously published in the Airman's Information Manual.

V 37 - 20 JAN 29 72 XUM

Havre, Mont.
Within a 5-mile radius of City-County Airport (latitude 48°32'45" N., longitude 109°45'40" W.); within 3 miles each side of the Havre VOR 090° radial, extending from the 5-mile radius zone to 7 miles east of the VOR: and within 3 miles each side of the Havre VOR 287° radial, extending from the 5-mile radius zone to 7 miles west of the VOR.

Hays, Kansas
Within a 5-mile radius of Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.); and within 2 miles each side of the Hays, Kansas, VOR 162° radial, extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Hayward, Calif.
Within a 5-mile radius of Hayward Air Terminal (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Oakland, Calif., control zone. This control zone is effective from 0600 to 0000 hours, local time, daily.

Hazleton, Pa.
Within a 5-mile radius of the center, 40°59'05" N., 75°59'40" W. of Hazleton Airport, Hazleton, Pa.; within 2 miles each side of the Hazleton VOR 263° and 083° radials extending from the 5-mile radius zone to 6 miles W of the VOR and within 2 miles each side of the 076° and 276° bearings from the Weatherly RBN extending from the 5-mile radius zone to 6 miles E of the RBN. This control zone is effective from 0700-2000 hours Monday thru Friday, 0700-1700 hours Saturday and 0900-2000 hours Sunday, local time, or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/14/71 36 F. R. 12897 (Changed)

Helena, Mont.
Within a 5-mile radius of Helena County - City Airport (latitude 46°36'24" N., longitude 111°59'19" W).

Hibbing, Minn.
That airspace within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'16" W.); within 2 miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to 15 miles northwest of the VORTAC; within 1½ miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to the VORTAC; and within 2½ miles each side of a 210° bearing from the Chisholm-Hibbing Airport extending from the 5-mile radius zone to 6½ miles southwest of the airport.

Hickory, N. C.
Within a 5-mile radius of Hickory Municipal Airport (latitude 35°44'30" N., longitude 81°23'20" W.); within 2.5 miles each side of the 042° bearing from Hickory RBN (latitude 35°44'00" N., longitude 81°23'30" W.), extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 2 miles each side of Hickory VOR 222° radial, extending from the 5-mile radius zone to the VOR.

Hillsboro, Oreg.
Within a 5-mile radius of Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles each side of the Newberg, Oreg., VORTAC 007° radial, extending from the 5-mile radius zone to 8 miles S of the airport. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Hilo, Hawaii
Within a 5-mile radius of General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), and within 3.5 miles each side of the Hilo VORTAC 090° radial, extending from the 5-mile radius zone to 10 miles east of the VORTAC.

AMENDMENTS 11/11/71 36 F. R. 19077 (Rewritten)

Hobart, Okla.
Within a 5-mile radius of the Hobart Municipal Airport (latitude 34° 59' 20" N., longitude 99° 02' 55" W.) and within 2 miles each side of the Hobart VOR 003° radial, extending from the 5-mile radius zone to the VOR.

Hobbs, N. Mex.
That airspace within a 5-mile radius of Lea County Airport (lat. 32°41'19" N., long. 103°13'01" W.), within a 5-mile radius of Crossroads Intercontinental Airport (lat. 32°46'00" N., long. 103°12'30" W.), and within 3.5 miles each side of the Hobbs VOR 222° radial, extending from the 5-mile radius zone of the Lea County Airport to 10.5 miles southwest of the VOR.

AMENDMENTS 4/29/71 36 F. R. 3518 (Rewritten)

Hollywood, Fla.
Within a 3-mile radius of the North Perry Airport (latitude 26°00'06" N., longitude 80°14'24" W.); excluding the portion which coincides with the Fort Lauderdale and Miami, Fla., control zones. This control zone is effective during the specific dates and time established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Homer, Alaska
Within a 5-mile radius of Homer Airport (Lat. 59°38'35" N, Long. 151°28'55" W).
This control zone is effective from 0600 Mondays through 2145 Saturdays and from 0600 through 2145 Sundays, local time, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Homestead, Fla.
Within a 5-mile radius of Homestead AFB (lat. 25°29'15" N., long. 80°23'00" W.); within 2 miles each side of the ILS localizer southwest course, extending from the 5-mile radius zone to 1.5 miles northeast of the OM.

AMENDMENTS 5/4/71 36 F. R. 8863 (Rewritten) Corr: 36 F. R. 11429

Honolulu, Hawaii
Within a 5-mile radius of Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'45" W.); within a 5-mile radius of NAS Barbers Point (latitude 21°18'35" N., longitude 158°04'30" W.); within 2 miles each side of the Honolulu VORTAC 089° radial, extending from the VORTAC to the Honolulu 5-mile radius zone; within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from the NAS Barbers Point 5-mile radius zone to 13 miles southwest of the Honolulu VORTAC.

Honolulu, Hawaii (Wheeler AFB)
Within a 3-mile radius of Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.), excluding the portion within R-3109. This control zone is effective from 0600 to 2200 hours, local time, daily.

Hopkinsville, Ky.
Within a 5-mile radius of Campbell AAF (lat. 36°40'23" N., long. 87°29'27" W.); within 1.5 miles each side of Campbell TACAN 053° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the TACAN; within 1.5 miles each side of the 224° bearing from Campbell RBN, extending from the 5-mile radius zone to 0.5 mile southwest of the RBN; within a 5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15" N., long. 87° 24'52" W.); within 3 miles each side of Clarksville VOR 171° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR.

AMENDMENTS 9/16/71 36 F. R. 12843 (Rewritten)

Hoquiam, Wash.
Within a 5-mile radius of Bowerman Field, Hoquiam, Wash. (latitude 46°58'15" N., longitude 123°56'05" W.), within 2 miles each side of the Hoquiam VORTAC 081° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Hoquiam VORTAC 080° radial, extending from the 5-mile radius zone to 20.5 miles east of the VORTAC.

PENDING AMENDMENT
Hoquiam, Wash.
Within a 5-mile radius of Bowerman Field, Hoquiam, Wash. (lat. 46°58'15" N., long. 123°56'05" W.), within 1.5 miles each side of the Hoquiam VORTAC 081° radial, extending from the 5-mile radius zone to the VORTAC and within 4 miles each side of the 081° radial, extending from the 5-mile radius zone to 20 miles east of the VORTAC.

AMENDMENTS 2/3/72 36 F. R. 23049 (Rewritten)

Hot Springs, Ark.
Within a 9-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.), and within 3 miles each side of the 248° bearing from the Hot Springs RBN extending from the 9-mile radius zone to 8.5 miles west of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

V 37-20 JAN 29 72 XUM

Hot Springs, Va.
Within a 6-mile radius of the center, lat. 37°57'04" N., long. 79°50'02" W. of Ingalls Field, Hot Springs, Va. This control zone is effective from 0800 to 1800 hours, local time, daily.

AMENDMENTS 6/24/71 36 F.R. 8364 (Added)

Houghton, Mich.
Within a 5-mile radius of Houghton County Memorial Airport (latitude 47°10'10" N., longitude 88°29'20" W.); within 3 miles each side of the 020° bearing from the Houghton RBN, extending from the 5-mile radius zone to 6½ miles north of the RBN; within 3 miles each side of the Houghton VOR 308° radial, extending from the 5-mile radius zone to 9½ miles northwest of the VOR; and within 3½ miles each side of the Houghton VOR 141° radial, extending from the 5-mile radius zone to 10 miles southeast of the VOR; and within 3 miles each side of the Houghton VOR 060° radial, extending from the 5-mile radius zone to 9 miles northeast of the VOR.

Houlton, Maine
Within a 4-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine, and within 2 miles each side of the Houlton VOR 016° radial extending from the 4-mile radius zone to 2 miles north of the VOR, excluding the airspace within Canada.

Houston, Tex. (Ellington AFB)
Within a 5-mile radius of Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.), within a 3-mile radius of Clear Lake City Stolport (latitude 29°33'27" N., longitude 95°08'21" W.), within 2 miles each side of the Ellington VOR 209° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR, within 2 miles each side of the Ellington TACAN 213° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN, within 2 miles each side of the Houston VORTAC 142° radial extending from the William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.) 5-mile radius zone to 11.5 miles southeast of the VORTAC, and within 2 miles each side of the Houston VORTAC 126° radial extending from the William P. Hobby Airport 5-mile radius zone to 13.5 miles southeast of the VORTAC, excluding the portions within the Houston, Tex. (William P. Hobby), control zone.

Houston, Tex. (Intercontinental Airport)
That airspace within a 5-mile radius of Houston Intercontinental Airport (latitude 29°58'51" N., longitude 95°20'30" W.), within 2 miles each side of the Humble VORTAC 337° radial extending from the 5-mile radius zone to 8 miles N of the VORTAC, within 2 miles each side of the Houston Intercontinental ILS localizer W course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Houston Intercontinental ILS localizer E course extending from the 5-mile radius zone to 7.5 miles E of the airport.

Houston, Tex. (William P. Hobby)
That airspace within a 5-mile radius of William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.); within 2 miles each side of the the Houston William P. Hobby ILS localizer SW course extending from the 5-mile radius zone to the OM, within 2 miles each side of the Houston William P. Hobby ILS localizer NE course extending from the 5-mile radius zone to
the Pasadena RBN, within 2 miles each side of the Houston VORTAC 306° radial extending from the 5-mile radius zone to 6 miles NW of the VORTAC, within 2 miles each side of the Houston VORTAC 025° radial extending from the 5-mile radius zone to 6 miles NE of the VORTAC, within 2 miles each side of the Houston VORTAC 239° radial extending from the 5-mile radius zone to 6 miles SW of the VORTAC, within 2 miles each side of the Houston VORTAC 142° radial extending from the 5-mile radius zone to 11.5 miles SE of the VORTAC, and within 2 miles each side of a 223° bearing from the Houston DF station (latitude 29°38'48" N., longitude 95°16'42" W.) extending from the 5-mile radius zone to 8 miles SW of the DF station, excluding the portion E of a line from the intersecting point of 5-mile radius circles centered on William P. Hobby Airport and Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.) NE of William P. Hobby Airport, through the intersecting point of such 5-mile radius circles SE of William P. Hobby Airport, to latitude 29°32'00" N., longitude 95°15'00" W.

Huntington, W. Va.
Within a 5-mile radius of the center, 38°22'00" N., 82°33'25" W., of Tri-State Airport (Walker-Long Field), Huntington, W. Va., including a 1-mile radius of the center, 38°25'10" N., 82°29'45" W., of Huntington-Downtown Airport, Chesapeake, Ohio; within 2 miles each side of the Tri-State Airport ILS localizer east course extending from the 5-mile radius zone to 13 miles east of the Shoals, W. Va., FM and within 2 miles each side of the Tri-State Airport ILS localizer west course extending from the 5-mile radius zone to the OM.

Huntsville, Ala.
Within a 5-mile radius of Huntsville-Madison County Airport (latitude 34°38'19" N., longitude 86°46'25" W.); within 2 miles each side of the Huntsville ILS localizer north course, extending from the 5-mile radius zone to 2.5 miles south of Capshaw RBN; within 2 miles each side of the Huntsville VOR 217° radial, extending from the 5-mile radius zone to 0.5 mile southwest of the VOR; within a 5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 2 miles each side of the 352° bearing from Whitesburg RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the 356° bearing from Redstone RBN, extending from the 5-mile radius zone to 2 miles north of the RBN; within 2.5 miles each side of Runway 35 extended centerline, extending from the threshold to 5.5 miles south; within 2.5 miles each side of Runway 17 extended centerline, extending from the threshold to 6 miles north.

Huron, S. Dak.
Within a 5-mile radius of Howes Municipal Airport (latitude 44°23'05" N., longitude 98°13'35" W.); and within 1½ miles each side of the Huron VOR 134° radial, extending from the 5-mile radius zone to the VOR.

Hutchinson, Kans.
Within a 5-mile radius of Hutchinson Municipal Airport (latitude 38°03'56" N., longitude 97°51'37" W.).

AMENDMENTS 11/11/71 36 F. R. 18302 (Rewritten)

Hyannis, Mass.
Within a 5-mile radius of the center, 41°40'10" N., 70°16'45" W., of Barnstable Municipal Airport, Hyannis, Mass., and within 2 miles each side of the Hyannis VORTAC 227° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates
and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

Idaho Falls, Idaho
Within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.); within a 1-mile radius of Rigby, Idaho, Airport (latitude 43°38'45" N., longitude 111°55'45" W.); within 3.5 miles each side of the Idaho Falls VOR 223° radial extending from the 5-mile radius zone to 10.5 miles southwest of the VOR; within 4 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 9 miles northeast of the VOR; and within 3 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile radius zone to 8 miles northeast of the RBN.

Iliamna, Alaska
Within a 5-mile radius of the Iliamna Airport (latitude 59°45'08" N., longitude 154°54'38" W.) and within 2 miles each side of a bearing 196° from the Iliamna RBN, extending from the 5-mile radius zone to a point 12 miles S of the RBN, from 0745 to 1545 hours, local time, Friday through Tuesday, or during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the U. S. Government Flight Information Publication, Supplement, Alaska.

Imperial Beach, Calif.
Within a 3-mile radius of NAS Imperial Beach (latitude 32°34'00" N., longitude 117°06'50" W.); that airspace W of NAS Imperial Beach within the arc of a 6-mile radius circle centered in the Imperial Beach TACAN, extending counterclockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 288° radial to the United States/Mexican Flight Information Region Boundary, excluding the portion under the jurisdiction of Mexico; and that airspace east of a NAS Imperial Beach within the arc of a 6-mile radius circle centered on the Imperial Beach TACAN, extending clockwise from a line 2 miles north of and parallel to the Imperial Beach TACAN 065° radial to the United States/Mexican Border, excluding the portion east of longitude 117°01'00" W., when the San Diego, Calif. (Brown Field) control zone is effective.

AMENDMENTS 4/19/71 36 F. R. 6415 (Changed)

Indianapolis, Ind.
Within a 5-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within 2½ miles each side of the Indianapolis runway 13R ILS localizer northwest course, extending from the 5-mile radius zone to 14½ miles northwest of the OM; within 2 miles each side of the Indianapolis runway 4L ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the OM; within 2 miles each side of the Indianapolis runway 31L ILS localizer southeast course, extending from the 5-mile radius zone to 1 mile northwest of the OM; and within 2½ miles each side of the Indianapolis runway 22R ILS localizer northeast course, extending from the 5-mile radius zone to 14½ miles northeast of the OM.

International Falls, Minn.
Within a 5-mile radius of International Falls Airport (latitude 48°33'55" N., longitude 93°24'05" W.); within 2½ miles each side of the International Falls VOR 129° radial extending from the 5-mile radius zone to 7 miles southeast of the VOR; and within 2½ miles each side of the International Falls VOR 320° radial, extending from the 5-mile radius zone to 7 miles northwest of the VOR, excluding the portion outside the United States.

V37-20 JAN 29 72 XUM

Iron Mountain, Mich.
Within a 5-mile radius of Ford Airport (latitude 45°48'55" N., longitude 88°06'55" W.); within 2½ miles each side of the Iron Mountain VORTAC 141° radial extending from the 5-mile radius zone to 6½ miles southeast of the VORTAC, within 3 miles each side of the Iron Mountain VORTAC 193° radial, extending from the 5-mile radius zone to 8 miles south of the VORTAC; within 3 miles each side of the 182° bearing from Ford Airport, extending from the 5-mile radius zone to 7½ miles south of the airport; within 3 miles each side of the 278° bearing from Ford Airport extending from the 5-mile radius zone to 7½ miles west of the airport; and within 3 miles each side of the Iron Mountain VORTAC 004° radial, extending from the 5-mile radius zone to 7½ miles north of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Ironwood, Mich.
Within a 5-mile radius of Gogebic County Airport (latitude 46°31'25" N., longitude 90°07'50" W.); within 3 miles each side of the Ironwood VORTAC 108° radial, extending from the 5-mile radius zone to 12½ miles east of the VORTAC; and within 3½ miles each side of the Ironwood VORTAC 254° radial, extending from the 5-mile radius zone to 10½ miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Islip, N. Y.
Within a 5-mile radius of the center, 40°47'50" N., 73°06'01" W., of Islip-MacArthur Airport, Islip N. Y.; within 2 miles each side of the Islip-MacArthur Airport ILS localizer SW course extending from the 5-mile radius area to 1 mile NE of the OM; and within 2 miles each side of Islip-MacArthur Airport ILS localizer NE course extending from the 5-mile radius zone to 6 miles NE of the localizer.

AMENDMENTS 7/24/71 36 F. R. 13777 (Changed)

Ithaca, N.Y.
Within a 4-mile radius of the center 42°29'25" N., 76°27'30" W., of Tompkins County Airport, Ithaca, N. Y., within 2 miles each side of the Ithaca VOR 305° radial extending from the 4-mile radius zone to 9 miles NW of the VOR; within 2 miles each side of the Ithaca VOR 144° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR; within 2 miles each side of the Ithaca VOR 117° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR and within 2 miles each side of the Ithaca VOR 058° radial extending NE from the 4-mile radius zone to 7.5 miles NE of the VOR. This control zone is effective Monday through Friday, 0600-2300; Saturday 0600-2100; Sunday, 0900-2300 local time.

Jackson, Mich.
Within a 5-mile radius of Reynolds Airport, Jackson, Mich. (latitude 42°15'30" N., longitude 84°27'40" W.), within 2 miles each side of the Jackson VOR 044° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR, within 2 miles each side of the Jackson VOR 238° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR, within 2 miles each side of the Jackson VOR 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR, and within 2 miles each side of the Jackson VOR 141° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR.

Jackson, Miss.
Within a 5-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within 2.5 miles each side of Jackson VORTAC 157° and 160° radials, extending from the 5-mile radius zone to 20 miles SE and S of the VORTAC; within a 5-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within 3 miles each side of the 008° bearing from Hawkins RBN, extending from the 5-mile radius zone to 8.5 miles N of the RBN; within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 5-mile radius zone to 0.5 mile S of the VORTAC; within a 5-mile radius of Bruce Campbell Field (latitude 32°26'15" N., longitude 90°06'05" W.).

Jackson, Tenn.
Within a 5-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.); within 2.5 miles each side of the McKellar VOR 206° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the VOR.

AMENDMENTS 9/16/71 36 F. R. 14630 (Changed)

Jacksonville, Fla. (Craig Municipal Airport)
Within a 5-mile radius of Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.); excluding the portion northeast of a line connecting the two points of intersection with a 5-mile radius circle centered on NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.) control zone.

AMENDMENTS 4/1/71 36 F. R. 2480 Added)

Jacksonville, Fla. (International Airport)
Within a 5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM.

AMENDMENTS 4/1/71 36 F. R. 2480 (Rewritten)

Jacksonville, Fla. (NAS Jacksonville)
Within a 5-mile radius of NAS Jacksonville (lat. 30°14'00" N., long. 81°40'30" W.); within 3 miles each side of Navy Cecil VOR 084° radial, extending from the 5-mile radius zone to the NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.) control zone.

AMENDMENTS 4/1/71 36 F. R. 2480 (Rewritten)

Jacksonville, Fla. (NAS Cecil Field)
Within a 5-mile radius of NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.); within 3.5 miles each side of Navy Cecil VOR 285° radial and the 285° bearing from Navy Cecil RBN, extending from the 5-mile radius zone to 11.5 miles west of the VOR and RBN; within 2 miles each side of Navy Cecil TACAN 184° radial, extending from the 5-mile radius zone to 14 miles south of the TACAN; within 1.5 miles each side of Navy Cecil TACAN 355° radial, extending from the 5-mile radius zone to 5.5 miles north of the TACAN.

AMENDMENTS 4/1/71 36 F. R. 2480 (Rewritten) Corr: 36 F. R. 3464

Jacksonville, N. C.
Within a 5-mile radius of New River MCAS (latitude 34°42'25" N., longitude 77°26'35" W.); within 2 miles each side, expanding to 3 miles each side of the 051° bearing from New River RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 3 miles each side of the 226° bearing from New River RBN, extending from the RBN to 8.5 miles southwest of the RBN; within 2 miles each side of New River TACAN 236° radial, extending from the 5-mile radius zone to 9.5 miles southwest of the TACAN; excluding the portion within R-5306C.

Jamestown, N. Y.
Within a 5-mile radius of the center, 42°09'07" N., 79°15'26" W., of Chautauqua County Airport, Jamestown, N. Y.; within 2 miles each side of the Jamestown, N. Y., VOR 071° and 251° radials extending from the 5-mile radius zone to the VOR and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 5-mile radius zone to 7 miles northeast of the RBN. This control zone shall be in effect 0700 to 2200 hours Monday through Friday, 0700 to 1700 hours Saturdays and 0900 to 2200 hours Sundays, local time.

AMENDMENTS 7/28/71 36 F. R. 13912 (Changed)

Jamestown, N. Dak.
Within a 5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); within 3 miles each side of the Jamestown VORTAC 140° radial, extending from the 5-mile radius zone to 7.5 miles southeast of the VORTAC; and within 3 miles each side of the Jamestown VORTAC 308° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 20219 (Rewritten)

Janesville, Wis.
Within a 5-mile radius of the Rock County Airport (latitude 42°37'12" N., longitude 89°02'28" W.); within 3 miles each side of a 125° bearing from the Rock County Airport extending from the 5-mile radius zone to 6½ miles southeast of the airport; and within 3 miles each side of a 321° bearing from the Rock County Airport extending from the 5-mile radius zone to 6½ miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/6/72 36 F. R. 20674 (Rewritten)

V 37-20 JAN 29 72 XUM

Jefferson City, Mo.
Within a 5-mile radius of Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), within 2 miles each side of the Jefferson City VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, and within 2 miles each side of the Jefferson City VOR 119° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Johnston Island, Johnston Atoll
Within a 5-mile radius of the Johnston Island AFB, Johnston Atoll (latitude 16°44'19" N., longitude 169°31'12" W.); within 2 miles each side of the extended centerline of runway 05, extending from the 5-mile radius zone to 6.5 miles NE of the Johnston Island RBN, and within 2 miles each side of the 241° bearing from the Johnston Island RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN.

Johnstown, Pa.
Within a 5.5-mile radius of the center, lat. 40°19'00" N., long. 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 3.5 miles each side of the Johnstown VORTAC 044° radial, extending from the 5.5-mile radius zone to 10 miles northeast of the VORTAC; within 3 miles each side of the Johnstown VORTAC 216° radial, extending from the 5.5-mile radius zone to 8.5 miles southwest of the VORTAC, and within 3.5 miles each side of the Johnstown VORTAC 320° radial, extending from the 5.5-mile radius zone to 10.5 miles northwest of the VORTAC. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 10/14/71 36 F. R. 14633 (Rewritten)

Jonesboro, Ark.
Within a 5-mile radius of Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.) and within 3 miles each side of the Jonesboro VOR 048° radial extending from the 5-mile radius zone to 8 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Joplin, Mo.
Within a 5-mile radius of the Joplin Municipal Airport (latitude 37°09'05" N., longitude 94° 29' 55" W.).

Juneau, Alaska
Within a 5-mile radius of Juneau Municipal Airport (latitude 58°21'30" N., longitude 134°35'00" W.), and within 2 miles each side of the Juneau localizer W course, extending from the 5-mile radius zone to 2 miles W of the Coghlan Island, Alaska, RBN.

Kahului, Hawaii
Within a 5-mile radius of Kahului Airport (latitude 20°54'05" N., longitude 156°26'05" W.); within 4 miles each side of the Maui VORTAC 038° radial, extending from the 5-mile radius zone to 14 miles northeast of the VORTAC; within 2 miles each side of the Maui VORTAC 201° radial, extending from the 5-mile radius zone to 11 miles south of the VORTAC and within 2 miles each side of the extended centerline of Runway 2/20, extending from the 5-mile radius zone to 11 miles south of the VORTAC.

Kalamazoo, Mich.
Within a 5-mile radius of Kalamazoo Municipal Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.), within 2 miles each side of the Kalamazoo VOR 001°, 167° and 229° radials, extending from the 5-mile radius zone to 7 miles N, S and SW of the VOR, and within 2 miles each side of the Kalamazoo ILS localizer S course, extending from the 5-mile radius zone to the OM. This control zone is effective from 0700 to 2300 hours, local time, daily.

Kalispell, Mont.
Within a 5-mile radius of Glacier Park International Airport, Kalispell, Mont. (latitude 48°18'49" N., longitude 114°15'16" W.).

Kaneohe, Hawaii
Within a 5-mile radius of MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.).

Kansas City, Mo.
Within a 7.5-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.) and within 2 miles each side of the Kansas City VORTAC 185° and 179° radials, extending from the 7.5-mile radius zone to the VORTAC.

Kansas City, Mo. (International Airport)
Within a 5-mile radius of Kansas City International Airport (latitude 39°18'20" N., longitude 94°43'30" W.); and within 2 miles each side of the Kansas City VORTAC 276° radial, extending from the VORTAC to 14 miles west of the VORTAC, excluding that portion which coincides with the Kansas City, Mo., and Leavenworth, Kans., control zone.

Ke-ahole, Kona, Hawaii
Within a 5-mile radius of the Ke-ahole Airport (latitude 19°44'35" N., longitude 156°03'00" W.) and within 1.5 miles each side of the Kona VORTAC 340° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

Kearney, Nebr.
Within a 5-mile radius of Kearney Municipal Airport (latitude 40°43'45" N., longitude 98°59'55" W.); within 3½ miles each side of the Kearney VOR 194° radial, extending from the 5-mile radius zone to 10½ miles south of the VOR; and within 3½ miles each side of the Kearney VOR 360° radial, extending from the 5-mile radius zone to 11½ miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Kenai, Alaska
Within a 5-mile radius of the Kenai Municipal Airport (latitude 60°34'11" N., longitude 151°14'56" W.); within 2 miles northwest and 3 miles southeast of the Kenai VOR 031° radial extending from the 5-mile radius zone to 8 miles northeast of the VOR.

Key West, Fla.
Within a 5-mile radius of Key West International Airport (lat. 24°33'22" N., long. 81°45'35" W.); within 3 miles each side of the 268° bearing from Fish Hook RBN, extending from the 5-mile radius zone to 8.5 miles west of the RBN; within 3 miles each side of Key West VORTAC 309° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Key West NAS (Boca Chica) (lat. 24°34'30" N., long. 81°41'15" W.); within 3 miles each side of the 251° bearing from Key West NAS UHF RBN, extending from the 5-mile radius zone to 11.5 miles west of the RBN.

AMENDMENTS 5/27/71 36 F. R. 3262 (Changed)
AMENDMENTS 12/9/71 36 F. R. 20364 (Rewritten)

Killeen, Tex.
Within a 5-mile radius of Fort Hood AAF (lat. 31°08'15" N., long. 97°42'50" W.); within a 4-mile radius of Killeen Municipal Airport (lat. 31°05'10" N., long. 97°41'05" W.); within 3 miles each side of the Hood VOR 219° radial extending from the 4-mile radius zone to 8 miles southwest of the VOR; within a 5-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49'45" W.); within 3.5 miles each side of the 341° bearing from the Gray RBN (lat. 31°07'18" N., long. 97°51'02" W.) extending from the 5-mile radius zone to 11 miles north of the RBN.

AMENDMENTS 5/27/71 36 F. R. 5211 (Added)
AMENDMENTS 5/27/71 36 F. R. 8031 (Changed)

King Salmon, Alaska
Within a 5-mile radius of the King Salmon Airport (latitude 58°40'40" N., longitude 156°38'55" W.); within 2 miles each side of the King Salmon VORTAC 312° and 132° radials, extending from the 5-mile radius zone to 9.5 miles NW of the VORTAC.

Kingsville, Tex.
Within a 5-mile radius of NAAS Kingsville (North) (latitude 27°30'10" N., longitude 97°48'25" W.); within 2 miles each side of the Kingsville TACAN 321° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of the Kingsville UHF RBN 321° bearing, extending from the 5-mile radius zone to 8 miles NW of the UHF RBN; within 2 miles each side of the Kingsville TACAN 187° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN; within 2 miles each side of the Kingsville UHF RBN 187° bearing, extending from the 5-mile radius zone to 7 miles S of the UHF RBN.

Kinston, N. C.
Within a 5-mile radius of Stallings Field (lat. 35°19'36" N., long. 77°37'02" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 5/4/71 36 F. R. 8864 (Rewritten)

Kirksville, Mo.
Within a 5-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.).

V 37 I 20 JAN 29 72 XUM

Klamath Falls, Oreg.
Within a 5-mile radius of Kingsley Field (latitude 42°09'29" N., longitude 121°43'57" W.), within 4 miles east and 2 miles west of the Klamath Falls VORTAC 171° radial extending from the 5-mile radius zone to 8.5 miles south of the VORTAC, and within 2 miles each side of the Klamath Falls VORTAC 332° radial, extending from the 5-mile radius zone to 11 miles northwest of the VORTAC.

Knoxville, Tenn.
Within a 5-mile radius of McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.); within 2 miles each side of Knoxville ILS localizer southwest course, extending from the 5-mile radius zone to 1 mile northeast of the LOM; within 1.5 miles each side of Knoxville VORTAC 220° radial, extending from the 5-mile radius zone to 1.5 miles southwest of the VORTAC.

Kodiak, Alaska
Within a 5-mile radius of Navy Station Kodiak Airport (latitude 57°44'50" N., longitude 152°29'40" W.); within 2 miles each side of the Kodiak TACAN 094° radial, extending from the 5-mile radius zone to 7 miles E of the TACAN; and within 2 miles S and 2.5 miles N of the Kodiak RR E and W courses, extending from the 5-mile radius zone to 8 miles E of the RR.

Kokomo, Ind.
Within a 5-mile radius of Grissom AFB (latitude 40°38'55" N., longitude 86°09'10" W.); within 2½ miles each side of the Grissom AFB TACAN 053° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN; within 3½ miles each side of the Grissom AFB VOR 230° radial, extending from the 5-mile radius zone to 10½ miles southwest of the VOR; within a 5-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within 3 miles each side of the Kokomo VOR 039° radial, extending from the 5-mile radius zone to 7 miles northeast of the VOR; and within 3 miles each side of the Kokomo VOR 129° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR.

Kotzebue, Alaska
Within a 5-mile radius of Wien Memorial Airport, Kotzebue, Alaska, (Lat. 66°53'02" N, Long. 162°37'33" W), and within 2 miles either side of the 048° bearing from the Kotzebue RBN, extending from the 5-mile radius zone to 12 miles NE of the RBN.

Kwajalein Island, Marshall Islands
Within a 5-mile radius of the Bucholz AAF (lat. 08°43'32" N., long. 167°44'03" E.); within 2.5 miles each side of the Kwajalein TACAN 248° radial, extending from the 5-mile radius zone to 6 miles west of the TACAN; and within 3.5 miles each side of the 078° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 11 miles east of the RBN.

AMENDMENTS 5/27/71 36 F. R. 4862 (Rewritten)

La Crosse, Wis.
That airspace within a 5-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91° 15'21" W.); within 3 miles each side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 11½ miles northwest of the VOR; within 3 miles each side of the 305° and the 146° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 6½ miles northwest of the RBN; and within 1½ miles each side of the La Crosse VOR 185° radial extending from the 5-mile radius zone to 5½ miles south of the VOR.

AMENDMENTS 5/27/71 36 F. R. 5675 (Rewritten)

Lafayette, Ind.
Within a 5-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.).

Lafayette, La.
That airspace within a 5-mile radius of Lafayette, La., Airport (latitude 30°12'00" N., longitude 91°59'40" W.); within 2 miles each side of the Lafayette ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM.

Lake Charles, La.
That airspace within a 5-mile radius of Lake Charles Municipal Airport (latitude 30°07'30" N., longitude 93°13'20" W.), within 2 miles each side of the Lake Charles VORTAC 259° radial extending from the VORTAC to 13 miles W of the VORTAC, within 2 miles each side of the Lake Charles ILS localizer NW course extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Lake Charles ILS localizer SE course extending from the 5-mile radius zone to 7.5 miles SE of the airport.

Lakehurst, N. J.
Within a 5-mile radius of the center, 40°02'05" N., 74°21'05" W., of NAS Lakehurst (West Field), Lakehurst, N.J.; within 2 miles each side of the Navy Lakehurst UHF RBN 050° bearing extending from the 5-mile radius zone to 6.5 miles northeast of the RBN; and within 2 miles each side of the Navy Lakehurst TACAN 058° radial extending from the 5-mile radius zone to 6 miles northeast of the TACAN. This control zone is effective from 0700 to 2300 hours, local time, daily.

Lake Tahoe, Calif.
Within a 5-mile radius of Lake Tahoe Airport (latitude 38°53'30" N., longitude 119°59'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

Lanai, Hawaii
Within a 5-mile radius of Lanai Airport (Lat. 20°47'30" N, Long. 156°57'00" W), from 1430 to 1815 hours local standard time, daily.

Lancaster, Pa.
Within a 5-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa., and within 2 miles each side of the Lancaster VOR 128° radial extending from the 5-mile radius zone to 7 miles SE of the VOR and within 2 miles each side of the Lancaster VOR 260° radial extending from the 5-mile radius zone to 8 miles W of the VOR from 0700 to 2300 hours, local time, daily.

Lansing, Mich.
Within a 5-mile radius of Capital City Airport, Lansing, Mich. (latitude 42°46'40" N., longitude 84°35'20" W.).

Laramie, Wyo.
Within a 5-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.); within 4 miles each side of the Laramie VORTAC 301° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC.

Laredo, Tex.
Within a 5-mile radius of Laredo AFB (latitude 27°32'35" N., longitude 99°27'40" W.), within 2 miles each side of the Laredo VORTAC 326° radial extending from the 5-mile radius zone to 16 miles northwest of the VORTAC, within 2 miles each side of the Laredo VORTAC 149° and 329° radials, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC, within 2 miles each side of the Border TACAN 185° radial extending from the 5-mile radius zone to 12 miles south of the TACAN, within 2 miles each side of the Border TACAN 337° radial extending from the 5-mile radius zone to 12 miles northwest of the TACAN, within 2 miles each side of the Border TACAN 348° radial extending from the 5-mile radius zone to 12 miles north of the TACAN, and within 2 miles each side of the Border TACAN 360° radial extending from the 5-mile radius zone to 6.5 miles north of the TACAN, excluding those portions outside the United States. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/19/71 36 F. R. 13370 (Changed)

Las Vegas, N. Mex.
Within a 5-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial extending beyond the 5-mile radius zone to a point 11 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial extending beyond the 5-mile radius zone to a point 10 miles southwest of the VORTAC.

AMENDMENTS 8/19/71 36 F. R. 12092 (Rewritten)

Las Vegas, Nev. (McCarran Field)
Within a 5-mile radius of McCarran Field (latitude 36°05'05" N., longitude 115°09'00" W.); within 2 miles southeast and 3 miles northwest of the Las Vegas VORTAC 032° radial extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles northwest and 3 miles southeast of the Las Vegas VORTAC 214° radial extending from the 5-mile radius zone to 6 miles southwest of the VORTAC; and within 2 miles each side of the Las Vegas VORTAC 268° radial extending from the 5-mile radius zone to 6.5 miles west of the VORTAC.

Las Vegas, Nev. (Nellis AFB)
Within a 5-mile radius of Nellis AFB (Lat. 36°14'10" N, Long. 115°02'00" W), and within 2 miles SE and 3 miles NW of the Las Vegas VORTAC 032° radial, extending from the 5-mile radius zone to 6.4 miles SW of the airport.

VOL 36 NO 20 JAN 29 72

Latrobe, Pa.
Within a 5-mile radius of the center, lat. 40°16'39" N., long. 79°24'14" W. of Latrobe Airport, Latrobe, Pa.; within 2 miles each side of the Latrobe Airport localizer northeast course extending from the 5-mile radius zone to 1.5 miles southwest of the Latrobe RBN lat. 40°22'32" N., long. 79°16'19" W.; and within 1.5 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile radius zone to 17.5 miles southwest of the Latrobe RBN. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 6/24/71 36 F. R. 9130 (Rewritten)

LaVerne, Calif.
Within a 3-mile radius of Brackett Field (latitude 34°05'30" N., longitude 117°47'00" W.), within 2 miles each side of the Pomona VOR 179° radial, extending from the 3-mile radius zone to 3 miles south of the VOR. This control zone shall be effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lawton, Okla.
Within a 5-mile radius of Lawton Municipal Airport (latitude 34° 34'15" N., longitude 98°24'55" W.) and within a 3-mile radius of latitude 34°38'18" N., longitude 98°24'06" W.; excluding the portion within R-5601A.

Leavenworth, Kans.
Within a 5-mile radius of Sherman AAF, Leavenworth, Kans. (latitude 39°22'05" N., longitude 94°54'45" W.).

Lebanon, N. H.
Within a 5-mile radius of the center, 43°37'35" N., 72°18'10" W., of Lebanon Regional Airport, Lebanon, N.H.; within 3.5 miles each side of the Lebanon VOR 231° and 051° radials extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of the Lebanon VOR 103° radial extending from the VOR to 3.5 miles east of the VOR and within 2 miles each side of the Lebanon VOR 134° radial extending from the VOR to 4 miles southeast of the VOR; within 2 miles either side of the centerline of runway 18 extended 5.5 miles from the end of the runway.

Lemoore, Calif.
Within a 6-mile radius of NAS Lemoore (latitude 36° 20' 00" N., longitude 119° 57' 04" W.); within 2 miles each side of the Lemoore TACAN 336° and 356° radials, extending from the 6-mile radius zone to 8 miles NW and N of the TACAN, and within 2 miles each side of the Lemoore TACAN 156° radial, extending from the 6-mile radius zone to 8 miles SE of the TACAN.

Lewiston, Idaho
Within a 5-mile radius of Lewiston Nez-Perce Airport (latitude 46°22'34" N., longitude 117°00'53" W.), and within 2 miles each side of the Lewiston VOR 263° radial, extending from the 5-mile radius zone to the VOR.
This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lewistown, Mont.
Within a 5-mile radius of the Lewistown Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 1.5 miles each side of the Lewistown VORTAC 090° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 16900 (Rewritten)

Lexington, Ky.
Within a 5-mile radius of Blue Grass Airport (lat. 38°02'16" N., long. 84°36'16" W.); within 1.5 miles each side of the ILS localizer northeast course, extending from the 5-mile radius zone to 5 miles northeast of the runway end.

AMENDMENTS 10/14/71 36 F. R. 14382 (Rewritten)

Liberal, Kansas
Within a 5-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); within 2 miles each side of the Liberal VORTAC 025° radial, extending from the 5-mile radius zone to 8 miles NE of the VORTAC; and within 2 miles each side of the Liberal VORTAC 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Lihue, Hawaii
Within a 5-mile radius of Lihue Airport (latitude 21°58'55" N., longitude 159°20'40" W.) and within 2 miles each side of the Lihue VORTAC 130° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC.

Limestone, Maine
Within a 5-mile radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine, excluding the portion outside of the United States; within 2 miles each side of the Loring TACAN 188° radial extending from the 5-mile radius zone to 6.5 miles south of the TACAN; and within 2 miles each side of the Loring TACAN 348° radial extending from the 5-mile radius zone to 7 miles north of the TACAN.

Lincoln, Nebr.
Within a 6-mile radius of Lincoln Airport (latitude 40°50'45" N., longitude 96°45'20" W.); and within 2 miles each side of the Lincoln ILS localizer N course extending from the 6-mile radius to 14 miles N of the Lincoln Airport and within 2 miles either side of the Lincoln VORTAC 015° radial extending from the 6-mile radius to 8 miles N of the Lincoln VORTAC; and within 2 miles each side of the Lincoln VORTAC 187° radial extending from the 6-mile radius to 13 miles S of the Lincoln VORTAC, excluding the airspace within a 1-mile radius of Arrow airport (latitude 40°52'00" N., longitude 96°39'15" W.).

Little Rock, Ark. (Adams Field)
Within a 5-mile radius of Adams Field (latitude 34°43'45" N., longitude 92°13'45" W.), within 1.5 miles each side of the ILS localizer southwest course extending from the 5-mile radius zone to the LOM, and within 3.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 12 miles northeast of the airport excluding the portion within the Little Rock, Ark. (Little Rock AFB), control zone.

Little Rock, Ark. (Little Rock AFB)
Within a 5-mile radius of Little Rock AFB (latitude 34°55'05" N., longitude 92°08'45" W.), within 1.5 miles each side of the ILS localizer northeast course extending from the 5-mile radius zone to 1.5 miles west of the OM, within 1.5 miles each side of the Jacksonville TACAN 076° radial extending from the 5-mile radius zone to 6.5 miles east of the TACAN, within 2 miles each side of the extended centerline of Runway 24 extending from the 5-mile radius zone to 6 miles southwest of the airport, and within 1.5 miles each side of the Jacksonville TACAN 241° radial extending from the 5-mile radius zone to 7 miles southwest of the TACAN.

Livingston, Mont.
That airspace within a 5-mile radius of Mission Field Airport (latitude 45°41'45" N., longitude 110°26'40" W.) and within 3 miles each side of the Livingston, Mont., VORTAC 340° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 20035 (Added)

London, Ky.
Within a 5-mile radius of Corbin-London War Memorial Airport (lat. 37°05'15" N., long. 84°04'38" W.); within 3 miles each side of London VOR 202° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR.

AMENDMENTS 10/14/71 36 F. R. 14635 (Rewritten)

Long Beach, Calif.
Within a 5-mile radius of Long Beach Municipal Airport (latitude 33°49'07" N., longitude 118°09'04" W.) within a 5-mile radius of NAS Los Alamitos, Calif. (latitude 33°47'30" N., longitude 118°02'50" W.); within 2 miles each side of the Long Beach ILS localizer NW course, extending from the Long Beach 5-mile radius zone to 5 miles NW of the localizer, excluding the portion within a 1-mile radius of Sunset Beach, Calif. Airport (latitude 33°43'08" N., longitude 118°02'13" W.).

Longview, Tex.
That airspace within a 5-mile radius of Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 5-mile radius zone to 7 miles NW of the VORTAC, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 5-mile radius zone to 9 miles southeast of the VORTAC, within 2 miles each side of the Gregg County ILS localizer NW course extending
from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each side of the Gregg County ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

V37-20 JAN 29 72 XUM

Los Angeles, Calif. (Hawthorne Municipal Airport)
Within a 3-mile radius of the Hawthorne Municipal Airport (latitude 33°55'20" N., longitude 118°20'05" W.), and within 2 miles on each side of the Los Angeles VOR 096° radial extending from the 3-mile radius zone to 4 miles E. of the lift-off end of Runway 7, excluding the portion N. of latitude 33°55'30" N. and W. of longitude 118°21'40" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Los Angeles, Calif. (Los Angeles International Airport)
Within a 5-mile radius of the Los Angeles International Airport (latitude 33°56'25" N., longitude 118°24'10" W.); within a 3-mile radius of the Hawthorne Municipal Airport, Los Angeles, Calif. (latitude 33°55'20" N., longitude 118°20'05" W.); within 2 miles each side of the Los Angeles Runway 25L ILS localizer east course, extending from the 5-mile radius zone to the Lima OM; within 2 miles each side of the Los Angeles VOR 096° radial extending from the Hawthorne 3-mile radius zone to 4 miles E of the lift-off end of Hawthorne Municipal Airport Runway 7, excluding the portion N of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W., and excluding the portion within the Hawthorne Municipal Airport control zone.

Louisville, Ky. (Bowman Field)
Within a 5-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within 3 miles each side of Bowman VOR 064° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR: within 1.5 miles each side of Louisville VOR 331° radial, extending from the 5-mile radius zone to the VOR; excluding the portion within Standiford Field control zone west of a line 1.5 miles east of and parallel to the ILS localizer north course and the portion south of a line 2 miles north of and parallel to Louisville VOR 301° radial.

AMENDMENTS 6/24/71 36 F. R. 8307 (Rewritten)

Louisville, Ky. (Standiford Field)
Within a 5-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 1.5 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Nabb VOR 206° radial; within 2 miles each side of Louisville VOR 301° radial, extending from the 5-mile radius zone to 1 mile northwest of the VOR; excluding the portion within Bowman Field control zone.

AMENDMENTS 6/24/71 36 F. R. 8307 (Rewritten)

Lubbock, Tex. (Lubbock Regional Airport)
That airspace within a 5-mile radius of Lubbock Regional Airport (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 123° radial, extending from the Lubbock 5-mile
radius zone to the VORTAC; within 2 miles each side of the Lubbock VORTAC 124° and 116° radials, extending from the Lubbock 5-mile radius zone to 11.5 miles southeast of the VORTAC; and within 2 miles each side of the Lubbock ILS localizer north course, extending from the 5-mile radius zone to the OM.

Lubbock, Tex. (Reese AFB)
That airspace within a 5-mile radius of Reese AFB, Tex. (latitude 33°35'56" N., longitude 102°02'36" W.); within 2 miles each side of the Lubbock VORTAC 227° radial extending from the Reese AFB 5-mile radius zone to the VORTAC, within 2 miles each side of the Reese AFB TACAN 016° radial extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, within 2 miles each side of the Reese AFB ILS localizer north course extending from the Reese AFB 5-mile radius zone to 8 miles north of the TACAN, and within 2 miles each side of the Reese AFB TACAN 167° radial extending from the 5-mile radius zone to 9.5 miles south of the TACAN, excluding that portion which lies within the Lubbock Regional Airport control zone. This control zone is effective during the dates and times published in the Airman's Information Manual.

Lufkin, Tex.
That airspace within a 5-mile radius of Angelina County Airport (latitude 31°14'05" N., longitude 94°45'00" W.), within 2 miles each side of the Lufkin VOR 337° radial extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the 153° bearing from the Lufkin DF station (latitude 31°13'57" N., longitude 94°45'15" W.) extending from the 5-mile radius zone to 8 miles SE of the DF station.

Lynchburg, Va.
Within a 5-mile radius of the center 37°19'40" N., 79°12'05" W., of Lynchburg-Preston Glenn Airport. Lynchburg, Va., excluding the airspace within 1-mile radius of the center 37°22'00" N., 79°07'00" W. of Falwell Airport, Lynchburg, Va., and within 2 miles each side of the ILS localizer SW course extending SW from the 5-mile radius zone for 1 mile. This control zone is effective from 0700 to 2300 hours, local time, daily.

MacDill AFB, Fla.
Within a 5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 1.5 miles each side of MacDill AFB TACAN 216° radial, extending from the 5-mile radius zone to 6 miles southwest of the TACAN; within a 5-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); excluding the portion within Tampa, Fla. (International Airport), control zone.

AMENDMENTS 5/10/71 36 F. R. 9066 (Rewritten)

Macon, Ga.
Within a 5-mile radius of Lewis B. Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.); within 2 miles each side of Runway 5 extended centerline, extending from the 5-mile radius zone to 5.5 miles southwest of the runway end; within 3 miles each side of Macon VORTAC 316° and 325° radials, extending from the 5-mile radius zone to 8.5 miles northwest of the VORTAC; within a 5-mile radius of Robins AFB (latitude 32°38'30" N., longitude 83°35'30" W.); within 3 miles each side of Macon VORTAC 140° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

Madison, Wis.
That airspace within a 5½-mile radius of the Truax Field Airport (latitude 43°08'15" N., longitude 89°20'10" W.); within 2½ miles each side of the Madison VOR 359° radial extending from the 5½ mile radius to 6 miles north of the VOR; and within 2½ miles each side of the Madison VOR 134° radial extending from the 5½-mile radius to 6 miles southeast of the VOR.

AMENDMENTS 5/27/71 36 F. R. 5837 (Rewritten)

Manchester, N. H.
Within a 5-mile radius of the center, lat. 42°56'00" N., long. 71°26'21" W. of Grenier Field-Manchester Municipal Airport, Manchester, N. H.; within 2.5 miles each side of the 157° bearing from the Derry RBN, lat. 42°52'12" N., long. 71°23'52" W., extending from the 5-mile radius zone to 8.5 miles south of the RBN and within 2.5 miles each side of the Manchester VORTAC 325° radial, extending from the 5-mile radius zone to 13 miles northwest of the VORTAC. This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen, which thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 7/22/71 36 F. R. 9619 (Rewritten)
AMENDMENTS 10/14/71 36 F. R. 13830 (Changed)

Manhattan, Kans.
Within a 5-mile radius of the Manhattan, Kans., Municipal Airport (latitude 39°08'35" N., longitude 96°40'05" W.), and within 2 miles each side of the Manhattan VOR 046° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Manhattan VOR 147° radial, extending from the 5-mile radius zone to 11 miles SE of the VOR, and within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN, excluding the Fort Riley, Kans control zone and the portion within R-3602. The control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

Manistee, Mich.
Within a 5-mile radius of Manistee Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 2 miles each side of the Manistee VOR 274° radial, extending from the 5-mile radius zone to 13 miles west of the VOR; and within 2 miles each side of the Manistee VOR 099° radial, extending from the 5-mile radius zone to 8 miles east of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Manitowoc, Wis.
Within a 5-mile radius of Manitowoc, Wis., Municipal Airport (latitude 44°07'30" N., longitude 87°40'45" W.), within 2 miles each side of the Manitowoc VOR 343° radial extending from the 5-mile radius zone to 8 miles north of the VOR, and within 2 miles each side of the Manitowoc VOR 176° radial extending from the 5-mile radius zone to 8 miles south of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

Mankato, Minn.
Within a 5-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and within 2 miles each side of the 167° bearing from Mankato Municipal Airport, extending from the 5-mile radius zone to 8 miles south of the airport. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mansfield, Ohio
Within a 5-mile radius of the Mansfield Lahm Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.) and within 2 miles each side of the Mansfield Lahm Municipal Airport localizer northwest course extending from the 5-mile radius zone to 4.5 miles northwest of the localizer.

Marion, Ill.
Within a 5-mile radius of the Williamson County Airport (latitude 37°45'15" N., longitude 89°00'40" W.), within 2 miles each side of the Marion VOR 014° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles each side of the Marion VOR 209° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

Marion, Ind.
Within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042°, 155° and 211° radials extending from the 5-mile radius zone to 8 miles northeast, southeast, and southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Marquette, Mich. (K. I. Sawyer AFB)
Within a 5-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer S course extending from the 5-mile radius zone to the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial extending from the 5-mile radius zone to 8 miles S of the TACAN; and within 2 miles each side of the K. I. Sawyer TACAN 015° radial extending from the 5-mile radius zone to 8 miles N of the TACAN.

Marquette, Mich. (Marquette County Airport)
Within a 5-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 2 miles each side of the Marquette VOR 084° and 250° radials, extending from the 5-mile radius zone to 8 miles E and W of the VOR.

Martha's Vineyard, Mass.
Within a 4-mile radius of Martha's Vineyard Airport (latitude 41°23'35" N., longitude 70°36'50" W.); within 2 miles each side of the Martha's Vineyard VOR 055° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the 040° bearing from the Edgartown RBN, extending from the 4-mile radius zone to 8 miles NE of the RBN. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/14/71 36 F. R. 13830 (Changed)

Martinsburg, Pa.
Within a 5-mile radius of the center, 40°17'45" N., 78°19'10" W., of Blair County Airport, Martinsburg, Pa., within 2 miles each side of the centerline of runway 2 extended from the 5-mile radius zone to 6.5 miles north of the end of the runway; and within 2 miles each side of the centerline of runway 20 extended from the 5-mile radius zone to 9 miles south of the end of the runway.

Martinsburg, W. Va.
Within a 5-mile radius of the center, lat. 39°24'03" N., long. 77°59'09" W. of Martinsburg Municipal Airport, Martinsburg, W. Va., and within 1.5 miles each side of the RWY 8 localizer course extending from the 5-mile radius zone to 2 miles west of the OM.

AMENDMENTS 11/11/71 36 F. R. 19115 (Rewritten)

Marysville, Calif. (Beale AFB)
Within a 5-mile radius of Beale AFB (latitude 39°08'10" N., longitude 121°26'05" W.), within 2 miles each side of the Beale VOR 162° radial, extending from the 5-mile radius zone to 4 miles south of the VOR, and within 2 miles each side of the Beale TACAN 347° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN.

Marysville, Calif. (Yuba County Airport)
Within a 5-mile radius of Yuba County Airport (latitude 39°05'50" N., longitude 121°34'00" W.); within 2 miles each side of the Marysville VOR 153° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR and within 2 miles each side of the Marysville VOR 343° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, excluding the portion within the Beale AFB control zone.

Mason City, Iowa
Within a 5-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.).

AMENDMENTS 4/29/71 36 F. R. 4371 (Rewritten)

Massena, N. Y.
Within a 5-mile radius of the center, 44°56'10" N., 74°50'50" W., of Richards Field, Massena, N. Y.; within 2 miles each side of the Massena VOR 284° radial extending from the 5-mile radius zone to the VOR excluding the airspace within Canada.

Mattoon, Ill.
Within a 5-mile radius of Coles County Memorial Airport (lat. 39°28'45" N., long. 88°16'51" W.); within 4.5 miles each side of the Mattoon VOR 228° radial extending from the 5-mile radius zone to 11.5 miles southwest of the VOR; and within 3 miles each side of the Mattoon VOR 063° radial, extending from the 5-mile radius area to 8.5 miles northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 9/16/71 36 F. R. 13371 (Rewritten)

Mayport, Fla. (NS Mayport)
Within a 5-mile radius of NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.); within 3 miles each side of the 057° bearing from the Navy Mayport RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN, excluding the portion southwest of a line connecting the two points of intersection with a 5-mile radius circle centered on Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.).

AMENDMENTS 4/1/71 36 F. R. 2480 (Rewritten)
AMENDMENTS 10/14/71 36 F. R. 15742 (Rewritten)

McAlester, Okla.
Within a 5-mile radius of McAlester Municipal Airport (Lat. 34°53'05" N, Long. 95°46'55" W).

McAllen, Tex.
Within a 5-mile radius of Miller International Airport (lat. 26°10'40" N., long. 98°14'25" W.), within 3 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius zone to 8 miles east of the VOR, and within 1.5 miles each side of the McAllen VOR 324° radial extending from the 5-mile radius zone to the Tacos Intersection excluding the portion outside the United States.

McComb, Miss.
Within a 5-mile radius of McComb-Pike County Airport (lat. 31°10'35" N., long. 90°28'08" W.); within 2 miles each side of McComb VORTAC 234° radial, extending from the 5-mile radius zone to the VORTAC.

AMENDMENTS 8/19/71 36 F. R. 11641 (Added)

McCook, Nebr.
That airspace within a 5-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 2 miles each side of the 120° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles southeast of the airport; and within 2 miles each side of the 324° bearing from McCook Municipal Airport, extending from the 5-mile radius zone to 8 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

McGrath, Alaska
Within a 5-mile radius of McGrath Airport (latitude 62°57'05" N., longitude 155°36'10" W.); within 2 miles W of the McGrath VORTAC 003° radial to within 2 miles E of the McGrath VORTAC 008° radial extending from the 5-mile radius zone along the McGrath VORTAC 005° radial to 13 miles N of the VORTAC; and within 3 miles SW and 2 miles NE of the McGrath RR SE course extending from the 5-mile radius zone to 8 miles SE of the RR.

Medford, Oreg.
That airspace within a 5-mile radius of the Medford-Jackson County Airport (latitude 42°22'15" N., longitude 122°52'20" W.), and within 2 miles W and 3 miles E of the Medford ILS localizer N course, extending from the 5-mile radius zone to 3 miles N of the OM.

Melbourne, Fla.
Within a 5-mile radius of Cape Kennedy Regional Airport (latitude 28°06'05" N., longitude 80°38'40" W.); within 2 miles each side of the 267° bearing from the Satellite RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 2 miles each side of the Melbourne VOR 100° radial, extending from the 5-mile radius zone to 8 miles east of the VOR; within 2 miles each side of the Melbourne VOR 262° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; excluding that portion which coincides with the Cocoa, Fla. (Patrick AFB). control zone.

AMENDMENTS 5/27/71 36 F. R. 3262 (Changed)

Memphis, Tenn.
Within a 5-mile radius of the Memphis International Airport (latitude 35°03'00" N., longitude 89°58'15" W.); excluding the portion within a 1-mile radius of Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N., longitude 90°01'55" W.).

Memphis, Tenn. (NAS)
Within a 5-mile radius of Memphis NAS (lat. 35°21'15" N., long. 89°52'10" W.). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/21/71 36 F. R. 8307 (Rewritten)

Menominee, Mich.
Within a 5-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 3 miles each side of the Menominee VOR 349° radial, extending from the 5-mile radius zone to 7 miles north of the VOR; and within 3 miles each side of the 320° bearing from Menominee County Airport, extending from the 5-mile radius zone to 7 miles northwest of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Merced, Calif.
Within a 5-mile radius of Castle Air Force Base, Merced, Calif. (latitude 37°22'45" N., longitude 120°34'00" W.); within a 5-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.); and within 2 miles each side of the Castle TACAN 310° radial, extending from the Castle 5-mile radius circle to 6 miles NW of the TACAN.

Meridian, Miss. (Key Field)
Within a 5-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 2 miles each side of the 011° and 012° bearings from Lauderdale RBN, extending from the 5-mile radius zone to 0.5 miles north of the RBN; within 2 miles each side of Meridian VORTAC 145° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VORTAC.

AMENDMENTS 5/27/71 36 F. R. 3262 (Changed)
AMENDMENTS 11/29/71 36 F. R. 23302 (Changed)

Meridian, Miss. (NAS Meridian)
Within a 5-mile radius of NAS Meridian (lat. 32°33'27" N., long. 88°33'33" W.); within 3.5 miles each side of the 021° bearing from NAS Meridian UHF RBN, extending from the 5-mile radius zone to 10.5 miles north of the RBN; within 1.5 miles each side of NAS Meridian TACAN 069° and 359° radials, extending from the 5-mile radius zone to 6 miles east and north of the TACAN; within 2 miles each side of NAS Meridian TACAN 194° radial, extending from the 5-mile radius zone to 9.5 miles south of the TACAN; within 2 miles each side of Runways 18L and 27 extended centerline, extending from the 5-mile radius zone to 4 miles north and east of the runway ends; within 2 miles each side of Runway 36L extended centerline, extending from the 5-mile radius zone to 5 miles south of the runway end.

AMENDMENTS 5/27/71 36 F. R. 6414 (Rewritten)

Miami, Fla. (Dade-Collier Training and Transition Airport)
Within a 5-mile radius of Dade-Collier Training and Transition Airport (latitude 25°51'46" N., longitude 80°53'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Miami, Fla. (International Airport)
Within a 5-mile radius of Miami International Airport (lat. 25°47'34" N., long. 80°17'10" W.); within 2 miles each side of Miami VORTAC 139° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC; within 1.5 miles each side of Runway 9L ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Portland RBN; within 1.5 miles each side of Runway 27L ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Miami VORTAC 161° radial.

AMENDMENTS 5/4/71 36 F. R. 8863 (Rewritten) Corr: 36 F. R. 11429

Miami, Fla. (Opa Locka Airport)
Within a 5-mile radius of Opa Locka Airport (latitude 25°54'26" N., longitude 80°16'48" W.); within 2 miles each side of the Miami VORTAC 108° radial, extending from the 5-mile radius zone to 5.5 miles east of the VORTAC; excluding the portion which coincides with the Miami (International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter by continuously published in the Airman's Information Manual.

AMENDMENTS 5/4/71 36 F. R. 8863 (Changed)

Miami, Fla. (Tamiami Airport)
Within a 5-mile radius of the Tamiami Airport, Fla. (latitude 25°38'51" N., longitude 80°25'59" W.).

AMENDMENTS 5/4/71 36 F. R. 8863 (Changed)

Midland, Tex.
Within a 5-mile radius of Midland-Odessa Ragional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.), and within 2 miles each side of the Midland ILS localizer NW course, extending from the 5-mile radius zone to 7 miles NW of the airport.

Midway Island
Within a 5-mile radius of Midway NS (Henderson Field) (lat. 28°11'55" N., long. 177°22'50" W.) and within 2.5 miles northwest and 4.5 miles southeast of the 240° bearing from the Midway RBN, extending from the 5-mile radius zone to 10.5 miles southwest of the RBN.

AMENDMENTS 6/24/71 36 F. R. 8210 (Rewritten)

Miles City, Mont.
Within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 3 miles each side of the 252° bearing from the Horton RBN, extending from the 5-mile radius zone to 8 miles west of the RBN; within 3 miles each side of the Miles City VORTAC 225° radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 19303 (Rewritten)

Millinocket, Maine
Within a 5-mile radius of the center 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine; within 3.5 miles each side of a 094° bearing from the Millinocket RBN extending from the 5-mile radius zone to 10.5 miles east of the RBN and within 1.5 miles each side of the Millinocket VORTAC 298° radial extending from the 5-mile radius zone to the VORTAC.

Millville, N. J.
Within a 5-mile radius of the center, 39°22'00" N., 75°04'45" W. of Millville Municipal Airport, Millville, N. J.

Milton, Fla. (NAS Whiting Field (North))
Within a 5-mile radius of NAS Whiting Field (North) (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the Navy Whiting TACAN 309° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Milwaukee, Wis. (General Mitchell Field)
Within a 5-mile radius of General Mitchell Field (latitude 42°56'51"N., longitude 87°53'58" W.).

AMENDMENTS 1/6/72 36 F. R. 20674 (Rewritten)

Milwaukee, Wis. (Timmerman Airport)
Within a 5-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'00" W.); and within 3 miles each side of Timmerman VOR 338° radial, extending from the 5-mile radius zone to 6½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 1/6/72 36 F. R. 20674 (Rewritten)

Mineral Wells, Tex.
That airspace within a 5-mile radius of Mineral Wells Airport (latitude 32°46'55" N., longitude 98°03'35" W.) S of latitude 32°48'00" N.; within a 3-mile radius of Mineral Wells Airport N of latitude 32°48'00" N.; within 2 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 5-mile radius zone to 7 miles SE of the RBN; within 2 miles each side of the Mineral Wells VORTAC 137° and 317° radials, extending from the 5-mile radius zone to 7 miles SE of the VORTAC, and within 2 miles each side of the extended centerline of Runways 13-31 extending from the airport to 3.5 miles NW.

Minneapolis, Minn.
Within a 5-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within 2 miles each side of the Minneapolis MSP-ILS localizer front course extending from the 5-mile radius zone to 1½ miles northwest of the MS-OM; within 2 miles each side of the Minneapolis APL-ILS localizer front course, extending from the 5-mile radius zone to one-half mile southwest of AP-OM.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Minneapolis, Minn. (Crystal Airport)
Within a 5-mile radius of Crystal Airport (latitude 45°03'45" N., longitude 93°21'10" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Minneapolis, Minn. (Flying Cloud)
Within a 5-mile radius of Flying Cloud Airport (latitude 44°49'30" N., longitude 93°27'45" W.); within 2½ miles each side of the Flying Cloud VOR 292° radial, extending from the 5-mile radius zone to 7½ miles west of the VOR; and within 2½ miles each side of the Flying Cloud VOR 179° radial extending from the 5-mile radius zone to 6½ miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and times will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Minot, N. Dak. (International Airport)
Within a 5-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 4 miles each side of the Minot VORTAC 129° radial, extending from the 5-mile radius zone to 9 miles southeast of the VORTAC; within 4 miles each side of the Minot VORTAC 260° radial, extending from the 5-mile radius zone to 9½ miles west of the VORTAC; within 4 miles each side of the Minot VORTAC 327° radial, extending from the 5-mile radius zone to 9½ miles northwest of the VORTAC; and within 4 miles each side of the Minot VORTAC 097° radial, extending from the 5-mile radius zone to 8½ miles east of the VORTAC, excluding the portion which overlies the Minot AFB control zone.

Minot, N. Dak. (Minot AFB)
Within a 5-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within 2½ miles each side of the Deering TACAN 113° radial, extending from the 5-mile radius zone to 7 miles southeast of the TACAN; and within 2½ miles each side of the Deering TACAN 303° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN.

Miramar, Calif.
Within a 5-mile radius of NAS Miramar (Lat. 32°52'30" N, Long. 117°08'15" W) and within 2 miles either side of the NAS Miramar TACAN 078° radial extending from the 5-mile radius zone to 12 miles E of the TACAN, excluding the area S of Lat. 32°49'30" N.

Missoula, Mont.
Within a 5-mile radius of Johnson Bell Airport (latitude 46°54'54" N., longitude 114°05'14" W.); within 3 miles each side of the northwest localizer course extending from the 5-mile radius to 2 miles northwest of the Kona CL; and within 5 miles each side of the 302° radial of the Missoula VORTAC extending from the VORTAC to 11 miles northwest of the VORTAC.

AMENDMENTS 6/24/71 36 F. R. 7844 (Rewritten) Corr: 36 F. R. 11187

Mitchell, S. Dak.
Within a 5-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); within 3 miles each side of the Mitchell VOR 149° radial, extending from the 5-mile radius zone to 7½ miles southeast of the VOR; and within 3 miles each side of the Mitchell VOR 300° radial, extending from the 5-mile radius zone to 7½ miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Mobile, Ala. (Bates Field)
Within a 5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within 1.5 miles each side of Mobile VORTAC 113° radial, extending from the 5-mile radius zone to 2 miles southeast of the VORTAC.

Modesto, Calif.
Within a 5-mile radius of the Modesto City-County Airport, Modesto, Calif. (latitude 37°37'35" N., longitude 120°57'15" W.); within 2 miles each side of the Modesto VOR 302° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; within 2 miles each side of the Modesto VOR 122° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Moline, Ill.
Within a 5-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); and within 2 miles each side of the Quad City ILS localizer west course, extending from the 5-mile radius zone to the OM.

Molokai, Hawaii
Within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), and within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius zone to 3½ miles west of the VORTAC, from 0700 to 1200 hours and from 1400 to 1800 hours local time daily.

Monroe, La.
That airspace within a 5-mile radius of Selman Field, Monroe, La. (latitude 32°30'30" N., longitude 92°02'20" W.).

Monterey, Calif.
Within a 5-mile radius of the Monterey Peninsula Airport (latitude 36°35'20" N., longitude 121°51'00" W.), and within 2 miles each side of the 317° bearing from the Monterey ILS LMM, extending from the 5-mile radius zone to 7 miles NW of the LMM, excluding the portion within the Fort Ord, Calif., control zone.

Montgomery, Ala.
Within a 5-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within 1.5 miles each side of Dannelly Field ILS localizer west course, extending from the 5-mile radius zone to 1.5 miles east of the LOM; within 2.5 miles each side of Montgomery VORTAC 311° radial, extending from the 5-mile radius zone to 15.5 miles northwest of the VORTAC; within a 5-mile radius of Maxwell AFB (latitude 32°22'48" N., longitude 86°21'55" W.); within 2 miles each side of Maxwell TACAN 333° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the TACAN.

Montpelier, Vt.
Within a 5-mile radius of the center, 44°12'15" N., 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 2 miles each side of the Montpelier VOR 160° radial extending from the 5-mile radius zone to 8 miles south of the VOR within 2 miles each side of the centerline of Runway 23 extended from the 5-mile radius zone to 8 miles southwest of the end of Runway 23.

PENDING AMENDMENT

Montpelier, Vt.
Within a 5-mile radius of the center, lat. 44°12'15" N., long. 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 3 miles each side of the Montpelier VOR 163° radial extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the centerline of Runway 23 extending from the 5-mile radius zone to 8 miles southwest of the end of Runway 23.

AMENDMENTS 3/2/72 37 F. R. 13 (Rewritten)

Montrose, Colo.
That airspace within a 5-mile radius of the Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.), and within 4 miles each side of the Montrose, Colo., VOR 313° radial extending from the 5-mile radius zone to 14 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

V 37-20 JAN 29 72 XUM

Morgantown, W. Va.
Within a 5.5-mile radius of the center, lat. 39°38'34" N., long. 79°55'01" W., of Morgantown Municipal Airport, Morgantown, W. Va., extending clockwise from a 220° bearing to a 030° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 040° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 040° bearing to a 075° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 075° bearing to a 105° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 105° bearing to a 140° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 140° bearing to a 202° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 202° bearing to a 220° bearing from the airport and within 2 miles each side of the 168° bearing from the Bobtown RBN, extending from the 5.5-mile radius arc to the RBN.

AMENDMENTS 10/14/71 36 F. R. 12897 (Changed)
AMENDMENTS 12/9/71 36 F. R. 20364 (Rewritten)

Morristown, N. J.
Within a 5-mile radius of the center of Morristown Municipal Airport (lat. 40°48'00" N., long. 74°25'00" W.); within 3 miles each side of the 204° bearing from the Chatham, N. J., RBN extending from the 5-mile radius zone to 8.5 miles southwest of the RBN excluding a 1.0-mile radius of the center of Somerset Hills Airport, Basking Ridge, N. J. (lat. 40°41'28" N., long. 74°32'08" W.). This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 7/22/71 36 F. R. 11187 (Rewritten)

Mosinee, Wis.
Within a 5-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 1½ miles each side of the Wausau, Wis., VOR 219° radial, extending from the 5-mile radius zone to the VOR; within 3½ miles each side of the 242° bearing from Central Wisconsin Airport extending from the 5-mile radius zone to 10½ miles west of the airport; and within 3½ miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 5-mile radius zone to 10½ miles east of the airport, excluding the portion which overlies the Wausau, Wis., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Moultrie, Ga.
Within a 5-mile radius of Moultrie-Thomasville Airport (lat. 31°04'58" N., long. 83°48'15" W.); within 3 miles each side of Moultrie VOR 031° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of Moultrie VOR 199° radial, extending from the 5-mile radius zone to 11.5 miles south of the VOR; within 3 miles each side of Moultrie VOR 230° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; within a 5-mile radius of Spence AF Auxiliary Field (lat. 31°08'15" N., long. 83° 42'15" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/19/71 36 F. R. 11188 (Rewritten)

Mountain Home, Idaho
Within a 5-mile radius of Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.); within 2 miles each side of the extended centerline of Runway 12, extending from the 5-mile radius zone to 7.5 miles SE of the SE end of Runway 12; within 2 miles each side of the extended centerline of Runway 30, extending from the 5-mile radius zone to 7.5 miles NW of the NW end of Runway 30; within 2 miles each side of the Mountain Home TACAN 129° radial, extending from the 5-mile radius zone to 7 miles SE of the TACAN, and within 2 miles each side of the Mountain Home TACAN 321° radial, extending from the 5-mile radius zone to 7 miles NW of the TACAN.

Mountain View, Calif. (Moffett Field NAS)
Within a 5-mile radius of Moffett Field NAS (latitude 37°24'55" N., longitude 122°02'50" W.), within a 3-mile radius of Palo Alto, Calif. Airport (latitude 37°27'40" N., longitude 122°06'50" W.) within 2.5 miles southwest and 2 miles northeast of the Moffett TACAN 157° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN and within 2 miles each side of the San Jose VOR 319° radial, extending from the VOR to 8 miles northwest of the VOR, excluding the portion southeast of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W., and the portion within the Palo Alto control zone when it is effective.

Mount Clemens, Mich.
Within a 5-mile radius of Selfridge AFB (latitude 42°36'30" N., longitude 82°50'15" W.); within 2 miles each side of the Selfridge AFB ILS localizer north and south courses, extending from the 5-mile radius zone to 8 miles north and south of Selfridge AFB, and within 2 miles each side of the Selfridge AFB TACAN 353° radial, extending from the 5-mile radius zone to 8 miles north of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will, hereafter, be continuously published in the Airman's Information Manual.
AMENDMENTS 9/27/71 36 F. R. 19904 (Rewritten) Corr: 36 F. R. 22010

Mount Vernon, Ill.
Within a 5-mile radius of Mount Vernon-Outland Airport (latitude 38°19'20" N., longitude 88°51'35" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial extending from the 5-mile radius zone to 17 miles southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Muncie, Ind.
Within a 5-mile radius of Delaware County-Johnson Field (latitude 40°14'25" N., longitude 85°23'45" W.); within 2½ miles each side of the Muncie VOR 125° radial, extending from the 5-mile radius zone to 6½ miles southeast of the VOR; within 2½ miles each side of the Muncie VOR 017° radial, extending from the 5-mile radius zone to 6½ miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 5-mile radius zone to 10 miles northwest of the VOR, from 0700 to 2300 hours local time daily.

Muscle Shoals, Ala.
Within a 5-mile radius of Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

Muskegon, Mich.
Within a 5-mile radius of Muskegon County Airport (lat. 43°10'16" N., long. 86°14'09" W.); within 1.5 miles each side of the Muskegon VORTAC 272° radial, extending from the 5-mile radius zone to 1 mile west of the VORTAC; and within 1.5 miles each side of the ILS back course extending from the 5-mile radius zone to 10.5 miles northwest of the Muskegon County Airport ILS OM.

AMENDMENTS 11/11/71 36 F. R. 18303 (Rewritten)

Myrtle Beach, S. C.
Within a 5-mile radius of Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within 3 miles each side of Myrtle Beach VORTAC 054° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3 miles each side of the Myrtle Beach VORTAC 220° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Myrtle Beach AFB, S. C.
Within a 5-mile radius of Myrtle Beach AFB (lat. 33°40'45" N., long. 78°55'45" W.); within 1.5 miles each side of Conway TACAN 165° radial, extending from the 5-mile radius zone to 6.5 miles south of the TACAN; within 2.5 miles each side of the 167° bearing from Conway RBN, extending from the 5-mile radius zone to the RBN.

AMENDMENTS 12/9/71 36 F. R. 20365 (Rewritten)

Nantucket, Mass.
Within a 4-mile radius of Nantucket Memorial Airport, Nantucket, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.), and within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 4-mile radius zone to 8 miles NE of the VOR.

Napa, Calif.
Within a 3-mile radius of Napa County Airport (latitude 38°12'55" N., longitude 122°16'45" W.), from 0700 to 2300 hours, local time, daily.

Nashville, Tenn.
Within a 5-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 1 mile each side, expanding to 3 miles each side of the ILS localizer north course, extending from the 5-mile radius zone to 13 miles north of the localizer; within 3 miles each side of Nashville VORTAC 109° radial, extending from the 5-mile radius zone to 8.5 miles east of the VORTAC; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; excluding the portion within a 1-mile radius of Cornelia Fort Airpark (lat. 36°11'45" N., long. 86°42'00" W.).

AMENDMENTS 4/29/71 36 F. R. 4479 (Rewritten) AMENDMENTS 4/9/71 36 F. R. 7224 (Changed)
AMENDMENTS 9/30/71 36 F. R. 18511 (Changed)

Needles, Calif.
Within a 5-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.), and within 2 miles each side of the Needles VORTAC 272° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.

PENDING AMENDMENT
Needles, Calif.
Within a 5-mile radius of Needles Airport (latitude 34°46'05" N., longitude 114°37'30" W.).

AMENDMENTS 3/2/72 36 F. R. 24798 (Rewritten)

Nenana, Alaska
Within a 5-mile radius of the Nenana Airport (latitude 64°32'50" N., longitude 149°04'35" W.); and within 2 miles each side of the Nenana RR SE course extending from the 5-mile radius zone to 8 miles SE of the RR. This control zone is effective from 0600 Sunday through 2200 Friday and from 0600 through 2200 Saturday, local time, or during the specific days and times established in advance by Notice to Airman. The effective times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Newark, N. J.
Within a 5-mile radius of Newark Airport (latitude 40°41'35" N., longitude 74°10'15" W.); within 2.5 miles W and 2 miles E of the Newark localizer SW course, extending from the 5-mile radius zone to 1.5 miles SW of the OM; within 2 miles each side of the Newark localizer NE course, extending from the 5-mile radius zone to the Teterboro Airport (latitude 40°51'05" N., longtiude 74°03'40" W.) 5-mile radius zone; and within 2 miles each side of the 254° bearing from the lift-off end of Runway 29, extending from the 5-mile radius zone to 5 miles SW of the runway.

New Bedford, Mass.
Within a 5-mile radius of the New Bedford Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.). This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a NOtice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

New Bern, N. C.
Within a 5-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.); within 2.5 miles each side of New Bern VOR 221° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR.

Newburgh, N. Y.
Within a 5-mile radius of the center (lat. 41°30'05" N., long. 74°05'45" W.) of Stewart Airport, Newburgh, N. Y., and within 2.5 miles each side of the 079° bearing from the Neely RBN (Lat. 41°29'09" N., Long. 74° 13'44" W.) extending from the 5-mile radius zone to the RBN. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 6/17/71 36 F. R. 11641 (Rewritten)
AMENDMENTS 12/9/71 36 F. R. 17643 (Changed)

New Haven, Conn.
Within a 4-mile radius of the center, 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 2 miles each side of the centerline of Runway 2 extended from the 4-mile radius zone to 4 miles north of the end of the runway; and within 2 miles each side of the New Haven VOR 192° radial extending from the 4-mile radius zone to 7 miles south of the VOR. This control zone is effective from 0700 to 2300 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

New Orleans, La. (New Orleans Airport)
Within a 5-mile radius of New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.), excluding the portion W of longitude 90°04'03" W.

New Orleans, La. (New Orleans International Airport-Moisant Field).
Within a 5-mile radius of New Orleans International Airport (latitude 29°59'25" N., longitude 90°15'15" W.); within 2 miles each side of the New Orleans ILS localizer W course extending from the 5-mile radius zone to 2 miles E of the LOM; within 2 miles each side of the New Orleans VORTAC 085° radial extending from the VORTAC to 7 miles E; within 2 miles each side of the New Orleans VORTAC 243° and 063° radials extending from the 5-mile radius zone to 1 mile NE of the VORTAC, excluding that portion E of longitude 90°04'03" W.

New Orleans, La. (NAS New Orleans-Alvin Callender Field)
That airspace within a 5-mile radius of NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); within 2 miles each side of the 241° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SW of the RBN, within 2 miles each side of the 131° bearing from the Navy New Orleans RBN, extending from the 5-mile radius zone to 12 miles SE of the RBN, and within 2 miles each side of the Harvey VOR 053° radial extending from the 5-mile radius zone to 6 miles NE of the VOR.

Newport News, Va.
Within a 5-mile radius of the center, lat. 37°07'51" N., long. 76°29'35" W., of Patrick Henry Airport, Newport News, Va., excluding the portion that coincides with the Hampton Roads, Va., control zone.

AMENDMENTS 12/9/71 36 F. R. 20363 (Rewritten)

New York, N. Y. (La Guardia Airport)
Within a 5-mile radius of La Guardia Airport (latitude 40°46'30" N., longitude 73°52'20" W.); and within 2 miles each side of the La Guardia VOR 034° radial, extending from the 5-mile radius zone to 5.5 miles NE of the VOR, excluding the portion within the John F. Kennedy International Airport control zone.

New York, N. Y. (John F. Kennedy International Airport)
Within a 5.5-mile radius of the John F. Kennedy International Airport (latitude 40°38'20" N., longitude 73°47'10" W.); within a 5-mile radius of NAS New York, N. Y. (latitude 40°35'40" N., longitude 73°53'30" W.); within 2 miles each side of the John F. Kennedy International Airport Runway 22-L localizer course, extending from the 5.5-mile radius zone to the Laurel OM; within 2 miles each side of the Kennedy VORTAC 037° radial, extending from the 5.5-mile radius zone to 8 miles NE of the VORTAC; within 2 miles each side of the Kennedy VORTAC 129° radial, extending from the 5.5-mile radius zone to 6 miles SE of the VORTAC; within a 9-mile radius of the John F. Kennedy International Airport, extending clockwise from a line 2 miles E of and parallel to the Kennedy VORTAC 141° radial to a line 2 miles W of and parallel to the Kennedy VORTAC 242° radial; within 2 miles each side of the John F. Kennedy International Airport Runway 4-R localizer course, extending from the 5.5-mile radius zone to 8 miles SW of the Conduit OM; within 2 miles each side of the Canarsie VOR 030° radial, extending from the VOR to 4.5 miles NE of the VOR; and within 2 miles each side of the 182° bearing from the Navy N. Y. RBN, extending from the NAS N. Y. 5-mile radius zone to 8 miles S of the RBN.

AMENDMENTS 12/9/71 36 F. R. 17643 (Changed)

Niagara Falls, N. Y.
Within a 5-mile radius of Niagara Falls International Airport (latitude 43°06'20" N., longitude 78°56'55" W.), and within 2 miles each side of Niagara Falls ILS localizer E course, extending from the 5-mile radius zone to the OM, excluding the portion outside the United States.

Nome, Alaska
Within a 5-mile radius of Nome FAA Airport (latitude 64°31' N., longitude 165°27' W.); within 2 miles each side of the Nome RR E course, extending from the 5-mile radius zone to 10 miles E of the RR; within 2 miles each side of the Nome VOR 107° and 287° radials, extending from the 5-mile radius zone to 8 miles E of the VOR.

Norfolk, Nebr.
Within a 5-mile radius of Karl Stefan Memorial Airport (latitude 41°59'05" N., longitude 97°26'10" W.); and within 2 miles each side of the Norfolk VOR 022°, 144°, 195° and 318° radials, extending from the 5-mile radius zone to 8 miles southeast, south, northwest and northeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Norfolk, Va. (Norfolk Regional)
Within a 5-mile radius of the center, 36°53'45" N., 76°12'15" W., of Norfolk Regional Airport, Norfolk, Va., excluding the northwest portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (NAS Norfolk), control zone.

Norfolk, Va. (NAS Norfolk)
Within a 5-mile radius of the center, 36°56'15" N., 76°17'15" W. of NAS Norfolk, Norfolk, Va., excluding the southeastern portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Norfolk, Va. (Norfolk Regional), control zone.

66-000 O - 72 (pt. 2 Sec. 1) - 8

V 37-20 JAN 29 72 XUM

North, S. C.
Within a 5-mile radius of North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.) and within 2 miles each side of the North AFAF TACAN 234° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

North Bend, Oreg.
Within a 5-mile radius of North Bend Municipal Airport (latitude 43°25'00" N., longitude 124°14'45" W.); within 2 miles each side of the North Bend VORTAC 044° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the 5-mile radius zone to 4.5 miles east of the VORTAC, and within 2 miles each side of a 337° bearing from the North Bend RBN extending from the 5-mile radius zone to 8 miles northwest of the RBN.

North Philadelphia, Pa.
Within a 5-mile radius of the center, Lat. 40°04'49" N., Long. 75°00'45" W. of North Philadelphia Airport, Philadelphia, Pa., excluding
the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Willow Grove, Pa., control zone.
AMENDMENTS 5/27/71 36 F. R. 7049 (Rewritten) Corr: 36 F. R. 11904

North Platte, Nebr.
Within a 5-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); within 2 miles each side of the North Platte VOR 029° radial, extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 186° bearing from North Platte RBN, extending from the 5-mile radius zone to 8 miles south of the RBN; and within 2 miles each side of the 131° bearing from Lee Bird Field, extending from the 5-mile radius zone to 10 miles southeast of the airport.

Northway, Alaska
Within a 5-mile radius of Northway Airport (latitude 62° 57' N., longitude 141° 55' W.), and within 2 miles each side of Northway RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR.

Norwood, Mass.
Within a 5-mile radius of the center (42°11'20" N., 71°10'15" W.) of Norwood Memorial Airport, Norwood, Mass.; within 3 miles each side of the 154° bearing and 334° bearing from the Stoughton, Mass., RBN (42°07'10"N., 71°07'41" W.) extending from the 5-mile radius zone to 8 miles southeast of the RBN and within 2 miles each side of the Whitman VORTAC 311° radial extending from the 5-mile radius zone to 2 miles northwest of the VORTAC, excluding the portion within the South Weymouth, Mass., control zone. This control zone is effective daily from 0800 to 2000 hours, local time, or during the specific times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.
AMENDMENTS 9/28/71 36 F. R. 19076 (Changed)
AMENDMENTS 12/8/71 36 F. R. 23302 (Changed)

Oakland, Calif.
Within a 5-mile radius of Metropolitan Oakland International Airport (latitude 37°43'15" N., longitude 122°13'20" W.) excluding the portion subtended by a chord drawn between the points of INT of this radius with the radius of the NAS Alameda, Calif., control zone; within a 5-mile radius of Hayward Air Terminal, Hayward, Calif. (latitude 37°39'30" N., longitude 122°06'45" W.), excluding the portion within the Hayward control zone when it is effective.

Oceana, Va.
Within a 5-mile radius area of the center, lat. 36°50'00" N., long. 76°01'45" W. of NAS Oceana (Soucek Field); within 2 miles each side of the Navy Oceana TACAN 225° radial extending from the 5-mile radius zone to 10 miles southwest of the TACAN; within 3.5 miles each side of a 187° bearing from the Navy Oceana RBN extending from the 5-mile radius zone to 9 miles south of the RBN and within a 3-mile radius of the center of lat. 36°42'15" N., long. 76°08'00" W. of ALF Fentress excluding the portion within R-6606.

AMENDMENTS 11/11/71 36 F. R. 18192 (Rewritten)

Ogden, Utah (Hill AFB)
Within a 5-mile radius of Hill AFB (latitude 41°07'25" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion within the Ogden (Ogden Municipal Airport) control zone when it is effective.

Ogden, Utah (Ogden Municipal Airport)
Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion S of a line extending from latitude 41°08'10" N., longitude 112°04'00" W., to latitude 41°11'00" N., longitude 111°55'00" W., from 0600 to 2200 hours, local time, daily.

Oklahoma City, Okla. (Tinker AFB)
That airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 357° radial extending from the 5-mile radius zone to 8 miles north of the VOR; within 2 miles each side of the Tinker AFB TACAN 001° radial extending from the 5-mile radius zone to 9.5 miles north of the TACAN; within 2 miles each side of the Tinker AFB ILS south course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Tinker AFB VOR 187° radial extending from the 5-mile radius zone to 8 miles south of the VOR; and within 2 miles each side of the Tinker AFB TACAN 187° radial extending from the 5-mile radius zone to 6 miles south of the TACAN.

Oklahoma City, Okla. (Wiley Post Airport)
Within a 5-mile radius of Wiley Post Airport (latitude 35°32'05" N., longitude 97° 38'40" W.), and within 2 miles each side of the Oklahoma City VORTAC 050° radial, extending from the 5-mile radius zone to the VORTAC, excluding the portion S of a line extending through latitude 35°26'33" N., longitude 97°48'21" W., and latitude 35°28'00" N., longitude 97°36'05" W.

Oklahoma City, Okla. (Will Rogers World Airport)
Within a 5-mile radius of Will Rogers World Airport (latitude 35°23'45" N., longitude 97°36'30" W.); within 3 miles each side of the Oklahoma City runway 17R ILS localizer north course, extending from the 5-mile radius zone to the Tulakes, Okla., RBN; within 2 miles southwest and 3.5 miles northeast of the Oklahoma City VORTAC 105° radial extending from the 5-mile radius zone to the VORTAC; and within 3 miles each side of the Oklahoma City runway 35R ILS localizer south course extending from the 5-mile radius zone to the LOM (latitude 35°18' 36" N., longitude 97°35'17" W.), excluding that portion which coincides with the Oklahoma City (Wiley Post) control zone.

AMENDMENTS 10/14/71 36 F. R. 16188 (Rewritten)

Olathe, Kans.
Within a 5-mile radius of the Johnson County, Kansas Airport (lat. 38°51'00" N., long. 94°44'15" W.); and within 2½ miles each side of the 183° bearing from Johnson County Airport, extending from the 5-mile radius zone to 6½ miles south of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Old Town, Maine
Within a 5-mile radius of the center, lat. 44°57'15" N., long. 68°40'30" W. of De Witt Field-Old Town Municipal Airport, Old Town, Maine; within 1.5 miles each side of the Bangor, Maine, VORTAC 052° radial, extending from the 5-mile radius zone to the VORTAC; within 3.5 miles each side of the Bangor VORTAC 050° radial, extending from the 5-mile radius zone to 23.5 miles northeast of the VORTAC; within 3.5 miles each side of the 028° bearing and the 208° bearing from the Old Town, Maine, RBN, lat. 45°00'24" N., long. 68°38'02" W., extending from the 5-mile radius zone to 10.5 miles northeast of the RBN, excluding the portion which coincides with the Bangor, Maine, control zone.
AMENDMENTS 5/27/71 36 F. R. 7302 (Rewritten)

Olympia, Wash.
Within a 5-mile radius of Olympia Municipal Airport (latitude 46°58'15" N., longitude 122°54'00" W.); within 4 miles each side of the Olympia VORTAC 195° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC, and within 2 miles each side of the Olympia VORTAC 010° radial, extending from the 5-mile radius zone to 5.5 miles north of the VORTAC. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Omaha, Nebr. (Epoley Field)
Within a 5-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); and within 2 miles each side of the Eppley Field ILS localizer NW course extending from the 5-mile radius zone to 8 miles NW of the OM; and within 2 miles each side of the Eppley Field ILS localizer SE course extending from the 5-mile radius zone to 7 miles SE of the airport; and within 2 miles each side of the Omaha VORTAC 318° radial extending from the 5-mile radius zone to a point 7 miles SE of the airport.

Omaha, Nebr. (Offutt AFB)
Within a 5-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN; within 2 miles each side of the Offutt AFB VOR 310° radial, extending from the 5-mile radius zone to 1 mile northwest of the VOR; and within 2 miles each side of the Offutt AFB ILS localizer southeast course, extending from the 5-mile radius zone to the OM.

Ontario, Calif.
Within a 5-mile radius of Ontario International Airport (latitude 34°03'25" N., longitude 117°36'30" W.); within 2 miles each side of the Ontario ILS localizer E course, extending from the 5-mile radius zone to 3 miles E of the OM, excluding the portion within a 1-mile radius of Chino, Calif., Airport (latitude 33°58'30" N., longitude 117°38'10" W.).

V 37-20 JAN 29 72 XUM

Orlando, Fla.(Herndon Airport)
Within a 5-mile radius of Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.); within 3 miles each side of Orlando VORTAC 125° and 315° radials, extending from the 5-mile radius zone to 8.5 miles southeast and northwest of the VORTAC; excluding the portion south of a line connecting the two points of intersection with a 5-mile radius circle centered on McCoy AFB (lat. 28°25'55" N., long. 81°19'15" W.).

Orlando, Fla. (McCoy AFB)
Within a 5-mile radius of McCoy AFB (lat. 28°25'55" N., long. 81°19'15" W.); within 2 miles each side of Orlando VORTAC 175° radial, extending from the 5-mile radius zone to 13.5 miles south of the VORTAC; excluding the portion within Orlando (Herndon Airport) (lat. 28°32'40" N., long. 81°19'55" W.) control zone.

Oscoda, Mich.
Within a 5-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB VOR 240° radial extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Wurtsmith AFB VOR 056° radial extending from the 5-mile radius zone to 12 miles NE of the VOR; within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 5-mile radius zone to 8 miles SW of the TACAN and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN.

Oshkosh, Wis.
Within a 5-mile radius of Wittman Field (latitude 43°59'25" N., longitude 88°33'20" W.); within 3 miles each side of the Oshkosh VOR 275° radial extending from the 5-mile radius zone to 9½ miles west of the VOR; and within 3 miles each side of the Oshkosh VOR 182° radial extending from the 5-mile radius zone to 9½ miles south of the VOR.

Ottumwa, Iowa
Within a 5-mile radius of Ottumwa Municipal Airport (Lat. 41°06'25" N, Long. 92°26'50" W) and within 2 miles either side of the Ottumwa VORTAC 309° radial extending from the 5-mile radius zone to the VORTAC.

Owensboro, Ky.
Within a 5-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.); within 2.5 miles each side of Owensboro VOR 181° radial, extending from the 5-mile radius zone to the Masonville RBN (lat. 37°39'35" N., long. 87°10'17" W.); within 3 miles each side of Owensboro VOR 222° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; within 3 miles each side of Owensboro VOR 352° radial, extending from the 5-mile radius zone to 8.5 miles north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/14/71 36 F. R. 14634 (Rewritten)

Oxnard, Calif. (Ventura County Airport)
Within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual

Paducah, Ky.
Within a 5-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 3 miles each side of the 234° bearing from Paducah RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of Cunningham VORTAC 045° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 14635 (Rewritten)

Palacios, Tex.
That airspace within a 5-mile radius of Palacios Municipal Airport (latitude 28°43'35" N., longitude 96°15'15" W.) and within 2 miles each side of the 323° bearing from the Palacios DF station (latitude 28°43'22" N, longitude 96°15'07" W.) extending from the 5-mile radius zone to 8 miles northwest of the DF station.

Palm Beach, Fla.
Within a 5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); within 3 miles each side of the Palm Beach VORTAC 275° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC; excluding that airspace within a 1.5-mile radius of Palm Beach County Park (Lantana) Airport (lat. 26°35'35" N., long. 80°05'10" W.).

AMENDMENTS 2/4/71 35 F. R. 1917[illegible] (Rewritten)

Palmdale, Calif.
Within a 5-mile radius of Air Force Plant No. 42, Palmdale, Calif. (latitude 34°37'45" N., longitude 118° 04'54" W.), within 3 miles each side of the ILS localizer east course, extending from the 5-mile radius zone to 7.5 miles east of the LOM, and within 2 miles south of and parallel to the Palmdale VORTAC 099° radial, extending from the 5-mile radius zone to 8 miles east of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 5/27/71 36 F. R. 5288 (Rewritten)

Palm Springs, Calif.
Within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), and within 2 miles each side of the Palm Springs VOR 120° and 300° radials, extending from 3.5 miles SE to 3 miles NW of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Palo Alto, Calif.
Within a 3-mile radius of Palo Alto Airport (latitude 37°27'39" N., longitude 122°06'50" W.) excluding the portion southeast of a line extending from latitude 37°25'14" N., longitude 122°08'30" W. to latitude 37°26'30" N., longitude 122°05'43" W. to latitude 37°29'10" N., longitude 122°04'08" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Panama City, Fla.
Within a 5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within 3 miles each side of the Panama City VOR 059°, 152° and 310° radials, extending from the 5-mile radius zone to 8.5 miles northeast, southeast and northwest of the VOR; excluding that portion within the Tyndall AFB control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Paris, Tex.
That airspace within a 5-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.) and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 5-mile radius to the VOR. The control zone shall be effective during the times established by a Notice to Airmen and published continuously thereafter in the Airman's Information Manual.

Parkersburg, W. Va.
Within a 4-mile radius of the center, 39°21'00" N., 81°26'15" W., of Wood County (Gill Robb Wilson Field) Airport, Parkersburg, W. Va.;
and within 2 miles each side of the Parkersburg VOR 208° radial extending from the 4-mile radius zone to the VOR.

AMENDMENTS 7/28/71 36 F. R. 13912 (Changed)

Pasco, Wash.
That airspace within a 5-mile radius of the Tri-Cities Airport (latitude 46°15'50" N., longitude 119°06'53" W.), within 3 miles each side of the Pasco VOR 036° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR and within 3 miles each side of the Pasco VOR 131° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding that portion within a 1-mile radius of Vista Airport, Kennewick, Wash. (latitude 46°13'10" N., longitude 119°12'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/14/71 36 F. R. 15113 (Rewritten)

Paso Robles, Calif.
Within a 5-mile radius of Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.).

Patuxent River, Md.
Within a 5-mile radius of the center, 38°17'15" N., 76°24'30" W., of NAS Patuxent River Airport, Patuxent River, Md.; within 2 miles each side of the Patuxent River VORTAC 043° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; within 2 miles each side of the Patuxent River VORTAC 234° radial extending from the 5-mile radius zone to 7.5 miles southwest of the VORTAC; within 2 miles each side of the Patuxent River LF RBN 233° bearing extending from the 5-mile radius zone to 7 miles southwest of the RBN; within 2 miles each side of the Patuxent River VORTAC 139° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; within 2 miles each side of the Patuxent River UHF RBN 139° bearing extending from the 5-mile radius zone to 12 miles southeast of the RBN; within a ½-mile radius of the center, 38°13'30" N., 76°26'30" W., of Park Hall, Md., Airport; and within a ½-mile radius of the center, 38°21'40" N., 76°24'15" W., of Chesapeake Ranch Airpark.

V37-20 JAN 29 72 XUM

Pellston, Mich.
Within a 5-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.); within 2½ miles each side of the 132° bearing from Emmet County Airport, extending from the 5-mile radius zone to 5½ miles southeast of the airport; and within 5 miles each side of the Pellston VORTAC 238° radial extending from the airport to 21 miles southwest of the VORTAC.

AMENDMENTS 7/22/71 36 F. R. 9619 (Rewritten)

Pendleton, Oreg.
Within a 5-mile radius of Pendleton Airport (latitude 45°41'42" N., longitude 118°50'25" W.), and within 2 miles each side of the Pendleton VORTAC 273° radial, extending from the 5-mile radius zone to 2 miles W of the VORTAC.

Pensacola, Fla.
Within a 5-mile radius of Pensacola Regional Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to 8.5 miles south of Pickens RBN, and within the portion of a 4-mile radius of NAS Ellyson Field (lat. 30°31'30" N., long. 87°12'00" W.), extending clockwise from a line 2 miles southwest of and parallel to the 331° bearing from Brent LOM to the 5-mile radius zone.

AMENDMENTS 5/5/71 36 F. R. 9066 (Rewritten) Corr: 36 F. R. 11429
AMENDMENTS 7/28/71 36 F. R. 14636 (Changed)

Pensacola, Fla. (NAS Saufley Field)
Within a 5-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20'30" W.); within 3 miles each side of the 214° bearing from NAS Saufley RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; within 3 miles each side of the Saufley VOR 234° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VOR; excluding the portions within the Pensacola, Fla., and Pensacola NAS, Fla., control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/4/71 35 F. R. 18455 (Rewritten)
AMENDMENTS 5/12/71 36 F. R. 9444 (Changed)

Pensacola, NAS, Fla.
Within a 5-mile radius of Forrest Sherman Field (lat. 30°20'53" N., long. 87°19'04" W.); within 3 miles each side of the 134° bearing from NAS Pensacola LF RBN, extending from the 5-mile radius zone to 8.5 miles southeast of the RBN; within 3 miles each side of the 174° bearing from NAS Pensacola UHF RBN, extending from the 5-mile radius zone to 8.5 miles south of the RBN; within 1.5 miles each side of NAS Pensacola TACAN 193° and 235° radials, extending from the 5-mile radius zone to 6.5 miles southwest of the TACAN.

AMENDMENTS 2/4/71 35 F. R. 18455 (Rewritten)
AMENDMENTS 5/5/71 36 F. R. 9066 (Rewritten) Corr: 36 F. R. 11429

Peoria, Ill.
Within a 5-mile radius of the Greater Peoria Airport (lat. 40°39'47" N., long. 89°41'22" W.) and within 4.5 miles each side of the Greater Peoria Airport ILS localizer northwest course, extending from the 5-mile radius zone to 17.5 miles northwest of the airport.

AMENDMENTS 4/29/71 36 F. R. 4372 (Rewritten)
AMENDMENTS 11/11/71 36 F. R. 18303 (Rewritten)

Philadelphia, Pa.
Within a 5-mile radius of Philadelphia International Airport (Lat. 39°52'31" N, Long. 75°14'20" W), and within 2 miles either side of the Philadelphia ILS localizer W course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Philadelphia ILS localizer E course extending from the 5-mile radius zone to 5 miles east of the localizer.

Philipsburg, Pa.
Within a 5-mile radius of the center 40°53'05" N., 78°05'15" W. of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 247° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 162° bearing from the Ginter RBN extending from the 5-mile radius zone to the RBN and within 2 miles each side of the 333° bearing from the Philipsburg VHF/DF station extending from the 5-mile radius zone to 6 miles NW of the station.

AMENDMENTS 10/14/71 36 F. R. 12897 (Changed)

Phoenix-Litchfield, Ariz.
Within a 4-mile radius of Phoenix-Litchfield Airport (latitude 33°25'25" N., longitude 112°22'30" W.), excluding the portion within the Phoenix, Ariz. (Luke Air Force Base) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 12/9/71 36 F. R. 20034 (Added)

Phoenix, Ariz. (Luke AFB)
Within a 5-mile radius of Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) within 2 miles each side of the Luke TACAN 058° radial, extending from the 5-mile radius zone to 6 miles northeast of the TACAN, and within 2 miles each side of the Luke TACAN 209° radial, extending from the 5-mile radius zone to 6.5 miles southwest of the Luke TACAN.

Phoenix, Ariz. (Sky Harbor Airport)
Within a 5-mile radius of Sky Harbor Airport (latitude 33°26'10" N., longitude 112°00'45" W.); and within 2 miles each side of the Phoenix VORTAC 090° and 270° radials, extending from the 5-mile radius zone to 2 miles E and 13 miles W of the VORTAC.

Pierre, S. Dak.
That airspace within a 5-mile radius of Pierre Municipal Airport (latitude 44°22'50" N., longitude 100° 17'15" W.).

AMENDMENTS 4/29/71 36 F. R. 4370 (Rewritten)

Pine Bluff, Ark.
That airspace within a 5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.), and within 2 miles each side of the Pine Bluff VORTAC 186° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC.

Pittsburgh, Pa. (Allegheny County)
Within a 5-mile radius of the center lat. 40°21'17" N., long. 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Cecil RBN extending from the 5-mile radius area to 8.5 miles west of the RBN.

AMENDMENTS 5/27/71 36 F. R. 8030 (Rewritten)
AMENDMENTS 10/14/71 36 F. R. 12897 (Changed)

Pittsburgh, Pa. (Greater Pittsburgh)
Within an 8-mile radius of the center, lat. 40°29'37" N., long. 80°13'54" W. of Greater Pittsburgh Airport, Pittsburgh, Pa., excluding a 1-mile radius area of the center lat. 40°35'30" N., long. 80°17'30" W. of Aliquippa-Hopewell Airport, Aliquippa, Pa.

AMENDMENTS 5/27/71 36 F. R. 8030 (Rewritten)

Plainview, Tex.
Within a 3-mile radius of the Hale County Airport, Plainview, Tex. (latitude 34° 10' 10" N., longitude 101° 43' 00" W.) and within 2 miles each side of the Plainview VOR 034° radial, extending from the 3-mile radius zone to the VOR, from 0600 to 2200 hours local time, daily.

Plattsburgh, N. Y.
Within a 5-mile radius of the Plattsburgh AFB (Lat. 44°39'05" N, Long. 73°28'10" W); within a 5-mile radius of the Clinton County Airport (lat. 44°41'10" N, long. 73°31'10" W.); within 2 miles either side of the Valcour, New York TACAN 338° radial extending from the Clinton County Airport 5-mile radius zone to 12 miles N of the TACAN.

AMENDMENTS 7/22/71 36 F. R. 11187 (Changed)

Pocatello, Idaho
Within a 5-mile radius of Pocatello Municipal Airport (latitude 42°54'35" N., longitude 112°35'25" W.), and within 3 miles each side of the Pocatello VORTAC 252° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.

V 37-20 JAN 29 72 XUM

Point Barrow, Alaska
Within a 5-mile radius of the Point Barrow AFS Airport, Point Barrow, Alaska (latitude 71°20'18" N., longitude 156°38'00" W.); within an 8-mile radius of the Point Barrow RBN (PBA), extending clockwise from a line 2 miles northwest of and parallel to the 028° bearing from the RBN to a line 2 miles southeast of and parallel to the 041° bearing from the RBN; within a 5-mile radius of the Wiley Post-Will Rogers Memorial Airport, Barrow, Alaska (latitude 71°17'05" N., longitude 156°46'05" W.); within 2 miles each side of the 226° bearing from the Barrow, Alaska RBN (BRW), extending from the 5-mile radius zone to 8 miles southwest of the RBN; and within 2 miles each side of the 266° bearing from the Barrow RBN (BRW), extending from the 5-mile radius zone to 8 miles west of the RBN.

Point Mugu, Calif.
Within a 5-mile radius of NAS Point Mugu (lat. 34°07'05" N., long. 119°07'20" W.) and within the arc of a 12-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 200° radial to the 252° radial, excluding the portion within the Oxnard, Calif. (Ventura County Airport), control zone when it is effective.

Ponca City, Okla.
Within a 5-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.); within 2 miles each side of the 225° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN, and within 2 miles each side of the 359° bearing from the Ponca City RBN, extending from the 5-mile radius zone to 12 miles N of the RBN.

Ponce, P. R.
Within a 5-mile radius of the Mercedita Airport, Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.); within 3.5 miles each side of the Ponce VOR 111° radial, extending from the 5-mile radius zone to 8½ miles east of the VOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the FAA publication International NOTAMs.

Pontiac, Mich.
Within a 5-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.), within 2 miles each side of the Pontiac VOR 116° and 271° radials, extending from the 5-mile radius zone to 8 miles west of the VOR. This control zone is effective during specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 5/27/71 36 F. R. 5286 (Rewritten)

Port Angeles, Wash.
Within a 5-mile radius of CGAS Port Angeles (latitude 48°08'30" N., longitude 123°24'45" W.), within 2 miles each side of the Port Angeles VOR 093° radial, extending from the 5-mile radius zone to 8 miles E of the VOR, and within 2 miles each side of the 089° bearing from the Ediz Hook, Wash., RBN, extending from the 5-mile radius zone to 8 miles E of the RBN. This control zone is effective 0400 to 2200 hours, local time, daily.

Portland, Maine
Within a 5-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport, excluding the portion within a 1-mile radius of Oak Knoll Airport, Scarboro, Maine (43°35'21" N., 70°22'03" W.).

Portland, Oreg.
Within a 5-mile radius of Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.); within a 3-mile radius of the Troutdale Airport (latitude 45°33'00" N., longitude 122°23'50" W.); within 2 miles each side of the Portland VORTAC 100° radial, extending from the 5-mile radius zone to 3.5 miles south of the VORTAC; within 2.5 miles each side of the Portland Runway 10R ILS localizer northwest course, extending from the 5-mile radius zone to 1 mile northwest of the LOM, and within 3 miles each side of the 119° and 299° bearings from the Lake LOM, extending from the 5-mile radius to 8 miles southeast of the LOM, excluding the portion within the Troutdale, Oreg., control zone when the Troutdale control zone is effective.

Portsmouth, N. H.
Within a 5-mile radius of Pease AFB, Protsmouth, N. H. (latitude 43°04'40" N., longitude 70°49'25" W.); within 2 miles each side of the centerline of Runway 16 extended from the 5-mile radius zone to 8 miles SE of the end of the runway; within 2 miles each side of the Pease AFB TACAN 142° radial, extending from the 5-mile radius zone to 8 miles SE of the TACAN; within 2 miles each side of the Pease AFB TACAN 332° radial, extending from the 5-mile radius zone to 8 miles NW of the TACAN.

Poughkeepsie, N. Y.
Within a 5-mile radius of the center, 41°37'40" N., 73°53'00" W. of Dutchess County Airport, Poughkeepsie, N. Y., and within 2 miles each side of the Kingston VOR 025° radial extending from the 5-mile radius zone to 6 miles NE of the VOR.

Prescott, Ariz.
Within a 5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 112°25'15" W.).

Presque Isle, Maine
Within a 5-mile radius of the center, lat. 46°41'30" N., long. 68°02'30" W. of Presque Isle Municipal Airport, Presque Isle, Maine; within 3.5 miles each side of the 167° bearing from the Sprague ville, Maine RBN, extending from the 5-mile radius zone to 10 miles south of the RBN, and within 1.5 miles each side of the Presque Isle VORTAC 158° radial extending from the 5-mile radius zone to the Presque Isle VORTAC. This control zone is effective from 0800 to 2000 hours, local time, Sunday through Friday; 0800 to 1730 hours, local time, Saturday or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airman's Information Manual.

AMENDMENTS 4/29/71 36 F. R. 4690 (Rewritten)

Providence, R. I.
Within a 5-mile radius of Theodore Francis Green State Airport, Providence, R. I., (Lat. 41°43'30" N, Long. 71°25'48" W). and within 2 miles either side of the Providence ILS localizer SW course extending from the 5-mile radius zone to the OM.

Pueblo, Colo.
Within a 5-mile radius of Pueblo Memorial Airport (latitude 38°17'30" N., longitude 104°30'00" W.); within 2 miles each side of the Pueblo ILS localizer west course, extending from the 5-mile radius zone to the LOM; within 4 miles each side of the Pueblo VORTAC 081° radial, extending from the 5-mile radius zone to 9 miles east of the VORTAC.

Pullman, Wash.
Within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR 047° radial, extending from the 5-mile zone to the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Quantico, Va.
Within a 5-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va., and within 2 miles each side of the Brooke, Va., VOR 013° radial extending from the 5-mile radius zone to 2 miles north of the VOR. This control zone is effective from 0700 to 2200 hours, local time, Wednesday and Thursday; from 0700 to 1800 hours, local time, Friday through Tuesday.

Quincy, Ill.
That airspace within a 5-mile radius of Quincy Municipal Airport (latitude 39°56'35" N., longitude 91°11'40" W.), within 2 miles each side of the Quincy VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Quincy VORTAC 035° radial extending from the 5-mile radius zone to 12 miles northeast of the airport.

Quonset Point, R. I.
Within a 5-mile radius of NAS Quonset Point (latitude 41°35'55" N., longitude 71°24'50 W.), within 2 miles each side of the NAS Quonset Point TACAN 151° radial extending from the 5-mile radius zone to 7 miles SE of the TACAN, within 2 miles each side of the NAS Quonset Point VOR 141° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR, within 2 miles each side of the 145° bearing from the NAS Quonset Point RBN, extending from the 5-mile radius zone to 9 miles SE of the RBN, and within a 4-mile radius of Newport State Airport,
Newport, R. I. (latitude 41°31'50" N., longitude 71°17'00" W.), excluding that portion within the Providence, R. I., control zone.

Raleigh, N. C.
Within a 5-mile radius of Raleigh-Durham Airport (latitude 35°52'21" N., longitude 78°47'02" W.); within 3 miles each side of Raleigh-Durham VORTAC 034° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VORTAC; within 3 miles each side of Raleigh-Durham VORTAC 231° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC.

V 37-20 JAN 29 72 XUM

Rapid City, S. Dak. (Ellsworth AFB)
Within a 5-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.); and within 2½ miles each side of the Ellsworth AFB TACAN 322° radial, extending from the 5-mile radius zone to 7 miles northwest of the TACAN, excluding the portion which overlies the Rapid City, S. Dak. (Regional Airport) control zone.

Rapid City, S. Dak. (Regional Airport)
Within a 5-mile radius of Rapid City Regional Airport (latitude 44°02'30" N., longitude 103°03'20" W.); within 3 miles each side of the Rapid City VOR 155° and 335° radials, extending from the 5-mile radius zone to 8 miles southeast of the VOR; and within 3 miles each side of the Ellsworth AFB TACAN 129° radial, extending from the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone to 8 miles southeast of the TACAN, excluding the portion north of a line between the INTs of the 5-mile radius zone and the Rapid City, S. Dak. (Ellsworth AFB), 5-mile radius zone.

Rawlins, Wyo.
Within a 5-mile radius of Rawlins Municipal Airport (latitude 41°48'15" N., longitude 107°12'05" W.) and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius zone to the radiobeacon.

Reading, Pa.
Within a 5-mile radius of the center, 40°22'39" N., 75°57'57" W. of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa.,
and within 2 miles each side of the airport ILS localizer S course extending from the 5-mile radius zone to 8 miles S of the OM and within 2 miles each side of the Reading VHF/DF (40°22'42" N., 75°57'30" W.) 201° bearing extending from the 5-mile radius zone to 8 miles S of the VHF/DF site.

AMENDMENTS 7/28/71 36 F. R. 13912 (Changed)

Red Bluff, Calif.
Within a 5-mile radius of Bidwell Airport, Red Bluff, Calif. (latitude 40°09'15" N., longitude 122°14'50" W.), and within 2 miles each side of the Red Bluff VORTAC 167° radial, extending from the 5-mile radius zone to 8 miles S of the VORTAC.

Redding, Calif.
Within a 5-mile radius of Redding Municipal Airport (latitude 40°30'35" N., longitude 122°17'30" W.), and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile radius zone to 8 miles south of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40°30'00" N., longitude 122°22'35" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

Redmond, Oreg.
Within a 5-mile radius of Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), and within 1.5 miles each side of the Redmond VORTAC 269° and 089° radials extending from the 5-mile radius zone to 1 mile west of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 19575 (Rewritten)

Redwood Falls, Minn.
Within a 5-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.).

Reno, Nev. (Reno Municipal Airport)
Within a 5-mile radius of the Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.), and within 2 miles each side of the Reno ILS localizer N course, extending from the 5-mile radius zone to the Sparks, Nev., RBN, and within 2 miles each side of the Reno localizer S course, extending from the 5-mile radius zone to 11 miles S of the airport.

Renton, Wash.
That airspace bounded by a line beginning at latitude 47°32'10" N., longitude 122°12'40" W.; thence clockwise along an arc of a 3-mile radius circle centered on the Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'56" N., longitude 122°09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°26'24" N., longitude 122°12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°31'27" N., longitude 122°13'33" W., thence to point of beginning. This control zone is effective from 0700 to 2300 hours local time daily.

Rhinelander, Wis.
Within a 5-mile radius of Rhinelander-Oneida County Airport (latitude 45°38'00" N., longitude 89°27'30" W.); within 2½ miles each side of the Rhinelander VORTAC 229° radial extending from the 5-mile radius zone to 6½ miles southwest of the VORTAC; and within 2½ miles each side of the Rhinelander VORTAC 322° radial extending from the 5-mile radius zone to 6½ miles northwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Richmond, Va.
Within a 5-mile radius of Byrd Field (latitude 37°30'20" N., longitude 77°19'10" W.); within 2 miles each side of the Richmond VOR 134° radial, extending from the 5-mile radius zone to 6 miles SE of the VOR; within 2 miles each side of the Richmond VOR 359° radial, extending from the 5-mile radius zone to 6 miles N of the VOR; and within 2 miles each side of the Richmond VOR 341 radial, extending from the 5-mile radius zone to 7 miles north of the VOR.

Riverside, Calif. (March AFB).
Within a 5-mile radius of March AFB (latitude 33°52'50" N., longitude 117°15'30" W.); within 2 miles each side of the March AFB VOR 329° and 149° radials, extending from the 5-mile radius zone to 1 mile SE of the VOR, and within 2 miles each side of the March AFB TACAN 325° radial, extending from the 5-mile radius zone to 5 miles NW of the TACAN.

Riverside, Calif. (Municipal Airport)
Within a 3-mile radius of the Riverside Municipal Airport (latitude 33°57'05" N., longitude 117°26'30" W.), within 2 miles each side of the Riverside VOR 292° radial, extending from the 3-mile radius zone to 4.5 miles W of the VOR; within 2 miles each side of the Riverside VOR 103° radial, extending from the 3-mile radius zone to 7 miles E of the VOR; and within 2 miles each side of the Riverside VOR 108° radial, extending from the 3-mile radius zone to 5 miles E of the VOR, excluding the portion within a 1-mile radius of the Riverside Fla-Bob Airport (latitude 33°59'20" N., longitude 117°24'35" W.), and the portion that coincides with the Riverside, Calif. (March AFB), control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Riverton, Wyo.
Within a 5-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.) within 2 miles each side of the Riverton VOR 291° radial, extending from the 5-mile radius zone to 8 miles west of the VOR, within 3 miles each side of the Riverton VOR 123° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Roanoke, Va.
Within a 5-mile radius of the center, 37°19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to 2.5 miles southeast of the OM.

Rochester, Minn.
Within a 5-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2 miles each side of the Rochester ILS localizer southeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Rochester VOR 029° radial, extending from 1 mile northeast of the VOR to 15 miles northeast of the VOR.

Rochester, N. Y.
Within a 5-mile radius of the center, 43°07'10" N., 77°40'15" W., of the Rochester Monroe County Airport, Rochester, N. Y.; within 2 miles each side of the Rochester VOR 168° radial, extending from the 5-mile radius zone to 7 miles southeast of the VOR; within 2 miles each side of the Rochester VOR 280° radial, extending from the 5-mile radius zone to 8 miles west of the VOR; within 2 miles each side of the Rochester VOR 026° radial extending from the 5-mile radius zone to 7 miles northeast of the VOR; within 2 miles each side of the Rochester VOR 214° radial extending from the 5-mile radius zone to 7 miles southwest of the VOR and within 2 miles each side of the Rochester ILS localizer east course extending from the 5-mile radius zone to the OM.

Rockford, Ill.
Within a 5-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 2 miles each side of the Rockford ILS localizer S course, extending from the 5-mile radius zone to the OM, and within 2 miles each side of the Rockford VORTAC 117° radial, extending from the 5-mile radius zone to the VORTAC.

V 37-20 JAN 29 72 XUM

Rock Springs, Wyo.
Within a 5.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5 radius zone to 9 miles east of the OM, and within 3.5 miles each side of the Rock Springs VORTAC 104° radial, extending from the 5.5 radius zone to 11.5 miles east of the VORTAC.

Rocky Mount, N. C.
Within a 5-mile radius of Rocky Mount Municipal Airport (latitude 35°58'01" N., longitude 77°47'33" W.).

Rome, N. Y.
Within a 5-mile radius of the center, 43°14'10" N., 75°24'25" W. of Griffiss AFB, Rome, N. Y., and within 2 miles each side of bearing 135°/315° from a point 43°10'08" N., 75°19'08" W. extending from the 5-mile radius zone to 6 miles southeast of said point; within 2 miles each side of the Griffiss TACAN 306° radial extending from the 5-mile radius zone to 8 miles NW of the TACAN; within 2 miles each side of a bearing 142° from the Rome, N. Y., ILS OM, extending from the OM to 4 miles SE of the OM.

Roosevelt Roads, P. R.
Within a 5-mile radius of NS Roosevelt Roads (lat. 18°15'05" N., long. 65°38'35" W.); within 3 miles each side of the 052° bearing from Roosevelt Roads RBN, extending from the 5-mile radius zone to 8.5 miles northeast of the RBN.

AMENDMENTS 2/4/71 35 F. R. 19103 (Rewritten)

Roswell, N. M.
That airspace within a 6-mile radius of the Roswell Industrial Air Center Airport (latitude 33°17'59" N., longitude 104°31'48" W.); within 2 miles each side of the extended centerline of runway 3 extending from the 6-mile radius zone to the LOM; and within 2 miles each side of the extended centerline of runway 21 extending from the 6-mile radius zone to 6 miles southwest of the lift-off end of runway 21. This control zone is effective during the dates and times published in the Airman's Information Manual.

Russell, Kans.
Within a 5-mile radius of Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.).

Sacramento, Calif. (Sacramento Metropolitan Airport)
That airspace within a 5-mile radius of the Sacramento Metropolitan Airport (latitude 38°41'43" N., longitude 121°36'01" W.), and within 2 miles each side of the Sacramento Metropolitan Airport localizer (latitude 38°40'32" N., longitude 121°36'02" W.) N and S courses, extending from the 5-mile radius zone to 6 miles north and south of the airport; and including that airspace adjoining the McClellan AFB and Sacramento Municipal Airport control zones between latitude 38°41'43" N. and the Sacramento VORTAC 351° T radial.

Sacramento, Calif. (Sacramento Municipal)
Within a 5-mile radius of Sacramento Municipal Airport (latitude 38°30'45" N., longitude 121°29'35" W.), within 2 miles each side of the Sacramento VORTAC 033° radial, extending from the 5-mile radius zone SW to the VORTAC and that airspace NE of the Sacramento Municipal Airport, extending from the Sacramento Municipal 5-mile radius zone to the McClellan AFB and Mather AFB 5-mile radius zones, bounded on the SE by the Sacramento 064° radial and on the NW by a line 2 miles NW of and parallel to the Sacramento 033° radial.

Sacramento, Calif. (Mather AFB)
Within a 5-mile radius of Mather AFB (latitude 38°33'10" N., longitude 121°18'05" W.) within 2 miles each side of the Mather TACAN 048° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the Mather AFB 5-mile radius zone with the Sacramento, Calif. (McClellan AFB) 5-mile radius zone.

AMENDMENTS 8/19/71 36 F. R. 12091 (Rewritten)

Sacramento, Calif. (McClellan AFB)
Within a 5-mile radius of McClellan AFB (latitude 38°39'45" N., longitude 121°24'10" W.), within 2 miles E and 2.5 miles W of the McClellan TACAN 004° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the McClellan AFB 5-mile radius zone with the Sacramento, Calif. (Mather AFB), 5-mile radius zone.

Saginaw, Mich.
That airspace within a 5-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.) and within 2½ miles each side of the Saginaw, Mich. VORTAC 030°, 146°, 233°, and 310° radius extending from the 5-mile radius zone to 6½ miles northeast, southeast, southwest, and northwest of the VORTAC.
AMENDMENTS 4/29/71 36 F. R. 4372 (Rewritten)

St. Charles, Ill.
Within a 3-mile radius of Du Page County Airport, St. Charles, Ill. (latitude 41°54'45" N., longitude 88°14'35" W.); and within 2 miles either side of the Du Page VOR 069° radial, extending from the 3-mile radius zone to the VOR.

St. Joseph, Mo.
Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 2 miles each side of the St. Joseph ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the St. Joseph VORTAC 175° radial, extending from the 5-mile radius zone to the VORTAC.

St. Louis, Mo.
Within a 5-mile radius of St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 2 miles each side of the St. Louis International Airport Runway 24 ILS localizer southwest course, extending from the 5-mile radius zone to 10½ miles southwest of the OM; within 2 miles each side of the St. Louis VORTAC 142° radial; extending from the 5-mile radius zone to 7 miles northwest of the northwest end of the St. Louis International Airport Runway 12R; within 2 miles each side of the St. Louis International Airport Runway 12R ILS localizer northwest course, extending from the 5-mile radius zone to the Runway 12R OM; and within 2 miles each side of the St. Louis International Airport Runway 12R ILS localizer southeast course, extending from the 5-mile radius zone to 6 miles southeast of the Runway 12R localizer.

AMENDMENTS 7/26/71 36 F. R. 15112 (Changed)

St. Paul, Minn.
Within a 5-mile radius of St. Paul Downtown Airport (Holman Field) latitude 44°56'10" N., longitude 93° 03'40" W.), excluding the portion which overlies the Minneapolis, Minn., control zone and excluding the area within a 1-mile radius of South St. Paul Municipal Airport (Fleming Field) (latitude 44°51'25" N., longitude 93° 01'55" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

St. Petersburg, Fla. (Albert-Whitted Airport)
Within a 5-mile radius of the Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.); within 1.5 miles each side of the St. Petersburg VORTAC 159° radial, extending from the 5-mile radius zone to 1 mile south of the VORTAC, excluding the portion within the St. Petersburg and MacDill AFB control zones. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 5/10/71 36 F. R. 9066 (Changed)
AMENDMENTS 1/6/72 36 F. R. 21281 (Rewritten)

St. Petersburg, Fla.
Within a 5-mile radius of St. Petersburg Clearwater International Airport (lat. 27°54'33" N., long. 82°41' 19" W.); within 2.5 miles each side of St. Petersburg VORTAC 343° radial, extending from the 5-mile radius zone to 6 miles northwest of the VORTAC.

AMENDMENTS 9/16/71 36 F. R. 12896 (Rewritten)

PENDING AMENDMENT
Saipan Island
Within a 5-mile radius of Kobler Field (latitude 15°07'30" N.,longitude 145°42'29" E.); within 3.5 miles each side of the Saipan RBN (latitude 15°07'32" N., longitude 145°41'58" E.) 254° bearing, extending from the 5-mile radius zone to 12 miles southwest of the RBN, and within 2 miles each side of the extended centerline of the east/west runway, extending from the 5-mile radius zone to 8.5 miles east of the Kobler Field. This control zone is effective from 0800 to 1630 hours, local time, daily.

AMENDMENTS 2/3/72 36 F. R. 23357 (Added)

Salem, Oreg.
Within a 5-mile radius of McNary Field, Salem, Oreg. (latitude 44°54'35" N., longitude 123°00'05" W.) and within 2 miles each side of the Salem ILS localizer SE course, extending from the 5-mile radius zone to the LOM.

Salina, Kansas
Within a 5-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 98°39'30" W.); within 1½ miles each side of the Salina VORTAC 192° radial, extending from the 5-mile radius zone to the VORTAC and within 2 miles each side of the Salina ILS localizer S course, extending from the 5-mile radius zone to 2½ miles N of the OM.

V 37-20 JAN 29 72 XUM

Salinas, Calif.
Within a 5-mile radius of the Salinas Municipal Airport (latitude 36°39'40" N., longitude 121°36'20" W.), and within 2 miles NE and 3 miles SW of the Salinas VORTAC 319° radial, extending from the 5-mile radius zone to 6 miles NW of the VORTAC, excluding the portion within the Fort Ord, Calif., control zone.

Salisbury, Md.
Within a 5-mile radius of the center, 38°20'25" N., 75°30'40" W. of Salisbury-Wicomico Airport, Salisbury, Md., and within 2 miles each side of the Salisbury VOR 207° radial extending from the 5-mile radius zone to 6 miles SW of the VOR; within 2 miles each side of the Salisbury VOR 050° radial extending from the 5-mile radius zone to 6 miles NE of the VOR; within 2 miles each side of the Salisbury VOR 134° radial extending from the 5-mile radius zone to 6 miles SE of the VOR.

Salt Lake City, Utah
Within a 5-mile radius of Salt Lake City International Airport (latitude 40°47'10" N., longitude 111°58'05" W.), and within 2 miles each side of the Slat Lake City VORTAC 347° radial extending from the 5-mile radius zone to 1 mile north of the VORTAC.

San Angelo, Tex.
Within a 5-mile radius of Mathis Field, San Angelo, Tex., (latitude 31°21'35" N., longitude 100°29'40" W.); within 2 miles each side of the San Angelo VOR 065° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; within 2 miles each side of the San Angelo ILS localizer NE course, extending from the 5-mile radius zone to 8 miles NE of the INT of the ILS localizer NE course and the San Angelo VOR 311° radial and within 2 miles each side of the San Angelo ILS localizer SW course, extending from the 5-mile radius zone to 6.5 miles SW of the airport.

San Antonio, Tex. (International Airport)
That airspace within a 5-mile radius of San Antonio International Airport (latitude 29°31'50" N., longitude 98°28'12" W.); within 2 miles each side of the San Antonio VORTAC 184° radial extending from the 5-mile radius zone to 1 mile south of the VORTAC; within 2 miles each side of the San Antonio ILS localizer northwest course extending from the 5-mile radius zone to 1 mile southeast of the OM, within 2 miles each side of the San Antonio ILS localizer northeast course extending from the 5-mile radius zone to 6 miles northeast of the airport, and within 2 miles each side of the San Antonio ILS localizer southeast course extending from the 5-mile radius zone to 7 miles southeast of the localizer, and within 2 miles each side of a 132° bearing from the LOM extending from the 5-mile radius zone to 15.5 miles southeast of the LOM.

San Antonio, Tex. (Kelly AFB)
That airspace within a 5-mile radius of Kelly AFB (latitude 29°22'57" N., longitude 98°34'25" W.); within 2 miles each side of the Kelly AFB ILS localizer N course extending from the 5-mile radius zone to 1 mile S of the OM, and within 2 miles each side of the Kelly AFB TACAN 341° radial extending from the 5-mile radius zone to the TACAN.

San Antonio, Tex. (Randolph AFB)
That airspace within a 5-mile radius of Randolph AFB (latitude 29°32'09" N., longitude 98°16'57" W.); within 2 miles each side of the LaVernia, Tex., VOR 329° and 338° radials, extending from the 5-mile radius zone to 1 mile northwest of the VOR, within 2 miles each side of the Randolph AFB TACAN 323° radial extending from the TACAN to 8 miles northwest, and within 2 miles each side of the Randolph AFB TACAN 156° radial extending from the TACAN to 8 miles southeast.

San Antonio, Tex. (Stinson Field)
Within a 3-mile radius of Stinson Field (latitude 29° 20' 15" N., longitude 98° 28' 20" W.), and within 2 miles each side of the Stinson VOR 346° radial, extending from the 3-mile radius zone to the VOR, excluding the portion within the Kelly AFB control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

San Bernardino, Calif. (Norton AFB)
Within a 5-mile radius of the Norton AFB (latitude 34°05'45" N., longitude 117°14'05" W.), and within 2 miles N and 2.5 miles S of the ILS localizer SW course extending from the 5-mile radius zone to 2 miles NE of the OM, excluding the portion within a 1-mile radius of the Redland, Calif., Municipal Airport (latitude 34°05'05" N., longitude 117°08'35" W.).

San Carlos, Calif.
Within a 3-mile radius of the San Carlos Airport (latitude 37°30'40" N., longitude 122°14'50" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

San Clemente Island, Calif.
Within a 5-mile radius of NALF San Clemente (latitude 33°01'20" N., longitude 118°35'15" W.) extending upward from the surface to and including 5,000 feet MSL, excluding that airspace beyond 3 NM from and parallel to the shoreline. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

AMENDMENTS 1/6/72 36 F. R. 21808 (Added)

San Diego, Calif. (Brown Field)
Within a 3-mile radius of Brown Field Municipal Airport (latitude 32°34'22" N., longitude 116°58'47" W.), excluding that airspace west of longitude 117°01'00" W., and south of the United States/Mexican Border. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/19/71 36 F. R. 6415 (Added)

San Diego, Calif. (Lindbergh Field)
Within a 5-mile radius of Lindbergh Field, San Diego, Calif. (latitude 32° 43' 58" N., longitude 117° 11' 14" W.); and within 2 miles each side of the Lindbergh ILS localizer E course, extending from the 5-mile radius zone to 7 miles east of the airport, excluding the portion S of a line extending from latitude 32°43'22" N., longitude 117°16'20"
W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32° 41' 02" N., longitude 117° 07' 25" W.; and the portion N of latitude 32° 47' 00" N.

San Diego, Calif. (Montgomery Field)
Within a 3-mile radius of Montgomery Field (latitude 32°49'00" N., longitude 117°08'20" W.), excluding those portions within the NAS Miramar and San Diego (Lindbergh Field) control zones. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Diego, Calif. (NAS North Island)
Within a 5-mile radius of NAS North Island (latitude 32° 42' 00" N., longitude 117° 12' 35" W.); within the arc of a 10-mile radius circle centered on the North Island TACAN, extending clockwise from a line 2 miles N of and parallel to the TACAN 120° radial to the 162° radial, excluding the portion N of a line from latitude 32° 43' 22" N., longitude 117° 17' 20" W., to latitude 32° 43' 22" N., longitude 117° 12' 23" W., to latitude 32°41'02" N., longitude 117°07'25" W., and the portion within the NAS Imperial Beach, Calif., control zone.

San Diego, Calif. (San Diego County-Gillespie Field)
Within a 3-mile radius of San Diego County-Gillespie Field (latitude 32°49'26" N., longitude 116°58'18" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in The Airman's Information Manual.

San Francisco, Calif.
Within a 7-mile radius of the San Francisco International Airport (Lat. 37°37'07" N, Long. 122°22' 35" W, including the airspace bounded on the SW by the San Francisco 7-mile radius zone and on the N and NE by the Oakland and NAS Alameda control zones, excluding the portion within the Oakland control zone.

San Jose, Calif.
Within a 5-mile radius of San Jose Municipal Airport (latitude 37°21'35" N., longitude 121°55'30" W.), excluding the portion NW of a line from latitude 37°25'45" N., longitude 121°56'35" W. to latitude 37°19'30" N., longitude 122°00'10" W.

San Jose, Calif. (Reid-Hillview Airport)
That airspace within a 3-mile radius of the Reid-Hillview Airport (latitude 37°19'55" N., longitude 121° 49'10" W.), excluding that portion within the San Jose control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

San Juan, P. R. (International Airport)
Within a 5-mile radius of Puerto Rico International Airport (latitude 18°26'45" N., longitude 66°00'05" W.); within a 3-mile radius of Isla Grande Airport (latitude 18°27'30" N., longitude 66°05'55" W.); within 2 miles each side of the San Juan VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC; within 2 miles each side of the San Juan VORTAC 086° radial, extending from the 5-mile radius zone to 11 miles east of the VORTAC.

V37-20 JAN 29 72 XUM

San Rafael, Calif.
Within a 5-mile radius of Hamilton AFB, San Rafael, Calif. (latitude 38°03'35" N., longitude 122°30'35" W.), within 2 miles SW and 2.5 miles NE of the Hamilton AFB TACAN 140° radial, extending from the 5-mile radius area to 9 miles SE of the TACAN, and within 2 miles each side of the Hamilton AFB TACAN 305° radial extending from the 5-mile radius zone to 12 miles NW of the TACAN.

Santa Ana, Calif. (MCAS)
Within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) and within a 5-mile radius of Orange County Airport, Santa Ana, Calif., (latitude 33°40'10" N., longitude 117°52'15" W.) excluding the portion within a 1-mile radius of Mile Square MCOLF, and that portion east and south of a line from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°41'15" N., longitude 117°48'10" W., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Santa Ana, Calif. (Orange County Airport)
Within a 5-mile radius of Orange County Airport (latitude 33°40'32" N., longitude 117°52'15" W.) and within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) excluding the portion within a 1-mile radius of Mile Square MCOLF, that portion east of a line extending from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°36'10" N., longitude 117°50'20" W. and that portion within the Santa Ana, Calif. (MCAS) control zone during the time it is effective. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 10/29/71 36 F. R. 19303 (Rewritten)

Santa Barbara, Calif.
Within a 5-mile radius of Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.); within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the 5-mile radius zone to the OM.

Santa Fe, N. Mex.
Within a 6.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.).

AMENDMENTS 11/11/71 36 F. R. 18510 (Rewritten)

Santa Maria, Calif.
Within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.); within 1.5 miles each side of the Santa Maria VOR 133° radial, extending from the 5-mile radius zone to 11.5 miles southeast of the VOR. This control zone is effective from 0600 to 2200 hours local time daily.

Santa Monica, Calif.
Within a 3-mile radius of Santa Monica Municipal Airport (latitude 34°00'57" N., longitude 118°27'00" W.); within 2 miles each side of the Santa Monica VOR 231° radial, extending from the 3-mile radius zone to 3 miles SW of the VOR; within 2 miles each side of the Santa Monica VOR 056° radial, extending from the 3-mile radius zone to 5 miles NE of the VOR, excluding the portion S of a line extending from latitude 34°00'43" N., longitude 118°23'30" W., to latitude 33°58'03" N., longitude 118°28'58" W. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and time will thereafter be continuously published in the Airman's Information Manual.

Santa Rosa, Calif.
Within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddington Airport (latitude 38°28'30" N., longitude 122°44'25" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Sarasota, Fla.
Within a 5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050° and 302° radials, extending from the 5-mile radius zone to 8.5 miles northeast and northwest of the VORTAC; within 5 miles each side of Sarasota VORTAC 142° radial, extending from the 5-mile radius zone to 8.5 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 8/5/71 36 F. R. 13133 (Rewritten)

Sault Ste. Marie, Mich. (Kincheloe AFB)
Within a 5-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 2 miles each side of the Kincheloe AFB TACAN 143° radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN; within 2 miles each side of the Kincheloe AFB TACAN 337° radial extending from the 5-mile radius zone to 8 miles northwest of the TACAN; and within 2 miles each side of the Kincheloe AFB ILS localizer northwest course, extending from the 5-mile radius zone to the OM.

Sault Ste. Marie, Mich. (Municipal Airport)
Within the United States within a 5-mile radius of Sault Ste. Marie Municipal Airport (latitude 46°28'40" N., longitude 84°21'55" W.), and within 2 miles each side of the 129° bearing from the Sault Ste. Marie RBN extending from the 5-mile radius zone to 8 miles SE of the RBN excluding the portion W of a line between the INTs of the 5-mile radius and the Sault Ste. Marie, Ontario, Canada, control zone.

Sault Ste. Marie, Ontario, Canada
Over the United States within a 5-mile radius of the Sault Ste. Marie Airport (latitude 46°29'00" N., longitude 84°31'00" W.), and within 2 miles each side of the Sault Ste. Marie ILS localizer NW course extending from the 5-mile radius zone to the OM, excluding the portion east of a line between the INTs of the 5-mile radius and the 5-mile radius of the Sault Ste. Marie, Mich., control zone.

Savannah, Ga.
Within a 5-mile radius of Savannah Municipal Airport (latitude 32°07'35" N., longitude 81°12'05" W.); within 3 miles each side of Runway 18 extended centerline, extending from the 5-mile radius zone to the arc of an 8.5-mile radius circle centered on Savannah Municipal Airport; within a 5-mile radius of Hunter AAF (latitude 32°00'30" N., longitude 81°08'45" W.); within 2 miles each side of Hunter AAF ILS localizer east course, extending from the 5-mile radius zone to 3 miles west of the OM.

Schenectady, N. Y.
Within a 5-mile radius of the center 42°51'15" N., 73°55'55" W. of Schenectady County Airport, Schenectady, N. Y.; within 2.5 miles each side of a 037° bearing from the Hunter RBN (42°51'15" N., 73°55'45" W.) extending from the 5-mile radius zone to 8.5 miles northeast of the RBN; within 2.5 miles each side of the Schenectady VOR (42°51'05" N., 73°56'05" W.) 030° radial extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 2 miles each side of the extended centerline of Runway 28, extending from the 5-mile radius zone to 9 miles west of the end of the runway and within 2 miles each side of the extended centerline of Runway 33, extending from the 5-mile radius zone to 5 miles northwest of the end of the runway, excluding the portion that coincides with the Albany, N. Y., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 12/9/71 36 F. R. 17643 (Changed)

Scottsbluff, Nebr.
Within a 5-mile radius of the Scottsbluff Municipal Airport (latitude 41°52'30" N., longitude 103°35'40" W.), and within 2 miles each side of the Scottsbluff VORTAC 259° radial, extending from the 5-mile radius zone to the VORTAC.

Seattle, Wash. (Boeing Field International)
That airspace bounded by a line beginning at latitude 47°34'10" N., longitude 122°12'40" W., to latitude 47°32'10" N., longitude 122°12'40" W., thence clockwise via an arc of a 3-mile radius circle centered on Renton Municipal Airport (latitude 47°29'35" N., longitude 122°12'50" W.) to latitude 47°27'50" N., longitude 122° 09'46" W., to latitude 47°27'38" N., longitude 122°09'24" W., to latitude 47°28'24" N., longitude 122° 12'06" W., thence counterclockwise via an arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°27'00" N., longitude 122°11'50" W., to latitude 47°28'09" N., longitude 122°13'33" W., to latitude 47°29'20" N., longitude 122°13'33" W., to latitude 47°29' 20" N., longitude 122°23'10" W., thence clockwise along an arc of a 5-mile radius circle centered on Boeing Field International Airport (latitude 47°31'45" N., longitude 122°18'00" W.) to point of beginning; within 2 miles each side of the 150° bearing from the Magnolia LOM, extending from the 5-mile radius arc to 2 miles southeast of the Magnolia LOM, excluding the portion within the Seattle, Wash. (Seattle-Tacoma International Airport), control zone, and the portion within the Renton, Wash., control zone when the Renton control zone is effective.

Seattle, Wash. (Seattle-Tacoma International Airport)
That airspace bounded by a line beginning at latitude 47°29'20" N., longitude 122°13'33" W., thence to latitude 47°28'09" N., longitude 122°13'33" W.; thence to latitude 47°27'00" N., longitude 122°11'50" W., thence clockwise along the arc of a 5-mile radius circle centered on Seattle-Tacoma International Airport (latitude 47°26'50" N., longitude 122°18'30" W.) to latitude 47°29'20" N., longitude 122°23'10" W., thence to point of beginning, and within 2 miles each side of the 360° bearing from the Seattle-Tacoma ILS LOM, extending from the 5-mile radius arc to the LOM.

56-000 O - 72 (pt.2 Sec. 1) - 9

V 37-20 JAN 29 72 XUM

Sedalia, Mo.
Within a 5-mile radius of Whiteman AFB, Sedalia, Mo. (latitude 38° 43' 50" N., longitude 93° 33' 00" W.); within 2 miles each side of the Whiteman VOR 010° radial, extending from the 5-mile radius zone to 2 miles N of the VOR, and within 2 miles each side of the Whiteman TACAN 165° radial, extending from the 5-mile radius zone to 7 miles S of the TACAN.

Selma, Ala.
Within a 5-mile radius of Craig AFB (latitude 32°20'31" N., longitude 86°59'22" W.); within 2 miles each side of the Craig VOR 143° radial extending from the 5-mile radius zone to 11 miles SE of the VOR. Within 2 miles each side of the Craig TACAN 153° radial extending from the 5-mile radius zone to 5.5 miles SE of the TACAN; within 2 miles each side of the Craig TACAN 316° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN.

Shemya, Alaska
Within a 5-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); within 2 miles each side of the 104° bearing from the Shemya RBN, extending from the RBN to 12 miles east of the RBN, and within 2 miles each side of the 284° bearing from the Shemya RBN, extending from the RBN to 8 miles west of the RBN. The portion within R-2204 is excluded.

Sheridan, Wyo.
Within a 5-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); within 4 miles each side of the Sheridan VORTAC 312° and 327° radials, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC, and within 3.5 miles each side of the Sheridan VORTAC, 139° radial extending from the VORTAC to 23 miles southeast of the VORTAC.

Shreveport, La. (Barksdale AFB)
That airspace within a 5-mile radius of the Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.); within a 5-mile radius of Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.); within 2 miles each side of the Shreveport Downtown VOR 318° radial extending from the 5-mile radius zone to 5.5 miles NW of the VOR, within 2 miles each side of the Elm Grove VOR 330° radial extending from the 5-mile radius zone to 0.5 of a mile NW of the VOR, within 2 miles each side of the Barksdale TACAN 156° radial extending from the 5-mile radius zone to 7.5 miles SE of the TACAN, excluding the portion within the Shreveport, La. (Shreveport Regional Airport) control zone; and excluding the portion within the Shreveport, La. (Downtown Airport), control zone during the hours the Shreveport, La. (Downtown Airport), control zone is effective.

AMENDMENTS 4/9/71 36 F. R. 7304 (Changed)

Shreveport, La. (Downtown Airport)
That airspace within a 5-mile radius of Shreveport Downtown Airport (latitude 32°32'25" N., longitude 93°44'40" W.), and within 2 miles each side of the Shreveport Downtown VOR 313° radial extending from the 5-mile radius zone to 5.5 miles NW of the VOR, excluding the portion SE of a direct line between the two intersecting points of a 5-mile radius circle centered on Downtown Airport and Barksdale AFB (latitude 32°30'05" N., longitude 93°39'45" W.) and the portion within the Shreveport, La. (Shreveport Regional Airport) control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 4/9/71 36 F. R. 7304 (Changed)

Shreveport, La. (Shreveport Regional Airport)
That airspace within a 5-mile radius of the Shreveport Regional Airport (latitude 32°26'45" N., longitude 93°49'25" W.); and within 2 miles each side of the Greater Shreveport ILS localizer SE course, extending from the 5-mile radius zone to 6 miles SE of the airport.

AMENDMENTS 4/9/71 36 F. R. 7304 (Changed)

Sidney, Nebr.
Within a 5-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 2 miles each side of the Sidney VORTAC 128° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; and within 2 miles each side of the Sidney VORTAC 321° radial, extending from the 5-mile radius zone to 8 miles NW of the VORTAC.

Silver City, N. Mex.
Within a 5-mile radius of Silver City-Grant County Airport (latitude 32°38'25" N., longitude 108°09'15" W.), and within 3 miles each side of the Silver City VOR 141° radial extending from the 5-mile radius zone to 9 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Simmons Army Air Field, N. C.
Within a 5-mile radius of Simmons AAF (latitude 35°07'55" N., longitude 78°57'05" W.); within 3 miles each side of Simmons VOR 065° radial, extending from the 5-mile radius zone to 8.5 miles east of the VOR; excluding the portion northwest of a line extending from latitude 35°11'15" N., longitude 78°56'05" W. to latitude 35°05'55" N., longitude 79°00'05" W.

Sioux City, Iowa
Within a 5-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); and within 2½ miles each side of the Sioux City VORTAC 140° and 320° radials, extending from the 5-mile radius zone to 6 miles southeast of the VORTAC.

AMENDMENTS 9/16/71 36 F. R. 13372 (Rewritten) Corr: 36 F. R. 14383

Sioux Falls, S. Dak.
Within a 5-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 2 miles each side of the Sioux Falls VORTAC 156° radial extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 18508 (Rewritten)

Sitka, Alaska
Within a 5-mile radius of the Sitka Airport (latitude 57°03'00" N., longitude 135°21'51" W.); within 2 miles each side of the Biorka Island VORTAC 029° and 209° radials, extending from the 5-mile radius zone to 2 miles southwest of the VORTAC; within 2 miles each side of the Sitka RR northeast and southwest courses, extending from the 5-mile radius zone to 2 miles southwest of the RR; and within 2 miles each side of the LDA northwest course, extending from the 5-mile radius zone to 10 miles northwest of the LDA.

South Bend, Ind.
Within a 5-mile radius of St. Joseph County Airport, South Bend, Ind. (Lat 41°42'15" N, Long. 86°18'

South Weymouth, Mass.
Within a 5-mile radius of South Weymouth NAS (latitude 42°08'55" N., longitude 70°56'25" W.); within 2 miles each side of the 337° bearing from the South Weymouth RBN extending from the 5-mile radius zone to the RBN; within 2 miles each side of the South Weymouth TACAN 165° radial extending from the 5-mile radius zone to 6 miles S of the TACAN; and within 2 miles each side of the South Weymouth TACAN 073° radial extending from the 5-mile radius zone to 6 miles E of the TACAN.

Spartanburg, S. C.
Within a 5-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); within 2 miles each side of Spartanburg VORTAC 196° radial, extending from the 5-mile radius zone to the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 5-mile radius zone to 8.5 miles southwest of the RBN; excluding the portion within the Greer (Greenville-Spartanburg Airport), S. C. control zone. This control zone is effective from 0600 to 2200 hours, local time, daily.

Spokane, Wash. (Fairchild AFB)
Within a 5-mile radius of Fairchild AFB (latitude 47°36'55" N., longitude 117°39'20" W.); within 2 miles each side of the Runway 23 extended centerline, extending from the 5-mile radius zone to 4 miles southwest of the liftoff end of Runway 23; and within 4 miles northwest and 4.5 miles southeast of the Spokane VORTAC 048° and 228° radials extending from 3 miles northeast to 8 miles southwest of the VORTAC, excluding the portion east of a line extending from latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117°36'00" W.

AMENDMENTS 2/4/71 35 F. R. 18192 (Changed)

Spokane, Wash. (Felts Field)
That airspace within a 5-mile radius of Felts Field (latitude 47°41'00" N., longitude 117°19'20" W.); within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the 5-mile radius zone to 11 miles northeast of the VORTAC, and within 2 miles each side of the 086° bearing from the Fort LOM, extending from the 5-mile radius zone to the LOM, excluding the portion within the Spokane, Wash. (International) control zone.

AMENDMENTS 2/4/71 35 F. R. 18190 (Rewritten)

V 37-20 JAN 29 72 XUM

Spokane, Wash. (International)
Within a 5-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.), within 2 miles each side of the Runway 21 centerline extended, extending from the 5-mile radius zone to 6 miles southwest of the lift-off end of Runway 21, and within 2 miles northwest and 4.5 miles southeast of the Spokane VORTAC 060° radial, extending from the VORTAC to 11 miles northeast of the VORTAC, excluding the portion west of a line extending from latitude 47°30'19" N., longitude 117°34'45" W., to latitude 47°40'57" N., longitude 117° 36'00" W.

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)

Springfield, Ill.
That airspace within a 5-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); within 2 miles each side of the Capital ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Capital VORTAC 040° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; within 2 miles each side of the Capital VORTAC 036° radial, extending from the 5-mile radius zone to 7 miles northeast of the VORTAC; and within 2 miles each side of the Capital VORTAC 058° radial, extending from the 5-mile radius zone to 8 miles northeast of the VORTAC.

Springfield, Mo.
Within a 5-mile radius of the Springfield Municipal Airport (latitude 37° 14' 35" N., longitude 93° 23' 20" W.) and within 2 miles W. and 2.6 miles E of the Springfield VORTAC 200° radial, extending from the 5-mile radius zone to the VORTAC.

Stockton, Calif.
Within a 5-mile radius of Stockton Municipal Airport (latitude 37°53'39" N., longitude 121°14'14" W.); within 2 miles each side of the Stockton VORTAC 321° radial, extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Stockton ILS localizer SE course, extending from the 5-mile radius zone to 1 mile NW of the OM.

Sumter, S. C.
Within a 5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.); within 1.5 miles each side of Shaw AFB TACAN 033° radial, extending from the 5-mile radius zone to 6.5 miles northeast of the TACAN: within 2 miles east side of Shaw AFB TACAN 213° radial, extending from the 5-mile radius zone to 8.5 miles southwest of the TACAN.

Syracuse, N. Y.
Within a 5-mile radius of the center 43°06'50" N., 76°06'35" W. of Syracuse Hancock International Airport, Syracuse, N. Y.; and within 2.5 miles each side of the Syracuse Hancock International Airport Runway 10 ILS localizer back course,
extending from the 5-mile radius zone to 5 miles west of the localizer, excluding that airspace within a 1-mile radius of the center 43°10'45" N., 76°07'30" W. of Michael Field, Cicero, N. Y.

AMENDMENTS 6/17/71 36 F. R. 11641 (Changed)

Tacoma, Wash. (McChord AFB)
Within a 5-mile radius of McChord AFB (latitude 47°08'20" N., longitude 122°28'30" W.), excluding the portion SW of a line extending from latitude 47°09'12" N., longitude 122°35'15" W., to latitude 47°04'15" N., longitude 122°31'15" W.; within 2 miles each side of the McChord AFB VOR 182° radial, extending from the 5-mile radius zone to 7.5 miles S of the VOR.

Tacoma, Wash. (Tacoma Industrial Airport)
Within a 5-mile radius of Tacoma Industrial Airport (latitude 47°15'55" N., longitude 122°34'40" W.), excluding the portion E of a line 2 miles E of and parallel to the 009° bearing from the Gray AAF RBN; within 2 miles each side of the 009° bearing from the Gray AAF RBN, extending from the 5-mile radius zone to 1 mile N of the RBN, excluding the portion within the McChord AFB control zone, and within 2 miles each side of the 187° bearing from the Crescent RBN (latitude 47°21'20" N., longitude 122°33'41" W.), extending from the 5-mile radius zone to 1 mile S of the RBN. The control zone will be effective during the times established in advance by a Notice to Airmen continuously published in the Airman's Information Manual.

Talkeetna, Alaska
Within a 5-mile radius of Talkeetna Airport (Lat. 62°19'20" N, Long. 150°05'20" W), from 0545 to 2145, hours, local time, daily.

Tallahassee, Fla.
Within a 5-mile radius of Tallahassee Municipal Airport (lat. 30°23'50" N., long. 84°21'22" W.); within 1.5 miles each side of the Tallahassee VORTAC 175° radial, extending from the 5-mile radius zone to 1.5 miles south of the VORTAC; within 1 mile each side of the ILS localizer north course extending from the 5-mile radius zone to 1.5 miles south of the Joseph Intersection.

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Tampa, Fla. (International Airport)
Within a 5-mile radius of Tampa International Airport (lat. 27°58'59" N., long. 82°31'38" W.); within 1.5 miles each side of St. Petersburg VORTAC 064° radial, extending from the 5-mile radius zone to 1 mile northeast of the VORTAC; excluding the portion within St. Petersburg control zone and the portion southeast of a line 2 miles north of and parallel to MacDill AFB ILS localizer northeast course.

AMENDMENTS 5/10/71 36 F. R. 9068 (Rewritten) Corr: 36 F. R. 11188

Tanana, Alaska
That airspace within a 5-mile radius of the Tanana Airport (latitude 65°10'30" N., longitude 152°06'32" W.) and within 3.5 miles each side of the 251° bearing from the Bear Creek radio beacon, extending from the 5-mile radius zone to 11.5 miles west of the RBN, effective 0545 to 2145 hours, local time, daily or during the specific dates and times established in advance by Notice to Airmen. The effective date and time would thereafter be continuously published in the Flight Information Publication Supplement Alaska.

Temple, Tex.
That airspace within a 5-mile radius of the Draughon-Miller Airport, Temple, Tex. (latitude 31°09'10" N., longitude 97°24'25" W.); and within 2 miles each side of the Temple, Tex., VOR 348° radial extending from the 5-mile radius zone to 11.5 miles N of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

Terre Haute, Ind.
Within a 5-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 2 miles each side of the Terre Haute ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Terre Haute VORTAC 051° radial, extending from the 5-mile radius zone to 12 miles northeast of the VORTAC; and within 2 miles each side of the Terre Haute VORTAC 230° radial, extending from the 5-mile radius zone to 19 miles southwest of the VORTAC.

Teterboro, N. J.
Within a 5-mile radius of Teterboro Airport (latitude 40°51'05" N., longitude 74°03'40" W.), and within 2 miles each side of the La Guardia VOR 295° radial extending northwest from the Teterboro, N. J., 5-mile radius zone to 17.5 miles northwest of the La Guardia VOR.

Texarkana, Ark.
That airspace within a 5-mile radius of the Texarkana, Ark., Municipal Airport (latitude 33°27'20" N., longitude 93°59'15" W.); and within 2 miles each side of the 129° radial of the Texarkana VORTAC extending from the 5-mile radius zone to 0.5 mile SE of the VORTAC.

Thief River Falls, Minn.
Within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone will be effective during the times designated by a Notice to Airmen and continuously published in the Airman's Information Manual.

Titusville, Fla.
Within a 5-mile radius of TI-CO Airport (latitude 28°30'42" N., longitude 80°48'00" W.); excluding the portion within R-2902A. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Toledo, Ohio
Within a 5-mile radius of the center of Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.: within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to OM; within 2 miles each side of the airport ILS localizer NE course extending NE from the 5-mile radius zone for 7.5 miles from the localizer and within 2 miles each side of the Waterville VOR 318° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR.

V 37-20 JAN 29 72 XUM

Tonopah, Nev.
Within a 5-mile radius of Tonopah Airport (latitude 38°03'30" N., longitude 117°05'00" W.).
PENDING AMENDMENT
Tonopah, Nev.
Within a 5-mile radius of Tonopah Airport (latitude 38°03'30" N., longitude 117°05'00" W.) and within 3.5 miles each side of the Tonopah VORTAC 115° radial, extending from the 5-mile radius zone to 10 miles southeast of the VORTAC.

AMENDMENTS 2/3/72 36 F. R. 22009 (Rewritten)

Topeka, Kans. (Forbes AFB)
Within a 5-mile radius of Forbes AFB (latitude 38°57'10" N., longitude 95°39'50" W.), within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 5-mile radius zone to 6 miles NW of the TACAN, and within 2 miles each side of the Forbes AFB ILS localizer SE course, extending from the 5-mile radius zone to 1 mile SE of the OM, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Philip Billard Airport) control zone.

Topeka, Kans. (Philip Billard Airport)
Within a 5-mile radius of Philip Billard Airport (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 219° radial extending from the 5-mile radius zone to the VORTAC, and within 2 miles each side of the Philip Billard Airport ILS localizer SE course, extending from the 5-mile radius zone to 11 miles SE of the SE end of the Philip Billard Airport Runway 31, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Topeka, Kans. (Forbes AFB) control zone.

Torrance, Calif.
Within a 3-mile radius of Torrance Municipal Airport (latitude 33°48'10" N., longitude 118°20'20" W.), and within 2 miles each side of the Los Angeles, Calif., VOR 153° radial, extending from the 3-mile radius zone to 7 miles SE of the VOR. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Traverse, City, Mich.
Within a 5-mile radius of Cherry Capital Airport (latitude 44°44'35" N., longitude 85°34'55" W.); and within 3 miles each side of the Traverse City VORTAC 158° and 338° radials, extending from the 5-mile radius zone to 8 miles south of the VORTAC.

AMENDMENTS 3/4/71 35 F. R. 19983 (Rewritten)
AMENDMENTS 4/16/71 36 F. R. 7844 (Changed)

Trenton, N. J.
Within a 5-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.); within 2.5 miles N and 2 miles S of the Yardley, Pa., VOR 071° and 065° radials, extending from the 5-mile radius zone to the VOR, excluding the portion within a 1-mile radius of the Morrisville, Pa., Airport (latitude 40°12'00" N., longitude 74°48'55" W.).

Tri-City, Tenn.
Within a 5-mile radius of Tri-City Municipal Airport (latitude 36°28'30" N., longitude 82°24'20" W.); within 2 miles each side of Tri-City ILS localizer Northeast course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 042° and 222° bearings from Boone RBN, extending from the 5-mile radius zone to 11 miles southwest of the RBN.

Trinidad, Colo.
Within a 5-mile radius of Los Animas County Airport (latitude 37°15'35" N., longitude 104°20'21" W.), and within 2 miles each side of the 352° bearing from the Trinidad, Colo., RBN extending from the 5-mile radius zone to 8 miles north of the RBN.

Troutdale, Oreg.
Within a 3-mile radius of Troutdale Airport (latitude 45°33'00" N., longitude 122°23'50" W.), within 3 miles each side of the 119° bearing from the Lake LOM, extending from the Lake LOM to 8 miles south of the LOM, and that airspace bounded on the northeast by a line 3 miles northeast of and parallel to the 119° and 299° bearings from the Lake LOM, on the northwest by the 154° radial of the Portland VORTAC, and on the southeast by an arc of the 3-mile radius zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 2/4/71 35 F. R. 18455 (Rewritten)

Troy, Ala.
Within a 5-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 2 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to the OM; within 3 miles each side of the 197° radial of the Troy VOR, extending from the 5-mile radius zone to 8.5 miles south of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Truth or Consequences, N. Mex.
That airspace within a 6-mile radius of Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'15" W.), and within 3.5 miles either side of the Truth or Consequences, N. Mex., VORTAC 013° and 193° radials extending from the 5-mile radius zone to a point 9.5 miles north of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 19906 (Rewritten)

Tucson, Ariz. (Davis-Monthan AFB)
Within a 5-mile radius of Davis-Monthan AFB (latitude 32°10'00" N., longitude 110°53'00" W.) excluding the portion subtended by a chord drawn between the points of INT of the Davis-Monthan 5-mile radius zone and the Tucson International 5-mile radius zone, and within 2 miles SW and 2.5 miles NE of the Davis-Monthan ILS Localizer SE course, extending from the 5-mile radius zone to the OM.

Tucson, Ariz. (Tucson International Airport)
Within a 5-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 3 miles each side of the Tucson VORTAC 273° radial extending from the 5-mile radius zone to 15 miles west of the VORTAC; within 2 miles each side of the extended centerline of Runway 21L extending from the 5-mile radius zone to 5 miles southeast of the lift-off end of Runway 12L; within 2 miles northeast and 2.5 miles southwest of the extended centerline of Runway 30R extending from the 5-mile radius zone to 15.5 miles northwest of the lift-off end of Runway 30R, and within 2 miles southeast and 3 miles northwest of the extended centerline of Runway 21 extending from the 5-mile radius zone to 6.5 miles southwest of the lift-off end of Runway 21, excuding the portion subtended by a chord drawn between the points of INT of the Tucson International Airport 5-mile radius zone with the Davis Monthan-AFB 5-mile radius zone.

AMENDMENTS 8/19/71 36 F. R. 11722 (Changed)

Tucumcari, N. Mex.
Within a 5-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.); within 2 miles each side of the Tucumcari VOR 033° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR; and within 2 miles each side of the Tucumcari VOR 078° radial, extending from the 5-mile radius zone to 8 miles E of the VOR.
PENDING AMENDMENT
Tucumcari, N. Mex.
That airspace within a 6-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103° 35'15" W.); within 2.5 miles each side of the Tucumcari, N. Mex., VORTAC 033° radial extending beyond the 6-mile radius zone to a point 6.5 miles northeast of the VORTAC; and within 2.5 miles each side of the Tucumcari, N. Mex., VORTAC 078° radial extending beyond the 6-mile radius zone to a point 6.5 miles east of the VORTAC.

AMENDMENTS 3/3/72 36 F. R. 24114 (Rewritten)

Tulsa, Okla.
That airspace within a 5-mile radius of the Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 2 miles each side of the Tulsa ILS localizer N course, extending from the 5-mile radius zone to 1 mile S of the OM; within 2 miles each side of the Tulsa ILS localizer S course, extending from the 5-mile radius zone to 0.5 mile N of the OM; and within 2 miles each side of the Tulsa VORTAC 268° Radial, extending from the 5-mile radius zone to the VORTAC.

Tulsa, Okla. (Riverside Airport)
Within a 3-mile radius of Riverside Airport (lat. 36°02'19" N., long. 95°59'00" W.), and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 3-mile radius zone to 21 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Tuscaloosa, Ala.
Within a 5-mile radius of Van De Graaff Airport (lat. 33°13'16" N., long. 87°36'39" W.); within 1.5 miles each side of the ILS localizer southwest course, extending from the 5-mile radius zone to 0.5 mile northeast of the OM.

AMENDMENTS 9/30/71 36 F. R. 18575 (Changed)
AMENDMENTS 11/11/71 36 F. R. 18575 (Changed)
AMENDMENTS 11/12/71 36 F. R. 19574 (Rewritten)

V 37-20 JAN 29 72 XUM

Twin Falls, Idaho
Within a 5-mile radius of the Twin Falls City-County (Joslin Field), Idaho Airport (latitude 42°28'54" N., longitude 114°29'11" W.) within 5 miles each side of Twin Falls VORTAC 086° and 281° radials, extending from the 5-mile radius zone to 10.5 miles east and 10.5 miles west of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter by continuously published in the Airman's Information Manual.

AMENDMENTS 4/1/71 36 F. R. 1250 (Rewritten)

Tyler, Tex.
That airspace within a 5-mile radius of Pounds Field, Tyler, Tex. (latitude 32°21'15" N., longitude 95°23'55" W.); within 2 miles each side of the Pounds Field ILS localizer NW course extending from the 5-mile radius zone to 0.5 mile SE of the OM, and within 2 miles each of the Pounds Field ILS localizer SE course extending from the 5-mile radius zone to 6 miles SE of the airport.

Tyndall AFB, Fla.
Within a 5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 1.5 miles each side of the Tyndall AFB TACAN 308° radial, extending from the 5-mile radius zone to 6.5 miles northwest of the TACAN.

Unalakleet, Alaska
Within a 5-mile radius of the Unalakleet Airport (latitude 63°53'10" N., longitude 160°47'40" W.); within 2 miles each side of the Unalakleet RR northwest course, extending from the 5-mile radius zone to 14 miles northwest of the RR; within 2 miles each side of the Unalakleet VOR 225° radial, extending from the 5-mile radius zone to 14 miles southwest of the VOR; and within 2 miles each side of the Unalakleet TACAN 175° radial, extending from the 5-mile radius zone to 10.5 miles south of the TACAN. This control zone is effective from 0545 to 2145 hours, local time, daily.

Utica, N. Y.
Within a 5-mile radius of the center, lat. 43°08'45" N., long. 75°22'55" W. of Oneida County Airport, Utica, N. Y.; within 2 miles each side of the 317° bearing from the Clay RBN, extending from the 5-mile radius zone to 3 miles northwest of the RBN; within 2 miles each side of the Utica VORTAC 306° radial, extending from the 5-mile radius zone to 1 mile northwest of the VORTAC, excluding the portion within the Rome, N. Y., control zone.

AMENDMENTS 7/22/71 36 F. R. 10946 (Rewritten)
AMENDMENTS 10/14/71 36 F. R. 12897 (Changed)

Valdosta, Ga. (Moody AFB)
Within a 5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 2.5 miles each side of Moody VOR 007° radial and ILS localizer north course, extending from the 5-mile radius zone to 6.5 miles north of the VOR; within 1.5 miles each side of Moody TACAN 180° radial, extending from the 5-mile radius zone to 4.5 miles south of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)
AMENDMENTS 9/16/71 36 F. R. 13371 (Rewritten)

Valdosta, Ga. (Valdosta Municipal Airport)
Within a 5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'44" W.).

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Vandalia, Ill.
Within a 5-mile radius of the Vandalia Municipal Airport (latitude 38°59'26" N., longitude 89°09'55" W.) and within 2 miles each side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR.

Vandenberg AFB, Calif.
Within a 5-mile radius of Vandenberg AFB, Lompoc, Calif. (latitude 34°43'50" N., longitude 120°34'30" W.); within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from the 5-mile radius zone to 2.5 miles northwest of the OM, and within a 1-mile radius of Lompoc Airport (latitude 34°39'55 N., longitude 120°27'55" W.), excluding that portion within R-2516.

Van Nuys, Calif.
Within a 5-mile radius of Van Nuys Airport (latitude 34°12'30" N., longitude 118°29'15" W.) within 3 miles north and 3.5 miles south of the 270° radial of the Van Nuys VOR/DME facility extending from the 5-mile radius zone to 11.5 miles west of the facility, within 2.5 miles each side of the 350° radial of the Van Nuys VOR/DME facility extending from the 5-mile radius zone to 9.5 miles north of the facility, excluding the portion east of a line from latitude 34°16'00" N., longitude 118°25'55" W. to latitude 34°09'25" N., longitude 118°25'40" W.

AMENDMENTS 11/11/71 36 F. R. 19011 (Rewritten)

Vernal, Utah
Within a 5-mile radius of Vernal Airport (latitude 40°26'30" N., longitude 109°30'50" W.), and within 3 miles each side of the Vernal VOR 157° radial, extending from the 5-mile radius zone to 8.5 miles S of the VOR. This control zone will be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

Vero Beach, Fla.
Within a 5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.).

AMENDMENTS 3/4/71 36 F. R. 319 (Rewritten)

Victoria, Tex.
Within a 5-mile radius of the Victoria County-Foster Airport (latitude 28° 51' 10" N., longitude 96° 55' 20" W.) and within 2 miles each side of the 320° bearing from latitude 28° 51' 30" N., longitude 96° 55' 00" W., extending from the 5-mile radius zone to 8 miles NW of latitude 28° 51' 30" N., longitude 96° 55' 00" W., effective from 0600 to 2200 hours, local time, daily.

Victorville, Calif.
Within a 5-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.).

AMENDMENTS 9/16/71 36 F. R. 13374 (Rewritten) Corr: 36 F. R. 14463

Visalia, Calif.
Within a 4-mile radius of the Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 123° radial, extending from the 4-mile radius zone to the VOR, excluding the portion within a 1-mile radius of Green Acres Airport, Visalia, Calif. (latitude 36°20'20" N., longitude 119°19'30" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously in the Airman's Information Manual.

Waco, Tex.
That airspace within a 5-mile radius of Waco Municipal Airport (latitude 31°36'40" N., longitude 97°13'40" W.), within 2 miles each side of the Waco VORTAC 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC and within 2 miles each side of the Waco ILS localizer north course extending from the 5-mile radius zone to the OM.

Waimea-Kohala, Hawaii
Within a 5-mile radius of the Waimea-Kohala Airport (latitude 20°00'17" N., longitude 155°40'16" W), and within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius zone to 9 miles northeast of the Kamuela VOR. This control zone is effective during times established in advance by a Notice to Airmen. The effective times will thereafter be continuously published in the Pacific Chart Supplement.

Wake Island
Within a 5-mile radius of Wake Island Airport (lat. 19°16'50" N., long. 166°38'30" E.); within 3.5 miles each side of the Wake Island VORTAC 307° radial, extending from the 5-mile radius zone to 11.5 miles northwest of the VORTAC; within 3.5 miles each side of the 281° bearing from the Wake Island RBN (AXX), extending from the 5-mile radius zone to 11.5 miles west of the RBN; within 3.5 miles each side of the 101° bearing from the Wake Island RBN (AWK), extending from the RBN to 11.5 miles east of the RBN; and within 4.5 miles each side of the Wake Island VORTAC 111° radial, extending from the 5-mile radius zone to 20.5 miles east of the VORTAC.

AMENDMENTS 4/29/71 36 F. R. 4043 (Rewritten)

V 37-20 JAN 29 72 XUM

Walla Walla, Wash.
Within a 5-mile radius of Walla Walla City-County Airport (latitude 46°05'35" N., longitude 118°17'20" W.), within 3 miles each side of the Walla Walla VOR 215° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR and that airspace within an arc of a 14-mile radius circle centered on the Walla Walla VOR extending clockwise from a line 4 miles west to a line 4 miles southeast of and parallel to the Walla Walla VOR 354° and 036° radials.

AMENDMENTS 6/24/71 36 F. R. 8031 (Rewritten)

Walnut Ridge, Ark.
Within a 5-mile radius of Walnut Ridge Municipal Airport (latitude 36°07'30" N., longitude 90°55'25" W.) and within 3 miles each side of the Walnut Ridge VORTAC 244° radial extending from the 5-mile radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/29/71 36 F. R. 4480 (Changed)

Washington, D. C.
Within a 5-mile radius of Washington National Airport (latitude 38°51'05" N., longitude 77°02'20" W.), within 2 miles each side of the Washington National Airport ILS localizer S course, extending from the 5-mile radius zone to the OM, within 2 miles each side of the 137° bearing from the Georgetown, D. C., RBN and 2 miles SW of the Washington, D. C., VOR 313° radial, extending from the 5-mile radius zone to the Georgetown RBN, within 2 miles each side of the Washington VOR 324° radial, extending from the 5-mile radius zone to 6 miles NW of the VOR, and within 2 miles each side of the Washington VOR 060° radial, extending from the 5-mile radius zone to 5 miles NE of the VOR, excluding the portion within P-56 and the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Camp Springs, Md., control zone.

Waterloo, Iowa
Within a 5-mile radius of Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); within 2½ miles each side of the Waterloo, Iowa, VORTAC 078° radial extending from the 5-mile radius zone to 6 miles east of the VORTAC; and within 2½ miles each side of the Waterloo, Iowa, VORTAC 200° radial extending from the 5-mile radius zone to 6½ miles south of the VORTAC.

AMENDMENTS 5/27/71 36 F. R. 5287 (Rewritten)

Watertown, N. Y.
That airspace within a 5-mile radius of the center 43°59'20" N., 76°01'20" W. of Watertown Municipal Airport, Watertown, N. Y., and within 3 miles each side of the Watertown, N. Y., VOR 211° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR.

Watertown, S. Dak.
That airspace within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'51" N., longitude 97° 09'16" W.).

AMENDMENTS 5/27/71 36 F. R. 5838 (Rewritten)

Wausau, Wis.
Within a 5-mile radius of the Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.); and within 2½ miles each side of the 142° bearing from the Wausau Municipal Airport extending from the 5-mile radius zone to 6 miles southeast.

Wenatchee, Wash.
Within a 5-mile radius of Pangborn Field, Wenatchee, Wash. (lat. 47°24'00" N., longitude 120°12'30" W.) and within 3 miles each side of the Wenatchee VOR 124° radial extending from the 5-mile radius zone to 8 miles southeast of the VOR, excluding the airspace within a 1-mile radius of Fancher Field, Wash. (latitude 47°26' 55" N., longitude 120°16'40" W.).

AMENDMENTS 6/24/71 36 F. R. 7225 (Rewritten)

Westfield, Mass.
Within a 5-mile radius of the center 42°09'25" N., 72°42'50" W. of Barnes Municipal Airport, Westfield, Mass.; within 3 miles each side of the Barnes VOR 012° radial, extending from the 5-mile radius zone to 10 miles north of the VOR; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius zone to 7.5 miles northwest of the end of the runway, excluding the portion which coincides with the Westover, Mass., control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

AMENDMENTS 10/14/71 36 F. R. 13830 (Changed)

Westover, Mass.
Within a 5-mile radius of the center, 42°11'40" N., 72°32'15" W., Westover AFB, Chicopee Falls, Mass.; within 2 miles each side of the Westover ILS localizer NE course extending from the 5-mile radius zone to 10 miles NE of the OM; within 2 miles each side of Chicopee TACAN 028° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN and within 2 miles each side of the Westover AFB TACAN 221° radial extending from the 5-mile radius zone to 6 miles SW of the TACAN.

Weyers Cave, Va.
Within a 5-mile radius of the center (lat. 38°15'49" N., long. 78°53'46" W.), of Shenandoah Valley Airport, Weyers Cave, Va., and within 3 miles each side of the 218° bearing and the 038° bearing from the Staunton LOM extending from the 5-mile radius zone to 8.5 miles southwest of the LOM. This control zone is effective from 0600 to 2400 hours, local time, daily.

AMENDMENTS 11/11/71 36 F. R. 18191 (Rewritten)

Wheeling, W. Va.
Within a 5-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 216° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 5-mile radius zone to the OM.

Whidbey Island, Wash.
Within a 5-mile radius of Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), within 2 miles each side of the Whidbey Island TACAN 351° radial, extending from the 5-mile radius zone to 6 miles north of the TACAN, and within 2 miles each side of the 283° bearing from the Whidbey Island RBN, extending from the 5-mile radius zone to 8 miles west of the RBN.

White Plains, N. Y.
Within a 5-mile radius of Westchester County Airport (lat. 41°04'05" N, long. 73°42'35" W); and within 2 miles either side of the Westchester County ILS localizer NW course extending from the 5-mile radius zone to the OM.

Wichita, Kans. (McConnell AFB)
Within a 5-mile radius of McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); within 2 miles west and 4 miles east of the McConnell AFB TACAN 008° radial, extending from the 5-mile radius zone to 7 miles north of the TACAN; and within 2 miles each side of the McConnell AFB TACAN 199° radial, extending from the 5-mile radius zone to 6 miles south of the TACAN, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (Wichita Municipal), control zone.

Wichita, Kans. (Wichita Municipal).
Within a 5-mile radius of the Wichita Municipal Airport (latitude 37°39'10" N., longitude 97°25'46" W.), within 2 miles each side of the Wichita Municipal Airport ILS localizer N course, extending from the 5-mile radius zone to the INT of the Wichita Municipal Airport ILS localizer N course and the Wichita VOR 075° radial, excluding the portion subtended by a chord drawn between the points of INT of the 5-mile radius zone with the Wichita, Kans. (McConnell AFB) 5-mile radius control zone.

Wichita Falls, Tex.
That airspace within a 5-mile radius of Sheppard AFB/Municipal Airport, Wichita Falls, Tex., (latitude 33°58'55" N., longitude 98°29'35" W.); within 2 miles each side of the Wichita Falls VORTAC 092° radial extending from the 5-mile radius zone to the VORTAC; within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Sheppard TACAN 333° radial extending from the 5-mile radius zone to 7.5 miles N of the TACAN, and within 2 miles each side of the Sheppard TACAN 163° radial extending from the 5-mile radius zone to 7 miles S of the TACAN.

Wilkes-Barre, Pa.
Within a 5-mile radius of the center 41°20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., and within 2 miles each side of the airport ILS localizer SW course extending SW from the 5-mile radius zone for 2 miles SW of the OM.

Williamsport, Pa.
Within a 5-mile radius of the center, 41°14'30" N., 76°55'20" W., of Williamsport-Lycoming County Airport, Williamsport, Pa.; within 2 miles each side of the Williamsport ILS localizer E course extending from the 5-mile radius zone to the Picture Rocks RBN; within 2 miles each side of the centerline of Runway 12 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the centerline of Runway 27 extended from the 5-mile radius zone to 10.5 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 7 miles NW of the end of the runway; and within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 5.5 miles NW of the end of the runway.

V 37-20 JAN 29 72 XUM

Williston, N. Dak. (Sloulin Airport)
Within a 5-mile radius of the Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 1½ miles each side of the Williston VOR 136° radial, extending from the 5-mile radius zone to 1½ miles southeast of the VOR; and within 2 miles each side of the 126° bearing from the Sloulin International Airport, extending from the 5-mile radius zone to 10 miles southeast of the airport.

AMENDMENTS 1/6/72 36 F. R. 22009 (Rewritten)

Willoughby, Ohio
Within a 5-mile radius of the Lost Nation Airport (latitude 41°40'45" N., longitude 81°23'45" W.); within 4 miles each side of the 088° bearing from the Lost Nation RBN extending from the 5-mile radius zone to 12 miles east of the RBN; within 3 miles each side of the 268° bearing from the RBN extending from the 5-mile radius zone to 8.5 miles west of the RBN; excluding the portion within the Cleveland, Ohio (Cuyahoga County Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, thereafter, be continuously published in the Airman's Information Manual.

AMENDMENTS 3/4/71 36 F. R. 774 (Added)
AMENDMENTS 10/29/71 36 F. R. 21878 (Rewritten)

Willow Grove, Pa.
Within a 5-mile radius of Willow Grove NAS (latitude 40° 12' 00" N., longitude 75° 08' 55" W.); within a 5-mile radius of Warminster NAF (latitude 40°11'55" N., longitude 75°04'00" W.); within 2 miles each side of the 325° bearing from the Willow Grove RBN, extending from the RBN to 7 miles NW of the RBN; within 2 miles each side of the Warminster NAF TACAN 274° radial, extending from the TACAN to 9 miles W of the TACAN; within 2 miles each side of the Warminster NAF TACAN 082° radial, extending from the TACAN to 6.5 miles E of the TACAN; within 2 miles each side of the Yardley, Pa., VOR 245° radial, extending from the VOR to the Willow Grove NAS, excluding the portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Warminster NAF with the North Philadelphia, Pa., control zone, and excluding the portion within the Trenton, N. J., control zone. This control zone is effective from 0700 to 2400 hours, local time Monday through Friday; and 0001 to 2400 hours, local time, Saturday and Sunday.

Wilmington, Del.
Within a 5-mile radius of the Greater Wilmington Airport (latitude 39° 40' 40" N., longitude 75° 36' 25" W.); within 2 miles each side of the Greater Wilmington Airport ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 5-mile radius zone to 7 miles SW of the VORTAC; and within 2 miles each side of the New Castle, Del., VORTAC 278° radial extending from the 5-mile radius zone to 5.5 miles west of the VORTAC.

Wilmington, N. C.
Within a 5-mile radius of New Hanover County Airport (latitude 39°16'15" N., longitude 77°54'05" W.).

Windsor Locks, Conn.
Within a 5-mile radius of the center lat. 41°56'19" N., long. 72°41'00" W., of Bradley International Airport, Windsor Locks, Conn.; within 3.5 miles each side of the Bradley International Airport ILS localizer southwest course, extending from the 5-mile radius zone to 11.5 miles southwest of the OM; within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius zone to 6 miles
S of the end of the runway; within 2 miles each side of the centerline of Runway 15 extended from the 5-mile radius zone to 6 miles SE of the end of the runway within 2 miles each side of the centerline of Runway 6 extended from the 5-mile radius zone to 5 miles from the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 6 miles from the end of the runway.

AMENDMENTS 10/14/71 36 F. R. 16573 (Changed)

Wink, Tex.
Within a 3-mile radius of the Winkler County Airport (latitude 31°46'45" N., longitude 103°12'05" W.); within 2 miles each side of the Wink VOR 161° radial, extending from the VOR to 5 miles south of the airport.

Winona, Minn.
Within a 5-mile radius of the Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.); within 2½ miles each side of the 319° bearing from Winona Municipal-Max Conrad Field, extending from the 5-mile radius area to 6 miles northwest of the airport and within 3 miles each side of the 107° bearing from the Winona Municipal-Max Conrad Field extending from the 5-mile radius area to 6½ miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 7/22/71 36 F. R. 9619 (Rewritten)

Winslow, Ariz.
Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.).

Winston-Salem, N. C.
Within a 5-mile radius of Smith Reynolds Airport (lat. 36°08'01" N., long. 80°13'22" W.); within 2 miles each side of Winston-Salem ILS localizer southeast course, extending from the 5-mile radius zone to the LOM.

AMENDMENTS 10/14/71 36 F. R. 14636 (Rewritten)

Worcester, Mass.
Within a 5-mile radius of Worcester Municipal Airport (Lat. 42°16'05" N, Long. 71°52'20" W).

Worland, Wyo.
Within a 5-mile radius of Worland Municipal Airport (latitude 43°58'10" N., longitude 107°56'50" W.), and and within 3.5 miles each side of the Worland VOR 352° radial, extending from the 5-mile radius zone to 12 miles north of the VOR.

Worthington, Minn.
That airspace within a 5-mile radius of Worthington Municipal Airport (latitude 43°39'17" N., longitude 95° 35'01" W.). This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/1/71 36 F. R. 1884 (Rewritten)

Wrightstown, N. J. (McGuire AFB)
Within a 5-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.), within 2 miles each side of the McGuire VOR 350° radial extending from the 5-mile radius zone to 7 miles N of the VOR; within 2 miles each side of the McGuire VOR 051° radial extending from the 5-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the McGuire VOR 180° radial extending from the 5-mile radius zone to 6 miles S of the VOR; and within 2 miles each side of the McGuire AFB ILS localizer SW course extending from the 5-mile radius zone to the OM.

Yakima, Wash.
Within a 5-mile radius of the Yakima Municipal Airport (latitude 46°33'55" N., longitude 120°32'25" W.), within 4 miles north and 2 miles south of the Yakima ILS localizer east course, extending from the 5-mile radius zone to 4 miles east of the Donald OM, and within 2.5 miles each side of the Yakima ILS localizer west course, extending from the 5-mile radius zone to 18.5 miles west of the Donald OM.

AMENDMENTS 5/27/71 36 F. R. 4754 (Rewritten)

Yakutat, Alaska
Within a 5-mile radius of Yakutat Airport (latitude 59°30'10" N., longitude 139°39'40" W.); within 2 miles each side of the Yakutat VORTAC 147° radial, extending from the 5-mile radius zone to 8 miles southeast of the VORTAC; and that airspace bounded on the northeast by a line 2 miles northeast of and parallel to the 315° bearing from the Yakutat RR, on the east and southeast by the 5-mile radius zone, on the south by a line 3 miles south of and parallel to the 283° bearing from the Yakutat RR, and on the west and northwest by the arc of an 8-mile radius circle centered on the Yakutat RR.

Yankton, S. Dak.
That airspace within a 5-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97° 23'15" W.); within 2½ miles each side of the Yankton VOR 321° radial extending from the 5-mile radius to 7 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

AMENDMENTS 4/1/71 36 F. R. 1885 (Rewritten)

V 37-20 JAN 29 72 XUM

Youngstown, Ohio
Within a 5-mile radius of the center, lat. 41°15'28" N., long. 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within 2 miles each side of the extended centerline of Runway 5, extended from the 5-mile radius zone to 6 miles northeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 14, extended from the 5-mile radius zone to 5.5 miles southeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 23, extended from the 5-mile radius zone to 5.5 miles southwest of the center of the airport and within 1 mile each side of the Youngstown Municipal Airport localizer northwest course, extended from the 5-mile radius zone to 5.5 miles northwest of the center of the airport.

AMENDMENTS 9/16/71 36 F. R. 13777 (Rewritten)

Yuma, Ariz.
Within a 5-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36' 20" W.); within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 5-mile radius zone to 2 miles south of the VORTAC, and within 2.5 miles each side of the Yuma TACAN (latitude 32°38'48" N., longitude 114°36'46" W.) 037° radial, extending from the 5-mile radius zone to 8 miles northeast of TACAN.

AMENDMENTS 10/14/71 36 F. R. 13831 (Rewritten)

Zanesville, Ohio
Within a 5-mile radius of the Zanesville Municipal Airport (latitude 39° 56' 40" N., longitude 81° 53' 20" W.); within 2 miles each side of the Zanesville RBN 210° bearing, extending from the 5-mile radius zone to 7 miles SW of the RBN; and within 2 miles each side of the Zanesville VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding that airspace within a 1-mile radius of the Riverside Airport, Zanesville, (latitude 39° 59' 10" N., longitude 81° 59' 00" W.).

SUBPART G - TRANSITION AREAS

§ 71.181 Designation.
The parts of airspace described below are designated as transition areas.

Aberdeen, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°28' 18" N., 76°10'13" W. of Phillips AAF, Aberdeen, Md., and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 7-mile radius area to 8 miles NE of the RBN.

Aberdeen, S. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Aberdeen Municipal Airport (latitude 45°27'00" N., longitude 98°25'00" W.); within 3 miles each side of the Aberdeen VORTAC 312° radial, extending from the 10-mile radius area to 17½ miles northwest of the VORTAC, and within 4½ miles southwest and 9½ miles northeast of the Aberdeen VORTAC 131° radial, extending from the 10-mile radius area to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of Aberdeen VORTAC; and within 4½ miles northeast and 9½ miles southwest of the Aberdeen VORTAC 312° radial, extending from the 21-mile radius area to 27 miles northwest of the VORTAC.

Abilene, Tex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°25'10" N., longitude 99°51'15" W., and within 8 miles east and 5 miles west of the Abilene ILS localizer south course extending from the OM to 12 miles south.

Adak, Alaska
That airspace extending upward from 700 feet above the surface within the arc of a 15-mile radius circle centered on the NS Adak Airport (latitude 51°52'50" N., longitude 176°38'54" W.), extending clockwise from the 033° bearing to the 090° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Navy Adak TACAN 250° radial extending from the TACAN to 12 miles West of the TACAN.

Adrian, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Lenawee County Airport (latitude 41°52'10" N., longitude 84°04'30" W.); and within 3 miles each side of the 221° bearing from the Lenawee County Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport.

Aguadilla, P. R.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Ramey AFB (latitude 18°29'50" N., longitude 67°07'45" W.); within a 9-mile radius of Mayaguez Airfield (latitude 18°15'25" N., longitude 67°09'09" W.); within 2 miles each side of the 263° bearing from the Mayaguez RBN, extending from the 9-mile radius area to 11 miles west of the beacon.

Ahoskie, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tri-County Airport (lat. 36°17'56" N., long. 77°10'26" W.); within 2 miles each side of Coflied VORTAC 253° radial, extending from the 5-mile radius area to 13 miles west of the VORTAC.
AMENDMENTS 11/11/71 36 F. R. 18192 (Added) Corr: 36 F. R. 20418

Aiken, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Aiken Municipal Airport (latitude 33°39'10" N., longitude 81°41'25" W.); within 3 miles each side of the 048° bearing from Aiken RBN (latitude 33°39'06" N., longitude 81°40'38" W.), extending from the 8-mile radius area to 8.5 miles northeast of the RBN.

Ainsworth, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ainsworth Municipal Airport (latitude 42°34'40" N., longitude 99°59'15" W.); and within 3 miles each side of the 344° bearing from Ainsworth Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 164° and 344° bearings from Ainsworth Municipal Airport, extending from 4 miles south to 18½ miles north of the airport.

Akron, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Akron-Washington County Airport (latitude 40°10'30" N., longitude 103°12'45" W.), and that airspace extending upward from 1,200 feet above the surface within 10 miles northeast and 7 miles southwest of the Akron VORTAC 123° and 303° radials, extending from 20 miles southeast to 10 miles northwest of the VORTAC.
AMENDMENTS 2/4/71 35 F. R. 19171 (Rewritten)

V 37-20 JAN 29 72 XUM

Akron, Ohio
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 40°54'58" N., long. 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, and within 5 miles each side of the Akron-Canton Airport south localizer course extending from the Akron-Canton Airport 8.5-mile radius area to 11.5 miles south of the Akron-Canton Runway 1 OM; within a 10-mile radius area of the center, lat. 41°02'18" N., long. 81°28'01" W. of Akron Municipal Airport, Akron, Ohio; within 5 miles each side of the Akron VORTAC 255° radial extending from the Akron Municipal Airport 10-mile radius area to the VORTAC; within a 6-mile radius of the center, lat. 41°12'35" N., long. 81°13'55" W. of Portage County Airport, Ravena, Ohio; within 1.5 miles each side of the Akron VORTAC 340° radial extending from the Portage County Airport 6-mile radius area to the VORTAC; within a 5-mile radius area of the center of lat. 41°08'45" N., long. 81°25'00" W. of Andrew W. Paton of Kent State University Airport, Kent, Ohio; within a 7-mile radius of the center, lat. 41°08'06" N., long. 81°45'36" W. of Freedom Field, Medina, Ohio, and within 4.5 miles south and 6.5 miles north of the Medina, Ohio, RBN (lat. 41°08'29" N., long. 81°38'46" W.) 084° and 264° bearings extending from 5.5 miles west to 11.5 miles east of the RBN; and that airspace
extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40° 53' 00" N.. longitude 81° 43' 00" W.; to latitude 41° 08' 00" N.. longitude 81° 36' 00" W.; to latitude 41° 11' 30" N.. longitude 81° 39' 20" W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Cleveland-Hopkins Airport, Cleveland, Ohio (latitude 41° 24' 30" N., longitude 81° 51' 00" W.) to latitude 41° 21' 00" N., longitude 81° 31' 00" W.; to latitude 41° 24' 20" N.. longitude 81° 23' 00" W.; thence counterclockwise along the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41° 41' 00" N., longitude 81° 23' 25" W.). to latitude 41° 28' 00" N.. longitude 81° 10' 00" W.; to latitude 41° 05' 00" N., longitude 80° 50' 00" W.; to latitude 40° 56' 00" N., longitude 80° 52' 00" W.; to latitude 40° 56' 40" N., longitude 80° 36' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Imperial, Pa., VORTAC to the Imperial VORTAC 249° radial; thence via the 249° radial to 60 miles SW of the VORTAC; thence via a direct line to the Newcomerstown, Ohio. VOR: direct to the Tiverton, Ohio. VOR; to latitude 40° 54' 00" N.. longitude 82° 04' 00" W.; thence counterclockwise along the arc of a 37-mile radius circle centered on the Cleveland-Hopkins Airport to the point of beginning.

AMENDMENTS 10/14/71 36 F. R. 14632 (Changed)

Alabama
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Alabama, including that airspace within 3 nautical miles from and parallel to the shoreline of Alabama, excluding the portions within R-2101 and R-2103.

AMENDMENTS 8/18/71 36 F. R. 15743 (Changed)

Alabaster, Ala.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby County Airport (latitude 33°10'40" N., longitude 86°47'00" W.).

Alamogordo, N. Mex.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the Holloman AFB Airport (latitude 32°5104" N., longitude 106°06'05" W.); within 4 miles east and 6 miles west of the Holloman AFB TACAN 349° radial extending from the 11-mile radius area to 17.5 miles north of the TACAN; within 2 miles east and 6 miles west of the extended centerline of Runway 15 extending from the 11-mile radius area to 12.5 miles south of the south end of Runway 15.

Alamosa, Colo.
That airspace extending upward from 700 feet above the surface within 10 miles northeast and 9 miles southwest of the Alamosa VORTAC 335° and 155° radiale extending from 20 miles northwest to 12 miles southeast of the VORTAC; and within 2 miles northwest and 6 miles southeast of the Alamosa VORTAC 200° radial extending from the VORTAC to 16 miles southwest of the VORTAC.
That airspace extending upward from 1,200 feet above the surface within 13 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 335° radial extending from the VORTAC to 31 miles northwest of the VORTAC; within 5 miles each side of the Alamosa VORTAC 018° radial extending from the VORTAC to 45 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 065° radial extending from the VORTAC to 37 miles northeast of the VORTAC; within 5 miles each side of the Alamosa VORTAC 080° radial extending from the VORTAC to 56 miles east of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Alamosa VORTAC 127° radial extending from the VORTAC to 19 miles southeast of the VORTAC; and within 5 miles each side of the Alamosa VORTAC 200° radial extending from the VORTAC to 37 miles southwest of the VORTAC.
That airspace extending upward from 12,000 feet MSL within 5 miles each side of the Alamosa VORTAC 200° radial extending from 37 to 54 miles southwest of the VORTAC.

Albany, Ga.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Albany-Dougherty County Airport (lat. 31°32'07" N., long. 84°11'41" W.); within 2 miles each side of Albany VORTAC 145° radial, extending from the 9.5-mile radius area to the VORTAC; within a 5.5-mile radius of Sylvester Airport (lat. 31° 33'25" N., long. 83°53'33" W.); within 3 miles each side of the 194° bearing from Sylvester RBN (lat. 31°33' 27" N., long. 83°53'34" W.), extending from the 5.5-mile radius area to 8.5 miles south of the RBN; within a 10-mile radius of NAS Albany (lat. 31°35'50" N., long. 84°05'06" W.).

AMENDMENTS 7/22/71 36 F. R. 9862 (Rewritten)

Albany, N. Y.
That airspace extending upward from 700 feet above the surface within the area bounded by a point on the Albany VORTAC 007° radial 23 miles north of the VORTAC, thence clockwise along the arc of a 23-mile radius circle centered on the Albany VORTAC to its point of intersection with the Albany VORTAC 037° radial, thence southwest along the Albany VORTAC 037° radial to a point 12 miles northeast of the VORTAC, thence clockwise along the arc of a 12-mile radius circle centered on the Albany VORTAC to its point of intersection with the arc of a 9-mile radius circle centered on the Schenectady VOR (42°51'05" N., 73°56'05" W.), thence clockwise along the arc of the 9-mile radius circle centered on the Schenectady VOR to its point of intersection with a line 2 miles south and parallel to the extended centerline of the Schenectady County Airport Runway 28, thence west along this parallel line to its point of intersection with the arc of a 13-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of this 13-mile radius circle to its point of intersection with the Schenectady VOR 342° radial, thence north along a line bearing 356° from this point to the point of intersection of this line and the arc of a 19-mile radius circle centered on the Schenectady VOR, thence clockwise along the arc of the 19-mile radius circle centered on the Schenectady VOR to its point of intersection with the arc of a 23-mile radius circle centered on the Albany VORTAC;
within a 6.5-mile radius of the center lat. 43°03'00" N., long. 73°51'30" W., of Saratoga County Airport, Saratoga Springs, N. Y., and within 5 miles each side of the Cambridge VORTAC 278° radial, extending from 43 miles west of the Cambridge VORTAC to the 6.5-mile radius area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 44°00' 00" N., long. 73°47'00" W.; to lat. 44°00'00" N., long. 73°16'00" W.; to lat. 43°47'00" N., long. 72°39'00" W.; to lat. 43°11'00" N., long. 72°39'00" W.; to lat. 42°02'00" N., long. 73°16'00" W.; to lat. 42°01'00" N., long. 74°30'00" W.; to lat. 43°19'00" N., long. 74°30'00" W.; to point of beginning.

AMENDMENTS 4/29/71 36 F. R. 4692 (Changed)
AMENDMENTS 9/1/71 36 F. R. 17495 (Changed)

Albany, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the University of Ohio Airport (latitude 39°12'38" N., longitude 82°13'53" W.).

AMENDMENTS 12/9/71 36 F. R. 19576 (Added)

Albert Lea, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Albert Lea Airport (latitude 43°40'52" N., longitude 93°22'04" W.); within 3 miles each side of the 356° bearing from the Albert Lea Municipal Airport extending from the 5½-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 356° and 176° bearings from Albert Lea Municipal Airport extending from 18½ miles north of the airport to 6 miles south of the airport and 5 miles each side of the 176° bearing from Albert Lea Municipal Airport from the airport to 12 miles south of the airport.

AMENDMENTS 10/14/71 36 F. R. 15111 (rewritten)

PENDING AMENDMENT
Albertville, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Albertville Municipal Airport (latitude 34°13'54" N., longitude 86°15'08" W.); within 3 miles each side of the 048° bearing from Saratoga RBN (latitude 34°15'00" N., longitude 86°13'25" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 3/2/72 37 F. R. 136 (Added)

Albion, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 39°46'40" N., 74°56'55" W., of Albion Airport, Albion, N. J., and within 2 miles each side of the Millville VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, N. J., transition area. This transition area is effective from sunrise to sunset, daily.

Albuquerque, N. Mex.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°36'02" W.); and that airspace extending upward from 11,000 feet MSL within 5 miles each side of the Albuquerque VORTAC 339° radial, extending from the 46-mile radius area to 79 miles N of the VORTAC, and within 5 miles each side of the Albuquerque VORTAC 303° radial, extending from the 46-mile radius area to 79 miles NW of the VORTAC. The portions of this transition area within 5 miles each side of the Albuquerque VORTAC 303° and 339° radials, extending from the 46-mile radius area to 79 miles N and NW are excluded from Federal airways.

AMENDMENTS 10/22/71 36 F. R. 21029 (Changed)

86-000 O - 72 (pt. 2 Sec. 1) - 10

V 37-20 JAN 29 72 XUM

Alexander City, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Thomas C. Russell Field Airport (latitude 32°54'15" N., longitude 85°57'45" W.); within 3 miles each side of the 181° bearing from the Alexander City RBN (latitude 32°53'10" N., longitude 85°57'30" W.), extending from the 5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 11/25/71 36 F. R. 21280 (Changed)

Alexandria, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Alexandria Airport (latitude 40°13'25" N., longitude 85°38'15" W.) excluding the portion which overlies the Anderson, Ind., transition area.

Alexandria, La.
That airspace extending upward from 700 feet above the surface within a 16-mile radius of England AFB (latitude 31°19'40" N., longitude 92°33'05" W.), within a 7-mile radius of Esler Field (latitude 31°23'45" N., longitude 92°17'40" W.), and within 4 miles each side of the Esler VOR 155° radial extending from the Esler Field 7-mile radius area to 17 miles southeast of the VOR.

Alexandria, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Alexandria Municipal Airport (latitude 45°52'00" N., longitude 95°23'40" W.); and within 2 miles each side of the Alexandria VORTAC 231° radial, extending from the 7-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Alexandria VORTAC, extending from the 306° radial clockwise to the 148° radial; within 4½ miles southeast and 9½ miles northwest of the Alexandria VORTAC 051° and 231° radials extending from 6 miles southwest to 18½ miles northeast of the VORTAC; and within 5 miles each side of the Alexandria VORTAC 231° radial, extending from 9½ miles southwest to 21½ miles southwest of the VORTAC.

Allegan, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Padgham Field Airport (latitude 42°31'55" N., longitude 85°49'45" W.); and within 2½ miles each side of the 072° radial of the Pullman VORTAC, extending from the 7-mile radius area to 22 miles east of the VORTAC, excluding the portion which overlies the Battle Creek, Michigan 700-foot floor transition area.

AMENDMENTS 2/4/71 35 F. R. 18508 (Rewritten)

Allendale, S. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Allendale County Airport (latitude 33°00'30" N., longitude 81°16'05" W.); within 2.5 miles each side of Allendale VOR 329° radial, extending from the 6-mile radius area to 8.5 miles northwest of the VOR.

Allentown, Pa.
That airspace extending upward from 700 feet above the surface within a 21-mile radius of the center, 40°39'10" N., 75°26'20" W., of Allentown-Bethlehem-Easton Airport, Allentown, Pa., extending clockwise from the 205° bearing from the airport to 5 miles northwest of the Allentown, Pa., VORTAC 043° radial; within 5 miles each side of the Allentown VORTAC 043° radial extending from the VORTAC to 18 miles northeast of the VORTAC; within a 12-mile radius of the airport extending clockwise from 5 miles southeast of the Allentown VORTAC 043° radial to the 205° bearing from the airport.

Alliance, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Alliance Municipal Airport (latitude 42°02'45" N., longitude 102°48'30" W.); and within 3 miles each side of the 142° bearing from Alliance Municipal Airport, extending from the 10-mile radius area to 11 miles southeast of the airport; and that airspace extending from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 142° bearing from Alliance Municipal Airport, extending from the airport to 21½ miles southeast of the airport; within 4½ miles northeast and 9½ miles southwest of the Alliance VOR 304° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the Alliance VOR 150° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4 nautical miles each side of a line extending from Alliance Municipal Airport to Chadron, Nebr., Municipal Airport (latitude 42°50'10" N., longitude 103°05'50" W.), excluding the area which overlies the Scottsbluff, Nebr., transition area.

Alliance, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 40°59'00" N., long. 81°02'30" W. of Miller Airport, Alliance, Ohio, and within a 5.5-mile radius of the center, lat. 40°54'22" N., long. 81°00'02" W. of Tri-City Airport, Sebring, Ohio.

AMENDMENTS 9/16/71 36 F. R. 13831 (Rewritten)

Alma, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bacon County Airport (lat. 31°32'17" N., long. 82°30'33" W.). This transition area is effective from 0600 to 2200 hours, local time, daily.

AMENDMENTS 7/22/71 36 F. R. 9861 (Rewritten)

Alma, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Gratiot Community Airport (latitude 43°19'25" N., longitude 84°41'40" W.); and within 2 miles each side of the 278° bearing from Gratiot Community Airport, extending from the 6-mile radius area to 8 miles west of the airport.

Alpena, Mich.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Alpena VORTAC; within 9½ miles west and 4½ miles east of the 360° bearing from the Alpena RBN, extending from the 17-mile radius area to 18½ miles north of the RBN; within 9½ miles west and 4½ miles east of the 346° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles north of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the 305° radial of the Alpena VORTAC extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; and within 9½ miles east and 4½ miles west of the Alpena VORTAC 186° radial extending from the 17-mile radius area to 18½ miles south of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 32-mile radius circle centered on the Alpena RBN, extending from a line 5 miles west of and parallel to the 360° bearing from the RBN clockwise to a line 5 miles east of and parallel to the 026° bearing from the RBN; within a 34-mile radius circle centered on the Alpena VORTAC extending from a line 5 miles northwest of and parallel to the 329° radial of the VORTAC clockwise to a line 5 miles east of and parallel to the 350° radial of the VORTAC.

Alva, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alva Municipal Airport (latitude 36°46'00" N., longitude 98°40'00" W.); within 2 miles each side of the 170° bearing from the Alva RBN (latitude 36°46'47" N., longitude 98°40'34" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

Amarillo, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Amarillo Air Terminal (latitude 35°13'10" N., longitude 101°42'40" W.).

Amchitka, Alaska
That airspace extending upward from 700 feet above the surface within 8 miles north and 5 miles south of the 082° bearing from the Amchitka RBN extending from the RBN to 11.5 miles east; within 8 miles southeast and 5 miles northwest of the 247° bearing from the Amchitka RBN, extending from the RBN to 11.5 miles southwest; and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Amchitka Airport (latitude 51°22'45" N., longitude 179°15'42" E.).

PENDING AMENDMENT
Americus, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Souther Field (lat. 32°07'00" N., long. 84°11'30" W.); within 3 miles each side of the 047° bearing from Souther RBN (lat. 32°07'00" N., long. 84°11'30" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.
AMENDMENTS 3/2/72 37 F. R. 13 (Added)

Ames, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Ames Municipal Airport (latitude 41°59'25" N., longitude 93°37'05" W.), and within 3 miles each side of the 127° bearing from Ames Municipal Airport, extending from the 5½-mile radius area to 7 miles southeast of the airport.
AMENDMENTS 3/4/71 36 F. R. 147 (Rewritten)

Anchorage, Alaska
That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Anchorage airport surveillance radar antenna site (latitude 61°16'N., longitude 149°50' W.); within 2 miles each side of the Anchorage RR SW course extending from the 18-mile radius transition area to 10 miles SW of the RR, and within 5 miles north and 8 miles south of the Anchorage VORTAC 260° Radial, extending from the 18-mile radius transition area to 12 miles west of the Anchorage VORTAC; that airspace extending upward from 1,200 feet above the surface within a 72-mile radius of the Anchorage VORTAC extending clockwise from the SW boundary of Victor Airway 440, northwest of Anchorage, to the S boundary of Green Federal airway No. 8, northeast of Anchorage, and within a 55-mile radius of the Anchorage VORTAC extending clockwise from the S boundary of Green Federal airway No. 8,
northeast of Anchorage, to the SW boundary of Victor Airway 440, northwest of Anchorage; and that airspace extending upward from 14,500 feet MSL within a 172-mile radius of the Anchorage VORTAC, excluding the portions within the United States, Federal airways, Control 1218, Control 1310, the Cordova, Alaska, and Middleton Island, Alaska, control area extensions, the King Salmon, Alaska, transition area, and the Anchorage Oceanic Control Area.

V 37-20 JAN 29 72 XUM

Anderson, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Anderson Municipal Airport (latitude 40°06'35" N., longitude 85°36'55" W.); and within 3 miles each side of the 298° bearing from Anderson Municipal Airport, extending from the 7-mile radius area to 12½ miles northwest of the airport.

Anderson, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Anderson County Airport (latitude 34°29'40" N., longitude 82°42'30" W.).

Andover, N. J.
That airspace extending upward from 700 feet above the surface wtihin a 7-mile radius of the center, 41°00'30" N., 74°44'20" W. of Aeroflex-Andover Airport, Andover, N. J., and within 5 miles north and 8 miles south of the Stillwater, N. J., VOR 263° radial extending from the VOR to 12 miles west of the VOR within 2 miles each side of the Stillwater, N. J. VOR 083° radial extending from the 7-mile radius area to the VOR effective from sunrise to sunset daily.

That airspace extending upward from 1200 feet above the surface bounded by a line beginning at: 41°19'00" N., 74°33'00" W.; 40°49'00" N., 74°37'00" W.; 40°48'00" N., 75°00'00" W.; 40°56'16" N., 75°11'04" W.; 41°31'00" N., 75°07'00" W. to point of beginning.

Aniak, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the 230° bearing from the Aniak RBN extending from 8 miles SW to 18 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 7 miles NE and 8 miles SW of the 140° and 320° bearings from the Aniak RBN extending from 7 miles NW to 18 miles SE of the RBN.

Ann Arbor, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ann Arbor Municipal Airport (latitude 42°13'22" N., longitude 83°44'40" W.); excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area.

AMENDMENTS 7/22/71 36 F. R. 9621 (Rewritten)

Annette Island, Alaska
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Annette Island VOR; within 5 miles southwest of the 331° bearing from the Gravina Island RBN, extending from the 14-mile radius area to 8 miles northwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the Annette Island radio range northwest course, extending from the RR to 28 miles northwest of the RR; and within 14 miles northeast and 22 miles southwest of the Annette Island VOR 150° radial, extending from the VOR to 30 miles southeast of the VOR; excluding the portion outside the United States.

Anniston, Ala.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Anniston-Calhoun County Airport (latitude 33°35'23" N., longitude 85°51'20" W.); within a 12-mile radius of Talladega Municipal Airport (latitude 33°34'07" N., longitude 86°03'36" W.); within an 8-mile radius of St. Clair County Airport, Pell City, Ala. (lat. 33°33'22" N., long. 86°14'58" W.); excluding the portion within R-2101.

AMENDMENTS 8/19/71 36 F. R. 10946 (Changed)

Anthony, Kans.
That airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-12, on the northeast by V-74, and on the south by the Kansas/Oklahoma State line.

Apalachicola, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Apalachicola Municipal Airport (lat. 29°43'45" N., long. 85°01'45" W.); within 3 miles each side of the 322° bearing from Apalachicola RBN, extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

AMENDMENTS 4/29/71 36 F. R. 4374 (Rewritten)
AMENDMENTS 5/6/71 36 F. R. 7304 (Changed)

Appleton, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Outagamie County Airport (latitude 44°15'35" N., longitude 88°31'15" W.); excluding the portions which overlie the Green Bay, Wis., 700-foot floor transition area.

AMENDMENTS 5/27/71 36 F. R. 9905 (Rewritten)

Arcata, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 323° bearing from the Arcata, Calif., RBN, extending from the RBN to 7.5 miles northwest of the RBN; that airspace bounded on the north by latitude 40°57'00" N., on the northeast by a line 2 miles northeast of and parallel to the ILS localizer southeast course, on the south by latitude 40°45'00" N., on the southwest by a line 2 miles southwest of and parallel to the 129° and 309° bearings from the Murray Airport latitude 40°48'18" N., longitude 124°06'52" W., on the west by a line 1 mile west of and parallel to the 219° bearing from the Arcata, Calif., RBN; that airspace extending upward from 1,200 feet above the surface, bounded on the north by latitude 41°16'00" N., on the east and south by a line 9 miles northeast of and parallel to the 333° and 153° bearings from the Arcata, Calif., RBN to latitude 40°34'00" N., latitude 40°22'00" N., longitude 124°12'00" W., thence to latitude 40°22'00" N., longitude 124°30'00" W., on the west by longitude 124°30'00" W., within 9 miles each side of the Fortuna, Calif., VORTAC 110° radial, extending from the VORTAC to 61 miles east of the VORTAC, and that airspace within an arc of a 28-mile radius circle centered on the Fortuna, Calif., VORTAC extending counterclockwise from the northeast edge of V-27 to the south edge of V-195.

AMENDMENTS 5/27/71 36 F. R. 4754 (Rewritten) Corr: 36 F. R. 6414

Ardmore, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Ardmore Municipal Airport (latitude 34°18'00" N., longitude 97°00'50" W.); within a 5-mile radius of the Downtown Ardmore Airport (latitude 34°09'30" N., longitude 97°08'00" W.); within 2 miles each side of the Ardmore VOR 233° and 053° radials, extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles N and 8 miles S of the 265° and 085° bearings from the Ardmore RBN, extending from 3 miles E to 8 miles W of the RBN.

Arkadelphia, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Arkadelphia Municipal Airport (latitude 34°06'15" N., longitude 93°03'45" W.), and within 3.5 miles each side of the 216° bearing from the Arkadelphia RBN (latitude 34°03'19" N., longitude 93°06'17" W.) extending from the 6.5-mile radius area to 11.5 miles southwest of the RBN.

Arkansas
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Arkansas.

Arkansas City/Winfield, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Strother Field (latitude 37°10'10" N., longitude 97°02'25" W.); and within 5 miles each side of the 175° bearing from Strother Field, extending from the 7-mile radius area to 15 miles south to the airport.

Artesia, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Artesia Municipal Airport (lat. 32°50'58" N., long. 104°28'02" W.); and within 3.5 miles each side of the Artesia NDB (lat. 32°51'11" N., long. 104°27'34" W.) 152° bearing, extending from the 9.5-mile radius area to 12 miles south of the NDB; within 3.5 miles each side of the Artesia, N. Mex., NDB 296° bearing extending from the 9.5-mile radius area to 12 miles northwest of the NDB.

AMENDMENTS 5/27/71 36 F. R. 3518 (Added)

Asheboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Asheboro Municipal Airport (latitude 35°39'18" N., longitude 79°53'41" W.).

Asheville, N. C.
That airspace extending upward from 700 feet above the surface within 7 miles east and west of the 160° and 340° bearings from Biltmore RBN, extending from 7 miles north of Biltmore RBN to 12 miles south of Broad River RBN; within 9.5 miles east and 4.5 miles west of the ILS localizer south course, extending from Broad River RBN to 18.5 miles south of the RBN; within 5 miles each side of Sugarloaf Mountain VORTAC 230° radial, extending from the VORTAC to Broad River RBN; within 3 miles each side of the 339° bearing from Biltmore RBN, extending from the RBN to 8.5 miles north of the RBN.

AMENDMENTS 4/14/71 36 F. R. 7658 (Rewritten)

Ashland, Ky.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ashland-Boyd County Airport (lat. 38°33'00" N., long. 82°44'15" W.); within 2.5 miles each side of York VORTAC 116° radial, extending from the 8-mile radius area to 0.5 mile east of the VORTAC; excluding the portion within Huntington, W. Va., transition area.

AMENDMENTS 10/14/71 36 F. R. 14635 (Rewritten)

V 37-20 JAN 29 72 XUM

Ashland, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the John F. Kennedy Memorial Airport (latitude 46°32'55" N., longitude 90°55'00" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southeast and 4½ miles northwest of the 209° bearing from the John F. Kennedy Memorial Airport extending from the airport to 18½ miles southwest of the airport.

AMENDMENTS 5/27/71 36 F. R. 5838 (Rewritten)

Astoria, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Astoria VOR 309° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25" N., longitude 123°52'40" W.) to 8 miles NW of the Fort Stevens FM (latitude 46°12'31" N., longitude 123°57'51" W.), and within 2 miles each side of the Astoria VOR 347° radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles NE and 5 miles southwest of the Astoria, Oreg., VOR 147° and 327° radials, extending from 7 miles southeast to 13 miles northwest of the VOR; within 9 miles south and 2 miles north of the Astoria VOR 268° radial; extending from the VOR to 13 miles west of the VOR; within 5 miles northeast and 8 miles southwest of the Astoria VOR 309° radial, extending from the Fort Stevens fan marker to 12 miles northwest of the fan markar and within 8 miles northeast and 6 miles southwest of the Astoria VOR 309° radial extending from the Fort Stevens fan marker to 20 miles northwest of the fan marker.
That airspace extending upward from 4,500 feet MSL bounded on the northwest by the southeast edge of V-27E, on the east by the west edge of V-165, and on the south by the north edge of V-112.

Athens, Ga.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Athens Municipal Airport (latitude 33°56'54" N., longitude 83°19'37" W.).

Athens, Tenn.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of McMinn County Airport (lat. 35°23'45" N., long. 84°33'45" W.).

Athens, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 32° 12'30" N., long. 95°39'30" W., to lat 31°59'00" N., long. 95°35'00" W., to lat. 31°56'30" N., long. 95°41' 00" W., to lat. 31°59'30" N., long. 95°53'00" W., to lat. 32°12'00" N., long. 95°56'00" W., to lat. 32° 15' 00" N., long. 95°50'30" W., to point of beginning.

Atlanta, Ga.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of The William B. Hartsfield Atlanta International Airport (latitude 33°38'35" N., longitude 84°25'25" W.); within 4.5 miles north and 9.5 miles south of the 091° bearing from Bruce RBN, extending from the 15-mile radius area to 18.5 miles east of the RBN; within 9.5 miles northeast and 4.5 miles southwest of Atlanta ILS Runway 33 localizer southeast course, extending from the 15-mile radius area to 18.5 miles southeast of the LOM; within 9.5 miles south and 4.5 miles north of Atlanta ILS Runway 9R localizer west course, extending from the 15-mile radius area to 18.5 miles west of the LOM; within a 10-mile radius of Fulton County Airport (latitude 33°46'35" N., longitude 84°31'15" W.); within an 11.5-mile radius of Dobbins AFB/NAS Atlanta (latitude 33°54'40" N., longitude 84°31'00" W.); within 4 miles each side of the NAS Atlanta TACAN 301° radial, extending from the 11.5-mile radius area to 11.5 miles northwest of the TACAN; within an 8.5-mile radius of De Kalb-Peachtree Airport (latitude 33°52'30" N., longitude 84°18'10" W.).

AMENDMENTS 9/2/71 36 F. R. 19496 (Changed)

Atlantic, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Atlantic Municipal Airport (latitude 41°24'20" N., longitude 95°02'45" W.); and within 5 miles NE and 8 miles SW of the 313° bearing from the Atlantic, Iowa, RBN, extending from the RBN to 12 miles NW.

Atlantic City, N. J.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 39°27'25" N., 74°34'45" W. of Atlantic City Municipal (Pomona) Airport, Atlantic City, N. J., and the airspace bounded on the SW by the Atlantic City VORTAC 176° radial to 3 NM offshore; on the SE by a line 3 NM offshore; and on the NE by the Atlantic City VORTAC 112° radial, within 8 miles SW and 5 miles NE of the Atlantic City ILS localizer NW course extending from the 12-mile radius area to 12 miles NW of the OM.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 39°43'00" N., 74°48'00" W. to 39°37'31" N., 74°20'02" W. to 39°31'45" N., 74°15'55" W. to 39°08'00" N., 74°51'00" W. to 38°57'30" N., 74°59'20" W. to 39°26'20" N., 75°19'58" W. to 39°30'30" N., 75°23'00" W. to 39°37'00" N., 75°10'00" W. to 39°33'00" N., 75°07'00" W. to point of beginning.

Atterbury, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bakalar AFB (latitude 39°15'50" N., longitude 85°53'55" W.) and within 2 miles each side of the 044° bearing from the AFB, extending from the 6-mile radius zone to 12 miles NE of the AFB.

Auburn, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-Opelika Airport (lat. 32°37'00" N., long. 85°26'00" W.); within 2 miles each side of the extended centerline of runway 18/36, extending from the 5-mile radius area to 6 miles N of the runway end; within 5 miles each side of Tuskegee VORTAC 056° radial, extending from the 5-mile radius area to the VORTAC; within 5 miles each side of Columbus VORTAC 270° radial, extending from the 5-mile radius area to 11.5 miles W of the VORTAC; excluding the portion that coincides with the Columbus, Ga., transition area.

AMENDMENTS 9/16/71 36 F. R. 12896 (Rewritten)
AMENDMENTS 1/6/72 36 F. R. 21182 (Rewritten) Corr: 36 F. R. 22809

Auburn, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-De Kalb Airport (latitude 41°18'25" N., longitude 85°04'00" W.); and within 2½ miles each side of the Fort Wayne, Ind., VORTAC 016° radial, extending from the 5-mile radius area to the arc of a 17-mile radius circle centered on Bear Field (latitude 40°58'50" N., longitude 85°11'25" W.).

Auburn, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°02' 55" N., 70°17'00" W. of Auburn-Lewiston Municipal Airport; within 3 miles each side of the 215° and 035° bearing from the New Gloucester, Maine RBN, 43°59'14" N., 70°19'29" W., extending from the 5-mile radius area to 9 miles southwest of the RBN; and within 2 miles each side of the 049° bearing from the New Gloucester, Maine RBN extending from the RBN to 12 miles northeast of the RBN.

Augusta, Ga.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bush Field (latitude 33°22'10" N., longitude 81°57'55" W.); within 9.5 miles west and 4.5 miles east of Augusta ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the LOM; within 9.5 miles southwest and 4.5 miles northeast of Augusta VORTAC 321° radial, extending from the 11-mile radius area to 18.5 miles northwest of the VORTAC; within 9.5 miles west and 4.5 miles east of the 166° and 346° bearings from Emory RBN, extending from the 11-mile radius area to 18.5 miles north of the RBN; excluding the portion within R-6004.

Augusta, Maine
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center (44°19'15" N., 69°47'45" W.), of Augusta State Airport, Augusta, Maine, within 4.5 miles northeast and 9.5 miles southwest of the Capital City, Maine RBN (44°20'18" N., 69°48'42" W.) 333° bearing, extending from the Capital City RBN to 18.5 miles northwest of the RBN and within 4.5 miles northeast and 9.5 miles southwest of the Augusta VORTAC 328° radial, extending from the Augusta VORTAC to 18.5 miles northwest of the VORTAC.

Aurora, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Aurora State Airport (latitude 45°15'00" N., longitude 122°46'10" W.) and within 2.5 miles each side of the 126° radial of the Newberg VORTAC, extending from the 5-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the 308° radial of the Newberg VORTAC, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

Austin, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Austin Municipal Airport, Austin, Minnesota (latitude 43°40'00" N., longitude 92°55'58" W.), and within 5 miles E and 8 miles W of the 351° bearing from Austin Municipal Airport, extending from the airport to 12 miles N and within 5 miles W and 8 miles E of the 176° bearing from the airport extending from the airport to 12 miles S.

Austin, Tex.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 30°23'25" N., longitude 97°43'35" W.; within a 7-mile radius of Bergstrom AFB; within 2 miles each side of the Bergstrom ILS localizer S course, extending from the 7-mile radius area to 12 miles S of the LOM; and within 2 miles each side of the Austin ILS localizer SE course, extending from the 7-mile radius area to 8 miles SE of the Austin LOM.

V 37-20 JAN 29 72 XUM

Babylon, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Republic Airport, Farmingdale, N. Y. (latitude 40°43'45" N., longitude 73°24'45" W.); within 2 miles each side of the 158° bearing from the Babylon RBN extending from the Republic Airport 8-mile radius area to 8 miles S of the RBN; within 2 miles each side of the 165° bearing from the Babylon RBN extending from the Republic Airport 8-mile radius area to 8 miles S of the RBN; and within an 8-mile radius of Grumman Bethpage Airport, Bethpage, N. Y. (latitude 40°44'45" N., longitude 73°29'35" W.); within a 5-mile radius of Deer Park Airport, Deer Park, N.Y. (latitude 40°45'31" N., longitude 73°18'35" W.); and within 2 miles each side of the Deer Park VORTAC 007° radial extending from the 5-mile radius area to 8 miles N of the VORTAC, excluding the portion within the Islip, N. Y., and New York, N. Y., transition areas.

Baker, Oreg.
That airspace extending upward from 1,200 feet above the surface within 8 miles northeast and 6 miles southwest of the Baker VORTAC 138° and 317° radials extending from 14 miles southeast to 16 miles northwest of the VORTAC and within 10 miles west and 5 miles east of the Baker VORTAC 345° radial, extending from the VORTAC to the south edge of V-298.

Bakersfield. Calif.
That airspace extending upward from 700 feet above the surface within 4 miles NE and 5 miles SW of 135° and 315° bearings from the Bakersfield LOM, extending from the arc of a 5-mile radius circle centered on Meadows Field, Bakersfield, Calif. (latitude 35° 25' 40" N., longitude 119° 03' 05" W.), to 10 miles SE of the LOM; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 118° 45' 00" W., on the S by latitude 35° 05' 00" N., on the W by a line extending from latitude 35° 05' 00" N., longitude 120° 05' 00" W., to latitude 35° 43' 50" N., longitude 120° 05' 00" W. to latitude 35° 43' 50" N., longitude 119° 30' 00" W. to latitude 36° 00' 00" N. longitude 119° 30' 00" W. and on the N by latitude 36° 00' 00" N

Baltimore, Md.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°10'25" N., 76°40'15" W., of Friendship International Airport, Baltimore, Md.; within 2 miles each side of the runway 33 centerline extended from the 9-mile radius area to 9 miles northwest of the end of the runway; within 5 miles north and 8 miles south of the Baltimore ILS west course extending from the 9-mile radius area to 12 miles west of the OM; within a 6-mile radius of the center, 39°19'35" N., 76°25'00" W., of Martin Airport, Baltimore, Md.; within 2 miles each side of the runway 14 centerline extended from the 6-mile radius area to 7 miles southeast of the end of the runway; within 2 miles each side of the runway 36 centerline extended from the 6-mile radius area to 9 miles north of the end of the runway; within 2 miles each side of a 132° bearing from the Martin RBN (39°18'15" N., 76°22'45" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN; within 2 miles each side of the Martin TACAN (39°19'18" N., 76°24'42" W.) 317° radial extending from the 6-mile radius area to 15 miles northwest of the TACAN and within a 19-mile radius arc of the Baltimore VORTAC extending clockwise from the Baltimore VORTAC 004° radial to the 035° radial; within a 6.5-mile radius of the center, lat. 39°05'
04" N., long. 76°45'37" W., of Tipton AAF, Fort Meade, Md., and within 3 miles each side of the 091° bearing from the Fort Meade, Md., RBN, lat. 39°05'04" N., long. 76°45'37" W., extending from the 6.5-mile radius area to 8.5 miles east of the RBN.

AMENDMENTS 5/27/71 36 F. R. 7303 (Changed)
AMENDMENTS 6/24/71 36 F. R. 7303 (Changed)

Bangor, Maine
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius arc of the center, lat. 44°48'28" N., long. 68°49'41" W. of Bangor International Airport, Bangor, Maine, extending clockwise from 245° to 093°; within a 12-mile radius arc of Bangor International Airport, extending clockwise from 093° to 245°; within 3 miles each side of the Bangor, Maine, VORTAC 318° radial, extending from the VORTAC to 9 miles northwest of the VORTAC; within 4.5 miles northeast and 9.5 miles southwest of the Bangor International Airport ILS localizer southeast course, extending from the OM to 18.5 miles southeast of the OM; within a 5-mile radius of the center, lat. 44°57'15" N., long. 68°40'30" W. of De Witt Field-Old Town Municipal Airport, Old Town, Maine; within 1.5 miles each side of the Bangor VORTAC 052° radial extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to the VORTAC; within 4 miles each side of the Bangor VORTAC 050° radial, extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 25.5 miles northeast of the VORTAC; within 3.5 miles each side of the 028° bearing and the 208° bearing from the Old Town, Maine, RBN lat. 45°00'24" N., long. 68°38'02" W., extending from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 10.5 miles northeast of the RBN; within 2 miles each side of the De Witt Field--Old Town Municipal Airport runway 22 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 6 miles south of the end of the runway; within 2 miles each side of the De Witt Field-Old Town Municipal Airport runway 33 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 6 miles northwest of the end of the runway; within 2 miles each side of the De Witt Field-Old Town Municipal Airport runway 15 centerline extended from the De Witt Field-Old Town Municipal Airport 5-mile radius area to 5 miles southeast of the end of the runway.
and that airspace
extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44° 50' 00" N., longitude 67° 56' 00" W., to latitude 44° 18' 30" N., longitude 67° 56' 00" W., to latitude 43° 52' 00" N., longitude 69°00'00" W., to latitude 43°48'00" N., longitude 69°03'00" W., to lat. 43°44'00" N., long. 69° 19'42" W.; to latitude 43°50'00" N.,
longitude 69° 18' 00" W..to latitude 43° 59' 00" N.. longitude 69° 16' 00" W., to latitude 44° 09' 00" N., longitude 69° 39' 00" W., thence clockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44° 09' 00" N., longitude 69° 57' 00" W., to latitude 44° 03' 00" N., longitude 70° 06' 00" W.. to latitude 43° 50' 00" N., longitude 70° 12' 00" W., to latitude 43° 55' 00" N., longitude 70° 28' 00" W.. to latitude 44° 05' 00" N., longitude 70° 23' 00" W., to latitude 44° 12' 00" N., longitude 70° 10' 00" W.. to latitude 44° 16' 00" N., longitude 70° 14' 00" W., to latitude 44° 39' 00" N., longitude 69° 47' 00" W.. to latitude 44° 50' 00" N., longitude 69° 47' 00" W., to latitude 45° 12' 00" N., longitude 69° 23' 00" W., to latitude 45° 24' 00" N., longitude 68° 55' 00" W., to latitude 45° 30' 00" N., longitude 68° 31' 00" W.. to latitude 45° 27' 00" N., longitude 68° 20' 00" W., to latitude 45° 33' 00" N., longitude 68° 16' 00" W.. to latitude 45° 38' 00" N., longitude 67° 40' 30" W., thence via the United States/Canadian border to latitude 45° 09' 00" N., longitude 67° 23' 00" W., to latitude 45° 07' 00" N., longitude 67° 30' 00" W., to latitude 44°50'00" N., longitude 67°30'00" W., to the point of beginning.
That airspace extending upward from 5,500 feet MSL bounded by a line beginning at 45°24'00" N., 68°55'00" W., to 45°12'00" N., 69°23'00" W., to 45°07'30" N., 69°28'00" W., to 45°23'00" N., 69°48'00" W., to 45°23'00" N., 69°30'00" W., to the point of beginning.

AMENDMENTS 5/27/71 36 F. R. 7302 (Changed)
AMENDMENTS 11/11/71 36 F. R. 17496 (Changed)
PENDING AMENDMENT
Delete the description of the Bangor, Maine, 5,500-foot transition area.

AMENDMENTS 3/2/72 37 F. R. 136 (Changed)

Baraboo, Wis.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Baraboo-Wisconsin Dells Airport (latitude 43°31'21" N., longitude 89°46'22" W.).

AMENDMENTS 5/27/71 36 F. R. 5905 (Rewritten)

Bardstown, Ky.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Samuels Field (lat. 37°48'55" N., long. 85°29'58" W.); within 3 miles each side of the 022° bearing from Bardstown RBN (lat. 37°50' 52" N., long. 85°29'00" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

AMENDMENTS 10/14/71 36 F. R. 14635 (Rewritten)

Bar Harbor, Maine
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center lat. 44°26'56" N., long. 68°21'42" W. of Bar Harbor Airport, Bar Harbor, Maine, and within 3.5 miles each side of the 019° bearing from the Bar Harbor RBN lat. 44°29'20" N., long. 68°20'39" W., extending from the 7.5-mile radius area to 10 miles north of the RBN.

AMENDMENTS 4/29/71 36 F. R. 4691 (Rewritten)

Barnesville, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40° 00'10" N., long. 81°11'30" W., of the Bradfield Airport, Barnesville, Ohio.

V 37-20 JAN 29 72 XUM

Barnwell, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barnwell County Airport (lat. 33°15'26" N., long. 81°23'06" W.); within 3 miles each side of the 009° bearing from Barnwell RBN (lat. 33°15'31" N., long. 81°21'43" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within R-6004.

Bartlesville, Okla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Phillips Airport (latitude 36°45'46" N., longitude 96°00'38" W.); within 5 miles each side of the Bartlesville VORTAC 176° radial extending from the 9-mile radius to 21½ miles south of the VORTAC; and within 3½ miles each side of the Bartlesville VORTAC 354° radial extending from the 9-mile radius to 12 miles north of the VORTAC; that airspace which lies within the State of Kansas extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 354° radial of the Bartlesville VORTAC extending from the VORTAC to 18½ miles north of the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 16167 (Rewritten)

Bartow, Fla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Bartow Municipal Airport (lat. 27°57'00" N., long. 81°47'00" W.).

AMENDMENTS 3/4/71 35 F. R. 19983 (Added)

Bastrop, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Morehouse Airport (latitude 32°45'30" N., longitude 91°53'00" W.), and within 2 miles each side of the Monroe VORTAC 030° radial extending from the 5-mile radius area to 19 miles northeast of the VORTAC.

Batavia, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, latitude 43°01'55" N., longitude 78°10'20" W., of Genesee County Airport and within 2 miles each side of the Geneseo, N. Y., VORTAC 302° radial extending from the 5-mile radius area to 20 miles northwest of the Geneseo, N. Y., VORTAC.

Batesville, Ark.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Batesville Regional Airport (latitude 35°43'50" N., longitude 91°38'25" W.).

AMENDMENTS 11/11/71 36 F. R. 18463 (Rewritten)

Baton Rouge, La.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ryan Airport (latitude 30°31'55" N., longitude 91°09'00" W.), within 2 miles each side of the Baton Rouge ILS localizer southeast course extending from the 7-mile radius area to 7.5 miles southeast of Ryan Airport, within 5 miles northeast and 8 miles southwest of the Baton Rouge ILS localizer northwest course extending from the OM to 12 miles northwest, within 2 miles each side of the Baton Rouge VORTAC 071° radial extending from the 7-mile radius area to the VORTAC, and within 2 miles each side of the Baton Rouge VORTAC 068° radial extending from the 7-mile radius area to 7.5 miles east of the airport.

Battle Creek, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Kellogg Field, Battle Creek, Mich. (latitude 42° 18' 35" N., longitude 85° 14' 55" W.), within 8 miles NW and 5 miles SE of the Battle Creek ILS localizer NE course extending from the 12-mile radius area to 12 miles NE of the OM, within a 13-mile radius of Kalamazoo Airport (latitude 42° 14' 07" N., longitude 85° 33' 10" W.); within 8 miles W and 5 miles E of the Kalamazoo ILS localizer N course extending from the 13-mile radius area to 17 miles N of the airport; within a 4-mile radius of Haines Field, Three Rivers, Mich. (latitude 41° 57' 30" N., longitude 85° 35' 30" W.), and within 8 miles NW and 5 miles SE of the 034° bearing from Haines Field, extending from the 4-mile radius area to 12 miles NE of the airport; and that airspace extending upward from 1,200 feet above the surface
bounded on the north by latitude 42°38'00" N., on the east by longitude 84°50'00" W., on the south by the Michigan-Indiana boundary, on the southwest by V-277 and on the west by longitude 86°00'00" W.

Battle Mountain, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lander County Airport (latitude 40°36'03" N., longitude 116°52'25" W.) and within 5 miles each side of the Battle Mountain VORTAC 218° radial, extending from the VORTAC to 16 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southeast and 9.5 miles northwest of the Battle Mountain 218° radial extending from the VORTAC to 23 miles southwest of the VORTAC, and within 6.5 miles south and 9 miles north of the Battle Mountain VORTAC 077° and 257° radials, extending from 6 miles west to 18.5 miles east of the VORTAC.
AMENDMENTS 5/27/71 36 F. R. 5493 (Rewritten)

Baudette, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Baudette International Airport, Baudette, Minn. (latitude 48°43'15" N., longitude 94°36'00" W.); within 3 miles each side of the 106° bearing from the Baudette International Airport extending from the 5½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 106° and 286° bearing from the Baudette International Airport, extending from 6 miles west to 18½ miles east of the airport; and within 5 miles each side of the 286° bearing from Baudette International Airport, extending from the airport to 12 miles west of the airport, excluding the portion outside the United States.

AMENDMENTS 1/6/72 36 F. R. 22057 (Rewritten)

Baxley, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baxley Municipal Airport (lat. 31°42'50" N., long. 82°23'25" W.); within 2 miles each side of Alma VORTAC 029° radial, extending from the 5-mile radius area to 8 miles north of the VORTAC.

AMENDMENTS 6/24/71 36 F. R. 7303 (Added) Corr: 36 F. R. 9443 Corr: 36 F. R. 11429

Bay City, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bay City Municipal Airport (lat. 28°58'23" N., long. 95°51'48" W.), excluding that portion within a 1-mile radius of Bay City Airport (lat. 28°58'41" N., long. 95°56'22" W.).

AMENDMENTS 2/4/71 35 F. R. 18454 (Added)

Bay Minette, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Bay Minette Municipal Airport (lat. 30°52'20" N., long. 87°49'30" W.).

AMENDMENTS 4/29/71 36 F. R. 2865 (Added)

Bay St. Louis, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Gulf Central-Stennis Field (lat. 30°22'15" N., long. 89°27'16" W.). This transition area is effective from sunrise to sunset daily.

AMENDMENTS 5/27/71 36 F. R. 6413 (Added)

Beatrice, Nebr.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Beatrice Municipal Airport (latitude 40°18'00" N., longitude 96°45'15" W.), and within 8 miles SW and 5 miles NE of the Beatrice VOR 319° radial extending from the VOR to a point 12 miles NW of the VOR.

Beaufort, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Beaufort MCAS (lat. 32°28'40" N., long. 80°43'20" W.); within 5 miles each side of Beaufort MCAS TACAN 037° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of the TACAN.

Beaumont, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Jefferson County Airport (latitude 29°57'05" N., longitude 94°01'10" W.), within a 5-mile radius of Beaumont Municipal Airport (latitude 30°04'15" N., longitude 94°13'00" W.), within 3 miles each side of the Beaumont ILS localizer southeast course extending from the 7-mile radius area to 13.5 miles southeast of the approach end of Jefferson County Airport Runway 29, and within 2.5 miles each side of the Beaumont ILS localizer northwest course extending from the 7-mile radius area to the 5-mile radius area.

Beaver Falls, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°46'21" N., 80°23'37" W. of Beaver County Airport, Beaver Falls, Pa., and within 2 miles each side of the Elwood City, Pa. VOR 248° radial extending easterly from the 6-mile radius area to the VOR.

Beckley, W. Va.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, lat. 37°46'54" N., long. 81°07'27" W. of Raleigh County Memorial Airport, Beckley, W. Va.; within a 14-mile radius of the center of Raleigh County Memorial Airport, extending clockwise from the 025° bearing to the 215° bearing from the airport and within 4.5 miles north and 9.5 miles south of the Beckley VOR 284° radial, extending from the VOR to 16.5 miles west of the VOR.

AMENDMENTS 12/9/71 36 F. R. 20363 (Rewritten)

V 37-20 JAN 29 72 XUM

Bedford, Ind.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Virgil I. Grissom Municipal Airport (lat. 38°50'25" N., long. 86°26'45" W.); within 5 miles each side of the Bloomington, Ind., VORTAC 156° radial, extending from the 6½-mile radius area to 35 miles southeast of the VORTAC; and within 3 miles each side of the 302° bearing from Virgil I. Grissom Municipal Airport, extending from the 6½-mile radius area to 8 miles northwest of the airport.

Beeville, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NAS Chase Field (lat. 28°21'50" N., long. 97°39'40" W.); within 2 miles each side of the NAS Chase TACAN 129° and 321° radials extending from the 7-mile radius area to 10 miles northwest and southeast of the TACAN; within 2 miles each side of the 339° bearing from the NAS Chase RBN extending from the 7-mile radius area to 12 miles north of the RBN; within a 6.5-mile radius of Beeville Municipal Airport (lat. 28°22'00" N., long. 97°48'00" W.).

AMENDMENTS 11/11/71 36 F. R. 18509 (Rewritten)

Bellaire, Mich.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Antrim County Airport (latitude 44°59'15" N., longitude 85°12'00" W.); and within 3 miles each side of the 198° bearing from Antrim County Airport, extending from the 11-mile radius area to 14 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the 198° bearing from the Antrim County Airport, extending from the airport to 25 miles south of the airport, excluding the portion which overlies the Traverse City, Mich., transition area.

AMENDMENTS 3/4/71 35 F. R. 19983 (Rewritten)

Belleville, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Scott AFB, Belleville, Ill. (latitude 38°32'30" N., longitude 89°51'05" W.), and within 2 miles each side of the 317° bearing from the Belleville RBN, extending from the 7-mile radius area to the RBN.

Bellingham, Wash.
That airspace extending upward from 700 feet above the surface bounded on the east by longitude 122°15'00" W., on the south by latitude 48°52'00" N., on the west and north by the United States/Canada border, and within 4.5 miles each side of the Bellingham VORTAC 169° radial, extending from 21.5 to 24 miles south of the VORTAC.

Belzoni, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belzoni Municipal Airport (latitude 33°08'40" N., longitude 90°30'55" W.).

Bemidji, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bemidji Municipal Airport (latitude 47°30'30" N., longitude 94°55'55" W.); within 5 miles each side of the Bemidji VORTAC 135° radial, extending from the 7-mile radius area to 19½ miles southeast of the VORTAC; within 5 miles each side of the Bemidji VORTAC 318° radial, extending from the 7-mile radius area to 8 miles northwest of the VORTAC; and within 4½ miles north and 9½ miles south of the 262° bearing from Bemidji Municipal Airport, extending from the airport to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Bemidji VORTAC, extending from the 318° radial, clockwise to the 014° radial; within a 23½-mile radius of Bemidji VORTAC extending from the 014° radial clockwise to the 285° radial; within 4½ miles northeast and 9½ miles southwest of the Bemidji VORTAC 318° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bemidji VORTAC 135° radial, extending from the 23½-mile radius area to 30 miles southeast of the VORTAC.

Bend, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bend Municipal Airport (latitude 44°05'35" N., longitude 121°12'00" W.) and within 2 miles each side of the Redmond VORTAC 334° and 154° radials, extending from the 5-mile radius area to 1 mile northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Redmond VORTAC 334° radial, extending from the VORTAC to 12 miles northwest of the VORTAC.

Bennington, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 42°53'30" N., 73°14'50" W. of Bennington State Airport, Bennington, Vt., and within 2 miles each side of the Cambridge, N. Y., VOR 145° radial, extending from the 5-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

Benson, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Benson Municipal Airport (latitude 45°20'00" N., longitude 95°39'00" W.); and within 3 miles each side of the 323° bearing from Benson Municipal Airport extending from the airport to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 323° and 143° bearings from Benson Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Morris, Minn., transition area.

AMENDMENTS 4/1/71 36 F. R. 904 (Added)

Benton Harbor, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ross Field (latitude 42°07'40" N., longitude 86°25'40" W.), and within 2 miles each side of the ILS back course and Keller, Mich., VORTAC 266° radial extending from the 7-mile radius area to 12 miles west of the airport.

Berlin, N.H.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 44°34'35" N., 71°10'40" W. of Berlin Municipal Airport, Berlin, N. H.; within 2 miles each side of the Berlin Municipal Airport Runway 18 centerline, extended from the 8.5-mile radius area to 12 miles south of the end of the runway; within 2 miles each side of the Berlin Municipal Airport Runway 36 centerline, extended from the 8.5-mile radius area to 20.5 miles north of the end of the runway and within 4.5 miles west and 9.5 miles east of the Berlin, N. H. VOR (44°38'05" N., 71°11'12" W.) 355° radial, extending from the 8.5-mile radius area to 18.5 miles north of the VOR.
That airspace extending upward from 1,200 feet above the surface beginning at 44°54'00" N., 71°10'00" W. to 44°50'00" N., 71°07'30" W.; to 44°50'30" N., 71°02'00" W.; to 44°40'00" N., 71°00'30" W. to 44°31'00" N.. 70°55'00" W. to 44°29'00" N.. 71°03'00" W. to 44°22'00" N., 71°02'00" W. to 44°13'00" N.. 71°45'00" W. to 44°25'00" N., 71°52'00" W. to 44°36'00" N., 71°20'00" W. to 44°47'00" N.. 71°28'00" W. to point of beginning.

Bethel, Alaska
That airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the Bethel VORTAC.

Big Mountain, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 7.5 miles southeast of the 049° and 229° bearings from the Big Mountain RBN, extending from 7 miles northeast to 13 miles southwest of the RBN.

Big Piney, Wyo.
That airspace extending upward from 700 feet above the surface within 5.5 miles southwest and 9.5 miles northeast of the Big Piney VOR 134° and 314° radials, extending from 4.5 miles northwest to 19 miles southeast of the VOR, and that airspace extending upwards from 1,200 feet above the surface within 9 miles southwest and 13.5 miles northeast of the Big Piney 134° and 314° radials, extending from 11.5 miles northwest to 24.5 miles southeast of the VOR.

Big Sandy, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ambassador Field (latitude 32°35'00" N., longitude 95°03'45" W.), and within 2 miles each side of the Gregg County VORTAC 303° radial extending from the 5-mile radius area to 15 miles northwest of the VORTAC.

Big Spring, Texas
That airspace extending upward from 700 feet above the surface within a 23-mile radius of latitude 32°12'55" N., longitude 101°31'06" W.

V 37-20 JAN 29 72 XUM

Billings, Mont.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field (latitude 45°48'25" N., longitude 108°31'55" W.); within a 12-mile radius of Billings VORTAC, extending from a line 5 miles southeast of and parallel to the Billings VORTAC 212° radial clockwise to the Billings VORTAC 347° radial; and within 2 miles each side of the Billings ILS localizer east course, extending from the 8-mile radius area to 8 miles east of the Billings RBN; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC, extending from the south edge of V-2 west of Billings clockwise to the southwest edge of V-19 southeast of Billings; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 301° radial, extending from the 25-mile radius area to 49 miles northwest of the VORTAC; within 10 miles southwest and 7 miles northeast of the Billings VORTAC 317° radial, extending from the 25-mile radius area to 45 miles northwest of the VORTAC; within 10 miles west and 7 miles east of the Billings VORTAC 347° radial, extending from the 25-mile radius area to 42 miles north of the VORTAC; within 10 miles north and 8 miles south of the Billings VORTAC 096° radial, extending from the 25-mile radius area to 38 miles east of the VORTAC; and the area southeast of Billings bounded on the northeast by V-86, on the south by latitude 45°20'00" N., and on the west by V-187; that airspace extending upward from 7,700 feet MSL within 8 miles each side of the Billings VORTAC 096° radial, extending from 38 to 99 miles east of the VORTAC; and the area northwest of Billings bounded on the northeast by V-187, on the southwest by V2-N, and on the northwest by the Lewistown, Mont., VORTAC 195° radial; and that airspace extending upward from 7,000 feet MSL within 7 miles north and 10 miles south of the Billings VORTAC 266° radial, extending from 6 to 43 miles west of the VORTAC; and within a 29-mile radius of the Billings VORTAC starting at the W edge of V-465 extending clockwise to the south edge of V-2.
AMENDMENTS 5/27/71 36 F. R. 5286 (Rewritten)

PENDING AMENDMENT
Billings, Mont.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Billings VORTAC extending from the Billings VORTAC 006° radial clockwise to the 075° radial; within a 24-mile radius of Billings VORTAC extending from the Billings VORTAC 075° radial clockwise to the 124° radial; within a 13-mile radius of Billings VORTAC extending from the Billings VORTAC 124° radial clockwise to the 147° radial; within a 21-mile radius of Billings VORTAC extending from the Billings VORTAC 147° radial clockwise to the 197° radial; within a 13-mile radius of the Billings VORTAC extending from the Billings VORTAC 197° radial clockwise to the 219° radial; within a 21-mile radius of Billings VORTAC extending from the Billings VORTAC 219° radial clockwise to the 287° radial; within a 31-mile radius of the Billings VORTAC extending from the Billings VORTAC 287° radial clockwise to the 312° radial; that airspace within a 25-mile radius of Billings VORTAC extending from the Billings VORTAC 312° radial clockwise to the 008° radial; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Billings VORTAC extending from the Billings VORTAC 008° radial clockwise to the 057° radial; within a 35-mile radius of Billings VORTAC extending from the Billings VORTAC 057° radial clockwise to the 212° radial; within a 25-mile radius of Billings VORTAC extending from the Billings VORTAC 212° radial clockwise to the 266° radial; within a 35-mile radius of Billings VORTAC extending from the Billings VORTAC 266° radial clockwise to the 301° radial; within a 42-mile radius of Billings VORTAC extending from the Billings VORTAC 301° radial clockwise to the 008° radial; that airspace extending upward from 6,200 feet MSL within a 35-mile radius of Billings VORTAC extending from the Billings VORTAC 008° radial clockwise to the 057° radial and from the Billings VORTAC 212° radial clockwise to the 266° radial; and that airspace extending upward from 9,500 feet MSL within a 55-mile radius of Logan Field Airport (latitude 45°48'25" N., longitude 108°31'55" W.) extending from the Billings VORTAC 087° radial clockwise to the 150° radial and from the Billings VORTAC 266° radial clockwise to the 317° radial, excluding the portions that overlie VOR Federal airways.
AMENDMENTS 2/3/72 36 F. R. 23550 (Rewritten)

Binghamton, N.Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Broome County Airport. 42°12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066°-246° radial extending SW from the 7-mile radius area for 8 miles from the VOR; within 2 miles each side of the airport ILS localizer SE course extending from the 7-mile radius area to the Nimmons RBN.
AMENDMENTS 10/14/71 36 F. R. 12897 (Changed)

Birch Hollow, Va.
That airspace extending upward from 700 feet above the surface within an area 7 miles east of and parallel to and 14 miles west of and parallel to the Martinsburg, W. Va., 140° radial extending between the Martinsburg, W. Va., and Herndon, Va., VORTACs.
AMENDMENTS 11/11/71 36 F. R. 18191 (Added)

Birmingham, Ala.
That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36 north of the Birmingham Municipal Airport and the arc of a 17-mile radius circle centered at Birmingham Airport surveillance radar antenna site (latitude 33°34'24" N., longitude 86°45'23" W.); thence clockwise along this arc to the intersection of the 270° bearing from the radar antenna site; thence east along the 270° bearing from the radar antenna site to the intersection of the arc of a 13-mile radius circle centered at the radar antenna site; thence clockwise along this arc to a line 2 miles northeast of and parallel to the Birmingham VORTAC 313° radial; thence southeast along this line to the intersection of the arc of a 10-mile radius circle centered at the radar antenna site; thence clockwise along this arc to the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36; thence north along this line to the point of beginning; within 5 miles each side of Birmingham ILS localizer southwest course, extending from the 17-mile radius area to 11.5 miles southwest of the OM.

Bishop, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bishop VOR (latitude 37°22'37" N., longitude 118°21'56" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 12 miles northeast of the Bishop VOR 156° and 336° radials, extending from 10 miles northwest to 22 miles southeast of the VOR; that airspace extending upward from 12,500 feet MSL within 5 miles each side of the Bishop VOR 341° radial extending from the VOR to V-244, within 5 miles each side of a direct course between the Bishop VOR and Lida Intersection, 42 miles 12,500 feet MSL, 10,500 feet MSL Lida Intersection, and within 5 miles each side of a direct course between Bishop VOR and Beatty, Nev., VOR 80 miles 12,500 feet MSL, 10,500 feet MSL Beatty.

Bismarck, N. Dak.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Bismarck VORTAC; within a 20-mile radius of Bismarck VORTAC, extending from the Bismarck VORTAC 152° radial clockwise to the Bismarck VORTAC 182° radial; within 4½ miles north and 9½ miles south of the Bismarck VORTAC 105° radial extending from the 17-mile radius area to 18½ miles east of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Bismarck ILS localizer southeast course, extending from the 17-mile radius area to 18½ miles southeast of the OM;
and within 4½ miles northeast and 9½ miles southwest of the Bismarck ILS localizer northwest course extending from the 17-mile radius area to 32 miles northwest of the OM; that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of the Bismarck VORTAC, extending from 5 miles northwest of and parallel to the Bismarck VORTAC 204° radial clockwise to the Bismarck VORTAC 082° radial, and within a 33-mile radius of the Bismarck VORTAC, extending from the Bismarck 082° radial clockwise to a line 5 miles northwest of and parallel to the Bismarck VORTAC 204° radial.

AMENDMENTS 10/14/71 36 F. R. 15113 (Changed)

Blacksburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 37°12'25" N., 80°24'30" W., of VPI Airport, Blacksburg, Va.; within 4 miles northwest and 3 miles southeast of the Pulaski VORTAC 064° radial, extending from the 6-mile radius area to 3 miles northeast of the Pulaski VORTAC; within 2 miles each side of the Runway 8
centerline extended from the 6-mile radius area to 7 miles east of the end of the runway; and within 2 miles each side of the Runway 30 centerline extended from the 6-mile radius area to 11 miles northwest of the end of the runway, excluding the portion within the Dublin, Va., transition area.

Blackstone, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.) excluding the portion within R-6602.

Blanding, Utah
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Blanding, Utah, airport (latitude 37°34'50" N., longitude 109°28'55" W.) and within 3.5 miles each side of the 188° bearing from the Blanding, Utah RBN (latitude 37°31'03" N., longitude 109°29'31" W.) extending from the 6-mile radius area to 11.5 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 5 miles west of the 188° and 008° bearings from the Blanding RBN extending from 18.5 miles south to 7 miles north of the RBN, and within 5 miles each side of a direct line between the Blanding RBN and the Dove Creek, Colo., VORTAC excluding that portion within R-6410 during the times that R-6410 is in use.

Block Island, R. I.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Block Island State Airport (lat. 41°10'05" N., long. 71°34'40" W.).

AMENDMENTS 4/29/71 36 F. R. 3892 (Rewritten)

Bloomington, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Bloomington Normal Airport; and within 3 miles each side of the Bloomington VOR 043°, 103°, and 319° radials, extending from the 6½-mile radius area to 8 miles northeast, east and northwest of the VOR.

Bloomington, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.); within 5 miles each side of the Bloomington VORTAC 062° radial, extending from the 7-mile radius area to 14 miles northeast of the VORTAC; within 5 miles each side of the Bloomington VORTAC 181° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; within 5 miles each side of the Bloomington VORTAC 341° radial, extending from the 7-mile radius area to 12 miles north of the VORTAC; and within 3 miles each side of the Bloomington VORTAC 236° radial, extending from the 7-mile radius area to 10½ miles southwest of the VORTAC.

V 37-20 JAN 29 72 XUM

Bloomsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center of Bloomsburg Municipal Airport, Bloomsburg, Pa., lat. 40°59'45" N., longitude 76°26'30" W., and within 3 miles each side of the Milton, Pa., VORTAC 099° radial extending from the 7.5-mile radius area to the VORTAC.

AMENDMENTS 7/22/71 36 F. R. 9621 (Added)

Bluefield, W. Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mercer County Airport, Bluefield, W. Va. (latitude 37° 17' 45" N., longitude 81° 12' 30" W.), within 2 miles each side of the Bluefield VOR 267° radial, extending from the 8-mile radius area to 22 miles west of the VOR.

Blythe, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Blythe VORTAC 227° radial, extending from the arc of a 5-mile radius circle centered on the Blythe Airport (latitude 33°37' 15" N., longitude 114°43'00" W.) to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 33°43'00" N., on the E by longitude 114°30'00" W., on the S by the arc of an 18-mile radius circle centered on the Blythe Airport, and on the W by longitude 115°00'00" W.

Blytheville, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.), excluding the portion within the Manila, Ark., transition area, within a 5-mile radius of Blytheville Municipal Airport (latitude 35°56'15" N., longitude 89°49'45" W.), within 4 miles east and 7 miles west of a 005° bearing from the Hicks RBN (latitude 35°57'52" N., longitude 89°49'35" W.), extending from the RBN to 12 miles north, and within 2 miles each side of the extended centerline of Blytheville AFB Runways 17 and 35 extending from the 8.5-mile radius area to 12 miles north and south of the airport; and that airspace extending upward from 1,200 feet above the surface within the States of Kentucky and Missouri south of a line beginning on the Arkansas/Missouri State line at latitude 36°26'25" N., thence to latitude 36°20'00" N., longitude 89°59'00" W., to latitude 36°20'00" N., longitude 89°49'30" W., to latitude 36°33'30" N., longitude 89°34'00" W., to latitude 36°28'00" N., longitude 89°19'00" W.; and that airspace extending upward from 5,000 feet MSL bounded by a line beginning at latitude 36°33'30" N., longitude 89°34'00" W., to latitude 37°03'00" N., longitude 89°19'00" W., to latitude 36°58'30" N., longitude 89°00'00" W., to latitude 36°28'00" N., longitude 89°19'00" W., to point of beginning excluding the portion within the Tennessee transition, the State of Kentucky transition area and the portion extending upward from 5,000 feet MSL within Federal airways.

AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)

Boise, Idaho
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 43°58'00" N., longitude 116°33'00" W., direct to latitude 43°51'15" N., longitude 116°25'00" W., thence via a 21.5-mile radius arc, centered on the Boise VORTAC, to longitude 116°14'00" W., direct to latitude 43°45'00" N., longitude 116°14'00" W., direct latitude 43°31'00" N., longitude 115°52'00" W., direct latitude 43°20'00" N., longitude 115°58'00" W., direct latitude 43°27'00" N., longitude 116°22'00" W., direct latitude 43°25'00" N., longitude 116°25'00" W., direct latitude 43°42'00" N., longitude 116°57'00" W., direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Boise VORTAC, extending clockwise from a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial to the Boise VORTAC 204° radial; that airspace east of Boise within a 34-mile radius of Boise VORTAC, extending clockwise from the north edge of V-4N to the northeast edge of V-4; within a 40-mile radius of Boise VORTAC, extending clockwise from the Boise VORTAC 204° radial to a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; within 8 miles south and 7 miles north of the Boise VORTAC 269° radial, extending from the 40-mile radius area to 57 miles west of the VORTAC; within 8 miles northeast and 11 miles southwest of the Boise VORTAC 295° radial, extending from the 40-mile radius area to 75 miles northwest of the VORTAC; within 8 miles northeast and 16 miles northwest of the Boise VORTAC 319° radial, extending from the 40-mile radius area to 55 miles northwest of the VORTAC, and that airspace northwest of Boise bounded on the northwest by the McCall, Idaho VORTAC 221° radial, on the east by the west edge of V-253, and on the southwest by a line 8 miles northeast of and parallel to the Boise VORTAC 319° radial; that airspace southeast of Boise extending upward from 9,000 feet MSL, extending from the 34-mile radius area bounded on the north by the south edge of V-500, on the northeast by the southwest edge of V-293 and on the south by the north edge of V-330 and on the southwest by the northeast edge of V-4.

Bonneville, Utah.
That airspace SE of Bonneville extending upward from 1,200 feet above the surface bounded by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°35'00" N., longitude 113°00'00" W., thence via longitude 113°00'00" W., to the S edge of V-32, thence via the S edge of V-32 to longitude 112°56'30" W., thence via longitude 112°56'30" W., to latitude 40°40'00" N., thence to point of beginning; and that airspace extending upward from 8,500 feet AMSL bounded on the S by latitude 40°35'00" N., on the W by longitude 113°51' 00" W., on the N by the S edge of V-32 and on the E by longitude 113°00'00" W.

Boone, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Boone Municipal Airport (latitude 42°03'00" N., longitude 93°50'45" W.); and within 3 miles each side of the 338° bearing from Boone Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 338° bearing from Boone Municipal Airport, extending from the airport to 18½ miles north of the airport; and within 5 miles each side of the 158° bearing from Boone Municipal Airport, extending from the airport to 12 miles south of the airport, excluding the portion which overlies the Fort Dodge and Des Moines, Iowa, transition area.

AMENDMENTS 9/16/71 36 F. R. 13373 (Rewritten) Corr: 36 F. R. 15741

Borger, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hutchinson County Airport, Borger, Tex., (latitude 35°41'55" N., longitude 101°23'40" W.), within 2 miles each side of the Borger, Tex., VOR 185° and 005° radials extending from the 7-mile radius area to 8 miles N of the VOR.

Boston, Mass.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°52'00" N., longitude 71°02'45" W. to latitude 42° 54'00" N., longitude 71°00'15" W., to latitude 42°49'45" N., longitude 70°54'00" W. to latitude 42°48'15" N., longitude 70°55'30" W. to latitude 42°43'00" N., longitude 70°46'00" W. to latitude 42°30'00" N., longitude 70°48'00" W. to latitude 42°14'00" N., longitude 70°38'00" W. to latitude 41°59'00" N., longitude 70°48'00" W. to latitude 41°59'00" N., longitude 70°53'00" W. to latitude 42°03'00" N., longitude 71°10'00" W. to latitude 42°13'00" N., longitude 71°21'00" W. to latitude 42°21'00" N., longitude 71°25'00" W. to latitude 42°22'00" N., longitude 71°47'00" W. to latitude 42°27'00" N., longitude 71°55'00" W. to latitude 42°39'00" N., longitude 71°55'00" W. to latitude 42°41'00" N., longitude 71°42'00" W. to latitude 42°38'00" N., longitude 71°20'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning; and within 3.5 miles each side of the 154° bearing from the Stoughton, Mass., RBN (42°07'10" N., 71°07'41" W.) extending from the NDB to 10.5 miles southeast of the NDB; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: Latitude 42°53'00" N., longitude 71°05'00" W. to latitude 42°45'00" N., longitude 70°37'00" W. to latitude 42°44'25" N., longitude 70°37'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 42°41'20" N., longitude 70°30'00" W. to latitude 42°15'20" N., longitude 70°30'00" W. to latitude 42°13'20" N., longitude 70°18'30" W. to latitude 41°53'30" N., longitude 70°56'30" W. to latitude 42°04'00" N., longitude 71°19'00" W. to latitude 41°56'35" N., longitude 71°26'00" W., thence counterclockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°47'45" N., longitude 71°46'40" W. to latitude 41°55'00" N., longitude 71°59'00" W. to latitude 42°05'00" N., longitude 72°00'00" W. to latitude 42°55'00" N., longitude 72°00'00" W. to latitude 42°43'00" N., longitude 71°40'00" W. to latitude 42°43'00" N., longitude 71°15'00" W. to the point of beginning, excluding the portion within the Taunton, Mass., transition area; and that airspace extending upward from FL 200 to FL 300, inclusive, east of Boston bounded by a line beginning at: Latitude 42°24'30" N., longitude 70°15'30" W. to latitude 42°27'50" N., longitude 70°04'00" W. to latitude 42°25'30" N., longitude 70°04'00" W. to latitude 42°24'30" N., longitude 69°46'00" W. to latitude 42°21'30" N., longitude 69°30'00" W. to the point of beginning.

AMENDMENTS 9/28/71 36 F. R. 19076 (Changed)
AMENDMENTS 10/14/71 36 F. R. 16573 (Changed)
AMENDMENTS 12/8/71 36 F. R. 23302 (Changed)

Bowie, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowie Municipal Airport (latitude 33°36'15" N., longitude 97°46'27" W.), and within 2 miles each side of the Bridgeport VORTAC 350° radial extending from the 5-mile radius area to 31 miles north of the VORTAC.

Bowling Green, Ky.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bowling Green-Warren County Airport (lat. 36°57'47" N., long. 86°25'07" W.); within 3.5 miles each side of Bowling Green VORTAC 206° radial, extending from the 11-mile radius area to 10.5 miles southwest of the VORTAC.

AMENDMENTS 6/24/71 36 F. R. 7857 (Changed)
AMENDMENTS 10/14/71 36 F. R. 14383 (Rewritten)

Bozeman, Mont.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Gallatin Field (latitude 45°46'50" N., longitude 111°09'20" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 10½ miles southwest of the Bozeman VOR 308° radial, extending from the VOR to 18½ miles northwest of the VOR.

V 37 I 20 JAN 29 72 XUM

Bradford, Pa.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 41°48'15" N., 78°38'25" W., of Bradford Regional Airport, Bradford, Pa.; within 4.5 miles northeast and 9.5 miles southwest of the Bradford Regional Airport Runway 32 ILS localizer southeast course, extending from the LOM to 18.5 miles southeast of the LOM; within 5 miles each side of the Bradford, Pa., VORTAC 318° radial, extending from the 11-mile radius area to 14 miles northwest of the VORTAC.

Brainerd, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'55" N., longitude 94°08'15" W.); within 3 miles each side of the 120° radial of the Brainerd VORTAC extending from the 7-mile radius area to 7½ miles southeast of the VORTAC; within 5 miles each side of the Brainerd VORTAC 302° radial extending from the 7-mile radius area to 21 miles northwest of the VORTAC; within 3 miles each side of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 7-mile radius area to 11½ miles south of the airport; and within 3 miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport, extending from the 7-mile radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Brainerd VORTAC; within 9½ miles southwest and 4½ miles northeast of the Brainerd VORTAC 302° radial, extending from the 13-mile radius area to 31½ miles northwest of the VORTAC; within 9½ miles east and 4½ miles west of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius to 23 miles south of the airport; within 9½ miles northeast and 4½ miles southwest of the Brainerd VORTAC 120° radial extending from the 13-mile radius area to 18½ miles southeast of the VORTAC; and within a 25-mile radius of the Brainerd VORTAC from a line 5 miles southwest of and parallel to the VORTAC 302° radial clockwise to a line 5 miles southeast of and parallel to the VORTAC 024° radial.

AMENDMENTS 7/22/71 36 F. R. 9822 (Rewritten)

Breckenridge, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stephens County Airport (latitude 32°43'01" N., longitude 98°53'34" W.) and within 3.5 miles each side of the 004° bearing from the Breckenridge RBN (latitude 32°44'50" N., longitude 98°53'27" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 1/6/72 36 F. R. 21029 (Added)

Bridgeport, Conn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°09'41" N., 73°07'35" W., of the Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 229° radial extending SW from the 7-mile radius area for 1 mile; within a 7-mile radius of the center 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 5 miles W and 8 miles E of the New Haven VOR 192° radial extending from the New Haven VOR for 12 miles; within 5 miles E and 5 miles W of the Hartford, Conn., VOR 223° radial extending NE from the Bridgeport 7-mile radius area for 24 miles; within 5 miles E and 5 miles W of the Poughkeepsie, N.Y., VOR 149° radial extending NW from the Bridgeport 7-mile radius area for 11 miles, within 5 miles N and 5 miles S of the Carmel, N.Y., VOR 065° radial extending from the Carmel VOR to 17 miles NE of the VOR; within 5 miles N and 5 miles S of the Carmel VOR 090° radial extending from the Carmel VOR to 28 miles E of the VOR, excluding those portions that coincide with the White Plains, N.Y., transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°31'00" N., 73°30'00" W. to 41°31'00" N., 73°20'00" W. to 41°49'00" N.,73°16'00" W. to 41°31'00" N., 72°46'00" W. to 41°18'00" N., 72°30'30" W. to 41°00'00" N., 72°45'00" W. to 41°00'00" N., 73°33'00" W. to 41°10'00" N., 73°33'00" W. to 41°20'00" N., 73°23'00" W. to 41°25'00" N., 73°30'00" W. to point of beginning.

Bridgeport, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake Bridgeport Airport (lat. 33°10'30" N., long. 97°49'00" W.).

AMENDMENTS 2/4/71 36 F. R. 18455 (Rewritten)

Brigham City, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brigham City Airport (latitude 41°32'30" N., longitude 112°03'30" W.), and within 4.5 miles each side of the 205° T (188°M) bearing from the Brigham City RBN (latitude 41°30'58" N., longitude 112°04'38" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

Broken Bow, Nebr.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Broken Bow Municipal Airport (latitude 41°28'05" N., longitude 99°38'25" W.); and within 3 miles each side of the 321° bearing from Broken Bow Municipal Airport, extending from the 5½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 321° and 141° bearings from Broken Bow Municipal Airport; extending from 6 miles southeast to 18½ miles northwest of the airport.

Brookhaven, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brookhaven Municipal Airport (lat. 31°36'20" N., long. 90°24'00" W.).

Brookings, S. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Brookings, S. Dak. Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.), within 3 miles each side of the Brookings VOR 123° radial, extending from the 7-mile radius area to 9 miles southeast of the VOR, within 3 miles each side of the 142° bearing from the Brookings Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport, within 4.5 miles northeast and 9.5 miles southwest of the 301° bearing from Brookings Municipal Airport, extending from the airport to 18.5 miles northwest of the airport, within 4.5 miles northeast and 9.5 miles southwest of the Brookings VOR 317° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the 142° bearing from the Brookings Municipal Airport, extending from the airport to 18.5 miles southeast of the airport.

AMENDMENTS 7/22/71 36 F. R. 9821 (Rewritten)
AMENDMENTS 11/11/71 36 F. R. 19904 (Rewritten)

Brownsville, Tex.
That airspace overlying the United States extending upward from 700 feet above the surface within a 7-mile radius of the Brownsville International Airport (latitude 25°54'25" N., longitude 97°25'25" W.).

AMENDMENTS 3/17/71 36 F. R. 5582 (Changed)

Brownwood, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Brownwood Municipal Airport (latitude 31°47'40" N., longitude 98°57'25" W.); and within 2 miles each side of the Brownwood VOR 360° and 180° radials, extending from the 6-mile radius area to 8 miles N of the VOR.

Brunswick, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of NAS Glynco (lat. 31°15'30" N., long. 81°28'50" W.); within 4.5 miles each side of Glynco TACAN 055° radial, extending from the 8.5-mile radius area to 7 miles northeast of the TACAN; within 4.5 miles each side of Glynco TACAN 250° radial, extending from the 8.5-mile radius area to 8.5 miles west of the TACAN; within 3 miles each side of the 271° bearing from Glynco RBN, extending from the 8.5-mile radius area to 8.5 miles west of the RBN; within an 8.5-mile radius of Malcolm-McKinnon Airport (lat. 31°09'05" N., long. 81°23'20" W.); within a 5-mile radius of Jekyll Island Airport (lat. 31°04'00" N., long. 81°25'40" W.); within 5 miles each side of Brunswick VOR 203° radial, extending from the Malcolm-McKinnon Airport 8.5-mile and Jekyll Island Airport 5-mile radius areas to 8.5 miles south of the VOR; excluding the portion outside the continental limits of the United States.

AMENDMENTS 7/22/71 36 F. R. 9861 (Rewritten)

Brunswick, Maine
That airspace extending upward from 700 feet above the surface within a 9-mile radius of NAS Brunswick (latitude 43°53'35" N., longitude 69°56'20" W.); within 2 miles each side of the Navy Brunswick VOR 166° radial, extending from the 9-mile radius area to 12 miles S of the VOR; within 2 miles each side of a line bearing 173° from latitude 43°48'53" N., longitude 69°55'30" W., extending from the 9-mile radius area to 12 miles S of latitude 43°48'53" N., longitude 69°55'30" W.

Bryan, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41°28'05" N., 84°30'25" W.) of Williams County Airport, Bryan, Ohio; within 2 miles each side of the Runway 25 centerline extended from the 7-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of a 068° bearing from the Bryan, Ohio, RBN (41°28'47" N., 84°27'58" W.) extending from the RBN to 8 miles east of the RBN, excluding the portion which coincides with the Defiance, Ohio, transition area.

Bryce Canyon, Utah
That airspace extending upward from 11,500 feet MSL within 7 miles NW and 10 miles SE of the Bryce Canyon VORTAC 240° and 060° radials, extending from 20 miles SW to 9 miles NE of the VORTAC.

V 37-20 JAN 29 72 XUM

Buffalo, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 42°56'20" N., 78°43'50" W., of Greater Buffalo International Airport; within 2 miles each side of the Buffalo VORTAC 096° radial extending from the 8-mile radius area to 8 miles east of the VORTAC; within 8 miles northwest and 5 miles southeast of the Greater Buffalo International Airport northeast localizer course extending from the OM to 12 miles northeast of the OM; within 2 miles each side of the Greater Buffalo International Airport southwest localizer course extending from the 8-mile radius area to 8 miles southwest of the OM; within the arc of a 12-mile radius circle from 052° to 112° clockwise, centered on a point, 42°56'26" N., 78°44'11" W.; within an 8-mile radius of the center, 43°06'20" N., 78°56'55" W., of Niagara Falls International Airport; within 8 miles north and 5 miles south of the Niagara Falls International Airport localizer east course extending from the OM to 12 miles east of the OM; within 2 miles each side of the Niagara Falls International Airport localizer east course extending from the OM to the intersection of the localizer course and the Buffalo, N. Y., VORTAC 034° radial; and within a 5-mile radius of Buffalo Airpark Airport, 42°51'45" N., 78°43'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43° 38' 00" N., longitude 78° 41' 00" W., to latitude 43° 21' 00" N., longitude 78° 00' 00" W., to latitude 43° 06' 00" N., longitude 78° 21' 00" W., to latitude 42° 32' 00" N., longitude 78° 21' 00" W., to latitude 42° 32' 00" N., longitude 78° 52' 00" W., to latitude 42° 37' 00" N., longitude 79° 15' 00" W., to latitude 42° 41' 00" N., longitude 79° 19' 30" W., thence via the United States/Canadian border to the point of beginning, excluding the portion outside the United States.

Buffalo, Wyo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Buffalo, Wyo., Airport (latitude 44°22'48" N., longitude 106°43'02" W.) and within 4.5 miles each side of the Crazy Woman, Wyo., VORTAC 332° radial, extending from the 6-mile radius area to 12 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5.5 miles southwest of the Crazy Woman VORTAC 332° radial, extending from 4 miles to 30 miles northwest of the VORTAC.

Burbank, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34° 14' 00" N., longitude 118° 27' 00" W.; to latitude 34° 14' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 118° 15' 00" W.; to latitude 34° 12' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 117° 59' 00" W.; to latitude 33° 56' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 07' 00" W.; to latitude 34° 00' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 15' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 33' 00" W.; to latitude 34° 02' 30" N., longitude 118° 53' 30" W.; to latitude 34° 21' 30" N., longitude 118° 53' 00" W.; to latitude 34° 30' 30" N., longitude 118° 27' 00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34° 30' 00" N., longitude 118° 50' 00" W.; to latitude 34° 30' 00" N., longitude 118° 45' 00" W.; thence N along longitude 118° 45' 00" W. to the S boundary of V-137, thence along the S boundary of V-137 to longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 118° 20' 00" W.; to latitude 34° 30' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 43' 00" W.; to latitude 34° 10' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 117° 59' 00" W.; to latitude 34° 05' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 33' 00" W.; to latitude 34° 00' 00" N., longitude 118° 50' 00" W.; thence to point of beginning.

Burley, Idaho
That airspace extending upward from 700 feet above the surface within 5 miles each side of the Burley VORTAC 121° radial and extending from 5 miles southeast to 26.5 miles southeast of the VORTAC; within 4 miles each side of the Burley VORTAC 290° radial, extending 10 miles west of the VORTAC; within 3.5 miles each side of the Burley VORTAC 323° radial, extending 7 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 12 miles north and 9 miles south of the Burley VORTAC 075° and 255° radials, extending from 18 miles east of the Burley VORTAC to 14-mile radius circle centered on the Twin Falls, Idaho, VOR and the 038° radial from the Twin Falls VOR; that airspace southeast of Burley bounded on the north by the south edge of V-4, on the south by the south edge of V-101 and on the east by an arc of a 33.5-mile radius circle centered on the Burley VORTAC.

Burlington, Iowa
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Burlington Municipal Airport (latitude 40°46'55" N., longitude 91°07'40" W.); and within 2 miles each side of the 293° radial of the Burlington VORTAC extending from the 8½-mile radius area to the Burlington VORTAC; and that airspace extending upward from 1,200 feet above the surface west of the Iowa-Illinois boundary within a 14-mile radius of Burlington Municipal Airport.

Burlington, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Burlington Municipal Airport (latitude 36°02'45" N., longitude 79°28'40" W.); within 3 miles each side of the Greensboro VORTAC 090° radial, extending from the 6.5-mile radius area to 17 miles east of the VORTAC.

Burlington, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°28'15" N., 73°09'10" W., of Burlington International Airport, Burlington, Vt.; within 2 miles each side of the Burlington VOR 201° radial extending from the 10-mile radius to 8 miles south of the Burlington VOR; within 8 miles northeast and 5 miles southwest of the Burlington ILS northwest localizer course extending from the 10-mile radius to 12 miles northwest of the Burlington LOM; excluding that airspace that coincides with the Plattsburgh, N. Y., transition

That airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at: 45°00'30" N., 72°00'00" W. to 44°55'00" N., 72°05'00" W. to 44°25'00" N., 72°20'00" W. to 43°55'00" N., 72°16'00" W. to 43°47'00" N., 72°39'00" W., 44°00'00" N., 73°16'00" W. to 44°00'00" N., 74°35'00" W. to 44°42'00" N., 74°54'00" W. to 44°42'00" N., 75°05'00" W. to 44°56'00" N., 75°05'00" W. thence easterly along the United States-Canadian Border to the point of beginning.

Burlington, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Burlington Municipal Airport (latitude 42°41'20" N., longitude 88°18'05" W.); and within 3 miles each side of the 101° bearing from the Burlington Municipal Airport extending from the 6½-mile radius area to 8 miles east of the airport.

AMENDMENTS 12/9/71 36 F. R. 19574 (Added)

Burnet, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Burnet Municipal-Kate Craddock Field (latitude 30°44'34" N., longitude 98°14'24" W.), and within 3.5 miles each side of the 191° bearing from the Burnet RBN (latitude 30°44'35" N., longitude 98°14'38" W.) extending from the 5-mile radius area to 10 miles south of the RBN.

Burwell, Nebr.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Burwell Municipal Airport (latitude 41°46'35" N., longitude 99°08'55" W.); and within 3 miles each side of the 330° bearing from the Burwell Municipal Airport, extending from the 7½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 330° bearing from the Burwell Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

AMENDMENTS 2/4/71 35 F. R. 18506 (Added)

Butler, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Butler Memorial Airport (latitude 38°17'20" N., longitude 94°20'25" W.); and within 2 miles each side of the Butler, Mo., VORTAC 079° radial, extending from the 5-mile radius area to the VORTAC.

Butler, Pa.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, lat. 40°46'45" N., long. 79°57'15" W. of Butler-Graham Airport, Butler, Pa., and within 3.5 miles each side of the 181° bearing from the Butler RBN, lat. 40°41'54" N., long. 79°57'14" W., extending from the 7.5-mile radius area to 11.5 miles south of the RBN.

AMENDMENTS 7/22/71 36 F. R. 9621 (Rewritten)

Butte, Mont.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Butte, Mont., VOR 115° radial extending from a 5-mile radius circle centered on Silver Bow County Airport, Butte, Mont. (latitude 45°57'15" N., longitude 112°29'50" W.) to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Butte VOR 325° radial extending from the VOR to 12 miles NW of the VOR; within 10 miles E and 7 miles W of the Butte VOR 002° and 182° radials, extending from 20 miles N to 11 miles S of the VOR; and within 10 miles N and 7 miles S of the Whitehall, Mont., VOR 096° and 276° radials, extending from 20 miles E to 19 miles W or the VOR.

Cadillac, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cadillac, Mich., Municipal Airport (latitude 44°16'30" N., longitude 85°25'10" W.); and within 5 miles SE and 8 miles NW of the 238° bearing from Cadillac Airport, extending from the airport to 12 miles SW of the airport, excluding that portion which overlies the Reed City, Mich., transition area.

V 37-20 JAN 29 72 XUM

Cairo, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Cairo Airport (latitude 37°03'50" N., longitude 89°13'15" W.); and within 3 miles each side of the 032° bearing from Cairo Airport, extending from the 5½-mile radius to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 032° and 212° bearings from Cairo Airport extending from 6 miles southwest to 18½ miles northeast of the airport; and within 5 miles each side of the 212° bearing from Cairo Airport, extending from the airport to 12 miles southwest of the airport, excluding the portion which overlies the Sikeston, Mo., transition area, excluding the portion which overlies the State of Illinois.

Calverton, N. Y.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Peconic Airport (latitude 40°54'55" N., longitude 72°47'35" W.).

Cambridge, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (38°32'30" N., 76°01'55" W.), of Cambridge Municipal Airport and within 2 miles each side of a 145° bearing from the Cambridge, Md., RBN (38° 32' 17" N., 76° 01' 56" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN and within 2 miles each side of the Salisbury, Md. VORTAC 295° radial, extending from the 5-mile radius area to 25 miles northwest of the VORTAC.

Camden, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harrell Airport (latitude 33°37'00" N., longitude 92°45'45" W.), and within 2 miles each side of the 012° bearing from the Camden RBN (latitude 33°37'15" N., longitude 92°45'45" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

Camden, S. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Woodward Field (latitude 34°17'03" N., longitude 80°33'53" W.); within 3 miles each side of the 040° bearing from Camden RBN (latitude 34°17'02" N., longitude 80°33'42.5" W.), extending from the 7-mile radius area to 8.5 miles northeast of the RBN.

Camp Douglas, Wis.
That airspace extending upward from 700 feet above the surface, within a 10-mile radius of Volk Field, Camp Douglas, Wis. (latitude 43°56'25" N., longitude 90°15'20" W.), and within 2 miles each side of the Volk Field VORTAC 092° radial extending from the 10-mile radius to 12 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface N of V82 and V170, within a 30-mile radius of Volk Field, excluding the portions which coincide with R-6901 and R-6904 or overlie the Madison, Wis., transition area.

Camp Pendleton, Calif.
That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 3 miles northwest of the Camp Pendleton TACAN (latitude 33°18'04" N., longitude 117°21'06" W.) 041° radial, extending from the TACAN to 18 miles northeast of the TACAN.

AMENDMENTS 11/11/71 36 F. R. 17849 (Added)

Cape Girardeau, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Cape Girardeau Municipal Airport (latitude 37°13'30" N., longitude 89°34'10" W.), within 4½ miles east and 9½ miles west of the Cape Girardeau VOR 194° radial, extending from the 10-mile radius area to 18½ miles south of the VOR; and within 4½ miles north and 9½ miles south of the Cape Girardeau VOR 279° radial, extending from the 10-mile radius area to 18½ miles west of the VOR, excluding the portion which overlies the Sikeston, Mo., transition area.

AMENDMENTS 2/4/71 35 F. R. 18500 (Rewritten)

Carbondale, Colo.
That airspace extending upward from 10,500 feet MSL within 3 miles northeast and 2 miles southwest of the 138° and 318° bearings from the Carbondale, Colo., RBN (latitude 39°24'42" N., longitude 107°09'32" W.) extending from 12 miles northwest to 3 miles southeast of the RBN; that airspace extending upward from 11,300 feet MSL within 8 miles northeast and 5 miles southwest of the 138° and 318° bearings from the Carbondale, Colo., RBN extending from 13 miles northwest to 7 miles southeast of the RBN, excluding that portion east of west longitude 107°02'00".

Carlsbad, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cavern City Air Terminal (latitude 32°20'20" N., longitude 104°15'45" W.), and within 3.5 miles each side of the Carlsbad VOR 157° radial extending from the 7-mile radius area to 11 miles southeast of the VOR.

Carroll, Iowa
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Arthur N. Neu Airport (latitude 42°02'50" N., longitude 94°47'20" W.); and within 3 miles each side of the 143° bearing from Arthur N. Neu Airport, extending from the 6½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 143° and 323° bearings from Arthur N. Neu Airport, extending from 5 miles northwest to 18½ miles southeast of the airport.

AMENDMENTS 3/4/71 36 F. R. 214 (Rewritten)

Carrollton, Ohio
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Carroll County-Tolson Airport (latitude 40°33'45" N., longitude 81°04'30" W.).

AMENDMENTS 11/11/71 36 F. R. 18303 (Added)

Casper, Wyo.
That airspace extending upward from 700 feet above the surface within 4.5 miles north and 9.5 miles south of the Casper ILS localizer west course, extending from the OM to 18.5 miles west of the OM within 4 miles each side of the Casper ILS localizer east course, extending from the 5-mile radius zone to 3 miles east of the Casper RBN and within 2 miles each side of the Casper VORTAC 216° radial extending from 26 to 31 miles southwest of the VORTAC;
that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Casper RBN and that airspace northwest of Casper extending upward from 11,500 feet MSL, extending from the 35-mile radius area to an arc of a 60-mile radius circle centered on the Casper VORTAC, bounded on the south by the north edge of V-298 and on the east by the west edge of V-19.

AMENDMENTS 2/4/71 35 F. R. 18735 (Changed)

Cecil, Wis.
That airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Green Bay, Wis., VOR 320° radial extending from 17 miles NW to 37 miles NW of the Green Bay VOR.

Cedar City, Utah
That airspace extending upward from 1,200 feet above the surface within 6 miles E and 10 miles W of the Cedar City VOR 184° and 004° radials extending from 8 miles S to 20 miles N of the VOR.

Cedar Rapids, Iowa
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cedar Rapids Municipal Airport (latitude 41°53'05" N., longitude 91°42'35" W.); within 4½ miles north and 9½ miles south of the Cedar Rapids ILS localizer west course, extending from the OM to 18½ miles west of the OM; and within 4½ miles north and 9½ miles south of the Cedar Rapids VORTAC 264° radial, extending from the VORTAC to 18½ miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W.; thence south along longitude 91°00'00" W.; to and west along the north edge of V-434; to and northwest along the northeast edge of V-52; to and north along longitude 92°53'00" W.; to and northeast along the southeast edge of V-161; to and east along the arc of a 29-mile radius circle centered on the Waterloo, Iowa, VORTAC; to and southeast along the southwest edge of V-67; to and east along latitude 42°05'00" N.; to the point of beginning excluding the area which overlies the Ottumwa, Iowa, transition area.

Cedar Springs, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Great Northern Airport (latitude 31°10'30" N., longitude 85°05'40" W.); within 2 miles each side of the Dothan VORTAC 110° radial, extending from the 5-mile radius area to 15 miles east of the VORTAC.

Cedartown, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Cornelius Moore Field (lat. 34°01'20" N., long. 85°08'50" W.); within 3 miles each side of Rome, Ga., VOR 009° and 189° radials, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; excluding the portion within Rome, Ga., transition area.

AMENDMENTS 7/22/71 36 F. R. 8863 (Rewritten)

Celina, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40° 29°00" N., long. 84°33'50" W., of Lakefield Airport, Celina, Ohio; within 3.5 miles each side of the 262° bearing from the Celina, RBN, lat. 40°28'35" N., long. 84°38'06" W., extending from the 7-mile radius area to 11.5 miles west of the RBN; and within 3.5 miles each side of the 282° bearing from the Celina RBN, extending from the 7-mile radius area to 8.5 miles west of the RBN.
AMENDMENTS 8/19/71 36 F. R. 11904 (Added)

V 37-20 JAN 29 72 XUM

Centerville, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Centerville Municipal Airport (latitude 35°50'15" N., longitude 87°26'45" W.); within 3 miles each side of Graham, Tenn., VOR 177° radial, extending from the 5.5-mile radius area to 8.5 miles south of the VOR.

Centralia, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Centralia Municipal Airport (latitude 38°30'40" N., longitude 89°05'35" W.); and within 2 miles each side of the Centralia VOR 031° radial, extending from the 5-mile radius area to the VOR.

Chadron, Nebr.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Chadron Municipal Airport (latitude 42°50'00" N., longitude 103°05'50" W.), and within 5 miles each side of the Chadron VOR 030° radial, extending from the 14-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles NW and 8 miles SE of the Chadron VOR 030° and 210° radials, extending from 5 miles NE to 14 miles SW of the VOR.

Champaign, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the University of Illinois-Willard Airport (latitude 40°02'25" N., longitude 88°16'35" W.); and within 8 miles southeast and 5 miles northwest of the Champaign VORTAC 030° radial extending from the VORTAC to 12 miles northeast of the VORTAC.

AMENDMENTS 6/30/71 36 F. R. 12897 (Changed)

Chanute, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chanute Martin Johnson Airport (latitude 37°40'05" N., longitude 95°29'10" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the Chanute, Kans. VOR 064° and 244° radials, extending from 6 miles northeast to 18½ miles southwest of the VOR.

Charles City, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles City Municipal Airport (latitude 43°04'15" N., longitude 92°36'15" W.); and within 3 miles each side of the 311° bearing from Charles City Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 131° and 311° bearings from Charles City Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport excluding the portion which overlies the Waterloo, Iowa, transition area.

Charleston, S. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Charleston AFB/Municipal Airport (latitude 32°53'55" N., longitude 80°02'20" W.); within 4 miles each side of Charleston VORTAC 140° radial, extending from the 9-mile radius area to 11 miles southeast of the VORTAC; within 5 miles each side of Charleston VORTAC 332° radial, extending from the 9-mile radius area to 16 miles northwest of the VORTAC.

Charleston, W. Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 38°22'21" N, 81°35'35" W, of Kanawha Airport, Charleston, W. Va.; within 8 miles NW and 5 miles SE of the ILS localizer NE course extending from the 12-mile radius area to 12 miles NE of the ILS OM.

Charlevoix, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Charlevoix Municipal Airport (latitude 45°18'17" N., longitude 85°16'08" W.) and within 3 miles each side of the 270° bearing from Charlevoix Municipal Airport, extending from the 5½-mile radius area to 8 miles west of the airport, and within 3 miles each side of the 69° bearing from Charlevoix Municipal Airport, extending from the 5½-mile radius area to 8 miles east of the airport; that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 270° and 90° bearings from Charlevoix Municipal Airport, extending from the airport to 18½ miles west and 6 miles east of the airport, and within 4½ miles south and 9½ miles north of the 69° and 249° bearings from Charlevoix Municipal Airport, extending from the airport to 18½ miles east and 6 miles west of the airport, excluding the portion which overlies the Pellston, Mich., transition area.
AMENDMENTS 1/6/72 36 F. R. 21563 (Added)

Charlotte, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Fitch H. Beach Airport (latitude 42°34'30" N., longitude 84°48'45" W.); and within 2 miles each side of the Lansing, Mich., VOR 209° radial, extending from the 6-mile radius area to the VOR, excluding the portion which overlies the Lansing, Mich., 700-foot floor transition area.

Charlotte, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Douglas Municipal Airport (latitude 35°12'53" N., longitude 80°56'18" W.); within 3 miles each side of Charlotte VORTAC 058° radial, extending from the 8.5-mile radius area to 14 miles northeast of the VORTAC; within 9.5 miles west and 4.5 miles east of Charlotte VORTAC 171° radial, extending from the 5.5 NM DME Fix to 24 miles south of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte VORTAC 223° radial, extending from the 5.5 NM DME Fix to 24 miles southwest of the VORTAC; within 9.5 miles northwest and 4.5 miles southeast of Charlotte ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within a 6.5-mile radius of Gastonia Municipal Airport, N. C. (latitude 35°12'00" N., longitude 81°09'05" W.); within a 6.5-mile radius of Rock Hill Mimicipal Airport, S. C. (latitude 34°59'05" N., longitude 81°03'30" W.).

Charlotte Amalie, St. Thomas, V. I.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Harry S. Truman Airport (latitude 18°20'25" N., longitude 64°58'10" W.); within 3.5 miles each side of the St. Thomas VOR 359° radial, extending from the 8-mile radius area to 11 miles north of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Harry S. Truman Airport.

Charlottesville, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Charlottesville-Albemarle Airport (latitude 38°08'25" N., longitude 78°27'10" W.); and within 2 miles each side of the Charlottesville-Albemarle ILS localizer south course extending from the 6-mile radius area to 8 miles south of the Charlottesville RBN; within 2 miles each side of a line bearing 045° from a point at latitude 38°08'21" N., longitude 78°27'00" W., extending from the 6-mile radius area to 8 miles northeast of that point.

Chattanooga, Tenn.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Lovell Field (latitude 35°02'05" N., longitude 85°12'10" W.), extending clockwise from the 030° to the 210° bearing from Lovell Field; within a 19-mile radius of Lovell Field, extending clockwise from the 210° to the 030° bearing from Lovell Field.

Cheraw, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cheraw Municipal Airport (latitude 34°42'45" N., longitude 79°57'35" W.); within 2 miles each side of the Chesterfield VOR 077° radial extending from the 5-mile radius area to the VOR.

Cherokee, Wyo.
That airspace extending upward from 1,200 feet above the surface within 9 miles south and 6 miles north of the Cherokee VORTAC 261° and 081° radials extending to 8 miles east and 19 miles west of the VORTAC.

Cherokee Village, Ark.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cherokee Village Airport (latitude 36°15'49" N., longitude 91°33'55" W.), within 3.5 miles each side of the 223° bearing from the Cherokee Village RBN (latitude 36°15'55" N., longitude 91°33'45" W.) extending from the 8-mile radius area to 11 miles southwest of the RBN.

Chester, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center. 41°23'01" N., 72°30'20" W. of Chester Airport, Chester, Conn., and within 2 miles each side of the Madison VOR 062° radial extending from the 5-mile radius to the VOR.

PENDING AMENDMENT
Chester, S. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Chester Municipal Airport (lat. 34°47'18" N., long. 81°11'45" W.).

AMENDMENTS 3/2/72 36 F. R. 24798 (Added)

Chesterfield, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Spirit of St. Louis Airport (latitude 38°39'35" N., longitude 90°38'45" W.); within 3½ miles each side of the Maryland Heights, Missouri VORTAC 310° radial, extending from the 9-mile radius area to 12 miles northwest of the VORTAC; within 5 miles each side of the Maryland Heights VORTAC 241° radial, extending from the 9-mile radius area to 16½ miles southwest of the VORTAC; and within 2½ miles each side of the Spirit of St. Louis ILS localizer west course, extending from the 9-mile radius area to 8 miles west of the OM, excluding the portion which overlies the St. Louis, Mo., 700-foot floor transition area.

V 37-20 JAN 29 72 XUM

Cheyenne, Wyo.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.), and within 6 miles southeast and 8 miles northwest of the Cheyenne VORTAC 229° radial, extending from the 14-mile radius area to 14 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the NE by V-6, on the SE by V-207, on the SW by V-4N and on the NW by V-524, and that airspace NW of Cheyenne within 7 miles NE and 10 miles SW of the Cheyenne VORTAC 305° radial, extending from the VORTAC to 47 miles NW of the VORTAC, excluding the portions within the Laramie, Wyo. transition area.

Chicago, Ill.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 41°31'00" N., longitude 87°47'00" W.; to latitude 41°29'00" N., longitude 87°34'00" W.; to latitude 41°29'00" N., longitude 87°19'00" W.; to latitude 41°55'00" N., longitude 87°19'00" W.; to latitude 42°30'00" N., longitude 87°35'00" W.; to latitude 42°38'00" N., longitude 87°52'00" W.; to latitude 42°30'00" N., longitude 87°59'00" W.; to latitude 42°25'00" N., longitude 88°10'00" W.; to latitude 42°15'00" N., longitude 88°10'00" W.; to latitude 42°15'00" N., longitude 88°25'00" W.; to latitude 41°55'00" N., longitude 88°25'00" W.; to latitude 41°53'00" N., longitude 88°31'00" W.; to latitude 41°50'00" N., longitude 88°31'00" W.; thence counterclockwise via the arc of a 5-mile radius circle centered on the Aurora Municipal Airport (latitude 41°46'14" N., longitude 88°28'16" W.) to latitude 41°48'00" N., longitude 88°22'50" W. to latitude 41°50'00" N., longitude 88°12'00" W to point of beginning and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 41°55'00" N.; longitude 89°50'00" W to latitude 41°55'00" N, longitude 88°30'00" W. to latitude 42°30'00" N., longitude 88°30'00" W. to latitude 42°30'00" N., longitude 87°00'00" W. to latitude 41°20'00" N., longitude 87°00'00" W. to latitude 41°20'00" N., longitude 85°50'00" W. to latitude 41°00'00" N., longitude 85°50'00" W. to latitude 41°00'00" N., longitude 86°33'00" W. to latitude 40°45'00" N., longitude 86°33'00" W. to latitude 40°45'00" N., longitude 88°40'00" W. to latitude 41°10'00" N., longitude 88°40'00" W. to latitude 41°10'00" N., longitude 89°50'00" W. thence north to point of beginning, excluding the portion which overlies the States of Illinois and Indiana.

Chico, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 316° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR, and that airspace within 2 miles each side of the Chico VOR 165° radial extending from the 5-mile radius area to 12 miles south of the VOR, excluding the portion within a 1-mile radius of the Ranchero Airport (latitude 39°43'10" N., longitude 121°52'10" W.

Chicopee Falls, Mass.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°11'40" N., 72°32'15" W., of Westover AFB, Chicopee Falls, Mass.; within 7 miles each side of the Chicopee Falls, Mass., ILS localizer NE course extending from the 12-mile radius area to 13 miles NE of the outer marker and within a 10-mile radius of the center, 42°09'25" N., 72°42'50" W. of Barnes Municipal Airport, Westfield, Mass., and within that airspace bounded by a line beginning at 42°11'50" N., 72°54'10" W. to 42°32'20" N., 72°49'20" W. to 42°30'00" N., 72°32'00" W. to 42°24'45" N.; 72°34'00" W. to 42°24'50" N.; 72°33'25" W. to 42°22'00" N.; 72°34'00" W., thence to the point of beginning; within a 6.5-mile radius of the center lat. 42°19'45" N., long. 72°37'00" W., of La Fleur Airport, Northampton, Mass.; within 3.5 miles each side of the Chester, Mass. VOR 082° radial, extending from the 6.5-mile radius area to the Chester, Mass. VOR, excluding the portion which coincides with the Hartford, Conn., transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°55'00" N., 72°00'00" W. to 42°05'00" N., 72°00'00" W. to 41°55'00" N., 71°59'00" W. to 42°02'00" N., 72°07'00" W. to 42°02'00" N., 73°16'00" W. to 43°11'00" N., 72°39'00" W. to 43°05'00" N., 72°13'00" W. to point of beginning.

AMENDMENTS 4/29/71 36 F. R. 4692 (Changed)

Childress, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Childress Municipal Airport (latitude 34°25'56" N., longitude 100°17'45" W.);

China Lake NAF, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the NAF China Lake TACAN 350° radial extending from 8 miles to 12 miles N of the TACAN and within 2 miles each side of the NAF China Lake TACAN 148° radial extending from 8 miles to 11 miles SE of the TACAN.

Chincoteague, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of NASA Wallops Station Airport, Chincoteague, Va. (latitude 37°56'15" N., longitude 75°28'15" W.).

AMENDMENTS 6/24/71 36 F. R. 7303 (Changed)

Christiansted, St. Croix, V. I.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Alexander Hamilton Airport (latitude 17°42'16" N., longitude 64°47'55" W.); within 3 miles each side of the 207° bearing from the St. Croix RBN, extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Alexander Hamilton Airport; within 9.5 miles north and 4.5 miles south of the St. Croix VOR 068° radial, extending from the 15-mile radius area to 18.5 miles east of the VOR; within 9.5 miles southeast and 4.5 miles northwest of the 207° bearing from the St. Croix RBN, extending from the 15-mile radius area to 18.5 miles southwest of the RBN.

Cincinnati, Ohio
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Greater Cincinnati Airport (lat. 39°02'56" N., long. 84°39'41" W.); within 9.5 miles east and 4.5 miles west of Runway 36 ILS localizer south course, extending from the 11.5-mile radius area to 18.5 miles south of the LOM; within 3 miles each side of Runway 9R ILS localizer west course, extending from the 11.5-mile radius area to 8.5 miles west of Burlington RBN; within a 12-mile radius of Cincinnati Municipal-Lunken Field Airport (lat. 39°06'14" N., long. 84°25'18" W.); within 3 miles each side of the 044° bearing from Lunken RBN, extending from the 12-mile radius area to 8.5 miles northeast of the RBN.
That airspace extending upward from 1,200 feet above the surface beginning at lat. 39°40'00" N., long. 84° 25'00" W., to lat. 39°19'00" N., long. 84°00'00" W.; thence south along long. 84°00'00" W., to and counterclockwise along the Kentucky State line, to and north along the Indiana State line, to and northeast along a line extending from lat. 39°12'00" N., long. 85°30'00" W., to lat. 39°40'00" N., long. 84°25'00" W. to point of beginning.

AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)
AMENDMENTS 10/14/71 36 F. R. 14636 (Changed)
AMENDMENTS 12/16/71 36 F. R. 22367 (Changed)

Claremont, N. H.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 43°22'15" N., 72°22'05" W., of Claremont Municipal Airport, Claremont, N. H.; and within 5 miles south and 3 miles north of the 097° bearing from the Claremont, N. H., RBN (43°21'50" N., 72°17'57" W.); extending from the RBN to 10 miles east of the RBN, excluding the portions within the Lebanon, N. H., and Springfield, Vt., transition areas.

Clarksburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Benedum Airport, Clarksburg, W. Va., 39°17'40" N., 80°13'40" W. and within 2 miles each side of the Clarksburg, VOR 216° radial extending southwesterly from the 7-mile radius area for 8 miles from the VOR and within 2 miles each side of the centerline of Runway 3 extended northeasterly for 7 miles from the end of the runway.

Clarksdale, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fletcher Field (latitude 34°17'45" N., longitude 90°30'50" W.); within 3 miles each side of the 010° and 163° bearings from the Clarksdale RBN (latitude 34°17'33" N., longitude 90°30'57" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN.

PENDING AMENDMENT
Cleveland, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Cleveland Municipal Airport (lat. 33°45'30" N., long. 90°45'15" W.).

AMENDMENTS 3/2/72 37 F. R. 136 (Added)

V 37-20 JAN 29 72 XUM

Cleveland, Ohio
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center (41°24'30" N., 81°51'00" W.), of Cleveland-Hopkins International Airport, Cleveland, Ohio; within 3 miles each side of the Cleveland-Hopkins International Airport Runway 18-R centerline, extended from the 12.5-mile radius area to 14.5 miles south of the end of the runway; within 3 miles each side of the 230° bearing from the Gilbert, Ohio, RBN extending from the 12.5-miles radius area to 5 miles southwest of the RBN; within 3 miles each side of the Cleveland-Hopkins International Airport Runway 28-R centerline, extended from the 12.5-mile radius area to 13 miles west of the end of the runway; within the area bounded by a line beginning at a point on the Cleveland, Ohio, VORTAC 041° radial 20 miles northeast of the VORTAC, thence along a line bearing 052° from this point to its intersection with the arc of a 15-mile radius circle centered on Lost Nation Airport, Willoughby, Ohio (41°41'00" N., 81°23'20" W.), thence clockwise along the arc of the 15-mile radius circle to its intersection with the arc of a 9-mile radius circle centered on Casement Airport, Painesville, Ohio (41°44'05" N., 81°13'25" W.), thence clockwise along the arc of the 9-mile radius circle to its intersection with the arc of a 7.5-mile radius circle centered on Concord Airpark, Painesville, Ohio (41°40'00" N., 81° 12'00" W.), thence clockwise along the arc of the 7.5-mile radius circle to its point of intersection with a line 2 miles east and parallel to the Chardon VORTAC 350° radial, thence south along this parallel line to its point of intersection with the Chardon VORTAC 080° radial, thence west along the Chardon VORTAC 080° radial to the Chardon VORTAC, thence southeast along the Chardon VORTAC 145° radial to a point 2 miles southeast of the VORTAC, thence southwest along a line 2 miles southeast and parallel to the Chardon VORTAC 235° radial commencing at the point of intersection of this parallel line and the Chardon VORTAC 145° radial to the point of intersection with the arc of a 5.5-mile radius circle centered on Chagrin Falls Airport, Chagrin Falls, Ohio (41°25'45" N., 81°19'50" W.), thence clockwise along the arc of the 5.5-mile radius circle to the point of intersection of the 5.5-mile arc with a line bearing 180° from a point 41°25'45" N., 81°19'50" W., thence direct to the intersection of a line bearing 126° from latitude 41°24'35" N., longitude 81°41'25" W., and the arc of a 12.5-mile radius circle centered on the Cleveland-Hopkins International Airport, thence to the point of beginning.
that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 41°57'00" N., 81°18'00" W., thence clockwise along the arc of a 19-mile radius circle (centered at 41°41'00"N., 81°23'25" W.), to 41°24'20" N., 81°23'00" W., to 41°21'00" N., 81°31'00" W., thence clockwise along the arc of an 18-mile radius circle (centered at 41°24'30" N., 81°51'00" W.) to the 146° bearing from said center, thence southeast along the 146° bearing to 41°08'00" N., 81°36'00" W., to 40°53'00" N., 81°43'00" W., thence clockwise along the arc of a 37-mile radius circle (centered at 41°24'30" N., 81°51'00" W.) to 40°56'30" N., to 82°12'00" W., to 41°08'40" N., 82°32'00" W., thence clockwise along the arc of a 21-mile radius circle (centered at 41°26' 00" N., 82°39'05" W.) to 41°14'00" N., 82°57'00" W., to 41°19'10" N., 82°49'20" W., thence clockwise via the arc of a 12-mile radius circle (centered at 41°26'00" N., 82°39'05" W.) to 41°36'30" N., 82°40'00" W., to 41°40'30" N., 82°40'00" W., thence east along the United States-Canada border to 42°02'20" N., 81°37'00" W. to 42°00'00" N., 81°18'00" W. to point of beginning.

AMENDMENTS 6/2/71 36 F. R. 12283 (Changed)

Clifton, Tenn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hassell Field (lat. 35°23'00" N., long. 87°58'00" W.).

AMENDMENTS 6/24/71 36 F. R. 7225 (Added)

Clinton, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Clinton Municipal Airport (latitude 41°49'55" N., longitude 90°19'45" W.); within 2 miles each side of the Cordova VORTAC 043° radial, extending from the 7-mile radius area to the VORTAC; and within 8 miles southwest and 5 miles northeast of the 324° bearing from Clinton Municipal Airport, extending from the airport to 12 miles northwest of the airport.

Clinton, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sampson County Airport (lat. 34°58'48" N., long. 78°21'48" W.); within 3 miles each side of the 247° bearing from Clinton RBN (lat. 34°58'31" N., long. 78°21'48" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

Clinton, Okla. (Clinton-Sherman Airport)
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Clinton-Sherman Airport (latitude 35°20'25" N., longitude 99°12'00" W.), and within 8 miles west and 5 miles east of the extended centerline of Clinton-Sherman Runways 17 and 35 extending from the 8-mile radius area to 20 miles north and 18 miles south of the ends of the runways excluding the portion within the Hobart, Okla., transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Clinton, Okla. (Clinton Municipal Airport)
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clinton Municipal Airport (lat. 35°32'15" N., long. 98°56'00" W.), and within 3.5 miles each side of the 171° bearing from the Clinton RBN (lat. 35°32'00" N., long. 98°56'02" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

Clintonville, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Clintonville Municipal Airport (latitude 44°36'30" N., longitude 88°43'52" W.).

AMENDMENTS 1/6/72 36 F. R. 21582 (Rewritten)

Cloquet, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Cloquet-Carlton County Airport (latitude 46°42'10" N., longitude 92°30'20" W.); within 3 miles each side of the 355° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius to 8 miles north of the airport; within 3 miles each side of the 175° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius area to 8 miles south of the airport.

AMENDMENTS 10/14/71 36 F. R. 15111 (Rewritten)
AMENDMENTS 1/6/72 36 F. R. 21583 (Rewritten)

Clovis, N. Mex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of Cannon AFB, Clovis, N. Mex. (lat. 34°23'01" N., long.103°18'58" W.); within 7.5 miles north and 2 miles south of the Texico VORTAC 254° and 074° radials, extending from the 23-mile radius area to 1.5 miles east of the Texico VORTAC; and within 3.5 miles each side of the Portales NDB (lat. 34°10'45" N., long. 103°22'33" W.) 202° bearings extending from the 23-mile radius area to 12 miles south of the NDB.

AMENDMENTS 4/1/71 36 F. R. 1885 (Rewritten)

Coaldale, Nev.
That airspace extending upward from 10,500 feet MSL within 9 miles northeast and 6 miles southwest of the Coaldale VORTAC 146° and 326° radials, extending from 17 miles southeast to 7 miles northwest of the VORTAC.

Coatesville, Pa.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°59'00" N., 75°52'00" W. of Chester County Area Airport, Chester, Pa., and within 2 miles each side of the Coatesville RBN 283° bearing extending from the 4-mile radius area to 8 miles W of the RBN.

Cochise, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Cochise VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR.

Cochran, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Cochran Airport (lat. 32°23'45" N., long. 83°16'45" W.); within 2.5 miles each side of Vienna VORTAC 046° radial, extending from the 6-mile radius area to 12.5 miles northeast of the VORTAC.

AMENDMENTS 8/19/71 36 F. R. 11188 (Rewritten)

Cody, Wyo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Cody Municipal Airport, Cody, Wyo. (latitude 44°31'09" N., longitude 109°01'25" W.), within 3 miles each side of the Cody VOR 022° and 202° radials, extending from the 8-mile radius area to 8.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles west and 9.5 miles east of the Cody VOR 022° and 202° radials, extending from 2.5 miles south to 18.5 miles north of the VOR.

Coeur D'Alene, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Coeur D'Alene air terminal (latitude 47°46'30" N., longitude 116°49'05" W.), and within 2 miles each side of the 071° and 251° bearings from the Coeur D'Alene RBN (latitude 47°44'44" N., longitude 116°57'24" W.) extending from the 5-mile radius area to 8 miles west of the RBN.

Coffeyville, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Coffeyville Municipal Airport (latitude 37°05'45" N., longitude 95°34'25" W.); and within 3 miles each side of the 163° bearing from Coffeyville Municipal Airport, extending from the 7-mile radius area to 8 miles south of the airport and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Coffeyville Municipal Airport extending from the airport to the Oklahoma transition area; and the area northeast of Coffeyville bounded on the northeast by a line 5 miles southwest of and parallel to the Oswego, Kans., VOR 306° radial, on the south by V-516 and on the west by V-131.

V 37-20 JAN 29 72 XUM

Colby, Kans.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Colby Municipal Airport (latitude 39°25'30" N., longitude 101°02'40" W.); and within 3 miles each side of the 017° bearing from Colby Municipal Airport, extending from the 5½-mile radius area to 8 miles north of the airport and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 017° and 197° bearings from Colby Municipal Airport extending from 5 miles south to 18½ miles north of the airport.

Cold Bay, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 041° bearing from the Cold Bay RR, extending from the RR to 6 miles NE of the RR, and within 2 miles each side of the 263° bearing from the Cold Bay RR, extending from the RR to 6 miles W of the RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SE of the 041° bearing from the Cold Bay RR, extending from the RR to 18 miles NE of the RR; within 5 miles S of the 263° bearing from the Cold Bay RR, extending from the RR to 18 miles W of the RR; and within the arc of an 18-mile radius circle centered on the Cold Bay RR, extending clockwise from the 263° bearing to the 041° bearing from the RR.

Coldwater, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Branch County, Memorial Airport (latitude 41°56'08" N., longitude 85°02'55" W.), within 2 miles each side of the Litchfield, Mich. VORTAC 239° radial extending from the 5-mile radius area to 8 miles northeast of the airport, and within 2 miles each side of the 209° bearing from the Branch County Memorial Airport extending from the 5-mile radius area to 8 miles southwest of the airport.

College Station, Tex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the College Station VOR 107° radial extending from 10 miles east of the VOR to 18 miles east of the VOR.

Colorado Springs, Colo.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of Peterson Field, Colorado Springs, Colo. (latitude 38°48'35" N., longitude 104°42'20" W.), and within 5 miles west and 8 miles east of the Colorado Springs ILS localizer north course, extending from the 20-mile radius area to 21 miles north of the localizer, excluding the portion west of longitude 104°52'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 38°30'00" N., on the west by longitude 104°52'00" W., on the north by latitude 39°05'00" N., on the east by the west edge of V-263, on the southeast by the southeast boundary of V-108S and longitude 104°00'00" W.; that airspace northwest of Colorado Springs bounded on the north by latitude 39°05'00" N., on the east by longitude 104°52'00" W. and on the southwest by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial; that airspace southwest of Colorado Springs bounded on the north by a line beginning at latitude 38°35'00" N., longitude 105°10'00" W., to latitude 38°40'00" N., longitude 104°52'00" W., on the east by longitude 104°52'00" W., on the south by the north edge of V-244 and on the west by longitude 105°10'00" W.; that airspace southwest and northwest of Colorado Springs extending upwards from 11,700 feet MSL bounded on the north by a line beginning at latitude 38°30'00" N., longitude 105°27'00" W., to latitude 38°35'00" N., longitude 105°10'00" W., on the east by longitude 105°10'00" W., on the south by the north edge of V-244 and on the west by longitude 105°27'00" W., and that airspace bounded on the north by latitude 39°05'00" N., on the northeast by a line 5 miles southwest of and parallel to the Colorado Springs VORTAC 307° radial on the east by longitude 104°52'00" W., on the south by latitude 38°55'00" N., and on the west by longitude 105°20'00" W.

AMENDMENTS 12/9/71 36 F. R. 19303 (Changed)

Columbia, Mo.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Columbia Regional Airport (latitude 38°48'49" N., longitude 92°13'12" W.); within 2½ miles each side of the Hallsville, Mo. VORTAC 193° radial extending from the 8½-mile radius area to 10 miles south of the VORTAC; excluding the portion which overlies the Jefferson City, Mo. 700-foot floor transition area; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the east by V-175, on the north by V-12, on the south by V-234 and on the west by longitude 92°40'00" W.; excluding the portions which overlie the Vichy, Mo., and Kaiser, Mo., transition areas.

AMENDMENTS 10/14/71 36 F. R. 1552[illegible] (Rewritten)

Columbia, S. C.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Columbia Metropolitan Airport (lat. 33°56'28.9" N., long. 81°07'11.2" W); within 9.5 miles southwest and 4.5 miles northeast of Columbia VORTAC 147° radial, extending from the 11-mile radius area to 18.5 miles southeast of the VORTAC; within 9.5 miles south and 4.5 miles north of Columbia ILS localizer west course, extending from the 11-mile radius area to 18.5 miles west of the LOM.

Columbus, Ga.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Columbus Metropolitan Airport (lat. 32°30'55" N., long. 84°56'25" W.); within a 10-mile radius of Lawson AAF (lat. 32°20'20" N., long. 84°59'35" W.); within 1.5 miles each side, expanding in width to 5 miles each side of Columbus ILS localizer northeast course, extending from the intersection of the Columbus VOR 102° radial to 11.5 miles northeast; within 9.5 miles southwest and 4.5 miles northeast of Lawson AAF ILS localizer southeast course, extending from the 10-mile radius area to 12 miles southeast of Louvale RBN; within 9.5 miles southwest and 4.5 miles northeast of Columbus VOR 149° and 329° radials, extending from the 10.5-mile radius area to 18.5 miles northwest of the VOR; within 4 miles each side of Lawson VOR 339° radial, extending from the 10-mile radius area to 20.5 miles north of the VOR.

Columbus, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Columbus Municipal Airport (latitude 39°08'09" N., longitude 85°55'29" W.), and within 2 miles each side of the 225° bearing from the Columbus Municipal Airport extending from the 5-mile radius area to 12 miles SW of the airport, excluding that portion which overlies the Atterbury, Ind., 700-foot transition area.

Columbus, Miss
That airspace extending upward from 700 feet above the surface within a 17.5-mile radius of Columbus AFB (latitude 33°38'38" N., longitude 88°26'39" W.); within an 8-mile radius of Monroe County Airport (latitude 33°52'20" N., longitude 88°28'25" W.); within an 8-mile radius of Columbus-Lowndes County Airport (latitude 33°27'52" N., longitude 88°22'50" W.); within 4.5 miles north and 9.5 miles south of the Columbus VORTAC 281° radial, extending from the VORTAC to 18.5 miles west; within an 8.5-mile radius of Golden Triangle Regional Airport (lat. 33°26'48" N., long. 88°35'30" W.).

AMENDMENTS 4/29/71 36 F. R. 4374 (Changed)
AMENDMENTS 10/5/71 36 F. R. 20034 (Changed)

Columbus, Nebr.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbus Municipal Airport (latitude 41°26'50" N., longitude 97°20'25" W.), and within 8 miles NE and 5 miles SW of the Columbus VOR 141° radial extending from the VOR to 12 miles SE, and within 8 miles W and 5 miles E of the Columbus VOR 340° radial extending from the VOR to 12 miles N and within 8 miles SW and 5 miles NE of the 330° and 150° bearings from the Columbus RBN extending from 2 miles SE of the RBN to 12 miles NW of the RBN.

Columbus, Ohio
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 39°59'41" N., long. 82°53'08" W. of Port Columbus International Airport, Columbus, Ohio; within a 14-mile radius of the center, lat. 39°49'00" N., long. 82°56'00" W. of Lockbourne AFB, Columbus, Ohio; within an 8-mile radius of the center, lat. 40°19'43" N., long. 82°31'32" W. of Mount Vernon Airport, Mount Vernon, Ohio; within an 8-mile radius of the center, lat. 40°01'29" N., long. 82°27'44" W. of Licking County Airport, Newark, Ohio; within a 7-mile radius of the center, lat. 40°04'40" N., long. 83°04'30" W. of Ohio State University Airport, Columbus, Ohio; within the arc of a 25-mile radius circle centered on a point located at lat. 39°59'56" N., long. 82°53'44" W., extending clockwise from the 048° bearing from this point to the 170° bearing from this point and within 3.5 miles each side of the 273° bearing from the Ohio State University RBN, lat. 40°04'47" N., long. 83°04'54" W., extending from the RBN to 11.5 miles west of the RBN.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 40°27'28" N., 82°07'37" W. to 39°52'25" N., 82°13'00" W. to 39°40'00" N., 82°00'00" W. to 39°40'00" N., 81°47'00" W. to 39°00'00" N., 81°43'40" W. to 39°00'00" N., 83°00'00" W. to 38°45'00" N., 83°30'00" W. to 38°30'00" N., 83°18'15" W. to 38°30'00" N., 83°59'00" W. to 39°19'00" N., 84°00'00" W. to 39°05'00" N., 83°30'00" W., to 40°00'00" N., 83°15'00" W. to 40°30'00" N., 83°50'00" W. to 40°30'00" N., 83°10'00" W. to point of beginning.

AMENDMENTS 10/14/71 36 F. R. 14692 (Changed)

Columbus, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Columbus Airport (latitude 29°43'10" N., longitude 96°33'50" W.).

AMENDMENTS 10/14/71 36 F. R. 14632 (Added)

Colusa, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles E and 3.5 miles W of the Williams, Calif. VORTAC 015 radial, extending from the VORTAC to 11 miles N of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-23, on the S by the N edge of V-200 and on the W by the W edge of V-195.

V 37-20 JAN 29 72 XUM

Concord, N. H.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°22'00" N., 71°23'00" W., to 43°09'30" N., 71°17'30" W., to 43°09'00" N., 71°11'50" W., to 42°58'50" N., 71°01'00" W., to 42°53'00" N., 71°11'30" W., to 42°47'00" N., to 71°09'00" W., to 42°38'00" N., 71°20'00" W., to 42°40'00" N., 71°35'00" W., to 42°43'00" N., 71°36'00" W., to 42°45'00" N., 71°38'25" W., to 42°54'00" N., 71°57'00" W., to 43°06'00" N., 71°47'00" W., to 43°08'00" N., 71°59'00" W., to 43°21'00" N., 71°56'00" W., to 43°19'00" N., 71°38'00" W. to point of beginning.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°53'00" N., 71°05'00" W. to 42°43'00" N., 71°15'00" W. to 42°43'00" N., 71°40'00" W. to 42°55'00" N., 72°00'00" W. to 43°35'00" N., 71°55'00" W. to 43°45'00" N., 71°09'00" W. to point of beginning.

Concord, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Propst Airport (latitude 35°23'30" N., longitude 80°24'30" W.); within 2.5 miles each side of Charlotte VORTAC 060° radial, extending from the 5-mile radius area to 18 miles northeast of the VORTAC.

Connecticut
That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the State of Connecticut.

Connellsville, Pa.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center lat. 39° 57'35" N., long. 79°39'25" W. of Connellsville Airport and within 9.5 miles northwest and 4.5 miles southeast of the 230° bearing from the Connellsville, Pa. RBN lat. 39°57'37" N., long. 79°39'16" W., extending from the RBN to 19.5 miles southwest of the RBN, excluding the portion that coincides with the Morgantown, W. Va., transition area.

Connersville, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Mettel Airport (latitude 39°41'50" N., longitude 85°07'55" W.), and within 2 miles each side of the 015° bearing from the Mettel Airport extending from the 6-mile radius area to 8 miles north of the airport.

Cordele, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cordele Airport (latitude 31°59'15" N., longitude 83°46'24" W.).

AMENDMENTS 3/10/71 36 F. R. 5288 (Rewritten)

Cordova, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the 233° bearing from the Cordova (CDV) NDB extending from 8 miles southwest of the Cordova (CDV) NDB to 13 miles southwest of the intersection of the 233° bearing from the Cordova (CDV) NDB and the east course of the Hinchinbrook RR; that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 143° bearing from the Cordova (CDV) NDB extending from 13 miles southeast of the Cordova (CDV) NDB to 13 miles southeast of the intersection of the 143° bearing from the Cordova (CDV) NDB and the east course of the Hinchinbrook RR; within 6 miles each side of the Cordova localizer east course extending from the localizer to 40 miles east; and within 5 miles each side of a line extending from the Johnstone Point VOR to the Cordova (CDV) NDB.

AMENDMENTS 6/24/71 36 F. R. 7845 (Rewritten)

Corinth, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Roscoe Turner Airport (lat. 34°54'30" N., long. 88°36'00" W.); within 3 miles each side of the 185° and 346° bearings from Corinth RBN (lat. 34°54'39" N., long. 88°36'04" W.), extending from the 7-mile radius area to 8.5 miles south and north of the RBN.
AMENDMENTS 7/22/71 36 F. R. 9443 (Added)

Corpus Christi, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Corpus Christi International Airport (latitude 27°46'20" N., longitude 97°30'20" W.); within a 9-mile radius of NAS Corpus Christi (latitude 27°41'30" N., longitude 97°17'15" W.); within a 4-mile radius of the Sinton Airport (latitude 28°02'25" N., longitude 97°32'34" W.); within 2 miles each side of the Corpus Christi VORTAC 328° radial, extending from the 4-mile radius area to the VORTAC; within 2 miles each side of the Corpus Christi ILS localizer SE course, extending from the 6-mile radius area to 13 miles SE of the airport; within 2 miles each side of the Corpus Christi ILS localizer NW course, extending from the International Airport 6-mile radius area to 8 miles NW of the OM; within 2 miles each side of the Navy Corpus RBN 135° bearing, extending from the NAS Corpus Christi 9-mile radius area to 8 miles SE of the RBN; and within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the NAS Corpus Christi 9-mile radius area to 12 miles SE of the TACAN.

Cortez, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Cortez-Montezuma County Airport, Cortez, Colo., (latitude 37°18'15" N., longitude 108°37'35" W.), within 3.5 miles each side of the Cortez VOR 184° and 004° radials extending from the 7-mile radius area to 11.5 miles north of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Cortez VOR 184° and 004° radials, extending from 8 miles south to 19 miles north of the VOR, and within 5 miles northeast of and parallel to the Dove Creek VORTAC 129° radial, extending from the VORTAC to 21 miles southeast of the VORTAC.

AMENDMENTS 4/29/71 36 F. R. 4373 (Rewritten)

Corvallis, Oreg.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Corvallis Municipal Airport (latitude 44°29'50" N., longitude 123°17'10" W.) within 4.5 miles each side of the Corvallis VOR 029° radial, extending from the 7-mile radius area to 14 miles northeast of the VOR, within 5 miles each side of the Eugene, Oreg., VORTAC 345° radial, extending from 10 to 17 miles north of the VORTAC, and within 5 miles each side of the Corvallis VOR 180° radial, extending from the 7-mile radius area to 11 miles south of the VOR excluding that portion overlying the Eugene, Oreg., transition area; that airspace extending upward from 1,200 feet above the surface within 6 miles northwest and 8 miles southeast of the Corvallis VOR 029° and 209° radials, extending from 6 miles southwest to 17 miles northeast of the VOR.

AMENDMENTS 5/27/71 36 F. R. 5674 (Rewritten)

Cotulla, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cotulla Municipal Airport (latitude 28°27'15" N., longitude 99°13'05" W.) and within 8 miles north and 5 miles south of the Cotulla VOR 085° and 265° radials, extending to 5 miles west and 12 miles east of the VOR.

Crescent City, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jack McNamara Field, Crescent City (lat. 41°46'50" N., long. 124°14'00" W.), within 3 miles each side of the Crescent City VORTAC 325° radial, extending from the 5-mile radius area to 9 miles northwest of the VORTAC and within 4 miles each side of the Crescent City VORTAC 180° radial, extending from the 5-mile radius area to 10 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 10 miles east and 7 miles west of the Crescent City VORTAC 180° and 360° radials, extending from 8 miles north to 20 miles south of the VORTAC, within 5 miles each side of the Crescent City VORTAC 234° radial, extending from the VORTAC to 12 miles southwest of the VORTAC and within 8 miles northeast and 9.5 miles southwest of the Crescent City VORTAC 325° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC.

Creston, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Creston Municipal Airport (latitude 41°01'05" N., longitude 94°21'35" W.); and within 3 miles each side of the 171° bearing from Creston Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 171° and 351° bearings from Creston Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 351° bearing from Creston Municipal Airport, extending from the airport to V-6S.

Crestview, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.).

AMENDMENTS 4/27/71 36 F. R. 8363 (Rewritten)

Creve Coeur, Mo.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the St. Louis, Mo., VORTAC 190° radial, extending from 12 miles south to 25½ miles south of the VORTAC, excluding the portions which overlie the Chesterfield, Mo., and St. Louis, Mo., 700-foot floor transition areas.

AMENDMENTS 5/27/71 36 F. R. 5674 (Added)

Crookston, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crookston Municipal Airport-Kirkwood Field (latitude 47°50'30" N., longitude 96°37'15" W.); and within 3 miles each side of the 304° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the 5-mile radius area to 8 miles northwest of the airport, and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 124° bearing from Crookston Municipal Airport-Kirkwood Field, extending from the airport to 12 miles southeast of the airport; and within 8 miles southwest of the 124° and 304° bearings from Crookston Municipal Airport-Kirkwood Field, extending from 2 miles northwest to 6 miles southeast of the airport, excluding the portion which overlies the Grand Forks, N. Dak., 1,200-foot floor transition area.

V 37-20 JAN 29 72 XUM

Cross City, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cross City Airport (lat. 29°37'45" N., long. 83°06'15" W.); within 5 miles each side of Cross City VORTAC 121° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VORTAC.

AMENDMENTS 4/27/71 36 F. R. 8363 (Rewritten)

Crossett, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Crossett Municipal Airport (latitude 33°10'30" N., longitude 91°52'45" W.); and within 3 miles each side of the 056° bearing from the Crossett RBN (latitude 33°10'30" N., longitude 91°52'45" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

AMENDMENTS 11/11/71 36 F. R. 18510 (Rewritten)

Crossville, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Crossville Memorial Airport (latitude 35°57'05" N., longitude 85°05'05" W.); within 2 miles each side of the Hinch Mountain VORTAC 334° radial, extending from the 6.5-mile radius area to the VORTAC; within 3 miles each side of the 063° bearing from the Crossville RBN (latitude 35°58'06" N., longitude 84°59'40" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Crows Landing, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Crows Landing TACAN 359° radial, extending from the arc of a 5-mile radius circle centered on ALF Crows Landing (latitude 37°24'35" N., longitude 121°06'40" W.) to 7 miles N of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the W by latitude 37°38'00" N., on the E by V-109, on the SW by V-107 and on the W by longitude 121°31'00" W. The portions within R-2525 would be used only after obtaining prior approval from appropriate authority.

PENDING AMENDMENT
Crystal Lake, Ill.
That airspace extending upward from 700 feet above the surface within a 4.5-mile radius of the Crystal Lake Airport (latitude 42°12'12" N., longitude 88°19'27" W.); excluding the portion within the Chicago, Ill., transition area.

AMENDMENTS 2/3/72 36 F. R. 23202 (Added)

Culpeper, Va.
That airspace extending upward from 700 feet above the surface within the arc of a 6.5-mile radius circle centered on Culpeper Municipal Airport (lat. 38°31'20" N., long. 77°51'40" W.) Culpeper, Va., extending clockwise from a 245° bearing to a 090° bearing from the center of the airport; within the arc of a 5.5-mile radius circle centered on Culpeper Municipal Airport, extending clockwise from a 090° bearing to a 245° bearing from the center of the airport and within 2.5 miles each side of the Casanova VORTAC 178° radial, extending from the 6.5-mile radius arc to the VORTAC, excluding the portion that coincides with the Midland, Va., transition area.

AMENDMENTS 11/11/71 36 F. R. 17644 (Added)

Cumberland, Md.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 39°37'02" N., long. 78°45'45" W.) of Cumberland Municipal Airport, Cumberland, Md.; and within 3.5 miles each side of the 022° bearing from the Cumberland RBN (lat. 39°39'00" N., long. 78°44'48" W.) extending from the 8.5-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 9/16/71 36 F. R. 13777 (Rewritten)

Cushing, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Cushing Municipal Airport (latitude 35°57'00" N., longitude 96°46'30" W.), and within 3.5 miles each side of the 180° bearing from the Cushing RBN (latitude 35°53'24" N., longitude 96°46'30" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

Cut Bank, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Cut Bank Airport (latitude 48°36'41" N., longitude 112°22'45" W.); within 9½ miles northeast and 4½ miles southwest of the Cut Bank VORTAC 150° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; and within a 12-mile radius of the Cut Bank VORTAC extending from a line 5 miles west of and parallel to the Cut Bank VORTAC 172° radial counterclockwise
to a line 5 miles northeast of and parallel to the Cut Bank VORTAC 150° radial.
AMENDMENTS 4/29/71 36 F. R. 4370 (Rewritten) Corr: 36 F. R. 7843

Daggett, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Barstow-Daggett Airport (latitude 34°51'20" N., longitude 116°47'10" W.); within 2 miles each side of the 050° bearing from Barstow-Daggett Airport extending from the 3-mile radius area to 8 miles NE of the airport, and within 2 miles each side of the 090° bearing from the Barstow-Daggett Airport extending from the 3-mile radius area to 6.5 miles E of the airport.

Dalhart, Texas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Dalhart Municipal Airport (latitude 36°01'10" N., longitude 102°33'10" W.), and within 2 miles each side of the Dalhart VORTAC 002° radial extending from the 9-mile radius area to 12 miles N of the VORTAC.

Dallas-Fort Worth, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 33°11'00" N., long. 97°27'00" W., thence to lat. 33°11'00" N., long. 97°19'00" W., to lat. 33°26'00" N., long. 97°15'00" W., to lat. 33°26'00" N., long. 97°07'00" W., to lat. 33°19'00" N., long. 97°06'00" W., to lat. 33°19'00" N., long. 96°57'00" W., to latitude 33°08'30" N., longitude 96°36'00" W.; to latitude 33°08'30" N., longitude 96°25'00" W.; to latitude 32°44'00" N., longitude 96°26'00" W.; to latitude 32°34'00" N., longitude 96°37'00" W.; to latitude 32°29'00" N., longitude 96°32'00" W.; to latitude 32°25'00" N., longitude 96°38'00" W.; to latitude 32°31'00" N., longitude 96°44'00" W.; to latitude 32°29'00" N., longitude 97°01'00" W.; to latitude 32°23'00" N., longitude 97°05'00" W., to latitude 32°25'00" N., longitude 97°29'00" W.; thence N along longitude 97°29'00" W. to and clockwise along the arc of a 23-mile radius circle centered at latitude 32°46'20" N., longitude 97°26'30" W.; to longitude 97°28'00" W.; thence N to point of beginning.

AMENDMENTS 4/29/71 36 F. R. 3519 (Changed)
AMENDMENTS 11/11/71 36 F. R. 18509 (Changed)

Dalton, Ga.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Dalton Municipal Airport (lat. 34°43'00" N., long. 84°52'00" W.).

Danbury, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°22'20" N., 73°29'00" W., of Danbury Airport, Danbury, Conn.; and within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius area to 7 miles N of the end of the runway, excluding that airspace which coincides with the Bridgeport, Conn., and White Plains, N. Y., 700-foot floor transition areas.

Danielson, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°49'10" N., 71°54'05" W., of Danielson Airport, Danielson, Conn.; within 2 miles each side of the runway 13 centerline, extended from the 5-mile radius area to 7.5 miles southeast of the end of the runway; within 2 miles each side of the runway 31 centerline, extended from the 5-mile radius area to 7.5 miles northwest of the end of the runway; and within 3 miles each side of the Putnam VORTAC 197° radial, extending from the 5-mile radius area to 2 miles south of the VORTAC.

Danville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Vermillion County Airport (latitude 40°11'55" N., longitude 87°35'40" W.); within 2 miles each side of the Danville VORTAC 196° radial extending from the 5-mile radius area to the VORTAC; and within 2 miles each side of the Danville VORTAC 198° radial, extending from the south edge of the 5-mile radius area to 18 miles south of the VORTAC.

Danville, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 7-mile radius area to 8 miles NE and 8 miles SW of the VOR.

Darby, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 290° bearing from the Unalakleet, Alaska, RR, extending from 32 miles to 52 miles W of the RR.

Darlington, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Darlington County Airport (latitude 34°26'50" N., longitude 79°53'23" W.).

Darwin, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles S and 6 miles N of the Darwin VOR 088° and 268° radials, extending from 8 miles E to 19 miles W of the VOR.

V 37-20 JAN 29 72 XUM

Dayton, Ohio
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 39°59'00" N., 83°40'00" W. to 39°55'00" N., 83°37'00" W. to 39°45'00" N., 83°43'00" W. to 39°39'00" N., 84°07'00" W. to 39°45'00" N., 84°24'00" W. to 39°49'00" N., 84°27'00" W. to 40°04'00" N., 84°17'00" W. to the point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 39°19'00" N., 84°00'00" W. to 39°40'00" N., 84°25'00" W. to 40°10'00" N., 85°00'00" W. to 40°30'00" N., 84°49'00" W. to 40°32'00" N., 84°30'00" W. to 40°29'00" N., 84°14'00" W. to 40°30'00" N., 83°50'00" W. to 40°00'00" N., 83°15'00" W. to 39°05'00" N., 83°30'00" W. to the point of beginning, excluding the portion which overlies the State of Indiana.

Dayton, Ohio (Montgomery County)
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°35'20" N., 84°13'20" W., of Montgomery County Airport, Dayton, Ohio; and within 2 miles each side of the Montgomery County VOR 145° radial extending from the 6-mile radius area to 8 miles southeast of the VOR, excluding the portion which lies within the Middletown, Ohio, transition area.

Daytona Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Daytona Beach Regional Airport (lat. 29°11'05" N., long. 81°03'20" W.); within a 6.5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°03'49" W.); excluding the portion outside the continental limits of the United States.

AMENDMENTS 3/4/71 36 F. R. 216 (Rewritten)
PENDING AMENDMENT
Daytona Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.); within a 6.5-mile radius of Ormond Beach Municipal Airport (lat. 29°18'00" N., long. 81°06'49" W.).

AMENDMENTS 3/2/72 36 F. R. 23796 (Rewritten)

Deadhorse, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles south and 10 miles north and parallel to the 082° True (050° Magnetic) bearing of the Deadhorse RBN (latitude 70°11'49" N., longitude 148° 27'53" W.) extending from the RBN to 24 miles northeast; within 5 miles south and 10 miles north and parallel to the 250° True (218° Magnetic) bearing of the RBN extending from the RBN to 25 miles southwest.
That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 69°40'00" N., longitude 153°00'00" W.; to latitude 70°33'00" N., longitude 150°45'00" W.; thence east via 3 nautical miles offshore to latitude 70°14'00" N., longitude 146°00'00" W.; to latitude 69°35'00" N., longitude 146°00'00" W.; to latitude 69°00'00" N., longitude 148°00'00" W.; to latitude 69°00'00" N., longitude 153°00'00" W.; thence to point of beginning.

AMENDMENTS 2/26/71 36 F. R. 3517 (Changed)

Decatur, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Decatur Airport (latitude 39°50'05" N., longitude 88°51'50" W.).

Decorah, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Decorah Municipal Airport (latitude 43°16'35" N., longitude 91°44'50" W.); and within 3 miles each side of the 122° bearing from Decorah Municipal Airport, extending from the 5½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 122° and 302° bearings from Decorah Municipal Airport, extending from 18½ miles southeast to 6 miles northwest of the airport; and within 5 miles each side of the 302° bearing from Decorah Municipal Airport, extending from the airport to 12 miles northwest of the airport.

Defiance, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center of Bryan-Defiance Memorial Airport, Defiance, Ohio, 41°20'30" N., 84°25'30" W. and within 2 miles each side of the Defiance RBN 299° bearing extending NW from the 4-mile radius area for 4 miles.

DeLancey, N. Y.
That airsapce extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 42°40'00" N., 75°30'00" W. to 42°10'00" N., 75°25'00" W. to 42°00'00" N., 75°26'30" W. to 42°00'00" N., 75°00'00" W. to 42°01'00" N., 74°30'00" W. to 43°00'00" N., 74°30'00" W. to point of beginning.

De Land, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of De Land Municipal/Sidney H. Taylor Field (lat. 29°04'03" N., long. 81°17'00" W.); excluding the portion within Daytona Beach transition area.

AMENDMENTS 9/16/71 36 F. R. 13374 (Added)

Delaware
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Delaware including the offshore airspace within 3 nautical miles and parallel to the shoreline.

AMENDMENTS 6/24/71 36 F. R. 7303 (Added)

Del Rio, Tex.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 29°23'00" N., longitude 100°50'15" W., and within 5 miles southwest and 8 miles northeast of the Laughlin VOR 148° and 330° radials extending from 12 miles southeast of the VOR to 12 miles northwest of the VOR, excluding the portion outside the United States.

Delta, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39° 23' 00" N., longitude 112° 30' 35" W.), and within 2 miles each side of the Delta VOR 001° and 196° radials, extending from the 5-mile radius area to 6 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface within 11 miles E and 8 miles W of the Delta VOR 016° and 196° radials, extending from 10 miles N to 20 miles S of the VOR.

Deming, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Deming Municipal Airport (lat. 32°15'40" N., long. 107°43'10" W.).

Denison, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Denison, Iowa, Municipal Airport (latitude 41°59'15" N., longitude 95°23'00" W.) and within 2 miles each side of the 115° bearing from Denison Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 115° bearing from Denison Municipal Airport, extending from the airport to 12 miles southeast of the airport.

Denver, Colo.
That airspace extending upward from 700 feet above the surface, within an arc of a 22-mile radius circle centered on Stapleton Airport (latitude 39°46'30" N., longitude 104°52'40" W.) extending clockwise between the 253° and 078° bearings from Stapleton Airport, within an arc of a 37-mile radius circle centered on Stapleton Airport extending clockwise between the 078° and 160° bearings from Stapleton Airport, within an arc of a 31-mile radius circle centered on Stapleton Airport extending clockwise between the 160° and 194° bearings from Stapleton Airport, and within an arc of a 24-mile radius circle centered on Stapleton Airport extending clockwise between the 194° and 253° bearings from the Stapleton Airport; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the east by longitude 104°00'00" W., on the south by latitude 39°05'00" N., and on the west by longitude 105°20'00" W.; that airspace northeast of Greeley, Colo., extending upward from 7,500 feet MSL bounded on the northeast by V-132, on the SE by V-160, on the south by latitude 40°30'00" N., and on the northwest by V-207, and that airspace east of Denver bounded on the northwest by V-160, on the northeast by V-132, on the east by V-169, on the south by the east edge of V-263 and latitude 39°05'00"
N., and on the west by longitude 104°00'00" W. excluding the airspace within Federal airways; that airspace west of Denver extending upward from 11,500 feet MSL, bounded on the north by latitude 40°30'00" N., on the east by longitude 105°20'00" W., on the south by latitude 39°05'00" N., on the west by longitude 105°23'00" W.; that airspace extending upward from 12,700 feet MSL bounded on the north by latitude 39°30'00" N., longitude 105°30'00" by longitude 105°23'00" W. to latitude 39°20'00" N., thence direct latitude 39°30'00" N., longitude 105°30'00" W., and on the west by longitude 105°30'00" W.; and that airspace extending upward from 13,700 feet MSL bounded on the north by latitude 40°30'00" N., on the east by longitude 105°30'00" W. to latitude 39°30'00" N., thence direct to latitude 39°20'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°23'00" W., thence direct latitude 39°05'00" N., longitude 105°28'00" W., thence direct latitude 39°44'00" N., longitude 105°38'00" W., thence direct latitude 40°30'00" N., longitude 105°33'00" W.

AMENDMENTS 12/9/71 36 F. R. 21182 (Changed)

DeRidder, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Beauregard Parish Airport (latitude 30°50'00" N., longitude 93°20'00" W.), and within 3.5 miles each side of the 347° bearing from the DeRidder RBN (latitude 30°50'00" N., longitude 93°20'00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

V 37-20 JAN 29 72 XUM

Des Moines, Iowa
That airspace extending upward from 700 feet above the surface within a 14½-mile radius of Des Moines Municipal Airport (latitude 41°32'10" N., longitude 93°39'27" W.); that airspace extending upward from 1,200 feet above the surface beginning northeast of Des Moines at latitude 42°00'00" N., longitude 92°53'00" W., thence west along latitude 42°00'00" N., to and south along longitude 94°00'00" W., to and west along the south edge of V-172, to and south along longitude 94°42'00" W., to and east along the north edge of V-6, to longitude 94°25'00" W., thence southwest to latitude 40°56'30" N., longitude 93°54'00" N., thence to latitude 41°10'00" N., longitude 92°53'00" W., thence north to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 92°57'00" W., and the southwest edge of V-52, thence southeast along V-52 to and southwest along the north edge of V-216, to and north along longitude 95°00'00" W., to and east along the south edge of V-68 to the intersection of the south edge of V-68 and longitude 94°10'15" W., thence southeast to latitude 40°56'30" N., longitude 93°54'00" W., thence northeast to the point of beginning.

AMENDMENTS 6/24/71 36 F. R. 7843 (Rewritten)

Detroit, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.), and within an 8-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), and within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OM, and within 2 miles each side of the Willow Run VOR 047° radial, extending from the 8-mile radius area to 10 miles NE of the intersection of the Willow Run Airport ILS localizer NE course and the Salem, Mich., VOR 140° radial, and within 2 miles each side of the Windsor, Ontario, ILS localizer SW course extending from the Detroit Metropolitan Wayne County Airport 8-mile radius to the Unites States/Canadian Border, excluding the portion within the Grosse Ile, Mich., control zone; and that airspace extending upward from 1,200 feet above the surface bounded on the W by longitude 84°05'00" W., on the N by latitude 42°46'00" N., on the E by the E boundary of V-42 E alternate and the United States/Canadian Border, and on the S by a line from latitude 41°45'05" N., longitude 84°05'00" W., to latitude 41°45'30" N., longitude 83°19'45" W., to latitude 41°50'39" N., longitude 83°08'47" W., to latitude 41°45'30" N., longitude 83°03'30" W., to the United States/Canadian Border at latitude 41°45'30" N., longitude 82°51'00" W.

Detroit City, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Berz Airport, Birmingham, Mich. (latitude 42°32'40" N., longitude 83°10'25" W.), and within a 23-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°00'35" W.), extending from the 303° bearing from the Detroit City Airport clockwise to the 123° bearing from the Detroit City Airport excluding the Pontiac, Mich., and Mount Clemens, Mich., transition areas and the airspace outside the United States.

Detroit Lakes, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Detroit Lakes Municipal Airport, (latitude 46°49'35" N., longitude 95°53'05" W.); and within 3 miles each side of the 315° bearing from the Detroit Lakes Municipal Airport, extending from the 6½-mile radius area to 7½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 315° and 135° bearings from the Detroit Lakes Municipal Airport, extending from 6 miles southeast of the airport to 18½ miles northwest of the airport; and within 5 miles each side of the 135° bearing of the Detroit Lakes Municipal Airport, extending from the airport to 12 miles southeast of the airport excluding the portion that overlies the Fargo, N. Dak., transition area.

AMENDMENTS 6/24/71 36 F. R. 7843 (Rewritten)

Devils Lake, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Devils Lake Municipal Airport (latitude 48°06'55" N., longitude 98°54'30" W.); within 4½ miles southwest and 9½ miles northeast of the Devils Lake VORTAC 134° radial extending from the VORTAC to 18½ miles southeast of the VORTAC; within 4½ miles northeast and 9½ miles southwest of the Devils Lake VORTAC 324° radial extending from the VORTAC to 18½ miles northwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the 026° bearing from the Devils Lake Airport extending from the airport to 18½ miles northeast of the airport; and that airspace extending upward from 1200 feet above the surface within a 17½ mile radius of the Devils Lake VORTAC.

Dexter, Mo.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Dexter Municipal Airport (latitude 36°46'30" N., longitude 89°56'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 180° bearing from Dexter Municipal Airport extending from the airport to 18½ miles south of the airport, excluding the portion which overlies the Malden, Mo., transition area.

AMENDMENTS 2/4/71 35 F. R. 18507 (Added)

Dickinson, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Dickinson Municipal Airport (latitude 46°47'51" N., longitude 102°47'49" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius circle centered on the Dickinson VORTAC, extending clockwise from the Dickinson VORTAC 259° radial to the Dickinson VORTAC 093° radial; and within 9.5 miles west and 4.5 miles east of the Dickinson VORTAC 013° radial extending from the VORTAC to 18.5 miles north of the VORTAC.

AMENDMENTS 11/11/71 36 F. R. 19302 (Rewritten)

Dillingham, Alaska
That airspace extending upward from 700 feet above the surface, within a 6-mile radius of the Dillingham Airport (latitude 59°02'36" N., longitude 158°30'20" W.); within 5 miles northwest and 8 miles southeast of the Dillingham VOR 025° radial extending from the VOR to 18 miles northeast; within 5 miles northwest and 8 miles southeast of the 053° bearing from the Northern Consolidated Airlines RBN (latitude 59°04'12" N., longitude 158°26'30" W.) extending from the RBN to 12 miles northeast; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Dillingham VOR 205° radial extending from the VOR to 12 miles southwest. This transition area would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be confinuously published in the Flight Information Publication Supplement Alaska.

Dillon, Mont.
That airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Dillon VORTAC 025° radial, extending from the VORTAC to 24 miles northeast; and that airspace extending upward from 11,700 feet MSL within 7.5 miles west and 10.5 miles east of the Dillon VORTAC 168° and 348° radials extending from 4.5 miles north to 19.5 miles south of the VORTAC.

AMENDMENTS 1/6/72 36 F. R. 21281 (Added)

Dillon, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dillon County Airport (lat. 34°27'00" N., long. 79°22'00" W.); within 2.5 miles each side of Florence VORTAC 046° radial, extending from the 5-mile radius area to 16 miles northeast of the VORTAC.

AMENDMENTS 8/19/71 36 F. R. 11723 (Added)

District of Columbia
That airspace extending upward from 1,200 feet above the surface within the territorial boundaries of the District of Columbia. The portion within P-56 is excluded.

Dixon, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Charles R. Walgreen Field, Dixon, Ill. (latitude 41°50'03" N., longitude 89°26'37" W.), and within 2 miles each side of the Polo, Ill., VORTAC 155° radial extending from the 5-mile radius area to the VORTAC.

Dodge City, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Dodge City Municipal Airport (lat. 37°45'45" N., long. 99°58'00" W.), and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of Dodge City Municipal Airport; within a 13-mile radius of the Dodge City VORTAC, and within 4½ miles east and 9½ west of the Dodge City VORTAC 341° radial extending from the 13-mile radius area to 18½ miles north of the VORTAC.

Dothan, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dothan Airport (latitude 31°19'10" N., longitude 85°27'30" W.); excluding the airspace within a 1.5-mile radius of Headland Minicipal Airport (latitude 31°21'45" N., longitude 85°18'30" W.), the portion that coincides with the Fort Rucker, Ala., transition area, and the airspace within 1.5 miles each side of Dothan VORTAC 350° radial; within a 6.5-mile radius of Wheelless Airport (lat. 31°13'35" N., long. 85°29'30" W.); excluding the portion northwest of Dothan VOR 237° radial.

AMENDMENTS 9/16/71 36 F. R. 13374 (Changed)

Douglas, Ariz.
That airspace extending upward from 700 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Douglas VORTAC 333° radial extending from the VOR to 18.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of the Douglas VORTAC, within a 23-mile radius of the Douglas VORTAC extending clockwise from the southwest edge of V-66 to the southeast edge of V-66, and within 5 miles east and 8.5 miles west of the Douglas VORTAC 347° radial extending from the 23-mile radius area to the Cochise VORTAC, excluding the portion within the Cochise, Ariz., transition area.

AMENDMENTS 7/22/71 36 F. R. 9067 (Rewritten)

V 37-20 JAN 29 72 XUM

Douglas, Wyo.
That airspace extending upward from 8,500 feet MSL, bounded on the north by latitude 42°44'00" N., and the east by V-169, on the southeast by V-89, on the south by V-100, on the west by V-19E and on the southwest by V-19E and V-247.

Dover, Del.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 39°07'45" N., 75°27'50" W. of Dover AFB, Dover, Del., and within 2 miles each side of the Dover AFB ILS localizer S course extending from the 9-mile radius to 8 miles S of the LOM, and within a 5-mile radius of the center 39°13'05" N., 75°35'55" W., of Dealaware Airpark, Dover-Cheswold, Del.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 39°26'20" N., 75°19'58" W. to 38°57'30" N., 74°59'20" W. to 38°06'40" N., 75°31'00" W. to 38°10'58" N., 75°42'50" W. to 38°15'20" N., 75°40'05" W. to 38°16'10" N., 75°42'20" W. to 38°23'00" N., 75°38'00" W. to 38°57'00" N., 75°53'00" W. to 39°10'00" N., 75°53'00" W. to point of beginning.

Dowagiac, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cass County Memorial Airport (latitude 41°50'30" N., longitude 86°07'30" W.), and within 2 miles each side of the Keeler, Mich., 181° radial extending from the 5-mile radius area to the Keeler VOR excluding the portion within the Benton, Harbor, Mich., and South Bend, Ind., transition areas.

Doylestown, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (40°20'20" N., 75°07'20" W.), of Central Bucks County Airport, Doylestown, Pa.; within 2 miles each side of the runway 5 centerline extended from the Doylestown, Pa., 5-mile radius area to 5 miles northeast of the end of the runway and within 2 miles each side of the Solberg, N. J., VORTAC 229° radial extending from the Doylestown, Pa., 5-mile radius area to 10 miles southwest of the VORTAC, excluding the portions which coincide with the North Philadelphia, Pa., and Readington, N. J., transition areas. This transition area is effective from sunrise to sunset, daily.

Drew, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Ruleville-Drew Airport (lat. 33°46'39" N., long. 90°31'27" W.).

AMENDMENTS 5/27/71 36 F. R. 9905 (Added)

Dublin, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Dublin Municipal Airport (lat. 32°33'55" N., long. 82°59'10" W.); within 2.5 miles each side of Dublin VORTAC 069° radial, extending from the 6-mile radius area to 1.5 miles east of the VORTAC.

AMENDMENTS 8/19/71 36 F. R. 11188 (rewritten)

Dublin, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (37°08'10" N., 80°40'50" W.) of New River Valley Airport, Dublin, Va.; and within 2 miles each side of Pulaski VOR 208° radial extending from the 7-mile radius area to 8 miles southwest of the VOR.

Dubois, Idaho
That airspace extending upward from 1,200 feet above the surface within 11 miles east and 7 miles west of the Dubois VOR 170° and 350° radials, extending from 10 miles north to 20 miles south of the VOR.

Du Bois, Pa.
That airspace extending upward from 700 feet above the surface within an 11.5 mile radius of the center, 41° 10'45" N., 78°53'45" W. of Du Bois-Jefferson County Airport and within 3.5 miles each side of the Du Bois ILS localizer northeast course extending from the 11.5-mile radius area to 11.5 miles northeast of the OM.

Dubuque, Iowa
That airspace extending upward from 700 feet above the surface within an 8½ mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); and within 4½ miles northeast and 9½ miles southwest of the Dubuque VORTAC 321° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence west along latitude 42°05'00" N., to and north along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile radius circle centered on the Waterloo, Iowa VORTAC, and to east along the south edge of V-100, to and clockwise along the arc of a 29-mile radius circle centered on the Dubuque VORTAC, to and southeast along the southwest edge of V-218, to and south along longitude 89°55'00" W., to and southwest along the northwest edge of V-216, and to west along the north edge of V-172, to and north along longitude 91°00'00" W. to the point of beginning, excluding the portion which overlies the State of Illinois.
AMENDMENTS 1/6/72 36 F. R. 20673 (Rewritten)

Duluth, Minn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Duluth International Airport (latitude 46°50'30" N., longitude 92°11'25" W.); within a 17.5-mile radius of the Duluth International Airport, extending from the Duluth VOR 262° radial clockwise to the Duluth VOR 058° radial; within 4½ miles north and 9½ miles south of Duluth localizer west course, extending from 4 miles east to 18½ miles west of the OM; and within 4½ miles east and 9½ miles west of the Duluth VORTAC 023° radial, extending from the 17.5-mile radius area to 28 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Duluth International Airport; within 8 miles northwest and 5 miles southeast of the Duluth VORTAC 051° radial, extending from the 35-mile radius area to 41 miles northeast of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the Duluth VORTAC 244° radial, extending from the 35-mile radius area to 41 miles southwest of the VORTAC; excluding the portions which overlie the Hibbing, Minn., and Cloquet, Minn., transition areas.

AMENDMENTS 1/6/72 36 F. R. 21583 (Rewritten)

Duncan, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Halliburton Field (latitude 34° 28' 30" N., longitude 97° 57' 30" W.), and within 2 miles each side of the Duncan VOR 157° and 337° radials, extending from the 5-mile radius area to 7 miles SE of the VOR.

Dunkirk, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°29'35" N., 79°16'20" W., of Dunkirk Municipal Airport, Dunkirk, N. Y.; within 2 miles northwest and 5 miles southeast of the Dunkirk, N. Y. VOR 046° radial extending from the VOR to 12 miles NE of the VOR; and within 2 miles each side of the Runway 15 centerline extanded from the 5-mile radius area to 10 miles southeast of the lift-off end of the runway.

Durango, Colo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the La Plata Airport (latitude 37°09'12" N., longitude 107°45'04" W.), and within 3.5 miles each side of the Durango VOR 224° radial, extending from the 7-mile radius area to 11.5 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles southeast and 6 miles northwest of the Durango VOR 224° and 044° radials, extending from 8 miles northeast to 25 miles southwest of the VOR.

AMENDMENTS 4/29/71 36 F. R. 4373 (Rewritten)

Dyersburg, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Dyersburg Municipal Airport (latitude 36°00'00" N., longitude 89°24'20" W.); within 3 miles each side of the Dyersburg VORTAC 078° radial, extending from the 6.5-mile radius area to 8.5 miles east of the VORTAC.

Eagle, Colo.
That airspace extending upward from 1,200 feet above the surface within 3 miles north and 2 miles south of the 083° and 263° bearings from the Eagle, Colo., RBN (latitude 39°38'37" N., longitude 106°54'36" W.) extending from 12 miles west to 3 miles east of the RBN; that airspace extending upward from 11,700 feet MSL within 5 miles south and 8 miles north of the 083° and 263° bearings from the Eagle, Colo., RBN extending from 7 miles east to 13 miles west of the RBN; that airspace extending upward from 12,200 feet MSL within 5 miles each side of the 083° bearing from the Eagle, Colo., RBN extending from 7 miles east to 16 miles east of the RBN; that airspace extending upward from 13,200 feet MSL within 5 miles each side of the 083° bearing from Eagle, Colo., RBN extending from 16 miles east to 26 miles east of the RBN.

Eagle Lake, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Eagle Lake Airport (latitude 29°36'00" N., longitude 96°19'26" W.); and within 2 miles each side of the Eagle Lake VOR 007° radial extending from the 5-mile radius area to 8 miles N of the VOR.

Eagle River, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eagle River Municipal Airport (latitude 45°55'45" N., longitude 89°16'00" W.); and within 3 miles each side of the 037° bearing from Eagle River Municipal Airport extending from the 5-mile radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 037° and 217° bearings from Eagle River Municipal Airport, extending from 6 miles southwest to 18½ miles northeast of the airport, excluding the portions which overlap the Rhinelander and Land O'Lakes, Wis., transition areas.

AMENDMENTS 7/22/71 36 F. R. 9622 (Added)

V 37-20 JAN 29 72 XUM

East Hampton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of East Hampton Airport (latitude 40°57'36" N., longitude 72°13'05" W.); and within 2 miles each side of the Hampton VOR 231° radial extending from the 6-mile radius area to 8 miles SW of the VOR.

Eastman, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Eastman-Dodge County Airport (latitude 32°12'51" N., longitude 83°07'42" W.).

Easton, Md.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (38°48'25" N., 76°04'15" W.) of Easton Municipal Airport, Easton, Md., and within 2 miles each side of the 038° bearing from the Easton RBN (38°48'25" N., 76°04'05" W.), extending from the 6-mile radius area to 8 miles northeast of the RBN.

East St.Louis, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Bi-State Parks Airport (latitude 38°34'21" N., longitude 90°09'28" W.), and within 8 miles SW and 5 miles NE of the 132° bearing from the Bi-State Parks Airport extending from the airport to 12 miles SE, excluding that portion which overlies the Belleville, Ill., transition area.

Eau Claire, Wis.
That airspace extending upward from 700 feet above the surface within 11½-mile radius of Eau Claire Municipal Airport (latitude 44°51'50" N., longitude 91°29'10" W.); and within 2 miles each side of the 202° radial of the Eau Claire VORTAC extending from the 11½-mile radius area to 14 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Eau Claire VORTAC; and that airspace extending upward from 4,000 feet MSL southwest of Eau Claire bounded on the east by V-129, on the southwest by V-2N, and on the north by V-268.

Ebensburg, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°27'40" N., 78°46'25" W., of Ebensburg Airport, Ebensburg, Pa.; within 2 miles each side of the Runway 24 centerline extended from the 6-mile radius area to 6 miles southwest of the end of the runway; within 2 miles each side of the Runway 28 centerline extended from the 6-mile radius area to 7 miles west of the end of the runway and within 2 miles each side of the Revloc, Pa., VORTAC 194° radial extending from the 6-mile radius area to the VORTAC, excluding the portion that coincides with the Johnstown, Pa., transition area.

Edenton, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Edenton Municipal Airport (latitude 36°01'30" N., longitude 76°33'30" W.); within 3 miles each side of the 218° and 352° bearings from Edenton RBN (latitude 36°01'33" N., longitude 76°33'57" W.), extending from the 6.5-mile radius area to 8.5 miles southwest and north of the RBN.

Edwards AFB, Calif.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Edwards AFB (latitude 34°54'20" N., longitude 117°52'55" W.), within 2 miles SE and 8 miles NW of the Edwards AFB TACAN 058° radial extending from the 15-mile radius area to 13.5 miles NE of the TACAN.

Eglin AFB, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Eglin AFB (latitude 30°29'10" N., longitude 86°31'50" W.), within a 9-mile radius of Eglin AF Aux No. 9 (Hurlburt Field) (latitude 30°25'40" N., longitude 86°41'20" W.) within an 8-mile radius of Eglin AF Aux No. 3 (Duke Field) (latitude 30°39'00" N., longitude 86°31'21" W.) within a 5-mile radius of Destin-Fort Walton Beach Airport (latitude 30°23'55" N., longitude 86°28'20" W.), excluding the airspace within R-2909, W-151, a 1.5-mile radius of the Fort Walton Beach Airport (latitude 30°24'20" N., longitude 86°49'45" W.) and a 9-mile radius of Bob Sikes Airport (latitude 30°46'45" N., longitude 86°31'10" W.).

PENDING AMENDMENT

Eglin AFB, Fla.
That airspace extending upward from 700 feet above the surface within 9-mile radii of Eglin AFB (lat. 30°29'07" N., long. 86°31'35" W.), Eglin AF Aux No. 3 (Duke Field) (lat. 30°39'01" N., long. 86°31'25" W.) and Eglin AF Aux No. 9 (Hurlburt Field) (lat. 30°25'42" N., long. 86°41'05" W.); within a 5-mile radius of Destin-Fort Walton Beach Airport (lat. 30°23'57" N., long. 86°28'47" W.); excluding the portions within R-2909, W-151, Crestview, Fla., transition area, and a 1.5-mile radius of Fort Walton Beach Airport (lat. 30°24'25" N., long. 86°49'40" W.).

AMENDMENTS 2/3/72 36 F. R. 23795 (Rewritten)

El Centro, Calif.
That airspace extending upward from 1,200 feet above the surface within 8 miles each side of the Imperial VORTAC 088° and 268° radials, extending from 15 miles E to 15 miles W of the VORTAC, and within 15 miles W and 5 miles E of the Imperial VORTAC 360° radial, extending from the VORTAC to 25 miles N of the VORTAC, excluding the portion under the jurisdiction of Mexico.

El Dorado, Ark.
That airspace extending upward from 700 feet above the surface within 5 miles southeast and 8 miles northwest of the El Dorado VORTAC 059° radial, extending from the VORTAC to 12 miles northeast; within 5 miles each side of the 239° radial, extending from the VORTAC to 5 miles southwest; and within 2 miles each side of the 236° radial, extending from the VORTAC to 18 miles southwest.

Elizabeth City, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of CGAS Elizabeth City (latitude 36°15'35" N., longitude 76°10'20" W.); within 3 miles each side of the 127° bearing from Weeksville RBN, extending from the 8.5-mile radius area to 8.5 miles southeast of the RBN; within 8 miles east and 5 miles west of Elizabeth City VOR 195° radial, extending from the 8.5-mile radius area to 12 miles south of the VOR; within 3 miles each side of Elizabeth City VOR 357° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; excluding the portion within R-5301B.

Elizabethtown, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elizabethtown-Hardin County Airport (lat. 37°45'13" N., long. 85°53'09" W.); within 2 miles each side of New Hope VOR 306° radial, extending from the 5-mile radius area to 9 miles northwest of the VOR; excluding the portion within Louisville transition area.

AMENDMENTS 10/14/71 36 F. R. 14635 (rewritten)

Elkhart, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Elkhart Municipal Airport (latitude 41°43'00" N., longitude 85°59'50" W.); and within 2 miles each side of the South Bend, Ind., VORTAC 101° radial, extending eastward from the 5-mile radius area to 23 miles east of the VORTAC, excluding the portion which overlies the South Bend, Ind., 700-foot floor transition area.

Elkins, W. Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 38° 53'20" N., long. 79°51'24" W. of Elkins-Randolph County Airport, Elkins, W. Va.; within 4 miles each side of the Elkins VORTAC 098° radial extending from the 6.5-mile radius area to 1.5 miles east of the VORTAC and within 4.5 miles east and 9.5 miles west of the 011° bearing from the Randolph County RBN, extending from the RBN to 18.5 miles north of the RBN. This transition area is effective from sunrise to sunset, daily.

AMENDMENTS 10/14/71 36 F. R. 14633 (Rewritten)

Elko, Nev.
That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9 miles west of the Elko VORTAC 161° radial, extending from the VORTAC to 19 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by an arc of a 17-mile radius circle centered on the Elko VORTAC extending clockwise from the 091° to the 258° radial of the Elko VORTAC, and that airspace bounded on the northwest and north by V-6, on the southeast by V-465 and on the south by V-32.

AMENDMENTS 4/29/71 36 F. R. 4480 (Rewritten)

Ellensburg, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowers Field (latitude 47°02'10" N., longitude 120°31'50" W.) and within 5 miles northeast and 9.5 miles southwest of the Ellensburg VORTAC 131° radial, extending from the VORTAC to 18.5 miles southeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 7 miles northwest and 10 miles southeast of the Ellensburg VORTAC 064° and 244° radials extending from 9 miles southwest to 20 miles northeast of the VORTAC, and that airspace southeast of Ellensburg within an arc of 16.5-mile radius circle centered on the Ellensburg VORTAC, extending clockwise from the south edge of V-2 to the Ellensburg VORTAC 114° radial; that airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-28, on the east by the west edge of V-28 west and on the southwest by the northeast edge of V-4.

AMENDMENTS 6/24/71 36 F. R. 8510 (Rewritten) Corr: 36 F. R. 11513

V37-20 JAN 29 72 XUM

Elmira, N.Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center of Chemung County Airport Elmira, N.Y., 42°09'37" N., 78°53'35" W. within 2 miles each side of the Elmira VOR 237° radial extending SW from the 12-mile radius area for 8 miles SW of the VOR: within 5 miles SE and 8 miles NW of the airport ILS NE localizer course extending from the 12-mile radius area to 12 miles NE of the Alpine RBN.

El Paso, Tex.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the El Paso International Airport (latitude 31°48'35" N., longitude 106°22'55" W.), extending clockwise from the 016° to the 196° bearings from the El Paso International Airport; within 2 miles each side of the Newman, Tex., VOR 040° radial, extending from the 15-mile radius area to 12 miles NE of the VOR, excluding the portion outside of the United States.

Ely, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely VOR, and within 5 miles NE and 8 miles SW of the Ely VOR 303° radial, extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface within the arc of a 17-mile radius circle centered on the Ely VOR, extending clockwise from a line 5 miles SW of and parallel to the Ely VOR 332° radial to a line 5 miles E of and parallel to the Ely VOR 007° radial, and within 5 miles each side of the Ely VOR 167° radial, extending from the VOR to 21 miles S of the VOR.

Elyria, Ohio
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°20'40" N., 82°10'40" W., of Lorain County Regional Airport and within 3.5 miles each side of the Cleveland VORTAC 300° radial, extending from the 9-mile radius area to 9.5 miles northwest of the VORTAC, excluding the portion that coincides with the Cleveland, Ohio 700-foot transition area.

Emporia, Kans.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Emporia VORTAC 134° radial extending from the arc of a 5-mile radius circle centered on the Emporia Municipal Airport (latitude 38°20'00" N., longitude 96°11'15" W.) to 8 miles SE of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Emporia VORTAC 134° radial extending from the VORTAC to 12 miles SE of the VORTAC.

Emporia, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 36°41'15" N., 77°29'10" W., of Emporia Municipal Airport, Emporia, Va.; within 2 miles each side of the Runway 27 centerline extended from the 6-mile radius area to 6 miles west of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 6 miles northwest of the end of the runway and within 2 miles each side of the 135° bearing from the Emporia RBN (36°40'58" N., 77°28'57" W.) extending from the 6-mile radius area to 8 miles southeast of the RBN.

Endicott, N. Y.
That airspace extending upward from 700-feet above the surface within a 5-mile radius of the center 42°04'45" N., 76°05'50" W., of Tri-Cities Airport, Endicott, N. Y.; within 2 miles each side of the Binghamton, N. Y. VORTAC 340° and 160° radials, extending from the 5-mile radius area to 8 miles north of the VORTAC; within 2 miles each side of the Runway 27 centerline extended from the 5-mile radius area to 10 miles west of the end of the runway; within 2 miles each side of the Runway 9 centerline extended from the 5-mile radius area to 6 miles east of the end of the runway; within 2 miles each side of the Runway 21 centerline extended from the 5-mile radius area to 12 miles southwest of the end of the runway; and within 2 miles each side of the Runway 3 centerline extended from the 5-mile radius area to 10 miles northeast of the end of the runway, excluding the portion that coincides with the Binghamton, N. Y., transition area. This transition area shall be effective from sunrise to sunset, daily.

Enid, Okla.
That airspace extending upward from 700 feet above the surface within 10 miles E and W of Vance AFB runway 17R-35L, extending to 15 miles N and S of Vance AFB (latitude 36°20'20" N., longitude 97°55'00" W.); and within 5 miles W and 8 miles E of the Woodring VOR 355° radial, extending from 2 miles SE of the VOR to 12 miles N of the VOR, and within 5 miles W and 8 miles E of the Woodring VOR 185° radial, extending from the VOR to 12 miles S.

Erie, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Erie International Airport (latitude 42°04'56" N., longitude 80°10'44" W.); within 5 miles NW, and 8 miles SE of the Erie ILS localizer SW course, extending from the ILS OM to 12 miles SW of the Erie VORTAC; and within 2 miles each side of the Cascade RBN 054° bearing, extending from the 7-mile radius area to 8 miles northeast of the RBN.

Escanaba, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 8 miles west and 5 miles east of the Escanaba VORTAC 007° radial, within 8 miles north and 5 miles south of the Escanaba VORTAC 101° radial and within 8 miles south and 5 miles north of the Escanaba VORTAC 266 radial, extending from the VORTAC to 12 miles north, east, and west of the VORTAC; and within 8 miles west and 5 miles east of the 349° bearing from Escanaba Municipal Airport, extending from the airport to 15 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Escanaba VORTAC.

Estherville, Iowa
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Estherville Municipal Airport (latitude 43°25'00" N., longitude 94°44'45" W.); and within 3 miles each side of the 175° bearing from Estherville Municipal Airport, extending from the 6½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 175° and 355° bearings from Estherville Municipal Airport extending from 6 miles north to 18½ miles south of the airport.

AMENDMENTS 7/22/71 36 F. R. 9620 (Rewritten)

Eufaula, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Weedon Field (latitude 31°57'05" N., longitude 85°07'45" W.); within 3 miles each side of Eufaula VOR 014° radial, extending from the 6.5-mile radius area to 8.5 miles north of the VOR.

Eugene, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles east and 8 miles west of the Eugene VORTAC 007° radial, extending from the VORTAC to 14 miles north of the VORTAC; within 2 miles southeast and 3 miles northwest of the Eugene VORTAC 030° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; within 2 miles each side of the Eugene VORTAC 272° radial, extending from the VORTAC to 12 miles west of the VORTAC, and that airspace southwest of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of an 18-mile radius circle centered on the Eugene VORTAC, on the northwest by a line 2 miles northwest of and parallel to the Eugene VORTAC 224° radial, and on the north by an arc of a 5-mile radius circle centered on Mahlon-Sweet Field (latitude 44°07'25" N., longitude 123°13'05" W.); that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Eugene VORTAC 272° radial, extending from the VORTAC to V-27; within 16 miles west and 10 miles east of the Eugene VORTAC 015° and 195° radials, extending from 26 miles north to 22 miles south of the VORTAC; within 6 miles east and 9 miles west of the Eugene VORTAC 172° radial, extending from the VORTAC to 39 miles south of the VORTAC, and that airspace southwest of Eugene bounded on the southeast by the northwest edge of V-121, on the northwest by the southeast edge of V-287, and on the north by a line 5 miles south of and parallel to the Eugene VORTAC 272° radial and that airspace northeast of Eugene bounded on the north by the south edge of V-536, on the south by the north edge of V-121, and on the northwest by the southeast edge of V-23E.

Eunice, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eunice Airport (latitude 30°28'00" N., longitude 92°25'30" W.) and within 2 miles each side of the Lafayette VORTAC 310° radial extending from the 5-mile radius area to 6 miles southeast of the approach end of Runway 34.

Evadale, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Evadale Airport (latitude 30°19'30" N., longitude 94°04'24" W.), and within 2 miles each side of the 150° bearing from the Evadale RBN (latitude 30°24'16" N., longitude 94°07'37" W.), extending from the 5-mile radius area to the RBN.

Evansville, Ind.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Dress Memorial Airport (latitude 38°02'15" N., longitude 87°31'45" W.); and within 2 miles each side of the Evansville VORTAC 060° radial, extending from the 10-mile radius area to the VORTAC.
AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)

Fairbanks, Alaska
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 64°49'40" N., longitude 147°34'00" W., within a 7-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.), and within 2 miles each side of the Eielson VOR 122° radial, extending from the 7-mile radius area to 7 miles southeast of the VOR; within 8 miles west and 5 miles east of the 018° radial of the Fairbanks VORTAC, extending from the 20-mile radius area to 35 miles north of the VORTAC; and within 8 miles east and 5 miles west of the 168° radial of the Fairbanks VORTAC, extending from the 20-mile radius area to 35 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface beginning at latitude 68°00'00" N., longitude 153°00'00" W. to latitude 68°00'00" N., longitude 144°00'00" W. to latitude 63°10'00" N., longitude 144°00'00" W. to latitude 62°38'00" N., longitude 145°41'00" W. to latitude 62°45'00" N., longitude 148°48'00" W. to latitude 62°59'00" N., longitude 150°15'00" W. to latitude 63°00'00" N., longitude 151°10'00" W. to latitude 64°00'00" N., longitude 153°00'00" W. to point of beginning, excluding the portion within Restricted Areas R-2202A, R-2202B, R-2205, and R-2206.

V 37-20 JAN 29 72 XUM

Fairfield, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fairfield-Municipal Airport (latitude 41°03'15" N., longitude 91°58'40" W.); and within 3 miles each side of the 188° bearing from Fairfield Municipal Airport, extending from the 5-mile radius area to 11 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 008° and 188° bearings from Fairfield Municipal Airport, extending from 3 miles north to 21½ miles south of the airport, excluding the portion which overlies the Ottumwa, Iowa, transition area.

Fairmont, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fairmont Municipal Airport (latitude 43°38'41" N., longitude 94°25'04" W.); within 3 miles each side of the 132° bearing from Fairmont Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and within 3 miles each side of the 319° bearing from Fairmont Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the Fairmont Municipal Airport, extending from the airport to 18½ miles southeast of the airport; and within 4½ miles northeast and 9½ miles southwest of the 319° bearing from Fairmont Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

AMENDMENTS 1/6/72 36 F. R. 20673 (Rewritten)

Fallon, Nev.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of the NAAS Fallon TACAN, and within 2 miles NE and 2.5 miles SW of the Fallon TACAN 296° radial, extending from the 11-mile radius area to 15 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface within 11 miles NW and 7 miles SE of the Hazen, Nev., VOR 061° and 241° radials, extending from 5 miles SW to 30 miles NE of the VOR, excluding the portion W of longitude 119°00'00" W.; within 5 miles each side of the NAAS Fallon TACAN 039° radial, extending from the TACAN to 30 miles NE of the TACAN; within 12 miles SW and 10 miles NE of the Fallon TACAN 139° and 319° radials, extending from 10 miles NW to 23 miles SE of the TACAN; within a 20-mile radius of the Fallon TACAN extending clockwise from the TACAN 050° to the 110° radials; and that airspace extending upward from 9,500 feet MSL within 12 miles SW and 10 miles NE of the NAAS Fallon TACAN 139° radial, extending from 23 miles to 44 miles SE of the TACAN.

Falmouth, Mass.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within a 6-mile radius of Barnstable Airport, Hyannis, Mass., (latitude 41°40'10" N., longitude 70°16'45" W.); within 5 miles NW and 8 miles SE of the Barnstable Airport ILS localizer NE course, extending from the OM to 12 miles NE of the OM; within a 4-mile radius of the Chatham Airport, Chatham, Mass. (latitude 41°41'20" N., longitude 69°59'25" W.); within a 6-mile radius of Martha's Vineyard Airport, Martha's Vineyard, Mass., (latitude 41°23'35" N., longitude 70°36'50" W.), and within 5 miles NW and 8 miles SE of the Martha's Vineyard VOR 055° radial, extending from the VOR to 12 miles NE of the VOR; within 2 miles each side of the 183° bearing from Edgartown RBN, extending from the 6-mile radius area to 8 miles S of the RBN; and within a 5-mile radius of the Oak Bluffs Airport, Oak Bluffs, Mass. (latitude 41°26'25" N., longitude 70°34'10" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning
at latitude 42°13'20" N., longitude 70°15'30" W., thence to latitude 42°10'50" N., longitude 70°03'00" W., to latitude 41°40'29" N., longitude 69°46'32" W., to latitude 41°38'00" N., longitude 69°45'10" W., to latitude 41°21'00" N., longitude 69°45'10" W., to latitude 41°09'06" N., longitude 70°00'00" W., to latitude 41°10'25" N., longitude 70°12'50" W., to latitude 41°04'00" N., longitude 70°42'30" W., to latitude 41°12'45" N., longitude 70°42'30" W., to latitude 41°21'00" N., longitude 70°48'00" W., to latitude 41°42'00" N., longitude 70°48'00" W., to latitude 41°53'30" N., longitude 70°56'30" W., thence to the point of beginning; and that airspace extending upward from 2,000 feet MSL bounded on the N by Control 1142, on the SE by Control 1143, and on the W by a line extending through latitude 41°40'29" N., longitude 69°46'32" W. and latitude 42°10'50" N., longitude 70°03'00" W., excluding the portion within the Nantucket, Mass., transition area.

AMENDMENTS 10/14/71 36 F. R. 13830 (Changed)

Farewell, Alaska
That airspace extending upward from 1,200 feet above the surface within 8 miles S and 8 miles N of the 110° and 290° bearings from the Farewell RR, extending from 13 miles W to 13 miles E of the RR.

Fargo, N. Dak.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hector Field (latitude 46°55'05" N., longitude 96°48'50" W.); within 2 miles each side of the Fargo ILS localizer north course, extending from the 7-mile radius area to 8 miles north of the RBN; within 2 miles each side of the Fargo VORTAC 007° radial, extending from the 7-mile radius area to 24 miles north of the VORTAC; and within 5 miles west and 8 miles east of the Fargo ILS localizer south course, extending from 5 miles north to 12 miles south of the LOM; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Fargo VORTAC; within a 36-mile radius of the Fargo VORTAC, extending from a line 9 miles west of and parallel to the Fargo VORTAC 353° radial, clockwise to a line 5 miles east of and parallel to the Fargo VORTAC 034° radial; and within 10 miles east and 7 miles west of the Fargo VORTAC 187° radial, extending from the 35-mile radius area to 56 miles south of the VORTAC.

Faribault-Owatonna, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport extending from the Faribault 5-mile radius area to 9 miles south of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface in the Faribault-Owatonna terminal area bounded on the north by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.), on the east by V-82, on the south by V-24 and on the west by V-170, excluding the portion which overlies the Hope, Minn., and Rochester, Minn., transition areas.

Farmington, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Farmington Municipal Airport (latitude 37°45'45" N., longitude 90°26'30" W.); and within 1½ miles each side of the Farmington VORTAC 300° radial, extending from the 9-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Farmington VORTAC 120° and 300° radials, extending from 5½ miles northwest to 18½ miles southeast of the VORTAC, excluding the portion which overlies the Perryville, Mo., transition area.

Farmington, N. Mex.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Farmington Municipal Airport (lat. 36°44'28" N., long. 108°13'39" W.) within 3.5 miles each side of the Farmington VORTAC 086° radial extending from the 11-mile radius area to 12 miles east of the VORTAC, and within 4.5 miles each side of the Farmington VORTAC 265° radial extending from the 11-mile radius area to 23 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Farmington VORTAC excluding the portion within the Durango, Colo., transition area.

AMENDMENTS 4/1/71 36 F. R. 1886 (Rewritten)

Farmville, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 37° 21'22" N., long. 78°26'16" W. of Farmville Municipal Airport, Farmville, Va.

AMENDMENTS 11/11/71 36 F. R. 18640 (Added)

Fayetteville, Ark.
That airspace extending upward from 700 feet above the surface within a 27.5-mile radius of latitude 36°12'00" N., longitude 94°14'00" W., within 5 miles each side of the Drake VOR 186° radial extending from the 27.5-mile radius area to 19 miles south of the VOR, and within 5 miles east and 10 miles west of the Fayetteville VORTAC 005° radial extending from the 27.5-mile radius area to 33.5 miles north of the VORTAC.

Fayetteville, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Fayetteville Municipal Airport (Grannis Field) (latitude 34°59'35" N., longitude 78°52'50" W.); within a 10-mile radius of Pope AFB (latitude 35°10'15" N., longitude 79°00'55" W.); within 9.5 miles northwest and 4.5 miles southeast of Pope AFB ILS loclaizer northeast course, extending from the 10-mile radius area to 18.5 miles northeast of the LOM; excluding the portion within R-5311.

Fayetteville, Tenn.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fayetteville Municipal Airport (lat. 35°03'28" N., long. 86°33'53" W.); within 3 miles each side of the 188° bearing from Highland RBN (lat. 35°03'32" N., long. 86°33'58" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 6/24/71 36 F. R. 6414 (Added): Effective date changed to 5/27/71 Corr: 36 F. R. 7582

Fergus Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Fergus Falls Municipal Airport (latitude 46°17'10" N., longitude 96°09'35" W.); and within 3 miles each side of the 187° bearing from Fergus Falls Municipal Airport, extending from the 6½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles west and 9½ miles east of the 187° and 007° bearings from Fergus Falls Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 007° bearing from Fergus Falls Municipal Airport, extending from the airport to 12 miles north of the airport.

V 37 20 JAN 29 72 XUM

Festus, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Festus Memorial Airport (latitude 38°11'45" N., longitude 90°23'00" W.); and within 3 miles each side of the 180° bearing from Festus Memorial Airport, extending from the 7-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 180° bearing from Festus Memorial Airport extending from the airport to 18½ miles south of the airport, excluding the portion that overlies the State of Illinois.

AMENDMENTS 9/16/71 36 F. R. 13373 (Added)

Findlay, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Findlay Airport (latitude 41°00'55" N., longitude 83°40'15" W.); within 2 miles each side of the 248° bearing from the Findlay RBN extending from the Findlay Airport 6-mile radius area to 8 miles west of the RBN; within 2 miles each side of the 178° bearing from the Findlay RBN, extending from the Findlay Airport 6-mile radius area to 8 miles south of the RBN; within a 5-mile radius of the center 40°53'15" N., 83°52'00" W., of Bluffton Flying Service Airport, Bluffton, Ohio; within 2 miles each side of the Findlay VORTAC 051° radial and 231° radial, extending from the Bluffton Flying Service Airport 5-mile radius area to 8 miles northeast of the VORTAC, and within 2 miles each side of the Findlay VORTAC 225° radial, extending from the VORTAC to the Bluffton Flying Service Airport 5-mile radius area; and that airspace extending upward from 1200 feet above the surface bounded by a line extending from latitude 40° 51' 00" N., longitude 84° 00' 00" W.; to latitude 41° 18' 00" N., longitude 84° 07' 00" W.; to latitude 41° 11' 00" N., longitude 83° 19' 00" W.; to latitude 40° 50' 00" N., longitude 83° 30' 00" W.; to the point of beginning.

Fire Island, N. Y.
That airspace extending upward from 8,500 feet MSL bounded on the north by Control 1169, on the southeast by a line 10 nautical miles southeast of and parallel to the southeast boundary of V-139, on the southwest by Control 1147 and on the northwest by V-139.

Fitzgerald, Ga.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fitzgerald Municipal Airport (lat. 31°41'00" N., long. 83°16'00" W.); within 3 miles each side of the 200° bearing from Fitzgerald RBN (lat. 31°41'06" N., long. 83°16'00" W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN.

AMENDMENTS 9/18/71 36 F. R. 12005 (Added)

Five Finger, Alaska
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Five Finger RBN, and within 2 miles each side of the 349° and 189° bearings from the Five Finger RBN, extending from the RBN to 8 miles N and 8 miles S of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles E and 5 miles W of the 189° and 009° bearings, extending from 7 miles N to 13 miles S of the RBN, and within 8 miles W and 5 miles E of the 349° and 169° bearings, extending from 13 miles N to 7 miles S of the RBN.

Flagstaff, Ariz. (Pulliam Airport)
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.); that airspace extending upward from 1,200 feet above the surface within an arc of a 26-mile radius circle centered on the Flagstaff VOR (latitude 35°08'50" N., longitude 111°40'24" W.), extending from a line 5 miles NW of and parallel to the Flagstaff VOR 054° radial clockwise to a line 5 miles N of and parallel to the Flagstaff VOR 297° radial, and within 9 miles N and 6 miles S of the Flagstaff VOR 096° radial extending from the 26-mile radius area to 35 miles E of the VOR, excluding that portion within R-2302.

PENDING AMENDMENT
Flagstaff, Ariz. (Pulliam Airport)
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Pulliam Airport (latitude 35°08'16" N., longitude 111°40'17" W.), and that airspace extending upward from 1,200 feet above the surface within 9.5 miles each side of the Flagstaff VOR 127° and 307° radials, extending from 8 miles northwest to 19 miles southeast of the VOR, excluding that portion within R-2302.

AMENDMENTS 3/2/72 36 F. R. 24797 (Rewritten)

Flint, Mich.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the OM; and within a 4-mile radius of Owosso City Airport, Owosso, Mich. (latitude 42°59'30" N., longitude 84°08'00" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 42°46'00" N., on the east by the east boundary of V-42 east and longitude 83°30'00" W., on the north by latitude 43°18'00" N., and on the west by longitude 84°05'00" W.

Flippin, Ark.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Flippin Municipal Airport (latitude 36°17'30" N., longitude 92°35'30" W.); within 3.5 miles each side of the Flippin VOR 086° radial extending from the Flippin Municipal Airport 9.5-mile radius area to 8.5 miles east of the VOR; within an 8-mile radius of Mountain Home Municipal Airport (latitude 36°22'00" N., longitude 92°28'00" W.); and within 3.5 miles each side of the Flippin VOR 172° radial extending from the Mountain Home Municipal Airport 8-mile radius area to 8.5 miles south of the VOR.

AMENDMENTS 11/11/71 36 F. R. 18639 (Rewritten)

Florence, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Florence Municipal Airport (latitude 34°11'17" N., longitude 79°43'28" W.).

V 37-20 JAN 29 72 XUM

Florida

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Florida including the airspace within 3 nautical miles of and parallel to the shoreline of Florida; that airspace east of Jacksonville, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 30°43'05" N., longitude 81°21'00" W., thence to latitude 30°44'00" N., longitude 81°18'10" W., thence clockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and east along latitude 30°17'30" N., to longitude 81°01'30" W., thence to latitude 30°09'00" N., longitude 81°02'15" W., to latitude 29°54'00" N., longitude 81°02'15" W., to latitude 29°56'00" N., longitude 81°14'50" W.; that airspace east of Melbourne, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline, and the arc of a 25-mile radius circle centered on Patrick AFB, Cocoa, Fla. (latitude 28°24'21" N., longitude 80°36'28" W.); that airspace east of Palm Beach, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 30-mile radius circle centered on the Palm Beach VORTAC; that airspace east and south of Miami, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and the arc of a 50-mile radius circle centered on the Miami International Airport (latitude 25°47'34" N, longitude 80°17'10" W.); that airspace surrounding Key West, Fla., beginning at latitude 25°04'05" N., longitude 81°58'15" W., thence clockwise along the arc of a 35-mile radius circle centered on the Key West VORTAC to latitude 24°08'50" N., longitude 82°04'35" W., to latitude 24°13'00" N., longitude 82°02'30" W., to latitude 24°13'00" N., longitude 82°21'00" W., to latitude 24°25'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 82°32'00" W., to latitude 24°45'00" N., longitude 81°56'30" W., to latitude 24°49'00" N., longitude 81°55'00" W., to point of beginning; that airspace northeast of Key West bounded on the west by B-19, on the south and east by V-35 and on the north by the arc of a 50-mile radius circle centered on the Miami International Airport; that airspace southwest of Fort Myers, Fla., bounded by a line 3 nautical miles from the shoreline and the arc of a 20-mile radius circle centered on the Fort Myers VORTAC; that airspace north, west, and south of Tampa, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 26°30'00" N., and a point 3 nautical miles from the shoreline, thence west along latitude 26°30'00" N., to the east boundary of W-168, thence north and west along the boundary of W-168, to longitude 83°42'00" W., thence to the north boundary of Control 1226 at longitude 83°47'50" W., thence east along the north boundary of Control 1226, to and clockwise along the arc of a 42-mile radius circle centered on MacDill AFB (latitude 27°50'57" N., longitude 82°31'38" W.) to a point 3 nautical miles from the shoreline; that airspace south of Panama City, Fla., bounded by a line 3 nautical miles from the shoreline and a line extending from latitude 29°43'10" N., longitude 85°27'00" W., to latitude 30°04'00" N., longitude 85°56'00" W., to latitude 30°11'10" N., longitude 85°56'00" W.; that airspace south of Eglin AFB bounded by a line 3 nautical miles from the shoreline and a line extending from latitude 30°15'00" N., longitude 86°04'15" W., to latitude 30°10'30" N., longitude 86°07'30" W., to latitude 30°07'30" N., longitude 86°13'00" W., to latitude 30°07'30" N., longitude 86°24'00" W., to latitude 30°14'46" N., longitude 86°28'40" W., to latitude 30°06'00" N., longitude 86°29'50" W., to latitude 30°00'00" N., longitude 86°34'00" W., to latitude 30°00'00" N., longitude 86°44'00" W., to latitude 30°05'00" N., longitude 86°47'58" W., to latitude 30°09'30" N., longitude 86°47'58" W., to latitude 30°20'30" N., longitude 86°41'00" W.; that airspace
south of Pensacola, Fla., bounded by a line 3 nautical miles from and parallel to the shoreline and a line extending from latitude 30°18'20" N., longitude 87°00'00" W., to latitude 29°54'00" N., longitude 87°15'17" W., thence clockwise along the arc of a 30-mile radius circle centered at latitude 30°20'19" N., longitude 87° 20'00" W., to latitude
30°02'50" N., longitude 87°42'20" W., to latitude 30°04'00" N., longitude 87°41'20" W., thence clockwise along the arc of a 30-mile radius circle centered on NAS Pensacola TACAN, to latitude 30°09'45" N., longitude 87°45'45" W., to latitude 30°11'20" N., longitude 87°44'15" W., thence along a line 3 nautical miles from and parallel to the shoreline to latitude 30°13'15" N., longitude 87°32'55" W.; that airspace southwest of Miami extending upward from 1,700 feet MSL bounded on the northeast by a line 3 nautical miles from and parallel to the shoreline, on the southeast by V-51, on the south by the arc of a 35-mile radius circle centered on the Key West VORTAC and on the west by V-225E; that airspace extending upward from 2,000 feet MSL; east of Jacksonville beginning at latitude 30°44'00" N., longitude 81°18'10" W., to latitude 30°45'15" N., longitude 80°58'50" W., to latitude 30°17'30" N., longitude 81°01'30" W., thence west along latitude 30°17'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC to point of beginning; that airspace south of Marathon, Fla., bounded on the north by V-35, on the east by longitude 80°25'00" W., on the south by latitude 24°30'00" N., and on the west by Control 1233; that airspace southwest of Fort Myers, Fla., bounded on the south by Control 1230, on the east by V-225, on the northeast by the arc of a 20-mile radius circle centered on the Fort Myers VORTAC, on the north by latitude 26°30'00" N., and on the west by W-168 and a line extending from latitude 26°10'00" N., longitude 82°17'00" W., to the north boundary of Control 1230 at longitude 82°15'00" W.; that airspace northwest of Tampa bounded on the east by V-35W, on the west by V-97 and on the north by V-7W; that airspace west of Tampa extending upward from 4,700 feet MSL bounded
on the northeast by V-97 and V-97W, on the southeast by the arc of a 42-mile radius circle centered on MacDill AFB, on the south by Control 1226, on the northwest by the Cross City VOR 212° radial from the southwest boundary of V-97 to the St. Petersburg VORTAC 280° radial, then west along this radial to Control 1226, excluding: That portion within W-151 east of the INT of the north boundary of Control 1226, and the St. Petersburg VORTAC 280° radial; that portion southeast of a line extending from
latitude 29°43'35" N., longitude 84°39'00" W., to latitude 29°47'00" N., longitude 84°40'00" W., to latitude 29°52'30" N., longitude 84°34'40" W., thence to the west boundary of V-7W at latitude 29°52'30" N.

Including the additional airspace extending upward from 2,000 feet above the surface bounded by a line beginning at lat. 27°19'00" N., long. 82°47'00" W.; to lat. 26°04'30" N., long. 82°14'30" W.; to lat. 26°10'00" N., long. 82°58'00" W.; to lat. 26°10'00" N., long. 83°30'00" W.; to lat. 27°19'00" N., long. 83°42'00" W.; to point of beginning.

Including the airspace south of Pensacola, Fla., extending upward from 2,000 feet MSL, bounded by a line beginning at the intersection of long. 88°01'30" W. and a line 3 NM from and parallel to the shoreline, thence east along a line 3 NM from and parallel to the shoreline to long. 86°48'00" W., thence south along long. 86° 48'00" W., to lat. 29°25'20" N., thence west to lat. 29°36'00" N., long. 88°01'30" W., thence north along long. 88°01'30" W. to point of beginning; excluding the portion that coincides with the 1,200-foot transition area.

Florida transition area continued on next page.

AMENDMENTS 8/18/71 36 F. R. 15743 (Changed)
AMENDMENTS 10/14/71 36 F. R. 15742 (Changed)
AMENDMENTS 10/14/71 36 F. R. 20418 (Changed)
AMENDMENTS 11/11/71 36 F. R. 18192 (Changed)
AMENDMENTS 11/11/71 36 F. R. 19360 (Changed)

PENDING AMENDMENT

In the Florida transition area between the phrases "lat. 29°56'00" N., long. 81°14'50" W.;" and "that airspace east of Melbourne, Fla," the phrase "that airspace extending upward from 1,200 feet above the surface to and including 12,000 feet above the surface bounded by a line beginning at the intersection of a line 3 nautical miles east of and parallel to the shoreline and lat. 29°29'00" N., thence east along lat. 29°29'00" N., to and clockwise along the arc of a 23-nautical mile radius circle centered on the Daytona Beach Regional Airport (lat. 29°10'49" N., long. 81°03'23" W.), to and north along a line 3-nautical miles east of and parallel to the shoreline to point of beginning;" is added.

AMENDMENTS 3/2/72 36 F. R. 23796 (Changed)

Forrest City, Ark.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Forest City Municipal Airport (latitude 34°56'42" N., longitude 90°46'16" W.), and within 3.5 miles each side of the 180° bearing from the Forrest City RBN (latitude 34°56'28" N., longitude 90°46'24" W.) extending from the 5.5-mile radius area to 11.5 miles south of the RBN.

Fort Bridger, Wyo.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Bridger Municipal Airport (latitude 41°24'00" N., longitude 110°25'00" W.), and within 3.5 miles each side of the Fort Bridger VORTAC 224° radial extending from the 5-mile radius area to 12 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles southeast and 9 miles northwest of the Fort Bridger VORTAC 044° and 224° radials, extending from 19 miles southwest to 8 miles northeast of the VORTAC

Fort Collins, Colo.

That airspace extending upward from 700 feet above the surface within 9.5 miles east and 5 miles west of the 173° and 353° bearings from the Fort Collins-Loveland RBN (latitude 40°26'49" N., longitude 105°00'22" W.) extending from 6.5 miles north to 18.5 miles south of the RBN.

Fort Dodge, Iowa

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Fort Dodge Municipal Airport (latitude 42°33'05" N., longitude 94°11'10" W.); that airspace extending upward from 1,200 feet above the surface within a 14-mile radius of Fort Dodge VOR, extending from the Fort Dodge VOR 261° radial clockwise to the Fort Dodge VOR 055° radial; within a 25-mile radius of Fort Dodge VOR, extending from the Fort Dodge VOR 055° radial clockwise to the Fort Dodge VOR 261° radial; within 4½ miles southwest and 9½ miles northeast of the Fort Dodge VOR 127° radial, extending from the 25-mile radius area to 32 miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Fort Dodge VOR 307° radial, extending from the 14-mile radius area to 18½ miles northwest of the VOR; and that airspace extending upward from 3,500 feet MSL south and east of Fort Dodge bounded on the north by V-100, on the east by V-13, on the south by V-172 and on the northwest by V-136.

Fort Huachuca, Ariz.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Libby AAF, Fort Huachuca, Airz. (latitude 31°35'00" N., longitude 110°20'30" W.), within 2 miles each side of the 114° bearing from the Libby AAF RBN, extending from the 6-mile radius area to 15 miles SE of the RBN, and within 2 miles each side of the Libby AAF VOR 121° radial, extending from the 6-mile radius area to 15 miles SE of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the N by the Tucson, Ariz., transition area, on the NE by the SW edge of V-66, on the E by longitude 109°44'00" W., on the S by a line beginning at latitude 31°25'00" N., longitude 109°44'00" W., thence to latitude 31°25'00" N., longitude 110°-07'00" W., thence to latitude 31°23'00" N., longitude 110°07'00" W., thence to latitude 31°23'00" N., longitude 110°12'00" W., thence to latitude 31°25'00" N., longitude 110°12'00" W., thence to latitude 31°25'00" N., longitude 110°30'00" W., and on the W by longitude 110°30'00" W.

Fort Jones, Calif.

That airspace extending upward from 9,500 feet MSL bounded on the NE by V-23 and V-23W, on the S by latitude 41°19'00" N., and on the W by longitude 123°01'00" W.

V 37-20 JAN 29 72 XUM

Fort Leonard Wood, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Forney AAF (latitude 37°44'30" N., longitude 92°06'25" W.); within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 323° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southwest and 9½ miles northeast of the 146° and 326° bearings from Forney AAF RBN, extending from Forney AAF to 18½ miles southeast of the Forney AAF RBN; and within 4½ miles southwest and 9½ miles northeast of the Forney AAF VOR 152° radial extending from the VOR to 18½ miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the following direct radials: Maples, Mo., VORTAC to Forney AAF VOR; Maples VORTAC to Forney AAF RBN; Vichy, Mo., VORTAC to Forney AAF VOR; and Vichy VORTAC to Forney AAF RBN; and within 5 miles each side of the Forney AAF VOR 086° radial and the Forney AAF RBN 080° bearing extending from the VOR and the RBN to V-72, excluding the portions which overlie the Vichy and Maples, Mo., transition areas.

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)

Fort Madison, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Madison Municipal Airport (latitude 40°39'30" N., longitude 91°19'30" W.); and within 2 miles each side of the Burlington, Iowa VORTAC 258° radial, extending from the 5-mile radius area to 12 miles west of the VORTAC excluding the portion which overlies the Burlington, Iowa, transition area.

Fort Myers, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Page Field (lat. 26°35'09" N., long. 81°51'51" W.); within 3 miles each side of the 220° bearing from Tice RBN, extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN; within 5 miles each side of Fort Myers VORTAC 126°, 213°, and 318° radials, extending from the 8.5-mile radius area to 8.5 miles southeast, southwest, and northwest of the VORTAC.

AMENDMENTS 4/29/71 36 F. R. 2965(Rewritten)
AMENDMENTS 5/27/71 36 F. R. 5211 (Changed)
AMENDMENTS 5/27/71 36 F. R. 6741 (Changed)

Fort Polk, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Polk AAF (latitude 31°02'40" N., longitude 93°11'25" W.); within 2 miles each side of the 160° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 10 miles SE of the south fan marker; and within 2 miles each side of the 340° bearing from the Polk AAF RBN, extending from the 5-mile radius area to 8 miles NW of the north fan marker.

Fort Rucker, Ala.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 31°38'00" N., longitude 86°23'30" W.; thence northeast via V-70 to V-7; thence south via V-7 to V-241; thence southwest via V-241 to and clockwise along the arc of a 5-mile radius circle centered at latitude 31°03'00" N., longitude 86°19'33" W.; to latitude 31°03'00" N., longitude 86°24'30" W.; to the point of beginning.

Fort Scott, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Scott Municipal Airport (latitude 37°47'45" N., longitude 94°46'10" W.); and within 2 miles each side of the 348° bearing from Fort Scott Municipal Airport, extending from the 5-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 348° bearing from Fort Scott Municipal Airport, extending from the airport to 12 miles north of the airport.

Fort Smith, Ark.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the Fort Smith Municipal Airport (latitude 35°20'10" N., longitude 94°22'05" W.), within an 11.5-mile radius of the Fort Smith VORTAC extending clockwise from the 078° to the 155° radials of the VORTAC, within 6 miles northwest and 5 miles southeast of the Fort Smith VORTAC 053° radial extending from the 12.5 and 11.5-mile radius areas to 12 miles northeast of the VORTAC, within 2 miles each side of the Fort Smith VORTAC 239° radial extending from the 12.5-mile radius area to 20 miles southwest of the VORTAC, and within 2 miles each side of the Fort Smith ILS localizer west course extending from the 12.5-mile radius area to 8 miles west of the Peno Bottoms RBN (latitude 35°19'21" N., longitude 94°28'28" W.).

Fort Stockton, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos County Airport (latitude 30°55'00" N., longitude 102°54'30" W.), within 6 miles each side of the Fort Stockton VORTAC 308° and 128° radials extending from the airport to 8 miles northwest of the VORTAC, and within 7 miles each side of the Fort Stockton VORTAC 128° radial extending from 9 miles southeast to 21 miles southeast of the VORTAC.

Fortuna, Calif.
That airspace extending upward from 700 feet above the surface within two miles each side of the Fortuna, California, VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna, Calif., VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC, and within 2.5 miles southwest and 3.5 miles northeast of the 309° and 129° bearings from the Rohnerville Airport, Calif. (latitude 40°33'15" N., longitude 124°07'53" W.) extending from 7.5 miles northwest to 3 miles southeast of the airport.

AMENDMENTS 5/27/71 36 F. R. 4753 (Rewritten)

Fort Wayne, Ind.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Fort Wayne VORTAC; and within an 18½-mile radius of Fort Wayne VORTAC, extending from the Fort Wayne VORTAC 194° radial clockwise to the Fort Wayne VORTAC 335° radial; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°45'40" N., longitude 84°50'00" W.; to latitude 41°48'10" N., longitude 84°50'00" W., to latitude 41°48'00" N., longitude 84°46'00" W., to latitude 41°44'00" N., longitude 84°28'00"W., to latitude 41°32'00" N., longitude 84°31'00" W., to latitude 41°21'00" N., longitude 84°40'00" W., to latitude 40°46'00" N., longitude 84°40'00" W., to latitude 40°31'30" N., longitude 84°48'15" W., thence along the Indiana State boundary to the point of beginning.

AMENDMENTS 2/4/71 35 F. R. 18508 (Rewritten)

Fort Yukon, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'15" N., longitude 145°15'10" W.), and within 2 miles either side of the 062° bearing from the Fort Yukon RBN extending from the 5-mile radius area to 8 miles NE of the RBN.

Frankfort, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Capital City Airport (lat. 38°10'55" N., long. 84°54'16" W.); within 3 miles each side of the 062° bearing from Jett RBN (lat. 38°12'56" N., long. 84°49'32" W.), extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within 3 miles each side of Frankfort VOR 063° radial, extending from the 8.5-mile radius area to 8.5 miles northeast of Jett RBN; within 3 miles each side of Frankfort VOR 240° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR.

AMENDMENTS 10/14/71 36 F. R. 14382 (Added)

Franklin, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (41° 22'45" N., 79°51'40" W.) of Chess-Lamberton Airport, Franklin, Pa.: within 3.5 miles each side of the Franklin, Pa., VOR 360° radial, extending from the 7-mile radius area to 11.5 miles north of the VOR and within 3.5 miles each side of the 102° bearing from the Cranberry, Pa., RBN (41°21'51" N., 79°46'10" W.), extending from the 7-mile radius area to 11.5 miles east of the RBN.

AMENDMENTS 9/16/71 36 F. R. 13133 (Changed)
AMENDMENTS 12/9/71 36 F. R. 17643 (Changed)

Franklin, Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 36°41'50" N., 76°54'15" W. of John Beverly Rose Field-Franklin Municipal Airport; and within 3.5 miles each side of the 083° bearing from 36°42'07" N., 76°53'20" W., extending from this point to 11.5 miles east.

Frederick, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the canter 39°24'50" N., 77°22'35" W., of Frederick Municipal Airport, Frederick Md.; within 3.5 miles each side of the Frederick VOR 032° radial, extending from the 5-mile radius area to 11.5 miles northeast of the VOR; within 2 miles each side of the Runway 19 centerline extended from the 5-mile radius area to 6 miles south of the end of the runway and within 2 miles each side of the Frederick VOR 075° radial, extending from the 5-mile radius area to 7 miles east of the VOR.

Fredericksburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°15'40" N., 77°26'20" W. of Shannon Airport, Fredericksburg, Va., and within 2 miles each side of the Brooke, Va., VORTAC 227° radial, extending from the 6-mile radius area to 1 mile southwest of the VORTAC.

Freeport, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Albertus Airport (latitude 42°14'50" N., longitude 89°34'45" W.); and within 2 miles each side of the 065° bearing from Albertus Airport, extending from the 6-mile radius area to 8 miles northeast of the airport.

V 37-20 JAN 29 72 XUM

Fremont, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Fremont Airport, Fremont, Michigan (latitude 43°26'30" N., longitude 85°59'30" W.) and within 2 miles each side of the White Cloud, Michigan, VOR 236° radial, extending from the 4-mile radius area to 23 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles NW, and 5 miles SE of the White Cloud VOR 236° radial, extending from 5 miles SW of the VOR to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W) excluding the portion within the White Cloud, Michigan, transition area.

Fremont, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Fremont Municipal Airport (latitude 41°26'55" N., longitude 96°30'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 334° bearing from Fremont Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

Fremont, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 41° 20'00" N., long. 83°09'40" W. of Progress Field, Fremont, Ohio, and within 2.5 miles each side of the Waterville, Ohio, VORTAC 108° radial, extending from the 5-mile radius area to 19.5 miles east of the VORTAC.

AMENDMENTS 4/29/71 36 F. R. 4691 (Rewritten)

Fresno, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chandler Municipal Airport (latitude 36°43'55" N., longitude 119°49'05" W.); within 2 miles each side of the 232° bearing from the Fresno RBN, extending from the 5-mile radius area to 8 miles SW of the RBN; within 2 miles each side of the Fresno VORTAC 185° radial, extending from the 5-mile radius area to the VORTAC, excluding the portion within the arc of a 5-mile radius circle centered on the Fresno Air Terminal, and the portion NE of a line 2 miles SW of and parallel to the Fresno VORTAC 143° radial, extending from the arc of a 5-mile radius circle centered on Fresno Air Terminal to the VORTAC; within 2 miles W and 4 miles E of the Fresno VORTAC 158° radial, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 16 miles SE of the VORTAC, and within 2 miles each side of the Fresno ILS localizer SE course, extending from the arc of a 5-mile radius circle centered on the Fresno Air Terminal to 13 miles SE of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°29'00" N., longitude 119°15'00" W., to latitude 36°49'00" N., longitude 118°46'00" W., to latitude 36°39'00" N., longitude 118°46'00" W., to latitude 36°39'00" N., longitude 119°09'00" W., to latitude 36°00'00" N., longitude 118°45'00" W., thence west via latitude 36°00'00" N., to longitude 119°30'00" W., thence north via longitude 119°30'00" W., to the west edge of V-23, thence north via the west edge of V-23 to latitude 36°37'00" N., longitude 119°56'00" W., to latitude 37°02'00" N., longitude 120°18'00" W., to point of beginning.

AMENDMENTS 8/19/71 36 F. R. 11722 (Changed)

Fryeburg, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 43° 59'28" N., long. 70°56'53" W., of Eastern Slopes Airport, Fryeburg, Maine, and within 4.5 miles north and 8.5 miles south of the 118° bearing and the 298° bearing from the Fryeburg NDB, lat. 43°59'21" N., long. 70°56'58" W., extending from 5.5 miles west of the NDB to 11.5 miles east of the NDB, excluding the portions within the North Conway, N. H., area.

AMENDMENTS 10/14/71 36 F. R. 14312 (Added)

Fulton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 43° 21' 05" N., 76°23'20" W. of Oswego County Airport, Fulton, N. Y.

Gadsden, Ala.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Gadsden Municipal Airport (latitude 33°58'25" N., longitude 86°05'14" W.).

Gage, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gage Municipal Airport (latitude 36°17'45" N. longitude 99°46'30" W.).

Gainesville, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gainesville Municipal Airport (lat. 29°41'22" N., long. 82°16'28" W.); excluding the portion within a 1-mile radius of Stengel Field Airport (lat. 29°37'30" N., long. 82°23'00" W.).

AMENDMENTS 8/19/71 36 F. R. 12005 (Rewritten)

Gainesville, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lee Gilmer Memorial Airport (lat. 34°16'37" N., long. 83°49'42" W.); within 9.5 miles southeast and 4.5 miles northwest of the 216° bearing from Gainesville RBN (lat. 34°16'30" N., long. 83°49'56" W.), extending from the RBN to 18.5 miles southwest; excluding the portion within the Lawrenceville, Ga., transition area.
AMENDMENTS 6/24/71 36 F. R. 7304 (Rewritten)

Gaithersburg, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°09'54" N., 77°09'39" W. of Montgomery County Airport, Gaithersburg, Md., and within 2 miles each side of the Gaithersburg RBN 008° bearing extending from the 5-mile radius area to 8 miles north of the RBN.

Galax, Va.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, lat. 36°45'52" N., long. 80°49'20" W. of Twin County Airport; and within 4.5 miles each side of the Pulaski VORTAC 196° radial, extending from the 10.5-mile radius area to 8 miles south of the VORTAC.
AMENDMENTS 11/11/71 36 F. R. 18640 (Added)

Galena, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Galena VORTAC 089° radial extending from the control zone extension east boundary to 12 miles E of the VORTAC; within 2 miles S and 5 miles N of the Galena VORTAC 269° radial extending from the control zone boundary to 19 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 28-mile radius of the Galena VORTAC; within a 40-mile radius of the Galena VORTAC extending from the 240° radial clockwise to the 298° radial and extending from the 28-mile radius area to 40 miles W of the VORTAC; and within a 35-mile radius of the Galena VORTAC extending from the 089° radial clockwise to the 119° radial and extending from the 28-mile radius area to 35 miles E of the VORTAC.

Galesburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 5 miles E and 8 miles W of the Galesburg VOR 019° radial extending from the VOR to 12 miles N of the VOR; and within 5 miles NW and 8 miles SE of the Galesburg VOR 214° radial extending from the VOR to 12 miles SW of the VOR.

Galeton, Pa.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 41°39' 50" N., 77°49'15" W., of Cherry Springs Airport, Galeton, Pa., and within 2 miles each side of the Slate Run, Pa., VOR 037° radial extending from the 5.5-mile radius area to the VOR. This transition area shall be in effect from sunrise to sunset, daily.
PENDING AMENDMENT
Galeton, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 41° 40'00" N., long. 77°49'15" W., of Cherry Springs Airport, Galeton, Pa.
AMENDMENTS 3/2/72 37 F. R. 135 (Rewritten)

Gallup, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.); within 3.5 miles each side of the Gallup VORTAC 242° radial, extending from the 9-mile radius area to 11.5 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface witnin an area bounded by a line beginning at latitude 35°47'30" N., longitude 108°34'00" W.; to latitude 35°26'50" N., longitude 108°34'00" W.; to latitude 35°13'15" N., longitude 109°06'00" W.; to latitude 35°20'25" N., longitude 109°10'40" W.; to latitude 35°52'00" N., longitude 108°47'00" W., to point of beginning, excluding the portion which coincides with the State of New Mexico transition area.

AMENDMENTS 12/9/71 36 F. R. 19905 (Rewritten)

Garden City, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Garden City Municipal Airport (latitude 37°55'49" N., longitude 100°43'40" W.), within 3 miles each side of the 144° and 324° bearings from Garden City RBN, extending from the 7-mile radius to 8 miles northwest of the RBN; and 4½ miles east and 9½ miles west of the 004° radial of the Garden City VORTAC extending from the 7-mile radius to 18½ miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Garden City VORTAC; within 4½ miles west and 9½ miles east of the 171° radial of the Garden City VORTAC extending from the 15-mile radius to 18½ miles south of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the 324° bearing from the Garden City RBN extending from the 15-mile radius area to 18½ miles northwest of the RBN; and the area southwest of Garden City bounded on the north by the south edge of V-10, on the east by the west edge of V-17W, and on the southwest by the northeast edge of V-210; and the area northeast of the Garden City VORTAC bounded on the northwest by the southeast edge of V-255, on the south by the north edge of V-10, and on the east by 100° W. longitude, excluding that portion of which overlies the Dodge City, Kans. and Liberal, Kans. 1,200-foot floor transition areas.

AMENDMENTS 12/9/71 36 F. R. 19573 (Rewritten)

V 37-20 JAN 29 72 XUM

Gaylord, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Otsego County Airport (latitude 45°00'50" N., longitude 84°41'45" W.) and that airspace extending upward from 1,200 feet above the surface within 9½ miles north and 4½ miles south of the 085° bearing from the Otsego County Airport; extending from the airport to 18½ miles east of the airport and within 5 miles each side of the 265° bearing from the Otsego County Airport; extending from the airport to 12 miles west of the airport; that airspace extending upward from 5,000 feet MSL within the area east of Gaylord bounded on the northeast by V-45 on the southeast by V-45W and on the west by V-297; and within the area west and north of Gaylord bounded on the east by V-297 on the south by V-430 and on the northwest by V-193.

Georgetown, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gerogetown Municipal Airport (latitude 30°40'47" N., longitude 97°40'52" W.).

Georgia
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Georgia including the offshore airspace within 3 nautical miles from the parallel to the shoreline of Georgia and including the additional airspace outside the United States southeast of Savannah bounded by a line beginning at latitude 32°03'25" N., longitude 80°48'30" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 31°30'00" N., longitude 80°51'05" W.; to latitude 31°30'00" N., longitude 80°47'30" W.; to latitude 31°11'30" N., longitude 81°01'10" W.; to latitude 30°44'00" N., longitude 81°18'10" W.; to latitude 30°43'05" N., longitude 81°21'00" W.; thence north via a line 3 nautical miles from and parallel to the shoreline to the point of beginning, and including the airspace extending upward from 2,000 feet MSL southeast of Brunswick bounded by a line beginning at latitude 31°11'30" N., longitude 81°01'10" W.; to latitude 30°45'15" N., longitude 80°58'50" W.; to latitude 30°44'00" N., longitude 81°18'10" W.; thence northeast to point of beginning, excluding the portion within R-6004.

Gibson City, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Gibson City Municipal Airport, latitude 40°29'00" N., longitude 88°16'00" W., and within 2 miles either side of the Roberts VORTAC 220° radial extending from the 5-mile radius northeast to Roberts VORTAC.

AMENDMENTS 1/6/72 36 F. R. 21582 (Added)

Gillette, Wyo.
That airspace extending upward from 700 feet above the surface within 6 miles east and 9.5 miles west of the Gillette VOR (latitude 44°20'52" N., longitude 105°32'34" W.) 176° and 356° radials, extending from 8 miles south to 18.5 miles north of the VOR. That airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct line between the Crazy Woman VORTAC and the Gillette VOR.

Glasgow, Ky.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow Municipal Airport (lat. 37°01'54" N., long. 85°57'10" W.); within 3 miles each side of the 252° bearing from Glasgow RBN (lat. 37°01'03" N., long. 86°00'33" W.), extending from the 9-mile radius area to 8.5 miles west of the RBN.

AMENDMENTS 5/27/71 36 F. R. 6414 (Added)

Glasgow, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Glasgow International Airport (latitude 48°12'50" N., longitude 106°37'10" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Glasgow VOR 327° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4 miles east and 9½ miles west of the 342° bearing from Glasgow International Airport, extending from the airport to 18½ miles north of the airport; within 4½ miles southwest and 9½ miles northeast of the Glasgow VOR 127° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles south and 9½ miles north of the 112° bearing from Glasgow International Airport, extending from the airport to 18½ miles east of the airport.

Glendive, Mont.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Dawson Community Airport (latitude 47°08'20" N., longitude 104°48'25" W.); and within 4½ miles northeast and 9½ miles southwest of the 325° bearing from Dawson Community Airport, extending from the 12-mile radius area to 18½ miles northwest of the airport.

Glens Falls, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°20'32" N., 73°36'35" W. of Warren County Airport, Glens Falls, N. Y. and within 2 miles each side of the Glens Falls VOR 172° radial extending from the 7-mile radius area to 15 miles south of the VOR; within 2 miles each side of the centerline of Runway 30 extended from the 7-mile radius area to 14 miles west of the end of the runway; and within 2 miles each side of the centerline of Runway 1 extended from the 7-mile radius area to 13.5 miles north of the end of the runway.

Gloucester, Mass.
That airspace east of Gloucester extending upward from 11,000 feet MSL bounded by Contol 1141, Control 1142, and Control 1143. This transition area is effective from 0000 to 0600 and 1801 through 2350 hours, local time, Monday through Friday and continuous on Saturday and Sunday.

Gloucester, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°23'45" N., 76°31'50" W. of the Gloucester Airport, Gloucester, Va.; and within 2 miles each side of the 110° radial of the Harcum, Va., VOR, extending from the 5-mile radius area to the VOR, excluding the portion within the West Point, Va., transition area.

Goldsboro, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Seymour-Johnson AFB (latitude 35°20'20" N., longitude 77°57'50" W.); within 2 miles each side of Seymour Johnson TACAN 073° radial, extending from the 9-mile radius area to 8 miles east of the TACAN; within 2.5 miles each side of Seymour Johnson TACAN 253° radial, extending from the 9-mile radius area to 21 miles west of the TACAN; within 3 miles each side of the ILS localizer west course, extending from the 9-mile radius area to 8.5 miles west of the LOM; within a 6.5-mile radius of Goldsboro-Wayne Municipal Airport (latitude 35°27'30" N., longitude 77°58'00" W.).

Goodland, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Renner Field-Goodland Municipal Airport (latitude 39°22'10" N., longitude 101°41'55" W.); and within 5 miles each side of the Goodland VORTAC 163° radial, extending from the 7-mile radius area to 12 miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Goodland VORTAC 343° radial, extending from the VORTAC to 12 miles north of the VORTAC; within a 17-mile radius of Goodland VORTAC, extending from the Goodland VORTAC 096° radial clockwise to the Goodland VORTAC 249° radial; and within 4½ miles west and 9½ miles east of the Goodland VORTAC 163° radial, extending from the 17-mile radius area to 18½ miles south of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 18192 (Rewritten)
AMENDMENTS 9/16/71 36 F. R. 13372 (Rewritten)

Gordonsville, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 38°09'20" N., 78°10'15" W., of Gordonsville Municipal Airport, Gordonsville, Va.; within 2 miles each side of the Gordonsville VOR 356° radial extending from the 5-mile radius area to the VOR.

Gorman, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by Long. 118°45' 00" W, on the S by Lat. 34°30'00" N, on the W by Long. 119°30'00" W, and on the N by Lat. 35°05'00" N.

Goshen, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Goshen, Ind., Airport (latitude 41°31'43" N., longitude 85°47'48" W.), and within 2 miles each side of the Goshen, Ind., VORTAC 090° radial extending from the 5-mile radius area to the VORTAC.

Graham, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Graham Municipal Airport (latitude 33°06'20" N., longitude 98°33'10" W.), and within 2 miles each side of the 014° bearing from the Graham RBN (latitude 33°07'48" N., longitude 98°32'59" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

Grain Valley, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the East Kansas City Airport (latitude 39°00'55" N., longitude 94°12'45" W.); and within 5 miles each side of the 312° radial of the Blue Springs, Mo., VORTAC extending from the 6½-mile radius area to 8 miles northwest of the VORTAC, excluding the portion which overlies the Kansas City, Mo., 700-foot floor transition area.

Grand Canyon, Ariz. (Grand Canyon National Park Airport)
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Grand Canyon National Park Airport (latitude 35°57'16" N., longitude 112°08'37" W.), and within 2 miles each side of the Grand Canyon VOR 211° radial extending from the 3-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°00'00" N., longitude 112°27'00" W., to latitude 36°05'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°00'00" W., to latitude 35°42'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°07'00" W., to latitude 35°38'00" N., longitude 112°27'00" W., thence to point of beginning; and that airspace within 5 miles each side of a direct line between the Grand Canyon, Ariz., VOR and Boulder City, Nev., VORTAC extending from the Grand Canyon VOR to 21 miles west of the VOR.

V 37-20 JAN 29 72 XUM

Grand Forks, N. Dak.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), within 4.5 miles west and 9.5 miles east of the Grand Forks VORTAC 173° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, and within a 10-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.); that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Grand Forks AFB, and within a 29-mile radius of Red River VOR, extending clockwise from a line 5 miles east of and parallel to the Red River VOR 180° radial to a line 5 miles northwest of and parallel to the Red River VOR 209° radial.

AMENDMENTS 10/14/71 36 F. R. 15114 (Rewritten)

Grand Island, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Grand Island County Airport (latitude 40°58'03" N., longitude 98°18'30" W.); within 4½ miles northeast and 9½ miles southwest of the Grand Island VORTAC 303° radial, extending from the 10-mile radius area to 18½ miles northwest of the VORTAC; and within 4½ miles east and 9½ miles west of the Grand Island VORTAC 360° radial, extending from the 10-mile radius area to 18½ miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Grand Island VORTAC, extending from the Grand Island VORTAC 273° radial clockwise to the Grand Island VORTAC 084° radial; within a 27-mile radius of Grand Island VORTAC, extending from the Grand Island VORTAC 084° radial clockwise to the Grand Island VORTAC 273° radial and within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 17-mile radius area to V-172, excluding the portion which overlies the Hastings, Nebr., transition area.

AMENDMENTS 10/14/71 36 F. R. 15111 (Rewritten)

Grand Isle, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Grand Isle seaplane base (latitude 29° 15' 45" N., longitude 89° 57' 40" W.), and within 2 miles each side of the Grand Isle RBN 052° bearing, extending from the 5-mile radius area to the RBN; within 2 miles each side of the Grand Isle VORTAC 052° radial extending from the 5-mile radius area to the VORTAC, and within 2 miles each side of the Grand Isle VORTAC 050° radial extending from the 5-mile radius area to 20 miles northeast of the VORTAC.

Grand Junction, Colo.
That airspace extending upward from 700 feet above the surface within 8 miles northwest and 5 miles southeast of the Grand Junction VORTAC 247° and 067° radials extending from 13 miles southwest to 14 miles northeast of the VORTAC and within 2 miles south and 10 miles north of the Grand Junction VORTAC 110° radial extending from the VORTAC to 22 miles southeast; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Grand Junction VORTAC, within 5 miles each side of the Grand Junction VORTAC 166° radial extending from the 35-mile radius area to 38 miles S of the VORTAC, within 5 miles each side of the Grand Junction ILS localizer NW course extending from the 35-mile radius area to the INT of the localizer NW course and the Grand Junction VORTAC 318° radial.

Grand Marais, Minn.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Devils Track Municipal Airport (latitude 47°49'35" N., longitude 90°22'45" W.); and within 4½ miles north and 9½ miles south of the 103° bearing from the Devils Track Municipal Airport, extending from the airport to 18½ miles east of the airport except for that portion which overlies P-204; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 273° bearing from the Devils Track Municipal Airport extending from the airport to 12 miles west of the airport.

AMENDMENTS 4/29/71 36 F. R. 4370 (Rewritten)

Grand Rapids, Mich.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Kent County Airport (latitude 42°52'50" N., longitude 85°31'25" W.); within 2 miles each side of the 261° bearing from the Kent County Airport extending from the 9-mile radius area to 15½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the north by a line 6 miles north of and parallel to the centerline of V-216 east of the Muskegon, Mich., VORTAC and on the west, south, and east by the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.); and a line beginning at latitude 42°54'35" N., longitude 86°13'00" W., extending to latitude 42°45'25" N., longitude 86°23'40" W.; to latitude 42°35'00" N., longitude 86°17'30" W.; to latitude 42°35'00" N., longitude 86°00'00" W.; to latitude 42°38'00" N., longitude 86°00'00" W.; to latitude 42°38'00" N., longitude 85°15'00" W.; to latitude 43°16'00" N., longitude 85°15'00" W.; to latitude 43°16'00" N., longitude 85°02'00" W.; to latitude 43°27'00" N., longitude 85°02'00" W.

Grand Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Grand Rapids Municipal Airport (latitude 47°12'45" N., longitude 93°30'34" W.); and 5 miles each side of the Grand Rapids VOR 162° radial, extending from the 9½-mile radius area to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the Grand Rapids VOR 162° radial extending from the VOR to 18½ miles south of the VOR.

AMENDMENTS 12/9/71 36 F. R. 20034 (Rewritten)

Grandview, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within a 6-mile radius of Johnson County Airport (latitude 38°51'00" N., longitude 94°44'15" W.); and within 3 miles each side of the 183° bearing from Johnson County Airport, extending from the 6-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within the area bounded on the south by latitude 38°00'00" N., on the west by the east edge of V-12; on the north by the arc of a 10-mile radius circle centered on the Kansas City, Mo., Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); and on the east by the west edge of V-159, excluding the portion which overlies the Emporia and Wichita, Kans., transition areas.

Grantsburg, Wis.
That airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the Grantsburg VOR 018° and 198° radials, extending from 7 miles S to 13 miles N of the VOR.

Grayling, Mich.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Grayling Army Airfield (latitude 44°40'45" N., longitude 84°43'45" W.); excluding that portion which overlies restricted areas R-4201 and R-4202; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 4.5 miles southwest of the 316° bearing from the Grayling Army Airfield extending to 25 miles northwest of the airport excluding that portion which overlies R-4201.
AMENDMENTS 9/16/71 36 F. R. 13373 (Added)

Great Barrington, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°11'05" N., 73°24'15" W., of Great Barrington Airport, Great Barrington, Mass.; within 2 miles each side of the Runway 5 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the Runway 11 centerline extended from the 5-mile radius area to 13 miles east of the end of the runway; within 2 miles each side of the Runway 23 centerline extended from the 5-mile radius area to 12 miles southwest of the end of the runway; within 2 miles each side of the Runway 29 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 5 miles east and 8 miles west of the 152° bearing from Great Barrington, Mass., RBN 42°10'58" N., 73°24'17" W., extending from the RBN to 12 miles southeast of the RBN.

Great Bend, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Great Bend Municipal Airport (latitude 38°20'50" N., longitude 98°51'47" W.); and within 2 miles each side of the 301° bearing from Great Bend Municipal Airport, extending from the 7-mile radius area to 10 miles NW of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles NE and 8 miles SW of the 301° bearing from Great Bend Municipal Airport, extending from the airport to 14 miles NW of the airport.

Great Bend, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°03'25" N., 75°43'15" W., of Wheeler-Sack AAF, N. Y.; within 2 miles each side of the Wheeler-Sack AAF runway 15 centerline, extended from the 5-mile radius area to 5 miles southeast of the end of the runway; within 2 miles each side of the Wheeler-Sack AAF runway 21 centerline, extended from the 5-mile radius area to 7.5 miles south of the end of the runway; within 3 miles each side of the Watertown, N. Y., VOR 069° radial, extending from the 5-mile radius area to the VOR.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°52'00" N., 75°54'00" W., to 43°50'30" N., 75°53'30" W., to 43°51'30" N., 75°40'00" W., to 43°59'30" N., 75°30'00" W., to 44°08'00" N., 75°30'00" W., to 44°10'30" N., 75°31'00" W., to 44°13'00" N., 75°42'20" W. to point of beginning, excluding the portion which coincides with the Watertown, N. Y. 700-foot and 1,200-foot transition area.

Great Falls, Mont.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Malmstrom Air Force Base (latitude 47°30'05" N., longitude 111°11'20" W.) and within 3½ miles each side of the Truly RBN 180° bearing, extending from the 17-mile radius area to 9 miles south of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Malmstrom AFB; within 12 miles north and 8 miles south of the Great Falls VOR 074° radial, extending from the 40-mile radius area to 61 miles east of the VOR; and within 12 miles south and 8 miles north of the Great Falls VOR 272° radial extending from the 40-mile radius area to 56 miles west of the VOR.
AMENDMENTS 1/6/72 36 F. R. 21280 (Rewritten)

V 37-20 JAN 29 72 XUM

Greeley, Colo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Weld County Airport (latitude 40°25'35" N., longitude 104°37'45" W.) and within 3.5 miles each side of the Gill VOR 038° and 218° radials extending from the 6-mile radius area to 11 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 10 miles northwest and 7 miles southeast of the Gill VOR 038° and 218° radials, extending from 20 miles northeast to 13 miles southwest of the VOR.

Green Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Austin-Straubel Airport, Green Bay, Wis. (latitude 44°29'16" N., longitude 88°07'49" W.); within 2½ miles each side of the Green Bay ILS southwest localizer course extending from the 9-mile radius to 8 miles southwest of the OM; within 5 miles each side of the Green Bay VORTAC 326° radial, extending from the 9-mile radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the Green Bay ILS localizer northeast course extending from the 9-mile radius to 14 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within a 26-mile radius circle centered on the Green Bay VORTAC between the 032° and the 086° radius of the VORTAC.

AMENDMENTS 1/6/72 36 F. R. 20674 (Rewritten)

Greeneville, Tenn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Greeneville Municipal Airport (lat. 36°11'30" N., long. 82°49'01" W.); within 9.5 miles southeast and 4.5 miles northwest of the 038° bearing from Greene County RBN (lat. 36°11'26" N., long. 82°48'50" W.), extending from the RBN to 18.5 miles northeast of the RBN; excluding the portion within the Tri-City, Tennessee transition area.

AMENDMENTS 2/4/71 35 F. R. 19171 (Added)

Greensboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greensboro/High Point/Winston-Salem Regional Airport (latitude 36°05'36" N., longitude 79°56'34" W.); within 3 miles each side of Greensboro VORTAC 035° radial, extending from the 8.5-mile radius area to 20 miles northeast of the VORTAC; within 3 miles each side of Greensboro VORTAC 207° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VORTAC; within 9.5 miles southwest and 4.5 miles northeast of Greensboro ILS localizer northwest course, extending from the LOM to 18.5 miles northwest.

Greenville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Greenville, Ill., Airport (latitude 38°50'10" N., longitude 89°22'40" W.) and within 2 miles each side of the 348° bearing from Greenville Airport, extending from the 5-mile radius area to 8 miles north of the airport.

PENDING AMENDMENT
Greenville, Maine
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 45°27'47" N., long. 69°33'21" W.), Greenville Municipal Airport, Greenville, Maine, within 3.5 miles each side of a 212° bearing from the Greenville, Maine, NDB, extending from the 8.5-mile radius area to a point 10 miles southwest of the Greenville NDB, within a 6.5-mile radius of the center (lat. 45°28'10" N., long. 69°36'00" W.) Greenville Seaplane Base, Greenville, Maine, within 3.5 miles each side of a 181° bearing from the Greenville NDB extending from the 6.5-mile radius area to a point 9.5 miles south of the Greenville NDB.

AMENDMENTS 3/2/72 37 F. R. 136 (Added)

Greenville, Miss.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville Municipal Airport (latitude 33°29'05" N., longitude 90°59'20" W.); within 3 miles each side of the Greenville VOR 358° radial, extending from the 8.5-mile radius area to 8.5 miles north of the VOR.

Greenville, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Pitt-Greenville Airport (latitude 35°37'55" N., longitude 77°23'05" W.); within 3 miles each side of the 007° bearing from Greenville RBN (latitude 35°42'32" N., longitude 77°22'03" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

Greenville, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenville Municipal Downtown Airport (lat. 34°50'54" N., long. 82°21'01" W.); within an 8.5-mile radius of Donaldson Center Airport (lat. 34°45'17" N., long. 82°22'30" W.); within a 9.5-mile radius of Greenville-Spartanburg Airport (lat. 34°53'45" N., long. 82°13'04" W.); within 4 miles each side of Greenville-Spartanburg ILS localizer northeast course, extending from the 9.5-mile radius area to 15 miles northeast of the airport.

Greenville, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Majors Airport (latitude 33°04'00" N., longitude 96°03'45" W.); and within 2 miles each side of the Majors VOR 188° radial, extending from the 7-mile radius area to 8 miles S of the VOR.

Greenwood, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Greenwood-Leflore Airport (latitude 33°29'30" N., longitude 90°04'50" W.); within 1.5 miles each side of the Greenwood VORTAC 081° radial, extending from the 10-mile radius area to the VORTAC.

Greenwood, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Greenwood County Airport (latitude 34°15'00" N., longitude 82°09'35" W.).

Griffith, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffith, Ind., Airport (latitude 41°31'10" N., longitude 87°23'55" W.), and within 2 miles each side of the Chicago Heights, Ill., VORTAC 089° radial extending from the 5-mile radius area to the VORTAC, excluding the airspace within the Chicago, Ill., transition area.

Groton, Conn.
That airspace extending upwards from 700 feet above the surface within the area bounded by a line beginning at 41°10'30" N., 72°00'00" W. to 41°12'00" N., 72°10'00" W. to 41°18'00" N., 72°14'00" W. to 41°27'00" N., 72°09'00" W. to 41°25'00" N., 71°42'00" W. to 41°18'00" N., 71°42'00" W. to 41°16'00" N., 71°49'00" W. to 41°13'00" N., 71°48'00" W. to point of beginning.

Guam Island
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 13°46'35" N. longitude 144°51'15" E., thence clockwise along the arc of a 12-nmi radius circle centered on Anderson AFB (latitude 13°35'00" N., longitude 144°55'00" E.), to latitude 13°23'50" N., longitude 145°01'00" E., thence to latitude 13°08'45" N., longitude 144°29'20" E., thence to latitude 13°29'45" N., longitude 144°18'30" E., thence to point of beginning.
and that airspace extending upward from 1,200 feet above the surface within a 100-nautical mile radius of the Agana VOR and within a 35-nautical mile radius of the Saipan RBN, excluding the portion within W-517.

AMENDMENTS 10/14/71 36 F. R. 15741 (Changed) Corr: 36 F. R. 18508

Guard Island, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the 247° and the 067° bearings from the Guard Island RBN extending from 7 miles northeast to 13 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the 150° and 330° bearings from the Guard Island RBN extending from 8 miles southeast to 19 miles northwest of the RBN.

Gulfport, Miss.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gulfport Municipal Airport (latitude 30°24'27.5" N., longitude 89°04'05" W.); within 9.5 miles southwest and 4.5 miles northeast of Gulfport VORTAC 325° radial, extending from the VORTAC to 18.5 miles northwest; within an 8.5-mile radius of Keesler AFB
(latitude 30°24'39.2" N., longitude 88°55'25.9" W.); within 3 miles each side of the 036° bearing from Keesler RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within 2 miles each side of Keesler TACAN 045° radial, extending from the 8.5-mile radius area to 13 miles northeast of the TACAN; within 2 miles each side of Keesler TACAN 205° radial, extending from the 8.5-mile radius area to 13 miles southwest of the TACAN.

Gulkana, Alaska
That airspace extending upward from 1,200 feet above the surface within 7 miles east and 10 miles west of the Gulkana TACAN 350° and 170° radials extending from 18 miles north to 25 miles south of the TACAN.

Gunnison, Colo.
That airspace extending upward from 700 feet above the surface within 9.5 miles northwest and 8 miles southeast of the Gunnison VORTAC 045° and 225° radials extending from 12 miles northeast to 19 miles southwest of the VORTAC.

V 37-20 JAN 29 72 XUM

Gustavus, Alaska
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Sisters Island, Alaska, VOR; and that airspace extending upward from 1,200 feet above the surface within 22 miles SW and 19 miles NE of the 145° and 325° bearings from the Gustavus RBN, extending from 16 miles NW to 48 miles SE of the RBN.

AMENDMENTS 11/11/71 36 F. R. 20153 (Changed)

Guthrie, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of latitude 33°38'25" N., longitude 100°20'50" W., and within 2 miles each side of the Guthrie VOR 182° radial extending from the 6-mile radius area to the VOR.

Guymon, Okla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Guymon Municipal Airport (latitude 36°40'45" N., longitude 101°30'30" W.), and within 3.5 miles each side of the 006° bearing from the Guymon RBN (latitude 36°42'19" N., longitude 101°30'17" W.) extending from the 8-mile radius area to 11 miles north of the RBN.

Hagerstown, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°42'30" N., 77°43'45" W., of Hagerstown Airport, Hagerstown, Md.; and within 2 miles each side of the Hagerstown VOR 239° radial extending from the 7-mile radius area to 8 miles SW of the VOR.

Haleyville, Ala.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Haleyville Municipal Airport (lat. 34°16'40" N., long. 87°36'05" W.); within 5 miles each side of Hamilton VORTAC 077° radial, extending from the 5.5-mile radius area to 11.5 miles E of the VORTAC.

AMENDMENTS 1/6/72 36 F. R. 21182 (Added)

PENDING AMENDMENT
Hamilton, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Marion County Airport (lat. 34°07'10" N., long. 87°59'53" W.); within 3 miles each side of Hamilton VORTAC 348° radial extending from the 9-mile radius area to 8.5 miles northwest of the VORTAC.

AMENDMENTS 2/3/72 36 F. R. 22226 (Added)

Hamilton, N. Y.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center lat. 42°50'35" N., long. 75°33'40" W. of AMA Executive Airport, Hamilton, N. Y., and within 5 miles each side of the Georgetown, N. Y., VORTAC 074° and 254° radials extending from the 6.5-mile radius area to 4.5 miles west of the Georgetown, N. Y., VORTAC.

AMENDMENTS 4/29/71 36 F. R. 4692 (Added)

Hamilton, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 39°21'58" N., 84°31'30" W. of Hamilton Airport, Hamilton, Ohio; and within 2 miles north and 5 miles south of a 279° bearing from the Hamilton RBN extending from the 7-mile radius area to 8 miles west of the RBN excluding the portions within the Cincinnati, Ohio and Middletown, Ohio, transition areas.

Hammonton, N. J.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center of lat. 39°40'30" N., long. 74°44'30" W. of Hammonton Municipal Airport, Hammonton, N. J.;within 2 miles each side of the Millville, N. J., VORTAC 051° radial extending from the 5.5-mile radius area to 7.5 miles northeast of the VORTAC.

AMENDMENTS 6/24/71 36 F. R. 8365 (Added)

Hanford, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of the Hanford Municipal Airport (latitude 36°19'04" N., longitude 119°37'39" W.), and within 2 miles each side of the Visalia TVOR 246° radial extending from the 3-mile radius area toward the Visalia TVOR to abut the currently designated Visalia 700-foot transition area, excluding that airspace within a 1-mile radius of the Blair (private) Airport (latitude 36°16'31" N., longitude 119°38'23" W.).

Hanksville, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hanksville (FAA Site 54) Airport (latitude 38°25'01" N., longitude 110°41'57" W.), and within 3.5 miles each side of the Hanksville VORTAC 106° radial, extending from the 5-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9.5 miles south of the Hanksville VORTAC 286° and 106° radials, extending from 7.5 miles west to 18.5 miles east of the VORTAC.

AMENDMENTS 7/22/71 36 F. R. 9067 (Rewritten) Corr: 36 F. R. 10781

Harlan, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Harlan Municipal Airport (latitude 41°35'15" N., longitude 95°20'15" W.); and within 5 miles each side of the Neola, Iowa, VORTAC 064° radial, extending from the 7-mile radius area to 8 miles northeast of the VORTAC.

Harlingen, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Harlingen Municipal Airport (latitude 26°13'36" N., longitude 97°39'10" W.) and within 2 miles each side of a 360° bearing from the Harlingen RBN (latitude 26°18'17.8" N., longitude 97°39'25.3" W.) extending from the RBN to 8 miles north; within 2 miles each side of a 180° bearing extending from the RBN to the airport; and within 2 miles each side of the Harlingen VOR 118° radial extending from the VOR to the airport.

Harrisburg, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Harrisburg-Raleigh Airport (latitude 37°48'45" N., longitude 88°33'00" W.); and within 3 miles each side of the 049° bearing from Harrisburg-Raleigh Airport, extending from the airport to 8 miles northeast of the airport.

AMENDMENTS 4/29/71 36 F. R. 4371 (Rewritten)

Harrisburg, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of a point 40°13'24" N., 76°52'39" W.; within 5 miles south and 8 miles north of the Capital City Airport ILS localizer west course extending from the 12-mile radius area to 12 miles west of the OM; within 5 miles north and 8 miles south of the Harrisburg VOR 280° radial extending from the 12-mile radius area to 12 miles west of the VOR; within a 9-mile radius of the center, 40°11'35" N., 76°45'47" W. of Harrisburg International Airport-Olmsted Field, Middletown, Pa.; within 5 miles north and 8 miles south of the Harrisburg International Airport-Olmsted Field ILS localizer northwest course extending from the 12-mile radius area to 12 miles northwest of the OM; and within 2 miles each side of the centerline of Harrisburg International Airport-Olmsted Field Runway 13 extended from the 9-mile radius area to 9 miles southeast of the end of the runway.

AMENDMENTS 11/3/71 36 F. R. 21030 (Changed)

Harrison, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Boone County Airport (latitude 36°15'55" N., longitude 93°09'14" W.), within a 12.5-mile radius of the airport extending from the Harrison VOR 140° radial clockwise to the 320° radial, and within 3.5 miles each side of the Harrison VOR 320° radial extending from the 6.5-mile radius area to 11.5 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the northwest by V-72, on the east by V-71, and on the south by the Arkansas/Missouri State line excluding the portion within the Point Lookout, Mo., transition area.

Hartford, Conn.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 41°56'19" N., long. 72°41'00" W. of Bradley International Airport, Windsor Locks, Conn.; within 4.5 miles northwest and 9.5 miles southeast of the Bradley International Airport ILS localizer southwest course, extending from the 11.5-mile radius area to 18.5 miles southwest of the OM; within a 9-mile radius of the center, 41°45'10" N., 72°37'25" W., of Rentschler Field, East Hartford, Conn.; within 2 miles each side of a 130° bearing from the Brainard RBN extending from the RBN to 8 miles southeast of the RBN; within 2 miles each side of the centerline of Runway 4 extended 10 miles from the end of the Runway; within 2 miles each side of the centerline of Runway 22 extended 10 miles from the end of the runway; within 2 miles each side of the Hartford VOR 154° radial extending from the 9-mile radius area to 8 miles southeast of the VOR; within 2 miles each side of the Hartford VOR 130° and 310° radials extending from the 9-mile radius area to 6 miles southeast of the VOR; and within 5 miles northwest and 5 miles southeast of the Hartford VOR 223° radial extending from the VOR to a point 15 miles southwest.

AMENDMENTS 10/14/71 36 F. R. 13830 (Changed)
AMENDMENTS 10/14/71 36 F. R. 16573 (Changed)

66-000 O - 72 (pt. 2 Sec. 2) - 2

V 37-20 JAN 29 72 XUM

Hartsville, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hartsville Municipal Airport (latitude 34°24'15" N., longitude 80°07'04" W.); within 3 miles each side of the 014° bearing from Hartsville RBN (latitude 34°24'25" N., longitude 80°06'56" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN; excluding the portion within the Darlington, S. C., transition area.

Hastings, Mich.
That airspace extending upward from 700 feet above the surface within a 6½ mile radius of Hastings Municipal Airport (latitude 42°39'50" N., longitude 85°20'50" W.); and within 2 miles each side of the Grand Rapids, Mich., VOR 141° radial extending from the 6½ mile radius area to the Grand Rapids VOR, excluding the portion which overlies Grand Rapids, Mich. 700-foot floor transition area.

Hastings, Nebr.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hastings Municipal Airport (latitude 40°36'20" N., longitude 98°25'30" W.), within 2 miles each side of the 323° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles NW of the airport; within 2 miles each side of the 338° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 9.5 miles N of the airport, and within 2 miles each side of the 143° bearing from Hastings Municipal Airport extending from the 7-mile radius zone to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 143° bearing from Hastings Municipal Airport extending from the Hastings Municipal Airport to 14 miles SE, within 5 miles E and 9 miles W of the 338° bearing from the Hastings Municipal Airport extending from the Hastings Municipal Airport to 13 miles N, and within 5 miles each side of the 066° bearing from Hastings Municipal Airport extending from the Hastings Municipal Airport to the S edge of V-138 and the area bounded on the S by a line 5 miles S of and parallel to the 286° bearing from Hastings Municipal Airport on the W by V-8 S and on the E by a line 9 miles W of and parallel to the 338° bearing from Hastings Municipal Airport.

Hattiesburg, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hattiesburg Municipal Airport (latitude 31°16'01" N., longitude 89°15'16" W.); within 1.5 miles each side of the Hattiesburg VORTAC 156° radial, extending from the 7-mile radius area to the VORTAC; within 3 miles each side of the 330° bearing from Hub City RBN (latitude 31°17'57" N., longitude 89°18'01" W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN.

Haverhill, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°48'05" N., 71°03'45" W., of Haverhill Airport, Haverhill, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass. transition area. This transition area shall be effective from sunrise to sunset, daily.

Havre, Mont.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Havre VOR; within 4½ miles south and 9½ miles north of the Havre VOR 080° radial, extending from the 14-mile radius area to 18½ miles east of the VOR; and within 4½ miles north and 9½ miles south of the Havre VOR 287° radial, extending from the 14-mile radius area to 18½ miles west of the VOR.

Hawaiian Islands.
That airspace extending upward from 14,500 feet MSL within the area bounded by lines beginning at latitude 22°24'N., longitude 161°15' W., to latitude 23°53' N., longitude 159°30' W., to latitude 22°31' N., longitude 156°05' W., to latitude 21°40' N., longitude 155°32' W., to latitude 19°44' N., longitude 153°15' W., to latitude 18°20' N., longitude 153°32° W., to latitude 17°15' N., longitude 155°40' W., to latitude 19°43' N., longitude 158°00' W., to latitude 20°45' N., longitude 159°29' W., to latitude 21°18' N., longitude 159°32' W., to latitude 21°30' N., longitude 159°32' W., to latitude 21°30' N., longitude 161°00' W., to latitude 21°56' 30" N., longitude 161°20' W., to the point of beginning. The airspace within control area extensions, transition areas, Federal airways, warning areas W-318, W-319, W-320, W-321, W-322, W-511, W-512, and the airspace less than 1,500 feet above the terrain is excluded.

Hays, Kansas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Hays Municipal Airport (latitude 38°50'45" N., longitude 99°16'30" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the Hays, Kans., VOR 162° radial, extending from the VOR to 14 miles south of the VOR.

Hayward and Cable, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hayward Municipal Airport (latitude 46°01'35" N., longitude 91°26'40" W.); and within an 8-mile radius of Cable Union Airport (latitude 46°11'30" W.), longitude 91°5'00" W.), and within 2½ miles each side of the 026° bearing from the Hayward Municipal Airport extending from the Hayward Municipal Airport 7-mile radius area to 15 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northwest and 6 miles southeast of the 026° bearing from Hayward Municipal Airport, extending from 3 miles northeast to 27½ miles northeast of the airport; and within 9½ miles southeast and 4½ miles northwest of the 228° bearing from Cable Union Airport, extending from 5 miles southwest to 27½ miles southwest of the airport.

Hazlehurst, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hazlehurst Airport (lat. 31°53'00" N., long. 82°38'45" W.); within 2.5 miles each side of Alma VORTAC 342° radial, extending from the 6-mile radius area to 18 miles north of the VORTAC.

AMENDMENTS 8/19/71 36 F. R. 11188 (Rewritten)

Hazleton. Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 40°59'11" N.. 75°59'38" W. of Hazleton Airport, Hazleton, Pa., within 2 miles each side of the 076° bearing from the Weatherly RBN extending from the 7-mile radius area to 8 miles E of the RBN and within 2 miles each side of the Hazleton VOR 263° radial extending from the 7-mile radius area to 8 miles W of the VOR.

AMENDMENTS 10/14/71 36 F. R. 12897 (Changed)

Heber, Ariz.
That airspace extending upward from 13,500 feet MSL bounded by a line beginning at latitude 34°43'00" N., longitude 111°24'00" W. to latitude 34°43'00" N., longitude 110°20'00" W., thence south via longitude 110°20'00" W. to V-190N, thence southwest via V-190N to latitude 34°03'00" N., longitude 111°24'00" W. to point of beginning.

AMENDMENTS 9/16/71 36 F. R. 13684 (Rewritten)

Heber Springs, Ark.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Heber Springs, Ark., Airport (latitude 35°30'41" N., longitude 92°00'25" W.).

AMENDMENTS 10/14/71 36 F. R. 16188 (Added)

Helena, Mont.
That airspace extending upward from 700 feet above the surface within 6 miles N and 8 miles S of the Helena VORTAC 089° and 269° radials extending from 18 miles E to 7 miles W of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles S and 9 miles N of the Helena VORTAC 089° and 272° radials extending from 12 miles E to 45 miles W of the VORTAC, within the area bounded on the N by a line 5 miles N of and parallel to the Helena VORTAC 089° radial and on the SW by a line 5 miles SW of and parallel to the Helena VORTAC 119° radial extending from the VORTAC to the arc of an 18-mile radius circle centered on the VORTAC, and the area bounded on the NW by a line 6 miles NW of and parallel to the Great Falls, Mont., VORTAC 222° radial, on the NE by the arc of a 40-mile radius circle centered on Malmstrom AFB (latitude 47°30'35" N., longitude 111° 11'35" W.), on the SE by a line 5 miles SE of and parallel to the Helena VORTAC 023° radial and on the South by a line 9 miles N of and parallel to the Helena VORTAC 089° and 272° radials.

Henderson, Ky.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Henderson Airport (lat. 37°48'27" N., long. 87°41'00" W.); within 1.5 miles each side of Evansville, Ind., VORTAC 152° radial, extending from the 5.5-mile radius area to the VORTAC; excluding the portion within Evansville, Ind., transition area.

AMENDMENTS 10/14/71 36 F. R. 14634 (Rewritten)

Hershey, Pa.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center (40°17'35" N., 76°39'40" W.) of Hershey Air Park Airport, Hershey, Pa.; and within 2 miles each side of the Runway 8 centerline extended from the 4-mile radius area to 5 miles east of the end of the runway, excluding that portion which coincides with Harrisburg, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

V 37-20 JAN 29 72 XUM

Hibbing, Minn.
That airspace extending upward from 700 feet above the surface within an 11½-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'15" W.); within 3 miles each side of the Hibbing VORTAC 313° radial, extending from the 11½-mile radius area to 23 miles northwest of the VORTAC; within an 11-mile radius of Eveleth-Virginia Airport (latitude 47°25'40" N., longitude 92°29'50" W.); and within 9½ miles north and 4½ miles south of the Eveleth VOR 092° radial, extending from the 11-mile radius area to 18½ miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Hibbing VORTAC, extending from the Hibbing VORTAC 256° radial clockwise to the Hibbing VORTAC 340° radial; within a 13-mile radius of Hibbing VORTAC, extending from the Hibbing VORTAC 095° radial clockwise to the Hibbing VORTAC 256° radial; within 4½ miles northeast and 9½ miles southwest of the Hibbing VORTAC 313° radial, extending from the 27-mile radius area to 33½ miles northwest of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the 210° bearing from Chisholm-Hibbing Airport, extending from the airport to 18½ miles southwest of the airport.

Corr: 36 F. R. 15741

Hickory, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hickory Municipal Airport (latitude 35°44'30" N., longitude 81°23'20" W.); within 9.5 miles southeast and 4.5 miles northwest of the 042° bearing from Hickory RBN (latitude 35°44'00" N., longitude 81°23'30" W.), extending from the RBN to 18.5 miles northeast; within 3 miles each side of Hickory VOR 058° and 222° radials, extending as a corridor from the 8.5-mile radius area to 8.5 miles northeast of the VOR.

Hillsboro, Oreg.
That airspace extending upward from 700 feet above the surface witnin a 5-mile radius of the Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles of each side of the Newberg, Oreg., VORTAC 007° and 187° radials, extending from the 5-mile radius area to 1 miles S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 15 miles SE and 10 miles NW of the Newberg VORTAC 024° and 204° radials, extending from 12 miles NE to 27 miles SW of the VORTAC.

Hillsdale, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hillsdale, Mich., Airport (latitude 41°55'15" N., longitude 84°35'05" W.), and within 2 miles each side of the Litchfield, Mich., VORTAC 140° radial extending from the 5-mile radius area to 8 miles northwest of the airport.

Hilltop Lakes, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Hilltop Lakes Airport (latitude 31°04'50" N., longitude 96°12'50" W.), and within 2 miles each side of the Leona VORTAC 258° radial extending from the 5-mile radius area to 9 miles west of the VORTAC.

Hilo, Hawaii
That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on General Lyman Field, Hilo, Hawaii (lat. 19°43'15" N., long. 155°02'55" W.), extending clockwise from a line 2 miles southwest of and parallel to the Hilo VORTAC 321° radial to a line 2 miles south of and parallel to the Hilo VORTAC 099° radial; and that airspace extending upward from 1,200 feet above the surface northeast of Hilo bounded on the north by V-21, on the south by V-22 and on the west by V-19; that airspace east of Hilo bounded on the north by V-22, on the east by the Honolulu FIR/Oceanic CTA and on the south by V-15; that airspace south of Hilo within the arc of a 21-mile radius circle centered on the Hilo, Hawaii, VORTAC, extending clockwise from V-15 to a line 9 miles southwest of and parallel to the 157° radial of the Hilo VORTAC.

Hilton Head Island, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Hilton Head Airport (latitude 32°13'20" N., longitude 80°41'55" W.), excluding the portion outside the continental limits of the United States.

Hobart, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hobart Municipal Airport; within 5 miles W and 8 miles E of the Hobart VOR 003° and 183° radials, extending from 5 miles N to 12 miles S of the VOR; within an 8-mile radius of the Altus AFB; within 5 miles W and 8 miles E of the 360° and 180° bearings from latitude 34°33'53" N., longitude 99°16'24" W.; extending from 24 miles N to 12 miles S of latitude 34°33'53" N., longitude 99°16'24" W.

Hobbs, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lea County Airport (lat. 32°41'19" N., long. 103°13'01" W.), within a 9-mile radius of Crossroads Intercontinental Airport (lat. 32°46'00" N., long. 103°12'30" W.), and within 3.5 miles each side of the Hobbs VOR 222° radial extending from the 9-mile radius area of the Lea County Airport to 11.5 miles southwest of the VOR.

AMENDMENTS 4/29/71 36 F. R. 3518 (Rewritten)

Holland, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Park Township Airport (latitude 42°47'45" N., longitude 86°09'45" W.); within a 6-mile radius of Tulip City Airport (latitude 42°44'45" N., longitude 86°06'30" W.); within 3 miles each side of the 175° bearing from Park Township Airport, extending from the 6-mile radii area to 8 miles south of the airport; and within 2 miles each side of the Pullman, Mich., VORTAC 359° radial, extending from the 6-mile radii area to 12 miles north of the VORTAC.

Homer, Alaska
That airspace extending upward from 1,200 feet above the surface, within 8 miles S and 5 miles N of the 265° and 085° bearings from the Homer RR, extending from 13 miles W to 7 miles E of the RR; and within 8 miles NW and 5 miles SE of the Homer VOR 224° and 044° radials, extending from 13 miles SW to 7 miles NE of the VOR, and within a 54-mile radius of the Homer VOR extending counterclockwise from the south boundary of V-436E, west of Homer, to the west boundary of V-438W, southwest of Homer.

Honolulu, Hawaii.
That airspace extending upward from 700 feet above the surface south and southeast of Honolulu beginning at latitude 21°20'30" N., longitude 157°51'15" W. thence south to latitude 21°15'30" N., longitude 157°49'15" W. thence west to latitude 21°09'50" N., longitude 158°09'50" W. thence northwest to latitude 21°10'10" N., longitude 158°11'55" W. thence northeast along a line 4.5 miles southeast of and parallel to the Honolulu VORTAC 242° radial to and counterclockwise along the arc of a 5-mile radius circle centered on NAS Barbers Point (latitude 21°18'35" N., longitude 158°04'30" W.) to and counterclockwise along the arc of a 5-mile radius circle centered on Honolulu International Airport (latitude 21°19'35" N., longitude 157°55'45" W.) to the point of beginning, and within 3 miles northwest and 4.5 miles southeast of the Honolulu VORTAC 242° radial, extending from 13 miles to 14 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°09'00" N., longitude 158°24'45" W. to latitude 21°15'00" N., longitude 157°31'45" W., thence W to latitude 21°15'00" N., longitude 157°36'30" W., thence within a 25-mile radius of latitude 21°19'33" N., longitude 157°59'15" W., extending clockwise from latitude 21°15'00" N., longitude 157°36'30" W. to latitude 21°10'10" N., longitude 158°20'30" W., thence W to point of beginning; that airspace S of Honolulu within 12 miles E and 8 miles W of the Honolulu VORTAC 180° radial, extending from the 25-mile radius area to 68 miles S of the VORTAC; that airspace W of Honolulu, extending from the 30-mile radius area bounded by a line beginning at latitude 21°24'15" N., longitude 158°26'45" W., thence to latitude 21°42'05" N., longitude 158°54'00" W., thence to latitude 21°13'30" N., longitude 159°04'50" W., thence to latitude 21°07'30" N., longitude 158°31'00" W., thence to latitude 21°09'00" N., longitude 158°24'45" W.; that airspace northwest of Honolulu, extending from the 30-mile radius area bounded on the northeast by W-322D, on the west by the Lihue transition area, and on the southwest by V-2; and that airspace southeast of Honolulu bounded on the northeast by V-16, on the east by longitude 157°17'00" W., on the south by a line extending from latitude 20°47'15" N., longitude 157°17'00" W. to latitude 20°48'00" N., longitude 157°30'00" W. through latitude 20°52'00" N., longitude 157°50'00" W. to a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, and on the west by a line 12 miles east of and parallel to the Honolulu VORTAC 180° radial, excluding the portion within W-322D and the portion within the Kaneohe control zone and the Kaneohe transition area.

Honolulu, Hawaii (Wheeler AFB)
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Honolulu VORTAC 358° radial extending from the arc of a 3-mile radius circle centered on Wheeler AFB (latitude 21°29'00" N., longitude 158°02'30" W.) to the INT of the Honolulu, Hawaii, VORTAC 358° and the Koko Head, Hawaii, VOR 298° radials.

Hope, Ark.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hope Municipal Airport (latitude 33°43'06" N., longitude 93°39'30" W.); and within 2 miles each side of the Texarkana VORTAC 058° radial extending from the 6-mile radius area to 17 miles northeast of the Texarkana VORTAC.

Hope, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Farmington, Minn., VOR 184° radial, extending from 38 miles S to 65 miles S of the VOR.

Hopewell, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°18'20" N., 77°13'10" W., of Hopewell Airport and within 1.5 miles each side of the Hopewell VORTAC 253° radial extending from the 5-mile radius area to the VORTAC excluding the portion that coincides with the Richmond, Va., transition area.

V 37-20 JAN 29 72 XUM

Hopkinsville, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Campbell AAF (lat. 36°40'23" N., long. 87°29'27" W.); within 3 miles each side of the 044° bearing from Campbell RBN, extending from the 8.5-mile radius area to 8.5 miles northeast of the RBN; within an 8.5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15" N., long. 87°24'52" W.).

AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)
AMENDMENTS 9/16/71 36 F. R. 12843 (Rewritten)
PENDING AMENDMENT
The Hopkinsville, Ky., transition area is amended as follows: "long. 87°24'52" W.)" is deleted and "long. 87°24'52" W.); within a 6.5-mile radius of Hopkinsville-Christian County Airport (lat. 36°51'25" N., long. 87° 27'25" W.); within 3 miles each side of the 081° bearing from Christian RBN (lat. 36°52'07" N., long. 87°22'18" W.), extending from the 6.5-mile radius area to 8.5 miles east of the RBN" is substituted therefor.
AMENDMENTS 3/2/72 36 F. R. 25212 (Changed)

Hoquiam, Wash.
That airspace extending upward from 700 feet above the surface east of Bowerman Field, bounded on the north by a line 2 miles north of and parallel to the Hoquiam VORTAC 068° radial, on the south by a line 2 miles south of and parallel to the Hoquiam 080° radial, extending eastward between the arcs of 5- and 13- mile radius circles centered on Bowerman Field (latitude 46°58'15" N., longitude 123°56'05" W.); that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the Hoquiam VORTAC 068° and 248° radials, extending from 13.5 miles east to 13 miles west of the VORTAC, and the area south of the Hoquiam VORTAC bounded on the east by the east boundary of V-27W, on the south and west by the arc of a 13-mile radius circle centered on the Hoquiam VORTAC and on the north by a line 5 miles south of and parallel to the Hoquiam VORTAC 068° and 248° radials, excluding the portion that would coincide with W-237.
PENDING AMENDMENT
Hoquiam, Wash.
That airspace extending upward from 700 feet above the surface east of Bowerman Field, bounded on the north by a line 2 miles north of and parallel to the Hoquiam VORTAC 068° radial, on the south by a line 2 miles south of and parallel to the Hoquiam VORTAC 068° radial, extending eastward between the arcs of 5- and 13-mile radius circles centered on Bowerman Field, (lat. 46°58'15" N., long. 123°56'05" W.); and that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9 miles south of the Hoquiam VORTAC 081° and 261° radials, extending from 8 miles east to 19 miles west of the VORTAC, excluding that portion coinciding with W-237.
AMENDMENTS 2/3/72 36 F. R. 23049 (Rewritten)

Hot Springs, Ark.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of Memorial Field (latitude 34°28'40" N., longitude 93°05'45" W.), and within 3.5 miles each side of the 248° bearing from the Hot Springs RBN extending from the 15-mile radius area to 11.5 miles west of the RBN.

Hot Springs, Va.
That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the center, lat. 37°57'04" N., long. 79°50'02" W. of Ingalls Field, Hot Springs, Va.

AMENDMENTS 6/24/71 36 F. R. 8364 (Rewritten)

Houghton, Mich.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of the Houghton VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 020° bearing from the Houghton RBN, extending from the RBN to 18½ miles north of the RBN; within 4½ miles northeast and 9½ miles southwest of the Houghton VOR 308° radial, extending from the VOR to 18½ miles northwest of the VOR; within 4½ miles southeast and 9½ miles northwest of the Houghton VOR 060° radial extending from the VOR to 18½ miles northeast of the VOR; and within 4½ miles southwest and 9½ miles northeast of the Houghton VOR 141° radial, extending from the VOR to 18½ miles southeast of the VOR.

Houlton, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 46°07'25" N., 67°47'40" W., of Houlton International Airport, Houlton, Maine.
That airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection southeast of Presque Isle, Maine, of the United States-Canadian border and a 40-mile radius arc centered at 46°57'05" N., 67°53'10" W. (Loring AFB), thence clockwise along this arc to 46°33'00" N., to 45°56'00" N., 68°36'00" W. to 45°38'00" N., 67°40'30" W. thence along the United States-Canadian border to the point of beginning, excluding the airspace within Canada.

Houma, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Houma Municipal Airport (latitude 29°34'10" N., longitude 90°39'40" W.), within 2 miles each side of the Tibby VORTAC 123° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Tibby VORTAC 124° radial extending from the 5-mile radius area to 27 miles SE of the VORTAC, and within 2 miles each side of a 360° bearing from the Houma RBN (latitude 29°37'01" N., longitude 90°39'39" W.) extending from the 5-mile radius area to 10 miles north of the RBN.

Houston, Tex.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 30°35'00" N., longitude 95°28'00" W., thence to latitude 29°45'00" N., longitude 94°44'00" W., thence to the intersection of the arc of a 5-mile radius circle centered on Scholes Field, Galveston, Tex. (latitude 29°15'55" N., longitude 94°41'35" W.) and latitude 29°16'00" N. at a point east of Scholes Field, thence clockwise along the arc of the 5-mile radius circle to latitude 29°16'00" N. at a point west of Scholes Field, thence to latitude 29°30'00" N., longitude 95°54'00" W., to latitude 30°26'00" N., longitude 95°42'00" W., to point of beginning.

Howell, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Howell, Mich., Livingston County Airport (latitude 42°37'30" N., longitude 83°58'45" W.), and within 2 miles each side of the Salem, Mich., 308° radial extending from the 6-mile radius area to 7 miles southeast of the airport.

Hugo, Colo.
That airspace south of Hugo, Colo., VOR extending upward from 8,500 feet MSL, bounded on the north by V-108S, on the northeast by V-263, on the south by V-210, and on the west by V-19E and that airspace east of Hugo, extending upward from 8,500 feet MSL, bounded on the north by V-4, on the east by longitude 102°50'00" W., on the southwest by V-263, and on the west by V-169, excluding the airspace within Federal airways and the Pueblo and Colorado Springs, Colo., transition areas.

Humboldt, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Humboldt Municipal Airport (lat. 35°48'00" N., long. 88°52'00" W.); within 2.5 miles each side of the Dyersburg VORTAC 121° radial, extending from the 5-mile radius area to 23 miles southeast of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 18584 (Added)

Huntingburg, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Huntingburg Airport (latitude 38°15'05" N., longitude 86°57'20" W.), and within 2 miles each side of the 247° bearing from the Huntingburg Airport extending from the 6-mile radius area to 8 miles southwest of the airport.
PENDING AMENDMENT
Huntingburg, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Huntingburg Airport (latitude 38°15'00" N., longitude 86°57'00" W.); and within 3 miles either side of an 072° bearing from the Huntingburg Airport extending from the 6-mile radius to 8 miles ENE of the airport.

AMENDMENTS 2/3/72 36 F. R. 23201 (Rewritten)

Huntington, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Huntington Municipal Airport (latitude 40°51'15" N., longitude 85°27'50" W.), excluding the portion which overlies the Fort Wayne, Ind., 700-foot floor transition area.

Huntington, W. Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 38°22'00" N., 82°33'25" W., of the Tri-State Airport (Walker-Long Field), Huntington, W. Va., within 2 miles each side of the Tri-State Airport ILS localizer west course extending from the 6-mile radius area to 8 miles west of the OM and within 2 miles each side of the Tri-State Airport ILS localizer east course extending from the 6-mile radius area to 13 miles east of the Shoals, W. Va., FM.

Huntsville, Ala.
That airspace extending upward from 700 feet above the surface within a 15.5-mile radius of Redstone AAF (latitude 34°40'29" N., longitude 86°40'54" W.); within 3 miles each side of Huntsville ILS localizer north course, extending from the Capshaw RBN to 8.5 miles north of the RBN; within 3 miles each side of Huntsville ILS localizer south course, extending from the localizer to 14.5 miles south; within an 8.5-mile radius of Pryor Field (latitude 34°39'09" N., longitude 86°56'45" W.); within 9.5 miles west and 4.5 miles east of the Decatur VOR 351° radial, extending from the VOR to 18.5 miles north.
PENDING AMENDMENT
The Huntsville, Ala., transition area is amended as follows: "VOR to 18.5 miles north." is deleted and "VOR to 18.5 miles north; within a 5-mile radius of North Huntsville Airport (lat. 34°51'25" N., long. 86°33'22" W.)" is substituted therefor.

AMENDMENTS 2/3/72 36 F. R. 22226 (Changed)

V 37-20 JA 29 72 XUM

Huntsville, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Huntsville Municipal Airport (lat. 30°44'30" N., long. 95°35'30" W.), within 3 miles each side of the Leona VORTAC 139° radial extending from the 5-mile radius area to 27.5 miles southeast of the VORTAC, and within 3.5 miles each side of the 008° bearing from the Huntsville RBN (lat. 30°44'20" N., long. 95°35'17" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Huron, S. Dak.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the W. W. Howes Municipal Airport (latitude 44°23'03" N., longitude 98°13'39" W.); within 4½ miles northeast and 11 miles southwest of the Huron VORTAC 314° and 134° radials, extending from 5 miles southeast to 18½ miles northwest of the VORTAC; and within 5 miles each side of the Huron ILS localizer southeast course, extending from the 6½-mile radius area to 19½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Huron VORTAC extending from a line 5 miles west of and parallel to the 343° radial clockwise to a line 5 miles north of and parallel to the 269° radial; and within 4½ miles southwest and 9½ miles northeast of the Huron localizer southeast course extending from 6 miles southeast of the OM to 29 miles southeast of the OM.

AMENDMENTS 7/22/71 36 F. R. 9623 (Rewritten)

Hutchinson, Kans.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Hutchinson Municipal Airport (latitude 38°03'56" N., longitude 97°51'37" W.); within 3½ miles each side of the Hutchinson VORTAC 222° radial, extending from the 8½ mile radius area to 8 miles southwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the Hutchinson ILS localizer northwest course, extending from the airport to 18½ miles northwest of the ILS outer marker; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Hutchinson VORTAC; within 10 miles west and 6 miles east of the Hutchinson VORTAC 025° radial, extending from the 30-mile radius area to 44 miles north of the VORTAC; within 6 miles southwest and 10 miles northeast of the Hutchinson VORTAC 296° radial, extending from the 30-mile radius area to 44 miles northwest of the VORTAC; within 6 miles north and 10 miles south of the Hutchinson VORTAC 266° radial, extending from the 30-mile radius area to 41 miles west of the VORTAC; and the area southwest of Hutchinson bounded on the northeast by the 30-mile radius area, on the south by the north edge of V-12 north, and on the northwest by the southeast edge of V-280, excluding the portion which overlies the Wichita and Salina, Kans. transition areas.

AMENDMENTS 11/11/71 36 F. R. 18302 (Rewritten)

Ida Grove, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Ida Grove Municipal Airport (latitude 42°19'55" N., longitude 95°26'40" W.); and within 2 miles each side of the 117° bearing from Ida Grove Municipal Airport, extending from the 7-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 117° bearing from Ida Grove Municipal Airport, extending from the airport to 12 miles east of the airport; and within 5 miles each side of the 297° bearing from Ida Grove Municipal Airport, extending from the airport to V-100.

Idaho Falls, Idaho
That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 5 miles southeast of the Idaho Falls VOR 036° and 216° radials, extending from 21.5 miles northeast to 18.5 miles southwest of the VOR and within 6 miles northwest and 9 miles southeast of the 029° radial of the Pocatello VORTAC extending from 23 to 47 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00" W., and the south edge of V-298, thence via the south edge of V-298 and V-328 to longitude 111°38'00" W., thence south via this longitude to the INT of an arc of a 23-mile radius circle centered on the Idaho Falls VOR, thence clockwise via the 23-mile radius arc to longitude 112°10'00" W., thence direct to latitude 43°20'30" N., longitude 112°45'30" W., thence direct latitude 43°32'00" N., longitude 112°35'00" W., thence to latitude 43°50'20" N., longitude 112°30'00" W., thence direct to point of beginning.

Iliamna, Alaska
That airspace extending upward from 1,200 feet above the surface within 6 miles W. and 8 miles E. of the 016° and 196° bearings from the Iliamna RBN, extending from 7 miles N. to 13 miles S. of the RBN.

Illinois
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Illinois.

Independence, Kans.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Independence Municipal Airport (latitude 37°09'25" N., longitude 95°46'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 193° bearing from Independence Municipal Airport, extending from the airport to the Oklahoma transition area.

Indiana
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Indiana.

Indiana, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, (lat. 40°38'00" N., long. 79°08'15" W.) of Indiana County-Jimmy Stewart Field, Indiana, Pa., and within 3.5 miles each side of the 091° bearing from the Indiana RBN (lat. 40°37'54" N., long. 79°03'51" W.) extending from the 7-mile radius area to 9.5 miles east of the RBN.

AMENDMENTS 12/9/71 36 F. R. 20365 (Rewritten)

Indianapolis, Ind.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Indianapolis Municipal (Weir-Cook) Airport (latitude 39°43'35" N., longitude 86°17'05" W.); within a 5½-mile radius of Bob Shank Airport (latitude 39°49'15" N., longitude 86°14'30" W.); within a 5½-mile radius of Eagle Creek Airpark (latitude 39°49'45" N., longitude 86°17'45" W.); and within 3 miles each side of the Indianapolis VORTAC 257° radial, extending from the 5½ and 9-mile radii to 8 miles west of the VORTAC.

Indianola, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Indianola-Legion Field (lat. 33°29'05" N., long. 90°40'34" W.); within 3 miles each side of the 191° and 354° bearings from Indianola RBN (lat. 33°28'48" N., long. 90°40'34" W.), extending from the 6.5-mile radius area to 8.5 miles south and north of the RBN.
AMENDMENTS 11/11/71 36 F. R. 18575 (Rewritten)

International Falls, Minn.
That airspace extending upward from 700 feet above the surface within 4½ miles northeast and 9½ miles southwest of the International Falls VORTAC 140° and 320° radials, extending from 6 miles southeast to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls VORTAC 129° and 309° radials extending from 6 miles northwest to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the International Falls VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls ILS southeast localizer course extending from the 20-mile radius area to 18½ miles southeast of the outer marker, excluding the portions outside the United States.

AMENDMENTS 7/22/71 36 F. R. 9065(Rewritten)

Ionia, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ionia County Airport (latitude 42°56'20" N., longitude 85°04'15" W.); and within 3 miles each side of the 064° radial of the Grand Rapids, Michigan VOR, extending from the 5-mile radius area to 30 miles northeast of the VOR.

Iowa City, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Iowa City Municipal Airport (latitude 41° 38' 25" N., longitude 91° 32' 50" W.), and within 2 miles each side of the Iowa City VOR 024° radial, extending from the 6-mile radius area to the VOR.

Iron Mountain, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Iron Mountain VORTAC; within 4½ miles west and 9½ miles east of the Iron Mountain VORTAC 193° radial, extending from the 13-mile radius area to 18½ miles south of the VORTAC; within 4½ miles west and 9½ miles east of the 182° bearing from Ford Airport (latitude 45°48'55" N., longitude 88°06'55" W.) extending from the 13-mile radius area to 18½ miles south of the airport; and within 4½ miles north and 9½ miles south of the 276° bearing from Ford Airport, extending from the 13-mile radius area to 18½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15½-mile radius of the Iron Mountain VORTAC; within 4½ miles southwest and 9½ miles northeast of the Iron Mountain VORTAC 141° radial; extending from the VORTAC to 18½ miles southeast of the VORTAC; and within 4½ miles east and 9½ miles west of the Iron Mountain VORTAC 004° radial, extending from the VORTAC to 18½ miles north of the VORTAC, excluding the portion which overlies the Marquette, Mich., 1,200-foot transition area.
AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Ironwood, Mich.
That airspace extending upward from 700-feet above the surface within a 9½-mile radius of Gogebic County Airport (latitude 46°31'25" N., longitude 90°07'50" W.); within 9½ miles north and 4½ miles south of the Ironwood VORTAC 254° radial, extending from the 9½-mile radius area to 18½ miles west of the VORTAC; and within 3 miles each side of the Ironwood VORTAC 108° radial, extending from the 9½-mile radius area to 12½ miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Ironwood VORTAC; and within 4½ miles south and 9½ miles north of the Ironwood VORTAC 108° radial, extending from the 17-mile radius area to 23½ miles east of the VORTAC.

V 37-20 JAN 29 72 XUM

Islip, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Islip-MacArthur Airport (latitude 40°47'50" N., longitude 73°06'01" W.); and within 2 miles each side of the Islip-MacArthur Airport localizer SW course extending from the 7-mile radius area to 8 miles SW of the OM; and within 2 miles each side of the NE ILS localizer course extending from the 7-mile radius area to 9 miles NE of the localizer.

AMENDMENTS 7/24/71 36 F. R. 13777 (Changed)

Ithaca, N. Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 42°29'25" N., 76°27'30" W. of Tompkins County Airport, Ithaca, N.Y., and within 5 miles SW and 8 miles NE of the Ithaca VOR 305° radial extending from the VOR to a point 12 miles NW, excluding that portion which overlies the Elmira, N.Y., transition area.

Jackson, Mich.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Jackson VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the west by longitude 84°50'00" W., on the north by latitude 42°00'00" N., on the east by longitude 84°05'00" W., and on the south by a line beginning at latitude 41°48'10" N., longitude 84°50'00" W., to latitude 41°48'00 N., longitude 84°46'00" W., to latitude 41°41'00" N., longitude 84°16'00" W., to latitude 41°45'00" N., longitude 84°11' 45" W., to latitude 41°45'05" N., longitude 84°05'00" W.

Jackson, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jackson Municipal Airport (latitude 43°39'00" N., longitude 94°59'05" W.); and within 3 miles each side of the 327° bearing from Jackson Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 147° and 327° bearings from Jackson Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and within 5 miles each side of the 147° bearing from Jackson Municipal Airport, extending from the airport to 12 miles southeast of the airport.

Jackson, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within an 8-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within 1.5 miles each side of the Jackson VORTAC 195° radial, extending from the 8-mile radius area to the VORTAC; within a 5.5-mile radius of Bruce Campbell Field (latitude 32°26'15" N., longitude 90°08'05" W.); within 1.5 miles each side of the Jackson VORTAC 142° radial, extending from the 5.5-mile radius area to the VORTAC.

Jackson, Tenn.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of McKellar Field (latitude 35°35'55" N., longitude 88°54'55" W.).

Jackson, Wyo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius circle centered on Jackson Hole Airport, Wyo. (latitude 43°36'24" N., longitude 110°44'13" W.); that airspace extending upward from 1,200 feet above the surface within 6 miles west and 9 miles east of the Jackson VOR 200° and 020° radials, extending from 23 miles south to 11 miles north of the VOR, and within 6 miles north and 9 miles south of the Dunoir, Wyo. VOR 282° and 102° radials, extending from 8 miles east to 21 miles west of the VOR, and that airspace within 5 miles each side of the Jackson VOR 107° radial extending from 9 to 15 miles east of the VOR.

Jacksonville, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jacksonville International Airport (lat. 30°29'26" N., long. 81°41'19" W.); NAS Jacksonville (lat. 30°14'00" N., long. 81°40'30" W.); NAS Cecil Field (lat. 30°13'00" N., long. 81°52'45" W.); Craig Municipal Airport (lat. 30°20'15" N., long. 81°31'00" W.), and NS Mayport (lat. 30°23'25" N., long. 81°25'15" W.).

AMENDMENTS 4/1/71 36 F. R. 2480 (Rewritten)
AMENDMENTS 10/14/71 36 F. R. 15742 (Rewritten)

Jacksonville, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jacksonville Municipal Airport (latitude 39°46'30" N., longitude 90°14'30" W.); and within 3 miles each side of the 309° bearing from Jacksonville Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

Jacksonville, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New River MCAS (lat. 34°42'25" N., long. 77°26'35" W.); within an 8.5-mile radius of Albert J. Ellis Airport (lat. 34°49'49" N., long. 77°36'42" W.); within 3 miles each side of the 045° and 220° bearings from Onslow RBN (lat. 34°49'53" N., long. 77°36'51" W.), extending from the 8.5-mile radius area to 8.5 miles northeast and southwest of the RBN; excluding the portion within R-5306B and C.

AMENDMENTS 7/22/71 36 F. R. 9862 (Rewritten)

Jamestown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Chautauqua County Airport, Jamestown, N. Y. (42°09'07" N., 79°15'26" W.); within 2 miles each side of the Jamestown VOR 071° and 251° radials, extending from the 7-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of a 053° bearing from the Jamestown, N. Y., RBN (42°11'02" N., 79°11'15" W.) extending from the 7-mile radius area to 8 miles northeast of the RBN; within 2 miles each side of the Jamestown, N. Y., ILS localizer northeast course extending from the 7-mile radius area to 8 miles northeast of the ILS OM.

AMENDMENTS 7/28/71 36 F. R. 13912 (Changed)

Jamestown, N. Dak.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jamestown Municipal Airport (latitude 46°55'55" N., longitude 98°40'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Jamestown Municipal Airport; and within 4.5 miles southwest and 9.5 miles northeast of the Jamestown VORTAC 140° radial, extending from the 17-mile radius area to 18.5 miles southeast of the VORTAC; and within 4.5 miles northeast and 9.5 miles southwest of the Jamestown VORTAC 308° radial, extending from the 17-mile radius area to 18.5 miles northwest of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 20219 (Rewritten)

Janesville, Wis.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Rock County Airport, Janesville, Wis. (latitude 42°37'12" N., longitude 89°02'28" W.).

AMENDMENTS 1/6/72 36 F. R. 20674 (Rewritten)

Jasper, Tenn.
That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of Marion County-Brown Field (latitude 35°03'35" N., longitude 85°35'05" W.); excluding the portion that coincides with the Chattanooga, Tenn., transition area.

Jasper, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jasper County Airport (latitude 30°53'32" N., longitude 94°02'03" W.), within 3.5 miles each side of the 360° bearing from the Jasper RBN (latitude 30°57'16" N., longitude 94°02'00" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN, and within 3.5 miles each side of the 182° bearing from the Pine RBN (latitude 30°52'00" N., longitude 94°02'06" W.) extending from the 5-mile radius area to 11.5 miles south of the RBN.

Jefferson, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jackson County Airport (lat. 34°10'29" N., long. 83°33'37" W.).

AMENDMENTS 6/24/71 36 F. R. 7304 (Rewritten)

Jefferson, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Jefferson Municipal Airport (latitude 42°00'36" N., longitude 94°20'31" W.); and within 3 miles each side of the 152° bearing from Jefferson Municipal Airport extending from the 5½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 152° and 132° bearing from Jefferson Municipal Airport, extending from 9 miles northwest to 18½ miles southeast of the airport excluding the portion which overlies the Perry, Iowa, transition area.

AMENDMENTS 7/22/71 36 F. R. 9620 (Rewritten)

Jefferson, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 41° 46'40" N., long. 80°41'45" W. of Ashtabula County Airport, Ashtabula, Ohio, and within 3.5 miles each side of the Jefferson, Ohio, VORTAC 243° radial, extending from the 5-mile radius area to 11.5 miles southwest of the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 14633 (Rewritten)

V 37-20 JAN 29 72 XUM

Jefferson City, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), within 2 miles each side of the Jefferson City VOR 308° radial extending from the 8-mile radius area to 8 miles NW of the VOR; and within 5 miles NE and 8 miles SW of the Jefferson City VOR 119° radial extending from the VOR to 12 miles SE.

Jennings, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jennings Airport (latitude 30°14'30" N., longitude 92°40'00" W.), and within 2.5 miles each side of the Lake Charles VORTAC 075° radial extending from the 5-mile radius area to 20.5 miles east of the VORTAC.

Johnson City, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City Airport (lat. 30°15'05" N., long. 98°37'21" W.); and within 4.5 miles west and 9.5 miles east of the 175° and 355° bearings from the Johnson City RBN (lat. 30°12'32" N., long. 98°37'05" W.) extending from 18.5 miles south to 10 miles north of the RBN.

AMENDMENTS 7/22/71 36 F. R. 8662 (Rewritten)

Johnston Island, Johnston Atoll
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Johnston Island RBN.

Johnstown, Pa.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, lat. 40° 19'00" N., long. 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.

AMENDMENTS 10/14/71 36 F. R. 14633 (Rewritten)

Joliet, Ill.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Joliet Municipal Airport (latitude 41°31'03" N., longitude 88°10'30" W.); within 4 miles each side of a line between latitude 41° 38'00" N., longitude 88°20'42" W., and latitude 41°34'15" N., longitude 88°16'04" W., extending from the 5.5-mile radius area to 11.5 miles northwest of the airport and within 4 miles each side of a line between latitude 41° 38'00" N., longitude 88°17'30" W., and latitude 41°34'15" N., longitude 88°16'04" W., extending from a point at latitude 41°34'15" N., longitude 88°16'04" W., to 4 miles north of that point, excluding the Morris, Ill., transition area.

AMENDMENTS 9/16/71 36 F. R. 13373 (Added)

Jonesboro, Ark.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Jonesboro Municipal Airport (latitude 35°49'50" N., longitude 90°38'55" W.) and within 3.5 miles each side of the Jonesboro VOR 048° radial extending from the 8.5-mile radius area to 11.5 miles northeast of the VOR excluding the portion within the Paragould, Ark., transition area.

Joplin, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Joplin Municipal Airport (latitude 37°09'05" N., longitude 94°29'55" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° and 318° bearings from the Joplin Municipal Airport, extending from 23 miles north northwest to 25½ miles southeast of the airport.

Junction, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kimble County Airport (latitude 30°30'35" N., longitude 99°45'45" W.), within 5 miles northeast and 8 miles southwest of the Junction VORTAC 150° and 330° radials extending from the VORTAC to 12 miles northwest and 5 miles southeast of the VORTAC.

Juneau, Alaska
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Coghlan Island, Alaska, RBN, that airspace northwest of Juneau bounded on the east by A-15; on the northwest by a line from the Gustavus, Alaska, RBN to the Haines, Alaska, RBN, and on the southwest by a line 19 miles northeast of and parallel to the 145° and 325° bearings from the Gustavus, Alaska, RBN, and that airspace south of Juneau, extending from the 20-mile radius area, bounded on the northeast by A-15 and on the southwest by B-38, excluding the portion within the Gustavus, Alaska, transition area.

AMENDMENTS 11/11/71 36 F. R. 20153 (Changed)

Juneau, Wis.
That airspace extending upward from 700 feet above the surface within 6½-mile radius of Dodge County Airport (latitude 43°25'30" N., longitude 88°42'00" W.); and within 3 miles each side of a 195° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles south of the airport; and within 3 miles each side of the 032° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles northeast of the airport.

AMENDMENTS 9/16/71 36 F. R. 13374 (Rewritten)

Kahului, Hawaii
That airspace extending upward from 700 feet above the surface bounded on the southwest by a line 2 miles southwest of and parallel to the Maui VORTAC 331° radial, on the north by the arc of an 8.5-mile radius circle centered on the Kahului Airport (latitude 20°54'05" N., longitude 156°26'05" W.), on the southeast by a line 4 miles northwest of and parallel to the Maui VORTAC 038° radial and on the south by the arc of a 5-mile radius circle centered on the Kahului Airport, and within 4 miles each side of the Maui VORTAC 038° radial, extending from 14 to 17 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Kahului Airport, extending clockwise from V-6 northwest of Kahului to V-6 east of Kahului, and that airspace east of the 30-mile radius area bounded on the north by a line 5 miles north of and parallel to the Maui VORTAC 061° radial, on the east by the arc of a 55-mile radius circle centered on the Maui VORTAC, and on the south by V-6; and that airspace bounded on the north and northeast by V-22, on the east by V-11, on the south by V-21, and on the west by the Kona, Hawaii, VORTAC 357.5° radial.

AMENDMENTS 4/29/71 36 F. R. 3892 (Changed) Corr: 36 F. R. 5582

Kaiser, Mo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lee C. Fine Memorial Airport (latitude 38°05'45" N., longitude 92°32'55" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 045° bearing from Lee C. Fine Memorial Airport, extending from the airport to 18½ miles northeast of the airport; and within 5 miles each side of the 225° bearing from Lee C. Fine Memorial Airport, extending from the airport to 12 miles southwest of the airport.

Kalispell, Mont.
That airspace extending upward from 700 feet above the surface within 2.5 miles each side of the Kalispell VOR 334° radial, extending from an arc of a 5-mile radius circle centered on Glacier Park International Airport (latitude 48°18'49" N., longitude 114°15'16" W.) to the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 5 miles east of the Kalispell VOR 166° radial, extending from the VOR to 18.5 miles south of the VOR and within 5 miles east and 8 miles west of the Kalispell VOR 346° radial, extending from the VOR to 7 miles north of the VOR.

AMENDMENTS 11/11/71 36 F. R. 17575 (Rewritten) Corr: 36 F. R. 18508

Kaneohe, Hawaii.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 21°23'15" N., longitude 157°46'30" W., thence counterclockwise along the arc of a 5-mile radius circle centered on MCAS Kaneohe (latitude 21°27'30" N., longitude 157°46'30" W.) to latitude 21°29'25" N., longitude 157°50'45" W., thence to latitude 21°32'45" N., longitude 157°51'20" W., thence clockwise along the arc of an 8-mile radius circle centered on MCAS Kaneohe to latitude 21°23'00" N., longitude 157°41'00" W., thence to point of beginning, and within 2 miles on each side of the MCAS Kaneohe TACAN 351° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 21°32'45" N., longitude 157°51'20" W., thence to latitude 22°00'45" N., longitude 157°56'00" W., thence clockwise via the arc of a 40-mile radius circle centered on the MCAS Kaneohe TACAN to V-12, thence SW along the NW boundary of V-12 to latitude 21°23'00" N., longitude 157°39'50" W.; thence to latitude 21°23'00" N., longitude 157°41'00" W.; thence counterclockwise via the arc of an 8-mile radius circle centered on MCAS Kaneohe to the point of beginning.

Kankakee, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Greater Kankakee Airport (latitude 41°04'15" N., longitude 87°50'55" W.); within 2 miles each side of the Peotone, Ill., VORTAC 192° radial extending from the 6½-mile radius area to the VORTAC; within 3 miles each side of the 212° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles southwest of the airport; within 3 miles each side of the 222° bearing from Greater Kankakee Airport extending from the 6½-mile radius area to 8 miles southwest of the airport; and within 3 miles each side of the 052° bearing from Greater Kankakee Airport, extending from the 6½-mile radius area to 8 miles northeast of the airport.

AMENDMENTS 4/29/71 36 F. R. 4372 (Rewritten)

V 37 - 20 JAN 29 72 XUM

Kansas City, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); within 2 miles each side of the Riverside, Mo., VOR 018° radial and 2 miles west of the Kansas City Municipal Airport ILS localizer north course, extending from the 10-mile radius area to 8 miles north of the OM; within an 8-mile radius of Kansas City International Airport (latitude 39°18'20" N., longitude 94°43'30" W.); and within 2 miles each side of the Kansas City International Airport ILS localizer north and south courses, extending from the 8-mile radius area to 13 miles north of the airport and to 8 miles south of the OM; within a 7-mile radius of Sherman AAF (latitude 39°22'05" N., longitude 94°54'45" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the southeast by the arc of a 42-mile radius circle centered on Kansas City Municipal Airport, beginning at the west boundary of V-159 and extending counterclockwise to the south boundary of V-12 thence along the south boundary of V-12 to longitude 93°30'00" W., thence north along longitude 93°30'00" W., to the southeast boundary of V-10 thence direct to latitude 39°47'45" N., longitude 93°34'00" W., thence southwest along the northwest boundary of V-10 to the east boundary of V-161, thence west to latitude 39°44'00" N., longitude 94°43'20" W., thence southwest to latitude 39°30'00" N., longitude 94°49'00" W., thence west along latitude 39°30'00" N., to the southwest boundary of V-71, thence northwest along the southwest boundary of V-71 to longitude 95°09'00" W., thence south along longitude 95°09'00" W., to the southeast boundary of V-10, thence northeast along the southeast boundary of V-10 to the arc of a 10-mile radius circle centered on Kansas City Municipal Airport, thence clockwise to the west boundary of V-159, thence south along the west boundary of V-159 to the point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the west by longitude 93°30'00" W., on the south by V-4, on the east by V-424, on the north by V-116 and on the northwest by V-206; and within the area bounded on the west by longitude 93°30'00" W., on the south by V-116, on the east by V-206 and on the north by V-10; and within an area bounded on the west by V-161, on the southeast by V-10 and on the north by V-50.

Ke-ahole, Kona, Hawaii
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Ke-ahole Airport (latitude 19°44'35" N., longitude 156°03'00" W.), within 4.5 miles each side of the Kona VORTAC 179° radial, extending from the 8.5-mile radius area to 11 miles south of the VORTAC and within 4.5 miles each side of the Kona VORTAC 348° radial, extending from the 8.5-mile radius area to 17.5 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the Kona VORTAC 179° radial, extending from the VORTAC to 18.5 miles south of the VORTAC, within a 17-mile radius of the Kona VORTAC, extending counterclockwise from V-20 to the Kona VORTAC 179° radial, and within the area bounded on the northeast by V-20, on the west by a line 5 miles west of and parallel to the Maui, Hawaii, VORTAC 179° radial and on the south by a line 5 miles south of and parallel to the Kona VORTAC 281° radial.

Kearney, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Kearney Municipal Airport (latitude 40°43'45" N., longitude 98°59'55" W.); within 4½ miles east and 9½ miles west of the Kearney VOR 194° radial, extending from the airport to 18½ miles south of the airport; and within 4½ miles east and 9½ miles west of the Kearney VOR 360° radial, extending from the airport to 18½ miles north of the airport.

Keene, N. H.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 43°01'00" N., 72°27'00" W. to 43°01'00" N., 72°13'00" W. to 42°55'00" N., 72°00'00" W. to 42°51'30" N., 71°54'00" W. to 42°28'00" N., 71°54'00" W. to 42°28'00" N., 72°27'00" W. to the point of beginning excluding that portion within the Boston, Mass., transition area.

Kenai, Alaska
That airspace extending upward from 1,200 feet above the surface within 12 miles each side of the 227° bearing from the Kenai, Alaska, RR extending from the southwest boundary of the Anchorage, Alaska, 1,200-foot transition area to 29 miles SW of the RR.

Kendallville, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Kendallville Municipal Airport (latitude 41°28'30" N., longitude 85°15'30" W.); within 2 miles each side of the 037° radial of the Wolflake VOR, extending from the 5½-mile radius area to 6 miles southwest of the airport.

AMENDMENTS 10/14/71 36 F. R. 15112 (Added)

Kennett, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kennett Memorial Airport (latitude 36°14'00" N., longitude 90°02'00" W.); and within 2 miles each side of the 346° radial of the Blytheville VOR extending from the 5-mile radius area to 13½ miles north of the VOR.

AMENDMENTS 3/4/71 35 F. R. 19984 (Added)

Kenosha, Wis.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Kenosha Municipal Airport (latitude 42°35'30" N., longitude 87°55'15" W.), and within 3 miles each side of the 332° bearing from Kenosha Municipal Airport, extending from the 5½-mile radius area to 8 miles northwest of the airport, excluding the portions which overlie the Chicago, Ill., and Milwaukee, Wis., 700-foot floor transition areas.

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Kentucky
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Kentucky.

AMENDMENTS 6/24/71 36 F. R. 7657 (Added)

Keokuk, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Keokuk Municipal Airport (latitude 40° 27' 35" N.. longitude 91° 25' 50" W.). within 2 miles each side of the 311° bearing from the Keokuk RBN (latitude 40° 27' 45" N., longitude 91° 26' 00" W.), extending from the 4-mile radius area to 8 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 311° bearing from the Keokuk RBN, extending from the RBN to 12 miles NW of the RBN, and within 5 miles each side of the 131° bearing from the Keokuk RBN, extending from the RBN to 12 miles SE of the RBN, excluding the portion which overlies the State of Illinois.

Kerrville, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Kerrville Municipal (Louis Schreiner Field) Airport (latitude 29°58'41" N., longitude 99°05'11" W.), and within 3 miles each side of the 134° bearing from the Kerrville RBN (latitude 29°59'11" N., longitude 99°04'31" W.) extending from the 5-mile radius area to 8 miles southeast of the RBN.

Key West, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Key West International Airport (lat. 24°33'22" N., long. 81°45'35" W.); within 5 miles each side of Key West VORTAC 309° radial, extending from the 8.5-mile radius area to 8.5 miles northwest of the VORTAC; within an 8.5-mile radius of Key West NAS (Boca Chica) (lat. 24°34'30" N., long. 81°41'15" W.).

AMENDMENTS 12/9/71 36 F. R. 20364 (Rewritten)

Killeen, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Hood AAF (lat. 31° 08'15" N., long. 97°42'50" W.); within a 7-mile radius of Robert Gray AAF (lat. 31°04'20" N., long. 97°49' 45" W.); within 9.5 miles west and 5 miles east of the Hood VOR 352° and 172° radials extending from 2 miles north of the VOR to 12 miles south of the VOR; within 5 miles southeast and 9.5 miles northwest of the Hood VOR 219° T (210° M) radial extending from the VOR to 19 miles southwest of the VOR; within 3.5 miles each side of the 341° bearing from Gray RBN (lat. 31°07'18" N., long. 97°51'02" W.) extending from the 7-mile radius area to 11.5 miles north of the RBN.

AMENDMENTS 5/27/71 36 F. R. 5211 (Rewritten)
AMENDMENTS 5/27/71 36 F. R. 8031 (Changed)

Kingman, Ariz.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Kingman Municipal Airport (latitude 35°15'31" N., longitude 113°56'20" W.); within 2 miles each side of the Kingman VOR 025° radial, extending from the 5-mile radius area to 7 miles NE of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 9 miles NW of the Kingman VOR 025° and 205° radials, extending from 38 miles NE to 13 miles SW of the VOR.

King Salmon, Alaska
That airspace extending upward from 700 feet above the surface within 2 miles each side of the King Salmon VORTAC 132° and 312° radials, extending from 15 miles SE of the VORTAC to 11 miles NW of the VORTAC; within a 9-mile radius of the King Salmon Airport (latitude 58°40'40" N.; longitude 156°38'55" W.) extending from the 226° bearing from the airport clockwise to the 055° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the King Salmon VORTAC; within 7 miles S and 9 miles N of the 068° radial, extending from the King Salmon VORTAC to 34 miles E; within a 37-mile radius of the King Salmon VORTAC, extending from the 105° radial clockwise to a line 4 nautical miles south of and parallel to the King Salmon, RR, 130° bearing; within 7 miles E and 10 miles W of the King Salmon VORTAC 186° radial, extending from the VORTAC to 28 miles S of the VORTAC; and within a 34-mile radius of the King Salmon LFR, extending from 5 miles S of the 281° bearing from the LFR clockwise to 5 miles NE of the 312° bearing from the LFR; and that airspace extending upward from 14,500 feet MSL outside the United States within a 172-mile radius of the King Salmon VORTAC. Federal airways, Control 1217, Control 1234, Control 1400, Control 1401, are excluded from the portion extending upward from 14,500 feet MSL.

V 37-20 JAN 29 72 XUM

Kingsville, Tex.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of NAAS Kingsville (north) (latitude 27°30'10" N., longitude 97°48'25" W.), within a 7-mile radius of the Kleberg County Airport (latitude 27°33'01" N., longitude 98°01'39" W.), and within 2 miles each side of a 316° bearing from the Kleberg County RBN (latitude 27°36'20" N., longitude 98°05'22" W.) extending from the 7-mile radius area to 8 miles northwest of the RBN, excluding that portion which lies within the Alice, Tex., control zone.

Kinston, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of Stallings Field (latitude 35°19'40" N., longitude 77°36'55" W.); within 3 miles each side of Kinston VORTAC 047° radial, extending from the 8.5-mile radius to 8.5 miles northeast of the VORTAC.

Kirksville, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45" N., longitude 92°32'50" W.); within 3 miles each side of the Kirksville VORTAC 316° radial, extending from the 6½-mile radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the 360° bearing from Clarence Cannon Memorial Airport, extending from the 6½-mile radius area to 11½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Kirksville VORTAC; within 4½ miles northeast and 9½ miles southwest of the Kirksville VORTAC 316° radial, extending from the 13-mile radius area to 18½ miles northwest of the VORTAC; within 5 miles each side of the 180° bearing from Clarence Cannon Memorial Airport, extending from the 13-mile radius area to 13 miles south of the airport; and within 5 miles each side of a line from latitude 40°21'12" N., longitude 92° 46'00" W., to latitude 40°15'50" N., longitude 92°33'00" W., to latitude 40°16'12" N., longitude 92°12'48" W.

Klamath Falls, Oreg.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Klamath Falls VORTAC and within 5 miles east and 9.5 miles west of the Klamath Falls ILS localizer south course extending from the 15-mile radius area to 18.5 miles south of the Merrill RBN; that airspace extending upward from 1,200 feet above the surface between 15- and 25-mile radius circles centered on Klamath Falls VORTAC; that airspace extending upward from 7,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 095° radial to a line 5 miles east of and parallel to the VORTAC 165° radial, and within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 245° to the 295° radials; that airspace extending upward from 8,600 feet MSL within the area bounded by the arcs of 25- and 48-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 5 miles east of and parallel to the VORTAC 165° radial to a line 11.5 miles west of and parallel to the VORTAC 181° radial; that airspace extending upward from 9,000 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC extending clockwise from the VORTAC 320° to the 095° radials; that airspace extending upward from 9,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 11.5 miles west of and parallel to the VORTAC 181° radial to the 245° radial, and within the area bounded by the arcs of 25- and 28-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials; and that airspace extending from 11,000 feet MSL within the area bounded by the arcs of 28- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials.
AMENDMENTS 9/16/71 36 F. R. 13133 (Rewritten)

Knoxville, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Knoxville Municipal Airport (latitude 41°18'00" N., longitude 93°06'40" W.) and within 3 miles each side of the 342° bearing from Knoxville Municipal Airport extending from the 5-mile radius area to 8 miles north of the airport.

Knoxville, Tenn.
That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport (latitude 35°48'40" N., longitude 83°59'35" W.) and a line 3 miles northwest of and parallel to Knoxville VORTAC 040° radial, to and northeast along this line, to and southeast along a line 8.5 miles northeast of and perpendicular to Knoxville VORTAC 040° radial, to and southwest along a line 3 miles southeast of and parallel to Knoxville VORTAC 040° radial, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to and east along the Knoxville VORTAC 100° radial, to and clockwise along the arc of a 25.5-mile radius circle centered on McGhee-Tyson Airport, to and north along the west boundary of V-97, to and southwest along a line 4.5 miles southeast of and parallel to Knoxville ILS localizer southwest course, to and northwest along a line 18.5 miles southwest of and perpendicular to Knoxville ILS localizer southwest course, to and northeast along a line 9.5 miles northeast of and parallel to Knoxville ILS localizer southwest course, to and clockwise along the arc of an 11.5-mile radius circle centered on McGhee-Tyson Airport, to point of beginning.

Kodiak, Alaska
That airspace extending upward from 1,200 feet above the surface within a 29-mile radius of Navy Station Kodiak Airport latitude 57°44'50" N., longitude 152°29'40" W.), extending clockwise from the 085° bearing to the 040° bearing from the airport; within a 35-mile radius of Navy Station Kodiak Airport, extending clockwise from the 040° bearing to the 085° bearing from the airport; and that airspace extending upward from 14,500 feet MSL within 16 miles S and 25 miles N of the Kodiak TACAN 094° radial; extending from 8 miles E of the TACAN to 58 miles E of the TACAN, excluding the King Salmon, Alaska, transition area.

Kokomo, Ind.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Grissom AFB (latitude 40°38'55" N., longitude 86°09'10" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); within a 5-mile radius of Logansport, Ind. Municipal Airport (latitude 40°42'35" N., longitude 86°22'45" W.); within 4½ miles each side of the Grissom AFB ILS localizer southwest course, extending from the 8½-mile and 6½-mile radii areas to 4½ miles southwest of the OM; within 3 miles each side of the Kokomo VORTAC 039° radial, extending from the 6½-mile and 8½-mile radii areas to 8 miles northeast of the VORTAC; and within 3 miles each side of the Kokomo VORTAC 129° radial, extending from the 6½-mile radius area to 8 miles southeast of the VORTAC.

Kosciusko, Miss.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Kosciusko-Attala County Airport (latitude 33°05'20" N., longitude 89°32'25" W.); within 3 miles each side of the 142° and 310° bearings from the Kosciusko RBN (latitude 33°05'29" N., longitude 89°32'25" W.), extending from the 5.5-mile radius area to 8.5 miles southeast and northwest of the RBN.

Kwajalein Island, Marshall Islands
That airspace extending upward from 700 feet above the surface within a 12-nmi radius of the Kwajalein TACAN; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Kwajalein TACAN.

Laconia, N. H.
That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center, 43°34'30" N., 71°25'25" W. of Laconia Municipal Airport, Laconia, N. H.; within 3.5 miles each side of the 249° bearing from the Laconia RBN, 43°33'14" N., 71°29'12" W., extending from the 6.5-mile radius area to 9.5 miles west of the RBN; and within 2 miles each side of the Runway 17 centerline, extended from the 6.5 mile radius area to 9.5 miles southeast of the end of the runway.

La Crosse, Wis.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the La Crosse VOR 322° radial extending from the VOR to 24½ miles northwest of the VOR; within 9½ miles east and 4½ miles west of the La Crosse VOR 185° radial extending from the 14-mile radius to 24 miles south of the VOR; and within 9½ miles southwest and 4½ miles northeast of the La Crosse RBN 305° bearing extending from the 14-mile radius to 18½ miles northwest of the RBN.

AMENDMENTS 5/27/71 38 F. R. 5675 (Rewritten)

Lafayette, Ind.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of Purdue University Airport (latitude 40°24'45" N., longitude 86°56'15" W.) within 2 miles each side of the 144° radial of the Lafayette, Ind., VORTAC, extending from the 7½-mile radius area to the Lafayette VORTAC; within a 5½-mile radius of Halsmer Airport (latitude 40°23'40" N., longitude 86°48'25" W.); and within a 5½-mile radius of Aretz Airport (latitude 40°27'37" N., longitude 86°50'00" W.), within 1½ miles each side of the 118° radial of the Lafayette, Ind., VORTAC, extending from the 7½-mile radius to one-half mile southeast of the Lafayette VORTAC.

AMENDMENTS 12/9/71 36 F. R. 20035 (Rewritten)

Lafayette, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of latitude 30°02'15" N., longitude 91°53'00" W., within 2 miles each side of the Lafayette VORTAC 139° radial extending from the 5-mile radius area to the VORTAC, within 2 miles each side of the Lafayette ILS localizer north course extending from the OM to 1 mile S, within 2 miles each side of the Lafayette ILS localizer S course extending from the arc of a 5-mile radius circle centered on the Lafayette Airport (latitude 30°12'00" N., longitude 91°59'40" W.) to 14 miles S of the airport, and within 2 miles each side of the Lafayette VORTAC 171° radial extending from the VORTAC to 8 miles south, within a 5-mile radius of the Abbeville Municipal Airport (latitude 29°58'19" N., longitude 92°05'06" W.); and within 2 miles each side of the Lafayette VORTAC 207° radial, extending from the VORTAC to the Abbeville Municipal Airport.

La Grange, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Callaway Airport (lat. 33°00'30" N., long. 85°04'20" W.); within 1.5 miles each side of La Grange VORTAC 110° radial, extending from the 6-mile radius area to the VORTAC.

AMENDMENTS 8/19/71 36 F. R. 10947 (Rewritten)

66-000 O - 72 (pt. 3 Sec. 3) - 3

V 37-20 JAN 29 72 XUM

La Grange, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rocky Creek Ranch Airport (latitude 29°55'30" N., longitude 96°48'12" W.) and within 2 miles each side of the Industry VOR 262° radial extending from the 5-mile radius area to the VOR.

La Junta, Colo.
That airspace extending upward from 700 feet above the surface bounded on the north by the south edge of V-244, on the south by a line 9.5 miles south of and parallel to the 091° and 271° bearings from the La Junta, Colo., RBN (latitude 38°02'54" N., longitude 103°37'14" W.), extending from 12 miles east to 18.5 miles west of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-244, on the east by the west boundary of the 700-foot portion of the transition area, on the south by the north edge of V-210, on the southwest by the northeast edge of V-81, excluding the airspace within the Pueblo, Colo., transition area.

Lake Charles, La.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of East Lake Charles Airport (latitude 30°13'25" N., longitude 93°08'55" W.), within 2 miles each side of the Lake Charles VORTAC 339° radial extending from the 4-mile radius area to the VORTAC, and within 2 miles each side of the Lake Charles ILS localizer NW course extending from the OM to 8 miles NW of the OM.

Lake City, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Lake City Municipal Airport (lat. 30°10'45" N., long. 82°34'45" W.).

AMENDMENTS 2/4/71 35 F. R. 18190 (Added)

Lake City, Mich.
That airspace extending upward from 1,200 feet above the surface within 6 miles SW and 10 miles NE of the Traverse City, Mich., VOR 136° radial, extending from 8 miles NW to 19 miles SE of the INT of the Traverse City VOR 136° radial and the White Cloud, Mich., VOR 033° radial.

Lake Jackson, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brazoria County Airport
(latitude 29°02'15" N., longitude 95°27'20" W.); within 2 miles each side of the Lake Jackson VOR 343° radial extending from the 5-mile radius area to 8 miles NW of the VOR, and within 2 miles each side of the Lake Jackson VOR 158° radial extending from the 5-mile radius area to 8 miles SE of the VOR.

Lakeland, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lakeland Municipal Airport (lat. 27°59'15" N., long. 82°00'55" W.); within 5 miles each side of Lakeland VORTAC 235° radial, extending from the 8.5-mile radius area to 9.5 miles southwest of the VORTAC.

AMENDMENTS 8/19/71 36 F. R. 12005 (Rewritten)

Lakeview, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lake County-Lakeview Airport (latitude 42°09'35" N., longitude 120°24'15" W.), and within 2 miles each side of the 180° bearing from the Lakeview RBN (latitude 42°09'15" N., longitude 120°24'18" W.), extending from the RBN to 8 miles south of the RBN; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9 miles west of the 180° and 360° bearings from the Lakeview RBN extending from 5 miles north to 18 miles south of the RBN.

Lamar, Colo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Lamar Airport (latitude 38°04'10" N., longitude 102°41'35" W.) and within 3.5 miles each side of the Lamar VOR 001° radial, extending from the 6-mile radius area to 10 miles north of the VOR; that airspace extending upward from 1,200' above the surface within 6 miles east and 9.5 miles west of the Lamar 001° and 181° radials extending from 18.5 miles north to 8 miles south of the VOR.

Lambertville, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wagon Wheel Airport (latitude 41°43'45" N., longitude 83°39'45" W.) and within 2 miles each side of the 357° radial of the Waterville, Ohio, VORTAC, extending from the 5-mile radius area to 14 miles north of the VORTAC; excluding the portion which overlies the Toledo, Ohio, 700-foot floor transition area.

Lansing, Ill.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Chicago-Hammond Airport (latitude 41°32'20" N., longitude 87°32'05" W.); and within 3½ miles each side of the 228° radial of the Chicago Heights, Ill. VORTAC extending from the 5½-mile radius area to 11½ miles southwest of the VORTAC excluding the airspace within the Chicago, Ill., and Griffith, Ind., transition areas.

Lansing, Mich.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Capital City Airport (latitude 42°46'40" N., longitude 84°35'20" W.); within 3 miles each side of the Lansing ILS localizer east course, extending from the 8½-mile radius area to 14 miles east of the OM; and within 3 miles each side of the Lansing ILS localizer west course, extending from the 8½-mile radius area to 14 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 43°16'00" N., on the east by longitude 84°05'00" W., on the south by a line beginning at latitude 42°30'00" N., longitude 84°05'00" W., to latitude 42°30'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 84°50'00" W., to latitude 42°38'00" N., longitude 85°15'00" W., and on the west by longitude 85°15'00" W.; and within the area bounded on the north by V-216, on the east by longitude 84°25'00" W., on the south by latitude 43°16'00" N., and on the west by longitude 85°02'00" W.

Lapeer, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Dupont-Lapeer Airport (latitude 43°04'10" N., longitude 83°16'15" W.); and within 2 miles each side of the Flint, Mich., VORTAC 074° radial extending from the 5-mile radius area to 18 miles east of the VORTAC.

La Pryor, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Chaparrosa Ranch Airport (latitude 28°52'45" N., longitude 99°59'25" W.) and within 3.5 miles each side of a 330° bearing from the (Chaparrosa Ranch) RBN (latitude 28°54'35" N., longitude 100°00'19" W.) extending from the radio beacon to a point 11.5 miles northwest of the radio beacon.

AMENDMENTS 6/24/71 36 F. R. 8031 (Added)

Laramie, Wyo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Brees Field, Laramie, Wyo. (latitude 41°18'50" N., longitude 105°40'25" W.); within 5 miles each side of the Laramie VORTAC 301° radial, extending from the 9-mile radius area to 11.5 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6 miles southwest and 9.5 miles northeast of the Laramie VORTAC 301° radial, extending from the VORTAC to 19 miles northwest of the VORTAC.

Laredo, Tex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Laredo AFB (latitude 27°32'35" N., longitude 99°27'40" W.), within a 12-mile radius of the Laredo VORTAC extending from a line 5 miles northeast of and parallel to the Laredo VORTAC 149° radial clockwise to the United States-Mexico border, within 2 miles each side of the Laredo VORTAC 326° radial extending from the 9-mile radius area to 20 miles northwest of the VORTAC, within 2 miles each side of the border TACAN 337° radial extending from the 9-mile radius area to 21 miles northwest of the TACAN, within 2 miles each side of the border TACAN 348° radial extending from the 9-mile radius area to 17.5 miles north of the TACAN and within 2 miles each side of the border TACAN 360° radial extending from the 9-mile radius area to 15 miles north of the TACAN, excluding those portions outside the United States.

Las Cruces, N. Mex.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Las Cruces Municipal Airport (lat. 32°17'27" N., long. 106°55'18" W.); and within 3.5 miles either side of the Las Cruces NDB (lat. 32°16'56" N., long. 106°55'23" W.) 180° bearing extending from the 10.5-mile radius areas to 12 miles south of the NDB.

AMENDMENTS 2/4/71 35 F. R. 19172 (Added)

Lanai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lanai Airport (latitude 20°47'30" N., longitude 156°57'00" W.).

Lancaster, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa., and within 5 miles SW and 8 miles NE of the Lancaster VOR 128° radial extending from the VOR to 12 miles SE; within 5 miles N and 8 miles S of the Lancaster VOR 260° radial extending from the VOR to 12 miles W.

VOL 37 NO 29 JAN 72

Lancaster, S. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lancaster Airport (lat. 34°43'22" N., long. 80°51'18" W.).

AMENDMENTS 4/29/71 36 F. R. 4374 (Added)

Land O'Lakes, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of King's Land O'Lakes Municipal Airport (latitude 46°09'15" N., longitude 89°12'31" W.); and within 9½ miles southwest and 4½ miles northeast of the 312° and 132° bearings from the King's Land O'Lakes Municipal Airport extending from the 5-mile radius area to 18½ miles northwest of the airport to 6 miles southeast of the airport.

AMENDMENTS 4/1/71 36 F. R. 1884 (Rewritten) Corr: 36 F. R. 5287

Langhorne, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°11'15" N., 74°54'00" W., of Buehl Field, Langhorne, Pa., excluding the portion which coincides with the North Philadelphia, Pa., transition area.

AMENDMENTS 4/29/71 36 F. R. 4690 (Changed)

Las Vegas, Nev.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 36°11'00" N., longitude 115°28'00" W., to latitude 36°11'00" N., longitude 115°11'00" W., to latitude 36°24'00" N., longitude 115°00'00" W., to latitude 36°18'00" N., longitude 114°51'00" W., to latitude 36°00'00" N., longitude 114°50'00" W., to latitude 35°52'00" N., longitude 115°11'00" W., to latitude 35°52'00" N., longitude 115°28'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°16'00" N., longitude 115°32'00" W., to latitude 36°58'00" N., longitude 114°41'00" W., to latitude 36°58'00" N., longitude 114°07'00" W., to latitude 36°47'00" N., longitude 113°59'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°14'00" W., to latitude 35°39'00" N., longitude 114°57'00" W., to latitude 35°30'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°02'00" W., to latitude 35°00'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°24'00" W., to latitude 35°14'00" N., longitude 115°50'00" W., to latitude 35°36'00" N., longitude 115°50'00" W., to latitude 36°06'00" N., longitude 116°18'00" W., to latitude 36°13'00" N., longitude 116°18'00" W., thence to point of beginning; that airspace extending upward from 9,000 feet MSL beginning at latitude 36°47'00" N., longitude 113°59'00" W., thence clockwise via an arc of an 82-mile radius circle centered on Las Vegas, Nev., VORTAC to a line 5 miles north of and parallel to a direct line between the Grand Canyon, Arizona VOR and Boulder City, Nev., VORTAC, thence west along a line 5 miles north of and parallel to a direct line between the Grand Canyon VOR and the Boulder City VORTAC to longitude 114°14'00" W., to latitude 36°19'00" N., longitude 114°14'00" W., to latitude 36°25'00" N., longitude 114°05'00" W., to latitude 36°44'00" N., longitude 114°05'00" W., to point of beginning.

Las Vegas, N. Mex.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial, extending beyond the 9-mile radius area to 11.5 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial, extending beyond the 9-mile radius area to 11.5 miles southwest of the VORTAC.

AMENDMENTS 8/19/71 36 F. R. 12092 (Rewritten)

Latrobe, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 40° 16'39" N., long. 79°24'14" W., of Latrobe Airport, Latrobe, Pa.; within the arc of an 8.5-mile radius circle centered on Latrobe Airport, extending clockwise from a 270° bearing from the center of the airport to a 360° bearing from the center of the airport; within 2 miles each side of the 226° bearing from the Latrobe RBN lat. 40°22'32" N., long. 79°16'19" W., extending from the 5-mile radius area to the RBN; within 4 miles each side of the 046° bearing from the Latrobe RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of the 213° bearing from the Latrobe RBN, extending from the RBN to 3 miles southwest of the RBN; within 2 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile radius area to 17 miles southwest of the Latrobe RBN and within 3.5 miles each side of the Latrobe Airport localizer southwest course, extending from 17 miles southwest of the Latrobe RBN to 27 miles southwest of the RBN.

AMENDMENTS 6/24/71 36 F. R. 9130 (Rewritten)

Laurel, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Laurel Municipal Airport (lat. 31°40'10" N., long. 89°10'20" W.); within 3 miles each side of Laurel VOR 325° radial, extending from the 7-mile radius area to 8.5 miles northwest of the VOR.

AMENDMENTS 5/27/71 36 F. R. 5581 (Rewritten)

Laurinburg, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Laurinburg-Maxton Airport (latitude 34°47'25" N., longitude 79°21'55" W.); within 3 miles each side of Pinehurst VORTAC 157° radial, extending from the 8.5-mile radius area to 20 miles southeast of the VORTAC.

Lawrence, Kans.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lawrence Municipal Airport (latitude 39°00'30" N., longitude 95°13'00" W.); within 2 miles each side of the Topeka, Kans., VORTAC 116° radial, extending from the 5-mile radius area to 13 miles southeast of the VORTAC; and within 3 miles each side of the 318° bearing from Lawrence Municipal Airport, extending from the 5-mile radius to 8 miles northwest of the airport.

AMENDMENTS 12/9/71 36 F. R. 19575 (Rewritten)

Lawrenceburg, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceburg Municipal Airport (lat. 35°14'00" N., long. 87°15'30" W.); within 9.5 miles west and 4.5 miles east of the 349° bearing from the Lawrenceburg RBN (lat. 35°15'51" N., long. 87°15'56" W.), extending from the RBN to 18.5 miles north; excluding the portion within the Mount Pleasant transition area.

AMENDMENTS 2/4/71 35 F. R. 18454 (Added)

Lawrenceville, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gwinnett County Airport (latitude 33°58'53" N., longitude 83°57'50" W.); within 1.5 miles each side of Norcross VORTAC 077° radial, extending from the 6-mile radius area to 3 miles east of the VORTAC.

Lawrenceville, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°46'20" N., 77°47'45" W., of Lawrenceville Municipal Airport, Lawrenceville, Va., and within 2 miles each side of the Lawrenceville VOR 117° radial, extending from the 5-mile radius area to the VOR.

Lawton, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawton Municipal Airport (latitude 34°34'15" N., longitude 98°24'55" W.), within 8 miles W and 5 miles E of the Lawton VOR 357° and 177° radials, extending from 5 miles N to 12 miles S of the VOR, and within 2 miles each side of the 180° bearing from the Fort Sill RBN extending from the 7-mile radius area to the RBN.

Lebanon, N. H.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 43°37'35" N., 72°18'10" W. of Lebanon Regional Airport, Lebanon, N. H., extending clockwise from the 210° to the 030° bearing from the airport and within a 15-mile radius of Lebanon Regional Airport extending clockwise from the 030° to the 210° bearing from the airport and within 4.5 miles southeast and 9.5 miles northwest of the Lebanon VOR 051° radial extending from the Lebanon VOR to 16.5 miles northeast of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 43°11'00" N., 72°39'00" W. to 43°47'00" N., 72°39'00" W. to 43°55'00" N., 72°16'00" W. to 43°43'00" N., 71°50'00" W. to 43°35'00" N., 71°55'00" W. to 42°55'00" N., 72°00'00" W. to 43°05'00" N., 72°13'00" W. to the point of beginning.

Leesburg, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, lat. 39° 04'31" N., long. 77°33'25" W. of Leesburg Municipal (Godfrey) Airport and within 2 miles each side of a line bearing 079° from a point lat. 39°05'32" N., long. 77°27'30" W. extending from the 6-mile radius area to 8 miles east of said point excluding that portion within the Washington, D. C., transition area.

AMENDMENTS 5/20/71 36 F. R. 9130 (Rewritten)

LeMars, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of LeMars Municipal Airport (latitude 42°46'36" N., longitude 96°11'37" W.); and within 3 miles each side of the 358° bearing from LeMars Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 358° and 178° bearings from LeMars Municipal Airport, extending from 4½ miles south to 18½ miles north of the airport, excluding the portion which overlies the Sioux City, Iowa, transition area.

AMENDMENTS 4/29/71 36 F. R. 4371 (Rewritten)

V 37-20 JAN 29 72 XUM

Lemoore, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the NAS Lemoore TACAN, and within 5 miles each side of a 156° bearing from the NAS Lemoore RBN extending from the 10-mile radius area to 13.0 miles southeast of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the E by a line extending from latitude 36° 46' 00" N., longitude 120° 03' 50" W., to latitude 36° 37' 00" N., longitude 119° 56' 00" W., to latitude 36° 37' 00" N., longitude 119° 44' 10" W., thence S along the W boundary of V-23 to longitude 119° 30' 00" W., thence to latitude 35° 43' 50" N., longitude 119° 30' 00" W., on the S by latitude 35° 43' 50" N., on the W by V-485 S of the Priest, Calif., VOR and V-113 N of the Priest VOR, and on the N by V-230.

AMENDMENTS 6/24/71 36 F. R. 7845 (Changed)

Lewisburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°51'35" N., 80°23'55" W. of Greenbrier Valley Airport, Lewisburg, W. Va.; within 2 miles each side of the Runway 22 centerline, extended from the 7-mile radius area to 8 miles southwest of the end of the runway; within 2 miles each side of the Runway 4 centerline, extended from the 7-mile radius area to 15.5 miles northeast of the end of the runway; within 2 miles each side of the White Sulphur Springs, W. Va., VOR 321° radial, extending from the 7-mile radius area to the VOR.

PENDING AMENDMENT
Lewisburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center (lat. 37°51'35" N., long. 80°23'55" W.) of Greenbrier Valley Airport, Lewisburg, W. Va., extending clockwise from the 252° bearing to the 278° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 278° bearing to the 291° bearing from the airport; within a 16-mile radius of Greenbrier Valley Airport, extending clockwise from the 291° bearing to the 301° bearing from the airport; within a 21.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 301° bearing to the 332° bearing from the airport; within a 22.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 332° bearing to the 347° bearing from the airport; within a 23.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 347° bearing to the 357° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 357° bearing to the 030° bearing from the airport; within an 18.5-mile radius of Greenbrier Valley Airport, extending clockwise from the 030° bearing to the 086° bearing from the airport; within a 15-mile radius of Greenbrier Valley Airport, extending clockwise from the 086° bearing to the 143° bearing from the airport; within a 17-mile radius of Greenbrier Valley Airport, extending clockwise from the 143° bearing to the 192° bearing from the airport; within a 14-mile radius of Greenbrier Valley Airport, extending clockwise from the 192° bearing to the 252° bearing from the airport; within 3 miles each side of the 216° bearing from the Lewisburg, W. Va., RBN (lat. 37°46'52" N., long. 80°28'10" W.) extending from the RBN to 8.5 miles southwest and within 3 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial, extending from the VOR to 8.5 miles southeast.

AMENDMENTS 3/2/72 37 F. R. 135 (Rewritten)

Lewiston, Idaho
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (latitude 46°22'34" N., longitude 117°00'53" W.), and within 2 miles each side of the Lewiston VOR 263° radial extending from the 5-mile radius area to the VOR, and within 2.5 miles each side of the Lewiston VOR 065° and 245° radial extending from 1 mile southwest to 6 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northwest and 5 miles southeast of the Lewiston VOR 065° radial, extending from the VOR to 19 miles northeast of the VOR, that airspace west of Lewiston bounded on the northwest by V-536, on the northeast by V-253, and on the south by V-520; and that airspace extending upward from 6,500 feet MSL within 12 miles northwest and 8 miles southeast of the Lewiston VOR 065° and 245° radials, extending from 11 miles southwest to 23 miles northeast of the VOR.

AMENDMENTS 9/16/71 36 F. R. 13683 (Changed)

Lewistown, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Lewistown, Mont., Municipal Airport (latitude 47°02'39" N., longitude 109°28'15" W.) and within 4 miles each side of the Lewistown VORTAC 289° radial, extending from the 7-mile radius area to 10.5 miles west of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 4.5 miles north and 9.5 miles south of the Lewistown VORTAC 289° radial, extending from the VORTAC to 18.5 miles west of the VORTAC, and within 5 miles north and 8 miles south of the Lewistown VORTAC 109° radial, extending from the VORTAC to 7 miles east of the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 16900 (Rewritten)

Lexington, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Blue Grass Airport (lat. 38°02'16" N., long. 84°36'16" W.); within 3 miles each side of the ILS localizer northeast course, extending from the 8.5-mile radius area to 14 miles northeast of the runway end; within 9.5 miles northwest and 4.5 miles southeast of the ILS localizer southwest course, extending from the 8.5-mile radius area to 18.5 miles southwest of the OM.
AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)
AMENDMENTS 10/14/71 36 F. R. 14382 (Rewritten)

Lexington, Tenn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Franklin-Wilkins Airport (latitude 35°39'07" N., longitude 88°22'47" W.); within 3 miles each side of the Jacks Creek VORTAC 165° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VORTAC.

Liberal, Kans.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Liberal Municipal Airport (latitude 37°02'35" N., longitude 100°57'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Liberal Municipal Airport, excluding the portion within the State of Oklahoma.

Liberty, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Causey Airport (lat. 35°54'50" N., long. 79°37'03" W.); within 2 miles each side of Liberty VOR 358° radial, extending from the 5-mile radius area to the VOR.

AMENDMENTS 4/29/71 36 F. R. 2865 (Added)

Liberty, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Liberty Air Service Airport (latitude 30°04'30" N., longitude 94°41'50" W.); and within 2 miles each side of Daisetta VOR 203° radial extending from the 5-mile radius area to the VOR.

Lihue, Hawaii
That airspace extending upward from 700 feet above the surface within the arc of an 8.5-mile radius circle centered on the Lihue Airport (latitude 21°58'55" N., longitude 159°20'40" W.), extending clockwise from a line 2 miles west of and parallel to the Lihue VORTAC 021° radial to a line 2 miles northeast of and parallel to the Lihue VORTAC 130° radial and within 2 miles each side of the Lihue VORTAC 130° radial, extending from 9 miles southeast to 10.5 miles southeast of the Lihue VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of a 25-mile radius circle centered on the Lihue VORTAC, extending clockwise from a line 5 miles west of and parallel to the Lihue VORTAC 021° radial to V-2, excluding the portion within W-511.

Lima, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°42'31" N., 84°01'37" W. of Allen County Airport, Limi, Ohio; within 2 miles each side of the Allen County VOR 090 radial extending from the 6-mile radius area to 8 miles east of the VOR; within a 5-mile radius of the center 40°45'45" N., 84°10'35" W., of Lima Airport, Lima, Ohio; and within 2 miles each side of a 274° bearing from the Lima, Ohio, RBN (40°45'41" N., 84°10'46" W.) extending from the 5-mile radius area to 8 miles west of the RBN.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 40°30'00" N., 83°10'00" W. to 40°30'00" N., 83°50'00" W. to 40°29'00" N., 84°14'00" W., to 40°32'00" N., 84°30'00" W. to 40°51'00" N., 84°30'00" W., 40°51'00" N., 84°00'00" W., to 40°50'00" N., 83°30'00" W. to the point of beginning.

Lincoln, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Logan County Airport (latitude 40°09'40" N., longitude 89°20'05" W.); and within 2½ miles each side of the Capital, Ill., VORTAC 041° radial, extending from the 5-mile radius area to 17 miles northeast of the VORTAC.

Lincoln, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lincoln Municipal Airport (latitude 40°50'45" N., longitude 96°45'20" W.); within the area bounded by a line 5 miles west of and parallel to the Lincoln ILS localizer south course clockwise along a 17-mile arc centered on the Lincoln Municipal Airport to a line 2 miles east of and parallel to the Lincoln VORTAC 015° radial; and within 5 miles west and 9 miles east of the Lincoln ILS localizer south course, extending from the 9-mile radius area to 13 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of longitude 97°02'00" W. and the north edge of V-216, thence north to and clockwise around the arc of a 29-mile radius circle centered on Lincoln Municipal Airport, to latitude 41°15'00" N., longitude 96°35'00" W., thence northeast to latitude 41°19'00" N., longitude 96°30'00" W., thence southeast to latitude 41°16'00" N., longitude 96°23'00" W., thence south along longitude 96°23'00" W., to and west along the north edge of V-216 to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line starting at the intersection of longitude 97°02'00" W. and the north edge of V-216, thence north to and clockwise around the arc of a 29-mile radius circle centered on Lincoln Municipal Airport to latitude 41°15'00" N., longitude 96°35'00" W., thence northeast to latitude 41°19'00" N., longitude 96°30'00" W., thence southeast to latitude 41°16'00" N., longitude 96°23'00" W., thence north along longitude 96°23'00" W., to and west along the south edge of V-172, to and south along longitude 98°00'00" W., to and east along the north edge of V-216 to the point of beginning.

V 37-20
JAN 29 72
XUM

Little Rock, Ark.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°39'15" N., longitude 92°36'00" W., thence to latitude 35°06'00" N., longitude 92°18'00" W., to latitude 35°06'00" N., longitude 91°58'00" W., to latitude 34°47'00" N., longitude 91°56'00" W., to latitude 34°31'00" N., longitude 92°01'00" W., to latitude 34°26'00" N., longitude 92°30'00" W., to latitude 34°28'00" N., longitude 92°36'00" W., thence clockwise along the arc of a 6.5-mile radius circle centered at latitude 34°33'30" N., longitude 92°36'30" W. to point of beginning.

Livingston, Mont.
That airspace extending upward from 700 feet above the surface within 9.5 miles west and 4.5 miles east of the Livingston VORTAC 340° radial extending from the VORTAC to 18.5 miles north of the VORTAC and within 2 miles each side of the Livingston VORTAC 068° radial, extending from a 5-mile radius circle centered on Mission Field Airport, Livingston, Mont. (latitude 45°41'45" N., longitude 110°26'40" W.) to 9 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles south and 9.5 miles north of the Livingston VORTAC 085° and 265° radials, extending from 7 miles west to 21 miles east of the VORTAC, and within a 15-
mile radius of the Livingston VORTAC extending clockwise from the 261° to the 085° radials of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 20035 (Rewritten) Corr: 36 F. R. 21281

Logan, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Logan-Cache Airport (latitude 41°47'09" N., longitude 111°50'53" W.); that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V-4, on the east by longitude 111°40'30" W., on the south by the north edge of V-288, on the west by the east edge of V-21; and that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V-48, on the west by longitude 111°40'30" W., and on the south by the north edge of V-288.

London, Ky.
That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of Corbin-London War Memorial Airport (lat. 37°05'15" N., long. 84°04'38" W.).

AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)
AMENDMENTS 10/14/71 36 F. R. 14635 (Rewritten)

Lone Rock, Wis.
That airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lone Rock VORTAC 089° and 269° radials, extending from 9 miles E to 20 miles W of the VORTAC.

Lone Star, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lone Star Airport (latitude 32°55'40" N., longitude 94°44'50" W.); and within 2 miles each side of the 316° bearing from the Lone Star RBN, extending from the 5-mile radius area to 8 miles NW of the RBN.

Longview, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gregg County Airport, Longview, Tex. (latitude 32°23'05" N., longitude 94°42'45" W.); within 2 miles each side of the Gregg County ILS localizer NW course, extending from the 6-mile radius area to 8 miles NW of the OM, within 2 miles each side of the Gregg County ILS localizer SE course, extending from the 6-mile radius area to 14 miles SE of the airport, within 2 miles each side of the Gregg County VORTAC 149° radial extending from the 6-mile radius area to 17.5 miles southeast of the VORTAC, and within 2 miles each side of the Gregg County VORTAC 313° radial extending from the 6-mile radius area to 8 miles NW of the VORTAC.

Los Angeles, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°05'00" N., longitude 118°33'00" W.; to latitude 34°05'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°15'00" W.; to latitude 34°00'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 118°07'00" W.; to latitude 33°56'00" N., longitude 117°53'00" W.; to latitude 33°46'00" N., longitude 117°45'00" W.; to latitude 33°39'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°30'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°45'00" N., longitude 118°22'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°00'00" N., longitude 119°05'00" W.; to latitude 34°00'00" N., longitude 118°33'00" W.; to latitude 33°53'00" N., longitude 118°33'00" W.; to latitude 33°45'00" N., longitude 118°22'00" W.; to latitude 33°45'00" N., longitude 118°15'00" W.; to latitude 33°30'00" N., longitude 117°45'00" W.; to latitude 33°30'00" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 118°34'00" W.; to latitude 33°28'30" N., longitude 119°07'00" W.; to latitude 33°52'03" N., longitude 119°06'59" W.; thence to point of beginning.

Los Banos, Calif.
That airspace extending upwards from 700 feet above the surface within a 3-mile radius of Los Banos Municipal Airport (latitude 37°03'43" N., longitude 120°52'05" W.) and within 3 miles each side of the Los Banos VORTAC 348° radial, extending from the 3-mile radius area to 18.5 miles north of the VORTAC.

AMENDMENTS 3/4/71 36 F. R. 147 (Added)

Louisiana
That airspace extending upward from 1,200 feet above the surface bounded on the west, north, and east by the Louisiana/Texas, Arkansas/Louisiana, and Louisiana/Mississippi State lines and bounded on the south by a line beginning at latitude 30°07'20" N., longitude 88°51'00" W. (point of intersection of the Louisiana/Mississippi State line and longitude 88°51'00" W.), thence south to latitude 29°55'00" N., longitude 88°51'00" W., thence west to latitude 29°55'00" N., longitude 89°18'00" W., thence south to latitude 29°41'00" N, longitude 89°18'00" W., to latitude 29°33'00" N., longitude 89°16'00" W., thence southwest to latitude 29°28'35" N., longitude 89°23'50" W., thence southeast along the outer limits of the territorial waters of the United States to the north boundary of Control 1226, thence west along the north boundary of Control 1226 to latitude 29°13'30" N., longitude 89°51'00" W., thence southwest to latitude 28°57'00" N., longitude 90°01'00" W., thence west to latitude 28°50'00" N., longitude 90°15'00" W., thence northwest to latitude 29°11'00" N., longitude 90°25'00" W., thence north to latitude 29°15'00" N., longitude 90°25'00" W., thence west to latitude 29°15'00" N., longitude 91°05'00" W., thence north to latitude 29°25'00" N., longitude 91°05'00" W., thence west to latitude 29°25'00" N., longitude 91°27'30" W., thence northwest to latitude 29°33'00" N., longitude 91°35'30" W., thence west via latitude 29°33'00" N., to longitude 92°36'00" W., thence north to latitude 29°35'00" N., longitude 92°36'00" W., thence west via latitude 29°35'00" N., to and counterclockwise along the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., to the Louisiana/Texas State line.

Louisville, Ky.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 3 miles each side of the ILS localizer north course, extending from the 11-mile radius area to 8.5 miles north of Louisville VOR 328° radial; within 3 miles each side of the ILS localizer east course, extending from the 11-mile radius area to 8.5 miles east of the LOM; within 9.5 miles west and 4.5 miles east of the ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the OM; within 3 miles each side of the ILS localizer west course, extending from the 11-mile radius area to 8.5 miles west of Nabb VOR 206° radial; within a 10-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within an 8.5-mile radius of Godman AAF, Fort Knox (lat. 37°54'27" N., long. 85°58'21" W.).

AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)
AMENDMENTS 6/24/71 36 F. R. 8307 (Changed)

Louisville, Miss.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Louisville-Winston County Airport (lat. 33°08'35" N., long. 89°03'45" W.); within 3 miles each side of the 353° bearing from Louisville RBN (lat. 33°08'37" N., long. 89°03'39" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN.

AMENDMENTS 4/29/71 36 F. R. 4374 (Added) CORR: 36 F. R. 5493

Lovelock, Nev.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lovelock VORTAC 068° and 248° radials, extending from 20 miles E to 7 miles W of the VORTAC, and within 7 miles NW and 10 miles SE of the Lovelock VORTAC 058° and 238° radials, extending from 20 miles SW to 7 miles NE of the VORTAC.

Lovington, N. Mex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lovington, N. Mex., Lea County Airport (lat. 32°57'30" N., long. 103°24'30" W.) and within 3.5 miles each side of a 244° bearing from the Lovington, N. Mex., NDB (lat. 32°56'40" N., long. 103°24'08" W.), extending from the NDB to 11.5 miles southwest.

AMENDMENTS 8/19/71 36 F. R. 12005 (Added)

Lubbock, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°42'15" N., longitude 101°54'45" W.

Lucin, Utah
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Lucin VOR 096° and 276° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the airspace within Federal airways.

V 37-20 JAN 29 72 XUM

Ludington, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mason County Airport (latitude 43°57'40" N., longitude 86°24'30" W.); and within 2 miles each side of the 055° bearing from Mason County Airport, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the 055° bearing from Mason County Airport, extending from the airport to 12 miles northeast of the airport; and within 5 miles each side of the 235° bearing from Mason County Airport, extending from the airport to 12 miles southwest of the airport.

Lufkin, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles E and 5 miles W of the Lufkin VOR 157° radial, extending from the VOR to 12 miles SE; within 5 miles each side of the Lufkin VOR 337° radial extending from the VOR to 5 miles NW.

Lumberton, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lumberton Municipal Airport (latitude 34°36'36" N., longitude 79°03'30" W.); within 3 miles each side of the 302° bearing from Lumberton RBN (latitude 34°36'48" N., longitude 79°03'36" W.), extending from the 8.5-mile radius area to 8.5 miles northwest of the RBN.

Lynchburg, Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°19'40" N., 79°12'05" W., of Lynchburg-Preston Glenn Airport, Lynchburg, Va.; within 2 miles each side of the airport ILS localizer SW course extending from the 8-mile radius area to the Evington RBN; within 2 miles each side of the Lynchburg VORTAC 201° radial extending from the 8-mile radius area to 8 miles SW of the VORTAC, within 2 miles each side of the Lynchburg VORTAC 076° radial extending from the 8-mile radius area to 11 miles E of the VORTAC.

Macomb, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Macomb Municipal Airport (latitude 40°31'10" N., longitude 90°39'15" W.); and within 2 miles each side of the 085° bearing from Macomb Municipal Airport, extending from the 5-mile radius area to 8 miles east of the airport.

Macon, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Herbert Smart Airport (latitude 32°49'20" N., longitude 83°33'45" W.); within an 11-mile radius of Lewis B.Wilson Airport (latitude 32°41'35" N., longitude 83°38'50" W.); within a 14-mile radius of Robins AFB (latitude 32°38'30" N., longitude 83°35'30" W.); within 5 miles each side of Macon VORTAC 227° radial, extending from the 14-mile radius area to 10.5 miles southwest of the VORTAC; within 3 miles each side of Macon ILS localizer southwest course, extending from the 14-mile radius area to 8.5 miles southwest of the LOM; within a 5.5-mile radius of Perry-Fort Valley Airport (lat. 32°30'33" N., long. 83°45'50" W.); within 5 miles each side of Vienna VORTAC 323° radial, extending from the 5.5-mile radius area to 16 miles northwest of the VORTAC.

AMENDMENTS 7/22/71 36 F. R. 9444 (Changed)

Madison, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Madison Municipal Airport (lat. 33°36'46" N., long. 83°27'41" W.).

AMENDMENTS 6/24/71 36 F. R. 7303 (Rewritten)

Madison, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Madison Municipal Airport (latitude 38°45'38" N., longitude 85°27'41" W.); within 3 miles each side of the 217° bearing from Madison Municipal Airport, extending from 5½-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies Restricted Area R-3403.

AMENDMENTS 6/24/71 36 F. R. 7844 (Rewritten)

Madison, Minn.
That airspace extending upward from 1,200 feet above the surface within 9 miles N and 6 miles S of the Watertown, S. Dak., VOR 086° radial, extending from 37 miles E to 64 miles E of the VOR.

Madison, Wis.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Truax Airport (latitude 43°08'15" N., longitude 89°20'10" W.); within 3 miles each side of the Madison ILS localizer south course extending from the 11-mile radius to 8 miles south of the Madison ILS outer marker; and within 3 miles each side of the Madison ILS localizer north course extending from the 11-mile radius to 8 miles north of the Windsor back course marker; and that airspace extending upward from 1,200 feet above the surface bounded on the north by a line extending from latitude 43°43'00" N., longitude 89°55'00" W., to latitude 43°30'00" N., longitude 88°30'00" W.; on the east by longitude 88°30'00" W.; on the south by latitude 42°45'00" N.; and on the west by longitude 89°55'00" W.

AMENDMENTS 5/27/71 36 F. R. 5837 (Rewritten)

Madisonville, Ky.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Madisonville Municipal Airport (lat. 37°21'00" N., long. 87°24'00" W.); within 1.5 miles each side of Central City VOR 257° radial, extending from the 5.5-mile radius area to the VOR.

AMENDMENTS 10/14/71 36 F. R. 14634 (Rewritten)
AMENDMENTS 1/6/72 36 F. R. 24798 (Changed)

Malad City, Idaho
That airspace extending upward from 1,200 feet above the surface within 9 miles E and 6 miles W of the Malad City VORTAC 165° and 345° radials, extending from 18 miles S to 8 miles N of the VORTAC, and within 5 miles N and 8 miles S of the Malad City VORTAC 290° radial, extending from the VORTAC to 12 miles W of the VORTAC.

Malden, Mo.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Malden Municipal Airport (latitude 36°36'20" N., longitude 89°59'20" W.), and within 3 miles each side of the Malden VOR 120° radial, extending from the 6½-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within an 18½-mile radius of Malden VOR, excluding the portions which overlie the Poplar Bluff, Mo., and Blytheville, Ark., transition areas.

AMENDMENTS 11/11/71 36 F. R. 15526 (Rewritten)

Manhattan, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 2 miles each side of the Manhattan VOR 046° radial extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the RBN to 10 miles SE; within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°27'00" N., longitude 96°31'00" W., direct to latitude 39°02'50" N., longitude 97°28'20" W., thence S clockwise along the arc of the 14-mile radius circle centered on the Salina VORTAC, to the N edge of V-4S, thence E along the N boundary of V-4s to the Emporia VORTAC 346° radial, thence N along the Emporia VORTAC 346° radial to the point of beginning.

Manila, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Manila Municipal Airport (latitude 35°53'25" N., longitude 90°09'20" W.); and within 2 miles each side of the 175° bearing from the Manila RBN (latitude 35°53'25" N., longitude 90°09'20" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

Manistee, Mich.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Manistee-Blacker Airport (latitude 44°16'25" N., longitude 86°15'00" W.); within 5 miles north and 8 miles south of the Manistee VOR 274° radial, extending from 9-mile radius area to 16 miles west of the VOR; and within 5 miles south and 8 miles north of the Manistee VOR 099° radial, extending from the 9-mile radius area to 12 miles east of the VOR.

Manistique, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Schoolcraft County Airport (latitude 45°58'25" N., longitude 86°10'35" W.); and within 2 miles each side of the 099° bearing from Schoolcraft County Airport, extending from the 5-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the 099° bearing from Schoolcraft County Airport, extending from the airport to 12 miles east of the airport.

Manitowoc, Wis.
That airspace extending upward from 700 feet above the surface within 8 miles west and 5 miles east of the Manitowoc VOR 343° and 163° radials extending from 2 miles south to 13 miles north of the VOR, and within 8 miles west and 5 miles east of the Manitowoc VOR 176° radial extending from the VOR to 12 miles south of the VOR.

VOL 37 NO 20 JAN 29 72 XUM

Mankato, Minn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mankato Municipal Airport (latitude 44°13'15" N., longitude 93°55'00" W.); and that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the 167° bearing from Mankato Municipal Airport, extending from the airport to 13 miles south of the airport; and within 5 miles each side of the 347° bearing from Mankato Municipal Airport, extending from the airport to 12 miles north of the airport.

Manning, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Clarendon County Airport (latitude 33°35'13" N., longitude 80°12'32" W.); within a 1.5-mile radius of the Goat Island Airport (latitude 33°30'26" N., longitude 80°18'41" W.); within a 1.5-mile radius of the Grayson (private) Airport (latitude 33°36'48" N., longitude 80°20'17" W.); and within 2 miles each side of the Vance VOR 061° radial, extending from the 6.5-mile radius area to the VOR.

Mansfield, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°00'05" N., 71°11'55" W., of the Mansfield Municipal Airport, Mansfield, Mass., and within 2 miles each side of the Whitman, Mass., VOR 249° radial extending from the 5-mile radius area to the VOR, excluding that portion that coincides with the Boston, Mass., transition area.

Mansfield, Ohio
That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Mansfield Lahm Municipal Airport (latitude 40°49'15" N., longitude 82°30'45" W.); and within a 5-mile radius of the Galion Municipal Airport (latitude 40°45'10" N., longitude 82°43'35" W.); within 5 miles SW and 8 miles NE of the Mansfield Lahm Municipal Airport ILS localizer SE course, extending from the ILS LOM to 12 miles SE, within 2 miles each side of the Mansfield VORTAC 307° radial, extending from the VORTAC to 12 miles NW of the VORTAC; within 2 miles each side of the Mansfield Lahm Municipal Airport localizer northwest course, extending from the Mansfield Lahm Municipal Airport 8.5-mile radius area to 14 miles northwest of the localizer; within a 10-mile radius arc of the Mansfield VORTAC, extending clockwise from the Mansfield VORTAC 180° radial to the Mansfield VORTAC 197° radial; within 5 miles southwest and 8 miles northeast of the Mansfield VORTAC 130° radial, extending from 10 miles southeast of the VORTAC to 22 miles southeast of the VORTAC; within 2 miles each side of the Mansfield VORTAC 221° radial, extending from the Galion Municipal Airport 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line extending from the Tiverton VORTAC; to latitude 40°30'00" N., longitude 83°10'00" W., to latitude 40°50'00" N., longitude 83°30'00" W., to latitude 41°11'00" N., longitude 83°19'00" W., to latitude 41°14'00" N., longitude 82°57'00" W.; thence counterclockwise via a 21-mile radius arc of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.) to latitude 41°08'40" N., longitude 82°32'00" W.; to latitude 40°56'30" N., longitude 82°12'00" W; thence counterclockwise via a 37-mile radius arc of the Cleveland-Hopkins Airport (latitude 41°24'30" N., longitude 81°51'00" W.) to latitude 40°54'00" N., longitude 82°04'00" W. to the point of beginning.

Maples, Mo.
That airspace extending upward from 1,200 feet above the surface within 8 miles SE and 5 miles NW of the Maples VOR 057° and 237° radials, extending from 7 miles NE to 13 miles SW of the VOR, excluding that portion within the Fort Leonard Wood, Mo., transition area.

Marathon, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Marathon Flight Strip (lat. 24°43'10" N., long. 81°03'05" W.); within 3 miles each side of the 255° bearing from Marathon RBN, extending from the 6.5-mile radius area to 8.5 miles west of the RBN; excluding the airspace outside the continental limits of the United States.

Marfa, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marfa Municipal Airport (latitude 30°22'15" N., longitude 104°01'15" W.) and within 5 miles NE and 8 miles SW of the Marfa VOR 324° and 144° radials extending from 5 miles NW to 14 miles SE of the VOR.

Marianna, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Marianna Municipal Airport (lat. 30°50'08" N., long. 85°11'02" W.); within 3 miles each side of Marianna VOR 127° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VOR.

AMENDMENTS 4/27/71 36 F. R. 8363 (Rewritten)
AMENDMENTS 4/29/71 36 F. R. 4375 (Rewritten)

Marion, Ill.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 37°53'40" N., longitude 88°48'35" W., thence west to latitude 37°56'25" N., longitude 89°02'40" W., thence west to latitude 37°58'45" N., longitude 89°20'25" W., thence south to latitude 37°48'30" N., longitude 89°23'50" W., thence south along longitude 89°23'50" W., to latitude 37°43'30" N., thence southeast to latitude 37°32'50" N., longitude 88°59'00" W., thence northeast to latitude 37°42'35" N., longitude 88°52'15" W., thence north to the point of beginning.

Marion, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marion Municipal Airport (latitude 40°29'25" N., longitude 85°40'40" W.), and within 2 miles each side of the Marion VOR 042°, 155°, 211°, and 320° radials extending from the 5-mile radius area to 8 miles northeast, southeast, southwest, and northwest of the VOR.

Marion, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marion Muncipal Airport (latitude 40°36'55" N., longitude 83°03'55" W.); within 2 miles each side of a 328° bearing from the Marion RBN extending from the 5-mile radius area to 8 miles NW of the RBN.

Marion, S. C.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marion County Airport (latitude 34°11'00" N., longitude 79°20'00" W.); within 2 miles each side of the Florence VORTAC 101° radial, extending from the 6-mile radius area to the Florence VORTAC excluding the portion that coincides with the Florence transition area.

Marks, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Riverside Industries Airport (latitude 34°13'50" N., longitude 90°17'25" W.); within 3 miles each side of the 197° bearing from Marks, Miss., RBN (latitude 34°13'50" N., longitude 90°17'28" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN.

Marquette, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Marquette County Airport (latitude 46°32'03" N., longitude 87°33'35" W.); within 8 miles S and 5 miles N of the Marquette VOR 250° radial extending from the VOR to 12 miles W of the VOR; within an 8-mile radius of K. I. Sawyer AFB (latitude 46°21'15" N., longitude 87°23'40" W.); within 2 miles each side of the K. I. Sawyer AFB ILS localizer course extending from the 8-mile radius area to 12 miles S of the LOM; within 2 miles each side of the K. I. Sawyer AFB TACAN 183° radial, extending from the 8-mile radius area to 12 miles S of the TACAN; and within 2 miles E and 5 miles W of the K. I. Sawyer AFB TACAN 015° radial, extending from the 8-mile radius area to 12 miles N of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of K. I. Sawyer AFB, excluding the portion which overlies the Escanaba, Mich., transition area.

Marshall, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshall, Mich., Brooks Field (latitude 42°15'05" N., longitude 84°57'25" W.) and within 2 miles each side of the Battle Creek, Mich., VORTAC 105° radial extending from the 5-mile radius area to 7 miles east of the airport, excluding the portion which coincides with the Battle Creek, Mich., transition area.

Marshall, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Marshall Municipal Airport (latitude 44°28'50" N., longitude 95°49'10" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 323° and 143° bearings from the Marshall Municipal Airport, extending from 1½ miles southeast of the airport to 18½ miles northwest of the airport.

AMENDMENTS 5/27/71 36 F. R. 5287 (Rewritten)

Marshalltown, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Marshalltown Municipal Airport (latitude 42°06'45" N., longitude 92°54'50" W.); and within 2 miles each side of the 321° bearing from Marshalltown Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 321° bearing from Marshalltown Municipal Airport, extending from the airport to 12 miles northwest of the airport, excluding the airspace within the Waterloo, Iowa, transition area.

Marshfield, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Airport (42°05'45" N., 70°40'25" W.), Marshfield, Mass.; and within 2 miles each side of the centerline of Runway 24 extended from the end of the runway to 5 miles southwest, excluding the portion that coincides with the Boston, Mass. 700-foot floor transition area and excluding the portion outside the United States.

V 37-20 JAN 29 72 XUM

Marshfield, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Marshfield Municipal Airport (latitude 40°38'10" N., longitude 90°11'15" W.); within 2 miles each side of the 216° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles southwest of the airport; and within 2 miles each side of the 325° bearing from Marshfield Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport.

Martinsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 40°17'45" N., 78°19'10" W. of Blair County Airport, Martinsburg, Pa., within 2 miles each side of the centerline of runway 20 extended from the 7-mile radius area to 9 miles south of the end of the runway; and within 8 miles west and 5 miles east of the Altoona VOR 026° radial extending from the VOR to 12 miles north of the VOR.

Martinsburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, lat. 39°24'03" N., long. 77°59'09" W. of Martinsburg Municipal Airport, Martinsburg, W. Va.

AMENDMENTS 11/11/71 36 F. R. 19115 (Changed) Corr: 36 F. R. 19304

Martinsville, Va.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center (36°37'50" N., 80°01'00" W.), of Blue Ridge Airport, Martinsville, Va.; within 2 miles each side of the Runway 30 centerline, extended from the 6.5-mile radius area to 14 miles northwest of the end of the runway; within 2 miles each side of the Runway 12 centerline, extended from the 6.5-mile radius area to 7.5 miles southeast of the end of the runway and within 3.5 miles each side of the 176° bearing from the Blue Ridge RBN (36°37'45" N., 80°01'00" W.), extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

Maryland
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Maryland including the offshore airspace within 3 nautical miles and parallel to the shoreline, excluding that airspace within P-40 and R-4002.

AMENDMENTS 4/29/71 36 F. R. 4691 (Added)

Marysville, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Beale AFB (latitude 39°08'10" N., longitude 121°26'05" W.); within an 8-mile radius of Yuba County Airport, Marysville, Calif. (latitude 39°05'50" N., longitude 121°34'00" W.), within 8 miles west and 5 miles east of the Beale VOR 162° and 342° radials, extending from the Beale 10-mile radius area to 6.5 miles north of the VOR; within 8 miles west and 5 miles east of the Marysville VOR 343° radial, extending from the Yuba County 8-mile radius area to 12 miles north of the VOR, and within 8 miles southwest and 5 miles northeast of the Marysville VOR 153° radial, extending from the Yuba County 8-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the east by a line extending from latitude 40°00'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 39°30'00" N., longitude 120°55'00" W., to latitude 39°00'00" N., longitude 120°55'00" W., on the south by latitude 39°00'00" N., on the west by the west boundary of V-23, on the northwest by the Red Bluff, Calif., transition area, and on the north by latitude 40°00'00" N.; that airspace extending upward from 8,500 feet MSL bounded on the south by latitude 40°00'00" N., on the west by the Red Bluff, Calif., transition area, on the north by latitude 40°45'00" N., and on the east by a line extending from latitude 40°45'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°39'00" W., to latitude 40°23'00" N., longitude 121°25'00" W., to latitude 40°00'00" N., longitude 121°25'00" W.; that airspace extending upward from 10,500 feet MSL bounded on the east by longitude 120°19'00" W., on the south by a line extending from latitude 39°30'00" N., longitude 120°19'00" W., to latitude 39°30'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 120°30'00" W., to latitude 40°00'00" N., longitude 121°25'00" W., on the west by longitude 121°25'00" W., and on the north by latitude 40°45'00" N.; that airspace extending upward from 12,500 feet MSL bounded on the east by longitude 121°25'00" W., on the south by latitude 40°23'00" N., on the west by longitude 121°39'00" W., and on the north by latitude 40°45'00" N.

Mason City, Iowa
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.); within 5 miles each side of the Mason City VORTAC 002° radial, extending from the 9-mile radius area to 24½ miles north of the VORTAC; and within 4½ miles west and 9½ miles east of the Mason City VORTAC 182° and 002° radials, extending from 5 miles north to 24½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of Mason City VORTAC; and within 4½ miles east and 9½ miles west of the Mason City VORTAC 002° radial, extending from the 22½-mile radius area to 34½ miles north of the VORTAC, excluding the portion which overlies the Albert Lea, Minn., transition area and the Charles City, Iowa, transition area.

AMENDMENTS 4/29/71 36 F. R. 4371 (Rewritten)

Massena, N. Y.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, lat. 44°56'10" N., long. 74°50'50" W. of Richards Field, Massena, N. Y.; within 3 miles each side of the Massena, VORTAC 104° radial extending from the 8.5-mile radius area to 8 miles east of the VORTAC, excluding the airspace within Canada.

AMENDMENTS 5/27/71 36 F. R. 7302 (Rewritten)

Matagorda, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Matagorda Peninsula Airport (latitude 28°32'35" N., longitude 96°07'10" W.), excluding that portion more than 3 nautical miles from and parallel to the shoreline.

Mattoon, Ill.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Coles County Memorial Airport (lat. 39°28'45" N., long. 88°16'51" W.); and within 4.5 miles each side of the Mattoon VOR 228° radial, extending from the 9-mile radius area to 13 miles southwest of the VOR.

AMENDMENTS 9/16/71 36 F. R. 13371 (Rewritten)

Maxwell, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-195, on the S by V-200, on the W by V-25 and on the N by the Red Bluff, Calif., transition area.

McAlester, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the McAlester, Okla. Airport (latitude 34°53'05" N., longitude 95°46'55" W.); within 2 miles each side of the McAlester VOR 176° radial extending from the 5-mile radius area to 8 miles S of the VOR.

McAllen, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Miller International Airport (lat. 26°10'40" N., long. 98°14'25" W.), within 3.5 miles each side of the McAllen VOR 095° radial extending from the 5-mile radius area to 11.5 miles east of the VOR, and within 3.5 miles each side of the McAllen VOR 324° radial extending from the 5-mile radius area to 11.5 miles northwest of the Tacos Intersection, excluding the portion outside the United States.

McCall, Idaho
That airspace extending upward from 9,500 feet MSL within 6 miles west and 9 miles east of the McCall VORTAC 344° and 164° radials extending from 8 miles south to 19 miles north of the VORTAC.

McComb, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McComb-Pike County Airport (lat. 31°10'35" N., long. 90°28'08" W.).

AMENDMENTS 8/19/71 36 F. R. 11641 (Rewritten)

McCook, Nebr.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of McCook Municipal Airport (latitude 40°12'25" N., longitude 100°35'25" W.); within 5 miles southwest and 8 miles northeast of the 120° bearing from McCook Municipal Airport extending from the 8-mile radius area to 12 miles southeast of the airport and within 5 miles southwest and 8 miles northeast of the 324° bearing from McCook Municipal Airport, extending from the 8-mile radius area to 12 miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within 5 miles each side of a line extending from McCook Municipal Airport direct to the Hayes Center, Nebr., VORTAC.

McCordsville, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Indianapolis Brookside Airport (latitude 39°54'19" N., longitude 85°55'29" W.); and within a 5½-mile radius of the Indianapolis Metropolitan Airport (latitude 39°56'10" N., longitude 86°02'45" W.).

AMENDMENTS 12/9/71 36 F. R. 19574 (Rewritten)

McGrath, Alaska
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the McGrath VORTAC extending clockwise from the 308° to the 334° radials of the McGrath VORTAC; that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the McGrath VORTAC extending clockwise from 334° to the 308° radials of the McGrath VORTAC; within 9 miles NE and 8 miles SW of the McGrath VORTAC 122° radial extending from the 23-mile radius area to 26 miles SE of the VORTAC; and within 5 miles each side of the McGrath VORTAC 003° radial extending from the 23-mile radius area to 34 miles N of the VORTAC.

V37-20 JAN 29 72 XUM

McMinnville, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of McMinnville Municipal Airport (latitude 45°11'35" N., longitude 123°08'15" W.) and within 2 miles each side of the Newberg VORTAC 215° radial extending from the 5-mile radius area to the VORTAC.

McMinnville, Tenn.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Warren County Memorial Airport (lat. 35°42'00" N., long. 85°50'30" W.); within 9.5 miles northwest and 4.5 miles southeast of the 061° bearing from Warren County RBN (lat. 35°42'11" N., long. 85°50'40" W.), extending from the 13-mile radius area to 18.5 miles northeast of the RBN.

AMENDMENTS 6/24/71 36 F. R. 8308 (Added)

McPherson, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McPherson Municipal Airport (latitude 38°21'19" N., longitude 97°41'29" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 309° bearing from the McPherson Municipal Airport, extending from the airport to 18½ miles northwest of the airport, excluding the portions that overlie the Salina and Hutchinson, Kans., 1,200-foot floor transition areas.

AMENDMENTS 3/4/71 36 F. R. 214 (Rewritten)

Meadville, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°37'35" N., 80°12'55" W. of Port Meadville Airport, Meadville, Pa.; within 2 miles each side of the Runway 4 centerline extended from the 5-mile radius area to 5 miles northeast of the end of the runway; within 2 miles each side of the Runway 7 centerline extended from the 5-mile radius area to 5 miles northeast of the end of the runway and within 2 miles each side of the Youngstown, Ohio, VORTAC 050° radial extending from 18 miles northeast of the Youngstown VORTAC to the Meadville, Pa., 5-mile radius area.

Medford, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Medford ILS localizer northwest course extending from 3 to 9 miles northwest of the OM and within 3.5 miles each side of the Medford ILS localizer southeast course extending from the OM to 24 miles southeast of the OM; that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Medford VORTAC; that airspace extending
from the 23-mile radius area bounded on the north by latitude 42° 28' 00" N., on the east by the arc of a 40-mile radius circle centered on the Klamath Falls, Oreg. VORTAC, on the south by latitude 42° 04' 00" N., and on the southwest by the southwest edge of V-23W; that airspace south of Medford, bounded on the north by latitude 42° 04' 00" N., on the east by the west edge of V-23 and on the west by the east edge of V-23W; that airspace north of Medford within 16 miles west and 11 miles east of the Medford VORTAC 353° radial, extending from 25 to 65 miles north of the VORTAC, and that airspace extending upward from 6,200 feet MSL within 5 miles each side of the Medford VORTAC 271° radial, extending from the 23-mile radius area to V-27.

AMENDMENTS 12/9/71 36 F. R. 19575 (Changed)

Melbourne, Fla.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cape Kennedy Regional Airport, Melbourne, Fla. (latitude 28°06'05" N., longitude 80°38'40" W.); within an 8-mile radius of Patrick AFB, Cocoa, Fla. (latitude 28°14'05" N., longitude 80°36'35" W.).

Melfa, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37° 38' 50" N., 75° 45' 40" W., of Accomack County Airport, Melfa, Va., and within 2 miles each side of a 200° bearing from the Melfa, Va., RBN 37°39'27" N., 75°45'27" W., extending from the 6-mile radius area to 8 miles south of the RBN.

Memphis, Tenn.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Memphis International Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 4.5 miles each side of Memphis ILS localizer east course, extending from the 8.5-mile radius area to Holly Springs, Miss., VOR 328° radial; within 3 miles each side of Memphis ILS localizer south course, extending from the 8.5-mile radius area to 8.5 miles south of the LOM; within 3 miles each side of Memphis ILS localizer west course, extending from the 8.5-mile radius area to 8.5 miles west of the LOM; within a 6.5-mile radius of Twinkle Town Airport (latitude 34°55'45" N., longitude 90°10'05" W.); within 1.5 miles each side of Memphis VORTAC 265° radial, extending from the 6.5-mile radius area to the VORTAC; within a 6.5-mile radius of West Memphis Municipal Airport (latitude 35°08'24" N., longitude 90°14'00" W.); within 3 miles each side of Memphis VORTAC 311° radial, extending from the 6.5-mile radius area to 32.5 miles northwest of the VORTAC; within 3 miles each side of the 187° and 352° bearings from West Memphis RBN (latitude 35°08'20" N., longitude 90°14'02" W.), extending from the 6.5-mile radius area to 8.5 miles north and south of the RBN; within an 8.5-mile radius of Olive Branch Municipal Airport (lat. 34°58'44" N., long. 89°47'33" W.).
AMENDMENTS 7/22/71 36 F. R. 8662 (Changed)

Memphis, Tenn. (NAS)
That airspace extending upward from 700 feet above the surface within a 12-mile radius of NAS Memphis (lat. 35°21'15" N., long. 89°52'10" W.); within 3 miles each side of the 083° bearing from NAS Memphis RBN, extending from the 12-mile radius area to 8.5 miles east of the RBN.

AMENDMENTS 4/21/71 36 F. R. 8307 (Rewritten)
PENDING AMENDMENT
The Memphis, Tenn. (NAS) transition area is amended as follows: "8.5 miles east of the RBN" is deleted and "8.5 miles east of the RBN; within a 7-mile radius of Arlington Municipal Airport (latitude 35°16'58" N., longitude 89°40'22" W.); within 3 miles each side of the 161° bearing from Loosahatchie RBN (latitude 35°17'04" N., longitude 89°40'19" W.), extending from the 7-mile radius area to 8.5 miles south of the RBN." is substituted.

AMENDMENTS 2/3/72 36 F. R. 23201 (Changed)

Menominee, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Menominee County Airport (latitude 45°07'20" N., longitude 87°38'15" W.); within 4½ miles east and 9½ miles west of the Menominee VOR 349° radial, extending from the VOR to 18½ miles north of the VOR; and within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from Menominee County Airport, extending from 6 miles southeast to 18½ miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Menominee VOR 169° radial, extending from the VOR to 15½ miles south of the VOR; and within 5 miles each side of the 140° bearing from Menominee County Airport extending from the airport to 12 miles southeast of the airport, excluding the portion which overlies the Sturgeon Bay, Wis. transition area.

Merced, Calif.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Castle Air Force Base (latitude 37°22'45" N., longitude 120°34'00" W.); within a 7-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.) and within 2 miles each side of the Castle VOR 141° and 321° radials extending from the Merced 7-mile radius area to 3 miles SE of the Castle VOR; that airspace extending upward
from 1,200 feet above the surface bounded on the NE and E by V-459, on the S by V-230, on the W by V-109 and on the N by V-244, excluding the portions within the Fresno, Stockton, and Modesto, Calif., transition areas; that airspace extending upward from 7,500 feet MSL NE of Merced bounded on the E by V-283, on the SW by V-459, and on the N by V-244, and that airspace extending upward from 12,000 feet MSL E of Merced bounded on the E by longitude 119°30'00" W., on the S by the Fresno, Calif., transition area, on the W by V-283 and on the N by V-244.
PENDING AMENDMENT
The description of the Merced, Calif., transition area is amended by deleting "V-283" each place it appears in the eight and tenth lines of the text and substituting "V-165" therefor.

AMENDMENTS 2/3/72 36 F. R. 24798 (Changed)

Mercury, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mercury Airport (latitude 36°39'16" N., longitude 116°00'54" W.); that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°41'00" N., longitude 116°26'30" W., to latitude 36°41'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 115°55'00" W., to latitude 36°16'00" N., longitude 116°08'00" W., to latitude 36°36'00" N., longitude 116°26'30" W., thence to point of beginning, excluding the portion within R-4808.

Meriden, Conn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°30'35" N., 72°49'50" W. of Meriden Markham Municipal Airport, Meriden, Conn.; and within 2 miles each side of the Runway 36 centerline extended from the 5-mile radius area to 7 miles north of the end of the runway, excluding the portion which coincides with the Bridgeport, Conn., and Hartford, Conn., transition areas.

Meridian, Miss. (Key Field)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 3 miles each side of the ILS localizer south course, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 3 miles each side of the 191° bearing from Meridian RBN, extending from the 11-mile radius area to 8.5 miles south of the RBN; within 9.5 miles southwest and 4.5 miles northeast of Meridian VORTAC 315° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC.

Meridian, Miss. (NAS Meridian)
That airspace extending upward from 700 feet above the surface within a 10-mile radius of NAS Meridian (lat. 32°33'27" N., long. 88°33'33" W.); within 3.5 miles each side of the 021° bearing from NAS Meridian UHF RBN, extending from the 10-mile radius area to 11.5 miles north of the RBN; excluding the portion within Meridian, Miss. (Key Field) transition area.

AMENDMENTS 5/27/71 36 F. R. 6414 (Rewritten)

V 37-20 JAN 29 72 XUM

Merrill, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Merrill Municipal Airport (latitude 45°12'00" N., longitude 89°42'25" W.); and within 3 miles each side of the 332° bearing from Merrill Municipal Airport, extending from the 7-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 332° and 152° bearing from Merrill Municipal Airport, extending from 6 miles southeast to 18½ miles northwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

Mexico, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mexico Memorial Airport (latitude 39°09'35" N., longitude 91°49'25" W.); and that airspace extending upward from 1,200 feet above the surface northeast of the Hallsville, Mo., VORTAC within a 34-mile radius circle centered on the Hallsville VORTAC, extending from the southeast edge of V-63 clockwise to the north edge of V-4.

Miami, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Miami International Airport (lat. 25°47'34" N., long. 80°17'10" W.); within 3 miles each side of Runway 9L ILS localizer west course, extending from the 8.5 radius area to 8.5 miles west of Portland RBN; within 3 miles each side of Miami VORTAC 139° radial, extending from the 8.5-mile radius area to the VORTAC; within 3 miles each side of Runway 27L ILS localizer east course, extending from the 8.5-mile radius area to 8.5 miles east of Orange RBN; within 4.5 miles each side of Runway 27L ILS localizer west course, extending from the 8.5-mile radius area to the Miami VORTAC 205° radial; within an 8.5-mile radius of Opa Locka Airport (lat. 25°54'28" N., long. 80° 16'48" W.), Homestead AFB (lat. 25°29'15" N., long. 80°23'00" W.), Tamiami Airport (lat. 25°38'51" N., long. 80°25'59" W.) and Fort Lauderdale-Hollywood International Airport (lat. 26°04'26" N., long. 80°09'10" W.); within a 6.5-mile radius of Fort Lauderdale Executive Airport (lat. 26°11'41" N., long. 80°10'15" W.).

AMENDMENTS 4/1/71 36 F. R. 2481 (Changed)
AMENDMENTS 5/27/71 36 F. R. 3262 (Changed)
AMENDMENTS 12/9/71 36 F. R. 20364 (Rewritten)

Miami, Fla. (Dade-Collier Training and Transition Airport)
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dade-Collier Training and Transition Airport (latitude 25°51'46" N., longitude 80°53'50" W.).

Michigan City, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Michigan City Airport (latitude 41°42'10" N., longitude 86°49'15" W.); and within a 6½-mile radius of Michigan City Municipal Airport (latitude 41°40'10" N., longitude 86°53'20" W.).

Middletown, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°25'55" N., 74°23'30" W.), of Randall Airport and within 2 miles each side of the Huguenot, N. Y., VOR 082° radial extending from the 5-mile radius area to the VOR excluding the portions that coincide with the Newburgh, N. Y., and Wurtsboro, N. Y., transition areas.

Middletown, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of 39°32'00" N., 84°23'30" W. of Hook Field Municipal Airport and within 2 miles each side of a 232° bearing from Hook Field, Ohio, RBN extending from the 5-mile radius area to 8 miles southwest of the RBN.

Midland, Tex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Midland-Odessa Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.) excluding the portion within a 1.5-mile radius of Midland Airpark (latitude 32°02'00" N., longitude 102°05'55" W.), within a 5-mile radius of Ector County Airport (latitude 31°55'00" N., longitude 102°23'00" W.), within 3.5 miles each side of the Midland VORTAC 011° radial extending from the 8-mile radius area to 11.5 miles north of the VORTAC excluding the portion within a 1.5-mile radius of Midland Airpark, and within 2 miles each side of the Midland ILS localizer southeast course extending from the 8-mile radius area to the INT of the Midland VORTAC 128° and the Big Spring VORTAC 212° radials.

Midland, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°35' 15" N., 77°42'45" W. of Warrenton-Fauquier Airport, Midland, Va., and within 2 miles each side of the Casanova, Va. VORTAC 113° radial extending from the 5-mile radius area to the VORTAC.

Midway Island
That airspace extending upward from the 700 feet above the surface within a 10-nmi radius of NAS Midway (latitude 28° 12' 00" N., longitude 177° 23' 00" W.); and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of NAS Midway.

Miles City, Mont.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); within 5 miles each side of the 252° bearing from the Horton RBN, extending from the 7-mile radius area to 11 miles southwest of the RBN; within 3.5 miles each side of the Miles City VORTAC 225° radial, extending from the 7-mile radius area to 11 miles southwest of the Miles City VORTAC; within 3.5 miles each side of the Miles City VORTAC 047° radial, extending from the 7-mile radius area to 22 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Miles City VORTAC south of V-120 and within a 25-mile radius of Miles City VORTAC north of the south edge of V-120, and within 9.5 miles southeast and 4.5 miles northwest of the Miles City VORTAC 225° radial extending from the VORTAC to 18½ miles southwest of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 19303 (Rewritten)

Milford, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Milford Municipal Airport (Lat. 38°25'35" N, Long. 113°00'40" W) and within 2 miles either side of the Milford VORTAC 196° radial, extending from the 5-mile radius area to 8 miles S of the VORTAC; including the airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Milford VORTAC 023° and 203° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Millard, Nebr.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Millard Municipal Airport (latitude 41°11'45" N., longitude 96°06'45" W.); and within 3 miles each side of the 314° bearing from the Millard Municipal Airport extending from the 6½-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 314° bearing from the Millard Municipal Airport extending from the airport to 18½ miles northwest of the airport excluding the portions which overlie the Omaha and Lincoln, Nebr., transition areas.

AMENDMENTS 2/4/71 35 F. R. 18506 (Added)

Millbrook, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°42'25" N., 73°44'20" W., of the Sky Acres Airport, Millbrook, N. Y., and within 2 miles each side of the centerline of Runway 17 extended from the 5-mile radius area to 6 miles south of the end of the runway, excluding that portion within the Poughkeepsie, N. Y., and the Red Hook, N. Y., transition areas.

Milledgeville, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Baldwin County Airport (latitude 33°09'15" N., longitude 83°14'10" W.); within 3 miles each side of the 089° bearing from Milledgeville RBN (latitude 33°09'13" N., longitude 83°14'35" W.), extending from the 8.5-mile radius area to 8.5 miles east of the RBN.

Millersburg, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°32'15" N., 81°57'10" W. of Holmes County Airport, Millersburg, Ohio, and within 2 miles each side of the Tiverton, Ohio, VOR 059° radial extending from the 5-mile radius area to the VOR.

Millinocket, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine, and within 3.5 miles each side of a 094° bearing from the Millinocket RBN extending from the 7-mile radius area to 11.5 miles east of the RBN.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 45°56'00" N., 68°36'00" W. to 45°39'00" N., 69°48'00" W. to 45°23'00" N., 69°48'00" W. to 45°23'00" N., 69°30'00" W. to 45°24'00" N., 68°55'00" W. to 45°30'00" N., 68°31'00" W. to 45°27'00" N., 68°20'00" W. to 45°33'00" N., 68°16' 00" W. to 45°38'00" N., 67°40'30" W. to the point of beginning.
PENDING AMENDMENT
Amend the description of the Millinocket, Maine, 1,200-foot transition area by deleting the coordinates "45°23' 00" N., 69°30'00" W." and inserting the coordinates "45°15'00" N., 69°50'00" W., to 45°07'30" N., 69°50'00" W., to 45°07'30" N., 69°28'00" W., to 45°12'00" N., 69°23'00" W.", in lieu thereof.

AMENDMENTS 3/2/72 37 F. R. 136 (Changed)

Millville, N. J.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at: 39°37'00" N., 75°05'00" W. to 39°35'00" N., 74°52'00" W. to 39°16'30" N., 74°59'00" W. to 39°16'30" N., 75°10'00" W. to 39°30'00" N., 75°15'00" W. to point of beginning, excluding the portion that coincides with the Atlantic City, N. J., 700-foot transition area.

V 37-20 JAN 29 72 XUM

Milton, Fla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of NAS Whiting Field (North) (latitude 30°43'15" N., longitude 87°01'45" W.); within 2 miles each side of the 315° bearing from Navy Whiting RBN, extending from the 6-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of Navy Whiting TACAN 309° radial, extending from the 6-mile radius area to 8 miles northwest of the TACAN, and within a 1.5-mile radius of Milton "T" (Private) Field (latitude 30°38'15" N., longitude 86°59'20" W.).

Milwaukee, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of General Mitchell Field (latitude 42°56'51" N., longitude 87°53'58" W.); within a 5½-mile radius of Horlick-Racine Airport (latitude 42°45'45" N., longitude 87°48'00" W.); within 3 miles each side of the 027° bearing from Horlick-Racine Airport extending from the 5½-mile radius to 8 miles northeast of the airport; within an 8-mile radius of Timmerman Airport (latitude 43°06'40" N., longitude 88°02'00" W.); within a 6½-mile radius of the Waukesha County Airport (latitude 43°02'25" N., longitude 88°14'00" W.); and within 3 miles each side of the 274° bearing from the Waukesha County Airport extending from the 6½-mile radius to 7½ miles west of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 43°30'00" N., on the east by longitude 87°00'00" W., on the south by latitude 42°30'00" N., and the Illinois-Wisconsin boundary, and on the west by longitude 88°30'00" W.

AMENDMENTS 1/6/72 36 F. R. 20674 (Rewritten)

Mineral Wells, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mineral Wells Airport (latitude 32°46'55" N., longitude 98°03'35" W.); within 2 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 6-mile radius area to 8 miles SE of the RBN and within 2 miles each side of the Mineral Wells VORTAC 137° radial, extending from the 6-mile radius area to 8 miles SE of the VORTAC.

Minneapolis, Minn.
That airspace extending upward from 700 feet above the surface within a 26-mile radius of Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.); within a 28-mile radius of Minneapolis-St. Paul International Airport, extending from the 206° bearing from the airport clockwise to the 353° bearing from the airport; and within 4½ miles north and 9½ miles south of the Flying Cloud VOR 292° radial, extending from the 28-mile radius area to 18½ miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of Minneapolis-St. Paul International Airport; that airspace west of Minneapolis bounded on the south by V-26, on the northwest by V-148, and on the east by the 36-mile radius area; and that airspace extending upward from 4,000 feet MSL southwest of Minneapolis bounded on the north by V-26S, on the northeast by a 36-mile radius circle centered on Minneapolis-St. Paul International Airport, on the southeast by V-219 and on the southwest by V-24; and that airspace extending upward from 6,000 feet MSL bounded by a line starting at the 36-mile radius area west of Minneapolis southwest along the northwest edge of V-148; thence clockwise along a 70-mile radius arc from the Minneapolis-St. Paul International Airport to the southwest edge of V-55; thence southeast along the southwest edge of V-55 to the north edge of V-78; then west along the north edge of V-78 to the 36-mile radius area thence counterclockwise along the 36-mile radius arc to the northwest edge of V-148; and that airspace extending upward from 8,000 feet MSL bounded on the southwest by the northwest edge of V-148; on the west by longitude 95°06'00"; on the north by latitude 46° 13'00" N.; on the northeast by the southwest edge of V-55; on the southeast by the 70-mile radius arc.

AMENDMENTS 3/4/71 36 F. R. 215 (Rewritten)

Minot, N. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Minot AFB (latitude 48°24'55" N., longitude 101°21'25" W.); within a 10-mile radius of Minot International Airport (latitude 48°15'40" N., longitude 101°16'45" W.); within 5 miles each side of the Minot VORTAC 260° radial, extending from the 10-mile radii areas to 12 miles west of the VORTAC; within 5 miles each side of the Minot VORTAC 129° radial extending from the 10-mile radius area to 12 miles southeast of the VORTAC; and within 5 miles each side of the Minot VORTAC 007° radial, extending from the 10-mile radius area to 12 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Deering TACAN; and that airspace extending upward from 5,700 feet MSL within a 50-mile radius of Deering TACAN, excluding the area north of latitude 49°00'00" N., and the area which overlies V-430 and V-15.

Mississippi
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Mississippi, including that airspace 3 nautical miles from and parallel to the shoreline, beginning at the intersection of the Mississippi/Alabama State line, extending west along a line 3 nautical miles from and parallel to the shoreline, to and south along longitude 88°51'00" W. to latitude 30°07'20" N. (point of intersection of the Mississippi State line and longitude 88°51'00" W.).

Missoula, Mont.
That airspace extending upward from 700 feet above the surface within a 35-mile radius of the Missoula VORTAC extending from a line 5 miles southwest of and parallel to the 298° radial of the VORTAC clockwise to a line 5 miles east of and parallel to the 354° radial of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 11 miles southwest of the 302° and 122° radials of the Missoula VORTAC extending from 6 miles southeast of the VORTAC to 26 miles northwest of the VORTAC; and within 7 miles east of the Missoula 354° radial extending from the VORTAC to the south edge of V-120; and within 9½ miles southwest and 4½ miles northeast of the 311° bearing from the Kona CL extending from the CL to 18½ miles northwest of the CL.

AMENDMENTS 6/24/71 36 F. R. 7844 (Rewritten) Corr: 36 F. R. 11187

Mitchell, S. Dak.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mitchell Municipal Airport (latitude 43°46'25" N., longitude 98°02'30" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the Mitchell VOR 149° radial, extending from the VOR to 18½ miles southeast of the VOR; and within 4½ miles northeast and 9½ miles southwest of the Mitchell VOR 300° radial, extending from the VOR to 18½ miles northwest of the VOR.

Moab, Utah
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Canyonlands Airport, Moab, Utah (latitude 38°45'40" N., longitude 109°44'50" W.); and within 7 miles northeast and 10.5 miles southwest of the Moab VOR (latitude 38°45'22" N., longitude 109°44'55" W.) 326° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 7 miles north and 10.5 miles south of the Moab VOR 110° radial, extending from the VOR to 18.5 miles east of the VOR.

AMENDMENTS 4/1/71 36 F. R. 3113 (Rewritten)

PENDING AMENDMENT
Moab, Utah
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Canyonlands Airport, Moab, Utah, (latitude 38°45'40" N., longitude 109°44'50" W.) and within 7 miles northeast and 10 miles southwest of the Moab VOR (latitude 38°45'22" N., longitude 109°44'55" W.) 301° radial extending from the VOR to 18.5 miles northwest of the VOR.

AMENDMENTS 2/3/72 36 F. R. 22810 (Rewritten)

Mobile, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14'26.6" W.); within an 8.5-mile radius of Mobile Aerospace Airport (latitude 30°37'08.5" N., longitude 88°03'57.2" W.); within 3 miles each side of Brookley VORTAC 150° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VORTAC; within a 6.5-mile radius of Fairhope Municipal Airport (latitude 30°27'50" N., longitude 87°52'35" W.); within 2 miles each side of Brookley VORTAC 134° radial, extending from the 6.5-mile radius area to Mobile Aerospace Airport 8.5-mile radius area.

AMENDMENTS 3/4/71 36 F. R. 5034 (Changed) Corr: 36 F. R. 8307

Modesto, Calif.
That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Modesto VOR 122° and 302° radials, extending from 18.5 miles northwest to 18.5 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120°30'00" W., on the SE by a line extending from latitude 37°38'45" N., longitude 120°30'00" W., to latitude 37°25'00" N., longitude 120°48'00" W., on the S by latitude 37°25'00" N., on the W by V-109, and on the N by a line extending from the E boundary of V-109 through latitude 37°38'00" N., longitude 121°00'35" W., to latitude 37°45'45" N., longitude 120°30'00" W.

Moline, Ill.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from 1 mile east to 18½ miles west of the OM; within a 6½-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Davenport RBN, extending from the 6½-mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the Cordova VOR 220° radial, extending from the 6½-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 41°55'00" N., on the southeast by the Illinois-Iowa boundary, and on the west by longitude 91°00'00" W.

V 37-20 JAN 29 72 XUM

Molokai, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.), within 2 miles each side of the Molokai VORTAC 268° radial, extending from the 5-mile radius area to 5 miles west of the VORTAC and within 4 miles north and 2 miles south of the VORTAC 128° radial extending from the intersection of the Molokai VORTAC 126° and the Lanai, Hawaii, VORTAC 011° radials to a point 7 miles east of this intersection; that airspace extending upward from 1,200 feet above the surface NW of Molokai bounded on the NE by the arc of a 10-mile radius circle centered on the Molokai Airport, on the SE by V-8, on the SW by V-15, and on the NW by V-4; and that airspace NE of Molokai bounded by a line beginning at latitude 21°22'00" N., longitude 156°48'00" W., thence to latitude 21°14'00" N., longitude 156°31'30" W., thence to latitude 21°29'00" N., longitude 156°25'00" W., thence to latitude 21°31'00" N., longitude 156°34'05" W., thence to latitude 21°25'00" N., longitude 156° 49'30" W., thence to point of beginning; that airspace bounded on the northwest by V-8 on the northeast by V-6, and on the south by V-15; that airspace bounded on the north by v-15, on the east by V-17, on the south by V-2, and on the west by V-7; and that airspace bounded on the north by V-8, on the east by V-7, and on the southwest by V-2.

Monongahela, Pa.
That airspace extending upward from 700-feet above the surface within a 6.5-mile radius of the center, 40°12'40" N., 79°49'50" W., of Rostraver Airport, Monongahela, Pa., and within 2 miles each side of the Allegheny, Pa., VORTAC 113° radial extending from the 6.5-mile radius area to the VORTAC, excluding the portion which coincides with the Pittsburgh, Pa., transition area.

Monroe, La.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Monroe VORTAC 222° radial extending from the VORTAC to 12 miles SW, and within 5 miles NW and 8 miles SE of the Monroe ILS localizer SW course extending from 5 miles NE to 12 miles SW of the OM.

Monroe, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Custer Airport (latitude 41°56'10" N., 83°26'15" W.); and within 2 miles each side of the Carleton, Mich., VORTAC 171° radial, extending from the 5-mile radius area to the VORTAC excluding the portion which overlies the Detroit, Mich. 700-foot floor transition area.

Monroe, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroe Airport (lat. 35°01'15" N., long. 80°38'00" W.); within 3 miles each side of Fort Mill, S. C. VORTAC 084° radial, extending from the 5-mile radius area to 23 miles east of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 19574 (Rewritten)

Monroeville, Ala.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Monroeville County Airport (latitude 31°27'25" N., longitude 87°20'50" W.); within 4.5 miles each side of Monroeville VORTAC 039° and 201° radials, extending from the VORTAC to 9.5 miles northeast and south of the VORTAC.

Montague, Calif.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport (latitude 41°46'55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 6 miles west of the 180° and 360° bearings from the Montague RBN, extending from 8 miles north to 19 miles south of the RBN.

AMENDMENTS 8/19/71 36 F. R. 12843 (Rewritten) Corr: 36 F. R. 13324

Monterey, Calif.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of Fritzsche AAF, Fort Ord, Calif., latitude 36°40'55" N., longitude 121°45'40" W., excluding the portion S of latitude 36°32'00" N.; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 37°08'00" N., longitude 122°43'15" W., thence E via the S boundary of Control 1173 to V-27, thence SE via V-27 to latitude 37°00'00" N., thence E via latitude 37°00'00" N., to a line 11 miles SW of and parallel to the Priest, Calif., VORTAC 331° radial, thence SE via this line to a line 12 miles SE of and parallel to the Big Sur, Calif., VOR 047° radial, thence SW via this line to V-27, thence SE via V-27 to longitude 121°03'00" W., thence S to latitude 35°30'00" N., longitude 121°03'00" W., thence to latitude 35°30'00" N., longitude 121°22'00" W., to latitude 35°45'00" N., longitude 121°40'15" W., to latitude 36°15'00" N., longitude 122°01'00" W., to latitude 36°29'00 N., longitude 122°01'00" W., to latitude 36°29'00" N., longitude 122°17'30" W., to point of beginning; that airspace extending upward from 5,000 feet MSL
bounded on the northwest by a line 12 miles southeast of and parallel to the Big Sur VOR 047° radial, on the northeast by V-25, on the south by a line extending from the southwest boundary of V-25 and latitude 35°33'00" N., to latitude 35°33'00" N., longitude 121°03'00" W., thence south to the northeast boundary of V-27 and longitude 121°03'00" W., and on the southwest by V-27; and that airspace extending upward from 17,500 feet MSL to and including flight level 240 within 10 miles north and 16 miles south of the Navy Monterey TACAN 280° radial, extending from 17 to 61 miles west of the TACAN, excluding the portion within the Paso Robles, Calif., transition area.

PENDING AMENDMENT
In the Monterey, Calif., transition area, all between "excluding the portion south of lat. 36°32'00" N.;" and "that airspace extending upward from 5,000 feet MSL" is deleted and "that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 37°05'00" N., long. 122°43'15" W., thence to lat. 37°08'45" N., long. 122°34'45" W., thence southeast via V-27 to lat. 37°00'00" N., thence to lat. 37°00'00" N., long. 121°29'30" W., thence to lat. 36°23'00" N., long. 121°03'20" W., thence to lat. 36°03'30" N., long. 121° 29'00" W., thence southeast via V-27 to long. 121°03'00" W., thence to lat. 35°30'00" N., long. 121°03'00" W., thence to lat. 35°30'00" N., long. 121°37'00" W., to point of beginning;" is substituted therefor.

AMENDMENTS 2/3/72 36 F. R. 23795 (Changed) Corr: 36 F. R. 24988

Montevideo, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montevideo Municipal Airport (latitude 44°58'15" N., longitude 95°42'40" W.); and within 3 miles each side of the 313° bearing from the Montevideo Municipal Airport extending from the 5-mile radius to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 313° and 133° bearings from the Montevideo Municipal Airport extending from 5 miles southeast of the airport to 18½ miles northwest of the airport; and within 5 miles each side of the 133° bearing from the Montevideo Municipal Airport extending from the airport to 12 miles southeast of the airport.

AMENDMENTS 6/24/71 36 F. R. 7844 (Rewritten)

Monticello, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Monticello Municipal Airport (latitude 33°38'10" N., longitude 91°45'10" W.).

AMENDMENTS 11/11/71 36 F. R. 18510 (Rewritten)

Monticello, Iowa
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Monticello Municipal Airport (latitude 42°13'40" N., longitude 91°10'00" W.); and within 3 miles each side of the 135° bearing from Monticello Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport.

Monticello, N. Y.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 41°42'00" N., 74°47'50" W. of Sullivan County International Airport, Monticello, N. Y.; within 2 miles each side of the Sullivan County International Airport runway 15 centerline extended from the 8.5-mile radius area to 9 miles southeast of the end of the runway; within 2 miles each side of the Sullivan County International Airport runway 33 centerline extended from the 8.5-mile radius area to 12.5 miles northwest of the end of the runway; and within 3.5 miles each side of the 130° bearing from the White Lake RBN (latitude 41°41'51" N., longitude 74°47'48" W.) extending from the 8.5-mile radius area to 11.5 miles southeast of the RBN.

Montgomery, Ala.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Dannelly Field (latitude 32°18'00" N., longitude 86°23'36" W.); within 4.5 miles north and 9.5 miles south of Dannelly Field ILS localizer west course, extending from the 8.5-mile radius area to 18.5 miles west of the LOM; within 2.5 miles each side of Montgomery VORTAC 311° radial, extending from the 8.5-mile radius area to 23 miles northwest of the VORTAC; excluding the portion within the Selma, Ala., transition area; within a 9-mile radius of Maxwell AFB (latitude 32°22'48" N., longitude 86°21'55" W.); within 3 miles northeast and 8 miles southwest of Maxwell VOR 328° radial, extending from the 9-mile radius area to 8.5 miles northwest of the VOR.

V 37-20 JAN 29 72 XUM

Montpelier, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 44°12'15" N., 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.
PENDING AMENDMENT
Montpelier, Vt.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, lat. 44° 12'15" N., long. 72°33'45" W., of Edward F. Knapp (Barre-Montpelier) State Airport, Barre-Montpelier, Vt.; within 6.5 miles west and 5 miles east of the Montpelier VOR 163° radial extending from the 10-mile radius zone to 11.5 miles south of the VOR.
AMENDMENTS 3/2/72 37 F. R. 13 (Rewritten)

Montrose, Colo.
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 9.5 miles southwest of the Montrose VOR 313° and 133° radials extending from 7 miles southeast to 24.5 miles northwest of the VOR.

Morganton, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Morganton-Lenoir Airport (latitude 35°49'20" N., longitude 81°36'35" W.); within 3 miles each side of the 238° bearing from Morganton RBN (latitude 35°49'15" N., longitude 81°36'50" W.), extending from the 8-mile radius area to 8.5 miles south of the RBN; excluding the portion that coincides with Hickory transition area.

Morgantown, W. Va.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center, lat. 39°38'34" N., long. 79°55'01" W. of Morgantown Municipal Airport, Morgantown, W. Va., extending clockwise from a 205° bearing to a 030° bearing from the airport; within a 19-mile radius of the center of the airport, extending clockwise from a 030° bearing to a 055° bearing from the airport; within an 18-mile radius of the center of the airport, extending clockwise from a 055° bearing to a 065° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 095° bearing from the airport; within a 16.5-mile radius of the center of the airport, extending clockwise from a 095° bearing to a 157° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 157° bearing to a 205° bearing from the airport; within 5 miles each side of the Morgantown VORTAC 152° radial extending from the VORTAC to 9.5 miles southeast of the VORTAC and within 5 miles southwest and 7.5 miles northeast of the Morgantown VORTAC 334° radial, extending from the 11.5-mile radius arc to 22 miles northwest of the VORTAC.
AMENDMENTS 12/9/71 36 F. R. 20364 (Rewritten)

Morrilton, Ark.
That airspace extending upward from 700 feet above the surface wfthin an 8.5 mile radius of Petit Jean Airport (lat. 35°08'15" N., long. 92°34'30" W.), and within 3.5 miles each side of the 216° bearing from the Morrilton RBN (lat. 35°07'07" N., long. 92°55'30" W.) extending from the 8.5-mile radius to 11.5 miles southwest of the RBN.

Morris, Ill.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Morris Municipal Airport (latitude 41°25'46" N., longitude 88°25'12" W.) and within 2 miles each side of the Joliet, Ill., VORTAC 213° radial extending from the 5-mile radius area to the VORTAC.

Morris, Minn.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Morris Municipal Airport (latitude 45°34'05" N., longitude 95°58'10" W.); and within 3 miles each side of the 138° bearing from the Morris Municipal Airport extending from the airport to 7 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° bearing from the Morris Municipal Airport extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 318° bearing from the Morris Municipal Airport extending from the airport to 12 miles northwest of the airport.

AMENDMENTS 7/22/71 36 F. R. 9622 (Rewritten)

Morristown, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Moore-Murrell Airport (latitude 36°10'50" N., longitude 83°22'20" W.); within 4.5 miles northwest and 9.5 miles southeast of the 239° bearing from Morristown RBN (latitude 36°11'10" N., longitude 83°22'00" W.), extending from the 9.5-mile radius area to 18.5 miles southwest of the RBN.

Morrisville, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 44° 32'10" N., long. 72°36'55" W. of Morrisville-Stowe State Airport, Morrisville, Vt., and within 3.5 miles each side of the 034° bearing and the 214° bearing from the Morrisville RBN lat. 44°35'13" N., long. 72°35'10" W., extending from the 5-mile radius area to 11.5 miles northeast of the RBN.
AMENDMENTS 10/14/71 36 F. R. 14633 (Rewritten)

Moses Lake, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Grant County Airport (latitude 47°12'35" N., longitude 119°18'50" W.) within 3.5 miles west and 4 miles east of the Moses Lake ILS localizer south course extending from the 5-mile radius area to 9.5 miles south of the Pelican RBN, within 7 miles southeast and 10 miles northwest of the Ephrata VORTAC 043° and 223° radials, extending from 8 miles southwest to 19 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Ephrata VORTAC 043° radial extending from the VORTAC to the ARC of a 21-mile radius circle centered on the Ephrata VORTAC, within 5 miles southwest and 9.5 miles northeast of the Ephrata VORTAC 337° radial extending from the VORTAC to 19 miles northwest of the VORTAC, within 5 miles each side of the Moses Lake VOR 144° radial extending from 26 miles southeast of the VOR to the northwest edge of V-112W, within 15 miles east and 10 miles west of the Moses Lake VOR 161° and 341° radials extending from 27 miles south to 14 miles north of the VOR, that airspace northeast of Moses Lake bounded on the northwest by a line 5 miles northwest of and parallel to the Ephrata VORTAC 066° radial, on the east by an arc of a 52-mile radius circle centered on Fairchild Air Force Base, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.), on the southeast by a line 6 miles southeast of and parallel to the Moses Lake VOR 066° radial, on the west by longitude 119°15'00" W., that airspace west of Moses Lake bounded on the north by latitude 47°30'00" N., on the east by longitude 119°15'00" W., on the south by a line 6 miles south of and parallel to the Moses Lake VOR 266° radial, on the west by an arc of a 39-mile radius circle centered on the Grant County Airport, and that airspace southwest of Moses Lake extending upward from 5,500 feet MSL within 7 miles northwest and 10 miles southeast of the Moses Lake VOR 238° radial extending from 10 to 50 miles southwest of the VOR, excluding that airspace overlying R-6715.

AMENDMENTS 4/29/71 36 F. R. 3463 (Changed) Corr: 36 F. R. 4538

Moses Point, Alaska
That airspace extending upward from 1,200 feet above the surface within 5 miles N and 10 miles S of the Moses Point VOR 088° and 268° radials, extending from 11 miles W to 15 miles E of the VOR.

Mosinee, Wis.
The airspace extending upward from 700 feet above the surface within a 10-mile radius of Central Wisconsin Airport (latitude 44°46'35" N., longitude 89°40'00" W.); within 5 miles each side of the 087° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 13 miles east of the airport; and within 5 miles each side of the 242° bearing from Central Wisconsin Airport, extending from the 10-mile radius area to 12 miles southwest of the airport, excluding the portion which overlies the Wausau, Wis., transition area.

Moultrie, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Moultrie-Thomasville Airport (lat. 31°04'58" N., long. 83°48'15" W.); within an 8.5-mile radius of Thomasville Municipal Airport (lat. 30°54'05" N., long. 83°53'00" W.); within an 8.5-mile radius of Spence AF Auxiliary Field (lat. 31°08'15" N., long. 83°42'15" W.).

AMENDMENTS 8/19/71 36 F. R. 11188 (Rewritten)

Mountain Home, Idaho
That airspace extending upward from 700 feet above the surface within 10 miles NE and 9 miles SW of the Mountain Home AFB TACAN 135° and 315° radials, extending from 18 miles SE to 18 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded on the NE by the SW boundary of V-4, on the SE, S and SW by the arc of a 35-mile radius circle centered on Mountain Home AFB (latitude 43°02'35" N., longitude 115°52'05" W.), on the W by the Boise, Idaho, VORTAC 204° radial and on the NW by the arc of a 25-mile radius circle centered on the Boise VORTAC; that airspace SE of Mountain Home, extending upward from 6,500 feet MSL, extending from the 35-mile radius area bounded on the NE by V-253, on the S by latitude 42°24'00" N., and on the W by longitude 115°39'00" W., excluding the portion within the Twin Falls, Idaho, transition area; that airspace S of Mountain Home, extending upward from 7,500 feet MSL, extending from the 35-mile radius area bounded on the E by longitude 115°39'00" W., on the S by the arc of a 46-mile radius circle centered on Mountain Home AFB, and on the NW by a line 5 miles NW of and parallel to the Mountain Home AFB VOR 208° radial; and that airspace S of Mountain Home, extending upward from 10,500 feet MSL within 5 miles each side of the Mountain Home VOR 178° and 208° radials, extending from the 46-mile radius circle to 61 miles S and SW of the VOR.

Mt. Clemens, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Selfridge AFB, Mt. Clemens, Mich. (latitude 42° 36' 50" N., longitude 82° 50' 05" W.), within 5 miles W and 8 miles E of the Selfridge AFB ILS localizer N course, extending from 3 miles S to 12 miles N of the OM, and within 2 miles each side of the Selfridge AFB ILS localizer S course, extending from the 7-mile radius area to 11 miles S of Selfridge AFB; and that airspace extending upward from 1,200 feet above the surface bounded on the E by the United States/Canadian Border, on the W by the E boundary of VOR Federal airway No. 42 E alternate and longitude 83° 30' 00" W., and on the N by the N boundary of VOR Federal airway No. 216.

V 37-20 JAN 29 72 XUM

Mount Pleasant, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mount Pleasant Municipal Airport (latitude 40°56'45" N., longitude 91°30'30" W.); and within 3 miles each side of the 140° bearing from Mount Pleasant Municipal Airport extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 140° and 320° bearings from the Mount Pleasant Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport; excluding the portion which overlies the Burlington, Iowa, 1,200-foot floor transition area.

Mt. Pleasant, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Mt. Pleasant, Mich., Airport (latitude 43°37'00" N., longitude 84°44'00" W.); and within 2 miles each side of the 093° bearing from Mt. Pleasant, Mich., Airport extending from the 4-mile radius area to 8 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface bounded on the S by the S edge of V-216, on the E by longitude 84°25'00" W., on the NE by a line 10 miles SW and parallel to the Saginaw, Mich., VOR 317° radial, on the NW by a line from latitude 43°49'15" N., longitude 84°43'30" W., to latitude 43°27'00" N., longitude 85°02'00" W., and on the W by longitude 85°02'00" W.

Mount Pleasant, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Maury County Airport (latitude 35°33'15" N., longitude 87°10'50" W.); within 9.5 miles southeast and 4.5 miles northwest of the 060° and 227° bearings from Maury County RBN (latitude 35°33'20" N., longitude 87°10'57" W.), extending from the 9.5-mile radius area to 18.5 miles northeast and southwest of the RBN.

Mount Pocono, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°07'40" N., 75°22'20" W. of Mount Pocono Airport, Mount Pocono, Pa., within 2 miles each side of the 333° bearing from the Tobyhanna RBN (41°12'15" N., 75°25'20" W.) extending from the RBN to 7.5 miles northwest of the RBN.

Mount Vernon, Ill.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mount Vernon-Outland Airport (latitude 38°19'20" N., longitude 88°51'35" W.); within 2 miles each side of the Mount Vernon VOR 046° radial, extending from the 6-mile radius area to 8 miles northeast of the VOR; and within 2 miles each side of the Mount Vernon VOR 227° radial, extending from the 6-mile radius area to 17 miles southwest of the VOR.

Mullan Pass, Idaho
That airspace extending upward from 8,500 feet MSL within 6 miles N and 9 miles S of the Mullan Pass VORTAC 095° and 275° radials, extending from 8 miles E to 15 miles W of the VORTAC.

Muncie, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Delaware County-Johnson Field (latitude 40°14'30" N., longitude 85°23'45" W.); within 3 miles each side of the Muncie VOR 125° radial, extending from the 7-mile radius area to 8 miles southeast of the VOR; within 3 miles each side of the Muncie VOR 017° radial, extending from the 7-mile radius area to 8 miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 7-mile radius area to 10 miles northwest of the VOR.

Muscatine, Iowa
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Muscatine Municipal Airport (latitude 41°22'00" N., longitude 91°08'40" W.).

Muscle Shoals, Ala.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the Muscle Shoals Airport (latitude 34°44'41" N., longitude 87°36'39" W.).

Muskegon, Mich.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Muskegon County Airport (lat. 43°10'16" N., long. 86°14'09" W.); within a 7-mile radius of the Grand Haven Memorial Airpark (lat. 43°02'00" N., long. 86°12'00" W.), Grand Haven, Mich.; within 4.5 miles southwest and 9.5 miles northeast of the Muskegon County Airport ILS localizer southeast course, extending from the 10-mile radius area to 18.5 miles southeast of the OM; within 4 miles each side of the Muskegon VORTAC 092° radial, extending from the VORTAC to 11.5 miles east of the VORTAC; and within 4½ miles each side of the Muskegon County Airport runway 14 centerline extended to the northwest, extending from the 10-mile radius area to 17 miles northwest of the Muskegon County Airport ILS OM; and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Muskegon County Airport; within 5 miles each side of a line extending from lat. 43°09'30"N., long. 86°55'30" W., to lat. 43°18'24" N., long. 86°24'30" W.; and the airspace southwest of Muskegon bounded on the northeast by the 18-mile radius area, on the southeast by the Grand Rapids, Mich., transition area on the southwest by V-30, and on the northwest by V-216.
AMENDMENTS 11/11/71 36 F. R. 18302 (Rewritten)

Muskogee, Okla.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Davis Field, Muskogee, Okla., (latitude 35°39'25" N., longitude 95°21'40" W.); and within 8 miles SW and 5 miles NE of the 128° bearing from the Muskogee RBN, extending from the 7-mile radius area to 12 miles SE of the RBN.

Myrtle Beach, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Myrtle Beach Airport (latitude 33°48'40" N., longitude 78°43'30" W.); within an 8.5-mile radius of Myrtle Beach AFB (latitude 33°40'45" N., longitude 78°55'45" W.).

Nacogdoches, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Del Rentzel Airport (latitude 31°34'35" N., longitude 94°42'25" W.), within 2.5 miles each side of the Lufkin VORTAC 001° radial extending from the 5-mile radius area to 17 miles north of the VORTAC, and within 3.5 miles each side of the 339° and 159° bearings from the Nacogdoches RBN (latitude 31°38'01" N., longitude 94°44'01" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Nantucket, Mass.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Nantucket Memorial Airport, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.); within 2 miles each side of the Nantucket VORTAC 045° radial, extending from the 6-mile radius area to 10 miles NE of the VOR; and that airspace extending upward from 2,000 feet MSL NE of Nantucket bounded on the NE by the arc of a 29-mile radius circle centered at the Nantucket VORTAC, on the SE by Control 1144, and on the NW by Control 1143; SE of Nantucket bounded on the SE by the arc of a 13-mile radius circle centered on the Nantucket RBN on the N by Control 1144, on the SW by Control 1145; and that airspace from FL 240 to FL 300, inclusive, SW of Nantucket, bounded on the N by Control 1169, on the E by Control 1145, and on the S and W by the arc of a 10.2-mile radius circle centered on the Nantucket RBN; that airspace northeast of Nantucket bounded on the northwest by Control 1143, on the southeast by Control 1146, and on the east by longitude 67°00'00" W. The portion east of longitude 68°00'00" W., is excluded below 5,500 feet MSL.

AMENDMENTS 7/22/71 36 F. R. 10947 (Changed) Eff. date changed 11/11/71 36 F. R. 13325

Nappanee, Ind.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Nappanee Municipal Airport (latitude 41°26'45" N., longitude 85°56'00" W.); and within 2 miles each side of the 138° radial of the Goshen, Ind., VORTAC extending from the 5½-mile radius area to 14 miles southeast of the VORTAC excluding the airspace which overlies the Goshen, Ind., transition area.

Nashville, Tenn.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Nashville Metropolitan Airport (lat. 36°07'36" N., long. 86°40'59" W.); within 9.5 miles east and 4.5 miles west of the ILS localizer north course, extending from the 14-mile radius area to 23 miles north of the localizer; within 9.5 miles north and 4.5 miles south of Nashville VORTAC 109° radial, extending from the 14-mile radius area to 18.5 miles east of the VORTAC; within an 8.5-mile radius of Smyrna Airport (lat. 36°00'33" N., long. 86°31'13" W.); within 3 miles each side of Nashville VORTAC 131° radial, extending from the 8.5-mile radius area to 21.5 miles southeast of the VORTAC; within an 8-mile radius of Gallatin Municipal Airport (lat. 36°22'45" N., long. 86°24'30" W.).

AMENDMENTS 4/29/71 36 F. R. 4479 (Rewritten)
AMENDMENTS 9/30/71 36 F. R. 18511 (Changed)
PENDING AMENDMENT
The Nashville, Tenn., transition area is amended as follows: "longitude 86°24'30" W." is deleted and "longitude 86°24'30" W.); within an 8-mile radius of Lebanon Municipal Airport (latitude 36°11'22" N., longitude 86°18'55" W.)" is substituted therefor.

AMENDMENTS 3/2/72 37 F. R. 136 (Changed)

Natchez, Miss.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Hardy-Anders Field (latitude 31°36'50" N., longitude 91°17'55" W.); within 3 miles each side of Natchez VOR 020° radial, extending from the 7-mile radius area to 8.5 miles north of the VOR.

Natchitoches, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Natchitoches Municipal Airport (latitude 31°44'30" N., longitude 93°06'20" W.) and within 3.5 miles each side of the 177° bearing from the Natchitoches RBN (latitude 31°44'03" N., longitude 93°05'43" W.), extending from the 5-mile radius zone to 11.5 miles south of the RBN.

AMENDMENTS 12/9/71 36 F. R. 19905 (Added)

V 37-20 JA N 29 72 XUM

Needles, Calif.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Needles VORTAC 092° and 272° radials, extending from 8 miles W to 20 miles E of the VORTAC.
PENDING AMENDMENT
Needles, Calif.
That airspace extending upward from 1,200 feet above the surface within 9 miles south and 13 miles north of the Needles VORTAC 092° and 272° radials, extending from 11 miles west to 24 miles east of the VORTAC.

AMENDMENTS 3/2/72 36 F. R. 24798 (Rewritten)

Neosho, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Neosho Memorial Airport (latitude 36°48'35" N., longitude 94°23'15" W.); and within 2 miles each side of the Neosho, Mo., VOR 308° radial, extending from the 5-mile radius area to 8 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the Neosho VOR 308° radial, extending from the VOR to 12 miles northwest of the VOR, excluding the portion which overlies the Joplin, Mo., transition area, and the portion within the State of Oklahoma.

Nevada, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Nevada Municipal Airport (latitude 37°51'10" N., longitude 94°18'05" W.); and within 3 miles each side of the 037° bearing from the Nevada Municipal Airport extending from the 7-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 037° and 217° bearings from Nevada Municipal Airport, extending from 3 miles southwest to 18½ miles northeast of the airport, excluding the portion which overlies the Grandview, Mo., 1,200-foot floor transition area.

AMENDMENTS 2/4/71 35 F. R. 18507 (Added)

New Bern, N. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.); excluding the portion within R-5306A.

Newberry, Mich.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Luce County Airport (latitude 46°18'30" N., longitude 85°27'00" W.); within 3 miles each side of the 301° bearing from Luce County Airport, extending from the 6½-mile radius to 8 miles northwest of the airport; and within 3 miles each side of the 103° bearing from Luce County Airport, extending from the 6½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 301° bearing from Luce County Airport, extending from the airport to 18½ miles northwest of the airport; and within 4½ miles north and 9½ miles south of the 103° bearing from Luce County Airport, extending from the airport 18½ miles east of the airport, excluding the portion which overlies the Sault Ste. Marie, Mich., transition area.

AMENDMENTS 2/4/71 35 F. R. 18507 (Added)
AMENDMENTS 10/29/71 36 F. R. 21878 (Rewritten)

Newburgh, N. Y.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°30'34" N., 74°05'44" W. of Stewart AFB, Newburgh, N. Y., and within 2 miles S of the Stewart TACAN 253° radial clockwise to 2 miles NE of the Stewart TACAN 328° radial extending from the 12-mile radius area to 16 miles W and NW of the TACAN.

Newburyport, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°47'45" N., 70°50'25" W.) of Plum Island Airport, Newburyport, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass., transition area. This transition area shall be effective from sunrise to sunset, daily.

New Castle, Pa.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center (lat. 41°01'34" N., long. 80°24'49" W.) of New Castle Municipal Airport, New Castle, Pa.; within 3 miles each side of the Castle VOR (lat. 41°01'32" N., long. 80°24'58" W.) 043° radial, extending from the VOR to 8.5 miles northeast and within 3 miles each side of the Castle VOR 217° radial, extending from the VOR to 8.5 miles southwest.

AMENDMENTS 5/27/71 36 F. R. 7303 (Added)

Newcastle, Wyo.
That airspace extending upward from 700 feet above the surface within 4.5 miles northeast and 9.5 miles southwest of the Newcastle VOR (latitude 43°52'54" N., longitude 104°18'26" W.), 154° and 334° radials extending from 6 miles northwest to 18.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by the north edge of V-86, on the east by an arc of a 53-mile radius circle centered on Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.), on the south by the north edge of V-26, on the west by a line 5 miles west of and parallel to the Newcastle VOR 360° radial, excluding the airspace within a 3-mile radius of Schloredt, Wyoming Airport (latitude 44°23'30" N., longitude 104°24'30" W.).

New Madrid, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of County Memorial Airport (latitude 36°32'10" N., longitude 89°35'50" W.); and within 2 miles each side of the Malden, Mo., VOR 95° radial, extending from the 5-mile radius area to 8 miles east of the VOR, excluding the portion which overlies the Malden, Mo., 700-foot floor transition area.

AMENDMENTS 11/11/71 36 F. R. 15526 (Added)

New Mexico
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of New Mexico, excluding that airspace north of a line beginning on the Arizona/New Mexico State line at lat. 35° 31'00" N., thence to lat. 35°52'00" N., long. 108°47'00" W., to lat. 35°47'30" N., long. 108° 34'00" W., thence along long. 108°34'00" W. to and along the north boundary of V-291N to and clockwise along the arc of a 46-mile radius circle centered at the Albuquerque VORTAC to lat. 35°37'35" N., long. 106°24'48" W., to lat. 35° 47'00" N., long. 106°15'00" W., to lat. 35°47'00" N., long. 106°12'30" W., to lat. 36°05'35" N., long. 106°09'50" W., to lat. 36°03'40" N., long. 105° 52'20" W., to lat. 35°47'00" N., long. 105°54'40" W., to lat. 35°47'00" N., long. 105°50'00" W., thence along long. 105°50' 00" W. to and along the north boundary of V-19 to long. 105°16'30" W., to lat. 36°00'00" N., long. 105°07' 00" W., thence along lat. 36°00'00" N., to and along the north boundary of V-190 to the New Mexico/Texas State line, excluding R-5101, R-5107B, and the portion of R-5107A north of lat. 32°18'00" N., excluding that airspace bounded by a line beginning on the Arizona/New Mexico State line at lat. 34°18'00" N., thence to the south boundary of V-264 at long. 108°54'00" W., thence along the south boundary of V-264 to and south along long. 107°00'00" W. to and along the northwest boundary of V-19 to lat. 33°35'00" N., to lat. 33°35'00" N., long. 107°20'00" W., to the northwest boundary of V-202 at long. 107°25'00"W., thence along the northwest boundary of V-202 to lat. 32°59'00" N., to lat. 32°35'00" N., long. 108°37'00" W., to the Arizona/New Mexico State line at lat. 32°25'00" N., thence along the State line to point of beginning, excluding that airspace south of V-66 and excluding that airspace below 11,500 feet MSL bounded by a line beginning at lat. 33°57'00" N., long. 105°27'00" W., thence to lat. 33°12'50" N., long. 105°27'00" W., to lat. 33°10'20" N., long. 105°38'00" W., thence counterclockwise along the arc of a 35-mile radius circle centered at lat. 32°51'04" N., long. 106° 06'05" W. to and along long. 106°04'00" W. to and along the south boundary of V-264 to long. 105°50'30" W., thence to point of beginning.

AMENDMENTS 11/11/71 36 F. R. 18510 (Changed)

New Orleans, La.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30°06'25" N., longitude 90°16'35" W.; to latitude 30°08'20" N., longitude 90°02'30" W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Airport (latitude 30°02'20" N., longitude 90°01'25" W.); to latitude 30°02'20" N., longitude 89°54'20" W.; to latitude 29°49'40" N., longitude 89°54'20" W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29°49'40" N., longitude 90°01'25" W.); to latitude 29°44'45" N., longitude 90°05'25" W.; to latitude 29°53'45" N., longitude 90°20'00" W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field (latitude 29°59'25" N., longitude 90°15'15" W.); to point of beginning; and within 2 miles each side of the Harvey VOR 053° radial extending from the VOR to 8 miles NE;

New Philadelphia, Ohio
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Harry Clever Field (latitude 40°28'15" N., longitude 81°25'10" W.).

Newport, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newport Municipal Airport (lat. 35°38'25" N., long. 91°10'55" W.), and within 3.5 miles each side of the 163° bearing from the Newport RBN (lat. 35°38'30" N., long. 91°10'00" W.) extending from the 6.5-mile radius area to 11.5 miles south of the RBN.

LIBRARY
EASTERN MICHIGAN UNIVERSITY
YPSILANTI
U. S. DEPOSITORY DOCUMENT

V 37-20 JAN 29 72 XUM

Newport, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Newport Municipal Airport (latitude 44°34'45" N., longitude 124°03'30" W.); within 2 miles each side of the Newport VORTAC 005° radial, extending from the 5-mile radius area to 10 miles N of the VORTAC; within 2 miles each side of the Newport VORTAC 044° radial, extending from the 5-mile radius area to 13 miles NE of the VORTAC; and within 2 miles each side of the Newport VORTAC 184° radial, extending from the 5-mile radius area to 9.5 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles W and 8 miles E of the Newport VORTAC 005° and 184° radials, extending from 12 miles N to 12 miles S of the VORTAC, and within lines 5 miles each side of the Newport VORTAC 237° radial including the additional airspace between lines beginning adjacent to the VORTAC and diverging at angles of 5° from the parallel lines, extending from the VORTAC to a line extending through latitude 44°35'00" N., longitude 124°17'30" W. and latitude 44°22'00" N., longitude 124°13'25" W.; and that airspace between the arcs of a 12 and 16.5-mile radius circle centered on the Newport VORTAC, extending counterclockwise from the 044° radial to a line 5 miles west of a parallel to the 005° radial of the VORTAC.

Newport, Vt.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°53'22" N., 72°13'48" W., of Newport State Airport, Newport, Vt.,; within 2 miles each side of a bearing 032° from the Newport radio beacon extending from the 5-mile radius area to 8 miles northeast of the radio beacon, excluding the portion overlying Canada. This transition area is effective from sunrise to sunset, daily.

Newton, Iowa
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Newton Municipal Airport (latitude 41°40'40" N., longitude 93°01'25" W.); and within 2 miles each side of the Newton VOR 149° radial extending from the 4-mile radius area to the VOR.

Newton, Kans.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Newton Municipal Airport (latitude 38°03'20" N., longitude 97°16'35" W.).

New Ulm, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of New Ulm Municipal Airport (latitude 44°19'15" N., longitude 94°30'05" W.); and within 2 miles each side of the 307° bearing from New Ulm Municipal Airport, extending from the 5-mile radius area to 8 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 307° bearing from New Ulm Municipal Airport extending from the airport to 12 miles northwest of the airport; and within 5 miles each side of the 127° bearing from New Ulm Municipal Airport, extending from the airport to 12 miles southeast of the airport.

New York, N. Y.
That airspace extending upward from 700 feet above the surface beginning at latitude 41°07'30" N., longitude 73°57'00" W.; to latitude 41°01'00" N., longitude 74°00'00" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°18'30" N., longitude 73°39'30" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude 40°24'20" N., longitude 74°45'40" W.; to latitude 40°31'15" N., longitude 74°42'30" W.; to latitude 40°38'00" N., longitude 74°49'30" W.; to latitude 40°55'00" N., longitude 74°31'00" W.; to latitude 40°57'00" N., longitude 74°33'00" W.; to latitude 41°03'00" N., longitude 74°27'00" W.; to latitude 41°02'30" N., longitude 74°21'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to the point of beginning; that airspace extending upward from 1,200 feet above the surface beginning at latitude 41°19'00" N., longitude 74°00'00" W.; to latitude 41°12'00" N., longitude 74°00'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 40°49'00" N., longitude 74°37'00" W.; to latitude 41°19'00" N., longitude 74°33'00" W.; to the point of beginning; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°30'00" N., longitude 73°36'00" W.; thence via latitude 40°30'00" N. to the W edge of V-139; thence along the west edge of V-139 to latitude 40°12'55" N., longitude 73°19'00" W.; to latitude 40°17'20" N., longitude 73°52'45" W.; to latitude 40°18'30" N., longitude 73°39'30" W.; to the point of beginning. The airspace within W-106 below 3,000 feet MSL and that airspace within Control Area 1147 are excluded.

Nome, Alaska
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Nome VOR, extending clockwise from the 319° radial to the 125° radial; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Nome VOR.

Norfolk, Nebr.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Norfolk VOR.

Norfolk, Va.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 37°10'35" N., long. 76°17'35" W., to lat. 36°49'45" N., long. 75°52'05" W., to lat. 36°29'25" N., long. 76°09'40" W., to lat. 36°35'40" N., long. 76°18'40" W., to lat. 36°54'00" N., long. 76°27'30" W., to lat. 36°54'00" N., long. 76° 36'15" W., to lat. 37°11'30" N., long. 76°46'40" W., to lat. 37°16'10" N., long. 76°39'25" W., to lat. 37°11' 50" N., long. 76°16'20" W., thence to the point of beginning; within 2 miles southeast and 5 miles northwest of the Langley AFB, Hampton, Va. (lat. 37°05'05" N., long. 76°21'25" W.) Runway 7 centerline extended 15 miles northeast of the end of Runway 7; within the arc of an 8.5-mile radius circle centered on Patrick Henry Airport, Newport News, Va. (lat. 37°07'51" N., long. 76°29'35" W.) extending clockwise from a 323° bearing to a 066° bearing from the center of the airport; within 3.5 miles each side of the Patrick Henry Airport ILS localizer southwest course, extending from the LOM to 11.5 miles southwest.

AMENDMENTS 12/9/71 36 F. R. 20363 (Rewritten)

North, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the North AFAF (latitude 33°36'30" N., longitude 81°05'00" W.); excluding the portion within Columbia transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

North Bend, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the North Bend VORTAC 004° radial, extending from the VORTAC to 6 miles north of the VORTAC; within 2 miles each side of the North Bend VORTAC 023° radial, extending from the VORTAC to 8 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 044° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; within 2 miles each side of the North Bend VORTAC 090° radial, extending from the VORTAC to 8 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 111° radial, extending from the VORTAC to 13 miles east of the VORTAC; within 2 miles each side of the North Bend VORTAC 182° radial, extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of the North Bend VORTAC 270° radial, extending from the VORTAC to 10 miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the North Bend VORTAC, extending clockwise from the east edge of V-27, south of the VORTAC to the east edge of V-287 north of the VORTAC; within 5 miles north and 8 miles south of the North Bend VORTAC 090° radial, extending from the VORTAC to 12 miles east of the VORTAC.

North Carolina
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of North Carolina including that airspace within 3 nautical miles of and parallel to the shoreline of North Carolina; and including the additional airspace bounded by a line beginning at latitude 34°09'45" N., longitude 77°45'45" W., to latitude 34°03'05" N., longitude 77°42'30" W., to latitude 34°01'05" N., longitude 77°50'05" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace bounded by a line beginning at latitude 33°50'30" N., longitude 78°23'45" W., to latitude 33°45'50" N., longitude 78°31'00" W., to latitude 33°48'10" N., longitude 78°31'45" W.; thence via a line 3 nautical miles from and parallel to the shoreline to the point of beginning; and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by longitude 75°30'00" W., on the south and west by a line 3 nautical miles from and parallel to the shoreline and on the north by latitude 36°33'30" N., excluding that airspace within R-5301A and B, R-5306 A, B, and C, R-5311, R-5313, R-5302.

North Conway, N. H.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (44°01'25" N., 71°06'45" W.), of White Mountain Airport, North Conway, N. H.; within 2 miles each side of a 128° bearing from the North Conway, N. H., RBN (44°01'26" N., 71°06'59" W.), extending from the 5-mile radius area to 8 miles southeast of the RBN.
That airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of a 128° bearing from the North Conway, N. H., RBN extending from the RBN to 12 miles southeast of the RBN; within 5 miles each side of a direct line extending from the Whitefield, N. H., RBN (44°21'58" N., 71°33'00" W.) to the North Conway, N. H., RBN; within 5 miles each side of a direct line extending from the Montpelier, Vt., VOR to the North Conway, N. H., RBN; within 5 miles each side of a direct line extending from the Lebanon, N. H., VOR to the North Conway, N. H., RBN and within 5 miles each side of a line bearing 116° from the North Conway, N. H., RBN extending from the RBN to the northwest boundary of the Portland, Maine, 1,200-foot transition area, excluding those portions that coincide with the Berlin, N. H., Lebanon, N. H., and Burlington, Vt., 1,200-foot transition areas. This transition area is effective from sunrise to sunset, daily.

North Hilo, Hawaii
That airspace extending upward from 1,200 feet above the surface north of Hilo, Hawaii, bounded on the south by V-1 Hawaii, and on the west, north and east by a line extending from V-1 Hawaii, through latitude 20°30'00" N., longitude 155°33'30" W.; to latitude 20°45'00" N., longitude 155°43'00" W.; thence along latitude 20°45'00" N.; to longitude 155°27'00" W.; thence through latitude 20°27'22" N., longitude 155°15'00" W., to V-1 Hawaii.

V 37-20 JAN 29 72 XUM

North Philadelphia, Pa.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the 234° bearing from the Wings Field, Philadelphia, Pa., RBN (latitude 40° 07' 33" N., longitude 75° 17' 08" W.) extending from the RBN to 8 miles SW of the RBN, within a 7-mile radius of the North Philadelphia Airport (latitude 40° 04' 45" N., longitude 75° 00' 35" W.); within a 7-mile radius of Mercer County Airport, Trenton, N. J. (latitude 40° 16' 33" N., longitude 74° 48' 55" W.) and including the airspace beginning at latitude 40° 17' 40" N., longitude 75° 21' 15" W., to latitude 40° 24' 10" N., longitude 75° 09' 20" W., to latitude 40° 18' 10" N., longitude 75°03'50" W., to latitude 40°22'05" N., longitude 74°52'00" W., to latitude 40°10'30" N., longitude 74°48'00" W., to latitude 40°07'30" N., longitude 74°53'30" W., to latitude 40°02'40" N., longitude 75° 08' 00" W., to latitude 40° 04' 30" N., longitude 75° 18' 50" W., to latitude 40° 07' 00" N., longitude 75° 22' 00" W., to point of beginning.

North Platte, Nebr.
That airspace extending upward from 700' above the surface within a 10-mile radius of Lee Bird Field (latitude 41°07'35" N., longitude 100°41'50" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the North Platte VOR.

Northway, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Northway RR, extending from 8 miles SE to 12 miles NW of the RR; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Northway RR, extending from 22 miles SE to 42 miles NW of the RR.

Oakland, Md.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center lat. 39° 34'49" N., long. 79°20'25" W. of Garrett County Airport, Oakland, Md., and within 2 miles each side of the Grantsville VORTAC 256° radial, extending from the 6-mile radius area to 9 miles west of the VORTAC.

AMENDMENTS 11/11/71 36 F. R. 18192 (Added)

Ocala, Fla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Ocala Municipal (Jim Taylor Field) Airport (lat. 29°10'18" N., long. 82°13'26" W.).

Ocean City, Md.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°18'35" N., 75°07'20" W., of Ocean City Airport, Ocean City, Md., and within 2 miles each side of the Snow Hill, Md., VORTAC 047° radial extending from the 5-mile radius area to 18 miles northeast of the VORTAC excluding the portion outside the United States.

Oceanside, Calif.
That airspace extending upward from 700 feet above the surface between the Oceanside VORTAC 316° and 136° radials and a line 5 miles northeast of and parallel to the Oceanside VORTAC 316° and 136° radials, extending from latitude 33°15'00" N., to 5 miles northwest of the VORTAC.

Ogden, Utah
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°27'00" N., on the east by longitude 111°55'00" W., on the south by latitude 41°00'00" N., and on the west by longitude 112°22'00" W., within 4.5 miles southwest and 9.5 miles northeast of the Ogden VORTAC 316° radial extending from the VORTAC to 18.5 miles northwest of the VORTAC;
that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°50'00" W., on the S by latitude 41°00'00" N., on the W by longitude 112°45'00" W., and on the N by the N boundary of V-288, that airspace W of Ogden bounded on the S and W by the Wendover, Utah, transition area, on the N by V-6 and on the E by longitude 112°45'00" W., that airspace W of Ogden bounded on E by longitude 112°45'00" W., on the S by V-6 and on the N by V-288, that airspace NW of Ogden within 10 miles SW and 6 miles NE of the Ogden VORTAC 316° radial, extending from the N boundary of V-288 to 63 miles NW of the VORTAC, that airspace N of Ogden within 10 miles W and 7 miles E of the Ogden VORTAC 345° radial, extending from the N boundary of V-288 to 42 miles N of the VORTAC; that airspace E of Ogden extending upward from 10,500 feet m.s.l. bounded on the N by V-288 on the S by V-6 and on the W by longitude 111°50'00" W., and that airspace bounded on the N by V-6, on the SE by V-32, on the S by latitude 41°00'00" N., and on the W by longitude 111°50'00" W.

Ogdensburg, N.Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°40'52" N., 75°28'05" W. of Ogdensburg Municipal Airport, Ogdensburg, N.Y., excluding the portion over Canada: within 2 miles each side of a 077° bearing from the Ogdensburg radio beacon extending from the 5-mile radius to 8 miles east of the radio beacon.
That airspace extending upward from 1,200 feet above the surface beginning at 44°16'00" N., 75°30'00" W. to 44°16'00" N., 76°10'00" W., thence NE along the U.S./Canadian border to 44°56'00" N., 75°05'00" W. to 44°42'00" N., 75°05'00" W. to point of beginning.

Oklahoma
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Oklahoma, excluding the portion within R-5601A.

Oklahoma City, Okla.
That airspace west of longitude 97°10'00" W. extending upward from 700 feet above the surface within a 23-mile radius of latitude 35°24'25" N., longitude 97°23'50" W.; within 10 miles west and 5 miles east of the Will Rogers World Airport, runway 35R ILS south course, extending from the LOM to 18.5 miles south of the LOM; and within a 5-mile radius of the Cimarron, Okla., Municipal Airport (latitude 35°29'15" N., longitude 95°49'00" W.).

AMENDMENTS 10/14/71 36 F. R. 16188 (Rewritten)

Okmulgee, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Okmulgee, Okla., Airport (latitude 35°39'45" N., longitude 95°56'45" W.); and within 8 miles S and 5 miles N of the Okmulgee VOR 068° Radial extending from the VOR to 12 miles E.

Olean, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Olean Municipal Airport (latitude 42°14'20" N., longitude 78°22'30" W.), and within 2 miles each side of the Olean RBN 033° bearing, extending from the 7-mile radius area to 8 miles NE of the RBN, from 0700 to 2200 hours, local time, daily.

Olney, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Olney-Noble Airport, Olney, Ill. (latitude 38°43'20" N., longitude 88°10'25" W.); and within 2 miles each side of the 223° bearing from Olney-Noble Airport, extending from the 5-mile radius area to 8 miles SW of the airport.

Omaha, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Eppley Field (latitude 41°18'00" N., longitude 95°53'35" W.); within 2 miles each side of the Eppley Field ILS localizer southeast course, extending from the 10-mile radius area to 15 miles southeast of the airport; and within 5 miles northeast and 8 miles southwest of the Eppley Field ILS localizer northwest course, extending from the 10-mile radius area to 12 miles northwest of the OM; within a 10-mile radius of Offutt AFB (latitude 41°07'20" N., longitude 95°54'35" W.); within 6 miles northeast and 8 miles southwest of the Offutt AFB VOR 310° and 130° radials, extending from the 10-mile radius area to 12 miles southeast of the VOR; and within 2 miles each side of the Offutt AFB TACAN 307° radial, extending from the 10-mile radius area to 8 miles northwest of the TACAN; within a 5-mile radius of Council Bluffs, Iowa, Municipal Airport (latitude 41°15'35" N., longitude 95°45'40" W.); and within 2 miles each side of the Omaha VORTAC 341° radial, extending from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the area beginning southeast of Omaha at the north edge of V-216 and longitude 95°00'00" W.; thence north along longitude 95°00'00" W. to and east along the north edge of V-6, to and north along longitude 94°42'00" W., to and west along the south edge of V-172, to and north along longitude 95°18'00" W., to and west along latitude 41°43'00" N., to and south along longitude 96°25'00" W., to and east along latitude 41°30'00" W., to and south along longitude 96°23'00" W., to and east along the north edge of V-216 to the point of beginning.

Omak, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Omak Airport (latitude 48°27'50" N., longitude 119°31'00" W.), within 2 miles each side of the 177° bearing from the Omak radio beacon (latitude 48°27'13" N., longitude 119°30'56" W.), extending from the 5-mile radius area to 8 miles S of the radio beacon; and that airspace extending upward from 1,200 feet above the surface, within 7 miles E and 10 miles W of the 177° and 357° bearings from the Omak radio beacon, extending from 8 miles N to 20 miles S of the radio beacon.

Oneida, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Scott Municipal Airport (lat. 36°27'23" N., long. 84°35'10" W.); within 9.5 miles northwest and 4.5 miles southeast of the 220° bearing from Scott RBN (lat. 36°27'22" N., long. 84°35'16" W.), extending from the RBN to 18.5 miles southwest of the RBN.

AMENDMENTS 3/4/71 36 F. R. 319 (Added) Corr: 36 F. R. 1885

O'Neill, Nebr.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of O'Neill Municipal Airport (latitude 42°28'10" N., longitude 98°41'15" W.); and within 3½ miles each side of the O'Neill VORTAC 315° radial, extending from the 5½-mile radius area to 12 miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within the arc of an 18½-mile radius circle centered on the O'Neill VORTAC, extending from the O'Neill VORTAC 228° radial clockwise to the O'Neill VORTAC 049° radial; and within the arc of a 9-mile radius circle centered on the O'Neill VORTAC, extending from the O'Neill VORTAC 049° radial clockwise to the O'Neill VORTAC 228° radial.

V 37-20 JAN 29 72 XUM

Oneonta, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°31'26" N., 75°03'56" W.), of Oneonta Municipal Airport, Oneonta, N. Y.; and within 2 miles each side of the Rockdale VOR 067° radial, extending from the 5-mile radius area to the Rockdale VOR, excluding the portion within the Sidney, N. Y. transition area.

Ontario, Oreg.
That airspace extending upward from 700 feet above the surface within 4.5 miles west and 9.5 miles east of the 168° and 348° bearings from the Ontario, Oreg., RBN, extending from 18.5 miles south to 6 miles north of the RBN.

Ontonagon, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ontonagon County Airport (latitude 46°50'47" N., longitude 89°21'29" W.); and within 3 miles each side of a 042° bearing from Ontonagon County Airport, extending from the 6-mile radius area to 7.5 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the 042° bearing from Ontonagon County Airport, extending from the airport to 18½ miles northeast of the airport.

AMENDMENTS 1/6/72 36 F. R. 21582 (Added)

Opelousas, La.
That airsapce extending upward from 700 feet above the surface within a 5-mile radius of St. Landry Parish Airport (latitude 30°33'30" N., longitude 92°06'00" W.), and within 2.5 miles each side of the Lafayette VORTAC 347° radial extending from the 5-mile radius area to 22.5 miles north of the VORTAC.

Orangeburg, S. C.
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Orangeburg Airport (latitude 33°27'40" N., longitude 80°51'30" W.); within 3 miles each side of the 226° bearing from Orangeburg RBN (latitude 33°26'23" N., longitude 80°52'41" W.), extending from the 7.5-mile radius area to 8.5 miles southwest of the RBN.

Orlando, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Herndon Airport (lat. 28°32'40" N., long. 81°19'55" W.); within an 8.5 mile radius of McCoy AFB (lat. 28°25'55" N., long. 81° 19'15" W.); within 3 miles each side of Orlando VORTAC 175° radial, extending from the 8.5-mile radius area to 23 miles south of the VORTAC; within 3 miles each side of McCoy ILS localizer south course, extending from the 8.5-mile radius area to 9.5 miles south of the OM; within a 6.5-mile radius of Kissimmee Municipal Airport (lat. 28°17'30" N., long. 81°26'15" W.); within 3 miles each side of the 322° bearing from Kissimmee RBN (lat. 28°17'20.5" N., long. 81°26'05" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN.

Osceola, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Osceola Municipal Airport (latitude 45°18'40" N., longitude 92°41'30" W.); and within 3 miles each side of the 114° bearing from Osceola Municipal Airport, extending from the 6½-mile radius to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 114° and 294° bearings from Osceola Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport.

Oscoda, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wurtsmith AFB (latitude 44°27'00" N., longitude 83°24'00" W.); within 2 miles each side of the Wurtsmith AFB TACAN 232° radial extending from the 7-mile radius area to 14 miles SW of the TACAN; and within 2 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 7-mile radius area to 14 miles NE of the TACAN; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Wurtsmith AFB; within 5 miles each side of the Wurtsmith AFB TACAN 064° radial extending from the 30-mile radius to 40 miles E of the TACAN; and within the area bounded on the NW by a line 5 miles NW and parallel to the 238° bearing from the Wurtsmith AFB OM, on the NE by the 30-mile radius area, on the SE by a line 5 miles SE and parallel to the 216° bearing from the Wurtsmith AFB OM, and on the SW by the arc of a 33-mile radius circle centered on the Wurtsmith AFB OM.

Oshkosh, Nebr.
That airspace extending upward from 700 feet above the surface within a 9½-mile radius of Oshkosh Municipal Airport (latitude 41°22'55" N., longitude 102°21'12" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 302° bearing from Oshkosh Municipal Airport, extending from the airport to 18½ miles northwest of the airport.

Oshkosh, Wis.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Wittman Field (latitude 43°59'25" N., longitude 88°33'20" W.); within 3½ miles each side of the 275° radial of the Oshkosh VOR extending from the 10-mile radius area to 12 miles west of the VOR; within 9½ miles west and 4½ miles east of the 008° radial of the Oshkosh VOR extending from the 10-mile radius area to 18½ miles north of the VOR; within 9½ miles east and 4½ miles west of the 182° radial of the Oshkosh VOR extending from the 10-mile radius area to 18½ miles south of the VOR; within an 8½-mile radius of the Fond du Lac County Airport (latitude 43°46'10" N., longitude 88°29'30" W.); and within 9½ miles south and 4½ miles north of a 275° bearing from the Fond du Lac County Airport, extending from the 8½-mile radius area to 18½ miles west of the airport excluding the portion which overlies the Appleton, Wis., 700-foot floor transition area; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 44°36'00" N., longitude 87°47'15" W.; to latitude 44°36'00" N., longitude 87°27'00" W.; to latitude 43°30'00" N., longitude 87°27'00" W.; to 43°30'00" N., longitude 88°30'00" W.; to latitude 43°40'40" N., longitude 89°38'20" W., thence north along the east boundary of V-177W to latitude 44°19'50" N., longitude 89°29'00" W.; thence counterclockwise via the arc of a 15-mile radius circle centered on the Stephens Point, Wis. VOR; to latitude 44°28'30" N., longitude 89°14'25" W.; to latitude 44°29'25" N., longitude 88°35'00" W.; thence clockwise via the arc of a 20-mile radius circle centered on the Green Bay, Wis. VOR to the point of beginning excluding the portion which overlies the Cecil, Wis. transition area.

Oswego, Kans.
That airspace extending upward from 1,200 feet above the surface within 10 miles W and 7 miles E of the Oswego VOR 207° and 027° radials, extending from 20 miles NE to 9 miles SW of the VOR, excluding the portion within the State of Oklahoma.

Ottumwa, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Ottumwa Industrial Airport (latitude 41°06'20" N., longitude 92°26'50" W.) and within 2 miles each side of the Ottumwa VORTAC 309° radial extending from the 6-mile radius area to 13 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of a line 5 miles south of and parallel to the Ottumwa 251° radial and the arc of a 25-mile radius circle centered on the Ottumwa VORTAC, thence clockwise along the arc of a 25-mile radius circle centered on the Ottumwa VORTAC, to and south along a line 5 miles east of and parallel to the Ottumwa VORTAC 026° radial, to and clockwise along the arc of a 15-mile radius circle centered on the Ottumwa VORTAC, to and west along a line 5 miles south of and parallel to the Ottumwa VORTAC 251° radial to the point of beginning.

Owensboro, Ky.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Owensboro-Daviess County Airport (lat. 37°44'31" N., long. 87°09'57" W.); within 3.5 miles each side of Owensboro VOR 181° radial, extending from the 9-mile radius area to 8.5 miles south of Masonville RBN (lat. 37°39'35" N., long. 87°10'17"W.).

AMENDMENTS 10/14/71 36 F. R. 14634 (Rewritten)

Oxford, Conn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius area of the center of lat. 41°28'45" N., long. 73°08'10" W. of Waterbury-Oxford Airport, Oxford, Conn., and within 4 miles each side of the Oxford, Conn., RBN (lat. 41°31'45" N., long. 73°08'36" W.) 354° bearing extending from the 7-mile radius area to 10 miles north of the RBN.

AMENDMENTS 10/14/71 36 F. R. 16574 (Added)

Oxford, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the University-Oxford Airport (latitude 34°23'05" N., longitude 89°32'10" W.); within 3 miles each side of the 280 bearing from Oxford RBN (latitude 34°23'00" N., longitude 89°32'30" W.), extending from the 5-mile radius area to 8.5 miles west of the RBN.

Oxford, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (39°30'10" N., 84°47'15" W.) of Miami University Airport, Oxford, Ohio, and within 2 miles each side of the Oxford, Ohio, RBN (39°30'27" N., 84°46'50" W.) 225° bearing extending from the 5-mile radius area to 11 miles southwest of the RBN.

V 37-20 JAN 29 72 XUM

Oxnard, Calif.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Point Mugu RBN; that airspace extending upward from 1,200 feet above the surface bounded on the east by long. 118°50'00" W., on the south by lat. 34°00'00" N., on the west by long 120°00'00" W., and on the north by a line extending from lat. 34°20'00" N., long. 120°00'00" W.; to lat. 34°20'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 119°30'00" W.; to lat. 34°30'00" N., long. 118°50'00" W.; within the arc of a 34-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 165° radial to the 255° radial, and within 14 miles southeast and 9 miles northwest of the Point Mugu TACAN 220° radial, extending from the 34-mile radius area to 49 miles southwest of the TACAN, excluding the portion within W-412; and that airspace extending upward from 5,000 feet MSL bounded on the north by latitude 34°15'00" N., on the east by longitude 120°00'00" W., on the south by latitude 34°00'00" N., and on the west by longitude 120°30'00" W., excluding the portion within the Santa Barbara, Calif., transition area.

Paducah, Ky.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Barkley Field (lat. 37°03'45" N., long. 88°46'23" W.); within 5 miles each side of Cunningham VORTAC 225° radial, extending from the 10-mile radius area to 11.5 miles southwest of the VORTAC.

AMENDMENTS 5/27/71 36 F. R. 3518 (Changed)
AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)
AMENDMENTS 10/14/71 36 F. R. 14636 (Rewritten)

Pahokee, Fla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Beach County Glades Airport (lat. 26°47'15" N., long. 80°41'45" W.); within 5 miles each side of Pahokee VORTAC 342° radial, extending from the 5-mile radius area to 9.5 miles north of the VORTAC.
AMENDMENTS 4/27/71 36 F. R. 8363 (Rewritten)

Palacios, Tex.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Palacios VORTAC 308° radial extending from the VORTAC to 8 miles NW, and within 2 miles each side of the Palacios VORTAC 176° radial extending from the Palacios VORTAC to the intersection with the Matagorda Island AFB VOR 033° radial and within 2 miles each side of the Matagorda Island AFB VOR 033° radial extending from its intersection with the Palacios VORTAC 176° radial to 16 miles NE of the Matagorda Island AFB VOR.

Palestine, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palestine Municipal Airport (latitude 31°47'00" N., longitude 95°42'10" W.), and within 2 miles each side of the 208° bearing from the Palestine RBN (latitude 31°46'48" N., longitude 95°42'03" W.) extending from the 5-mile radius area to 8 miles southwest of the RBN.

Palm Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Palm Beach International Airport (lat. 26°41'05" N., long. 80°05'35" W.); excluding the portion outside the continental limits of the United States.

AMENDMENTS 2/4/71 35 F. R. 19172 (Rewritten)

Palmdale, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles S and 7 miles N of the Palmdale VORTAC 298° radial extending from the VORTAC to 18 miles NW; within 6 miles S and 12 miles N of the Palmdale VORTAC 298° and 118° radials extending from 11 miles NW to 13 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°36'30" N., longitude 118°45'00" W., to latitude 35°44'00" N., longitude 117°53'00" W., to latitude 36°07'00" N., longitude 117°53'00" W., to latitude 36°07'00" N., longitude 117°35'00" W., to latitude 35°36'00" N., longitude 117°26'00" W., to latitude 35°25'00" N., longitude 117°26'00" W., to latitude 35°25'00" N., longitude 117°16'52" W., to latitude 35°15'56" N., longitude 117°16'52" W., to latitude 35°15'56" N., longitude 117°06'30" W., to latitude 35°34'30" N., longitude 116°29'40" W., to latitude 35°34'30" N., longitude 116°23'30" W., to latitude 35°28'35" N., longitude 116°18'45" W., to latitude 35°21'30" N., longitude 116°13'00" W., to latitude 34°43'00" N., longitude 116°13'00" W., thence W along latitude 34°43'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to latitude 34°30'00" N., thence W along latitude 34°30'00" N., to longitude 118°20'00" W., thence N along longitude 118°20'00" W., to the S boundary of V-137, thence W along the S boundary of V-137 to longitude 118°45'00" W., thence to point of beginning.

Palmer, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42° 13'25" N., 72°18'45" W., of Metropolitan Airport, Palmer, Mass.; within 2 miles each side of the runway 4 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the runway 22 centerline extended from the 5-mile radius area to 9 miles southwest of the end of the runway, and within 2 miles each side of the 202° bearing from the Palmer, Mass., RBN, 42°13'26" N., 72° 18'47" W., extending from the 5-mile radius area to 8 miles south of the RBN, excluding the portion which coincides with the Chicopee Falls, Mass., transition area.

Palm Springs, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Springs Airport (latitude 33°49'36" N., longitude 116°30'18" W.), within 2 miles NE and 5 miles SW of the Palm Springs VOR 120° and 300° radials, extending from 3 miles NW to 8.5 miles SE of the VOR, and within 3 miles S of the 104° bearing from the Palm Springs Airport, extending from the 5-mile radius area to 10 miles E of the airport.

Pampa, Tex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Perry Le Fors Airport (latitude 35°36'25" N., longitude 100°59'55" W.), and within 2 miles each side of the 001° bearing from the Pampa RBN (latitude 35°36'40" N., longitude 100°59'45" W.), extending from the 7-mile radius area to 8 miles north of the RBN.

Panama City, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Panama City-Bay County Airport (latitude 30°12'41" N., longitude 85°40'57" W.); within an 8.5-mile radius of Tyndall AFB (latitude 30°04'15" N., longitude 85°34'30" W.); within 3 miles each side of the Panama City VOR 059° and 310° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VOR; excluding the airspace outside of the continental limits of the United States.

Paragould, Ark.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Paragould Municipal Airport (latitude 36°03'52" N., longitude 90°30'45" W.), and within 2 miles each side of the 235° bearing from the Paragould RBN (latitude 36°03'52" N., longitude 90°30'45" W.), extending from the 7-mile radius area to 8 miles southwest of the RBN excluding the portion within the Jonesboro, Ark., control zone.

Paris, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henry County Airport (lat. 36°20'15" N., long. 88°23'00" W.); within 3 miles each side of the 213° and 353° bearings from Paris RBN (lat. 36°20'28" N., long. 88°22'46" W.), extending from the 5-mile radius area to 8.5 miles southwest and north of the RBN.

AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)
AMENDMENTS 10/14/71 36 F. R. 19077 (Rewritten)

Paris, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Cox Field, Paris, Tex. (latitude 33°38'17" N., longitude 95°26'54" W.), and within 2 miles each side of the Paris, Tex., VOR 357° radial extending from the 6-mile radius area to the VOR.

Parker, Calif.
That airspace extending upward from 1,200 feet above the surface within 10 miles NW and 7 miles SE of the Parker VORTAC 071° and 251° radials, extending from 9 miles SW to 20 miles NE of the VORTAC.

Parkersburg, W. Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°21'00" N., 81°26'15" W., of Wood County (Gill Robb Wilson Field) Airport, Parkersburg, W. Va.; within 2 miles each side of the Parkersburg VOR 208° and 028° radials extending from the 6-mile radius area to 8 miles northeast of the VOR.

AMENDMENTS 7/28/71 36 F. R. 13912 (Changed)

Park Rapids, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Park Rapids Municipal Airport (latitude 46°53'55" N., longitude 95°04'15" W.); and within 3 miles each side of the 132° bearing from Park Rapids Municipal Airport, extending from the 6½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 132° and 312° bearings from Park Rapids Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport, excluding the portion north of latitude 47°00'00" N.; and within 5 miles each side of the 307° bearing from Park Rapids Municipal Airport, extending from the airport to 12 miles northwest of the airport.

Parsons, Kansas
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Tri-City Airport (latitude 37°20'00" N., longitude 95°30'30" W.), and within 5 miles E and 8 miles W of a 359° bearing from the Tri-City Airport, extending from the Airport to a point 12 miles N; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 5 miles SW of the Oswego VOR 306° radial extending from the Oswego VOR to the Tri-City Airport, and within 5 miles E and 5 miles W of the Chanute VOR 166° radial extending from the Chanute VOR to the Tri-City Airport excluding the Oswego and Chanute transition areas.

V 37-20 JAN 29 72 XUM

Pascagoula, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Jackson County Airport (latitude 30°22'43" N., longitude 88°29'37" W.); within 3 miles each side of the 060° bearing from Pascagoula RBN (latitude 30°22'63" N., longitude 88°29'33" W.), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

Pasco, Wash.
That airspace extending upward from 700 feet above the surface within 9.5 miles northwest and 5 miles southeast of the Pasco VOR 036° and 216° radials, extending from 18.5 miles northeast to 5 miles southwest of the VOR, within 9.5 miles northeast and 5 miles southwest of the Pasco VOR 131° radial, extending from the VOR to 18.5 miles southeast of the VOR, within 2 miles each side of the Pasco VOR 249° radial, extending from the VOR to 12 miles west of the VOR and within 2 miles each side of the Pasco VOR 276° radial, extending from the VOR to 9 miles west of the VOR.

AMENDMENTS 10/14/71 36 F. R. 15111 (Rewritten)
PENDING AMENDMENT
The Pasco, Wash., transition area is amended as follows: Add:
That airspace extending upward from 1,200 feet above the surface, southwest of Pasco, Wash., bounded on the north by the south edge of V-298, on the east by the west edge of V-112W and on the southwest by the northeast edge of V-4.

AMENDMENTS 3/2/72 37 F. R. 13 (Changed)

Paso Robles, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Paso Robles VORTAC 332° and 342° radials, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport (latitude 35°40'15" N., longitude 120°37'35" W.) to 10 miles NW of the VOR, and within 2 miles each side of the Paso Robles VORTAC 149° radial, extending from the arc of a 5-mile radius circle centered on the Paso Robles County Airport to 8 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 12 miles NE and 7 miles SW of the Paso Robles VORTAC 149° and 329° radials, extending from 20 miles SE to 9 miles NW of the VORTAC, and within 12 miles NE and 7 miles SW of the 142° and 322° radials, extending from 9 miles SE to 24 miles NW of the VORTAC.

Patterson, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harry P. Williams Memorial Airport (latitude 29°42'40" N., longitude 91°20'18" W.), within 2.5 miles each side of the Tibby VORTAC 276° radial extending from the 5-mile radius area to 24 miles west of the VORTAC, and within 3.5 miles each side of the 228° bearing from the Patterson RBN (latitude 29°42'32" N., longitude 91°20'14" W.) extending from the 5-mile radius area to 11.5 miles southwest of the RBN.

Patuxent River, Md. NAS
That airspace extending upward from 700 feet above the surface within a 14-mile radius of the NAS Patuxent River VOR, excluding the portion NW of a line extending from latitude 38°15'00" N., longitude 76°39'20" W., to latitude 38°26'20" N., longitude 76°14'00" W.

AMENDMENTS 6/24/71 36 F. R. 7303 (Changed)

Peach Springs, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the Peach Springs VORTAC 074° and 254° radials, extending from 9 miles W to 20 miles E of the VORTAC. That airspace extending upward from 9,000 feet MSL bounded on the north by a line 5 miles north of and parallel to a direct line between the Grand Canyon, Ariz., VOR and the Boulder City, Nev., VORTAC, on the south by the north edge of V-210 and on the southwest by the northeast edge of V-105E.

Pecos, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Pecos, Tex., Municipal Airport (latitude 31°23'45" N., longitude 103°30'50" W.); and within 2 miles each side of the Pecos VOR 146° radial, extending from the 6-mile radius area to the VOR.

Pekin, Ill.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Pekin Municipal Airport (latitude 40°29'25" N., longitude 89°40'20" W.); excluding the portion which overlies the Peoria, Ill., 700-foot floor transition area.

Pellston, Mich.
That airspace extending upward from 700 feet above the surface within a 11-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.); and within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Pellston VORTAC; within 4½ miles northwest and 9½ miles southeast of the Pellston VORTAC 238° radial extending from the 13-mile radius area to 32½ miles southwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the Pellston VORTAC 060° radial, extending from the 13-mile radius area to 18½ miles northeast of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the Emmet County Airport, extending from the airport to 18½ miles southeast of the airport, excluding the portion which overlies the Sault Sainte Marie, Mich., transition area.

AMENDMENTS 7/22/71 36 F. R. 9619 (Rewritten)

Pendleton, Oreg.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 45°41'30" N., longitude 118°47'24" W.; within 4.5 miles each side of the Pendleton VORTAC 254° radial extending from the 12-mile radius area to 12.5 miles west of the VORTAC; within 4.5 miles north and 1 mile south of the Pendleton 273° radial extending from the 12-mile radius area to 8 miles west of the VORTAC; and within 9.5 miles north and 5 miles south of the Pendleton 090° bearing from the Pendleton ILS OM (latitude 45°41'45" N., longitude 118°43'46" W.), extending from the 12-mile radius area to 18.5 miles east of the OM; that airspace extending upward from 1,200 feet above the surface within 11 miles NE and 7 miles SW of the Pendleton VORTAC 137° radial extending from the 12-mile radius area to 50 miles SE of the VORTAC, within 10 miles S and 7 miles N of the Pendleton 254° radial extending from the 12-mile radius area to 33 miles W of the VORTAC, within 9.5 miles north and 5 miles south of the Pendleton 273° radial, extending from the 12-mile radius area to 18.5 miles west of the VORTAC; within 6 miles southwest and 9 miles northeast of the Pendleton 310° radial, extending from the 12-mile radius area to 30 miles NW of the VORTAC, within 5 miles NW of the 025° radial and 5 miles SE of the 049° radial, extending from the 12-mile radius area to an arc of a 35-mile radius circle centered on the Pendleton VORTAC, that airspace within the arc of a 32-mile-radius circle centered on the Pendleton VORTAC extending clockwise from the southeast edge of V-112E to the northeast edge of V-298.

Pennington Gap, Va.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 36° 44'33" N., long. 83°01'50" W. of Lee County Airport, Pennington Gap, Va.

AMENDMENTS 11/11/71 36 F. R. 18640 (Added)

Pennsylvania
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°40'00" N., longitude 75°30'00" W., to latitude 42°10'00" N., longitude 75°25'00" W., to latitude 42°00'00" N., longitude 75°26'00" W., to latitude 42°00'00" N., longitude 75°00'00" W., to latitude 41°31'00" N., longitude 75°07'00" W., to latitude 40°56'16" N., longitude 75°11'04" W., to latitude 40°48'00" N., longitude 75°00'00" W., to latitude 40°49'00" N., longitude 74°37'00" W., to latitude 40°38'00" N., longitude 74°49'30" W., to latitude 40°31'15" N., longitude 74°42'30" W., to latitude 40°24'20" N., longitude 74°45'40" W., to latitude 40°16'10" N., longitude 74°39'20" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°18'20" N., longitude 75°36'40" W., to latitude 39°25'25" N., longitude 75°46'05" W., thence northerly along the Delaware State line to the Pennsylvania State line; thence westerly along the Pennsylvania State line to the intersection with the West Virginia and Ohio State lines; thence westerly along the Ohio State line to latitude 39°46'00" N., longitude 80°52'10" W.; thence within a 60-mile radius of the Imperial VORTAC extending clockwise to the 249° radial; thence along a 37-mile arc centered on the Imperial VORTAC, extending clockwise from the 249° radial to latitude 40°56'00" N., longitude 80°36'00" W., to latitude 40°56'00" N., longitude 80°52'00" W., to latitude 41°05'00" N., longitude 80°50'00" W., to latitude 41°28'00" N., longitude 81°10'00" W., thence counterclockwise via the arc of a 19-mile radius circle centered on the Lost Nation Airport, Willoughby, Ohio (latitude 41°41'00" N., longitude 81°23'35" W.) to: latitude 41°50'55" N., longitude 81°05'30" W., to latitude 41°55'00" N., longitude 80°35'00" W., to latitude 42°14'00" N., longitude 80°41'00" W., to latitude 42°37'00" N., longitude 79°15'00" W., to latitude 42°32'00" N., longitude 78°52'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°40'00" N., longitude 77°23'45" W., to latitude 42°41'30" N., longitude 76°23'00" W., thence to the point of beginning.

AMENDMENTS 4/29/71 36 F. R. 4691 (Changed)

Pensacola, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pensacola Regional Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer north course, extending from the 8.5-mile radius area to 8.5 miles north of Brent LOM; within a 9-mile radius of Forrest Sherman Field (lat. 30°20'53" N., long. 87°19'04" W.); within 7 miles each side of Forrest Sherman Field Runways 6/24 and 18/36 extended centerlines, extending from the 9-mile radius area to 12 miles northeast, south and southwest of the airport; within a 6-mile radius of NAS Saufley Field (lat. 30°28'15" N., long. 87°20' 30" W.); within 9.5 miles southeast and 4.5 miles northwest of the 214° bearing from NAS Saufley UHF RBN, extending from the RBN to 18.5 miles southwest; within 9.5 miles southeast and 4.5 miles northwest of NAS Saufley VOR 234° radial, extending from the VOR to 18.5 miles southwest.
AMENDMENTS 1/6/72 36 F. R. 21403 (Rewritten)

V 37-20 JAN 29 72 XUM

Peoria, Ill.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Greater Peoria Airport (lat. 40°39'47" N., long. 89°41'22" W.); within a 7-mile radius of the Ingersoll Airport (lat. 40°34' 10" N., long. 90°04'24" W.); within 5 miles northwest and 6.5 miles southeast of the Peoria VORTAC 244° radial extending from the 7-mile radius area to 34.5 miles southwest of the VORTAC; within 9.5 miles south and 4.5 miles north of the Peoria VORTAC 270° radial, extending from the VORTAC to 18.5 miles west of the VORTAC; within 9.5 miles southwest and 4.5 miles northeast of the Greater Peoria Airport ILS localizer northwest course, extending from 3.5 miles northwest of the airport to 22 miles northwest of the airport; and within 6.5 miles northwest and 5 miles southeast of the Peoria VORTAC 052° radial, extending from the VORTAC to 12 miles northeast of the VORTAC.

AMENDMENTS 4/29/71 36 F. R. 4372 (Rewritten)
AMENDMENTS 11/11/71 36 F. R. 18303 (Rewritten)

Perry, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perry Municipal Airport (latitude 41°49'35" N., longitude 94°09'30" W.); and within 2 miles each side of the 147° bearing from Perry Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 147° bearing from Perry Municipal Airport, extending from the airport to 12 miles southeast of the airport, excluding the portions which overlie the Jefferson, Iowa, transition area.

Perryton, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Perryton Airport (latitude 36° 24' 45" N., longitude 100° 45' 00" W.), and within 2 miles each side of the 101° bearing from the Perryton RBN (latitude 36° 24' 46" N., longitude 100° 44' 17" W.) extending from the 5-mile radius area to 8 miles E of the RBN.

Perryville, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Perryville, Mo., Municipal Airport (latitude 37°51'55" N., longitude 89°51'45" W.) and within 2 miles each side of the Farmington, Mo., VORTAC 057° radial extending from the 8-mile radius area to 15 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within an area beginning at the intersection of lines 5 miles southwest of and parallel to the Farmington VORTAC 336° and 120° radials, thence northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 336° radial to and clockwise along the arc of a 13-mile radius circle centered on the Farmington VORTAC, to and northwest along a line 5 miles southwest of and parallel to the Farmington VORTAC 120° radial, to the point of beginning, and within 5 miles each side of the Farmington VORTAC 067° radial extending from the 13-mile radius area to 15 miles northeast of the VORTAC.

Petersburg, Va.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (37°11'05" N., 77°30'30" W.) of Petersburg Municipal Airport, Petersburg, Va.; within 4.5 miles each side of the 226° bearing from the Petersburg RBN (37°07'48" N., 77°34'30" W.) extending from the 8.5-mile radius area to 11.5 miles southwest of the RBN and within 2 miles each side of the runway 32 centerline extended from the 8.5-mile radius area to 9 miles northwest of the end of the runway, excluding the portion that coincides with the Richmond, Va., transition area.

Philadelphia, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Philadelphia International Airport(latitude 39° 52' 30" N., longitude 75° 14' 20" W.); within 2 miles each side of the Philadelphia International Airport ILS localizer W course, extending from the OM to 8 miles W of the OM; within a 5-mile radius of the Bridgeport, N. J., Airport (latitude 39° 47' 40" N., longitude 75° 20' 25" W.); within 2 miles each side of the 329° bearing from the Philadelphia ILS OM, extending from the OM to 8 miles NW of the OM; within 2 miles each side of the Woodstown, N. J., VOR 350 radial, extending from the VOR to 10 miles north of the VOR.

Philip, S. Dak.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Philip Airport (latitude 44°02'45" N., longitude 101°35'45" W.); that airspace bounded by a line 8 miles south of and parallel to the Philip, S. Dak., VORTAC 102° radial, extending from the VORTAC to 3 miles east of the VORTAC, and within 4.5 miles north and 9.5 miles south of the Philip VORTAC 282° radial, extending from the VORTAC to 18.5 miles west of the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 15113 (Rewrittan)

Philipsburg, Pa.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 40°53'05" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 067° radial extending from the 10-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the 342° bearing from the Ginter RBN extending from the 10-mile radius area to 8 miles NW of the RBN.
AMENDMENTS 10/14/71 36 F. R. 12897 (Changed)

Phillipsburg, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Phillipsburg Municipal Airport (latitude 39°44'15" N., longitude 99°19'00" W.); and within 3 miles each side of the 142° bearing from Phillipsburg Municipal Airport, extending from the 7-mile radius area to 10½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 142° bearing from the Phillipsburg Municipal Airport, extending from the airport to 21 miles southeast of the airport.

AMENDMENTS 5/27/71 36 F. R. 5674 (Added)

Phoenix, Ariz.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°48'30" N., longitude 112°15'00" W., direct to latitude 33°34'45" N., longitude 111°32'15" W., thence clockwise via the arc of a 20-mile radius circle centered on Williams AFB (latitude 33°18'25" N., longitude 111°39'35" W.) to latitude 33°02'30" N., longitude 111°47'30" W., thence direct to latitude 33°16'00" N., longitude 112°31'00" W., thence via an arc of a 20-mile radius circle centered on Luke AFB (latitude 33°32'05" N., longitude 112°22'55" W.) to point of beginning;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 112°30'00" W.; thence to latitude 34°10'00" N., longitude 111°30'00" W.; thence to latitude 34°00'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 110°52'00" W.; thence to latitude 32°33'00" N., longitude 112°00'00" W.; thence to latitude 32°51'00" N., longitude 112°30'00" W.; thence to latitude 32°51'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°00'00" W.; thence to latitude 33°19'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 113°10'00" W.; thence to latitude 34°00'00" N., longitude 112°43'00" W.; thence to the point of beginning. That airspace west of Phoenix extending upward from 5,500 feet MSL bounded on the north by the south edge of V-16, on the east by longitude 113°00'00" W., on the south by the north edge of V-66 and on the west by longitude 114°00'00" W., and that airspace extending upward from 7,000 feet MSL bounded on the north by latitude 34°00'00" N., on the east by longitude 113°00'00" W., on the south by the north edge of V-16 and on the west by longitude 114°00'00" W., excluding that airspace within restricted areas R-2308A, R-2308B, and R-2307.
That airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-12, on the east by the west edge of V-327, on the south and southeast by the north and northwest boundary of the 1,200 foot portion of the transition area, and on the southwest by a line extending from latitude 34°05'00" N., longitude 112°37'00" W., to point of intersection of longitude 113°10'00" W., and the south edge of V-12.

AMENDMENTS 7/22/71 36 F. R. 9444 (Changed)

Picayune, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Picayune Municipal Airport (latitude 30°31'20" N., longitude 89°42'25" W.); within 3 miles each side of the Picayune VOR 334° radial, extending from the 5-mile radius area to 8.5 miles northwest of the VOR.

Pierre, S. Dak.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of the Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 5 miles each side of the Pierre VORTAC 087° radial extending from the 8½-mile radius area to 7 miles east of the VORTAC; and within 5 miles each side of the Pierre VORTAC 265° radial extending from the 8½-mile radius area to 18½ miles west of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9½ miles north and 4½ miles south of the Pierre VORTAC 087° radial extending from the VORTAC to 18½ miles east of the VORTAC; within 9½ miles south and 4½ miles north of the Pierre VORTAC 265° radial extending from 11½ miles west of the VORTAC to 30 miles west of the VORTAC; and within a 25-mile radius of the Pierre VORTAC extending clockwise from a line 5 miles south of and parallel to the VORTAC 253° radial to a line 5 miles northeast of and parallel to the VORTAC 302° radial.

AMENDMENTS 4/29/71 36 F. R. 4370 (Rewritten)

Pine Bluff, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.), and within 5 miles each side of the Little Rock VORTAC 137° radial and the Pine Bluff VORTAC 007° and 186° radials extending from the Little Rock, Ark., transition area to 22.5 miles south of the Pine Bluff VORTAC.

Pine Mountain, Ga.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Gardens-Harris County Airport (latitude 32°50'30" N., longitude 84°52'55" W.); within 3 miles each side of the 264° bearing from Pine Mountain RBN (latitude 32°50'30" N., longitude 84°52'36" W.), extending from the 8-mile radius area to 8.5 miles west of the RBN.

V 37-20 JAN 29 72 XUM

Pipestone, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pipestone Municipal Airport (latitude 43°59'10" N., longitude 96°18'05" W.); and within 3 miles each side of the 193° bearing from Pipestone Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 013° and 193° bearings from Pipestone Municipal Airport, extending from 5 miles north to 18½ miles south of the airport; and within 5 miles each side of the 013° bearing from Pipestone Municipal Airport, extending from the airport to 12 miles north of the airport.

Piqua, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°10' 00" N., 84°19'00" W. of Piqua Airport, Piqua, Ohio; and within 2 miles each side of the Dayton VOR 024° radial extending from the 4-mile radius area to the VOR.

Pitman, N. J.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°45' 00" N., 75°08'00" W. of Pitman Airport, Pitman, N. J., and within 2 miles each side of the Woodstown, N. J., VOR 047° radial extending from the 4-mile radius area to the VOR, excluding that portion within the Philadelphia Pa.. transition area. effective from sunrise to sunset, daily.

Pittsburgh, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, lat. 40°29'37" N., long. 80°13'54" W. of Greater Pittsburgh Airport, Pittsburgh, Pa.; within an 8.5-mile radius of the center, lat. 40°21'17" N., long. 79°55'48" W. of Allegheny County Airport, Pittsburgh, Pa., and within 3.5 miles each side of the 257° bearing from the Cecil RBN extending from the 8.5-mile radius area to 11 miles west of the RBN; and within a 7-mile radius of the center, lat. 40°21'15" N., long. 80°11'16" W. of Campbell Airport, Bridgeville, Pa.

AMENDMENTS 5/27/71 36 F. R. 8030 (Rewritten)
AMENDMENTS 10/14/71 36 F. R. 12897 (Changed)

Pittsfield, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44° 46'05" N., 69°22'40" W. of Pittsfield Municipal Airport, Pittsfield, Maine and within 3.5 miles each side of the 350° bearing and the 170° bearing from the Burnham, Maine RBN 44°41'50" N., 69°21'30" W., extending from the 5-mile radius area to 10 miles south of the RBN.

Pittsfield, Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 42°25'36" N., 73°17'30" W.,
of Pittsfield Municipal Airport, Pittsfield, Mass., and within 4.5 miles northwest and 6.5 miles southeast of the 061° bearing and the 241° bearing from the Berkshire, Mass., RBN lat. 42°28'05" N., long. 73°11'38" W., extending
from 5.5 miles southwest of the RBN to 11.5 miles northeast of the RBN.

AMENDMENTS 10/14/71 36 F. R. 14633 (Changed)
AMENDMENTS 12/8/71 36 F. R. 23302 (Changed)

Pittstown, N. J.
That airspace extending upward from 700 feet above the surface within a 7-mile radius area of the center of lat. 40°33'59" N., long. 74°58'43" W. of Sky Manor Airport, Pittstown, N. J., and within 3 miles each side of the Solberg, N. J., VORTAC 265° radial extending from the 7-mile radius area to 22 miles west of the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 14634 (Added)

Plainview, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hale County Airport, Plainview, Tex., (latitude 34°10'10" N., longitude 101°43'00" W.).

Platteville, Wis.
That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Platteville Municipal Airport (latitude 42°41'15" N., longitude 90°26'41" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles north and 4½ miles south of the 084° bearing from Platteville Municipal Airport extending from the airport to 18½ miles east of the airport.

AMENDMENTS 7/22/71 36 F. R. 9621 (Added)

Plattsburgh, N. Y.
That airspace extending upward from 700 feet above the surface within a 13-mile radius of the center, 44°39' 05" N., 73°28'10" W., of Plattsburgh AFB, Plattsburgh, N. Y.; within 2 miles each side of the airport ILS localizer north course extending from the 13-mile radius area to 12 miles north of the OM.

AMENDMENTS 7/22/71 36 F. R. 11187 (Changed)

Plymouth, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Plymouth Municipal Airport (latitude 41°22'00" N., longitude 86°18'10" W.); within 2½ miles each side of the Knox, Ind. VOR 080° radial, extending from the 5-mile radius area to 12 miles east of the VOR; and within 2½ miles each side of the Knox VOR 081° radial, extending from the 5-mile radius area to 25½ miles east of the VOR.

Plymouth, Mass.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°54' 35" N., 70°43'45" W., of Plymouth Municipal Airport, Plymouth, Mass., and within 2 miles each side of the Whitman, Mass., VOR 129° radial extending from the 5-mile radius area to the VOR, and within 2 miles each side of the 204° bearing from the Plymouth, Mass., RBN , 41°54'32" N., 70°44'11" W. extending from the 5-mile radius area to 8 miles southwest of the Plymouth RBN, excluding that airspace which
coincides with the Boston, Mass., and Taunton, Mass., 700-foot transition areas.

Plymouth, Mich.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mettetal Airport (latitude 42°20'55" N., longitude 83°27'25" W.); and within 2 miles each side of the Salem, Mich., VORTAC 120° and 126° radials, extending from the 5-mile radius area to the VORTAC, excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area and the Salem, Mich., transition area.

Pocatello, Idaho
That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 11 miles northwest of the Pocatello VORTAC 048° radial, extending from the VORTAC to 28 miles northeast of the VORTAC; within 9.5 miles north and 4.5 miles south of the 252° radial extending from 18.5 miles west to 1.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°11'30" N., longitude 112°10'00" W., thence to latitude 42°52'00" N., longitude 112°11'45" W., thence clockwise via a 23-mile radius arc centered on the Pocatello VORTAC to latitude 43°05'20" N., longitude 113°00'00" W., thence to latitude 43°20'30" N., longitude 112°45'30" W., thence to point of beginning.

Point Barrow, Alaska
That airspace extending upward from 700 feet above the surface within a 17-mile radius of latitude 71°18'00" N., longitude 156°43'00" W.

Point Lookout, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of School of the Ozarks Airport (latitude 36°37'25" N., longitude 93°13'45" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 127° bearing from School of the Ozarks Airport, extending from the airport to 18½ miles southeast of the airport, excluding the portion within the State of Arkansas.

Point Reyes, Calif.
That airspace extending upward from 1,200 feet above the surface N of Point Reyes bounded on the NE and E by V-27, on the SW by V-107, and on the W by V-199; and W of Point Reyes bounded on the E by V-199; on the S by Control 1173, on the W by a line extending from latitude 38°02'35" N., longitude 123°14'25" W. to latitude 38°17'30" N., longitude 123°16'45" W., to latitude 38°25'30" N., longitude 123°23'00" W., to 38° 43'30" N., longitude 123°23'15" W., and on the N by latitude 38°43'30" N.

Ponca City, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ponca City Municipal Airport (latitude 36° 43' 40" N., longitude 97° 05' 50" W.) within 2 miles each side of the Ponca City VORTAC 289° radial, extending from the 6-mile radius area to 8 miles NW of the VORTAC.

Ponce, P. R.
That airspace extending upward from 700 feet above the surface within a 17-mile radius of Mercedita Airport Ponce, P. R. (latitude 18°00'40" N., longitude 66°33'50" W.) north of latitude 18°00'00" N., and within an 8-mile radius of Mercedita Airport south of latitude 18°00'00" N.; within 9.5 miles south and 4.5 miles north of the Ponce VOR 111° radial, extending from the VOR to 18.5 miles east of the VOR.

Pontiac, Michigan
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Pontiac Municipal Airport (latitude 42°39'55" N., longitude 83°25'05" W.) and within 5 miles N and 8 miles S of the Pontiac VOR 091° and 271° radials extending from 2 miles E to 12 miles W of the Pontiac VOR.

Poplar Bluff, Mo.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Earl Fields Memorial Airport (latitude 36°46'20" N., longitude 90°19'20" W.); and within 3 miles each side of the 189° bearing from Earl Fields Memorial Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 009° and 189° bearings from Earl Field Memorial Airport, extending from 6 miles north to the Arkansas transition area, and within 5 miles each side of the 075° bearing from the Earl Fields Memorial Airport extending from the airport to V-9.

Portal, Ariz.
That airspace extending upward from 1,200 feet above the surface within 13 miles north and 8 miles south of the Cochise, Ariz., VORTAC 096° radial extending from 20 miles east to 56 miles east of the VORTAC, and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by V-198, on the south by V-16, and on the west by longitude 108°49'00" W.

Port Angeles, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Clallam County Airport, Port Angeles, Wash. (latitude 48°07'20" N., longitude 123°29'40" W.); within a 5-mile radius of CGAS Port Angeles (latitude 48°08'30" N., longitude 123°24'45" W.), within 2 miles N and 5 miles S of the Port Angeles VOR 093° radial, extending from the VOR to 12 miles E of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the E by the W edge of V-440, on the S by latitude 48°03'00" N., on the W by longitude 123°35'00" W. and on the N by the United States/Canadian border.

Port Clinton, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 41° 30'55" N., long. 82°52'00" W. of Carl R. Keller Field, Port Clinton, Ohio.

Porterville, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Porterville Municipal Airport (latitude 36°02'00" N., longitude 119°04'00" W.) and within 2 miles each side of the Porterville VOR 343 radial extending from the 5-mile radius area to 1 mile north of the VOR.

Port Huron, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the St. Clair County Airport (lat. 42°54'40" N., long. 82°31'35" W.), within 3 miles each side of the 229° and 341° bearings from the St. Clair County Airport extending from the 7-mile radius area to 8.5 miles southwest and north of the airport, excluding the portion outside the United States.

AMENDMENTS 7/22/71 36 F. R. 9623 (Rewritten)

Portland, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Steed Field (latitude 40°27'00" N., longitude 84°59'15" W.); and within 2 miles each side of the 100° bearing from Steed Field, extending from the 6-mile radius area to 8 miles East of the airport.

Portland, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (43°38'50" N., 70°18'30" W.) of Portland International Jetport; within 4.5 miles south and 9.5 miles north of the Portland ILS localizer west course, extending from the OM to 18.5 miles west of the OM; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00" N., longitude 69°16'00" W., thence to latitude 43°50'00" N., longitude 69°18'00" W., to latitude 43°44'00" N., longitude 69°18'42" W., thence SW via the W boundary of Warning Area W-103 to long. 70°25'00" W., thence S via long. 70°25'00" W. to the NW boundary of Control 1141, thence SW via NW boundary Control 1141 to long. 70°30'15" W., thence N via long. 70°30'15" W. to lat. 42°41'15" N., long. 70° 30'15" W., thence 3 NM from and parallel to the United States shoreline to lat. 42°45'00" N., long. 70°37' 00" W., thence to latitude 42°53'00" N., longitude 71°05'00" W., to latitude 43°45'00" N., longitude 71°09'00" W., to latitude 44°06'00" N., longitude 70°43'00" W., to latitude 44°02'05" N., longitude 70°37'30" W., to latitude 44°13'30" N., longitude 70°11'30" W., to latitude 44°12'00" N., longitude 70°10'00" W., to latitude 44°05'00" N., longitude 70°23'00" W., to latitude 43°55'00" N., longitude 70°28'00" W., to latitude 43°50'00" N., longitude 70°12'00" W., to latitude 44°03'00" N., longitude 70°06'00" W., to latitude 44°09'00" N., longitude 69°57'00" W., thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine VOR to latitude 44°09'00" N., longitude 69°39'00" W., thence to the point of beginning, excluding the airspace below 2,000 feet MSL and the airspace above FL 450 within W-103 west of long. 70°25'00" W.

AMENDMENTS 5/27/71 36 F. R. 5676 (Changed)

Portland, Oreg.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.), within a 5-mile radius of Kelso-Longview, Washington Airport (latitude 46°07'12" N., longitude 122°53'58" W.), within 2 miles each side of the 012° bearing from the Kelso, Wash., RBN (latitude 46°09'14" N., longitude 122°54'40" W.), extending from the 5-mile radius area to 8 miles north of the RBN, within 5 miles northeast and 11 miles southwest of the 299° bearing from the Sauvies RBN, extending from the 23-mile radius area to 25 miles northwest of the RBN, and within 4.5 miles northeast and 9.5 miles southwest of the 119° bearing from the Lake LOM, extending from the 23-mile radius area to 18.5 miles southeast of the LOM; that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Portland International Airport; that airspace northwest of Portland extending from the 30-mile radius area bounded on the south by latitude 45°38'00" N., on the west by longitude 123°17'00" W., on the north by V-112, that airspace north of Portland within arcs of 30- and 38.5-mile radius circles centered on Portland International Airport extending clockwise from the east edge of V-23 to the northwest edge of V-448, that airspace north of the Kelso RBN bounded on the north by latitude 46°26'00" N., on the east by a line 6 miles east of and parallel to the 021° bearing from the RBN, on the south by latitude 46°09'00" N., on the southwest by a line 5 miles southwest of and parallel to the 336° bearing from the RBN; that airspace south of the Kelso RBN bounded on the north by latitude 46°09'00" N., on the northeast by a line 6 miles northeast of and parallel to the 151° bearing from the RBN, on the south by the 30-mile radius area and the north edge of V-112, on the northwest by a line 5 miles northwest of and parallel to the 216° bearing from the RBN, and within 5 miles east and 8 miles west of the 012° bearing from the Kelso RBN extending from the RBN to 12 miles north of the RBN; that airspace extending upward from 4,500 feet MSL northwest of Portland bounded on the south by V-112, on the west by longitude 123°17'00" W., on the north by latitude 46°11'00" N., and on the east by V-165; that airspace extending upward from 6,500 feet MSL west of Portland extending from the 30-mile radius area bounded on the SE by V-287W, on the W by V-27, and on the N by V-112, that airspace N of Portland extending from the 38.5-mile radius arc bounded on the W by V-287, on the N by the arc of a 40-nautical mile radius circle centered on McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'05" W.), and on the E by longitude 122°16'00" W.; that airspace east of Portland extending from the 30-mile radius area bounded on the north by the south edge of V-448S, on the east by an arc of a 60-mile radius circle centered on the Portland Airport and on the south by the Newberg VORTAC 081° radial; that airspace within arcs of 30- and 44-mile radius circles centered on Portland Airport bounded on the north by the Newberg VORTAC 081° radial and on the south by the northeast edge of V-165 excluding that airspace within Federal airways, that airspace south of Portland bounded on the northeast by the southwest edge of V-165, on the south by an arc of a 60-mile radius circle centered on Portland Airport and on the west by the east edge of V-23E; that airspace extending upward from 8,500 feet MSL north of Portland extending from the 38.5-mile radius arc bounded on the northwest by the Portland VORTAC 036° radial, on the northeast by an arc of a 60-mile radius circle centered on Portland Airport and on the southeast by the northwest edge of V-448; that airspace east and southeast of Portland within arcs of 44- and 60-mile radius circles centered on the Portland Airport extending clockwise from the Newberg 081° radial to the northeast edge of V-165, excluding the airspace within arcs of 44- and 60-mile radius circles centered on the Portland Airport bounded on the north by the Portland VORTAC 118° radial and on the south by the Newberg 092° radial.
That airspace extending upward from 11,500 feet MSL northeast of Portland extending from the 38.5-mile radius arc bounded on the north by latitude 46°25'00" N., on the east by longitude 121°53'00" W., on the northeast by an arc of a 60-mile radius circle centered on Portland Airport, on the southeast by the Portland VORTAC 036° radial, and on the west by longitude 122°16'00" W.

AMENDMENTS 11/11/71 36 F. R. 19012 (Changed)

Port Lavaca, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Calhoun County Airport (latitude 28°39'12" N., longitude 96°40'56" W.) and within 2.5 miles each side of the Palacios VORTAC 250° radial extending from the 5-mile radius area to 16 miles southwest of the VORTAC.

AMENDMENTS 11/11/71 36 F. R. 18639 (added) Corr: 36 F. R. 20365

Portsmouth, N. H. (Pease AFB)
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Pease AFB (latitude 43°04'40" N., longitude 70°49'25" W.); within 2 miles each side of the extended centerline of Runway 16, extending from the 11-mile radius area to 13 miles SE of the lift-off end of the runway.

Portsmouth, Ohio
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, 38°50'26" N, 82°50'50" W, of Scioto County Airport, Portsmouth, Ohio; within 2 miles each side of a 178° bearing from the Portsmouth RBN 38°46'54" N, 82°50'42" W extending from the 8-mile radius area to 8 miles S of the RBN.

Portsmouth, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 36° 46'45" N., long. 76°26'45" W. of Chesapeake Portsmouth Airport, Portsmouth, Va.; within 3 miles each side of the 203° bearing from the Portsmouth RBN, lat. 36°46'54" N., long. 76°26'39" W., extending from the 5-mile radius area to 8.5 miles southwest of the RBN; and within 3 miles each side of the 189° bearing from the Portsmouth RBN, extending from the 5-mile radius area to 6.5 miles south of the RBN excluding the portion that coincides with the Norfolk, Va., transition area.

AMENDMENTS 11/11/71 36 F. R. 17644 (Added)

VOL 36 NO 20 JAN 29 72

Port Sulphur, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Port Sulphur, La., seaplane base (latitude 29°27'45" N., longitude 89°42'10" W.), and within 2 miles each side of the Harvey, La., VORTAC 145° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area, and within 2 miles each side of the Grand Isle VORTAC 050° radial extending from the 25-mile DME fix to the Port Sulphur 5-mile radius area.

Potsdam, N. Y.
That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the center of Potsdam Municipal (Damon Field) Airport lat. 44°40'30" N., long. 74°57'00" W.

AMENDMENTS 5/27/71 36 F. R. 7302 (Added)

Pottstown, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°15'37" N., 75°40'09" W., of Pottstown Municipal Airport, Pottstown, Pa.; within a 5-mile radius of the center, 40°14'15" N., 75°33'45" W., of Pottstown Limerick Airport, Pottstown, Pa.; within 2 miles each side of the centerline of
Runway 1, Pottstown Municipal Airport, extended from the 6-mile radius area to 8 miles north of the end of the runway; within 5 miles east and 8 miles west of the Pottstown, Pa., VOR 190° radial extending from the VOR to 12 miles south of the VOR.

Pottsville, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°42'25" N., 76°22'40" W., of Schuylkill County (Zerbey) Airport, Pottsville, Pa.; and within 2 miles each side of the Ravine, Pa., VOR 049° radial extending from the 6-mile radius area to 9 miles northeast of the VOR.

Poughkeepsie, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°37'40" N., 73°53'00" W. of Dutchess County Airport, Poughkeepsie, N. Y., and within 2 miles each side of the Kingston VOR 025° radial extending from the 7-mile radius area to 8 miles NE of the VOR within a 5-mile radius of the center (41°34'40" N., 73°43'55" W.) of Stormville Airport,
Stormville, N. Y.; within 2 miles each side of the Stormville Airport Runway 8 centerline extended from the 5-mile radius area to 10 miles east of the end of the runway; within 2 miles each side of the Stormville Airport Runway 26 centerline extended from the 5-mile radius area to 6 miles west of the end of the runway and within 2 miles each side of the Kingston, N. Y., VOR 323° and 143° radials extending from the 5-mile radius area to 8 miles northwest of the Kingston, N. Y., VOR excluding that portion
coinciding with the Newburgh transition area.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 42°02'00" N., 73°16'00" W. to 41°49'00" N., 73°16'00" W. to 41°31'00" N., 73°20'00" W. to 41°31'00" N., 73°54'00" W. to 41°27'00" N., 73°54'00" W. to 41°19'00" N., 73°57'00" W. to 41°19'00" N., 74°33'00" W. to 41°31'00" N., 75°07'00" W. to 42°00'00" N., 75°00'00" W. to point of beginning.

Pratt, Kans.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Pratt Municipal Airport (latitude 37°42'13" N., longitude 98°44'47" W.); and within 3 miles each side of the 360° bearing from the Pratt nondirectional beacon (NDB), extending from the 6.5-mile radius area to 8 miles north of the NDB; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles east and 9.5 miles west of the 360° bearing from the NDB; extending from the NDB to 18.5 miles north of the NDB, and within 5 miles each side of the 256° bearing from the NDB, extending from the NDB to 8 miles west.

AMENDMENTS 1/6/72 36 F. R. 21584 (Rewritten)

Prescott, Ariz.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Prescott VORTAC 123° and 303° radials, extending from the arc of a 5-mile radius circle centered on the Prescott Airport (latitude 34°39'10" N., longitude 112°25'15" W.) to 8 miles NW of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Prescott VORTAC, extending clockwise from a line 5 miles W of and parallel to the Prescott VORTAC 340° radial to a line 5 miles W of and parallel to the VORTAC 159° radial, and that airspace within a 12-mile radius of the Prescott VORTAC, extending clockwise from a line 5 miles W of and parallel to the Prescott VORTAC 159° radial to a line 5 miles W of and parallel to the VORTAC 340° radial.

Presque Isle, Maine
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center, lat. 46°41'30" N., long. 68°02'30" W. of Presque Isle Municipal Airport, Presque Isle, Maine; within 3.5 miles each side of the Presque Isle VORTAC 338° radial, extending from the 8-mile radius area to 11.5 miles north of the VORTAC; within 3.5 miles each side of the 167° bearing from the Sprague ville, Maine, RBN, extending from the 8-mile radius area to 11 miles south of the RBN; within a 5-mile radius of the center, lat. 46°52'20" N., long. 68°01'10" W. of Caribou Municipal Airport, Caribou, Maine; within an 8-mile
radius of the center, 46°57'05" N., 67°53'10" W., of Loring AFB, Limestone, Maine; within 2 miles each side of the Loring TACAN 348° radial extending from the Loring 8-mile radius area to 12 miles north of the TACAN; within 2 miles each side of the Loring ILS localizer south course extending from the Loring 8-mile radius area to 12 miles south of the OM, excluding the portion outside the United States.
That airspace extending upward from 1,200 feet above the surface within a 40-mile radius of the center of Loring AFB excluding the portion outside of the United States.

AMENDMENTS 4/29/71 36 F. R. 4690 (Changed)

Price, Utah
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Price VOR (latitude 39°36'50" N., longitude 110°44'56" W.) and within 2 miles each side of the 201° radial of the Price VOR, extending from the 5-mile radius area to 8 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles west and 11 miles east of the 021° and 201° radials of the Price, VOR extending from 9 miles north to 18.5 miles south of the VOR.

Priest, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by V-107, on the S by latitude 35° 55' 00" N., and the arc of a 20-mile radius circle centered on the Paso Robles, Calif., VOR, on the W by V-25 E, and on the N by V-111, excluding the portion within the Lemoore, Calif., transition area.

Princeton, Maine
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Princeton Airport (latitude 45°12'05" N., longitude 67°34'00" W.); and within 2 miles each side of the Princeton VOR 143° radial, extending from the 5-mile radius area to the VOR.

Princeton, N.J.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°23'55" N., 74°39'30" W., of Princeton Airport within 2 miles each side of the Solberg, N.J., VOR 161° radial extending from the 4-mile radius area to the VOR; and within 2 miles each side of the runway 27 centerline extended from the 4-mile radius area to 6 miles west of the end of the runway.

Providence, R. I.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Theodore Francis Green State Airport, Providence, R. I. (latitude 41°43'30" N., longitude 71°25'48" W.), within 2 miles each side of
the Providence ILS localizer NE course, extending from the 8-mile radius area to the intersection of the Putnam, Conn., VORTAC 106° radial, within 5 miles SE and 8 miles NW of the Providence ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM, within a 12-mile radius of NAS Quonset Point, R. I., (latitude 41°35'55" N., longitude 71°24'50" W.), within a 7-mile radius of the New Bedford, Mass., Municipal Airport (latitude 41°40'37" N., longitude 70°57'34" W.), within 8 miles SE and 11 miles NW of the New Bedford ILS localizer SW course, extending from the localizer to 12 miles SW of the OM, within a 5-mile radius of the Fall River, Mass., Municipal Airport (latitude 41°45'15" N., longitude 71°06'40" W.), and within 2 miles each side of the 050° bearing from the Fall River, Mass., RBN, extending from the 5-mile radius area to 8 miles northeast of the RBN; and that airspace extending upward
from 1,200 feet above the surface bounded by a line beginning at latitude 41°12'45" N., longitude 70°42'30" W.; to latitude 41°07'10" N., longitude 71°09'00" W.; to latitude 41°05'15" N., longitude 71°22'05" W.; to latitude 41°03'35" N., longitude 71°31'40" W.; to latitude 41°00'35" N., longitude 72°05'00" W., thence to latitude 41°18'00" N., longitude 72°30'30" W.; to latitude 41°40'00" N., longitude 72°08'00" W.; to latitude 41°55'00" N., longitude 71°59'00" W.; to latitude 41°47'45" N., longitude 71°46'40" W.; thence clockwise along the arc of a 27-mile radius circle centered on the NAS Quonset Point VOR to latitude 41°56'35" N., longitude 71°26'00" W.; to latitude 42°04'00" N., longitude 71°19'00" W.; to latitude 41°53'30" N., longitude 70°56'30" W.; to latitude 41°42'00" N., longitude 70°48'00" W.; to latitude 41°21'00" N., longitude 70°48'00" W.; to the point of beginning.

Provincetown, Mass.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 42°04'15" N., 70°13'15" W., of Provincetown Municipal Airport, Provincetown, Mass.; and within 2 miles each side of the Provincetown RBN 237° bearing extending from the 4-mile radius area to 8 miles SW of the RBN.

V 37-20 JAN 29 72 XUM

Provo, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles southwest and 4.5 miles northeast of the Provo VOR (latitude 40°12'52" N., longitude 111°43'13" W.) 328° and 148° radials extending from 25.5 miles northwest to 6.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 40°30'00" N., on the southeast by the northwest edge of V-235 and V-21, on the west by the east edge of V-257, and that airspace bounded on the east and south by an arc of a 23-mile radius circle centered on the Provo VORTAC extending clockwise from the south edge of V-200 to the southeast edge of V-21, on the west by a line from the point of intersection of the 23-mile arc and the southeast edge of V-21 direct to latitude 40°30'00" N., longitude 111°49'00" W., and on the northeast by a line from latitude 40°30'00" N., longitude 111°49'00" W., direct to point of beginning.

Pueblo, Colo.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Pueblo VORTAC; within 2 miles each side of the Pueblo VORTAC 275° radial, extending from the 9-mile radius area to 16 miles west of the VORTAC, and within 4.5 miles each side of the Pueblo VORTAC 081° radial, extending from the 9-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line extending from latitude 38°30'00" N., longitude 104°52'00" W., thence to latitude 38°30'00" W., longitude 104°00'00" W., thence to latitude 38°07'00" N., longitude 104°00'00" W., thence west along latitude 38°07'00" W., to the west edge of V-19, thence south along the west edge of V-19, and west along the north edge of V-210 to longitude 105°00'00" W., thence to latitude 38°07'00" N., longitude 104°43'00" W,, thence to latitude 38°07'00" N., longitude 105°00'00" W., thence to latitude 38°25'00" N., longitude 105°00'00" W., thence to latitude 38°25'00" N., longitude 104°52'00" W., thence to point of beginning.

Pullman, Wash.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pullman-Moscow Regional Airport (latitude 46°44'40" N., longitude 117°06'30" W.) and within 2 miles each side of the Pullman VOR (latitude 46°40'25" N., longitude 117°13'30" W.) 232° and 047° radials extending from the 5-mile radius area to 8 miles southwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 9 miles northwest and 6 miles southeast of the Pullman VOR 052° and 232° radials extending from 17.5 miles southwest to 7.5 miles northeast of the VOR.

Quakertown, Pa.
That airspace extending upward from 700 feet above the surface within an 8-mile radius area of the center of Upper Bucks County Airport, Quakertown, Pa., lat. 40°26'15" N., long. 75°22'45" W., and within 3.5 miles each side of a line bearing 099° from the Quakertown, Pa. RBN (lat. 40°25'29" N., long. 75°17'52" W.) extending from the 8-mile radius area to 11 miles east of the RBN.

AMENDMENTS 9/16/71 36 F. R. 14180 (Added)

Quantico, Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va.; and within 2 miles each side of the Brooke, Va., 013° radial extending from the 7-mile radius area to the VOR.

Quincy, Ill.
That airspace extending upward from 700 feet above the surface within 5 miles northwest and 8 miles southeast of the Quincy ILS localizer southwest course, extending from 4 miles northeast to 12 miles southwest of the OM; and that airspace extending upward from 1,200 feet above the surface west of the Illinois-Missouri boundary within a 13-mile radius of the Quincy VORTAC.

Raleigh, N. C.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Raleigh-Durham Airport (lat. 35°52'21" N., long. 78°47'02" W.); within 9.5 miles northwest and 4.5 miles southeast of the 045° bearing from Leesville RBN, extending from the RBN to 18.5 miles northeast of the RBN; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham ILS localizer southwest course, extending from the LOM to 18.5 miles southwest; within 9.5 miles northwest and 4.5 miles southeast of Raleigh-Durham VORTAC 231° radial, extending from the VORTAC to 18.5 miles southwest of the VORTAC; within a 5-mile radius of Raleigh Municipal Airport (lat. 35°44'05" N., long. 78°39'23" W.).

AMENDMENTS 9/16/71 36 F. R. 12843 (Changed)

Rapid City, S. Dak.
That airspace extending upward from 700 feet above the surface within a 14-mile radius of Ellsworth AFB TACAN; and within 4½ miles southwest and 10½ miles northeast of the Rapid City VOR 155° radial, extending from the 14-mile radius area to 19 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 53-mile radius of Ellsworth AFB (latitude 44°08'45" N., longitude 103°06'15" W.).

Raton, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Crews Field (latitude 36°44'30" N., longitude 104°30'00" W.) excluding that portion northwest of a line 5 miles northwest of and parallel to the Cimarron VORTAC 050° radial, within 3.5 miles northwest and 6 miles southeast of the Cimarron VORTAC 050° radial extending from the 8.5-mile radius area to 17.5 miles northeast of the VORTAC, and within 3.5 miles each side of the Cimarron VORTAC 050° radial extending from 17.5 miles northeast to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 6.5 miles northwest of the Cimarron VORTAC 050° radial extending from the VORTAC to 45 miles northeast, within 16.5 miles southeast of the Cimarron VORTAC 050° and 230° radials extending from 1.5 miles southwest to 29 miles northeast of the VORTAC, and within 8.5 miles southeast of the Cimarron VORTAC 050° radial extending from 29 miles northeast to 45 miles northeast of the VORTAC

PENDING AMENDMENT
Raton, N. Mex., 700-foot transition area is amended by deleting "within 3.5 miles each side of the Cimarron VORTAC 050° radial" and substituting "within 5 miles each side of the Cimarron VORTAC 050° radial" therefor.

AMENDMENTS 2/3/72 36 F. R. 23721 (Changed)

Rawlins, Wyo.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair RBN extending from the RBN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° and 269° bearings from the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN.

Reading, Pa.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 40°22'39" N., 75°57'57" W. of Reading Municipal-General Carl A. Spaatz Field, Reading, Pa., and within 5 miles W and 8 miles E of the Reading ILS localizer S course extended from the OM for 12 miles; within 5 miles each side of the East Texas VOR 253° radial extended to the Ravine VOR 125° radial and within a 6-mile radius of the center, 40°30'08" N., 75°47'05" W. of Kutztown Airport, Kutztown, Pa., excluding that portion coincident with the Allentown, Pa., 700-foot transition area.

AMENDMENTS 7/28/71 36 F. R. 13912 (Changed)

Readington, N. J.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°34'55" N., 74°44'20" W., of Solberg-Hunterdon Airport, Readington, N. J., and within 5 miles east and 5 miles west of Solberg, N. J., VORTAC 227° radial extending from the 6-mile radius area to 14 miles southwest of the VORTAC excluding the portion that coincides with the New York, N. Y., transition area.

Readsville, Mo.
That airspace extending upward from 1,200 feet above the surface within an area bounded on the north by V-4, on the east by the arc of a 33-mile radius circle centered on Lambert-St. Louis Municipal Airport (latitude 38°44'50" N., longitude 90°21'55" W.), on the south by V-12, and on the west by V-63.

Red Bluff, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Redding Municipal Airport (latitude 40° 30' 35" N., longitude 122° 17' 30" W.), and within 2 miles each side of the Redding VOR 192° radial, extending from the 5-mile radius area to 10 miles S of the VOR, excluding the portion within a 1-mile radius of Redding Sky Ranch Airport (latitude 40° 30' 00" N., longitude 122° 22' 35" W.); and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Red Bluff VORTAC; within 9 miles each side of the Red Bluff VORTAC 291° radial, extending from the 20-mile radius area to 52 miles NW of the VORTAC; within 9 miles W and 10 miles E of the Red Bluff VORTAC 342° radial, extending from the 20-mile radius area to 67 miles N of the VORTAC, and within 10 miles W and 6 miles E of the Red Bluff VORTAC 015° radial, extending from the 20-mile radius area to 56 miles N of the VORTAC.
That airspace NW of Red Bluff extending upward from 1,200 feet above the surface bounded on the SW by a line 9 miles NE of and parallel to the Red Bluff VORTAC 291° radial, on the NW by a line 5 miles NW of and parallel to the Redding VOR 233° radial, and on the NE by a line 9 miles W of and parallel to the Red Bluff VORTAC 342° radial.

Red Hook, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°59'15" N., 73°50'15" W., of the Stark-Tator Skypark, within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius area to 7 miles south of the end of the runway and within 2 miles each side of the 358° radial of the Kingston, N. Y., VOR extending from the 5-mile radius area to the VOR, excluding the portion within the Poughkeepsie, N. Y. transition area.

55-000 O - 72 (pt. 2 Sec. 2) - 8

V 37 I 20 JAN 29 72 XUM

Redmond, Oreg.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Redmond VORTAC 281° radial extending from the VORTAC to 5 miles west of the VORTAC; within 2 miles each side of the Redmond VORTAC 162° radial extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of a 230° bearing from Roberts Field, Redmond, Oreg. (latitude 44°15'10" N., longitude 121°08'55" W.), extending from the arc of a 5-mile radius circle centered on Roberts Field Airport to 10 miles southwest of the airport, and within 2 miles each side of a 302° bearing from the Roberts RBN extending from the RBN to 6 miles northwest of the RBN; that airspace extending upward from 1,200 feet above the surface within 14 miles northeast and 2 miles southwest of the Redmond VORTAC 122° and 302° radials extending from 18 miles northwest to 10 miles southeast of the VORTAC, within 6 miles west and 9 miles east of the Redmond VORTAC 189° radial extending from the VORTAC to 19 miles south of the VORTAC, and that airspace bounded on the northeast by a line 2 miles southwest of and parallel to the Redmond VORTAC 302° radial, on the east by the west edge of V-25, on the south by a line 5 miles south of and parallel to the Redmond VORTAC 281° radial and on the west by an arc of a 19-mile radius arc centered on the Redmond VORTAC.

AMENDMENTS 12/9/71 36 F. R. 19575 (Changed)

Redwood Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Redwood Falls Municipal Airport (latitude 44°32'45" N., longitude 95°04'45" W.); and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Redwood Falls VORTAC; within 5 miles each side of the Redwood Falls VORTAC 023° radial, extending from the 13-mile radius area to 18 miles north of the VORTAC; and within 4½ miles northwest and 9½ miles southeast of the Redwood Falls VORTAC 196° radial, extending from the 13-mile radius area to 18½ miles southwest of the VORTAC.

Reed City, Mich.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Miller Airport (latitude 43°54'05" N., longitude 85°31'05" W.); within 5 miles east and 8 miles west of the 352° bearing from Miller Airport, extending from the airport to 16 miles north of the airport; and within 5 miles east and 8 miles west of the 003° bearing from Miller Airport, extending from the airport to 12 miles north of the airport.

Refugio, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Tom O'Connor Oilfield Airport (latitude 28°20'04" N., longitude 97°08'58" W.); within 2 miles each side of the 335° bearing from the Vidauri RBN (latitude 28°23'51" N., longitude 97°10'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN; within 2 miles each side of the 039° bearing from the Refugio RBN (latitude 28°20'27" N., longitude 97°08'58" W.), extending from the 5-mile radius area to 8 miles northeast of the RBN; and within a 4-mile radius of Mellon Ranch Airport (latitude 28°16'15" N., longitude 97°12'30" W.).

Rehoboth Beach, Del.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 38°43'10" N., 75°07'35" W., of Rehoboth Aircrafters Airport, Rehoboth Beach, Del., and within 2 miles each side of the Waterloo, Del., VORTAC 144° radial extending from the 5-mile radius area to the VORTAC. This transition area is effective from sunrise to sunset, daily.

Reno, Nev.
That airspace extending upward from 700 feet above the surface within an arc of a 25-mile radius circle centered on Reno Municipal Airport (latitude 39°30'02" N., longitude 119°46'07" W.) beginning at longitude 120°00'00" W., clockwise to latitude 39°25'00" N.; thence direct latitude 39°13'00" N., longitude 119°47'00" W.; thence south via longitude 119°47'00" W. to its intersection with an arc of a 25-mile radius circle centered on Reno Municipal Airport; thence clockwise via the 25-mile radius arc to longitude 120°00'00" W.; thence direct to point of beginning; that airspace extending upward from 1,200 feet above the surface within a 45-mile radius of the Reno VORTAC, excluding the portion west of longitude 120°19'00" W., east of longitude 119°00'00" W.; and that airspace southwest of Reno within 22 miles north and 13 miles south of the Lake Tahoe, Calif., VOR 090° and 270° radials, extending from 7 miles east to 35 miles west of the VOR.

Rhinelander, Wis.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Rhinelander-Oneida County Airport (latitude 45°38'00" N., longitude 89°27'30" W.); and within an 8-mile radius of the Drott Airport (latitude 45°31'00" N., longitude 89°33'40" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Rhinelander VORTAC; within 9½ miles southeast and 4½ miles northwest of the Rhinelander VORTAC 229° radial extending from the 17-mile radius area to 18½ miles southwest of the VORTAC; within 9½ miles southwest and 4½ miles northeast of the Rhinelander VORTAC 322° radial extending from the 17-mile radius area to 18½ miles northwest of the VORTAC; within 9½ miles northwest and 4½ miles southeast of the Rhinelander VORTAC 031° radial extending from the 17-mile radius area to 18½ miles northeast of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Rhinelander VORTAC 058° radial extending from the 17-mile radius area to 23½ miles northeast of the VORTAC.

Richmond, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Richmond Municipal Airport (latitude 39°45'20" N., longitude 84°50'30" W.); within 2 miles each side of the Richmond VOR 045° radial, extending from the 6-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the Richmond VOR 243° radial, extending from the 6-mile radius area to 8 miles SW of the VOR; and within 2 miles each side of the 234° bearing from the Richmond RBN, extending from the 6-mile radius area to 8 miles SW of the RBN; and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by a line extending from latitude 40°10'00" N., longitude 85°00'00" W., to latitude 39°40'00" N., longitude 84°25'00" W., on the southeast by a line extending from latitude 39°40'00" N., longitude 84°25'00" W., to latitude 39°12'00" N., longitude 85°30'00" W., and on the west by the Indiana-Ohio boundary.

Richmond, Va.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Byrd Field (latitude 37°30'20" N., longitude 77°19'10" W.); within 2 miles each side of the Richmond VOR 136° radial, extending from the 8-mile radius area to 12 miles SE of the VOR; within 5 miles NW and 9 miles SE of the Richmond ILS localizer SW course, extending from the 8-mile radius area to 12 miles SW of the OM.

Rio Vista, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Rio Vista Airport (latitude 38°10'20" N., longitude 121°41'20" W.) and within 2 miles each side of the Sacramento VORTAC 202° radial extending from the 3-mile radius area to 8 miles north of the airport.

Riverhead, N. Y.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°00'35" N., longitude 72°05'00" W.; thence S via longitude 72°05'00" W. to the S boundary of V-139; thence SW via the SE boundary of V-139 to latitude 40°30'00" N., thence to latitude 40°30'00" N., longitude 73°36'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 41°00'00" N., longitude 73°33'00" W.; to latitude 41°00'00" N., longitude 72°45'00" W.; to latitude 41°18'00" N., longitude 72°30'30" W.; to the point of beginning, excluding the portion below 3,000 feet MSL within W-106.

Riverside, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°01'00" W., to latitude 33°50'00" N., longitude 117°01'00" W., to latitude 33°42'30" N., longitude 116°56'30" W., to latitude 33°38'00" N., longitude 117°09'00" W., to latitude 33°51'00" N., longitude 117°24'30" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°30'00" N., longitude 117°43'00" W., thence E along latitude 34°30'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to longitude 116°30'00" W., thence direct to latitude 34°40'30" N., longitude 116°29'40" W., to latitude 34°30'00" N., longitude 116°26'30" W., to latitude 34°16'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 117°30'00" W., to latitude 33°39'00" N., longitude 117°30'00" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°43'00" W., thence to point of beginning.

AMENDMENTS 12/9/71 36 F. R. 19361 (Changed)

Riverton, Wyo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Riverton Municipal Airport (latitude 43°03'45" N., longitude 108°27'15" W.), within 4.5 miles each side of the Riverton VOR 291° radial, extending from the 10-mile radius area to 19 miles west of the VOR, and within 3.5 miles each side of the Riverton VOR 123° radial extending from the 10-mile radius area to 12 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Riverton VOR, within 10 miles east and 7 miles west of the Riverton VOR 016° radial, extending from the 25-mile radius area to 38 miles north of the VOR, and that airspace within 1 mile north and 9.5 miles south of the Riverton VOR 291° radial extending from the 25-mile radius area to 30 miles west of the VOR.

Roanoke, Va.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 37°19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the Roanoke VOR 177° radial extending from the 12-mile radius area to 17 miles south of the Roanoke VOR.

Robinson, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Robinson, Ill., Municipal Airport (latitude 39°00'51" N., longitude 87°38'47" W.) and within 8 miles SW and 5 miles NE of the 333° bearing from Robinson Municipal Airport extending from the airport to 12 miles NW of the airport.

Rochester, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fulton County Airport (latitude 41°03'55" N., longitude 86°11'55" W.); and within 2 miles each side of the 096° bearing from Fulton County Airport, extending from the airport to 8 miles east of the airport.

V 37-20 JAN 29 72 XUM

Rochester, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rochester Municipal Airport (latitude 43°54'25" N., longitude 92°29'45" W.); within 2½ miles each side of the Rochester VOR 029° radial, extending from the VOR to 23 miles northeast of the VOR; within 3 miles each side of the Rochester ILS localizer northwest course, extending from the 7-mile radius area to 19 miles northwest of the OM; and within 4½ miles southwest and 9½ miles northeast of the Rochester ILS localizer southeast course, extending from 3 miles northwest to 18½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 22½-mile radius of Rochester VOR, extending clockwise from V-24 southeast of Rochester to V-82 northwest of Rochester; the airspace north and east of Rochester bounded on the west by the west edge of V-82, on the northwest by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'05" N., longitude 93°13'15" W.), on the northeast by V-2 and on the south by V-82; within 5 miles west and 7 miles east of the Rochester VOR 173° radial, extending from the 22½-mile radius area to 38 miles south of the VOR; and within 5 miles south and 7 miles north of the Rochester VOR 104° radial, extending from 22½ miles to 45 miles east of the VOR, excluding the portions that overlie the Winona and Fairbault-Owatonna, Minn., transition areas.

Rochester, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Rochester-Monroe County Airport (latitude 43°07'10" N., longitude 77°40'15" W.); within 8 miles N and 5 miles S of the Rochester ILS localizer E course, extending from the Rochester-Monroe County Airport to 12 miles E of the OM; within 5 miles each side of the Rochester VOR 125° radial, extending from the 7-mile radius area to the INT of the Rochester VOR 125° and the Geneseo, N. Y., VORTAC 061° radials; within 2 miles each side of the Rochester VOR 168° radial, extending from the 7-mile radius area to 8 miles S of the VOR; and within 8 miles S and 5 miles N of the Rochester VOR 280° and 100° radials, extending from the Rochester-Monroe County Airport to 12 miles W; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line extending from: latitude 43°24'00" N., longitude 76°53'00" W., to latitude 42°57'00" N., longitude 76°57'00" W., to latitude 42°32'00" N., longitude 77°36'00" W., to latitude 42°32'00" N., longitude 78°21'00" W., to latitude 43°06'00" N., longitude 78°21'00" W., to latitude 43°24'00" N., longitude 77°55'00" W., to point of beginning.

Rockford, Ill.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Greater Rockford Airport (latitude 42°11'50" N., longitude 89°05'45" W.), within 8 miles E and 5 miles W of the Rockford ILS localizer S course, extending from the Greater Rockford Airport to 12 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 42°45'00" N., on the E by longitude 88°30'00" W., on the S by the Illinois-Wisconsin boundary, and on the W by longitude 89°55'00" W.

Rockingham, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Rockingham-Hamlet Airport (latitude 34°53'30" N., longitude 79°45'35" W.); within 4 miles each side of Pinehurst VORTAC 203° radial, extending from the 5-mile radius area to 18 miles southwest of the VORTAC.

Rockland, Maine
That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Knox County Regional Airport, Rockland, Maine (lat. 44°03'40" N., long. 69°06'05" W.), and within 3.5 miles each side of the 203° bearing from the Rockland RBN, extending from the 7.5-mile radius area to 11.5 miles southwest of the RBN.

AMENDMENTS 11/11/71 36 F. R. 17406 (Rewritten)

Rockport, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Aransas County Airport (latitude 28°05'14" N., longitude 97°02'30" W.), and within 2 miles each side of the 314° bearing from the Rockport RBN (latitude 28°05'30" N., longitude 97°02'40" W.), extending from the 5-mile radius area to 8 miles northwest of the RBN, and within 2 miles each side of the Corpus Christi VORTAC 062° radial, extending from the 5-mile radius area to 20.5 miles northeast of the VORTAC.

Rock Springs, Wyo.
That airspace extending upward from 700 feet above the surface within 9.5 miles north and 4.5 miles south of the 090° and 270° bearings from Rock Springs LOM, extending from 8 miles west to 18.5 miles east of the LOM; within 1 mile north and 6 miles south of the Rock Springs VORTAC 104° radial, extending from the VORTAC to 18.5 miles east of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of Rock Springs VORTAC extending clockwise from a line 5 miles northwest of and parallel to the Rock Springs VORTAC 026° radial to a line 6 miles south of and parallel to the VORTAC 104° radial.

PENDING AMENDMENT
Rockton, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Wagon Wheel Airport (latitude 42°26'15" N., longitude 89°04'00" W.) and within 1½ miles each side of the Janesville VORTAC 172° radial extending from the 5-mile radius to the Janesville VORTAC, excluding the portion that overlies the Janesville, Wis., transition area.

AMENDMENTS 2/3/72 36 F. R. 23049 (Added)

Rockwood, Tenn.
That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Rockwood Municipal Airport (lat. 35°55'20" N., long. 84°41'23" W.); excluding the portion within Crossville, Tenn., transition area.

AMENDMENTS 7/22/71 36 F. R. 9444 (Added)

Rocky Mount, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Rocky Mount Municipal Airport (lat. 35°58'00" N., long. 77°47'35" W.); within 5 miles each side of Rocky Mount VORTAC 083° radial, extending from the 7-mile radius area to 11.5 miles east of the VORTAC; within an 8.5-mile radius of Rocky Mount-Wilson Airport (lat. 35°51'15" N., long. 77°53'40" W.).

AMENDMENTS 6/25/71 36 F. R. 12734 (Rewritten)

Rome, Ga.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Richard B. Russell Airport (lat. 34°20'57" N., long. 85°09'31" W.); within 5 miles each side of Rome VOR 350° radial, extending from the 12-mile radius area to the VOR.

AMENDMENTS 7/22/71 36 F. R. 8662 (Rewritten)

Romulus, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of a point lat. 42°44' 30" N., long. 76°52'20" W., and within 3.5 miles each side of the 330° bearing from the Seneca RBN lat. 42° 44' 40" N., long. 76°54'18" W., extending from the 6-mile radius area to 11 miles northwest of the RBN.

AMENDMENTS 3/4/71 36 F. R. 494 (Added)

Roosevelt Roads, P.R.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of NS Roosevelt Roads (latitude 18°15'05" N., longitude 65°38'35" W.), excluding the portion within the San Juan 700-foot transition area.

Roscommon, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Roscommon County Airport (latitude 44°21'30" N., longitude 84°40'15" W.); and within 3 miles each side of the 082° bearing from Roscommon County Airport, extending from the 5½-mile radius area to 8 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 082° and 262° bearings from Roscommon County Airport, extending from 5 miles west to 18½ miles east of the airport; and within 5 miles each side of the 256° bearing from Roscommon County Airport, extending from the airport to the Lake City, Mich., transition area.

Roseau, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Roseau Municipal Airport (lat. 48°51'25" N., long. 95°41'40" W.); within 2½ miles each side of the 163° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 7 miles south of the airport; and within 2½ miles each side of the 341° bearing from Roseau Municipal Airport, extending from the 5-mile radius area to 7 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° bearing from Roseau Municipal Airport, extending from the airport to 18½ miles south of the airport; and within 4½ miles west and 9½ miles east of the 341° bearing from Roseau Municipal Airport, extending from the airport to 18½ miles north of the airport, including that airspace east of and within a 9½-mile radius of the airport between the 71° and 73° bearings from the airport, and excluding the portions outside the United States.

AMENDMENTS 1/6/72 36 F. R. 21670 (Rewritten)

Roseburg, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Roseburg Municipal Airport (latitude 43°14'20" N., longitude 123°21'15" W.), within 2 miles each side of the Roseburg VOR 177° radial, extending from the 5-mile radius area to 3.5 miles S of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles W and 5 miles E of the 177° radial, extending from the VOR to 12 miles S of the VOR, and within 8 miles W and 5 miles E of the 003° and 183° radials, extending from 18 miles N to 7 miles S of the VOR.

Roswell, N. Mex.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Roswell VORTAC extending clockwise between the 092° and 036° radials of the VORTAC, and within a 29-mile radius of the Roswell VORTAC extending clockwise between the 036° and 092° radials of the VORTAC.

V 37-20 JAN 29 72 XUM

Russell, Kans.
That airspace extending upward from 700 feet above the surface within 2½ miles each side of the Hays, Kans., VORTAC 086° radial, extending from a 5-mile radius circle centered on the Russell Municipal Airport (latitude 38°52'20" N., longitude 98°48'45" W.) to 19 miles east of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles north and 9½ miles south of the Hays VORTAC 086° radial extending from 1 mile to 29 miles east of the VORTAC, excluding the portion which overlies the Hays, Kansas, transition area.

Ruston, La.
That airsapce extending upward from 700 feet above the surface within a 5-mile radius of Ruston Municipal Airport (latitude 32°30'45" N., longitude 92°37'45" W.), and within 2 miles each side of the Monroe, La., VORTAC 278° radial extending from the 5-mile radius area to 24 miles west of the VORTAC.

Rutland, Vt.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, lat. 43°31'45" N., long. 72°57'00" W., of the Rutland State Airport, Rutland, Vt., and within 4.5 miles east and 6.5 miles west of the 344° bearing from the Rutland RBN, lat. 43°33'35" N., long. 72°57'50" W., extending from the RBN to 11.5 miles north of the RBN.

AMENDMENTS 12/9/71 36 F. R. 19011 (Rewritten)

Sacramento, Calif.
That airspace extending upward from 700 feet above the surface within a 13-mile radius circle centered on the Sacramento, Calif., VORTAC (latitude 38°26'37" N., longitude 121°33'02" W.); that airspace within an arc of a 38-mile radius circle centered on the Sacramento VORTAC, bounded on the west by the west edge of V-23, and on the southwest by the northeast edge of V-23, and that airspace SW of Sacramento bounded by a line beginning at latitude 38°16'00" N., longitude 122°05'00" W., thence to latitude 38°27'00" N., longitude 121°47'00" W., thence to latitude 38°16'00" N., longitude 121°39'00" W., thence to latitude 38°02'00" N., longitude 121°52'00" W., thence via latitude 38°02'00" N. to the W edge of V-195, thence via the W edge of V-195 to latitude 38°16'00" N., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the point of intersection of the E edge of V-195 and the S edge of V-200, thence via the S edge of V-200, the W edge of V-23 and latitude 39°00'00" N. to the W edge of V-283, thence via the W edge of V-283 to the N edge of V-244, thence via the N edge of V-244 to longitude 120°04'00" W., thence via longitude 120°04'00" W., to latitude 38°07'00" N., thence via latitude 38°07'00" N., to longitude 121°37'00" W., thence via longitude 121°37'00" W., to latitude 38°02'00" N., thence via latitude 38°02'00" N., to the E edge of V-195, thence via the E edge of V-195 to point of beginning.
PENDING AMENDMENT
The description of the Sacramento, Calif., transition area is amended by deleting "V-283" each place it appears in the 11th line of the text and substituting "V-165" therefor.

AMENDMENTS 2/3/72 36 F. R. 24798 (Changed)

Saginaw, Mich.
That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Tri-City Airport (latitude 43°31'55" N., longitude 84°04'50" W.); within 2 miles each side of the Saginaw ILS localizer northeast course, extending from the 8½-mile radius zone to 13 miles northeast of the Saginaw, Mich., VORTAC; within a 5-mile radius of James Clements Municipal Airport (latitude 43°32'45" N., longitude 83°53'40" W.); within a 5-mile radius of Jack Barstow Airport (latitude 43°39'40" N., longitude 84°15'40" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°16'00" N., longitude 83°30'00" W.; thence west along latitude 43°16'00" N., to and north along longitude 84°25'00" W., to and northwest along a line 10 miles southwest of and parallel to the Saginaw, Mich., VORTAC 317° radial; to and clockwise along the arc of a 31-mile radius circle centered on the Saginaw VORTAC; to and south along a line 5 miles east of and parallel to the Saginaw VORTAC 013° radial; to and clockwise along the arc of a 20-mile radius circle centered on the Saginaw VORTAC; to and east along a line 10 miles north of and parallel to the Saginaw VORTAC 105° radial; to and south along longitude 83°24'00" W.; to and west along the north edge of V-216; to and south along longitude 83°30'00" W.; to the point of beginning; within 10 miles southwest and 7 miles northeast of the Saginaw VORTAC 317° radial, extending from the 31-mile radius area to 37 miles northwest of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Saginaw localizer northeast course, extending from the 20-mile radius area to 23½ miles northeast of the VORTAC.

AMENDMENTS 4/29/71 36 F. R. 4371 (Rewritten)

St. Clairsville, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Alderman Field, St. Clairsville, Ohio (latitude 40°03'30" N., longitude 80°58'00" W.).

AMENDMENTS 11/11/71 36 F. R. 18303 (Rewritten)

St. Cloud, Minn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the St. Cloud Municipal Airport (latitude 45°32'45" N., longitude 94°03'40" W.); and within 3 miles each side of the 118° bearing from St. Cloud Municipal Airport, extending from the 7-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 118° bearing from St. Cloud Municipal Airport, extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 298° bearing from the St. Cloud Municipal Airport, extending from the airport to 12 miles northwest of the airport.

St. George, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° bearing from the St. George radio beacon (latitude 37°05'13" N., longitude 113°35'27" W.) extending from 12.5 to 18.5 miles southeast of the radio beacon; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 6 miles southwest of the 131° and 311° bearings from the St. George radio beacon, extending from 7 miles northwest to 12.5 miles southeast of the radio beacon.

St. Johns, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the St. Johns VORTAC 067° and 247° radials, extending from 9 miles NE to 20 miles SW of the VORTAC, excluding the portion within the State of New Mexico.

St. Joseph, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rosecrans Memorial Airport (latitude 39°46'25" N., longitude 94°54'45" W.); and within 5 miles east and 8 miles west of the St. Joseph ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; that airspace extending upward from 1,200 feet above the surface bounded by a line starting at the intersection of the southeast edge of V-77 and the west edge of V-13; thence south along the west edge of V-13 to latitude 39°42'20" N., longitude 94°29'00" W.; thence to latitude 39°44'00" N., longitude 94°43'20" W.; to latitude 39°30'00" N., longitude 94°49'00" W.; thence west along latitude 39°30'00" N., to the southwest edge of V-71; thence northwest along the southwest edge of V-71 to the west edge of V-77; thence north along the west boundary of V-77 to the northeast edge of V-71; thence northwest along the northeast edge of V-71; to the south edge of V-50 thence to latitude 40°00'35" N., longitude 95°32'30" W.; thence to latitude 40°09'00" N., longitude 95°30'00" W.; thence to latitude 40°05'40" N., longitude 95°07'35" W., thence clockwise via the arc of a 14-mile radius circle centered on the St. Joseph VOR to the southeast edge of V-77; thence northeast along the southeast edge of V-77 to the point of beginning; and that airspace extending upward from 4,500 feet MSL in the vicinity of St. Joseph bounded by V-13 on the west, V-161 on the east and V-50 on the south; within the area bounded on the west by V-13, on the north by V-50, on the east by V-161 and on the south by a direct line from latitude 39°39'30" N., longitude 94°07'40" W. to latitude 39°40'45" N., longitude 94°18'35" W.; within the area bounded on the north by V-216, on the east by V-15 and on the southwest by a line starting at the intersection of the south edge of V-216 and on the north edge of V-50, to the intersection of the north edge of V-50 and a line from latitude 40°00'35" N., longitude 95°32'30" W. to latitude 40°09'00" N.; longitude 95°30'00" W.; thence direct to latitude 40°09'00" N., longitude 95°30'00" W., to latitude 40°05'40" N., longitude 95°07'35" W., thence clockwise along the arc of a 14-mile radius circle centered on the St. Joseph VOR to its intersection with the west edge of V-15; and the area bounded on the southwest by V-15, on the north by V-216, on the southeast by V-77 and on the south by the arc of a 14-mile radius circle centered on the St. Joseph VOR.

St. Louis, Mo.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of St. Louis International Airport (latitude 38°44'50" N., longitude 90°21'55" W.); within 5 miles southeast and 8 miles northwest of the St. Louis International Airport Runway 24 ILS localizer northeast course, extending from the 10-mile radius area to 12 miles northeast of the Runway 24 OM; within 5 miles southwest and 8 miles northeast of the St. Louis International Airport Runway 12R ILS localizer northwest course, extending from the Runway 12R OM to 12 miles northwest of the OM; within an 8-mile radius of Civic Memorial Airport, Alton, Ill. (latitude 38°53'30" N., longitude 90°03'00" W.); that airspace extending upward from 1,200 feet above the surface within a 33-mile radius of St. Louis International Airport; within 6 miles southwest and 9 miles northeast of the St. Louis VORTAC 328° radial, extending from the 33-mile radius area to 36 miles northwest of the VORTAC; within 5 miles northwest and 8 miles southeast of the Maryland Heights VORTAC 243° radial, extending from the 33-mile radius area to 19 miles southwest of the VORTAC; within the area bounded on the west and northwest by the east and southeast edge of V-148, on the northeast by the 33-mile radius area, on the southeast by the northwest edge of V-238 and on the south by the north boundary of V-88; within a 40-mile radius of Scott AFB (latitude 38°32'30" N., longitude 89°51'05" W.); excluding the portion overlying the State of Illinois; that airspace extending upward from 2,500 feet MSL within the area bounded on the northeast by the southwest edge of V-335, on the east by the Missouri-Illinois boundary, on the south by the north edge of V-190 and on the west by the east edge of V-9; and that airspace extending upward from 4,500 feet MSL within the area bounded on the north by the south edge of V-88, on the northeast by the southwest edge of V-9W, on the south by the north edge of V-72, on the west by a line 5 miles west of and parallel to the St. Louis VORTAC 200° radial, and on the northwest by the southeast edge of V-238; within the area bounded on the north by the south edge of V-12, on the southeast by the northwest edge of V-14N, on the southwest by the northeast edge of V-175, and on the northwest by a line 5 miles southeast of and parallel to the Jefferson City, Mo., VOR 041° radial, and within the area bounded on the northeast by the southwest edge of V-52 and the Missouri-Illinois boundary, on the south by the north edge of V-4N, and on the northwest by the southeast edge of V-63.

AMENDMENTS 7/26/71 36 F. R. 15112 (Changed)

V 37 • 20 JAN 29 72 XUM

St. Marys, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 41°24'45" N., 78°30'20" W., of St. Marys Municipal Airport, St. Marys, Pa.; within 2 miles each side of the Runway 9 centerline extended from the 5-mile radius area to 7 miles east of the end of the runway; within 2 miles each side of the Runway 27 centerline extended from the 5-mile radius area to 5 miles west of the end of the runway and within 2 miles each side of the Slate Run VORTAC 256° radial extending from the 5-mile radius area to 19 miles west of the VORTAC.

Salem, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Salem-Leckrone Airport (latitude 38°38'45" N., longitude 88°57'45" W.); and within 2 miles each side of the 003° bearing from Salem-Leckrone Airport, extending from the 5-mile radius area to 6½ miles north of the airport.

Salem, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of New Hudson, Mich., Airport (latitude 42°30'15" N., longitude 83°37'25" W.), and within a 6-mile radius of Wixom, Mich., Spencer Airport (latitude 42°31'15" N., longitude 83°33'10" W.), and within 2 miles each side of the Salem, Mich., VORTAC 347° and 013° radials extending from the 6-mile radius areas to the VORTAC, excluding that portion which coincides with the Pontiac, Mich. transition area.

Salem, Oreg.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of McNary Field, Salem, Oreg. (latitude 44°54'35" N., longitude 123°00'05" W.); within 2 miles each side of a 196° bearing from the Salem ILS LOM, extending from the 7-mile radius area to 8 miles S of the LOM and within 2 miles each side of the Salem ILS localizer SE course, extending from the 7-mile radius area to 6 miles SE of the LOM; that airspace extending upward from 1,200 feet above the surface within 6 miles SW and 7 miles NE of the 150° and 330° bearings from the Salem ILS LOM, extending from V-23E to V-23W.

Salina, Kansas
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Salina Municipal Airport (latitude 38°47'40" N., longitude 97°39'30" W.); within 4½ miles W and 9½ miles E of the Salina ILS localizer course, extending from 3 miles N to 18½ miles S of the ILS OM; and within 3 miles each side of the Salina VORTAC 012° radial extending from the 9-mile radius area to 8 miles N of the VORTAC, excluding the portion which overlies restricted area R-3601 and the McPherson, Kansas 700 foot floor transition area; and that airspace extending upward from 1200 feet above the surface within a 27-mile radius of the Salina, Kansas VORTAC; and that airspace SE of Salina bounded by a line starting at the intersection of the 27-mile radius and the S edge of V-48; then east along the south edge of V-48; to and SE along the W edge of V-307; to and W along the N edge of V-10; to and NE along the W edge of V-77; to and SW along the S edge of V-280; to and N along the E edge of V-73E; to the 27-mile radius; then counterclockwise along the 27-mile radius to the point of beginning.

Salisbury, Md.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 38°20'25" N., 75°30'40" W. of Salisbury-Wicomico Airport, Salisbury, Md., and within 2 miles each side of the Salisbury VOR 207° radial extending from the 7-mile radius area to 8 miles SW of the VOR; within 2 miles each side of the Salisbury VOR 050° radial extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the Salisbury VOR 134° radial extending from the 7-mile radius area to 8 miles SE of the VOR.

Salisbury, N. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Rowan County Airport (latitude 35°38'30" N., longitude 80°31'10" W.); within 3 miles each side of the 014° bearing from Salisbury NDB (latitude 35°40'29" N., longitude 80°30'32" W.), extending from the 8-mile radius area to 8.5 miles north of the NDB.

Salt Lake City, Utah
That airspace extending upward from 700 feet above the surface bounded on the north by latitude 41°00'00" N., on the east by longitude 111°45'00" W., and on the south and west by the arc of an 18.5-mile radius circle centered on the Salt Lake City VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°36'00" W. and V-235, on the S by latitude 40°30'00" N.. on the SW by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°40'00" N., longitude 112°56'30" W., on the W by longitude 112°56'30" W., and on the N by latitude 41°00'00" N.; that airspace E of Salt Lake City extending upward from 11,000 feet m.s.l. bounded on the NW by V-32, on the SE by V-235, on the SW by V-484, and on the W by longitude 111°36'00" W.; and that airspace SE of Salt Lake City extending upward from 12,400 feet MSL bounded on the NE by the SW edge of V-484, on the S by the N edge of V-200 and on the NW by the SE edge of V-235, excluding the portion within Restricted Area R-6403.

Salyer Farms, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Salyer Farms Airport (latitude 36°05'01" N., longitude 119°32'39" W.), and within 2 miles each side of the 151° bearing from the Salyer Farms radio beacon (latitude 36°05'14" N., longitude 119°32'44" W.) extending from the 3-mile radius area to 8 miles southeast of the radio beacon excluding that airspace within a 1-mile radius of Corcoran Airport (latitude 36°06'10" N., longitude 119°35'40" W.), that airspace extending upward from 1,200 feet above the surface within 5 miles northeast and 8 miles southwest of the 151° bearing from the Salyer Falms radio beacon extending from the radio beacon to 12 miles southeast.

San Angelo, Tex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Mathis Field, San Angelo, Tex. (latitude 31°21'35" N., longitude 100°29'40" W.); within 5 miles northwest and 8 miles southeast of the San Angelos ILS localizer southwest course extending from the OM to 12 miles southwest.

San Antonio, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°22'30" N., longitude 97°47'00" W., thence west via latitude 29°22'30" N. to and clockwise along the arc of a 23-mile radius circle centered at latitude 29°31'50" N., longitude 98°28'12" W., to latitude 29°13'15" N., longitude 98°20'00" W., thence southeast to latitude 29°05'30" N., longitude 98°14'30" W., thence southwest to latitude 29°01'40" N., longitude 98°21'40" W., thence northwest to latitude 29°06'30" N., longitude 98°34'10" W., thence north to the 23-mile radius circle at latitude 29°12'00" N., longitude 98°32'40" W., thence clockwise along the arc of the 23-mile radius circle to latitude 29°46'30" N., longitude 98°12'30" W., thence to latitude 29°43'00" N., longitude 98°01'30" W., thence to point of beginning, and within 5 miles northeast and 8 miles southwest of the La Vernia VOR 149° radial extending from the VOR to 12 miles southeast.

San Carlos, Ariz.
That airspace extending upward from 12,000 feet MSL bounded on the northwest by the southeast edge of V-190, on the east by an arc of a 115 mile radius circle centered on Williams AFB, Ariz. (latitude 33°18'25" N., longitude 111°39'35" W.); on the south by the north edge of V-94 and on the west by longitude 110°52'00" W.

San Diego, Calif.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33° 15' 00" N., longitude 117° 30' 30" W., to latitude 33° 15' 00" N., longitude 117° 17' 00" W., to latitude 33° 00' 00" N., longitude 117° 07' 00" W., to latitude 33° 00' 00" N., longitude 116° 51' 00" W., thence S along longitude 116° 51' 00" W., to the United States/Mexican Border, thence W along the United States/Mexican Border, and Flight Information Region Boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32° 33' 00" N., longitude 117° 27' 30" W., thence N to the point of beginning; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 33° 30' 00" N., longitude 117° 30' 00" W., thence to latitude 33° 30' 00" N., longitude 116°18'00" W., thence to latitude 33°18'00" N., longitude 116°10'30" W., thence to latitude 33° 00' 00" N., longitude 116° 05' 00" W., thence S via longitude 116° 05' 00" W., to the United States/Mexican Border, thence W via the United States/Mexican Border and Flight Information Region boundary to latitude 32° 29' 40" N., longitude 117° 21' 00" W., thence via the arc of a 21-mile radius circle centered on the San Diego VOR to latitude 32° 37' 15" N., longitude 117° 31' 50" W., thence to latitude 32° 34' 45" N., longitude 117° 39' 00" W., thence to latitude 32° 49' 30" N., longitude 117° 45' 15" W., thence to latitude 32° 57' 40" N., longitude 117° 35' 00" W., thence to latitude 33° 11' 00" N., longitude 117° 48' 55" W., thence to latitude 33° 15' 00" N., longitude 117° 30' 00" W., thence N via longitude 117° 30' 00" W., to the point of beginning.

AMENDMENTS 4/1/71 36 F. R. 1884 (Changed)

Sandusky, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Griffing-Sandusky Airport (latitude 41°26'00" N., longitude 82°39'05" W.); within 2 miles each side of the Sandusky VOR 026° and 206° radials, extending from the 5-mile radius area to 8 miles SW of the VORTAC.

Sanford, Fla.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sanford Airport (lat. 28°46'30" N., long. 81°14'25" W.); within 3 miles each side of the 260° bearing from Sanford RBN (lat. 28°37'05" N., long. 81°14'36" W.); extending from the 6.5-mile radius area to 8.5 miles west of the RBN.

AMENDMENTS 7/22/71 36 F. R. 9443 (Added)

Sanford, Maine
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Sanford Municipal Airport (latitude 43°23'30" N., longitude 70°42'35" W.); within 2 miles each side of the Kennebunk, Maine VOR 066° radial, extending from the 7-mile radius area to 8 miles NE of the VOR.

Sanford, N. C.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Sanford Municipal Airport (latitude 35°25'55" N., longitude 79°11'10" W.); within 2.5 miles each side of Pinehurst VORTAC 057° radial, extending from the 5.5-mile radius area to 21 miles northeast of the VORTAC.

V 37-20 JAN 29 72 XUM

San Francisco, Calif.
That airspace extending upward from 700 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by longitude 121°52'00" W., on the S by latitude 37°30'00" N., and on the W by a line extending from latitude 37°30'00" N., longitude 122°27'00" W., to latitude 37°34'00" N., longitude 122°31'00" W., to latitude 37°55'00" N., longitude 122°31'00" W., to latitude 38°02'00" N., longitude 122°40'00" W.; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 38°02'00" N., on the E by a line extending from latitude 38°02'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°37'00" W., to latitude 37°38'00" N., longitude 121°50'00" W., to latitude 37°30'00" N., longitude 121°50'00" W., on the S by latitude 37°30'00" N., and on the W by V-27 and V-199.

San Jose, Calif.
That airspace extending upward from 700 feet above the surface within 5 miles each side of the Moffett TACAN 157° radial extending from the TACAN to 23 miles southeast of the TACAN, within 2 miles each side of the San Jose ILS localizer course extending from the San Jose 5-mile radius control zone to 1 mile SE of the San Jose LOM, within 5 miles SW and 8 miles NE of the San Jose VOR 139° radial, extending from 16 miles SE to 28 miles SE of the VOR, and that airspace bounded by a line beginning at latitude 37°30'00" N., longitude 121°52'00" W., thence to latitude 37°22'00" N., longitude 122°08'00" W., thence to latitude 37°22'00" N., longitude 122°24'00" W., thence to latitude 37°30'00" N., longitude 122°27'00" W., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 37°30'00" N., on the E and NE by longitude 121°50'00" W., and the SW edge of V-107, on the SE and S by the NW edge of V-111 and latitude 37°00'00" N., and on the W by the E edge of V-27 to latitude 37°30'00" N.

AMENDMENTS 11/11/71 36 F. R. 19012 (Changed)

San Juan, P. R.
That airspace extending upward from 700 feet above the surface south of latitude 18°23'00" N.; within a 20-mile radius of Puerto Rico International Airport (latitude 18°26'45" N., longitude 66°00'05" W.); that airspace north of latitude 18°23'00" N. within a 12-mile radius of Puerto Rico International Airport; within 2 miles each side of the San Juan VORTAC 273° radial, extending from the 12-mile radius area to the Dorado RBN; within 2 miles each side of the 281° bearing from the San Pat RBN, extending from the 12-mile radius area to the Dorado RBN; within 8 miles north and 5 miles south of the 281° bearing from the San Pat RBN, extending from the 12-mile radius area to 12 miles west of the San Pat RBN; and that airspace extending upward from 1,200 feet above the surface beginning at the intersection of a line 4 nautical miles north of and parallel to the centerline of Route 2 and the arc of a 41-mile radius circle centered at Puerto Rico International Airport west of San Juan VORTAC; thence clockwise along this arc to the centerline of Route 3; thence southeast along the centerline of Route 3 to the arc of a 23-mile radius circle centered at Puerto Rico International Airport; thence clockwise along this arc to longitude 65°55'00" W.; thence south to latitude 18°40'00" N., longitude 65°55'00" W.; thence east to latitude 18°40'00" N., longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to a line 4 nautical miles north of and parallel to the centerline of Route 2; thence east and southeast along this line to the arc of a 15-mile radius circle centered at Harry S. Truman Airport (latitude 18°20'25" N., longitude 64°58'10" W.); thence counterclockwise along this arc to a line 3 nautical miles southwest of and parallel to the centerline of Route 2; thence northwest and west along this line to longitude 65°26'00" W.; thence south along longitude 65°26'00" W. to the arc of a 15-mile radius circle centered at NS Roosevelt Roads Airport (latitude 18°15'05" N., longitude 65°38'35" W.); thence clockwise along this arc to the intersection of a line 5 miles southeast of and parallel to the 052° bearing from the Point Tuna RBN; thence southwest along this line to latitude 18°00'00" N.; thence west along latitude 18°00'00" N., to and south along longitude 66°15'00" W., to and east along a line 4.5 miles north of and parallel to Ponce VOR 111° radial, to and south along a line 18.5 miles east of Ponce VOR and perpendicular to the Ponce VOR 111° radial, to latitude 17°46'15" N., longitude 66°18'30" W.; thence west along a line 9.5 miles south of and parallel to Ponce VOR 111° radial to the intersection of a 15-mile radius circle centered at Mercedita Airport (latitude 18°00'40" N., longitude 66°33'50" W.); thence clockwise along this arc to latitude 18°00'00" N.; thence west to latitude 18°07'00" N., longitude 67°22'00" W.; thence north to the intersection of longitude 67°23'00" W. and the arc of a 25-mile radius circle centered at Ramey AFB (latitude 18°29'50" N., longitude 67°07'45" W.); thence clockwise along this arc to a line 4 nautical miles north of and parallel to the centerline of Route 2 east of Ramey AFB; thence east along this line to the point of beginning; and that airspace extending upward from 2,000 feet MSL within a 100 nautical mile radius of the Isla Grande Airport (latitude 18°27'30" N., longitude 66°05'55" W.) San Juan, P. R.; excluding the portion that coincides with the 1,200-foot floor portions of the San Juan, St. Croix, and St. Thomas transition areas.

San Luis Obispo, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of San Luis Obispo County Airport (latitude 35°14'16" N., longitude 120°38'20" W.); within 2 miles each side of the San Luis Obispo VORTAC 280° and 100° radials, extending from the 3-mile radius area to 8 miles west of the VORTAC; and within 2 miles west and 3 miles east of the 191° bearing from the San Luis Obispo County Airport, extending from the 3-mile radius area to 6 miles south of the airport.

San Rafael, Calif.
That airspace extending upward from 700 feet above the surface bounded on the E by the W edge of V-195, on the S by latitude 38°02'00" N., and on the W and N by an arc of a 23-mile radius circle centered on Hamilton AFB (latitude 38°03'35" N., longitude 122°30'35" W.); that airspace extending upward from 1,200 feet above the surface bounded on the N by the S edge of V-200, on the E by the W edge of V-195, on the S by latitude 38°02'00" N., on the W by the E edge of V-199 to latitude 38°43'30" N., thence via latitude 38°43'30" N. to the E edge of V-25, thence via the E edge of V-25 to the S edge of V-200.

San Simon, Ariz.
That airspace extending upward from 1,200 feet above the surface within 10 miles N and 7 miles S of the San Simon VOR 089° and 269° radials, extending from 9 miles W to 20 miles E of the VOR, excluding the portion within the Cochise, Ariz., Portal, Ariz., and New Mexico transition areas.

Santa Barbara, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Santa Barbara ILS localizer west course, extending from the OM to 2 miles west of the OM; between the arcs of a 5-mile radius circle and 8.5-mile radius circle centered on the Santa Barbara Municipal Airport (latitude 34°25'35" N., longitude 119°50'20" W.), extending clockwise from a line 2 miles north of the 089° bearing from the Santa Barbara LMM to a line 2.5 miles south of the 115° bearing from the LMM; and within 2 miles east and 7 miles west of the Santa Barbara VORTAC 196° radial, extending from a 5-mile radius circle centered on the Santa Barbara Municipal Airport to 15.5 miles south of the VORTAC;
and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 35°35'00" N., longitude 120°05'00" W., thence to latitude 35°05'00" N., longitude 120°05'00" W., to latitude 35°05'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 119°30'00" W., to latitude 34°20'00" N., longitude 120°00'00" W., to latitude 34°15'00" N., longitude 120°00'00" W., to latitude 34°15'00" N., longitude 120°10'30" W., to latitude 34°06'15" N., longitude 120°30'00" W., to latitude 34°24'00" N., longitude 120°30'00" W., to latitude 34°24'45" N., longitude 120°27'20" W., to latitude 34°35'00" N., longitude 120°31'40" W., to latitude 34°39'50" N., longitude 120°31'15" W., to latitude 34°46'15" N., longitude 120°26'40" W., to latitude 34°49'00" N., longitude 120°27'15" W., to latitude 34°50'32" N., longitude 120°41'50" W., to latitude 35°10'00" N., longitude 120°55'00" W., to latitude 35°21'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 121°03'00" W., to latitude 35°33'00" N., longitude 120°40'30" W., to latitude 35°22'25" N., longitude 120°31'50" W., to latitude 35°31'40" N., longitude 120°15'00" W., to latitude 35°35'35" N., longitude 120°18'10" W., thence to point of beginning.

Santa Catalina, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 117° 30' 00" W., on the S by a line extending from latitude 33° 15' 00" N., longitude 117° 30' 00" W., to latitude 33° 11' 00" N., longitude 117° 48' 55" W., to latitude 33° 18' 00" N., longitude 118° 34' 00" W., on the W by longitude 118° 34' 00" W., and on the N by latitude 33° 30' 00" N., excluding the portion within Control Area 1177.

Santa Elena, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Diamond "O" Ranch Airport (latitude 26°43'10" N., longitude 98°33'25" W.), and within 3.5 miles each side of the 359° bearing from the Santa Elena RBN (latitude 26°43'07" N., longitude 98°33'37" W.) extending from the 5-mile radius area to 11.5 miles north of the RBN.

Santa Fe, N. Mex.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the Santa Fe County Municipal Airport (latitude 35°37'00" N., longitude 106°05'25" W.), and within 3 miles each side of the Santa Fe VORTAC 165° radial, extending from the 11.5-mile radius area to 9 miles south of the VORTAC.
AMENDMENTS 11/11/71 36 F. R. 18510 (Rewritten)

Santa Maria, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Santa Maria Public Airport (latitude 34°53'55" N., longitude 120°27'20" W.) and within 3 miles each side of the Santa Maria VOR 133° and 327° radials extending from 17 miles southeast to 7 miles northwest of the VOR.

Santa Rosa, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sonoma County Airport (latitude 38°30'30" N., longitude 122°48'45" W.) and within a 1-mile radius of Santa Rosa Coddingtown Airport (latitude 38°28'30" N., longitude 122°44'25" W.).

Santa Ynez, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Santa Ynez Airport (latitude 34°36'25" N., longitude 120°04'30" W.), and within 2 miles each side of the Gaviota VOR 336° radial, extending from 3.5 miles to 12 miles northwest of the VOR.

Saranac Lake, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center lat. 44° 23'05" N., long. 74°12'20" W. of Adirondack Airport, Saranac Lake, N. Y.; within 4.5 miles southeast and 9.5 miles northwest of the Saranac Lake VOR 237° radial, extending from the VOR to 18.5 miles southwest of the VOR.
AMENDMENTS 4/29/71 36 F. R. 5211 (Rewritten)

Sarasota, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Sarasota-Bradenton Airport (lat. 27°23'47" N., long. 82°33'15" W.); within 3 miles each side of Sarasota VORTAC 050° and 302° radials, extending from the 8.5-mile radius area to 8.5 miles northeast and northwest of the VORTAC; within 5 miles each side of Sarasota VORTAC 142° radial, extending from the 8.5-mile radius area to 8.5 miles southeast of the VORTAC; excluding that airspace outside the continental limits of the United States.
AMENDMENTS 8/5/71 36 F. R. 13133 (Rewritten)

V 37-20 JAN 29 72 XUM

Sault Ste. Marie, Mich.
That airspace within the United States extending upward from 700 feet above the surface within a 7-mile radius of Kincheloe AFB (latitude 46°15'00" N., longitude 84°28'00" W.); within 8 miles northeast and 5 miles southwest of the 129° bearing from the Sault Ste. Marie RBN, extending from the RBN to 12 miles southeast of the RBN; within 2 miles each side of the Sault Ste. Marie VOR 153° radial, extending from the VOR to 8 miles southeast of the VOR, within 2 miles each side of the Sault Ste. Marie, Ontario, Canada, ILS localizer northwest course, extending from the OM to 8 miles northwest of the OM, and within 2 miles each side of the 293° bearing from the Gros Cap RBN, extending from the RBN to 8 miles northwest of the RBN, and the airspace within the United States extending upward from 1,200 feet above the surface within a 34-mile radius of Kincheloe AFB.

Savannah, Ga.
That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 3 miles south of and parallel to Savannah Municipal Airport Runway 27 centerline extended from the arc of an 8.5-mile radius circle centered on Savannah Municipal Airport (latitude 32°07'35" N., longitude 81°12'05" W.), to and clockwise along this arc, to and east along a line 2.5 miles north of and parallel to Savannah ILS localizer east course, to and south along a line 8.5 miles east of and perpendicular to the Savannah ILS localizer east course and its intersection with Savannah VORTAC 179° radial, to and west along a line 2.5 miles south of and parallel to Savannah ILS localizer east course, to and clockwise along the arc of an 8.5-mile radius circle centered on Savannah Municipal Airport, to and north along a line 3 miles west of and parallel to Runway 18 centerline extended, to and west along a line 3 miles south of and parallel to Runway 27 centerline extended, to point of beginning.

Savannah, Tenn.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Savannah Municipal Airport (latitude 35°10'15" N., longitude 88°13'00" W.).

Scottsbluff, Nebr.
That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Scottsbluff VORTAC 211° and 031° radials, extending from 7 miles NE to 13 miles SW of the VORTAC; within 5 miles S and 8 miles N of the Scottsbluff VORTAC 259° and 080° radials, extending from 4 miles W to 13 miles E of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Scottsbluff VORTAC.

Seattle, Wash.
That airspace extending upward from 700 feet above the surface within a 23-mile radius of McChord AFB, Tacoma, Wash. (latitude 47°08'20" N., longitude 122°28'30" W.); within a 23-mile radius of the Seattle VORTAC: within a 10-mile radius of Olympia VORTAC, within 5 miles each side of the Olympia VORTAC 195° radial, extending from the 10-mile radius area to 15.5 miles south of the VORTAC; within a 23-mile radius of latitude 47°39'30" N., longitude 122°25'00" W.; within an 8-mile radius of Kitsap County Airport, Bremerton, Wash. (latitude 47°29'35" N., longitude 122°45'35" W.); that airspace N of Seattle extending from the 23-mile radius area of latitude 47°39'30" N., longitude 122°25'00" W., bounded on the W by longitude 122°30'00" W., on the N by latitude 48°05'00" N., and on the E by longitude 121°55'00" W.; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 48°05'00" N., on the east via longitude 121°35'00" W. to latitude 46°55'00" N., thence via latitude 46°55'00" N. to longitude 121°53'00" W., thence via longitude 121°53'00" W. to latitude 46°45'00" N., thence via latitude 46°45'00" N. and an arc of a 22-mile radius circle centered on the Olympia VORTAC to longitude 123°15'00" W., thence via longitude 123°15'00" W., to latitude 48°05'00" N., that airspace southwest of Seattle bounded on the north by the north edge of V-27, on the east by longitude 123°15'00" W., on the south by the south edge ov V-204, and on the west by longitude 123°40'00" W.; that airspace S of Seattle extending upward from 4,500- feet MSL bounded on the north by an arc of a 22-mile radius circle centered on Olympia VORTAC and latitude 46°45'00" N., on the southeast by a line extending from latitude 46°45'00" N., longitude 122°25'00" W., to latitude 46°38'00" N., longitude 122°30'00" W., on the east by longitude 122°30'00" W., on the south by latitude 46°26'00" N., on the west by the east edge of V-165; that airspace southwest of Seattle bounded on the southeast by V-165, on the SW by the arc of a 37-mile radius circle centered on the Olympia, Wash., VORTAC, and on the N by V-204, and that airspace W of Seattle bounded on the E by longitude 123°15'00" W., on the S by V-27, on the W by longitude 123°40'00" W., and on the N by a line 7 miles N of and parallel to the N edge of V-27; that airspace extending upward from 6,500 feet MSL S of Seattle bounded on the E by a line extending from latitude 46°45'00" N., longitude 122°02'00" W., to latitude 46°25'00" N., longitude 122°16'00" W., on the S by latitude 46°25'00" N., and on the W by longitude 122°30'00" W., and on the N by latitude 46°45'00" N.; that airspace S of Seattle extending upward from 7,000 feet MSL, bounded on the E by longitude 121°53'00" W., on the S by latitude 46°25'00" N., on the W by a line extending from latitude 46°45'00" N., longitude 122°02'00" W., to latitude 46°25'00" N., longitude 122°16'00" W., and on the N by latitude 46°45'00" N.; that airspace W of Seattle extending upward from 8,500 feet MSL, bounded on the E by longitude 123°15'00" W., on the S by a line 7 miles N of and parallel to the N edge of V-27, on the W by longitude 123°40'00" W., and on the N by latitude 47°30'00" W.; that airspace NW of Seattle extending upward from 9,500 feet MSL bounded on the E by longitude 123°15'00" W., on the S by latitude 47°30'00" N., on the W by longitude 123°40'00" W., and on the N by latitude 48°03'00" N., and that airspace NE of Seattle bounded on the E by longitude 121°00'00" W., on the S by V-2N, on the W by longitude 121°35'00" W., and on the N by latitude 48°00'00" N. The portions within the Portland, Oreg., and Port Angeles, Wash., transiton areas are excluded.

Sedalia, Mo.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within 2 miles each side of the Whiteman AFB ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within a 5-mile radius of Sedalia Memorial Airport (latitude 38°42'15" N., longitude 93°10'50" W.); and within 2 miles each side of the 042° bearing from Sedalia Memorial Airport, extending from the 5-mile radius area to 8 miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 93°30'00" W.; and the south edge of V-12, thence north via longitude 93°30'00" W.; to and east along the south boundary of V-4; to and south along longitude 92°31'00" W.; to and west along the south edge of V-12; to and southwest along a line 8 miles southeast of and parallel to the 042° bearing from Sedalia Memorial Airport; to and clockwise along the arc of a 29-mile radius circle centered on the Whiteman AFB VOR; to and northwest along the northeast edge of V-159; to and counterclockwise along the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport (latitude 39°07'20" N., longitude 94°35'30" W.); to and east along the south edge of V-12: to the point of beginning.

Selinsgrove, Pa.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, lat. 40°49'04" N., long. 76°51'51" W. of Penn Valley Airport, Selinsgrove, Pa.; within 3.5 miles each side of the Selinsgrove, Pa., VORTAC 209° radial extending from the 10.5-mile radius area to 10.5 miles southwest of the VORTAC; within the arc of a 14-mile radius circle centered on Penn Valley Airport extending clockwise from 095° to 125°.

AMENDMENTS 9/16/71 36 F. R. 13830 (Rewritten)

Selma, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Craig AFB (latitude 32°20'31" N., longitude 86°59'32" W.); within a 5-mile radius of Selfield Airport (latitude 32°26'28" N., longitude 86°57'05" W.); within 8 miles each side of the Craig AFB ILS localizer SE course extending from the AFB to 12 miles SE of the OM; within 2 miles each side of the Craig TACAN 316° radial, extending from the 9-mile radius area to 12 miles NW of the TACAN.

Seymour, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Freeman Field (latitude 38°55'36" N., longitude 85°54'20" W.); within 3 miles each side of the 061° bearing from Freeman Field, extending from the 7-mile radius area to 7½ miles northeast of the airport; and within 3 miles each side of the 161° bearing from Freeman Field extending from the 7-mile radius area to 7½ miles south of the airport.

AMENDMENTS 10/14/71 36 F. R. 15111 (Rewritten)

Seymour, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 33°39'00" N., longitude 99°20'00" W., thence to latitude 33°46'00" N., longitude 99°23'00" W., to latitude 33°52'00" N., longitude 99°07'00" W., to latitude 33°42'00" N., longitude 99°03'00" W., to point of beginning.

Shawnee, Okla.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shawnee Municipal Airport (latitude 35°21'16" N., longitude 96°56'33" W.), and within 2 miles each side of the 009° bearing from the Shawnee RBN (latitude 35°20'51" N., longitude 96°56'48" W.) extending from the 5-mile radius area to 8 miles north of the RBN.

Sheboygan, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Sheboygan County Memorial Airport (latitude 43°46'05" N., longitude 87°51'05" W.); and within 3 miles each side of the 026° bearing from the Sheboygan County Memorial Airport extending from the airport to 8 miles northeast of the airport.

AMENDMENTS 5/27/71 36 F. R. 5838 (Rewritten)

Shelby, Mont.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Shelby Airport (latitude 48°32'26" N., longitude 111°52'30" W.) and within 3 miles each side of the 043° bearing from Shelby Airport extending from the 6-mile radius area to 8.5 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of a direct course between the Cut Bank, Mont., VORTAC and the Shelby Airport, extending from the airport to 7 miles east of the VORTAC and within 4.5 miles southeast and 9.5 miles northwest of the 043° bearing from the Shelby Airport, extending from the airport to 18.5 miles northeast of the airport.

AMENDMENTS 10/14/71 36 F. R. 15113 (Rewritten)

V 37-20 JAN 29 72 XUM

Shelby, N. C.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Shelby Municipal Airport (latitude 35°15'25" N., longitude 81°36'00" W.); within 3 miles each side of the Spartanburg VORTAC 052° radial, extending from the 7-mile radius area to 13 miles northeast of the VORTAC.

Shelby, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°52'25" N., 82°41'55" W., of Shelby Community Airport, Shelby, Ohio, excluding the portion which coincides with the Mansfield, Ohio, transition area.

Shelbyville, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Shelbyville Memorial Airport (latitude 39°34'50" N., longitude 85°48'20" W.), and within 2 miles each side of the Shelbyville, Ind., VOR 340° radial extending from the 5-mile radius area to 8 miles north of the VOR.

Shelbyville, Tenn.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Bomar Field (latitude 35°33'44" N., longitude 86°26'33" W.); within 4.5 miles north and 9.5 miles south of the Shelbyville VOR 272° radial, extending from the VOR to 18.5 miles west; within 4.5 miles east and 9.5 miles west of the Shelbyville VOR 195° radial, extending from the VOR to 18.5 miles south.

Sheldon, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Sheldon Municipal Airport (latitude 43°12'35" N., longitude 95°50'05" W.); and within 3 miles each side of the 163° bearing from Sheldon Municipal Airport, extending from the 5½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 163° and 343° bearings from Sheldon Municipal Airport, extending from 6 miles north to 18½ miles south of the airport; and within 5 miles each side of the 343° bearing from Sheldon Municipal Airport, extending from the airport to 12 miles north of the airport.

Shemya, Alaska
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Shemya Airport (latitude 52°42'50" N., longitude 174°06'57" E.); and that airspace extending upward from 1,200 feet above the surface within a 29-mile radius of the Shemya Airport. The portion within R-2204 is excluded.

Shenandoah, Iowa
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Shenandoah, Iowa, Municipal Airport (latitude 40°45'15" N., longitude 95°25'15" W.), and within 5 miles NE and 8 miles SW of the 133° bearing from the Shenandoah RBN, extending from the RBN to a point 12 miles SE of the RBN.

Sheridan, Wyo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Sheridan County Airport (latitude 44°46'25" N., longitude 106°58'15" W.); that airspace extending upward from 1,200 feet above the surface within 7 miles southwest and 10 miles northeast of the Sheridan VORTAC 138° and 318° radials, extending from 18.5 miles northwest to 34 miles southeast of the VORTAC.

Sherman, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sherman, Tex., Municipal Airport (lat. 33°37'30" N., long. 96°35'09" W.).

AMENDMENTS 8/19/71 36 F. R. 11507 (Rewritten)

Shirley, N. Y.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°48'40" N., 72°52'00" W., of Brookhaven Airport, Shirley, N. Y.; within 2 miles each side of the Runway 15 centerline extending from the 6-mile radius area to 6 miles southeast of the end of the runway; within 2 miles each side of the Runway 33 centerline extended from the 6-mile radius area to 7 miles northwest of the end of the runway; and within 3 miles northwest and 5 miles southeast of the 245° bearing from the Peconic RBN extending from the RBN to 10 miles southwest of the RBN excluding the portions which coincide with the Islip, N. Y., and Calverton, N. Y., transition areas.

Shreveport, La.
That airspace extending upward from 700 feet above the surface within an area bounded by a line beginning at latitude 32°48'10" N., longitude 93°48'30" W.; to latitude 32°42'00" N., longitude 93°37'00" W.; to latitude 32°25'00" N., longitude 93°27'00" W.; to latitude 32°14'00" N., longitude 93°27'00" W.; to latitude 32°18'30" N., longitude 93°53'30" W.; to latitude 32°35'30" N., longitude 94°00'30" W.; to point of beginning.

Sidney, Mont.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Sidney-Richland Airport (latitude 47°42'35" N., longitude 104°11'10" W.); and within 3 miles each side of the 115° bearing from Sidney-Richland Airport, extending from the 11-mile radius area to 13 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 115° bearing from Sidney-Richland Airport, extending from the airport to 23½ miles southeast of the airport.

PENDING AMENDMENT

Sidney, Mont.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Sidney-Richland Municipal Airport (latitude 47°42'35" N., longitude 104°11'10" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles east and 4½ miles west of the 356° bearing from the Sidney NDB (latitude 47°42'45" N., longitude 104°10'56" W.), extending from the 9-mile radius area to 18½ miles north of the NDB; and within 9½ miles southeast and 4½ miles northwest of the 215° bearing from the Sidney NDB extending from the 9-mile radius area to 18½ miles southwest of the NDB; and within 9½ miles northeast and 5 miles southwest of the 135° bearing from the Sidney NDB extending from the 9-mile radius area to 19½ miles southeast of the NDB.

AMENDMENTS 2/3/72 36 F. R. 23550 (Rewritten)

Sidney, Nebr.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Sidney Municipal Airport (latitude 41°05'55" N., longitude 102°58'55" W.); within 5 miles NE and 8 miles SW of the Sidney VORTAC 321° radial, extending from the 10-mile radius area to 12 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Sidney VORTAC 128° radial, extending from the VORTAC to 12 miles SE of the VORTAC; and that airspace SW of Sidney VORTAC extending upward from 8,500 feet MSL bounded on the N by the S edge of V-138, on the E by the W edge of V-169, on the SE by the NW edge of V-172, on the SW by the NE edge of V-132 and on the NW by the SE edge of V-207, excluding the airspace within Federal airways.

Sidney, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°18'30" N., 75°24'45" W. of Sidney Municipal Airport, Sidney, N. Y.; within 2 miles each side of the Rockdale VOR 217° radial extending from the 5-mile radius to the VOR; within 2 miles each side of a bearing 049° from the Sidney radio beacon 42°20'25" N., 75°21'30" W. extending from the 5-mile radius to 8 miles NE of the radio beacon.

Sidney, Ohio
That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 40°14'23" N., 84°09'17" W. of Sidney Airport, Sidney, Ohio; and within 2 miles each side of the Rosewood VOR 242° radial extending from the 4-mile radius area to the VOR.

Sikeston, Mo.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sikeston Memorial Airport (latitude 36°53'50" N., longitude 89°33'45" W.); and within 2 miles each side of the 016° bearing from Sikeston Memorial Airport, extending from the 6-mile radius area to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 016° bearing from Sikeston Memorial Airport, extending from the airport to the south edge of V-178S, excluding the portion which overlies the State of Illinois.

Silver City, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Silver City-Grant County Airport (latitude 32°38'25" N., longitude 108°09'15" W.), and within 3.5 miles each side of the Silver City VOR 141° radial extending from the 8-mile radius area to 10 miles southeast of the VOR.

Sioux City, Iowa
That airspace extending upward from 700 feet above the surface within a 11-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); within a 7-mile radius of Graham Field (latitude 42° 32'25" N., longitude 96°29'05" W.); within 5 miles southwest and 9½ miles northeast of the Sioux City VORTAC 140° radial, extending from the 11-mile radius area to 24½ miles southeast of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the Sioux City ILS localizer northwest and southeast courses, extending from the 11-mile radius area to 24½ miles southeast of the OM; within 4½ miles northeast and 11½ miles southwest of the Sioux City VORTAC 320° radial, extending from the VORTAC to 35 miles northwest of the VORTAC; and within 9½ miles northeast and 4½ miles southwest of the 319° bearing from Graham Field, extending from Graham Field to 18½ miles northwest of Graham Field; that airspace extending upward from 1,200 feet above the surface within a 28½-mile radius of Sioux City VORTAC; and that airspace extending upward from 3,500 feet MSL east, south, and west of Sioux City bounded on the north by V-100, on the southeast by V-138, on the south by V-172 and on the west by longitude 98°00'00" W.

AMENDMENTS 9/16/71 36 F. R. 13372 (Rewritten)

V 37 • 20 JAN 29 72 XUM

Sioux Falls, S. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Joe Foss Field (latitude 43°34'55" N., longitude 96°44'35" W.); within 9½ miles southwest and 4½ miles northeast of the Sioux Falls VORTAC 336° radial, extending from the 10-mile radius area to 18½ miles northwest of the VORTAC; and within 9½ miles northwest and 4½ miles southeast of the Sioux Falls ILS localizer northeast course, extending from the 10-mile radius area to 23 miles northeast of the airport; and that airspace extending from 1,200 feet above the surface within a 27-mile radius of the Sioux Falls VORTAC extending from the VORTAC 054° radial clockwise to the Sioux Falls ILS localizer southwest course; within a 25-mile radius of the Sioux Falls VORTAC extending from the Sioux Falls ILS localizer southwest course clockwise to the VORTAC 004° radial; and within a 13-mile radius airspace extending upward from 4,000 feet MSL north of Sioux Falls bounded on the north by V-268, on the southeast by V-148 and on the southwest by V-15; within a 50-mile radius of Sioux Falls VORTAC, extending from the south edge of V-148S east of Sioux Falls clockwise to the northwest edge of V-148 west of Sioux Falls; and within a 55-mile radius of the Sioux Falls VORTAC, extending from the northwest edge of V-148 west of Sioux Falls clockwise to the south edge of V-120 west of Sioux Falls.

AMENDMENTS 2/4/71 35 F. R. 18508 (Rewritten)

Sitka, Alaska
That airspace extending upward from 700 feet above the surface within 3 miles northwest and 2 miles southeast of the Sitka RR southwest course, extending from the RR to 8 miles southwest of the RR; within 2 miles each side of the Biorka Island VORTAC 148° radial, extending from the VORTAC to 8 miles southeast of the VORTAC; within 2 miles each side of the Sitka RR southeast course, extending from the RR to 8 miles southeast of the RR; and within 2 miles each side of the LDA northwest course, extending from 10 miles northwest to 22 miles northwest of the LDA; and that airspace extending upward from 1,200 feet above the surface within 9 miles southwest and 22 miles northeast of the Biorka Island VORTAC 308° radial, extending from the VORTAC to 33 miles northwest of the VORTAC, and within 9 miles northwest and 6 miles southeast of the Biorka Island VORTAC 027° and 207° radials, extending from 8 miles northeast to 19 miles southwest of the VORTAC.

Skaneateles, N. Y.
That airspace extending upward from 700-feet above the surface within a 5-mile radius of the center 42°54'50" N., 76°26'20" W. of Empire Aero Services Airport, Skaneateles, N. Y.; within 2 miles each side of the Runway 10 centerline, extended from the 5-mile radius area to 6 miles east of the lift-off end of the runway and within 3.5 miles each side of the Syracuse VORTAC 215° radial extending from the 5-mile radius area to 13 miles southwest of the Syracuse VORTAC, excluding the portion that coincides with the Syracuse, N. Y., transition area.

Skwentna, Alaska
That airspace extending upward from 1,200 feet above the surface within 15 miles S and 23 miles N of the 100° and 280° bearings from the Skwentna RR, extending from 40 miles W to 13 miles E of the RR.

Slidell, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Slidell Airport (latitude 30°20'37" N., longitude 89°49'18" W.), and within 2.5 miles each side of the New Orleans VORTAC 043° radial extending from the 5-mile radius area to 23 miles northeast of the VORTAC.

Smithfield, R.I.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center. 41°55'21" N., 71°29'30" W. of North Central State Airport, Smithfield, R.I., and within 2 miles east and 5 miles west of the Providence, R.I., VOR 347° radial extending from the 5-mile radius to the VOR, excluding the portion that overlaps the Providence 700-foot transition area.

Soldotna, Alaska
That airspace extending upward from 700 feet within a 5-mile radius of the Soldotna Airport (latitude 60°28'25" N., longitude 151°02'20" W.); within 2 miles each side of the Kenai VOR 151° radial extending from the 5-mile radius area to the VOR excluding the portion within the Kenai control zone.

Somerset, Ky.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Somerset-Pulaski County Airport (lat. 37°03'24" N., long. 84°36'45" W.); within 3 miles each side of the 230° bearing from Somerset RBN (lat. 37°03'19" N., long. 84°36'58" W.), extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN.

AMENDMENTS 6/24/71 36 F. R. 7837 (Changed)
AMENDMENTS 10/14/71 36 F. R. 14635 (Rewritten)

South Bend, Ind.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of St. Joseph County Airport, South Bend, Ind. (latitude 41°42'15" N., longitude 86°18'50" W.) and within 5 miles south and 8 miles north of the South Bend ILS localizer east course, extending from St. Joseph County Airport to 12 miles east of the ILS outer marker and within 5 miles west and 8 miles east of the South Bend, Ind. VOR 360° radial, extending from the St. Joseph County Airport to 12 miles north of the VOR and within a 5-mile radius of Tyler Memorial Airport, Niles, Mich. (latitude 41°50'30" N., longitude 86°13'30" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the south by latitude 41°20'00" N., on the west by longitude 87°00'00" W., on the north by latitude 42°35'00" N., and on the east by a line extending from latitude 42°35'00" N., longitude 86°00'00" W., direct to latitude 42°07'30" N., longitude 86°00'00" W., along the east edge of V-277 to latitude 41°40'00" N., longitude 85°38'25" W., direct to latitude 41°40'00" N., longitude 85°30'00" W., direct to latitude 41°20'00" N., longitude 85°30'00" N., excluding the portion which overlies the State of Indiana.

South Boston, Va.
That airspace extending upward from 700 feet above the surface and within a 5-mile radius of the center, 36°42'35" N., 78°50'55" W. of William M. Tuck Airport, South Boston, Va.; and within 2 miles each side of the South Boston, Va., VOR 076° radial extending from the 5-mile radius area to the VOR. This transition area shall be in effect sunrise to sunset, daily.

Southbridge, Mass.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 42°06'05" N., 72°02'20" W. of Southbridge Municipal Airport, Southbridge, Mass.; within 3.5 miles each side of the Putnam, Conn., VORTAC 315° radial, extending from the 6.5-mile radius area to the VORTAC; within 2 miles each side of the Runway 2 centerline extended from the 6.5-mile radius area to 6.5 miles north of the end of the runway and within 2 miles each side of the Runway 20 centerline extended from the 6.5-mile radius area to 6.5 miles south of the end of the runway.

South Carolina
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of South Carolina including the offshore airspace within 3 nautical miles of and parallel to the shoreline of South Carolina, and including the airspace outside the United States southeast of Myrtle Beach, S. C., bounded by a line beginning at latitude 33°48'10" N., longitude 78°31'45" W.; to latitude 33°45'50" N., longitude 78°31'00" W.; to latitude 33°40'10" N., longitude 78°40'15" W.; thence clockwise along a 15-mile radius circle centered on the Conway TACAN to latitude 33°27'40" N., longitude 78°55'20" W.; to latitude 33°19'40" N., longitude 79°02'10" W.; to latitude 33°14'15" N., longitude 79°06'15" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and east of Charleston, S. C., bounded by a line beginning at latitude 33°04'55" N., longitude 79°13'10" W.; to latitude 32°58'30" N., longitude 79°18'00" W.; to latitude 32°50'40" N., longitude 79°23'15" W.; thence clockwise along the arc of a 38-mile radius circle centered on the Charleston VORTAC to latitude 32°38'40" N., longitude 79°27'25" W.; to latitude 32°44'00" N., longitude 79°45'10" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning; and southeast of Beaufort, S. C., bounded by a line beginning at latitude 32°15'00" N., longitude 80°30'00" W.; to latitude 32°00'00" N., longitude 80°33'00" W.; to latitude 32°03'25" N., longitude 80°46'30" W.; thence north along a line 3 nautical miles from and parallel to the shoreline to point of beginning, excluding the airspace within R-6004.

Southern Pines, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Pinehurst-Southern Pines Airport (latitude 35°14'02" N., longitude 79°23'36" W.); within 1.5 miles each side of Pinehurst VORTAC 082° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within R-5311.

AMENDMENTS 10/14/71 36 F. R. 19076 (Changed)

South Haven, Mich.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of South Haven Municipal Airport (lat. 42°21'15" N., long. 86°15'45" W.); and within 1.5 miles each side of the Pullman VORTAC 224° radial, extending from the 7-mile radius area to the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 15112 (Rewritten)

South Kauai, Hawaii
That airspace extending upward from 700 feet above the surface within 2 miles north and 4 miles south of the South Kauai, Hawaii, VORTAC 271° radial extending from the VORTAC to 8 miles west of the VORTAC; within 2 miles each side of the South Kauai, VORTAC 089° radial extending from the VORTAC to 6 miles east of the VORTAC and within 2 miles each side of the South Kauai, VORTAC 133° radial extending from the VORTAC to 6 miles southeast of the VORTAC.

Sparta, Ill.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sparta Community Airport (latitude 38°08'55" N., longitude 89°41'55" W.); and within 3 miles each side of the 009° bearing from Sparta Community Airport, extending from the 5-mile radius area to 8 miles north of the airport.

56-000 O - 72 (pt. 2 Sec. 2) - 7

V 37 N 20 JAN 29 72 XUM

Spartanburg, S. C.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Spartanburg Downtown Memorial Airport (latitude 34°54'55" N., longitude 81°57'32" W.); within 3 miles each side of Spartanburg VORTAC 016° and 196° radials, extending from 8.5 miles north of the VORTAC to 22 miles south of the VORTAC; within 3 miles each side of the 237° bearing from Fairmont RBN, extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN; excluding the portion within the Greenville, S. C., transition area.

Spencer, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Spencer, Iowa, Municipal Airport (latitude 43°09'45" N., longitude 95°11'30" W.), and within 2 miles each side of the 191° bearing from the Spencer Municipal Airport, extending from the 5-mile radius to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 191° bearing from the Spencer Municipal Airport, extending from the airport to 12 miles S of the airport, and within 5 miles each side of the 011° bearing from the Spencer Municipal Airport, extending from the airport to V-120.

Spirit Lake, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Spirit Lake Municipal Airport (latitude 43°23'05" N., longitude 95°08'10" W.); and within 3 miles each side of the 353° bearing from Spirit Lake Municipal Airport, extending from the 5½-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 353° bearing from Spirit Lake Municipal Airport, extending from the airport to 18½ miles north of the airport.

Spokane, Wash.
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.); within a 15-mile radius of Fairchild AFB, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.); within 5 miles northwest and 10 miles southeast of the Spokane 228° radial extending from the 15-mile radius area to 18.5 miles southwest of the VORTAC, and within 3 miles each side of the Spokane VORTAC 060° radial extending from the Felts Field 5-mile radius zone to 26 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 38-mile radius of Fairchild AFB, Spokane (latitude 47°36'55" N., longitude 117°39'20" W.), within a 52-mile radius of Fairchild AFB, extending clockwise from the Spokane VORTAC 024° radial to a line 5 miles S of and parallel to the Spokane VORTAC 094° radial, and clockwise from a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial to the Spokane VORTAC 300° radial; and that airspace S of Spokane extending from the 52-mile radius area bounded on the E by longitude 117°32'00" W., on the S by V-536, and on the W by by the E edge of V-112E; that airspace extending upward from 7,000 feet MSL within the area bounded by the arcs of 38- and 52-
mile radius circles centered on Fairchild AFB, extending clockwise from the Spokane VORTAC 300° to the 024° radials; and that airspace extending upward from 6,000 feet MSL within the area bounded by the arcs of 38- and 52-mile radius circles centered on Fairchild AFB, extending clockwise from a line 5 miles S of and parallel to the Spokane VORTAC 094° radial to a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial.

AMENDMENTS 2/4/71 35 F. R. 1819[illegible] (Changed)
AMENDMENTS 5/27/71 36 F. R. 528[illegible] (Changed)

Springfield, Ill
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Capital Airport (latitude 39°50'35" N., longitude 89°40'35" W.); and within the arc of a 23-mile radius circle centered on the Capital VORTAC, extending from a line 2 miles southeast of and parallel to the Capital VORTAC 213° radial clockwise to a line 2 miles northwest of and parallel to the Capital VORTAC 228° radial.

Springfield, Mo.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Springfield, Mo., Municipal Airport (latitude 37°14'35" N., longitude 93°23'20" W.); within 2 miles each side of the 324° bearing from the Springfield RBN, extending from the 7-mile radius area to 8 miles northwest of the RBN; within 5 miles west and 8 miles east of the Springfield ILS localizer south course, extending from 1 mile north to 12 miles south of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius area of the Springfield Municipal Airport; within 7 miles northwest and 10 mile southeast of the Springfield VORTAC 210° radial, extending from the 25-mile radius area to 44 miles southwest of the VORTAC; within 7 miles northwest and 10 miles southeast of the Springfield VORTAC 240° radial, extending from the 25-mile radius area to 37 miles southwest of the VORTAC; within 7 miles south and 10 miles north of the Springfield VORTAC 261° radial, extending from the 25-mile radius area to 51 miles west of the VORTAC; within a 26-mile radius area of the Springfield VORTAC, within 7 miles northeast and 10 miles southwest of the Springfield VORTAC 337° radial, extending from the 26-mile radius area to 40 miles northwest of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 028° radial, extending from the 26-mile radius area to 41 miles northeast of the VORTAC; within 7 miles southeast and 10 miles northwest of the Springfield VORTAC 058° radial, extending from the 26-mile radius area to 44 miles northeast of the VORTAC; and within 8 miles southeast and 11 miles northwest of the Dogwood, Mo., VORTAC 053° and 233° radials, extending from 7 miles northeast to 14 miles southwest of the VORTAC.

Springfield, Vt.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center (43°20'40" N., 72°31'15" W.) of Springfield State (Hartness) Airport, Springfield, Vt., within 5 miles northwest and 8
miles southeast of a 214° bearing from the Hartness RBN (43°16'12" N., 72°35'12" W.) extending from the RBN to 12 miles southwest of the RBN and within 2 miles each side of a 034° bearing from the Hartness RBN extending from the 6-mile radius area to the RBN.

Starkville, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of George M. Bryan Field (lat. 33°26'00" N., long. 88°50'45" W.); within 5 miles each side of Columbus VORTAC 260° radial extending from the 6.5-mile radius area to 32.5 miles west of the VORTAC; excluding the portion within Columbus, Miss., transition area.

AMENDMENTS 6/9/71 36 F. R. 11642 (Rewritten)

State College, Pa.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°51'05" N., 77°51'00" W., of University Park Airport, State College, Pa.; within a 5-mile radius of the center 40°48'15" N., 77°52'50" W., of State College Air Depot Airport, State College, Pa., and within 2 miles each side of the State College Air Depot Airport Runway 22 centerline extended from the State College Air Depot Airport 5-mile radius area to 10 miles southwest of the end of the runway, excluding that portion that coincides with the Philipsburg, Pa., transition area.

Statesboro, Ga.
That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles southeast of and parallel to Statesboro Municipal Airport (lat. 32°29'00" N., long. 81°44'20" W.) Runway 23 (southwest of the airport) centerline extended and the arc of a 5-mile radius circle centered on Statesboro Municipal Airport, thence southwest along this line to and clockwise along the arc of an 8.5-mile radius circle centered on Statesboro Municipal Airport, to and southwest along a line 2 miles southeast of and parallel to Runway 5 centerline extended, to and clockwise along the arc of a 5-mile radius circle centered on Statesboro Municipal Airport, to point of beginning; within 3 miles each side of the 326° bearing from Statesboro RBN (lat. 32°28'50" N., long. 81°44'22" W.), extending from the 8.5-mile radius area to 8.5 miles northwest of the RBN.

Statesville, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Statesville Municipal Airport (latitude 35°45'38" N., longitude 80°57'15" W.); within 2 miles each side of Hickory VOR 114° radial, extending from the 5-mile radius area to 3.5 miles southeast of the VOR; excluding the portion within the Hickory transition area.

Sterling, Ill.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Whiteside County Airport (latitude 41°44'35" N., longitude 89°40'30" W.); within 2 miles each side of the 074° bearing from Whiteside County Airport, extending from the 7 mile radius area to 14 miles east of the airport; and within 2 miles each side of the 232° bearing from Whiteside County Airport, extending from the 7-mile radius area to 8 miles southwest of the airport, excluding the portion which overlies the Dixon, Ill., transition area.

Stevens Point, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Stevens Point, Wis., Municipal Airport (latitude 44°32'38" N., longitude 89°31'50" W.); within 2 miles each side of the Stevens Point, Wis., VOR 024° radial extending from the 5-mile radius area to 11 miles NE of the VOR; within 2 miles each side of the Stevens Point VOR 111° radial extending from the 5-mile radius area to 8 miles E of the VOR; within 2 miles each side of the Stevens Point VOR 217° radial extending from the 5-mile radius area to 8 miles SW of the VOR; and within 2 miles each side of the Stevens Point VOR 306° radial extending from the 5-mile radius area to 8 miles NW of the VOR.

Stillwater, Okla.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Searcy Field, Stillwater, Okla., latitude 36°09'30" N., longitude 97°05'05" W.); and within 2 miles each side of the Stillwater VOR 005° radial, extending from the 6-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded on the W by the E boundary of V-77E; on the E by the SW boundary of V-74S; and on the S by latitude 36°26'00" N., excluding the portion within the Ponca City, Okla., transition area.

V 37-20 JAN 29 72 XUM

Stockton, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Stockton ILS localizer SE course, extending from the OM to 1 mile NW of the OM; within 2 miles each side of the Stockton VORTAC 140° radial, extending from the VORTAC to 8 miles SE of the VORTAC, and within a 12-mile radius of the Stockton VORTAC, extending from the arc of a 5-mile radius circle centered on the Stockton Municipal Airport (latitude 37° 53' 45" N., longitude 121° 14' 10" W.) clockwise from a line 2 miles SW of and parallel to the Stockton VORTAC 303° radial to a line 2 miles NE of and parallel to the Stockton VORTAC 334° radial; and that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 120° 04' 00" W., on the SE by a line extending from latitude 37° 52' 00" N., longitude 120° 04' 00" W., to latitude 37° 38' 00" N., longitude 121° 00' 00" W., on the S by latitude 37° 38' 00" N., on the W by longitude 121° 37' 00" W., and on the N by latitude 38° 07' 00" N. The airspace within R-2531 is excluded.

Storm Lake, Iowa
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Storm Lake Municipal Airport (latitude 42°36'00" N., longitude 95°14'31" W.); and within 3 miles each side of the 142° bearing from Storm Lake Municipal Airport, extending from the 5-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 142° and 322° bearings from Storm Lake Municipal Airport extending from 6 miles northwest to 18½ miles southeast of the airport.

AMENDMENTS 12/9/71 36 F. R. 19574 (Rewritten)

Sturgeon Bay, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Door County Cherryland Airport (latitude 44°50'30" N., longitude 87°25'10" W.); and within 3 miles each side of a 195° bearing from the Door County Cherryland Airport extending from the 5-mile radius area to 7½ miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 195° bearing from the Door County Cherryland Airport extending from the airport to 18½ miles south of the airport; and within 5 miles each side of the 015° bearing from the Door County Cherryland Airport extending from the airport to 12 miles north of the airport.

Sturgis, Mich.
That airspace extending upward from 700 feet above the surface within a 4-mile radius of Kirsch Airport, Sturgis, Mich., (latitude 41° 48' 50" N., longitude 85° 26' 10" W.), and within 8 miles NW and 5 miles SE of the 059° bearing from Kirsch Airport, extending from Kirsch Airport to 12 miles NE of the airport.

Stuttgart, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stuttgart Municipal Airport (latitude 34°36'15" N., longitude 91°34'30" W.), and within 3.5 miles each side of the 350° bearing from the Stuttgart RBN (latitude 34°39'52" N., longitude 91°35'30" W.) extending from the 6.5-mile radius area to 11.5 miles north of the RBN.

Sullivan, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Sullivan County Airport (latitude 39°07'00" N., longitude 87°26'55" W.); and within 3 miles each side of the 187° bearing from Sullivan County Airport, extending from the 5-mile radius area to 8 miles south of the airport.

Sulphur Springs, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Sulphur Springs Airport (latitude 33°09'30" N., longitude 95°37'15" W.), and within 2 miles each side of the Sulphur Springs VORTAC 240° radial extending from the 5-mile radius area to 18 miles southwest of the VORTAC.

Sumter, S. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Shaw AFB (lat. 33°58'15" N., long. 80°28'19" W.) within 5 miles each side of Shaw AFB TACAN 033° radial, extending from the 8.5-mile radius area to 12.5 miles northeast of the TACAN; within 3.5 miles each side of the ILS localizer southwest course, extending from the 8.5-mile radius area to 11.5 miles southwest of the OM; within a 10.5-mile radius of McEntire ANGB (lat. 33°55'26" N., long. 80°48'14" W.); within 5 miles each side of McEntire ANGB TACAN 138° radial, extending from the 10.5-mile radius area to 12.5 miles southeast of the TACAN; within a 5-mile radius of Sumter Municipal Airport (lat. 33°59'39" N., long. 80°21'45" W.); excluding the portion within Columbia transition area.

AMENDMENTS 4/27/71 36 F. R. 8363 (Changed)

Sunol, Calif.
That airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 121°31'00" W., on the SW by V-107 and on the NW by V-244S.

Sunrise, Hawaii
That airspace extending upward from 2,500 feet above the surface bounded on the north by V-12, on the east by the Honolulu Oceanic Control Area, and on the south by V-4; that airspace bounded on the north by V-4, on the east by the Honolulu Oceanic Control Area, on the south by V-8, and on the west by the arc of a 19-mile radius circle centered on the Molokai Airport (latitude 21°09'25" N., longitude 157°05'55" W.); and that airspace bounded on the north by V-8, on the east by the Honolulu Oceanic Control Area, on the south by a line 15 nmi south of and parallel to the Molokai VOR 067° radial, and on the west by the arc of a 30-mile radius circle centered on the Kahului Airport (latitude 20°54'00" N., longitude 156°26'00" W.).

Sussex, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°12'00" N., 74°37'25" W.) of Sussex Airport, Sussex, N. J.; within 2 miles each side of the Sparta, N. J. VOR 334° radial extending from the 5-mile radius area to the VOR; within 2 miles each side of the centerline of Runway 3 extended to 9 miles NE of the end of the runway; within 2 miles each side of the centerline of Runway 21 extended to 10 miles SW of the end of the runway; within 2 miles each side of the centerline of Runway 26 extended to 12 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 8 extended to 10 miles E of the end of the runway, excluding the portion within the Andover, N. J., 700-foot-floor transition area. This transition area shall be in effect from sunrise to sunset daily.

Swainsboro, Ga.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Emanuel County Airport (lat. 32°36'30" N., long. 82°22'15" W.); within 3 miles each side of Swainsboro TVOR (lat. 32°36'24" N., long. 82°22'10" W.) 315° radial extending from the 6.5-mile radius area to 8.5 miles northwest of the TVOR.

Swordfish, Hawaii
That airspace extending upward from 2,700 feet above the surface bounded on the north and northeast by V-14, on the east by the South Kauai, Hawaii, VORTAC 179° radial, on the south by a line 8 miles south of and parallel to the South Kauai VORTAC 269° radial, and on the west by a line 10.5 miles west of and parallel to the South Kauai VORTAC 179° radial; and that airspace extending upward from 5,000 feet above the surface bounded on the north and northeast by V-14, on the south by V-12 and the Honolulu Oceanic Control Area, and on the west by longitude 160°00'00" W.; that airspace bounded on the north by V-12 and the Honolulu transition area, on the northeast by V-14, on the south by V-4, and on the west by the Honolulu Oceanic Control Area; and that airspace bounded on the north by V-4, on the east by the Honolulu transition area, on the south by W-319, and on the southwest by the Honolulu Oceanic Control Area.

Syracuse, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 43° 06'50" N., 76°06'35" W. of Syracuse Hancock International Airport, Syracuse, N. Y.; within 9.5 miles north and 4.5 miles south of the Syracuse Hancock International Airport Runway 28 ILS localizer course, extending from the OM to 18.5 miles east of the OM; and within 9.5 miles north and 4.5 miles south of the Syracuse Hancock International Airport Runway 10
ILS localizer back course, extending from the localizer to 26 miles west of the localizer.

AMENDMENTS 6/17/71 36 F. R. 11641 (Changed)

Talkeetna, Alaska
That airspace extending upward from 1,200 feet above the surface within 23 miles W and 15 miles E of the 022° and 202° bearings from the Talkeetna RBN, extending from 40 miles N to 15 miles S of the RBN, excluding the airspace within Federal airways.

Tallahassee, Fla.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Tallahassee Municipal Airport (lat. 30°23'59" N., long. 84°21'22" W.); within a 6.5-mile radius of the Tallahassee Commercial Airport (lat. 30°33'02" N., long. 84°22'31" W.); within 3 miles each side of the ILS localizer south course, extending from the 10-mile radius area to 9 miles south of the OM.

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)

Tampa, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Tampa International Airport (lat. 27°58'29" N., long. 82°31'38" W.); within an 8.5-mile radius of St. Petersburg Clearwater International Airport (lat. 27°54'33" N., long. 82°41'19" W.); within 3 miles each side of St. Petersburg VORTAC 343° radial, extending from the 8.5-mile radius area to 8 miles north of the VORTAC; within an 8.5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 3 miles each side of MacDill AFB ILS localizer northeast course, extending from the 8.5-mile radius area to 8.5 miles northeast of the OM; within a 7-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); within a 5-mile radius of Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.).

AMENDMENTS 9/16/71 36 F. R. 12896 (Rewritten)

V 37-20 JAN 29 72 XUM

Tanana, Alaska
That airspace extending upward from 700 feet above the surface within 9.5 miles south and 4.5 miles north of the Bear Creek radio beacon 251° bearing extending to 18.5 miles west of the RBN.

Tangier, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Tangier Island Airport, lat. 37°49'30" N., long. 75°59'55" W.; within 3 miles each side of the Cape Charles, Va., VORTAC 360° radial extending from the 5-mile radius area to 26 miles north of the VORTAC.

AMENDMENTS 5/27/71 36 F. R. 8209 (Added)

Taos, N. Mex.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Taos Municipal Airport (lat. 36°27'33" N., long. 105°40'31" W.); within 3 miles each side of a 215° bearing from the Taos NDB (lat. 36°27'40" N., long. 105°40'10" W.) extending from the 6.5-mile radius area to 8.5 miles southwest of the NDB; and that airspace extending upward from 1,200 feet above the surface beginning at lat. 36°07'00" N., long. 105°50'00" W.,thence via a 25-mile arc centered on the Taos Municipal Airport coordinates (lat. 36°27'33" N., long. 105°40'31" W.) clockwise to lat. 36°48'00" N., long. 105°49'15" W., thence direct to lat. 36°30'00" N., long. 105°30'00" W., thence direct to point of beginning.

AMENDMENTS 4/1/71 36 F. R. 1886 (Added)

Taunton, Mass.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 41°52'35" N., 71°01'00" W., of Taunton Municipal Airport, Taunton, Mass.; within 2 miles each side of the Whitman, Mass., VORTAC 187° radial, extending from the 6-mile radius area to the Whitman VORTAC and within 2 miles each side of the 118° bearing from the Taunton, Mass., RBN, 41°52'35" N., 71°01'03" W., extending from the 6-mile radius area to 8 miles southeast of the Taunton RBN.

Tecumseh, Mich.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Tecumseh, Mich. Airport (latitude 42°01'30" N., longitude 83°56'20" W.).

Tennessee
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Tennessee.

Terre Haute, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hulman Field (latitude 39°27'00" N., longitude 87°18'40" W.); within 5 miles southeast and 9 miles northwest of the Terre Haute VORTAC 051° radial, extending from the VORTAC to 13 miles northeast of the VORTAC; and within 7 miles southeast and 8 miles northwest of the Terre Haute VORTAC 230° radial, extending from the VORTAC to 23 miles southwest of the VORTAC.

Texarkana, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Municipal-Webb Field (lat. 33°27'20" N., long. 93°59'15" W.), within 2 miles each side of the Texarkana ILS localizer northeast course extending from the 5-mile radius area to the OM, and within 2 miles each side of the Texarkana VORTAC 129° radial extending from the 5-mile radius area to the VORTAC.

Texas
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Texas including the airspace within 3 nautical miles of and parallel to the shoreline of Texas, that airspace south of Beaumont, Tex., bounded on the north by a line 3 nautical miles from and parallel to the shoreline, on the east by the Louisiana/Texas State line and on the south by the arc of a 25-mile radius circle centered at latitude 29°54'40" N., longitude 94°02'40" W., that airspace east of Corpus Christi, Tex., bounded by a line 3 nautical miles from and parallel to the shoreline and a line beginning at a point 3 nautical miles from the shoreline at latitude 27°49'00" N., thence to latitude 27°45'30" N., longitude 96°51'00" W., to latitude 27°28'20" N., longitude 96°45'30" W., to latitude 27°14'30" N., longitude 96°55'30" W., to latitude 27°23'00" N., longitude 97°06'00" W., to a point 3 nautical miles from the shoreline at latitude 27°11'20" N., excluding that airspace in the vicinity of Matagorda Island south and east of a line beginning at a point 3 nautical miles from the shoreline at latitude 28°22'00" N., thence to latitude 28°22'00" N., longitude 96°30'00" W., to latitude 28°14'00" N., longitude 96°46'00" W., thence along longitude 96°46'00" W., to a point 3 nautical miles from the shoreline, and excluding that airspace bounded by a line beginning at the United States/Mexican Border, thence counterclockwise along the arc of a 95-mile radius circle centered at latitude 31°48'35" N., longitude 106°22'55" W., to and along the south boundary of V-198 to longitude 103°16'00" W., thence to latitude 30°37'00" N., longitude 102°40'00" W., thence to the south boundary of V-198 at longitude 102°30'00" W., thence along the south boundary of V-198 to and along longitude 101°00'00" W., to and counterclockwise along the arc of a 60-mile radius circle centered at latitude 29°21'35" N., longitude 100°46'35" W., to and along the United States/Mexican Border to the point of beginning.

The Dalles, Oreg.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of The Dalles Municipal Airport (latitude 45°37'05" N., longitude 121°10'05" W.), that airspace south of The Dalles, extending from a line 2 miles east of and parallel to The Dalles VORTAC 186° radial clockwise to the 222° radial, extending from the 5-mile radius area to an ARC of an 11.5-mile radius circle centered on The Dallas Municipal Airport; that airspace extending upward from 1,200 feet above the surface within 8 miles N and 6 miles S of The Dalles VORTAC 281° and 101° radials, extending from 7 miles W to 14 miles E of the VORTAC; within 5 miles N of The Dalles VORTAC 101° radial, extending from 14 miles E to 23 miles E of the VORTAC, and that airspace within a 23-mile radius of The Dalles VORTAC, extending clockwise from the 101° radial to the 272° radial, excluding the airspace within the Portland, Oreg., transition area.

Thief River Falls, Minn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 138° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles SE of the airport, and within 5 miles NE and 8 miles SW of the 305° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles NW of the airport.

Tiffin, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 41° 05'38" N., long. 83°12'45" W. of Seneca County Airport, Tiffin, Ohio.

AMENDMENTS 10/14/71 36 F. R. 14634 (Added)
PENDING AMENDMENT
Tiffin, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Seneca County Airport (latitude 41°05'38" N., longitude 83°12'45" W.); within 3 miles each side of the 053° bearing from the Seneca County Airport extending from the 7-mile radius area to 8.5 miles northeast of the airport.
AMENDMENTS 2/3/72 36 F. R. 23201 (Rewritten)

Tifton, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Henry Tift Myers Airport (lat. 31°25'36" N., long. 83°29'06" W.).

AMENDMENTS 8/19/71 36 F. R. 11188 (Rewritten)

Titusville, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of TI-CO Airport (latitude 28°30'42" N., longitude 80°48'00" W.); excluding the portion within R-2902A and R-2902B.

Titusville, Pa.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center lat. 41° 36'45" N., long. 79°44'45" W. of Titusville Airport, excluding the portion that coincides with the Franklin, Pa., transition area.

Tobe, Colo.
That airspace north of Tobe, Colo., VORTAC, extending upward from 8,500 feet MSL, bounded on the north by V-210, on the southeast by V-263, and on the west by V-19E, excluding the airspace within Federal airways.

Toccoa, Ga.
That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of Toccoa Airport (latitude 34°35'40" N., longitude 83°17'40" W.).

Toledo, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of the Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.; within 2 miles each side of the Waterville VOR 318° radial extending from the 7-mile radius area to the VOR; within 5 miles N and 8 miles S of the airport ILS localizer SW course extending SW from the OM for 12 miles; within 2 miles N and 3 miles S of the airport ILS localizer NE course extending NE from the 7-mile radius area for 9 miles from the localizer.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°44'00" N., 84°28'00" W. to 41°41'00" N., 84°16'00" W. to 41°45'05" N., 84°11'45" W. to 41°45'30" N., 83°19'45" W. to 41°50'39" N., 83°08'47" W. to 41°35'41" N., 82°54'24" W. to 41°30'00" N., 82°52'00" W. then counterclockwise along an arc with a radius of 12 miles from Griffin-Sandusky Airport (41°26'00" N., 82°39'00" W.) to 41°18'30" N., 82°49'30" W. to 41°14'00" N., 82°57'00" W., 41°11'00" N., 83°19'00" W. to 41°18'00" N., 84°07'00" W. to 41°00'00" N., 84°02'15" W. to 41°00'00" N., 84°40'00" W. to 41°21'00" N., 84°40'00" W. to 41°32'00" N., 84°31'00" W. to point of beginning.

V 37-20 JAN 29 72 XUM

Tonopah, Nev.
That airspace extending upward from 700 feet above the surface within 2 miles W and 3 miles E of the Tonopah VORTAC 198° radial, extending from the VORTAC to 5 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 9 miles N and 8 miles S of the Tonopah VORTAC 083° and 263° radials, extending from 17 miles E to 8 miles W of the VORTAC.

PENDING AMENDMENT
Tonopah, Nev.
That airspace extending upward from 1,200 feet above the surface within 14 miles north and 5 miles south of the 083° and 263° radials of the Tonopah VORTAC extending from 12 miles west to 25.5 miles east of the VORTAC, and within 10 miles south of and parallel to the Tonopah VORTAC 089° radial, extending from the VORTAC to 21.5 miles east of the VORTAC.

AMENDMENTS 2/3/72 36 F. R. 22009 (Rewritten)

Topeka, Kans.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Philip Billard Airport, Topeka, Kans. (latitude 39°04'09" N., longitude 95°37'18" W.), within 2 miles each side of the Topeka VORTAC 039° radial extending from the 7-mile radius area to 8 miles NE of the VORTAC, within 5 miles SW and 8 miles NE of the Philip Billard Airport ILS localizer NW course, extending from 3 miles SE to 12 miles NW of the OM, within a 7-mile radius of Forbes AFB, Topeka, Kans. (latitude 38°57'10" N., longitude 95°39'50" W.), and within 2 miles each side of the Forbes AFB TACAN 321° radial extending from the 7-mile radius area to 9 miles NW of the TACAN; that airspace extending upward from 1,200 feet above the surface bounded by the Emporia, Kans., VORTAC 346° radial beginning at latitude 39°26'50" N., longitude 96°30'50" W., S to the NW edge of V-10, thence NE to latitude 39°00'00" N., longitude 95°09'00" W., thence N along longitude 95°09'00" W. to the S edge of V-71, thence NW to latitude 39°49'00" N., longitude 95°34'00" W., thence direct to point of beginning excluding the portion within the Emporia, Kans., transition area.

Tracy, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Tracy Municipal Airport (latitude 37°41'15" N., longitude 121°26'25" W.), and within 2.5 miles each side of the Stockton VORTAC 237° radial, extending from the 3-mile radius area to 10.5 miles southwest of the VORTAC.

AMENDMENTS 2/4/71 35 F. R. 1917[illegible] (Added) Corr: 36 F. R. 773

Traverse City, Mich.
That airspace extending upward from 700 feet above the surface within a 10½-mile radius of Cherry Capital Airport (latitude 44°44'35" N., longitude 85°34'55" W.); within 4½ miles west and 9½ miles east of the Traverse City VORTAC 158° radial, extending from the 10½-mile radius area to 18½ miles south of the VORTAC; and within 5 miles each side of the Traverse City VORTAC 344° radial, extending from the 10½-mile radius area to 20 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19½-mile radius of the Traverse City VORTAC, extending from the Traverse City VORTAC 060° radial clockwise to the Traverse City VORTAC 129° radial; within a 25-mile radius of the Traverse City VORTAC, extending from the Traverse City VORTAC 268° radial clockwise to the Traverse City VORTAC 060° radial; and within 4½ miles north and 9½ miles south of the Traverse City ILS localizer east course, extending from the 19½-mile radius area to 18½ miles east of the OM.

AMENDMENTS 3/4/71 35 F. R. 19983 (Rewritten)
AMENDMENTS 4/16/71 36 F. R. 7844 (Changed)

Trenton, Mo.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Trenton, Mo. Municipal Airport (latitude 40°05'00" N., longitude 93°35'25" W.) and within 2 miles each side of the 172° bearing from Trenton Municipal Airport, extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° bearing from Trenton Municipal Airport, extending from the airport to 12 miles south of the airport.

Trenton, Tenn.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Gibson County Airport (latitude 35°56'02" N., longitude 88°50'54" W.); excluding the portion within the Humboldt, Tenn., transition area.

AMENDMENTS 1/28/71 36 F. R. 903 (Added)

Tri-City, Tenn.
That airspace extending upward from 700 feet above the surface beginning at the intersection of the arc of a 21.5-mile radius circle centered on Tri-City Airport (latitude 36°28'30" N., longitude 82°24'20" W.) and a line 5 miles northwest of and parallel to Blackford VOR 216° radial (northeast of Tri-City Airport); thence northeast along this line to and clockwise along the arc of a 30-mile radius circle centered on Tri-City Airport to the northwest boundary of V-16S; thence northeast along the northwest boundary of V-16S to and clockwise along the arc of a 21.5-mile radius circle to point of beginning; including the airspace within 2 miles each side of Virginia Highlands Airport Runway 6 extended centerline, extending from the arc of a 30-mile radius circle centered on Tri-City Airport to 7.5 miles northeast of Virginia Highlands Airport.

Trinidad, Colo.
That airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 172° and 352° bearings from the Trinidad, Colo. RBN, extending from 7 miles south to 13 miles north of the RBN.

Troy, Ala.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Troy Municipal Airport (latitude 31°51'40" N., longitude 86°00'45" W.); within 3 miles each side of the ILS localizer west course, extending from the 9-mile radius area to 8.5 miles west of the OM.

Truth or Consequences, N. Mex.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Truth or Consequences Municipal Airport (latitude 33°14'10" N., longitude 107°16'15" W.), and within 3.5 miles either side of the Truth or Consequences, N. Mex., VORTAC 013° radial, extending from the 8-mile radius area to 11 miles north of the VORTAC.

AMENDMENTS 12/9/71 36 F. R. 19905 (Rewritten)

Tucson, Ariz.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of Tucson International Airport (latitude 32°07'05" N., longitude 110°56'32" W.); within 3 miles NE and 13 miles SW of the Tucson VORTAC 138° radial, extending from the 10-mile radius area to 9 miles SE of the VORTAC, and within 9 miles SW and 1 mile NE of the Tucson VORTAC 318° radial, extending from the 10-mile radius area to 22 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 32°33'00" N., longitude 111°45'00" W.; to latitude 32°33'00" N., longitude 110°52'00" W.; thence N via longitude 110°52'00" W. to the S boundary of V-94; thence SE via the S boundary of V-94 to longitude 110°00'00" W.; thence S to latitude 31°39'00" N., longitude 110°00'00" W.; to latitude 31°39'00" N., longitude 111°00'00" W.; to latitude 32°00'00" N., longitude 111°45'00" W.; to point of beginning, excluding the portion within R-2303.

PENDING AMENDMENT
The description of Tucson, Ariz., transition area is amended in part by deleting "excluding the portion within R-2303." at the end of the text.

AMENDMENTS 2/3/72 36 F. R. 22010 (Changed)

Tucumcari, N. Mex.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.).

PENDING AMENDMENT
Tucumcari, N. Mex.
That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Tucumcari Municipal Airport (latitude 35°10'50" N., longitude 103°36'15" W.).

AMENDMENTS 3/3/72 36 F. R. 24114 (Rewritten)

Tullahoma, Tenn.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Arnold Air Force Station (latitude 35°23'33" N., longitude 86°05'10" W.); within 3 miles each side of the Arnold VOR 216° radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VOR; within a 7-mile radius of William Northern Field (lat. 35°23'00" N., long. 86°14'30" W.); within 3 miles each side of Shelbyville VOR 136° radial, extending from the 7-mile radius area to 8.5 miles southeast of Arnold VOR 226° radial; excluding the portion within Shelbyville transition area.

AMENDMENTS 8/19/71 36 F. R. 11642 (Changed)
AMENDMENTS 1/6/72 36 F. R. 24799 (Changed)

Tulsa, Okla.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa International Airport (lat. 36°12'00" N., long. 95°53'15" W.), within a 5-mile radius of Riverside Airport (lat. 36°02'19" N., long. 95°59'00" W.), within 8 miles west and 5 miles east of the Tulsa ILS localizer north course extending from the OM to 12 miles north, within 8 miles north and 5 miles south of the Tulsa VORTAC 088° radial extending from the 9-mile radius area to 33 miles east of the VORTAC, and within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 5-mile radius area to 23 miles southwest of the VORTAC.

Tupelo, Miss.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the C. D. Lemons Municipal Airport (latitude 34°15'30" N., longitude 88°45'55" W.); within 3 miles each side of the Tupelo VOR 214° radial, extending from the 5-mile radius area to 8.5 miles southwest of the VOR.

V 37-20-L JAN 29 72 XUM

Tuscaloosa, Ala.
That airspace extending upward from 700 feet above the surface within an 11-mile radius of Van De Graaff Airport (lat. 33°13'16" N., long. 87°36'39" W.); within 2.5 miles each side of Tuscaloosa VORTAC 052° radial, extending from the 11-mile radius area to 6.5 miles northeast of the VORTAC.
AMENDMENTS 11/11/71 36 F. R. 18575 (Changed)
AMENDMENTS 11/12/71 36 F. R. 19571 (Rewritten)

Twentynine Palms, Calif.
That airspace extending upward from 700 feet above the surface within a 3-mile radius of Thermal Airport (latitude 33°37'40" N., longitude 116°09'45" W.), within 2 miles each side of the Thermal VORTAC 140° radial extending from the 3-mile radius area to 8 miles southeast of the VORTAC, within 2 miles each side of the Thermal VORTAC 122° radial, extending from the 3-mile radius area to 5 miles southeast of the VORTAC, and that airspace within 3 miles each side of the Thermal VORTAC 324° radial, extending from the 3-mile radius area to 16 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°17'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 115°25'00" W., to latitude 33°28'00" N., longitude 116°18'00" W., to latitude 34°17'00" N., longitude 116°18'00" W., thence to point of beginning, excluding the portions within R-2501 and R-2507, and within 3 miles northeast and 9.5 miles southwest of the Thermal VORTAC 141° radial, extending from the southeast edge of V460 to a line 5 miles southeast of and parallel to the Julian VOR 055° radial.

Twin Falls, Idaho
That airspace extending upward from 700 feet above the surface within 9.5 miles north and 5 miles south of the Twin Falls VORTAC 086° and 281° radials, extending from the VORTAC to 18.5 miles east and 18.5 miles west of the VORTAC, and within 5 miles each side of the Twin Falls 156° radial, extending from the VORTAC to 9.5 miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 14-mile
radius of the Twin Falls VOR, extending clockwise from the VOR 038° radial to the VOR 311° radial; including that airspace northeast of Twin Falls bounded on the north vy V-500, on the east by longitude 114°01'00" W., on the south by V-269 and on the southwest by V-293, and that airspace northwest of Twin Falls bounded on the north by V-330, on the northeast by V-293 and on the southwest by V-4; and within 9 miles southwest and 6 miles northeast of the Twin Falls VOR 311° radial, extending from the VOR to 39 miles northwest of the VOR.

AMENDMENTS 4/1/71 36 F. R. 1250 (Changed)

Tyler, Tex.
That airspace extending upward from 700 feet above the surface bounded by a line extending from latitude 32°05'30" N., longitude 95°17'00" W., to latitude 32°27'00" N., longitude 95°42'30" W., to latitude 32°35'30" N., longitude 95°32'30" W., to latitude 32°13'30" N., longitude 95°07'00" W., to point of beginning.

Ukiah, Calif.
That airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Ukiah, Calif., VORTAC bounded on the E by the W edge of V-25, that airspace S of Ukiah bounded on the E by the W edge of V-25, on the S by latitude 38°43'30" N., on the W by longitude 123°23'15" W., and that airspace between the 20- and 24-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 7,500 feet MSL between the 24- and 45-mile arcs of the Red Bluff, Calif., VORTAC bounded on the NW by the NW edge of V-199 and on the SE by the SE edge of V-25; that airspace extending upward from 8,500 MSL bounded on the NE by a 45-mile arc of the Red Bluff, VORTAC, on the SE by the SE edge of V-25, on the S and SW by the N edge of V-200 and a 20-mile arc of the Ukiah VORTAC, and on the NW by the NW edge of V-199; that airspace extending upward from 9,500 feet MSL bounded on the SE by the NW edge of V-199, on the W by the E edge of V-27, and on the N by a line 9 miles S of and parallel to the Red Bluff VORTAC 291° and Fortuna VORTAC 110° radials.

Unalakleet, Alaska
That airspace extending upward from 700 feet above the surface within 5 miles north and 8 miles south of the Unalakleet RR northwest course, extending from the RR to 17 miles northwest of the RR; and within 8 miles northwest and 5 miles southeast of the Unalakleet VOR 225° radial, extending from the VOR to 17 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 7 miles northeast and 8 miles southwest of the RR southeast and northwest courses, extending from 7 miles southeast to 23 miles northwest of the RR.

Union City, Tenn.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Everett-Stewart Airport (latitude 36°22'50" N., longitude 88°59'15" W.); within 3 miles each side of Dyersburg VORTAC 037° radial, extending from the 5.5-mile radius area to 25.5 miles northeast of the VORTAC; within 3 miles each side of the 186° and 347° bearings from Union City RBN (latitude 36°23'06" N., longitude 88°58'50" W.), extending from the 5.5-mile radius area to 8.5 miles north and south of the RBN.
AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)

Upolu Point, Hawaii
That airspace extending upward from 1,200 feet above the surface bounded on the north by V-15, on the east by V-6, on the south by V-2, and on the west by V-11; that airspace bounded on the northeast by V-16, on the southeast by V-11, and on the southwest by V-5; and that airspace bounded on the north by a line 4 nmi north of and parallel to the Lanai VOR 110° radial, on the east by V-11, and the south by V-2.

Utica, N. Y.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 43°14'10" N., 75°24'25" W. of Griffiss AFB, Rome, N. Y., and within 2 miles each side of the Griffiss-TACAN 306° radial extending from the 10-mile radius to 14 miles NW of the TACAN.

Within a 12-mile radius of the center, 43°08'45" N., 75°22'55" W. of Oneida County Airport, Utica, N. Y., and within 3.5 miles each side of the 137° bearing from the Clay RBN, extending from the 12-mile radius area to 11.5 miles southeast of the RBN.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at 43°24'00" N., 76°53'00" W. to 42°57'00" N., 76°57'00" W. to 42°40'00" N., 77°23'45" W. to 42°41'30" N., 76°23'00" W. to 42°40'00" N., 75°30'00" W. to 43°00'00" N., 74°30'00" W. to 43°19'00" N., 74°30'00" W., to 43°16'00" N., 74°37'00" W., thence counterclockwise along an arc with a radius of 40 SM from the center of Griffiss AFB to 43°44'00" N., 75°49'15" W. to 43°32'00" N., 76°23'00" W. to 43°24'00" N., 76°40'00" W to point of beginning.

AMENDMENTS 7/22/71 36 F. R. 10946 (Changed)
AMENDMENTS 10/14/71 36 F. R. 12897 (Changed)

Uvalde, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Garner Field (latitude 29°12'54" N., longitude 99°44'30" W.) and within 2 miles each side of the 171° bearing from the Uvalde RBN (latitude 29°13'06" N., longitude 99°44'29" W.) extending from the 5-mile radius area to 8 miles south of the RBN.

Valdosta, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'34" W.); within an 8.5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 3 miles each side of Moody VOR 007° radial and ILS localizer north course, extending from the 8.5-mile radius area to 8.5 miles north of the VOR; within 3 miles each side of Moody VOR 242° radial, extending from the 8.5-mile radius area to 14 miles southwest of the VOR; within 3 miles each side of Moody VOR 295° radial, extending from the 8.5-mile radius area to 17 miles northwest of the VOR.

AMENDMENTS 2/4/71 35 F. R. 18191 (Rewritten)
AMENDMENTS 9/16/71 36 F. R. 13371 (Rewritten)

Valentine, Nebr.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Miller Field Airport (latitude 42°51'25" N., longitude 100°32'50" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 145° bearing from the Miller Field Airport extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 325° bearing from the Miller Field Airport extending from the airport to 12 miles northwest of the airport; excluding the portion which overlies the Ainsworth, Nebr., 1,200-foot floor transition area.

Valparaiso, Ind.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Porter County Airport (latitude 41°27'10" N., longitude 87°00'20" W.).

Vandenberg AFB, Calif.
That airspace extending upward from 700 feet above the surface within 2 miles each side of the Vandenberg AFB ILS localizer southeast course, extending from 2.5 miles northwest to 1 mile southeast of the OM.

Vernal, Utah
That airspace extending upward from 700 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Vernal VOR 157° and 337° radials, extending from 10 miles northwest to 18.5 miles southeast of the VOR.

Vernon, Ala.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lamar County Airport (lat. 33°50'30" N., long. 88°07'10" W.); within 2.5 miles each side of Hamilton VORTAC 195° radial, extending from the 6.5-mile radius area to 17 miles south of the VORTAC, excluding the portion within Columbus, Miss., transition area.

AMENDMENTS 7/22/71 36 F. R. 8862 (Added)

Vernon, Tex.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Wilbarger County Airport (latitude 34°14'00" N., longitude 99°17'30" W.), and within 2 miles each side of the Altus VOR 182° radial extending from the 6-mile radius area to 7 miles north of the airport.

V 37-20 JAN 29 72 XUM

Vero Beach, Fla.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vero Beach Municipal Airport (lat. 27°39'05" N., long. 80°24'51" W.); within 5 miles each side of Vero Beach VORTAC 291° radial, extending from the 8.5-mile radius area to 8.5 miles west of the VORTAC; within a 6.5-mile radius of St. Lucie County Airport, Fort Pierce, Fla. (lat. 27°29'38" N., long. 80°22'02" W.); excluding the portion outside the continental limits of the United States.

AMENDMENTS 3/4/71 36 F. R. 319 (Rewritten)

Vichy, Mo.
That airspace extending upward from 700 feet above the surface within a 8½-mile radius of Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the Vichy, Mo., VORTAC 067° radial, extending from the 6½-mile radius area to 8 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the Vichy VORTAC 067° and 247° radials, extending from 4 miles southwest to 18½ miles northeast of the VORTAC; within 8 miles southeast and 6½ miles northwest of the Vichy VORTAC 059° and 239° radials, extending from 7 miles northeast to 24 miles southwest of the VORTAC; and within the arc of a 22½-mile radius circle centered on the Vichy VORTAC, extending from the Vichy VORTAC 239° radial clockwise to the Vichy VORTAC 321° radial; and that airspace extending upward from 3,000 feet MSL south of Vichy bounded on the northeast by V-175, on the southeast by V-238, on the south by V-132, and on the northwest by 5 miles southeast of a direct radial from Vichy VORTAC to Forney AAF RBN.

AMENDMENTS 9/16/71 36 F. R. 13374 (Rewritten) Corr: 36 F. R. 14463

Vicksburg, Miss.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Vicksburg Municipal Airport (latitude 32°14'20" N., longitude 90°55'40" W.).

Victoria, Tex.
That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the Victoria VOR 313° radial, extending from the VOR to 12 miles NW of the VOR; within 8 miles SW and 5 miles NE of the 324° bearing from latitude 28° 51' 30" N., longitude 96° 55' 00" W., extending from latitude 28° 51' 30" N., longitude 96°55'00" W., to 12 miles NW.

Victorville, Calif.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of George AFB, Victorville, Calif. (latitude 34°35'45" N., longitude 117°22'55" W.).

AMENDMENTS 9/16/71 36 F. R. 13374 (Rewritten)

Vidalia, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vidalia Municipal Airport (lat. 32°11'45" N., long. 82°22'15" W.).

AMENDMENTS 7/22/71 36 F. R. 9066 (Rewritten)

Vincennes, Ind.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceville-Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36'30" W.); within a 5½-mile radius of O'Neal Airport (latitude 38°41'30" N., longitude 87°33'10" W.); within 3 miles each side of the 355° bearing from Lawrenceville-Vincennes Municipal Airport, extending from the 7-mile radius area to 8 miles north of the airport and within 3 miles each side of the 258° bearing from O'Neal Airport, extending from the 7-mile and 5½-mile radii to 8 miles west of the airport.

Virginia
That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Virginia including the offshore airspace within 3 nautical miles of and parallel to the shoreline of Virginia and that airspace extending upward from 2,000 feet MSL to FL-600 bounded on the east by longitude 75°30'00" W., on the south by latitude 36°33'30" N, and on the west and north by a line 3 nautical miles from and parallel to the shoreline, excluding that airspace within Control 1149, W-50, R-6602 and R-6606.

Visalia, Calif.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Visalia Municipal Airport (latitude 36°19'10" N., longitude 119°23'35" W.), and within 2 miles each side of the Visalia VOR 123° and 303° radials, extending from the 5-mile radius area to 8 miles NW of the VOR.

Vivian, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Vivian Municipal Airport (latitude 32°51'55" N., longitude 94°00'30" W.), and within 2 miles each side of the Shreveport VORTAC 299° radial extending from the 5-mile radius area to 5.5 miles northwest of the VORTAC.

Wabash, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wabash Municipal Airport (latitude 40°45'50" N., longitude 85°48'05" W.); within 5 miles each side of the 105° bearing from Wabash Municipal Airport extending from the 5-mile radius area to 12 miles east of the airport; and within 2 miles each side of the 040° radial of the Kokomo, Ind., VORTAC, extending from the 5-mile radius area to 15 miles northeast of the Kokomo, Ind., VORTAC; excluding the portion which overlies the Kokomo, Ind., 700-foot floor transition area.

Waco, Tex.
That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 32°08'00" N., longitude 96°54'00" W.; to latitude 32°02'00" N., longitude 96°50'40" W.; to latitude 31°49'00" N., longitude 97°00'00" W.; to latitude 31°39'30" N., longitude 96°43'50" W., to latitude 31° 17'00" N., longitude 96°47'00" W., to latitude 31°17'00" N., longitude 97°13'00" W.; to latitude 30°56'30" N., longitude 97°25'30" W.; to latitude 30°58'30" N., longitude 97°35'40" W.; to latitude 31°11'00" N., longitude 97°31'00" W.; to latitude 31°27'00" N., longitude 97°34' 00" W., to latitude 31°46'30" N., longitude 97°41'50" W., to latitude 31°59'00" N., longitude 97°24'00" W.; to point of beginning.

AMENDMENTS 4/29/71 36 F. R. 3518 (Changed)

Waimea-Kohala, Hawaii
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Waimea--Kohala Airport
(latitude 20°00'17" N., longitude 155°40'16" W.); within an area 2 miles on the northwest side and 3 miles on the southeast side of the Kamuela VOR 063° radial, extending from the 5-mile radius area to 11.5 miles northeast of the Kamuela VOR; and that airspace extending upward from 1,200 feet above the surface bound on the north by V-16, on the west by V-11 and on the southeast by V-3 and the Waimea-Kohala control zone.

Wakefield, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, lat. 36°59'14" N., long. 77°00'06" W. of Wakefield Municipal Airport, Wakefield, Va., and within 3.5 miles each side of the 024° bearing, from the Wakefield RBN lat. 36°58'59" N., long. 77°00'05" W., extending from the 5-mile radius area to 11.5 miles northeast of the RBN.

AMENDMENTS 4/29/71 36 F. R. 4691 (Added)

Wake Island
That airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Wake Island VORTAC.

Wallace, N. C.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Henderson Field (latitude 34°43'05" N., longitude 78°01'20" W.); within 3 miles each side of Wilmington VORTAC 344° radial, extending from the 5-mile radius area to 22 miles northwest of the VORTAC.

Walla Walla, Wash.
That airspace extending upward from 700 feet above the surface within 5 miles southeast and 9.5 miles northwest of the Walla Walla VOR 215° radial, extending from the VOR to 18.5 miles southwest of the VOR; that airspace extending upward from
1,200 feet above the surface within 5 miles SE and 13 miles NW of the Walla Walla VOR 023° and 203° radials, extending from 14 miles SW to 28 miles NE of the VOR, within 5 miles each side of the Walla Walla TACAN 041° radial extending from the TACAN to 23 miles NE of the TACAN, within 5 miles SE and 9 miles NW of the Pendleton, Oreg., VORTAC 025° radial, extending from 33 miles NE to 61 miles NE of the VORTAC, and that airspace bounded by an arc of a 19-mile radius circle centered on the Walla Walla VOR (latitude 46°06'13" N., longitude 118°17' 29" W.), from 5 miles SE of the Walla Walla 040° radial, to 4 miles SE of the Pendleton VORTAC 025° radial, within 5 miles east and 10 miles west of the Walla Walla 165° radial, extending from the 19-mile radius area to the northeast edge of V-298 and within 5 miles each side of the Walla Walla 329° radial extending from the northwest edge of V-112 to the southeast edge of V-112W, excluding the portion within the Pendleton, Oreg., transition area.

AMENDMENTS 6/24/71 36 F. R. 8031 (Changed)

V 37-20 JAN 29 72 XUM

Walnut Ridge, Ark.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Walnut Ridge Municipal Airport (lat. 36°07'30" N., long. 90°55'25" W.); within 3 miles each side of the Walnut Ridge VORTAC 244° radial extending from the 6.5-mile radius area to 8.5 miles southwest of the VORTAC; and within a 5-mile radius of the Pocahontas Municipal Airport (lat. 36°14'40" N., long. 90°58'45" W.).

AMENDMENTS 4/29/71 36 F. R. 4480 (Rewritten)

Walterboro, S. C.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Walterboro Municipal Airport (latitude 32°55'15" N., longitude 80°38'30" W.).

Warren, Ark.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warren Municipal Airport (latitude 33°33'50" N., longitude 92°05'00" W.), and within 2 miles each side of the Monticello VORTAC 270° radial extending from the 5-mile radius area to 16 miles west of the VORTAC.

Warsaw, Indiana
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Warsaw, Ind., Municipal Airport (latitude 41°17'00" N., longitude 85°51'00" W.); and within 2 miles each side of the Wolflake, Ind., VOR 278° radial, extending from the 5-mile radius area to 25 miles W of the VOR.

Washington, D. C.
That airspace extending upward from 700 feet above the surface bounded on the W by a line beginning at latitude 38°37'20" N., longitude 77°35'30" W., extending N to latitude 38°50'30" N., longitude 77°35'20" W., thence clockwise along the arc of a 10-mile radius circle centered at Dulles International Airport, Chantilly, Va. (latitude 38°56'40" N., longitude 77°27'24" W.), to and clockwise along the arc of a 22-mile radius circle centered at Davison AAF, Fort Belvoir, Va. (latitude 38°42'55" N., longitude 77°10'50" W.) to, and clockwise along, the arc of a 10-mile radius circle centered at Andrews AFB, Camp Springs, Md. (latitude 38°48'40" N., longitude 76°52'05" W.) to latitude 38°40'15" N., longitude 76°55'10" W., to latitude 38°35'00" N., longitude 76°54'20" W., to latitude 38°30'00" N., longitude 77°04'00" W., to latitude 38°35'00" N., longitude 77°11'40" W., thence counterclockwise along the arc of an 8-mile radius circle centered at MCAS Quantico, Va. (latitude 38°30'10" N., longitude 77°18'20" W.) to latitude 38°35'10" N., longitude 77°24'20" W., thence to the point of beginning, and within 2 miles each side of the Dulles International Airport runway 19R ILS localizer N course, extending from the 10-mile radius area centered at the Dulles International Airport to a point 39°05'32" N., long. 77°27'30" W.; excluding the portion within P-56.

AMENDMENTS 4/29/71 36 F. R. 4691 (Changed)
AMENDMENTS 5/20/71 36 F. R. 9130 (Changed)
PENDING AMENDMENT
Amend the Washington, D. C. 700-foot floor transition area by inserting, "; within a 6.5-mile radius of the center of 38°43'30"N., 77°31'00" W., of Manassas Municipal Airport (Harry P. Davies Field) Manassas, Va., and within 2.5 miles each side of a line bearing 329° from the airport geographical position to a point 12 miles northwest of said position;" following, "39°05'32" N., 77°27'30" W.," .

AMENDMENTS 3/2/72 37 F. R. 136 (Changed)

Washington, Ind.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Daviess County Airport (latitude 38°41'58" N., longitude 87°07'55" W.); within 3 miles each side of the 010° bearing from Daviess County Airport, extending from the 8-mile radius area to 8½ miles north of the airport.

AMENDMENTS 10/14/71 36 F. R. 19112 (Added)

Washington, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Warren Field (lat. 35°34'15" N., long. 77°03'00" W.); within 3 miles each side of the 156° bearing from Wanoca RBN (lat. 35°32'40" N., long. 77°02'00" W.), extending from the 8.5-mile radius area to 8.5 miles south of the RBN.

AMENDMENTS 12/9/71 36 F. R. 20035 (Added)

Washington, Pa.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of lat. 40°08'15" N., long. 80°17'15" W. of Washington County Airport, Washington, Pa.

AMENDMENTS 6/24/71 36 F. R. 8364 (Rewritten)

Waterloo, Iowa
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Waterloo Municipal Airport (latitude 42°33'20" N., longitude 92°24'00" W.); within 3 miles each side of the Waterloo ILS localizer northwest course extending from the 9-mile radius area to 8 miles northwest of the OM; and within 5 miles each side of the Waterloo, Iowa, VORTAC 120° radial extending from the 9-mile radius area to 16 miles southeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within the arc of a 29-mile radius circle centered on the Waterloo VORTAC, extending clockwise from a line 8 miles north of and parallel to the Waterloo VORTAC 096° radial to a line 8 miles east of and parallel to the Waterloo VORTAC 353° radial; within the arc of an 18-mile radius circle centered on the Waterloo VORTAC extending clockwise from a line 8 miles east of and parallel to the Waterloo VORTAC 353° radial to a line 8 miles north of and parallel to the Waterloo VORTAC 096° radial; and within 9½ miles north and 4½ miles south of the Waterloo VORTAC 078° radial extending from the VORTAC to 18½ miles east of the VORTAC.

AMENDMENTS 5/27/71 36 F. R. 5287 (Rewritten)
AMENDMENTS 7/22/71 36 F. R. 13372 (Changed)

Watertown, N. Y.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°59'20" N., 76°01'20" W of Watertown Municipal Airport, Watertown, N. Y., and within 3.5 miles each side of the Watertown, N. Y., VOR 211° radial, extending from the 7-mile radius area to 12 miles southwest of the VOR.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 44°16'00" N., 75°40'00" W. to 44°16'00" N., 76°10'00" W. to 43°52'00" N., 76°21'00" W. to 43°32'00" N., 76°23'00" W. to 43°44'00" N., 75°49'00" W. to 43°52'00" N., 75°54'00" W. to point of beginning

Watertown, S. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 4½ miles east and 9½ miles west of the Watertown VORTAC 006° radial extending from the 10-mile radius to 18½ miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 23½-mile radius circle centered on the Watertown VORTAC, extending from a line 5 miles north of and parallel to the VORTAC 086° radial clockwise to a line 5 miles northwest of and parallel to the VORTAC 235° radial; within a 13-mile radius of the Watertown VORTAC from a line 5 miles northwest of and parallel to the VORTAC 235° radial clockwise to a line 5 miles north of and parallel to the VORTAC 086° radial; and within 9½ miles east and 4½ miles west of the Watertown VORTAC 185° radial extending from the VORTAC to 30 miles south of the VORTAC.

AMENDMENTS 5/27/71 36 F. R. 5838 (Rewritten)

Waterville, Maine
That airspace extending upward from 700 feet above the surface within a 5 mile radius of the center (44°32'10" N., 69°40'30" W.) of Waterville Robert LaFleur Airport, Waterville, Maine; within 2 miles each side of a 211° bearing from Waterville RBN (44°30'26" N., 69°41'48" W.) extending from the 5 mile radius area to 8 miles SW of the RBN and within 2 miles each side of the Augusta, Maine, VOR 022° radial extending from the 5-mile radius area to 9 miles north of the VOR excluding the portion that coincides with the Augusta, Maine, 700-foot floor transition area.

Waterville, Ohio
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Toledo Municipal Airport, Toledo, Ohio, 41°33'50" N., 83°28'50" W.; within a 4-mile radius of the center of University Airport, Bowling Green, Ohio, 41°23'17" N., 83°38'02" W.; within 2 miles each side of the Waterville VOR 047° radial extending the 5-mile radius area to the VOR; and within 2 miles each side of the Waterville VOR 356° radial extending from the 4-mile radius area to the VOR, excluding that area that coincides with the Toledo, Ohio, transition area. The transition area shall be in effect from sunrise to sunset.

Wausau, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Wausau Municipal Airport (latitude 44°55'35" N., longitude 89°37'35" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the north by a line 6 miles north of and parallel to the Wausau VORTAC 273° radial, the arc of a 15-mile radius circle centered on the Wausau Municipal Airport and a line 9 miles north of and parallel to the Wausau VORTAC 106° radial, on the east by an arc of a 35-mile radius circle centered on the Wausau VORTAC on the south by a line 5 miles south of and parallel to the Stevens Point, Wis., 089° radial, the arc of a 15-mile radius circle centered on the Stevens Point VORTAC, the Stevens Point VORTAC 230° radial, and Camp Douglas, Wis., transition area, and V-345, on the west by longitude 90°40'00" W.

Wauseon, Ohio
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, lat. 41°36'37" N., long. 84°07'33" W. of Fulton County Airport, Wauseon, Ohio, and within 3 miles each side of the 088° bearing from the Fulton RBN lat. 41°36'33" N., long. 84°07'58" W., extending from the 6.5-mile radius area to 8.5 miles east of the RBN, excluding the portion within the Toledo, Ohio, transition area.

AMENDMENTS 6/24/71 36 F. R. 8364 (Added)

V 37-20 JAN 29 72 XUM

Waycross, Ga.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Waycross-Ware County Airport (lat. 31°14'55" N., long. 82°23'48" W.); within 1.5 miles each side of Waycross VORTAC 099° radial, extending from the 8.5-mile radius area to the VORTAC; excluding the portion within a 1.5-mile radius of Bivins Airport (lat. 31°11'06" N., long. 82°16'25" W.).

AMENDMENTS 8/19/71 36 F. R. 11188 (Rewritten) Corr: 36 F. R. 11806

Webster City, Iowa
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Webster City Municipal Airport (latitude 42°26'15" N., longitude 93°52'15" W.); and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 157° and 337° bearings from Webster City Municipal Airport, extending from 6 miles northwest to 18½ miles southeast of the airport, excluding the portions which overlie the Fort Dodge, Iowa, and Boone, Iowa, transition areas.

AMENDMENTS 1/6/72 36 F. R. 21582 (Rewritten)

Wells, Nev.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Harriet Field (latitude 41°06'54" N., longitude 114° 55'24" W.) and within 4.5 miles south and 9.5 miles north of the Wells VOR 287° radial, extending from the VOR to 18.5 miles west of the VOR. That airspace extending upward from 1,200 feet above the surface within 12 miles north and 8 miles south of the Wells VOR 287° and 107° radials extending from 23 miles west to 10 miles east of the VOR.

Wellsboro, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 41°43'45" N., 77°23'30" W., of Grand Canyon State Airport, Wellsboro, Pa., and within 2 miles each side of Stonyfork, Pa., VOR 212° radial extending from the 6-mile radius area to 8 miles southwest of the VOR. This transition area is effective from sunrise to sunset daily.

Wellsville, N. Y.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center (lat. 42° 06'34" N., long. 77°59'50" W.) of Wellsville Municipal (Tarantine) Airport, Wellsville, N. Y., and within 3.5 miles each side of the Wellsville, N. Y., VOR 196° radial extending from the 9-mile radius area to 11.5 miles south of the VOR.

AMENDMENTS 11/11/71 36 F. R. 18193 (Rewritten) Corr: 36 F. R. 18575

Welsh, La.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Welsh Municipal Airport (latitude 30°14'30" N., longitude 92°49'45" W.), but excluding that portion within the Jennings, La., 700-foot transition area.

AMENDMENTS 12/9/71 36 F. R. 19906 (Added)

Wenatchee, Wash.
That airspace extending upward from 700 feet above the surface within 4 miles each side of the Wenatchee VOR 124° radial, extending from the VOR to 12.5 miles southeast of the VOR; that airspace extending upward from 1,200 feet above the surface within 5 miles south and 8 miles north of the Wenatchee VOR 092° and 272° radials, extending from 7 miles west to 14 miles east of the VOR and within 5 miles southwest and 9.5 miles northeast of the 124° radial, extending from the VOR to 23 miles southeast of the VOR.

AMENDMENTS 6/24/71 36 F. R. 7225 (Rewritten)

Wendover, Utah
That airspace extending upward from 8,500 feet MSL bounded on the N by V-6, on the W by V-253, on the S by V-32 and on the E by a line extending from latitude 40°51'30" N., longitude 112°56'30" W., to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°12'00" N., longitude 112°52'00" W.; thence N via longitude 112°52'00" W., to V-6.

West Bend, Wis.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of West Bend Municipal Airport (latitude 43°25'20" N., longitude 88°07'45" W.); and within 3 miles each side of the 133° bearing from the West Bend Municipal Airport, extending from the 7-mile radius area to 7½ miles southeast of the airport.

AMENDMENTS 7/22/71 36 F. R. 9022 (Rewritten)

West Branch, Mich.
That airspace extending upward from 700 feet above the surface within a 5½-mile radius of West Branch Community Airport (latitude 44°14'36" N., longitude 84°10'58" W.); and within 3 miles each side of the 87° bearing from West Branch Community Airport, extending from the 5½-mile radius area to 13 miles east of the airport.

AMENDMENTS 1/6/72 36 F. R. 21583 (Added)

West Helena, Ark.
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Thompson-Robbins Airport (latitude 34°34'29" N., longitude 90°40'48" W.), and within 3.5 miles each side of the 350° bearing from the Thompson-Robbins RBN (latitude 34°34'16" N., longitude 90°40'33" W.) extending from the 5.5-mile radius area to 11.5 miles north of the RBN.

Westminster, Md.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 39°36'10" N., 77°00'05" W. of Westminster Airport, Westminster, Md., and within 2 miles each side of the Westminster VOR 350° radial extending from the 6-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

West Point, Va.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center of West Point Municipal Airport 37°31'00" N., 76°45'40" W. and within 2 miles each side of the Harcum, Va., VOR 148° radial extending from the 6-mile radius area to 8 miles southeast of the VOR.

West Virginia
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°46'00" N., longitude 80°52'10" W., thence easterly along the West Virginia State line to the intersection with the Maryland and Virginia State lines; thence westerly along the Virginia State line to the intersection of the Kentucky State line; thence counterclockwise along the Kentucky State line, to and north along long. 83°30'00" W.; to lat. 38°45'00" N.; to latitude 39°00' 00" N., longitude 83°00'00" W.; to latitude 39°00'00" N., longitude 81°43'40" W.; to latitude 39°40'00" N., longitude 81°47'00" W.; to latitude 39°40'00" N., longitude 81°30'00" W.; to latitude 39°43'00" N., longitude 81°13'00" W.; to latitude 39°53'15" N., longitude 81°03'15" W.; thence counterclockwise via a 60-mile radius arc centered on the Imperial VORTAC to point of beginning.

AMENDMENTS 4/29/71 36 F. R. 4691 (Changed)
AMENDMENTS 6/24/71 36 F. R. 7657 (Changed)

West Yellowstone, Mont.
That airspace extending upward from 700 feet above the surface within 6½ miles west and 9½ miles east of the 019° and 199° bearings from Yellowstone Airport (latitude 44°41'20" N, longitude 111°06'55" W.), extending from 12 miles north to 19½ miles south of the airport; that airspace extending upward from 10,700 feet MSL within a 30-mile radius of Yellowstone Airport, extending from the 087° bearing from Yellowstone Airport clockwise to the 217° bearing from Yellowstone Airport; and that airspace extending upward from 12,000 feet MSL within a 30-mile radius of Yellowstone Airport, extending from the 217° bearing from Yellowstone Airport clockwise to the 087° bearing from Yellowstone Airport, excluding the portion which overlies V-343. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Wetumpka, Ala.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wetumpka Municipal Airport (latitude 32°31'45" N., longitude 86°19'30" W.); within 3 miles each side of the Maxwell VOR 069° radial, extending from the 7-mile radius area to 22 miles northeast of the Maxwell VOR; excluding the portion that coincides with the Montgomery, Ala., transition area.

Weyers Cave, Va.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center (lat. 38°15'49" N., long. 78°53'46" W.) of Shenandoah Valley Airport, Weyers Cave, Va., within 4.5 miles southeast and 6.5 miles northwest of the 218° bearing from the Staunton LOM extending from the LOM to 11.5 miles southwest; within a 7.5-mile radius of the center (lat. 38°21'58" N., long. 78°57'35" W.) of Bridgewater Airpark, Bridgewater, Va., and within 4.5 miles northwest and 6.5 miles southeast of the 210° bearing and the 030° bearing from the Bridgewater RBN (lat. 38°21'56" N., long. 78°57'41" W.), extending from 5.5 miles northeast of the RBN to 11.5 miles southwest of the RBN.

AMENDMENTS 11/11/71 36 F. R. 18191 (Rewritten)

66-000 O - 72 (pt.2 Sec.2) - 8

V 37-20 JAN 29 72 XUM

Wheeling, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Wheeling-Ohio County Airport (latitude 40° 10' 25" N., longitude 80° 38' 55" W.); within 2 miles each side of the Wheeling VOR 036° and 216° radials, extending from the 7-mile radius area to 8 miles NE of the VOR, and within 2 miles each side of the Wheeling ILS localizer SW course, extending from the 7-mile radius area to 8 miles SW of the OM.

Whidbey Island, Wash.
That airspace extending upward from 700 feet above the surface bounded on the E by a line extending from latitude 48°40'00" N., longitude 122°05'00" W. to latitude 48°05'00" N., longitude 121°55'00" W., on the S by latitude 48°05'00" N., on the W by the W edge of V-440, and the United states/Canadian border to latitude 48°25'00" N., thence via latitude 48°25'00" N. to an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence clockwise via the 13-mile radius arc to longitude 122°45'00" W., thence to latitude 48°40'00" N., longitude 122°43'00" W., on the N by latitude 48°40'00" N. to point of beginning, and that airspace NW of Whidbey Island NAS bounded by a line beginning at the point of intersection of latitude 48°25'00" N., and the United States/Canadian border, thence via the United States/Canadian border to altitude 48°40'00" N., thence via latitude 48°40'00" N., to longitude 123°02'00" W., thence direct to point of beginning, that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 48°52'00" N., longitude 122°00'00" W., thence via longitude 122°00'00" W. to latitude 48°43'00" N., thence via latitude 48°43'00" N. to longitude 121°45'00" W., thence via longitude 121°45'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°55'00" W., thence to latitude 48°40'00" N., longitude 122°05'00" W., thence via latitude 48°40'00" N., to longitude 122°43'00" W., thence to latitude 48°31'00" N., longitude 122°45'00" W., to intercept an arc of a 13-mile radius circle centered on Ault Field, Whidbey Island, Wash. (latitude 48°21'10" N., longitude 122°39'20" W.), thence counterclockwise via the 13-mile radius arc to latitude 48°25'00" N., thence via latitude 48°25'00" N., to its intersection with the United States/Canadian border, thence to latitude 48°40'00" N., longitude 123°02'00" W., thence via latitude 48°40'00" N., to the east edge of Canadian VOR airway V-300, thence N via the east edge of V-300 to the United States/Canadian border, thence via the United States/Canadian border to latitude 48°52'00" N., thence to point of beginning; that airspace extending upward from 8,200 feet MSL bounded on the E by longitude 121°30'00" W., to latitude 48°00'00" N., thence via latitude 48°00'00" N., to longitude 121°35'00" W., thence via longitude 121°35'00" W., to latitude 48°05'00" N., thence via latitude 48°05'00" N., to longitude 121°45'00" W., on the W by longitude 121°45'00" N., to latitude 48°38'00" N., thence via latitude 48°38'00" N., to longitude 121°30'00" W.; that airspace extending upward from 12,000 feet MSL bounded on the E by longitude 121°00'00" W., on the S by latitude 48°00'00" N., on the W by longitude 121°30'00" W., and on the N by latitude 48°30'00" N.

White Cloud, Mich.
That airspace extending upward from 1,200 feet above the surface within 10 miles E and 7 miles W of the White Cloud VOR 006° and 186° radials, extending from 20 miles N to 9 miles S of the VOR.

Whitefield. N.H.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°21'53" N., 71°33'07" W. of Whitefield, N.H., Airport; within 2 miles each side of the 248° bearing from the Whitefield. N.H., RBN extending from the 5-mile radius area to 8 miles W of the RBN, effective sunrise to sunset.

White Plains, N.Y.
That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 41°16'00" N., 74°06'00" W. to 41°16'00" N., 74°00'00" W. to 41°19'00" N., 74°00'00" W. to 41°19'00" N., 73°57'00" W. to 41°27'00" N., 73°54'00" W. to 41°27'00" N., 73°47'00" W. to 41°19'00" N., 73°42'00" W. to 41°25'00" N., 73°30'00" W. to 41°20'00" N., 73°22'00" W. to 41°10'00" N., 73°33'00" W. to 41°00'00" N., 73°33'00" W. to 40°50'00" N., 73°42'00" W. to 41°01'00" N., 74°00'00" W. to 41°07'30" N., 73°57'00" W. to 41°10'30" N., 74°09'00" W. to the point of beginning.
That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°31'00" N., 73°54'00" W. to 41°31'00" N., 73°30'00" W. to 41°25'00" N., 73°30'00" W. to 41°19'00" N., 73°42'00" W. to 41°27'00" N., 73°47'00" W. to 41°27'00" N., 73°54'00" W. to the point of beginning.

White Sulphur Springs, W. Va.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°47'00" N., 80°20'00" W. of Greenbrier Airport, White Sulphur Springs, W. Va., and within 2 miles each side of the White Sulphur Springs, W. Va., VOR 115° radial extending from the 7-mile radius area to 8 miles southeast of the VOR, excluding the portion that coincides with the Lewisburg, W. Va., transition area. This transition area shall be effective from sunrise to sunset daily.

PENDING AMENDMENT
White Sulphur Springs, W. Va., transition area is revoked. AMENDMENTS 3/2/72 37 F. R. 135 (Revoked)

Wichita, Kansas
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Wichita Municipal Airport (latitude 37°39'10" N., longitude 97°25'45" W.); within 5 miles east and 8 miles west of the Wichita Municipal Airport ILS localizer south course, extending from the 8-mile radius area to 12 miles south of the OM; within an 8-mile radius of McConnell AFB (latitude 37°37'25" N., longitude 97°16'00" W.); within 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8-mile radius area to 8 miles south of the OM; within a 5-mile radius of Piper Airpark (latitude 37°44'45" N. longitude 97°13'20" W.); and within 2 miles each side of the 344° bearing from Piper Airpark extending from the 5-mile radius area to 6 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the INT of the north boundary of V-516 and longitude 96°29'00" W.; thence extending northwest to the INT of a line 10 miles southeast and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence northeast along a line 10 miles southeast of and parallel to the Emporia VORTAC 209° radial to the Emporia VORTAC 134° radial, thence northwest along the Emporia VORTAC 134° and 314° radials to and west along the north boundary of V-10 to and northeast along the west boundary of V-77 to and southwest along the southeast boundary of V-280 to and east along the north boundary of V-10 to longitude 97°15'00" W., thence southwest to latitude 38°00'30" N., longitude 97°28'00" W., thence southwest to the INT of the northwest boundary of V-12N and longitude 97°56'25" W., thence southwest along the northwest boundary of V-12N to and south along the west boundary of V-125 to, and southeast along the southwest boundary of V-74 to the Ponca City, Okla., VORTAC 217° radial, thence northeast along the Ponca City VORTAC 217° and 047° radials to and northeast along the northwest boundary of V-516 point of beginning, excluding the portion which overlies the Emporia, Kans., transition area and the portion within the State of Oklahoma; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at the INT of the north boundary of V-516 and longitude 96°29'00" W., thence northwest to the INT of a line 10 miles southeast of and parallel to the Emporia, Kans., VORTAC 209° radial and latitude 37°10'00" N., thence northeast along a line 10 miles southeast of and parallel to the Emporia VORTAC 209° radial to, and southeast along the southwest boundary of V-132 to, and southeast along a line 12 miles southwest of and parallel to the Chanute, Kans., VOR 334° and 154° radials to, and south along the west boundary of V-131 to, and southwest along the northwest boundary of V-516 to the point of beginning, excluding the portion within the State of Oklahoma.

Wichita Falls, Tex.
That airspace extending upward from 700 feet above the surface within a 20-mile radius of latitude 33°59'56" N., longitude 98°30'25" W.

Wildwood, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°00'32" N., 74°54'32" W. of Cape May County Airport, Wildwood, N. J., and within 2 miles each side of the Sea Isle, N. J., VORTAC 225° radial extending from the 5-mile radius area to the VORTAC.

Wilkes-Barre, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 41°20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., within 2 miles each side of the airport ILS localizer SW course extending from the 12-mile radius area for 7 miles.

Wilkesboro, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Wilkes County Airport (lat. 36°08'33" N., long. 81°11'36" W.); within 5 miles north and 3 miles south of the 070° bearing from Wilkesboro RBN (lat. 36°08'36" N., long. 81°11'44" W.), extending from the 8.5-mile radius area to 10 miles east of the RBN.

Willard, Ohio
That airspace extending upward from 700 feet above the surface within 7.5-mile radius of the Willard Airport (latitude 41°02'15" N., longitude 82°43'45" W.); excluding that portion which overlaps the Mansfield, Ohio, 700-foot transition area.

AMENDMENTS 10/14/71 36 F. R. 15112 (Added)

Williamsport, Pa.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°14'30" N., 76°55'20" W., of the Williamsport-Lycoming County Airport, Williamsport, Pa.; within 5 miles N and 8 miles S of the Williamsport ILS localizer E course extending from the 12-mile radius area to 12 miles E of the Picture Rocks RBN; and within 2 miles each side of the centerline of Runway 27 extended from the 12-mile radius area to 14 miles W of the end of the runway.

Willimantic, Conn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 41°44'40" N., 72°10'46" W. of Windham Airport, Willimantic, Conn.; within 2 miles each side of the centerline of Runway 9 extended from the 8-mile radius area to 9.5 miles E of the end of the runway; within 2 miles each side of the Norwich VOR 323° radial extended from the 8-mile radius area to the VOR; and within 2 miles each side of the centerline of Runway 27 extended from the 8-mile radius area to 9 miles W of the end of the runway. This transition area shall be in effect from sunrise to sunset.

V 37-20 JA AN 29 72 XUM

Williston, N. Dak.
That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Sloulin International Airport (latitude 48°10'35" N., longitude 103°38'10" W.); within 3½ miles each side of the Williston VOR 316° radial, extending from the 10-mile radius area to 11½ miles northwest of the VOR; and within 3½ miles each side of the 126° bearing from the Sloulin International Airport, extending from the 10-mile radius area to 14½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Williston VOR, extending from the Williston VOR 203° radial clockwise to the Williston VOR 088° radial, and within 9½ miles southwest and 4½ miles northeast of the Williston VOR 316° radial, extending from the 13-mile radius area to 18½ miles northwest of the VOR; and within 5 miles southwest and 9½ miles northeast of the 126° bearing from the Sloulin International Airport extending from the 10-mile radius area to 21½ miles southeast of the airport.

AMENDMENTS 1/6/72 36 F. R. 22009 (Rewritten)

Willmar, Minn.
That airspace extending upward from 700 feet above the surface within 5 miles N and 8 miles S of the 104° and 284° bearings from Willmar, Minnesota, Municipal Airport (Lat. 45°06'52" N., Long. 95°05'11" W.), extending from 7 miles E to 13 miles W of the airport.

Willows, Calif.
That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Maxwell, Calif., VORTAC 360° radial, extending from 3.5 miles to 19.5 miles north of the VORTAC.

AMENDMENTS 4/1/71 36 F. R. 2778 (Added)

Wilmington. Del.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Greater Wilmington, Del., Airport (latitude 39° 40' 40" N., longitude 75° 36' 25" W.) within 2 miles each side of the New Castle, Del., VORTAC 238° radial, extending from the 7-mile radius area to 8 miles SW of the VORTAC; and within 2 miles each side of the New Castle, Del., VORTAC 278° radial extending from the 7-mile radius area to 8 miles west of the VORTAC, within a 4-mile radius of the center (39°31'20" N., 75°43'25" W.) of Summit Airpark Airport; and within 2 miles each side of the New Castle, Del., VORTAC 207° radial extending from the Summit Airpark 4-mile radius area to the VORTAC.

Wilmington, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New Hanover Airport (latitude 39°16'15" N., longitude 77°54'05" W.).

Winchester, Ky.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Codell Airport (lat. 38°01'21" N., long. 84°13'00" W.); within 2 miles each side of Lexington VORTAC 074° radial, extending from the 5-mile radius area to 8 miles east of the VORTAC.

AMENDMENTS 9/16/71 36 F. R. 13831 (Rewritten)

Winchester, Va.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 39°08'30" N., 78°08'30" W., of Winchester Airport, Winchester, Va.

Winder, Ga.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of Winder Airport (lat. 33°58'52" N., long. 83°40'02" W.); within 2 miles each side of Athens VORTAC 277° radial, extending from the 6-mile radius area to 13.5 miles west of the VORTAC.

AMENDMENTS 8/19/71 36 F. R. 10947 (Rewritten)

Windom, Minn.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Windom Municipal Airport (latitude 43°54'50" N., longitude 95°06'35" W.); and within 9½ miles west and 4½ miles east of the 354° and 174° bearings from the Windom Municipal Airport extending from 4 miles south of the airport to 18½ miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the 174° bearing from the Windom Municipal Airport extending from the airport to 12 miles south of the airport.

AMENDMENTS 6/24/71 36 F. R. 7843 (Rewritten)

Winner, S. Dak.
That airspace extending upward from 700 feet above the surface within a 7½-mile radius of the Wiley Field (latitude 43°23'25" N., longitude 99°50'40" W.); within three miles each side of the Winner VOR 212° radial extending from the 7½-mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northwest and 4½ miles southeast of the Winner VOR 032° and 212° radials extending from 5 miles southwest of the VOR to 18½ miles northeast of the VOR; and within 5 miles each side of the Winner VOR 212° radial extending from the VOR to 20 miles southwest of the VOR.

AMENDMENTS 4/1/71 36 F. R. 1884 (Rewritten)

Winnsboro, Tex.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Winnsboro Municipal Airport (latitude 32°56'22" N., longitude 95°16'43" W.) and within 1.5 miles each side of the Quitman, Tex., VORTAC 052° radial extending from the 5-mile radius area to the VORTAC.

AMENDMENTS 10/14/71 36 F. R. 14254 (Added)
AMENDMENTS 11/16/71 36 F. R. 22367 (Changed)

Winona, Minn.
That airspace extending upward from 700 feet above the surface within a 12-mile radius of Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.); excluding that portion which overlies the La Crosse, Wis., transition area.
AMENDMENTS 7/22/71 36 F. R. 9619 (Rewritten)

Winslow, Ariz.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and within 2 miles each side of the Winslow VORTAC 314° radial, extending from the 9-mile radius area to 8 miles NW of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 10 miles SW and 13 miles NE of the Winslow VORTAC 154° and 334° radials, extending from 15 miles NW to 25 miles SE of the VORTAC.

Winston-Salem, N. C.
That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Smith Reynolds Airport (latitude 36°08'01.3" N., longitude 80°13'22.1" W.); within 3 miles each side of Winston-Salem ILS localizer southeast course, extending from the 8.5-mile radius area to 8.5 miles southeast of the LOM; excluding the portion that coincides with the Greensboro transition area.

Wisconsin Rapids, Wis.
That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Alexander Field-Southwood County Airport (latitude 44°21'30" N., longitude 89°50'15" W.); and within 3 miles each side of the 193° bearing from Alexander Field-Southwood County Airport, extending from the 6½-mile radius area to 8 miles south of the airport and within 3 miles each side of the 125° bearing from Alexander Field-Southwood County Airport, extending from the 6½-mile radius to 8 miles southeast of the airport.
AMENDMENTS 6/24/71 36 F. R. 7845 (Rewritten)

Wolf Point, Mont.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of Wolf Point International Airport (latitude 48°05'40" N., longitude 105°34'45" W.); and within 3 miles each side of the 314° bearing from Wolf Point International Airport, extending from the 8-mile radius area to 10 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the 314° bearing from Wolf Point International Airport, extending from the airport to 20½ miles northwest of the airport; and within 5 miles each side of the 134° bearing from Wolf Point International Airport extending from the airport to 12 miles southeast of the airport.

Woodruff, Wis.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Lakeland Airport (latitude 45°55'40" N., longitude 89°43'55" W.); within 3 miles each side of the 347° bearing from Lakeland Airport, extending from the 5-mile radius area to 8 miles north of the airport; and within 3 miles each side of the 197° bearing from Lakeland Airport extending from the 5-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 167° and 347° bearings from Lakeland Airport, extending from 8 miles south to 18½ miles north of the airport; and within 4½ miles west and 9½ miles east of the 017° and 197° bearings from Lakeland Airport, extending from 6 miles north to 18½ miles south of the airport, excluding the portion which overlies the Rhineland, Wis. transition area.
PENDING AMENDMENT
Woodruff, Wis.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lakeland Airport (latitude 45°55'38" N., longitude 89°43'53" W.); and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of Lakeland Airport, excluding the portion which overlies the Rhinelander, Wis., Eagle River, Wis., and Land O'Lakes, Wis., transition areas.
AMENDMENTS 3/2/72 36 F. R. 25098 (Rewritten)

V 37-20 JAN 29 72 XUM

Woodsfield, Ohio
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Monroe County Airport (latitude 39°46'45" N., longitude 81°06'15" W.).

AMENDMENTS 1/6/72 36 F. R. 21584 (Added)

Wooster, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, lat. 40° 52'29" N., long. 81°53'14" W., of Wayne County Airport, Wooster, Ohio, and within 3.5 miles each side of the 090° bearing from the Smithville RBN, lat. 40°52'30" N., long. 81°50'00" W., extending from the 7-mile radius area to 11.5 miles east of the RBN.

AMENDMENTS 5/27/71 36 F. R. 8210 (Added)

Worcester, Mass.
That airspace extending upward from 700 feet above the surface within a 7-mile radius of Worcester, Mass., Airport (latitude 42°16'05" N., longitude 71°52'20" W.).

Worland, Wyo.
The airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Worland VOR 352° and 172° radials extending from 18.5 miles north to 6 miles south of the VOR; that airspace extending upward from 1,200 feet above the surface, within a 23-mile radius of the VOR.

Worthington, Minn.
That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Worthington Municipal Airport (latitude 43°39'17" N., longitude 95°35'01" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles west and 4½ miles east of the Worthington VOR 358° radial extending from the VOR to 18½ miles north of the VOR; and within 9½ miles west and 4½ miles east of the Worthington VOR 189° radial extending from the VOR to 18½ miles south of the VOR.

AMENDMENTS 4/1/71 36 F. R. 1884 (Rewritten)

Wrightstown, N. J.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°04'00" N., 74°10'40" W. of Lakewood Airport, Lakewood, N. J.; within a 12-mile radius of McGuire AFB (latitude 40°00'55" N., longitude 74°35'25" W.); within a 12-mile radius of NAS Lakehurst (West Field) (latitude 40°02'05" N., longitude 74°21'05" W.); within a 5-mile radius of Trenton-Robbinsville Airport (latitude 40°12'45" N., longitude 74°35'50" W.); within 2 miles N and 3 miles S of the Robbinsville VOR 278° and 098° radials extending from the Trenton-Robbinsville 5-mile radius area to 8 miles E of the VOR; within a 5-mile radius of Monmouth County Airport (latitude 40°11'05" N., longitude 74°07'20" W.); within 2 miles each side of the Colts Neck VOR 167° radial extending from the Monmouth County Airport 5-mile radius area to the VOR; within a 5-mile radius of the Red Bank
Airport (latitude 40°19'45" N., longitude 74°04'45" W.); within 3 miles north and 5 miles south of the Colts Neck VOR 255° and 075° radials extending from 5 miles east to 10 miles west of the VOR; and within a 5-mile radius of the center, 40°13'05" N., 74°05'30" W., of the Asbury Park-Neptune Airport, Neptune, N. J., and within 2 miles each side of the Colts Neck VOR 151° radial extending from the Asbury Park-Neptune Airport 5-mile radius area to the VOR; within a 7-mile radius of lat. 39°55'41" N., long. 74°17'30" W. of Robert J. Miller Air Park, Toms River, N. J.; within 1.5 miles each side of the Coyle, N. J. VORTAC 044° radial extending from the 7-mile radius area to the Coyle VORTAC, excluding the portion
within the New York, N. Y., Transition Area; and that airpsace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 40°24'20" N., longitude 74°45'40" W., thence to latitude 40°17'20" N., longitude 73°52'45" W., to latitude 40°12'55" N., longitude 73°19'00" W., to latitude 39°58'40" N., longitude 73°38'35" W., to latitude 39°38'40" N., longitude 74°05'05" W., to latitude 39°31'45" N., longitude 74°15'55" W.; to latitude 39°37'31" N., longitude 74°20'02" W., to latitude 39°43'00" N., longitude 74°48'00" W., to latitude 39°53'00" N., longitude 74°48'00" W., to latitude 40°00'35" N., longitude 74°54'35" W., to latitude 40°16'10" N., longitude 74°39'20" W.; thence to the point of beginning; and that airspace extending upward from 2,000 feet above the surface bounded on the northwest by the southeast boundary of V-139, on the northeast by the southwest boundary of Control 1147, and on the south by a line along latitude 39°44'00" N. The airspace within W-107 below 2,000 feet MSL and within Control 1147 is excluded.

AMENDMENTS 6/24/71 36 F. R. 8364 (Changed)
PENDING AMENDMENT
Amend the description of the Wrightstown, N. J., 700-foot floor transition area by adding, "; within a 6-mile radius of the center of 39°56'30" N., 74°50'30" W. of Burlington County Airpark, Mt. Holly, N. J." between the phrases, "extending from the 7-mile radius area to the Coyle VORTAC", and, "excluding the portion within the New York, N. Y. transition area;".

AMENDMENTS 3/2/72 36 F. R. 24114 (Changed)

Wurtsboro, N. Y.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°35'50" N., 74°27'35" W.) of Wurtsboro-Sullivan County Airport, Wurtsboro, N. Y.; and within 2 miles each side of the Huguenot, N. Y., VOR 028° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Newburgh, N. Y., Transition Area, effective from sunrise to sunset daily.

Xenia, Ohio
That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Greene County Airport (latitude 39°41'30" N., longitude 83°59'25" W.); and within 3.5 miles each side of the 063° bearing from the Greene County Airport extending from the 5.5-mile radius to 14.5 miles northeast of the airport excluding that airspace that overlies the Dayton, Ohio, transition area.

AMENDMENTS 1/6/72 36 F. R. 21670 (Added)

Yakataga, Alaska
That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakataga Airport (latitude 60°04'52" N., longitude 142°29'30" W.); within 2 miles each side of the southwest course of the Yakataga RR, extending from the 5-mile radius area to the INT of the southwest course of the Yakataga RR and the east course of the Hinchinbrook, Alaska, RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Yakataga RR southwest course, extending from 7 miles northeast to 13 miles southwest of the INT of the southwest course of the Yakataga RR and east course of the Hinchinbrook, Alaska, RR; within 5 miles each side of the Yakataga RR southeast course extending from the RR to the INT of the southeast course of Yakataga RR and the west course of the Yakutat, Alaska, RR.

Yakima, Wash.
That airspace extending upward from 700 feet above the surface within 5 miles northeast and 10 miles southwest of the Yakima VORTAC 115° and 295° radials, extending from 1 mile northwest to 23 miles southeast of the VORTAC, and within 3.5 miles north and 5 miles south of the ILS localizer west course, extending from 11 to 27 miles northwest of the Donald OM; that airspace extending upward from 1,200 feet above the surface within 5 miles east and 8 miles west of the Ellensburg, Wash., VORTAC 191° radial, extending from 9 miles south to 13 miles north of the INT of the Ellensburg VORTAC 191° and the Yakima VORTAC 305° radials, within 9 miles northeast and 6 miles southwest of the Yakima VORTAC 129° radial, extending from the VORTAC to 33 miles southeast of the VORTAC; that airspace northeast and east of Yakima within a 16-mile radius of the Yakima VORTAC, extending clockwise from the east edge of V-25 to the northeast edge of V-4, within a 21-mile radius of the Yakima VORTAC, extending clockwise from the southwest edge of V-4 to the northwest edge of V-448, and within a 23-mile radius of the Yakima VORTAC extending clockwise from the northwest edge of V-448 to the south edge of V-204; that airspace extending upward from 7,500 feet MSL within 11 miles northwest and 16 miles southeast of the Yakima VORTAC 242° radial, extending from 8 miles southwest to 52 miles southwest of the VORTAC.

AMENDMENTS 5/27/71 36 F. R. 4754 (Rewritten)

Yakutat, Alaska
That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Yakutat VORTAC, and within a 15-mile radius of the Yakutat RR, excluding the portion NE of a line 5 miles NE of and parallel to the Yakutat VORTAC 319° and 139° radials; and that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Yakutat VORTAC 147° radial, extending from the 15-mile radius area to 18 miles SE of the VORTAC; and within 5 miles each side of the Yakutat VORTAC 119° radial, extending from the 700-foot transition area to 65 miles southeast of the VORTAC.

Yankton, S. Dak.
That airspace extending upward from 700 feet above the surface within a 9-mile radius of Chan Gurney Municipal Airport (latitude 42°54'45" N., longitude 97°23'15" W.); and within 9½ miles northeast and 4½ miles southwest of the Yankton VOR 321° radial extending from the VOR to 18½ miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the Yankton VOR 135° radial extending from the VOR to 18½ miles southeast of the VOR.

AMENDMENTS 4/1/71 36 F. R. 1885 (Rewritten) Corr: 36 F. R. 5287

Yazoo City, Miss.
That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Barrier Field (latitude 32°52'30" N., longitude 90°24'25" W.); within 3 miles each side of the Jackson, Miss., VORTAC 332° radial, extending from the 6.5-mile radius area to 17.5 miles northwest of the VORTAC.

Yerington, Nev.
That airspace extending upward from 11,000 feet MSL within 12 miles, southwest and 8 miles northeast of the Reno, Nev., VORTAC 135° radial, extending from 10 miles northwest to 22 miles southeast of the INT of Reno VOR 135° and Lovelock, Nev., VORTAC 197° radials, excluding the airspace within Federal airways.

V 37-20 JAN 29 72 XUM

York, Pa.
That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°55'00" N., 76°52'00" W. of York Airport, York, Pa., and within 2 miles each side of the centerline of Runway 16 extended from the 6-mile radius area to 7 miles S of the end of the runway and within 2 miles each side of the 336° bearing of the Thomasville RBN extending from the 6-mile radius area to 8 miles NW of the RBN excluding that portion coincident with the Harrisburg, Pa., 700-foot transition area.

Youngstown, Ohio
That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, lat. 41° 15'28" N., long. 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within a 7-mile radius of the center, lat. 41°03'33" N., long. 80°49'55" W. of Youngstown Executive Airport, Youngstown, Ohio; within a 5.5 mile radius of the center, lat. 41°07'45" N., long. 80°37'15" W. of Lansdowne Airport, Youngstown, Ohio; within 3.5 miles each side of the Youngstown VORTAC 358° radial, extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the Youngstown VORTAC; within 3.5 miles each side Youngstown Municipal Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 4.5 miles each side of the Youngstown VORTAC 203° radial, extending from 9 miles southwest of the VORTAC to 15.5 miles southwest of the VORTAC; within 5 miles each side of the 023° radial of the Youngstown VORTAC extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the VORTAC.

AMENDMENTS 9/16/71 36 F. R. 13777 (Rewritten)

Yuma, Ariz.
That airspace extending upward from 700 feet above the surface, within an 11-mile radius of Yuma MCAS/Yuma International Airport (latitude 32°39'10" N., longitude 114°36'20" W.); within 2 miles each side of the Yuma VORTAC 181° radial, extending from the 11-mile radius
area to 21 miles south of the VORTAC; that airspace extending upward from 1,200 feet above the surface, within 12 miles west and 11 miles east of the Yuma VORTAC 351° radial, extending from the north edge of V-66 to 20 miles north of the VORTAC, within 9 miles north and 8 miles south of the Yuma VORTAC 087° radial, extending from the VORTAC to 14 miles east of the VORTAC, within 11 miles east and 8 miles west of the Yuma VORTAC 180° radial, extending from the VORTAC to the United States/Mexico border; and that airspace northwest of Yuma, extending upward from 4,000 feet MSL, bounded on the north by the arc of an 18-mile radius circle centered on the Blythe, Calif., Airport (latitude 33°37'15" N., longitude 114°43'00" W.), on the east by the west edge of V-135, on the south by the north edge of V-66, and on the northwest and west by lines 5 miles northwest and west of and parallel to the Imperial and Blythe, Calif., VORTAC's, 064° and 187° radials respectively; excluding that portion outside the United States.

Zanesville, Ohio
That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Zanesville Municipal Airport (latitude 39°56'40" N., longitude 81°53'20" W.); within 8 miles E and 5 miles W of the Zanesville VOR 222° radial extending from the VOR to 12 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at
latitude 39° 53' 15" N., longitude 81° 03' 15" W.; to latitude 39° 43' 00" N., longitude 81° 13' 00" W.; to latitude 39° 40' 00" N., longitude 81° 30' 00" W.; to latitude 39° 40' 00" N., longitude 82° 00' 00" W.; to latitude 39° 52' 25" N., longitude 82° 13' 00" W.; thence direct to the Tiverton, Ohio, VOR; to the Newcomerstown, Ohio, VOR; to the INT of the Imperial, Pa., VORTAC 249° radial and the arc of a 60-mile radius circle centered on the Imperial VORTAC; thence via this arc to the point of beginning.

Zionsville, Ind.
That airspace extending upward from 700 feet above the surface within a 5-mile radius of Indianapolis Terry Airport (latitude 40°02'05" N., longitude 86°15'00" W.).

Zuni, N. Mex.
That airspace extending upward from 8,500 feet MSL within 10 miles N and 7 miles S of the Zuni VORTAC 087° and 267° radials extending from 20 miles E to 9 miles W of the VORTAC, excluding the portion within the State of New Mexico.

SUBPART H - POSITIVE CONTROL AREAS

§71.193 Designation of Positive Control Areas.
The parts of airspace described below are designated as positive control areas.

Continental positive control area.
That airspace within the continental control area from 18,000 feet MSL to and including flight level 600 within the 48 contiguous States and District of Columbia excluding the Santa Barbara Island, Farallon Island, and the portion south of lat. 25°04'00" N.

AMENDMENTS 1/7/71 35 F. R. 16677 (Changed) Eff. date changed 2/18/71 36 F. R. 44
AMENDMENTS 5/27/71 36 F. R. 5675 (Rewritten)
AMENDMENTS 7/22/71 36 F. R. 11081 (Rewritten)
AMENDMENTS 8/19/71 36 F. R. 12005 (Changed)
AMENDMENTS 10/14/71 36 F. R. 15743 (Rewritten)

SUBPART I - REPORTING POINTS

§ 71.201 Designation.
The locations described in this Subpart are designated as reporting points.

§ 71.203 Domestic low altitude reporting points.
The reporting points listed below are designated at all altitudes up to but not including 18,000 feet MSL.

Aberdeen, S. Dak.
Abilene, Tex.
Acton, Tex.

AMENDMENTS 4/29/71 36 F. R. 3892 (Added)

Akron, Colo.
Alamosa, Colo.
Albany, Ga.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alexandria, Minn.
Allendale, S. C.
Allentown, Pa.
Alma, Ga.
Amarillo, Tex.
Amzie INT: INT Bangor 146° radial and centerline of Control 1143.
Anderson, S. C.
Anton Chico, N. Mex.
Appleton, Ohio
Ardmore, Okla.
Atlanta, Ga.
Augusta, Ga.
Augusta, Maine
Austin, Tex.
Avenal, Calif.
Baker, Oreg.
Bakersfield, Calif.
Bangor, Maine
Baton Rouge, La.
Battle Mountain, Nev.
Beatty, Nev.
Beaumont, Tex.
Bellingham, Wash.
Bemidji, Minn.
Berlin, N. H.
Bible Grove, Ill.
Big Spring, Texas
Big Sur, Calif.
Billings, Mont.
Binghamton, N. Y.
Birmingham, Ala.
Biscayne Bay, Fla.
Bismarck, N. Dak.
Bluefield, W. Va.
Blue Ridge, Tex.
Blue Springs, Mo.

AMENDMENTS 4/29/71 36 F. R. 3892 (Added)

Blythe, Calif.
Boise, Idaho.
Bolton INT: INT Myrtle Beach, S. C., 031° and Wilmington, N. C., 276° radials.
Bonneville, Utah
Boston, Mass.
Boulder City, Nev.
Bowling Green, Ky.
Boysen Reservoir, Wyo.
Bozeman, Mont.
Bradford, Ill.
Brainerd, Minn.
Bridgeport, Tex.
Brooke, Va.
Brookley, Ala.
Brookwood, Ala.
Brownsville, Tex.
Brunswick, Ga.
Bryce Canyon, Utah
Buckeye, Ariz.
Buffalo, N. Y.
Burley, Idaho
Burlington, Iowa
Burlington, Vt.
Butler, Mo.
Cape Girardeau, Mo.
Capital, Ill.
Carleton, Mich.
Carlsbad, N. Mex.
Carmel, N. Y.
Casa Grande, Ariz.
Casper, Wyo.
Cedar Rapids, Iowa
Centralia, Ill.
Chadron, Nebr.
Champaign, Ill.
Chanute, Kans.
Charleston, S. C.
Charleston, W. Va.
Charlo INT: INT Mullan Pass, Idaho, 089°, Missoula, Mont., 354° radials.
Charlo DME INT: Missoula, Mont., VORTAC 354° radial, 34 nautical miles from Missoula VORTAC.
Chattanooga, Tenn.
Cherokee, Wyo.
Chesterfield, S. C.
Cheyenne, Wyo.
Chicago Heights, Ill.
Childress, Tex.
Cimarron, N. Mex.
Cincinnati, Ohio
Cleveland, Ohio
Coaldale, Nev.
Coalfax INT: INT Johnstown, Pa., 093°, St. Thomas, Pa., 358° radials.
Cochise, Ariz.
Cofield, N. C.
Columbia, Mo.
Columbia, S. C.
Columbus, Ga.
Columbus, Miss.
Columbus, N. Mex.
Concord, N. H.
Cooksburg, Pa. INT: INT Clarion, Pa., 044° and Franklin, Pa. 099° radials.
Cordova, Ill.
Corona, N. Mex.
Corpus Christi, Tex.
Cotulla, Tex.
Coyle, N. J.
Crazy Woman, Wyo.
Crescent City, Calif.
Crestview, Fla.
Cross City, Fla.
Cunningham, Ky.
Cut Bank, Mont.
Dalhart, Tex.
Danville, Ill.
Daytona Beach, Fla.
Dayton, Ohio
Decatur, Ill.

AMENDMENTS 10/21/71 36 F. R. 20365 (Added)

DeLancey, N. Y.
Delta, Utah.
Deming, N. Mex.
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dillon, Mont.
Dogwood, Mo.
Dothan, Ala.
Douglas, Ariz.
Douglas, Wyo.
Dublin, Ga.
Dubois, Idaho
Dubuque, Iowa
Duluth, Minn.
Dunkirk, N. Y.
Dupree, S. Dak.
Dyersburg, Tenn.
Eagle Lake, Tex.
Eau Claire, Wis.
Edgerton INT: INT Fort Wayne, Ind., 039°, Waterville, Ohio, 273° radials.
El Dorado, Ark.
Elkins, W. Va.
Elko, Nev.
Ellensburg, Wash.
Elmira, N. Y.
El Paso, Tex.
Ephrata, Wash.
Erie, Pa.
Eugene, Oreg.
Evansville, Ind.
Fairfield, Utah
Falmouth, Ky.
Fargo, N. Dak.
Farmington, Minn.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fayetteville, N. C.
Fellows, Calif.
Fillmore, Calif.
Findlay, Ohio
Fish Hook, Fla., RBN
Flat Rock, Va.
Flint, Mich.
Flint Stone INT: INT of Kessel, W. Va. 038°, Martinsburg, W. Va., 297° radials.
Florence, S. C.
Fort Bridger, Wyo.
Fort Dodge, Iowa
Fort Jones, Calif.
Fort Mill, S. C.
Fort Myers, Fla.
Fort Smith, Ark.
Fort Stockton, Tex.
Fortuna, Calif.
Fort Wayne, Ind.
Franklin, Va.
Fresno, Calif.
Friant, Calif.
Front Royal, Va.
Gage, Okla.
Gainesville, Fla.
Garden City, Kans.
Garrett INT: INT Goshen, Ind., 108°, Ft. Wayne, Ind., 016° radials.
Garrison INT: INT Drummond, Mont., 092°, Butte, Mont., 002° radials.
Gaviota, Calif.
Gila Bend, Ariz.
Gill, Colo.
Gill INT: INT Jefferson, Ohio, 279°, Cleveland, Ohio, 024° radials.
Goffs, Calif.
Goodland, Kans.
Gordonsville, Va.
Goshen, Ind.
Graham, Tenn.
Grand Island, Nebr.
Grand Junction, Colo.
Grand Rapids, Minn.

AMENDMENTS 5/27/71 36 F. R. 4373 (Added)

V 37-20 JAN 29 72 XUM

Grant INT: INT Atlanta, Ga., 180° and Columbus, Ga., 068° radials.
AMENDMENTS 11/11/71 36 F. R. 18076 (Added)

Grantsburg, Wis.
Grantsville, Md.
Greater Southwest, Tex.
AMENDMENTS 4/29/71 36 F. R. 3892 (Added)
Great Falls, Mont.
Green Bay, Wis.
Greensboro, N. C.
Greenville, Fla.
Greenwood, Miss.
Greenwood, S. C.
Gregg County, Tex.
Gulfport, Miss.
Guthrie, Tex.
Hallsville, Mo.
Hamilton, Ala.
Hampton INT: INT Harrisburg, Pa., 196°, Lancaster, Pa., 256° radials.
Hanksville, Utah
Harcum, Va.
Harris, Ga., VORTAC
Harrisburg, Pa.
Harrison, Ark.
Hartford, Conn.
Hattiesburg, Miss.
Hayes Center, Nebr.
Hays, Kansas
Hazen, Nev.
Hector, Calif.
Heflin INT: Rex, Ga., 270° and LaGrange, Ga., 342° radials.
AMENDMENTS 11/11/71 36 F. R. 18076 (Added)

Helena, Mont.
Herndon, Va.
Hickory, N. C.
Hill City, Kans.
Hinch Mountain, Tenn.
Hobart, Okla.
Hobbs, N. Mex.
Hoquiam, Wash.
Holston Mountain, Tenn.
Hot Springs, Ark.
Houghton, Mich.
Houlton, Maine
Houston, Tex.
Hudspeth, Tex.
Huntsville, Ala.
Huron, S. Dak.
Hutchinson, Kans.
Imperial, Calif.
Indianapolis, Ind.
International Falls, Minn.
Jacks Creek, Tenn.
Jackson, Mich.
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Dak.
Janesville, Wis.
Joliet, Ill.
Julian, Calif.
Junction, Tex.
Kansas City, Mo.
Keating, Pa.
Keeler, Mich.
Kennebunk, Maine
Kenton, Del.
Key West, Fla.
Kingston, N. Y.
Kinston, N. C.
Kirksville, Mo.
Klamath Falls, Oreg.
Knoxville, Tenn.
Kokomo, Ind.
Kremmling, Colo.
LaBelle, Fla.
Lafayette, Ind.
Lafayette, La.
Lake Charles, La.
Lake Henry, Pa.

Lake Hughes, Calif.
Lakeland, Fla.
Lamar, Colo.
Lamoni, Iowa
Lancaster, Pa.
Lansing, Mich.
Laramie, Wyo.
Laredo, Tex.
Las Vegas, Nev.
Lawrenceville, Va.
Leona, Tex.
Leslie INT: INT Salem, Mich., 273°, Lansing, Mich., 159° radials.
Lewis, Ind.
Lewistown, Mont.
Lexington, Ky.
Liberal, Kans.
Liberty, N. C.
Linden, Calif.
Linden, Va.
Litchfield, Mich.
Little Rock, Ark.
Livingston, Mont.
Llano, Tex.
Lometa, Tex.
London, Ky.
Lone Rock, Wis.
Los Angeles, Calif.
Los Banos, Calif.
Louisville, Ky.
Lovelock, Nev.
Lubbock, Tex.
Lucin, Utah
Lufkin, Tex.
Lynchburg, Va.
Macon, Ga.
Madison INT: INT Rex, Ga., 090° and Athens, Ga., 192° radials.
AMENDMENTS 11/11/71 36 F. R. 18076 (Added)
Malad City, Idaho
Malden, Mo.
Mansfield, Ohio
Maples, Mo.
Marianna, Fla.
Marion, Ill.
Martinsburg, W. Va.
Massena, N. Y.
Mason City, Iowa
McAlester, Okla.
McCall, Idaho
McComb, Miss.
McCook, Nebr.
Medford, Oreg.
Medicine Bow, Wyo.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Midland, Tex.
Miles City, Mont.
Milford, Utah
Millinocket, Maine
Millsap, Tex.
AMENDMENTS 8/19/71 36 F. R. 11806 (Added)
Millston INT: INT Eau Claire, Wis., 134° and Nodine, Minn., 055° radials.
Milton, Pa.
Milwaukee, Wis.
Minneapolis, Minn.
Minot, N. Dak.
Missoula, Mont.
Mobile, Ala.
Modena, Pa.
Moline, Ill.
Monroe, La.
Monroeville, Ala.
Montebello, Va.
Montgomery, Ala.
Mormon Mesa, Nev.
Morgantown, W. Va.
Mullan Pass, Idaho
Muncie, Ind.

Muscle Shoals, Ala.
Muskegon, Mich.
Myrtle Beach, S. C.
Nabb, Ind.
Nantucket, Mass.
Naperville, Ill.
Nashville, Tenn.
Needles, Calif.
Nelson INT: INT Atlanta, Ga., 003° and Chattanooga, Tenn., 127° radials.

AMENDMENTS 11/11/71 36 F. R. 18076 (Added)

Neola, Iowa
Neosho, Mo.
Newcombe, Ky.
Newman, Tex.
New Orleans, La.
Newport, Oreg.
Nodine, Minn.
Norris INT: INT Modena, Pa., 250° Lancaster, Pa., 178° radials.
North Bend, Oreg.
Northbrook, Ill.
North Platte, Nebr.
Nottingham, Md.
Oakland, Calif.
Ocala, Fla.
Oceanside, Calif.
Ogden, Utah
Oklahoma City, Okla.
Omaha, Nebr.
O'Neill, Nebr.
Ontario, Calif.
Orlando, Fla.
Oshkosh, Wis.
Oswego, Kans.
Ottumwa, Iowa
Pahokee, Fla.
Palacios, Tex.
Palm Beach, Fla.
Palmdale, Calif.
Palm Springs, Calif.
Parker, Calif.
Parkersburg, W. Va.
Paso Robles, Calif.
Patuxent, Md.
Pawling, N. Y.
Pawnee City, Nebr.
Peach Springs, Ariz.
Pecos, Tex.
Pellston, Mich.
Pembina, N. Dak.
Pendleton, Oreg.
Peoria, Ill.
Peotone, Ill.
Philipsburg, Pa.
Phoenix, Ariz.
Pierre, S. Dak.
Pine Bluff, Ark.
Pioneer INT: INT Ft. Wayne, Ind., 039°, Waterville, Ohio, 288° radials.
Plainview, Tex.
Plattsburg, N. Y.
Pocatello, Idaho
Point Reyes, Calif.
Polo, Ill.
Pomona, Calif.
Ponca City, Okla.
Pontiac, Ill.
Porterville, Calif.
Portland, Fla. REN
Portland, Oreg.
Prescott, Ariz.
Presque Isle, Maine
Priest, Calif.
Princeton, Maine
Providence, R. I.
Pueblo, Colo.
Pulaski, Va.
Pullman, Mich.

Quincy, Ill.
Quitman, Tex.
Raleigh-Durham, N. C.
Rapid City, S. Dak.
Ravine, Pa.
Raymond, Nebr.
Readsville, Mo.
Red Bluff, Calif.
Redmond, Oreg.
Redwood Falls, Minn.
Reno, Nev.
Rewey, Wis.
Rex, Ga.
Rhinelander, Wis.
Roberts, Ill.
Rochester, Minn.
Rochester, N. Y.
Rockford, Ill.
Rock Springs, Wyo.
Rocky Mount, N. C.
Rome, Oreg.
Rosewood, Ohio
Roswell, N. Mex.
Sacramento, Calif.
Saginaw, Mich.
St. Johns, Ariz.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salisbury, Md.
Salt Flat, Tex.
Salt Lake City, Utah
Samsville, Ill.
San Angelo, Tex.
San Antonio, Tex.
San Luis Obispo, Calif.
San Simon, Ariz.
Santa Barbara, Calif.
Santa Fe, N. Mex.
Saufley, Fla.
Sault Ste. Marie, Mich.
Savannah, Ga.
Saybrook INT: INT Carmel, N. Y., 093°, Riverhead, N. Y., 046° radials.
Sayre, Okla.
Scipio INT: INT Syracuse, N. Y., 210° and Georgetown, N. Y., 273° radials.
Scottsbluff, Nebr.
Scurry, Tex.

AMENDMENTS 4/29/71 36 F. R. 3892 (Added)

Sea Isle, N. J.
Seal Beach, Calif.
Seattle, Wash.
Selinsgrove, Pa.
Shelbyville, Ind.
Sheridan, Wyo.
Shreveport, La.
Sidney, Nebr.
Sioux City, Iowa
Sioux Falls, S. Dak.
Snow Hill, Md.
Sod House, Nev.
South Bend, Ind.
South Boston, Va.
Spokane, Wash.
Springfield, Mo.
Stacy INT: INT Blackford, Va., 009°, Bluefield, W. Va., 267° radials.
Stevens Point, Wis.
Stockton, Calif.
Sugarloaf Mountain, N. C.
Sulphur Springs, Tex.
Syracuse, N. Y.
Tallahassee, Fla.
Texarkana, Ark.
The Dalles, Oreg.
Thermal, Calif.
Thurman, Colo.
Tidioute, Pa.
Tiverton, Ohio

V 37 - 20 JAN 29 72 XUM

Tobe, Colo.
Topeka, Kans.
Traverse City, Mich.
Troy, Ill.
Truth or Consequences, N. Mex.
Tuba City, Ariz.
Tucson, Ariz.
Tucumcari, N. Mex.
Tulsa, Okla.
Tuscola, Tex.
Tuskegee, Ala.
Twenty-Nine Palms, Calif.
Twin Falls, Nev.
Tyrone, Pa.
Ukiah, Calif.
Vance, S. C.
Vandalia, Ill.
Ventura, Calif.
Vero Beach, Fla.
Vichy, Mo.
Vienna, Ga.
Waco, Tex.
Walnut Ridge, Ark.
Waterloo, Iowa
Watertown, N. Y.
Watertown, S. Dak.
Waterville, Ohio
Waukon, Iowa
Wausau, Wis.
Waycross, Ga.
White Cloud, Mich.
Whitehall, Mont.
White Lake, La.
Whitesburg, Ky.
Wichita, Kans.
Wichita Falls, Tex.
Wilkes-Barre, Pa.
Williams, Calif.
Williamsport, Pa.
Wilmington, N. C.
Wink, Texas
Winslow, Ariz.
Wolbach, Nebr.
Woodside, Calif.
Woodstown, N. J.
Yakima, Wash.
York, Ky.
Youngstown, Ohio
Yuma, Ariz.
Zuni, N. Mex.

§ 71.207 **Domestic High Altitude Reporting Points.**

The reporting points listed below are designated at all altitudes from 18,000 feet MSL to Flight Level 450, inclusive.

Aberdeen, S. Dak.
Abilene, Tex.
Alamosa, Colo.
Albany, N. Y.
Albuquerque, N. Mex.
Alexandria, La.
Alma, Ga.
Amarillo, Tex.
Appleton, Ohio
Atlanta, Ga.
Augusta, Ga.
Austin, Tex.
Bakersfield, Calif.
Bangor, Maine
Battle Mountain, Nev.
Beckley, W. Va.
Bellaire, Ohio
Billings, Mont.

Birmingham, Ala.
Biscayne Bay, Fla.
Blythe, Calif.
Boise, Idaho
Boston, Mass.
Boulder City, Nev.
Bowling Green, Ky.
Bradford, Ill.
Brownsville, Tex.
Bryce Canyon, Utah
Buffalo, N. Y.
Butler, Mo.
Carleton, Mich.
Casanova, Va.
Chardon, Ohio
Charleston, S. C.
Charleston, W. Va.
Cleveland, Ohio
Coaldale, Nev.
Columbia, S. C.
Coyle, N. J
Crazy Woman, Wyo.
Crestview, Fla.
Croaker INT: INT Norfolk, Va., 088° and Sea Isle, N. J., 146° radials.
Croaker DME INT: Norfolk, Va., VORTAC 088° radial, 154 nautical miles from Norfolk VORTAC.
Davey INT: INT Yarmouth, Nova Scotia, 230° and Bangor, Maine 152° radials.
Daytona Beach, Fla.
Delta, Utah
Denver, Colo.
Des Moines, Iowa
Dickinson, N. Dak.
Dove Creek, Colo.
Dubois, Idaho
Duluth, Minn.
Dunkirk, N. Y.
Dupree, S. Dak.
El Paso, Tex.
Evansville, Ind.
Falmouth, Ky.
Fargo, N. Dak.
Farmington, Mo.
Farmington, N. Mex.
Fayetteville, Ark.
Fort Stockton, Tex.
Flat Rock, Va.
Flint, Mich.
Florence, S. C.
Fresno, Calif.
Front Royal, Va.
Gainesville, Fla.
Garden City, Kans.
Gila Bend, Ariz.
Goodland, Kansas
Gordonsville, Va.
Grand Junction, Colo.
Great Falls, Mont.
Greater Southwest, Tex.
Green Bay, Wis.
Greensboro, N. C.
Greenwood, Miss.
Hancock, N. Y.
Harrisburg, Pa.
Hector, Calif.
Herndon, Va.
Hill City, Kans.
Houston, Tex.
Indianapolis, Ind.
Iowa City, Iowa
Jackson, Miss.
Jacksonville, Fla.
Jamestown, N. Y.
Joliet, Ill.
Kansas City, Mo.
Keating, Pa.
Kennedy, N. Y.
Key West, Fla.
Knoxville, Tenn.

66-000 O - 72 (pt. 2 Sec. 2) - 8

V 37 - 20 JAN 29 72 XUM

Lake Charles, La.
Lakeview, Oreg.
Laredo, Tex.
Las Vegas, N. Mex.
Lewistown, Mont.
Lincoln, Nebr.
Little Rock, Ark.
Los Angeles, Calif.
Louisville, Ky.
Lufkin, Tex.
Malad City, Idaho
Mason City, Iowa
Massena, N. Y.
Meeker, Colo.
McCall, Idaho
McComb, Miss.
Medford, Oreg.
Memphis, Tenn.
Meridian, Miss.
Miami, Fla.
Milford, Utah
Millinocket, Maine
Milwaukee, Wis.
Mineral Wells, Tex.
Minneapolis, Minn.
Mobile, Ala.
Montgomery, Ala.
Mullan Pass, Idaho
Nantucket, Mass.
Nashville, Tenn.
New Orleans, La.
Nodine, Minn.
Norfolk, Va.
Northbrook, Ill.
Oakland, Calif.
Oklahoma City, Okla.
O'Neill, Nebr.
Orlando, Fla.
Palm Beach, Fla.
Palmdale, Calif.
Parker, Calif.
Pawnee City, Nebr.
Peach Springs, Ariz.
Peck, Mich.
Pembina, N. Dak.
Pendleton, Oreg.
Philipsburg, Pa.
Phoenix, Ariz.
Plattsburgh, N. Y.
Presque Isle, Maine
Pueblo, Colo.
Pulaski, Va.
Putnam, Conn.
Raleigh-Durham, N. C.
Ramey AFB, P. R., RBN
Rapid City, S. Dak.
Red Bluff, Calif.
Reno, Nev.
Richmond, Va.
Robbinsville, N. J.
Rock Springs, Wyo.
Rome, Oreg.
Roswell, N. Mex.
Rosewood, Ohio
Sacramento, Calif.
St. Louis, Mo.
St. Petersburg, Fla.
Salem, Mich.
Salina, Kans.
Salt Lake City, Utah
San Angelo, Tex.
San Antonio, Tex.
San Diego, Calif.
San Juan, P. R. RBN
San Simon, Ariz.
Sault Ste. Marie, Mich.
Savannah, Ga.

Scottsbluff, Nebr.
Seattle, Wash.
Shreveport, La.
Sidney, Nebr.
Sioux Falls, S. Dak.
South Bend, Ind,
Sparta, N. J.
Spartanburg, S. C.
Spokane, Wash.
Springfield, Mo.
Stockton, Calif.
Syracuse, N. Y.
Tallahassee, Fla.
Texarkana, Ark.
Tuba City, Ariz.
Tucson, Ariz.
Tulsa, Okla.
Tuna DME INT: Kennedy, N. Y., VORTAC 143° radial, 128 nautical miles from Kennedy VORTAC.
Vero Beach, Fla.
Waco, Tex.
Walnut Ridge, Ark.
Westminster, Md.
Whitehall, Mont.
Wichita, Kans.
Wilmington, N. C.
Wilson Creek, Nev.
Wink, Tex.
Wolbach, Nebr.
Yuma, Ariz.

§ 71.209 Other domestic reporting points.
The reporting points listed below are designated at all altitudes.

Alaska INT: INT Ponce, P. R., 181°, St. Croix, P. R., 243° radials.

Albacore INT: INT 188° bearing Galveston, Tex., RBN, 102° bearing Corpus Christi, Tex., RBN, at latitude 27°22' N., longitude 95°14' W.

Azalea INT: INT Charleston, S. C., 109°, Wilmington, N. C., 189° radials.

Azalea INT: INT 188° bearing Wilmington (Carolina Beach), N. C., RBN, 110° bearing Ashley, S. C., RBN.
AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

Balboa INT: INT 219° bearing Marathon, Fla. RBN, with latitude 24°00'00" N.

Barracuda INT: INT 055° bearing Satellite, Fla., RBN, 008° bearing Bimini, Bahamas, RBN.
AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

Bass INT: INT 133° bearing Weeksville, N. C., (Navy) RBN, W boundary New York Oceanic Control Area, at latitude 34°26' N., longitude 73°51' W.

Bimini, Bahamas, RBN.

Bonita INT: INT 208° bearing New Orleans, La., RBN and 109° bearing Galveston, Texas, RBN, at latitude 28°15" N., longitude 91°27" W.

Brim INT: INT 227° Grand Isle, La., RBN, 107° bearing Galveston, Tex., RBN at latitude 28°15" N., longitude 91°13' W.

Carp INT: INT direct line between Carolina Beach (Wilmington), N. C., RBN, Nassau, British West Indies, RBN, 090° bearing Dinsmore, Fla., RBN.
AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

V 37-20 JAN 29 72 XUM

Catfish INT: INT 220° Grand Isle, La., RBN, 106° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°58' W.

Cod INT: INT of Nantucket, Mass., RBN 089° bearing and the W boundary of New York Oceanic Control Area at latitude 41°16'50" N., longitude 68°00'00" W.
AMENDMENTS 7/22/71 36 F. R. 8210 (Changed) Eff. date changed to 11/11/71 36 F. R. 13325

Crab INT: INT Sarasota, Fla., 286°, Tallahassee, Fla., 187° radials.

Crab INT: INT 188° bearing Wakulla, Fla., RBN, 284° bearing Egmont Key, Fla., RBN.
AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

Croaker INT: INT of 073° bearing Jacksville, N. C., RBN, and the west boundary of New York Oceanic Control Area at latitude 36°57'20" N., longitude 73°00'00" W.

Dolphin INT: INT 177° bearing Grand Isle, La., RBN, 102° bearing Galveston, Tex., RBN, at latitude 28°15' N., longitude 90°02' W.

Ear Shell INT: INT 140° bearing Galveston, Tex., RBN, 254° bearing Grand Isle, La., RBN, at latitude 28°15' N., longitude 93°56' W.

Fallfish INT: INT 153° bearing Grand Isle, La., RBN, 223° bearing Pensacola, Fla., RBN, at latitude 28°15' N., longitude 89°34' W.

Florida INT: INT 149° bearing San Juan, P. R., RBN, St. Croix, P. R., 220° radial.

Gateway INT: INT 090° bearing Dinsmore, Fla., RBN, 188° bearing Wilmington (Carolina Beach), N. C., RBN.
AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

Gateway Cedar INT: INT Hoquiam, Wash., 232° radial, E boundary Oakland Oceanic Control Area at latitude 45°30'35" N., longitude 126°43'10" W.

Gateway Hemlock INT: INT Newport, Oreg., 237° radial, E boundary Oakland Oceanic Control Area at Lat. 43° 19'20" N., Long. 126°40'45" W.

Gateway Pine INT: INT San Luis Obispo, Calif., 242° radial, east boundary Oakland Oceanic Control Area at latitude 34°12'42" N., longitude 123°03'20" W.

Haddock INT: INT rhumb line Nantucket, Mass., RBN to Kindley AFB, Bermuda, RBN
W boundary New York Oceanic Control Area at latitude 39°50'00" N., longitude 69°14'30" W.
AMENDMENTS 7/22/71 36 F. R. 8210 (Changed) Eff. date changed to 11/11/71 36 F. R. 13325

Halibut INT: INT 008° bearing Bimini, Bahamas, RBN, 090° bearing Rubin, Fla., RBN.
AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

Hawaii INT: INT Ramey AFB, P. R., 195°, Ponce, P. R., 235° radials.

Herring INT: INT Nantucket, Mass., 066° radial with longitude 67°47'30" W. (latitude 42°00'30" N., longitude 67°47'30" W.).

Idaho INT: INT Ramey AFB, P. R., 326° radials, Mona Island, P. R., RBN 012° bearing.

Ohio INT: INT Ramey AFB, P. R., 013°, San Juan, P. R., 333° radials.

Perch INT: INT Los Angeles, Calif., 264°, Ventura, Calif., 200° radials.

Ramey AFB, P. R.

San Juan, P. R.

Sea Lion INT: INT 205° bearing Fish Hook, Fla., RBN with latitude 24°00'00" N.
AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

Shad INT: INT of Millville, N. J., RBN 135° bearing and west boundary New York Oceanic Control area at latitude 37°43' N., longitude 73°00' W.

Shad INT: INT of Sea Isle, N. J., 134° and Norfolk, Va., 071° radials.

Shad DME INT: Sea Isle, N. J., VORTAC 134° radial, 118 nautical miles from Sea Isle VORTAC.

Smelt INT: INT 110° bearing Ashley, S. C., RBN, W boundary New York Oceanic control area at latitude 31°58' N., longitude 77°00' W.
AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

Tadpole INT: INT 187° bearing Marathon, Fla., RBN, with latitude 24°00'00" N.
PENDING AMENDMENT
Tadpole INT: INT of Marathon, Fla., RBN 189° bearing with lat. 24°00'00" N.

AMENDMENTS 2/3/72 36 F. R. 23358 (Rewritten)

Trout INT: INT 090° bearing Dinsmore, Fla., RBN, W boundary New York Oceanic Control area, at latitude 30°21'N., longitude 77°00" W.
AMENDMENTS 12/10/70 35 F.R. 13363 (Changed) Corr: 35 F.R. 18039 Effective date changed to 3/4/71
AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

Tuna INT: INT 137° bearing Newark, N. J., RBN, W boundary New York Oceanic Control Area, at latitude 38°55' N., longitude 72°07' W.

Utah INT: INT San Juan. P.R.. 314°. Ramey, P.R., 354° radials, at latitude 19°35' N., longitude 67°15' W. is added.

Vermont INT: INT Ramey, P. R., 027°, San Juan, P. R., 351° radials.

Viperfish INT: INT 132° bearing Grand Isle, La., RBN, 214° bearing Pensacola, Fla., RBN, at latitude 28°14' N., longitude 88°51' W.

§ 71.211 Alaskan low altitude reporting points.

The reporting points listed below are designated up to but not including 18,000 feet MSL.

Adak, Alaska, RBN
Anchorage, Alaska
Anchorage, Alaska, RR
Aniak, Alaska, RBN
Annette Island, Alaska
Annette Island, Alaska, RR
Anvil INT: INT 006° bearing Kirilof Wharf, Alaska, RBN, 282° bearing Adak, Alaska, RBN.
Bear Creek, Alaska, RBN
Bethel, Alaska
Bethel, Alaska, RBN
Bettles, Alaska
Bettles, Alaska, RR
Big Delta, Alaska
Big Delta, Alaska, RR
Big Lake, Alaska
Big Mountain, Alaska, RBN
Biorka Island, Alaska
Cape Sarichef, Alaska, RBN.
Carp INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, southwest course Sitka, Alaska, RR.
Chandalar, Alaska, RBN.
Clam Gulch INT: Homer, Alaska, 294° Kenai, Alaska, 216° radials.
Coghlan Island, Alaska, RBN
Cold Bay, Alaska, RR
Crab INT: INT 227° bearing King Salmon, Alaska, RR, 314° bearing Port Heiden, Alaska, RBN.

V37-20 JAN 29 72 XUM

Deadhorse, Alaska, RBN
Dillingham, Alaska
East Cordova INT: INT E course Hinchinbrook, Alaska, RR, SE course Cordova, Alaska, RR.
Fairbanks, Alaska
Fairbanks, Alaska, RR
Farewell, Alaska, RR
Fluke INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska
Fort Yukon, Alaska, RBN
Galena, Alaska
Galena, Alaska, RBN
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Granite INT: INT 118° bearing Homer, Alaska, RR, NW boundary Anchorage Oceanic Control Area, at latitude 58°43' N., longitude 148°14' W.
Gulkana, Alaska
Gulkana, Alaska, RR
Haines, Alaska, RBN
Halibut INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, southwest course Annette Island, Alaska,
Harbor Point INT: INT 273° bearing Cape Spencer, Alaska, RBN, southeast course Yakutat, Alaska, RR,
Hazy Island INT: INT 127° bearing Sitka, Alaska, RR, southwest course Petersburg, Alaska, RR,
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Hinchinbrook, Alaska, RR
Homer, Alaska
Homer, Alaska, RR
Iliamna, Alaska, RBN
Johnstone Point, Alaska
Kenai, Alaska
Kenai, Alaska, RR
King Salmon, Alaska
King Salmon, Alaska, RR
Kirilof Wharf, Alaska, RBN
Kodiak, Alaska
Kodiak, Alaska, RR
Kotzebue, Alaska
Kotzebue, Alaska, RBN
Level Island, Alaska
Marble INT: INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W.
Marlin INT: INT 041° bearing Cold Bay, Alaska, RR, 313° bearing Port Moller, Alaska, RBN.
McGrath, Alaska
McGrath, Alaska, RR
Middleton Island, Alaska
Middleton Island, Alaska, RBN
Minchumina, Alaska, RR
Mordvinoff INT: INT 255° bearing Cold Bay, Alaska, RR, 344° bearing Cape Sarichef, Alaska, RBN.
Moses Point, Alaska
Muzon INT: Annette Island, Alaska 236°, and Sandspit, British Columbia, Canada, 331° radials.
Muzon LF INT: INT 331° bearing Sandspit, British Columbia, Canada, RR, southwest course Annette Island, Alaska, RR,
Nenabank INT: INT west course Fairbanks, Alaska, RR, northwest course Nenana, Alaska, RR.
Nenana, Alaska
Nenana, Alaska, RR
Nikolski, Alaska, RBN.
Nome, Alaska
Nome, Alaska, RR
Northway, Alaska
Northway, Alaska, RR
Norton Bay, Alaska, RBN
AMENDMENTS 10/14/71 36 F. R. 18191 (Added)
PENDING AMENDMENT
Oliktok, Alaska, RBN
AMENDMENTS 2/3/72 36 F. R. 23358 (Added)
Petersburg, Alaska, RR
Porpoise INT: INT 122° bearing Middleton Island, Alaaka, RBN, southwest course Yakutat, Alaska, RR.
Port Alexander INT: INT 148° bearing Sitka, Alaska, RR, southwest course Petersburg, Alaska, RR.
Puntilla Lake, Alaska, RBN
Sagwon, Alaska, RBN
Shemya, Alaska, RBN
Shrimp INT: INT 122° bearing Middleton Island, Alaska, RBN, 235° bearing Gustavus, Alaska RBN.
AMENDMENTS 11/11/71 36 F.R. 18509 (Changed)
PENDING AMENDMENT
Shrimp INT: INT 122° bearing Middleton Island, Alaska (MDO), RBN, 218° bearing Cape Spencer, Alaska, RBN.
AMENDMENTS 3/2/72 36 F. R. 24799 (Rewritten)
Sisters Island, Alaska
Sisters Island, Alaska, RBN
Sitka, Alaska, RR
Skilak INT: INT Anchorage, Alaska, 198°, Homer, Alaska 027° radials.
Skwentna, Alaska, RR
Sparrevohn, Alaska, RBN.
Summit, Alaska, RR

Talkeetna, Alaska, RBN
Tanana, Alaska
Tux Bay INT: INT Kenai, Alaska, 239° Homer, Alaska, 316° radials.
AMENDMENTS 4/1/71 36 F. R. 1249 (Added)
Unalakleet, Alaska
Unalakleet, Alaska, RR
Wide Bay INT: INT 164° bearing King Salmon, Alaks, RR, 074° bearing Port Heiden, Alaska, RBN.
Yakutat, Alaska
Yakutat, Alaska, RR

§ 71.213 Alaskan high altitude reporting points.
The reporting points listed below are designated at 18,000 feet MSL to Flight Level 450.

Adak, Alaska, RBN
Anchorage, Alaska
Annette Island, Alaska
Anvil INT: INT 006° bearing Kirilof Wharf, Alaska, RBN, 282° bearing Adak, Alaska, RBN.
Bethel, Alaska
Bettles, Alaska
Big Lake, Alaska
Biorka Island, Alaska
Carp INT: INT 314° bearing Sandspit, British Columbia, Canada, RR, Biorka Island, Alaska, 207° radial.
Cold Bay, Alaska, RR
Crab INT: INT 227° bearing King Salmon, RR, 314° bearing Port Heiden, Alaska RBN.
Deadhorse, Alaska
Dillingham, Alaska
Fairbanks, Alaska
Fluke INT: INT 237° bearing Bethel, Alaska, RBN, 327° bearing Cape Newenham, Alaska, RBN.
Fort Yukon, Alaska
Galena, Alaska
Gar INT: INT 263° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Gulkana, Alaska.
Herring INT: INT 248° bearing King Salmon, Alaska, RR, 131° bearing Cape Newenham, Alaska, RBN.
Johnstone Point, Alaska
King Fish INT: INT Yakutat, Alaska, 213° radial and Hinchinbrook, Alaska, 118° bearing (lat. 58°45'N., long. 140°35' W.).
King Salmon, Alaska.
Kodiak, Alaska
Kotzebue, Alaska
Marble INT: INT of Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at latitude 57°28' N., longitude 150°32' W.
McGrath, Alaska
Middleton Island, Alaska
Nenana, Alaska
Nikolski, Alaska, RBN.
Nome, Alaska
Northway, Alaska
PENDING AMENDMENT
Oliktok, Alaska, RBN
AMENDMENTS 2/3/72 36 F. R. 23358 (Added)
Point Barrow, Alaska, RBN (PBA)
Porpoise INT: INT 122° bearing Middleton Island, Alaska, RBN, Yakutat, Alaska, 215° radial.
Prudhoe Bay, Alaska, RBN.
Sagwon, Alaska, RBN.
Saint Paul, Alaska, RBN.
Sisters Island, Alaska
Unalakleet, Alaska
Yakutat, Alaska.
Yakutat, Alaska, RR.

V 37-20 JAN 29 72 XUM

§ 71.215 Hawaiian reporting points.
The reporting points listed below are designated at all altitudes.

Bait INT: INT Hilo, Hawaii, 078° radial and the Honolulu FIR Oceanic CTA at lat. 20°00'42" N., long. 153° 33'16" W.

Breakers INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 130° radials.

Cod INT: INT Hilo, Hawaii, 356° radial and the Honolulu FIR/Oceanic CTA at lat. 21°26'17" N., long. 155° 08'30" W.

Cuttle INT: INT Upolu Point, Hawaii, 093° radial and the Honolulu FIR/Oceanic CTA at lat. 20°04'48" N., long. 153°37'46" W.

Dogwood INT: INT South Kauai, Hawaii, 271° radial, with longitude 161°20'00" W, at latitude 21°56'00" N.

Eel INT: INT Hilo, Hawaii, 099° radial and the Honolulu FIR/Oceanic CTA at lat. 19°27'35" N., long. 153° 18'22" W.

Firepit INT: INT Honolulu, Hawaii, 134° and Upolu Point 277° radials.

Frog INT: INT Molokai, Hawaii, 015° radial and the Honolulu FIR/Oceanic CTA at lat. 22°46'16" N., long. 156°41'58" W.

Hilo, Hawaii

Honolulu, Hawaii

Lanai, Hawaii

Lihue, Hawaii

Lobster INT: INT Maui, Hawaii, 046° radial and the Honolulu FIR/Oceanic CTA at lat. 21°00'34" N., long. 154°39'36" W.

Makai INT: INT Honolulu, Hawaii, 179° and Molokai, Hawaii, 262° radials.

Maui, Hawaii

Molokai, Hawaii

Palmtree INT: INT Honolulu, Hawaii, 119° and Molokai, Hawaii, 262° radials.

Paradise INT: INT Hilo, Hawaii, 336°, Upolu Point, Hawaii 093° radials.

Shark INT: INT of Koko Head, Hawaii, 050° Upolu Point, Hawaii, 355° radials, at latitude 22°31' N., longitude 156°05' W.

South Honolulu INT: INT Honolulu, Hawaii, 179°, Lanai, Hawaii, 223° radials, at latitude 19°43' N., longitude 158°00' W.

South Kauai, Hawaii

South Port Allen INT: INT Koko Head, Hawaii 254°, Lihue, Hawaii, 186° radials, at latitude 20°46' N., longitude 159°29' W.

Sunrise INT: INT Koko Head, Hawaii, 065°, Upolu Point, Hawaii, 002° radials, at latitude 22°06' N., longitude 155°46' W.

Swordfish INT: INT Honolulu, Hawaii, 269°, Lihue, Hawaii, 195° radials, at latitude 21°18' N., longitude 159°32' W.

Tuna INT: INT Molokai, Hawaii, 067°, Upolu Point, Hawaii, 010° radials, at latitude 21°47' N., longitude 155°32' W.

Upolu, Hawaii

Vanda INT: INT South Kauai, Hawaii, 288° radial, with Long. 161°15'00" W, at latitude 22°24'00" N.

Subpart J - Area Low Routes

§71.301 Designation.
The parts of airspace described below are designated as area low routes.

SUBPART K - TERMINAL CONTROL AREAS

§71.401 Designation.
The parts of the airspace described below are designated as terminal control areas. The primary airport or airports for each terminal control area are also designated. Except as otherwise specified, all mileages are nautical miles.

(a) Group I, Terminal Control Areas:

Atlanta, Ga., Terminal Control Area

Primary Airport
Atlanta Airport (lat. 33°38'42" N., long. 84°25'37" W.)

Area A. That airspace extending upward from the surface to 8,000 feet MSL within a 7-mile radius of the Atlanta Airport including that area within lines drawn 2 statute miles each side of the 268° radial of the Rex VOR extending from the 7-mile radius circle to the Rex VOR, excluding the Fulton County control zone and excluding the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 9L/27R.

Area B. That airspace extending upward from 2,500 feet MSL to 8,000 feet MSL within a 12-mile radius of the Atlanta Airport, excluding Area A, the Fulton County control zone, and the airspace north of a line 4 miles north of and parallel to the extended centerline of Runways 9L/27R.

Area C. That airspace extending upward from 3,500 feet MSL to 8,000 feet MSL within a 20-mile radius of the Atlanta Airport, excluding Area A, Area B and the airspace north of a line 1 mile south of and parallel to the 271° and 091° radials of the Fulton County VOR.

Area D. That airspace extending upward from 6,000 feet MSL to 8,000 feet MSL north of the Atlanta Airport bounded on the east by a 20-mile radius arc from the Atlanta Airport, on the south by a line 1 mile south of and parallel to the 271° and 091° radials of Fulton County VOR, on the west by a 20-mile radius arc from the Atlanta Airport, and on the north by the southern boundary of the area described as the Dobbins AFB control zone and the 260° radial of Norcross VOR east of the Dobbins AFB control zone.

AMENDMENTS 2/4/71 35 F. R. 19103 (Rewritten)

Chicago, Ill., Terminal Control Area

Primary Airport
1. Chicago-O'Hare International Airport (latitude 41°59'10" N., longitude 87°54'28" W.)

Boundaries. That airspace up to and including 7,000 feet MSL -

1. Area A. That airspace extending upward from the surface within the Chicago, Ill. (O'Hare International Airport), control zone, including that airspace within 2 miles northwest of the centerline of Runway 4 extended and 2 miles southeast of the centerline of the proposed Runway 4R extended, extending from the 5-mile radius control zone to 2 miles southwest of the Pine Outer Marker.

2. Area B. That airspace extending upward from 1,900 feet MSL within a 10.5-mile radius arc of Chicago O'Hare International Airport, excluding Area A and that area bounded on the southeast by a line 2 miles northwest of and parallel to the centerline extended of Runway 22, on the south and southwest by the southwest boundary of Glenview, Ill., control zone, on the north by a 10.5-mile radius arc of the Chicago-O'Hare International Airport, and
excluding Area E described hereinafter.

3. Area C. That airspace extending upward from 3,000 feet MSL within a 20-mile radius arc of Chicago-O'Hare International Airport, excluding Areas A and B, previously described, Areas D and E, described hereinafter, and that airspace within a 1.5-mile radius of Clow Airport (latitude 41°41'40" N., longitude 88°07'38" W.).

4. Area D. That airspace extending upward from 4,000 feet MSL north of Chicago bounded on the south by a line 2 nautical miles south of and parallel to the 093° and 274° radials of the Northbrook VORTAC, on the west by a line 3 miles northeast of and parallel to
the centerline extended of Runway 14L, and on the north by the 20-mile radius arc of the Chicago-O'Hare International Airport. That area southeast of Chicago between the 10.5-mile and 20-mile radius arcs of the Chicago-O'Hare International Airport and bounded
on the north by a line 3 miles south of and parallel to the extended centerline of Runway 27R, and on the southwest by a line 3 miles northeast of and parallel to the extended centerline of Runway 32R.

5. Area E. That airspace northeast of Chicago extending upward from 2,500 feet MSL bounded on the northeast by a 10.5-mile radius arc of Chicago-O'Hare International Airport, on the south by the extended-center-line of Runway 9/27 at NAS Glenview and on the northwest by a line 2 miles northwest of and parallel to the extended centerline of Runway 22 at Chicago-O'Hare International Airport.

AMENDMENTS 10/15/71 36 F. R. 20035 (Changed)

V 37-20 JAN 29 72 XUM

Los Angeles, Calif., Terminal Control Area

Primary Airport
Los Angeles International Airport (lat. 33°56'25" N., long. 118°24'10" W.)

Boundaries
That airspace up to and including 7,000 feet MSL.

Area A. That airspace extending upward from the surface to 2,500 feet MSL and from 5,000 feet MSL to and including 7,000 feet MSL bounded on the north by Bolona Creek, on the east by the San Diego Freeway, on the south by Imperial Boulevard, and on the west by the Pacific Ocean shoreline.

Area B. That airspace extending upward from the surface to and including 7,000 feet MSL east of Los Angeles Airport bounded on the east by the Los Angeles, Calif., VORTAC 10-mile radius arc, on the south by the Los Angeles VORTAC 091° radial, on the west by the San Diego Freeway and on the north by the Los Angeles VORTAC 061° radial; and that airspace west of Los Angeles Airport bounded on the east by the Pacific Ocean shoreline, on the southeast by the Los Angeles VORTAC 207° radial, on the west by the Los Angeles VORTAC 11-mile radius arc, and on the north by the Santa Monica VOR 270° radial and the Ventura, Calif., VORTAC 107° radial.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL east of Los Angeles between the 10- and 15-mile radii of the Los Angeles VORTAC bounded on the north by the Los Angeles VORTAC 061° radial and on the south by the Santa Monica VOR 112° radial; and that airspace west of Los Angeles bounded on the east by the Los Angeles VORTAC 11-mile radius arc and the Los Angeles VORTAC 207° radial, and the south by the Seal Beach, Calif., VORTAC 266° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Santa Monica VOR 270° radial.

Area D. That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL east and northeast of Los Angeles Airport bounded by a line beginning at the intersection of the Los Angeles VORTAC 061° radial and the San Diego Freeway, thence northwest along the San Diego Freeway to and northeast along the Los Angeles VORTAC 024° and the Santa Monica VOR 057° radials to and east along the Ontario, Calif., VORTAC 288° and the Pomona VORTAC 266° radials to and south along the Los Angeles VORTAC 20-mile radius arc to and west along the Ontario VORTAC 268° radial to and north along the Los Angeles VORTAC 15-mile radius arc to and southwest along the Los Angeles VORTAC 061° radial to the point of beginning.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL east of Los Angeles bounded on the east by the Los Angeles VORTAC 25-mile radius arc, on the south by the Ontario VORTAC 268° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Pomona VORTAC 266° radial; that airspace bounded on the east by the Los Angeles VORTAC 180° radial, on the south by the Seal Beach VORTAC 266° radial, and on the northwest by the Los Angeles VORTAC 207° radial; and that airspace northwest of Los Angeles bounded on the northeast by the Los Angeles VORTAC 320° radial, on the south by the Santa Monica VOR 270° radial and the Ventura VORTAC 107° radial, on the west by the Los Angeles VORTAC 20-mile radius arc, and on the north by the Ventura VORTAC 090° radial.

Area F. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL north of Los Angeles bounded by a line beginning at the intersection of the Ventura VORTAC 090° radial and the Santa Monica VOR 057° radial, thence southwest along the Santa Monica VOR 057° radial to the Los Angeles VORTAC 024° radial, thence southwest along the Los Angeles VORTAC 024° radial to Bolona Creek, thence southwest along Bolona Creek to the Pacific Ocean shoreline, thence northwest along the Los Angeles VORTAC 320° radial to the Ventura 090° radial, thence east along the Ventura 090° radial to the point of beginning; and that airspace southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 12-mile radius arc, on the south by the Seal Beach VORTAC 266° radial, on the west by the Los Angeles VORTAC 180° radial and on the north by Areas A, B, and C.

Area G. That airspace extending upward from 6,000 feet MSL to and including 7,000 feet MSL southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 25-mile radius arc, on the southwest by the Seal Beach VORTAC 330°/150° radials, and on the north by the Ontario 268° radial.

AMENDMENTS 9/16/71 36 F. R. 13376 (Added)

New York, N. Y., Terminal Control Area

Primary Airports
Kennedy International Airport (lat. 40°38'20" N., long. 73°47'10" W.).
LaGuardia Airport (lat. 40°46'30" N., long. 73°52'20" W.).
Newark Airport (lat. 40°41'34" N., long. 74°10'24" W.).

Boundaries
That airspace up to and including 7,000 feet MSL.

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an 8-mile radius circle of Kennedy (JFK) VORTAC; within a 4-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W.; and within a 6-mile radius circle of LaGuardia (LGA) VORTAC; excluding the airspace within and below Areas B, C, D, and E hereinafter described.

New York TCA Continued on next page!

Area B. That airspace extending upward from 500 feet MSL to and including 7,000 feet MSL within an 8-mile radius circle of JFK VORTAC south of a line beginning at the intersection of the JFK VORTAC 237° radial and the Atlantic Ocean shoreline, thence east along the shoreline to its intersection with the JFK VORTAC 5-mile DME fix, thence north along the 5-mile DME arc to and east along the JFK VORTAC 094° radial to the 8-mile radius circle of JFK VORTAC; that airspace within a 6-mile radius circle of LGA VORTAC bounded by a line beginning at the intersection of the 6-mile radius circle and the LGA VORTAC 039° radial, thence southwest along the LGA VORTAC 039° radial to and south along the Bronx shoreline to the north stanchion of the Throgs Neck Bridge, thence direct to the intersection of the LGA VORTAC 071° radial and the 6-mile radius circle of LGA VORTAC, thence counterclockwise along the 6-mile radius circle to the point of beginning; and that airspace between the 4-mile and the 6.5-mile radial of a circle centered at lat. 40°41'30" N., long. 74°10'00" W.; excluding the airspace within and below Areas C, D and J hereinafter described.

Area C. That airspace extending upward from above 800 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., and bounded by a line beginning at the point where the 6.5-mile radius circle intersects U. S. Highway No. 1, thence northeast along U. S. Highway No. 1 to its point of intersection with a 4-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., at the Esso Research Center, thence direct to the Public Service powerplant, thence direct to the Staten Island Expressway at its point of intersection with the 4-mile radius circle, thence east via the Staten Island Expressway to Richmond Avenue, thence south along Richmond Avenue to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning.

Area D. That airspace extending upward from above 1,100 feet MSL to and including 7,000 feet MSL within the 6-mile radius circle of LGA VORTAC west of the east bank of the Hudson River; that airspace between the east and west banks of the East River southwest of the JFK VORTAC 314° radial; and that airspace within the 6.5-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., east of the Colts Neck VORTAC 012° radial.

Area E. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within the area bounded by a line beginning at the intersection of the 20-mile radius circle of JFK VORTAC and the JFK VORTAC 208° radial, thence counterclockwise along the 20-mile arc to its intersection with the Long Island shoreline, thence southwest along the Long Island shoreline to and counterclockwise along the 13-mile radius circle of JFK VORTAC to and counterclockwise along the 11-mile radius circle of LGA VORTAC to the LGA VORTAC 351° radial, thence direct to the LGA VORTAC 283° radial at the LGA VORTAC 17-mile DME fix, thence counterclockwise along a 10-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to its intersection with the Colts Neck VORTAC 005° radial, thence direct to the intersection of the Colts Neck VORTAC 034° radial and the New Jersey shoreline at Sandy Hook, thence south along the New Jersey shoreline to the point of beginning; and that airspace within 2 miles each side of the Newark ILS Runway 4L localizer course, extending from the Chelsea outer marker to 6 miles southwest of the outer marker, and that airspace within a 6-mile radius circle of the LGA VORTAC east of a line beginning at the intersection of the LGA VORTAC 071° radial and the 6-mile arc of LGA VORTAC, thence direct to the Kennedy VORTAC 340° radial at the Kennedy VORTAC 10-mile DME fix, thence via the Kennedy VORTAC 340° radial to the Kennedy VORTAC 9-mile DME fix, thence direct to the intersection of the LGA VORTAC 104° radial and the LGA VORTAC 6-mile radius circle; excluding the airspace within Areas A, B, C, and D previously described; and excluding the airspace within and below Areas F and J hereinafter described.

Area F. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the intersection of the LGA VORTAC 318° radial and the Hackensack River, thence south along the Hackensack River to the LGA VORTAC 299° radial, thence direct to the intersection of the 6-mile radius circle of LGA VORTAC and the LGA VORTAC 264° radial, thence south along the west bank of the Hudson River to its intersection with, then counterclockwise along the 6.5-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to and southwest along New Jersey Highway Route No. 22 to and clockwise along a 10-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to LGA VORTAC 283° radial, thence direct to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., within a 20-mile radius circle of JFK VORTAC; and within a 20-mile radius circle of LGA VORTAC, excluding the airspace within Areas A, B, C, D, E and F previously described and excluding the airspace within and below Areas H and J hereinafter described.

Area H. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 13- and 20-mile radii circles of JFK VORTAC bounded on the north by the JFK VORTAC 050° radial and on the south by the Long Island shoreline.

Area J. That airspace extending upward from above 1,200 feet MSL to and including 7,000 feet MSL within a 6.5-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., and bounded by a line beginning at the intersection of the 6.5-mile radius circle and the tracks of the Central Railroad of New Jersey, thence eastward along the railroad tracks to their point of intersection with the 4-mile radius circle centered at latitude 40°41'30" N., longitude 74°10'00" W., thence counterclockwise along the 4-mile radius circle to U. S. Highway No. 1, thence southwest along U. S. Highway No. 1 to the 6.5-mile radius circle, thence clockwise along the 6.5-mile radius circle to the point of beginning.

AMENDMENTS 9/16/71 36 F. R. 13376 (Added)
AMENDMENTS 1/6/72 36 F. R. 22671 (Changed)

V 37 I 20 JAN 29 72 XUM

Washington, D. C. Terminal Control Area

Primary Airports

1. Washington National Airport (lat. 38°51'05" N., long. 77°02'20" W.).
2. Andrews AFB (lat. 38°48'40" N., long. 76°52'05" W.).

Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 7-mile radius of the Washington, D. C., VOR and within a 7-mile radius of the Andrews, Md., VORTAC excluding the airspace bounded on the north by lat. 38°45'30" N., on the east by long. 76°54'25" W., on the south by a 7-mile radius circle of the Andrews VORTAC, and on the west by long. 76°59'30" W.; and excluding Prohibited Area P-56.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of the Washington VOR and a 10-mile radius of the Andrews VORTAC, excluding Area A.

Area C. That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL between the 10-mile and 15-mile radius circles of the Washington VOR and the Andrews VORTAC, excluding that airspace west of a line from a point on the Nottingham 308° T radial 31.75 nautical miles northwest of the VORTAC to a point on the Nottingham 268° T radial 25.25 nautical miles west of the VORTAC.

AMENDMENTS 2/4/71 36 F. R. 774 (Rewritten)

PART 73

SPECIAL USE AIRSPACE

SUBPART A -- GENERAL

Sec.

73.1 Applicability.
73.3 Special use airspace.
73.5 Bearings; radials; miles.

SUBPART B -- RESTRICTED AREAS

73.11 Applicability.
73.13 Restrictions.
73.15 Using agency.
73.17 Controlling agency.
73.19 Reports by using agency.
73.21 Alabama.
73.22 Alaska.
73.23 Arizona.
73.24 Arkansas.
73.25 California.
73.26 Colorado.
73.27 Connecticut.
73.28 Delaware.
73.29 Florida.
73.30 Georgia.
73.31 Hawaii.
73.32 Idaho.
73.33 Illinois.
73.34 Indiana.
73.35 Iowa.
73.36 Kansas.
73.37 Kentucky.
73.38 Louisiana.
73.39 Maine.
73.40 Maryland.
73.41 Massachusetts.
73.42 Michigan.
73.43 Minnesota.
73.44 Mississippi.
73.45 Missouri.
73.46 Montana.
73.47 Nebraska.
73.48 Nevada.
73.49 New Hampshire.
73.50 New Jersey.
73.51 New Mexico.
73.52 New York.
73.53 North Carolina.
73.54 North Dakota.
73.55 Ohio.
73.56 Oklahoma.
73.57 Oregon.
73.58 Pennsylvania.
73.59 Rhode Island.
73.60 South Carolina.
73.61 South Dakota.
73.62 Tennessee.
73.63 Texas
73.64 Utah
73.65 Vermont.
73.66 Virginia.
73.67 Washington.
73.68 West Virginia.
73.69 Wisconsin.
73.70 Wyoming.
73.71 Puerto Rico.
73.72 Guam.

SUBPART C -- PROHIBITED AREAS

73.81 Applicability.
73.83 Restrictions.
73.85 Using agency.

DESCRIPTIONS OF DESIGNATED PROHIBITED AREAS

73.87 P-56, District of Columbia.

V 37 - 20 JAN 29 72 XUM

Subpart A -- General

§ 73.1 Applicability.

The airspace that is described in Subpart B and Subpart C of this part is designated as special use airspace. These parts prescribe the requirements for the use of that airspace.

§ 73.3 Special use airspace.

(a) Special use airspace consists of airspace of defined dimensions identified by an area on the surface of the earth wherein activities must be confined because of their nature, or wherein limitations are imposed upon aircraft operations that are not a part of those activities, or both.
(b) The vertical limits of special use airspace are measured by designated altitude floors and ceilings expressed as flight levels or as feet above mean sea level.
(c) The horizontal limits of special use airspace are measured by boundaries described by geographic coordinates or other appropriate references that clearly define their perimeter.
(d) The period of time during which a designation of special use airspace is in effect is stated in the designation.

§ 73.5 Bearings; radials; miles.

(a) All bearings and radials in this part are true from point of origin.
(b) Unless otherwise specified, all mileages in this part are stated as statute miles.

Subpart B -- Restricted Areas

§ 73.11 Applicability.

This subpart designates restricted areas and prescribes limitations on the operation of aircraft within them.

§ 73.13 Restrictions.

No person may operate an aircraft within a restricted area between the designated altitudes and during the time of designation, unless he has the advance permission of
(a) The using agency described in § 73.15; or
(b) The controlling agency described in § 73.17.

§ 73.15 Using agency.

(a) For the purposes of this subpart, the following are using agencies:
(1) The agency, organization, or military command whose activity within a restricted area necessitated the area being so designated.
(2) In the case of a Restricted Area/Military Climb Corridor that does not have a designated controlling agency, the Military Air Traffic Control facility that may be contacted for permission for transit through the climb corridor.
(b) Upon the request of the FAA, the using agency shall execute a letter establishing procedures for joint use of a restricted area by the using agency and the controlling agency, under which the using agency would notify the controlling agency whenever the controlling agency may grant permission for transit through the restricted area in accordance with the terms of the letter.
(c) The using agency shall --
(1) Schedule activities within the restricted area;
(2) Authorize transit through, or flight within, the restricted area as feasible; and
(3) Contain within the restricted area all activities conducted therein in accordance with the purpose for which it was designated.

§ 73.17 Controlling agency.

For the purposes of this part, the controlling agency is the FAA facility that may authorize transit through or flight within a restricted area in accordance with a joint-use letter issued under § 73.15.

§ 73.19 Reports by using agency.

(a) Each using agency shall report once a year, in duplicate, to the Director, Air Traffic Service, Federal Aviation Agency, Washington 25, D. C., on each restricted area for which it is the using agency. The report must reach the Director not later than January 31 and shall cover the 12-month period ending with the preceding September 30.
(b) In its report under this section the using agency shall --
(1) State the name and number of the restricted area as published in this part;
(2) State the period covered by the report;
(3) List in detail the activities carried on in the area by all organizations using it for the restricted area purposes;
(4) State the time that daily operations are normally scheduled to begin and end;
(5) State the average number of hours the area is actually used each day, and in addition, for a restricted area used for aircraft operations the total number of aircraft hours of actual use during the reporting period;
(6) State the number of days each week, weeks each month, and months each year (as appropriate) that the area is used for actual operations;
(7) State whether or not radar is used during operations;
(8) State the number and type of aircraft, if any, normally involved in the activities for which the area was restricted;
(9) List the altitudes used in daily operations of aircraft, including for each activity the altitudes used and the number of hours at each of those altitudes;
(10) Include a chart of the area (of optional scale and design) showing --
(i) The approximate location, and the representative pattern (if any), for firing runs (if any), for bombing runs (if any), the place where runs begin, where firing (if any), begins and ends, and the release point pullup point; and
(ii) The location of impact areas, if any;
(11) State the maximum ordinate of surface firing (expressed in feet, mean sea level altitude) used for required operations;
(12) State the daily number of hours or nimutes, or both, that the maximum ordinate altitudes are normally used in surface to surface firing operations;
(13) List the altitudes normally used for daily surface to surface firing operations;
(14) Include a chart of the area (of optional scale and design) showing --
(i) The location of firing points and impact areas, if any; and
(ii) The perimeter of the firing fan for each weapon used, if any; and
(15) Include a brief statement of any other pertinent facts concerning the current use of the restricted area and requirements for future use of the area or part of it.
(c) This section does not apply to restricted areas established for climb corridors.

Subpart C -- Prohibited Areas

§ 73.81 Applicability.

This subpart designates prohibited areas and prescribes limitations on the operation of aircraft therein.

§ 73.83 Restrictions.

No person may operate an aircraft within a prohibited area unless authorization has been granted by the using agency.

§ 73.85 Using agency.

For the purpose of this subpart, the using agency is the agency, organization or military command that established the requirements for the prohibited area.

Note: Sections 73.87 through 73.99 are reserved for descriptions of designated prohibited areas.

V 37 N 29 JAN 72 XUM

§ 73.21 Alabama

R-2101 Anniston Army Depot, Ala.
Boundaries. Beginning at latitude 33°41'20" N., longitude 86°00'30" W.; to latitude 33°41'20" N., longitude 85°59'00" W.; to latitude 33°40'30" N., longitude 85°59'00" W.; to latitude 33°39'40" N., longitude 85°59'50" W.; to latitude 33°39'40" N., longitude 86°00'30" W.; to the point of beginning.
Designated altitude. Surface to 5,000 feet MSL.
Time of designation. From 0700 to 1800 c.s.t., Monday through Saturday.
Using agency. Commanding Officer, Anniston Army Depot.

R-2102 Fort McClellan, Ala.
Boundaries: Beginning at latitude 33°45'00" N., longitude 85°53'55" W.; to latitude 33°44'07" N., longitude 85°53'36" W.; to latitude 33°44'07" N., longitude 85°52'55" W.; to latitude 33°41'04" N., longitude 85°52'55" W.; to latitude 33°40'15" N., longitude 85°54'00" W.; to latitude 33°41'20" N., longitude 85°55'30" W.; to latitude 33°41'20" N., longitude 86°01'07" W.; to latitude 33°43'55" N., longitude 86°01'07" W.; to latitude 33°44'11" N., longitude 86°00'54" W.; to latitude 33°45'00" N., longitude 86°00'45" W.; to latitude 33°45'20" N., longitude 86°00'31" W.; to latitude 33°45'27" N., longitude 86°00'16" W.; to latitude 33°45'27" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°59'26" W.; to latitude 33°45'14" N., longitude 85°55'17" W.; to latitude 33°45'00" N., longitude 85°55'17" W.; to point of beginning.
Designated altitudes: Subarea A, surface to and including 8,000 feet MSL. Subarea B, from 8,000 feet MSL to and including 14,000 feet MSL. Subarea C, from 14,000 feet MSL to 24,000 feet MSL.
Time of use: Continuous.
Controlling agency: Federal Aviation Administration, Atlanta ARTC Center.
Using agency: Commanding Officer, Fort McClellan, Ala.

R-2103 Fort Rucker, Ala.

Boundaries. A circular area with a radius of 4 miles centered at latitude 31°26'55" N., longitude 85°47'45" W.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U. S. Army Aviation Center, Fort Rucker, Ala.

R-2104A Huntsville, Ala.
Boundaries. Beginning at latitude 34°39'30" N., longitude 86°37'40" W.; to latitude 34°33'58" N., longitude 86°37'50" W.; thence west along the Tennessee River to latitude 34°35'02" N., longitude 86°43'25" W.; to latitude 34°37'19" N., longitude 86°43'20" W.; to latitude 34°37'19" N., longitude 86°43'05" W.; to latitude 34°41'25" N., longitude 86°42'57" W.; to latitude 34°42'00" N., longitude 86°41'35" W.; to latitude 34°39'30" N., longitude 86°41'10" W.; to the point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

R-2104B Huntsville, Ala.
Boundaries. Beginning at latitude 34°39'30" N., longitude 86°37'40" W.; to latitude 34°39'25" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°36'10" W.; to latitude 34°37'55" N., longitude 86°35'21" W.; to latitude 34°35'05" N., longitude 86°35'24" W.; thence west along the Tennessee River to latitude 34°33'58" N., longitude 86°37'50" W.; to the point of beginning.
Designated altitudes. Surface to 2,400 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, U. S. Army Missile Command, Redstone Arsenal, Ala.

§ 73.22 Alaska

R-2202A Big Delta, Alaska
Boundaries. Beginning at latitude 64°14'45" N., longitude 146°43'15" W.; to latitude 63°56'17" N., longitude 145°49'30" W.; to latitude 63°54'20" N., longitude 145°50'20" W.; to latitude 63°50'30" N., longitude 145°50'00" W.; to latitude 63°43'00" N., longitude 145°54'01" W.; to latitude 63°42'15" N., longitude 146°13'26" W.; to latitude 63°44'00" N., longitude 146°30'00" W.; to latitude 63°50'50" N., longitude 146°47'30" W.; thence along the E bank of the East Fork and Little Delta Rivers to the point of beginning, excluding that airspace within R-2202B.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fairbanks ARTC Center.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska.

R-2202B Big Delta, Alaska
Boundaries. Beginning at latitude 64°07'30" N., longitude 146°27'30" W.; to latitude 64°02'30" N., longitude 146°11'30" W.; to latitude 63°53'00" N., longitude 146°24'30" W.; to latitude 63°57'00" N., longitude 146°41'00" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. President, U. S. Army Arctic Test Board, Fort Greely, Alaska

R-2203A Eagle River, Alaska
Boundaries. Beginning at latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°36'15" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation: Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: FAA, Anchorage Approach Control.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

R-2203B Eagle River, Alaska
Boundaries. Beginning at latitude 61°29'00" N., longitude 149°33'48" W.; to latitude 61°22'00" N., longitude 149°33'48" W.; thence southwesterly along the Alaska Railroad to latitude 61°17'20" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°40'00" W.; to latitude 61°17'15" N., longitude 149°42'25" W.; to latitude 61°18'00" N., longitude 149°44'00" W.; to latitude 61°27'15" N., longitude 149°44'00" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation: Daily, Monday through Friday, other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: FAA, Anchorage Approach Control.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

R-2204 Shemya, Alaska.
Boundaries. Beginning at Lat. 52°44'48" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°07'06" E; to Lat. 52°43'42" N, Long. 174°05'16" E; to Lat. 52°44'48" N, Long. 174°05'16" E; to the point of beginning.
Designated altitudes. Surface to 2,500 feet MSL.
Time of designation. Continuous.
Using agency. Commander, 5073rd Air Base Squadron, Shemya AFB, Alaska.

R-2205A Yukon, Alaska
Boundaries. Beginning at Lat. 64°45'30" N, Long. 146°47'20" W; Counterclockwise along the arc of a 25-mile radius circle centered at Lat. 64°50'13" N, Long. 147°36'46" W; to Lat. 64°46'12" N, Long. 146°46'40" W; to Lat. 64°46'10" N, Long. 146°11'15" W; to Lat. 64°35'18" N, Long. 146°11'15" W; to Lat. 64°33'24" N, Long. 146°18'30" W; to Lat. 64°33'25" N, Long. 146°25'00" W; to the point of beginning.
Designated altitudes. Surface to 21,000 feet MSL.
Time of Designation. Continuous from April 1 through November 30; other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Fairbanks ARTC Center.
Using agency. Commanding General, U. S. Army Alaska, Fort Richardson, Alaska.

R-2205B Asa P. Gray Missile Range, Alaska
Boundaries. Beginning at latitude 65°22'35" N., longitude 143°31'54" W., to latitude 64°56'10" N., longitude 143°13'42" W., to latitude 64°36'50" N., longitude 146°11'15" W., to latitude 64°35'18" N., longitude 146°11'15" W., to latitude 64°33'24" N., longitude 146°18'30" W., to latitude 64°33'25" N., longitude 146°25'00" W., to latitude 64°33'25" N., longitude 146°38'00" W., to latitude 64°36'45" N., longitude 146°50'00" W., thence clockwise via the arc of 4-nautical mile radius circle centered on: latitude 64°39'54" N., longitude 146°44'07" W., to latitude 64°43'02" N., longitude 146°50'00" W., thence to latitude 64°46'53" N., longitude 146°50'00" W., to latitude 64°55'36" N., longitude 145°48'00" W., thence to point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. January 7 to March 15 annually. Activation of area for actual firing periods by Notice to Airmen.
Controlling agency. Federal Aviation Administration, Fairbanks ARTC Center.
Using agency. Commanding General U. S. Army Alaska, Fort Richardson, Alaska.

R-2206 Clear, Alaska
Boundaries: Beginning at latitude 64°19'46" N., longitude 149°10'08" W.; to latitude 64°19'46" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°15'33" W.; to latitude 64°16'19" N., longitude 149°10'05" W ; thence north, 100 feet west of and parallel to the Alaskan railroad to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Using agency: Commander 13th Missile Warning Squadron, Clear, Alaska.

66-000 O - 72 (pt. 2 Sec. 2) - 10

V 37 ■ 20 JAN 29 72 XUM

R-2207 Amchitka Island, Alaska
Boundaries: Within the boundary of Amchitka Island, Alaska, including the airspace within 3 nautical miles from and parallel to the shoreline.
Designated altitude: Surface to 18,000 feet MSL.
Time of designation: As activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency: Federal Aviation Administration, Anchorage, Alaska, ARTC Center.
Using agency: Manager, Nevada Operation Office, U. S. Atomic Energy Commission, Las Vegas, Nev.

AMENDMENTS 9/16/71 36 F. R. 14285 (Added)

R-2208 Chatanika, Alaska
Boundaries: Within a 1½-mile radius circle centered at lat. 65°07'45" N., long. 147°29'30" W., and within a line drawn from the northerly tangent of the 1½-mile radius circle to lat. 65°15'00" N., long. 148°19'00" W., thence to lat. 64°59'40" N., long. 148°19'00" W., thence to the southerly tangent of the 1½-mile radius circle.
Designated altitudes: Surface to unlimited.
Time of designation: From 9:30 a.m. to 10:30 a.m., local time, Monday through Friday for a period of 2 years beginning August 19, 1971.
Controlling agency: Federal Aviation Administration, Fairbanks ARTC Center.
Using agency: U. S. Army Electronics Command, Fort Huachuca, Ariz.

AMENDMENTS 8/19/71 36 F. R. 11905 (Added)

§ 73.23 Arizona

R-2301 Ajo, Arizona.

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°11'30" N, Long. 112° 58'45" W; to Lat. 32°11'30" N, Long. 113°05'30" W; to Lat. 31°58'00" N, Long. 113°05'30" W; along the United States-Mexican border to Lat. 32°23'45" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°28'30" W; to Lat. 32°30'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°31'00" W; to Lat. 32°35'00" N, Long. 114°29'30" W; to Lat. 32°39'40" N, Long. 114°28'30" W; to Lat. 32°40'45" N, Long. 114°18'29" W; along the Southern Pacific Railroad and U. S. Highway No. 80 to Lat. 32°44'15" N, Long. 113°41'05" W; to Lat. 32°42'50" N, Long. 113°34'30" W; to the point of beginning; excluding that airspace below 3,000 feet MSL, N of a line beginning at latitude 32°40'45" N., longitude 114°18'29" W.; to latitude 32°37'40" N., longitude 114°12'40" W.; to latitude 32°37'40" N., longitude 114°09'00" W.; to latitude 32°42'30" N., longitude 113°45'00" W.; to latitude 32°44'15" N., longitude 113°41'05" W.
Designated altitudes. Surface to flight level 800.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.

R-2302 Flagstaff, Arizona.

Boundaries. A circular area with a 6,600-foot radius centered at latitude 35°10'20" N., longitude 111°51'19" W.
Designated altitudes. Surface to 11,000 feet MSL.
Time of designation. 0800 to 1400 MST, Monday through Saturday.
Using agency. Commanding Officer, Navajo Ordance Depot, Flagstaff, Arizona.

R-2303A Fort Huachuca, Ariz.
Boundaries: Beginning at latitude 31°40'40" N., longitude 110°11'00" W.; to latitude 31°34'00" N., longitude 110°08'30" W.; to latitude 31°34'00" N., longitude 110°22'00" W.; to latitude 31°33'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°23'00" W.; to latitude 31°29'00" N., longitude 110°41'30" W.; to latitude 31°34'00" N., longitude 110°43'30" W.; to latitude 31°38'30" N., longitude 110°42'00" W.; to latitude 31°38'30" N., longitude 110°39'30" W.; to latitude 31°41'00" N., longitude 110°33'30" W.; to latitude 31°41'00" N., longitude 110°12'00" W.; to point of beginning.
Designated altitudes: Surface to 15,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commanding Officer, Fort Huachuca Support Command, Fort Huachuca, Ariz.

R-2303B Fort Huachuca, Ariz.
Boundaries: Beginning at latitude 31°35'00" N., longitude 110°00'00" W.; to latitude 31°24'00" N., longitude 110°00'00" W.; to latitude 31°24'00" N., longitude 110°45'00" W.; to latitude 31°48'00" N., longitude 110°46'00" W.; to latitude 31°48'00" N., longitude 110°25'45" W.; to point of beginning.
Designated altitudes: 15,000 feet MSL to FL 450.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commanding Officer, Fort Huachuca Support Command, Fort Huachuca, Ariz.

R-2304 Gila Bend, Arizona.

Boundaries. Beginning at latitude 32°38'30" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°18'00" W.; to latitude 32°26'40" N., longitude 112°43'30" W.; to latitude 32°49'00" N., longitude 112°39'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation: Sunrise to 2400 local time, Monday through Friday.
Controlling agency. Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Arizona.

R-2305 Gila Bend, Arizona

Boundaries. Beginning at Lat. 32°50'25" N, Long. 112°49'00" W; to Lat. 32°50'52" N, Long. 112° 42'53" W; to Lat. 32°49'00" N, Long. 112°39'00" W; to Lat. 32°29'00" N, Long. 112°43'00" W; to Lat. 32°29'00" N, Long. 112°53'30" W; to the point of beginning.
Designated altitudes. Surface to flight level 240.
Time of designation. Sunrise to sunset.
Controlling agency: Federal Aviation Administration, Albuquerque Center.
Using agency. Commander, Luke AFB, Ariz.

R-2306A Yuma West, Ariz.
Boundaries: Beginning at latitude 33°00'00" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°34'00" W.; to latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°15'00" N., longitude 114°15'00" W.; thence south along Highway 95 to latitude 33°00'00" N., longitude 114°17'20" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding officer, Yuma Proving Ground, Yuma, Ariz.

R-2306B Yuma West, Ariz.
Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; thence south along Highway 95 to latitude 33°15'00" N., longitude 114°15'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°28'00" N., longitude 114°28'00" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2306C Yuma West, Ariz.
Boundaries: Beginning at latitude 33°15'00" N., longitude 114°34'37" W.; to latitude 33°23'00" N., longitude 114°34'37" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to point of beginning.
Designated altitudes: Surface to 17,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2307 Yuma, Ariz.

Boundaries. Beginning at latitude 32°52'00" N., longitude 114°00'00" W.; to latitude 32°52'50" N., longitude 113°50'10" W.; to latitude 32°58'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°37'20" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°30'00" W.; thence along the west bank of the Colorado River to latitude 32°51'45" N., longitude 114°27'50" W.; to latitude 32°52'30" N., longitude 114°-21'00" W.; to latitude 32°51'15" N., longitude 114°21'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

R-2308A Yuma East, Ariz.
Boundaries: Beginning at latitude 33°28'00" N., longitude 114°13'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°02'00" N., longitude 113°56'30" W.; to latitude 33°00'00" N., longitude 114°11'00" W.; to latitude 33°00'00" N., longitude 114°17'20" W.; thence north along Highway 95 to point of beginning.
Designated altitudes: 1,500 feet AGL to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

V 37 - 20 JAN 29 72 XUM

R-2308B Yuma East, Ariz.
Boundaries: Beginning at latitude 33°02'00" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°45'00" W.; to latitude 33°17'30" N., longitude 113°39'04" W.; to latitude 33°02'00" N., longitude 113°39'04" W.; to point of beginning.
Designated altitudes: Surface to 80,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Los Angeles Air Route Traffic Control Center.
Using agency: Commanding Officer, Yuma Proving Ground, Yuma, Ariz.

§ 73.24 Arkansas

R-2401 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 18' 32" N., longitude 94° 12' 02" W.; to latitude 35° 18' 06" N., longitude 94° 16' 04" W.; to latitude 35° 17' 15" N., longitude 94° 17' 30" W.; to latitude 35° 15' 56" N., longitude 94° 16' 33" W.; to latitude 35° 13' 36" N., longitude 94° 15' 10" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation: Continuous June 1 through August 31; and 0600 Saturday to 2400 c.s.t., Sunday, September 1 through May 31; other times following issuance of a NOTAM by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

R-2402 Fort Chaffee, Ark.

Boundaries. Beginning at latitude 35° 17' 25" N., longitude 94° 12' 02" W.; to latitude 35° 13' 36" N., longitude 94° 11' 56" W.; to latitude 35° 13' 36" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 10' 32" W.; to latitude 35° 11' 05" N., longitude 94° 01' 29" W.; to latitude 35° 16' 56" N., longitude 94° 01' 33" W.; to latitude 35° 17' 36" N., longitude 94° 06' 00" W.; to latitude 35° 17' 09" N., longitude 94° 09' 55" W.; to point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation: Continuous June 1 through August 31; and 0600 Saturday to 2400 c.s.t., Sunday, September 1 through May 31; other times following issuance of a NOTAM by the using agency at least twenty-four (24) hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Chaffee, Ark.

R-2403A Little Rock, Ark.

Boundaries. Beginning at lat. 34°57'00" N., long. 92°15'00" W.; to lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to lat. 34°57'00" N., long. 92°19'30" W.; to point of beginning.
Designated altitudes. Surface to 16,000 feet MSL.
Time of designation. 0700 Saturday to 1700 Sunday, c.s.t.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Arkansas Army National Guard.

AMENDMENTS 9/16/71 36 F. R. 13778 (Added)

R-2403B Little Rock, Ark.

Boundaries. Beginning at lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°19'30" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to point of beginning.
Designated altitudes. Surface to 16,000 feet MSL.
Time of designation. 0700 Saturday to 1700 Sunday, c.s.t. Activated only by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Arkansas Army National Guard.

AMENDMENTS 9/16/71 36 F. R. 13778 (Added)

§ 73.25 California

R-2501N Bullion Mountains North, Calif.
Boundaries. Beginning at latitude 34°43'00" N., longitude 116°26'20" W.; to latitude 34°43'00" N., longitude 116°17'00" W.; to latitude 34°41'15" N., longitude 116°04'30" W.; to latitude 34°33'20" N., longitude 116°15'30" W.; to latitude 34°33'30" N., longitude 116°24'00" W.; to latitude 34°30'00" N., longitude 116°26'30" W.; to latitude 34°40'30" N., longitude 116°29'40" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501C Bullion Mountains Central, Calif.

Boundaries. Beginning at latitude 34°33'30" N., longitude 116°24'00" W.; to latitude 34°33'20" N., longitude 116°15'30" W.; to latitude 34°26'30" N., longitude 116°24'30" W.; to latitude 34°30'00" N., longitude 116°26'30" W.; to point of beginning.
Designated altitudes, Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501S Bullion Mountains South, Calif.

Boundaries: Beginning at latitude 34°33'20" N., longitude 116°15'30" W.; to latitude 34°28'00" N., longitude 116°09'40" W.; to latitude 34°27'30" N., longitude 116°04'10" W.; to latitude 34°18'25" N., longitude 115°58'20" W.; to latitude 34°14'00" N., longitude 115°59'00" W.; to latitude 34°14'00" N., longitude 116°17'00" W.; to latitude 34°26'30" N., longitude 116°24'30" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2501E Bullion Mountains East, Calif.

Boundaries. Beginning at laiitude 34°41'15" N., longitude 116°04'30" W.; to latitude 34°41'00" N., longitude 116°03'00" W.; to latitude 34°35'30" N., longitude 115°58'00" W.; to latitude 34°33'00" N., longitude 115°47'00" W.; to latitude 34°25'00" N., longitude 115°47'00" W.; to latitude 34°25'00" N., longitude 115°44'00" W.; to latitude 34°14'00" N., longitude 115°44'00" W.; to latitude 34°14'00" N., longitude 115°59'00" W.; to latitude 34°18'25" N., longitude 115°58'20" W.; to latitude 34°27'30" N., longitude 116°04'10" W.; to latitude 34°28'00" N., longitude 116°09'40" W.; to latitude 34°33'20" N., longitude 116°15'30" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Marine Corps Base, Twentynine Palms, Calif.

R-2502 Fort Irwin, Calif.

Boundaries. Beginning at Lat. 35°37'45" N, Long. 116°29'40" W; to Lat. 35°34'30" N, Long. 116° 29'40" W; to Lat. 35°34'30" N, Long. 116°23'30" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°10'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to Lat. 35°37'45" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding General, Fort Irwin, Calif.

R-2503 Camp Pendleton, Calif.

Boundaries. Beginning at latitude 33°24'23" N., longitude 117°15'15" W.; to latitude 33°18'00" N., longitude 117°16'08" W.; to latitude 33°17'30" N., longitude 117°16'40" W.; to latitude 33°18'20" N., longitude 117°21'48" W.; to latitude 33°27'48" N., longitude 117°33'15" W.; to latitude 33°30'13" N., longitude 117° 29'13" W.; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, El Toro Approach Control.
Using agency. Commanding General, Camp Pendleton, Calif.

R-2504 Camp Roberts, Calif.

Boundaries. Beginning at latitude 35° 42' 18" N., longitude 120° 47' 55" W.; to latitude 35° 42' 18" N., longitude 120° 47' 20" W.; to latitude 35° 42' 58" N., longitude 120° 45' 33" W.; to latitude 35° 46' 38" N., longitude 120° 44' 38" W.; to latitude 35° 47' 18" N., longitude 120° 44' 45" W.; to latitude 35° 47' 54" N., longitude 120° 45' 49" W.; to latitude 35° 49' 10" N., longitude 120° 45' 40" W.; to latitude 35° 51' 00" N., longitude 120° 46' 25" W.; to latitude 35° 51' 11" N., longitude 120° 47' 55" W.; to latitude 35° 48' 50" N., longitude 120° 49' 58" W.; to latitude 35° 46' 00" N., longitude 120° 49' 55" W.; to latitude 35° 44' 03" N., longitude 120° 48' 08" W.; to latitude 35° 43' 08" N., longitude 120° 49' 00" W.; to latitude 35° 42' 44" N., longitude 120° 48' 48" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0600 to 2400 P.s.t., daily.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

V37-20 JAN 29 72 XUM

R-2505 China Lake, Calif.

Boundaries. Beginning at Lat. 36°14'00" N, Long. 117°53'00" W; to Lat. 36°14'00" N, Long. 117° 25'00" W; to Lat. 35°40'30" N, Long. 117°25'00" W; to Lat. 35°37'30" N, Long. 117°35'30" W; to Lat. 35°37'30" N, Long. 117°47'30" W; to Lat. 35°54'00" N, Long. 117°53'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2506 China Lake South, Calif.

Boundaries. Beginning at latitude 35°37'30" N., longitude 117°41'20" W.; to latitude 35°28'00" N., longitude 117°40'50" W.; to latitude 35°28'00" N., longitude 117°47'00" W.; to latitude 35°37'30" N., longitude 117°47'30" W.; to the point of beginning.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2507 Chocolate Mountains, California

Boundaries. Beginning at latitude 33°32'40" N., longitude 115°33'50" W.; to latitude 33°31'30" N., longitude 115°32'00" W.; to latitude 33°31'15" N., longitude 115°28'45" W.; to latitude 33°29'00" N., longitude 115°20'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; to latitude 33°24'15" N., longitude 115° 17'00" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°22'50" N., longitude 115°09' 58" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°01'00" N., longitude 115°06'00" W.; to latitude 33°21'30" N., longitude 115°32'55" W.; to latitude 33°23'40" N., longitude 115°33'20" W., to latitude 33°28'30" N., longitude 115°42'10" W.; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

R-2508 Complex, Calif.

Boundaries. Beginning at Lat. 37°12'00" N, Long. 117°20'00" W; to Lat. 35°34'00" N, Long. 116° 23'00" W; to Lat. 35°28'35" N, Long. 116°18'45" W; to Lat. 35°18'45" N, Long. 116°18'45" W; to Lat. 35°07'00" N, Long. 116°34'00" W; to Lat. 35°07'00" N, Long. 116°47'45" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 34°51'30" N, Long. 118°05'45" W; to Lat. 34°56'00" N, Long. 118°21'00" W; Lat. 35°15'00" N, Long. 118°35'00" W; to Lat. 37°12'00" N, Long. 118°35'00" W; to the point of beginning.
Designated altitudes. 20,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2509 Cuddeback Dry Lake, Calif.

Boundaries. Beginning at Lat. 35°25'00" N, Long. 117°26'00" W; to Lat. 35°25'00" N, Long. 117° 16'52" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Agency, Los Angeles ARTC Center.
Using agency. Commander, George AFB, Calif.

R-2510 El Centro, Calif.

Boundaries. Beginning at latitude 32°59'35" N., longitude 115°43'30" W.; to latitude 32°55'35" N., longitude 115°40'15" W.; to latitude 32°53'45" N., longitude 115°40'15" W.; thence counterclockwise along the arc of a 5-mile radius circle centered at latitude 32°49'20" N., longitude 115°40'15" W.; to latitude 32°50'05" N., longitude 115°45'20" W.; to latitude 32°50'05" N., longitude 115°55'00" W.; to latitude 32°55'50"N., longitude 115°55'00" W.; to latitude 33°01'20" N., longitude 116°02'15" W.; to latitude 33°06'35" N., longitude 115°56'50" W.; to latitude 33°06'35" N., longitude 115°51'12" W.; to point of beginning.
Designated altitudes. Surface to flight level 500.
Time of designation. Continuous, surface to 20,000 feet MSL; Sunrise to sunset, Monday through Friday, 20,000 feet MSL to flight level 500.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commanding Officer, U. S. Marine Corps Air Station, Yuma, Ariz.

R-2511 Fort Ord, California

Boundaries. Beginning at latitude 36° 37' 42" N., longitude 121° 48' 47" W.; to latitude 36° 38' 25" N., longitude 121° 46' 29" W.; thence counterclockwise around the arc of a 3-mile radius circle centered at latitude 36° 40' 55" N., longitude 121° 45' 41" W.; to latitude 36° 38' 43" N., longitude 121° 44' 00" W.; to latitude 36° 38' 08" N., longitude 121° 43' 20" W.; to latitude 36° 35' 45" N., longitude 121° 42' 42" W.; to latitude 36° 34' 45" N., longitude 121° 47' 24" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 36° 35' 30" N., longitude 121° 50' 30" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Monterey Approach Control
Using agency. Commanding General, Fort Ord, California.

R-2512 Holtville. Calif.

Boundaries. Beginning at Lat. 33°05'00" N, Long. 115°17'30" W; to Lat. 33°00'00" N, Long. 115° 13'30" W; to Lat. 32°51'00" N, Long. 115°05'30" W; to Lat. 32°51'00" N, Long. 115°17'00" W; to Lat. 32°58'00" N, Long. 115°17'30" W; to Lat. 33°05'00" N, Long. 115°20'00" W; to the point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, U.S. Marine Corps Air Station, Yuma, Ariz.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.

R-2513 Hunter-Liggett, Calif.

From latitude 36°03'43" N., longitude 121°22'38" W., to latitude 36°02'45" N., longitude 121°17'45" W., to latitude 35°59'18" N., longitude 121°13'30" W., to latitude 35°56'45" N., longitude 121°09'45" W., to latitude 35°55'20" N., longitude 121°05'45" W., to latitude 35°48'17" N., longitude 121°10'53" W., to latitude 35°51'02" N., longitude 121°16'15" W., to latitude 35°51'02" N., longitude 121°17'20" W., to latitude 35°58'10" N., longitude 121°23'40" W., to latitude 35°58'10" N., longitude 121°21'40" W., to latitude 36°02'12" N., longitude 121°24'40" W., to the point of beginning.
Designated altitudes. Surface to FL 240.
Time of designation. Continuous.
Controlling agency. FAA, Oakland ARTC Center.
Using agency. Commanding General, Fort Ord, Calif.

R-2515 Muroc Lake, Calif.

Boundaries. Beginning at Lat. 35°19'00" N, Long. 116°49'00" W; to Lat. 35°10'00" N, Long. 116° 49'00" W; to Lat. 35°08'50" N, Long. 116°48'40" W; to Lat. 35°06'30" N, Long. 116°58'40" W; to Lat. 34°53'30" N, Long. 117°11'50" W; to Lat. 34°50'20" N, Long. 117°32'00" W; to Lat. 34°48'30" N, Long. 117°32'00" W; to Lat. 34°48'00" N, Long. 117°35'00" W; to Lat. 34°48'00" N, Long. 118°01'00" W; to Lat. 34°49'40" N, Long. 118°05'45" W; to Lat. 35°01'00" N, Long. 118°05'45" W; to Lat. 35°27'40" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 117°26'00" W; to Lat. 35°15'56" N, Long. 116°55'20" W; to Lat. 35°19'00" N, Long. 116°55'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Edwards AFB, Calif.

R-2516 Naval Missile Facility, Point Arguello, Calif.

Boundaries: Beginning at latitude 34°59'32" N., longitude 120°41'50" W.; to latitude 34°53'30" N., longitude 120°33'20" W.; to latitude 34°50'15" N., longitude 120°31'30" W.; to latitude 34°46'15" N., longitude 120°26'40" W.; to latitude 34°39'50" N., longitude 120°31'15" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°34'52" N., longitude 120°42'37" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes: Surface to unlimited.
Time of designation: Continuous.
Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

R-2517 Naval Missile Facility, Point Arguello, Calif.

Boundaries. Beginning at latitude 34°34'52" N., longitude 120°42'37" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°24'00" N., longitude 120°30'00" W.; thence three nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Force Western Test Range, Vandenburg AFB, Calif.

R-2518 Offshore of California.

Boundaries. A circular area with a 300-yard radius centered at Lat. 33°02'04" N, Long. 118°36'47" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. Sunrise to 2000 local time.
Using Agency. Officer in Charge, Fleet Air Control and Surveillance Facility, San Diego, Calif.

V 37-20 JAN 29 72 XUM

R-2519 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°04'15" N, Long. 119° 03'40" W; to Lat. 34°02'15" N, Long. 119°04'20" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 34°05'30" N, Long. 119°13'00" W; to Lat. 34°05'55" N, Long. 119°11'15" W; to Lat. 34°07'06" N, Long. 119°09'32" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2520 Point Mugu, Calif.

Boundaries. Beginning at Lat. 34°08'30" N, Long. 119°06'10" W; to Lat. 34°07'00" N, Long. 119° 05'00" W; to Lat. 34°06'15" N, Long. 119°05'25" W; to Lat. 34°07'00" N, Long. 119°07'00" W; to Lat. 34°07'07" N, Long. 119°09'00" W; to Lat. 34°08'30" N, Long. 119°07'40" W; to the point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Pacific Missile Range, Point Mugu, Calif.

R-2521 Salton Sea, Calif.

Boundaries. Beginning at latitude 33°18'00" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°44'00" W.; to latitude 33°10'40" N., longitude 115°49'50" W.; to latitude 33°23'15" N., longitude 115°58'40" W.; to latitude 33°26'15" N., longitude 115°54'00" W.; to the point of beginning.
Designated altitudes: Surface to flight level 400 sunrise to sunset; surface to 4,000 feet MSL sunset to sunrise.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using Agency. Commanding Officer, Naval Air Facility, El Centro, Calif.

R-2524 Trona, Calif.

Boundaries. Beginning at Lat. 35°47'46" N, Long. 116°55'20" W; to Lat. 35°15'56" N, Long. 116° 55'20" W; to Lat. 35°15'56" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°16'52" W; to Lat. 35°25'00" N, Long. 117°28'00" W; to Lat. 35°36'00" N, Long. 117°26'00" W; to Lat. 35°36'00" N, Long. 117°16'52" W; to Lat. 35°47'46" N, Long. 117°16'52" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency. Commander, Naval Ordnance Test Station, China Lake, Calif.

R-2525 Vernalis, Calif.

Boundaries. A 5-nautical mile radius circle centered at latitude 37°24'00" N., longitude 121°20'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-2529 Fort Ord West, California

Boundaries. Beginning at latitude 36° 42' 00" N., longitude 121° 49' 45" W.; to latitude 36° 40' 45" N., longitude 121° 48' 22" W.; thence south along California State Highway No. 1 to latitude 36° 38' 05" N., longitude 121° 49' 55" W.; to latitude 36° 38' 15" N., longitude 121° 51' 45" W.; to the point of beginning.
Designated altitudes. Surface to 1,000 feet MSL.
Time of designation. Thirty minutes before sunrise to thirty minutes after sunset.
Controlling agency. Federal Aviation Administration, Monterey Approach Control.
Using agency. Commanding General, Fort Ord, California.

R-2530 Sierra Army Depot, Calif.

Boundaries. Beginning at latitude 40° 18' 21" N., longitude 120° 05' 06" W.; to latitude 40° 18' 21" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 02' 51" W.; to latitude 40° 16' 06" N., longitude 120° 05' 06" W.; to the point of beginning.
Designated altitudes. Surface to 8,600 feet MSL.
Time of designation. 0800 to 1800 p.s.t., Monday through Friday.
Using agency. Commanding Officer, Sierra Army Depot, Herlong, California.

R-2531 Tracy, Calif.

Boundaries. Beginning at latitude 37°40'34" N., longitude 121°33'42" W.; to latitude 37°40'45" N., longitude 121°31'29" W.; to latitude 37°39'28" N., longitude 121°30'28" W.; to latitude 37°38'50" N., longitude 121°31'05" W.; to latitude 37°39'03" N., longitude 121°34'03" W.; thence to the point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 1000 to 1800, local time, Monday through Friday.
Using agency. United States Atomic Energy Commission, San Francisco Operations Office.

R-2532 Blythe, Calif.
Boundaries: Beginning at latitude 33°30'30" N., longitude 115°00'00" W.; thence counterclockwise along the arc of an 18-mile radius circle centered on the Blythe, Calif., airport at latitude 33°37'15" N., longitude 114°43'00" W.; to latitude 33°23'50" N., longitude 114°53'00" W.; to latitude 33°08'45" N., longitude 114°56'40" W.; to latitude 33°22'50" N., longitude 115°09'58" W.; to latitude 33°21'40" N., longitude 115°12'00" W.; to latitude 33°24'15" N., longitude 115°17'00" W.; to latitude 33°25'50" N., longitude 115°14'30" W.; thence to point of beginning.
Time of designation. Sunrise to sunset, April 3, 1969, through April 3, 1971.
Designated altitudes: 100 feet AGL to 17,000 feet MSL.
Controlling agency: FAA, Los Angeles ARTC Center.
Using agency: MCAS, Yuma, Ariz.

R-2533 Oceanside, Calif.

Boundaries: Beginning at latitude 33°27'48" N., longitude 117°33'15" W.; thence to latitude 33°18'20" N., longitude 117°21'48" W.; thence to latitude 33°17'30" N., longitude 117°16'40" W.; thence to latitude 33°13'20" N., longitude 117°29'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 33°22'30" N., longitude 117°39'45" W.; thence to the point of beginning, excluding that airspace within the San Mateo Point Prohibited Area P-25.
Designated altitudes: Surface to 2,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, El Toro RATCC.
Using agency: Commanding General, Marine Corps Base (MCB), Camp Pendleton, Calif.

R-2534A Point Arguello, Calif.

Boundaries: Beginning at latitude 34°38'35" N., longitude 120°31'20" W.; to latitude 34°35'45" N., longitude 120°28'10" W.; to latitude 34°36'20" N., longitude 120°27'20" W.; to latitude 34°30'00" N., longitude 120°15'30" W.; to latitude 34°25'10" N., longitude 120°15'30" W.; thence 3 miles from and parallel to the shoreline to latitude 34°24'40" N., longitude 120°19'10" W.; to point of beginning.
Designated altitudes: 500 feet above the surface to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, ARTCC, Los Angeles, Calif.
Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

R-2534B Point Arguello, Calif.
Boundaries: Beginning at latitude 34°38'35" N., longitude 120°31'20" W.; to latitude 34°24'40" N., longitude 120°19'10" W.; to latitude 34°24'45" N., longitude 120°27'20" W.; to latitude 34°35'00" N., longitude 120°31'40" W.; to point of beginning.
Designated altitudes: 500 feet above the surface to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, ARTCC, Los Angeles, Calif.
Using agency: Commander, Air Force Western Test Range, Vandenberg AFB, Calif.

§ 73.26 Colorado

R-2601A Fort Carson, Colo.

Boundaries: Beginning at latitude 38°43'38" N., longitude 104°45'50" W.; to latitude 38°40'53" N., longitude 104°45'35" W.; to latitude 38°42'04" N., longitude 104°49'34" W.; thence northeasterly along Colorado Highway No. 115 to latitude 38°43'12" N., longitude 104°49'07" W.; to latitude 38°42'58" N, longitude 104°48'30" W.; to latitude 38°43'43" N., longitude 104°46'20" W.; to the point of beginning.
Designated altitudes: Surface to 8,500 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using agency: Commanding General, Fort Carson, Colo.

V37-20 JAN 29 72 XUM

R-2601B Fort Carson, Colo.
Boundaries: Beginning at latitude 38°40'53" N., longitude 104°45'35" W.; to latitude 38°32'06" N., longitude 104°45'00" W.; to latitude 38°32'06" N., longitude 104°49'18" W.; to latitude 38°36'20" N., longitude 104°52'00" W.; to latitude 38°39'00" N., longitude 104°52'00" W.; thence northeasterly along Colorado Highway No. 115 to latitude 38°42'04" N., longitude 104°49'34" W.; to the point of beginning.
Designated altitudes: Surface to 35,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using agency: Commanding General, Fort Carson, Colo.

R-2602 Fort Carson, Colo.
Boundaries: Beginning at latitude 38°39'00" N., longitude 104°52'00" W.; to latitude 38°36'20" N., longitude 104°52'00" W.; to latitude 38°32'06" N., longitude 104°49'18" W.; to latitude 38°32'06" N., longitude 104°45'00" W.; to latitude 38°26'10" N., longitude 104°45'00" W.; to latitude 38°26'10" N., longitude 104°57'13" W.; to latitude 38°32'38" N., longitude 104°57'13" W.; thence northeast along Colorado Highway No. 115 to point of beginning.
Designated altitudes: Surface to 35,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Denver ARTC Center.
Using agency: Commanding General, Fort Carson, Colo.

R-2604 Platteville, Colo.
Boundaries. A circle with a 2,000-foot radius centered at latitude 40°10'48" N., longitude 104°43'30" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Flight Service Station, Denver, Colo.
Using agency. Environmental Science Services Administration Research Laboratories, Boulder, Colo.

§ 73.27 Connecticut

§ 73.28 Delaware

§ 73.29 Florida

R-2901A Avon Park, Fla.

Boundaries. Beginning at lat. 27°35'30" N., long. 81°08'15" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°32'40" N., long. 81°16'50" W.; to lat. 27°32'32" N., long. 81°21'40" W.; thence northerly along Arbuckle Creek to Arbuckle Lake and along the east and north shore of Arbuckle Lake to lat. 27°43'10" N., long. 81°25'20" W.; to lat. 27°44'50" N., long. 81°25'20" W.; to lat. 27°44'45" N., long. 81°21'25" W.; to lat. 27°44'45" N., long. 81°11'40" W.; to point of beginning.
Designated altitudes. Surface to FL 180, inclusive.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

AMENDMENTS 11/11/71 36 F. R. 18511 (Rewritten)

R-2901B Avon Park, Fla.

Boundaries. Beginning at lat. 27°35'30" N., long. 81°08'15" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°32'40" N., long. 81°16'50" W.; to lat. 27°32'32" N., long. 81°21'40" W.; thence northerly along Arbuckle Creek to Arbuckle Lake and along the east and north shore of Arbuckle Lake to lat. 27°43'10" N., long. 81°25'20" W.; to lat. 27°44'50" N., long. 81°25'20" W.; to lat. 27°44'45" N., long. 81°21'25" W.; to lat. 27°44'45" N., long. 81°11'40" W.; to point of beginning.
Designated altitudes. From FL 180 to FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

AMENDMENTS 11/11/71 36 F. R. 18511 (Rewritten)

R-2901C Avon Park, Fla.

Boundaries. That area bounded on the east by long. 81°14'00" W., on the south by lat. 27°44'45" N., on the west by long. 81°21'00" W., and on the north by Florida State routes 60 and 630.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.
AMENDMENTS 11/11/71 36 F. R. 18511 (Rewritten)

R-2901D Avon Park, Fla.

Boundaries. Beginning at lat. 28°00'00" N., long. 81°21'00" W.; to lat. 28°00'00" N., long. 81°14'00" W.; to lat. 27°50'00" N., long. 81°14'00" W.; to lat. 27°50'00" N., long. 81°21'00" W.; to point of beginning.
Designated altitudes. 1,000 feet MSL to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.
AMENDMENTS 11/11/71 36 F. R. 18511 (Rewritten)

R-2901E Avon Park, Fla.

Boundaries. Beginning at lat. 27°32'40" N., long. 81°15'30" W.; to lat. 27°32'40" N., long. 81°12'20" W.; to lat. 27°35'00" N., long. 81°09'00" W.; to lat. 27°29'30" N., long. 81°05'30" W.; to lat. 27°26'30" N., long. 81°12'00" W.; to point of beginning.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.
AMENDMENTS 11/11/71 36 F. R. 18511 (Added)

R-2901F Avon Park, Fla.

Boundaries. Beginning at lat. 27°26'30" N., long. 81°12'00" W.; to lat. 27°29'30" N., long. 81°05'30" W.; from lat. 27°21'00" N., long. 81°00'00" W., to lat. 27°26'30" N., long. 81°12'00" W.; to lat. 27°16'45" N., long. 81°06'00" W.; to point of beginning.
Designated altitudes. 1,000 feet MSL to 4,000 feet MSL northeast of a line extending from lat. 27°21'00" N., long. 81°00'00" W.; 1,500 feet MSL to 4,000 feet MSL southwest of above described line.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

AMENDMENTS 11/11/71 36 F. R. 18511 (Added) Corr: 36 F. R. 20036

R-2901G Avon Park, Fla.

Boundaries. That area bounded on the north by lat. 27°50'00" N., on the east by long. 81°14'00" W., on the south by Florida State highways 630 and 60, and on the west by long. 81°21'00" W.
Designated altitudes. 500 feet MSL to 4,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, MacDill AFB, Fla.

AMENDMENTS 11/11/71 36 F. R. 18511 (Added)

R-2902A Cape Kennedy, Fla.
Boundaries: Beginning at latitude 28°41'40" N., longitude 80°35'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 28°24'30" N., longitude 80°30'30" W.; to latitude 28° 24'30" N., longitude 80°41'45" W.; to latitude 28°30'30" N., longitude 80°43'30" W.; to latitude 28°37'35" N., longitude 80°46'50" W.; to latitude 28°38'00" N., longitude 80°47'02" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

R-2902B Cape Kennedy, Fla.
Boundaries. Beginning at latitude 28°41'40" N., longitude 80°35'00" W.; to latitude 28°38'00" N., longitude 80°47'02" W.; to latitude 28°45'00" N., longitude 80°37'50" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

V 37-20 JAN 29 72 XUM

R-2903A Jacksonville, Fla.
Boundaries: Beginning at latitude 30°15'30" N., longitude 81°43'25" W.; clockwise along an arc of a circle 2½ nautical miles in radius centered at latitude 30°14'00" N., longitude 81°41'00" W.; to latitude 30°11'25" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 81°41'00" W.; to latitude 29°59'28" N., longitude 82°02'00" W.; to latitude 30°21'32" N., longitude 82°02'00" W.; to latitude 30°21'20" N., longitude 81°55'45" W.; to latitude 30°15'30" N., longitude 81°50'00" W.; to point of beginning.
Designated altitudes: Surface to and including 10,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903B Stevens Lake, Fla.
Boundaries: Within a 5 nautical mile radius of lat. 29°53'04" N., longitude 81°59'09" W., excluding the airspace bounded by lat. 29°53'45" N., long. 82°04'50" W.; lat. 29°52'35" N., long. 82°02'00" W.; lat. 29°50'27" N., long. 82°00'00" W.; lat. 29°48'30" N., long. 81°57'00" W.; with a southeast extension beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°48'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to the point of beginning; and a northeast extension beginning at lat. 29°59'50" N., long. 81°57'40" W.; to lat. 29°56'45" N., long. 81°53'15" W.; to lat. 29°55'30" N., long. 81°54'10" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to lat. 29°58'10" N., long. 81°59'10" W.; to point of beginning.
Designated altitudes: Within the circular area, surface to FL 230; within the southeast extension, surface to 7,000 feet MSL in the area beginning at lat. 29°52'30" N., long. 81°53'30" W.; to lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°48'30" N., long. 81°57'00" W.; counterclockwise along an arc of a circle 5 nautical miles in radius centered at lat. 29°53'04" N., long. 81°59'09" W.; to point of beginning. Surface to 5,000 feet MSL in the area beginning at lat. 29°51'10" N., long. 81°51'00" W.; to lat. 29°49'00" N., long. 81°46'20" W.; to lat. 29°44'50" N., long. 81°49'05" W.; to lat. 29°47'00" N., long. 81°53'55" W.; to lat. 29°51'10" N., long. 81°51'00" W.; within the northeast extension, surface to 7,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2903C Putnam, Fla.

Boundaries: A circle with a 5 nautical mile radius centered at lat. 29°47'00" N., long. 81°41'00" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville TRACON.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2906 Rodman, Fla.
Boundaries: A circle with a 5-nautical-mile radius centered at latitude 29°29'00" N., longitude 81°46'00" W.; excluding the area east of the east bank of the St. Johns River.
Designated altitudes: Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviaiton Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2907 Lake George, Fla.
Subarea A
Boundaries: Beginning at latitude 29°23'00" N., longitude 81°31'10" W.; to latitude 29°12'30" N., longitude 81°30'00" W.; to latitude 29°12'30" N., longitude 81°38'30" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°20'30" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°40'00" W.; to latitude 29°23'00" N., longitude 81°39'10" W.; thence via a 5-nautical-mile arc centered at latitude 29°19'11" N., longitude 81°35'15" W.; to point of beginning.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander Fleet Air Jacksonville, NAS Jacksonville, Fla.

Subarea B
Boundaries: Beginning at latitude 29°20'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°40'00" W.; to latitude 29°15'05" N., longitude 81°51'50" W.; to latitude 29°20'05" N., longitude 81°51'50" W.; to point of beginning.
Designated altitudes: Surface to 9,000 feet MSL from a line of longitude 81°40'00" W., to a line of longitude 81°42'55" W.; surface to 6,000 feet MSL from a line of longitude 81°42'55" W., to a line of longitude 81°51'50" W.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2908 Pensacola, Fla.

Boundaries. Bounded on the N by the Alabama-Florida shoreline; on the E by a line extending from Lat. 30°15'00" N, Long, 87°41'00" W to Lat. 30°11'20" N, Long. 87°44'15" W; on the S by a line 3 nautical miles from and parallel to the Alabama-Florida shoreline; and on the W by Long. 88°01'30" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency: Federal Aviation Administration, Pensacola RATCC.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

AMENDMENTS 8/18/71 36 F. R. 15743 (Changed)

R-2909 Pensacola, Fla.

Boundaries. Bounded on the N by the Florida shoreline; on the E by Long. 86°48'00" W; on the S by a line 3 nautical miles from and parallel to the Florida shoreline; and on the W by a line extending from Lat. 30° 18'20" N, Long. 87°00'00" W to Lat. 30°21'15" N, Long. 87°00'50" W.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency: Federal Aviation Administration, Pensacola RATCC.
Using agency. Chief, Naval Air Basic Training, Pensacola, Fla.

AMENDMENTS 8/18/71 36 F. R. 15743 (Changed)

R-2910 Pinecastle, Fla.

Boundaries: A circle withi a 5-nautical mile radius centered at latitude 29°06'52" N., longitude 81°42'55" W.; with a northwest extension to the circle beginning at latitude 29°07'55" N., longitude 81°48'20" W.; to latitude 29°10'00" N., longitude 81°50'35" W.; to latitude 29°14'00" N., longitude 81°45'50" W.; to latitude 29°11'50" N., longitude 81°43'00" W.; and with a southeast extension to the circle beginning at latitude 29°10'05" N., longitude 81°38'50" W.; to latitude 28°57'55" N., longitude 81°28'25" W.; to latitude 28°53'50" N., longitude 81°33'45" W.; to latitude 29°03'05" N., longitude 81°47'00" W.
Designated altitudes: Surface to FL 240 within the 5-nautical mile radius. Surface to 9,000 feet MSL within the northwest extension. Surface to 9,000 feet MSL within the southeast extension from the circle to a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W. Surface to 6,000 feet MSL within that portion of the southeast extension that lies southeast of a line from latitude 29°04'25" N., longitude 81°33'55" W.; to latitude 28°58'50" N., longitude 81°40'30" W.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

R-2914 Valparaiso, Fla.

Boundaries. Beginning at latitude 30°43'15" N., longitude 86°25'00" W.; to latitude 30°43'45" N., longitude 86°10'30" W.; to latitude 30°41'00" N., longitude 86°05'10" W.; to latitude 30°24'00" N., longitude 85°56'00" W.; to latitude 30°11'00" N., longitude 85°56'00" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°15'00" N., longitude 86°06'15" W., to latitude 30°23'20" N., longitude 86°08'10" W.; to latitude 30°30'45" N., longitude 86°25'00" W.; to point of beginning, excluding that airspace 5,000 feet MSL and below within a circle with a 1¼-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.
Designated altitudes: Surface to FL 500.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament development and Test Center, Eglin AFB, Fla.

R-2915A Eglin AFB, Fla.

Boundaries. Beginning at latitude 30°33'40" N., longitude 86°55'00" W.; to latitude 30°38'45" N., longitude 86°55'00" W.; thence along the L and N Railroad to latitude 30°42'45" N., longitude 86°45'45" W.;to latitude 30°42'50" N., longitude 86°38'02" W.; to latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; thence along the Navarre-Milton Highway to point of beginning.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

V 37-20 JAN 29 72 XUM

R-2915B Eglin AFB, Fla.

Boundaries. Beginning at latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°20'50" N., longitude 86°38'50" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°20'15" N., longitude 86°48'00"W.; to latitude 30°23'20" N., longitude 86°48'00" W.; to latitude 30°22'50" N., longitude 86°51'30" W.; to latitude 30°23'50" N., longitude 86°51'30" W.; to latitude 30°24'20" N., longitude 86°48'00" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; to point of beginning.
Designated altitudes. Surface to FL 1200.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Armament Development and Test Center (ADTC), Eglin AFB, Fla.

R-2916 Cudjoe Key, Fla.

Boundaries. A circular area 4 statute miles in diameter centered at latitude 24°42'01" N., longitude 81°30'30" W.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Using agency. Department of the Air Force.

R-2917 DeFuniak Springs, Fla.
Boundaries: A circle with a 1½-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.
Designated altitude: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Using agency. Commander, Armament Development and Test Center (DTC), Eglin AFB, Fla.

R-2918 Valparaiso, Fla.

Boundaries: Beginning at latitude 30°43'10" N., longitude 86°27'37" W., to latitude 30°43'15" N., longitude 86°25'00" W., to latitude 30°33'00" N., longitude 86°25'00" W., to latitude 30°33'00" N., longitude 86°25'30" W., to latitude 30°37'00" N., longitude 86°25'30" W., to latitude 30°37'00" N., longitude 86°27'37" W., to point of beginning.
Designated altitudes: Surface to FL 500.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

R-2919 Valparaiso, Fla.

Boundaries: Beginning at latitude 30°30'45" N., longitude 86°25'00" W.; to latitude 30°23'20" N., longitude 86°08'10" W.; to latitude 30°15'00" N., longitude 86°06'15" W.; thence 3 nautical miles from and parallel to the shoreline to latitude 30°19'45" N., longitude 86°23'45" W.; to latitude 30°25'00" N., longitude 86°22'26" W.; to latitude 30°25'00" N., longitude 86°25'00" W.; to point of beginning.
Designated altitudes: Surface to FL 500.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Jacksonville ARTC Center.
Using agency: Commander, Armament Development and Test Center, Eglin AFB, Fla.

§ 73.30 Georgia

R-3002 Fort Benning, Ga.

Boundaries. Beginning at latitude 32°30'50" N., longitude 84°52'15" W.; along the Central of Georgia Railroad to latitude 32°32'10" N., longitude 84°40'40" W.; to lat. 32°31'20" N, long. 84°40'20" W.; thence northeast along Upatoi Creek to lat. 32°31'46" N, long. 84°39'25" W; to lat. 32°18'30" N, long. 84°39'25" W; along the Central of Georgia Railroad to latitude 32°20'54" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°47'20" W.; to latitude 32°15'25" N., longitude 84°53'10" W.; along the Chattahoochee River to latitude 32°14'40" N., longitude 84°55'30" W.; to latitude 32°14'40" N., longitude 84°58'42" W.; to latitude 32°20'15" N., longitude 84°58'42" W.; along northwest side of Dixie Road to latitude 32°21'10" N., longitude 84°56'45" W.; to latitude 32°22'30" N., longitude 84°56'45" W.; along Upatoi Creek to lat. 32°24'00" N, long. 84°53'30" W; to lat. 32°29'17" N, long. 84°52'32" W; to lat. 32°29'17" N, long. 84°51'35" W; to lat. 32°30'19" N, long. 84°51'35" W; to lat. 32°30'19" N, long. 84°52'21" W; to the point of beginning.
Designated altitude. Surface to and including 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Atlanta ARTC Center.
Using agency. Commanding Officer, Fort Benning, Ga.

R-3003 Fort Gordon, Ga.
Boundaries. Beginning at latitude 33°23'35" N., longitude 82°08'30" W.; to latitude 33°22'15" N., longitude 82°08'18" W.; to latitude 33°21'35" N., longitude 82°09'10" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to latitude 33°25'00" N., longitude 82°12'00" W.; to point of beginning.
Designated altitude. Surface to 4,000 feet MSL.
Time of designation. 0730 to 1700 local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Gordon, Ga.

AMENDMENTS 8/11/71 36 F. R. 14743 (Changed)

R-3004 Fort Gordon, Ga.

Boundaries. Beginning at latitude 33°21'53" N., longitude 82°12'15" W.; to latitude 33°19'43" N., longitude 82°12'15" W.; to latitude 33°16'20" N., longitude 82°18'00" W.; to latitude 33°17'29" N., longitude 82°23'00" W.; to latitude 33°21'15" N., longitude 82°18'47" W.; to latitude 33°22'15" N., longitude 82°17'00" W.; to point of beginning.
Designated altitude. Surface to and including 18,000 feet MSL.
Time of designation. As published by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Gordon, Ga.

AMENDMENTS 8/11/71 36 F. R. 14743 (Changed)

R-3005A Fort Stewart, Ga.
Boundaries. Beginning at latitude 32°04'40" N., longitude 81°50'00" W.; to latitude 32°07'00" N., longitude 81°43'30" W.; to latitude 32°06'15" N., longitude 81°31'30" W.; to latitude 32°05'30" N., longitude 81°31'30" W.; to latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 31°56'30" N., longitude 81°30'00" W.; thence along the arc of a 5-mile circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'48" N., longitude 81°30'42" W.; thence SW along Georgia Highway 144 to latitude 31°53'11" N., longitude 81°37'51" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°55'30" N., longitude 81°53'00" W.; to latitude 31°57'00" N., longitude 81°53'15" W.; to latitude 31°59'45" N., longitude 81°51'06" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3005B Fort Stewart, Ga.

Boundaries. Beginning at latitude 32°05'15" N., longitude 81°30'00" W.; to latitude 32°04'15" N., longitude 81°22'30" W.; thence along the Ogeechee River to latitude 32°00'30" N., longitude 81°19'30" W.; to latitude 31°58'45" N., longitude 81°19'45" W.; to latitude 31°56'15" N., longitude 81°23'00" W.; to latitude 31°54'03" N., longitude 81°28'45" W.; thence along the arc of a 5-statute-mile-radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W.; to latitude 31°56'30" N., longitude 81°30'00" W., to the point of beginning.
Designated altitudes. Surface to 29,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

R-3005C Fort Stewart, Ga.
Boundaries. Beginning at latitude 31°54'03" N., longitude 81°28'45" W.; to latitude 31°51'20" N., longitude 81°36'00" W.; to latitude 31°51'45" N., longitude 81°38'08" W.; to latitude 31°53'11" N., longitude 81°37'51" W.; thence NE along Georgia Highway 144 to latitude 31°56'48" N., longitude 81°30'42" W.; thence along the arc of a 5-mile radius circle centered at latitude 31°53'20" N., longitude 81°33'45" W., to the point of beginning.
Designated altitudes. Surface to 3,500 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding Officer, Fort Stewart, Ga.

V37-20 JAN 29 72 XUM

R-3006 Townsend, Ga.

Boundaries. Beginning at latitude 31°40'30" N., longitude 81°41'55" W.; to latitude 31°37'35" N., longitude 81°37'10" W.; thence clockwise via the arc of a circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W.; to latitude 31°32'40" N., longitude 81°41'10" W.; to latitude 31°35'30" N., longitude 81°46'00" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL within the circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W. Surface to 9,000 feet MSL within the area beginning at latitude 31°39'20" N., longitude 81°40'00" W.; to latitude 31°37'35" N., longitude 81°37'10" W.; thence counterclockwise along the arc of the circle with a 5 nautical mile radius centered at latitude 31°32'50" N., longitude 81°35'20" W.; to latitude 31°32'40" N., longitude 81°41'10" W.; to latitude 31°34'20" N., longitude 81°44'05" W.; to point of beginning. Surface to 6,000 feet MSL within the area beginning at latitude 31°40'30" N., longitude 81°41'55" W.; to latitude 31°39'20" N., longitude 81°40'00" W.; to latitude 31°34'20" N., longitude 81°44'05" W.; to latitude 31°35'30" N., longitude 81°46'00" W.; to point of beginning.
Time of designation. 0600 to 1900 e.s.t., Monday through Friday.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Fleet Air Jacksonville, NAS Jacksonville, Fla.

§ 73.31 Hawaii

R-3101 PMRFAC FOUR, Hawaii

SUBAREA A
Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Combined Station/Tower
Using agency: Commander, Pacific Missile Range (COMPMR).

AMENDMENTS 6/12/71 36 F. R. 11480 (Changed)

SUBAREA B
Boundaries: Beginning at latitude 22°13'00" N., longitude 159°42'00" W.; thence to latitude 22°09'45" N., longitude 159°42'00" W.; thence counterclockwise along the shoreline of Kauai to latitude 22°04'36" N., longitude 159°46'20" W.; thence to latitude 22°04'25" N., longitude 159°46'06" W.; thence to latitude 22°03'55" N., longitude 159°46'29" W.; thence to latitude 22°01'45" N., longitude 159°46'53" W.; thence to latitude 22°01'07" N., longitude 159°46'20" W.; thence to latitude 22°00'55" N., longitude 159°45'53" W.; thence to latitude 21°59'52" N., longitude 159°45'14" W.; thence to latitude 21°59'35" N., longitude 159°45'55" W.; thence counterclockwise along the shoreline of Kauai to latitude 21°58'25" N., longitude 159°43'35" W.; thence to latitude 21°58'30" N., longitude 159°48'55" W.; thence clockwise along a line 3 nautical miles from the shoreline of Kauai to the point of beginning.
Designated altitudes: 5,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu ARTC Center.
Using agency: Commander, Pacific Missile Range (COMPMR).

R-3103 Humuula, Hawaii
Boundaries. Beginning at latitude 19°48'25" N., longitude 155°37'30" W.; thence to latitude 19°43'30" N., longitude 155°29'20" W.; thence to latitude 19°35'00" N., longitude 155°34'30" W.; thence to latitude 19°35'00" N., longitude 155°40'25" W.; thence to latitude 19°40'15" N., longitude 155°43'45" W.; thence to latitude 19°46'40" N., longitude 155°42'20" W.; to the point of beginning.
Designated altitudes. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Hilo Combined Station/Tower.
Using agency. Commanding General, U. S. Army, Hawaii, Schofield Barracks, Hawaii.

R-3104A Island of Kahoolawe, Hawaii

Boundaries. Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: Surface to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3104B Island of Kahoolawe, Hawaii
Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: 10,000 feet MSL to FL 180.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3104C Island of Kahoolawe, Hawaii
Boundaries: Beginning at latitude 20°34'20" N., longitude 156°40'30" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°37'00" N., longitude 156°35'15" W.; to latitude 20°35'20" N., longitude 156°31'45" W.; thence clockwise 1 mile from and parallel to the shoreline to latitude 20°30'20" N., longitude 156°31'45" W.; to latitude 20°30'00" N., longitude 156°31'00" W.; to latitude 20°28'30" N., longitude 156°30'45" W.; thence clockwise 3 nautical miles from and parallel to the shoreline to latitude 20°35'25" N., longitude 156°43'00" W.; to the point of beginning.
Designated altitudes: FL 180 to unlimited.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

R-3107A Kaula Rock, Hawaii

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 21°39'30" N, Long. 160°32'30" W.
Designated altitudes: Surface to FL 180
Time of designation. Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency. Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

AMENDMENTS 4/29/71 36 F. R. 4114 (Changed)

R-3107B Kaula Rock, Hawaii

Boundaries: A circular area with a 3-nautical-mile radius centered at latitude 21°39'30" N., longitude 160°32'30" W.
Designated altitudes: FL 180 to FL 300
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Honolulu ARTC Center.
Using agency: Commander, Fleet Air Hawaii, NAS Barber's Point, Hawaii.

AMENDMENTS 4/29/71 36 F. R. 4114 (Changed)

R-3109A Schofield-Makua, Oahu, Hawaii
Beginning at latitude 21°30'29" N., longitude 158°04'09" W.; to latitude 21°29'25" N., longitude 158°05'00" W.; to latitude 21°27'28" N., longitude 158°05'55" W.; to latitude 21°29'11" N., longitude 158°07'35" W.; to latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to latitude 21°32'14" N., longitude 158°05'12" W.; to point of beginning.
Designated altitudes: The area southeast of a line between latitude 21°28'35" N., longitude 158°07'00" W.; and latitude 21°29'25" N., longitude 158°05'00" W.; surface to 8,000 feet MSL. The area northwest of this line, surface to 19,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu Flight Service Station.
Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

V 37 N 29 72 XUM

R-3109B Schofield-Makua, Oahu, Hawaii
Beginning at latitude 21°29'30" N., longitude 158°08'40" W.; to latitude 21°31'00" N., longitude 158°14'00" W.; to latitude 21°32'30" N., longitude 158°14'30" W.; to latitude 21°33'15" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°15'15" W.; to latitude 21°34'30" N., longitude 158°13'15" W.; to latitude 21°33'15" N., longitude 158°08'40" W.; to point of beginning.
Designated altitudes: Surface to 19,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Honolulu Flight Service Station.
Using agency: U. S. Army, Hawaii, Schofield Barracks, Hawaii.

R-3120 PMRFAC Five, Hawaii
Boundaries: Beginning at latitude 21°58'30" N., longitude 159°48'55" W., thence to latitude 21°58'25" N., longitude 159°43'35" W., thence southeasterly along the shoreline of the Island of Kauai to latitude 21°57'45" N., longitude 159°42'00" W., thence to latitude 21°54'45" N., longitude 159°42'00" W., thence clockwise along a line 3 nautical miles from and parallel to the shoreline of the Island of Kauai to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation: Continuous.
Controlling agency: FAA, Lihue Combined Station/Tower
Using agency: Commander, Pacific Missile Range (COMPMR).

AMENDMENTS 6/12/71 36 F. R. 11430 (Changed)

§ 73.32 Idaho

R-3201 Arco, Idaho.

Boundaries. Beginning at Lat. 43°59'20" N, Long. 112°43'50" W; to Lat. 43°50'20" N, Long. 112° 30'00" W; to Lat. 43°32'00" N, Long. 112°35'00" W; to Lat. 43°27'00" N, Long. 113°03'00" W; to Lat. 43°34'30" N, Long. 113°11'50" W; to Lat. 43°48'40" N, Long. 112°49'40" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Idaho Falls, Idaho.

R-3202 Sailor Creek, Idaho

SUBAREA A
Boundaries: Beginning at latitude 42°48'45" N., longitude 115°38'14" W.; to latitude 42°48'45" N., longitude 115°32'41" W.; to latitude 42°40'00" N., longitude 115°32'41" W.; to latitude 42°40'00" N., longitude 115°38'14" W.; to point of beginning.
Designated altitudes: Surface to 12,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake ARTC Center.
Using agency: Commander 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA B
Boundaries: Beginning at latitude 42°53'00" N., longitude 115°42'20" W.; to latitude 42°53'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°42'20" W.; to point of beginning.
Designated altitudes: Surface to flight level 240.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake ARTC Center.
Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA C
Boundaries: Beginning at latitude 42°36'00" N., longitude 115°37'00" W.; to latitude 42°36'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°37'00" W.; to point of beginning.
Designated altitudes: Surface to 14,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake City ARTC Center.
Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

SUBAREA D
Boundaries: Beginning at latitude 42°33'00" N., longitude 115°37'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°37'00" W.; to point of beginning.
Designated altitudes: Surface to 11,000 feet MSL.
Time of designation: Sunrise to 8 hours after sunset, Monday through Friday.
Controlling agency: FAA, Salt Lake City ARTC Center.
Using agency: Commander, 67th Tactical Reconnaissance Wing, Mountain Home AFB, Idaho.

§ 73.33 Illinois

R-3301 Havana, Ill.

Boundaries. A circular area with a 500-foot radius centered latitude 40°13;16" N., longitude 90°01'23" W.
Designated altitudes. Surface to 6,000 feet MSL.
Time of designation. Continuous.
Using agency. Director, Central Radio Propagation Laboratory, National Bureau of Standards, Boulder, Colo.

R-3302 Savanna, Ill.

Boundaries. A circular area with a 1,500-foot radius centered at latitude 42°13'15" N., longitude 90°21'24" W.
Designated altitudes. Surface to 2,300 feet MSL.
Time of designation. 0800 to 2200 c.s.t.
Using agency. Commanding Officer, Ordnance Depot, Savanna, Ill.

§ 73.34 Indiana

R-3401 Camp Atterbury, Ind.

Boundaries. Beginning at Lat. 39°21'30" N, Long. 86°06'00" W; to Lat. 39°21'30" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 85°59'30" W; to Lat. 39°13'00" N, Long. 86°06'00" W; to the point of beginning.
Designated altitudes. Surface to 40,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Commanding Officer, Camp Atterbury, Ind.

R-3403 Jefferson Proving Ground, Ind.

Boundaries. Beginning at latitude 39°02'57" N., longitude 85°27'42" W.; to latitude 39°02'00" N., longitude 85°22'00" W.; to latitude 38°56'06" N., longitude 85°22'00" W.; to latitude 38°50'35" N., longitude 85°22'50" W.; to latitude 38°50'00" N., longitude 85°24'00" W.; to latitude 38°50'00" N., longitude 85°27'42" W.; to the point of beginning.
Designated altitudes. Surface to 43,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Commanding Officer, Jefferson Proving Ground, Madison, Ind.

§ 73.35 Iowa

§ 73.36 Kansas

R-3601A Brookville, Kans.
Boundaries: Beginning at latitude 38°45'20" N., longitude 97°46'00" W.; to latitude 38°39'45" N., longitude 97°46'00" W.; along the Missouri Pacific Railroad to latitude 38°38'20" N., longitude 97°47'30" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to latitude 38°45'20" N., longitude 97°56'00" W.; to point of beginning.
Designated altitudes. Surface to FL-200.
Time of designation. Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset Saturday and Sunday.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commander, McConnell AFB, Kans.

V37-20 JAN 29 72 XUM

R-3601B Brookville, Kans.
Boundaries. Beginning at latitude 38°38'20" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°50'00" W.; to latitude 38°35'00" N., longitude 97°56'00" W.; to latitude 38°38'20" N., longitude 97°56'00" W.; to point of beginning.
Designated altitudes. Surface to 6,500 feet MSL.
Time of designation. Sunrise to 2400 hours c.s.t., Monday through Friday; sunrise to sunset Saturday and Sunday.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commander, McConnell AFB, Kans.

R-3602 Manhattan, Kans.
Subarea A
Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence along the southern edge of the Chicago, Rock Island and Pacific Railroad right-of-way to latitude 39°18'33" N., longitude 96°57'39" W.; thence south to the shoreline of the main body of Milford Reservoir at latitude 39°12'27" N., longitude 96°57'39" W.; thence along the shoreline of the main body of Milford Reservoir to latitude 39°10'58" N., longitude 96°55'00" W.; to latitude 39°10'58" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°53'13" W.; to latitude 39°08'22" N., longitude 96°49'52" W.; thence north along U. S. Highway No. 77 to the point of beginning.
Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.
Using agency: Commanding General, Fort Riley, Kans.

Subarea B
Boundaries: Beginning at latitude 39°17'45" N., longitude 96°49'50" W.; thence south along U. S. Highway No. 77 to latitude 39°07'54" N., longitude 96°49'52" W.; to latitude 39°04'24" N., longitude 96°52'22" W.; to latitude 39°04'24" N., longitude 96°51'15" W.; thence clockwise along the arc of a 4 nautical mile radius circle centered on the Marshall Army Air Field RBN at latitude 39°01'34" N., longitude 96°47'40" W.; to latitude 39°05'17" N., longitude 96°45'40" W.; to latitude 39°08'20" N., longitude 96°43'00" W.; to latitude 39°09'23" N., longitude 96°43'00" W.; to latitude 39°10'43" N., longitude 96°40'55" W.; to latitude 39°12'17" N., longitude 96°40'55" W.; to latitude 39°13'00" N., longitude 96°42'35" W.; to latitude 39°13'16" N., longitude 96°42'35" W.; thence along the southerly edge of the Chicago, Rock Island and Pacific Railroad right-of-way to the point of beginning.
Designated altitudes: Surface to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Kansas City ARTC Center.
Using agency: Commanding General, Fort Riley, Kans.

§ 73.37 Kentucky

R-3702 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°43'30" N., longitude 87°48'15" W.; to latitude 36°37'30" N., longitude 87°48'15" W.; to latitude 36°35'30" N., longitude 87°45'00" W.; to latitude 36°33'30" N., longitude 87°42'30" W.; to latitude 36°32'00" N., longitude 87°35'00" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'00" N., longitude 87°40'00" W.; to latitude 36°42'00" N., longitude 87°40'30" W.; to latitude 36°43'30" N., longitude 87°43'00" W.; to the point of beginning.
Designated altitudes. Surface to 27,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3703 Fort Campbell, Ky.

Boundaries. Beginning at latitude 36°39'00" N., longitude 87°32'30" W.; to latitude 36°39'15" N., longitude 87°30'12" W.; to latitude 36°39'30" N., longitude 87°29'45" W.; to latitude 36°39'30" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°28'33" W.; to latitude 36°37'12" N., longitude 87°29'50" W.; to latitude 36°34'00" N., longitude 87°29'50" W.; to latitude 36°32'00" N., longitude 87°32'30" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Memphis ARTC Center.
Using agency. Commanding General, Fort Campbell, Ky.

R-3704 Fort Knox, Ky.

Boundaries. Beginning at Lat. 37°59'00" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°45'00" W; to Lat. 37°47'30" N, Long. 85°55'30" W; along U. S. Highway 31-W to Lat. 37°50'45" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°55'17" N, Long. 85°57'16" W; to Lat. 37°56'04" N, Long. 85°57'33" W; to Lat. 37°56'23" N, Long. 85°57'00" W; along Wilson Road to Lat. 37°58'00" N, Long. 85°57'45" W; along the Illinois Central Railroad to Lat. 37°59'00" N, Long. 85°57'00" W; to Lat. 38°01'00" N, Long. 85°54'30" W; along Kentucky Route 44 to Lat. 38°00'30" N, Long. 85°52'00" W; to Lat. 37°59'00" N, Long. 85°52'00" W; to the point of beginning.
Designated altitudes: Subarea A surface to and including 10,000 feet MSL.
Subarea B from 10,000 feet MSL to 20,000 feet MSL.
Time of designation: Subarea A 0600 to 2400 e.s.t.; other times by NOTAM 24 hours in advance.
Subarea B by NOTAM 24 hours in advance.
Controlling agency. Federal Aviation Administration, Standiford Control Tower, Louisville, Ky.
Using agency. Commanding General, U. S. Army Armor Center, Fort Knox, Ky.

§ 73.38 Louisiana

R-3801 Camp Claiborne, La.

Boundaries. Beginning at latitude 31°05'50" N., longitude 92°31'15" W.; to latitude 31°03'51" N., longitude 92°31'56" W.; to latitude 31°01'53" N., longitude 92°34'17" W.; to latitude 31°07'30" N., longitude 92°40'45" W.; to latitude 31°11'07" N., longitude 92°38'35" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Sunrise to sunset, Monday through Friday; other times following issuance of NOTAM by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commander, England Air Force Base, Louisiana.
AMENDMENTS 8/24/71 36 F. R. 16574 (Changed)

R-3803 Fort Polk, La.

Boundaries. Beginning at latitude 31°23'36" N., longitude 93°09'57" W.; to latitude 31°23'12" N., longitude 93°09'48" W.; to latitude 31°22'00" N., longitude 93°10'05" W.; to latitude 31°19'16" N., longitude 93°11'10" W.; to latitude 31°19'16" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°20'15" W.; to latitude 31°24'30" N., longitude 93°16'42" W.; to latitude 31°23'35" N., longitude 93°13'24" W.; to point of beginning.
Designated altitude. Surface to 15,000 feet MSL.
Time of designation: Continuous from June 1 through August 31; other times as activated by NOTAM issued by the using agency at least 24 hours in advance.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804A Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W. to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804B Fort Polk, La.

Boundaries. Beginning at latitude 31°00'52" N., longitude 93°10'52" W.; to latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°06'10" N., longitude 93°08'11" W.; to latitude 31°04'14" N., longitude 93°12'30" W.; to point of beginning.
Designated altitudes. Surface to 3,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration. Alexandria, La. Flight Service Station.
Using agency. Commanding General, Fort Polk, Louisiana.

R-3804C Fort Polk, La.
Boundaries. Beginning at latitude 31°00'52" N., longitude 93°08'11" W.; to latitude 31°00'52" N., longitude 92°56'52" W.; to latitude 31°00'19" N., longitude 92°56'13" W.; to latitude 31°00'19" N., longitude 92°54'22" W.; to latitude 31°03'54" N., longitude 92°51'33" W.; to latitude 31°09'34" N., longitude 92°58'24" W.; to latitude 31°09'34" N., longitude 93°00'55" W.; to latitude 31°08'42" N., longitude 93°01'54" W.; to latitude 31°08'42" N., longitude 93°08'11" W.; to point of beginning.
Designated altitudes. 15,000 feet MSL to 18,000 feet MSL.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Time of designation. As published by NOTAM 24 hours in advance.
Using agency. Commanding General, Fort Polk, La.

V37-20 JAN 29 72 XUM

§ 73.39 Maine

§ 73.40 Maryland

R-4001 Aberdeen, Md.

Boundaries. Beginning at Lat. 39°30'30" N, Long. 76°10'00" W; to Lat. 39°29'00" N, Long. 76°08'00" W; to Lat. 39°29'30" N, Long. 76°05'00" W; to Lat. 39°27'00" N, Long. 76°00'30" W; to Lat. 39°19'47" N, Long. 76°11'34" W; to Lat. 39°12'10" N, Long. 76°16'30" W; to Lat. 39°12'45" N, Long. 76°22'30" W; to Lat. 39°17'30" N, Long. 76°19'45" W; to Lat. 39°18'30" N, Long. 76°22'00" W; to Lat. 39°22'00" N, Long. 76°22'00" W; to Lat. 39°23'28" N, Long. 76°20'40" W; to Lat. 39°26'10" N, Long. 76°14'50" W; to Lat. 39°27'00" N, Long. 76°12'30" W; to the point of beginning.

Designated altitudes and time of designation:

1. Surface to unlimited, 0700 to 2400 local time.
2. Surface to 10,000 feet MSL, 0000 to 0700 local time, higher altitudes by NOTAM issued 24 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, Aberdeen Proving Ground, Md.

R-4002 Bloodsworth Island, Md.

Boundaries. Beginning at Lat. 38°13'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°00'00" W; to Lat. 38°08'00" N, Long. 76°08'50" W; to Lat. 38°13'00" N, Long. 76°11'20" W; to the point of beginning.

Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. From sunrise to 2400 hours, local time, daily, other times as specified in a NOTAM issued 48 hours in advance.
Using agency. Commander, Amphibious Training Forces Atlantic, U. S. Amphibious Base, Little Creek, Va.

R-4005 Patuxent River, Md.

Boundaries. Beginning at latitude 38°05'40" N., longitude 76°33'32" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°18'20" N., longitude 76°17'05" W.; to latitude 38°18'26" N., longitude 76°14'30" W.; to latitude 38°13'00" N., longitude 76°11'20" W.; to latitude 38°08'00" N., longitude 76°08'50" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°53'10" N., longitude 76°14'00" W.; to the point of beginning.

Designated altitudes. Surface to FL 850.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, NAS Patuxent River, Md.

R-4006 Patuxent River, Md.

Boundaries: Beginning at latitude 38°41'15" N., longitude 75°46'00" W.; to latitude 38°32'30" N., longitude 75°43'45" W.; to latitude 38°19'00" N., longitude 75°37'00" W.; along Pennsylvania Railroad to latitude 38°12'30" N., longitude 75°41'30" W.; to latitude 38°02'30" N., longitude 75°52'30" W.; to latitude 37°55'00" N., longitude 75°52'30" W.; to latitude 37°45'00" N., longitude 75°58'45" W.; to latitude 37°45'00" N., longitude 76°23'30" W.; to latitude 37°50'30" N., longitude 76°32'00" W.; to latitude 38°05'10" N., longitude 76°34'15" W.; to latitude 38°11'10" N., longitude 76°25'10" W.; to latitude 38°30'00" N., longitude 76°04'00" W.; to latitude 38°36'00" N., longitude 75°55'30" W.; along the Pennsylvania Railroad to point of beginning, excluding R-4002, R-4005, and R-6609.

Designated altitudes: 3,500 feet MSL to FL 850.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency: Commanding Officer, NAS Patuxent River, Md.

R-4007 Patuxent River, Md.

Boundaries. Beginning at Lat. 38°21'00" N, Long. 76°14'00" W; to Lat. 38°11'10" N, Long. 76°25'10" W; to Lat. 38°05'10" N, Long. 76°34'05" W; to Lat. 38°15'00" N, Long. 76°36'35" W; to Lat. 38°17'25" N, Long. 76°33'00" W; to Lat. 38°25'40" N, Long. 76°23'35" W; to the point of beginning.

Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding Officer, NAS Patuxent River, Md.

§ 73.41 Massachusetts

R-4101 Camp Edwards, Mass.

Boundaries. Beginning at latitude 41°44'17" N., longitude 70°29'11" W.; to latitude 41°42'42" N., longitude 70°30'51" W.; to latitude 41°42'20" N., longitude 70°30'15" W.; to latitude 41°41'32" N., longitude 70°30'58" W.; to latitude 41°40'54" N., longitude 70°32'45" W.; thence west along the south side of Howe Road to latitude 41°40'58" N., longitude 70°33'39" W.; to latitude 41°41'50" N., longitude 70°35'09" W.; thence north along the east side of State Highway 28 to latitude 41°44'36" N., longitude 70°35'13" W.; to latitude 41°46'06" N., longitude 70°33'28" W.; to latitude 41°46'06" N., longitude 70°32'39" W.; thence southeast along the southwest side of State Route 6 to point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.
Time of designation. From 0600 to 1800 hours local time, daily, other times as specified in a NOTAM issued 48 hours in advance.
Controlling agency. Federal Aviation Administration, Otis Approach Control.
Using agency. Commanding Officer, Camp Edwards, Mass.

R-4105 No Man's Land Island, Mass.

Boundaries. A circular area with a 3-mile radius centered at Lat. 41°15'30" N, Long. 70°48'40" W.
Designated altitudes. Surface to but not including 18,000 feet MSL.
Time of designation. 0700 to 2400 EST.
Controlling agency. Federal Aviation Administration, Quonset Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

AMENDMENTS 5/19/71 36 F. R. 9067 (Changed)

R-4106 North Eastham, Mass.

Boundaries. A circular area with a 2-mile radius centered at Lat. 41°51'00" N, Long. 70°03'00" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. 0800 to 2400 EST.
Controlling agency. Federal Aviation Administration, Otis Approach Control.
Using agency. Commander, Fleet Air Quonset, NAS Quonset Point, R. I.

§ 73.42 Michigan

R-4201 Camp Grayling, Mich.

Boundaries. Beginning at Lat. 44°54'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°29'00" W; to Lat. 44°41'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°40'00" W; to Lat. 44°43'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°38'00" W; to Lat. 44°47'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°39'00" W; to Lat. 44°52'00" N, Long. 84°37'00" W; to Lat. 44°54'00" N, Long. 84°37'00" W; to the point of beginning.

Designated altitudes. The area N of Lat. 44°47'00" N, surface to 29,000 feet MSL June 1 through August 31; Surface to 20,000 feet MSL September 1 through May 31. The area S of Lat. 44°47'00" N, surface to 9,000 feet MSL.
Time of designation. The area N of Lat. 44°47'00" N, continuous June 1 through August 31; sunrise to sunset September 1 through May 31. The area S of Lat. 44°47'00" N, continuous June 1 through August 31.
Controlling agency. Federal Aviation Administration, Traverse City Flight Service Station.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.

R-4202 Lake Margrethe, Mich.

Boundaries. Beginning at latitude 44°36'45" N., longitude 84°51'00" W.; to latitude 44°36'45" N.. longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°48'00" W.; to latitude 44°34'15" N., longitude 84°50'00" W.; to latitude 44°35'00" N., longitude 84°51'00" W.; to the point of beginning.

Designated altitudes. Surface to 8,200 feet MSL.
Time of designation. June 1 through August 31, with specific dates to be published by NOTAM.
Using agency. Adjutant General, State of Michigan, Lansing, Mich.

R-4207 Upper Lake Huron, Mich.

Boundaries. Beginning at latitude 45°17'00" N., longitude 83°00'00" W.; to latitude 45°20'24" N., longitude 82°31'18" W.; along the United States-Canadian Border to latitude 44°31'00" N., longitude 82°19'54" W.; to latitude 44°27'42" N., longitude 82°47'08" W.; to the point of beginning.

Designated altitudes. Surface to flight level 450.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.
Using agency. Commander, Permanent Field Training Site Detachment, Phelps-Collins ANGB, Alpena, Mich.

V 37-20 JAN 29 72 XUM

§ 73.43 Minnesota

R-4301 Camp Ripley, Minn.

Boundaries. Beginning at latitude 46°18'54" N., longitude 94°29'02" W.; thence along the S bank of the Crow Wing River and the W bank of the Mississippi River to latitude 46°06'22" N., longitude 94°21'10" W.; to latitude 46°06'22" N., longitude 94°26'06" W.; to latitude 46°08'39" N., longitude 94°26'06" W.; to latitude 46°08'39" N.; to longitude 94°30'00" W.; to latitude 46°18'18" N., longitude 94°30'00" W.; to the point of beginning.
Designated altitudes and time of designation. Surface to 27,000 feet MSL, May 1 through October 31; surface to 14,500 feet MSL, Saturday and Sunday, November 1 through April 30; and at other altitudes and times specified by NOTAM issued 24 hours in advance.
Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.
Using agency. Commanding Officer, Camp Ripley, Minn.

AMENDMENTS 1/22/71. 35 F. R. 1963 (Changed)

R-4305 Lake Superior, Minn.

Boundaries. Beginning at latitude 47°45'00" N., longitude 90°05'00" W.; to latitude 47°45'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 89°28'00" W.; to latitude 46°55'00" N., longitude 90°05'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. 0001 local time Monday to 2400 local time Friday.
Controlling agency. Federal Aviation Administration, Minneapolis ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, Louisiana.

§ 73.44 Mississippi

R-4401 Camp Shelby, Miss.

Boundaries. Beginning at latitude 31°12'54" N.; longitude 89°11'03" W.; to latitude 31°11'48" N.; longitude 89°00'00" W.; to latitude 31°10'15" N.; longitude 88°56'34" W.; to latitude 31°09'10" N.; longitude 88°56'34" W.; thence southwest along Mississippi State Highway No. 15 to latitude 31°04'36" N.; longitude 88°59'24" W.; to latitude 31°04'36" N.; longitude 89°11'03" W.; to point of beginning.
Designated altitudes. Subarea A, surface to 4,000 feet MSL. Subarea B, 4,000 feet MSL to 18,000 feet MSL. Subarea C, 18,000 feet MSL to 29,000 feet MSL.
Time of designation. As activated by NOTAMs at least 24 hours in advance. NOTAMs to contain information concerning deactivation of area.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. Adjutant General, State of Mississippi, Jackson, Miss.

R-4403 Gainesville, Miss.

Boundaries. Beginning at latitude 30°21'02" N., longitude 89°36'53" W.; to latitude 30°22'33" N., longitude 89°36'53" W.; to latitude 30°22'34" N., longitude 89°34'05" W.; to latitude 30°21'03" N., longitude 89°34'04" W.; to the point of beginning.
Altitudes. From surface to 5,000 feet MSL.
Time of use. Continuous.
Controlling agency. Federal Aviation Administration, Houston ARTC Center.
Using agency. Manager, Mississippi Test Operations, National Aeronautics and Space Administration, Bay St. Louis, Miss.

§ 73.45 Missouri

R-4501A Fort Leonard Wood West, Mo.

Boundaries. Beginning at latitude 37°41'06" N., longitude 92°09'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°37'10" N., longitude 92°13'45" W.; to latitude 37°37'10" N., longitude 92°15'06" W.; to latitude 37°38'42" N., longitude 92°15'06" W.; to latitude 37°41'07" N., longitude 92°14'23" W.; to the point of beginning.
Designated altitudes. Monday through Friday, surface to 2,200 feet MSL; Saturday and Sunday, surface to 11,200 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

R-4501B Fort Leonard Wood East, Mo.

Boundaries. Beginning at latitude 37°43'00" N., longitude 92°06'55" W.; to latitude 37°42'11" N., longitude 92°06'14" W.; to latitude 37°39'07" N., longitude 92°06'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°43'02 N., longitude 92°09'17" W.; to the point of beginning.
Designated altitudes.
The area north of a line between latitude 37°42'51" N., longitude 92°06'47" W.; and latitude 37°42'53" N., longitude 92°09'17" W. surface to 1,500 feet MSL.
The area south of this line, surface to 2,200 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Kansas City ARTC Center.
Using agency. Commanding General, Fort Leonard Wood, Mo.

§ 73.46 Montana

§ 73.47 Nebraska

§ 73.48 Nevada

R-4802 Lone Rock, Nev.

Boundaries. A circular area with a 3-mile radius centered at Lat. 39°52'36" N, Long. 118°20'47" W.
Designated altitudes. Surface to 8,000 feet MSL.
Time of designation: Continuous.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4803 Fallon, Nev.

Boundaries. A 3-nautical mile radius circle centered at Lat. 39°20'40" N, Long. 118°52'15" W; and within 3 nautical miles W and 2 nautical miles E of a line extending 349.5° True from the center to 15 nautical miles NNW.
Designated altitudes. Surface to 8,000 feet MSL N, and surface to 18,000 feet MSL S of a line extending from Lat. 39°27'40" N, Long. 118°57'55" W; to Lat. 39°30'20" N, Long. 118°51'55" W.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4804 Twin Peaks, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°13'00" N, Long. 118°12'42" W; and a 3-nautical mile radius circle centered at Lat. 39°14'15" N, Long. 118°17'30" W.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4806 Las Vegas, Nev.

Boundaries: Beginning at latitude 37°17'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°18'00" W.; to latitude 36°26'00" N., longitude 115°23'00" W.; to latitude 36°35'00" N., longitude 115°37'00" W.; to latitude 36°35'00" N., longitude 115°53'00" W.; to latitude 36°36'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°17'00" N., longitude 115°35'00" W.; to point of beginning.
Designated altitudes: Surface to unlimited, Monday through Saturday; Sunday from 13,000 feet MSL to unlimited.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Los Angeles ARTC Center.
Using agency: Commander, Nellis AFB, Nev.

R-4807 Tonopah, Nev.

Boundaries. Beginning at latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°53'00" N., longitude 117°01'00" W.; to latitude 37°53'00" N., longitude 116°55'00" W.; to latitude 37°47'00" N., longitude 116°55'00" W.; to latitude 37°33'00" N., longitude 116°43'00" W.; to latitude 37°33'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°26'00" W.; to latitude 37°53'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 116°11'00" W.; to latitude 37°42'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°53'00" W.; to latitude 37°33'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 115°48'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°00'00" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to the point of beginning.
Designated altitudes. Unlimited Monday through Saturday. Sunday from 13,000 feet MSL to unlimited.
Time of designation. Continuous.
Using agency. Commander, Nellis AFB, Nev.

V37-20 JAN 29 72 XUM

R-4808 Las Vegas, Nev.

Boundaries. Beginning at latitude 36°41'00" N., longitude 115°56'00" W.; to latitude 36°41'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°26'30" W.; to latitude 36°51'00" N., longitude 116°33'30" W.; to latitude 37°16'00" N., longitude 116°34'00" W.; to latitude 37°16'00" N., longitude 116° 00'00" W.; to latitude 37°28'00" N., longitude 116°00'00" W.; to latitude 37°28'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°35'00" W.; to latitude 37°06'00" N., longitude 115°56'00" W.; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Las Vegas, Nevada.

R-4809 Tonopah, Nev.

Boundaries. Beginning at Lat. 37°53'00" N, Long. 116°26'00" W; to Lat. 37°33'00" N, Long. 116° 26'00" W; to Lat. 37°33'00" N, Long. 116°43'00" W; to Lat. 37°47'00" N, Long. 116°55'00" W; to Lat. 37°53'00" N, Long. 116°55'00" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Albuquerque, N. Mex.

R-4810 Desert Mountains, Nev.

Boundaries. A 5-nautical mile radius circle centered at Lat. 39°10'00" N, Long. 118°37'30" W; and a 3-nautical mile radius circle centered at Lat. 39°09'15" N, Long. 118°42'20" W.
Designated altitudes: Surface to flight level 240.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Oakland ARTC Center.
Using agency. Commander, Fleet Air, Alameda, Calif.

R-4811 Hawthorne, Nev.
Boundaries. A 1½-nautical-mile radius circle centered at latitude 38°14'45" N., longitude 118°38'15" W.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. 0800 to 1500 local time, Monday through Friday.
Using agency. Commanding Officer, Naval Ammunition Depot, Hawthorne, Nev.

R-4812 Sand Springs, Nev.
Boundaries: That area within 5-nautical miles either side of a line extending from latitude 39°10'00" N., longitude 118°37'30" W.; to latitude 39°13'00" N., longitude 118°12'42" W.; and bounded on the east by R-4804 and bounded on the west by R-4810.
Designated altitudes: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Oakland ARTC Center.
Using agency: Commander Fleet Air, Alameda.

R-4813 Carson Sink, Nev.
Boundaries: That area surrounding R-4802 from latitude 39°51'00" N., longitude 118°38'00" W.; to latitude 40° 01'00" N., longitude 118°15'00" W.; to latitude 40°01'00" N., longitude 118°01'00" W.; to latitude 39°52'36" N., longitude 118°01'00" W.; thence via the arc of a 15-nautical mile radius circle centered at latitude 39°52'36" N., longitude 118°20'27" W.; to latitude 39°45'50" N., longitude 118°38'00" W.; to point of beginning.
Designated altitude: Surface to FL 240.
Time of designation: Continuous.
Controlling agency: Oakland ARTC Center.
Using agency: Commander Fleet Air, Alameda.

§ 73.49 New Hampshire

§ 73.50 New Jersey

R-5001 Fort Dix, N. J.
Subarea A
Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°28'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 39°59'15" N., longitude 74°33'30" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.
Designated altitudes: Surface to and including 4,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency: Commanding General, Fort Dix, N. J.

Subarea B
Boundaries: Beginning at latitude 40°02'45" N., longitude 74°27'00" W.; to latitude 40°00'00" N., longitude 74°26'20" W.; to latitude 39°59'00" N., longitude 74°25'08" W.; to latitude 39°58'00" N., longitude 74°25'00" W.; to latitude 39°58'45" N., longitude 74°28'00" W.; to latitude 39°58'45" N., longitude 74°31'25" W.; to latitude 40°01'53" N., longitude 74°33'30" W.; to latitude 40°02'45" N., longitude 74°32'30" W.; to the point of beginning.
Designated altitudes: From 4,000 feet MSL to and including 8,000 feet MSL.
Time of designation: Continuous, sunrise Friday to sunset Sunday, other times by NOTAM, 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency: Commanding General, Fort Dix, N. J.

R-5002 Warren Grove, N. J.

Boundaries: Beginning at latitude 39°45'50" N., longitude 74°20'00" W.; to latitude 39°43'25" N., longitude 74°17'37" W.; to latitude 39°38'25" N., longitude 74°24'20" W.; to latitude 39°38'25" N., longitude 74°29'00" W.; to latitude 39°39'35" N., longitude 74°29'00" W.; to latitude 39°44'50" N., longitude 74°24'40" W.; to latitude 39°45'20" N., longitude 74°23'45" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL, except surface to 4,000 feet MSL for the portion N of Lat. 39°45'00" N; surface to 9,000 feet MSL SE of a line between Lat. 39°43'45" N, Long. 74°17'57" W, and Lat. 39°38'25" N, Long. 74°24'56" W.
Time of designation: Sunrise to Sunset.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Commander, 108th Tactical Fighter Wing, New Jersey Air National Guard, McGuire AFB, N. J.

§ 73.51 New Mexico

R-5101 Los Alamos, N. Mex.

Boundaries. Beginning at Lat. 35°45'15" N, Long. 106°15'12" W; to Lat. 35°50'03" N, Long. 106° 21'36" W; to Lat. 35°52'22" N, Long. 106°20'42" W; to Lat. 35°52'52" N, Long. 106°16'48" W; to Lat. 35°52'30" N, Long. 106°14'48" W; to Lat. 35°48'35" N, Long. 106°14'48" W; to Lat. 35°47'05" N, Long. 106°12'06" W; to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Los Alamos, N. Mex.

R-5103 McGregor, N. Mex.

Boundaries. Beginning at latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°45'00" N., longitude 105°52'20" W.; to latitude 32°33'20" N., longitude 105°30'00" W.; to latitude 32°26'20" N., longitude 105°30'00" W.; to latitude 32°00'15" N., longitude 105°56'40" W.; to latitude 32°00'30" N., longitude 106° 10'25" W.; to latitude 32°05'20" N., longitude 106°09'20" W.; to latitude 32°06'00" N., longitude 106°15'30" W.; along the Southern Pacific Railroad to latitude 32°28'00" N., longitude 106°02'00" W.; to latitude 32° 27'40" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to the point of beginning, excluding that airspace within a two nautical mile radius of latitude 32°39'02" N., longitude 105° 40'34" W.; and also excluding that airspace beginning at lat. 32°42'49" N., long. 105°48'10" W.; to lat. 32°40' 47" N., long. 105°49'38" W.; to lat. 32°39'42" N., long. 105°47'42" W.; to lat. 32°41'58" N., long. 105°46' 12" W.; to the point of beginning from the surface to 1500 feet above the surface.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

AMENDMENTS 8/11/71 36 F. R. 14744 (Changed)

V 37-20 JAN 29 72 XUM

R-5104A Melrose, N. Mex.
Boundaries: Beginning at latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°25'25" N, longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes: Surface to 18,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.
Using agency: Commander, Cannon AFB, N. Mex.

R-5104B Melrose, N. Mex.
Boundaries: Beginning at latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°40'00" W.; to latitude 34°10'00" N., longitude 103°55'00" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to point of beginning.
Designated altitudes: 18,000 feet MSL to 23,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, N. Mex., ARTC Center.
Using agency: Commander, Cannon AFB, N. Mex.

R-5105 Melrose, N. Mex.

Boundaries. Beginning at latitude 34°39'00" N., longitude 103°55'00" W.; to latitude 34°39'00" N.. longitude 103°40'00" W.; to latitude 34°25'25" N., longitude 103°40'00" W.; to latitude 34°28'00" N., longitude 103°43'15" W.; to latitude 34°28'00" N., longitude 103°55'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation: Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Cannon AFB, N. Mex.

R-5107A White Sands Proving Grounds, N. Mex.

Boundaries. Beginning at latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°05'00" N., longitude 106°18'20" W.; to latitude 32°05'00" N., longitude 106°29'00" W.; to latitude 32°06'20" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°34'00" W.; to latitude 32°18'00" N., longitude 106°39'00" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to the point of beginning.
Designated altitude. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commanding General, Fort Bliss, Texas.

R-5107B White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 33°44'45" N., longitude 106°04'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°25'00" N., longitude 106°06'00" W.; to latitude 32°23'18" N., longitude 106°07'03" W.; to latitude 32°24'48" N., longitude 106°09'00" W.; to latitude 32°19'30" N., longitude 106°20'36" W.; to latitude 32°19'30" N., longitude 106°39'30" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 33°49'30" N., longitude 106°16'30" W.; thence along the south side of U. S. Highway 380 to the point of beginning; excluding the airspace in R-5107D, R-5107F, and R-5107G; and that airspace from the surface to 1,500 feet above the surface within a 2-nautical mile radius of latitude 32°26'35" N., longitude 106°40'45" W.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 8/19/71 36 F. R. 11906 (Changed)

R-5107C White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 33°44'45" N., longitude 106°04'00" W.; thence along the south side of U. S. Highway 380 to latitude 33°49'30" N., longitude 106°16'30" W.; to latitude 33°49'45" N., longitude 106°45'20" W.; to latitude 34°15'45" N., longitude 106°40'30" W.; to latitude 34°17'00" N., longitude 106°12'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-5107D White Sands Proving Grounds, N. Mex.

Boundaries: Beginning at lat. 33°34'00" N., long. 106°04'00" W.; to lat. 33°04'00" N., long. 106°21'00" W.; to lat. 32°34'00" N., long. 106°15'00" W.; to lat. 32°34'00" N., long. 106°06'00" W.; to lat. 32°36'00" N., long. 106°06'00" W.; to lat. 32°50'00" N., long. 106°04'00" W.; to point of beginning.
Designated altitudes: Surface to 22,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, Albuquerque, ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 8/19/71 36 F. R. 11906 (Changed)

R-5107E White Sands Proving Grounds, N. Mex.
Boundaries. From the point where an arc of 19 nautical miles radius centered at latitude 33°45'00" N., longitude 106°26'30" W., intersects the western boundary of R-5107C, to latitude 33°54'00" N., longitude 106°46'30" W.; to latitude 33°32'45" N., longitude 106°58'45" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of use. As published in NOTAMs at least 12 hours in advance.
Controlling agency. FAA, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-5107F White Sands Proving Grounds, N. Mex.
Boundaries: Beginning at lat. 33°10'10" N., long. 107°10'55" W.; to lat. 33°20'30" N., long. 107°08'20" W.; to lat. 33°16'10" N., long. 106°51'40" W.; to lat. 33°05'30" N., long. 106°04'00" W.; to lat. 33°00'00" N., long. 105°27'00" W.; to lat. 32°45'00" N., long. 105°27'00" W.; to lat. 32°45'00" N., long. 105°49'00" W.; to lat. 32°50'30" N., long. 106°04'00" W.; to lat. 33°05'00" N., long. 106°50'20" W.; to point of beginning.
Designated altitude: From FL 240 to FL 450.
Time of designation: Continuous from August 19, 1971 to May 23, 1972.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 8/19/71 36 F. R. 11905 (Added)
AMENDMENTS 12/7/71 36 F. R. 23202 (Changed)

R-5107G White Sands Proving Grounds, N. Mex.
Boundaries: Beginning at lat. 33°11'40" N., long. 107°10'25" W.; to lat. 33°21'00" N., long. 107°08'00" W.; to lat. 33°22'55" N., long. 107°05'50" W.; to lat. 33°25'20" N., long. 105°27'00" W.; to lat. 33°14'00" N., long. 105°27'00" W.; to point of beginning.
Designated altitude: From FL 240 to FL 450.
Time of designation: Continuous from August 19, 1971, to May 23, 1972.
Controlling agency: Federal Aviation Administration, Albuquerque, ARTC Center.
Using agency: Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 8/19/71 36 F. R. 11905 (Added)
AMENDMENTS 12/7/71 36 F. R. 23202 (Changed)

R-5109A White Sands, N. Mex.

Boundaries. Beginning at latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°27'00" W.; to latitude 32°45'00" N., longitude 105°59'00" W.; to latitude 32°36'00" N., longitude 106°00'00" W.; to latitude 32°36'00" N., longitude 106°06'00" W.; to latitude 32°50'00" N., longitude 106°04'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 8/19/71 36 F. R. 11905 (Changed)

R-5109B White Sands, N. Mex.

Boundaries. Beginning at latitude 34°17'00" N., longitude 106°04'00" W.; to latitude 34°17'00" N., longitude 105°51'00" W.; to latitude 33°57'00" N., longitude 105°27'00" W.; to latitude 33°31'30" N., longitude 105°27'00" W.; to latitude 33°44'10" N., longitude 106°04'00" W.; to the point of beginning.
Designated altitudes. From 24,000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Canter, Kirtland AFB, N. Mex.

V 37-20 JAN 29 72 XUM

R-5111A Elephant Butte, N. Mex. (East).

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to latitude 33°26'50" N., longitude 107°00'00" W.; to latitude 33°35'00" N., longitude 106°48'00" W.; to latitude 33°13'00" N., longitude 106°52'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous, following issuance of NOTAM by using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 8/19/71 36 F. R. 11905 (Changed)

R-5111B Elephant Butte, N. Mex. (West).

Boundaries. Beginning at latitude 33°00'00" N., longitude 106°49'00" W.; to latitude 32°43'00" N., longitude 106°45'00" W.; to latitude 32°47'00" N., longitude 107°06'00" W.; to latitude 33°00'00" N., longitude 107°13'00" W.; to latitude 33°21'00" N., longitude 107°08'00" W.; to latitude 33°28'50" N., longitude 107°00'00" W.; to latitude 33°00'00" N., longitude 107°00'00" W.; to the point of beginning, excluding the airspace in Restricted Areas R-5107F and R-5107G.
Designated altitudes. Surface to unlimited.
Time of designation: Continuous, following issuance of NOTAM by using agency at least 12 hours in advance.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

AMENDMENTS 8/19/71 36 F. R. 11905 (Changed)

R-5113 Socorro, N. Mex.
Boundaries. Beginning at latitude 34°00'00" N., longitude 107°07'30" W.; thence to latitude 33°55'30" N., longitude 107°07'30" W.; to latitude 33°55'30" N., longitude 107°12'30" W.; to latitude 34°00'00" N., longitude 107°12'30" W.; to point of beginning.
Designated altitudes. Surface to 45,000 feet MSL.
Time of designation. From 0900 to 1900 local time, daily June 1 through September 30, annually.
Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.
Using agency. U. S. Navy, Office of Naval Research, Atmospheric Sciences.

R-5116A White Sands Proving Grounds, N. Mex.
Boundaries: Beginning at lat. 33°53'40" N., long. 106°44'35" W.; to lat. 34°20'35" N., long. 107°02'35" W.; to lat. 34°25'00" N., long. 106°51'45" W.; to lat. 34°09'55" N., long. 106°41'35" W.; to the point of beginning.
Designated altitudes: Surface to FL 240, excluding the airspace below 7,000 feet MSL west of long. 106°50'00" W.
Time of designation: Sunrise to sunset, October 1, 1970, through March 31, 1971, as published in NOTAMS at least 12 hours in advance of use.
Controlling agency: Federal Aviation Administration, Albuquerque ARTC Center.
Using agency: Commander, Air Force Special Weapons Center, Kirtland AFB, N. Mex.

§ 73.52 New York

R-5201 Camp Drum, N. Y.

Boundaries. Beginning at lat. 44°15'00" N., long. 75°31'30" W.; to lat. 44°11'15" N., long. 75°25'00" W.; to lat. 44°03'00" N., long. 75°33'30" W.; to lat. 44°00'45" N., long. 75°37'25" W.; to lat. 44°03'25" N., long. 75°39'30" W.; to lat. 44°05'47" N., long. 75°44'30" W.; to lat. 44°10'00" N., long. 75°39'30" W.; to point of beginning.
Designated altitudes. Surface to 23,000 feet MSL, April 1 through September 30; surface to 20,000 feet MSL, October 1 through March 31.
Time of designation. Continuous April 1 through September 30 and 0600 through 1800 hours local time. October 1 through March 31; other times by NOTAM 48 hours in advance.
Controlling agency. Federal Aviation Administration, Boston ARTC Center.
Using agency. Commanding Officer, Camp Drum, N. Y.

AMENDMENTS 6/24/71 36 F. R. 7895 (Changed)
AMENDMENTS 12/9/71 36 F. R. 23358 (Changed)

R-5202 Gardiner's Island, N. Y.

Boundaries. A circular area with a 3-nautical mile radius centered at Lat. 41°08'30" N, Long. 72° 08'50" W.
Designated altitudes: Surface to 10,000 feet MSL, inclusive.
Time of designation: 0900 to 1800 local time, April 15 through October 14; 0900 to 1600 local time, October 15 through April 14.
Controlling agency: FAA, Quonset RATCC
Using agency: Commander, Fleet Air Quonset, Naval Air Station, Quonset Point, R. I.

R-5203 Oswego, N. Y.

Boundaries. Beginning at Lat. 43°37'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 76°45'00" W; to Lat. 43°24'00" N, Long. 78°00'00" W; to Lat. 43°37'00" N, Long. 78°00'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 310.
Time of designation. Sunrise to sunset, April 1 through December 31.
Using agency. Commander, Air National Guard Base, Niagara Falls Municipal Airport, Niagara Falls, N. Y.,
Phone: BUtler 5-6691, Extension 497.

R-5206 West Point, N. Y.

Subarea A

Boundaries: Beginning at lat. 41°23'08" N., long. 74°00'00" W.; to lat. 41°23'08" N., long. 73°59'42" W.; thence along south side of U. S. Highway 9W to lat. 41°22'32" N., long. 73°58'58" W.; to lat. 41°22'18" N., long. 73°58'58" W.; to lat. 41°20'04" N., long. 74°00'42" W.; thence along north side of Mine Torne Road to lat. 41°21'24" N., long. 74°02'38" W.; thence along east side of New York State Highway 293 to point of beginning.
Designated altitudes: Surface to and including 5,000 feet MSL.
Time of designation: 0600 to 2400 local, July 1 to August 31, other dates and times by NOTAM 48 hours in advance.
Controlling agency: Federal Aviation Administration, New York ARTC Center.
Using agency: Superintendent, U. S. Military Academy, West Point, N. Y.

Subarea B

Boundaries: Beginning at lat. 41°23'08" N., long. 74°00'00" W.; to lat. 41°23'08" N., long. 73°59'42" W.; thence along south side of U. S. Highway 9W to lat. 41°22'32" N., long. 73°58'58" W.; to lat. 41°22'18" N., long. 73°58'58" W.; to lat. 41°20'04" N., long. 74°00'42" W.; thence along north side of Mine Torne Road to lat. 41°21'24" N., long. 74°02'38" W.; thence along east side of New York State Highway 293 to point of beginning.
Designated altitudes: 5,000 feet MSL to 7,000 feet MSL.
Time of designation: By NOTAM, 48 hours in advance.
Controlling agency: Federal Aviation Administration, New York ARTC Center.
Using agency: Superintendent, U. S. Military Academy, West Point, N. Y.

R-5207 Romulus, N. Y.

Boundaries. A circular area with a radius of 1,350 feet centered at latitude 42°46'59" N., longitude 76°53'06" W.
Designated altitudes. Surface to 2,000 feet MSL.
Time of designation. 0730 to 1815 local time, Monday through Friday.
Using agency. Commanding Officer, Seneca Army Depot, Romulus, N. Y.

§ 73.53 North Carolina

R-5301A Albemarle Sound, N. C.

Boundaries. A circular area with a 3-mile radius centered at latitude 36° 03' 30" N., longitude 76° 20' 00" W., excluding the airspace within R-5301B.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5301B Albemarle Sound, N. C.

Boundaries. A circular area within a 1½-nmi radius centered at latitude 36° 05' 25" N., longitude 76° 18' 30" W.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5301C Albemarle Sound, N. C.
Boundaries. A circular area within a 1½ nautical mile radius centered at Lat. 36°05'25" N., Long. 76° 18' 30" W.
Designated altitudes. From 5,000 feet MSL to and including 14,000 feet MSL.
Time of designation. As activated by NOTAM at least 24 hours in advance.
Using agency. Commander, Fleet Air Norfolk NAS Norfolk, Va.

V 37-20 JAN 29 72 XUM

R-5303 Albemarle Sound, N. C.
Boundaries: Beginning at latitude 36°03'35" N., longitude 76°03'05" W.; to latitude 35°58'05" N., longitude 76°02'10" W.; to latitude 35°55'40" N., longitude 76°24'05" W.; to latitude 36°01'05" N., longitude 76°25'00" W, to point of beginning.
Designated altitude: Surface to 14,000 feet MSL.
Time of Designation: 0800 hours to 2300 hours e.s.t.
Using Agency: Commander, Fleet Air Norfolk, NAS Norfolk, Va.

AMENDMENTS 6/18/71 36 F. R. 11723 (Changed)

R-5306A Cherry Point, N. C.
Boundaries. Beginning at Lat. 35°23'15" N, Long. 76°34'40" W; to Lat. 35°18'15" N, Long. 76°16'40" W; to Lat. 35°04'30" N, Long. 76°04'30" W; to Lat. 34°46'45" N, Long. 76°24'45" W; to Lat. 34°45'10" N, Long. 76°40'30" W; to Lat. 34°41'50" N, Long. 76°56'20" W; to Lat. 34°37'30" N, Long. 76°56'20" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°34'30" N, Long. 77°09'00" W; to Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 35°03'00" N, Long. 76°57'00" W; thence to point of beginning.
Designated altitudes. Surface to flight level 350.
Time of designation. Continuous.
Using agency. Commanding General Marine Corps Air Station, Cherry Point, N. C.

R-5306B Cherry Point, N. C.

Boundaries. Beginning at Lat. 34°44'50" N, Long. 77°14'40" W; to Lat. 34°34'30" N, Long. 77°09'00" W; thence southwest along the boundary of Warning Area W-122 to Lat. 34°30'20" N, Long. 77°15'50" W; to Lat. 34°33'00" N, Long. 77°19'00" W; to Lat. 34°36'05" N, Long. 77°26'08" W; to Lat. 34°40'00" N, Long. 77°22'00" W; to Lat. 34°39'10" N, Long. 77°20'50" W; thence to point of beginning.
Designated altitudes. Surface to flight level 290.
Time of designation. Continuous.
Using agency. Commanding General, Marine Corps Air Station, Cherry Point, N. C.

R-5306C Cherry Point, N. C.

Boundaries. Beginning at latitude 34°40'00" N., longitude 77°22'00" W.; to latitude 34°36'05" N., longitude 77°26'08" W.; to latitude 34°38'12" N., longitude 77°26'00" W.; to latitude 34°40'20" N., longitude 77°22'12" W.; to point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, U.S. Marine Corps Air Station, Cherry Point, N. C.

R-5311A Fort Bragg, N. C.

Boundaries. Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.
Designated altitudes: Surface to but not including 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Bragg, N. C.

R-5311B Fort Bragg, N. C.

Boundaries: Beginning at latitude 35°10'46" N., longitude 79°01'56" W.; to latitude 35°08'47" N., longitude 79°02'00" W.; to latitude 35°07'00" N., longitude 79°02'30" W.; to latitude 35°05'35" N., longitude 79°01'50" W.; to latitude 35°02'55" N., longitude 79°05'40" W.; to latitude 35°02'45" N., longitude 79°20'10" W.; to latitude 35°07'05" N., longitude 79°22'50" W.; to latitude 35°09'40" N., longitude 79°20'10" W.; thence along Little River to point of beginning.
Designated altitudes: From 18,000 to 29,000 feet MSL.
Time of designation: Continuous.
Controlling agency: Federal Aviation Administration, ARTC Center, Washington.
Using agency: Commanding General, Fort Bragg, N. C.

R-5313 Long Shoal Point, N. C.

Boundaries. A circular area with a 3-mile radius centered at Lat. 35°32'48" N, Long. 75°41'26" W.
Designated altitudes. Surface to FL-400.
Time of designation. Continuous.
Using agency. Commander, Fleet Air Norfolk, NAS Norfolk, Va.

R-5314 Dare County, N. C.

Subarea A
Boundaries. Beginning at latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to latitude 35°47'00" N., longitude 75°59'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea B
Boundaries. Beginning at latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°34'40" N., longitude 75°46'50" W.; to latitude 35°36'45" N., longitude 76°01'20" W.; to latitude 35°41'30" N., longitude 76°00'20" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea C.
Boundaries. Beginning at latitude 35°48'30" N., longitude 75°43'40" W.; to latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°47'00" N., longitude 75°59'00" W.; to latitude 35°51'35" N., longitude 75°57'55" W.; to latitude 35°49'30" N., longitude 75°45'00" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea D.
Boundaries. Beginning at latitude 35°40'30" N., longitude 75°52'15" W.; to latitude 35°38'40" N., longitude 75°52'35" W.; to latitude 35°39'00" N., longitude 75°54'35" W.; to latitude 35°40'40" N., longitude 75°54'10" W.; to the point of beginning.
Designated altitudes. Surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea E.
Boundaries. Beginning at latitude 35°47'50" N., longitude 75°48'50" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to latitude 35°46'10" N., longitude 75°52'35" W.; to latitude 35°48'00" N., longitude 75°52'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea F.
Boundaries. Beginning at latitude 35°45'00" N., longitude 75°44'35" W.; to latitude 35°39'30" N., longitude 75°45'45" W.; to latitude 35°40'10" N., longitude 75°50'15" W.; to latitude 35°45'40" N., longitude 75°49'20" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to flight level 205.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea G
Boundaries. Beginning at latitude 35°49'40" N., longitude 75°58'20" W.; to latitude 35°38'55" N., longitude 76°01'00" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°50'20" N., longitude 76°02'30" W.; to the point of beginning.
Designated altitudes. 200 feet above the surface to 15,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

Subarea H
Boundaries. Beginning at latitude 35°50'20" N., longitude 76°02'30" W.; to latitude 35°39'20" N., longitude 76°05'00" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°51'25" N., longitude 76°10'05" W.; to the point of beginning.
Designated altitudes. 500 feet above the surface to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

66-000 O - 72 (pt. 2 Sec. 2) - 12

V 37-20 JAN 29 72 XUM

Subarea J
Boundaries. Beginning at latitude 35°51'25" N., longitude 76°10'05" W.; to latitude 35°40'25" N., longitude 76°12'25" W.; to latitude 35°43'50" N., longitude 76°35'30" W.; to latitude 35°54'50" N., longitude 76°33'10" W.; to the point of beginning.
Designated altitudes. 1,000 feet above the surface to 6,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, 4th Tactical Fighter Wing, Seymour Johnson AFB, N. C.

AMENDMENTS 11/11/71 36 F. R. 18512 (Changed)

§ 73.54 North Dakota

§ 73.55 Ohio

R-5502 Lacarne, Ohio
Boundaries: Beginning at latitude 41°41'15" N., longitude 83°07'45" W.; to latitude 41°41'17" N., longitude 83°00'00" W.; to latitude 41°35'30" N., longitude 82°54'48" W.; to latitude 41°32'19" N., long. 83°00'05" W., to latitude 41°32'16" N., longitude 83°01'24" W., to latitude 41°36'54" N., longitude 83°07'45" W.; to the point of beginning.
Designated altitudes: April 1 to May 31 surface to and including 5,000 feet MSL; June 1 to July 31 surface to and including 23,000 feet MSL; and August 1 to November 30 surface to and including 5,000 feet MSL.
Time of designation: 0800 to 1600 local time Saturday and Sunday April 1 through May 31; 0800 to 1600 local time daily June 1 through July 31; 0800 to 1600 local time Saturday and Sunday August 1 through November 30; other dates, time and altitudes (not to exceed 23,000 feet MSL) by NOTAM, published at least 48 hours in advance.
Controlling agency: Federal Aviation Administration, Cleveland ARTC Center.
Using agency: The Adjutant General State of Ohio.

R-5503 Wilmington, Ohio

Boundaries. Beginning at Lat. 39°08'20" N, Long. 83°02'00" W; to Lat. 38°48'30" N, Long. 83°02'00" W; to Lat. 38°58'30" N, Long. 84°05'00" W; to Lat. 39°12'30" N, Long. 84°05'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

R-5504 Wilmington, Ohio

Boundaries. Beginning at latitude 39°30'00" N., longitude 83°02'00" W.; to latitude 39°08'20" N., longitude 83°02'00" W.; to latitude 39°12'30" N., longitude 84°05'00" W.; to latitude 39°15'45" N., longitude 84°05'00" W.; to latitude 39°17'50" N., longitude 84°02'30" W.; to latitude 39°26'05" N., longitude 83°48'10" W.; to latitude 39°30'00" N., longitude 83°38'35" W.; to the point of beginning.
Designated altitudes. 3,000 feet MSL to flight level 600.
Time of designation. 0800 to 2200 hours, local time, Monday through Saturday.
Controlling agency. Federal Aviation Administration, Indianapolis ARTC Center.
Using agency. Aeronautical Systems Division, Wright-Patterson AFB, Ohio.

§ 73.56 Oklahoma

R-5601A Fort Sill, Okla.

Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15 N., longitude 98°20'55" W.; thence counterclockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°40'12" N., longitude 98° 26'17" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; thence counterclockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°26'46" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding General, Fort Sill, Oklahoma.

R-5601B Fort Sill, Okla.

Boundaries Beginning at latitude 34°38'15" N., longitude 98°26'46" W.; thence clockwise along the arc of a 2.5-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°39'33" N., longitude 98°26'17" W.; to latitude 34°40'12" N., longitude 98°26'17" W.; thence clockwise along the arc of a 3-mile radius circle centered at latitude 34°38'18" N., longitude 98°24'06" W.; to latitude 34°38'15" N., longitude 98°20'55" W.; thence to point of beginning.
Designated altitude. Surface to 23,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using agency. Commanding General, Fort Sill, Okla.

R-5601C, Fort Sill, Okla.
Boundaries. Beginning at latitude 34°38'15" N., longitude 98°17'00" W.; to latitude 34°38'15" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°45'20" W.; to latitude 34°41'58" N., longitude 98°39'43" W.; to latitude 34°43'30" N., longitude 98°35'39" W.; to latitude 34°43'30" N., longitude 98°21'20" W.; to latitude 34°43'45" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°21'00" W.; to latitude 34°46'06" N., longitude 98°17'00" W.; to point of beginning.
Designated altitude. 23,000 feet MSL to 65,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Fort Worth ARTC Center.
Using Agency. Commanding General, Fort Sill, Okla.

§ 73.57 Oregon

R-5701 Boardman Oreg.

Boundaries and designated altitudes. A 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W., surface to flight level 230; within 3 nautical miles either side of the 093° and 263° bearings from the center of the circle extending to 11 nautical miles from the center, excluding the airspace within 5 statute miles of the 256° radial of the Pendleton, Oreg., VOR, 20,000 feet MSL to flight level 230; within 2 nautical miles N and 3 nautical miles S of the 082° bearing from the center of the circle extending to a line one nautical mile W of and parallel to Butter Creek, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the E extremity; within 3 nautical miles either side of the 234° bearing from the center of the circle extending to 10 nautical miles from the center, excluding the airspace within VOR Federal airway No. 112, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the SW extremity; within 3 nautical miles either side of the 270° bearing from the center of the circle extending to 15 nautical miles from the center, surface to 10,000 feet MSL to a distance of 7 nautical miles from the center of the circle, thence surface to 6,000 feet MSL to the W extremity.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-5704 Hermiston, Oreg.

Boundaries. Beginning at latitude 45°52'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°29'00" W.; to latitude 45°50'00" N., longitude 119°30'30" W.; to latitude 45°52'00" N.; longitude 119°30'30" W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0800 to 2000 Pst, Monday through Friday.
Using agency. Commanding Officer, Umatilla Ordnance Depot, Hermiston, Oreg.

R-5705 Warrenton, Oreg.
Boundaries: Beginning at latitude 46°10'00" N., longitude 124°03'00" W.; to latitude 46°09'00" N., longitude 123°57'00" W.; thence along a line one-half mile east of shoreline to latitude 46°05'00" N., longitude 123°55'30" W.; to latitude 46°01'00" N., longitude 123°57'30" W.; to latitude 46°01'00" N., longitude 123°59'50" W.; thence 3 nautical miles from and parallel to shoreline to point of beginning.
Designated altitudes: Surface to 14,500 feet MSL.
Time of designation: Various periods from June 1 to September 10 each year, with specific dates and times to be published by NOTAM.
Controlling agency: FAA, Seattle ARTC Center.
Using agency: Adjutant General Oregon National Guard.

V37-20 JAN 29 72 XUM

R-5706 Boardman, Oreg.
Boundaries. Beginning at latitude 45°40'40" N., longitude 120°02'25" W.; to latitude 45°40'40" N., longitude 120°09'00" W.; to latitude 45°45'45" N., longitude 120°09'00" W.; thence east along the south shore of the Columbia River to latitude 45°51'00" N., longitude 119°40'00" W.; to latitude 45°53'00" N., longitude 119°31'00" W.; to latitude 45°46'35" N., longitude 119°31'00" W.; to latitude 45°46'10" N., longitude 119°35'00" W.; thence counterclockwise along the arc of a 5-nautical-mile radius circle centered at latitude 45°43'36" N., longitude 119°41'03" W.; to latitude 45°46'35" N., longitude 119°46'50" W.; to latitude 45°46'35" N., longitude 120°02'25" W.; to point of beginning.
Designated altitudes. 3,500 feet MSL to 10,000 feet MSL.
Time of designation. Continuous.
Controlling agency. FAA, Seattle ARTC Center.
Using agency. Commander, Fleet Air Whidbey, NAS Whidbey Island, Wash.

§ 73.58 Pennsylvania

R-5801 Chambersburg, Pa.

Boundaries. The arc of a circle, having a 5,000-foot radius, centered at latitude 39°59'44" N., longitude 77°43'55" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

R-5802 Indiantown Gap, Pa.

Boundaries. Beginning at latitude 40°28'45" N., longitude 76°35'30" W.; to latitude 40°28'05" N., longitude 76°35'30" W.; to latitude 40°24'55" N., longitude 76°36'55" W.; to latitude 40°23'45" N., longitude 76°43'11" W.; to latitude 40°24'20" N., longitude 76°44'40" W.; to latitude 40°28'45" N., longitude 76°37'40" W.; to the point of beginning.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. 0630 to 2400 local time, June 1 through August 31; 0800-1800 local time, Saturday and Sunday February 15 through May 31; 0800-1800 local time, Saturday and Sunday September 1 through December 15. Other dates and times by NOTAM, issued at least 48 hours in advance.
Controlling agency. Federal Aviation Administration, New York ARTC Center.
Using agency. Commanding General, Indiantown Gap Military Reservation, Annville, Pa.

R-5803 Chambersburg, Pa.

Boundaries. A circular area with a 2,400-foot radius centered at Lat. 40°02'29" N, Long. 77°44'20" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. 0800 to 1600 EST, Monday through Friday.
Using agency. Commanding Officer, Letterkenny Ordnance Depot, Chambersburg, Pa.

§ 73.59 Rhode Island

§ 73.60 South Carolina

R-6001 Fort Jackson, S. C.

Boundaries. Beginning at Lat. 34°03'51" N, Long. 80°42'12" W; to Lat. 34°01'40" N, Long. 80°42'15" W; to Lat. 34°01'50" N, Long. 80°55'15" W; to Lat. 34°02'21" N, Long. 80°56'02" W; to Lat. 34°04'45" N, Long. 80°53'02" W; to Lat. 34°06'19" N, Long. 80°48'47" W; to Lat. 34°05'58" N, Long. 80°46'05" W; to the point of beginning.
Designated altitudes. Surface to 24,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commanding General, Fort Jackson, S. C.

R-6002 Poinsett-Sumter, S. C.

Boundaries. Beginning at latitude 33°54'24" N., longitude 80°24'12" W., to latitude 33°46'25" N., longitude 80°23'12" W.,
to latitude 33°44'27" N., longitude 80°31'42" W., to latitude 33°50'13" N., longitude 80°31'03" W., to latitude 33°53'37" N., longitude 80°31'03" W., to point of beginning. Excluding that airspace within the Shaw AFB control zone.
Designated altitudes. Surface to 13,000 feet MSL.
Time of designation. Sunrise to 2400 hours local time.
Controlling agency. Federal Aviation Administration, Jacksonville ARTC Center.
Using agency. Commander, Shaw AFB, S. C.

AMENDMENTS 5/17/71 36 F. R. 8510 (Changed)
AMENDMENTS 1/6/72 36 F. R. 22227 (Changed)

R-6004 Savannah River Plant, S. C.

Boundaries. Beginning at latitude 33°22'00" N., longitude 81°43'15" W.; to latitude 33°20'30" N., longitude 81°27'40" W.; to latitude 33°10'20" N., longitude 81°29'05" W.; to latitude 33°05'50" N., longitude 81°37'05" W.; to latitude 33°09'35" N., longitude 81°45'50" W.; to latitude 33°11'11" N., longitude 81°46'28" W.; to latitude 33°20'25" N., longitude 81°45'29" W.; to the point of beginning.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Savannah River Plant, Aiken, S. C.

AMENDMENTS 9/21/71 36 F. R. 18725 (Changed)
AMENDMENTS 12/15/71 36 F. R. 23796 (Changed)

§ 73.61 South Dakota

R-6102 Badlands, South Dakota

Boundaries: Beginning at latitude 43°35'00" N., longitude 102°05'00" W.; to latitude 43°35'00" N., longitude 102°25'00" W.; to latitude 43°42'00" N., longitude 102°25'00" W.; to latitude 43°42'00"N., longitude 102°05'00" W. to the point of beginning.
Designated altitudes: Surface to 32,000 feet MSL.
Time of designation: A 2-week period annually between June 1 and August 31, to be publicized by NOTAM.
Using agency: The Adjutant General, State of South Dakota (147th Artillery Group, South Dakota Army National Guard).

§ 73.62 Tennessee

§ 73.63 Texas

R-6302A Fort Hood, Texas.

Boundaries. Beginning at latitude 31°06'08" N., longitude 97°32'42" W.; to latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°10'04" N., longitude 97°41'06" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°42'45" W.; to latitude 31°20'48° N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6302B Fort Hood, Texas
Boundaries. Beginning at latitude 31°08'20" N., longitude 97°39'28" W.; to latitude 31°09'03" N., longitude 97°41'18" W.; to latitude 31°09'40" N., longitude 97°41'20" W.; to latitude 31°09'40" N., longitude 97°43'19" W.; to latitude 31°08'45" N., longitude 97°43'30" W.' to latitude 31°09'02" N., longitude 97°45'25" W.; to latitude 31°09'52" N., longitude 97°44'45" W.; to latitude 31°10'39" N., longitude 97°43'19" W.; to latitude 31°10'04" N., longitude 97°41'06" W.' to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

V37-20 JAN 29 72 XUM

R-6302C Fort Hood, Texas

Boundaries. Beginning at latitude 31°08'56" N., longitude 97°47'18" W.; to latitude 31°08'40" N., longitude 97°52'10" W.; to latitude 31°09'15" N., longitude 97°54'30" W.; to latitude 31°15'34" N., longitude 97°54'29" W.; to latitude 31°19'28" N., longitude 97°50'45" W.; to latitude 31°15'10" N., longitude 97°50'45" W.; to point of beginning.
Designated altitude. Surface to 30,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commanding General, Fort Hood, Texas.

R-6303 Matagorda Island, Tex.

Boundaries. Beginning at latitude 28°15'20" N., longitude 96°26'50" W.; to latitude 28°18'55" N., longitude 96°27'45" W.; to latitude 28°20'55" N., longitude 96°29'15" W.; to latitude 28°12'00" N., longitude 96°46'00" W.; to latitude 28°07'00" N., longitude 96°42'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitude. Surface to flight level 450.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex. ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, La.

PENDING AMENDMENT
R-6303 Matagorda Island, Tex., is revoked. AMENDMENTS 2/3/72 36 F. R. 23049 (Revoked)

PENDING AMENDMENT
R-6303A Matagorda Island, Tex.

Boundaries. Beginning at latitude 28°15'20" N., longitude 96°26'50" W.; to latitude 28°18'55" N., longitude 96°27'45" W.; to latitude 28°20'55" N., longitude 96°29'15" W.; to latitude 28°12'00" N., longitude 96°46'00" W.; to latitude 28°07'00" N., longitude 96°42'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitude. Surface to flight level 330.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, La.

AMENDMENTS 2/3/72 36 F. R. 23049 (Added)

PENDING AMENDMENT
R-6303B Matagorda Island, Tex.

Boundaries. Beginning at latitude 28°15'20" N., longitude 96°26'50" W.; to latitude 28°18'55" N., longitude 96°27'45" W.; to latitude 28°20'55" N., longitude 96°29'15" W.; to latitude 28°12'00" N., longitude 96°46'00" W.; to latitude 28°07'00" N., longitude 96°42'00" W.; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitude. Flight level 330 to flight level 450.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Houston, Tex., ARTC Center.
Using agency. Commander, Second Air Force, Barksdale AFB, La.

AMENDMENTS 2/3/72 36 F. R. 23049 (Added)

R-6304 Camp Bowie, Tex.

Boundaries: Beginning at latitude 31°41'00" N., longitude 98°58'00" W., to latitude 31°39'25" N., longitude 98°52'15" W., to latitude 31°34'30" N., longitude 98°54'10" W., to latitude 31°36'10" N., longitude 99°00'00" W., thence to point of beginning.
Designated altitudes: Surface to 6,000 feet MSL.
Time of designation: A 4-hour period commencing at official sunset, Monday through Thursday.
Using agency: Commander, 75th Tactical Reconnaissance Wing, Bergstrom AFB, Texas.
Controlling agency: Federal Aviation Administration, Air Route Traffic Control Center, Fort Worth, Texas.

R-6312 Cotulla, Tex.,
Boundaries: The area within 5 nmi of geographical points located at 28°14'50" N., 98°43'30" W.; and 28°05'53" N., 98°42'51" W.
Designated altitudes: Surface to 15,000 feet MSL except for the area west of a line between 28°17'40" N., 98°47'55" W., and 28°11'55" N., 98°48'00" W., and the area along Highway 624 extending ½ mile each side where the floor is 1,000 feet AGL.
Time of designation: Sunrise to sunset.
Controlling agency. Federal Aviation Administration, ARTCC, Houston, Tex.
Using agency: Chief of Naval Air Advanced Training Command, NAS Corpus Christi, Tex.

§ 73.64 Utah

R-6401 Deseret, Utah.

Boundaries. Beginning at Lat. 40°16'27" N, Long. 112°18'43" W; to Lat. 40°15'42" N. 112°18'43" W; to Lat. 40°15'42" N, Long. 112°21'01" W; to Lat. 40°16'27" N, Long. 112°21'01" W; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.

R-6402 Deseret Test Center, Dugway, Utah

Boundaries. Beginning at latitude 40°25'00" N., longitude 112°56'00" W., to latitude 40°13'00" N., longitude 112°43'00" W., to latitude 39°49'00" N., longitude 112°43'00" W., to latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 40°20'20" N., longitude 113°20'02" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°25'00" N., longitude 113°07'00" W., to the point of beginning.
Designated altitudes. Surface to FL-400; joint use at and above FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commanding General, Deseret Test Center, Dugway, Utah.

R-6403 Tooele, Utah

Boundaries. Beginning at latitude 40°30'44" N , longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°27'30" W.; to latitude 40°29'32" N., longitude 112°29'15" W.; to latitude 40°30'44" N., longitude 112°29'15" W.; to the point of beginning.
Designated altitude. Surface to 9,000 feet MSL.
Time of designation. 0800 to 2000 local time.
Using agency. Commanding Officer, Tooele Ordnance Depot, Tooele, Utah.
PENDING AMENDMENT
R-6403 Tooele, Utah

Boundaries. Beginning at latitude 40°31'48" N., longitude 112°29'31" W.; to latitude 40°33'14" N., longitude 112°28'20" W.; to latitude 40°29'30" N., longitude 112°25'30" W.; to latitude 40°29'29" N., longitude 112°28'28" W.; to latitude 40°30'45" N., longitude 112°28'28" W.; to latitude 40°30'45" N., longitude 112°29'33" W.; to the point of beginning.
Designated altitude. Surface to 9,000 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Tooele Army Depot, Tooele, Utah.

AMENDMENTS 2/3/72 36 F. R. 23358 (Rewritten)

R-6404A Hill AFB Range South, Utah

Boundaries. Beginning at latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 40°51'30" N., longitude 112°56'30" W.; to latitude 40°48'30" N., longitude 113°40'00" W.; to latitude 41°00'00" N., longitude 113°41'40" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6404B Hill AFB Range North, Utah

Boundaries. Beginning at latitude 41°15'00" N., longitude 113°43'50" W.; to latitude 41°11'40" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 112°56'30" W.; to latitude 41°00'00" N., longitude 113°41'40" W.; to the point of beginning.
Designated altitudes. Surface to flight level 600.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

AMENDMENTS 11/11/71 36 F. R. 16193 (Rewritten)

V 37 ■ 20 JAN 29 72 XUM

R-6404C Hill AFB Range East, Utah

Boundaries. Beginning at latitude 41°11'40" N., longitude 112°56'30" W.; to latitude 41°10'40" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°45'00" W.; to latitude 41°00'00" N., longitude 112°56'30" W.; to point of beginning.
Designated altitudes. Surface to flight level 600. Surface to 10,000 feet MSL.
Time of designation. Sunrise to sunset, surface to flight level 600. Sunset to 0100 local time, surface to 10,000 feet MSL.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

AMENDMENTS 11/11/71 36 F. R. 18199 (Added)

R-6405 Wendover, Utah

Boundaries. Beginning at latitude 39°44'00" N., longitude 113°08'00" W., to latitude 39°23'00" N., longitude 113°19'00" W., to latitude 39°23'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 39°55'00" N., longitude 113°26'40" W., to latitude 39°52'00" N., longitude 113°27'00" W., to latitude 39°49'00" N., longitude 113°08'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6406A, Wendover North, Utah.

Boundaries. Beginning at latitude 40°40'30" N., longitude 113°00'00" W., to latitude 40°29'00" N., longitude 113°00'00" W., to latitude 40°29'00" N., longitude 113°18'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°38'30" N., longitude 114°00'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400; joint-use at and above 7,500 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6406B, Wendover South, Utah

Boundaries. Beginning at latitude 40°29'00" N., longitude 113°00'00" W., to latitude 40°25'00" N., longitude 112°58'00" W., to latitude 40°25'00" N., longitude 113°07'00" W., to latitude 40°20'20" N., longitude 113°07'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to latitude 40°29'00" N., longitude 113°18'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400; joint-use at and above FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commander, Hill AFB, Utah.

R-6407 Deseret Test Center, Dugway, Utah
Boundaries. Beginning at latitude 40°20'20" N., longitude 113°20'02" W., to latitude 39°55'00" N., longitude 113°28'40" W., to latitude 39°55'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 113°48'00" W., to latitude 40°00'00" N., longitude 114°00'00" W., to latitude 40°17'00" N., longitude 114°00'00" W., to latitude 40°20'20" N., longitude 113°49'00" W., to the point of beginning.
Designated altitudes. Surface to flight level 400; joint-use at and above FL 240.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Salt Lake City ARTC Center.
Using agency. Commanding General, Deseret Test Center, Dugway, Utah

R-6408 Indian Creek, Utah.
Boundaries. Beginning at latitude 37°59'00" N., longitude 109°23'00" W.; to latitude 37°57'00" N., longitude 109°25'00" W.; to latitude 37°58'00" N., longitude 109°40'00" W.; to latitude 38°02'00" N., longitude 109°54'00" W.; to latitude 38°21'00" N., longitude 109°54'00" W.; to latitude 38°23'00" N., longitude 109°52'00" W.; to latitude 38°22'00" N., longitude 109°38'00" W.; to latitude 38°21'00" N., longitude 109°31'00" W.; to latitude 38°16'00" N., longitude 109°24'00" W.; to latitude 38°08'00" N., longitude 109°22'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-6409 Green River, Utah.
Boundaries. Beginning at latitude 39°00'00" N., longitude 110°03'00" W.; to latitude 38°54'00" N., longitude 109°58'00" W.; to latitude 38°51'00" N., longitude 110°05'00" W.; to latitude 38°58'00" N., longitude 110°09'00" W.; to the point of beginning.
Designated altitudes. Surface to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Denver ARTC Center.
Using agency. Air Force Special Weapons Center, Kirtland AFB, N. Mex.

R-6412 Camp Williams, Utah
Beginning at latitude 40°27'30" N., longitude 111°56'24" W.; thence southerly along Redwood Road (Utah Highway 68) to latitude 40°23'30" N., longitude 111°54'58" W.; to latitude 40°23'30" N., longitude 112°06'00" W.; to latitude 40°27'30" N., longitude 112°06'00" W.; to point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Maximum two-week period during the month of June each year with specific dates to be published by NOTAM.
Controlling agency. Federal Aviation Administration, Salt Lake City Tower,
Using agency. The Adjutant General, State of Utah.

§ 73.65 Vermont

R-6501 Underhill, Vt.
Boundaries. Beginning at latitude 44°30'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°52'00" W.; to latitude 44°27'00" N., longitude 72°55'00" W.; to latitude 44°28'30" N., longitude 72°56'30" W.; to latitude 44°29'15" N., longitude 72°56'30" W.; to latitude 44°30'00" N., longitude 72°53'30"W.; to the point of beginning.
Designated altitudes. Surface to 13,600 feet MSL.
Time of designation: Continuous, Monday through Saturday, other time by a NOTAM issued 24 hours in advance.
Controlling agency. Federal Aviation Administration, Burlington Approach Control.
Using Agency. Adjutant General, State of Vermont, Montpelier, Vt.

§ 73.66 Virginia

R-6601 Camp A. P. Hill, Va.

Boundaries. Beginning at latitude 38°06'50" N., longitude 77°10'34" W.; to latitude 38°05'30" N., longitude 77°09'06" W.; to latitude 38°04'40" N., longitude 77°10'20" W.; to latitude 38°03'12" N., longitude 77°09'35" W.; to latitude 38°02'22" N., longitude 77°11'40" W.; to latitude 38°02'30" N., longitude 77°14'40" W.; to latitude 38°01'50" N., longitude 77°16'08" W.; to latitude 38°02'15" N., longitude 77°18'04" W.; to latitude 38°03'40" N., longitude 77°18'45" W.; to latitude 38°04'37" N., longitude 77°18'45" W.; thence along highway U. S. 301 to latitude 38°08'01" N., longitude 77°14'04" W.; to latitude 38°07'53" N., longitude 77°13'40" W.; to latitude 38°06'46" N., longitude 77°12'21" W.; thence to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0700 to 2300 e.s.t., June 1 through September 8; and 0700 to 2300 e.s.t., September 9, through May 31, by NOTAM issued at least 48 hours in advance.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commanding General, U. S. Quartermaster Center and Fort Lee, Fort Lee, Va.

R-6602 Camp Pickett, Va.

Boundaries. Beginning at latitude 37°05'37" N., longitude 77°51'54" W.; to latitude 37°04'25" N., longitude 77°51'45" W.; along State Highway No. 40 to latitude 37°03'55" N., longitude 77°51'05" W.; to latitude 37°02'43" N., longitude 77°50'38" W.; to latitude 37°01'05" N., longitude 77°50'43" W.; to latitude 36°59'50" N., longitude 77°50'34" W.; to latitude 36°57'58" N., longitude 77°52'14" W.; to latitude 36°57'54" N., longitude 77°53'19" W.; to latitude 36°58'12" N., longitude 77°57'42" W.; to latitude 37°01'50" N., longitude 77°58'40" W.; to latitude 37°01'50" N., longitude 77°55'58" W.; to latitude 37°05'37" N., longitude 77°56'00" W.; to point of beginning.
Designated altitudes. The area NW of a line between latitude 37°01'05" N., longitude 77°50'43" W., and latitude 36°57'54" N., longitude 77°53'19" W., surface to 18,500 feet MSL. The area SE of this line, surface to 1,900 feet MSL.
Time of designation. Continuous from June 1 through September 8; 0600 EST Saturday to 2200 EST Sunday from September 9 through May 31; other times after issuance of NOTAMS by the using agency at least 48 hours in advance. When activated by NOTAM, another NOTAM shall be issued upon termination of use.
Using Agency. Commanding General U.S . Army Quartermaster Center and Fort Lee, Fort Lee, Va.

V 37 • 20 JAN 29 72 XUM

R-6604 Chincoteague Inlet, Va.

Boundaries. Beginning at Lat. 37°56'45" N. Long. 75°27'30" W; to Lat. 37°51'30" N, Long. 75°17'15" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 37°38'45" N, Long. 75°31'20" W; to Lat. 37°50'24" N, Long. 75°31'20" W; to the point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency. Chief, Wallops Station, National Aeronautics and Space Administration, Wallops Island, Va.

R-6606 Pendleton, Va.

Boundaries. Beginning at Lat. 36°50'41" N, Long. 75°54'40" W; thence 3 nautical miles from and parallel to the shoreline to Lat. 36°34'33" N, Long. 75°48'40" W; to Lat. 36°45'03" N, Long. 75°56'12" W; to Lat. 36°44'45" N, Long. 75°57'05" W; to Lat. 36°44'39" N, Long. 75°58'00" W; to Lat. 36°47'00" N, Long. 75°58'45" W; to Lat. 36°47'18" N, Long. 75°56'54" W; to the point of beginning.
Designated altitudes: Surface to 1,000 feet MSL.
Time of designation. 0800 to 1700 EST Monday through Friday, except that portion north of latitude 36°41'42" N., from the surface to 1,000 feet MSL, which is continuous.
Using agency. Commanding Officer, U. S. Fleet Air Defense Training Center, Dam Neck, Va.

R-6608 Quantico, Va.

Boundaries. Beginning at latitude 38°31'15" N., longitude 77°24'20" W.; to latitude 38°29'00" N., longitude 77°28'45" W.; to latitude 38°31'20" N., longitude 77°34'07" W.; to latitude 38°37'00" N., longitude 77°34'07" W.; to latitude 38°37'50" N., longitude 77°32'20" W.; to latitude 38°37'00" N., longitude 77°25'34" W.; to latitude 38°34'00" N., longitude 77°24'00" W.; to the point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation: 0700 to 2400 local time.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commandant, Marine Corps Schools, Quantico, Va.

R-6609 Tangier Island, Va.
Boundaries: Beginning at latitude 37°53'10" N., longitude 76°14'00" W.; to latitude 37°55'15" N., longitude 76°02'30" W.; to latitude 37°50'00" N., longitude 76°00'52" W.; to latitude 37°41'00" N., longitude 76°00'52" W.; to latitude 37°40'00" N., longitude 76°01'30" W.; to latitude 37°40'00" N., longitude 76°10'00" W.; to latitude 37°45'00" N., longitude 76°11'33" W.; to point of beginning.
Designated altitudes: Surface to FL 200.
Time of designation: 0800 to 2300 hours, local time, other times by NOTAM issued at least 48 hours in advance.
Controlling agency: Federal Aviation Administration, Washington ARTC Center.
Using agency: Commanding Officer, NAS Patuxent River, Md.

R-6611 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°21'30" N, Long. 77°01'15" W; to Lat. 38°17'30" N, Long. 76°56'00" W; to Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to Lat. 38°19'15" N. Long. 77°02'00" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation: 0800 to 1700 e.s.t., Monday through Saturday September 1 through May 31; 0700 to 1600 e.s.t. Monday through Saturday June 1 through August 31.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

R-6612 Dahlgren Complex, Va.

Boundaries. Two overlapping circular areas with 7,000-foot radii centered at Lat. 38°17'59" N, Long. 77°02'15" W, and Lat. 38°18'23" N, Long. 77°02'57" W.
Designated altitudes. Surface to 7,000 feet MSL.
Time of designation: 0800 to 1700 e.s.t., Monday through Saturday Sept. 1 through May 31; 0700 to 1600 e.s.t. Monday through Saturday June 1 through August 31.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

R-6613 Dahlgren Complex, Va.

Boundaries. Beginning at Lat. 38°15'45" N, Long. 76°52'00" W; to Lat. 38°13'30" N, Long. 76°46'35" W; to Lat. 38°10'00" N, Long. 76°50'00" W; to Lat. 38°13'00" N, Long. 76°54'35" W; to the point of beginning.
Designated altitudes. Surface to flight level 400.
Time of designation: 0800 to 1700 e.s.t., Monday through Saturday Sept. 1 through May 31; 0700 to 1600 e.s.t. Monday through Saturday June 1 through August 31.
Controlling agency. Federal Aviation Administration, Washington ARTC Center.
Using agency. Commander, Naval Proving Grounds, Dahlgren, Va.

§ 73.67 Washington

R-6701 Admiralty Inlet, Wash.

Boundaries. Beginning at Lat. 48°10'00" N, Long. 122°34'48" W; to Lat. 48°05'45" N, Long. 122°31'30" W; to Lat. 48°06'06" N; Long. 122°41'12" W; to Lat. 48°10'00" N, Long. 122°40'56" W; to the point of beginning.
Designated altitudes: Surface to 5,000 feet MSL.
Time of designation. Sunrise to sunset.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-6703 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°03'10" N., longitude 122°31'25" W.; to latitude 47°02'30" N., longitude 122°31'40" W.; to latitude 47°02'30" N., longitude 122°31'00" W.; to latitude 47°00'40" N., longitude 122°31'25" W.; to latitude 47°00'40" N., longitude 122°32'55" W.; to latitude 46°58'05" N., longitude 122°34'00" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 47°04'25" N., longitude 122°35'15" W.; to the point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

R-6704 Fort Lewis, Wash.

Boundaries. Beginning at latitude 47°04'25" N., longitude 122°35'15" W.; to latitude 46°58'05" N., longitude 122°37'50" W.; to latitude 46°54'35" N., longitude 122°41'25" W.; to latitude 46°54'05" N., longitude 122°45'00" W.; to latitude 46°57'12" N., longitude 122°46'50" W.; to latitude 47°00'40" N., longitude 122°41'40" W.; to latitude 47°04'35" N., longitude 122°41'30" W.; to latitude 47°05'25" N., longitude 122°38'00" W.; to the point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, McChord Approach Control.
Using agency. Commanding General, Fort Lewis, Wash.

R-6707 Quoets, Wash.

Boundaries. Beginning at Lat. 47°29'25" N, Long. 124°25'00" W; clockwise along the arc of a 3-mile radius circle centered at Lat. 47°27'00" N, Long. 124°24'15" W to Lat. 47°24'25" N, Long. 124°24'30" W; thence 3 nautical miles from and parallel to the shoreline to the point of beginning.
Designated altitudes. Surface to 12,000 feet MSL.
Time of designation. Sunrise to sunset.
Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash.

R-6714 Yakima, Wash.

Boundaries. Beginning at latitude 46°51'00" N., longitude 119°58'00" W.; along the W. shore of the Columbia River to latitude 46°39'00" N., longitude 119°55'30" W.; to latitude 46°33'00" N., longitude 119°55'30" W.; latitude 46°33'00" N., longitude 120°09'00" W; latitude 46°36'22" N., longitude 120°18'50" W; to latitude 46°40'35" N., longitude 120°26'35" W.; to latitude 46°43'00" N., longitude 120°26'38" W.; to latitude 46°51'00" N., longitude 120°21'30" W.; to latitude 46°51'00" N., longitude 120°16'30" W.; to latitude 46°54'30" N., longitude 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at latitude 46°44'45" N., longitude 120°20'00" W.; to latitude 46°51'00" N., longitude 120°08'30" W.; to the point of beginning.
Designated altitudes. Surface to 38,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Seattle ARTC Center.
Using agency. Commanding General, Fort Lewis, Wash.

AMENDMENTS 1/28/71 36 F. R. 1327 (Changed)

R-6715 Richland, Wash.

Boundaries. Beginning at latitude 46°44'25" N.; longitude 119°25'00" W.; to latitude 46°39'30" N.; longitude 119°25'00" W.; thence along the northeast bank of the Columbia River to latitude 46°34'10" N.; longitude 119°20'00" W.; to latitude 46°30'00" N.; longitude 119°20'00" W.; to latitude 46°30'00" N.; longitude 119°15'30" W.; thence along the east bank of the Columbia River to latitude 46°21'30" N.; longitude 119°15'20" W.; to latitude 46°21'30" N.; longitude 119°18'00" W.; to latitude 46°23'20" N.; longitude 119°24'50" W.' thence along State Highway Nos. 240 and 24 to point of beginning.
Designated altitudes. Surface to 10,000 feet MSL.
Time of designation. Continuous.
Using agency. Manager, Atomic Energy Commission, Richland, Washington.

V37-20 JAN 29 72 XUM

§ 73.68 West Virginia

§ 73.69 Wisconsin

R-6901 Camp McCoy, Wis.

Boundaries. Beginning at latitude 44°08'40" N., longitude 90°44'00" W.; to latitude 44°08'40" N., longitude 90°40'20" W., to latitude 44°09'30" N., longitude 90°40'20" W.; to latitude 44°09'30" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°36'45" W.; to latitude 44°00'00" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°35'46" W.; to latitude 43°56'20" N., longitude 90°44'00" W.; to point of beginning.
Designated altitudes. Surface to 20,000 feet MSL.
Time of designation. May 23 through September 5.
Using agency. Commanding Officer, Camp McCoy, Wis.

AMENDMENTS 5/1/71 36 F. R. 8210 (Changed)

R-6903 Sheboygan, Wis.

Boundaries. Beginning at latitude 43°19'00" N., longitude 87°41'00" W.; to latitude 44°05'30" N., longitude 87°29'45" W.; to latitude 44°02'00" N., longitude 87°02'30" W.; to latitude 43°15'30" N., longitude 87°14'00" W.; to the point of beginning.
Designated altitudes. Surface to flight level 450.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wisconsin.

R-6904 Volk Field, Wis.

Boundaries. Beginning at Lat. 44°16'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 89°59'00" W; to Lat. 44°12'00" N, Long. 90°07'00" W; to Lat. 44°16'00" N, Long. 90°07'00" W; to the point of beginning.
Designated altitudes. Surface to 15,000 feet MSL.
Time of designation. Continuous, sunrise to sunset.
Controlling agency. Federal Aviation Administration, Chicago ARTC Center.
Using agency. Commander, Volk Field, Wis.

§ 73.70 Wyoming

R-7001 Guernsey, Wyo.

Boundaries. Beginning at latitude 42°27'30" N., longitude 104°52'30" W., latitude 42°27'30" N., longitude 104°42'30" W., latitude 42°22'30" N., longitude 104°42'30" W., latitude 42°20'00" N., longitude 104°52'30" W., thence to point of beginning.
Designated altitudes. Surface to 23,500 feet MSL.
Time of designation. 0430 to 2400 MST, May 15 through September 5.
Controlling agency. Federal Aviation Administration, Casper, Wyo., Flight Service Station.
Using agency. Adjutant General, State of Wyoming.

§ 73.71 Puerto Rico

R-7101 Culebra Island, P. R.

Boundaries. The airspace over Culebra Island and the surrounding waters extending to the 3-nautical-mile limit from the shoreline.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, San Juan ARTC Center.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

R-7103 Salinas, P. R.

SUBAREA A

Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 18°01'00" N., longitude 66°19'58" W.; to latitude 18°01'53" N., longitude 66°18'53" W.; to latitude 18°02'34" N., longitude 66°18'47" W.; to latitude 18°03'25" N., longitude 66°17'54" W.; to latitude 18°04'07" N., longitude 66°17'00" W.; to point of beginning.

SUBAREA B

Boundaries: Beginning at latitude 18°03'00" N., longitude 66°14'35" W.; to latitude 18°02'37" N., longitude 66°13'39" W.; to latitude 17°58'53" N., longitude 66°15'22" W.; to latitude 17°58'30" N., longitude 66°16'30" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'57" N., longitude 66°16'00" W.; to latitude 18°01'16" N., longitude 66°15'14" W.; to point of beginning.

SUBAREA C

Beginning at latitude 17°59'16" N., longitude 66°17'11" W.; to latitude 17°59'00" N., longitude 66°17'37" W.; to latitude 17°59'44" N., longitude 66°19'17" W.; to latitude 18°00'27" N., longitude 66°18'58" W.; to point of beginning.
Designated altitudes: Subarea A, Surface to 12,000 feet MSL. Subarea B, 3,000 feet MSL to 12,000 feet MSL. Subarea C, 2,000 feet MSL to 12,000 feet MSL.
Time of designation: Continuous, June 1 through August 31, other times as activated by NOTAMs issued at least 24 hours in advance.
Controlling agency: Federal Aviation Administration, San Juan ARTC Center.
Using agency: The Adjutant General, Commonwealth of Puerto Rico.

R-7104 Vieques Island, P. R.

Boundaries. The airspace over Vieques Island and the surrounding waters extending to the 3-nautical-mile limit from the shoreline.
Designated altitudes. Surface to FL 500.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, San Juan ARTC Center.
Using agency. Commander, Caribbean Sea Frontier, San Juan, P. R.

§ 73.72 Guam

R-7201 Farallon De Medinilla Island, Mariana Islands

Boundaries: The area within a 3-nautical mile radius of lat. 16°01'00" N., long. 146°04'30" E.
Designated altitudes: Surface to FL 600.
Time of use: Continuous.
Using agency: Commander, Naval Forces, Marianas.

§ 73.87 Prohibited Areas

P-56 District of Columbia

Boundaries:
A. Beginning at the southwest corner of the Lincoln Memorial (latitude 38°53'20" N.; longitude 77°03'03" W.);
Thence via a 327° bearing, 0.6 mile, to the intersection of New Hampshire Avenue and Rock Creek and Potomac Parkway NW (latitude 38°53'45" N.; longitude 77°03'24" W.);
Thence northeast along New Hampshire Avenue, 0.6 mile, to Washington Circle, at the intersection of New Hampshire Avenue and K street NW (latitude 38°54'08" N.; longitude 77°03'02" W.);
Thence east along K Street, 2.5 miles, to the railroad overpass between First and Second Streets NE (latitude 38°54'08" N.; longitude 77°00'14" W.);
Thence southeast via a 158° bearing, 0.7 mile, to the southeast corner of Stanton Square, at the intersection of Massachusetts Avenue and Sixth Street NE (latitude 38°53'35" N.; longitude 76°59'57" W.);
Thence southwest via a 211° bearing, 0.8 mile, to the Capitol Power Plant at the intersection of New Jersey Avenue and E Street SE. (latitude 38°52'59" N.; longitude 77°00'25" W.);
Thence west via a 265° bearing. 0.7 mile, to the intersection of the Southwest Freeway (Interstate Route 95) and Sixth Street SW., extended (latitude 38°52'56" N.; longitude 77°01'13" W.);
Thence north along Sixth Street, 0.4 mile, to the intersection of Sixth Street and Independence Avenue SW. (latitude 38°53'15" N.; longitude 77°01'13" W.);
Thence west along the north side of Independence Avenue, 0.8 mile, to the intersection of Independence Avenue and 15th Street SW. (latitude 38°53'16" N.; longitude 77°02'02" W.);
Thence west along the southern lane of Independence Avenue, 0.4 mile to the west end of the Kutz Memorial Bridge over the Tidal Basin (latitude 38°53'12" N.; longitude 77°02'28" W.);
Thence west via a 285° bearing, 0.6 mile, to the southwest corner of the Lincoln Memorial, the point of beginning.
B. That area within a one-half mile radius from the center of the U. S. Naval Observatory located between Wisconsin and Massachusetts Avenues at 34th Street NW. (latitude 38°55'17" N.; longitude 77°04'02" W.).
Designated altitudes: Surface to 18,000 feet MSL.
Time of designation: Continuous.
Using agency: Administrator, Federal Aviation Administration, Washington, D. C.

V 37-20 JAN 29 72 XUM

§73.88

P-29 Key Biscayne, Fla.

Boundaries: That airspace within a 1 nautical mile radius of latitude 25°41'25" N., longitude 80°10'02" W.
Designated altitudes. Surface to 18,000 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.89

P-25 San Mateo Point, Calif.

Boundaries: That airspace within a 1-nautical-mile radius of the San Mateo Point Loran Station, latitude 33°23'32" N., longitude 117°35'37" W.
Designated altitudes. Surface to 4,000 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.90

P-40 Thurmont, Md.

Boundaries: That airspace within a one nautical mile radius of the Naval Support Facility, latitude 39°38'53" N., longitude 77°28'01" W.
Designated altitudes: Surface to but not including 5,000 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.91

P-73 Mount Vernon, Va.

Boundaries: That airspace within a 0.5-mile radius of latitude 38°42'28" N., longitude 77°05'11" W.
Designated altitudes. Surface to but not including 1,500 feet MSL.
Time of designation. Continuous.
Using agency. Administrator, Federal Aviation Administration, Washington, D. C.

§73.92
P-26 Denver, Colo.

Boundaries. Beginning at latitude 39°48'45" N., longitude 104°50'46" W.; to latitude 39°50'00" N., longitude 104°50'46" W.; to latitude 39°51'22" N., longitude 104°50'18" W.; to latitude 39°51'22" N., longitude 104°48'00" W.; to latitude 39°48'45" N., longitude 104°48'00" W.; to point of beginning.
Designated altitudes. Surface to 5,900 feet MSL.
Time of designation. Continuous.
Using agency. Commanding Officer, Rocky Mountain Arsenal, Denver, Colo.

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

SUBPART A -- GENERAL
Sec.
75.1 Applicability.
75.11 Jet routes
75.13 Area high routes; control area designation.
75.15 Jet advisory areas
75.17 Bearings; Radials; Miles

SUBPART B -- JET ROUTES
Sec.
75.100 Jet routes

SUBPART C -- JET ADVISORY AREAS
Sec.
75.200 En route jet advisory areas
75.300 Terminal jet advisory areas

SUBPART D -- AREA HIGH ROUTES
75.400 Area high routes.

SUBPART A -- GENERAL

§75.1 Applicability.

The routes described in Subpart B, between high altitude navigational aids or intersections of their signals, are designated as jet routes along which aircraft may be operated between 18,000 feet MSL and flight level 450. The areas described in Subpart C are designated as jet advisory areas along specified jet route segments, VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between high altitude navigational facilities, centerlines of control areas, or in the vicinity of specific geographic locations. The routes described in Subpart D of this Part are designated as area high routes.

§75.11 Jet Routes

Each jet route designated in Subpart B consists of a direct course for navigating aircraft between 18,000 feet MSL and flight level 450, inclusive, between the navigational aids and intersections specified for that route.

§75.13 Area high routes; control area dssignation.

(a) Each area high route designated in Subpart D of this Part consists of a direct course for navigating aircraft at altitudes between 18,000 feet MSL and flight level 450, inclusive, between the waypoints specified for that route.
(b) Unless otherwise specified, that airspace, on each side of an area high route, that has a lateral extent specified in §71.6 and that extends outside the continental control areas, is designated as a control area.

§75.15 Jet Advisory Areas

(a) Jet advisory areas consist of airspace within the continental control area, as designated in Subpart C.
(b) En route radar jet advisory areas consist of areas within which jet advisory service is provided with radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 240 through flight level 410, inclusive.
(c) Terminal radar jet advisory areas consist of areas in which jet advisory service is provided with radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas from flight level 240 through flight level 410, inclusive.
(d) Nonradar jet advisory areas consist of areas within which jet advisory service is provided on a procedural basis without radar surveillance. Unless otherwise designated, each of them includes the area within 14 miles on each side of the jet route segment from flight level 270 through flight level 310, inclusive, and from flight level 370 through flight level 410, inclusive.
(e) Jet advisory areas do not include the airspace within positive control areas, prohibited areas, or restricted areas except restricted area military climb corridors and those restricted areas specified in Subpart D of Part 71.
(f) En route jet advisory areas are based on jet routes and are identified by the associated jet route number. Terminal jet advisory areas are based on VOR/VORTAC radials, bearings from L/MF navigational facilities, direct courses between navigational facilities, or centerlines of control areas and those in the vicinity of geographical locations, and are identified by geographical names.

§75.17 Bearings: Radials: Miles

(a) All bearings and radials in this Part are true and are applied from point of origin.
(b) Unless otherwise specified, all mileages in this Part are stated as nautical miles.

V 37-20 JAN 29 72 XUM

SUBPART B -- JET ROUTES

§75.100 Jet Routes.

SUBPART C -- JET ADVISORY AREAS

§ 75.200 En route Jet Advisory Areas.

§ 75.300 Terminal Jet Advisory Areas.

SUBPART D -- AREA HIGH ROUTES

§ 75.400 Area high routes.

SUBPART B - JET ROUTES

§ 75.100 Jet routes.

(Unless otherwise specified the place names appearing in the description of the jet routes indicate the VOR or VORTAC facilities identified by such names.).

Jet Route No. 1 (United States/Mexican border to Seattle, Wash.).

From the INT of the United States/Mexican border with the direct course between the San Diego VORTAC and the Tijuana, Mexico, RBN, via San Diego; Oceanside, Calif.; Los Angeles, Calif.; INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Oakland, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg., to Seattle, Wash.

Jet Route No. 2 (San Diego, Calif., to Jacksonville, Fla.).

From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz.; INT of the Yuma 087° and the Gila Bend, Ariz., 262° radials; Gila Bend; San Simon, Ariz.; El Paso, Texas; Fort Stockton, Texas; Junction, Tex.; San Antonio, Tex.; Humble, Texas; Lake Charles, La.; INT of the Lake Charles 089° and the New Orleans, La., 275° radials; New Orleans; INT of the New Orleans 066° and the Crestview, Fla., 266° radials; Crestview; INT of the Crestview 091° and the Tallahassee, Fla., 290° radials; Tallahassee; to Jacksonville, Fla.

Jet Route No. 3 (Oakland, Calif., to Kimberly, British Columbia, Canada),

From Oakland, Calif., via Red Bluff, Calif.; Lakeview, Oreg.; John Day, Oreg.; Spokane, Wash., to Kimberley, British Columbia, excluding the portion that lies over Canadian territory.

Jet Route No. 4 (Los Angeles, Calif., to Wilmington, N. C.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Blythe, Calif., 282° radials; Blythe; the INT of the Blythe 096° and the Gila Bend, Ariz., 299° radials; Gila Bend; San Simon, Ariz.; El Paso, Tex.; Wink, Tex.; Abilene, Tex.; Greater Southwest, Tex.; Shreveport, La.; Jackson, Miss.; Meridian, Miss.; INT of the Meridian 091° and the Montgomery, Ala., 282° radials; Montgomery; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.; Florence, S. C.; to Wilmington, N. C.

AMENDMENTS 9/16/71 36 F. R. 13029 (Changed)

Jet Route No. 5 (Los Angeles, Calif., to Seattle, Wash.).

From Los Angeles, Calif., via the INT of the Palmdale, Calif., 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Reno, Nev.; Lakeview, Oreg.; to Seattle, Wash.

Jet Route No. 6 (Paso Robles, Calif., to Robbinsville, N. J.).

From the INT of the Salinas, Calif., 145° and the Palmdale, Calif., 291° radials via Palmdale; Hector, Calif.; Needles, Calif.; Prescott, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Little Rock, Ark.; Bowling Green, Ky.; Charleston, W. Va.; Front Royal, Va.; Westminster, Md.; INT of Westminster 080° and Robbinsville, N. J. 239° radials; to Robbinsville.

Jet Route No. 7 (Oakland, Calif., to the United States/Canadian Border).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Rome, Oreg.; Boise, Idaho; Dillon, Mont.; Great Falls, Mont.; via the Great Falls 040° radial to the United States/Canadian Border.

Jet Route No. 8 (Amarillo, Tex., to Robbinsville, N. J.).

From Amarillo, Tex., via Kingfisher, Okla.; Springfield, Mo.; St. Louis, Mo.; Louisville, Ky.; Charleston, W. Va.; Casanova, Va.; INT Casanova 051° and Westminster, Md., 080° radials; INT Westminster 080° and Robbinsville, N. J., 239° radials; to Robbinsville.

Jet Route No. 9 (Los Angeles, Calif., to Great Falls, Mont.).

From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Milford, Utah; Fairfield, Utah; Salt Lake City, Utah; Dubois, Idaho; Dillon, Mont., to Great Falls, Mont.

Jet Route No. 10 (Los Angeles, Calif. to Denver, Colo.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Farmington, N. Mex., Gunnison, Colo.; Denver, Colo.

Jet Route No. 11 (Tucson, Ariz., to Salt Lake City, Utah)

From Tucson, Ariz., via INT Tucson 316° and Phoenix, Ariz., 161° radials; Phoenix; Prescott, Ariz.; Bryce Canyon, Utah; Fairfield, Utah; to Salt Lake City, Utah.

AMENDMENTS 5/28/70 35 F. R. 6491 (Changed)

Jet Route No. 12 (Salt Lake City, Utah, to Grand Junction, Colo.)

From Salt Lake City, Utah, via Fairfield, Utah; to Grand Junction, Colo.

JET ROUTE No. 13 (El Paso, Texas, to the United States/Canadian Border.)

From El Paso, Texas, via the INT of the El Paso 281° and the Truth or Consequences, N. Mex., 162° radials; Truth or Consequences; Albuquerque, N. Mex.; Alamosa, Colo.; Denver, Colo.; Cheyenne, Wyo.; Crazy Woman, Wyo., Billings, Mont.. Great Falls, Mont.; via the Great Falls 339° radial to the United States/Canadian Border.

Jet Route No. 14 (Amarillo, Tex., to Kenton, Del.).

From Amarillo, Tex., via Oklahoma City, Okla.; Little Rock, Ark.; Birmingham, Ala.; to Atlanta, Ga.; Spartanburg, S. C.; Greensboro, N. C.; Richmond, Va.; to Kenton, Del.

AMENDMENTS 6/24/71 36 F. R. 8308 (Changed)

Jet Route No. 15 (Humble, Tex., to Portland, Oreg.).

From Humble, Tex., via Austin, Tex.; Junction, Tex.; Wink, Tex.; Roswell, N. Mex.; INT of the Roswell 319° and the Albuquerque, N. Mex., 128° radials; Albuquerque; Farmington, N. Mex.; Grand Junction, Colo.; Salt Lake City, Utah; Boise, Idaho; John Day, Oreg.; INT John Day 288° and Portland, Oreg., 136° radials; to Portland.

Jet Route No. 16 (Portland, Oreg., to Boston, Mass.).

From Portland, Oreg., via Pendleton, Oreg.; Whitehall, Mont.; Billings, Mont.; Dupree, S. Dak.; Sioux Falls, S. Dak.; Mason City, Iowa; Milwaukee, Wis.; Peck, Mich.; via the Peck 100° radial to the United States/Canadian Border. From the United States/Canadian Border to Buffalo, N. Y., via the Buffalo 274° radial; Albany, N. Y., to Boston, Mass.

Jet Route No. 17 (San Antonio, Texas, to Rapid City, S. Dak.).

From San Antonio, Texas, via Abilene, Texas; Amarillo, Texas; Pueblo, Colo.; Denver, Colo., to Rapid City, S. Dak.

Jet Route No. 18 (San Diego, Calif., to Joliet, Ill.).

From San Diego, Calif., via Imperial, Calif.; Yuma, Ariz., INT of the Yuma 087° and the Gila Bend, Ariz., 262° radials; Gila Bend; Phoenix, Ariz.; St. Johns, Ariz.; Albuquerque, N. Mex.; Las Vegas, N. Mex.; Garden City, Kans.; Salina, Kans.; Kirksville, Mo.; Bradford; to Joliet, Ill.

Jet Route No. 19 (Phoenix, Ariz., to St. Louis, Mo.)

From Phoenix, Ariz., via St. Johns, Ariz.; Albuquerque, N. Mex.; Las Vegas, N. Mex.; Liberal, Kans.; Wichita, Kans.; Butler, Mo.; to St. Louis, Mo.

66-000 O - 72 (pt. 2 Sec. 2) - 13

V 37 - 20 JAN 29 72 XUM

Jet Route No. 20 (Seattle, Wash., to Orlando, Fla.).

From Seattle, Wash., via Yakima, Wash.; Pendleton, Oreg.; McCall, Idaho; Pocatello, Idaho; Rock Springs, Wyo.; Denver, Colo.; Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Oklahoma City, Okla., 282° radials; Oklahoma City; Shreveport, La.; Jackson, Miss.; Meridian, Miss.; INT of the Meridian 091° and the Montgomery, Ala. 282° radials; Montgomery; Tallahassee, Fla.; INT Tallahassee 129° and Orlando, Fla., 306° radials; Orlando; to the INT of the Orlando 118° and the Vero Beach, Fla., 341° radials.

AMENDMENTS 9/16/71 36 F. R. 13029 (Changed)

Jet Route No. 21 (United States/Mexican Border to Duluth, Minn.).

From the INT of the United States/Mexican Border and the Laredo, Tex., 172° radial via Laredo; San Antonio, Tex.; Austin, Tex.; INT Austin 016° and Greater Southwest, Tex., 190° radials; Greater Southwest; INT Greater Southwest 356° and Oklahoma City, Okla., 158° radials; Oklahoma City; Wichita, Kans.; Omaha, Nebr.; Minneapolis, Minn.; to Duluth, Minn.

Jet Route No. 22 (Laredo, Texas, to Gordonsville, Va.).

From Laredo, Tex., via Corpus Christi, Tex.; INT of the Corpus Christi 049° and the Houston, Tex., 226° radials; Houston; Lake Charles, La.; McComb, Miss.; Meridian, Miss., Birmingham; Knoxville, Tenn.; Pulaski, Va.; to Gordonsville, Va.

Jet Route No. 23 (San Antonio, Tex., to Wichita, Kans.).

From San Antonio, Tex., via Millsap, Tex.; Oklahoma City, Okla.; Ponca City, Okla.; to Wichita, Kans.

AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)

Jet Route No. 24 (Kansas City, Mo., to Richmond, Va.).

From Kansas City, Mo., via St. Louis, Mo.; Indianapolis, Ind.; Falmouth, Ky.; Charleston, W. Va.; to Richmond, Va.

Jet Route No. 25 (United States/Mexican Border to Minneapolis, Minn.).

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 311° and the San Antonio, Tex., 167° radials; San Antonio; Austin, Tex.; INT Austin 016° and Greater Southwest, Tex. 190° radials; Greater Southwest; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Des Moines, Iowa, 196° radials; Des Moines; Mason City, Iowa; to Minneapolis, Minn.

Jet Route No. 26 (El Paso, Texas, to Joliet, Ill.)

From El Paso, Tex., via the INT of El Paso 070° and Roswell, N. Mex., 215° radials; Roswell; Amarillo, Texas; Gage, Okla.; Wichita, Kans.; Kansas City, Mo.; Kirksville, Mo.; Bradford; to Joliet, Ill.

AMENDMENTS 6/24/71 36 F. R. 5211 (Changed) (Corr: 36 F. R. 10781 eff. date changed to 7/22/71)

Jet Route No. 27 (San Antonio, Tex., to Lufkin, Tex.).

From San Antonio, Tex., to Lufkin, Tex.

Jet Route No. 28 (Pueblo, Colo., to Wichita, Kans.).

From Pueblo, Colo., via Garden City, Kans., to Wichita, Kans.

Jet Route No. 29 (United States/Mexican Border to Presque Isle, Maine).

From the INT of the United States/Mexican Border and the Brownsville, Tex., 187° radial via Brownsville; INT of the Brownsville 357° and the Corpus Christi, Tex., 179° radials; Corpus Christi; INT of the Corpus Christi 049° and the Houston, Tex., 226° radials; Houston; INT of Houston 348° and Lufkin, Tex., 204° radials; Lufkin; Shreveport, La.; Memphis, Tenn.; Evansville, Ind.; INT of Evansville 051° and Rosewood, Ohio, 230° radials; Rosewood; Cleveland, Ohio; Jamestown, N. Y.; Syracuse, N. Y.; Plattsburgh, N. Y.; Bangor, Maine to Presque Isle, Maine.

Jet Route No. 30 (Minneapolis, Minn. to Front Royal, Va.).

From Minneapolis, Minn., via Nodine, Minn.; Joliet, Ill.; via the INT of the Joliet 108° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Appleton, Ohio; INT of Appleton 111° and Belaire, Ohio, 142° radials; to Front Royal, Va.

Jet Route No. 31 (New Orleans, La., to Birmingham, Ala.).

From New Orleans, La., via Meridian, Miss.; to Birmingham.

Jet Route No. 32 (Oakland, Calif., to Duluth, Minn.).

From Oakland, Calif., via Sacramento, Calif.; Reno, Nev.; Battle Mountain, Nev.; Malad City, Idaho; Boysen Reservoir, Wyo.; Crazy Woman, Wyo., Dupree, S. Dak.; Aberdeen, S. Dak.; Duluth, Minn.; to the INT of the Duluth 051° radial and the United States/Canadian Border.

Jet Route No. 33 (Humble, Tex., to Greater Southwest, Tex.).

From Humble, Tex., via INT Humble 347° and Greater Southwest, Tex., 139° radials; to Greater Southwest.

Jet Route No. 34 (Seattle, Wash., to Westminster, Md.).

From Seattle, Wash., via Ephrata, Wash.; Helena, Mont.; Billings, Mont.; Dupree, S. Dak.; Redwood Falls, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT of Milwaukee 098° and Carleton, Mich., 297° radials; Carleton; Cleveland, Ohio; Bellaire, Ohio; to INT of Bellaire 104° and Westminster, Md., 247° radials.

Jet Route No. 35 (New Orleans, La., to Northbrook, Ill.).

From New Orleans, La., via the INT of the New Orleans 357° and the Jackson, Miss., 184° radials; Jackson; Memphis, Tenn.; Farmington, Mo.; St. Louis, Mo.; Capital, Ill.; the INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet, to Northbrook, Ill.

Jet Route No. 36 (Dickinson, N. Dak., to Huguenot, N. Y.).

From Dickinson, N. Dak., via Fargo, N. Dak.; Minneapolis, Minn.; Nodine, Minn.; Milwaukee, Wis.; INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N. Y., 274° radials; Dunkirk; to Huguenot, N. Y., excluding the portion within Canada.

Jet Route No. 37 (New Orleans, La., to United States/Canadian Border).

From New Orleans, La., via INT of the New Orleans 066° and the Montgomery, Ala., 230° radials; Montgomery; Atlanta, Ga.; Spartanburg, S. C.; Gordonsville, Va.; Kenton, Del.; Coyle, N. J.; Kennedy, N. Y.; Albany, N. Y.; Massena, N. Y. to the INT of the Massena 037° radial and the United States/Canadian Border.

AMENDMENTS 6/24/71 36 F. R. 8308 (Changed)

Jet Route No. 38 (United States/Canadian Border to Peck, Mich.).

From the INT of the United States/Canadian Border and the direct radial between Duluth, Minn., and Sioux Narrows, Ont., via Duluth; Green Bay, Wis., to Peck, Mich.

Jet Route No. 39 (Crestview, Fla., to Rosewood, Ohio).

From Crestview, Fla., via Montgomery, Ala.; Birmingham, Ala., Nashville, Tenn.; Louisville, Ky., to Rosewood, Ohio.

AMENDMENTS 4/29/71 36 F. R. 494 (Changed)

Jet Route No. 40 (Montgomery, Ala., to Ironsides, Md.).

From Mongomery, Ala., via the INT of the Montgomery 068° and the Macon, Ga., 268° radials; Macon; Charleston, S. C.; Wilmington, N. C.; Richmond, Va.; to the INT of the Richmond 009° and the Gordonsville, Va., 059° radials.

V37-20 JAN 29 72 XUM

Jet Route No. 41 (Key West, Fla., to Omaha, Nebr.).

From Key West, Fla., via INT of Key West 358° and St. Petersburg, Fla., 151° radials; St. Petersburg; Tallahassee, Fla.; Montgomery, Ala.; Birmingham, Ala.; Memphis, Tenn.; Springfield, Mo., Kansas City, Mo., to Omaha, Nebr.

Jet Route No. 42 (Greater Southwest, Texas to Hampton, N. Y.).

From Greater Southwest, Texas via Texarkana, Ark.; Memphis, Tenn.; Nashville, Tenn.; Beckley, W. Va.; Casanova, Va.; INT Casanova 051° and Westminster, Md., 080° radials; INT Westminster 080° and Robbinsville, N. J. 239° radials; Robbinsville; INT Robbinsville 073° and Hampton 223° radials; to Hampton.

Jet Route No. 43 (Miami, Fla. to Sault Ste. Marie, Mich.).

From Miami, Fla., via INT of Miami 316° and St. Petersburg, Fla., 133° radials; St. Petersburg; Tallahassee, Fla.; Atlanta, Ga.; Knoxville, Tenn.; Falmouth, Ky.; Rosewood, Ohio; Carleton, Mich., to Sault Ste. Marie, Mich.

Jet Route No. 44 (Phoenix, Ariz., to Farmington, N. Mex.).

From Phoenix, Ariz., via Winslow, Ariz., to Farmington, N. Mex.

Jet Route No. 45 (Jacksonville, Fla., to Aberdeen, S. Dak.).

From Jacksonville, Fla., via Alma, Ga.; Atlanta, Ga.; Nashville, Tenn.; St. Louis, Mo.; Des Moines, Iowa, Sioux Falls, S. Dak.; to Aberdeen, S. Dak.

AMENDMENTS 4/29/71 36 F. R. 494 (Changed)

Jet Route No. 46 (Tulsa, Okla., to Knoxville, Tenn.).

From Tulsa, Okla., via Walnut Ridge, Ark.; Nashville, Tenn., to Knoxville, Tenn.

Jet Route No. 47 (Charleston, S. C., to Spartanburg, S. C.)

From Charleston, S. C., via Columbia, S. C., to Spartanburg, S. C.

Jet Route No. 48 (Pulaski, Va., to Boston, Mass.).

From Pulaski, Va., via Westminster, Md.; Sparta, N. J.; Putnam, Conn.; to Boston, Mass.

Jet Route No. 49 (Phillipsburg, Pa., to the United States/Canadian Border).

From Phillipsburg, Pa., via Hancock, N. Y.; Albany, N. Y.; Bangor, Maine; Presque Isle, Maine; to INT of the Presque Isle 030° radial and the United States/Canadian Border.

Jet Route No. 50 (El Paso, Texas, to Crestview, Fla.).

From El Paso, Texas, via Wink, Texas; Abilene, Tex.; Waco, Texas; Lufkin, Texas; INT of the Lufkin 086° and the Alexandria, La., 270° radials; Alexandria; McComb, Miss., to Crestview, Fla.

Jet Route No. 51 (Jacksonville, Fla., to Norfolk, Va.).

From Jacksonville, Fla., via Savannah, Ga.; Columbia, S. C.; Raleigh-Durham, N.C.; to Norfolk, Va.

Jet Route No. 52 (Denver, Colo., to Richmond, Va.).

From Denver, Colo., via Lamar, Colo.; Liberal, Kans.; INT Liberal 137° and Ardmore, Okla., 309° radials; Ardmore; Greater Southwest, Texas; Texarkana, Ark.; Greenwood, Miss.; Columbus, Miss.; Birmingham, Ala.; Atlanta, Ga.; Augusta, Ga.; Columbia, S. C.; Raleigh-Durham, N. C.; to Richmond, Va.

Jet Route No. 53 (Key West, Fla., to Kleinburg, Ontario, Canada).

From Key West, Fla., via Miami, Fla.; Orlando, Fla.; Jacksonville, Fla.; INT of the Jacksonville 343° and the Augusta, Ga., 189° radials; Augusta; Spartanburg, S. C.; Pulaski, Va.; INT of Pulaski 015° and Ellwood City, Pa., 177° radials; Ellwood City; to Kleinburg, Ontario, Canada. The portion within Canada is excluded.

Jet Route No. 54 (Pendleton, Oreg., to Pocatello, Idaho).

From Pendleton, Oreg., via Boise, Idaho, to Pocatello, Idaho.

Jet Route No. 55 (Jacksonville, Fla., to United States/Canadian Border).

From Jacksonville, Fla., via Savannah, Ga.; Charleston, S. C.; Florence, S. C.; INT of the Florence 007° and the Raleigh, N. C., and the Raleigh-Durham, N. C., 224° radials; Raleigh-Durham, Flat Rock, Va.; INT of the Flat Rock 025° and the Gordonsville, Va., 059° radials; INT of the Grodonsville 059 and Sea Isle, N. J., 257° radials; Sea Isle; INT of Sea Isle 040° and Putnam, Conn., 217° radials; Putnam; Kennebunk, Maine; Bangor, Maine; Presque Isle, Maine; to Mont Joli, Quebec, Canada, excluding the portion within Canada.

Jet Route No. 56 (Salt Lake City, Utah, to Denver, Colo.).

From Salt Lake City, Utah, via Meeker, Colo., to Denver, Colo.

Jet Route No. 57 (Truth or Consequences, N. Mex., to Albuquerque, N. Mex.)

From Truth or Consequences, N. Mex., via Socorro, N. Mex.; to Albuquerque, N. Mex.

Jet Route No. 58 (Oakland, Calif., to New Orleans, La.).

From Oakland, Calif., via Stockton, Calif.; Coaldale, Nev.; Wilson Creek, Nev.; Bryce Canyon, Utah; Farmington, N. Mex.; Las Vegas, N. Mex.; Amarillo, Texas; Wichita Falls, Texas; Greater Southwest, Texas; Alexandria, La.; INT of the Alexandria 126° and the New Orleans, La., 295° radials; New Orleans; INT of Grand Isle, La., 104° and Crestview, Fla., 201° radials; INT of Grand Isle 104° and Sarasota, Fla., 288° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay.

Jet Route No. 59 (Philipsburg, Pa., to Syracuse, N. Y.).

From Philipsburg, Pa., to Syracuse, N. Y.

Jet Route No. 60 (Los Angeles, Calif., to Robbinsville, N. J.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Hanksville, Utah; Grand Junction, Colo.; Denver, Colo.; Hayes Center, Nebr.; Lincoln, Nebr.; INT Lincoln 089° and Iowa City, Iowa, 252° radials; Iowa City; Joliet, Ill.; Cleveland, Ohio; Philipsburg, Pa.; INT Phillipsburg 100° and Robbinsville, N. J., 293° radials; to Robbinsville.

Jet Route No. 61 (Westminster, Md. to Buffalo, N. Y.).

From Westminster, Md., via Philipsburg, Pa., to Buffalo, N. Y.

Jet Route No. 62 (Kennedy, N. Y., to Nantucket, Mass.).

From Kennedy, N.Y., via the INT of the Kennedy 080° and the Nantucket, Mass., 255° radials, to Nantucket.

Jet Route No. 63 (Tuna INT to Syracuse, N. Y.)

From the Tuna INT (INT of Kennedy, N. Y., 143° radial, 128 NM from Kennedy) via Kennedy; Huguenot, N. Y.; INT of Huguenot 321° and Syracuse, N. Y., 149° radials; to Syracuse.

Jet Route No. 64 (Los Angeles, Calif., to Robbinsville, N. J.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Hill City, Kans.; Pawnee City, Nebr.; Lamoni, Iowa; Bradford, Ill.; via the INT of the Bradford 089° and the Fort Wayne, Ind., 279° radials; Fort Wayne; Ellwood City, Pa.; to Robbinsville, N. J.

Jet Route No. 65 (Phoenix, Ariz., to Red Bluff, Calif.).

From Phoenix, Ariz., via the INT of the Phoenix 272° and the Blythe, Calif., 096° radials; Blythe; Palmdale; INT of the Palmdale 291° and the Bakersfield, Calif., 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif.; to Red Bluff, Calif.

66-000 O - 72 (pt. 2 Sec. 2) - 14

V 37 - 20 JAN 29 72 XUM

Jet Route No. 66 (Greater Southwest, Tex., to Rome, Ga.).

From Greater Southwest, Tex., via Little Rock, Ark.; Memphis, Tenn.; INT Memphis 098° and Rome, Ga., 286° radials; to Rome.

Jet Route No. 67 (Lakeview, Oreg., to Portland, Oreg.)

From Lakeview, Oreg., direct Portland, Oreg.

Jet Route No. 68 (Milwaukee, Wis., to Nantucket, Mass.).

From Milwaukee, Wis., via INT Milwaukee 086° and Flint, Mich., 278° radials; Flint; INT Flint 102° and Dunkirk, N. Y., 274° radials; Dunkirk; Hancock, N. Y.; INT Hancock 082° and Putnam, Conn., 293° radials; Putnam; Providence, R. I.; to Nantucket, Mass., excluding the portion within Canada.

Jet Route No. 69 (Mobile, Ala., to Birmingham, Ala.).

From Mobile, Ala., via INT of the Mobile 015° and the Birmingham, Ala., 232° radials; to Birmingham.

Jet Route No. 70 (Hoquiam, Wash., to Kennedy, N. Y.)(Joins Canadian High Level Airway No. 70).

From Hoquiam, Wash., via Seattle, Wash.; Ephrata, Wash.; Mullan Pass, Idaho; Lewiston, Mont.; Dickinson, N. Dak.; Aberdeen, S. Dak.; Minneapolis, Minn.; INT of the Minneapolis 109° and the Milwaukee, Wis., 312° radials; Milwaukee; Pullman, Mich.; Salem, Mich.; Jamestown, N. Y.; Sparta, N. J.; to Kennedy, N. Y.

Jet Route No. 71 (Memphis, Tenn., to Northbrook, Ill.).

From Memphis, Tenn., via Centralia, Ill.; to Northbrook, Ill.

Jet Route No. 72 (Boulder City, Nev., to Greater Southwest, Tex.).

From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Texico, N. Mex.; Wichita Falls, Texas; to Greater Southwest, Texas.

Jet Route No. 74 (Los Angeles, Calif., to Oklahoma City, Okla.)

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; St. Johns, Ariz., Scorro, N. Mex.; Texico, N. Mex.; to Oklahoma City, Okla.

AMENDMENTS 4/29/71 36 F. R. 4044 (Changed)

Jet Route No. 76 (Miami, Fla., to the United States/Canadian Border).

From Miami, Fla., via the INT of the Miami 297° and the Lakeland, Fla., 175° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; INT Alma 034° and Columbia, S. C., 201° radials; Columbia; Greensboro, N. C.; Gordonsville, Va.; Westminster, Md.; Huguenot, N. Y.; Albany, N. Y.; Plattsburgh, N. Y., to the INT of the Plattsburgh 334° radial and the United States/Canadian Border.

Jet Route No. 76 (Boulder City, Nev., to Greater Southwest, Texas).

From Boulder City, Nev., via Tuba City, Ariz.; Las Vegas, N. Mex.; Amarillo, Texas; Wichita Falls, Texas; to Greater Southwest, Texas.

Jet Route No. 77 (Miami, Fla., to Boston, Mass.)

From Biscayne Bay, Fla., via the INT of Biscayne Bay 021° and Vero Beach, Fla., 143° radials; Vero Beach; Daytona Beach, Fla.; Jacksonville, Fla.; Charleston, S. C.; Wilmington, N. C.; Gordonsville, Va; Westminster, Md.; Huguenot, N. Y.; to Boston, Mass.

Jet Route No. 78 (Los Angeles, Calif., to Kennedy, N. Y.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Albuquerque, N. Mex.; Tucumcari, N. Mex.; Amarillo, Tex.; Oklahoma City, Okla.; Tulsa, Okla.; Farmington, Mo.; Louisville, Ky., Charleston, W. Va.; Philipsburg, Pa.; INT Phillipsburg 083° and Keating, Pa., 099° radials; to Kennedy, N. Y.

Jet Route No. 79 (Miami, Fla., to Kennedy, N. Y.).

From Biscayne Bay, Fla., via the INT of Biscayne Bay 348° and Vero Beach, Fla., 178° radials; Vero Beach; Daytona Beach, Fla.; INT of Daytona Beach 360°, Savannah, Ga., 180° and Jacksonville, Fla., 028° radials; Charleston, S. C.; Wilmington, N. C.; Norfolk, Va.; INT of Norfolk 023° and Coyle, N. J., 208° radials; Coyle; to Kennedy, N. Y.

Jet Route No. 80 (Oakland, Calif. to Kennedy, N. Y.).

From Oakland, Calif., via Stockton, Calif., Coaldale, Nev.; Wilson Creek, Nev.; Milford, Utah; Grand Junction, Colo.; Denver, Colo.; Goodland, Kans.; Hill City, Kans; Salina, Kans.; Kansas City, Mo.; Capital, Ill.; Indianapolis, Ind.; Bellaire, Ohio; Coyle, N. J.; to Kennedy, N. Y.

Jet Route No. 81 (Miami, Fla., to Barracuda, Fla., INT).

From Miami, Fla., via Orlando, Fla., to the INT of the Satellite, Fla., RBN 055° and the Bimini, Bahamas, RBN 008° bearings.

AMENDMENTS 5/27/71 36 F. R. 4373 (Changed)

Jet Route No. 82 (Portland, Oreg. to Albany, N. Y.).

From Portland, Oreg., via McCall, Idaho; Dubois, Idaho; Crazy Woman, Wyo.; Rapid City, S. Dak; Sioux Falls, S. Dak.; Fort Dodge, Iowa; Dubuque, Iowa; INT of Dubuque 095° and Joliet, Ill., 317° radials; Joliet; Cleveland, Ohio; Jamestown, N. Y.; to Albany, N. Y.

Jet Route No. 83 (Knoxville, Tenn., to Cleveland, Ohio).

From Knoxville, Tenn., via the INT of the Knoxville 018° and the Appleton, Ohio, 189° radials; Appleton; to Cleveland, Ohio.

Jet Route No. 84 (Oakland, Calif., to Northbrook, Ill.).

From Oakland, Calif., via Linden, Calif.; Mina, Nev.; Currant, Nev.; Delta, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

PENDING AMENDMENT
Jet Route 84 text is amended by deleting "Current, Nev.;" .

AMENDMENTS 2/3/72 36 F. R. 23202 (Changed)

Jet Route No. 85 (Miami, Fla., to Salem, Mich.) (Joins Canadian High Level Airway No. 85).

From Miami, Fla., via the INT of the Miami 316° and the Lakeland, Fla., 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Augusta, Ga.; Spartanburg, S. C.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio 172° radials; Cleveland; to Salem, Mich. The portion within Canada is excluded.

Jet Route No. 86 (Boulder City, Nev. to Miami, Fla.).

From Boulder City, Nev., via Peach Springs, Ariz.; Winslow, Ariz.; El Paso, Tex.; Fort Stockton, Texas; Junction, Tex.; Austin, Tex.; Humble, Tex.; Leeville, La.; INT of Leeville 104° and Sarasota, Fla., 286° radials; Sarasota; INT of Sarasota 133° and Biscayne Bay, Fla., 301° radials; to Biscayne Bay.

AMENDMENTS 8/19/71 36 F. R. 11806 (Changed)

Jet Route No. 87 (Humble, Texas to Northbrook, Ill.).

From Humble, Tex., via INT Humble 332° and Greater Southwest, Tex., 154° radials; Greater Southwest; Tulsa, Okla.; Butler, Mo.; INT of the Butler 009° and the Kirksville, Mo., 242° radials; Kirksville; Bradford; Joliet, Ill., to Northbrook, Ill.

Jet Route No. 88 (Los Angeles, Calif., to Oakland, Calif.).

From Los Angeles, Calif., via INT of the Los Angeles 303° and the Santa Barbara, Calif., 109° radials; Santa Barbara; Salinas, Calif.; INT of the Salinas 310° and the Oakland, Calif., 170° radials; to Oakland.

V37-20 JAN 29 72 XUM

Jet Route No. 89 (Miami, Fla., to Duluth, Minn.).

From Miami, Fla. via the INT of the Miami 316° and the Lakeland, Fla. 154° radials; Lakeland; Gainesville, Fla.; INT of the Gainesville 350° and the Alma, Ga., 182° radials; Alma; Atlanta, Ga.; Louisville, Ky.; Lafayette, Ind.; Northbrook; Milwaukee, Wis., to Duluth, Minn.

Jet Route No. 90 (Seattle, Wash., to Northbrook, Ill.).

From Seattle, Wash., via Ephrata, Wash.; Mullan Pass, Idaho; Lewistown, Mont.; Miles City, Mont.; Aberdeen, S. Dak.; Redwood Falls, Minn.; Mason City, Iowa; INT of the Mason City 095° and the Northbrook, Ill., 292° radials; to Northbrook.

AMENDMENTS 9/16/71 36 F. R. 13029 (Changed)

Jet Route No. 91 (Atlanta, Ga., to Cleveland, Ohio).

From Atlanta, Ga., via Knoxville, Tenn.; Charleston, W. Va.; INT of the Charleston 357° and the Cleveland, Ohio, 172° radials; to Cleveland.

Jet Route No. 92 (Reno, Nev., to Tucson, Ariz.).

From Reno, Nev., via Coaldale, Nev.; Beatty, Nev.; INT Beatty 142° and Boulder City, Nev., 272° radials; Boulder City; Prescott, Ariz.; Phoenix, Ariz.; to Tucson, Ariz.

Jet Route No. 94 (Oakland, Calif., to Boston, Mass.).

From Oakland, Calif., via Stockton, Calif.; Reno, Nev.; Battle Mountain, Nev.; Lucin, Utah; Rock Springs, Wyo.; Scottsbluff, Nebr.; O'Neill, Nebr.; Fort Dodge, Iowa; Dubuque, Iowa; Northbrook; Pullman, Mich.; Flint, Mich.; Peck, Mich.;
to the INT of the Peck 100° radial with the United States/Canadian Border. From the United States/Canadian Border at its INT with the Buffalo, N. Y., 274° radial via Buffalo; Albany, N. Y., to Boston, Mass.

Jet Route No. 95 (Kennedy, N. Y., to the United States/Canadian Border).

From Kennedy, N. Y., via Huguenot, N. Y., Buffalo, N. Y.; to Kleinburg, Ontario, Canada, excluding the portion which lies over Canadian territory.

Jet Route No. 96 (Los Angeles, Calif., to Joliet, Ill.).
From Los Angeles, Calif. via Ontario, Calif.; INT of Ontario 093° and Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Gallup, N. Mex.; Cimarron, N. Mex.; Garden City, Kans.; Salina, Kans.; Kirksville, Mo.; Bradford, Ill.; to Joliet, Ill.

Jet Route No. 97 (Nantucket, Mass., to Plattsburgh, N. Y.).

From Nantucket, Mass., via Boston, Mass., to Plattsburgh, N. Y.

Jet Route No. 98 (Liberal, Kans., to Farmington, Mo.).

From Liberal, Kans., via Gage, Okla.; Oklahoma City, Okla.; via Tulsa, Okla.; Springfield, Mo.; to Farmington, Mo.

Jet Route No. 99 (Atlanta, Ga., to Northbrook, Ill.).

From Atlanta, Ga., via Nashville, Tenn.; Lewis, Ind.; to Northbrook, Ill.

Jet Route No. 100 (Los Angeles, Calif., to Northbrook, Ill.).
From Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Bryce Canyon, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 101 (Humble, Texas to Sault Ste. Marie, Mich.).

From Humble, Texas, via Lufkin, Texas; Shreveport, La.; Little Rock, Ark.; St. Louis, Mo.; Capital, Ill.; INT of the Capital 036° and the Joliet, Ill., 204° radials; Joliet; Northbrook, Ill.; Milwaukee, Wis.; Green Bay, Wis.; to Sault Ste. Marie, Mich

Jet Route No. 102 (Phoenix, Ariz., to Salina, Kans.)

From Phoenix, Ariz., via Gallup, N. Mex.; Alamosa, Colo.; Lamar, Colo.; to Salina, Kans.

AMENDMENTS 9/16/71 36 F. R. 13377 (Rewritten)

Jet Route No. 103 (St. Petersburg, Fla., to Savannah, Ga.).

From St. Petersburg, Fla., via Orlando, Fla.; Daytona Beach, Fla.; to Savannah, Ga.

Jet Route No. 104 (Gila Bend, Ariz., to Denver, Colo.).

From Gila Bend, Ariz., via Tucson, Ariz.; San Simon, Ariz.; Socorro, N. Mex.; Las Vegas, N. Mex.; Pueblo, Colo.; to Denver, Colo.

Jet Route No. 105 (Greater Southwest, Tex., to Milwaukee, Wis.).

From Greater Southwest, Tex., via Fayetteville, Ark.; Springfield, Mo.; Bradford, Ill.; to Milwaukee, Wis.

Jet Route No. 106 (Minneapolis, Minn., to Kennedy, N. Y.).
From Minneapolis, Minn., via Green Bay, Wis.; INT Green Bay 106° and Flint, Mich., 310° radials; Flint; INT Flint 127° and Salem, Mich., 092° radials; Jamestown, N. Y.; Sparta, N. J.; to Kennedy, N. Y., excluding the portion within Canada.

Jet Route No. 107 (Los Angeles, Calif., to Kenora, Ontario, Canada).

That airspace over United States territory from Los Angeles, Calif., via Hector, Calif.; Boulder City, Nev.; Milford, Utah; Delta, Utah; Rock Springs, Wyo.; Crazy Woman, Wyo.; Dickinson, N. Dak.; Pembina, N. Dak., to Kenora, Ontario, Canada.

Jet Route No. 108 (Winslow, Ariz., to St. Johns, Ariz.)

From Winslow, Ariz., via St. Johns, Ariz.; Truth or Consequences, N. Mex.; INT Truth or Consequences, N. Mex. 106° and Wink, Tex., 297° radials; to Wink, Tex.

AMENDMENTS 11/11/71 36 F. R. 18576 (Changed)

Jet Route No. 109 (Wilmington, N. C., to Buffalo, N. Y.).

From Wilmington, N. C., via Gordonsville, Va.; Front Royal, Va.; to Buffalo, N. Y.

Jet Route No. 110 (Oakland, Calif., to Kennedy, N. Y.).

From Oakland, Calif., via INT of the Oakland 170° and the Salinas, Calif., 310° radials; Salinas; Fresno, Calif.; Boulder City, Nev.; Tuba City, Ariz.; Farmington, N. Mex.; Alamosa, Colo.; Garder City, Kans.; Butler, Mo.; St. Louis, Mo.; Indianapolis, Ind.; Bellaire, Ohio; Coyle, N. J.; to Kennedy, N. Y.

Jet Route No. 111 (Nome, Alaska, to Middleton Island, Alaska.).

From Nome, Alaska, via Unalakleet, Alaska; McGrath, Alaska; Anchorage, Alaska; to Middleton Island, Alaska.

Jet Route No.112 (Butler, Mo., to Louisville, Ky.).

From Butler, Mo., via Farmington, Mo., to Louisville, Ky.

Jet Route No. 113 (Northbrook, Ill., to Minneapolis, Minn.).
From Northbrook, Ill., via Dubuque, Iowa; to Minneapolis, Minn.

Jet Route No. 114 (Denver, Colo. to Minneapolis, Minn.).

From Denver, Colo.; O'Neill, Nebr.; Sioux Falls, S. Dak.; to Minneapolis, Minn.

Jet Route No. 115 (Shemya, Alaska to Deadhorse, Alaska).

From Shemya, Alaska, RBN, via Adak, Alaska, RBN; Nikolski, Alaska, RBN; Cold Bay, Alaska; King Salmon, Alaska; INT King Salmon 053° and Kenai, Alaska, 239° radials; Kenai; Anchorage, Alaska; Fairbanks, Alaska; Chandalar, Alaska, RBN (CQR); Sagwon, Alaska, RBN; to Deadhorse, Alaska, RBN.

V37-20 JAN 29 72 XUM

Jet Route No. 116 (Salt Lake City, Utah to Denver, Colo.).

From Salt Lake City, Utah, via Fairfield, Utah; Meeker, Colo.; to Denver, Colo.

Jet Route No. 117 (McGrath, Alaska, to Kotzebue, Alaska).

From McGrath, Alaska, via Galena, Alaska; to Kotzebue, Alaska, RBN.

Jet Route No. 118 (Memphis, Tenn., to Spartanburg, S. C.)

From Memphis, Tenn., via Chattanooga, Tenn., to Spartanburg, S. C.

Jet Route No. 119 (Miami, Fla., to Alma, Ga.)

From Miami, Fla., via the INT of the Miami 297° and the St. Petersburg, Fla., 151° radials; St. Petersburg; to Alma, Ga.

Jet Route No. 120 (Bethel, Alaska, to Barter Island, Alaska).

From Bethel, Alaska, via McGrath, Alaska; Fairbanks, Alaska; Fort Yukon, Alaska; to the Barter Island, Alaska, RBN.

Jet Route No. 121 (Norfolk, Va., to Providence, R. I.).

From Norfolk, Va., via INT of Norfolk 023° and Sea Isle, N. J., 212° radials; Sea Isle; INT of Sea Isle 050° and Hampton, N. Y., 223° radials; Hampton; Providence, R. I.; to INT of Providence 045° and Boston, Mass., 066° radials.

Jet Route No. 122 (Nenana, Alaska, to Nome, Alaska).

From Fairbanks, Alaska, via Galena, Alaska; to Nome, Alaska.

Jet Route No. 123 (From Marble, Alaska, to Point Barrow, Alaska)

From INT Kodiak, Alaska, 107° radial and NW boundary Anchorage Oceanic Control Area at lat. 57°28'00" N., long. 150°32'00" W., via Kodiak; King Salmon, Alaska; Bethel, Alaska; Nome, Alaska; Kotzebue, Alaska; to Point Barrow, Alaska, RBN.

AMENDMENTS 1/6/72 36 F. R. 20036 (Rewritten)

Jet Route No. 124 (Anchorage, Alaska to Northway, Alaska).

From Anchorage, Alaska, via Big Lake, Alaska; Gulkana, Alaska; to Northway, Alaska.

Jet Route No. 125 (Kodiak, Alaska, to Chandalar Lake, Alaska).

From Kodiak, Alaska, via Anchorage, Alaska; Talkeetna, Alaska; Nenana, Alaska; Chandalar Lake, Alaska, RBN.

AMENDMENTS 10/14/71 36 F. R. 16505 (Changed)

Jet Route No. 126 (Los Angeles, Calif., to Seattle, Wash.).

From Los Angeles, Calif., via the INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; INT of the Avenal 329° and the Stockton, Calif., 164° radials; Stockton; Sacramento, Calif.; Red Bluff, Calif.; Medford, Oreg.; Portland, Oreg.; to Seattle, Wash.

Jet Route No. 127 (King Salmon, Alaska, to Anchorage, Alaska)

From King Salmon, Alaska, via INT King Salmon 042° and Anchorage, Alaska, 246° radials to Anchorage.

Jet Route No. 128 (Los Angeles, Calif. to Northbrook, Ill.).

From Los Angeles, Calif., via Hector, Calif.; Peach Springs, Ariz.; Tuba City, Ariz.; Gunnison, Colo.; Denver, Colo.; Hays Center, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

Jet Route No. 129 (Nome, Alaska, to Kotzebue, Alaska)

From Nome, Alaska, to Kotzebue, Alaska, via INT Nome 009° and Kotzebue 221° radials.

AMENDMENTS 1/6/72 36 F. R. 20036 (Added)

Jet Route No. 130 (Wilson Creek, Nev., to Grand Junction, Colo.)

From Wilson Creek, Nev., via INT Wilson Creek 068° and Grand Junction, Colo., 274° radials to Grand Junction.

AMENDMENTS 4/29/71 36 F. R. 4862 (Added) Corr: 36 F. R. 7225

Jet Route No. 131 (San Antonio, Tex., to Evansville, Ind.).

From San Antonio, Tex., via INT San Antonio 007° and Greater Southwest, Tex., 219° radials; Greater Southwest; Texarkana, Ark.; Little Rock, Ark.; to Evansville, Ind.

Jet Route No. 132 (Fort Dodge, Iowa, to Mason City, Iowa).

From Fort Dodge, Iowa, to Mason City, Iowa.

Jet Route No. 133 (Annette Island, Alaska, to Anchorage, Alaska).

From Annette Island, Alaska, via Biorka Island, Alaska; Hinchinbrook, Alaska, RR; Johnstone Point, Alaska; to Anchorage, Alaska.

Jet Route No. 134 (Los Angeles, Calif., to Front Royal, Va.).

From Los Angeles, Calif., via Ontario, Calif.; INT of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Gallup, N. Mex.; Cimarron, N. Mex.; Liberal, Kans.; Wichita, Kans.; Butler, Mo.; St. Louis, Mo.; Falmouth, Ky.; INT of Falmouth 085° and Front Royal, Va., 264° radials; to Front Royal.

Jet Route No. 135 (Bethel, Alaska, to Unalakleet, Alaska)

From Bethel, Alaska, to Unalakleet, Alaska.

AMENDMENTS 1/6/72 36 F. R. 20036 (Added)

Jet Route No. 136 (Newport, Oreg. to Spokane, Wash.).

From Newport, Oreg., via Portland, Oreg., Yakima, Wash., to Spokane, Wash.

Jet Route No. 138 (Fort Stockton, Tex., to Houston, Tex.).

From Fort Stockton, Tex.; San Antonio, Tex.; to Houston, Tex.

Jet Route No. 139 (Bettles, Alaska, to Deadhorse, Alaska)

From the Bettles, Alaska, RBN to the Deadhorse, Alaska, RBN.

Jet Route No. 140 (Fargo, N. Dak., to Sault Ste. Marie, Mich.)

From Fargo, N. Dak., via Duluth, Minn., to Sault Ste. Marie, Mich.

AMENDMENTS 7/22/71 36 F. R. 9623 (Added)

Jet Route No. 142 (San Simon, Ariz., to Socorro, N. Mex.)

From San Simon, Ariz., via the INT of the San Simon 038° and the Socorro, N. Mex., 233° radials; to Socorro.

Jet Route No. 144 (Wolbach, Nebr., to Dubuque, Iowa).

From Wolbach, Nebr.; via Des Moines, Iowa; to Dubuque, Iowa.

Jet Route No. 145 (Charleston, W. Va., to Bellaire, Ohio).

From Charleston, W. Va., to Bellaire, Ohio.

V37-20 JAN 29 72 XUM

Jet Route No. 146 (Los Angeles, Calif., to Kennedy, N. Y.).

From Los Angeles, Calif., via Ontario, Calif.; Hector, Calif.; Boulder, Nev.; Dove Creek, Colo.; Gunnison, Colo.; Goodland, Kans.; Lincoln, Nebr.; INT Lincoln 089° and Iowa City, Iowa, 252° radials; Iowa City; Joliet, Ill.; South Bend, Ind.; INT South Bend 089° and Chardon, Ohio, 279° radials; Chardon, Keating, Pa.; to Kennedy, N. Y., excluding the portion within Canada.

Jet Route No. 147 (Beckley, W. Va., to Gordonsville, Va.)

From Beckley, W. Va., to Gordonsville, Va.

Jet Route No. 148 (Delta, Utah, to O'Neill, Nebr.).

From Delta, Utah, via Myton, Utah; Cheyenne, Wyo.; to O'Neill, Nebr.

Jet Route No. 149 (Casanova, Va., to Fort Wayne, Ind.).

From Casanova, Va., via INT of Casanova 280° and Rosewood, Ohio, 116° radials; Rosewood; to Fort Wayne, Ind.

Jet Route No. 150 (Hampton, N. Y., to Striper INT).

From Hampton, N. Y., via Hyannis, Mass.; to the INT of Hyannis 068° and Boston, Mass., 097° radials.

Jet Route No. 151 (Birmingham, Ala., to Billings, Mont.).

From Birmingha, Ala., via INT Birmingham 335° and Farmington, Mo., 139° radials; Farmington; St. Louis, Mo.; Des Moines, Iowa; O'Neill, Nebr.; Rapid City, S. Dak.; to Billings, Mont.

Jet Route No. 152 (Capital, Ill., to New Holland, Pa.).

From Capital, Ill., via INT of Capital 091° and Rosewood, Ohio, 263° radials; Rosewood; INT Rosewood 084° and Harrisburg, Pa., 277° radials; Harrisburg; to INT Harrisburg 096° and Sparta, N. J., 231° radials.

Jet Route No. 153 (From Shad INT to Sea Isle, N. J.)

From Shad INT (INT of Sea Isle, N. J. 134° radial, 118 NM from Sea Isle to Sea Isle.

Jet Route No. 154 (Battle Mountain, Nev., to Rock Springs, Wyo.).

From Battle Mountain, Nev., via Bonneville, Utah; Salt Lake City, Utah; to Rock Springs, Wyo.

Jet Route No. 155 (Chandalar Lake, Alaska, to Oliktok, Alaska)

From the Chandalar Lake, Alaska, RBN to the Oliktok, Alaska, RBN.

Jet Route No. 156 (Wilson Creek, Nev., to Meeker, Colo.).

From Wilson Creek, Nev., to Meeker, Colo.

Jet Route No. 157 (St. Johns, Ariz., to Alamosa, Colo.)

From St. Johns, Ariz., to Alamosa, Colo.

AMENDMENTS 9/16/71 36 F. R. 13377 (Added)

Jet Route No. 158 (Mina, Nev., to Malad City, Idaho).

From Mina, Nev., via Lucin, Utah; to Malad City, Idaho.

Jet Route No. 160 (Fairbanks, Alaska, to Fort Yukon, Alaska)

From Fairbanks, Alaska, via INT Fairbanks 016° and Fort Yukon, Alaska, 229° radials to Fort Yukon.

AMENDMENTS 8/19/71 36 F. R. 11905 (Added)

Jet Route No. 161 (Phoenix, Ariz., to Farmington, N. Mex.)

From Phoenix, Ariz., via INT Phoenix 066° and Gallup, N. Mex., 214° radials; Gallup; to Farmington, N. Mex.

AMENDMENTS 9/16/71 36 F. R. 13377 (Added)

Jet Route No. 163 (St. Johns, Ariz., to Farmington, N. Mex.)

From St. Johns, Ariz., via Gallup, N. Mex.; to Farmington, N. Mex.

AMENDMENTS 9/16/71 36 F. R. 13377 (Added)

Jet Route No. 162 (Cleveland, Ohio, to Front Royal, Va.).

From Cleveland, Ohio, via Bellaire, Ohio, INT of Bellaire 142° and Front Royal, Va., 283° radials; to Front Royal.

Jet Route No. 164 (Bryce Canyon, Utah, to Grand Junction, Colo.)

From Bryce Canyon, Utah, via INT Bryce Canyon 090° and Grand Junction, Colo., 232° radials to Grand Junction.

AMENDMENTS 4/29/71 36 F. R. 4862 (Added)

Jet Route No. 166 (San Simon, Ariz., to Roswell, N. Mex.)

From San Simon, Ariz.; via Truth or Consequances, N. Mex., to Roswell, N. Mex.

AMENDMENTS 11/11/71 36 F. R. 16576 (Added)

Jet Route No. 174 (Hampton, N. Y., to Herring INT).

From Hampton, N. Y., via Hyannis, Mass.; to the INT of Hyannis 080° and Nantucket, Mass., 066° radials.

Jet Route No. 500 (Thunder Bay, Ontario, to Fredericton, New Brunswick). (joins Canadian high level airway No. 500).

From Thunder Bay, Ontario, via Sault Ste. Marie, Mich.; North Bay, Ontario, Canada; Killaloe, Ontario, RBN; Ottawa, Ontario; St. Johns, Quebec; Sherbrooke, Quebec; Millinocket, Maine to Fredericton, New Brunswick excluding the portions outside the United States.

Jet Route No. 501 (Oakland, Calif., to Bethel, Alaska) (Join Canadian High Level Airway No. 501).

From Oakland, Calif., via INT Oakland 305° and Ukiah, Calif., 172° radials; Ukiah; Medford, Oreg.; Hoquiam, Wash.; Neah Bay, Wash., RBN; Tofino, British Columbia, Canada, RBN; Cape Scott, British Columbia, Canada, RBN; Sandspit, British Columbia, Canada; Biorka Island, Alaska; Yakutat, Alaska; Johnstone Point, Alaska; Anchorage, Alaska; Sparrevohn, Alaska; to Bethel, Alaska, excluding the airspace within Canada.

AMENDMENTS 5/27/71 36 F. R. 4692 (Changed)

Jet Route No. 502 (Seattle, Wash., to Kotzebue, Alaska) (Joins Canadian High Level Airway No. 502).

From Seattle, Wash.; via Victoria, British Columbia, Canada; Malcolm Island, Alaska; Annette Island, Alaska; Sisters Island, Alaska; Burwash Landing, Yukon Territory Canada, RR; Northway, Alaska; Fairbanks, Alaska; to Kotzebue, Alaska, excluding the airspace within Canada.

PENDING AMENDMENT

In the text Jet Route No. 502 "Sisters Island, Alaska;" is deleted and "Level Island, Alaska; Sisters Island, Alaska;" is substituted therefor.

AMENDMENTS 2/3/72 36 F. R. 23358 (Changed)

Jet Route No. 503(Seattle, Wash., to United States/Canadian Border) (joins Canadian High Level airway No. 503).

From Seattle, Wash., to the United States/Canadian Border via the Seattle direct radial to Princeton, British Columbia.

Jet Route No. 505 (Seattle, Wash., to the United States/Canadian border) (Joins Canadian high level airway No. 505)

From Seattle, Wash., via the Seattle 061° radial to the United States/Canadian border.

V37-20 JAN 29 72 XUM

Jet Route No. 506 (Millinocket, Maine, to United States/Canadian border). (Joins Canadian high level airway No. 506).

From Millinocket, Maine, via the intersection of Millinocket 114° and St. John, N. B., 267° radials; to the intersection of the St. John 267° radial with the United States/Canadian border.

Jet Route No. 507 (Point Barrow, Alaska, to Annette Island, Alaska)

From Point Barrow, Alaska, RBN, via Oliktok, Alaska, RBN; Deadhorse, Alaska, RBN; to Fort Yukon, Alaska. From Northway, Alaska, via Yakutat, Alaska; Sisters Island, Alaska; to Annette Island, Alaska, excluding the portion within Canada.

AMENDMENTS 1/6/72 36 F. R. 20036 (Changed)
PENDING AMENDMENT
In the text Jet Route No. 507 "Sisters Island, Alaska;" is deleted and "Sisters Island, Alaska; Level Island, Alaska;" is substituted therefor.

AMENDMENTS 2/3/72 36 F. R. 23358 (Changed)

Jet Route No. 509 (Long Lake, N.Y., to United States/Canadian border) (Joins Canadian high level airway No. 509)

From the INT of Albany, N.Y., 343° and St. Eustache, Quebec, 188° radials to the INT of the St. Eustache 188° radial with the United States/Canadian border.

Jet Route No. 511 (Dillingham, Alaska, to the United States/Canadian border): (Joins Canadian high level airway No. 511).

From Dillingham, Alaska, via Anchorage, Alaska; Big Lake, Alaska; Gulkana, Alaska; to Burwash Landing, Yukon Territory, Canada, RR, excluding the portion which lies over Canadian territory.

Jet Route No. 513 (Thunder Bay, Ontario, Canada, to Sudbury, Ontario, Canada). (Joins Canadian high level airway No. HL-513).

From Thunder Bay, Ontario, Canada, direct to Sudbury, Ontario, Canada, excluding the portion within Canada.

Jet Route No. 515 (Fargo, N. Dak., via the United States/Canadian border, to Point Barrow, Alaska). (Joins Canadian high level airway No. 515.)

From Fargo, N. Dak., via Pembina, N. Dak., to the INT of Pembina 356° radial and the United States/Canadian border. From the INT of Northway, Alaska, 121° radial and the United States/Canadian border via Northway to Fairbanks, Alaska; Bettles, Alaska; to Point Barrow, Alaska, RBN (PBA).

Jet Route No. 516 (Great Falls, Mont., to the United States/Canadian border); (joins Canadian high level airway No. 516).

From Great Falls, Mont., via the Great Falls 339° radial to the United States/Canadian border.

Jet Route No. 517 (Boise, Idaho to the United States/Canadian border); (joins Canadian high level airway No. 517).

From Boise, Idaho, via Spokane, Wash., to Kimberley, British Columbia, Canada, excluding the portion which lies over Canadian territory.

Jet Route No. 518 (Cleveland, Ohio, to Westminster, Md.).

From Cleveland, Ohio, via INT of Cleveland 120° and Westminster, Md., 288° radials; to Westminster.

Jet Route No. 522 (Green Bay, Wis., to Huguenot, N. Y.) (Joins Canadian High Level airway No. 522)
From Green Bay, Wis., via Traverse City, Mich.; Kleinburg, Ontario, Canada; Hancock, N. Y.; to Huguenot, N.Y., excluding the airspace within Canada.

AMENDMENTS 2/4/71 35 F. R. 19348 (Rewritten)

Jet Route No. 523 (Seattle, Wash., to Neah Bay, Wash., Sandspit, British Columbia, Canada, to Annette Island, Alaska.).

From Seattle, Wash., to the Neah Bay, Wash., RBN. From Sandspit, British Columbia, Canada, to Annette Island, Alaska; excluding the airspace within Canada.

Jet Route No. 525 (Sandspit, British Columbia, Canada, to Annette Island, Alaska) (Joins Canadian High Level Airway No. 525).

From the Sandspit, British Columbia, Canada, RR to Annette Island, Alaska, RR, excluding the airspace within Canada.

Jet Route No. 530 (Great Falls, Mont., to the United States/Canadian border); (joins Canadian high level airway No. 530).

From Great Falls, Mont., via the Great Falls 040° radial to the United States/Canadian border.

Jet Route No. 531 (Buffalo, N. Y., to Sault Ste. Marie, Mich.) (Joins Canadian high level airway No. 531.).

From Buffalo, N. Y., via Kleinburg, Ont., Canada; Wiarton, Ont., Canada; to Sault Ste. Marie, Mich., excluding the portion which lies over Canadian territory.

Jet Route No. 532 (Pembina, N. Dak., to the United States/Canadian Border) (joins Canadian high level airway No. 532).

From Pembina, N. Dak., to the United States/Canadian Border via the Pembina to Red Lake, Ontario RBN direct radial.

Jet Route No. 533 (Duluth, Minn., to the United States/Canadian Border) (joins Canadian high level airway No. 533).

From Duluth, Minn., to the United States/Canadian border via the Duluth to Thunder Bay, Ontario, direct radial.

Jet Route No. 536 (Sisters Island, Alaska, to Whitehorse, Yukon Territory, Canada). (Joins Canadian high level airway No. 536).

From Sisters Island, Alaska, to Whitehorse, Yukon Territory, Canada, excluding the portion within Canada.

Jet Route No. 538 (Duluth, Minn., to the United States/Canadian border); (joins Canadian high level airway No. 538).

From the INT of the United States/Canadian border and the direct radial between Duluth, Minn., and Kenora, Ont., to Duluth.

Jet Route No. 540 (Mullan Pass, Idaho, to the United States/Canadian border)(Joins Canadian high level airway No. 540).

From Mullan Pass, Idaho, to the INT of Mullan Pass 041° radial and the United States/Canadian border.

Jet Route No. 545 (Cleveland, Ohio, to the United States/Canadian Border)(joins Canadian High Level Airway No. 545).

From Cleveland, Ohio, to the INT of the Cleveland 024° radial and the United States/Canadian Border.

Jet Route No. 546 (Peck, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 546).

From Peck, Mich., to the United States/Canadian Border via the Peck to Kleinburg, Ontario direct radial.

Jet Route No. 547 (Northbrook, Ill., to Kennebunk, Maine). (Joins Canadian high level airway No. 547.)

From Northbrook, Ill., via Pullman, Mich.; Flint, Mich.; Peck, Mich.; London, Ontario; Buffalo, N. Y.; Syracuse, N. Y.;
INT Syracuse 094° and Albany, N. Y., 058° radials; to Kennebunk, Maine, excluding the portion which lies over Canadian territory.

Jet Route No. 548 (Pullman, Mich., to the United States/Canadian Border) (joins Canadian high level airway No. 548).

From Pullman, Mich.; via Traverse City, Mich.; Sault Ste Marie,
to the United States/Canadian border via the Sault Ste. Marie to Timmins, Ontario, RR direct radial.

AMENDMENTS 5/27/71 36 F. R. 6415 (Changed)

V 37-20 JAN 29 72 XUM

Jet Route No. 551 (Peck, Mich., to the United States/Canadian border.) (Joins Canadian high level airway No. 551).

From Peck, Mich.. to the United States/Canadian border via the Peck to Wiarton, Ontario, direct radial.

Jet Route No. 554 (Knox, Ind., to Jamestown, N. Y.) (Joins Canadian High Level airway No. 554).

From INT Joliet, Ill., 108° and Fort Wayne, Ind., 279° radials; Carleton, Mich., to Jamestown, N. Y., excluding the portion within Canada.

Jet Route No. 559 (Syracuse, N. Y., to the United States/Canadian border). (Joins Canadian high level airway No. 559).
From Syracuse, N. Y., to the INT of Syracuse 005° radial and the United States/Canadian border.

Jet Route No. 560 (Plattsburgh, N. Y., to the United States/Canadian Border.) (Joins Canadian high level airway No. 560.)
From Plattsburgh, N. Y., to Quebec, Quebec, Canada, excluding the airspace over Canada.

Jet Route No. 563 (Albany, N. Y., to the United States/Canadian border). (Joins Canadian High Level Airway No. 563).
From Albany, N. Y., via INT of Albany 008° and Sherbrooke, Quebec, Canada, 217° radials to Sherbrooke, excluding the airspace over Canada.

Jet Route No. 564 (Presque Isle, Maine, to the United States/Canadian border); (joins Canadian high level airway No. 564).

From Presque Isle, Maine, to INT of the Presque Isle 038° radial and the United States/Canadian border.

Jet Route No. 566 (Massena, N. Y.. to the United States/Canadian border). (Joins Canadian high level airway No. 566).

From Massena, N. Y.. to the INT of the Massena 037° radial and the United States/Canadian border.

Jet Route No. 567 (Plattsburgh, N. Y.. to the United States/Canadian border). (Joins Canadian high level airway No. 567).

From Plattsburgh, N. Y.. to the INT of the Plattsburgh 334° radial and the United States/Canadian border.

Jet Route No. 573 (Providence, R. I., to the United States/Canadian Border). (joins Canadian High Level Airway No. 573).

From Providence, R. I., via INT Providence 045° and Kennebunk, Maine, 180° radials; Kennebunk; to St. John, New Brunswick, Canada, excluding the portion within Canada.

AMENDMENTS 5/27/71 36 F. R. 5676 (Changed)

Jet Route No. 575 (Yardley, Pa., to Yarmouth, N. S., Canada). (Joins Canadian high level airway No. 575).

From INT Kennedy, N. Y., 247° and Robbinsville, N. J., 280° radials; via Kennedy; INT Kennedy 042° and Putnam, Conn., 247° radials; Putnam; Boston, Mass.; to Yarmouth, N. S., Canada, excluding the portion under the jurisdiction of Canada.

Jet Route No. 581 (Hampton, N. Y. to the United States/Canadian Border); (joins Canadian high level airway No. 581).

From Hampton, N. Y., via Providence, R. I.; Boston, Mass.; Kennebunk, Maine; Bangor, Maine, to the INT of the Bangor 058° radial and the United States/Canadian border.

Jet Route No. 582 (Presque Isle, Maine, to the United States/Canadian border). (Joins Canadian high level airway No. 582.)

From Presque Isle, Maine, to Mont Joli, Quebec, Canada, excluding the portion within Canada.

Jet Route No. 584 (Northbrook, Ill., to Kennedy, N. Y.).

From Northbrook, Ill., via INT of Northbrook 094° and Carleton, Mich., 270° radials; Carleton; Slate Run, Pa.; INT Slate Run 101° and Kennedy, N. Y., 291° radials; to Kennedy.

AMENDMENTS 9/16/71 36 F. R. 13029 (Changed)

Jet Route No. 585 (Nantucket, Mass. to Yarmouth, N.S. Canada). (Joins Canadian high level airway No. 585).

From Nantucket, Mass., to Yarmouth, N.S., Canada, excluding the portion under the jurisdiction of Canada.

Jet Route No. 586 (Carleton, Mich., to United States/Canadian Border near Massena, N. Y.). (Joins Canadian High Level Airway No. 586).

From Carleton, Mich., via London, Ont., Canada; Stirling, Ont., Canada; Massena, N. Y.; to St. Jean, Quebec, Canada. That airspace within Canada is excluded.

Jet Route No. 590 (Thunder Bay, Ontario, Canada to Sault Ste. Marie, Mich.)(Joins Canadian high level airway No. HL-590).

From the Thunder Bay, Ontario, Canada, RBN; to Sault Ste. Marie, Mich. The portion within Canada is excluded.
PENDING AMENDMENT
Jet Route No. 590 text is amended by deleting "Sault Ste. Marie, Mich." and subetituting "Sault Ste. Marie, Mich., RBN." therefor.

AMENDMENTS 3/2/72 36 F. R. 24799 (Changed)

SUBPART C - JET ADVISORY AREAS

§75.200 En route jet advisory areas.

(Unless otherwise specified, the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Jet Route No. 53 Jet Advisory Area.
Radar: Key West, Fla., to the positive control area boundary S of Miami, Fla.

§75.300 Terminal jet advisory areas.

(Unless otherwise specified the place names appearing in the description of the jet advisory areas indicate the VOR or VORTAC facilities identified by such names.)

Los Angeles, Calif., Jet Advisory Area
Radar. a. The airspace within 3 miles from the shoreline of Santa Catalina Island, Calif.

V 37-20 JAN 29 72 XUM

SUBPART D - AREA HIGH ROUTES

§75.400 Area high routes.

The parts of airspace described below are designated as area high routes.

Waypoint name	Location		Reference facility
J800R:			
Robbinsville, N. J., VORTAC	40°12'08" N.	74°29'44" W.	Robbinsville, N. J.
Riddle, Pa.	39°58'04" N.	78°04'45" W.	Philipsburg, Pa.
Horn, Pa.	40°00'43" N.	80°13'38" W.	Elwood City, Pa.
Thackery, Ohio	39°56'34" N.	84°01'53" W.	Rosswood, Ohio
Mellott, Ind.	39°53'23" N.	87°00'54" W.	Lafayette, Ind.
Chapin, Ill.	39°39'58" N.	90°35'08" W.	St. Louis, Mo.
Kansas City, Mo., VORTAC	39°16'46" N.	94°35'28" W.	Kansas City, Mo.
Culver, Kans.	38°51'00" N.	97°43'31" W.	Wichita, Kans.
Granada, Colo.	37°58'43" N.	102°37'19" W.	Lamar, Colo.
Delhi, Colo.	37°40'09" N.	104°13'02" W.	Pueblo, Colo.
Sanford, Colo.	37°19'13" N.	105°48'11" W.	Alamosa, Colo.
Flora, N. Mex.	36°46'10" N.	108°06'23" W.	Farmington, N. Mex.
Cameron, Ariz.	35°56'37" N.	111°12'21" W.	Tuba City, Ariz.
Fenner, Calif.	34°48'12" N.	115°00'57" W.	Parker, Calif.
Morrow, Calif.	34°02'51" N.	117°14'54" W.	Oceanside, Calif.

AMENDMENTS 4/29/71 36 F. R. 4044 (Added) Corr: 36 F. R. 7846
AMENDMENTS 12/9/71 36 F. R. 20861 (Changed)

Waypoint name	Location		Reference facility
J801R:			
Mesquite, Calif.	35°42'41" N.	115°36'17" W.	Las Vegas, Nev.
Paria, Ariz.	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah
Gypsum, Colo.	37°51'16" N.	108°33'32" W.	Farmington, N. Mex.
Powder Horn, Colo.	38°18'52" N.	106°37'50" W.	Gunnison, Colo.
Rosemont, Colo.	38°46'01" N.	104°51'03" W.	Pueblo, Colo.
Dresden, Kans.	39°36'14" N.	100°23'38" W.	Hayes Center, Nebr.
Ruskin, Nebr.	40°06'16" N.	97°56'34" W.	Wolback, Nebr.
Garden Grove, Iowa	40°53'49" N.	93°30'28" W.	Des Moines, Iowa
Joliet, Ill., VORTAC	41°31'47" N.	88°19'06" W.	Joliet, Ill.
Wolverine, Mich.	42°13'36" N.	83°58'14" W.	Carleton, Mich.
Spot, Ohio	42°00'19" N.	80°56'16" W.	Carleton, Mich.
Ormsby, Pa.	41°48'09" N.	78°38'27" W.	Buffalo, N. Y.
Sparta, N. J., VORTAC	41°04'03" N.	74°32'19" W.	Sparta, N. J.

AMENDMENTS 4/29/71 36 F. R. 4044 (Added) Corr: 36 F. R. 7846 Corr: 36 F. R. 22057

Waypoint name	Location		Reference facility
J802R:			
Robbinsville, N. J., VORTAC	40°12'08" N.	74°29'44" W.	Robbinsville, N. J.
Furnace, Pa.	40°30'35" N.	78°02'40" W.	Philipsburg, Pa.
Shiloh, Ohio	40°57'44" N.	82°30'16" W.	Appleton, Ohio
San Pierre, Ind.	41°06'24" N.	87°02'53" W.	Lafayette, Ind.
Bradford, Ill.	41°06'35" N.	89°35'16" W.	Iowa City, Iowa
Lincoln, Nebr.	40°56'26" N.	96°44'30" W.	Pawnee City, Nebr.
Melton, Nebr.	40°39'38" N.	100°57'02" W.	Hayes Center, Nebr.
Gilcrest, Colo.	40°10'43" N.	104°49'59" W.	Denver, Colo.
Blanco, Colo.	39°53'01" N.	107°52'45" W.	Meeker, Colo.
Hill Creek, Utah	39°31'51" N.	109°58'03" W.	Myton, Utah
Nebo, Utah	39°10'43" N.	111°38'27" W.	Fairfield, Utah
Grafton, Nev.	38°43'06" N.	114°32'58" W.	Wilson Creek, Nev.
Coaldale, Nev., VORTAC	38°00'12" N.	117°46'10" W.	Coaldale, Nev.

AMENDMENTS 4/29/71 36 F. R. 4044 (Added) Corr: 36 F. R. 7846
AMENDMENTS 10/14/71 36 F. R. 15743 (Changed)

AREA HIGH ROUTES

Waypoint name	Location		Reference facility
J803R:			
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.
Bristol, Nev.	39°23'01" N.	114°50'10" W.	Wilson Creek, Nev.
Clear Lake, Utah	39°52'06" N.	112°42'38" W.	Delta, Utah
Ouray, Utah	40°22'59" N.	110°12'19" W.	Myton, Utah
Maybelle, Colo.	40°45'44" N.	108°07'47" W.	Meeker, Colo.
Tank, Wyo.	41°17'12" N.	104°47'30' W.	Cheyenne, Wyo.
Sand, Nebr.	41°44'19" N.	101°09'59" W.	Hayes Center, Nebr.
Plum Creek, Nebr.	42°07'05" N.	96°53'26" W.	Lincoln, Nebr.
Scales Mound, Ill.	42°22'53" N.	90°24'00" W.	Iowa City, Iowa
Haven, Mich.	42°19'27" N.	86°17'17" W.	South Bend, Ind.
Wolverine, Mich.	42°13'36" N.	83°58'14" W.	Carleton, Mich.
Spot, Ohio	42°00'19" N.	80°56'16" W.	Carleton, Mich.
Ormsby, Pa.	41°48'09" N.	78°38'27" W.	Buffalo, N. Y.
Sparta, N. J. VORTAC	41°04'03" N.	74°32'19" W.	Sparta, N. J.

AMENDMENTS 4/29/71 36 F. R. 4044 (Added) Corr: 36 F. R. 7846 Corr: 36 F. R. 22057
AMENDMENTS 12/9/71 36 F. R. 19672 (Changed)

Waypoint name	Location		Reference facility
J807R:			
Belle Terre, Conn.	41°02'17" N.	73°08'51" W.	Hampton, N. Y.
Cherry Plain, N. Y.	42°40'52" N.	73°18'11" W.	Albany, N. Y.
Holland, Vt.	44°56'29" N.	71°59'58" W.	Plattsburgh, N. Y.

AMENDMENTS 8/19/71 36 F. R. 11807 (Added)

Waypoint name	Location		Reference facility
J808R:			
Squid, N. Y.	40°31'19" N.	72°47'56" W.	Kennedy, N. Y.
Mary Ann, Mass.	41°29'31" N.	70°09'06" W.	Nantucket, Mass.
Whaler, Mass.	42°11'49" N.	67°00'28" W.	Nantucket, Mass.

AMENDMENTS 8/19/71 36 F. R. 11807 (Added)

Waypoint name	Location		Reference facility
J809R:			
Squid, N. Y.	40°31'19" N.	72°47'56" W.	Kennedy, N. Y.
Mary Ann, Mass.	41°29'31" N.	70°09'06" W.	Nantucket, Mass.
Davey, Maine	42°55'46" N.	67°29'56" W.	Nantucket, Mass.

AMENDMENTS 8/19/71 36 F. R. 11807 (Added)

Waypoint name	Location		Reference facility
J810R:			
Kinderhook, Mich.	41°47'37" N.	85°00'23" W.	Fort Wayne, Ind.
Marble, Ohio	41°38'39" N.	82°31'06" W.	Cleveland, Ohio
Avis, Pa.	41°07'46" N.	77°23'00" W.	Philipsburg, Pa.
Pennwell, N. J.	40°48'06" N.	74°55'59" W.	Sparta, N. J.

AMENDMENTS 11/11/71 36 F. R. 18575 (Added) Corr: 36 F. R. 20366 Corr: 36 F. R. 21671

Waypoint name	Location		Reference facility
J813R:			
Bremen, Ga.	33°39'32" N.	85°12'55" W.	Montgomery, Ala.
Montgomery, Ala., VORTAC	32°13'20" N.	86°19'11" W.	Montgomery, Ala.
Monroeville, Ala.	31°27'37" N.	87°21'10" W.	Montgomery, Ala.
New Orleans, La., VORTAC	30°01'47" N.	90°10'20" W.	New Orleans, La.

AMENDMENTS 8/19/71 36 F. R. 11807 (Added)

V 37-20 JAN 29 72 XUM

AREA HIGH ROUTES

Waypoint name	Location		Reference facility
J814R:			
New Orleans, La., VORTAC	30°01'47" N.	90°10'20" W.	New Orleans, La.
Monroeville, Ala.	31°27'37" N.	87°21'10" W.	Montgomery, Ala.
Montgomery, Ala.	32°15'20" N.	86°19'11" W.	Montgomery, Ala.
Texas, Ga.	33°02'35" N.	85°12'27" W.	Montgomery, Ala.

AMENDMENTS 8/19/71 36 F. R. 11807 (Added) Corr: 36 F. R. 21670

Waypoint name	Location		Reference facility
J815R Washington, D. C. to Atlanta, Ga.			
Casanova, Va.	38°39'28" N.	77°51'57" W.	Gordonsville, Va.
Fancy Gap, Va.	36°39'25" N.	80°39'59" W.	Greensboro, N. C.
Lanier, Ga.	34°19'21" N.	83°40'53" W.	Spartanburg, S. C.

AMENDMENTS 11/11/71 36 F. R. 17849 (Added)

Waypoint name	Location		Reference facility
J816R:			
Social Circle, Ga.	33°37'10" N.	83°36'42" W.	Spartanburg, S. C.
Lincolnton, N. C.	35°13'11" N.	80°55'57" W.	Spartanburg, S. C.
Richmond, Va.	37°30'08" N.	77°19'14" W.	Flat Rock, Va.
Marburg, Va.	38°30'27" N.	77°07'05" W.	Flat Rock, Va.

AMENDMENTS 8/19/71 36 F. R. 11807 (Added)

Waypoint name	Location		Reference facility
J821R Chicago, Ill., to Minneapolis, Minn.			
Milwaukee, Wis.	43°07'01" N.	88°17'03" W.	Green Bay, Wis.
Minneapolis, Minn.	45°08'45" N.	93°22'23" W.	Minneapolis, Minn.

AMENDMENTS 10/14/71 36 F. R. 16505 (Added)

Waypoint name	Location		Reference facility
J822R Minneapolis, Minn., to Chicago, Ill.			
Minneapolis, Minn.	45°08'45" N.	93°22'23" W.	Minneapolis, Minn.
Lakewood, Ill.	42°12'21" N.	88°18'53" W.	Milwaukee, Wis.

AMENDMENTS 10/14/71 36 F. R. 16505 (Added)

Waypoint name	Location		Reference facility
J824R St. Louis, Mo., to Chicago, Ill.			
Jerseyville, Ill.	39°04'13" N.	90°18'27" W.	Centralia, Ill.
Kappa, Ill.	40°50'22" N.	88°54'07" W.	Bradford, Ill.
Joliet, Ill.	41°32'47" N.	88°19'06" W.	Joliet, Ill.
Warren, Ill.	41°48'38" N.	88°16'07" W.	Joliet, Ill.

AMENDMENTS 12/9/71 36 F. R. 19906 (Added)

Waypoint name	Location		Reference facility
J825R Chicago, Ill., to St. Louis, Mo.			
Roberts, Ill.	40°34'54" N.	88°09'51" W.	Lafayette, Ind.
Sorento, Ill.	39°01'07" N.	89°35'11" W.	Capital, Ill.
Prairie, Ill.	38°58'18" N.	89°51'27" W.	Capital, Ill.

AMENDMENTS 10/14/71 36 F. R. 16505 (Added)

Waypoint name	Location		Reference facility
J826R (Kansas City, Mo., to Chicago, Ill.)			
Bogard, Mo.	39°24'13" N.	93°44'49" W.	Lamoni, Iowa
Bradford, Ill.	41°09'35" N.	89°35'16" W.	Iowa City, Iowa
Warren, Ill.	41°48'38" N.	88°16'07" W.	Joliet, Ill.

AMENDMENTS 1/6/72 36 F. R. 21030 (Added) Corr: 37 F. R. 13

AREA HIGH ROUTES

Waypoint name	Location		Reference facility
J827R (Chicago, Ill., to Kansas City, Mo.)			
Morrison, Ill.	41°55'53" N.	89°47'00" W.	Bradford, Ill.
Kirksville, Mo.	40°08'06" N.	92°35'30" W.	Lamoni, Iowa
Lawson, Mo.	39°30'13" N.	94°05'16" W.	Lamoni, Iowa

AMENDMENTS 1/6/72 36 F. R. 21030 (Added)

Waypoint name	Location		Reference facility
J830R (St. Louis, Mo., to New York, N. Y.)			
Marine, Ill.	38°43'46" N.	89°51'54" W.	Capital, Ill.
Gosport, Ind.	39°25'27" N.	86°39'29" W.	Lafayette, Ind.
Spot, Ohio	42°00'19" N.	80°56'16" W.	Carleton, Mich.
Ormsby, Pa.	41°48'09" N.	78°38'27" W.	Buffalo, N. Y.
Sparta, N. J.	41°04'03" N.	74°32'19" W.	Sparta, N. J.

AMENDMENTS 1/6/72 36 F. R. 21030 (Added)

Waypoint name	Location		Reference facility
J832R Philadelphia, Pa., to Boston, Mass.			
Millville, N. J.	39°32'15" N.	74°58'03" W.	J. F. Kennedy, N. Y.
Tugboat, N. J.	39°48'45" N.	73°22'20" W.	J. F. Kennedy, N. Y.
Water Mill, N. Y.	40°49'17" N.	72°17'15" W.	Putnam, Conn.
Whitman, Mass.	42°03'28" N.	70°56'13" W.	Putnam, Conn.

AMENDMENTS 10/14/71 36 F. R. 16505 (Added)

Waypoint name	Location		Reference facility
J833R Boston, Mass., to Philadelphia, Pa.			
Summer, Mass.	42°02'06" N.	70°36'17" W.	Putnam, Conn.
Tugboat, N. J.	39°48'45" N.	73°22'20" W.	J. F. Kennedy, N. Y.
Coyle, N. J.	39°49'02" N.	74°25'55" W.	Coyle, N. J.

AMENDMENTS 10/14/71 36 F. R. 16505 (Added)

Waypoint name	Location		Reference facility
J834R (Chicago, Ill., to Cleveland, Ohio)			
Kinderhook, Mich.	41°47'37" N.	85°00'23" W.	Fort Wayne, Ind.
Henrietta, Ohio	41°19'23" N.	82°22'42" W.	Carleton, Mich.

AMENDMENTS 1/6/72 36 F. R. 21030 (Added)

Waypoint name	Location		Reference facility
J835R Cleveland, Ohio, to Chicago, Ill.			
Axtel, Ohio	41°31'27" N.	82°15'55" W.	Rosewood, Ohio
Plant, Ill.	41°37'29" N.	87°15'57" W.	Lafayette, Ind.

AMENDMENTS 10/14/71 36 F. R. 16505 (Added)

Waypoint name	Location		Reference facility
J836R (Chicago, Ill., to Cincinnati, Ohio)			
Judyville, Ind.	40°14'20" N.	87°22'35" W.	Fort Wayne, Ind.
Osgood, Ind.	39°09'27" N.	85°12'25" W.	Fort Wayne, Ind.

AMENDMENTS 1/6/72 36 F. R. 21030 (Added)

Waypoint name	Location		Reference facility
J837R Cincinnati, Ohio, to Chicago, Ill.			
Sunman, Ind.	39°15'37" N.	85°08'15" W.	Fort Wayne, Ind.
Foresman, Ind.	40°51'20" N.	87°11'36" W.	Fort Wayne, Ind.
Chicago Heights, Ill.	41°30'36" N.	87°34'17" W.	Fort Wayne, Ind.

AMENDMENTS 10/14/71 36 F. R. 16505 (Added)

V 37-20 JAN 29 72 XUM

AREA HIGH ROUTES

Waypoint name	Location		Reference facility
J838R (Jacksonville, Fla., to Atlanta, Ga.)			
Kings, Ga.	30°45'00" N.	81°44'02" W.	Savannah, Ga.
Sinclair, Ga.	33°05'19" N.	83°33'03" W.	Augusta, Ga.

AMENDMENTS 1/6/72 36 F. R. 21030 (Added) Corr: 37 F. R. 13

Waypoint name	Location		Reference facility
J846R (Omaha, Nebr., to Chicago, Ill.)			
Omaha, Nebr.	41°18'00" N.	95°54'00" W.	Lamoni, Iowa
Des Moines, Iowa	41°28'15" N.	93°38'54" W.	Lamoni, Iowa
Scales Mound, Ill.	42°22'53" N.	90°24'00" W.	Iowa City, Iowa
Lakewood, Ill.	42°12'21" N.	88°18'53" W.	Milwaukee, Wis.

AMENDMENTS 1/6/72 36 F. R. 21030 (Added)

Waypoint name	Location		Reference facility
J849R (Chicago, Ill., to Des Moines, Iowa)			
Morrison, Ill.	41°55'53" N.	89°47'00" W.	Bradford, Ill.
Runnells, Iowa	41°36'44" N.	93°22'48" W.	Mason City, Iowa

AMENDMENTS 1/6/72 36 F. R. 21030 (Added)

Waypoint name	Location		Reference facility
J850R Los Angeles, Calif., to San Francisco, Calif.			
Ventura, Calif.	34°06'34" N.	119°02'55" W.	Bakersfield, Calif.
Piers, Calif.	36°34'28" N.	121°55'13" W.	Fresno, Calif.

AMENDMENTS 1/6/72 36 F. R. 21586 (Added)

Waypoint name	Location		Reference facility
J851R San Francisco, Calif., to Los Angeles, Calif.			
Logan, Calif.	36°58'59" N.	121°43'26" W.	Fresno, Calif.
Virginia, Calif.	34°13'24" N.	118°49'11" W.	Los Angeles, Calif.

AMENDMENTS 8/19/71 36 F. R. 11907 (Added)

Waypoint name	Location		Reference facility
J-852R Las Vegas, Nev., to San Francisco, Calif.			
Lucky, Nev.	36°02'22" N.	115°50'08" W.	Beatty, Nev.
Ceres, Calif.	37°37'39" N.	120°57'25" W.	Fresno, Calif.

AMENDMENTS 8/19/71 36 F. R. 11907 (Added)

Waypoint name	Location		Reference facility
J853R Los Angeles, Calif., to Phoenix, Ariz.			
Seal Beach, Calif.	33°47'00" N.	118°03'14" W.	Oceanside, Calif.
Kofa, Ariz.	33°30'58" N.	113°53'17" W.	Yuma, Ariz.
Phoenix, Ariz.	33°25'53" N.	111°53'17" W.	Phoenix, Ariz.

AMENDMENTS 1/6/72 36 F. R. 21586 (Added) Corr: 36 F. R. 22737

AREA HIGH ROUTES

Waypoint name	Location		Reference facility
J855R Dallas, Tex., to San Francisco, Calif.			
Wichita Falls, Tex.	33°59'14" N.	98°35'35" W.	Wichita Falls, Tex., VORTAC
Texico, N. Mex.	34°29'42" N.	102°50'21" W.	Texico, N. Mex., VORTAC
Volcano, N. Mex.	35°06'22" N.	106°39'29" W.	Socorro, N. Mex.
Defiance, N. Mex.	35°24'51" N.	108°57'44" W.	St. Johns, Ariz.
Peak, Ariz.	35°41'03" N.	111°20'14" W.	Tuba City, Ariz.
Boulder City, Nev.	35°59'45" N.	114°51'46" W.	Boulder City, Nev., VORTAC
Lucky, Nev.	36°02'22" N.	115°50'08" W.	Beatty, Nev.
Ceres, Calif.	37°37'39" N.	120°57'25" W.	Fresno, Calif.

AMENDMENTS 8/19/71 36 F. R. 11907 (Added) Corr: 36 F. R. 13684

Waypoint name	Location		Reference facility
J856R Denver, Colo., to Kansas City, Mo.			
Bonny, Colo.	39°29'41" N.	102°12'42" W.	Hill City, Kans.
Lenora, Kans.	39°29'09" N.	100°13'37" W.	Hill City, Kans.
Porter, Kans.	39°18'03" N.	94°59'53" W.	Kansas City, Mo.

AMENDMENTS 8/19/71 36 F. R. 11907 (Added)

Waypoint name	Location		Reference facility
J859R Kansas City, Mo., to Denver, Colo.			
Walcott, Kans.	39°13'06" N.	94°59'28" W.	Salina, Kans.
Enterprise, Kans.	38°58'04" N.	96°59'46" W.	Salina, Kans.
Bonny, Colo.	39°29'41" N.	102°12'42" W.	Hill City, Kans.

AMENDMENTS 8/19/71 36 F. R. 11907 (Added)

Waypoint name	Location		Reference facility
J861R El Paso, Tex., to Los Angeles, Calif.			
El Paso, Tex.	31°48'57" N.	106°16'52" W.	El Paso, Tex.
Willcox, Ariz.	32°23'21" N.	109°50'08" W.	San Simon, Ariz.
Elroy, Ariz.	32°46'04" N.	111°37'04" W.	Phoenix, Ariz.
Kofa, Ariz.	33°30'58" N.	113°53'17" W.	Yuma, Ariz.
Beaumont, Calif.	34°05'40" N.	116°44'17" W.	Thermal, Calif.

AMENDMENTS 1/6/72 36 F. R. 21586 (Added)

Waypoint name	Location		Reference facility
J865R Washington, D. C., to Chicago, Ill.			
Martinsburg, W. Va.	39°23'08" N.	77°50'55" W.	Philipsburg, Pa.
Balsam, Ohio	40°29'20" N.	81°04'05" W.	Appleton, Ohio
Shiloh, Ohio	40°57'44" N.	82°30'16" W.	Appleton, Ohio
Plant, Ill.	41°37'29" N.	87°15'57" W.	Lafayette, Ind.

AMENDMENTS 1/6/72 36 F. R. 21585 (Added)

Waypoint name	Location		Reference facility
J874R Memphis, Tenn., to Atlanta, Ga.			
Whitehaven, Tenn.	35°03'00" N.	89°59'00" W.	Greenwood, Miss.
Rockmart, Ga.	34°16'03" N.	85°05'51" W.	Birmingham, Ala.

AMENDMENTS 1/6/72 36 F. R. 21585 (Added)

Waypoint name	Location		Reference facility
J875R Atlanta, Ga., to Memphis, Tenn.			
Bremen, Ga.	33°39'32" N.	85°12'55" W.	Montgomery, Ala.
Birmingham, Ala.	33°40'12" N.	86°53'59" W.	Montgomery, Ala.
Red Banks, Miss	34°48'20" N.	89°29'51" W.	Memphis, Tenn.

AMENDMENTS 1/6/72 36 F. R. 21585 (Added)

V 37-20 JAN 29 72 XUM

AREA HIGH ROUTES

Waypoint name	Location		Reference facility
J876R Atlanta, Ga., to Savannah, Ga.			
Social Circle, Ga.	33°37'10" N.	83°36'42" W.	Augusta, Ga.
Springfield, Ga.	32°29'07" N.	81°21'16" W.	Augusta, Ga.

AMENDMENTS 1/6/72 36 F. R. 21585 (Added)

Waypoint name	Location		Reference facility
J881R (Detroit, Mich., to Atlanta, Ga.)			
Carleton, Mich.	42°02'53" N.	83°27'28" W.	Fort Wayne, Ind.
Rosewood, Ohio	40°17'16" N.	84°02'36" W.	Fort Wayne, Ind.
Greentree, Ky.,	38°09'46" N.	83°54'23" W.	Louisville, Ky.
Lanier, Ga.	34°19'21" N.	83°40'53" W.	Spartanburg, S. C.

AMENDMENTS 11/11/71 36 F. R. 18870 (Added)

Waypoint name	Location		Reference facility
J882R (Atlanta, Ga., to Detroit, Mich.)			
Canton, Ga.	34°19'29" N.	84°25'39" W.	Chattanooga, Tenn.
Calumet, Ky.	38°08'13" N.	84°26'39" W.	Louisville, Ky.
Carlos, Ohio	40°00'59" N.	84°23'49" W.	Fort Wayne, Ind.
Milan, Mich.	42°03'05" N.	83°44'55" W.	Fort Wayne, Ind.

AMENDMENTS 11/11/71 36 F. R. 18870 (Added) Corr: 36 F. R. 20036

Waypoint name	Location		Reference facility
J884R New York, N. Y., to Minneapolis, Minn.			
Huguenot, N. Y.	41°24'38" N.	74°38'31" W.	Hancock, N. Y.
Gowanda, N. Y.	42°33'27" N.	78°48'56" W.	Buffalo, N. Y.
Carsonville, Mich.	43°25'49" N.	82°38'59" W.	Peck, Mich.
Nirvana, Mich.	44°01'23" N.	85°46'09" W.	Pullman, Mich.
Denmark, Wis.	44°23'25" N.	87°53'34" W.	Milwaukee, Wis.
Minneapolis, Minn.	45°08'45" N.	93°22'23" W.	Minneapolis, Minn.

AMENDMENTS 10/14/71 36 F. R. 16506 (Added)

Waypoint name	Location		Reference facility
J901R Seattle, Wash., to Spokane, Wash.			
Seattle, Wash.	47°26'06" N.	122°18'30" W.	Yakima, Wash.
Spokane, Wash.	47°33'54" N.	117°37'33" W.	Spokane, Wash.

AMENDMENTS 10/14/71 36 F. R. 16506 (Added) Corr: 36 F. R. 18726

Waypoint name	Location		Reference facility
J902R Portland, Oreg., to Los Angeles, Calif.			
Sherwood, Oreg.	45°21'05" N.	122°59'00" W.	Portland, Oreg.
Rustlers Peak, Oreg.	42°32'40" N.	122°21'46" W.	Medford, Oreg.
Kirkwood, Calif.	40°08'28" N.	121°52'29" W.	Red Bluff, Calif.
Sacramento, Calif.	38°26'38" N.	121°33'02" W.	Sacramento, Calif.
Avenal, Calif.	35°38'49" N.	119°58'40" W.	Bakersfield, Calif.

AMENDMENTS 10/14/71 36 F. R. 16506 (Added)

Waypoint name	Location		Reference facility
J903R Los Angeles, Calif., to Tucson, Ariz.			
Seal Beach, Calif.	33°47'05" N.	118°03'03" W.	Oceanside, Calif.
Kofa, Ariz.	33°30'58" N.	113°53'17" W.	Yuma, Ariz.
Tucson, Ariz.	32°07'21" N.	110°49'12" W.	Phoenix, Ariz.

AMENDMENTS 10/14/71 36 F. R. 16506 (Added) Corr: 36 F. R. 18726

AREA HIGH ROUTES

Waypoint name	Location		Reference facility
J904R Los Angeles, Calif., to Denver, Colo.			
Kingston, Ariz.	35°40'57" N.	115°40'43" W.	Las Vegas, Nev.
Glen, Ariz.	37°00'17" N.	111°41'11" W.	Tuba City, Ariz.
Gypsum, Colo.	37°51'16" N.	108°33'32" W.	Farmington, N. Mex.
Baldwin, Colo.	38°38'45" N.	107°11'08" W.	Gunnison, Colo.
Shawnee, Colo.	39°25'38" N.	105°27'51" W.	Denver, Colo.

AMENDMENTS 10/14/71 36 F. R. 16506 (Added)

Waypoint name	Location		Reference facility
J907R Houston, Tex., to Los Angeles, Calif.			
Humble, Tex.	29°57'24" N.	95°20'44" W.	Houston, Tex.
Austin, Tex.	30°23'11" N.	97°41'56" W.	San Antonio, Tex.
Junction, Tex.	30°35'52" N.	99°49'02" W.	San Angelo, Tex.
Fort Stockton, Tex.	30°57'07" N.	102°58'31" W.	Wink, Tex.
Toyah, Tex.	31°31'23" N.	104°03'00" W.	Wink, Tex.
Organ, N. Mex.	32°14'48" N.	106°52'20" W.	Truth or Consequences, N. Mex.
Willcox, Ariz.	32°23'21" N.	109°50'08" W.	San Simon, Ariz.
Eloy, Ariz.	32°46'04" N.	111°37'04" W.	Phoenix, Ariz.
Brenda, Ariz.	33°43'58" N.	113°47'00" W.	Yuma, Ariz.
Beaumont, Calif.	34°05'40" N.	116°44'17" W.	Thermal, Calif.

AMENDMENTS 1/6/72 36 F. R. 21584 (Added) Corr: 36 F. R. 22737

Waypoint name	Location		Reference facility
J909R Denver, Colo., to San Francisco, Calif.			
Golden, Colo.	39°48'15" N.	105°04'06" W.	Denver, Colo.
Hog Back, Colo.	39°41'23" N.	107°53'25" W.	Meeker, Colo.
Hill Creek, Utah	39°33'51" N.	109°58'03" W.	Myton, Utah
Nebo, Utah	39°16'43" N.	111°38'27" W.	Fairfield, Utah
Grafton, Nev.	38°43'06" N.	114°32'58" W.	Wilson Creek, Nev.
Coaldale, Nev.	38°00'12" N.	117°46'10" W.	Coaldale, Nev.

AMENDMENTS 1/6/72 36 F. R. 21584 (Added)

Waypoint name	Location		Reference facility
J911R Portland, Oreg., to Denver, Colo.			
Sherwood, Oreg.	45°21'05" N.	122°59'00" W.	Portland, Oreg.
Dayville, Oreg.	44°35'56" N.	119°26'41" W.	Pendleton, Oreg.
Horseshoe, Idaho	43°46'40" N.	116°08'13" W.	Boise, Idaho
McCammon, Idaho	42°38'23" N.	112°12'05" W.	Malad City, Idaho
Rock Springs, Wyo.	41°35'25" N.	109°00'53" W.	Rock Springs, Wyo.

AMENDMENTS 1/6/72 36 F. R. 21584 (Added)

Waypoint name	Location		Reference facility
J912R Dallas, Tex., to Chicago, Ill.			
Greater Southwest, Tex.	32°49'10" N.	97°02'28" W.	Greater Southwest, Tex.
Stigler, Okla.	35°06'27" N.	95°07'27" W.	Tulsa, Okla.
Springfield, Mo.	37°21'21" N.	93°20'02" W.	Butler, Mo.
Peoria, Ill.	40°40'07" N.	89°41'28" W.	Capital, Ill.
Joliet, Ill.	41°32'47" N.	88°19'06" W.	Joliet, Ill.
Warren, Ill.	41°48'38" N.	88°16'07" W.	Joliet, Ill.

AMENDMENTS 10/14/71 36 F. R. 16506 (Added) Corr: 36 F. R. 20579

V 37-20 JAN 29 72 XUM

AREA HIGH ROUTES

Waypoint name	Location		Reference facility
J914R Dallas, Tex., to New Orleans, La.			
Greater Southwest, Tex.	32°49'10" N.	97°02'28" W.	Greater Southwest, Tex.
Tenaha, Tex.	31°52'49" N.	94°14'33" W.	Shreveport, La.
Alexandria, La.	31°15'23" N.	92°30'02" W.	Alexandria, La.
New Orleans, La.	30°01'47" N.	90°10'20" W.	New Orleans, La.

AMENDMENTS 1/6/72 36 F. R. 21584 (Added)

Waypoint name	Location		Reference facility
J917R San Francisco, Calif., to Phoenix, Ariz.			
Logan, Calif.	36°58'59" N.	121°43'26" W.	Fresno, Calif.
Easton, Calif.	36°45'17" N.	119°49'48" W.	Fresno, Calif.
Wild Rose, Calif.	36°19'37" N.	116°51'41" W.	Beatty, Nev.
Boulder City, Nev.	35°59'45" N.	114°51'46" W.	Boulder City, Nev.
Sycamore, Ariz.	34°37'25" N.	112°55'26" W.	Needles, Calif.
Phoenix, Ariz.	33°25'53" N.	111°53'17" W.	Phoenix, Ariz.

AMENDMENTS 1/6/72 36 F. R. 21584 (Added) Corr: 36 F. R. 22737

Waypoint name	Location		Reference facility
J933R Dallas, Tex., to Los Angeles, Calif.			
Greater Southwest, Tex.	32°49'10" N.	97°02'28" W.	Greater Southwest, Tex.
Wichita Falls, Tex.	33°56'14" N.	98°35'35" W.	Wichita Falls, Tex.
Texico, N. Mex.	34°29'42" N.	102°50'21" W.	Texico, N. Mex.
Vaughn, N. Mex.	34°37'10" N.	105°12'02" W.	Las Vegas, N. Mex.
Terrace, Ariz.	34°43'28" N.	109°06'57" W.	Gallup, N. Mex.
Manila, Ariz.	34°48'42" N.	110°48'56" W.	Gallup, N. Mex.
Drake, Ariz.	34°56'54" N.	112°32'15" W.	Prescott, Ariz.
Chubbuck, Calif.	34°32'20" N.	114°48'08" W.	Parker, Calif.
Morrow, Calif.	34°02'51" N.	117°14'54" W.	Oceanside, Calif.

AMENDMENTS 1/6/72 36 F. R. 21586 (Added) Corr: 36 F. R. 22738

Waypoint name	Location		Reference facility
J935R Tucson, Ariz., to Albuquerque, N. Mex.			
Willcox, Ariz.	32°23'21" N.	109°50'08" W.	San Simon, Ariz.
Jewett, N. Mex.	33°46'00" N.	108°18'15" W.	St. Johns, Ariz.
Albuquerque, N. Mex.	35°02'38" N.	106°48'57" W.	Albuquerque, N. Mex.

AMENDMENTS 1/6/72 36 F. R. 21585 (Added)

Waypoint name	Location		Reference facility
J936R Chicago, Ill., to Seattle, Wash.			
O'Hare, Ill.	41°59'16" N.	87°54'17" W.	Joliet, Ill.
Elberon, Iowa	42°00'53" N.	92°15'40" W.	Dubuque, Iowa
Corwith, Iowa	42°58'37" N.	93°54'48" W.	Fort Dodge, Iowa
Heidy, Minn.	44°07'06" N.	96°00'04" W.	Sioux Falls, S. Dak.
Turtle Creek, S. Dak.	44°45'05" N.	98°39'52" W.	Aberdeen, S. Dak.
Reva, S. Dak.	45°39'50" N.	103°12'58" W.	Dickinson, N. Dak.
Klein, Mont.	46°27'51" N.	108°28'58" W.	Billings, Mont.
Holter, Mont.	46°51'21" N.	111°54'03" W.	Helena, Mont.
Avery, Idaho	47°10'05" N.	115°41'12" W.	Mullan Pass, Idaho
Amber, Wash.	47°17'02" N.	117°39'24" W.	Spokane, Wash.
Seattle, Wash.	47°26'08" N.	122°18'30" W.	Seattle, Wash.

AMENDMENTS 1/6/72 36 F. R. 21585 (Added)

Waypoint name	Location		Reference facility
J944R Morrow, Calif., to Gateway Cypress			
Morrow, Calif.	34°02'51" N.	117°14'54" W.	Oceanside, Calif.
Malo, Calif	33°51'30" N.	119°10'03" W.	Santa Barbara, Calif.
Cypress, Calif.	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.

AMENDMENTS 11/11/71 36 F. R. 18576 (Added) Corr: 36 F. R. 19672 eff. date changed to 12/9/71
Corr: 36 F. R. 20861

AREA HIGH ROUTES

Waypoint name	Location		Reference facility
J945R Cameron, Ariz., to Gateway Cypress			
Cameron, Ariz.	35°58'37" N.	111°12'21" W.	Tuba City, Ariz.
El Dorado, Nev.	35°21'49" N.	114°38'38" W.	Needles, Calif.
Palmdale, Calif.	34°37'53" N.	118°03'47" W.	Palmdale, Calif.
Santa Barbara, Calif.	34°30'35" N.	119°46'12" W.	Santa Barbara, Calif.
Cypress, Calif.	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.

AMENDMENTS 11/11/71 36 F. R. 18576 (Added) Corr: 36 F. R. 19672 eff.date changed to 12/9/71
Corr: 36 F. R. 20861

Waypoint name	Location		Reference facility
J947R Cameron, Ariz., to Gateway Pine			
Cameron, Ariz.	35°58'37" N.	111°12'21" W.	Tuba City, Ariz.
El Dorado, Nev.	35°21'49" N.	114°38'38" W.	Needles, Calif.
Palmdale, Calif.	34°37'53" N.	118°03'47" W.	Palmdale, Calif.
San Luis Obispo, Calif.	35°15'08" N.	120°45'31" W.	San Luis Obispo, Calif.
Pine, Calif.	34°13'00" N.	123°03'00" W.	San Luis Obispo, Calif.

AMENDMENTS 11/11/71 36 F. R. 18576 (Added) Corr: 36 F. R. 19672 eff. date changed to 12/9/71
Corr: 36 F. R. 20861

Waypoint name	Location		Reference facility
J948R New Orleans, La., to Oklahoma City, Okla.			
Kenner, La.	29°59'05" N.	90°15'04" W.	New Orleans, La.
Montpelier, La.	30°30'42" N.	90°47'09" W.	New Orleans, La.
Dixie, La.	32°43'53" N.	93°50'55" W.	Shreveport, La.
Dibble, Okla.	35°10'02" N.	97°31'55" W.	Oklahoma City, Okla.

AMENDMENTS 9/16/71 36 F. R. 13778 (Added)

Waypoint name	Location		Reference facility
J949R Oklahoma City, Okla., to Houston, Tex.			
Kay, Okla.	35°16'32" N.	97°46'21" W.	Oklahoma City, Okla.
Greater Southwest, Tex.	32°49'10" N.	97°02'28" W.	Greater Southwest, Tex., VORTAC
Magnolia, Tex.	30°09'17" N.	95°46'07" W.	Humble, Tex.

AMENDMENTS 8/19/71 36 F. R. 11907 (Added)

Waypoint name	Location		Reference facility
J950R Houston, Tex., to Oklahoma City, Okla.			
Refinery, Tex.	30°17'26" N.	95°19'55" W.	Humble, Tex.
Scurry, Tex.	32°27'52" N.	96°20'14" W.	Greater Southwest, Tex.
Dibble, Okla.	35°10'02" N.	97°31'55" W.	Oklahoma City, Okla.

AMENDMENTS 8/19/71 36 F. R. 11907 (Added) Corr: 36 F. R. 13778
AMENDMENTS 10/14/71 36 F. R. 15744 (Changed)

Waypoint name	Location		Reference facility
J960R Gateway Cypress to Paria, Ariz.			
Cypress, Calif.	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.
Malo, Calif.	33°51'30" N.	119°10'03" W.	Santa Barbara, Calif.
Rabbitt, Calif.	34°44'09" N.	117°08'00" W.	Hector, Calif.
Sanup, Ariz.	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
Paria, Ariz.	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

AMENDMENTS 11/11/71 36 F. R. 18576 (Added) Corr: 36 F. R. 19672 eff. date changed to 12/9/71

V 37 - 20 JAN 29 72 XUM

AREA HIGH ROUTES

Waypoint name	Location		Reference facility
J961R Gateway Cypress to Paria, Ariz.			
Cypress, Calif.	33°29'00" N.	122°35'00" W.	Santa Barbara, Calif.
Santa Barbara, Calif.	34°30'35" N.	119°46'12" W.	Santa Barbara, Calif.
Palmdale, Calif.	34°37'53" N.	118°03'47" W.	Palmdale, Calif.
Rabbitt, Calif.	34°44'09" N.	117°08'00" W.	Hector, Calif.
Sanup, Ariz.	36°08'19" N.	113°51'29" W.	Peach Springs, Ariz.
Paria, Ariz.	36°53'51" N.	111°55'43" W.	Bryce Canyon, Utah

AMENDMENTS 11/11/71 36 F. R. 19576 (Added) Corr: 36 F. R. 19672 eff. date changed to 12/9/71
Corr: 36 F. R. 20861

Waypoint name	Location		Reference facility
J965R Coaldale, Nev., to Gateway Maple			
Coaldale, Nev.	38°00'12" N.	117°46'10" W.	Coaldale, Nev.
Manteca, Calif.	37°46'30" N.	121°27'59" W.	Sacramento, Calif.
Palisades, Calif.	37°36'00" N.	123°30'00" W.	Ukiah, Calif.
Maple, Calif.	37°48'13" N.	125°49'57" W.	Ukiah, Calif.

AMENDMENTS 11/11/71 36 F. R. 19576 (Added) Corr: 36 F. R. 19672 eff. date changed to 12/9/71

Waypoint name	Location		Reference facility
J966R Gateway Maple to Mina, Nev.			
Maple, Calif.	37°48'13" N.	125°49'57" W.	Ukiah, Calif.
Palisades, Calif.	37°36'00" N.	123°30'00" W.	Ukiah, Calif.
Mayfair, Calif.	38°00'02" N.	121°25'14" W.	Sacramento, Calif.
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.

AMENDMENTS 11/11/71 36 F. R. 19576 (Added) Corr: 36 F. R. 19672 eff. date changed to 12/9/71

Waypoint name	Location		Reference facility
J967R Gateway Apricot to Mina, Nev.			
Apricot, Calif.	36°15'00" N.	124°50'00" W.	Oakland, Calif.
Merle, Calif.	37°11'16" N.	122°47'08" W.	Oakland, Calif.
Stanislaus, Calif.	37°46'30" N.	120°51'48" W.	Linden, Calif.
Mina, Nev.	38°33'55" N.	118°01'55" W.	Coaldale, Nev.

AMENDMENTS 11/11/71 36 F. R. 19576 (Added) Corr: 36 F. R. 19672 eff. date changed to 12/9/71

PENDING AMENDMENT

Waypoint name	Location		Reference facility
J972R Dallas, Tex., to San Antonio, Tex.			
Waco, Tex.	31°39'44" N.	97°16'08" W.	Millsap, Tex.
Austin, Tex.	30°23'11" N.	97°41'56" W.	San Antonio, Tex.

AMENDMENTS 2/3/72 36 F. R. 23359 (Added)

Waypoint name	Location		Reference facility
J975R Dallas, Tex., to El Paso, Tex.			
Acton, Tex.	32°26'04" N.	97°39'49" W.	Waco, Tex.
Maryneal, Tex.	32°17'42" N.	100°31'47" W.	San Angelo, Tex.
Jal, N. Mex.	32°06'49" N.	103°06'09" W.	Fort Stockton, Tex.
El Paso, Tex.	31°48'57" N.	106°16'52" W.	El Paso, Tex.

AMENDMENTS 1/6/72 36 F. R. 21589 (Added)

Waypoint name	Location		Reference facility
J982R Los Angeles, Calif., to Kansas City, Mo.			
Parker, Calif.	34°06'07" N.	114°40'53" W.	Needles, Calif.
Prescott, Ariz.	34°42'09" N.	112°28'46" W.	Phoenix, Ariz.
Two Wells, N. Mex.	35°13'59" N.	108°47'53" W.	St. Johns, Ariz.
Torreon, N. Mex.	35°41'34" N.	107°03'49" W.	Albuquerque, N. Mex.
Springer, N. Mex.	36°15'07" N.	104°46'52" W.	Las Vegas, N. Mex.
Sofia, N. Mex.	36°25'38" N.	104°01'41" W.	Tucumcari, N. Mex.
Larrabee, Kans.	37°10'36" N.	100°29'46" W.	Gerden City, Kans.
Wichita, Kans.	37°43'40" N.	97°27'11" W.	Ponca City, Okla.
Factory, Kans.	38°37'48" N.	95°05'22" W.	Butler, Mo.

AMENDMENTS 1/6/72 36 F. R. 21564 (Added) Corr: 36 F. R. 22737

C-2

federal register

TUESDAY, FEBRUARY 1, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 21
Pages 2411–2482
PART I

(Part II begins on page 2477)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ADJUSTMENT OF DUTIES ON CERTAIN SHEET GLASS—Presidential proclamation 2417

CONCENTRATION OF LAW ENFORCEMENT ACTIVITIES RELATING TO DRUG ABUSE—Presidential Executive order 2421

ECONOMIC STABILIZATION—Cost of Living Council, Pay Board, Price Comm., and IRS rules on public access to records (4 documents); effective 2–1–72, 2–1–72, 1–31–72, and 1–31–72, respectively 2478–2481

FOOD ADDITIVES—FDA rule on saccharin; comments within 30 days 2437

FEDERAL SECURITIES—Treasury Dept. notices on current offerings of notes and bonds 2456, 2457

ANIMAL WELFARE—USDA rule on soring of horses; effective 2–1–72 2426

OIL IMPORTS—Interior Dept. rule on Canadian imports 2439

BIOLOGICAL PRODUCTS—USDA rule on viruses, serums, and toxins 2430

IMPORTATION OF MOTOR VEHICLES AND ENGINES—

Customs Bur. amendments to entry regulations 2430

EPA rule on emission control standards 2432

(Continued inside)

No. 21—Pt. I——1

FEB 1 1972
XUM

30-year Reference Volumes
Consolidated Indexes and Tables

Presidential Proclamations and Executive Orders

Consolidated subject indexes and tabular finding aids to Presidential proclamations, Executive orders, and certain other Presidential documents promulgated during a 30-year period (1936–1965) are now available in two separately bound volumes, published under Title 3 of the Code of Federal Regulations, priced as follows:

Title 3, 1936–1965 Consolidated Indexes **$3.50**

Title 3, 1936–1965 Consolidated Tables **$5.25**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

OCCUPATIONAL SAFETY AND HEALTH—
Labor Dept. extension of comment time to 5–1–72 on proposal 2443
Labor Dept. rule on statistical reporting of injuries and illnesses 2439

EMPLOYEE WELFARE AND BENEFITS—
Labor Dept. proposal on welfare and pension benefit plans; comments within 30 days 2443
Labor Dept. rule on temporary unemployment compensation; effective 2–1–72 2434

NEW ANIMAL DRUGS—FDA proposal on antibiotics in animal feeds; comments within 60 days 2444

SOCIAL AND REHABILITATION SERVICE—HEW proposal on organizational separation of services from income maintenance activities; comments within 30 days 2445

SAVINGS AND LOAN ASSOCIATIONS—FHLBB proposal on nondiscrimination in Federally assisted programs; comments by 3–3–72 2447

NEW DRUGS—
FDA notice of withdrawal of approval; effective 2–1–72 2460
FDA rule for certification of a certain antibiotic; effective 2–1–72 2438

ENVIRONMENT—AEC notices of availability of reports (2 documents) 2460, 2461

AIR CARGO RATES—CAB notice of approval of International Air Transport Assoc. agreement 2461

ANTIDUMPING—Customs Bur. notice on railroad vehicles from Canada; comments within 30 days 2456

HOME ENTERTAINMENT PRODUCTS—FTC proposal on power output of audio amplifiers; comments by 3–2–72 2454

Contents

THE PRESIDENT

PROCLAMATION
Adjustment of duties on certain sheet glass 2417

EXECUTIVE ORDER
Concentration of law enforcement activities relating to drug abuse 2421

EXECUTIVE AGENCIES

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations
Conduct on certain research center properties:
Agricultural Research Center Property, Beltsville, Md 2424
U.S. Meat Animal Research Center, Clay Center, Nebr 2423

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Animal and Plant Health Service; Consumer and Marketing Service; Forest Service.

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations
Exotic Newcastle disease and psittacosis or ornithosis in poultry; areas quarantined 2429
Horse protection; soring horses 2426
Overtime services relating to imports and exports; administrative instructions prescribing commuted travel time allowances 2430
Viruses, serums, toxins, and analogous products; organisms and vectors 2430

ATOMIC ENERGY COMMISSION

Notices
Availability of applicants' environmental reports:
Baltimore Gas and Electric Co. 2460
Nuclear Fuel Services, Inc 2461
Wing Corp.; issuance of byproduct material license 2461

CIVIL AERONAUTICS BOARD

Notices
Hearings, etc.:
China Airlines, Ltd 2461
International Air Transport Association 2461
Novo Corp. and Novo International Corp 2462
Piair Ltd 2462

CIVIL SERVICE COMMISSION

Rules and Regulations
Excepted service; General Services Administration 2423

COAST GUARD

Proposed Rule Making
Neenah Harbor, Neenah, Wis.; special anchorage area 2447
San Juan Harbor, P.R.; barge anchorage grounds 2446

COMMERCE DEPARTMENT

See International Commerce Bureau.

CONSUMER AND MARKETING SERVICE

Rules and Regulations
Lemons grown in California and Arizona; limitation of handling 2426

COST OF LIVING COUNCIL

Rules and Regulations
Public access to records 2478

CUSTOMS BUREAU

Rules and Regulations
Special classes of merchandise; importation of motor vehicles and motor vehicle engines 2430

Proposed Rule Making
Customs field organization; Customs Region 1 2443

Notices
Railroad passenger vehicles from Canada; withholding of appraisement notice 2456

(Continued on next page)

V 37-21
FEB 1 72
XUM

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Importation of motor vehicles and motor vehicle engines; control of air pollution ---- 2432
Public hearings under the Federal Water Pollution Control Act; redesignation of delegated authority ---- 2433

FEDERAL COMMUNICATIONS COMMISSION

Notices

City of New York Municipal Broadcasting System et al.; memorandum opinion and order designating application for hearing on stated issues ---- 2462

FEDERAL HOME LOAN BANK BOARD

Proposed Rule Making

Federal home loan bank system; nondiscrimination in federally assisted programs ---- 2447

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
North Atlantic Mediterranean Freight Conference ---- 2465
Seatrain Terminals of California, Inc., and Port of Oakland, Calif ---- 2465
K & S Forwarders et al.; independent ocean freight forwarder license applicants ---- 2465

FEDERAL POWER COMMISSION

Proposed Rule Making

Accounting treatment and related reporting for natural gas companies and public utilities and licensees ---- 2451

Notices

Hearings, etc.:
Alabama - Tennessee Natural Gas Co ---- 2466
Algonquin Gas Transmission Co ---- 2466
Colorado Interstate Gas Co ---- 2467
El Paso Natural Gas Co (2 documents) ---- 2467
Georgia Power Co ---- 2468
Gulf States Utilities Co. et al ---- 2468
New England Power Co ---- 2468
New Jersey Zinc Co ---- 2469
Pacific Power & Light Co ---- 2469
Transcontinental Gas Pipe Line Corp ---- 2469
Transcontinental Gas Pipe Line Corp. and Texas Gas Transmission Corp ---- 2469

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE

CFR checklist ---- 2423

FEDERAL RESERVE SYSTEM

Notices

Affiliated Bank Corp.; order approving acquisition of bank ---- 2470

FEDERAL TRADE COMMISSION

Proposed Rule Making

Power output of amplifiers utilized for home entertainment products ---- 2454

FISH AND WILDLIFE SERVICE

Rules and Regulations

Sport fishing on Quivira National Wildlife Refuge, Kans ---- 2441

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; saccharin and its salts ---- 2437
Sodium dicloxacillin monohydrate; antibiotic drug ---- 2438

Proposed Rule Making

Antibiotic and sulfonamide drugs in animal feeds; policy statement ---- 2444

Notices

Certain drugs containing oxyphenisatin acetate; withdrawal of approval of new drug applications ---- 2460

FOREST SERVICE

Notices

Poverty Creek Unit Plan; availability of draft environmental statement ---- 2459

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Federal Supply Schedule provisions ---- 2441

Notices

Revised policy on reporting discrepancies in shipments ---- 2470

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Social and Rehabilitation Service.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; National Park Service; Oil and Gas Office.

INTERNAL REVENUE SERVICE

Rules and Regulations

Procedure and administration; disclosure of economic stabilization matters ---- 2481

INTERNATIONAL COMMERCE BUREAU

Rules and Regulations

Short supply controls; commodities subject to semimonthly reporting requirements ---- 2430

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ---- 2473
Fourth section application for relief ---- 2473
Motor carrier temporary authority applications (2 documents) ---- 2473, 2475

LABOR DEPARTMENT

See also Labor-Management and Welfare-Pension Reports Office; Manpower Administration; Occupational Safety and Health Administration.

Notices

Associate Deputy Under Secretary for International Affairs and Deputy Assistant Secretary for Trade and Adjustment Policy; authority redelegation regarding international labor activities ---- 2472
Utica Cutlery Co.; certification of eligibility of workers to apply for adjustment assistance ---- 2472
West Virginia; availability of extended unemployment compensation ---- 2473

LABOR-MANAGEMENT AND WELFARE-PENSION REPORTS OFFICE

Proposed Rule Making

Description of employee welfare or pension benefit plans; additional reporting requirements ---- 2443

LAND MANAGEMENT BUREAU

Notices

Idaho; offer of lands ---- 2458
Montana; proposed withdrawal and reservation of lands ---- 2459

MANPOWER ADMINISTRATION

Rules and Regulations

Temporary compensation ---- 2434
Unemployment compensation for ex-servicemen; schedule of remuneration ---- 2434

NATIONAL PARK SERVICE

Notices

White Sands National Monument, N. Mex.; suitability as wilderness; public hearing ---- 2459

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules and Regulations

Recording and reporting occupational injuries and illnesses; statistical reporting program ---- 2439

Proposed Rule Making

Construction; cranes and derricks, certain indicators, and overload protective devices; extension of time ---- 2443

OIL AND GAS OFFICE

Rules and Regulations

Oil import regulations; Canadian imports ---- 2439

PAY BOARD

Rules and Regulations

Organization and information; public information ---- 2479

POSTAL SERVICE

Rules and Regulations

Management of buildings and grounds and disposal of surplus real property; interim regulations; cross reference ---- 2423

Notices

Buildings and grounds and surplus real property; management and disposal ---- 2471

PRICE COMMISSION

Rules and Regulations

Public access to records ---- 2480

SOCIAL AND REHABILITATION SERVICE

Proposed Rule Making

Service programs for families and children and for aged, blind, or disabled persons ---- 2445

STATE DEPARTMENT

Rules and Regulations

Nonimmigrants; classes of aliens eligible to receive diplomatic visas ---- 2439

TRANSPORTATION DEPARTMENT

See Coast Guard.

TREASURY DEPARTMENT

See also Customs Bureau; Internal Revenue Service.

Notices

Offerings:
5¾ percent Treasury notes of Series E–1976 ---- 2456
6⅜ percent Treasury bonds of 1982 ---- 2457

VETERANS ADMINISTRATION

Notices

New VA Hospital, Loma Linda, Calif.; availability of draft environmental statement ---- 2472

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

PROCLAMATIONS:
2761A (see Proc. 4102) ---- 2417
2929 (see Proc. 4102) ---- 2417
3140 (see Proc. 4102) ---- 2417
3967 (see Proc. 4102) ---- 2417
4102 ---- 2417
EXECUTIVE ORDERS:
11248 (amended by EO 11641) ---- 2421
11641 ---- 2421

5 CFR

213 ---- 2423

6 CFR

102 ---- 2478
200 ---- 2479
311 ---- 2480

7 CFR

501 ---- 2423
502 ---- 2424
910 ---- 2426

9 CFR

11 ---- 2426
82 ---- 2429
97 ---- 2430
113 ---- 2430

12 CFR

PROPOSED RULES:
529 ---- 2447

15 CFR

377 ---- 2430

16 CFR

PROPOSED RULES:
432 ---- 2454

18 CFR

PROPOSED RULES:
101 ---- 2451
104 ---- 2451
105 ---- 2451
141 ---- 2451
260 ---- 2451

19 CFR

12 ---- 2430

PROPOSED RULES:
1 ---- 2443

20 CFR

614 ---- 2434
617 ---- 2434

21 CFR

121 ---- 2437, 2438

PROPOSED RULES:
135 ---- 2444

22 CFR

41 ---- 2439

26 CFR

301 ---- 2481

29 CFR

1904 ---- 2439

PROPOSED RULES:
460 ---- 2443
1926 ---- 2443

32A CFR

Ch. X:
OI Reg. 1 ---- 2439

33 CFR

PROPOSED RULES:
110 (2 documents) ---- 2446, 2447

39 CFR

Ch. I ---- 2423

40 CFR

85 ---- 2432
106 ---- 2433

41 CFR

5A–73 ---- 2441

45 CFR

PROPOSED RULES:
220 ---- 2445
222 ---- 2445

50 CFR

33 ---- 2441

V37-21 FEB 1 72 XUM

Presidential Documents

Title 3—The President

PROCLAMATION 4102

Adjustment of Duties on Certain Sheet Glass

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, the President, by Proclamations No. 2761A of December 16, 1947, No. 2929 of June 2, 1951, and No. 3140 of June 13, 1956 (61 Stat. (pt. 2) 1103, 65 Stat. c12, and 70 Stat. c33), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out trade agreements into which he had entered;

2. WHEREAS among the proclaimed modifications were modifications in the rates of duty on glass of the kinds which are now provided for in items 542.11 through 542.98 of the Tariff Schedules of the United States (hereinafter referred to as "sheet glass");

3. WHEREAS, pursuant to section 351(a)(1) of the Trade Expansion Act of 1962 (hereinafter "TEA") (19 U.S.C. 1981(a)(1)) and in accordance with Article XIX of the General Agreement on Tariffs and Trade (hereinafter "GATT") (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), the President by Proclamation No. 3967 of February 27, 1970 (35 F.R. 3975), proclaimed increased duties on imports of sheet glass in Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States (hereinafter "TSUS") which duties are scheduled to be reduced on January 31, 1972;

4. WHEREAS, pursuant to section 301(b)(1) of the TEA (19 U.S.C. 1901(b)(1)) the Tariff Commission on August 16, 1971, instituted an investigation, the report to the President on which is to be made not later than January 31, 1972, to determine whether glass of the kinds provided for in items 541.11 through 541.31, 542.11 through 542.98, 543.11 through 543.69 and 544.31 through 544.32 of the TSUS are, as a result in major part of concessions granted thereon under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, serious

V 37 21
FEB 1 72
XUM

injury to the domestic industry producing like or directly competitive products;

5. WHEREAS, pursuant to section 351(c)(2) of the TEA (19 U.S.C. 1981(c)(2)), after taking into account advice received from the Tariff Commission under section 351(d)(3) of the TEA (19 U.S.C. 1981(d)(3)) and after seeking advice of the Secretaries of Commerce and Labor, I have determined that the extension as hereinafter proclaimed of the increased duties currently in effect on imports of sheet glass provided for in items 923.31 through 923.75 of the TSUS from January 31, 1972 to April 30, 1972 is in the national interest;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 351(c)(2) of the TEA, do proclaim that—

1. The tariff concessions on sheet glass in Part I of Schedule XX to the GATT shall be modified in part as provided for in paragraph 2 below;

2. Effective with respect to items entered, or withdrawn from warehouse, for consumption during the period commencing on the date of this proclamation and terminating at the close of January 31, 1974, so much of Subpart A of Part 2 of the Appendix to the TSUS as follows item 922.50 and precedes item 924.00 is modified to read as set out in the annex to this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of January in the year of our Lord nineteen hundred and seventy-two, and of the Independence of the United States of America the one hundred and ninety-sixth.

Richard Nixon

		Effective on and after—		
		Feb. 27, 1970	Apr. 30, 1972	Jan. 31, 1973
	Glass (including blown or drawn glass, but excluding cast or rolled glass and excluding pressed or molded glass) (whether or not containing wire netting), in rectangle, not ground, not polished and not otherwise processed, weighing over 16 oz. but not over 28 oz. per sq. ft., provided for in items 542.31–.35, inclusive, and 542.71–.75, inclusive, of part 3B of schedule 5:			
	Ordinary glass:			
	Weighing over 16 oz. but not over 28 oz. per sq. ft.:			
923.31	Measuring not over 40 united inches (item 542.31).	1.1¢ per lb.	1¢ per lb.	0.9¢ per lb.
923.33	Measuring over 40 but not over 60 united inches (item 542.33).	1.5¢ per lb.	1.3¢ per lb.	1.1¢ per lb.
923.35	Measuring over 60 but not over 100 united inches (item 542.35).	1.5¢ per lb.	1.4¢ per lb.	1.3¢ per lb.
	Colored or special glass:			
	Weighing over 16 oz. but not over 28 oz. per sq. ft.:			
923.71	Measuring not over 40 united inches (item 542.71).	1.1¢ per lb. +2.5% ad val.	1¢ per lb. +2.5% ad val.	0.9¢ per lb. +2.5% ad val.
923.73	Measuring over 40 but not over 60 united inches (item 542.73).	1.5¢ per lb. +2.5% ad val.	1.3¢ per lb. +2.5% ad val.	1.1¢ per lb. +2.5% ad val.
923.75	Measuring over 60 but not over 100 united inches (item 542.75).	1.5¢ per lb. +2.5% ad val.	1.4¢ per lb. +2.5% ad val.	1.3¢ per lb. +2.5% ad val.

[FR Doc.72-1604 Filed 1-31-72;12:43 pm]

V 37 21 FEB 1 72 XUM

EXECUTIVE ORDER 11641

Concentration of Law Enforcement Activities Relating to Drug Abuse

The menace of drug abuse threatens to sap our Nation's strength and destroy our Nation's character. It must be combatted in a variety of ways—through international measures, through domestic law enforcement, through programs dealing with prevention, education, treatment and rehabilitation. As one critical part of this balanced and comprehensive program, we must now give special emphasis to improving law enforcement activities at all levels of government.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including section 5317 of Title 5 of the United States Code, as amended, it is hereby ordered as follows:

SECTION 1. (a) The Attorney General of the United States shall provide for the establishment within the Department of Justice of an "Office for Drug Abuse Law Enforcement."

(b) This Office shall be headed by a Director who shall have the title of Special Assistant Attorney General.

(c) The Director shall also serve as a Special Consultant to the President for Drug Abuse Law Enforcement. He shall advise the President with respect to all matters relating to the more effective enforcement by all Federal agencies of laws relating to illegal drug traffic and on methods by which the Federal Government can assist State and local governments in strengthening the enforcement of their laws relating to illegal drug traffic. He shall, as appropriate, recommend to the President plans, programs, legislation, techniques, and other measures designed to maximize at every level of government the Nation's campaign to stamp out illegal drug traffic through effective law enforcement.

(d) The Director shall be responsible for the development and implementation of a concentrated program throughout the Federal Government for the enforcement of Federal laws relating to the prevention of drug abuse and for cooperation with State and local governments in the enforcement of their drug abuse laws. The Attorney General is called upon to delegate to the Director those duties and authorities vested in him as are necessary to carry out those functions.

SEC. 2. The Director shall consult with the Director of the Special Action Office for Drug Abuse Prevention and those officials shall ensure that all steps permitted by law are being taken by Federal, State, and local governments and, to the extent feasible, by private persons and organizations, to prevent drug abuse in this Nation and elsewhere.

SEC. 3. Section 1 of Executive Order No. 11248 of October 10, 1965, as amended, is further amended by deleting "(12) Chairman, Pay

V 37-21 FEB 1 72 XUM

Board," and by inserting in lieu thereof "(12) Director, Office for Drug Abuse Law Enforcement."

SEC. 4. Each department and agency of the Federal Government shall, upon request and to the extent permitted by law, assist the Director of the Office for Drug Abuse Law Enforcement in the performance of functions assigned to him by or pursuant to this order, and the Director may, in carrying out those functions, utilize the services of any other agencies, Federal and State, as may be available and appropriate.

Richard Nixon

THE WHITE HOUSE,
January 28, 1972.

[FR Doc.72-1525 Filed 1-28-72;3:54 pm]

NOTE: For the text of a Presidential statement dated January 28, 1972, and issued in connection with E.O. 11641, above, see Weekly Comp. of Pres. Docs., Vol. 8, No. 5, issue of January 31, 1972.

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1972 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1972. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1972):

Title		Price
6		$0.35
7	Part 52	3.25
25		1.75
26	Parts:	
	30–39	1.50
	600-end	.60
27		.45

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that three additional positions of Confidential Assistant to the Commissioner, Federal Supply Service, are excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2-1-72), subparagraph (2) of paragraph (c) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

* * * * *

(c) *Federal Supply Service.* * * *

(2) Four Confidential Assistants to the Commissioner.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1556 Filed 1-31-72;8:51 am]

Title 39—POSTAL SERVICE

Chapter I—United States Postal Service

MANAGEMENT OF BUILDINGS AND GROUNDS AND DISPOSAL OF SURPLUS REAL PROPERTY

Interim Regulations

CROSS REFERENCE: For a document affecting the management of buildings and grounds and disposal of surplus real property, see F.R. Doc. 72-1470, Postal Service, in the Notices Section, *infra*.

Title 7—AGRICULTURE

Chapter V—Agricultural Research Service, Department of Agriculture

PART 501—CONDUCT ON U.S. MEAT ANIMAL RESEARCH CENTER, CLAY CENTER, NEBR.

Chapter V of Title 7 of the Code of Federal Regulations is amended by adding a new Part 501, reading as follows:

Sec.
501.1 General.
501.2 Admission.
501.3 Preservation of property.
501.4 Conformity with signs and emergency directions.
501.5 Nuisances.
501.6 Gambling.
501.7 Intoxicating beverages and narcotics.
501.8 Soliciting, vending, debt collection, and distribution of handbills.
501.9 Photographs for news, advertising, or commercial purposes.
501.10 Pets.
501.11 Mobile equipment and pedestrian traffic.
501.12 Weapons and explosives.
501.13 Nondiscrimination.
501.14 Nonfederal law enforcement.
501.15 Exceptions.
501.16 Penalties and other law.

AUTHORITY: The provisions of this Part 501 issued under secs. 2, 4, 62 Stat. 281; 40 U.S.C. 318 (a), (c); sec. 103, 63 Stat. 380; 40 U.S.C. 753; sec. 205(d), 63 Stat. 389; 40 U.S.C. 486 (d); 36 F.R. 1293 and 36 F.R. 21706.

§ 501.1 General.

The rules and regulations in this part apply to all property of or under the charge or control of the U.S. Meat Animal Research Center, Clay Center, Nebr. (hereinafter referred to as the Research Center), and to all persons entering in or on such property. The Administrator, General Services Administration, has delegated to the Secretary of Agriculture, with authority to redelegate, the authority to make all the needful rules and regulations for the protection of the Research Center (36 F.R. 1293). The Secretary of Agriculture has delegated this authority to the Director of Science and Education (36 F.R. 21706) who in turn has delegated such authority to the Administrator, Agricultural Research Service (36 F.R. 21706). The rules and regulations in this part are issued pursuant to such delegations. It is the responsibility of occupant or cooperating agency to require observance of these rules and regulations.

§ 501.2 Admission.

Admission to the Research Center during "off duty" hours shall be restricted to the main arteries and any deviation therefrom by individuals shall be limited to authorized individuals who may be required to sign a register and display identification documents when requested by a guard or other authorized individuals. "Off duty" hours will be posted at the Research Center. Admission during "duty" hours when the Center is closed to the public in emergency situations will be limited to authorized individuals who may be required to sign a register and display identification documents when requested by a guard or other authorized individual.

§ 501.3 Preservation of property.

It is unlawful to willfully destroy, damage, or remove property or any part thereof. Hunting, fishing, motorcycling, using snowmobiles, and other disturbances or encroachment activities are prohibited except for official purposes.

§ 501.4 Conformity with signs and emergency directions.

Persons in and on property of the Research Center shall comply with official signs of a prohibitory or directory nature, and with the directions of authorized individuals.

§ 501.5 Nuisances.

The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping, or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other unseemly or disorderly conduct, throwing articles of any kind from a building, or climbing upon any part of a building is prohibited. Further, conduct which obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways and parking lots, or which otherwise tends to impede or disturb Center employees in the performance of their duties or which otherwise impedes the general public from obtaining the administrative services provided by the Research Center is prohibited.

V 37 21
FEB 1 72
XUM

§ 501.6 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on Research Center property, is prohibited.

§ 501.7 Intoxicating beverages and narcotics.

Entering Research Center property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, hallucinogen, marijuana, barbiturate, or amphetamine (unless prescribed by a physician) or the consumption of such beverages, or the use of any such drug or substance in or on the Research Center property, is prohibited.

§ 501.8 Soliciting, vending, debt collection, and distribution of handbills.

The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on Research Center property, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the Agricultural Research Service, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers or the posting of materials on bulletin boards or elsewhere, is prohibited without prior approval of authorized individuals.

§ 501.9 Photographs for news, advertising, or commercial purposes.

Except where security regulations apply, or a Federal court order or rules prohibit it, photographs for news purposes may be taken in entrances, lobbies, foyers or auditoriums when used for public meetings without prior permission. Photographs for advertising and commercial purposes may be taken only with the prior written permission of the Director, Research Center. Photographs for news, advertising, or commercial purposes may be taken in space or areas occupied by a cooperator only with the consent of the cooperator concerned and the Director, Research Center.

§ 501.10 Pets.

Animals shall be brought or allowed, as applicable, upon the Research Center only with the prior written approval of the Director, Research Center, except seeing eye dogs may be brought to the reception area serving the offices of the Director, Research Center, without prior approval.

§ 501.11 Mobile equipment and pedestrian traffic.

(a) Drivers, operators, or pilots of all equipment whether or not motorized in or on Research Center property, or within the scope of Research Center activity, shall operate in a careful and safe manner at all times and shall comply with the signals and directions of guards, special policemen, or other authorized individuals, and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, railways, runways, loading platforms, or fire hydrants in or on Research Center property is prohibited;

(c) Except in emergencies, parking or landing in or on Research Center property in other than designated areas is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking continuously in excess of ten hours without permission, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof;

(d) The operation of unlicensed gasoline powered vehicles is prohibited.

§ 501.12 Weapons and explosives.

No person while in or on Research Center property shall carry firearms, bows and arrows, darts, other dangerous or deadly weapons, or explosives, either openly or concealed, except as officially authorized, for official purposes.

§ 501.13 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, sex, religion, color, or national origin, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all service, privileges, accommodations, and activities provided thereby on Research Center property.

§ 501.14 Non-Federal law enforcement.

Research Center special policemen may be deputized by State or local law enforcement agencies to exercise police power on property outside the Research Center. With the consent of any State or local law enforcement agency, the facilities or services of such State or local law enforcement agency may be utilized by the Research Center.

§ 501.15 Exceptions.

The Administrator, Agricultural Research Service, may in individual cases make prior, written exceptions to the rules and regulations in this part if he determines it to be not adverse to the public interest.

§ 501.16 Penalties and other law.

Whoever shall be found guilty of violating the rules and regulations in this part where the United States has and exercises exclusive or concurrent legislative jurisdiction, is subject to fine of not more than $50 or imprisonment or not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the rules, regulations, or penalties in this part shall be construed as abrogating or authorizing the abrogation of any other rules, regulations, penalties, or any Federal law, or any State and local laws and regulations which may be applicable.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER (2–1–72).

It does not appear that public participation in this rule making proceeding would make additional relevant information available to this department. (36 F.R. 13804)

The urgency of the need for adequate security at the Research Center is such that these regulations should be made effective as soon as possible. Accordingly, under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these regulations are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

Approved:

T. M. BALDAUF,
Director, Office of
Plant and Operations.

Approved:

EDWARD M. SHULMAN,
General Counsel.

[FR Doc.72–1418 Filed 1–31–72;8:47 am]

PART 502—CONDUCT ON AGRICULTURAL RESEARCH CENTER PROPERTY, BELTSVILLE, MD.

Chapter V of Title 7 of the Code of Federal Regulations is amended by adding a new Part 502, reading as follows:

Sec.
502.1 General.
502.2 Admission.
502.3 Preservation of property.
502.4 Conformity with signs and emergency directions.
502.5 Nuisances.
502.6 Hunting, fishing, camping, horseback riding.
502.7 Gambling.
502.8 Intoxicating beverages and narcotics.
502.9 Soliciting, vending, debt collection, and distribution of handbills.
502.10 Photographs for news, advertising, or commercial purposes.
502.11 Pets.
502.12 Vehicular and pedestrian traffic.
502.13 ARC airport.
502.14 Weapons and explosives.
502.15 Nondiscrimination.
502.16 Exceptions.
502.17 Penalties and other law.

AUTHORITY: The provisions of this Part 502 issued under secs. 2, 4, 62 Stat. 281; 40 U.S.C. 318 (a), (c); sec. 103, 63 Stat. 380; 40 U.S.C. 753; sec. 205(d), 63 Stat. 389; 40 U.S.C. 486 (d); 36 F.R. 18440 and 36 F.R. 21706.

§ 502.1 General.

The rules and regulations in this part apply to the buildings and grounds of the Agricultural Research Center, Beltsville, Md., and to any persons entering in or on such property. The Administrator, General Services Administration, has delegated to the Secretary of Agriculture, with authority to redelegate, the authority to make all the needful rules and regulations for the protection of buildings, grounds, equipment, and experimental plants and animals of the Agricultural Research Center (36 F.R. 18440). The Secretary of Agriculture has delegated this authority to the Director of Science and Education (36 F.R. 21706) who in turn has delegated such authority to the Administrator, Agricultural Research Service (36 F.R. 21706). The rules and regulations in this part are issued pursuant to such delegations.

§ 502.2 Admission.

Admission to the Agricultural Research Center during "off duty" hours shall be restricted to the main arteries and any deviation therefrom by individuals shall be limited to atuhorized individuals who may be required to sign a register and display identification documents when requested by a Guard or other authorized individuals. "Off duty" hours will be posted at the Agricultural Research Center. Admission during "duty" hours when the Center is closed to the public in emergency situations will be limited to authorized individuals who may be required to sign a register and display identification documents when requested by a Guard or other authorized individual.

§ 502.3 Preservation of property.

It is unlawful to willfully destroy, damage, or remove property or any part thereof.

§ 502.4 Conformity with signs and emergency directions.

Persons in and on property of the Agricultural Research Center shall comply with official signs of a prohibitory or directory nature, and with the directions of authorized individuals.

§ 502.5 Nuisances.

The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping, or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene or indecent act, or any other unseemly or disorderly conduct, throwing articles of any kind from a building, or climbing upon any part of a building is prohibited. Further, conduct which obstructs the usual use of entrances, foyers, corridors, offices, elevators, stairways and parking lots, or which otherwise tends to impede or disturb Center employees in the performance of their duties or which otherwise impedes the general public from obtaining the administrative services provided by the Agricultural Research Center is prohibited.

§ 502.6 Hunting, fishing, camping, horseback riding.

The use of the Agricultural Research Center grounds for any form of hunting, fishing, camping, or horseback riding is prohibited. Further, the use of these grounds for unauthorized picnicking is also prohibited.

§ 502.7 Gambling.

Participating in games for money or other personal property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets, in or on the Agricultural Research Center property, is prohibited.

§ 502.8 Intoxicating beverages and narcotics.

Entering Agricultural Research Center property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, hallucinogen, marihuana, barbiturate, or amphetamine (unless prescribed by a physician) or the consumption of such beverages, or the use of any such drug or substance in or on the Agricultural Research Center property, is prohibited.

§ 502.9 Soliciting, vending, debt collection, and distribution of handbills.

The soliciting of alms and contributions, commercial soliciting and vending of all kinds or the display or distribution of commercial advertising, or the collecting of private debts, in or on Agricultural Research Center property, is prohibited. This section does not apply to national or local drives for funds for welfare, health, and other purposes sponsored or approved by the Agricultural Research Service, concessions, or personal notices posted by employees on authorized bulletin boards. Distribution of material such as pamphlets, handbills, and flyers or the posting of materials on bulletin boards or elsewhere is prohibted without prior approval of the Director, Agricultural Research Center.

§ 502.10 Photographs by visitors or for news, advertising, or commercial purposes.

Photographs may be taken by visitors or for news purposes without prior permission. Photographs for advertising and commercial purposes may be taken at the Agricultural Research Center only with the prior written approval of the Director, Agricultural Research Center.

§ 502.11 Pets.

Pets, except seeing-eye dogs, brought upon the Agricultural Research Center property must be kept on a leash. Pets that are the property of employees residing on the Center must be inoculated for rabies in accordance with State or local laws and be kept on a leash or similarly restrained. The abandonment of unwanted animals on the Center grounds is prohibited.

§ 502.12 Vehicular and pedestrian traffic.

(a) Drivers of all vehicles whether or not motorized in or on Agricultural Research Center property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of guards and all posted traffic signs;

(b) The blocking of entrances, driveways, walks, loading platforms, or fire hydrants in or on Agricultural Research Center property is prohibited;

(c) Except in emergencies, parking in or on Agricultural Research Center property in other than designated areas is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time, by the issuance and posting of specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

(d) The operation of unlicensed gasoline powered vehicles is prohibited.

§ 502.13 ARC airport.

Unauthorized use of the Agricultural Research Center Airport is prohibited.

§ 502.14 Weapons and explosives.

No person while in or on Agricultural Research Center property shall carry firearms, other dangerous or deadly weapons, or explosives, either openly or concealed, except as officially authorized for official purposes.

§ 502.15 Nondiscrimination.

There shall be no discrimination by segregation or otherwise against any person or persons because of race, religion, color, national origin, or sex, in furnishing, or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on Arigcultural Research Center property.

§ 502.16 Exceptions.

The Administrator, Agricultural Research Service, may in individual cases, make prior, written exceptions to the rules and regulations in this part if he determines it to be not adverse to the public interest.

§ 502.17 Penalties and other law.

Whoever shall be found guilty of violating the rules and regulations in this part is subject to fine of not more than $50 or imprisonment of not more than 30 days, or both (see 40 U.S.C. 318c). Nothing contained in the rules and regulations in this part shall be construed as abrogating or authorizing the abrogation of any other regulations or any Federal law or any laws and regulations of the State of Maryland.

Effective date. This part shall become effective on the date of its publication in the FEDERAL REGISTER (2–1–72).

It does not appear that public participation in this rule making proceeding would make additional relevant information available to this department. (36 F.R. 13804)

The urgency of the need for adequate security at the Research Center is such that these regulations should be made effective as soon as possible. Accordingly,

FEB 1 7 2 XUM

under administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these regulations are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

Approved:
T. M. BALDAUF,
Director, Office of
Plant and Operations.

Approved:
EDWARD M. SHULMAN,
General Counsel.

[FR Doc.72-1391 Filed 1-31-72;8:46 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruit, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 517, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b) (1) of § 910.817 (Lemon Regulation 517, 37 F.R. 1034) during the period January 23 through January 29, 1972, is hereby amended to read as follows:

§ 910.817 Lemon Regulation 517.

* * * * *

(b) *Order.* (1) * * * 205,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 27, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-1408 Filed 1-31-72;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER A—ANIMAL WELFARE

PART 11—HORSE PROTECTION REGULATIONS

On July 1, 1971, and November 5, 1971, there were published in the FEDERAL REGISTER (36 F.R. 12586–12588 and 36 F.R. 21318–21321) notices with respect to proposed regulations relating to the protection of certain show horses against the practice of "soring," to appear as new Part 11 in Chapter I, Subchapter A, Title 9, Code of Federal Regulations. Such notices gave interested persons periods of 60 and 30 days, respectively, from the date of publication of the notices, in which to submit written data, views, and arguments concerning the proposed regulations. On December 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 23072) a notice of extension of time allowing an additional 30 days for submission of written data, views, and arguments on the proposed regulations. After due consideration of all relevant material in connection with said notices and pursuant to the Act of December 9, 1970 (Public Law 91–540; 84 Stat. 1404; 15 U.S.C. 1821–1831), a new Part 11 is hereby added to Chapter I, Subchapter A, Title 9, Code of Federal Regulations to read:

Statement of considerations. After passage of the Horse Protection Act of 1970, meetings held with various segments of the affected industry provided the Department with many divergent views and considerable factual information as to the possible methods of diagnosis of soring and enforcement of the Act. Consideration has been given to the views expressed and the following specified regulations are based on all information presently available, in an effort to effectuate the purposes of the Act in a practical manner.

One of the areas of great concern and the most frequently mentioned had to do with the scope of the Act. Since no specific breed was mentioned in the Act, much discussion was had as to what was meant by the word "horse" as used in the Act.

The Act is applicable to all breeds of horses and accordingly the regulations proposed herein would apply to all breeds.

A great deal of information has been offered regarding the use and purpose of boots. There has been considerable debate as to what constitutes protective devices. It appears that some boots used for horses have been designed to protect a specific area and are, by virtue of this design, fixed in a specific position and are truly protective devices.

Boots meeting these criteria consequently would be permitted under these regulations. Hinged boots, half fixed and half semifixed in nature, appear to be protective devices and would be permitted if there are no weights in the upper half of the boot and the boots meet other requirements. The rubber bell boot, as presently designed and used, does not seem to cause pain or extreme physical distress. The leather bell boots have received the most comment and consideration. Those containing protrusions such as the knocker boot and roll boot appear to be designed to concentrate force and weight on the most sensitive area of the foot and are classified under these regulations as soring devices. The smooth bell boot, flared enough to fit over the coronary band, riding primarily on the hoof wall when the foot is in contact with the ground would be, within certain weight limitation, acceptable under the regulations. The proposition that a horse as large as 1,200 pounds can carry more than the stipulated 16 ounces overlooks the fact that larger animals are not more immune to pain than smaller ones. Each is sensitive to punishment directed at the coronary area of the fore foot.

The prohibition of substances such as greases and dyes has received considerable attention. It is recognized that dyes would aid in changing the identity of a horse as well as acting as a camouflage to signs of soring. Colored substances as well as clear substances can act as vehicles to soring chemicals and serve as an adhesive to foreign material, and become abrasive in nature.

Horse show managers have been concerned since the Act specifies, in part, "it shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored." The feeling expressed was that show management would be held responsible for actions done by others. The Department is informed that management has always had the right to excuse or disqualify horses for various reasons and that this requirement of the law does not impose an unusual responsibility. Since it has frequently been said that the horse show judge is a qualified person to detect soring and is always present at every horse show, legal methods to transfer responsibility and liability to the judge within the scope of the Act were sought. This authority is not granted in the Act. However, the sponsoring organization could employ the judge or other qualified person to advise the organization so that it may fulfill its obligation to comply with the Act. No changes are made in the regulations in this respect since the originally proposed regulations would not prohibit such an arrangement.

Provisions have been made in the regulations to relieve the sponsoring organization of liability when sored horses are shown, if the sponsoring organization

obtains the services of a licensed accredited veterinarian whose duties will be to examine horses for soring and advise show management of his findings, and the show management excludes from the show or exhibition any horses identified as sored or otherwise in violation of the regulations. The regulations do not impose any liability upon the veterinarian merely because of his advisory role in providing his professional services in good faith to the sponsoring organization.

The necessity for recordkeeping was recognized by the Congress and thoroughly discussed in the House and Senate reports on the bill which became the Act. Recordkeeping provisions are incorporated in section 5(b) of the Act. The Department recognizes both the need for records to implement the Act and the burden this requirement places upon show management. Records are vital for orderly enforcement of the Act, particularly those aspects concerned with commerce. After studying comments received on earlier proposals, recordkeeping requirements in the regulations have been reduced to the minimum level deemed adequate to provide for orderly enforcement of the Act. The required information is normally available in records of a horse show or exhibition. The regulations do not require advance notification to the Department of horse shows or exhibitions. The proposed requirements for entry forms have also been omitted from the regulations in an effort to simplify the requirements under the Act. It is the Department's intention to determine during the initial phases of operation under these regulations whether or not the recordkeeping and other requirements are adequate to permit proper administration of the Department's responsibilities under the Act. If not, consideration will be given to strengthening these requirements.

Some of the comments on the proposed regulations relating to horse inspection and methods of accomplishing it, stated that eye-level inspection has been found acceptable and that there are inherent dangers if a stranger to a horse is permitted to handle the feet and legs of the horse. However, authority to inspect in any manner that the inspector deems necessary for effective enforcement of the Act is provided in the Act. To authorize inspections and then limit what can be done in the way of inspectional procedures would be self-defeating. The inspection authority must, of course, be exercised reasonably. Accordingly, the regulations provide for inspection by any means reasonably deemed necessary by the inspector.

GENERAL

Sec.
11.1 Definitions.

EXHIBITORS

11.2 Prohibitions concerning exhibitors.
11.3 Boots.
11.4 Inspection of horses.
11.5 Access to premises for inspection of horses.

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

11.20 Prohibitions concerning horse show or exhibition sponsors and managers.
11.21 Records required; and disposition thereof.
11.22 Inspection of records.
11.23 Access to premises for inspection of horses.
11.24 Reporting by show manager.

TRANSPORTATION

11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

ENFORCEMENT

11.41 Violations and penalties.

AUTHORITY: The provision of this Part 11 issued under sec. 9, 84 Stat. 1406; 15 U.S.C. 1828; 29 F.R. 16210, as amended, 36 F.R. 20707.

GENERAL

§ 11.1 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also import the plural and the masculine form shall also import the feminine. Words of art undefined in the following paragraphs shall have the meaning attributed to them by trade usage.

(a) "Act" means the Act of December 9, 1970 (Public Law 91–540; 84 Stat. 1404; 15 U.S.C. 1821–1831) cited as the Horse Protection Act of 1970.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Animal and Plant Health Service of the Department, or any officer or employee of said Service to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(d) "Veterinary Services" means the office of the Animal and Plant Health Service to which is assigned responsibility for the performance of functions under the Act.

(e) "Deputy Administrator" means the Deputy Administrator for Veterinary Services or any other officer or employee of Veterinary Services to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(f) "Veterinarian in Charge" means the Veterinary Services veterinarian who is assigned by the Deputy Administrator to supervise and perform the official work of Veterinary Services under the Act in a specified State.[1]

(g) "Veterinarian" means a graduate from a College of Veterinary Medicine who is licensed in the State in which he practices and has been accredited by the U.S. Department of Agriculture as described in § 161.1 of this title.

(h) "Veterinary Services representative" means any inspector employed by Veterinary Services who is designated by the Veterinarian in Charge, or any officer or employee of any State agency who is authorized by the Deputy Administrator to perform any function under the Act.

(i) "State" means a State, the District of Columbia, Commonwealth of Puerto Rico, or other possession of the United States.

(j) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

(k) "Horse" means any member of the species Equus caballus.

(l) Except in §§ 11.21 and 11.22, "horse show" means a public display of any horses, in competition, to which any horse was moved in commerce. In §§ 11.21 and 11.22, "horse show" means a public display of any horses in competition. Such definitions are not to be construed to include events where speed is the prime factor, nor rodeo events, parades or trail rides.

(m) Except in §§ 11.21 and 11.22, "exhibition" means a public display of any horses, singly or in groups, but not in competition, if any horse was moved to such display in commerce. In §§ 11.21 and 11.22, "exhibition" means a public display of any horses, singly or in groups, but not in competition. Such definitions are not to be construed to include events where speed is the prime factor, nor rodeo events, parades or trail rides.

(n) "Boot" means any device which encircles the lower extremity of a leg of a horse and which may be made of leather, cloth, felt, or other material.

(o) "Commerce" means commerce between a point in any State and any point outside thereof, or between points within the same State but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

(p) "Inspection" of a horse means an examination of the horse by use of whatever means are reasonably deemed necessary by the inspector to determine whether the horse is sored. This may include, but is not limited to, visual examination, touching, use of any diagnostic device or instrument, and requiring the removal of any shoes, pads, and other equipment from the horse.

(q) "Sponsoring organization" means the Association or other persons under whose immediate auspices a horse show or exhibition is conducted.

(r) "Show manager" means the person who has been delegated primary authority for managing a horse show or exhibition by a sponsoring organization, and has accepted the responsibility involved.

(s) "Exhibitor" means the owner or other person who enters a horse in any horse show or exhibition.

(t) (1) "Sored horse" is a horse that has been subjected, after December 9, 1970, to one or more of the following for the purpose of affecting its gait:

[1] Information as to the name and address of the Veterinarian in Charge for the State concerned can be obtained by writing to the Deputy Administrator, Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

FEB 1 72
XUM

(i) A blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(ii) Burns, cuts, bruises, or lacerations have been inflicted on the horse;

(iii) A chemical agent, or tacks or nails have been used on the horse; or

(iv) Any other cruel or inhumane method or device has been used on the horse, including but not limited to, chains or boots; which may reasonably be expected (*a*) to result in physical pain to the horse when walking, trotting, or otherwise moving, (*b*) to cause extreme physical distress to the horse, or (*c*) to cause inflammation. However, a horse given therapeutic treatment by a veterinarian, to relieve pain, lameness, or disability or to restore its normal gait, shall not be considered sored.

(2) A horse shall be considered sored if, as a result of the use of pads on the front feet or other artificial devices or means, the length of the toe does not exceed the height of the heel by 1 inch or more when measured from the ground to the hair line.

EXHIBITORS

§ 11.2 Prohibitions concerning exhibitors.

(a) It is unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored.

(b) No chains, rollers, or other device or method shall be used with respect to any horse at any horse show or exhibition if such use causes the horse to be sored.

(c) No boots other than those permitted under § 11.3 shall be used on any horse at any horse show or exhibition.

(d) Substances such as, but not limited to, greases, dyes, stains, or polishes shall not be used on the extremities, above the hoof but below the fetlock, of any horse while being shown or exhibited at any horse show or exhibition, unless the exhibitor furnishes to the Veterinary Services representative, upon his request, a certification from a veterinarian that such substance was applied for beneficial therapeutic purposes and its presence during such showing or exhibition was required for such purposes.

§ 11.3 Boots.

The only boots permitted to be used under the regulations in this part on any horse shall be:

(a) Those boots known to the industry as "fixed boots." These include types such as, but not limited to, heel boots, trotting boots, skid or sliding boots, splint boots, quarter boots, and shoeguard boots.

(b) Hinged quarter boots which meet the following requirements: The lower portion of the boot shall be firmly attached by a strap and buckle or similar humane device to the foot below the hairline. The upper half of the boot shall be fastened to the lower half in such a manner that there shall be not more than a 1-inch separation between the two halves and that such connection does not cause pain or discomfort. The upper half of the boot shall be constructed in such a way that any part in contact with the skin shall be soft, smooth, and free of projections. No attachments, weights, or other devices shall be affixed to the upper half of the boot, except that a fastening device may be used if it is so designed and used as to avoid physical pain to the horse when moving and to avoid extreme physical distress and inflammation of any part of the horse.

(c) Rubber bell boots.

(d) Leather bell boots; *Provided*, That:

(1) The inside must be smooth and free of all swellings, projections, or sharp edges;

(2) The lining must be of soft leather, felt or similar material;

(3) The boots shall not weigh in excess of 16 ounces each;

(4) The bell portion, exclusive of the soft roll on the top, shall be a minimum of 2½ inches in height.

§ 11.4 Inspection of horses.

For the effective enforcement of the Act:

(a) Each horse owner and other person having custody of any horses shall allow any Veterinary Services representative to inspect the horses in his custody at such times and places as the Veterinary Services representative may designate, while such horses are being moved in commerce or thereafter.

(b) Each horse owner and other person having custody of any horses shall allow any Veterinary Services representative, the show manager or his representative, and any veterinarian designated under § 11.20 to inspect such horses at such reasonable times and places as such inspector may require while the horses are at any horse show or exhibition.

(c) When any Veterinary Services representative, in writing, notifies the owner of any horse, or other person having custody of the horse, that inspection of such horse is required to be made after the horse has been shown or exhibited at any horse show or exhibition, such horse shall not be moved from the horse show or exhibition premises unless the owner or other custodian agrees, in writing, to make the horse available for inspection by a Veterinary Services representative at a time and location agreeable to such representative and does in fact make the horse available for such inspection.

(d) The person having custody of the horses to be inspected shall render such assistance as the inspector may reasonably request for purposes of such inspection.

§ 11.5 Access to premises for inspection of horses.

Each exhibitor shall, without fee, charge, assessment, or compensation, admit any Veterinary Services representative, the show manager, and any veterinarian designated under § 11.20, to all areas of barns, compounds, and other portions of the show grounds at any horse show or exhibition, or similar areas adjacent to the show grounds, and vans or trucks on any such grounds or areas, where any horse in his custody is located, upon the request and identification of such representative, manager, or veterinarian, for purposes of inspecting any such horse pursuant to the Act.

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

§ 11.20 Prohibition concerning horse show or exhibition sponsors and managers.

It is unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited any horse which is sored, unless he can establish that he has complied with the provisions of this section. No violation of this prohibition will be demed to occur if:

(a) The sponsoring organization or show manager shall identify all horses that are sored or otherwise in violation of § 11.2 and cause them to be removed from participation in any class at the horse show, prior to the tying of the class, or from exhibition before the end of the exhibition.

(b) Alternatively:

(1) The sponsoring organization shall designate a veterinarian to examine and observe all horses at the show or exhibition to determine whether any such horses are sored.

(2) The veterinarian so designated shall examine the horses entered in any class at the horse show or shown in any exhibition, in whatever way he deems necessary to determine whether any such horse is sored. He shall observe such horses while they are performing at the horse show or exhibition and shall inspect them at such other times at the show or exhibition as he deems necessary to determine whether any horse shown or exhibited was sored.

(3) The veterinarian so designated shall report, in writing, any horses which he considers are sored to the show judge and to the show manager before the class is tied or before the conclusion of the exhibition. Not later than 72 hours following the conclusion of the horse show or exhibition the veterinarian shall send to the Veterinarian in Charge for the State in which the horse show or exhibition is held a report identifying each horse considered by him to be sored.

(4) The show manager shall ascertain whether any horse is otherwise in violation of § 11.2.

(5) The show manager shall immediately cause to be removed from participation in such class at the horse show or from the exhibition all horses designated by the veterinarian as sored or otherwise known to be sored, and any horses found by the show manager to be otherwise in violation of § 11.2.

§ 11.21 Records required, and disposition thereof.

(a) The sponsoring organization for any horse show or exhibition, or the designee of the organization shall maintain for a period of 90 days following the closing date of the horse show or exhibition, records containing:

(1) The dates and place of the horse show or exhibition;

(2) The show manager's name and address;

(3) A statement signed by an officer of the sponsoring organization that it will comply with the Act and will direct the show manager and all employees and agents of the sponsoring organization to comply with the provisions of the Act;

(4) The name and address of the veterinarian, if any, employed to make inspections under § 11.20;

(5) The name and address of each show judge;

(6) A copy of the official program, if any; and

(7) The identification of each horse and his owner, exhibitor, and home barn.

(b) The sponsoring organization for any horse show or exhibition shall furnish to any Veterinary Services representative, upon his request, the name and address of any person designated by the organization to maintain the records required by this section.

(c) The Deputy Administrator may, in specific cases, authorize a period of retention of records required by this section for less than 90 days.

§ 11.22 Inspection of records.

(a) Upon request and during ordinary business hours, or such other times as may be agreed upon, the sponsoring organization and any designee thereof shall permit any Veterinary Services representative to examine all records required to be kept by the regulations in this part and to make copies of such records. A room, table, or other facilities necessary for proper examination of the records shall be made available to the Veterinary Services representative.

§ 11.23 Access to premises for inspection of horses.

The sponsoring organization and the show manager of any horse show or exhibition shall, without fee, charge, assessment, or other compensation, provide the Veterinary Services representative upon request and after identification of the representative, with unlimited access to the grandstands and all other areas of the show or exhibition grounds and adjacent areas under their control, for purposes of inspection of horses or records as provided in this part.

§ 11.24 Reporting by show manager.

Within 72 hours following the conclusion of the horse show or exhibition, the show manager of the horse show or exhibition shall send by mail to the Veterinarian in Charge for the State where the horse show or exhibition was held, the information required by § 11.21(a)(7) for each horse that was reported as sored by the veterinarian designated under § 11.20, or was found by the show manager to be sored or otherwise in violation of § 11.2.

TRANSPORTATION

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

(a) It is unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

(b) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, in commerce, for the purpose of showing or exhibition, any horse, shall allow and assist in the inspection of such horse as provided in § 11.4 and shall furnish to any Veterinary Services representative upon his request and in the manner requested the following information:

(1) Name and address of the horse owner and of the shipper, if different from the owner or trainer;

(2) Name and address of the horse trainer;

(3) Name and address of the carrier transporting the horse, and of the driver of the means of conveyance used;

(4) Origin of the shipment and date thereof;

(5) Destination of shipment.

ENFORCEMENT

§ 11.41 Violations and penalties.

A violation of any provision of the Act or the regulations in this part is unlawful and any person committing such a violation is subject to a civil penalty up to $1,000 or criminal penalties up to $2,000 and 6 months imprisonment for each such violation, as prescribed in section 6 of the Act.

The foregoing regulations implement the Horse Protection Act and should be made effective promptly in order to effectuate the objectives of the Act. The regulations differ in some respects from the provisions proposed in the notices of rule making. The differences are due to changes made pursuant to comments from interested persons or in the interests of clarification and consistency. It does not appear that further public participation in connection with the issuance of the regulations would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further public proceedings are impracticable and unnecessary and good cause is found for making the regulations effective less than 30 days after their publication in the FEDERAL REGISTER.

Effective date. The foregoing regulations shall become effective upon publication in the FEDERAL REGISTER (2-1-72).

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 28th day of January 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-1534 Filed 1-31-72;8:51 am]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Florida, and a new subparagraph (a)(5) relating to the State of Florida is added to read:

§ 82.3 Areas quarantined.

(a) • • •

(5) *Florida.* That portion of Dade County (city of Miami), bounded by a line beginning at the junction of Palmetto Expressway (Interstate 826) and Northwest 74th Street; thence, following Northwest 74th Street in an easterly direction to U.S. Highway 27; thence, following U.S. Highway 27 in a northwesterly direction to Palmetto Expressway (Interstate 826); thence, following Palmetto Expressway (Interstate 826) in a southerly direction to its junction with Northwest 74th Street.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Dade County, Fla. (city of Miami), because of the existence of exotic Newcastle disease. The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

FEB 1 72 XUM

Done at Washington, D.C., this 26th day of January 1972.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.72-1410 Filed 1-31-72;8:46 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1971 ed.), as amended January 22, 1971 (36 F.R. 1038), April 3, 1971 (36 F.R. 6413), May 14, 1971 (36 F.R. 8861), September 21, 1971 (36 F.R. 18716), and December 9, 1971 (36 F.R. 23356), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: San Juan, P.R.

TWO HOURS

Add: San Juan, P.R.

(64 Stat.°561; 7 U.S.C. 2260)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (2-1-72).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Service.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of January 1972.

J. M. HEJL,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Service.

[FR Doc.72-1409 Filed 1-31-72;8:46 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

On November 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 21058) a notice of proposed rule making with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of the Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rule making, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the proposed amendments of Part 113 of Subchapter E, Chapter I, Title 9, of the Code of the Federal Regulations, as contained in the aforesaid notice are hereby adopted, except that the term "Deputy Administrator" is substituted for the term "Director" in § 113.25(d), and are set forth in full herein.

1. Section 113.25(d) is amended to read:

§ 113.25 Culture media for detection of bacteria and fungi.

* * * * *

(d) A determination shall be made by the licensee for each biological product of the ratio of inoculum to medium which shall result in sufficient dilution of such product to prevent bacteriostatic and fungistatic activity. The determination may be made by tests on a representative biological product for each group of comparable products containing identical preservatives at equal or lower concentrations. Inhibitors or neutralizers of preservatives, approved by the Deputy Administrator, may be considered in determining the proper ratio.

2. Section 113.26 (a)(3) and (b)(3) are amended to read:

§ 113.26 Detection of viable extraneous bacteria and fungi in all biological products except live vaccines.

* * * * *

(a) * * *

(3) Soybean-Casein Digest Medium shall be used to test biological products for fungi; provided, that Fluid Thioglycollate Medium without beef extract shall be substituted when testing biological products containing mercurial preservatives.

(b) * * *

(3) Incubation shall be for an observation period of 14 days at 30° to 35° C. to test for bacteria and 14 days at 20° to 25° C. to test for fungi.

Effective date. Thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of January 1972.

G. H. WISE,
Acting Administrator,
Animal and Plant Health Service.

[FR Doc.72-1458 Filed 1-31-72;8:50 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Reg.; Amdt. 31]

PART 377—SHORT SUPPLY CONTROLS

Commodities Subject to Semimonthly Reporting Requirements

Part 377 is amended as set forth below.

Effective date: January 27, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

Semimonthly reports from exporters on the export of the ferrous and nickel-bearing scrap commodities listed in Supplement No. 3 to Part 377 are no longer required. Therefore, § 377.1(c)(3) and Supplement No. 3 to Part 377 are deleted.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

[FR Doc.72-1440 Filed 1-31-72;8:49 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-45]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importation of Motor Vehicles and Motor Vehicle Engines

Under the provisions of title II of the Clean Air Act, as amended by the Clean Air Amendments of 1970 (42 U.S.C. 1857f-1, as amended by Public Law 91-604), the Department of Health, Education, and Welfare and the Environmental Protection Agency have promulgated regulations in 40 CFR Part 85 which prescribe standards for the control of emissions from certain motor vehicles and motor vehicle engines.

The importation into the United States of any motor vehicle or engine manufactured after the effective date of any standard which is applicable to such vehicle or engine (or which would have been applicable to such vehicle or engine had it been manufactured for importation into the United States) is prohibited by Public Law 91-604 unless the motor vehicle or engine is covered by a certificate of conformity with such applicable standard or is exempted by the Administrator of the Environmental Protection Agency. The regulations which deal with the admission and refusal of motor vehicles and engines subject to standards promulgated under the provisions of the Clean Air Act which are offered for importation into the customs territory of the United States, are amended as follows:

ENTRY OF MOTOR VEHICLES AND MOTOR VEHICLE ENGINES UNDER THE CLEAN AIR ACT, AS AMENDED

§ 12.73 Federal motor vehicle air pollution control.

(a) *Standards prescribed by the Department of Health, Education, and Welfare or the Environmental Protection Agency.* Certain new motor vehicles and new motor vehicle engines are subject to emission standards prescribed by the U.S. Environmental Protection Agency or the Department of Health, Education, and Welfare under section 202 of the Clean Air Act, as amended (42 U.S.C. 1857f-1, sec. 6, Public Law 91-604), as set forth in regulations in 40 CFR Part 85. For purposes of this section, "motor vehicle" means any self-propelled vehicle designed for transporting persons or property on a street or highway, and "new motor vehicle" and "new motor vehicle engine" mean a motor vehicle or engine, respectively, manufactured after the effective date of a regulation issued under section 202 of the Act which is applicable to such vehicle or engine (or would have been applicable to such vehicle or engine had it been manufactured for importation into the United States).

(b) *Requirements for entry and release.* Each motor vehicle or motor vehicle engine offered for importation or imported into the customs territory of the United States shall be refused entry unless there is filed with the entry, in duplicate, a declaration verified by the importer or consignee which contains:

(1) The name and address of the importer and the consignee;

(2) The make, model, and model year of the vehicle or engine;

(3) The vehicle identification number of such vehicle, or the serial number of such engine (if not chassis mounted);

(4) The date of entry, the vessel or carrier of importation, the port or point of entry, and the entry number (where applicable);

(5) A statement that—

(i) Such 1968, 1969, or 1970 model year motor vehicle or motor vehicle engine is covered by a certificate of conformity with Federal motor vehicle emission standards; or

(ii) Such 1971 or subsequent model year motor vehicle or motor vehicle engine is covered by a certificate of conformity with Federal motor vehicle emission standards and is tagged or labeled in accordance with applicable regulations in 40 CFR Part 85; or

(iii) Such motor vehicle or motor vehicle engine is not covered by a certificate of conformity with Federal motor vehicle emission standards, is being imported solely for purposes of display and will not be sold or operated on the public streets or highways; or

(iv) Such motor vehicle or motor vehicle engine is not covered by a certificate of conformity with Federal motor vehicle emission standards, and the importer or consignee is a member of the armed forces of a foreign country on assignment in the United States, or is a member of the Secretariat of a public international organization so designated pursuant to 59 Stat. 669 (22 U.S.C. 288(b)) on assignment in the United States or is a member of the personnel of a foreign government on assignment in the United States who comes within the class of persons for whom free entry of motor vehicles has been authorized by the Department of State, and that such vehicle or engine will not be sold in the United States; or

(v) The importer or consignee is a nonresident of the United States importing such motor vehicle or motor vehicle engine solely for personal use for a period not exceeding 1 year, and such vehicle or engine will not be sold in the United States; or

(vi) Such motor vehicle or motor vehicle engine is not covered by a certificate of conformity with Federal motor vehicle emission standards, is being imported solely for purposes of testing, and will not be sold or operated on the public streets or highways except in accordance with 40 CFR 85.201, or

(vii) Such motor vehicle or motor vehicle engine is intended solely for export; or

(viii) Such motor vehicle or motor vehicle engine is not subject to the Clean Air Act or regulations thereunder for reasons specified in the declaration; or

(ix) Such motor vehicle or motor vehicle engine is one of a class of vehicles or engines for which an application for certification of conformity is pending before the Administrator of the U.S. Environmental Protection Agency and is being imported under bond in accordance with 40 CFR 85.202 pending issuance of such certification; or

(x) Such motor vehicle or motor vehicle engine is not covered by a certificate of conformity with Federal motor vehicle emission standards but will be brought into conformity with such standards and is being imported under bond in accordance with 40 CFR 85.203; or

(xi) Neither the importer nor the consignee possess sufficient information to make any of the preceding declarations but the importer or consignee will seek to determine such information, and such motor vehicle or motor vehicle engine is being imported under bond in accordance with 40 CFR 85.204.

(c) *Release under bond.* If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in paragraph (b)(5)(ix), (x), or (xi) of this section, the entry shall be accepted only if the importer or consignee gives a bond on Customs Form 7551, 7553, or 7595 for the production of a declaration that the vehicle is in conformity with Federal emission standards or, in the case of an entry made under circumstances described in paragraph (b)(5)(xi) of this section, for the production of an appropriate declaration under paragraph (b)(5)(i) through (x) of this section. The bond shall be in the amount required under § 25.4(a) of this chapter. Within 90 days after such entry, or such additional period as the district director of customs may allow for good cause shown, the importer or consignee shall deliver to the district director the prescribed declaration. If the declaration is not delivered to the district director of customs for the port of entry of such vehicles or engines within 90 days of the date of entry or such additional period as may be allowed by the district director, for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director of customs those motor vehicles or motor vehicle engines which were released in accordance with this paragraph. In the event that any such motor vehicle or motor vehicle engine is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553, or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise had been released under a bond given on Form 7551.

(d) *Merchandise refused entry.* If a motor vehicle or motor vehicle engine is denied entry under the provisions of paragraph (b) of this section, the district director of customs shall refuse to release the merchandise for entry into the United States and shall give notice of such refusal to the importer.

(e) *Disposition of merchandise refused entry into the United States; redelivered merchandise.* Motor vehicles or motor vehicle engines which are denied entry under paragraph (b) of this section or which are redelivered in accordance with paragraph (c) of this section and which are not exported under customs supervision within 90 days from the date of notice of refusal of admission or date of redelivery shall be disposed of under customs laws and regulations: *Provided, however,* That any such disposition shall not result in an introduction into the United States of a motor vehicle or motor vehicle engine not covered by a certificate of conformity with Federal motor vehicle emission standards.

(f) *Prohibited importations.* The importation of motor vehicles and motor vehicle engines, otherwise than in accordance with the provisions of this section, is prohibited.

FEB 1 7 2 XUM

(Sec. 494, 46 Stat. 722, as amended, sec. 203, 79 Stat. 993, as amended; 19 U.S.C. 1484, 42 U.S.C. 1857f-2, 1857g)

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: January 21, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

Approved: December 23, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency.

[FR Doc.72-1446. Filed 1-31-72;8:51 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart N—Importation of Motor Vehicles and Motor Vehicle Engines

The Clean Air Amendments of 1970 (Public Law 91-604) revised the importation provisions of the Clean Air Act (42 U.S.C. 1857f-2) to prohibit the importation of any vehicle or engine unless it is covered by a certificate of conformity with Federal emission standards applicable during the model year in which it was built or unless it is exempted by the Administrator. The regulations set forth below, along with procedural regulations published in this issue of the FEDERAL REGISTER by the Bureau of Customs,[1] prescribe provisions to implement the 1970 Amendments.

These regulations comprising a new Subpart N in Part 85 are effective 30 days following publication. Since the amendments to the Act relating to imports are already in effect, the Agency finds that it is in the public interest and that good cause exists for the adoption of these regulations without prior notice or opportunity for public participation.

The Agency is undertaking a study of the operation of the regulations on importation of motor vehicles and motor vehicle engines with a view to improving the effectiveness of the regulations in preventing the importation of vehicles and engines which do not conform to Federal emission standards. Further amendments or additions to these regulations may be proposed at a later date.

A new Subpart N of Part 85 of Title 40 of the Code of Federal Regulations is added as follows:

[1] See 19 CFR 12.73, F.R. Doc. 72-1446, *supra*.

Subpart N—Importation of Motor Vehicles and Motor Vehicle Engines

Sec.
85.200 Applicability.
85.201 Admission for testing.
85.202 Admission pending certification.
85.203 Admission pending modification.
85.204 Admission pending receipt of information.
85.205 Waiver of conditions of admission.
85.206 Storage and prohibited operation or sale of vehicles or engines conditionally admitted.
85.207 Prohibited importation; penalties.

AUTHORITY: The provisions of this Subpart N issued under 42 U.S.C. 1857g, as amended by sec. 15(c)(2), Public Law 91-604; 84 Stat. 1713.

§ 85.200 Applicability.

(a) The provisions of this subpart are applicable to new motor vehicles and new motor vehicle engines which are offered for importation or imported into the United States by any person. As used in this subpart, "new motor vehicles" and "new motor vehicle engines" mean new and used motor vehicles or engines manufactured after the effective date of a regulation issued under section 202 of the Act which is applicable to such vehicles or engines (or which would have been applicable to such vehicles or engines had they been manufactured for importation into the United States). The term United States means the customs territory of the United States as defined in 19 U.S.C. 1202, and the Virgin Islands, Guam, and American Samoa.

(b) Regulations prescribing further procedures for entry of motor vehicles and motor vehicle engines into the customs territory of the United States, as defined in 19 U.S.C. 1202, are set forth in 19 CFR 12.73.

§ 85.201 Admission for testing.

A motor vehicle or motor vehicle engine offered for importation or imported pursuant to 19 CFR 12.73(b)(5)(vi), solely for purposes of testing, may be operated on the public streets or highways for a period not to exceed 1 year from the date of importation if the importer or consignee receives prior written approval of such operation from the Administrator. Requests for such approval shall be in writing, and shall briefly describe the proposed testing program, including the estimated duration of such program.

§ 85.202 Admission pending certification.

A motor vehicle or motor vehicle engine offered for importation or imported pursuant to 19 CFR 12.73(b)(5)(ix) under a declaration that it is one of a class of vehicles or engines represented by test vehicles or engines for which an application for certification of conformity with Federal motor vehicle emission standards is pending before the Administrator may be conditionally admitted into the United States, but shall be refused final admission unless:

(a) Not later than 5 days following such conditional admission the importer or consignee has submitted to the Administrator a written request that such vehicle or engine be permitted conditional admission pending certification of the test vehicle which represents the class of vehicles or engines to which such vehicle or engine belongs, which request shall contain the following:

(1) Identification of the test vehicle or engine which represents such vehicle or engine;

(2) Identification of the place where such vehicle or engine will be stored while the application for certification is pending before the Administrator: *Provided*, That such vehicle or engine shall not be stored on the premises of, or subject to access by or control of, any dealer;

(3) An acknowledgement of responsibility for the custody of the vehicle or engine while certification is pending; and

(b) The Administrator has issued the requested certificate of conformity.

§ 85.203 Admission pending modification.

Any motor vehicle or motor vehicle engine offered for importation or imported pursuant to 19 CFR 12.73(b)(5)(x) under a declaration that it is not covered by a certificate of conformity with Federal motor vehicle emission standards may be conditionally admitted into the United States, but shall be refused final admission unless:

(a) Not later than 5 days following such conditional admission, the importer or consignee has submitted to the Administrator a written request that he be allowed to modify the vehicle or engine so that it will be in conformity with applicable emission standards, which request shall contain the following:

(1) A statement, acceptable to the Administrator, that specifies the modifications which are necessary to render the vehicle or engine in conformity with a test vehicle or engine for which a certificate of conformity has been issued; or, if the vehicle or engine cannot be modified to bring it within a class of vehicles or engines represented by a test vehicle or engine for which a certificate of conformity has been issued, the request shall state that the importer or consignee will demonstrate that the vehicle or engine is in conformity with applicable emission standards by testing the vehicle or engine or causing it to be tested in accordance with test procedures prescribed in 40 CFR Part 85;

(2) The date by which the modifications will be accomplished;

(3) Identification of the place where the vehicle or engine will be stored pending a determination of conformity under this paragraph: *Provided*, That such vehicle or engine shall not be stored on the premises of, or subject to access by or control of any dealer;

(4) An acknowledgement of responsibility for the custody of the vehicle or engine while the modifications are being made and while a determination of conformity is pending;

(5) Authorization for representatives of the Environmental Protection Agency to inspect or test the vehicle or engine at any reasonable time for the purpose of making a determination of conformity; and

(b) The Administrator has issued a written determination stating that the vehicle or engine is in conformity with Federal motor vehicle emission standards.

§ 85.204 Admission pending receipt of information.

Any motor vehicle or motor vehicle engine offered for importation or imported pursuant to 19 CFR 12.73(b)(5)(xi) under a declaration that the importer or consignee does not possess sufficient information to make a knowledgeable declaration may be conditionally admitted into the United States, but shall be refused final admission unless:

(a) Not later than 5 days following such conditional admission, the importer or consignee has submitted to the Administrator a written request that such vehicle or engine be permitted entry pending receipt of sufficient information to determine whether such vehicle or engine is covered by a certificate of conformity, and what modifications or testing, if any, are required to bring the vehicle or engine into conformity with applicable emission standards, which request shall contain the following:

(1) Identification of the place where the vehicle or engine will be stored while the receipt of the information is pending: *Provided*, That such vehicle shall not be stored on the premises of or subject to access by or control of, any dealer; and

(2) An acknowledgement of responsibility for the custody of the vehicle or engine during the period; and

(b) The importer or consignee redeclares the vehicle in accordance with 19 CFR 12.73(b)(5)(i) through (x).

§ 85.205 Waiver of conditions of admission.

Upon the written request of the importer or consignee, and for good cause shown, the Administrator may waive any of the conditions of admission set forth in §§ 85.201, 85.202(a), 85.203(a), and 85.204(a), and may give written consent to admission of a vehicle or engine upon such terms and conditions as the Administrator may specify.

§ 85.206 Storage and prohibited operation or sale of vehicles or engines conditionally admitted.

A motor vehicle or engine conditionally admitted pursuant to § 85.202, § 85.203, or § 85.204 shall be stored and shall not be operated on the public highways or sold until such vehicle or engine has been granted final admission. Failure to comply with this provision shall constitute a violation of section 203(a)(1) of the Clean Air Act, as amended.

§ 85.207 Prohibited importation; penalties.

(a) The importation of any motor vehicle or motor vehicle engine otherwise than in accordance with any applicable provisions of this subpart and the bonding and entry regulations of the Bureau of Customs set forth in 19 CFR 12.73 is prohibited.

(b) Any vehicle or engine conditionally admitted pursuant to § 85.202, § 85.203, or § 85.204 and not granted final admission within 90 days of such conditional admission, or within such additional time as the Bureau of Customs may allow for good cause shown pursuant to 19 CFR 12.73(c), shall be deemed to be unlawfully imported into the United States in violation of section 203(a)(1) of the Clean Air Act unless such vehicle or engine shall have been delivered to the Bureau of Customs for export or other disposition under applicable Customs laws and regulations. Any importer or consignee who violates section 203(a)(1) of the Clean Air Act is subject to a civil penalty of not more than $10,000 for each violation. In addition to the penalty provided in the Clean Air Act, any importer or consignee who fails to deliver such vehicle or engine to the Bureau of Customs is liable for liquidated damages in the amount of the bond required by applicable Customs laws and regulations.

WILLIAM D. RUCKELSHAUS,
Administrator.

Dated: December 23, 1971.

[FR Doc.72-1489 Filed 1-31-72;8:51 am]

PART 106—PUBLIC HEARINGS UNDER THE FEDERAL WATER POLLUTION CONTROL ACT

Redesignation of Delegated Authority

Part 106 prescribes the procedures which will be followed with respect to public hearings and hearing boards created pursuant to the provisions of section 10(f) of the Federal Water Pollution Control Act (FWPCA). These procedures provide in §§ 106.2(f), 106.3(a), 106.4(e), 106.4(f), 106.5(a), 106.6, 106.8(b), 106.9, and 106.13(b) for certain actions which may be taken by the Deputy Assistant Administrator for Water Programs. Since enforcement of the FWPCA is the responsibility of the Office of the Assistant Administrator for Enforcement within the Environmental Protection Agency, the above noted references to the Deputy Assistant Administrator for Water Programs are inconsistent with the internal organization of the Agency and delegations of responsibilities by the Administrator. For this reason the amendments to Part 106 promulgated herewith will designate the "Assistant Administrator for Enforcement" in place of the "Deputy Assistant Administrator for Water Programs".

No substantive change in the regulation is being made and only agency organization and procedure will be affected by the above described redesignation. For these reasons, compliance with the notice of proposed rule making and effective date provisions of section 553 title 5 U.S.C. is impracticable, unnecessary and contrary to the public interest, and good cause exists for the adoption of the amendments to Part 106 as set forth below without further notice and public procedure.

Effective date. The amendments to Part 106 to title 40, Chapter I, as set forth below shall be effective on the date of their publication in the FEDERAL REGISTER (2-1-72).

Dated: January 26, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Sections 106.2(f), 106.3(a), 106.4 (e) and (f), 106.5(a), 106.6, 106.8(b), 106.9, and 106.13(b) of Part 106 are hereby amended to read as follows:

§ 106.2 Definitions.

• • • • • •

(f) "Assistant Administrator for Enforcement" means the Assistant Administrator for Enforcement in the Environmental Protection Agency.

• • • • • •

§ 106.3 Initiation of proceedings for public hearings; appointment of Board.

(a) In any case where the Administrator finds that the conditions precedent to the calling of a public hearing under the Act exist, he will call such a hearing, and may either fix the time and place thereof, or authorize the Assistant Administrator for Enforcement to do so.

• • • • • •

§ 106.4 Organization and general procedures of the Board.

• • • • • •

(e) The Assistant Administrator for Enforcement shall provide for the Board such clerical and technical assistance as may be necessary.

(f) The Board shall designate an executive secretary, from personnel provided by the Assistant Administrator for Enforcement, who shall maintain and have custody of all official records and other documents pertaining to the functions of the Board, and shall perform such other duties related to its functions as the Board may prescribe.

• • • • • •

§ 106.5 Notice of hearing.

(a) The Assistant Administrator for Enforcement shall issue and serve notice of hearing as herein provided and, if the time and place of the hearing have not been fixed by the Administrator, shall fix such time and place.

• • • • • •

§ 106.6 Service.

Notice of hearing, findings, conclusions and recommendations of the Board, and any other documents relating to the functions of the Board, may be served by mailing a copy thereof addressed to each person or agency to be served at their respective residences, offices or place of business as ascertained by the Assistant Administrator for Enforcement or the Board, as the case may be.

§ 106.8 Parties.

• • • • • •

(b) The Assistant Administrator for Enforcement shall have all the rights of a party to the hearing.

• • • • • •

FEB 1 7 2
XUM

§ 106.9 Presentation of evidence by the Assistant Administrator for Enforcement.

The Assistant Administrator for Enforcement shall arrange for the presentation of evidence concerning the pollution, the person or persons discharging any matter causing or contributing to the pollution and remedial measures, if any, recommended by him.

§ 106.13 Final findings and recommendations.

* * * * *

(b) Upon submission of such findings, conclusions and recommendations, the Board shall be terminated and all records pertaining to its functions transferred to the custody of the Assistant Administrator for Enforcement.

* * * * * *

(Sec. 10, 70 Stat. 505, 506; 33 U.S.C. 1160)

[FR Doc.72-1414 Filed 1-31-72;8:45 am]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEN

Schedule of Remuneration

The issuance of Executive Order 11638, 36 F.R. 24913, providing increased pay and allowances for members of the uniformed services, makes it necessary to amend § 614.19 of Title 20 of the Code of Federal Regulations, which contains the schedule of remuneration for each pay grade of ex-servicemen used in the administration of the program of unemployment compensation for ex-servicemen established by subchapter II of chapter 85 of title 5 of the United States Code (5 U.S.C. 8521–8525).

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because such notice, public participation, and delay are found not to be in the public interest which in this instance requires the prompt implementation of the amended schedule of remuneration by the several State agencies administering such program. Accordingly, this change is effective upon publication in the FEDERAL REGISTER (2–1–72).

Section 614.19 of Title 20, Code of Federal Regulations, is revised to read:

§ 614.19 Schedule of remuneration.

(a) The schedule provided in this paragraph applies to first claims under the UCX program filed on or after March 5, 1972.

Pay Grades:	Monthly rate
1. Commissioned officer:	
O–10	$3,500
O–9	3,374
O–8	2,974
O–7	2,711
O–6	2,319
O–5	1,873
O–4	1,541
O–3	1,269
O–2	966
O–1	767
2. Warrant officer:	
W–4	$1,495
W–3	1,232
W–2	1,046
W–1	876
3. Enlisted personnel:	
E–9	$1,264
E–8	1,084
E–7	939
E–6	808
E–5	647
E–4	545
E–3	497
E–2	466
E–1	428

(b) The deletion from paragraph (a) of this section of schedules of remuneration applicable to periods of time prior to March 5, 1972, and heretofore published in 36 F.R. 22975; 36 F.R. 3465; 35 F.R. 9000; 34 F.R. 12434; 33 F.R. 10086; 33 F.R. 3635; 32 F.R. 20974; 30 F.R. 13120; 29 F.R. 13102; and 23 F.R. 8699, does not revoke such schedules.

(5 U.S.C. 8508 and 8521(a)(2))

Signed at Washington, D.C., this 21st day of January 1972.

MALCOLM R. LOVELL, JR.,
Assistant Secretary for Manpower.

[FR Doc.72-1397 Filed 1-31-72;8:45 am]

PART 617—TEMPORARY COMPENSATION

The Emergency Unemployment Compensation Act of 1971, title II of Public Law 92–224, hereinafter the Act, provides that a State, whose unemployment compensation law is approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 and contains a requirement that extended compensation be payable thereunder as provided by the Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91–373, may if it so desires, enter into an agreement with the Secretary whereby its State employment security agency will pay compensation under the Act to eligible individuals during periods of unemployment as specified in the Act. To implement the Act, Title 20 of the Code of Federal Regulations is hereby amended by adding thereto a new Part 617.

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because notice, public participation, and delay are found not to be in the public interest. Compensation under the Act cannot be paid to unemployed workers in the absence of agreements with States and unless such agreements are entered into before January 30, 1972, the date of the beginning of the earliest week for which compensation may be paid under the Act, there will be delay in the payment of the compensation since it will not then be payable until a week after the week in which the agreement is entered into.

The regulations shall become effective on the date of their publication in the FEDERAL REGISTER (2–1–72).

As added, Part 617 reads as follows:

Sec.
617.1 Purpose.
617.2 Definitions.
617.3 Applicable State for an individual.
617.4 Effective period.
617.5 Temporary benefit period.
617.6 Entitlement.
617.7 Exhaustee.
617.8 Amount of temporary compensation.
617.9 No duplication.
617.10 Recovery including restitution and offset.
617.11 Computation of rate of unemployment and 13-week exhaustion rate.
617.12 Determination of temporary indicators.
617.13 Announcement of the beginning and ending of a temporary benefit period.
617.14 Payments to States.
617.15 Information, reports, and studies.

AUTHORITY: The provisions of this Part 617 issued under Public Law 92–224; Secretary's Order No. 7–71, dated March 10, 1971.

§ 617.1 Purpose.

These regulations are promulgated to implement the Emergency Unemployment Compensation Act of 1971, title II of Public Law 92–224 under which a State, whose unemployment compensation law is approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 and contains a requirement that extended compensation be payable thereunder as provided by the Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91–373, may, if it so desires, enter into an agreement with the Secretary of Labor whereby its State employment security agency will pay, as agent of the Secretary, compensation under the Act to eligible individuals during periods of unemployment as specified in the Act.

§ 617.2 Definitions.

For purposes of these regulations:

(a) The term "Act" means the Emergency Unemployment Compensation Act of 1971, title II of Public Law 92–224.

(b) The term "eligible State" means a State which has entered into an agreement with the Secretary under the Act: *Provided*, That the State law is approved by the Secretary under section 3304 of the Internal Revenue Code of 1954 and contains, as of the date such agreement is entered into, a requirement that extended compensation be payable thereunder as provided by the Extended Compensation Act.

(c) The term "Extended Compensation Act" means the Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91–373.

(d) The term "temporary compensation" means the compensation for a temporary period provided by the Act.

(e) The terms "temporary on" and "temporary off" indicators mean the indicators determined pursuant to § 617.12.

(f) The term "temporary period of eligibility" means the weeks in an exhaustee's benefit year which begin in a temporary benefit period; and if his benefit year ends within an extended benefit period, any weeks subsequent to his benefit year which begin in a temporary benefit period.

(g) The term "week" means, for purposes of payments of temporary compensation, a week as defined in the unemployment compensation law of the individual's applicable State and, for purposes of computations of "temporary on" and "temporary off" indicators and the beginning and ending of a temporary benefit period, a calendar week.

(h) The terms, "base period," "benefit year," "compensation," "Secretary," "State," "State agency," and "State law" shall have the meanings given to them by section 205 of the Extended Compensation Act.

(i) The terms "additional compensation," "extended compensation," "regular compensation," and "eligibility period" shall have the meanings given to them by § 615.2 of this chapter.

(j) The terms national "on" and "off" indicators and State "on" and "off" indicators mean the indicators determined pursuant to § 615.13 of this chapter.

(k) The term "extended benefit period" means the period determined in accordance with § 615.15 of this chapter.

§ 617.3 Applicable State for an individual.

(a) The applicable State for an individual is the State with respect to which he most recently exhausted his right to extended compensation (including the liable State as provided in the Interstate Benefit Payment Plan and the paying State as defined in § 616.6(e) of this chapter), if such State is an eligible State.

(b) Temporary compensation is payable to an individual only by his applicable State determined pursuant to paragraph (a) of this section.

§ 617.4 Effective period.

(a) Except as provided in paragraph (b) of this chapter, temporary compensation is payable with respect to weeks of unemployment beginning after January 29, 1972, or beginning after the week in which the State enters into an agreement under the Act, if later: *Provided*, That such weeks of unemployment begin in a temporary benefit period.

(b) No temporary compensation is payable for any week of unemployment, even though such week is in a temporary benefit period, if it—

(1) Ends after June 30, 1972; or

(2) Ends after September 30, 1972, in the case of an individual who had a week ending before July 1, 1972, with respect to which temporary compensation was payable to him.

§ 617.5 Temporary benefit period.

(a) A temporary benefit period in an eligible State shall begin on the first day of the third calendar week following the week for which there is a "temporary on" indicator in that State, but in no event with a week beginning before January 30, 1972, or the week after the week in which the State enters into an agreement under the Act, if later.

(b) Except as provided in paragraph (c) of this section, a temporary benefit period in an eligible State shall end on the last day of the third calendar week after the first week for which there is a "temporary off" indicator in that State.

(c) A temporary benefit period which becomes effective in any eligible State shall continue for not less than 26 consecutive weeks, but in no event shall temporary compensation be paid for weeks after those specified in § 617.4(b).

§ 617.6 Entitlement.

(a) *Conditions.* An individual is entitled to temporary compensation for a week of unemployment which begins in his temporary period of eligibility if, with respect to such week, he is an exhaustee under § 617.7 and he meets the requirements of the unemployment compensation law of his applicable State as provided in the Act and these regulations.

(b) *Terms and conditions of State law.* Only those terms and conditions of the unemployment compensation law of an individual's applicable State which apply to claims for, and payment of, extended compensation shall apply to claims for, and payment of, temporary compensation.

(c) *Effect of prior disqualifications.* If the week of unemployment for which an individual claims temporary compensation is a week to which a disqualification for regular, extended, or additional compensation applies, or would apply but for the fact that the individual has exhausted his rights to such compensation, the individual shall not be entitled to temporary compensation for that week.

§ 617.7 Exhaustee.

(a) An individual is an exhaustee with respect to a week of unemployment if—

(1) He is an exhaustee of regular compensation under the provisions of § 615.4 (b) and (c) of this chapter; and

(2) He is an exhaustee of extended compensation; that is, he has received, prior to such week, all the extended compensation available to him under any State law (after partial or total reduction of his right to extended compensation, if any) in his most recent eligibility period, including an individual who had no extended compensation available to him because he had become an exhaustee of regular compensation as provided in § 615.4(c)(3) of this chapter or because his eligibility period under the unemployment compensation law of his applicable State ended prior to the beginning of such week; and

(3) He has no right to regular or extended compensation with respect to such week under the unemployment compensation law of his applicable State or of any other State or to payments with respect to such week under the Railroad Unemployment Insurance Act or the Trade Expansion Act of 1962, and he is not receiving any compensation with respect to such week under the unemployment compensation law of the Virgin Islands or Canada.

(b) An individual shall be deemed to be an exhaustee under paragraph (a) of this section even though—

(1) There is an appeal pending with respect to wages or employment, or both, that were not included in the original monetary determination of his regular compensation for the benefit year on which his right to extended compensation was determined; or

(2) By reason of a seasonal provision in the unemployment compensation law of his applicable State that establishes the weeks of the year in which regular compensation may be paid to individuals on the basis of wages in seasonal employment, (i) he may be entitled to regular or extended compensation, or both, with respect to future weeks of unemployment, but such compensation is not payable with respect to the week of unemployment for which he is claiming temporary compensation, and (ii) he is otherwise an exhaustee within the meaning of this section with respect to his rights to regular compensation and extended compensation under such State seasonal provision, during the portion of the year in which that week of unemployment occurs.

§ 617.8 Amount of temporary compensation.

(a) *Weekly amount*—(1) *Total unemployment.* The weekly amount of temporary compensation payable to any individual for a week of total unemployment in his temporary period of eligibility shall be equal to the amount of regular compensation (including dependents' allowances) payable to him for a week of total unemployment during his current benefit year, or if he has no current benefit year, during his most recent benefit year. If the individual had more than one weekly amount of regular compensation for total unemployment during such benefit year, the weekly amount of temporary compensation for total unemployment shall be the weekly amount specified in the unemployment compensation law of his applicable State with respect to extended compensation.

(2) *Partial unemployment.* The weekly benefit amount of temporary compensation payable for a week of less than total unemployment shall be based on the weekly benefit amount determined pursuant to subparagraph (1) of this paragraph.

(b) *Total amount: individual's temporary compensation account.* (1) The State agency shall establish a temporary compensation account for each individual who files a claim for temporary compensation in an amount equal to the lesser of—

(i) Fifty percent of the total amount of regular compensation (including dependents' allowances) payable to him during his most recent benefit year; or

(ii) Thirteen times his average weekly benefit amount of regular compensation (including dependents' allowances) payable to him with respect to his most recent benefit year. For the purposes of this subparagraph the average weekly

benefit amount shall be determined pursuant to paragraph (a)(1) of this section.

(2) If, after a temporary compensation account is established, it is determined as the result of a redetermination or appeal that the individual was entitled to more or less of regular or more or less of extended compensation with respect to his most recent benefit year, an appropriate change shall be made in the individual's temporary compensation account, and his status as an exhaustee shall be redetermined as of the new date of his exhaustion of extended compensation.

§ 617.9 No duplication.

(a) No individual shall be paid additional compensation and temporary compensation with respect to the same week. If both are payable by a State with respect to the same week, the State may pay temporary compensation instead of additional compensation with respect to the week. If temporary compensation is payable to an individual by his applicable State and additional compensation is payable to him for the same week by another State, he may elect which of the two types of compensation to claim.

(b) An individual who is entitled to both temporary compensation and a training allowance under section 203 of the Manpower Development and Training Act of 1962 with respect to a week shall be treated as he would have been treated had he been entitled to both regular compensation and such a training allowance.

§ 617.10 Recovery including restitution and offset.

(a) Except as provided in paragraph (b) of this section, overpayments of temporary compensation shall be recovered from an individual in accordance with the provisions of the unemployment compensation law of his applicable State relating to recovery of overpayments: *Provided*, That recovery by offset is effectuated only by offset against temporary compensation that subsequently becomes payable to the individual.

(b) The provisions of 5 U.S.C. 8507 shall apply to overpayments of compensation, including temporary compensation, to Federal civilian workers or exservicemen (UCFE/X) on claims filed pursuant to 5 U.S.C. chapter 85.

(c) If there is recovery of any overpayment of temporary compensation under paragraph (a) or (b) of this section, the amount restored or offset shall be credited or returned, as the case may be, to the appropriate account of the United States.

§ 617.11 Computation of rate of unemployment and 13-week exhaustion rate.

(a) "Temporary on" and "temporary off" indicators: The Secretary shall determine with respect to a State the "rate of unemployment" for the purposes of the State's "temporary on" and "temporary off" indicators. In making such determination with respect to any week he shall use the sum of the quotients obtained in computing (1) the "rate of insured unemployment" for the period consisting of such week and the immediately preceding twelve weeks, as provided in § 615.14 (b) and (c) of this chapter and (2) the thirteen-week exhaustion rate, as provided in paragraph (b) of this section.

(b) Exhaustion rate: In determining the "13-week exhaustion rate" with respect to any week for purposes of paragraph (a) of this section, the Secretary shall use a fraction, the numerator of which will be 25 percent of the number of exhaustions of regular compensation under the State law during the most recent 12 calendar months ending before the week with respect to which such rate is computed and the denominator of which will be the average monthly employment covered under the State law used for computing the rate of insured unemployment for the 13-week period consisting of the week with respect to which the exhaustion rate is computed and the immediately preceding 12 weeks. The quotient obtained is to be computed to four decimal places and is not to be otherwise rounded.

(c) After exhaustion data for any month have been used to calculate an exhaustion rate under paragraph (b) of this section, such data shall not after such use be changed for the purpose of that calculation or any similar calculation for any subsequent period.

§ 617.12 Determination of temporary indicators.

(a) There is a "temporary on" indicator in a State for a week if the Secretary determines that with respect to such State—

(1) The "rate of unemployment", as determined in accordance with § 617.11, for the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 6.5 percent; and

(2) There is a State or National "on" indicator for such week; or

(3) There is neither a State nor a National "on" indicator for such week, but

(i) Within the 52-week period ending with such week, there had been a State or National "on" indicator for a week; and

(ii) There would be a State "on" indicator for such week except that the rate of insured unemployment (not seasonally adjusted) for the period consisting of such week and the immediately preceding 12 weeks was less than 120 percent of the average of such rates (computed in accordance with § 615.14(b)(2) of this chapter) for the corresponding 13-week period in each of the preceding 2 calendar years.

(b) There is a "temporary off" indicator in a State for a week if the Secretary determines that with respect to such State the "rate of unemployment," as determined in accordance with § 617.11, for the period consisting of such week and the immediately preceding 12 weeks, was less than 6.5 percent.

(c) The Secretary shall make a determination whether there is a "temporary on" indicator or a "temporary off" indicator in any State within thirteen (13) calendar days after the end of the week for which he is making the determinations.

§ 617.13 Announcement of the beginning and ending of a temporary benefit period.

(a) The Secretary shall publish in the FEDERAL REGISTER his finding that there is a "temporary on" or a "temporary off" indicator in an eligible State and the beginning or ending date of the temporary benefit period in such State. He shall also notify appropriate news media and the heads of all State agencies of each of his findings and their effect.

(b) Whenever the head of a State agency of an eligible State is notified of the Secretary's finding that a "temporary on" indicator or a "temporary off" indicator will begin or end a temporary benefit period in his State, he shall promptly announce such finding through appropriate news media in the State. In the case of a temporary benefit period that is about to begin, the announcement shall also describe clearly which unemployed individuals may be eligible for temporary compensation during the temporary benefit period.

§ 617.14 Payments to States.

(a) *Temporary compensation.* The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each eligible State an amount equal to 100 percent of the temporary compensation paid by such State. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account in the Unemployment Trust Fund to the account of the State in such Fund; except that no such payment shall be made with respect to temporary compensation for which the State is entitled to reimbursement under the provisions of any Federal law other than the Act.

(b) *Costs of administration.* The Secretary will include in the amount granted to each State for the costs of administration of the State law such amount as he determines to be necessary for the proper and efficient administration of the Act. Sections 303(a)(8) and 303(a)(9) of the Social Security Act shall apply to such amounts.

§ 617.15 Information, reports and studies.

State agencies are required to furnish to the Secretary such information and reports and to make such studies as he finds necessary or appropriate for carrying out the purposes of the Act, including such information, reports, and studies as he finds necessary or appropriate to meet the mandate of the Congress in section 206 of the Act.

Signed at Washington, D.C., this 21st day of January 1972.

MALCOLM R. LOVELL, JR.
Assistant Secretary for Manpower.

[FR Doc.72-1406 Filed 1-31-72;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Saccharin and its Salts

In the FEDERAL REGISTER of June 25, 1971 (36 F.R. 12109), the Commissioner of Food and Drugs proposed removing saccharin and its salts from the generally recognized as safe (GRAS) list in § 121.101(d) (21 CFR 121.101(d)) and permitting their continued use within safe limits by adding a new regulation (§ 121.4001) providing provisional food additive status for saccharin and its salts used as sweeteners to obtain a significant reduction in the calorie value of the food. Twenty-one letters containing various comments were received in response to the proposal. These comments have been analyzed and as a result several changes have been made in the proposed regulation. In general, most of the comments agreed with the purpose of the proposal.

Seven comments were concerned with uses of saccharin for technological purposes other than calorie reduction. These technological purposes were to reduce bulk and mask flavors in vitamin and mineral preparations, to enhance the flavor of individual flavor chips used in nonstandardized bakery products, and to retain the flavor and physical properties of chewing gum. Information provided in these comments indicates that the contribution to the daily intake of the additive from these uses would be demonstrably small. Thus, the Commissioner considers it appropriate to permit these specific technological uses. Petitions will have to be filed in order to obtain authorization for additional technological uses not provided for in the regulation.

Five comments concerned the proposed limitation of saccharin to 7 milligrams per fluid ounce in beverages containing other sweeteners. This proposed limitation has been deleted in the interest of simplification and because the overall limitation of 12 milligrams per fluid ounce in beverages and fruit juices will adequately restrict the use of saccharin to safe levels during the period provided. The dry beverage bases are also included in the limitation for saccharin in beverages. The limitation is to be applied to the beverage prepared from the base according to the label directions.

A few comments were received relating to the specific wording of the other limitations. Some revisions in text have been made in the interest of clarity. Comments were made relating to the need for declaring a size of serving. Rather than attempt to establish serving sizes for commodities of varying densities, the Commissioner has decided to establish the limitation for saccharin on the basis of a serving of designated size. This will require a label statement concerning the size of a normal serving and thereby indicate the amount of saccharin in that serving.

A majority of comments concerned the labeling requirements on the basis that the statement of saccharin concentration in milligrams per fluid ounce or per serving will be in addition to the percentage statements already required by §§ 125.7 and 3.72 (21 CFR 125.7 and 3.72). No additional label declaration will be required in the case of combinations of nutrient and nonnutritive sweeteners in "diet beverages" because § 3.72, which deals with such products, presently requires the declaration of saccharin content both by percentage and by milligrams per fluid ounce. Similar declarations in the case of other foods would not appear to be an excessive labeling burden. Such joint declaration woud further assume that no future label change would be needed if either requirement were later deleted.

Several of the comments concerned the need for time in which to implement labeling changes. A reasonable time will be allowed for labeling changes by requiring that the changes be reflected in the next order of labels and, in any event, that new labels be used on all products sold after July 1, 1972.

This approval of saccharin for limited use in food is an interim measure. Studies on chronic feeding of saccharin to animals are being conducted by the Food and Drug Administration and other groups. Preliminary results indicate possible adverse effects. Should the experimental findings indicate that continued use of saccharin and its salts does involve a significant risk to the public health, action will be taken as warranted to minimize such risk. Notwithstanding this provisional regulation, it is possible that this action would include the withdrawal of approval for use of saccharin in food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended:

§ 121.101 [Amended]

1. By deleting § 121.101(d)(4).

2. By adding a new Subpart H consisting at this time of one section, as follows:

Subpart H—Food Additives Permitted in Food for Human Consumption, or in Contact With Food, for Limited Periods of Time

§ 121.4001 Saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin.

The food additives saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin may be safely used as sweetening agents in food in accordance with the following conditions, if the substitution for nutritive sweeteners is for a valid special dietary purpose and is in accord with current special dietary food regulations and policies or if the use or intended use is for an authorized technological purpose other than calorie reduction:

(a) Saccharin is the chemical, 1,2-benzisothiazolin-3-one-1,1-dioxide ($C_7H_5NO_3S$). The named salts of saccharin are produced by the additional neutralization of saccharin with the proper base to yield the desired salt.

(b) The food additives meet the specifications of the "Food Chemicals Codex."

(c) Authority for such use shall expire June 30, 1973, unless revised sooner.

(d) The additives are used or intended for use as a sweetening agent only in special dietary foods, as follows:

(1) In beverages, fruit juice drinks, and bases or mixes when prepared for consumption in accordance with directions, in amounts not to exceed 12 milligrams of the additive, calculated as saccharin, per fluid ounce.

(2) As a sugar substitute for cooking or table use, in amounts not to exceed 20 milligrams of the additive, calculated as saccharin, for each expressed teaspoonful of sugar sweetening equivalency.

(3) In processed foods, in amounts not to exceed 30 milligrams of the additive, calculated as saccharin, per serving of designated size.

(e) The additives are used or intended for use only for the following technological purposes:

(1) To reduce bulk and enhance flavors in chewable vitamin tablets, chewable mineral tablets, or combinations thereof.

(2) To retain flavor and physical properties of chewing gum.

(3) To enhance flavor of flavor chips used in nonstandardized bakery products.

(f) To assure safe use of the additives, in addition to the other information required by the act:

(1) The label of the additive and any intermediate mixes of the additive for manufacturing purposes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive, expressed as saccharin, in any intermediate mix.

(iii) Adequate directions for use to provide a final food product that complies with the limitations prescribed in paragraphs (d) and (e) of this section.

(2) The label of any finished food product containing the additive shall bear:

(i) The name of the additive.

(ii) The amount of the additive, calculated as saccharin, as follows:

(a) For beverages, in milligrams per fluid ounce;

(b) For cooking or table use products, in milligrams per dispensing unit;

(c) For processed foods, in terms of the weight or size of a serving which shall be that quantity of the food containing 30 milligrams or less of the additive.

(iii) When the additive is used for calorie reduction, such other labeling as is required by Part 125 or § 3.72 of this chapter.

Any person who will be adversely affected by the foregoing order may at any

FEB 1 7 2 XUM

time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-1-72) except for the labeling changes required by § 121.4001(f). These labeling changes must be reflected in all labels ordered after the date of publication of this order and, in any event, must be reflected in labels used on all affected products sold after July 1, 1972.

(Sec 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: January 25, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-1518 Filed 1-31-72;8:51 am]

SUBCHAPTER C—DRUGS

PART 149a—DICLOXACILLIN

Sodium Dicloxacillin Monohydrate

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 149a is amended by establishing two new sections to provide for certification of the antibiotic drug sodium dicloxacillin monohydrate for injection, as follows:

§ 149a.2 Sterile sodium dicloxacillin monohydrate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sterile sodium dicloxacillin monohydrate is the monohydrated sodium salt of 5-methyl-3-(2,6-dichlorophenyl)-4-isoxazolyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 850 micrograms of dicloxacillin per milligram.

(ii) It is sterile.

(iii) It is nonpyrogenic.

(iv) It passes the safety test.

(v) Its moisture content is not less than 3 percent and not more than 5 percent.

(vi) Its pH in an aqueous solution containing 10 milligrams per milliliter is not less than 4.5 nor more than 7.5.

(vii) Its organic chlorine content is not less than 13.0 percent and not more than 14.2 percent.

(viii) Its free chloride content is not more than 0.5 percent.

(ix) It is crystalline.

(x) It gives a positive identity test for sodium dicloxacillin monohydrate.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, sterility, pyrogens, safety, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(ii) Samples required:

(*a*) For all tests except sterility: 10 packages, each containing approximately 500 milligrams.

(*b*) For sterility testing: 20 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay, as follows: Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentartion of 5 micrograms of dicloxacillin per milliliter (estimated).

(ii) *Idometric assay.* Proceed as directed in § 141.506 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 20 milligrams of dicloxacillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using an aqueous solution containing 10 milligrams per milliliter.

(7) *Organic chlorine content.* Proceed as directed in § 149.a1(b)(5).

(8) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

(9) *Identity.* Proceed as directed in § 141.521 of this chapter, using a 1 percent potassium bromide disc prepared as directed in paragraph (b)(1) of that section.

§ 149a.13 Sodium dicloxacillin monohydrate for injection.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Sodium dicloxacillin monohydrate for injection is a dry mixture of sodium dicloxacillin monohydrate and lidocaine hydrochloride packaged for dispensing. Its potency is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of dicloxacillin that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its moisture content is not more than 5 percent. When reconstituted as directed in the labeling, its pH is not less than 4.5 and not more than 7.5. The sodium dicloxacillin monohydrate used conforms to the standards prescribed by § 149a.2(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The sodium dicloxacillin monohydrate used in making the batch for potency, moisture, pH, organic chlorine content, free chloride content, crystallinity, and identity.

(*b*) The batch for potency, sterility, pyrogens, safety, moisture, and pH.

(ii) Samples required:

(*a*) The sodium dicloxacillin monohydrate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 15 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—*(1) *Potency—*(i) *Sample preparation.* Reconstitute as directed in the labeling. Using a suitable hypodermic needle and syringe remove all of the withdrawable contents if it is represented as a single dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the sample thus obtained with sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay or in distilled water for the iodometric assay and hydroxylamine colorimetric assay, to give a stock solution of convenient concentration.

(ii) *Assay procedure.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 5 micrograms of dicloxacillin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with distilled water to the prescribed concentration.

(c) *Hydroxylamine colorimetric assay.* Proceed as directed in § 141.507 of this chapter, except dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

(2) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 141.4(a) of this chapter, using a solution containing 20 milligrams of dicloxacillin per milliliter.

(4) *Safety.* Proceed as directed in § 141.5 of this chapter, except use a test dose of 0.5 milliliter of a solution containing 4.0 milligrams of dicloxacillin.

(5) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(6) *pH.* Proceed as directed in § 141.503 of this chapter, using the product reconstituted as directed in the labeling.

Data supplied by the manufacturer concerning the subject antibiotic have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since there are no points of controversy, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-1-72).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: January 17, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-1400 Filed 1-31-72;8:46 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.653]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Classes of Aliens Eligible To Receive Diplomatic Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to modify the requirements for issuance of diplomatic visas to certain nonimmigrants classifiable under section 101(a)(15)(G)(iv) of the Immigration and Nationality Act.

Section 41.102 is amended by adding subparagraph (13) to paragraph (b) to read as follows:

§ 41.102 Classes of aliens eligible to receive diplomatic visas.

* * * * *

(b) A nonimmigrant alien who is classifiable under section 101(a)(15)(G)(iv) shall, if otherwise qualified, be eligible to receive a diplomatic visa if he is—

* * * * *

(13) The spouse or child of any nonimmigrant alien listed in subparagraphs (1) through (12) of this paragraph.

* * * * *

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (2-1-72).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

JANUARY 19, 1972.

[FR Doc.72-1417 Filed 1-31-72;8:47 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Statistical Reporting Program

On page 22589 of the FEDERAL REGISTER November 25, 1971, notice of proposed rule making was published concerning a proposed statistical reporting program under the Williams-Steiger Occupational Safety and Health Act of 1970. Interested persons were given 20 days within which to submit written comments, suggestions, or objections regarding the proposed regulations. After consideration of all such relevant matter as was presented by interested persons the proposed rule is hereby adopted without change and is set forth below.

This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 26th day of January 1972.

GEOFFREY H. MOORE,
Commissioner,
Bureau of Labor Statistics.

Part 1904 is amended by adding §§ 1904.20—1904.22 reading as follows:

STATISTICAL REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES

§ 1904.20 Description of statistical program.

(a) Section 24 of the Act directs the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to develop and maintain a program of collection, compilation, and analysis of occupational safety and health statistics. The Commissioner of the Bureau of Labor Statistics has been subdelegated this authority by the Secretary of Labor. The program shall consist of periodic surveys of occupational injuries and illnesses. For the immediate future, such surveys shall cover all nonfarm employments with a few limited exclusions such as government and mining.

(b) The sample design encompasses probability procedures, detailed stratification by industry and size, and a systematic selection within strata. Stratification and sampling will be carried out by State and other jurisdictions in order to provide the most efficient sample for eventual State estimates. Some industries will be sampled more heavily than others depending on the injury rate level based on previous experience. Nationally, the survey should produce adequate estimates for most four-digit Standard Industrial Classification (SIC) industries in manufacturing and for three-digit SIC classification in nonmanufacturing. In participating States where the sample size has been supplemented significantly, comparable estimates are possible.

§ 1904.21 Duties of employers.

Upon receipt of an Occupational Injuries and Illnesses Survey Form, OSHA No. 103, the employer shall promptly complete the form in accordance with the instructions contained therein, and return it in accordance with the aforesaid instructions.

§ 1904.22 Effect of State plans.

Nothing in any State plan approved under section 18(c) of the Act shall affect the duties of employers to submit statistical report forms under § 1904.21.

(Secs. 8(g), 24, 84 Stat. 1600, 1615; 29 U.S.C. 657, 673; Secretary's Order No. 12-71, 36 F.R. 8754)

[FR Doc.72-1442 Filed 1-31-72;8:49 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Office of Oil and Gas, Department of the Interior

[Oil Import Reg. 1 (Revision 5) Amdt. 40]

OI REG. 1—OIL IMPORT REGULATION

Canadian Imports—Districts I–IV

There appeared in the FEDERAL REGISTER for December 22, 1971 (36 F.R. 24229) a proposal to provide for allocations of Canadian imports for the allocation period January 1, 1972, through December 31, 1972. Careful consideration was given to all of the comments on the proposal which were received. A considerable number of respondents objected to the proposed exclusion of 1971 Oil Import Appeals Board grants from the 1972 allocation base. After a careful review of the comments and other pertinent considerations, a determination was made to include in the allocation base, to which a 2-year growth factor is applied, Canadian imports which a person imported during the period January 1, 1971, through December 31, 1971, pursuant to a decision of the Oil Import Appeals Board and to retain the exclusion of any other Canadian imports which a person imported in lieu of "offshore" imports. However, the fact that 1971 Oil Import Appeals Board grants

FEB 1 7 2 XUM

have been included in the allocation base for 1972 should not be interpreted as an assurance that 1972 Oil Import Appeals Board grants will be included in any future allocation base.

Section 29A of Oil Import Regulation 1 (Revision 5) is amended to permit the making of additional partial allocations pending the making of regular allocations under the new section 29. Because regular allocations should be made promptly, the effective date of new section 29 should not be delayed. The amendment to section 29A must take effect at once, if disruptions in the operations of plants are to be avoided. Accordingly, this Amendment 40 shall become effective immediately.

Oil Import Regulation 1 (Revision 5) is amended as set forth below.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

I Concur:

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

1. A new section 29, reading as follows, is added to Oil Import Regulation 1 (Revision 5).

Sec. 29 Canadian Imports—Districts I–IV—1972.

(a) As used in this section, the term "Canadian imports" means imports from Canada of crude oil which has been produced in Canada and unfinished oils which have been derived from crude oil or natural gas produced in Canada and which have been transported into the United States by overland means or over waterways other than ocean waterways.

(b) To be eligible for an allocation of imports under paragraph (d) or (e) of this section, a person must have in Districts I–IV a facility capable of processing Canadian imports.

(c) The Director shall, in accordance with the provisions of paragraphs (d) and (e) of this section, make allocations for the allocation period January 1, 1972, through December 31, 1972, of not to exceed 540,000 average barrels daily of Canadian imports into Districts I–IV. Licenses issued under such allocations shall permit the entry or withdrawal from warehouse for consumption of Canadian imports only.

(d) (1) The Director shall first make allocations of Canadian imports to eligible applicants who received allocations of such imports for the period January 1, 1971, through December 31, 1971, either from the Administrator, Oil Import Administration, under paragraph (d) or paragraph (e) of section 23 or from the Oil Import Appeals Board under section 21. Each such applicant shall be entitled to an allocation of Canadian imports equal to 1.075 times the total of the allocations of such imports, expressed in barrels daily (less the amount of such allocations relinquished to the Administrator), which he received for the period January 1, 1971, through December 31, 1971, from the Administrator under paragraph (d) and (p) or paragraph (e) and (p) of section 23 and from the Oil Import Appeals Board under section 21. No Canadian imports for which a license was issued by the Administrator, Oil Import Administration, pursuant to paragraph (m) of section 29 as added by amendments 21 and 25 (35 F.R. 10296, 18258) or for which a license was issued by the Administrator pursuant to the provisions of paragraph (m) of section 23 shall be regarded as constituting a part of, or as having been imported pursuant to, an allocation made under paragraph (d), (e), or (p) of section 23.

(2) If an applicant entitled to an allocation under subparagraph (1) of this paragraph would receive a larger allocation under paragraph (e) of this section, he shall be given the larger allocation, unless the applicant elects to receive an allocation under this paragraph (d).

(e) (1) Each eligible applicant shall be entitled to an allocation of Canadian imports equal to the total of the facility suballocations made to such person for each facility listed by the applicant in his application. The Director shall make a facility suballocation for a particular facility according to the following formula:

$$\frac{\text{Eligible applicant's qualified inputs to a particular facility}}{\text{Total qualified inputs to all facilities listed in applications of all eligible applicants}} \times \text{Quantity of Canadian imports not allocated under paragraph (d)}$$

As used in the formula, "qualified inputs" means refinery inputs to refinery capacity, and petrochemical plant inputs to facilities other than refinery capacity, made during the 12-month period ending September 30, 1971.

(2) With respect to new or reactivated refinery capacity or petrochemical plants in Districts I–IV, the Director may make suballocations in accordance with, and subject to, the provisions of section 25 of this regulation, except that the facility suballocations shall be computed according to the formula set forth in subparagraph (1) of this paragraph (e). Subparagraphs (3) and (4) of paragraph (b) of section 25 shall have no application with respect to inputs estimated for the purposes of a facility suballocation. Paragraph (d) of section 25 shall be applicable only with respect to future allocations of Canadian imports.

(3) A person who receives an allocation under this paragraph (e) shall not receive an allocation under paragraph (d) of this section.

(f) An allocation made to a person under paragraph (d) or (e) of this section shall supersede any partial allocations of Canadian imports made to that person for the allocation period. Licenses issued to a person under a partial allocation shall be charged against the allocation made to that person under paragraph (d) or (e).

(g) A person receiving an allocation under paragraph (d) of this section must process in his facilities a quantity of Canadian imports equal to at least 50 percent of that allocation. A person receiving an allocation under paragraph (e) of this section must process in each facility for which a facility suballocation is made a quantity of Canadian imports equal to at least 50 percent of that facility suballocation. For the purposes of this paragraph, blending by mechanical means does not constitute processing.

(h) If a person who receives an allocation of Canadian imports under this section fails to import the total quantity of imports specified in the allocation, or if he fails to process all such imports (and domestic oil received in exchange for such imports) in his facilities before March 1, 1973, or if he fails to meet the requirement of paragraph (g) of this section, then any allocation of Canadian imports, or any allocation for Districts I–IV to which such person may otherwise be entitled under section 9, 10, or 25 of this regulation, for the first allocation period beginning after January 1, 1973, shall be reduced by the Director by the amount of Canadian imports which such person has failed to import, or by the amount of Canadian imports and exchanged oil which such person has failed to process in his facilities before March 1, 1973, or by the amount of Canadian imports by which he failed to meet the requirements of paragraph (g), except that the Director need not make such a reduction to the extent that (1) such person demonstrates to the satisfaction of the Director that such failures were without such person's fault and were beyond his control, or (2) such person, in writing, relinquishes all or part of an allocation made under this section and returns to the Director, on or before May 1, 1972, licenses issued thereunder.

(i) A person to whom an allocation is made by the Director under this section shall report and certify in writing to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240, not later than March 15, 1972, (1) the total quantity of Canadian imports which that person imported during the period January 1, 1971, through December 31, 1971, pursuant to an allocation made under section 23 of this regulation, and (2) the quantity of such imports that were processed in his facilities before March 1, 1972. The amount so reported and certified shall be subject to verification by the Director. If a person to whom an allocation is made under this section fails to file by March 15, 1972, the written report and certification required by this paragraph, the Director shall suspend all licenses issued under an allocation made under this section until the written report and certification are received.

(j) An allocation made pursuant to this section shall not be sold, assigned, or otherwise transferred. Each person who imports Canadian imports under an allocation made pursuant to this section shall process such imports (or oil received in an exchange) only in the facilities set forth in his application.

(k) A person who imports Canadian imports under an allocation made pursuant to this section may exchange not to exceed 50 percent of such imports for domestic crude oil or domestic unfinished oils. A proposed agreement for each such exchange must be reported to the Director before any action involved in the exchange is taken. Each such exchange must be effected on a ratio of not less than 1 barrel of domestic oil for each barrel of Canadian imports.

(l) If a person holds an allocation of Canadian imports under this section and if he also holds an allocation of imports under section 9, 10, or 25 for the allocation period January 1, 1972 through December 31, 1972, he may obtain from the Director a license which will permit him to import Canadian imports in a quantity not exceeding the total amount of his allocation made under section 9, 10, or 25. Such a license shall be charged against, and imports under such a license shall be deemed to have been made pursuant to, the allocation made under section 9, 10, or 25.

(m) Under the provisions of section 1A of Proclamation 3279, as amended, "entries for consumption of crude oil or unfinished oils transported by pipeline may be made until midnight January 15, 1973, under any license authorizing such imports from Canada" into Districts I–IV for the period January 1, 1972 through December 31, 1972.

(n) An application for an allocation under this section shall be made by letter or telegram to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Applications must be received by the Director within seven (7) days after the publication of this section 29 in the FEDERAL REGISTER. An application must contain the following information, which shall be certified by an officer of the applicant:

(1) The nature of each of the applicant's facilities in which Canadian imports will be processed.

(2) The location of each such facility.

(3) The total barrels of qualified inputs (as defined in subparagraph (1) of paragraph (e) of this section) for each such facility during the year ending September 30, 1971.

An officer of an applicant shall also certify in his application that, if an allocation of Canadian imports is made to the applicant under this section, the applicant will process all such imports (and all oil exchanged for such imports) in such facilities before March 1, 1973.

2. The second sentence of paragraph (b) of section 29A (Canadian Imports—Partial Allocations—1972) of Oil Import Regulation 1 (Revision 5), 36 F.R. 25098, is amended to read as follows:

Sec. 29A Canadian Imports—Partial Allocations—1972.

* * * * *

(b) * * * The partial allocation shall not exceed 75 percent of the amount of the allocation received by that person under paragraph (d) or (e) of section 23. * * *

3. Section 29A of Oil Import Regulation 1 (Revision 5) is revoked as of March 1, 1973. Licenses issued under partial allocations made pursuant to section 29A shall remain in force.

[FR Doc.72-1506 Filed 1-28-72;1:25 pm]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A–73.1—Production and Maintenance

FEDERAL SUPPLY SCHEDULE PROVISIONS

Section 5A–73.113(a) is revised as follows:

§ 5A–73.113 Requirements in excess of maximum order limitations.

(a) Federal Supply Schedule provisions:

(1) Whenever a Maximum Order Limitation provision is contained in a Federal Supply Schedule solicitation, the resultant Schedule shall include both the Maximum Order Limitation provision (see § 5A–73.112) and the applicable Requirements in Excess of Maximum Order Limitations provision set forth in (a) (1) and (2), below. The provision in this (a) (1) is not applicable to Schedules for tapes (EDP and instrumentation (wide and intermediate band)) and tabulating cards. Schedules for these items are to contain the provision set forth in (a) (2), below. None of the following provisions are applicable to Schedules for FSC Group 65, Part I, Sections A and B, Drugs and Pharmaceutical Products, and FSC Group 89, Part I, Subsistence, which are assigned to the Veterans Administration.

REQUIREMENTS IN EXCESS OF MAXIMUM ORDER LIMITATIONS

(a) Except as provided below, agencies included under (a) of the Scope of Contract provision, including the Department of Defense where the requirement falls within DOD–GSA Interagency Purchase Assignments, shall forward purchase requests for items included herein which exceed the applicable maximum order limitation to *the GSA regional office which serves* the consignee. Agencies included under (b) of the Scope of Contract provision may, at their option, forward such purchase requests to the GSA regional office which serves the consignee for purchase action.

(b) In accordance with FPMR § 101–26.106, and whenever feasible, agencies should consolidate their requirements so as to take advantage of price savings available through separate procurement of quantities which exceed the maximum order limitation. Agencies which periodically consolidate requirements for one or more items included in this Schedule at an agency headquarters office (national, regional, State, bureau, etc.) and the total requirement exceeds the maximum order limitation may either:

(1) Arrange for the office executing the Schedule to make a separate contract for use by the agency in placing delivery orders (direct order/expediting/payment by requiring agency), or

(2) Submit requisitions for the total requirement to the GSA regional office serving the agency headquarters office.

(2) The following provisions shall be used in schedules for FSC Group 58, Part V, Section C, Instrumentation Tape (wide and intermediate band); FSC Group 74, Part XI, ½-Inch-Wide EDP Tape; and FSC Group 75, Part VIII, Section A, Tabulating Cards.

REQUIREMENTS IN EXCESS OF MAXIMUM ORDER LIMITATIONS

(a) Except as provided below, agencies included under (a) of the Scope of Contract provision shall forward purchase requests for items included herein which exceed the applicable maximum order limitation to *General Services Administration (FPN), Washington, DC 20406.* Agencies included under (b) of the Scope of Contract provision may, at their option, forward such purchase requests to the above office.

(b) In accordance with FPMR § 101–26.106, and whenever feasible, agencies should consolidate their requirements so as to take advantage of price savings available through separate procurement of quantities which exceed the maximum order limitation. Agencies which periodically consolidate requirements for one or more items included in this Schedule at an agency headquarters office (national, regional, State, bureau, etc.) shall, when the total requirement exceeds the maximum order limitation, forward such purchase requests to the office referred to in (a), above.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and 41 CFR 5–1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: January 18, 1972.

M. S. MEEKER,
Commissioner, Federal Supply Service.

[FR Doc.72–1395 Filed 1–31–72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2–1–72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Sport fishing on the Quivira National Wildlife Refuge, Stafford, Kans., is permitted only on the areas designated by signs as open to fishing. These open

areas, comprising 990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Open season for sport fishing on the refuge extends from May 1, 1972 to September 30, 1972, inclusive.

(2) Fishing will be with closely attended rod(s) and line(s) only.

(3) The use of boats is not permitted. One-man floater tubes may be used.

(4) Overnight camping is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1972.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

JANUARY 25, 1972.

[FR Doc.72-1396 Filed 1-31-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region 1

A survey of the operations of Customs Region 1 indicates that activities in certain ports in the St. Albans, Vt., district do not warrant their maintenance as separate ports of entry. In addition to the above, in order to provide better Customs service in Norton, Vt., it is considered desirable to convert the existing Customs station of Norton, Vt., to the status of a Customs port of entry. The proposed changes will result in a more efficient use of Customs personnel and facilities without impairing service to the public.

Therefore, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order 10289, September 17, 1951 (3 CFR Ch. 11), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), it is proposed to make the following changes in the organization of Region 1:

1. To revoke the designations of Island Pond, Vt., and Newport, Vt., as Customs ports in the St. Albans, Vt., Customs district.

2. To revoke the designation of Norton, Vt., as a Customs station under the supervision of the Port of Island Pond, Vt.

3. To designate Norton, Vt., as a port of entry in the St. Albans, Vt., Customs district with boundaries coextensive with the corporate limits of the city of Norton, Vt.

4. To designate Island Pond, Vt., and Newport, Vt., as Customs stations under the supervision of the Port of St. Albans, Vt.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)) at the Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

JANUARY 20, 1972.

[FR Doc.72-1447 Filed 1-31-72;8:50 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1926]

SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Cranes and Derricks; Use of Boom Angle Indicators, Load Indicators, Weight-Moment Indicators, Overload Protective Devices

On September 28, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER at page 19083 containing proposed occupational safety and health standards under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593) and section 107 of the Construction Safety Act (40 U.S.C. 333). The proposed standards included amendments to § 1518.550(a)(3) (subsequently redesignated and hereafter referred to as § 1926.550(a)(3)) of Title 29, Code of Federal Regulations, concerning the use of boom angle indicators, load indicators, weight-moment indicators and overload protection devices on cranes and derricks. In response to the notice, interested persons submitted written comments on the proposals. Oral presentations were received at public hearings held on November 10 and 11, 1971, in Washington, D.C.

The Advisory Committee on Construction Safety and Health was consulted pursuant to the authority of 29 CFR 1911.18(b). After considering various questions raised at the hearing on § 1926.550(a)(3), as proposed, the Advisory Committee recommended that the record be reopened to receive comments from interested persons on the issue of feasibility of the proposed standards for cranes and derricks, particularly with regard to the field experience and field testing of boom angle indicators, load indicators, weight-moment indicators, and overload protective devices in construction work. (See 36 F.R. 25431, December 31, 1971.)

Several interested persons have subsequently requested that the record be kept open for a longer period of time so as to allow them to adequately prepare their comments on the above-described question. On January 20, 1972, the Advisory Committee again met to advise the Assistant Secretary, among other things, on whether the request for more time should be granted. The Committee recommended that more time be given. The recommendation of the Advisory Committee is accepted, and notice is hereby given that the record will remain open until May 1, 1972, so that interested persons may submit written data, views, and arguments on the above-described issue. Submissions may be mailed to the Office of Safety and Health Standards, Room 305, 400 First Street NW., Washington, DC 20210.

Signed at Washington, D.C., this 26th day of January 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-1403 Filed 1-31-72;8:46 am]

Office of Labor-Management and Welfare Pension Reports

[29 CFR Part 460]

DESCRIPTION OF EMPLOYEE WELFARE OR PENSION BENEFIT PLANS

Proposed Additional Reporting Requirements

Pursuant to sections 5, 6, and 8 of the Welfare and Pension Plans Disclosure Act, as amended, 72 Stat. 997, 76 Stat. 35, 29 U.S.C. 301 et seq. administrators of any welfare or pension benefit plan subject to the Act are required to publish a description of the plan. However, under the existing reporting scheme the Department of Labor has become aware of the fact that many plan participants and beneficiaries of pension plans have difficulty in comprehending the terms of the plan, and their rights as set out in the basic documents under which the plan is established and operated, and which constitute part of the description of the plan. Consequently, many plan participants and beneficiaries are misinformed and mislead as to their rights.

Accordingly, it is proposed herewith to amend the regulations governing the filing of plan descriptions, and the plan description form (Form D-1), to require, with respect to pension plans, additional information which will furnish a comprehensive description of the provisions of plans in a manner calculated to be understood by the average participant or beneficiary. More particularly, the amended plan description will require information as to the eligibility requirements to participate under the plan, the vesting provisions, source(s) and amount of contributions, the benefits provided under the plan, the method by which benefits are computed, procedures to be followed in presenting claims for benefits, and for appealing denial of claims,

effect of suspension or termination of contributions, effect of merger or termination of the plan, the provisions governing administration of the plan, a description of the management and investment of plan funds, and other provisions relating to the rights or obligations of participants or beneficiaries.

It is proposed also, that administrators of pension plans who have previously filed a plan description will be required to file a new plan description, or file an amendment to the plan description previously filed, in order that the information referred to herein will be available to participants and beneficiaries of such plans.

Additionally, it is proposed to require administrators of pension benefit plans to notify participants that copies of the description of the plan, and the latest annual report required by section 7 of the Act, are available for examination by any participant or beneficiary at the principal office of the plan, and that a copy of the plan description and an adequate summary of the latest annual report will be mailed to a participant or beneficiary on written request. Whenever such plan is amended it is also proposed that administrators must notify participants as to the subject of the amendment(s), that the amendment(s) will be available in the principal office, and will be mailed on written request.

Interested persons are invited to submit written data, views, or comments regarding the proposed rule to the Assistant Secretary of Labor for Labor-Management Relations, U.S. Department of Labor, Washington, D.C. 20210, within 30 days of publication of this notice in the FEDERAL REGISTER.

Copies of the amendatory material to the Form D–1 may be obtained by writing to the Office of Public Information, U.S. Department of Labor, Washington, D.C. 20210. All written materials or suggestions submitted in response to this notice of proposed rule making will be available for public inspection in Room 401, American National Bank Building, 8701 Georgia Avenue, Silver Spring, MD, during regular business hours.

Accordingly, it is proposed herewith to amend 29 CFR Part 460 as follows:

1. The Authority for issuing Part 460 is amended to read as follows:

AUTHORITY: The provisions of this Part 460 issued under sections 5, 6, 7, 8, 72 Stat. 999, 1000, 1002, 76 Stat. 36, 37; 29 U.S.C. 304, 305, 306, 307; Secretary's Order 16–68 (33 F.R. 15674).

2. A new § 460.1a is hereby added to 29 CFR Part 460 to read as follows:

§ 460.1a Notification of availability of plan descriptions and annual reports.

The administrator of any employee pension benefit plan subject to the Welfare and Pension Plans Disclosure Act shall notify the participants of such plan in writing that pursuant to the provisions of section 8 of the Act, participants or beneficiaries are entitled to examine copies of the description of the plan and the latest annual report at the principal office of the plan. Such notice shall identify the location of such office, and the hours during which such reports will be available for examination, and indicate that a copy of the description of the plan and an adequate summary of the annual report will be delivered to a plan participant or beneficiary upon receipt of a written request therefor by the administrator of the plan. Whenever such plan is amended the plan administrator shall cause participants to be notified in writing as to the subject of the amendment(s), and that a copy of the amendments(s) will be made available for examination at the principal office of the plan, or upon written request delivered to a participant or beneficiary.

3. Section 460.2 is amended by designating the existing section as paragraph (a) and adding a paragraph (b) to read as follows:

§ 460.2 Content of reports—signature or certification.

* * * * *

(b) In addition the administrator of each pension benefit plan shall, as part of the Form D–1[1] and in accordance with the instructions contained in the form, file a comprehensive description of the provisions of the plan relating to the eligibility requirements to participate under the plan; vesting provisions, including conditions under which vested benefits may be divested; sources of contributions, amount, periods when due, whether by check off or direct payment; benefits provided under the plan and the method by which they are computed; procedures to be followed in presenting claims for benefits and for appealing denial of claims; the effect of suspension or termination of contributions; the effect of merger or termination of the plan; details as to the administration of the plan; a description of the management and investment of plan funds; and other provisions which relate to the rights or obligations of participants or beneficiaries under the plan. Such information shall be written in a manner calculated to be understood by the average participant or beneficiary. If plan booklets are distributed to participants or beneficiaries such booklets should include the information provided for in this paragraph.

4. Section 460.5 is hereby amended by changing the heading of the section and by adding a new paragraph (c) as follows:

§ 460.5 Filing plan description amendments.

* * * * *

(c) Administrators of pension plans who have previously submitted a plan description pursuant to § 460.2 but which does not include a description of the plan as provided for in paragraph (b) of § 460.2 shall submit a revised description of the plan containing information provided for in paragraph (b) of § 460.2 on revised Form D–1 incorporating all current information required therein, or shall submit an addendum to the Form D–1 originally filed, containing the information required under paragraph (b) of § 460.2 and questions 13 and 14 of the Form D–1 as revised. Such new description or such addendum shall be submitted to the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, within 120 days after the effective date of this paragraph.

Signed at Washington, D.C., this 27th day of January 1972.

W. J. USERY, JR.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.72–1415 Filed 1–31–72;8:46 am]

[1] Filed as part of the original document.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 135]

ANTIBIOTIC AND SULFONAMIDE DRUGS IN ANIMAL FEEDS

Proposed Statement of Policy

In April, 1970 the Commissioner of Food and Drugs established a Task Force of scientists to undertake a comprehensive review of the use of antibiotic drugs in animal feeds. The scientists included ten specialists on infectious diseases and animal science from the Food and Drug Administration (FDA), the National Institutes of Health, the U.S. Department of Agriculture, and the Center for Disease Control and five representatives from universities and industry.

The Task Force was established on the recommendation of the FDA Science Advisory Committee following its review of a report issued by the Government of Great Britain on the use of antibiotics in veterinary medicine and animal husbandry. The British study, known as the Swann Committee Report, recommended that antibiotics should be divided into "feed" antibiotics and "therapeutic" antibiotics and that only those antibiotics not used for treatment of diseases in man should be allowed in animal feeds at the so-called growth promotion level.

The Food and Drug Administration has been studying the effects of low-level feeding of antibiotics to animals for a number of years, has held symposia, and has consulted with outside experts to review the nonmedical uses of antibiotics in animal feeds. The results of these studies and other documentation formed the background for the Task Force deliberations.

The Task Force concluded that the current conditions relating to its study are:

1. The use of antibiotic and sulfonamide drugs, especially in growth promotant and subtherapeutic amounts, favors the selection and development of single and multiple antibiotic resistant and R-factor bearing bacteria.

2. Animals which have received either subtherapeutic and /or therapeutic amounts of antibiotic and sulfonamide drugs in feeds may serve as a reservoir of antibiotic resistant pathogens and nonpathogens. These reservoirs of pathogens can produce human infections.

3. The prevalence of multiresistant R-factor bearing pathogenic and nonpathogenic bacteria in animals has increased and has been related to the use of antibiotics and sulfonamide drugs.

4. Organisms resistant to antibacterial agents have been found on meat and meat products.

5. There has been an increase in the prevalence of antibiotic and sulfonamide resistant bacteria in man.

The Task Force identified three primary areas of concern, human health hazard, animal health hazard, and antibiotic effectiveness. Guidelines for establishing criteria were developed which must be considered with regard to the addition of growth promotant or subtherapeutic levels of antibacterial agents to animal feeds.

Based upon extensive documentation the Task Force concluded that:

1. Human illnesses and death have been reported due to both antibiotic-sensitive and antibiotic-resistant bacteria of animal origin. Food-producing animals constitute a major reservoir of certain bacteria (e.g., Salmonella) pathogenic for man. Evidence suggests that the use of certain antibiotics in food-producing animals promotes an increase in the animal reservoir of Salmonella through promotion of cross-colonization and infection, prolongation of the carrier state, and relapse of disease. Furthermore, the use of some antibiotics in animals produces a marked increase in the prevalence of R-factor containing bacteria which may be transmissible to man's enteric flora. These observations lead to the logical conclusion, though not fully documented, that such practices give rise to a human health hazard.

2. The continuous feeding of certain antibiotics to animals has been reported to compromise the treatment of certain animal diseases. Additional information is needed to quantitate the extent of this problem. Epidemiological and controlled challenge studies are needed to determine the relationship of the use of antibiotics in animal feeds and the subsequent treatment of diseases in animals which have been fed antibiotics.

3. The categorization of antibiotics into those for human and those for animal use should be based on scientific evaluations of the efficacy of each use and the impact that the use will have on all aspects of the public health. Such categorization must not result in compromising the availability of effective antimicrobials for humans or animals. However, it is the consensus of the Task Force that it would be highly desirable that in the future, a group of antibacterial agents be reserved exclusively for human use.

4. Limiting the types of antibiotics permitted in animal feeds is a step toward controlling the numbers of microorganisms resistant to antibiotics. Research is needed to investigate methods for improving weight gain and feed efficiency with drug agents and animal husbandry practices which do not cause the development of organisms resistant to antimicrobials.

5. When drug withdrawal times are not adhered to, antibiotic residues may be present in meat and meat products.

The Task Force therefore recommended that the following restrictions be placed into effect regarding the use of antibacterial agents in animal feeds at growth promotion and subtherapeutic levels:

1. Antimicrobial agents used in human clinical medicine that fail to meet the criteria based upon the guidelines referred to above be prohibited from use in animal feeds by the following dates: Tetracyclines, streptomycin, dihydrostreptomycin, sulfonamides and penicillins in poultry by January 1, 1973, and in swine, cattle, and sheep by July 1, 1973; all other antimicrobial agents used in human clinical medicine and approved for use in animal feeds by December 31, 1973.

2. Following the dates indicated, tetracycline, streptomycin, dihydrostreptomycin, neomycin, spectinomycin, penicillins, and the sulfonamides shall be reserved for therapy unless they meet the criteria established on the basis of the Task Force's guidelines in regard to the safety and efficacy for growth promotion or any subtherapeutic use; and furthermore, these antimicrobials, when used at therapeutic levels and for short-term treatments be administered only by or on the order of a licensed veterinarian.

3. That antibiotics which select for bacteria resistant to the antibiotics most critically needed for therapy of man and animals be prohibited from use in animal feeds. In this category at the present time are: chloramphenicol, semisynthetic penicillins, gentamicin, and kanamycin. Other antibiotics which have proven to be effective and essential for the therapy of certain animal diseases and which select for R-factor medicated multiple resistance be available for short-term use at therapeutic levels but only by a veterinarian or on his prescription.

4. That labeling for medicated feeds be required to state the amount of antibiotic in the final feed for all levels including growth levels.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–51; 21 U.S.C. 360b, 371(a)) and under the authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 135 be amended by adding thereto the following new section:

§ 135.109 Antibiotic and sulfonamide drugs in animal feeds.

(a) The Commissioner will propose to revoke currently permitted uses of subtherapeutic and/or growth promotant uses of antibacterial agents in feeds, whether granted by approval of new animal drug applications, master files and/or antibiotic or food additive regulations, when such drugs are also used in human clinical medicine, unless data are submitted which establish their safety and effectiveness under specific criteria based on the guidelines contained in the Report of the FDA Task Force on the Use of Antibiotics in Animal Feeds.

(b) Within 30 days following the effective date of this regulation any person interested in retaining approval of tetracyclines, streptomycin, dihydrostreptomycin, sulfonamides, and penicillins for use in poultry after January 1, 1973, or in swine, cattle, and sheep after July 1, 1973, or of all other such approved antibiotics after December 31, 1973, shall satisfy the Commissioner in writing that studies adequate and appropriate to meet the prescribed criteria have been undertaken. Progress reports shall be filed on such studies every January 1 and July 1 until completion.

(c) Following implementation of the requirements of paragraphs (a) and (b) of this section:

(1) Those antibacterial drugs which fail to meet the prescribed criteria will be reserved for high-level, short-term use and shall be used only by or on the order of a licensed veterinarian.

(2) Animal feeds containing antibacterial drugs permitted to remain in use for growth promotion and/or subtherapeutic purposes shall be labeled to include a statement of the quantity of such drugs in finished feeds.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 25, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72–1416 Filed 1–31–72;8:46 am]

Social and Rehabilitation Service

[45 CFR Parts 220, 222]

SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND, OR DISABLED PERSONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations define organizational separation of services from assistance payments and require States to develop plans for and to implement such separation.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing

to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 30 days from date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in Room 5121 of the Department's offices at 330 C Street SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Area code 202–963–7361.)

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302)

Dated: January 3, 1972.

PHILIP J. ROTLEDGE,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 21, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. Section 220.9 of Part 220 of Title 45 of the Code of Federal Regulations is amended by adding paragraphs (c) and (d) as set forth below:

§ 220.9 Delivery and utilization of services.

• • • • •

(c) *Separation of services from assistance payments.* The State plan must also provide:

(1) For the development of a plan for separation of services from assistance payments and for the establishment of a separated service system, which will accord with guidelines issued by the Social and Rehabilitation Service and will be submitted no later than July 1, 1972 to the SRS Regional Commissioner for approval;

(2) For statewide operation of the approved separation plan no later than January 1, 1973; and

(3) For submittal of status reports on the progress of separation on or before October 15, 1972, and on or before January 15, 1973.

(d) *Definitions.* (1) "Separation of services from assistance payments" means the administration and operation of the services function independently from the administration and operation of the financial assistance function.

(i) There must be a single State administrator under the approved State plan with responsibility for the services and assistance payments functions; however, there must be separate lines of authority for the services function and for the assistance payments function at each administrative level.

(ii) There may be a common administrator and common facilitating services at each administrative level.

(2) The "services function" is defined as the carrying out of those activities described in Subparts A and B of this part and included in the approved State plan for AFDC which the agency provides in order to enable an individual, family, or groups of individuals to overcome barriers to achievement of their objectives which are consonant with goals of the public social services program.

(3) The "assistance payments function" is defined as the staff activities and payments, the purpose of which is basic maintenance, i.e., furnishing the income to which an individual or family is entitled under the approved State plan for AFDC for meeting day-to-day ongoing living costs and special needs. It includes the complete process of determining initial and continuing eligibility for medical care and for food programs. It also includes maintaining the case in assistance payment or certification status.

2. Section 222.27 of Part 222 of Title 45 of the Code of Federal Regulations is amended by adding paragraph (c) and (d) as set forth below:

§ 222.27 Delivery and utilization of services.

• • • • •

(c) *Separation of services from assistance payments.* The State plan must also provide:

(1) For the development of a plan for separation of services from assistance payments and for the establishment of a separated service system, which will accord with guidelines issued by the Social and Rehabilitation Service and will be submitted no later than July 1, 1972, to the SRS Regional Commissioner for approval;

(2) For statewide operation of the approved separation plan no later than January 1, 1973; and

(3) For submittal of status reports on the progress of separation on or before October 15, 1972, and on or before January 15, 1973.

(d) *Definitions.* (1) "Separation of service from assistance payments" means the administration and operation of the services function independently from the administration and operation of the financial assistance function.

(i) There must be a single State administrator under the approved State plan with responsibility for the services and assistance payments functions; however, there must be separate lines of authority for the services function and for the assistance payments function at each administrative level.

(ii) There may be a common administrator and common facilitating services at each administrative level.

(2) The "services function" is defined as the carrying out of those activities described in Subparts A, B, and C of this part and included in the approved State plan for OAA, AB, APTD, or AABD which the agency provides in order to enable an individual, family, or groups of individuals to overcome barriers to achievement of their objectives which are consonant with goals of the public social services program.

(3) The "assistance payments function" is defined as the staff activities and payments, the purpose of which is basic maintenance, i.e., furnishing the income to which an individual is entitled under the approved State plan for OAA, AB, APTD, or AABD for meeting day-to-day ongoing living costs and special needs. It includes the complete process of determining initial and continuing eligibility for medical care and for food programs. It also includes maintaining the case in assistance payment or certification status.

[FR Doc.72–1411 Filed 1–31–72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 72–12]

SAN JUAN HARBOR, P.R.

Proposed Barge Anchorage Grounds

The Coast Guard is considering amending the anchorage regulations to establish a barge anchorage grounds in San Juan Harbor, P.R. The proposed barge anchorage ground is located northeast of Anegado Channel and southeast of San Antonio Channel off Isla Grande.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify this notice (CGFR 72–12), and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District will forward any comments received before March 4, 1972, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that § 110.240 be amended to read as follows:

§ 110.240 San Juan Harbor, P.R.

(a) *The anchorage grounds.* • • •

(4) *Barge anchorage ground.* Beginning at a point on the edge of Anegado Channel at latitude 18°27'18.8" N., longitude 66°06'37.3" W.; thence to latitude 18°27'23" N., longitude 66°06'43.1" W.; thence to latitude 18°27'30" N., longitude 66°06'43" W.; thence to latitude 18°27'-42.2" N., longitude 66°06'24.2" W.; thence to latitude 18°27'20" N., longitude 66°06'32.9" W.; thence to the point of beginning.

(b) *The regulations.* • • •

(4) No barge may remain in the barge anchorage ground described in paragraph (a)(4) of this section for more than 48 hours without a permit from the Captain of the Port.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05–1(c)(1) (36 F.R. 19160))

Dated: January 26, 1972.

By direction of the Commandant.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Deputy Chief, Office of Marine Environment and Systems.

[FR Doc.72–1424 Filed 1–31–72;8:47 am]

[33 CFR Part 110]

[CGFR 72–11]

NEENAH HARBOR, NEENAH, WIS.

Proposed Special Anchorage Areas

The Coast Guard is considering amending the anchorage regulations to establish a special anchorage area in Neenah Harbor, Neenah, Wis. The proposed special anchorage area is adjacent to Riverside Park and south of the main shipping channel. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identifying the notice (CGFR 72–11) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District will forward any comments received before March 4, 1972, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Title 33 of the Code of Federal Regulations by adding a new § 110.79a to read as follows:

§ 110.79a Neenah Harbor, Neenah, Wis.

The area of Neenah Harbor south of the main shipping channel beginning at a point bearing 117.5°, 1,050 feet from the point where the southeasterly side of the First Street/Oak Street Bridge crosses the south shoreline of the river; thence 254°, 162 feet; thence 146°, 462 feet; 164°, 138 feet; 123°, 367 feet; 68°, 400 feet; 44°, 400 feet; thence 320°, 107 feet; thence 283°, 1,054 feet to the point of beginning.

NOTE: An ordinance of the city of Neenah, Wis., requires approval of the Neenah Police Department for the location and type of individual moorings placed in this special anchorage area.

(Rule 9, 28 Stat. 647, as amended, 33 U.S.C. 258; sec. 6(g)(1)(C), 80 Stat. 937, 49 U.S.C. 1655(g)(1)(C); 49 CFR 1.46(c)(3) (36 F.R. 19160))

Dated: January 26, 1972.

By direction of the Commandant.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Deputy Chief, Office of Marine Environment and Systems.

[FR Doc.72–1423 Filed 1–31–72;8:47 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 529]

[No. 72–33]

FEDERAL HOME LOAN BANK SYSTEM

Nondiscrimination in Federally Assisted Programs

JANUARY 4, 1972.

Resolved, that the Federal Home Loan Bank Board considers it desirable to amend Subchapter B of Chapter V of Title 12, CFR, by adding new regulations, pursuant to recommendations of the interagency committee for uniform Title VI regulations, to effectuate the provisions of title VI of the Civil Rights Act of 1964. Due to the fact that these regulations are required to conform to those of the other Federal agencies there is necessarily some overlap between these regulations and the regulations in Part 528, Nondiscrimination in Lending and Employment, which were recently proposed by this Board under different statutory authority. It should be noted that these new regulations would apply only to programs of Federal financial assistance administered by the Board (such as the Housing Opportunities Allowance Program).

Accordingly, the Federal Home Loan Bank Board proposes to amend said Subchapter B by adding thereto a new Part 529 to read as follows:

PART 529—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Sec.

529.1 Purpose.
529.2 Definitions.
529.3 Application of this part.
529.4 Discrimination prohibited.
529.5 Assurances required.
529.6 Compliance information.
529.7 Conduct of investigations.
529.8 Procedure for effecting compliance.
529.9 Hearings.
529.10 Decisions and notices.
529.11 Judicial review.
529.12 Effect on other regulations.

Appendix A.

AUTHORITY: The provisions of this Part 529 issued under sec. 602, Public Law 88–352, 78 Stat. 252; 42 U.S.C. 2000d–1; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071.

§ 529.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Federal Home Loan Bank Board.

§ 529.2 Definitions.

Unless the context requires otherwise, as used in this part—

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by the Board, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

(b) "Board" means the Federal Home Loan Bank Board or, except in § 529.10 (e), any person to whom it has delegated its authority in the matter concerned.

(c) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(d) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(e) "Primary recipient" means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(f) "Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made

available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(g) "Recipient" may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program (including any successor, assignee, or transferee thereof), but such term does not include any ultimate beneficiary under any such program.

§ 529.3 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Board, including the federally assisted programs and activities listed in Appendix A to this part. It also applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the effective date of this part pursuant to an application approved before that effective date. This part does not apply to:

(a) Any Federal financial assistance by way of insurance or guaranty contracts;

(b) Money paid, property transferred, or other assistance extended under any such program before the effective date of this part;

(c) Any assistance to any individual who is the ultimate beneficiary under any such program; or

(d) Any employment practice, under any such program, of any employer, employment agency, or labor organization, except to the extent described in § 529.4 (c).

The fact that a program or activity is not listed in Appendix A to this part shall not mean, if title VI of the Act is otherwise applicable, that such program is not covered. Other programs under statutes now in force or hereafter enacted may be added to Appendix A to this part.

§ 529.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin—

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of persons to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

(4) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(6) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. Where previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) *Employment practices.* (1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of subparagraph (1) of this paragraph shall apply to the employment practices of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) *Location of facilities.* A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

§ 529.5 Assurances required.

(a) *General.* Every application for Federal financial assistance to carry out a program to which this part applies and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. The Board shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Real property.* In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Board to revert title to the property in the event of a breach of the covenant where, in the discretion of the Board, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Board may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as it deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

§ 529.6 Compliance information.

(a) *Cooperation and assistance.* The Board shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the Board timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Board may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the Board during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Board finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 529.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The Board shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Board a written complaint. A complaint must be filed not later than 90 days after the date of the alleged discrimination, unless the time for filing is extended by the Board.

(c) *Investigations.* The Board will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Board will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 529.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the Board will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 529.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with § 529.5.* If an applicant fails or refuses to furnish an

assurance required under § 529.5 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Board shall not be required to provide assistance in such a case during the pendency of the administrative proceedings under such paragraph. However, the Board shall continue assistance during the pendency of such proceedings where such assistance is due and payable pursuant to an application approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until—

(1) The Board has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(3) The action has been approved by the Board pursuant to § 529.10(e); and

(4) The expiration of 30 days after the Board has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with title VI of the Act by any other means authorized by law shall be taken by this Board until—

(1) The Board has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§ 529.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 529.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the Board that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under § 602 of the Act and § 529.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Board in Washington, D.C., at a time fixed by the Board unless it determines that the convenience of the applicant or recipient or of the Board requires that another place be selected. Hearings shall be held before the Board, or at its discretion, before a hearing examiner appointed in accordance with § 3105 of title 5, United States Code, or detailed under § 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Board shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with Part 509 of the general regulations of the Federal Home Loan Bank Board in this chapter (12 CFR Part 509), to the extent said Part 509 is consistent with this Part 529, and with such other regulations that may be necessary or appropriate for the conduct of hearings pursuant to this Part 529.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly, repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Board may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 529.10.

§ 529.10 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Board for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of such notice of initial decision, file with the Board his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Board may, on its own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that it will review the decision. Upon the filing of such exceptions or of notice of review, the Board shall review the initial decision and issue its own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) of this section, constitute the final decision of the Board.

(b) *Decisions on record or review by the Board.* Whenever a record is certified to the Board for decision or it reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the Board conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions and a written copy of the final decision of the Board shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 529.9, a decision shall be made by the Board on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the Board shall set forth his or its ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Board.* Any final decision by an official of the Board, other than the Board itself, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Board itself, which may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such programs to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Board that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Board to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Board determines that those requirements have been satisfied, it shall restore such eligibility.

(3) If the Board denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the Board to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Board. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 529.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 529.12 Effect on other regulations.

(a) Nothing in this part supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp., p. 167) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as such orders, regulations, or instructions prohibit discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) Forms and instructions: The Board shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which it is responsible.

(c) Supervision and coordination: The Board may from time to time assign to officials of the Board, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this part (other than responsibility for final decision as provided in § 529.10), including the achievement of effective coordination and maximum uniformity within the Board and within the Executive Branch of the Government in the application of title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by this Board.

APPENDIX A

ACTIVITIES TO WHICH THIS PART APPLIES

1. Use by a member institution of a Federal Home Loan Bank of funds the interest charges on which have been adjusted pursuant to the Housing Opportunity Allowance Program (Public Law 91-351, July 24, 1970, section 101).

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by March 3, 1972, as to whether this proposal should be adopted, rejected or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-1419 Filed 1-31-72;8:48 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 141, 260]

[Docket No. R-437]

ACCOUNTING TREATMENT AND RELATED REPORTING FOR NATURAL GAS COMPANIES AND PUBLIC UTILITIES AND LICENSEES

Notice of Proposed Rule Making

JANUARY 24, 1972.

Investment tax credit under Revenue Act of 1971 amending the Internal Revenue Code of 1954; accounting treatment for public utilities and licensees and related reporting for Natural Gas Companies and public utilities and licensees.

Pursuant to 5 U.S.C. 553, the Commission gives notice it proposes to amend, effective for the reporting year 1972:

A. Certain accounts in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

B. Certain accounts in the Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18, CFR.

C. Certain accounts in the Uniform System of Accounts for Class D Public Utilities and Licensees, prescribed by Part 105, Chapter I, Title 18, CFR.

D. Certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities and Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title, 18, CFR.

E. Certain schedule pages of FPC Form No. 1-F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, Chapter I, Title 18, CFR.

F. Certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18, CFR.

G. Certain schedule pages of FPC Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by § 260.2, Chapter I, Title 18, CFR.

Essentially, these amendments to the Uniform Systems of Accounts for Public Utilities and Licensees, propose a means for accounting for investment tax credits (Job Development Investment Credit) generated by the Revenue Act of 1971, when such amounts are not passed on to customers. It is believed the provisions for investment tax accounting already embodied in the Uniform System of Accounts are presently adequate in all other cases.

The proposed amendments to the Annual Report Forms No. 1 and 1-F for Public Utilities and Licensees are made to allow reporting below-the-line of investment tax credits when such credits are not passed on to customers.

Additionally, proposed amendments to the Annual Report Forms, No. 1 and No. 1-F for Public Utilities and Licensees and Annual Report Forms No. 2 and No.

2–A for Natural Gas Companies are made to allow the reporting of the new 4 percent tax credit provision of the Act.

The proposed amendments to the Commission's Uniform System of Accounts under the Federal Power Act and FPC Forms No. 1 and No. 1–F would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3, 4, 301, 304, and 309 (41 Stat. 1063–1066, 1353; 46 Stat. 798; 49 Stat. 838, 839, 840, 841, 854, 855, 856, 858, 859; 61 Stat. 501; 16 U.S.C. 796, 797, 825, 825c, 825h).

The proposed amendments to the Commission's FPC Forms No. 2 and No. 2–A would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830 (1938); 15 U.S.C. 717g, 717i, 717o).

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than March 10, 1972, data, views, comments or suggestions, in writing, concerning the proposed amendments to the Uniform Systems of Accounts and the proposed revised report forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms pursuant to 44 U.S.C. 3501–3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Office of Statistical Policy, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications in regard to the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions in the Uniform Systems of Accounts and the report forms.

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The following are proposed amendments to the Uniform System of Accounts for Class A and Class B, Public Utilities and Licensees, in Part 101, Title 18 of the Code of Federal Regulations:

1. In the text of Balance Sheet account "255, Accumulated Deferred Investment Tax Credits", revise paragraphs A and B so that they will read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and Account 411.3 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to Account 420.

* * * * *

2. In the chart of the Income Accounts add a new account "420, Investment Tax Credits" immediately following account "411.5, Investment Tax Credit Adjustments, Nonutility Operations". As so amended, the chart of accounts will read as follows:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

* * * * *

420 Investment tax credits.

* * * * *

3. In the text of the Income Accounts amend account "411.3, Investment Tax Credit Adjustments" and add a new account entitled "420, Investment Tax Credits" immediately following account "419, Interest and Dividend Income." As so amended the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of investment tax credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a state regulatory commission as defined in the Federal Power Act. Under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of the annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

420 Investment tax credits.

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amounts equal to debits to account 411.3, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and

(b) By amounts equal to debits to account 255, Accumulated Deferred Investment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

(B) The following are proposed amendments to the Uniform System of Accounts for Class C, Public Utilities and Licensees, in Part 104, Title 18 of the Code of Federal Regulations:

1. In the text of Balance Sheet account "255, Accumulated Deferred Investment Tax Credits", revise paragraphs A and B so that they will read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and account 411.3 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

* * * * *

2. In the chart of the Income Accounts add a new account "420, Investment Tax Credits" immediately following account "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As so amended the chart of accounts will read as follows:

Income Accounts

(Chart of Accounts)

* * * * *

2. OTHER INCOME AND DEDUCTIONS

* * * * *

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

* * * * *

420 Investment tax credits.

* * * * *

3. In the text of the Income Accounts amend account "411.3, Investment Tax Credit Adjustments" and add a new account entitled "420, Investment Tax Credits" immediately following account "419, Interest and Dividend Income." As so amended the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

* * * * *

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of investment tax credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a State regulatory commission as defined in the Federal Power Act. Under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or a part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which the tax credits relate or over a lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

* * * * *

2. OTHER INCOME AND DEDUCTIONS

420 Investment tax credits.

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amounts equal to debits to account 411.3, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral of all or a portion of such credits; and,

(b) By amounts equal to debits to account 255, Accumulated Deferred Investment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

PART 105—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D PUBLIC UTILITIES AND LICENSEES

(c) The following are proposed amendments to the Uniform System of Accounts for Class D, Public Utilities and Licensees, in Part 105, Title 18 of the Code of Federal Regulations:

1. In the text of Balance Sheet account "255, Accumulated Deferred Investment Tax Credits" revise paragraphs A and B so that they will read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

8. DEFERRED CREDITS

* * * * *

255 Accumulated deferred investment tax credits.

A. This account shall be credited with all investment tax credits deferred by companies which have elected to follow deferral accounting, partial or full, rather than recognizing in the income statement the total benefits of the tax credit as realized. After such election, a company may not transfer amounts from this account, except as authorized herein and in accounts 411.3, Investment Tax Credit Adjustments, and 420, Investment Tax Credits, or with approval of the Commission.

B. Where the company's accounting provides that investment tax credits are to be passed on to customers, this account shall be debited and Account 411.3 credited with a proportionate amount determined in relation to the average useful life of electric utility property to which the tax credits relate or such lesser period of time as may be adopted and used by the company. If, however, the deferral procedure provides that investment tax credits are not to be passed on to customers, the proportionate restorations to income shall be credited to account 420.

* * * * *

V 37 7-21 FEB 1 72 XUM

2. In the chart of the Income Accounts add a new account "420, Investment Tax Credits" immediately following account "411.5, Investment Tax Credit Adjustments, Nonutility Operations." As so amended the chart of accounts will read as follows:

Income Accounts

(Chart of Accounts)

• • • • •

2. OTHER INCOME AND DEDUCTIONS

• • • • •

C. TAXES APPLICABLE TO OTHER INCOME AND DEDUCTIONS

• • • • • •

420 Investment tax credits.

• • • • • •

3. In the text of the Income Accounts amend account "411.3, Investment Tax Credit Adjustments" and add a new account entitled "420, Investment Tax Credits" immediately following account "419, Interest and Dividend Income." As so amended the text of the Income Accounts will read as follows:

Income Accounts

1. UTILITY OPERATING INCOME

• • • • •

411.3 Investment tax credit adjustments.

A. This account shall be debited with the total amount of investment tax credits used in calculating the reported current year's income taxes which are charged to account 409, Income Taxes, except to the extent that all or part of such credits are to be passed on to customers currently, either as a result of the election of the company, or a directive of a state regulatory commission as defined in the Federal Power Act. Under these latter circumstances that part or all of such credits passed on to customers would be treated solely as a reduction in income taxes for the year and no entries would be necessary.

1. When a company is using deferral accounting for all or any part of the investment tax credit allowed for the current year, account 255, Accumulated Deferred Investment Tax Credits, shall be credited with an equal amount of the investment tax credits debited to this account.

2. When a company's accounting does not provide for deferral of all or any part of the tax credits and such credits are not to be passed on to customers, account 420, Investment Tax Credits, shall be credited with the same amount of the investment tax credit debited to this account.

B. When a company which has deferred all or part of its investment tax credits passes on to its customers all or part of such deferred credits, either as a result of its election to do so or at the direction of a State commission, it shall credit this account and debit account 255, with such amounts passed on in the current year, provided, however, that the amounts shall be allocated proportionately over the average useful life of the property to which the tax credits relate or such lesser period as may be adopted and consistently used by the company.

C. When deferral accounting for all or any part of investment tax credits is adopted, a company may change the apportionment of its annual amortization between this account and account 420 in accordance with the above instructions provided that the total annual amortization credit is calculated on a consistent basis such as over the average useful life of the property to which tax credits relate or over a lesser period of time as may be adopted and consistently used by the company.

D. This account shall be maintained according to the subaccounts 411.4 and 411.5 inclusive, as shown below.

• • • • • •

2. OTHER INCOME AND DEDUCTIONS

• • • • •

420 Investment tax credits.

This account shall be credited as follows with investment tax credit amounts not passed on to customers:

(a) By amounts equal to debits to account 411.3, Investment Tax Credit Adjustments, for investment tax credits used in calculating income taxes for the year when the company's accounting provides for nondeferral or all or a portion of such credits; and,

(b) By amounts equal to debits to account 255, Accumulated Deferred Investment Tax Credits, for proportionate amounts of tax credit deferrals allocated over the average useful life of the property to which the tax credits relate, or such lesser period of time as may be adopted and consistently used by the company.

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

(D) Effective for the reporting year 1972, it is proposed to amend certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments A and B hereto.[1]

(E) Effective for the reporting year 1972, it is proposed to amend certain schedule pages of FPC Form No. 1–F, Annual Report for Public Utilities and Licensees (Class C and Class D), prescribed by § 141.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments D and E hereto.[1]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

(F) Effective for the reporting year 1972, it is proposed to amend certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments B and C hereto.[1]

(G) Effective for the reporting year 1972, it is proposed to amend certain schedule pages of the FPC Form No. 2–A, Annual Report for Natural Gas Companies (Class C and Class D), prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments E and F hereto.[1]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–1439 Filed 1–31–72;8:49 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 432]

POWER OUTPUT OF AMPLIFIERS UTILIZED FOR HOME ENTERTAINMENT PRODUCTS

Notice of Opportunity to Submit Data, Views, and Arguments Regarding Amendment and Revision of the Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., having previously initiated proceedings to promulgate a trade regulation rule concerning power output of amplifiers utilized for home entertainment products. (36 F.R. 379), received written comments and information, conducted public hearings on April 13 and 14, 1971 and considered the record thereby produced, now provides opportunity for interested persons to submit data, views, and arguments regarding the following amended and revised proposed rule on the subject:

Sec.
432.1 Scope.
432.2 Required disclosures.
432.3 Optional disclosures.
432.4 Prohibited disclosures.
432.5 Liability for violation.

AUTHORITY: The provisions of this Part 432 issued under 38 Stat. 717, as amended; 15 U.S.C. 41–58.

§ 432.1 Scope.

(a) Except as provided in paragraph (b) of this section, this part shall apply whenever any power output (in watts or otherwise), power band or power frequency response, or distortion capability or characteristic is represented, either expressly or by implication, in connection with the advertising, sale, or offered for sale, in commerce as "commerce" is defined in the Federal Trade Commission Act, of sound power amplication equipment manufactured or sold for home entertainment purposes, such as for example, radios, record and tape players, radiophonograph and/or tape combinations, component audio amplifiers and the like.

(b) Representations shall be exempt from this part if all representations of performance characteristics referred to in paragraph (a) of this section clearly and conspicuously disclose a manufacturer's rated power output and that rated output does not exceed two (2) watts (per channel or total).

(c) It is an unfair method of competition and an unfair or deceptive act or practice within the meaning of section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. section 45(a)(1)) to violate any applicable provision of this part.

§ 342.2 Required disclosures.

Whenever any direct or indirect representation is made of the power output, power band or power frequency response, or distortion characteristics of sound power amplification equipment, the following disclosures shall be made clearly, conspicuously, and more prominently than any other representations or disclosures permitted under this part:

(a) The manufacturer's rated minimum sine wave continuous RMS power output, in watts, per channel (if the equipment is designed to amplify two or more channels simultaneously)—

(1) For each load impedance required to be disclosed in paragraph (b) of this section, when measured with resistive load or loads equal to such (nominal) load impedance or impedances, and

(2) Measured with all associated channels fully driven to rated per channel power;

(b) The load impedance or impedances, in ohms, for which the manufacturer intends the equipment to be used by the consumer;

(c) The manufacturer's rated power band or power frequency response, in Hertz (Hz), for each rated power output required to be disclosed in paragraph (a)(1) of this section; and

(d) The manufacturer's rated percentage of maximum total harmonic distortion at any power level from 250 mw. (.25 watts) to the rated power output, for each such rated power output and its corresponding rated power band or power frequency response.

§ 432.3 Optional disclosures.

Other operating characteristics and technical specifications not required in § 432.2 may be disclosed, provided:

(a) Any other power output is rated by the manufacturer, is expressed in minimum watts per channel, and such power output representation(s) comply with the provisions of § 432.2(a)(1) through (d); except that if a peak or other instantaneous power rating, such as music power or peak power, is represented under this section, the maximum percentage of total harmonic distortion (see § 432.2(d)) may be disclosed only at such rated output; and provided further that

(b) All disclosures or representations made under this section are less conspicuously, and prominently made than the disclosures required in § 432.2; and

(c) The rating and testing methods or standards used in determining such representations are disclosed, are well known and generally recognized by the industry at the time the representation or disclosure is made, are neither intended nor likely to deceive or confuse the consumer, and are not otherwise likely to frustrate the purpose of this part.

NOTE 1: For the purpose of paragraph (b) of this section, optional disclosures will not be considered less prominent if they are either bold faced or are more than two-thirds the height of the disclosures required by § 432.2.

NOTE 2: Use of the asterisk in effecting any of the disclosures required by § 432.2 and permitted by § 432.3 shall not be deemed conspicuous disclosure.

§ 432.4 Prohibited disclosures.

No performance characteristics to which this Part applies shall be represented or disclosed if they are not obtainable as represented or disclosed when the equipment is operated by the consumer in the usual and normal manner without the use of extraneous aids.

§ 432.5 Liability for violation.

If the manufacturer, or in the case of foreign made products, if the importer or domestic sales representative of a foreign manufacturer, of any product covered by this part furnishes the information required or permitted under this part, then any other seller of the product shall not be deemed to be in violation of § 432.4 due to his reliance upon or transmittal of the written representations of the manufacturer or importer if such seller has been furnished by the manufacturer, importer, or sales representative, a written certification attesting to the accuracy of the representations to which this part applies, and provided further that such seller is without actual knowledge of the violation contained in said written certification.

Interested persons, including consumers and other members of the public, are hereby invited to file written data, views, and arguments concerning amendment and revision of the proposed rule, addressed to: Assistant Director for Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580, on or before March 2, 1972. Such persons are urged to express approval or disapproval or to recommend further modification, and to make statements as full as they wish.

Statements submitted as provided above will be available for examination during regular business hours in the Commission's first floor office of Legal and Public Records, Room 130. All such statements will be considered by the Commission before final action is taken in this matter.

Issued: February 1, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72–1600 Filed 1–31–72;11:36 am]

[1] Filed as part of the original document.

V 37-21 FEB 1 72 XUM

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

RAILROAD PASSENGER VEHICLES FROM CANADA

Withholding of Appraisement Notice

Information was received on September 18, 1970, that railroad passenger vehicles from Canada were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of December 5, 1970, on page 18549. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of railroad passenger vehicles from Canada is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

STATEMENT OF REASONS

The information before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting from the delivered, per car, duty-paid price, the included transportation, insurance and brokerage charges and the appropriate U.S. duty. Adjustments will be made for the appropriate Canadian sales taxes and import duties normally imposed by the country of exportation which will not be collected by reason of exportation of the merchandise to the United States.

The adjusted home market price will probably be calculated on the delivered per car price of such or similar merchandise sold in Canada. Deductions will be made for transportation, brokerage and insurance charges. Appropriate adjustments will be made for differences in warranty and finance costs. Adjustments will also be made for differences in the merchandise compared, including additions for differences in the Canadian Federal Sales Taxes paid on home market sales and remitted upon exportation of the merchandise and for the drawback of Canadian customs duties imposed only upon the merchandise exported to the United States.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of railroad passenger vehicles from Canada in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (2-1-72). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: Jauuary 28, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1557 Filed 1-31-72;9:14 am]

Office of the Secretary

[Dept. Circular; Public Debt Series No. 1-72]

5¾ PERCENT TREASURY NOTES OF SERIES E-1976

Offering of Notes

JANUARY 27, 1972.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 5¾ percent Treasury Notes of Series E-1976, at par, in exchange for the following securities maturing February 15, 1972:

(1) 4¾ percent Treasury Notes of Series A-1972;

(2) 7½ percent Treasury Notes of Series C-1972; or

(3) 4 percent Treasury Bonds of 1972, in amounts of $1,000 or multiples thereof.

The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open until 5 p.m., local time, February 2, 1972, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in Paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 6⅜ percent Treasury Bonds of 1982, which offering is set forth in Department Circular, Public Debt Series—No. 2-72, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated February 15, 1972, and will bear interest from that date at the rate of 5¾ percent per annum, payable on a semiannual basis on May 15 and November 15, 1972, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1976, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before February 15, 1972, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made with securities in bearer form, coupons dated February 15, 1972, should be detached and cashed when due. When payment is made with registered securities, the final interest due on February 15, 1972, will be paid by issue of interest checks in regular course to holders of record on January 14, 1972, the date the transfer books closed.

V. *Assignment of registered securities.* 1. Registered securities tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series E-1976"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series E-1976 in the name of ----------"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series E-1976 in coupon form to be delivered to ----------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.72-1515 Filed 1-31-72;8:51 am]

[Department Circular Public Debt Series No. 2-72]

6⅜ PERCENT TREASURY BONDS OF 1982

Offering of Bonds

JANUARY 27, 1972.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers bonds of the United States, designated 6⅜ percent Treasury Bonds of 1982, at par, in exchange for the following securities, singly or in combinations aggregating $1,000 or multiples thereof:

(1) 4¾ percent Treasury Notes of Series A-1972, dated February 15, 1967, due February 15, 1972;

(2) 7½ percent Treasury Notes of Series C-1972, dated August 17, 1970, due February 15, 1972;

(3) 4 percent Treasury Bonds of 1972, dated November 15, 1962, due February 15, 1972;

(4) 7¾ percent Treasury Notes of Series C-1974, dated August 15, 1970, due February 15, 1974, with a cash payment of $53.21583 per $1,000 to subscribers;

(5) 4½ percent Treasury Bonds of 1974, dated January 15, 1965, due February 15, 1974, with a cash payment of $14.40167 per $1,000 to the United States;

(6) 7¼ percent Treasury Notes of Series D-1974, dated November 15, 1970, due May 15, 1974, with a cash payment of $47.56228 per $1,000 to subscribers; or

(7) 4¼ percent Treasury Bonds of 1974, dated May 15, 1964, due May 15, 1974, with a cash payment of $15.04946 per $1,000 to the United States. Interest will be adjusted on the securities due in 1974 as of February 15, 1972. Payments on account of accrued interest and cash adjustments will be made as set forth in Section IV hereof. In addition, the Secretary of the Treasury offers the bonds to natural persons in their own right for cash, not to exceed $10,000 to any one person. The books will be open until 5 p.m., local time, February 2, 1972, for the receipt of subscriptions.

2. In addition, holders of the securities maturing on February 15, 1972, enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 5¾ percent Treasury Notes of Series E-1976, which offering is set forth in Department Circular, Public Debt Series—No. 1-72, issued simultaneously with this circular.

3. *Optional recognition of gain or loss for Federal income tax purposes on securities due in 1974.* Pursuant to the provisions of section 1037(a) of the Internal Revenue Code of 1954, the Secretary of the Treasury hereby declares that gain or loss for Federal income tax purposes upon the exchange with the United States of the securities due in 1974 enumerated in paragraph 1 of this section solely for the 6⅜ percent Treasury Bonds of 1982 may be recognized either—

(1) In the taxable year of the exchange, or

(2) In the taxable year of disposition or redemption of the new obligations. In the case of either option, any gain realized on the exchange to the extent that money (other than as an interest adjustment) is received by the security holder in connection with the exchange must be recognized as gain for the taxable year of the exchange.

II. *Description of bonds.* 1. The bonds will be dated February 15, 1972, and will bear interest from that date at the rate of 6⅜ percent per annum, payable semiannually on August 15, 1972, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1982, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1 million. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. bonds.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers, provided the names of customers subscribing for cash are set forth in such subscriptions. Others than banking institutions will not be permitted to enter cash subscriptions except for their own account.

2. Cash subscriptions, which may not exceed $10,000 from any one person, must be accompanied by payment of 10 percent of the face amount of bonds applied for.

V 37 • 21 FEB 1 72 XUM

3. Banking institutions in submitting cash subscriptions for customers will be required to certify that they have no beneficial interest in any such subscriptions.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of bonds applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder in exchange for securities of the issues enumerated in paragraph 1 of section I hereof, must be made on or before February 15, 1972, or on later allotment, and may be made only in a like face amount of such securities, which should accompany the subscription. On cash subscriptions payment at par and accrued interest, if any, for bonds allotted hereunder, must be completed on or before February 15, 1972, in cash or other funds fully collectible by that date. In every case where full payment is not completed, the payment with the application up to 10 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Payments due to subscribers (paragraphs 3 and 5 below) will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon. Payments due from subscribers (paragraphs 4 and 6 below) should accompany the subscription.

2. *4¾ percent notes of Series A–1972, 7½ percent of notes of Series C–1972 and 4 percent bonds of 1972.* When payment is made with securities in bearer form, coupons dated February 15, 1972, should be detached and cashed when due.[1]

3. *7¾ percent notes of Series C–1974.* When payment is made with notes in bearer form, coupons dated August 15, 1972, and all subsequent coupons, must be attached (February 15, 1972, coupons should be detached[1]) to the notes when surrendered. The cash payment of $53.21583 per $1,000 will be paid to subscribers.

4. *4⅛ percent bonds of 1974.* When payment is made with bonds in bearer form, coupons dated August 15, 1972, and all subsequent coupons, must be attached (February 15, 1972, coupons should be detached[1]) to the bonds when surrendered. The cash payment of $14.40167 per $1,000 due the United States must be paid by subscribers.

5. *7¼ percent notes of Series D–1974.* When payment is made with notes in bearer form, coupons dated May 15, 1972, and all subsequent coupons, must be attached to the notes when surrendered. Accrued interest from November 15, 1971, to February 15, 1972 ($18.32418 per $1,000), plus the cash payment ($47.56228 per $1,000), a total of $65.88646 per $1,000 will be paid to subscribers.

6. *4¼ percent bonds of 1974.* When payment is made with bonds in bearer form, coupons dated May 15, 1972, and all subsequent coupons, must be attached to the bonds when surrendered. Accrued interest from November 15, 1971, to February 15, 1972 ($10.74176 per $1,000), will be credited, the cash payment ($15.04946 per $1,000) due the United States will be charged, and the difference of $4.30770 per $1,000 must be paid by subscribers.

V. *Assignment of registered securities.* 1. Registered securities tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 6⅜ percent Treasury Bonds of 1962"; if the bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 6⅜ percent Treasury bonds of 1962 in the name of ----------"; if bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 6⅜ percent Treasury Bonds of 1962 in coupon form to be delivered to ----------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.72-1516 Filed 1-31-72;8:51 am]

[1] Interest due on Feb. 15, 1972, on registered securities will be paid by issue of interest checks in regular course to holders of record on Jan. 14, 1972, the date the transfer books closed.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[I-4795]

IDAHO

Notice of Offer of Lands

JANUARY 24, 1972.

1. Pursuant to the provisions of the Act of May 31, 1962 (76 Stat. 89), the following lands, found upon survey to be omitted lands of the United States, will be offered for sale:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 39 E.,
Sec. 4, lots 10 and 11;
Sec. 9, lots 10, 11, and 14;
Sec. 17, lot 17;
Sec. 19, lot 11;
Sec. 20, lot 9.

The area described aggregate 69.95 acres.

2. Plats of survey were filed in the Land Office, Boise, Idaho, at 10 a.m. on January 5, 1970.

3. Persons claiming a preference right in accordance with the provisions of the Act, must file with the Idaho State Office, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702, before April 3, 1972, a notice of their intention to apply to purchase all or part of the lands as qualified preference right claimants.

4. The Act grants a preference right to purchase the above lands to any citizens of the United States (including corporations, partnership, firm, or other legal entity having authority to hold title to lands in the State of Idaho) who, in good faith, under color of title or claiming as a riparian owner has, prior to March 30, 1961, placed valuable improvements upon, reduced to cultivation, or occupied any of the lands so offered for sale, or whose ancestors or predecessors in interest have taken such action.

5. The lands are determined to be suitable for sale and will be sold at their fair market value subject to:

(a) Qualified preference right claims.

(b) A reservation to the United States of all the coal, oil, gas, shale, phosphate, potash, sodium, native asphalt, solid and semisolid bitumen and bitumen rock, including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried.

(c) A reservation of 100-foot strip of land along the river banks of the lots bordering the Snake River for use of the public for access and recreation.

6. This offer is to allow preference right claimants the opportunity to establish their priority and file their claims.

No final sale or disposition of the land will be made, in accordance with the suspension policy of March 16, 1971, unless a preference claimant expresses a desire to proceed under the existing law and regulations.

This action is taken to expedite the processing of claims once pending legislation is completed.

RICHARD H. PETRIE,
Chief,
Division of Technical Services.

[FR Doc.72-1421 Filed 1-31-72;8:47 am]

[Montana 20539]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 24, 1972.

The Forest Service, U.S. Department of Agriculture, has filed application M 20539 for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for the protection of an existing public campground in the Lewis and Clark National Forest, Mont.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

LEWIS AND CLARK NATIONAL FOREST

Wood Lake Campground

T. 19 N., R. 9 W., unsurveyed, but probably will be when surveyed:
Sec. 6, W½NW¼SW¼NE¼, SW¼SW¼NE¼, SE¼NE¼NW¼, E½SW¼NE¼NW¼, NE¼SE¼NW¼, E½NW¼SE¼NW¼, N½SE¼SE¼NW¼, S½NW¼NE¼SE¼, N½SW¼NE¼SE¼, NE¼NW¼SE¼, N½NW¼NW¼SE¼, and N½SE¼NW¼SE¼.

The areas aggregate 80 acres in Lewis and Clark County, Mont.

ROLAND F. LEE,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.72-1422 Filed 1-31-72;8:47 am]

National Park Service

WHITE SANDS NATIONAL MONUMENT, N. MEX.

Suitability as Wilderness; Public Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5 that a public hearing will be held beginning at 1 p.m. on April 1, 1972, at the Alamogordo City Hall, 511 10th Street, Alamogordo, NM, for the purpose of receiving comments and suggestions as to the suitability of lands within White Sands National Monument for designation as wilderness. The monument is located in Otero County, N. Mex.

A packet containing a draft master plan, a map depicting the roadless area studied, and providing additional information about the suitability study, may be obtained from the Superintendent, White Sands National Monument, Post Office Box 458, Alamogordo, NM 88310, or from the Director, Southwest Region, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501.

A topographic map of the area studied for its suitability or nonsuitability as wilderness is available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, DC.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, White Sands National Monument, Post Office Box 458, Alamogordo, NM 88310, by March 29 of their desire to appear. Those not wishing to appear in person may submit written statements on the suitability study to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the county in which the national monument is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: January 20, 1972.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.72-1310 Filed 1-31-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

POVERTY CREEK UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Poverty Creek Unit Plan, USDA–FS–ES(Adm) 72–17.

The environmental statement concerns proposed management of Poverty Creek drainage, Blacksburg Ranger District, Jefferson National Forest in Montgomery County, Va.

This draft environmental statement was filed with CEQ January 19, 1972.

Copies are available for inspection during regular working hours at the following locations:

V 37 7-21 FEB 1 72 XUM

Room 3230, Forest Service, USDA, South Agriculture Building, Washington, D.C. 20250.
Forest Service—Southern Region, 1720 Peachtree Road NW., Room 806, Atlanta, GA 30309.
Jefferson National Forest, Carlton Terrace Building, 920 Jefferson Street NW., Roanoke, VA 24016.
Forest Service, Blacksburg Ranger District, Blacksburg, Va. 24060.

A limited number of single copies are available upon request to T. A. Schlapfer, Regional Forester, 1720 Peachtree Road NW., Atlanta, GA 30309.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. T. A. Schlapfer, U.S. Forest Service, 1720 Peachtree Road NW., Atlanta, GA 30309. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

JANUARY 26, 1972.

[FR Doc.72-1459 Filed 1-31-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10732; Docket No. FDC-D-255; NDA 10-732 etc.]

CERTAIN DRUGS CONTAINING OXYPHENISATIN ACETATE

Notice of Withdrawal of Approval of New Drug Applications

On September 30, 1971, there was published in the FEDERAL REGISTER (36 F.R. 19184) a notice of opportunity for hearing (DESI 10732) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the following new drug applications, on the grounds that the drugs are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved:

NDA No.	Drug name	Applicant and address
11-352..	Dialose Plus Capsules (oxyphenisatin acetate, dioctyl sodium sulfosuccinate and sodium carboxymethylcellulose).	The Stuart Co., Division of Atlas Chemical Industries, Inc., 3300 East Foothill Blvd., Pasadena, CA 99109.
10-982..	Noloc Capsules (oxyphenisatin acetate and dioctyl sodium sulfosuccinate).	Dumas-Wilson and Co., Division Mallinckrodt Chemical Works, 3000 North Second St., St. Louis, MO 63147.
10-732..	Isadoxol Tablets (oxyphenisatin acetate and dioctyl sodium sulfosuccinate).	G. F. Harvey Co., Inc., 90-101 Saw Mill River Rd., Yonkers, NY 10701.
11-040..	Octylan Compound Tablets (oxyphenisatin acetate, dioctyl potassium sulfosuccinate, and methylcellulose).	Don Baxter, Inc., 1015 Grandview Ave., Glendale, CA 91201.

In addition to the above-listed drugs, all of which involve oxyphenisatin acetate and are for oral use, the notice of September 30, 1971, also included two rectally administered drugs containing oxyphenisatin base (NDA's 11-370 and 12-587). In response to the notice, information concerning the rectally administered drugs has been received and is being reviewed. Upon completion of that review, the Commissioner's conclusions concerning rectally administered oxyphenisatin base will be published in the FEDERAL REGISTER.

The Stuart Co., holder of NDA 11-352, by letter of November 4, 1971, has waived the opportunity for a hearing, advising that the preparation in question no longer contains oxyphenisatin acetate.

Mallinkrodt Chemical Works, by letter of October 7, 1971, has waived the opportunity for a hearing concerning NDA 10-982, stating that marketing of the drug was discontinued in 1968.

Neither G. F. Harvey Co., Inc., holder of NDA 10-732, nor any other interested person, has filed a written appearance of election concerning that NDA as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for a hearing.

Approval of NDA 11-040, held by Don Baxter, Inc., was withdrawn August 6, 1971 (36 F.R. 14493), along with a large number of others involving drugs which had been discontinued or never marketed.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that new evidence of clinical experience, not contained in the new drug applications or not available to the Commissioner until after the applications were approved, evaluated together with the evidence available to him when the applications were approved, reveals that the drugs are not shown to be safe for use under the conditions of use upon the basis of which the applications were approved.

Therefore, pursuant to the foregoing finding, approval of new-drug applications Nos. 10-732, 10-982, and 11-352, and all amendments and supplements applying thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (2-1-72).

Dated: January 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1399 Filed 1-31-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-317, 50-318]

BALTIMORE GAS AND ELECTRIC CO.

Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report—Construction Permit Stage, November 16, 1970," and "Applicant's Supplemental Environmental Report on the Calvert Cliffs Plant, Units 1 and 2, November 8, 1971" (collectively "the report"), submitted by Baltimore Gas and Electric Co. are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Calvert County Library, Prince Frederick, Md. 20678. The report is also being made available to the public at the Office of the Regional Planning Council, Mount Vernon Medical Building, 701 St. Paul Street, Baltimore, MD 21202, and at the Office of State Planning, 301 West Preston Street, Baltimore, MD 21201.

This report discusses environmental considerations related to the proposed issuance of operating licenses for the Calvert Cliffs Nuclear Plant, Units 1 and 2, located in Calvert County, Md.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the proposed issuance of operating licenses for the Calvert Cliffs Plant, Units 1 and 2, dated January 20, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's January 20, 1972 draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This statement supersedes the March 10, 1971, draft detailed statement for which a notice of availability was published in the FEDERAL REGISTER on March 17, 1971 (36 F.R. 5150).

Interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the report, and the draft detailed statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request) and, when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 27th day of January 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Acting Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-1504 Filed 1-31-72;8:51 am]

[Docket No. 70-1292]

NUCLEAR FUEL SERVICES, INC.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulation in 10 CFR Part 50, Appendix D, notice is hereby given that a copy of a report entitled "Environmental Report—Fuels Fabrication Plant, West Valley, N.Y.," submitted by Nuclear Fuel Services, Inc., revised December 1971, is being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of the report is also being placed for public inspection in the State Clearinghouse, New York State Office of Planning Coordination, 488 Broadway, Albany, NY; the Regional Clearinghouse, Southern Tier West Regional Planning Board, 303 Court Street, Little Valley, NY; and in the Memorial Library of Little Valley, Main Street, Little Valley, N.Y.

The report discusses environmental considerations involved in Nuclear Fuel Services' application for a materials license to possess and use special nuclear material for operation of its fuels fabrication plant at West Valley, N.Y. Comments on the report may be submitted by interested persons to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

After the report has been reviewed by the Commission's regulatory staff, a Draft Detailed Statement on environmental considerations related to the proposed activity will be prepared. Upon completion of the Draft Detailed Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the applicant's environmental report and the Draft Detailed Statement. The summary notice will request comments from interested persons on the proposed action and on the Draft Detailed Statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 21st day of January, 1972.

For the Atomic Energy Commission.

S. H. SMILEY,
Director, Division of Materials Licensing.

[FR Doc.72-1392 Filed 1-31-72;8:45 am]

[License No. 29-13180-02E]

WING CORP.

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 29-13180-02E to the Wing Corp., 215 Highland Avenue, Westmont, NJ 08108, which authorizes the distribution of ionization fire detectors, Models IC/SF, IC/SFD, 3464, 3464D, and 3466, to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR Part 30.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame or appreciable heat. The sensitive element of each device is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium-241.

2. The byproduct material incorporated in all detector models in americium oxide contained in Model A-001 foils manufactured by Nuclear Radiation Developments, Inc. The maximum activity contained in any one unit is 35 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (Wing Corp.) and the byproduct material (americium-241) contained in the unit. The manufacturer states that Models IC/SF and IC/SFD will be distributed only to the military services. Models 3464, 3464D, and 3466 which will be distributed to others in addition to the military will also bear a label recommending that the unit be returned to the Wing Corp. for disposal.

A copy of the license and a safety evaluation containing additional information, prepared by the Division of Materials Licensing, is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Requests for copies of the license or the safety evaluation should be addressed to the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., January 24, 1972.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director, Division of Materials Licensing.

[FR Doc.72-1393 Filed 1-31-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24114]

CHINA AIRLINES, LTD.

Notice of Prehearing Conference and Hearing

Renewal and amendment of foreign air carrier permit authorizing service between points in China, intermediate points, and Honolulu, Hawaii; Los Angeles and San Francisco, Calif.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 29, 1972, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Edward T. Stodola.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 17, 1972.

Dated at Washington, D.C., January 26, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1451 Filed 1-31-72;8:50 am]

[Docket No. 20993; Order 72-1-89]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Issued under delegated authority January 25, 1972.

By Order 72-1-14, dated January 6, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement would have the effect of extending, for a further period of effectiveness, the levels of certain cargo rates and related charges prevailing prior to October 1, 1971, which was the intended effectiveness date of increased rates and charges reflected in an agreement reached at the Singapore worldwide cargo rate conference and on which action by the Board is pending.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 72-1-14 with respect to

VOL 37 NO 21 FEB 1 72 XUM

the subject agreement will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22827 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1450 Filed 1-31-72;8:50 am]

NOVO CORP. AND NOVO INTERNATIONAL CORP.

Notice of Proposed Approval of Application

Application of Novo Corp. and Novo International Corp. for approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended, Docket 23959.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., January 26, 1972.

[SEAL] A. M. ANDREWS,
Director,
Bureau of Operating Rights.

ORDER OF APPROVAL

Issued under delegated authority. Application of Novo Corp. and Novo International Corp., Docket 23959, for approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended.

Pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) Novo Corp. (Novo) and Novo International Corp. (Novo International) request that the Board approve Novo's acquisition of control over Novo International Airfreight (Far East) S.A. (Novo Far East).

Novo is a diversified company that controls, among other entities, two indirect air carriers, Novo Airfreight Corp. (Novo Airfreight) and Novo International, the second applicant.[1] Novo wishes to extend its forwarding operations into the Far East by entering upon a joint enterprise with Everett Steamship Corp., S.A. (Everett), a company presently engaged in forwarding activities in that area.

To this end Novo and Everett have agreed upon the following arrangements. A new corporation, Novo Far East has been organized under the laws of Panama to carry on those air freight activities presently conducted by Everett. These include air freight forwarding, clearing and distribution in Japan, Hong Kong, the Philippines and the Republic of Korea.[2] Novo and Everett will share an equal interest in Novo Far East; 50 percent of the issued and outstanding capital shares in return for a capital contribution of $50,000 each. In addition, Everett will transfer to the new corporation all of its business properties and assets, except cash and accounts receivable, so that Novo Far East may continue Everett's operations as a going concern. In return for the value thus contributed by Everett, Novo will pay to Everett $50,000 and certain shares of Novo's own capital stock. Novo Far East will be directed by a six-man board with three representatives selected by Novo and three by Everett. The agreement between the parties states that the management of Far East will be the responsibility of Novo; and further that Novo International will not conduct air freight forwarding operations in the areas where Novo Far East is active.[3]

In support of their request applicants state that Novo is not presently engaged in air freight forwarding in the Far East and that the agreement with Everett will allow it to expand its activities while at the same time benefiting from the existing goodwill and market identity of Everett's operations.

Upon consideration of the foregoing, it is concluded that Novo is a person controlling an air carrier within the meaning of section 408 of the Act. It also appears that Novo Far East, upon consummation of the agreements between Novo and Everett, will be engaged in a phase of aeronautics and that control of Novo Far East by Novo is subject to section 408(a)(6) of the Act. However, it is concluded that the application does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, nor does the public interest require one.[4] The control relationships are similar to others which have been approved by the Board and do not present any new substantive issues.[5] The arrangement appears to provide Novo with an opportunity to expand its international freight operations by use of an established market identity, without any effect on the manner in which its U.S.-based international forwarder, Novo International, conducts its outbound operations. Therefore, it appears that the conditions of section 408 of the Act have been met and that approval of this application will not be inconsistent with the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved without a hearing under the third proviso of section 408(b) of the Act.

Accordingly, it is ordered, That:

The control of Novo International Airfreight (Far East) S.A. by the Novo Corp. be and it hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1448 Filed 1-31-72;8:49 am]

[Docket No. 24024]

PIAIR LTD.

Notice of Postponement of Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding has been postponed from February 8, 1972, to March 8, 1972, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 26, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72-1452 Filed 1-31-72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11227, etc.; FCC 72-61]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM, ET AL.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of City of New York Municipal Broadcasting System (WNYC) New York, N.Y., Docket No. 11227, File No. BSSA-266; for special service authorization to operate additional hours from 6 a.m., e.s.t., to sunrise, New York, N.Y., and from sunset, Minneapolis, Minn., to 10 p.m., e.s.t.

City of New York Municipal Broadcasting System (WNYC) New York, N.Y., Docket No. 17588, File No. BP-16148. Has: (a) 830 kc., 1 kw., DA, L-WCCO, Class II; and

(b) Special Service Authorization to operate additional hours from 6 a.m., e.s.t., to sunrise, New York, N.Y., and from sunset, Minneapolis, Minn., to 10 p.m., e.s.t. Requests: 830 kc., 50 kw., DA-2, Specified Hours (6 a.m., e.s.t., to 10 p.m., e.s.t.).

Midwest Radio-Television, Inc. (WCCO) Minneapolis, Minn., Docket No. 19403, File No. BP-19151. Has: 830 kc., 50 kw., U, Class I-A. Request: Construction permit to change transmitter site and install new antenna system, for construction permits.

1. The Commission has under consideration the matters of record in the proceedings had on the above-captioned applications of the city of New York Municipal Broadcasting System (WNYC) since the application for a construction permit for the 50-kilowatt operation was consolidated for hearing with the previously designated application for a special service authorization on July 12, 1967 (8 FCC 2d 1047; 10 RR 2d 885); the above-captioned application of Midwest Radio-Television, Inc. (WCCO) tendered for filing on August 9, 1971, and amended on December 14, 1971; a petition to dismiss the WCCO application filed by WNYC, WCCO's opposition to WNYC's petition and WNYC's reply. WNYC filed a further petition to dismiss the WCCO application as amended.[1]

2. WNYC's construction permit application provided for in the Commission's report and order of September 13, 1961, in the clear channel proceedings, 31 FCC 565, 21 RR 1801, was filed in response to the Commission's order of October 24, 1963, City of New York Broadcasting System (WNYC), 1 RR 2d 463. As indicated above, the construction permit application was consolidated for hearing with the WNYC request for special service authorization in 1967. WCCO is a party respondent in that proceeding. During the 4-year period since the WNYC applications were consolidated, prehearing conferences have been held, and the Commission and the Review Board have amended and enlarged the issues originally specified by the Commission. City of New York Municipal Broadcasting System (WNYC), 11 FCC 2d 287, 12 RR 2d 189 (1968); City of New York Municipal Broadcasting System (WNYC), 29 FCC 2d 244, 21 RR 2d 1050 (1971). The hearing is to commence on a date to be fixed by the Hearing Examiner.

3. The crucial question to be resolved in the WNYC hearing is the impact of the WNYC proposal on the presently licensed operation of WCCO. By the application tendered in August and recently amended in December, WCCO seeks authority to move to a different transmitter site and to erect a new antenna which will increase WCCO's radiation from the presently authorized 1762 mv/m to 2170 mv/m. The increased efficiency is to be achieved by the use of a so-called "Franklin antenna". The antenna will consist of two vertical dipoles centered one-fourth and three-fourths wavelength above the ground. In other words, the structure will consist, in effect, of two half-wave antennas one stacked on the other. As a result of the greater antenna efficiency, there will be a significant increase in WCCO's coverage. According to WNYC, the use of the proposed antenna would achieve the same coverage that would be achieved by an increase in power from the present 50 kilowatts to approximately 75 kilowatts using the present antenna system.

4. The proposed increased radiation of WCCO will not only increase WCCO's coverage but would also increase the interference which would be caused to the proposed 50-kilowatt operation of WNYC. According to WNYC, the nighttime limit imposed by the present operation of WCCO on the WNYC proposal is 10.7 mv/m (10.78 mv/m according to the Commission's estimate), and the nighttime limit resulting from the proposed operation from the site first proposed would be 13.5 mv/m (13.75 mv/m according to the Commission's estimate). By letter of November 24, 1971, counsel for WCCO advised the Commission that opposition to the construction at the site then proposed had developed and that WCCO contemplated amending to a different site from which WCCO would limit the WNYC proposal to the 12.7 mv/m contour. The amendment has now been received, and the Commission's examination of the amendment indicates that WCCO's proposal would limit WNYC to approximately the 12.93 mv/m contour.

5. In requesting that the WCCO application be dismissed, WNYC urges that WCCO has not presented any basis as to why the proposed site change and radiation pattern with a resulting substantial increase in coverage at a cost of $583,355 does not constitute a major change and thus barred by the interim criteria governing the acceptance of standard broadcast applications (AM freeze), Note 2 to § 1.571 of the Commission's rules adopted July 17, 1968, 13 FCC 2d 866, 13 RR 2d 1667, 33 F.R. 10343. It appears to be WNYC's position that because a power of 75 kilowatts would be required to produce the proposed radiation pattern with the present antenna, the WCCO application is for a power increase and therefore a major change within the purview of the Commission's policy statement concerning standard broadcast applications adopted April 14, 1970, 23 FCC 2d 811, 18 RR 2d 1763. WNYC alleges that no other Class I-A station operates with a nondirectional radiation as high as 2170 mv/m.[2] WNYC further states that the WCCO proposal would vitally affect the issues to be tried in the WNYC proceeding.

6. In opposition, WCCO argues that the Commission's rules provide that Class II stations (such as WNYC) are subject to such interference as may be received from a Class I station (§ 73.21(a)(2)) and that Commission precedent holds that a Class II station is not entitled to protection from Class I stations, citing Storer Broadcasting Co. (WJBK, Detroit, Mich.), 1 FCC 2d 1594, 6 RR 2d 675 (1965). WCCO disputes WNYC's contention that the proposed WCCO opreation would affect the issues in the pending hearing proceeding. WCCO asserts that the issues in the hearing would require no change and urges expeditious authorization of the WCCO change in order that the evidence to be adduced in the hearing may be presented on the basis of WCCO's modified operation.

7. In reply, WNYC reiterates its position, complains of the disruption in the hearing proceeding as a result of the WCCO application and takes issue with WCCO's assertion that no change in the issues would be necessary.

8. As contended by WCCO, its application is the type that is traditionally regarded as a minor change. However, we have never been confronted with a proposal for a minor change which would have so significant an impact on a pending hearing proceeding. Moreover, there are several factors concerning the WCCO application which require explanation. For example, in the preparation of the WCCO application the WNYC applications were completely ignored. In the recent amendment filed after WNYC requested its dismissal, WCCO continues to ignore WNYC. There is no explanation of why, after the WNYC construction permit application had been in hearing for over 4 years, WCCO chose to inject a further complication into the WNYC proceeding at this time. As WCCO implies, the Commission's allocation standards afford considerable flexibility to dominant Class I stations not enjoyed by other classes of stations, but there is a point at which public interest considerations require close scrutiny of proposals of Class I stations. Cf. Columbia Broadcasting System, Inc. (WCAU), 10 FCC 2d 908 (1967). Another factor ignored by WCCO is that, while the authorized operation of WCCO does not interfere with adjacent channel, Class I-A station WHAS, Louisville, Ky. (840 kc., 50 kw., U), the proposed operation of WCCO will interfere with WHAS (see section 73.183(w) of the rules), and we could not grant WCCO's application without according WHAS its legal rights under section 316 of the Communications Act. A third material factor in the WCCO application is the increased overlap of 1 mv./m. contours between WCCO and commonly owned station WDSM, Superior, Wis. (710 kc., 5 kw., DA-N, U),[3] thus raising an additional public interest question under § 73.35(a) of the Commission's rules.

[1] Novo Airfreight acts as a domestic air freight forwarder pursuant to Part 296 of the Board's economic regulations and Novo International conducts international operations pursuant to Part 297. See, Novo International Corp., Order 71-5-107, May 21, 1971.

[2] The new corporation will maintain its own offices and conduct busines in its own name in Hong Kong and Manila. In Japan, Novo Far East will act as subagent for Everett which does business there as Everett Air Cargo Service. Everett's activities in the Republic of Korea are presently conducted through Everett Air Korea Ltd., a Korean corporation in which Everett has a 49 percent interest. These activities will continue to be conducted by the Korean corporation, but Everett will transfer its 49 percent interest to Novo Far East.

[3] Furthermore, applicants have advised that neither Novo nor Novo International will perform outbound air freight forwarding services to the United States from the countries covered by the agreement between Novo and Everett, so long as such service is provided by Novo Far East or its related companies.

[4] Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished to the Attorney General in accordance with section 408(b) of the Act.

[5] Wings and Wheels Express, Inc., Order 71-7-60, July 9, 1971; Del Monte Corp., Order 71-6-90, June 16, 1971; Emery Air Freight Corp., Order 71-5-88, May 18, 1971.

[1] The further petition is opposed by a pleading filed Jan. 12, 1972, by WCCO.

[2] The efficiency of KDKA, Pittsburgh, Pa., is 2100 mv/m or slightly less than WCCO's proposed efficiency.

[3] WCCO and WDSM are among the holdings of the Cowles-Ridder broadcasting and publishing interests.

V 37 21 FEB 1 72 XUM

9. In view of the foregoing, it is apparent that WCCO's application cannot be summarily granted, as suggested by WCCO. At the same time, it is also apparent that, despite the lateness of the WCCO application, we cannot simply refuse to consider it on its merits. It is properly a "minor change" application under § 1.571 of the rules. Therefore, the "freeze" on the filing of "minor change" applications does not apply.[4] On the other hand, WCCO's application is clearly mutually exclusive with the WNYC proposals which have been in hearing status since 1967, and is not entitled to consideration with those applications unless we waive our cutoff procedures to permit such consideration. Although we deplore the tardiness of WCCO in filing its application, since the taking of evidence in the hearing has not yet begun, we believe the public interest would be best served by permitting full consideration of the WNYC and WCCO proposals in a single proceeding. Therefore, we will deny WNYC's petition to dismiss the WCCO application, waive our cutoff rule, accept WCCO's application, and consolidate it into the WNYC proceeding. One ground urged by WNYC in support of its request to reject the WCCO application was the added burden the WCCO proposal would place on WNYC in presenting its case in the hearing. Under the circumstances, we expect WCCO to carry the major burden of showing the mutual effect on the proposed WCCO radiation on WNYC and on WCCO as well.

10. It has not yet been determined whether the antenna structure proposed by WCCO would constitute a menace to air navigation. Therefore, an issue on that matter will be specified.

11. A corporation related to the licensee of WCCO is Cowles Florida Broadcasting, Inc., licensee of station WESH-TV, Daytona Beach, Fla. A hearing is now in progress on the application for renewal of the license of WESH-TV, Cowles Florida Broadcasting, Inc., Docket No. 19168. Among the questions to be resolved in that proceeding is the effect on the licensee's qualifications of certain alleged practices engaged by related publishing companies and any grant of the WESH-TV renewal has been made subject to the outcome of litigation in various jurisdictions involving Cowles Communications, Inc., WESH-TV's parent company, as well as other Cowles Communications subsidiaries. Accordingly, any grant of the WCCO application will be appropriately conditioned.

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the WCCO proposal presents a serious conflict with the WNYC proposals, the WCCO application will be consolidated for hearing in the proceeding on the WNYC applications on the issues specified below.

[4] Similarly, the 30-day withholding period following notice of acceptance of the application provided in section 1.580(b) of the rules is inapplicable.

13. *Accordingly, it is ordered,* That the petition to dismiss the application of Midwest Radio-Television, Inc., filed by the City of New York Municipal Broadcasting System is denied; the cutoff provisions of §§ 1.227(b)(1) and 1.591(b) are waived and the application of Midwest Radio-Television, Inc., is accepted, and, pursuant to section 309(e) of the Communications Act of 1934, as amended, is consolidated for hearing in the proceeding on the applications of the City of New York Municipal Broadcasting System, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which may be expected to gain or lose primary service from the proposed (a) daytime, and (b) presunrise and postsunset, operation of WNYC and the availability of other primary service to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of WCCO and the availability of other aural primary (1 mv/m or greater in the case of FM) service to such areas and populations.

(3) To determine whether the proposals of the City of New York Municipal Broadcasting System would cause objectionable interference to station WCCO, or any other standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary and secondary service to such areas and populations.

(4) To determine whether the proposed operation of WCCO would cause objectionable interference to station WHAS, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other aural primary service (1 mv/m or greater in the case of FM) and secondary service to such areas and populations.

(5) To determine the extent to which the proposed operation of WCCO results in increased overlap of the 1 mv/m contours of stations WDSM, Superior, Wis., and WCCO.

(6) To determine whether, in the light of the interference that woud be received, the proposed 50 kw. nighttime operation of station WNYC would be consistent with the Commission's rules, and, if not, whether circumstances exist that would warrant a waiver of that section.

(7) To determine whether the 50 kw. proposal of the City of New York Municipal Broadcasting System would seriously prejudice future consideration of the 820-, 830-, and 840-kc. Class I-A channels.

(8) To determine whether the 50 kw. transmitter site proposed by the City of New York Municipal Broadcasting System is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

(9) To determine whether the City of New York Municipal Broadcasting System will be able to adjust and maintain the 50 kw. directional antenna system as proposed in the instant application.

(10) To determine the type and character of the program service proposed to be rendered by station WNYC and whether and to what extent WNYC's daytime and nighttime proposed programing would serve special needs and requirements of the populations and areas proposed to be served.

(11) To determine whether or not there is any unusual and temporary need for the requested special service authorization, and if there is, the nature and extent thereof.

(12) To determine whether the City of New York Municipal Broadcasting System has adequately ascertained the needs and interests of the new areas proposed to be served by its 50 kw. application.

(13) To determine whether, and to what extent, WNYC-FM can be utilized to meet presunrise and postsunset needs and requirements of the areas proposed to be served by its 50 kw. proposal and by the proposal contained in its application for extension of SSA.

(14) To determine whether there is a reasonable possibility that the tower height and location proposed by WCCO would constitute a menace to air navigation.

(15) To determine whether or not a grant of any of the proposals would tend towards a fair, efficient, and equitable distribution of radio service among the several States and communities as contemplated by section 307(b) of the Communications Act of 1934, as amended.

(16) To determine which of the proposals would best serve the public interest.

(17) To determine, in light of the evidence adduced with respect to the foregoing issues, which, if any, of the applications should be granted.

14. *It is further ordered,* That the specification of issues herein shall supersede the specification of issues in all previous orders of the Commission and the Review Board in this proceeding.

15. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof with respect to issues 2, 4, 5, and 14 shall, pursuant to section 309(e) of the Communications Act of 1934, as amended, be upon Midwest Radio-Television, Inc.

16. *It is further ordered,* That WHAS, Inc., licensee of station WHAS, Louisville, Ky., and the Federal Aviation Administration are made parties to the proceeding.

17. *It is further ordered,* That any grant of the application of Midwest Radio-Television, Inc., will be subject to the following condition:

This authorization is without prejudice to whatever action the Commission may deem appropriate as a result of the proceeding on the application of Cowles Florida Broadcasting Inc., Docket No. 19168, and as a result of the pending proceedings involving Cowles Communications, Inc., instituted by the Federal Trade Commission, the States of Wisconsin, California, and Michigan, and the Pennsylvania litigation involving Mutual Readers League, Inc., a subsidiary of Cowles Communications, Inc.

18. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the parties respondent, pursuant to § 1.221(c) of the Commission's rules, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.[5]

19. *It is further ordered,* That Midwest Radio-Television, Inc., shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 19, 1972.

Released: January 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-1453 Filed 1-31-72;8:50 am]

[5] Since both WNYC and WCCO are already parties to this proceeding, additional appearances by the applicants need not be filed.

[6] Commissioners Bartley and H. Rex Lee absent. Commissioner Johnson concurring in the result.

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 9548-4, among the member lines of the above named Conference, modifies Article XIII of the basic agreement by forming two new separate Rate Committees to France and Italy, respectively, with authority to establish freight rates, subject to certain limitations as spelled out in the agreement.

Dated: January 25, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-1443 Filed 1-31-72;8:49 am]

SEATRAIN TERMINALS OF CALIFORNIA, INC., AND PORT OF OAKLAND, CALIFORNIA

Notice of Agreement Filed

Notice of agreement filed by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

By order dated February 4, 1971, the Commission approved Agreements Nos. T-2479 and T-2480 between the Port of Oakland, Calif. (Port) and Seatrain Terminals of California, Inc. (Seatrain), which provided for the sale of terminal facilities to the Port and the lease-back of the property to Seatrain on a long-term lease. An amendment to each agreement was subsequently approved on March 24, 1971. The approved agreements provide for certain improvements and additional construction which have now been agreed upon and filed with the Commission as an Agreement on Additional Improvements. The improvements include (1) dredging of a berth; (2) extension of the existing wharf; and (3) necessary utilities, fencing, lighting, and office facilities. Since, in our opinion, the contemplated improvements constitute an updating of the agreements, the Commission believes they should be brought to the attention of the public and notice is, therefore, being published herewith.

Interested parties may inspect and obtain a copy of the Agreement on Additional Improvements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments on the agreement may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement, and the statement should indicate that this has been done.

Dated: January 27, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-1444 Filed 1-31-72;8:49 am]

K AND S FORWARDERS ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

K & S Forwarders, 590 Lycaste, Detroit, MI 48214.
Officers:
Michael T. Bukowski, Partner.
Gary L. Clements, Partner.

Traffic Enterprises, Inc., 32 East Alisal Street, Salinas, CA 93901.
Officers:
Donald R. Costa, President.
Robert D. Allen, Vice President.
James R. Brandon, Secretary-Treasurer.

Pandair Freight, Ltd., Suite No. 4, 167-43 148th Avenue, Jamaica, NY 11434.
Officers:
A. R. L. Escombe, Chairman.
Derek Spice, Managing Director.
T. W. R. White, Secretary.

Jerry Friedland, 22 Roberta Lane, Syosset, NY 11791.

Luther, Palafox, & Associates, Inc., Centre City Building, Suite 1107, 233 A Street, San Diego, CA 92101.
Officers:
D. Richard Luther, President.
Diane M. Luther, Vice President-Secretary.
Haidee A. Palafox, Vice President-Treasurer.
Sharon Elaine Czull, Third Vice President.
Carmine J. Bua, Board of Director.

A. L. Bryan d.b.a. Bryan Forwarding Co., 3410 Turner Drive, Houston, TX.

Dated: January 25, 1972.

By the Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-1445 Filed 1-31-72;8:49 am]

V 37-21 FEB 1 72 XUM

FEDERAL POWER COMMISSION

[Docket Nos. RP71–7, etc.]

ALABAMA-TENNESSEE NATURAL GAS CO.

Order Granting Motion for Consolidation and Accepting for Filing Substitute Original Tariff Sheets

JANUARY 21, 1972.

On October 27, 1971, Alabama-Tennessee Natural Gas Co. filed in Docket No. RP72–62 a petition for a declaratory order of the Commission to resolve a controversy between the company and its customer the city of Florence, Ala., concerning the correct interpretation of the service agreement between Alabama-Tennessee and Florence dated June 11, 1965. The disputed portion of the service agreement reads as follows:

This contract shall continue in force and effect until September 1, 1971, with respect to 9,460 Mcf of gas per day, it being understood that nothing contained in paragraph 1 of Article I, or any other paragraph hereof, shall require Buyer to purchase said 9,460 Mcf of gas per day from Seller after September 1, 1971, and until November 1, 1985, with respect to 2,020 Mcf of gas per day and shall then continue in force and effect until terminated by either Buyer or Seller by giving 12 months prior written notice thereof to the other specifying the termination date.

It is the Company's position that its obligation to Florence was reduced to 2,020 Mcf per day effective September 1, 1971, and that all volumes taken since then by Florence in excess of 2,020 per day are subject to the unauthorized overrun penalties prescribed in its currently effective tariff. This tariff is in effect subject to modification in Docket No. RP71–7, now before the Commission for decision. The city of Florence filed its answer to the petition for a declaratory order on November 24, 1971, and Alabama-Tennessee replied thereto on December 6, 1971. Florence contends that the June 11, 1965, service agreement remains in full force and effect until terminated by either party upon 12 months prior written notice. Under this interpretation Florence is entitled to receive the full maximum daily volume of 11,480 Mcf without penalty.

By Commission order issued April 30, 1965, in Docket No. CP65–197 (33 FPC 905), Alabama-Tennessee was authorized to deliver to Florence a maximum daily volume of 11,480 Mcf. This fact is not disputed by the parties.

On November 17, 1971, Alabama-Tennessee filed in Docket No. RP72–73 substitute tariff sheets effecting a modification in the overrun penalty provision of its currently effective tariff. These revised tariff sheets are proposed to be substituted for those currently in effect as of March 17, 1971, in Docket No. RP71–7. Under the revised penalty provisions, overrun volumes would be determined by reference to FPC authorized volumes rather than contract volumes as interpreted by Alabama-Tennessee. No party has expressed opposition to the Company's proposed substitution of tariff sheets.

By its motion filed on December 16, 1971, the staff requests the Commission to consolidate Docket Nos. RP72–62 and RP72–73 with Docket No. RP71–7 for purposes of decision. The staff argues that the issues in Dockets RP72–62 and RP72–73 are directly related to those in RP71–7, and that no further evidentiary hearings are required in any of the dockets prior to Commission decision. The staff also supports the proposed substitution of tariff sheets in Docket No. RP72–73 since this procedure will eliminate further penalty billing of Florence by Alabama-Tennessee for any volumes up to 11,480 Mcf per day. No party has indicated opposition to the staff's proposals.

The Commission finds:

It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the above-entitled proceedings be consolidated for purposes of decision, and that the substitute tariff sheets filed by Alabama-Tennessee on November 11, 1971, in Docket No. RP72–73 be accepted for filing, as hereinafter ordered.

The Commission orders:

(A) The proceedings in Docket Nos. RP72–62 and RP72–73 are hereby consolidated with the proceeding in Docket No. RP71–7 for purposes of decision.

(B) Alabama-Tennessee's substitute original Sheets Nos. 8, 9, and 12 to its FPC Gas Tariff, Second Revised Volume No. 1, are hereby accepted for filing effective as of March 17, 1971, subject to the Commission's ultimate determination herein.

(C) The requirements of § 154.22 of the Commission's regulations are waived for purposes of accepting the subject tariff sheets for filing.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72–1426 Filed 1–31–72;8:47 am]

[Docket No. RP72–97]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 24, 1972.

Take notice that Algonquin Gas Transmission Co. (Algonquin), on January 12, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2.[1] The proposed rate changes would increase Algonquin's revenues from jurisdictional sales and services by $192,219 annually. The nature of the filing is set forth in the Company's transmittal letter as follows:

The rate increase reflected in the foregoing revised tariff sheets is filed to compensate only for an increase in purchased gas cost. Such increase in the cost of purchased gas results from the rate increase filed by Algonquin's sole supplier, Texas Eastern Transmission Corp. (Texas Eastern), on or about January 7, 1972, and proposed to become effective on February 25, 1972. Texas Eastern's rate increase gives effect to the inclusion in its rate base of the second half of an advance payment for gas to Mobil Oil Corp. and is in accordance with the provisions of Article V of the Stipulation and Agreement dated January 21, 1971, approved by Commission order issued March 24, 1971, in Texas Eastern Docket Nos. RP70–29 et al.

It is proposed that the foregoing revised tariff sheets be permitted to become effective on February 25, 1972, or such other date as the underlying increase rates proposed by Texas Eastern become effective. To this end it is requested that the notice requirements of § 154.22 be waived to the extent necessary as permitted by § 154.51.

Reference is made to the rate increase filing made by Algonquin on November 15, 1971, in Docket No. RP72–70, and particularly to Algonquin's cost of service contained therein. There has been no material change in Algonquin's facilities, sales volumes, and cost of service other than cost of gas since the above referred to prior rate increase was filed.

Inasmuch as the rate increase proposed herein by Algonquin is a tracking increase being filed to compensate only for an increase in cost of gas, the Commission is respectfully requested herewith to grant whatever special permission or waivers of compliance with any parts of its Rules and Regulations necessary to effectuate this proposal.

The above-mentioned tariff sheets are being posted in accordance with § 154.16 of the Federal Power Commission's regulations under the Natural Gas Act by mailing a copy of this filing to each of Algonquin's authorized purchasers and interested State commissions as shown on the attached list and by making it available for public inspection during normal working hours at Algonquin's General Office in Boston, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 16, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The Company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–1427 Filed 1–31–72;8:47 am]

[1] Volume No. 1:
Twenty-fifth Revised Sheet No. 5.
Twenty-fifth Revised Sheet No. 10.
Twenty-sixth Revised Sheet No. 11–A.
Twenty-sixth Revised Sheet No. 12.
Twenty-fifth Revised Sheet No. 14.
Twenty-second Revised Sheet No. 15–J.
Volume No. 2:
Twenty-sixth Revised Sheet No. 4.
Twenty-third Revised Sheet No. 57.

[Dockets Nos. RP72–4 and RP72–55]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Stipulation and Agreement of Settlement

JANUARY 25, 1972.

Take notice that Colorado Interstate Gas Co. (CIG), a division of Colorado Interstate Corp., on January 10, 1972, submitted for the Commission's acceptance and approval in Docket No. RP72–4, et al., a proposed stipulation and agreement of settlement, together with a summary of the cost of service on which the proposed settlement is based. The stipulation and agreement would resolve all issues in these proceedings and generally provides for specified reduced rates and for refunds in these proceedings.

The stipulation and agreement, inter alia, provides that: (1) CIG will file revised tariff sheets reflecting the settlement rates, as set forth in Appendix A to the agreement, to be effective as of January 1, 1972; (2) CIG shall refund to its jurisdictional customers any revenues which it has collected in excess of the settlement rates; (3) CIG shall flow-through to its jurisdictional customers the appropriate share of refunds it receives from suppliers related to gas purchases made during the period specified; (4) CIG shall be entitled to increase its rates to reflect rate increases of its suppliers and is required to reduce its rates to reflect supplier rate reductions in accordance with the purchase gas cost adjustments and advance payment adjustments provisions, as contained in Appendix B to the agreement; (5) with certain exceptions CIG shall not file for an increase in its jurisdictional rates which will become effective, after suspension under section 4(e) of the Natural Gas Act, prior to October 1, 1972; (6) CIG, during the term of the agreement, shall compute its allowance for depreciation for Federal and State income tax purposes by use of the "flow-through method of accounting" and the settlement rates reflect the flow-through to CIG's customers of the tax benefits of liberalized depreciation.

Copies of the filing were served on all parties to these proceedings, Colorado Interstate's jurisdictional customers and the Public Utilities Commission of Colorado.

Answers or comments relating to the proposed stipulation and agreement of settlement may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before February 10, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–1428 Filed 1–31–72;8:48 am]

[Docket No. CP72–177]

EL PASO NATURAL GAS CO.

Notice of Application

JANUARY 24, 1972.

Take notice that on January 13, 1972, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP72–177, an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas facilities and services in Texas and New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests permission for the approval of the abandonment of a 125-horsepower portable field compressor unit which was utilized to compress casinghead gas from the Bedford Field, Andrews County, Tex., and was inadvertently removed and scrapped; of two taps serving Pioneer Natural Gas Co. (Pioneer) in Castro and Lamb Counties, Tex.; of two taps serving Jal Gas Co. (Jal) in Lea County, N. Mex.; and of certain measuring facilities in Potter County, Tex., which were used for a limited term delivery of natural gas to Colorado Interstate Gas Co. Applicant states that Pioneer and Jal have advised that gas service through the subject taps is no longer needed. Applicant estimates the total cost of the removal of the facilities to be abandoned at $1,550. Applicant expects no interruption, reduction of, or termination in natural gas service presently rendered by applicant to any of its customers as a consequence of the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–1429 Filed 1–31–72;8:48 am]

[Docket No. CP72–178]

EL PASO NATURAL GAS CO.

Notice of Application

JANUARY 24, 1972.

Take notice that on January 13, 1972, El Paso Natural Gas Co. (applicant), filed in Docket No. CP72–178, an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(a) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1972, and the operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct, during the calendar year 1972, and to operate up to a maximum total of 10,000 compressor brake horsepower and related appurtenances on its Lea County, N. Mex., dry gas field gathering system in order to offset declining reservoir pressure in Lea County, and to construct and operate related auxiliary facilities such as waste heat boilers, gas cooling equipment and modifications of station piping facilities. Applicant estimates the cost of the proposed facilities to be $3,400,000 which will be financed from use of working funds supplemented, as necessary, by short-term borrowings.

Applicant states that the purpose of the proposed facilities is to permit the continued production of natural gas from the Lea County, N. Mex., area in quantities sufficient to maintain the present daily output capability of applicant's existing Lea County facilities and to insure the required availability of the Lea County gas supply for the 1972–73 heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the

V37 I21 FEB 1 72 XUM

Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1430 Filed 1-31-72;8:48 am]

[Project 2354]

GEORGIA POWER CO.

Notice of Application for Change in Land Rights

JANUARY 26, 1972.

Public notice is hereby given that application for approval of the conveyance of an easement to Westco Telephone Co. for placement of an underwater telephone cable, has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Georgia Power Co. (correspondence to Mr. I. S. Mitchell III, Vice President and Secretary, Georgia Power Co., 270 Peachtree Street, Post Office Box 4545, Atlanta, GA 30302) in Project No. 2354, located in Rabun, Habersham, and Stephens Counties, Ga., and Oconee County, S.C., on the Tallulah and Tugaloo Rivers. The project land to be conveyed is in Rabun County, Ga.

The application seeks Commission approval of a proposed conveyance of an easement to Westco Telephone Co. for placement of an underwater telephone cable which is 0.81 inches in diameter and which would cross approximately 1,247 feet of Lake Rabun (Mathis Development of the North Georgia Project) at elevation 1,689.6 feet M.S.L. Service would be provided to Westco's prospective customers on the southern shore of Lake Rabun by placement of the cable.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1431 Filed 1-31-72;8:48 am]

[Docket No. E-7696]

GULF STATES UTILITIES CO., ET AL.

Notice of Rate Schedule Filing

JANUARY 21, 1972.

Take notice that on October 12, 1971, Gulf States Utilities Co. (Gulf States) filed an interconnection agreement dated August 3, 1971. The interconnection agreement is an interim agreement and is filed as an initial rate schedule. The parties to the agreement are Gulf States, Central Louisiana Electric Co., Inc. (Central), Louisiana Power and Light Co. (Louisiana), all hereinafter referred to as "companies," and Louisiana Electric Cooperative, Inc. (LEC).

The proposed agreement establishes an interconnection between the companies and LEC to provide, among other things, for the sale and purchase of the output of LEC's 200,000-kw. steam electric generating plant located near New Roads, La.

The agreement proposes that the companies will provide power and energy for testing and startup for the New Roads plant, receiving in return the test energy generated. When the New Roads plant is ready for commercial operation, and beginning on the first of the month subsequent thereto, the companies will schedule the plant's operation and will receive the entire output into their systems.

The companies will reimburse the LEC for its costs of depreciation, interest, operation and maintenance, taxes, general costs, and fuel. The companies will share the cost and benefits as follows: Central—6 percent, Gulf States—53 percent, Louisiana—41 percent. Gulf States is designated the operating agent for the companies.

On September 13, 1971, the companies began furnishing power for testing and startup for the New Roads plant. The plant is expected to be ready for commercial operation by March 1, 1972.

The term of the proposed agreement is for the period between the date of acceptance for filing by the Commission and midnight December 31, 1972, or until canceled by the LEC upon 30 days notice. The parties expect to complete long-term power coordination by the December 31, 1972, date. The parties request the proposed agreement be accepted for filing at the earliest possible date.

Any person desiring to be heard or to make any protest with any reference to said application should on or before February 10, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1432 Filed 1-31-72;8:48 am]

[Docket No. E-7700]

NEW ENGLAND POWER CO.

Notice of Application for Increase in Resale Power Rates and Petition for Emergency Relief

JANUARY 24, 1972.

Take notice that on January 14, 1972, New England Power Co. filed in Docket No. E-7700 a proposed general increase in its resale power rates and a petition for emergency relief requesting that the proposed increased rates be made effective on February 14, 1972, after a one day suspension and subject to refund, and that §§ 1.7(b), 35.13(b) (4)(i) and (5)(i) of the Commission's rules and regulations under the Federal Power Act be waived. The proposed increased rates would increase NEPCO's 1971 revenues by approximately $11 million or 6.5 percent.

NEPCO states it is in a deteriorating financial condition, and that recent operating experience has compounded its financial problems and necessitated bringing the subject petition for emergency relief. NEPCO states the requested rate increase is required as a result of its current inability to issue long-term debt due to the inadequacy of its earnings under the interest coverage restrictions in its existing bond indentures.

Section 35.13(b) (4)(i) and (5)(i) of the Commission's regulations provide that a public utility filing for a rate increase shall file detailed cost of service data and supporting testimony 60 days prior to the requested effective date. NEPCO requests waiver of these regulations and asks that it be permitted to file its cost of service and testimony on an actual 1971 test year basis on April 14, 1972. The company states that it cannot prepare the necessary information in the detail required prior to April 14, 1972, and at the same time is not in a position to wait until 60 days after April 14, 1972, for rate relief.

Any person desiring to be heard or to protest the subject petition of New England Power Co. should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 1, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's petition is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1433 Filed 1-31-72;8:48 am]

[Project 1553]

NEW JERSEY ZINC CO.

Notice of Issuance of Annual License

JANUARY 26, 1972.

On June 12, 1970, the New Jersey Zinc Co., licensee for Fall Creek Hydroelectric Plant, Project No. 1553 located on Fall Creek in Eagle County, Colo., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 1553 was issued effective June 28, 1950, for a period ending June 28, 1970. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to the New Jersey Zinc Co. for continued operation and maintenance of Project No. 1553.

Take notice that an annual license is issued to the New Jersey Zinc Co. (licensee) under section 15 of the Federal Power Act for the period June 29, 1971, to June 28, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Fall Creek Hydroelectric Plant, Project No. 1553, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1434 Filed 1-31-72;8:48 am]

[Docket No. E-7300]

PACIFIC POWER & LIGHT CO.

Notice of Application

JANUARY 27, 1972.

Take notice that Pacific Power & Light Co. (applicant), incorporated under the laws of the State of Maine and qualified to do business as a foreign corporation in the States of Washington, California, Idaho, Montana, and Wyoming, with its principal place of business at Portland, Oreg., filed an application in Docket No. E-7300 on January 26, 1972, for a supplemental order, pursuant to section 202(e) of the Federal Power Act, authorizing applicant to resume the transmission of electric energy from the United States to Canada.

By the Commission order issued September 30, 1966, in Docket No. E-7300 (36 FPC 706), applicant was authorized to transmit electric energy from the United States to Canada in an amount not in excess of 500 million kw.-hr. per year at a transmission rate not to exceed 170,000 kw. over certain 230 kv. and 500 kv. facilities of Bonneville Power Administration (BPA) located at the international border between the United States and Canada near Blaine, Wash., and covered by BPA's Presidential Permit, as amended, Docket No. IT-5959. The order recited that the exported energy would be sold by applicant to British Columbia Hydro and Power Authority (B.C. Hydro), Vancouver, Province of British Columbia, Canada, and would be delivered by BPA to B.C. Hydro at the point near Blaine where BPA's facilities interconnect with those of B.C. Hydro. The export authorization granted to applicant by the order expired April 30, 1969, in accordance with the provisions thereof.

Applicant now seeks authorization to export electric energy in an amount not in excess of 10,000 megawatt hours per week at a transmission rate not to exceed 100 megawatts over BPA's facilities, including those referred to above, on a "when and if available" basis, as determined by applicant, for the purpose of alleviating emergency outages or maintenance conditions on B.C. Hydro's electric system. Applicant proposes to sell the exported energy to B.C. Hydro at rates and charges which will not be in excess of six mills per kw.-hr. Applicant represents that the proposed exportation of energy will not jeopardize any firm load carrying capability of applicant or other entity under the Pacific Northwest Coordination Agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1471 Filed 1-31-72;8:50 am]

[Docket No. CP69-85]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

JANUARY 25, 1972.

Take notice that on January 17, 1972, Transcontinental Gas Pipe Line Corp. (petitioner), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP-69-85, a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on November 1, 1968 (40 FPC 1206), so as to increase the volume of natural gas which petitioner is authorized to transport for Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is currently authorized to transport for Tennessee up to a maximum volume of natural gas of 70,000 Mcf per day for delivery to Public Service Electric and Gas Co. (Public Service). Petitioner states that Tennessee has advised that from time to time it anticipates having available for delivery to Public Service volumes of gas over and above the presently authorized transportation maximum. Petitioner seeks authorization to increase the maximum volume of natural gas which applicant may transport for Tennessee to a total of 145,000 Mcf per day on a "best efforts" basis until April 1, 1973, and year to year thereafter.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1435 Filed 1-31-72;8:48 am]

[Docket No. CP72-182]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Joint Application

JANUARY 26, 1972.

Take notice that on January 18, 1972, Transcontinental Gas Pipe Line Corp. (Transco), Post Office Box 1396, Houston, TX 77001, and Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, KY 42301, filed in Docket No. CP72-182, a joint application, as supplemented on January 19, 1972, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between applicants and the construction of facilities necessary to effectuate such exchange, all as more fully

V37-21 FEB 1 72 XUM

set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have entered into an agreement whereby Transco will deliver up to a maximum of 15,000 Mcf of natural gas per day to Texas Gas in the Simon Pass Field, St. Martin Parish, La., in exchange for an equivalent volume to be delivered to Transco by Texas Gas in the Dog Lake Field, Terrebonne Parish, La. Transco proposes to construct the necessary facilities for such exchange except for certain tap and flange facilities which Texas Gas will install on its existing transmission line. Transco plans to finance the entire facilities, which are estimated to cost $260,000, from funds on hand.

Applicants state that the purpose of the proposed exchange is to avoid the necessity of costly and difficult construction by Transco of pipeline facilities to bring natural gas, which it purchases from Occidental Sales Co., from the Simon Pass Field to its existing transmission facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1436 Filed 1-31-72;8:48 am]

FEDERAL RESERVE SYSTEM

AFFILIATED BANK CORP.

Order Approving Acquisition of Bank

Affiliated Bank Corp., Madison, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Middleton Shores Bank, Middleton, Wis. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is the 11th largest banking organization in Wisconsin, controlling two banks with aggregate deposits of $93 million, representing 0.9 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through December 31, 1971.) Bank, with deposits of $0.8 million, is the smallest of 31 banks in the revelant banking market which is approximated by the Madison SMSA and holds less than 0.1 percent of deposits in commercial banks in that market. Both of applicant's present banking subsidiaries compete in this market, and applicant is the second largest banking organization in that market, controlling 15 percent of market deposits. There is no significant existing competition between Bank and either of applicant's subsidiaries since Bank was recently formed by officers and directors of applicant. Due to the number of banks in the intervening areas, and Wisconsin's branching law, which effectively prohibits applicant's present subsidaries and Bank from branching into the primary service area of each other, there appears to be little likelihood that significant competition between Bank and applicant would develop in the future even if the Board denied the application and, as applicant has indicated, control of Bank were to be sold to local residents. Consummation of the proposed acquisition would not eliminate existing or potential competition nor have adverse effects on any competing bank.

The banking needs of the community are being satisfactorily served at this time. Considerations relating to the convenience and needs of the communities to be served are consistent with approval. Considerations relating to financial and managerial resources and future prospects as they relate to applicant, its subsidiaries, and Bank, are regarded as satisfactory, and are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] January 25, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1425 Filed 1-31-72;8:47 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-21]

REVISED POLICY ON REPORTING DISCREPANCIES IN SHIPMENTS

To Heads of Federal Agencies.

1. *Purpose.* This regulation (1) requires the use of revised Standard Form 361, July 1971, Discrepancy in Shipment Report (Short Title DISREP); (2) prescribes the use of new Standard Form 363, Discrepancy in Shipment Confirmation (Short Title DISCON), and new Standard Form 364, Report of Item Discrepancy (ROID); and (3) provides guidelines for their use under certain conditions to report discrepancies in shipments from or directed by GSA or the Department of Defense (DOD).

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (2-1-72).

3. *Expiration date.* This regulation expires October 31, 1972, unless sooner revised or superseded. Prior to that date, this regulation will be codified, as appropriate, in the permanent regulations of GSA appearing in Title 41 CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to all executive agencies.

5. *Background.* An interagency task group was established in January 1969 to review and recommend improvements in the procedures and forms used in processing reports of discrepancies in shipments. The task group visited with and circulated questionnaires to a representative number of civilian and military shipping and receiving activities to identify the elements of the reporting procedures and forms needing simplification or improvement to increase efficiency and effectiveness. As a result, Standard Form 361 has been revised and restricted to use in reporting transportation-type discrepancies. In this connection, new Standard Form 363 was developed for use in conjunction with or in lieu of (as appropriate) the revised Standard Form 361. Also, the new Standard Form 364 was developed for use in reporting shipping-type discrepancies which are no longer reportable on the revised Standard Form 361. The terms "transportation-type discrepancies" and "shipping-type discrepancies" are defined in the glossary shown as part 7 of attachment A to this regulation.

6. *Reporting requirements*—a. *Transportation-type discrepancies.* The revised Standard Form 361 and/or new Standard Form 363, as appropriate, shall be prepared in accordance with the procedures in attachments A and B[1] to report the following transportation-type discrepancies:

(1) Any variation in quantity or condition of material received from that shown on the covering bill of lading.

(2) Material delivered without a bill of lading.

(3) Other discrepancies or deficiencies in transportation when discrepant material is not involved.

b. *Shipping-type discrepancies.* Standard Form 364 shall be prepared in accordance with the procedures contained in attachment C[1] to report any variation in quantity or condition of material received from that shown on the authorized shipping document, which is not a result of a transportation-type discrepancy.

7. *Adjustments*—a. GSA will adjust billings resulting from overcharges or undercharges or from discrepancies in shipments from or directed by GSA in accordance with the dollar limitation cited below:

(1) When GSA pays the transportation charges:

(a) Transportation-type discrepancies in shipments to consignees in the conterminous United States (48 contiguous States and the District of Columbia) when the total value or cost of repairs of the items involved on a single bill of lading exceeds $15.

(b) Transportation-type discrepancies in international air or ocean shipments when the error is made by GSA or if the shipment moves on a through Government bill of lading in accordance with the dollar limitation cited in (a), above.

(2) Regardless of who pays the transportation charges: Shipping-type discrepancies and lost or damaged parcel post shipments when the value of the difference involved exceeds $10 per line item.

b. Regardless of who pays the transportation charges, billing adjustments to agencies and claims against carriers will not be processed by GSA on transportation-type discrepancies in international air or ocean shipments which are the fault of a carrier except as otherwise provided in subparagraph a(1)(b), above. The receiving agency shall process such claims against carriers in accordance with the instructions contained in FPMR 101-40.710.

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Daane.

[1] Attachments A, B, and C hereto are filed with the original document.

c. GSA will not honor requests for adjustments unless the report of discrepancy is submitted within the following time frames, except when extenuating circumstances or high dollar value warrants special consideration:

(1) Conterminous U.S. shipments—120 days from date of shipment.

(2) Foreign military sales (FMS) shipments—1 year after date of shipment or billing, whichever is later.

(3) Export (except FMS) shipments—180 days from date of shipment.

8. *Replacement or reshipment of material.* When a discrepancy exists and the material involved is still required, ordering activities shall submit a new requisition except when material was purchased by GSA for direct delivery shipment from a vendor or manufacturer. These cases will be handled on a case-by-case basis and GSA will advise ordering activities of the action being taken.

9. *Availability of forms.* The forms specified in this temporary regulation are stock items and are available from GSA under normal requisitioning procedures. The following information is furnished for requisitioning purposes.

Form No.	Federal stock No.	Unit of issue
Standard Form 361	7540 965 2408	PD (Pad).
Standard Form 363	7540 165 6557	PD.
Standard Form 364	7540 159 4442	PD.

NOTE: Each unit of issue (PD) consists of 100 forms, carbon interleaved. The standard shipping carton contains 60 pads.

10. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, D.C. 20406, no later than July 31, 1972, for consideration and possible incorporation into the permanent regulation.

11. *Effect on other issuances.* This regulation supersedes FPMR 101-26.307 as it applies to reporting discrepancies in shipments for which GSA pays the transportation charges.

ROD KREGER,
Acting Administrator of General Services.

JANUARY 24, 1972.

[FR Doc.72-1420 Filed 1-31-72;8:47 am]

POSTAL SERVICE

BUILDINGS AND GROUNDS AND SURPLUS REAL PROPERTY

Management and Disposal; Interim Regulations

The following regulations are adopted as interim regulations of the U.S. Postal Service. Similar interim regulations were placed in effect on July 1, 1971, but were inadvertently rescinded, effective January 1, 1972 (36 F.R. 12451; 23216). The Postal Service has been following these regulations since July 1, 1971.

(39 U.S.C. 401, 410, 2008(c))

LOUIS A. COX,
General Counsel.

1. Part 101-19—Management of Buildings and Grounds, of Title 41, Code of Federal Regulations, except Subpart 101-19.4—Standard Practices for Financing, and § 101-19.313 *Penalties and other law,* shall apply, as modified below, to the management of buildings and grounds owned and leased by the Postal Service. Financing of the operation and maintenance of buildings and grounds occupied jointly by the Postal Service and other agencies shall be provided for by agreements between the other occupying agencies, or the General Services Administration, and the Postal Service.

The authorities and responsibilities vested in the General Services Administration and the Administrator of General Services by Part 101-19 with regard to Government-owned and Government-leased buildings and grounds are vested hereby in the U.S. Postal Service with regard to Postal Service-owned and Postal Service-leased buildings and grounds. Any reference in Part 101-19 to "GSA", "General Services Administration", or "Administrator" shall be construed in a manner consistent with the preceding sentence for the purpose of applying Part 101-19 to Postal Service-owned and -leased buildings and grounds. Any reference in Part 101-19 to "Federal" building(s) or to "building(s)", shall be construed to mean "Postal Service" building(s).

2. The sections listed below contained in Subpart 101-47.3—Surplus Real Property Disposal, Subpart 101-47.4—Management of Excess and Surplus Real Property, and Subpart 101-47.49—Illustrations, of Title 41, Code of Federal Regulations, shall apply, except as noted, to the management and disposal of surplus real property by the Postal Service:

Sec.	
101-47.303-3	Studies.
101-47.303-4	Appraisal.
101-47.304-1	Publicity.
101-47.304-2	Soliciting cooperation of local groups.
101-47.304-3	Information to interested persons.
101-47.304-4	Invitation for offers.
101-47.304-5	Inspection.
101-47.304-6	Submission of offers.
101-47.304-7	Advertised disposals.
101-47.304-8	Report of identical bids.
101-47.304-9	Negotiated disposals; except that paragraph (a)(5) shall not apply.
101-47.304-10	Disposals by brokers.
101-47.304-11	Documenting determinations to negotiate.
101-47.304-12	Explanatory statements; except that subsections (d), (e), and (f) shall not apply.
101-47.305-1	General.
101-47.305-2	Equal offers.
101-47.305-3	Notice to unsuccessful bidders.
101-47.306-1	Negotiations.
101-47.307-1	Form of deed or instrument of conveyance.

V 37-21 FEB 1 72 XUM

Sec.	
101–47.307–2	Conditions in disposal instruments.
101–47.309	Disposal of leases, permits, licenses, and similar instruments.
101–47.310	Disposal of structures and improvements on Government-owned land.
101–47.312	Non-Federal interim use of property.
101–47.313–1	Disposal of easements to owner of servient estate.
101–47.313–2	Grants of easements in or over Government property.
101–47.400	Scope of subpart.
101–47.401–1	Policy.
101–47.401–2	Definitions.
101–47.401–5	Improvements or alterations.
101–47.4911	Outline for explanatory statements for negotiated sales.
101–47.4913	Outline for protection and maintenance of excess and surplus real property.

The authorities and responsibilities vested in the General Services Administration and the Administrator of General Services under the above-listed sections are vested in the U.S. Postal Service for the purpose of applying the sections to the management and disposal of surplus real property by the Postal Service. Any reference in the sections to "GSA", "General Services Administration", "Administrator", "disposal agency", "head of the disposal agency", or "holding agency", shall be construed, for the purpose of applying the sections to the management and disposal of surplus real property by the Postal Service, to refer to the U.S. Postal Service. Any reference in the sections to "surplus real property" shall be construed, for the purpose of applying the sections to the management and disposal of real property by the Postal Service, to include any property of the Postal Service which is determined to be excess to the needs of the Postal Service.

[FR Doc.72–1470 Filed 1–31–72;8:50 am]

VETERANS ADMINISTRATION

NEW VA HOSPITAL, LOMA LINDA, CALIF.

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a draft document entitled "Draft Environmental Statement for a New 630-Bed Veterans Administration Hospital, Loma Linda, Calif." dated January 14, 1972, has been prepared as required by the National Environmental Policy Act of 1969. This project consists of 510 Medical, Surgical, and Neuropsychiatric beds and 120 Nursing Home Care beds. This hospital will replace the beds lost through the earthquake destruction of the Veterans Administration Hospital at San Fernando, Calif. The site is one-half mile east of Loma Linda University Hospital. The draft statement discusses the environmental impact of our hospital in that location. The document is being placed for public examination in the Veterans Adminstration office in Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration and Facilities, Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420.

Single copies of the draft statement may be obtained on request to the above office.

Dated: January 25, 1972.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.72–1441 Filed 1–31–72;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order No. 3–72]

ASSOCIATE DEPUTY UNDER SECRETARY OF LABOR FOR INTERNATIONAL AFFAIRS AND DEPUTY ASSISTANT SECRETARY FOR TRADE AND ADJUSTMENT POLICY

Redelegation of Authority Regarding International Labor Activities

1. *Purpose.* This order delegates authorities and assigns responsibilities for international labor activities to the Associate Deputy Under Secretary for International Affairs and the Deputy Assistant Secretary for Trade and Adjustment Policy.

2. *Background.* Secretary's Order No. 51–69, dated September 16, 1969, delegates authority to the Deputy Under Secretary of Labor for International Affairs for directing and carrying out the Department's international labor activities. To assist the Deputy Under Secretary with his responsibilities, redelegation of authority and assignment of responsibility are made as follows.

3. *Authorities and responsibilities of Associate Deputy Under Secretary for International Affairs.* Under policy guidance of the Deputy Under Secretary, the Associate performs the following duties:

a. Supervises all offices and units within the Bureau of International Labor Affairs.

b. Assists the Deputy Under Secretary in the development and implementation of: International labor policies and programs under the Foreign Service Act and related Executive orders; negotiated agreements with State Department, AID, and other governmental and nongovernmental agencies under the Foreign Assistance Act and Mutual Education and Cultural Exchange Act; foreign economic policy and trade adjustment assistance under the Trade Expansion Act and related legislation and Executive orders; and all other statutes and regulations authorizing Department of Labor participation in international labor, manpower, and trade programs.

c. Develops policies and programs for conduct of international labor activities in the Department and coordinates them with other agencies and nongovernmental organizations.

d. Provides guidance to international programs of other Administrations and Offices in the Department of Labor.

e. Serves as United States or departmental representative at ILO sessions and other international meetings and conferences as assigned by the Deputy Under Secretary.

f. Acts for the Deputy Under Secretary in his absence.

4. *Authorities and responsibilities of Deputy Assistant Secretary for Trade and Adjustment Policy.* Under policy guidance of the Deputy Under Secretary, and the Associate Deputy Under Secretary, the Deputy Assistant Secretary performs the following duties:

a. Develops and coordinates for the Deputy Under Secretary international activities in the Department connected with foreign economic policies and programs.

b. Assists the Deputy Under Secretary and the Associate Deputy Under Secretary in carrying out assigned responsibilities in connection with the Trade Expansion Act and related legislation and Executive orders.

c. Directs departmental participation in interagency and international textile programs pursuant to Executive Order 11052 and related orders.

d. Through the Deputy Under Secretary and the Associate Deputy Under Secretary provides policy guidance for the program work of ILAB in areas of foreign economic policy and trade.

e. Acts in Trade and Adjustment Policy matters for the Deputy Under Secretary in the absence of both the Deputy Under Secretary and the Associate Deputy Under Secretary.

5. *Directives affected.* Except for the addition of paragraph 4e above, this order is identical to Secretary's Order No. 2–72, January 7, 1972, which is hereby canceled.

6. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 26th day of January 1972.

DONALD M. IRWIN,
Deputy Under Secretary for International Affairs.

[FR Doc.72–1404 Filed 1–31–72;8:45 am]

UTICA CUTLERY CO.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of December 17, 1971, the U.S. Tariff Commission made a report of the results of its investigation (TEA–W–120) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of workers of the Utica Cutlery Co. located in Utica, N.Y. In this report the Commission unanimously found that articles like or directly competitive with stainless steel table flatware of the type produced by the Utica Cutlery Co. (in its plants in Utica and New York Mills, N.Y.) are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of this company.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Director of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation. Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 24848; 29 CFR 90.5). In the recommendation, he noted that imports of products like or directly competitive with stainless steel table flatware of the type produced by the Utica Cutlery Co. had increased substantially following the termination of tariff quotas in October 1967. In an attempt to remain competitive the company imported stainless steel table flatware and acquired the line of a defunct manufacturer that had served another market. However, the company continued to suffer losses. There was a significant drop in the employment level of the firm during the first 6 months of 1968 as imports increased. Employment rose slightly in 1970 due to the acquisition of the additional flatware line. Labor force reductions attributable to increased imports began in March 1971 and have continued through the present date. After due consideration, I make the following certification:

All hourly and salaried workers of the Utica Cutlery Co. plants located at Utica and New York Mills, N.Y., who became unemployed or underemployed after January 1, 1968 and before June 8, 1968, and who became or will become unemployed or underemployed after March 25, 1971, are eligible to apply for adjustment assistance under title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 21st day of January 1972.

EDWARD B. PERSONS,
Associate Deputy Under Secretary for International Affairs.

[FR Doc.72–1398 Filed 1–31–72;8:45 am]

WEST VIRGINIA

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91–373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Clement R. Bassett, Commissioner of the West Virginia Department of Employment Security, has determined that there was a State "on" indicator in West Virginia for the week beginning December 12, 1971, and that an extended benefit period began in the State with the week beginning January 2, 1972.

Signed at Washington, D.C., this 21st day of January 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72–1405 Filed 1–31–72;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 27, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 107409 Sub 36, Ratliff and Ratliff, Inc., assigned February 2, 1972, at Washington, D.C., is canceled and transferred to modified procedure.

MC 119619 Sub 59, Distributors Service, assigned February 28, 1972, MC 129076 Sub 4, Specialized Carriers, assigned February 25, 1972, MC 135725 Sub 1, Fry Trucking, assigned February 22, 1972, and MC 135775, Schaumburg Transportation, assigned March 1, 1972, at Chicago, Ill., will be held in Room 1066A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 109994 Sub 39, Sizer Trucking, Inc., assigned February 1, 1972, at Chicago, Ill., canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–1454 Filed 1–31–72;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 27, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42344—*Phosphates between southwestern and western trunkline territories.* Filed by Southwestern Freight Bureau, agent (No. B–287), for interested rail carriers. Rates on diammonium phosphate, monoammonium phosphate, and superphosphate, in carloads, as described in the application, between points in southwestern territory, on the one hand; also between points in Illinois Freight Association, southwestern (including Mississippi River crossings Memphis, Tenn., and south), and western trunkline territories, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 42 to Southwestern Freight Bureau, agent, tariff ICC 4941. Rates are published to become effective on February 27, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–1455 Filed 1–31–72;8:49 am]

[Notice 15]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 26, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 89523 (Sub-No. 21 TA), filed January 19, 1972. Applicant: MID-STATES TRUCKING CO., 2517 North Grand, Enid, OK 73701. Applicant's representative: Glenn H. Newell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, in tank vehicles, from the plantsites or warehouses of John Morrell & Co., located in Arkansas City and Wichita, Kans.; Des Moines, Estherville, and Ottumwa, Iowa; East St. Louis, Ill.; St. Louis, Mo.; Worthington, Minn.; Sioux Falls, S. Dak.; and Memphis, Tenn.; to points in Arkansas, Louisiana, Oklahoma, and Texas, for 180 days. Supporting shipper: J. G. Lomurro, Corporate

V 37 N 21 FEB 1 72 XUM

Director, John Morrell & Co., 208 South La Salle Street, Chicago, IL 60604. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 94350 (Sub-No. 30 TA), filed January 14, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from the plantsite of Boise Cascade, Ottawa, Kans., to dealers in Missouri, Colorado, Nebraska, Iowa, and Oklahoma, for 180 days. Supporting shipper: Boise Cascade Mobile Homes, Star Division, Post Office Box 627, Ottawa, KS. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 107882 (Sub-No. 24 TA) (Correction), filed December 27, 1971, published FEDERAL REGISTER issue January 11, 1972, corrected and republished in part as corrected this issue. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: Russell Parkerson (same address as above). NOTE: The purpose of this partial republication is to reflect the correct territorial description to read as follows: Between Coral Gables, Fla., on the one hand, and, Dallas, Tex., on the other, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 110683 (Sub-No. 31 TA), filed January 17, 1972. Applicant: SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., as an off-route point in connection with presently authorized regular route operations, between Winchester, Va., and New York, N.Y., for 180 days. NOTE: Applicant states that it does intend to tack with existing authority. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke VA 24011.

No. MC 112796 (Sub-No. 7 TA), filed January 14, 1972. Applicant: ELMER G. BRAKE, INC., 220 Wholesale Street, Clarksburg, WV 26301. Applicant's representative: Elmer G. Brake (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass* in boxes or crates, from the plantsite of the Guardian Industries Corp., Ash Township at or near Carleton, Mich., to Clarksburg (Harrison County), W. Va., for 180 days. Supporting Shipper: Fourco Glass Co., Post Office Box 991, Clarksburg, WV 26301, Attention: Wayne Haley, General Traffic Manager. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 113908 (Sub-No. 221 TA), filed January 17, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegars, vinegars stock, and apple concentrate*, in bulk, in tank vehicles, from North Rose, N.Y., to St. Paul, Minn.; Marionville and Kansas City, Mo.; Memphis, Tenn.; Paris, Tex.; Rogers, Ark.; Hutchinson, Kans.; and Fremont, Mich.; for 180 days. Supporting shipper: Speas Co., 2400 Nicholson Avenue, Kansas City, MO 64120. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 117765 (Sub-No. 140 TA) (Correction), filed January 3, 1972, published in the FEDERAL REGISTER issue of January 15, 1972, and republished as corrected this issue. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials and supplies* (except liquid commodities in bulk), used in installation or distribution of such commodities, from the plantsite of United States Gypsum Co., Martin County, Ind., to points in Alabama, Arkansas, Kentucky, Missouri, and Tennessee, for 180 days. Supporting shipper: D. R. Vandermyde, Traffic Manager, Central Division, United States Gypsum Co., 101 South Wacker Drive, Chicago, IL 60604. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102. The purpose of this republication is to reflect the correct origin point as Martin County, Ind., in lieu of Marion County, Ind.

No. MC 127372 (Sub-No. 4 TA) (correction), filed November 29, 1971, published FEDERAL REGISTER issue December 10, 1971, corrected and republished in part, as corrected, this issue. Applicant: SIDNEY A. AHL, 1921 Bexley Street, North Charleston, SC 29406. Applicant's representative: Frank D. Hall, 3384 Peachtree Road NE., Atlanta, GA 30326. NOTE: The purpose of this partial republication is to add to the South Carolina counties, the following: Hampton, Marion, Dorchester, Colleton, Charleston, Berkley, Beaufort, Horry, Bamberg, and Williamsburg, S.C. The rest of the notice remains the same.

No. MC 128247 (Sub-No. 23 TA), filed January 18, 1972. Applicant: BURSAL TRANSPORT, INC., Post Office Box 565, Office: 107 Broadway, Bunker Hill, IN 46914. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rockwool insulating material* (asbestos or magnesia) *mineral wool, mineral wool and cotton cloth or paper combined*; in forms other than solid flat blocks or sheets; asbestos, felt, paper, magnesia, or mineral wool, separate or combined, in solid flat blocks or solid flat sheets; rock or slag mineral wool, metal reinforced; mineral wool, in batts and also other than batts), from points in Madison County, Ind., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, D.C., West Virginia, and Wisconsin, for 180 days. Supporting shipper: Indiana Rockwool Division of Susquehanna Corp., Alexandria, Ind. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 135840 (Sub-No. 1 TA), filed January 18, 1972. Applicant: S & S ENTERPRISES, INC., 428 Kathy Lane, Billings, MT 59101. Applicant's representative: Hugh Sweeney, Post Office Box 1321, Billings, MT 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in bottles and cans, automatic coin-operated carbonated beverage can, bottle and premix vending machines, carbonated premix tanks, ice chests, fountain syrups, CO_2 drums and paper cups, from Billings, Mont., to Sheridan, Wyo., for 180 days. Supporting shipper: Wy-Mont Beverages, Inc., 4151 1st Avenue South, Billings, MT 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136269 (Sub-No. 1 TA), filed January 6, 1972. Applicant: ELECTRONIC MOVING AND STORAGE COMPANY, 2095 General Truman Street NW., Atlanta, GA 30318. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying, duplicating and reproducing machines and parts and supplies* used in the installation and operation thereof, from the plantsite and warehouse of Xerox Corp., Charleston, N.C., on the one hand, and, points in South Carolina on the other, for 180 days. Supporting shipper: Xerox Corp., Southeastern Regional Distribution Center, 3465 Browns Mills Road SE., Atlanta, GA 30315. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No: MC 136285 TA (Correction), filed January 3, 1972, published in the FEDERAL REGISTER issue of January 15, 1972, and republished in part, as corrected this issue. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., Post Office Box 9165, Savannah, GA 31402. NOTE: The purpose of this partial republication is to clarify the commodity description as Clay, in bulk or in bags, in lieu of Clay, in bulk in bags, showns erroneously in previous publication. The rest of the application remains the same.

No. MC 136307 (Sub-No. 1 TA), filed January 17, 1972. Applicant: BURKEWITZ TRANSPORT, INC., Post Office Box 47, Coventry, VT 05825. Applicant's representative: F. T. O'Sullivan, 622 Lowell Street, Peabody, ME 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, wood lath, fencing parts, and accessories* (except commodities requiring special equipment), from the international boundary line, between United States and Canada, at or near Derby Line, Vt., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Washington, D.C., Maryland, Delaware, Ohio, Virginia, and North Carolina, for 150 days. Supporting shipper: Canadian Snow Fence Ltd., Post Office Box 643, Sherbrooke, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 136325 TA, filed December 27, 1971. Applicant: CUFURAY, LTD., Post Office Box 265, Burlington, WI 53105. Applicant's representative: Allan B. Torhorst, Post Office Box 307, Burlington, WI 53105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and materials and supplies* used in the manufacture, production, and sale of canned foodstuffs, between Rochelle, Mendota, and De Kalb, Ill., on the one hand, and, Arlington, Markesan, Friesland, Plover, and Wisconsin Rapids, Wis., on the other hand, for the account of Del Monte Corp., for 180 days. Supporting shipper: Del Monte Corp., Midwest Division, Post Office Box 89, Rochelle, IL 61068 (Glenn W. Baldwin). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1456 Filed 1-31-72;8:50 am]

[Notice 16]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 27, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3977 (Sub-No. 2 TA), filed January 19, 1972. Applicant: DEWEY LONG CARTAGE, INC., 1551 West 102d Street, Cleveland, OH 44102. Applicant's representative: Ambrose A. Such, 305 Dover Center Road, Bay Village, OH 44140. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products and materials, supplies, and machinery* used in the production thereof, from Cleveland, Ohio, to the plantsite of Quaker State Oil in Congo, W. Va., for 180 days. Supporting shipper: Westvaco, Westvaco Building, 299 Park Avenue, New York, NY 10017. Send protests to: District Supervisor G. J. Baccel, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 30605 (Sub-No. 149 TA), filed January 20, 1972. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Post Office Box 56, 67201, Wichita, KS 67202. Applicant's representative: R. E. Deland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, liquid nitroglycerine, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Marietta, Okla., and Dallas, Tex., over U.S. Highway 77 (Interstate Highways 35 and 35E), serving no intermediate points, but serving the junction of U.S. Highway 77 (Interstate Highways 35 and 35E) and U.S. Highway 377 for purpose of joinder only; (2) between the junction of U.S. Highway 77 (Interstate Highways 35 and 35E) and U.S. Highway 377 and Fort Worth, Tex., over U.S. Highway 377 (Interstate Highway 35W), serving no intermediate points; (3) between Kansas City, Mo., and Pittsburg, Kans., from Kansas City over U.S. Highway 50 to junction U.S. Highway 69, thence over U.S. Highway 69 to Pittsburg, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (4) between St. Joseph, Mo., and Omaha, Nebr.; (a) from St. Joseph over Interstate Highway 29 to junction Interstate Highway 80, thence over Interstate Highway 80 and the municipal streets to Omaha, and return over the same routes; and (b) from St. Joseph over U.S. Highway 59 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. Applicant proposes to combine the proposed routes with its presently authorized routes, for 180 days. NOTE: Applicant intends to tack with MC-30605, items 45, at Marietta, Okla., and interline at Dallas and Fort Worth, Tex. Supported by: There are approximately 160 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 13123 (Sub-No. 64 TA), filed January 19, 1972. Applicant: WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, OH 45223. Applicant's representative: Milton H. Bortz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, South Middleton Township, Cumberland County, Pa., as an off-route point in connection with carrier's authorized regular route operations to and from Harrisburg and Philadelphia, Pa., New York, N.Y., and Baltimore, Md.; Irregular routes: *Flat glass*, from the plantsite of PPG Industries, Inc., at Mount Holly

V 37 N 21 FEB 1 72 XUM

Springs, Pa., to points in the Lower Peninsula of Michigan, for 180 days. NOTE: Applicant states that it does intend to tack and interline in Docket No. MC 13123 and Subs at any authorized point therein. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 111401 (Sub-No. 360 TA), filed January 18, 1972. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Hoyt C. Gabbard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Louisville, Ky., to points in Texas on the international border between the United States and Mexico, for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., G. W. Fillingame, Manager, Truck Transportation, Wilmington, Del. 19898. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 111831 (Sub-No. 10 TA), filed January 18, 1972. Applicant: SAMUEL STANGLE, 278 Valley Road, Rural Delivery No. 1, Somerville, NJ 08876. Applicant's representative: Paul J. Keeler, Post Office Box 253, South Plainfield, NJ 07080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from Hillsborough Township and Sayreville, N.J., to points in Massachusetts, Connecticut, New York, Pennsylvania, and Maryland, for 150 days. Supporting shipper: Glen Gery Corp., Somerville Division, Valley Road, Post Office Box 1071, Somerville, NJ 08876. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 116077 (Sub-No. 321 TA), filed January 18, 1972. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, from plant-plantsite of Ideal Cement Co.*, Houston, Tex., to points in Louisiana, for 180 days. Supporting shipper: Ideal Cement Co. (A. S. Bonney, Traffic Manager and Registered Practitioner), 821 17th Street, Denver, CO 80202. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 117574 (Sub-No. 214 TA), filed January 18, 1972. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 107 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: James W. Hagar, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Unpackaged glass and glass in packages*, which because of size or weight require the use of special equipment; and (2) *unpackaged glass and glass in packages*, which because of size or weight do not require the use of special equipment, when moving in mixed shipments with the items in (1) above, between the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 118253 (Sub-No. 7 TA), filed January 19, 1972. Applicant: S. F. DOUGLAS, doing business as DOUGLAS TRUCK LINE, 505 First Street SW., Post Office Box 2766, New Brighton, MN 55112. Applicant's representative: Joseph J. Dudley, West 1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from plantsite of Green Giant Co. at Glencoe, Minn., to points in North Dakota, South Dakota, Montana, Wisconsin, and Upper Peninsula of Michigan, for 180 days. Supporting shippers: Boden Products, Inc., Franklin Park, Ill.; Green Giant Co., Le Sueur, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 128218 (Sub-No. 4 TA), filed January 19, 1972. Applicant: JERSEY AREA FOOD TRANSPORT, INC., 528 North Michigan Avenue, Kenilworth, NJ 07033, 3445 Patterson Plank Road, North Bergen, NJ 07047. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, meats, packinghouse products and commodities used by packinghouses*, as described in appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 205 and 766, and *materials, supplies, and equipment* used in food processing, except commodities in bulk, between points in the New York, N.Y., commercial zone, as defined by the Commission, for 150 days. NOTE: The authority sought herein is to be tacked with carrier's present authority at Jersey City, N.J. Supporting shippers: Majesty Inc., Division of Tulip-Denmark Post Office Box 60, Cranford, NJ 07016; Atalanta Corp., 17-25 Varick Street, New York, NY 10013; Atalanta Products Corps., 17-25 Varick Street, New York, NY 10013; Celebrity Food Products, Inc., 17-25 Varick Street, New York, NY 10013. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135152 (Sub-No. 5 TA), filed January 18, 1972. Applicant: CASKET DISTRIBUTORS, INC., Harrison, Ohio, Rural Route No. 2 West Harrison, IN 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets*, in mixed loads with uncrated caskets; (1) from Brookville, Ind., to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, and Virginia; and (2) from Knoxville, Tenn., to Clearwater, Jacksonville, and Miami, Fla., for 180 days. Supporting shippers: Franklin Casket Co., Inc., 25 West Eighth Street, Brookville, IN 47012; Southern Coffin & Casket Co., 2547 Scottish Pike, Knoxville, TN. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 135715 (Sub-No. 3 TA), filed January 19, 1972. Applicant: DAN TRUCKING, INC., 7435 University Avenue, La Mesa, CA 92041, Post Office Box 2590, San Diego, CA 92112. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated plastic drainage tubing, related articles, and supplies*, from Washougal, Wash., to points in Idaho, Montana, Oregon, and Utah; and (2) *materials, equipment, and supplies* used in the manufacture processing, sale, distribution, and installation of corrugated plastic drainage tubing, from points in Idaho, Montana, Oregon, and Utah to Washougal, Wash., for 180 days. Supporting shipper: Advanced Drainage Systems, Inc., Iowa City, Iowa 52240. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, CA 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1457 Filed 1-31-72;8:50 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

2411-2482 ..... Feb. 1

federal register

TUESDAY, FEBRUARY 1, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 21
PART II

COST OF LIVING COUNCIL

PAY BOARD

PRICE COMMISSION

INTERNAL REVENUE SERVICE

■

Economic Stabilization

V 37 21 FEB 1 72 XUM

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 102—PUBLIC ACCESS TO RECORDS

Part 102—Public Access to Records, is added to Title 6, Chapter I, Code of Federal Regulations.

Part 102, as set forth below, establishes procedures pursuant to the Freedom of Information Act (81 Stat. 54, 5 U.S.C. 552) and the Economic Stabilization Act Amendments of 1971 (Public Law 92–210, 85 Stat. 743) for the public inspection of identifiable records in the custody and control of the Cost of Living Council during the Post-Freeze Economic Stabilization Program, prescribes the time and place at which such records will be available and sets the fees for copies of such records.

Since the procedures set forth in this part are essential to the immediate implementation of the Economic Stabilization Act Amendments of 1971 (Public Law 92–210, 85 Stat. 743) the Council finds that the time for the submission of written data, views or arguments by interested persons in accordance with usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days.

This part shall become effective upon its publication in the FEDERAL REGISTER (2–1–72).

DONALD RUMSFELD,
Director, Cost of Living Council.

Subpart A—General

Sec.
102.1 Purpose and scope.
102.2 Definitions.
102.3 Authority.
102.4 Records not subject to disclosure.
102.5 Authentication of records.
102.6 Records of other agencies.

Subpart B—Request for Records

102.10 Who may file.
102.11 Where to file.
102.12 When to file.
102.13 Form of request.

Subpart C—Processing Requests

102.20 Review by the Assistant Director.
102.21 Availability of records.

Subpart D—Fees

102.30 Fees.

Subpart E—Appeals

102.40 Appeals.

AUTHORITY: The provisions of this Part 102 are issued under the Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743; Executive Order 11627, as amended.

Subpart A—General

§ 102.1 Purpose and scope.

This part (a) grants authority to the Assistant Director for Congressional and Public Affairs of the Cost of Living Council to make records available for public inspection in accordance with the provisions of this part; (b) establishes procedures pursuant to the Freedom of Information Act, 81 Stat. 54, 5 U.S.C. 552 for the public inspection of identifiable records in the custody and control of the Cost of Living Council during the post-freeze Economic Stabilization Program, except those excluded by the Act; (c) prescribes the time and place at which such records will be made available, and (d) sets the fees to be paid for copies of such records.

§ 102.2 Definitions.

In construing the terms used in this part, words and phrases shall be given the meaning ascribed to them in the Administrative Procedure Act, 5 U.S.C. 551, et seq.

§ 102.3 Authority.

(a) The Assistant Director for Congressional and Public Affairs of the Cost of Living Council (hereinafter referred to as the Assistant Director) is hereby delegated the authority to receive, review, identify, determine the availability of, and approve or disapprove requests for records in the custody and control of the Cost of Living Council in accordance with the provisions of this part.

(b) The Assistant Director, in his discretion, is specifically authorized to divulge or disclose to a complainant, or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

§ 102.4 Records not subject to disclosure.

This part does not apply to records which are:

(a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of an agency;

(c) Specifically exempted from disclosure by statute including information which contains or relates to trade secrets or other matters referred to in section 1905 of title 18 of the United States Code.

(d) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(e) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(f) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency, and except as authorized in § 102.3(b).

(g) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(h) Geological and geophysical information and data, including maps, concerning wells.

§ 102.5 Authentication of records.

(a) The Assistant Director will designate an official custodian who will have authority to attest or otherwise authenticate copies of records made available under the provisions of this part.

(b) The Assistant Director and the official custodian may issue such statements, certificates, or other documents as may be required to show that after a diligent search, no record or entry of the tenor specified in a request has been found to exist. (See Rule 44, Federal Rules of Civil Procedure.)

§ 102.6 Records of other agencies.

(a) A person who requests a record originating in another agency but currently in the custody of the Cost of Living Council shall submit his request to the other agency.

(b) Where the originating agency consents, in writing, to make the record available, it will be made available in accordance with the provisions of this part.

Subpart B—Request for Records

§ 102.10 Who may file.

Any person may file a request for records.

§ 102.11 Where to file.

A request for a record may be filed by mail or in person with the Assistant Director for Congressional and Public Affairs, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

§ 102.12 When to file.

A request for records must be filed, except on Federal Government holidays, between the hours of 9 a.m. and 5:30 p.m., Monday through Friday.

§ 102.13 Form of request.

A request for a record shall be filed on a form designated by the Assistant Director, copies of which are available in the Office of the Assistant Director.

Subpart C—Processing Requests

§ 102.20 Review by the Assistant Director.

Each request submitted in accordance with §§ 102.10 through 102.13 will be reviewed by the Assistant Director to determine whether the record requested is an identifiable record within the meaning of 5 U.S.C. 552(a)(3).

(a) If the Assistant Director determines that the record is not identifiable, he will advise the person filing the request and give him a reasonable opportunity to provide additional information to facilitate the identification of the record.

(b) Where the Assistant Director determines that the record is identifiable but should be withheld from inspection in the public interest, he will advise the person filing the request, in writing, that the request has been denied under the provisions of § 102.4.

§ 102.21 Availability of records.

(a) An identifiable record which has been determined by the Assistant Director to be available for inspection, will be made available for examination in the Office of the Assistant Director.

(b) Manual, typewritten, or other copies may be made freely by the person filing the request subject to appropriate supervision.

Subpart D—Fees

§ 102.30 Fees.

(a) Except as provided in paragraph (b) of this section, there will be no charge for making an identifiable record available pursuant to § 102.21.

(b) If the Assistant Director determines that a record cannot be made available without significant disruption of normal business activities, he may secure an estimate of the cost of making the record available and require the person filing the request to deposit that amount prior to commencing a search for the record: *Provided, however,* That where the actual cost of making the record available is significantly more or less than the amount deposited, an adjustment in the form of a supplemental payment or refund, as appropriate, will be made by the Assistant Director.

(c) In determining whether the search for a record will disrupt normal business activities, the Assistant Director may take into account the cumulative effect upon business activities of all other pending requests for records under this part, whether made by the same person or by other persons.

(d) An available record, upon advance payment of the fee prescribed in any reproduction fee schedule established by the Assistant Director, may be reproduced through any available means; however, the Assistant Director may waive such fees if he determines the reproduction cost to be inconsequential.

Subpart E—Appeals

§ 102.40 Appeals.

(a) Any person aggrieved by any determination made or action taken by the Assistant Director pursuant to the provisions of this part may request a review.

(b) An appeal must be filed with the Director of the Cost of Living Council within 30 days of the determination or action to be reviewed.

(c) An appeal may be filed in any form and a letter or other written statement setting forth the pertinent facts will be considered sufficient for this purpose.

(d) The Director of the Cost of Living Council may require the person filing the appeal to present additional evidence or information in support of his request for review.

(e) The Director of the Cost of Living Council will promptly review each appeal and notify the appellant in writing, of his decision.

[FR Doc.72–1630 Filed 1–26–72;3:11 pm]

Chapter II—Pay Board

PART 200—ORGANIZATION AND INFORMATION

The purpose of these amendments is to establish procedures for the guidance of the public with respect to requesting and obtaining information from the Pay Board under the Freedom of Information Act, 5 U.S.C. 552.

Pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743), Executive Order 11627 (36 F.R. 20139, October 16, 1971), as amended, Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971), and 5 U.S.C. 552, the Pay Board hereby adopts the following regulations in implementation of the President's economic program. A new Subpart B—Public Information, Part 200—Organization and Information, is added to Title 6—Economic Stabilization, of the Code of Federal Regulations.

Because of the need for immediate guidance from the Pay Board with respect to the procedures contained in this new subpart, the Board finds that good cause exists for promulgating them in less than 30 days in accordance with 5 U.S.C. 553(d).

Effective date. These regulations shall be effective upon publication (2–1–72).

GEORGE H. BOLDT,
Chairman of the Pay Board.

Subpart A—Organization [Reserved]

Subpart B—Public Information

Sec.
200.20 Availability of records; exceptions.
200.21 Index of available material.
200.22 Requests for inspection of records.
200.23 Records not sufficiently identified.
200.24 Records not in possession of Pay Board.
200.25 Determination of availability of records.
200.26 Requests for reconsideration of nonavailability.
200.27 Final determination of availability.
200.28 Fees.

AUTHORITY: The provisions of this Part 200 are issued under the Economic Stabilization Act of 1970, as amended (Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743), Executive Order 11627 (36 F.R. 20139, October 16, 1971), as amended. Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971), and 5 U.S.C. 552.

Subpart A—Organization [Revised]

Subpart B—Public Information

§ 200.20 Availability of records; exceptions.

(a) *In general.* All documents and exhibits filed by any party with the Pay Board in the course of its proceedings are part of the records of the Board, available for inspection and copying by members of the public, except to the extent and in the manner specified in this subpart, and except to the extent such information is of the nature specified in 5 U.S.C. 552(b)(1)–(9).

(b) *Identifying details omitted; authority to disclose.* Information furnished to requesting members of the public may have identifying details omitted to avoid the possibility of violations of 18 U.S.C. 1905. That statute imposes criminal penalties for the disclosure of trade secrets, financial data, and other confidential information. However, the Chairman of the Pay Board, in his discretion, is specifically authorized to divulge or disclose to a complainant, or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

§ 200.21 Index of available material.

Pursuant to the requirements of 5 U.S.C. 552(a)(2), the Board will compile and maintain a current index setting forth in detail the information, records, and other data which will be made available to the public.

§ 200.22 Requests for inspection of records.

(a) *Place, time, etc.* Requests for inspection and copying of records may be filed, in person or by mail, with the Director of the Office of Public Affairs, Pay Board, 2000 M Street NW., Washington, DC, between 8:30 a.m. and 5 p.m., Monday through Friday, except holidays.

(b) *Forms, identification of information.* Such requests shall be made on a specified Pay Board form, and should identify with specificity the documents or other information sought. Copies of that form will be available in the Office of Public Affairs.

§ 200.23 Records not sufficiently identified.

If a record cannot be identified, the request will be returned to the person who initiated it and he will be advised why the record is not identifiable and what additional clarification, if any, he may submit to assist in its identification.

§ 200.24 Records not in possession of Pay Board.

If the record is not in the Board's possession, the person initiating the request will be so notified.

§ 200.25 Determination of availability of records.

If the record is of the nature described in 5 U.S.C. 552(b)(1)–(9) or is otherwise not available, the requesting party will be informed in writing of the specific reason(s) why the record may not be disclosed.

§ 200.26 Requests for reconsideration of nonavailability.

Any person whose request to inspect a record has been denied because the record was not made available for stated reason(s) may request a reconsideration of the initial denial. Such reconsideration will be made by the Chairman of the Pay Board, and will be based upon

FEB 1 72
XUM

the original request, the denial, and any written argument submitted by the person requesting the review.

§ 200.27 Final determination of availability.

The decision upon review, as provided for in § 200.26, will be promptly made in writing and transmitted to the person requesting such reconsideration. If the decision is wholly or partly in favor of said person, the requested record to that extent will be made available for inspection. To the extent that the decision is adverse to the request, the reason(s) for the denial will be stated. A decision upon review as provided herein shall constitute the final action of the Board as to the availability of a requested record.

§ 200.28 Fees.

The Executive Director of the Board will establish such fees and charges for record searching, reproduction, and related expenses incurred with respect to records made available to the public as is deemed reasonable and appropriate. If the Director, or his designee, determines that a record can be furnished without significant disruption of other business activities (and the record may otherwise be disclosed), he may make it available without charge.

[FR Doc.72-1521 Filed 1-28-72;3:11 pm]

Chapter III—Price Commission

PART 311—PUBLIC ACCESS TO RECORDS

Part 311—Public Access to Records is hereby added to Title 6, Chapter III, Code of Federal Regulations.

Part 311, as set forth below, establishes procedures pursuant to the Freedom of Information Act (81 Stat. 54, 5 U.S.C. 552) and section 205 of the Economic Stabilization Act Amendments of 1971, (Public Law 92-210, 85 Stat. 743) for the public inspection of identifiable records in the custody and control of the Price Commission, prescribing the time and place at which such records will be available, and setting the fees for copies of such records. The regulations also implement the policy of the Price Commission to make its records available to the public to the fullest extent consistent with 5 U.S.C. 552 and insofar as is compatible with the discharge of its responsibilities and with the law.

Since the procedures set forth in this part are essential to the immediate implementation of the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743) and Executive Order No. 11627, as amended, the Price Commission finds that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication.

This part becomes effective on January 31, 1972.

C. JACKSON GRAYSON, JR.,
Chairman of the Price Commission.

Subpart A—General

Sec.
311.1 Purpose and scope.
311.2 Definitions.
311.3 Authority.
311.4 Records which may be inspected and copied.
311.5 Records not required to be disclosed.
311.6 Authentication of records.
311.7 Records of other agencies.
311.8 Indices.

Subpart B—Procedure To Obtain Disclosure

311.10 Who may file request.
311.11 Where to file.
311.12 When to file.
311.13 Form of request.

Subpart C—Processing Requests

311.20 Review by Director.
311.21 Availability of Records.

Subpart D—Fees

311.30 Fees.

Subpart E—Appeals

311.40 Appeals.

AUTHORITY: The provisions of this Part 311 are issued under the Freedom of Information Act, 5 U.S.C. 552, the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743), and Executive Order 11627, as amended.

Subpart A—General

§ 311.1 Purpose and scope.

This Part 311 provides the regulations implementing the Freedom of Information Act, 81 Stat. 54, 5 U.S.C. 552 requiring provisions for public inspection of identifiable records in the custody and control of the Commission, except those specifically excluded by the Act, and also implements the policy of the Price Commission to disclose other information insofar as is compatible with the discharge of its responsibilities and with the law.

§ 311.2 Definitions.

Except as hereinafter specifically set forth, all terms used in this part shall be given the meaning ascribed to them in the Administrative Procedures Act (5 U.S.C. 551 et seq.):

"Act" means the Freedom of Information Act (5 U.S.C. 552).

"Commission" means the Price Commission established pursuant to Executive Order No. 11627, as amended.

"Director" means the Director, Office of Administration, Price Commission, or his delegate.

§ 311.3 Authority.

(a) The Director has authority to receive, review, identify, determine the availability of, and approve or disapprove requests for records in the custody and control of the Commission in accordance with the provisions of this part.

(b) The Director, in his discretion, is specifically authorized to divulge or disclose to a complainant, or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

§ 311.4 Documents which may be inspected and copied.

(a) Except as to documents not required to be disclosed pursuant to § 311.5(a), a person may inspect and copy any document in the possession and custody of the Commission in accordance with the procedure provided in §§ 311.10 to 311.13.

(b) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the custodian may delete identifying details when he makes available for inspection or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, provided that in every case the justification for the deletion is fully explained in writing.

§ 311.5 Records not required to be disclosed.

(a) This part does not require disclosure of the following records:

(1) Records specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Records related solely to the internal personnel rules and practices of the Commission;

(3) Records specifically exempted from disclosure by statute, including but not limited to records containing information referred to in section 205 of the Economic Stabilization Act Amendments of 1971;

(4) Records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Interagency or intraagency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Commission;

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than the Commission and except as authorized in § 311.3(b);

(8) Records contained in, or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) The Chairman of the Commission, or his delegate, at his discretion may make any record enumerated in paragraph (a) of this section available for inspection when he deems disclosure to be in the public interest, if disclosure is not otherwise prohibited by law.

§ 311.6 Authentication of records.

(a) The Director has authority to sign and attest or otherwise authenticate copies of records made available under the provisions of this part.

(b) The Director may issue a statement or other document as may be required to show that after diligent search no record or entry as specified in the request could be found.

§ 311.7 Records of other agencies.

(a) A person who requests a record originating in another agency but currently in the custody and control of the Commission should submit his request to inspect the record to the originating agency.

(b) If the originating agency consents, in writing, to make the record available for inspection, it will be made available in accordance with the provisions of this part.

§ 311.8 Indices.

The Commission maintains and makes available for public inspection and copying current indices providing identifying information for the public as to any material in its custody and control which was issued, adopted, or promulgated by it and which is a final opinion (including concurrent and dissenting opinions), or an order made in an adjudication of a case, or a statement of policy or an interpretation which has been adopted by it and not published in the FEDERAL REGISTER, or an administrative staff manual or instruction which affects any member of the public.

Subpart B—Procedures To Obtain Disclosure

§ 311.10 Who may file a request.

Any person may file a request for records.

§ 311.11 Where to file.

A request for a record may be filed by mail or in person with the Director, Office of Administration, Price Commission, 2000 M Street NW., Washington, DC 20508.

§ 311.12 When to file.

A request for records may be filed only between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, excluding Federal Government holidays.

§ 311.13 Form of request.

A request for a record shall be filed on a form designated by the Director, copies of which are available in his office.

Subpart C—Processing Requests

§ 311.20 Review by the Director.

Each request submitted in accordance with §§ 311.10 through 311.13 will be reviewed by the Director to determine whether the record requested is an identifiable record within the meaning of 5 U.S.C. 522(a)(3).

(a) If the Director determines that the record is not identifiable, he will advise the person filing the request and give him a reasonable opportunity to provide additional information to facilitate the identification of the record.

(b) Where the Director determines that the record is identifiable but falls within the exclusions in § 311.5(a) he will so advise the person filing the request, in writing, and deny the request.

(c) Where the Director determines that the record is identifiable and although it falls within the exclusions listed in § 311.5(a) the Commission determines it should be disclosed in the public interest and disclosure is not otherwise prohibited by law, the Director may so advise the person filing the request in writing, and thereafter make the record available for inspection pursuant to § 311.21.

§ 311.21 Availability of records.

(a) An identifiable record which has been determined by the Director to be available for inspection will be made available for examination in the Office of the Director.

(b) Manual, typewritten, or other copies may be made freely by the person filing the request subject to appropriate supervision. Facilities for manually copying such documents will be provided without charge.

Subpart D—Fees

§ 311.30 Fees for services and copies.

(a) Except as provided in paragraph (c) of this section, there will be no charge for making an identifiable record available for inspection pursuant to § 311.21.

(b) The maximum number of copies of any document which may be supplied is 10.

(c) Except as provided in paragraphs (a) and (g) of this section the following is a schedule of fees for services and copies:

(i) For each one-quarter man-hour or fraction thereof spent in excess of the first quarter-hour in searching for or producing a requested record other than records in a public reference facility maintained pursuant to 5 U.S.C. 522(a)(2)---------- $1.

(ii) For copies of documents other than those duplicated and distributed for no fee: Each page---------- $0.30.

(iii) Certification for each document--- $1.

(iv) Attestation under the seal of the Commission ---------- $3.

(v) Where return of copies is requested to be by mail, postal fees as are necessary must be prepaid with the request.

(d) Payment for copies and services shall be made in cash, by U.S. postal money order, or by check payable to the Director, Office of Administration. Stamps will not be accepted as payment.

(e) If the Director determines that a record cannot be made available without significant disruption of normal business activities, he may secure an estimate of the cost of making the record available and require the person filing the request to deposit that amount prior to commencing a search for the record or prior to producing it for inspection. When the actual cost of making the record available exceeds or is less than the amount deposited by more than $1 an adjustment in the form of a supplemental payment or refund, as appropriate, must be made. In determining whether the search for a record will disrupt normal business activities, the Director may take into account the cumulative effect upon business activities of all other pending requests for records under this part, whether made by the same person or by other persons.

(f) The intent of this section is to apply the user charge statute (31 U.S.C. 483a) in accordance with the guidance of the user charges policy contained in Bureau of the Budget Circular A-25, "User Charges," which states generally that when services are provided that are above and beyond those which accrue to the public at large a charge should be made to recover the cost of rendering the services.

(g) When the request for copies of any record available for inspection pursuant to § 311.21 is by the Federal Government or an agency or instrumentality thereof copies as requested will be made available without charge.

Subpart E—Appeals

§ 311.40 Appeals.

(a) Any person aggrieved by any determination made or action taken by the Director pursuant to the provisions of this part may file an appeal.

(b) An appeal must be filed with the Office of General Counsel, Price Commission, within 30 days of the determination or action appealed from.

(c) An appeal may be filed by letter or other written statement setting forth the pertinent facts.

(d) The Chairman of the Commission, or his delegate, reserves the right to require the person filing the appeal to present additional evidence or information in support of his appeal.

(e) The Chairman of the Commission, or his delegate, will promptly review each appeal and notify the appellant, in writing, of his decision.

[FR Doc.72-1522 Filed 1-28-72;3:11 pm]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Disclosure of Economic Stabilization Matters

In order to set forth the authority of the Commissioner with respect to the disclosure of economic stabilization matters, paragraph (h) of § 301.9000-1 is redesignated as paragraph (i) and a paragraph (h) is added to § 301.9000-1 of 26 CFR Part 301 as follows:

§ 301.9000-1 Procedure to be followed by officers and employees of the Internal Revenue Service upon receipt of a request or demand for disclosure of Internal Revenue records or information.

* * * * *

(h) *Disclosure of economic stabilization matters.* (1) The Commissioner, in his discretion, is specifically authorized to divulge or disclose to a complainant

FEB 1 72 XUM

or to an individual with specific knowledge of a complaint, the nature and result of the investigation of said complaint in circumstances where no violation has been found.

(2) The provisions of this paragraph are prescribed under the authority of the Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743; Executive Order No. 11627, as amended; Cost of Living Council Order No. 5, 36 F.R. 21796; Pay Board Order No. 1, 36 F.R. 21795; Price Commission Order No. 1, 36 F.R. 21798, § 102.4 of Chapter I of Title 6.

(i) *Effective date.* The provisions of this section are applicable to any request or demand for internal revenue records or information received by any officer or employee of the Internal Revenue Service after June 15, 1967 (except for paragraph (h) of this section, the provisions of which shall be applicable after January 31, 1972).

Because of the need for immediate guidance from the Internal Revenue Service with respect to the subject matter of this regulation, it is found impracticable to issue such regulation with notice and public procedure thereon under section 553(b) of title 5 of the United States Code or subject to the effective date limitation of section 553(d) of such title.

(Economic Stabilization Act of 1970 as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743; Executive Order No. 11627, as amended; Cost of Living Council Order No. 5, 36 F.R. 21796; Pay Board Order No. 1, 36 F.R. 21798; Price Commission Order No. 1, 36 F.R. 21798; 6 CFR 102.4)

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

[FR Doc.72–1523 Filed 1–28–72;3:11 pm]

C-1

federal register

WEDNESDAY, FEBRUARY 2, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 22
Pages 2483–2557
PART I



(Part II begins on page 2553)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ENVIRONMENT—Presidential proclamation recognizing the Exposition in Spokane, Washington.. 2489

AIRLINES—FAA amendment to require the adoption of acceptable passenger screening systems within 3 days; effective 2–2–72..... 2500

SAVINGS BONDS—Treasury Dept. extended maturity tables for certain Series E bonds..... 2553

NAVAL STORES CONSERVATION—USDA regulations setting up a cost sharing program with turpentine farmers; effective 2–2–72..... 2491

BURLEY TOBACCO—USDA amendment announcing the national marketing quota for 1972–73; effective 1–28–72..... 2496

DOMESTIC GAS SHORTAGE—FPC amendment prescribing accounting methods under the investment tax credit..... 2502

FLOOD INSURANCE—HUD additions to the lists of hazard areas and eligible communities (2 documents); effective 2–4–72..... 2505

INCOME TAX RETURNS—IRS amendments concerning time extensions for filing..... 2506

IMPORTS—Treasury Dept. proposed revision of rules on country of origin marking; comments within 60 days..... 2509

1970 CENSUS—Commerce Dept. notice curtailing review counts; effective 4–1–72..... 2531

(Continued inside)

FEB 2 72
XUM

Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements; and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. It includes an Index of Contents and a system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist of White House releases, and a digest of other White House announcements.

This systematic publication of Presidential items provides users with up-to-date information and a permanent reference source concerning Presidential policies and pronouncements.

Subscription Price: $9.00 per year

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from: Superintendent of Documents U.S. Government Printing Office, Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

YELLOWFIN TUNA CONSERVATION—
Commerce Dept. proposed regulations; comments within 14 days 2516
Commerce Dept. notice containing the 1972 final resolution of the Inter-American Tropical Tuna Commission 2532

PATENT APPLICATIONS—Commerce Dept. proposed new requirements to facilitate publication; comments by 4–30–72 2520

AIR CARRIER CREWS—FAA time extension to 3–2–72 for comments on the medical surveillance proposal 2523

TELECOMMUNICATIONS—
FCC time extension to 2–11–72 for comments on a proposed change in the FM Table of Assignments 2524
FCC time extension to 2–17–72 for comments on the proposal dealing with Public Coast Stations 2524

ANTIDUMPING—Treasury Dept. notice discontinuing the investigation of BHT from Japan 2525

MORTGAGE INSURANCE COUNSELING—HUD notice authorizing fees to local agencies 2534

PESTICIDES—EPA notices of tolerance petitions (2 documents) 2536

BANK HOLDING COMPANIES—FRS notice of a hearing on 3–24–72 regarding insurance underwriting 2542

COTTON TEXTILES—Interagency Textile Administrative Committee notice of restraints on certain imports from Nicaragua 2543

FIRE PREVENTION—National Commission on Fire Prevention and Control notice of hearing on Feb. 15, 16, and 17, 1972 2543

EYEGLASSES—FDA amendment revising impact-resistant lense standards; effective 2–2–72 2503

Contents

THE PRESIDENT

PROCLAMATION

Spokane International Exposition of 1974 2489

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Burley tobacco; farm marketing quotas and acreage allotments .. 2496
Naval stores conservation, 1972 .. 2491

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Animal and Plant Health Service; Consumer and Marketing Service; Forest Service.

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations

Exotic Newcastle disease; and psittacosis or ornithosis in poultry; areas quarantined 2498

ARMY DEPARTMENT

See Engineers Corps.

ATOMIC ENERGY COMMISSION

Notices

Contaminated Soil Removal Facility, Richland, Wash. et al.; availability of draft environmental statements 2534
Duke Power Co.; order setting prehearing conference 2536
Nebraska Public Power District; order extending provisional construction permit completion date 2535
Northern Indiana Public Service Co.; appointment of third member of Atomic Safety and Licensing Appeal Board 2534
Washington Public Power Supply System; notice of receipt of Attorney General's advice and time for filing of petitions to intervene on antitrust matters .. 2535

CENSUS BUREAU

Notices

Population and housing, 1970 census; curtailment of review of counts 2531

CIVIL AERONAUTICS BOARD

Rules and Regulations

Certificated air carriers; filing of monthly interim financial reports 2501

Notices

Hearings, etc.:
Finnair oy 2536
Kar-Air oy 2536
Windward Islands Airways International, N.V 2536

CIVIL SERVICE COMMISSION

Rules and Regulations

Defense Dept.; excepted service .. 2491

COAST GUARD

Proposed Rule Making

Drawbridge operations:
Atlantic Intracoastal Waterway, Beaufort River, S.C 2521
Bear Creek, Md 2521
Ogden Slip, Chicago, Ill 2522
Saginaw River, Mich 2522

COMMERCE DEPARTMENT

See Census Bureau; Maritime Administration; National Oceanic and Atmospheric Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Milk in Nebraska-western Iowa marketing area; order suspending certain provisions 2497

(Continued on next page)

Proposed Rule Making

Dried prunes produced in California; handling 2515
Filberts grown in Oregon and Washington; transfer of excess restricted credits 2515

Notices

Navel Orange Administrative Committee; termination of appointment and selection of member and alternate member 2531

COST OF LIVING COUNCIL

Rules and Regulations

Pay adjustments of State and local government employees; correction 2491

CUSTOMS BUREAU

Proposed Rule Making

Country of origin marking 2509

DEFENSE DEPARTMENT

See Engineers Corps.

EMERGENCY PREPAREDNESS OFFICE

Notices

Major disasters and related determinations:
Arkansas 2543
Texas 2544

ENGINEERS CORPS

Notices

Environmental statements; preparation and coordination 2525

ENVIRONMENTAL PROTECTION AGENCY

Notices

Pesticide chemicals; petitions:
Amchem Products, Inc 2536
Union Carbide Corp 2536

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Boeing Model 727 series airplanes; airworthiness directive 2498
Certain air carriers and commercial operators; security screening system 2500
Jet route segment; alteration 2499
Jet routes and area high routes:
Designation 2500
Establishment (2 documents) 2499, 2500
Restricted area; alteration 2499

Proposed Rule Making

Air carrier flight crewmembers; medical certification and surveillance; comment period extended 2523
Transition area; designation 2524

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Stations on land in maritime services; comment time extended 2524
Table of assignments in Jacksonville, N.C.; comment time extended 2524

Notices

Western Union Telegraph Co.; order extending time for filing replies 2537

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations

National flood insurance:
Sale of insurance; list of eligible communities 2505
Special hazard areas; list of communities 2505

FEDERAL MARITIME COMMISSION

Notices

Hearings, etc.:
Alaska Barge and Transport, Inc 2537
Lippelgoes, George G 2537
Puget Sound Tug and Barge Co 2537
Seawise Foundations, Ltd., et al. (2 documents) 2538

FEDERAL POWER COMMISSION

Rules and Regulations

Natural gas shortage; policy 2502

Notices

National Gas Survey Executive Advisory Committee; order designating additional member 2538
Hearings, etc.:
Cities Service Oil Co 2539
City of Denison, Kans., and Cities Service Gas Co 2541
El Paso Natural Gas Co 2538
Kansas Gas and Electric Co 2538
Northern Natural Gas Co 2541
Reading and Bates, Production Co. et al 2540
Southwest Gas Corp 2539
Trunkline Gas Co 2541

FEDERAL RESERVE SYSTEM

Notices

Bank holding companies:
Citizens Investment Co.; formation 2542
First Missouri Bancorporation, Inc.; formation 2542
Hamilton Bancshares, Inc., et al.; acquisition of voting shares 2542
Southern Bankshares, Inc.; acquisition of banks 2543

FISCAL SERVICE

Rules and Regulations

U.S. Savings Bonds, Series E; offering 2554

FISH AND WILDLIFE SERVICE

Rules and Regulations

Mingo National Wildlife Refuge, Missouri; sport fishing 2502

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Eyeglasses and sunglasses; use of impact-resistant lenses 2503

FOREST SERVICE

Notices

Eleven Point Wild and Scenic River; classification, boundaries, and development plan; corrections 2531
Regional foresters and forest supervisors; delegation of authority 2531

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Contract termination actions; dissemination 2507

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Notices

Organization, functions, and delegations of authority:
Executive Secretariat 2533
Health Services and Mental Health Administration 2534

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Insurance Administration.

Notices

Qualified local counseling agencies; provisions for payment of fees 2534

INDIAN AFFAIRS BUREAU

Rules and Regulations

Fort Hall Irrigation Project, Idaho; basic and other water charges 2506

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Certain cotton textiles produced or manufactured in Nicaragua 2543

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

INTERNAL REVENUE SERVICE

Rules and Regulations

Individual income tax returns; automatic extension of time for filing 2506

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 2544
Motor carrier:
Alternate route deviation notices 2545
Applications and certain other proceedings 2545
Intrastate applications 2549
Transfer proceedings (2 documents) 2550, 2551

LAND MANAGEMENT BUREAU

Notices

Chief, Branch of Records and Data Management, et al., Idaho; redelegation of authority 2531

MARITIME ADMINISTRATION

Notices

American Steamship Co.; amended application 2532

NATIONAL COMMITTEE ON FIRE PREVENTION AND CONTROL

Notices

Fire problems; hearing 2543

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rule Making

Yellowfin tuna 2516

Notices

Yellowfin tuna; 1972 Commission final resolution 2532

PATENT OFFICE

Proposed Rule Making

Formula and table format requirements 2520

SMALL BUSINESS ADMINISTRATION

Notices

Disaster loans area declarations:
Alabama 2544
Oklahoma 2544

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See also Customs Bureau; Fiscal Service; Internal Revenue Service.

Notices

BHT from Japan; antidumping investigation discontinued 2525

VETERANS ADMINISTRATION

Rules and Regulations

Subsistence inspection; and special procurement controls for frozen processed food products 2508

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

PROCLAMATION:
4103 2489

5 CFR

213 2491

6 CFR

101 2491

7 CFR

706 2491
726 2496
1065 2497
PROPOSED RULES:
982 2515
993 2515

9 CFR

82 2498

14 CFR

39 2498
73 2499
75 (4 documents) 2499, 2500
121 2500
241 2501
PROPOSED RULES:
61 2523
67 2523
71 2524
121 2523
127 2523
183 2523

18 CFR

2 2502

19 CFR

PROPOSED RULES:
11 2509
134 2509

21 CFR

3 2503

24 CFR

1914 2505
1915 2505

25 CFR

221 2506

26 CFR

1 2506
301 2506

31 CFR

316 2554

33 CFR

PROPOSED RULES:
117 (4 documents) 2521, 2522

37 CFR

PROPOSED RULES:
1 2520

41 CFR

5A–8 2507
8–14 2508
8–74 2508

47 CFR

PROPOSED RULES:
73 2524
81 2524

50 CFR

33 2502
PROPOSED RULES:
280 2516

Presidential Documents

Title 3—The President

PROCLAMATION 4103

Spokane International Exposition of 1974

By the President of the United States of America

A Proclamation

In May, 1974, a six-month International Exposition on the Environment will open in Spokane, Washington, inviting the nations of the world to think anew of man's relationship to Earth.

This Exposition, whose theme is "Progress Without Pollution", will not only mark the centennial of Spokane but will also provide a splendid setting in which to explore new ways to restore and preserve our natural surroundings.

Because of the opportunities which the Exposition offers for a deeper understanding of environmental issues and for stimulating trade and cultural exchange, this administration is moving to extend the fullest possible recognition to this event in accordance with Public Law 91–269. On October 15, 1971, I advised the Secretaries of State and Commerce that the Exposition warrants Federal recognition as provided by statute. On November 24, 1971, upon request of the United States, the Bureau of International Expositions in Paris officially recognized the event as a Special Category exposition by unanimous vote.

Also, in accordance with law, I shall appoint a United States Commissioner General to exercise the responsibility of the United States Government for fulfillment of the Convention Relating to International Expositions of November 22, 1928, as modified, and to invite the several States of the Union to participate.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, in further recognition of this international exposition, do hereby authorize and direct the Secretary of State to invite, on my behalf, such foreign countries as he may consider appropriate to participate in this event.

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of January, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-1664 Filed 2-1-72;11:36 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the positions of Special Assistant for Congressional Relations and Special Assistant to the Principal Deputy, Office of the Assistant Secretary of Defense (International Security Affairs) are excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–2–72), subparagraphs (42) and (43) are added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(42) Special Assistant for Congressional Relations, Office of the Principal Deputy, Office of the Assistant Secretary of Defense (International Security Affairs).

(43) Special Assistant to the Principal Deputy, Office of the Assistant Secretary of Defense (International Security Affairs).

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–1613 Filed 2–1–72;8:51 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTIONS AND CLASSIFICATION OF ECONOMIC UNITS

Pay Adjustments of State and Local Government Employees

Correction

In F.R. Doc. 72–1315 appearing at page 1237 in the issue of Thursday, January 27, 1972, § 101.28 should read as follows:

§ 101.28 Pay adjustments of State and local government employees.

Notwithstanding the provisions of § 101.21, prenotification of category I pay adjustments which affect the employees of State and local governments need not be submitted to the Pay Board in accordance with the provisions of § 101.21. Such pay adjustments are, however, subject to the reporting requirements of § 101.23, except that such pay adjustments and other pay adjustments affecting the employees of State and local governments which would otherwise be subject to § 101.23, need not be submitted to the Pay Board when certification is submitted at the beginning of such government's fiscal year and each six months thereafter to the Pay Board in accordance with regulations issued by the Pay Board that such pay adjustments are not in excess of 5.5 percent. Approval, however, must be granted by the Pay Board for any pay adjustment in excess of 5.5 percent which affects the employees of State and local governments.

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAM

PART 706—NAVAL STORES CONSERVATION

Subpart G—1972

A proposal was published in the FEDERAL REGISTER on November 25, 1971 (36 F.R. 22583) to issue regulations governing the 1972 Naval Stores Conservation Program. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective upon publication in the FEDERAL REGISTER (2–2–72).

EARL L. BUTZ,
Secretary of Agriculture.

JANUARY 27, 1972.

Subpart G—1972

GENERAL PROVISIONS

Sec.
706.1 Purposes and general requirements.
706.2 Required performance.
706.3 Double-headed nails requirement.
706.4 Fire protection.
706.5 Bark-bar requirement.
706.6 Inspection assistance.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

706.7 Practice 1: Working only 9 inch d.b.h. or larger trees.
706.8 Practice 2: Working only 10 inch d.b.h. or larger trees.
706.9 Practice 3: Working only 11 inch d.b.h. or larger trees.
706.10 Practice 4: Working only 12 inch d.b.h. or larger trees.
706.11 Practice 5: Restricting turpentining to previously worked trees.
706.12 Practice 6: Working only selectively marked trees.
706.13 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.
706.14 Practice 8: Use of disposable bags.
706.15 Practice 9: Removal of cups and tins from faces on small trees.
706.16 Practice 10: Pilot plant tests of new methods and equipment.
706.17 Practice 11: Planting of superior trees.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

706.18 Increase in small Federal cost-shares.
706.19 Maintenance of practices.
706.20 Practices defeating purposes of programs.
706.21 Federal cost-shares not subject to claims.
706.22 Assignments.
706.23 Death, incompetency, or disappearance of producer.
706.24 Maximum Federal cost-share limitation.
706.25 Evasion.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

706.26 Persons eligible to file application for payment of Federal cost-shares.
706.27 Time and manner of filing applications and required information.

APPEALS

706.28 Appeals.

DEFINITIONS

706.29 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY, AND ADMINISTRATION

706.30 Authority.
706.31 Availability of funds.
706.32 Applicability.
706.33 Administration.

AUTHORITY: The provisions of this Subpart G issued under section 4, 49 Stat. 164, secs. 7–15, 16(a), and 17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g to 590o, 590p(a), and 590q.

GENERAL PROVISIONS

§ 706.1 Purposes and general requirements.

(a) *Purposes.* The purpose of the 1972 Naval Stores Conservation Program (referred to in this subpart as "this program") is to restrict turpentining to the most productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources. Under this program the Federal Government will effectuate such purposes by sharing with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of the regulations in

this subpart and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out. This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1968 season.

(b) *General requirements.* No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 706.13, 706.14, and 706.15. In each of the practices except § 706.17, the faces are to be worked sufficiently to obtain at least one dipping of gum from the current year's working.

§ 706.2 Required performance.

(a) *Approved conservation practices.* Each participating producer shall carry out at least one of the approved conservation practices in every tract or drift of faces operated by him during the 1972 turpentine season. This requirement will not apply if the U.S. Forest Service or State Forest Agency determines that the condition of a particular tract or drift does not warrant carrying out approved conservation practices as a practical or economic matter, in which case the U.S. Forest Service or State Forest Agency may approve face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practice components.* Cost-sharing may be approved under the 1972 program for only the component parts of the practices which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program to be eligible for cost-sharing under a subsequent program. Separate rates of cost-sharing have been established for each component part of each practice.

(c) *First year working.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i.e., faces installed for the first working during the 1972 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency, or the tract or drift will be considered only for qualification for cost-shares under the practice with the next lower rate of payment.

(d) *Second, third, fourth, or fifth year working.* The cost-shares for working of faces for second, third, fourth, or fifth years are applicable under the 1972 program to faces which were installed and met the eligible face requirements during the 1968, 1969, 1970, or 1971 season. Such cost-shares may also be allowed to new participating producers working tracts or drifts which had some undersized trees from which cups have been removed by the time of first elevation. New faces installed in 1972 and those installed in 1972 or prior years contrary to the requirements for eligible faces will disqualify the tracts or drifts for cost-sharing, unless the cups and tins on such faces shall be removed within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency. If such faces are not removed within the 60-day period, there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(e) *Practices under § 706.7, 706.8, 706.9, 706.10, 706.11, 706.12, 706.13, or 706.16 which require more than 1 year for completion.* Cost-shares may be approved under this program for the completion of a component of a practice only on the condition that the producer agrees in writing to complete the remaining components of the practice according to program provisions and within the time prescribed by the U.S. Forest Service, unless prevented from doing so by reasons beyond his control, or to refund the cost-shares paid to him. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 706.3 Double-headed nails requirement.

Use of double-headed nails is required in the elevation of all cups and tins.

§ 706.4 Fire protection.

Each producer shall during the 1972 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 706.5 Bark-bar requirement.

No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1972 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1972. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 706.6 Inspection assistance.

Each producer shall assist representatives of the U.S. Forest Service or State Forest Agency in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and reporting separately thereon by tracts and drifts to the local inspector;

(c) Furnishing information on burned areas, cutting operations, and interests in other turpentine farms as requested;

(d) Furnishing competent labor to assist the local inspector in counting faces;

(e) Submitting an application for payment of Federal cost-shares (Form 3200–3) and other prescribed forms;

(f) Notifying the U.S. Forest Service or State Forest Agency promptly of any change in ownership, control, or number of faces worked; and

(g) Otherwise facilitating the work of the local inspector in checking compliance with the terms and conditions of this program.

CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 706.7 Practice 1: Working only 9-inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first-year working of 9-inch d.b.h. or larger trees; 4 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 1 cent per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the trees; 1 cent per face. This component is not applicable where § 706.13 is used.

§ 706.8 Practice 2: Working only 10-inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and the rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 10-inch d.b.h. or larger trees; 9 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the trees; 1 cent per face. This component is not applicable where § 706.13 is used.

§ 706.9 Practice 3: Working only 11-inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 11-inch d.b.h. or larger trees; 10 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.13 is used.

§ 706.10 Practice 4: Working only 12-inch d.b.h. or larger trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12-inch d.b.h. or larger trees over a period of 2 to 5 years.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d.b.h. and only one face on trees less than 14 inches d.b.h.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of 12-inch d.b.h. or larger trees; 11 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.13 is used.

§ 706.11 Practice 5: Restricting turpentining to previously worked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins over a period of 2 to 5 years only on trees having a previously worked face.

(b) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of faces on previously worked trees; 12 cents per face.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.13 is used.

§ 706.12 Practice 6: Working only selectively marked trees.

(a) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of 2 to 5 years.

(b) *Eligible faces.* Only trees 9 inches or more d.b.h. which should be removed to improve the timber stand may be cupped and there shall be only one face on trees less than 14 inches d.b.h. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the U.S. Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the U.S. Forest Service in its Minimum Stocking Guide issued June 4, 1956, as amended, and be well distributed over the area.

(c) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof shall be as follows:

(1) Initial installation and first year working of selectively marked trees; 12 cents per face. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices, specified in §§ 706.7, 706.8, 706.9, or 706.10.

(2) Working of faces for second, third, fourth, or fifth year; 6 cents per face.

(3) Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree; 1 cent per face. This component is not applicable where § 706.13 is used.

§ 706.13 Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails.

(a) *Purpose.* The purpose of this practice is to minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutter or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.7, 706.8, 706.9, 706.10, 706.11, 706.12, and 706.16 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 4 cents per face.

(e) *Cost-sharing limited to virgin working faces.* This practice is limited to tracts or drifts having only virgin working faces, i.e., faces installed for the first working during the 1972 season or faces upon which the cups and tins are elevated for the first time during the 1972 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(f) *Installation of cups and tins.* Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 706.14 Practice 8: Use of disposable paper bags.

(a) *Purpose.* The purpose of this practice is to encourage producers to use paper bags to improve the quality of gum, keep the butt section of the tree available for other uses and to promote greater productivity from the woods laborers.

(b) *Description of practice.* This practice consists of using disposable paper bags instead of spiral gutters or Varn aprons and metal or clay cups.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 706.7, 706.8, 706.9, 706.10, 706.11, 706.12, and 706.16 may qualify for this practice, the cost-share for which is in addition to the aforesaid sections.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 9 cents per face.

(e) *Use of paper bags.* On accepting cost-sharing for this practice the producer agrees to use paper bags attached with wire staples in combination with a bark jump streak in lieu of metal gutters or tins. Once installed, the producer agrees to continue the use of paper bags throughout the 1972 season. Paper bags will be installed in a manner that will minimize the loss of gum and restrict the amount of damage to the tree. In smoothing the tree and seating the bag for virgin installation, exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

§ 706.15 Practice 9: Removal of cups and tins from faces on small trees.

(a) *Purpose.* The purpose of this practice is to encourage producers who have

not participated in the 1970 or 1971 programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, and to improve productivity of the woodland.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces installed for the first working in 1972 on trees under 9 inches d.b.h. and all but one face on trees between 9 and 14 inches d.b.h. having two or more faces shall be eligible. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 60 days after the producer is notified by the U.S. Forest Service or State Forest Agency to meet the eligible face requirements of § 706.7. Only producers who did not participate in the 1970 or 1971 programs are eligible for cost-sharing under this practice.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 10 cents per face. (The cost-share is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 706.7.)

§ 706.16 Practice 10: Pilot plant tests of new methods and equipment.

(a) *Purpose.* The purpose of this practice is to conduct controlled demonstrations or experiments to test values of management practices, new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of management practices, new methods or equipment according to requirements of the U.S. Forest Service.

(c) *Eligible faces.* Only faces or check trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the U.S. Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* Components of the practice and rates of cost-sharing thereof are 15 cents per face for faces meeting the requirements of §§ 706.7, 706.8, 706.9, 706.10, 706.11, and 706.12.

§ 706.17 Practice 11: Planting of superior trees.

(a) *Purpose.* The purpose of this practice is to improve the stocking of depleted forest land with trees of proven increased oleoresin yield and faster wood growth. Such trees will produce more crude gum, pulpwood, sawtimber, plywood, poles, and other forest products.

(b) *Description of practice.* This practice consists of planting certified genetically superior high gum yielding slash pine seedlings, developed from the Olustee strain, on properly prepared sites and at spacings specified by the U.S. Forest Service.

(c) *Eligible acres.* Only land owned by a participant which is selected and planted in accordance with provisions prescribed by the U.S. Forest Service are eligible for cost-sharing.

(d) *Rate of cost-sharing.* The rate of cost-sharing for this practice is 80 percent of the actual cost not to exceed $20 per acre.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 706.18 Increase in small Federal cost-shares.

The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Rural Environmental Assistance Program for practices other than practice F-4 (§ 701.75(d) of this chapter) shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to $1; (b) any Federal cost-sharing amounting to more than 71 cents but less than $1 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-shares computed:	*Increase in cost-shares*
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.00	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 706.19 Maintenance of practices.

The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices as long as the timber remains under his control. There may be withheld or required to be refunded all cost-shares under this program or previous programs on tracts or drifts in which failure to maintain any or all practices occurs, except as modified by this section or § 706.2(d). The producer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control. Measures which will be considered as failure to maintain practices in accordance with good forestry practices shall include, but are not restricted to the following:

(a) *The cutting contrary to good forestry practices of turpentine trees in tracts or drifts (including current nonworking areas) on which costs have been or would be shared under this program or the 1968, 1969, 1970, or 1971 program.* There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1968, 1969, 1970, 1971, or 1972 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practices:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the U.S. Forest Service June 4, 1956, as amended, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d.b.h.—six trees, 8 inches d.b.h.—nine trees, or 7 inches d.b.h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1975.

(b) *Raising cups and tins without double-headed nails.* There may be withheld or required to be refunded all of the cost-shares earned under this or previous programs on the tracts or drifts in which such improper raising occurs.

(c) *Picking up additional faces after the first year's working will disqualify the tract or drift for any further cost-sharing, unless the hardware is removed to limit the working to one age class of faces.* Such removal must be accomplished within 60 days of notification by the U.S. Forest Service or State Forest Agency.

(d) *Failure to meet bark-bar requirement.* There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper chipping occurs.

(e) *The burning by the producer on any tract or drift of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction.* There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the tracts or drifts in which such improper burning occurs.

(f) *The installation of new faces on round trees less than 9 inches d.b.h. or more than one face on round trees between 9 and 14 inches d.b.h. in tracts or drifts having working faces installed during or prior to the 1967 turpentine season.* There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1967 in the tracts or drifts in which such installation occurs.

§ 706.20 Practices defeating purposes of programs.

If the U.S. Forest Service or State Forest Agency finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program, except as modified by § 706.2(d) or § 706.19.

§ 706.21 Federal cost-shares not subject to claims.

Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances except as provided in § 706.22; and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor. The regulations issued by the Secretary governing setoffs and withholdings, part 13 of this title, as amended, shall be applicable to the program.

§ 706.22 Assignments.

Any producer who may be entitled to any Federal cost-share under the 1972 program may assign his right thereto, in whole or in part, in accordance with the regulations governing the assignment of payments, Part 709 of this chapter, as amended.

§ 706.23 Death, incompetency, or disappearance of producer.

In case of the death, incompetency, or disappearance of any producer, the cost-share due him shall be paid to his successor, as determined in accordance with the regulations in Part 707 of this chapter, as amended.

§ 706.24 Maximum Federal cost-share limitation.

For practices other than practice F-4 (§ 701.75(d)) of this chapter, the total of all Federal cost-shares under this program and the 1972 Rural Environmental Assistance Program to any person with respect to farms, ranching units, and turpentine places in the United States, Puerto Rico, and the Virgin Islands for approved practices which are not carried out under pooling agreements shall not exceed the sum of $2,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of $10,000. The rules for applying the maximum Federal cost-share limitation contained in the regulations governing the Rural Environmental Assistance Program, Part 701 of this chapter, as amended, shall be applicable to this program.

§ 706.25 Evasion.

All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade the provisions of § 706.24.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 706.26 Persons eligible to file application for payment of Federal cost-shares.

An application for payment of Federal cost-shares may be filed by any producer who contributed to the performance of any approved Naval Stores Conservation practice and is working faces for the production of gum naval stores, during the 1972 turpentine season, which were installed during or after the 1968 season. If it is determined that two or more producers contributed to carrying out the practice, the Federal cost-shares shall be divided among such producers in the proportion which the Program Supervisor determines they contributed to carrying out the practice. In making this determination, the Program Supervisor shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the Program Supervisor that their respective contributions thereto were not in equal proportion. The furnishing of land, trees, or the right to use water will not be considered as a contribution to the carrying out of any practice.

§ 706.27 Time and manner of filing applications and required information.

Payment of Federal cost-shares will be made only when a report of performance is submitted to the U.S. Forest Service or State Forest Agency on or before December 31, 1972, on the prescribed Form (3200-3) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

§ 706.28 Appeals.

Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Southeastern Area Director in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Southeastern Area Director shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Southeastern Area Director he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the U.S. Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 706.29 Definitions.

(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine, and gum rosin produced from living trees.

(b) *Producer or turpentine farmer.* Any person, firm, partnership, corporation, or other business enterprise doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustris) or slash pine (Pinus elliottii engelm).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a non-working area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period

within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin) herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D.b.h.* Diameter breast height, i.e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* Any idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or dry face.

(o) *Back face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* A nail with two heads meeting minimum specifications as follows: The overall length shall be 1⅜ inches; distance between heads a minimum of one-fourth inch; its wire gauge no smaller than 13; the driving head shall be of flat "Common Nail" type with diameter between five-thirty-seconds and one-fourth inch and diameter of clinching head one-fourth inch. (Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.)

(s) *Disposable paper bag.* A paper bag meeting the following minimum specifications: The bag shall be fabricated from 50-pound, wet-strength, Kraft paper laminated to a plastic film. Dimensions of the bag shall be approximately 16 inches wide laterally, 9⅛ inches high overall, with 3½ inch gussets, and an outside from 8½ inches high.

(t) *Staples for attaching paper bags.* Staples manufactured of soft iron, one-half to nine-sixteenths inch in length, averaging 16 to 21 staples per inch of clip, are satisfactory.

(u) *Virgin streak.* The first chipping of the tree following initial installation of the face.

(v) *Hardware.* All gutters, aprons, or metal strips of any kind whatsoever together with nails used to support same and nails used to support cups for the collection of raw gum resin.

(w) *State Forest Agency.* State Forester or comparable State official who has entered into a cooperative agreement with the U.S. Forest Service to provide technical assistance in carrying out this program.

AUTHORITY, AVAILABILITY OF FUNDS, APPLICABILITY, AND ADMINISTRATION

§ 706.30 Authority.

This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, as amended.

§ 706.31 Availability of funds.

(a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1973.

(c) If the total estimated cost-shares under the Naval Stores Conservation Program exceed the total funds available for cost-sharing, such cost-shares will be reduced equitably.

(d) The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who, after August 10, 1971, harvest or knowingly permit to be harvested for illegal use marijuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them are applicable to this program.

§ 706.32 Applicability.

(a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the U.S. Forest Service of the Department of Agriculture or by the U.S. Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to:

(1) Turpentine farms on privately owned lands;

(2) Lands owned by a State or political subdivision or agency thereof; or

(3) Lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such Government or corporation ownership and are not acquired or reserved for conservation purposes. (These include lands administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U.S. Department of Defense, and lands administered by any other agency complying with all of the foregoing provisions for eligibility.)

§ 706.33 Administration.

The U.S. Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program pursuant to the provisions of the regulations in this subpart. The field work shall be administered by the U.S. Forest Service through the office of the Southeastern Area Director, U.S. Forest Service, 1720 Peachtree Road NW., Atlanta, GA 30309. Information concerning this program may be secured from the U.S. Forest Service, Post Office Box 1625, Valdosta, GA 31601, its representatives, or from State Forest Agency offices in Alabama, Florida, Georgia, and Mississippi.

[FR Doc.72-1500 Filed 2-1-72;8:48 am]

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 726—BURLEY TOBACCO

Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

Basis and purpose. Section 726.11 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to determine and announce for burley tobacco the amounts of the national marketing quota and the national reserve, and the national factor for the 1972–73 marketing year.

Section 319(c) of the Act provides that the national marketing quota determined under such section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in the effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms.

Section 319(e) provides, in part, that the 1972 farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for 1972: *Provided*, That such national factor shall not be less than 95 per centum: *Provided further*, That for 1972 the farm marketing quota for any farm shall not be less than the smaller of (1) one-half acre times the farm yield times one-half the sum of the figure 1 and the national factor for 1972 or (2) the farm marketing quota for the immediately preceding marketing year times one-half the sum of the figure 1 and the national factor for the current year.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The reserve supply level is 1,582 million pounds, based upon a normal year's domestic consumption of 515 million pounds and a normal year's exports of 55 million pounds. The average domestic usage for the past 10 marketing years amounts to 529 million pounds. Domestic use has averaged 523 million pounds during the past 5 marketing years and is expected to be about 500 million pounds for the 1971–72 marketing year. The 10-year average exports amounted to 55 million pounds. Exports have averaged 56 million pounds during the past 3 marketing years and are expected to be about 55 million pounds during the 1971–72 marketing year. In view of these data and estimates, a reserve supply level of 1,582 million pounds appears reasonable.

The total supply of 1,849 million pounds for the 1971–72 marketing year exceeds the reserve supply level by 267 million pounds. The estimated total disappearance of 560 million pounds during the 1972–73 marketing year with the maximum downward adjustment permitted by section 319(c) of the act, 28 million pounds, results in a quota of 532 million pounds for the 1972–73 marketing year. The sum of the preliminary farm marketing quotas for the 1972–73 marketing year is 554,553,993 pounds. The quota of 532 million pounds, less a national reserve of 1,461,372 pounds results in a national factor of 0.95 after allowing for the minimum requirement for small farms.

Public notice was given (36 F.R. 20762) that the Secretary was preparing to determine a national marketing quota for burley tobacco for the marketing year beginning October 1, 1972. Due consideration has been given to views and recommendations received pursuant to the notice.

In view of the fact that farmers are preparing for the production of the 1972 burley crop and need to know as soon as possible the 1972 farm marketing quotas for their farms, it is hereby determined that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, this document shall be effective upon filing with the Director, Office of the Federal Register.

DETERMINATIONS AND ANNOUNCEMENTS—1972–73 MARKETING YEAR

§ 726.11 Burley tobacco.

(a) *National marketing quota.* A national marketing quota for burley tobacco on a poundage basis for the marketing year beginning October 1, 1972, is hereby determined and announced in the amount of 532 million pounds, calculated, as provided in the Act, by adjusting the estimated disappearance of 560 million pounds downward by 28 million pounds.

(b) *National factor.* The national factor determined to be necessary to apportion the 1972 national quota to farms as provided in section 319(e) of the Act, is 0.95, except that the farm marketing quota for any farm for 1972 shall not be less than the smaller of (1) one-half acre times the farm yield times one-half the sum of the figure one and the national factor for 1972 or (2) the farm marketing quota for the farm for the 1971–72 marketing year times one-half the sum of the figure one and the 1972 national factor.

(c) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm quotas and for establishing quotas for new farms is 1,461,372 pounds.

(Secs. 301, 319, 375, 52 Stat. 38, as amended, 55 Stat. 23, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1314e, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 27, 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-1460 Filed 1-28-72;9:32 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 65]

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Nebraska-Western Iowa marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 743) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of January through June 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act and are therefore suspended:

1. In paragraph (c)(1) of § 1065.14 *Producer milk*, "The aggregate quantity of producer milk so diverted for the month, however, shall not exceed 15 percent of the cooperative handler's total member-producer milk receipts at all pool plants during the month;"; and

2. In paragraph (c)(2) of § 1065.14 *Producer milk*, "The aggregate quantity of producer milk so diverted for the month, however, shall not exceed 15 percent of the milk of all such producers received at his pool plant(s) exclusive of that milk received from producer-members of a cooperative association;".

STATEMENT OF CONSIDERATION

This suspension removes for the months of January through June 1972 the percentage limitation (15 percent) for milk that may be diverted by a cooperative association or by a handler operating a pool plant.

Under existing provisions without suspension a cooperative association may divert as producer milk to nonpool plants not in excess of 15 percent of its member-producer milk received at all pool plants during the month. A pool plant operator, not a cooperative association, may divert as producer milk the milk of nonmember producers not in excess of 15 percent of the milk of all such producers received at his pool plant(s) during the month. Milk diverted in excess of the 15 percent limitation does not qualify as producer milk. In order for the milk of a producer to be eligible for diversion his milk must be received at a pool plant(s) for at least 3 days during the month.

The suspension was requested by Mid America Dairymen, Inc., a milk producer cooperative association representing a majority of producers on the market. This organization handles the largest share of the reserve milk supplies for the market.

The increased level of milk production relative to Class I sales in the market has required that the cooperative association divert milk in excess of the 15 percent limit in December 1971. The need to divert more milk than permitted under the 15 percent limitation is expected to

continue in January 1972 and the ensuing months through June 1972.

This suspension action is necessary to permit efficient handling of the increased reserve milk supplies as producer milk while moved directly from farms to nonpool manufacturing plants. It thus allows continuing producer status during the January–June 1972 period for dairy farmers regularly associated with the fluid market.

The petitioner requested also suspension of the requirement that a producer's milk be received at a pool plant(s) for at least 3 days of the month to qualify his milk for diversion. Suspension of such requirement is denied.

Under current circumstances in the market, eligibility for diversion should be limited to milk of dairy farmers who are actually supplying pool plants. Under the order provisions as modified by this action, more than 80 percent of a producer's milk may be diverted. The action here taken will allow adequate flexibility in the handling of reserve milk.

The cooperative association has stated its intention to petition for an early hearing on proposals to revise the diversion provisions in the order.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it is the only practical means of rendering the provisions inoperative for the period designated.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during January through June 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended to be effective with respect to producer milk deliveries during January through June 1972.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Effective date. Upon publication in the FEDERAL REGISTER (2–2–72).

Signed at Washington, D.C., on January 31, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–1601 Filed 2–1–72;8:52 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, in paragraph (a)(1) relating to the State of California, subdivision (i) relating to San Bernardino County is amended to read:

§ 82.3 Areas quarantined.

(a) • • •

(1) *California.* (i) The adjoining portions of San Bernardino and Riverside Counties bounded by a line beginning at the junction of U.S. Highway 66 (also Foot Hill Boulevard) and Haven Avenue in San Bernardino County; thence, following U.S. Highway 66 (also Foot Hill Boulevard) in an easterly direction to Cactus Avenue; thence following Cactus Avenue in a southerly direction to the San Bernardino-Riverside County line; thence, following the San Bernardino-Riverside County line in a westerly direction to Valley Armstrong Road in Riverside County; thence, following Valley Armstrong Road in a southwesterly direction to Soto Street; thence, following Soto Street in a southerly direction to Jurupa Road; thence, following Jurupa Road in a southwesterly direction to Van Buren Boulevard; thence, following Van Buren Boulevard in a northwesterly direction to Mission Boulevard; thence, following Mission Boulevard in a northwesterly direction to Milliken Avenue in San Bernardino County; thence, following Milliken Avenue in a northerly direction to Interstate Highway 10; thence, following Interstate Highway 10 in a westerly direction to Haven Avenue; thence, following Haven Avenue in a northerly direction to its junction with U.S. Highway 66 (also Foot Hill Boulevard) in San Bernardino County.

• • • • • • •

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1, and 2, 32 Stat. 791–792, as amended; Secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of San Bernardino and Riverside Counties in California because of the existence of exotic Newcastle disease. The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of January 1972.

F. J. MULHERN,
Administrator, Animal and Plant Health Service.

[FR Doc.72–1499 Filed 2–1–72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71–WE–27–AD, Amdt. 39–1367]

PART 39—AIRWORTHINESS DIRECTIVE

Boeing Model 727 Series Airplanes

Amendment 39–1362 (36 F.R. 24113), AD 71–26–1, provides for inspection and rework or replacement of the main landing gear actuator beam support link shaft P/N 69–19167.

The preamble to Amendment 39–1362 provided for the submission of comments by the industry prior to the effectivity of the adopted rule. The Air Transport Association furnished a comment summarizing the service experience, scheduling problems, and parts availability schedule limitations of several operators with large Boeing 727 fleets. The ATA proposal included a request for 1,500 landings as a reasonable time for the accomplishment of the initial inspection rather than 500 landings per the airworthiness directive. The agency concurs in part with the comment. The agency is amending the AD to provide for an additional 500 landings on or atfer January 25, 1972, within which the initial inspection may be accomplished; the repetitive inspection interval is not being amended.

This AD, as amended, while allowing less than the number of landings requested in the ATA comment, still allows operators a sufficient number of landings within which to schedule the initial inspection. After issuing Amendment 39–1362, the agency has determined that the initial inspection time can be extended without affecting the operational safety of the airplane. Therefore, the AD is being amended to provide a compliance time of 1,000 landings from January 25, 1972 (the effective date of the AD).

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment to AD 71–26–1 may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39–1362 (36 F.R. 24113), AD 71–26–1, is amended as follows:

Amend paragraph (a) to read:

(a) For all shafts which have accumulated 12,000 or more landing cycles on or after January 25, 1972, inspect the shaft within the next 1,000 landings after January 25, 1972, unless already accomplished within the last 1,000 landings, and thereafter at intervals not to exceed 2,000 landings since the last inspection, per (b) below, until the shaft is replaced or reworked per (c) and (d) below.

This amendment becomes effective February 4, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 25, 1972.

ROBERT C. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.72–1480 Filed 2–1–72;8:47 am]

[Airspace Docket No. 71–WE–65]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter Restricted Area R–2502 Fort Irwin, Calif., by redesignating it as two separate restricted areas and to change the designated using agency.

These actions are taken to facilitate coordination of joint-use procedures to minimize the impact of restricted airspace on other flight operations. The change in using agency is editorial in nature. The Department of the Army has concurred in these changes.

Since this amendment is minor and editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, Part 73 of the Federal Regulations is amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

1. Section 73.25 (37 F.R. 2338) is amended as follows:

(a) "R–2502 Fort Irwin, Calif." is revoked.

(b) "R–2502N Fort Irwin, Calif." is added:

R–2502N FORT IRWIN, CALIF.

Boundaries: Beginning at latitude 35°37'–45" N., longitude 116°29'40" W.; to latitude 35°34'30" N., longitude 116°29'40" W.; to latitude 35°34'30" N., longitude 116°23'30" W.; to latitude 35°28'35" N., longitude 116°-18'45" W.; to latitude 35°10'25" N., longitude 116°42'15" W.; to latitude 35°06'50" N., longitude 116°48'40" W.; to latitude 35°10'-00" N., longitude 116°49'00" W.; to latitude 35°19'00" N., longitude 116°49'00" W.; to latitude 35°19'00" N., longitude 116°55'20" W.; to latitude 35°37'45" N., longitude 116°-55'20" W.; to point of beginning.

Designated Altitudes. Unlimited.

Time of Designation. Continuous.

Controlling Agency. Federal Aviation Administration, Los Angeles, ARTC Center.

Using Agency. Commanding Officer, Fort MacArthur, Calif.

(c) "R–2502E Fort Irwin, Calif." is added:

R–2502E FORT IRWIN, CALIF.

Boundaries: Beginning at latitude 35°28'–35" N., longitude 116°16'45" W.; to latitude 35°18'45" N., longitude 116°18'45" W.; to latitude 35°07'00" N., longitude 116°34'00" W.; to latitude 35°07'00" N., longitude 116°-47'45" W.; to latitude 35°08'50" N., longitude 116°48'40" W.; to latitude 35°10'25" N., longitude 116°42'15" W.; to point of beginning.

Designated Altitudes. Unlimited.

Time of Designation. Continuous.

Controlling Agency. Federal Aviation Administration, Los Angeles, ARTC Center.

Using Agency. Commanding Officer, Fort MacArthur, Calif.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 26, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–1485 Filed 2–1–72;8:47 am]

[Airspace Docket No. 71–SO–138]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route Segment

On November 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22072) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 53 segment between Jacksonville, Fla., and Augusta, Ga.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 75.100 (37 F.R. 2382) Jet Route No. 53 text is amended by deleting all between "Jacksonville, Fla.;" and "Spartanburg, S.C.;" and substituting "Augusta, Ga.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 27, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–1461 Filed 2–1–72;8:47 am]

[Airspace Docket No. 71–SW–53]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration and Extension of Jet Routes, and Area High Routes

On January 15, 1972, F.R. Doc. 72–601 was published in the FEDERAL REGISTER (37 F.R. 667) effective March 2, 1972.

This document amended Part 75 of the Federal Aviation Regulations in part by realigning Jet Route Nos. 8 and 96. The description of J–8 failed to reflect use of the Las Vegas, N. Mex., VORTAC, and in the description of J–96, the use of the Gallup, N. Mex., VORTAC 246° radial, as proposed in the notice. Accordingly, action is taken herein to amend the descriptions of J–8 and J–96 to reflect these changes.

Since this amendment is minor in nature and no substantive change in the regulation effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, F.R. Doc. 72–601 (37 F.R. 667) is amended as hereinafter set forth.

1. Item b. is amended to read:

In Jet Route No. 8 caption "Amarillo, Tex." is deleted and "Needles, CA." is substituted therefor, and in the text all before "Springfield, Okla.;" is deleted and "From Needles, Calif., via Winslow, Ariz.; Gallup, N. Mex; Las Vegas, N. Mex.; Borger, Tex.; INT Borger 095° and Kingfisher, Okla., 261° radials; Kingfisher;" is substituted therefor.

2. Item g. is amended to read:

In Jet Route No. 96 text "Winslow, Ariz.; Gallup, N. Mex.;" is deleted and "INT Prescott 084° and Gallup, N. Mex., 246° radials; Gallup;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 27, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–1462 Filed 2–1–72;8:47 am]

[Airspace Docket No. 71–WA–2]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On August 21, 1971, F.R. Doc. 71–12233 was published in the FEDERAL REGISTER (36 F.R. 16505) with an effective date of October 14, 1971.

This document amended Part 75 of the Federal Aviation Regulations, in part, by establishing area navigation routes J821R, J822R, J825R, J832R, J833R, J835R, J837R, and J884R, serving parts of the north central and northeastern United States.

New area high route, J825R, between Chicago, Ill., and St. Louis, Mo., listed Lafayette, Ind., as the reference facility for the "Roberts, Ill.," waypoint. Subsequent flight check data indicates that "Capital, Ill.," VORTAC would provide improved signal coverage on the segment of J825R involved; therefore, the reference facility for "Roberts" waypoint should be changed from "Lafayette, Ind.," to "Capital, Ill." Action is taken herein to reflect this change.

Since this amendment is minor in nature with no substantive change in the regulation, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, F.R. Doc. 71-12233 (36 F.R. 16505) is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In J825R delete first waypoint information "Roberts, Ill., 40°34'54''/88°09'51'', Lafayette, Ind." and substitute "Roberts, Ill., 40°34'54''/88°09'51'', Capital, Ill." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 27, 1972.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1483 Filed 2-1-72;8:47 am]

[Airspace Docket No. 71-WA-RA]

PART 75—ESTABLISHMENT OF JET ROUTES, AND AREA HIGH ROUTES

Designation of Area High Routes

On March 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4790) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate (22) area high routes in the United States.

Two of the routes, J935R and J939R are designated, effective January 6, 1972. Eight additional routes (J918R, J923R, J927R, J931R, J932R, J936R, J937R, J938R) have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

To provide improved navigational guidance, some of the waypoints and reference facilities have been changed from those proposed in the notice of proposed rule making without changing the alignment of the routes. The last waypoint proposed in J927R is omitted herein to make this route compatible with terminal procedures at Fort Worth, Tex. Four of the routes, J921R, J922R, J930R, and J943R, described in the notice of proposed rule making are hereby withdrawn because they are duplicated by other routes. Since these changes are minor in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high routes are added:

Waypoint name	N. Lat./W. Long	Reference facility
J918R HOUSTON, TEX., TO NEW ORLEANS, LA.		
Humble, Tex.	29°57'24''/95°20'44''	Houston, Tex.
Gueydan, La.	30°01'21''/92°28'52''	Alexandria, La.
New Orleans, La.	30°01'47''/90°10'20''	New Orleans, La.
J923R ALBUQUERQUE, N. MEX., TO DENVER, COLO.		
Albuquerque, N. Mex.	35°02'38''/106°48'57''	Socorro, N. Mex.
Sanford, Colo.	37°19'13''/105°48'11''	Alamosa, Colo.
Terryal, Colo.	38°32'20''/105°10'50''	Pueblo, Colo.
Monument, Colo.	39°16'40''/104°47'29''	Do.
J927R CHICAGO, ILL., TO DALLAS, TEX.		
Roberts, Ill.	40°34'54''/88°09'51''	Capital, Ill.
West Plains, Mo.	36°47'42''/91°59'03''	Springfield, Mo.
Waldron, Ark.	34°58'55''/94°18'50''	Tulsa, Okla.
Blue Ridge, Tex.	33°16'59''/96°21'53''	Ardmore, Okla.
J931R SALT LAKE CITY, UTAH, TO SAN FRANCISCO, CALIF.		
Fairfield, Utah	40°16'30''/111°56'23''	Delta, Utah.
Fool Creek, Utah	39°38'15''/112°18'42''	Do.
Connors Pass, Nev.	38°57'44''/114°44'17''	Wilson Creek, Nev.
Coaldale, Nev.	38°00'12''/117°46'10''	Coaldale, Nev.
J932R NEW ORLEANS, LA., TO MEMPHIS, TENN.		
New Orleans, La.	30°01'47''/90°10'20''	New Orleans, La.
Jackson, Miss.	32°30'26''/90°10'03''	Meridian, Miss.
Memphis, Tenn.	34°56'34''/89°57'35''	Walnut Ridge, Ark.
J936R PHOENIX, ARIZ., TO CHICAGO, ILL.		
Phoenix, Ariz.	33°25'53''/111°53'17''	Phoenix, Ariz.
Fence, N. Mex.	34°33'12''/108°2'/06''	Gallup, N. Mex.
Albuquerque, N. Mex.	35°02'38''/106°48'57''	Socorro, N. Mex.
Mora, N. Mex.	35°52'40''/105°18'54''	Las Vegas, Nev.
Holcomb, Kans.	38°08'16''/100°52'42''	Garden City, Kans.
Seneca, Nebr.	39°55'09''/96°02'40''	Pawnee City, Nebr.
Lamoni, Iowa	40°38'48''/93°58'03''	Kirksville, Mo.
Warren, Ill.	41°48'38''/88°16'07''	Joliet, Ill.
Maple, Calif.	37°48'12''/126°40'57''	Ukiah, Calif.
Sawmill, Calif.	38°37'27''/123°04'28''	Ukiah, Calif.
Reno, Nev.	39°31'53''/119°39'18''	Reno, Nev.
Tenabo, Nev.	40°06'20''/116°46'26''	Battle Mountain, Nev.
Booneville, Utah	40°43'24''/113°45'24''	Booneville, Utah.
Woods, Utah	40°58'05''/112°06'09''	Malad City, Idaho.
Quealy, Wyo.	41°26'18''/108°58'31''	Rock Springs, Wyo.
Slater, Wyo.	41°53'12''/104°53'16''	Cheyenne, Wyo.
Berea, Nebr.	42°02'38''/103°07'04''	Sidney, Nebr.
Dry Creek, Nebr.	42°20'04''/98°25'33''	Wolbach, Nebr.
Kamrar, Iowa	42°25'42''/93°38'52''	Des Moines, Iowa.
Scales Mound, Ill.	42°22'53''/90°24'00''	Iowa City, Iowa.
Lakewood, Ill.	42°12'21''/88°18'53''	Milwaukee, Wis.
J938R CHICAGO, ILL., TO GATEWAY MAPLE, CALIF.		
Morrison, Ill.	41°55'53''/89°47'00''	Bradford, Ill.
Bertram, Iowa	41°59'43''/91°35'23''	Iowa City, Iowa.
Ute, Iowa	42°02'05''/95°44'37''	Omaha, Nebr.
Cumminsville, Nebr.	41°59'41''/98°22'59''	Wolbach, Nebr.
Angora, Nebr.	41°47'19''/103°03'32''	Sidney, Nebr.
Bordeau, Wyo.	41°20'48''/104°50'04''	Cheyenne, Wyo.
Vermillion, Wyo.	41°16'13''/108°57'02''	Rock Springs, Wyo.
Magna, Utah	40°52'19''/112°05'03''	Fairfield, Utah.
Arinosa, Utah	40°37'37''/112°43'47''	Bonneville, Utah.
Tenabo, Nev.	40°06'20''/116°46'26''	Battle Mountain, Nev.
Reno, Nev.	39°31'53''/119°39'18''	Reno, Nev.
Sawmill, Calif.	38°37'27''/123°04'28''	Ukiah, Calif.
Maple, Calif.	37°48'13''/125°49'57''	Ukiah, Calif.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 26, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1464 Filed 2-1-72;8:47 am]

[Docket No. 11432, Amdt. 121-83]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Aircraft Security; Screening System

The purpose of this amendment is to require certain air carriers and commercial operators operating large aircraft (other than helicopters), to adopt and put into use, within 72 hours after the amendment becomes effective, a screening system acceptable to the Administrator, to prevent or deter the carriage aboard its aircraft of sabotage devices or weapons in carry-on baggage or on or about the persons of passengers.

Notice 71-29 was issued on September 28, 1971, and published in the FEDERAL REGISTER on September 29, 1971 (36 F.R. 19172), proposing the issue of regulations to provide aviation security

standards for the air carriers and commercial operators affected by this amendment. That proposal would require, among other things, that each of these operators prepare in writing and submit for approval by the Administrator its security program showing the procedures, facilities, or screening system, or a combination thereof, that it uses or intends to use for the purposes here involved. The closing date for comments was December 29, 1971, and due consideration has been given to all comments presented in response to that notice.

As proposed, the certificate holder would have a 90-day period in which to submit its security program to the FAA for approval. However, because of alarmingly increased hijackings including extortion of large sums of money that have occurred recently, the Administrator is of the opinion that an emergency requiring immediate action exists in respect of safety in air commerce, and that this amendment is essential in the interest of safety in air commerce, particularly in air transportation, to meet that emergency. Accordingly, as issued, this amendment requires the certificate holder to adopt and put into use a passenger and baggage screening system acceptable to the Administrator within 3 days after the effective date of the amendment. It should be noted that a simple and inexpensive screening system has been highly effective, where used. The FAA is of the opinion that a majority of the air piracies occurring recently would have been prevented had the system been used to the fullest extent possible.

It is anticipated that further rule making action will be taken in the near future to implement the remainder of the proposals made in Notice 71-29.

Because of the emergency nature of the threat to the safety of persons and property carried in air commerce due to highjacking, I find that further notice and public procedure on this amendment are impracticable and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, a new § 121.538 is inserted after § 121.537 of Part 121 of the Federal Aviation Regulations, effective February 2, 1972, to read as follows:

§ 121.538 Aircraft security.

(a) For purposes of this section, "certificate holder" means an air carrier as defined in § 121.1(a) (1) or (2) and a commercial operator engaging in intrastate common carriage covered by § 121.7.

(b) Each certificate holder shall, before February 6, 1972, adopt and put into use a screening system, acceptable to the Administrator, to prevent or deter the carriage aboard its aircraft of any sabotage device or weapon in carry-on baggage or on or about the persons of passengers, except as provided in § 121.585.

(Secs. 313(a), 601, 604, 1005, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1424, 1485; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on January 31, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-1538 Filed 2-1-72;10:00 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-722, Amdt. 38]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Filing of Monthly Interim Financial Reports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of January 1972.

By EDR-207, dated July 6, 1971,[1] the Board proposed to amend Part 241 of its economic regulations (14 CFR Part 241), so as to require the filing with the Board of (1) a balance sheet and an income statement on a monthly basis, and (2) a copy of any financial statement released to the public reflecting a financial position or operating results for dates or reporting periods not covered by reports on file with the Board.

As part of Form 41, all certificated air carriers are presently required to submit, on a quarterly basis, a balance sheet and income statement. In addition, CAB Form T-107, Interim Summary Income Statement, has for some time been filed voluntarily by route air carriers on a monthly basis, and certain supplemental air carriers have been filing monthly balance sheets and income statements pursuant to requests of the Director, Bureau of Accounts and Statistics, under § 385.17 (j) of this chapter.

Comments in response to the notice were filed by 12 carrier.[2] The basic thrust of the comments opposing the proposed monthly report may be briefly summarized as follows: (1) Monthly reports do not provide a reliable indication of business trends and may be subject to misinterpretation; (2) generally, the proposed reporting requirements would be unduly burdensome and, in particular, a requirement of reporting on an entity basis would be burdensome since internal management reports are prepared on a system basis; (3) a 40-day reporting deadline would be more realistic than the proposed 30-day deadline. With respect to the proposed requirement that information released to the public be submitted also to the Board, the general consensus appears to regard the proposal as reasonable.

Upon consideration, we have determined to adopt the rule as proposed, but with the modifications discussed herein.

We think there is merit to the claim that, since the carriers' own interim financial statements are prepared on a system basis, it would be burdensome to require that the monthly income statements be filed on an entity basis. Moreover, the burden appears to be unnecessary, since filing of the reports on a system basis will adequately serve the intended purposes of the rule. We have therefore modified our proposed rule accordingly.

In view of this modification, it is not necessary for us to adopt the suggestion that 40 days be allowed for the submission of the reports. Since most of the carriers prepare this information on a system basis for their own management purposes, a 30-day period for reporting should be ample.

The Board recognizes the validity of comments to the effect that monthly data may not provide a completely satisfactory basis for short-range evaluation with respect to individual carriers, and that such data may be subject to misinterpretation. However, we are of the belief that the usefulness of such up-to-date data outweighs these objections, particularly in view of the fact that we are providing for confidential treatment of the data except in limited circumstances.

We have also decided to accept the suggestion that supplemental air carriers should not be subject to this rule's requirement of filing monthly balance sheets and income statements.[3] However, supplementals will be subject to the requirement of filing a copy of any financial statement released to the public reflecting a financial position or operating results for dates or reporting periods not covered by reports on file with the Board.

In view of the amendments being adopted herein, there will no longer be any need for us to request submission of CAB Form T-107, Interim Summary Income Statement.

This rule is being made effective immediately, so that, although the first monthly report will not be due until 30 days after the end of January 1972, it will encompass information dating from January 1, 1972. Since, as noted above, the monthly reports required hereunder relate to information which the carriers are presently required to maintain for preparation of their quarterly Form 41 reports, application of this rule to such data from January 1, 1972, will impose no significant burden upon any person.

In consideration of the foregoing, the Board hereby amends Part 241 of its economic regulations (14 CFR Part 241), effective February 1, 1972, as follows:

1. Amend section 22 by modifying paragraphs (a) and (b) and by adding a new paragraph (j) as follows:

Section 22—General Reporting Instructions

(a) The CAB Form 41 • • •

[1] 36 F.R. 12990, July 10, 1971.

[2] American Airlines, Inc., Delta Air Lines, Inc., The Flying Tiger Line Inc., Hawaiian Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Universal Airlines, Inc., Western Air Lines, Inc., and World Airways, Inc.

[3] It should be noted that although this monthly reporting requirement will not apply to supplemental air carriers, the Director, Bureau of Accounts and Statistics, will continue to have authority under § 385.17(j) to require such monthly statements to be filed by individual supplementals on a case-by-case basis, as the Director has been doing.

Schedule No.		Filing: Frequency	Filing: Postmark Interval (days)
• • •	• • •	• • •	• • •
A-1	Status of Accounting Plans Required to be Filed	Annually	40
B-1	Balance Sheet	Monthly	30
B-2	Notes to Balance Sheet	Quarterly	40
• • •	• • •	• • •	• • •
P-1.2	Income Statement—Group II and Group III Air Carriers	Quarterly	40
P-1(a)	Interim Income Statement	Monthly	30
P-2	Notes to Income Statement	Quarterly	40

(b) Each air carrier shall file the schedules of the CAB Form 41 reports with the Civil Aeronautics Board in accordance with the above instructions, except that B and P report schedules for the final quarter of each calendar year may be extended to 90 days following the year's end: *Provided*, That preliminary schedules B–1 and P–1(a) are submitted within the standard prescribed 30-day filing period; and that preliminary schedules P–1.1 or P–1.2, P–3, and P–3(a) are submitted within the standard prescribed 40-day filing period. For the third month of any calendar quarter, schedule P.1(a) need not be filed, provided that schedule P–1.1 or P–1.2 for the quarter is submitted within 30 days rather than the standard prescribed 40-day filing period. Reports on schedules B–1 and P–1(a) for each month shall be withheld from public disclosure, subject to the same exceptions as those set forth in section 19–6, until such time as (1) the quarterly financial reports are due, (2) the quarterly financial reports are filed or (3) information covered by monthly reports is publicly released by the carrier concerned, whichever first occurs. At the request of an air carrier, and upon a showing by such air carrier that public disclosure of its preliminary year-end report would adversely affect its interests and would not be in the public interest, the Board will withhold such preliminary year-end report from public disclosure until such time as (1) the final report is filed, (2) the final report is due or (3) information covered by the preliminary report is publicly released by the carrier concerned, whichever first occurs.

• • • • • •

(j) All financial statements released by carriers to the public reflecting a financial position or operating results for dates or reporting periods not covered by reports on file with the Board shall be filed with the Board simultaneously with their public release.

2. Amend section 23 by revising paragraph (b) of reporting instructions for Schedule B–1 Balance Sheet as follows:

Section 23—Certification and Balance Sheet Elements

• • • • • •

Schedule B–1 Balance Sheet

• • • • • •

(b) This schedule shall reflect the balances at the close of business on the last day of each calendar month for the overall or system operations of each air carrier in conformance with the provisions of sections 4, 5, and 6.

• • • • • •

3. Amend section 24 to add instructions for new schedule P–1(a) Interim Income Statement as follows:

Section 24—Profit and Loss Elements

• • • • • •

Schedule P–1(a) Interim Income Statement

(a) This schedule shall be filed by all route air carriers.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) Data reported on this schedule shall reflect the results of operations for the month covered by the report and shall conform to the instructions pertaining to profit and loss classifications within this Uniform System of Accounts and Reports.

4. Amend section 32 by adding paragraph (j) as follows:

Section 32—General Reporting Instructions

• • • • • •

(j) All financial statements released by carriers to the public reflecting a financial position or operating results for dates or reporting periods not covered by reports on file with the Board shall be filed with the Board simultaneously with their public release.

5. Amend CAB Form 41 by adding a new schedule P–1(a) Interim Income Statement in the form attached hereto as an appendix and made a part hereof.[1]

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-1449 Filed 2-1-72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Mingo National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2–2–72).

[1] Filed as part of the original document.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Mo., is permitted in all waters on the refuge. The waters comprise about 4,300 acres. Maps and information are available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: March 15, 1972, through September 30, 1972 daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1972.

GERALD L. CLAWSON, *Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.*

JANUARY 25, 1972.

[FR Doc.72-1475 Filed 2-1-72;8:46 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R-436, Order 448]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Policy Regarding Domestic Natural Gas Shortage

JANUARY 24, 1972.

Statement of policy determining that the natural domestic supply of gas is insufficient to meet the present and future requirements of the domestic economy and prescribing the accounting for the job development investment credit restored in the Revenue Act of 1971.

The Commission in response to the provisions of the Revenue Act of 1971, approved December 10, 1971 (Public Law 92–178, 85 Stat. 497), concerning the restoration of the investment tax credit therein known as the Job Development Investment Credit restates that "the natural domestic supply of the product" (natural gas) "• • • is insufficient at this time to meet the present and future requirements of the domestic economy." The Commission has heretofore found on the basis of an evidentiary record and hearing that there is a natural gas shortage, Area Rate Proceedings (Southern Louisiana) Dockets Nos. AR61–2 et al., AR69–1; Opinions Nos. 598 and 598–A (July 16, 1971, September 9, 1971, respectively). As indicated in Order No. 437A–4 issued November 29, 1971: "This Commission has been confronted with conclusive evidence demonstrating a gas supply shortage. Every indication is that such a shortage will continue into the near future." (Also see Opinions Nos. 595, 597, 586, 606, and 606A, 607; order granting application under limited-term certificate in Docket No. CI71–783; findings and order issuing certificates in Dockets Nos. CI71–879, CI71–882, CI71–889, CI72–48, CI72–97, CI72–136, CI71–878, CI72–151, CI72–137, CI67–248 and CI72–218, CP71–287, CP72–12, CP71–278, CP72–1, CP71–220, CP71–267; Orders Nos. 431, 435, and 437; order instituting area rate proceeding docket No. AR70–1.)

The Commission finds:

(1) The notice and hearing requirements of 5 U.S.C. 553 do not apply to this general statement of policy as herein amended.

(2) In addition, compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

(3) Good cause exists that the statement of policy herein ordered shall become effective immediately and to coincide with the relevant effective dates provided for in section 50(a) of the Revenue Act of 1971.

(4) "The natural domestic supply of the product" (natural gas) "• • • is insufficient to meet the present and future requirements of the domestic economy."

The Commission acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 8, 9, and 10 (52 Stat. 822, 823, 825, 826; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717g, 717h, 717i) orders:

A. Part 2 General Policy and Interpretations, Subchapter A, Chapter I, Title 18, Code of Federal Regulations is amended by adding new § 2.67a immediately following § 2.67 *Calculation of taxes for property of pipeline companies constructed or acquired after January 1, 1970*, which reads as follows:

STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS UNDER THE NATURAL GAS ACT

§ 2.67a Policy with respect to the natural gas shortage as it relates to the Revenue Act of 1971.

(a) The provisions of the Revenue Act of 1971, approved December 10, 1971 (Public Law 92–178, 85 Stat. 497), made reference to the rate treatment that will be accorded the investment credit by public utility taxpayers. Specifically the rate treatment is included in the Act under section 105. Regulated Companies, (e) Limitation in Case of Certain Regulated Companies. The various options are prescribed in section 105(e), (1) General Rules; (2) Special Rule for Ratable Flow-Through; and (3) Special Rule for Immediate Flow-Through in Certain Cases of the Act. Since the Act leaves to the regulatory agency the prescription of necessary accounting, the book accounting to accommodate the above shall be as follows:

(1) (i) When the "General Rule" is applicable to a utility, other than a natural gas pipeline company, the amount of the investment credit allowed shall be debited to Account 411.3, Investment Tax Credit Adjustments, and credited to Account 255, Accumulated Deferred Investment Tax Credits. The amount in Account 255 shall be amortized to Account 420, Investment Tax Credits, ratably over the book service life of the related property. (Since Account 420, Investment Tax Credits, is not now provided for in the Uniform Systems of Accounts for Public Utilities and Licensees, concurrently with this Statement the Commission is issuing a notice of proposed rulemaking, Docket No. R–437 proposing to incorporate this account in said systems.)

(ii) Since the Commission has determined that there is a natural domestic supply of gas insufficient at this time to meet the present and future requirements, natural gas pipeline companies, at their option, may account for the investment credit by either debiting Account 411.3, Investment Tax Credit Adjustments, and crediting Account 420, or by debiting Account 411.3 and crediting Account 255 with amortization from Account 255 to Account 420 over a period of time as selected by the company.

(2) Under the "Special Rule for Ratable Flow-Through," the utility shall, where this option applies, debit Account 411.3 and credit Account 255. The amounts in Account 255 shall be amortized to Account 411.3 over the book service life of the related property.

(3) Under the "Special Rule for Immediate Flow-Through in Certain Cases," where the utility elects in the case of property to which section 167(1)(2)(C) of the Internal Revenue Code applies, the utility shall with respect to the investment credit related thereto apply the investment credit as a reduction of Account 409.1, Income Taxes, Utility Operating Income.

(4) A method once adopted by a utility company for any class of property must be consistently followed and the method may not be changed without prior Commission approval.

B. This statement of policy is effective immediately and to coincide with the relevant effective dates provided for in section 50(a) of the Revenue Act of 1971.

C. The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1464 Filed 2-1-72;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Use of Impact-Resistant Lenses in Eyeglasses and Sunglasses

In the FEDERAL REGISTER of September 23, 1971 (36 F.R. 18871), a notice was published in which the Commissioner of Food and Drugs proposed that Part 3 be amended by revising the statement of general policy (21 CFR 3.84) regarding impact-resistant lenses in eyeglasses and sunglasses, to require that the total weight of the base plate and its rigidly attached fixtures be not less than 27 pounds, that an appropriate tube be used for lenses of small minimum diameter, that the neoprene gasket employed be securely bonded to the lens support, and that the lens fractures include a laminar layer, where present. Additionally it was proposed that raised ledge multifocal lenses, which are irreparably damaged by the drop ball test, be impact resistant, and drop ball tested only during initial design and not at the retail level. The Commissioner also proposed that provision be made for plastic prescription and nonprescription lenses to be tested at the point of original manufacture.

It was proposed that § 3.84(e) be revised to require that certain necessary business records of sale or distribution be kept and maintained for 3 years in lieu of coding which was found to be impracticably complex.

It was proposed that § 3.84(f) be revised to require all persons conducting tests in accordance with paragraph (d) keep and maintain test results for 3 years and make these results available to the Food and Drug Administration upon request.

It was proposed that § 3.84(g) be revised to assure that importers will make test data available to the Food and Drug Administration upon request.

It was also proposed, consistent with the statement in the proposal of November 6, 1970 (35 F.R. 17116), that § 3.84 (h) be revised to clearly indicate that all lenses manufactured after December 31, 1971, must be impact resistant except where the physician or optometrist finds that such lenses will not fulfill the visual requirements of a particular patient.

Comments on this proposal were received. Several comments urged that the Commissioner of Food and Drugs reconsider his decision to require impact resistant lenses. The Commissioner has reviewed this matter and has concluded that this Statement of Policy and Interpretation should be adopted in order to protect the public from unsafe lenses.

A comment was submitted by the National Retail Merchants Association requesting clarification on the record-keeping provisions as applicable to nonprescription sunglasses. In order to

FEB 2 7 2
XUM

clarify this issue, a proviso has been added to § 3.84(e), that the name and address of a purchaser of nonprescription sunglasses is not required to be kept by the retailer.

A comment was submitted by the Public Interest Research Group, urging the May 15, 1971 language be retained in § 3.84(h) requiring that after December 31, 1971, all eyeglasses and sunglasses must be fitted with impact resistant lenses, except when the physician or optometrist finds that impact resistant lenses will not fulfill the visual requirements of a particular patient. Although the transition process in § 3.84(h) of the Food and Drug Administration's Statement of Policy of May 15, 1971 (36 F.R. 8939), commenced immediately, the Commissioner finds that an adequate supply of impact resistant lenses is not available to permit the May 15, 1971 language to be retained. He therefore finds that the date of manufacture shall control.

The comment of the Public Interest Research Group further recommended that § 3.84(e) also be amended, consistent with § 3.84(f), to permit the Food and Drug Administration to examine copies of invoices, shipping documents, and records of sale and distribution, of all impact resistant lenses (including finished eyeglasses and sunglasses) which are to be kept and maintained for a period of 3 years. The Commissioner finds this comment to be well taken, and has so ordered.

The Commissioner concludes that the proposed amendments will insure the necessary measure of protection to the consumer.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sections 502(j), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(j), 371(a)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 3 is amended by revising § 3.84 to read as follows:

§ 3.84 Use of impact-resistant lenses in eyeglasses and sunglasses.

(a) Examination of data available on the frequency of eye injuries resulting from the shattering of ordinary crown glass lenses indicate that the use of such lenses constitutes an avoidable hazard to the eye of the wearer.

(b) The consensus of the ophthalmic community is that the number of eye injuries would be substantially reduced by the use in eyeglasses and sunglasses of either plastic lenses, heat-treated crown glass lenses, or lenses made impact-resistant by other methods.

(c) To protect the public more adequately from potential eye injury, eyeglasses and sunglasses must be fitted with impact-resistant lenses, except in those cases where the physician or optometrist finds that such lenses will not fulfill the visual requirements of the particular patient, directs in writing the use of other lenses and gives written notification thereof to the patient.

(d) The physician or optometrist shall have the option of ordering heat-treated glass lenses, plastic lenses, laminated glass lenses, or glass lenses made impact resistant by other methods; however, all such lenses must be capable of withstanding an impact test in which a ⅝-inch steel ball weighing approximately 0.56 ounces is dropped from a height of 50 inches upon the horizontal upper surface of the lens. The ball shall strike within a ⅝-inch diameter circle located at the geometric center of the lens. The ball may be guided, but not restricted, in its fall by being dropped through a tube extending to within approximately 4 inches of the lens. In order to pass the test, the lens must not fracture (for the purpose of this section, a lens will be considered to have fractured if it cracks through its entire thickness, including a laminar layer, if any, and across a complete diameter into two or more separate pieces or if any lens material visable to the naked eye becomes detached from the ocular surface). The test shall be conducted with the lens supported by a tube (1-inch inside diameter, 1¼-inch outside diameter, and approximately 1-inch high) affixed to a rigid iron or steel base plate. The total weight of the base plate and its rigidly attached fixtures shall be not less than 27 pounds. For lenses of small minimum diameter, a support tube having an outside diameter of less than 1¼ inches may be used. The support tube shall be made of rigid acrylic plastic, steel or other suitable substance and shall have securely bonded on the top edge a ⅛- by ⅛-inch neoprene gasket having a hardness of 40±5, as determined by ASTM Method D 1415; a minimum tensile strength of 1,200 pounds, as determined by ASTM Method D 412; and a minimum ultimate elongation of 400 percent, as determined by ASTM Method D 412. The diameter and/or contour of the lens support may be modified as necessary so that the ⅛- by ⅛-inch neoprene gasket supports the lens at is periphery. Each finished impact-resistant glass lens for prescription use shall be subjected to the impact test prescribed by this paragraph. Raised ledge multifocal lenses must be impact-resistant but need not be tested beyond initial design testing. To demonstrate that all other types of impact-resistant lenses (including impact-resistant laminated glass lenses) are capable of withstanding this impact test, the manufacturer of such lenses shall subject to the impact test a statistically significant sampling of lenses from each production batch, and the lenses so tested shall be representative of the finished forms as worn by the wearer (including finished forms that are of minimal lens thickness and have been subjected to any treatment used to impart impact resistance). Plastic prescription and all nonprescription lenses, tested on the basis of statistical significance, may be tested in uncut finished or semifinished form at the point of original manufacture. This statement of policy will be appropriately amended to provide for use of alternate methods of testing the impact resistance of lenses if it can be shown that the alternate method is equal to or superior to the method prescribed in this paragraph.

(e) Copies of invoice(s), shipping document(s), and records of sale or distribution of all impact resistant lenses (including finished eyeglasses and sunglasses) shall be kept and maintained for a period of 3 years; however, the names and addresses of individuals purchasing nonprescription eyeglasses and sunglasses at the retail level need not be kept and maintained by the retailer. The records kept in compliance with this paragraph shall be made available, upon request at all reasonable hours by any officer or employee of the Food and Drug Administration or by any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare and such officer or employee shall be permitted to inspect and copy such records, to make such inventories of stock as he deems necessary, and otherwise to check the correctness of such inventories.

(f) In addition, those persons conducting impact tests in accordance with paragraph (d) of this section, shall keep and maintain the results thereof for a period of 3 years. Such records and results shall be made available, upon request at all reasonable hours by any officer or employee acting on behalf of the Secretary of Health, Education, and Welfare and shall permit such officer or employee to inspect and copy such records, to make such inventories of stock as he deems necessary, and otherwise to check the correctness of such inventories.

(g) For the purpose of this section, the term "manufacturer" includes an importer for resale. Such importer may have the tests required by paragraph (d) of this section conducted in the country of origin but must make the results thereof available, upon request, to the Food and Drug Administration, as soon as practicable.

(h) The transition to impact-resistant lenses must be completed as promptly as possible; however, to provide for the development of an adequate supply of impact-resistant lenses and to facilitate an orderly changeover to these lenses, all lenses manufactured after January 31, 1972, must be impact-resistant, except when the physician or optometrist finds that impact-resistant lenses will not fulfill the visual requirements of a particular patient.

(i) This statement of policy does not apply to contact lenses.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–2–72).

(Secs. 502(j), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(j), 371(a))

Dated: January 31, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–1607 Filed 2–1–72;8:51 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Arizona	Mohave	Kingman				Feb. 4, 1972
Colorado	Arapahoe	Unincorporated areas.				Do.
Do	do	Sheridan				Do.
Connecticut	New Haven	Derby				Do.
Do	Fairfield	Greenwich				Do.
Do	Middlesex	Middletown				Do.
Iowa	Scott	Bettendorf				Do.
Do	Johnson	Iowa City				Do.
Missouri	Jackson	Lee's Summit				Do.
New Jersey	Somerset	Bernards Township.				Do.
Do	do	Warren Township				Do.
Do	Hudson	Secaucus				Do.
New York	Erie	Cheektowaga				Do.
Do	do	Elma				Do.
Do	Westchester	Larchmont				Do.
North Carolina	Dare	Kill Devil Hills				Do.
Ohio	Lake	Eastlake				Do.
Oregon	Multnomah	Unincorporated areas.				Do.
Do	Umatilla	do				Do.
Wyoming	Natrona	Casper				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: January 26, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–1412 Filed 2–1–72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Arizona	Mohave	Kingman				Feb. 4, 1972.
Colorado	Arapahoe	Unincorporated areas.				Do.
Do	do	Sheridan				Do.
Connecticut	New Haven	Derby				Do.
Do	Fairfield	Greenwich				Do.
Do	Middlesex	Middletown				Do.
Iowa	Scott	Bettendorf				Do.
Do	Johnson	Iowa City				Do.
Missouri	Jackson	Lee's Summit				Do.
New Jersey	Somerset	Bernards Township.				Do.
Do	do	Warren Township				Do.
Do	Hudson	Secaucus				Do.
New York	Erie	Cheektowaga				Do.
Do	do	Elma				Do.
Do	Westchester	Larchmont				Do.
North Carolina	Dare	Kill Devil Hills				Do.
Ohio	Lake	Eastlake				Do.
Oregon	Multnomah	Unincorporated areas.				Do.
Do	Umatilla	do				Do.
Wyoming	Natrona	Casper				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: January 26, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–1413 Filed 2–1–72;8:45 am]

FEB 2 7 2
XUM

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Hall Irrigation Project, Idaho

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in section 15(a) of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Beginning on page 23221 of the FEDERAL REGISTER of December 7, 1971 (36 F.R. 234), there was published a notice of intention to modify § 221.32 of Title 25 of the Code of Federal Regulations relating to the Operation and Maintenance charges on assessable lands under the Fort Hall Irrigation Project. The regulations were proposed pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238) and pursuant to the Acts of March 1, 1907 and August 31, 1954 (34 Stat. 1024, 68 Stat. 1026).

Interested persons were given 30 days in which to submit written comments, views, or arguments regarding the proposed regulations.

During this period one objection was received and given due consideration. It has been determined that sufficient justification exists for modifying the rate for Fort Hall Project lands and the proposed regulations are hereby adopted without change and are set forth below.

The modified § 221.32 shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

DALE M. BALDWIN,
Area Director.

JANUARY 25, 1972.

§ 221.32 Basic and other water charges.

(a) In compliance with the provisions of the Acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership and Indian-owned lands leased to a non-Indian or a nonmember of the Shoshone Bannock Tribe of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1972 and subsequent years until further notice as follows:

	Per acre
(1) Fort Hall Project:	
Basic rate for all lands located within the boundaries of Fort Hall Reservation	$7.75
Basic rate for all lands lying off the Fort Hall Reservation	6.50
(2) Michaud Division, Fort Hall Reservation:	
Basic rate for all lands except Deep Well Units	11.50
Basic rate for Deep Well Units	9.00
Additional rate for sprinkler irrigation when pressure is supplied by the project	3.00
(3) Minor Units, Fort Hall Reservation:	
Basic rate	4.75

(b) In addition to the foregoing charges, there shall be collected a minimum charge of $5 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

[FR Doc.72-1478 Filed 2-1-72;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7160]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Automatic Extension of Time for Filing Individual Income Tax Returns

In order to revise the Income Tax Regulations (26 CFR Part 1) under section 6081 of the Internal Revenue Code of 1954, relating to extension of time for filing returns, and in order to revise the Regulations on Procedure and Administration (26 CFR Part 301) under section 6651 of the Internal Revenue Code of 1954, relating to failure to file tax return or to pay tax, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (a) of § 1.6081-1 is amended to read as follows:

§ 1.6081-1 Extension of time for filing returns.

(a) *In general.* District directors and directors of service centers are authorized to grant a reasonable extension of time for filing any return, declaration, statement, or other document which relates to any tax imposed by subtitle A of the Code and which is required under the provisions of subtitle A or F of the Code or the regulations thereunder. However, other than in the case of taxpayers who are abroad, such extensions of time shall not be granted for more than 6 months. Except as otherwise provided in § 1.6081-4(b), an extension of time for filing an income tax return shall operate to extend the time for the payment of the tax or any installment thereof unless specified to the contrary in the extension. For extension of time for filing of declarations of estimated tax, see § 1.6073-4. For rules relating to extension of time for paying tax, see § 1.6161-1.

* * * * *

PAR. 2. The following new section is added immediately after § 1.6081-3:

§ 1.6081-4 Automatic extension of time for filing individual income tax return.

(a) *In general.* (1) An individual who is required to file an income tax return on Form 1040 for any taxable year ending on or after December 31, 1971, shall be allowed an automatic 2-month extension of time to file such return after the date prescribed for filing of the return only if the requirements contained in subparagraphs (2), (3), and (4) of this paragraph are met.

(2) An application must be prepared in duplicate on Form 4868 "Application for Automatic Extension of Time to File U.S. Individual Income Tax Return," and must be signed by the taxpayer or other person duly authorized by the taxpayer to request such extension. Such other person must either be an attorney who is a member in good standing of the bar of the highest court of a State, possession, territory, commonwealth, or the District of Columbia; a certified public accountant duly qualified to practice in a State, possession, territory, commonwealth, or the District of Columbia; a person currently enrolled to practice before the Treasury Department; a duly authorized agent holding a power of attorney with respect to the filing of income tax returns; or a person standing in a close personal or business relationship to the taxpayer where such taxpayer is unable to sign the application because of illness, absence, or other good cause.

(3) The original of the application must be filed on or before the date prescribed for the filing of the return of the individual with the internal revenue officer with whom the individual is required to file his income tax return.

(4) Such application for extension must show the full amount properly estimated as tax for such taxpayer for such taxable year, and such application must be accompanied by the full remittance of the amount properly estimated as tax which is unpaid as of the date prescribed for the filing of the return.

(5) Upon the timely filing of Form 4868, properly prepared, and accompanied by remittance of the full amount of the estimated unpaid tax liability, the 2-month extension shall be considered as allowed. The duplicate Form 4868 shall be attached to the face of the completed income tax return when filed as evidence of the extension. Except in undue hardship cases, no extension of time for filing an individual income tax return shall be granted under § 1.6081-1 until an individual has properly availed himself of the provisions of this paragraph.

(b) *Special rule for the extension of time for the payment of tax.* Notwithstanding the application of § 1.6081-1(a), any automatic extension of time for filing an individual income tax return granted under paragraph (a) of this section shall not operate to extend the time for the payment of any tax due on such return.

(c) *Termination of automatic extension.* The district director, including the Director of International Operations, or the director of a service center may, in his discretion, terminate at any time an automatic extension by mailing to the taxpayer, or the person who requested such extension for the taxpayer, a notice of termination. The notice shall be mailed at least 10 days prior to the termination date designated in such notice. The notice of termination shall be sufficient for all purposes when mailed to the taxpayer at his address shown on Form 4868 or to the person who requested such extension for the taxpayer at his last known address or last known place of business, even if such person is deceased or is under a legal disability.

PAR. 3. Paragraph (c) of § 301.6651-1 is amended by revising subparagraph (1) and by adding at the end thereof a new subparagraph (3). These amended and added provisions read as follows:

§ 301.6651-1 Failure to file tax return or to pay tax.

* * * * *

(c) *Showing of reasonable cause.* (1) Except as provided in subparagraph (3) of this paragraph, a taxpayer who wishes to avoid the addition to the tax for failure to file a tax return or pay tax must make an affirmative showing of all facts alleged as a reasonable cause for his failure to file such return or pay such tax on time in the form of a written statement containing a declaration that it is made under penalties of perjury. Such statement should be filed with the district director or the director of the service center with whom the return is required to be filed; provided, that, where special tax returns of liquor dealers are delivered to an internal revenue officer working under the supervision of the Assistant Regional Commissioner (Alcohol, Tobacco and Firearms) such statement may be delivered with the return. If the district director, the director of the service center, or, where applicable, the Assistant Regional Commissioner (Alcohol, Tobacco and Firearms) determines that the delinquency was due to a reasonable cause and not to willful neglect, the addition to the tax will not be assessed. If the taxpayer exercised ordinary business care and prudence and was nevertheless unable to file the return within the prescribed time, then the delay is due to a reasonable cause. A failure to pay will be considered to be due to reasonable cause to the extent that the taxpayer has made a satisfactory showing that he exercised ordinary business care and prudence in providing for payment of his tax liability and was nevertheless either unable to pay the tax or would suffer an undue hardship (as described in § 1.6161-1 (b) of this chapter) if he paid on the due date. In determining whether the taxpayer was unable to pay the tax in spite of the exercise of ordinary business care and prudence in providing for payment of his tax liability, consideration will be given to all the facts and circumstances of the taxpayer's financial situation, including the amount and nature of the taxpayer's expenditures in light of the income (or other amounts) he could, at the time of such expenditures, reasonably expect to receive prior to the date prescribed for the payment of the tax. Thus, for example, a taxpayer who incurs lavish or extravagant living expenses in an amount such that the remainder of his assets and anticipated income will be insufficient to pay his tax, has not exercised ordinary business care and prudence in providing for the payment of his tax liability. Further, a taxpayer who invests funds in speculative or illiquid assets has not exercised ordinary business care and prudence in providing for the payment of his tax liability unless, at the time of the investment, the remainder of the taxpayer's assets and estimated income will be sufficient to pay his tax or it can be reasonably foreseen that the speculative or illiquid investment made by the taxpayer can be utilized (by sale or as security for a loan) to realize sufficient funds to satisfy the tax liability. A taxpayer will be considered to have exercised ordinary business care and prudence if he made reasonable efforts to conserve sufficient assets in marketable form to satisfy his tax liability and nevertheless was unable to pay all or a portion of the tax when it became due.

* * * * *

(3) If for a taxable year ending on or after December 31, 1971, an individual taxpayer satisfies the requirements of § 1.6081-4(a) (relating to an automatic extension of time for filing an individual income tax return), reasonable cause shall be presumed, for the period of the extension of time to file, with respect to any underpayment of tax if—

(i) The excess of the amount of tax shown on Form 1040 over, the amount of tax paid on or before the regular due date of the return by virtue of taxes withheld by the employer, payments pursuant to the declaration of estimated tax and the payment in full of estimated tax liability pursuant to § 1.6081-4, is no greater than 10 percent of the amount of tax shown on the individual's Form 1040, and

(ii) Any balance due shown on the Form 1040 is remitted with the return.

* * * * *

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, and because it does not appear that the changes are adverse to persons concerned, it is found unnecessary and impracticable to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: January 26, 1972.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

[FR Doc.72-1472 Filed 2-1-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-8—TERMINATION OF CONTRACTS

Dissemination of Contract Termination Actions

The table of contents of Part 5A-8 is amended to add the following new entry:

Sec.
5A-8.602-70 Dissemination of contract termination actions.

Subpart 5A-8.6—Termination for Default

Subpart 5A-8.6 is amended to add a new § 5A-8.602-70 as follows:

§ 5A-8.602-70 Dissemination of contract termination actions.

(a) The responsibility for national and zonal term contract information input to the Automated Delivery Order (ADO) system is assigned to the National Maintenance Center (NMC) at Region 10. Information which is loaded there is then transmitted to ADO files in all regions for use in machine preparation of delivery orders. It is important that complete and up-to-date contract information be available in the ADO files.

(b) Information made available to the ADO system through "buy-against" summaries does not always identify a contract termination action, particularly as to the extent of the termination. The routine distribution of contract termination notices within the Federal Supply Service to the Region 10 NMC should resolve this problem. Therefore, in view of the foregoing, contracting officers shall provide for a single copy distribution to Region 10 NMC (mailing symbol 10FXN) of all notices of termination issued pursuant to Subpart 5A-8.6. Copies

FEB 2 1972 XUM

of recisions and/or modifications to notices of termination shall also be forwarded to the Region 10 NMC.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective 30 days after the date shown below.

Dated: January 25, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.72-1509 Filed 2-1-72;8:49 am]

Chapter 8—Veterans Administration

PART 8-14—INSPECTION AND ACCEPTANCE

PART 8-74—SPECIAL PROCUREMENT CONTROLS

Subsistence

Chapter 8 is amended as follows:

1. In § 8-14.105-51, paragraph (a) and that portion of paragraph (b) preceding subparagraph (1) are amended to read as follows:

§ 8-14.105-51 Inspection of subsistence.

(a) The contracting officer will determine at time of issuance of the solicitation whether inspection for specification compliance will be made (1) prior to shipment by representatives of the Department of Agriculture or the Department of Commerce or, (2) at time of delivery by personnel of the purchasing activity. The place of inspection will be indicated in the solicitation.

(b) When either the Department of Agriculture or the Department of Commerce is indicated as the inspection activity, the solicitation will also provide that the contractor is responsible for:

* * * * *

2. In § 8-74.112-6, paragraph (b) is amended to read as follows:

§ 8-74.112-6 Frozen processed food products.

* * * * *

(b) All frozen processed food products procured, which contain fish or fish products, will be processed or prepared in plants operated under the supervision of the USDC (U.S. Department of Commerce). The products listed in USDC publication titled "Guide to Federally Inspected Fishery Products" are processed in plants under Federal inspection of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The inspected products packed under various labels bearing the brand names are produced in accordance with current U.S. Grade Standards or official product specifications, packed under optimum hygienic conditions, and must meet Federal, State, and city sanitation and health regulations. Such brand label or USDC seal, affixed to a container, indicating compliance with USDC regulations will be accepted as evidence of compliance. In lieu thereof, the shipment may be lot inspected by the USDC and containers stamped to indicate acceptance or a Certification of Inspection issued to accompany the shipment. The product must bear a label complying with the Federal Food, Drug and Cosmetic Act which requires that all ingredients be listed according to the order of their predominance.

* * * * *

(Sec. 205(c), 63 Stat. 389, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective February 28, 1972.

Approved: January 28, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-1514 Filed 2-1-72;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 11, 134]

COUNTRY OF ORIGIN MARKING

Notice of Proposed Rule Making

Notice is hereby given that under the authority of R.S. 251, as amended, sections 304, 624, 46 Stat. 687, as amended, 759, 77A Stat. 14; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Headnote 11), 1304 and 1624, it is proposed to revise the Customs regulations relating to country of origin marking of imported merchandise.

This revision is part of the general revision of the Customs regulations, and replaces the provisions of §§ 11.8, 11.10, and 11.11 with a new Part 134. This part follows a new format, and contains changes or additions in language to clarify the former provisions and to reflect current administrative practice and policy.

The principal changes in the requirements or procedures in proposed Part 134 from those set forth in §§ 11.8, 11.10, and 11.11, are as follows:

1. In Subpart A relating to the general provisions of country of origin marking:

Section 134.1 places definitions of commonly used terms in one convenient section.

Section 134.4 incorporates notice of criminal penalties as prescribed by 19 U.S.C. 1304(e).

2. In Subpart B relating to the rules for articles subject to country of origin marking:

Section 134.13 clarifies the country of origin marking requirements for imported articles which are repacked or manipulated.

3. Subpart C contains a reorganization of all materials pertaining to country of origin marking requirements and exceptions relating to containers and holders based primarily on current Customs regulations, § 11.8 (h), (i), and (j) and on administrative practice under General Headnote 6, Tariff Schedules of the United States, as amended 19 U.S.C. 1202.

4. In Subpart D which sets forth in one place all exceptions to country of origin marking requirements:

Section 134.32 incorporates the general statutory and administrative exceptions to country of origin marking requirements.

Section 134.33 incorporates the exceptions to country of origin marking requirements under 19 U.S.C. 1304(a)(3)(J). A listing of articles currently excepted is provided.

5. In Subpart E which rearranges the present requirements of the regulations pertaining to the methods and location of country of origin marking of imported products:

Section 134.42 is added to reflect the authority to require the marking of imported merchandise by a specific method in accordance with 19 U.S.C. 1304(a)(1).

Section 134.43 sets forth the specific methods of marking required for certain articles. The listing of items is the same as that in current § 11.8(d) except that items which form natural continuous groupings under the Tariff Schedules have been consolidated; i.e., note items 545.31-545.37; 680.92-660.94; and 712.47 through 712.49. A cross reference to the special marking requirements on watches and watch movements was inserted here as section 11.9 of the current Customs regulations is not covered by this revision.

6. In Subpart F which sets forth the procedure relating to imported articles found not to be legally marked:

Section 134.52 incorporates and reflects current administrative practice with respect to the use of "certificates of marking," and gives notice of criminal penalties in cases where a false certificate of marking is filed with the district director.

Section 134.54 clarifies the procedures with respect to merchandise which is not legally marked, procedures for redelivery, demand for liquidated damages and consequences of the failure to petition for relief from liquidated damages.

Section 134.55 clarifies the provisions relating to compensation of Customs officers who supervise the marking, destruction or exportation of merchandise which is not legally marked. The fourth sentence in current § 11.8(m) relative to charges "* * * less than 50 cents * * *" has been omitted on authority of T.D. 51075.

There is included as part of the proposed revision a parallel reference table showing the relationship between the proposed provisions and those in 19 CFR Chapter I.

Accordingly, it is proposed to amend the Customs regulations as set forth below:

PART 134—COUNTRY OF ORIGIN MARKING

Sec.
134.0 Scope.

Subpart A—General Provisions

134.1 Definitions.
134.2 Additional duties.
134.3 Delivery withheld until marked and redelivery order.
134.4 Penalties for removal, defacement, or alteration of marking.

Subpart B—Articles Subject to Marking

134.11 Country of origin marking required.
134.12 Foreign articles reshipped from a U.S. possession.
134.13 Imported articles repacked or manipulated.
134.14 Articles usually combined.

Subpart C—Marking of Containers or Holders

134.21 Special marking.
134.22 General rules for marking of containers or holders.
134.23 Containers or holders designed for or capable of reuse.
134.24 Containers or holders not designed for or capable of reuse.

Subpart D—Exceptions to Marking Requirements

134.31 Requirements of other agencies.
134.32 General exceptions to marking requirements.
134.33 J-List exceptions.
134.34 Certain repacked articles.
134.35 Articles substantially changed by manufacture.
134.36 Inapplicability of exceptions.

Subpart E—Method and Location of Marking Imported Articles

134.41 Methods and manner of marking.
134.42 Specific method may be required.
134.43 Methods of marking specific articles.
134.44 Location and other acceptable methods of marking.
134.45 Approved markings of country name.
134.46 Marking when name of country or locality other than country of origin appears.
134.47 Souvenirs and articles marked with trademarks or trade names.

Subpart F—Articles Found Not Legally Marked

134.51 Procedure when importation found not legally marked.
134.52 Certificate of marking.
134.53 Examination packages.
134.54 Articles released from Customs custody.
134.55 Compensation of Customs officers and employees.

AUTHORITY: The provisions of this Part 134 are issued under R.S. 251, as amended, secs. 304, 624, 46 Stat. 687, as amended, 759, 77A Stat. 14; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Headnote 11), 1304, 1624.

§ 134.0 Scope.

This part sets forth regulations implementing the country of origin marking requirements and exceptions of section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), together with certain marking provisions of the Tariff Schedules of the United States (19 U.S.C. 1202). It also contains provisions regarding false or misleading markings as to the country of origin. The consequences and procedures to be followed when articles are not legally marked are also set forth. Special marking and labeling requirements are covered elsewhere.

Subpart A—General Provisions

§ 134.1 Definitions.

When used in this part, the following terms shall have the meaning indicated:

(a) *Country.* "Country" means the political entity known as a nation. Colonies, possessions, or protectorates outside the boundaries of the mother country are considered separate countries.

V 37 N 22 FEB 2 72 XUM

(b) *Country of origin.* "Country of origin" means the country of manufacture, production, or growth of any article of foreign origin entering the United States. Further work or material added to an article in another country must effect a substantial transformation in order to render such other country the "country of origin" within the meaning of this part.

(c) *Foreign origin.* "Foreign origin" refers to a country of origin other than the United States, as defined in paragraph (e) of this section, or its possessions and territories.

(d) *Ultimate purchaser.* The "ultimate purchaser" is generally the last person in the United States who will receive the article in the form in which it was imported. It is not feasible to state who will be the "ultimate purchaser" in every circumstance. The following examples may be helpful:

(1) If an imported article will be used in manufacture, the manufacturer may be the "ultimate purchaser" if he subjects the imported article to a process which results in a substantial transformation of the article, even though the process may not result in a new or different article.

(2) If the manufacturing process is merely a minor one which leaves the identity of the imported article intact, the consumer or user of the article, who obtains the article after the processing, will be regarded as the "ultimate purchaser."

(3) If an article is to be sold at retail in its imported form, the purchaser at retail is the "ultimate purchaser."

(4) If the imported article is distributed as a gift the recipient is the "ultimate purchaser."

(e) *United States.* "United States" includes all territories and possessions of the United States, except the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Island, and the island of Guam.

(f) *Customs territory of the United States.* "Customs territory of the United States," as used in this chapter includes the States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 134.2 Additional duties.

Articles not marked as required by this part shall be subject to additional duties of 10 percent of the final appraised value unless exported or destroyed under Customs supervision prior to liquidation of the entry, as provided in paragraph (c) of section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304(c)). The 10 percent additional duty is assessable for failure either to mark the article (or container) to indicate the English name of the country of origin of the article or to include words or symbols required to prevent deception or mistake.

§ 134.3 Delivery withheld until marked and redelivery order.

Until every article (or its container) previously released and all imported articles held in Customs custody for inspection, examination or appraisement are marked, or until the estimated duties payable under 19 U.S.C. 1304(c) have been deposited, articles held in Customs custody shall not be delivered and redelivery to Customs custody may be ordered of all articles previously released. Nothing in this part shall be construed as excepting any article (or its container) from the particular requirements of marking provided for in any other provision of law.

§ 134.4 Penalties for removal, defacement, or alteration of marking.

Any intentional removal, defacement, destruction, or alteration of a marking of the country of origin required by section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), and this part in order to conceal this information may result in criminal penalties of up to $5,000 and/or imprisonment for 1 year, as provided in section 304(e), Tariff Act of 1930, as amended (19 U.S.C. 1304(e)).

Subpart B—Articles Subject to Marking

§ 134.11 Country of origin marking required.

Unless excepted by law, section 304, Tariff Act of 1930, as amended (19 U.S.C. 1304), requires that every article of foreign origin (or its container) imported into the United States shall be marked in a conspicuous place as legibly, indelibly, and permanently as the nature of the article (or container) will permit, in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article, at the time of importation into the Customs territory of the United States. Containers of articles excepted from marking shall be marked with the name of the country of origin of the article unless the container is also excepted from marking.

§ 134.12 Foreign articles reshipped from a U.S. possession.

Articles of foreign origin imported into any possession of the United States outside its Customs territory and reshipped to the United States are subject to all marking requirements applicable to like articles of foreign origin imported directly from a foreign country to the United States.

§ 134.13 Imported articles repacked or manipulated.

(a) *Marking requirement.* An article within the provisions of this section shall be marked with the name of the country of origin at the time the article is withdrawn for consumption unless the article and its container are exempted from marking under provisions of Subpart D of this part at the time of importation.

(b) *Applicability.* The provisions of this section are applicable to the following articles:

(1) Articles repacked in a bonded warehouse under § 19.8 of this chapter;

(2) Articles manipulated under section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562), and § 19.11 of this chapter;

(3) Articles manipulated, but not manufactured, in a foreign-trade zone under § 146.32 of this chapter.

§ 134.14 Articles usually combined.

(a) *Articles combined before delivery to purchaser.* When an imported article is of a kind which is usually combined with another article after importation but before delivery to an ultimate purchaser and the name indicating the country of origin of the article appears in a place on the article so that the name will be visible after such combining, the marking shall include, in addition to the name of the country of origin, words or symbols which shall clearly show that the origin indicated is that of the imported article only and not that of any other article with which the imported article may be combined after importation.

(b) *Example.* Labels and similar articles so marked that the name of the country of origin of the label or article is visible after it is affixed to another article in this country shall be marked with additional descriptive words such as "Label made (or printed) in (name of country)" or words of similar meaning. See Subpart C of this part for marking of bottles, drums, or other containers.

(c) *Applicability.* This section shall not apply to articles of a kind which are ordinarily so substantially changed in the United States that the articles in their changed condition become products of the United States. An article excepted from marking under Subpart D of this part is not within the scope of section 304(a)(2), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)(2)), and is not subject to the requirements of this section.

Subpart C—Marking of Containers or Holders

§ 134.21 Special marking.

This subpart includes only country of origin marking requirements and exceptions under section 304(b), Tariff Act of 1930, as amended (19 U.S.C. 1304(b)), for containers or holders. Special marking may be required by the Internal Revenue Service on alcoholic beverage bottles and other requirements may be imposed by reason of the nature of the contents by other Government agencies.

§ 134.22 General rules for marking of containers or holders.

(a) *Contents excepted from marking.* When an article is excepted from the marking requirements by Subpart D of this part, the outermost container or holder in which the article ordinarily reaches the ultimate purchaser shall be marked to indicate the country of origin of the article whether or not the article is marked to indicate its country of origin.

(b) *Containers or holders treated as imported articles.* Containers or holders for imported merchandise subject to treatment as imported articles within the purview of general headnote 6, Tariff Schedules of the United States (19 U.S.C. 1202), shall be marked to indicate clearly the country of their own origin in addition to any marking which may be required to show the country of origin of their contents.

(c) *Containers or holders bearing a U.S. address.* Containers or holders of imported merchandise bearing the name and address of an importer, distributor, or other person or company in the United States shall be marked in close proximity to the U.S. address to indicate clearly the country of origin of the contents with a marking such as "Contents made in France" or "Contents Product of Spain."

(d) *Exceptions.* Containers or holders of imported articles are not required to be marked if:

(1) *Excepted articles.* They are containers or holders of articles within the exceptions set forth in paragraph (f), (g), or (h) in § 134.32.

(2) *Excepted containers or holders.* The container or holder itself is within an exception set forth in Subpart D of this part.

(3) *To be filled by the importer.* The container or holder is within the exception set forth in § 134.24(c).

§ 134.23 Containers or holders designed for or capable of reuse.

(a) *Usual and ordinary reusable containers or holders.* Containers or holders designed for or capable of reuse after the contents have been consumed, whether imported full or empty, must be individually marked to indicate the country of their own origin with a marking such as, "Container Made in (name of country)." Examples of the containers or holders contemplated are heavy duty steel drums, tanks, and other similar shipping, storage, transportation containers or holders capable of reuse. These containers or holders are subject to the treatment specified in headnote 6(b)(ii), Tariff Schedules of the United States (19 U.S.C. 1202).

(b) *Other reusable containers or holders.* Containers or holders within the purview of headnote 6(b)(iii), Tariff Schedules of the United States (19 U.S.C. 1202), must be individually marked to clearly indicate their own origin with a marking such as, "Container made in (name of country)." Examples of the containers contemplated are mustard jars reusable as beer mugs; shaving soap containers reusable as shaving mugs; fancy cologne bottles reusable as flower vases, and other containers which have a lasting value or decorative use.

§ 134.24 Containers or holders not designed for or capable of reuse.

(a) *Containers ordinarily discarded after use.* Disposable containers or holders subject to the provisions of this section are the usual ordinary types of containers or holders, including cans, bottles, paper or polyethylene bags, paperboard boxes, and similar containers or holders which are ordinarily discarded after the contents have been consumed.

(b) *Imported empty.* Disposable containers or holders imported for distribution or sale are subject to treatment as imported articles in accordance with general headnote 6(a), Tariff Schedules of the United States (19 U.S.C. 1202), and shall be marked to indicate clearly the country of their own origin. However, when the containers are packed and sold in multiple units (dozens, gross, etc.), this requirement ordinarily may be met by marking the outermost container which reaches the ultimate purchaser.

(c) *Imported to be filled—(1) If unmarked.* When disposable containers or holders are imported by persons or firms who fill or package them with various products which they sell, these persons or firms are the "ultimate purchasers" of these containers or holders and they may be excepted from individual marking pursuant to 19 U.S.C. 1304(a)(3)(D). The outside wrappings or packages containing the containers shall be clearly marked to indicate the country of origin.

(2) *If marked.* If the disposable containers or holders are marked with the country of origin at the time of importation and the marking will be visible after they are filled, the marking shall clearly indicate that the container only and not the contents were made in the named country. For example, bottles, drums, or other containers imported empty, to be filled in the United States, shall be marked with such words as "Bottle (or container) made in (name of country)."

(d) *Imported full—(1) When contents are excepted from marking.* Usual disposable containers in use as such at the time of importation shall not be required to be marked to show the country of their own origin, but shall be marked to indicate the origin of their contents regardless of the fact that the contents are excepted from marking requirements.

(2) *Sealed containers or holders.* Disposable containers or holders of imported merchandise, which are sold without normally being opened by the ultimate purchaser (e.g., individually wrapped soap bars or tennis balls in a vacuum sealed can), shall be marked to indicate the country of origin of their contents.

(3) *Unsealed containers.* Unsealed disposable containers of imported merchandise normally unopened by the ultimate purchaser, may be excepted from marking if the article is so marked that the country of origin is clearly visible without unpacking the container. However, if the container is normally opened by the ultimate purchaser prior to purchase, only the article need be marked.

Subpart D—Exceptions to Marking Requirements

§ 134.31 Requirements of other agencies.

Nothing in this subpart shall be construed as excepting any article (or its container) from the particular requirements of marking provided for in any other provision of any law, such as those of the Federal Trade Commission, Food and Drug Administration, and other agencies.

§ 134.32 General exceptions to marking requirements.

The articles described or meeting the specified conditions set forth below are excepted from marking requirements (see Subpart C of this part for marking of the containers):

(a) Articles that are incapable of being marked;

(b) Articles that cannot be marked prior to shipment to the United States without injury;

(c) Articles that cannot be marked prior to shipment to the United States except at an expense economically prohibitive of its importation;

(d) Articles for which the marking of the containers will reasonably indicate the origin of the articles;

(e) Articles which are crude substances;

(f) Articles imported for use by the importer and not intended for sale in their imported or any other form;

(g) Articles to be processed in the United States by the importer or for his account otherwise than for the purpose of concealing the origin of such articles and in such manner that any mark contemplated by this part would necessarily be obliterated, destroyed, or permanently concealed;

(h) Articles for which the ultimate purchaser must necessarily know the country of origin by reason of the circumstances of their importation or by reason of the character of the articles even though they are not marked to indicate their origin;

(i) Articles which were produced more than 20 years prior to their importation into the United States;

(j) Articles entered or withdrawn from warehouse for immediate exportation or for transportation and exportation;

(k) Products of American fisheries which are free of duty;

(l) Products of possessions of the United States;

(m) Products of the United States exported or returned;

(n) Articles exempt from duty under § 8.3 or 9.6 of this chapter; and

(o) Articles which cannot be marked after importation except at an expense that would be economically prohibitive unless the importer, producer, seller, or shipper failed to mark the articles before importation to avoid meeting the requirements of the law.

§ 134.33 J-List exceptions.

Articles of a class or kind listed below are excepted from the requirement of country of origin marking in accordance with the provisions of section 304(a)(3)(J), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)(3)(J)). However, in the case of any article described in this list which is imported in a container, the outermost container in which the article ordinarily reaches the ultimate purchaser is required to be marked to indicate the origin of its contents in accordance with the requirements of Subpart C of this part. All articles are listed in Treasury Decisions 49690, 49835, and 49896. A reference different from the foregoing indicates an amendment.

VOL 37 NO 22 FEB 2 72 XUM

Articles	References
Art, works of.	
Articles classifiable under items 850.40, 850.70, 851.30, and 853.30, Tariff Schedules of the United States.	
Articles entered in good faith as antiques and rejected as unauthentic.	
Bagging, waste.	
Bags, jute.	
Bands, steel.	
Beads, unstrung.	
Bearings, ball, ⅝-inch or less in diameter.	
Blanks, metal, to be plated.	
Bodies, harvest hat.	
Bolts, nuts, and washers.	
Briarwood in blocks.	
Briquettes, coal or coke.	
Buckles, 1 inch or less in greatest dimension.	
Burlap.	
Buttons.	
Cards, playing.	
Cellophane and celluloid in sheets, bands, or strips.	
Chemicals, drugs, medicinal, and similar substances, when imported in capsules, pills, tablets, lozenges, or troches.	
Cigars and cigarettes.	
Covers, straw bottle.	
Dies, diamond wire, unmounted.	
Dowels, wooden.	
Effects, theatrical.	
Eggs.	
Feathers.	
Firewood.	
Flooring, not further manufactured than planed, tongued and grooved.	T.D.s 49750; 50366(6).
Flowers, artificial, except bunches.	
Flowers, cut.	
Glass, cut to shape and size for use in clocks, hand, pocket, and purse mirrors, and other glass of similar shapes and sizes, not including lenses or watch crystals.	
Glides, furniture, except glides with prongs.	
Hairnets.	
Hides, raw.	
Hooks, fish. (except snelled fish hooks)	T.D. 50205(3).
Hoops (wood), barrel.	
Laths.	
Leather, except finished.	
Livestock.	
Lumber, sawed	T.D.s 49750; 50366(6).
Metal bars, except concrete reinforcement bars; billets, blocks, blooms; ingots; pigs; plates; sheets; except galvanized sheets; shafting; slabs; and metal in similar forms.	
Mica not further manufactured than cut or stamped to dimensions, shape or form.	
Monuments.	
Nails, spikes, and staples.	
Natural products, such as vegetables, fruits, nuts, berries, and live or dead animals, fish and birds; all the foregoing which are in their natural state or not advanced in any manner further than is necessary for their safe transportation.	
Nets, bottle, wire.	
Paper, newsprint.	
Paper, stencil.	
Paper, stock.	
Parchment and vellum.	
Parts for machines imported from same country as parts.	
Pickets (wood).	
Pins, tuning.	
Pipes, iron or steel, and pipe fittings of cast or malleable iron (except cast iron soil pipe and fittings).	T.D. 71–89.
Plants, shrubs and other nursery stock.	
Plugs, tie.	
Poles, bamboo.	
Posts (wood), fence.	
Pulpwood.	
Rags (including wiping rags).	
Rails, joint bars, and tie plates covered by item 610.20 through 610.26, Tariff Schedules of the United States.	
Ribbon.	
Rivets.	
Rope, including wire rope; cordage; cords; twines, threads, and yarns.	
Scrap and waste.	
Screws.	
Shims, track.	
Shingles (wood), bundles of (except bundles of red-cedar shingles).	T.D. 49750.
Skins, fur, dressed or dyed.	
Skins, raw fur.	
Sponges.	
Springs, watch.	
Stamps, postage and revenue, and other articles covered in item 274.40, Tariff Schedules of the United States.	T.D. 66–153.
Staves (wood), barrel.	
Steel, hoop.	
Sugar, maple.	
Ties (wood), railroad.	
Tiles, not over 1 inch in greatest dimension.	
Timbers, sawed.	
Tips, penholder.	
Trees, Christmas.	
Weights, analytical and precision in sets.	T.D.s 49750; 51802.
Wicking, candle.	
Wire, except barbed.	

§ 134.34 Certain repacked articles.

(a) *Exception for repacked articles.* An exception under § 134.32(d) may be authorized in the discretion of the district director for imported articles which are to be repacked after release from Customs custody under the following conditions:

(1) The containers in which the articles are repacked will indicate the origin of the articles to an ultimate purchaser in the United States.

(2) The importer arranges for supervision of the marking of the containers by Customs officers at the importer's expense or secures such verification, as may be necessary, by certification and the submission of a sample or otherwise, of the marking prior to the liquidation of the entry.

(b) *Liquidation of entries.* The liquidation of such entries may be deferred for a period of not more than 60 days from the date that a request for repacking is granted. Extensions of the 60-day deferral period may be granted by the district director in his discretion upon written application by the importer.

§ 134.35 Articles substantially changed by manufacture.

An article used in the United States in manufacture which results in an article having a name, character, or use differing from that of the imported article, will be within the principle of the decision in the case of United States v. Gibson-Thomsen Co., Inc., 27 C.C.P.A. 267 (C.A.D. 98). Under this principle, the manufacturer or processor in the United States who converts or combines the imported article into the different article will be considered the "ultimate purchaser" of the imported article within the contemplation of section 304(a), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)), and the article shall be excepted from marking. The outermost containers of the imported articles shall be marked in accord with this part.

§ 134.36 Inapplicability of exceptions.

(a) *Processed articles capable of marking.* An article which is to be processed in the United States by the importer or for his account shall not be considered to be within the specifications of section 304(a)(3)(G), of the Tariff Act of 1930, as amended (19 U.S.C. 1304(a)(3)(G)), if there is a reasonable method of marking which will not be obliterated, destroyed, or permanently concealed by such processing.

(b) *Articles or container bearing misleading markings.* An exception from marking shall not apply to any article or retail container bearing any words, letters, names, or symbols described in § 134.46 or 134.47 which imply that an article was made or produced in a country other than the actual country of origin.

Subpart E—Method and Location of Marking Imported Articles

§ 134.41 Methods and manner of marking.

(a) *Suggested methods of marking.* Section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304), requires that the marking of the country of origin be legible, indelible, and permanent. Definite methods of marking are prescribed only for articles provided for in § 134.43 and for articles which are the objects of special rulings by the Commissioner of Customs. As a general rule, marking requirements are best met by marking

worked into the article at the time of manufacture. For example, it is suggested that the country of origin on metal articles be die sunk, molded in or etched; on earthenware or chinaware be glazed on in the process of firing; and on paper articles be imprinted.

(b) *Degree of permanence and visibility.* The degree of permanence should be at least sufficient to insure that in any reasonably foreseeable circumstance, the marking shall remain on the article (or its container) until it reaches the ultimate purchaser unless it is deliberately removed. The marking must survive normal store handling. The ultimate purchaser in the United States must be able to find the marking easily and read it without strain.

§ 134.42 Specific method may be required.

Marking merchandise by specific methods, such as die stamping, cast-in-the-mold lettering, etching, or engraving, or cloth labels may be required by the Commissioner of Customs in accordance with section 304(a), Tariff Act of 1930, as amended (19 U.S.C. 1304(a)). Notices of such rulings shall be published in the FEDERAL REGISTER and the Customs Bulletin.

§ 134.43 Methods of marking specific articles.

(a) *Marking required by certain provisions of the Tariff Act of 1930.* Articles such as knives, clippers, shears, safety razors, surgical instruments, scientific and laboratory instruments, pliers, pincers, vacuum containers, and parts thereof shall be marked legibly and conspicuously by die stamping, cast-in-the-mold lettering, etching (acid or electrolytic), engraving, or by means of metal plates which bear the prescribed marking and which are securely attached to the article in a conspicuous place by welding, screws, or rivets. The articles such as those referred to are classifiable under the following items of the Tariff Schedules of the United States:

645.31–645.37	683.40	710.50
648.63	683.95	710.60
648.71	684.40	710.61
648.73	686.70	710.63
648.76	708.78	710.76
648.81	708.82	710.80
648.85	709.7	711.06
648.91	709.13	711.25
649.71–650.49	709.15	711.42
650.61–650.75	709.19–709.27	711.45
650.79–650.91	709.56	711.86
651.13	710.04	712.16
660.92–660.94	710.06	712.20
661.70	710.12	712.47–712.49
661.90	710.36	726.10
661.95	710.42	

(b) *Watch, clock, and timing apparatus.* The country of origin marking requirements on watches, clocks, and timing apparatus are intensive and require special methods. (See § 11.9 of this chapter and schedule 7, part 2, subpart E, headnotes 4 and 5 of the Tariff Schedules of the United States (19 U.S.C. 1202)).

§ 134.44 Location and other acceptable methods of marking.

(a) *Other acceptable methods.* Except for articles classifiable under an item specified in § 134.43 of this part or the subject of a ruling by the Commissioner of Customs, any method of marking at any location insuring that country of origin will conspicuously appear on the article shall be acceptable. Such marking must be legible and sufficiently permanent so that it will remain on the article (or its container when the container and not the article is required to be marked) until it reaches the ultimate purchaser unless deliberately removed.

(b) *Articles marked with paper sticker labels.* If paper sticker or pressure sensitive labels are used, they must be affixed in a conspicuous place and so securely that unless deliberately removed they will remain on the article while it is in storage or on display and until it is delivered to the ultimate purchaser.

(c) *Articles marked with tags.* When tags are used, they must be attached in a conspicuous place and in a manner which assures that unless deliberately removed they will remain on the article until it reaches the ultimate purchaser.

§ 134.45 Approved markings of country name.

(a) *English language.* The markings required by this part shall include the English name of the country of origin, unless other marking to indicate the English name of the country of origin is specifically authorized by the Commissioner of Customs. Notice of acceptable markings other than the English name of the country of origin shall be published in the FEDERAL REGISTER and the Customs Bulletin.

(b) *Abbreviations and variant spellings.* Abbreviations which unmistakably indicate the name of a country, such as "Gt. Britain" for "Great Britain" or "Luxemb" and "Luxembg" for "Luxembourg" are acceptable. Variant spellings which clearly indicate the English name of the country of origin, such as "Brasil" for "Brazil" and "Italie" for "Italy," are acceptable.

(c) *Adjectival form.* The adjectival form of the name of a country shall be accepted as a proper indication of the name of the country of origin of imported merchandise provided the adjectival form of the name does not appear with other words so as to refer to a kind or species of product. For example, such terms as "English walnuts" or "Brazil nuts" are unacceptable.

(d) *Colonies, possessions, or protectorates.* The name of a colony, possession, or protectorate outside the boundaries of the mother country shall usually be considered acceptable marking. When the Commissioner of Customs finds that the name is not sufficiently well known to insure that the ultimate purchasers will be fully informed of the country of origin, or where the name appearing alone may cause confusion, deception, or mistake, clarifying words shall be required. In such cases, the Commissioner of Customs shall specify in decisions published in the FEDERAL REGISTER and the Customs Bulletin the additional wording to be used in conjunction with the name of the colony, possession, or protectorate.

§ 134.46 Marking when name of country or locality other than country of origin appears.

In any case in which the words "United States," or "American," the letters "U.S.A.," any variation of such words or letters, or the name of any city or locality in the United States, or the name of any foreign country or locality other than the country or locality in which the article was manufactured or produced, appear on an imported article or its container, there shall appear, legibly and permanently, in close proximity to such words, letters or name, and in at least a comparable size, the name of the country of origin preceded by "Made in," "Product of," or other words of similar meaning.

§ 134.47 Souvenirs and articles marked with trademarks or trade names.

When as part of a trademark or trade name or as part of a souvenir marking, the name of a location in the United States or "United States" or "America" appear, the article shall be legibly, conspicuously, and permanently marked to indicate the name of the country of origin of the article preceded by "Made in," "Product of," or other similar words, in close proximity or in some other conspicuous location.

Subpart F—Articles Found Not Legally Marked

§ 134.51 Procedure when importation found not legally marked.

(a) *Notice to mark.* When articles or containers are found upon examination not to be legally marked, the district director shall notify the importer on Customs Form 4647 to arrange with the district director's office to properly mark the articles or containers, or to return all released articles to Customs custody for marking, exportation, or destruction.

(b) *Identification of articles.* When an imported article which is not legally marked is to be exported, destroyed, or marked under Customs supervision, the identity of the imported article shall be established to the satisfaction of the district director.

(c) *Supervision.* Verification of marking, exportation, or destruction of articles found not to be legally marked shall be at the expense of the importer and shall be performed under Customs supervision unless the district director accepts a certificate of marking as provided for in § 134.52 in lieu of marking under Customs supervision.

§ 134.52 Certificate of marking.

(a) *Applicability.* District directors may accept certificates of marking supported by samples of articles required to be marked, for which Customs Form 4647 was issued, from importers or from actual owners complying with the provision of § 8.18(d) of this chapter, to certify that marking of the country of origin

VOL 37 NO 22 FEB 2 72 XUM

on imported articles as required by this part has been accomplished.

(b) *Filing of certificates of marking.* The certificates of marking shall be filed in duplicate with the district director, and a sample of the marked merchandise shall accompany the certificate. The district director may waive the production of the marked sample when he is satisfied that the submission of such sample is impracticable.

(c) *Notice of acceptance.* The district director shall notify the importer or actual owner when the certificate of marking is accepted. Such notice of acceptance may be granted on the duplicate copy of the certificate of marking by use of a stamped notation of acceptance. The district director is authorized to spot check the marking of articles on which a certificate has been filed. If a spot check is performed, the approved copy of the certificate, if approval is granted, shall be returned to the importer or actual owner after the spot check is completed.

(d) *Filing of false certificate of marking.* If a false certificate of marking is filed with the district director indicating that goods have been properly marked when in fact they have not been so marked, a seizure shall be made or claim for forfeiture value reported under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592). In addition, in cases involving willful deceit, a criminal case report may be made charging a violation of section 1001, title 18, United States Code, which provides for a fine up to $10,000 and/or imprisonment up to 5 years for anyone who willfully conceals a material fact or uses any document knowing the same to contain any false or fraudulent statement in connection with any matter within the jurisdiction of an agency of the United States.

(e) *Authority to require physical supervision when deemed necessary.* The district director may require physical supervision of marking as specified in § 134.51(c) in those cases in which he determines that such action is necessary to insure compliance with this part. In such cases the expenses of the Customs officer shall be reimbursed to the Government as provided for in § 134.55.

§ 134.53 Examination packages.

(a) *Site of marking.*—(1) *Customs custody.* Articles (or containers) in examination packages may be marked by the importer at the place where they have been discharged from the importing or bonded carrier or in the public stores.

(2) *Importer's premises or elsewhere.* If it is impracticable to mark the articles (or containers) in examination packages as provided in subparagraph (1) of this paragraph, the merchandise may be turned over to the importer after the amount of duty estimated to be payable under 19 U.S.C. 1304(c) has been deposited to insure compliance with the marking requirements and the payment of any additional expense which will be incurred on account of Customs supervision. (See § 134.55.)

(b) *Failure to export, destroy, or properly mark merchandise in examination packages.* If the articles (or containers) in examination packages are not exported, destroyed, or properly marked by the importer within a reasonable time (not more than 30 days), they shall be sent to general-order stores for disposition in accordance with Part 20 of this chapter, unless covered by a warehouse entry. If covered by a warehouse entry, they shall be sent to the warehouse containing the rest of the shipment for marking prior to withdrawal.

§ 134.54 Articles released from Customs custody.

(a) *Order for redelivery.* When articles subject to marking have been released from Customs custody and are found on examination to be not legally marked, the district director shall issue a notice of redelivery (Customs Form 4647) ordering the importer to mark or to redeliver to Customs custody for exportation or destruction of all merchandise released to the importer.

(b) *Demand for liquidated damages.* If within 30 days from the date of the notice of redelivery the importer does not redeliver or properly mark all merchandise previously released to him, the district director shall demand payment of liquidated damages incurred under the bond in an amount equal to the entered value of the articles not returned, plus any estimated duty thereon as determined at the time of entry.

(c) *Failure to petition for relief.* A written petition addressed to the Commissioner of Customs for relief from the payment of liquidated damages may be filed with the district director in accord with Part 172 of this chapter. If a petition for relief from the payment of liquidated damages is not filed or payment of the liquidated damages is not made within a period of 60 days after the demand for payment, or if the liquidated damages are not paid within 60 days after the denial of the petition for relief, the district director shall in accord with Part 172 of this chapter report the matter to the U.S. attorney for prosecution.

(d) *Relief from full liquidated damages.* Any relief from the payment of the full liquidated damages incurred will be contingent upon the deposit of the marking duty required by section 304(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1304(c)), and the satisfaction of the district director that the importer was not guilty of negligence or bad faith in permitting the illegally marked articles to be distributed, has been diligent in attempting to secure compliance with the marking requirements, and has attempted by all reasonable means to effect redelivery of the merchandise.

§ 134.55 Compensation of Customs officers and employees.

(a) *Time for which compensation is charged.* The time for which compensation is charged shall include all periods devoted to supervision and all periods during which Customs officers or employees are away from their regular posts of duty by reason of such assignment and for which compensation to such officers and employees is provided for by law.

(b) *Applicability*—(1) *Official hours.* The compensation of Customs officers and employees assigned to supervise the exportation, destruction, or marking of articles so as to exempt them from the application of marking duties shall be computed in accordance with § 19.5(b) of this chapter when such supervision is performed during a regularly scheduled tour of duty.

(2) *Overtime.* When such supervision is performed by a Customs officer or employee in an overtime status, the compensation with respect to the overtime shall be computed in accordance with § 24.16 of this chapter.

(c) *Expenses included.* In formulating charges for expenses pertaining to supervision of exportation, destruction, or marking, there shall be included all expenses of transportation, per diem allowance in lieu of subsistence, and all other expenses incurred by reason of such supervision from the time the Customs officer leaves his official station until he returns thereto.

(d) *Services rendered for more than one importer.* If the importations of more than one importer are concurrently supervised, the service rendered for each importer shall be regarded as a separate assignment, but the total amount of the compensation, and any expenses properly applicable to more than one importer, shall be equitably apportioned among the importers concerned.

Prior to the adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Division of Regulations, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: January 21, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 134 to 19 CFR Part 11)

Proposed part 134 section:	*19 CFR section*
134.0	None
134.1(a)	11.8(a)
134.1(b)	11.8(c)
134.1(c)	None
134.1(d)	11.8(e)
134.1(e)	None
134.1(f)	None
134.2	11.8(k)
134.3	None
134.4	None
134.11	None
134.12	11.8(f)
134.13	11.8(l)
134.14(a)–(c)	11.8(g)
134.21	None
134.22(a)	11.8(h)&(l)
134.22(b)	11.8(j)
134.22(c)	None
134.22(d)	11.8(l)
134.23(a)	None
134.23(b)	None
134.24(a)	None
134.24(b)	11.8(j)
134.24(c)(1)	None
134.24(c)(2)	11.8(g)
134.24(d)(1)–(3)	None
134.31	None
134.32	11.10(a)&(b)
134.33	11.10(a)
134.34(a)&(b)	11.10(a)
134.35	11.8(e)
134.36(a)&(b)	11.10(a)
134.41(a)	11.8(a)&(d)
134.41(b)	11.8(d)
134.42	None
134.43(a)	11.8(d)
134.43(b)	11.9
134.44(a)–(c)	11.8(d)
134.45(a)–(c)	11.8(b)
134.45(d)	11.8(a)
134.46	11.8(a)(1&2)
134.47	11.8(a)(3)
134.51(a)	11.11(a)
134.51(b)	11.8(k)
134.51(c)	11.11(a)
134.52(a)–(e)	None
134.53(a)(1)–(2)	11.11(b)
134.53(b)	11.11(b)
134.54(a)	11.11(a)
134.54(b)	11.11(c)
134.54(c)&(d)	11.11(c)&(d)
134.55(a)–(d)	11.8(m)

[FR Doc.72–1554 Filed 2–1–72;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Transfer of Excess Restricted Credits

Notice is hereby given of a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471) operative pursuant to the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982; 37 F.R. 588), regulating the handling of filberts grown in Oregon and Washington (hereinafter referred to collectively as the "order"). The order is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a unanimous recommendation of the Filbert Control Board.

Recent amendment of the order added a new paragraph (d) to § 982.52. This paragraph provides, in part, that handlers who dispose of a quantity of merchantable filberts, in restricted outlets, in excess of their restricted obligation, may transfer such excess credits to another handler or handlers. That paragraph also provides for the Board, with the approval of the Secretary, to establish rules and regulations for the transfer of excess restricted credits. The proposal is to include a new § 982.460 in the administrative rules and regulations prescribing procedural rules and regulations for such transfer.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

A new section, § 982.460 is added to Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471) to read:

§ 982.460 Transfer of excess restricted credits.

(a) *Notification.* Each handler having excess restricted credits who wants to transfer all or a portion thereof to another handler or handlers, may notify the Board accordingly. The Board shall make available to all handlers such information on a weekly basis.

(b) *Application.* Each handler who has excess restricted credits which he desires to transfer to another handler may submit such a request to the Board on FCB Form 10. This form shall include: (1) The name and signature of the handler requesting the transfer; (2) the name and signature of the designated handler to whom the transfer is to be made; (3) the amount of excess restricted credits to be transferred; and (4) such other information as may be needed by the Board to enable the Board to effect the requested transfer of the excess restricted credits.

(c) *Transfer.* The Board shall transfer the requested amount of the excess restricted credits from one handler to a designated handler upon receipt of a completed FCB Form 10 together with such information as may be required by this section.

Dated: January 27, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–1501 Filed 2–1–72;8:48 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Nominations for Membership

Notice is hereby given of a proposal to revise paragraph (a) of § 993.128 of Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal was recommended by the Prune Administrative Committee and would revise the description of the boundaries of six of the seven independent producer election districts set forth in said paragraph (a). The boundaries of these districts are being changed so that the districts will have, insofar as practicable, equal representation by number of independent producers and production of dried prunes by such producers, as required by § 993.28.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than 7 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to revise paragraph (a) of § 993.128 of Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174) to read as follows:

§ 993.128 Nominations for membership.

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

District No. 1. That portion of Sutter County south of a line extending along Nuestro Road, easterly to the Yuba County line and westerly to the Colusa County line.

District No. 2. The county of Butte, and all that portion of Sutter County not included in District No. 1.

District No. 3. The counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, Siskiyou, Sonoma, and Trinity.

District No. 4. The counties of Alameda, Contra Costa, San Francisco, San Mateo, Santa Cruz, Solano, and that portion of Santa Clara County north of a straight line extending along Miramonte Avenue, northeasterly to the Stanislaus County line, and southwesterly to the Santa Cruz County line.

District No. 5. The counties of Monterey, San Benito, and all that portion of Santa Clara County not included in District No. 4.

District No. 6. The counties of Amador, Fresno, Merced, Placer, Sacramento, San Joaquin, San Luis Obispo, Stanislaus, Tulare, Yuba, and all the counties in the area not included in Districts Nos. 1 through 5, inclusive, and in District No. 7.

District No. 7. The counties of Colusa, Glenn, Shasta, Tehama, and Yolo.

* * * * * *

Dated: January 27, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–1502 Filed 2–1–72;8:49 am]

VOL 37 NO 22 FEB 2 72 XUM

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 280]

YELLOWFIN TUNA

Eastern Pacific Tuna Fisheries

The resolution adopted by the Inter-American Tropical Tuna Commission at its annual meeting January 6–13, 1972, in Tokyo, Japan, recommends to continue in 1972 the fishing program in effect during 1971.

Experience gained since the adoption of the yellowfin tuna regulations effective May 7, 1971 (36 F.R. 8515–8519), subsequently amended on June 12, 1971 (36 F.R. 11441), prescribing the restrictions on the taking of yellowfin tuna from a defined area of the eastern Pacific Ocean, has demonstrated, however, a need for additions to make them more effective in implementing the yellowfin conservation measures recommended by the Commission. These additions are in the form of new or modified radio reporting and inspection requirements appearing in §§ 280.6 and 280.7 of the proposed regulations presented below.

The Commission's resolution for 1972, as in 1971, allows vessels of less than 400 short tons carrying capacity to fish for yellowfin tuna within the regulatory area during the closed season under such restrictions as may be necessary to limit the catch of yellowfin by such vessels to 6,000 short tons during 1972.

To assure that the special allocation for each vessel category under 400 short tons carrying capacity is not overutilized, it is proposed that the original catch limitations of 1971 for such vessels in each group shall again apply for 1972. The proposed yellowfin tuna incidental catch limitation for each vessel group is as follows:

(1) Purse seiners of 301 to 400 short tons carrying capacity; 40 percent by round weight of each vessel's total catch.

(2) Purse seiners of 300 short tons carrying capacity or less; 50 percent by round weight of each vessel's total catch.

(3) Bait and jig boats; 50 percent by round weight of each vessel's established short ton carrying capacity.

In the past few years, the total carrying capacity for purse seiners of 301 to 400 tons capacity and for seiners of less than 300 tons capacity has decreased significantly. It is, therefore, proposed that the 6,000 short ton allotment for vessels less than 400 tons carrying capacity shall be redistributed for 1972. The proposed allocation for each vessel group is as follows:

(1) Purse seiners of 301 to 400 short tons carrying capacity; 900 short tons.

(2) Purse seiners of 300 short tons carrying capacity or less; 3,100 short tons.

(3) Bait and jig boats; 2,000 short tons.

In addition to the proposed amendments and small boat limitations noted above, numerous editorial changes have been made throughout the 1971 regulations to present them in an orderly sequence and to clarify their meaning for use in 1972. The regulations have, therefore, been redrafted in their entirety and are presented below;

Before final adoption of amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Regional Director, Pacific Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, within the period of 14 days from the date of publication of this notice in the FEDERAL REGISTER. Interested persons will also be afforded an opportunity to comment orally on the proposed amendments at a public hearing to be held in the United Portuguese Club, 2818 Addison Street, San Diego, CA, beginning at 9:30 a.m., February 15, 1972. Any person who intends to present views orally at this hearing is requested to furnish in writing his name and the name of the organization he represents, if any, to the said Regional Director.

The proposed amendments are issued under the authority contained in subsection (c) of section 6 of the Tuna Conventions Act of 1950 as amended (16 U.S.C. 955(e)) as modified by Reorganization Plant No. 4, effective October 3, 1970 (35 F.R. 15627).

Issued at Washington, D.C., and dated February 2, 1972.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

PART 280—YELLOWFIN TUNA

Sec.
280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limits.
280.4 Open season.
280.5 Closed season.
280.6 Open season restrictions applicable to fishing vessels.
280.7 Closed season restrictions applicable to fishing vessels.
280.8 Emergency action by Service Director.
280.9 Restrictions applicable to cargo vessels.
280.10 Restrictions applicable to purchasers.
280.11 Recordkeeping and written reports.
280.12 Persons and vessels exempted.
280.13 National Oceanic and Atmospheric Administration employees designated as enforcement agents.
280.14 State officers designated as enforcement agents.

AUTHORITY: The provisions of this Part 280 issued under 64 Stat. 777, as amended, 16 U.S.C. 951, as modified by Reorganization Plan No. 4, effective Oct. 3, 1970 (35 F.R. 15627).

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be understood to mean:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D.C., May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.C. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of Investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, Calif.

(e) *Service Director.* The Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(f) *Regional Director.* The Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA, telephone number, area code 213, 831–9281, Extension 575.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast.

(h) *Yellowfin tuna.* No other fishes except the species *Thunnus albacares.*

(i) *Mingled species.* (1) Any species of billfish or shark.

(2) No other species of the family Scombridae except: Skipjack (*Euthynnus pelamis*), bigeye (*Thunnus obesus*), bluefin (*Thunnus thynnus*), albacore (*Thunnus alalunga*), or bonito (*Sarda chiliensis*).

(j) *Fishing vessel.* All watercraft subject to the jurisdiction of the United States which are used for catching or processing fish, except purse seine skiffs.

(k) *Fishing voyage.* The period between the date a fishing vessel departs from any port to carry out fishing operations and the date such vessel unloads any of its catch or the date such vessel returns to any port for the express purpose of receiving an inspection by a designated agent of the National Marine Fisheries Service.

(l) *Cargo vessel.* All watercraft which are used for transporting fish or fish products, except fishing vessels.

(m) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(n) *Open season.* The time during which yellowfin tuna may lawfully be captured without limitation by any fishing vessel operating within the regulatory area.

(o) *Closed season.* The time during which yellowfin tuna may not be captured in the regulatory area, except in limited quantities as an incident to fishing for species with which yellowfin may be mingled.

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance, which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of an incidental catch by weight of yellowfin tuna, when landed with one or more of the following fishes usually caught mingled with yellowfin tuna, that are taken on a fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limits.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of Commerce of the recommended catch limit, announcement of the catch limit thus established shall be made by the Service Director through publication of a suitable notice in the FEDERAL REGISTER. The Service Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours on the first day of January and terminate at 0001 hours on a date to be announced as provided in § 280.5. Time in hours shall refer to local time in the area affected.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deemed that the yellowfin fishing season should close and will promptly notify the service Director of such date. The Service Director shall then announce the season closure date thus established by publication of a notice in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined had been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

§ 280.6 Open season restrictions applicable to fishing vessels.

(a) During the open yellowfin tuna season, every fishing vessel operating within the regulatory area shall transmit once each calendar week a message between 0900 and 2400 hours local California time. The message shall be transmitted directly to the Director of Investigations through the shore representative of the fishing vessel and shall state: the name of the reporting vessel and the tonnage by species of fish aboard. The above reporting procedure shall go into effect on a date to be announced by the Service Director through publication of a notice in the FEDERAL REGISTER.

(b) During the open yellowfin tuna season, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 0800 and 1000 hours local California time. The message shall be transmitted directly to Coast Guard Radio New Orleans (NMG) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean, but outside the regulatory area as of this date (give date)." After a date to be announced by the Service Director through publication of a notice in the FEDERAL REGISTER, transmissions required under this paragraph (b) shall be sent to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz.

§ 280.7 Closed season restrictions applicable to fishing vessels.

Except as otherwise provided in this section, after notice has been published in the FEDERAL REGISTER announcing closure of the yellowfin season, it shall be unlawful for any person or fishing vessel to land yellowfin tuna captured from within the regulatory area in any port or place until the season reopens on the following January 1.

(a) Any fishing vessel which has departed port to engage in tuna fishing, prior to the date of closure of the yellowfin season, may continue to capture yellowfin tuna within the regulatory area without restriction until the fishing voyage has been completed.

(1) In addition, for 1972 only, any fishing vessel which has completed a voyage in the regulatory area during the open season, and is in port on the date of the season closure, will be allowed one additional unrestricted fishing voyage provided that departure is made within 30 days thereafter.

(2) For the purpose of the above, departure refers to the date a vessel leaves port prepared to carry out fishing operations. A stopover at a single intermediate port, not exceeding 48 hours, may, however, be made to meet deficiencies in outfitting, supplying, fueling, provisioning or manning needs for a fishing voyage. Remaining in excess of 48 hours shall constitute a new fishing voyage corresponding to the delayed departure date.

(b) Any fishing vessel which departs port on a fishing voyage after closure of the yellowfin season, except as provided in paragraph (a) of this section, may land yellowfin tuna captured from within the regulatory area in any port or place in limited quantities as provided in subparagraphs (1) to (4) of this paragraph as an incident to fishing for species with which yellowfin may be mingled. The Service Director may, however, through publication of a notice in the FEDERAL REGISTER adjust the incidental catch limitations to assure that the special allotments designated for vessels under 400 short tons carrying capacity are not underutilized and the 15 percent overall incidental catch for the entire tuna fleet is not exceeded. Any quantity of yellowfin tuna landed in excess of the limitations provided in subparagraphs (1) to (4) of this paragraph shall be subject to seizure and forfeiture pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

(1) Purse seiners over 400 short tons carrying capacity may land in any port or place yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 15 percent by round weight of its total catch.

(2) Purse seiners of 301 to 400 short tons carrying capacity may land in any port or place yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which

V 37 2 FEB 2 72 XUM

yellowfin may be mingled, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 40 percent by round weight of its total catch. When the catch of yellowfin tuna by purse seiners of 301 to 400 short tons capacity reaches 900 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(3) Purse seiners of 300 short tons carrying capacity or less may land in any port or place yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 50 percent by round weight of its total catch: *Provided however*, That local wetfish seiners may accumulate the 50 percent allowance by weight for the separate period from the date of closure of the yellowfin fishing season until the end of that month, and for each separate period consisting of 1 calendar month thereafter provided such vessels have not landed any yellowfin tuna during the open season and make deliveries only on a daily basis. When the catch of yellowfin tuna by purse seiners of 300 short tons capacity or less reaches 1,100 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(4) Bait and jig boats may land in any port or place yellowfin tuna captured from within the regulatory area, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 50 percent by round weight of its short ton carrying capacity once established in accordance with subparagraph (5) of this paragraph. When the catch of yellowfin tuna by bait and jig boats collectively reaches 2,000 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(5) The short ton capacity of vessels will be determined from tables prepared by the Commission which relate carrying capacity to registered tonnages and from official unloading records available to the National Marine Fisheries Service.

(i) Managing owners of purse seine vessels between 301 and 400 short tons carrying capacity will be notified by registered mail that their vessel is in this category and is subject to the provisions of subparagraph (2) of this paragraph.

(ii) Managing owners of vessels of 300 short tons carrying capacity or less will be notified by registered mail that their vessel is in this category and is subject to the provisions of subparagraph (3) of this paragraph.

(iii) Except as provided below for bait and jig boats, managing owners not receiving notification by registered mail can assume that their vessel is over 400 short tons carrying capacity and is subject to the provisions of subparagraph (1) of this paragraph.

(iv) To qualify for the bait and jig boat yellowfin allocation, managing owners of such vessels shall supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information will be used by the Regional Director to establish the short ton carrying capacity of each vessel. Failure to comply shall result in each such vessel being limited to 15 percent yellowfin tuna by round weight of its total catch. This 15 percent limitation shall remain in effect until the aforesaid documentation is furnished by the vessel's managing owner.

(c) Any fishing vessel operating within the regulatory area which began its fishing voyage during the closed season and is restricted to the catch limitations as provided in paragraph (b) of this section shall be subject to such limitation regardless of its arrival date in port. In addition, any vessel so restricted which discharges some but not all of its catch, shall be subject to the same restrictions upon completion of its next fishing voyage.

(d) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall report to the Regional Director, within 48 hours before leaving port, giving the name of the reporting vessel and the port of departure; within 24 hours before leaving the regulatory area, giving the latitude of departure and the approximate time of departure; and within 24 hours before returning to the regulatory area, giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish abroad.

(1) In addition, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 0800 and 1000 hours local California time. The message shall be transmitted directly to Coast Guard Radio New Orleans (NMG) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean, but outside the regulatory area as of this date (give date)." Any vessel failing to receive acknowledgement from Coast Guard New Orleans, must transmit the same message on the following day. Should the vessel fail to receive acknowledgement within three consecutive days, the vessel's radio equipment shall be considered inoperative and the vessel shall return directly to port without delay to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service. After a date to be announced by the Service Director through publication of a notice in the FEDERAL REGISTER, transmissions required under this subparagraph (1) shall be sent to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(e) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall proceed without delay to waters outside the regulatory area and upon reentering the regulatory area, shall proceed directly to port without delay.

(1) If a vessel must, however, make an emergency port call, it shall proceed directly to port without delay and shall notify the Regional Director, not less than 48 hours prior to arrival, giving the name of the port to be entered. If the vessel elects to resume fishing outside the regulatory area, it must follow the procedures required in paragraph (d) of this section and shall proceed without delay directly to waters outside the regulatory area.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(f) Any fishing vessel which on the same voyage operates within and outside the regulatory area shall be subject to the incidental catch limitations as set forth in paragraph (b) of this section, unless such vessel is made available for inspection as provided in this paragraph.

(1) Any fishing vessel electing to change fishing areas, without having that portion of its catch taken outside the regulatory area restricted to such incidental catch limitations, shall request inspection services from the Regional Director. Vessels within the regulatory area shall report not less than 48 hours prior to electing to leave the area, stating their intention and requesting the designation of an inspection port. Vessels outside the area shall report within 24 hours before returning to the regulatory area, stating their intention, requesting the designation of an inspection port, and giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish aboard. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed directly without delay to such port for inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing fish captured within or outside the regulatory area, as appropriate, and the same will be noted in the vessel's log. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, tampering with or removing an official seal or altering the vessel's log, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(g) All fishing vessels, except vessels proceeding directly to Puerto Rico or to any other U.S. port for unloading, shall notify the Regional Director not less than 48 hours prior to leaving the regulatory area via the Panama Canal. In addition, all fishing vessels, except vessels without fish aboard, shall notify the Regional Director not less than 48 hours prior to entering the regulatory area via the Panama Canal. Each report shall include the name of the reporting vessel, the tonnage by species of fish aboard and whether the fish were caught in or outside the regulatory area in Pacific waters or from Atlantic waters. Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage, regardless of its arrival date in port.

(h) All fishing vessels shall notify the Regional Director not less than 48 hours prior to any sale or delivery in a foreign country, of fish caught in the Pacific Ocean from within or outside the regulatory area. Such reports shall include the tonnage by species unloaded and whether such fish were caught in or out of the regulatory area. Vessels that are permanently based in a foreign country, and routinely unload in that country, are required to make such reports only when unloading in a country other than that in which they are based.

(i) All fishing vessels shall notify the Regional Director not less than 48 hours prior to transferring fish caught in the Pacific Ocean from within or outside the regulatory area to another vessel for the purpose of transshipment. Such reports shall include the date and place of unloading, name and destination of the on-carrying vessel, tonnage by species of fish transferred and whether the transferred fish were caught in or outside the regulatory area.

(j) All reports required in paragraphs (d) to (i) of this section, except messages transmitted directly to Coast Guard Radio New Orleans, shall be telephoned to area code 714, telephone number 233-5511. Such reports, which must be delivered within the time limits specified, may be made by prepaid commercial radio message or relayed through the shore representative of the reporting vessel.

§ 280.8 Emergency action by Service Director.

If during the closed yellowfin season, the Service Director finds that the provisions relating to fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are met, he shall announce such findings through publication of a notice in the FEDERAL REGISTER and immediately thereafter:

(a) Every fishing vessel at sea, having yellowfin tuna aboard in excess of the incidental catch limitations as provided in § 280.7(b) which is claimed to have been captured outside the regulatory area, but in the Pacific Ocean, shall return directly without delay to its home port or port of departure to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service. Any vessel failing to comply with the above requirements, shall be restricted to the incidental catch limitations set forth in § 280.7(b) for its entire fishing voyage.

(b) Any fishing vessel which has operated in the regulatory area at any time during the calendar year and which departs on any fishing voyage within the Pacific Ocean after the notice described in this section is published in the FEDERAL REGISTER, shall be restricted to the incidental catch limitations as provided in § 280.7(b).

§ 280.9 Restrictions applicable to cargo vessels.

(a) Any fishing vessel shall be deemed to have completed a fishing voyage whenever any part of its catch is transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of section 251, title 46, United States Code, no foreign-flag vessel, whether documented as cargo vessel or otherwise, is permitted to land in a port of the United States any fish or fish products taken on board such vessel on the high seas.

(c) The transfer of fish from a fishing vessel to a cargo vessel while in a foreign country or in waters over which such country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed yellowfin tuna season, no fishing vessel shall transfer on the high seas any part of its catch to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, and transport to the United States, fish transferred from fishing vessels on the high seas during the closed yellowfin tuna season. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of fish received, but it shall contain restrictions, as the Regional Director shall determine to be necessary, to achieve compliance with the regulations in this part and the objectives of the yellowfin tuna conservation program.

§ 280.10 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section, it shall be unlawful for any person knowingly to receive, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized and forfeited pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951-956).

(c) The proceeds of any sale made pursuant to paragraph (b) of this section after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the National Marine Fisheries Service (Account No. 14X6875(17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seizes any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of a State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be processed against under applicable Federal laws or regulations.

§ 280.11 Recordkeeping and written reports.

(a) The master or other person in charge of a tuna vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall throughout the open and closed yellowfin tuna fishing seasons:

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish aboard by species. The record and bridge log maintained at the request of the Commission shall be sufficient to comply with this paragraph provided the items of information specified herein are fully and accurately entered in such log.

(2) Furnish on a form obtainable from the Regional Director, following the sale or delivery of a catch of fish made by such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual, giving the name and official number of the fishing vessel, the dates of beginning and ending of the fishing voyage, the port of departure, and a listing separately by

V 37 FEB 2 72 XUM

species of the round weight quantities (pounds or short tons) of fish sold or delivered. At the option of the vessel master or other person in charge, a copy of the fish ticket, weighout slip, settlement sheet, or similar record issued by the fish dealer or his agent may, however, be used for reporting purposes in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph. In addition, any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such sale and delivery reports shall be delivered or mailed to the Regional Director within 72 hours after the weighout has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as required by the regulations in this part to be made, kept or furnished.

§ 280.12 Persons and vessels exempted.

Nothing contained in §§ 280.2 to 280.11 shall apply to:

(a) Any person or vessel authorized by the Commission, the Service Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.13 National Oceanic and Atmospheric Administration employees designated as enforcement agents.

Any employee of the National Oceanic and Atmospheric Administration duly appointed and authorized to enforce Federal laws and regulations administered by the National Oceanic and Atmospheric Administration is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

§ 280.14 State officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has been duly designated by the Service Director or his delegate with the consent of the Government concerned, is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

[FR Doc.72-1505 Filed 2-1-72;8:49 am]

Patent Office

[37 CFR Part 1]

FORMULA AND TABLE FORMAT

Proposed Submission Requirements

Notice is hereby given that, pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising § 1.52 and by adding a new § 1.58.

All persons are invited to present their views, objections, recommendations, or suggestions in connection with the proposed changes to the Commissioner of patents, Washington, D.C. 20231, before April 30, 1972. No oral hearing will be held. Any written comments or suggestions may be inspected by any person upon written request a reasonable time after the closing date for submitting comments.

These proposed rule changes are intended to facilitate the examination, microfilming, and printing of patent applications and patents.

When patents are printed, all complex chemical and mathematical formulas and tables appearing in the text must be specially hand set and then inserted into a space left on the composed page. The hand setting is expensive and results in many errors which must later be corrected by Certificates of Correction. The use of submitted camera copy for printing would be inexpensive and error free. Members of both the legal and scientific communities have indicated that errors in printing formulas and tables are a problem.

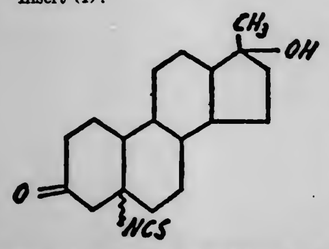
Under the proposed rules the applicant would furnish a copy of all tables and complex formulas, each having an identifying number, on bristolboard sheets or the like in a form suitable for use as camera copy for printing. The submitted specification would contain at the appropriate location either a copy of the insert plus its identifying number or the identifying number and a blank space. Although the applications would be submitted with the formulas and tables on sheets separate from the specification texts, the patents would continue to be printed with the formulas in the text.

The formulas and tables could be corrected and amended in the same manner as drawings.

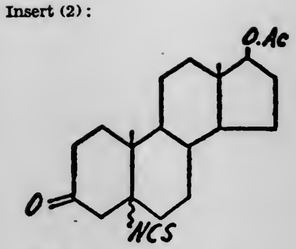
The following is an example of how a sheet of inserts might appear.

Chemical Composition
John Doe
Docket #123
1 sheet

Insert (1):



Insert (2):



Insert (3):

Imide of example	10/E speed	Gamma	Fog	Density	Printing rate
1	1.45	2.10	0.01	3.71	−38
3	2.7	2.46	.01	3.41	−6
4	1.8	2.02	.01	3.55	−20
5	3.15	2.38	.22	3.67	−6
6	2.10	2.00	.01	3.92	−18
7	1.95	2.22	.01	3.63	−26
9	2.2	2.10	.01	3.63	−18
10	1.55	1.78	.01	3.25	−38
11	1.55	2.06	.01	3.57	−29
12	2.95	2.36	.01	3.57	−6

Insert (4):

$$\frac{d}{dx}(\text{arc vers } v) = \frac{\frac{dv}{dx}}{2v - v^2}$$

Section 1.52, if amended as proposed, would require application papers in a form that would permit readily legible reproductions to be made and certified for use in foreign priority filings, court proceedings and 37 CFR 1.60 continuing applications.

The proposed changes are as follows:

1. Section 1.52 is revised to read as follows:

§ 1.52 Language, paper, writing, margins.

(a) The specification and oath or declaration must be in the English language. All papers which are to become a part of the permanent records of the Patent Office must be legibly written or printed in permanent ink or its equivalent in quality. All of the application papers must be presented in a form which has sufficient contrast between paper and ink and of sufficient clarity to permit the production of readily legible copies in any number by photography, electrostatic processes, photo offset, and microfilming. Substitute typewritten or printed papers and inserts (see § 1.58) may be required if the papers and inserts originally filed are not of the required quality.

(b) The application papers (specification and claims, oath, declaration, papers as provided for in §§ 1.42, 1.43, 1.47, etc.) and also papers subsequently filed, must be plaintly written on but one side of the paper. A wide margin must be reserved on the left-hand side and on the top of each page and the lines must not be crowded too closely together. The size of the sheets of paper should be 8 to 8½ by 12½ to 13 inches (20.3 to 21.6 cm. by 31.8 to 33.0 cm.), or international A4 (21 cm. x 29.7 cm.). Use of typewritten and double spaced lines with margins of 1½ inches on the left-hand side and top is deemed preferable. The pages of the specification, including those containing claims, should be numbered consecutively, starting with 1, the numbers being placed in the center of the bottom margins.

(c) Any interlineation, erasure, or cancellation or other alteration must have been made before the application was signed and sworn to or declaration made, and should be clearly referred to in a marginal note or footnote on the same sheet of paper, dated and initialed or signed by the applicant to indicate such fact. No such alterations are permissible after execution of the application papers. (See § 1.56)

2. A new § 1.58 is added to read as follows:

§ 1.58 Chemical and mathematical formulas and tables.

(a) The specification, including the claims, and the abstract may contain chemical and mathematical formulas, but shall not contain drawings or flow diagrams. The description portion of the specification and the abstract may contain tables; a claim may contain tables only if necessary to conform to 35 U.S.C. 112.

(b) In the application specification, one-line formulas composed of normal sized Roman and Greek letters and Arabic numerals with one level of superiors and inferiors may appear in the text. All other tables and chemical and mathematical formulas must be presented separately from the specification on pure white paper as defined in § 1.84 (a), for use as camera copy for insertion in the specification when printing any patent which may issue.

(c) The size of the separate insert sheets must be 8½ inches wide (21.6 cm.) by not more than 14 inches (35.6 cm.) or less than 10 inches (25.4 cm.) high. A space of at least 1 inch (2.54 cm.) in height must be left at the top of the sheet (the narrow dimension) for marking and fastening. The sheets may contain holes as defined in § 1.84(b) and identifying indicia as defined in § 1.84(1). Amendments may be made as provided for in § 1.123.

(d) All formulas and tables on the separate insert sheets should be consecutively numbered in the order in which they appear in the specification, and labeled at their upper lefthand corners with the word "Insert" before the number within parentheses (for example, "Insert (3)"). Formulas or tables which are to appear consecutively in a patent may be grouped and designated as a single insert. The location in the originally submitted specification where an insert is to appear in the printed patent should be indicated by a wide space and the appropriate insert designation.

(e) The width of such formulas and tables on the separate insert sheets should be limited normally to 5 inches (12.7 cm.). If it is not possible to limit the width of a formula or table to 5 inches (12.7 cm.), it is permissible to present the formula or table with a maximum width of 10¾ inches (27.3 cm.) and to place it sideways on the insert sheet, if necessary, in which case the insert will appear printed across both columns of the page in the printed patent. The characters used in such formulas and tables must be from a type font having capital letters which are at least 0.086 inches (2.2 mm.) high (elite type). On the separate insert sheets a space at least three-eighths inch (9.5 mm.) high should be provided between the numbered inserts.

(f) In addition to the separate insert sheets, reproduction copies of the formulas and tables may be placed in the specification at the locations where they are to be printed. Such copies should, however, be labeled with an insert designation as provided in paragraph (d) of this section.

§ 1.75 [Amended]

3. Section 1.75 is amended by adding at the end of paragraph (d)(1) the expression, "(See § 1.58(a).)"

ROBERT GOTTSCHALK,
Acting Commissioner of Patents.

Approved: January 19, 1972.

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.72-1394 Filed 2-1-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 72-17]

BEAR CREEK, MD.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the Baltimore County Revenue Authority highway bridges across Bear Creek between Dundalk and Sparrows Point, miles 1.3 and 1.8, to require that the draws open on signal from 8 a.m. to 8 p.m. from March 1 through November 30. At all other times the draws shall open on signal if at least 12 hours' notice has been given. Present regulations require that the draws open on signal, except that from 12 midnight to 8 a.m. from April 16 through November 15, except Saturdays, Sundays, and national and State legal holidays, the draw shall open on signal if at least one-half hours' notice has been given. A decrease in vessel passage is the reason this change is being considered.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, VA 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before March 7, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.245(f)(5) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * * *

(f) * * *

(5) Bear Creek, Md.; The Baltimore County Revenue Authority highway bridges between Dundalk and Sparrows Point, miles 1.3 and 1.8. The draws shall open on signal from 8 a.m. to 8 p.m. from March 1 through November 30. At all other times the draws shall open on signal if at least 12 hours' notice has been given.

* * * * * *

(Sec. 5, Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: January 28, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72-1562 Filed 2-1-72;8:52 am]

[33 CFR Part 117]

[CGFR 72-15]

ATLANTIC INTRACOASTAL WATERWAY, BEAUFORT RIVER, S.C.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the Ladies Island drawbridge across the Beaufort River, AIWW, Beaufort, S.C., to permit closed periods from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Saturday, except legal holidays. Public vessels of the United States, commercial tows, and vessels in distress would still be passed through the draw at any time. This revision is being considered because of an increase in vehicular traffic.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL

FEB 2 72
XUM

33136. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before March 7, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding § 117.245(h) (9–a) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) * * *

(9–a) Ladies Island drawbridge, Beaufort River, AIWW, S.C.; The draw need not open from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.; Monday through Saturday, except legal holidays. However, public vessels of the United States, commercial tows and vessels in distress shall be passed at any time upon sounding 4 blasts of a whistle or horn or by shouting.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: January 28, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72–1550 Filed 2–1–72;8:51 am]

[33 CFR Part 117]

[CGFR 72–16]

OGDEN SLIP, CHICAGO, ILL.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the drawbridge across Ogden Slip at Outer Drive to permit the draw to remain closed to the passage of vessels. This draw was last opened for the passage of a vessel on January 1, 1966.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identify the bridge; and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before March 7, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Revising § 117.633 by deleting reference to the Ogden Slip from the heading and from paragraph (a)(2) and revising the heading to read as follows:

§ 117.633 The Chicago River and its tributaries, except Ogden Slip.

* * * * *

(a) * * *

(2) Across the main river and across the South Branch of the Chicago River from its junction with the main river south to and including West Roosevelt Road, and across the North Branch of the Chicago River at West Kinzie Street and at the Northwest Expressway Feeder Bridge, between the hours of 7:30 a.m. and 10 a.m. and, on any day excepting Saturday, between the hours of 4 p.m. and 6:30 p.m. and on Saturdays between the hours of 12:30 p.m. and 2 p.m. and between 5 p.m. and 6 p.m.: *Provided, however*, That the Outer Link bridge across the main river shall be opened to permit the passage of passenger boats operating on a fixed schedule between 9:45 a.m. and 10 a.m.

* * * * *

2. Adding a new § 117.664 immediately after § 117.663 to read as follows:

§ 117.664 Ogden Slip, Chicago, Ill.

The draw need not open for the passage of vessels. The operating machinery need not be maintained.

(Sec. 5, 28 Stat. 362, as amended, sec. 8(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: January 28, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72–1551 Filed 2–1–72;8:51 am]

[33 CFR Part 117]

[CGFR 72–18]

SAGINAW RIVER, MICH.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the Belinda Street Bridge across the Saginaw River at Bay City and for the Johnson Street and Genesee Avenue Bridges across the Saginaw River at Saginaw, to permit additional periods during which the draw of the Belinda Street Bridge may remain closed to the passage of pleasure craft and to require 3 hours' notice at all times for the Johnson Street and Genesee Avenue Bridges. The present regulations governing the Belinda Street Bridge permit the draw to remain closed to all vessels under 50 gross tons from 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m. except Sundays and to all downbound vessels over 50 gross tons between 7:30 a.m. and 8:30 a.m. and 4:30 p.m. and 5:30 p.m. except Sundays and legal holidays observed in the locality. The proposed regulation would, in addition, permit the Belinda Street Bridge draw to remain closed to pleasure craft from 8 a.m. to 8 p.m. on weekends and holidays except from 3 minutes before through 3 minutes after the hour and half hour. The Johnson Street and Genesee Avenue Bridges are presently required to open upon signal from April 1 through November 15, from 7 a.m. to 11 p.m. The draws shall open on signal if at least 3 hours' notice has been given from 11 p.m. to 7 a.m. from April 1 through November 15 and from November 16 through March 31. The proposed regulation would require that the draws open on signal if at least 3 hours' notice has been given at all times. This change is being considered because of the limited number of vessels that request the opening of the draw of these bridges.

The changes to this section reflect the removal of the Cass Avenue Bridge at Bay City, delete reference to outdated telephone numbers which were used for advance notice as specified since the current numbers are required to be posted at the bridges affected, and include each bridge affected by closed periods.

An editorial revision of § 117.700 for the purpose of clarification, including a change in signals is proposed as well.

Interested parties may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identify the bridge and give specific reasons for any recommended changes in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before March 7, 1972, with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of the comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.700 to read as follows:

§ 117.700 Saginaw River, Mich.; bridges.

(a) The owner of or agencies controlling each bridge shall provide the necessary drawtenders and the proper mechanical appliances for the safe, prompt opening of the draw for the passage of vessels.

(b) From March 16 through December 15 the draw of railroad bridges shall open as soon as possible, however passage of a vessel shall not be delayed for more than 15 minutes.

(c) Sound signals: These signals may be made by a whistle, horn, or other sound producing device or by shouting.

(1) The opening signal from a vessel is one long blast followed by one short blast.

(2) The acknowledging signal from the drawtender when the draw shall open is one long blast followed by one short blast.

(3) The acknowledging signal from the drawtender when the draw cannot open is four short, rapid blasts.

(d) Visual signals shall be used in conjunction with sound signals when sound signals cannot be heard.

(1) The vessel shall signal for an opening of the draw with a white flag by day or a green light at night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) When the draw will open, the drawtender shall acknowledge with a white flag by day or a green light at night swung up and down vertically.

(3) When the draw cannot open, the drawtender shall acknowledge with a red flag by day or a red light at night, swung to and fro horizontally in full sight of the vessel until answered from the vessel by the same signal. In lieu of this procedure the drawtender may have two red lights mounted 30 inches between centers, horizontally, in an elevated position above the bridge and visible both upstream and downstream which will flash alternately when the draw cannot open.

(e) Public vessels of the United States, vessels in distress, and State or local government vessels used for public safety shall be passed through the draw of these bridges as soon as possible at any time, even though closed periods be in effect. Four short blasts shall be the opening signal from these vessels.

(f) Trains and vehicles shall not be stopped on a bridge for the purpose of delaying its opening, nor shall vessels be handled so as to hinder or delay the operation of the draw. All passages across or through a bridge shall be prompt to prevent unnecessary delay to either land or water traffic.

(g) The draw need not open to provide additional clearance for appurtenances unessential for navigation of the vessel, or for appurtenances essential for navigation but which may be altered by hinging, telescoping, collapsing, or otherwise, so as to require no greater clearance than the highest fixed and essentially unalterable point of the vessel.

(h) Bay City highway and railroad bridges:

(1) From December 16 through March 15 the draws of the highway bridges shall open on signal if at least 12 hours' notice has been given to the Dispatcher, Police Department, Bay City.

(2) From March 16 through December 15 the draws of the Belinda Street, Third Street, Veterans Memorial and Lafayette Street Bridges shall open on signal, except that:

(i) From 6:30 a.m. to 8:30 a.m. and 3:30 p.m. to 5:30 p.m., the draws need not open for the passage of vessels of less than 50 gross tons, except on Sundays, and

(ii) From 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., the draws need not open for the passage downbound of vessels of over 50 gross tons, except on Sundays and legal holidays observed in the locality, and

(iii) From 8 a.m. to 8 p.m. the draw of the Belinda Street Bridge need not open on Saturdays, Sundays, and legal holidays observed in the locality except from 3 minutes before to 3 minutes after the hour and half hour.

(3) The draws of the Detroit and Mackinac, and the Penn Central railroad bridges shall open on signal from March 16 through December 15.

(i) The draws shall open on signal from December 16 through March 15 if at least 12 hours' notice has been given.

(i) I–75 highway bridge at Zilwaukee:

(1) The draw shall open on signal from December 16 through March 15 if at least 12 hours' notice has been given.

(2) The draw shall open on signal from March 16 through December 15. However, vessels should schedule passages through the draw during other than peak vehicular traffic periods as determined by the Michigan State Highway Department.

(j) Bridges at Saginaw:

(1) Sixth Avenue: The draw shall open on signal from 7 a.m. to 11 p.m. from April 1 through November 15. At all other times the draw shall open on signal if at least 3 hours' notice has been given.

(2) The draws of all bridges above the Sixth Avenue bridge shall open on signal if at least 3 hours' notice has been given.

(3) Advance notice as required by this paragraph shall be given to the Bridge Operations Officer, Police Department, Saginaw.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 49, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: January 28, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72–1553 Filed 2–1–72;8:52 am]

Federal Aviation Administration

[14 CFR Parts 61, 67, 121, 127, 183]

[Docket No. 11434; Notice 71–31A]

MEDICAL CERTIFICATION AND SURVEILLANCE: AIR CARRIER FLIGHT CREWMEMBERS

Extension of Comment Period

The Federal Aviation Administration proposed in Notice 71–31, published on October 5, 1971 (36 F.R. 19393), to amend Parts 61, 67, 121, 127, and 183 of the Federal Aviation Regulations to provide for the medical certification and surveillance of air carrier flight crewmembers by designated air carrier physicians, without disturbing the reconsideration and review rights now available to applicants who are denied medical certificates. The notice stated that consideration would be given to all comments received on or before February 2, 1972.

The Air Line Pilots Association, International (ALPA) has requested an extension of time for comments on this proposed regulatory action until August 2, 1972. ALPA indicates that the proposed amendments raise a number of complex and difficult problems requiring a substantial additional period of time for proper analysis. These problems are a possible impact on existing collective bargaining agreements, present negotiations, and ALPA's efforts to develop a new preventive health program for pilots, and an asserted need to research certain legal issues.

While the FAA recognizes that ALPA may face problems referred to in the petition, the petitioner has nevertheless not shown good cause for a full 6-month extension of the comment period. Moreover, in view of the considerations underlying the issue of Notice 71–31, a grant of extension for the requested length of time would not be appropriate. On the other hand, the FAA considers that the comment period on Notice 71–31 should be extended until March 2, 1972 in order to allow further analysis by the petitioner before submitting its comments on the proposed rule.

I find that the petitioner has shown a substantive interest in the proposed rule, that good cause exists for an extension of the comment period until March 2, 1972, and that the extension is in the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 71–31 will be received is extended to March 2, 1972.

Issued in Washington, D.C., on January 28, 1972.

GORDON K. NORWOOD,
Acting Federal Air Surgeon.

[FR Doc.72–1559 Filed 2–1–72;8:52 am]

FEB 2 1972 XUM

[14 CFR Part 71]

[Airspace Docket No. 72-SW-4]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to designate a 700-foot transition area at Frederick, Okla.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Forth Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

FREDERICK, OKLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Frederick, Okla., Municipal Airport (latitude 34°21'09" N., longitude 98°59'21" W.) and within 3.5 miles each side of a 001° bearing (351° M) from the Frederick, Okla., RBN (latitude 34°23'35" N., longitude 98°59'19" W.) extending from the 6-mile-radius area to 11.5 miles north of the RBN.

Designation of the Frederick, Okla., 700-foot transition area will provide controlled airspace to accommodate the instrument approach procedure planned at Welsh Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on January 24, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-1488 Filed 2-1-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19331]

TABLE OF ASSIGNMENTS IN JACKSONVILLE, N.C.

Order Extending Time for Filing Reply Comments

In the matter of amendment of 73.202, *Table of Assignments*, FM broadcast stations. (Jacksonville, N.C.), Docket No. 19331, RM-1698.

1. The notice of proposed rule making in the above-entitled proceeding was adopted October 14, 1971, released October 19, 1971, and published in the FEDERAL REGISTER on October 23, 1971, 36 F.R. 20535. The date for filing comments has expired and the date presently designated for filing reply comments is January 28, 1972.

2. On January 24, 1972, Onslow Broadcasting Corp. (Onslow), licensee of Stations WJNC and WRCM(FM), Jacksonville, N.C., by its attorney, filed a request for an extension of time to and including February 11, 1972, in which to file reply comments. Counsel for Onslow states the additional time is necessary due to the press of prior professional commitments before the Commission plus the fact that the engineering statement of Brown Broadcasting Co., Inc. (proponent in this proceeding), must be fully analyzed by Onslow's consulting engineer in order to prepare a responsive statement.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments in the above docket, RM-1698, is extended to and including February 11, 1972.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: January 26, 1972.

Released: January 27, 1972.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-1512 Filed 2-1-72;8:49 am]

[Docket No. 19360]

[47 CFR Part 81]

STATIONS ON LAND IN MARITIME SERVICES

Order Extending Time For Filing Comments

In the matter of amendment of Part 81 of the rules concerning the duplication of service by Public Coast Stations; to require justification for assignment of more than one working frequency to Public and Limited Coast Stations; and to require listening watches by Limited Coast Stations on working frequencies.

1. The above-captioned notice of proposed rule making (FCC 71-1232) which was released December 10, 1971, provided for the filing of comments on or before January 24, 1972, and reply comments on or before February 3, 1972.

2. The Central Committee on Communications Facilities of the American Petroleum Institute has requested an extension of time in which to file comments to February 7, 1972, and for filing reply comments to February 17, 1972. The petitioner requests the extensions because of the Christmas and New Year's holidays during which "* * * the time permitted for filing comments was effectively compressed * * *" and the petitioner could not conclude "all the exchange of correspondence required to develop meaningful comments" from its membership which is numerous and widely dispersed throughout the nation.

3. The Commission is mindful of the problems associated with preparing and coordinating comments from the membership of such an association especially in cases, such as this, which require a detailed examination of possible effects on those affected. The requested extension of about 15 days will not unduly delay this proceeding, and the additional time appears warranted.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in this proceeding is extended to February 7, 1972, and the time for filing reply comments is extended to February 17, 1972.

5. This action is taken pursuant to authority contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules.

Adopted: January 24, 1972.

Released: January 27, 1972.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.72-1513 Filed 2-1-72;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

BHT (BUTYLATED HYDROXYTOLUENE) FROM JAPAN

Notice of Discontinuance of Antidumping Investigation

On December 15, 1971, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Antidumping Investigation" of BHT (butylated hydroxytoluene) (2,6-di-tert-butyl-para-cresol), including technical (nonfood) grade and nontechnical (food) grade, from Japan.

The statement of reasons for intending to discontinue this investigation was published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the intended action.

No written submissions or requests having been received and for the reasons stated in the "Notice of Intent to Discontinue Antidumping Investigation," I hereby discontinue the antidumping investigation of BHT (butylated hydroxytoluene) from Japan.

This "Notice of Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(b) of the Customs regulations (19 CFR 153.15(b)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

JANUARY 26, 1972.

[FR Doc.72-1555 Filed 2-1-72;8:52 am]

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

ENVIRONMENTAL STATEMENTS

Engineer Regulations on Preparation and Coordination

In order to facilitate and promote compliance with their requirements of the National Environmental Policy Act of 1969 (83 Stat. 852), and particularly section 102(2) thereof (42 U.S.C. 4332); Guidelines for Statements on Proposed Federal Actions Affecting the Environment, Council on Environmental Quality (36 F.R. 7724, April 23, 1971); and Executive Order 11514, Protection and Enhancement of Environmental Quality, March 5, 1970 (35 F.R. 4247, March 7, 1970), particularly section 2(b) thereof regarding the preparation and coordination of environmental statements, the Office, Chief of Engineers has prepared and issued an Engineer regulation to be used by all elements of the Corps of Engineers with civil works responsibilities in preparing and processing environmental statements as required by the Act. This Engineer regulation is effective as of January 3, 1972.

A proposed Engineer regulation was published in the FEDERAL REGISTER for public comment on June 11, 1971 (36 F.R. 11309, June 11, 1971) and circulated to the other Federal agencies for comment. All comments received have been considered in revising and issuing this Engineer regulation. Single copies of the Engineer regulation may be obtained by writing to the Office, Chief of Engineers, Attention: DAEN-CWP-V, 1000 Independence Avenue SW., Forrestal Building, Department of the Army, Washington, DC 20314. Single copies may also be obtained by writing one of the Division Engineers (see listing at end of regulation).

The Engineer regulation on preparation and coordination of environmental statements reads as follows:

1. *Purpose.* This regulation provides guidance for preparation and coordination of Environmental Statements as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190), reference paragraph 3b, and in accordance with the Council on Environmental Quality Guidelines for Statements on Proposed Federal Actions Affecting the Environment, dated April 23, 1971, reference paragraph 3d, and with section 122 of the River and Harbor Act of 1970 (Public Law 91-611), reference paragraph 3g, for which guidelines will be issued separately at a later date.

2. *Applicability.* This regulation applies to all elements of the Corps of Engineers with civil works responsibilities for planning, development, management, and regulation of water resource developments and is applicable to both preauthorization and postauthorization project activities.

3. *References.* a. ER 1165-2-500, "Environmental Guidelines for the Civil Works Program of the Corps of Engineers."

b. National Environmental Policy Act of 1969 (Public Law 91-190; 83 Stat. 852).

c. Executive Order 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970 (35 F.R. 4247, March 7, 1970) (inclosed as Appendix A).

d. Guidelines for Statements on Proposed Federal Actions Affecting the Environment, Council on Environmental Quality (36 F.R. 7724, April 23, 1971) (inclosed as Appendix B).

e. Section 309 of the Clean Air Amendments of 1970 (Public Law 91-604; 83 Stat. 853).

f. Freedom of Information Act (5 U.S.C. 552).

g. Section 122 of the River and Harbor Act of 1970 (Public Law 91-611; 84 Stat. 1818).

4. *Policy.* In formulating plans for Federal water resource development or management activities, impact on the environment will be fully considered from the initiation of preauthorization planning through post-authorization planning and design, construction, and operation and management. Early and continuing coordination with appropriate local, State, and Federal agencies and the interested public, will be accomplished to develop, analyze, and consider all reasonable and feasible alternatives and measures which will enhance, protect, preserve, and restore the quality of the environment or, at least, minimize and mitigate to the extent possible unavoidable deleterious effects and to analyze and study the environment together with technical, economic, social, and other considerations to insure balanced decision making in the total public interest. Preparation of the environmental statement required by section 102(2)(C) of the Act will constitute an integral part of the interdisciplinary planning process and will serve as a summation and evaluation of the effects that alternative actions would have on the environment and as an explanation and objective evaluation of the finally recommended plan.

a. *Systematic review.* The Act requires an environmental statement in those instances where a major Federal Action has a significant impact upon the environment. To fully support the spirit of the Act a systematic review of all Corps of Engineers projects will be conducted and environmental statements prepared for all such projects, whether or not required by the Act, unless the environmental impacts of the project are found to be too insignificant to warrant the cost and delay involved in preparing a statement. If the District or Division Engineer is in doubt as to whether or not a statement should be prepared, further guidance must be requested in accordance with d below.

b. *Planning.* During Corps of Engineers project planning and the related decision making process, a systematic and interdisciplinary approach will be utilized to insure that proper weighing and balancing has been made of environmental impacts together with the technical, economic, and social aspects as well as all other considerations affecting the total public interest. See sections 102(2)(A) and (B) of NEPA and section 122 of the River and Harbor Act of 1970 (Public Law 91-611).

c. *Compliance and review.* Prior to forwarding, environmental statements (including comments and views of agencies, groups, and the public) will be carefully reviewed by District and Division Engineers to insure that:

(1) The statement fully satisfies the requirements of this regulation and the references cited herein.

(2) The project or proposal described in the statement is fully consistent with the policies enunciated in the National Environmental Policy Act, ER 1165-2-500, and other pertinent directives that have implemented the Act.

d. *Further guidance.* If after taking all measures within his authority, the District or Division Engineer is unable to satisfy the requirements of c above, Compliance and Review, he will report the matter to HQDA (DAEN-CWZ-C) WASH DC 20314, and request the necessary authority or guidance.

5. *Agency actions requiring statements.* Listed below are types of Corps of Engineers actions that require the preparation of an environmental statement by reporting officers. For actions not identified in this paragraph, reporting officers should request further guidance from HQDA (DAEN-CWZ-C) WASH DC 20314. Where environmental statements have been previously filed and are older than 3 years or significant changes of fact have occurred in the period since filing affecting the proposal, action

FEB 2 72
XUM

being initiated, or in the associated environment, the statement will be updated, coordinated, and transmitted to the CEQ.

a. *Legislation.* Recommendations or reports to the Congress on proposals for legislation affecting Corps of Engineers programs including proposals to authorize projects (survey, review, and comprehensive reports) and other legislation.

b. *Proposals under continuing authorities.* Recommendations or reports on proposals for authorization of projects by the Chief of Engineers or the Secretary of the Army under special authorities, including reports recommending approval of projects under the following special continuing authorities:

(1) Section 205, 1948 FCA, as amended (33 U.S.C. 701s).

(2) Section 107, 1960 R&HA, as amended (33 U.S.C. 577).

(3) Section 103, 1962 R&HA, as amended (33 U.S.C. 426g).

(4) Section 2, 1937 FCA, as amended by section 208, 1954 FCA (33 U.S.C. 701g).

(5) Section 3, 1945 R&HA (33 U.S.C. 603a).

(6) 1909 R&HA, as amended (33 U.S.C. 5).

c. *Construction or land acquisition not started.* Initiation of construction or land acquisition on projects not yet started but for which funds have been appropriated or are provided by the current FY Appropriation Act.

d. *Requests for initiation of construction or land acquisition.* Budget submissions requesting funds for the initiation of construction or land acquisition on authorized projects.

e. *Continuing construction and land acquisition.* Statements for projects in continuing construction or land acquisition status will be submitted in accordance with the criteria and the schedule established in compliance with j below.

f. *Operation, maintenance, and management.* Statements for projects which are in an operation, maintenance, and management status will be submitted in accordance with the criteria and the schedule established in compliance with j below.

(1) Certain administrative actions regarding utilization of project resources have the potential of significantly affecting the environment. These actions are normally initiated by outside parties and involve a lease, license, permit, easement, or other entitlement for use. These actions are normally included under the overall project statement but separate environmental statements may be required for certain actions not covered in the project statement such as: leasing of project lands for industrial uses, airports, etc.; requests for rights-of-way for overhead utilities, pipelines, roads and highways; mineral extractions such as sand, gravel, rock, etc.; or any other proposed use of project resources that are determined by the District Engineer to degrade significantly the quality of the environment or have a significant effect on future land or resource use. Where any such action is proposed and is not covered in the overall project statement but an environmental statement is deemed not necessary because there will be no significant adverse effects, or where the environmental impacts are found to be too insignificant to warrant the cost and delay involved in preparing a statement, a finding to that effect will be included in the transmitting report to higher authority.

(2) Operation and Maintenance Exceptions:

(a) Completed projects turned over to local interests for operation and maintenance.

(b) Projects where only infrequent periodic maintenance is performed. Statements may be deferred until request of funds for maintenance.

g. *Regulatory permits.* Subject to the considerations contained in the specific regulations applicable to the particular activity, issuance of permits for structures, discharges, deposits, or other actions in navigable waters of the United States whenever any of the Federal, State, or local agencies which are authorized to develop and enforce environmental standards certify, and the District Engineer determines, as a matter of record that the proposed action would have a significant and adverse effect on the quality of the environment. Any disclosure or release of information to the public will be in accordance with the Freedom of Information Act (5 U.S.C. 552) protecting trade secrets and commercial or financial information. This requirement does not apply:

(1) In areas of continuing programs or activities where an overall statement has been filed with CEQ on the general program or activity ("umbrella statement"); however, this reason shall be cited by the District Engineer in the written record of his determination in each case;

(2) With respect to environmental statements for fixed or anchored structures or artificial islands on Outer Continental Shelf lands under mineral lease from the Department of the Interior. Corps permits for such fixed or anchored structures or artificial islands are confined to findings on the effect of these activities on navigation and on national security, and inquiries concerning environmental considerations will be referred to the Department of the Interior;

(3) Where, consistent with CEQ guidelines, another Federal agency is acting as the lead agency in the preparation of an environmental statement and where the effects of the proposed work on the environment are addressed fully in the statement.

h. *Non-Federal construction of authorized projects.* Where the non-Federal agency cooperating with the Corps of Engineers will accomplish the construction, a final environmental statement will be filed by the Corps with CEQ prior to advertisement of the work. The final statement will be prepared by the District Engineer, following the guidance provided by this regulation. In the event the non-Federal agency desires to prepare a draft environmental statement, copies will be furnished the District Engineer, who will review the draft and, if it is suitable, proceed with coordination and further processing.

i. *Disposal of lands for port and industrial uses.* For disposal of surplus project lands for development of port and industrial facilities pursuant to section 108 of River and Harbor Act of 1960 (Public Law 86–645) (74 Stat. 487) (33 U.S.C. 578), the District Engineer will prepare an environmental statement and process it with the proposed action to higher authority.

j. *Three-year schedule.* Statements on projects in a continuing construction or operation and maintenance status will be submitted in order of priority over a 3-year period. Those projects having the greatest impact upon the environment and those projects where proposed actions are such as to preclude the possible adoption of alternative plans will be considered highest in priority. A project shall be exempt from this 3-year schedule requirement if a statement has already been filed that is less than 3 years old by the time of the President's budget submission and a written determination is made that no significant changes of fact have taken place affecting either the proposal or the associated environment.

6. *Exclusions.* Specifically excluded from the required preparation of environmental statements are the emergency protection and disaster recovery actions performed by the Corps of Engineers pursuant to its statutory authority under Public Law 99–84 (69 Stat. 186); Emergency Bank Protection for Highways, Highway Bridge Approaches and Public Works (Sec. 14, 1946 Flood Control Act) (60 Stat. 641) (33 U.S.C. 701r); emergency snagging and clearing accomplished under section 3 of the 1945 R&HA, as amended (33 U.S.C. 603a) except where disposal of sedimentation and dredged materials are involved; or as directed by the Office of Emergency Preparedness under the provisions of 91–606 (84 Stat. 1744).

7. *General considerations.* The environmental statement is a summary of the direct and indirect environmental impacts of a proposed water resources development project or other proposal, taking into consideration the detailed appraisal and analysis of Federal and State agencies with jurisdiction by law or special expertise with respect to environmental impacts and public concerns, particularly as expressed by conservationist and environmental action groups. Environmental statements will be based on the considerations discussed below, the CEQ "Guidelines," Appendix B, and the guidance contained in Appendix C, with the understanding that they are public documents and may receive broad exposure in the news media and intense public scrutiny. Statements will:

a. Describe the proposed action using simple and concise terms; any technical terms must be adequately defined. Describe the environmental impacts sufficiently to permit a careful assessment, evaluation, and independent appraisal of the favorable and adverse environmental effects of the recommended proposal and each considered alternative. In no case will possible adverse effects be ignored or slighted in an attempt to justify an action previously recommended or currently supported. Conversely, care must be taken to avoid overstating either favorable or unfavorable effects. Project maps will be included and photographs used where appropriate.

b. Discuss significant relationships between the proposal and other existing and anticipated developments. This should include not only Corps proposals but actions by others, either public or private, which may be affected by the project. Consideration should be given to both specific proposals and general trends in the region of influence.

c. Discuss the significance of the regional and national environmental impact of the project, as applicable, supported by information indicating the relative scarcity or abundance of the environmental resources in question and other regional and national factors.

d. Be submitted as a separate document not as an inclosure or appendix to other documents such as preauthorization survey reports or design memoranda. The statement should accompany the report during review and processing whenever possible. However, the statement will bring together and summarize the various findings of other documents with respect to environmental considerations. The statement will summarize information and cite sources of overall appraisals and responsible judgments of complex environmental matters and inter-relationships (e.g., water quality by EPA, fish and wildlife resources by the Bureau of Sports Fisheries and Wildlife or other authoritative sources). The statement should be based upon data and information contained in the report. Cite references whenever possible where supporting data may be found in the report rather than append material to the statement.

e. Contain objective analyses. Normally, the use of detailed project cost figures should be avoided but general cost comparisons may be used to illustrate the environmental, economic, or social trade-offs necessary to achieve objectives.

f. Summarize comments and/or recommendations of an environmental nature submitted by appropriate governmental agencies as well as formal views and recommendations received from organizations and individuals with an environmental resource interest. Presentation will be in a subsection under "Coordination With Others."

g. Contain the comments of the Environmental Protection Agency with respect to water quality aspects of the proposed action, which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards.

h. Be prepared in coordination with and be reviewed by District Counsel.

i. Discuss any existing State or Federal legislation, program, or study that concerns the study area or would have an effect upon it. Examples of such legislation and studies are those dealing with Wild and Scenic Roads, Wilderness or Wild Areas, National Recreation Areas, or preservation of natural areas.

j. Contain (1) a sentence indicating that the National Register of Historic Places has been consulted and that no National Register properties will be affected by the project or (2) a listing of the properties to be affected, an analysis of the nature of the effects, a discussion of the ways in which the effects were taken into account, and an account of steps taken to assure compliance with section 106 of the National Historic Preservation Act of 1966 (80 Stat. 915) in accordance with procedures of the Advisory Council on Historic Preservation as they appear in the FEDERAL REGISTER, February 20, 1971. In the case of properties under the control or jurisdiction of the U.S. Government, the statement should include a discussion of steps taken to comply with section 2(b) of Executive Order 11593 of May 13, 1971. The statement should contain evidence of contact with the State Liaison Officer for historic preservation for the State involved and a copy of his comments concerning the effect of the undertaking upon historical and archeological resources.

8. *Budget submission data.* The time requirements for the filing of final environmental statements, prepared and coordinated in accordance with section 102(2)(C) of the Act, have been established with a view to meeting, to the maximum extent, the requirements specified by the Council on Environmental Quality. (See paragraph 10(c) of the CEQ "Guidelines".)

a. *Requests for initiation of construction and land acquisition.* For budget recommendations in this category, final environmental statements must have been filed with the CEQ prior to 1 September of the calendar year in which the budget is being submitted by Division and District Engineers.

b. *Requests for continuing construction and land acquisition and operation and maintenance activities.* With reference to paragraphs 5e and 5f, on those projects selected for which environmental statements are to be submitted under the first year of the 3-year schedule, final statements must be filed with CEQ not later than February 1, 1972, with the statements scheduled for the second and third years being filed by September 1, 1972 and 1973, respectively.

c. *Expression of capability for construction.* Prior to the expression of any construction or land acquisition only capability on a project, a final environmental statement should be on file with the CEQ. If not, the expression of capability will be qualified as being subject to submission of a fully coordinated environmental statement to the CEQ prior to start of construction or land acquisition.

d. *Listings.* The annual budget recommendations of Division Engineers will provide a listing of projects recommended in each budget category indicating the time of actual or scheduled submission of the final environmental statements to the CEQ.

9. *Coordination.* Existing coordination procedures will be utilized to the maximum in obtaining the views of Federal, State, and local agencies on review of preliminary draft and draft environmental statements.

a. *Time Limits.* Reporting Officers should establish time limits of not less than 45 days for reply, after which and in the absence of a specific request for an extension of time, a lack of response may be presumed to indicate that the agency consulted has no comment to make. In an exceptional case, where time is a very critical factor, a time limit of 30 days may be established. To the fullest extent possible, no administrative action will be taken, regarding the proposal, sooner than 90 days after a draft environmental statement has been circulated for comment, or sooner than 30 days after a final environmental statement has been made available to CEQ. Administrative actions are defined for this purpose to include report transmittals, budget recommendations, project approval, initial land acquisition, construction contract advertising, permit approval, and the like.

b. *Expedited filing.* In certain exceptional cases where the work must be performed within critical time restraints, but does not fall within the emergency actions listed in paragraph 6 or where permits must be issued to meet critical time restraints, an expedited filing process may be recommended. In such cases, Reporting Officers will provide all information and facts to HQDA (DAEN–CWZ–C) WASH DC 20314, and request the necessary authority and guidance. At the same time, the Reporting Officer should initiate informal coordination with the appropriate Federal, State, and local agencies to insure prompt and accelerated review of the environmental statement.

c. *Federal agencies.* (1) Appendix B, CEQ "Guidelines," will be used to determine the Federal agencies with jurisdiction by law or special expertise to whom the statement is to be sent for comment on the environmental impacts. See Appendix F for special coordination requirements of individual Federal agencies.

(2) Section 8 of CEQ "Guidelines," requires that, in addition to normal coordination procedures, the following rules apply to coordination with the Environmental Protection Agency (EPA):

(a) Comments of the Administrator or his designated representative will accompany each final statement on matters related to air or water quality, noise control, solid waste disposal, radiation criteria and standards, or other provisions of the authority of EPA.

(b) Copies of basic proposals (studies, proposed legislation, rules, leases, permits, etc.) will be furnished to EPA with each statement. For actions for which statements are not being prepared but which involve the authority of EPA, EPA will be informed that no statement will be prepared and that comments are requested on the proposal.

(c) A period of 45 days will be allowed for EPA review of statements and/or proposals; however, it will be presumed that the agency has no comments to make only when the impacts or matters related to the authorities of EPA are minor, or the agency has indicated that it does not desire to comment.

d. *State and local agencies.* Coordination of the environmental statement with State and local agencies authorized to develop and enforce environmental standards may be obtained directly with the agencies and with the appropriate State, regional, or metropolitan clearinghouse unless the Governor has designated some other source for obtaining this review. For additional guidance, see ER 1120–2–112, "Coordination of Investigations and Reports with Clearinghouses."

10. *Availability of Environmental Statements.* Draft and final environmental statements including comments received during review will be made available to the public to the greatest extent practicable in accordance with paragraph 12 of this regulation, section 2(b) of Executive Order 11514, "Protection and Enhancement of Environmental Quality," and paragraph 10 of the CEQ "Guidelines" as follows:

a. *Draft environmental statements.* The District Engineer will furnish copies of draft environmental statements in response to requests from the public and will furnish public information file copies to the Division office and the appropriate State, regional and metropolitan clearinghouses. Copies will also be on file in the Office of the Chief of Engineers.

b. *Final environmental statements.* After the final environmental statement has been filed with CEQ, the District Engineer will furnish copies, including comments, in response to requests from the public and furnish, on an expedited basis, public information file copies to the appropriate State, regional, and metropolitan clearinghouses. Information copies will also be provided to all Federal, State, and local agencies and conservation/environmental groups with which the statements were coordinated. This is to enable the public or Government agency to comment on the final statement to CEQ, if they so desire, within the 30-day period prior to the administrative actions being taken. Copies will also be on file in the Office of the Chief of Engineers.

c. *Comments of other agencies.* In response to specific requests from the general public, District Engineers will make available the comments received from other agencies. Such release of comments will be in accordance with the provisions of the Freedom of Information Act (5 U.S.C. 552).

d. *Number of copies.* In order to comply with paragraph 10(b) of CEQ "Guidelines," reporting officers will provide 35 copies of all draft environmental statements to higher authority (30 to OCE and five to Division Engineers) at the time formal coordination with responsible Federal, State, and local agencies is initiated. Thirty-five copies of the final coordinated statement will be submitted to higher authority (30 to OCE and five to Division Engineers) for further processing to CEQ. OCE will notify Division and District Engineers when final statements are filed and will provide each with copies of the filed final statement, with all revisions clearly identified.

e. *Public review.* News releases concerning draft and final environmental statements by District Engineers and the Office, Chief of Engineers will be given as wide a coverage as deemed sufficient to accomplish the purpose of this directive and the intent of paragraphs 6a(vii) and 10 of the "Guidelines" of the CEQ. When significant environmental impacts or public concern have become apparent subsequent to the last public meeting, reporting officers will notify the Division Engineer of the facts and issues involved and request a decision as to whether a public meeting should be held prior to or during coordination of the statement.

f. *Public availability.* District Engineers will reproduce sufficient copies of draft and final environmental statements to accomplish all required coordination with Federal and State agencies, clearinghouses, affected local governmental entities and organizations representing a legitimate public interest, whether favorable or unfavorable to the proposed project, and respond to reasonable and responsible requests from the general public. In accordance with 31 U.S.C. 483, 5 U.S.C. 552, and paragraph 10 of CEQ "Guidelines," charges to cover reproduction costs may be

FEB 2 7 2
XUM

assessed generally in accordance with the following.

(1) Where cost of reproduction is insignificant compared to collection and accounting costs, draft and final statements will be furnished in single copies to all individuals requesting copies. For multiple copy requests, reproductions costs will be recouped.

(2) For large environmental statements and where substantial reproduction costs are incurred, individuals requesting copies should be advised of cost and directed to nearest point at which copy is available for public inspection. They should also be advised of the availability of the statement from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 or the Environmental Law Institute, 1346 Connecticut Avenue NW., Washington, DC 20036.

11. *Relationship of environmental statements to project planning and administration*—a. *Project planning.* In the formulation of new project proposals, environmental considerations will be integrated into the planning process from the beginning. Preliminary identification and assessment of possible environmental impacts and effects will be made and fully discussed at early stages in the study. Consultation and coordination with Federal, State, and local agencies which have jurisdiction by law or special expertise and the interested public with respect to the environmental impacts involved will be started as soon as these impacts are tentatively identified and will continue throughout the planning process. Reporting officers will insure that such consultation has been sufficient to identify all significant impacts prior to forwarding of environmental statements to higher authority.

(1) *Survey reports.* (a) An assessment of the environmental resources in the project area will be prepared by the environmental planners and presented at the Checkpoint I Conference. This assessment will be based on the results of the environmental inventory (Appendix C, paragraphs 2 and 3) and will be the continuing reference document for the environmental planning in the survey report and the preparation of the environmental statement.

(b) The environmental assessment and an analysis of probable environmental impacts of the considered project alternatives will be presented at the formulation stage and late stage public meetings. The environmental presentation at these meetings will be made in a way that will: (a) Lead to public understanding of the environmental setting in the proposed project area and the environmental trade-offs under consideration; (b) be deserving of confidence that Corps planning is environmentally knowledgeable and responsive; and (c) obtain the reviews and comments of interested citizen and conservation and environmental groups.

(2) *Authorized projects.* On projects that were recommended, authorized or under construction prior to the National Environmental Policy Act of 1969, the opportunity to study and evaluate a full range of alternatives may be more limited. However, to the maximum extent feasible, alternative solutions and opportunities for environmental enhancement, preservation, restoration, and mitigation will be investigated prior to preparation of the statement. Regardless of the level at which formal coordination is to take place, reporting officers will carefully examine and evaluate, in coordination with appropriate Federal, State, and local agencies and the public, the environmental impact of all reasonable alternatives prior to preparing a recommendation or an environmental statement.

b. *Operation, maintenance, and management.* In the development of plans for operation, maintenance, and management activities, all possible significant effects on the environment will be considered. Such consideration will be different from a project in planning. Therefore, discussion should be addressed only as the adverse environmental impacts relate to the operation of the project and the on-going O&M programs. This consideration will include alternative uses of available resources when the proposed O&M activity will degrade the quality of the environment, curtail the beneficial uses of the environment, or serve short-term purposes to the disadvantage of long-term environmental goals. Typical examples of these activities which could have an adverse impact on the environment are as follows:

(1) Disposal of dredged material in wetlands or marshlands.

(2) Disposal of polluted dredged material in unconfined or open water areas.

(3) Debris collection and disposal activities.

(4) Resource management program involving the cutting, sale and/or disposal of forest resources; extensive plant disease eradication; predator or vector control; and aquatic plant control.

(5) Reservoir regulation in which some environmental benefits must be sacrificed for other environmental benefits or economic considerations, e.g., undesirable drawdown to provide water for power and for downstream quality control.

(6) Leases, licenses, rights-of-way, administrative permits, and other actions involving use by others of project resources, if impact is significant and not otherwise covered.

(7) Redesignation of project land under management by the Corps from scenic buffer or "green belt," undeveloped natural area, or wildlife management area to more intensive type of public use or some other type of use.

(c) *Regulatory permits.* In evaluating permit applications, the District Engineer will carefully evaluate the impact on the environment of the proposed action considering environmental information provided by the applicant, all advice received from Federal, State and local agencies, and comments of the public. If the District Engineer believes that granting the permit may be warranted but could lead to significant environmental degradation, an environmental statement will be prepared, except when an "umbrella statement" has been filed with the CEQ (see paragraph 5g above).

12. *Public participation.* Public participation will be incorporated into the conduct of the Corps water resources program and must be viewed as an integral part of the planning and administrative process. Public participation is a continuous two-way communication process which involves: Keeping the public fully informed about the status and progress of studies and findings of plan formulation and evaluation activities; actively soliciting from all concerned citizens and conservation and environmental groups their opinions and perceptions of objectives and needs; and determining their preferences regarding resources use and alternative development or management strategies plus any other information and assistance relevant to plan formulation and evaluation.

a. *Preauthorization project studies.* Public meetings, informal meetings and workshops within the project area and the use of news media are means to develop free-flowing dialog to assist in the identification of the environmental concerns and develop appropriate measures within the proposed plan to mitigate, eliminate, or reduce environmental impacts. Unresolved environmental conflicts must be clearly set forth with a full and complete discussion of both sides of the issue.

b. *Postauthorization project studies.* One or more public meetings or workshops should be held during postauthorization planning studies to insure that views of interested parties will be considered in the development of the plan and that all interested parties will be kept informed of study progress. Full coordination with conservation groups and others interested in the proposed project will be maintained during postauthorization planning. This is particularly important if appreciable time has elapsed since project authorization or if significant changes in project formulation or environmental effects have occurred since preauthorization studies.

13. *Statement of findings.* (Reserved—to be furnished later.)

14. *Preparation and processing.* Statements will be prepared by the officer initially preparing the recommendation or report (normally the District Engineer). The initiating officer is recognized as the responsible Federal official within the meaning of section 102(2)(C) of Public Law 91-190, except for such changes as reviewing authorities may deem necessary in the original proposal and covering statement, to be consistent with the policies of the Chief of Engineers and the Secretary of the Army. Agency comments and the views expressed should be directed at the environmental impacts and should be no older than 12 months for new proposals nor older than 3 calendar years for previously authorized projects. More recent coordination will be required if significant changes of fact have occurred in the period since filing that affect the proposal, the action being initiated, or the associated environment.

a. *Survey reports.* (1) During the second or formulation stage public meeting, all anticipated environmental impacts and effects of each solution under consideration will be identified and discussed. There will be prepared an environmental information section or inclosure to the public meeting announcement in order to generate meaningful and thorough discussion during the meeting. Views of interested citizens and conservation and environmental groups will be sought and considered.

(2) Prior to the third or late stage public meeting, an updated environmental assessment will be prepared. This assessment will present and discuss the anticipated environmental effects and impacts of the selected plan which may be recommended and also present in clear and concise terms the probable impacts of the alternative plans considered during the study. The assessment will reflect the information and data inputs provided by the coordination accomplished with the various Federal, State, and local agencies as well as their views, comments, or concerns on the identified environmental issues. These views can be either direct comments or those developed during the study process.

(3) The environmental assessment will be attached to the notice of public meeting. This will enable the general public to become aware and fully apprised of the environmental effects and impacts associated with the proposal as well as views of the Federal and State agencies prior to the third or late stage public meeting and should result in a more thorough discussion of the environmental issues.

(4) After the third or late stage meeting, a preliminary draft environmental statement (PDS) will be prepared reflecting the additional information obtained from the various governmental agencies and the public. The PDS will be circulated for review and comment to the appropriate Federal, State, and local agencies and clearinghouses following normal coordinations procedures. The review period may be as short as 30 days, except 45 days will be allowed for EPA comment. If any agency does not respond within the time specified, a comment to that effect will be included in the attached coordination letters section. Copies of the PDS will be furnished to groups which actively participated in the study, to citizens and conservation and environmental groups with known interests in the environmental considerations of the project, and in response to requests from the general public. At the time of the circulation of the PDS for field level review the District Engineer will prepare and issue a news release stating that single copies of the preliminary draft environmental statement may be obtained from the District Engineer.

(5) After receipt of field level review and comments, and comments of the interested public, the District Engineer will prepare a final version of the PDS which will accompany the District Engineer's Report to the Division Engineer. Review comments received from the Federal and State agencies and representative, and significant comments of the public generally, will be attached to the PDS and summarized in paragraph 8—Coordination With Others.

(6) The Division Engineer will give appropriate coverage to the PDS in the Public Notice and will review and comment on it when he submits his report to the Board of Engineers for Rivers and Harbors (BERH).

(7) BERH will review the PDS at the time it reviews the project report. A BERH staff presentation of environmental issues and impacts will be made to the Board with controversial issues receiving special consideration. The Board report will summarize the Board's views and recommendations upon environmental issues.

(8) After the review of the PDS at BERH and by OCE elements, the PDS will be converted into the draft statement by OCE. The draft statement will be circulated for review and comment to the appropriate State or States and the affected Federal agencies at the Washington level in accordance with established procedures. Upon request, draft statements will also be made available to known interested citizens, conservation and environmental groups and in response to requests from the general public. The draft statement, together with all field level coordination comments, the Chief of Engineers Report, and the Board of Engineers for Rivers and Harbors Report will be provided CEQ by OCE at this time. The review period will be 90 days. The Public Affairs Office, OCE, will prepare and issue a news release stating that single copies of the draft environmental statement are available from the Office of the Chief of Engineers. PAO, OCE will provide District PAO with advance copy of news release for local dissemination. Copies of the draft environmental statement will be furnished the Division and District Engineers. District Engineers will provide public information file copies to the appropriate State, regional and metropolitan clearinghouse.

(9) After termination of the review period the final environmental statement, incorporating all comments received, will be prepared at OCE in consultation with field offices and accompany the Chief's Report on the project to Office, Secretary of Army (OSA) for transmittal to Office of Management and Budget (OMB).

(10) After receipt of the OMB comments, OSA will transmit the final environmental statement to CEQ and Congress. The Public Affairs Office, OCE, will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available from the Office of the Chief of Engineers and the District Engineer. PAO, OCE will provide District PAO with advance copy of release for local dissemination.

(11) Copies of the final environmental statement will be furnished the agencies and organizations with which the draft environmental statement was coordinated. Copies of the final environmental statement will be furnished the Division and District Engineers as well as provide public information copies to the appropriate State, regional, and metropolitan clearinghouses.

b. *Special projects and continuing authorities.* It is contemplated that all required consultation with Federal, State, and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) An assessment of the environmental resources in the project area will be prepared by the environmental planners and will be the continuing reference document for environmental planning in the project report and the preparation of the environmental statement.

(2) The environmental assessment and a statement of probable environmental impacts of the considered project alternative should be available for the public meeting. The assessment and probable impact of various alternatives should be summarized in the Notice of Public Meeting and presented at the meeting in a manner to make the public aware and more fully apprised of the environmental effects and impacts.

(3) After the public meeting, a draft statement will be prepared. The draft statement will accompany the draft report through the Division Engineer to OCE for concurrence regarding proposed action prior to coordination of the statement.

(4) Appropriate comments on the report and draft statement will be made by OCE and the Division Engineer, with referral of both to the District Engineer to make the appropriate changes.

(5) After the changes in the report and draft statement are made, the District Engineer will circulate the draft statement for formal review and comment to appropriate Federal, State, and local agencies, clearinghouses in accordance with established procedures. Upon request, draft statements will be made available to interested citizens, conservation and environmental groups and in response to requests from the general public. Thirty-five copies of the draft statement will be furnished to higher authority (30 to OCE and five to Division Engineers) for further processing to CEQ. The review period may be as short as 30 days except 45 days will be allowed for EPA comment. This coordination starts the 90-day period before the administrative action of project approval can be taken. At the same time the District Engineer will prepare and issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer.

(6) After receipt of agency review comments and comments of the interested public, the District will prepare the final environmental statement and attach copies of all comments received. Thirty-five copies of the final environmental statement will be sent to higher authority (30 to OCE and five to Division Engineers) for further processing to CEQ.

(7) The Division Engineer will review and comment on the final environmental statement when he submits the report and statement to OCE.

(8) OCE will transmit the environmental statement along with the accompanying report to BERH for review and comment. A BERH staff presentation of environmental issues and impacts will be made to the Board with controversial issues receiving special consideration. The Board report will summarize the Board's views and recommendations on environmental issues.

(9) Considering the BERH comments, OCE will review and revise the final environmental statement where necessary. Office, Secretary of the Army will transmit the final environmental statement to the CEQ. This action will start the 30-day period before the administrative action can be taken. The Public Affairs Office, OCE, will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available from the District Engineer. PAO, OCE will provide District PAO with advance copy of release for local dissemination.

(10) Copies of the filed final environmental statement will be furnished the Division and District Engineers, and all revisions will be clearly identified. District Engineers will furnish copies of the final environmental statement to the agencies and organizations with whom the draft environmental statement was coordinated as well as provide information copies to the appropriate State, regional, and metropolitan clearinghouses.

(11) OCE will provide notification of project approval and Chief of Engineers authorization to proceed with project initiation to Division Engineers after the final environmental statement has been on file with CEQ for 30 days and all problems or questions have been satisfactorily resolved.

c. *Authorized projects not started.* It is contemplated that all required consultation with Federal, State, and local agencies and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers. See paragraph 12 on Public Participation for guidance on holding public meeting in connection with preparation of statements for authorized projects.

(1) Prior to submittal of the Phase 1 General Design Memorandum (see ER 1110-2-1150, "Post-Authorization Studies") the District Engineer will update the environmental statement prepared when the project was authorized, or prepare one if none has been prepared. For projects for which statements are required (paragraph 5, Agency Actions Requiring Statements) and for which the GDM has been previously submitted, environmental statements will be prepared as soon as possible.

(2) The updated statement or new draft will be circulated by the District for formal review and comments to the appropriate Federal, State, and local agencies, and clearinghouses in accordance with established procedures. Upon request, draft statements will be made available to interested citizen, conservation and environmental groups and in response to requests from the general public. Thirty-five copies of the draft statement will be furnished to higher authority (30 to OCE and five to Division Engineers) for further processing to CEQ. This review period may be in exceptional cases as short as 30 days, except that 45 days will be allowed for EPA comments. This coordination starts the 90-day period before the administrative action can be taken. At the same time, the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer.

(3) After receipt of agency review comments and comments of the interested public, the District Engineer will prepare the final environmental statement and attach copies of all comments received. Thirty-five copies of the final environmental statement will be furnished to higher authority (30 to OCE and five to Division Engineers) for further processing to CEQ.

(4) The Division Engineer will transmit 30 copies of the final environmental statement along with his review comments when he submits the Phase 1, GDM (if appropriate) to OCE.

(5) Where applicable, OCE will transmit the environmental statement along with the accompanying Phase 1—GDM to BERH for

FEB 2 7 2 XUM

review and comment. A BERH staff presentation of environmental issues and impacts will be made to the Board with controversial issues receiving special consideration. The Board report will summarize the Board's views and recommendations upon environmental issues.

(6) Considering the BERH comments, where applicable, OCE will review and revise the final environmental statement where necessary. Office, Secretary of the Army will transmit the final environmental statement to the CEQ. This action will start the 30-day period before the administrative action can be taken. The Public Affairs Office, OCE, will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available from the District Engineer. PAO, OCE will provide District PAO with advance copy of release for local dissemination.

(7) Copies of the final environmental statement will be furnished the Division and District Engineers with all revisions clearly identified. District Engineers will furnish copies of the final environmental statement to the agencies and organizations with which the draft environmental statement was coordinated as well as provide information copies to the appropriate State, regional, and metropolitan clearinghouses.

d. *Continuing construction and operation and maintenance.* It is contemplated that all required consultation with Federal, State, and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) Paragraphs 5e, 5f, and 5j establish the requirements for preparation of environmental statements regarding Continuing Construction and Operation and Maintenance.

(2) Procedure will be the same as described in c (2) through (7) above except for BERH consideration.

e. *Regulatory permit applications.* For permit actions on which statements are required by paragraph 5g the preparation and coordination of an environmental statement will be accomplished at field level.

(1) The District Engineer will require the applicant to furnish information and an assessment of the environmental impacts of the proposed action.

(2) If a Public Hearing is required, an environmental assessment of the proposed action will be included in the PNH and the environmental issues will be fully discussed by the applicant at the hearing.

(3) The District Engineer will prepare a draft environmental statement utilizing the information obtained from the various agencies and the public in response to the original public notice, the information provided by the applicant and the public hearing, if one was held.

(4) The draft statement will be circulated by the District for formal review and comment to the appropriate Federal, State, and local agencies, in accordance with established procedures. Upon request, draft statements will be made available to interested citizens, conservation and environmental groups, and in response to requests from the general public. Thirty-five copies of the draft statement will be furnished to higher authority (30 to OCE and five to Division Engineers) for further processing to CEQ. This review period may be as short as 30 days, except that 45 days will be allowed for EPA comments. This coordination starts 90-day period before the administrative action can be taken. At the same time the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer.

(5) After receipt of agency review comments and comments of the interested public, the District will prepare the final environmental statement and attach copies of all comments received. Thirty-five copies of the final environmental statement together with the District Engineer's report and recommendations, as required by ER 405-1-909, will be transmitted to higher authority for further action.

(6) If higher authority decision is favorable to the application, the Office, Secretary of the Army will transmit the final environmental statement to the CEQ at least 30 days prior to approval of the application. The Public Affairs Office, OCE, will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available from the District Engineer. PAO, OCE will provide District PAO with advance copy of release for local dissemination.

(7) If higher authority decision is unfavorable to the application, the application together with the reasons for denial will be returned to the applicant. CEQ will be informed of the denial and that a final environmental statement will not be filed.

(8) Copies of the final environmental statement with all revisions clearly identified will be furnished the Division and District Engineers. District Engineers will furnish copies of the final environmental statement to the agencies and organizations with which the draft environmental statement was coordinated as well as provide information copies to the appropriate State, regional, and metropolitan clearinghouses.

f. *Disposal of land for port and industrial uses.* When the District Engineer determines that disposal of surplus project property for development of public port or industrial facilities is in the public interest, he will prepare an environmental statement to accompany his report and recommendation. It is contemplated that all required consultation with Federal, State, and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) The District Engineer will prepare a draft environmental statement utilizing information obtained from appropriate Federal, State, and local agencies and applicant. A public meeting may be used to obtain information and views from the interested public. The statement will set forth, among other things, what the applicant intends to develop on the property and the possible uses to be made of it. It will also summarize all constraints which will be placed on the new owner, such as reversionary clause, uses, needs for permits for structures or discharges into navigable waters, etc.

(2) The draft statement will be circulated by the District for formal review and comment to the appropriate Federal, State, and local agencies, in accordance with established procedures. Upon request, draft statements will be made available to interested citizens, conservation and environmental groups and in response to requests from the general public. Thirty-five copies of the draft statement will be furnished to higher authority (30 to OCE and five to Division Engineers) for further processing to the CEQ. This review period may be as short as 30 days, except that 45 days will be allowed for EPA comments. This coordination starts the 90-day period before the administrative action can be taken. At the same time, the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer.

(3) After receipt of agency review comments and comments of the interested public, the District will prepare the final environmental statement and attach copies of all comments received. Thirty-five copies of the final environmental statement together with the District Engineer's report and recommendations, as required by ER 405-1-909, will be transmitted to higher authority for further action.

(4) If higher authority decision is favorable to the request for disposal of project lands, the Office, Secretary of Army will transmit the final environmental statement to the CEQ at least 30 days prior to the issuance of the Public Notice of Disposal as required by paragraph 32.c(2) of ER 405-1-909. The Public Affairs Office, OCE, will prepare and issue a news release stating that a final environmental statement has been filed with the CEQ and that single copies are available from the District Engineer. PAO, OCE will provide District PAO with advance copy of release for local dissemination.

(5) If higher authority decision is unfavorable to the request, the CEQ will be informed of the denial and that a final environmental statement will not be filed.

(6) Copies of the final environmental statement with all revisions clearly identified will be furnished the Division and District Engineers. District Engineers will furnish copies of the final environmental statement to the agencies and organizations with which the draft environmental statement was coordinated as well as provide information copies to the appropriate State, regional, and metropolitan clearinghouses.

15. *Implementation.* This regulation will be placed in effect immediately upon publication and all subsequent actions will be accomplished in strict compliance herewith.

For the Chief of Engineers.

RICHARD F. MCADOO,
Colonel,
Corps of Engineers, Executive.

Appendix A—Executive Order 11514, Protection and Enhancement of Environmental Quality, March 5, 1970. See 35 F.R. 4247, March 7, 1970.
Appendix B—Council on Environmental Quality Guidelines, "Statements on Proposed Federal Actions Affecting the Environment." See 36 F.R. 7724, April 23, 1971.
Appendix C—Preparation of Environmental Statements. See 36 F.R. 11315, June 11, 1971.
Appendix D—Format Samples on Environmental Statements. See 36 F.R. 11317, June 11, 1971.
Appendix E—Flow charts.[1]
Appendix F—Coordination with Federal Agencies.[1]

LISTING—DIVISION ENGINEERS

1. U.S. Army Engineer Division, Lower Mississippi Valley, Attention: PAO, Post Office Box 80, Vicksburg, MS 39180.
2. U.S. Army Engineer Division, Missouri River, Attention: PAO, Post Office Box 103 Downtown Station, Omaha, NE 68101.
3. U.S. Army Engineer Division, New England, Attention: PAO, 424 Trapelo Road, Waltham, MA 02154.
4. U.S. Army Engineer Division, North Atlantic, Attention: PAO, 90 Church Street, New York, NY 10007.
5. U.S. Army Engineer Division, North Central, Attention: PAO, 536 South Clark Street, Chicago, IL 60605.
6. U.S. Army Engineer Division, North Pacific, Attention: PAO, Room 210, Customhouse, Portland, OR 97209.
7. U.S. Army Engineer Division, Ohio River, Attention: PAO, Post Office Box 1159, Cincinnati, OH 45201.
8. U.S. Army Engineer Division, Pacific Ocean, Attention: PAO, Building 96, Fort Armstrong, Honolulu, HI 96813.
9. U.S. Army Engineer Division, South Atlantic, Attention: PAO, 510 Title Building, 30 Pryor Street SW., Atlanta, GA 30303.
10. U.S. Army Engineer Division, South Pacific, Attention: PAO, 630 Sansome Street, Room 1216, San Francisco, CA 94111.
11. U.S. Army Engineer Division, Southwestern, Attention: PAO, 1114 Commerce Street, Dallas, TX 75202.

[1] Filed as part of the original document.

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-1494 Filed 2-1-72;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF RECORDS AND DATA MANAGEMENT ET AL., IDAHO STATE OFFICE

Redelegation of Authority

Pursuant to the authority contained in section 1.1 of BLM Order 701 (29 F.R. 10526, July 29, 1964), as amended, the following officials of the Idaho State Office are hereby delegated authority to act for the State Director on sections of the above order as follows:

1. Chief, Branch of Records and Data Management.

a. Sections 2.6 and 2.9, as to unacceptable filings which do not require a formal administrative decision.

2. Chief, Division of Management Services and Chief, Branch of Administrative Management.

a. Section 1.7(a)(5).

3. Chief, Branch of Lands and Minerals Operations.

a. Sections 2.2 (b) and (d); 2.3(a); 2.5; 2.6; and 2.9.

4. Chief, Division of Resources.

a. Section 1.7 (a)(7) and (e).

5. Chief, Division of Technical Services.

a. Sections 1.2(j) and 1.4(a) (1) through (3).

WILLIAM L. MATHEWS,
State Director.

Approved: January 26, 1972.

BURTON W. SILCOCK,
Director.

[FR Doc.72-1479 Filed 2-1-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ORANGE ADMINISTRATIVE COMMITTEE

Order Terminating Appointment and Selecting New Member and Alternate Member

Order terminating an appointment heretofore made and selecting a member and alternate member to the Navel Orange Administrative Committee pursuant to the amended marketing agreement and order regulating the handling of Navel oranges grown in California and Arizona.

Because of the retirement of Alfred F. Rose, San Marino, Calif., a member of the Navel Orange Administrative Committee, from Sunkist Growers Inc., rendering him ineligible to serve on the committee after such retirement, he has submitted his resignation effective January 31, 1972. Because this docket appoints him as member, the appointment, dated October 2, 1970, of Robert H. Authenrieth, Woodland Hills, Calif., to serve on the Navel Orange Administrative Committee as alternate to Alfred F. Rose, San Marino, member, is hereby terminated.

Pursuant to the provisions of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, issued under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the following persons are hereby selected to serve on the Navel Orange Administrative Committee, established pursuant to the provisions of said amended marketing agreement and order, in accordance with the provisions thereof, for the remainder of the term of office ending on September 30, 1972:

Members affiliated with a cooperative organization which, during the fiscal year beginning November 1, 1969, and ending on October 31, 1970, handled more than 50 percent of the total volume of oranges:

* * * * *

HANDLER MEMBERS

Robert H. Authenrieth, Woodland Hills, Calif., as member; and J. G. Henderson, Temple City, Calif., as his alternate.

* * * * *

Each person hereby selected as a member or alternate member of the Navel Orange Administrative Committee shall begin serving on the date that such person qualifies, as required by the amended marketing agreement and order, by filing a written acceptance of appointment, and each such person shall serve, after having qualified as aforesaid, until September 30, 1972; and, in the event such person's successor has not been selected and has not qualified by September 30, 1972, such person hereby selected shall serve until his successor has been selected and has qualified.

Dated: January 27, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-1503 Filed 2-1-72;8:49 am]

Forest Service

ELEVEN POINT WILD AND SCENIC RIVER

Classification, Boundaries, and Development Plan; Correction

The following corrections are made in the boundary descriptions published as a general notice in the referenced issue of the FEDERAL REGISTER: 34 F.R. 15605, October 8, 1969.

Page 15610, third column: 1. In the eighth line from top: Change lot 3 to lot 2. The line should read "West to southwest corner N½W½ lot 2 in NE¼;".

2. The 39th line from top: Change 14,191 to 14,195. The lines should read "The total acreage included in this description being 14,195 acres more or less, as follows:".

3. The seventh line from bottom: Change 228.52 to 222.70. The line should read "Sec. 5, 222.70 acres.".

Page 15611, left-hand column. 1. The ninth line from the top: Change 115.23 to 125.23. The line should read "Sec. 20, 125.23 acres.".

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER (2-2-72).

EDWARD P. CLIFF,
Chief, Forest Service.

JANUARY 27, 1972.

[FR Doc.72-1544 Filed 2-1-72;8:51 am]

REGIONAL FORESTERS AND FOREST SUPERVISORS

Delegation of Authority

Pursuant to (a) the Delegation of Authority and Assignment of Functions by the Secretary of Agriculture dated November 27, 1964 (29 F.R. 16210), (b) the Delegations of Authority effective October 20, 1971, by the Acting Secretary of Agriculture and the Assistant Secretary for Rural Development and Conservation (36 F.R. 21529), and (c) the Delegation of Authority by the Chief, Forest Service, dated June 5, 1968 (33 F.R. 8552), there is hereby delegated to each Regional Forester and Forest Supervisor of the Forest Service the authority to perform all duties and to exercise all the powers and functions of the Chief as specified in the rules and regulations of the Secretary dated January 18, 1972 (37 F.R. 737) Title 36 Part 212, § 212.7(a)(3) relating to closure of roads to vehicle use.

Effective date. This delegation of authority shall be effective upon publication in the FEDERAL REGISTER (2-2-72).

EDWARD W. SCHULTZ,
Deputy Chief, Forest Service.

JANUARY 27, 1972.

[FR Doc.72-1543 Filed 2-1-72;8:51 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

1970 CENSUS OF POPULATION AND HOUSING

Curtailment of Review of Counts

The final statistics for the 1970 Census of Population and Housing having been published, the Bureau of the Census will only accept requests for review of area

VOL 37 NO 22 FEB 2 72 XUM

counts in accordance with the provisions of section 8 of title 13 United States Code authorizing the recovery of actual or estimated costs for special statistical compilations. This notice shall become effective on April 1, 1972. In accordance with administrative procedure 5 U.S.C. section 553, notice and hearing on the amendment and postponement of the effective date thereof are unnecessary because it is an interpretive rule and statement of policy.

Dated: January 26, 1972.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc.72-1542 Filed 2-1-72;8:51 am]

Maritime Administration

[Docket No. S-277, Sub. 1]

AMERICAN STEAMSHIP CO.

Notice of Amended Application

Notice is hereby given that American Steamship Co. has filed an amended application for operating-differential subsidy. This notice of the amended application supersedes the notice of American Steamship Co.'s application in F.R. Doc. 72-1282, which appeared in the FEDERAL REGISTER issue of January 27, 1972 (37 F.R. 1255). The amended application requests an operating-differential subsidy contract for a 2-year period covering approximately 10 U.S.-flag ships, but aggregating for each year of the contract not more than 1 ship year (about 260 days) of subsidized operating time in the carriage of dry cargoes in U.S. foreign commerce between United States ports on the Great Lakes and connecting rivers, and Canadian ports on the Great Lakes, connecting rivers, St. Lawrence River and Gulf of St. Lawrence. The purpose of such operating-differential subsidy contract will be to determine the feasibility of subsidized U.S.-flag operations in the following described trades:

No.	*Origin-destination*
1	U.S. Ports on Lake Superior, Lake Michigan, Lake Huron, and Lake Erie to Canadian Ports on the St. Mary's River, the St. Clare River, the Detroit River, Lake Erie, and Lake Ontario.
2	U.S. Ports on Lake Superior, Lake Michigan, and Lake Erie to Canadian Ports on the St. Lawrence River and the Gulf of St. Lawrence.
3	Canadian Ports on Lake Superior, Lake Huron, and Lake Ontario to U.S. Ports on Lake Michigan, the Detroit River, and Lake Erie.
4	Canadian Ports on the St. Lawrence River and the Gulf of St. Lawrence to U.S. Ports on Lake Erie, the Detroit River, and Lake Michigan.

American Steamship Co. proposes to use vessels it owns or charters including those of its subsidiaries in the above trades. The combined part-time employment of these vessels in subsidized operations will not exceed during each year of the contract the equivalent in time of 1 ship year in the foreign commerce of the United States.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry in the carriage of dry bulk cargo tonnage moving in the foreign commerce of the United States in the above described areas is inadequate, must, on or before February 9, 1972, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the transportation of dry bulk cargo tonnage in the above described areas in the foreign commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

By order of the Maritime Subsidy Board.

Dated: January 31, 1972.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-1622 Filed 2-1-72;8:51 am]

National Oceanic and Atmospheric Administration

YELLOWFIN TUNA

1972 Commission Final Resolution

The resolution adopted by the Inter-American Tropical Tuna Commission at the 24th annual meeting held in Tokyo, Japan, January 6–13, 1972, reads as follows:

RESOLUTION

THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Taking note of the condition of the stock at the beginning of 1972,

Taking note that the recommendation for establishing a conservation regime during 1971, approved at its 24th Annual Meeting, was for 1971 only,

Considering the special unique problems which were evident in 1971 remain unresolved,

Considering also the resolution from the 11th Intergovernmental Meeting on the conservation of yellowfin tuna held in Tokyo, Japan, January 7, and January 10, through January 13, 1972, which recommends certain management decisions to the Commission,

Concludes that it is desirable to continue in 1972 the fishing program in effect during 1971,

Therefore recommends to the High Contracting Parties that they take joint action to:

(1) Establish the annual catch limit (quota) on the total catch of yellowfin tuna for the calendar year 1972 at 120,000 short tons from the regulatory area defined in the resolution adopted by the Commission on May 17, 1962: *Provided*,

(a) That if the annual catch rate is projected to fall below 3 short tons per standard day's fishing, measured in purse seine units adjusted to limits of gear efficiency previous to 1962, as estimated by the Director of Investigations, the unrestricted fishing for yellowfin tuna in the regulatory area shall be curtailed so as not to exceed the then current estimate of equilibrium yield and shall be closed on a date to be fixed by the Director of Investigations;

(b) That the Director of Investigations may increase this limit by no more than two successive increments of 10,000 short tons each, if he concludes from reexamination of available data that such increase will offer no substantial danger to the stock.

(2) Reserve a portion of the annual yellowfin tuna quota for an allowance for incidental catches of tuna fishing vessels when fishing in the regulatory area for species normally taken mingled with yellowfin tuna, after the closure of the unrestricted fishing for yellowfin tuna. The amount of this portion should be determined by the scientific staff of the Commission at such time as the catch of yellowfin tuna approaches the recommended quota for the year.

(3) Allow vessels to enter the regulatory area during the open-season, which began January 1, 1972, with permission to fish for yellowfin tuna without restriction on the quantity until the return of the vessel to port.

(4) Close the fishery for yellowfin tuna in 1972 at such date as the quantity already caught plus the expected catch of yellowfin tuna by vessels which are at sea with permission to fish without restriction reaches 120,000 short tons or 130,000 or 140,000, if the Director of Investigations so determines such amounts should be taken, less the portion reserved for incidental catches in Item 2 above and for the special proportion allowed for in Items 6 and 7 below, such dates to be determined by the Director of Investigations.

In order to not curtail their fisheries, those countries whose Governments accept the Commission's recommendations but whose fisheries of yellowfin tuna are not of significance will be exempted of their obligations of compliance with the restrictive measures.

Under present conditions, and according to the information available, an annual capture of 1,000 tons of yellowfin tuna is the upper limit to enjoy said exemption.

After the closure of the yellowfin tuna fishery, the Governments of the contracting parties and cooperating countries may permit their flag vessels to land yellowfin tuna without restriction in any country described in the preceding section which has tuna canning facilities until such time as the total amount of yellowfin tuna landed in such country during the current year reaches 1,000 short tons.

For 1972 only, in order to avoid congestion of unloading and processing facilities around the date of the season closure and the danger that vessels may put to sea without adequate preparations, any vessel which completes its trip before the closure may sail to fish freely for yellowfin tuna within the regulatory area on any trip which is commenced within 30 days after the closure.

(5) Permit each vessel, not provided with a special allowance under Items 6 and 7 below, fishing tuna in the regulatory area after the closure date for the yellowfin tuna fishery to land an incidental catch of yellowfin tuna taken in catches of other species in the regulatory area on each trip commenced during such closed season. The amount each vessel is permitted to land as an incidental catch of yellowfin tuna shall be determined by the Government which regulates the fishing activities of such vessels: *Provided, however*, That the aggregate of the incidental catches of yellowfin tuna taken by all such vessels of a country so permitted shall not exceed 16 percent of the combined total catch taken by such vessels during the period these vessels are permitted to land incidental catches of yellowfin tuna.

(6) Permit the flag vessels of each country of 400 short tons capacity and less fishing tuna in the regulatory area after the closure date for the yellowfin tuna fishery to fish freely until 6,000 short tons of yellowfin tuna are taken by such vessels or to fish for yellowfin tuna under such restrictions as may be necessary to limit the catch of yellowfin tuna by such vessels to 6,000 short tons; and thereafter to permit such vessels to land an incidental catch of yellowfin tuna taken in the catch of other species in the regulatory area on each trip commenced after 6,000 tons have been caught. The amount each vessel is permitted to land as an incidental catch shall be determined by the Government which regulates the fishing activities of such vessels: *Provided, however*, That the aggregate of the incidental catches of yellowfin tuna taken by such vessels of each country so permitted shall not exceed 15 percent of the total catch taken by such vessels during trips commenced after 6,000 short tons of yellowfin tuna have been caught.

(7) Permit, during 1972, the newly constructed flag vessels of those members of the Commission which are developing countries and whose fisheries are in early stage of development (that is, whose tuna catch in the convention area in 1970 did not exceed 12,000 short tons, and whose total fish catch in 1969 did not exceed 400,000 metric tons) and which enter the fishery for yellowfin tuna in the convention area for the first time either during the closed season in 1971 or during 1972 and which, because of characteristics such as size, gear or fishing techniques, present special problems, to fish unrestricted for yellowfin tuna until such vessels have taken in the aggregate 2,000 short tons of yellowfin, or to fish for yellowfin tuna under such restrictions as may be necessary to limit the aggregate catch of such vessels to 2,000 short tons of yellowfin tuna.

(8) The species referred to in Items 2, 5, and 6 are: Shipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, billfishes, and sharks.

(9) Obtain by appropriate measures the cooperation of those Governments whose vessels operate in the fishery, but which are not parties to the Convention for the establishment of an Inter-American Tropical Tuna Commission, to put into effect these conservation measures.

This notice constitutes the announcement of the annual limitation on the quantity of yellowfin tuna permitted to be taken in the regulatory area, pursuant to the procedure established in 50 CFR 280.3. Closure of the season for yellowfin tuna will be announced in accordance with the procedure established in 50 CFR 280.5.

Issued at Washington, D.C., and dated February 2, 1972.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

[FR Doc.72-1506 Filed 2-1-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

EXECUTIVE SECRETARIAT

Statement of Organization, Functions, and Delegations of Authority

Section 1A1 of Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare reads as follows:

SECTION 1A1.00 *Objectives.* The objectives of the Executive Secretariat, OS, are to:

1. Provide to Assistant Secretaries, Agency Heads, and Heads of Staff Offices the assignments and action requests of the Secretary and the Under Secretary and their staffs (hereafter the Secretary's Office) and followthrough to ensure that these assignments are completed in a timely and responsive manner.

2. Working with the Assistant Secretary for Planning and Evaluation and the Assistant Secretary for Administration and Management, monitor policy development and policy implementation activities of interest to the Secretary's Office.

3. Maintain a current and complete listing of who is responsible for action requests and assignments and the status of those requests and assignments in order to respond to requests for such information from throughout the Department.

4. Encourage coordination, consultation, and communication throughout the Department.

5. Communicate the objectives, priorities, and standards of the Secretary's Office to individuals involved in the preparation of correspondence and memoranda and ensure that communications signed or approved by the Secretary's Office are consistent with these standards and objectives.

6. Encourage the most effective utilization of the Secretary's and the Under Secretary's time, by ensuring completed staff work, providing for the resolution of minor disagreements and the maintenance of high quality work on routine matters.

7. Insure that Agency Heads, Assistant Secretaries, and Heads of Staff Offices are informed of, and given an opportunity to comment on, proposed actions or decisions affecting their offices or responsibilities.

8. Encourage timely and responsive correspondence prepared for the Secretary's Office.

9. Working with the Counselor to the Department, serve as a liaison with the White House Staff, the Domestic Council, and the Office of Management and Budget for purposes of assisting the Secretary in the assignment of responsibility, information flow, and followthrough.

10. Working with the Assistant Secretary for Administration and Management, design and implement new systems of coordination and followthrough throughout the Department.

SEC. 1A1.10 *Organization.* The Executive Secretariat, OS, is directed by the Executive Secretary to the Department, who is responsible to the Secretary. The Executive Secretariat, OS, consists of the Executive Secretary, several Assistant Executive Secretaries with responsibility for certain designated functional areas, the Correspondence Control Unit, the Department Regulations Coordinator, several staff assistants, and agency desk officers.

SEC. 1A1.20 *Functions.* 1. Advises the Secretary's Office on proper coordination, internal communication, and correspondence control.

2. Reviews and analyzes memoranda and other communications directed to the Secretary's Office for adequacy of coordination and clearances, clearness and conciseness of presentation, timeliness, necessary followthrough and other elements of completed staff work.

3. Works with operating agencies and Office of the Secretary staff offices to improve the quality of decision papers and correspondence directed to the Secretary's Office.

4. Assists operating agencies and staff offices in preparing recommendations for decision and helps them to coordinate the timely development of these documents.

5. Assigns responsibility or advises the Secretary on the assignment of responsibility on action requests to the Secretary's Office, and follows through on the requests and directives of the Secretary's Office and on directives or requests from outside the Department, except where this responsibility has been specifically assigned to another office.

6. Working with the Assistant Secretary for Planning and Evaluation and the Assistant Secretary for Administration and Management, monitors policy development and policy implementation on issues of interest to the Secretary's Office and prepares periodic status reports for the Secretary's Office.

7. Working with the Assistant Secretary for Administration and Management, designs and implements procedures for proper coordination and followthrough for specific issues.

8. Communicates to the Assistant Secretaries and Agency Heads the Secretary's and Under Secretary's decisions and monitors their implementation in conjunction with other OS staff offices with specific responsibilities in this area.

9. Prepares or coordinates the preparation of briefing materials for all meetings of the Secretary and certain meetings of the Under Secretary and other key officials.

10. Attends meetings in the Secretary's office to record decisions and action requests and follows through to ensure they are implemented, working with the operational planning staff in monthly management meetings.

FEB 2 7 2 XUM

11. Controls correspondence addressed to the Secretary's Office including White House and Office of Management and Budget referrals.

12. Reviews correspondence for technical accuracy, responsiveness, appropriate clearances, and consistency with the Department's objectives.

13. Serves as the Secretary's agent in requesting, transmitting, and occasionally preparing, information memoranda to the White House and Executive Office about departmental activities.

14. Monitors the development, coordination, and publication of Department regulations; serves as Department liaison with the Advisory Committee on Intergovernmental Relations for consultation with State and local governments.

15. Follows through to ensure timely preparation and submission of reports to Congress, promulgation of regulations required by statute, and implementation of enacted legislation.

16. Follows through on Executive Orders, Presidential commitments in Messages to Congress, White House press releases, major speeches, etc.

17. Serves as a liaison or initial point of contact for other Federal agencies requesting information.

Dated: January 25, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72-1519 Filed 2-1-72;8:50 am]

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15933, October 30, 1968), as amended, is hereby amended with regard to section 3-30, *Delegations of Authority*, as follows:

The paragraph *Order of Succession* is hereby replaced by the following paragraph:

Order of succession. During the absence or disability of the Administrator or in the event of a vacancy in that office, the first official listed below who is available shall act as Administrator, except during a planned period of absence for which a different order has been specified under (2) below:

(1) (a) Deputy Administrator; (b) Deputy Administrator for Mental Health; (c) Deputy Administrator for Health Services Delivery; (d) Deputy Administrator for Prevention and Consumer Services; and (e) Deputy Administrator for Development.

(2) For a planned period of absence, the Administrator may specify a different order of succession.

Dated: January 22, 1972.

VERNON E. WILSON,
Administrator.

[FR Doc.72-1605 Filed 2-1-72;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-72-107]

QUALIFIED LOCAL COUNSELING AGENCIES

Notice of Provisions for Payment of Fees

The Department of Housing and Urban Development is permitting in the localities named below that instruments executed incident to mortgages insured under sections 235 and 237 of the National Housing Act (12 U.S.C. 1701) provide for payment of a fee to the counseling agency by persons other than the mortgagor. A local agency, qualified to provide counseling in accordance with Department requirements, shall be paid an amount not to exceed $100 per family counseled in those cases in which counseling is made a precondition for mortgage insurance.

Pursuant to a finding of good cause by the Secretary, the provisions of this notice are effective upon publication in the FEDERAL REGISTER within the jurisdiction of the following HUD Offices:

AREA OFFICES

Boston.	Milwaukee.
Buffalo.	Newark.
Detroit.	Philadelphia.
Greensboro.	Pittsburgh.
Jacksonville.	Richmond.
Little Rock.	San Antonio.
Louisville.	St. Louis.

INSURING OFFICE

Denver.

The Secretary is considering extending applicability to other geographical areas, and interested persons are invited to submit written data, views or statements generally with regard to the provisions. Communications should be identified by the above docket number and title, and should be filed in triplicate with the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material received on or before March 3, 1972, will be considered before a decision on extending the applicability of this Notice is made. Copies of comments submitted will be available for examination during business hours at the above address.

Effective date. The provisions of this notice shall be effective as of February 2, 1972.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72-1558 Filed 2-1-72;8:52 am]

ATOMIC ENERGY COMMISSION

DRAFT ENVIRONMENTAL STATEMENTS

Notice of Availability

Notice is hereby given that eight draft environmental statements issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 are being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545. The draft statements are:

Contaminated Soil Removal Facility, Richland, Wash.
Radioactive Waste Evaporator and Auxiliaries, Richland, Wash.
Rover Fuels Processing Facility, NRTS, Idaho.
Radioactive Solid Waste Volume Reduction Facility, LASL, N. Mex.
Bedrock Waste Storage Exploration, Savannah River Plant, S.C.
Plutonium-238 Fuel Fabrication Facility, Savannah River Plant, S.C.
Land Acquisition, Rocky Flats Plant, Colo.
Wagon Wheel Gas Stimulation Project, Sublette County, Wyo.

The statements will also be in the Commission's Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; and the New York Public Document Room, 376 Hudson Street, New York, NY 10014.

The draft environmental statements will be furnished upon request addressed to the Assistant General Manager for Environment and Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 27th day of January 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-1491 Filed 2-1-72;8:47 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Appointment of Third Member of Atomic Safety and Licensing Appeal Board

On December 29, 1971, the Commission published in the FEDERAL REGISTER a notice of hearing to consider the application filed by the Northern Indiana Public Service Co. for a construction permit which would authorize the construction of a boiling water reactor, identified as Bailly Generating Station Nuclear I. That notice indicated that the Commission had delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission, and that the third member would be designated by the Commission.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2—Rules of Practice and the notice of hearing referred to above, notice is hereby given that the Commission has designated Dr. Lawrence R. Quarles as the third member of the Appeal Board in this proceeding.

Dated at Germantown, Md., this 26th day of January 1972.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-1492 Filed 2-1-72;8:47 am]

[Docket No. 50-397A]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Receipt of Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated January 24, 1972, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

LYALL JOHNSON,
Director, Division of State and Licensee Relations.

APPENDIX A

JANUARY 24, 1972.

Washington Public Power Supply System, Hanford No. 2 Nuclear Unit, AEC Docket No. 50-397A, Department of Justice File No. 60-415-46.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as recently amended by Public Law 91-560 (December 19, 1970) in regard to the above-cited application.

The Hanford No. 2 Nuclear Unit, with a generating capacity of approximately 1,100 mw., will be located on the U.S. Atomic Energy Commission's Hanford Reservation on the Columbia River near the city of Richland in southeastern Washington. It will be constructed and operated by Washington Public Power Supply System (WPPSS) which presently owns and operates an 860 mw. steam-electric generating plant for which steam is supplied from a nuclear reactor owned and operated by the AEC on the Hanford Reservation. The estimated cost of construction, including the initial nuclear core, for Hanford No. 2 is $321,899,000 with commercial operation scheduled to commence in September 1977.

WPPSS is a municipal corporation and a joint operating agency of the State of Washington and is composed of 18 public utility districts of the State of Washington and the cities of Richland and Seattle. WPPSS has the statutory authority to acquire, construct, and operate plants and facilities for the generation and transmission of electric power.

The power produced by Hanford No. 2 will be distributed by the Bonneville Power Administration (Bonneville) within the Federal Columbia River Power System in accordance with so-called "Net Billing Agreements" entered into between Bonneville, WPPSS, and 95 statutory preference customers of Bonneville which will actually purchase the power generated by the unit.[1] These 95 utilities, referred to as "Participants," consist of 28 municipal electric systems, 22 public utility districts, and 45 REA cooperatives. These 95 utilities constitute the vast majority of the approximately 105 publicly owned utilities in the Pacific Northwest.[2]

Each of the 95 participants has a contract for the purchase of its power requirements from Bonneville. Under "Net Billing" the entire generating capacity of Hanford No. 2 will be assigned to Bonneville. Each of the 95 Participants will pay to WPPSS a certain percentage of the annual costs of the unit. This entitles each Participant to receive from Bonneville an amount of power equivalent to the same percentage of the unit's capacity. Bonneville then credits each Participant, each year, for the amount which it paid to WPPSS as its share of the unit's annual costs. Bonneville deducts this sum from the amount which each Participant otherwise must pay under its power contract with Bonneville and the balance owed is called the "net billing." In effect, by participating in Hanford No. 2, these 95 utilities will receive increased amounts of power from Bonneville at Bonneville's rates.

Bonneville, which markets power from several hydroelectric plants built by the Federal Government, is the dominant supplier of power at wholesale to publicly owned utilities in the Pacific Northwest and has the lowest wholesale rates in the Nation. Bonneville also supplies wholesale power to privately owned utilities in the area. There has been substantial cooperation and planning among the public and private utilities in the Pacific Northwest. For many years the various utilities in the area voluntarily coordinated operations of their facilities through the Northwest Power Pool. In 1964 Bonneville, the Corps of Engineers and 14 of the area's public and private generating utilities agreed to coordinate their operations on the basis of a formal contract called the Pacific Northwest Coordination Agreement.

In the early 1960's it became evident that the Pacific Northwest would soon need more firm power than could be supplied by the hydroelectric projects in the area. As a result, Congress in 1963 authorized construction of an 860 mw. nuclear unit at Hanford. Half of the output of this unit was sold to 71 publicly owned utilities and half was sold to five privately owned utilities. Subsequently, in 1969, Bonneville, the 105 publicly owned utilities and the four major privately owned utilities in the Pacific Northwest jointly developed a plan for the construction of thermal plants to augment the production from existing and future hydroelectric plants in the area. This plan, referred to as the "Hydro-Thermal Power Program," constitutes an effort by all the utilities in the Pacific Northwest to meet their load growth requirements at the lowest possible cost. Under this plan, thermal plants—both fossil fuel and nuclear—are to be built by both public and private utilities with access to such plants open to any utility which needs power.

The first result of the Hydro-Thermal Power Program was that a group of public and private utilities planned and jointly financed the construction of two coal-fired 700 mw. units at Centralia, Wash., scheduled to begin commercial operation in September 1971 and September 1972. The second plant to be constructed in accordance with this program is the Trojan Nuclear Plant on the Columbia River near Portland, Oreg. This plant is jointly owned by two private utilities, Portland General Electric Co. and Pacific Power & Light Co., and by the city of Eugene, Oreg., Water & Light Board which through the "net billing" procedure actually provided the means whereby 13 other publicly owned utilities in the area could participate in the plant.[3] The third project in the program is the construction of two 500-mw. coal-fired units in Wyoming at the Jim Bridger Plant by Pacific Power & Light Co. Hanford No. 2 is the fourth project—and second nuclear unit—to be built in accordance with the Hydro-Thermal Power Program.

There has been and continues to be substantial cooperation and coordination in bulk power supply among the various utilities, large and small, in the Pacific Northwest. Hanford No. 2 is one of several generating units resulting from a program in which all utilities in the same area have been invited to participate. Pursuant to this program both public and private utilities have planned and coordinated the addition of new generating capacity in the area. The vast majority of small, publicly owned utilities in the Pacific Northwest will participate in Hanford No. 2 and thereby obtain access to low cost power. It does not appear that the issuance of the proposed license for Hanford No. 2 will create or maintain a situation inconsistent with the antitrust laws and we see no need for an antitrust hearing.

[FR Doc.72-1493 Filed 2-1-72;8:48 am]

[1] The Bonneville Act specifies that "preference customers" such as municipally owned electric systems and REA Cooperatives shall have priority in obtaining low-cost power marketed by Bonneville.

[2] The 95 Participants are located predominantly in the four States of Washington, Oregon, Idaho, and Montana, although a few of the REA cooperatives operate partially in small segments of northern California, Nevada, and Utah and Western Wyoming.

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Order Extending Provisional Construction Permit Completion Date

By application dated December 7, 1971, the Nebraska Public Power District requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-42. The permit authorizes the construction of a single cycle, forced circulation boiling water nuclear reactor, known as the Cooper Nuclear Station, on the applicant's site on the west bank of the

[3] The Department, by letter dated July 8, 1971, advised the AEC that issuance of the proposed license for the Trojan Nuclear Plant would not create or maintain a situation inconsistent with the antitrust laws.

Missouri River near the village of Brownville in Nemaha County, Nebr.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and section 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR–42 is extended from February 1, 1972 to February 1, 1973.

Dated at Bethesda, Md., this 26th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72–1461 Filed 2–1–72;8:47 am]

[Dockets Nos. 50–369, 50–370]

DUKE POWER CO.

Order Setting Prehearing Conference

In the matter of Duke Power Co. (William B. McGuire Nuclear Station, Units 1 and 2), Dockets Nos. 50–369, 50–370.

Notice is hereby given that a prehearing conference in the captioned proceeding will be held at 10 a.m. on Thursday, February 17, 1972, at the:

Mecklenberg County Administration Building, Commissioner's Meeting Room, Fourth Floor, 720 East Fourth Street, Charlotte, NC 28202.

All members of the public are entitled to attend this prehearing conference and all prehearing conferences as well as full evidentiary sessions of the proceeding. This prehearing conference on February 17, 1972, however, will be conducted in accordance with § 2.752 of the Commission's rules of practice (10 CFR 2.752) which provides for development of procedures for evidentiary hearing, which will be scheduled for a later time and public notice given. The procedures to be considered on February 17, 1972, will be related to simplification and clarification of issues, possibility of obtaining stipulations and admissions of fact in order to avoid duplication in presentation of evidence and other matters which aid in the orderly disposition of the case to be presented in a full public hearing.

Issued: January 28, 1972.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.72–1580 Filed 2–1–72;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24137]

FINNAIR OY

Notice of Prehearing Conference and Hearing Regarding Renewal of Foreign Air Carrier Permit To Authorize Wet Lease Operations for Kar-Air oy

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 1, 1972, at 10 a.m., local time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner John E. Faulk.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 23, 1972.

Dated at Washington, D.C., January 28, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–1539 Filed 2–1–72;8:51 am]

[Docket No. 24168]

KAR-AIR OY

Notice of Prehearing Conference and Hearing Regarding Renewal and Amendment of Foreign Air Carrier Permit Authorizing Charter Flights Serving Any Point or Points in the United States

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 28, 1972, at 10 a.m., local time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner John E. Faulk.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 22, 1972.

Dated at Washington, D.C., January 28, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–1540 Filed 2–1–72;8:51 am]

[Docket No. 24007]

WINDWARD ISLANDS AIRWAYS INTERNATIONAL, N.V.

Notice of Prehearing Conference and Hearing

Application for foreign air carrier permit authorizing charter foreign air transportation between the Netherlands Antilles, any point or points in the Caribbean Sea, and any point or points in the United States.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 25, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Henry Whitehouse.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 17, 1972.

Dated at Washington, D.C., January 28, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–1541 Filed 2–1–72;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

AMCHEM PRODUCTS, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (section 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1222) has been filed by Amchem Products, Inc., Ambler, Pa. 19002, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the plant regulator 2-(m-chlorophenoxy) propionic acid from application of the acid or of 2-(m-chlorophenoxy)propionamide in or on the raw agricultural commodities peaches and nectarines at 0.25 part per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a microcoulometric gas chromatographic technique.

Dated: January 25, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–1462 Filed 2–1–72;8:45 am]

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1220) has been filed by Union Carbide Corp., 800 Wyatt Building, Washington, D.C. 20005, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) and its metabolite 1-naphthyl(hydroxymethyl) carbamate in or on the raw agricultural commodity potatoes at 0.5 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a colorimetric determination at 475 nanometers using *p*-nitrobenzenediazonium fluoroborate as the reagent.

Dated: January 25, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–1463 Filed 2–1–72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19036]

WESTERN UNION TELEGRAPH CO.

Order Granting Extension of Time Concerning the Filing of International Telegraph Messages by Telex Subscribers

In the matter of the Western Union Telegraph Co., provisions in Tariff FCC No. 240 concerning the filing of international telegraph messages by Telex subscribers, Docket No. 19036.

1. On January 25, 1972, the Western Union Telegraph Co. (WU) filed a motion for extension of time until February 11, 1972, in which to reply to the petition of RCA Global Communications, Inc. (RCA), and Western Union International, Inc. (WUI), filed January 18 and January 19, 1972, respectively requesting partial reconsideration of the Commission's memorandum opinion and order released December 20, 1971 in the above-captioned proceeding (32 FCC 2d 752).

2. WU states that because of the press of other cases pending before the Commission, counsel for WU cannot prepare a proper and adequate response to the petitions within the time such responses are presently due. Petitioners have no objection to a grant of the subject motion and good cause for granting the same has been shown.

3. Accordingly, pursuant to § 0.303(c) of the Commission's rules on Delegations of Authority, WU's motion is granted and the time for filing the replies is extended from January 31, 1972, to February 11, 1972.

Adopted: January 27, 1972.

Released: January 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] A. C. ROSEMAN,
Chief, International and Satellite Communications Division.

[FR Doc.72–1511 Filed 2–1–72;8:49 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 446]

GEORGE G. LIPPELGOES

Order of Revocation

On January 19, 1972, Walter L. Lippelgoes, Administrator to the estate of George G. Lippelgoes, Post Office Box 77, Andover, NJ 07821, voluntarily surrendered FMC License No. 446, issued to George G. Lippelgoes, now deceased.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in the Manual of Orders, Commission Order No. 1 (revised) 7.04(f) (dated September 29, 1970);

It is ordered, That the independent ocean freight forwarder License No. 446 issued to George G. Lippelgoes be and is hereby revoked effective January 19, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Mr. Walter L. Lippelgoes, Administrator to the estate of George G. Lippelgoes.

AARON W. REESE,
Managing Director.

[FR Doc.72–1526 Filed 2–1–72;8:50 am]

ALASKA BARGE AND TRANSPORT, INC.

Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Washington, DC, Room 1015; or may inspect a copy of the application at the Field Offices, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to the application including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application filed by:

Alan F. Wohlstetter, Denning and Wohlstetter, 1700 K Street NW., Washington, DC 20006.

Application designated Exemption No. 14 is hereby made pursuant to section 35 of the Shipping Act, 1916, for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, and regulations applicable thereunder for the carriage of general cargo between Seattle, Wash., and the Arctic Coast of Alaska between Beechey Point and Tigvariak Island, via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean.

The grounds for the application for exemption are the same as those asserted in the prior applications of Foss Launch & Tug Co. and Foss Alaska Line, Inc.; Puget Sound Tug & Barge Co.; and Alaska Barge and Transport, Inc., in Exemptions Nos. 6, 7, and 8, respectively, which were approved by the Commission (46 CFR 531.26(c) 36 F.R. 7967–7968, April 28, 1971) effective during 1971.

The proposed service is designed for the movement of general cargo, including bulk liquids, to and from the oil fields discovered in 1968 near Prudhoe Bay, Alaska. The major oil companies engaged in operations at the site and their suppliers urgently require water transportation for their food, clothing, shelter, communications gear, drilling equipment, pipeline material, supplies, and equipment. No port or port facilities exist on this coast and due to the difficulty of construction it is doubtful that ports will be developed in the foreseeable future.

The timing of operations is controlled by ice. Cargoes must be held at the carrier's dock in Seattle until shortly after midsummer, at which time all vessels engaged in the movement depart for the Arctic as a flotilla so as to arrive off Point Barrow in time for the earliest movement of pack ice offshore. Vessels must move to the destination, discharge and return south of Point Barrow before the ice returns, which is normally within 4 to 6 weeks. Owing to its specialized character the movement does not lend itself to rate regulation and applicant doubts that the movement is common carriage subject to regulations.

This exception from the tariff filing requirements and regulations of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, will become effective upon approval of the Commission pursuant to section 35, Shipping Act, 1916.

Dated: January 28, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–1528 Filed 2–1–72;8:50 am]

PUGET SOUND TUG AND BARGE CO.

Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Washington, DC, Room 1015; or may inspect a copy of the application at the Field Offices, New York, N.Y.; New Orleans, La.; and San Francisco, Calif. Comments with reference to the application including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application filed by:

John Cunningham, Kominers, Fort, Schlefer and Boyer, Tower Building, 1401 K Street NW., Washington, DC 20005.

Application designated Exemption No. 13 is hereby made pursuant to section 35 of the Shipping Act, 1916 for exemption from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereunder for (a) the carriage of miscellaneous cargoes, including liquid in bulk, between Seattle, Wash., and Prudhoe Bay, Alaska; and

FEB 2 72 XUM

(b) the carriage of miscellaneous cargoes, not including liquid in bulk, between Houston, Tex., and Prudhoe Bay, Alaska.

In connection with the above the original application has been amended and Puget Sound Tug & Barge now requests that this exemption be for a 3-year period to expire December 31, 1974. The request was made to bring them into alinement with the application for exemption filed by Foss Launch & Tug Co. (36 F.R. 25067, December 28, 1971).

The grounds for the application for exemption are the same as those asserted in the prior applications of Puget Sound Tug & Barge Co., with the exception that the application, as amended, now requests the exemption for a 3-year period. The prior applications were Exemption No. 7, approved by the Commission April 21, 1971 (46 CFR 531.26(c), 36 F.R. 7967–7968, April 28, 1971) and Exemption No. 10 approved by the Commission June 4, 1971 (46 CFR 531.26(c) 36 F.R. 11439–11440, June 12, 1971).

The proposed service between Seattle and Prudhoe Bay is designed for the movement of general cargo, including liquid in bulk, to and from the oil field discovered in 1968 near Prudhoe Bay, Alaska. The major oil companies engaged in operations at the site and their suppliers require water transportation for their food, clothing, shelter, communications gear, drilling equipment, pipeline material, supplies, and equipment. No port or port facilities exist on this coast and due to the difficulty of construction, it is doubtful that ports will be developed in the foreseeable future.

The movement from Houston will consist primarily of materials and components for constructing a gathering plant at Prudhoe Bay to receive and process crude oil from the North Slope field. It will also consist of modules, oil field equipment, materials, and supplies. On the trip from Prudhoe Bay to Houston, the cargo will consist of the module trestles, tracked transporters and drill casing. The Houston/Prudhoe Bay movement will not include liquid in bulk.

Applicant states that in all likelihood there will be no cargo movement to the North Slope during the 1972 season (or none of significant volume) unless the Department of the Interior grants the major oil companies engaged in operations at the site their application for a right of way to construct a pipeline from Prudhoe Bay to Valdez, Alaska. This application for exemption is being made in order that Puget Sound will be free to perform the service during 1972 should the right of way be granted to the oil companies.

This exemption from the requirements of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, will become effective upon approval of the Commission pursuant to section 35 of the Shipping Act, 1916.

Dated: January 28, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1527 Filed 2-1-72;8:50 am]

SEAWISE FOUNDATIONS, LTD. ET AL.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Seawise Foundations, Ltd., and/or Chinese Maritime Trust, Ltd. (Orient Overseas Line), c/o Orient Overseas Services, Inc., 311 California Street, San Francisco, CA 94104.

Dated: January 28, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1529 Filed 2-1-72;8:50 am]

SEAWISE FOUNDATIONS, LTD.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Seawise Foundations, Ltd., and/or Chinese Maritime Trust, Ltd. (Orient Overseas Line), c/o Orient Overseas Service, Inc., 311 California Street, San Francisco, CA 94104.

Dated: January 28, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 72-1530 Filed 2-1-72;8:50 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JANUARY 27, 1972.

The Federal Power Commission by order issued April 6, 1971, established the Executive Advisory Committee of the National Gas Survey.

Membership. An additional member to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Honorable George A. Lincoln, Director, Office of Emergency Preparedness.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1546 Filed 2-1-72;8:51 am]

[Docket No. CP71-214]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

JANUARY 26, 1972.

Take notice that on January 17, 1972, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Docket No. CP71-214, a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on June 30, 1971, by extending through the calendar year 1972, the time within which petitioner shall complete and place into operation certain authorized facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order of June 30, 1971, in subject docket, petitioner was authorized to construct during the calendar year 1971 an additional 45,000 compressor brake horsepower to its San Juan Basin gathering systems in order to offset declining reservoir pressures. Petitioner states that a total of 31,544 compressor brake horsepower was installed during 1971 and seeks an extension of time within which to install the remaining authorized brake horsepower during the year 1972.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1547 Filed 2-1-72;8:51 am]

[Docket No. E-7699]

KANSAS GAS AND ELECTRIC CO.

Notice of Application

JANUARY 27, 1972.

Take notice that on January 11, 1972, Kansas Gas and Electric Co. (applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance and sale at competitive bidding of $25 million in principal amount of a new series of its first mortgage bonds and 150,000 shares of a new series of its serial preferred stock, par value $100 per share.

Applicant is incorporated under the laws of the State of West Virginia, with its principal place of business at Wichita, Kans., and is engaged in providing electric energy to an estimated population of 577,000 in the southeastern quarter of the State of Kansas.

The new 30-year bonds will be issued under applicant's mortgage and deed of trust, dated April 1, 1940, to Morgan Guaranty Trust Co. of New York, as supplemented and proposed to be further supplemented by a 12th Supplemental Indenture dated as of the date of the new bonds. The new bonds will bear interest fixed by competitive bidding and will not be redeemable prior to March 1, 1977, through the use of funds borrowed by applicant at an effective interest cost of less than that of the new bonds.

The preferred stock will be pari passu with the issued and outstanding preferred stock, will be entitled to dividends at the rate fixed by competitive bidding and will be redeemable at $115 per share on or before April 1, 1977, declining to public offering price plus 25 percent of dividend rate after April 1, 1987.

The sale of the bonds and the sale of the preferred stock are not contingent on one another.

The proceeds from the sale of the bonds and the preferred stock will be used to: (1) Repay bank loans and commercial paper indebtedness approximating $22 million to be incurred prior to the completion of the financing; and (2) finance, in part, applicant's 1972 construction program which will cost an estimated $59.2 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 15, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1548 Filed 2-1-72;8:51 am]

[Docket No. RP72-100]

SOUTHWEST GAS CORP.

Notice of Proposed Changes in Rates and Charges

JANUARY 26, 1972.

Take notice that Southwest Gas Corp. (Southwest) on January 18, 1972, filed in Docket No. RP72-100 proposed changes in its FPC Gas Tariff, Original Volume No. 1 which would increase its revenues by approximately $57,023 annually. The nature of the filing is set forth in the company's transmittal letter as follows:

Since El Paso Natural Gas Co. (El Paso) has very recently filed for a purchased gas offset increase pursuant to ordering paragraph (C) of the Commission's order issued July 30, 1971, in Docket No. RP71-137 to become effective February 1, 1972, it is requested that Southwest be granted an identical increase concurrent therewith. This offset increase proposed by Southwest is identical to the increase of 0.03 cent per therm proposed by El Paso under its Rate Schedule PL-4 or approximately $20,512 annually. In this regard, it is further requested that the Commission grant a waiver under § 154.41 of its regulations under the Natural Gas Act and permit the proposed rates under Tab "1", Set A, the direct offset of El Paso's proposed increase, to become effective February 1, 1972, concurrent with El Paso's proposed effective date or such other date granted by the Commission.

Also requested herein is another proposed change in rates principally to recover increases in virtually all items of cost, such as capital, labor, material and supplies, and taxes, including a rate of return of 8.8 percent as claimed herein, excluding purchased gas increases. Southwest's current rates, which are in effect subject to refund and final determination in Docket No. RP72-71, are deficient by some $36,544 annually, excluding the purchased gas offset increase referred to above, based upon test period sales volumes set forth in Statement G. The increase applicable to the FPC Volumes is $36,511 of which $33,710 applies to Sierra Pacific Power Co. (Sierra) and California-Pacific Utilities Co. (Cal Pac). The additional increase in jurisdictional rates to produce this deficiency is 0.054 cent per therm. This increase of 0.054 cent per therm when added to the rates under Tab "1", Set A produces the rates on the revised tariff sheets under Tab "1", Set B. The proposed effective date for such revised tariff sheets is February 17, 1972, 30 days following the date of tender hereof.

In addition to the proposed rate changes mentioned above, Southwest is seeking authorization to increase its rates from time to time, effective thirty (30) days after filing of the instant filing, by tracking filings made through December 31, 1972, to reflect increased purchased gas costs that may be passed on by El Paso or any certificated successor-in-interest thereto in Docket No. RP71-137, or any filing made thereafter.

Also, Southwest is seeking authorization to make two changes in its Rate Schedule I-3. It is proposed that the minimum charge be eliminated and under section 2 "Applicability and Character of Service" that the provision (iv) also be eliminated.

The FPC jurisdictional customers involved are Sierra, which distributes natural gas in the cities of Reno and Sparks and in surrounding areas of Washoe County, Nev., and Cal-Pac, which distributes natural gas in the city of South Tahoe and surrounding areas of Eldorado County, Calif.

There is an additional volume of gas transported across the State of Nevada for sale by Southwest to its own distribution customers around North Lake Tahoe in Placer County, Calif., and this volume also is under the jurisdiction of the FPC. However, this volume does not create revenues under any Southwest FPC rate schedule because it is sold under Southwest's Northern California tariff approved by the California Public Utilities Commission (California PUC). Revenues are created and projected in this filing as though the volumes crossing the State line for direct distribution by Southwest in Placer County, Calif., were sold under Southwest's FPC rate schedules. This affords identical treatment to the volumes crossing from Nevada into California for distribution in (1) Southwest's North Lake Tahoe area and (2) Cal-Pac's South Lake Tahoe area. Accordingly, for the purposes of projecting jurisdictional costs of service and revenues, revenues are used herein as though there were three jurisdictional customers. The result is that the increase in revenues shown will not be totally recovered under the revised FPC tariff sheets above referred to; rather, only those revenue increases to Sierra and Cal-Pac will be recovered thereunder. The revenues created by the gas volumes associated with Southwest in the North Lake Tahoe, Calif., area would be used as the cost of gas in any rate proceeding using like volumes, for that area, before the California PUC.

The revised tariff sheets tendered herewith have been posted this date and, as evidenced by the certificate attached under Tab "5", a copy thereof, together with a copy of the documents being filed concurrently herewith, are this date being served by first class mail upon the distributor customers and State regulatory commissions indicated in such certificate.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 11, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1549 Filed 2-1-72;8:51 am]

[Docket No. G-2712 etc.]

CITIES SERVICE OIL CO.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity

JANUARY 21, 1972.

Order amending orders issuing certificates of public convenience and necessity, substituting applicant, substituting

FEB 2 1972 XUM

respondent, redesignating proceedings, accepting notices of succession for filing, and redesignating FPC gas rate schedules.

On September 13, 1971, Cities Service Oil Co. (petitioner) filed in Docket No. G-2712 et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said dockets by substituting petitioner in lieu of Cities Service Co. as certificate holder, all as more fully set forth in the petition to amend and in the appendix below.

Petitioner has acquired from Cities Service Co. the producing properties from which the subject sales are authorized to be made in interstate commerce and has filed notices of succession to the FPC gas rate schedules of Cities Service Co.

The Commission's staff has reviewed the petition to amend and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the petition to amend has been filed.

The Commission finds:

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Cities Service Co. should be amended by substituting petitioner as certificate holder, that petitioner should be substituted in lieu of Cities Service Co. as applicant and respondent in pending proceedings, that the notices of succession to the related rate schedules should be accepted for filing, and that said rate schedules should be be redesignated accordingly.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity in the dockets listed in the appendix below are amended by substituting petitioner in lieu of Cities Service Co. as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Petitioner is substituted in lieu of Cities Service Co. as applicant in the proceeding pending in Docket No. CI72-31 and said proceeding is redesignated accordingly.

(C) Petitioner is substituted in lieu of Cities Service Co. as respondent in the rate proceedings listed in the appendix below and said proceedings are redesignated accordingly.

(D) The notices of succession submitted by petitioner to the FPC gas rate schedules of Cities Service Co. are accepted for filing effective as of September 1, 1971, and said rate schedules are redesignated as set forth in the appendix below.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

Cities Service Co. FPC gas rate schedule No.	Cities Service Oil Co. FPC gas rate schedule No.	Certificate docket No.	Rate proceeding docket No.
3	349	G-2712	
4	350	G-2712	
6 [1]	351	G-2712	
8 [1]	352	G-2712	
9	353	G-2712	
10	354	G-2712	R171-676.
11	355	G-3031	
12 [1]	356	G-3031	
13	357	G-3031	
14	358	G-3031	
15	359	G-3031	
16	360	G-3031	
17	361	G-6190	
18 [1]	362	G-3031	
19 [2]	363	G-8712	R171-676.
20	364	G-8713	
21 [1]	365	G-2712	
22 [1]	366	G-9272	R171-935.
23	367	G-9692 [3]	
24 [1]	368	G-9789	
25	369	G-12582	R171-676.
27 [1]	370	G-10188	
28	371	G-10189	
29	372	G-13592	R170-719.
30 [1]	373	G-16204	
31	374	G-16563	
32	375	G-19716	
34	376	CI60-198	
36	377	CI61-1131	
37 [1]	378	CI61-1681	
42 [1]	379	G-2712	R171-360.

[1] "(Operator) et al."
[2] "et al."
[3] Cities Service Co. has filed in Docket No. CI72-31 an application pursuant to section 7(h) of the Natural Gas Act for permission and approval to abandon the sale of natural gas authorized in this docket.

[FR Doc.72-1438 Filed 2-1-72;8:45 am]

[Docket No. CS71-590 etc.]

READING & BATES, PRODUCTION CO., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JANUARY 21, 1972.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date Filed	Name of Applicant
CS71-590	1- 7-72	Reading & Bates, Production Co., (Operator) et al., Suite 102, 5963 East 31st St., Tulsa, OK 74135 (Abandonment).
CS72-578	1- 5-72	B. J. McCombs, 307 Milam Bldg., San Antonio, Tex. 78205.
CS72-579	12-27-71	E. C. Johnston Co., Post Office Box 1112, Longview, TX 75601.
CS72-580	1- 3-72	Jack L. Phillips, Post Office Box 1251, Kilgore, TX 75662.
CS72-581	1- 4-72	West Petroleum Corp., 2206 Alamo National Bldg., San Antonio, Tex. 78205.
CS72-582	1- 4-72	George W. Schneider, Jr., 604 Johnson Bldg., Shreveport, La. 71101.
CS72-583	1- 4-72	J. F. Gibson, 2521 Cummings Dr. Oklahoma City, OK 73107.
CS72-584	1- 4-72	L. R. Wilson, 923 Cravens Bldg., Oklahoma City, Okla. 73102.
CS72-585	1- 5-72	McAllen State Bank, Trustee for William N. Finnegan, Vernon F. Neuhaus, Jr., John J. McCloy and Grace N. Richards, 2100 First City National Bank Bldg., Houston, Tex. 77002.
CS72-586	1- 5-72	Walter H. Gant, Post Office Box 771, Ardmore, Okla. 73401.
CS72-587	1- 4-72	Development Services Corp., Post Office Box 683, Edgemont Branch, Golden, CO 80401.
CS72-588	1- 4-72	Arthur I. Appleton, d.b.a. Appleton Oil Co., 2611 City National Bank Tower, Oklahoma City, Okla. 73102.
CS72-589	1- 7-72	Pecos County, Courthouse Annex, Fort Stockton, Tex. 79735.
CS72-590	1- 7-72	C. Hubert Gragg, Post Office Box 14100, Oklahoma City, OK 73114.
CS72-591	1- 7-72	Edward L. Shaheen, 203 Arlington Dr., Lake Charles, LA 70601.
CS72-592	1- 7-72	Jet Drilling Co., Inc., 514 One Twenty Bldg., 120 South Market St., Wichita, KS 67202.
CS72-593	1- 7-72	Edward H. Jackson, 627 Crockett Bldg., Shreveport, La. 71101.
CS72-594	1- 6-72	Dareneo, Inc., Post Office Box 797, Casper, WY 82601.
CS72-595	1- 7-72	C. W. and Rena M. Allen, 905 Claymark Dr., St. Louis, MO 63131.
CS72-596	1-10-72	Julia J. Peavy, Post Office Box 1103, Shreveport, LA 71163.
CS72-597	1-10-72	Corinthian Oil Corp., 1813 Fourth National Bank Bldg., Tulsa, Okla. 74119.

Docket No.	Date Filed	Name of Applicant
CS72-598	1-10-72	Conrad J. Bailey, d.b.a. Conrad J. Bailey, 5217 South Vandalia, Apt. 1F, Tulsa, OK 74135.
CS72-599	1-10-72	The Pickens Co., Inc., 800 Preston Bank Bldg., Dallas, Tex. 75225.
CS72-600	1-10-72	Helen K. Little, 1201 Ann Arbor Dr., Norman, OK 73069.
CS72-601	1-10-72	L. B. Hutcheson, 708 First City National Bank Bldg., Houston, Tex. 77002.
CS72-602	1-10-72	Solatex Petroleum Co., Ltd., 706 First City National Bank Bldg., Houston, Tex. 77002.
CS72-603	1-10-72	Paradox Petroleum Co., Post Office Box 10025, Amarillo, TX 79106.
CS72-604	1-10-72	Lee Kinnebrew, Post Office Box 601, Shreveport, LA 71162.
CS72-605	1-10-72	H-Tex, Inc., 919 Americana Bldg., Houston, Tex. 77002.
CS72-606	1-10-72	Petroleum Consultant Services, Box 853, Midland, TX 79701.
CS72-607	1-10-72	Ivo F. Otey, 2264 Northwest 54th St., Oklahoma City, OK 73112.
CS72-608	1-11-72	Jack J. Grynberg et al., 750 Petroleum Club Bldg., Denver, Colo. 80202.
CS72-609	1-12-72	David A. Onsgard, 2240 East 40th St., Tulsa, OK 74105.
CS72-610	1-12-72	Charles D. Tandy, 1800 First National Bldg., Fort Worth, Tex. 76102.
CS72-611	1-12-72	R. James Stillings, d.b.a., Gastill Co., 2240 East 40th St., Tulsa, OK 74105.
CS72-612	1-13-72	Wilma Kincaid, 1010 Mid South Towers, Shreveport, La. 71101.
CS72-613	1-13-72	Lillie Ellis Asseff, 1100 Ray P. Oden Bldg., Shreveport, La. 71101.

[FR Doc.72-1437 Filed 2-1-72;8:45 am]

[Docket No CP72-158]

CITY OF DENISON, KANSAS AND CITIES SERVICE GAS CO.

Notice of Application

JANUARY 18, 1972.

Take notice that on December 10, 1971, the city of Denison, Kans. (applicant), Denison, Kans. 66419, filed in Docket No. CP72-158 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Co. (respondent) to establish physical connection of its natural gas transmission facilities with the proposed facilities of applicant and to sell and deliver natural gas to applicant for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that the Commission order respondent to establish physical connection of its natural gas transmission facilities with the proposed 11-mile 3½-inch pipeline of applicant which is to travel southeasterly from the border of Denison, Kans., to a point of interconnection with respondent's transmission line, and to sell and deliver to applicant 351 Mcf of natural gas per day. Applicant estimates that its cost of constructing the 11-mile lateral line and distribution facilities will be $135,000 which is to be financed by means of gas revenue bonds and general obligation bonds.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 8, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1466 Filed 2-1-72;8:45 am]

[Docket No. CP72-171]

NORTHERN NATURAL GAS CO.

Notice of Application

JANUARY 18, 1972.

Take notice that on January 3, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-171 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas measuring facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its Washburn, Wis., TBS No. 5 measuring station located near Barksdale, Bayfield County, Wis., which was used to deliver natural gas to Lake Superior District Power Co. (Lake Superior) for resale to the DuPont Barksdale Plant, is no longer in use. Lake Superior has informed applicant that since the DuPont Barksdale Plant has discontinued operations it has retired its natural gas service and facilities to the Barksdale Plant. Northern estimates the cost of removing this measuring station to be $6,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1467 Filed 2-1-72;8:46 am]

[Docket No. CP72-172]

TRUNKLINE GAS CO.

Notice of Application

JANUARY 18, 1972.

Take notice that on January 4, 1972, Trunkline Gas Co. (applicant), Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP72-172 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain offshore natural gas transmission facilities and the operation thereof for the receipt and transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 3.4 miles of 12-inch diameter pipeline and appurtenant facilities in order to transport natural gas which is to be purchased from Continental Oil Co. and Cities Service Oil Co. at their production platform in South Timbalier Block 148, offshore Louisiana, to applicant's existing transmission line in South Timbalier Block 147. Applicant estimates the total cost of this project to be $775,000 which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 7, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

FEB 2 1972 XUM

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1468 Filed 2-1-72;8:46 am]

FEDERAL RESERVE SYSTEM

[Reg. Y]

BANK HOLDING COMPANIES

Notice of Hearing Regarding Insurance Underwriting

Notice of hearing regarding proposed acquisition of voting shares of companies engaging in underwriting credit life insurance and credit accident and health insurance; and of possible rule making.

The Board of Governors has received the following five applications filed pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4 of the Board's Regulation Y (12 CFR 225.4) for prior approval to acquire shares of companies engaged in the underwriting, as reinsurer, of credit life insurance and credit accident and health insurance also referred to as disability insurance.

a. Hamilton Bancshares, Inc., Chattanooga, Tenn., has applied to acquire voting shares of Bankshares Life Insurance Co., Phoenix, Ariz. Bankshares Life Insurance Co. engages in the underwriting, as reinsurer, of credit life and disability insurance in connection with loans made by the credit-extending subsidiaries of Hamilton Bancshares, Inc.

b. First at Orlando Corp., Orlando, Fla., has applied to acquire voting shares of First at Orlando Life Insurance Co., Phoenix, Ariz. First at Orlando Life Insurance Co. proposes to engage in the underwriting, as reinsurer, of credit life and disability insurance in connection with loans made by the credit-extending subsidiaries of First at Orlando Corp.

c. Northwest Bancorporation, Minneapolis, Minn., has applied to acquire voting shares of Banco Credit Life Insurance Co., Phoenix, Ariz. Banco Credit Life Insurance Co. proposes to engage in the underwriting, as reinsurer, of credit life and accident and health insurance in connection with loans made by the credit extending affiliates of Northwest Bancorporation.

d. Equimark Corp., Pittsburgh, Pa., has applied to acquire voting shares of Atlantic-Phoenix Life Insurance Co., Phoenix, Ariz. Atlantic-Phoenix Life Insurance Co. engages in the underwriting, as reinsurer, of credit life and accident and health insurance issued in connection with loans made by Atlantic Management Corp., a wholly owned finance company of Equimark Corp.

e. Fourth Financial Corp., Wichita, Kans., has applied to retain voting shares of Fourth Financial Insurance Co., Phoenix, Ariz. Fourth Financial Insurance Co. engages in the underwriting, as reinsurer, of credit life and disability insurance in connection with credit extensions by Fourth Financial Corp.'s subsidiary bank.

The Board has not heretofore adopted general regulatory provisions regarding any insurance underwriting activities as closely related to banking. In addition to the issue whether the above insurance underwriting activities are closely related to banking, the applications suggest the need to explore further the public benefits aspects of such acquisitions.

Among the specific questions in this area is the extent to which permitting holding companies to engage in underwriting credit life and accident and health insurance might reduce the cost of such insurance to customers. As an example, the question arises whether there are tax savings or savings inherent in or attributable to increased efficiency in the reinsurance form of operation involved here and whether any part of such savings may be passed on to customers. Further questions are whether credit life and accident and health insurance may be required by the holding company (regardless of from whom such insurance is purchased) and, the extent to which holding companies desiring to engage in the underwriting of such insurance might be required to manage their own subsidiaries, as distinguished from such management service being provided by a nonaffiliated insurance underwriter in return for a portion of the total premiums on insurance written.

The Board has decided to explore these questions at a hearing to be conducted by designated staff members of the Board at the Board Building at 20th Street and Constitution Avenue on March 24, 1972, beginning at 10 a.m.

Interested persons are invited to participate, either by presenting material orally at the hearing or through submission of written comments on the matter to be received by the Board's Secretary on or before April 10, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

In January 1971, the Board's initial publication of proposed activities under section 4(c)(8) included "acting as insurer for the holding company and its subsidiaries with respect to insurance sold by the holding company or any of its subsidiaries as agent or broker." After a hearing on this activity and insurance agency activities, the Board in August 1971, announced that it had deferred adoption at that time of general regulatory provisions regarding insurance underwriting activities as closely related to banking. It is anticipated that the March 24, 1972, hearing will not only assist the Board in its determination of the pending applications, but will facilitate possible rulemaking by the Board with respect to these activities.

Persons, in addition to the applicants, who are interested in participating in the hearing by presenting material orally, should inform the Secretary of the Board in writing not later than March 9, 1972.

By order of the Board of Governors, January 21, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1496 Filed 2-1-72;8:48 am]

CITIZENS INVESTMENT CO.

Formation of Bank Holding Company

Citizens Investment Co., Thornton, Colo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 49.39 percent or more of the voting shares of North Valley State Bank, Thornton, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 28, 1972.

Board of Governors of the Federal Reserve System, January 26, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1495 Filed 2-1-72;8:48 am]

FIRST MISSOURI BANCORPORATION, INC.

Formation of Bank Holding Company

First Missouri Bancorporation, Inc., Columbia, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent of the voting shares of First National Bank and Trust Co., Columbia, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 28, 1972.

Board of Governors of the Federal Reserve System, January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1473 Filed 2-1-72;8:46 am]

SOUTHERN BANKSHARES, INC.

Acquisition of Banks

Southern Bankshares, Inc., Richmond, Va., has applied in two separate applications, as set forth below, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire 100 percent of the voting shares of the successor by merger to Bank of Powhatan, Powhatan, Va.; and

(2) To acquire 100 percent of the voting shares of the successor by merger to Bank of Goochland, Goochland, Va. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 28, 1972.

Board of Governors of the Federal Reserve System, January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1474 Filed 2-1-72;8:46 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN NICARAGUA

Entry or Withdrawal from Warehouse for Consumption

JANUARY 28, 1972.

On November 30, 1971, the U.S. Government requested the Government of Niccaragua to enter into consultations concerning exports to the United States of cotton textiles in Category 9 produced or manufactured in Nicaragua. Public notice of this request was published in the FEDERAL REGISTER on December 18, 1971 (36 F.R. 24097). In that request the U.S. Government indicated the specific level at which it considered that exports in this category from Nicaragua should be restrained for the 12-month period beginning November 30, 1971, and extending through November 29, 1972. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level indicated in that request for the 12-month period beginning November 30, 1971 and extending through November 29, 1972. This restraint does not apply to cotton textiles in Category 9, produced or manufactured in Nicaragua exported to the United States prior to the beginning of the designated 12-month period.

There is published below a letter of January 28, 1972, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textiles in Category 9, produced or manufactured in Nicaragua, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning November 30, 1971, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 22026.

JANUARY 28, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning November 30, 1971, and extending through November 29, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles in Category 9, produced or manufactured in Nicaragua, in excess of a level of restraint for the period of 800,000 square yards.[1]

Entries of cotton textiles in Category 9, produced or manufactured in Nicaragua and which have been exported to the United States from Nicaragua prior to November 30, 1971, shall not be subject to this directive.

Cotton textiles in Category 9 which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of Category 9, in terms of T.S.U.S.A. numbers, was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Nicaragua and with respect to imports of cotton textiles from Nicaragua have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.72-1510 Filed 2-1-72;8:49 am]

[1] This level has not been adjusted to reflect any entries made on or after Nov. 30, 1971.

NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

FIRE PREVENTION AND CONTROL

Notice of Hearing

The National Comission on Fire Prevention and Control will hold its first hearing on February 15–17, 1972, at the Old Senate Office Building, Room 318, "Caucus Room" at the corner of First Street and Constitution Avenue, Washington, DC.

The first hearing is organized to receive a national cross-section of testimony and provide public information about the fire problem. Losses from destructive fire cost our country over 12,000 lives and $2.5 billion in property damage in 1970. There were approximately 40 injuries for each life lost.

HOWARD D. TIPTON,
Executive Director.

[FR Doc.72-1517 Filed 2-1-72;8:50 am]

OFFICE OF EMERGENCY PREPAREDNESS

ARKANSAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on January 27, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Arkansas from severe storms and flooding, beginning about December 9, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Arkansas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

V 37 7-2 FEB 2 7 2 XUM

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended) I hereby appoint Mr. George E. Hastings, Regional Director, OEP Region 6, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Arkansas to have been adversely affected by this declared major disaster:

The counties of:

Baxter.	Madison.
Boone.	Marion.
Carroll.	Miller.
Conway.	Montgomery.
Crawford.	Newton.
Franklin.	Perry.
Fulton.	Polk.
Hempstead.	Scott.
Howard.	Sebastian.
Izard.	Sevier.
Johnson.	Stone.
Little River.	Yell.
Logan.	

Dated: January 28, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-1476 Filed 2-1-72;8:46 am]

TEXAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on January 27, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Texas from heavy rains and flooding, beginning about December 3, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Texas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. George E. Hastings, Regional Director, OEP Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Texas to have been adversely affected by this declared major disaster:

The counties of:

Bowie.	Lamar.
Delta.	Rains.
Fannin.	Red River.

Dated: January 28, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-1477 Filed 2-1-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 872; Class B]

ALABAMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of Alabama;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in Dale and Henry Counties, Ala., suffered damage or destruction resulting from a tornado on January 13, 1972.

OFFICE

Small Business Administration District Office, 908 South 20th Street, Birmingham, AL 35205.

2. A temporary office will be established in the Army Community Center, Building 8746, Fort Rucker, Ala.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1972.

Dated: January 18, 1972.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-1497 Filed 2-1-72;8:48 am]

[Declaration of Disaster Loan Area 871; Class B]

OKLAHOMA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to homes and business property located in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Tulsa, Wagomer, Sequoyah, Le Flore, Hackell, Latimer, McCurtain, Choctaw, Bryan, Atoka, Pittsburg, and Pushmataha Counties, Okla., suffered damage or destruction resulting from severe storms and floods on December 9, 1971.

OFFICE

Small Business Administration District Office, 30 North Hudson, Oklahoma City, OK 73102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1972.

Dated: January 17, 1972.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-1498 Filed 2-1-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 28, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 26525, Chicago, Milwaukee, St. Paul & Pacific R.R. Co.—Trackage Rights— Louisville & Nashville R.R. Co. Between Bedford, Ind., & New Albany, Ind., Also Over Kentucky & Indiana Terminal Railroad Co., Between New Albany, Ind. & Louisville, Ky. FD 26526, Chicago, Milwaukee, St. Paul & Pacific R.R. Co., Assumption of Obligation and Liability, & FD 26887, Chicago, Milwaukee, St. Paul & Pacific R.R. Co., & Kentucky & Indiana R.R. Co.—Joint Use of Terminal—Louisville, Ky., now being assigned continued hearing on February 23, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-11122, Duff Truck Line, Inc.—Purchase—Vernon R. Doering, doing business as Michigan Ohio Motor Freight, assigned for hearing March 13, 1972, at Columbus, Ohio, in a hearing room to be later designated.

MC 2900 Sub 215, Ryder Truck Lines, Inc., assigned for hearing March 7, 1972, at Columbus, Ohio, in a hearing room to be later designated.

MC 124221 Sub 34, Howard Baer, assigned for hearing March 9, 1972, at Columbus, Ohio, in a hearing room to be later designated.

MC 135524 Sub 2, G. F. Trucking, Inc., assigned for hearing March 6, 1972, at Columbus, Ohio, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1535 Filed 2-1-72;8:51 am]

[Notice 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 28, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-10343 (Deviation No. 18), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Post Office Box 250, Chillicothe, MO 64601, filed January 20, 1972. Carrier's representative: Frank W. Taylor, Jr., 121 Baltimore Avenue, Kansas City, MO 64105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Cameron, Mo., over Interstate Highway 35 to junction Missouri Highway 6, thence over Missouri Highway 6 to Trenton, Mo., (2) from Macomb, Ill., over U.S. Highway 136 to junction Illinois Highway 41, thence over Illinois Highway 41 to junction U.S. Highway 150, thence over U.S. Highway 150 to junction Illinois Highway 17 near Alpha, Ill., and (3) from Peru, Ill., over U.S. Highway 51 to junction Interstate Highway 55, thence over Interstate Highway 55 to St. Louis, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Kansas City, Mo., over U.S. Highway 69 to junction U.S. Highway 36, thence over U.S. Highway 36 to Chillicothe, Mo., thence over U.S. Highway 65 to Trenton, Mo., (2) from Macomb, Ill., over U.S. Highway 67 to junction Illinois Highway 17, thence over Illinois Highway 17 to junction U.S. Highway 150, and (3) from Peru, Ill., over U.S. Highway 6 to junction U.S. Highway 34, thence over U.S. Highway 34 to Monmouth, Ill., thence over U.S. Highway 67 to St. Louis, Mo., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1532 Filed 2-1-72;8:50 am]

[Notice 7]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 28, 1972.

The following publications are governed by the new Special Rule § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 123639 (Sub-No. 144), filed January 3, 1972. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts or skins, or pieces thereof*, green, salted, or chromed, *switches or tails, cattle or horse*, green, salted, or chromed, restricted against the transportation of commodities requiring temperature control, between points in Missouri, Iowa, Kansas, Nebraska, Colorado, Minnesota, Utah, Wyoming, Montana, North Dakota, South Dakota, Wisconsin, Indiana, Illinois, Michigan, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Texas, Louisiana, Tennessee, Oklahoma, Mississippi, Virginia, Maryland, New Hampshire, California, Nevada, New Jersey, Kentucky, West Virginia, Maine, and Georgia. NOTE: Applicant states that the authority sought could be tacked with applicant's Sub 107 and 110 at Denver, Colo., and Guymon, Okla., respectively to provide through service to points in Arizona. Applicant does not seek duplicate authority. Hearing: March 2, 1972, Room 812, Federal Office Building, 106 South 15th Street, Omaha, NE.

No. MC 116886 (Sub-No. 41) (Republication), filed April 12, 1971, published in the FEDERAL REGISTER issue of April 29, 1971, and republished this issue. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, VA 24014. Applicant's representative: R. R. Rush, 300 Shenandoah Building, Post Office Box 614, Roanoke, VA 24004. A report and order of the Commission, Review Board No. 4, decided January 20, 1972, and served January 25, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foodstuffs, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Columbus and Dayton, Ohio, to points in Ohio. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117940 (Sub-No. 20) (Republication), filed May 18, 1970, published in the FEDERAL REGISTER issue of June 11, 1970, and republished this issue. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. A report and recommended order of the Hearing Examiner, of November 30, 1971, which was made effective December 30, 1971, and notice was served January 13, 1972, finds; that the present and future public convenience and necessity require operation by Nationwide Carriers, Inc., in interstate or foreign commerce, as a common carrier by motor vehicle over irregular

FEB 2 7 2 XUM

routes, of (A) meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses, as described in sections A, B, and C, of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), and frozen foods, from Austin, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the plantsite and storage facilities of or used by Geo. A. Hormel & Co., at Austin, Minn., and destined to points in the specified destination territory; and (B) (1) edible meats, glands, canned goods, tails, animal and vegetable oils, and vegetable oil shortening (except commodities in bulk), in vehicles equipped for mechanical refrigeration, from Eau Claire, Wis., Worthington, Minn., and points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, including Minneapolis and St. Paul, Minn., to points in the destination territory set forth in (3) below;

(2) Dairy products (except commodities in bulk), in vehicles equipped for mechanical refrigeration, from points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, including Minneapolis and St. Paul, Minn., St. Cloud, St. Charles, Worthington, Albert Lea, Faribault, and Twin Lakes, Minn., and Portage, Marshfield, and Monroe, Wis., to points in the destination territory specified in (3) below; and (3) canned and frozen foods, in vehicles equipped for mechanical refrigeration, from Fairmont, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, subject to the limitation that the authority granted in (B) (1), (2), and (3) above, is restricted to the transportation of traffic originating at the plant and storage facilities of or used by Armour and Co. at the named origin points and destined to points in the specified destination territory and subject to the further provision that, to the extent the authority granted in (A) and (B) above duplicates that heretofore granted to or now held by applicant, it shall not be construed as conferring more than a single operating right. That because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice that the authority granted in this proceeding a notice of the authority granted will be published in the FEDERAL REGISTER and issuance of a certificate will be withheld for a period of 30 days from the date of such publication, during which period any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which he has been so prejudiced.

No. MC 135424 (Sub-No. 2) (Republication), filed May 27, 1971, published in the FEDERAL REGISTER issue of July 1, 1971, and republished this issue. Applicant: CONNOLLY CARTAGE CORP., Post Office Box 3660, Saint Paul, MN 55165. Applicant's representative: William S. Rosen, 630 Osborn Building, Saint Paul, Minn. 55102. An order of the Commission, Operating Rights Board, dated November 22, 1971, and served December 6, 1971, finds: the present and future public convenience and necessity require operation by applicant, in interstate and foreign commerce, as a common carrier by motor vehicle, over irregular routes, of paper and paper products, from the plantsite of International Paper Co., at Arden Hills, Minn., to points in Iowa, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of traffic originating at the named origin points, and destined to points in the named destination States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued subject to the conditions that (1) the person or persons who control the operations both of applicant and any other carrier operating in interstate or foreign commerce shall first obtain approval of such control under the provisions of section 5(c) of the Act, or if such approval is not needed, shall so inform the Commission by appropriate affidavit. (2) That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 65941 (Sub-No. 36), filed January 3, 1972. Applicant: TOWER LINES, INC., Post Office Box 6010, Wheeling, WV 26003. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those which because of size or weight require the use of special equipment), between Martins Ferry, Ohio (excluding that portion of West Virginia in the Martins Ferry, Ohio, commercial zone), on the one hand, and, on the other, points in Ohio. NOTE: Applicant states that the requested authority can be tacked with its presently held authority MC 65941 and its Sub 13. No duplicating authority is sought and applicant has no objections to appropriate restrictions. The instant application is a matter directly related to MC-F-11423, published in the FEDERAL REGISTER issue of January 12, 1972. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11410 (SIGNAL DELIVERY SERVICE, INC.—Purchase—BE-RITE DELIVERY SERVICE, INC.), published in the December 30, 1971, issue of the FEDERAL REGISTER on page 2570. Application filed January 21, 1972, for temporary authority under section 210a(b).

No. MC-F-11434 (Correction), (WHITE'S DELIVERY SERVICE, INC.—Purchase (Portion)—A.E.F. TRANSPORTATION, INC.), published in the January 19, 1972, issue of the FEDERAL REGISTER on page 835. Prior notice should be modified to read, MC-136322, is a matter directly related.

No. MC-F-11440. Authority sought for purchase by CENTRALIA CARTAGE CO., 650 West Noleman Street, Centralia, IL 62801, of the operating rights and property of MARIE MORRIS, doing business as VANDALIA TRANSFER CO., Vandalia, Ill., and for acquisition by RALPH H. SPREHE and FORREST D. SPREHE, both of Centralia, Ill. 62801, of control of such rights and property through the purchase. Applicants' attorney: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between St. Elmo, Ill., and St. Louis, Mo., serving intermediate points on U.S. Highway 40 between Greenville and St. Elmo, Ill., including Greenville, intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission, without restriction, and off-route points within 10 miles of Vandalia, Ill., restricted to livestock, between Mulberry Grove, Ill., and St. Louis, Mo., serving intermediate and off-route points within 10 miles of Mulberry Grove, between Pierron, Ill., and St. Louis, Mo., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined

by the Commission, and those within 15 miles of Pierron; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, from St. Louis, Mo., to Strasburg, Ill., and points within 25 miles of Strasburg; *agricultural commodities*, from Strasburg, Ill., and points within 25 miles of Strasburg, to St. Louis, Mo.; *agricultural implements and machinery*, between St. Louis, Mo., on the one hand, and, on the other, points in Fayette County, Ill. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, and Missouri. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-13235 Sub 19 is a matter directly related.

No. MC-F-11441. Authority sought for control by U.S. TRUCK LINES, INC. OF DELAWARE, 1602 Union Commerce Building, Cleveland, Ohio 44115, of BE-MAC TRANSPORT COMPANY, INC., 7400 North Broadway, St. Louis, MO 63147. Applicants' attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60604. Operating rights sought to be controlled: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Clinton and Hobart, Okla., between Oklahoma City and Altus, Okla., between Chickasha and Lawton, Okla., between Joplin, Mo., and Davis, Okla., between Muskogee and Webbers Falls, Okla., between Sapulpa and Oklahoma City, Okla., between Oklahoma City and Ardmore, Okla., between Pauls Valley and Lindsay, Okla., between St. Louis, Mo., and Oklahoma City, Okla., between St. Louis, Mo., and Elk City, Okla., with restriction, between St. Louis, Mo., and Chicago, Ill., between St. Louis, Mo., and Beloit, Wis., between Bloomington and Chicago, Ill., between Rockford and Freeport, Ill., between Godfrey, Ill., and St. Louis, Mo., between Peoria and Bloomington, Ill., between Wenona, Ill., and junction U.S. Highways 51 and 6, near La Salle, Ill., with restriction, between Springfield and Joplin, Mo., between St. Charles and St. Louis, Mo., serving all intermediate points, and all off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, between Springfield and Decatur, Ill., between Decatur and Bloomington, Ill., serving no intermediate points, between Lincoln and Morton, Ill., serving no intermediate points and serving the termini for joinder purposes only, between Rockford and Belvidere, Ill., serving all intermediate points, and the off-route points of Woodstock and Union, Ill., between Rockford and Richmond, Ill., serving all intermediate points, and the off-route points of Woodstock and Union, Ill., between Chicago, Ill., and Grand Rapids, Mich., serving all intermediate points, and the off-route points of Woodstock, Ill., and those in Cook, Will, Du Page, Lake, and Kane Counties, Ill., the site of the Upjohn Co. plant located approximately 4½ miles southeast of Kalamazoo, Mich., and those within 2 miles of Kalamazoo, between junction U.S. Highway 31 and Allegan County Highway at Saugatuck, Mich., and junction unnumbered highway and U.S. Highway 31, approximately 4 miles south of Holland, Mich., serving all intermediate points, over numerous alternate routes for operating convenience only;

Petroleum products, from Wood River, Ill., to St. Louis, Mo.; *refinery equipment*, from St. Louis, Mo., to Wood River, Ill.; *fresh fruits and vegetables*, from junction Redman Avenue and Old Halls Ferry Road, and junction Jennings Station Road and Halls Ferry Road, in St. Louis County, Mo., to Chicago, Ill.; *frozen fruits, frozen berries, and frozen vegetables*, over irregular routes, from Chicago, Ill., to points in the Lower Peninsula of Michigan. U.S. TRUCK LINES, INC. OF DELAWARE holds no authority from this Commission. However, it is affiliated with (1) BROWN EXPRESS, INC., 428 South Main Avenue, San Antonio, TX, and (2) CENTRAL TRUCK LINES, INC., 3825 Henderson Boulevard, Post Office Box 18464, Tampa, FL 33609, (3) THE CLEVELAND, COLUMBUS & CINCINNATI HIGHWAY, INC., 215 Euclid Avenue, Cleveland, OH 44114, (4) MOTOR EXPRESS, INC. OF INDIANA, 730 South Keystone Avenue, Indianapolis, IN 46203, (5) MOTOR EXPRESS, INC. OF NEW JERSEY, 327 South La Salle Street, Chicago, IL 60604, (6) MOTOR EXPRESS, INC. OF OHIO, 410 Lincoln Building, Cleveland, OH 44114, and (7) NATIONAL TANK TRUCK DELIVERY, INC., 85 East Gay Street, Columbus, OH 43215, which are authorized to operate as *common carriers* in (1) Texas, (2) Georgia, Florida, Louisiana, Alabama, Ohio, Tennessee, and Kentucky, (3) Ohio, Michigan, Indiana, and West Virginia, (4) Indiana, Illinois, Wisconsin, and Ohio, (5) Illinois and Indiana, (6) Ohio, Pennsylvania, West Virginia, and New York; and (7) which is authorized to operate as a *contract carrier* in Ohio, Kentucky, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11442. Authority sought for purchase by K. G. MOORE, INC., 16 Progress Avenue, Nashua, NH, of the operating rights of FLEMING'S EXPRESS, INC., U.S. Highway 1, Wrentham, Mass. 02093, and for acquisition by WALTER W. ANDERSON, 1 Ayer Road, Nashua, NH 03060, ROBERT F. ANDERSON, JR., 37 Woodruff Road, Walpole, MA 02081, and SIDNEY J. ANDERSON, 42 Bonham Road, Dedham, MA 02026, of control of such rights through the purchase. Applicants' attorney: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, MA 01960. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Philadelphia, Pa., and Trenton, N.J., serving no intermediate points; *flowers, shrubs, and greenhouse and plant nursery products*, from Yardley and Morrisville, Pa., to New York, N.Y.; *seeds, plant bulbs, florists' supplies, and materials, supplies, and equipment*, used or useful in the operation of greenhouses and plant nurseries, from New York, N.Y., to Morrisville and Yardley, Pa.; *flowers, shrubs, and greenhouse and plant nursery products*, over irregular routes, between Madison, N.J., on the one hand, and, on the other, Cranbury, N.J., and points in the above-specified Pennsylvania territory; *seeds, plant bulbs, florists' supplies and materials, supplies, and equipment* used or useful in the operation of greenhouses and plant nurseries, from New York, N.Y., and Cranbury, N.J., to Madison, N.J.; *fruits, farm produce, seafood, poultry, groceries, and empty containers*, between Philadelphia, Pa., on the one hand, and, on the other, Camden, N.J., and New York, N.Y.;

Antimony lead, waste and scrap materials, crude rubber, lubricating oil in containers, and *groceries*, between Boston, Mass., on the one hand, and, on the other, Newark, Perth Amboy, Carteret, and Butler, N.J., and points in Connecticut, Massachusetts, Rhode Island, and the New York, N.Y., commercial zone, as defined by the Commission; *oil*, in containers, and *empty oil containers*, between Boston, Mass., on the one hand, and, on the other, points in New Hampshire; *groceries, packinghouse products, and dairy products*, from Boston, Mass., to Manchester and Nashua, N.H., and points in Massachusetts within 60 miles of Boston, between Boston, Mass., on the one hand, and, on the other, Pawtucket and Providence, R.I.; *household goods* as defined by the Commission, between Boston, Mass., on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, between certain specified points in Massachusetts on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; *such commodities* as are dealt in by retail furniture and department stores when transported on the delivery instructions of such stores, from Boston, Mass., to points in Vermont, New Hampshire, Maine, Rhode Island, and Connecticut; *uncrated new furniture* when transported on the delivery instructions of a retail furniture or department store, from Portland, Maine, to points in Massachusetts, Connecticut, Rhode Island, Vermont, and New Hampshire;

Refrigerators, refrigerating units, ranges, washing machines, water coolers, water-cooling equipment, electrical appliances, air-conditioning units, and display and show materials pertaining to such commodities, between Boston, Mass., and points within 25 miles of Boston, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont; *commodities specified immediately above, or materials pertaining thereto* when solely for display and show purposes, between

FEB 2 7 2

Boston, Mass., and points within 25 miles of Boston, on the one hand, and, on the other, points in New Hampshire; *new furniture*, crated and uncrated, other than new furniture included in household goods description as defined by the Commission, from Boston, Mass., to points in Massachusetts and New Hampshire; *new furniture*, between Nashua, N.H., and Boston, Mass., and points within 5 miles of Boston, on the one hand, and, on the other, Baltimore, Md., Washington, D.C., Richmond, Va., points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont, those in Pennsylvania within 25 miles of Philadelphia, Pa., including Philadelphia, and those in New York within 20 miles of New York, N.Y., including New York, N.Y.; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 25 miles of Boston; *frozen prepared foods, and fish* (including shellfish), when moving at the same time and in the same vehicle with frozen prepared foods, from Gloucester and Boston, Mass., to certain specified points in New York, with restriction. Vendee is authorized to operate as a common carrier in Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11443. Authority sought for purchase by GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul, MN 55113, of the operating rights of PICK UP AND DELIVERY, INC. (NATHAN YORKE, ASSIGNEE FOR THE BENEFIT OF CREDITORS), 3250 South Western Avenue, Chicago, IL 60608, and for acquisition by W. A. GLENDENNING, also of St. Paul, Minn. 55113, of control of such rights through the purchase. Applicants' attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–97736 Sub No. 2, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Iowa, South Dakota, Minnesota, Illinois, Wisconsin, North Dakota, Nebraska, Indiana, and Michigan. Application has been filed for temporary authority under section 210a(b). NOTE: MC–43415 Sub No. 53, is a matter directly related.

No. MC–F–11444. Authority sought for purchase by IML FREIGHT, INC., 2175 South 3270 West, Post Office Box 2277, Salt Lake City, UT 84110, of a portion of the operating rights of BARTON LYMAN, doing business as LYMAN TRUCK LINE, Post Office Box 377, Blanding UT 84511, and for acquisition by GATES CORPORATION, 999 South Broadway, Denver, CO, of control of such rights through the purchase. Applicants' attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, IL. 60603. Operating rights sought to be transferred: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities which by reason of size or weight require the use of special equipment, as a *common carrier* over regular routes, between Phoenix and Fredonia, Ariz., serving the intermediate point of Flagstaff, Ariz., and the off-route point of Tuba City, Ariz., with restriction; *general commodities*, except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading between Cedar City and Kanab, Utah, serving all intermediate points, and the off-route points of Hurricane and Mount Carmel, Utah, between Kanab and Fredonia, Ariz., serving no intermediate points; *general commodities*, except those of unusual value, commodities requiring special equipment, livestock, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, over irregular routes, between Kanab, Utah, on the one hand, and, on the other, Glen Canyon dam site in Arizona (on the Colorado River near the Arizona-Utah State line) and points within 10 miles thereof; *general commodities*, except classes A and B explosives, livestock, wool, mohair, lumber, ore, sawmill and mining machinery, supplies, and equipment, household goods as defined by the Commission, and those requiring special equipment, between Fredonia, Ariz., on the one hand, and, on the other, points in Arizona within 50 miles of Fredonia. Vendee is authorized to operate as a *common carrier* in Colorado, Utah, Wyoming, Nevada, Nebraska, California, Illinois, Iowa, Idaho, Arizona, Oregon, Kansas, Missouri, Washington, Ohio, Kentucky, Indiana, Massachusetts, New York, New Jersey, Pennsylvania, Connecticut, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11445. Authority sought for purchase by ASHWORTH TRANSFER, INC., 1526 South Sixth West Street, Salt Lake City, Utah, of the operating rights of WESTATES TRANSPORTATION CO., 2450 Orange Avenue, Long Beach, CA, and for acquisition by R. GLEN ASHWORTH and R. CLYDE ASHWORTH both of 1526 South Sixth West, Salt Lake City, Utah, of control of such rights through the purchase. Applicants' attorney: F. Robert Reeder, 520 Kearns Building, Salt Lake City, Utah 84101. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operations, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier* over irregular routes, between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, Wilmington, Calif., and points within 35 miles of Wilmington, and under a certificate of registration in Docket No. MC–68493 Sub 6, covering the transportation of property, in interstate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in Montana, Nevada, Utah, Wyoming, Arizona, Colorado, Idaho, New Mexico, California, Oregon, Nebraska, Kansas, Missouri, Iowa, South Dakota, and Washington. Application has been filed for temporary authority under section 210a(b). NOTE: MC–1872 Sub 78, is a matter directly related.

No. MC–F–11446. Authority sought for control by INTERNATIONAL UTILITIES OF THE U.S., INC., a noncarrier, 1500 Walnut Street, Philadelphia, PA 19102, of PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, CA 94612, and for acquisition by INTERNATIONAL UTILITIES CORPORATION, The Wilmington Tower, Wilmington, Del. 19801, of control of PACIFIC INTERMOUNTAIN EXPRESS CO., through the acquisition by INTERNATIONAL UTILITIES OF THE U.S., INC. Applicants' attorneys: Roland Rice, 618 Perpetual Building, Washington, D.C. 20004, and H. B. Chadwick, 1500 Walnut Street, Philadelphia, PA 19102. Operating rights sought to be controlled: General commodities, with certain specified exceptions and numerous other specified commodities, as a common carrier, over regular and irregular routes, from, to, and between specified points in the United States (except Alaska and Hawaii), with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–730 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full, the entirety, thereof. INTERNATIONAL UTILITIES OF THE U.S., INC., holds no authority from this Commission. However, its controlling stockholder controls RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203, which is authorized to operate as a *common carrier* in Ohio, Tennessee, Georgia, Alabama, Missouri, Kentucky, Illinois, Indiana, Wisconsin, North Carolina, Virginia, South Carolina, Florida, Louisiana, Texas, Mississippi, California, Arizona, Arkansas, Colorado, Delaware, Pennsylvania, New Jersey, Rhode Island, Connecticut, Massachusetts, West Virginia, Michigan, Maryland, New York, and the District of Columbia and CHEMICAL LEAMAN TANK LINES, INC., 520 Lancaster Avenue, Downingtown, PA 19335, which is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a

(b). NOTE: Accompanying the application is a motion to dismiss.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–1533 Filed 2–1–72;8:50 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 28, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Texas Docket Number (not shown), filed December 16, 1971. Applicant: CENTRAL FREIGHT LINES, INC., 303 South 12th, Waco, TX. Applicant's representative: Phillip Robinson, Post Office Box 2207, Austin, TX 78767. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) between Bonham, Tex., and Greenville, Tex., as follows: From Bonham, Tex., over U.S. Highway 82 to Paris, Tex., thence over Texas Highway 19 via Sulphur Springs, Tex., to its junction with Interstate Highway 30, thence over Interstate Highway 30 to its junction with Texas Highway 24 and U.S. Highway 69, thence over Texas Highway 24 and U.S. Highway 69 to Greenville, Tex., and return over the same route, serving the terminal and all intermediate points and the off-route points of Cumby and Campbell, Tex.; (2) between Greenville, Tex., and Honey Grove, Tex., as follows: From Greenville, Tex., over Texas Highway 34 to Honey Grove, Tex., and return over the same route, serving the termini and all intermediate points; (3) between Greenville, Tex., and junction Texas Highway 24 and Texas Highway 19, as follows: From Greenville, Tex., over Texas Highway 24 to junction Texas Highway 24 and Texas Highway 19, and return over the same route, serving the termini and all intermediate points; (4) between Ladonia, Tex., and Sulphur Springs, Tex., as follows: From Ladonia, Tex., over Texas Highway 50 to junction Texas Highway 24, thence over Texas Highway 24 to Commerce, thence over Texas Highway 11 to Sulphur Springs, Tex., and return over the same route, serving the termini and all intermediate points; (5) between junction Texas Highway 24 and Texas Highway 154 and junction Texas Highway 154 and Interstate Highway 30, as follows: From junction Texas Highway 24 and Texas Highway 154 over Texas Highway 154 to junction Texas Highway 154 and Interstate Highway 30, and return over the same route, serving the termini and all intermediate points;

(6) Between Commerce, Tex., and junction of Texas Highway 50 and Interstate Highway 30, as follows: From Commerce, Tex., over Texas Highway 50 to junction Texas Highway 50 and Interstate Highway 30, and return over the same route, serving the termini and all intermediate points; (7) between junction Texas Highway 19 and Interstate Highway 30 and Canton, Tex., as follows: From junction Texas Highway 19 and Interstate Highway 30 over Texas Highway 19 to Canton, Tex., and return over the same route, serving the termini and all intermediate points; (8) between junction Texas Highway 19 and U.S. Highway 80 and Tyler, Tex., as follows: From junction Texas Highway 19 and U.S. Highway 80 over U.S. Highway 80 to Grand Saline, thence over Texas Highway 110 to Tyler, Tex., and return over the same route, serving the termini and all intermediate points; (9) between Dallas, Tex., and Sherman, Tex., as follows: From Dallas, Tex., over Texas Highway 66 to Greenville, Tex., thence over U.S. Highway 69 to junction U.S. Highway 82, thence over U.S. Highway 82 to Sherman, Tex., and return over the same route, serving the termini and all intermediate points; (10) between Bonham, Tex., and Commerce, Tex., as follows: From Bonham, Tex., over Texas Highway 78 to its junction with Texas Highway 11, thence over Texas Highway 11 to Commerce, Tex., and return over the same route, serving the termini and all intermediate points; (11) between junction Interstate Highway 30 and Texas Highway 154, near Sulphur Springs, Tex., and Tyler, Tex., as follows: From junction Interstate Highway 30 and Texas Highway 154, near Sulphur Springs, Tex., over Texas Highway 154 to Quitman, Tex., thence over Texas Highway 37 to Mineola, Tex., thence over U.S. Highway 69 to Tyler, Tex., and return over the same route, serving the termini and no intermediate points. NOTE: Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under certificates Nos. 2627, 2054, 4337, and 4336 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket No. MC–30867 and all subs thereunder. Applicant seeks no duplicate authority. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer 12967, Capitol Station, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2709 (Amendment), filed December 17, 1971. Applicant: BLUEBONNET EXPRESS, INC., 5009 Rusk Avenue, Post Office Box 18205, Houston, TX 77023. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, TX 77002. Certificate of public convenience and necessity sought to amend certificate 2709 to add authority to transport *general commodities* in interstate and intrastate commerce between Houston, Tex., and the plants and facilities of Dow Chemical Co. at and near Freeport, Tex., over State Highway 288 via Angleton and over State Highways 35 and 288 via Alvin and Angleton, serving no intermediate points on either route, restricted to loads not exceeding 2,000 pounds in weight and consisting of not more than two shipments on any vehicle at any one time. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Drawer 12967, Capitol Station, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

Iowa Docket No. H–5072, filed December 30, 1971. Applicant: ARNIE'S MOTOR FREIGHT, INC., 200 Sixth Street NW., Altoona, IA 50009. Applicant's representative: Russell Wilson, 3839 Merle Hay Road, Des Moines, IA. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *freight* and as a single State interstate operator, between Des Moines, Altoona, and Mitchellville, Iowa, and between those points and points presently held by the applicant. Both intrastate and interstate authority sought.

HEARING: Tuesday, April 4, 1972, 10 a.m. at the office of the Commission, Fourth and Walnut, Des Moines, IA. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319 and should not be directed to the Interstate Commerce Commission.

California Docket No. 53096, filed January 14, 1972. Applicant: ACTION DRAYAGE CO., 998 Indiana, San Francisco, CA 94103. Applicant's representative: Raymond A. Greene, 405 Montgomery Street, Suite 1400, San Francisco, CA 94103. Certificate of public convenience and necessity sought to operate a freight service as follows: *General commodities*, except as hereinafter provided: (A) Between all points and places in the San Francisco Territory, which is described as follows: San Francisco Territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line

1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101;

Northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road) northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning; (B) between all points on or within 5 miles of the following routes: (1) State Highway 24 between its intersection with Interstate Highway 80 and its intersection with Interstate Highway 680, inclusive; (2) Interstate Highway 680 between its intersection with State Highway 24 at Walnut Creek and its intersection with State Highway 24 below Willow Pass Road, inclusive;

(3) State Highway 24 between its intersection with Interstate Highway 680 below Willow Pass Road and its intersection with Willow Pass Road to Concord, inclusive; (4) State Highway 24 between its intersection with Interstate Highway 680 below Willow Pass Road and its intersection with Concord Avenue to Concord, inclusive; (5) Interstate Highway 680 between its intersection with State Highway 24 at Walnut Creek and its intersection with U.S. Highway 50, inclusive; (6) U.S. Highway 50 between its intersection with Interstate Highway 680 and its intersection with State Highway 7, inclusive; (7) Interstate Highway 680 between its intersection with U.S. Highway 50 and its intersection with Bernal Avenue, inclusive; (8) Bernal Avenue between its intersection with Interstate Highway 680 and the city of Pleasanton, inclusive; except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) liquids, compressed gases, commodities in semiplastic form and commodities in suspension, in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) commodities when transported in bulk, in dump trucks, or in hopper-type trucks; (6) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) cement; (8) logs; (9) commodities of unusual or extraordinary value.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 72030–CCT, filed January 14, 1972. Applicant: BEE LINE HEAVY HAULERS, INC., 2576 Northwest 72 Street, Miami, FL 33155. Applicant's representative: Richard B. Austin, 5720 Southwest 17th Street, Miami, FL 33155. Certificate of public convenience and necessity sought to operate a freight service as follows: Extension of Florida certificate No. L–9 and corresponding ICC certificate No. MC–120260, so as to authorize transportation, as a heavy hauler, of the commodities involved in said certificate within that part of the State of Florida which lies south and east of a line formed by the Northern and/or Western boundaries of Volusia, Lake, Sumpter, and Pasco Counties, Fla. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–1534 Filed 2–1–72;8:50 am]

[Notice 8]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 28, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73092. By order entered January 25, 1972, the Motor Carrier Board approved the transfer to Clifford D. Ellis II and Charles L. Stellberger, a partnership, doing business as Crested Butte Truck Line, Crested Butte, Colo., of the operating rights set forth in certificate No. MC–98228 (Sub-No. 1), issued October 7, 1963, authorizing the transportation of ore and ore concentrates from Crested Butte to Salida, Colo., serving intermediate and off-route points within 10 miles of Crested Butte; and certificate of Registration No. MC–98228 (Sub-No. 2), issued February 25, 1965, evidencing a rights to engage in transportation in interstate commerce, corresponding in scope to certificate No. PUC 2070 issued by the State of Colorado. F. Lynn French, 110 East Virginia Avenue, Gunnison, CO 81230, attorney for applicants.

No. MC–FC–73378. By order of January 26, 1972, the Motor Carrier Board approved the transfer to Lucille C. Lorsbach, Hardin, Ill., of the operating rights in certificates Nos. MC–95296, MC–95296 (Sub-No. 1), and MC–95296 (Sub-No. 2) issued June 16, 1941, May 6, 1942, and October 10, 1950, respectively, to Paul Lorsbach, Hardin, Ill., authorizing the transportation of livestock, agricultural commodities, household goods, general commodities, fruit, and general commodities, with exceptions, from and to, and between specified points and areas in Illinois and Missouri. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–1536 Filed 2–1–72;8:51 am]

[Notice 8–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73072. By order of January 26, 1972, Appellate Division 3, approved the transfer to Malcolm Melin, doing business as Melin Trucking, Hartford, S. Dak., of Permit No. MC–117775 (Sub-No. 1), issued April 22, 1959, to Lyle Denevan, Sioux Falls, S. Dak., authorizing the transportation of: Dairy products and orange beverages, and equipment, etc., used in connection therewith, between points in South Dakota, Iowa, Minnesota, and Nebraska. Marvin K. Bailin, Attorney, 509 South Dakota Avenue, Sioux Falls, SD 57102.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–1537 Filed 2–1–72;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR — Page

PROCLAMATIONS:
- 2761A (see Proc. 4102) — 2417
- 2929 (see Proc. 4102) — 2417
- 3140 (see Proc. 4102) — 2417
- 3967 (see Proc. 4102) — 2417
- 4102 — 2417
- 4103 — 2489

EXECUTIVE ORDERS:
- 11248 (amended by EO 11641) — 2421
- 11641 — 2421

5 CFR
- 213 — 2423, 2491

6 CFR
- 101 — 2491
- 102 — 2478
- 200 — 2479
- 311 — 2480

7 CFR
- 501 — 2423
- 502 — 2424
- 706 — 2491
- 726 — 2496
- 910 — 2426
- 1065 — 2497

PROPOSED RULES:
- 982 — 2515
- 993 — 2515

9 CFR
- 11 — 2426
- 82 — 2429, 2498
- 97 — 2430
- 113 — 2430

12 CFR

PROPOSED RULES:
- 529 — 2447

14 CFR — Page
- 39 — 2498
- 73 — 2499
- 75 — 2499, 2500
- 121 — 2500
- 241 — 2501

PROPOSED RULES:
- 61 — 2523
- 67 — 2523
- 71 — 2524
- 121 — 2523
- 127 — 2523
- 183 — 2523

15 CFR
- 377 — 2430

16 CFR

PROPOSED RULES:
- 432 — 2454

18 CFR
- 2 — 2502

PROPOSED RULES:
- 101 — 2451
- 104 — 2451
- 105 — 2451
- 141 — 2451
- 260 — 2451

19 CFR
- 12 — 2430

PROPOSED RULES:
- 1 — 2443
- 11 — 2509
- 134 — 2509

20 CFR
- 614 — 2434
- 617 — 2434

21 CFR — Page
- 3 — 2503
- 121 — 2437
- 149a — 2438

PROPOSED RULES:
- 135 — 2444

22 CFR
- 41 — 2439

24 CFR
- 1914 — 2505
- 1915 — 2505

25 CFR
- 221 — 2506

26 CFR
- 1 — 2506
- 301 — 2481, 2506

29 CFR
- 1904 — 2439

PROPOSED RULES:
- 460 — 2443
- 1926 — 2443

31 CFR
- 316 — 2554

32A CFR
- Ch. X: OI Reg. 1 — 2439

33 CFR

PROPOSED RULES:
- 110 — 2446, 2447
- 117 — 2521, 2522

VOL 37 NO 22 FEB 2 72 XUM

37 CFR	Page
PROPOSED RULES:	
1	2520
39 CFR	
Ch. I	2423
40 CFR	
85	2432
106	2433
41 CFR	
5A–8	2507
5A–73	2441
8–14	2508
8–74	2508
45 CFR	
PROPOSED RULES:	
220	2445
222	2445
47 CFR	
PROPOSED RULES:	
73	2524
81	2524
50 CFR	
33	2441, 2502
280	2516

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2

federal register

WEDNESDAY, FEBRUARY 2, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 22

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

■

U.S. SAVINGS BONDS, SERIES E

Dept. Circular No. 653, 8th Rev., 2d Supp.

FEB 2 72 XUM

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

The tables to Department Circular No. 653, Eighth Revision, dated December 12, 1969, as amended (31 CFR Part 316), are hereby supplemented by the addition of Tables 5–A, 6–A, 26–A, 27–A, 28–A, 29–A, 73–A, and 74–A, as set forth below.

Dated: January 19, 1972.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

TABLE 5–A

BONDS BEARING ISSUE DATE MAY 1, 1942 [1]

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield (annual percentage rate)
Period after second extended maturity (beginning 30 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — THIRD EXTENDED MATURITY PERIOD					(2) From beginning of third extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to third extended maturity
						Percent	*Percent*	*Percent*
First ½ year	[2] (5/1/72)	$51.76	$103.52	$207.04	$1,035.20	$2,070.40	0.00	5.49	5.50
½ to 1 year	(11/1/72)	53.18	106.36	212.72	1,063.60	2,127.20	5.49	5.53	5.50
1 to 1½ years	(5/1/73)	54.65	109.30	218.60	1,093.00	2,186.00	5.51	5.49	5.50
1½ to 2 years	(11/1/73)	56.15	112.30	224.60	1,123.00	2,246.00	5.50	5.49	5.50
2 to 2½ years	(5/1/74)	57.69	115.38	230.76	1,153.80	2,307.60	5.50	5.51	5.50
2½ to 3 years	(11/1/74)	59.28	118.56	237.12	1,185.60	2,371.20	5.50	5.50	5.50
3 to 3½ years	(5/1/75)	60.91	121.82	243.64	1,218.20	2,436.40	5.50	5.48	5.50
3½ to 4 years	(11/1/75)	62.58	125.16	250.32	1,251.60	2,503.20	5.50	5.53	5.50
4 to 4½ years	(5/1/76)	64.31	128.62	257.24	1,286.20	2,572.40	5.50	5.47	5.50
4½ to 5 years	(11/1/76)	66.07	132.14	264.28	1,321.40	2,642.80	5.50	5.51	5.50
5 to 5½ years	(5/1/77)	67.89	135.78	271.56	1,357.80	2,715.60	5.50	5.51	5.50
5½ to 6 years	(11/1/77)	69.76	139.52	279.04	1,395.20	2,790.40	5.50	5.50	5.50
6 to 6½ years	(5/1/78)	71.68	143.36	286.72	1,433.60	2,867.20	5.50	5.50	5.50
6½ to 7 years	(11/1/78)	73.65	147.30	294.60	1,473.00	2,946.00	5.50	5.49	5.50
7 to 7½ years	(5/1/79)	75.67	151.34	302.68	1,513.40	3,026.80	5.50	5.50	5.50
7½ to 8 years	(11/1/79)	77.75	155.50	311.00	1,555.00	3,110.00	5.50	5.50	5.50
8 to 8½ years	(5/1/80)	79.89	159.78	319.56	1,597.80	3,195.60	5.50	5.51	5.50
8½ to 9 years	(11/1/80)	82.09	164.18	328.36	1,641.80	3,283.60	5.50	5.51	5.50
9 to 9½ years	(5/1/81)	84.35	168.70	337.40	1,687.00	3,374.00	5.50	5.50	5.50
9½ to 10 years	(11/1/81)	86.67	173.34	346.68	1,733.40	3,466.80	5.50	5.49	5.49
THIRD EXTENDED MATURITY VALUE (40 years from issue date)	(5/1/82)	89.05	178.10	356.20	1,781.00	3,562.00	[3] 5.50		[4]

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the third extension begins is different from 5.50 percent.
[2] Month, day, and year on which issues of May 1, 1942, enter each period.
[3] Yield on purchase price from issue date to third extended maturity date is 3.03 percent.

TABLE 6–A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1942 [1]

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield (annual percentage rate)
Period after second extended maturity (beginning 30 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — THIRD EXTENDED MATURITY PERIOD					(2) From beginning of third extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to third extended maturity
						Percent	*Percent*	*Percent*
First ½ year	[2] (6/1/72)	$52.29	$104.58	$209.16	$1,045.80	$2,091.60	0.00	5.51	5.50
½ to 1 year	(12/1/72)	53.73	107.46	214.92	1,074.60	2,149.20	5.51	5.51	5.50
1 to 1½ years	(6/1/73)	55.21	110.42	220.84	1,104.20	2,208.40	5.51	5.47	5.50
1½ to 2 years	(12/1/73)	56.72	113.44	226.88	1,134.40	2,268.80	5.50	5.50	5.50
2 to 2½ years	(6/1/74)	58.28	116.56	233.12	1,165.60	2,331.20	5.50	5.53	5.50
2½ to 3 years	(12/1/74)	59.89	119.78	239.56	1,197.80	2,395.60	5.50	5.48	5.50
3 to 3½ years	(6/1/75)	61.53	123.06	246.12	1,230.60	2,461.20	5.50	5.53	5.50
3½ to 4 years	(12/1/75)	63.23	126.46	252.92	1,264.60	2,529.20	5.50	5.47	5.50
4 to 4½ years	(6/1/76)	64.96	129.92	259.84	1,299.20	2,598.40	5.50	5.51	5.50
4½ to 5 years	(12/1/76)	66.75	133.50	267.00	1,335.00	2,670.00	5.50	5.51	5.50
5 to 5½ years	(6/1/77)	68.59	137.18	274.36	1,371.80	2,743.60	5.50	5.48	5.50
5½ to 6 years	(12/1/77)	70.47	140.94	281.88	1,409.40	2,818.80	5.50	5.51	5.50
6 to 6½ years	(6/1/78)	72.41	144.82	289.64	1,448.20	2,896.40	5.50	5.50	5.50
6½ to 7 years	(12/1/78)	74.40	148.80	297.60	1,488.00	2,976.00	5.50	5.51	5.50
7 to 7½ years	(6/1/79)	76.45	152.90	305.80	1,529.00	3,058.00	5.50	5.49	5.50
7½ to 8 years	(12/1/79)	78.55	157.10	314.20	1,571.00	3,142.00	5.50	5.50	5.50
8 to 8½ years	(6/1/80)	80.71	161.42	322.84	1,614.20	3,228.40	5.50	5.50	5.50
8½ to 9 years	(12/1/80)	82.93	165.86	331.72	1,658.60	3,317.20	5.50	5.50	5.50
9 to 9½ years	(6/1/81)	85.21	170.42	340.84	1,704.20	3,408.40	5.50	5.49	5.50
9½ to 10 years	(12/1/81)	87.55	175.10	350.20	1,751.00	3,502.00	5.50	5.51	5.51
THIRD EXTENDED MATURITY VALUE (40 years from issue date)	(6/1/82)	89.96	179.92	359.84	1,799.20	3,598.40	[3] 5.50		[4]

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the third extension begins is different from 5.50 percent.
[2] Month, day, and year on which issues of June 1, 1942, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield on purchase price from issue date to third extended maturity date is 3.96 percent.

TABLE 26–A

BONDS BEARING ISSUE DATES FROM JANUARY 1 THROUGH APRIL 1, 1982 [1]

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	Approximate investment yield (annual percentage rate)
Period after first extended maturity (beginning 20 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD						(2) From beginning of second extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to second extended maturity
							Percent	*Percent*	*Percent*
First ½ year	[3] (1/1/72)	$38.34	$76.68	$153.36	$306.72	$766.80	$1,533.60	0.00	5.48	5.50
½ to 1 year	(7/1/72)	39.39	78.78	157.56	315.12	787.80	1,575.60	5.48	5.53	5.50
1 to 1½ years	(1/1/73)	40.48	80.96	161.92	323.84	809.60	1,619.20	5.51	5.48	5.50
1½ to 2 years	(7/1/73)	41.59	83.18	166.36	332.72	831.80	1,663.60	5.50	5.48	5.50
2 to 2½ years	(1/1/74)	42.73	85.46	170.92	341.84	854.60	1,709.20	5.49	5.52	5.50
2½ to 3 years	(7/1/74)	43.91	87.82	175.64	351.28	878.20	1,756.40	5.50	5.51	5.50
3 to 3½ years	(1/1/75)	45.12	90.24	180.48	360.96	902.40	1,804.80	5.50	5.50	5.50
3½ to 4 years	(7/1/75)	46.36	92.72	185.44	370.88	927.20	1,854.40	5.50	5.48	5.50
4 to 4½ years	(1/1/76)	47.63	95.26	190.52	381.04	952.60	1,905.20	5.50	5.50	5.50
4½ to 5 years	(7/1/76)	48.94	97.88	195.76	391.52	978.80	1,957.60	5.50	5.52	5.50
5 to 5½ years	(1/1/77)	50.29	100.58	201.16	402.32	1,005.80	2,011.60	5.50	5.49	5.50
5½ to 6 years	(7/1/77)	51.67	103.34	206.68	413.36	1,033.40	2,066.80	5.50	5.50	5.50
6 to 6½ years	(1/1/78)	53.09	106.18	212.36	424.72	1,061.80	2,123.60	5.50	5.50	5.50
6½ to 7 years	(7/1/78)	54.55	109.10	218.20	436.40	1,091.00	2,182.00	5.50	5.50	5.50
7 to 7½ years	(1/1/79)	56.05	112.10	224.20	448.40	1,121.00	2,242.00	5.50	5.50	5.50
7½ to 8 years	(7/1/79)	57.59	115.18	230.36	460.72	1,151.80	2,303.60	5.50	5.52	5.50
8 to 8½ years	(1/1/80)	59.18	118.36	236.72	473.44	1,183.60	2,367.20	5.50	5.51	5.50
8½ to 9 years	(7/1/80)	60.81	121.62	243.24	486.48	1,216.20	2,432.40	5.50	5.49	5.49
9 to 9½ years	(1/1/81)	62.48	124.96	249.92	499.84	1,249.60	2,499.20	5.50	5.51	5.49
9½ to 10 years	(7/1/81)	64.20	128.40	256.80	513.60	1,284.00	2,568.00	5.50	5.48	5.48
SECOND EXTENDED MATURITY VALUE (30 years from issue date)	(1/1/82)	65.96	131.92	263.84	527.68	1,319.20	2,638.40	[4] 5.50		[5]

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the second extension begins is different from 5.50 percent.
[2] Month, day, and year on which issues of Jan. 1, 1952, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield on purchase price from issue date to second extended maturity date is 4.2 percent.

TABLE 27–A

BONDS BEARING ISSUE DATE MAY 1, 1952

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (annual percentage rate)
Period after first extended maturity (beginning 19 years 8 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) From beginning of second extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to second extended maturity
								Percent	*Percent*	*Percent*
First ½ year	[1] (1/1/72)	$38.19	$76.38	$152.76	$305.52	$763.80	$1,527.60	$15,276	0.00	5.50	5.50
½ to 1 year	(7/1/72)	39.24	78.48	156.96	313.92	784.80	1,569.60	15,696	5.50	5.50	5.50
1 to 1½ years	(1/1/73)	40.32	80.64	161.28	322.56	806.40	1,612.80	16,128	5.50	5.51	5.50
1½ to 2 years	(7/1/73)	41.43	82.86	165.72	331.44	828.60	1,657.20	16,572	5.50	5.50	5.50
2 to 2½ years	(1/1/74)	42.57	85.14	170.28	340.56	851.40	1,702.80	17,028	5.50	5.50	5.50
2½ to 3 years	(7/1/74)	43.74	87.48	174.96	349.92	874.80	1,749.60	17,496	5.50	5.49	5.50
3 to 3½ years	(1/1/75)	44.94	89.88	179.76	359.52	898.80	1,797.60	17,976	5.50	5.52	5.50
3½ to 4 years	(7/1/75)	46.18	92.36	184.72	369.44	923.60	1,847.20	18,472	5.50	5.50	5.50
4 to 4½ years	(1/1/76)	47.45	94.90	189.80	379.60	949.00	1,898.00	18,980	5.50	5.48	5.50
4½ to 5 years	(7/1/76)	48.75	97.50	195.00	390.00	975.00	1,950.00	19,500	5.50	5.50	5.50
5 to 5½ years	(1/1/77)	50.09	100.18	200.36	400.72	1,001.80	2,003.60	20,036	5.50	5.51	5.50
5½ to 6 years	(7/1/77)	51.47	102.94	205.88	411.76	1,029.40	2,058.80	20,588	5.50	5.48	5.50
6 to 6½ years	(1/1/78)	52.88	105.76	211.52	423.04	1,057.60	2,115.20	21,152	5.50	5.52	5.50
6½ to 7 years	(7/1/78)	54.34	108.68	217.36	434.72	1,086.80	2,173.60	21,736	5.50	5.48	5.50
7 to 7½ years	(1/1/79)	55.83	111.66	223.32	446.64	1,116.60	2,233.20	22,332	5.50	5.52	5.50
7½ to 8 years	(7/1/79)	57.37	114.74	229.48	458.96	1,147.40	2,294.80	22,948	5.50	5.51	5.50
8 to 8½ years	(1/1/80)	58.95	117.90	235.80	471.60	1,179.00	2,358.00	23,580	5.50	5.50	5.50
8½ to 9 years	(7/1/80)	60.57	121.14	242.28	484.56	1,211.40	2,422.80	24,228	5.50	5.49	5.49
9 to 9½ years	(1/1/81)	62.23	124.46	248.92	497.84	1,244.60	2,489.20	24,892	5.50	5.50	5.49
9½ to 10 years	(7/1/81)	63.94	127.88	255.76	511.52	1,278.80	2,557.60	25,576	5.50	5.51	5.50
SECOND EXTENDED MATURITY VALUE (29 years and 8 months from issue date)	(1/1/82)	65.70	131.40	262.80	525.60	1,314.00	2,628.00	26,280	[2] 5.50		[3]

[1] Month, day, and year on which issues of May 1, 1952, enter each period.
[2] Yield on purchase price from issue date to second extended maturity date is 4.27 percent.

FEB 2 7 72
XUM

TABLE 28–A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH SEPTEMBER 1, 1952 [1]

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (annual percentage rate)		
Period after first extended maturity (beginning 19 years 8 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) From beginning of second extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to second extended maturity
								Percent	*Percent*	*Percent*
First ½ year [2] (2/1/72)	$38.28	$76.56	$153.12	$306.24	$765.60	$1,531.20	$15,312	0.00	5.49	5.50
½ to 1 year (8/1/72)	39.33	78.66	157.32	314.64	786.60	1,573.20	15,732	5.49	5.49	5.50
1 to 1½ years (2/1/73)	40.41	80.82	161.64	323.28	808.20	1,616.40	16,164	5.49	5.54	5.50
1½ to 2 years (8/1/73)	41.53	83.06	166.12	332.24	830.60	1,661.20	16,612	5.51	5.49	5.50
2 to 2½ years (2/1/74)	42.67	85.34	170.68	341.36	853.40	1,706.80	17,068	5.50	5.48	5.50
2½ to 3 years (8/1/74)	43.84	87.68	175.36	350.72	876.80	1,753.60	17,536	5.50	5.52	5.50
3 to 3½ years (2/1/75)	45.05	90.10	180.20	360.40	901.00	1,802.00	18,020	5.50	5.50	5.50
3½ to 4 years (8/1/75)	46.29	92.58	185.16	370.32	925.80	1,851.60	18,516	5.50	5.49	5.50
4 to 4½ years (2/1/76)	47.56	95.12	190.24	380.48	951.20	1,902.40	19,024	5.50	5.51	5.50
4½ to 5 years (8/1/76)	48.87	97.74	195.48	390.96	977.40	1,954.80	19,548	5.50	5.48	5.50
5 to 5½ years (2/1/77)	50.21	100.42	200.84	401.68	1,004.20	2,008.40	20,084	5.50	5.50	5.50
5½ to 6 years (8/1/77)	51.59	103.18	206.36	412.72	1,031.80	2,063.60	20,636	5.50	5.50	5.50
6 to 6½ years (2/1/78)	53.01	106.02	212.04	424.08	1,060.20	2,120.40	21,204	5.50	5.51	5.50
6½ to 7 years (8/1/78)	54.47	108.94	217.88	435.76	1,089.40	2,178.80	21,788	5.50	5.50	5.50
7 to 7½ years (2/1/79)	55.97	111.94	223.88	447.76	1,119.40	2,238.80	22,388	5.50	5.47	5.50
7½ to 8 years (8/1/79)	57.50	115.00	230.00	460.00	1,150.00	2,300.00	23,000	5.50	5.53	5.50
8 to 8½ years (2/1/80)	59.09	118.18	236.36	472.72	1,181.80	2,363.60	23,636	5.50	5.48	5.50
8½ to 9 years (8/1/80)	60.71	121.42	242.84	485.68	1,214.20	2,428.40	24,284	5.50	5.50	5.50
9 to 9½ years (2/1/81)	62.38	124.76	249.52	499.04	1,247.60	2,495.20	24,952	5.50	5.51	5.50
9½ to 10 years (8/1/81)	64.10	128.20	256.40	512.80	1,282.00	2,564.00	25,640	5.50	5.49	5.49
SECOND EXTENDED MATURITY VALUE (29 years and 8 months from issue date) (2/1/82)	65.86	131.72	263.44	526.88	1,317.20	2,634.40	26,344	[3] 5.50		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the second extension begins is different from 6.50 percent.
[2] Month, day, and year on which issues of June 1, 1952, enter each period. For subsequent issue months add the appropriate number of 8 months.
[3] Yield on purchase price from issue date to second extended maturity date is 4.2 percent.

TABLE 29–A

BONDS BEARING ISSUE DATES FROM OCTOBER 1 THROUGH NOVEMBER 1, 1952 [1]

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (annual percentage rate)		
Period after first extended maturity (beginning 19 years 8 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — SECOND EXTENDED MATURITY PERIOD							(2) From beginning of second extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to second extended maturity
								Percent	*Percent*	*Percent*
First ½ year [2] (6/1/72)	$38.57	$77.14	$154.28	$308.56	$771.40	$1,542.80	$15,428	0.00	5.50	5.50
½ to 1 year (12/1/72)	39.63	79.26	158.52	317.04	792.60	1,585.20	15,852	5.50	5.50	5.50
1 to 1½ years (6/1/73)	40.72	81.44	162.88	325.76	814.40	1,628.80	16,288	5.50	5.50	5.50
1½ to 2 years (12/1/73)	41.84	83.68	167.36	334.72	836.80	1,673.60	16,736	5.50	5.50	5.50
2 to 2½ years (6/1/74)	42.99	85.98	171.96	343.92	859.80	1,719.60	17,196	5.50	5.49	5.50
2½ to 3 years (12/1/74)	44.17	88.34	176.68	353.36	883.40	1,766.80	17,668	5.50	5.52	5.50
3 to 3½ years (6/1/75)	45.39	90.78	181.56	363.12	907.80	1,815.60	18,156	5.50	5.51	5.50
3½ to 4 years (12/1/75)	46.64	93.28	186.56	373.12	932.80	1,865.60	18,656	5.50	5.49	5.50
4 to 4½ years (6/1/76)	47.92	95.84	191.68	383.36	958.40	1,916.80	19,168	5.50	5.51	5.50
4½ to 5 years (12/1/76)	49.24	98.48	196.96	393.92	984.80	1,969.60	19,696	5.50	5.48	5.50
5 to 5½ years (6/1/77)	50.59	101.18	202.36	404.72	1,011.80	2,023.60	20,236	5.50	5.50	5.50
5½ to 6 years (12/1/77)	51.98	103.96	207.92	415.84	1,039.60	2,079.20	20,792	5.50	5.50	5.50
6 to 6½ years (6/1/78)	53.41	106.82	213.64	427.28	1,068.20	2,136.40	21,364	5.50	5.50	5.50
6½ to 7 years (12/1/78)	54.88	109.76	219.52	439.04	1,097.60	2,195.20	21,952	5.50	5.50	5.50
7 to 7½ years (6/1/79)	56.39	112.78	225.56	451.12	1,127.80	2,255.60	22,556	5.50	5.50	5.50
7½ to 8 years (12/1/79)	57.94	115.88	231.76	463.52	1,158.80	2,317.60	23,176	5.50	5.49	5.50
8 to 8½ years (6/1/80)	59.53	119.06	238.12	476.24	1,190.60	2,381.20	23,812	5.50	5.51	5.51
8½ to 9 years (12/1/80)	61.17	122.34	244.68	489.36	1,223.40	2,446.80	24,468	5.50	5.49	5.50
9 to 9½ years (6/1/81)	62.85	125.70	251.40	502.80	1,257.00	2,514.00	25,140	5.50	5.51	5.51
9½ to 10 years (12/1/81)	64.58	129.16	258.32	516.64	1,291.60	2,583.20	25,832	5.50	5.51	5.51
SECOND EXTENDED MATURITY VALUE (29 years and 8 months from issue date) (6/1/82)	66.36	132.72	265.44	530.88	1,327.20	2,654.40	26,544	[3] 5.50		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the second extension begins is different from 5.50 percent.
[2] Month, day, and year on which issues of Oct. 1, 1952, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield on purchase price from issue date to second extended maturity date is 4.31 percent.

TABLE 73–A

BONDS BEARING ISSUE DATES FROM APRIL 1 THROUGH MAY 1, 1964

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (annual percentage rate)		
Period after original maturity (beginning 7 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD								(2) From beginning of extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
									Percent	*Percent*	*Percent*
First ½ year [1] (1/1/72)	$25.92	$51.84	$77.76	$103.68	$207.36	$518.40	$1,036.80	$10,368	0.00	5.48	5.50
½ to 1 year (7/1/72)	26.63	53.26	79.89	106.52	213.04	532.60	1,065.20	10,652	5.48	5.56	5.50
1 to 1½ years (1/1/73)	27.37	54.74	82.11	109.48	218.96	547.40	1,094.80	10,948	5.52	5.48	5.50
1½ to 2 years (7/1/73)	28.12	56.24	84.36	112.48	224.96	562.40	1,124.80	11,248	5.51	5.48	5.50
2 to 2½ years (1/1/74)	28.89	57.78	86.67	115.56	231.12	577.80	1,155.60	11,556	5.50	5.54	5.50
2½ to 3 years (7/1/74)	29.69	59.38	89.07	118.76	237.52	593.80	1,187.60	11,876	5.51	5.46	5.50
3 to 3½ years (1/1/75)	30.50	61.00	91.50	122.00	244.00	610.00	1,220.00	12,200	5.50	5.51	5.50
3½ to 4 years (7/1/75)	31.34	62.68	94.02	125.36	250.72	626.80	1,253.60	12,536	5.50	5.49	5.50
4 to 4½ years (1/1/76)	32.20	64.40	96.60	128.80	257.60	644.00	1,288.00	12,880	5.50	5.53	5.50
4½ to 5 years (7/1/76)	33.09	66.18	99.27	132.36	264.72	661.80	1,323.60	13,236	5.50	5.50	5.50
5 to 5½ years (1/1/77)	34.00	68.00	102.00	136.00	272.00	680.00	1,360.00	13,600	5.50	5.47	5.50
5½ to 6 years (7/1/77)	34.93	69.86	104.79	139.72	279.44	698.60	1,397.20	13,972	5.50	5.52	5.50
6 to 6½ years (1/1/78)	35.89	71.78	107.67	143.56	287.12	717.80	1,435.60	14,356	5.50	5.52	5.50
6½ to 7 years (7/1/78)	36.88	73.76	110.64	147.52	295.04	737.60	1,475.20	14,752	5.50	5.48	5.50
7 to 7½ years (1/1/79)	37.89	75.78	113.67	151.56	303.12	757.80	1,515.60	15,156	5.50	5.54	5.50
7½ to 8 years (7/1/79)	38.94	77.88	116.82	155.76	311.52	778.80	1,557.60	15,576	5.50	5.50	5.49
8 to 8½ years (1/1/80)	40.01	80.02	120.03	160.04	320.08	800.20	1,600.40	16,004	5.50	5.50	5.49
8½ to 9 years (7/1/80)	41.11	82.22	123.33	164.44	328.88	822.20	1,644.40	16,444	5.50	5.50	5.49
9 to 9½ years (1/1/81)	42.24	84.48	126.72	168.96	337.92	844.80	1,689.60	16,896	5.50	5.49	5.49
9½ to 10 years (7/1/81)	43.40	86.80	130.20	173.60	347.20	868.00	1,736.00	17,360	5.50	5.49	5.48
EXTENDED MATURITY VALUE (17 years and 9 months from issue date) (1/1/82)	44.59	89.18	133.77	178.36	356.72	891.80	1,783.60	17,836	[2] 5.50		

[1] Month, day, and year on which issues of Apr. 1, 1961, enter each period. For subsequent issue months add the appropriate number of months.
[2] Yield on purchase price from issue date to extended maturity date is 4.94 percent.

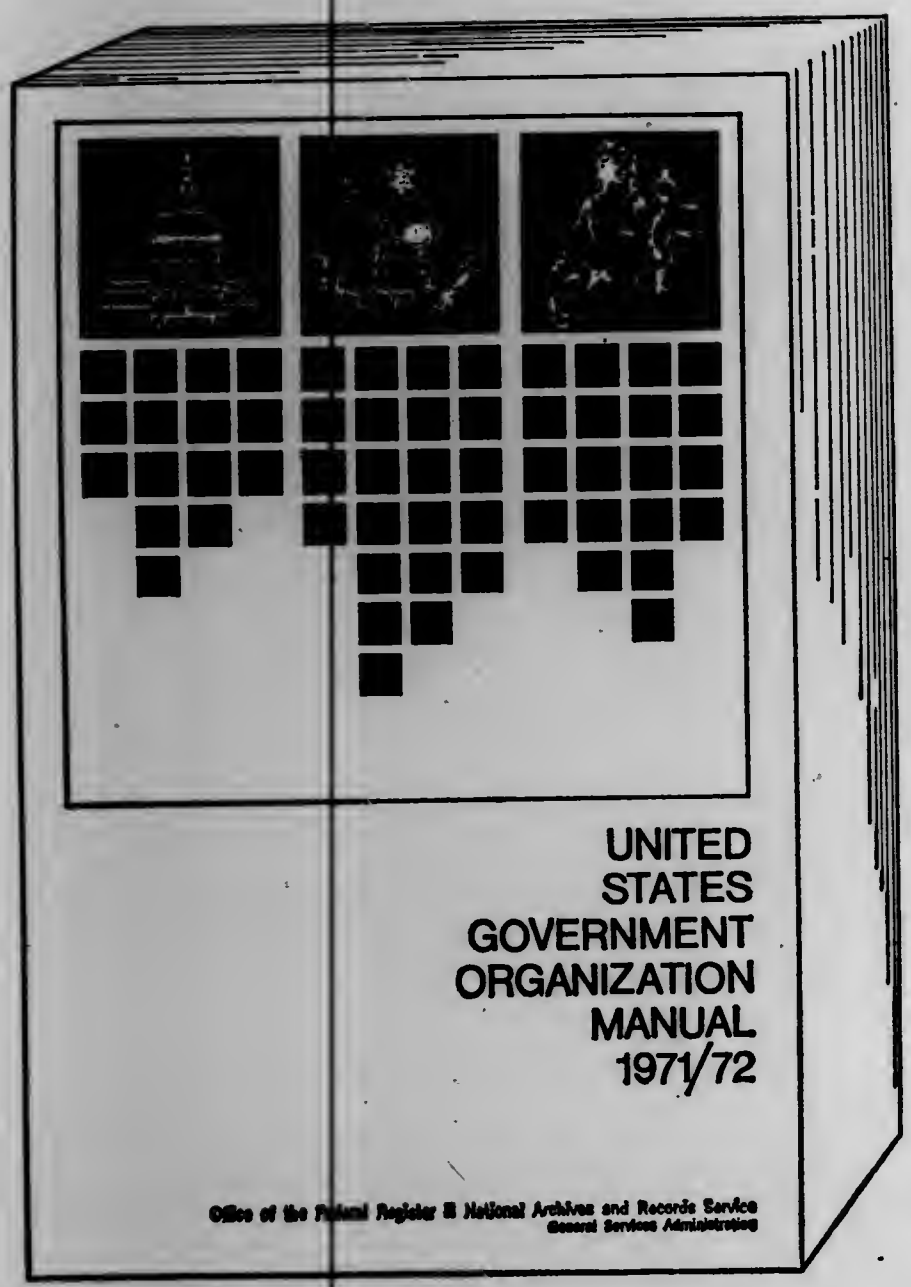
TABLE 74–A

BONDS BEARING ISSUE DATES FROM JUNE 1 THROUGH NOVEMBER 1, 1964 [1]

Issue price / Denomination	$18.75 / 25.00	$37.50 / 50.00	$56.25 / 75.00	$75.00 / 100.00	$150.00 / 200.00	$375.00 / 500.00	$750.00 / 1,000.00	$7,500 / 10,000	Approximate investment yield (annual percentage rate)		
Period after original maturity (beginning 7 years 9 months after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown) — EXTENDED MATURITY PERIOD								(2) From beginning of extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to extended maturity
									Percent	*Percent*	*Percent*
First ½ year [2] (3/1/72)	$26.09	$52.18	$78.27	$104.36	$208.72	$521.80	$1,043.60	$10,436	0.00	5.52	5.50
½ to 1 year (9/1/72)	26.81	53.62	80.43	107.24	214.48	536.20	1,072.40	10,724	5.52	5.45	5.50
1 to 1½ years (3/1/73)	27.54	55.08	82.62	110.16	220.32	550.80	1,101.60	11,016	5.48	5.52	5.50
1½ to 2 years (9/1/73)	28.30	56.60	84.90	113.20	226.40	566.00	1,132.00	11,320	5.49	5.51	5.50
2 to 2½ years (3/1/74)	29.08	58.16	87.24	116.32	232.64	581.60	1,163.20	11,632	5.50	5.50	5.50
2½ to 3 years (9/1/74)	29.88	59.76	89.64	119.52	239.04	597.60	1,195.20	11,952	5.50	5.49	5.50
3 to 3½ years (3/1/75)	30.70	61.40	92.10	122.80	245.60	614.00	1,228.00	12,280	5.50	5.54	5.50
3½ to 4 years (9/1/75)	31.55	63.10	94.65	126.20	252.40	631.00	1,262.00	12,620	5.50	5.45	5.50
4 to 4½ years (3/1/76)	32.41	64.82	97.23	129.64	259.28	648.20	1,296.40	12,964	5.50	5.55	5.50
4½ to 5 years (9/1/76)	33.31	66.62	99.93	133.24	266.48	666.20	1,332.40	13,324	5.50	5.46	5.50
5 to 5½ years (3/1/77)	34.22	68.44	102.66	136.88	273.76	684.40	1,368.80	13,688	5.50	5.49	5.50
5½ to 6 years (9/1/77)	35.16	70.32	105.48	140.64	281.28	703.20	1,406.40	14,064	5.50	5.52	5.50
6 to 6½ years (3/1/78)	36.13	72.26	108.39	144.52	289.04	722.60	1,445.20	14,452	5.50	5.48	5.50
6½ to 7 years (9/1/78)	37.12	74.24	111.36	148.48	296.96	742.40	1,484.80	14,848	5.50	5.50	5.50
7 to 7½ years (3/1/79)	38.14	76.28	114.42	152.56	305.12	762.80	1,525.60	15,256	5.50	5.51	5.51
7½ to 8 years (9/1/79)	39.19	78.38	117.57	156.76	313.52	783.80	1,567.60	15,676	5.50	5.51	5.51
8 to 8½ years (3/1/80)	40.27	80.54	120.81	161.08	322.16	805.40	1,610.80	16,108	5.50	5.51	5.50
8½ to 9 years (9/1/80)	41.38	82.76	124.14	165.52	331.04	827.60	1,655.20	16,552	5.50	5.51	5.50
9 to 9½ years (3/1/81)	42.52	85.04	127.56	170.08	340.16	850.40	1,700.80	17,008	5.50	5.46	5.50
9½ to 10 years (9/1/81)	43.68	87.36	131.04	174.72	349.44	873.60	1,747.20	17,472	5.50	5.54	5.54
EXTENDED MATURITY VALUE (17 years and 9 months from issue date) (3/1/82)	44.89	89.78	134.67	179.56	359.12	897.80	1,795.60	17,956	[3] 5.50		

[1] This table does not apply if the prevailing rate for Series E bonds being issued at the time the extension begins is different from 5.50 percent.
[2] Month, day, and year on which issues of June 1, 1964, enter each period. For subsequent issue months add the appropriate number of months.
[3] Yield on purchase price from issue date to extended maturity date is 4.98 percent.

[FR Doc.72-1068 Filed 2-1-72;8:45 am]



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

1

federal register

THURSDAY, FEBRUARY 3, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 23
Pages 2559–2636

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

FURTHER EXEMPTING A. EVERETTE MacINTYRE FROM COMPULSORY RETIREMENT FOR AGE—Presidential Executive Order 2565

DELEGATION OF FUNCTIONS—Presidential Memorandum for the Secretary of State 2567

SMALL BUSINESS LOANS—SBA amendments relating to amusement and recreational enterprises; effective 2–3–72 2569

UNFAIR TRADE PRACTICES—FTC cease and desist orders relating to misrepresentations, deceptive advertising and flammable products (8 documents) 2575, 2576, 2578–2981

ENVIRONMENT—EPA approval and promulgation of certain State implementation plans; effective 2–3–72 2581

TELECOMMUNICATIONS—FCC policies and procedures for consideration of applications to provide specialized common carrier services in domestic public point-to-point microwave radio service; effective 3–10–72 2583

ENDANGERED SPECIES—Interior Dept. proposal adding certain species of mammals; comments within 30 days 2589

DANGEROUS ARTICLES—
FAA proposal on granting authority to passengers on airplanes to carry certain medicinal and toilet articles formerly prohibited; comments by 5–3–72 2587
FAA proposal to amend deviation authority for the carriage by air of dangerous articles under certain conditions; comments by 5–3–72 2587

(Continued inside)

FEB 3 72
XUM

MICROFILM EDITION
FEDERAL REGISTER
35mm MICROFILM

Complete Set 1936–70, 189 Rolls $1,342

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	$7	13	1948	$28	25	1960	$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42			

Order Microfilm Edition from Publications Sales Branch
National Archives and Records Service
Washington, D.C. 20408

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

HAZARDOUS MATERIALS—DOT reopening comment period on proposal for cylinders manufactured outside the United States; comments by 6–1–72 2588

FEDERAL CREDIT UNIONS—National Credit Union Admin. proposal on Federal Tort Claims Act procedure; comments by 3–7–72 2594

ENVIRONMENT—
AEC notice of availability of the General Manager's final statements 2600
AEC notice of availability of applicant's supplemental report 2601

INVESTMENT COMPANIES—
SEC proposal on advertising regulations; comments by 2–29–72 2596
SEC extension of time until 2–29–72 for comments on proposal relating to advertising and summary prospectus 2598

NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS—CSC proposal to effectuate provisions of Title VI of the Civil Rights Act of 1964; comments within 30 days 2589

ANTIDUMPING—Treasury Dept. determination of sales at less than fair value regarding asbestos-cement pipe from Japan 2601

Contents

THE PRESIDENT

EXECUTIVE ORDER
Further exempting A. Everette MacIntyre from compulsory retirement for age 2565

MEMORANDUM
Delegation of functions under section 505 of Public Law 92–156 2567

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service; Farmers Home Administration.

ATOMIC ENERGY COMMISSION

Notices
General Manager's final environmental statements; availability 2600
Gulf General Atomic Inc.; issuance of amended facility license 2600
Vermont Yankee Nuclear Power Corp.; availability of applicant's supplemental environmental report 2601

CIVIL AERONAUTICS BOARD

Notices
ATC bylaws investigation; postponement of prehearing conference 2601

CIVIL SERVICE COMMISSION

Proposed Rule Making
Nondiscrimination in federally assisted programs 2589

COAST GUARD

Proposed Rule Making
Puget Sound Area, Wash.; anchorage grounds 2587

CONSUMER AND MARKETING SERVICE

Notices
Grain standards:
Cairo, Ill., grain inspection point 2599
Port Arthur, Tex., grain inspection point 2600
Navel oranges grown in Arizona and designated part of California; handling limitation 2569

ECONOMIC OPPORTUNITY OFFICE

Notices
Marshall Kaplan, Gans and Kalin; contract award 2613

EMERGENCY PREPAREDNESS OFFICE

Notices
O'Connor, Albert D.; appointment as Federal Coordinating Officer (2 documents) 2613

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations
Air programs; approval and promulgation of implementation plans 2581

FARMERS HOME ADMINISTRATION

Rules and Regulations
Chattel security; security servicing for special livestock loans; deletion of subpart 2569

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations
Airworthiness directives:
Cessna airplanes 2570
McDonnell Douglas airplanes 2570
Area high routes; designation 2572
Control area; revocation 2571
Control zones; alteration 2570
Control zones and transition areas; alterations (2 documents) 2571, 2572
IFR altitudes; miscellaneous amendments 2573
Transition area; designation 2571

Proposed Rule Making
Control zone and transition area; alteration 2587
Medicinal and toilet articles; applicability 2587
Transportation of dangerous articles and magnetized materials; authority for deviation 2588

(*Continued on next page*)

VOL 37 NO 23
FEB 3 72
XUM

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Domestic public radio services (other than maritime mobile); specialized common carrier services ---------- 2583

Notices

Hearings, etc.:
Bangor Broadcasting Corp. and Penobscot Broadcasting Corp. 2601
Community Broadcasters, Inc., and Easton Broadcasting Co. 2605
Neckritz, Alan F., and Lawrence B. Ordower ---------- 2607

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Car-Tex Producing Co. et al ---- 2608
Scott, Russell, Jr., et al ---- 2611

FEDERAL RESERVE SYSTEM

Notices

Industrial National Corp.; order approving acquisition of Ambassador Factors Corp ---------- 2612
Orders approving acquisition of banks:
Chemical New York Corp ---- 2611
First Florida Bancorporation 2612

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices:
Credit Bureau, Inc., of Washington, D.C., and Edward F. Garretson ---------- 2575
Film Corporation of America and Ames Advertising Agency, Inc ---------- 2575
Gus Kroesen, Inc., et al ---- 2576
Abe Kairy and Kairy's ---- 2578
Irvin Howard Laswell and Housecraft of Evansville ---- 2578
Longines-Wittnauer, Inc., and Credit Services, Inc ---- 2579
Shelton Health Spa, Inc., et al 2580
Three "B" Motors, Inc., and Joseph C. Barger ---- 2581

FISH AND WILDLIFE SERVICE

Proposed Rule Making

Conservation of endangered species and other fish and wildlife; addition of certain species of mammals ---------- 2589

GENERAL SERVICES ADMINISTRATION

Notices

Floor finishes, waxes, and polish removers; industry specification development conference ---- 2608
Use of commuted rate schedule or actual expense method ---- 2608

HAZARDOUS MATERIALS REGULATIONS BOARD

Proposed Rule Making

Transportation of hazardous materials; cylinders manufactured outside U.S.; reopening for additional comments ---------- 2588

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings (2 documents) ---------- 2615, 2616
Motor carrier transfer proceedings ---------- 2616
Motor carrier, water carrier and freight forwarder applications 2617
National Equipment Interchange; agreement ---------- 2616

LAND MANAGEMENT BUREAU

Notices

Proposed withdrawal and reservation of lands:
Missouri ---------- 1599
Nevada ---------- 1599

NATIONAL CREDIT UNION ADMINISTRATION

Proposed Rule Making

Tort claims against the Government; procedures ---------- 2594

SECURITIES AND EXCHANGE COMMISSION

Proposed Rule Making

Investment company advertising and summary prospectus for investment companies ---- 2596
Extension of time for submission of comments ---- 2598

Notices

Hearings, etc.:
Dextra Corp ---------- 2614
DSI Designcard Services, Inc 2614
Omnifund, Inc ---------- 2614
Walton-Richardson Co ---- 2615

SMALL BUSINESS ADMINISTRATION

Rules and Regulations

Loan policy; business loans and guarantees ---------- 2569

Notices

Supervisory Loan Officer, Los Angeles District Office; delegation of authority to conduct program activities ---------- 2615

TARIFF COMMISSION

Notices

Cold-formed mounts for semiconductors; dismissal of preliminary inquiry ---------- 2516

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Hazardous Materials Regulations Board.

TREASURY DEPARTMENT

Notices

Asbestos-cement pipe from Japan; determination of sales at less than fair value ---------- 2600

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
11568 (see EO 11642) ---------- 2565
11642 ---------- 2565
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of January 27, 1972 2567

5 CFR

PROPOSED RULES:
900 ---------- 2589

7 CFR

907 ---------- 2569
1871 ---------- 2569

12 CFR

PROPOSED RULES:
750 ---------- 2594

13 CFR

120 ---------- 2569

14 CFR

39 (2 documents) ---------- 2570
71 (4 documents) ---------- 2570–2572
75 ---------- 2572
95 ---------- 2573
PROPOSED RULES:
71 ---------- 2587
103 (2 documents) ---------- 2587, 2588

16 CFR

13 (8 documents) -- 2575, 2576, 2578–2581

17 CFR

PROPOSED RULES:
230 (2 documents) ---------- 2596, 2598
239 (2 documents) ---------- 2596, 2598

33 CFR

PROPOSED RULES:
110 ---------- 2587

40 CFR

52 ---------- 2581

47 CFR

21 ---------- 2583

49 CFR

PROPOSED RULES:
173 ---------- 2588
178 ---------- 2588

50 CFR

PROPOSED RULES:
17 ---------- 2589

FEB 3 72 XUM

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11642

Further Exempting A. Everette MacIntyre From Compulsory Retirement for Age

On November 16, 1970, I issued Executive Order No. 11568, exempting A. Everette MacIntyre, a member of the Federal Trade Commission, from compulsory retirement for age, under the provisions of section 8335 of title 5, United States Code, until February 29, 1972.

In my judgment, the public interest requires that Mr. MacIntyre be further exempted from such compulsory retirement:

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of section 8335 of title 5, United States Code, I hereby exempt A. Everette MacIntyre from compulsory retirement for age until February 28, 1973.

Richard Nixon

THE WHITE HOUSE,
February 1, 1972.

[FR Doc.72-1675 Filed 2-1-72;2:45 pm]

V 37 7 23 FEB 3 72 XUM

MEMORANDUM OF JANUARY 27, 1972

Delegation of Functions Under Section 505 of Public Law 92–156

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, January 27, 1972.

You are hereby designated and empowered to exercise the functions vested in the President by Section 505 of the Act of November 17, 1971 (Public Law 92–156), without the approval, ratification, or other action of the President.

This memorandum shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.72–1603 Filed 2–2–72;11:19 am]

V 37 ■ 23 FEB 3 72 XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 254]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.554 Navel Orange Regulation 254.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 1, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 4, through February 10, 1927, are hereby fixed as follows:

(i) District 1: 913,000 Cartons.

(ii) District 2: 187,000 Cartons.

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 2, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–1723 Filed 2–2–72;11:30 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER F—SECURITY SERVICING LIQUIDATION

[FHA Instruction 462.2]

PART 1871—CHATTEL SECURITY

Subpart C—Security Servicing of Special Livestock Loans

DELETION OF SUBPART

Subpart C of Part 1871—Security Servicing for Special Livestock Loans (31 F.R. 14223) is deleted from Chapter XVIII of Title 7 of the Code of Federal Regulations. The procedure for servicing Special Livestock loans has been incorporated in Subparts A and B of this part (36 F.R. 1110, 1118).

(Sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Dated: January 27, 1972.

JOSEPH HASPRAY,
Deputy Adiministrator, Farmers Home Administration.

[FR Doc.72–1602 Filed 2–2–72;8:49 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 5, Amdt. 1]

PART 120—LOAN POLICY

Business Loans and Guarantees

On December 9, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 23402) that the Small Business Administration proposed to make a change in loan policy pertaining to financial assistance for amusement and recreational enterprises. The public was invited to comment on, or give suggestions or objection to this proposed change in policy, within 30 days. The comments received have been considered, and the proposed amendment adopted without modification. This Amendment 1 will be effective as of the date of publication in the FEDERAL REGISTER (2–3–72), as follows:

1. Deletion of subparagraph (4) of § 120.2(d) in its entirety.

2. Substitution of a new caption for paragraph (c) of § 120.2 as follows: "Assurance of repayment, change of ownership, and recreational and amusement enterprises."

3. Add a new subparagraph to paragraph (c) of § 120.2 as follows:

§ 120.2 Business loans and guarantees.

• • • • • •

(c) Assurance of repayment, change of ownership, and recreational and amusement enterprises.

• • • • • •

(3) Where the purpose of the financial assistance is to finance the construction, acquisition, conversion, or operation of recreational or amusement enterprises, any such enterprise must be open to the general public, it must be properly licensed by appropriate State or local authority, and the character and reputation of the applicant will be given special consideration.

(d) • • •

(4) [Deleted]

• • • • • •

Dated: January 27, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72–1563 Filed 2–2–72;8:45 am]

FEB 3 7 2

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 72-CE-3-AD, Amdt. 39-1388]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 421B Airplanes

There have been reports involving engine crankcase vent blockage on Cessna Model 421B airplanes. Moisture inside the vent will freeze during certain extreme cold weather atmospheric conditions causing blockage of the vent. This blockage will allow excessive crankcase pressure to develop and force all engine lubricating oil overboard with resultant engine failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued requiring, on Cessna Model 421B (S/Ns 421B0001 through 421B0149) airplanes, insulation of the vent line with a protective sleeve, scarfing of the overboard vent outlet aft and the installation of a propeller shaft seal retainer, in accordance with Cessna Service Letter ME72-2 dated January 28, 1972.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provision of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Model 421B (S/Ns 421B0001 through 421B0149) airplanes.

Compliance: Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent blockage of the crankcase vent line by ice with subsequent engine failure due to loss of engine oil, accomplish the following modifications in accordance with Cessna Service Letter ME72-2, dated January 28, 1972, or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region:

(A) Install a protective insulation sleeve over the crankcase vent line and scarf the vent line outlet to face aft.

(B) Install propeller shaft seal retainer on each engine.

This amendment becomes effective February 4, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on January 25, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-1568 Filed 2-2-72;8:46 am]

[Airworthiness Docket No. 72-WE-1-AD, Amdt. 39-1389]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series and C-9A (DC-9-32F) Airplanes

There have been failures of the elevator boost cylinder rod end on McDonnell Douglas Model DC-9-10 Series airplanes that could result in jamming of the elevator. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a one-time only inspection of the elevator boost cylinder rod end and installation of a retainer clip to prevent possible jamming on McDonnell Douglas DC-9-10, -20, -30, and -40 Series and C-9A (DC-9-32F) airplanes.

The 300-hour compliance time for the initial inspection has been established by the agency on the basis of safety considerations. This compliance time provides the lead time for operators to schedule and plan compliance with the AD with a minimum burden. To prescribe the initial inspection required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the initial inspection required by this AD. This could possibly leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the initial inspection required by this AD, within the time the agency has determined is necessary, makes strict compliance with the notice and public procedures provisions of the Administrative Procedure Act impracticable; therefore, this amendment becomes effective 30 days after publication in the FEDERAL REGISTER. However, interested persons are invited to submit such written data, views, or arguments as they may desire regarding this AD. Communications should identify the docket number and be submitted, in duplicate, to the Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, Post Office Box 92007, World Way Postal Center, Los Angeles, CA 90009. All communications received before the effective date will be considered by the Administrator, and the AD may be changed in light of the comments received. All comments will be available, both before and after the effective date, in the Airworthiness Rules Docket for examination by interested persons. Operators are urged to submit their comments as early as possible to evaluate comments received near the effective date in sufficient time to amend the AD before it becomes effective.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MCDONNELL DOUGLAS: Applies to Model DC-9 (-10, -20, -30, and -40 Series and C-9A) airplanes listed in Douglas DC-9 Service Bulletin No. 27-146, Revision 1, dated December 20, 1971, or later FAA-approved revisions.

Compliance required within the next 300 hours' time in service after the effective date of the AD, unless already accomplished.

To prevent possible jamming of the elevator in the event of failure of the elevator boost cylinder rod end, accomplish the following in accordance with the procedures described in paragraph 2 of Douglas Service Bulletin 27-146, Revision 1, dated December 20, 1971, or later approved revisions, or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region:

A. Inspect the left and right hand elevator boost cylinder rod end assemblies, P/N 4918153-1, for cracks or a failed part and determine the material hardness of undamaged parts.

If a failed or cracked part is found or if the material hardness is below 32.5 on the Rockwell "C" Scale (145,000 p.s.i. ult. tensile strength) or above 43 on the Rockwell "C" Scale (200,000 p.s.i. ult. tensile strength), replace with a satisfactory part.

B. Modify the left and right hand side of the horizontal stabilizer assembly, left and right hand elevators and elevator hinge eyebolt, P/N YD-311-B, and

C. Install new elevator boost cylinder rod end assembly retainer, P/N 4911152-1.

This amendment becomes effective March 7, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 25, 1972.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.72-1569 Filed 2-2-72;8:46 am]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 72-SO-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Louisville, Ky. (Bowman Field and Standiford Field), control zones.

The Bowman Field and Standiford Field control zones are described in § 71.171 (36 F.R. 2055 and 8307). In the Bowman Field description, an extension is predicated on Bowman VOR 064° radial and is 6 miles wide and 8.5 miles long. This extension was designated to provide controlled airspace protection for IFR aircraft executing the proposed VOR RWY 24 Instrument Approach Procedure. It has been determined that the Bowman VOR installation has been delayed until Calendar Year 1973, and this extension is no longer required. In the Standiford Field description, an extension is predicated on Louisville VOR 301° radial and is 4 miles wide and extends to 1 mile northwest of the VOR.

To facilitate and expedite the control of air traffic in this terminal complex, it is necessary to increase the length of the extension predicated on Louisville VOR 301° radial to extend to the VOR; designate an extension predicated on Louisville ILS localizer north course 3 miles wide and extending to the arc of a 5-mile-radius circle centered on Bowman Field, and designate an extension predicated on Louisville ILS localizer east course 3.5 miles wide and extending to the VOR. These actions will result in an overall reduction of approximately 20 square miles of airspace in this terminal complex. It is necessary to alter the descriptions to reflect these changes. Since these amendments lessen the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the following control zones are amended to read:

LOUISVILLE, KY. (BOWMAN FIELD)

Within a 5-mile radius of Bowman Field (lat. 38°13'40" N., long. 85°39'47" W.); within 1.5 miles each side of Louisville VOR 331° radial, extending from the 5-mile-radius zone to the VOR; excluding the portion within Standiford Field control zone and the portion west of a line 1.5 miles east of and parallel to the Standiford Field ILS localizer north course.

LOUISVILLE, KY. (STANDIFORD FIELD)

Within a 5-mile radius of Standiford Field (lat. 38°10'33" N., long. 85°44'12" W.); within 1.5 miles each side of the ILS localizer north course, extending from the 5-mile-radius zone to the arc of a 5-mile-radius circle centered on Bowman Field; within 1.5 miles north and 2 miles south of the ILS localizer east course, extending from the 5-mile-radius zone to 1 mile east of the VOR; within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile-radius zone to the LOM; within 1.5 miles each side of the ILS localizer west course, extending from the 5-mile-radius zone to 1 mile east of the Nabb VOR 206° radial; within 2 miles each side of Louisville VOR 301° radial, extending from the 5-mile-radius zone to the VOR; excluding the portion within Bowman Field control zone east of a line 1.5 miles east of and parallel to Standiford Field ILS localizer north course and the portion north of a line 1.5 miles north of and parallel to Standiford Field ILS localizer east course.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 20, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-1570 Filed 2-2-72;8:46 am]

[Airspace Docket No. 71-SO-153]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On November 23, 1971, F.R. Doc. 71-17053 was published in the FEDERAL REGISTER (36 F.R. 22228), amending Part 71 of the Federal Aviation Regulations by designating the Hamilton, Ala., transition area.

In the amendment, an extension was predicated on the Hamilton VORTAC 348° radial. Subsequent to publication of the rule, the final approach radial was changed to 349°. It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Document No. 71-17053 is amended as follows: In line five of the Hamilton, Ala., transition area description "• • • 348° • • •" is deleted and "• • • 349° • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 20, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-1571 Filed 2-2-72;8:46 am]

[Airspace Docket No. 72-WA-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke Control 1180.

Control 1180 (37 F.R. 727) was designated on a temporary basis to provide for the movement of Oceanic air traffic into and from the New York terminal area.

This control area was necessitated due to curtailment of Air Traffic Control in Canadian airspace due to a strike by Canadian Air Traffic Controllers.

The Federal Aviation Administration (FAA) has been advised that the Canadian controllers strike has now been terminated and that normal movement of air traffic within Canadian airspace has resumed. Accordingly, action is taken herein to revoke Control 1180.

Since the situation which required the adoption of the amendment to designate the Control 1180 has been terminated, it is found that notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0500 G.m.t., January 29, 1972, as hereinafter set forth.

In § 71.163 (37 F.R. 727, 2048), Control 1180 is revoked.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854 (24 F.R. 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 28, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1572 Filed 2-2-72;8:46 am]

[Airspace Docket No. 71-WE-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 15, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23830) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Fort Huachuca, Ariz., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes.

Change the FEDERAL REGISTER citations for the control zone and transition area to read "§ 71.171 (37 F.R. 2056)" and "§ 71.181 (37 F.R. 2143)" respectively.

Effective date. These amendments shall be effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 20, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.171 (37 F.R. 2056) the description of the Fort Huachuca control zone is amended to read as follows:

FORT HUACHUCA, ARIZ.

Within a 5-mile radius of Libby AAF, Fort Huachuca, Ariz. (latitude 31°35'00" N., longitude 110°20'30" W.), within 5 miles each side of the Libby AAF VOR 093° radial, extending from the VOR to 12 miles east of the VOR. This control zone will be effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (37 F.R. 2143) the description of the Fort Huachuca, Ariz., transition area is amended to read as follows:

FEB 3 7 2
XUM

FORT HUACHUCA, ARIZ.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Libby AAF, Fort Huachuca, Ariz. (latitude 31°35'00" N., longitude 110°20'30" W.), that airspace within an arc of a 22-mile radius circle centered on the Libby AAF VOR, extending clockwise from a line 5 miles northwest of and parallel to the 033° radial of the Libby AAF VOR to a line 5 miles south of and parallel to the Libby AAF VOR 093° radial; that airspace extending upward from 1,200 feet above the surface bounded on the north by the Tucson, Ariz., transition area, on the northeast by the southwest edge of V-66, on the east by longitude 109°44'00" W., on the south by latitude 31°25'00" N., on the west by longitude 110°30'00" W., and that airspace northeast of Libby AAF bounded on the north by the south edge of V-165, on the east by a line 5 miles west of and parallel to the Douglas, Ariz., VORTAC 347° radial, on the southwest by the northeast edge of V-66 and on the west by longitude 110°-00'00" W.

[FR Doc.72-1573 Filed 2-2-72;8:46 am]

[Airspace Docket No. 71-WE-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 24006) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Bakersfield, Calif., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. One objection was received but was subsequently withdrawn.

In the notice it was stated that the control zone extension to the north would no longer be required. This was based upon the intent to cancel the VOR-1 instrument approach procedure for Meadows Field. This procedure has been modified and retained, however, additional 700-foot transition area is required to provide controlled airspace protection for aircraft executing the procedure while operating between 1,500 feet and 1,000 feet above the surface. The control zone extension is no longer required.

Further review of the airspace requirements indicated that the proposed control zone extension to the southeast could be substantially reduced; 700-foot transition area would be required in lieu thereof for the NDB, ILS, and VOR approaches for Runway 30. This portion of 700-foot transition area would be slightly less than the currently designated underlying 700-foot portion and in addition to that proposed.

Since these additional changes are less restrictive than the proposed amendments and impose no additional burden on any person, further notice and public procedure hereon is unnecessary.

In consideration of the foregoing the descriptions of the Bakersfield, Calif., control zone and transition area are amended to reflect these changes.

In § 71.171 (37 F.R. 2056) the description of the Bakersfield, Calif., control zone is amended to read as follows:

BAKERSFIELD, CALIF.

Within a 5-mile radius of Meadows Field, Bakersfield, Calif. (latitude 35°25'40" N., longitude 119°03'05" W.), within 1 mile each side of the Bakersfield ILS localizer northwest course, extending from the 5-mile-radius zone to 11.5 miles northwest of the Bakersfield LOM and within 2 miles each side of the Bakersfield ILS localizer southeast course, extending from the 5-mile-radius zone to the Bakersfield LOM.

In § 71.181 (37 F.R. 2143) the description of the Bakersfield, Calif., transition area is amended to read as follows:

BAKERSFIELD, CALIF.

That airspace extending upward from 700 feet above the surface within 4.5 miles each side of the Bakersfield ILS localizer southeast course, extending from an arc of a 5-mile-radius circle centered on Meadows Field, Bakersfield, Calif. (latitude 39°25'40" N., longitude 119°03'05" W.) to 7 miles southeast of the LOM, within 4.5 miles each side of the Bakersfield VORTAC 144° radial, extending from an arc of a 5-mile-radius circle centered on Meadows Field to 17.5 miles southeast of the VORTAC, within 4.5 miles each side of the Bakersfield ILS localizer northwest course, extending from an arc of a 5-mile-radius circle centered on Meadows Field to 21.5 miles northwest of the LOM and within 4.5 miles each side of the Bakersfield VORTAC 338° radial, extending from the VORTAC to 13 miles north of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 36°00'00" N., on the east by longitude 118°45'00" W., on the south by latitude 35°05'00" N., and on the west by a line extending from latitude 35°06'00" N., longitude 120°05'00" W. to latitude 35°43'50" N., longitude 120°05'00" W. to latitude 35°43'50" N., longitude 119°30'00" W. to latitude 36°00'00" N., longitude 119°30'00" W.

Effective date. These amendments shall be effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 21, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-1574 Filed 2-2-72;8:46 am]

[Airspace Docket No. 71-WA-15A]

PART 75—ESTABLISHMENT OF JET ROUTES, AND AREA HIGH ROUTES

Designation of Area High Routes

On May 5, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8406) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 12 Pacific Gateway routes to connect the domestic route system with oceanic routes.

Eight of the 12 routes were designated, effective November 11, 1971. The remaining four routes, J946R, J962R, J963R, and J964R, have been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

The reference facility for the Morrow, Calif., waypoint in J946R has been changed from the one proposed in the notice to the one used in the designation of J800R, J933R, and J944R. The reference facility for the Palmdale, Calif., waypoint in J963R has also been changed to the same as used in the designation of J945R, J947R, and J961R. Neither of these changes relocates the waypoints or associated routes.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high routes are added:

Waypoint name	N. Lat./W. Long.	Reference facility
J946R MORROW, Calif., TO GATEWAY YUCCA, Calif.		
Morrow, Calif.	34°02'51"/117°14'54"	Oceanside, Calif.
Santa Catalina, Calif.	33°22'30"/118°25'08"	Los Angeles, Calif.
Rosi, Calif.	31°56'00"/120°15'00"	Do.
Yucca, Calif.	31°35'00"/121°22'00"	Do.
J962R GATEWAY YUCCA, Calif., TO PARIA, Ariz.		
Yucca, Calif.	31°35'00"/121°22'00"	Los Angeles, Calif.
Santa Catalina, Calif.	33°22'30"/118°25'08"	Do.
Rabbitt, Calif.	34°44'09"/117°08'00"	Hector, Calif.
Sanup, Ariz.	36°08'19"/113°51'29"	Peach Springs, Ariz.
Paria, Ariz.	36°53'51"/111°55'43"	Bryce Canyon, Utah.
J963R GATEWAY PINE, Calif., TO PARIA, Ariz.		
Pine, Calif.	34°13'00"/123°03'00"	San Luis Obispo, Calif.
San Luis Obispo, Calif.	35°15'06"/120°45'21"	Do.
Palmdale, Calif.	34°37'53"/118°03'47"	Palmdale, Calif.
Rabbitt, Calif.	34°44'09"/117°08'00"	Hector, Calif.
Sanup, Ariz.	36°08'19"/113°51'29"	Peach Springs, Ariz.
Paria, Ariz.	36°53'51"/111°55'43"	Bryce Canyon, Utah.
J964R COALDALE, Nev., TO GATEWAY APRICOT, Calif.		
Coaldale, Nev.	38°00'12"/117°46'10"	Coaldale, Nev.
Buckhorn, Calif.	37°40'09"/119°59'55"	Fresno, Calif.
Merle, Calif.	37°11'16"/122°47'08"	Oakland, Calif.
Apricot, Calif.	36°15'00"/124°50'00"	Do.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 28, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1575 Filed 2-2-72;8:46 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 11679, Amdt. 95-216]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective March 2, 1972 as follows:

1. By amending Subpart C as follows:

Section 95.115 *Amber Federal airway 15* is amended to read in part:

From, to, and MEA

Coghlan Island, Alaska, LF/RBN; Haines, Alaska, LF/RBN; *9,000. *8,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

Tech INT, Ga.; Kennesaw INT, Ga.; *3,300. *3,000—MOCA.
Lehigh INT, Ala.; Gadsden, Ala., VOR; 3,000.
Lewis INT, Ala.; Talladega, Ala., VOR; *3,000. *2,600—MOCA.
Talladega, Ala., VOR; Graham INT, Ala.; 4,000.
Gossett INT, Ala.; LaGrange, Ga., VOR; *4,000. *2,900—MOCA.
Gorman DME Fix, Calif.; Arvin INT, Calif.; 6,000.
Gorman, Calif., VOR; Gorman DME Fix, Calif.; 9,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Natchez, Miss., VOR; Alto INT, La.; *3,000. *1,400—MOCA.
Natchez, Miss., VOR via R 290° HEZ/R 180° MLU; Monroe INT, La.; 3,000.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Toccoa, Ga., VOR; Biltmore, N.C., RBN; 3,300.
INT SBA VOR R 102° and VTU VOR R 015°; Los Angeles, Calif., VOR; *6,000. *5,100—MOCA.

Puerto Rico Routes

Section 95.1001 *Direct routes—United States.*

Route 2 is amended to read in part:
Pueblo INT, P.R.; *Beach INT, P.R.; 2,000. *7,500—MRA.
Beach INT, P.R.; San Juan, P.R., VORTAC; 2,000.
From/to; total distance; changeover point distance from geographic location; track angle; MEA and MAA.
J839R is amended to read:
Kings, Ga., W/P, Sinclair, Ga., W/P; 168; 84, Kings, 31°55'22" N., 82°37'55" W.; 328°/148° to COP, 328°/148° to Sinclair; 18,000; 45,000.

Section 95.5500 *High altitude RNAV routes.*

J914R is amended to read in part:
Alexandria, La., VORTAC, New Orleans, La., VORTAC; 141.1; 70.5, Alexandria, 30°35'57" N., 91°14'18" W.; 114°/294° to COP, 115°/295° to New Orleans; 18,000; 45,000.
J917R is amended to read in part:
Boulder City, Nev., W/P, Sycamore, Ariz., W/P; 125.9; 62.9, Boulder City, 35°18'40" N., 113°53'07" W.; 115°/295° to COP, 116°/296° to Sycamore; 18,000; 45,000.
Sycamore, Ariz., W/P, Phoenix, Ariz., VORTAC; 88.1; 35, Sycamore, 34°09'04" N., 112°30'33" W.; 128°/308° to COP, 130°/310° to Phoenix; 18,000; 45,000.
J933R is amended to read in part:
Wichita Falls, Tex., VORTAC, Texico, N. Mex., VORTAC; 213.4; 106.7, Wichita Falls, 34°-15'39" N., 100°42'35" W., 269°/089° to COP, 266°/086° to Texico; 20,000; 45,000.
Texico, N. Mex., VORTAC, Vaughn, N. Mex., W/P; 117.3; 58.6, Texico, 34°33'46" N., 104°01'06" W.; 263°/083° to COP, 260°/080° to Vaughn; 18,000; 45,000.
J935R is amended to read in part:
Jewett, N. Mex., W/P, Albuquerque, N. Mex., VORTAC; 105.5; 52.3, Jewett, 34°24'28" N., 107°33'55" W.; 029°/209° to COP, 031°/211° to Albuquerque; 18,000; 45,000.
J939R is amended to read in part:
Elberon, Iowa, W/P, Corwith, Iowa, W/P; 93.3; 50, Elberon, 42°32'01" N., 93°08'22" W.; 306°/126° to COP, 300°/120° to Corwith; 18,000; 45,000.
Klein, Mont., W/P, Holter, Mont., W/P; 144.6; 84.6, Klein, 46°43'21" N., 110°27'45" W.; 263°/083° to COP, 259°/079° to Holter; 18,000; 45,000.
J947R is amended to read in part:
San Luis Obispo, Calif., VORTAC, Pine, Calif., W/P; 129.2; 226°/046° to Pine; 18,000; 45,000.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

From, to, and MEA

Des Moines, Iowa, VOR; *Ankeny INT, Iowa; 2,500. *3,300—MCA Ankeny INT, northbound.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Socorro, N. Mex., VOR; Albuquerque, N. Mex., VOR; 8,000.
Albuquerque, N. Mex., VOR; *Santa Fe, N. Mex., VOR; **9,000. *11,000—MCA Santa Fe VOR, southwestbound. *11,000—MCA Santa Fe VOR, eastbound. **8,700—MOCA.
Albuquerque, N. Mex., VOR via W alter.; Santa Fe, N. Mex., VOR via W alter.; 9,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

McAllen, Tex., VOR via S alter.; Harlingen, Tex., VOR via S alter.; 1,600.

Section 95.6029 *VOR Federal airway 29* is amended to read in part:

Salisbury, Md., VOR; Drummond INT, Del.; *1,800. *1,700—MOCA.
Drummond INT, Del., Kenton, Del., VOR; *1,800. *1,500—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

From, to, and MEA

Miami, Fla., VOR; *Pine INT, Fla.; **2,000. *2,200—MRA. **1,200—MOCA.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

Cabezon INT, N. Mex.; Zia INT, N. Mex.; 10,000.
Zia INT, N. Mex.; Santa Fe, N. Mex., VOR; 9,000.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

Plainview, Tex., VOR via E alter.; *Fork INT, Tex., via E alter.; **5,000. *7,500—MRA. **4,800—MOCA.
Fork INT, Tex., via E alter.; Amarillo, Tex., VOR via E alter.; *5,000. *4,900—MOCA.

Section 95.6083 *VOR Federal airway 83* is amended by adding:

Otto, N. Mex., VOR via E alter.; Santa Fe, N. Mex., VOR via E alter.; 10,000.

Section 95.6129 *VOR Federal airway 129* is amended to read in part:

Waukon, Iowa, VOR; Nodine, Minn., VOR; *3,000. *2,400—MOCA.

Section 95.6161 *VOR Federal airway 161* is amended to read in part:

Des Moines, Iowa, VOR; *Ankeny INT, Iowa; 2,500. *3,300—MCA Ankeny INT, northbound.

Section 95.6165 *VOR Federal airway 165* is amended to read in part:

Lake Hughes, Calif., VOR; Lopez INT, Calif.; 9,000.
*Lopez INT, Calif.; Arvin INT, Calif.; 7,500. *8,400—MCA Lopez INT, southbound.
*Arvin INT, Calif.; Bakersfield, Calif., VOR; **4,000. *6,900—MCA Arvin INT, southeast bound. **3,900—MOCA.

Section 95.6170 *VOR Federal airway 170* is amended to delete:

Fairmont, Minn., VOR; Mankato, Minn., VOR; *3,000. *2,600—MOCA.
Mankato, Minn., VOR; Farmington, Minn., VOR; *2,900. *2,400—MOCA.

Section 95.6170 *VOR Federal airway 170* is amended by adding:

Fairmont, Minn., VOR; Blue Earth INT, Minn.; *2,800. *2,400—MOCA.
Blue Earth INT, Minn.; Rochester, Minn., VOR; *3,100. *2,600—MOCA.
Rochester, Minn., VOR; Nodine, Minn., VOR; *3,000. *2,700—MOCA.

Section 95.6197 *VOR Federal airway 197* is amended to read in part:

*Fisher INT, Calif.; Keller INT, Calif.; 10,000. *8,000—MCA Fisher INT, northwestbound.
*Keller INT, Calif.; Arvin INT, Calif.; 7,800. *9,100—MCA Keller INT, southeastbound.
*Arvin INT, Calif.; Bakersfield, Calif. VOR; **4,000. *6,900—MCA Arvin INT, southeastbound. **3,900—MOCA.
Ontario, Calif., VOR; Pomona, Calif., VOR; 4,500.

Section 95.6204 *VOR Federal airway 204* is amended to read in part:

McKenna INT, Wash.; *Alder INT, Wash.; 5,800. *5,300—MCA Alder INT, eastbound.

FEB 3 72
XUM

Section 95.6205 *VOR Federal airway 205* is amended to read in part:

From, to, and MEA

Meadow INT, Conn.; *Leroy INT, Mass.; **6,500. *4,500—MRA. **2,400—MOCA.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

Garard INT, Pa.; Uniontown INT, Pa.; 3,700. Uniontown INT, Pa.; Indian Head, Pa., VOR; 5,000.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Hill City, Kans., VOR; Mankato, Kans., VOR; *4,500. *3,800—MOCA.

Section 95.6218 *VOR Federal airway 218* is amended to delete:

Fairmont, Minn., VOR; Blue Earth INT, Minn.; *2,800. *2,400—MOCA.
Blue Earth INT, Minn.; Rochester, Minn., VOR; *3,100. *2,600—MOCA.
Rochester, Minn., VOR; Waukon, Iowa, VOR; *3,000. *2,600—MOCA.

Section 95.6218 *VOR Federal airway 218* is amended by adding:

Minneapolis, Minn., VOR; Cannon Falls INT, Minn.; *3,500. *2,700—MOCA.
Cannon Falls INT, Minn.; Chatfield INT, Minn.; *4,000. *2,600—MOCA.
Chatfield INT, Minn.; Waukon, Iowa, VOR; *3,500. *2,700—MOCA.

Section 95.6225 *VOR Federal airway 225* is amended to read in part:

Key West, Fla., VOR via E alter.; *Goodland INT, Fla., via E alter.; **3,500. *3,500—MRA. **1,300—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Daytona Beach, Fla., VOR via E alter.; *Roy INT, Fla., via E alter.; **1,600. *2,500—MRA. **1,400—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

Millport INT, Ala.; Flat Creek INT, Ala.; *2,400. *2,000—MOCA.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

Carr INT, Wash.; Lofall INT, Wash.; *7,000. *4,000—MOCA.

Section 95.6306 *VOR Federal airway 306* is amended to read in part:

Conroe INT, Tex.; Sheppard INT, Tex.; *2,000. *1,700—MOCA.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Hobbs INT, Md.; Drummond INT, Del.; *1,400—MOCA.
Drummond INT, Del.; Sea Isle, N.J., VOR; *2,400. *1,400—MOCA.

Section 95.6317 *VOR Federal airway 317* is amended to read in part:

Yakutat, Alaska VOR; Malaspina DME Fix, Alaska; 2,000.
Malaspina DME Fix, Alaska; Katalla INT, Alaska; #*10,000. *5,500—MOCA. #MEA is established with a gap in navigation signal coverage.
Katalla INT, Alaska; Castle INT, Alaska; *5,000. *4,800—MOCA.
Castle INT, Alaska; Eyak INT, Alaska; *3,000. *2,000—MOCA.
Eyak INT, Alaska; Johnstone Point, Alaska, VOR; 5,000.

From, to, and MEA

Johnstone Point, Alaska, VOR; Storey INT, Alaska; 5,000.
Storey INT, Alaska; Whittier INT, Alaska; westbound *10,000; eastbound *8,000. *8,000—MOCA.
Whittier INT, Alaska; *Anchorage, Alaska, VOR; **10,000. *5,000—MCA Anchorage VOR, eastbound. **7,100—MOCA.
Annette Island, Alaska, VOR; Gravina Island DME Fix, Alaska; *5,000. *4,900—MOCA.
Gravina Island DME Fix, Alaska; Guard Island DME Fix, Alaska; *5,000. *4,700—MOCA.
Guard Island DME Fix, Alaska; Level Island, Alaska, VOR; *7,000. *5,100—MOCA.
Level Island, Alaska, VOR; Hood Bay DME Fix, Alaska; *9,000. *8,900—MOCA.
Hood Bay DME Fix, Alaska; Sisters Island, Alaska, VOR; *7,000. *6,900—MOCA.
Sisters Island, Alaska, VOR; Cape Spencer DME Fix, Alaska; *6,000. *5,300—MOCA.
Cape Spencer DME Fix, Alaska; *Harbor Point INT, Alaska; **15,000. *15,000—MRA. **5,300—MOCA.
Harbor Point INT, Alaska; Crescent DME Fix, Alaska; #*9,000. *2,000—MOCA. #MEA is established with a gap in navigation signal coverage.
Crescent DME Fix, Alaska; Yakutat, Alaska, VOR; 2,000.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

Harbor Point INT, Alaska; Crescent DME Fix, Alaska; #*9,000. *2,000—MOCA. #MEA is established with a gap in navigation signal coverage.
Crescent DME Fix, Alaska; Yakutat, Alaska, VOR; 2,000.

Section 95.6459 *VOR Federal airway 459* is amended to read in part:

Lake Hughes, Calif., VOR; Lopez INT, Calif.; 9,000.
*Lopez INT, Calif.; Woody INT, Calif.; 7,600. *8,400—MCA Lopez INT, southbound.
*Woody INT, Calif.; Porterville, Calif., VOR; 5,000. *5,400—MCA Woody INT, southeastbound.

Section 95.6467 *VOR Federal airway 467* is amended to read in part:

Hobbs INT, Md.; Drummond INT, Del.; *2,400. *1,400—MOCA.
Drummon INT, Del.; Millville, N.J., VOR; *1,800. *1,600—MOCA.

Section 95.6477 *VOR Federal airway 477* is amended to read in part:

Humble, Tex., VOR; Montgomery INT, Tex.; 1,700.
Montgomery INT, Tex.; Dacus INT, Tex.; *1,800. *1,700—MOCA.

Section 95.6491 *VOR Federal airway 491* is amended to read in part:

Atlanta, Ga., VOR; Crabapple INT, Ga.; *3,500. *3,000—MOCA.
Crabapple INT, Ga.; Nelson INT, Ga.; 5,600.

Section 95.7006 *Jet Route No. 6* is amended to read in part:

From, to, MEA and MAA

Prescott, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7008 *Jet Route No. 8* is amended by adding:

Needles, Calif., VORTAC; Winslow, Ariz., VORTAC; 18,000; 45,000.
Winslow, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 18,000; 45,000.

From, to, MEA and MAA

Gallup, N. Mex., VORTAC; Las Vegas, N. Mex., VORTAC; 18,000; 45,000.
Las Vegas, N. Mex., VORTAC; Borger, Tex., VORTAC; 18,000; 45,000.
Borger, Tex., VORTAC; Kingfisher, Okla., VORTAC; 18,000; 45,000.

Section 95.7008 *Jet Route No. 8* is amended to delete:

Amarillo, Tex., VORTAC; Kingfisher, Okla., VORTAC; 18,000; 45,000.

Section 95.7019 *Jet Route No. 19* is amended by adding:

Phoenix, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC Las Vegas, N. Mex., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7019 *Jet Route No. 19* is amended to delete:

Phoenix, Ariz., VORTAC; St. Johns, Ariz., VORTAC; 18,000; 45,000.
St. Johns, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.
Albuquerque, N. Mex., VORTAC; Las Vegas, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7072 *Jet Route No. 72* is amended to read in part:

Winslow, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7076 *Jet Route No. 76* is amended to read in part:

Las Vegas, N. Mex., VORTAC; Tucumcari, N. Mex., VORTAC; 18,000; 45,000.
Tucumcari, N. Mex., VORTAC; Wichita Falls, Tex., VORTAC; 18,000; 45,000.

Section 95.7078 *Jet Route No. 78* is amended to read in part:

Prescott, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7096 *Jet Route No. 96* is amended to read in part:

Prescott, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 22,000; 45,000.

Section 95.7134 *Jet Route No. 134* is amended to read in part:

Prescott, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 22,000; 45,000.

Section 95.7590 *Jet Route No. 590* is amended to read in part:

United States-Canadian border; Sault Ste. Marie, Mich., LF/RBN; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points.*

From; to—Changeover point: Distance; from

V–107 is amended to delete:

Los Banos, Calif., VOR; Oakland, Calif., VORTAC; 35; Los Banos.

V–317 is amended to read in part:

Level Island, Alaska, VOR; Sisters Island, Alaska, VOR; 70; Level Island.

Section 95.8005 *Jet routes changeover points.*

J–8 is amended by adding:

Needles, Calif., VORTAC; Winslow, Ariz., VORTAC; 84; Needles.

From, to, MEA and MAA

Gallup, N. Mex., VORTAC; Las Vegas, N. Mex., VORTAC; 18,000; 45,000.
Las Vegas, N. Mex., VORTAC; Borger, Tex., VORTAC; 18,000; 45,000.
Borger, Tex., VORTAC; Kingfisher, Okla., VORTAC; 18,000; 45,000.

Section 95.7008 *Jet Route No. 8* is amended to delete:

Amarillo, Tex., VORTAC; Kingfisher, Okla., VORTAC; 18,000; 45,000.

Section 95.7019 *Jet Route No. 19* is amended by adding:

Phoenix, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC Las Vegas, N. Mex., VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7019 *Jet Route No. 19* is amended to delete:

Phoenix, Ariz., VORTAC; St. Johns, Ariz., VORTAC; 18,000; 45,000.
St. Johns, Ariz., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.
Albuquerque, N. Mex., VORTAC; Las Vegas, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7072 *Jet Route No. 72* is amended to read in part:

Winslow, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7076 *Jet Route No. 76* is amended to read in part:

Las Vegas, N. Mex., VORTAC; Tucumcari, N. Mex., VORTAC; 18,000; 45,000.
Tucumcari, N. Mex., VORTAC; Wichita Falls, Tex., VORTAC; 18,000; 45,000.

Section 95.7078 *Jet Route No. 78* is amended to read in part:

Prescott, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 18,000; 45,000.
Zuni, N. Mex., VORTAC; Albuquerque, N. Mex., VORTAC; 18,000; 45,000.

Section 95.7096 *Jet Route No. 96* is amended to read in part:

Prescott, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 22,000; 45,000.

Section 95.7134 *Jet Route No. 134* is amended to read in part:

Prescott, Ariz., VORTAC; Gallup, N. Mex., VORTAC; 22,000; 45,000.

Section 95.7590 *Jet Route No. 590* is amended to read in part:

United States-Canadian border; Sault Ste. Marie, Mich., LF/RBN; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points.*

From; to—Changeover point: Distance; from

V–107 is amended to delete:

Los Banos, Calif., VOR; Oakland, Calif., VORTAC; 35; Los Banos.

V–317 is amended to read in part:

Level Island, Alaska, VOR; Sisters Island, Alaska, VOR; 70; Level Island.

Section 95.8005 *Jet routes changeover points.*

J–8 is amended by adding:

Needles, Calif., VORTAC; Winslow, Ariz., VORTAC; 84; Needles.

J–6 is amended by adding:

Prescott, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 76; Prescott.

J–78 is amended by adding:

Prescott, Ariz., VORTAC; Zuni, N. Mex., VORTAC; 76; Prescott.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on January 27, 1972.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.72-1486 Filed 2-2-72;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 2113]

PART 13—PROHIBITED TRADE PRACTICES

Credit Bureau, Inc. of Washington, D.C. and Edward F. Garretson

Subpart—Misrepresenting oneself and goods—Goods: § 13.1655 *Identity.* Subpart—Securing information by subterfuge: § 13.2168 *Securing information by subterfuge.* Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, The Credit Bureau, Inc. of Washington, D.C., et al., Washington, D.C., Docket No. C–2113, Dec. 7, 1971]

In the Matter of The Credit Bureau, Inc. of Washington, D.C., a Corporation, and Edward F. Garretson, Individually, and as Manager of The Credit Bureau, Inc. of Washington, D.C.

Consent order requiring a credit reporting service of Washington, D.C., which includes the operation of a new resident information-reporting service under the franchised name of Welcome Newcomer, to cease securing personal and financial information from new area residents through subterfuge and selling it without their knowledge.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents The Credit Bureau, Inc. of Washington, D.C., a corporation, and its officers, and Edward F. Garretson, individually, and as manager of The Credit Bureau, Inc. of Washington, D.C., and each of said respondents trading as Welcome Newcomer or under any other trade name or names, and respondents' agents, employees, and representatives, directly or through any corporate, subsidiary, division or other device, in connection with the solicitation, compilation, use, sale or distribution of personal, financial or other information or debt collections or other service in "commerce" as defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the personal and financial information obtained by the hostess making the visit for Welcome Newcomer will be used only as proof that the hostess has called upon the newcomer or to make application for charge accounts with firms which do business in the community; or misrepresenting, in any manner, the purposes for obtaining any information from whatever source, or how or the manner in which the information is to be used or revealed to third parties.

2. Obtaining personal and financial information without clearly and conspicuously disclosing at the outset, in each introduction or presentation by hostesses or other representatives of respondents to newcomers that such information, in addition to being submitted in connection with any credit applications signed by the newcomer, will be available to specifically identified organizations which subscribe to the Welcome Newcomer service and may solicit the newcomer's patronage.

3. Disclosing any personal or financial information furnished by a newcomer for any purposes other than those described in paragraph 2 without clearly and conspicuously disclosing to the newcomer, prior to obtaining such information, the exact information which will be used, the particular use which will be made of such information, and the parties or entities to whom the information will be made available.

4. Using the trade name "Welcome Newcomer" or any other trade name of substantially similar import or meaning, either orally or in writing, in connection with the collection of personal or financial information for credit rating, debt collection or other purposes without clearly and conspicuously revealing in immediate connection therewith that the name identifies a credit bureau or a service or activity of a credit bureau.

It is further ordered, That respondents shall deliver a copy of this order to cease and desist to all present and future hostesses or other representatives engaged in securing personal and financial information from newcomers, and shall obtain a signed statement acknowledging receipt of said order from each said agent, representative, or person receiving a copy of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: December 7, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-1586 Filed 2-2-72;8:47 am]

[Docket No. C–2119]

PART 13—PROHIBITED TRADE PRACTICES

Film Corporation of America and Ames Advertising Agency, Inc.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices;* 13.155–25 Coupon, certificate, check, credit voucher, etc., values; § 13.185 *Refunds, repairs, and replacements;* § 13.235 *Source or origin;* 13.235–60 Place; 13.235–60(c) Domestic products as imported. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1875 *Nonstandard character;* § 13.1900 *Source or origin;* 13.1900–30 Foreign in general. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1925 *Coupon, certificate, check, credit voucher, etc., deductions in price;* § 13.1955 *Free goods;* § 13.1980 *Guarantee, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Film Corporation of America et al., Jenkintown, Pa., Docket No. C–2119, Dec. 17, 1971]

In the Matter of Film Corporation of America, a Corporation, and Ames Advertising Agency, Inc., a Corporation

Consent order requiring a Pennsylvania mail order photofinishing firm to cease distributing "free" color film, coupled with a photofinishing offer, to the public through misrepresentations.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents Film Corporation of America and Ames Advertising Agency, Inc., corporations, and respondents' officers, agents, representatives, and employees, directly or through any corporate, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of color film, photofinishing, or any other product or service in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to clearly, affirmatively, and expressly disclose, at the outset of the free film offer in each instance in which such an offer is made, in any advertisement or in any other form of communication, that forthcoming is an offer to sell photofinishing services and that the free color film may be processed by major quality photofinishers.

2. Representing, directly or by implication, that any offer is an introductory

FEB 3 72

offer when such offer is made by respondents on a continuing basis in the regular course of business; or misrepresenting, in any manner, the nature or terms of any introductory offer by respondents.

3. Representing, directly or by implication, that respondent Film Corporation of America is America's largest independent film processing company or employs 1,000 technicians; or misrepresenting, in any manner, the number, skill, and technical expertness of respondent Film Corporation of America's employees and the size, nature, and extent of its film processing facilities.

4. Representing, directly or by implication, that any merchandise and/or service is guaranteed, (a) unless the terms, conditions and extent to which such guarantee applies and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and (b) unless respondent Film Corporation of America, within a reasonable time, not to exceed ten (10) working days from receipt of the request, performs each obligation directly or indirectly represented with said guarantee; misrepresenting, in any manner, the terms, conditions and extent of any guarantee.

5. Representing, directly or by implication, that:

(a) The free sample roll of color film can only be processed and/or developed on respondent Film Corporation of America's special equipment; or misrepresenting, in any manner, the processing required or available for respondent Film Corporation of America's film;

(b) Kodaks equipment is used exclusively in respondent Film Corporation of America's film processing operations; or misrepresenting, in any manner, the type of equipment used in respondent Film Corporation of America's film processing operations;

(c) Respondent Film Corporation of America's mail order customers receive fast 24–48-hour service on all of their film processing; or misrepresenting, in any manner, the time required to process film processing orders;

(d) Respondent Film Corporation of America has 27 film processing locations from coast-to-coast; or misrepresenting, in any manner, the number of its office or processing locations;

(e) The Triple-Print process is exclusive and the sample roll of color film and processing combination is special and the result of a tremendous new patented color film and processing breakthrough; or misrepresenting, in any manner, the exclusivity, essential characteristics, constitution or the newness of Film Corporation of America's film and film processing services; and

(f) The 4" x 4" photos are "portrait size" and that 2" x 2" prints are "wallet size"; or misrepresenting, in any manner, the size of finished photos.

6. Representing, directly or by implication, that any article of merchandise or service is being given free or without charge or cost or as a gift, in connection with the purchase of other merchandise or service, unless the stated price of the merchandise and service required to be purchased in order to obtain said article or service is the same or less than the customary and usual price at which such merchandise or service has been sold separately for a substantial period of time in the recent and regular course of respondent Film Corporation of America's business.

7. Representing, directly or by implication, that exact cash refunds will be made for all unprintable negatives or if the consumer sends too much money, unless respondent Film Corporation of America automatically does refund in cash for all unprintable negatives and overpayments.

8. Representing, directly or by implication, that refunds are made, cash or credit, without clearly and conspicuously disclosing all of the terms and conditions of said refunds.

9. Using the trade names Famous Brand, Famous Brand Film, and other similar names, in any advertisement, package, or in any other form of communication unless, in each instance in which such representation is made, there is clear and conspicuous disclosure that said color film is foreign film when such is the fact; or misrepresenting, in any manner, the origin of manufacture of the film sold or distributed by respondent Film Corporation of America.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale or distribution of any product or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That respondents maintain for at least a two (2) year period, copies of all advertisements, direct mail and in-store solicitation literature, coupon solicitation requests, and any other such promotional material made for purposes of distributing film and/or inducing the mail order finishing of amateur photographic film.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: December 17, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1587 Filed 2-2-72;8:46 am]

[Docket No. C-2118]

PART 13—PROHIBITED TRADE PRACTICES

Gus Kroesen, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions: 13.155–95(a) Truth in Lending Act; § 13.170 *Qualities or properties of product or service:* 13.170–96 Waterproof, waterproofing, water-repellent; § 13.175 *Quality of product or service.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: 13.1852–75 Truth in Lending Act: 13.1852–75(a) Regulation Z; § 13.1905 Terms and conditions: § 13.1905–6 Truth in Lending Act. Subpart—Using misleading name—Goods: § 13.2280 *Composition;* § 13.2330 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147: 15 U.S.C. 45, 1601–1606)

[Cease and desist order, Gus Kroesen, Inc., et al., Oakland, Calif., Docket No. C-2118, Dec. 16, 1971]

In the Matter of Gus Kroesen, Inc., a Corporation, and National Diamond Sales, Inc., a Corporation, Also Trading as National Diamond Sales and Jewelry Sales Co., and Gus Kroesen Naval Tailor, Inc., a Corporation, Also Trading as Gus Kroesen Navy Tailor and Military Diamond Sales, and G. Kroesen Jewelers of Augusta, Inc., a Corporation, Also Trading as Gus Kroesen Jewelers and G. Kroesen Jewelers, Inc., and Joseph B. Kroesen, and Edward G. Koch, Individually and as Officers of Said Corporations.

Consent order requiring a California based jewelry wholesaler and its affiliated firms to cease using deceptive advertising to induce the sale of their jewelry; and to cease violating the Truth in Lending Act by failing, in consumer credit transactions and advertisements, to make all disclosures in the manner, form, and amount required by Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents Gus Kroesen, Inc., a corporation, and its officers; National Diamond Sales, Inc., a corporation, and its officers; Gus Kroesen Naval Tailor, Inc., a corporation, and its officers; and Joseph B. Kroesen and Edward G. Koch, individually and as officers of any of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, and distribution of jewelry and watches, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, in describing jewelry containing synthetic imitation, or simulated stones that the said jewelry contains stones that are "blue star sapphire," "birthstone," or any other precious or semiprecious stone, unless such descriptive wording is immediately preceded with equal conspicuity, by the word "synthetic," or by the word "imitation" or "simulated," whichever, is applicable or by some other word or phrase of like meaning, so as clearly to disclose the nature of such product and the fact that it is not a natural stone.

2. Using the words "real," "genuine," "natural," or similar terms as descriptive of such stones as the Linde blue and black star sapphires or other stones which are manufactured or produced synthetically or artificially.

3. Using the word "solid," whether in connection with karat fineness or otherwise, to describe jewelry or any part thereof which contains a concealed hollow center or interior, and from failing to clearly disclose the fact that such jewelry contains a hollow center or interior.

4. Using the words "real," "genuine," "natural," or similar terms as descriptive of cultured pearls or any other article or articles which are artificially cultured or cultivated.

5. Representing that their watches are "waterproof."

6. Using the term "gold filled" in describing watchcases unless the term "gold filled" or an abbreviation thereof is immediately preceded by a correct designation of the karat fineness of the gold alloy of which the plating is composed.

7. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; or making any direct or implied representation that any of respondents' products are guaranteed unless in each instance a written guarantee is given to the purchaser containing provisions fully equivalent to those contained in such representations and unless respondent promptly fulfills all of his obligations under the represented terms of such guarantee.

8. Representing, directly or by implication, through the use of any picture, illustration or other depiction that rings, diamonds, or other stones are greater than actual size unless the said picture, illustration, or depiction is accompanied by a clear and conspicuous disclosure of the fact that the picture, illustration, or depiction is an enlargement.

II. *It is further ordered,* That respondents Gus Kroesen, Inc., a corporation, and its officers; National Diamond Sales, Inc., a corporation, and its officers; Gus Kroesen Naval Tailor, Inc., a corporation, and its officers; G. Kroesen Jewelers of Augusta, Inc., a corporation, and its officers; and Joseph B. Kroesen and Edward G. Koch, individually and as officers of any of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit, or any advertisement to aid, promote, or assist, directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement," are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. In connection with the disclosure statements made in conjunction with mail order sales as required by § 226.8 (a) (b) (c) of Regulation Z,

(a) Failing to furnish the customer with a duplicate of a statement on which the creditor is identified and which identifies the transaction as required by § 226.8(a) (2) of Regulation Z.

(b) Failing to disclose the price at which respondents, in the regular course of business, offer to sell for cash the property or services which are the subject of the credit sale, and to describe that price as the "cash price," as required by § 226.8(c) (1) of Regulation Z.

(c) Failing to disclose the amount of any downpayment in property and to describe that amount as the "trade-in," as required by § 226.8(c) (2) of Regulation Z.

(d) Failing to disclose the difference between the "cash price" and the "trade-in," and to describe that difference as the "unpaid balance of cash price," as required by § 226.8(c) (3) of Regulation Z.

(e) Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed," as required by § 226.8(c) (7) of Regulation Z.

(f) Failing to disclose the sum of the payments scheduled to repay the indebtedness, and to describe the sum as the "total of payments" as required by § 226.8(b) (3) of Regulation Z.

(g) Failing to disclose the sum of the cash price and all charges which are included in the amount financed but which are not part of a finance charge, and the finance charge and to describe that sum as the "deferred payment price," as required by § 226.8(c) (8) (ii) of Regulation Z.

(h) Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

2. Stating, in any advertisement, that no downpayment is required, the amount of installment payments, or that there is no charge for credit, without also stating all of the following items, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d) (2) thereof:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The deferred payment price.

3. In connection with the disclosure statements made in conjunction with retail store sales as required by § 226.8 (b) (c) of Regulation Z,

(a) Failing to disclose the price at which respondents, in the regular course of business, offer to sell for cash the property or services which are the subject of the credit sale, and to describe that price as the "cash price," as required by § 226.8(c) (1) of Regulation Z.

(b) Failing to disclose the amount of any downpayment in money and to describe that amount as the "cash downpayment," as required by § 226.8(c) (2) of Regulation Z.

(c) Failing to disclose the amount of any downpayment in property and to describe that amount as the "trade-in," as required by § 226.8(c) (2) of Regulation Z.

(d) Failing to disclose the sum of the "cash downpayment" and the "trade-in" and to describe that sum as the "total downpayment," as required by § 226.8 (c) (2) of Regulation Z.

(e) Failing to disclose the difference between the "cash price" and the "total downpayment," and to describe that difference as the "unpaid balance of cash price," as required by § 226.8(c) (3) of Regulation Z.

(f) Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed," as required by § 226.8(c) (7) of Regulation Z.

(g) Failing to disclose the "finance charge," using that term, in credit transactions where finance charges are imposed as required by §§ 226.4, 226.6(a), and 226.8(c) (8) (i) of Regulation Z.

(h) Failing to disclose the sum of the payments scheduled to repay the indebtedness, and to describe the sum as the "total of payments" as required by § 226.8(b) (3) of Regulation Z.

(i) Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c) (8) (ii) of Regulation Z.

(j) Failing to disclose the "annual percentage rate," using that term, in credit transactions where finance charges are imposed as required by §§ 226.5, 226.6(a), and 226.8(b) (2) of Regulation Z.

(k) Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

4. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any consumer credit

FEB 3 72
XUM

transaction or in any aspect of preparation, creation, or placing of advertising and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment, or sale resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained herein.

Issued: December 16, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1588 Filed 2-2-72;8:48 am]

[Docket No. C-2116]

PART 13—PROHIBITED TRADE PRACTICES

Abe Kairy and Kairy's

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Abe Kairy et al., Miami Beach, Fla., Docket No. C-2116, Dec. 7, 1971]

In the Matter of Abe Kairy, An Individual Trading as Kairy's.

Consent order requiring a Miami Beach, Fla., seller of novelty items and wearing apparel, including ladies' scarves, to cease marketing dangerously flammable products in violation of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Abe Kairy, individually and trading as Kairy's, or under any other name or names, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling or offering for sale, in commerce or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondent herein notify all of his customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect the recall of said products from such customers.

It is further ordered, That respondent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondent herein shall, within ten (10) days after service upon him of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the product which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since March 11, 1971 and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon, and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondent shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: December 7, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1589 Filed 2-2-72;8:48 am]

[Docket No. C-2117]

PART 13—PROHIBITED TRADE PRACTICES

Irvin Howard Laswell and Housecraft of Evansville

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.155 *Prices;* 13.155–10 Bait; 13.155–33 Demonstration reduction; § 13.155–35 Discount savings; § 13.240 *Special or limited offers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Housecraft of Evansville, Evansville, Ind., Docket No. C-2117, Dec. 16, 1971]

In the Matter of Irvin Howard Laswell, An Individual Trading and Doing Business as Housecraft of Evansville.

Consent order requiring a home improvement firm of Evansville, Ind., to cease using false pricing, savings, and "free" claims and other misrepresentations in promoting the sale of its products and installations, and to cease transferring its credit customers' contracts of indebtedness to third parties, unless all rights of its customers are preserved.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Irvin Howard Laswell, an individual trading and doing business as Housecraft of Evansville or under any other name or names, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution and installation of residential siding or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of residential siding or other merchandise or services.

2. Representing, directly or by implication, that purchasers of respondent's residential siding materials will realize a substantial savings on their heating bills; or representing, in any manner, the amount of savings afforded to respondent's customers on their heating bills.

3. Representing, directly or by implication, that respondent's siding materials are manufactured by United States Steel Corp.; or misrepresenting, in any manner, the origin of manufacturer or respondent's products.

4. Representing, directly or by implication, that persons will receive a gift of a specified article of merchandise, or anything of value; or misrepresenting, in any manner, that free gifts will be given to persons who return "free gift" coupons to respondent.

5. Representing, directly or by implication, that the home or any of respondent's customers or prospective customers has been selected to be used or will be used as a model home, or otherwise, for advertising or sales purposes.

6. Representing, directly or by implication, that any allowance, discount or commission is granted by respondent to purchasers in return for permitting the premises on which respondent's products are installed to be used for model home or demonstration purposes.

7. Representing, directly or by implication, that any of respondent's products and installations are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; or making any direct or implied representation that any of respondent's products or installations are guaranteed unless in each instance a written guarantee is given to the purchaser containing provisions fully equivalent to those contained in such representations and unless respondent promptly fulfills all of his obligations under the represented terms of such guarantee.

8. Assigning, selling or otherwise transferring respondent's notes, contracts or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondent are preserved and may be asserted against any assignee or subsequent holder of such note, contract or other such documents evidencing the indebtedness.

9. Failing to include the following statement clearly and conspicuously on the face of any note, contract or other instrument of indebtedness executed by or on behalf of respondent's customers:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this order.

Issued: December 16, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1590 Filed 2-2-72;8:48 am]

[Docket No. C-2120]

PART 13—PROHIBITED TRADE PRACTICES

Longines-Wittnauer, Inc. and Credit Services, Inc.

Subpart—Advertising falsely or misleadingly: § 13.150 *Premiums and prizes:* 13.150–35 Prizes; § 13.157 *Prize contests.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1705 *Prize contests.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1883 *Prize contests.* Subpart—Using, selling, or supplying lottery devices: § 13.2480 *In merchandising.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Longines-Wittnauer, Inc., et al., New York, N.Y., Docket No. C-2120, Dec. 21, 1971]

In the Matter of Longines-Wittnauer, Inc., and Credit Services, Inc., Corporations

Consent order requiring a corporation and its subsidiary of New York, N.Y., to cease using promotional games unless all prizes are awarded as represented and disclose the odds of winning and other material information, and to cease using false claims in connection with such promotions.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That Longines-Wittnauer, Inc., and Credit Services, Inc., corporations, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the preparation, advertising, sale, distribution or use of any "sweepstakes," contest, game, or similar promotional devices, any of which involve chance in commerce, as "commerce" is defined in the Federal Trade Commission Act, cease and desist from:

A. (1) Failing to disclose clearly and conspicuously to participants and prospective participants the exact number of prizes which will be awarded, the exact nature of the prizes, the approximate retail value of each, and the odds of winning each such prize: *Provided, however,* That in those promotional devices in which the odds cannot be determined with reasonable accuracy, respondents shall clearly and conspicuously disclose the approximate number of individuals to whom the promotional device is being disseminated.

(2) Failing to award and distribute all prizes of the value and type represented.

(3) Representing directly or by implication to participants and prospective participants that:

(a) An entry offered to any individual or group of prospective participants represents a better opportunity to win or receive a prize than that offered to other prospective participants;

(b) The number of participants has been significantly limited or that the opportunity to participate in respondents' promotional devices and to purchase their products is not available to other members of the public, unless the basis for such representation is clearly and conspicuously disclosed.

(4) Using the word "lucky" in any manner that represents, or representing in any other manner directly or by implication, to participants and prospective participants that any number, ticket, coupon, symbol, or other entry confers or will confer an advantage upon the recipient or is more likely to win a prize than are others, or has some value that other entries do not have.

(5) Failing to disclose clearly and conspicuously to participants and prospective participants those terms and conditions with which persons who hold winning tickets will be asked to or must comply in order to obtain a prize.

(6) Representing directly or by implication to participants and prospective participants that prizes have been purchased, unless such prizes have, in fact, been purchased at the time the representation is made, or that prizes will be purchased by a future date, unless such prizes will, in fact, be purchased by that date.

(7) Failing to disclose to participants and prospective participants in clear and conspicuous instructions the way in which persons may enter respondents' promotional devices without making or committing themselves to a purchase, or incurring any other obligation, or performing an inspection of any product, or agreeing to any other act or condition.

(8) Failing to furnish upon request to any individual a complete list of the names and States of residence of winners of major prizes, identifying the prize won by each.

(9) Failing to maintain adequate records:

(a) Which disclose the facts upon which any of the representations of the type described in paragraphs 1–7 of this order are based, and

(b) From which the validity of the representations of the type described in paragraphs 1–7 of this order can be determined.

(10) Failing to furnish upon the request of the Federal Trade Commission:

(a) A complete list of the names and addresses of the winners of each category or denomination of prizes which does not exceed 1,000 in number, and an exact description of the prize, including its approximate retail value;

(b) A list of the winning numbers or symbols, if utilized, for each prize;

(c) The total number of coupons or other entries distributed;

(d) The total number of individuals known or reasonably estimated to have participated in the promotion;

(e) The total number of prizes in each category or denomination which were made available; and

(f) The total number of prizes in each category or denomination which were awarded.

B. Engaging in the preparation, promotion, sale, distribution, or use of any "sweepstakes," contest, game, or similar promotional devices, any of which involve chance in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless the following are disclosed clearly and conspicuously to participants and prospective participants:

(1) The total number of prizes to be awarded;

(2) The exact nature of the prizes, their approximate retail value and the number of each;

(3) All of the terms, conditions and obligations with which individuals will be asked to or have to comply with in order to obtain a prize;

(4) The odds of winning each prize: *Provided however,* That in those promotional devices in which the odds cannot

FEB 3 7 2 XUM

be determined with reasonable accuracy, respondents shall clearly and conspicuously disclose the approximate number of individuals to whom the promotional device is being disseminated;

(5) The geographic area or States in which any such device is used; and

(6) The date the device is initiated and the date the device is to end.

II. *It is ordered,* That Longines-Wittnauer, Inc., Credit Services, Inc., and their officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, sale or distribution to consumers of phonograph records or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, cease and desist from:

(1) Failing to disclose clearly and conspicuously the exact nature and approximate retail value of any gift or other item furnished without charge, or at nominal charge, or at a cost substantially below its retail value to any purchaser or prospective purchaser of respondents' products, or to any participant or prospective participant in their promotional devices.

(2) Representing directly or by implication to prospective purchasers or participants that:

(a) Any individual or group of prospective purchasers or participants has a better opportunity to receive any gift or other item furnished without charge or at a cost substantially below its retail value than that afforded other prospective purchasers or participants to whom the offer has been made;

(b) The number of individuals to whom such offer has been made has been significantly limited or that the opportunity to purchase respondents' products is not available to other members of the public, unless the basis for such representation is clearly and conspicuously disclosed.

(3) Using or distributing items that simulate currency, checks, other negotiable instruments, or any other item of value.

(4) Using the word "win," "prize," or other similar term denoting chance or skill, unless the selection of individuals receiving a record album or any other item is based on some element of chance or skill.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries, or any other change in the corporations which may affect compliance with this order.

It is further ordered, That, this order shall become effective upon final acceptance by the Commission, or on September 30, 1971, whichever shall occur later.

It is further ordered, That the respondents herein shall, within sixty (60) days after the effective date of this order, file with the Commission a report in writing setting forth in detail the manner in which they have complied with this order.

Issued: December 21, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1591 Filed 2-2-72;8:48 am]

[Docket No. C-2114]

PART 13—PROHIBITED TRADE PRACTICES

Shelton Health Spa, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: 13.-1852-75(a) Regulation Z.

(Sec. 6, 38 Stat. 721; U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Shelton Health Spa, Inc., et al., New York, N.Y., Docket No. C-2114, Dec. 7, 1971]

In the Matter of Shelton Health Spa, Inc., and Shelton Health Club for Women, Inc., Corporations, and Howard Joseph, Individually and as an Officer of Said Corporations

Consent order requiring two health clubs of Forest Hills, N.Y., and New York City, to cease violating the Truth in Lending Act by failing, in consumer credit transactions and advertisements, to use the terms "cash price," "unpaid balance of cash price," "amount financed," "finance charge," "total of payments," "deferred payment price," and "annual percentage rate" as required by Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Shelton Health Spa, Inc., and Shelton Health Club for Women, Inc., and Howard Joseph, individually and as an officer of said corporations, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price" to describe the price at which respondents offer, in the regular course of business, to sell for cash the health club memberships which are the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the cash downpayment, as required by § 226.8(c)(3) of Regulation Z.

3. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

4. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

5. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(6)(3) of Regulation Z.

6. Failing to use the term "deferred payment price" to describe the sum of the cash price, all other charges which were included in the amount financed but which were not part of the finance charge, and the finance charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing to express the finance charge as an annual percentage rate, using the term "annual percentage rate" as required by § 226.8(b)(2) of Regulation Z.

8. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and failing to provide a statement of the amount or method of computation of any charge that may be deducted from the amount of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the customer, as required by § 226.8(b)(7) of Regulation Z.

9. Failing, in any consumer credit transaction or advertisement, to make all disclosures in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of the respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in corporate respondent's business organization such as dissolution; assignment or sale resulting in the emergence of a successor business, corporate or otherwise; the creation of subsidiaries; any change of business name or trade style; or any other change which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Issued: December 7, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1592 Filed 2-2-72;8:48 am]

[Docket No. C-2115]

PART 13—PROHIBITED TRADE PRACTICES

Three "B" Motors, Inc. and Joseph C. Barger

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: 13.1852-95(a) Regulation Z.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Three "B" Motors, Inc., et al., Miami, Fla., Docket No. C-2115, Dec. 7, 1971]

In the Matter of Three "B" Motors, Inc., a Corporation, and Joseph C. Barger, Individually and as Manager of Said Corporation.

Consent order requiring two used car dealers of Miami, Fla., to cease violating the Truth in Lending Act by failing, in consumer credit transactions, to make all disclosures in the manner, form, and amount required by Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Three "B" Motors, Inc., a corporation, and its officers, and Joseph C. Barger, individually and as manager of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price" to describe the price at which respondents, in the regular course of business offer to sell for cash the property or service which is the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "trade-in" to describe the downpayment in property made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

4. Failing to use the term "total downpayment" to describe the sum of the cash downpayment and the trade-in, as required by § 226.8(c)(2) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

6. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

7. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

8. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

9. Failing to disclose the "annual percentage rate", determined in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

10. Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

11. Failing to use the term "total of payments" to describe the dollar amount of the sum of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

12. Failing to describe the type of security interest, as required by § 226.8(b)(5) of Regulation Z.

13. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment, as required by § 226.8(b)(7) of Regulation Z.

14. Failing in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale, resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: December 7, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-1593 Filed 2-2-72;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Pursuant to the "Air Quality Act of 1967" (section 2, Public Law 90-148; 81 Stat. 491), States were required to adopt and submit for Federal approval implementation plans providing for the attainment and maintenance of regional ambient air quality standards for sulfur dioxide and particulate matter. Section 16 of the "Clean Air Amendments of 1970" (Public Law 91-604; 84 Stat. 1713) provided that any such implementation plan or portion thereof, submitted prior to the enactment of the amendments would be approved by the Administrator and would remain in effect if he determined that such plan, or portion thereof, was consistent with the requirements of the Clean Air Act and that it provided for the attainment of the national primary ambient air quality standards for sulfur dioxide and particulate matter within the time prescribed by the amendments.

On August 4, 1971, the Administrator, by letters to Governors, approved portions of such existing implementation plans for several air quality control regions. In accordance with section 16 of the amendments, the Administrator also notified the States of what changes in the plans were necessary to meet the new requirements of the amendments to the Act. In making these determinations, the Administrator reviewed the plans for consistency with the Clean Air Act (particularly section 110) and for compliance with requirements set forth at 40 CFR Part 51. The adequacy of the control strategy of each plan was determined by the Administrator by means of procedures described in § 51.13(e) of Title 40, which involve use of a proportional or diffusion model or verification of other procedures used by the State. Approved control strategies and pertinent rules and regulations and compliance schedules are identified by general description in the text of this publication. These provisions become the initial part of the "applicable implementation plan" for each region involved. "Applicable implementation plans" are enforceable by the Administrator under sections 113 and 114 of the Act under circumstances described in such sections. Each implementation plan covered herein and the Agency's analysis of each plan are available for public inspection in Division of Stationary Source Enforcement, Room 17-70, 5600 Fishers Lane, Rockville, MD 20852, and in the EPA Regional Offices serving the States covered by this publication.

The States are now completing the preparation and adoption of statewide implementation plans under section 110 of the Act, as amended. These plans must

FEB 3 72 XUM

provide for attainment and maintenance of the national ambient air quality standards. None of the plans submitted and approved pursuant to section 16 of the 1970 Amendments met all the requirements of section 110 of the Act or 40 CFR Part 51; accordingly, additions to all the approved plans will be necessary. Following submission of completed plans (by January 30, 1972) the Administrator will identify approved portions by publication in the FEDERAL REGISTER. It should also be noted that certain nonregulatory portions of plans, e.g., air monitoring systems, were approved under section 16 for some regions listed below as well as for other regions not listed. Subsequent to January 30, 1972, the notices published here will be revised to indicate approval or disapproval of the entire State plan.

The regulations set forth below are effective upon the date of publication. In accordance with 5 U.S.C. 553, the Agency finds that because the public participated in the development of the approved implementation plan provisions at the time of their adoption, through public hearings and otherwise, good cause exists for dispensing with a proposal and comment period on these regulations. The Agency also finds that good cause exists for making these regulations effective upon publications (2-3-72), since the approved provisions are now in effect in the various States involved.

Accordingly, a new Part 52 is added to Chapter I, Title 40 of the Code of Federal Regulations, as follows:

§ 52.1 Approval and promulgation of implementation plans.

State plans consisting of control strategies, rules, and regulations, and, in certain instances, compliance schedules, which the Administrator has determined meet the requirements of section 16 of the "Clean Air Amendments of 1970" have been approved, as follows:

DELAWARE

An implementation plan for the State's portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on June 30, 1970. Supplemental information was received October 20, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

NEW JERSEY

An implementation plan for the State's portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 26, 1970. Supplemental information was submitted September 23, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

PENNSYLVANIA

An implementation plan for the State's portion of the Philadelphia Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 4, 1970. Supplemental information was received August 4, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations pertaining thereto.

KANSAS

An implementation plan for the State's portion of the Kansas City Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on November 19, 1970. The Administrator has determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining thereto.

VIRGINIA

An implementation plan for the State's portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on April 29, 1970. Supplemental information was received August 10 and 14, 1970. The Administrator has determined that the State's control strategy for sulfur oxides and particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for sulfur oxides and particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedules pertaining thereto.

MARYLAND

An implementation plan for the State's portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 26, 1970. Supplemental information was submitted August 7 and 21, 1970. The Administrator has determined that the State's control strategy for sulfur oxides and particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for sulfur oxides and particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedule pertaining to the sulfur oxides standards.

MARYLAND

An implementation plan for the Baltimore Intrastate Air Quality Control Region was submitted to the Environmental Protection Agency on December 23, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. The Administrator has also determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for particulate matter. Therefore, the Administrator has approved such control strategies, together with specified rules and regulations, as well as the compliance schedule pertaining to the sulfur oxides standards.

COLORADO

An implementation plan for the Denver Intrastate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 12, 1970, and was amended by letter dated November 10, 1970. The Administrator has determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for particulate matter. The Administrator has also determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for maintaining the national secondary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategies, together with specified rules and regulations and the compliance schedules pertaining thereto.

MISSOURI

An implementation plan for the State's portion of the Kansas City Intrastate Air Quality Control Region was received by the Department of Health, Education, and Welfare on October 14, 1970. The Administrator has determined that the State's control strategy for particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedules pertaining thereto.

DISTRICT OF COLUMBIA

An implementation plan for the District's portion of the National Capital Interstate Air Quality Control Region was received by the Department of Health, Education, and Welfare on May 6, 1970. Supplemental information was received August 24, 1970. The Administrator has determined that the District's control strategy for sulfur oxides and particulate matter, as set forth in this implementation plan, is adequate for attainment of the national primary and secondary ambient air quality standards for sulfur oxides and particulate matter. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations pertaining thereto.

MASSACHUSETTS

An implementation plan for the Boston Intrastate Air Quality Control Region was received by the Department of Health, Education, and Welfare on September 16, 1970. The Administrator has determined that the State's control strategy for sulfur oxides, as set forth in this implementation plan, is adequate for attainment of the national primary ambient air quality standards for sulfur oxides. Therefore, the Administrator has approved such control strategy, together with specified rules and regulations and the compliance schedules pertaining thereto.

(Sec. 16, sec. 4(a), Public Law 91-604; 84 Stat. 1713, 1678)

Dated: January 31, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-1616 Filed 2-2-72;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18920; FCC 72-71]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Domestic Public Point to Point Microwave Radio Service

Memorandum opinion and order. In the matter of establishment of policies and procedures for consideration of applications to provide specialized common carrier services in the domestic public point-to-point microwave radio service and proposed amendments to Parts 21, 43, and 61 of the Commission's rules, Docket No. 18920.

1. The Commission has before it two petitions filed by American Telephone and Telegraph Co. and associated Bell System Cos. (A.T. & T.) on July 6, 1971 and by GT&E Service Corp. on July 9, 1971 requesting partial reconsideration of the First Report and Order in this proceeding released June 3, 1971 (29 FCC 2d 870). Responses were filed by Western Union Telegraph Co.; the MCI Carriers, Southern Pacific Communications Co., Data Transmission Co. (Datran), Western Telecommunications, Inc., and Nebraska Consolidated Communications Corp. A reply to the responses was filed by A.T. & T. Also received, on August 31, 1971, from Western Union are a supplement to its original response and a motion for its acceptance.

2. These petitions for partial reconsideration concern only the technical standards adopted in the First Report and Order (Issue C).[1] The new standards primarily relate to restrictions on the aiming of terrestrial antennas toward the synchronous satellite orbit, a requirement for prior frequency coordination to avoid frequency conflicts and route blockage, restrictions on the use of frequency diversity, and the establishment of more critical antenna standards. A.T. & T. states that it endorses the concept of frequency conservation which the new standards are designed to achieve but is concerned primarily with the time allotted for compliance with the new rules, particularly those relating to the use of frequency diversity.[2] GTE essentially seeks modification of the antenna standards and some clarification of the frequency diversity rules. In the following paragraphs we discuss each item.

Frequency diversity. 3. Our action in the First Report and Order limited the use of frequency diversity to one protection channel in each of the bands 3700–4200 MHz (4 GHz) and 5925–6425 MHz (6 GHz) and a ratio of one protection channel for three working channels in the band 10,700–11,700 MHz (11 GHz). In the 4 and 6 GHz bands no protection channel is allowed for new facilities until there are a minimum of three working channels. These requirements were made applicable to all pending applications and excess protection channels on existing routes are to be relinquished. A.T. & T. does not object to the limitations per se but to the method of implementation and the time for conversion of existing facilities. Specifically, A.T. & T. makes the following requests:

(a) Defer the effective date of the rules for 1 year;

(b) In the 4 and 6 GHz bands permit the use of a protection channel for the first working channel where it can be demonstrated that the route will develop to three or more working channels within a reasonable period (e.g. 5 years);

(c) Permit the use of two protection channels for the combined 4 and 6 GHz bands after a route has grown to four or more working channels in the 6 GHz band or six or more in the 4 GHz band, where it can be demonstrated that the route will grow to utilize channels in both bands within a reasonable period (e.g. 5 years);

(d) Continue to permit the use of two protection channels in either the 4 or 6 GHz band on an existing route until July 1, 1976, where it can be demonstrated that a minimum of six 4 GHz or four 6 GHz working channels will be used and where equipment necessary for economical conversion is not available; and

(e) In the 11 GHz band permit continued use of one protection channel for one working channel until July 1, 1976, provided it can be shown that equipment for economical conversion is not available.

4. In support of request (a) to delay implementation of the rules for 1 year, A.T. & T. contends that it is unable to implement the new rules without seriously jeopardizing the quality of service. It states that existing carriers have not been allowed time to: (1) Evaluate the effect of the new standards upon currently engineered systems, (2) study and select engineering alternatives, (3) prepare amendments to pending applications, or (4) secure or design equipment which will conform to the new rules. A.T. & T. estimates that 661 applications now on file will have to be modified which will require a massive engineering effort, delaying service from 2 months to 2½ years. Moreover, A.T. & T. contends that it needs more time to develop new engineering practices and to develop and manufacture new equipment. The specialized carriers generally oppose changes that would give benefit to a limited number of carriers. Southern Pacific, however, does not oppose the one year's delay. Datran, on the other hand, does object to the delay, claiming that the burden on A.T. & T., considering its vast resources, is proportionately less than on Datran and many other applicants.

5. We would have preferred to implement these rules over a period of time to allow carriers to make adequate advance planning to accommodate the changes. However, due to the extensive number of pending applications on file, we believe the impact on the frequency spectrum would be too severe to delay implementation for a year. Not only would we be faced with granting some 3,000 pending applications, most of which propose one for one frequency diversity, but we would undoubtedly be faced with the prospect of an upsurge of new applications in the intervening year proposing one for one frequency diversity prior to the cutoff. Accordingly, we were not unmindful that some delays and difficulties would be imposed. Rather, it was (and is) a matter of weighing the public interest in protecting the rapidly diminishing available radio spectrum against the temporary impact on the carriers having pending applications. Moreover, it should be realized that our action was hardly a surprise since we proposed even more severe restrictions on the use of frequency diversity in the notice of proposed rule making issued a year prior to the effective date of the new rules.

6. In terms of numbers of applications, we would, of course, expect that A.T. & T., due to the vast size of its microwave network, would be more affected by the new rules than any other carrier. However, it appears that A.T. & T. overestimated the impact. It estimates that 661 pending applications would have to be modified. Of these only 119 involve the construction of new stations; the remaining 542 concern modification of existing facilities. In paragraph 141 of the First Report and Order we recognized the problems inherent in the modification of existing facilities, and we indicated that we would have a flexible policy with regard to such modifications. (More is said of this below.) Accordingly, the major impact would appear to relate only to 119 applications which are likely to require modification. Even taking into account the possible effect upon other systems currently being designed, the impact on A.T. & T., considering its size, is hardly overwhelming, especially if it is noted that the MCI carriers have some 644 pending applications which will require modification. While we recognize that A.T. & T. has existing service obligations which must be satisfied, we are of the opinion that a delay of several months for some system redesign or modification would rarely affect public service in any substantial way. In those limited cases where time is especially critical or alternatives severely limited, we will consider a well substantiated request for waiver as indicated in paragraph 140 of the First Report and Order.

7. With regard to its request (b) to allow the installation of a protection

[1] The petitions for reconsideration filed by the National Association of Regulatory Utility Commissioners and the Utilities and Transportation Commission of the State of Washington relating to the resolution of Issues A and B and related pleadings, were considered and disposed of in our Memorandum Opinion and Order released Oct. 6, 1971 (31 FCC 2d 1106).

[2] By Memorandum Opinion and Order released July 19, 1971 (FCC 71-727) we granted a partial stay of the new frequency diversity rules which temporarily have permitted continued use of previously accepted protection ratios on existing routes.

V 37 I 23 FEB 3 72 XUM

channel simultaneously with the construction of the first working channel on a developing heavy route, A.T. & T. contends that such change would eliminate the substantial additional investment in providing for space diversity in the initial phase of the route, which investment would become unnecessary when the route expands to three or more working channels. An alternative, it suggests, would be to initially apply for three working channels or request a waiver. Southern Pacific and Datran specifically oppose this request. Southern Pacific contends that it would give A.T. & T. an unfair advantage and would be contrary to the purpose of the rule which is to encourage the use of space diversity. It argues that if a route becomes heavy, space diversity should be continued rather than switch to frequency diversity. Several of the specialized carriers make the point that it would be relatively easy for A.T. & T. to make heavy route projections while they would be at a decided disadvantage.

8. As noted in paragraph 137 of the First Report and Order, A.T. & T. originally commented that it anticipated utilizing space diversity to augment frequency diversity in many instances. However, on growth routes where the need for both types of protection is not anticipated, it does appear unreasonable to require space diversity initially when it will not be needed later on. Southern Pacific's suggestion that full reliance on space diversity be continued as route grows to three or more working channels is not considered practical because of the costs involved.[3] We do not doubt that a change of this sort will be more beneficial to A.T. & T. than the specialized carriers due to the size of A.T. & T.'s operation. However, our decision must be based on the overall public interest rather than solely attempting to equalize the competitive positions among the various carriers. Accordingly, the rules will be modified to make provision for a protection channel for the first working channel on a true growth route. However, rather than utilize the 5-year figure suggested by A.T. & T., we prefer 3 years. If a route is to reflect substantial growth it appears that it should reach a total of three working channels within 3 years. We will, of course, require growth projections to be based on solid data, and such projections will be carefully reviewed. All grants in such instances will be conditional so that if actual growth proves less than the required minimum, subsequent conversion to space diversity may be required.

9. In support of request (c), A.T. & T. contends that full reliability cannot be achieved economically with existing vacuum tube equipment at the 1 for 11 and 1 for 7 protection ratios in the 4 and 6 GHz bands, but when route development progresses to the point where the second protection channel is allowed, sufficient reliability (on a 2 for 18 ratio) can be achieved without the interim use of space diversity and hot standby transmitters. Therefore, for routes where both the 4 and 6 GHz bands are to be utilized, it proposes the use of a second protection channel after the route has grown to four working channels in the 6 GHz band or six in the 4 GHz band. Objections similar to those voiced against request (b) are also raised against this request by several specialized carriers.

10. We have not been persuaded by A.T. & T.'s arguments on this item. First, the projection of such requirements would involve many channels and would normally be long range.[4] It is logical to expect that forecasting of this sort would be less accurate and, hence, less likely to occur as planned. Secondly, and more important, the need for 2 for 18 protection, rather than 1 for 11 or 1 for 7, is predicated by A.T. & T. on the use of existing vacuum tube equipment. On new routes we would not expect the continued use of vacuum tube equipment, and indeed A.T. & T. gives no reason for such continued use contrary to its previous representations. Our decision to reduce protection ratios was based to a substantial extent on the wide availability of solid state equipment which is generally considered to be significantly more reliable than vacuum tube equipment. However, if A.T. & T. on a particularly heavy route can show a genuine need to use vacuum tube equipment, we may consider the matter on an individual waiver basis.

11. In requests (d) and (e) A.T. & T. seeks the continued use of the formerly accepted protection ratios until July 1, 1976. In support of these requests it cites the current unavailability of switching equipment to meet the new ratios, particularly in 4 and 11 GHz bands. It states that some equipment may be economically converted but that much would depend on new equipment (e.g. the 400 A switcher) which will not begin to be available until 1974. In the First Report and Order we recognized that the modification and/or conversion of existing facilities is likely to create some problems, and we indicated a flexible approach would be followed. In general, we stated that excess protection channels should be relinquished by the next renewal period and that during such conversion period applications for modification of facilities would be considered in a manner that is consistent with the conversion plans.

12. We believe our basic approach on this matter (i.e. each carrier making conversion consistent with a reasonable time schedule according to its circumstances) is sound. Renewal time is obviously the most convenient time to check the completion of conversion. But due to the existing renewal scheduling, the current licenses of A.T. & T., the carrier with the greatest conversion load, begin to expire on January 1, 1975, more than a year in advance of other carriers. Accordingly, some relief may be appropriate for A.T. & T. However, whether and to what extent A.T. & T., or any other carrier, should have more time can only be determined when we have examined its detailed plans for conversion. As discussed in paragraph 141 of the First Report and Order, such plans are also relevant to our consideration of applications to modify existing facilities to add new capacity in the interim.

13. Accordingly, we will give no blanket extension of time as A.T. & T. seeks. However, we do intend to allow each carrier a reasonable amount of time, consistent with its tasks and resources, to convert its existing facilities, and during the conversion period we will authorize modification of such facilities to the extent they are reasonable and compatible with the conversion plans. As noted in paragraph 2, we previously stayed the new frequency diversity rules to temporarily permit continued use of the formerly accepted protection ratios on existing routes. We then stated that this was done because adequate time had not elapsed to permit carriers to formulate and submit their conversion plans. Now that the petitions for reconsideration are being disposed of, such plans should be promptly made. In the meantime we will continue the effectiveness of the stay until April 1, 1972. After that date applications for modifications of existing facilities will be granted only if they are consistent with section 21.100 (c) of the rules or with an approved conversion plan.[5]

14. GTE briefly requests clarification of the rules with respect to the use of frequency diversity on existing "thin routes." We do not understand what needs clarifying from GTE's standpoint. In paragraph 141 of the First Report and Order we clearly stated that we would not require existing routes of one or two working channels to be converted from frequency diversity unless another carrier can show a need for the frequencies.

15. Western Union did not petition for reconsideration of the First Report and Order, but in response to A.T. & T.'s petition it requested different and substantial relief for itself. In a "Motion for Acceptance" filed on August 31, 1971 with a supplement to its response to A.T. & T.'s

[3] See paragraph 139 of the First Report and Order.

[4] As an example, if a route is begun in the 4 GHz band, it is not fully loaded until it has 11 working channels and one protection channel. It would not be fully eligible for a second protection channel until it reached an additional three channels in the 6 GHz band. Therefore, the protection would involve the need for at least 14 working channels or some 18,600 voice circuits at current channel capacity.

[5] Conversion plans should identify major routes and approximate dates of anticipated conversion. Where multiple equipment types (e.g. TD2, TH3, etc.) are to be scheduled separately, they should be so identified. If conversion is to be delayed because of unavailability of certain equipment or because of excessive costs, that matter should be fully explained. Plans for the addition of new capacity to existing facilities prior to conversion should also be discussed. Conversion plans may be modified as necessary to reflect changed circumstances or more precise estimates. The Chief, Common Carrier Bureau is delegated authority to review and approve these plans.

petition, Western Union explains that when the original pleading was filed it was still in the midst of the longest strike in its history and that management and engineering personnel were being utilized to keep its operations in public service.

16. Western Union states that it anticipates a problem with the frequency diversity rules in connection with its new route which would employ "hybrid transmission" techniques.[6] To comply with the present rules such systems, in order to be protected, would have to utilize space diversity. The problem arises, according to Western Union, in switching between one space diversity signal and another or combining the two signals. It contends that no "hitless" switch or adequate IF combiner suitable for use with heterodyne equipment is currently available.[7] Therefore, it maintains that on long haul routes present switching equipment would yield an excessive error rate and that while baseband combiners could be used, baseband repeating would not be practicable because of system noise. As a solution Western Union proposes an interim modification of the rules to permit one for one frequency diversity with the understanding that such facilities will have to be converted to space diversity when a "hitless" switch or IF combiner becomes available, if at such time the minimum requirement for frequency diversity (three working channels) has not been attained.

17. Due to the manner in which Western Union's request was filed, adequate responsive comment has not been received. In fact, only one party, Southern Pacific, made any substantive comments on Western Union's request.[8] In view of the minimal record on this matter, and the broad implications of the relief sought, we are not inclined to so modify the rules. Moreover, we note that Western Union has no currently pending proposal for long haul facilities of the type mentioned. Its technical assumptions appear to be based largely on a new transcontinental route for which it apparently has no immediate plans for building. However, as indicated in paragraph 140 of the First Report and Order, we will consider a well documented request for waiver in a particular case. Depending upon the circumstances, applications granted on a waiver basis may be conditioned to require later conversion to space diversity.

Antenna standards. 18. A.T. & T. states that it supports the principle of antenna standards, but it requests certain adjustments in the standards now contained in § 21.108(c). It notes that antenna discrimination patterns tend to change from one frequency band to another and that a single set of standards for all frequencies above 2500 MHz must involve considerable compromise. It states that none of its antennas in the 4 GHz band meet the "A" standard in all respects. A.T. & T., therefore, proposes that the minimum suppression on Standard A for 5° to 10° be reduced from 25 to 23 dB and on the Standard B for 100° up from 36 dB to 32 dB. It also requests that the minimum gain requirement be deleted.[9] It contends that minimum gain serves no useful purpose and could create more, rather than less, interference. Southern Pacific opposes A.T. & T.'s antenna requests. It states that test information supplied by several major antenna manufacturers indicates that they will have no problem meeting the new standards. It opposes diluting the standard and challenges A.T. & T.'s assertion that a minimum antenna gain serves no purpose, stating that it is the mark of performance of the antenna. GTE in its petition recommends that the antenna standards be amended to reflect the operational characteristics of the different bands and that gain standards be established for each band. It also recommends that suppression standards for near-in side lobes between 2° and 5° be established under the guidance of a technical committee.

19. We recognize that the lower band frequencies do have different performance characteristics and that side lobe suppression of such frequencies is more difficult than for higher frequencies. But rather than further compromise the standards because of the 4 GHz characteristics we have decided to make a separate standard for 4 GHz, incorporating the figures suggested by A.T. & T. Also, since power gain for similar aperture antennas is less at 4 GHz, the minimum gain will be slightly reduced under the 4 GHz standard. This should alleviate A.T. & T.'s concern and conform with GTE's suggestion. We agree with Southern Pacific's position on minimum gain and decline to delete it as a requirement. With respect to the two to five degree standards suggested by GTE, we are not convinced, in the absence of substantial explanation and comment by other parties, that such refined standards are required. This is not to say, of course, that further refinement of the standards may not be required in the future.

20. One other matter concerning the antenna standards that we wish to clarify is the applicability of such standards to receiving antennas. In the discussion of antennas at paragraph 142 of the First Report and Order no distinction was made between transmitting and receiving antennas, the obvious reason, of course, being that both types are equally important in system operation and radio interference considerations. However, the language of § 21.108(c) and the definition of a periscope antenna in § 21.1 failed to reference receiving antennas. These omissions are corrected in the amended rules.

Satellite pointing angle. 21. Section 21.108(e) of the new rules prohibits the aiming of terrestrial transmitting antennas within two degrees of the geostationary satellite orbit, with the provision that exceptions may be made under unusual circumstances. In discussing this at paragraph 125 of the First Report and Order we indicated that in such instances the applicant would be expected to submit a thorough engineering evaluation of possible impact on any authorized or proposed satellite operation as well as to propose operation on a reduced power basis. A.T. & T. states that it now operates 63 transmitting antennas in the 6 GHz band which violate this requirement. It contends that the rules impose a greater burden on carriers than required by international agreement in the latest CCIR recommendations which are in line with the revised U.S. proposals to the 1971 World Administrative Radio Conference for Space Telecommunications.[10] A.T. & T. recommends that the rules be modified to conform to the CCIR recommendations.

22. In adopting § 21.108(e) it was not our purpose to impose a greater burden on the carriers. We did intend, however, to maintain control over those facilities which would point toward the satellite orbit and impose the CCIR limitations on such facilities (see footnote 53 in the First Report and Order). Perhaps, though, our statement that a "thorough engineering evaluation of possible impact" could call for, in some cases, a rather burdensome and largely theoretical study. Therefore, we will not eliminate the case by case determination, but we will change the emphasis from one of possible impact to the need for pointing at the satellite orbit. If the applicant can demonstrate a reasonable need to direct a transmission path in the proscribed zone, we will authorize such facilities, absent indications of harmful satellite impact, subject to the CCIR recommended power limitations. As noted in paragraph 125 of the First Report and Order, no changes will be required in preexisting facilities unless they are shown to cause problems to an authorized satellite system. However, new radio channels added to such existing

[6] Western Union uses the term "hybrid transmission" to describe a microwave system simultaneously transmitting a 6.3 Megabit time division multiplex signal and a 600 channel frequency division multiplex signal on a single baseband.

[7] A "hitless" switch is one that will switch from a faded path to a diversity path without causing an impulse noise or "hit" which is reflected as an error in the data being transmitted. In lieu of a switch, a combiner may be used to combine the signals received over two diversity paths into one signal for subsequent relay to the next station. An IF combiner is one that would operate at an intermediate frequency (for use in heterodyne systems which do not bring the signals down to baseband) rather than a baseband frequency.

[8] Southern Pacific opposed Western Union's request, stating that it has had no problems on 3,000 miles of trunk circuits which utilize space diversity and that suitable IF switching equipment is available. Western Union, in its supplement, denies the suitability of such equipment.

[9] The Commission has also received a letter from Gabriel Electronics, Inc., an antenna manufacturer, making comments similar to those of A.T. & T., except that it recommends a reduction to 20 dB between 5° and 10° on the A standard.

[10] The U.S. proposal was subsequently adopted at the conference.

V 37 N 23 FEB 3 72 XUM

paths should meet the reduced power requirements.

Conclusion. 23. Consistent with the foregoing discussion, we conclude that the public interest, convenience, and necessity would be served by the amended rules set forth below. Authority for these rules is contained in sections 4(i), 303, and 403 of the Communications Act.

24. In view of the foregoing: *It is hereby ordered,* That the amended rules as contained below are adopted effective March 10, 1972.

25. *It is further ordered,* That the motion for acceptance filed by Western Union is granted.

26. *It is further ordered,* That the petitions for reconsideration filed by A.T. & T. and GTE and the request of Western Union are granted to the extent indicated herein but in all other respects are denied.

27. *It is further ordered,* That the partial stay granted by our memorandum opinion and order released July 19, 1971 (FCC 71-727) is terminated effective April 1, 1972.

28. This proceeding is terminated with respect to Issue C.

(Secs. 4, 303, 403, 48 Stat., as amended, 1066, 1082, 1094; 47 U.S.C. 154, 303, 403)

Adopted: January 26, 1972.

Released: January 31, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 21.1 the following definition is amended to read:

§ 21.1 Definitions.

* * * * *

Periscope antenna system. An antenna system which involves the use of a passive reflector to deflect radiation from or to a directional transmitting or receiving antenna which is oriented vertically.

* * * * *

[1] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

2. In § 21.100, paragraph (c) is amended to read as follows:

§ 21.100 Frequencies.

* * * * *

(c) Frequency diversity transmission will not be authorized in these services in the absence of a factual showing that the required communications cannot practically be achieved by other means. Where frequency diversity is deemed to be justified on a protection channel basis, it shall be limited to one protection channel for the band 3,700–4,200 MHz, one protection channel for the band 5,925–6,425 MHz, and a ratio of one protection channel for three working channels for the band 10,700–11,700 MHz. In the bands 3,700–4,200 MHz and 5,925–6,425 MHz no frequency diversity protection channel will be authorized unless there is a minimum of three working channels, except that where a substantial showing is made that a total of three working channels will be required within 3 years, a protection channel may be authorized simultaneously with the first working channel. A protection channel authorized under such exception will be subject to termination if applications for the third working channel are not filed within 3 years of the grant date of the applications for the first working channel.

* * * * *

3. In § 21.108, paragraphs (c) and (e) are amended to read as follows:

§ 21.108 Directional antennas.

* * * * *

(c) Fixed stations (other than temporary fixed) operating at 2,500 MHz or higher shall employ transmitting antennas meeting the appropriate performance standard A indicated below, except that in areas not subjected to frequency congestion, antennas meeting performance standard B may be used subject to the liability set forth in § 21.109(c). Additionally, the main lobe of each antenna operating below 5,000 MHz shall have minimum power gain of 34 dB over a referenced half wave dipole antenna, at or above 5,000 MHz the minimum gain shall be 36 dB. The values indicated represent the suppression required in the horizontal plane, without regard for the polarization plane of intended operation.

Angle from center line of main lobe	Minimum radiation suppression	
	Standard A (dB)	Standard B (dB)
Operation below 5,000 MHz		
5° up to, not including 10°	20	20
10° up to, not including 15°	29	24
15° up to, not including 20°	33	28
20° up to, not including 30°	36	32
30° up to, not including 100°	42	32
100° up to, including 180°	55	32
Operation at 5,000 MHz or above		
5° up to, not including 10°	25	20
10° up to, not including 15°	29	24
15° up to, not including 20°	33	28
20° up to, not including 30°	36	32
30° up to, not including 100°	42	35
100° up to, including 180°	55	36

* * * * *

(e) No directional transmitting antenna utilized by a station operating in the band 5925–6425 MHz shall be aimed within 2° of the geostationary satellite orbit, taking into account atmospheric refraction. However, exception may be made in unusual circumstances upon a showing that there is no reasonable alternative to the transmission path proposed. If there is no evidence that such exception would cause possible interference to an authorized satellite system, said transmission path may be authorized on a waiver basis where the maximum value of equivalent isotropically radiated power does not exceed: (1) 47 dBW for any antenna beam directed within 0.5° of the stationary satellite orbit or (2) 47 to 55 dBW, on a linear decibel scale (8 dB per degree), for any antenna beam directed between 0.5° and 1.5° of the stationary orbit. [Methods of calculating azimuths to be avoided may be found in: CCIR Report 393 (Green Books), New Delhi, 1970, and in "Radio-Relay Antenna Point for Controlled Interference with Geostationary Satellites" by C. W. Lundgren and A. S. May, Bell System Technical Journal, Volume 48, No. 10, December 1969. The first reference is an approximate graphical method of calculation while the second is suitable for computer calculation.]

[FR Doc.72-1612 Filed 2-2-72;8:49 am]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 72-13]

PUGET SOUND AREA, WASH.

Proposed Anchorage Grounds

The Coast Guard is considering amending the anchorage regulations by terminating the Port Madison Explosives Anchorage as published in 33 CFR 110.-230(a)(5). The reason for this termination is that the anchorage no longer meets the minimum quantity/distance safety standards.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Thirteenth Coast Guard District, 618 Second Avenue, Seattle, WA 98104. Each person submitting comments should include his name and address, identifying the notice (CGFR 72-13) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District will forward any comments received before March 5, 1972, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Title 33 of the Code of Federal Regulations by deleting § 110.-230(a)(5).

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1) (36 F.R. 19160))

Dated: January 27, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72-1617 Filed 2-2-72;8:50 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NE-1]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lebanon, N.H., control zone (37 F.R. 2056) and transition area (37 F.R. 2143).

In order to provide airspace protection for IFR arrival and departure procedures at the Lebanon Regional Airport, Lebanon, N.H., it will be necessary to amend the control zone and redesignate the Lebanon 700-foot floor transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lebanon, N.H., proposes the airspace action hereinafter set forth.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Lebanon, N.H., control zone by deleting the coordinates "43°37'35" N., 72°18'10" W." and substituting "43°37'41" N., 72°18'21" W." in lieu thereof; and by adding at the end of the present description "within 2 miles each side of the centerline of runway 7 extending 6 miles from the end of the runway."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Lebanon, N.H., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface, within an arc of a 23.5-mile-radius circle centered on the Lebanon, N.H., Regional Airport (43°37'41" N., 72°18'21" W.) extending clockwise between the 034° and 134° bearings from the Lebanon Airport; within an arc of an 18-mile-radius circle centered on the Lebanon Airport extending clockwise between the 134° and 231° bearings from the Lebanon Airport; within an arc of a 23.5-mile-radius circle centered on the Lebanon Airport extending clockwise between the 231° and 300° bearings from the Lebanon Airport; within an arc of a 19.5-mile-radius circle centered on the Lebanon Airport extending clockwise between the 300° and 034° bearings from the Lebanon Airport.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Mass., on January 21, 1972.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.72-1576 Filed 2-2-72;8:47 am]

[14 CFR Part 103]

[Docket No. 10270; Notice No. 72-4]

MEDICINAL AND TOILET ARTICLES

Proposed Applicability

The Federal Aviation Administration is considering amending Part 103 of the Federal Aviation Regulations to add medicinal and toilet articles in small quantities carried in passenger baggage to those materials expressly excluded from the applicability of Part 103.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before May 3, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

By letter of April 2, 1970, the Air Transport Association of America (ATA), petitioned the FAA to amend § 103.1(c) of the Federal Aviation Regulations to expressly exclude from the applicability of Part 103 medicinal and toilet articles in small quantities carried in passenger baggage.

Section 103.1(b) defines dangerous articles, and includes, among other things, compressed gases, corrosive liquids, and flammable liquids and solids. Each of these materials may be found in one or more forms in many toilet articles and medicines. As dangerous articles, they are subject to the special labeling, packing, and marking requirements of 49 CFR Parts 172 through 178

FEB 3 72
XUM

applicable to transportation by rail express. However, the FAA agrees with the ATA contention that it is not appropriate to so regulate the carriage of these articles when carried in small quantities in an article of crewmember or passenger baggage. Accordingly, it is proposed to add a new § 103.1(c)(5) to specifically exclude such articles from the applicability of Part 103 when they are carried in containers of 10 ounces or less in an article of crewmember or passenger baggage.

In consideration of the foregoing, it is proposed to amend Part 103 of the Federal Aviation Regulations by changing the period at the end of § 103.1(c)(4) to a semicolon, and by adding a new subparagraph, designated (5), to read as follows:

§ 103.1 Applicability.

* * * * *

(c) * * *

(5) Medicinal or toilet articles in quantities of 10 ounces or less per container when carried in an article of crewmember or passenger baggage.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 27, 1972.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.72-1577 Filed 2-2-72;8:47 am]

[14 CFR Part 103]

[Docket No. 11682; Notice No. 72-3]

TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Proposed Authority for Deviation

The Federal Aviation Administration is considering amending Part 103 of the Federal Aviation Regulations to broaden the present authority in § 103.5 to grant deviations from the provisions of that part, under certain conditions, for the carriage of dangerous articles. The present authority is limited to the flights of civil aircraft conducted within the United States. The proposed amendment would extend that authority to cover flights of civil aircraft that depart from the United States for a place outside of the United States.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before May 3, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 103.5 currently permits FAA Flight Standards District Offices to authorize deviations from the provisions of Part 103 for one or more flights of a particular operation, subject to certain specified conditions.

The condition in § 103.5(a)(11) limits deviation authorizations to civil aircraft in the United States. As a consequence, if an operator wishes to obtain relief from Part 103 for a flight departing from the United States for a place outside thereof, he must petition the Administrator for an exemption under the authority of § 11.25 of the Federal Aviation Regulations.

Administrative experience indicates that it would be appropriate to permit FAA District Offices to authorize deviations from Part 103 for flights departing from the United States for a destination outside of the United States. Accordingly, it is proposed to broaden the authorization limitation currently prescribed in § 103.5(a)(11) to permit deviations to be granted for flights which depart from the United States for a place outside thereof.

This proposal would also emphasize the fact that an authorization for deviation does not grant authority for flight over or into a foreign country with dangerous articles aboard, nor does it relieve the holder from obtaining proper clearance from customs officials or other government agencies for the transportation of dangerous articles outside the United States.

In consideration of the foregoing, it is proposed to amend Part 103 of the Federal Aviation Regulations as follows:

1. Section 103.5 is amended by changing subparagraph (11) in paragraph (a) and by adding a new paragraph (e) immediately after paragraph (d) to read as follows:

§ 103.5 Authority to deviate.

(a) * * *

(11) The authorization is limited to flights of civil aircraft in the United States and to flights of civil aircraft that depart from the United States for a place outside thereof.

* * * * *

(e) An authorization for a deviation from the provisions of this part for one or more flights of an operation that have as their destination a place outside the United States does not:

(1) Grant authority for overflying a foreign country nor for landing in a foreign country; therefore, the holder of the authorization should secure permission from the foreign country or countries involved prior to flight over or into those countries with dangerous articles aboard; nor

(2) Grant relief from compliance with applicable customs regulations or the applicable regulations of any other government agencies governing the transportation of dangerous articles outside the United States.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 27, 1972.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.72-1578 Filed 2-2-72;8:47 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 178]

[Docket No. HM-74; Notice No. 71-16]

TRANSPORTATION OF HAZARDOUS MATERIALS

Cylinders Manufactured Outside United States; Reopening for Additional Comments

On June 10, 1971, the Hazardous Materials Regulations Board published Docket No. HM-74; Notice No. 71-16 (36 F.R. 11224), Cylinders Manufactured Outside the United States. In response to a petition, the Board extended the period for comments on this notice to November 1, 1971 (36 F.R. 13793).

Upon review of the comments filed, the Board is of the opinion that additional information would be beneficial in assisting it to arrive at a proper determination in this matter. Accordingly, the comment period is reopened for the purpose of receiving comments on the following questions:

1. Are changes to the specifications for cylinders in Part 178 of the Department's Hazardous Materials Regulations required to insure the safe quality of cylinders transported in the United States regardless of their origin? If so, what specific changes are required?

2. In the June 10, 1971 notice, it was proposed that the Board withdraw the authority presently vested in the Bureau of Explosives to approve inspectors in the United States and place within the Department the sole authority to approve both domestic and foreign inspectors. In light of that proposal, what specific qualifications and requirements should cylinder inspectors be required to meet in order to obtain and maintain Departmental approval?

To contribute to the information that will be available to the Board regarding these questions, representatives of the Office of Hazardous Materials will continue their study and examination of the specifications and inspection requirements. A full report of the examinations and the observations of Office of Hazardous Materials representatives will be placed in the docket.

Interested persons are invited to give their views on the questions posed in this notice. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before June 1, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, section 9, Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h)).

Issued in Washington, D.C., on January 31, 1972.

W. J. BURNS,
Chairman, Hazardous
Materials Regulations Board.

[FR Doc.72-1623 Filed 2-2-72;8:50 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the authority contained in the "Endangered Species Conservation Act of 1969," 80 Stat. 926 (16 U.S.C. 668aa-668cc), as amended 83 Stat. 275 (16 U.SC 668cc-1 to 668cc-6), that he Secretary of the Interior proposes to amend Title 50, Part 17, Appendix A, of the Code of Federal Regulations.

The proposed amendment would add to the "U.S. List of Endangered Foreign Fish and Wildlife" the following species of mammals:

Common name	Scientific name	Where found
Cheetah	*Acinonyx jubatus*	Africa, Asia Minor, India.
Leopard	*Panthera pardus*	Africa, Asia Minor, India, Southeast Asia, Korea.
Tiger	*Panthera tigris*	Central Asia, China and Korea, to India, Indonesia and Malaysia.
Snow leopard	*Panthera uncia*	Central Asia.
Jaguar	*Panthera onca*	Central and South America.
Ocelot	*Felis pardalis*	Do.
Margay	*Felis wiedii*	Do.
Tiger cat	*Felis tigrina*	Costa Rica to northern South America.

Consistent with the foregoing proposal, and in recognition of the fact that by listing the species, the law will apply to their subspecies as well, it is further proposed to amend the "U.S. List of Endangered Foreign Fish and Wildlife" by deleting the following subspecies of the species named above:

Common name	Scientific name	Where found
Asiatic cheetah	*Acinonyx jubatus venaticus*	U.S.S.R., Afghanistan, Iran, Pakistan (formerly India, Iraq, and Saudi Arabia).
Sinai leopard	*Panthera pardus jarvisi*	Sinai, Saudi Arabia.
Barbary leopard	*Panthera pardus panthera*	Morocco, Algeria, Tunisia.
Antolian leopard	*Panthera pardus tulliana*	Lebanon, Israel, Jordan, Turkey, Syria.
Bali tiger	*Panthera tigris balica*	Bali (Indonesia).
Javan tiger	*Panthera tigris pandaica*	Indonesia.
Caspian tiger	*Panthera tigris virgata*	Russia, Afghanistan, Iran.
Sumatran tiger	*Panthera tigris Sumatrae*	Indonesia

It is understood that subsequent to the notice period stated below, the Secretary of the Interior is not foreclosed from publishing a list which omits one or more of the species herein proposed for listing, or which retains subspecies herein proposed for delisting, or finally, which includes only some subspecies of the species herein proposed for listing.

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed amendments, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

ROGERS C. B. MORTON,
Secretary of the Interior.

FEBRUARY 1, 1972.

[FR Doc.72-1667 Filed 2-1-72;12:31 pm]

CIVIL SERVICE COMMISSION

[5 CFR Part 900]

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority of section 602 of the Civil Rights Act of 1964 (42 U.S.C. section 2000d-1), the Civil Service Commission proposes to add Subpart D to Part 900 of Title 5 of the Code of Federal Regulations to implement section 601 of the Civil Rights Act of 1964. Interested persons may submit written comments, objections, or suggestions to the Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, Washington, D.C. 20415, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Written comments, objections, and suggestions submitted will be available for public inspection at the address given in this notice during the regular business hours of the Commission (8:15 a.m. to 4:45 p.m., Monday through Friday). The proposed Subpart D reads as follows:

Subpart D—Nondiscrimination in Federally Assisted Programs of the U.S. Civil Service Commission—Effectuation of Title VI of the Civil Rights Act of 1964

Sec.
900.401 Purpose.
900.402 Application of this subpart.
900.403 Definitions.
900.404 Discrimination prohibited.
900.405 Assurances required.
900.406 Compliance information.
900.407 Conduct of investigations.
900.408 Procedure for effecting compliance.
900.409 Hearings.
900.410 Decisions and notices.
900.411 Judicial review.
900.412 Effect on other regulations, forms, and instructions.

Appendix A—Activities to which this subpart applies.
Appendix B—Activities to which this subpart applies when a primary objective of the Federal financial assistance is to provide employment.
Appendix C—Application of Subpart D, Part 900, to programs receiving Federal financial assistance of the U.S. Civil Service Commission.

AUTHORITY: The provisions of this Subpart D issued under sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1.

§ 900.401 Purpose.

The purpose of this subpart is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end that a person in the United States shall not, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under a program or activity receiving Federal financial assistance from the Commission.

§ 900.402 Application of this subpart.

(a) This subpart applies to each program for which Federal financial assistance is authorized under a law administered by the Commission, including the federally assisted programs listed in Appendix A to this subpart. It also applies to money paid, property transferred, or other Federal financial assistance extended under a program after the effective date of this subpart pursuant to an application approved before that effective date. This subpart does not apply to:

(1) Federal financial assistance by way of insurance or guaranty contracts;

(2) Money paid, property transferred, or other assistance extended under a program before the effective date of this subpart, except when the assistance was subject to the title VI regulations of an agency whose responsibilities are now exercised by the Commission;

(3) Assistance to any individual who is the ultimate beneficiary under a program; or

FEB 3 72

(4) Employment practices, under a program, of an employer, employment agency, or labor organization, except to the extent described in § 900.404(c).

The fact that a program is not listed in Appendix A to this subpart does not mean, if title VI of the Act is otherwise applicable, that the program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to Appendix A to this subpart.

(b) In a program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under that property are included as part of the program receiving that assistance, the nondiscrimination requirement of this subpart extends to a facility located wholly or in part in that space.

§ 900.403 Definitions.

Unless the context requires otherwise, in this subpart:

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by the Commission, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means that application, request, or plan.

(b) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in the property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by the sale or lease to the recipient; and

(5) A Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) "Primary recipient" means a recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes a program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training or other services whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance are deemed to include a service, financial aid, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet the matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or non-Federal resources.

(f) "Recipient" may mean any State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual in any State, the District of Columbia, the Commonwealth of Puerto Rico, or territory or possession of the United States, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but the term does not include any ultimate beneficiary under a program.

(g) "Chairman" means the Chairman of the U.S. Civil Service Commission, or, except in § 900.410, any person to whom he has delegated his authority in the matter concerned.

§ 900.404 Discrimination prohibited.

(a) *General.* A person in the United States shall not, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, a program to which this subpart applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under a program to which this subpart applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin—

(i) Deny a person a service, financial aid, or other benefit provided under the program;

(ii) Provide a service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of a service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of an advantage or privilege enjoyed by others receiving a service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies an admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided a service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under a program or the class of person to whom, or the situations in which, the services, financial aid, other benefits, or facilities will be provided under a program, or the class of person to be afforded an opportunity to participate in a program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include a service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(5) Examples demonstrating the application of the provisions of this section to certain programs receiving Federal financial assistance from the Commission are contained in Appendix C of this subpart.

(6) (i) A recipient, acting in accordance with law not inconsistent with the Constitution and laws of the United States, may consider race, color, or national origin in administering a program if the purpose of that consideration is to overcome the effect of prior practices or conditions which had the effect of limiting participation by persons of a particular race, color, or national origin and to provide equal access to the program.

(ii) In administering a program regarding which the recipient had previously discriminated against persons on the ground of race, color, or national origin, the recipient shall take reasonable steps to overcome the effects of the prior discrimination.

(c) *Employment practices.* (1) When a primary objective of a program of Federal financial assistance to which this subpart applies is to provide employment, a recipient or other party subject to this subpart shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under the program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). A recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to race, color, or national origin. The requirements applicable to construction employment under a program are those specified in or pursuant to part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Federal financial assistance to programs under laws funded or administered by the Commission which have as a primary objective the providing of employment include those set forth in Appendix B to this subpart.

(3) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of subparagraph (1) of this paragraph apply to the employment practices of the recipient if discrimination on the ground of race, color, or national origin in the employment practices tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under, the program receiving Federal financial assistance. The provisions of subparagraph (1) of this paragraph apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

(d) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program to which this subpart applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this subpart.

§ 900.405 Assurances required.

(a) *General.* (1) An application for Federal financial assistance to carry out a program to which this subpart applies, except a program to which paragraph (d) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of Federal financial assistance pursuant to the application, contain or be accompanied by, assurances that the program will be conducted or the facility operated in compliance with the requirements imposed by or pursuant to this subpart. Every program of Federal financial assistance shall require the submission of these assurances. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurances shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In other cases, the assurances obligate the recipient for the period during which the Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurances shall extend to the entire facility and to the facilities operated in connection therewith. The Commission shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. The assurances shall include provisions which give the United States the right to seek judicial enforcement.

(2) When Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. When no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include a covenant in any subsequent transfer of the property. When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by the Commission to revert title to the property in the event of a breach of the covenant where, in the discretion of the Commission, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on property for the purposes for which the property was transferred, the Commission may agree, on request of the transferee and if necessary to accomplish the financing, and on conditions as he deems appropriate, to subordinate a right of reversion to the lien of a mortgage or other encumbrance.

(b) *Assurances from government agencies.* In the case of an application from a department, agency, or office of a State or local government for Federal financial assistance for a specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of the other department, agency, or office will substantially effect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Commission official if the applicant establishes, to the satisfaction of the responsible Commission official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by the program, or (3) full compliance with this subpart as respects the program.

(c) *Assurance from academic and other institutions.* (1) In the case of an application for Federal financial assistance by an academic institution, the assurance required by this section extends to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required by an academic institution, detention or correctional facility, or any other institution or facility, relating to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Commission official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in the program. If the assistance sought is for the construction of a facility or part of a facility, the assurance shall extend to the entire facility and to facilities operated in connection therewith.

(d) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this subpart applies (including the programs listed in Appendix A to this subpart) shall as a condition to its approval and the extension of Federal financial assistance pursuant to the application (1) contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with the requirements imposed by or pursuant to this subpart, and (2) provide or be accompanied by provision for methods of administration for the program as are found by the Commission to give reasonable guarantee that the applicant and all recipients of Federal financial assistance under the program will comply with the requirements imposed by or pursuant to this subpart.

§ 900.406 Compliance information.

(a) *Cooperation and assistance.* The Commission, to the fullest extent practicable, shall seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.

VOL 37 NO 23 FEB 3 72 XUM

(b) *Compliance reports.* Each recipient shall keep records and submit to the Commission timely, complete, and accurate compliance reports at the times, and in the form and containing the information the Commission may determine necessary to enable it to ascertain whether the recipient has complied or is complying with this subpart. In the case of a program under which a primary recipient extends Federal financial assistance to other recipients, the other recipients shall also submit compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

(c) *Access to sources of information.* Each recipient shall permit access by the Commission during normal business hours to its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this subpart. When information required of a recipient is in the exclusive possession of another agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons the information regarding the provisions of this subpart and its applicability to the program under which the recipient received Federal financial assistance, and make this information available to them in the manner, as the Commission finds necessary, to apprise the persons of the protections against discrimination assured them by the Act and this subpart.

§ 900.407 Conduct of investigations.

(a) *Periodic compliance reviews.* The Commission may from time to time review the practices of recipients to determine whether they are complying with this subpart.

(b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this subpart may by himself or by a representative file with the Commission a written complaint. A complaint shall be filed not later than 90 days after the date of the alleged discrimination, unless the time for filing is extended by the Commission.

(c) *Investigations.* The Commission will make a prompt investigation whenever a compliance review, report, complaint, or other information indicates a possible failure to comply with this subpart. The investigation will include, when appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the Commission will so inform the recipient and the matter will be resolved by voluntary means whenever possible. If it has been determined that the matter cannot be resolved by voluntary means, action will be taken as provided for in § 900.408.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph the Commission will so inform, in writing, the recipient and the complainant, if any.

(e) *Intimidatory or retaliatory acts prohibited.* A recipient or other person shall not intimidate, threaten, coerce, or discriminate against an individual for the purpose of interfering with a right or privilege secured by section 601 of the Act or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants shall be kept confidential; except to the extent necessary to carry out the purposes of this subpart, including the conduct of an investigation, hearing, or judicial proceeding arising thereunder.

§ 900.408 Procedure for effecting compliance.

(a) *General.* (1) If there appears to be a failure or threatened failure to comply with this subpart, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this subpart may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by other means authorized by law.

(2) Other means may include, but are not limited to, (i) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce the rights of the United States under a law of the United States (including other titles of the Act), or an assurance or other contractual undertaking, and (ii) an applicable proceeding under State or local law.

(b) *Noncompliance with § 900.405.* If an applicant fails or refuses to furnish an assurance required under § 900.405 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Commission shall not be required to provide assistance in that case during the pendency of the administrative proceedings under this paragraph. Subject, however, to § 900.412, the Commission shall continue assistance during the pendency of the proceedings where the assistance is due and payable pursuant to an application approved prior to the effective date of this subpart.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* An order suspending, terminating, or refusing to grant or to continue Federal financial assistance shall not become effective until—

(1) The Commission has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by informal voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart;

(3) The action has been approved by the Commission pursuant to § 900.410(e); and

(4) The expiration of 30 days after the Chairman of the Civil Service Commission has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for the action.

An action to suspend or terminate or refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which the noncompliance has been so found.

(d) *Other means authorized by law.* An action to effect compliance with title VI of the Act by other means authorized by law shall not be taken by the Commission until—

(1) The Commission has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of a notice to the recipient or person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take corrective action as may be appropriate.

§ 900.409 Hearings.

(a) *Opportunity for hearing.* When an opportunity for a hearing is required by § 900.408(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of notice within which the applicant or recipient may request of the Commission that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set is deemed to be a waiver of the right to a hearing under section 602 of the Act and § 900.408(c) and consent to the making of a decision on the basis of the information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Commission in Washington, D.C., at a time fixed by the Commission unless it determines that the convenience of the applicant or recipient or of the Commission requires that another place be selected. Hearings shall be held before the Commission, or at its discretion, before a hearing examiner appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Commission have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and an administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with the rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Commission and the applicant or recipient are entitled to introduce relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this subpart, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. Documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. Decisions shall be based on the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this subpart with respect to two or more programs to which this subpart applies, or noncompliance with this subpart and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Commission may, by agreement with the other departments or agencies, when applicable, provide for the conduct of consolidated or joint hearings, and for the application to these hearings of rules or procedures not inconsistent with this subpart. Final decisions in these cases, insofar as this regulation is concerned, shall be made in accordance with § 900.410.

§ 900.410 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.* If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Commission for a final decision, and a copy of the initial decision or certification shall be mailed to the applicant or recipient. When the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of a notice of initial decision, file with the Commission his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Commission may, on its own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that it will review the decision. On the filing of the exceptions or of notice of review, the Commission shall review the initial decision and issue its own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision, subject to paragraph (e) of this section, shall constitute the final decision of the Commission.

(b) *Decisions on record or review by the Commission.* When a record is certified to the Commission for decision or the Commission reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or when the Commission conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of the recipient's contentions, and a written copy of the final decision of the Commission will be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* When a hearing is waived pursuant to § 900.409, a decision shall be made by the Commission on the record and a written copy of the decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the Commission shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this subpart with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Commission.* A final decision by an official of the Commission other than by the Commissioners, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this subpart or the Act, shall promptly be transmitted to the Commission, which may approve the decision, vacate it, or remit or mitigate a sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain the terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this subpart, including provisions designed to assure that Federal financial assistance will not thereafter be extended under the programs to the applicant or recipient determined by the decision to be in default in its performance of an assurance given by it under this subpart, or to have otherwise failed to comply with this subpart, unless and until it corrects its noncompliance and satisfies the Commission that it will fully comply with this subpart.

(g) *Posttermination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of the order for eligibility, or if it brings itself into compliance with this subpart and provides reasonable assurance that it will fully comply with this subpart.

(2) An applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Commission to restore fully its eligibility to receive Federal financial assistance. A request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Commission determines that those requirements have been satisfied, it shall restore the eligibility.

(3) If the Commission denies a request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the Commission is in error. The applicant or recipient shall be given an expeditious hearing, with a decision on the record in accordance with the rules or procedures issued by the Commission. The applicant or recipient shall be restored to eligibility if it proves at the hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section remain in effect.

§ 900.411 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 900.412 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.* Regulations, orders, or like directions issued before the effective date of this subpart by the Commission which impose requirements designed to prohibit discrimination against individuals on the ground of race, color, or national origin

VOL 37 NO 23 FEB 3 72 XUM

under a program to which this subpart applies, and which authorizes the suspension or termination of or refusal to grant or to continue Federal financial assistance to an applicant for or recipient of assistance under a program for failure to comply with the requirements, are superseded to the extent that discrimination is prohibited by this subpart, except that nothing in this subpart relieves a person of an obligation assumed or imposed under a superseded regulation, order, instruction, or like direction, before the effective date of this subpart. This subpart does not supersede any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp.) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as these orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in a program or situation to which this subpart is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Commission shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this subpart as applied to programs to which this subpart applies, and for which it is responsible.

(c) *Supervision and coordination.* The Commission may from time to time assign to officials of the Commission, or to officials of other departments or agencies of the Government with the consent of the departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI of the Act and this subpart (other than responsibilities for final decision as provided in § 900.410), including the achievement of effective coordination and maximum uniformity within the Commission and within the executive branch in the application of title VI and this subpart to similar programs and in similar situations. An action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though the action had been taken by the Commission.

APPENDIX A

ACTIVITIES TO WHICH THIS SUBPART APPLIES

1. Use of grants made in connection with the Intergovernmental Personnel Act of 1970 (Public Law 91-648, 84 Stat. 1909).

2. Personnel mobility assignments of Commission personnel pursuant to title 5, U.S.C. Chapter 33 and 5 CFR Part 334 (36 F.R. 6488).

APPENDIX B

ACTIVITIES TO WHICH THIS SUBPART APPLIES WHEN A PRIMARY OBJECTIVE OF THE FEDERAL FINANCIAL ASSISTANCE IS TO PROVIDE EMPLOYMENT

1. None at this time.

APPENDIX C

APPLICATION OF SUBPART G, PART 900, TO PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE OF THE U.S. CIVIL SERVICE COMMISSION

Nondiscrimination in federally assisted programs or projects: *Examples.* The following examples without being exhaustive illustrate the application of the nondiscrimination provisions of the Civil Rights Act of 1964 of this subpart in programs receiving financial assistance under programs of the U.S. Civil Service Commission.

(1) Recipients of IPA financial assistance for training programs or Fellowships may not differentiate between employees who are eligible for training or fellowships on the ground of race, color, or national origin.

(2) Recipients of IPA financial assistance for training programs may not provide facilities for training with the purpose or effect of separating employees on the ground of race, color, or national origin.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1614 Filed 2-2-72;8:50 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 750]

TORT CLAIMS AGAINST THE GOVERNMENT

Proposed Procedures

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred in section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes a new part (12 CFR Part 750) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed new part to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than March 7, 1972.

HERMAN NICKERSON, Jr.,
Administrator.

JANUARY 28, 1972.

PART 750—TORT CLAIMS AGAINST THE GOVERNMENT

Subpart A—General

Sec.
750.1 Scope of regulations.

Subpart B—Procedures

750.2 Administrative claim; when presented; place of filing.
750.3 Administrative claim; who may file.
750.4 Administrative claim; evidence and information to be submitted.
750.5 Investigation, examination, and determination of claims.
750.6 Final denial of claims.
750.7 Payment of approved claims.
750.8 Release.
750.9 Penalties.
750.10 Limitation of National Credit Union Administration's authority.

AUTHORITY: The provision of this Part 750 pursuant to section 120, 73 Stat. 635, 12 U.S.C. 1766.

Subpart A—General

§ 750.1 Scope of regulations.

The regulations in this part shall apply only to claims asserted under the Federal Tort Claims Act, as amended, 28 U.S.C. sections 2671–2680, accruing on or after January 18, 1967, for money damages against the United States for damage to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the National Credit Union Administration while acting within the scope of his office of employment.

Subpart B—Procedures

§ 750.2 Administrative claim; when presented; place of filing.

(a) For purposes of the regulations in this part, a claim shall be deemed to have been presented when the National Credit Union Administration receives, at a place designated in paragraph (b) of this section, an executed Standard Form 95 or other written notification of an incident accompanied by a claim for money damages in a sum certain for damage to or loss of property, for personal injury, or for death, alleged to have occurred by reason of the incident. A claim which should have been presented to the National Credit Union Administration but which was mistakenly addressed to or filed with another Federal agency, shall be deemed to be presented to the National Credit Union Administration as of the date that the claim is received by the National Credit Union Administration. A claim mistakenly addressed to or filed with the National Credit Union Administration shall forthwith be transferred to the appropriate Federal agency, if ascertainable, or returned to the claimant.

(b) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to final action by the Office of General Counsel, National Credit Union Administration or prior to the exercise of the claimant's option to bring suit under 28 U.S.C. 2675(a). Amendments shall be submitted in writing and signed by the claimant or his duly authorized agent or legal representative. Upon the timely filing of an amendment to a pending claim, the National Credit Union Administration shall have 6 months in which to make a final disposition of the claim as amended and the claimant's option under 28 U.S.C. 2675(a) shall not accrue until 6 months after the filing of an amendment.

(c) Forms may be obtained and claims may be filed with the regional office of the National Credit Union Administration having jurisdiction over the employee involved in the accident or incident, or with the Office of General Counsel, National Credit Union Administration, Washington, D.C. 20456.

§ 750.3 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject matter of the claim, his duly authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his duly authorized agent, or his legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. Whenever an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 750.4 Administrative claims; evidence and information to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing the cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at the time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birthdates, kinship, and marital status of the decedent's survivors, including those survivors who were dependent for support upon the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent upon him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts or payments for such expenses.

(7) If damages for pain and suffering before death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on the responsibility of the United States for the death or the damages claimed.

(b) *Personal injury.* (1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of the treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical and/or mental examination by a physician employed or designated by the National Credit Union Administration. A copy or report of the examining physician shall be made available to the claimant upon the claimant's written request provided that claimant has, upon request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the National Credit Union Administration any other physician's reports previously or thereafter made of the physical or mental condition which is the subject of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected duration of and expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from his employment, whether he is a full or part time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for damages to or loss of property, real or personal, the claimant may be required to submit the following information or evidence:

(1) Proof of ownership.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, market value of the property as of date of damage, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on the responsibility of the United States for the injury to or loss of property or the damages claimed.

(d) *Time limit.* All evidence required to be submitted by this section shall be furnished by the claimant within a reasonable time. Failure of a claimant to furnish evidence necessary for a determination of his claim within 3 months after a request therefor has been mailed to his last known address may be deemed an abandonment of the claim. The claim may be thereupon disallowed.

§ 750.5 Investigation, examination, and determination of claims.

When a claim is received, the constituent agency out of whose activities the claim arose shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, and a recommendation based on the merits of the case, with regard to the allowance or disallowance of the claim, to the Office of General Counsel, National Credit Union Administration to whom authority has been delegated to adjust, determine, compromise and settle all claims hereunder.

§ 750.6 Final denial of claim.

(a) Final denial of an administrative claim shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the action of the National Credit Union Administration, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing the notification.

(b) Prior to the commencement of suit and prior to the expiration of the 6-month period after the date of mailing, by certified or registered mail of notice of final denial of the claim as provided in 28 U.S.C. 2401(b), a claimant, his duly authorized agent, or legal representative, may file a written request with the National Credit Union Administration for reconsideration of a final denial of a claim under paragraph (a) of this section. Upon the timely filing of a request for reconsideration the National Credit Union Administration shall have 6 months from the date of filing in which to make a final disposition of the claim and the claimant's option under 28 U.S.C. 2675(a) to bring suit shall not accrue until 6 months after the filing of a request for reconsideration. Final National Credit Union Administration action on a request for reconsideration shall be effected in accordance with the provisions of paragraph (a) of this section.

§ 750.7 Payment of approved claims.

(a) Upon allowance of his claim, claimant or his duly authorized agent shall sign the voucher for payment, Standard Form 1145, before payment is made.

(b) When the claimant is represented by an attorney, the voucher for payment (S.F. 1145) shall designate both the claimant and his attorney as "payees." The check shall be delivered to the attorney whose address shall appear on the voucher.

§ 750.8 Release.

Acceptance by the claimant, his agent or legal representative, of any award, compromise or settlement made hereunder, shall be final and conclusive on the claimant, his agent or legal representative and any other person on whose behalf or for whose benefit the claim has been presented, and shall constitute a complete release of any claim against the United States and any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

FEB 3 72

§ 750.9 Penalties.

A person who files a false claim or makes a false or fraudulent statement in a claim against the United States may be liable to a fine of not more than $10,000 or to imprisonment of not more than 5 years, or both (18 U.S.C. 287–1001), and, in addition, to a forefeiture of $2,000 and a penalty of double the loss or damage sustained by the United States (31 U.S.C. 231).

§ 750.10 Limitation on National Credit Union Administration's authority.

(a) An award, compromise or settlement of a claim hereunder in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee. For purposes of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised or settled hereunder only after consultation with the Department of Justice when, in the opinion of the National Credit Union Administration:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the National Credit Union Administration is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised or settled only after consultation with the Department of Justice when it is learned that the United States or any employee, agent or cost-plus contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

[FR Doc.72-1594 Filed 2-2-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239]

[Release No. 33-5213]

INVESTMENT COMPANY ADVERTISING AND SUMMARY PROSPECTUS FOR INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the promulgation of amendments to the current rule and a new rule relating to generic advertising of investment companies and provision for a summary prospectus for investment companies.

These proposed changes would take the form of amendments to the so-called "Tombstone Rule," Rule 134 under the Securities Act of 1933 (the Act) (17 CFR 230.134), a new Rule 135A under the Act (17 CFR 230.135A) dealing with generic advertising of investment companies, an amendment to Rule 434 (17 CFR 230.434a) under the Act to permit the use of a Summary Prospectus by investment companies and an addition to Form S–5 (17 CFR 239.15), the form used for registration under the Securities Act of 1933 for securities of all open-end management investment companies registered under the Investment Company Act of 1940 on Form N–8B–1, 17 CFR 274.11 to provide for a Summary Prospectus.

Authority to amend Rule 134 is based upon section 2(10)(b) and section 19(a) of the Securities Act of 1933 (15 U.S.C. 77b, 77s). Authority to adopt Rule 135A stems from section 19(a). Authority to amend Rule 434A by permitting the use of a Summary Prospectus is based upon sections 10(b) and 19(a) of the Act (15 U.S.C. 77j, 77s) and authority to prescribe the form for the Summary Prospectus is based upon the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof (15 U.S.C. 77f, 77g, 77j, 77s).

Rule 134. Amendment to subparagraph (C) of Rule 134(a)(3). Rule 134 under the Act narrowly prescribes the information which is permissible in a tombstone advertisement. As presently constituted, this rule does not permit the inclusion by investment companies of descriptive information relating to mutual funds generally. The Complaint has frequently been made that a tombstone advertisement accomplishes nothing because many persons do not even know what a mutual fund is.

The first revision of Rule 134 is in response to this complaint and would add a clause to subparagraph (C), dealing specifically with permissible disclosures for investment companies, which would permit a general description of an investment company, its general attributes, method of operation and services offered, provided the description is not inconsistent with the operation of the particular fund mentioned in the tombstone advertisement.

The text of proposed subparagraph (C) of Rule 134(a)(3) with the added clause is as set forth below.

Proposed new paragraph (13) of Rule 134(a). The narrow prescription of what is permissible in tombstone advertising has made it impossible to combine an advertisement of other unrelated products with a tombstone advertisement. Proposed new paragraph (13) of Rule 134(a) would permit such combined advertising. The proposed rule would permit advertisements which contain offers, descriptions and explanations of products and services not constituting securities to be combined with a tombstone advertisement for a registered investment company provided such materials "do not relate directly to the desirability of owning or purchasing a security" and provided all direct references to the security otherwise comply with the rule and are placed in a separate and enclosed area in the advertisement.

The first proviso is designed to prevent an advertiser from touting its expertise as an investment adviser. The second proviso is designed to separate and disassociate, for example, the "security" and "freedom from worry" themes which appear in certain advertisements from advertisement of the equity product. Other themes which could be expected to dwell upon and extol the success of the company in its other endeavors should likewise not be closely identified with the equity product and the proposed separation will tend to serve this purpose.

The text of the entire advertisement would be subject to review to determine whether that portion of the text which refers to other products and services does relate directly to the desirability of owning or purchasing a security.

The text of the new proposed paragraph (13) of Rule 134(a) is as set forth below.

Proposed new Rule 135A—generic advertising. Generic or "institutional" advertising typically refers in general terms to securities as a medium of investment but does not refer to any specific security. Under present Staff interpretations a presumption is indulged in that a dealer who underwrites a particular fund desires to sell the specific fund it underwrites, even though it may have many other funds available for sale, and therefore cannot use generic advertising. The investment company industry has long urged that the restrictions on generic advertising have precluded investment companies from effective competition with other investment media whose advertising is not similarly restricted.

Proposed Rule 135A would permit generic advertising of investment company securities, even by dealers who underwrite particular funds or sponsors of no-load funds, provided the advertisement does not refer, except as required by the rule in specified circumstances, to the securities of a particular investment company.

An advertisement pursuant to this proposed rule would be limited to explanatory information relating to the nature of, and services offered by investment companies generally, the mention or explanation of investment companies of different generic types, and offers, descriptions and explanations of products and services not constituting securities which do not relate directly to the desirability of owning or purchasing a security ("combined" advertising). The advertisement or other communication could contain an invitation to inquire for further information and would be required to state the name and address of the broker, dealer or other person sponsoring the communication.

The proposed rule would require the disclosure under specified circumstances of the special interest of the sponsor of the communication in a particular fund or complex of funds. If, during the last calendar year, more than 30 percent of the sponsor's sales of mutual fund securities were in one mutual fund or fund complex, the sponsor must disclose the approximate percent of its sales of that fund or fund complex during that year and must also describe its relationship to that fund or complex of funds. The purpose of this requirement is to put the reader on notice that the sponsor of the advertisement may have an incentive or predeliction to sell a particular security or group of securities even though such sponsor may have many other securities available for sale. An alternative to this disclosure requirement is provided for those advertisers who may wish to indicate indirectly—by stating the percentage of sales of the fund in which they specialize—the extent to which they sell other funds. Under this alternative, the advertiser would not state any percentage information but would merely identify the security or securities in which he specializes, state his relationship to the issuer thereof and state that he sells or sponsors such securities.

The proposed rule finally requires that the broker, dealer or other person sponsoring the communication must have available for sale the type of security, service or product therein described. This requirement would prohibit the use of a generic advertisement to arouse investor interest in a type of security which is not available.

The text of proposed Rule 135A is as set forth below.

RULE 434a, SUMMARY PROSPECTUSES

Present Rule 434a permits the use of summary prospectuses by industrial companies, but does not provide for such use by investment companies. The use of Summary Prospectuses by industrial companies is conditioned by subsections (1) and (2) of Rule 434a upon the satisfaction of certain requirements relating to net asset size, profit and loss history and the filing of reports and statements.

The proposed amendment to paragraph (a) of Rule 434a would expressly permit registered open-end investment companies to use Summary Prospectuses with certain limitations which are set forth in the proposed new instructions to Form S–5.

The text of proposed amended paragraph (a) of Rule 434a is as set forth below.

Addition to Form S–5 to provide for summary prospectus. Rule 434a, as proposed to be amended, permits the use of a summary prospectus if the registration form provides for its use. It is proposed to amend Form S–5, the registration form under the Securities Act of 1933 for securities of all open-end investment companies registered under the Investment Company Act of 1940 on Form N–8B–1, to provide for a Summary Prospectus.

The proposed addition to Form S–5 would provide in the "Instructions" paragraph that the Summary Prospectus may not be used unless a registration statement under the Securities Act of 1933 is in effect, or if at the time of its use the registrant has had a prior history of operations other than that of an investment company during the past 5 years or if certain specified transactions with affiliates have occurred during the past 3 years, or if at that time the registrant does not intend to meet the requirements of Subchapter M of the Internal Revenue Code. The instructions further provide that no sales literature may be used with the Summary Prospectus unless preceded or accompanied by the full statutory prospectus.

The Summary Prospectus would include information concerning the investment objectives of the fund, most of items 4 (if there are affirmative policies) and 5 of Form N–8B–1, information as to sales and redemption charges and advisory fees and a Per Share Income and Capital Changes Table. No financial statements or lists of investments would be included. The instructions would provide that the Commission could also require the inclusion of other information in addition to or in substitution for information specifically required in any case "where such information is necessary or appropriate for the protection of investors." It is contemplated that under this provision any material adverse facts and anything differentiating the fund from the "garden variety" mutual fund would have to be disclosed.

In view of the possibility that a prospective investor, after seeing the summary prospectus, might send in an order for mutual fund shares without first receiving the full statutory prospectus, the summary prospectus would contain a bold-face legend urging all interested persons to send for and examine the full statutory prospectus before purchasing shares of the fund.

The text of the proposed addition to Form S–5 which would immediately follow the text of the "Instructions as to Exhibits" section in the present form is as set forth below.

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Proposed Commission action:

Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended as indicated below:

I. Section 230.134 would be amended as follows:

A. Subdivision (iii) of subparagraph (3) of § 230.134(a) would be amended by changing the semicolon to a comma after the word "characteristics" and by adding a new clause after the word "and" reading as set forth below.

B. A new subparagraph (13) would be added to paragraph (a) of this section to read as set forth below:

§ 230.134 Communications not deemed a prospectus.

* * * * * * *

(a) * * *

(3) * * *

(iii) In the case of an investment company registered under the Investment Company Act of 1940, the company's classification and subclassification under that Act, whether it is a balanced, specialized, bond, preferred stock or common stock fund and whether in the selection of investments emphasis is placed upon income or growth characteristics, and a general description of an investment company including its general attributes, method of operation and services offered provided that such description is not inconsistent with the operation of the particular fund for which more specific information is being given.

* * * * *

(13) A communication concerning the securities of a registered investment company may also include any one or more of the following items of information: Offers, descriptions and explanations of any products and services not constituting securities subject to registration under the Securities Act of 1933, and descriptions of corporations provided that such offers, descriptions and explanations do not relate directly to the desirability of owning or purchasing a security, and that all direct references in such communications to a security contain only the statements required or permitted to be included therein by the other provisions of this rule, and that all such direct references be placed in a separate and enclosed area in the communication.

* * * * *

II. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding a new § 230.135a which would read as follows.

§ 230.135a Generic advertising.

For the purposes only of section 5 of the Act, a notice, circular, advertisement, letter, sign or other communication, published or transmitted to any person which, except as otherwise specifically provided herein, does not specifically refer by name to the securities of a particular investment company, to the investment company itself, or to any other securities not exempt under section 3(a) of the Act, will not be deemed to offer any security for sale, provided:

(a) Such communication is limited to any one or more of the following:

(1) Explanatory information relating to securities of investment companies generally or to the nature of investment companies, or to services offered in connection with the ownership of such securities,

(2) The mention or explanation of investment companies of different generic types or having various investment objectives, such as "balanced funds", "growth funds", "income funds", "leveraged funds", "specialty funds", "variable annuities", "bond funds", and "no-load funds",

(3) Offers, descriptions and explanations of various products and services not constituting a security subject to registration under the Act, provided that such offers, descriptions and explanations do not relate directly to the desirability of owning or purchasing a security,

(4) Invitation to inquire for further information, and

(b) Such communication contains the name and address of a registered broker or dealer or other person sponsoring the communication.

If a registered broker or dealer named as the sponsor of the communication has

FEB 3 72 XUM

sold, during the last calendar year, securities of registered open-end investment companies with the same or affiliated investment advisers which have an aggregate offering price in excess of 30 percent of the aggregate offering price of the securities of all open-end investment companies sold by such broker or dealer during such period, or if the communication is sponsored by an adviser to a registered investment company, any communication described above shall identify such securities by name. Such identification shall describe the relationship of such broker, dealer or other person to the issuer of such securities and state the approximate percent represented by sales of such securities of the aggregate offering price of all open-end investment company securities sold by such broker or dealer or sponsored by such other person during such period or such identification may state that such broker, dealer or other person sells or sponsors such specified securities. Securities of open-end investment companies sold in connection with an initial public offering or the reinvestment of dividends or capital gains distributions shall not be included in the above computation. With respect to any communication describing any type of security, service or product, the broker, dealer or other person sponsoring such communication must offer for sale a security, service or product of the type described in such communication.

III. Section 230.434a would be amended as follows:

Paragraph (a) of § 230.434a would be amended by (i) inserting a comma after the word "and" and by (ii) adding, after the word "if" a new clause reading as set forth below.

As amended, § 230.434a(a) would read as follows:

§ 230.434a Summary prospectuses.

(a) A summary prospectus prepared and filed as part of a registration statement in accordance with this rule shall be deemed to be a prospectus permitted under section 5(b)(1) of the Act, if the form used for registration of the securities to be offered provides for the use of a summary prospectus and, if the issuer is not a registered open-end investment company, either of the following conditions is met.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

IV. Part 239 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding new instructions as to Summary Prospectuses to § 239.15.

§ 239.15 [Amended]

NOTE: Copies of the text of the proposed amendments to the rules and form and the proposed new rule is contained in Release No. 33-5213, copies of which have been filed with the Office of the Federal Register, and copies of the release may be obtained from the Securities and Exchange Commission, Washington, D.C. 20549.

All interested persons are invited to submit data, views, and comments on the proposed amendments in writing to the Securities and Exchange Commission, Washington 25 D.C., on or before January 30, 1972. Except where it is requested that such communications be kept confidential, they will be considered available for public inspection. (See Release No. 5230 extending time for comments until February 29, 1972.)

(Secs. 2, 6, 7, 10, 19, 48 Stat. 74, 78, 81, 85; 15 U.S.C. 77b, 77f, 77g, 77j, 77s)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1565 Filed 2-2-72;8:45 am]

[17 CFR Parts 230, 239]

[Release No. 33-5230]

INVESTMENT COMPANY ADVERTISING AND SUMMARY PROSPECTUS FOR INVESTMENT COMPANIES

Extension of Time for Submission of Comments

The Securities and Exchange Commission has extended from January 30, 1972 until February 29, 1972, the period of time within which written comments and views may be submitted on its proposals to adopt a new Rule 135a and to adopt amendments to Rule 134 relating to investment company advertising, and Rule 434A relating to summary prospectuses, and proposals to revise Form S-5 to provide for Summary Prospectus for open-end investment companies registered under the Investment Company Act of 1940 on Form N-83-1. The proposed amendments to the rules and form was announced on December 1, 1971 in Securities Act Release No. 5213.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JANUARY 24, 1972.

[FR Doc.72-1566 Filed 2-2-72;8:46 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES 7576]

MISSOURI

Notice of Proposed Withdrawal and Reservation of Land

The U.S. Forest Service Department of Agriculture, has filed application ES 7576 for the withdrawal of the land described below, subject to valid existing rights, for addition to the Clark National Forest, Mo.:

FIFTH PRINCIPAL MERIDIAN

T. 31 N., R. 4 E.,
Sec. 6, N½ lot 1 of SW¼.

The area described contains 40 acres in Iron County.

The land is situated in a rough mountainous area, one-half mile south of the southern boundary of the Clark National Forest. The applicant desires that the land be added to the national forest to promote the efficient management of lands and national resource conservation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, 7981 Eastern Avenue, Silver Spring, MD 20910.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

DORIS A. KOIVULA, *Manager.*

JANUARY 27, 1972.

[FR Doc.72-1615 Filed 2-2-72;8:50 am]

[N-6043]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 27, 1972.

The Corps of Engineers on behalf of the U.S. Air Force has filed the above application for the withdrawal of the lands described below, from all forms of appropriation including the mining laws (30 U.S.C., Ch. 2), and the mineral leasing laws.

The applicant desires the land for use as a housing area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008, Federal Building, 300 Booth Street, Reno, NV 89502.

The Department's regulations (43 CFR 2311.1-3(c)), provided that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 56 E.,
Tract 42C.

Containing 40 acres.

ROLLA E. CHANDLER, *Chief, Division of Technical Services.*

[FR Doc.72-1596 Filed 2-2-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

GRAIN STANDARDS

Cairo, Ill., Grain Inspection Point

Statement of considerations. The Woodson-Tenent Laboratories, Inc., Memphis, Tenn., has proposed that its designation under section 3(m) of the U.S. Grain Standards Act (7 U.S.C. 75(m)) to operate the official grain inspection agency at Cairo, Ill., be transferred.

J. R. Simpson, Cairo, Ill., has applied for designation (in accordance with § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act) to operate the official grain inspection agency at Cairo, Ill. This application does not preclude other interested agencies and persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate an official inspection agency at Cairo, Ill., according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act. NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Members of the grain industry who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate an official inspection agency at Cairo, Ill.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than 30 days after this notice is published in the FEDERAL REGISTER. All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so filed with

FEB 3 72 XUM

the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., this 28th day of January 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-1618 Filed 2-2-72;8:50 am]

GRAIN STANDARDS

Port Arthur, Tex., Grain Inspection Point

Statement of considerations. The Houston Merchants Exchange, Houston, Tex., has proposed that its designation under section 3(m) of the U.S. Grain Standards Act (7 U.S.C. 75(m)) to operate the official grain inspection agency at Port Arthur, Tex., be transferred.

The Beaumont Board of Trade, Beaumont, Tex., has applied for designation (in accordance with § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act) to operate the official grain inspection agency at Port Arthur, Tex. This application does not preclude other interested agencies and persons from making similar applications.

Other interested persons are hereby given opportunity to make application for designation to operate an official inspection agency at Port Arthur, Tex., according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act. NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Members of the grain industry who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate an official inspection agency at Port Arthur, Tex.

Opportunity is hereby afforded all interested persons to submit written data, views, or arguments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions shall be in duplicate and shall be mailed to the Hearing Clerk not later than 30 days after this notice is published in the FEDERAL REGISTER. All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments so filed with the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., this 28th day of January 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-1619 Filed 2-2-72;8:50 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

ASBESTOS-CEMENT PIPE FROM JAPAN

Determination of Sales at Less than Fair Value

Information was received on November 13, 1970, that asbestos-cement pipe from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of November 3, 1971.

I hereby determine that for the reasons stated below, asbestos-cement pipe from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. The information currently before the Bureau reveals that the proper basis of comparison is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.a.s. port price for exportation to the United States the included inland freight charges and inspection fees.

Home market price was based on the weighted-average delivered prices. Deductions were made for inland freight charges and inspection fees. Adjustments were made for differences in credit terms, advertising, commissions, technical services, breakage, and packing costs, as appropriate.

Comparison between purchase price and the adjusted home market price revealed the adjusted home market price to be higher than purchase price.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

FEBRUARY 1, 1972.

[FR Doc.72-1699 Filed 2-2-72;9:33 am]

ATOMIC ENERGY COMMISSION

GENERAL MANAGER'S FINAL ENVIRONMENTAL STATEMENTS

Notice of Availability

Notice is hereby given that two final environmental statements issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 are being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545. The statements are:

Plutonium Recovery Facility, Rocky Flats Plant, Colo., and
Plutonium Facility, Los Alamos Scientific Laboratory, N. Mex.

The statements will also be in the Commission's Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439, and the New York Public Document Room, 376 Hudson Street, New York, NY 10014.

The draft environmental statements will be furnished upon request addressed to the Assistant General Manager for Environment and Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 28th day of January 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-1579 Filed 2-2-72;8:47 am]

[Docket No. 50-89]

GULF GENERAL ATOMIC INC.

Notice of Issuance of Amended Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 18 to Facility License No. R-38 dated May 3, 1958. The license presently authorizes Gulf General Atomic Inc. to possess, use, and operate the TRIGA Mark I nuclear reactor located at its Torrey Pines Mesa site in San Diego, Calif., at power levels up to 250 kilowatts (thermal). The amendment incorporates technical specifications in the license and restates the license in its entirety to include all of the amendments currently pertinent to the operation of the facility.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR, Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of proposed issuance of this amended license is not required since the operation of the facility in accordance with the terms of the amended license does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated November 29, 1971; and (2) the amendment to facility license which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-1581 Filed 2-2-72;8:47 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplement to the Environmental Report" by the Vermont Yankee Nuclear Power Corp. is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301. The report is also being made available to the public at the Planning and Community Services Agency, State Office Building, Montpelier, Vt. 05602 and the Windham Regional Planning Commission, 67 Main Street, Brattleboro, VT 05301. This report discusses environmental considerations related to the proposed operation of the Vermont Yankee Nuclear Power Station located in Vernon, Vt.

After the Supplemental report has been analyzed by the Commisson's Director of Regulation or his designee, a draft detailed statement of environmental considerations will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 27th day of January 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-1582 Filed 2-2-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23542]

ATC BYLAWS INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in the above-entitled proceeding has been postponed from March 1, 1972, to April 10, 1972, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 28, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72-1621 Filed 2-2-72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19165, 19166; FCC 72 R-26]

BANGOR BROADCASTING CORP. AND PENOBSCOT BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Bangor Broadcasting Corp., Bangor, Maine, Docket No. 19165, File No. BPH-6863; Penobscot Broadcasting Corp., Bangor, Maine, Docket No. 19166, File No. BPH-6916, for construction permits.

1. This proceeding involves the mutually exclusive applications of Bangor Broadcasting Corp. (Bangor) and Penobscot Broadcasting Corp. (Penobscot) for a permit to construct and operate a new FM broadcast station on Channel 225 at Bangor, Maine. By Order, FCC 71-220, 36 F.R. 5154, published March 17, 1971, the Commission designated the two applications for hearing on various issues including Suburban issues against both applicants and the standard comparative issue. By Memorandum Opinion and Order, FCC 71R-141, 21 RR 2d 953, released May 4, 1971, the Review Board denied a motion filed by Penobscot on April 1, 1971, requesting the addition of a comparative programing issue.[1] Presently before the Review Board is a further motion to enlarge issues, filed August 13, 1971, by Penobscot, which seeks the addition of undue concentration of control, anticompetitive conduct, and nondisclosure issues against Bangor, and comparative efforts and programing issues.[2]

Anticompetitive conduct and undue concentration of control issues. 2. Penobscot requests the addition of anticompetitive conduct and undue concentration of control issues against Bangor premised on the media ownership interests of its principal stockholder in the State of Maine.[3] In particular, Penobscot submits that Melvin L. Stone, Bangor's principal owner and president, owns interests in two Maine AM stations and one Maine FM station; is the creditor of a Maine radio station and of a Maine television station; and owns the Lobster Network (Network), a sales representative firm which sells time on seven Maine radio stations, including stations owned by Stone. Movant explains that the Network,[4] of which Stone is also president and general manager, sells time to local, regional, and national advertisers and agencies on behalf of a group of seven radio stations[5] in Maine. Reciting facts taken from Stone's testimony at the July 20, 1971, hearing in this proceeding (see note 3, supra), movant alleges that the Network has its own rate card which includes the rates of both member stations and the Network; and handles billing, distributes proceeds, and prepares affidavits of performance for member stations. Penobscot argues that the Network practice of offering to prospective advertisers group discounts ranging from

[1] While denying Penobscot's request for the addition of a comparative programing issue, the Board directed that evidence as to program duplication by Bangor will be admissible at the hearing under the standard comparative issue. 21 RR 2d at 954.

[2] Also before the Review Board are: (a) Opposition, filed Sept. 22, 1971, by Bangor; (b) comments, filed Sept. 22, 1971, by the Broadcast Bureau; and (c) reply, filed Oct. 6, 1971, by Penobscot.

[3] Penobscot submits that the testimony at the July 20 and 21, 1971, hearing sessions provide the bases for all the issues requested in the instant motion, and therefore that there is good cause for the late filing. (The designation order was published in the FEDERAL REGISTER on Mar. 17, 1971; enlargement requests were due to be filed by Apr. 1, 1971; and the instant motion was filed on Aug. 13, 1971.)

[4] The Lobster Network is not a network as used in the classical sense (e.g., NBC, ABC, or CBS), in that it does not distribute programs to affiliated stations.

[5] Going from south to north in Maine, Stone identified these stations at the hearing as: WSME, Sanford; WLOB, Portland; WCLU, Lewiston; WRUM, Rumford; WGHM, Skowhegan; WGUY, Bangor; and WEGP, Presque Isle. Penobscot notes that the 1971 edition of Broadcasting Yearbook lists AM Station WABK, Gardner, as a member of the Lobster Network.

2 to 15 percent, depending on the rate and the number of Network stations purchased on one order, is in itself, price fixing which is proscribed by the Commission's 1963 Public Notice on Combination Advertising Rates, 28 F.R. 1161, 24 RR 930 (1963), and by the Nation's antitrust laws. In addition, Penobscot cites several Supreme Court decisions which hold that any combination, conspiracy, or agreement which interferes with the setting of prices by free market forces is unlawful per se;[6] therefore, the Network's discount arrangement, movant argues, amounts to an interference with free market forces.

3. In further support of its charge of price fixing, Penobscot alleges that member stations apparently agree upon uniform discounts; that membership in the Network tends to produce strict adherence to uniform discounts because Network salesmen sell time on other Network stations as well as their own,[7] and each member station is therefore privy to information with respect to transactions between fellow members and advertisers. Movant further argues that this practice is especially anticompetitive when viewed in light of the Network's coverage of Maine's market for broadcast advertising. In particular, Penobscot, relying on an engineering statement attached to its further motion,[8] alleges that the service areas of the Network stations would encompass a minimum of 75 percent of the population of the State of Maine and that three of the Network stations (WRUM, WGHM, and WSME) enjoy a monopoly position in their respective service areas.[9] These coverage factors, in conjunction with the Network's group discounts, Penobscot argues, place non-Network stations in an unfair position. In Penobscot's view, Stone's representation of member stations through the Network tends to eliminate natural competition among these stations and between these stations and Stone's own stations for broadcast advertising; moreover, it gives Stone a direct and substantial interest in the financial success of member stations, thereby further tending to eliminate competition.

4. Movant also requests an issue inquiring into whether a grant of Stone's FM application would result in an undue concentration of media control in Maine, including FM broadcasting, inconsistent with the public interest. In support of its request, Penobscot recites facts taken from Stone's testimony at the hearing which indicate that: He and his wife are 100-percent owners of the licensees of AM Stations WGUY, Bangor, and WRUM, Rumford; he himself is 50-percent owner of the licensee of FM Station WDCS, Portland, Maine; and he is presently a creditor of the licensees of WGHM (AM), Skowhegan, and of WEMT–TV, Bangor, in the amount of $100,000 and $25,000, respectively. Moreover, Penobscot avers, WGHM–FM duplicates the programing of WGHM 10 percent, and WCOU–FM duplicates WCOU 90 percent, thereby making them de facto Network member stations since WGHM and WCOU are member stations and subject to any control exercised by Stone. Penobscot argues that the above facts parallel those in Brown Broadcasting Company, 3 FCC 2d 887, 8 RR 2d 55 (1966), where the Board added a concentration of control issue against an applicant for an AM station in North Carolina. In Brown, according to Penobscot, the applicant owned three AM radio stations located on a direct line from the Virginia border across northeastern North Carolina; the proposed standard broadcast station would also have been on this line; the three existing stations were sold in combination; and the proposed fourth station was also to be sold in combination.

5. In opposition, Bangor asserts that cases cited by Penobscot in support of the anticompetitive issue dealt with "must buy," "forced sales," or "forced combination sales" arrangements which do not, Bangor contends, exist between the Lobster Network and its member stations. Although the Network does publish a rate card reflecting Network rates, Bangor argues that member stations' rates, which are printed on the Network's card, are set by the stations individually, and not by the Network. Bangor further argues that the Commission, in WBBF, Inc., 24 FCC 179, 16 RR 981 (1958), condoned the use of combination rates where the combination purchase was not forced and even where there was substantial overlap, because there was no evidence tending to establish injury to the public interest. With respect to the undue concentration of control issue, Bangor maintains that no legal agency exists between the network and member stations, and, if the Network has any status, it is that of an "independent contractor" serving in the same capacity as a sales representative firm. Bangor also asserts that Stone exercises no "control" over those Network member stations which he does not own. In this regard, Bangor contends that, "control can only be exercised by management and/or ownership of a license." The Broadcast Bureau believes that Penobscot has presented sufficient allegations of fact to warrant further exploration at the hearing. However, the Bureau neither supports nor opposes the particularly worded issues requested by Penobscot, but rather recommends the addition of a cross-interest issue based on the reasoning in Golden West Broadcasters, 16 FCC 2d 918, 15 RR 2d 938 (1969); and Eastern Broadcasting Corp., 30 FCC 2d 745, 22 RR 2d 475, review dismissed 32 FCC 2d 187 (1971).[10]

6. The Review Board will grant Penobscot's request for anticompetitive and undue concentration of control issues against Bangor.[11] It is undisputed that Stone, the owner of Bangor, is also the owner of the Lobster Network and of two member radio stations; that the Network sells time on the stations in combination and offers discounts; that member stations' salesmen serve as Network salesmen; and that three of the Network stations are in one-station markets. Based on these facts, the Board is of the opinion that sufficient allegations have been made to warrant an evidentiary inquiry into aspects of the operations of the Network which might constitute price fixing and methods of unfair competition. Compare Eastern Broadcasting Corporation, supra, 30 FCC 2d at 756, 22 RR 2d at 485, where we held that "sufficient allegations [were] not submitted to warrant adding a[n] * * * unfair competition issue." Bangor's argument that the Network's admitted practice of combination discount selling is excused by the fact that other advertising agencies in Maine also sell time in combination discount is unconvincing. First, the several radio stations in Maine not affiliated with a combination selling group are "entitled to face broadcast competitors, not combinations." Combination Advertising Rates, supra, 28 F.R. at 1161, 24 RR at 931. Second, as Penobscot argues in its reply, the existence of other advertising combinations in Maine does not excuse the potentially anticompetitive impact of the Network's sales practices,[12] and it is Stone's qualifications with which we are concerned, not with those of parties not before us.

7. The Commission has a general policy which prohibits combination advertising rate agreements by independent licensees serving substantially the same area on grounds that such arrangements raise serious questions under the policies underlying the antitrust laws, conflict with established Commission multiple ownership policies, and are contrary to the public interest. Combination Advertising Rates, *supra*. In the Public Notice, the Commission stated that: "It is clear that inherent in combination rate agreements is the element of price fixing by independent parties who should be competing with one another." 28 F.R. at 1161, 24 RR at 931, citing Radio Fort Wayne, Inc., 9 RR 1221, 1222(k) (1954). In the only reported case decided under the Public Notice to date (FM Group Sales, Inc., 2 RR 2d 1110 (1964)), the Commission deferred its proscription on combination advertising rates in order to foster the development of fledgling FM radio stations; however, the Commission had two reservations in granting the waiver. First, the Commission questioned "whether the lower rates offered solely for purposes of a group plan results in open and fair competition so far as the FM station which might choose not to participate in the FM Sales Group plan is concerned and the advertiser who would prefer to deal with a single station." The Commission's second reservation concerned the activities of one Lester Vihon, who was simultaneously an officer and shareholder of FM Group Sales and a licensee of a Chicago FM station represented by FM Group Sales. The Commission saw a potential conflict of interest between Vihon's duty as an agent for the FM Sales Group and his interest as a station owner where an advertiser might decide to buy some, but not all, of the members of the group. In our opinion, the facts alleged by Penobscot regarding Stone and his Lobster Network raise similar questions in this proceeding. Moreover, it is well established that the Commission has the authority and the responsibility to preclude broadcasters from engaging in activities which violate the country's antitrust laws. Midcontinent Broadcasting Co. of Wisconsin, Inc., 11 RR 2d 1081 (1967). Bangor's reliance on the WBBF case, *supra*, is not persuasive. The case is factually distinguishable because there only two stations were sold; both were commonly owned; and the Commission found no substantial overlap between the stations. Therefore, the Commission concluded that several stations which were commonly owned could offer discounts as long as such practices were not contrary to the public interest. The Board is not persuaded that WBBF, a 1958 case, can be construed to mean that the Commission now "condones" combinations of independent licensees offering discounts to advertisers for member stations bought in one purchase, particularly in light of the Commission's 1963 Public Notice proscribing such activities. See also FM Group Sales, Inc., *supra*.

8. A concentration of control issue against Bangor is also warranted. Section 73.240 of the Commission's rules prohibits any grant of license which "would result in a concentration of control of FM broadcasting in a manner inconsistent with public interest, convenience, or necessity." In this case, Penobscot has presented ample data concerning the size, extent, and location of the areas to be served by Bangor; the number of people served; the classes of stations involved; the number and types of competing media; and the degree of Bangor's control of particular media.[13] See Rule 73.204(a)(2). See also Lee Enterprises, Inc., 18 FCC 2d 684, 16 RR 2d 904 (1969). Compare Harvit Broadcasting Corp., 18 FCC 2d 459, 16 RR 2d 713 (1969). In this case, Stone owns two radio stations which are members of the Network and thereby can be sold jointly; Stone owns 50 percent of FM station WDCS, and is a creditor of Stations WGHM (AM) and WEMT–TV, all in Maine; and Stone intends to sell the proposed FM station in Bangor along with present Network stations.[14] These facts are sufficient to raise a question of undue concentration of control in Maine. As explained in Brown Broadcasting Company, supra, the danger to be avoided in such combinations is the economic leverage that stations offering joint rates and discounts would have over their competitors. Cf. Des Moines County Broadcasting Co., 37 FCC 638, 3 RR 2d 416 (1964). Bangor's attempt to distinguish Brown on grounds that the same people owned the three existing stations and that there was evidence of forced combination selling is not persuasive because, like Brown, we are here concerned with the stations owned by Stone which are sold jointly vis-a-vis the Network. We also note that in Brown there was no showing of forced selling, as Bangor suggests; however, the petitioner in Brown did point out the extensive amount of population that would be served by granting a fourth station to the applicant selling in combination. That is also the case here. See paragraph 3, supra.

9. The Broadcast Bureau's recommendation for the addition of a cross-interest issue, although well taken, cannot be adopted. Technically, a cross-interest issue, as such, is warranted only where an applicant operates or has some meaningful relationship with a station in broadcast services serving substantially the same area as the applied for station. Rule 73.240(a)(1); Multiple Ownership Rules (Docket 15627), 13 FCC 2d 357, 358; 13 RR 2d 1601, 1602 (1968). The Commission has defined "substantially the same area" as a 1 mv/m overlap between two or more stations in which the broadcaster will have any degree, direct or indirect, of cross-interests. Multiple Ownership Rules (Docket 18110), supra, 22 FCC 2d at 307, 18 RR 2d at 1737. Other than two instances of overlap, as revealed by Penobscot's coverage contour map, there is no showing that a grant to Bangor of the FM station will result in "cross-interest." That is, Station WDCS–FM, Portland, which is 50 percent owned by Stone, is located in the same city as Network member Station WLOB (AM); and Station WDCS–FM's 1 mv/m contour encompasses the city of Lewiston, which is located north of Portland, and is the city of license of Network member Station WCLU (AM). However, this is not to say that the public interest consideration underlying the Commission's cross-interest policy are not applicable to this case. Cf. Berwick Broadcasting Corp., 12 FCC 2d 8, 9, 12 RR 2d 665, 668 (1968). In this case, Penobscot has made specific allegations of fact which are sufficient to raise serious public interest questions as to whether Stone's dual interests in a sales representative firm and a proposed broadcast station serving the same general area (i.e., the coastal area of Maine) may be contrary to the public interest. Therefore, an appropriate issue will be added.

Nondisclosure issue. 10. In support of its requested nondisclosure issue, Penobscot alleges that, although an applicant is required by table II, section II of FCC Form 301 to list all of its business interests, Bangor, in its application failed to disclose Stone's ownership interest in the Lobster Network.[15] Penobscot argues that this nondisclosure is particularly important because Stone, as president of Bangor, personally signed the application. Furthermore, Penobscot maintains, the nondisclosure is particularly reflective on Bangor's (and Stone's) qualifications to be a Commission licensee because of the subject matter of the nondisclosure, i.e., other business interests.

11. In its opposition, Bangor denies that it failed to report Stone's interest in the Lobster Network and claims that section II of its application incorporated this information by reference to licenses on file with the Commission. See note 11, supra. The Broadcast Bureau agrees with Penobscot that Bangor did not adequately represent in its application Stone's interest in the Network, thereby warranting a nondisclosure issue. The Bureau believes that this case is factually distinguishable from Hartford County Broadcasting Corp., 9 FCC 2d 698, 10 RR 2d 1083 (1967), where the Board did not add a Rule 1.65 issue. The Bureau also

[6] Citing United States v. Container Corp. of America, 393 U.S. 312 (1969); United States v. Sacony-Vacumm Oil Company, 310 U.S. 150 (1940); and Prairie Farmer Publishing Co. v. Indiana Farmers Guide Publishing Co., 88 F. 2d 979 (7th Cir.), cert. den. 301 U.S. 696, pet. reh. den., 302 U.S. 773 (1937).

[7] According to Penobscot, Stone testified at the hearing that the relationship between the Network and the salesmen of member stations is one of "employer-employee". Tr. 178.

[8] The engineering affidavit concludes that the combined population served by all Network stations, including the FM proposal of Bangor and WEMT–TV, of which Stone is a creditor, would be 78.4 percent of the 992,048 persons in Maine (1970 Census), and would cover a land area of 47.9 percent of the 30,920 square miles constituting the State of Maine.

[9] One of these stations (WRUM) is owned by Melvin Stone.

[10] The Bureau notes that Penobscot's request is late filed, but believes that movant has met the Edgefield-Saluda test by showing good cause for the late filing. The Edgefield-Saluda Radio Company, 5 FCC 2d 148, 8 RR 2d 611 (1966).

[11] The Review Board is persuaded that good cause has been shown for the acceptance of the instant motion insofar as the requested anticompetitive, concentration, and disclosure issues are concerned. (See paragraph 16, infra.) In any event, Penobscot's motion raises serious public interest questions which warrant consideration of the motion on its merits. See The Edgefield-Saluda Radio Company, supra. See also Eastern Broadcasting Corp., *supra*.

[12] Cf. Kiefer-Stewart Company v. Joseph E. Seagram and Sons, 340 U.S. 211, 214 (1951); P. F. Colliers and Son Corp. v. FTC, 427 F. 2d 261 (6th Cir. 1970).

[13] The Commission's multiple ownership rules have a two-fold objective: (1) fostering maximum competition in broadcasting; and (2) promoting diversification of programing sources and viewpoints. The concentration of control rules are aimed at achieving these two-fold objectives nationally and regionally, whereas the cross-interest rules attempt to achieve the same objective locally and regionally; therefore, unlike a request for a cross-interest issue, which involves a showing of a 1 mv/m overlap between an applicant's existing station and the station for which he is applying, there is no overlap showing required in requesting an undue concentration of control issue. Multiple Ownership Rules (Docket 18110), 22 FCC 2d 306, 18 RR 2d 1735 (1970).

[14] Although Stone testified at the hearing that the programing format of FM Station WDCS would make it difficult to include it as part of a Network package sale, he stated that he had hopes of selling the station as part of the Network (Tr. 180).

[15] Section II of Bangor's application reads as follows:

"Information in this section is already on file with the Federal Communications Commission. Applicant is the owner of WGUY, Bangor, Maine. FCC File Number BML–2178 and BR–1746. No change since last date of filing."

Penobscot points out that Bangor removed section II from its application and replaced it with a plain sheet of paper containing the above.

requests that the Board, on its own motion, add a Rule 1.65 issue against Bangor because of Bangor's failure to amend its application to reflect the assignment of license for FM Station WLOB from Portland Broadcasting Corp. to Dirigo Communications, Inc., in which Stone has a 50-percent-ownership interest.[16] Neither Penobscot nor Bangor have filed comments on the Bureau's request.

12. In the Board's opinion, substantial questions have been raised as to whether Stone fully disclosed all of his broadcast interests in his FM application in compliance with Commission Rule 1.514[17] and whether Bangor failed to update its application pursuant to Rule 1.65. No factual dispute exists as to Stone's ownership interest in the Network and that it existed prior to the filing of the application; however, from table II of section II of Bangor's application, and from the material incorporated by reference therein, one would be unable to determine whether Stone had any financial or ownership interest in the Lobster Network. All information called for by the Commission in the application which might have a substantial bearing on the status of the application and which might have a significant impact on the determination of a grant of the application should be before the Commission in the initial application. See Folkways Broadcasting Company, Inc., 26 FCC 2d 175, 20 RR 2d 528 (1970). That is not so in this case. As the Bureau points out, the present case is clearly distinguishable from Hartford, supra, where we held that a "specific reference" in the application to other documents, thereby incorporating those documents into the application, did not necessarily violate Commission Rule 1.65. Finding no specific reference to Stone's interest in the Network in Bangor's application,[18] we therefore believe that a nondisclosure issue is warranted. Although the Bureau's request for a Rule 1.65 issue against Bangor is procedurally deficient, the issue will be added on our own motion because of the seriousness of the matter. The Board thus agrees with the Bureau that Bangor's failure to amend its application to reflect the assignment of license for Station WLOB–FM (now WDCS–FM) raises serious questions as to whether Bangor has kept the Commission informed of changes material to its application. See De Witt Radio, 18 FCC 2d 494, 16 RR 2d 821 (1969). See also Folkways Broadcasting Co., supra.

[16] The assignment was approved by the Commission on Jan. 21, 1971.

[17] Rule 1.514 requires an applicant to: "• • • include all information called for by the particular form on which the application is required to be filed, unless the information called for is inapplicable, in which case this fact shall be indicated."

[18] Neither file number specifically referred to in Bangor's application (see note 14, supra) discloses that Stone owns the Lobster Network. The other information given by Bangor (i.e., "already on file with the • • • Commission") is too vague to satisfy the requirements of Commission Rule 1.514. See note 16, supra.

Comparative efforts and programing issues. 13. In support of its request to add comparative issues on ascertainment efforts and programing,[19] Penobscot asserts that, although the Commission's proposed Primer on Ascertainment of Community Problems by Applicants, 20 FCC 2d 880 (1969), was released nearly 15 months before the designation order in this proceeding, Bangor failed to conform its ascertainment efforts to the proposed Primer. Movant claims that Bangor's reliance on a talk show diary, complaint letters, conversations with talk show guests and a survey by an independent public relations firm did not comply with the proposed Primer's requirements of personal contacts by applicants with representative community leaders and the general public. In comparison, Penobscot avers that its "ascertainment study was complete in detail." Movant further asserts that Bangor did not relate its proposed programing to problems within the community. In comparison, Penobscot points to its unamended ascertainment survey wherein it identified 22 problem areas and proposed to deal with those problems.

14. In opposition, Bangor asserts that, not only has it complied with the Primer[20] through an amendment to its initial Suburban survey,[21] but it has policies as an existing licensee of constantly conducting community surveys to ascertain problems, needs, and interests of the Bangor area. Bangor views Penobscot's request as an attempt by it "to overcome [Penobscot's] own deficiencies" in its Suburban survey. The Bureau, employing the Edgefield-Saluda test, argues that Penobscot's request is late filed and that good cause for adding comparative efforts and programing issues has not been shown. The Bureau notes that Penobscot relies on its own and Bangor's preamended applications, which were available prior to the expiration of the 15-day filing period prescribed by Rule 1.229(c). Thus, the Bureau argues, since both applicants have amended their Suburban showings to conform with Primer, no useful purpose would be served by going into preamendment showings. In reply, Penobscot takes the position that the Board is precluded from considering the applicant's amended showing by virtue of the Commission's June 4, 1971, Public Notice on Amendments by Applicants in Pending Hearing Cases to Comply with the Primer on Community Problems, 30 FCC 2d 136, 21 RR 2d 1746.

[19] Although this is Penobscot's second request for a comparative programing issue, the bases for the two requests differ (see paragraph 1, supra). Therefore, the instant motion will be considered on its merits. See Alvin L. Korngold, 32 FCC 2d 471, 472 n. 4, 23 RR 2d 267, 269 n. 4 (1971).

[20] Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971).

[21] By Order, FCC 71M–919, released June 10, 1971, Bangor's petition for leave to amend its application to reflect the results of a more recent community survey was granted by the Examiner. In the same order, the Examiner also granted Penobscot's petition to amend its Suburban showing.

15. The Board agrees with the Broadcast Bureau that the request for comparative efforts and programing issues is late filed and that good cause has not been shown for adding the issues. The materials relied upon by Penobscot in support of adding the issues were available prior to the expiration of the 15-day filing period prescribed by Rule 1.229(c). The Edgefield-Saluda Radio Company, supra. Furthermore, Penobscot's explanation for filing late, i.e., confusion over the Commission policy on the Suburban issue and revelation of testimony at the hearing, does not excuse the untimely filing. The Board further concludes that movant has failed to show any significant difference between its proposed programing in its initial survey and Bangor's, nor has it related its claimed substantial superiority in programing to its ascertainment of community needs as required under the Chapman test. See Chapman Radio & Television Company, 7 FCC 2d 213, 9 RR 2d 635 (1967). See also Voice of Dixie, Inc., 20 FCC 2d 867, 17 RR 2d 1199 (1969); and Port Jervis Broadcasting, Inc., 15 FCC 2d 44, 14 RR 2d 572 (1968). Merely pointing out the deficiencies in Bangor's Suburban survey, as movant does here, is not sufficient to warrant adding comparative efforts and programing issues. We also believe that movant has failed to meet the Chapman test with respect to the amended Suburban surveys of the applicants.[22] Finally, Penobscot's construction of the Commission's Public Notice on Amendments by Applicants in Pending Hearing Cases to Comply with the Primer on Ascertainment of Community Problems, supra, as precluding consideration of amended surveys is clearly incorrect. In Eastern Broadcasting Corp., 31 FCC 2d 724, 22 RR 2d 969 (1971), we interpreted the Commission's Public Notice to mean, "that amendments should not be considered in determining whether comparative preferences or demerits should be assessed when comparative efforts and/or programing issues have been specified prior to the filing of the amendment." 31 FCC 2d at 725, 22 RR 2d at 967. This means that in deciding whether or not to add comparative efforts and/or programing issues in the first instance, the Board (or Commission) can and will consider amended community survey showings. In our view, this is not only logical, but legally correct as well.

16. *Accordingly, it is ordered,* That the further motion to enlarge issues, filed August 13, 1971, by Penobscot Broadcasting Corp., is granted to the extent herein indicated, and is denied in all other respects; and that the issues in this proceeding are enlarged to include the following:

(a) To determine whether Melvin L. Stone, owner of Bangor Broadcasting Corp., has engaged in or at anticompetitive activities and practices which are

[22] In footnote 6 to its reply, Penobscot submits that the requested issues are warranted based on a comparison of the amended surveys; however, Penobscot makes no efforts to comply with the Chapman test as to the amended surveys, either.

illegal or otherwise inconsistent with the public interest; and if so, whether it reflects on the basic and/or comparative qualifications of Bangor Broadcasting Corp. to be a Commission licensee.

(b) To determine whether the dual ownership interests of Melvin L. Stone, as owner of both Bangor Broadcasting Corp. and the Lobster Network, provide a potential for the impairment of open, arms length competition between broadcast stations serving substantially the same area, and contrary to the principals underlying the Commission's cross-interest policy and, if so, the effect thereof on the applicant's basic and/or comparative qualifications to be a Commission licensee.

(c) To determine whether a grant of the Bangor Broadcasting Corp. application would be inconsistent with the public interest because, as a consequence, Melvin L. Stone would have an undue concentration of control of the media of mass communications in the State of Maine.

(d) To determine whether Bangor Broadcasting Corp. has failed fully to disclose material facts concerning the business interests of Melvin L. Stone.

17. *It is further ordered,* That, on the Board's own motion, the issues in this proceeding are enlarged to include the following:

(e) To determine whether Bangor Broadcasting Corp. has complied with provisions of section 1.65 of the Commission's rules by keeping the Commission advised of substantial changes in the matter specifically referred to in this Memorandum Opinion and Order, and, if not, to determine the effect of such noncompliance on the basic and/or comparative qualifications of Bangor Broadcasting Corp.

18. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under issues (a), (b), and (c) added herein shall be on Bangor Broadcasting Corp.; that the burden of proceeding with the introduction of evidence under issue (d) added herein shall be upon Penobscot Broadcasting Corp.; that the burden of proceeding under issue (e) added herein shall be upon the Chief, Broadcast Bureau; and that the burden of proof under issues (d) and (e) added herein shall be upon Bangor Broadcasting Corp.

Adopted: January 26, 1972.

Released: January 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1610 Filed 2-2-72;8:49 am]

[Docket Nos. 19303, 19304; FCC 72R–27]

COMMUNITY BROADCASTERS, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Community Broadcasters, Inc., Easton, Md., Docket No. 19303, File No. BPH–7403; Richard S. Cobb and Mary Cobb doing business as Easton Broadcasting Co., Easton, Md., Docket No. 19304, File No. BPH–7493; for construction permits.

1. The above-captioned mutually exclusive applications for a new FM station at Easton, Md., were designated for hearing on a standard comparative issue by Commission Order, FCC 71–864, published August 28, 1971, 36 F.R. 17376. By a petition to enlarge issues, filed September 13, 1971, Easton Broadcasting Co. (Easton) seeks the addition of a comparative programing issue, as well as the following issues concerning Community Broadcasting, Inc. (Community): financial qualifications, availability of site, efforts to ascertain community needs, and maintenance of a file for public inspection.[1]

Financial qualifications issue. 2. Easton bases its request for a financial qualifications issue on two major contentions: first, the bank loan upon which Community relies may not now be available to Community; and, second, Community has, because of faulty estimates and omission of necessary expenses, substantially underestimated its financial requirements. With respect to the bank loan, Easton notes that in the letter of commitment from Woodlawn National Bank, the bank agrees to lend Community $50,000 if the following conditions are met:

1. There be awarded to W. Ronald Smith and Margaret D. Smith trading as Community Broadcasters or a corporation in which they individually or collectively will own a majority of the voting stock by the appropriate Federal regulatory authorities a certificate to construct and operate the above-mentioned facility.

2. You agree that you will not sell, assign, encumber or in any way dispose of any shares of the Adler Communications Corp. stock without our approval so long as this commitment is outstanding or any portion of the funds.

3. The financial condition of W. Ronald Smith and Margaret D. Smith will be substantially the same as at the date of this letter, and will be subject to a review satisfactory to the bank at the time of the first advance.

4. A pro forma statement will be furnished evidencing feasibility of proposed operation.

Easton points out that there is no evidence in the record that Community has submitted a pro forma statement evidencing the feasibility of its proposed operations, as required by condition 4. Furthermore, Easton alleges that Ronald and Margaret Smith, the owners of Community, have placed their shares of stock in Adler Communications Corp. in a trust for the benefit of their children, contrary to the provisions of condition 2. Petitioner also suggests that the Smiths' "financial liquidity" may not be substantially the same as it was December 31, 1970, as required by condition 3, in view of the trust created by them for their children and certain changes in Adler Communications Corp., including Adler's offer to sell its radio Stations WHAG and WHAG–FM.[2] Easton relies primarily on affidavits of Mary Cobb, a partner in Easton, and George W. Dietrich to support its contention that Community has underestimated its construction and first-year operating costs by a minimum of $15,000. Mrs. Cobb states that she and her son, Richard Cobb, as partners own Easton Broadcasting Co.; that Easton has been the licensee of Station WEMD, Easton, Md., since 1960; that she has had primary partnership responsibility for all aspects of the station's management, including supervision of the construction of the station and its day-to-day operation; that she was general manager of Station WBCL, Williamsburg, Va.; that she has had a partnership interest in Tenth District Broadcasting Co., an applicant for a new AM station at Potomac, Md.; and that prior to the above experience she was employed by Columbia Broadcasting System.

3. Mrs. Cobb alleges that Community's estimated legal expenses of $362 is at least $2,000 less than a realistic figure. She states that Easton has already expended $1,000 and, based on past experience, she is certain that a minimum legal expense of $2,500 will be required if Community pursues its application through the instant hearing. Moreover, Mrs. Cobb notes that Community has made no provision for freight on equipment, a transmitter house, a road from the public road to the antenna site, and possibly an easement from the public road to the transmitter site. Based on her experience and on estimates obtained from local contractors, Mrs. Cobb contends that these omitted items will cost a minimum of $1,500. Thus, Mrs. Cobb concludes, Community's preoperational costs are underestimated by at least $3,600.

4. With respect to operating costs, Mrs. Cobb contends that Community has underestimated its first-year salary requirement by a minimum of $10,000. She argues that based on her experience at WEMD a minimum of $100 per week will be necessary for each of Community's four proposed full-time employees and that another $3,000 per year will be necessary for the proposed part-time employees; thus, a more realistic salary projection is $23,800 per year rather than the $13,700 projected by Community.

[1] Responsive pleadings before the Board are: (a) Comments, filed by the Broadcast Bureau on Oct. 7, 1971; (b) letter and attachments, filed on Oct. 8, 1971, by Community; (c) opposition, filed on Oct. 8, 1971, by Community; and (d) reply, filed by Easton on Oct. 22, 1971. The Board also has before it a petition to accept late-filed opposition, filed Oct. 8, 1971, by Community. Since good cause has been shown for the late filing, the petition will be granted and the opposition considered by the Board.

[2] Easton relies on the affidavit of counsel who states that he ascertained by telephone that Blackburn & Co. was in fact holding out Stations WHAG and WHAG–FM, Halfway, Md., for sale.

Mrs. Cobb also contends that, based on operating experience at WEMD, Community has greatly underestimated its costs for news service, records and transcriptions, utilities, telephone, postage and office supplies, and insurance. Furthermore, Easton contends, Community has completely failed to list such items as dues and subscriptions, travel and entertainment, automobile expenses, and royalty payments. Easton also contends, relying on the affidavit of Marianna Woodson Cobb, its consulting engineer, that Community's proposed antenna tower cannot be erected on the 1-acre site it has proposed. In order to properly guy such a tower, the engineer asserts, additional land is necessary or, as an alternative, much more expensive construction techniques are required. Thus, petitioner contends that altogether Community has underestimated its construction and first-year operating costs by a minimum of $30,000. Furthermore, it argues that since Community's proposal relies on $51,500 to meet anticipated cash requirements of $50,032.60, even assuming the bank loan is forthcoming, Community will inevitably be at least $35,000 short of the total expenditures which Easton reasonably believes will be necessary for Community to construct and operate its proposed station for the first year.

5. The Broadcast Bureau, in its comments, takes the position that, in the absence of further clarification by Community, the financial issue should be added. Community opposes the petition both procedurally and on the merits. It contends that it has already been found by the Commission to be financially qualified on two occasions: first, when its application was granted by staff action on April 26, 1971;[3] and, second, when the consolidated proceeding was set for hearing. Community also contends that Easton had ample time to raise any questions it might have had concerning Community's application by way of a petition to deny before the matter was set for hearing. Community additionally insists that the petition should be denied because of a lack of supporting affidavits.

6. On the merits, Community submits a new commitment letter from the Woodlawn National Bank of Alexandria, Va., which states that the bank will lend Community $60,000 on the same terms and conditions as set forth in its letter of December 31, 1970. The letter also states that Community has informed the bank of the Smiths' trust for their children, that the trustees have agreed to pledge the Adler stock as security for the bank's loan to Community, and that this arrangement is acceptable to the bank. Community also submits a statement by the trustees that the stock will be pledged to secure the Community loan. Further, Community submits an affidavit signed by W. Ronald Smith and Margaret D. Smith to the effect that on October 24, 1971, the trust will be terminated. Community advised the Board that the foregoing material, together with other pertinent information, had been incorporated in an amendment which was filed with the Examiner.[4] Thus, Community argues, it is clear that a bank loan of $60,000 will be available to it to construct and operate its proposed station. With respect to the validity of its estimates, Community notes that two of its full-time employees will be Mr. & Mrs. Smith, and that they will together draw only $5,200 per year[5] leaving the remaining $9,500 to pay two additional full-time and two part-time employees. Community contends that the station will operate only 102 hours per week and since "staff salaries will be based on hours worked the amount estimated should be quite adequate." With respect to Easton's contentions concerning other expenses, Community notes that its anticipated expense for news service is overstated by $160 as witnessed by an attached letter from UPI, and contends that its other estimates are valid. With respect to items omitted which Easton believes should be included, Community contends that these items of expense are not necessary to its operation. Particularly, it notes that any royalty payments are based on a percentage of gross revenue and, since its projections are based on an assumption of no revenue, it is not necessary to anticipate royalties. As to the construction cost, Community contends that the transmitter shack "will be a very simple building" which Mr. Smith plans to construct himself or at least help in the construction, and that the studio will be located in a residential building which the Smiths will also use as their home.

7. The procedural arguments raised by Community are applicable to the Board's consideration of all of the requested issues. We will therefore treat those matters before we consider the allegations and arguments on the requested financial issue. Community's contention that the petition to enlarge should not be considered since Easton could have raised its questions before designation has no merit. Easton's petition to enlarge is timely filed and must be considered on its merits.[6] Nor is Community's contention that it has twice been found legally, financially and technically qualified to be the licensee of a new FM station decisive of the matter. Easton has raised a number of questions as to which the designation order "contains no reasoned analysis with respect to the merits * * *." Atlantic Broadcasting Co. (WUST), 5 FCC 2d 717, 721, 8 RR 2d 991, 996 (1966). Accordingly, the Board must consider the merits of the questions raised.

8. In opposition to Easton's requested issue concerning the availability of Community's bank loan, Community relies on a new bank letter and certain affidavits of the Smiths with respect to the trust agreement (see paragraph 5) which were tendered as an amendment to its application. The Board will take into account the new bank letter and the affidavit of the Smiths to the extent that they meet the technical problems raised by the petition to enlarge, but we cannot rely on the tendered amendment, which was rejected by the Examiner, to increase the bank commitment from $50,000 to $60,000. See Edward Atsinger III, et al., 30 FCC 2d 493, 499, 22 RR 2d 236, 244 (1971). In our view, this letter, considered together with the supporting affidavits, adequately establishes reasonable assurance that the loan will be available.[7] Thus, we conclude that Community can rely upon a loan of $50,000 from Woodlawn National Bank of Alexandria, Va.

9. However, Mrs. Cobb's allegations concerning Community's proposed construction and first-year operating costs raise serious questions which have not been satisfactorily answered in Community's opposition. Mrs. Cobb's extensive experience in operating Station WEMD provides a sound basis for many of her estimates and for others she has relied on local experts. Community's estimated legal expenses are clearly insufficient for a comparative hearing. Easton also challenges Community's ability to erect its proposed tower on 1 acre for the cost it estimates and Community has made no provision for the cost of its proposed transmitter shack. These questions, considered together with a number of alleged operating cost omissions and alleged underestimated costs, warrant the inclusion of an issue concerning proposed construction and operating costs. Community makes no comments concerning its legal fees and tower construction costs nor does it give us a figure for the cost of its transmitter shack and its generalized comments concerning the validity of its estimated first-year operational expenses do not provide adequate answers to the questions presented by Easton's petition. The Board will therefore add an appropriate financial qualifications issue.

Availability of antenna site. 10. Easton alleges that Community relied upon a 6-month option to establish the availability of its proposed site. Easton contends that the option by its terms has now expired and had not as of the date of the petition been renewed. In opposition, Community relies on a letter dated September 28, 1971, from Talbot Real Estate in which it is stated that up to 1 acre of land is available to Community for the construction of a guyed antenna tower. In its reply, Easton concedes that sufficient suitable land is probably available to Community for its antenna site. In view of these circumstances, the site availability issue is not warranted.[8]

Ascertainment of community needs. 11. Easton states that the survey to ascertain community needs conducted by Community is deficient in that it was limited to recognized community leaders and did not seek to learn the views of the general public. Moreover, petitioner contends, not one of those leaders interviewed was black, although over 25 percent of the population which the proposed station will serve is black. In opposition, Community argues that its survey has already been approved by the Commission but, by way of caution, it also relies on a subsequent conference with members of the congregation of the Bethel A.M.E. Church and a survey of seven leaders of the Negro community in Easton, Md.

12. The Board will add an issue to determine whether Community's efforts to ascertain community problems comply with the procedure outlined in the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants. Community's argument that the Commission has already approved its survey is no more valid than the same argument with respect to its financial qualifications, see paragraph 6, supra. It does not appear that Community has undertaken to ascertain the views of the general public in Easton and the surrounding area. Nor did the material originally submitted with its application contain any reference to interviews with any members of the black community in Easton. We cannot consider the survey material submitted with Community's opposition since that material was part of the amendment which the Hearing Examiner rejected. Moreover, the amendment material does not correct the apparent deficiency regarding contacts with the general public. Thus, an appropriate issue must be added to this proceeding.

Completeness of public inspection file. 13. Easton, replying on the affidavit of Mary Cobb, alleges that Community's public inspection file, maintained in the Town Office Building in Easton, Md., was incomplete. Mrs. Cobb notes that several amendments to the application and some pertinent correspondence were not included in the file. Community, in opposition, concedes that the file was in fact incomplete, but contends that the documents which were not included are of no significance and that, in any event, the public was not deprived of information since Mrs. Cobb is the only person who has inspected the file. The Review Board is of the view that failure to maintain the public inspection files as required by Commission rule raises questions as to the qualifications of an applicant. The significance of this infraction can best be evaluated in the context of a public hearing. Accordingly, we will include an issue to ascertain the circumstances surrounding the infraction of the rule and its effect on the comparative qualifications of the applicant.

Comparative programing. 14. In support of its request for a comparative programing issue, Easton states that it proposes substantially more nonentertainment programing than does Community (25.4 percent as opposed to 8.6 percent), and that it proposes to program 15 more hours each week than will Community. It also notes that, of the 20 hours and 8 minutes of news it proposes, one-third will be local and regional news. Petitioner contends that, since local news is one of the pressing needs of the area, its proposal, when compared with Community's lesser effort, justifies a comparative programing issue. In opposition, Community notes that Easton's proposed programing is a 100 percent duplication of its AM station programing. Moreover, Community contends, Easton has provided no facts which would warrant a comparative programing issue.

15. It is well established that to justify a comparative programing issue, a proponent must show substantial proposed programing differences going beyond ordinary differences of programing judgment, showing a superior devotion to public needs which were ascertained by the applicant's study of those needs. Chapman Radio and Television Co., 7 FCC 2d 213, 9 RR 2d 635 (1967); Lester H. Allen, 17 FCC 2d 439, 16 RR 2d 19 (1969). Easton has not made such a showing in the instant case. Easton contends that its greater emphasis on local news warrants a comparative efforts issue. However, it has failed to establish that this emphasis on local news is related to its study of the needs of Easton. Only one reference to local news is found in Easton's survey and Easton's mere assertion that the need for local news is one of the pressing needs of the area does not meet the test set forth in the Chapman case. Thus, Easton's request for a comparative programing issue will be denied.

16. *Accordingly, it is ordered*, That the petition to accept late filing, filed October 8, 1971, by Community Broadcasters, Inc., is granted; and that the petition to enlarge issues, filed September 13, 1971, is granted to the extent indicated herein, and is denied in all other respects; and

17. *It is further ordered*, That the issues in the instant proceeding are enlarged as follows:

(1) To determine whether the estimated construction and first-year operating costs of Community Broadcasters, Inc., are reasonable, and if not, whether sufficient additional funds are available to Community Broadcasters, Inc., and whether, in light of the facts so found, Community Broadcasters, Inc., is financially qualified to construct and operate its proposed station for 1 year without operating revenue.

(2) To determine the efforts made by Community Broadcasters, Inc., to ascertain the community needs and interests of the area to be served by its proposed station and the means by which the applicant proposes to meet those needs and interests.

(3) To determine whether Community Broadcasters, Inc., has made available for public inspection a complete copy of the application as required by § 1.526(a) (1) of the Commission's rules; and, if not, the effect thereof on the applicant's comparative qualifications to be a Commission licensee.

18. *It is further ordered*, That the burden of proceeding with the evidence and the burden of proof with respect to each of the foregoing issues shall be on Community Broadcasters, Inc.

Adopted: January 26, 1972.

Released: January 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1611 Filed 2-2-72;8:49 am]

ALAN F. NECKRITZ AND LAWRENCE B. ORDOWER

Order Extending Time

In regard complaint by Alan F. Neckritz and Lawrence B. Ordower, Berkeley, Calif., concerning Fairness Doctrine regarding Stations KGO-TV, KRON-TV, KPIX-TV, KNBC, and KNXT.

1. The Chief, Broadcast Bureau, has before him a motion of National Broadcasting Co. (NBC), filed on January 14, 1972, to extend the time for filing responses to the Commission's letter of January 5, 1972 for 60 days and an opposition thereto by Messrs. Neckritz and Ordower filed on January 24, 1972. Responses were originally due on January 19, 1972, and one extension to January 26, 1972, has already been granted for all parties.

2. As grounds for this lengthy extension, NBC pleads that "a search and analysis of programing and advertising materials" must be performed at its Los Angeles KNBC station and in New York. However, NBC's main point appears to be that "the time consuming process of communicating with and coordinating these matters [from New York] with NBC personnel located in Los Angeles requires a period greatly in excess of that allotted by the Commission."

3. In opposition, complainants assert that the questions asked in the Commission's letter of inquiry regard areas which came to the attention of all of the interested parties some months ago. Therefore, complainants assert that the parties

[3] Easton's application was filed Apr. 15, 1971. The staff apparently granted Community's application without knowledge that Easton's application had been filed. The grant was then set aside by order of the Chief of Broadcast Bureau on Apr. 28, 1971.

[4] Community's petition to amend, filed Oct. 8, 1971, was denied by the Hearing Examiner's order, released Oct. 27, 1971, FCC 71M-1702, and a petition for reconsideration was denied by the Hearing Examiner's order, FCC 71M-1888, released Dec. 6, 1971.

[5] Community also notes that the supervisory salaries of Mr. & Mrs. Smith will be "paid only if funds are available."

[6] Section 1.229 (a) and (b) reads, in pertinent part, as follows:

(a) A motion to enlarge, change or delete the issues may be filed by any party to a hearing.

(b) Such motions must be filed with the Commission not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER * * *.

[7] The material submitted answers the questions raised concerning the trust agreement; we have no reason to believe that the Smiths' financial condition has substantially changed; and, since the bank is satisfied with the feasibility study, we see no reason why it should be submitted to the Commission.

[8] Petitioner's allegation that the proposed antenna cannot be built on the specified site, absent considerable added expense, may be explored under the financial issue being added herein.

have had more than enough time to formulate positions with respect to the questions asked by the Commission and no further extension of time should be granted.

4. First, it is noted that the points raised by NBC relate solely to the Commission's request for the dates and times of carriage of the advertisements complained of and for any material broadcast which advised the public of the controversy concerning the "Chevron F-310" advertisements. NBC pleads no unusual circumstances to justify delaying the responses due to the three questions asked in the Commission's letter of inquiry. Those questions were raised in this proceeding well before the Commission's letter was sent, as noted in complainant's opposition, and an additional 7 days has already been granted to formulate responses. Consequently, all parties should submit their responses to the three basic questions asked in the letter of inquiry by January 26, 1972.

5. With respect to information regarding dates and times of carriage of the Chevron F-310 advertisements and material broadcast advising of the controversy therein, NBC's assertion of administrative difficulties does not justify the lengthy extension of time it has requested to supply data sought by the Commission. In this regard it is noted that the search and analysis in Los Angeles was admitted by NBC to be "already in progress" on January 14, 1972. By exercise of due diligence that search and the "companion search" in New York should be near to completion if not already accomplished. Quick and efficient administrative procedures can be employed to collate this information in a period shorter than that requested by NBC which admits that it will supply "a 'sampling' rather than a total analysis" of its programing. Since the other licensee respondents may be in a similar position to NBC, a short extension of time will be granted to all responding licensees but only with respect to the basic information sought by the Commission as already noted.

6. *Accordingly, it is ordered,* That, pursuant to section 5(d) of the Act, and § 0.281(v) of the Commission's rules, the date for submitting information as to the dates and times of carriage of the Chevron F-310 advertisements and material broadcast advising of the related controversy as requested in the Commission's inquiry (letter dated January 5, 1972) is extended for 14 days to February 9, 1972; in all other respects, NBC's motion for extension of time is denied.

Adopted: January 24, 1972.

Released: January 26, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-1609 Filed 2-2-72;8:49 am]

GENERAL SERVICES ADMINISTRATION

FLOOR FINISHES, WAXES, AND POLISH REMOVERS

Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with the following interim Federal specifications:

P-F-00430A—Floor Finish, Water Emulsion (For Use on Light Colored Floors).
P-W-00155B—Wax, Floor, Water Emulsion, Slip Resistant.
P-R-001760—Remover, Floor Polish (Resin-Type and Wax).

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specifications to the end that (1) mutual understanding by both the Government and industry of the Government's technical requirements for the items and (2) the quality of the product to be shipped to the Government will be enhanced. It will be open to all those in the private sector who have an interest or concern for these matters and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on February 15, 1972, at 9:30 a.m., Room 1022, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, Va. Anyone who wants to attend or desires further information should contact Dr. George E. Cushmac, General Services Administration, Federal Supply Service, Office of Standards and Quality Control, Washington, D.C. 20406, telephone No. (Area Code 703) 557-1489.

Issued in Washington, D.C., on February 1, 1972.

M. S. MEEKER,
Commissioner.

[FR Doc.72-1676 Filed 2-2-72;8:51 am]

[GSA Bulletin FPMR A-32 General]

USE OF COMMUTED RATE SCHEDULE OR ACTUAL EXPENSE METHOD

To: Heads of Federal Agencies.

1. *Purpose.* This bulletin clarifies guidelines for deciding whether to use the commuted rate system or the actual expense method (Government bill of lading) for the transportation and temporary storage of household goods of civilian employees of the United States and other authorized persons being transferred between or to official duty stations in the conterminous United States.

2. *Expiration date.* This bulletin contains material of a continuing nature and will remain in effect until canceled or superseded.

3. *Background.* a. Section 6.3c(4) of Office of Management and Budget Circular No. A-56 Revised, dated August 17, 1971, states "* * * in case of individual transfers the commuted rate system will be used without consideration being given the actual expense method except the actual expense method may be used if the actual costs to be incurred by the Government for packing and other accessorial services are predetermined (at least as to price per 100 pounds) and if that method is expected to result in real savings to the Government of $100 or more."

b. The margin of $100 as a minimum "savings" was established to cover the administrative costs associated with shipments moving under the actual expense method (GBL).

c. Agencies are construing the revised regulations to preclude use of the actual expense method (GBL). This is not the case.

4. *Recommended action.* a. The general policy is that the commuted rate system will be used for transportation of employees' household goods when individual transfers are involved. However, the regulations provide that the actual expense method (GBL) may be used on individual transfers if actual costs to be incurred are predetermined and a savings of $100 or more is expected to result. A proper comparison of costs must take into account the line-haul, accessorial, and packing charges.

b. Several carriers have offered to move the household goods of employees for a transportation cost plus a flat cost per hundredweight for packing. If carriers do not provide the agency an All-Inclusive fixed cost or fixed rate per 100 pounds for packing and other packing-related accessorial charges, such shipments will have to be handled under the commuted rate even though in the past those shipments may have been handled on GBL.

c. GSA is in the process of determining which carriers quote or will quote cost of packing on a "total basis" for ease of comparison. When developed, this information will be promptly sent to agencies to assist in their evaluation of total costs.

Dated: January 31, 1972.

ROBERT M. O'MAHONEY,
Commissioner, Transportation and Communications Service.

[FR Doc.72-1678 Filed 2-2-72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. G-10786 etc.]

CAR-TEX PRODUCING CO. ET AL.

Findings and Order

JANUARY 18, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, dismissing application, permitting and approving abandonment of service, terminating certificate, terminating proceedings, making successors co-respondent, redesignating proceedings, and accepting rate schedules for filing.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Union Texas Petroleum, a division of Allied Chemical Corp. et al., applicant in Docket No. CI71-798, proposes to continue its sale of natural gas formerly authorized in Docket No. G-4318 to be made pursuant to R. C. Harris FPC Gas Rate Schedule No. 1, which has been canceled because R. C. Harris has been issued a small producer certificate of public convenience and necessity in Docket No. CS71-325. The rate under said rate schedule was in effect subject to refund in Docket No. RI71-694. Therefore, applicant will be made a co-respondent in said proceeding and the proceeding will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on January 13, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) The certificate application pending in Docket No. CI69-564 is moot.

(10) Applicant in Docket No. CI71-692 has collected no money subject to refund in Docket No. RI71-485.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Union Texas Petroleum, a division of Allied Chemical Corp. et al., should be made a co-respondent in the proceeding pending in Docket No. RI71-694, and that said proceeding should be redesignated accordingly.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(13) In view of all the facts and circumstances in these cases, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G-7637, G-11832, G-11863, CI61-459, CI62-569, CI64-1173, CI65-1008, and CI67-824 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The order issuing a certificate of public convenience and necessity in Docket No. G-10786 is amended by substituting the successor in interest as certificate holder as more fully described in the application and in the tabulation herein. In all other respects said order shal remain in full force and effect.

(F) The order issuing a certificate of public convenience and necessity in Docket No. G-7637 is amended by deleting therefrom authorization to sell natural gas assigned to applicant in Docket No. CI71-860.

(G) The certificate of public convenience and necessity and certificate authorization granted in Docket No. CI71-847 is subject to the Commission's

FEB 3 72
XUM

findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(H) Within 90 days from the date of this order, applicant in Docket No. CI71–847 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 546.

(I) Union Texas Petroleum, a division of Allied Chemical Corp. et al., is made a correspondent in the proceeding pending in Docket No. RI71–694 and said proceeding be redesignated accordingly. Union Texas shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(J) Applicant in Docket No. G–11863 is not relieved of any refund obligations in Dockets Nos. RI69–347 and RI71–644 as a result of the deletion of acreage authorized herein.

(K) Applicant in Docket No. CI71–781 is not relieved of any refund obligations in Dockets Nos. RI65–475 and RI68–693 as a result of the abandonment permitted and approved in Docket No. CI71–781.

(L) The proceeding in Docket No. RI71–485 is terminated. Applicant in Docket No. CI71–692 is not relieved of any refund obligations in Dockets Nos. RI70–755 and RI70–1112 as a result of the abandonment permitted and approved in Docket No. CI71–692.

(M) Applicant in Docket No. CI71–798 shall charge and collect the rate of 19 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket No. RI71–694 for gas discovered prior to September 28, 1960; 21 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket No. RI71–694, for gas discovered between September 28, 1960, and June 17, 1970; and 11.0399 cents per Mcf at 14.65 p.s.i.a. until August 20, 1971, when a rate of 25 cents per Mcf at 14.65 p.s.i.a. will be effective subject to refund in Docket No. RI71–694 for gas produced from the reservoirs discovered after June 17, 1970.

(N) The certificates granted in Dockets Nos. CI71–798 and CI71–860 are subject to the Commission's findings and order accompanying Opinion No. 595 and any further orders which may be issued in Docket No. AR64–2 et al. Applicants in said docket shall file three copies of a rate schedule-quality statement as specified by Opinion No. 595.

(O) The agreement dated January 1, 1971, and designated as Supplement No. 10 to Union Texas Petroleum, a division of Allied Chemical Corp. et al., FPC Gas Rate Schedule No. 104 is accepted for filing on the condition that the provisions of said agreement relating to the area rate shall be interpreted as being consistent with the provisions of § 154.93 (b–1) of the regulations under the Natural Gas Act and that said provisions shall apply only upon Commission approval of a just and reasonable rate or a settlement rate in an applicable area rate proceeding for gas of comparable quality and vintage. The agreement is accepted only insofar as it pertains to the reserves specified therein and the related proposed increases are limited to gas produced from such reserves. This acceptance of subject agreement does not constitute any authorization to abandon any acreage covered by the original contract which is not covered by such agreement.

(P) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and tabulations, are granted.

(Q) The certificate application pending in Docket No. CI69–564 is dismissed, the temporary certificate issued in said docket is terminated, and the related FPC gas rate schedule is canceled.

(R) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
G–10786 [2] E 6–3–71	Car-Tex Producing Co., agent (Operator) et al.	Arkansas Louisiana Gas Co., Blocker Field, Harrison County, Tex.	Maxwell Herring, Drilling Corp. agent (Operator) et al. FPC Gas Rate Schedule No. 1 and Supplement Nos. 1–6 thereto.	6	
			Notice of succession 5–31–71.		
			Assignment [3] 4–8–71 (Effective date: 3–31–72)	6	7
G–11832 [4] D 5–20–71	Amoco Production Co.	Northern Natural Gas Co., Shapley (Morrow) Field, Hansford County, Tex.	Notice of partial cancellation [5] 5–19–71. (Effective date: date of this order.)	192	21
G–11863 [6] D 4–14–71	Mobile Oil Corp. (Operator) et al.	Lone Star Gas Co., Graham Area, Carter County, Okla.	Notice of partial cancelation [5] 4–13–71. (Effective date: date of this order.)	9	13
CI61–159 [4] D 1–5–71	Texaco, Inc	Natural Gas Pipeline Co. of America, West Panhandle Field, Carson County, Tex.	Agreement [5] 1–4–71 (Effective date: date of this order.)	226	5
CI62–569 [6] D 5–4–71	do	Oklahoma Natural Gas Gathering Corp. and Pioneer Gas Products Co., Ringwood Field, Major County, Okla.	Agreement [5] 3–1–71 (Effective date: date of this order.)	253	8
CI61–1173 [6] D 4–16–71	Petro Dynamics, Inc. (Operator) et al.	Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans.	Agreement [5] 3–1–71 (Effective date: date of this order).	21	13
CI65–1008 [4] B 1–26–70 D	Shell Oil Co	Panhandle Eastern Pipe Line Co., Northwest Oakdale Field, Woods County, Okla.	Assignment [7] Amendment [8] (Effective date: date of this order).	317 317	7 8
CI67–821 [4] D 6–10–71	Cities Service Oil Co	Consolidated Gas Supply Corp., acreage in Jefferson County, Pa.	Assignment [5] 11–1–70 (Effective date: 11–1–70)	294	1
CI69–564 [9] B 6–1–71	Texaco, Inc	Tennessee Gas Pipeline Co., Fisherman's Bay Field, Lafourche Parish, La.	Notice of cancellation [5] 5–26–71. (Effective date: date of this order).	425	2
CI71–692 [10] B 3–22–71	Sun Oil Co	Natural Gas Pipeline Co. of America, Ernest F. McGaughey Unit, Wise County, Tex.	Notice of cancellation [5] 3–16–71. (Effective date: date of this order).	470	5
CI71–695 [11] B 3–26–71	Gulf Oil Corp	Phillips Petroleum Co., Texas Hugoton Field, Hansford County, Tex.	Notice of cancellation [5] 3–24–71. (Effective date: date of this order).	303	2
CI71–776 A 4–19–71	Jerome P. McHugh	El Paso Natural Gas Co., Pictured Cliffs Field, San Juan County, N. Mex.	Contract [12] [13] 3–18–71 Letter agreement [12] [13] 3–18–71. (Effective date: date of initial delivery).	11 11	1
CI71–781 [14] B 4–27–71	Shell Oil Co	Lone Star Gas Co., Manziel Field, Wood County, Tex.	Notice of cancellation [5] 4–23–71. (Effective date: date of this order).	258	6
CI71–782 [15] B 4–26–71	Robert Cargill (Operator) et al.	Texas Eastern Transmission Corp., Tatum Field, Rusk and Panola Counties, Tex.	Notice of cancellation [5] undated. (Effective date: date of this order).	5	3

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
CI71–798 [16] O 4–28–71 [17]	Union Texas Petroleum, a division of Allied Chemical Corp. et al.	Transcontinental Gas Pipe Line Corp., West Tuleta Field, Bee County, Tex.	Contract [16] 11–6–49	104	
			Letter agreement 11–18–49	104	1
			Letter agreement 4–11–51	104	2
			Letter agreement 4–16–51	104	3
			Letter agreement 6–28–51	104	4
			Letter agreement 1–20–53	104	5
			Agreement 4–22–59	104	6
			Agreement 11–1–62	104	7
			Letter agreement 1–31–63	104	8
			Agreement 4–30–66	104	9
			Agreement 1–1–71 (Effective date: 5–2–71)	104	10
CI71–836 [20] B 5–21–71	Jake L. Hamon	Panhandle Eastern Pipe Line Co., Tangier Area, Woodward County, Okla.	Notice of cancellation [5] 5–17–71. (Effective date: date of this order).	49	
CI71–838 A 5–21–71	Ashland Oil, Inc	Texas Gas Transmission Corp., West Midland Field, Hopkins and Muhlenberg Counties, Ky.	Contract (Effective date: date of initial delivery).	205	
CI71–847 [21] 5–24–71 [22]	Cities Service Oil Co	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Evans No. 1 Unit, Beaver County, Okla.	Contract 1–30–57 (No specific effective date).	343	
CI71–860 [23] F 6–1–71	Texas Oil & Gas Corp	Tennessee Gas Pipeline Co., a division of Tenneco Inc., North Louise Field, Wharton County, Tex.	Contract 10–1–51	82	
			Agreement 2–7–58	82	1
			Letter agreement 6–5–58	82	2
			Assignment [24] 2–28–69	82	3
			Amendment 2–9–71 (Effective date: 3–1–69)	82	4
			Assignment [24] 5–5–71	82	5
			Assignment [25] 5–12–71	82	6

[1] Where no effective date is shown the rate schedule filing has heretofore been accepted.
[2] Applicant proposes to continue the sales authorized in Docket No. G–10786 to be made pursuant to Maxwell Herring Drilling Corp. (Operator) et al., FPC Gas Rate Schedule No. 1.
[3] From Maxwell Herring Drilling Corp. to James M. Noonan, owner of Car-Tex Producing Co.
[4] Application to amend to delete acreage.
[5] Includes buyers concurrence.
[6] Between applicant and buyer deleting expired and released leases from the contract.
[7] Assigns unproductive acreage to Jess Harris, Jr. Harris in turn assigned same to International Nuclear Corp. who does not intend to file.
[8] No deletion filing made or necessary. 18 CFR 2.64.
[9] Conveys interest to J & J Enterprises, Inc., which was granted small producer authorization pursuant to Order No. 411.
[10] Application for permission to abandon the sale authorized under temporary certificate issued in Docket No. CI69–564.
[11] Application for permission to abandon the sale authorized in Docket No. CI69–597.
[12] Application for permission to abandon the sale authorized in Docket No. CI66–379.
[13] For gas produced from wells down to and through the Pictured Cliffs Formation.
[14] Heretofore accepted for filing.
[15] Changes delivery pressure from 250 p.s.i.g. to 500 p.s.i.g. and increases contract price from 13 cents to 14 cents per Mcf.
[16] Application for permission to abandon the sale authorized in Docket No. CI62–353.
[17] Application for permission to abandon the sale authorized in Docket No. G–13027.
[18] Applicant is filing on behalf of itself and Texas Pacific Oil Co., Inc., to cover their interests formerly covered by R. C. Harris (Operator) et al., who has small producer authorization in Docket No. CS71–325.
[19] Between Transco and Anderson Prichard Oil Corp. et al.
[20] Application for permission to abandon the sale authorized in Docket No. CI67–64.
[21] Applicant is filing to cover its interest formerly covered by Keating-Parker Drilling Co. (Operator) et al.
[22] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. G–7637, made pursuant to Mobil Oil Co. FPC Gas Rate Schedule No. 275.
[23] From Charles H. Osmond, Ltd., to Texas Oil & Gas Corp.
[24] Assigns acreage from Mobil Oil Corp. to Toyah Corp. to a depth of 5,500 feet.
[25] Assigns acreage from Toyah Corp. to Texas Oil & Gas Corp. to a depth of 5,500 feet.

[FR Doc.72–1465 Filed 2–2–72;8:45 am]

[Docket No. CI72–464]

RUSSELL SCOTT, JR., ET AL.

Notice of Application

FEBRUARY 1, 1972.

Take notice that on January 27, 1972, Russell Scott, Jr., et al. (applicants), 500 Jefferson Building, Houston, TX 77002, filed in Docket No. CI72–464 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the West Deer Island Area, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they commenced the sale of natural gas to United on December 22, 1971, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that they propose to continue said sale commencing at the end of the 60-day emergency period until July 1, 1972, at the rate of 35 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations. The estimated monthly sales volume is 360,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 11, 1972, file with the Federal Power Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–1652 Filed 2–2–72;8:51 am]

FEDERAL RESERVE SYSTEM

CHEMICAL NEW YORK CORP.

Order Approving Acquisition of Bank

Chemical New York Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Eastern National Bank of Long Island, Smithtown, N.Y. (Bank).

The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the fourth largest banking organization in New York, controls two banks with total domestic deposits of $7.64 billion, representing 8.7 percent of the State's total commercial deposits. (All banking data are as of December 31, 1970, adjusted to reflect holding company formations and acquisitions to date.) Upon acquisition of Bank ($52.2 million deposits), applicant would not increase its share of deposits in the State, nor its present ranking.

Bank operates its main office and three branches in the Smithtown banking market, and two branches in the Huntington banking market. It is the second largest banking organization in the Smithtown market, with 15.3 percent of the deposits in that market, and the fourth largest banking organization in the Huntington market, controlling 2 percent of market deposits.[1] Applicant's subsidiary office closest to Bank is located 5.5 miles west of Bank's Huntington branch in Nassau County, a separate banking market, into which applicant's bank is presently prohibited from branching. Although applicant's subsidiary branch derives some banking business from Bank's service area, existing competition is nominal and there are two banking offices in the intervening area. Consummation of the proposal would thus eliminate only a small amount of existing competition and would not adversely affect any competing bank in any relevant area.

Some potential competition between applicant and Bank would be foreclosed upon consummation of the proposal since applicant could enter Bank's markets de novo or through acquisition of a smaller bank. The effect of the elimination of this competition would appear to be minimal, however, in light of the large number of potential entrants to the market. Additionally, within Bank's market area there are 75 offices of 14 banks. Within the county there were, at year end 1970, 23 banks with 186 offices. Forty-seven percent of these offices represented only three commercial banks. Applicant's acquisition of Bank, and Bank's expected expansion through de novo branching would provide additional competition for these three dominant banks and have a procompetitive effect in the market.

Applicant is paying a relatively small premium for Bank based upon market values of applicant's and Bank's stock. Based upon book value the premium is substantial. However, applicant does not appear to be paying for the purchase of monopoly power. While it is true that applicant could enter de novo if it were to do so it would be prohibited by New York State law from opening a new branch in the year of charter and then limited to two branches a year until 1976. Such restrictions would limit applicant's competitive effectiveness in the market and the "premium" appears to reflect the worth to applicant of establishing such competitive effectiveness at an earlier date. The establishment of branches by Bank as contemplated by applicant would, as pointed out above, be procompetitive.

The financial and managerial resources of applicant and Bank are generally satisfactory and consistent with approval. Applicant proposes to offer, through Bank, trust and investment advisory services and lower rates on installment loans, thereby providing another competitive alternative for expanded banking services. Accordingly, considerations relating to convenience and needs of the community lend some weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[2] The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1583 Filed 2-2-72;8:47 am]

[1] Banking data relating to market position are as of June 30, 1970.

[2] Dissenting Statement of Governors Robertson and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Maisel. Voting against this action: Governors Robertson and Brimmer. Governor Sheehan did not participate in the Board's action on this matter.

FIRST FLORIDA BANCORP.

Order Approving Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Orlando National Bank—West, Orlando, Fla. (Bank), a proposed new bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant has 22 subsidiary banks with aggregate deposits of approximately $445 million, representing 3 percent of the commercial bank deposits in Florida. (Banking data are as of June 30, 1971.) Approval of the acquisition of Bank would not presently increase Applicant's deposits since Bank is a proposed new bank. Although one of applicant's subsidiaries, The Orlando Bank and Trust Co. (Orlando Bank), is located 4 miles from the proposed site of Bank, Orlando Bank originates only a small percentage of its deposits and loans within Bank's proposed service area. Moreover, applicant does not have a dominant position in the Orlando area. Accordingly, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

The financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are regarded as satisfactory. Considerations relating to the convenience and needs of the community lend weight in favor of approval since Bank is to be established in one of the fastest growing areas in Florida and will provide an additional source of services to customers in or near the Disney World complex. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) The Orlando National Bank—West shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1584 Filed 2-2-72;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Sheehan.

INDUSTRIAL NATIONAL CORP.

Order Approving Acquisition of Ambassador Factors Corporation

Industrial National Corp., Providence, R.I. (Applicant), a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire 100 percent of the voting shares of Ambassador Factors Corp., New York, N.Y. (Ambassador) into which its affiliates Belvedere Factors Corp. and Ambassador Leasing Corp., will be merged prior to the acquisition. Notice of the application affording opportunity for interested persons to submit comments and views was duly published. The time for filing comments and views has expired and all those received have been considered, including those presented orally and in writing in connection with a Board hearing on November 12, 1971, pertaining to factoring in general.

The operation by a bank holding company of a commercial finance company and a factoring company are activities that the Board has previously determined to be closely related to the business of banking (12 CFR 225.4(a)(1)). The Board has also determined that data processing services for the internal storing and processing of banking, financial or related economic data for members of the holding company system are closely related to the business of banking (12 CFR 225.4(a)(8)). Such a data processing subsidiary may also perform incidental activities such as selling excess computer time so long as its only involvement is furnishing the facility and the necessary operating personnel (12 CFR 225.123). A bank holding company may engage in the above activities so long as the activities of the institution proposed to be acquired are not conducted in a manner inconsistent with the limitations the Board has established pursuant to section 4(c)(8) of the Act.

It appears that Ambassador engages in factoring and commercial finance; its affiliate Belvedere Factors Corp. engages in commercial finance; and Ambassador Leasing Corp. provides data processing services for Ambassador and sells excess computer time to Ambassador's customers within the limitations of 12 CFR 225.123. Accordingly, the activties of Ambassador and its affiliates are closely related to banking.

Applicant, the parent holding company of Industrial National Bank of Rhode Island, has consolidated assets of $1.074 billion, including Bank's total assets of $1.029 billion. (Banking data are as of June 30, 1971.) Bank is the largest banking organization in Rhode Island, with 51.2 percent of the commercial bank deposits in the State.

Ambassador and its affiliates are located in New York City. In 1970, Ambassador had a factoring volume of approximately $110 million with 79 percent of its customers being headquartered in New York City. Ambassador is the 23d largest of the 26 factors that compete in national markets and its factoring volume was 1 percent of the total commercial factored volume for those 26 factors. Belvedere Factors Corp. is a small competitor in the commercial finance field, having an annual business volume of $1.2 million. Ambassador Leasing Corp. had an annual business volume from its data processing activities of only $47,000.

Neither Applicant nor any of its subsidiaries engages in factoring, and consummation of the proposal would therefore eliminate no existing competition in the factoring field. It appears unlikely that competition in this area would arise between Applicant and Ambassador. Factoring is characterized by relatively high entry barriers due to the high degree of expertise in the client's industry which is required and de novo entry in the field has been extremely limited.

There is no significant existing competition between Applicant and Ambassador and its affiliates in the commercial finance field. Each derives less than 1 percent of its volume from the service area of the other. Due to geographical separation and the large number of competitors in the field, significant competition is unlikely to develop. While Applicant presently has a subsidiary performing data processing services, neither it nor Ambassador Leasing Corp. do any business in the service area of the other and are unlikely to compete in the future. There is no evidence in the record indicating that acquisition of Ambassador by Applicant would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

The majority of Ambassador's clients are now headquartered in New York City and acquisition of Ambassador by Applicant will likely result in a wider availability of factoring services in Rhode Island. Additionally, it has become increasingly difficult in recent years for factors to find sufficient financing to expand. Affiliation with Applicant would assure Ambassador of a source of such funds.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable, and lends weight toward approval. Accordingly, the application is hereby approved. This determination is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1585 Filed 2-2-72;8:47 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Robertson.

OFFICE OF EMERGENCY PREPAREDNESS

ALBERT D. O'CONNOR

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Albert D. O'Connor as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for Puerto Rico disaster No. 296 with date of declaration, October 12, 1970, to be effective January 1, 1972.

This notice changes my designation of October 19, 1970 (35 F.R. 16556, October 23, 1970) with respect to the same disaster listed, naming George A. Flowers as Federal Coordinating Officer.

Dated: January 26, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-1561 Filed 2-2-72;8:45 am]

ALBERT D. O'CONNOR

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, January 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Albert D. O'Connor as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for Virgin Islands disaster No. 298 with date of declaration, October 17, 1970, to be effective January 1, 1972.

This notice changes my designation of September 13, 1971 (36 F.R. 18606, September 17, 1971) with respect to the same disaster listed, naming George A. Flowers as Federal Coordinating Officer.

Dated: January 26, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-1562 Filed 2-2-72;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

[B2C5322]

MARSHALL KAPLAN, GANS, AND KALIN

Notice of Contract Award

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the award of Contract B2C5322 to Marshall Kaplan, Gans, and Kalin, 426 Pacific Avenue, San Francisco, CA 94133, for a research project entitled "Study of Selected Prisoner Education Programs." The purpose of the study is to determine the impact of prisoner education programs and their effect upon recidivism. The estimated cost of this contract is $172,052, and the intended completion date is January 2, 1973.

WESLEY L. HJORNEVIK,
Deputy Director,
Office of Economic Opportunity.

JANUARY 26, 1972.

[FR Doc.72-1560 Filed 2-2-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. O–1602]

DEXTRA CORP.

Order Suspending Trading

JANUARY 27, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, of Dextra Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2 p.m. January 27, 1972 to 2 p.m. on February 6, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–1597 Filed 2–2–72;8:49 am]

[File No. 24NY–7145]

DSI DESIGNCARD SERVICES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

JANUARY 26, 1972.

I. DSI Designcard Services, Inc. (DSI) is a New York corporation located at 350 Fifth Avenue, New York, NY. On June 19, 1970 it filed a notification in the New York Regional Office pursuant to Regulation A in connection with a proposed offering of 100,000 shares of its $0.01 par value common stock at $3 per share.

The offering was to be conducted by S. M. Securities Corp. as underwriter on a best efforts "one-half or none" basis. The notification became effective on October 15, 1970.

According to the offering circular DSI was to engage in the business of interior decorating and interior design.

II. The commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading with respect to the following:

The offering circular fails to state material facts concerning the proposed use of proceeds, in particular that a substantial portion of the net proceeds of the offering would be used to pay the expenses of a prior Registration Statement filed by the issuer, pursuant to the Securities Act of 1933, which was withdrawn.

B. The underwriter has failed to cooperate with and obstructed members of the staff of the Commission in the conduct of an investigation relating to the manner of the distribution of the shares under the above-captioned Regulation A offering (Rule 261(a)(7)).

C. The use of the offering circular by the issuer and underwriter operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter, including the officers, the directors, and any underwriter for the issuer as well as any person to whom the entry of the suspension order may have an adverse effect pursuant to Rule 252 (c), (d), and (e) of Regulation A may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion, may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

RONALD F. HUNT, *Secretary.*

[FR Doc.72–1598 Filed 2–2–72;8:49 am]

[811–1816]

OMNIFUND, INC.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 27, 1972.

Notice is hereby given that Omnifund, Inc. (Applicant), 60 East 42d Street, New York, NY 10017, registered under the Investment Company Act of 1940 (Act) as an open-end diversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with Commission for a statement of the representations contained in the application, which are summarized below.

Applicant was incorporated in the State of New York on January 30, 1969. On February 27, 1969, Applicant filed Forms N–8A and N–8B–1 with the Commission.

Applicant represents that it has not engaged in any operations, that is has made no investments, and that its proposed public offering has been abandoned because of the existing uncertainties relating to its intended mode of operation as a fund holding company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 17, 1972 submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by a certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–1567 Filed 2–2–72;8:46 am]

[File No. 24NY–7150]

WALTON-RICHARDSON CO.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

JANUARY 26, 1972.

I. Walton-Richardson Co., is a Delaware corporation located at 11 Commerce Street, Newark, NJ. On June 26, 1970, it filed a notification in the New York regional office pursuant to Regulation A in connection with a proposed offering of 150,000 shares of its $0.01 par value common stock at $2 per share. The offering was to be conducted by Charisma Securities Corp. (Charisma) as underwriter. The offering commenced on September 29, 1970.

The offering circular provided that the shares would be offered on a "50,000 share all-or-none" basis. If the minimum number of shares was not sold within 120 days from the effective date, all funds were to be returned to subscribers.

According to the offering circular the company was to engage in the manufacture, marketing and distribution of perfumes, cosmetics, toiletries, and allied products.

II. The Commission, on the basis of information reported to its staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts, with respect to the following:

The offering circular is materially false and misleading in that the issuer and underwriter failed to conduct the offering in accordance with the terms set forth therein. More particularly the minimum number of shares required to be sold within a 120-day designated period was never reached yet funds in the amount of at least $7,650 were never returned to subscribers as conditioned in the offering circular.

B. The use of the offering circular by the issuer and underwriter operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933, as amended. More particularly, although the offering circular states that receipts from subscribers were to be deposited in a special account, no account for subscribers' funds was ever opened.

C. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file a Form 2–A report, required by Rule 260, which became due on April 29, 1970.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for a hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72–1599 Filed 2–2–72;8:49 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Rev. 13), Amdt. 9]

SUPERVISORY LOAN OFFICER, LOS ANGELES DISTRICT OFFICE

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 ((Revision 13), 36 F.R. 5881), as amended (36 F.R. 7652, 36 F.R. 11129, 36 F.R. 13713, 36 F.R. 14712, 36 F.R. 15769, 36 F.R. 22876, 36 F.R. 23421, and 36 F.R. 25194) is hereby further amended to delegate to the Supervisory Loan Officer, Los Angeles District Office, certain loan approval authority.

Part I, section A, paragraph 1 is revised to read as follows:

Part I. Financing program—Section A. Loan approval authority—1. *Small Business Act Section 7(a) Loans.* To approve or decline business loans not exceeding the following amounts (SBA share):

a. Regional Director, $350,000.
b. Chief and Assistant Chief, Regional Financing Division, $350,000.
c. Regional Supervisory Loan Officer, $50,000.
d. District Director, $350,000.
e. Chief, District Financing Division, $350,000.
f. District Supervisory Loan Officer, Los Angeles District Office, $50,000.
g. Branch Manager, Fairbanks, Alaska, Branch Office, $350,000.
h. Branch Manager, Gulfport, Miss., Branch Office, $350,000.
i. Branch Manager, Cincinnati, Ohio, Branch Office, $100,000.
j. Branch Manager, Springfield, Ill., Branch Office, $100,000.
k. Branch Manager, Buffalo, N.Y., Branch Office, $50,000.
l. Branch Manager, Marquette, Mich., Branch Office, $100,000.

Part I, Section A, paragraph 3b, is revised to read as follows:

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

(1) Regional Supervisory Loan Officer, $50,000.
(2) District Director, $350,000.
(3) Chief, District Financing Division, $350,000.
(4) District Supervisory Loan Officer, Los Angeles District Office, $50,000.
(5) Branch Manager, Fairbanks, Alaska, Branch Office, $350,000.
(6) Branch Manager, Gulfport, Miss., Branch Office, $350,000.
(7) Branch Manager, Springfield, Ill., Branch Office, $100,000.
(8) Branch Manager, Cincinnati, Ohio, Branch Office, $100,000.
(9) Branch Manager, Buffalo, N.Y., Branch Office, $50,000.
(10) Branch Manager, Marquette, Mich., Branch Office, $100,000.
(11) Branch Manager, Milwaukee, Wisc., Branch Office, $100,000.

Effective date: January 3, 1972.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.72–1564 Filed 2–2–72;8:45 am]

TARIFF COMMISSION

[337–L–44]

COLD-FORMED MOUNTS FOR SEMICONDUCTORS

Notice of Dismissal of Preliminary Inquiry

On the basis of the submissions made to the Commission by interested parties, the Tariff Commission on January 19, 1972, dismissed preliminary inquiry 337–L–44 without a determination on its merits.

Issued: January 28, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72–1595 Filed 2–2–72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

JANUARY 31, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket

VOL 37 NO 23 FEB 3 72 XUM

of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 117574 Subs 184 and 191, Daily Express, Inc., assigned for hearing March 6, 1972, at New York, N.Y., will be held at the Hotel New Yorker, Eighth Avenue and 34th Street.

MC 125433 Sub 30, F-B Truck Line Co., now being assigned March 13, 1972, in Room 2330, Federal Building, 1961 Stout Street, Denver, CO.

MC 117574 Sub 204, Daily Express, now assigned February 1, 1972, at Columbus, Ohio, canceled and application dismissed.

MC 21060 Sub 8, Arrow Truck Lines, Inc., assigned for continued hearing March 13, 1972, at the Guest House Motor Inn, 951 South Eighth Street, Birmingham, AL.

MC 135141 Sub 1, H & H Expediting Service, Inc., now assigned February 9, 1972, at Washington, D.C., canceled and application dismissed.

MC-F-11305 Terminal Transport Co., Inc.—Purchase (Portion)—Deaton, Inc., assigned February 28, 1972, MC 73165 Sub 301, Eagle Motor Lines, Inc., assigned February 23, 1972, MC 115691 Sub 20, Murphy Transportation, Inc., assigned February 24, 1972, will be held in Room 234, Federal Building, Courthouse, 1800 Fifth Avenue North, Birmingham, AL.

No. 8706 Passenger Fares Between Pennsylvania and New Jersey, Investigation and Suspension, now being assigned March 20, 1972, at the U.S. Customs Courtroom, Third Floor, U.S. Customshouse, Second and Chestnut Streets, Philadelphia, PA.

No. M-25444 General Increase, Eastern Central Territory, Investigation and Suspension, now being assigned March 21, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 55429 Air-Freight Trucking Service, Inc., MC 66101 Sub 1, Aft Service, Inc., assigned February 10, 1972, at New York, N.Y., postponed indefinitely.

MC 135232 Crown Metal & Salvage Co., assigned January 31, 1972, at Columbus, Ohio, hearing not called and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1624 Filed 2-2-72;8:50 am]

ASSIGNMENT OF HEARINGS

JANUARY 31, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

MC 107496 Sub 813, Ruan Transport Corp. assigned February 8, 1972, will be held in Courtroom No. 4, Federal Building, 316 Robert Street, St. Paul, MN.

MC 135437 Sub 1, Tri-Northeastern Transport, Inc., now being assigned March 17, 1972, at Buffalo, N.Y., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1625 Filed 2-2-72;8:50 am]

MOTOR CARRIER TRANSFER PROCEEDINGS

[Notice 9]

JANUARY 31, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72392. By supplemental order of January 28, 1972, the Motor Carrier Board approved the transfer to Draper Trucking, Inc., Roanoke, Va., of certificate No. MC-41875 (Sub-No. 10), issued March 10, 1971, to Draper Construction Co., Inc., Roanoke, Va., authorizing the transportation of: Electric Controllers and instruments, requiring special equipment or special handling by reason of size or weight, and parts and attachments therefor, when moving in connection therewith, from points in Roanoke County, Va., to points in the United States except Alaska, Hawaii, Virginia, North Carolina, South Carolina, Georgia, Washington, Oregon, California, Montana, Idaho, Utah, Nevada, and Florida, as further restricted. Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005, attorney for applicants.

No. MC-FC-73382. By order of January 28, 1972, the Motor Carrier Board approved the transfer to East Lansing Moving and Storage, Inc., 823 East Kalamazoo, Lansing, MI 48912, of the operating rights in certificate No. MC-126769 issued February 19, 1970, to Staszuk's Able Van Lines, 825 East Kalamazoo, Lansing, MI 48912, authorizing the transportation of used household goods, between points in Barry, Branch, Calhoun, Clinton, Eaton, Gratiot, Hillsdale, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Montcalm, St. Joseph, Shiawassee, and Washtenaw Counties, Mich. Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrated, and decontainerization of such traffic.

No. MC-FC-73422. By order of January 27, 1972, the Motor Carrier Board approved the transfer to Fracon Trucking Co., Inc., Franklin Square, Long Island, N.Y., of the operating rights in permit No. MC-133877 issued June 19, 1970, to Conrad L. Habermann and Frank J. Erikson, a partnership, doing business as Fracon Trucking Co., Franklin Square, Long Island, N.Y., authorizing the transportation of such commodities as are dealt in by a wholesale drug company, from the storage facilities of Rogers Wholesalers, Inc., at Jamaica, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J.; and returned shipments of the above-described commodities, from the above-described destination points, to the storage facilities of Rogers Wholesalers, Inc., at Jamaica, N.Y. John L. Alfano, 2 West 45th Street, New York, NY 10036, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1626 Filed 2-2-72;8:51 am]

[Sec. 5a Application No. 65, Amdt. 4]

NATIONAL EQUIPMENT INTERCHANGE—AGREEMENT [1]

Order. At a session of the Interstate Commerce Commission, Review Board No. 4, held at its office in Washington, D.C., on the 25th day of January 1972.

It appearing, that with its report of November 6, 1958, 305 I.C.C. 196, the Commission, Division 2, issued an order approving the agreement filed in the above-entitled proceeding under section 5a of the Interstate Commerce Act, and that revisions to the said agreement were approved by subsequent orders of the Commission dated March 2, 1964, August 31, 1965, and April 18, 1968;

It further appearing, that the approved revised agreement in force and in effect is a single instrument comprising the bylaws of the Equipment Interchange Association in which the membership is limited to signatory common carriers of property by motor, rail, and water subject to the Interstate Commerce Act and regulation of this Commission, and which sets forth the organization and procedures between and among the member carriers for the joint consideration, initiation, or establishment of the rate of compensation payable to the owner for the use of equipment, as defined therein, in carrier interchange service, and the rules, regulations, and practices pertaining thereto; and that, by virtue of the said approval, immunity from the operation of the antitrust laws is conferred upon the member carriers only insofar as said joint activity is conducted pursuant to, and within the scope of, the agreement bylaw provisions as heretofore approved by this

[1] Formerly titled, National Motor Equipment Interchange—Agreement.

Commission under section 5a of the act, and no other;

It further appearing, that the parties to the revised agreement approved herein filed an application on June 9, 1971, under the provisions of section 5a of the act, seeking the approval of further amendments to the said agreement; that public notice of the further amendments proposed in said application was issued and published in the FEDERAL REGISTER, to which no objection was filed; that applicants filed on November 3, 1971, a letter-petition dated November 2, 1971, requesting withdrawal from said application of all proposed agreement provisions broadening the carrier membership of the association to also embrace ocean water carriers subject to the Shipping Act of 1916 and regulation of the Federal Maritime Commission; therefore, any and all agreement provisions proposed in said application pertaining to said ocean water carriers are considered withdrawn and not a part of the said application for the purposes of this proceeding; and that subsequently on January 21, 1972, applicants filed supplemental modifications of a technical nature to certain agreement provisions proposed in said application;

And it further appearing, that the amendments to the agreement as set forth in detail in said application as modified, would change the agreement so as to (1) establish a new, separate associate member class composed of noncarrier corporations engaged in manufacturing and services related to transportation whose membership in the association is believed by the Finance and Membership Committee to offer benefits to the mutual advantage of the corporation and of the association, subject to such terms and arrangements as the association's board of directors may from time to time prescribe, but who are specifically precluded from either becoming signatory parties to the carrier agreement or participating in any matters covered by the agreement; (2) expand the agreement for the account of motor carrier members to also embrace joint consideration of the compensation payable for vehicle detention in the interline of less-than-truckload freight, and rules and regulations pertaining thereto on national, regional, and local levels; (3) eliminate the requirement that a specified number of carrier members of the Regular Common Carrier Conference of the American Trucking Associations, Inc., be elected to serve on the association's board of directors; (4) create a new elective office of third vice president; (5) revise the composition of the executive committee to include the elected officers and the three most recent past presidents in lieu of only the immediate past president, and eliminate the managing director therefrom; (6) modify the independent action provisions to also apply to the freight interlining procedures as proposed in (2) above; (7) revise the agreement form to be executed by member carriers to include provisions for motor carrier joint action in interlining of freight; and (8) make other incidental changes made necessary by the foregoing changes;

We find, that the amendment to establish a new associate member class of noncarriers as proposed is one not within the purview of section 5a of the act, and our consideration and approval will be limited to those matters coming within the purview of section 5a;

We further find, that the other proposed amendments come within the provisions of paragraph (2) of section 5a of the act, that approval of said amendments is not prohibited by paragraph (4), (5), or (6) of section 5a of the act, and that by reason of the furtherance of the national transportation policy, the relief provided in paragraph (9) of section 5a of the act should apply with respect to the making and carrying out of the agreement as so further amended; therefore:

It is ordered, That, with the exception of the proposed amendment to establish a new associate member class of noncarriers, as described in (1) above, the said amendments to the agreement considered herein as specified in the said application, as modified, be, and they are hereby, approved; and that this order shall become effective on, and remain in force on and after February 7, 1972, subject to such terms and conditions or regulations as may hereafter be prescribed.

And it is further ordered, That the applicants hereto, within 3 months from the date of service of this order, furnish the Commission with three (3) copies of the revised agreement, including the amendments approved herein, to which is appended, under verification, a current list of the signatory member carrier parties separately shown by type of mode (motor, rail, and water), with indication whether the motor carrier parties are signatory participants in equipment interchange or interline of freight, or both, for the purpose of providing the Commission with a single document containing the agreement with all revisions thereto.

By the Commission, Review Board Number 4.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1627 Filed 2-2-72;8:51 am]

[Notice 8]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 28, 1972.

The following applications are governed by Special Rule 1100.247 [1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will be not accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2860 (Sub-No. 108), filed January 3, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FEB 3 1972

bulk), from Luverne, Minn.; Denison, Fort Dodge, Le Mars, and Mason City, Iowa; and Dakota City and West Point, Nebr.; to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites of or storage facilities utilized by Iowa Beef Processors, Inc., at or near the named origins. NOTE: Applicant states that tacking of the requested authority is possible in connection with its present authority on the same commodities, under it Sub-No. 37 (Sheet 8), at Baltimore so as to provide service to Miami, Fla., and points in its commercial zone; to the extent the considered commodities are frozen foods, they may be tacked with applicant's authority under Sub-No. 37 (Sheet 15), at Bridgeville, Georgetown, and Milford, Del.; Cambridge, Crisfield, Pocomoke City, Salisbury, and Trappe, Md.; and Exmore, Va.; so as to provide service to points in North Carolina, South Carolina, Georgia, and Florida; to the extent the considered commodities are canned goods, tacking is possible in conjunction with applicant's authority under Sub-No. 78 at any point in New Jersey, New York, Pennsylvania, Delaware, Connecticut, Massachusetts, Rhode Island, and Accomac and Northampton Counties, Va., to points in North Carolina, South Carolina, Georgia, and Florida. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 3252 (Sub-No. 78), filed January 3, 1972. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, ME 04104. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Transformer oil*, in bulk, in tank vehicles, from Albany, N.Y., to points in Maine and New Hampshire, except those in Cheshire County and those in that part of New Hampshire on, south, and west, of a line beginning at the Vermont-New Hampshire State line and extending along U.S. Highway 4 to junction U.S. Highway 3 and thence along U.S. Highway 3 to the New Hampshire-Massachusetts State line; and (b) *synthetic resins*, in bulk, in tank vehicles, from Portland, Maine, to points in Maine, New Hampshire, Vermont, New York, Massachusetts, North Carolina, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 4405 (Sub-No. 492), filed January 10, 1972. Applicant: DEALERS TRANSIT, INC., 7701 South Lawndale Avenue, Chicago, IL 60652. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from New Holstein, Wis., to points in the United States (except Hawaii); and (2) *tractors* in secondary movements in driveaway service only when drawing trailers, other than those designed to be drawn by passenger automobiles, in initial movements, from New Holstein, Wis., to points in Alaska, Arizona, Nevada, Oregon, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 5470 (Sub-No. 65), filed December 30, 1971. Applicant: TAJON, INC., Rural Delivery 5, Post Office Box 146; Mercer, PA 16137. Applicant's representative: Donald E. Cross, 917 Munsey Building, 1329 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys, ores, scrap steel shapes, and pig iron*, in dump vehicles, between Portsmouth, Ohio, on the one hand, and, on the other, points in Indiana, Kentucky, New York, Ohio, Pennsylvania, and West Virginia; and (2) *coke*, in dump vehicles, from points in Indiana to Calvert City, Ky., and Portsmouth, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 7832 (Sub-No. 13), filed December 29, 1971. Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, a partnership doing business as SUPER M FOODS DELIVERY, 411A North Wood Avenue, Linden, NJ 07036. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Philadelphia, Pa., to points in New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, New Jersey, and Vermont, under contract with National Sugar Refining Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 16672 (Sub-No. 19), filed January 11, 1972. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. 23976. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, boxes, and shooks*, from Keysville, Va., to points in West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Ohio, North Carolina, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 16672 (Sub-No. 20), filed January 11, 1972. Applicant: McGUIRE LUMBER AND SUPPLY, INC., Wylliesburg, Va. 23976. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Charlotte County, Va., to points in Delaware, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Virginia, West Virginia, Ohio, North Carolina, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier authority under MC 119182 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 19227 (Sub-No. 163), filed January 3, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities, the transportation of which, because of size or weight, require the use of special equipment and parts therefor*, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery tools, parts, and supplies* moving in connection therewith, restricted to commodities transported on trailers; (a) between points in Ohio, Indiana, Illinois, Michigan, Pennsylvania, Kentucky, and New York; and (b) between points in Ohio, Indiana, Illinois, Michigan, Pennsylvania, Kentucky, and New York, on the one hand, and, on the other, points in Alabama, Georgia, North Carolina, South Carolina, Mississippi, Tennessee, Missouri, Iowa, Colorado, Utah, Nevada, Idaho, Oregon, and Washington, restricted to the transportation of traffic from or to the construction sites or facilities of the Arthur G. McKee Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 19227 (Sub-No. 164), filed January 7, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, and plastic fittings*, from the plantsite of Tex-Tube Division, Detroit Steel Corp., at Houston, Tex., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 165), filed January 10, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, and plastic fittings*, from the plantsite of Tex-Tube Division, Detroit Steel Corp., at Houston, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 166), filed January 10, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wall board, particleboard, plywood, lumber, and lumber products*, from points in Angelina and Sabine Counties, Tex., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Kentucky, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25798 (Sub-No. 229), filed December 28, 1971. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food* (except in bulk) and *related pet items*, from the warehouse or storage facilities of Lipton Pet Foods, Inc., at or near New Orleans, La., to points in Alabama, Florida, Georgia, Illinois, Iowa, Kansas, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, South Carolina, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Boston, Mass.

No. MC 32882 (Sub-No. 65), filed December 27, 1971. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest products, lumber, particle board, chip board, hard board, flake board, press board, and lumber mill products*, between points in Oregon, Washington, and those located in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, Calif., on the one hand, and, on the other, points in Idaho, Utah, Colorado, Wyoming, Montana, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 51146 (Sub-No. 247), filed January 3, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54305. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic articles, forms, or materials* (foamed, cellulor, or expanded plastic); (1) from Madison, Wis., to points in Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, and West Virginia; and (2) from Frederick, Md., to points in Virginia, West Virginia, Ohio, Pennsylvania, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, North Carolina, Maryland, Indiana, Illinois, Wisconsin, and the District of Columbia, and *equipment, materials, and supplies* used in the manufacture and distribution of expanded plastic articles, forms, or materials (foamed, cellulor, or expanded plastic), from the States outlined in (1) above to Madison, Wis., and from the States outlined in (2) above to Frederick, Md. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with its existing authority under various subs of MC 51146, and will tack where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 248), filed December 17, 1971. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such products* as are manufactured or distributed by manufacturers of cheese and cheese products, from points in Wood and Marathon Counties, Wis., to points in the United States (except Alaska and Hawaii); (2) returned shipments of the above described commodities, and *materials, equipment, and supplies* used in the manufacture of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to points in Wood and Marathon Counties, Wis. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 249), filed January 3, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54305. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, cellulose materials and products*, from points in Massachusetts to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the production and distribution of the above described commodities, from points in the United States (except Alaska and Hawaii), to points in Massachusetts. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with its existing authority under various subs of MC 51146, and will tack where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 51146 (Sub-No. 250), filed January 3, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in the Isle of Wight County, Va., to points in Kentucky, West Virginia, Pennsylvania, New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, New Jersey, Maryland, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 251), filed January 3, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54305. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Paper and paper products*, from points in Chatham County, Ga., to points in Maine, Vermont, New York, New Hampshire, Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Kentucky, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority could be tacked with its existing authority under various subs of MC 51146, and will tack where feasible. Applicant further states that it has various duplicative items of authority under various subs but does not seek duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 53965 (Sub-No. 30), filed December 27, 1971. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Salina, KS. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Elkhart, Ulysses, Syracuse, Tribune, Sharon Springs, and Goodland, Kans., and points in that part of Colorado east of the Continental Divide. NOTE: Applicant states that it intends to tack with presently held authority to serve points in Kansas, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Salina and Garden City, Kans.

No. MC 58923 (Sub-No. 37), filed January 3, 1972. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road, SE., Post Office Box 6944, Atlanta, GA 30315. Applicant's representative: John C. Henderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). Restrictions: The authority granted under the regular route authority of MC 58923 Sub 31, hereinabove is subject to the following conditions: All services authorized in said certificate is restricted to the transportation of traffic moving from, to, or through Atlanta, Ga., or La Grange, Ga.; and (2) the authority granted under the regular routes of said certificate shall not be severable, by sale or otherwise, from the irregular route authority contained therein. Irregular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between La Grange, Ga., and Atlanta, Ga., on the one hand, and, on the other, points in Alabama; and (2) between La Grange, Ga., and Atlanta, Ga., on the one hand, and, on the other, points in Georgia. Restrictions: The authority granted under the irregular-route authority hereinabove is subject to the following conditions: Service is restricted against interchange with other motor carriers at Atlanta, Ga., with respect to traffic originated at or destined to points in that part of northeast Georgia bounded on the north by U.S. Highway 23, on the west by U.S. Highway 41, and on the south by U.S. Highway 80. Carrier shall not, pursuant to the irregular-route authority contained herein, transport shipments moving between any points authorized to be served by it in its regular-route authority contained herein. NOTE: Applicant states it is not seeking authority to serve additional territory. It merely seeks the removal of a partial restriction against its existing Atlanta gateway, thus enabling utilization of the Atlanta, Ga., gateway. in addition to its La Grange, Ga., gateway, equally as to all on line traffic. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 59117 (Sub-No. 38), filed January 3, 1972. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, Post Office Box 1, Vinita, OK 74301. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer, liquid fertilizer ingredients, liquid feed, liquid feed ingredients, and liquid feed supplements*, in bulk, and (2) *liquid insecticides, liquid fungicides, and liquid herbicides* from points along the Arkansas and Verdigris Rivers in Oklahoma, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 59150 (Sub-No. 64), filed December 30, 1971. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, FL 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk and commodities requiring special equipment because of size and weight), *plywood and composition board*, from Jacksonville, Fla., and Charleston, S.C., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 61592 (Sub-No. 256), filed January 3, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, and parts* used on the construction, assembly, servicing, and operation of boats, barges, ships, and other vessels, from the plantsites of Litton Systems, Inc., at Pascagoula, Miss., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 61592 (Sub-No. 257), filed January 3, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald L. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished* with decorative or protective materials, *and accessories and supplies* used in the installation thereof, from the plantsite and warehouse facilities of the Prestile Corp., Chicago, Ill., to points in Alabama, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65802 (Sub-No. 50), filed January 3, 1972. Applicant: LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, WA 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, from Seattle, Wash., to points in Oregon, Idaho, Montana and those in California lying on or north of a line drawn east and west through Redding, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 66900 (Sub-No. 38), filed December 19, 1971. Applicant: HOUFF TRANSFER, INCORPORATED, Post Office Box 91, Weyers Cave, VA 24486. Applicant's representative: Harold G. Hernly, Jr., 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities which because of their size and weight require special equipment), between points in Augusta County, Va., on the one hand, and, on the other, points in Chesterfield County, Va., and those points in Virginia on and east of U.S. Highway 1. NOTE: Applicant states that the requested authority can be tacked with its existing authorities, that through tacking and joining of its separate authorities, it can presently render service between points in Augusta County, Va., and points in Virginia within the scope of this application and that the scope of this application and that the purpose of this application is to provide applicant with the ability to utilize the shortest possible routes from Staunton to the effected area. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 73165 (Sub-No. 310), filed December 27, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks, parts, attachments, and accessories* for lift trucks, from the ports of entry at or near Baltimore, Md., Houston Tex., Los Angeles, Calif., and Portland, Oreg., to points in the United States (except Alaska and Hawaii), restricted to traffic having a prior movement by water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 83539 (Sub-No. 327), filed January 5, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plantsite of Romac Steel Co. at or near Fort Myers, Fla., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami or Tampa, Fla.

No. MC 83835 (Sub-No. 88), filed January 3, 1972. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers, and parts of cooling towers;* and (2) *materials and supplies* (except in bulk) used or useful in the manufacture, installation, and erection of the commodities described in (1) above, from Tulsa, Okla., Kankakee, Ill., St. Louis, Mo., Columbus, Ohio, and Houston, Tex., to points in the United States (except Hawaii). NOTE: Applicant states tacking is possible at Tulsa, Okla., Kankakee, Ill., St. Louis, Mo., Columbus, Ohio, and Houston, Tex. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 87720 (Sub-No. 121) (Correction), filed November 18, 1971, published in the FEDERAL REGISTER, issue of January 13, 1972, and republished as corrected this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household cleaning products, water proofing compounds, and acids*, from Atlanta, Ga., to points in Florida, Georgia, Alabama, and points in Tennessee on and east of U.S. 13; (2) *Materials and supplies* used in the manufacture, sale or distribution of the aforementioned commodities, from the above destination territory to Atlanta, Ga.; (3) *Household cleaning products, water proofing compounds, and acids*, between Philadelphia, Pa., Bristol, Pa., Atlanta, Ga., New Orleans, La., Tampa, Fla., and Dallas, Tex. Restriction: Restricted against the transportation of the aforementioned commodities in bulk; and to a service under contract with Purex Corp., Ltd. NOTE: The purpose of this republication is to correct the docket number as shown above in lieu of MC 109682 Sub 31 which was in error. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87720 (Sub-No. 124), filed January 3, 1972. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, products produced or distributed by manufacturers, and converters of paper and paper products, and materials and supplies* used in the manufacture and distribution of the above-named commodities (except commodities which because of size or weight require the use of special equipment, and except commodities in bulk), between points in Columbus and Brunswick Counties, N.C., and Hunterdon and Warren Counties, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The proposed service to be performed under contract with Riegel Paper Corp. NOTE: Applicant has pending an application for common carrier authority in No. MC 135684 (Sub-No. 1), therefore dual operations may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 97127 (Sub-No. 6), filed October 29, 1971. Applicant: BATESVILLE TRUCK LINE, INC., Post Office Box 710, Batesville, AR 72501. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment, commodities requiring the use of tank vehicles, and classes A and B explosives), (1) between Little Rock, Ark., and junction U.S. Highways 167 and 62 at or near Ash Flat, Ark., from Little Rock over U.S. Highway 67 to Bald Knob, Ark., thence over U.S. Highway 167 to junction U.S. Highway 62, and return over the same route with closed doors from Little Rock to Batesville, and with open doors from Batesville to Little Rock over the same routes with freight originating in Batesville or through the Batesville gateway; (2) between Batesville, Ark., and junction Arkansas Highway 16 and U.S. Highway 67, from Batesville over Arkansas Highway 25 to junction Arkansas Highway 16, thence over Arkansas Highway 16 to junction U.S. Highway 67, and return, with closed doors from said junction over Arkansas Highway 16 to junction Arkansas 25. With closed doors so far as delivery is concerned, from junction U.S. Highway 67 and Arkansas Highway 16 to Heber Springs (including Heber Springs) on traffic originating or passing through Little Rock, Ark.;

(3) (a) Between Batesville, Ark., and junction Arkansas Highway 106 and U.S. Highway 69, over Arkansas Highway 106; (b) between Batesville, Ark., and Melbourne, Ark., over U.S. Highway 69; (c) between Mountain View, Ark., and Mammoth Spring, Ark., over Arkansas Highway 9; (d) between Calico Rock, Ark., and Ash Flat, Ark., over Arkansas Highway 56; (e) between Hardy, Ark., and Salem, Ark., over U.S. Highway 62; (f) between Mammoth Springs, Ark., and Hardy, Ark., over U.S. Highway 63; (g) between junction U.S. Highway 167 and Arkansas Highway 58, and junction Arkansas Highways 58 and 69, over Arkansas Highway 58; (h) between Mountain View, Ark., and Batesville, Ark., from Mountain View over Arkansas Highway 14 to junction Arkansas Highway 25, thence over Arkansas Highway 25 to Batesville; (i) between Mountain View, Ark., and Leslie, Ark., over Arkansas Highway 66; and return over the same routes, serving all intermediate

points; (4) (a) between junction Arkansas Highways 58 and 69, and Guion, Ark., over Arkansas Highway 58; (b) between Mount Pleasant, Ark., and Guion, Ark., over unnumbered county road; (c) between Guion, Ark., and junction Arkansas Highway 14 and unnumbered county road, over unnumbered county road; (d) between junction Arkansas Highways 5 and 9 and Calico Rock, Ark., over Arkansas Highway 5; (e) between junction Arkansas Highways 14 and 9, and junction Arkansas Highways 14 and 27, over Arkansas Highway 14; and return over the routes described in (4) (a), (b), (c), (d), and (e) above, serving all intermediate points; (5) between Batesville, Ark., and Newark, Ark., (a) from Batesville over Arkansas Highway 69, and return over the same route, serving all intermediate points; (b) from Batesville over Arkansas Highway 69 to intersection with unnumbered W.P.A.-Gap Road approximately 3 miles east of Batesville, thence over W.P.A.-Gap Road to the junction of Arkansas Highway 69 near Magness, Ark., thence over Arkansas Highway 69 to Newark, and over all other unmarked public roads connecting with W.P.A.-Gap Road and Arkansas Highway 69 between Batesville and Newark, and return over the same routes serving all intermediate and off-routes on and adjacent to the highways described in 5 (a) and (b) above.

Over regular and irregular routes: (6) Between points in Shelby County, Tenn., and the foregoing named points and routes, over *irregular* routes to their junction with Interstate Highway 55 and thence over Interstate Highway 55 to the junction and/or ingress and egress with U.S. Highway 64, and thence over U.S. Highway 64 to the junction of U.S. Highway 167 in Bald Knob, Ark., serving no intermediate points on said highways, and return over the same route. NOTE: Applicant states: (a) That it is presently authorized to conduct the operations described in routes (1) through (5) hereinabove in its certificates of registration MC 97127, Sub-Nos. 3, 4, and 5 which, by this application, is sought to be converted into a Certificate of Public Convenience and Necessity, to include existing restrictions, and tacking. (b) Route No. 6 hereinabove shown is restricted against service to all intermediate points between points in Shelby County, Tenn., and Bald Knob, Ark., and its commercial zone, and intermediate points located in Arkansas upon Interstate Highway 55 and U.S. Highway 64. Proposed Shelby County, Tenn., Route (No. 6) to be tacked with existing authority at the junction of U.S. Highway 64, 67, and 167 in Bald Knob, Ark., to render a direct single-line service between points in Shelby County, Tenn., and points presently authorized to be served by applicant. If a hearing is deemed necessary, applicant requests it be held at Batesville or Little Rock, Ark.

No. MC 97357 (Sub-No. 44), filed December 27, 1971. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 14011 South Central Avenue, Los Angeles, CA 90059. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur*, in bulk, in tank vehicles, from points in California to points in Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Los Angles, Calif.

No. MC 100449 (Sub-No. 33), filed January 3, 1972. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, from St. James, Madelina, and Butterfield, Minn., and Estherville, Iowa, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin, restricted to traffic originating at the plantsites and storage facilities of Tony Downs Foods Co. at St. James and Madelia, Minn., Butterfield Foods Co., at Butterfield, Minn., and WADCO Foods, Inc., at Estherville, Iowa, and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 100666 (Sub-No. 208), filed December 30, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereal binders, sealing compounds, corn flour, industrial flour, industrial starches, processed grain products* (except commodities in bulk, animal and poultry feed and ingredients thereof, and edible flour) from points in McPherson County, Kans., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Shreveport, La.

No. MC 100666 (Sub-No. 209), filed January 3, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, and moldings*, from the plantsites of, and facilities utilized by U.S. Plywood-Champion Papers, Inc., at Charleston and Orangeburg, S.C., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. NOTE: Applicant states that the requested authority has certain tacking possibilities with its existing authority, however, none of the tacking possibilities would be feasible. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cincinnati, Ohio.

No. MC 103993 (Sub-No. 687), filed January 4, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Dyer County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 105566 (Sub-No. 66), filed January 3, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., and New Orleans, La., to Terre Haute, Ind. NOTE: Applicant holds no authority to which the requested authority could be tacked or joined. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 105566 (Sub-No. 67), filed January 3, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 2111 Jefferson Davis Highway, Arlington, VA 22202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint and paint materials, including putty, caulking compounds, paint ingredients, and adhesive cement or glue*, from Dayton, Ohio, to San Jose, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 105755 (Sub-No. 15), filed December 30, 1971. Applicant: M.J.K. TRUCKING CORP., 1040 John Alden Lane, Schenectady, NY 12306. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Connecticut,

Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106398 (Sub-No. 558), filed September 17, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Boulder County, Colo., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 106398 (Sub-No. 561), filed December 13, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in initial movement, and *buildings in sections, mounted on wheeled undercarriages*, from points in New Castle County, Del., to points in the United States (except Alaska and Hawaii). NOTE: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 582), filed January 6, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Rutland County, Vt., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 583), filed January 6, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Grant County, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 106674 (Sub-No. 84), filed December 30, 1971. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 451, Delphi, IN 46923. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials and pesticides*, in bulk, from Henry, Ill., to points in Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106920 (Sub-No. 42), filed January 4, 1972. Applicant: RIGGS ROAD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 48569. Applicant's representative Carroll V. Lewis, 122 East North Street, Sidney, OH 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Frozen foods*, from Kansas City, Kans., to Atlanta, Ga., and points in New York, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 107295 (Sub-No. 595), filed January 3, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, floor tile and accessories* used in the installation thereof, from Joliet, Ill., to points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 596), filed January 3, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, siding and siding materials, and accessories* used in the installation thereof, from St. Louis, Mo., to points in the United States in and east of Michigan, Indiana, Kentucky, Arkansas, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 597), filed January 3, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except in bulk), between Jessup, Md., and points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 598), filed January 3, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except in bulk), from points in Franklin County, Ind., to points in Illinois, Indiana, Kentucky, Ohio, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplications are anticipated. However, should any develop, full disclosure will be made at the hearing. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 599), filed January 3, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel fencing, fence posts, gates and woven fabric with all necessary fittings therefor*, from La Grange, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 107760 (Sub-No. 4), filed December 30, 1971. Applicant: MOHAWK TRUCKING AND SALVAGE CO., a corporation, 62 Elm Street, Johnston, RI 02919. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal scrap*, in dump vehicles, between Providence, R.I., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 107983 (Sub-No. 14), filed January 11, 1972. Applicant: COLD-WAY EXPRESS, INC., Post Office Box 26, Morton, IL 61550. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow wagon boxes, running gear wheels, hubs, fertilizer equipment, plows, and related parts*, between Goodfield, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 108207 (Sub-No. 340), filed January 11, 1972. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 273, and 766, *dairy products, frozen foods, salad dressing, yeast, uncooked bakery goods, fish, and prepared salads*, in vehicles equipped with mechanical refrigeration; and (2) *foodstuffs*, in vehicles equipped with mechanical refrigeration (except those described in paragraph (1) above, when moving in mixed loads with one or more of the commodities described in paragraph (1) above, (a) from points in Texas (except Dallas, Forth Worth, and Sherman, Tex.), to points in Arkansas, Oklahoma, Kansas, Kentucky, Missouri, Illinois, Louisiana, Iowa, Michigan, Minnesota, Mississippi, Tennessee, Wisconsin, Ohio, South Dakota, Indiana, and Nebraska; (b) from Dallas and Fort Worth, Tex., to Tulsa and Oklahoma City, Okla.; Wichita and Kansas City, Kans.; and St. Louis and Kansas City, Mo., and points in Tennessee (except Memphis) and Kentucky (except Louisville). Restriction: The operations authorized herein in paragraphs (1) and (2) above are restricted against the transportation of the above described commodities in bulk and against the transportation of hides and skins, and (3) *canned goods*, (a) from Lindale, Tex., to points in Arkansas, Oklahoma, Kansas, Kentucky, Missouri, Illinois, Louisiana, Iowa, Michigan, Minnesota, Mississippi, Tennessee, Wisconsin, Ohio, South Dakota, Indiana, and Nebraska. NOTE: Applicant states that the requested authority can be tacked with MC-108207 (Sub-No. 147) over Texas to serve all States from California. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 108449 (Sub-No. 337), filed January 3, 1972. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, restricted to having a prior or subsequent movement over the lines of the Burlington Northern, Inc., between points in Colorado, Iowa, Illinois, Kentucky, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn., or Chicago, Ill.

No. MC 109478 (Sub-No. 122), filed December 28, 1971. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West 10th Street, Erie, PA 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, preserved, or prepared*, from Elk Rapids, Mich., to points in Connecticut, Maine, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Detroit, Mich.

No. MC 109612 (Sub-No. 31), filed January 10, 1972. Applicant: LEE MOTOR LINES, INC., 4319 South Madison, Muncie, IN 47305. Applicant's representative: Eugene Lee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, (1) from Alexandria, Ind., to points in Illinois, Indiana, Ohio, Kentucky, Michigan, Wisconsin, and Tennessee; and (2) between Muncie, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Kentucky, Michigan, Wisconsin, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 109637 (Sub-No. 384), filed January 4, 1972. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk (except in dump vehicles), from Evansville, Ind., and from the site of Bulk Distribution Centers, Inc., at Mount Vernon, Ind., to points in Indiana, Kentucky, Tennessee (except Kingsport, Tenn., and points in its commercial zone), and to points in Missouri and Illinois (except points in the latter two States in the St. Louis, Mo.-East St. Louis, Ill., commercial zone). Restricted against the transportation of (1) dry milled corn products, from Mount Vernon, Ind.; (2) petroleum and petroleum products as described in appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, to points in Illinois and Kentucky; and (3) fats, oils, and greases to any involved destination. This authority may not be combined or joined by applicant with any other of its authority. Applicant further states and requests that any authority granted be restricted against tacking. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110761 (Sub-No. 14), filed January 11, 1972. Applicant: CARROLL TRANSPORT, INC., 1249 Adam Street, Pittsburgh, PA 15233. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *iron and steel articles*, between Pittsburgh, Pa., on the one hand, and, on the other, Indianapolis, New Castle, and Richmond, Ind.; points in the Lower Peninsula of Michigan; Caldwell, Elizabeth, Little Falls, Lyndhurst, Newark, Paterson, Rochelle Park, Perth Amboy, and Trenton, N.J.; Buffalo, Cortland, Lancaster, New York, Rochester, and Syracuse, N.Y.; Canton, Carrollton, Cincinnati, Columbus, Cleveland, Clyde, Dayton, East Liverpool, Painesville, Salem, Toledo, Toronto, Wapakoneta, Warren, and Youngstown, Ohio. NOTE: Applicant states that the requested authority can be tacked at Pittsburgh, but states that it has no present intention to tack. Applicant further states that its basic certificate under MC 110761 permits the operation described by observing Canton Township, Washington County, Pa., as a gateway. By this application applicant proposes to remove the Canton Township gateway. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 110988 (Sub-No. 283), filed December 27, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, from the plantsite of Minnesota Mining & Manufacturing Co. at or near Cordova, Ill., to Decatur, Ala. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 112520 (Sub-No. 254), filed December 28, 1971. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Escambia and Santa Rosa Counties, Fla., and Escambia County, Ala., to points in Alabama and Florida. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112520 (Sub-No. 255), filed January 3, 1972. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic feed ingredients*, in bulk, from the plantsite of Occidental Chemical Co. near White Springs, Fla., to points in Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112801 (Sub-No. 132) (Correction), filed December 9, 1971, published FEDERAL REGISTER, issue of January 13, 1972, and republished as corrected this issue. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, in bulk, from the plantsite of Lehn & Fink Products Co., at Lincoln, Ill., to Selma, Ala. NOTE: The purpose of this republication is to correct the docket number assigned thereto, in lieu of MC 112989 (Sub-No. 21) which was in error. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 133), filed December 27, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Hammond, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113106 (Sub-No. 36), filed January 11, 1972. Applicant: THE BLUE DIAMOND COMPANY, a corporation, 4401 East Fairmount Avenue, Baltimore, MD 21224. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and materials, supplies, and equipment* used in the manufacture and distribution of malt beverages, between Fogelsville, Upper Macungie Township, Pa., on the one hand, and, on the other, points in Pennsylvania, Delaware, Maryland, New Jersey, New York, Virginia, West, Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113434 (Sub-No. 49), filed December 29, 1971. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, caps, covers, and accessories for glass containers and cartons and parts* when moving in mixed shipments with glass containers, from Lawrenceburg, Ind., to points in Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.; Detroit, Mich.; or Washington, D.C.

No. MC 113843 (Sub-No. 179), filed January 3, 1972. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, drugs, plastic and rubber articles*, from Altavista, Va., to points in Colorado, Kansas, South Dakota, Minnesota, Missouri, Wisconsin, Illinois, Indiana, Michigan, Kentucky, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Nebraska, and Iowa, restricted to traffic originating at Altavista, Va., and destined to the above-named destination points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 113908 (Sub-No. 220), filed January 7, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Post Office Box 3180, Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrates*, in bulk, in tank vehicles, from points in Arizona, to Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 114019 (Sub-No. 227), filed January 3, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane, urethane products, roofing and roofing materials, building and insulating materials, composition board and gypsum products, and materials* used in the installation thereof, from the plantsite and warehouse facilities of the Celotex Corp., at Charleston, Ill., to points in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114019 (Sub-No. 228), filed January 3, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio,

V 37-23
FEB 3 72
XUM

Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Sioux Falls, S. Dak.

No. MC 114211 (Sub-No. 166), filed December 17, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber products, plywood, particle board, wallboard, composition board, molding and doors*, between points in Washington, Oregon, and California on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, New York, Pennsylvania, Tennessee, Arkansas, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, and Kentucky. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., San Francisco, Calif., or Chicago, Ill.

No. MC 114239 (Sub-No. 30), filed January 3, 1972. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. Applicant's representative: Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea* (except in tank vehicles), from the plantsite and warehouse facilities of Atlas Chemical Industries located at or near Atlas, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Nebraska, and Oklahoma under a continuing contract or contracts with W. R. Grace & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, St. Joseph, or Joplin, Mo.

No. MC 115162 (Sub-No. 242), filed December 29, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and moldings;* (a) from the plantsite of, and the facilities utilized by U.S. Plywood-Champion Papers Inc., at Charleston and Orangeburg, S.C., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, Tennessee, and Texas; and (b) from the plantsites of, and the facilities utilized by U.S. Plywood-Champion Papers Inc., at Charleston and Orangeburg, S.C., to points in Arkansas, Missouri, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 115826 (Sub-No. 234), filed December 27, 1971. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products and other related dairy products*, from Logan, Utah, to points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 115924 (Sub-No. 19), filed January 3, 1972. Applicant: SUGAR TRANSPORT, INC., Post Office Box 4063, Port Wentworth, GA 31407. Applicant's representative: J. A. KUNDTZ, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs;* (2) *feedstuffs and feed ingredients;* and (3) *pet foods and supplies*, from Port Wentworth, Ga., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, under a continuing contract or contracts with Savannah Foods & Industries, Inc., of Savannah, Ga. NOTE: Common control and dual operations may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 116073 (Sub-No. 216), filed January 6, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements; and *buildings* complete or in sections mounted on wheeled undercarriages, from points in Pinal County, Ariz., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 117068 (Sub-No. 16), filed December 27, 1971. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW., Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silos, loading and unloading devices, waste storage tanks, livestock scales and feed bunkers, forage metering devices, animal waste, spreader tanks, livestock feeding systems, and parts and accessories therefor*, from Kankakee and Eureka, Ill., and Elkorn, Wis., to points in Burt, Cass, Dodge, Douglas, Otoe, Sarpy, Saunders, and Washington Counties, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Chicago, Ill., or Washington, D.C.

No. MC 117119 (Sub-No. 448), filed January 3, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery products*, except in bulk; (2) *advertising materials and premium merchandise*, moving in mixed loads with candy and confectionery products, except commodities in bulk, from Chicago, Ill., to points in Arizona, California, Montana, Nevada, Oklahoma, Oregon, Utah, and Washington. NOTE: Applicant states it presently holds authority under its Subs 343 to transport candy and confectionery, from Salt Lake City, Utah, which could possibly be tacked to serve New Mexico, although tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117119 (Sub-No. 449), filed January 10, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned chicken*, in vehicles equipped with mechanical refrigeration, from Hope, Ark., to points in California. NOTE: Common control may be involved. Applicant states that it does not intend to tack this authority, but there are tacking possibilities. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Little Rock, Ark.

No. MC 117322 (Sub-No. 6), filed January 11, 1972. Applicant: LESTER NOVOTNY, doing business as CHATFIELD TRUCKING, Chatfield, MN 55923. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from New Hampton, Iowa, to points in Minnesota; and (2) *materials and supplies* used in the manufacture and processing of frozen foods, from points in Minnesota to New Hampton, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 118034 (Sub-No. 18), filed January 4, 1972. Applicant: MILLER TRUCK LINE, INC., 901 East 28th Street, Fort Worth, TX 76106. Applicant's representative: Morgan Nesbitt, Post Office Box 275, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from New Orleans, La., to Dallas, Tex. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 118178 (Sub-No. 11), filed December 31, 1971. Applicant: BILL MEEKER, 1733 North Washington, Post Office Box 11184, Wichita, KS 67202. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides), from Wichita, Kans., to points in Illinois, Indiana, Ohio, West Virginia, Virginia, Tennessee, Kentucky, North Carolina, South Carolina, Alabama, Georgia, Florida, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 110064, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118610 (Sub-No. 15), filed December 20, 1971. Applicant: L & B EXPRESS, INC., Post Office Box 281, Owensboro, KY 42301. Applicant's representative: Fred F. Bradley, Courthouse, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles; tubing plastic; steel and soil pipe; tanks; plumbing goods and supplies; hand tools, power tools; and building materials*, between Bowling Green, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Wisconsin, West Virginia, Minnesota, Michigan, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Florida, Missouri, Iowa, Texas, Louisiana, Pennsylvania, New Jersey, and New York. NOTE: Applicant states it will tack if feasible or possible with authority only in MC 118610. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 119493 (Sub-No. 88), filed January 7, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feedstuffs, health and related products, insecticides and pesticides, empty bags and containers, advertising matter and premiums;* (1) from Kansas City, Mo.-Kans. commercial zones to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma; (2) from Geneseo, Ill., to Norfolk, Nebr.; Storm Lake and Atlantic, Iowa; and Kansas City, Mo.-Kans., commercial zones; and (3) from Norfolk, Nebr., to Geneseo, Ill.; Atlantic and Storm Lake, Iowa; and Kansas City, Mo.-Kans. commercial zones. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119493 (Sub-No. 89), filed January 7, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured and dealt in by chemical companies (except commodities in bulk, in tank or hopper type vehicles) between plantsites, producing points, and warehouse facilities of Chemagro Corp. located at Kansas City, Mo.-Kans., points in Colorado, Iowa, South Carolina, Texas, Alabama, and Georgia, on the one hand, and, on the other, points in Alabama, Arkansas, Iowa, Illinois, Georgia, Kansas, Louisiana, Mississippi, Minnesota, Missouri, Nebraska, Oklahoma, Texas, and Wisconsin; and (2) *returned and rejected shipments and equipment, materials, and supplies* used in the manufacture and distribution of commodities described in (1) above (except commodities in bulk, in tank or hopper vehicles), on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119774 (Sub-No. 36), filed January 5, 1972. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX) AND JAMES E. MANKINS, SR., doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Desalinization and water purifying systems, nuclear waste concentrators, water evaporators, and related parts* when moving as a part of the same shipment, from the plantsite of AMF Beaird, Inc., at Shreveport, La., to points in the United States including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Dallas, Tex.

No. MC 119777 (Sub-No. 232), filed December 27, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Highway 85 East, Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Ronald E. Butler, Post Office Box 447, Madisonville, KY 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guard rail and guard rail accessories*, from Franklin Park, Ill., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant also holds contract carrier authority under MC 126970 and subs, therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 119934 (Sub-No. 175), filed January 4, 1972. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser II, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry in bulk, from points in Louisiana to points in Alabama, Louisiana, Mississippi, Tennessee, Arkansas, and Texas (except from points in St. Bernard Parish, La., to points in Alabama, Louisiana, Mississippi, and Tennessee). NOTE: Applicant now holds contract carrier authority under its No. MC 128161 and subs, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., New Orleans, La., or Washington, D.C.

No. MC 123639 (Sub-No. 142), filed November 22, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same

V37-1723 FEB 3 72 XUM

address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (1) from the plantsite and storage facilities of American Beef Packers, Inc., at or near Fort Morgan, Colo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia; and (2) from the storage facilities of American Beef Packers, Inc., at Denver, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Wisconsin, and the District of Columbia, restricted against service from Denver, Colo. to points in Illinois north of a line beginning at the Illinois-Missouri State line from a point directly west of Springfield, Ill., and extending through Springfield to the Illinois-Indiana State line. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124004 (Sub-No. 20), filed January 11, 1972. Applicant: RICHARD DAHN, INC., Rural Delivery 1, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, dry, and dry animal and poultry feed ingredients*, from Secaucus, Kearny, Jersey City, and Newark, N.J.; New York, N.Y., and points in Nassau County, N.Y., to points in Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, and Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124078 (Sub-No. 507), filed January 3, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from La Salle, Ill., to points in Indiana and Wisconsin. NOTE: Applicant states tacking possible but not presently intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 89), filed December 29, 1971. Applicant: MOMSEN TRUCKING CO., a corporation, 2405 Hiway Boulevard, Spencer, IA 51301. Applicant's representative: Marshall Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, vehicle body sealer, and sound deadening compounds* in packages or containers, from the plantsite and shipping facilities of the Quaker State Oil Refining Corp., at or near Congo (Hancock County), W. Va., to points in Iowa, Michigan, Minnesota, North Dakota, Oklahoma, South Dakota, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 124211 (Sub-No. 207), filed January 10, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food products, and grain products*, from points in Lancaster County, Nebr., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Bells, Humboldt, Jackson, Milan, and Memphis, Tenn. NOTE: Applicant states that tacking can be made with existing authorities, although not all tacking possibilities are feasible due to circuitry involved. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124813 (Sub-No. 88), filed January 3, 1972. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed*, from Muscatine, Iowa, to points in Kentucky. NOTE: Applicant holds contract carrier authority under MC 118468 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 124947 (Sub-No. 13), filed December 20, 1971. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass Street, Post Office Box 2338, East Peoria, IL 61611. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related parts and accessories* when their transportation is incidental to the foregoing commodities, between the facilities of Jadair, Inc., at Port Washington, Wis., on the one hand, and, on the other, points in the United States including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Madison, Wis., or Washington, D.C.

No. MC 125433 (Sub-No. 32), filed December 23, 1971. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products* (other than bulk), from points in Tooele County, Utah, to points in California, Nevada, Idaho, Wyoming, Montana, Oregon, Washington, and Arizona. NOTE: Applicant holds temporary contract authority under MC 133128 Sub-No. 3 TA. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Washington, D.C.

No. MC 125441 (Sub-No. 3), filed December 28, 1971. Applicant: ERNEST D'ANGELO, Main Street, Reserve Mines, Cape Breton, Nova Scotia, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to ports of entry on the international boundary line between the United States and Canada at or near Houlton and Calais, Maine, restricted to shipments destined to points in Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 126305 (Sub-No. 36), filed November 8, 1971. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 2, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office furniture and equipment*, from points in North Carolina and Temple, Tex., to points in Alabama, Georgia, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 127219 (Sub-No. 5), filed December 30, 1971. Applicant: KEREK AIR FREIGHT CORPORATION, Box 213, Lancaster, PA 17604. Applicant's representative: Christian V. Graf, 407 North

Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), having a prior or subsequent movement by air, between points in Berks County, Pa., on the one hand, and, on the other, Philadelphia International Airport at Philadelphia, Pa. NOTE: Applicant states that the requested authority under MC 127219 (Sub-No. 3) from points in Berks County to Lancaster, Pa., and under (Sub-No. 1) from points in Lancaster County, Pa., including Lancaster, to Philadelphia International Airport, and it is to eliminate this circuitous movement that the instant application is being filed. Common control may be involved. Applicant further states that tacking of the requested authority with its existing authority is possible but not feasible and is not sought. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 127692 (Sub-No. 2), filed December 30, 1971. Applicant: FIDELITY STORAGE CORPORATION, doing business as FIDELITY STORAGE COMPANY, Post Office Box 10257, Alexandria, VA 22310. Applicant's representative: Paul F. Sullivan, 711 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Washington, D.C.; Prince Georges, Montgomery, Howard, Anne Arundel, Baltimore (including the city of Baltimore) and Frederick Counties, Md., and Fairfax, Arlington, Prince William, Loudoun, and Stafford Counties, Va., and the cities of Alexandria and Falls Church, Va., restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127844 (Sub-No. 19), filed January 3, 1972. Applicant: L. B. BARNHILL AND I. S. JOHNSON, JR., a partnership, doing business as B & J TRANSPORTATION, 416 South Main Street, Post Office Box 334, Sumter, SC 29150. Applicant's representative: I. S. Johnson, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Nichols, S.C., to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, New Jersey, New York, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Washington, D.C.

No. MC 128218 (Sub-No. 3), filed January 3, 1972. Applicant: JERSEY AREA FOOD TRANSPORT, INC., 528 North Michigan Avenue, Kenilworth, NJ 07033. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products, meats, packinghouse products, and commodities used by packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 205 and 766, and *materials, supplies, and equipment* used in food processing (except commodities in bulk), between points in the New York, N.Y., commercial zone, as defined by the Commission. NOTE: Applicant states that the requested authority sought herein is to be tacked at Jersey City, N.J., with existing authority to permit a through service. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128273 (Sub-No. 120), filed December 27, 1971. Applicant: MIDWESTERN EXPRESS, INC., 121 Humboldt, Post Office Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from points in Chatham County, Ga., to points in Maine, New Hampshire, Vermont, West Virginia, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, New Jersey, Maryland, Delaware, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 122), filed December 30, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Savannah, Ga., to points in New Mexico, Arizona, Colorado, Nevada, Utah, California, Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, and South Dakota; and (2) *chemicals* (except in bulk), from Savannah, Ga., Valdosta, Ga., and Jacksonville, Fla., to points in the abovenamed States. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128273 (Sub-No. 123), filed December 27, 1971. Applicant: MIDWESTERN EXPRESS, INC., 121 Humboldt, Post Office Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal, recycled metal, castings, aluminum, copper, lead, zinc, steel and molybdenum*, between the plantsite and storage facilities of Central Non-Ferrous, Inc., at or near Fort Scott, Kans., and points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 128302 (Sub-No. 9), filed January 3, 1972. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, OH 44065. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid concrete admixtures*, in bulk, in tank vehicles, from Danbury, Conn., to points in Maine, New Hampshire, Vermont, Massachusetts, New York, Rhode Island, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 112184 and Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 128648 (Sub-No. 9), filed December 30, 1971. Applicant: TRANSUNITED, INC., 1226 West Chicago Avenue, East Chicago, IN 46312. Applicant's representative: William J. Lippman, Suite 960, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal and plastic products* manufactured by Atlas Fabricators, Inc., of Long Beach, Calif., and *materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of these commodities, between the plantsites and facilities utilized by Atlas Fabricators, Inc., its divisions and affiliates, located in Los Angeles and San Bernardino Counties, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restriction: The operations authorized herein are restricted against the transportation of commodities in bulk and those which, by reason of size or weight require special equipment. Said operations are limited to a transportation service to be performed under a continuing contract or contracts, with Atlas Fabricators, Inc., its divisions, subsidiaries, and affiliates, under contract with Atlas Fabricators, Inc., of Long Beach, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

V 37-23 FEB 3 72 XUM

No. MC 128902 (Sub-No. 5), filed December 22, 1971. Applicant: SCHOENEGGE, INC., Route 20 East, Box 525, Norwalk, OH 44857. Applicant's representatives: Richard H. Brandon and James Duvall, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Truck cab assemblies and parts thereof*, from the plantsite of Scheller-Globe Corp., Norwalk Assembly Division, Norwalk, Ohio, to Cortland, N.Y., returned shipments of truck cab assemblies and parts thereof, and other shipping devices, from Cortland, N.Y., to the plantsite of Scheller-Globe Corp., Norwalk Assembly Division, Norwalk, Ohio, under contract with Scheller-Globe Corp., Norwalk Assembly Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129018 (Sub-No. 3) (Amendment), filed August 18, 1971, published in the FEDERAL REGISTER issues of October 15, 1971 and December 9, 1971, and republished as amended, this issue. Applicant: DARRELL D. WYLIE, 623 Burlington, Holdrege, NE 68949. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream novelties*, from Los Gatos and San Jose, Calif., to Salt Lake City, Utah; Denver, Colo., and points in Nebraska; and (2) *yogurt*, from Salt Lake City, Utah, to Denver, Colo., and points in Nebraska, under contract with Beatrice Foods Co. NOTE: The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 129184 (Sub-No. 8), filed December 27, 1971. Applicant: KENNETH L. KELLAR, Post Office Box 449, Blaine, WA 98230. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquor, alcoholic*, from Schenley, Pa.; Cincinnati, Ohio; and Clermont, Ky.; to Hidalgo, Laredo, Del Rio, El Paso, Eagle Pass, Galveston, Roma, Corpus Christi, and Presidio, Tex., and Nogales, Ariz., under contract with Experts, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 129973 (Sub-No. 4), filed December 30, 1971. Applicant: FIELD MARKETING SERVICES, INC., 825 Third Avenue, Also mail: 466 Lexington Avenue, New York, NY 10022. Applicant's representative: William J. Lippman, 1819 H Street, NW., Suite 960, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used, or distributed by a manufacturer of cosmetics between points in Massachusetts, under a continuing contract with Avon Products, Inc., of Rye, N.Y. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Boston, Mass.

No. MC 133655 (Sub-No. 53), filed January 4, 1972. Applicant: TRANS-NATIONAL TRUCK, INC., Post Office Box 4168, Amarillo, TX 79105. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings*, from Norwood, Mass., to points in Colorado, Kansas, Oklahoma, Missouri, Arkansas, Louisiana, Mississippi, and Alabama. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 133655 and applicant will tack its MC 133655 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 134693 (Sub-No. 2), filed January 5, 1972. Applicant: DORSEY FOOKS, 4925 DiMaio Street, Brookhaven, Delaware County, PA 19015. Applicant's representative: Robert James Jackson, Fifth and Welsh Streets, Chester, PA 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated appliances, uncrated new furniture*, including lamps and rugs, *uncrated law mowers, uncrated paneling, and uncrated pools*, excluding commodities in bulk, in tank vehicles, explosives, and those injurious or contaminating to other lading, beginning at the Pennsylvania-Delaware State line at its intersection with Route 202, thence along the Pennsylvania-Delaware State line to the Maryland-Delaware State line, thence along the Maryland-Delaware State line, to the Sassafras River; thence following the Sassafras River and across the Chesapeake Bay to Aberdeen, Md.; thence along Route 22 out of Aberdeen, Md., to Route 136; thence along Route 136 to its intersection with Route 1; thence along Route 1 to its intersection with Route 202; thence along Route 202 to its junction with the Pennsylvania-Delaware State line, the place of beginning; and the return of refused or damaged merchandise from the said territories to the point of origin at said retail outlet, under contract with W. T. Grant Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Media, Delaware County or Chester, Delaware County, Pa.

No. MC 134717 (Sub-No. 1), filed January 4, 1972. Applicant: DONALD R. MARSHALL, Post Office Box 115, Reidsville, SC 29375. Applicant's representative: Mitchell King, Jr., Post Office Box 1628, Greenville, SC 29602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, in packages and in bags, from Meigs, Ga., to points in Alabama, Delaware, Florida, Kentucky, Maryland, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, under contract with Waverly Mineral Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 134922 (Sub-No. 22), filed December 27, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: George Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products and frozen nondairy milk and cream substitutes*, from Appleton, Wis., to points in Oklahoma, Texas, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135363 (Sub-No. 3), filed January 3, 1972. Applicant: CONSOLIDATED PACKAGE DELIVERY, INC., Post Office Box 50926, New Orleans, LA 70150. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning compounds, waxes, polishes, brushes, handles, gift items, cosmetics, premiums*, and (2) *merchandise, equipment, and supplies*, sold, used or distributed by a manufacturer of home products, from New Orleans, La., to Iberia, St. Mary, Iberville, part of St. Martin, Assumption, Ascension, Livingston, East Feliciana, St. Helena, Tangipohoa, St. James, Terrebonne, Lafourche, St. Charles, St. Tammany, St. John The Baptist, Orleans, Jefferson, St. Bernard, and Plaquemines Parishes, La.; and Jefferson, Adams, Wilkinson, Franklin, Amite, Lincoln, Pike, Lawrence, Walthall, Jefferson Davis, Marion, Covington, Lamar, Jones, Forrest, Perry, Wayne, Greene, Stone, Pearl River, Hancock, Harrison, George, and Jackson Counties, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 135733 (Sub-No. 2), filed January 3, 1972. Applicant: LETCO BULK CARRIERS, INC., 1751 Fuhrman Boulevard, Buffalo, NY 14203. Applicant's representative: Robert D. Gunderman, Suite 1708 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from ports of entry on the international boundary line between the United States and Canada located on the Niagara River, to points in New York. NOTE: Applicant states that tacking is possible at the plantsite in Buffalo, N.Y., and would authorize service to points in Erie, Warren, McKean, Potter, Cameron, Elk, Forest, Venango, and Crawford Counties, Pa. However, at present time no tacking is intended. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 135741 (Sub-No. 2), filed January 11, 1972. Applicant: EARL R. MARTIN, Post Office Box 3, East Earl, PA 17519. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, from points in Prince George County, Va., to points in Chester and Lancaster Counties, Pa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 135786 (Sub-No. 3), filed December 20, 1971. Applicant: NORRIS E. BASS, doing business as N. E. BASS, 9223 Timberlake Road, Lynchburg, VA 24502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Altavista and Rocky Mount, Va., to points in Arizona, California, Nevada, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135949 (Sub-No. 1), filed December 27, 1971. Applicant: O. H. BALDRIDGE AND SONS, INC., Highway 161 East, Box 289, Centralia, IL 62801. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products*, from Centralia, Ill., to points in Indiana, Kentucky, and Missouri, under contract with Nelsen Concrete Products, Inc., Centralia, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Springfield or Chicago, Ill.

No. MC 135987 (Sub-No. 2), filed December 27, 1971. Applicant: R. A. CARBOL TRAILWAY LTD., a corporation, 300–444 Seventh Avenue SW., Calgary 2, AB Canada. Applicant's representative: Reginald A. Carbol, 2124 Chambers Street, Victoria, BC Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (including containers), between ports of entry between the United States and Canada at or near Vancouver, BC Canada, and points in Washington, Oregon, California, Minnesota, Illinois, Indiana, Michigan, Ohio, New York, New Jersey, Pennsylvania, Colorado, Nevada, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136070 (Sub-No. 1), filed November 19, 1971. Applicant: JOHN F. SCHROEDER, INC., 6409 North 46th Street, Tacoma, WA 98407. Applicant's representative: John C. Kouklis, 1205 Rust Building, Tacoma, Wash. 98402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles*, by truckaway service, between points in Washington, Idaho, Montana, Oregon, and California, on the one hand, and, on the other, Phoenix, Ariz., and Salt Lake City, Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.; Portland, Oreg., or San Francisco, Calif.

No. MC 136087 (Sub-No. 1), filed November 22, 1971. Applicant: JAMES E. CHELF, WILLIAM F. SHARP, JR., ALVIN C. ELLIOTT, AND LOY GENE COKER, a partnership, doing business as JIM CHELF AND ASSOCIATES, 5226 Brighton Building, Denver, Colo. 80216. Applicant's representative: John J. Conway, 946 Metropolitan Building, 1612 Court Place, Denver, CO 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products* in bulk and in bags, from points in Larimer County, Colo., to points in Wyoming, Nebraska, and New Mexico, under contract with Colorado Lien Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136167, filed November 2, 1971. Applicant: BILL RACKLEY TRUCKING, INCORPORATED, 3755 Munford Avenue, Stockton, CA 95106. Applicant's representative: Pete H. Dawson, 4453 East Piccadilly Road, Phoenix, AZ 85018. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel and aluminum; prefabricated iron, steel and aluminum products, including prefinished products; insulation; construction tools and equipment; machinery and equipment, used and useful in the erection of structures; heavy and cumbersome commodities; roofing and sheathing, asbestos and asphalt coated; bolts and nuts; beams; roofing, corrugated and plain; roofing cement; calking and glazing compounds; asphaltum paint; filter strips; and wall and steel sections*, between points in the San Francisco commercial zone, as defined by the Commission, on the one hand, and, on the other, points in California, also from the plant of the H. H. Robertson Co., Stockton, Calif.; from Sacramento, Calif.; points in the San Francisco commercial zone; San Jose, Calif.; Santa Clara, Calif.; and from points in the Los Angeles commercial zone, as defined by the Commission, to points in Arizona, under contract with H. H. Robertson Co.; Drawer G, Stockton, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136197 (Sub-No. 2), filed January 3, 1972. Applicant: FOOD LINER, INC., 201 11th Avenue, Monroe, WI 53566. Applicant's representative: Robert M. Kaske, 8 South Madison Street, Evansville, WI 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and byproducts, frozen food, frozen meats and fish*, from Brodhead and Monroe, Wis., to points in the United States (except Alaska and Hawaii), materials and supplies on return, under contract with Roy's Sanitary Dairy, Inc.; Lugano Cheese Co., Inc.; Monroe Dried Milk Products Co.; and Brodhead Cheese & Cold Storage Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 136211 (Sub-No. 1), filed January 3, 1972. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 G. St. Mary's Drive, Oxnard, CA 93030. Applicant's representative: Gregory M. Rebman, 1230 Boatman's Bank Building, St. Louis, MO 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, under a continuing contract with Levitz Furniture Corp., from points in St. Louis County, Mo., to points in Illinois, on and south of U.S. Highway 24 to junction U.S. Highway 136, thence to junction U.S. Highway 51, and on and west of U.S. Highway 51 to junction Illinois Highway 146, thence on and north of Illinois Highway 146 to the Illinois-Missouri State line, under contract with Levitz Furniture Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 136279 (Sub-No. 2), filed December 30, 1971. Applicant: J. H. WARE, Post Office Box 398, Fulton, MO 65251. Applicant's representative: Dale E. Sporleder, 614 Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from plantsite of Missouri Beef Packers, Inc., at Holton, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Missouri, and the District of Columbia, restricted to traffic originating at plantsite and/or warehouse facility of Missouri Beef Packers, Inc., under contract with Missouri Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo., Kansas City, Mo., or St. Louis, Mo.

No. MC 136282 (Sub-No. 1), filed December 16, 1971. Applicant: REDMAN TRANSPORTATION, INC., 7800 Carpenter Freeway, Dallas, TX 75247. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *House trailers* designed to be drawn by passenger automobiles; *buildings*, in sections, mounted

V37-23 FEB 3 72 XUM

on wheeled undercarriages; and recreational vehicles; (B) *modules, parts, appliances, furniture, and accessories* for the commodities named in (A) above and when moving in the commodities named in (A) above; and (C) *wheels, axles, hitches, and undercarriages;* (1) between Alma, Mich., and Washington Court House, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) between Richland and Americus, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee; (3) between Boaz, Ala., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia; (4) between Chandler, Ariz., on the one hand, and, on the other, points in Arizona, California, Colorado, Nevada, New Mexico, Texas, and Utah; (5) between Dyersburg, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Mississippi, Missouri, and Tennessee;

(6) Between Ephrata and Honeybrook, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (7) between Grand Island, Nebr., on the one hand, and, on the other, points in Arizona, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; (8) between Athens, Burleson, and Grand Prairie, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; (9) between Mebane, N.C., on the one hand, and, on the other, points in Alabama, Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; (10) between Topeka, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, West Virginia, and Wisconsin; (11) between Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, South Dakota, and Wyoming; and (12) between Alma, Mich., Washington Court House, Ohio; Americus and Richland, Ga.; Boaz, Ala.; Chandler, Ariz.; Dyersburg, Tenn.; Ephrata and Honeybrook, Pa.; Grand Island, Nebr.; Athens, Burleson, and Grand Prairie, Tex.; Mebane, N.C.; Topeka, Ind.; and Tulsa, Okla. All service hereunder to be performed under continuing contracts with Redman Industries, Inc., and/or its wholly owned subsidiaries Redman Western Corp. and Redman Mobile Homes, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 136315, filed December 27, 1971. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, MS 39350. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, piling, pallets, timbers, and cross-ties*, treated or untreated; (1) from points in Alabama, Arkansas, Louisiana, and Mississippi, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virgina, and Wisconsin; and (2) between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee. NOTE: Applicant now holds contract carrier authority under its No. MC 123905 and subs, therefore dual operations may be involved. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 136320, filed December 16, 1971. Applicant: GRIFFIN BLOCK AND SAND COMPANY, a corporation, Morgan Mill Road, Monroe, N.C. Applicant's representative: J. William Cain, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, between points in North Carolina, South Carolina, Georgia, Florida, Virginia, West Virginia, Connecticut, Massachusetts, New York, New Jersey, Maryland, Ohio, Pennsylvania, Delaware, and Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 136323 (Sub-No. 1), filed January 11, 1972. Applicant: STEPHEN BERMAN, 410 Jericho Turnpike, Jericho, NY 11753. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Moulding*s, from Northvale, N.J., to points in the New York, N.Y., commercial zone as defined by the Commission, points in Nassau, Suffolk, and Westchester Counties, N.Y., under contract with Bendiz Mouldings, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136327, filed December 27, 1971. Applicant: RICHARD C. POWELSON, doing business as: MANITOU EXPRESS COMPANY, 2545 Carmel Drive, Colorado Springs, CO 80910. Applicant's representative: Jonn H. Lewis, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in El Paso County, Colo., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136328, filed January 3, 1972. Applicant: C & F TRANSPORT, INC., 208 Hunts Bridge Road, Greenville, SC. Applicant's representative: Mitchell King, Jr., Box 1628, Greenville, SC 29602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Imported automobiles*, from Jacksonville, Fla., to Greenville, Anderson, and Greer, S.C., under continuing contracts with Quality Cadillac-Oldsmobile, Inc., Minyard Motor Co., and Burgin Motor Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 136329, filed December 27, 1971. Applicant: JOHN W. CAIN, doing business as CAIN TRUCK LINES, Post Office Box 3385, El Paso, TX 79923. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in truckloads lots, from points in California to points in New Mexico and Texas, under contract with Kern Foods, Inc., H & R Wholesale, and Valley Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 136330, filed January 3, 1972. Applicant: JERRY L. NIEDENS, doing business as NIEDENS CUSTOM SERVICE, Route 2, Wakeeney, KS 67672. Applicant's representative: C. Zimmerman, 413 Brown Building, Wichita, Kans. 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings*, unassembled or knocked down, or in sections, including *parts and accessories* used in the installation and completion thereof, from Houston, Tex., to points in Kansas, under contract with Gaither Construction Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita or Topeka, Kans.

No. MC 136334, filed January 6, 1972. Applicant: KENDRICK MOVING AND STORAGE, INC., Post Office Box 209, Lebanon, OH 45036. Applicant's representative: James M. Burtch, Suite 1800, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products and accessories*, from the plantsite of Concrete Technology, Inc., located at or near Springboro, Ohio, to points in Michigan, Pennsylvania, West Virginia, Kentucky, and Indiana, under contract with Concrete Technology, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136342, filed January 10, 1972. Applicant: JACKSON AND JOHNSON, INC., West Church, Box 7, Savannah, NY 13146. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* distributed by the Statler Tissues Corp., Sugarman Bros. Division, from Hartford, Conn., and Medford, Mass., to Syracuse, N.Y., under contract with Statler Tissue Corp., Sugarman Bros. Division. NOTE: Applicant holds common carrier authority under MC 134197, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse or Buffalo, N.Y.

No. MC 136344, filed January 7, 1972. Applicant: A. L. JOHNSON & A. R. JOHNSON, a partnership, doing business as A. L. & A. R. JOHNSON, Route 2, Adairville, KY 42202. Applicant's representative: Robert L. Baker, 300 James Robertson Parkway, Nashville, TN 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, dry, in bulk or in bags, from Nashville, Tenn., to points in Simpson and Logan Counties, Ky.; and (2) *agricultural chemicals* in containers when shipped in mixed loads with fertilizer or fertilizer materials; (a) from Clarksville, Tenn., to points in Simpson and Logan Counties, Ky.; and (b) from Cherokee, Ala., to points in Simpson and Logan Counties, Ky., under contract with Agri-Chemicals Division of United States Steel Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

MOTOR CARRIER OF PASSENGERS

No. MC 70947 (Sub-No. 24), filed December 28, 1971. Applicant: MT. HOOD STAGES, INC., doing business as PACIFIC TRAILWAYS, a corporation, 1068 Bond Street, Bend, OR 97701. Applicant's representative: James E. Wilson, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Multnomah, Clackamas, Wasco, Sherman, Jefferson, Deschutes, Benton, Linn, Lane, Klamath, Crook, Wheeler, Grant, Harney, Baker, Malheur, Washington, and Marion Counties, Oreg.; Clark County, Wash.; Canyon, Ada, Elmore, Gooding, Twin Falls, Cassia, Jerome, and Oneida Counties, Idaho; and Box Elder, Weber, Salt Lake, and Davis Counties, Utah; and extending to points in the United States including Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133772 (Sub-No. 2), filed December 23, 1971. Applicant: CHARTERED BUS SERVICE, INC., 1551 Azalea Garden Road, Norfolk, VA 23502. Applicant's representative: John Vangol (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Newport News, Va., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, and the District of Columbia, under contract with the Christopher Newport College of Newport News, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newport News, Va.

No. MC 134361 (Sub-No. 3), filed December 27, 1971. Applicant: WILDERNESS BOUND LTD., a corporation, Rural Delivery No. 1, Box 365, Highland, NY 12528. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers* (minors between age of 12 and 19 inclusive) *and their baggage*, in vehicles limited to 14 passengers, not including driver, in special round trip operations beginning and ending at Poughkeepsie, N.Y., and extending to points in Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and (2) *mountain climbing, camping, caving, boating, and other related outdoor equipment* provided by applicant, to be transported in trailers hitched to the vehicles used to transport the passengers and chaperones, between the dates of June 1st and September 15th each year. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 136240, filed November 2, 1971. Applicant: HARRY SAMDAHL, doing business as HETTINGER BUS COMPANY, Hettinger, N. Dak. 58639. Applicant's representative: Lyle G. Stuart, 104 Main Street, Hettinger, ND 58639. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between Bismarck and Hettinger, N. Dak., from Bismarck over U.S. Highway 10 to junction North Dakota Highway 6, thence over North Dakota Highway 6 to junction North Dakota Highway 21, thence over North Dakota Highway 21 to junction North Dakota Highway 8, thence over North Dakota Highway 8 to Hettinger, N. Dak., and return over the same route, serving all intermediate points, and (2) between junction of North Dakota Highway 8 and junction U.S. Highway 12, over U.S. Highway 12 to Lemmon, S. Dak., serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 136333, filed January 5, 1972. Applicant: GEORGETOWN TRANSPORTATION LIMITED, 11 Mountainview Road South, Georgetown, ON Canada. Applicant's representative: Robert D. Gunderman, Suite 1708 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations and in sightseeing and pleasure tours, from ports of entry on the international boundary line between the United States and Canada to points in the United States (including Alaska, but excluding Hawaii), and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 85621 (Sub-No. 6), filed January 3, 1972. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of cosmetics, over regular routes, as follows: (a) Between Birmingham, Ala., and Scottsboro, Ala., over Alabama Highway 79; (b) between Birmingham, Ala., and Valley Head, Ala., over U.S. Highway 11; (c) between Scottsboro, Ala., and junction Alabama Highway 35 and U.S. Highway 11 over Alabama Highway 35; (d) between Cleveland, Ala., and Huntsville, Ala., over U.S. Highway 231; (e) between Huntsville, Ala., and junction U.S. Highway 431 and Alabama Highway 79, over U.S. Highway 431; (f) between Rainsville, Ala., and junction U.S. Highway 431 and Alabama Highway 75, from Rainsville over Alabama Highway 75 to junction Alabama Secondary Highway 23, thence over Alabama Secondary Highway 23 to junction Alabama Highway 68, thence over Alabama Highway 68 to junction Alabama Highway 75, thence over Alabama Highway 75 to junction U.S. Highway 431, and return over the same route; (g) between Guntersville, Ala., and Attalla, Ala., over U.S. Highway 431; (h) between Collinsville, Ala., and Fort Payne, Ala., from Collinsville, Ala., over Alabama Highway 68 to junction Alabama Highway 35, thence over Alabama Highway 35 to Fort Payne, and return over the same route; serving all intermediate points on above

V 37 I 23
FEB 3 72
XUM

specified routes (a) through (h) inclusive, and the offroute points of Oneonta, Albertville, Arab, Gadsden, and Sylvania, Ala.;

(i) Between Birmingham and Eastaboga, Ala., from Birmingham over U.S. Highway 78 to Pell City, thence over Interstate Highway 20 to Eastaboga, and return; (j) From Eastaboga over Alabama Highway 78 to the junction of Alabama Highway 78 and Alabama Highway 202, thence over Alabama Highway 202 to Anniston, Ala., and return; (k) From Anniston to Attalla, Ala., over U.S. Highway 431, serving Gadsden as an intermediate point, and return; (l) From Attalla to Talladega, Ala., over Alabama Highway 77, serving Ohatchee and Lincoln as intermediate points, and return; (m) From Talladega to Piedmont, Ala., over Alabama Highway 21, serving Oxford and Anniston as intermediate points, and return; (n) From Piedmont to Attalla, Ala., over U.S. Highway 278, serving Gadsden as an intermediate point, and return; (o) From Jacksonville to Duke, Ala., over Alabama Highway 204, and return; (p) From Piedmont to Centre, Ala., over Alabama Highway 9, and return; (q) From Eastaboga to Oxford, Ala., from Eastaboga over U.S. Highway 78 to the junction of U.S. Highway 78 and Alabama Highway 21, thence over Alabama Highway 21 to Oxford, and return; serving Altoona, Grant, Dutton, Pisgah, and Henegar, Ala., as off-route points in connection with carrier's regular-route operations. NOTE: Applicant states that this application merely seeks to broaden the commodity description in the presently existing authority of applicant covering "cosmetics and toilet preparations", and "cosmetics and toilet preparations and articles", to allow applicant to continue rendering a complete service for the supporting shipper.

No. MC 100623 (Sub-No. 31), filed January 10, 1972. Applicant: HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, Pa. 19132. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies*, sold, used, or distributed by a manufacturer of cosmetics, from the plantsite and storage facilities of Avon Products, Inc., of Newark, Del., to points in Delaware, Maryland, and Virginia; points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Perry, Schuylkill, and York Counties, Pa.; points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem Counties, N.J., and the District of Columbia. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted against the transportation of any package or article weighing more than 50 pounds. Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 250 pounds from one consignor to one consignee at one location on any one day. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. NOTE: Applicant already holds authority as follows: Cosmetics, toiletries, cosmetic and toilet accessories, and related advertising and display material, from the above territory, subject to the above restrictions. The only purpose of this application is to broaden the existing commodity description to allow applicant to continue rendering a complete service for the supporting shipper. Applicant states that the requested authority can be tacked with its Sub 21, but applicant does not intend to tack. Applicant holds contract carrier authority under MC 102799, therefore, dual operations may be involved.

No. MC 133095 (Sub-No. 18), filed December 20, 1971. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carnivorous animal food* in containers, from the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio, to points in the United States east of U.S. Highway 85; and (2) *materials and supplies* used in the manufacture, sale, and distribution of carnivorous animal food (except in bulk), from points in the United States (except Alaska and Hawaii) to the plantsite and warehouse facilities of Kal Kan Food, Inc., at Columbus, Ohio. NOTE: Applicant holds a pending contract carrier application under MC 136032.

No. MC 133512 (Sub-No. 1), filed December 20, 1971. Applicant: THREE WAY TRUCKING CO., INC., 802 Richmond Avenue, Staunton, VA 24401. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies* sold, used or distributed by manufacturer of cosmetics, from Staunton, Va., to points in Augusta, Rockingham, Rockbridge, and Albemarle Counties, Va., restricted to the transportation of packages or articles weighing in the aggregate not more than 500 pounds from one consignor to one consignee on any one day. NOTE: Applicant states that the authority herein sought also embraces present authority held in MC 133512 and is intended to supplement such existing authority. No duplicate authority is sought or desired. The sole purpose of the instant application is to broaden the existing commodity to allow applicant to continue rendering a complete service for the supporting shipper.

No. MC 136276 (Sub-No. 1), filed December 27, 1971. Applicant: TRIPLE T TRANSPORTATION, INC., Route No. 1, Vincennes, Ind. 47591. Applicant's representative: Thomas F. Quinn, 715 First Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia, liquid, nitrogen fertilizer solutions, liquid, and fertilizer materials dry*, in bulk, in tank vehicles; (1) from West Henderson, Ky., to points in Illinois and Indiana; (2) from U.S. Industrial Chemical Co. plant near Tuscola, Ill., to points in Indiana and Kentucky; and (3) from the Agrico Chemical Co. plant near Mount Vernon, Ind., to points in Illinois and Kentucky; and (2) *anhydrous ammonia*, liquid, in bulk, in tank vehicles, from the Central Nitrogen plant in Vigo County, Ind., to points in Illinois and Kentucky. All transportation furnished will be under contract or continuing contracts with Willchemco, Inc., of Tulsa, Okla., and Cominco American, Inc., of Spokane, Wash.

No. MC 136313, filed December 27, 1971. Applicant: GREAT WESTERN TRANSPORTATION CO., a corporation, 4511 Alpine Place, Las Vegas, NV 89107. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as is dealt in by wholesale, retail, and chain grocery stores and meat markets, or restaurants, hotels, and motels, or mercantile and dry good stores and business houses, and in connection therewith *materials and supplies* used in the conduct of such business (except commodities in bulk); and, (2) *commodities* which are exempt as defined in section 203(b)(6) of the Interstate Act when moving in mixed loads with (1) above, from points in Los Angeles, Orange, and Riverside Counties, Calif., to points in Nevada, and, *returned paper products*, from the warehouse facilities of Preferred Sales, Inc., located at or near Las Vegas, Nev., to points in Los Angeles and Orange County, Calif. Restriction: The operations sought to be authorized herein are to be limited to a transportation service to be performed under a contract, or contracts, with Arden-Mayfair, Inc., Interstate Restaurant Supply Co., Nevada Sales Service, New York Meats & Provision, Inc., and Preferred Sales, Inc.

No. MC 50655 (Sub-No. 28), filed December 20, 1971. Applicant: GULF TRANSPORT COMPANY, a corporation, 505 South Conception Street, Mobile, AL 36603. Applicant's representative: J. H. Bachar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Bardwell, Ky., and

junction of Kentucky Highways 58 and 123 west of Clinton, Ky., from Bardwell, Ky., over U.S. Highway 51 to Clinton, Ky., thence over Kentucky Highway 58 to its junction with Kentucky Highway 123, and return over the same route, for operating convenience only. NOTE: Applicant presently holds certificate property authority under its No. MC 86761 and subs. Common control may be involved.

No. MC 133729 (Sub-No. 1), filed January 7, 1972. Applicant: WILLIAM E. KERSHAW, JR., doing business as, WILDERNESS TRAVEL CAMP, 259 East Evergreen Avenue, Philadelphia, PA 19118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in personally conducted all expense round trip tours, in vehicles limited to eight passengers, between June 10 and September 10 of each year, beginning and ending at Philadelphia, Pa., and extending to points in Arizona, California, Colorado, Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New York, Ohio, South Dakota, Utah, Vermont, Wisconsin, and Wyoming. NOTE: Applicant states that the age group of the boys transported are from 10 to 16 years old.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1531 Filed 2-2-72;8:45 am]

V 37 23 FEB 3 72 XUM

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

Page

PROCLAMATIONS:
- 2761A (see Proc. 4102) 2417
- 2929 (see Proc. 4102) 2417
- 3140 (see Proc. 4102) 2417
- 3967 (see Proc. 4102) 2417
- 4102 2417
- 4103 2489

EXECUTIVE ORDERS:
- 11248 (amended by EO 11641) 2421
- 11568 (see EO 11642) 2565
- 11641 2421
- 11642 2565

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Memorandum of January 27, 1972 2567

5 CFR

213 ..... 2423, 2491

PROPOSED RULES:
- 900 2589

6 CFR

101 2491
102 2478
200 2479
311 2480

7 CFR

501 2423
502 2424
706 2491
726 2496
907 2569
910 2426
1065 2497
1871 2569

PROPOSED RULES:
- 982 2515
- 993 2515

9 CFR

11 2426
82 ..... 2429, 2498
97 2430
113 2430

12 CFR

PROPOSED RULES:
- 529 2447
- 750 2594

13 CFR

120 2569

14 CFR

39 ..... 2498, 2570
71 2570–2572
73 2499

14 CFR—Continued

Page

75 ..... 2499, 2500, 2572
95 2573
121 2500
241 2501

PROPOSED RULES:
- 61 2523
- 67 2523
- 71 ..... 2524, 2587
- 103 ..... 2587, 2588
- 121 2523
- 127 2523
- 183 2523

15 CFR

377 2430

16 CFR

13 ..... 2575, 2576, 2578–2581

PROPOSED RULES:
- 432 2454

17 CFR

PROPOSED RULES:
- 230 ..... 2596, 2598
- 239 ..... 2596, 2598

18 CFR

2 2502

PROPOSED RULES:
- 101 2451
- 104 2451
- 105 2451
- 141 2451
- 260 2451

19 CFR

12 2430

PROPOSED RULES:
- 1 2443
- 11 2509
- 134 2509

20 CFR

614 2434
617 2434

21 CFR

3 2503
121 2437
149a 2438

PROPOSED RULES:
- 135 2444

22 CFR

41 2439

24 CFR

1914 2505
1915 2505

25 CFR

221 2506

26 CFR

Page

1 2506
301 ..... 2481, 2506

29 CFR

1904 2439

PROPOSED RULES:
- 460 2443
- 1926 2443

31 CFR

316 2554

32A CFR

Ch. X:
- OI Reg. 1 2439

33 CFR

PROPOSED RULES:
- 110 ..... 2446, 2447, 2587
- 117 ..... 2521, 2522

37 CFR

PROPOSED RULES:
- 1 2520

39 CFR

Ch. I 2423

40 CFR

52 2581
85 2432
106 2433

41 CFR

5A–8 2507
5A–73 2441
8–14 2508
8–74 2508

45 CFR

PROPOSED RULES:
- 220 2445
- 222 2445

47 CFR

21 2583

PROPOSED RULES:
- 73 2524
- 81 2524

49 CFR

PROPOSED RULES:
- 173 2588
- 178 2588

50 CFR

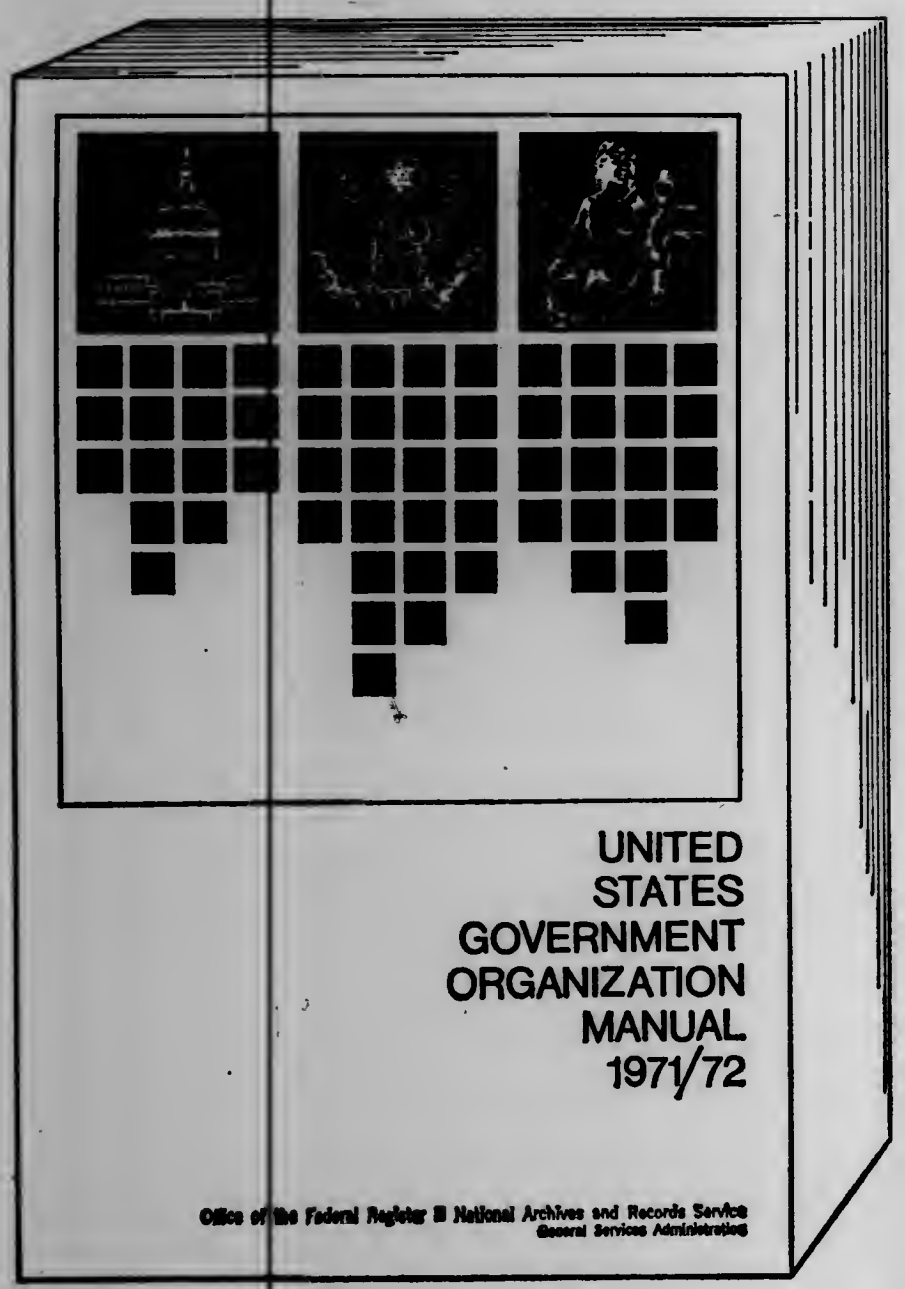
33 ..... 2441, 2502
280 2516

PROPOSED RULES:
- 17 2589

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*
2411–2482	Feb. 1
2483–2557	2
2559–2636	3

VOL 37 NO 23 FEB 3 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-2

federal register

FRIDAY, FEBRUARY 4, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 24
Pages 2637–2737
PART I

(Part II begins on page 2731)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

HEART DISEASE—Presidential proclamation designating February as American Heart Month.. 2643

ECONOMIC STABILIZATION—Cost of Living Council miscellaneous amendments to the rules on economic units; effective 2–3–72..... 2678

PEANUTS—USDA reissuance of 1972 acreage allotments and marketing quotas; effective 2–4–72 2645

SUGAR—
USDA amendment adjusting the 1972 domestic requirements and quotas; effective 2–1–72 2659
USDA notice announcing hearing on 2–29–72 to evaluate import weighing procedures..... 2686

MEAT INSPECTION—USDA amendments strengthening the regulations on TB infected carcasses; effective 2–14–72.. 2661

AIR CARRIER PRICE STABILIZATION—CAB amendment requiring certain information with rate increase proposals; effective 2–1–72..... 2664

COMMUNITY PLANNING ASSISTANCE—HUD regulations for the filing of grant applications; effective 2–4–72..... 2665

CIVIL DEFENSE CONSTRUCTION—
DoD regulations fixing the terms and conditions for Federal contributions..... 2672
DoD labor standards for Federally assisted contracts; effective 1–30–72..... 2673

VETERANS INFORMATION—VA clarification of access and release policy; effective 1–28–72..... 2676

(Continued inside)

No. 24—Pt. I——1

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

FEB 4 1972 XUM

Now Available

LIST OF CFR SECTIONS AFFECTED

1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Price: $6.75

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration.

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

INSECTICIDES—EPA establishment of tolerance for a chemical used on rice; effective 2–4–72 ... 2676

ALASKA CLAIMS SETTLEMENT—Interior Dept. proposed rules for the preparation of a roll of natives; comments within 30 days ... 2679

OCEANOGRAPHIC RESEARCH VESSELS—DoT proposal to allow remote control pumps as an alternative method of fire control; comments within 45 days ... 2682

AIRCRAFT PILOTS—FAA withdrawal of proposal for new command route and airport qualification procedures ... 2684

AGRICULTURAL WORKERS' HOUSING—Labor Dept. notice of policy on inspections made during rule making ... 2684

LIVESTOCK GRAZING—Interior Dept. 1972 schedule of fees for use of public lands ... 2685

OIL AND GAS FIELDS—Interior Dept. geological survey information ... 2685

GLASS IMPORT INVESTIGATION—Tariff Commission notice making known findings ... 2702

DRUGS—
FDA amendments repealing certification requirements for certain penicillin combination and other antibiotic drugs (2 documents); effective 11–18–71 and 12–6–71 ... 2665
FDA notices of intent to withdraw approval of certain applications (2 documents) ... 2688, 2689
FDA notice withdrawing approval of an application ... 2688

DOMESTIC PUBLIC RADIO—FCC list of applications accepted for filing ... 2692

WESTERN UNION TELEGRAPH—FCC time extension to 2–23–72 for comments on the proposed office consolidation ... 2694

EGG PRODUCTS INSPECTION—USDA–FDA cooperative agreement of administration and enforcement ... 2686

MINIMUM WAGES—Labor Dept. determinations for Federal and federally assisted construction in specified areas (2 documents) ... 2702, 2703

ENVIRONMENT—EPA publication of 1972 model year motor vehicle emission test results ... 2731

Contents

THE PRESIDENT

PROCLAMATION

American Heart Month, 1972 ... 2643

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Peanuts; acreage allotments and marketing quotas, 1972 and subsequent crop years ... 2645
Sugar; requirements, quotas, and quota deficits for 1972 ... 2659

Notices

Imported sugar; hearing regarding weighing of shipments ... 2686

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service; Rural Electrification Administration.

ARMY DEPARTMENT

See Civil Defense Office.

ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND MANAGEMENT OFFICE

Rules and Regulations

Comprehensive planning assistance ... 2665

ATOMIC ENERGY COMMISSION

Notices

Trustees of Columbia University, city of New York; reconvened proceeding ... 2694
Westinghouse Electric Corp.; license termination ... 2694

CIVIL AERONAUTICS BOARD

Rules and Regulations

Air carriers; submission of information accompanying tariffs proposing price increases ... 2664

Notices

All U.S. and foreign carriers; order regarding stabilization of fares, rates, and charges for passengers and property ... 2694

CIVIL DEFENSE OFFICE

Rules and Regulations

Contributions for civil defense equipment; construction ... 2672
Labor standards for federally assisted contracts; miscellaneous amendments ... 2673

COAST GUARD

Proposed Rule Making

Certain ports of documentation; designations and revocations ... 2681
Oceanographic research vessels; fire main system ... 2682

Notices

Lifesaving, firefighting and miscellaneous equipment, construction, and materials; approval and termination of approval (2 documents) ... 2690

(Continued on next page)

VOL. 37 NO. 24

FEB 4 72

XUM

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Meat inspection; tuberculosis infected carcasses ---- 2661
Oranges grown in Florida; shipments limitation ---- 2660

Notices

Egg products inspection; cooperative agreement of administration and enforcement between Consumer and Marketing Service and the Food and Drug Administration ---- 2686

COST OF LIVING COUNCIL

Rules and Regulations

Economic stabilization; miscellaneous amendments ---- 1678

Notices

Delegations of authority:
Chairman, Pay Board ---- 2727
Chairman, Price Commission ---- 2727
Secretary of the Treasury ---- 2727

CUSTOMS BUREAU

Rules and Regulations

Motor vehicles and motor vehicle engines; importation; correction ---- 2665

DEFENSE DEPARTMENT

See Civil Defense Office.

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally assisted construction; modifications and/or supersedeas decisions (2 documents) ---- 2702, 2703

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Fenthion in or on raw agricultural commodities; tolerances and exemptions from tolerances ---- 2676

Notices

Motor vehicle emission test results: 1972 model year ---- 2731

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Allison Model 250 Series engines; airworthiness directive ---- 2662
Standard instrument approach procedures; miscellaneous amendments ---- 2662

Proposed Rule Making

Control zone designation and transition area alteration ---- 2683
Pilot-in-command route and airport qualification; proposed rule withdrawn ---- 2684
Transition areas:
Alterations (2 documents) ---- 2683
Designation ---- 2682

FEDERAL COMMUNICATIONS COMMISSION

Notices

Common carrier services information; domestic public radio services applications accepted for filing ---- 2692
Western Union Telegraph Co.; order extending time for comments on proposed office consolidation ---- 2694

FEDERAL MARITIME COMMISSION

Notices

Independent ocean freight forwarder licenses; revocations:
T. J. Hanson, Inc ---- 2694
Lang & Marshall Co., Inc ---- 2695
Port of Oakland and Sea-Land, Inc.; agreement filed ---- 2695
Mitsui O.S.K. Lines (Passenger), Ltd. and Mitsui O.S.K. Lines, Ltd; revocation certificates of financial responsibility ---- 2695

FEDERAL POWER COMMISSION

Notices

Hearings etc.:
Michigan Wisconsin Pipe Line Co ---- 2695
Texas Gas Transmission Corp ---- 2696
Transcontinental Gas Pipe Line Corp ---- 2696
Union Oil Company of California et al ---- 2697

FEDERAL RESERVE SYSTEM

Notices

Acquisition of banks; approvals:
North Atlantic Bancorp ---- 2699
Patagonia Corp ---- 2699
Carlton Agency, Inc.; denial of application to become bank holding company and request for determination ---- 2698

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Drugs; confirmation of order revoking provisions for certification of certain preparations for inhalation, topical or otic use ---- 2665
Penicillins in combination with probenecid; confirmation of effective date of order revoking provisions for certification ---- 2665

Notices

New drug applications; proposed withdrawals of approval:
Breon Laboratories, Inc ---- 2688
Glenwood Laboratories ---- 2688
Schering Corp ---- 2689

GEOLOGICAL SURVEY

Notices

Certain States; definitions of known geologic structures of producing oil and gas fields ---- 2685

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Assistant Secretary for Community Planning and Management Office.

INDIAN AFFAIRS BUREAU

Proposed Rule Making

Alaska natives enrollment; applications, preparation and approval of roll ---- 2679

INTERIOR DEPARTMENT

See also Geological Survey; Indian Affairs Bureau; Land Management Bureau; National Park Service; Reclamation Bureau.

Rules and Regulations

Oil Import Appeals Board; availability of final opinions and orders ---- 2677

Proposed Rule Making

Fixed price contracts and cost-reimbursement type contracts; insurance ---- 2680

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

New York Dock Railway; car service order ---- 2677

Notices

Assignment of hearings ---- 2725
Motor carriers:
Temporary authority applications ---- 2725
Transfer proceedings ---- 2726

LABOR DEPARTMENT

See Employee Standards Administration; Manpower Administration; Wage and Hour Division.

LAND MANAGEMENT BUREAU

Rules and Regulations

Utah; public land order; withdrawal for national forest geological site ---- 2677

Notices

Livestock grazing on public lands; 1972 schedule of fees ---- 2685

MANPOWER ADMINISTRATION

Proposed Rule Making

Agricultural workers; housing standards ---- 2684

NATIONAL PARK SERVICE

Notices

Isle Royale National Park; intention to issue concession permit ---- 2686

POSTAL RATE COMMISSION

Notices

Rates of postage and fees; order establishing procedure for changes ---- 2726

RECLAMATION BUREAU

Notices

Draft environmental statements; availability:
Colorado River Front Work and Levee System, Ariz ---- 2685
Palmetto Bend Project, Tex ---- 2685
Pueblo Dam and Reservoir, Fryingpan-Arkansas Project, Colo ---- 2686

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Draft environmental statements:
Central Electric Power Cooperative, Inc ---- 2687
Colorado-Ute Electric Association, Inc. (2 documents) ---- 2688

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Leon B. Allen Fund, Inc ---- 2701
American European Securities Co ---- 2700

SMALL BUSINESS ADMINISTRATION

Notices

Florida Crown Minority Enterprise Small Business Investment Co.; issuance of license ---- 2702

TARIFF COMMISSION

Notices

C. P. Clare & Co.; investigation of workers' petition for determination of eligibility to apply for adjustment assistance ---- 2702

Flat glass and tempered glass; import investigation report to the President ---- 2702

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT

See Customs Bureau.

VETERANS ADMINISTRATION

Rules and Regulations

Records and papers; public access and schedule of fees ---- 2676

WAGE AND HOUR DIVISION

Notices

Employment of learners and student workers at special minimum wages; authorization certificates ---- 2723

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

PROCLAMATION:
4104 ---- 2643

6 CFR

101 ---- 2678

7 CFR

729 ---- 2645
811 ---- 2659
905 ---- 2660

9 CFR

301 ---- 2661
311 ---- 2661
315 ---- 2661

14 CFR

39 ---- 2662
97 ---- 2662
221 ---- 2664
PROPOSED RULES:
71 (4 documents) ---- 2682, 2683
121 ---- 2684

19 CFR

12 ---- 2665

20 CFR

PROPOSED RULES:
620 ---- 2684

21 CFR

141c ---- 2665
146a ---- 2665
146c ---- 2665
146e ---- 2665
148n ---- 2665

24 CFR

600 ---- 2665

25 CFR

PROPOSED RULES:
43h ---- 2679

32 CFR

1801 ---- 2672
1808 ---- 2673

38 CFR

1 ---- 2676

40 CFR

180 ---- 2676

41 CFR

PROPOSED RULES:
14-10 ---- 2680

43 CFR

2 ---- 2677
PUBLIC LAND ORDER:
5154 ---- 2677

46 CFR

PROPOSED RULES:
66 ---- 2681
193 ---- 2682

49 CFR

1033 ---- 2677

VOL 37 NO 24 FEB 4 72 XUM

Presidential Documents

Title 3—The President

PROCLAMATION 4104

American Heart Month, 1972

By the President of the United States of America

A Proclamation

More than 27 million Americans—one-eighth of our entire population—are affected by diseases of the heart and blood vessels. The cost in human terms—the most important cost—cannot be counted. We do know, however, that the economic impact of cardiovascular diseases totals some $30.5 billion each year, including the cost of medical care and lost income. Such diseases also result in a loss of about 38 million man-days of production annually.

Despite the remarkable advances that have been made in recent years, cardiovascular diseases remain our Nation's most pressing health problem. The continued cooperation of the public and private sectors is needed if we are to discover the underlying causes of coronary artery diseases, develop more effective methods of detecting and controlling high blood pressure, and find ways of preventing inborn heart defects.

In addition to sustaining research in these fields, professional and public education programs and community services must be intensified in order to bring the benefits of such research promptly to the people. America has the second highest heart disease rate in the world. As I said in my recent message on the state of the Union: the incidence of heart disease can be reduced in this country and we must do all that is possible to achieve such a reduction.

To encourage a continuing effective attack on cardiovascular diseases, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 843), requested the President to issue annually a proclamation designating February as American Heart Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of February 1972 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to consider fully the nationwide problem of heart disease and to contribute to efforts aimed at countering it. Widespread support for programs to prevent premature deaths from heart disease and stroke is essential to combat this number-one threat to the Nation's health.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-1765 Filed 2-2-72; 5:03 pm]

V 37-24
FEB 4 72
XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1972 and Subsequent Crops of Peanuts

The provisions of this subpart are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358, 1359, 1375), and govern the determination of acreage allotments and marketing quotas for 1972 and subsequent crops of peanuts.

The purposes of the regulations in this subpart are (1) to consolidate in the subpart—Allotment and Marketing Quota Regulations for Peanuts of the 1969 and Subsequent Crops (33 F.R. 18351) and ten amendments to such subpart and (2) in § 729.69 require that the record of transfer of allotment or quota be signed by the parties to the lease and transfer and that the signature of either the owner or operator of the transferring farm, as well as the owner or operator of the receiving farm, be witnessed by a representative of the county ASC committee in the county where the farms are located or in any county convenient to the person signing. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas or are in other similar hardship situations, may be met by obtaining signatures by mail to affirm the agreed upon transfer.

Since this subpart is primarily a reissuance of prior substantive rules and because farmers need to know of the transfer provisions in order to plan their 1972 farming operations, it is essential that this subpart become effective as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest and this subpart shall become effective upon publication in the FEDERAL REGISTER.

GENERAL

Sec.
729.1 Applicability.
729.2 Extent of calculations and rule of fractions.
729.3 Determination of compliance with allotments.
729.4 Reconstitution of farms.
729.5 Expiration of time limitations.
729.6 Definitions.
729.7 Types of peanuts.
729.8 Determination of quantity of peanuts.
729.9 Supervisory authority of State committee.

FARM ALLOTMENTS

729.10 Basis for old farm allotments.
729.11 Determination of farm peanut history acreage.
729.12 Determination of preliminary allotment.
729.13 Reserve for corrections, missed farms, and inequities.
729.14 Computation of allotments for old farms.
729.15 Basis for new farm allotments.
729.16 Limitations on new farm allotments.
729.17 Reduction and cancellation of new farm allotments.
729.18 Establishment of State reserve for new farms.
729.19 Conditions of eligibility for new farm allotments.
729.20 Establishing new farm allotments for eligible applicants lacking experience.

MISCELLANEOUS PROVISIONS AFFECTING FARM ALLOTMENTS

729.21 Reduction of farm allotment for violation.
729.22 Release and reapportionment.
729.23 Allotments for farms acquired by agency having right of eminent domain.
729.24 Additional acreage allotment for farms producing types of peanuts in short supply.

NOTICES OF FARM ALLOTMENTS AND MARKETING QUOTAS

729.25 Approval of farm allotments.
729.26 Notices of farm allotments.
729.27 Erroneous notice of allotment.
729.28 Notice of excess and penalty.

FINAL ACREAGE, FARM MARKETING QUOTAS, AND ISSUANCE OF MARKETING CARDS

729.29 Determination of final acreage.
729.30 Amount of farm marketing quota.
729.31 Marketing quotas transferable only under specified conditions.
729.32 Marketing cards and their uses.
729.33 Issuance of marketing cards.
729.35 Issuance of marketing card when acreage determination is refused.
729.36 Replacement marketing cards.
729.37 Identifying marketing cards for producers indebted to the United States.
729.38 Rights of successors-in-interest.
729.39 When marketing cards are invalid.
729.40 Report on misuse of marketing cards.
729.41 Sales of memoranda and their uses.
729.42 Determination of normal yields.
729.43 Penalty rate.

AMOUNT AND PAYMENT OF MARKETING PENALTIES

729.44 Amount of penalty due from farms with excess acreage.
729.45 Penalty due on marketings.
729.46 Persons liable for payment of penalty.
729.47 Payment of penalty.
729.48 Lien for penalty.

EXEMPTIONS FROM AND REFUND OF MARKETING PENALTIES

729.49 Peanuts grown for experimental purposes.
729.50 Seed shelling fall through.
729.51 Refund of penalties.

REPORTS REQUIRED OF PRODUCERS

729.52 Report on marketing card.
729.53 Report of marketing green peanuts.
729.54 Report of peanuts marketed to persons who are not established buyers.
729.55 County administrative hearing in connection with violations.
729.56 Report of production and disposition.

RECORDS AND REPORTS REQUIRED OF BUYERS AND OTHERS

729.57 Records required on purchases and resales.
729.58 Recording and reporting purchases of farmers stock peanuts.
729.59 Recording and reporting purchases of shelled peanuts from producers.
729.60 Record of peanuts dried for a producer by artificial means.
729.61 Additional records and reports.

RECORD AND REPORT OF AND PENALTY ON PEANUTS SHELLED FOR PRODUCERS

729.62 Record of shelling.

GENERAL REQUIREMENTS RELATIVE TO KEEPING RECORDS

729.63 Persons engaged in more than one business.
729.64 Penalty for failure to keep records and make reports.
729.65 Examination of records and reports.
729.66 Length of time records and reports shall be kept.
729.67 Information confidential.

TRANSFERS OF FARM ALLOTMENTS

729.68 Authorization of and general explanation of transfers of farm allotments under section 358a of the act.
729.69 Terms and conditions applicable to transfers under section 358a of the act.

AUTHORITY: The provisions of this subpart issued under secs. 301, 358, 358a, 359, 361–368, 372, 373, 375, 377, 52 Stat. 38, as amended, 55 Stat. 68, as amended, 81 Stat. 658, 55 Stat. 90, as amended, 52 Stat. 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended, 70 Stat. 206, as amended; 7 U.S.C. 1301, 1358, 1358a, 1359, 1361–1368, 1372, 1373, 1375, 1377.

GENERAL

§ 729.1 Applicability.

The provisions of this subpart apply to the determination of acreage allotments and marketing quotas for 1972 and subsequent crops of peanuts. The allotment and marketing quota regulations for peanuts of the 1963 and subsequent crops (27 F.R. 11920, as amended) and the allotment and marketing quota regulations for peanuts of the 1969 and subsequent crops (33 F.R. 18351 and 33 F.R. 18981, as amended) are superseded but remain

V 37 I 24
FEB 4 72
XUM

effective with respect to the 1963 through the 1971 crops of peanuts.

§ 729.2 Extent of calculations and rule of fractions.

If rounding is prescribed, computations shall be made in accordance with the provisions of Part 793 of this chapter.

(a) The farm peanut allotment shall be expressed in acres and tenths and shall be rounded.

(b) The final acreage shall be expressed in acres and tenths and fractions of less than one-tenth of an acre shall be dropped.

(c) The percentage of excess peanuts for a farm (see § 729.33(d)) shall be expressed in percent and tenths of a percent and shall be rounded, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of 1 percent.

(d) The converted penalty rate (see § 729.33(d)) shall be expressed in cents and tenths of a cent per pound and shall be rounded, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

(e) The amount of penalty with respect to any lot of peanuts, and the amount of any damages due the Commodity Credit Corporation shall be expressed in dollars and cents and shall be rounded.

(f) The quantity of peanuts marketed, the farm marketing quota, and the normal and the actual yield per acre, shall be expressed in whole pounds and shall be rounded.

§ 729.3 Determination of compliance with allotments.

The provisions of Part 718 of this chapter shall govern the determination of compliance with farm allotments.

§ 729.4 Reconstitution of farms.

The provisions of Part 719 of this chapter shall govern the reconstitution of farms and allotments.

§ 729.5 Expiration of time limitations.

The provisions of Part 720 of this chapter concerning the expiration of time limitations shall apply to this subpart.

§ 729.6 Definitions.

(a) *General terms.* In determining the meaning of the provisions in this subpart, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The definitions in Part 719 of this chapter shall apply to this subpart.

(b) *Peanut program terms.* The following terms shall have the following meanings:

(1) *Act.* Agricultural Adjustment Act of 1938, as amended.

(2) *Areas.* (i) The Southeastern Area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(ii) The Southwestern Area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(iii) The Virginia-Carolina Area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(3) *Base period.* The 3 calendar years immediately preceding the year for which farm allotments are currently being established or the program year otherwise being considered under this subpart.

(4) *Buyer.* A person who:

(i) Buys or otherwise acquires peanuts in any form from a producer or who buys or otherwise acquires farmers stock peanuts from any person; or

(ii) Markets, as a commission merchant, broker, or cooperative, any peanuts for the account of a producer and is responsible to the producer for the amount received for the peanuts; or

(iii) Receives peanuts as collateral for or in settlement of a price support loan.

(5) *Dryer operator.* A person who processes farmers stock peanuts for a producer by removal of moisture by artificial means.

(6) *Effective farm allotment.* The "farm allotment" as defined in this paragraph minus any part of such allotment released to the county committee, temporarily transferred by lease or by owner and any reduction in allotment resulting from violation of marketing quota regulations in a prior year, plus any acreage added by the county committee through reapportionment of released acreage, temporary transfer by lease or by owner, any increase granted for types of peanuts determined to be in short supply and any acreage of peanuts authorized for experimental purposes. For a farm with an allotment of less than 1 acre or a farm for which an allotment was not established, the effective farm allotment shall be the larger of 1 acre or the farm allotment adjusted for: (i) Release and reapportionment, (ii) temporary transfer by lease or by owner, (iii) increase for type, and (iv) reduction for marketing quota violation. If the farm allotment is adjusted and the allotment remains less than 1 acre and only downward adjustments were made because of acreage released to the county committee, temporarily transferred from the farm or reduced because of a marketing quota violation, the effective allotment shall be 1 acre minus such adjustments. If the farm allotment is adjusted and the allotment remains less than 1 acre and upward and downward adjustments were made, the effective farm allotment shall be 1 acre minus only the downward adjustments. If the acreage harvested for nuts exceeds the effective farm allotment or any producer who shares in the peanuts on the farm shares in the peanuts produced on another farm, the effective farm allotment shall be the farm allotment adjusted for the items listed in subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(7) *Excess acreage.* The amount by which the final acreage exceeds the effective farm allotment.

(8) *Excess peanuts.* Peanuts in excess of the farm marketing quota.

(9) *Farm allotment.* The farm peanut acreage allotment for the current year established pursuant to §§ 729.10 to 729.20, including any transfer to the farm on a permanent basis under § 729.69.

(10) *Farm peanut history acreage.* The acreage determined under § 729.11 which is considered as devoted to peanuts on a farm for purposes of establishing future allotments.

(11) *Farmers stock peanuts.* Peanuts which have been separated from the vines but have not been shelled, crushed, cleaned, or otherwise changed (except for removal of foreign material and excess moisture) from the State in which picked or threshed peanuts are customarily marketed by producers.

(12) *Final acreage.* The acreage, including volunteer acreage, on the farm from which peanuts are picked or threshed as determined and adjusted under § 729.29.

(13) *Inspection service.* The service established and conducted under the provisions of Part 51 of Chapter I of this title for the determination and certification or other identification of the grade, quality, or condition of products.

(14) *Irrigated peanut farm.* A farm for which any part of the peanut acreage is irrigated.

(15) *Market.* To dispose of peanuts, including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone. Any lot of farmers stock peanuts will be considered as marketed when delivered by the producer to the buyer pursuant to an oral or written sales agreement. Peanuts which are delivered by the producer as collateral for or in settlement of a price support loan will be considered as marketed at the time of delivery.

(16) *Marketing year.* For each crop of peanuts, the period beginning August 1 of the current year and ending July 31 of the following year.

(17) *New farm.* A farm for which a peanut allotment is established in the current year and for which there is no peanut history acreage in the base period under § 729.11.

(18) *Old farm.* A farm for which there is peanut history acreage under § 729.11 in 1 or more years of the base period.

(19) *Peanuts.* All peanuts produced, excluding any peanuts which were not picked or threshed before or after marketing from the farm, as established by the producer or otherwise in accordance with this subpart, or were marketed by the producer before drying or removal of moisture from such peanuts by natural or artificial means for consumption exclusively as boiled peanuts (referred to as "green peanuts").

(20) *Productivity pool.* Acreage resulting from downward adjustments because of permanent transfer to higher producing farms.

(21) *Quota peanuts.* The actual production of peanuts on the effective farm allotment.

(22) *Seed sheller.* A person who in the course of his usual business operations shells peanuts for producers for use as seed for the subsequent year's crop.

(23) *Yield per acre or actual yield.* The actual yield per acre for the farm obtained by dividing the final acreage into the total production of peanuts for the farm.

§ 729.7 Types of peanuts.

The generally known types of peanuts have identifying characteristics as follows:

(a) *Runner type peanuts.* Commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or Runner; produced principally in the Southeastern peanut-producing area of the United States and identified by the following characteristics: Typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel, having shells fairly thick and strong, with shallow veining and corrugation; seeds crowded in pod with adjacent ends sharply shouldered.

(b) *Spanish type peanuts.* Commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish; produced principally in the Southeastern and Southwestern peanut-producing areas of the United States and identified by the following general characteristics: Typically two-seeded pods which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep, and seed globular to oval and practically smooth.

(c) *Valencia type peanuts.* Commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia; produced principally in Tennessee and New Mexico, and identified by the following general characteristics: Typically three-, or four-seeded, and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation, and seeds globular to oval.

(d) *Virginia type peanuts.* Commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia; produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and identified by the following general characteristics: Typically two-seeded pods which are of an average size larger than any other type, pods are roughly cylindrical, with veining and corrugation deep, and seeds cylindrical with pointed ends, length two or three times diameter, and practically smooth.

§ 729.8 Determination of quantity of peanuts.

The quantity of any lot of peanuts shall be expressed in pounds. If a lot of farmers stock peanuts has been graded at the time of marketing, the quantity in the lot shall be the gross weight thereof less foreign material and excess moisture (moisture in excess of 7 percent in the Southeastern and Southwestern areas and 8 percent in the Virginia-Carolina area). If shelled peanuts are marked by a producer, the quantity in the lot (farmers stock basis) shall be determined by multiplying the poundage of shelled peanuts by 1.5.

§ 729.9 Supervisory authority of State committee.

The State committee may take any action required to be taken by the county committee which the county committee fails to take and the State committee may correct or require the county committee to correct any action taken by such committee which is not in accordance with this subpart. The State committee may also require the county committee to withhold taking any action which is not in accordance with this subpart.

Farm Allotments

§ 729.10 Basis for old farm allotments.

(a) A farm allotment shall be determined for each old farm on the basis of the following factors: Past acreage of peanuts, taking into consideration the acreage allotments previously established for the farm; abnormal conditions affecting acreage; the farm peanut history acreages for the base period; land, labor, and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts on the farm.

(b) Any acreage of peanuts harvested in excess of the farm allotment, any acreage of peanuts harvested as the result of allotment acreage reapportioned to the farm under provisions of § 729.22 and any acreage of peanuts harvested for peanuts of a type determined to be in short supply shall not be considered in the establishment of the allotment for the farm in succeeding years. The production of peanuts on a farm for which no farm acreage allotment was established shall not make the farm eligible for an allotment as an old farm.

§ 729.11 Determination of farm peanut history acreage.

(a) *Maximum history acreage.* The farm peanut history acreage for any year shall not exceed the farm peanut allotment for such year. The production of peanuts without an allotment but within the one acre exemption provided by section 359(b) of the act shall not constitute farm peanut history acreage.

(b) *Full allotment preserved as history acreage.* For any year the entire farm allotment shall be preserved as peanut history acreage if:

(1) In the current year or either of the 2 preceding years:

(i) The sum of the final peanut acreage, and the acreage regarded as planted under conservation programs and conservation practices, as determined under Part 719 of this chapter, and the acreage transferred from the farm by lease or temporary transfer by owner (except increase for type), was as much as 75 percent of the farm allotment after reduction for violation, temporary release of acreage but before reapportionment of released acreage, or increase for type in short supply.

(ii) The farm allotment is or was in an eminent domain allotment pool under Part 719 of this chapter; or

(2) The farm is Federally owned and there is in effect for the current year a restrictive lease prohibiting the production of peanuts.

(c) *Computation of history acreage.* If, for any year, the full allotment is not preserved as peanut history acreage under paragraph (b) of this section, the farm peanut history acreage for such year shall be the sum of the following acreages, but not in excess of the farm allotment for such year:

(1) The final acreage, adjusted to compensate for abnormal weather, or disease, or condition beyond the control of the farm operator affecting acreage, if the county committee determines that such action is necessary to maintain equitable allotments: *Provided*, That the farm operator files a written request for such an adjustment at the office of the county committe prior to December 1 of the current year;

(2) The acreage regarded as planted to peanuts under conservation programs and conservation practices, determined under Part 719 of this chapter;

(3) The acreage temporarily released to the county committee under provisions of § 729.22;

(4) The amount of any reduction in the current year allotment made pursuant to the provisions of § 729.21; and

(5) Acreage transferred from the farm by lease or temporary transfer by owner (except increase for type).

(d) *Reduction of previously determined history.* Notwithstanding any other provision of this subpart, the peanut history acreage for each year of the base period shall be zero unless in 1 or more years of the base period there is acreage in the peanut history acreage of a kind other than acreage released to the county committee or acreage reduction(s) for the violation of marketing quotas.

§ 729.12 Determination of preliminary allotment.

For each old farm the county committee shall determine a preliminary allotment for the current year. Preliminary allotments shall be determined as follows:

VOL 37 NO 24 FEB 4 72 XUM

(a) If a farm allotment was not established for the preceding year for a farm which was eligible to receive an allotment for such year, the county committee shall determine an acreage for the farm which shall be the preceding year farm allotment for purposes of establishing a preliminary allotment for the farm. Such acreage shall be established in accordance with the marketing quota regulations applicable to the crop of peanuts produced in the preceding year.

(b) For each farm the county committee shall compare the preceding year farm history acreage with the farm allotment established for such year, and if the farm peanut history acreage is less than 75 percent of the farm allotment, determine the average of the farm peanut allotment and the farm peanut history acreage for the preceding year. The average so determined shall be the preliminary allotment for the farm for the purpose of determining the farm allotment for the current year.

(c) The preliminary allotment for each old farm shall be the preceding year farm allotment minus any adjustment made pursuant to paragraph (b) of this section.

§ 729.13 Reserve for corrections, missed farms, and inequities.

(a) The State committee may establish a reserve acreage for the correction of errors in farm allotments and to establish allotments for missed farms and for inequities. Such acreage shall not exceed 10 percent of the State allotment and shall first be used for correction of errors and for missed farms, to the extent available, before considering any adjustments for inequities.

(b) The State committee may make acreage from the State reserve established under this section available to the county committees for making upward adjustments in farm allotments. The county committee shall examine the preceding year's farm allotment for each farm and may adjust such allotment upward if it determines that such action is necessary to obtain an allotment for the farm which is equitable when compared with other similar old farms in the locality. Upward adjustments shall be made on the basis of the farm peanut history acreage for the base period; labor and equipment available for the production of peanuts; crop-rotation practices; and soil and other physical factors affecting the production of peanuts.

§ 729.14 Computation of allotments for old farms.

The farm allotment for each old farm for the current year shall be computed by multiplying the preliminary allotment for such farm by a State allotment factor (rounded four places beyond the decimal) determined by dividing the total of the preliminary allotments for all old farms in the State into the current year State acreage allotment minus the acreage reserved under §§ 729.13 and 729.16.

§ 729.15 Basis for new farm allotments.

The farm allotment for a new farm shall be that acreage which the county committee, with the approval of a representative of the State committee, determines is fair and reasonable for the farm, taking into consideration the peanut-growing experience of the producer(s) on the farm; land, labor and equipment available for the production of peanuts on the farm; crop rotation practices; and soil and other physical factors affecting the production of peanuts.

§ 729.16 Limitations on new farm allotments.

(a) Not more than 1 per centum of the State acreage allotment shall be apportioned among new farms.

(b) The farm allotment established for a new farm shall not exceed the land available for the production of peanuts.

§ 729.17 Reduction and cancellation of new farm allotments.

The allotment determined under this subpart for a new farm shall be reduced to the acreage planted to peanuts on the farm when it is found that such acreage is less than 75 percent of the allotment. Any farm allotment established and any history acreage credit shall be void as of the date the new farm allotment was issued if the State committee determines that the applicant knowingly furnished false, incomplete or inaccurate information to obtain the allotment. Any new farm allotment established, where incomplete or inaccurate information was unknowingly furnished by the applicant and so determined by the county committee shall be void for the next crop year. However, the cancellation shall not be applicable to the current year or to prior years.

§ 729.18 Establishment of State reserves for new farms.

In addition to the acreage established in the State reserve for correction, missed farms and inequities under § 729.13, the State committee may establish a State reserve for new farms based on estimated requirements in an amount not to exceed 1 per centum of the State allotment.

§ 729.19 Conditions of eligibility for new farm allotment.

(a) A farm which includes land acquired by an agency having the right of eminent domain for which the entire peanut allotment was pooled pursuant to Part 719 of this chapter, which is subsequently returned to agricultural production, shall not be eligible for a new farm peanut allotment for a period of 3 years from the date the former owner was displaced from the acquired farm. Also, a farm which includes land which has no peanut acreage allotment because the owner did not designate a peanut allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter, shall not be eligible for a new farm peanut allotment for a period of 3 years beginning with the year in which the farm reconstitution becomes effective.

(b) An allotment shall not be established for a new farm from acreage made available from the new farm reserve unless each of the following conditions are met:

(1) A written application for a new farm allotment is filed by the farm operator at the office of the county committee on or before February 15 of the year for which application for an allotment is being filed;

(2) The farm shall be operated by the owner thereof, except that the operator need not be the owner if he has operated the farm for the 5 years immediately preceding the year for which application for an allotment is being filed for such farm. A person who owns only part of a farm cannot be considered the owner of the farm except that both husband and wife shall be considered the owner of the farm if the farm is jointly owned by such husband and wife;

(3) The farm is the only farm in the United States, owned or operated by the farm operator or farm owner, for which a farm peanut allotment is established for the current year;

(4) The type of soil and topography of the available land on the farm for which the allotment is requested is suitable for the production of peanuts and continuous production of peanuts on the farm will not result in an undue erosion hazard;

(5) The farm operator shall own, or otherwise have readily available, adequate equipment and any other facilities of production (including irrigation water) necessary to the production of peanuts on the farm;

(6) (i) The operator shall expect to obtain during the current year more than 50 percent of his income from the production of agricultural commodities or products. In making this computation of income from farming, no value will be allowed for the estimated return from the production of the requested allotment. However, in addition to the value of agricultural products sold, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for consumption on the farm. Where the farm operator is a partnership, each partner must expect to obtain, during the current year, more than 50 percent of his income from the production of agricultural commodities or products; where the farm operator is a corporation, it must have no major corporate purpose other than operation and ownership, where applicable, of such farm, and the officers and general manager of the corporation must expect to obtain more than 50 percent of their income from farming. Dividends and salary from the corporation shall be considered as income from farming.

(ii) When the farm operator is a low-income farmer, the county committee may waive the income provision in subdivision (i) of this subparagraph if it determines that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family; and a State committee representative approves such action. The county committee must exercise good judgment to see that its determination is reasonable in the light of all pertinent factors and that this special provision is made applicable only to those who qualify. In making its determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(7) The farm operator shall have had experience in producing, harvesting, and marketing peanuts either as a sharecropper, tenant, or farm operator during at least 2 of the 5 years immediately preceding the year for which the new farm allotment is requested. Bona fide peanut production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement. If the applicant was in the armed services during any part or all of the 5-year period, the experience period shall be expanded, year for year, for each year of military service during such 5-year period. In making a determination of any person's experience in growing peanuts, no credit shall be given for the person's interest in peanuts grown on a farm for which no farm peanut allotment was established for such year. Experience in growing peanuts on a farm having a farm allotment by temporary transfer shall be given credit.

§ 729.20 Establishing new farm allotments for eligible applicants lacking experience.

If the total of the acreage required to establish allotments for all new farms in the State which are eligible under § 729.19, is less than the acreage available in the State reserve under § 729.16, for establishing such allotments, the balance, upon approval by the State committee, shall be available for establishing new farm allotments for farms for which a written application is filed by the farm operator at the office of the county committee on or before March 1 of the year for which the allotment is requested and the conditions of eligibility of paragraphs (a) and (b) (2) through (6) of § 729.19 are met. Such farm operators are not required to meet the peanut experience requirement of § 729.19(b)(7).

MISCELLANEOUS PROVISIONS AFFECTING FARM ALLOTMENTS

§ 729.21 Reduction of farm allotment for violation.

(a) If peanuts are marketed or are permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact were produced on a different farm, the acreage allotments next established for both such farms shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such marketing, provided the marketing shall be construed as intentional unless all peanuts from the farm are accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing.

(b) If complete and accurate proof of the disposition of all peanuts produced on the farm is not furnished in the manner and within the time prescribed under this subpart, the acreage allotment next established for the farm shall be reduced as provided in this section for the failure to furnish such proof, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition, provided such failure will be construed as intentional unless such proof or disposition is furnished and payment of all additional penalty is made, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the failure to furnish such proof.

(c) Any reduction made under this section shall be made with respect to the current year farm allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located. If the reduction cannot be made effective with respect to the current year crop, such reduction shall be made with respect to a farm allotment subsequently established for the farm. This section shall not apply if the farm allotment for any prior year was reduced for the same violation. For purposes of this section, the following dates are hereby established as the beginning of the normal planting season for peanuts:

STATE AND DATE
Alabama, March 25.
Arizona, March 20.
Arkansas, May 15.
California: Imperial and Riverside Counties, March 15; Fresno, Kern, and Tulare Counties, May 15.
Florida, March 15.
Georgia, March 25.
Louisiana, May 1.
Mississippi, April 20.
Missouri, April 15.
New Mexico, May 1.
North Carolina, May 1.
Oklahoma, May 10.
South Carolina, May 15.
Tennessee, May 1.
Virginia, May 1.
TEXAS, ZONE I, MARCH 10
Comprised of the counties of: (See listing under § 729.22(b)).
TEXAS, ZONE II, APRIL 3
Comprised of the counties of: (See listing under § 729.22(b)).
TEXAS, ZONE III, APRIL 17
Comprised of the counties of: (See listing under § 729.22(b)).

(d) The amount of reduction shall be that percentage which the quantity of peanuts involved in the violation is of the respective farm marketing quota for the farm for the marketing year in which the violation occurred. Where the quantity of peanuts involved in the violation equals or exceeds the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the quantity of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the peanut crop during the growing and harvesting season, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar. The actual yield per acre of peanuts on the farm, as so estimated by the county committee, multiplied by the smaller of the effective farm allotment or the final acreage, shall be considered the farm marketing quota for the purpose of this section. In determining, for farms on which the final acreage exceeds the effective farm allotment the amount of peanuts for which satisfactory proof of disposition is not shown, the quantity of peanuts involved in the violation shall be deemed to be the actual production of peanuts on the farm, estimated under this paragraph, less the amount of peanuts for which satisfactory proof of disposition has been shown. For farms on which the final acreage does not exceed the effective farm allotment, the quantity of peanuts involved in the violation shall be the quantity of peanuts reported by the farm operator as produced on the farm less the actual production on the farm as determined by the county committee.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be computed on the portion of the allotment derived from the farm involved in the violation.

(f) If the farm involved in the violation has been divided prior to the reduction, the percentage of reduction for the allotments for the divided farms shall be the same as though no division had been made.

(g) Any reduction in the allotment for a farm made under this section shall not operate to reduce the allotment for such farm for any subsequent year.

§ 729.22 Release and reapportionment.

(a) *Release of acreage allotments.* Except as provided in this paragraph, any part of a farm allotment on which peanuts will not be produced and which the operator of the farm voluntarily surrenders in writing to the county committee shall be deducted from the allotment to such farm if such acreage is surrendered not later than the applicable closing date specified in this paragraph. Where the entire farm allotment was released in each of the 2 years preceding the current year, the release of the effective farm allotment for the current year

FEB 4 72 XUM

shall be in writing and signed by both the owner and operator of the farm. If any part of the farm allotment is permanently released (i.e., for the current year and all subsequent years), such release shall be in writing and signed by both the owner and operator of the farm. If the entire current year farm allotment is permanently released, the farm peanut history acreage and farm allotment for the current year and prior years shall not be considered in establishing an allotment for the farm for any subsequent year and the farm shall not be eligible for a new farm peanut allotment so long as such farm was credited with peanut history acreage in the base period used in the determination of the current year acreage allotment. Acreage allotments may not be released (1) from new farms, (2) from farms owned by the Federal Government or any agency thereof, if there is in effect a lease or operating agreement prohibiting the production of peanuts, (3) for the current year, if the owner of the farm notifies the county committee in writing, before acreage is released by the operator, that he objects to such a release, and (4) from the allotment pool if an application for transfer from the pool has been filed in accordance with Part 719 of this chapter. In addition, acreage allotments may not be released from a farm covered by a whole farm Conservation Reserve Contract, a whole farm cropland conversion program agreement entered into in 1964 or 1965, a cropland conversion program agreement entered into in 1966 or 1967, or a cropland adjustment program agreement. Acreage allotments may be released from a farm covered by a part-farm Conservation Reserve Contract and a part-farm Cropland Conservation Program Agreement entered into in 1964 or 1965 in an amount not to exceed the permitted acreage but for such farm having more than one allotment crop available for release, the total released acreage for all allotment crops shall not exceed the permitted acreage.

STATE AND CLOSING DATE

Alabama, March 15.
Arizona, March 1.
Arkansas, May 15.
California, April 1.
Florida, March 15.
Georgia, March 25.
Louisiana, July 1.
Mississippi, May 1.
Missouri, May 10.
New Mexico, May 6.
North Carolina, April 15.
Oklahoma, April 1.
South Carolina, April 15.
Tennessee, April 1.
Virginia, April 15.
Texas. (See listing under paragraph (b) of this section.)

(b) *Reapportionment of released acreage allotment.* The acreage released under paragraph (a) of this section may be reapportioned by the county committee to other farms in the same county receiving allotments in amounts determined by the county committee to be fair and reasonable on the basis of land, labor, and equipment available for the production of peanuts, crop-rotation practices; and soil and other physical factors affecting the production of peanuts. A farm shall be eligible to receive reapportionment of released acreage only if a written request is filed by the farm owner or operator at the office of the county committee not later than the applicable dates specified below:

STATE AND CLOSING DATE

Alabama, March 15.
Arizona, March 15.
Arkansas, May 15.
California, April 1.
Florida, March 15.
Georgia, April 1.
Louisiana, July 1.
Mississippi, May 15.
Missouri, May 25.
New Mexico, May 10.
North Carolina, April 15.
Oklahoma, April 1.
South Carolina, April 15.
Tennessee, April 1.
Virginia, April 15.
Texas. (See following list.)

TEXAS

In this State the same closing dates are applicable for purposes of both paragraphs (a) and (b) of this section. These closing dates, by zones within the State are as listed below.

March 1 for Zone 1, comprised of the counties of:

Aransas.	Karnes.
Ataseosa.	Kendall.
Austin.	Kenedy.
Bandera.	Kerr.
Bee.	Kinney.
Bexar.	Kleberg.
Brazoria.	La Salle.
Brooks.	Lavaca.
Calhoun.	Liberty.
Cameron.	Live Oak.
Chambers.	McMullen.
Colorado.	Matagorda.
Comal.	Maverick.
De Witt.	Medina.
Dimmit.	Nueces.
Duval.	Orange.
Edwards.	Real.
Fort Bend.	Refugio.
Frio.	San Patricio.
Galveston.	Starr.
Goliad.	Uvalde.
Gonzales.	Val Verde.
Guadalupe.	Victoria.
Hardin.	Waller.
Harris.	Webb.
Hidalgo.	Wharton.
Jackson.	Willacy.
Jefferson.	Wilson.
Jim Hogg.	Zapata.
Jim Wells.	Zavala.

April 4 for Zone 2, comprised of the counties of:

Anderson.	Lampasas.
Andrews.	Newton.
Angelina.	Nolan.
Archer.	Palo Pinto.
Bastrop.	Panola.
Bell.	Parker.
Blanco.	Pecos.
Borden.	Polk.
Bosque.	Presidio.
Bowie.	Rains.
Brazos.	Regan.
Brewster.	Red River.
Brown.	Reeves.
Burleson.	Robertson.
Burnet.	Rockwall.
Caldwell.	Runnels.
Callahan.	Rusk.
Camp.	Sabine.
Cass.	San Augustine.
Cherokee.	San Jacinto.
Clay.	San Saba.
Coke.	Schleicher.
Coleman.	Scurry.
Collin.	Shackelford.
Comanche.	Shelby.
Concho.	Smith.
Cooke.	Somervell.
Coryell.	Stephens.
Crane.	Sterling.
Crockett.	Sutton.
Culberson.	Tarrant.
Dallas.	Taylor.
Dawson.	Terrell.
Delta.	Titus.
Denton.	Tom Green.
Eastland.	Travis.
Ector.	Trinity.
Ellis.	Tyler.
El Paso.	Upshur.
Erath.	Upton.
Falls.	Van Zandt.
Fannin.	Walker.
Fayette.	Ward.
Fisher.	Washington.
Franklin.	Wichita.
Freestone.	Williamson.
Gaines.	Winkler.
Gillespie.	Wise.
Glasscock.	Wood.
Grayson.	Young.
Gregg.	Lee.
Grimes.	Leon.
Hamilton.	Limestone.
Harrison.	Llano.
Hays.	Loving.
Henderson.	McCulloch.
Hill.	McLennan.
Hood.	Madison.
Hopkins.	Marion.
Houston.	Martin.
Howard.	Mason.
Hudspeth.	Menard.
Hunt.	Midland.
Irion.	Milam.
Jack.	Mills.
Jasper.	Mitchell.
Jeff Davis.	Montague.
Johnson.	Montgomery.
Jones.	Morris.
Kaufman.	Nacogdoches.
Kimble.	Navarro.
Lamar.	

April 18 for Zone 3, comprised for the counties of:

Armstrong.	Hockley.
Bailey.	Hutchinson.
Baylor.	Kent.
Briscoe.	King.
Carson.	Knox.
Castro.	Lamb.
Childress.	Lipscomb.
Cochran.	Lubbock.
Collingsworth.	Lynn.
Cottle.	Moore.
Crosby.	Motley.
Dallam.	Ochiltree.
Deaf Smith.	Oldham.
Dickens.	Parmer.
Donley.	Potter.
Floyd.	Randall.
Foard.	Roberts.
Garza.	Sherman.
Gray.	Stonewall.
Hale.	Swisher.
Hall.	Terry.
Hansford.	Throckmorton.
Hardeman.	Wheeler.
Hartley.	Wilbarger.
Haskell.	Yoakum.
Hemphill.	

(c) *Closing date for reapportionment of released acreage.* Any acreage released to the county committee may be reapportioned by the county committee to other farms in the county at any time not later than 15 days following the closing date established under paragraph (b) of this section for the filing of a request for an increase in allotment from released acreage.

(d) *Maximum acreage allotment.* No allotment shall be increased under the provisions of paragraph (b) of this section to an acreage greater than the land available for the production of peanuts on the farm.

(e) *Credit for released or reapportioned acreage.* The release of allotment under paragraph (a) of this section for the current year only shall not operate to reduce the allotment for the farm for any subsequent year unless such farm becomes ineligible for an old farm allotment. Any increase in the allotment for a farm resulting from a reapportionment of acreage under paragraph (b) of this section shall not operate to increase the allotment for such farm for any subsequent year.

(f) *Applicability of section to farms acquired by an agency having the right of eminent domain.* (1) Any part or all of a peanut allotment for a farm acquired by an agency having the right of eminent domain and held under lease or other agreement by the former owner may be released to the county committee in accordance with paragraph (a) of this section. Also, such farm is eligible to receive a reapportionment of acreage under paragraph (b) of this section. (2) During any year of the period the peanut acreage allotment from a farm remains in the allotment pool pursuant to Part 719 of this chapter, the displaced owner may release, for one year at a time, all or any part of such allotment to the county committee. Release and reapportionment of such allotments shall be in accordance with the provisions of Part 719 of this chapter.

§ 729.23 Allotments for farms acquired by agency having right of eminent domain.

The allotment determined for any land from which the owner is displaced because of acquisition of the land by any Federal, State, or other agency having the right of eminent domain shall be maintained and reallocated in accordance with Part 719 of this chapter.

§ 729.24 Additional acreage allotment for farms producing types of peanuts in short supply.

(a) Any additional acreage allotment apportioned to any State producing peanuts of a type or types determined to be in short supply for the current year, less a reserve for the correction of errors, shall be apportioned among farms on which peanuts of such type or types were produced in any of the 3 years of the base period. For each farm eligible to share in the additional acreage apportioned to the State, the county committee shall determine that part of the total farm peanut history acreages for the base period that was devoted to, or considered devoted to, the type(s) of peanuts determined to be in short supply. A State total of such acreages shall be obtained and a factor computed by dividing such State total into the additional acreage apportioned to the State (minus the reserve for the correction of errors). Such factor shall be rounded for four places beyond the decimal. The amount of the increase for each farm shall be computed by multiplying the factor by the total acreage determined for each eligible farm. The reserve for the correction of errors shall be determined by the State committee on the basis of experience in past allotment programs and its knowledge as to the reliability of data used in apportioning the additional acreage to farms, and shall not exceed three-fourths of 1 percent of the additional acreage apportioned to the State.

(b) The increase in acreage allotment under this section shall not be considered in establishing future State, county, or farm acreage allotments.

NOTICES OF FARM ALLOTMENTS AND MARKETING QUOTAS

§ 729.25 Approval of farm allotments.

No official notice of farm allotment shall be mailed to a farm operator of an old or new peanut farm until a representative of the State committee has reviewed and approved the farm allotment. The representative of the State committee may revise or require revisions of any determinations made under this subpart. Such prior review shall not be required for revised farm allotments resulting from: (a) Reconstitution of farms that does not require allocation of additional acreage; (b) release and reapportionment of allotments; (c) increase of allotments for type; (d) lease and transfer of allotments; and (e) allotment reductions due only to failure to return marketing cards.

§ 729.26 Notices of farm allotments.

(a) *Initial notice of farm allotment.* (1) The county committee shall mail a written notice of farm allotment to the operator of each old peanut farm and each new peanut farm for which a farm allotment for the current year is established and approved as soon as possible after the farm allotment is established. (2) If application for a new peanut farm allotment is made but the county committee determines that no new farm allotment shall be established, the county committee shall mail a written notice of "None" as the farm allotment to the operator of such farm. (3) If an old peanut farm loses eligibility for a farm allotment as an old peanut farm for the current year, the county committee shall mail a written notice of "None" as the farm allotment to the operator of such farm showing the reason no farm allotment was established for the farm.

(b) *Revised notice of farm allotment.* (1) The county committee shall mail a written notice of revised farm allotment to the operator of the farm as soon as possible after the county committee determines that a revision is required (i) under this subpart, (ii) under the provisions of Part 719 of this chapter, (iii) to correct errors committed by the county committee, or (iv) to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm. (2) Such revised notice shall be issued prior to the date when planting of peanuts normally becomes general on farms in the county if at all possible, but if not possible to do so, such revised notice shall be issued after such date and the county committee shall determine whether the erroneous notice of allotment provisions of § 729.27 are applicable.

(c) *Notice to operator constitutes notice to other persons.* (1) Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the commodity designated below produced on the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all persons.

(2) A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee. Upon request, a certified copy shall be furnished without charge to any person who as an operator, landlord, tenant, or sharecropper is interested in the peanuts produced on the farm in the year for which the notice is issued.

(d) *Effectiveness of notice.* Each notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Farm allotments shall not become effective unless the notice is properly signed, approved, and mailed in accordance with this section.

(e) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any changes in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm, for a farm with a current farm allotment.

(f) *Review of farm allotment.* Each notice shall contain a brief statement of the procedure for application to obtain a review of the farm allotment and marketing quota by a review committee in accordance with section 363 of the act and the Marketing Quota Review Regulations in Part 711 of this chapter. Unless application for such review is timely filed within 15 days after the mailing of a notice under this section, the farm allotment and marketing quota established by such notice shall be final and not subject to review by the review committee: *Provided*, That the failure of the farmer to apply for such review shall not preclude the county committee from issuing any required revised notice of farm allotment. If such notice is subsequently revised in accordance with this section, the revised farm allotment and marketing quota shall be subject to review in the same manner as the previous allotment and quota.

§ 729.27 Erroneous notice of allotment.

(a) If the county committee determines with the approval of the State

VOL 37 NO 24 FEB 4 72 XUM

executive director that (1) the official written notice of the farm acreage allotment issued by the State or county office for any farm erroneously stated the acreage allotment to be larger than the final effective allotment for the farm, and (2) the error was not so gross that the operator would reasonably be expected to question the acreage, and that the operator, relying upon such notice and acting in good faith (i) materially changes his position to enable him to produce the allotment crop (for example obligated expenditures of funds for land preparation, additional equipment and labor) or (ii) picked or threshed peanuts from acreage in excess of the finally approved effective farm allotment, the acreage allotment shown on the erroneous notice shall be considered the effective farm allotment.

(b) If the farm operator receives a corrected notice of allotment after peanuts have been planted on the farm but before such peanuts are picked or threshed, the provisions of this section shall not apply unless the county committee and the State executive director determine that the acreage planted for picking or threshing was in excess of the effective farm allotment only because the operator was given the erroneous notice of allotment.

§ 729.28 Notice of excess and penalty.

The county committee shall mail to the farm operator a written notice of excess acreage and farm marketing quota for any farm with excess peanut acreage. The notice shall contain substantially the following statement. "To all persons who as operator, landlord, tenant, or sharecropper, for the crop year shown above, are interested in the peanuts described herein and produced on this farm." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. Such shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. A copy of each notice containing a notation thereon of the date of mailing the notice to the operator of the farm shall be kept among the permanent records of the county committee and, upon request, a copy thereof, duly certified as a true and correct copy shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper, is interested in the peanuts produced in the current year on the farm for which the notice is given.

FINAL ACREAGE, FARM MARKETING QUOTAS, AND ISSUANCE OF MARKETING CARDS

§ 729.29 Determination of final acreage.

The final acreage of peanuts on a farm shall be the acreage determined in accordance with Part 718 of this chapter, adjusted as required under this section for farms on which the initial certification of peanut acreage shows acreage in excess of the farm acreage allotment. Such adjustment is permitted for the purpose of identifying peanut acreage on which the peanuts are left in the ground or hogged-off or on which the peanuts are utilized for green peanuts.

(a) *Planted acreage not in excess of effective farm allotment.* When the acreage planted to peanuts on a farm is not in excess of the effective farm allotment, the planted acreage, less the acreage hogged-off, left in the ground, or harvested as green peanuts and reported in accordance with § 729.53 shall be the final acreage.

(b) *Planted acreage in excess of effective farm allotment.* When the planted acreage is in excess of the effective farm allotment, such planted acreage, less the adjustments under this paragraph, shall be the final acreage.

(1) *Acreage left in ground or hogged-off.* If any of the planted acreage is to be left in the ground or is to be hogged-off, the farm operator shall report the acreage to the county office in accordance with Part 718 of this chapter. If the farm operator fails to notify the county office that an acreage planted to peanuts on the farm has been left in the ground or hogged-off in accordance with Part 718 of this chapter, the entire planted acreage, subject to other provisions of this section shall be the final acreage.

(2) *Acreage utilized for green peanuts.* If all of the planted acreage is utilized for green peanuts and a satisfactory report of the marketing of such peanuts is made pursuant to § 729.53, the final acreage for the farm shall be zero. If only a portion of the planted acreage is utilized for green peanuts, the acreage so utilized, as determined pursuant to Part 718 of this chapter, may be deducted from the planted acreage in determining the final acreage for the farm if a satisfactory report of the marketing of green peanuts is made pursuant to § 729.53: *Provided*, That the farm operator notifies the county office in accordance with Part 718 of this chapter that an acreage planted to peanuts on the farm will be or has been utilized as green peanuts. If the farm operator fails to so notify the county office, the entire planted acreage, subject to other provisions of this section, shall be the final acreage.

§ 729.30 Amount of farm marketing quota.

(a) The farm marketing quota for a farm having no excess acreage shall be the actual production of peanuts equal to the actual yield per acre multiplied by the effective farm allotment.

(b) The farm marketing quota for a farm having excess acreage shall be a quantity of peanuts equal to the actual yield per acre multiplied by the effective farm allotment.

§ 729.31 Marketing quotas transferable only under specified conditions.

A farm marketing quota is established for a farm and, except as specifically provided for in this subpart for release and reapportionment, pooled allotments transfers by sale, lease, or owner and under 7 U.S.C. 1305, may not be assigned or otherwise transferred in whole or in part to any other farm. Peanuts produced on one farm shall not be marketed on a marketing card issued with respect to another farm. If any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm, the allotment subsequently established for each such farm shall be reduced as provided in § 729.21.

§ 729.32 Marketing cards and their uses.

(a) *Within quota card.* Farm MQ–76 Peanuts, Peanuts Within Quota Marketing Card, referred to as a "within quota card," authorizes the marketing of peanuts produced on the farm for which the card is issued without payment of penalty.

(b) *Excess penalty card.* Form MQ–77 Peanuts, Peanut Excess Penalty Marketing Card, referred to as an "excess penalty card," authorizes the marketing of peanuts produced on the farm for which the card is issued subject to a marketing penalty at the rate entered on the card.

§ 729.33 Issuance of marketing cards.

(a) *Issuing officer.* The county executive director shall be the issuing officer and responsible for the issuance of marketing cards. Each card issued shall be validated by the signature, actual or facsimile, of the issuing officer. The facsimile signature may be affixed by an employee of the county office.

(b) *Producers to receive cards.* A marketing card shall be issued in the name of the operator of each eligible farm for use by any producer on the farm for marketing his share of peanuts produced. If the issuing officer finds that it will serve a useful purpose, additional cards may be issued in the name of the operator and delivered to other producers on the farm or the marketing card may be issued in the name of the operator and one or more other producers on the farm. In addition:

(1) If the farm operator does not share in the peanuts produced on the farm the marketing card(s) may be issued to the person(s) sharing in such peanuts without entering thereon the name of the operator.

(2) If all peanuts produced by a person(s) are to be marketed to a person(s) other than an established buyer, marketing cards shall not be issued.

(3) The issuance of a marketing card may be withheld for any farm until an estimate is made of the peanut production on the farm, if the county committee determines such action to be necessary for effective operation of the marketing quota program.

(c) *Within quota card.* A farm is eligible for a within quota card where the final acreage is not in excess of the effective farm allotment and, in the case of federally owned land, is not in excess of the smaller of the effective farm allotment or the acreage permitted by the lease or operating agreement. A farm is also eligible for a within quota card based on a producer's initial certification where a producer has peanuts ready for market, but has not completed digging all peanuts and cannot make a final certification of dug acreage.

(d) *Excess penalty card.* A farm is eligible for an excess penalty card if the final acreage is determined to be in excess of the effective farm allotment.

(1) The converted rate of penalty to be entered on an excess marketing card for a farm, except as provided under subparagraph (2) of this paragraph, shall be determined as follows:

(i) Compute the percent excess for the farm by dividing the final acreage into the excess acreage.

(ii) Multiply the percent excess for the farm by the basic penalty rate.

(2) The full penalty rate shall be entered on the excess penalty card where the farm operator refuses to permit measurement or where the farm operator fails to timely certify the peanut acreage on the farm pursuant to Part 718 of this chapter.

(3) For Federally owned land, an excess penalty card showing "zero" as the converted penalty rate shall be issued if the final acreage on the farm is within the effective farm allotment but is in excess of the acreage permitted by the lease or operating agreement.

(4) The excess penalty card issued for a farm shall be marked "Eligible for Price Support" if the farm operator certified the acreage to be within the effective farm allotment and a farm acreage check discloses that such allotment has been exceeded by not more than the applicable tolerance specified for peanuts under Part 718 of this chapter.

§ 729.35 Issuance of marketing card when acreage determination is refused.

If the farm operator or any producer on the farm prevents the county committee or its representative, or the State commitee or its representative, from obtaining information necessary to determine the acreage of peanuts on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or any producer on the farm permits a determination of the acreage, all acreage of peanuts on the farm shall be deemed to be in excess of the effective farm allotment for the purpose of issuing a marketing card for the farm.

§ 729.36 Replacement marketing cards.

When (a) all spaces for recording sales on a marketing card have been used, (b) the card is returned to the county office, and (c) there is further need for a marketing card to complete marketings from the farm, a replacement card shall be issued. The replacement card shall be of the same kind, bearing the same name, information, and identification as the card being replaced. Upon application by a producer, a new marketing card of the same kind shall also be issued to replace a card which has been lost, mutilated, destroyed, or stolen.

§ 729.37 Identifying marketing cards for producers indebted to the United States.

If any producer on a farm is indebted to the United States and such indebtedness is listed on the county debt record, any marketing card issued for such farm shall bear the notation "Indebted to U.S." and show the amount and type of the indebtedness, the name of the debtor, and other data considered necessary to facilitate proper handling of the debt. A notation showing "PMQ" (peanut marketing quota) as the type of indebtedness shall constitute notice to any peanut buyer that until the amount of penalty and accrued interest is paid, the United States has a lien on the crop of peanuts with respect to which the penalty was incurred and on any subsequent crop of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest. A notation showing indebtedness of any type other than "PMQ" shall constitute notice to any peanut buyer that subject to prior liens, the net proceeds, to the extent of the indebtedness shown, from any price support loan or purchase settlement due the debtor must be paid to the "Agricultural Stabilization and Conservation Service, USDA"; except that a representative of the Farmers Home Administration may stamp the marketing card requesting the buyer to issue a check payable jointly to the producer and the Farmers Home Administration. The acceptance and use of a marketing card bearing a notation and information concerning indebtedness to the United States shall not constitute a waiver by the indebted producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action.

§ 729.38 Rights of successors-in-interest.

Any person who succeeds in whole or in part to the share of a producer in the peanuts to be marketed from a farm shall, to the extent of such succession, have the same rights as the producer to the use of any marketing card issued for the farm.

§ 729.39 When marketing cards are invalid.

(a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) An entry is omitted, incorrect, contradictory or illegible;

(3) It is lost, destroyed, or stolen;

(4) An erasure or alteration, except as to the converted penalty rate, has been made and not initialed by the county executive director; or

(5) The converted penalty rate or an excess penalty card has been erased or altered.

(b) If any marketing card becomes invalid (other than by loss, destruction or theft) the operator, or the person having the card in his possession, shall return it to the county office from which it was issued. If any marketing card is lost, destroyed, or stolen the producer to whom the card was issued shall give immediate written notice of such fact to the county office from which the card was issued.

(c) If a marketing card is invalid because an entry is not made as required, it shall be returned to the county office. The card then may be made valid by entering data previously omitted or by correcting, if initialed by the county executive director, any incorrect data previously entered (except incorrect entry of converted penalty rate). If an invalid card is not so made valid, it shall be canceled and a new card shall be issued in its place if there is further need for a marketing card.

§ 729.40 Report on misuse of marketing cards.

Any information which causes a member of a State, county, or community committee, or an employee of a State or county office or any person engaged in buying or handling peanuts, to believe that a marketing card is being misused in any manner shall be reported immediately by such committeeman, employee, or person to the county ASCS office or the State ASCS office.

§ 729.41 Sales memoranda and their uses.

(a) Form MQ–70 Peanuts, "Sales Memorandum and Record of Peanuts Dried or Shelled for Producer," may be issued in lieu of an excess penalty marketing card to producers on farms on which the acreage of peanuts picked and threshed (final acreage) exceeds the effective farm allotment, and to record the report purchases and the drying or shelling of farmers' stock peanuts as provided in §§ 729.58, 729.60, and 729.62.

(b) Form MQ–94 Peanuts, "Inspection Certificates and Sales Memorandum," may be used by buyers to record data with respect to purchases of peanuts which have been inspected by the Inspection Service.

(c) Excess penalty memorandum, copies of which are attached to each excess penalty card, shall be used by buyers to report data with respect to purchases of excess peanuts which are identified by an excess penalty card.

(d) Buyer's own form may be used to record or to report data with respect to the purchase of any peanuts (except purchases described in paragraph (c) of this section) provided such form is serially numbered and contains the data required by this subpart.

§ 729.42 Determination of normal yields.

(a) *County.* Each year the State committee shall recommend to the Director, Oilseeds and Special Crops Division, a county normal yield for each peanut-producing county. The normal yield for any county shall be the average yield per acre of peanuts for the county, adjusted for abnormal weather conditions, during the 5 calendar years immediately preceding the year in which such normal yield is determined. If for any year in the 5-year period, production data are not available, or there was no actual yield, an appraised yield for such year shall be determined by the State committee

V 37 24
FEB 4 72
XUM

on the basis of yields obtained in similar counties during such year and shall be used as the actual yield for such year. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of the 5-year period is less than 75 percent of the average (computed without regard to such year), such year shall be eliminated in calculating the county normal yield per acre. County normal yields shall be approved by the Administrator, Agricultural Stabilization and Conservation Service.

(b) *Farm.* The normal yield for a farm shall be determined by the county committee and shall be the average yield per acre of peanuts for the farm, adjusted for abnormal weather conditions, during the 5 calendar years immediately preceding the year in which the normal yield is determined. If for any such year, the data are not available or there is no actual yield, the normal yield for the farm shall be appraised by the county committee, taking into consideration soil and other physical factors, abnormal weather conditions, the normal yield for the county, the yields for other farms in the locality which are similar with respect to soil and other physical factors affecting the production of peanuts, the yield for the farm in years for which data are available, and current production practices on the farm.

§ 729.43 Penalty rate.

The basic penalty rate shall be equal to 75 percent of the support price for peanuts for the marketing year.

(a) *1971 crop.* The basic support price for peanuts for the marketing year beginning August 1, 1971, and ending July 31, 1972, is $268.50 per ton or 13.42 cents per pound. Therefore, the basic penalty rate for the 1971 crop of peanuts is 10.1 cents per pound.

(b) *Future years.* The rate of penalty will be determined for each marketing year and established by amendment to this section.

Amount and Payment of Marketing Penalties

§ 729.44 Amount of penalty due from farms with excess acreage.

(a) *Peanuts properly identified.* If the peanuts produced on the farm are properly marketed with an excess penalty card issued for the farm, the penalty shall be paid on each lot marketed from the farm in an amount determined by multiplying the converted penalty rate for the farm by the number of pounds in the lot.

(b) *Peanuts not properly identified.* If the peanuts produced on the farm are not properly marketed with an excess penalty card issued for the farm but the disposition of peanuts produced on the farm is accounted for to the satisfaction of the State committee, the total amount of penalty for the farm shall be determined by multiplying the total quantity of peanuts marketed from the farm by the converted penalty rate for the farm.

(c) *Measurement prevented.* If a representative of the county committee is prevented by the operator or other producer or person from determining the final acreage, the farm will be deemed to have excess acreage and the penalty for the farm shall be determined by multiplying the quantity of peanuts marketed from the farm by the basic penalty rate. If, however, the operator furnishes a complete and correct report containing the information specified in § 729.56 and satisfactory to the State committee, the penalty for the farm shall be determined in accordance with paragraph (b) of this section.

(d) *Peanuts falsely identified or not accounted for.* If the disposition of peanuts produced on the farm is not accounted for to the satisfaction of the State committee or if any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm, a penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate and subtracting therefrom penalty paid on marketings.

(e) *Peanuts retained for seed.* Effective beginning with the 1970 crop year, peanuts produced on excess farms and retained for seed or other purposes will be considered as marketed and therefore subject to the marketing quota penalty if such peanuts are used for seed or other purposes on another farm. The amount of penalty on any such peanuts which are considered marketed shall be determined by multiplying the quantity by the converted penalty rate for the farm.

§ 729.45 Penalty due on marketings.

In addition to marketings identified by excess penalty cards, the marketing of peanuts (except marketings under §§ 729.46(b) and 729.50) by a producer without identification by a valid marketing card shall be deemed a marketing subject to penalty at the basic rate. Except as provided in § 729.46(b), the buyer is liable for payment of the penalty due. He may deduct the penalty from the amount paid the producer.

§ 729.46 Persons liable for payment of penalty.

(a) *Marketings to established buyers.* The buyer shall pay the penalty due on peanuts purchased directly from a producer and may deduct the penalty from the price paid to the producer. The producer shall pay the penalty due on any peanuts marketed directly to any person outside the United States. The buyer shall not be relieved of any liability because of any error which may occur in executing a sales memorandum. If the buyer fails to collect or to pay the penalty due on any marketing of peanuts from a farm, the buyer and each of the producers on the farm shall be jointly and severally liable for the amount of the penalty.

(b) *Marketings to persons who are not established buyers.* The producer shall pay the penalty due on any peanuts marketed to persons who are not established peanut buyers. A person who is not engaged in the business of buying peanuts for movement into the regular channels of trade is considered a person who is not an established peanut buyer. The county executive director, upon a finding that peanuts produced on a farm on which there is excess acreage have been or probably will be sold to persons who are not established peanut buyers, and upon a determination that it would be administratively impracticable to effect the collection of penalty from such persons, may estimate the production for the farm and determine the amount of penalty due by multiplying the converted penalty rate by the estimated production for the farm. The amount of penalty may be collected from the operator or producer before he markets his peanuts if he agrees to payment of the penalty in this manner. If the county executive director determines that satisfactory information is not available for estimating the production for the current crop, a normal yield for the farm shall be determined and it shall be considered the estimated actual yield for the purpose of determining production and the amount of penalty. If the entire amount of the estimated penalty is paid before any peanuts are marketed and an excess penalty card is issued for the farm, the penalty rate on the card shall be shown as "zero." If the county committee determines, after marketing of the crop for the farm has been completed, that the actual production for the farm was less than the estimated production, any penalty paid in excess of the amount actually due shall be refunded upon presentation of a request therefor as provided in § 729.51. If the county committee determines, after marketing of the crop for the farm has been completed, that the amount of penalty due has not been paid in full, demand upon the producer for the amount of penalty due shall be made and the producer shall be liable therefor.

§ 729.47 Payment of penalty.

A draft, money order, or check drawn payable to the "Agricultural Stabilization and Conservation Service, USDA" may be used to pay any penalty, other indebtedness, or interest thereon, but any such draft or check shall be received subject to collection and payment at par. The person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of 6 percent per annum from the date the penalty becomes due until the date of payment of penalty. For purposes of this section penalties become due as follows:

(a) Within 2 calendar weeks following the week in which peanuts are marketed subject to penalty. If the buyer of such peanuts does not remit the penalty within this period, interest shall begin to accrue on Monday of the third calendar week following the week in which the peanuts were marketed; or as to any other case;

(b) Two weeks from the date of written notice to the producer, or buyer, of the amount of any penalty owed, including but not limited to penalties determined on the basis of normal yield.

§ 729.48 Lien for penalty.

Until any penalty is paid, a lien on the crop of peanuts with respect to which such penalty is incurred, and on any subsequent crop of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the United States. Such lien on the current crop and as to subsequent crops takes precedence as of the time the debt secured is entered on a county debt record in the county ASCS office, for the county in which the subsequent crop is grown. Each ASCS office shall maintain a list of such liens on subsequent crops which have been entered on the county debt record, which list shall be available for examination upon written request by an interested person.

Exemptions from and Refund of Marketing Penalties

§ 729.49 Peanuts grown for experimental purposes.

No penalty shall be collected on the marketings of any peanuts which are grown only for experimental purposes on land owned or leased by a publicly owned agricultural experimental station and produced at public expense by employees of the experiment station, or peanuts produced by farmers for experimental purposes pursuant to an agreement with a publicly owned experiment station: *Provided*, That the director of the publicly owned agricultural experiment station furnishes the State executive director a list by counties showing the following information for farms in the State on which peanuts are grown for experimental purposes only:

(a) Name and address of the publicly owned experiment station;

(b) Name of the owner, and name of the operator if different from the owner, of each farm in the State on which peanuts are grown for experimental purposes only;

(c) The acreage of peanuts grown on each farm for experimental purposes only; and

(d) A signed statement that such acreage of peanuts was grown on each farm for experimental purposes only, was necessary for carrying out experimentation, and the peanuts were produced under the direction of representatives of the publicly owned agricultural experiment station.

§ 729.50 Seed shelling fall through.

The marketing penalty provided by this subpart shall not apply to the shriveled, damaged, split, and broken kernels which fall through the screen in the process of shelling farmers stock peanuts for use by the producer as seed in the following year, provided the quantity of peanuts shelled by or for the producer is not in excess of the seed requirements for his farm as determined by the county executive director.

§ 729.51 Refund of penalties.

(a) After the marketing of peanuts from a farm has been completed and the disposition of all peanuts produced on the farm can be shown, the producer or any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under this subpart. Such request shall be filed with the county ASCS office within 2 years after the payment of the penalty. No refund shall be made solely because of peanuts kept on the farm for seed or for home consumption.

(b) The county executive director shall review each case where the minimum converted penalty rate (one-tenth of a cent) was used on an excess penalty card to determine those cases where the computed converted penalty rate was less than one-tenth of a cent but was rounded upward because of the rule of fractions. For such cases, the county executive director shall recompute the amount of penalty for the farm by multiplying the total pounds of peanuts marketed from the farm by the percent excess by the basic penalty rate. If the penalty for the farm has already been collected and such amount exceeds the revised amount of penalty computed for the farm, a refund may be made to the producer in accordance with this section.

Reports Required of Producers

§ 729.52 Report on marketing card.

Each marketing card issued with respect to a farm on which peanuts are produced shall be returned to the county ASCS office as soon as marketings from the farm are completed or at such earlier time as the county executive director may request. Failure to so return a marketing card shall constitute failure to account for disposition of peanuts marketed from the farm in the event that an account, satisfactory to the county committee, of such disposition is not furnished otherwise.

§ 729.53 Report of marketing green peanuts.

(a) The operator of each farm from which green peanuts are marketed shall, within 15 days after the marketing of green peanuts is generally complete in the county, and at such other date(s) as may be requested by the county executive director, file with the county committee a written report containing a record of the peanuts marketed from the farm before drying or removal of moisture by natural or artificial means for consumption exclusively as boiled peanuts. Such written report shall show for the farm:

(1) The number of acres on the farm planted to peanuts;

(2) The acreage on the farm from which peanuts were marketed as green peanuts;

(3) The name and address of the buyer to or through whom each lot of green peanuts was marketed, the type and quantity in each lot marketed and the date marketed: *Provided*, That where green peanuts are marketed by the producer in small lots direct to consumers, such as in the case of local street sales, the report may be made as either a daily or weekly summary of the quantity so marketed and the name and address of each buyer need not be shown but in lieu thereof the place of marketing shall be shown.

(b) Failure to file any report of the marketing of green peanuts as required by this section, or the filing of a report which the county committee finds to be incomplete or inaccurate shall constitute failure to account for the disposition of the peanuts produced on the acreage involved and such acreage shall not be deducted in determining the final acreage for the farm.

§ 729.54 Report of peanuts marketed to persons who are not established buyers.

(a) If peanuts are marketed to persons other than established peanut buyers (see § 729.46(b)), the operator of the farm shall be responsible for making a report of such marketings. The written report shall be filed with the county committee not later than 15 days after the marketing of peanuts is generally complete in the area. The report shall show for the farm:

(1) The final peanut acreage;

(2) The type and quantity of peanuts in each lot marketed and the date of marketing;

(3) The name and address of the buyer to or through whom each lot of peanuts was marketed: *Provided*, That where peanuts are marketed by the producer in small lots directly to consumers, such as in the case of local street sales, the report may be made as either a daily or a weekly summary of the quantity so marketed and the name and address of each buyer need not be shown but in lieu thereof the place of marketing shall be shown.

(b) Failure to file any report of marketing of peanuts to persons other than established buyers, or the filing of a report which the county committee finds to be incomplete or inaccurate, shall constitute failure to account for the disposition of the peanuts produced on the farm.

§ 729.55 County administrative hearing in connection with violations.

The farm operator involved shall be notified in writing by the county executive director of the time and place for any hearing concerning a violation and the nature of the violation. The farm operator shall be requested to bring to the hearing relevant supporting documents. At least two members of the county committee shall be present at the hearing. Such hearing shall be held before an allotment for the farm is reduced, except in the case of failure to return marketing card.

§ 729.56 Report of production and disposition.

(a) In addition to any other reports which may be required under this subpart, the operator on each farm, or any producer on the farm (even though the farm has no excess acreage) shall, upon written request by certified mail from the State executive director within 15 days after deposit of such request in the

VOL 37 NO 24 FEB 4 72 XUM

U.S. mail, addressed to such person at his last known address, furnish the State committee a report on MQ–98, Report of Production and Disposition. Such report shall show for the farm:

(1) The final acreage;

(2) The total production of peanuts;

(3) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds marketed in each lot, and the date marketed: *Provided*, That where peanuts are marketed in small lots to numerous persons who are not established buyers of peanuts (see § 729.46 (b)), the report may be made as either a daily or weekly summary of the number of pounds marketed and the name and address of the buyer(s) need not be shown but in lieu thereof the place of marketing shall be shown; and

(4) The quantity and disposition of peanuts not marketed.

(b) Failure to file the MQ–98 as requested, the filing of a false MQ–98 which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of peanuts produced on the farm.

RECORDS AND REPORTS REQUIRED OF BUYERS AND OTHERS

§ 729.57 Records required on purchases and resales.

(a) *Purchases.* Each buyer, excluding persons who are not established buyers (§ 729.46(b)), shall keep such records as will enable him to furnish the State ASCS office the following information with respect to each lot of peanuts marketed to or through him by a producer:

(1) Serial number of the marketing card presented by the producer to identify each marketing;

(2) Name of the seller;

(3) Date of marketing;

(4) Number of pounds marketed;

(5) Type of peanuts;

(6) Amount of any penalty due and the amount of any deduction for penalty from the amount paid the producer.

(b) *Resales.* Each buyer, excluding persons who are not established buyers (§ 729.46(b)), who resells farmers stock peanuts shall keep such records as will enable him to certify, in connection with each resale of farmers stock peanuts that any marketing penalty due when the peanuts were purchased from producers was collected and remitted. The buyer's records shall also show the name and address of each person or firm to whom a resale was made.

§ 729.58 Recording and reporting purchases of farmers stock peanuts.

(a) *Recording purchase on producers marketing card.* Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented by the producer.

(b) *Forms to use.* Each buyer, excluding persons who are not established buyers (§ 729.46(b)), shall record and report each purchase of farmers stock peanuts from producers in accordance with this section. Records required by § 729.57 may be maintained on copies of sales memoranda or other documents used by the buyer in the conduct of his business.

(1) "Form MQ–94 Peanuts," may be used by buyers to record purchases of farmers stock peanuts which have been inspected by the Inspection Service. Buyers are not required to send a copy of MQ–94 Peanuts to the State ASCS office or to the Inspection Service.

(2) "Form MQ–70 Peanuts" (i) may be used by buyers to record and report purchases of farmers stock peanuts which are not inspected by the Inspection Service, (ii) shall be used to record and report purchases of farmers stock peanuts which are not identified by valid marketing cards, and (iii) shall be used to report to the State ASCS office the correction of errors.

(3) "Excess Penalty Memoranda," which are attached to each excess penalty card, shall be used to report to the State ASCS office data with respect to the purchase of peanuts which are identified by an excess penalty card. Such memoranda, along with a remittance covering the penalty due on purchases of excess peanuts, shall be forwarded to the State ASCS office by means of Form MQ–80 Peanuts, "Buyer's Transmittal of Sales Memoranda and Marketing Penalty," not later than the end of the second week following the week in which the peanuts were marketed.

(4) Buyer's own form may be used to record or to report data with respect to the purchase of any peanuts (except peanuts which are identified by a peanut excess penalty marketing card, or peanuts which are not identified by a valid marketing card) provided such form is serially numbered and is executed to show the required data.

(5) The Inspection Service copy of Form MQ–70 Peanuts or a copy of the buyer's own form executed in connection with the purchase of peanuts which are not inspected by the Inspection Service, shall be transmitted to the Inspection Service. This may be done by delivering the forms direct to an Inspection Service employee at the buying point or by mailing the form daily to the Inspection Service Officer serving the State in which the buyer's business is located.

(6) The original of each "Form MQ–70 Peanuts" executed for purchases of peanuts which are not identified by valid marketing cards shall be transmitted to the State ASCS office along with a remittance for penalty as provided in subparagraph (3) of this paragraph.

§ 729.59 Recording and reporting purchases of shelled peanuts from producers.

Each buyer, excluding persons who are not established buyers (§ 729.46(b)), shall record and report each purchase of shelled peanuts (excluding shelled peanuts described in § 729.50) and collect and furnish such reports to the State ASCS office in addition to the foregoing, as the State committee may find necessary and require to insure the proper identification of the marketing of peanuts and the collection of penalties due thereon.

RECORD AND REPORT OF AND PENALTY ON PEANUTS SHELLED FOR PRODUCERS

§ 729.62 Record of shelling.

Any person who shells peanuts for a producer shall maintain records of the shelling of each lot of peanuts showing the following information. Form MQ–70 Peanuts or the seed sheller's own form may be used for this purpose:

(a) The date the peanuts were shelled;

(b) The name and address of the producer for whom the peanuts were shelled;

(c) The name of the State and county wherein is located the farm on which the peanuts were produced;

(d) The quantity of peanuts, farmers stock basis, shelled for the producer; and

(e) If any quantity of shelled peanuts is retained by the sheller other than those covered in § 729.50 and the quantity returned to the producer.

GENERAL REQUIREMENTS RELATIVE TO KEEPING RECORDS

§ 729.63 Persons engaged in more than one business.

Any person who is required under this subpart to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business shall keep such records as will enable him to make the required reports separately for each such business.

§ 729.64 Penalty for failure to keep records and make reports.

Any person who dries farmers stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agency marketing peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut-picking or peanut-threshing machine, who fails to make any report or keep any record as required under this subpart or who makes any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 as provided by section 373(a) of the act.

§ 729.65 Examination of records and reports.

The Deputy Administrator, the Director, Commodity Stabilization Division, the State executive director or any person authorized by any one of such persons, and any auditor or agent of the Office of the Inspector General is authorized to examine any records pertinent to the peanut allotment and marketing quota program. Upon request from any such person, any person who dries farmers stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut-picking or peanut-threshing machine, shall make available for examination such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as are under his control which any person hereby authorized to examine records has reason to believe are relevant to any matter under investigation in connection with enforcement of the act and this subpart.

§ 729.66 Length of time records and reports shall be kept.

Records required to be kept and copies of reports required to be made by any person in accordance with this subpart shall be kept by him until 3 years following the end of the marketing year pertaining to such records and reports. Records shall be kept for such longer period of time as may be requested in writing by the Director, Commodity Stabilization Division, or the State executive director.

§ 729.67 Information confidential.

All data reported to or as required by §§ 729.29 through 729.66 shall be kept confidential by all officers and employees of the U.S. Department of Agriculture, by all employees of the Inspection Service and by all members and employees of State or county committee, and only such data so reported or required as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under title III of the act.

TRANSFERS OF FARM ALLOTMENTS

§ 729.68 Authorization of and general explanation of transfers of farm allotments under section 358a of the act.

(a) *Authorization of transfers.* It is hereby determined and found that transfers of peanut acreage allotments in accordance with the provisions of section 358a of the act will not impair the effective operation of the peanut marketing quota or price support programs. Accordingly, such transfers of allotment shall be permitted in accordance with the provisions of this section and § 729.69.

(b) *General explanation.* Three types of transfers of farm allotments within the same county are permitted in accordance with the terms and conditions in § 729.69. Transfer by sale would be permanent transfers of allotment and related acreage history and marketing quota. Transfers by lease would be temporary for the term of the lease not to exceed 5 years. Transfers by owner on a permanent basis or on a temporary basis not to exceed 5 years would be made from a farm owned by him to another farm in the same county owned or controlled by him. The receiving farm need not be an old farm but the total allotment transferred to the receiving farm in the case of transfers by owner on a permanent or temporary basis, shall not exceed 50 acres.

§ 729.69 Terms and conditions applicable to transfers under section 358a of the act.

(a) *Persons eligible to file a record of transfer—(1) Sale or lease.* The owner and operator of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer by sale or lease is to take effect shall be eligible to file a record of transfer for sale or lease of all or any part of such allotment to any other owner or operator of a farm in the same county. The receiving farm need not be an old farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or other similar hardship cases may be met by mail, provided a verbal request is made by the producer. In the case of a permanent transfer, such request must be accompanied by a statement signed by all parties to the transaction confirming that the sale has been made.

(2) *By owner.* The owner of any old farm as defined in § 729.6 for which a peanut farm allotment is or will be established for the year in which the transfer is to take effect is eligible to file a record of transfer to transfer such allotment from the farm to another farm in the same county owned or controlled by such owner. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to death, illness, incompetency, or bankruptcy of such person.

(b) *Filing record of transfer.* Form ASCS–375 "Record of Transfer of Allotment or Quota" shall be filed not later than April 1 in the year the transfer is to take effect. This final date may be extended by the State committee, with the approval of the Deputy Administrator, to a date not later than the close of the normal planting period for the State or area. The State committee may authorize the acceptance of a late-filed record in cases where the State committee determines that the late-filing resulted from a reasonable misunderstanding by the applicant of the filing requirements.

(c) *Where to file record of transfers.* Record of transfers shall be filed with the county committee of the county where the farm is administratively located.

(d) *Maximum period of transfer by lease or by owner on a temporary basis.* No record of transfer by lease or by owner on a temporary basis shall be for a period of years in excess of 5 years.

(e) *Productivity adjustments—(1) Reduction in farm allotments being transferred.* The county committee shall determine a normal yield per acre, in accordance with the provisions of § 729.42, for each farm from which, and for each farm to which, a peanut acreage allotment or any part thereof is transferred. If the normal yield for the farm to which transfer is made for the year the transfer is to take effect exceeds the normal yield for the farm from which the transfer is made for the year the transfer is to take effect by more than 10 percent, the allotment so transferred shall be reduced for differences in farm productivity. The county committee shall determine the amount of allotment to be transferred by sale, lease, and by owner, where productivity adjustment is required under this paragraph as follows: (i) Multiply the normal yield established for the farm from which the allotment is being transferred by the acreage being transferred, then (ii) divide the result by the normal yield established for the farm to which the allotment is transferred. The amount of allotment so transferred from a farm shall be the full amount and the amount of allotment so transferred to a farm shall be the reduced amount. In the case of temporary transfers of allotment for 1 or more years by lease or by owner, the productivity adjustment and amount of allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

(2) *Downward allotment adjustment because of irrigation.* If the county committee so determines, in the event an allotment is transferred to a farm which at the time of such transfer is not irrigated, but within 5 years subsequent to such transfer is placed under irrigation, it shall make an annual downward adjustment in the allotment so transferred by multiplying the normal yield established for the farm from which the allotment is transferred and dividing the result by the actual yield per acre for the previous year, adjusted for abnormal weather conditions, on the farm to which the allotment is transferred.

(3) *No reduction in national or State allotment.* The adjustment made in any peanut allotment because of the transfer to a higher producing farm shall not reduce or increase the size of any future

V 37 N 24 FEB 4 72 XUM

national or State allotment and an acreage equal to the total of all such adjustments shall not be allotted to any other farms.

(4) *Adjustment in farm history acreage.* The farm history acreage for the immediately preceding 3 years on farms from which and to which permanent transfers of allotment are made shall be adjusted by the county committee for each of the base years to correspond with the amount of allotment transferred between the farms. In the case of temporary transfers of allotment for 1 or more years by lease or by owner, there shall be no reduction in farm history acreage on the farm from which the transfer is made and no farm history acreage shall be transferred to the receiving farm.

(f) *Sale or lease transfers—limit on amount of acreage transferred.* The total peanut allotment transferred by sale or lease, or both, to any farm shall not exceed the smaller of:

(1) The cropland on the farm minus the peanut allotment; or

(2) 50 acres.

The cropland on the farm for the current year for purposes of such transfers shall be the total cropland as defined in Part 719 of this chapter. If the farm to which allotment is to be transferred is made up of two or more separately owned tracts, each separately owned tract shall be considered a farm for the purpose of applying the limitations under this paragraph. In the case of farms consisting of separately owned tracts, such tracts shall not be considered a farm for purposes of computing the 50-acre limitation in any case where the county committee, with the approval of a representative of the State committee, determines that an owner of a tract has an ownership interest in one or more of the other tracts by reason of ownership of stock in a corporate owner of such other tract, or by reason of membership as a partner in a partnership owner of such other tract, or the owner of a tract is a member of the same family living in the same household and the other tract is owned by another member of such family.

(g) *No transfer of reapportioned acreage.* No transfer of allotment shall be made of allotment reapportioned to a farm.

(h) *No transfer of new farm allotment.* No transfer of allotment shall be made from a farm which received a new farm allotment in the current year or within the three immediately preceding crop years.

(i) *No permanent transfers by sale or by owner from farms to which transfer by sale or by owner within 3 years.* No permanent transfer by sale or by owner shall be made from any farm to which allotment was transferred by sale or by owner within the three immediately preceding crop years.

(j) *Transfer of pooled allotments.* Allotments established for a farm as pooled allotment under Part 719 of this chapter may be transferred:

(1) On a permanent basis during the 3-year life of the pooled allotment, or

(2) On a temporary basis for a term of years not to exceed the remaining number of crop years of such 3-year period.

(k) *Consent of lienholder.* No transfer of allotment shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(l) *New farm eligibility.* Any farm from which the entire farm allotment is transferred shall not be eligible for a new farm peanut allotment during the 5 years following the year in which such transfer is made.

(m) *Farms in conservation programs.* Transfers from a farm covered by a conservation reserve contract, cropland conversion agreement, cropland adjustment agreement, or other similar land utilization agreement shall be made subject to an appropriate adjustment but no adjustment shall be made in such contract or agreement on the farm to which a transfer is made.

(n) *Subleasing prohibited.* No transfer by lease shall be made from a farm receiving allotment under a transfer by lease for the term of the latter lease.

(o) *Limitation on transfers to and from a farm in the same year.* No transfer of allotment for any year shall be made:

(1) From a farm receiving allotment by transfer for such year; or

(2) To a farm which had allotment transferred from it for such year.

(p) *Transfer of acreage history and marketing quota.* Transfer of allotment on a permanent basis shall have the effect of transferring the acreage history and marketing quota attributable to such allotment and in the case of a temporary transfer which has expired, the transferred allotment shall be considered for purposes of establishing future allotments to have been planted on the farm from which such allotment was transferred.

(q) *Liability of operators of farms receiving transferred acreage by lease.* The acreage allotment for a farm determined after transfer by lease shall be the allotment for such farm for the current year only for the purposes of determining:

(1) Excess acreage;

(2) The amount of penalty to be collected on marketings of excess peanuts;

(3) Eligibility for price support; and

(4) The farm marketing quota and the percentage reduction of a violation in the allotment for the farm (see § 729.21). Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any transfer of allotment by lease.

(r) *Farm in violation.* The maximum acreage that can be transferred from a farm is the effective allotment for the current year. If a violation on the transferring farm is determined after the transfer but the operator of the receiving farm was not involved in the violation, the allotment so transferred shall not be subject to a reduction: *Provided*, That if the transfer was by lease, when the allotment is restored to the transferring farm the allotment reduction shall be effected.

(s) *Federally owned land.* No transfer by sale or lease of peanut farm allotment shall be made from any land owned by the United States, or any agency or instrumentality wholly owned by the United States.

(t) *Acreage apportioned to farms for types in short supply.* Acreage apportioned to farms for types in short supply pursuant to § 729.24 shall not be transferred by sale or by owner on a permanent basis but such acreage may be transferred by lease or by owner for the current year only. Applications for transfer of all or part of the effective allotment under this paragraph shall be filed during the period prescribed under paragraph (b) of this section except that the closing date for such filing shall be the later of (1) the closing date prescribed under paragraph (b) of this section, or (2) 15 days after the date of mailing of notice of additional acreage allotment under § 729.24.

(u) *County committee action*—(1) *Approval of transfers.* The county committee shall approve transfers of allotment only if it determines that a timely filed record has been received and that the transfer complies with the requirements of this section. No transfers shall be effective until approval as provided under this paragraph is obtained.

(2) *Notice of revised allotments.* The county committee shall issue revised notices of farm allotment for each farm affected by the transfer of allotment.

(3) *Cancellation of transfers.* Any transfer approved on the basis of incorrect information furnished by the parties to the transfer agreement or approved due to error by the county committee shall be canceled as of the date of approval. However, such cancellation shall not be effective for the current marketing year if:

(i) The transfer approval was made on the basis of incorrect information unknowingly furnished in good faith by the parties to the transfer agreement, or the transfer approval was made in error by the county committee, and

(ii) The parties to the transfer agreement were not notified of the cancellation prior to planting of the crop.

Where cancellation of a transfer is required, the county committee shall issue revised notices of allotment showing the reasons for cancellation.

(4) *Withdrawal or minor revisions.* Where the county committee determines that it is clearly in the best interest of all the producers and that effective operation of the program will not be impaired, the county committee may permit withdrawal or minor revisions of transfers upon written request by all parties to the transfer: *Provided*, That:

(i) Temporary transfers may be withdrawn or revised during any year of the agreement before peanuts are planted, and (ii) permanent transfers may be withdrawn or revised only during the first year of the agreement before peanuts are planted.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: Upon publication in the FEDERAL REGISTER (2-4-72).

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-1661 Filed 2-3-72;8:48 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 5]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1972

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811, as amended, is to revise the determination of sugar requirements for the calendar year 1972, establish quotas and prorations consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201(a) of the Act requires a determination of the amount of sugar needed to meet the requirements of consumers in the continental United States whenever necessary to attain the price objective set forth in section 201(b) of the Act.

Section 202(g)(3) of the Act, which sets forth the procedure to use in attaining such price objective, provides that whenever the simple average of prices of raw sugar for 7 consecutive market days ending after October 31 and before March 1 is 3 per centum or more above or below the average price objective for the preceding 2 calendar months, the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective.

For the 7 consecutive market days ended January 4, 1972, the average price of raw sugar increased to 8.99 cents per pound which exceeded the price objective of 8.72 cents per pound by 3.1 per centum. Accordingly, on January 5, 1972 the Department announced an increase in continental sugar requirements of 400,000 tons in order to curtail increasing raw sugar prices. On January 11, 1972 the Department announced the removal of limitations on raw sugar imports during the remainder of the first quarter of 1972. Neither of these actions caused a significant reduction in the price of raw sugar.

For the 7 consecutive market days ended January 13, 1972, the average price wts 9.22 cents per pound or about 6 per centum above the price objective of the Act. Therefore, sugar requirements were adjusted upward by an additional 200,000 tons to reduce sugar prices as required by the Act.

For the 7 consecutive market days ended January 24, the simple average of the daily price of raw sugar was 9.04 cents per pound and thus more than 3 per centum above the average price objective of 8.75 cents per pound. Therefore, an additional upward adjustment in requirements is considered appropriate at this time to meet the requirements of the Act.

An increase in requirements of 100,000 short tons, raw value, is necessary to obtain the price objective set forth in the Act.

Accordingly, total sugar requirements for the calendar year 1972 are hereby increased by 100,000 short tons, raw value, to a total of 11.9 million short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota.

It was determined in amendment 2 of this Sugar Regulation 811 that the Domestic Beet Sugar Area would be unable to market in 1972 sugar in excess of 3,500,000 short tons, raw value. In previous amendments deficits have been determined in the quota for the Beet area of 192,000 tons representing the amount its quota exceeded 3,500,000 tons. Since this regulation increases the quota for that area by 47,667 tons an additional deficit is herein determined in the 1972 quota for the Domestic Beet Sugar Area of 47,667 short tons, raw value. If production exceeds the present estimates for the Domestic Beet Area, the marketing opportunities for that area within the total quota for that area will not be limited as a result of the deficit determination and proration provided herein.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.10, 811.11, 811.12, and 811.13 as follows:

1. Section 811.10 is revised to read as follows:

§ 811.10 Sugar requirements, 1972.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1972 is hereby determined to be 11,900,000 short tons, raw value.

2. Section 811.11 is amended by revising paragraph (a) to read as follows:

§ 811.11 Quotas for domestic areas.

(a) (1) For the calendar year 1972 domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas	Direct consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar	3,739,667	No limit
Mainland cane sugar	1,660,333	No limit
Hawaii	1,211,000	38,646
Puerto Rico	855,000	166,500

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1972 the Domestic Beet Sugar Area and Puerto Rico will be unable by 239,667 and 550,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * * *

3. Section 811.12 is amended by revising paragraph (a) to read as follows:

§ 811.12 Proration and allocation of deficits in quotas.

(a) Of the domestic deficits determined in § 811.11(a)(2), totaling 789,667 short tons, raw value, a quantity of 742,000 tons representing deficits in the quotas of the Domestic Beet Sugar Area and Puerto Rico of 192,000 and 550,000 tons, respectively, were previously determined, allocated and prorated in this Part 811. An additional deficit is herein determined in the quota for the Domestic Beet Area of 47,667 short tons, raw value, and is herein prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 14,338 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 33,329 short tons, raw value, to Western Hemisphere countries on the basis of quotas determined herein pursuant to section 202 of the Act.

* * * * * *

4. Section 811.13 is amended by revising paragraphs (b) and (c) to read as follows:

§ 811.13 Quotas for foreign countries.

* * * * * *

(b) For the calendar year 1972, the quota for the Republic of the Philippines is 1,363,552 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 237,552 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1972, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of

FEB 4 72
XUM

the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation § 811.13 are shown in column (3). New deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
			(Short tons, raw value)		
Dominican Republic	426,189	143,832	109,168	7,014	686,203
Mexico	376,911	127,202	96,546	6,202	606,861
Brazil	367,868	124,055	94,158	6,049	591,950
Peru	263,038	88,771	67,377	4,330	422,515
West Indies	137,179	46,296	35,139	2,257	220,871
Ecuador	54,272	18,316	13,902	893	87,383
Argentina	50,943	17,192	13,049	838	82,022
Costa Rica	45,948	15,507	11,770	756	73,981
Colombia	45,283	15,282	11,599	745	72,909
Panama	28,302	9,551	7,249	466	45,568
Nicaragua	42,982	14,505	11,002	707	69,196
Venezuela	40,954	13,821	10,490	674	65,939
Guatemala	39,289	13,259	10,064	646	63,258
El Salvador	28,635	9,664	7,336	471	46,105
British Honduras	22,641	7,641	5,800	372	36,454
Haiti	20,644	6,967	5,288	340	33,239
Bahamas	17,990	6,068	4,605	297	28,950
Honduras	7,991	2,697	2,047	131	12,866
Bolivia	4,328	1,461	1,109	71	6,969
Paraguay	4,328	1,461	1,109	71	6,969
Australia	167,146	42,002			209,148
Republic of China	69,589	17,487			87,076
India	66,925	16,818			83,743
South Africa	47,280	11,881			59,161
Fiji Islands	36,625	9,204			45,829
Mauritius	24,639	6,191			30,830
Swaziland	24,639	6,191			30,830
Thailand	15,316	3,849			19,165
Uganda	12,319	3,096			15,415
Malagasy Republic	9,989	2,510			12,499
Ireland	5,351				5,351
Total	2,505,213	802,767	518,806	33,329	3,860,115

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

* * * * *

(Sec. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases quotas for the calendar year 1972 by 100,000 tons, determines an additional deficit in quotas of 47,667 tons and prorates and allocates such deficit to the Philippines and Western Hemisphere quota countries. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-1672 Filed 2-1-72;1:40 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 69, Amdt. 7]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive size limitations on fresh shipments of Murcott Honey oranges is consistent with the available supply of and current and prospective demand for such fruit by fresh market outlets. The recommended grade limitation recognizes the degree of similarity in quality characteristics between Murcott Honey oranges and tangerines, and is comparable to quality requirements currently applicable to the supply of Murcott Honey oranges grown in Florida.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. The provisions of paragraph (a) (7) and (8) and paragraph (c) of § 905.536 (Orange Regulation 69; 36 F.R. 20215, 22054, 22666, 23353, 23617, 23575, 25401) are amended to read as follows:

§ 905.536 Orange Regulation 69.

(a) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 9/10 inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the regulations of the Florida Citrus Commission.

* * * * *

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective terms in said amended marketing agreement and order; Florida No. 1 grade for oranges and Florida No. 1 grade for murcotts shall have the same meanings as provided in section (1) (a) and (b), respectively, of Regulation 105–1.02, as amended, effective January 19, 1972, of the regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meanings as given to the respective terms in the U.S. Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1178).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated January 31, 1972, to become effective February 7, 1972.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-1662 Filed 2-3-72;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

TUBERCULOSIS INFECTED CARCASSES

Pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), Parts 301, 311, and 315 of the meat inspection regulations (9 CFR Parts 301, 311, and 315) are hereby amended as follows.

Statement of considerations. A principal function of the U.S. Department of Agriculture, Meat and Poultry Inspection Program, is to assure that the meat supply is safe, wholesome, and not adulterated. This responsibility requires that studies of inspectional procedures and requirements be conducted periodically, giving cognizance to current scientific knowledge and possible changes in conditions affecting animal health.

Because of interest expressed by public health officials regarding disposition of cattle and swine affected with tuberculosis, committees composed of U.S. Department of Agriculture and public health officials were appointed to evaluate current regulations related to this disease.

Upon reviewing present regulations governing dispositions of cattle and swine carcasses affected with tuberculosis, the committees concluded that current guidelines do not preclude the possibility of passing, for food purposes, carcasses containing organisms of tuberculosis. The committees agreed that changes are necessary in existing regulations concerning disposition and handling of carcasses of tuberculosis reactors and carcasses with lesions of tuberculosis. These amendments to the regulations reflect the recommendations of the committees.

PART 301—DEFINITIONS

1. Section 301.2 paragraph (cc) is amended to read:

§ 301.2 Definitions.

* * * * *

(cc) *U.S. Passed for Cooking.* This term means that the meat or meat byproduct so identified has been inspected and passed on condition that it be cooked or rendered as prescribed by the regulations in Part 315 of this chapter.

* * * * *

PART 311—DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

2. Section 311.2 is amended to read:

§ 311.2 Tuberculosis.

The following principles shall apply to the disposition of carcasses of livestock based on the difference in the pathogenesis of tuberculosis in swine, cattle, sheep, goats, and equines.

(a) *Carcasses condemned.* The entire carcass of swine, cattle, sheep, goats, and equines shall be condemned if any of the following conditions occur:

(1) When the lesions of tuberculosis are generalized (tuberculosis is considered to be generalized when the lesions are distributed in a manner made possible only by entry of the bacilli into the systemic circulation);

(2) When on ante mortem inspection the animal is observed to have a fever found to be associated with an active tuberculosis lesion on post mortem inspection;

(3) When there is an associated cachexia;

(4) When a tuberculosis lesion is found in any muscle or intermuscular tissue, or bone, or joint, or abdominal organ (excluding the gastrointestinal tract) or in any lymph node as a result of draining a muscle, bone, joint, or abdominal organ (excluding the gastrointestinal tract);

(5) When the lesions are extensive in tissues of either the thoracic or the abdominal cavity;

(6) When the lesions are multiple, acute, and actively progressive; or

(7) When the character or extent of the lesions otherwise is not indicative of a localized condition.

(b) *Organs or other parts condemned.* An organ or other part of a swine, cattle, sheep, goat, or equine carcass affected by localized tuberculosis shall be condemned when it contains lesions of tuberculosis or when the corresponding lymph node contains lesions of tuberculosis.

(c) *Carcasses of cattle passed without restriction for human food.* Carcasses of cattle may be passed without restriction for human food only when the carcass of an animal not identified as a reactor to a tuberculin test administered by an Animal and Plant Health Service, State, or accredited veterinarian [1] is found free of tuberculosis lesions during post-mortem inspection.

(d) *Portions of carcasses and carcasses of cattle passed for cooking.* (1) When a cattle carcass reveals a tuberculosis lesion or lesions not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portion of the carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(2) When the carcass of a cattle identified as a reactor to a tuberculin test administered by an Animal and Plant Health Service, State, or accredited veterinarian is found free of lesions of tuberculosis, the carcass may be passed for cooking in accordance with Part 315 of this chapter.

[1] Such testing is conducted in the tuberculosis eradication program of the Animal and Plant Health Service, U.S. Department of Agriculture.

(e) *Portions of carcasses and carcasses of swine passed without restriction for human food.* Swine carcasses found free of tuberculosis lesions during post mortem inspection may be passed for human food without restriction. When tuberculosis lesions in any swine carcass are localized and confined to one primary seat of infection, such as the cervical lymph nodes, the mesenteric lymph nodes, or the mediastinal lymph nodes, the unaffected portion of the carcass may be passed for human food without restriction after the affected organ or other part is condemned.

(f) *Portions of carcasses of swine passed for cooking.* When the carcass of any swine reveals lesions more severe or more numerous than those described in paragraph (e) of this section, but not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portions of such carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(g) *Carcasses of sheep, goats, and equines passed without restriction for human food.* Carcasses of sheep, goats, and equines may be passed without restriction for human food only if found free of tuberculosis lesions during post mortem inspection.

(h) *Portions of carcasses of sheep, goats, and equines passed for cooking.* If a carcass of any sheep, goat, or equine reveals a tuberculosis lesion or lesions that are not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portion of the carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

PART 315—RENDERING OR OTHER DISPOSAL OF CARCASSES AND PARTS PASSED FOR COOKING

3. Section 315.2 is redesignated as § 315.3 and a new § 315.2 is added to read:

§ 315.2 Carcasses and parts passed for cooking; utilization for food purposes after cooking.

Carcasses and parts passed for cooking may be used for the preparation of meat food products, provided all such carcasses or parts are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes either before being used in or during the preparation of the finished product.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended)

The foregoing amendments make more stringent the regulatory provisions for disposition of carcasses and parts

FEB 4 1972

thereof of animals affected with tuberculosis but allow their use in meat food products if they are passed for cooking and if they are subjected to specified heating procedures in lieu of rendering into lard or similar product. The amendments are deemed necessary and adequate to assure that meat and meat food products prepared at federally inspected establishments are wholesome and not adulterated. In order to accomplish their purpose and because of the nature of the problem and the urgency of the need for providing added consumer protection, the amendments should be made effective as soon as arrangements may be made for their implementation.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after publication hereof in the FEDERAL REGISTER. Therefore, the foregoing amendments shall become effective on February 14, 1972.

Done at Washington, D.C., on January 26, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-1660 Filed 2-3-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-4-AD, Amdt. 39-1390]

PART 39—AIRWORTHINESS DIRECTIVES

Allison Model 250 Series Engines

There has been a fatigue failure of a second stage turbine wheel in an Allison 250-C18 model engine which resulted in engine failure. To preclude the possibility that similar failures could occur in other engines of this series, Allison issued Revision 6 to Commercial Service Letter No. 250CSL-10, dated December 9, 1971, to reduce the maximum operating time on Allison P/N 6857912 and 6871872 second stage turbine wheels from 2,300 hours to 1,550 hours. Since the condition described herein is likely to exist or develop in other engines of the same type design, an Airworthiness Directive is being issued requiring removal of all second stage turbine wheels on Allison Model 250 series engines which exceed a life limit of 1,550 hours.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new AD.

ALLISON: Applies to Models 250-B15A, 250-B15E, 250-B15G, 250-B17, 250-C10B, 250-C10D, 250-C18, 250-C18A, 250-C18B, 250-C18C, 250-C19, and 250-C20 engines.

Compliance: Required as indicated, unless already accomplished.

To insure adequate life limit margin for Allison P/Ns 6857912 and 6871872 second stage turbine wheels, accomplish the following:

(A) Within the next 50 hours' time in service after the effective date of this AD, remove from service all P/Ns 6857912 and 6871872 second stage turbine wheels having over 1,500 hours' time in service.

(B) Prior to their exceeding 1,550 hours' time in service, remove from service all P/Ns 6857912 and 6871872 second stage turbine wheels having 1,500 hours or less time in service on the effective date of this AD.

Allison Commercial Service Letter No. 250CSL-10, dated December 9, 1971, pertains to this subject.

This amendment becomes effective February 8, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on January 28, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-1634 Filed 2-3-72;8:46 am]

[Docket No. 11680, Amdt. No. 794]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Form 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets for the FAA in accordance with the procedures set forth in Amendment No. 97-696 (53 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective March 2, 1972.

Beaumont-Port Arthur, Tex.—Jefferson County Airport; VOR-C, Original; Established.
Bellingham, Wash.—Bellingham International Airport; VOR 1 Runway 16, Amdt. 2; Revised.
Bellingham, Wash.—Bellingham International Airport; VOR 2 Runway 16, Amdt. 2; Revised.
Brewton, Ala.—Brewton Municipal Airport; VOR Runway 30, Original; Established.
Charlotte, N.C.—Douglas Municipal Airport; VOR Runway 5, Amdt. 5; Revised.
Charlotte, N.C.—Douglas Municipal Airport; VOR Runway 18, Amdt. 7; Revised.
Charlotte, N.C.—Douglas Municipal Airport; VOR Runway 23, Amdt. 4; Revised.
Charlotte, N.C.—Douglas Municipal Airport; VOR Runway 36, Amdt. 5; Revised.
Chicago (Wheeling), Ill.—Chicagoland Airport; VOR-A, Amdt. 1; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; VOR Runway 22R, Amdt. 11; Revised.
Cleveland, Miss.—Cleveland Municipal Airport; VOR-A, Original; Established.
Corvallis, Oreg.—Corvallis Municipal Airport; VOR Runway 17, Amdt. 7; Revised.
Elkhart, Ind.—Elkhart Municipal Airport; VOR Runway 27, Amdt. 5; Revised.
Grand Forks, N. Dak.—Grand Forks International Airport; VOR Runway 17, Amdt. 4; Revised.
Grand Forks, N. Dak.—Grand Forks International Airport; VOR Runway 35, Amdt. 4; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 4, Amdt. 5; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 13, Amdt. 10; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 22, Amdt. 6; Revised.
Gulfport, Miss.—Gulfport Municipal Airport; VOR Runway 31, Amdt. 9; Revised.
International Falls, Minn.—Falls International Airport; VOR Runway 13, Amdt. 7; Revised.
International Falls, Minn.—Falls International Airport; VOR Runway 31, Amdt. 6; Revised.
Moab, Utah—Canyonlands Field; VOR-A, Amdt. 2; Revised.
Newark, Ohio—Licking County Airport; VOR-A, Amdt. 5; Revised.
New Haven, Conn.—Tweed-New Haven Airport; VOR Runway 2, Amdt. 13; Revised.

Olympia, Wash.—Olympia Airport; VOR Runway 17, Amdt. 3; Revised.
Pasco, Wash.—Tri-Cities Airport; VOR-A, Original; Established.
Pasco, Wash.—Tri-Cities Airport; VOR Runway 20R, Amdt. 10; Canceled.
Philadelphia, Pa.—North Philadelphia Airport; VOR Runway 6, Amdt. 5; Revised.
Pottstown, Pa.—Pottstown-Limerick Airport; VOR-A, Amdt. 1; Revised.
Pottstown, Pa.—Pottstown Municipal Airport; VOR-A, Amdt. 3; Revised.
Roseau, Minn.—Roseau Municipal Airport; VOR Runway 34, Amdt. 1; Revised.
Salisbury, Md.—Salisbury-Wicomico County Airport; VOR Runway 4, Amdt. 6; Revised.
Salisbury, Md.—Salisbury-Wicomico County Airport; VOR Runway 22, Amdt. 6; Revised.
Salisbury, Md.—Salisbury-Wicomico County Airport; VOR Runway 31, Amdt. 6; Revised.
Southbridge, Mass.—Southbridge Municipal Airport; VOR-Original; Established.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 24, Amdt. 8; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VOR Runway 36, Amdt. 9; Revised.
Almyra, Ark.—Almyra Municipal Airport; VOR/DME-A, Original; Established.
Battle Mountain, Nev.—Lander County Airport; VOR/DME Runway 3, Amdt. 1; Revised.
Beaumont-Port Arthur, Tex.—Jefferson County Airport; VOR/DME-A, Original; Canceled.
Bellingham, Wash.—Bellingham International Airport; VOR/DME-A, Amdt. 2; Revised.
Brookhaven, Miss.—Brookhaven Municipal Airport; VOR/DME-A, Amdt. 3; Revised.
Corvallis, Oreg.—Corvallis Municipal Airport; VOR/DME Runway 35, Amdt. 1; Revised.
Ephrata, Wash.—Ephrata Municipal Airport; VOR/DME Runway 2, Amdt. 1; Revised.
Hoquiam, Wash.—Bowerman Airport; VOR/DME Runway 24, Amdt. 2; Revised.
Lebanon, Tenn.—Lebanon Municipal Airport; VOR/DME-A, Original; Established.
Macon, Ga.—Herbert Smart Airport; VOR/DME-A, Amdt. 5; Revised.
McComb, Miss.—McComb Pike County Airport; VOR/DME-A, Amdt. 2; Revised.
McMinnville, Oreg.—McMinnville Municipal Airport; VOR/DME Runway 21, Original; Canceled.
McMinnville, Oreg.—McMinnville Municipal Airport; VOR/DME-A, Original; Established.
Meridianville, Ala.—North Huntsville Airport; VOR/DME-A, Original; Established.
Nashville, Tenn.—Nashville Metropolitan Airport; VOR/DME Runway 2L, Original Established.
Olympia, Wash.—Olympia Airport; VOR/DME Runway 35, Amdt. 6; Revised.
Oneida, Tenn.—Scott Municipal Airport; VOR/DME-A, Original; Established.
Southbridge, Mass.—Southbridge Municipal Airport; VOR/DME-A, Amdt. 3; Revised.
Waterloo, Iowa—Waterloo Municipal Airport; VORTAC Runway 30, Amdt. 6; Revised.
Youngstown, Ohio—Youngstown Municipal Airport; VORTAC Runway 18, Amdt. 9; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective March 2, 1972.

Anniston, Ala.—Anniston-Calhoun County Airport; LOC Runway 5, Amdt. 4; Revised.
Chicago, Ill.—Chicago Midway Airport; LOC Runway 4R, Original; Established.
Chicago, Ill.—Chicago O'Hare International Airport; LOC Runway 4L, Amdt. 6; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; LOC (BC) Runway 9R, Amdt. 3; Canceled.
Chicago, Ill.—Chicago O'Hare International Airport; LOC (BC) Runway 22R, Amdt. 6; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; LOC Runway 27L, Amdt. 4; Canceled.
Chicago, Ill.—Chicago O'Hare International Airport; Parallel LOC Runway 27L, Amdt 2; Canceled.
Dayton, Ohio—James M. Cox Dayton Municipal Airport; LOC (BC) Runway 24R, Amdt. 2; Revised.
Erie, Pa.—Erie International Airport; LOC (BC) Runway 24, Amdt. 3; Revised.
Morristown, N.J.—Morristown Municipal Airport; LOC Runway 23, Amdt. 2; Revised.
Nashville, Tenn.—Nashville Metropolitan Airport; LOC (BC) Runway 20R, Amdt. 9; Revised.
Daytona Beach, Fla.—Daytona Beach Regional Airport; LOC (BC) Runway 24R, Original; Established.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective March 2, 1972.

Alma, Mich.—Gratiot Community Airport NDB Runway 9, Amdt. 2; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 9R, Amdt. 2; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 9R, Amdt. 2; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 27R, Amdt. 11; Revised.
Dayton, Ohio—James M. Cox Dayton Municipal Airport; NDB Runway 24L/R, Amdt. 10; Revised.
Greenville, Maine—Greenville Municipal Airport; NDB Runway 3, Original; Established.
International Falls, Minn.—Falls International Airport; NDB Runway 31, Amdt. 1; Revised.
Juneau, Wis.—Dodge County Airport; NDB Runway 2, Amdt. 3; Revised.
Juneau, Wis.—Dodge County Airport; NDB Runway 20, Amdt. 1; Revised.
Kosciusko, Miss.—Kosciusko-Attala County Airport; NDB Runway 14, Amdt. 2; Revised.
Kosciusko, Miss.—Kosciusko-Attala County Airport; NDB Runway 32, Amdt. 2; Revised.
Macon, Ga.—Lewis B. Wilson Airport; NDB Runway 5, Amdt. 16; Revised.
Memphis, Tenn.—Memphis International Airport; NDB Runway 35R, Amdt. 11; Revised.
Milwaukee, Wis.—General Mitchell Field; NDB Runway 25L, Amdt. 1; Canceled.
Minocqua-Woodruff, Wis.—Lakeland Airport; NDB Runway 10, Original; Established.
Minocqua-Woodruff, Wis.—Lakeland Airport; NDB Runway 18, Amdt. 3; Revised.
Minocqua-Woodruff, Wis.—Lakeland Airport; NDB Runway 28, Original; Established.
Minocqua-Woodruff, Wis.—Lakeland Airport; NDB Runway 36, Amdt. 1; Revised.
Morristown, N.J.—Morristown Municipal Airport; NDB Runway 5, Amdt. 8; Revised.
Morristown, N.J.—Morristown Municipal Airport; NDB Runway 23, Amdt. 2; Revised.
Omak, Wash.—Omak Airport, NDB (ADF)-1, Amdt. 3; Canceled.
Omak, Wash.—Omak Airport; NDB-A, Original; Established.
Ontonagon, Mich.—Ontonagon County Airport; NDB-A, Original; Established.
Rochester, N.Y.—Rochester-Monroe County Airport; NDB Runway 28, Amdt. 17; Revised.
Rockford, Ill.—Greater Rockford Airport; NDB Runway 36, Amdt. 12; Revised.
Roseau, Minn.—Roseau Municipal Airport; NDB Runway 34, Amdt. 1; Canceled.
Waterloo, Iowa—Waterloo Municipal Airport; NDB Runway 12, Amdt. 11; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective March 2, 1972.

Baton Rouge, La.—Ryan Airport; ILS Runway 13, Amdt. 14; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 9R, Original; Established.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 27L, Original; Established.
Cricago, Ill.—Chicago O'Hare International Airport; Parallel ILS Runway 27L, Original; Established.
Chicago, Ill.—Chicago O'Hare International Airport; ILS Runway 27R, Amdt. 13; Revised.
Covington, Ky.—Greater Cincinnati Airport; ILS Runway 9R, Original; Established.
Denver, Colo.—Stapleton International Airport; ILS Runway 35, Amdt. 13; Revised.
El Paso, Tex.—El Paso International Airport; ILS Runway 22, Amdt. 23; Revised.
International Falls, Minn.—Falls International Airport; ILS Runway 31, Amdt. 1; Revised.
Macon, Ga.—Lewis B. Wilson Airport; ILS Runway 5, Amdt. 17; Revised.
Memphis, Tenn.—Memphis International Airport; ILS Runway 35R, Amdt. 18; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; ILS Runway 11R (BC), Amdt. 1; Revised.
Minneapolis, Minn.—Minneapolis-St. Paul International/Wold Chamberlain Airport; ILS Runway 22 (BC), Amdt. 1; Revised.
New Haven, Conn.—Tweed-New Haven Airport; ILS Runway 2, Original; Established.
Pasco, Wash.—Tri-Cities Airport; ILS Runway 20R, Original; Established.
Rochester, N.Y.—Rochester-Monroe County Airport; ILS Runway 28, Amdt. 21; Revised.
Salisbury, Md.—Salisbury-Wicomico County Airport; ILS Runway 31, Original; Established.
Waterloo, Iowa—Waterloo Municipal Airport; ILS Runway 12, Amdt. 12; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective March 2, 1972.

Macon, Ga.—Lewis B. Wilson Airport; Radar-1, Amdt. 10; Revised.
Meridianville, Ala.—North Huntsville Airport; Radar-1, Original; Established.
Oklahoma City, Okla.—Will Rogers World Airport; Radar-1, Amdt. 11; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective March 2, 1972.

Auburn, Ala.—Auburn-Opelika Airport; RNVA Runway 18, Amdt. 1; Revised.
McComb, Miss.—McComb-Pike County Airport; RNAV Runway 33, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on January 27, 1972.

R. S. SLIFF,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-1487 Filed 2-3-72;8:45 am]

FEB 4 72 XUM

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-723, Amdt. 15]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Submission of Information Accompanying Tariffs Proposing Price Increases Under Price Stabilization Program

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of February 1972.

On January 12, 1972, the Price Commission issued a revised § 300.16 of its regulations providing a detailed set of rules for the granting of price increases to public utilities under the price stabilization program.[1] In general, the regulation provides that a public utility may increase its prices if the Price Commission does not make a negative finding on any of the following criteria: The increase is cost-based and does not reflect inflationary expectations; is needed to assure continued, adequate, and safe service, or to provide for necessary expansion; will achieve the minimum rate of return or profit margin needed to attract capital at reasonable rates and not impair the credit of the public utility; has been certified as required; and is, in the opinion of the Price Commission, consistent with its goals. The rules also require each regulatory agency to certify, with respect to each rate increase it approves, the former price, the new price, and percentage of the increase; the dollar amount of the increase; the amount by which the public utility's profit margin or rate of return as a percentage of sales will be increased; that in its proceedings sufficient evidence was taken to determine whether the Price Commission's criteria are or are not met; and that the price increase does or does not meet these requirements. The regulation also requires prenotification utilities (i.e., those with annual gross revenues of $100 million or more) to report increases to the Price Commission involving an increase of more than one percent of gross annual revenues, together with a copy of the regulatory agency's certification. The Price Commission will have 10 days after receiving the report within which to take such action as may be warranted.

The regulation herein adopted provides for the furnishing of information to the Board as part of the tariff transmittal sufficient to enable the Board to carry out its certification functions under the Price Commission's regulation. Our regulation will require such information to be furnished with respect to their increases involving more than 1 percent of annual aggregate gross revenues not only by all prenotification carriers, but in addition by all major classes of scheduled certificated carriers.[2] In addition, the regulation requires any other carrier to furnish similar information if requested to do so by the Board's staff. The regulation also notes that, in the case of agreements of IATA traffic conferences involving increases in rates or fares, the required information should accompany the justification submitted with such agreement.

Order 71-11-97, dated November 24, 1971, which sets forth requirements under former § 300.16 of the Commission regulations, is being vacated.

Since the foregoing amendment is essential in order to permit compliance with current price stabilization requirements, the Board finds that notice and public procedure thereon is impracticable, and that good cause exists for making the amendment effective less than 30 days after publication.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221), effective February 1, 1972, as follows:

1. Amend the Table of Contents of Subpart M by adding new § 221.165a to read as follows:

Sec.
221.165a Special provisions under price stabilization program.

2. Add a new § 221.165a to read as follows:

§ 221.165a Special provisions under price stabilization program.

(a) This section requires the filing of certain additional information for the purpose of enabling the Board to perform its functions under the Economic Stabilization Act of 1970 as amended, Executive Order 11627, 36 F.R. 20139, October 16, 1971, and § 300.16 of the regulations of the Price Commission (6 CFR 300.16).

(b) The information required under paragraph (c) of this section shall accompany each tariff transmittal under § 221.165 filed by each air carrier holding a certificate of public convenience and necessity issued under section 401(d)(1) or (2) of the Act, and each direct or indirect air carrier which has annual revenues of $100 million or more: *Provided*, That any other air carrier shall supply such information accompanying or following each tariff transmittal if directed to do so by the Chief, Passenger and Cargo Rates Division, Bureau of Economics. Except as the Chief may otherwise direct, the information specified in paragraph (c) of this section shall be furnished only with respect to any tariff filing which would have the effect of increasing the carrier's aggregate annual revenues by more than 1 percent.

(c) Each air carrier shall, as required by paragraph (b) of this section, submit sufficient evidence under the certification of a responsible officer to enable the Board to determine:

(1) The existing rate, fare, or charge, the proposed rate, fare, or charge, and the percentage increase;[3]

(2) The dollar amount of increased revenue which the increase is expected to provide;

(3) The amount by which the increase will increase the carrier's profits as a percentage of its total revenue;

(4) The amount by which the increase will increase the carrier's overall rate of return on capital;

(5) That the increase is cost-based and does not reflect future inflationary expectations;

(6) That the increase is the minimum required to assure continued, adequate and safe service or to provide for necessary expansion to meet future requirements; and

(7) That the increase will achieve the minimum rate of return or profit margin needed to attract capital at reasonable costs, and not impair the credit of the carrier.

(d) The information required under paragraph (c) of this section shall include, for the year subsequent to the proposed increase, forecasts (with and without such increase) of operations applicable to the rate making entity affected by the proposed increase, and shall include capacity and traffic, revenue and expenses (broken down by normal Form 41 or Form 244 categories and functional accounts), operating profit, interest expense, Federal income taxes, investment, and rate of return on investment. All assumptions and allocation procedures should be fully explained, and all forecasts should reflect the Board's established rate making standards. The forecasts should specifically itemize cost increases, should be limited to actual increases incurred during, but not fully reflected in, the most recent year for which the carrier has filed its Form 41 or Form 244 reports, actual increases which have been incurred since, and contracted future increases. Anticipated cost increases and expected inflationary increases should not be included.

(e) Each air carrier which, with respect to any tariff filing involving an increase in any rate, fare or charge, does not file the information specified in paragraph (c) of this section, shall state that such filing is not required by paragraph (b) of this section and shall set forth the basis for that conclusion.

(f) In the case of a tariff involving an increase in any rate, fare or charge, the carrier shall state whether or not the Price Commission has been advised of such increase.

NOTE: The data required by this section should be included with the documentation accompanying the filing of any agreement under section 412 of the Act embodying increases in rates, fares or charges.

[1] 37 F.R. 652, January 14, 1972.

[2] Carriers not filing the information are required to set forth the basis for their determination that the regulation is not applicable to the specific tariff. It should be stressed that the regulation does not preclude the voluntary submission of price stabilization data in cases where our regulation does not require it. In addition, in cases of requests for suspension of tariffs proposing price increases, sufficient data would have to be filed with the Board by the carrier either with the tariff transmittal or in the answer to the complaint, in order to enable the Board to certify the increase if it determines not to suspend the tariff.

[3] The foregoing requirement may be satisfied by the employment of the sampling methodology prescribed in § 221.165(c).

(Secs. 204(a), 403, and 412 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 [as amended by 74 Stat. 445] and 770; 49 U.S.C. 1324, 1373 and 1382; and the Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order No. 11627, 36 F.R. 20139, October 16, 1971; and section 300.16 of the regulations of the Price Commission, 37 F.R. 652; January 14, 1972.)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-1725 Filed 2-3-72;8:51 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-45]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importation of Motor Vehicles and Motor Vehicle Engines

Correction

In F.R. Doc. 72-1446 appearing at page 2430 in the issue of Tuesday, February 1, 1972, the heading for paragraph (d) of § 12.73, now reading "*Merchandise refunded entry*", should read "*Merchandise refused entry*".

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

[DESI 8311]

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

PART 148n—OXYTETRACYCLINE

Confirmation of Order Revoking Provisions for Certification of Certain Preparations for Inhalation, Topical or Otic Use

An order was published in the FEDERAL REGISTER of October 27, 1971 (36 F.R. 20597), amending the antibiotic drug regulations to repeal provisions for certification of oxytetracycline hydrochloride, chlortetracycline hydrochloride, tetracycline hydrochloride, and bacitracin preparations for inhalation, topical, or otic use. The order amended Part 141c by amending § 141c.208 and revoking §§ 141c.211, 141c.213, 141.214, and 141c.-227; amended Part 146c by amending § 146c.208 and revoking §§ 146c.211, 146c.213, 146c.214, and 146c.227; amended Part 146e by amending § 146e.403; and amended Part 148n by revoking § 148n.15.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above identified order. Accordingly the amendment promulgated thereby became effective December 6, 1971. Certification of new stocks has been discontinued.

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1684 Filed 2-3-72;8:50 am]

[DESI 50125]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Confirmation of Effective Date of Order Revoking Provisions for Certification of Penicillins in Combination With Probenecid

An order was published in the FEDERAL REGISTER of October 9, 1971 (36 F.R. 19695), amending the antibiotic drug regulations to repeal provisions for certification of penicillins in combination with probenecid. The order amended Part 146a by amending §§ 146a.28 and 146a.51 and revoked all antibiotic certificates issued thereunder for drugs containing penicillins in combination with probenecid.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective November 18, 1971.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1687 Filed 2-3-72;8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter VI—Office of Assistant Secretary for Community Planning and Management, Department of Housing and Urban Development

[Docket No. R-72-164]

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

These regulations provide requirements and guidelines for filing a Comprehensive Planning Assistance grant application. Specifically, the regulations define who are eligible applicants, the submission procedures required for grant assistance, the application package and its work program format, coordination procedures and special requirements for each applicant.

The handbook which previously provided the guidelines does not reflect current Department policy. Because early promulgation of these regulations is necessary to permit the commitment of program funds by the Department on an orderly basis during the remainder of this fiscal year, comment and public procedure would be impracticable and contrary to the public interest and good cause exists for making Part 600 effective upon publication.

However, all interested persons are invited to submit written comments or suggestions with respect to the regulations, which may be later revised in the light of comments received. Three copies of such comments should be filed within 30 days of publication of these regulations in the FEDERAL REGISTER, and addressed to the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. A copy of each communication will be available for public inspection during business hours at the above address.

Title 24 of the Code of Federal Regulations is amended by adding a new Part 600 to read as follows:

Subpart A—General Information

Sec.
600.1 Purpose.
600.5 Scope of comprehensive planning.
600.10 Financial support.
600.15 Staff and consultant services.
600.20 Inservice training.
600.25 Who may be assisted.
600.30 Legal status and authority.
600.35 Assistance to States for statewide planning.
600.36 Assistance to States for assistance and services to localities.
600.37 Provision of planning assistance to localities by areawide planning organizations.
600.40 Grants for areawide planning and management assistance.
600.45 Assistance to large cities.
600.50 Planning and management assistance for other applicants.
600.55 Eligible activities: All assisted agencies.
600.58 Ineligible activities: All assisted agencies.

FEB 4 72 XUM

Subpart B—Special Requirements

Sec.
600.60 Purpose.
600.65 Environmental considerations.
600.70 Required housing element.
600.75 Equal opportunity requirements.
600.80 Citizen involvement.

Subpart C—Procedural Requirements

600.85 Purpose.
600.90 Steps for application submission, negotiation, and approval.
600.95 Applications by States.
600.100 The application package.
600.105 Overall Program Design.

Subpart D—State Procedures for Local Planning and Management Service

600.110 Purpose.
600.115 State Overall Program Design.
600.120 Summary of local planning and management assistance procedures.
600.125 Design of the State program for localities.
600.128 Considerations in State assistance to localities.
600.130 Negotiations with HUD.
600.135 State agency review and evaluation.

Subpart E—Evaluation and Coordination Procedures

600.140 Purpose.
600.145 Evaluation and review.
600.150 Coordination and intergovernmental review procedures.
600.160 OMB Circular A-95 coordination procedures.
600.170 Overall Program Design review.

AUTHORITY: The provisions of this Part 600 issued under sec. 701, Housing Act of 1954, 68 Stat. 640; 40 U.S.C. 461; Secretary's delegation of authority published at 36 F.R. 5004, effective March 8, 1971.

Subpart A—General Information

§ 600.1 Purpose.

The purpose of this subpart is to set forth provisions of general applicability with respect to the regulations in this part. Such provisions relate to (a) encouraging State, local, and areawide officials to improve executive planning, decision-making, and management capability and to establish and improve their staffs and techniques; (b) encouraging community planning and management as a continuous process; and (c) assisting State and local governments and areawide agencies to solve problems, realize opportunities and formulate and implement policies related to community development and growth for urban and rural areas.

§ 600.5 Scope of comprehensive planning.

For the purpose of the regulations in this part, "comprehensive planning" means a continuing process whereby State and local governments and areawide planning organizations formulate and coordinate community strategies and management decisions. It spans the broad range of governmental activities, services, and investments for which assisted governments are responsive. Through comprehensive planning and management, chief executives are able to identify problems and opportunities, determine development objectives, analyze alternate solutions, prepare implementation programs, and evaluate performance in meeting these objectives.

§ 600.10 Financial support.

Comprehensive planning assistance grants shall not exceed two-thirds of the total cost of eligible activities, except in certain circumstances when the grant may cover up to three-fourths of the costs.

(a) Three-fourths grants may be made when the applicant or recipient is:

(1) Located in a redevelopment area or economic development district designated by the Secretary of Commerce under Title IV of the Public Works and Economic Development Act of 1965;

(2) Located in a local development district, certified under Title IV of the Public Works and Economic Development Act of 1965;

(3) A federally impacted area where there has been at least a 5 percent decrease in employment over a 2-year period attributable to reduction in Federal activity;

(4) Any regional commission established by the Appalachian Regional Development Act of 1965 or under the Public Works and Economic Development Act of 1965; or

(5) Any governmental agency or organization of public officials for planning activities that are necessary to the development of planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives and which otherwise meets the tests of 701(j) of the Housing Act of 1954, as amended.

(b) Non-Federal share: The non-Federal share of the total cost of assisted activities may be provided in the form of cash and/or services from the applicant, or from other non-Federal sources.

§ 600.15 Staff and consultant services.

(a) *Planning staff services.* To be eligible for assistance, the applicant and each areawide planning agency recipient must demonstrate that it has a staff of sufficient size and professional competence to effectively discharge the program for which assistance is sought. The planning agency must establish, and periodically update, standards for the recruitment and retention of professional personnel consonant with or superior to State or local merit or civil service system standards. The standards established shall be subject to HUD approval.

(b) *Provision of consulting services.* Staff capability may be supplemented through consulting services by other public agencies (State, areawide, local), by instrumentalities of State and local governments (such as universities, municipal leagues and county officer associations), and by private contractors and consulting firms.

§ 600.20 Inservice training.

Applicants may engage in inservice training to increase the level of knowledge and skills of their staff.

(a) *Eligible trainees.* Eligible trainees are limited to members of staffs of eligible applicants.

(b) *Maximum costs.* Except for work-study programs, the total cost of an in-service training program shall not exceed 5 percent of the agency's total grant under the Comprehensive Planning Assistance Program for any one year.

§ 600.25 Who may be assisted.

Currently, grants are authorized to the following:

(a) States, for statewide planning and management;

(b) States, for local planning and management assistance to counties, cities and municipalities, groups of adjacent communities having a total population of less than 50,000, Indian reservations, disaster areas, federally impacted areas, and metropolitan and nonmetropolitan areawide planning organizations;

(c) Metropolitan and regional agencies involved in comprehensive planning and management. Also, district agencies which are organizations composed of public officials representative of political jurisdictions within the district.

(d) Cities within metropolitan areas, having populations of 50,000 or more; and

(e) Other applicants, including interstate regional planning commissions, tribal planning councils, disaster areas, federally impacted areas, local development districts, and economic development districts, including cities, other municipalities and counties located within economic development districts.

§ 600.30 Legal status and authority.

Applicants must:

(a) Be authorized by State law or interstate compact or other agreement to perform the comprehensive planning work for which the grant is requested;

(b) Have authority to receive and expend Federal and other funds, and to contract with Federal and other units of government, private concerns, or individuals for performance of planning work and services; and

(c) Assure HUD that the non-Federal share of the program cost will be provided.

§ 600.35 Assistance to States for statewide planning.

Eligible applicants for Comprehensive Planning Assistance for Statewide Planning and Management are:

(a) The Office of the Governor (the preferred applicant); or

(b) The State agency designated by the Governor or by State law, provided applications are endorsed by the Governor.

§ 600.36 Assistance to States for assistance and services to localities.

Eligible applicants for Comprehensive Planning Assistance and services are:

(a) *For assistance and services to localities.* (1) The Office of the Governor; or

(2) The State agency designated by State law (or the Governor) for the provision of comprehensive planning and management services to local governments and for the administration of Comprehensive Planning Assistance grant funds. Where feasible, this should be the same State agency designated for statewide planning. Eligible local recipients are:

(i) Cities and other municipalities having populations of less than 50,000 according to the latest decennial census. The planning area must include, at the minimum, the entire geographic area of the general local government, plus any contiguous territory over which the local government has authority for planning purposes.

(ii) Counties of any population size. In this case, the minimum planning area must include the unincorporated areas over which the county government has statutory or other authority for planning purposes. Assistance to a county having a population of over 50,000 within a metropolitan area, will be made only if planning for such a county is coordinated with planning for the metropolitan area of which it is a part and with prior HUD approval.

(iii) Any group of adjacent communities, either incorporated or unincorporated, having a total population of less than 50,000 according to the latest decennial census. The group's planning jurisdiction must be the entire area having such problems. Insofar as feasible, the boundaries of the planning area must conform to the jurisdictional boundaries of the general local governments comprising the group.

(iv) General purpose local governments, regardless of population size, in redevelopment areas or Economic Development Districts designated by the Secretary of Commerce under title IV of the Public Works and Economic Development Act of 1965; Local Development Districts in accordance with the Appalachian Regional Development Act of 1965.

(v) Metropolitan and nonmetropolitan areawide planning organizations.

(vi) Indian reservations, disaster areas, and federally impacted areas.

(b) *For State Community Development Services.* The State agency designated by State law or the Governor is responsible for conducting Community Development Services. The services should be based on a multidisciplinary staff of specialists in the State planning agency, other State agencies or instrumentalities, and, where appropriate, include consultant support.

§ 600.37 Provision of planning assistance to localities by areawide planning organizations.

Metropolitan and nonmetropolitan areawide planning organizations, with the approval of the State agency (or Governor of the State), may also provide local planning and management assistance to any of the recipients listed in § 600.36(a) (other than the federally impacted areas) within the respective areawide planning jurisdictions.

§ 600.40 Grants for areawide planning and management assistance.

(a) *Eligible applicants.* Areawide planning organizations include metropolitan planning agencies and nonmetropolitan district agencies. These agencies may be:

(1) Organizations of public officials representative of the political jurisdictions within the metropolitan area, region, or district. Among such organizations are councils of government, joint city-county planning commissions, multijurisdictional or regional planning agencies, economic development districts, and local planning districts;

(2) Agencies under State law or by interlocal agreement responsible for comprehensive planning; or

(3) States authorized by State law to perform areawide planning.

(b) *Areawide planning requirements.* (1) Planning area jurisdiction is determined by consideration of the following factors:

(i) The planning area jurisdiction for a metropolitan area should include the Standard Metropolitan Statistical Area (SMSA) plus any contiguous county or counties now urbanized or likely to become urbanized in the foreseeable future. Where feasible, contiguous SMSA's should be included in the same metropolitan areawide planning jurisdiction. Where the State has established substate planning and development areas, or districts, the boundaries of proposed areawide planning jurisdictions should conform to the State-designated areas.

(ii) The planning area jurisdiction for a nonmetropolitan area must include one or more counties and one or more other units of general local government, but may not include any portion of any SMSA. Where the State has established substate planning and development areas, or districts, the boundaries of proposed areawide planning jurisdictions should conform to the State-designated areas.

(2) Areawide planning organizations must meet the HUD areawide planning requirements in accordance with HUD 6415 Issuance Series.

(c) *Application submission.* Metropolitan planning agencies and nonmetropolitan organizations of local elected officials may apply directly to the appropriate HUD office for Comprehensive Planning Assistance. Nonmetropolitan areawide planning agencies which are not organizations of local elected officials, shall apply to the eligible State agency. HUD prefers that all nonmetropolitan agencies apply through the eligible State agency so that the State may coordinate and package programs, thereby eliminating duplication of effort and inefficiencies in processing.

§ 600.45 Assistance to large cities.

On behalf of a city within a metropolitan area, and having a population of 50,000 or more, eligible applicants are:

(a) The Office of the Chief Executive, (i.e., the mayor), the preferred applicant; or

(b) The agency designated by the chief executive, provided applications are endorsed by the chief executive.

§ 600.50 Planning and management assistance for other applicants.

Planning and management assistance may also be provided for the following:

(a) *Interstate regional commissions.* Interstate regional commissions, established under the Appalachian Regional Development Act of 1965 or the Public Works and Economic Development Act of 1965, are eligible for Comprehensive Planning Assistance. However, the Department is prohibited from funding Interstate Commissions.

(b) *Indian reservations*—(1) *Intent.* To provide financial assistance to conduct planning programs for Indian Reservations.

(2) *Eligible applicants.* (i) State agencies. State planning agencies are eligible to apply on behalf of tribal councils in order to provide planning services.

(ii) Areawide planning organizations. Areawide planning organizations are eligible applicants if the State has formally delegated them responsible for the administration of such planning assistance.

(iii) With the approval of the Secretary of Interior, State multitribal organizations representing more than 50 percent of the reservations within a State which have been delegated authority by member organizations to conduct planning activities on their behalf.

(iv) Tribal planning councils or other tribal bodies which may apply through the eligible State agency or directly to HUD.

(3) *Financial support.* Funds and services of the Bureau of Indian Affairs or of any other Federal agency are not eligible as a portion of the non-Federal share of cost of the assisted planning program.

(c) *Federally impacted areas.* (1) Intent: To provide financial assistance to federally impacted areas to plan adjustments occasioned by Federal impacts upon the economic, social, physical and governmental structure occasioned by

(i) Rapid urbanization due to the establishment of rapid and substantial expansion of a Federal installation, or for areas where rapid urbanization is expected to result on land developed or to be developed as a new community under title VII of the Housing and Urban Development Act of 1970.

(ii) Substantial reduction in employment opportunities as the result of:

(*a*) The closing (in whole or in part) of a Federal installation, or

(*b*) A decline in the volume of government orders for the procurement of articles or materials produced or manufactured in the area. The actual or foreseen change in employment over a 2-year period must be at least 5 percent of the preimpact level.

(2) Eligible applicants shall be official governmental planning agencies.

(d) *Disaster areas.* (1) Comprehensive Planning Assistance may provide financial assistance to plan for the recovery from disaster. Any city, other municipality or county which is designated by the President as a "major disaster area" in accordance with the Disaster Relief Act of 1970 may apply for assistance. HUD prefers that such areas apply through the eligible State agency.

FEB 4 72 XUM

(2) Eligible applicants are official governmental planning agencies with planning responsibility for jurisdictions in the disaster area.

(3) Application submittal: Applications shall be submitted within 180 days after an area is designated by the President as a disaster area.

(4) Coordination: All applications submitted for Comprehensive Planning Assistance disaster relief must be reviewed and commented upon by the designated State disaster relief agency, if such an agency exists, as prescribed in section 206 of the Federal Disaster Relief Act of 1970. Also, any assisted planning work leading to short range actions for recovery from the disaster should be coordinated with the State between State planning agencies and State disaster relief agencies.

§ 600.55 Eligible activities: All assisted agencies.

Applicant, as a part of their assisted Comprehensive Planning work, may:

(a) Support and strengthen State and local government chief executive management capability including:

(1) Improving the chief executive's ability to establish goals, objectives and policies, allocate resources, evaluate programs for achieving objectives, devise methods for obtaining effective public participation in policy decisions and assess program performance;

(2) Modernizing State and local governmental institutions and areawide structures to address community development issues and to provide more responsive service delivery systems;

(3) Improving governmental systems and operations;

(4) Analyzing, recommending and evaluating fiscal policies and arrangements for providing governmental services and facilities; and

(5) Establishing a framework for coordinating intergovernmental planning and development activities and public and private development.

(b) Conduct general community and/or statewide planning and programming with respect to:

(1) Development of human, economic and natural resources;

(2) Community development, growth, and revitalization policies including land use planning and identification of growth areas, new community development sites and areas of critical environmental concern where development should be restricted;

(3) Housing, transportation, the environment, public facilities and services, health, education, and employment; and

(4) Historic preservation.

(c) Conduct housing work program activities with respect to:

(1) Current and projected population and housing characteristics of neighborhoods, communities, and other subareas of the planning jurisdiction;

(2) Income levels of families in the jurisdiction and its parts;

(3) The location and structural and other qualities of existing housing;

(4) The level and quality of housing-related public services presently available to all racial, ethnic, and socio-economic groups;

(5) Special problems of minority groups in securing adequate housing;

(6) Obstacles to the provision of adequate housing for all groups and citizens, including obstacles in regulations, building codes and zoning regulations, inspection practices, public services, private sector production capability, and housing sales and rental practices;

(7) The availability of sites for various types of housing for all people, especially low- and moderate-income persons, and the adequacy of sites relative to employment, education, transportation commercial facilities, and other public services, and to suburbs and central cities;

(8) The capacity of governmental agencies and private organizations for implementing housing action plans, and the adequacy of laws and public policy to stimulate needed housing production;

(9) The impact of current and proposed housing projects on patterns of racial concentration;

(10) The extent to which current and proposed housing projects of varying income levels are distributed throughout the planning area;

(11) The Federal, State, and local programs which might be utilized to meet the planning area's housing needs; and

(12) Plans for the promotion of market aggregation.

(d) Delineate areawide planning jurisdictions or substate planning jurisdictions.

(e) Provide technical assistance to State and local governments and areawide agencies, including technical assistance to establish and improve planning staffs and techniques on a substate basis.

(f) Support State Community Development Services including but not limited to:

(1) Direct technical assistance to local or areawide officials on problems of community development;

(2) Advice on pending development decisions;

(3) Professional studies concerning local development problems, objectives, alternatives, and priorities, and organization and administrative processes;

(4) Preparation of technical guides and manuals dealing with the planning, programing, or management of public services, facilities, and resources; or suggesting new approaches to concerns such as housing, community relations, or capital improvement programing.

(g) Meet and carry out other HUD programs and procedures such as:

(1) Workable program planning;

(2) All HUD and other Federal planning requirements;

(3) New community planning;

(4) Preparation of water resources and flood plain management measures to meet the standards for eligibility under the National Flood Insurance Program; and

(5) Support for Federal urban growth and development objectives, as provided in section 701(j) of the Housing and Urban Development Act of 1954, as amended.

§ 600.58 Ineligible activities: All assisted agencies.

(a) Applicants, as part of their assisted Comprehensive Planning work, may not include the following:

(1) Project design and engineering;

(2) Routine administration not directly connected to the grant;

(3) Political activities; and

(4) Assistance to businesses in relocating to the detriment of communities where businesses currently are located and assistance to subcontractors in acquiring business customarily performed by other subcontractors.

Subpart B—Special Requirements

§ 600.60 Purpose.

The purpose of this subpart is to describe special requirements that applicants must comply with to receive Comprehensive Planning Assistance.

§ 600.65 Environmental considerations.

HUD requires that planning activities funded under the Comprehensive Planning Assistance Program be conducted in full accord with the policies and provisions of the National Environmental Policy Act of 1969 (Public Law 91-190).

(a) *Environmental goals.* The environmental goals of the Comprehensive Planning Assistance Program are to:

(1) Improve and conserve the quality of the air, water and earth resources for the benefit of present and future generations in the planning and shaping of manmade environments;

(2) Assure that environmental concern and awareness becomes an integral part of the comprehensive planning process, since comprehensive planning is a major means for accomplishing community development on a sound environmental basis; and

(3) Achieve those goals set forth in the National Environmental Policy Act of 1969 (section 101), some of which are:

(i) "• • • Assure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings;

(ii) "• • • Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iii) "• • • Achieve a balance between population and resource use which permits high standards of living and a wide sharing of life's amenities."

(b) *Inclusion of environmental planning in the comprehensive planning process.* Each applicant in the developmental planning aspects of its assisted comprehensive planning work should:

(1) Identify salient elements of the natural and the manmade environments, their interrelationships, and major problems and/or opportunities they present for community development;

(2) Assess those environmental factors which will:

(i) Minimize or prevent undue damage, unwise use, or unwarranted preempting of natural resources and opportunities;

(ii) Recognize and make prudent allowance for major latent environmental dangers or risks (e.g. floods, mud slides, earthquakes, air and water pollution); and

(iii) Foster the human benefits obtainable from use of the natural environment by wise use of the opportunities available (e.g. use of natural drainage systems for park and recreational areas); and

(3) Seek, under the above policies and goals, to:

(i) Avoid adverse environmental impacts on neighborhood or community areas through the planning and careful location and development of community facilities;

(ii) Provide environmental amenities to all areas being planned for, and access to such amenities; and

(iii) Equalize the impact and burden of community change and development on living areas, rather than concentrate them in areas where "sites are cheap"; and

(4) Incorporate State environmental policies and standards, particularly those developed in response to Federal law regarding protection on air and water quality and control and abatement of noise.

(c) *Environmental assessment.* Each applicant shall prepare an environmental assessment when the assisted work program results in developmental planning policies such as for land use development and arrangement, major community facilities and utility and transportation systems. This environmental assessment shall:

(1) Include the following:

(i) The environmental impact of the proposed action,

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) Alternatives to the proposed action,

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(2) Be appended to the resulting proposed plan and accompany the plan through all deliberations leading to approval and subsequent amendment; and

(3) Be available to the public on a timely basis, including availability before public hearings regarding the plan.

§ 600.70 Required housing element.

(a) Section 701(a) of the Housing Act of 1954 provides that:

> Planning carried out with assistance under this section shall also include a housing element as a part of the preparation of comprehensive land use plans, and this consideration of the housing needs and land use requirements for housing in each comprehensive plan shall take into account all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities, and population growth is based, so that the housing needs of both the region and the local communities studied in the planning will be adequately covered in terms of existing and prospective in-migrant population growth.

(b) HUD requires that each assisted State, areawide agency and large city (over 50,000 population) include a housing work program in its Overall Program Design and that each local planning assistance recipient include a housing element in its comprehensive land use plan. The housing element or program must be coordinated with the other planning and management activities identified in the work program.

(c) The housing goals of the Comprehensive Planning Assistance Program are requirements and include the following:

(1) To assure that housing concerns and needs become an integral part of the community planning and management process;

(2) To eliminate effects of past discrimination in housing based on race, color, religion, or national origin and to provide safeguards for the future;

(3) To develop housing growth policies which would insure the provision of an adequate supply of housing, a variety of housing types, and proximity of housing to jobs and daily activities; and

(4) To provide a decent residential environment throughout the planning area by ensuring that all housing receives a proper and equitable delivery of public facilities and services.

(d) Each agency's housing work program must be included as a part of its Overall Program Design. The housing work program must be coordinated with the other planning and management activities indentified in the agency's annual work program.

(e) The housing work program shall analyze the existing housing market in terms of supply and demand by user group. The work program shall further identify:

(1) Needs met by private market;

(2) Needs met with public assistance; and

(3) Needs not being met.

(f) The housing work program shall:

(1) Identify and analyze the need, problems and opportunities for the construction, conservation and rehabilitation of all housing of the planning jurisdiction;

(2) Define strategies and specific steps by which housing needs, and its related public services and facilities, can be met through responsive governmental programs and private action;

(3) Establish housing planning, programing and technical services where there are none; and

(4) Be coordinated with and build upon the housing efforts of other public and private agencies having housing programs and coordinated with all units of government within the planning area.

(g) The housing work program, including any zoning and subdivision legislation prepared or revised using Comprehensive Planning Assistance, must promote equal housing opportunity.

§ 600.75 Equal opportunity requirements.

(a) All planning assisted under the Comprehensive Assistance Program is subject to the provisions of:

(1) Title VI of the Civil Rights Act of 1964, which provides that no person on the grounds of race, color or national origin shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(2) Title VIII of the Civil Rights Act of 1968, which provides that it is the policy of the United States to provide, within constitutional limitations, fair housing throughout the United States, and requires the Secretary of HUD to administer the Department's programs and activities in a manner affirmatively to further the policies of title VIII.

(3) The Equal Employment Opportunity clause contained in Part II—Terms and Conditions, Comprehensive Planning Grant Agreement, which provides that the grantee "shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin" and will take affirmative action to ensure equal opportunity in its employment practices.

(b) Each applicant must:

(1) Submit in its application package, a Statement of Assurance of Compliance With Title VI, HUD Form 41901.

(2) Indicate in the Overall Program Design those work activities which will contribute to correcting the effects of past discrimination and the manner in which they will do so, and describe how those work activities that relate to the provision of opportunities, services and facilities will benefit residents of the planning area on a nondiscriminatory basis.

(3) Comply with Equal Employment Opportunity Requirements in accordance with HUD's Notice of Grant Award and Guide Form of Contract for Personal Services (see Comprehensive Planning Assistance Handbook—II, CPM 6042.1A). Each applicant and recipient must take affirmative action for equal employment opportunity.

(c) States providing planning and management services to local governments and areawide planning organizations shall obtain from them similar assurance of compliance with equal opportunity requirements and, on a continuing basis, evaluate their performance in fulfilling the conditions of such assurance.

§ 600.80 Citizen involvement.

(a) HUD requires citizen involvement in programs assisted under the Comprehensive Planning Assistance Program. Specific techniques for securing citizen involvement are not imposed, but all applicants are responsible for:

(1) Ensuring that comprehensive planning is responsive to the needs of citizens within the planning jurisdiction;

(2) Reporting on the various means employed to ensure that assisted activities are responsive to the citizens; and

FEB 4 72 XUM

(3) Selecting means of obtaining citizen involvement that can be evaluated according to the following performance criteria in paragraph (b) of this section.

(4) Including a Statement of Citizen Involvement in each Progress Report called for by HUD. Such statement shall identify specific activities undertaken to meet the criteria in (b) of this section and shall show the relation between the activities and the basic objectives of the applicant's Overall Program Design.

(b) The following criteria will be used to measure the citizen involvement required by paragraph (a) of this section:

(1) *Extent of interaction and involvement.* Meaningful and effective communication works both ways: citizens, in addition to being informed, should be able to respond. They should have the opportunity to help initiate and implement plans, as well as react to proposals. Communication and interaction between citizens and the grantee should be continuous.

(2) *Access to the decision making process.* The grantee should provide citizens with clear and direct access to the decision making process. Citizens should be involved when goals, objectives, priorities, and policies are formulated. They should help develop methods of communication that are effective in reaching people. Meeting places and times should be widely publicized on a regular basis.

(3) *Improving communcation techniques.* Effective communication produces information that is readily available, timely, and easily understood by citizens. All grantee's information pertaining to the activity (except when the disclosure of such information would be a breach of public trust) should be available to citizens upon request. Information should be provided on a continuous basis and sufficiently in advance of public decisions to permit a thorough citizen review of the proposals and an opportunity to react. Grantees should relate technical data and other professional material to the average neighborhood resident so that he understands the impact of public programs, available options, and alternative decisions. When the lack of technical resources is a barrier to effective citizen involvement, the planning agency should provide citizens with technical assistance to enable them to make knowledgeable decisions.

Subpart C—Procedural Requirements

§ 600.85 Purpose.

This subpart sets forth the procedures required of agencies requesting a Comprehensive Planning Assistance grant.

§ 600.90 Steps for application submission, negotiation, and approval.

The following are the basic steps in the process of submitting application proposals:

(a) Notification of the appropriate HUD Area Office Director of the intention to submit an application for Comprehensive Planning Assistance. This notification procedure refers primarily to agencies applying for the first time.

(b) Notification of the appropriate designated clearinghouse(s) of the intent to submit an application consistent with OMB Circular A–95. Submission of a copy of a draft Overall Program Design to other agencies for coordination purposes is required by § 600.150.

(c) Submission of a preliminary application upon request to the appropriate HUD Area Office. This should be accomplished well in advance of expiration of any current grant.

(d) Holding a negotiation conference with HUD officials. The chief executive (i.e. Governor, mayor, or city or county executive) or the highest officer on the areawide policy body shall be represented at the negotiation conference.

(e) Resubmission of the application with changes as agreed upon following the negotiation with HUD officials.

(f) Receipt of approval of applications and notifications from HUD of the grant award which the applicant accepts by legally authorizing and executing the Notice of Grant Award and returning two executed copies to the appropriate HUD office.

(g) Forwarding of a fully executed copy will be forwarded to the applicant following HUD's execution of the Notice of Grant Award. No Federal funds will be released under the grant until the Notice of Grant Award is fully executed.

§ 600.95 Applications by States.

States are required to submit a single application (Overall Program Design) including statewide planning, nonmetropolitan assistance and local planning and management services. Grant assistance shall cover a 12-month work period. States may request separate grants based upon one Overall Program Design, but there must be only one grant recipient per State even though there may be more than one grant. The grant shall be made to the governor's office or designee, who shall be the single responsible party to HUD for the total grant.

§ 600.100 The application package.

Applicants must use a standard application package in applying for Comprehensive Planning Assistance. The application package includes:

(a) A letter formally requesting grant assistance which should identify the grant amount being requested and any changes affecting the legal status of the applicant since its last application. The letter shall be signed by the chief elected official (governor, mayor, city or county executive) or, in the case of areawide planning organizations, be signed by the highest policy officer or be accompanied by a resolution from the governing body.

(b) An Overall Program Design which includes the annual work to be assisted. (See § 600.105.) The following are required to prepare a brief and concise Overall Program Design:

(1) State agencies.

(2) Areawide planning organizations, including both metropolitan and nonmetropolitan planning organizations.

(3) Cities having a population of 50,000 or more.

(c) An annual work program summary which identifies the objectives of the proposed program and which summarizes, by objective, the cost of work involved in pursuing each objective.

(d) An annual grant budget which shall be the basis for fiscal audit of the grant.

(e) Applicants may be requested to provide more information regarding such items as legal status, geographic area, etc., as deemed necessary by HUD. This will generally only apply to agencies applying for the first time. Supporting documentation need not be submitted with each application package except where changes have occurred and, then, only the changes need be submitted.

(1) A brief statement of the applicant's organizational characteristics, including policy board composition and representation for areawide planning organizations as described in the HUD 6415 Issuance Series. Also included should be the agency's staffing profile by type, number and racial composition of staff positions, authorized and filled, and by salary range for each.

(2) A copy of all A–95 review comments (and any other review comments) received regarding the proposed Overall Program Design.

(3) A signed copy of "Assurance of Compliance with Department of Housing and Urban Development Regulations under title VI of the Civil Rights Act of 1964." (HUD Form 41901).

§ 600.105 Overall Program Design.

Each applicant shall prepare a concise Overall Program Design (OPD) which shall be the major part of its application. The Overall Program Design is a multiyear work program statement which focuses on specific objectives to be achieved by the applicant. The OPD covers a minimum of 3 years and must be annually updated. The first work year includes the major work elements to be assisted under the annual grant. This comprises the annual work program. The second and third work year of the OPD need not include a description of major work elements and estimated costs by program objectives. The OPD includes all major planning and management objectives to be undertaken by the applicant, not merely those assisted by HUD and provides the applicant and HUD with a base line for evaluation of performance.

(a) *Format.* The following program format provides for the presentation of the applicant's problems, opportunities, goals and achievable objectives. This format is prescribed unless the HUD Area Office approves a different work format which yields essentially the same data outlined below.

(1) *Program categories.* Each program category, which represents a general planning and management activity, shall include:

(i) The title and reference number of the program category (e.g., 100.0 Growth and Development or 200.0 Executive Management.)

NOTE: A separate program category for general administration may be included in the Overall Program Design;

(ii) A brief description of the key issues, problems and opportunities covered by each category; and

(iii) A brief statement of program category goals.

(2) *Program subcategories.* Each program subcategory shall include:

(i) The title and reference number of the program subcategory (e.g., 100.1 Land Use or 200.1 Policy and Program Development);

(ii) A brief statement of specific or measurable program objectives to be achieved in addressing issues, problems and opportunities;

(iii) A brief identification of major work elements to be conducted in achieving objectives of the first work year of the Overall Program Design. To the extent possible, this would include deliverable end products and anticipated results of work;

(iv) Estimated manpower costs and man months required for each program objective. This should be identified by agency staff, other public agency or consultant; and

(v) Identification of funding source for each subcategory.

(b) *Related data.* The following shall be included with each Overall Program Design:

(1) A bar chart identifying a time schedule for completing objectives over the time period covered by the Overall Program Design;

(2) A brief statement which describes how the applicant will coordinate its work with related work being performed by other agencies; and

(3) A brief description of how the applicant will communicate and interact with citizens through its planning process.

Subpart D—State Procedures for Local Planning and Management Services

§ 600.110 Purpose.

This subpart sets forth procedural requirements by which States submit Overall Program Designs for statewide planning and assistance and services for localities and nonmetropolitan planning areas.

§ 600.115 State Overall Program Design.

State Overall Program Design must be presented in the format defined in Subpart C, or in an approved substitute format. A State OPD must include the following:

(a) A statewide planning and management section that identifies statewide planning and management objectives to be achieved.

(b) A local planning and management services section that reflects local issues and identifies a strategy to achieve goals and objectives for local services. This strategy shall include how the State agency will select, monitor and evaluate the local communities and agencies to be assisted. This section shall include all services to local governments, including State Community Development Services; and

(c) A nonmetropolitan areawide planning section that identifies a strategy of goals and achievable objectives for assisting nonmetropolitan planning areas. This strategy shall include how the State agency will select, monitor and evaluate nonmetropolitan areawide programs to be assisted or serviced.

§ 600.120 Summary of local planning and management assistance procedures.

The following describes procedures which States must employ for managing local planning and management assistance. It is HUD's intent to give States major responsibility and discretion for administering a program of local planning and management services, with flexibility as to the selection of services and the recipients to be assisted. The annual grant will support a State program of planning and management services responsive to the key problems of local governments. HUD's main concern will be with the State's planning and management program, rather than with specific activities undertaken on behalf of individual recipients.

(a) *Application submission.* After the HUD Office has identified a bench mark grant figure, the State agency may submit an application, based on which a single total amount of assistance for local planning and management services will be negotiated.

(b) *Grant coverage.* The grant amount for local assistance normally will be included in the State annual grant and will appear as a single subtotal in the annual grant budget (Form HUD–6703, Revised). A separate grant covering local assistance and services may be requested, provided a single OPD covering statewide planning and local assistance and services is presented to HUD.

(c) *Eligible recipients.* Eligible recipients request Community Planning and Management Assistance from the State agency at times and in the manner established by the State. Unless otherwise prohibited by State law, services should be made available to the locality's chief executive official. Such officials, or their designees, should be the locally responsible party and should have agreed on the manner in which services are provided.

(d) *Expenditure of funds.* The grant will be available to the State agency only for the duration of the project period.

(e) *Commitment of funds.* After receiving from HUD the formal notification of grant approval, the State agency may commit and/or expend funds effective with the beginning of the project period and without further HUD concurrence.

§ 600.125 Design of the State program for localities.

The State's planning and management services program shall be set forth in its Overall Program Design and shall:

(a) Describe the objectives of the State's planning and management services program. In establishing these objectives, due consideration should be given to the general goals of the Community Planning and Management Assistance Program as stated in § 600.5.

(b) Identify the criteria to be used in establishing priorities among localities requesting planning and management services (and for determining the particular mix of planning and management services to individual localities).

(c) Describe the procedures to be followed in assisting localities.

(d) Provide for the accomplishment of paragraphs (a) through (c) of this section and of § 600.128 with the cooperation of the locality. State Community Development Services may be employed as the vehicle for making the determinations and accomplishing the work involved in making them.

§ 600.128 Considerations in State assistance to localities.

In determining the nature and extent of assistance to be provided to any locality, the Overall Program Design shall with the cooperation of the elected officials of the locality:

(a) Identify and analyze their key issues, pressing problems, needs, priorities, opportunities, and objectives;

(b) Identify the public and private organizations, agencies and programs at the various levels of government having an impact on the localities, problems, issues, etc.;

(c) Evaluate their previous planning efforts and progress;

(d) Identify their housing problems and the status of their housing planning efforts, including housing opportunities for all income groups;

(e) Identify their environmental problems;

(f) Meet Workable Program, Relocation and similar planning requirements, if desirable or advantageous to an assisted locality;

(g) Secure other local background data as necessary for dealing adequately with their issues, problems and opportunities; and

(h) Evaluate the localities fulfillment of the conditions of the Statement of Assurance consistent with § 600.75.

§ 600.130 Negotiations with HUD.

State negotiations with HUD will focus on:

(a) Relevance of the proposed program to specific statewide objectives and critical problems of local recipients;

(b) Past State agency performance in managing the program, and achieving objectives;

(c) Recipient performance and progress; and

(d) State capability for providing a variety of planning assistance and services.

§ 600.135 State agency review and evaluation.

The State agency must review the planning activities of recipient areas on a continuing basis. The following specific items must be reviewed:

(a) The quality of the local planning work performed;

(b) The timeliness of the work performance;

(c) The recipients' coordination efforts;

(d) The quality of the citizen involvement in the planning effort;

(e) The value of the planning work in improving the chief executive's management capability; and

(f) The recipient's compliance with Equal Opportunity Requirements.

Subpart E—Evaluation and Coordination Procedures

§ 600.140 Purpose.

This subpart sets forth procedures required to assure the evaluation of programs and the coordination of assisted planning among agencies and governmental levels which may enhance or be affected by such planning.

§ 600.145 Evaluation and review.

Certain evaluation and review procedures are established.

(a) *Evaluation.* Required monitoring and reporting activities are defined in Chapter A of HUD Handbook CPM 6042.1A "Comprehensive Planning Assistance Handbook II" (July 1971). With the Annual Program Completion Report described therein and required to be submitted, applicants must include a brief evaluation statement that relates the following:

(1) Agency progress in meeting the Overall Program Design objectives;

(2) Changes or impacts resulting from the agency's assisted work on the social, physical, environmental, and governmental aspects of the planning jurisdiction; and

(3) Outstanding achievements, such as new governmental policies and public and private actions taken resulting from the agency's work.

(b) *HUD review of agency evaluation.* HUD review of evaluations made by assisted applicants will be reported and discussed at the time of negotiations concerning new applications. This review will cover prior work and proposed work as presented in a new application. The review will cover:

(1) The quality of work performed;

(2) The quality of proposed updating in the Overall Program Design and applicant objectives;

(3) The technical competence of applicant staff and consultants in completing previous work and in relation to proposed work;

(4) The adequacy of the applicant's administrative, fiscal and accounting procedures; and

(5) For States, the applicant's ability to identify and respond to needs of communities, to schedule and complete work in timely fashion and to maintain effective management of local assistance and services.

§ 600.150 Coordination and intergovernmental review procedures.

The following procedures required by §§ 600.160 and 600.170 are established to assure intergovernmental coordination and review of planning and management programs proposed for assistance.

§ 600.160 OMB Circular A–95 coordination procedures.

In accordance with HUD procedures set forth in HUD Handbook CPM 6041.1A, "Comprehensive Planning Assistance: Requirements and Guidelines for a Grant", and Office of Management and Budget Circular A–95 guidelines and procedures, established pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, and Title IV of the Intergovernmental Cooperation Act of 1968, planning agencies must notify the State, regional or metropolitan clearinghouse of the intent to submit an applicant for HUD Comprehensive Planning Assistance.

(a) The application notification will include a summary description of the work to be funded containing the following information:

(1) The identity of the applicant agency;

(2) The geographic location of the project to be assisted;

(3) A brief description of the work to be funded under the grant;

(4) The Federal program and agency under which assistance will be sought; and

(5) The estimated date by which time the applicant expects to formally file an application.

(b) When a State's applicant for Comprehensive Planning Assistance is not the designated State clearinghouse, the applicant agency shall notify the clearinghouse agency of its intention to submit an application.

(c) Interstate Regional Commissions submitting applications for a HUD Comprehensive Planning Assistance grant shall notify the Governors' and/or the designated State clearinghouse(s) of their intent to apply to HUD.

(d) Applicants must notify the appropriate State, regional and metropolitan clearinghouses well in advance of the HUD negotiations conference. In no instance will applications be processed without having fulfilled the A–95 requirements.

§ 600.170 Overall Program Design review.

(a) In addition to the A–95 review, referred to in § 600.160, assisted agencies should submit a draft copy of the Overall Program Design to agencies likely to be asked to implement portions of the plans and programs; and to State, areawide, local and Federal agencies and private agencies expected to contribute cash or services to the planning effort.

(b) Each nonmetropolitan areawide planning organization must submit a copy of its Overall Program Design to the chairman of the State Rural Development Committee of the U.S. Department of Agriculture, in accordance with agreed upon procedures between the State planning agency and the State rural development committee.

(c) Each areawide planning organization designated as an economic development district (EDD) or adjacent to an EDD must submit a copy of its Overall Program Design to the regional office of the Economic Development Administration, U.S. Department of Commerce.

(d) Each areawide planning organization designated as a local development district (LDD) must submit a copy of its Overall Program Design to the central office of the Appalachian Regional Commission.

(e) Coordination between areawide planning organization and large cities. Executive bodies of areawide planning organizations and the chief executive officials of cities over 50,000 population within the areawide jurisdiction must exchange draft Overall Program Designs for comment by the reciprocating office. Referral by the applicant areawide organization to the city executive and by applicant cities to their areawide organization is required in any case.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (2–4–72).

SAMUEL C. JACKSON,
Assistant Secretary for Community Planning and Management.

[FR Doc.72–1677 Filed 2–3–72;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Construction

Part 1801 of Chapter XVIII of Title 32 of the Code of Federal Regulations is amended by addition of a new section, reading as follows:

§ 1801.12 Construction.

(a) *Facility selection.* When feasible, the State or political subdivision, in providing for civil defense needs must make use of (1) existing facilities, or (2) a facility which is to be acquired or constructed for a principal function other than civil defense (e.g., municipal office building, courthouse, police or fire station). OCD may contribute toward such of the planning, design, construction, and equipment costs as it determines to be directly attributable to use of a portion of the facility for civil defense functions (e.g., inclusion of an Emergency Operating Center in the basement area of a courthouse). When neither of these two alternatives can be effected, OCD will consider requests for financial contributions toward the costs of planning, designing, constructing, and equipping a facility which is determined by OCD to be required principally for civil defense functions.

(b) *Environmental considerations.* OCD contributions toward the costs of planning, designing, constructing, and equipping a facility which is determined by OCD to be required principally for civil defense functions are subject to the requirements of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. sec. 4332) including the requirement of section 102(2)(C) of NEPA for a detailed environmental statement where the action is a major action significantly affecting the quality of the human environment. Before making the final selection of a site for a facility which is determined by OCD to be required principally for civil defense functions and for which OCD is requested to make a financial contribution toward any of the planning, design, construction, and equipment costs, the State shall assess the environmental consequences of the proposed action. Such assessment will be made in accordance with guidance, including regulatory material, furnished by OCD (such as the guidelines of the Council on Environmental Quality). If it is determined that the action is not a major action significantly affecting the quality of the human environment, the assessment will be reduced to writing and made an attachment to the project application for inclusion in the review process. If it is determined that the action is a major action significantly affecting the quality of the human environment, the State shall prepare a draft environmental impact statement and process it in accordance with guidance furnished by OCD, which statement will accompany the project application through the review process.

(c) *Real property acquisition.* (1) When acquiring real property for a facility which is determined by OCD to be required principally for civil defense functions and for which OCD is requested to make a financial contribution toward any of the planning, design, construction, and equipment costs, the State or political subdivision, as the case may be, will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91–646, 84 Stat. 1894 (hereinafter referred to as the Relocation Act) and property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304 of the Relocation Act. No project application will be approved for a financial contribution toward the costs of planning, design, construction, or equipping of any facility which is determined by OCD to be required principally for civil defense functions and for which the acquisition of real property will result in the displacement of any person, unless OCD receives satisfactory assurances from the State, and where applicable its political subdivision, that the above referenced requirements will be met and that: (i) Fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of the Relocation Act; (ii) relocation assistance programs offering the services described in section 205 of the Relocation Act shall be provided to such displaced persons; (iii) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3) of the Relocation Act; and (iv) the affected persons will be adequately informed of the available benefits and the policies and procedures relating to the payment of these benefits.

(2) Until July 1, 1972 the assurances are required only to the extent the requirements can legally be met. The assurances of the State or political subdivision shall be accompanied by a statement in which it specifies any provisions of the assurances which it is legally unable to provide in whole or in part. In the event a State or political subdivision maintains that it is legally unable to provide all or any part of the required assurances, its statement shall be supported by an opinion of its chief legal official. The opinion shall contain a full discussion of the issues involved, and shall cite legal authority in support of the conclusion of legal inability to provide any part of the required assurances. On or after July 1, 1972, all the assurances, applicable to all persons to be displaced, must be provided OCD prior to its approval of the project application.

(3) Compliance with sections 301 and 302 of the Relocation Act is required where legally possible under State law. In providing the assurance that it will be guided to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302 of the Relocation Act, if the State or political subdivision indicates it is unable to comply fully, its statement shall be supported by an opinion of its chief legal officer containing a full discussion of the issues involved and citing legal authority in support of its conclusion.

(4) The cost to the State or political subdivision in providing payments and assistance pursuant to sections 206, 210, 215, and 305 of the Relocation Act shall be included as part of the cost of the OCD approved project, and shall be eligible for a financial contribution in the same manner and to the same extent as other costs of the project, except that OCD will pay the first $25,000 of the cost to the State or political subdivision of providing payments and assistance pursuant to the cited sections of the Relocation Act on account of any acquisition or displacement occurring prior to July 1, 1972. No payment or assistance under section 210 or 305 of the Relocation Act shall be included as a project cost if the displaced person receives a payment required by the State law of eminent domain which is determined by OCD to have a substantially equivalent purpose and effect and to be part of the cost of the project.

(d) *Labor standards.* Contributions for projects involving construction are subject to compliance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–7) respecting wage rates for federally assisted construction contracts in excess of $2,000; the Copeland "Anti-Kickback" Act (40 U.S.C. 276c); and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 et seq.). See OCD regulations at Part 1808 of this chapter and regulations of the Secretary of Labor at 29 CFR Parts 3, 5, 5a, and 1518.

(e) *Civil rights.* In addition to the provisions of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.), as amended, and implementing regulations, applying to federally assisted programs, contributions for projects involving construction are subject to compliance with the provisions of Executive Order 11246 dated September 24, 1965, as amended, regarding equal employment opportunity. See OCD regulations at Parts 1811 and 1812 of this chapter and regulations of the Secretary of Labor, including those appearing at 41 CFR Part 60–1.

(f) *Bonding and insurance.* In contracting for construction or facility improvement covered by a contributions project application, the State or political subdivision, as the case may be, shall follow its own requirements relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding $100,000. For contracts exceeding $100,000, the following minimum requirements shall be met:

(1) Obtain from each bidder a bid guaranteed equivalent to 5 percent of the bid price. The bid guarantee shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) Obtain a performance bond for 100 percent of the contract price to secure fulfillment of all the contractor's obligations under the contract.

(3) Obtain a payment bond on the part of the contractor for 100 percent of the contract price to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Dated: January 26, 1972.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.72–1628 Filed 2–3–72;8:49 am]

PART 1808—LABOR STANDARDS FOR FEDERALLY ASSISTED CONTRACTS

Miscellaneous Amendments

Part 1808 of Chapter XVIII of Title 132 of the Code of Federal Regulations is amended as follows:

§ 1808.1 [Amended]

1. In § 1808.1, the first and last sentences are amended by substituting the words "29 CFR Parts 5 and 5a" in place of the words "29 CFR Part 5."

2. In § 1808.3, paragraph (a) is revised to read as follows:

FEB 4 72 XUM

§ 1808.3 Project applications.

* * * * *

(a) The State hereby agrees, as a condition of this project application, to conform to each and every obligation required on its part by the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297) and by regulations Part 1808 and guidance material of the Office of Civil Defense, Office of the Secretary of the Army as now or hereafter provided. The obligations of the State include without limitation: The requirement that the State include, verbatim, in each contract involving construction work in excess of $2,000 and cause to be included, verbatim, in each subcontract thereunder, the provisions prescribed in § 1808.4(a) of the Office of Civil Defense, Office of the Secretary of the Army and cause to be attached the applicable wage determination decision of the Secretary of Labor; and, in addition, the requirement that the State include, verbatim, in each construction contract in excess of $10,000, and cause to be included in each subcontract thereunder, the provisions prescribed in § 1808.4(b) of the Office of Civil Defense, Office of the Secretary of the Army.

* * * * *

3. Section 1808.4 is revised to read as follows:

§ 1808.4 Contract provisions.

(a) Each contract involving construction work in excess of $2,000 and all subcontracts thereunder shall include as a part thereof the following labor standards provisions, in completed form, verbatim:

(1) *Minimum wages.* (i) All mechanics and laborers employed by the contractor or subcontractor in the performance of construction work hereunder will be paid unconditionally and not less than once a week and without subsequent deduction or rebate on any account, except such payroll deductions as are permitted by the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor, the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of 29 CFR 5.5(a)(1)(iv). Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particularly weekly period, are deemed to be constructively made or incurred during such weekly period.

(ii) The contracting officer of the (write in the name of the State or political subdivision) shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State through the Office of Civil Defense, Office of the Secretary of the Army to the Secretary of Labor. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics, including apprentices and trainees, to be used, the question accompanied by the recommendation of the contracting officer of the (write in the name of the State or political subdivision) shall be referred by the State through the Office of Civil Defense, Office of the Secretary of the Army to the Secretary of Labor for final determination.

(iii) The contracting officer of the (write in the name of the State or political subdivision) shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question accompanied by the recommendation of the contracting officer of the (write in the name of the State or political subdivision) shall be referred by the State through the Office of Civil Defense, Office of the Secretary of the Army to the Secretary of Labor for determination.

(iv) If the contractor does not make payments to a trustee or other third person, he may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is a part of this contract: *Provided, however,* The Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) *Overtime requirements.* (As used in this clause, the terms "laborers" and "mechanics" include watchmen and guards.) No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic to be employed on such work in excess of 8 hours in any calendar day or in excess of 40 hours in any workweek unless such laborer or mechanic receives compensation at a rate of not less than 1½ times his basic rate of pay for all hours worked in excess of 8 hours in any such calendar day or in excess of 40 hours in any such workweek, as the case may be.

(3) *Violations; liability for unpaid wages; liquidated damages.* In the event of any violation of clauses (1) or (2) the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, in the event of any violation of clause (2), such contractor and subcontractor shall be liable to the United States (in the case of work under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic (including watchmen and guards) employed in violation of clause (2), in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by clause (2).

(4) *Withholding for liquidated damages and unpaid wages.* The (write in the name of the State or political subdivision) may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in clause (3).

In the event of failure to pay any laborer or mechanic, including apprentices and trainees, employed by the contractor or subcontractor in the performance of construction work hereunder, all or part of the wages required by the contract, the (write in the name of the State or political subdivision) may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance or guarantee of funds until such violations have ceased.

(5) *Payrolls and basic records.* (i) Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of 3 years thereafter for all laborers and mechanics working at the site of the work. Such records will contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

(ii) The contractor will submit weekly a copy of all payrolls to the (write in the name of the State or political subdivision) accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "weekly Statement of Compliance" which is required under this contract and the Copeland Regulations (29 CFR Part 3) of the Secretary of Labor and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under 20 CFR 5.5(a)(1)(iv) shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the (write in the name of the State and the political subdivision, if any); the Office of Civil Defense, Office of the Secretary of the Army; and the Department of Labor; and will permit such representatives to interview employees during working hours on the job.

(6) *Apprentices and trainees*—(i) *Apprentices.* Apprentices will be permitted to work as such only when they are registered, individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subdivision (ii) of this subparagraph or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed: The contractor or subcontractor will be required to furnish to the contracting officer written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work.

(ii) *Trainees.* Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and, where subdivision (iii) of this subparagraph is applicable, in accordance with the provisions of Part 5a of this subtitle.

(iii) *Application of 29 CFR Part 5a.* On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR Part 5.2(c) shall also be subject to the provisions of 29 CFR Part 5a. Apprentices and trainees shall be hired in accordance with the requirements of 29 CFR Part 5a.

(b) The following contract clauses set forth apprentice and trainee employment requirements as prescribed by the Secretary of Labor, under 29 CFR Part 5a, and shall be included as conditions of each construction contract in excess of $10,000 ("Contract" or "contractor" includes any construction contract or construction subcontractor regardless of tier as well as the primary contract or prime contractor unless otherwise specified):

(1) The contractor agrees: (i) That he will make a diligent effort to hire for the performance of the contract a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the contract the applicable ratio as determined by the Secretary of Labor;

(ii) That he will assure that 25 percent of such apprentices or trainees in each occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (a) the availability of training opportunities for first year apprentices, (b) the hazardous nature of the work for beginning workers, (c) excessive unemployment of apprentices in their second and subsequent years of training.

(iii) That during the performance of the contract he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of subdivisions (i) and (ii) of this subparagraph.

(2) The contractor agrees to maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen. The contractor agrees to make these records available for inspection upon request of the Department of Labor and the Federal agency concerned.

(3) The contractor who claims compliance based on the criterion stated in 29 CFR 5a.4(b) agrees to maintain records of employment, as described in 29 CFR 5a.3(a)(2), on non-Federal and nonfederally assisted construction work done during the performance of this contract in the same labor market area. The contractor agrees to make these records available for inspection upon request of the Department of Labor and the Federal agency concerned.

(4) The contractor agrees to supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Federal agency compliance officers. The contractor also agrees to supply at 3-month intervals during performance of the contract and after completion of contract performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to the agency concerned, and one to the Secretary of Labor.

(5) The contractor agrees to insert in any subcontract under this contract the requirements contained in this paragraph (29 CFR 5a.3(a)(1), (2), (3), (4), and (5). Sections 5a.4, 5a.5, 5a.6, and 5a.7 of 29 CFR Part 5a shall also be attached to each such contract for the information of the contractor. The term "contractor" as used in such clauses in any subcontract shall mean the subcontractor.

(c) The following contract clauses are also prescribed by the Secretary of Labor under 29 CFR Part 5a and are to be included for information of the contractor in each construction contract in excess of $10,000:

(1) *Criteria for measuring diligent effort.* A contractor will be deemed to have made a "diligent effort" as required by 29 CFR 5a.3 if during the performance of his contract he accomplishes at least one of the following three objectives:

(i) The contractor employs on this project a number of apprentices and trainees by craft as required by the contract clauses at least equal to the ratios established in accordance with 29 CFR 5a.5.

(ii) The contractor employs, on all his public and private, construction work combined in the labor market area of this project, an average number of apprentices and trainees by craft as required by the contract clauses, at least equal to the ratios established in accordance with 29 CFR 5a.5.

(iii) (a) Before commencement of work on the project, the contractor if covered by a collective bargaining agreement will give written notice to all joint apprenticeship committees; the local U.S. Employment Security Office; local chapter of the Urban League, Workers Defense League, or other local organization concerned with minority employment; and the Bureau of Apprenticeship and Training Representative, U.S. Department of Labor, for the locality. The Contractor if not covered by a collective bargaining agreement will give written notice to all the groups stated above except joint apprenticeship committees; this contractor also will notify all nonjoint apprenticeship sponsors in the labor market area.

(b) The notice will include at least the contractor's name and address, the job site address, value of contract, expected starting and completion dates, the estimated average number of employees in each occupation to be employed over the duration of the contract, and a statement of his willingness to employ a number of apprentices and trainees at least equal to the ratios established in accordance with 29 CFR 5a.5.

(c) The contractor must employ all qualified applicants referred to him through normal channels (such as the Employment Service, the Joint Apprenticeship Committees and, where applicable, minority organizations and apprentice outreach programs who have been delegated this function) at least up to the number of such apprentices and trainees required by the applicable provision of 29 CFR 5a.5.

(2) *Determination of ratios of apprentices or trainees to journeymen.* The Secretary of Labor has determined that the applicable ratios of apprentices and trainees to journeymen in any occupation shall be as follows: (i) In any occupation the applicable ratio of apprentices and trainees to journeymen shall be equal to the predominant ratio for the occupation in the area where the construction is to be undertaken, set forth in collective bargaining agreements or other employment agreements, and available through the Regional Manager for the Bureau of Apprenticeship and Training for the applicable area.

(ii) For any occupation for which no such ratio is found, the ratio of apprentices and trainees to journeymen shall be determined by the contractor in accordance with the recommendations set forth in the standards of the National Joint Apprentice Committee for the occupation, which are filed with the U.S. Department of Labor's Bureau of Apprenticeship and Training.

(iii) For any occupation for which no such recommendations are found, the ratio of apprentices and trainees to journeymen shall be at least one apprentice or trainee for every five journeymen.

(3) *Variations, tolerances, and exemptions.* Variations, tolerances, and exemptions from any requirement of this part with respect to any contract or subcontract may be granted when such action is necessary and proper in the public interest, or to prevent injustice, or undue hardship. A request for a variation, tolerance, or exemption may be made in writing by any interested person to the Secretary, U.S. Department of Labor, Washington, D.C. 20210.

(4) *Enforcement.* (i) Each Federal agency concerned shall insure that the contract clauses required by 29 CFR 5a.3(a) are inserted in every federally assisted construction contract subject thereto. Federal agencies administering assistance programs for construction work for which they do not contract directly shall promulgate regulations and procedures necessary to insure that contracts for the construction work subject to 29 CFR 5a.3(a) will contain the clauses required thereby.

(ii) Enforcement activities, including the investigation of complaints of violations, to assure compliance with the requirements of this part, shall be the primary duty of the Federal agency providing the Federal assistance. The Department of Labor will coordinate its efforts with the Federal agencies, as may be necessary, to assure consistent enforcement of the requirements of this part. Enforcement of these provisions shall be in accordance with the procedures outlined in 29 CFR 5.6.

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991 E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Effective date. These revisions shall be applicable to every invitation for bids, and to every negotiation, request for proposals, or request for quotations, for a federally assisted construction contract, issued after January 30, 1972, and to every such contract entered into on the basis of such invitation or negotiation.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.72-1629 Filed 2-3-72;8:49 am]

FEB 4 72

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Release of Information

Part 1 of Chapter I of Title 38 is amended as follows:

1. In § 1.526(i), subparagraph (7) is amended to read as follows:

§ 1.526 Copies of records and papers.

• • • • •

(i) Schedule of fees:

• • • • •

(7) Fees to be determined based on actual costs.	
The fee to be charged for special information, statistics, reports, tapes (direct copies of existing tapes or special tapes created to contain specific data such as a listing of veterans by name and address), audiovisual items (motion pictures, film strips, slide sets, sound recordings, video tapes, or combinations thereof), drawings, specifications, photographs, etc., will be based on the actual cost to the agency, including labor, reproduction machine time, computer time, material and overhead expenses.	Fee to be determined by the official authorized to release the information or his designee under § 1.556(a).

• • • • •

2. Section 1.553 is revised to read as follows:

§ 1.553 Public access to other identifiable records.

Identifiable records in Veterans Administration custody, or copies thereof, other than records made available to the public under the provisions of §§ 1.551 and 1.552, will be made promptly available, except as provided in § 1.554, to any person upon request. Such request must be in writing, over the signature of the requester and must contain a reasonably specific description of the record desired so that it may be located with relative ease. The request should be made to the office concerned (having jurisdiction of the record desired) or, if not known, to the Director of Veterans Assistance Officer in the nearest Veterans Administration regional office or to the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m. Monday through Friday for Veterans Administration Central Office and most field stations.

3. Section 1.555 is revised to read as follows:

§ 1.555 Fees.

(a) Charges will not be made for the use of reading facilities for examination of materials which are to be available to the public under § 1.552. Charges will be made, except as provided in paragraphs (c), (d), (e), and (f) of this section, in accordance with the schedule of fees in § 1.526, to recover the costs of duplicating, reproducing, certifying or authenticating copies of such materials in response to requests from the public. The desired copy will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned.

(b) Charges will be made, except as provided in paragraphs (c), (d), (e), and (f) of this section, on each request from the public to examine, copy, or to be furnished copies of other identifiable records under § 1.553. Such charges, in accordance with the schedule of fees in § 1.526, will be made to recover direct and indirect costs for searching requested records and, if requested, reproducing copies and certifying or authenticating them. Searches will not be undertaken until the requester has paid, or has provided sufficient assurance that he will pay, whatever fee is determined to be appropriate. Desired copies will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposited over the lawful charge will be returned. When a deposit is received with a request, such a deposit will be returned if the request is denied.

(c) Where a contract with a reporting service requires that copies of transcripts be sold only by the service, the copy in Veterans Administration's possession may be made available for inspection. If a copy is requested, the requester will be referred to the reporting service.

(d) No charges will be made for services rendered to or for other agencies or branches of the Federal Government, or State and local governments when the Veterans Administration, veterans and their beneficiaries, or the general public has a substantial interest in the purpose for which the service is requested.

(e) When information, statistics, or reports are approved by the Administrator or the Deputy Administrator for release under § 1.550, the fee charge, if any, will be determined upon the merits of each individual application.

(f) Under the following circumstances services may be provided free at the discretion of station heads or responsible Central Office officials:

(1) When requested by press, radio, television, or other information representatives for dissemination to the general public.

(2) When furnishing the service free is in conformance with generally established business custom, such as furnishing personal reference data to prospective employers of former Government employees.

(3) To the extent of one copy, to those who require copies of records or information from the records in order to obtain financial or other benefits to which they may be entitled (e.g., employees with workmen's compensation claims).

(4) To an individual directly concerned in a hearing or other formal proceeding involving security requirements for Federal employment, one copy of any transcript made of such hearing or other proceeding.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: January 28, 1972.

By direction of the Administrator.

FRED B. RHODES,
Deputy Administrator.

[FR Doc. 72-1674 Filed 2-3-72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Fenthion

A petition (PP 1F1019) was filed by Chemagro Corp., Post Office Box 4913, Kansas City, MO 64120, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide fenthion (*O,O*-dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate) and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities rice straw at 0.5 part per million and rice at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to the proposed tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material it is concluded that:

1. The established tolerances in meat, fat, and meat byproducts of cattle and poultry at 0.1 part per million and in milk at 0.01 part per million (negligible residue) are adequate for residues from dermal application and from feeding treated crops. A tolerance regarding eggs is unnecessary because § 180.6(a)(3) applies.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.214 is amended by adding the new paragraph "0.5 part per million • • •" after the paragraph "5 parts per million • • •", by revising the paragraph "0.1 part per million • • •", and by adding the new paragraph "0.1 part per million in or on rice" after the revised paragraph, as follows:

§ 180.214 Fenthion; tolerances for residues.

• • • • •

0.5 part per million in or on rice straw.
0.1 part per million in meat, fat, and meat byproducts of cattle and poultry.
0.1 part per million in or on rice.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20250, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-4-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: January 28, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-1642 Filed 2-3-72;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 2—RECORDS AND TESTIMONY

Availability of Final Opinions and Orders of the Oil Import Appeals Board

Departmental regulations concerning availability of final opinions and orders, contained in Part 2, Subtitle A, Title 43, are amended, as set forth below, to provide a change of address for the location at which members of the public may make requests for copies of records, or to inspect or copy records, of the Oil Import Appeals Board within the Office of Hearings and Appeals of the Department of the Interior, under provisions of 5 U.S.C. section 552 (1970).

1. In § 2.4, paragraph (d) is amended to read as follows:

§ 2.4 Opinions in adjudications of cases; administrative manuals.

• • • • •

(d) Copies of final opinions and orders issued by the Oil Import Appeals Board are available for inspection and copying in the Office of Hearings and Appeals, Ballston Building No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

• • • • •

Dated: January 27, 1972.

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-1679 Filed 2-3-72;8:49 am]

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5154]

[Utah 15496]

UTAH

Withdrawal for National Forest Geological Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

ASHLEY NATIONAL FOREST

SALT LAKE MERIDIAN

Little Brush Creek Cave

T. 1 S., R. 21 E.,
Sec. 24, lots 1-4, inclusive, E½NE¼, W½NW¼, S½;
Sec. 25, all;
Sec. 36, NE¼.
T. 1 S., R. 22 E.,
Sec. 19, lots 1-4, inclusive, E½, E½W½;
Sec. 29, NW¼, S½;
Sec. 30, lots 1-4, inclusive, E½, E½W½;
Sec. 31, lots 1, 2, NE¼, E½NW¼;
Sec. 32, N½.

The area described contains 3,538.18 acres in Uintah County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JANUARY 31, 1972.

[FR Doc.72-1681 Filed 2-3-72; 8:49 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1089]

PART 1033—CAR SERVICE

New York Dock Railway Authorized To Operate Over Trackage Abandoned by Bush Terminal Railroad Co.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 2d day of February 1972.

It appearing, that the Bush Terminal Railroad Co., in Finance Docket No. 25896, was authorized to abandon its entire line of railroads; that the Bush Terminal Railroad Co. ceased railroad operations on December 15, 1971; that the New York Dock Railway has agreed to operate the trackage abandoned by the Bush Terminal Railroad Co.; that the Commission is of the opinion that there is need for railroad service to industries located on this trackage; that operations over this trackage by the New York Dock Railway are necessary to restore railroad service to these industries in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1089 Service Order No. 1089.

(a) *New York Dock Railway authorized to operate over trackage abandoned by Bush Terminal Railroad Co.* The New York Dock Railway be, and it is hereby, authorized to operate over trackage abandoned by the Bush Terminal Railroad Co.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 11:59 p.m., February 3, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 3, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of

that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1766 Filed 2-3-72;8:50 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTIONS AND CLASSIFICATION OF ECONOMIC UNITS

Miscellaneous Amendments

Part 101, Coverage, Exemptions and Classification of Economic Units was added to a new Title 6 and a new Chapter I of the Code of Federal Regulations on November 13, 1971 (36 F.R. 21788). Part 101 was subsequently amended on November 17, 1971 (36 F.R. 21952), December 16, 1971 (36 F.R. 23974), and further amended and republished on January 27, 1972 (37 F.R. 1237).

The purpose of these amendments is to further amend and modify Part 101 to reflect certain 1971 amendments to the Economic Stabilization Act and certain decisions of the Cost of Living Council.

Subpart A is amended to include in § 101.2 a new definition for "retail firm".

Subpart D is amended: In § 101.33, to revise the exemption for rehabilitated dwellings to reflect more clearly the purpose of the original exemption; to exempt certain residential rental property and certain residential land leases; in § 101.34, to exempt certain retail firms including restaurants with annual sales or revenues of less than $100,000; and in § 101.35, to delete the exemption of pay adjustments below the Federal minimum wage which is now unnecessary as a result of the new provision in § 101.104 of subpart F.

Subpart F is amended to add § 101.104 relating to pay adjustments for individuals whose earnings are less than $1.90 per hour, in accordance with section 203(d) of the Economic Stabilization Act of 1970, as amended.

Among the factors considered in making an exemption are: (1) The objectives and requirements of the Act and the economic stabilization program; (2) whether the economic sector is characterized by a large number of sellers and frequent price fluctuations, with a minimum of inflationary pressure; (3) whether international transactions are involved or whether, in some special situations such as insurance, domestic firms would be at a disadvantage with respect to international competition because of economic controls on price increases; (4) whether there is a clear basis for establishing a fair and equitable price because of the nature of the product and the selling process; (5) whether prices are self-assessed or characterized by a strong element of mutuality; (6) whether other controls have been established by law or by other regulatory authorities; (7) whether other nonexempt sectors will serve as an effective restraint on an exempt sector; (8) considerations of administration and enforcement, including the ability to effectively enforce the controls in sectors with significant inflationary impact.

Because the purpose of these regulations is to amend and modify Part 101, to provide immediate guidance and information as to Cost of Living Council decisions and to implement certain 1971 amendments of the Act, the Cost of Living Council finds that their publication in accordance with usual rule making procedures is impracticable and that good cause exists for making these regulations effective in less than 30 days.

These amendments shall become effective when filed with the FEDERAL REGISTER.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640)

DONALD RUMSFELD,
Director, Cost of Living Council.

Part 101 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart A is amended in § 101.2 to add a definition for: "Retail firm", after the definition of "Price Commission", to read as follows:

§ 101.2 Definitions.

* * * * * * *

"Retail firm" means a firm whose annual sales or revenues are primarily from the sale of goods to ultimate consumers.

* * * * * * *

2. Subpart D is amended by revising § 101.33(a)(2)(iii), and adding §§ 101.33(a)(2)(iv) and (v) and (3), and 101.34(j), to read as follows:

§ 101.33 Real estate and insurance premiums.

* * * * * * *

(a) * * *

(2) * * *

(iii) Rehabilitated dwellings offered for rent in the newly rehabilitated condition for the first time after August 15, 1971, if the cost of rehabilitation exceeds one-half of either the undepreciated cost or the fair market value of the dwelling preceding the rehabilitation.

(iv) Single family dwelling units and rental units in owner-occupied multifamily dwellings which were rented for a term longer than month-to-month on January 19, 1972, or, if not rented on that date, were rented during the base rental period (as defined in Subpart C of Part 301 of this title) for a term longer than month-to-month: *Provided*, That the owner of such units and members of his family (as defined in section 318 of the Internal Revenue Code of 1954, as amended) do not own or have an interest, directly or indirectly, in more than an aggregate of four such units.

(v) Single family dwelling units and rental units in multifamily dwellings for which the monthly rent (as defined in § 301.3 of this title) was $500 or more on January 19, 1972, or if unoccupied on that date, was $500 or more during the base rental period, as defined in Subpart C of Part 301 of this title.

(3) Real estate land leases if:

(i) A residence is established on the leasehold;

(ii) The ground rent charged under such lease is fixed for a period of 20 years or more; and

(iii) Any extension, renewal or renegotiation of such land lease is for a period of 10 years or more and is computed on a percentage of the appraised value of the leased land.

* * * * * * *

§ 101.34 Certain price adjustments.

* * * * * * *

(j) *Retail firms including restaurants.* Retail firms including restaurants, with annual sales or revenues of less than $100,000.

§ 101.35 [Amended]

3. Subpart D is further amended by deleting "§ 101.35(c) *Minimum wages.*"

4. Subpart F is amended to add § 101.104, to read as follows:

§ 101.104 Pay adjustments to those individuals earning less than $1.90 per hour.

Notwithstanding the provisions of this title, this title shall be implemented in such a manner that pay adjustments to any individual who is paid at a rate of less than $1.90 per hour shall not be limited in any manner.

[FR Doc.72-1797 Filed 2-3-72;10:22 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 43h]

ENROLLMENT OF ALASKA NATIVES

Applications, Preparation and Approval of Roll

Notice is hereby given that it is proposed to revise Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in section 25 of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92-203.

The purpose of this revision is to provide regulations to govern preparation of a roll of Alaska Natives.

Since this revision will affect the rights of Alaska Natives to participate in the Alaska Native Claims Settlement and imposes a deadline for applying for enrollment, public comment and expression are deemed advisable. Accordingly, all persons who desire to submit comments, views, or arguments in connection with the proposed revision shall file the same with the Commissioner of Indian Affairs, Bureau of Indian Affairs, Washington, D.C. 20242, not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Subchapter F of Chapter I, Title 25 of the Code of Federal Regulations, is revised to include Part 43h which shall read as follows:

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Sec.
43h.1 Definitions.
43h.2 Purpose.
43h.3 Requirements for enrollment.
43h.4 Enrollment in regions.
43h.5 Enrollment in a 13th region.
43h.6 Applications for enrollment.
43h.7 Determination of eligibility.
43h.8 Appeals.
43h.9 Preparation, certification, and approval of the roll.
43h.10 Establishment of a 13th region.
43h.11 Non-Tsimshian Metlakatla Community members.
43h.12 Special instructions.

AUTHORITY: The provisions of this Part 43h issued under 5 U.S.C. section 301; R.S. §§ 463 and 465, 25 U.S.C. sections 2 and 9; and sec. 25, 85 Stat. 688, 715.

§ 43h.1 Definitions.

(a) "Act" means the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, Public Law 92-203.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(d) "Area Director" means the Area Director, Bureau of Indian Affairs, Juneau, Alaska, or his authorized representative.

(e) "Coordinator" means the head of the Enrollment Coordinating Office, Pouch 7-1971, Anchorage, Alaska 99501, having the responsibility for coordinating all activities regarding preparation of the roll.

(f) "Roll" means the roll of Alaska Natives prepared pursuant to the Act.

(g) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians whose Alaska Native ancestry predates the Treaty of March 30, 1867, and who are not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group.

(h) "Village" means any tribe, band, clan, group, village, community or association in Alaska listed in sections 11 and 16 of the Act, or which meets the requirements of the Act, and which the Secretary determines was, on the 1970 census enumeration date (April 1, 1970), composed of 25 or more Natives.

(i) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than 25 Natives, who comprise a majority of the residents of the locality.

(j) "Region" means the geographic area covered by the operation of one of the 12 existing Native associations recognized in section 7(a) of the Act, or its successor regional corporation, and may include the 13th region if established as provided by section 7(c) of the Act.

(k) "Permanent residence" shall mean the place of domicile on April 1, 1970, which is the location of the permanent place of abode intended by the applicant to be his actual home.

(l) "Regional Solicitor" means the officer in charge of the Anchorage Region of the Office of the Solicitor, Department of the Interior.

(m) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Area Director or other person who files an application for enrollment on behalf of another person. It does not include an enumerator.

§ 43h.2 Purpose.

The regulations in this part are to govern exclusively the preparation of a roll of Alaska Natives pursuant to section 5 of the Act. The provisions of Parts 2 and 42 of Title 25 of the Code of Federal Regulations shall not be applicable to enrollment procedures and appeals provided for in this Part 43h.

§ 43h.3 Requirements for enrollment.

The roll shall consist of the names of all persons who meet the definition of Native and who were born on or before and were living on December 18, 1971.

§ 43h.4 Enrollment in regions.

(a) *Residents of Alaska.* A Native residing in Alaska at the time of filing his application for enrollment shall be enrolled in the region in which he was a permanent resident on April 1, 1970.

(b) *Nonresidents of Alaska.* A Native who at the time of filing his application for enrollment is not a permanent resident of one of the regions in Alaska shall be enrolled according to the following order of priority:

(1) In the 13th region, if it is formed and he so elects, or

(2) In the region where he resided on April 1, 1970, if he had resided there without substantial interruption for 2 or more years, or

(3) In the region where he previously resided for an aggregate of 10 years or more, or

(4) In the region where he was born, or

(5) In the region from which an ancestor came.

A Native may be enrolled in a different region when necessary to avoid enrolling members of the same family in different regions or otherwise avoid hardship.

(c) Eligible children born on or after April 2, 1970, and on or before December 18, 1971, shall be enrolled in the region in which one of their parents is enrolled.

§ 43h.5 Enrollment in a 13th region.

A Native eligible for enrollment who is 18 years of age or older and is not a permanent resident of one of the 12 regions may, on the date he files an application for enrollment, elect to be enrolled in a 13th region for Natives who are nonresidents of Alaska, if such region is established pursuant to subsection 7(c) of the Act. If such region is not established, he shall be enrolled as provided in subsection 4(b) of these regulations. His election shall apply to all dependent members of his household who are less than 18 years of age, but shall not affect the enrollment of anyone else.

V37-24
FEB 4 72
XUM

§ 43h.6 Applications for enrollment.

(a) All applications for enrollment shall be in writing on forms provided by the Bureau of Indian Affairs and shall be signed by or for the head of each household, spouse, and/or the dependent members of his household under 18 years of age. A separate application shall be completed and signed by or for other members of a household 18 years of age or older.

(b) The application shall contain, among other information, the applicant's social security number, name, address, sex, date and place of birth, residence as of April 1, 1970, the village from which his ancestors came, and for a nonresident of Alaska, his election regarding establishment and enrollment in a 13th region. Social security numbers and cards will be issued to those persons who do not have them.

(c) Completed applications must be filed with the Coordinating Office (Kaloa Building, 16th and C Streets), Pouch 7–1971, Anchorage, AK 99501, not later than March 30, 1973. For purposes of these regulations, "filed" means received by the Coordinating Office.

(d) *Residents of Alaska.* Enumerators shall be sent to the principal villages to assist in the completion and filing of applications and centers will be established in urban areas to furnish assistance in the completion and filing of applications. Persons who are missed by the enumerators may apply to the Coordinating Office by mail or in person.

(e) *Nonresidents of Alaska.* Natives not residing in Alaska shall be furnished application forms, together with instructions for completing the forms, upon request made to the Commissioner, the Area Director, or the Coordinator.

§ 43h.7 Determination of eligibility.

Determinations of eligibility shall be made by the Coordinator. Each applicant shall be notified in writing of the decision. If such determination is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse, the applicant or sponsor shall be notified by certified mail, return receipt requested, of the decision together with the reasons for rejection and of his right of appeal.

§ 43h.8 Appeals.

Appeals from rejected applications must be in writing and filed with the Coordinating Office not later than 45 days after the date of receipt of the rejection notice. Prior to submission of the appeal to the Regional Solicitor, the Coordinator may reconsider the prior determination and may enroll the applicant. If the Coordinator does not enroll the applicant, he shall forward the appeal, application, and all pertinent information to the Regional Solicitor. Determinations on appeals shall be made by the Regional Solicitor on behalf of the Secretary and shall be final. The applicant shall be notified in writing of such decision.

§ 43h.9 Preparation, certification and approval of the roll.

The Coordinating Office shall prepare a roll listing enrollees by village or appropriate region. The roll shall contain for each person, his Social Security number, name, last known address, sex, date of birth, degree of Native blood, residence as of April 1, 1970, and the village and/or region in which he is enrolled. Upon completion the Coordinator shall affix to the roll a certificate indicating that to the best of his knowledge and belief the roll contains only the names of persons who were determined to meet the requirements for enrollment as Alaska Natives. The roll shall be submitted to the Secretary for approval.

§ 43h.10 Establishment of a 13th region.

If a majority of all eligible Natives 18 years of age or older who are not permanent residents of Alaska elect, pursuant to subsection 5(c) of the Act, to be enrolled in a 13th region for Natives who are nonresidents of Alaska, a region for the benefit of the Natives who elected to be enrolled therein shall be established and they may establish a regional corporation pursuant to the Act.

§ 43h.11 Non-Teimshian Metlakatla Community members.

Applications for non-Tsimshian Native Alaska members of the Metlakatla Indian Community will be conditionally accepted subject to a determination of their eligibility for inclusion on the Alaska Native roll.

§ 43h.12 Special instructions.

To facilitate the work of the Area Director, the Commissioner may issue special instructions not inconsistent with these regulations.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 1, 1972.

[FR Doc.72–1710 Filed 2–3–72;8:49 am]

Office of the Secretary

[41 CFR Part 14–10]

INSURANCE UNDER FIXED-PRICE CONTRACTS AND COST-REIMBURSEMENT TYPE CONTRACTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251 et seq.), the Office of the Secretary is considering an amendment to 41 CFR Chapter 14 by adding a new § 14–10.451 under Subpart 14–10.4, a new Subpart 14–10.5 and a new § 14–10.501.

Any person who wishes to submit written data, views, or comments pertaining to the proposed additions may do so by filing them in duplicate with the Director, Office of Survey and Review Office of the Assistant Secretary—Management and Budget, Department of the Interior, 19th and E Streets NW., Washington, DC 20240, within 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendment defines situations in which insurance requirements will be included in Interior Department contracts for aircraft. It also sets forth clauses for use in such contracts.

The additions to the Interior Procurement Regulations as proposed would read as follows:

PART 14–10—BONDS AND INSURANCE

Subpart 14–10.4—Insurance Under Fixed-Price Contracts

§ 14–10.451 Insurance requirements for contract aircraft.

(a) Interior bureaus and offices contract for use of aircraft (including helicopters) with or without pilot. Depending on the degree of Government control and the circumstances present if an accident occurs, the Government may be totally or partially liable for personal injury, death, or property damage claims. The cost of insurance coverage is relatively small compared to potential liability. Therefore, in accordance with FPR § 1–10.301, and under the conditions set forth below, minimum insurance requirements are prescribed to protect contractors and the Government.

(b) At 14 CFR 298.42, the Civil Aeronautics Board (CAB) prescribes certain minimum insurance requirements for air taxi operators and commercial operators of small aircraft, i.e., fixed-wing aircraft under 12,500 pounds gross takeoff weight and helicopters under 6,000 pounds gross takeoff weight. Following the CAB minimums, contracts for small aircraft with pilot, except those defined in § 14–10.451 (f), shall include the following clause:

INDEMNITY AND MINIMUM INSURANCE REQUIREMENTS

(a) The Contractor shall indemnify and hold the Government harmless from any and all losses, damages, or liability, or claims therefor, on account of personal injury, death, or property damage of any nature whatsoever, arising out of the activities under the contract of the Contractor, his employees, subcontractors, or agents. For the purpose of fulfilling his obligation under this clause, the Contractor shall procure and maintain during the term of contract, and any extension thereof, liability insurance acceptable to the Contracting Officer. The insured parties named under the policy or policies shall be the Contractor and the United States of America.

(b) The minimum limits of liability insurance coverage shall be:

(1) *Liability for personal injury to or death of aircraft passengers.* A limit for any one passenger of at least seventy-five thousand dollars ($75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars ($75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(2) *Liability for personal injury to or death of persons (excluding passengers).* A limit of at least seventy-five thousand dollars ($75,000) for any one person in any one occurrence, and a limit of at least three hundred thousand dollars ($300,000) for each occurrence.

(3) *Liability for loss of or damage to property.* A limit of at least one hundred thousand dollars ($100,000) for each occurrence.

(c) In lieu of the separate coverages specified in paragraph (b) of this clause, the Contractor may be insured for a single limit of liability for each occurence. In that event, the single limit coverage must be equal to or greater than the combined required minimums set forth in paragraph (b) of this clause.

(d) In the case of a single limit of liability, the aircraft may be insured by a combination of primary and excess policies. Such policies must have combined coverage equal to or greater than the combined minimums set forth in paragraph (b) of this clause.

(e) If the Contractor and his aircraft are covered by an Air Taxi Commercial Operator's Certificate issued under 14 CFR Part 135, the terms, conditions, and exclusions set forth in 14 CFR 298.43 and 298.44 are applicable.

(f) Prior to the commencement of work hereunder, the Contractor shall furnish the Contracting Officer a copy of the insurance policy or policies or a certificate of insurance issued by the underwriter(s) showing that the coverage required by this clause has been obtained.

(c) As an example, for a four-passenger aircraft, the minimum single limit coverage in lieu of the three individual coverages prescribed in the Indemnity and Minimum Insurance Requirements clause in § 14–10.451(b) is computed as follows: $75,000×0.75×4 =$225,000; $225,000+$300,000+$100,000 =$625,000 (Single Limit Coverage). Single limit insurance has an advantage in that up to the entire coverage may be used to pay under any one of the three liability categories, if necessary.

(d) Insurance coverages prescribed in the Indemnity and Minimum Insurance Requirements clause in § 14–10.451(b) should be appropriately changed or deleted by contracting officers in the following circumstances:

(1) In contracts for large aircraft, with pilot, increase the minimum coverages in paragraphs (b) (2) and (3) of the clause so that the limit for each occurrence is $500,000 or more.

(2) In contracts for aerial spraying services, increase the limit of coverage in paragraph (b)(3) of the clause to $500,000 or more. Also, in such contracts, and in those for aerial tanker services, delete paragraph (b)(1) of the clause.

(e) In one-time charters or hires of large or small aircraft, with pilot, if Government exposure appears minimal, and time limitations are present, a formal indemnity-insurance clause need not be included in the contract document.

(f) Hull insurance is usually very costly and most aircraft owners do not carry it. However, if Government liability is established after an accident, it is likely that the Government will also be responsible to a contractor for the fair market value of the aircraft. Accordingly, in contracts for aircraft with pilot where an aircraft is valued at more than $500,000, an additional requirement for hull insurance shall be added as paragraph (b)(4) of the Indemnity and Minimum Insurance Requirements clause in § 14–10.451(b) as follows:

(4) *Liability for damage or destruction of aircraft hull.* A limit equal to the fair market value of the aircraft, when it is put in service to the Government.

(g) Contracts for aerial photography, aerial surveys, meteorological studies, or other work similar in character need not contain the Indemnity and Minimum Insurance Requirements clause in § 14–10.451(b), if there will be no direct Government control or supervision of flight operations. Such contracts are basically for end products rather than for flight services. Contractors will be "independent" and therefore solely responsible for any torts committed. Contracts for this type work shall include a statement that the contractor will be considered an independent contractor, and he will obtain all necessary insurance to protect himself from liability arising out of the contract. Contracts also shall include an indemnity, consisting of the first sentence of the clause.

(h) In contracts for aircraft without pilot, there is a high probability of Government liability for claims arising out of an accident, because flight operations and the Government pilot will be under Government control. However, Government liability will be avoided if it can be proven that the aircraft owner was negligent in maintenance, or that a latent defect led to the accident. In contracts for aircraft without pilot it is Departmental policy to assume its own risks, just as with Government-owned aircraft, and not to require insurance. Accordingly, in such contracts the clause set forth below shall be included:

LIABILITY FOR LOSS OR DAMAGE

(a) The Government assumes all risk and liability for loss (including loss of life, personal injury, damage to private property, and damage to or loss of the aircraft) for the term of this contract, while the aircraft is in the Government's possession, except for (1) normal wear and tear to the aircraft, or (2) loss which occurs as a result of negligence or fault in maintenance of the aircraft by the Contractor, or (3) loss resulting from a latent defect in the construction of the aircraft or a component thereof.

(b) In the event of damage to the aircraft, the Government may, at its option, make the necessary repairs with its own facilities, or by contract, or pay the Contractor the reasonable cost of repair of the aircraft. If damage to the aircraft is established to be the fault of the Government, rental payments to the Contractor during the repair period will be made as set forth elsewhere in this contract.

(c) In the event the aircraft is lost, destroyed, or damaged so extensively as to be beyond repair, no rental payment will be made to the Contractor thereafter, but the Government will pay to the Contractor a sum equal to the fair market value of the aircraft just prior to such loss, destruction, or extensive damage, less the salvage value of the aircraft.

(d) The Contractor certifies that the contract price does not include any cost attributable to insurance or to any reserve fund it has established to protect its interests in or use of the aircraft, regardless of whether or not the insurance coverage applies for the period during which the Government has possession of the aircraft. If, in the event of loss or damage to the aircraft, the Contractor receives compensation for such loss or damage, in any form, from any source, the amount of such compensation shall be credited to the Government in determining the amount of the Government's liability under this clause; except that this shall not apply to proceeds of insurance received solely as an advance of insurance pending determination of Government liability, or for an increment of value of the aircraft beyond the value for which the Government is responsible.

(e) In the event of loss or damage, the Government shall be subrogated to all rights of recovery by the Contractor against third parties for such loss or damage and such rights shall be immediately assigned to the Government. Except as the Contracting Officer may permit in writing, the Contractor shall neither release nor discharge any third party from liability for such loss or damage nor otherwise compromise or adversely affect the Government's subrogation or other rights hereunder. The Contractor shall cooperate with the Government in any suit or action undertaken by the Government against any such third party.

(f) Any failure to agree as to the responsibility of the Government or the Contractor under this clause shall, after a final finding and determination by the Contracting Officer, be considered a dispute within the meaning of the "Disputes" clause of this contract.

Subpart 14–10.5—Insurance Under Cost-Reimbursement Type Contracts

§ 14–10.501 Policy.

(a) Indemnity and insurance requirements set forth in § 14–10.450 and § 14–10.451 are also applicable to cost-reimbursement type contracts.

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

JANUARY 28, 1972.

[FR Doc.72–1608 Filed 2–3–72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 66]

[CGFR 72–19]

PORTS OF DOCUMENTATION

Notice of Proposed Rule Making

The Coast Guard is considering an amendment to the documentation and measurement of vessels regulations to—

(a) Revoke the designations of ports of documentation of—

(1) Annapolis, Md.;
(2) Cambridge, Md.;
(3) Crisfield, Md.;
(4) Washington, D.C.;
(5) Elizabeth City, N.C.;
(6) Washington, N.C.;
(7) Alexandria, Va.;
(8) Cape Charles, Va.;
(9) Newport News, Va.;
(10) Norfolk, Va.; and
(11) Reedville, Va.; and

(b) Designate Portsmouth, Va., as a port of documentation.

If the regulations are so amended, the Coast Guard would close the documentation offices listed in paragraph (a), and—

V 37-24 FEB 4 72 XUM

(a) Transfer the documentation records at Alexandria, Va.; Annapolis, Cambridge, and Crisfield, Md.; and Washington, D.C., to the office of the Officer in Charge, Marine Inspection, Customhouse, Baltimore, Md. 21202, and make Baltimore the home port of all vessels now having home ports at the above named ports;

(b) Transfer the documentation records at Cape Charles, Newport News, Norfolk, and Reedville, Va., and Elizabeth City, N.C., to the office of the Officer in Charge, Marine Inspection, Federal Building, Portsmouth, Va. 23705, and make Portsmouth the home port of all vessels now having home ports at the above named ports; and

(c) Transfer the documentation records at Washington, N.C., to the office of the Documentation Officer for Beaufort-Morehead City, U.S. Coast Guard, Post Office Building, Morehead City, N.C. 28557, and make the port of Beaufort-Morehead City the home port of all vessels now having Washington, N.C., as home port.

If the proposals in this document are adopted, all vessels marked with the name of a home port that is proposed to be revoked will be deemed to be properly marked within the meaning of R.S. 4178, as amended (46 U.S.C. 46), and the regulations issued thereunder, for a period of 2 years from the effective date of the adopted rules.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Fifth Coast Guard District, U.S. Coast Guard, Federal Building, 431 Crawford Street, Portsmouth, VA 23705. Each person submitting comment should identify the notice (CGF 72–19), the subject to which the comment is directed, the reason or basis for views expressed, and the name, address, and business firm or organization of the submitter. Each communication received before April 4, 1972, will be considered and evaluated before final action is taken on the proposal. The proposals may be changed in the light of comments received.

At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contacting the office of the Commander, Fifth Coast Guard District. Any data or views presented during such informal conferences must be submitted in writing to the Commander, Fifth Coast Guard District, in accordance with this notice in order that they may become part of the docket. Copies of all written comments received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District, U.S. Coast Guard, Federal Building, 431 Crawford Street, Portsmouth, VA 23705, both before and after the closing date.

The Coast Guard is making this proposal to reduce the cost of vessel documentation without substantial reduction of services to the public.

In consideration of the foregoing, it is proposed to amend Subpart 66.05 of Title 46, Code of Federal Regulations, as follows:

1. By amending § 66.05–1 by revising the list of ports of documentation for the Fifth Coast Guard District to read as follows:

§ 66.05–1 Ports of documentation.

* * * * *

Coast Guard districts	Marine inspection zones	Ports of documentation
...	...	...
Fifth	Portsmouth	Portsmouth, Va.
	Baltimore	Baltimore, Md.
	Wilmington	Beaufort-Morehead City, N.C.
		Wilmington, N.C.
...	...	...

This proposal is made under the authority of sec. 2, 23 Stat. 118, as amended (46 U.S.C. 2), sec. 1, 43 Stat. 947, as amended (46 U.S.C. 18), sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 1655(b)(1)); and 49 CFR 1.46(b).

Dated: January 31, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.72–1668 Filed 2–3–72;8:48 am]

[46 CFR Part 193]

[CGFR 72–20]

FIRE MAIN SYSTEM

Notice of Proposed Rule Making

The Coast Guard is considering a revision of its fire main system regulation to provide on all vessels engaged in oceanographic research constant water pressure on the fire main or for remote control of fire pumps, as an alternative to maintenance of constant water pressure as presently required. This alternative is considered to provide equivalent safety to presently required arrangements, and offers greater flexibility to the designer.

Interested persons are invited to submit written views, data, arguments or comments to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received within 45 days after the date of publication of this notice in the FEDERAL REGISTER will be fully considered before final action is taken on this notice. Each submission should identify the notice (CGFR 72–20) and the section, give reasons for any recommendations, and include the name and address of the commentator. The proposed amendments may be changed in the light of comments received.

Copies of all written communications will be available for examination at U.S. Coast Guard Headquarters, in Room 8234, 400 Seventh Street SW., Washington, DC 20590.

In consideration of the foregoing, it is proposed to amend Part 193 of Chapter I of Title 46 of the Code of Federal Regulations by revising § 193.05–5(b) to read as follows:

§ 193.05–5 Fire main system.

* * * * *

(b) Except as provided for in section 193.10–10(e), water pressure from the fire main shall be immediately available by maintenance of water pressure on the fire main at all times, or by remote control of fire pumps which control shall be easily operable and readily accessible. When remote controls are not installed, an alarm shall be fitted which will sound in a continuously manned space indicating a drop of water pressure on the system.

* * * * *

The amendment is proposed under the authority of 46 U.S.C. 363, 367, 375, 391, 395, 416, 435, 445, 481, 526p; 49 U.S.C. 1655(b); 49 CFR 1.4(b), 1.46(b).

Dated: January 31, 1972.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72–1669 Filed 2–3–72;8:48 am]

FEDERAL AVIATION ADMINISTRATION

[14 CFR Part 71]

[Airspace Docket No. 72–SO–8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Covington, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Covington transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Covington Municipal Airport (lat. 33°37'54" N., long. 83°51'07" W.); within 5 miles each side of Rex VORTAC 093° radial, extending from the 6.5-mile-radius area to 34 miles east of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Covington Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Rex, Ga., VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 27, 1972.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.72–1639 Filed 2–3–72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72–NW–04]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Eugene, Oreg., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangement for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

An amendment to the VOR/DME Runway 34 procedure to the Mahlon-Sweet Airport requires a modification to the Eugene, Oreg., transition area in order to provide additional controlled airspace protection to aircraft executing the procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Eugene, Oreg., transition area is amended as follows:

In line five of the text, delete, "* * * and that airspace southwest of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VOR TAC 172° radial, on the south by an arc of an 18-mile-radius circle centered on the Eugene VORTAC, on the northwest by a line 2 miles northwest of and parallel to the Eugene VORTAC 224° radial, * * *" and substitute therefor, "* * * and that airspace south of Eugene bounded on the east by a line 4.5 miles east of and parallel to the Eugene VORTAC 172° radial, on the south by an arc of a 21-mile-radius circle centered on the Eugene VORTAC, on the northwest by a line 5 miles northwest of and parallel to the Eugene VORTAC 224° radial; * * *".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on January 28, 1972.

C. B. WALK, Jr.,
Director.

[FR Doc.72–1637 Filed 2–3–72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72–SO–7]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Statesboro, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Statesboro transition area described in § 71.181 (37 F.R. 2143) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Statesboro Municipal Airport (lat. 32°29'25" N., long. 81°44'08" W.); within 3 miles each side of the 120° and 326° bearings from Statesboro RBN (lat. 32°28'50" N., long 81°44'22" W.), extending from the 6.5-mile-radius area to 6.5 miles southeast and northwest of the RBN.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Statesboro Municipal Airport. Since the original designation of controlled airspace at Statesboro, U.S. Army Aviation activities at designated TAC sites in this area have been reduced to the extent that the arc reduction to the southeast and the restriction to departing aircraft utilizing Runway 13 are no longer required. This permits a reduction in the 8.5-mile arc to the northwest to 6.5 miles and an increase in the 5-mile arc to the southeast to 6.5 miles. The extension predicated on the 120° bearing from Statesboro RBN is required to provide controlled airspace protection for the proposed NDB RWY 31 Instrument Approach Procedure.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on January 27, 1972.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.72–1638 Filed 2–3–72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71–CE–113]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a control zone and alter the transition area at Vichy, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted

V 37-24 FEB 4 72 XUM

in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A control zone is being designated for the Rolla National Airport, Vichy, Mo., inasmuch as that airport now meets the requirements for such a designation. It is also necessary to alter the Vichy, Mo., transition area to more adequately provide controlled airspace protection for aircraft executing approach procedures at the Rolla National Airport, to comply with criteria when control zones are established and to change that portion of the present transition area south of the Vichy VORTAC from 3,000 feet MSL to 1,200 feet MSL.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is added:

VICHY, Mo.

Within a 5-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles each side of the 067° radial of the Vichy VORTAC extending from the 5-mile-radius zone to 6½ miles northeast of the Vichy VORTAC.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

VICHY, Mo.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Rolla National Airport (latitude 38°07'40" N., longitude 91°46'10" W.); and within 3 miles of each side of the 067° radial of the Vichy VORTAC, extending from 6½ radius area to 8½ miles northeast of the Vichy VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the Vichy VORTAC 067° and 247° radials, extending from 4 miles southwest to 18½ miles northeast of the VORTAC; within 8 miles southeast and 6½ miles northwest of the Vichy VORTAC 062° and 242° radials, extending from 7 miles northeast to 24 miles southwest of the VORTAC; and within the arc of a 22½-mile-radius circle centered on the Vichy VORTAC, extending from the Vichy VORTAC 216° radial clockwise to the Vichy VORTAC 321° radial and that airspace south of Vichy VORTAC bounded on the northeast by the Vichy 138° radial, southeast by the 052° radial of Maples VORTAC, south by the 086° radial of the Forney AAF VOR, northwest by the Vichy 216° radial.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on January 7, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-1640 Filed 2-3-72;8:46 am]

[14 CFR Part 121]

[Docket No. 9003; Reference Notice 70-18]

PILOT-IN-COMMAND ROUTE AND AIRPORT QUALIFICATION

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 70-18 (35 F.R. 7021) in which the Federal Aviation Administration solicited comments on a proposed amendment to Part 121 of the Federal Aviation Regulations that would have provided new procedures for pilot in command route and airport qualification.

Since the issuance of Notice 70-18, further study has revealed that the regulation should be substantially changed to reflect current qualification needs, capabilities, and technology; consequently, a second notice of proposed rule making would be required.

The FAA wishes to thank those commentators who responded to Notice 70-18, and wants to assure all interested persons that the area of pilot in command route and airport qualification will be carefully examined for the purpose of updating these requirements.

By reason of the foregoing, the FAA has determined that rule making action on the proposed amendment is not appropriate at the present time and that Notice 70-18 should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future nor does it commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (35 F.R. 7021) on May 2, 1970, and circulated as Notice 70-18, entitled "Pilot-in-Command Route and Airport Qualifications," is hereby withdrawn.

This withdrawal is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 28, 1972.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.72-1635 Filed 2-3-72;8:47 am]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 620]

HOUSING FOR AGRICULTURAL WORKERS

Proposed Revision of Standards

Pursuant to proposed rule making (37 F.R. 743, January 18, 1972), the Occupational Safety and Health Administration of the Department of Labor invited interested persons to submit written comments to the Office of Safety and Health Standards, Room 308, 400 First Street NW., Washington, DC 20210 by February 18, 1972, in order to assist the Assistant Secretary of Labor for Occupational Safety and Health.

(1) In identifying any conflicts existing between the "national concensus standard" which is published in § 1910.142 and the "established Federal standards" which are published in 20 CFR Part 620 as they apply to agricultural employment; and

(2) In adopting under section 6(a) of the Williams-Steiger Occupational Safety and Health Act the standards which assure the greatest protection of safety and health to affected employees.

Notice is hereby given that determinations made pursuant to the above-mentioned rule making will, subject to final publication, be incorporated in the Manpower Administration Standards for Housing for Agricultural Workers as published at 20 CFR Part 620.

Pending a determination pursuant to the above-mentioned proceeding, if an Occupational Safety and Health Administration Compliance Safety and Health Officer has conducted an inspection and has not alleged any violation, such inspected premises shall be considered in compliance with the requirement of 20 CFR Part 620.

Signed at Washington, D.C., this 27th day of January 1972.

MALCOLM R. LOVELL, JR.,
Assistant Secretary
of Labor for Manpower.

[FR Doc.72-1643 Filed 2-3-72;8:48 am]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

ARKANSAS, CALIFORNIA, MISSISSIPPI, WYOMING

Definitions of Known Geologic Structures of Producing Oil and Gas Fields

Pursuant to 43 CFR 3100.7 notice is hereby given that the known geologic structures of producing oil and gas fields have been defined as follows:

NAMES OF FIELD, EFFECTIVE DATE, ACREAGE

(4) ARKANSAS

Rock Creek, August 6, 1971, 5,164.

(5) CALIFORNIA

Midway, November 29, 1971, 32,927.

(24) MISSISSIPPI

Kirby, September 13, 1971, 273.
Mills Branch, September 14, 1971, 191.
Northeast Freewoods-Zeigler Creek, December 15, 1971, 967.
North Freewoods, October 21, 1971, 984.
Providence, September 15, 1971, 239.
South Providence, September 14, 1971, 627.

(50) WYOMING

Joe Creek, October 7, 1971, 1,103.
Lazy B, October 5, 1971, 1,000.
Springen Ranch, September 13, 1971, 7,172.
Star Corral East, September 14, 1971, 2,408.
Whisler, November 1, 1971, 600.

Maps and diagrams showing the boundaries of the defined structures have been filed with the appropriate land office of the Bureau of Land Management and are also of record in the Geological Survey, Washington, D.C.

Dated: January 31, 1972.

W. A. RADLINSKI,
Acting Director.

[FR Doc.72-1682 Filed 2-3-72;8:49 am]

Bureau of Land Management

LIVESTOCK GRAZING ON PUBLIC LANDS

Schedule of Fees for 1972

Pursuant to the authority vested in the Secretary of the Interior, notice is hereby given of the schedule of fees for the 1972 fee year beginning March 1, 1972, and ending February 28, 1973, for livestock grazing on the public lands.

For the purpose of establishing charges, one animal unit month (AUM) shall be considered equivalent to grazing use by one cow, five sheep, or one horse for 1 month. The charge for one horse is at twice the rate for one cow.

Bills shall be issued in accordance with the rates prescribed in this notice.

INSIDE STATUTORY GRAZING DISTRICTS

Pursuant to Departmental regulations (43 CFR 4115.2-1(k)) as amended January 7, 1972 (32 F.R. 213), fees within districts, except as otherwise provided herein, shall be 66 cents per AUM of which 43 cents is the grazing use fee and 23 cents is the range improvement fee.

Exceptions to the above rates are hereby set as follows for certain LU project lands (national grasslands) in order to continue the basis of fees that has heretofore been established:

Arizona: For the San Simon project (Cienega area) transferred to the Department by E.O. 10322, the fees shall be $1.27 per AUM of which 43 cents is the grazing fee and 84 cents is the range improvement fee.

Colorado: For the Great Divide project transferred to the Department by E.O. 10046, the fees shall be 83 cents per AUM of which 43 cents is the grazing use fee and 40 cents is the range improvement fee.

Montana: For all LU lands within districts transferred to the Department by E.O. 10787, the fees shall be 85 cents per AUM of which 43 cents is the grazing use fee and 42 cents is the range improvement fee.

New Mexico: For the Hope Land project transferred to the Department by E.O. 10787, the fees shall be 76 cents per AUM of which 43 cents is the grazing use fee and 33 cents is the range improvement fee.

OUTSIDE STATUTORY GRAZING DISTRICTS (EXCLUSIVE OF ALASKA)

Pursuant to departmental regulations (43 CFR 4125.1-1(m)), the rate for grazing leases except as otherwise provided herein, shall be 66 cents per AUM of which 25 percent is the range improvement fee.

Exceptions to the above rate are hereby set as follows for certain LU project lands and for all O&C and intermingled public domain lands in western Oregon in order to continue the basis of fees that has heretofore been established:

Montana: For those Milk River Land project lands outside districts transferred to the Department by E.O. 10787, the fee shall be 85 cents per AUM of which 25 percent is the range improvement fee.

Wyoming: For the Northeast Wyoming project transferred to the Department by E.O. 10046 and amended by E.O. 10175, the fee shall be 83 cents per AUM of which 25 percent is the range improvement fee.

Western Oregon: For western Oregon the fee shall be 90 cents per AUM.

W. T. PECORA,
Acting Secretary of the Interior.

JANUARY 28, 1972.

[FR Doc.72-1680 Filed 2-3-72;8:49 am]

Bureau of Reclamation

[INT DES 72-11]

AUTHORIZED PALMETTO BEND PROJECT, TEX.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a draft environmental statement on a proposed water supply project designed to furnish a dependable municipal and industrial water supply in the Gulf coast area near Edna, Tex.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, E&R Center, Technical Services Branch, Building 67, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, TX 79101, Telephone (806) 376-2408.

Austin Development Office, Bureau of Reclamation, Post Office Box 1946, Federal Building, Austin, TX 78767, Telephone (512) 475-5641.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation, Regional Director, or Austin Planning Officer. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: January 26, 1972.

W. W. LYONS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.72-1631 Filed 2-3-72;8:45 am]

[INT DES 72-10]

COLORADO RIVER FRONT WORK AND LEVEE SYSTEM, ARIZ.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed project to prevent the seepage of saline water from the Main Outlet Drain into the ground-water of the South Gila Valley, thereby allowing improvement of the quality of water delivered to Mexico and eliminating the deterioration of the ground water in the South Gila Valley.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, E&R Center, Technical Services Branch, Building 67, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 243-3007.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 427, Boulder City, NV 89005, Telephone (702) 293-8560.

V 37-24 FEB 4 72 XUM

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: January 26, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-1630 Filed 2-3-72;8:45 am]

[INT DES 72-12]

PUEBLO DAM AND RESERVOIR FRYINGPAN-ARKANSAS PROJECT, COLO.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for continuing construction of Pueblo Dam and Reservoir, an authorized feature of the Fryingpan-Aranksas Project. This environmental statement concerns construction of the dam and appurtenant facilities. Its principal functions are to provide storage and regulation of municipal, industrial, and agricultural water, flood protection, recreation, fish and wildlife enhancement and sediment reduction. Copies are available from:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Office of the Regional Director, Bureau of Reclamation, Denver, Colo., Building 20, Denver Federal Center, Telephone (303) 234-4441.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation and the Regional Director. In addition copies are available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151, for $3 each. Please refer to the statement number above.

Dated: January 26, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-1632 Filed 2-3-72;8:45 am]

National Park Service

ISLE ROYALE NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Isle Royale National Park, proposes to issue a concession permit to Sivertson Bros., Duluth, Minn., authorizing them to provide concession facilities and services for the public at Isle Royale National Park for a period of 5 years from January 1, 1972 through December 31, 1976.

The foregoing concessioners have performed their obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, are entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Superintendent, Isle Royale National Park, Post Office Box 27, Houghton, MI 49931, for information as to the requirements of the proposed permit.

Dated: January 7, 1972.

HUGH P. BEATTIE,
Superintendent, Isle Royale National Park.

[FR Doc.72-1641 Filed 2-3-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

IMPORTED SUGAR

Notice of Hearing To Determine Whether or Not the Weighing of Shipments Should Be Permitted Only by Persons Having No Direct Financial Interest

This hearing is being held in order that the Secretary may obtain information to make a determination if necessary pursuant to paragraph (c) of section 403 of the Sugar Act of 1948 as amended on October 14, 1971, which reads as follows:

Whenever the Secretary determines that such action is necessary to protect the interests of the United States, consumers of sugar, or the exporters or importers of sugar, he is authorized to require, in accordance with such rules and regulations as he may prescribe, any or all shipments of imported sugar to be weighed by persons not controlled, directly or indirectly, by any person having a direct financial interest in such sugar.

An informal public hearing on the matter will be held in Room 2096, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, DC, beginning at 10 a.m. on February 29, 1972.

At the hearing all interested parties are invited to give testimony or to submit information relating to the weighing of imported sugar by "independent" and "dependent" weighers as it enters the United States, especially information relating to the accuracy or inaccuracy of final outturn weights on which customs duty and refiners' payments are based. Independent weighers are those weighers of sugar who are not directly or indirectly engaged in the buying or selling of sugar while dependent weighers are those which may be controlled through ownership or otherwise by a buyer or seller of imported foreign raw sugar. The Department also desires information on customary procedures used in weighing imported sugar, as well as types of scales used and frequency and methods used in the testing of scales for accuracy by government officials and others.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)). All such written submissions shall be submitted in triplicate and shall be in documentary form.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than announcement thereof at the hearings by the presiding officers.

Tom O. Murphy, Leo L. Sommerville, Robert R. Stansberry, Jr., Edwin H. Matzen, and Ellsworth R. DeMasters are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-1673 Filed 2-1-72;1:49 pm]

Consumer and Marketing Service

EGG PRODUCTS INSPECTION ACT

Cooperative Agreement With Food and Drug Administration for Administration and Enforcement

The Consumer and Marketing Service—USDA (hereinafter called C&MS) and the Food and Drug Administration (hereinafter called FDA) do hereby agree to the following terms and conditions as stated herein.

Purpose. To establish a cooperative agreement in administering and enforcing the Egg Products Inspection Act (Public Law 91-597).

I. Responsibilities under Egg Products Inspection Act.

A. C&MS shall:

1. Have exclusive jurisdiction in official egg products plants and exempted egg products plants.

2. Have exclusive jurisdiction in checking egg producers, packers, and other firms engaged in marketing eggs, including hatcheries, to determine the disposition of restricted eggs (check, dirty, incubator reject, inedible, leaker, or loss).

3. Have jurisdiction over imported egg products.

B. FDA shall:

Have exclusive jurisdiction over restaurants, institutions, food manufacturing plants, and other similar establishments, that break and serve eggs or use them in their products to determine, among other things, that the eggs used do not contain more restricted eggs than are allowed in U.S. Consumer Grade B.

II. Services to be performed:

A. C&MS shall:

1. Notify FDA whenever it has reason to believe that shell eggs or egg products have been shipped in commerce in violation of the Act to a receiver for which FDA has exclusive jurisdiction.

2. Have primary responsibility for determining that retail stores comply with the Act, with respect to their purchases and sales of shell eggs.

3. Check imported shell eggs for the proper labeling and disposition of restricted eggs, and will notify FDA before release of any lot for domestic commerce.

4. Notify FDA when applications are made to import shell eggs into the United States.

B. FDA shall:

1. Be responsible for exercising the administrative detention authority provided in the Act with respect to shell eggs and egg products located on the premises of establishments for which FDA has jurisdiction.

2. Notify C&MS of violations under item I.B, Responsibilities of FDA, so that USDA can check on the seller of the restricted eggs for a possible violation of the Act. If food manufacturers decide to break eggs below U.S. Consumer Grade B, the egg breaking portion of their operation would require C&MS inspection.

3. Continue to be responsible for standards of identity for egg products.

4. Be responsible for food products containing eggs that are not egg products as defined by the Act except where on an individual basis, C&MS and FDA agree to C&MS responsibility for such food products being produced in an egg product plant.

5. Notify C&MS of any unwholesome egg products it encounters, including imported shell eggs which contain restricted eggs not in accordance with USDA regulations and labeling requirements.

6. Continue to monitor imported shell eggs and domestic shell eggs for the presence of pesticides, etc.

III. Field liaison will be maintained between C&MS and FDA through the C&MS regional offices of Poultry Division (Appendix A, set forth below) and FDA Regional Offices (Appendix B, set forth below).

IV. Name and address of participating agency:

Consumer and Marketing Service—USDA, Washington, D.C.

V. Liaison officers:

A. Mr. Kelvin Keath, Executive Director of Regional Operations, 5600 Fishers Lane, Room 12-72, Rockville, MD 20852, 301-443-1240.

B. Mr. William E. Hauver, Director of Poultry Division, Marketing Services, C&MS, Washington, D.C. 20250, 202-388-4476.

C. Mr. Richard S. Nacewicz, Division of Regulatory Guidance—Bureau of Foods, Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-963-5078.

VI. Period of agreement:

This Agreement when accepted by both parties will run indefinitely. However, this Agreement or any of its specific provisions may be revised or amended only by signature of the parties to the Agreement, their designees, or their respective official successors. Cancellation may be made upon thirty (30) days written notice of either party to the other.

415 556-6488.

VII. Authority:

This Agreement is entered into under the authority of the Economy Act, approved June 30, 1932, as amended, 31 U.S.C. 686.

Approved and accepted for the Food and Drug Administration.

JOHN C. DRAKE,
Acting Assistant Commissioner for Administration.

Dated: December 1, 1971.

Approved and accepted for the Consumer and Marketing Service—USDA.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

Dated: December 9, 1971.

APPENDIX A

CONSUMER AND MARKETING SESVICE REGIONAL OFFICES OF POULTRY DIVISION

Eastern Region

James B. York, Regional Director.
Henry J. Binnix, Assistant Regional Director.
Reba Rosenzweig, Administrative Assistant.
1006 U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106, Telephone—Area Code 215 597-4554.

States Supervised by Philadelphia Regional Grading Office

Connecticut.	New York.
Delaware.	North Carolina.
District of Columbia.	Pennsylvania.
	Puerto Rico.
Florida.	Rhode Island.
Georgia.	South Carolina.
Maine.	Vermont.
Maryland.	Virginia.
Massachusetts.	West Virginia.
New Hampshire.	Virgin Islands.
New Jersey.	

East Midwest Region

Dale H. Shearer, Regional Director.
Jack H. Brownlow, Assistant Regional Director.
Majorie Mason, Administrative Assistant.
610 South Canal Street, Room 803, Chicago, IL 60607, Telephone—Area Code 312 353-6226.

States Supervised by Chicago Regional Grading Office

Alabama.	Michigan.
Arkansas.	Mississippi.
Illinois.	Ohio.
Indiana.	Tennessee.
Kentucky.	Wisconsin.
Louisiana.	

West Midwest Region

Frank J. Santo, Regional Director.
Donald A. Niebuhr, Assistant Regional Director.
Grace C. Hagedorn, Administrative Assistant.
210 Walnut Street, Room 777, Des Moines, IA 50309, Telephone—Area Code 515 284-4581.

Colorado.	New Mexico.
Iowa.	North Dakota.
Kansas.	Oklahoma.
Minnesota.	South Dakota.
Missouri.	Texas.
Nebraska.	

States Supervised by Des Moines Regional Grading Office

Western Region

R. A. Dorsett, Regional Director.
Rodney Voorhees, Assistant Regional Director.
Sue Takahashi, Administrative Assistant.
630 Sansome Street, Room 807, San Francisco, CA 94111, Telephone—Area Code

States Supervised by San Francisco Regional Grading Office

Alaska.	Nevada.
Arizona.	Oregon.
California.	Utah.
Hawaii.	Washington.
Idaho.	Wyoming.
Montana.	

APPENDIX B

A. DIRECTORY OF HEW REGIONAL OFFICES

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
J. F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.
Region II: New Jersey, New York, Puerto Rico, and Virgin Islands.
Federal Building, 26 Federal Plaza, New York, N.Y. 10017.
Region III: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
401 North Broad Street, Mail: Post Office Box 8796, Philadelphia, PA 19106.
Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
Room 404, 50 Seventh Street NE., Atlanta, GA 30323.
Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
Room 712, New Post Office Building, 433 West Van Buren Street, Chicago, IL 60607.
Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
1114 Commerce Street, Dallas, TX 75202.
Region VII: Iowa, Kansas, Missouri, Nebraska.
601 East 12th Street, Kansas City, MO 64106.
Region VIII: Colorado, Montana, North Dakota, Utah, Wyoming, South Dakota.
9017 Federal Office Building, 19th and Stout Streets, Denver, CO 80202.
Region IX: Arizona, California, Hawaii, Nevada, Guam, American Samoa, Trust Territory of Pacific Islands, Wake Island.
Federal Office Building, 50 Fulton Street, San Francisco, CA 94102.
Region X: Alaska, Idaho, Oregon, Washington.
Arcade Building, 1321 Second Avenue, Seattle, WA 98101.

1.1 FIELD ROSTERS

a. Regional Food and Drug Directors

Region I—Arthur J. Beebe.
Region II—Weems L. Clevenger.
Region III—Theo. C. Maraviglia.
Region IV—Leslie O. McMillin.
Region V—Donald C. Healton.
Region VI—Louis C. Weiss.
Region VII—Lloyd Claiborne.
Region VIII—Fred L. Lofsvold.
Region IX—Irwin B. Berch.
Region X—J. W. Swanson, Acting.

Signed at Washington, D.C., this 31st day of January 1972.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[FR Doc.72-1620 Filed 2-3-72;8:45 am]

Rural Electrification Administration

CENTRAL ELECTRIC POWER COOPERATIVE, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement

V 37-24 FEB 4 72 XUM

in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a reclassification of loan funds requested by the borrower. This reclassification provides for the installation of a 20 mw. gas turbine on Hilton Head Island, S.C.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of February 1972.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.72-1690 Filed 2-3-72;8:50 am]

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Colorado-Ute Electric Association, Inc., Post Office Box 1149, Montrose, CO 81401. This loan, together with funds from other sources, includes financing for 20 percent (approximately 50 mw.) of a generating plant in Hayden, Colo.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of February 1972.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.72-1688 Filed 2-3-72;8:50 am]

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Colorado-Ute Electric Association, Inc., Post Office Box 1149, Montrose, CO 81401. This loan includes financing for approximately seventy (70) miles of 230 kv. transmission line between the Hayden substation and Wolcott, Colo., and approximately twenty (20) miles of 115 kv. transmission line between Wolcott and Vail, Colo.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of February 1972.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.72-1689 Filed 2-3-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-643; NDA 6-653]

BREON LABORATORIES, INC.

p-Nitrosulfathiazole for Rectal Use; Notice of Withdrawal of Approval of New Drug Application

On July 23, 1971, there was published in the FEDERAL REGISTER (36 F.R. 13695) a notice of opportunity for hearing (DESI 6653) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new drug application No. 6-653, Nisulfazole (p-nitrosulfathiazole) Suspension; Breon Laboratories, Inc., subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016, on the grounds that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In response to that notice Breon Laboratories, by letter dated July 27, 1971, voluntarily requested withdrawal of the NDA, and thereby waived opportunity for a hearing, stating that the product is no longer marketed.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that Nisulfazole Suspension will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing findings, approval of the above new drug application, and all amendments and supplements thereto, is withdrawn effective on the date of publication of this document.

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1685 Filed 2-3-72;8:50 am]

[Docket No. FDC-D-413; NDA No. 7-663]

GLENWOOD LABORATORIES

Potassium Aminobenzoate Oral Preparations; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 7663) published in the FEDERAL REGISTER of August 28, 1970 (35 F.R. 13755) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below, stating that the drug is regarded as possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

NDA 7-673; Potaba Capsules, Envules, Powder, and Tablets containing potassium aminobenzoate; Glenwood Laboratories, Inc., 83 Summit Street, Tenafly, N.J. 07670.

Therefore, notice is given to Glenwood Laboratories and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of an opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970.)

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1686 Filed 2-3-72;8:50 am]

[DESI 8021; Docket No. FDC-D-411; NDA's 8-021, 8-895]

SCHERING CORP.

Certain Drugs Containing Meparfynol; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 8021) published in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13604), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on Dormison (meparfynol) Capsules; Schering Corp., 1011 Morris Avenue, Union, New Jersey 07083 (NDA's 8-021 and 8-895). The notice stated that the drug is regarded as possibly effective for the labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

Therefore, notice is given to Schering Corp. and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new drug applications Nos. 8-021 and 8-895 and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis

FEB 4 72 XUM

of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1683 Filed 2-3-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 72-21]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from September 24, 1970 to December 23, 1971 (List No. 35–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFERAFTS FOR MERCHANT VESSELS

The Frank Morrison & Son Co., 1330 West 11th Street, Cleveland, OH 44113, Approval No. 160.018/5/1 expired and was terminated effective December 13, 1971.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, Approval No. 160.033/59/0 expired and was terminated effective November 23, 1971.

LIFEBOATS

The Lane Lifeboat and Davit Corp., 150 Sullivan Street, Brooklyn, NY 11231, Approval No. 160.035/89/3 expired and was terminated effective December 4, 1971.

The Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, Approval No. 160.035/320/1 expired and was terminated effective December 22, 1971.

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, Approval No. 160.035/331/2 expired and was terminated effective October 4, 1971.

The Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, Approval Nos. 160.035/338/1 and 160.035/444/0 expired and were terminated effective September 24, 1970.

The C. C. Galbraith & Son, Inc., Maple Place and Manchester Avenue, Post Office Box 185, Keyport, NJ 07735, Approval No. 160.035/440/0 expired and was terminated effective December 23, 1971.

The Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, Approval No. 160.035/449/0 expired and was terminated effective December 8, 1971.

Dated: February 1, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-1670 Filed 2-3-72;8:48 am]

[CGFR 72-22]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 9, 1971, to December 22, 1971 (List No. 36–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

SEA ANCHORS, LIFEBOAT

Approval No. 160.019/1/0, Type A Sea Anchor, U.S.C.G. Drawing No. MMI–562 and Specification, dated November 1, 1943, revised August 24, 1944, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective December 13, 1971. (It is an extension of Approval No. 160.-019/1/0 dated February 17, 1967.)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/60/3, Rottmer type releasing gear, approved for a maximum working load of 15,000 pounds per hook, identified by Disengaging Apparatus dwg. No. 9090–111 Rev. C dated October 27, 1971, manufactured by Whittaker Corp., 5159 Baltimore Drive, La Mesa, CA 92042, effective December 9, 1971. (It supersedes Approval No. 160.–033/60/2 dated August 12, 1971, to show change in construction.)

LIFEBOATS

Approval No. 160.035/288/2, 26.0' x 9.0' x 3.83' steel, oar-propelled lifeboat, 53-person capacity, identified by general arrangement dwg. No. 26–001–04, Rev. C dated December 14, 1971, 46 CFR 160.-035–13(c) Marking. Weights: Condition "A"=3,800 pounds; Condition "B"=13,-649 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective December 14, 1971. (It reinstates and supersedes Approval No. 160.035/288/1 terminated July 3, 1968.)

KITS, FIRST-AID, FOR MERCHANT VESSELS

Approval No. 160.041/1/0, First-Aid Kit, Model M 2, dwg. No. 99, dated July 1, 1951, manufactured by E. D. Bullard, 2680 Bridgeway, Sausalito, CA 94965, effective December 13, 1971. (It is an extension of Approval No. 160.041/1/0 dated February 27, 1967.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

NOTE: For Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.047/544/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047 and COMDT(MMT–3) letter, file number 5946/160.047/gen, dated December 15, 1971, to Buddy Schoellkopf Products, Inc., manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, TX 75207, effective December 15, 1971. (It supersedes Approval No. 160.047/544/0 dated January 29, 1968 to show change in description.)

Approval No. 160.047/545/0, Type I, Model CKM–1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047 and COMDT(MMT–3) letter file number 5946/160.047/gen, dated December 15, 1971, to Buddy Schoellkopf Products, Inc., manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas TX 75207, effective December 15, 1971. (It supersedes Approval No. 160.047/545/0 dated January 29, 1968 to show change in description.)

Approval No. 160.047/546/0, Type I, Model CKS–1, child small kapok buoyant vest, U.S.C.G. Specification Subpart 160.-047 and COMDT(MMT–3) letter, file number 5946/160.047/gen, dated December 15, 1971, to Buddy Schoellkopf Products, Inc., manufactured by Buddy Schoellkopf Products, Inc., 148 Fordyce, Dallas, TX 75207, effective December 15, 1971. (It supersedes Approval No. 160.-047/546/0 dated January 29, 1968 to show change in description.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.052/340/0, Type II, Model BVA, adult vinyl-dip coated unicellular plastic foam buoyant vest, Dwg. No. 1001, Rev. 1 dated December 23, 1966, manufactured by Texas Water Crafters, Post Office Drawer 539, Wichita Falls, TX 76307, effective December 10, 1971. (It is an extension of Approval No. 160.052/340/0 dated February 3, 1967.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/66/0, Type IB, Model 63, adult, cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IB (sheets 1 and 2), manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective December 10, 1971. (It is an extension of Approval No. 160.055/66/0 dated February 3, 1967.)

Approval No. 160.055/67/0, Type IB, Model 67, child, cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IB (sheets 3 and 4), manufactured by Billy Boy Products Division, Crotty Corp., Quincy, Mich. 49082, effective December 10, 1971. (It is an extension of Approval No. 160.055/67/0 dated February 3, 1967.)

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/11/2, Audible and visual supervised photoelectric optical smoke detection system, Model ESDS–2, one through 70 lines on main cabinet with wheelhouse annunciator, normally furnished with three supervised alarm bells, with provision for addition of a fourth supervised alarm bell, manufactured by Norris Industries, Fire & Safety Equipment Division, Post Office Box 2750, Newark, NJ 07114, effective December 22, 1971. (This aproval supersedes Approval No. 161.002/11/1 dated June 19, 1970. Drawings approved under 161.002/11/0 and 161.002/11/1 remain approved.)

SAFETY VALVES (POWER BOILERS)

Approval No. 162.001/279/0, Style HC–MS–75 carbon steel body pop safety valve nozzle type, exposed spring fitted with cover 2,000 p.s.i. primary service pressure rating and 675° F. maximum temperature with standard inlet flange or optional inlet flange, dwg. No. HV–53–MS issued January 6, 1967, approved for sizes 1½", 2", 2½" and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective December 17, 1971. (It is an extension of Approval No. 162.001/279/0 dated February 24, 1967.)

Approval No. 162.001/280/0, Style HC–MS–76 carbon steel body pop safety valve nozzle type, exposed spring fitted with cover 2,000 p.s.i. primary service pressure rating and 750° F. maximum temperature with standard inlet flange or optional inlet flange, dwg. No. HV–53–MS issued January 6, 1967, approved for sizes 1½", 2", 2½" and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective December 17, 1971. (It is an extension of Approval No. 162.001/280/0 dated February 24, 1967.)

Approval No. 162.001/281/0, Style HCA–MS–77 alloy steel body pop safety valve nozzle type, exposed spring fitted with cover 2,000 p.s.i. primary service pressure rating and 900° F. maximum temperature with standard inlet flange; 1,750 p.s.i. primary service pressure rating and 900° F. maximum temperature with optional inlet flange, dwg. No. HV–52–MS issued January 5, 1967, approved for sizes 1½", 2", 2½" and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective December 17, 1971. (It is an extension of Approval No. 162.001/281/0 dated February 24, 1967.)

Approval No. 162.001/282/0, Style HCA–MS–78 alloy steel body pop safety valve nozzle type, exposed spring fitted with cover 1,655 p.s.i. primary service pressure rating and 1050° F. maximum pressure with standard inlet flange; 995 p.s.i. primary service pressure rating and 1050° F. maximum temperature with optional inlet flange, dwg. No. HV–52–MS issued January 5, 1967, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective December 17, 1971. (It is an extension of Approval No. 162.001/282/0 dated February 24, 1967.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/12/1, Marinite-36, asbestos incombustible binder board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. TG3619–23; FR1274 dated March 21, 1939; approved as meeting Class B–15 requirements in a ¾-inch thickness, formerly J–M Marinite, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective December 15, 1971. (It is an extension of Approval No. 164.008/12/1 dated February 24, 1967.)

Approval No. 164.008/13/1, Marinite-30 asbestos incombustible binder board type bulkhead panel identical to that described in Protexol Testing Laboratory Test Report No. 146 dated November 15, 1946; approved as meeting Class B–15 requirements in a ¾-inch thickness, formerly J–M Light Weight Marinite, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective December 15, 1971. (It is an extension of Approval No. 164.008/13/1 dated February 24, 1967.)

Approval No. 164.008/14/1, Marinite-65, asbestos incombustible binder board type bulkhead panel identical to that described in Johns-Manville letter of March 6, 1947; approved as meeting Class B–15 requirements in a ¾-inch thickness, formerly J–M Marine Sheathing, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective December 15, 1971. (It is an extension of Approval No. 164.008/14/1 dated February 24, 1967.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/43/0, "Thermobestos" asbestos-hydrous calcium silicate type pipe and block insulation identical to that described in Commandant, U.S. Coast Guard letter dated April 9, 1957, file 164.009/43, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, effective December 15, 1971. (It is an extension of Approval No. 164.009/43/0 dated February 24, 1967.)

INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/1/0, "NEVAMAR" laminated plastic interior finish, Type FP–1, 1/16" identical to that described in Enjay Fibers & Laminates Co. letter dated October 14, 1971 and Underwriters' Laboratories Reference R–4642, 71NK2184 issued April 7, 1971, bonded with Koppers Pensacolite G1124 adhesive in accordance with instructions accompanying the adhesive, manufactured by Enjay Fibers & Laminates Co., a division

FEB 4 7 2
XUM

of Enjay Chemical Co., Odenton, Md. 21113, effective December 31, 1971.

Dated: February 1, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-1671 Filed 2-3-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 581]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 31, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4376-C2-ML-72—Salinas Valley Radio Telephone Co. (KMA837), modification of license to delete base facilities operating on 152.03 and 152.06 MHz at Location No. 3: 4095 Sun Ridge Road, Pebble Beach, CA.

4582-C2-P-72—Credit Bureau of Decatur, Inc. (New), for a new one-way station to be located at 1616 North State, Alton, IL, to operate on 43.58 MHz.

4585-C2-P-(4)-72—Miami Valley Radiotelephone (KQK592), for additional facilities to operate on 454.200 and 454.300 MHz at Location No. 2: 1775 Old Oxford Road, near Hamilton, Ohio, and add 454.025 and 454.125 MHz at Location No. 3: Cox Road and State Route No. 42, Pisgah, OH.

4587-C2-P-72—Norman County Telephone Co. (New), for a new two-way station to be located at 1.2 miles west of Highway No. 9, 3.7 miles south of Ada, Minn., to operate at 152.51 MHz.

4588-C2-P-72—Rural Telephone Service Co., Inc. (KAF641), change the antenna system operating on 152.81 MHz located south of Lenora, Kans.

4589-C2-P-72—Susquehanna Mobile Communications, Inc. (KGC599), replace the base transmitter operating on 152.03 MHz located on Blue Mountain at the WHP-TV site, near Harrisburg, Pa.

4590-C2-P-(2)-72—Ellensburg Telephone Co. (KON907), for additional facilities to operate on 152.60 MHz; replace transmitter operating on 152.57 MHz and change the antenna system at 1203 East Eighth Avenue, Ellensburg, WA.

4626-C2-AL-72—L. H. Smith, involuntary consent to assignment from Anna H. Smith, as Executrix of the Estate of Lawrence H. Smith, deceased, Assignor, to Anna H. Smith, Executrix of the Estate of Lawrence H. Smith, Assignee. Station: KEA855, Manorville, N.Y.

4636-C2-AL-(2)-72—Tel-Illinois Eastern, Inc., consent to assignment of license from Tel-Illinois Eastern, Inc., Assignor, to Tel-Illinois, Inc., Assignee. Stations: KSJ627 (2-way) and KSJ811 (one-way), Champaign, Ill.

4637-C2-P-(2)-72—Navajo Communications Co., Inc. (New), for a new two-way station to be located at Preston Mesa, 15 miles northwest of Tuba City, Ariz., to operate on 152.570 and 152.780 MHz.

4660-C2-P-72—Telegraph-Herald, Inc. (New), for a new one-way station to be located on Highway No. 35, 1.6 miles north of Kieler, Wis., to operate on 152.24 MHz.

4661-C2-P-72—United Telephone Co. of Kansas, Inc. (New), for a new two-way station to be located at 114 North Seventh Street, Hiawatha, KS, to operate on 152.51 MHz.

Major Amendment

2045-C2-P-71—Philadelphia Mobile Telephone Co. (KGI775), change base frequency to 545.075 MHz. See Public Notice dated Oct. 19, 1970, Report No. 514.

186-C2-P-72—Lett Electronics, Inc. (KEK275), change base frequency to 152.12 MHz, replace transmitter and change the antenna system. See Public Notice dated July 26, 1971 and Sept. 27, 1971.

Correction

4402-C2-P-72—Mahaffey Message Relay (KDT223), correct to read: For a new two-way station to be located at 1.7 miles southeast of Collierville, Tenn., to operate on 152.030 MHz.

RURAL RADIO SERVICE

4586-C1-P/L-72—Mountain States Telephone & Telegraph Co. (New), for a new rural subscriber station to be located at 7.2 miles southwest of Meeteetse, Wyo., to operate on 158.04 MHz communicating with Station KOE512, Cody, Wyo.

4638-C1-P-72—Mountain States Telephone & Telegraph Co. (KPV99), replace transmitter operating on 157.77 MHz communicating with Station KOE511, Tensleep, Wyo. Subscriber and location: Federal Aviation Agency, Medicine Mountain, 23.8 miles east of Lovell, Wyo.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3171-C1-R-72—General Telephone Co. of California (KZI31), renewal of Developmental license expiring Mar. 1, 1971. Term: Mar. 1, 1971 to Mar. 1, 1972.

4561-C1-P-72—RCA Alaska Communications, Inc. (WGF63), 12 miles north-northeast of Kenai, Alaska. C.P. to change antenna height and add frequencies 2121.8H MHz toward Anna Platform and 2114.6H MHz toward Baker Platform, Alaska.

4562-C1-P-72—RCA Alaska Communications, Inc. (New), 29 miles north of Kenai, Alaska, C.P. for a new station at latitude 60°58'37" N., longitude 151°18'46" W., on frequency 2171.8 MHz toward Nikishka, Alaska.

4563-C1-P-72—RCA Alaska Communications, Inc. (New), 18.5 miles north-northeast of Kenai, Alaska, at latitude 60°49'55" N., longitude 151°29'00" W., on frequency 2164.6H MHz toward Nikishka, Alaska.

The following seven construction permits were filed by American Telephone & Telegraph Co. They request one additional pair of Western Electric Co. Type TD-2 radio relay channels between Jackie Jones Mountain, N.Y., and Montville, Conn., and one additional pair of Type TD-2/TD-3 channels between Montville and Greenhill, R.I.

4570-C1-P-72—Stony Point, N.Y. (KEA63), frequency 3710V MHz toward White Plains, N.Y.

4571-C1-P-72—White Plains, N.Y. (KED51), frequency 3750V MHz toward Plainview, N.Y.

4572-C1-P-72—Melville, N.Y. (KEB47), frequencies 3730H MHz toward White Plains, N.Y., and 3870H MHz toward Shirley, N.Y.

4573-C1-P-72—Shirley, N.Y. (KEE50), frequencies 3910H MHz toward Plainview, N.Y., and Noyack, N.Y.

4574-C1-P-72—Noyack, N.Y. (KEE51), frequency 3870H MHz toward Shirley, N.Y., and Montville, Conn.

4575-C1-P-72—Montville, Conn. (KCJ80), frequency 3910H MHz toward Noyack, N.Y., and Green Hill, R.I.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4622-C1-P-72—The Western Union Telegraph Co. (KNE80), 3.4 miles northeast of Fairfield, Table Mountain, Calif. C.P. to add frequency 6152.8V MHz toward Cedar Canyon Park, Calif.

4623-C1-P-72—The Western Union Telegraph Co. (KNE79), 23.5 miles southeast of Shandon, Cedar Canyon Peak, Calif. C.P. to add frequency 6404.8V MHz toward Plowshare Peak, Calif.

4624-C1-P-72—The Western Union Telegraph Co. (KNE78), 23 miles east-northeast of Santa Maria, Plowshare Peak, Calif. C.P. to add frequency 6123.1V MHz toward Vandenberg AFB, Calif.

4625-C1-P-72—The Western Union Telegraph Co. (KNE77), Vandenberg AFB, Calif. C.P. to add frequency 6375.2V MHz toward Vandenberg, Calif.

4627-C1-P-72—American Telephone & Telegraph Co. (KAH84), 1010 Pine Street, St. Louis, MO. C.P. to add frequency 4070V MHz toward Hillsboro, Mo.

4628-C1-P-72—American Telephone & Telegraph Co. (New), 3.5 miles north of Plano, Ill. Latitude 41°42'30" N., longitude 88°30'27" W. C.P. for a station to add frequencies 3730V, 3810V, 3890V, and 3970V MHz toward Bartlett, Ill.

4629-C1-P-72—American Telephone & Telegraph Co. (New), 2.4 miles southwest of Bartlett, Ill. Latitude 41°58'24" N., longitude 88°13'25" W. C.P. for a new station to add frequencies 3770V, 3850V, 3930V, and 4010V MHz toward Plano, Ill., and 3770H, 3850H, 3930H, and 4010H MHz toward Northbrook, Ill.

4630-C1-P-72—American Telephone & Telegraph Co. (New), 2305 Sanders Road, Northbrook, IL. Latitude 42°06'44" N., longitude 87°52'16" W. C.P. for a new station to add frequencies 3730H, 3810H, 3890H, and 3970H MHz toward Bartlett, Ill. and 10,795V and 11,035V MHz toward Morton Grove, Ill.

4631-C1-P-72—American Telephone & Telegraph Co. (KSO56), on Naragansett Street, 525 feet south of Main Street, Morton Grove, Ill. C.P. to add frequencies 11,285H and 11,525H MHz toward Northbrook, Ill., and 11,285V and 11,525V MHz toward Chicago 6, Ill.

4632-C1-P-72—American Telephone & Telegraph Co. (KOC28), 10 South Canal Street, Chicago, Ill. C.P. to add frequencies 10,795H, and 11,035 H MHz toward Morton Grove, Ill.

4633-C1-NL-72—American Telephone & Telegraph Co. (KGO86), 0.6 mile north of Mount Nebo, Pa. Modification of license to change polarization from V to H on frequencies 3750H, 3830H, and 4150H MHz toward Pittsburgh, Pa., and change H to V on frequencies 3770V, 3860V, 3930V, 4010V, 4090V, and 4170V MHz toward Pittsburgh, Pa.

4634-C1-P-72—American Telephone & Telegraph Co. (KGH97), 416 Seventh Avenue, Pittsburgh, Pa. Modification of license to change polarization from V to H on frequencies 3710H and 4110H MHz toward Mount Nebo, Pa., and frequencies H to V, 3730V, 3810V, 3890V, 3970V, 4050V, and 4130V MHz toward Mount Nebo, Pa.

4640-C1-P-72—The Chesapeake & Potomac Telephone Co. of Virginia (KZS66), 1 mile west of Fort Defiance, Va. C.P. to add frequency 6145.3H MHz toward Harrisonburg, Va. (WVPT-TV).

4641-C1-P-72—The Chesapeake & Potomac Telephone Co. of Virginia (KIB23), 3.3 miles northwest of Crozet, Va. C.P. to add frequency 6412.2V MHz toward Fort Defiance, Va.

4642-C1-P-72—General Telephone Co. of Wisconsin (New), 3.4 miles east of the junction of STH and CTH J on the north side of CTH J. Latitude 45°53'19" N., longitude 89°-36'34" W. C.P. for a new station to add 11,245V and 11,565V MHz toward Minocqua, Wis.

4643-C1-P-72—General Telephone Co. of Wisconsin (New), on west side of U.S. Highway 51 approximately 800 feet north of junction STH 70 and U.S. Highway 51. Latitude 45°53'23" N., longitude 89°42'11" W. C.P. for a new station to add frequencies 10,795.0V and 11,035.0V MHz toward Clear Lake, Wis.

4645-C1-P-72—American Television & Communications Corp. (New), C.P. for a new station 2.5 miles east-northeast of Wilmer, La., at latitude 30°49'34" N., longitude 90°19'37" W. Frequency 6152.8V MHz on azimuth 347°05'.

4647-C1-P-72—American Television & Communications Corp. (New), C.P. for a new station in McComb, Miss., at latitude 31°14'59" N., longitude 90°26'24" W. Frequency 6226.9V MHz on azimuth 358°44'.

4648-C1-P-72—American Television & Communications Corp. (New), C.P. for a new station at Brookhaven, Miss., at latitude 31°33'42" N., longitude 90°28'53" W. Frequency 6152.8H MHz on azimuth 1°18'.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4576-C1-P-72—Charlestown, R.I. (KOC34), frequency 3870H MHz toward Montville, Conn.

4577-C1-P-72—The Pacific Telephone & Telegraph Co. (KMN30), 345 North San Joaquin Street, Stockton, CA. C.P. to add frequencies 4080V MHz and 4170V MHz toward Lodi, Calif.

4578-C1-P-72—The Pacific Telephone & Telegraph Co. (KNL75), 1.2 miles west-northwest of Lodi, Calif. C.P. to add frequencies 4050V and 4130V MHz toward Stockton, Calif.

4579-C1-P-72—The New England Telephone & Telegraph Co. (KCL57), 234 Washington Street, Providence, RI. C.P. to add frequency 11,175V MHz toward Providence, R.I. (WSBE-TV).

4580-C1-ML-72—American Telephone & Telegraph Co. (KEA49), Albany, N.Y. Modification of license to change polarization from vertical on horizontal on frequencies 3730H, 3810H, 3890H, 3970H, and 4050 H MHz toward Kinderhook, N.Y.

4581-C1-ML-72—American Telephone & Telegraph Co. (KEG61), Kinderhook, N.Y. Modification of license to change polarization from vertical to horizontal on frequencies 3770H, 3850H, 3930H, 4010H, 4090H, and 4170H MHz toward Albany, N.Y.

4584-C1-P-72—American Telephone & Telegraph Co. (KIJ94), 4.5 miles south of Batesville, Va. C.P. to add frequency 11,385V MHz toward Bucks Elbow, Va.

4602-C1-P-72—New Jersey Bell Telephone Co. (New), C.P. for a new station to be located at 2 Federal Hill Road, Pompton Lakes, NJ. Latitude 41°00'41" N., longitude 74°18'04" W., frequency 11,035V MHz toward Paterson West, N.J.

4603-C1-P-72—New Jersey Bell Telephone Co. (KEK95), Paterson-Hamburg Turnpike west of Bennell Avenue, Wayne Township, N.J. C.P. to change antenna and replace transmitter operating on frequency 11,485V MHz toward Pompton Lakes, N.J., and add 11,285V MHz toward Mine Hill, N.J.

4608-C1-P-72—American Telephone & Telegraph Co. (KRS93), 5 miles east-southeast of Dahlonega, Ga., C.P. to add frequency 3870H MHz toward Sawnee Mountain, Ga., on azimuth 218°01'.

4609-C1-P-72—American Telephone & Telegraph Co. (KID64), 2 miles northwest of Cumming, Ga. C.P. to add frequency 3910H MHz toward Dahlonega, Ga., on azimuth 37°52'.

4610-C1-P-72—American Telephone & Telegraph Co. (KCD80), 0.4 mile west of Peru, Mass. C.P. to add frequency 4130V MHz toward Granville, Mass., on azimuth 164°48'.

4611-C1-P-72—American Telephone & Telegraph Co. (KCE33), 2.8 miles northwest of Granville, Mass. C.P. to add frequencies 4170V MHz toward Peru, Mass., on azimuth 344°53' and 4K110V MHz toward Springfield, Mass., on azimuth 85°52'.

4612-C1-P-72—American Telephone & Telegraph Co. (KCE34), 295 Worthington Street, Springfield, MA. C.P. to add frequency 4150V MHz toward Granville, Mass., on azimuth 266°06'.

4613-C1-P-72—The Western Union Telegraph Co. (KQG35), Carew Tower, Fifth and Vine Streets, Cincinnati, OH. C.P. to replace transmitters operating on frequencies 5945.2V and 6063.8V MHz toward Belleview, Ky.

4614-C1-P-72—The Western Union Telegraph Co. (KJJ62), 2.5 miles northeast of Grant, Ky. C.P. to replace transmitters operating on frequencies 6226.9V and 6345.5V MHz toward Cincinnati, Ohio, and 6256.5V and 6375.2V MHz toward Wheatley, Ky.

4615-C1-P-72—The Western Union Telegraph Co. (KJJ24), 1.5 miles west of New Liberty, Wheatley, Ky. C.P. to replace transmitters operating on frequencies 6034.2V and 6152.8V MHz toward Belleview, Ky.

4616-C1-P-72—The Western Union Telegraph Co. (New), 1.3 miles southwest of El Granada, Point Pillar, Calif. Latitude 37°29'52" N., longitude 122°29'51" W. C.P. to add frequency 6123.1V MHz toward Scarper Peak, Calif.

4617-C1-P-72—The Western Union Telegraph Co. (New), 3 miles northeast of El Granada, Scarper Peak, Calif. C.P. for a new station on latitude 37°31'45" N., longitude 122°25'36" W. Frequency 6375.2V MHz toward Pine Ridge, Calif.

4618-C1-P-72—The Western Union Telegraph Co. (KNK49), 6 miles south of Mount Hamilton, Calif. C.P. to add frequency 6123.1V MHz toward Hollister, Calif.

4619-C1-P-72—The Western Union Telegraph Co. (KNG47), 10.9 miles east-northeast of Hollister, Calif. C.P. to add frequency 6404.8V MHz toward Call Mountain, Calif.

4620-C1-P-72—The Western Union Telegraph Co. (KNG46), 8.3 miles west of Llanada, Calif. C.P. to add frequency 6152.8V MHz toward San Benito, Calif.

4621-C1-P-73—The Western Union Telegraph Co. (KNG45), 3.8 miles south-southeast of Idria, San Benito, Calif. C.P. to add frequency 6404.8V MHz toward Table Mountain, Calif.

FEB 4 72
XUM

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4649-C1-P-72—American Television & Communications Corp. (New), C.P. for a new station 5 miles west of Crystal Springs, Miss., at latitude 31°59'10" N., longitude 90°26'12" W. Frequency 6226.9H MHz on azimuth 31°52'. Applicant proposes to provide the television signal of Station WWOM-TV of New Orleans, La., to Capitol Cablevision, Inc., in Jackson, Miss., and to McComb Cablevision, Inc., in McComb, Miss.

2469-C1-ML-72—Microwave Transmission Corp. (KPR32), Ravens Roost Mountain, 15 miles south-southeast of Lester, Wash. Modifications of license at Ravens Roost Mountain, Wash., to derive, via audio subcarrier, one audio program channel for transmission.

2470-C1-ML-72—Microwave Transmission Corp. (KPR33), Mission Ridge, 11 miles south-southwest of Wenatchee, Wash. Modification of license at Mission Ridge, Wash., to deliver, via audio subcarrier, one audio program channel for FM broadcast service to Wenatchee, Wash.

[FR Doc.72-1606 Filed 2-3-72;8:45 am]

[Docket No. 19267]

WESTERN UNION TELEGRAPH CO.

Order Extending Time

In regard application of The Western Union Telegraph Co., New York, NY, Docket No. 19267, File No. TD-17972, consolidation of 22 public telegraph offices into single public message center.

1. The Chief, Common Carrier Bureau, has before him for consideration a motion for extension of time for the filing of proposed findings and briefs in support of proposed findings and responses to the aforementioned documents in Docket No. 19267, filed by Western Union International, Inc. (WUI) on January 28, 1972, and an Opposition to the motion for extension of time filed by the Western Union Telegraph Co. (Western Union) on January 28, 1972.

2. Pursuant to the direction of the Commission in the ultimate paragraph of the memorandum opinion and order herein (FCC 71-651), released June 23, 1971, the Presiding Officer in this proceeding certified the hearing record in Docket 19267 to the Commission for its consideration. The ultimate paragraph of the memorandum opinion and order herein (FCC 71-651) also directed that the Chief of Common Carrier Bureau issue a recommended decision in this matter. Thus, it appears that said motions are properly before the Chief, Common Carrier Bureau, for action.

3. In view of the reasons given by WUI their request to extend the date of filing of proposed findings and briefs in support of proposed findings from February 1, 1972 to February 8, 1972, and responses to the above mentioned documents from February 23, 1972 to March 1, 1972, does not appear unreasonable. While we agree with Western Union that the public interest would best be served by a prompt disposition of these proceedings, we do not believe that the extension requested by WUI will cause such an excessive delay as to be detrimental to the public interest. Moreover, we do not believe that it would be reasonable to grant WUI's request for an extension of time for filing proposed findings and briefs in support of those findings and not grant their request for an extension of time for filing replys to the above mentioned documents, as Western Union has also requested.

4. *Accordingly, it is ordered,* That the time for filing proposed findings and briefs in support of proposed findings in Docket No. 19267 is extended from February 1, 1972 to February 8, 1972. In addition, the time for filing responses to the above-mentioned documents in Docket No. 19267 is extended from February 23, 1972 to March 1, 1972. Western Union's opposition to the motion for extension of time is denied.

Adopted: January 31, 1972.

Released: January 31, 1972.

[SEAL] CHARLES COWAN,
Acting Chief,
Common Carrier Bureau.

[FR Doc.72-1691 Filed 2-3-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-87]

WESTINGHOUSE ELECTRIC CORP.

License Termination Order

The Atomic Energy Commission (the Commission) has found that the Westinghouse Electric Corp.'s (WEC) Critical Experiment Station (CES) Facility located at Waltz Mill, Pa., has been dismantled and decontaminated, and that satisfactory disposition has been made of the component parts, fuel and other special nuclear material (pursuant to the Commission's order dated February 12, 1971), in accordance with the Commission's regulations 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. Therefore, pursuant to the application by WEC dated December 18, 1970, as supplemented September 15, 1971, and Commission regulations, Facility License No. CX-11 is hereby terminated as of the date of this order.

Dated at Bethesda, Md., this 26th day of January 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-1645 Filed 2-3-72;8:46 am]

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY, CITY OF NEW YORK

Notice of Reconvened Proceeding

Notice is hereby given that the appellate proceeding in the above captioned matter will reconvene at 10 a.m. on February 15, 1972, at Room 2008, Federal Office Building No. 7,726, Jackson Place NW. (enter on 17th Street), Washington, D.C. 20503. This proceeding is held for the purpose of permitting cross examination of the parties' witnesses on their rebuttal testimony in accordance with the Appeal Board's Memoranda and Orders dated January 5 and January 31, 1972.

Dated January 31, 1972 at Washington, D.C.

By the Atomic Safety and Licensing Appeal Board.

WILLIAM L. WOODARD,
Executive Secretary.

[FR Doc.72-1646 Filed 2-3-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23785; Order 72-2-3]

ALL UNITED STATES AND FOREIGN AIR CARRIERS

Order Regarding Stabilization of Fares, Rates, and Charges for Passengers and Property

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of February 1972.

Order 71-11-97, dated November 24, 1971, set forth certain requirements with respect to price stabilization matters to be included in tariff transmittals. By ER-723, dated February 1, 1972, the Board has adopted an amendment to its tariff regulations to reflect recent changes in the Price Commission's regulations. Since ER-723 supersedes our previous order on this subject, the latter should be vacated.

Accordingly, it is ordered, That order 71-11-97 be, and it hereby is, vacated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-1726 Filed 2-3-72;8:51 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License 192]

T. J. HANSON, INC.

Order of Revocation

On December 31, 1971, T. J. Hanson, Inc., Post Office Box 587, Beaumont, TX 77704 voluntarily surrendered its FMC License No. 192.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated September 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License No. 192 of T. J. Hanson, Inc., be and is hereby revoked effective December 31, 1971, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon T. J. Hanson, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-1698 Filed 2-3-72;8:51 am]

[Independent Ocean Freight Forwarder License 551]

LANG & MARSHALL CO., INC.

Order of Revocation

By letter of January 14, 1972, Mr Stephen Marshall, Attorney, Rubin Wachtel Baum & Levin, 598 Madison Avenue, New York, NY 10022, returned FMC License No. 551 of Lang & Marshall Co., Inc., for voluntary revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License No. 551 of Lang & Marshall Co., Inc., be and is hereby revoked effective January 14, 1972, without prejudice to reapply for a license at a later date.

It is further ordered, That copy of this order be published in the FEDERAL REGISTER and served upon Mr. Stephen Marshall, Attorney for Lang & Marshall Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-1696 Filed 2-3-72;8:51 am]

PORT OF OAKLAND AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2270-1, between the Port of Oakland (Port) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement which provides for the 4-year lease of certain premises at Oakland, Calif., which Sea-Land will use for establishing and maintaining general offices and a truck and rail terminal. The purpose of the modification is to (1) change the sizes of Parcels 1 and 2 of the leased premises for a net loss of 103 square feet; (2) add a Parcel 3 to the leased premises, consisting of approximately 3.35 acres, with easements granted to the Port for the construction of a railroad track and a sewer; (3) amend the provision covering future modifications of the leased area; (4) change the date of expiration of the agreement to December 31, 1996; (5) amend the payment to the Port for the cost of improvements; (6) provide for certain improvements to be made to Parcel 3 by the Port and for the payment by Sea-Land for the improvements; and (7) adjust the rental for the leased premises as set forth in detail in the agreement.

Dated: January 31, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1695 Filed 2-3-72;8:51 am]

MITSUI O.S.K. LINES (PASSENGER), LTD. AND MITSUI O.S.K. LINES, LTD.

Certificates of Financial Responsibility; Order of Revocation

Certificates of Financial Responsibility for idemnification of Passengers for Nonperformance of Transportation No. P-49 and No. P-94 and Certificates of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,029 and No. C-1,089.

Whereas, Mitsui O.S.K. Lines, Ltd., and Mitsui O.S.K. Lines (Passenger), Ltd., have ceased to operate the passenger vessel Sakura Maru, and

Whereas, Mitsui O.S.K. Lines, Ltd., has returned Certificate (Performance) No. P-49 and Certificate (Casualty) No. C-1,029 and Mitsui O.S.K. Lines (Passenger), Ltd., 3-3, 5-Chome Akasaka, Minatoku Tokyo, Japan, has returned Certificate (Performance) No. P-94 and Certificate (Casualty) No. C-1,089 for revocation.

It is ordered, That Certificates (Performance) No. P-49 and No. P-94 and Certificates (Casualty) No. C-1,029 and No. C-1,089 covering the Sakura Maru be and are hereby revoked effective January 28, 1972.

It is further ordered, that a copy of this order be published in the FEDERAL REGISTER and served on the certificants.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1697 Filed 2-3-72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-184]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 31, 1972.

Take notice that on January 18, 1972, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-184, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a metering station and the use of existing facilities to provide natural gas storage service to Wisconsin Southern Gas Co., Inc. (Wisconsin Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to accept delivery of up to 1,000 Mcf of natural gas per day and an annual volume of 200,000 for storage and redelivery to Wisconsin Southern at a daily rate of up to 2,000 Mcf during the period November 1, 1972, through March 1, 1973, and each year thereafter. Applicant states that Wisconsin Southern has excess volumes of gas available to it on an annual basis, which it purchases from Natural Gas Pipeline Company of America, and that the storage service proposed herein will enable Wisconsin Southern to meet its market requirements during the heating seasons. Wisconsin Southern will pay applicant a demand charge of $3.22 per month per Mcf for the storage service. Applicant also requests authorization to construct a metering station at a point in Walworth, Wis., which will enable it to provide the proposed storage service. Applicant estimates the cost of the metering station at $48,740 which it plans to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said

V37-24 FEB 4 72 XUM

application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1655 Filed 2-3-72;8:47 am]

[Docket No. CP72-186]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JANUARY 31, 1972.

Take notice that on January 21, 1972, Texas Gas Transmission Corp. (applicant), 3800 Frederica Street, Owensboro, KY 42301, filed in Docket No. CP72-186 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas by applicant for Consolidated Gas Supply Corp. (Consolidated), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport for Consolidated on an interruptible basis up to 20,000 Mcf of natural gas per day from Consolidated's production in Blocks 287, 307, and 315, Eugene Island Area, South Addition, offshore Louisiana to Columbia Gulf Transmission Co.'s facilities in Block 250, Eugene Island Area, for further transportation to Consolidated's Appalachian market area. Applicant states that no new facilities are required to render the proposed transportation service. Applicant proposes to charge 2 cents per Mcf for the service.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1656 Filed 2-3-72;8:47 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Filing of Proposed Curtailment Plan

JANUARY 28, 1972.

Take notice that on January 17, 1972, Transcontinental Gas Pipe Line Corp. (Transco) submitted for filing revised tariff sheets [1] to its presently effective FPC Gas Tariff, Original Volume No. 1 constituting its permanent curtailment plan pursuant to the Commission's order of November 15, 1971, approving Transco's interim curtailment plan in Docket No. RP71-118. Transco requests its tendered sheets to become effective March 1, 1972; however, since its presently effective interim curtailment plan terminates on November 15, 1972, Transco requests the Commission to suspend the effectiveness of the tariff sheets for the full statutory period of 5 months. Further, Transco represents that it will not move to make such tariff sheets effective prior to November 16, 1972.

In summary Transco's proposed permanent curtailment plan provides:

(1) During the Winter Period, November 16, through April 15, a mandatory curtailment on a ratable basis will be effected on Transco's system. During this time, a customer may obtain partial or complete exemption if it curtails all of its interruptible service, except for certain minor exceptions;

(2) Any customer receiving an exemption during such Winter Period shall make up exempted volumes as soon as practicable by reducing its takes to a level below that to which it would otherwise be entitled;

(3) Any customer receiving an exemption during the Winter Period shall not, except in emergency situations make any deliveries to its interruptible customers until such exempted volumes are made up;

(4) Any customer that has not made up the exempted volumes by the end of the Winter Period will curtail its purchases during the succeeding Summer Period of April 16, through November 15, so that the weighted average curtailment percentage over the entire year, shall be the same for every customer affected by curtailment;

(5) In the event Transco is unable to meet the firm requirements of all its customers an end-use curtailment program will be instituted;

(6) A demand charge adjustment to customers under certain rate schedules will be made for curtailments due to system gas supply deficiency;

(7) At the end of the Winter Period, on April 15, Transco will determine the net curtailment volumes for each customer affected by curtailment, as well as a systemwide weighted average curtailment percentage. Any customer whose curtailment exceeds the systemwide weighted average curtailment during the Winter Period will receive a credit of 25 cents per Mcf for the volumes curtailed in excess of the systemwide weighted average curtailment;

(8) Transco will seek reimbursement for the credits to be granted by it in its billings to its customers for curtailments, in accordance with the provisions of section 20 of the General Terms and Conditions of its FPC Gas Tariff.

(9) ACQ customers will be exempt from all curtailments.

Transco states that the above-described permanent curtailment plan was formulated for the purpose of protecting the firm requirements of Transco's customers.

Transco's permanent curtailment plan is on file with the Commission and is available for public inspection.

Transco states that copies of its filing have been mailed to its customers and interested state commissions. Additionally, Transco states that copies of this filing are available for public inspection during regular business hours in its office in Houston, Tex.

Any person desiring to be heard or to make any protest with reference to this filing should on or before February 15, 1972, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Any order issued in this proceeding will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order 11615 including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1657 Filed 2-3-72;8:47 am]

[1] The tariff sheets are designated as follows: Original Sheets Nos. 44-B.3, 44-B.4, 44-B.5, 44-B.6, 46-G, and 46-H; First Revised Sheets Nos. 44-B.1, and 44-B.2; Second Revised Sheets Nos. 8-A, 8-B, 15-A, 15-B, 17-E.1, 17-E.2, 25-A, 26-A, 26-F, 26-I, 26-K, 26-N, 26-P, 26-S, 28-X.1, 28-Y, 44-A, 44-B; and Third Revised Sheets Nos. 18, 23, 26-D, 46-B.1, 46-C; Fourth Revised Sheets Nos. 17-E, 21, 26-C, 26-H, 26-M, and 26-R; Fifth Revised Sheets Nos. 8, 15, 20, 25, and 46-B; Seventh Revised Sheets Nos. 28-X.5 and 28-cc; Thirty-Fifth Revised Sheet No. 17-B; and Thirty-Eight Revised Sheets Nos. 5 and 12.

[Docket No. G-3711, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

JANUARY 27, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3711 D 1-11-72	Union Oil Co. of California, Post Office Box 7600, Los Angeles, CA 90051.	Transcontinental Gas Pipe Line Corp., Vinton Field, Calcasieu Parish, La.	(1)	.....
G-3894 C 1-4-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	El Paso Natural Gas Co., Langlie Mattix, et al., Fields, Lea County, N. Mex.	[2] 11.0	14.65
G-3973 D 1-5-72	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Texas Eastern Transmission Corp., Waskom Field, Harrison County, Tex.	Assigned	.....
G-6065 E 1-10-72	Alice-Sidney Oil Co. (successor to J. S. Rushing Estate), 310 Armstrong Bldg., El Dorado, Ark.	Arkansas Louisiana Gas Co., Ada Field, Webster Parish, La.	14.3533	16.025
G-12455 D 1-10-72	Texaco, Inc., Post Office Box 2420, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Northeast Greenough Field, Beaver County, Okla.	(3)	.....
CI61-1088 E 12-21-71	Pennzoil Producing Co. (successor to Sun Oil Co.), 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Tecula Field, Cherokee County, Tex.	11.9004	14.65
CI62-706 12-13-71 [4]	Petroleum, Inc., et al., 300 West Douglas, Wichita, KS 67202.	El Paso Natural Gas Co., Recapture Creek Field, San Juan County, Utah.	[5] 22.1925	15.025
CI63-234 D 12-27-71	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer, Le Flore, et al., Counties, Okla.	Assigned	.....
CI63-1410 E 12-20-71	Gulf Oil Corp. (Operator) et al. (successor to Falcon Seaboard Inc., et al.), Post Office Box 1589, Tulsa, OK 74102.	Michigan-Wisconsin Pipe Line Co., North Oakdale Field, Woods County, Okla.	[6] 18.500	14.65
CI64-440 E 12-20-71	Apache Corp. (successor to Amerada Hess Corp.), Post Office Box 2299, Tulsa, OK 74101.	Cities Service Gas Co., Deer Creek North Field, Grant County, Okla.	14.0	14.65
CI67-248 C 12-16-71	Beacon Gasoline Co., Post Office Box 1126, Shreveport, LA 71163.	Welcome Field,[7] Columbia County, Ark.	0.26	15.025
CI68-527 C 12-17-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Transcontinental Gas Pipe Line Corp., Fordoche Field, Pointe Coupee and Iberville Parishes, La.	[8] 28.0	15.025
CI72-414 A 1-10-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Florida Gas Transmission Corp., Jay Field, Santa Rosa County, Fla.	[9] 32.5	14.65
CI72-415 B 11-15-71	Marshall Exploration, Inc., Post Office Box 729, 306 West Rusk St., Marshall, TX 75670.	Lone Star Gas Co., Oak Hill Field, Rusk County, Tex.	Depleted	.....
CI72-416 B 1-11-72	Amoco Production Co., Post Office Box 3092, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Old Ocean Field, Matagorda County, Tex.	Depleted	.....
CI72-417 B 1-11-72	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Acreage in Seward County, Kans.	Depleted	.....
CI72-418 B 1-11-72	do	Arkansas Louisiana Gas Co., Sibley Field, Webster Parish, La.	Depleted	.....
CI72-419 A 1-11-72	Texas Gas Exploration Corp., 1111 First City National Bank Bldg., Houston, Tex. 77052.	Texas Gas Transmission Corp., Block 287 and Block 307, Eugene Island Area, Offshore Louisiana.	[10] 26.0	15.025
CI68-603 C 1-7-72	Mapco, Inc., 1320 19th St. NW., Washington, DC 20036.	Northern Natural Gas Co., acreage in Pecos and Crockett Counties, Tex.	[6] 15.5435 [12] 16.5 [11] 24.25	14.65
CI69-1008 E 12-15-71	Anadarko Production Co. (successor to Apache Corp.), Post Office Box 296, Liberal KS 67901.	Natural Gas Pipeline Co. of America High Island Area, east addition, Blocks 128 and 129, Offshore eastern Texas.	24.0	14.65
CI70-467 12-13-71 [13]	Dixilyn Corp. et al., 2100 First City National Bank Bldg., Houston, Tex. 77002.	Sea Robin Pipeline Co., Block 16, South Marsh Island Area, Offshore Louisiana.	[10] 21.25	15.025
CI72-294 A 11-19-71 [13]	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Northern Natural Gas Co., Gomez Field, Pecos County, Tex.	26.5	14.65
CI72-351 A 12-9-71 [13]	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Transwestern Pipeline Co., North Woodward Field, Woodward County, Okla.	18.78 20.3	14.65
CI72-396 A 1-5-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Grand Gas Corp., Cisco Dome Area, Grand County, Utah.	[10] 15.0	15.025
CI72-402 (CI65-134) F 1-3-72	Geological Exploration Co. (successor to Sun Oil Co.), Post Office Box 1644, Longview, TX 75601.	Lone Star Gas Co., Penn Griffith Field, Rusk County, Tex.	14.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

V 37 N 24 FEB 4 72 XUM

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C172-403 1-5-72 [12]	Coquina Oil Corp., 418 Bldg. of the Southwest, Midland, Tex. 79701.	Arkansas Louisiana Gas Co., Red Oak Field, Le Flore County, Okla.	20.0	14.65
C172-404 1-7-72 [17]	Anadarko Production Co., Post Office Box 256, Liberal, KS 67901.	Northern Natural Gas Co., Curtis No. 2 Gas Unit, Panoma Council Grove Field, Stevens County, KS.	16.0	14.65
C172-405 B 1-10-72	McCulloch Oil Corp., 10880 Wilshire Blvd., Suite 1500, Los Angeles, CA 90024.	Transwestern Pipeline Co., Crawar Field, Tubb Formation, Ward and Crane Counties, Tex.	(18)	-------
C172-406 A 1-10-72	Hunt Oil Co., 1401 Elm St., Dallas, TX 75202.	United Gas Pipeline Co., Carthage Field, Panola County, Tex.	(19)	-------
C172-407 1-10-72 [20]	Anadarko Production Co., Post Office Box 256, Liberal, KS 67901.	Panhandle Eastern Pipe Line Co., Bergner, Haar et al. Gas Units, Hugoton Field, Morton and Stevens Counties, Kans.	[21] 12.5	14.65
C172-408 1-10-72 [22]	do	Panhandle Eastern Pipe Line Co., Light, Nix et al. Gas Units, Hugoton Field, Stevens and Morton Counties, Kans.	[21] 12.5	14.65
C172-409 1-10-72 [23]	do	Panhandle Eastern Pipe Line Co., Beaver, Brubaker et al. Gas Units, Hugoton Field, Seward, Morton, and Stevens Counties, Kans.	[21] 12.5	14.65
C172-410 B 1-10-72	Midwest Oil Corp. (Operator) et al., 1700 Broadway, Denver, CO 80202.	Columbia Gas Transmission Corp., Ellis Field, Acadia Parish, La.	Depleted	-------
C172-411 B 1-7-72	Phillips Petroleum Co., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Copper Lease, Lea County, N. Mex.	(24)	-------
C172-412 B 1-10-72	Columbia Gas Development Corp., Operator et al., Post Office Box 1350, Houston, TX 77001.	Texas Gas Transmission Corp., Ellis Field, Acadia Parish, La.	Depleted	-------
C172-413 B 1-10-72	Union Texas Petroleum, a division of Allied Chemical Corp., Operator et al., Post Office Box 2120, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., Leleux Field, Vermilion Parish, La.	Depleted	-------
C172-420 (G-9616) F 1-10-72	Ragars Oil & Gas Co. (successor to Humble Oil & Refining Co.), Post Office Box 2330, Alice, TX 78332.	Coastal States Gas Producing Co., Brownlee Field, Jim Wells County, Tex.	12.1692	14.65
C172-421 1-13-72 [27]	Anadarko Production Co., Post Office Box 256, Liberal, KS 67901.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hagan No. 1-19 Gas Unit, Keyes Field, Cimarron County, Okla.	[28] 17.0	14.65
C172-422 1-13-72 [29]	do	Northern Natural Gas Co., Taylor, Bass et al. Gas Units, Southwest Camp Creek Field, Beaver County, Okla.	[30] 16.0	14.65
C172-423 A 1-13-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Cities Service Gas Co., East Niles Field, Canadian County, Okla.	[31] [32] 20.2	14.65
C172-424 A 1-13-72	Hassie Hunt Trust, 1401 Elm St., Dallas, TX.	El Paso Natural Gas Co., North Puckett (Wolfcamp) Field, Pecos County, Tex.	[33] 30.0	14.65
C172-426 B 1-13-72	Petroleum, Inc. (Operator), et al., 300 West Douglas, Wichita, KS 67202.	Panhandle Eastern Pipe Line Co., Hurley Gas Unit, Texas County, Okla.	Depleted	-------
C172-427 (C160-182) F 1-10-72	Texaco, Inc. (successor to Mobil Oil Corp., Box 2120, Tulsa, OK 74102.	Cities Service Gas Co., Waynoka, Northeast Field, Woods County, Okla.	[34] 14.25	14.65

[1] Applicant released acreage to Mrs. Matilda Gray Stream.
[2] Casinghead gas.
[3] Expiration of lease.
[4] Applicant proposes to continue the sale of natural gas to cover its interests formerly covered by Ladd Petroleum Corp. (Operator) et al., FPC Gas Rate Schedule No. 5.
[5] Includes 0.1925 cent per Mcf tax reimbursement. Rate in effect subject to refund in Docket No. RI70-787.
[6] Applicant is willing to accept a permanent certificate in conformance with the provisions of Opinion No. 586, at an initial rate of 18.500 cents per Mcf plus B.t.u. adjustment and tax reimbursement; however, the contract price is 24.647 cents per Mcf which includes 1.110 cents per Mcf B.t.u. adjustment and 1.537 cents per Mcf tax reimbursement.
[7] Applicant proposes to gather and process the gas produced by MacDonald Oil Corp., Wm. D. McBee Estate, and Vaughn Petroleum Inc.
[8] As per contract on date of deliveries.
[9] Old gas.
[10] Gas under 1968 amendment to contract.
[11] New gas.
[12] Applicant, a small producer certificate holder, proposes to sell gas from reserves acquired in place from a large producer.
[13] Subject to upward and downward B.t.u. adjustment. Rate in effect subject to refund in Docket No. R171-608.
[14] Application previously noticed Dec. 9, 1971, in G-10202 et al., at a rate of 24.5 cents per Mcf, subject to upward and downward B.t.u. adjustment. By letter filed Jan. 17, 1972, applicant amended its application to reflect a rate of 26.5 cents per Mcf.
[15] Application previously noticed Jan. 4, 1972, in C162-825 et al., at a rate of 20 cents per Mcf, subject to upward and downward B.t.u. adjustment. By letter filed Jan. 13, 1972, applicant amended its application to reflect rates of 18.78 cents per Mcf for casinghead gas and 20.3 cents per Mcf for gas-well gas.
[16] Gas-well gas.
[17] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. C160-658 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 22.
[18] Low production.
[19] Subject to upward and downward B.t.u. adjustment.
[20] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 26.
[21] Pursuant to Opinion No. 586; however, the contract price is 13 cents per Mcf.
[22] Applicant proposes to continue the sale of natural gas hertofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 19.
[23] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-5669 to be made pursuant to Union National Bank of Wichita, Executor of the Estate of Walter F. Kuhn, deceased et al., FPC Gas Rate Schedule No. 18.
[24] Production has ceased and lease has been released.
[25] Adjusted for B.t.u.
[26] The applicable area rate is 26 cents per Mcf; however, the contract price is 27 cents pers Mcf.
[27] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-14953 to be made pursuant to Hughes Seewall (Operator) et al., FPC Gas Rate Schedule No. 1.
[28] Adjusted downward for B.t.u. plus 50% Oklahoma tax increase.
[29] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-12110 to be made pursuant to Harper Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 3.
[30] The initial rate is 16 cents per Mcf, adjusted for B.t.u.; however, the contract price is 18 cents per Mcf.
[31] Includes dehydration charge.

[FR Doc.72-1545 Filed 2-3-72;8:45 am]

FEDERAL RESERVE SYSTEM

CARLTON AGENCY, INC.

Order Denying Action To Become a Bank Holding Company and Request for Determination

Carlton Agency, Inc., Carlton, Minn., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Carlton National Bank, Carlton, Minn. (Bank).

At the same time, applicant has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to engage in certain permissible insurance agency activities through the acquisition of certain assets of the First National Bank Insurance Agency, Carlton, Minn.

Notice of receipt of these applications has been given in accordance with sections 3 and 4 of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and finds that:

Applicant is a newly-formed organization and has no operating history. Upon acquisition of Bank ($5.9 million of deposits), applicant would control about 0.1 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1971.) As the proposed transaction represents a transfer of an individual's ownership of Bank into a presently nonoperating holding company, consummation would not eliminate any existing or potential banking competition and would not result in any increase in the concentration of banking resources in any relevant area. Bank's management and financial condition are consistent with approval and its capital presently is adequate. However, because of the proposed method of financing the acquisition of Bank, the financial condition and prospects of applicant and Bank would be adversely affected by consummation of the proposed transaction.

Applicant, upon consummation of the proposed acquisition, would incur acquisition debt of $175,000 (now owed by the principal to a third-party bank), which would amount to approximately 66 percent of applicant's equity. The balance of the debt, $100,000, would be held personally by the principal and would be secured by stock of applicant. Applicant would require more than 60 percent of Bank's earnings to service the debt, and its ability to do so is considered marginal.

The Board views the debt split arrangement present in this application as a method to circumvent the problem of debt servicing by one-bank holding companies. The fact that the principal personally has assumed part of the bank acquisition debt does not mean that the holding company will not be expected to satisfy, directly or indirectly, some of the obligation. After analysis of the proposed debt of applicant and its principal and other circumstances of record, the Board concludes that the acquisition debt involved in this proposal presents adverse circumstances bearing on the financial condition and prospects of applicant and Bank. Such circumstances are not outweighed by any procompetitive factors or by circumstances relating to the convenience and needs of the communities to be served. On the basis of the record, the Board concludes that approval of the section 3 application is not in the public interest, and it is accordingly denied.[1]

By order of the Board of Governors,[2] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1649 Filed 2-3-72;8:47 am]

NORTH ATLANTIC BANCORP.

Order Approving Acquisition of Bank

North Atlantic Bancorp., Newton, Mass., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of University Trust Co., Cambridge, Mass. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls one bank with total deposits of $33.9 million, representing 0.3 percent of total commercial deposits in the State. (Banking data are as of June 30, 1971.) Acquisition of Bank (deposits of $10.2 million) would not significantly increase applicant's share of total deposits in the State.

Bank operates its sole office in the Boston SMSA and the area it presently serves is approximated by the towns of Cambridge, Somerville, Arlington, and Belmont. Bank controls 0.1 percent of the deposits in the Boston SMSA and ranks 41st of 55 banks in that market. Applicant's subsidiary office closest to Bank is located 6.5 miles away and is also located in the Boston SMSA; however, it serves a different area, which is approximated by the cities of Newton, Wellesbay, Watertown, Brookline, Bedford, and Woburn. There is only nominal existing competition between Bank and applicant's existing subsidiary and there are numerous banking offices in the intervening area. Consummation of the proposal would eliminate only a small amount of existing competition and would not adversely affect any competing bank in any relevant area.

Some potential competition between applicant and Bank would be foreclosed upon consummation of the proposal since both applicant's subsidiary bank and Bank can branch de novo into each others service area. However, the high ratio of commercial banking offices to population in the relevant areas, and the relatively static economic and population growth in those areas minimize any effect on potential competition.

The financial and managerial resources of applicant and Bank are generally satisfactory and consistent with approval. It appears that consummation of this proposal would not have any immediate effects on the convenience and needs of the communities, although improvement and expansion of services may be facilitated by the operational structure of a holding company. Moreover, applicant will assist Bank in loan participation arrangements, auditing, advertising, and general operating procedures. Considerations related to the convenience and needs of the communities to be served therefore, lend some weight for approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[1] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1650 Filed 2-3-72;8:47 am]

PATAGONIA CORP.

Order Approving Acquisition of Model Finance Company

Patagonia Corp.,[2] Tucson, Ariz., a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Model Finance Co., Phoenix, Ariz. Notice of the application affording opportunity for interested persons to submit comments and views has been duly published. Time for filing comments and views has expired and all those received have been considered.

Model Finance Co. is a small consumer finance holding company with total assets of $7.2 million.[3] It has 13 offices, of which 8 are in areas of Arizona served by Great Western; the 5 out-of-State offices are located in Albuquerque, Las Vegas, and Denver. Model Finance Co. makes small consumer loans and sells credit insurance in connection with its lending activities. The local markets for high-risk consumer loans, in which Model Finance Co. competes, encompass a relatively large number of competitors. For example, in the Tucson and Phoenix metropolitan areas there are 39 and 117 licensed consumer finance companies, respectively.

Most potential borrowers in the small high-risk consumer loan market either cannot or would not consider commercial banks as alternative sources. Since finance companies and commercial banks do not compete for loans to the same class of borrowers, the Board concludes that consummation of the acquisition would not eliminate existing or potential competition between Great Western and Model Finance Co. Nor is there any significant possibility that the acquisition will have adverse effects on credit availability to independent finance companies. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

It is anticipated that Model Finance Co.'s affiliation with applicant will give Model Finance Co. access to the greater resources of applicant, and enable it to compete more effectively with other consumer finance companies in the area in which it operates. There are also certain economies likely to be derived from the affiliation. On balance, the Board concludes that the public benefits factors the Board is required to consider under section 4(c)(8) outweigh any possible adverse effects that might result from the proposed acquisition.

[1] Denial of applicant's 3(a)(1) application requires denial of the attendant 4(c)(8) proposal.
[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Sheehan.
[2] Patagonia Corp. presently controls various nonbanking subsidiaries acquired prior to the date it became a bank holding company under the Act. It is its intention to clarify the status of certain of these subsidiaries as soon as possible, and to comply with the requirements of the Act, including the divestiture provisions of section 4, where applicable, as to all of these subsidiaries.
[3] Data as of June 30, 1971.

V 37 7-24 FEB 4 72 XUM

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to revocation by the Board if the facts upon which it is based change in any material respect.

By order of the Board of Governors,[4] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1651 Filed 2-3-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2804]

AMERICAN EUROPEAN SECURITIES CO.

Notice of Filing of Application for Exemption

JANUARY 31, 1972.

Notice is hereby given that American European Securities Co. (applicant), 268 Center Street, Southport, CT 06490, a Delaware corporation and a closed-end investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 6(c) of the Act on its own behalf and on behalf of a fully owned subsidiary closed-end investment company, American European Securities, Inc., to be incorporated by it under the laws of the Republic of Panama (Panama Company) for an order exempting from the provisions of section 7(d) of the Act the proposed Plan of Reorganization (Plan) of applicant insofar as such proposed Plan involves use of the mails or any means or instrumentality of interstate commerce to offer for sale, sell or deliver after sale, in connection with a public offering, any security of Panama Company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The applicant states that it was incorporated in 1925 as successor to a Swiss company organized in 1910 to serve as a vehicle for investment by Europeans in securities of corporations organized in the United States. Applicant has outstanding 768,900 shares of common stock which are listed and traded in Switzerland on the Geneva Stock Exchange.

If the proposed Plan is consummated, applicant, a Delaware corporation which is registered and regulated as a closed-end investment company under the Act, will transfer its entire business to Panama Company, which will operate as a closed-end investment company but which will not be subject to regulation as such under the Act; and the stockholders of applicant will be entitled to exchange their shares of applicant for shares of the nonregistered Panama Company.

In general, the proposed Plan provides for (1) the amendment of applicant's certificate of incorporation to provide that, on the sale or exchange of all or substantially all of applicant's assets pursuant to a reorganization of applicant into a corporation organized under the laws of the Republic of Panama, stockholders who vote against such reorganization and demand in writing payment of the net asset value of their shares will be entitled to receive in cash an amount equal to such net asset value as determined therein as of the close of business on the day such sale or exchange becomes effective; (2) the organization of Panama Company as a fully owned subsidiary under the laws of the Republic of Panama to operate as a closed-end investment company; (3) the transfer to Panama Company of all of applicant's assets (other than an amount of cash required to pay a final income dividend and capital gain distribution, the net asset value of shares of objecting stockholders, the expenses of the reorganization and any other liabilities of applicant) in exchange for (a) such number of shares of Panama Company as will equal the number of applicant's outstanding shares other than those held by objecting stockholders of applicant who have demanded payment of the net asset value of their shares and (b) the assumption by Panama Company of any liabilities of applicant in excess of the amount of cash to be retained by the latter; (4) the declaration and payment on the shares of applicant's stock outstanding on the date set for the exchange (other than shares of objecting stockholders) of a final income dividend and capital gain distribution payable in cash, one equal to the investment company taxable income of applicant for the period January 1, 1972, to the effective date of the reorganization and the other equal to the excess, if any, of the net long-term capital gain over the net short-term capital loss of applicant for the same period; (5) the distribution of shares of Panama Company received by it to applicant's stockholders, other than objecting stockholders on the basis of one share of Panama Company for each share of applicant, as described in the application; (6) the proposed sale of substantially all of the assets of applicant and all other proposed acts designed to change the nature of applicant's business so that it will cease to be an investment company.

The affirmative vote of two-thirds of the total number of outstanding shares of common stock of applicant are required for adoption of the proposed Plan. Notwithstanding such stockholder approval, the board of directors of applicant will abandon the proposed Plan (a) if the Commission refuses to grant the exemption order requested by applicant, (b) if the amount payable to objecting stockholders who demand payment in cash for their shares is so great that it would or might prevent the reorganization from qualifying as tax-free under the tax ruling described below, or (c) if for any other reason it is, in the opinion of the board of directors, no longer possible or advisable to put the proposed Plan into effect.

Applicant states that application will be made to list the stock of Panama Company on the Geneva Stock Exchange in place of the stock of applicant and that Panama Company will invest primarily in U.S. securities and will maintain the same investment policies as those followed by applicant in recent years. The five Swiss directors of applicant (or other representatives of four Swiss banking firms which have sponsored applicant since its organization) who constitute a majority of applicant's board of directors will be directors of Panama Company; and none of the U.S. citizens or residents who are presently officers or directors of applicant and no other U.S. citizen or resident will be an officer or director of Panama Company.

Applicant states that it has received rulings from the Internal Revenue Service that (1) the acquisition of all the stock of Panama Company in exchange for assets of applicant, and the related acquisition of stock of Panama Company by those stockholders of applicant who are U.S. persons in exchange for their stock of applicant, pursuant to the Plan, will be exempt from the Federal Interest Equalization Tax, and (2) the Plan is not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes within the meaning of sections 267 and 1492 of the Internal Revenue Code and the acquisition by Panama Company of substantially all of the assets of applicant in exchange for stock of Panama Company and the assumption of liabilities of applicant will constitute a reorganization within the meaning of section 368(a)(1)(D) of the Internal Revenue Code, provided that at least 90 percent of the fair market value of the net assets, and at least 70 percent of the fair market value of the gross assets of applicant (other than cash retained and used to pay dividends) are acquired by Panama Company.

Insofar as the proposed Plan may involve a public offering of shares of Panama Company, such offering would appear to be prohibited by section 7(d) of the Act, which provides, in part, that no investment company, unless organized or otherwise created under the laws of the United States or of a State, and no depositor or trustee of or underwriter for such a company not so organized or created, shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell, or deliver after sale, in connection with a public offering, any security of which such company is the issuer.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, applicant contends that there is lacking any significant U.S. investor interest in applicant. The application states that applicant's shares are listed and traded in Switzerland on the Geneva Stock Exchange; that its shares are not listed on any securities exchange in the United States; that there is virtually no market for its shares in the United States; and that approximately 97 percent of its shares are owned beneficially by persons who are neither citizens nor residents of the United States. Applicant represents further that as of January 3, 1972, it had 94 stockholders of record having addresses in the United States, representing 33,769 shares out of a total 768,900 shares outstanding. One corporate stockholder of record of 68 shares was liquidated 35 years ago and two individual stockholders of record of 26 and one share, respectively, have been missing for years. The application states that applicant has concluded after extensive research that only about 83 persons who are beneficial owners of its shares are citizens or residents of the United States.

The application also states that in late 1967 and early 1968 counsel for applicant discussed the proposed organization with the staff of the Commission and that the staff of the Commission in April of 1968 advised counsel that it would not oppose an application for the relief requested if the Plan was amended as suggested by the staff and if, when the application was filed, applicant had no more than 100 beneficial stockholders who were citizens or residents of the United States and that, accordingly, the Plan was amended as suggested by the staff and an alternate plan of liquidating applicant was abandoned.

Notice is further given that any interested person may, not later than February 29, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That applicant shall cause a copy of this notice to be mailed on or before February 3, 1972 to each of the stockholders of applicant at each stockholder's last known address.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1647 Filed 2-3-72;8:46 am]

[812-3097]

LEON B. ALLEN FUND, INC.

Notice of Filing of Application for an Order Granting Exemption

JANUARY 31, 1972.

Notice is hereby given that Leon B. Allen Fund, Inc. (Fund), 120 Broadway, New York, NY, an open-end management investment company registered under the Investment Company Act of 1940 (the Act) and incorporated in the State of New York, has filed an application pursuant to section 6(c) of the Act for an order exempting Gillen & Co. (Adviser), the investment advisor to the Fund under an investment advisory agreement dated December 28, 1971, from the provisions of section 15(a) of the Act which prohibit any person from serving as an investment advisor to a fund except under a contract which has been approved by a vote of a majority of the outstanding voting securities of such fund. The Fund requests that the exemption be effective from October 27, 1971, through March 15, 1972: *Provided*, That a special meeting of shareholders of the Fund is held on or before March 15, 1972, for the purpose of submitting to such shareholders for their approval or disapproval a new investment advisory agreement. The fund further requests an order pursuant to section 6(c) exempting from the provisions of section 15(a) of the Act all actions of the Adviser which may have been taken as investment adviser of the Fund from October 27, 1971, through March 15, 1972. All interested persons are referred to the application on file with the Commission for a statement of the Fund's representations which are summarized below.

The Adviser, a partnership, has acted as investment adviser to the Fund pursuant to an investment advisory agreement entered into on June 20, 1952, and continued or amended from time to time thereafter, which provided, among other things, for its automatic termination in the event of its assignment. An assignment is defined in section 2(a)(4) of the Act as including any direct or indirect transfer of control by the assignor.

On October 27, 1971, Leon B. Allen, a partner in the Adviser, died, and, due to his substantial financial and management interests in the Adviser, a transfer of control of the partnership may be deemed to have been effected by his death, resulting in an assignment of the investment advisory agreement.

The surviving partners of the Adviser have agreed among themselves to continue the firm under the same style and name and the partnership has entered into a new investment advisory agreement, dated December 28, 1971, with the Fund. The application states that the new agreement has been approved by the Board of Directors of the Fund with the concurrence of a majority of the directors who are not parties to the agreement or interested persons of any such parties. The Fund represents that the new agreement provides that the Adviser will continue to render advisory services to the Fund under the same terms and conditions as provided for in the terminated contract.

The Fund further represents that, as a condition to the granting of the requested exemptions, it will hold a special meeting of shareholders on or before March 15, 1972, for the purposes of submitting a new investment advisory agreement to the shareholders of the Fund for their approval or disapproval.

Section 15(a) of the Act provides in part that it shall be unlawful for any person to serve or act as investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the outstanding voting securities of such registered company and which provides, in substance, for its automatic termination in the event of its assignment.

The Commission may exempt transactions from the requirements of the Act pursuant to section 6(c) thereof to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 21, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant herein, i.e., the Fund, at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon

[4] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Mitchell.

FEB 4 1972 XUM

said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1648 Filed 2-3-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License No. 04/05-5103]

FLORIDA CROWN MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT CO.

Notice of Issuance of License to Operate as a Minority Enterprise Small Business Investment Company

On December 4, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 23162) stating that Florida Crown Minority Enterprise Small Business Investment Co. had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business December 19, 1971, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 04/05-5103 to Florida Crown Minority Enterprise Small Business Investment Co., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: January 28, 1972.

JAMES THOMAS PHELAN, *Acting Associate Administrator for Operations and Investment.*

[FR Doc.72-1633 Filed 2-3-72;8:45 am]

TARIFF COMMISSION

FLAT GLASS AND TEMPERED GLASS

Reports to the President

JANUARY 31, 1972.

The Tariff Commission today reported to the President the results of its investigation under the Trade Expansion Act of 1962 of a petition for an increase in import restrictions on flat glass (sheet, plate and float, and rolled and polished wire) and tempered glass. The vote of the Commission was equally divided on sheet glass and unanimously negative on all other glass. The petition had been filed by the principal domestic producers of such glass. The investigation (No. TEA-I-23) was conducted under the provisions of section 301(b)(1) of the Trade Expansion Act of 1962.

With respect to sheet glass, Chairman Bedell and Commissioners Sutton and Moore found (1) that such glass is, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to threaten serious injury to the domestic industry producing like or directly competitive articles; and (2) that increases in the rates of duty on most window glass to the escape-clause rates which were in effect between 1962 and 1967 are necessary to avoid serious injury. Following an earlier escape-clause investigation by the Tariff Commission in 1962, the President had increased the rates of duty applicable to U.S. imports of sheet glass; this action was modified in 1967, the escape-action rates on most window glass being reduced and those on other sheet glass being eliminated (restoring the trade-agreement concession rates).

Vice Chairman Parker and Commissioners Leonard and Young found that sheet glass is not, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles. Under the law, the President may consider the findings of either group as the findings of the Commission.

With respect to plate and float glass, rolled and polished wire glass, and tempered glass, the Commission unanimously found that such products are not, as a result in major part of trade-agreement concessions, being imported into the United States in such increased quantities as to cause or threaten serious injury to the domestic industry or industries producing like or directly competitive articles.

A part of the material contained in the Commission's report to the President may not be made public since it includes information that would disclose the operations of individual firms. The Commission, therefore, is releasing to the public only those portions of the report that do not contain such information.

Copies of the public report (TC Publication 459), which contains statements of the reasons for the Commissioners' findings, will be released as soon as possible. Copies will be available upon request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-1665 Filed 2-3-72;8:48 am]

[TEA-W-129]

C. P. CLARE AND CO.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Rapid City, S. Dak., plant of C. P. Clare & Co., Division of General Instruments Corp., Newark, N.J., the U.S. Tariff Commission, on January 31, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with mercury-wetted contact relays (of the type provided for in item 685.90 of the Tariff Schedules of the United States) produced by said plant are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing plant.

The petitioner has not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 31, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-1666 Filed 2-3-72;8:48 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Determination Decision for Specified Locality in Florida

Area wage determination decision published in the FEDERAL REGISTER on the following date:

Decision No.:	*Date*
AM-456	Aug. 20, 1971

is hereby modified as set forth below.

This modification is based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since this determination was issued.

The determination of prevailing rates and fringe benefits made in this modification has been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decision, as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the locality described therein.

The modification is effective from the date of publication in the FEDERAL REGISTER until the end of the period for which the determination being modified was issued and is to be used in accordance with the provisions of 29 CFR, Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. section 553 is set forth in the document being modified.

The modification to the area wage determination decision listed above is set forth below.

Signed at Washington, D.C., this 1st day of February 1972.

HORACE E. MENASCO, *Administrator, Employment Standards Administration.*

MODIFICATION

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-458—36 F.R. 16390, Escambia, Okaloosa, Walton, and Santa Rosa Counties, Fla., Modification No. 4						
CHANGE:						
Painters:						
Commercial	$3.90	$0.10			$0.05	
Industrial	4.25	.10			.05	

[FR Doc.72-1659 Filed 2-3-72;8:48 am]

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Determination Decisions for Specified Localities in Certain States

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Florida, Illinois, Indiana, Michigan, and Texas.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM-330, AM-331, AM-332, AM-333, AM-341, AM-342, AM-354, AM-355, AM-356, AM-370	Aug. 13, 1971
AM-373, AM-377, AM-390	Aug. 18, 1971
AM-452, AM-453, AM-454, AM-455, AM-457, AM-460, AM-461	Aug. 20, 1971
AM-3555, AM-3556 (AM-11,386), AM-3557 (AM-11,387) AM-3558 (AM-11,388), AM-3559 (AM-11,389), AM-3560 (AM-11,390), AM-3561 (AM-11,391), AM-3562 (AM-11,392), AM-3563 (AM-11,393), AM-3564 (AM-11,394), AM-3565 (AM-11,395), AM-3566 (AM-11,396), AM-3567 (AM-11,397), AM-3568 (AM-11,398), AM-3569 (AM-11,399), AM-3570 (AM-11,400), AM-3571 (AM-11,401), AM-3572 (AM-11,402)	Aug. 25, 1971
AM-7489	Nov. 12, 1971
AM-7714, AM-7715, AM-7717	Nov. 19, 1971

Modification and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. sec. 553 is set forth in the document being modified.

The modification and/or supercedeas decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 28th day of January 1972.

HORACE E. MENASCO, *Administrator, Employment Standards Administration.*

V 37-24 FEB 4 72 XUM

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-458—36 F.R. 16370, Broward County, Fla., Modification No. 2						
CHANGE:						
Fla.-Dredging 1:						
Dredges 20" and over:						
Leverman	$5.13	$0.25	$0.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16" up to but not including 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill barge and spider barge	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		

A. 8% of straight time rate, and (6) six paid holidays. A to F.
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-453—36 F.R. 16375, Dade County, Fla., Modification No. 5						
CHANGE:						
Fla-Dredging 1:						
Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.29	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.21	.25	.15	a		
Shoreman	3.29	.25	.15	a		
Second cook	3.21	.25	.15	a		
Messman						
Dredges 16" up to but not including 20":	4.65	.25	.15	a		
Leverman	4.37	.25	.15	a		
First engineer	4.25	.25	.15	a		
Second engineer	4.12	.25	.15	a		
Third engineer	4.46	.25	.15	a		
Welder	3.84	.25	.15	a		
Mate	3.55	.25	.15	a		
Oiler	3.29	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.21	.25	.15	a		
Launchman	3.97	.25	.15	a		
Shoreman	3.55	.25	.15	a		
Spill barge and spider barge	3.27	.25	.15	a		
Cook	3.18	.25	.15	a		
Mess cook						
Messman and janitor	2.25					
Dredges under 16":	1.85					
Leverman	1.80					
First assistant engineer	1.60					
Second assistant engineer	2.32					
Deckhand	1.60					
Welder	1.60					
Laborer						
Launchman, boatman	5.00	.25	.15	a		
Dipper and clamshell dredges:	4.87	.25	.15	a		
Operator	4.20	.25	.15	a		
Craneman	4.09	.25	.15	a		
First engineer	3.84	.25	.15	a		
Second engineer	4.46	.25	.15	a		
Third engineer	4.15	.25	.15	a		
Welder	3.60	.25	.15	a		
Mate	3.29	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.37	.25	.15	a		
Launchman	3.55	.25	.15	a		
Scowman	3.27	.25	.15	a		
Cook	3.18	.25	.15	a		
Mess cook						
Messman and janitor						

A. 8% of straight time rate, and six (6) paid holidays. A to F.
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

V 37 24 FEB 4 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-454—36 F.R. 16377, Duval County, Fla., Modification No. 4						
CHANGE:						
Fla-Dredging 1:						
Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16" up to but not including 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill barge and spider barge	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First Engineer	4.20	.25	.15	a		
Second Engineer	4.09	.25	.15	a		
Third Engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman & janitor	3.18	.25	.15	a		

A. 5% of straight time rate, and (6) six paid holidays. A to F.
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

WD No. AM-455—36 F.R. 16381, Hillsborough County, Fla., Modification No. 5

CHANGE:
Fla-Dredging 1:

Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16' up to but not including 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill barge and spider barge	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
CHANGE—Continued						
Fla-Dredging 1—Continued						
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		

A. 5% of straight time rate, and (6) six paid holidays. A to F.
Paid Holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

WD No. AM-457—36 F.R. 16388, Monroe County, Fla., Modification No. 1

CHANGE:
Fla-Dredging 1:

Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16" up to but not including 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill barge and spider barge	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
Dredges under 16":						
Leverman	2.25					
First assistant engineer	1.85					
Second assistant engineer	1.80					
Deckhand	1.60					
Welder	2.32					
Laborer	1.60					
Launchman, boatman	1.60					
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		

A. 5% of straight time rate, and six (6) paid holidays. A to F.
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

V 37-24 FEB 4 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-460—36 F.R. 16397, Palm Beach County, Fla., Modification No. 2						
CHANGE:						
Fla-Dredging 1:						
Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.29	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.21	.25	.15	a		
Shoreman	3.29	.25	.15	a		
Second cook	3.21	.25	.15	a		
Messman						
Dredges 16" up to but not including 20":	4.65	.25	.15	a		
Leverman	4.37	.25	.15	a		
First engineer	4.25	.25	.15	a		
Second engineer	4.12	.25	.15	a		
Third engineer	4.46	.25	.15	a		
Welder	3.84	.25	.15	a		
Mate	3.55	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.29	.25	.15	a		
Deckhand	3.61	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	3.97	.25	.15	a		
Spill barge and spider barge	3.55	.25	.15	a		
Cook	3.27	.25	.15	a		
Mess cook	3.18	.25	.15	a		
Messman and janitor						
Dredges under 16":	2.25					
Leverman	1.85					
First assistant engineer	1.80					
Second assistant engineer	1.60					
Deckhand	2.32					
Welder	1.60					
Laborer	1.60					
Launchman, boatman						
Dipper and clamshell dredges:	5.00	.25	.15	a		
Operator	4.87	.25	.15	a		
Craneman	4.20	.25	.15	a		
First engineer	4.09	.25	.15	a		
Second engineer	3.84	.25	.15	a		
Third engineer	4.46	.25	.15	a		
Welder	4.15	.25	.15	a		
Mate	3.60	.25	.15	a		
Fireman	3.29	.25	.15	a		
Deckhand	3.61	.25	.15	a		
Launchman	3.37	.25	.15	a		
Scowman	3.55	.25	.15	a		
Cook	3.27	.25	.15	a		
Mess cook	3.18	.25	.15	a		
Messman and janitor						

A. 5% of straight time rate, and (6) six paid holidays. A to F.
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

WD No. AM-461—36 F.R. 16401, Pinellas County, Fla., Modification No. 5

CHANGE:						
Fla-Dredging 1:						
Dredges 20" and over:						
Leverman	5.13	.25	.15	a		
Engineer	5.13	.25	.15	a		
Spill barge and spider barge	4.77	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinists	4.82	.25	.15	a		
Oiler	3.61	.25	.15	a		
Fireman	3.61	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Dredges 16" up to but not including 20":	4.65	.25	.15	a		
Leverman	4.37	.25	.15	a		
First engineer	4.25	.25	.15	a		
Second engineer	4.12	.25	.15	a		
Third engineer	4.46	.25	.15	a		
Welder	3.84	.25	.15	a		
Mate	3.55	.25	.15	a		
Oiler	3.55	.25	.15	a		
Fireman	3.29	.25	.15	a		
Deckhand	3.61	.25	.15	a		
Launchman	3.21	.25	.15	a		
Shoreman	3.97	.25	.15	a		
Spill barge and spider barge	3.55	.25	.15	a		
Cook	3.27	.25	.15	a		
Mess cook	3.18	.25	.15	a		
Messman and janitor						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
CHANGE—Continued						
Fla-Dredging 1—Continued						
Dredges under 16":	2.25					
Leverman	1.85					
First assistant engineer	1.80					
Second assistant engineer	1.60					
Deckhand	2.32					
Welder	1.60					
Laborer	1.60					
Launchman, boatman						
Dipper and clamshell dredges:	5.00	.25	.15	a		
Operator	4.87	.25	.15	a		
Craneman	4.20	.25	.15	a		
First engineer	4.09	.25	.15	a		
Second engineer	3.84	.25	.15	a		
Third engineer	4.46	.25	.15	a		
Welder	4.15	.15	.15	a		
Mate	3.60	.25	.15	a		
Fireman	3.29	.25	.15	a		
Deckhand	3.61	.25	.15	a		
Launchman	3.37	.25	.15	a		
Scowman	3.55	.25	.15	a		
Cook	3.27	.25	.15	a		
Mess cook	3.18	.25	.15	a		
Messman and janitor						

A. 5% of straight time rate, and six (6) paid holidays. A to F.
Paid holidays: (Where applicable) A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

WD No. AM-550—36 F.R. 15155, Cook County, Ill., Modification No. 5

Change:						
Tile setters	7.75	.30⅝	.325			
Tile setters' helpers	6.80	.30⅝	.325			

WD No. AM-551—36 F.R. 15161, DuPage County, Ill., Modification No. 5

Change:						
Tile setters	7.75	.30⅝	.325			
Tile setters' helpers	6.80	.30⅝	.325			

WD No. AM-553—36 F.R. 15170, Lake County, Ill., Modification No. 5

Change:						
Tile setters	7.75	.30⅝	.325			
Tile setters' helpers	6.80	.30⅝	.325			

WD No. AM-552—36 F.R. 15166, Kane County, Ill., Modification No. 6

Change:						
Tile setters	7.75	.30⅝	.325			
Tile setters' helpers	6.80	.30⅝	.325			

WD No. AM-341—36 F.R. 15213, Will County, Ill., Modification No. 6

Change:						
Tile setters	7.75	.30⅝	.325			
Tile setters' helpers	6.80	.30⅝	.325			

WD No. AM-342—36 F.R. 15218, Winnebago County, Ill., Modification No. 6

Change:						
Millwrights	7.38	.20	.25		$0.02	

WD No. AM-354—36 F.R. 15295, Dearborn County, Ind., Modification No. 5

CHANGE:						
Building construction:						
Bricklayers and stonemasons	6.95					
Carpenters and soft floor layers (building)	6.575	.25	.25		.02	
Millwrights (building)	6.825	.25	.25		.02	
Piledrivermen (building)	6.25	.30	.25		.01	
Plasterers						
Indiana Area I-E:						
Line construction:	6.77	.15	1%		0.25%	
Linemen	6.77	.15	1%		.25%	
Cable splicers	6.47	.15	1%		.25%	
Heavy equipment operator A	5.33	.15	1%		.25%	
Heavy equipment operator B	5.21	.15	1%		.25%	
Powderman	5.21	.15	1%		.25%	
Equipment mechanic	4.47	.15	1%		.25%	
Senior groundman truck driver with winch	4.30	.15	1%		.25%	
Groundman truck driver with winch	3.77	.15	1%		.25%	
Groundman truck driver without winch	4.29	.15	1%		.25%	
Senior groundman after 5 years	4.17	.15	1%		.25%	
Senior groundman after 12 months	3.55	.15	1%		.25%	
Groundman 0-12 months						

WD No. AM-355—36 F.R. 15297, Delaware County, Ind., Modification No. 5

CHANGE:						
Building construction:						
Asbestos workers	8.10	.20	$0.20		$0.02	
Carpenters and soft floor layers	7.00	.25			.03	
Millwrights	7.30	.25			.03	
Piledrivermen	7.20	.25			.03	
Electricians	7.65	.20	1%		0.1%	
Ironworkers:						
(Northeastern one-third of county) Structural, ornamental, and reinforcing	8.25	.40	$0.65		$0.01	
Sheet metal workers	7.18	.40	.40		.02	
Indiana Area I-E:						
Line construction:	6.77	.15	1%		0.25%	
Linemen	6.77	.15	1%		.25%	
Cable splicers	6.47	.15	1%		.25%	
Heavy equipment operator A	5.33	.15	1%		.25%	
Heavy equipment operator B	5.21	.15	1%		.25%	
Powderman	5.21	.15	1%		.25%	
Equipment mechanic	4.47	.15	1%		.25%	
Senior groundman truck driver with winch	4.30	.15	1%		.25%	
Groundman truck driver with winch	3.77	.15	1%		.25%	
Groundman truck driver without winch	4.29	.15	1%		.25%	
Senior groundman after 5 years	4.17	.15	1%		.25%	
Senior groundman after 12 months	3.55	.15	1%		.25%	
Groundman 0-12 months						

FEB 4 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-556—36 F.R. 15303, Grant County, Ind., Modification No. 4						
CHANGE:						
Carpenters and soft floor layers	6.98	.25	$0.25		$0.05	
Millwrights	7.23	.25	.25		.05	
Piledrivermen	7.18	.25	.25		.05	
Ironworkers (all)	8.25	.40	.65		.01	
Painters:						
Brush and high work, 0–30 ft	5.70	.22	.15		.05	
High work, 31–60 ft	6.10	.22	.15		.05	
High work, 61–100 ft	6.50	.22	.15		.05	
High work, over 100 ft	6.70	.22	.15		.05	
Spray and sandblasting	6.70	.22	.15		.06	
Roller	5.70	.22	.15		.05	
WD No. AM-570—36 F.R. 15586, Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switzerland, and Washington Counties, Ind., Modification No. 2						
CHANGE:						
Cement masons:						
Bartholomew and Brown Counties	6.70					
Clark, Floyd, and Harrison Counties	7.98					
Ironworkers:						
Northwest one sixth of Lawrence County and the northern portion of Martin County, excluding the city of Shoals; Dearborn, Franklin, Ohio, Ripley, and Switzerland Counties and the eastern one half of Decatur County:	8.20	.40	.65			
Structural and ornamental	7.935	.40	.55		.015	
Reinforcing	7.835	.40	.65		.02	
Power equipment operators:						
Remainder of Counties:						
Group I	6.60	.25	.20		.04	
Group II	6.25	.25	.20		.04	
Group III	5.90	.25	.20		.04	
Group IV	5.25	.25	.20		.04	
WD No. AM-575—36 F.R. 15777, Allegan County, Mich., Modification No. 6						
CHANGE:						
Building and heavy construction:						
Cement masons	6.90	.32	.18		.02	
WD No. AM-577—36 F.R. 15795, Charlevoix County, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Sheet metal workers	7.02	.35	.23	$0.60	.10	
WD No. AM-590—36 F.R. 15855, Muskegon and Oceana Counties, Mich., Modification No. 5						
CHANGE:						
Building and heavy construction:						
Cement masons	6.53	.32	.18		.02	
WD No. AM-5,555—36 F.R. 16773, Bexar County, Tex., Modification No. 5						
CHANGE:						
Building construction:						
Cement masons:						
Cement masons	6.40					
Machine operators	6.65					
WD No. AM 7,489—36 F.R. 21737, Harris County, Tex., Modification No. 5						
CHANGE:						
Building construction:						
Carpenters:						
Carpenters	6.35	.40	.22		.05	
Lathers	6.75	.20	.15		.02	
Power Equipment Operators:						
Asphalt plant mixer operator; back filler; blade grader (self-propelled); building elevator (used on construction); bull clam; bulldozer and all types cat tractors; cable way; clam shells, draglines, backhoe; concrete batch plant operator; concrete mixer (14 cu. ft. or more); crane—power operated (all types); crusher operator; derrick—power operated (all types); DW-10 caterpillar, S–18 euclid and similar tractors; elevating grader (self-propelled); forklift used on construction (not including warehousing); foundation boring machine; gasoline or diesel-driven welding machines (7 or more); gradall; heavy duty mechanic; high-lift; hoist (motor driven, 2 drums or more); locomotive crane; mix mobile; paving mixer (all types); pile driver; pneumatic rollers (self-propelled); pumperete machine operator; push cat operator; scoopmobiles; scrapers (heavy type, over 3 cu. yds.); shovel (power operated); trenching machine (all sizes); tugboat operator (assigned to construction); turnapulls; water well drilling machines (used on construction); well point pump; winch truck. All other equipment of similar nature coming under the heavy equipment class, when power-operated	6.35	.20	.30		.01	
Air compressors; blade grader (towed); concrete mixer (less than 14 cu. ft.); conveyor; flex plant; form grader; gasoline- or diesel-driven welding machines (on 3 or more, up to 6 machines); generator (gasoline or diesel driven, over 1,500 watts); hoist (single drum); pulsometer; pumps; rubber-tired farm tractor with attachments; scraper (3 cu. yds. or less); truck crane driver; wagon drill operator; a light equipment operator may run one or two 105-c.f.m. compressors. All other equipment of similar nature coming under the light equipment class, when power-operated	5.77	.20	.30		.01	
Fireman	5.37	.20	.30		.01	
Oiler	5.26	.20	.30		.01	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Other
WD No. AM-7,714—36 F.R. 22119, Travis County, Tex., Modification No. 2						
CHANGE:						
Building construction:						
Power equipment operators:						
Backfiller; backhoe; blade grader—self-propelled; bull clam; bulldozer and all types of cat tractors; cableway; clamshell operator; crane-power operated, all types; derricks—power operated, all types; dragline; elevating grader—self-propelled; Euclid operator; foundation boring machine; gradall; heavy duty mechanic; high lifts and loader, over ¼ cu. yd. capacity; hoist-motor driven, two drums or more; locomotive; mixer, 14 cu. ft. or over; mixmobile; paving mixer—all types; pumperete machine; push cat operator; rock crusher operated on job; scoopmobile; scraper; shovel—power operated; trenching machine—all types; two 125 cu. ft. compressors; welding machines—6 to 12; winch truck; well points, including installations	6.375					
Air compressor, anytime there are two or more attachments operating on a 125 cu. ft. air compressor, or less, a light equipment operator shall be employed, any compressor over 125 cu. ft. shall have a light equipment operator; blade grader-towed; flex plane; fork lift, 1,500-lbs. capacity or less; hoist, single drum; pump 2½ inches or larger; pneumatic roller; mixer—less than 14 cu. ft.; pulsometer; truck crane driver and oiler combination man; form grader, gasoline or diesel driven welding machine, 3 to 6; high-lifts and loaders, ¼ cu. yd. or less	5.585					
Fireman	4.72					
Oiler	4.62					
WD No. AM-7, 715—36 F.R. 22121, Galveston County, Tex., Modification No. 3						
CHANGE:						
Building construction:						
Carpenters:						
Carpenters	6.35	.40	.22		.05	
Cement masons	6.00	.30	.25			
Plasterers	6.525	.27	.20		.03	
Plumbers and pipefitters	7.075	.225	.20		.02	
Power equipment operators:						
Asphalt plant mixer operator; back filler; blade grader (self-propelled); building elevator (used on construction); Bull clam and all types cat tractors; cable way; clam shells, draglines, backhoe; concrete batch plant operator; concrete mixer (14 cu. ft. or more); crane-power operated (all types); DW-10 caterpillar, S–18 Euclid and similar tractors; elevating grader (self-propelled); fork lift used on construction (not including warehousing); foundation boring machine; gasoline or diesel driven welding machines (7 or more); gradall; heavy duty mechanic; high-lift; hoist (motor driven, 2 drum or more); locomotive crane; mix mobile; paving mixer (all types); pile driver; pneumatic rollers (self-propelled); pumperete machine operator; push cat operator; scoopmobiles; scraper (heavy type, over 3 cu. yds.); shovel (power operated); trenching machine (all sizes); tug boat operator (assigned to construction); turnapulls; water well drilling machines (used on construction); well point pump; winch truck. All other equipment of similar nature coming under the heavy equipment class, when power operated	6.35	.20	.30		.01	
Air compressors; blade grader (towed); concrete mixer (less than 14 cu. ft.); conveyor; flex plant; form grader; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); generator (gasoline or diesel driven, over 1,500 watts); hoist (single drum); pulsometer; pumps; rubber tired farm tractor with attachments; scraper (3 cu. yds. or less); truck crane driver; wagon drill operator; a light equipment operator may run one or two 105-c.f.m. compressors. All other equipment of similar nature coming under the light equipment class, when power operated	5.77	.20	.30		.01	
Fireman	5.37	.20	.30		.01	
Oiler	5.26	.20	.30		.01	
WD No. AM-7, 717—36 F.R. 22124, Jefferson and Orange Counties, Tex., Modification No. 2						
OMIT:						
Bricklayers; stonemasons	6.625	.175	.30			
ADD:						
Bricklayers; stonemasons:						
Southern part of Jefferson County including the cities of Port Arthur, Sabine, Port Neches, and Nederland	6.625	.175	.30			
Remainder of Jefferson County and all of Orange County	7.255	.175	.30		.04	

SUPERSEDES DECISIONS

State: Texas; County: Bexar Decision No. AM-11,368; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,556, dated Aug. 26, 1971, in 36 F.R. 16776.
Description of work: Heavy construction.
16—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$1.85					
Asphalt heaterman	2.80					
Asphalt raker	2.80					
Batching plant scaleman	2.75					
Carpenter	2.75					
Carpenter helper	2.80					
Concrete finisher (paving)	3.00					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	2.85					
Concrete finisher helper (structures)	2.40					
Concrete rubber	2.10					
Electrician	4.80					
Form builder (structures)	2.95					
Form builder helper (structures)	2.00					
Form setter (paving and curb)	3.00					
Form setter (structures)	2.95					
Form setter helper (structures)	2.50					
Laborer, common	1.60					
Laborer, utility man	2.00					
Manhole builder, brick	2.00					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.30					
Painter (structures)	4.25					
Painter helper (structures)	2.25					
Pipelayer	2.50					
Pipelayer helper	1.85					
Powderman	2.75					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. tr.	Other
Powderman helper	2.25					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	2.90					
Reinforcing steel setter helper	2.00					
Steel worker (structural)	3.60					
Spreader box man	2.30					
Swamper	2.00					
Power equipment operators:						
Asphalt distributor	2.50					
Asphalt paving machine	2.75					
Bulldozer, 150 h.p. and less	2.50					
Bulldozer, over 150 h.p.	3.25					
Concrete paving finishing machine	2.75					
Concrete paving saw	2.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	2.85					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.50					
Foundation drill operator (crawler mounted)	4.90					
Foundation drill operator (truck mounted)	3.85					
Foundation drill operator helper	3.15					
Front end loader (2½ cu. yd. and less)	2.55					
Front end loader (over 2½ cu. yd.)	2.75					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.60					
Roller, steel wheel (other—flat wheel or tamping)	2.00					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.50					
Scrapers (over 17 cu. yd.)	2.75					
Tractor (crawler type) 150 h.p. and less	2.20					
Tractor (crawler type) over 150 h.p.	2.50					
Tractor (pneumatic) 80 h.p. and less	2.05					
Tractor (pneumatic) over 80 h.p.	2.60					
Trenching machine, light	2.55					
Wagon drill, boring machine or post hole driller operator	2.50					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.00					
Tandem axle or semitrailer	2.00					
Winch	2.15					
Welder	4.00					
1—Texas—LCb:						
Line construction:						
Lineman	6.615	$0.17	1%		½%	
Ground mechanics	5.33	.17	1%		½%	
Groundmen	4.51	.17	1%		½%	
Groundmen, first 6 months	3.36	.17	1%		½%	

State: Texas; Counties: Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, and Wilbarger.
Decision No. AM-11,387; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,557, dated Aug. 25, 1971, in 36 F.R. 16777.
Description of work: Highway construction.
19—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Asphalt heaterman	$3.00					
Asphalt raker	2.50					
Batching plant scaleman	3.70					
Carpenter	3.25					
Carpenter helper	2.50					
Concrete finisher (paving)	3.55					
Concrete finisher helper (paving)	3.00					
Concrete finisher (structures)	3.80					
Concrete rubber	3.25					
Form builder (structures)	3.65					
Form builder helper (structures)	3.00					
Form liner (paving and curb)	3.50					
Form setter (structures)	4.20					
Form setter helper (structures)	3.15					
Laborer, common	2.15					
Laborer, utility man	2.65					
Manhole builder, brick	2.50					
Mechanic	3.50					
Mechanic helper	3.10					
Oiler	3.00					
Serviceman	2.90					
Pipelayer	2.70					
Pipelayer helper	2.15					
Powderman	3.20					
Reinforcing steel setter (structures)	3.25					
Reinforcing steel setter helper	2.55					
Sign erector	3.00					
Sign erector helper	2.50					
Spreader box man	3.00					
Swamper	2.25					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Power equipment operators:						
Asphalt distributor	3.30					
Asphalt paving machine	4.20					
Broom or sweeper operator	2.55					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.50					
Concrete paving curing machine	3.10					
Concrete paving form grader	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	4.35					
Crusher or screening plant operator	3.30					
Foundation drill operator (truck mounted)	3.90					
Front end loader (2½ cu. yds. and less)	3.25					
Front end loader (over 2½ cu. yds.)	3.65					
Motor grader operator, fine grade	4.35					
Motor grader operator	3.75					
Roller, steel wheel (plant—mix pavements)	3.30					
Roller, steel wheel (other—flat wheel or tamping)	3.00					
Roller, pneumatic (self-propelled)	2.55					
Scrapers (17 cu. yd. and less)	3.00					
Scrapers (over 17 cu. yd.)	3.50					
Tractor (crawler type) 150 h.p. and less	2.90					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) 80 h.p. and less	2.40					
Tractor (pneumatic) over 80 h.p.	2.65					
Traveling mixer	3.20					
Wagon drill, boring machine or post hole driller operator	2.80					
Truck drivers:						
Single axle, light	2.50					
Single axle, heavy	2.85					
Tandem axle or semitrailer	2.25					
Lowboy-float	3.60					
Winch	3.50					
Weighman (truck scales)	2.30					
Welder	4.35					

State: Texas; Counties: Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum and Young.
Decision No. AM-11,388; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,558, dated Aug. 25, 1971, in 36 F.R. 16778.
Description of work: Highway construction.
24—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.60					
Asphalt heaterman	2.50					
Asphalt raker	2.90					
Batching plant scaleman	2.75					
Carpenter	3.75					
Carpenter helper	2.65					
Concrete finisher (structures)	2.90					
Fireman	2.70					
Form builder (structures)	2.80					
Form builder helper (structures)	2.50					
Form setter (structures)	3.25					
Form setter helper (structures)	2.50					
Laborer, common	2.00					
Laborer, utility man	2.50					
Mechanic	3.10					
Mechanic helper	2.80					
Oiler	2.50					
Serviceman	2.70					
Powderman	3.25					
Spreader box man	2.70					
Power equipment operators:						
Asphalt distributor	2.60					
Asphalt paving machine	3.25					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.15					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.75					
Crusher or screening plant operator	3.00					
Front end loader (2½ cu. yd. and less)	2.80					
Front end loader (over 2½ cu. yd.)	3.00					
Motor grader operator, fine grade	3.55					
Motor grader operator	3.50					
Roller, steel wheel (plant—mix pavements)	2.60					
Roller, steel wheel (other—flat wheel or tamping)	2.55					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yd. and less)	2.75					
Scrapers (over 17 cu. yd.	3.00					
Tractor (crawler type) 150 h.p. and less	2.50					
Tractor (crawler type) over 150 h.p.	3.50					
Tractor (pneumatic) 80 h.p. and less	2.50					
Tractor (pneumatic) over 80 h.p.	2.65					
Traveling mixer	2.80					
Wagon drill, boring machine or post hole driller operator	2.75					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.50					
Tandem axle or semitrailer	2.25					
Transit-mix	2.75					
Welder	3.50					

V 37-24 FEB 4 72 XUM

SUPERSEDES DECISIONS—Continued

State: Texas; Counties: Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward, and Winkler.
Decision No. AM-11,389; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,559, dated Aug. 25, 1971, in 36 F.R. 16779.
Description of work: Highway construction.
29—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.40					
Asphalt heaterman	2.60					
Asphalt raker	2.75					
Batching plant scaleman	2.65					
Carpenter	3.30					
Carpenter helper	2.80					
Concrete finisher (structures)	3.00					
Concrete finisher helper (structures)	2.75					
Concrete rubber	3.10					
Form builder (structures)	3.15					
Form builder helper (structures)	2.25					
Form setter (paving and curb)	3.00					
Form setter helper (paving and curb)	2.40					
Form setter (structures)	3.00					
Form setter helper (structures)	2.55					
Laborer, common	2.00					
Laborer, utility man	2.35					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.30					
Serviceman	2.60					
Powderman	3.00					
Reinforcing steel setter (structures)	3.00					
Reinforcing steel setter helper	2.25					
Spreader box man	2.60					
Power equipment operators:						
Asphalt distributor	2.90					
Asphalt paving machine	2.75					
Bulldozer, 150 h.p. and less	2.85					
Bulldozer, over 150 h.p.	3.00					
Concrete paving saw	2.75					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.25					
Crusher or screening plant operator	2.75					
Elevating grader	2.75					
Foundation drill operator (truck mounted)	4.10					
Front end loader (2½ cu. yd. and less)	2.70					
Front end loader (over 2½ cu. yd.)	3.00					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.75					
Roller, steel wheel (other—flat wheel or tamping)	2.35					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.85					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) 150 h.p. and less	2.60					
Tractor (crawler type) over 150 h.p.	2.75					
Tractor (pneumatic) 80 h.p. and less	2.50					
Tractor (pneumatic) over 80 h.p.	2.75					
Traveling mixer	2.80					
Wagon drill, boring machine or post hole driller operator	2.50					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.00					
Low boy-float	2.90					
Weighman (truck scales)	2.00					
Welder	3.00					

State: Texas; Counties: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves and Terrell.
Decision No. AM-11,390; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,560, dated Aug. 25, 1971, in 36 F.R. 16780.
Description of work: Highway construction.
12—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt heaterman	$2.50					
Asphalt raker	2.50					
Batching plant scaleman	3.10					
Carpenter	3.50					
Concrete finisher (paving)	2.25					
Concrete finisher (structures)	2.00					
Concrete finisher helper (structures)	4.85					
Electrician	2.85					
Form builder (structures)	2.10					
Form builder helper (structures)	2.70					
Form setter (structures)	2.40					
Form setter helper (structures)	1.60					
Laborer, common	2.00					
Laborer, utility man	3.00					
Mechanic	2.35					
Mechanic helper	2.60					
Oiler	2.60					
Serviceman	3.00					
Piledriverman	2.60					
Pipelayer	2.00					
Reinforcing steel setter (paving)	2.60					
Reinforcing steel setter (structures)						

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Reinforcing steel setter helper	1.75					
Spreader box man	2.45					
Swamper	2.00					
Power equipment operators:						
Asphalt distributor	2.50					
Asphalt paving machine	2.75					
Broom or sweeper operator	2.20					
Bulldozer, over 150 h.p.	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	3.50					
Crusher or screening plant operator	3.00					
Front end loader (2½ cu. yds. and less)	2.70					
Front end loader (over 2½ cu. yds.)	3.00					
Motor grader operator, fine grade	3.45					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	2.55					
Roller, steel wheel (other—flat wheel or tamping)	2.25					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yds. and less)	2.85					
Scrapers (over 17 cu. yds.)	3.00					
Tractor (crawler type) over 150 h.p.	$2.75					
Tractor (pneumatic) over 80 h.p.	2.50					
Wagon drill, boring machine or post hole driller operator	2.25					
Truck drivers:						
Single axle, light	2.25					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.25					
Transit-mix	2.25					
Weighman (truck scales)	2.80					
Welder	3.00					

State: Texas; Counties: Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, La Salle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson, and Zavala.
Decision No. AM-11,391; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,561, dated Aug. 25, 1971, in 36 F.R. 16781.
Description of work: Highway construction.
16—Texas—3f.

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$1.85					
Asphalt heaterman	2.50					
Asphalt raker	2.50					
Batching plant scaleman	2.75					
Carpenter	2.75					
Carpenter helper	2.50					
Concrete finisher (paving)	3.00					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	2.85					
Concrete finisher helper (structures)	2.40					
Concrete rubber	2.10					
Electrician	4.60					
Form builder (structures)	2.95					
Form builder helper (structures)	2.00					
Form setter (paving and curb)	3.00					
Form setter (structures)	2.95					
Form setter helper (structures)	2.50					
Laborer, common	1.60					
Laborer, utility man	2.00					
Manhole builder, brick	2.00					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.30					
Painter (structures)	4.25					
Painter helper (structures)	2.25					
Pipelayer	2.50					
Pipelayer helper	1.85					
Powderman	2.75					
Powderman helper	2.25					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	2.80					
Reinforcing steel setter helper	2.00					
Steel worker (structural)	3.60					
Spreader box man	2.30					
Swamper	2.00					
Power equipment operators:						
Asphalt distributor	2.50					
Asphalt paving machine	2.75					
Bulldozer, 150 h.p. and less	2.50					
Bulldozer, over 150 h.p.	3.25					
Concrete paving finishing machine	2.75					
Concrete paving saw	2.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	2.85					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.50					
Foundation drill operator (crawler mounted)	4.90					
Foundation drill operator (truck mounted)	3.85					
Foundation drill operator helper	3.15					
Front end loader (2½ cu. yd. and less)	2.55					
Front end loader (over 2½ cu. yd.)	2.75					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.60					
Roller, steel wheel (other—flat wheel or tamping)	2.00					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.50					
Scrapers (over 17 cu. yd.)	2.75					
Tractor (crawler type) 150 h.p. and less	2.20					
Tractor (crawler type) over 150 h.p.	2.50					
Tractor (pneumatic) 80 h.p. and less	2.05					
Tractor (pneumatic) over 80 h.p.	2.80					
Trenching machine, light	2.55					
Wagon drill, boring machine or post hole driller operator	2.60					

V 37-24 FEB 4 72 XUM

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.00					
Tandem axle or semitrailer	2.00					
Winch	2.15					
Welder	4.00					

State: Texas; Counties: Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy, and Zapata.
Decision No. AM-11,392; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,562, dated Aug. 25, 1971, in 36 F.R. 16782.
Description of work: Highway construction.
36—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$1.85					
Asphalt raker	2.70					
Carpenter	2.70					
Carpenter helper	2.00					
Concrete finisher (structures)	2.75					
Concrete finisher helper (structures)	2.25					
Electrician	3.75					
Form setter (structures)	2.75					
Form setter helper (structures)	2.30					
Laborer, common	1.85					
Laborer, utility man	2.25					
Mechanic	2.75					
Oiler	2.15					
Painter (structures)	2.35					
Piledriverman	3.00					
Pipelayer	2.30					
Reinforcing steel setter (structures)	2.70					
Reinforcing steel setter helper	2.25					
Spreader box man	2.60					
Power equipment operators:						
Asphalt distributor	2.55					
Asphalt paving machine	3.00					
Bulldozer, over 150 h.p.	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.70					
Front end loader (2½ cu. yd. and less)	2.55					
Front end loader (over 2½ cu. yd.)	2.75					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.50					
Roller, steel wheel (other—flat wheel or tamping)	2.35					
Roller, pneumatic (self-propelled)	2.10					
Scrapers (17 cu. yd. and less)	2.75					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) over 150 h.p.	2.55					
Tractor (pneumatic) 80 h.p. and less	2.50					
Tractor (pneumatic) over 80 h.p.	2.85					
Trenching machine, light	3.25					
Truck drivers:						
Single axle, light	1.85					
Single axle, heavy	2.00					
Tandem axle or semitrailer	1.85					

State: Texas; Counties: Aransas, Bee, Calhoun, De Witt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio, and Victoria.
Decision No. AM-11,393; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,563, dated Aug. 25, 1971, in 36 F.R. 16783.
Description of work: Highway construction.
15—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt raker	$2.50					
Asphalt shoveler	2.00					
Carpenter	2.80					
Carpenter helper	2.15					
Concrete finisher (paving)	3.00					
Concrete finisher (structures)	2.80					
Concrete finisher helper (structures)	2.25					
Form builder (structures)	2.90					
Form builder helper (structures)	2.25					
Form liner (paving and curb)	3.25					
Form setter (paving and curb)	2.40					
Form setter (structures)	3.00					
Form setter helper (structures)	2.25					
Laborer, common	2.00					
Laborer, utility man	2.15					
Mechanic	3.35					
Mechanic helper	2.30					
Oiler	2.50					
Pipelayer	2.20					
Reinforcing steel setter (paving)	2.40					
Reinforcing steel setter (structures)	2.75					
Reinforcing steel setter helper	2.15					
Spreader box man	2.85					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Power equipment operators:						
Asphalt distributor	2.75					
Asphalt paving machine	3.00					
Bulldozer, 150 h.p. and less	2.85					
Bulldozer, over 150 h.p.	3.20					
Concrete paving curing machine	2.00					
Concrete paving finishing machine	3.00					
Concrete paving longitudinal float	2.75					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	3.25					
Front end loader (2½ cu. yd. and less)	2.50					
Front end loader (over 2½ cu. yd.)	2.75					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.00					
Roller, steel wheel (plant—mix pavements)	2.45					
Roller, steel wheel (other—flat wheel or tamping)	2.06					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.75					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) over 150 h.p.	2.50					
Tractor (pneumatic) 80 h.p. and less	2.00					
Tractor (pneumatic) over 80 h.p.	2.15					
Traveling mixer	2.15					
Truck drivers:						
Single axle, light	2.10					
Single axle, heavy	2.10					
Tandem axle or semitrailer	2.50					
Winch	2.75					
Welder	3.15					

State: Texas; Counties: Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis, and Williamson.
Decision No. AM-11,394; Date of decision: Feb. 4, 1962.
Supersedes Decision No. AM-3,564, dated Aug. 25, 1971, in 36 F.R. 16784.
Description of work: Highway Construction
18—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.15					
Asphalt heaterman	2.50					
Asphalt raker	3.35					
Batching plant scaleman	2.75					
Carpenter	3.20					
Carpenter helper	2.25					
Concrete finisher (structures)	3.00					
Concrete finisher helper (structures)	2.25					
Electrician	5.25					
Fireman	3.30					
Form builder (structures)	3.25					
Form builder helper (structures)	2.25					
Form setter (paving and curb)	2.90					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.00					
Form setter helper (structures)	2.00					
Laborer, common	1.75					
Laborer, utility man	2.00					
Mechanic	3.15					
Mechanic helper	2.25					
Oiler	2.25					
Pipelayer	2.90					
Powderman	2.65					
Reinforcing steel setter (structures)	3.25					
Reinforcing steel setter helper	2.75					
Spreader box man	2.60					
Power equipment operators:						
Asphalt distributor	2.65					
Asphalt paving machine	3.50					
Bulldozer, 150 h.p. and less	2.80					
Bulldozer, over 150 h.p.	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.75					
Foundation drill operator (truck mounted)	4.25					
Foundation drill operator helper	3.25					
Front end loader (2½ cu. yd. and less)	2.60					
Front end loader (over 2½ cu. yd.)	3.00					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.20					
Roller, steel wheel (plant—mix pavements)	3.35					
Roller, steel wheel (other—flat wheel or tamping)	2.50					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yd. and less)	2.90					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) over 80 h.p.	2.15					
Traveling mixer	2.50					
Wagon drill, boring machine or post hole driller operator	2.26					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.00					
Vibrator man (hand type)	2.25					
Welder	3.00					

V 37 - 24 FEB 4 72 XUM

SUPERSEDES DECISIONS—Continued

State: Texas; Counties: Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan, and Navarro.
Decision No. AM-11,398; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,565, dated Aug. 25, 1971, in 36 F.R. 16785.
Description of work: Highway construction.
22—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.65					
Asphalt raker	2.25					
Batching plant scaleman	3.00					
Carpenter	3.25					
Carpenter helper	2.25					
Concrete finisher (paving)	3.60					
Concrete finisher (structures)	3.25					
Concrete finisher helper (structures)	2.50					
Concrete rubber	2.25					
Electrician	5.00					
Form builder (structures)	3.25					
Form builder helper (structures)	3.00					
Form setter (structures)	3.50					
Form setter helper (structures)	2.75					
Laborer, common	2.00					
Laborer, utility man	2.10					
Mechanic	3.55					
Oiler	2.75					
Painter (structures)	4.50					
Pipelayer	3.00					
Pipelayer helper	2.25					
Powderman	3.00					
Reinforcing steel setter (structures)	2.35					
Reinforcing steel setter helper	2.00					
Steel worker (structural)	3.50					
Steel worker helper (structural)	2.60					
Sign erector	3.00					
Sign erector helper	2.50					
Power equipment operators:						
Asphalt distributor	3.10					
Asphalt paving machine	2.95					
Asphalt plant operator	3.25					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.50					
Concrete paving saw	2.75					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Crusher or screening plant operator	2.75					
Foundation drill operator (crawler mounted)	4.75					
Foundation drill operator (truck mounted)	3.75					
Front end loader (2½ cu. yd. and less)	3.00					
Front end loader (over 2½ cu. yd.)	3.25					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	2.35					
Roller, steel wheel (other—flat wheel or tamping)	2.50					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yd. and less)	3.00					
Scrapers (over 17 cu. yd.)	3.25					
Tractor (crawler type) 150 h.p. and less	2.40					
Tractor (crawler type) over 150 h.p.	2.90					
Tractor (pneumatic) 80 h.p and less	2.25					
Tractor (pneumatic) over 80 h.p.	3.10					
Traveling mixer	2.75					
Wagon drill, boring machine or post hole driller operator	2.50					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.00					
Tandem axle or semitrailer	2.00					
Winch	2.75					
Weighman (truck scales)	2.25					
Welder	3.25					

State: Texas; Counties: Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant, and Wise.
Decision No. AM-11396; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,566, dated Aug. 25, 1971, in 36 F.R. 16786.
Description of work: Highway construction.
13—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.55					
Asphalt heaterman	2.65					
Asphalt raker	3.25					
Asphalt shoveler	2.50					
Batching plant scaleman	2.95					
Carpenter	3.25					
Carpenter helper	3.00					
Concrete finisher (paving)	3.50					
Concrete finisher helper (paving)	3.00					
Concrete finisher (structures)	3.25					
Concrete finisher helper (structures)	2.95					
Concrete rubber	2.75					
Electrician	5.00					
Form builder (structures)	3.50					
Form builder helper (structures)	2.50					
Form liner (paving and curb)	3.50					
Form setter (paving and curb)	3.25					
Form setter helper (paving and curb)	2.50					
Form setter (structures)	3.50					
Form setter helper (structures)	2.50					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Laborer, common	2.00					
Laborer, utility man	2.25					
Mechanic	3.50					
Mechanic helper	2.85					
Oiler	2.75					
Pipelayer	3.25					
Pipelayer helper	2.50					
Powderman	3.00					
Reinforcing steel setter (structures)	3.25					
Reinforcing steel setter helper	2.50					
Sign erector	3.00					
Sign erector helper	2.50					
Spreader box man	2.50					
Swamper	2.00					
Power equipment operators:						
Asphalt distributor	3.25					
Asphalt paving machine	3.25					
Bulldozer, 150 h.p. and less	3.15					
Bulldozer, over 150 h.p.	3.25					
Concrete paving curing machine	3.00					
Concrete paving finishing machine	3.50					
Concrete paving saw	2.75					
Concrete paving spreader	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.25					
Crane, clamshell, backhoe, derrick dragline, shovel (1½ cu. yd. and over)	3.50					
Foundation drill operator (truck mounted)	4.20					
Foundation drill operator helper	3.65					
Front end loader (2½ cu. yd. and less)	3.25					
Front end loader (over 2½ cu. yd.)	3.50					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	3.25					
Roller, steel wheel (other—flat wheel or tamping)	2.60					
Roller pneumatic (self-propelled)	2.25					
Scrapers (17 cu. yd. and less)	3.15					
Scrapers (over 17 cu. yd.)	3.25					
Tractor (crawler type) 150 h.p. and less	2.75					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) 80 h.p. and less	2.20					
Tractor (pneumatic) over 80 h.p.	2.85					
Traveling mixer	2.70					
Wagon drill, boring machine or post hole driller operator	2.80					
Truck drivers:						
Single axle, light	2.50					
Single axle, heavy	2.58					
Tandem axle or semitrailer	2.50					
Lowboy-float	3.25					
Transit-mix	3.25					
Welder	3.55					

State: Texas; Counties: Collin, Dallas, Ellis, Grayson, and Rockwall.
Decision No. AM-11,397; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,567, dated Aug. 25, 1971, in 36 F.R. 16787.
Description of work: Heavy and highway construction.
11—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.60					
Asphalt heaterman	2.75					
Asphalt raker	3.25					
Batching plant scaleman	2.75					
Carpenter	3.50					
Carpenter helper	2.50					
Concrete finisher (paving)	3.50					
Concrete finisher helper (paving)	2.85					
Concrete finisher (structures)	3.25					
Concrete finisher helper (structures)	3.00					
Concrete rubber	2.25					
Fireman	3.00					
Form builder (structures)	3.50					
Form builder helper (structures)	2.50					
Form liner (paving and curb)	3.50					
Form setter (paving and curb)	3.50					
Form setter helper (paving and curb)	2.50					
Form setter (structures)	3.45					
Form setter helper (structures)	2.50					
Laborer, common	2.00					
Laborer, utility man	2.25					
Mechanic	3.50					
Mechanic helper	2.65					
Oiler	2.75					
Pipelayer	2.95					
Pipelayer helper	2.65					
Reinforcing steel setter (structures)	3.25					
Reinforcing steel setter helper	2.25					
Steel worker (structural)	3.50					
Steel worker helper (structural)	2.50					
Spreader box man	2.50					
Swamper	2.50					

V 37 7-24 FEB 4 72 XUM

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. tr.	Other
Power equipment operators:						
Asphalt distributor	3.00					
Asphalt paving machine	3.25					
Bulldozer, 150 h.p.	3.25					
Bulldozer, over 150 h.p.	3.50					
Concrete paving finishing machine	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.75					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.15					
Form loader	3.45					
Foundation drill operator (truck mounted)	2.75					
Foundation drill operator helper	3.00					
Front end loader (2½ cu. yd. and less)	3.25					
Front end loader (over 2½ cu. yd.)	3.50					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	2.85					
Roller, steel wheel (other—flat wheel or tamping)	2.25					
Roller, pneumatic (self-propelled)	3.00					
Scrapers (17 cu. yd. and less)	3.50					
Scrapers (over 17 cu. yd.)	2.75					
Tractor (crawler type) 150 h.p. and less	3.00					
Tractor (crawler type) over 150 h.p.	2.65					
Tractor (pneumatic) 80 h.p. and less	3.25					
Tractor (pneumatic) over 80 h.p.	2.85					
Traveling mixer	3.50					
Trenching machine, heavy	3.00					
Wagon drill, boring machine or pole hole driller operator						
Truck drivers:						
Single axle, light	2.45					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.40					
Lowboy-float	3.25					
Transit-mix	2.50					
Weightman (truck scales)	2.25					
Welder	3.85					
Welder helper	3.15					

State: Texas; Counties: Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt, and Wood.
Decision No. AM-11,398; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,568, dated Aug. 25, 1971, in 36 F.R. 16788.
Description of work: Highway construction.
30—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.75					
Asphalt heaterman	2.40					
Asphalt raker	3.25					
Batching plant scaleman	2.75					
Carpenter	3.50					
Carpenter helper	2.90					
Concrete finisher (paving)	3.50					
Concrete finisher helper (paving)	2.85					
Concrete finisher (structures)	3.50					
Concrete finisher helper (structures)	2.50					
Electrician	5.65					
Form builder (structures)	3.50					
Form liner (paving and curb)	3.50					
Form setter (structures)	3.00					
Form setter helper (structures)	2.00					
Laborer, common	2.25					
Laborer, utility man	3.50					
Mechanic	2.85					
Mechanic helper	2.75					
Oiler	3.00					
Pipelayer	2.30					
Pipelayer helper	3.00					
Reinforcing steel setter (structures)	2.75					
Spreader box man						
Power equipment operators:	2.75					
Asphalt distributor	3.25					
Asphalt paving machine	3.00					
Bulldozer, 150 h.p. and less	3.25					
Bulldozer, over 150 h.p.	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.65					
Crane, clamshell, backhoe, derrick, dragline, shovel, (1¼ cu. yds. and over)	2.85					
Front end loader (2½ cu. yds. and less)	3.00					
Front end loader (over 2½ cu. yds.)	3.50					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.05					
Roller, steel wheel (plant—mix pavements)	2.50					
Roller, steel wheel (other—flat wheel or tamping)	2.50					
Roller, pneumatic (self-propelled)	3.00					
Scrapers (17 cu. yds. and less)	3.15					
Scrapers (over 17 cu. yds.)	2.50					
Self-propelled hammer	2.75					
Tractor (crawler type) 150 h.p. and less	3.00					
Tractor (crawler type) over 150 h.p.	2.50					
Tractor (pneumatic) 80 h.p. and less	3.25					
Tractor (pneumatic) over 80 h.p.						
Truck drivers:	2.25					
Single axle, light	2.25					
Single axle, heavy	2.25					
Tandem axle or semitrailer	3.25					
Welder						

SUPERSEDES DECISIONS—Continued

State: Texas; Counties: Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity, and Tyler.
Decision No. AM-11,399; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,569, dated Aug. 25, 1971, in 36 F.R. 16789.
Description of work: Highway construction.
111—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt heaterman	$2.75					
Asphalt raker	2.50					
Asphalt shoveler	2.35					
Batching plant scaleman	3.00					
Carpenter	3.25					
Carpenter helper	2.80					
Concrete finisher (paving)	3.85					
Concrete finisher helper (paving)	2.85					
Concrete finisher (structures)	3.25					
Concrete finisher helper (structures)	2.50					
Concrete rubber	3.00					
Electrician	5.25					
Fireman	3.00					
Form builder (structures)	3.50					
Form setter (structures)	3.25					
Form setter helper (structures)	2.50					
Laborer, common	2.00					
Laborer, utility man	2.50					
Mechanic	3.65					
Mechanic helper	2.70					
Oiler	2.50					
Painter (structures)	4.50					
Pipelayer	3.00					
Pipelayer helper	2.30					
Reinforcing steel setter (structures)	2.95					
Reinforcing steel setter helper	2.75					
Spreader box man	3.00					
Power equipment operators:						
Asphalt distributor	3.10					
Asphalt paving machine	3.00					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.40					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.50					
Front end loader (2½ cu. yd. and less)	3.00					
Front end loader (over 2½ cu. yd.)	3.20					
Motor grader operator, fine grade	3.75					
Motor grader operator	3.50					
Roller, steel wheel (plant—mix pavements)	2.75					
Roller, steel wheel (other—flat wheel or tamping)	2.55					
Roller, pneumatic (self-propelled)	2.65					
Scrapers (17 cu. yd. and less)	2.75					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) 150 h.p. and less	2.85					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) 80 h.p. and less	2.35					
Tractor (pneumatic) over 80 h.p.	2.50					
Traveling mixer	2.75					
Trenching machine, light	3.00					
Truck drivers:						
Single axle, light	2.25					
Single axle, heavy	2.50					
Tandem axle or semitrailer	2.50					
Lowboy-float	3.00					

State: Texas; Counties: Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker, and Washington.
Decision No. AM-11,400; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,570, dated Aug. 25, 1971, in 36 F.R. 16790.
Description of work: Highway construction.
25—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asphalt heaterman	$2.65					
Asphalt raker	2.50					
Batching plant scaleman	2.95					
Carpenter	3.00					
Carpenter helper	2.65					
Concrete finisher (paving)	3.50					
Concrete finisher helper (paving)	3.00					
Concrete finisher (structures)	3.20					
Concrete finisher helper (structures)	2.50					
Concrete rubber	3.00					
Electrician	5.00					
Form builder (structures)	3.25					
Form builder helper (structures)	2.25					
Form liner (paving and curb)	3.50					
Form setter (structures)	3.25					
Form setter helper (structures)	2.40					
Laborer, common	2.00					
Laborer, utility man	2.15					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.25					
Painter (structures)	2.50					
Reinforcing steel setter (structures)	2.95					
Reinforcing steel setter helper	2.45					
Power equipment operators:						
Asphalt distributor	2.75					
Asphalt paving machine	2.65					
Bulldozer, 150 h.p. and less	2.85					
Bulldozer, over 150 h.p.	3.00					
Concrete paving curing machine	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.25					

V 37 N 24 FEB 4 72 XUM

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. tr.	Other
Power equipment operators—Continued						
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	3.50					
Crusher or screening plant operator	3.10					
Foundation drill operator (truck mounted)	4.75					
Foundation drill operator helper	2.75					
Front end loader (2½ cu. yds. and less)	2.80					
Front end loader (over 2½ cu. yds.)	3.00					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.25					
Roller, steel wheel (plant—mix pavements)	2.50					
Roller, steel wheel (other—flat wheel or tamping)	2.00					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yds. and less)	2.70					
Scrapers (over 17 cu. yds.)	3.00					
Slip form paving operator	3.50					
Tractor (crawler type) over 150 h.p.	3.25					
Tractor (pneumatic) 80 h.p. and less	2.50					
Tractor (pneumatic) over 80 h.p.	3.40					
Traveling mixer	2.50					
Wagon drill, boring machine or post hole driller operator	3.00					
Truck drivers:						
Single axle, light	2.25					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.25					

State: Texas; Counties: Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller, and Wharton.
Decision No. AM-11,401; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,571, dated Aug. 25, 1971, in 36 F.R. 16791.
Description of work: Heavy and highway construction.
14—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.80					
Asphalt heaterman	2.85					
Asphalt raker	3.00					
Asphalt shoveler	2.50					
Batching plant scaleman	2.60					
Carpenter	4.00					
Carpenter helper	3.00					
Concrete finisher (paving)	3.75					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	3.45					
Concrete finisher helper (structures)	3.00					
Concrete rubber	3.00					
Electrician	5.50					
Form builder (structures)	3.50					
Form builder helper (structures)	2.55					
Form liner (paving and curb)	3.65					
Form setter (paving and curb)	3.45					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.75					
Form setter helper (structures)	2.65					
Laborer, common	2.25					
Laborer, utility man	2.50					
Manhole builder, brick	3.75					
Mechanic	4.00					
Mechanic helper	3.10					
Oiler	2.95					
Serviceman	3.10					
Painter (structures)	3.90					
Painter helper (structures)	2.80					
Piledriverman	3.50					
Pipelayer	3.00					
Pipelayer helper	2.75					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	3.40					
Reinforcing steel setter helper	2.50					
Steel worker (structural)	3.90					
Steel worker helper (structural)	2.75					
Spreader box man	3.50					
Power equipment operators:						
Asphalt distributor	3.25					
Asphalt paving machine	3.20					
Bulldozer, 150 h.p. and less	3.25					
Bulldozer, over 150 h.p.	3.50					
Concrete paving curing machine	3.35					
Concrete paving finishing machine	3.25					
Concrete paving longitudinal float	3.75					
Concrete paving mixer	3.50					
Concrete paving spreader	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	4.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.25					
Crusher or screening plant operator	4.00					
Foundation drill operator (crawler mounted)	3.85					
Foundation drill operator (truck mounted)	3.25					
Front end loader (2½ cu. yd. and less)	3.50					
Front end loader (over 2½ cu. yd.	3.55					
Mixer (16 cu. yd. and less)	3.75					
Motor grader operator, fine grade	3.50					
Motor grader operator	2.75					
Roller, steel wheel (plant—mix pavements)	2.75					
Roller, steel wheel (other—flat wheel or tamping)	2.50					
Roller, pneumatic (self-propelled)	3.00					
Scrapers (17 cu. yd. and less)	3.25					
Scrapers (over 17 cu. yd.)	3.00					
Tractor (crawler type) 150 h.p. and less	3.15					
Tractor (crawler type) over 150 h.p.	2.40					
Tractor (pneumatic) 80 h.p. and less	2.55					
Tractor (pneumatic) over 80 h.p.	4.00					
Trenching machine, heavy	3.25					
Wagon drill, boring machine or post hole driller operator	3.25					

SUPERSEDES DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. tr.	Other
Truck drivers:						
Single axle, light	$2.50					
Single axle, heavy	2.75					
Tandem axle or semitrailer	2.50					
Winch	2.50					
Welder	4.00					
Welder helper	3.00					

State: Texas; Counties: Chambers, Hardin, Jefferson, Liberty, and Orange.
Decision No. AM-11,402; Date of decision: Feb. 4, 1972.
Supersedes Decision No. AM-3,572, dated Aug. 25, 1971, in 36 F.R. 16792.
Description of work; highway constructions.
17—Texas—3f.

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Air tool man	$2.75					
Asphalt raker	3.50					
Carpenter	3.75					
Carpenter helper	2.50					
Concrete finisher (paving)	3.55					
Concrete finisher helper (paving)	3.05					
Concrete finisher (structures)	4.00					
Concrete finisher helper (structures)	2.55					
Concrete rubber	3.25					
Electrician	5.25					
Form builder (structures)	3.90					
Form liner (paving and curb)	3.50					
Form setter (paving and curb)	3.00					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.75					
Form setter helper (structures)	2.50					
Laborer, common	2.25					
Laborer, utility man	2.50					
Mechanic	3.75					
Oiler	3.00					
Painter (structures)	3.00					
Painter helper (structures)	2.90					
Piledriverman	4.10					
Reinforcing steel setter (structures)	3.30					
Reinforcing steel setter helper	2.25					
Steel worker (structural)	3.75					
Spreader box man	2.85					
Power equipment operators:						
Asphalt distributor	3.50					
Asphalt paving machine	3.00					
Bull dozer, 150 h.p. and less	3.50					
Bulldozer, over 150 h.p.	4.00					
Concrete paving finishing machine	3.60					
Concrete paving joint sealer	3.00					
Concrete paving mixer	3.50					
Concrete paving saw	2.75					
Concrete paving spreader	3.75					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.65					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	4.00					
Front end loader (2½ cu. yd. and less)	3.10					
Front end loader (over 2½ cu. yd.)	3.50					
Motor grader operator, fine grade	4.00					
Motor grader operator	3.75					
Roller, steel wheel (plant—mix pavements)	2.95					
Roller, steel wheel (other—flat wheel or tamping)	3.45					
Roller, pneumatic (self-propelled)	3.05					
Scrapers (over 17 cu. yd.)	3.75					
Tractor (crawler type) over 150 h.p.	3.75					
Tractor (pneumatic) 80 h.p. and less	2.25					
Tractor (pneumatic) over 80 h.p.	4.00					
Truck drivers:						
Single axle, light	2.25					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.50					
Lowboy float	3.75					
Welder	3.75					

[FR Doc.72-1507 Filed 2-3-72;8:45 am]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AND STUDENT WORKERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 F.R. 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Anthracite Shirt Co., Shamokin, Pa.; 12-1-71 to 11-30-72 (men's and boys' dress shirts).

Blanchard Shirt Corp., Mountain View, Ark.; 11-26-71 to 11-25-72 (men's shirts).

V 37 N 24 FEB 4 72 XUM

Charles Meyers & Co., Belleville, Ill.; 11-26-71 to 11-27-72 (men's pants).

Connellsville Sportswear Co., Connellsville, Pa.; 12-5-71 to 12-4-72 (men's and boys' trousers).

Farmville Division of U.S. Industries, Inc., Farmville, N.C.; 11-26-71 to 11-25-72 (ladies' slacks, shorts, and jeans).

Frangie, Inc., Hazleton, Pa.; 12-6-71 to 12-5-72 (children's polo shirts).

Franklin Ferguson Co., Inc., Florala, Ala.; 12-19-71 to 12-18-72 (men's and boys' shirts).

Garan, Inc., Philadelphia, Miss.; 12-15-71 to 12-14-72 (boys' pants).

Gattman Sportswear, Inc., Gattman, Miss.; 12-8-71 to 12-7-72 (men's, boys', and ladies' dress and casual slacks).

The Hercules Trouser Co., Hillsboro, Ohio; 12-1-71 to 11-30-72 (men's and boys' pants).

The Hercules Trouser Co., Manchester, Ohio; 12-1-71 to 11-30-72 (men's and boys' pants).

Industrial Garment Manufacturing Co., Erwin, Tenn.; 12-12-71 to 12-11-72 (men's work pants and shirts).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-71 to 11-30-72; 10 percent of the total number of factory production workers engaged in the production of women's and children's woven underwear and sleepwear (women's and children's woven underwear and sleepwear).

McAdoo Manufacturing Co., McAdoo, Pa.; 12-6-71 to 12-5-72 (children's polo shirts).

McNair Clothing Manufacturing Co., Brownsville, Tex.; 12-10-71 to 12-9-72 (men's and boys' pants and shirts).

Mitchell Manufacturing, Inc., Corinth, Miss.; 10-20-71 to 10-19-72 (men's shirts).

Monroe Industries, Inc., Tullico Plains, Tenn.; 12-15-71 to 12-14-72 (men's and boys' sport shirts).

Quality Frocks Corp., New Bedford, Mass.; 12-15-71 to 12-14-72; 8 learners (ladies' dresses).

Reitco Manufacturing Co., Forrest City, Ark.; 11-12-71 to 11-11-72 (men's pants).

Roxobel Garment Co., Roxobel, N.C.; 12-14-71 to 12-13-72; 10 learners (children's dresses).

Roydon Wear, Inc., McRae, Ga.; 11-10-71 to 11-9-72 (boys' trousers and outerwear shorts).

Salant & Salant, Inc., Lexington, Tenn.; 11-6-71 to 11-5-72 (men's and boys' pants).

Salant & Salant, Inc., Paris, Tenn.; 11-9-71 to 11-8-72 (men's and boys' shirts).

Samaria Garment Co., Inc., Middlesex, N.C.; 11-24-71 to 11-23-72; 10 learners (children's and juniors' dresses and pantsuits).

Scott Co., Inc., Anderson, S.C.; 11-26-71 to 11-25-72 (men's shirts).

Shane Manufacturing Co., Inc., Evansville, Ind.; 12-9-71 to 12-8-72; 10 learners (men's work clothes).

Shane Uniform Co., Inc., Evansville, Ind.; 11-6-71 to 11-5-72 (men's and women's service apparel).

The Shirtmaker Guild, Ltd., Easley, S.C.; 11-8-71 to 11-7-72 (men's and boys' shirts).

Spring City Manufacturing Corp., Spring City, Tenn.; 11-20-71 to 11-19-72 (ladies' blouses).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn.; 11-8-71 to 11-7-72; 10 learners (men's, boys', ladies', and girls' jeans).

Tri-County Shirt Co., Inc., Salem, Ark.; 12-17-71 to 12-16-72 (men's shirts).

Venus Industries, Inc., Batesville, Miss.; 12-2-71 to 12-1-72 (women's foundation garments and nightwear).

Walhalla Garment Co., Walhalla, S.C.; 11-15-71 to 11-14-72 (women's dresses).

Warner's, Barbourville, Ky.; 11-21-71 to 11-20-72 (women's corsets and brassieres).

Warsaw Manufacturing Co., Kingstree, S.C.; 11-29-71 to 11-28-72 (women's capris, shorts, and jamaicas).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Barad & Co., Rolla, Mo.; 11-22-71 to 5-21-72; 15 learners (women's sleepwear).

Kuda Corp., Wiggins, Miss.; 12-13-71 to 6-12-72; 10 learners (men's shirts).

Salant & Salant, Inc., Loretto, Tenn.; 12-9-71 to 6-8-72 (men's and boys' jeans and shirts).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Metropolis, Ill.; 11-15-71 to 5-14-72; 20 learners for plant expansion purposes (work gloves).

Good Luck Glove Co., Rosiclare, Ill.; 11-8-71 to 5-7-72; 20 learners for plant expansion purposes (work gloves).

Lambert Manufacturing Co., Inc., Kirksville, Mo.; 11-7-71 to 11-6-72; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Broadway Hosiery Mills, Inc., Asheville, N.C.; 11-16-71 to 11-15-72; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' hosiery).

Wayne Knitting Mills, Humboldt, Tenn.; 11-11-71 to 11-10-72; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nylon seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; 11-25-71 to 11-24-72; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's lingerie and sleepwear).

Lismore Manufacturing Corp., Fall River, Mass.; 12-1-71 to 11-30-72; 5 percent of the total number of factory production workers engaged in the production of women's and children's knitted underwear and sleepwear for normal labor turnover purposes (women's and children's knitted underwear and sleepwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

C.T.P. Division-General Cigar Co., Inc., Caguas, P.R.; 10-23-71 to 10-22-72; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.32 an hour (tobacco).

R. B. Tobacco Corp., Caguas, P.R.; 10-27-71 to 10-26-72; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.32 an hour (Tobacco).

Rio Grande Manufacturing Corp., Rio Grande, P.R.; 11-22-71 to 11-21-72; 10 learners for normal labor turnover purposes in the occupations of sewing machine operating and final pressing, each for a learning period of 320 hours at the rate of $1.14 an hour (men's cotton shorts).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration date, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below.

Grand Ledge Academy, Grand Ledge, Mich.; 12-1-71 to 9-31-72; authorizing the employment of: (1) 40 student-workers in the woodworking industry in the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semiskilled occupations, for a learning period of 600 hours at the rates of $1.45 an hour for the first 200 hours, $1.50 an hour for the second 200 hours and $1.55 an hour for the remaining 200 hours; (2) 20 student-workers in the bakery industry in the occupation of baker trainee, for a learning period of 600 hours at the rates of $1.40 an hour for the first 150 hours, $1.45 an hour for the second 150 hours, $1.50 an hour for the third 150 hours and $1.55 an hour for the remaining 150 hours; and (3) 10-student-workers in the cafeteria industry in the occupations of chef and baker trainee, for a learning period of 400 hours at the rates of $1.40 an hour for the first 100 hours, $1.45 an hour for the second 100 hours, $1.50 an hour for the third 100 hours and $1.55 an hour for the remaining 100 hours.

The student-worker certificate was issued upon the applicant's representations and supporting materials fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 21st day of January 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72-1644 Filed 2-3-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 1, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 134194 Sub 3, Norman C. Emerson, assigned February 7, 1972, will be held in Room 2211B, John Fitzgerald Kennedy Building, Government Center, Boston, Mass.

MC 107515 Sub 780, Refrigerated Transport Co., Inc., assigned February 2, 1972, at Atlanta, Ga., canceled and the application dismissed.

MC 127450 Sub 7, T. G. Garland, doing business as B & W Freight Lines, assigned February 7, 1972, at Amarillo, Tex., canceled and application dismissed.

MC 108297 Sub 21, Fox Transport System, assigned February 9, 1972, at Washington, D.C., canceled and transferred to Modified Procedure.

MC-C-7602, Eastern Bus Lines, Inc.—Investigation and Revocation of Certificates, now assigned February 7, 1972, at Hartford, Conn., postponed indefinitely.

MC 32882 Sub 50, Mitchell Bros. Truck Lines, MC 83539 Sub 282, C & H Transportation Co., Inc., now assigned February 14, 1972, at Seattle, Wash., canceled and reassigned to February 14, 1972, at 9:30 a.m. U.S. standard time, at the Thunderbird Motor Inn, 1401 North Hayden Island Drive, Portland, OR.

MC 119632 Sub 45, Reed Lines, Inc., assigned February 29, 1972, at Columbus, Ohio, postponed indefinitely.

MC-F-11004, Navajo Freight Lines, Inc.—Investigation of Control—Garrett Freight Lines, Inc., MC-F-11198, Navajo Freight Lines, Inc.—Control—Garrett Freight Lines, Inc., assigned February 8, 1972, at Denver, Colo., is postponed to February 29, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1694 Filed 2-3-72;8:51 am]

[Notice 17]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 31, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965. These rules provide that protests to the effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7228 (Sub-No. 42 TA), filed January 19, 1972. Applicant: COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, OR 97214. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points on the international boundary line between the United States and Canada, at or near Blaine, Sumas, and Oroville, Wash., to points in Oregon and Washington, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 35045 (Sub-No. 7 TA), filed January 19, 1972. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue NE., Atlanta, GA 30307. Applicant's representative: E. G. Horne (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles in truckload lots*, on joint rates and routes only in connection with a freight forwarder regulated under part IV of the Interstate Commerce Act, (a) from all points on the Tennessee River in North Alabama and east Tennessee, and from Nashville, Tenn., one the one hand, to all points in Florida, Georgia, South Carolina (points in note 1), and Tennessee (points in note 2), on the other; (b) between all points in Georgia, from points in Georgia, on the one hand, to all points in Alabama, Florida, Mississippi (points in note 3), South Carolina (points in note 1), and Tennessee (points in note 2), on the other; note 1—South Carolina, all points in that part of State in and southeast of the counties of Spartanburg, Union, Newberry, Richland, Calhoun, Orangeburg, Colleton, and Charleston; note 2—Tennessee, all points in that part of State in and south of the counties of Lawrence, Maury, Williamson, Davidson, Wilson, Smith, Putnam, Cumberland, Morgan, Anderson, Knox, and Blount; and note 3—Mississippi, all points in that part of State in and east of the counties of George, Perry, Forrest, Covington, Simpson, Hinds, Yazoo, Holmes, Leflore, Grenada, Yalobusha, Lafayette, and Marshall, for 180 days. Supporting shipper: Joe M. Hambrick, doing business as I & S Forwarding Co., 2265 Vistamont Drive, Decatur, GA 30033. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 111170 (Sub-No. 180 TA), filed January 21, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk, from Friars Point, Miss., to points in Arkansas, Missouri, and Tennessee, for 180 days. Supporting shipper: Coastal Chemical Corp., Post Office Box 388, Yazoo City, MS 39194. Send protests to: District Supervisor William L. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 112822 (Sub-No. 222 TA), filed January 20, 1972. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Gushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar slats*, from Gold Beach, Oreg., to Pine Bluff, Ark., for 150 days. Supporting shipper: Oscar Matlock, Materials Manager, Ben Pearson Archery—Consumer Division, Brunswick Corp., 2912 West Second Street, Pine Bluff, AR. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 127524 (Sub-No. 9 TA), filed January 17, 1972. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart Street, Rahway, NJ 07065. Applicant's representatives: Werner & Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Palmerton, Pa., to Staten Island, N.Y., for 180 days. Supporting shipper: Merck Chemical Division, Merchk & Co., Inc., Rahway, N.J. 07065. T. F. Diamond, Chief Rate Analyst, General Traffic Department. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 128866 (Sub-No. 31 TA), filed January 20, 1972. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brade Lane, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, Federal Bar Building, Washington,

FEB 4 1972 XUM

D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsite of Tennessee Foods, Inc., Rossville, Tenn., and the plantsite of Banna Pie Co., Tulsa, Okla., for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddon Field, NJ 08034. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 136347 (Sub-No. 1 TA), filed January 17, 1972. Applicant: CONTINENTAL AUTOMOTIVE CORP., 2500 83d Street, North Bergen, NJ 07047. Applicant's representative: M. R. Martinez (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Metal containers;* (2) *metal container ends;* and (3) *accessories* used in connection with the distribution of metal containers when moving with metal containers, from Danbury, Conn., to Brooklyn, N.Y.; and Orange, N.J. Restriction: The above requested authority is restricted to the performance of services under contract with National Can Corp., for 180 days. Supporting shipper: National Can Corp., 2200 East Adams Avenue, Philadelphia, PA 19124. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1693 Filed 2-3-72;8:51 am]

[Notice 10]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73406. By order of January 28, 1972, the Motor Carrier Board approved the transfer to J. J. Carter & Son Moving & Storage of Indiana, Inc., Jeffersonville, Ind., of the operating rights set forth in certificate No. MC-92275, issued May 4, 1942, to Clyde W. Same, doing business as William H. Same & Son, Jeffersonville, Ind., authorizing the transportation of household goods, between Jeffersonville, Ind., on the one hand, and, on the other, points and places in Ohio, Missouri, Georgia, Pennsylvania, Kentucky, Michigan, Illinois, and Tennessee. Leon Seidman, 310 West Liberty Street, Louisville, KY 40202, attorney for applicants.

No. MC-FC-73416. By order of January 28, 1972, the Motor Carrier Board approved the transfer to Malven Skjoldal, doing business as Skjoldal Trucking Co., Lemmon, S. Dak., of the operating rights in certificate No. MC-118997 issued December 29, 1959, to Melvin Stewart, doing business as Stewart Trucking, Morristown, S. Dak., authorizing the transportation of various commodities from and to specified points and areas in Iowa, South Dakota, North Dakota, Montana, and Kansas. Ronald R. Johnson, 310 Main Street, Lemmon, SD 57638, attorney for applicants.

No. MC-FC-73425. By order of January 28, 1972, the Motor Carrier Board approved the transfer to Patrick S. Rubino and Joanne H. Rubino, a partnership, doing business as Menlo Movers, Metuchen, N.J., of the operating rights in certificate No. MC-19141 issued June 9, 1941, to William Cohan, doing business as William Cohan Co., Newark, N.J., authorizing the transportation of household goods, between points in Essex County, N.J., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, and Connecticut. Robert B. Pepper, Registered Practitioner, 174 Brower Avenue, Edison, NJ 08817, representative for transferee, Herman B. J. Weckstein, 60 Park Place Newark, NJ 07102, attorney for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1692 Filed 2-3-72;8:50 am]

POSTAL RATE COMMISSION

[Docket No. R71-1; Order 27]

CHANGES IN RATES OF POSTAGE AND FEES FOR POSTAL SERVICES

Order Establishing Procedure Subsequent to Presiding Officer's Initial Decision

FEBRUARY 2, 1972.

Request of the U.S. Post Office Department for recommended decision on changes in rates of postage and fees for postal services, Docket No. R71-1.

Anticipating the issuance of the Presiding Officer's initial decision, the Commission hereby adopts certain procedures to facilitate the decisional process.

The Commission orders. (1) Within 15 days after the date of issuance of the Presiding Officer's initial decision, any participant in this proceeding may file with the Commission a brief on exceptions to that initial decision. Within 15 days after the final date for the filing of briefs on exceptions, any participant may file a response to briefs on exceptions. Notwithstanding any other provision of the Commission's rules of practice, participants shall file an original and 32 fully conformed copies of their briefs on exceptions and their responses to briefs on exceptions.

(2) Briefs on exceptions and responses to briefs on exceptions shall be governed by the Commission's rules of practice. The contents of such briefs shall conform particularly to the requirements of section 40(b) of the rules of practice, including the requirement that the discussion of evidence, reasons, and authorities shall be specifically directed to the findings, conclusions, and recommendations in the initial decision to which exception is taken. In addition, the briefs shall also be governed by the following rules:

(a) When exception is taken to a statement of fact contained in the initial decision, reference also must be made to the page, exhibit, or part of the record relied upon to support the exception;

(b) The Commission will disregard any portion of a brief on exceptions, or a response to briefs on exceptions, which fails to comply with section 34(c) of the rules of practice, requiring that briefs be completely self-contained and prohibiting incorporation by reference of any portion of any other brief, pleading, or document. This provision shall not be construed as a waiver of the Commission's right to disregard any portion of a brief for failure to comply with any other requirement of its rules of practice or of this order.

(c) The Cost of Living Council has indicated that this Commission should consider certain criteria under the Economic Stabilization Program in reviewing the rate increases which are pending before the Commission in the above docket and which have not heretofore been placed into effect.[1] Accordingly, in order to assist the Commission in reporting to the Cost of Living Council, the briefs may discuss whether these proposed increases satisfy the following criteria:

(i) That increases do not reflect or allow for future inflationary expectations, but that the increases take account of known changes;

(ii) That the increases reflect productivity gains;

(iii) That increases are necessary to assure continued adequate service and provide the necessary expansion to meet future needs;

(iv) That rate increases may be permitted for full recovery of cost.

(d) The number of pages for a brief on exceptions or a brief in response to briefs on exceptions is limited as follows:

(i) For the Postal Service, 75 pages;

(ii) For the Litigation Division, 75 pages;

(iii) For any other participant, 50 pages.

(3) Oral argument shall commence before the Commission at 9 a.m., March 15, 1972, in the Commission's hearing room. Any participant who wishes to present oral argument to the Commission shall notify the Secretary in writing on or before the final date for the filing of briefs on exceptions. In requesting oral argument, parties with substantially like interests are encouraged to group themselves for a single presentation.

(4) The Secretary shall allocate time for oral argument and promptly notify the participants of the allocation. For this purpose, the Secretary may group parties with substantially like interests so that oral argument will proceed expeditiously.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[FR Doc.72-1796 Filed 2-3-72;10:29 am]

[1] Appendix filed as part of the original document.

COST OF LIVING COUNCIL

[Order No. 6]

CHAIRMAN, PAY BOARD

Delegation of Authority, Regarding Stabilization of Wages and Salaries

In view of the changes made in the Economic Stabilization Act of 1970, as amended (hereinafter the Act), by the enactment of the Economic Stabilization Act Amendments of 1971, the Cost of Living Council has determined that it would be appropriate to reaffirm and clarify the authority of the Pay Board with respect to the stabilization of wages and salaries. Pursuant to the authority vested in the Council by section 4 of Executive Order No. 11640, it is hereby ordered as follows:

1. The delegation of authority to the Pay Board (established by section 7 of Executive Order No. 11627) contained in Cost of Living Council Order No. 3 is hereby reaffirmed and continued, subject to the provisions of the Act.

2. Without limiting the general delegation of authority in Order No. 3, the Pay Board shall take the actions and make the determinations required or permitted by section 203(c) and section 203(g) of the Act and shall, to the extent necessary or appropriate, implement the exemptions provided by section 203(f) of the Act.

3. In addition to the authority delegated by Order No. 3, and continued by this order, the Chairman of the Pay Board, or his duly authorized agent, shall have the authority to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Act, for any purpose related to the Act.

4. This order shall be effective as of December 22, 1971.

By direction of the Council.

JOHN B. CONNALLY, *Chairman.*

[FR Doc.72-1800 Filed 2-3-72;11:15 am]

[Order No. 7]

CHAIRMAN, PRICE COMMISSION

Delegation of Authority Regarding Stabilization of Prices and Rents

In view of the changes made in the Economic Stabilization Act of 1970, as amended (hereinafter the Act), by the enactment of the Economic Stabilization Act Amendments of 1971, the Cost of Living Council has determined that it would be appropriate to reaffirm and clarify the authority of the Price Commission with respect to the stabilization of prices and rents. Pursuant to the authority vested in the Council by section 4 of Executive Order No. 11640, it is hereby ordered as follows:

1. The delegation of authority to the Price Commission (established by section 8 of Executive Order No. 11627) contained in Cost of Living Council Order No. 4 is hereby reaffirmed and continued.

2. In addition to the authority delegated by Order No. 4 and continued by this order, the Chairman of the Price Commission, or his duly authorized agent, shall have the authority to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Act, for any purpose related to the Act.

3. This order shall be effective as of December 22, 1971.

By direction of the Council.

JOHN B. CONNALLY, *Chairman.*

[FR Doc.72-1799 Filed 2-3-72;11:15 am]

[Order 8]

SECRETARY OF THE TREASURY

Delegation of Authority Regarding Implementation of Stabilization of Prices, Rents, Wages, and Salaries

In view of the changes made in the Economic Stabilization Act of 1970, as amended (hereinafter the Act), by the enactment of the Economic Stabilization Act Amendments of 1971, the Cost of Living Council has determined that it would be appropriate to reaffirm and clarify the authority of the Secretary of the Treasury with respect to implementation of stabilization of prices, rents, wages, and salaries. Pursuant to the authority vested in the Council by section 4 of Executive Order No. 11640, it is hereby ordered as follows:

1. The delegation of authority to the Secretary of the Treasury contained in Cost of Living Council Order No. 5 is hereby reaffirmed and continued.

2. In addition to the authority delegated by Order No. 5 and continued by this order, the Secretary of the Treasury, or his duly authorized agent, shall have the authority to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Act, for any purpose related to the Act.

3. This order shall be effective as of December 22, 1971.

By direction of the Council.

DONALD RUMSFELD, *Director.*

[FR Doc.72-1801 Filed 2-3-72;11:15 am]

FEB 4 72 XUM

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATIONS:	
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3987 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
EXECUTIVE ORDERS:	
11248 (amended by EO 11641)	2421
11568 (see EO 11642)	2565
11641	2421
11642	2565
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567

5 CFR

	Page
213	2423, 2491
PROPOSED RULES:	
900	2589

6 CFR

	Page
101	2491, 2678
102	2478
200	2479
311	2480

7 CFR

	Page
501	2423
502	2424
706	2491
726	2496
729	2645
811	2659
905	2660
907	2569
910	2426
1065	2497
1871	2569
PROPOSED RULES:	
982	2515
993	2515

9 CFR

	Page
11	2426
82	2429, 2498
97	2430
113	2430
301	2661
311	2661
315	2661

12 CFR

	Page
PROPOSED RULES:	
529	2447
750	2594

13 CFR

	Page
120	2569

14 CFR

	Page
39	2498, 2570, 2662
71	2570–2572
73	2499
75	2499, 2500, 2572
95	2573
97	2662
121	2500
221	2664
241	2501
PROPOSED RULES:	
61	2523
67	2523
71	2524, 2587, 2682, 2683
103	2587, 2588
121	2523
127	2523
183	2523

15 CFR

	Page
377	2430

16 CFR

	Page
13	2575, 2576, 2578–2581
PROPOSED RULES:	
432	2454

17 CFR

	Page
PROPOSED RULES:	
230	2596, 2598
239	2596, 2598

18 CFR

	Page
2	2502
PROPOSED RULES:	
101	2451
104	2451
105	2451
141	2451
260	2451

19 CFR

	Page
12	2430, 2665
PROPOSED RULES:	
1	2443
11	2509
134	2509

20 CFR

	Page
614	2434
617	2434
620	2684

21 CFR

	Page
3	2503
121	2437
141c	2665
146a	2665
146c	2665
146e	2665
148n	2665
149a	2438
PROPOSED RULES:	
135	2444

22 CFR

	Page
41	2439

24 CFR

	Page
600	2665
1914	2505
1915	2505

25 CFR

	Page
221	2506
PROPOSED RULES:	
43h	2679

26 CFR

	Page
1	2506
301	2481, 2506

29 CFR

	Page
1904	2439
PROPOSED RULES:	
460	2443
1926	2443

31 CFR

	Page
316	2554

32 CFR

	Page
1801	2672
1808	2673

32A CFR

	Page
Ch. X: OI Reg. 1	2439

33 CFR

	Page
PROPOSED RULES:	
110	2446, 2447, 2587
117	2521, 2522

37 CFR

	Page
PROPOSED RULES:	
1	2520

38 CFR

	Page
1	2676

39 CFR

	Page
Ch. I	2423

40 CFR

	Page
52	2581
85	2432
106	2433
180	2676

41 CFR

	Page
5A–8	2507
5A–73	2441
8–14	2508
8–74	2508
14–10	2680

43 CFR

	Page
2	2677
PUBLIC LAND ORDER:	
5154	2677

45 CFR

	Page
PROPOSED RULES:	
220	2445
222	2445

46 CFR

	Page
66	2681
193	2682

47 CFR

	Page
21	2583
PROPOSED RULES:	
73	2524
81	2524

49 CFR

	Page
1033	2677
PROPOSED RULES:	
173	2588
178	2588

50 CFR

	Page
33	2441, 2502
280	2516
PROPOSED RULES:	
17	2589

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	3
2637–2737	4

VOL 37 NO 24 FEB 4 72 XUM

federal register

FRIDAY, FEBRUARY 4, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 24

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

MOTOR VEHICLES

Federal Certification Test
Results for 1972 Model Year

V 37 24
FEB 4 72
XUM

ENVIRONMENTAL PROTECTION AGENCY

MOTOR VEHICLES

Federal Certification Test Results for 1972 Model Year

Section 206(e) of the Clean Air Amendments of 1970 directs the Administrator of the Environmental Protection Agency to announce in the FEDERAL REGISTER the results of certification tests conducted on new motor vehicles to determine conformity with Federal standards for the control of air pollution caused by motor vehicles.

FEDERAL EMISSION STANDARDS

The standards that apply to the control of emissions from 1972 model year vehicles were prescribed as regulations on November 10, 1970. These regulations, appearing at 40 CFR Part 85, set maximum allowable emission levels for new gasoline fueled heavy-duty engines (for use in trucks and buses), diesel fueled heavy-duty engines (for use in trucks and buses), and gasoline fueled light-duty vehicles (automobiles). Heavy-duty gasoline fueled engines are required to meet emission standards of 275 parts per million (p.p.m.) for hydrocarbons (unburned gasoline) and 1.5 percent for carbon monoxide (a poisonous gas). Heavy-duty diesel engines must meet Federal smoke emission standards of 40 percent opacity during acceleration and 20 percent opacity during lugging. These opacity standards limit the darkness of the exhaust smoke to a light gray haze.

The standards for automobiles prohibit all crankcase emissions, and limit allowable exhaust emissions and evaporative emissions from the fuel system. The exhaust standards allow 1972 automobiles to emit no more than 3.4 grams per mile of hydrocarbons and 39.0 grams per mile of carbon monoxide from the tailpipe. To meet the evaporative emission standard, automobiles must be equipped with systems to limit the loss of gasoline by evaporation from the carburetor and the fuel tank to less than 2 grams per test.

FEDERAL CERTIFICATION PROCEDURES

Under the provisions of the Clean Air Act, it is unlawful to offer for sale new motor vehicles which are not in conformity with Federal regulations. Prior to the beginning of each model year, automobile manufacturers apply to the Administrator of the Environmental Protection Agency for a Certificate of Conformity for each model they wish to produce for that year. The Federal regulations prescribe a number of requirements which a manufacturer must meet before the Administrator will grant certification.

In advance of production, the manufacturers are required to provide the Administrator with extensive test data demonstrating the effectiveness of the vehicle's emission control and the ability of the emission control system to remain effective over the useful life of a vehicle (50,000 miles). In addition to the submission of test data on the prototype test vehicles the manufacturers are required to deliver the test vehicles to the Federal Testing Laboratory at Ann Arbor, Mich. At this facility the vehicles are retested by Federal engineers to assure conformity with the regulations.

The regulations require a manufacturer to test a selection of prototype vehicles which will represent the models to be sold to the public. These vehicles are grouped into two separate fleets. One fleet, known as the emission data fleet, is designed to reflect the emissions of relatively new vehicles. The vehicles in this fleet are driven for 4,000 miles, to break in the engine and stabilize emissions; they are then tested. The second fleet, known as the durability data fleet, is designed to determine the capability of the emission control system to keep emissions within the standards over the expected useful life of the vehicle. The vehicles in this fleet are driven for 50,000 miles and tested for compliance with the regulations every 4,000 miles. The test data from these two fleets are combined in accordance with formulae specified in the regulations, to determine compliance with the emission standards. If all the motor vehicles in an engine family so tested are found to conform with the regulations, the manufacturer is granted a Certificate of Conformity.

FEDERAL CERTIFICATION DATA

The average emission levels measured for each model certified as of November 9, 1971, for the 1972 model year are listed below. This data will be updated when the manufacturers whose certification is presently pending complete their test programs. This listing should not be construed as an endorsement by the Environmental Protection Agency of any manufacturer's vehicles or models.

The detailed test results are now available for public inspection at the Office of Air Programs, EPA, 2565 Plymouth Road, Ann Arbor, MI 48103, and may be obtained upon written request to the Administrative Officer at the same address. Requests should specify the vehicle of interest by make, model, model year, and engine displacement. Fees for supplying data will be charged according to the following schedule:

1. Search for records—$2.50 per one-half hour.
2. Reproduction, duplication, or copying of records—$0.20 per page.
3. Certification of authentication of records—$4 per certification.

The emission levels listed below summarize the test data developed in the certification program.

Dated: January 26, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

1972 MODEL YEAR LIGHT DUTY VEHICLES

Manufacturer (models)	Engine family: Displacement (cubic inches)	Engine family: Family designation	Certification levels: Test vehicle: Model	Test vehicle: Engine displacement (cubic inches)	Test vehicle: Transmission	Exhaust emission (grams/mile): Hydrocarbons	Exhaust emission (grams/mile): Carbon monoxide	Evaporative emissions (gms/test): Hydrocarbons
Alfa Romeo:								
Berlina (115.00) GT Veloce (115.01) Spider (115.02).	119	Fuel Injection.	2000 GT VE	119.7	M5	2.37	17.14	0.06
			2000 GT VE	119.7	M5	2.16	20.85	0.01
American Motors Corp.:								
Hornet, Matador, Gremlin, Matador Wagon, Javelin, Ambassador.	232-258	I	Hornet	232	A3	2.40	24.71	0.01
			Gremlin	232	M3	2.44	21.36	0.01
			Matador	258	M3	2.62	18.39	0.03
			do	258	A3	2.49	29.43	0.08
			do	304	A3	2.65	29.93	0.51
Hornet, Matador, Gremlin, Ambassador, Javelin.	304	II	do	304	A3	2.84	34.23	0.27
			Ambassador	304	M3	2.35	27.07	0.82
			Javelin	360	A3	2.79	37.06	0.43
Hornet, Ambassador, Javelin, Ambassador Wagon, Matador.	360-401	III	Ambassador	360	A3	2.47	17.90	0.47
			Javelin	360	M4	3.26	34.27	0.90
			do					
British-Leyland:								
MG Midget	77.9	'A'	Midget	77.9	M4	2.74	24.75	0.0
			do	77.9	M4	1.89	18.23	0.05
Spitfire	79	Triumph TC	Spitfire	79	M4	2.04	21.66	0.04
			do	79	M4	1.99	30.24	0.30
MGB Sports, MGB GT	109.6	'B'	MGB Sports	109.6	M4	2.14	26.83	0.0
			do	109.6	M4	1.48	13.84	0.0
TR6, GT6	122-152	Triumph TB	TR6	152	M4	2.70	21.30	0.11
			TR6	152	M4	1.70	20.47	0.11
			GT6	122	M4	2.05	20.01	0.11
			GT6	122	M4	2.19	26.36	0.50
			GT6	183	M4	2.58	17.59	0.22
Stag	183	Triumph TA	Stag	183	Auto	2.55	32.64	1.89
			do					

1972 MODEL YEAR LIGHT DUTY VEHICLES—Continued

Manufacturer (models)	Engine family: Displacement (cubic inches)	Engine family: Family designation	Certification levels: Test vehicle: Model	Test vehicle: Engine displacement (cubic inches)	Test vehicle: Transmission	Exhaust emission (grams/mile): Hydrocarbons	Exhaust emission (grams/mile): Carbon monoxide	Evaporative emissions (gms/test): Hydrocarbons
British-Leyland—Continued								
Jaguar XJ6 Sedan, Jaguar XK-E Series III	258	4.2L	Jaguar XK-E	258	M4	0.35	32.30	0.00
			Jaguar XJ6	258	A3	1.03	27.47	0.00
Jaguar XJ12 Sedan, Jaguar XK-E Series III	326	V12	Jaguar XK-E	326	M4	2.43	24.47	0.00
			Jaguar XJ12	326	A3	2.68	30.80	0.01
BMW:								
2002, 2002 tii	121.3	121	2002	121.3	M4	2.22	32.43	0.50
			2002	121.3	M4	1.66	27.21	0.34
			2002	121.3	M4	1.91	31.23	0.32
			2002	121.3	A3	2.53	37.83	1.43
			2002 tii	121.3	M4	1.56	19.36	1.38
			2002 tii	121.3	M4	2.05	23.60	1.30
			2002 tii	121.3	M4	3.13	32.26	0.42
Chrysler Corp.:								
Valiant, Duster, Scamp, Dart, Demon, Swinger, Barracuda, Challenger, Satellite, Road Runner, Coronet, Charger, Fury, Polara, Dodge Truck (D-100, W-100, Sportsman, Sportsman Wagon, Van).	198-225	RG	Valiant	225	A3	2.61	30.81	0.06
			do	225	A3	2.47	30.98	1.57
			Dodge	198	M3	2.22	15.98	0.12
			BL-Van	225	M3	2.76	25.23	1.34
			Valiant	198	A3	2.39	22.44	0.18
			Coronet	225	M3	2.59	26.37	0.06
Valiant, Duster, Scamp, Dart, Demon, Swinger, Barracuda, 'Cuda, Challenger, Satellite, Road Runner, Coronet, Charger, Fury, Custom Suburban, Gran Coupe, Gran Sedan, Sport Suburban, Polara, Monaco, Dodge Truck (D-100, W-100, B-300, Wagon, Sportsman, Van, Sportsman, Wagon).	318-340-360	LA	Satellite	318	A3	2.92	30.25	0.09
			Plymouth	360	A3	2.38	16.76	0.93
			Satellite	318	A3	2.15	35.68	0.29
			Satellite	340	A3	2.86	13.74	0.24
			do	318	A3	2.58	17.82	0.11
			Wagon	340	M4	2.33	12.27	0.21
			Charger	360	A3	2.76	28.45	0.11
			B-3 Sport Wagon					
Satellite, Road Runner, Coronet, Charger, Fury, Suburban, Gran Coupe, Gran Sedan, Polara, Monaco, Newport, Town & Country, Dodge Truck (D-100).	400	B	Chrysler	400	A3	2.70	17.56	0.58
			Coronet	400	A3	2.40	22.76	0.15
			Plymouth	400	A3	1.72	14.39	0.18
			Barracuda	400	M4	2.57	37.52	0.16
			Charger	400	M4	1.40	27.33	0.18
Satellite, Road Runner, Charger, Fury, Suburban, Gran Coupe, Gran Sedan, Polara, Monaco, Newport, New Yorker, Town and Country, Imperial.	440	RB	Chrysler	440	A3	2.47	14.47	0.31
			Imperial	440	A3	2.44	18.30	0.07
			Chrysler	440	A3	1.27	32.64	0.33
			Coronet	440	M4	1.94	23.31	0.12
			Charger	440	A3	2.30	29.86	0.07
			Chrysler	440	A3	1.44	19.98	0.12
Chrysler United Kingdom:								
Plymouth Cricket; Hi-Line, Lo-Line, Wagon.	91.41	91 CID	Cricket BE-1	91.41	A3	2.35	26.30	0.19
			Cricket BE-2	91.41	M4	1.55	11.74	0.19
Citroen:								
DS21 Sedan, DS21 Station Wagon, D Special Sedan.	121.0-132.5	D	DS21 Sedan	132.5	M4	2.14	27.97	0.0
			do	132.5	A3	2.40	31.25	0.0
			D Special Sedan	121.0	M4	2.95	35.10	0.0
SM Coupe	163	S	SM Coupe	163	A3	2.01	20.95	0.0
			do	163	M5	1.40	13.24	0.0
Daimler-Benz AG:								
220/8	134	I	220/8	134	M4	1.66	21.93	0.0
			220/8	134	A4	2.45	20.40	0.0
250/8, 250 C/8, 280 SE/8	169.5	II	250/8	169.5	A4	1.96	18.74	0.0
			250 C/8	169.5	A4	2.31	24.62	0.45
			280 SE/8	169.5	A4	3.06	35.39	0.80
			280 SE/8	169.5	A4	2.91	15.98	0.0
280 SE-4.5, 280 SEL-4.5, 300 SEL-4.5, 450 SL.	276	III	280 SEL-4.5	276	A3	2.58	29.29	0.21
			450 SL	276	A3	2.74	31.82	0.39
600	386.3	IV	300 SEL-6.3	386.3	A4	2.18	29.68	0.18
			600	386.3	A4	2.48	24.21	1.88
Ford Motor Co.:								
Pinto	98	1.6L	Pinto	98	M4	3.21	21.10	0.42
			do	98	M4	3.10	19.80	0.10
Pinto	122	2.0L	do	122	M4	3.06	29.38	0.18
			do	122	A3	2.56	23.86	0.20
			do	122	A3	2.15	24.34	0.20
			do	122	A3	2.72	18.19	0.56
Capri	159	2.6L	Capri	159	M4	2.78	18.74	0.22
			do	159	M4	2.69	29.04	0.43
Maverick, Comet, Bronco	170-200	170-200	Maverick	200	A3	2.35	29.33	0.27
			do	200	M3	2.40	20.86	0.59
			do	170	M3	2.67	15.24	0.0
			Bronco	170	M3	2.31	20.94	1.02
F-100, E-100 Van, E-200 Van, Club Wagon	240	240	F-100 Pickup	240	M3	2.18	28.62	0.0
			E-100 Van	240	M4	1.72	21.72	0.35
			F-100 Pickup	240	M3	3.18	33.49	0.0
			E-300 Van	240	A3	2.87	32.86	0.88
Torino, Maverick, Montego, Montego Station Wagon, Mustang, Grande, Comet.	250	250	Torino	250	A3	2.82	19.18	0.83
			Maverick	250	M3	2.25	35.28	0.84
			Torino	250	M3	2.13	31.84	1.05
			Torino Station Wagon	250	A3	2.35	35.98	0.17
			Torino	302	A3	2.20	18.52	1.64
Torino, Ranchero, Comet, Ford, LTD, Custom Ranch Wagon, Country Sedan, Country Squire, Mustang, Grande, Mach I, Montego, Montego Station Wagon, Maverick, E-100 Van, E-200 Van, Club Wagon, F-100, Bronco.	302	302	Torino	302	A3	1.96	16.60	0.30
			Mustang	302	A3	2.72	37.25	0.07
			E-300 C.W	302	M3	2.64	25.36	1.90
			F-100 Pickup	302	A3	2.49	19.24	1.12
			Torino S.W	302	M4	2.53	23.69	0.05
Mustang, Grande, Mach I, Cougar, Torino, Ranchero, Montego, Montego Station Wagon, Ford, LTD, Custom Ranch Wagon, Country Sedan, Country Squire, Mercury Monterey.	351	351C-2V	Bronco	351	A3	2.89	23.52	0.44
			Torino	351	A3	2.41	25.74	0.26
			Cougar	351	A3	2.49	18.27	0.45
			Ford Station Wagon	351	A3	1.92	29.57	0.0
			Torino					
Mustang, Grande, Mach I, Mustang HO, Cougar, Torino, Ranchero, Montego, Montego Station Wagon, Ford, LTD, Montego Station Wagon.	351	351C-4V	Torino	351	A3	2.63	27.75	1.19
			Mustang	351	M4	3.40	28.03	0.01
			Montego Station Wagon	351	M4	3.02	29.79	0.40
			Mustang HO	351	M4	3.30	13.06	1.17
Ford, LTD, Custom Ranch Wagon, Country Sedan, Country Squire, Mercury Monterey.	351	351-W	Ford	351	A3	1.32	20.70	0.0
			Mercury	351	A3	1.80	15.28	0.31
			Ford	351	A3	1.76	10.06	1.24

FEB 4 72
XUM

1972 MODEL YEAR LIGHT DUTY VEHICLES—Continued

Manufacturer (models)	Engine family: Displacement (cubic inches)	Engine family: Family designation	Certification levels: Test vehicle: Model	Test vehicle: Engine displacement (cubic inches)	Test vehicle: Transmission	Exhaust emission (grams/mile): Hydrocarbons	Exhaust emission (grams/mile): Carbon monoxide	Evaporative emissions (gms/test): Hydrocarbons
Ford Motor Co.—Continued								
F-100	360-390	360-390	F-100 Pickup	360	A3	2.30	17.76	1.34
			do	360	M3	2.83	29.66	0.56
			do	390	A3	2.87	22.14	1.13
			do	390	M4	2.57	27.55	0.01
			do	400	A3	2.30	23.48	0.18
Ford, LTD, Custom Ranch Wagon, Country Sedan, Country Squire, Torino, Ranchero, Mercury Monterey, Monterey Station Wagon, Marquis Station Wagon, Montego, Montego Station Wagon, Thunderbird.	400	400	Ford	400	A3	1.34	30.15	0.61
			Mercury	400	A3	1.92	19.32	0.36
			do	400	A3	2.34	16.74	0.22
			Torino Station Wagon	400	A3	1.36	27.05	1.31
			Ford	429	A3	2.91	24.66	0.11
Mercury Monterey, Marquis, Ford, LTD, Country Sedan, Country Squire, Torino, Ranchero, Montego, Montego Station Wagon, Lincoln Continental, Continental Mark IV.	429-460	429-460	Mercury	429	A3	2.84	23.73	0.08
			Ford	429	A3	2.73	25.30	0.08
			Thunderbird	460	A3	3.05	19.83	0.38
			Lincoln	460	A3	2.92	22.84	0.29
			Mark IV	460	A3	1.80	22.11	0.08
			Lincoln	460	A3			
Ford Motor Co., Ltd.:								
Pinto	98	1.6	Capri	98	M4	2.89	23.45	0.37
			Cortina	98	M4	3.06	25.55	0.13
			Capri	122	A3	2.30	36.78	0.18
Pinto	122	2.0	do	122	M4	2.67	22.55	0.20
			Cortina	122	M4	2.84	32.75	0.18
			do	122	A3	2.32	20.05	0.18
General Motors Corp.:								
Opel, Opel 1900, Opel GT	116.8	GM-601	Opel 1900	115.8	M4	2.13	25.65	0.50
			do	115.8	M4	2.66	32.66	0.08
			do	115.8	A3	1.47	19.29	0.47
			do	115.8	M4	2.35	27.57	0.42
			do	140	M3	1.63	31.56	0.0
Vega 2300 Sedan, Vega Kammback Wagon, Vega Panel Express, Vega 2300 Coupe.	140	GM-101	Vega Sedan	140	A2	1.97	15.53	0.0
			do	140	M4	3.10	29.66	0.18
			Vega Coupe	140	A3	1.75	22.47	0.06
			do	140	M4	2.46	21.87	0.15
			do	140	A2	1.26	16.11	0.29
			Vega Kammback	250	A2	1.58	10.53	0.01
Lemans Wagon, Camaro, El Camino, Greenbriar, Bel Air, C-10 Blazer, P-10 Step Van, G-30 Sportvan, K-10 Convertible Truck, Chevrolet, Lemans, Ventura II, Chevelle, El Camino Custom, Concours, Impala Custom, K-10 Blazer, G-20 Van, C-10 Suburban, K-10 Suburban.	250	GM-102	Nova	250	M3	2.31	29.13	0.07
			C-10 Pickup	250	A2	1.44	9.21	0.32
			Chevelle	250	M3	2.70	29.11	0.05
			G-30 Van	250	M3	1.77	14.68	0.07
			do	250	M4	1.42	23.36	0.0
			K-20 Suburban					
K-20 Suburban, G-Van, Firebird, Nova, Malibu, Biscayne, G-10 Van, C-10 Conv., Truck, G-20 Sportvan, C-20 Suburban, C-Truck.	250	GM-102						
			Chevelle	307	A3	2.77	16.24	0.0
			C-10 Pickup	307	A3	2.51	20.16	0.0
			K-10 Pickup	307	M3	2.34	21.21	0.09
Nova, Malibu, Nomad, C-10 Blazer, K-10 Conv. Truck, K-10 Suburban, Ventura II, Camaro, El Camino, Greenbriar, K-10 Blazer, C-10 Suburban, K-20 Suburban, Chevelle, El Camino Custom, Concours, C-10 Conv. Truck, G-10 Van, C-20 Suburban.	307	GM-103	C-10 Suburban	307	M3	2.42	19.04	0.0
			K-10 Pickup	307	M3	1.96	11.38	0.15
			Camaro	307	A3	2.28	12.02	0.13
			C-10 Pickup	307	M3			
				350	A3	2.51	21.84	0.12
F-85, Cutlass Supreme, Delta 88 Royale, Cutlass, Vista Cruiser, Cutlass Cruiser, Cutlass S Coupe, Delta 88.	350	GM-301	Cutlass	350	A3	2.37	26.92	0.08
			Delta 88	350	M4	2.40	24.67	0.24
			Cutlass S	350	A3	2.76	20.16	1.89
			Vista Cruiser	350	A3	2.54	16.53	0.16
			Skylark	350	A3	2.21	21.66	0.31
Skylark, LeSabre, LeSabre Custom, Sportwagon, GS-350.	350	GM-401	GS-350	350	A3	2.17	18.51	0.16
			LeSabre Custom	350	A3	2.64	18.19	0.18
			LeSabre	350	M4	2.08	11.48	0.0
			GS-350	350	A3	1.83	20.10	0.08
			LeSabre	350	A3	2.65	19.71	0.06
			Chevrolet	400	A3	2.43	13.95	0.11
Camaro, El Camino, Greenbriar, Monte Carlo, Impala, Townsman, Chevrolet, G-10 Van, K-10 Conv. Truck, K-20 Suburban, K-10 Suburban, G-20 Sportvan, Chevelle, El Camino Custom, Concours, Biscayne, Impala Custom, Kingswood, Corvette, G-20 Van, G-30 Van, C-10 Blazer, G-20 Sportvan, Kingswood Estate, Malibu, Nomad, Concours Estate, Bel Air, Brookwood, Nova, C-10 Conv. Truck, C-10 Suburban, C-20 Suburban, K-10 Blazer, Caprice.	350-400	GM-104	Caprice	350	M3	2.64	38.55	0.06
			C-20 Suburban	350	M4	1.49	18.24	0.11
			Chevelle	350	M4	2.00	34.00	1.81
			Corvette	400	A3	1.56	19.10	0.0
			Kingswood					
Lemans, Firebird Esprit, Ventura II, Grand Safari, Lemans Luxury, Firebird Formula, Catalina, Bonneville, Lemans Sport, Lemans Wagon, Safari.	350-400-455	GM-201	Catalina	400	A3	2.44	26.75	0.0
			Lemans	350	A3	2.66	26.73	0.0
			do	350	M4	2.13	28.47	0.0
			Grand Safari	400	A3	2.20	19.89	0.13
			do	400	A3	1.93	20.44	0.0
				455	A3	1.76	9.54	0.0
Lemans, Firebird Formula, Grand Prix, Grand Safari, Firebird Trans AM, Lemans Sport, Lemans Wagon, GTO, Bonneville, Lemans Luxury, Catalina, Safari, Grandville.	400-455	GM-202	Grandville	400	A3	1.66	12.84	0.03
			GTO	400	A3	2.09	15.77	0.0
			GTO	400	M4	1.51	12.79	0.0
			Firebird	455	M4	2.67	14.66	0.0
			Safari	400	A3	1.49	13.00	0.14
			Biscayne	402	A3	1.28	8.67	0.14
Chevelle, El Camino Custom, Concours, C-10 Suburban, Monte Carlo, Bel Air, Brookwood, Kingswood Estate, Malibu, Nomad, Concours Estate, C-20 Suburban, Caprice, Impala, Townsman, Corvette, El Camino, Greenbrier, C-10 Convertible Truck, Camaro, Biscayne, Impala Custom, Kingswood.	402-454	GM-105	Chevelle	402	A3	0.84	14.60	0.29
			Corvette	454	M4	1.10	10.58	0.29
			Kingswood	454	A3	2.15	15.01	0.14
			C-20 Suburban	402	M4	1.46	7.68	0.14
			Monte Carlo	454	A3			

1972 MODEL YEAR LIGHT DUTY VEHICLES—Continued

Manufacturer (models)	Engine family: Displacement (cubic inches)	Engine family: Family designation	Certification levels: Test vehicle: Model	Test vehicle: Engine displacement (cubic inches)	Test vehicle: Transmission	Exhaust emission (grams/mile): Hydrocarbons	Exhaust emission (grams/mile): Carbon monoxide	Evaporative emissions (gms/test): Hydrocarbons
General Motor Corp.—Continued								
F-85, Cutlass Supreme, Delta 88 Royale, Toronado, Cutlass, Vista Cruiser, Ninety-Eight, Cutlass Cruiser, Cutlass S Coupe, Delta 88, Delta 88 Custom Cruiser.	455	GM-302	Ninety-Eight	455	A3	2.41	22.59	0.08
			Eighty-Eight	455	A3	1.88	27.12	0.04
			Cutlass Supreme	455	M4	2.61	27.39	0.12
			Eighty-Eight	455	A3	2.53	24.66	0.01
			Custom-Cruiser	455	A3	2.66	26.98	0.05
Electra, Centurion, Stage 1, LeSabre, Riviera GS, Estate Wagon, Riviera, GS 455.	455	GM-402	Toronado	455	A3	2.13	32.05	0.27
			GS 455	455	A3	2.01	21.52	0.80
			Centurion	455	A3	2.77	26.34	0.90
			Estate Wagon	455	A3	2.54	22.74	0.80
			Electra 225	455	A3	2.38	15.13	0.53
			GS 455	455	M4	1.27	21.76	0.08
			Riviera	455	A3	2.25	18.52	0.25
Calais, Brougham, Eldorado, Deville, Seventy-Five, Fleetwood, Commercial Chassis.	472	GM-501	Sedan Deville	472	A3	0.84	25.44	0.14
			do	472	A3	1.22	25.39	0.15
			Coupe Deville	472	A3	1.02	12.21	0.0
			Eldorado	472	A3	1.26	33.54	0.0
International Harvester Co.:								
Scout II 4 x 4, Scout II 2 x 4	196	4-196	Scout II	196	M3	2.52	33.60	1.53
			do	196	M3	1.91	30.83	0.18
Scout II 4 x 2, Scout II 4 x 4, 1010, 1110(4 x 2), 1110(4 x 4), 1210(4 x 2), 1210(4 x 4).	258	6-258	do	258	M3	2.23	38.00	0.94
			do	258	M3	1.71	17.77	0.52
			T'All (1210)	258	M3	2.43	27.94	0.71
Scout II 4 x 2, Scout II 4 x 4, 1010 Pickup, 1110 Pickup 4 x 2, Scout II, 1010, 1110 (4 x 2), 1110 (4 x 4), 1210 (4 x 2), 1210 (4 x 4).	304	V-304	Scout II	304	M3	2.05	25.00	1.49
			do	304	M3	2.67	31.56	0.68
			1000 D Pickup	304	M3	2.28	29.31	1.00
			1110 D Pickup	304	M3	2.48	27.94	0
			1000 T'All	304	A3	1.71	20.22	0
Scout 4 x 2, Scout 4 x 4, 1010, 1110 (4 x 2), 1110 (4 x 4), 1210 (4 x 2), 1210 (4 x 4).	345	V-345	T'All 1010	345	A3	3.01	29.94	0.16
			1000 D Pickup	345	M3	2.40	29.13	0.0
			T'All 1010	345	A3	2.28	29.09	0.22
			1000 D Pickup	345	M3	2.66	30.01	0.40
1010, 1110 (4 x 2), 1110 (4 x 4), 1210 (4 x 2), 1210 (4 x 4).	392	V-392	T'All 1010	392	A3	1.90	35.85	0.30
			T'All 1010	392	A3	1.62	23.83	0
			1100 D Pickup	392	M4	1.64	33.06	0.06
Isuzu Motors Ltd.:								
KB30 Pickup Truck	110.8	G-180	KB30	110.8	M4	1.49	18.98	0.02
			KB30	110.8	M4	2.45	27.10	0.30
Jeep Corp.:								
Universal, Gladiator, Jeepster, Wagoneer	232-258	I	Universal	322	M3	1.94	26.82	0.04
			do	258	M3	2.01	26.92	0.15
Universal, Jeepster, Wagoneer, Gladiator	304	II	Gladiator	258	M3	2.83	31.60	0.01
			Universal	304	M3	2.71	28.11	0.07
			Jeepster	304	M3	2.40	28.42	0
			Wagoneer	304	A3	2.39	26.59	0.31
			Universal	304	M3	1.92	25.30	0.08
			Gladiator	304	M3	2.58	34.19	0
Wagoneer, Gladiator	360	III	Wagoneer	360	A3	2.88	28.32	0.82
			Gladiator	360	M3	2.64	31.60	0.25
			do	360	M3	2.46	23.84	0.10
Mitsubishi Motors Corp.:								
Dodge Colt	97.5	4G3SEM-01	Dodge Colt	97.5	M4	2.10	25.05	0.60
			do	97.5	A3	1.62	21.30	0.02
Nissan Motor Co., Ltd.:								
LB110TU, KLB110AU, LB110AI, KLB110TU.	71.5	Nissan-1 A12	LB110AU	71.5	A3	1.65	22.08	0.20
			LB110TU	71.5	M4	2.07	19.03	0.0
PL510TU, WPL510AU, PL510AU, PL521TU, WPL510TU.	97.4	Nissan-2 L16	PL510TU	97.4	M4	2.43	30.67	0.11
			PL521TU	97.4	M4	2.37	19.12	0.12
			WPL510AU	97.4	A3	1.78	19.35	0.42
			PL521TU	97.4	M4	2.03	19.60	0.20
HLS30U, HLS30UA	146	Nissan-3 L24	HLS30U	146	M4	2.50	25.00	0.01
			HLS30UA	146	A3	2.60	21.25	0.01
Peugeot:								
304 Sedan, 304 Station Wagon	78.6	XL3	304 Sedan	78.6	M4	2.44	23.04	0.10
			304 Station Wagon	78.6	M4	2.60	26.33	0.0
504 Sedan, 504 Station Wagon	120.3	XN1	504 Sedan	120.3	M4	2.50	25.72	0.0
			do	120.3	A3	2.66	28.62	0.0
			504 Station Wagon	120.3	M4	1.22	13.97	0.0
Porsche:								
911T, 911E, 911S, 914/6(T), 914/6(E), 914/6(S)	142.4	1	911T	142.4	M5	2.55	19.48	0.00
			911T	142.4	M5	2.88	15.10	0.40
			911T	142.4	Semi-auto	2.27	28.13	0.00
			911S	142.4	M5	3.55	24.77	0.00
Renault:								
R12, R15, R16	95.5	821	R16	95.5	M4	2.75	30.90	0.00
			R16	95.5	M4	3.14	27.30	0.00
			R16	95.5	A3	2.17	31.90	0.00
SAAB:								
96, 96, 97	103.5	P	95	103.5	M4	2.77	35.00	0.00
			96	103.5	M4	2.64	27.60	0.00
			97	103.5	M4	2.09	32.29	1.00
99	114.0	PE	99	114.0	M4	2.34	18.12	0.00
			99	114.0	A3	1.86	11.39	0.00
			99	114.0	A3	1.60	19.89	0.00
SS Automobiles, Inc.:								
Excalibur Roadster, Excalibur Phaeton	454	GM-105	Excalibur Phaeton	454	A3	1.60	9.89	0.14
Fuji Heavy Industries, Ltd.:								
Subaru 1300	77.32	A-6	1300	77.32	M4	3.10	16.84	0.21
			1300	77.32	M4	2.63	17.22	0.25
Toyo Kogyo Co., Ltd.:								
1200 Station Sedan, Station Coupe, BTAV Station Wagon, BTA65 Pickup.	71.39	Toyo 1	1200	71.39	M4	2.83	27.05	0.00
			1200	71.39	M4	2.33	20.05	0.10
Toyo Kogyo 2, 808 Station Wagon, SN3A Sedan, SN3A Coupe.	96.82	Toyo 2	808	96.82	A3	2.18	24.72	0.10
			808	96.82	M4	2.82	21.61	0.05
			808	96.82	A4	2.10	34.27	0.00
			808	96.82	M4	2.44	25.47	0.13
Toyo Kogyo 3, R100, M10A Coupe	60	Toyo 3	R100	60	M4	2.23	22.78	0.00
			R100	60	M4	2.58	17.66	1.41

FEB 4 7 2 XUM

1972 MODEL YEAR LIGHT DUTY VEHICLES—Continued

Manufacturer (models)	Engine family: Displacement (cubic inches)	Engine family: Family designation	Certification levels: Test vehicle: Model	Test vehicle: Engine displacement (cubic inches)	Test vehicle: Transmission	Exhaust emission (grams/mile): Hydrocarbons	Exhaust emission (grams/mile): Carbon monoxide	Evaporative emissions (gms/test): Hydrocarbons
Toyo Kogyo Co., Ltd.—Continued								
Toyo Kogyo 4, RX2, S122A Sedan, S122A Coupe.	70	Toyo 4	RX2	70	M4	2.50	25.18	0.01
			RX2	70	M4	2.78	18.01	1.45
Toyo Kogyo 5, 1800, SVA Sedan, SVAV Station Wagon, BVD61 Pickup.	109.6	Toyo 5	1800 Sedan	109.6	M4	3.17	31.23	0.05
			do	109.6	A3	1.81	27.51	0.08
			1800 Pickup	109.6	M4	1.21	26.77	0.09
618, SV2A Sedan, SV2A Coupe	109.6	Toyo 5	618	109.6	A3	1.17	24.60	0.12
Toyota Motor Co.:								
Corolla, Carina	96.9	2T-C	Corolla	96.9	M4	2.40	18.93	0.15
			Carina	96.9	A3	2.25	17.20	0.35
Celica, Corona, Corona Mk II, ½ Ton Pickup.	120	18R-C	Corona Sedan	120	A3	1.91	26.60	0.31
			Corona Wagon	120	M4	2.43	20.60	0.41
Corona Mk II	137.4	2M	Mk II Sedan	137.4	A3	2.45	21.80	0.36
			Mk II Wagon	137.4	M4	2.51	24.01	0.16
Crown	156.4	4M	Crown	156.4	M4	2.34	28.10	0.24
			do	156.4	A3	2.28	19.94	0.00
Land Cruiser	236.7	F	Land Cruiser	236.7	M3	2.04	30.30	0.35
			do	236.7	M3	2.18	28.70	0.02
Volkswagen of America:								
Sedan II, Squareback Sedan, Convertible, Fastback Sedan, Karmann Ghia.	96.6	1	Sedan II	96.6	M4	2.25	34.25	0.00
			do	96.6	M4	1.79	29.99	0.00
			do	96.6	Semi-automatic	1.66	29.88	0.00
			Squareback 36	96.6	M4	1.95	19.62	0.07
			do	96.6	A3	1.91	19.28	0.10
			Sedan II	96.6	Semi-automatic	2.25	36.94	0.21
			Squareback 36	96.6	A3	1.28	16.99	0.00
				102.5	M5	2.47	19.88	0.00
914/4, Combination and Campmobile, S.W. 22/24, Sedan 41/42, Panel Truck 21, Pickup and Pickup + Double Cabin 26, Squareback Sedan 46.	102.5	2	914/4	102.5	M4	2.26	36.14	0.00
			Sedan 42	102.5	M4	3.01	29.78	0.00
			Camper	102.5	M4	2.36	32.58	0.00
			S.W. 22/24	102.5	A3	1.97	19.49	0.00
			Sedan 42	102.5	M4	2.61	34.50	0.00
			do					
Volvo:								
142-334, 142-336, 142-634, 142-635, 142-636, 144-334, 144-336, 144-634, 144-636, 145-334, 145-336, 145-634, 145-636, 182-635, 182-636, 183-635, 183-636.	121	B20	142-635	121	M4	1.38	28.20	0
			142-334	121	M4	3.18	16.31	0
			142-336	121	A3	1.54	15.10	0
			142-636	121	A3	1.46	21.22	0.07
164-134, 164-136, 164-635, 164-636	183	B30	164-134	182	M4	2.56	21.26	0
			164-136	182	A3	1.64	38.37	0
			164-635	182	M4	1.98	22.25	0
			164-636	182	A3	1.62	15.75	0
Audi:								
Audi Super 90, Audi 100 LS	107.5	1	100 LS	114.5	A3	1.83	32.05	0.00
	114.5	1	100 LS	114.5	M4	1.57	30.64	0.00
			100 LS	114.5	A3	1.76	29.98	0.00
			100 LS	114.5	M4	1.84	26.97	0.00
			Super 90	107.5	M4	1.83	24.04	0.04
Honda:								
Honda AN-600	36.5	1	(Exempt from emission control requirements)					
Rolls-Royce:								
Rolls-Royce Silver Shadow, Rolls-Royce Corniche, Bentley "T" Series, Bentley Corniche.	412	1	Silver Shadow	412	A3	2.14	23.46	0.10
			do	412	A3	2.40	23.23	0.40
			do	412	A3	2.23	23.13	0.13
Fiat S. p. A.:								
850 Sport Spider	55.08	100	850 Sport Spider	55.08	M4	2.43	17.40	0.56
			do	55.08	M4	2.44	23.78	1.09
128 Sedan, 128 Station Wagon	66.10	128	128 Sedan	66.10	M4	2.98	27.18	0.14
			do	66.10	M4	2.35	26.68	0.92
124 Special Sedan, 124 Special Station Wagon	87.75	124	124 Special Station Wagon	87.75	M4	1.53	18.61	0.45
			124 Special Sedan	87.75	A3	1.45	27.87	1.24
			do	87.75	M4	2.54	26.31	1.25
			do	98.13	M5	2.63	36.96	0.00
124 Sport Spider 1600, 124 Sport Coupe 1600	98.13	125	124 Sport Coupe 1600	98.13	M5	2.35	24.84	0.76
			do					
Ferrari S. p. A.:								
Dino 246 GT Berlinetta, Dino 246 GT Spyder.	147.55	135	Dino 246 GT Berlinetta	147.55	M5	3.25	22.68	0.79
			Dino 246 GT Spyder	147.55	M5	1.91	24.94	0.49
365 GTB.4 Berlinetta, 365 GTB.4 Spyder, 365 GTC.4.	268	365	365 GTB.4 Berlinetta	268	M5	2.17	28.30	0.25
			365 GTB.4 Spyder	268	M5	1.90	31.16	0.74

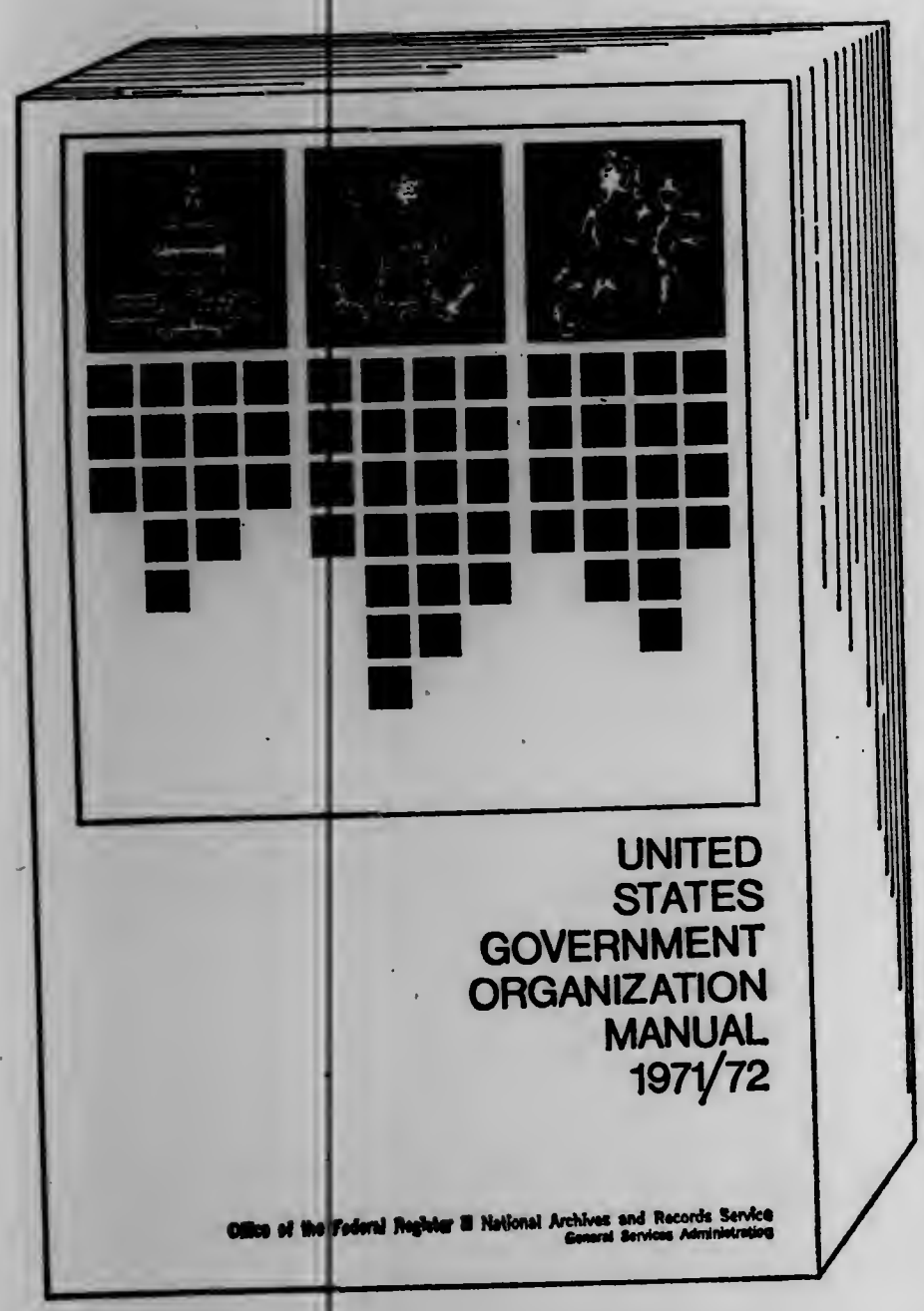
1972 Model Year Heavy Duty Diesel Engines

Manufacturer (models)	Engine family: Engine air aspiration	Engine family: Family designation	Test engines: Model	Test engines: Rated horsepower	Test engines: Maximum torque	Smoke emissions: Acceleration mode (percent Opacity)	Smoke emissions: Lug-down mode (percent Opacity)
General Motors Corp.:							
3L-53N, 4L-53N	Natural	L-53-N	4L-53N	136	282	5.6	5.6
			4L-53N	136	282	5.0	3.5
6V-53N, 8V-53N	do	V-53N	8V-53N	275	577	12.2	8.3
			8V-53N	275	577	9.9	5.3
6V-71N (2 VLV) coach	do	V-71N (2 VLV) coach	6V-71N (2 VLV) coach	198	556	2.9	2.2
			6V-71N (2 VLV) coach	198	556	5.1	4.1
6V-71N (4 VLV) coach, 8V-71N (4 VLV) coach	do	V-71N (4 VLV) coach	8V-71N (4 VLV) coach	280	770	1.4	1.0
			8V-71N (4 VLV) coach	280	770	1.4	1.3
3L-71N (4 VLV), 4L-71N (4 VLV), 6L-71N (4 VLV).	do	L-71N (4 VLV)	6L-71N (4 VLV)	250	610	11.5	4.0
			6L-71N (4 VLV)	250	610	6.1	2.0
6V-71N (4 VLV), 8V-71N (4 VLN), 12V-71N (4 VLV).	do	V-71N (4VLV)	12V-71N (4 VLV) 12V-71N (4 VLV)	500	1220	5.5	3.5
				500	1220	3.0	1.5
6V-71T, 8V-71T, 12V-71T	Turbo-charged.	V-71T	12V-71T	525	1450	9.6	1.0
			12V-71T	525	1450	11.0	2.8
6L-71T	do	L-71T	6L-71T	262	725	8.9	2.0
			6L-71T	262	725	15.2	1.8
Perkins Engines, Ltd.:							
NA 80	Natural	NA 80	NA 80	79	185	7.6	6.3
			NA 80	79	185	7.6	5.0
NA 120	do	NA 120	NA 120	116	270	10.9	14.1
			NA 120	116	270	11.7	9.6

1972 MODEL YEAR HEAVY DUTY GASOLINE ENGINES

Manufacturer	Engine family: Displacements (cubic inches)	Engine family: Family designation	Certification levels: Displacement (cubic inches)	Exhaust emissions: Hydrocarbons (parts per million)	Exhaust emissions: Carbon monoxide (percent)
Chrysler Corp	225	RG	225	178	0.83
	318, 360	LA	225	152	0.96
			318	145	0.98
			318	131	0.53
			360	171	0.53
	361	LB	361	125	0.36
			361	176	0.57
	400	B	400	126	0.41
	413	RB	413	86	0.74
Ford Motor Co	240, 300	240-300	413	127	0.77
			300	96	0.41
			300	161	0.46
	302	302	302	161	0.24
	330, 361, 391	330-361-391	330HD	199	1.06
			330HD	160	0.59
			361	120	0.35
			391	170	0.30
	360, 390	360-390	360	207	0.74
			390	229	0.44
	401, 477, 534	401-477-534	401	129	0.30
			477	102	0.29
			534	123	0.49
General Motors Corp	250	GM111	250	130	0.59
			250	88	0.30
	292	GM112	292	106	0.43
	307, 350	GM113	307	123	0.87
			350	126	0.86
			350	162	0.99
			350	166	0.99
	366, 427	GM114	366	191	0.68
			427	169	1.12
	402	GM115	402	155	0.96
	351, 401, 478	GM811	351	155	1.16
			401	155	1.02
			401	120	0.67
			478	126	1.23
Jeep Corp	637	GM812	637	115	1.13
	360	III-360	360	143	0.31

[FR Doc.72-1490 Filed 2-3-72;8:45 am]



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

SATURDAY, FEBRUARY 5, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 25
Pages 2739–2823



HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

POTATOES—USDA amendment to grade standards; effective 2–5–72 2745

PEANUTS—
USDA announcement of marketing quota referendum results; effective 2–4–72 2765
USDA proposal on Valencia type peanuts; comments within 30 days 2774

IMMIGRATION AND NATURALIZATION—Justice Dept. miscellaneous amendments; effective 2–5–72 2766

CIVIL FORFEITURES—Justice Dept. amendments on remission or mitigation 2768

PROCUREMENT—GSA rule on listing of employment openings by contractors; effective 2–5–72 .. 2769

TELECOMMUNICATIONS—
FCC amendments to emergency restoration priority procedures; effective 2–1–72 2771
FCC proposal on FM Table of Assignments; comments by 3–10–72 2790
FCC notification list on Canadian standard broadcast stations 2807

TOBACCO—
USDA proposal on burley tobacco marketing quotas; comments within 15 days 2773
USDA allotment and marketing regulations for certain types; effective 2–5–72 2745

HONEY—USDA proposal on loan and purchase program for 1972 crop; comments within 30 days 2775

(Continued inside)

V 37 ■ 25
FEB 5 72
XUM

Latest Edition

Guide to Record Retention Requirements

[Revised as of January 1, 1971]

This useful reference tool is designed to keep businessmen and the general public informed concerning the many published requirements in Federal laws and regulations relating to record retention.

The 90-page "Guide" contains over 1,000 digests which tell the user (1) what type records must be kept, (2) who must keep them, and (3) how long they must be kept. Each digest carries a reference to the full text of the basic law or regulation providing for such retention.

The booklet's index, numbering over 2,200 items, lists for ready reference the categories of persons, companies, and products affected by Federal record retention requirements.

Price: $1.00

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

EGGS—USDA proposal on inspection regulations; comments by 3–6–72 2775

POULTRY INSPECTION—USDA proposal on laundering of outer work garments; comments within 30 days 2778

LONG-TERM CONTRACTS—IRS announcement of hearing and extension of comment time to 2–15–72 on proposal 2773

MEAT PRODUCTS—
- USDA proposal on ingredients labeling for cured meat products; comments by 2–28–72 .. 2779
- USDA amendments to grading service fees; effective 2–13–72 2745
- USDA notice on humane handling and slaughter of livestock 2795

COMMISSION ON HIGHWAY BEAUTIFICATION—Commission announcement of 2–28–72 hearing in Los Angeles 2803

ANTIDUMPING—
- Tariff Comm. determination on Canadian ice cream sandwich wafers 2817
- Treasury Dept. determination on Mexican elemental sulphur 2793

WATER AND LAND RESOURCES—Water Resources Council announcement of additional hearings 2820

ENVIRONMENT—Interior Dept. notices of availability of reports (2 documents) 2794

EDUCATION—HEW proposal for supplementary educational centers and services 2779

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Peanuts; 1972 crop; national marketing quota referendum result .. 2765
Tobacco; allotment and marketing quota regulations; 1972–73 and subsequent marketing years 2745

Proposed Rule Making

Burley tobacco; marketing quotas for 1971–72 and subsequent marketing years 2773
Peanuts, Valencia type; determination to be made with respect to supply for 1972–73 marketing year 2774

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

Orders extending provisional construction permit completion dates:
Duke Power Co 2802
Metropolitan Edison Co 2802
Power Reactor Development Co.; order extending provisional operating license expiration date .. 2802

CIVIL AERONAUTICS BOARD

Notices

Seagreen Air Transport Ltd.; prehearing conference and hearing regarding renewal of foreign air carrier permit 2803

CIVIL SERVICE COMMISSION

Notices

Grant applications; cutoff date for fiscal year 1972 2803

COMMERCE DEPARTMENT

See also International Commerce Bureau; National Oceanic and Atmospheric Administration.

COMMODITY CREDIT CORPORATION

Proposed Rule Making

Honey; determinations regarding 1972 crop 2775

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Lemons grown in California and Arizona; handling limitation .. 2766
Livestock, meats, and meat products; fees for grading service .. 2745
Oranges grown in lower Rio Grande Valley in Texas; container, pack, and container marking 2765
Potatoes; standards for grades .. 2745

Proposed Rule Making

Cured meat products; ingredient statements 2779
Eggs and egg products; inspection 2775
Poultry and poultry products; facilities for inspection 2778

Notices

Humanely slaughtered livestock; identification of carcasses; list of establishments 2795

DELAWARE RIVER BASIN COMMISSION

Notices

Comprehensive plan; public hearing 2803

EDUCATION OFFICE

Proposed Rule Making

Grants for planning and establishing supplementary educational centers and services; guidance, counseling, and testing programs 2779

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Area high routes; designation 2767

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Frequency allocation and radio treaty matters; applicability of certain U.S. footnotes to Table of Frequency Allocations 2771

Proposed Rule Making

FM broadcast stations; table of assignments; Hattiesburg, Miss., and certain other cities 2790

(*Continued on next page*)

V 37 • 25 FEB 5 72 XUM

Notices

Canadian standard broadcast stations; notification list 2807
Radio frequency devices; comparable television tuning regulation; extension of time 2804
Hearings, etc.:
Key Broadcasting Corp. and Sound Media, Inc 2804
New London Enterprises, Inc 2805
Troy Radio, Inc., and Pike Broadcasting, Inc 2806

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Banquete Gas Co. et al 2808
Central Vermont Public Service Corp 2809
Consolidated Gas Supply Corp. and Texas Gas Transmission Corp 2810
Decker, Fred J., et al 2814
Gulf Power Co 2811
Michigan Wisconsin Pipe Line Co. (2 documents) 2810, 2812
South Texas Natural Gas Gathering Co 2812
Southern Natural Gas Co 2813
Western Oil & Minerals Corp. et al 2815

FEDERAL RESERVE SYSTEM

Notices

C–M Company, Inc.:
Formation of bank holding company 2807
Proposed acquisition of Clyde S. Boots Insurance Agency 2807
First Bank System, Inc.; order approving acquisition of IDS Credit Corp 2808

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Listing of employment openings 2769
Return of GSA stock items; reduction of credit allowance 2771

Notices

Secretary of Defense; delegation of authority 2794

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office.

HEARINGS AND APPEALS OFFICE

Notices

U.S. Steel Corp.; petition for modification of interim mandatory safety standard 2794

HIGHWAY BEAUTIFICATION COMMISSION

Notices

Highway beautification; second public hearing 2803

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Interstate Land Sales Registration Office.

IMMIGRATION AND NATURALIZATION SERVICE

Rules and Regulations

Miscellaneous amendments to chapter 2766

INTERIOR DEPARTMENT

See also Hearings and Appeals Office; Land Management Bureau.

Notices

Availability of draft environmental statements:
Deep Geothermal Test Well, Geothermal Resource Investigations, Imperial Valley, Calif 2794
Proposed Hydrid Prototype Plant for City of Brownsville, Texas 2794

INTERNAL REVENUE SERVICE

Proposed Rule Making

Income tax:
Accounting for long-term contracts; hearing 2773
Depreciation allowances using class life asset depreciation range system; correction 2773

INTERNATIONAL COMMERCE BUREAU

Notices

Leon Battino and Merkuria S.A.R.L.; order denying export privileges 2800

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 2821
Fourth section application for relief 2821
Motor carrier transfer proceedings 2821

INTERSTATE LAND SALES REGISTRATION OFFICE

Rules and Regulations

Land registration; statement of record; format and instructions; correction 2768

JUSTICE DEPARTMENT

See also Immigration and Naturalization Service.

Rules and Regulations

Remission or mitigation of civil forfeitures; terms and conditions 2768
Standards of conduct; reporting of outside interests; Bureau of Narcotics and Dangerous Drugs 2769

LAND MANAGEMENT BUREAU

Notices

Chief, Branch of Lands and Minerals Operations, Division of Technical Services, New Mexico State Office; redelegation of authority 2793
South Dakota; proposed withdrawal and reservation of lands 2793

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Slater, Charles E.; loan application 2802

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Ecological Science Corp 2816
Fund B 701 Partnership 2816

TARIFF COMMISSION

Notices

Ice cream sandwich wafers from Canada; determination of injury 2817

TELECOMMUNICATIONS POLICY OFFICE

Rules and Regulations

Emergency restoration priority procedures for telecommunications services 2771

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See also Internal Revenue Service.

Notices

Elemental sulphur from Mexico; determination of sales at less than fair value 2793

UNITED STATES COURT OF CLAIMS

Notices

Alaska native claims settlement; claims for fees and expenses 2818

WATER RESOURCES COUNCIL

Notices

Proposed principles and standards for planning water and related land resources; additional hearings 2820

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

7 CFR

51 2745
53 2745
724 2745
729 2765
906 2765
910 2766
PROPOSED RULES:
59 2775
81 2778
726 2773
729 2774
1434 2775

8 CFR

214 2766
238 2766
332 2767
332d 2767
334 2767
334a 2767
339 2767
341 2767
342 2767

9 CFR

PROPOSED RULES:
316 2779
317 2779

14 CFR

75 2767

24 CFR

1710 2768

26 CFR

PROPOSED RULES:
1 (2 documents) 2773

28 CFR

9 2768
45 2769

41 CFR

1–2 2769
1–7 2769
1–12 2769
1–16 2771
101–27 2771

45 CFR

PROPOSED RULES:
118 2779
143 2779

47 CFR

2 2771
211 2771
PROPOSED RULES:
73 2790

V 37-25 FEB 5 72 XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

U.S. Standards for Grades of Potatoes [1]

On page 24820 of the FEDERAL REGISTER of December 23, 1971, there was published a notice of proposed rule making to amend these grade standards by deleting the size designation "Bakers" from Table I in § 51.1545. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the amendment of the grade standards. The revised U.S. Standards for Grades of Potatoes, effective September 1, 1971, provide, in Table I § 51.1545, optional size designations. The largest of these, "Bakers," has a minimum size requirement of 3 inches in diameter or 10 ounces in weight. No maximum size is specified. No comments concerning this size designation were received following publication of the proposed standards in October 1969. However, since issuance of the revised standards potato shippers registered their disapproval of the use of the term "Bakers" with such a large minimum size. It was pointed out that many shippers customarily pack potatoes smaller than 10 ounces in weight, using the term "Bakers" in some manner in labeling. The Idaho Grower Shippers Association formally requested that the size designation "Bakers" be deleted from Table I.

Interested persons were given until January 15, 1972 to submit written data, views, or arguments regarding the proposal to make the requested change. No comments have been received.

This amendment will eliminate the present conflict with industry usage of the term "Bakers" on containers. There will be no adverse effect on growers, shippers, receivers, or consumers. Sizes larger than the "Large" designation may be specified in terms of maximum, or minimum and maximum, diameters or weights. The proposed amended Table I of § 51.1545 of the grade standards is hereby adopted without change and is set forth below.

It is hereby found that good cause exists for not postponing the effective date of this amendment beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) The 1972 packing season for potatoes is well under way and it is in the interest of the public and the industry that this amendment be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with this amendment on the part of members of the potato industry or of others.

Accordingly this amendment shall become effective upon publication in the FEDERAL REGISTER (2–5–72).

Dated: February 1, 1972.

G. R. GRANGE,
Acting Administrator.

§ 51.1545 Size.

* * * * *

TABLE I

Size designation	Minimum diameter[1] or weight		Maximum diameter[1] or weight	
	Inches	*Ounces*	*Inches*	*Ounces*
Size A [2]	1⅞	(3)	(3)	(3)
Size B	1⅛	(3)	2¼	(3)
Small	1⅞	(3)	2⅝	6
Medium	2¼	5	3¼	10
Large	3	10	4¼	16

[1] Diameter means the greatest dimension at right angles to the longitudinal axis, without regard to the position of the stem end.

[2] In addition to the minimum size specified, a lot of potatoes designated as Size A shall contain at least 40 percent of potatoes which are 2⅛ inches in diameter or larger or 6 ounces in weight or larger.

[3] No requirement.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

[FR Doc.72–1733 Filed 2–4–72;8:48 am]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

Subpart A—Regulations

FEES FOR GRADING SERVICE

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the provisions of 7 CFR 53.29(a) prescribing fees in connection with the performance of Federal meat grading services are hereby amended by changing the phrases "$11.60 per hour," "$13.80 per hour," and "$23.20 per hour" to "$12.40 per hour," "$14.60 per hour," and "$24.80 per hour" respectively.

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading services, rendered under its provisions. Public Law 92–210 and Executive Order 11637 increased salaries paid to Federal employees. Therefore, it has been determined that, in order to cover the increased cost of Federal meat grading services resulting from increases in salaries paid to Federal employees and expected increases in other costs, including the holiday billing procedures adopted October 2, 1971, the hourly fee must be increased as provided for herein.

The need for the increase and the amount thereby are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under the provisions of 5 U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary and good cause is found to make the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective February 13, 1972, with respect to all Federal meat grading services rendered on and after that date, including service under commitment agreement whether heretofore or hereafter made.

(Secs. 203, 205, 60 Stat. 1087, 1090, 7 U.S.C. 1622, 1624)

Done at Washington, D.C., this 1st day of February 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72–1761 Filed 2–4–72;8:50 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1972–73 and Subsequent Marketing Years

On pages 23221 and 23222 of the FEDERAL REGISTER of December 7, 1971, there was published a notice of determinations to be made with respect to regulations pertaining to farm acreage allotments

V 37 25
FEB 5 72
XUM

and farm marketing quotas for Fire-cured, Dark air-cured, Virginia sun-cured, Cigar-binder (types 51 and 52) and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1972–73 and subsequent marketing years. The notice of determinations stated that it was proposed to reissue the regulations including amendments and corrections thereto, currently in effect for such kinds of tobacco to become applicable for the 1972–73 and subsequent marketing years. Other significant changes were also specified in the notice of determinations.

Interested persons were given 30 days after publication of this notice in which to submit written data, views, or recommendations with respect to the proposed regulations. No data, views, or recommendations were submitted pursuant to such notice.

The proposed regulations are adopted with the following significant changes:

1. Sections 724.69 and 724.70 require the use of Form ASCS–375 as a record of transfer of acreage allotment and marketing quota. The revisions also require, in general, that signatures of either the owner or operator of the transferring farm, as well as the owner or operator of the receiving farm, be witnessed on Form ASCS–375 by a representative of the county committee. This change is necessary to insure proper handling of transfers of allotments and marketing quotas.

2. Section 724.70(b) authorizes the State committee to approve late-filed transfers of allotments provided it is determined that such late filing resulted from misunderstanding of filing requirements after oral discussion between the applicant and a representative of the county committee.

3. The provisions in §§ 724.69 and 724.70 relative to the cancellation or revision of transfers of allotments are rewritten for clarity.

4. The dates in § 724.72 for surrendering cigar tobacco allotment acreage and requesting reallocation of surrendered acreage are changed to March 5.

5. Sections 724.96(g) and 724.97(h) provide that the actual weights of tobacco on hand by a warehouseman and dealer at the end of the season so obtained through inspection and weighing by ASCS representatives shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if any penalty is due.

6. Other editorial changes of a technical nature are made as applicable.

Since farmers are now making preparation for the 1972 crop, it is essential that these regulations be made effective at the earliest possible date. Accordingly, this document shall be effective upon the date of publication in the FEDERAL REGISTER.

The regulations are as follows:

GENERAL

Sec.
724.50 Basis and purpose.
724.51 Definitions.
724.52 Extent of determinations, computations, and rule for rounding fractions.
724.53 Supervisory authority of State ASC committee.
724.54 Instructions and forms.
724.55 Farms divided or combined.

ACREAGE ALLOTMENTS, HISTORY ACREAGE AND NORMAL YIELDS

724.57 Determination of preliminary acreage allotments and tobacco history acreage for old farms.
724.58 Determination of old farm tobacco acreage allotments.
724.59 Determination of normal yields for old farms.
724.60 Correction of errors and adjusting inequities in acreage allotments for old farms.
724.61 Time for making reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.
724.62 Determination of acreage allotments for new farms.
724.63 Determination of normal yields for new farms.
724.64 Determination of acreage allotments and normal yields for farms shifted from production of Shade-grown cigar-leaf (type 61) wrapper tobacco to production of Cigar-binder (types 51 and 52) tobacco or Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco.
724.65 Approval of allotments and marketing quotas and notices of farm acreage allotments.
724.66 Application for review.
724.67 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain, or shifted from production of Cigar-binder (types 51 and 52) tobacco and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco to production of Shade-grown cigar-leaf (type 61) wrapper tobacco.
724.68 Transfer of farm marketing quota.
724.69 Lease and transfer of tobacco acreage allotment — Cigar-binder (types 51 and 52) and Cigar-filler and Binder (types 42, 43, 44, and 53) tobacco.
724.70 Transfer of Fire-cured, Dark air-cured, and Virginia sun-cured tobacco allotments by lease, sale, or by owner under section 318 of the act.
724.71 Transfer of tobacco farm acreage allotment for farms affected by a natural disaster.
724.72 Surrender and reallocation of old farm acreage allotments for Cigar-binder (types 51 and 52) and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco.

IDENTIFICATION OF TOBACCO, MARKETING AND OTHER DISPOSITION OF TOBACCO, AND PENALTIES

724.79 Identification of kinds of tobacco.
724.80 Disposition of excess tobacco.
724.81 Issuance of producer marketing cards.
724.82 Extent to which marketings from a farm are subject to penalty.
724.83 Claim stamping and replacing marketing cards.
724.84 Invalid cards.
724.85 Misuse of marketing cards.
724.86 Identification of marketings, excluding cigar tobacco.
724.87 Identification of marketings of cigar tobacco.
724.88 Rate of penalty.
724.89 Persons to pay penalty.
724.90 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.
724.91 Producers penalties; false identification; failure to account; canceled allotments.
724.92 Payment of penalty.
724.93 Request for return of penalty.

RECORDS AND REPORTS

724.95 Producer's records and reports.
724.96 Warehouseman's records and reports.
724.97 Dealer's records and reports, excluding cigar tobacco buyers.
724.98 Dealers exempt from regular records and reports, excluding cigar tobacco buyers.
724.99 Cigar tobacco buyer's records and reports.
724.100 Cigar tobacco buyers and loan organizations not exempt from regular records and reports.
724.101 Records and reports of truckers and persons redrying, prizing, or stemming tobacco.
724.102 Separate records and reports from persons engaged in more than one business.
724.103 Failure to keep records and make reports or making false report or record.
724.104 Examination of records and reports.
724.105 Length of time records and reports are to be kept.
724.106 Information confidential.

RESTRICTION ON USE OF DDT AND TDE

724.110 Determination of use of DDT and TDE.

AUTHORITY: The provisions of this subpart issued under secs. 301, 313, 314, 316, 318, 363, 372–375, 377, 378, 52 Stat. 38 as amended, 47 as amended, 48 as amended, 75 Stat. 469, as amended, 80 Stat, 120, as amended, 52 Stat. 63, as amended, 65, as amended, 66, as amended, 70 Stat. 206, as amended, 72 Stat. 995, as amended; 7 U.S.C. 1301, 1313, 1314, 1314b, 1314d, 1363, 1372–1375, 1377, 1378.

GENERAL

§ 724.50 Basis and purpose.

The regulations contained in §§ 724.50 through 724.110 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) and are applicable to Fire-cured, Dark air-cured, Virginia sun-cured, Cigar-binder (types 51 and 52), Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1972–73 and subsequent marketing years. They govern the establishment of farm acreage allotments and marketing quotas, the issuance of marketing cards, the identification of marketings of tobacco, the collection and refund of penalties, and the keeping of records and making of reports incident thereto. The applicability of the regulations for any marketing year subsequent to 1972–73 is contingent upon the proclamation of a national marketing quota for such year pursuant to section 312(a) of the Act.

§ 724.51 Definitions.

As used in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless

the context or subject matter otherwise requires. References contained herein to other parts of this chapter or title shall be construed as references to such parts and any amendments now in effect or later issued. The definitions in Parts 718 and 719 of this chapter are hereby incorporated in these regulations unless the context or subject matter of the provisions of these regulations otherwise require.

(a) *Act.* The Agricultural Adjustment Act of 1938, as amended.

(b) *Auction sale.* A marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, including sale of all lots or baskets of tobacco at public auction in sequence at a given time.

(c) *Base period.* The 5 calendar years immediately preceding the year for which farm acreage allotments are currently being established.

(d) *Buyer's corrections account.* The warehouse account of tobacco purchased at auction by the buyer but not delivered to the buyer, or any tobacco returned by the buyer because of rejection by the buyer, lost ticket, or any other valid reason, which is turned back to the warehouseman and supported by an adjustment invoice from the buyer. This account shall include the pounds deducted resulting from returned baskets, short baskets, and short weights, and pounds added resulting from long baskets and long weights, which buyers debit or credit to the warehouseman and support with adjustment invoices.

(e) *Carryover tobacco.* Tobacco produced prior to the current calendar year which has not been marketed or otherwise disposed of prior to the beginning of the marketing year for the current crop.

(f) *Current year.* The calendar year for which acreage allotments are being established, or tobacco history acreage or normal yields are being determined, or the farm is being considered under the provisions of the marketing quota program.

(g) *Dealer or buyer.* A person who engages to any extent in the business of acquiring or selling tobacco in the form normally marketed by producers.

(h) *Director.* The Director, or Acting Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(i) *Excess tobacco.* For a farm for the current year that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm times the number of acres harvested in excess of the farm acreage allotment, plus any carryover excess tobacco.

(j) *Floor sweepings.* The actual quantity of scraps of tobacco or leaves other than bundles of tobacco, which accumulate on the warehouse floor in the regular course of business which are sold in the untied form in which acquired and sales and resales of such tobacco: *Provided,* That floor sweepings exceeding the pounds determined by multiplying the total first sales of tobacco at auction for the season for the warehouse by the percentage below shall be deemed to be leaf account tobacco:

Kind of tobacco	*Percentage*
Fire-cured, Dark air-cured, and Virginia sun-cured.	0.02 (two-hundredths of 1 percent).

Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

(k) *Leaf account tobacco.* All tobacco purchased or otherwise acquired by or for the account of a warehouse and shall include, but not be limited to, tobacco from buyers corrections account, and sales and resales of such tobacco, scrap tobacco obtained through grading tobacco for farmers or furnishing farmers curing or stripping space, floor sweepings purchased from another warehouseman or dealer, and floor sweepings deemed to be leaf account tobacco under paragraph (j) of this section.

(l) *Market.* The disposition of tobacco in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift between living persons. "Marketing" and "Marketed" shall have corresponding meanings to the term "market".

(m) *Marketing quota for a farm.* The actual production of tobacco on the farm acreage allotment, which shall be the average yield per acre of the entire acreage of tobacco harvested on the farm times the farm acreage allotment.

(n) *Marketing year.* The period beginning October 1 of the year in which the tobacco is produced and ending September 30 of the following year.

(o) *Marketing recorder.* Any employee of the U.S. Department of Agriculture, or any employee of an Agricultural Stabilization and Conservation Service (ASCS) county office, whose duties involved the preparation and handling of records and reports pertaining to the identification of marketing of tobacco.

(p) *New farm.* A farm for which a tobacco allotment is established in the current year, and for which there is no tobacco history acreage in the base period (except an allotment established as a result of a transfer by sale or by owner for Fire-cured, Dark air-cured, or by Virginia sun-cured under § 724.70, or an allotment established as the result of acreage reallocated for Cigar-binder (types 51 and 52) and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco under § 724.72). If, in accordance with applicable law and regulations, no tobacco acreage allotment was determined for the farm for any year of the base period, any production of tobacco on such farm during the base period shall not be considered in determining whether the farm is a new farm. The term "tobacco history acreage" as used in this paragraph is defined in § 724.57.

(q) *Nonauction sale.* Any first marketing of tobacco other than by a sale at auction.

(r) *Old farm.* A farm on which there is tobacco history acreage in 1 or more years of the base period.

(s) *Pound.* The amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by a producer, would equal 1 pound standard weight.

(t) *Resale.* The disposition by sale, barter, exchange, or gift between living persons, of tobacco which has been marketed previously.

(u) (1) *Sale.* The first marketing of cigar-filler and cigar-binder farm tobacco on which the gross amount of the sale price therefor has been or could be readily determined.

(2) *Sale date.* The date on which the gross amount of the sale price of a first marketing of tobacco is determined.

(v) *Sale day.* The period at the end of which the warehouseman bills to buyers the tobacco purchased by them during such period.

(w) *Scrap tobacco.* The residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(x) *Suspended sale.* Any first marketing of tobacco at a warehouse sale for which the sale is not identified by the end of the sale day by the marketing card (including sale memo, where applicable) issued for the farm where the tobacco was produced.

(y) *Tobacco.* Fire-cured tobacco (types 21, 22, 23, and 24); Dark air-cured tobacco (types 35 and 36); Virginia sun-cured tobacco (type 37); Cigar-binder tobacco (types 51 and 52); and Cigar-filler and Binder tobacco (types 42, 43, 44, 53, 54, and 55) as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture. As used herein "cigar tobacco" means the latter two kinds of this paragraph.

(z) *Tobacco available for marketing.* All tobacco produced on a farm, including carryover tobacco, which has not been marketed or disposed of so that it cannot be marketed.

(aa) *Trucker.* A person who trucks or hauls tobacco for producers, or any other persons.

(bb) *Warehouseman.* A person who engages in the business of holding sales of tobacco at public auction.

§ 724.52 Extent of determinations, computations, and rule for rounding fractions.

(a) *General.* If rounding is prescribed herein, computations shall be carried to two decimal places beyond the number of decimal places required, and digits of 50 or less beyond the required number of decimal places shall be dropped; if 51 or more, the last required decimal place shall be increased by one.

(b) *Allotments.* Farm acreage allotments shall be determined in hundredths and any allotment of less than 0.01 acre shall be increased to 0.01 acre. For example, 2.5536 equals 2.55; 2.550 equals 2.55; 2.551 equals 2.56; 2.5582 equals 2.56; and 0.0001 equals 0.01.

(c) *Percent excess.* The percentage of excess tobacco available for marketing

FEB 5 1972 XUM

from a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths percent and calculations thereof rounded to the nearest tenth percent. For example, 6.732 percent would be 6.7 percent; 6.750 percent would be 6.7 percent; 6.751 percent would be 6.8 percent; and 6.782 percent would be 6.8 percent.

(d) *Converted rate of penalty.* The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and calculations thereof rounded to the nearest hundredth of a cent. For example, expressions in tenths calculated at 6.732 cents would be 6.7 cents; 6.750 cents would be 6.7 cents; 6.751 cents would be 6.8 cents; and 6.782 cents would be 6.8 cents and expressions in hundredths calculated at 0.0536 cent would be 0.05 cent; 0.0550 cent would be 0.05 cent; 0.0551 cent would be 0.06 cent; and 0.0582 cent would be 0.06 cent.

(e) *Amount of penalty.* The amount of penalty on any lot of tobacco marketed shall be expressed in dollars and cents and calculations thereof rounded to the nearest cent. For example, $10.5536 would be $10.55; $10.550 would be $10.55; $10.551 would be $10.55 and $10.5582 would be $10.56.

§ 724.53 Supervisory authority of State ASC committee.

The State committee may take any action required by the regulations in this part which has not been taken by a county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by a county committee which is not in accordance with the regulations in this part, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations in this part.

§ 724.54 Instructions and forms.

The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by and the instructions shall be issued by the Deputy Administrator.

§ 724.55 Farms divided or combined.

The provisions of Part 719 of this chapter shall apply to allotments and history acreages for the base period for farms that are reconstituted by division or combination.

Acreage Allotments, History Acreage and Normal Yields

§ 724.57 Determination of preliminary acreage allotments and tobacco history acreage for old farms.

(a) *Determination of preliminary acreage allotments.*—(1) *Farms with history acreage in base period.* A preliminary farm acreage allotment shall be determined for each farm which has tobacco history acreage, as defined and explained in paragraph (b) of this section, in the base period, except that no preliminary farm acreage allotment shall be established in the current year under any one of the following conditions: (i) The only tobacco history acreage credited to the farm during the entire base period is history acreage restored because the allotment was reduced for violation of the regulations in this part; (ii) A new farm allotment was established in any prior year but was cancelled for such year and the farm had no other tobacco history acreage during the base period; (iii) an allotment was pooled under Part 719 of this chapter but was cancelled; or (iv) the county committee determines that the farm has been retired from agricultural production and the farm was not or could not have been acquired under right of eminent domain by the acquiring person or agency. This subdivision shall not preclude the determination of a preliminary acreage allotment for an old farm returned to agricultural production if the allotment for the retired land was not allocated to other land contained in the farm of which the retired land was a part, or for a farm for which an acreage allotment may be determined under the provisions of § 724.67(a).

(2) *Preliminary farm acreage allotments.* The preliminary farm acreage allotment for the current year for a farm which qualifies for a preliminary farm acreage allotment under subparagraph (1) of this paragraph shall be the same as the allotment (prior to lease and transfer and prior to reduction for violation) for the preceding year: *Provided,* That if the tobacco history acreage for the farm in neither of the two immediately preceding years was as much as 75 percent of the allotment (after any violation), the preliminary acreage allotment shall be the larger of (not to exceed the allotment for the preceding year): (i) The largest tobacco history acreage in either of the 2 preceding years, or (ii) the average tobacco history acreage for the base period.

(b) *Determination of tobacco history acreage.* Tobacco history acreage shall be determined for each farm for which a tobacco farm acreage allotment has been established for the current year.

(1) *Farm acreage allotment fully preserved.* The farm acreage allotment is fully preserved as tobacco history acreage for any year if: (i) (*a*) In such year or either of the two immediately preceding years the sum of (*1*) the final tobacco acreage as determined under Part 718 of this chapter, (2) the acreage leased and transferred from the farm, and (3) the acreage regarded as planted under the conservation practices determined pursuant to Part 719 of this chapter, was as much as 75 percent of the allotment after any reduction for violation. (If an erroneous notice of allotment was applicable, the smaller of the correct or the erroneous notice shall be used to determine whether 75 percent planting provision has been met); or (*b*) in such year or either of the 2 immediately preceding years the farm acreage allotment was in the eminent domain pool; or (ii) the farm consists of federally owned land for which a restrictive lease is in effect prohibiting the production of tobacco. (Federally owned land as used in this paragraph means land owned by the Federal Government or any department, bureau, or agency thereof, or by any corporation, all of the stock of which is owned by the Federal Government.)

(2) *Computed history acreage.* If the farm acreage allotment is not fully preserved as tobacco history acreage under subparagraph (1) of this paragraph, the tobacco history acreage shall be the sum of the acreages (not to exceed the farm acreage allotment) as follows:

(i) Final tobacco acreage.

(ii) Acreage regarded as planted under the conservation programs and conservation practices determined pursuant to Part 719 of this chapter.

(iii) Acreage leased and transferred from the farm.

(iv) Acreage reduced for violation of the regulations in this part.

(3) *Adjustment of tobacco history acreage for abnormal weather or disease.* If the county committee determines (with the approval of a representative of the State committee) that for any year the sum of the final tobacco acreage, any acreage transferred from the farm, and the acreage regarded as planted to tobacco under the conservation practices, is less than 75 percent of the allotment (after any reduction for violation) because of abnormal weather or disease, the tobacco history acreage for such year shall be adjusted to become the smaller of (i) the allotment (prior to any reduction for violation), or (ii) the sum of the final tobacco acreage for the farm, the additional acreage which the county committee determines (with the approval of a representative of the State committee) would have been included in the final acreage except for abnormal weather or disease, any acreage leased and transferred from the farm, the acreage regarded as planted to tobacco under the conservation programs and conservation practices, and the amount of any reduction for violation. Any adjustment in tobacco history acreages because of abnormal weather or disease shall not be considered as acreage devoted to tobacco in determining whether or not 75 percent of the allotment is planted. No adjustment for abnormal weather or disease shall be made unless the farm operator requests such an adjustment in writing to the county committee no later than September 1 of the crop year involved.

(4) *Zero allotment farms.* A farm for which a farm acreage allotment of zero was established shall not be credited with any tobacco history acreage.

(5) *Allotments in eminent domain pool.* The farm acreage allotment in the eminent domain pool, as provided in Part 719 of this chapter, shall be considered fully planted during the years in the pool, including any year in which the pooled allotment is released by the displaced owner to the county committee for reapportionment to other farms in the county. The tobacco history acreage shall be the same as the pooled allotment.

(6) *All history acreage is restored history acreage.* A farm shall be considered to have no tobacco history acreage during the base period and shall not be considered an old farm if the only tobacco history acreage computed for the farm during the base period consists of tobacco history acreage restored from a reduction of the farm acreage allotment for violation of the regulations in this part.

(7) *Tobacco history acreage for new farms.* The tobacco history acreage for a farm for the year it received an allotment as a new farm shall be the same as the new farm allotment if as much as 75 percent of the allotment is planted in such year. If less than 75 percent of the new farm allotment is planted, the tobacco history acreage shall be the same as the planted acreage. No adjustment for abnormal weather or disease shall be made in the tobacco history acreage for the farm for the year it was a new farm.

§ 724.58 Determination of old farm tobacco acreage allotments.

The preliminary allotments determined for all old farms pursuant to § 724.57 shall be adjusted uniformly so that the total of such allotments for old farms plus a reserve acreage available for adjusting inequities in acreage allotments for old farms and for correcting errors in old farm allotments shall not exceed the national acreage allotment less that part of such reserve acreage set aside for establishing new farm allotments.

§ 724.59 Determination of normal yields for old farms.

The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during any of the years of the base period for which data are available, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The normal yield first determined for a farm for any year in accordance with the foregoing provision shall serve as the normal yield for the farm for all purposes in connection with the tobacco marketing quota program for the year for which such normal yield is determined.

§ 724.60 Correction of errors and adjusting inequities in acreage allotments for old farms.

(a) *General.* Notwithstanding the limitations contained in any other section of this subpart, the farm acreage allotment for each kind of tobacco established for an old farm may be increased to correct an error or adjust an inequity if the county committee determines, with the approval of a representative of the State committee, that the increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotment for other old farms in the county in which the farm is located. An amount not to exceed 1 percent of the national acreage allotment for each kind of tobacco minus that part of the national reserve set aside for establishing new farm allotments shall be made available for adjusting inequities and for correcting errors. The reserve acreage for adjusting allotments under this paragraph will be prorated based on the relationship of each State's preliminary acreage allotment to the national total. The national office will advise State offices of the amount. Correction of errors shall be made out of the reserve acreage before allotments are adjusted for inequities.

(b) *Basis for adjustment.* Acreage increases to adjust inequities in acreage allotments shall be made on the basis of the past farm acreage and past farm acreage allotments of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The total of all adjustments in old farm allotments under this paragraph shall not exceed the acreage allocated for such purpose. The sum of adjustments for farms in a county owned, operated, or controlled by the State, county and community committeemen and the county executive director, shall not be larger in relation to the sum of the preceding year's allotments for such farms than the sum of the adjustments for other farms in such county in relation to the preceding year's allotments for such farms.

(c) *CR, CCP, and CAP farms.* The allotment for a farm under a conservation reserve contract or a farm under a cropland conversion program agreement, or land under a cropland adjustment agreement shall be given the same consideration under this section as the allotment for any other old farm.

(d) *Approved acreage.* Acreage approved for a farm under this section becomes a part of the farm acreage allotment.

§ 724.61 Time for making reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

Any reductions made with respect to a farm's acreage allotment for the current year for any of the reasons provided for in § 724.95, excluding paragraph (c), shall be made no later than: (a) April 1 of the current year in the State of Virginia; or (b) May 1 of the current year in all other States. If the reduction cannot be made by such dates for the current year, the reduction shall be made with respect to the acreage allotment next established for the farm, but no later than by corresponding dates in a subsequent year: *Provided, however,* That no reduction shall be made in the acreage allotment for any farm for a violation if the acreage allotment for such farm for any prior year was reduced on account of the same violation.

§ 724.62 Determination of acreage allotments for new farms.

(a) *General.* The acreage allotment, other than an allotment made under § 724.67(a), for a new farm shall be that acreage which the county committee, with approval of the State committee, determines is fair and reasonable for the farm, taking into consideration the past tobacco experience of the farm operator, the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That the acreage allotment so determined shall not exceed 50 percent (75 percent for Cigar binder and Cigar-filler and Binder tobacco) of the average of the acreage allotments established for two or more but not more than five old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco: *And provided further,* That, if the acreage planted to tobacco on a new tobacco farm is less than 75 percent of the tobacco acreage allotment otherwise established for the farm pursuant to this section, such allotment shall be automatically reduced to the planted tobacco acreage on the farm.

(b) *Eligibility requirements for operator.* A tobacco acreage allotment shall not be established for a new farm unless the operator meets each of the following conditions:

(1) *Owner and operator of farm.* The operator must be the sole owner of the farm. However, both husband and wife shall be considered the sole owner and operator of a farm which they own jointly. For Cigar binder and Cigar-filler and Binder tobacco, the operator need not own the farm.

(2) *Interest in another farm.* The operator shall not own or operate another farm in the United States with a current year allotment or quota for any kind of tobacco.

(3) *Availability of equipment and facilities.* The operator must own, or have readily available, adequate equipment and other facilities necessary to successfully produce the kind of tobacco requested.

(4) *Previous new farm allotment or quota.* Operator must not have been approved for a new farm allotment or quota for any kind of tobacco in the preceding 3 years.

(5) *Experience.*—(i) *Fire-cured, Dark air-cured and Virginia sun-cured.* Operator must have had experience in producing, harvesting, and marketing the kind of tobacco requested in the application. Such experience must have been gained: (*a*) By being a sharecropper, tenant, or farm operator (bona fide tobacco production experience gained by a person as a member of a partnership shall be accepted as experience gained in meeting this requirement); (*b*) during at least two of the 5 years immediately preceding the year for which the new farm allotment is requested (if the

FEB 5 72
XUM

operator was in the armed services during the 5-year period, the period shall be extended 1 year for each year of military service during the 5 years, but in no case shall the experience period extend more than 10 years); and (c) on a farm having a tobacco allotment or quota of the kind of tobacco requested in the application established for such years.

(ii) *Cigar binder and Cigar-filler and Binder.* Operator shall have had experience in any prior year in the production of tobacco as a farm owner, farm operator, sharecropper, tenant, wagehand, or laborer on a farm which produced the kind of tobacco for which an allotment is requested in the application.

(6) *Income requirement (except cigar tobacco).* Where the farm is operated by an individual, the operator must expect to obtain more than 50 percent of his current year income from farming. If operated by a partnership, each partner must expect to obtain more than 50 percent of his current year income from farming. If operated by a corporation, the corporation must have no major corporate purpose other than ownership or operation of such farm, and farming must provide its officers and general manager with more than 50 percent of their expected income for the current year. Salaries and dividends from the corporation shall be considered as income from farming.

(i) *Operator's income from farming.* (a) The estimated return from home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm shall be included in addition to the value of agricultural products sold.

(b) The estimated return from the production of the requested quota shall not be included.

(ii) *Spouse's income.* The spouse's farm and nonfarm income shall be included in the operator's income computation when the spouse is also part owner.

(7) *Special provision for low-income farmers (except cigar tobacco).* The county committee may waive the income provisions in this section provided they determine that the farm operator's income, from both farm and nonfarm sources, is so low that it will not provide a reasonable standard of living for the operator and his family, and a State committee representative approves such action. In waiving the income provisions the county committee must exercise good judgment to see that their determination is reasonable in the light of all pertinent factors, and that this special provision is made applicable only to those who qualify. In making their determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the individual's ability to provide a reasonable standard of living for himself and his family.

(c) *Eligibility requirements for farms.* A tobacco acreage allotment shall not be established for a new farm unless the farm meets each of the following eligibility conditions.

(1) *Current allotment or quota.* The farm must not have on the date of approval of a new farm acreage allotment an allotment or quota for any kind of tobacco.

(2) *Land, soil, and topography.* The available land, type of soil, and topography of the land on the farm for which the allotment is requested is suitable for the production of the kind of tobacco requested in the application. Also, the production of such kind of tobacco on the farm ordinarily will not result in an undue erosion hazard under continuous production.

(3) *Eminent domain agency.* The farm cannot include land acquired by an agency having right of eminent domain until 5 years after the former owner was displaced.

(4) *Reconstitution—owner designation.* A farm which includes land which has no tobacco allotment because the owner did not designate a tobacco allotment for such land when the parent farm was reconstituted pursuant to Part 719 of this chapter is not eligible for a new farm tobacco allotment for 5 years beginning with the year the reconstitution became effective.

(d) *Filing applications.* In order to be considered for a new farm tobacco acreage allotment the farm operator must file a written application at the office of the county committee by February 15 of the calendar year for which the allotment is requested, except, that in the case of Cigar binder (types 51 and 52) tobacco and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco, the application shall be so filed not later than March 5 of the current year.

(e) *Downward adjustment.* The acreage allotments established as provided in this section for each kind of tobacco shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms.

(f) *Cancellation of new farm allotment.* Any improperly established new farm allotment is subject to cancellation under the provision in § 724.95(d).

(g) *Permanent transfer of tobacco allotment.* Any farm from which the entire farm allotment for Fire-cured, Dark air-cured, or Virginia sun-cured tobacco is transferred by sale, lease, or by owner to another farm owned or controlled by him, under § 724.70, shall not be eligible for a new farm tobacco allotment for the kind transferred during the 5 years following the year in which such transfer is made.

(h) *Eligibility for surrendered acreage for Cigar binder and Cigar-filler and Binder tobacco.* Any new farm allotment established under this section may also be considered by the county committee to receive additional acreage from the acreage surrendered to the State committee under § 724.72.

§ 724.63 Determination of normal yields for new farms.

The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yield for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 724.64 Determination of acreage allotments and normal yields for farms shifted from production of Shade-grown cigar-leaf (type 61) wrapper tobacco to production of Cigar-binder (types 51 and 52) tobacco or Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco.

(a) Notwithstanding the foregoing provisions of this part, an allotment may be established for a farm for the current year which in the preceding year was producing Shade-grown cigar-leaf (type 61) wrapper tobacco but on which Cigar-binder (types 51 and 52) tobacco or Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco will be produced in the current year. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 724.67(c). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county committee so as to be fair and equitable in relationship to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowance for drought, flood, hail, other abnormal weather conditions, plant bed and other diseases; land, labor and equipment available for the production of tobacco, crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph shall be eligible for consideration for adjustment under § 724.60.

(b) The normal yield for any farm for which an allotment is established under paragraph (a) of this section shall be that yield per acre which the county committee determines by appraisal, taking into consideration available yield data for the land involved and yields established as provided in § 724.59 for similar farms in the community.

§ 724.65 Approval of allotments and marketing quotas and notice of farm acreage allotments.

(a) All farm acreage allotments and yields shall be determined by the county committee of the county in which the farm is located and shall be reviewed by a representative of the State committee. The State committee may revise or require revision of any determination made under the regulations in this part. All acreage allotments and yields shall be approved by a representative of the State committee, and no official notice of acreage allotment shall be mailed to a farm operator until such allotment has been so approved, except that revised acreage allotment notices without such prior approval may be

mailed in cases (1) resulting from reconstitutions that do not involve the use of additional acreage or (2) of allotment reductions due to failure to return marketing cards where a satisfactory report of disposition of tobacco is not otherwise furnished as provided in § 724.95.

(b) An official notice of the farm acreage allotment and marketing quota shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment is established. Insofar as practical, all allotment notices shall be mailed in time to be received prior to the date of any tobacco marketing quota referendum. A copy of such notice containing thereon the date of mailing shall be maintained for not less than 30 days in a conspicuous place in the county office and shall thereafter be kept available for public inspection in the office of the county committee. A copy of such notice certified as true and correct shall be furnished without charge to any person interested in the farm for which the allotment is established.

(c) If the records of the county committee indicate that the allotment established for any farm may be changed because of (1) a violation of the marketing quota regulations for a prior marketing year, (2) removal of the farm from agricultural production, (3) division of the farm, or (4) combination of the farm, mailing of the notice of such allotment may be delayed: *Provided,* That the notice of allotment for any farm shall be mailed no later than (i) April 1 of the current year in the State of Virginia, or (ii) May 1 of the current year in all other States.

(d) If the county committee determines with the approval of the State executive director, that (1) the official written notice of the farm acreage allotment issued for any farm erroneously stated the acreage allotment to be larger than the correct allotment, and (2) the error was not so gross as to place the operator on notice thereof, and that the operator, relying upon such notice and acting in good faith (i) materially changed his position to enable him to produce the allotment crop (for example obligated expenditures of funds for land preparation, additional equipment and labor) or (ii) has planted an acreage of tobacco in excess of the correct farm acreage allotment, the acreage allotment shown on the erroneous notice shall be deemed to be the tobacco acreage allotment for the farm for all purposes in connection with the tobacco marketing quota program for the current year, except that in determining whether or not 75 percent of the allotment is planted, the provisions of § 724.57 shall be followed.

§ 724.66 Application for review.

(a) *Appeal of allotment and marketing quota.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application in writing with the county ASCS office to have such allotment and marketing quota reviewed by a review committee.

(b) *Farms having excess tobacco acreage, appeal of determination of planted and excess acreage.* Any producer, after official notification of excess tobacco acreage is mailed to him may, within 15 days after the mailing of such notice, file application in writing with the county ASCS office to have such determination of excess acreage and planted acreage (including the farm allotment if not previously reviewed by a review committee) reviewed by a review committee.

(c) *Procedure.* The procedure governing reviews by review committee is contained in Part 711 of this chapter, which is available at the county ASCS office.

§ 724.67 Reallocation and release and reapportionment of allotments determined for farms acquired by an agency having the right of eminent domain, or shifted from production of Cigar-binder (types 51 and 52) tobacco and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco to production of Shade-grown cigar-leaf (type 61) wrapper tobacco.

(a) The determination of allotments for farms acquired by an agency having the right of eminent domain, the transfer of such allotments to a pool, and reallocation from the pool shall be administered as provided in Part 719 of this chapter. The normal yield for each farm to which a reallocation is made as provided in this paragraph shall be determined as provided in § 724.59 for determining normal yields for old farms.

(b) The displaced owner of a farm may, not later than April 1 of the current year in the State of Virginia, and not later than May 1 of the current year in all other States, release in writing to the county committee for the current year all or part of the acreage for the farm in a pool under Part 719 of this chapter for reapportionment for the current year by the county committee to other farms in the county having allotments for the same kind of tobacco. The county committee may reapportion, not later than May 1 of the current year in the State of Virginia, and not later than June 1 of the current year in all other States, the released acreage or any part thereof to other farms in the county on the basis of the past farm acreage and past farm acreage allotments for the same kind of tobacco; land, labor, equipment available for the production of such kind of tobacco; crop rotation practices; and soil and other physical factors affecting the production of such kind of tobacco. The allotment acreage released shall, for tobacco history acreage and future allotment purposes, be considered to have remained in the pool as though it had not been released therefrom.

(c) The allotment determined or which would have been determined for any land which has been used for the production of Cigar-binder (types 51 and 52) tobacco or Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco, but which will be shifted in the current year to the production of Shade-grown Cigar-leaf (type 61) wrapper tobacco shall be placed in a State pool and shall be available to the State committee to establish allotments pursuant to § 724.64 (a).

(d) No release and reapportionment of allotment acreage hereunder shall be the result of any private negotiations between individuals. Any acreage released shall be released to the county committee and such acreage shall be reapportioned only by the county committee.

§ 724.68 Transfer of farm marketing quota.

There shall be no transfer of farm marketing quotas except as provided in §§ 724.69 through 724.72 and Part 719 of this chapter.

§ 724.69 Lease and transfer of tobacco acreage allotment—Cigar-binder (types 51 and 52) and Cigar-filler and Binder (types 42, 43, 44, and 53) tobacco.

(a) *Farms eligible.* Subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment is established for the current year may lease and transfer all or any part of the farm acreage allotment established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for the same kind of tobacco for use on such farm. The lease and transfer of an acreage allotment shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) *Maximum period.* Transfer of allotments by lease shall not exceed 5 years.

(c) *Filing and approval of transfer agreement—(1) Filing transfer agreement.* The lease and transfer of any allotment or any part thereof from the farm for which the allotment was established to another tobacco farm shall not become effective until a copy of the agreement determined by the county committee to be in compliance with the provisions of this section, is filed with the county committee not later than May 1 of the current year, except that a lease shall be effective if (i) the county committee, with the approval of the State executive director, finds that it was agreed upon no later than May 1 of the current year and (ii) the terms of the lease in writing are filed with the county committee no later than July 31 of the current year. The county committee may redelegate authority to approve leasing agreements to the county executive director. The filing of a properly executed record of transfer of allotment, Form ASCS–375, will be considered to meet the requirements of this subparagraph (1).

(2) *Record of transfer on ASCS–375.* No lease and transfer of any allotment

under this section for 1972 and subsequent crops shall become effective until a record of the transfer has been executed on Form ASCS–375 and filed with the county committee by the parties to the transfer. If the owner and operator of the farm from which transfer by lease is to be made are different persons, both owner and operator shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner's or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations may be met by mail, provided a request is made by the receiving producer.

(d) *Normal yields.* The county committee shall determine a normal yield per acre, in accordance with the provisions of § 724.59 in the case of old farms, and, in the case of new farms, § 724.63 for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than 10 percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment is transferred by more than 10 percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred. In the case of transfers of allotments for 2 or more years, the productivity adjustment and amount of allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

(e) *Allotment acreage considered fully planted.* The amount of allotment acreage which is leased from a farm (prior to any reduction made under this section) shall be considered for the purpose of determining future allotments (and tobacco history acreage) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farms.

(f) *Limit on acreage transferred.* For the 1972 and subsequent crops of Cigar-filler and Binder (types 42, 43, 44, and 53), or Cigar-binder (types 51 and 52) tobacco, the total acreage allotted to any farm after the transfer by lease of tobacco acreage allotment to the farm (the sum of its own allotment and acreage leased and transferred to it after any adjustment in normal yield) shall not exceed 50 percent of the acreage of cropland in the farm, except that in the case of Cigar-filler (types 42, 43, and 44) transfers, the acreage shall be limited to the smaller of 10 acres or 50 percent of the acreage of cropland in the farm.

(g) *New farm allotment.* A new farm allotment shall not be leased or transferred.

(h) *Farms under long-term land-use programs.* A transfer of an allotment to or from a farm covered by a Cropland Adjustment Program agreement shall not be approved if the transferring or receiving farm has the allotment base designated under such program agreement.

(i) *Transfer from the pool.* Allotments in a pool pursuant to Part 719 of this chapter may be eligible for lease and transfer during the 3-year life of the pooled allotment. An agreement to lease and transfer shall not serve to extend the life of such pooled allotment.

(j) *Subleasing and limitation on lease and transfer to and from a farm*—(1) *No subleasing.* No transfer shall be made from a farm receiving allotment under a transfer agreement for the term of the transfer agreement.

(2) *Limitation on lease and transfer to and from a farm for the same crop year.* If a lease and transfer agreement is in effect for any farm, no transfer of allotment shall be made (i) from such farm receiving allotment by transfer or, (ii) to such farm which had allotment transferred from it.

(k) *Revised notices.* An ASCS–375 showing the allotment acreage after lease and transfer shall be issued by the county committee to each of the operators of all farms from which or to which a tobacco allotment acreage is leased under this section.

(l) *Farms in violation.* If consideration of a violation is pending which may result in an allotment reduction for a farm for the current year, the county committee shall delay approval of any lease and transfer of allotment from or to the farm until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for the current crop year before the final date for reducing allotments for violations (see § 724.61) the lease may be approved by the county committee. In any case, if, after a lease and transfer of a tobacco acreage allotment has been approved by the county committee, it is determined that the allotment for the farm from which or to which such acreage is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until the following year.

(m) *Tobacco acreage allotment.* Except with respect to the erroneous allotment notice provisions in § 724.65 and the provisions for review in § 724.66, the term "tobacco acreage allotment" as used herein shall mean the allotment without regard to the application of the provisions of this section.

(n) *Zero allotment farm.* If the allotment for a farm for the current year is reduced to zero, no tobacco allotment acreage for such kind of tobacco may be leased to such farm for the current year.

(o) *Approval after review period.* No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time of filing an application for review, as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(p) *Acreage allotment after lease and transfer.* The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this section shall be the allotment for such farm for the current year only for the purpose of determining (1) excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carryover penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm (see § 724.95). Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer of allotment.

(q) *Cancellation, dissolution, or revision of transfer*—(1) *Cancellation.* Any transfer of allotment under this section which was approved by the county committee in error or on the basis of incorrect information furnished by the parties to the agreement shall be cancelled by the county committee. Such cancellation shall be effective as of the date of approval for purposes of determining eligibility for price support and marketing quota penalties except that such cancellation shall not be effective for the current marketing year for price support and marketing quota penalty purposes if: (i) The transfer approval was made in error or on the basis of incorrect information unknowingly furnished by the parties to the leasing agreement; and (ii) the parties to the leasing agreement were not notified of the cancellation before the tobacco was planted. The provisions of this subparagraph (1) shall not preclude application of the erroneous notice provisions under § 724.65 where such provisions are applicable.

(2) *Dissolution or revision.* A lease agreement may be dissolved or minor revisions made where a request by all parties to the agreement is made in writing to the county committee. Such written notification shall be filed prior to planting the tobacco, except that dissolution or revision shall be effective if (i) the county committee, with the approval of the State executive director, finds that it was agreed upon prior to planting the tobacco and (ii) the terms of the dissolution or revision in writing are filed with the county committee no later than July 31 of the current year. In such a case an official notice of the effective farm acreage allotment reflecting the dissolution or revision shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve or revise the lease is made after the applicable closing time for the current year, but prior to the last crop year for which the lease agreement is effective, the next allotment established for the farm shall reflect the dissolution or revision.

(r) *Reconstituted farm.* The allotment for a farm being divided or combined in the current year shall be the allotment after lease and transfer has been made. Notwithstanding the above, in the case of a division, the county committee shall allocate the acreage that was transferred by lease to the tracts involved in the division as the parent farm owners and operators designate in writing. In the absence of such designation, the county committee shall apportion the leased acreage.

(s) *Consent of lienholder.* No transfer of allotment other than by annual lease shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

§ 724.70 Transfer of Fire-cured, Dark air-cured, and Virginia sun-cured tobacco allotments by lease, sale, or by owner under section 318 of the act.

Based on the present and future outlook of production and disappearance of Fire-cured, Dark air-cured, and Virginia sun-cured tobacco, it has been determined that transfer of tobacco allotments by sale, lease, or by owner will not impair the effective operating of the 1972 and subsequent year's marketing quota or price support programs for such kinds of tobacco. Transfers under section 318 of the Act shall be handled in accordance with this section.

(a) *Persons eligible to file a record of transfer (Form ASCS–375)*—(1) *Sale or lease.* The owner and operator of any old farm as defined in § 724.51 for which a Fire-cured, Dark air-cured, or Virginia sun-cured tobacco allotment is or will be established for a year in which a transfer by sale or lease is to take effect shall be eligible to file a record of transfer for sale or lease of all or any part of such allotment to any other owner or operator of a farm in the same county, and in the same State for Virginia fire-cured (type 21) and Virginia sun-cured (type 37) tobacco. The receiving farm need not be an old farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations may be met by mail, provided a request is made by the receiving producer. In the case of a permanent transfer, such request must be accompanied by a statement signed by all parties to the transaction confirming that the sale has been made.

(2) *By owner.* The owner of any old tobacco farm, as defined in § 724.51 for which a Fire-cured, Dark air-cured, or Virginia sun-cured tobacco allotment is or will be established for the year in which the transfer is to take effect is eligible to file a record of transfer to transfer an allotment, for a term of years designated by the owner, or permanently for any or all of such kinds of tobacco from a farm to another farm in the same county (within the same State for Virginia fire-cured and Virginia sun-cured tobacco) owned or controlled by such owner.

(b) *Filing record of transfer.* A Form ASCS–375, Record of Transfer of Allotment or Quota, shall be filed for transfers to take effect in the current year during the period October 1 of the preceding year and not later than May 1 of the current year. The State committee may authorize the acceptance of a late-filed ASCS–375 in cases where it determines that the late filing resulted from misunderstanding of the filing requirements after oral discussion between the applicant and a representative of the county committee.

(c) *Where to file record of transfer.* Record of transfer shall be filed with the county committee of the county where the transferring farm is administratively located.

(d) *Maximum period of transfer by lease.* Transfer of allotments by lease shall not exceed 5 years.

(e) *When transfer is effective.* A transfer shall not be effective until a record of such transfer has been executed and the county committee determines the transfer to be in compliance with the provisions of this section. Approval by the county committee shall be shown on the ASCS–375. The county committee may redelegate authority to approve transfer agreements to the county executive director.

(f) *Productivity adjustment*—(1) *Reduction in farm allotments being transferred.* The county committee shall determine a normal yield per acre, in accordance with the provisions of § 724.59 in the case of old farms and § 724.63 in the case of new farms for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is transferred. (For across county line transfers, the county committee for the county in which each farm is located shall determine the normal yield.) If the normal yield for the farm to which transfer is made for the year the transfer is to take effect exceeds the normal yield for the farm from which transfer is made for the year the transfer is to take effect by more than 10 percent, the allotment so transferred shall be reduced for differences in farm productivity. The county committee shall determine the amount of allotment to be transferred by sale, lease, and by owner, where productivity adjustment is required under this paragraph as follows: (i) Multiply the normal yield established for the farm from which the allotment is being transferred by the acreage being transferred, then (ii) divide the result by the normal yield established for the farm to which the allotment is transferred. The amount of allotment so transferred from a farm shall be the full amount and the amount of allotment so transferred to a farm shall be the reduced amount. In the case of temporary transfers of allotment for 1 or more years by lease or by owner, the productivity adjustment and amount of allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

(2) *Adjustment in farm history acreage.* The farm history acreage for the immediately preceding 5 years on farms from which and to which permanent transfer of allotment is made shall be adjusted by the county committee for each of the base years to correspond with the amount of allotment transferred between the farms. In the case of temporary transfers of allotment for one or more years by lease or by owner, there shall be no reduction in farm history acreage on the farm from which the transfer is made and no farm history acreage shall be transferred to the receiving farm.

(g) *Sale and lease transfers—limit on amount of acreage transferred.* The total of the Fire-cured, Dark air-cured, or Virginia sun-cured tobacco allotment which may be transferred for each kind of tobacco, by sale, lease, or by owner, to a farm shall not exceed 10 acres of allotment: *Provided*, That the total of each acreage for each kind of tobacco allotted to any farm after such transfer (the sum of its own allotment and the acreage transferred after any adjustment in normal yields for the current year) shall not exceed 50 per centum of the acreage of cropland in the farm. The cropland in the farm for the current year for purposes of such transfers shall be the total cropland as defined in Part 719 of this chapter. If the farm to which allotment is to be transferred is made up of two or more separately owned tracts, each separately owned tract shall be considered a farm for the purpose of applying limitations of this paragraph.

(h) *No transfer of new farm allotment.* No transfer of allotment shall be made from a farm if for the current year or within the three immediately preceding crop years such farm received a new farm tobacco allotment.

(i) *Additional conditions applicable to transfer*—(1) *No permanent transfer by sale or by owner from farm to which a permanent transfer by sale or by owner was made within 3 years.* No permanent

transfer by sale or by owner shall be made from any farm to which an allotment was permanently transferred by sale or by owner within the three immediately preceding crop years.

(2) *Limited years for temporary transfer to operator's farm.* A transfer requested on a temporary basis to a farm controlled but not owned by the applicant shall be approved only if the applicant will be the operator of the farm to which the transfer is to be made for each year of the period for which the transfer is requested. When the applicant for whom such transfer has been approved no longer is the operator of the receiving farm due to conditions beyond his control, the transfer shall remain in effect unless the transfer is terminated under paragraph (v) of this section. Conditions beyond the operator's control shall include, but not be limited to, death, illness, incompetency, or bankruptcy of such person.

(j) *Transfer of pooled allotment.* Allotments established for a farm as pooled allotment under Part 719 of this chapter may be transferred (1) on a permanent basis during the 3-year life of a pooled allotment or (2) on a temporary basis for a term of years not to exceed the remaining number of crop years of such 3-year period. A temporary agreement to transfer shall not serve to extend the life of such pooled allotment.

(k) *Consent of lienholder.* No transfer of allotment, other than by annual lease, shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(l) *New farm eligibility.* Any farm from which the entire farm allotment is transferred shall not be eligible for a new farm tobacco allotment for the kind transferred during the 5 years following the year in which such transfer is made.

(m) *Farms under long-term land-use programs.* Transfer of an allotment from a farm covered by a Conservation Reserve Program (CR), Cropland Adjustment Program (CAP), or Cropland Conservation Program (CCP), shall be subject to the following conditions:

(1) *CAP and CCP (1966 and 1967).* (i) A temporary transfer of an allotment shall not be approved if the transferring or receiving farm has the allotment crop base for a kind of tobacco designated under such program agreement. (ii) A permanent transfer by sale or by owner of an allotment may be approved for any farm under a CAP or CCP agreement.

(2) *Adjustments in payment rates.* Any transfer of an allotment hereunder shall be made subject to an appropriate adjustment in the rates of payment under such contract or agreement but no adjustment shall be made in such contract or agreement on the farm to which a transfer is made.

(n) *Subleasing prohibited.* No transfer shall be made from a farm receiving allotment under a transfer agreement for the term of the transfer agreement.

(o) *Limitation on transfer to and from a farm in the same year.* No transfer of allotment for any year shall be made (1) from a farm receiving allotment by transfer for such year or (2) to a farm which had allotment transferred from it for such year.

(p) *Transfer of history acreage, farm base, and marketing quota.* Permanent transfer of allotment shall have the effect of transferring history acreage, farm base, and marketing quota attributable to such allotment. In the case of a transfer by lease, the transferred allotment shall be considered for purposes of establishing future allotments to have been planted on the farm from which such allotment was transferred.

(q) *Liability of operators of farms receiving transferred acreage by lease.* The acreage allotment for a farm determined after transfer by lease shall be the allotment for such farm for the current year only for the purposes of determining (1) excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carryover penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm (see § 724.95). Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any transfer of allotment by lease.

(r) *Reconstituted farms.* The allotment for a farm being divided or combined in the current year shall be the allotment for the farm after transfer by lease has been made. Notwithstanding the above, in the case of a division, the county committee shall allocate the acreage that was transferred by lease to the tracts involved in the division as the parent farm owners and operators designate in writing. In the absence of such designation, the county committee shall apportion the leased acreage.

(s) *Farm in violation.* The maximum acreage that can be transferred from a farm is the allotment for the current year. If a violation on the transferring farm is determined after the transfer but the operator of the receiving farm was not involved in the violation, the allotment so transferred shall not be subject to a reduction: *Provided*, That if the transfer was by lease, when the allotment is restored to the transferring farm the allotment reduction shall be effected.

(t) *Approval of transfers.* The county committee shall approve transfers of allotment only if it determines that an ASCS–375 was timely filed and that the transfer complies with the requirements of this section. No transfer shall be effective until approval as provided under this paragraph is obtained.

(u) *Notice of revised allotments.* The county committee shall issue revised notices (copy of ASCS–375) of farm allotment for each farm affected by the transfer of allotment.

(v) *Cancellation, dissolution, or revision of transfer*—(1) *Cancellation.* Any transfer of allotment and quota under this section which was approved by the county committee in error or on the basis of incorrect information furnished by the parties to the agreement shall be canceled by the county committee. Such cancellation shall be effective as of the date of approval for purposes of determining eligibility for price support and marketing quota penalties except that such cancellation shall not be effective for the current marketing year for price support and marketing quota penalty purposes if: (i) The transfer approval was made in error or on the basis of incorrect information unknowingly furnished by the parties to the leasing agreement; and, (ii) the parties to the leasing agreement were not notified of the cancellation before the tobacco was planted. The provisions of this subparagraph (1) shall not preclude application of the erroneous notice provisions under § 724.65 where such provisions are applicable.

(2) *Dissolution or revision.* A transfer agreement may be dissolved or minor revisions made where a request by all parties to the agreement is made in writing to the county committees. Such written notification shall be filed prior to planting the tobacco.

§ 724.71 Transfer of tobacco farm acreage allotment for farms affected by a natural disaster.

(a) *Designation of counties affected by a natural disaster.* The Deputy Administrator shall determine for any year those counties affected by a natural disaster (including but not limited to hurricane, rain, flash flood, hail, drought, and any other severe weather) which prevents the timely planting or replanting of any or all of the tobacco acreage allotments for any farm in the county. The county committees shall post in the county office a notice of any such determination affecting the county and, to the extent practicable, shall give general publicity in the county to such determination.

(b) *Application for transfer.* The owner or operator of a farm in a county designated for any year under paragraph (a) of this section may file a written application for transfer of tobacco acreage within the farm tobacco allotment for such year to another farm or farms in the same county or in an adjoining county in the same or another State if such acreage cannot be timely planted or replanted because of the natural disaster determined for such year. The application shall be filed with the county committee in which the farm affected by such disaster is located. If the application involves a transfer to an adjoining county, the county committee for the adjoining county shall be consulted before action is taken by the county committee receiving the application.

(c) *Amount of transfer.* The acreage to be transferred shall not exceed the smaller of (1) the farm allotment established under this part less such acreage planted to tobacco and not destroyed by the natural disaster, or (2) the acreage requested to be transferred.

(d) *County committee approval.* The county committee shall approve the transfer if it finds that the following conditions have been met:

(1) All or part of the farm allotment for the farm from which the acreage is to be transferred could not be timely planted or replanted because of the natural disaster and planting was not prohibited by the lease in the case of lands owned by the Federal Government.

(2) One or more of producers of tobacco on the farm from which the acreage is to be transferred will be a bona fide producer engaged in the production of tobacco on the farm to which the acreage is to be transferred and will share in the crop or in the proceeds of the tobacco.

(e) *Cancellation of transfers.* If a transfer is approved under this section and it is later determined that the conditions in paragraph (d) of this section have not been met, the county committee, State committee, or the Deputy Administrator may cancel such transfer. Action by the county committee to cancel a transfer shall be subject to the approval of the State committee or its representative.

(f) *Acreage history credits and eligibility as an old tobacco farm.* Any acreage transferred under this section shall be considered for the purpose of determining future allotments to have been planted to tobacco on the farm from which such allotment is transferred.

(g) *Closing dates.* The closing date for filing applications for transfers with the county committee shall be July 15 of the current year. Notwithstanding such closing date requirement, the county committee may accept applications filed after the closing date upon a determination by the county committee that the failure to timely file an application was the result of conditions beyond the control of the applicant and a representative of the State committee approves such determination.

§ 724.72 Surrender and reallocation of old farm acreage allotments for Cigar-binder (types 51 and 52) and Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco.

(a) *Annual or permanent surrender of acreage allotments to State committee.* Except as provided in this paragraph, all or any part of a farm acreage allotment on which Cigar-binder (types 51 and 52) or Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco will not be produced and which the operator of the farm voluntarily surrenders on an annual basis, or both the owner and operator voluntarily surrenders on a permanent basis, in writing to the State committee by not later than March 5 of the current year, shall be deducted from the allotment of such farm.

(1) For the farm voluntarily surrendering tobacco farm acreage allotment on an annual basis, such acreage will be considered as having been planted on the surrendering farm for the purpose of establishing allotments for subsequent years. For the farm receiving such annual surrendered acreage such acreage shall not be taken into account in establishing future allotments for the farm. The tobacco history acreage for a farm surrendering on a permanent basis shall be adjusted downward to reflect the acreage permanently surrendered.

(2) Acreage allotments shall not be surrendered either annually or permanently (i) from farm owned by the Federal Government or any agency thereof if there is in effect a lease or operating agreement prohibiting the production of Cigar-binder (types 51 and 52) or Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco (ii) from the eminent domain allotment pool if an application for transfer from the pool has been filed in accordance with Part 719 of this chapter, (iii) from new farms, or (iv) from a farm covered by a whole farm Conservation Reserve Contract, by a whole farm Cropland Conservation Program agreement entered into in 1966 and 1967, or by a Cropland Adjustment Program Agreement.

(b) *Reallocation of surrendered acreage allotment.* The acreage voluntarily surrendered on an annual or permanent basis for the current year may be reallocated by the State committee to any farm in any county in the State. In addition, a farm receiving a new farm allotment may be considered for an increase as set forth in § 724.62(h). The State committee shall select the counties to which the surrendered acreage will be reallocated. The county committee shall select the farms to which the surrendered acreage will be reallocated. The State committee shall keep records on both an annual and permanent basis of the source of acreage surrendered. Any acreage surrendered for the current year on an annual basis which is not reallocated by the State committee in the current year shall not be available for use in any subsequent year. Any acreage surrendered for the current year on a permanent basis which is not reallocated by the State committee in the current year may be reallocated in the following year. The county committee for the county receiving surrendered acreage may reallocate the tobacco allotment acreage on an annual or permanent basis to other farms in the county in amounts determined by the county committee to be fair and reasonable on the basis of land, labor, and equipment available for production of Cigar-binder (types 51 and 52) or Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco; crop rotation practices, and the soil and other physical factors affecting the production of tobacco. Surrendered acreage should not be reallocated on a temporary or permanent basis to any farm unless there is assurance from the operator to the county committee that the surrendered acreage being received will be produced. Allotment reallocated to a farm on an annual basis can only be used by the receiving farm for increased production during the current year. Allotment reallocated to a farm on a permanent basis shall be added to the current year allotment if the farm has an allotment or serve to establish an allotment for a farm that does not currently have one. A farm shall be eligible to receive reallocation of surrendered acreage on either or both an annual or permanent basis only if a written request is filed by the farm owner or operator at the office of the county committee not later than March 5 of the current year.

IDENTIFICATION OF TOBACCO, MARKETING AND OTHER DISPOSITION OF TOBACCO, AND PENALTIES

§ 724.79 Identification of kinds of tobacco.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths of a kind and type shall be considered such kind and type without regard to any factor of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" with respect to any farm located in an area in which one or more of a kind and type of tobacco as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture, is normally produced shall include all acreage of tobacco, excluding other kinds subject to marketing quotas, on a farm unless the county committee with the approval of the State committee determines from satisfactory proof furnished by the operator of the farm that a part or all of the production of such acreage has been certified by the Consumer and Marketing Service, U.S. Department of Agriculture, under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind and type of tobacco not subject to marketing quotas. Any amount of tobacco so determined as a kind and type of tobacco not subject to marketing quotas shall be converted to acres on the basis of the average yield per harvested acre of tobacco grown on the farm for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

§ 724.80 Disposition of excess tobacco.

(a) *Where tobacco acreage exceeds the allotment.* (1) The farm operator may dispose of excess tobacco prior to the marketing from the farm of any of the same kind of tobacco by furnishing to the county committee proof satisfactory to the committee that such excess tobacco will not be marketed. Such disposition of excess tobacco, subject to the provision of subparagraph (2) of this paragraph, may take place before harvesting, during harvesting, or after completion of harvesting of the kind of tobacco involved from the farm.

(2) No credit toward liquidating excess acreage shall be given for any excess tobacco disposed of after harvest, but prior to marketing, unless the county committee determines that such tobacco is representative of the entire crop from the farm of the kind of tobacco involved.

(b) *Harvested acreage.* The harvested acreage from a farm shall not include harvested acreage disposed of under this section.

§ 724.81 Issuance of producer marketing cards.

(a) *General.* (1) A marketing card for use in identifying each kind of tobacco shall be issued for the current year for

each farm having tobacco available for marketing. The kind of card to be issued shall be determined pursuant to this section. Cards shall be issued in the name of the farm operator except that (i) cards issued for experimental tobacco shall be issued in the name of the experiment station, (ii) cards issued to a successor-in-interest shall be issued in the name of the successor-in-interest and (iii) where a part of a farm which includes all the tobacco acreage on the farm is cash-rented to one producer, cards shall be issued in the name of the one producer. A marketing card may be issued in the name of a producer who is not the farm operator if the county committee determines pursuant to the procedure in subparagraph (2) of this paragraph that such producer has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the current crop.

(2) If the county committee has reason to believe that one or more producers of the current crop tobacco on the farm have been or likely will be deprived of the right to use such marketing card to market his or their proportionate shares of the crop, a hearing shall be scheduled by the county committee and the operator of the farm and the producer or producers involved shall be invited to be present, or to be represented, at which time they shall be given the opportunity to substantiate their claims concerning the use of the farm marketing card to market each such producer's proportionate share of the farm marketing quota for such crop. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in the notice. A summary of the evidence presented at the hearing shall be prepared for use of the county committee. If the farm operator or other producers on the farm do not attend the hearing, or are not represented, the county committee may take whatever action it deems proper on the basis of information available to it. If the county committee finds that any such producer on the farm has been or likely will be deprived of the right to use the marketing card issued for the farm to market his proportionate share of the crop, a separate marketing card shall be issued to each such producer who it is determined has been or likely will be deprived of the opportunity to market his proportionate share of the crop.

(3) The procedure in subparagraph (2) of this paragraph shall not apply to a person who was a producer on the farm in a prior year but who is not a producer on the farm of the current crop.

(b) *Person authorized to issue marketing cards.* The county executive director shall be responsible for the issuance of marketing cards. Each marketing card shall bear the actual or facsimile signature of the county executive director who issued the card.

(c) *Rights of producers and successors-in-interest.* (1) Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card for marketing his proportionate share.

(2) Any person who suceeds, other than as a dealer, in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights to the use of the marketing card and assume the same liability for penalties as the original producer.

(d) *Issuance of within quota marketing card.* A within quota marketing card, MQ–76 (eligible for price support), shall be issued for each farm for each kind of tobacco:

(1) With no excess tobacco of such kind available for marketing, or the percent excess is zero.

(2) To identify tobacco grown for experimental purposes only by a publicly owned experiment station.

(e) *Issuance of excess marketing card.* An excess marketing card MQ–77 (ineligible for price support) shall be issued for each farm for each kind of tobacco as follows:

(1) *MQ–77 showing full rate of penalty.* (i) No farm acreage allotment was established, or where an allotment was established and later canceled, or

(ii) The farm operator or another producer on the farm prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on the farm.

(2) *MQ–77 showing converted rate of penalty.* There is excess tobacco available for marketing and the percent excess exceeds zero percent but is less than 100 percent.

(3) *MQ–77 showing zero penalty.* (i) DDT or TDE or a mixture thereof was used on such kind of tobacco; (ii) the farm had excess tobacco within the tolerance specified in Part 718 of this chapter but has been disposed of in accordance with § 724.80, and in compliance with the time of notification provisions of and in the manner prescribed in Part 718 of this chapter, but not before harvest unless the county committee determines that the producer's failure to dispose of the excess tobacco prior to harvest was because of conditions beyond his control; or (iii) tobacco was produced on land owned by the Federal Government within the allotment for the farm, but in violation of a lease restricting the production of tobacco.

§ 724.82 Extent to which marketing from a farm are subject to penalty.

(a) *Farms having no carryover tobacco.* Marketing of tobacco from a farm having no carryover tobacco shall be subject to penalty by the percent excess determined by dividing the excess acreage of tobacco by the harvested acreage of tobacco for the farm.

(b) *Farms having carryover tobacco.* Marketing of tobacco from a farm having carryover tobacco shall be subject to penalty by the percent excess determined as follows:

(1) (i) Determine the number of "carryover" acres by dividing the number of pounds of carryover tobacco from the prior year by the normal yield for the farm for that year.

(ii) Reduce such "carryover" acres by the amount determined by subtracting the harvested acreage from the allotment in the current year.

(iii) If the "carryover" acres are entirely offset by the underharvested acreage, no penalty will be due on marketings, and the remainder of paragraph (b) of this section will be inapplicable.

(2) Determine the number of "within quota carryover acres" by multiplying the "carryover acres" (subparagraph (1) (i), or (ii), when determined, of this paragraph) by the "percent within quota" (i.e., 100 percent minus the percent excess) for the year in which the carryover tobacco was produced.

(3) Determine the "total acres" of tobacco by adding the "carryover acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the current year's allotment and the "within quota carryover acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(c) *Converted rate of penalty.* For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty for the current crop by the percent excess obtained under paragraph (a) or (b) of this section.

§ 724.83 Claim stamping and replacing marketing cards.

(a) *Stamping to show claim.* (1) If any producer on a farm is indebted to the United States and such indebtedness is listed on the county claim record or has another debt required to be collected under applicable regulations, any Form MQ–76 issued for the farm shall bear the notation "U.S. Claim". The amount and type of the indebtedness and the name of the debtor shall be entered on the front cover of the card. A notation showing indebtedness to the United States shall constitute notice to any warehouseman, or loan organization, that subject to prior liens, the net proceeds from any price support loan due the debtor shall be paid to the United States to the extent of the indebtedness shown. The acceptance and use of a marketing card bearing a notice and information of indebtedness of the United States shall not constitute a waiver by the producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action and shall not necessitate a producer accepting a price support advance from which such indebtedness would be deductible. As claim collections are made, the amount of the claim shown on the card shall be revised to show the claim balance, and the floor sheet shall show the amount collected. Upon request of the producer to whom the card was issued a claim-free marketing card shall be issued when the claim has been entirely paid.

(2) Any marketing card may be stamped for the purpose of notifying warehousemen, or loan organizations, that the tobacco being marketed pursuant to such card is subject to a lien held by the United States.

(b) *Replacing, exchanging, or issuing additional marketing cards.* Subject to the approval of the county executive director, two or more marketing cards may be issued for any farm. Upon the return to the county ASCS office of a marketing card which has been used in its entirety and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued to replace a card which has been determined by the county executive director who issued the card to have been lost, destroyed, or stolen.

§ 724.84 Invalid cards.

(a) *Reasons for being invalid.* A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) An entry is omitted or is incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or,

(4) Any erasure or alteration has been made and not properly initialed by the county executive director or marketing recorder.

(b) *Validating invalid cards.* If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by the county executive director who issued the card, or by a marketing recorder, then such card shall become valid.

(c) *Returning invalid cards.* In the event any marketing card becomes invalid (other than by loss, destruction or theft, or by omission, alteration, or incorrect entry, which has not been corrected by the county executive director who issued the card, or by a marketing recorder), the farm operator, or the person having the card in his possession, shall return it to the county ASCS office at which it was issued.

§ 724.85 Misuse of marketing cards.

Any information which causes a marketing recorder, a member of a State, county, or community committee, or an employee of the State or county ASCS office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm, shall be reported immediately by such person to the county or State ASCS office.

§ 724.86 Identification of marketings, excluding cigar tobacco.

(a) *MQ–76, within quota card, and MQ–77, excess marketing card.* Subject to paragraph (b) of this section, each marketing of tobacco from a farm shall be identified by the marketing card issued for the farm, either an MQ–76 or MQ–77 (including sale memo). In addition, each nonauction sale shall (1) for within quota farms be indicated by a check mark on the inside of MQ–76, and (2) for excess farms for which an MQ–77 is issued be identified by an executed bill of nonauction sale, and such bills of nonauction sale shall be delivered to a marketing recorder or other person who is authorized to issue sale memos.

(b) *Suspended sales and sales without marketing cards.* Any suspended sale, which is not identified by an MQ–76 or MQ–77 (including a sale memo) on or before the last warehouse sale day of the marketing season, or within 4 weeks after the date of marketing, whichever comes first, shall be identified by MQ–82, Sale Without Marketing Card, as a marketing of excess tobacco. Form MQ–82 shall be executed only by a marketing recorder or other representative of the State executive director.

(c) *Other persons authorized to execute MQ–76 or MQ–77 (including sale memos).* (1) A warehouseman, who has been authorized during the current marketing year on MQ–78, Tobacco Warehouse Organization, may record the sale on MQ–76 and issue a sale memo from an MQ–77 to identify a sale by a farmer if a marketing recorder is not available at the warehouse when the marketing card is presented.

(2) Any warehouseman, or dealer, who engages in the business of acquiring scrap tobacco from farmers, and who has been authorized on MQ–78, may for each purchase of scrap tobacco execute an MQ–76, or MQ–77 (including a sale memo if the bill of nonauction sale has been executed).

(d) *Verification of sales processed during absence of marketing recorder.* Any person authorized on MQ–78 to act as a marketing recorder shall promptly present to a marketing recorder for verification each warehouse bill (floor sheet) processed and identified by an MQ–76 or MQ–77 (including any sale memos) executed by him in the absence of a marketing recorder.

(e) *Withdrawal of approval to act as marketing recorder.* The authorization on MQ–78 for persons to act as marketing recorders may be withdrawn by the State executive director if such action is determined to be necessary to properly enforce the regulations in this subpart.

(f) *Verification of penalty by warehousemen or dealers.* Each sale memo for excess tobacco isued by a marketing recorder shall be verified by a warehouseman or dealer to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the sale memo.

(g) *Recording of serial number.* The serial number of the floor sheet shall be recorded by the warehouseman on the check register or check stub for the check written covering the auction sale of tobacco by a producer.

(h) *Separate display of producer tobacco on auction warehouse floor.* Each basket of Fire-cured, Dark air-cured, and Virginia sun-cured producer's tobacco placed on a warehouse floor shall be displayed on baskets separate from tobacco produced on any other farm and shall be identified on the warehouse bill (floor sheet) covering such baskets by the number of the marketing card for the kind of tobacco issued for the farm on which the tobacco was produced. Such kinds of tobacco not so displayed shall not be eligible for price support.

(i) *Identification of returned first sale (producer) tobacco.* When resold at auction, tobacco which has been previously sold and returned to a warehouse by the buyer is resale tobacco. When such tobacco is resold by the warehouseman, it shall be identified as leaf account resale tobacco.

§ 724.87 Identification of marketings of cigar tobacco.

(a) *Marketing card and sale memo for cigar tobacco.* If a sale of producer's cigar tobacco to a buyer is not identified with a marketing card (MQ–76 or MQ–77) issued for the farm, including a sale memo from MQ–77, by the end of the sale date and recorded and reported on MQ–79 (CF&B), Buyer's Record, by the 10th day of the calendar month next following the month during which the sale date occurred, the marketing shall be identified on MQ–79 (CF&B) as a marketing of excess tobacco and reported not later than the 10th day of the calendar month next following the month during which the sale date occurred.

(b) *Verification of penalty by buyer.* Each excess sale memo issued by a buyer shall be verified by the buyer to determine whether the amount of penalty shown to be due has been correctly computed and such buyer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in issuing the sale memo.

§ 724.88 Rate of penalty.

(a) *Basic rate.* The basic penalty rate shall be equal to seventy-five (75) percent of the average market price for the kind of tobacco for the immediately preceding marketing year as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture. The rate of penalty will be determined for each marketing year and announced by amendment to the regulations of this subpart.

(b) *Average market price and rate of penalty.* These data will be issued annually in May or early June.

(c) (1) *1970–71 average market price.* The average market price for the kinds of tobacco listed below as determined by the Crop Reporting Board, Statistical Reporting Service, U.S. Department of Agriculture, for the 1970–71 marketing year was:

AVERAGE MARKET PRICE

Kinds of tobacco:	Cents per pound
Fire-cured (type 21)	52.0
Fire-cured (types 22, 23, 24)	54.4
Dark air-cured	46.0
Virginia sun-cured	53.8
Cigar-filler and Binder (types 42, 43 44, 53, 54 and 55)	48.9
Cigar-binder (types 51 and 52)	63.5

(2) *1971–72 rate of penalty per pound.* The penalty rate per pound for the kinds of tobacco listed below upon marketings of excess tobacco subject to marketing quotas during the 1971–72 marketing year shall be:

Rate of Penalty	Cents per pound
Kinds of tobacco:	
Fire-cured (type 21)	39
Fire-cured (types 22, 23, 24)	41
Dark air-cured	34
Virginia sun-cured	40
Cigar-filler and Binder (types 42, 43, 44, 53, 54 and 55)	37
Cigar-binder (types 51 and 52)	(1)

[1] Quotas terminated for 1971 crop.

§ 724.89 Persons to pay penalty.

The persons to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Auction sale.* The penalty due on marketings by a producer through an auction sale shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonauction sale.* The penalty due on the tobacco acquired directly from a producer, other than at auction sale, shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Cigar tobacco sold without excess sale memo or within quota card identification.* The penalty due on marketing of cigar tobacco by a producer which, as to excess tobacco, is not identified by a valid sale memo, and, as to within quota tobacco, a within quota card, by the end of the sale date shall be presumed, subject to rebuttal, to be marketings of excess tobacco. The penalty thereon shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(d) *Marketings outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 724.90 Penalties considered to be due from warehousemen, dealers, buyers and others excluding the producer.

Any marketing of tobacco under any one of the following conditions shall be considered to be a marketing of excess tobacco.

(a) *Auction sale without marketing card (including sale memo for MQ–77).* Any first marketing of tobacco at an auction sale by a producer which is not identified by a valid marketing card (MQ–76 or MQ–77 (including sale memo)) on or before the last warehouse sale day of the marketing season, or within 4 weeks following the date of marketing, whichever comes first, shall be identified by an MQ–82, and shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonauction sale.* Any nonauction sale of tobacco, except cigar tobacco, which (1) is not identified by an MQ–76 or MQ–77 (including a valid sale memo); and (2) recorded on MQ–79, Dealer's Record, not later than the end of the calendar week in which the tobacco was purchased; or (3) if purchased prior to the opening of the local auction market for the current year, is not identified by an MQ–76 or MQ–77 (including a valid sale memo) and recorded on MQ–79 not later than the end of the calendar week which includes the first day of the local auction markets, shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Failure to obtain an MQ–77 and sale memo, and failure to record a sale on MQ–76—for cigar tobacco.* Any sale of cigar tobacco for which a dealer (1) if within quota, fails to record the sale on the marketing card issued for the farm, or (2) if the tobacco was produced on a farm for which an excess marketing card was issued, fails to obtain a valid sale memo by the end of the sale date, shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the buyer who fails to make the required record.

(d) *Leaf account tobacco.* The part or all of any marketing of leaf account tobacco by a warehouseman which such warehouseman represents to be a leaf account resale, but which when added to prior leaf account resales is in excess of prior leaf account purchases, recognizing and including appropriate adjustments for returned baskets, short baskets and short weights and long baskets and long weights from the Buyers Corrections Account, shall be considered to be a marketing of excess tobacco, unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The actual quantity of floor sweepings which the State executive director determines has been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the floor sweepings for the season of 0.02 percent of producer's sales for Fire-cured, Dark air-cured and Virginia sun-cured tobacco. The penalty thereon shall be paid by the warehouseman.

(e) *Dealer's tobacco—(1) Excess resale rule for mixed reporting of data.* If, during any marketing year, a warehouseman or a dealer has transactions in more than one kind of tobacco and his reports of marketings result in excess resales, penalty of such excess resales shall be due from such dealer at the highest rate of penalty applicable to any kind of tobacco reported or due to be reported under these regulations.

(2) *Excess resales above purchases (except cigar tobacco).* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale, which, when added to prior resales by such dealer (as shown or due to be shown on Form MQ–79), is in excess of his total prior purchases (as shown or due to be shown on such Form MQ–79) shall be considered to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco, the penalty thereon shall be paid by the dealer.

(f) *Resales not reported.* Any resale of tobacco which is required to be reported by a warehouseman or dealer, but which is not so reported within the time and in the manner required, shall be considered to be a marketing of excess tobacco, unless and until such warehouseman or dealer furnishes a report of such resale, which is acceptable to the State executive director. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(g) *Unrecorded sale of cigar tobacco.* Any sale of cigar tobacco which is not recorded on MQ–79 (CP&B), Buyer's Record Book, by the tenth day of the month next following the month during which the sale date occurred shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by the buyer who fails to make the record.

(h) *Marketings falsely identified by a person other than the producer.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be presumed, subject to rebuttal, to be a marketing of excess tobacco. The penalty thereon shall be paid by such person.

(i) *Excess resale rule.* Where an analysis of an auction warehouse or dealer account shows excess resales for the season to be less than 100 pounds, the State executive director may accept the account as being satisfactory and no penalty due on account of excess resales.

(j) *Carryover tobacco (except cigar tobacco).* Any tobacco on hand and reported or due to be reported under § 724.96 for warehousemen and § 724.97 for dealers, shall be included as a resale in determining whether an account has excess resales. Unless the warehouseman furnishes proof acceptable to the State committee and unless the dealer furnishes proof acceptable to the State executive director, showing that such account does not represent excess tobacco, penalty at the full rate shall be paid thereon by such warehousemen or dealer.

§ 724.91 Producer penalties; false identification; failure to account; canceled allotments.

(a) *Penalties for false identification or failure to account.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number acres harvested in the current year in excess of the farm acreage allotment shall be deemed to have been marketed as excess tobacco from such farm.

(2) If any producer who manufactures tobacco products from tobacco produced by or for him fails to make the reports or makes a false report required under § 724.95(g), he shall be deemed to have failed to account for the disposition of tobacco produced on the farm(s) involved. The filing of a report by a producer under § 724.95(g), which the State committee finds to be incomplete or incorrect, shall constitute a failure to account for the disposition of tobacco produced on the farm.

(b) *Canceled allotment.* If part or all of the tobacco produced on a farm has been marketed, and the allotment for the farm is canceled, any penalty due on the marketings shall be paid by the producer.

(c) *Person to pay penalty when erroneous rate is shown on card.* If an erroneous penalty rate is shown on a marketing card and tobacco is identified by such card, the producer shall remit any additional penalty due for the sale.

§ 724.92 Payment of penalty.

(a) *Date due.* Penalties shall become due at the time the tobacco is marketed, except that (1) in the case of tobacco removed from storage under bond, penalty shall be due on the date of such removal from storage, or (2) in the case of false identification or failure to account for disposition of tobacco, the penalty shall be due on the date of such false identification or failure to account for disposition. The penalty shall be paid by remitting the amount thereof to the State ASCS office not later than the end of the calendar week in which the tobacco becomes subject to penalty, except that for cigar tobacco, the penalty shall be paid not later than the 10th of the calendar month next following the month in which the tobacco becomes subject to penalty. A draft, money order, or check drawn payable to the Agricultural Stabilization and Conservation Service, may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) *Auction sale—net proceeds.* If the penalty due on any auction sale of tobacco by a producer is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through a warehouse.

(c) *Nonauction sale—converted penalty rate.* Nonauction sales shall be subject to the converted rate of penalty for the farm on which the tobacco was produced and shall be paid in full even though the penalty may exceed the proceeds for the sale of tobacco.

§ 724.93 Request for return of penalty.

Any producer of tobacco and any other person who bore the burden of the payment of any penalty, after the marketing of all tobacco available for marketing from the farm, may request the return of the amount of such penalty which is in excess of the amount required to be paid. Such request shall be filed on MQ–85 with the county ASCS office within 2 years after the payment of the penalty. Approval of return of penalty to producers shall be by the county committee, subject to the approval of the State executive director.

Records and Reports

§ 724.95 Producer's records and reports.

(a) *Report of tobacco acreage.* (1) If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, the tobacco allotment next established for any such farm and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the filing of, aiding, or acquiescing in the filing of, such report was not intentional on the part of any producer on the farm and that no producer on the farm could reasonably have been expected to know that the report was false provided that the filing of the report will be construed as intentional unless the report is corrected and any additional penalty is paid, or (ii) no person connected with the farm for the year for which the allotment is being established caused, aided, or acquiesced in the filing of the false acreage report.

(2) If a farm operator files a certification of tobacco acreage on the farm and, after a farm visit and measurement of the acreage, it is determined by the county committee (with approval of the State committee) that the certification was false (either significantly under certification or significantly over certification by more than the tolerance for certification as provided in Part 718 of this chapter) in what amounts to a scheme or device to defeat the purpose of the program, the allotment next established for the farm shall be reduced.

(3) If the conditions in subdivision (i) and (ii) of subparagraph (1) of this paragraph are not applicable, the next established allotment shall be reduced on the basis of pounds computed as follows: The acreage falsely certified (difference between certified and measured acreage) shall, for the year of the violation, be multiplied by the farm's actual yield. Such method of determining the amount of allotment reduction also is provided for in paragraph (i) of this section.

(b) *Report of tobacco grown for experimental purposes.* For farms on which tobacco is being grown for experimental purposes only, the Director of a publicly owned agricultural experiment station shall furnish the State ASCS office, prior to the beginning of the harvesting of tobacco from any farm on which experimental tobacco is being grown, a report showing the following information with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only:

(1) Name and address of the publicly owned experiment station;

(2) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only;

(3) The amount of acreage of tobacco grown on each farm for experimental purposes only; and,

(4) A certification signed by the Director of the publicly owned agricultural experiment station to the effect that such acreage of tobacco was grown on each farm for experimental purposes only, the tobacco was grown under his direction, and the acreage on each plot was considered necessary for carrying out the experiment.

(c) *Harvesting second crop tobacco from same acreage.* If, in the same calendar year more than one crop of tobacco was grown from (1) the same tobacco plants, or (2) different tobacco plants, and is harvested from the same acreage of a farm and is marketed, the acreage allotment next established for such farm shall be reduced by an amount equivalent to the acreage from which more than one crop of tobacco was so grown and harvested.

(d) *Cancellation of new farm allotment.* Any new farm allotment approved under this subpart which was determined by the county committee on the basis of incomplete or inaccurate information knowingly furnished by the applicant shall be canceled by the county committee as of the date the allotment was established. Where incomplete or inaccurate information was unknowingly furnished by the applicant, the allotment shall be canceled effective for the current crop year except where the provisions of § 724.65(d) apply.

(e) *False identification.* If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which, in fact, was produced on a different farm, the acreage allotments next established for both such farms and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketings or could have reasonably been expected to have prevented such marketings: *Provided,* That, marketing shall be construed as intentional, unless all tobacco from the farm is accounted for and payment of all additional penalty is made, or (2) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in such marketing.

(f) *Report on marketing card.* The operator of each farm on which tobacco is produced shall return to the county ASCS office each marketing card issued for the farm whenever marketings from the farm are completed and, in

no event, later than (1) June 1 of next calendar year after issuance of the card in the case of cigar tobacco, and (2) for all other kinds of tobacco, not later than 30 days, in the year of issuance of the card, after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within 15 days after written request by certified mail from the county executive director shall constitute failure to account for disposition of all tobacco marketed from the farm unless disposition of tobacco marketed from the farm is otherwise accounted for to the satisfaction of the county committee. Upon failure to satisfactorily account to the county committee for disposition of tobacco marketed from the farm the allotment next established for such farm and such kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county committee and a representative of the State committee that the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided*, That such failure will be construed as intentional unless such proof of disposition is furnished and payment of all additional penalty is made, or no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the failure to furnish such proof. As to each MQ–77 issued for any kind of tobacco, at the time the marketing card is returned to the county ASCS office, there shall be shown on each card the quantity of tobacco on hand, if any, including the crop year it was produced and its location. The card shall be signed by the farm operator. As to each MQ–76 for cigar tobacco, at the time the marketing card is returned to the county ASCS office, the Record of Sales form on the card shall be signed by the farm operator.

(g) *Reports by producer-manufacturers.* (1) Each producer who manufactures tobacco products from tobacco produced by or for him as a producer shall report, as to each farm on which such tobacco is produced, to the State ASCS office as follows with respect to such tobacco.

(i) If the harvested acreage is within the allotment, the producer-manufacturer shall furnish the State ASCS office a report, as soon as all the tobacco from the farm has been weighed, showing the total pounds of tobacco produced, the date(s) on which such tobacco was weighed, the farm serial number of the farm on which it was produced, and the estimated value of such tobacco.

(ii) If the harvested acreage is in excess of the allotment, the producer-manufacturer shall furnish the State ASCS office a report as soon as all the tobacco from the farm has been weighed, showing the total pounds of tobacco produced on the farm, the date(s) on which the tobacco was weighed, the farm serial number of the farm on which it was produced, the estimated value of the tobacco, and the location of the tobacco. If the required reports are not made, penalty shall be paid on the tobacco by the producer-manufacturer, at the converted rate of penalty shown on the marketing card issued for the farm, when it is moved from the place where it can be conveniently inspected by the county committee at any time separate and apart from any other tobacco.

(2) If the producer-manufacturer has excess tobacco and does not pay the penalty thereon at the converted rate of penalty shown on the marketing card, he shall notify in writing the buyer of the manufactured product or the buyer of any residue resulting from processing the tobacco, at time of sale of such product or residue, of the precise amount of penalty due on such manufactured product or residue. In such event, the producer-manufacturer shall immediately notify the State executive director and shall account for the disposition of such tobacco by furnishing the State executive director a report on a form to be furnished by him, showing the name and address of the buyer of the manufactured products or residue, a detailed account of the disposition of such tobacco and the exact amounts of penalty due with respect to each such sale of such products or residue, together with copies of the written notice of the exact amounts of the penalty due given to the buyer of such products or residue. Failure to file such report, or the filing of a report which is found by the State committee to be incomplete or incorrect, shall be considered failure of the producer-manufacturer to account for the disposition of tobacco produced on the farm and the allotment next established for the farm shall be reduced for such failure, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees, that (i) the failure to furnish such report of disposition was unintentional and the producer-manufacturer on such farm could not reasonably have been expected to furnish such report of disposition: *Provided*, That such failure will be construed as intentional unless such report of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the failure to furnish such report. The producer-manufacturer shall be liable for the payment of penalty.

(h) *Report of production and disposition.* In addition to any other reports which may be required by this subpart, the operator on each farm, or any producer on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall, upon written request by certified mail from the State executive director within 15 days after deposit of such request in the U.S. mail, addressed to such person at his last known address, furnish the Secretary on MQ–108, Report of Production and Disposition, a written report of the acreage production and disposition of all tobacco produced on the farm by sending the same to the State ASCS office showing, as to the farm at the time of filing such report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed, the gross price and the date of the marketing, and (5) complete details as to any tobacco disposed of other than by sale. Failure to file the MQ–108, as requested, the filing of a false MQ–108, or the filing of an MQ–108 which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (i) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition: *Provided*, That such failure will be construed as international and unless such proof of disposition is furnished and payment of all additional penalty is made, or (ii) no person connected with such farm for the year for which the allotment is being established caused, aided, or acquiesced in the failure to furnish such proof.

(i) *Amount of allotment reduction.* The amount of reduction in the allotment for the current year for a violation described in paragraphs (a), (e), (f), (g), or (h) of this section shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the violation equals or exceeds the amount of the farm marketing quota, the amount of reduction shall be 100 percent. The quantity of tobacco determined by the county committee to have been falsely identified, or produced on acreage falsely omitted from an acreage report as filed, or for which the county committee determines that proof of disposition has not been furnished, shall be considered as the amount of tobacco involved in the violation. If the actual quantity of tobacco falsely identified, or produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is known, such quantity shall be determined by the county committee to be the amount of tobacco involved in the violation. If (1) the actual quantity of tobacco produced on acreage falsely omitted from an acreage report, or for which proof of disposition has not been furnished is not known, or (2) if the actual total production of tobacco on the farm is not known, the county committee shall determine such actual quantity or such total production and the farm marketing quota in the following manner. The yield per acre and the total production of tobacco on the farm shall be determined by taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the determination of the total production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting production of tobacco are similar. The yield per acre and the total production of tobacco for the farm as so determined by the county committee shall be deemed to be the actual yield per acre and the actual total production of tobacco for the farm. The actual yield per acre of tobacco on the farm as so determined by the county committee multiplied by the farm acreage allotment shall be deemed to be the actual production of the acreage allotment and the farm marketing quota. Where the actual quantity of tobacco for which proof of disposition has not been furnished is not known, such quantity shall be determined by the county committee to be the quantity of tobacco remaining after deducting from the total production of tobacco on the farm determined as aforesaid, the quantity of tobacco for which proof of disposition has been furnished. Where the actual quantity of tobacco produced on acreage falsely omitted from an acreage report is not known, such quantity shall be determined by the county committee to be the quantity resulting from multiplying the yield per acre for the farm determined as aforesaid by the acreage falsely omitted from the acreage report as filed. Where it is determined by the county committee, under paragraph (a) of this section, that a producer on a farm intentionally caused an incorrect tobacco acreage determination the amount of reduction in the allotment for the current year shall be that acreage determined by subtracting the allotment for the year of violation from the finally determined acreage for such year and using the production thereon as the amount of tobacco involved in the violation.

(j) *Allotment reduction for combined farms.* If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied as heretofore provided in this section to that portion of the allotment for which a reduction is required.

(k) *Allotment reduction for divided farms.* If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied as heretofore provided in this section to the allotments for the divided farms required to be reduced.

(l) *County administrative hearings in connection with violations.* Except for the failure to return a marketing card to the county office, the allotment for any farm shall not be reduced for a violation under this section until after the operator of the farm has been notified in writing by the county executive director of the time and place of a hearing to determine the nature and extent of the violation. The notice of the hearing shall request the farm operator to bring to the hearing warehouse bills (floor sheets) and other relevant supporting documents. At least two members of the county committee shall be present at the hearing. The hearing shall be held at the time and place named in this notice and any action taken on the violation shall be taken after the hearing. If the farm operator does not attend the hearing, or is not represented, the county committee may take whatever action it deems proper.

§ 724.96 Warehouseman's records and reports.

(a) *Record of marketing*—(1) *Auction sale.* Each warehouseman shall keep such records as will enable him to furnish the State ASCS office with respect to each suction sale and for each kind of tobacco made at his warehouse the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller, in the case of a sale by a producer, and in the case of a resale, the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and, in addition, with respect to each individual basket or lot of tobacco constituting the auction sale, the following information:

(*a*) Name of purchaser.

(*b*) Number of pounds sold.

(2) *Record for separate accounts.* Records of all purchases and resales of tobacco by the Warehouseman shall be maintained to show a separate account for:

(i) Nonauction sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales of leaf account tobacco.

(iii) Resales of floor sweepings.

(3) *Buyers corrections account.* Each warehouseman shall keep such records as will enable him to furnish the State ASCS office on Form MQ–71, Summary of Buyers Corrections Account, the total pounds of the debits (for returned baskets, short baskets and short weights of tobacco) and credits (for long baskets and long weights of tobacco) to the Buyers Corrections Account. Where the warehouseman returns to the seller tobacco debited to the Buyers Corrections Account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the Buyers Corrections Account and a corresponding purchase (debit entry) in the case of a dealer on his MQ–79, Dealer's Record. If an auction warehouse maintains a daily summary of bill-outs, the balancing figure reflected thereon, if any, shall not be included in the Buyers Corrections Account.

(4) *Scrap tobacco acquired from grading producer's tobacco.* Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the State ASCS office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(5) *Scrap tobacco acquired from furnishing producers curing and stripping space.* Any warehouseman or any other person who provides tobacco curing space or stripping space for farmers shall maintain records which will enable him to furnish the State ASCS office the name of the farm operator and the approximate amount of scrap tobacco obtained from each farm resulting from providing such space.

(6) *Resales.* In the case of resales for dealers, the name of the dealer making each resale, and in the case of resale for the warehouse, the name of the applicable warehouse account shall be shown on the warehouse records so that the individual lots of tobacco sold can be identified, and the word "Resale" shall be clearly shown on each warehouse bill (floor sheet) covering such tobacco.

(b) *Identification of producer sales of tobacco*—(1) *Floor sheet.* The serial number of the Form MQ–76 or MQ–77 on which tobacco is to be marketed at auction shall be recorded by the warehouseman on his office copy of the warehouse bill (floor sheet) prior to the time the tobacco is offered for sale. The letters "NA" shall be shown on each line of warehouse bill (floor sheet) on which there is recorded tobacco purchased by or for the warehouse at nonauction sale and there shall be recorded on all such warehouse bills (floor sheets) the serial number of the Form MQ–76 or Form MQ–77 on which the tobacco is marketed at the time the tobacco is purchased at nonauction sale. A copy of the warehouse bill (floor sheet) bearing the letters "NA" shall be furnished the producer for any lot or basket of such tobacco purchased by the warehouseman.

(2) *Check register.* The serial number of the warehouse bill (floor sheet) shall be recorded by the warehouseman on the check register or check stub for the check written covering an auction sale of tobacco by a producer.

(3) *Marketing card entries.* The serial number of the warehouse bill (floor sheet) shall be recorded on the inside of the marketing card by the marketing recorder or warehouseman for each sale of tobacco by a producer.

(c) *Sale memo and bill of nonauction sale.* A record of sales (1) on MQ–76 and (2) on MQ–77 or MQ–82, Sale Without Marketing Card (including sale

memo from MQ–77 or MQ–82), shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through a warehouse and each nonauction sale of tobacco purchased by or for the warehouseman including scrap tobacco obtained as result of providing curing space or stripping space for farmers. Each MQ–76 and MQ–77 (including sale memo) shall be executed as follows:

(i) *Auction sale.* An auction sale identified by MQ–76 shall show in the spaces provided therefor, the bill (floor sheet) number, checkmark to show the sale was by auction, a checkmark to show nonauction for purchases identified "NA" on the warehouse bill (floor sheet), pounds sold, name and address of warehouse, and date of sale. In addition, each sale memo issued from MQ–77 to cover an auction sale shall show on the first page thereof in all of the spaces provided therefor, the warehouse bill number, pounds sold, amount of penalty due, name and address of warehouse, and date of sale.

(ii) *Nonauction sale to a warehouseman who does not prepare a warehouse bill (floor sheet).* An MQ–76 used to cover a nonauction sale of tobacco to a warehouseman who does not prepare a warehouse bill to cover the sale shall show, a checkmark to indicate sale was by nonauction, pounds sold, name and address of the warehouse, and date of sale. When an MQ–77 is required to be used under this subparagraph a sale memo shall be executed, including the signature of the producer on the reverse side.

(iii) *Nonauction sale to a warehouseman who prepares a warehouse bill (floor sheet).* (a) Where a warehouseman purchases all the delivery of a producer's tobacco at a nonauction sale and prepares a warehouse bill to cover the purchase, on MQ–76 there shall be shown the bill number, checkmark to show nonauction purchases, pounds sold, name and address of warehouse, and date of sale. When an MQ–77 is required to be used under this subparagraph, a sale memo shall be executed, including the signature of the producer on the reverse side.

(b) Where a warehouseman purchases at nonauction sale part of a delivery of tobacco by a producer and the remainder of the tobacco is sold at auction and such tobacco is identified by an MQ–76 the Record of Sales shall be completed to show the warehouse bill number, checkmark under both auction and nonauction, and the total number of pounds covered by the entire delivery under "Lbs. Sold", the name and address of the warehouse and date of sale. If the sale is identified by an MQ–77, the sale memo (front) shall be completed to show the warehouse bill number, the total number of pounds covered by the entire delivery under "Lbs. Sold" the amount of penalty due, name and address of the warehouse, and date of sale. In addition the reverse side of the sale memo shall show the number of pounds sold at nonauction.

(d) *Suspended sale record.* Any warehouse bills covering first marketing of farm tobacco which have not been identified by valid MQ–76 or MQ–77 at the end of the sale day shall be presented to a market recorder who shall stamp such bills "Suspended" and write thereon the serial number of the suspended sale, and record the bills on MQ–80 Daily Auction Warehouse Report: *Provided*, That if a marketing recorder is not available, the auction warehouse may stamp such bills "Suspended" and deliver them to a marketing recorder when one is available.

(e) *Warehouseman's entries on dealer's record.* Each warehouseman shall record, or have the dealer record, on MQ–79 the total purchases and resales made by each such dealer or other warehouseman during each sale day at a warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to the current crop, entry on MQ–79 shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79, Dealer's Record, showing:

(1) All nonauction purchases of tobacco except nonauction purchases for which a warehouseman prepares a floor sheet.

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehousemen and resales of tobacco to dealers other than warehousemen.

(4) Resales of floor sweepings separately from leaf account tobacco. MQ–79 shall be prepared and a copy forwarded to the State ASCS office not later than the end of the calendar week in which such tobacco was purchased or resold: *Provided*, That if tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale day of the local auction markets. A remittance for all penalties shown by the entries on MQ–79 and on the sale memos to be due, shall be forwarded to the State ASCS office with the original copy of MQ–79.

(g) *Daily report of auction warehouse business.* Each warehouseman shall prepare and promptly forward at the end of each sale day to the State ASCS office a report on MQ–80, Daily Auction Warehouse Report, showing for each sale day, unless otherwise stated below:

(1) For each dealer or buyer as originally billed, the total pounds of tobacco purchased at auction and resales at auction on the warehouse floor.

(2) For any association as originally billed, the total pounds and gross amount of loan tobacco acquired at auction, and resales at auction, if any, on the warehouse floor.

(3) (i) The total pounds of leaf account purchases at auction on the warehouseman's own floor, (ii) the total pounds of leaf account purchases at nonauction sale for which a floor sheet is prepared, and (iii) the total pounds of all leaf account resales at auction on the warehouseman's own floor, including resales of tobacco from the warehouseman's buyers corrections account.

(4) The total pounds of all resales at auction on the warehouseman's own floor of floor sweepings which accumulated on the warehouseman's own floor.

(5) The sum of the totals for subparagraphs (1), (2), (3), and (4) of this paragraph.

(6) The computed total of first sales at auction on the warehouse floor.

(7) (i) The warehouse gross sale pounds for the day, as billed to buyers (sum of subparagraphs (1), (2), and (3) of this paragraph), (ii) the pounds on warehouse check register if shown thereon, and (iii) the total pounds of the resales (sum of subparagraphs (1), (2), (3), and (4) of this paragraph).

(8) On the report for the last sale day for the season, the pounds of all tobacco on hand whether such tobacco represents leaf account tobacco or floor sweepings which accumulated on the warehouseman's own floor.

(9) For each warehouse sale of excess tobacco from a farm, the applicable sale memo and numbers thereof with remittance of the penalty due as shown thereon.

(10) As to the information required to be entered on MQ–80, Daily Auction Warehouse Report, by the marketing recorder, the warehouseman shall keep and make available such records as will enable the marketing recorder to enter thereon: (i) For each sale identified by an MQ–76 or MQ–77 (including sale memo) or MQ–82, Sale Without Marketing Card, the pounds sold; (ii) for each sale suspended, the warehouse bill(s) number and pounds sold; and (iii) for each sale cleared from suspension, the MQ–76 number or for MQ–77 or MQ–82 the sale memo number, and the date of clearance.

(11) Where a producer rejects the sale of a basket of tobacco, and the tobacco has been billed out and the bills presented to the buyer, the warehouseman shall not change the (i) marketing card, or (ii) the MQ–80 reporting the sale. If the warehouseman gains possession of the tobacco and it is resold by such warehouseman, it shall be identified as resale tobacco.

(12) In balancing first sales (represented by marketing recorder's total) with computed first sales (bill-out total minus resales as reported by the warehouseman) the State executive director is authorized to approve reports with variance not to exceed one-half of 1 percent of such pounds.

(13) At the end of the season, each warehouseman shall, for each kind of tobacco: (i) Report on his final MQ–80 for the season the quantity of leaf account tobacco and floor sweeping tobacco, if any, on hand and its location, and (ii) permit its inspection and weighing by a representative of ASCS, and furnish him at that time a certification as to the actual weight of such tobacco. After the weight of such tobacco has been so obtained in this subdivision (ii), it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due. Separate data shall be reported for floor sweeping tobacco.

(h) *Daily report of data from buyers corrections account.* For Fire-cured, Dark air-cured, and Virginia sun-cured tobacco, each warehouseman shall keep a record and make reports on MQ–71, Summary of Buyers Corrections Account, showing for each sale day and for each buyer the total pounds of debits for the warehouse for short baskets, short weights, and returned baskets and the total pounds of credits for the warehouse for long baskets and long weights, as shown by the buyers corrections account, excluding billing errors, kept by the warehouseman.

(i) *Producer tobacco.* Producer tobacco (first sale) in possession of a warehouseman, resulting from long weights and long baskets, which has not previously been identified by a sale shall be recorded and reported in the same manner as a nonauction sale to a warehouseman who does not prepare a warehouse bill (floor sheet) and shall be reported on MQ–79, Dealer's Record.

§ 724.97 Dealer's record and reports, excluding cigar tobacco buyers.

Each dealer, except as provided in § 724.98, or any other person as provided in paragraph (e) of this section, shall keep by kinds of tobacco the records and make the reports as provided by this section.

(a) *Report of dealer's name and address.* Each dealer shall properly execute and the marketing recorder shall detach and forward to the State ASCS office "Receipt for Dealer's Record" contained in MQ–79, which is issued to the dealer.

(b) *Record of marketing.* Each dealer shall keep such records as will enable him to furnish the State ASCS office with respect to each lot of tobacco purchased by him the following information:

(1) (i) The name of the warehouse through which the tobacco was purchased in the case of an auction sale, (ii) the name of the operator of the farm on which the tobacco was produced, and the name of the seller in the case of a nonauction sale, including the records and reports for farm scrap tobacco, and (iii) the name of the seller in the case of nonauction purchases from warehousemen and dealers.

(2) Date of purchase.

(3) Number of pounds purchased.

(4) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer and as to each lot of tobacco sold by him the following information:

(i) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than an auction warehouse sale.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to the current crop, the fact that such tobacco was so bought and carried over.

(c) *Nonauction sale (country purchase) to a dealer.* Each purchase of tobacco by a dealer from a producer other than through an auction sale, including farm scrap tobacco obtained from grading tobacco for farmers or as a result of furnishing farmers curing space or stripping space, shall be identified by an MQ–76 or MQ–77 (including a sale memo from the marketing card) issued for the farm on which the tobacco was produced. The producer's signature shall be obtained on the bill of nonauction sale on the reverse side of a sale memo from an MQ–77. Any sale of producer's tobacco which is not identified by a marketing card (MQ–76 or MQ–77) shall be identified by an MQ–82 executed by a marketing recorder or other representative of the State executive director. The dealer shall record or have a marketing recorder record each purchase of nonauction tobacco made by him on Form MQ–79, Dealers' Record.

(d) *Record and report of purchases and resales.* (1) Except as provided in subparagraph (2) of this paragraph, each dealer shall keep a record and make reports on MQ–79, showing all purchases and resales of tobacco made by or for the dealer, and in the event of purchase or resale of tobacco bought from a crop produced prior to the current crop, the fact that such tobacco was bought by him and carried over from a crop produced prior to the current crop.

(2) MQ–79 shall be prepared and a copy forwarded to the State ASCS office not later than the end of the calendar week in which such tobacco was purchased or resold, including the original copy of any spoiled reports, except as follows: (i) If tobacco is purchased prior to the opening of the local auction market, an MQ–79 shall be prepared and a copy forwarded to the State ASCS office not later than the end of the calendar week which would include the first sale day of the local auction markets; (ii) if tobacco is resold in a State other than where produced and the auction markets at such location open earlier than those where the tobacco would normally be sold at auction by farmers, reports shall be prepared and forwarded not later than the end of the calendar week which would include the first sale day of the local auction market where the resale takes place.

(e) *Daily report to warehouseman for buyers corrections account of tobacco received.* Notwithstanding the provisions of § 724.98, any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman shall furnish the warehouseman on a daily sales basis an invoice or an adjustment invoice correctly setting forth the pounds for which he has not been invoiced or for which he has been invoiced incorrectly. Such reports shall be furnished daily, if practicable, otherwise they shall be furnished at the end of each week.

(f) *Final report for season.* Not later than April 1, each dealer who bought, sold, or had tobacco available for marketing during the current marketing year, shall for each kind of tobacco (i) Show the word "final" on his final report, MQ–79 for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, and (iii) permit its inspection and weighing by a representative of ASCS, and at that time furnish him a certification as to the actual weight of such tobacco. After the weight of such tobacco has been so determined in subdivision (iii) of this subparagraph, it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

(g) *Delayed reports.* Notwithstanding the provision of paragraph (f) of this section, any dealer having tobacco transactions after April 1 shall make reports on MQ–79 at the end of each week as provided in paragraph (d)(2) of this section.

§ 724.98 Dealers exempt from regular records and reports, excluding cigar tobacco buyers.

Any dealer or buyer who acquires tobacco only at an auction sale and resells in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the provisions of § 724.97: *Provided*, That where deemed necessary the Director, Commodity Stabilization Division, or the State committee may require a report of all tobacco purchased by the dealer without regard to the 5-percent exemption. Any dealer or buyer is required to report on MQ–79 nonauction purchases from producers and nonauction purchases from other sources.

§ 724.99 Cigar tobacco buyer's records and reports.

(a) *Report of buyer's name and address.* Each buyer shall properly execute, detach, and promptly forward to the State ASCS office, "Receipt for Buyer's Record" contained in MQ–79 (CF&B), which is issued to the buyer.

(b) *Record of marketing.* (1) Each buyer, as to each kind of tobacco, shall keep such records as will enable him to furnish the State ASCS office with respect to each sale of tobacco made by producers to such buyer, including tobacco obtained under subparagraph (2) of this paragraph, the following information:

(i) The name of the operator of the farm on which the tobacco was produced and the name and address of the seller, in the case of a sale by a person other than the farm operator;

(ii) Date of sale;

(iii) The serial number of the MQ–76 marketing card, or sale memo from an MQ–77, used to identify the sale;

(iv) Number of pounds sold, and

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer.

(2) Any buyer or any other person who grades tobacco for farmers, or who furnishes farmers curing space or stripping space, shall maintain records which will enable him to furnish the State ASCS office the name of the farm operator and the amount of each grade of tobacco obtained from each farm from furnishing such services.

(c) *Identification of sale or marketing card, sale memo, and buyers record.* Each MQ–76 and each sale memo from an MQ–77 used to identify each sale of tobacco by a producer, including tobacco obtained under paragraph (b)(2) of this section, shall be properly executed by the buyer. The serial number of the MQ–76 marketing card or sale memo from an MQ–77 to identify such tobacco, shall be recorded on the buyer's copy of the MQ–79 (CF&B) and on the check register or check stub for the check written with respect to such tobacco.

(d) *Record and report of purchases of tobacco from producers.* (1) Each buyer shall keep a record and make reports on MQ–79 (CF&B), Buyer's Record, showing by kinds all tobacco purchased by or for him from producers, including tobacco obtained under paragraph (b)(2) of this section. Such record and report shall show for each sale the sale date, the name of the farm operator (and the name and address of the person selling the tobacco if other than the farm operator), the serial number of the within quota marketing card (MQ–76), and from each excess card (MQ–77) the sale memo number used to identify the sale, the pounds of tobacco represented in the sale, the rate of penalty shown on the sale memo (MQ–77), and the amount of penalty. If no marketing card is presented by the producer, the buyer shall record and report the purchase as provided above except that the buyer shall enter the word "None" in the space for the serial number of the marketing card (MQ–76) or sale memo (MQ–77), the applicable rate of penalty per pound shown in § 724.88 in the space for rate of penalty, and shall show the name and address of the seller in the space for the seller's name.

(2) The original of MQ–79 (CF&B), excess sale memos (MQ–77), and a remittance for all penalties shown by the entries on MQ–79 (CF&B) and on the excess sale memos (MQ–77) to be due shall be forwarded to the State ASCS office not later than the 10th day of the calendar month next following the month during which the sale date occurred.

(e) *Record of buyer's disposition of cigar tobacco.* Each buyer shall maintain records which will show, by kinds of tobacco, the disposition made by him of all tobacco purchased by or for him from producers, including tobacco obtained under paragraph (b)(2) of this section.

§ 724.100 Cigar tobacco buyers and loan organizations not exempt from regular records and reports.

No buyer shall be exempt from keeping records and making the reports required in this part. Any "loan" organization which receives tobacco from producers for the purpose of (a) selling it for the producer or (b) placing it under the Commodity Credit Corporation price support program shall keep the records, make the reports, and remit penalties in case of receiving such tobacco for sale.

§ 724.101 Records and reports of truckers and persons redrying, prizing, or stemming tobacco.

(a) Each trucker shall keep such records, by kinds of tobacco, as will enable him to furnish the State ASCS office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer;

(2) The date of receipt of the tobacco;

(3) The number of pounds received; and

(4) The name and address of the person to whom it was delivered.

(b) Each person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep, by kinds of tobacco, such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers; and, in addition,

(2) The purpose for which the tobacco was received;

(3) The amount of advance made by him on the tobacco;

(4) The disposition of the tobacco; and

(5) Person to whom delivered and pounds involved.

§ 724.102 Separate records and reports from persons engaged in more than one business.

Any person who is required to keep any record or make any report as a warehouseman, processor, dealer, buyer, trucker, or as a person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 724.103 Failure to keep records and make reports or making false report or record.

(a) *Failure to keep records or make reports.* Under the provisions of section 373(a) of the act, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing, or otherwise processing tobacco for producers who fail to make any report or keep any record as required, or who makes a false report or record, is guilty of misdemeanor, and upon conviction thereof shall be subject to a fine of not more than $500 for each offense. In addition, any tobacco warehouseman, dealer, or buyer who fails, upon being requested to do so, to remedy a violation(s) by submitting complete reports and keeping accurate records shall be subject to an additional fine not to exceed $5,000.

(b) *False representations—Warehousemen, dealers, and producers.* The penalties designated in paragraph (a) of this section are in addition to penalties prescribed by other criminal statutes including United States Code, title 18, section 1001, which provides for a fine of not more than $10,000, or imprisonment for not more than 5 years, or both, for a person convicted of knowingly and willingly committing such acts as making a false certification on a new farm application or application for transfer of an allotment, false acreage report, altering a marketing card, falsely identifying tobacco or filing a false dealer or warehouse report.

(c) *Failure to obtain producer's marketing card or sale memo.* The failure of any dealer or warehouseman to obtain a producer's marketing card, MQ–76 or MQ–77, to identify a sale of producer tobacco or who fails to obtain and deliver to a representative of the county ASC committee a properly executed sale memo to cover a sale of producer tobacco identified by an MQ–77 shall constitute a failure to make a report.

§ 724.104 Examination of records and reports.

(a) *Examination.* For the purpose of ascertaining the correctness of any report made or record kept or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, processor, dealer, buyer, trucker, or person engaged in the business of sorting, redrying, prizing, stemming, packing or otherwise processing tobacco for producers, shall make available at one place for examination by representatives of the State executive director and by employees of the Office of the Inspector General and of the Commodity Stabilization Division, and Tobacco Division of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, upon written request by the State executive director all such books, papers, records, basket tickets, floor sheets, buyer adjustment invoices, accounts, canceled checks, check registers, check stubs, correspondence, contracts, documents, and memoranda as the State executive director or the Director has reason to believe are relevant and are within the control of such person.

(b) *Orderly retention of records.* The records and reports required by this subpart including buyer invoices (bill-outs) and basket tickets, shall be kept in an orderly manner by sale day to facilitate examination and verification.

§ 724.105 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under this subpart shall be on a marketing year basis and shall be retained by him for 3 years after the end of the marketing year. Records shall be kept for such longer period of time as may be requested in writing by the State executive director or the Director.

§ 724.106 Information confidential.

All data reported to or acquired by the Secretary pursuant to this subpart shall be kept confidential by all officers and employees of the U.S. Department of Agriculture, by all members of county and community committees, and all county ASCS office employees, and only such data so reported or acquired, as the Deputy Administrator deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under title III of the act.

RESTRICTION ON USE OF DDT AND TDE

§ 724.110 Determination of use of DDT and TDE.

(a) *Definition.* DDT means a pesticide bearing the chemical, or a mixture of 1,1,1-trichloro-2,2 bis (p-chlorophenyl) ethane and 1,1,1-trichloro-2 (o-chlorophenyl)-2-(p-chlorophenyl) ethane. TDE means a pesticide bearing the chemical or a mixture of 1,1-dichloro-2,2-bis (p-chlorophenyl) ethane. In addition, DDT or TDE shall include any products containing derivatives of such pesticides.

(b) *Producer's report.* For each farm on which Fire-cured (type 21), Fire-cured (types 22, 23, and 24), Dark air-cured (types 35 and 36), Virginia sun-cured (type 37), Cigar-binder (types 51 and 52), or Cigar-filler and Binder (types 42, 43, 44, 53, 54, and 55) tobacco is produced, the farm operator or any producer on the farm shall for each year file with the county ASCS office a report on MQ–38, Certification of Use or Nonuse of DDT or TDE on Tobacco, showing whether or not DDT or TDE was used on the tobacco in the field or after being harvested.

(c) *Failure to file report.* If the operator of a farm on which any of the kinds of tobacco cited in paragraph (b) of this section fails or refuses, within 7 days after a request of the county committee to file a report on MQ–38, Certification of Use or Nonuse of DDT or TDE on Tobacco, showing whether or not DDT or TDE was used on the tobacco, all the tobacco of such kind and crop produced on such farm for which he failed or refused to certify on MQ–38 shall be considered by the county committee to have been subjected to such a pesticide unless the county committee finds that failure to file the report was due to circumstances beyond the control of the farm operator.

(d) *Notice to farm operator.* A written notice shall be furnished to the operator of each farm where the county committee determines that tobacco, after being transplanted in the field or after being harvested from the farm, was treated with DDT or TDE. Such determination by the county committee shall be based on (1) the certification on MQ–38, (2) failure to file MQ–38 or (3) other probative evidence that such pesticides were used on the tobacco. The notice to the farm operator shall constitute notice to all persons who as owner, operator, landlord, tenant, or sharecropper, are interested in the tobacco being grown on the farm.

(e) *Producer's right to recertify.* Any producer on a farm who certified on MQ–38 that the tobacco on the farm was subjected to DDT or TDE when in fact no such pesticides were used, may make a new certification of the facts on another MQ–38.

(f) *Issuance of marketing card.* An MQ–77 (ineligible for price support) shall be issued to identify tobacco available for marketing from a farm on which DDT or TDE was used.

Effective date: Date of publication of this document in the FEDERAL REGISTER (2–5–72).

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–1758 Filed 2–4–72;8:50 am]

PART 729—PEANUTS

Subpart—1972 Crop of Peanuts; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 729.105 announces the results of the referendum held during the period December 6–10, 1971, pursuant to section 358(b) of the Agricultural Adjustment Act of 1938, as amended, to determine whether farmers favor or oppose marketing quotas for peanuts produced in the calendar years 1972, 1973, and 1974. Since the only purpose of this proclamation is to announce the results of the referendum, it is found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 729.105 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 729.105 Proclamation of the results of the marketing quota referendum for the peanut crops produced in the 3 calendar years 1972, 1973, and 1974.

In a referendum of farmers engaged in the production of 1971 crop peanuts, held during the period December 6–10, 1971, 43,641 farmers voted. Of those voting 42,503 farmers, or 97.4 percent, favored marketing quotas for peanuts produced in the 3 calendar years 1972, 1973, and 1974 and 1,138 farmers, or 2.6 percent opposed quotas for peanuts produced in each of such 3 calendar years. Since more than two-thirds of the farmers voting favored quotas, the national marketing quota of 1,634,150 tons proclaimed by the Secretary of Agriculture for peanuts produced in the calendar year 1972 (36 F.R. 20881) shall be in effect. National marketing quotas proclaimed hereafter for peanuts for the calendar years 1973 and 1974 shall be effective.

(Secs. 358, 375, 52 Stat. 66, as amended; 55 Stat. 88, as amended; 7 U.S.C. 1358, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–1728 Filed 2–4–72;8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Amdt. 10]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Container, Pack, and Container Marking Regulations

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of Texas citrus fruits, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations of the Texas Valley Citrus Committee reflect its appraisal of the need for restricting the use of containers and pack sizes to those most suitable for the packing and handling of fruit to promote orderly marketing, so as to provide consumers with good quality fruit and maximize returns to producers pursuant to the declared policy of the act. The amendment expands, by two-sixteenth inch, the diameter range for each of the pack sizes for oranges of Navel and Valencia and similar late type varieties, but restricts the diameter ranges within each of the individual pack sizes for individual containers. Expansion of the diameter ranges for each of these pack sizes for these two varieties of oranges is necessary because occasionally these varieties tend to be elongated. This elongation results in the cartons being overfilled, which causes extensive damage, brusing, and crushing of the fruit. The limitation of the diameter ranges within each of the pack sizes for individual containers is intended to maintain uniformity of size within such containers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until

30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (i) the handling of fruit is now in progress and to be of maximum benefit the provisions of this amendment should be effective upon the date hereinafter specified, (ii) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, (iii) this amendment was recommended by members of the Texas Valley Citrus Committee in a open meeting at which all interested persons were afforded opportunity to submit their views, and (iv) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient.

(4) It is hereby found that the amendment hereinafter set forth is in accordance with the provisions of said marketing agreement and order, and will tend to effectuate the declared policy of the act.

Order. Therefore, effective for the period February 7 through March 6, 1972, the provisions of paragraph (a)(2)(i) of § 906.340 (7 CFR 906.340; 36 F.R. 143; 5962; 7049; 14253; 20029) are amended by adding 2 provisos to subdivision (1) *Oranges,* of subparagraph (2) *Pack regulations,* reading as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) • • •

(2) • • •

(i) • • •: *Provided,* That Navel oranges and Valencia and similar late type oranges when place packed in any box or carton shall be sized in accordance with the sizes set forth in the following table and otherwise meet the requirements of standard pack; and when in containers not packed according to a definite pattern shall be sized in accordance with the sizes set forth in the following table and otherwise meet the requirements of standard sizing:

TABLE

Pack sizes	Diameter limits in inches	
	Minimum	Maximum
46	4 9/16	5
54	4	4 13/16
64	3 23/32	4 5/16
70 or 72	3 13/16	4 5/16
80	3 9/16	4 5/16
100	3 5/16	3 13/16
112	3 5/16	3 13/16
125	3 5/16	3 5/16
163	2 13/16	3 5/16
200	2 9/16	3 5/16
252	2 5/16	2 13/16
288	2 5/16	2 9/16
324	2 5/16	2 9/16

Provided further, That the variation from the smallest to the largest fruit in any container is not more than the following applicable amount:

(a) 46, 54, 64, 70, or 72, or 80 sizes—not more than eight-sixteenths inch in diameter;

(b) 100, 112, or 125 sizes—not more than six-sixteenths inch in diameter;

(c) 163 or 200 sizes—not more than five-sixteenths inch in diameter; and

(d) 252, 288, or 324 sizes—not more than four-sixteenths inch in diameter.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 3, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–1842 Filed 2–4–72;8:50 am]

[Lemon Reg. 519]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.819 Lemon Regulation 519.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 1, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 6, through February 12, 1972, is hereby fixed at 190,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 3, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–1759 Filed 2–4–72;8:50 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 214—NONIMMIGRANT CLASSES

Subparagraph (1) *General* of paragraph (j) *Exchange aliens* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by deleting the 11th sentence thereof which reads: "The formal filing with the Service of an application for a waiver of the 2-year foreign-residence requirement under § 212.7(c) of this chapter terminates the nonimmigrant status of the exchange alien and his accompanying spouse and child who have been accorded status under section 101 (a)(15)(J) of the Act as the accompanying spouse and child of such alien."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation lines in alphabetical sequence: "Norwegian Caribbean Lines" and "Transair Limited—Winnipeg, Manitoba."

PART 332—PRELIMINARY INVESTIGATION OF APPLICANTS FOR NATURALIZATION AND WITNESSES

In § 332.11, the first sentence of paragraph (a) is amended and the second, fourth, and eighth sentences of paragraph (b) are amended. As amended, § 332.11 reads, in part, as follows:

§ 332.11 Investigation preliminary to filing petition for naturalization.

(a) *Scope of investigation.* Whenever practicable, each applicant for naturalization and his witnesses shall appear in person before an officer of the Service authorized to administer oaths or affirmations, prior to the filing of a petition for naturalization, and give testimony under oath or affirmation concerning the applicant's mental and moral qualifications for citizenship, attachment to the principles of the Constitution, and disposition to the good order and happiness of the United States, the qualifications of the witnesses, and the other qualifications to become a naturalized citizen as required by law. • • •

(b) *Conduct of investigation.* The Service officer, prior to the beginning of the investigation, shall make known to the applicant and the witnesses the official capacity in which he is conducting the investigation. The applicant and such witnesses shall be questioned under oath or affirmation separately and apart from one another and apart from the public. The applicant shall be questioned as to each assertion made by him in his application to file a petition and in any supplemental form. Whenever necessary, the written answers in the forms shall be corrected by the officer to conform to the oral statements made under oath or affirmation. The Service officer, in his discretion, may have a stenographic transcript made, or prepare affidavits covering testimony of the applicant or witnesses. The questions to the applicant and the witnesses shall be repeated in different form and elaborated, if necessary, until the officer conducting the investigation is satisfied that the person being questioned fully understands them. At the conclusion of the investigation all corrections made on the application form and supplements thereto shall be consecutively numbered and recorded in the space provided therefor in the applicant's affidavit contained in the form. The affidavit shall then be subscribed and sworn to or affirmed by the applicant and signed by the Service officer. • • •

PART 332d—DESIGNATION OF EMPLOYEES TO ADMINISTER OATHS AND TAKE DEPOSITIONS

Section 332d.1 is amended to read as follows:

§ 332d.1 Designation of employees to administer oaths and take depositions.

All immigration officers and other officers or employees of the Service of an equal or higher grade are hereby designated to administer oaths or affirmations and take depositions in matters relating to the administration of the naturalization and citizenship laws. In addition, such other employees as may be designated by a district director are hereby authorized to administer oaths or affirmations.

PART 334—PETITION FOR NATURALIZATION

The second sentence of § 334.21 *Verification of petition for naturalization; administration of oath* is amended to read as follows: "Any such officer shall administer the required oaths or affirmations to the petitioner and the witnesses."

PART 334a—DECLARATION OF INTENTION

The third sentence of § 334a.1 *Filing and disposition* is amended to read as follows: "The declaration of intention shall be executed under oath or affirmation on Form N–315, in triplicate, before the clerk of any court exercising naturalization jurisdiction or his authorized deputy, regardless of the place of residence of the applicant, and only in the office of said clerk."

PART 339—FUNCTIONS AND DUTIES OF CLERKS OF NATURALIZATION COURTS

Section 339.1 is amended to read as follows:

§ 339.1 Administration of oath to declarations of intention and petitions for naturalization.

It shall be the duty of every clerk of a naturalization court to administer the required oath or affirmation to each applicant for a declaration of intention. The clerk shall receive and file petitions and administer the required oaths or affirmations to each petitioner and the witnesses to each petition, unless such petitioner and witnesses have executed the petition before a designated examiner.

PART 341—CERTIFICATES OF CITIZENSHIP

The last sentence of paragraph (e) *Conduct of examination* of § 341.2 *Examination upon application* is amended to read as follows: "The affidavit shall then be signed and sworn to or affirmed by the claimant or the acting parent or guardian; and the remainder of the affidavit completed and signed by the assigned officer."

PART 342—ADMINISTRATIVE CANCELLATION OF CERTIFICATES, DOCUMENTS, OR RECORDS

1. The second sentence of § 342.1 *Notice* is amended to read as follows: "The notice shall contain allegations of the reasons for the proposed action and shall advise the person that he may submit, within 60 days of service of the notice, an answer in writing under oath or affirmation showing cause why the certificate, document, or record should not be canceled, that he may appear in person before a naturalization examiner in support of, or in lieu of his written answer, and that he may have present at that time, without expense to the Government, an attorney or representative qualified under Part 292 of this chapter."

2. Section 342.6 is amended to read as follows:

§ 342.6 Depositions.

Upon good cause shown, the testimony of any witness may be taken by depositions, either orally or upon written interrogatories before a person having authority to administer oaths (affirmations), as may be designated by the naturalization examiner.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (2–5–72). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendment to § 214.2(j)(1) relates to agency policy; the amendment to § 238.3(b) adds transportation lines to the listing; and the amendments to §§ 332.11, 332d.1, 334.21, 334a.1, 339.1, 341.2(e), 342.1, and 342.6 set forth the Service position relative to an affirmation instead of an oath in naturalization and citizenship cases.

Dated: February 1, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72–1741 Filed 2–4–72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–WA–16B]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On May 21, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 9258) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 11 area high routes in the United States.

Three of the routes (J933R, J972R, and J975R) have previously been designated. Three additional routes (J971R, J974R, and J976R) have been successfully flight inspected and are being designated in this rule.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable. A recommendation made by the Air Transport Association of America to eliminate turns in the western

portion of J974R is followed herein. Additional changes have been made to reference facilities and waypoint locations along the proposed route to provide improved navigational guidance.

J933R was designated, effective January 6, 1972, in Airspace Docket No. 71-WA-16 (36 F.R. 21586 and 22738) from Dallas, Tex., to Los Angeles, Calif. The portion of this route from Greater Southwest, Tex., to Wichita Falls, Tex., is not compatible with present terminal procedures at Dallas, Tex., contributes to chart clutter, serves no useful purpose and is therefore rescinded in this rule. Since these changes are minor in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

1. In § 75.400 (37 F.R. 2400) the following area high routes are added:

Waypoint name	N. Lat. W. Long.	Reference facility
J971R SAN ANTONIO, TEX., TO DALLAS, TEX.		
Henly, Tex.	30°14′02″/97°26′56″	Austin, Tex.
Acton, Tex.	32°26′04″/97°37′49″	Waco, Tex.
J974R WASHINGTON, D.C., TO LOS ANGELES, CALIF.		
Casanova, Va.	38°38′28″/77°51′57″	Gordonsville, Va.
Adolph, W. Va.	38°40′45″/80°12′31″	Charleston, W. Va.
Chimney, W. Va.	38°38′00″/81°47′11″	Do.
Westport, Ky.	38°28′58″/85°36′50″	Louisville, Ky.
Zell, Mo.	38°00′54″/90°17′37″	Farmington, Mo.
Irwin, Mo.	37°20′10″/94°18′25″	Butler, Mo.
Tangier, Okla.	36°32′14″/97°56′38″	Klingfisher, Okla.
Canadian, Tex.	36°21′15″/101°48′23″	Amarillo, Tex.
Wagon, N. Mex.	36°00′45″/104°41′29″	Las Vegas, N. Mex.
Gallup, N. Mex.	35°28′34″/108°52′19″	Gallup, N. Mex.
Drake, Ariz.	34°56′54″/112°32′15″	Prescott, Ariz.
Chuhbuck, Calif.	34°32′20″/114°08′06″	Parker, Calif.
Morrow, Calif.	34°02′51″/117°14′54″	Oceanside, Calif.
J976R SEATTLE, WASH., TO MINNEAPOLIS, MINN.		
Bothell, Wash.	47°43′56″/122°05′03″	Seattle, Wash.
Coulee, Wash.	47°20′42″/119°24′00″	Ephrata, Wash.
Mullan Pass, Idaho.	47°27′28″/115°28′42″	Mullan Pass, Idaho.
Eden, Mont.	47°21′50″/111°25′15″	Great Falls, Mont.
Moulton, Mont.	47°16′24″/109°34′42″	Lewiston, Mont.
Brockway, Mont.	46°59′51″/105°50′24″	Miles City, Mont.
Lark, N. Dak.	46°29′51″/101°20′11″	Dupree, S. Dak.
Oakes, N. Dak.	46°01′56″/98°09′50″	Aberdeen, S. Dak.
Minneapolis, Minn.	45°08′41″/93°22′23″	Minneapolis, Minn.

2. In § 75.400 (37 F.R. 2400) J933R is amended by deleting the first waypoint, "Greater Southwest, Tex. 32°49′10″/97°02′28″ Greater Southwest, Tex."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on January 31, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1636 Filed 2-4-72;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

[Docket No. R-72-149]

PART 1710—LAND REGISTRATION

Statement of Record; Format and Instructions

Correction

In F.R. Doc. 72-1065 appearing at page 1302 in the issue of Thursday, January 27, 1972, the following changes should be made in § 1710.105:

1. In the third column of page 1310, the subparagraph designated "2." under paragraph D. of Part I. should be undesignated.

2. In the center column of page 1311, subparagraph 1. under paragraph C. of Part IV. should read as follows:

1. Describe general weather conditions of the area.

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 477-72]

PART 9—REMISSION OR MITIGATION OF CIVIL FORFEITURES

Terms and Conditions

The Department of Justice regulations governing remission or mitigation of forfeitures in connection with violations of Federal law deny relief to a claimant of a security or other interest in a seized vehicle or other property if, at the time the claimant's interest was acquired, the violator whose activities led to the seizure had a criminal record or reputation, unless the claimant shows that he had asked the law enforcement agency whether the person had a criminal record or reputation and was told he did not have such record or reputation. This order amends the Department's regulations by eliminating this requirement, contained in 28 CFR 9.5 (d)-(h), that inquiry be made as a condition precedent to relief and makes certain other conforming and clarifying changes in the regulations.

By virtue of the authority vested in me by sections 509 and 510 of Title 28 and section 301 of title 5, United States Code, and Reorganization Plan No. 1 of 1968, Part 9 of chapter I of Title 28 of the Code of Federal Regulations is amended as follows:

1. Section 9.1 is revised to read as follows:

§ 9.1 Purpose and scope.

The following definitions, regulations and criteria are designed to reflect the intent of Congress relative to the remission or mitigation of forfeiture of certain property as set out in section 1618 of title 19, United States Code, and are applicable only to those civil forfeitures which arise under the Contraband Transportation Act, Comprehensive Drug Abuse Prevention and Control Act of 1970, customs laws, Federal Alcohol Administration Act and other laws relating to gambling, firearms, and liquor (except the Indian Liquor Laws), and which are assigned to the supervision of the Criminal Division or the Bureau of Narcotics and Dangerous Drugs by the Attorney General or his duly authorized delegate (§§ 0.55(d), 0.100 of this chapter).

2. Paragraphs (d) and (k) of § 9.2 are revised to read as follows:

§ 9.2 Definitions.

* * * * * * *

(d) The terms "net equity," "net lien," and "net interest" mean the actual interest a petitioner has in property seized for forfeiture at the time a petition for remission or mitigation of forfeiture is granted by the determining official: *Provided, however,* That in computing a petitioner's actual interest the determining official shall make no allowances for unearned interest, finance charges, dealer's reserve, attorney's fees or other similar charges.

* * * * * * *

(k) The term "reputation" means repute with a law enforcement agency or among law enforcement officers or in the community generally, including any pertinent neighborhood or other area.

* * * * * * *

§ 9.4 [Amended]

3. Paragraph (f) of § 9.4 is amended by substituting "21 CFR 316.71-316.81" for "21 CFR 330.1-330.11."

4. Paragraph (c) of § 9.5 is amended by adding a new subparagraph at the end thereof to read as follows and by revoking paragraphs (d) through (h).

§ 9.5 General administrative procedures.

* * * * * * *

(c) * * *

(3) Establishes that he at no time had any knowledge or reason to believe that the owner had any record or reputation for violating laws of the United States or of any State for related crime.

(d)-(h) [Revoked]

5. Paragraphs (c), (d), and (e) of § 9.6 are revised to read as follows:

§ 9.6 Provisions applicable to particular situations.

* * * * * * *

(c) Leasing agreements: (1) A person engaged in the business of renting property shall not be excused from establishing compliance with the requirements of § 9.5.

(2) A lessor who leases property on a long term basis with the right to sublease shall not be entitled to remission or mitigation of a forfeiture of such property unless his lessee would be entitled to such relief.

(d) Voluntary bailments: A petitioner who allows another to use his property without cost and who is not in the business of lending money secured by property or of renting property for profit, shall be granted remission or mitigation of forfeiture upon meeting the requirements of § 9.5.

(e) Straw purchase transactions: If a person purchases in his own name property for another who has a record or reputation for related crimes, and if a lienholder knows or has reason to believe that the purchaser of record is not the real purchaser, a petition filed by such a lienholder shall be denied unless the petitioner establishes compliance with the requirements of § 9.5 as to both the purchaser of record and the real purchaser. This rule shall also apply where money is borrowed on the security of property held in the name of the purchaser of record for the real purchaser.

* * * * * * *

6. Section 9.7 is amended as follows:

a. Paragraph (a) is amended by deleting the words "and in which a complaint for forfeiture has been filed in the District Court."

b. Subparagraphs (1) and (2) of paragraph (c) are revised and paragraph (i) is revised to read as follows:

§ 9.7 Terms and conditions of remission.

(c) * * *

(1) Payment to the petitioner of an amount equal to his net equity if the proceeds are sufficient or the net proceeds otherwise, after deducting from the petitioner's interest an amount equal to the Government's costs and expenses incident to the seizure, forfeiture and sale, including court costs and storage charges, if any;

(2) Payment of such costs and expenses;

* * * * * * *

(i) Where remission or mitigation is allowed to a person holding a security interest who is thereby eligible to have the property released to such person upon compliance with the terms and conditions of remission or mitigation, the property may nevertheless be retained by the Government for official use by an appropriately designated Department or Agency thereof upon payment by it to such person of an amount equal to such person's net equity, less an amount equal to the Government's costs and expenses incident to the seizure and forfeiture including court costs and storage charges, if any, and upon payment by it to the U.S. Marshal of an amount equal to such costs and expenses.

Dated: January 28, 1972.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.72-1718 Filed 2-4-72;8:46 am]

[Order 476-72]

PART 45—STANDARDS OF CONDUCT

Reporting of Outside Interests; Bureau of Narcotics and Dangerous Drugs

Department of Justice regulations relating to standards of conduct of employees include a requirement that employees occupying certain designated positions report their outside financial interests. This order changes the listing of positions for the Bureau of Narcotics and Dangerous Drugs to reflect recent internal reorganization of the Bureau.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, § 45.735-22(c)(2)(xvii) of Part 45 of Chapter I of Title 28, Code of Federal Regulations is revised as follows:

§ 45.735-22 Reporting of outside interests by persons other than special Government employees.

* * * * * * *

(c) Statements of employment and financial interests are required of the following:

* * * * * * *

(2) Employees occupying the following positions:

* * * * * * *

(xvii) Bureau of Narcotics and Dangerous Drugs:

Deputy Directors.
Chief Counsel.
Chief Inspector.
Controller.
Assistant Directors.
Division Chiefs.
Chief Chemists.
Regional Directors.

* * * * * * *

Dated: January 28, 1972.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.72-1719 Filed 2-4-72;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

LISTING OF EMPLOYMENT OPENINGS

This amendment of the Federal Procurement Regulations adds new Subpart 1-12.11 regarding the listing of employment opportunities which is designed to assist returning veterans to find employment. The amendment implements Executive Order 11598 (36 F.R. 11711, June 18, 1971) and the rules and regulations of the Secretary of Labor (41 CFR 50-250, 36 F.R. 18398, September 14, 1971) and provides for the inclusion of a contract clause in contracts and first tier subcontracts which requires contractors and subcontractors to agree that all employment openings will be offered for listing at an appropriate local office of the Federal-State employment service system.

PART 1-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1-2.2—Solicitation of Bids

Section 1-2.201 is amended to add new paragraph (a)(30), as follows:

§ 1-2.201 Preparation of invitations for bids.

* * * * * * *

(a) * * *

(30) The following provision regarding the listing of employment openings shall be placed on the face of the invitation for bids or on a cover sheet where contract awards in the amount of $10,000 or more and generating 400 or more man-days of employment may result:

LISTING OF EMPLOYMENT OPENINGS

Bidders and offerors should note that this solicitation includes a provision requiring the listing of employment openings with the local office of the State employment service system where a contract award is for $10,000 or more and will generate 400 or more man-days of employment.

* * * * * * *

PART 1-7—CONTRACT CLAUSES

The table of contents for Part 1-7 is amended by the addition of the following new entries:

Sec.
1-7.101-36 Listing of employment openings.
1-7.602-11 Listing of employment openings.

Subpart 1-7.1—Fixed-Price Supply Contracts

Section 1-7.101 is amended to add new § 1-7.101-36, as follows:

§ 1-7.101 Clauses.

* * * * * * *

§ 1-7.101-36 Listing of employment openings.

In accordance with § 1-12.1102-2, insert the clause set forth therein.

Subpart 1-7.6—Fixed-Price Construction Contracts

Section 1-7.602 is amended to add new § 1-7.602-11, as follows:

§ 1-7.602 Additional standardized clauses.

* * * * * * *

§ 1-7.602-11 Listing of employment openings.

In accordance with § 1-12.1102-2, insert the clause set forth therein.

PART 1-12—LABOR

The table of contents is changed to provide revised and new entries, as follows:

Sec.
1-12.104 [Reserved]

Subpart 1-12.11—Listing of Employment Openings

Sec.
1-12.1100 Scope of subpart.
1-12.1101 General.
1-12.1102 Listing of employment openings.
1-12.1102-1 Policy.
1-12.1102-2 Clause.
1-12.1102-3 Deviations.
1-12.1102-4 Exceptions to listing requirements.
1-12.1102-5 Failure to comply.

AUTHORITY: The provision of this Subpart 1–12.11 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 1–12.1—Basic Labor Policies

§ 1–12.104 [Reserved]

Section 1–12.104 is revised to delete the caption and the text and to provide that the section is reserved.

Subpart 1–12.11 is added, as follows:

Subpart 1–12.11—Listing of Employment Openings

§ 1–12.1100 Scope of subpart.

This subpart sets forth policies and procedures regarding manpower requirements which implement Executive Order 11598 (36 F.R. 11711, June 18, 1971) and regulations of the Secretary of Labor (41 CFR 50–250, September 14, 1971) concerning employment opportunities, with particular emphasis on assistance to veterans.

§ 1–12.1101 General.

Executive agencies shall cooperate with and encourage contractors to utilize to the fullest extent practicable the U.S. Training and Employment Service (USTES) and its affiliated local State Employment Service Offices in meeting contractors' manpower (labor supply) requirements to staff new or expanding plant facilities, including the recruitment of workers in all occupations and skills both from local labor market areas and through the Federal-State manpower clearance system. Local State Employment Service Offices are operated in every State and in the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands. In addition to providing recruitment assistance to contractors who need and desire it, cooperation with the local State Employment Service Offices will further the national program of maintaining continuous assessment of manpower requirements and resources on a national and local basis.

§ 1–12.1102 Listing of employment openings.

§ 1–12.1102–1 Policy.

Government contractors and first tier subcontractors shall list all of their suitable employment openings to the maximum extent feasible with the appropriate local office of the State employment service system as required by Executive Order 11598 and the rules and regulations of the Secretary of Labor issued pursuant thereto.

§ 1–12.1102–2 Clause.

Unless otherwise provided in this subpart, executive agencies shall include, either directly or by reference, the contract clause prescribed by this § 1–12.1102–2 in (a) all invitations for bids and requests for proposals, and (b) all contracts, including contracts resulting from unsolicited proposals, where it is anticipated that a contract will be for $10,000 or more and will generate 400 or more man-days of employment. However, the clause shall not be included in contracts with State and local governments.

LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR 50–250 if this contract is for $10,000 or more and will generate 400 or more man-days of employment.)

(a) The Contractor agrees that all employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment of the Contractor other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall, to the maximum extent feasible, be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such periodic reports to such local office regarding employment openings and hires as may be required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve only the normal obligations which attach to the placing of a bona fide job order but does not require the hiring of any job applicant referred by the employment service system.

(c) The periodic reports required by paragraph (a) of this clause, shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one establishment in a State, with the central office of that State employment service. Such reports shall indicate for each establishment the number of individuals who were hired during the reporting period and the number of hires who were veterans who served in the Armed Forces on or after August 5, 1964, and who received other than a dishonorable discharge. The Contractor shall maintain copies of the reports submitted until the expiration of 1 year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor.

(d) Whenever the Contractor becomes contractually bound to the listing provisions of this clause, he shall advise the employment service system in each State wherein he has establishments of the name and location of each such establishment in the State. As long as the Contractor is contractually bound to these provisions and has so advised the State employment service system, there is no need to advise the State system of subsequent contracts. The Contractor may advise the State systems when it is no longer bound by this contract clause.

(e) This clause does not apply (1) to the listing of employment openings which occur outside of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, and (2) to contracts with State and local governments.

(f) This clause does not apply to openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his own organization or employer-union arrangement for that opening.

(g) As used in this clause:

(1) "All employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings which are compensated on a salary basis of less than $16,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement," means employment openings for which no consideration will be given to persons outside the Contractor's organization (including any affiliates, subsidiaries, and parent companies) or outside of a special hiring arrangement which is part of the customary and traditional employment relationship which exists between the Contractor and representatives of his employees and includes any openings which the Contractor proposes to fill from regularly established "recall" or "rehire" lists or from union hiring halls.

(4) "Man-day of employment" means any day during which an employee performs more than 1 hour of work.

(h) The Contractor agrees to place this clause (excluding this paragraph (h)) in any subcontract directly under this contract.

§ 1–12.1102–3 Deviations.

Under the most compelling circumstances such as situations when the needs of the Government cannot reasonably be otherwise supplied or when it is determined that a deviation would be in the best interest of the Government, a deviation from this requirement may be made, subject to approval by the Secretary of Labor under procedures in 41 CFR 50–250.5(c). However, any application for relaxation of this requirement shall be made consistent with the provisions of § 1–1.009.

§ 1–12.1102–4 Exceptions to listing requirements.

Executive Order 11598 requires Government contractors and first-tier subcontractors to list all of their suitable employment openings to the maximum extent feasible. Feasibility, in this regard, shall be taken to mean that it is reasonably possible for the listings to be made. An example of an infeasible listing is one where the listing of an employment opening would be contrary to national security. Contractors with inquiries regarding situations where the listing of openings may be considered to be infeasible shall be advised that such questions should be submitted to the Manpower Administrator, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210.

§ 1–12.1102–5 Failure to comply.

Upon receipt of notice that a contractor has failed to comply with the provisions of the Listing of Employment Openings clause in § 1–12.1102–2, the contracting officer shall take such action as may be appropriate under the default provisions of the contracts concerned.

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms for Advertised Supply Contracts

Section 1–16.101 is amended to change paragraph (c) to read as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, November 1969 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.101–10 of this chapter shall be substituted for the provision entitled "Examination of Records" in Article 10, the Utilization of Labor Surplus Area Concerns clause prescribed by § 1–1.805–3(a) of this chapter shall be substituted for the provision entitled "Utilization of Concerns in Labor Surplus Areas" in Article 22, and the clause set forth in § 1–12.1102–2 shall be added.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401 is amended to change paragraph (h) to read as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(h) General Provisions (Construction Contract) (Standard Form 23–A, October 1969 edition). Pending publication of a new edition of the form, add the clause set forth in § 1–12.1102–2.

Subpart 1–16.6—Forms of Leases for Real Property

Section 1–16.601 is amended to change paragraph (b) to read as follows:

§ 1–16.601 Forms prescribed.

* * * * *

(b) Standard Form 2–A, May 1970 edition, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property. Pending publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.101–10 shall be substituted for the provision entitled "Examination of Records" in Article 11, and the clause set forth in § 1–12.1102–2 shall be added.

* * * * *

Subpart 1–16.7—Forms for Negotiated Architect-Engineer Contracts

Section 1–16.701 is amended to change paragraph (b) to read as follows:

§ 1–16.701 Forms prescribed.

* * * * *

(b) General Provisions (Architect-Engineer Contract) (Standard Form 253, August 1970 edition). Pending publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.101–10 of this chapter shall be substituted for the provisions entitled "Examination of Records" in Article 8, and the clause set forth in § 1–12.1102–2 shall be added.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER (2–5–72).

Dated: January 28, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72–1711 Filed 2–4–72;8:46 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–27—INVENTORY MANAGEMENT

Subpart 101–27.5—Return of GSA Stock Items

REDUCTION OF CREDIT ALLOWANCE

The credit allowance for return to GSA of GSA items in condition code A is reduced from 90 to 80 percent.

Section 101–27.503–1 is revised to read as follows:

§ 101–27.503–1 Serviceable material.

Credit will be granted at the rate of 80 percent of the current GSA Stock Catalog selling price after acceptance by GSA for new, used, repaired, or reconditioned material which is serviceable and issuable to all agencies without limitation or restriction (condition code A).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (2–5–72).

Dated: January 28, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72–1712 Filed 2–4–72;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Applicability of Certain U.S. Footnotes to the Table of Frequency Allocations; Correction

In the matter of amendment of § 2.106 of the Commission's rules and regulations concerning applicability of certain U.S. footnotes to the Table of Frequency Allocations.

In the order in the above-entitled matter released January 7, 1972, FCC 72–6 (37 F.R. 604), it is necessary to correct the amendments to § 2.106 to read as follows:

Footnote US17 is deleted and removed from the band 225–328.6 MHz, footnote US103 is deleted and removed from the bands 70–90 kHz and 110–130 kHz, and footnote US72 is added to the band 23.0–24.25 GHz and amended as follows:

US72 Airport Surface Detection Equipments (ASDE's) in operation between 23.6 and 24.47 GHz as of June 1, 1970, may continue to operate on a primary basis and shall be protected from other authorized operations in this band. ASDE's designed for introduction into service after June 1, 1970, will not be permitted to operate in the band 23.6–24.25 GHz, but may operate on a primary basis in the band 24.25–25.25 GHz.

Released: February 2, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–1751 Filed 2–4–72;8:49 am]

Chapter II—Office of Telecommunications Policy

PART 211—EMERGENCY RESTORATION PRIORITY PROCEDURES FOR TELECOMMUNICATIONS SERVICES

Policy, Submission, Processing, and Obligation

Part 211 of Chapter II of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 211.1(b) is amended to read as follows:

§ 211.1 Authority.

* * * * *

(b) Authority to develop plans, policies, and procedures for the establishment of such restoration priorities has been delegated to the Director of the Office of Telecommunications Policy by Executive Orders 10705, 11051, 11490, and by the President's Memorandum of August 21, 1963 (28 F.R. 9413, 3 CFR Part 858 (1959–63 comp.)), all as amended by Executive Order 11556 (3 CFR Part 158 (1970 comp.)).

2. Section 211.4(e) is amended to read as follows:

§ 211.4 Policy.

* * * * *

(e) It is recognized that as a practical matter in providing for the maintenance or restoration of a priority service or services operating within a multiple circuit-type facility (such as a carrier band, cable, or multiplex system), lower priority, lower subpriority, or nonpriority services on paralleled channels within a band or system may be restored concurrently with higher priority services. Such reactivation shall not, however, interfere with the expedited restoration of other priority services.

* * * * *

3. Section 211.6(c) is amended to read as follows:

§ 211.6 **Submission and processing of restoration priority requests.**

* * * * *

(c) Industrial/Commercial entities designated for prearranged voluntary participation with the Federal Government in a national emergency should submit separate applications to the Commission when requesting the assignment of priorities in category 1 or 2. Such assignments will require the approval of the Director in order to continue to be effective during a war emergency. In all cases the justification for restoration priorities will contain a validation statement from the Government agency with whom participation is prearranged.

* * * * *

4. Section 211.7(b) is amended to read as follows:

§ 211.7 **Obligation of carriers.**

* * * * *

(b) * * *

(2) Enter into agreements, to the extent possible, with their foreign correspondents to effect restoration of the foreign portion of leased international services in accordance with this part.

(3) Notify the Executive Agent of foreign correspondent procedures affecting Federal Government services that are not reasonably consistent with the priority requirements of this part.

Effective: February 1, 1972.

GEORGE F. MANSUR,
Deputy Director.

[FR Doc.72-1722 Filed 2-4-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Accounting for Long-Term Contracts; Notice of Hearing

Proposed regulations under sections 451 and 471 of the Internal Revenue Code of 1954, relating to accounting for long-term contracts, appear in the FEDERAL REGISTER for December 15, 1971 (36 F.R. 23805).

Written comments or suggestions pertaining to such proposed regulations were required to be submitted by January 14, 1972. The time for submission of written comments or suggestions pertaining to such proposed regulations has been extended to February 15, 1972 (37 F.R. 336).

A public hearing on the provisions of these proposed regulations will be held on Tuesday, March 21, 1972, at 10 a.m., e.s.t., and if necessary, will continue on March 22, 1972, beginning at 10 a.m., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601 (a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making (including the extension of that time) and who desire to present oral comments should by March 15, 1972, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by March 17, 1972. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is twenty-five cents ($0.25) per page, subject to minimum charge of $1.

LEE H. HENKEL, JR.,
Acting Chief Counsel.

[FR Doc.72-1856 Filed 2-4-72;8:50 am]

[26 CFR Part 1]

INCOME TAX

Depreciation Allowances Using the Class Life Asset Depreciation Range System; Correction

On January 27, 1972, notice of proposed rule making with respect to regulations under sections 167(m) and 263(f) (relating to depreciation allowances using the class life asset depreciation range system) appeared in the FEDERAL REGISTER (37 F.R. 1328). The following changes should be made.

1. The 12th line of paragraph 5 should read "(l), and by inserting three new sentences at".

2. The 13th line of paragraph 34 should read "after 'use' the first time it appears in".

3. The 15th line of paragraph 45 should read "plies or scrap and of' immediately after".

4. A new paragraph 51a should be inserted immediately after paragraph 51, to read as follows:

PAR. 51a. Paragraph (e)(3)(iii) is revised by deleting "by reference to the activity in which such property is primarily used" in the third sentence and inserting in lieu thereof "as of the property were owned".

5. The 24th line of paragraph 53 should read "serting 'An' in lieu thereof, by inserting 'otherwise' immediately after 'not' in the flush material following subdivision (x), and by".

6. The 11th line of paragraph 54 should read "subdivision (*f*), by inserting 'otherwise' immediately after 'not' in the flush material following subdivision (*f*), and by inserting ', in".

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.72-1855 Filed 2-4-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 726]

BURLEY TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quota Regulations for 1971-72 and Subsequent Marketing Years

Pursuant to, and in accordance with the Agricultural Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Department is preparing to amend the regulations pertaining to determination of farm marketing quotas, lease and transfer of farm marketing quotas, and records for identification of marketings.

The purpose of this document is to give notice of the proposed changes in the regulations as follows:

1. The erroneous notice provision in § 726.66(d) would be broadened to include situations where the farm operator prior to planting the tobacco materially changes his position to produce the crop.

2. Section 726.68 (d) and (e) would be amended to provide for the use of Form ASCS-375 as a record of transfer of tobacco marketing quota. It would also provide that the record of transfer be signed by the parties to the lease and transfer and that the signature of either the owner or operator of the transferring farm, as well as the owner or operator of the receiving farm, be witnessed by a representative of the county ASC committee in the county where the farms are located or in any county convenient to the person signing.

3. The provisions in § 726.88(w)(1) would be clarified to state with particularity the farm against which overmarketings would be charged in any case where a lease of quota is canceled because of fraud on the part of the owner or operator of the transferring farm but without fault on the part of the owner or operator of the receiving farm. In such a case, it is proposed that the regulations expressly state that the overmarketings would be charged against the farm from which the transfer of quota was made if such farm, after any such reconstitution as may be necessary as a result of the fraud, is assigned a quota against which the overmarketings would be charged; otherwise, the overmarketings would be charged against any other farm involved in the fraud having a quota after any reconstitution required by the fraud. Notwithstanding the above, the amount of overmarketings on the receiving farm which is in excess of the amount of quota involved in the canceled lease would be charged against the receiving farm.

4. Section 726.93(l) would be changed to provide that the warehouse keep copies of bill-out invoices to the purchaser by grades showing the pounds purchased and identification reference to such basic warehouse records such as basket ticket or sale bill.

It is proposed that the burley tobacco regulations for 1971-72 and subsequent marketing years be amended as follows:

1. Paragraph (d) of § 726.66 is amended to read as follows:

§ 726.66 **Approval of marketing quotas and notices to farm operators.**

* * * * *

(d) *Marketing quota erroneous notice.* If the official notice of the farm marketing quota issued for a farm erroneously stated a marketing quota larger

FEB 5 72
XUM

than the correct effective farm marketing quota, the marketing quota shown on the erroneous notice shall be deemed to be the marketing quota and the basis for marketing quota penalty computation for the farm for the current marketing year only, if the county committee determines (with approval of the State executive director) that (1) the error was not so gross as to place the operator on notice thereof, and (2) that the operator, relying upon such notice and acting in good faith (i) materially changed his position to enable him to produce the quota crop (for example obligated expenditures of funds for land preparation, additional equipment and labor) or (ii) had planted tobacco on the farm and was not notified of the correct farm marketing quota prior to planting the tobacco. Undermarketings and overmarketings for farms for which the erroneous notice of marketing quota is applied shall be determined based on the correct effective farm marketing quota for the farm.

2. Paragraphs (d), (e), and (w)(1) of § 726.68 would be amended to read as follows:

§ 726.68 Transfer of burley tobacco farm marketing quotas by lease or by owner.

* * * * *

(d) *Filing and approval of transfer.* The transfer of a farm marketing quota or any part thereof shall not be effective until a copy of the lease agreement, determined to be in compliance with the provisions of this section, is filed with the county committee or designated county office employee at a market town location not later than February 15 of the current marketing year. The county committee may redelegate authority to approve leasing agreements to the county executive director or other county office employee. County office employees in market town locations designated by the State committee shall have authority to approve annual leases and transfers under the terms and conditions of this section even though the farms involved (which must be located in the same county) may be from a different county or State than the county committee supervising the market town location, subject to the review of the county committee for the county where the farms are administratively located. The filing of a properly executed record of transfer of quota, Form ASCS–375, will be considered to meet the requirement of this paragraph.

(e) *Record of transfer on ASCS–375.* No lease and transfer of any quota under this section for 1972 and subsequent crops shall become effective until a record of the transfer has been executed on Form ASCS–375 and filed with the county committee by the parties to the transfer. If the owner and operator of the farm from which transfer by lease is made are different persons, both owner and operator shall execute the record of transfer; however, only the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office or market town location where the farm is administratively located, they may be witnessed in any county office or market town location, convenient to the owner or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or other similar hardship cases may be met by mail, provided a verbal request is made by the producer.

* * * * *

(w) *Cancellation, dissolution or revision of transfer*—(1) *Cancellation.* (i) Any transfer approved in error or on the basis of incorrect information shall be canceled by the county committee. Such cancellation shall be effective as of the date of approval for purposes of determining overmarketings and undermarketings from the farms and for purposes of determining eligibility for price support and marketing quota penalties except that such cancellation shall not be effective for the current marketing year for purposes of determining price support and marketing quota penalties only if:

(*a*) The transfer approval was made in error or on the basis of incorrect information unknowingly furnished by the parties to the transfer agreement, and

(*b*) The parties to the transfer agreement were not notified of the cancellation before marketings for the receiving farm exceed the correct effective farm marketing quota. The provision of this subparagraph (1) shall not preclude application of the erroneous notice provisions under § 726.66 where such provisions are applicable.

(ii) Where a lease and transfer is canceled under subdivision (i) of this subparagraph because of fraud on the part of the owner or operator of the transferring farm, but without fault on the part of the owner or operator of the receiving farm and approved by the county committee with concurrence of the State committee the overmarketings would be charged against the farm from which the transfer of quota was made if such farm, after any such reconstitution as may be necessary as a result of the fraud, is assigned a quota against which the overmarketings could be charged; otherwise, the overmarketings would be charged against any other farm involved in the fraud having a quota after reconstitution required by the fraud. Notwithstanding the above, the amount of overmarketings on the receiving farm which is in excess of the amount of quota involved in the canceled lease would be charged against the receiving farm.

* * * * *

3. Paragraph (l) of § 726.93 is amended to read as follows:

§ 726.93 Warehouseman's records and reports.

* * * * *

(l) *Invoice to purchaser.* Warehousemen shall keep copies of bill out invoices to the purchaser by grades showing the pounds purchased and identification references to such basic warehouse records as basket ticket or sale bill.

Prior to issuance of the proposed changes in the regulations, data, views, or recommendations pertaining thereto which are submitted to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than 15 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in the manner convenient to the public business (7 CFR 1.27 (b)).

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–1729 Filed 2–4–72;8:47 am]

[7 CFR Part 729]

PEANUTS

Proposed Determination To Be Made With Respect to Supply of Valencia Type Peanuts for 1972–73 Marketing Year

At the request of interested producers, the Secretary of Agriculture is initiating a study necessary to determine whether the supply of Valencia type peanuts for the 1972–73 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. This is in accordance with section 358(c) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1358(c)). This section, as amended, reads in part as follows:

"Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding 5 years, adjusted for trends in yields and abnormal conditions of production affecting yields in such 5 years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes, at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the 3 years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments."

Prior to determining whether the supply of Valencia type peanuts for the 1972–73 marketing year will be insufficient under section 358(c) of the Act to meet the estimated demand for cleaning and shelling, consideration will be given to any data, views, and recommendations relating thereto which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. To be sure of consideration, any such submission must be postmarked not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on January 31, 1972.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27(b)).

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–1730 Filed 2–4–72;8:47 am]

Commodity Credit Corporation

[7 CFR Part 1434]

HONEY

Notice of Determinations Regarding 1972 Crop

The Secretary of Agriculture is preparing to make determinations with respect to a loan and purchase program for the 1972 crop of honey and the regulations to carry out the program. The determinations relate to:

a. Loan and purchase rates, color differentials, discounts for quality, and type of storage.

b. Loan maturity date and purchase availability date.

c. Detailed operating provisions to carry out the program.

The above determinations are to be made pursuant to the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1421 et seq.) and the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714 et seq.).

a. *Loan and purchase program, color differentials and discounts for quality and type of storage.* Title II of the Agricultural Act of 1949, as amended, authorizes and directs the Secretary to make available through loans, purchases, and other operations, support to producers of honey at a level which is not in excess of 90 percent nor less than 60 percent of the parity price thereof. Loan and purchase rates based on color, quality factors and type of storage are used to reflect marketing features and conditions under which honey is merchandised. Section 401(b) of the Act requires that, in determining a loan and purchase rate in excess of the minimum level prescribed for honey, consideration must be given to the supply of the commodity in relation to the demand thereof, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired under a loan and purchase program, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

b. *Loan maturity date and purchase availability date.* The loan maturity date and purchase availability date will be reviewed for 1972. For the 1971 program, the loan maturity date and the purchase availability date was June 30, 1972.

c. *Detailed operating provisions.* Detailed operating provisions necessary to carry out the loan and purchase program on honey are also being reviewed for 1972. Provisions of this kind may be found in the regulations providing terms and conditions for the current loan and purchase program in Part 1434 of Title 7 of the Code of Federal Regulations.

Prior to making the foregoing determinations and issuing related regulations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Secretary, Commodity Credit Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

In order to be sure of consideration, all submissions must be received not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 202–W, Administration Building, 14th and Independence Avenue SW., Washington, D.C.

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72–1724 Filed 2–4–72;8:47 am]

Consumer and Marketing Service

[7 CFR Part 59]

INSPECTION OF EGG AND EGG PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Inspection of Eggs and Egg Products under authority of the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031–1056).

Statement of considerations. The Egg Products Inspection Act (Public Law 91–597) became law on December 29, 1970. The egg products phase was effective July 1, 1971, and the shell egg phase will become effective July 1, 1972. The purpose of these proposed amendments is to clarify certain sections of the regulations governing the Act and provide more specific information for affected persons. In addition some changes would be made in the operating procedures for egg products plants to further insure the wholesomeness of the product.

The proposed amendments would require egg products not intended for human food to be both denatured and identified rather than either denaturing or identifying the product as presently permitted in the regulations. This would aid in preventing such product from being disposed of as edible product.

The section on suspension of plant approval and withdrawal of service in egg products plants would be expanded to notify the plant operator of the reasons for the action and afford him a chance to informally present his views prior to action. He would also have an opportunity for a hearing. The changes would also provide information on how to reestablish service after suspension or withdrawal of service.

More specific information would be given on the recordkeeping requirements. A written notice would be required for the owner or custodian when product is detained.

To assist the Department in making a judgment on label approvals, a statement of formulation of products with two or more ingredients would be required when labels are submitted for approval.

The section on handling of inedible product in an official egg products plant would be expanded to give examples of denaturing or decharacterizing substances that could be used. In the section on disposition of restricted eggs, specific examples would be given to show how this may be accomplished.

With respect to operating procedures in official egg products plants, the proposed amendments would specifically provide for refuse rooms for the accumulation of shells, trash, and other refuse, and provide that pipelines and other equipment used in pumping liquid directly from egg breaking machines be cleaned as often as necessary. When steam, vapors, or odors originate from egg washing equipment, they would have to be removed by a vent or exhaust system. Several other minor changes would be made solely for the sake of clarity.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than March 6, 1972.

All written submissions made pursuant to this notice will be made available for

FEB 5 72
XUM

public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. In § 59.5 definition of "Egg," subparagraph (3), "Dirty egg" would be amended to read:

§ 59.5 Terms defined.

* * * * *

"Egg" * * *

(3) "Dirty egg" or "Dirties" means an egg(s) that has a shell that is unbroken and has adhering dirt, foreign material, or prominent stains.

* * * * *

1a. Section 59.40 would be amended to read:

§ 59.40 Continuous inspection not provided.

Continuous inspection shall not be provided under this part at any plant for the processing of any egg products which are not intended for use as human food, but such articles prior to their offer for sale or transportation in commerce, shall be denatured or decharacterized and identified as prescribed by these regulations to prevent their use for human food. Periodic inspections shall be made of such operations and records to assure compliance with the Act and these regulations.

2. In § 59.45, paragraph (a) would be amended to read:

§ 59.45 Prohibition on eggs and egg products not intended for use as human food.

(a) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation in commerce, any eggs or egg products which are not intended for use as human food, unless they are denatured or decharacterized and identified as required by these regulations.

* * * * *

3. In § 59.128, paragraph (b) would be amended to read:

§ 59.128 Holiday inspection service.

* * * * *

(b) The term "holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5 of the United States Code. Information on legal holidays may be obtained from the supervisor.

4. In § 59.160, paragraphs (d) (1) and (2) and paragraph (e) would be amended and new subparagraphs (3) and (4) would be added to paragraph (f) to read:

§ 59.160 Refusal, suspension, or withdrawal of service.

* * * * *

(d) (1) Any applicant for inspection at a plant where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 21(b) (2) and (3) of the Federal Water Pollution Control Act, as amended (86 Stat. 91), to provide the Administrator with a certification as prescribed in said subsection that there is reasonable assurance that such activity will be conducted in a manner which will not violate the applicable water quality standards. No grant of inspection can be issued after April 3, 1970 (the date of enactment of the Water Quality Improvement Act), unless such certification has been obtained, or is waived because of failure or refusal of the State, interstate agency, or the Administrator of the Environmental Protection Agency to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request). Further, upon receipt of an application for inspection and a certification as required by subsection 21(b) of the Federal Water Pollution Control Act, the Administrator (as defined in § 59.5) is required by subparagraph (2) of said paragraph to notify the Administrator of the Environmental Protection Agency for proceedings in accordance with that paragraph. No grant of inspection can be made until the requirements of said subparagraph (2) of this paragraph have been met.

(2) However, certification is not initially required in connection with an application for inspection granted after April 3, 1970, for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification and meet the other requirements of subsection 21(b) prior to April 3, 1973, will result in the termination of inspection at such plant on that date. In the case of any activity which will affect water quality, but for which there are no applicable water quality standards, no certification is required prior to a grant of inspection, but such grant will be conditioned upon a requirement of compliance with the purposes of the Federal Water Pollution Control Act as provided in subsection 21(b)(9) of said Act.

(e) Inspection may also be suspended, revoked, or terminated as provided in section 21 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq. and Public Law 91-224).

(f) Suspension of plant approval and withdrawal of service:

* * * * *

(3) The operator shall be notified of the withdrawal action and the reasons therefor and afforded an opportunity to present his views informally prior to the effective date of such withdrawal, and upon written request, he shall be afforded an opportunity for a hearing in accordance with the applicable rules of practice (Part 50 of this chapter), with respect to the merits or validity of the withdrawal, but such a suspension or other withdrawal shall continue in effect pending the outcome of any such hearing unless otherwise ordered by the Administrator.

(4) In any case where inspection service is suspended under this paragraph (f), such service, after appropriate corrective action is taken, will be restored immediately, or as soon thereafter as an inspector can be made available. In any case where inspection service is withdrawn for a specified period under this paragraph (f), the person concerned may, after said specified period has expired, apply for inspection service as provided in §§ 59.140 through 59.146.

5. Section 59.200 would be amended to read:

§ 59.200 Records and related requirements.

(a) Persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce, or holding such articles so received, and all egg handlers, including hatcheries, shall maintain records showing, for a period of 2 years, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of an authorized representative of the Secretary, permit him, at reasonable times, to have access to and to copy all such records.

(b) Production records by categories of eggs such as graded eggs, nest-run eggs, dirties, checks, leakers, loss, inedible, etc., bills of sale, inventories, receipts, shipments, shippers, receivers, dates of shipment and receipt, carrier names, etc., as determined by the Administrator, shall be maintained by all shell egg handlers and egg processing operations, except that, (1) Producers who ship all of their production as nest-run eggs without segregation need only to maintain records indicating the amount of shell eggs shipped, date of shipment, and the receivers' name and address, and (2) Official egg products plants which use all shell eggs received and do not reship any shell eggs need only to maintain records indicating the amount of eggs received, date received, and the name and address of the shipper.

6. Section 59.240 would be amended to read:

§ 59.240 Detaining product.

Whenever any eggs or egg products subject to the Act are found by any authorized representative of the Secretary upon any premises, and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of the Act or these regulations, or that they are in any other way in violation of the Act, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under these regulations, such articles may be detained by such representative for a period not to exceed 20 days, as more fully provided in section 19 of the Act. A detention tag or other similar device shall be used to identify detained product, and the custodian or owner shall be given a written notice of such detention. Only authorized representatives of the Secretary shall affix or remove detention identification. The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of the Act, these regulations, or other laws.

7. Section 59.411 would be amended to read:

§ 59.411 Requirement of formulas and approval of labels for use in official egg products plants.

(a) No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless it is approved by the Administrator in accordance with paragraph (b) of this section. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printers' or other final proof has been approved by the Administrator in accordance with these regulations, the Egg Products Inspection Act, the Federal Food, Drug, and Cosmetic Act, and the Fair Packaging and Labeling Act. The finished copies or samples of such label must be submitted to the Administrator for approval. Copies of each label submitted for approval shall be accompanied by:

(1) A statement showing by their common or usual names the kinds and percentages of the ingredients comprising the egg product in the form in which it is to be used (i.e., liquid or dried). Approximate percentages (range) may be given in cases where the percentages may vary from time to time.

(2) When required, scientific data demonstrating that the substance or mixture is safe and effective for its intended use and does not promote deception or cause the product to be otherwise adulterated or misbranded.

(c) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any there be, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions;

(2) The name and address of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production, shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production";

(7) Egg products produced from edible shell eggs or the egg product produced from such shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs," "Frozen whole chicken and turkey eggs." Egg products labeled without qualifying words as to the type of shell egg used in the product shall be produced only from the edible shell egg of the domesticated chicken or the egg product produced from such shell eggs.

(d) Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

(e) If the Administrator has reason to believe that the statement on formulation shows the product to be adulterated or misbranded or that any labeling, or the size or form of any container in use or proposed for use in respect to egg products at any official plant is false or misleading in any way, he may direct that such use be withheld unless the labeling or container is modified in such a manner as he may prescribe so that it will not be false or misleading, and/or the formulation of the product is altered in such a manner that he may prescribe so that it is not adulterated or would not cause misbranding. Any person so denied the approval of any label shall be notified promptly of the reasons for the denial on a form approved by the Administrator. If the person using or proposing to use the label does not accept the determination of the Administrator, he may request a hearing by filing with the Administrator within 10 days after receiving the notice of denial, a written application for a hearing setting forth specifically, the errors alleged to have been made by the Administrator in denying approval of the label. The use of the label shall be withheld pending hearing and final determination by the Administrator if the Administrator so directs. Hearings held pursuant to this subsection shall be presided at by the Administrator. The applicant shall be given the opportunity to present evidence both oral and written in support of his allegation that the Administrator erred in denying approval of the label. The notice of denial together with all other available data and information used as a basis for such denial shall be considered part of the record. The Administrator may take official notice of such matters as are judicially noticed by the Courts of the United States and of any other matter of technical, scientific, or commercial fact of established character. The Administrator shall make his final determination with respect to the matter upon the basis of evidence before him. Such determination shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the U.S. Court of Appeals for the circuit in which he has his principal place of business, or to the U.S. Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

8. In § 59.500, a new paragraph (o) would be added to read:

§ 59.500 Plant requirements.

* * * * *

(o) Refuse rooms shall be provided for the accumulation and storage of shells, trash, and other refuse. They shall be separate rooms completely enclosed without doorways opening into breaking or processing rooms, and have concrete floors with approved drains, facilities for cleaning, and a forced air exhaust system vented to the outside.

9. In § 59.504, paragraph (c) and paragraph (o) (3) (iii) would be amended and a new paragraph (q) would be added to read, respectively:

§ 59.504 General operating procedures.

* * * * *

(c) All loss and inedible eggs or egg products shall be placed in a container clearly labeled inedible and containing an approved denaturant or decharacterant such as FD&C blue, black or green colors, meat or bone meal, or any other substance, as approved by the Administrator, that will accomplish the purposes of this section. Shell eggs shall be crushed and the substance shall be dispersed through the product in amounts sufficient to give the product a distinctive appearance or odor. Notwithstanding the foregoing, and upon permission of the inspector, the applicant may hold inedible product in containers clearly labeled inedible which do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided*, That such product is properly packaged, labeled, segregated, and inventory controls are maintained.

* * * * *

(o) * * *

(3) * * *

(iii) The applicant shall acknowledge receipt of each shipment by indicating on the reverse side of the USDA certificate, "The volume of nonpasteurized egg product stated on this certificate was received at _____," the blank being filled in with the name and address of the receiving company and the date and signature of the person completing the form. The certificate shall be returned to the USDA inspector at the origin plant.

* * * * *

(q) All liquid and solid waste material in the official plant shall be disposed of in a manner approved by the Administrator to prevent product contamination

FEB 5 72

and in accordance with acceptable environmental protection practices.

10. In § 59.506, paragraph (c) would be amended to read:

§ 59.506 Candling and transfer-room facilities and equipment.

(c) Ventilation shall be provided by means of an approved forced air exhaust system for the room. The room temperature shall be maintained at reasonable working temperatures during operations. When steam, vapors, or odors originate from the shell egg washing equipment, they shall be continuously removed by a vent or exhaust system directly to the outside.

§ 59.520 [Amended]

11. In § 59.520, paragraph (l), the last line would be amended to read: "Automatic, closed packaging systems."

12. In § 59.522, paragraph (aa) (2) would be amended to read:

§ 59.522 Breaking room operations.

* * * * *

(aa) * * *

(2) Systems for pumping egg liquid directly from egg breaking machines shall be of approved sanitary design and construction, and designed to minimize the entrance of shells into the system and be disconnected when inedible eggs are encountered. The pipelines of the pumping system shall be cleaned or flushed approximately every 4 hours or as often as needed to maintain them in a sanitary condition. They shall be cleaned and sanitized at the end of each shift. Other pumping system equipment shall be cleaned and sanitized approximately every 4 hours or as often as needed to maintain it in a sanitary condition. All liquid egg pumped directly from egg breaking machines shall be reexamined, except as otherwise prescribed and approved by the Administrator.

* * * * *

13. Section 59.690 would be amended to read:

§ 59.690 Persons required to register.

Shell egg handlers, except for producer-packers with an annual egg production from a flock of 3,000 hens or less, who grade and pack eggs for the ultimate consumer (e.g., retail stores, households, restaurants, institutions, food manufacturers, etc.), and hatcheries, prior to July 1, 1972, are required to register with the U.S. Department of Agriculture by furnishing their name, place of business, and such other information as is requested on forms provided by and/or available from the U.S. Department of Agriculture. Completed forms shall be sent to the addressee indicated on the form. Persons as those listed above who establish businesses after July 1, 1972, will be required to register before they start operations.

14. In § 59.720, paragraph (a) would be amended to read:

§ 59.720 Disposition of restricted eggs.

(a) Eggs classified as checks, dirties, incubator rejects, inedibles, leakers, or loss shall be disposed of by one of the following methods at point and time of segregation:

(1) Checks and dirties may be shipped directly or indirectly to an official egg products plant for segregation and processing when labeled in accordance with § 59.800. Inedibles and loss eggs shall not be intermingled in the same containers with checks and dirties.

(2) By destruction in a manner approved by the Administrator, such as crushing and denaturing or decharacterizing in accordance with § 59.504(c) and identifying the product as "Inedible Egg Product—Not To Be Used As Human Food."

(3) Processing for industrial use or for animal food. Such product shall be denatured or decharacterized in accordance with § 59.504(c) and identified as provided in §§ 59.840 and 59.860. Notwithstanding the foregoing, product which was produced under official supervision and transported for industrial use or animal food need not be denatured or decharacterized if it is shipped under Government seal and received by an inspector or grader as defined in this part.

(4) By coloring the shells with a sufficient amount of FD&C color to give a distinct appearance, or applying a substance that will penetrate the shell and decharacterize the egg meat.

(5) Incubator rejects shall be broken or crushed and denatured or decharacterized in accordance with § 59.504(c) and labeled as required in §§ 59.840 and 59.860.

* * * * *

15. Section 59.860 would be amended to read:

§ 59.860 Identification wording.

The letters of the identification wording shall be legible and conspicuous.

§ 59.905 [Amended]

16. In § 59.905, paragraph (a), the last three lines would be amended to read: "Such identification shall be legible and conspicuous."

17. In § 59.930, paragraph (d) would be amended to read:

§ 59.930 Imported eggs and egg products; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities, and assistance.

* * * * *

(d) No person shall affix, break, alter, deface, mutilate, remove, or destroy any special import seal of the U.S. Department of Agriculture, except customs officers or inspectors, or as provided in paragraph (f) of this section.

* * * * *

§ 59.945 [Amended]

18. In § 59.945, paragraph (a), the last line would be amended to read: "Thereof to the District Director of Customs."

§ 59.960 [Amended]

19. In § 59.960, the following would be added to read: "The amount of product imported shall not exceed 30-dozen shell eggs, 30 pounds of liquid or frozen eggs, or 50 pounds of dried egg products, unless otherwise authorized by the Administrator."

Signed at Washington, D.C., this 1st day of February 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-1732 Filed 2-4-72;8:48 am]

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Facilities for Inspection

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service of this Department is considering amending § 81.33(f) of the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81) by adding the requirement for laundry service for inspectors' outer work garments.

Statement of considerations. Because of a common meat and poultry inspection program, it is important that work methods and conditions be uniform. The meat inspection regulations (9 CFR Part 307.1) require that laundry service be provided by the official establishment for inspectors' outer work clothing. Such garments are better washed at commercial laundries than in most home washing situations. Therefore, the Department proposes to amend 7 CFR 81.33(f) of the Regulations Governing the Inspection of Poultry and Poultry Products by adding the following sentence:

§ 81.33 Rooms and compartments.

* * * * *

(f) * * * Laundry service for inspectors' outer work clothing shall be provided by each official establishment.

* * * * *

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to Dr. M. R. Humphrey, Standards and Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such presentation within the 30-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on February 1, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-1731 Filed 2-4-72;8:48 am]

[9 CFR Parts 316, 317]

INGREDIENT STATEMENTS FOR CURED MEAT PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Consumer and Marketing Service is considering amending Parts 316 and 317 of the meat inspection regulations (9 CFR 316 and 317) as indicated below, pursuant to the authority contained in section 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. 621).

Statement of considerations. The art of curing meat is as old as history itself. Long before the meat industry was established, individuals cured their own meats with ingredients known to them. As the years passed, these simple curing mixtures became more and more complicated. The marketing methods, too, changed drastically. Where years ago only one or two standard ingredients made up the curing mixtures, today a curing mixture may be composed of 10 or more ingredients. Then, too, the general public was more intimately acquainted with curing procedures, having more farm ties than exist today. Lately, it has become increasingly apparent that the general public has no knowledge of the ingredients in such cured products as ham, bacon, dried beef, corned beef, pastrami, capacollo, and other cured meat products.

In the past, the standard curing ingredients used were not identified on such products or their labels. However, under section 1(n) (7) (9) and (12) of the amended Act and § 317.2 of the regulations thereunder, labels on the immediate containers of all products fabricated from two or more ingredients are required to list all of the ingredients in the products. This document proposes to interpret those requirements as applying to the ingredients of cured meat products. Further, this document proposes to amend § 316.10 of the regulations to require an ingredients statement directly on all cured products, whether or not in containers.

Therefore, Part 316 of the regulations (9 CFR, Part 316) would be amended by adding a new paragraph (d) to § 316.10 to read:

§ 316.10 Markings of meat food products with official inspection legend and ingredients statement.

* * * * *

(d) All cured products shall be marked with the list of ingredients in accordance with Part 317 of this subchapter.

Further, Part 317 of the regulations (9 CFR, Part 317) would be amended by adding a new § 317.17 to read as follows:

§ 317.17 Interpretation and statement of labeling policy.

With respect to sections 1(n) (7) (9) and (12) of the Act and § 317.2, any substance mixed with another substance to cure a product must be identified in the ingredients statement on the label of such product. For example, curing mixtures composed of such ingredients as water, salt, sugar, sodium phosphate, sodium nitrate, and sodium nitrite or other permitted substances which are added to any product, must be identified on the label of the product by listing each such ingredient in accordance with the provisions of § 317.2.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by February 28, 1972. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during business hours (7 CFR 1.27(b)). Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on February 1, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-1760 Filed 2-4-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 118, 143]

GRANTS FOR PLANNING AND ESTABLISHING SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

Guidance, Counseling, and Testing Programs

Notice is hereby given, in accordance with 5 U.S.C. 553 and pursuant to the authority contained in title III of the Elementary and Secondary Education Act of 1965, as amended, that the regulations set forth in tentative form below are proposed by the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, for inclusion in Part 118 of Title 45 of the Code of Federal Regulations. These regulations contain provisions governing grants to States for planning and establishing supplementary educational centers and services and guidance, counseling, and testing programs under title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 841–848). Separate regulations containing provisions governing grants to local educational agencies for special programs and projects under section 306 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 844b), are being proposed for inclusion in Part 126 of Title 45 of the Code of Federal Regulations.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Bureau of Elementary and Secondary Education, U.S. Office of Education, Seventh and D Streets SW., Room 3050 ROB, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

In order to reflect the amendments to the Elementary and Secondary Education Act of 1965 that are contained in Public Law 91–230, and to effect a general reorganization of regulations concerning supplementary educational centers and services and guidance, counseling, and testing programs, Part 143 is revoked and Part 118 is revised to read as follows:

Subpart A—Scope of Regulations; Definitions

Sec.
118.1 Scope of regulations.
118.2 Definitions.

Subpart B—State Advisory Council

118.3 Establishment and certification.
118.4 Functions.

Subpart C—The State Plan

118.6 Preparation of plan.
118.7 State educational agency.
118.8 General plan provisions.
118.9 Supplementary educational centers and services.
118.10 Testing.
118.11 Guidance and counseling.
118.12 Equitable distribution of assistance.
118.13 Special consideration for certain local educational agencies.
118.14 Percentage requirements regarding uses of funds.
118.15 Participation by private school children.
118.16 Reports and Records.
118.17 Maintenance of fiscal effort.
118.18 Approval of State plan.
118.19 Inability or failure to serve private school children.
118.20 Operational noncompliance.

Subpart D—Program Requirements

118.21 Purpose.
118.22 General requirements.
118.23 Applications from local educational agencies.
118.24 Criteria for review of project applications.

FEB 5 72
XUM

Sec.
118.25 Innovative and exemplary projects.
118.26 Projects for handicapped children.
118.27 Amendment, continuation and termination of projects.

Subpart E—Fiscal Procedures

118.31 Allotment availability.
118.32 Grant awards.
118.33 Federal fiscal audits.
118.34 Allowable expenditures for State and local educational agencies.
118.35 Accounting for guidance, counseling and testing expenditures.

Subpart F—Equipment and Construction

118.41 Acquisition, maintenance, and disposition of equipment.
118.42 Grants involving construction.
118.43 Obligation of funds for construction.
118.44 Recovery of payments.
118.45 Leasing facilities.

Subpart G—General Provisions

118.51 Payment of funds.
118.52 Reallotment.
118.53 Financial reports.
118.54 Annual and other reports.
118.55 Records.
118.56 Contracts for services.
118.57 Applicability of Civil Rights Regulation.

AUTHORITY: The provisions of this Part 118 are issued under 20 U.S.C. 841–847a. Interpret or apply 20 U.S.C. 841–847a, 881, 885, and 1232–1232e.

Subpart A—Scope of Regulations; Definitions

§ 118.1 Scope of regulations.

The regulations published in this part are applicable to grants to States for planning and establishing supplementary educational centers and services and guidance, counseling, and testing programs. Regulations applicable to grants for such purposes by the U.S. Commissioner of Education directly to local educational agencies pursuant to section 306 of title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 844b) are published in Part 126 of this title. Allotments of Federal funds under title III of the Act to the Departments of Interior and Defense pursuant to section 302(a)(1) of the Act (20 U.S.C. 842(a)(1)) shall be governed by such terms and conditions consistent with the Act as may be mutually agreed upon by these Departments and the Commissioner (20 U.S.C. 842(a)(1)).

§ 118.2 Definitions.

As used in this part:

(a) "Act" means the Elementary and Secondary Education Act of 1965, Public Law 89–10, as amended (20 U.S.C. Ch. 24).

(b) "Commissioner" means the U.S. Commissioner of Education.

(c) "Construction" means (1) the erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; (2) the acquisition of existing structures not owned by the agency making application for assistance under title III of the act; (3) the remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (4) a combination of any two or more of the foregoing.

(d) "Cultural and educational resources" includes State educational agencies, institutions of higher education, private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources.

(e) "Department" means the U.S. Department of Health, Education, and Welfare.

(f) "Elementary school" means a day or residential school which provides elementary education, as determined under State law.

(g) "Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facilty for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include consumable supplies.

(h) "Exemplary," as applied to an educational program, project, service, or activity, means designed to serve as a model for a regular school program.

(i) "Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(j) "Guidance and counseling" in relation to activities undertaken pursuant to section 303(b)(4) of the Act (20 U.S.C. 843(b)(4)), refers to (1) services to pupils to assist them in assessing and understanding their particular abilities, educational needs, and career and vocational interests in light of all applicable environmental factors, and (2) assistance in personal and social development, including the development of a positive self-concept.

(k) "Handicapped children" means those children who are mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired, and who by reason thereof require special education and related services.

(l) "Innovative," as applied to an educational program, project, service or activity, means new or improved ideas, practices, or techniques.

(m) "Junior college" means an institution of higher education which (1) is organized and administered principally to provide a 2-year program which is acceptable for full credit toward a bachelor's degree; (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate; (3) is legally authorized within the State to provide a program of education beyond secondary education; (4) is a public or other nonprofit institution; (5) is accredited by a nationally recognized accrediting agency or association, or, if not so accredited (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency within a reasonable period of time, or (ii) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; and (6) if a branch of an institution of higher education offering 4 or more years of higher education, is located in a community different from, and beyond a reasonable commuting distance from, the community in which the main campus of the parent institution is located.

(n) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school. For the purposes of this definition, "service function" means an educational service which is performed by a legal entity, such as an intermediate agency, whose jurisdiction does not extend to the whole of the State and which is authorized to provide consultative, advisory, or educational program services to public elementary or secondary schools, or which has regulatory functions over agencies having administrative control or direction of public elementary or secondary schools, rather than a service which is performed by a cultural or educational resource.

(o) "Nonprofit," as applied to a school, agency, organization, or institution, means owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(p) "Private school" means a nonprofit school which is operated or controlled by other than a public authority, and which complies with State compulsory school attendance laws or is otherwise recognized or accredited by some procedure customarily used in the State as having curricula similar to that required of comparable public schools.

(q) "Project period" means the total period of time for which a State proposes to fund a local project under title III of the Act.

(r) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include education beyond grade 12.

(s) "State" includes, in addition to the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(t) "State aid" means any contribution, no repayment for which is expected, by a State made to or on behalf of a local educational agency within the State for the support of free public elementary and secondary education.

(u) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(v) "Technical institute" means an institution of higher education which (1) meets the requirements of subparagraphs (2) through (6) of the definition of "junior college" set forth in paragraph (m) of this section, and (2) is organized and administered principally to provide a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge.

(w) "Testing," in relation to activities undertaken pursuant to section 303(b)(4) of the Act (20 U.S.C. 843(b)(4)), means the use of tests which measure abilities from which aptitudes for an individual's educational or career development may be validly inferred.

(x) "Works of art" means those items, which may be in the nature of fixtures, that are incorporated in school facilities primarily because of their esthetic value. The cost of a work of art which is in the nature of a fixture shall be the estimated additional cost of incorporating those special esthetic features which exceed the general requirements of excellance of architecture and design. (20 U.S.C. 403, 485, 844, 881)

Subpart B—State Advisory Council

§ 118.3 Establishment and certification.

(a) Each State desiring to receive payments under title III of the Act and the regulations in this part for any fiscal year shall establish a State advisory council which is appointed by the State educational agency, and is broadly representative of the cultural and educational resources of the State (as defined in § 118.2(d)) and of the public, including persons representative of (1) elementary and secondary schools, (2) institutions of higher education, (3) areas of professional competence in dealing with children needing special education because of physical or mental handicaps, (4) areas of professional competence in guidance, counseling, and testing, and (5) children from low-income families and other low-income individuals.

(b) The Chief State School Officer and members of the State educational agency shall be ineligible to serve on the State advisory council either as chairman or as voting members.

(c) The State educational agency shall certify the establishment of, and membership of, its State advisory council to the Commissioner at least 90 days prior to the beginning of any fiscal year in which the State desires to receive a grant under title III of the Act and these regulations. The certification shall include the name, education, experience, and current position of each person serving on the State advisory council and shall specify which interest under paragraph (a) of this section each person represents. (20 U.S.C. 844a(a))

§ 118.4 Functions.

(a) The functions of the State advisory council shall include: (1) Advising the State educational agency on the preparation of, and policy matters arising in the administration of the State plan and in the development of the policies and procedures required by these regulations, including the criteria for approval of applications under the State plan; (2) reviewing and making recommendations to the State educational agency on the action, to be taken with respect to each application for a grant under the State plan; (3) evaluating programs and projects assisted under title III of the Act; and (4) preparing and submitting through the State educational agency annual reports of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and to the National Advisory Council on Supplementary Centers and Services established pursuant to section 309 of the Act. (20 U.S.C. 847a)

(b) The State advisory council shall meet and select a chairman from its membership within 30 days after certification under § 118.3(c) has been accepted by the Commissioner, and shall meet at such other times throughout the year as may be necessary to fulfill its functions under paragraph (a) of this section. The time, place, and manner of such meetings shall be determined by the council, except that it shall hold not less than one public meeting each year at which the public is given opportunity to express views concerning the administration and operation of title III of the Act.

(c) The State advisory council shall be authorized to obtain (with funds paid to the State under section 307(b) of the Act (20 U.S.C. 845(b)) the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions under paragraph (a) of this section, and to contract for such services as may be necessary to enable it to carry out its evaluation functions. (20 U.S.C. 844a(a))

Subpart C—The State Plan

§ 118.6 Preparation of plan.

(a) *General.* Any State desiring to receive funds under title III of the Act for any fiscal year shall, as a condition to the receipt of such funds, submit a State plan to the Commissioner, in accordance with such forms and instructions as he shall furnish, which meets the requirements of the Act and these regulations.

(b) *Submission.* The State plan shall be prepared and submitted annually and shall be developed in the light of all relevant information obtained, in the prior year or in the process of preparing the new plan, from reassessments of educational needs, evaluations of programs and projects funded under title III of the Act, and reports and recommendations of the State advisory council.

(c) *Certifications*—(1) *By State educational agency.* The State plan and each amendment thereto shall include as an attachment a certificate by an officer of the State educational agency authorized to submit the plan to the effect that the State plan or amendment thereto has been adopted by the State educational agency and that the State plan, or plan as amended, will constitute the basis for operation and administration of the title III program.

(2) *By the State Attorney General.* The State plan and each amendment thereto shall include as an attachment a certificate by the State Attorney General or other appropriate State legal officer to the effect that the State educational agency named in the plan is a "State educational agency" as defined in § 118.2(u), that it has the legal authority ascribed to it in the State plan pursuant to § 118.7, and that all the provisions of the State plan may be carried out in the State.

(d) *Review by the State Governor.* In accordance with § 118.22(b)(2), the State plan and each amendment thereto shall include as an attachment the comments, if any, of the Governor of the State concerning coordination of title III programs and projects under the State plan with other State and Federal programs and projects, or a statement from the chief State school officer that the Governor has reviewed the plan but no comments were made.

(e) *Amendments.* Whenever there is any change in the content or administration of the program set forth in the approved State plan, or whenever there is any change in pertinent State law or in the organization, policies, or operations of the State educational agency which materially affects the program under the plan, the State plan shall be appropriately amended and such amendment shall be submitted to the Commissioner for his approval. (20 U.S.C. 844a(a)(1)(C))

FEB 5 72 XUM

§ 118.7 State educational agency.

(a) *Designation.* The State plan shall give the official name of the State educational agency which will be, either directly or through arrangements with other State or local public agencies, the sole agency responsible for administering the plan.

(b) *Authority.* The State plan shall set forth the authority of the State educational agency under State law to submit the plan and to administer and supervise the programs set forth therein.

(c) *Organization.* The State plan shall set forth the administrative organization and procedures of the State educational agency staff responsible for administration of the State plan, and the qualifications of all staff members involved in the administration of the State plan.

(d) *Fiscal control.* The State plan shall designate the officer or officers of the State educational agency who will have legal authority to receive all funds granted to the State and to authorize their expenditure or transfer to local educational agencies. The State plan shall also set forth the fiscal control and fund accounting procedures (consistent with Subpart E of the regulations in this part) under which the designated officer or officers will assure proper disbursement of and accounting for Federal funds paid to the State under title III of the Act. (20 U.S.C. 844a(b) (2) and (10))

§ 118.8 General plan provisions.

(a) *Assessment of educational needs.* The State plan shall identify the critical educational needs of the State as a whole and the critical educational needs of the various geographic areas and population groups within the State, and shall describe the process by which such needs were identified. This process shall be based upon the use of objective criteria and measurements and shall include procedures for collecting, analyzing, and validating relevant data and translating such data into determinations of critical educational needs. These determinations and the data upon which they are based shall be periodically reviewed and updated, and the State plan shall indicate the most recent date of such review and updating.

(b) *Developing evaluation strategies.* The State plan shall provide for and describe the objectives of, and the procedures to be used in the evaluation by the State advisory council, at least annually, of the effectiveness of the programs and projects funded under the State plan in meeting the purposes of title III of the Act.

(c) *Dissemination of information.* The State plan shall provide for and describe the objectives of and procedures to be used in the statewide dissemination of the results of evaluations performed under paragraph (a) of this section and of other information concerning those programs and projects which are determined through such evaluations to be innovative, exemplary, and of high quality.

(d) *Adoption and adaptation of promising practices.* The State plan shall provide for and describe the objectives of, and the procedures to be used in the adoption and adaptation within the State of promising educational practices developed through programs or projects funded under title III of the Act.

(e) *Reviewing local project applications.* The State plan shall (1) list and describe any criteria, other than those required by § 118.24(a), which the State educational agency will use in reviewing local project applications (including applications for guidance, counseling, and testing projects) submitted under § 118.23; and (2) provide that final action regarding the proposed final disposition of any local project application (or amendment thereof) shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing before a board or official designated by the State educational agency for such purpose, and specified in the State plan.

(f) *Commingling of funds.* The State plan shall set forth policies and procedures which assure that funds made available under title III of the Act for programs and projects for any fiscal year will not be so commingled with State or local funds as to lose their identity as title III funds.

(g) *State aid.* The State plan shall contain adequate assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under title III of the Act will not be taken into consideration. (20 U.S.C. 844a (b) (1)(A), (6), (9)(A), (12), and (13))

§ 118.9 Supplementary educational centers and services.

The State plan shall set forth a program for improving education in the State through grants to local educational agencies for supplementary educational centers and services, which program (a) shall be based upon the critical educational needs of the State as determined under § 118.8 (a) and (b) shall describe how funds paid to the State under title III of the Act will be used to demonstrate how such educational needs may be met. Such program shall be related to and coordinated with the program for testing under § 118.10 and the program of guidance and counseling under § 118.10 and the program of guidance and counseling under § 118.11. (20 U.S.C. 844a(b)(1)(A))

§ 118.10 Testing.

(a) The State plan shall set forth a program for testing students in the public and private elementary and secondary schools of the State or in the public and private junior colleges and technical institutes of the State. In so doing, the plan shall (1) describe the primary objectives of the program, (2) identify the grade levels of students to be tested, and (3) the types of tests to be utilized for the measurement of aptitudes and abilities.

(b) The testing program set forth in paragraph (a) of this paragraph shall include at least one test for students not beyond grade 12, and shall be utilized to (1) identify students with outstanding aptitudes and abilities; (2) provide such information about the aptitudes and abilities of students as may be needed in connection with the guidance counseling program required by § 118.11; and (3) provide such information as may be needed to assist other educational or training institutions and prospective employers in assessing the educational and occupational potential of students seeking admission to educational or training institutions or employment.

(c) In fulfilling the requirements of this section, the State educational agency may provide services at the State level and may make arrangements with local educational agencies or other appropriate local or State agencies, or contract with public or private nonprofit institutions, agencies, or individuals, for the provision of services consistent with the State's responsibilities under these regulations. (20 U.S.C. 843(b)(4), 844a(b)(1)(B)(1))

§ 118.11 Guidance and counseling.

(a) The State plan shall set forth a program of guidance and counseling designed to improve such services at the appropriate levels in the public elementary and secondary schools or public junior colleges and technical institutes of the State and, to the extent required by § 118.15, in the private elementary and secondary schools of the State. Such program shall serve to advise students regarding courses of study best suited to their abilities, aptitudes and skills, the type of educational program they should pursue, the vocation they should train for and enter, and the job opportunities in the various fields, as well as to encourage students with outstanding aptitudes and abilities to complete their secondary school education, take the necessary courses for admission to institutions of higher education, and enter such institutions. Such programs may include short-term training sessions for persons engaged in guidance and counseling in elementary and secondary schools, junior colleges, and technical institutes in the State.

(b) Guidance and counseling services under the State plan shall be provided by qualified counselors through appropriate individual and group processes. Such processes shall be coordinated with other pupil personnel services and guidance and counseling resources both within and outside the school setting, and shall include referral assistance, working with other staff members in planning curriculum content and changes, and consulting both teachers and parents with regard to the learning and developmental needs of pupils.

(c) The program set forth under paragraph (a) of this section shall make provision for supervision and leadership activities by the State educational agency with regard to the establishment, maintenance, and improvement of guidance and counseling services under the State plan. Such activities shall include the assessment of other Federal and State programs (such as titles I and V of the Act, part B of the Education of the Handicapped Act, and the Vocational Education Act of 1963) where there may be need for State level supervision and leadership with respect to guidance and counseling, and the development of procedures for determining how these various programs and sources of funds can be coordinated to provide for strong leadership in the area of guidance and counseling.

(d) In addition to the activities set forth in paragraph (c) of this section, the program set forth under paragraph (a) of this section may also include the provision of services at the State level through arrangements (including project grants under paragraph (e) of this section) with local educational agencies or other appropriate local or State agencies, or through contracts with public or private nonprofit institutions, agencies, or individuals which are consistent with the State's responsibilities under these regulations.

(e) Project grants may be made to local educational agencies under this section for the following purposes: (1) Planning programs and projects designed to provide the services and activities described in subparagraphs (2) and (3) of this paragraph, including pilot projects designed to test the effectiveness of such plans; (2) establishing or expanding innovative and exemplary guidance and counseling programs and projects for the purpose of stimulating the adoption of new programs; and (3) establishing, maintaining, and improving guidance and counseling services and activities, especially through new and improved approaches consistent with the purposes of title III of the Act. (20 U.S.C. 843(b)(4), 844a(b)(1)(B)(ii))

§ 118.12 Equitable distribution of assistance.

The State plan shall set forth criteria for achieving an equitable distribution of assistance made available under title III of the Act and these regulations. Such criteria shall be based on a consideration of (a) the size and population of the State, (b) the geographical distribution and density of the population within the State, (c) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities to be provided under the plan, and (4) the relative financial abilities of local educational agencies within the State to provide such services and activities. The special factors in this section shall be considered in conjunction with the quality criteria set forth in § 118.24 to insure that their application will not result in the approval by the State educational agency of inferior programs or projects. (20 U.S.C. 844a(b)(3))

§ 118.13 Special consideration for certain local educational agencies.

The State plan shall provide for giving special consideration, in approving applications for title III programs and projects, to applications submitted by local educational agencies (a) that are making a reasonable tax effort but are unable to meet critical educational needs (including preschool and bilingual education) because some or all of its schools are seriously overcrowded, obsolete, or unsafe; or (b) whose proposed program or project was planned with funds made available under title III of the Act. The provisions of this section shall be applied in conjunction with the quality criteria set forth in § 118.24 to insure that their application will not result in the approval by the State educational agency of inferior programs or projects. (20 U.S.C. 844a(b)(4) and (5))

§ 118.14 Percentage requirements regarding uses of funds.

The State plan shall provide that, of the funds made available under title III of the Act for any fiscal year to carry out the State plan:

(a) An amount equal to at least 50 percent of such funds shall be expended for planning, establishing, and expanding innovative and exemplary programs and activities in accordance with § 118.25;

(b) An amount equal to at least 15 percent of such funds shall be expended for special programs or projects for the education of handicapped children in accordance with § 118.26; and

(c) For fiscal years ending prior to July 1, 1973, an amount equal to at least 50 percent of the amount expended by the State under title V–A of the National Defense Education Act of 1958 (20 U.S.C. 401 et seq.) from funds appropriated under such title for fiscal year 1970 shall be expended for guidance, counseling, and testing programs of the types set forth in §§ 118.10 and 118.11. (20 U.S.C. 844a(b) (7) and (8), 844a note)

§ 118.15 Participation by private school children.

(a) The State plan shall contain satisfactory assurances that each local educational agency receiving funds under title III of the Act will provide for the effective participation in its title III program or projects, on an equitable basis, by children enrolled in private schools in the areas to be served whose educational needs are of the type which the program or project is designed to meet. The number of such children to be served, in relation to the total number of such children; shall be consistent with the number of public school children to be served in relation to the total number of public school children in the area served with educational needs of the type the program or project is designed to meet.

(b) Whenever practicable, educational services shall be provided to private school children on publicly controlled premises. Any project to be carried out in public facilities which involves joint participation by children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid the separation of participating children by school enrollment or religious affiliation.

(c) Provisions for serving private school children shall not include (1) the payment of salaries to teachers or other employees of private schools except for services performed outside regular hours of duty and under public supervision and control, (2) financing of the existing level of instruction in private schools, (3) the placement of equipment on private school premises other than portable or mobile equipment which is capable of being removed from the premises each day, or (4) the construction of facilities for private schools. None of the funds made available under the Act may be used for religious worship or instruction.

(d) The State educational agency shall require that every project application submitted to it by a local educational agency under § 118.23 shall describe how the local educational agency will fulfill the requirements of paragraphs (a), (b), and (c) of this section. This description shall contain information indicating: (1) The number of private schools in the area to be served by the project and the number of children enrolled in such schools in the grades to be served by the project; (2) the existence of any factors which limit the appropriateness of the project for private school children; (3) the manner in which and extent to which representatives of private school children participated in the development of the project proposal (including participation in the determinations required under subparagraph (2) of this paragraph; (4) the provisions which have been made for effective liaison with representatives of private school children in regard to operation and review of the project; (5) the places at which and methods by which private school children will be served in accordance with the requirements of paragraphs (b) and (c) of this section; and (6) the differences, if any, in the kind and extent of services to be provided private school children as compared with those to be provided public school children, and the reasons for such differences. (20 U.S.C. 844(b)(2)(B), 885)

§ 118.16 Reports and records.

The State Plan shall provide that the State educational agency will submit to the Commissioner reports in accordance with §§ 118.53 and 118.54; and keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports, including those records required by §§ 118.41(c) and 118.56.

§ 118.17 Maintenance of fiscal effort.

(a) The State plan shall set forth policies and procedures for assuring that funds made available under title III of the Act for any fiscal year will be used to supplement and, to the extent practical, increase (1) the fiscal effort which each local educational agency receiving title III funds would have made in the absence of such funds, for that fiscal year for educational purposes, as required by section 305(b)(9) of the Act (20 U.S.C. 844a(b)(9)), and (2) the level of funds which each local educational agency receiving title III funds and each participating school would have made available in the absence of such funds, for that fiscal year for the purpose described in section 303(b) of the Act, as required by

FEB 5 72 XUM

section 304(a)(3) of the Act, 20 U.S.C. 844(a)(3)).

(b) For the purposes of paragraph (a)(1) of this section, fiscal effort of a local educational agency for educational purposes shall be determined by the State educational agency on the basis of the amount of expenditures per pupil of the local educational agency from State and local funds; or in the event of a decrease of such expenditures, on the basis of the ratio between the total expenditures of the local educational agency from State and local funds and the wealth of the local educational agency as measured by the equalized assessed valuation of taxable property, per capita income, or other such indices as appropriate. (20 U.S.C. 844(a)(3), 844a(b)(9)(B))

§ 118.18 Approval of State plans.

(a) *Full approval or disapproval.* The Commissioner will review each State plan or amendment thereto submitted under § 118.7, and approve those plans and amendments which he determines to meet the requirements of title III of the Act and these regulations. Except as provided in paragraph (b) of this section, the Commissioner will disapprove a plan which fails to comply with such requirements.

(b) *Partial approval.* If the Commissioner finds that a State plan submitted under § 118.6 for any fiscal year ending prior to July 1, 1973, is in substantial compliance with title III of the Act and these regulations, but fails to adequately provide for one of the programs required by section 305(b) of the Act (20 U.S.C. 844a(b)) or for some specific requirement (such as participation of private schoolchildren) pertaining to such programs, or is otherwise unapprovable in any other identifiable part he may approve that part of the plan which he determines to be in compliance with title III of the Act and the regulations in this part. In such a case, the Commissioner will make available to the State that part of its allotment which he determines to be necessary to carry out the approved part of its State plan. The remainder of the amount the State is eligible to receive may be made available to the State only when the unapproved portion of its State plan is so modified as to bring the plan into compliance with title III of the Act and the regulations in this part. The amount made available to a State pursuant to this subsection may not be less than 50 percent of the maximum amount which the State is eligible to receive under paragraph (f) of this section.

(c) *Effect of State plan.* The State plan, as approved by the Commissioner under this section, will constitute the basis on which Federal grants are made, and the basis for determining the propriety of expenditures of grant funds. The administration of the title III program shall be kept in conformity with the approved plan.

(d) *Effective date of the State plan.* The effective date of the State plan or any amendment thereto shall be the date on which such plan or amendment is received by the Commissioner in substantially approvable form, but no earlier than July 1 of the fiscal year for which the plan or amendment is submitted.

(e) *Notice and opportunity for hearing.* No final action under this section other than one of full approval will be taken by the Commissioner until he first notifies the State educational agency of his proposed action and affords the State educational agency a reasonable opportunity for a hearing.

(f) *Maximum funding level.* A State whose State plan has been approved under this section for any fiscal year may receive, for the purpose of carrying out such plan, an amount not in excess of 85 percent of its allotment under section 302 of the Act. (20 U.S.C. 844a (b), (c), (d), (e)(1))

§ 118.19 Inability or failure to serve private school children.

(a) In any State in which the Commissioner determines under § 118.18(b) that the State plan is approvable except that (1) no State agency is authorized by law to provide, or (2) there has been a substantial failure to provide, for effective participation on an equitable basis by private schoolchildren enrolled in any one or more private elementary or secondary schools in the areas served by programs or projects funded under title III of the Act, as required by § 118.10(a), § 118.11(a), or § 118.15, the Commissioner will arrange for the provision of title III services to such children on an equitable basis.

(b) The costs of services provided in any fiscal year under paragraph (a) of this section will be paid out of the affected State's allotment for that fiscal year. In determining the amount to be withheld, the Commissioner will take into account (1) the number of private schoolchildren in the affected area or areas who are excluded from effective participation in title III programs or projects and who, except for such exclusion, might reasonably have been expected to participate; (2) the number of teachers that would reasonably have been required to serve such children, and (3) the nature and extent of services being provided to public schoolchildren in the affected area by the programs or projects in which private schoolchildren are denied effective participation.

(c) In any case where the State alleges that no State agency is authorized by law to provide for the effective participation of private schoolchildren as required by § 118.10(a), § 118.11(a), or § 118.15, the State shall provide the Commissioner with a written statement signed by the State Attorney General or other appropriate State legal officer setting forth the constitutional and statutory provisions, and case law, which in his opinion prevent the State from so serving private schoolchildren.

(d) In determining whether there has been a "substantial failure" under paragraph (a) of this section, the Commissioner (1) will first consult the affected State educational agency and ask it to provide information concerning the alleged failure, and (2) will consider all acts or omissions of the State, or a local educational agency or other political subdivision thereof, or of any individual acting for or on behalf of such entities, in the process of assessing educational needs and planning, approving, conducting, and monitoring programs and projects under title III of the Act and these regulations, which have the effect of (a) preventing, discouraging, or otherwise limiting in any manner the effective participation by any eligible private school child in the operation of the program or project serving the area in which his private school is located, or (b) not affording private school representatives the opportunity for effective participation in the planning and development of any program or project in which private schoolchildren are eligible to participate. (20 U.S.C. 845(f))

§ 118.20 Operational noncompliance.

Whenever the Commissioner, after affording the State educational agency reasonable notice and opportunity for a hearing, finds that in the operation or administration of its State plan there has been a failure to comply substantially with (a) any provision of title III of the Act and the regulations in this part, (b) any requirement set forth in the plan of that State as approved under § 118.18, or (c) any requirement set forth in an application of one of the State's local educational agencies as approved under § 118.23, he will notify the State educational agency that further payments will not be made to the State under title III of the Act, or that the State educational agency may not make further payments under title III of the Act to specified local educational agencies affected by the failure, until he is satisfied that there is no longer any such failure to comply. (20 U.S.C. 844a(e)(2))

Subpart D—Program Requirements

§ 118.21 Purpose.

This subpart sets forth various program requirements to which each State educational agency shall adhere in administering the educational programs described in its approved State plan and in implementing the provisions of such plan. The policies, procedures, and criteria developed by the State under this subpart shall be set forth in writing and shall be available for inspection at reasonable times and places by the Commissioner or his delegate and by interested parties in the general public. (20 U.S.C. 844, 844a (a)(1) and (b))

§ 118.22 General requirements.

(a) *Long-range strategy for advancing education.* The State shall develop a long-range strategy for advancing education in the State in ensuing years through programs and projects funded under title III of the Act. Such strategy shall be directed toward the critical educational needs of the State as periodically assessed under § 118.9(a) and shall provide for the coordination of title III programs and projects with other public and private programs and projects as required by paragraph (b) of this section.

(b) *Coordination with other aid programs.* (1) To the extent not inconsistent with the prohibition against commingling of funds in § 118.8(e), the State shall establish effective procedures for coordinating the development and operation of programs and projects carried out under title III of the Act and these regulations with other public and private programs having the same or similar purposes. (2) The State plan and amendments thereto which the State educational agency submits to the Commissioner under § 118.6 and the periodic reports which it submits to the Commissioner under §§ 118.53 and 118.54 shall first be submitted to the Governor of the State for his review and comments (if any) on the relationship of title III programs and projects to, and coordination with, State comprehensive plans and State plans in related Federal programs. The Governor shall be given a period of up to 45 days, if necessary, to make such comments. His comments shall accompany the plan, amendment, or report when submitted to the Commissioner, or, if the Governor has no comments, a statement to this effect from the State educational agency official authorized to submit the plan shall accompany the documents.

(c) *State leadership.* The State educational agency shall establish policies and procedures for appropriate professional staff development of State and local administrative, supervisory, instructional, and supporting personnel involved in developing, conducting, or monitoring programs or projects under title III of the Act, including those personnel involved in program or projects for handicapped children.

(d) *On-site evaluation of projects.* The State educational agency shall develop procedures and criteria for the on-site evaluation, at least annually, of all title III projects in the State. Such procedures shall indicate the role of the State educational agency staff in the evaluation process and the relationship between its functions under this subsection and the functions of the State advisory council under §§ 118.4(a)(3) and 118.8(a). Such procedures shall also provide for incorporation into the affected projects of recommendations made as a result of on-site evaluations and for followup methods to insure proper implementation.

(e) *Construction.* The State educational agency shall establish (1) criteria for determining the conditions under which the construction of facilities for use in a title III program or project is consistent with the educational programs set forth in the State plan and necessary to the efficient operation of the program or project, and (2) procedures for the submission of construction requests by local educational agencies and the review of such requests, in accordance with the provisions of § 118.42 and the criteria established under paragraph (e)(1) of this section, by the State educational agency and other interested State agencies.

(f) *Conflicts of interests.* The State educational agency shall establish procedures which insure that no board or staff member of the State educational agency, the State advisory council, or a local educational agency will participate in or make recommendations concerning an administrative decision or action involving a program or project under title III of the Act, if such decision or action may reasonably be expected to result in any fee, royalty, commission, remuneration, or other benefit to him or to any member of his immediate family.

(g) *List of projects funded.* The State educational agency shall maintain a list identifying each local project it is funding under title III of the Act, which shall include for each such project (1) the project number, (2) a title or description by which the project may be easily identified, (3) the amount of the current grant, (4) the proposed level of funding for the portion of the project period remaining after expiration of the current grant, (5) the amount of grant funds to be expended in each project for guidance and counseling under § 118.11 or for testing under § 118.10, and (6) the amount of grant to be expended in each project for the education of handicapped children under § 118.26 broken down by type of handicap.

(h) *Participation of students in junior colleges and technical institutes.* Participation in title III programs or projects by students enrolled in junior colleges and technical institutes in a State shall be limited to participation in guidance, counseling and testing programs or projects established under §§ 118.10 and 118.11 of the regulations in this part (20 U.S.C. 843(b)(4), 844a (a)(1) and (b)(1)(B) (i) and (ii), 883)

§ 118.23 Applications from local educational agencies.

(a) *Solicitation and submission.* The State educational agency shall establish procedures to stimulate the submission of applications for funds under title III of the Act by all local educational agencies in the State that have educational needs of the type which the State has identified and determined to serve under § 118.9. Such procedures shall include (1) the statewide dissemination of information concerning the purposes and provisions of title III of the Act and these regulations and of the educational program which the State proposes to conduct under its State plan; (2) the establishment of cutoff dates for submission of applications and notifications to all local educational agencies of such dates; and (3) the development of solicitation techniques designed to insure that title III funds are equitably distributed as required by § 118.12 and that applications are submitted by local educational agencies deserving special consideration under § 118.13. The State shall not establish methods or procedures which have the effect of excluding the eligibility of any otherwise eligible local educational agency to apply for and receive grants under this part.

(b) *Content of applications.* Each project application submitted to the State educational agency shall set forth a proposal for carrying out one or more of the purposes described in section 303(b) of the Act (20 U.S.C. 843(b)) in accordance with the provisions of title III of the Act and these regulations. such applications shall:

(1) Provide that the services and activities for which title III funds are sought will be administered by or under the supervision of the applicant, and provide for (a) such methods of administration as are necessary for the proper and efficient operation of the project, and (b) such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of and accounting for title III funds paid to the applicant;

(2) Set forth policies and procedures which assure that funds made available for the project for any fiscal year will supplement and not supplant State and local funds in accordance with § 118.17(a);

(3) Set forth, in the case of an application which includes construction as part of the proposed project, the assurances required by § 118.42(e) and such other information as the State educational agency shall require in fulfilling the requirements of § 118.23(e);

(4) Provide for making such financial reports, annual reports, and other reports, and for keeping and allowing access to such records relating thereto, as the State educational agency may reasonably require to assure compliance with the reports and records requirements in §§ 118.54 to 118.56 and to otherwise carry out its functions under title III of the Act and these regulations;

(5) Set forth the information regarding participation of private schoolchildren which is required by § 118.15(d); and

(6) Contain such other information as the State educational agency may reasonably require to apply the criteria for reviewing project applications set forth in § 118.24.

(c) *Panel of experts.* The State educational agency shall establish a panel of experts, consisting of persons who are not officers or employees of the State educational agency, or the State advisory council to review all local project applications prior to their approval or other disposition. The State educational agency shall determine the number of experts to be utilized and the qualifications to be required of such experts (including one or more experts in the education of handicapped children and one or more experts in guidance counseling and testing) and shall establish procedures for selecting the panel.

(d) *Approval of applications.* The State educational agency shall establish procedures for review and disposition of local project applications in accordance with the requirements of title III of the Act and these regulations. Such procedures shall provide for coordinating the roles of the State advisory council (under

§ 118.4(a)(2)) and the panel of experts (under paragraph (c) of this section) with the role of the State educational egency. Such procedures shall also assure that no application will be approved or renewed by the State educational agency unless it is specifically found to meet the requirements for participation of private school children under § 118.15 and each of the requirements of paragraph (b) of this section, and has been evaluated in terms of the criteria set forth in § 118.24. (20 U.S.C. 844)

(e) *Hearings.* The State educational agency shall develop procedures for a hearing in accordance with § 118.8(d)(2) for any applicant whose application (or amendment thereto) the State educational agency proposes not to approve. (20 U.S.C. 844)

§ 118.24 Criteria for review of project applications.

(a) *General.* The State educational agency shall establish the criteria to be used in reviewing project applications from local educational agencies under § 118.9. Such criteria shall be applied in conjunction with the special criteria developed by the State educational agency under §§ 118.12 and 118.13, and shall include the following criteria for determining the extent to which the proposal includes:

(1) Evidence that it is designed to demonstrate solutions to identified critical educational needs and will substantially increase the educational opportunities of children in the area of the State to be served;

(2) Provisions for the development of concepts, practices, and techniques which can be adapted or adopted elsewhere;

(3) Promising concepts or practices recognized as unique, original, unusual, innovative, or exemplary;

(4) Concepts or practices which are economically feasible and effective;

(5) Evaluation strategies and procedures based on valid methodology which will provide evidence of the extent to which performance of the participants is improved;

(6) Performance objectives which are measurable, and appropriate activities which facilitate achieving them;

(7) An awareness of information concerning similar programs, relevant research findings, and views of recognized experts;

(8) Provisions for staff with professional qualifications adequate to achieve the project's stated objectives;

(9) Provisions for budgeted expenditures for adequate and appropriate facilities, equipment, and materials which show a direct relationship in facilitating the achievement of the stated objectives;

(10) Documentation that in the planning of the project there has been, and in the operation and evaluation of the project there will be, (a) utilization of the best available talents and resources and (b) participation of students, teachers, parents, school administrative personnel, private nonprofit school representatives, and other persons including those with low income, broadly representative of the cultural and educational resources of the area to be served;

(11) Provisions for dissemination of information about the proposed project which are appropriate and adequate for the area to be served.

(b) *Guidance and counseling.* The State educational agency shall establish the criteria to be used in reviewing applications for guidance and counseling programs and projects under § 118.11. A State educational agency may elect to apply all criteria in paragraph (a) of this section to guidance and counseling programs and projects. However, at least those criteria set forth in paragraph (a)(4) through (11) of this section shall be applicable to all such programs or projects.

(c) *Additional criteria.* If the State educational agency establishes criteria for the review of project applications in addition to those specified in paragraphs (a) and (b) of this section, it shall list such additional criteria in its State plan in accordance with § 118.8(d)(1). (20 U.S.C. 844)

§ 118.25 Innovative and exemplary projects.

The State educational agency shall establish policies and procedures under which it will use at least 50 percent of the funds that it receives to carry out its State plan in each fiscal year to:

(a) Plan for and take other steps leading to the development of innovative and exemplary programs and projects, including pilot projects designed to test the effectiveness of such plans; and

(b) Establish or expand innovative and exemplary programs and projects (including dual enrollment programs and the lease or construction of necessary facilities) for the purpose of stimulating the adoption of new educational programs, including special programs for handicapped children and programs such as those described in section 503(4) of the Act, in the schools of the State. (20 U.S.C. 844a(b)(7))

§ 118.26 Projects for handicapped children.

The State educational agency shall establish policies and procedures under which it will use at least 15 percent of the funds that it receives to carry out its State plan in each fiscal year for: (a) Planning programs or projects referred to in paragraphs (b) and (c) of this section, or (b) establishing or expanding innovative and exemplary educational programs for the purpose of stimulating the adoption of new educational programs to demonstrate ways to meet the special needs of handicapped children; or (c) establishing, maintaining, operating or expanding services or activities which utilize new and improved approaches which demonstrate ways to meet the special educational needs of handicapped children. The State educational agency shall also establish procedures which assure that such activities will be coordinated with other Federal, State, and local programs and projects for the education of handicapped children, such as title I of the Act, the Education of the Handicapped Act, and the Vocational Education Act of 1963. The State shall also establish procedures whereby appropriate State education agency personnel responsible for the education of handicapped children shall review and make recommendations relating to all parts of the State plan which pertain to handicapped children. (20 U.S.C. 844a(b)(8))

§ 118.27 Amendment, continuation, and termination of projects.

(a) *Project period.* The State educational agency shall establish a project period for projects funded under title III of the Act and shall establish procedures for continuing the funding of promising projects throughout the project period, subject to the availability of title III funds, on the basis of evaluations under § 118.22(d) and other periodic reviews which demonstrate that the project is being operated in compliance with all the requirements of title III of the Act and these regulations.

(b) *Amendment of project applications.* The State educational agency shall establish procedures for reviewing requests from grantees to amend project applications and alter projects during the project period and for assuring that such amendments and alterations are fully consistent with the requirements of title III of the Act and these regulations. Whenever the proposed amendment or alteration would involve significant changes in the content, design, or funding level of the project, the review procedures utilized shall conform to the requirements of § 118.23(d).

(c) *Costs of continuation.* If the costs to the State for any fiscal year of continuing projects under this section would exceed the amount of funds available to the State to carry out its State plan for that fiscal year, the State educational agency may request that the Commissioner provide funds to meet such excess costs under section 306 of the Act (20 U.S.C. 344b) and Part 126 of this title. The Commissioner will consider such a request only if he specifically determines that the project requiring funds is worthy of continuation and holds promise of making a substantial contribution to the solution of critical education problems common to all or several States.

(d) *Termination of projects.* The State educational agency shall establish procedures for termination, during the project period, of unsuccessful programs and projects which are not operating in substantial compliance with (1) any provision of title III of the Act and these regulations or (2) any requirement set forth in the approved State plan or in the approved project application. In the event of such termination the grantee shall be afforded reasonable notice of the proposed action and opportunity for a hearing. (20 U.S.C. 844)

Subpart E—Fiscal Procedures

§ 118.31 Allotment availability.

(a) *General.* Funds alloted to States under title III of the Act for any fiscal year shall be available for use by States (as determined pursuant to paragraphs (a) and (b) of this section) only during such fiscal year, except that the following allotments (or portions thereof) shall also be available for use during the succeeding fiscal year (unless otherwise provided for in appropriation acts):

(1) Funds realloted to States pursuant to section 302(d) of the Act.

(2) Funds allotted to States for any fiscal year beginning on July 1, 1969 and ending prior to July 1, 1973.

(b) *Use for State-level activities.* A use of funds under title III of the Act for the administration of State plans (including the administration of guidance, counseling, and testing programs), the activities of State advisory councils, and evaluation and dissemination activities will be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of equipment and facilities shall be considered to have been used as of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively.

(c) *Use by State agency for local projects.* A use of funds under title III of the Act for local projects shall be determined by the issuance of a grant award document by the State educational agency to a local educational agency. Funds so obligated by the State educational agency shall remain available for expenditure by the local educational agency during the period for which the grant was awarded, as determined pursuant to paragraph (d) of this section, which period shall not extend beyond the end of the fiscal year following the fiscal year in which the grant is awarded. The obligation recorded by the State educational agency shall be adjusted and the grant award amended whenever the amount obligated is determined to be at variance with amounts actually expended by the local educational agency.

(d) *Expenditures by local educational agencies.* For the purpose of paragraph (c) of this section, the expenditure of funds under title III of the Act by local educational agencies shall be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or property, the construction of school facilities, or the performance of work; except that funds for personal services, for services performed by public utilities, for travel, and for rental of equipment and facilities shall be considered to have been expended as of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively. In the case of funds to be used for administrative activities in connection with the completion of a project, such as evaluation and auditing activities, expenditures may also be determined on the basis of documentary evidence of a specific reservation of funds for the purpose. (20 U.S.C. 1225(b), 31 U.S.C. 200)

(e) *Liquidations of obligations.* An obligation entered into by the State educational agency pursuant to paragraph (b) of this section or LEA pursuant to paragraph (d) of this section and payable out of funds under title III of the Act shall be liquidated by the end of the fiscal year following the fiscal year in which the obligation was incurred unless prior to the end of that following fiscal year the State educational agency determines for good cause that the time for liquidating a particular obligation will be extended and so notifies the Commissioner.

§ 118.32 Grant awards.

In all cases where the State educational agency makes grants under title III of the Act to local educational agencies, it shall award such grants for specified budget periods on the basis of applications which have been approved in accordance with § 118.23. All grant awards shall be in writing and shall set forth the amount of funds granted and the budget period during which such funds are available for expenditure, and shall specify the anticipated length of the project period. (20 U.S.C. 843(a))

§ 118.33 Federal fiscal audits.

All records of the State educational agency and of local agencies receiving title III funds which relate to program or administrative expenditures under title III of the Act shall be subject to audit by the Department and the Comptroller General of the United States, or his duly authorized representative, to assure that the State has properly used and accounted for Federal funds. Such records shall be maintained and be accessible in accordance with § 118.55, and otherwise be adequate to permit an accurate and expeditious audit of the State's title III program. (20 U.S.C. 1232c)

§ 118.34 Allowable expenditures for State and local educational agencies.

(a) *General.* Expenditures for which funds provided under title III of the Act may be used are those which are (1) consistent with title III of the Act, these regulations, and the provisions of the State plan, and reasonably necessary to the operation of title III programs and projects, (2) incurred on or after the effective date of the State plan under § 118.17(d), and (3) either direct costs which can be identified specifically with the title III program or project benefited, or indirect costs which are incurred for a common or joint purpose benefiting more than one cost objective but are allocable to a title III program or project on the basis of relative benefit received, as computed in accordance with a plan submitted by the State and approved by the Department pursuant to OMB Circular No. A-87, implementing instructions of the Department, and the provisions of Grants Administration Manual Chapter 5-60, *Costs Principles for State and Local Government Agencies* and OMB Circular A-87. They may be ordered from the Government Printing Office as GPO 894-523. The Act includes the following specifications that title III funds must be used to supplement and not to supplant:

Whenever direct costs are determined to be supplanting and not supplementary, the associated indirect costs (computed and negotiated in accordance with Office of Management and Budget Circular No. A-87) are also deemed to be supplanting and not supplementary.

(b) *Specific expenditures allowed.* To the extent consistent with paragraph (a) of this section, expenditures for which funds provided under title III of the Act may be used are cited in the Grants Administration Manual Chapter 5-60 and OMB Circular No. A-87. Among allowable expenditures are the following:

(1) Establishing and maintaining accounting, auditing, and other information systems required for the management of programs and projects under title III of the Act;

(2) Reasonable compensation for personal services of employees and consultants, including wages, salaries, and supplementary compensation and benefits;

(3) Personnel administration and payroll preparation;

(4) Insurance coverage, to the extent consistent with the general policies of the State educational agency or local educational agency and with sound business practice; and the bonding of employees who handle title III funds;

(5) Communications services;

(6) The acquisition of consumable supplies and printed and published materials for the use of persons administering, supervising, or participating in title III programs or projects;

(7) Printing and reproduction;

(8) Travel and transportation;

(9) Data processing services;

(10) Acquisition (including rental) of office equipment and other equipment required for supervisory and program functions;

(11) Rental of office space in privately or publicly owned buildings, provided that:

(a) The expenditures for the space are necessary and properly related to the efficient administration of the program;

(b) The State will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures;

(c) The amounts paid are not in excess of comparable rental in the particular locality;

(d) The expenditures represent a current cost; and

(e) In the case of a publicly owned building, like charges are made to other State or local agencies occupying similar space for similar purposes.

(12) Utilities, security, janitorial, and similar services to the extent not otherwise included in rental or other charges for space;

(13) Maintenance and repair of property to the extent necessary to keep such property in an efficient operating condition;

(14) Renovation and minor remodeling of previously completed building

space, where such space is needed for the administration or operation of title III programs or projects and renovation or remodeling is necessary to make the space suitable for such use; and

(15) Construction or major structural alteration of buildings and facilities, where undertaken by a local educational agency with funds provided under section 307(a) of the Act after having been specifically approved by the State educational agency under § 118.22(e) of the regulations in this part.

(c) *Proration of costs.* In situations where an expenditure otherwise allowable under paragraphs (a) and (b) of this section is incurred in part for purposes other than the administration or operation of programs and projects under title III of the Act, title III funds shall be available only for that portion of the cost which is fairly attributable to the administration or operation of title III programs and projects. The State educational agency shall establish procedures for prorating costs and for maintaining fully documented records to substantiate prorations of costs for items such as salaries, travel, rent, and equipment. In the case of proration of costs for salaries, such records shall be documented on a before-and-after-the-fact basis. All such records shall be maintained in accordance with § 118.55. (20 U.S.C. 1231c(b); BOB Circular No. A–87, May 9, 1968)

§ 118.35 Accounting for guidance, counseling, and testing expenditures.

(a) Funds expended for the continuation of guidance, counseling, and testing projects initiated under title III of the Act (but not under title V–A of the National Defense Education Act of 1958) prior to fiscal year 1971 shall not be considered in computing the amount of funds which are required to be expended for such purposes under § 118.14(c) of the regulations in this part.

(b) Allowable expenditures incurred by the State educational agency in administering guidance, counseling, and testing programs or projects under the State plan shall be met with administrative funds available to the State under section 307(b) of the Act (20 U.S.C. 845(b)). (20 U.S.C. 844a note, 845 (a) and (b))

Subpart F—Equipment and Construction

§ 118.41 Acquisition, maintenance, and disposition of equipment.

(a) *Use of equipment.* All equipment acquired under title III of the Act shall be used during the expected useful life of the equipment for the purposes specified in the approved project application, or after the expiration of the project for the purposes set forth in section 303(b) of the Act.

(b) *Title and control of equipment.* Title to equipment acquired with funds made available under title III of the Act shall be vested in, and retained by, a State or local educational agency, and such equipment shall be subject to the administrative control of the State or local educational agency at all times until the end of its useful life or its disposition, whichever is earlier.

(c) *Inventories.* Each State and local educational agency shall maintain inventories of all items of equipment acquired with title III funds which have an initial acquisition cost of $300 or more per unit. Such inventories shall be maintained for the useful life of the equipment or until its disposition, whichever is earlier, and records of such inventories shall be kept intact and accessible for 3 years thereafter.

(d) *Maintenance and repair.* Each State and local educational agency shall make reasonable provision for the maintenance and repair of equipment acquired with title III funds, and shall be responsible for replacing or repairing (with State or local funds) equipment that is lost, damaged, or destroyed due to the negligence of the State or local agency.

(e) *Disposition of equipment.* Whenever equipment acquired with title III funds is no longer used for the purposes prescribed in paragraph (a) of this section or is sold and the proceeds from such sale are not used for such purposes, the Federal Government shall be credited with its proportionate share of the value of such equipment at the time of such diversion or sale. Such value shall be determined on the basis of the sale price in the case of a bona fide sale or the fair market value in the case of a diversion of use. (20 U.S.C. 844(a))

§ 118.42 Grants involving construction.

Where applications are submitted under title III of the Act by local educational agencies for programs or projects which involve construction, such construction shall be approved by the State educational agency only if:

(a) The applicant has notified the State and regional or local clearinghouses designated under OMB Circular A–95, of its intent to submit an application, and

(b) The applicants have included with the application when submitted to the State educational agency:

(1) Any comments made by or through the clearinghouse(s) together with a statement that such comments have been considered prior to submission of the application; or

(2) A statement that the A–95 clearinghouse procedures have been followed and that no comments have been received; and

(c) The State has complied with the applicable provisions of the National Environmental Policy Act of 1969 (Public Law 91–190, 42 U.S.C. section 4321–4347) and guidelines issued pursuant thereto by the Council on Environmental Quality (36 F.R. 7724); and

(d) The application contains the following assurances and provisions:

(1) The applicant has or will have a fee simple or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the expected useful life of the facility;

(2) The final working drawings and specifications will be submitted to the State educational agency before the construction is approved and the project is placed on the market for bidding;

(3) Construction approved pursuant to the project proposal will be undertaken promptly;

(4) In developing plans for school facilities, the local and State codes with regard to fire and safety will be observed, and in situations where local and State codes do not apply, recognized codes shall be observed;

(e) In planning the construction of school facilities, the applicant will, in accordance with Executive Order No. 11296 of August 10, 1966 (33 U.S.C. 701 note) and such rules and regulations as may be issued by the Department of Health, Education, and Welfare to carry out its provisions, evaluate flood hazards in connection with such school facilities and, as far as practicable avoid the uneconomic hazardous, or unnecessary use of flood plains in connection with such construction;

(f) In planning the construction of school facilities, the applicant will, in accordance with Executive Order No. 11288 of July 2, 1966 (33 U.S.C. 466 note) and such rules and regulations as may be issued by the Department to carry out its provisions, evaluate the effect of construction and operation of such school facilities on water pollution and, as far as practicable, avoid such harmful effects as may exist;

(g) Architectural or engineering supervision and inspection will be provided at the construction site to insure that the completed work conforms to the approved plans and specifications;

(h) Representatives of the State educational agency will have access at all reasonable times, for the purpose of inspection, to all construction work being done with title III funds, and the contractor will be required to facilitate such access and inspection;

(i) The grantee will furnish progress reports and such other information relating to the proposed construction and the grant as the State educational agency may require;

(j) Except as otherwise provided in the regulations issued by the Administrator of General Services (41 CFR Part 101–17) to implement Public Law 90–480 (42 U.S.C. ch. 51), all school facilities designed, constructed or altered with funds made available under title III of the Act shall be so designed, constructed, or altered as to be in accordance with the minimum standards contained in "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable By the Physically Handicapped" approved by the American Standards Association, Inc. (Subsequently the United States of America Standards Institute) on October 31, 1961;

(k) Reasonable provision has been made, consistent with the other uses to be made of the facilities for areas in such facilities which are adaptable for artistic and cultural activities;

(l) In developing plans for the construction, the applicant has given and will give due consideration to excellence of the architecture and design and to the inclusion of works of art, for which funds under title III of the Act will be available for not in excess of 1 percent of the cost of the project;

(m) Upon completion of the construction, title to the facilities will be in and retained by a State or local educational agency, and the building will be operated and used for the educational and related purposes for which it was constructed for a period of not less than 20 years;

(n) All laborers and mechanics employed by contractors or subcontractors on all construction and minor remodeling projects assisted under title III of the Act shall be paid wages at rates not less than those prevailing on similar construction and minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276–5); and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327–333), and such contractors and subcontractors shall comply with the regulations in 29 CFR Part 3 and 29 CFR 5.5 (a) and (c);

(o) All contracts for construction work or modification thereof, as defined in Executive Order No. 11246 shall incorporate the nondiscrimination clause prescribed by Executive Order No. 11246 of September 24, 1965 (42 U.S.C. 2000e note); and the State or local educational agency undertaking the construction shall otherwise comply with the requirements of section 301 of said Executive order.

(p) Manner of construction: Construction undertaken with funds under title III of the Act shall be functional, shall be undertaken in an economical manner consistent with the architectural and design considerations in paragraph (a) (4), (9), (10), and (11) of this section, and shall not be elaborate in design or extravagant in the use of materials in comparison with school facilities of a similar type constructed in the State within recent years.

(q) All contracts for construction shall be awarded to the lowest qualified bidder on the basis of open competitive bidding; except that, if one or more items of construction are covered by an established alternative procedure, consistent with State and local laws and regulations, which is approved by the State educational agency and is designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure may be followed. (20 U.S.C. 844(a)(4), 847, 1232b; 33 U.S.C. 466 and 701 note; 40 U.S.C. 327–333; 42 U.S.C. 2000e note, 4151–56, 4321–4347)

§ 118.43 Obligation of funds for construction.

Funds made available for construction pursuant to a grant under title III of the Act shall be obligated by the local educational agency within 12 months from the effective date of the project, except that a longer period may be allowed by the State educational agency upon a showing of good cause. (31 U.S.C. 200)

§ 118.44 Recovery of payments.

If within 20 years after the completion of any construction undertaken pursuant to a grant under title III of the Act (a) the owner of the facility shall cease to be a State or local educational agency, or (b) the facility shall cease to be used for the educational and related purposes for which it was constructed, the United States shall be entitled to recover all or a portion of the Federal funds used to pay for such construction in accordance with the provisions of section 308 of the Act.

§ 118.45 Leasing facilities.

Where a State or local educational agency proposes to lease a facility with funds provided under title III of the Act, it shall obtain the right to occupy and operate and if necessary to maintain and improve, the premises to be leased during the proposed period of the project. (20 U.S.C. 843)

Subpart G—General Provisions

§ 118.51 Payment of funds.

(a) From its allotment under section 302 of the Act for any fiscal year, the Commissioner will pay to each State, either in advance or by way of reimbursement, amounts equal to the sums necessary for current expenditures by the State under an approved State plan for (1) grants to local educational agencies for supplementary educational centers and services, and (2) guidance, counseling and testing programs.

(b) The payment of funds under title III of the Act will be limited to the maximum funding level established in § 118.18(f); and the funding of partially approved State plans is further subject to the limitations set forth in § 118.18(b).

(c) The Commissioner will pay additional sums to each State receiving funds under paragraph (a) of this section for administration of the State plan, activities of the State advisory council, and evaluation and dissemination activities. In no case will the amount paid to a State for such activities for any fiscal year exceed an amount equal to 7½ percent of its allotment for that fiscal year or $150,000 ($50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater. Of the funds available to any State for such activities during any fiscal year, the amount paid for administration of the State plan shall not exceed an amount equal to 5 percent of the State's allotment for that fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greated. (20 U.S.C. 843(a), 845, 1232d)

(d) No payments will be made by the Commissioner to a State under title III of the Act for any fiscal year unless the Commissioner determines that the amount of State aid per pupil with respect to the provision of free public education in that State for the preceding fiscal year was not less than the amount of such State per pupil aid for the second preceding fiscal year.

§ 118.52 Reallotment.

(a) *General.* The amount of any State's allotment under title III of the Act for any fiscal year which the Commissioner determines will not be required by such State for the period for which that amount is available shall be available for grants pursuant to section 306 of the Act (20 U.S.C. 8446) and Part 126 of this title (special grants made directly by the Commissioner) in such State. If the Commissioner further determines that the amount is not needed in such State for grants pursuant to section 306 of the Act, that amount may, in the Commissioner's discretion, either be used for grants pursuant to section 306 in other States or reallotted to other States. Funds may be reallotted from time to time, during the period for which they are available, on such dates as the Commissioner may fix, among other States in proportion to the amounts of their respective original allotments for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the respective State needs and will be able to use during the period for which the funds are available. Funds available due to such reductions may be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State from funds appropriated pursuant to section 301 of the Act (20 U.S.C. 841) for any fiscal year will be deemed to be a part of the amount allotted to it under section 302 of the Act (20 U.S.C. 842) for that year.

(b) *Statements of anticipated need.* In order to provide a basis for reallotment of funds by the Commissioner pursuant to this section, each State agency shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need for the funds previously allotted during the period for which such funds are available, or any amount needed to be added thereto by reallotment. Such further information as the Commissioner may request for the purpose of making reallotments shall be reflected in such statements. (20 U.S.C. 842)

§ 118.53 Financial reports.

Each State educational agency shall submit in accordance with procedures established by the Commissioner: (a) A report following the end of any fiscal year of the total expenditures made under the State plan during that fiscal

year including a breakdown of expenditures for handicapped children by type of handicap; and (b) such other reports as are periodically required by the Commissioner to account properly for title III funds. (20 U.S.C. 844a(b)(11))

§ 118.54 Annual and other reports.

The State educational agency shall make an annual report and such other reports containing such information (including copies of project applications approved under § 118.21(d)) as the Commissioner may reasonably require to carry out his functions under title III of the Act and to determine the extent to which funds provided under title III of the Act have been effective in improving the educational opportunities of persons in the areas served by programs or projects supported under the State plan and in the State as a whole. Information about programs funded under § 118.14(b) shall be reported by type of handicap. The annual report shall include an evaluation made in accordance with objective measurements to determine the extent to which critical educational needs identified in the State plan have been met and an evaluation of the effectiveness of projects funded for that fiscal year under title III of the Act. The State shall also keep such records and afford access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports. (20 U.S.C. 844a(b)(11))

§ 118.55 Records.

(a) Each State and local educational agency receiving funds under title III of the Act shall keep intact and accessible all records relating to receipt and expenditure of such funds, including records which substantiate direct and indirect costs charged to the grant activities and which fully disclose the amount of funds received and the disposition thereof by the recipient, the cost of each program or project for which title III funds are used, and the amount of the cost of each such program or project supplied by other sources (including records relating to the use of consultants, and a breakdown of expenditures for the education of handicapped children by type of handicap).

(b) Except as otherwise provided for inventory records in § 118.41(c), all records required by paragraph (a) of this section shall be retained for 3 years after the close of the period during which the expenditures were made or if an audit has not occurred by that time, such records shall be maintained until (1) the State educational agency has been notified of the completion of the Federal audit, or (2) 5 years after the end of the fiscal year in which the expenditure was made, whichever is earlier.

(c) In cases where there is an audit irregularity, all records regarding the questioned expenditures shall be maintained until its resolution. The Department and the Comptroller General of the United States, or his duly authorized representatives, shall have access for the purposes of audit and examination to all such records and to any other books, documents, or papers of the recipient that are pertinent to the expenditure being questioned. (20 U.S.C. 844a(b)(11), 1232c)

§ 118.56 Contracts for services.

The State educational agency, and local educational agencies if approved by the State educational agency, may enter into contracts or agreements (to the extent permitted by State and local law and consistent with the approved State plan) for the provision by other appropriate public or private agencies, organizations, or institutions of a portion of the services to be provided under a title III program or project. Such contract or agreement shall describe the services to be provided by the agency or institution, shall incorporate the standards and requirements of title III of the Act and these regulations, and shall contain provisions assuring that the State or local educational agency will retain administrative supervision and control over the provision of services under the contract. Where a local educational agency proposes to contract for services, such services shall be specified in the project application or an amendment thereto, and the proposed contract shall be submitted to the State educational agency for approval. All contracts and agreements entered into pursuant to this section shall be in writing, and copies shall be maintained in accordance with § 118.56 of these regulations. (20 U.S.C. 843)

§ 118.57 Applicability of civil rights regulation.

Federal financial assistance under this part is subject to the requirements of title VI of the Civil Rights Act of 1964, approved July 2, 1964 (Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d et seq.). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance. Therefore, Federal financial assistance pursuant to this part is subject to the regulation set forth in 45 CFR Part 80. (42 U.S.C. 2000d et seq.)

Dated: December 21, 1971.

S. P. MARLAND, JR.,
Commissioner of Education.

Approved: February 1, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.72-1744 Filed 2-4-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19413; FCC 72-83]

FM BROADCAST STATIONS

Table of Assignments, Hattiesburg, Miss., and Certain Other Cities

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Hattiesburg, Miss., Parkersburg, W. Va., Tallahassee, Fla.), Docket No. 19413, RM–1758, RM–1767, RM–1772.

1. Notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the Commission's rules, the Table of FM Assignments, as listed and discussed below. All population figures are from the 1970 U.S. Census unless indicated otherwise. Briefly, the petitions involve requests for:

(a) Third assignments at Hattiesburg, Miss., and Parkersburg, W. Va.

(b) Fourth assignment at Tallahassee, Fla.

2. The proposals summarized above are advanced for comments. In some cases, as discussed below, we have reservations whether the proposed amendments should be adopted, and the fact that comments are invited does not indicate a present Commission view, even tentatively, that they should be.

3. *Hattiesburg, Miss., RM–1758.* Triple X Broadcasting Co., Inc., licensee of daytime AM station WXXX, petitions for assignment of Channel 221A to Hattiesburg, Miss. The channel could be assigned there without affecting other FM assignments. Hattiesburg, with a population of 38,277, is the seat of Forrest County (population 57,849). There are five AM stations, of which three are daytime stations and two Class C FM stations in operation at Hattiesburg. The requested assignment would be the third FM channel for the community.

4. In support of its petition, Triple X contends that Hattiesburg is a university community and industrial center of southern Mississippi, with an enrollment of approximately 9,000 students, approximately 90 industries, and gross sales of $185 million during the fiscal year 1969. Triple X asserts that there is no local broadcast station providing full-time service (i.e., 24 hours), and that it would offer, if it receives a grant, contemporary programing 24 hours per day.

5. The preclusion study discloses that the proposed assignment at Hattiesburg will foreclose assignment on Channel 221A and on Channels 218, 219, and 220 reserved for educational stations. The preclusion on Channel 221A is confined to a limited area, the only possible community within this area where a Class A channel could be utilized is Waynesboro, Miss. (population 4,368) where Channel 288A is presently assigned and does not warrant an additional assignment. Although Petal with a population of 6,986 would also qualify for an assignment, it is located northeast of and adjacent to Hattiesburg. The channel assigned to Hattiesburg could be utilized at Petal under the 10-mile provision of § 73.203(b) of the rules. As to the three educational channels, there are a large number of assignment possibilities on other such channels for any needs which may arise in the area.[1] In this regard, it is noted that the possibility of interference to the television service on Channel 6 from educational FM stations is not likely to be a problem.[2]

6. In Docket No. 18883 (FCC 71–193) a proposal for assignment of Channel 269A to Hattiesburg was not adopted because the community had a fair share of FM assignments,[3] and the proposed assignment would have precluded the last available assignment for Collins, Miss. Also there was a question of the intermixing of two classes of channels in one community. Triple X argues that, although the population of Hattiesburg is only 38,277, the "metro-area" population would exceed 50,000; the population does not include a student population in excess of 7,000 and the population of Petal (6,986). It asserts that the allocation of Channel 221A to Hattiesburg would not preclude, other than to Petal and Waynesboro, the channel assignment to any community with a population of over 1,500 and that a Class C assignment would not be necessary to serve the community of the size of Hattiesburg metro-area.

7. Although the situation here appears to be similar to the earlier Hattiesburg proceeding and the preclusionary effect of assigning Channel 221A here is minimal, the petitioner believes that a Class A station would provide necessary service to the community. Because this channel cannot be utilized elsewhere in the general area, it would be in the public interest to invite comments on the proposal to assign Channel 221A to Hattiesburg, Miss.

8. *Parkersburg, W. Va., RM–1767.* By a petition filed January 14, 1971, Electrocom, Inc., requests assignment of Channel 236 to Parkersburg, W. Va. The channel could be assigned there without affecting other FM assignments. Parkersburg, with a population of 44,208, is the seat of Wood County (population 86,818). There are three AM stations, of which one is a daytime station, and two Class A FM stations in Parkersburg. The requested assignment would be the third FM channel for Parkersburg.

[1] There is an application filed by University of Southern Mississippi at Hattiesburg for assignment on Channel 216 (BPED–1319).

[2] Hattiesburg and Forrest County are located outside the Grade B contour of the closest Channel 6 television station at New Orleans, La., and the Television Factbook, 1970–1971 edition, shows no appreciable viewing in the county.

[3] Limit of two FM channels for the city of less than 50,000 population, Docket No. 14185, Third Report and Memorandum Opinion and Order, 23 R.R. 1859, 1871; Further Notice of Proposed Rule Making, adopted July 25, 1962, FCC 62–867.

9. In support of its petition, Electrocom contends that greater Parkersburg has enjoyed a tremendous industrial growth in the past few years and that nearly every major industry field is now represented in the area. It estimates that the county population would be 110,000 by 1980. It asserts that there is substantial support for an additional assignment to Parkersburg.

10. The preclusion study indicates that the proposed assignment of Channel 236 at Parkersburg would foreclose the use of Channels 236 and 237A over wide areas. As to Channel 236, there are a number of communities in the precluded area where a Class B channel could be assigned. However, these communities presently have a sufficient number of assignments not to warrant an additional channel. With respect to Channel 237A, there are communities without FM assignments where a Class A channel could be assigned, such as Ravenswood, W. Va., which has a population of 4,240, Point Pleasant, W. Va. (population 6,122), and a number of other small communities. Since the requested assignment is a Class B channel and Parkersburg presently has two Class A channels with stations in operation, we are not entirely persuaded that it would be in the public interest to mix the assignments. Further, the requested assignment would exceed the number of channels in our criterion of two channels for cities of less than 50,000 population.

11. On the basis of the information before us, we are not able to determine definitively whether the requested channel should be assigned to Parkersburg. However, we will institute a rule making proceeding looking toward the assignment of Channel 236 at Parkersburg, and the parties should supply information on the areas and populations that are presently unserved and underserved within the 1 mv/m contour of proponent's FM station, if authorized, compared to a Class A station operating with a maximum facility.[4] Graphical showing of the affected areas should be included. There is also a question of whether there are any other channels available for assignment to communities located in the precluded areas. Further, since there would be intermixing in the class of assignments, we need to know whether the assignment of a Class B channel here would affect the viability of the two Class A stations in Parkersburg. In the interim, we tentatively propose to assign Channel 236 to Parkersburg, W. Va., and invite comments thereon.

12. *Tallahassee, Fla., RM–1772.* By a petition filed March 12, 1971, Capitol City Broadcasting, Inc., licensee of AM Station WTAL, seeks assignment of Channel 276A to Tallahassee, Fla. The proposed channel could be assigned to Tallahassee without requiring changes in other assignments. Tallahassee, with a population of 71,897, is the seat of Leon County (population 103,047), and the Capital of the State of Florida. There are four AM stations, of which two are daytime stations, and three Class C FM stations in Tallahassee. The requested assignment would be the fourth channel for the community.

13. In support, Capitol City contends that Tallahassee has the unique position of being the State Capital and county seat, and having a concentration of higher education and a rapidly expanding market; that the three universities and colleges have a total enrollment of 23,828 students for the year 1971; and that Tallahassee has sustained substantial growth in areas and population during the past several decades. It asserts that, except for the three existing FM stations, there is no effective nighttime broadcast coverage, and that WTAL nighttime coverage is precluded from placing an acceptable signal in the areas of major population growth. Capitol City alleges the requested allocation will permit WTAL to enhance its intended function as a source for dissemination of information pertaining to public affairs, government, civic, and social activities, as well as a source for emergency and disaster information to those populations residing in the outlying areas.

14. The proposed Tallahassee assignment would preclude the use of Channel 276A over a fairly wide area. The adjacent channels are not affected. Within this precluded area, there are a number of communities without FM assignments where a Class A channel could be assigned: such as Chattahoochee (population 7,944) and Apalachicola (population 3,102), Florida; Cairo (population 8,061) and Pelham (population 4,530), Georgia, and a number of smaller communities. Although Chattahoochee and Cairo each has a daytime AM station, other communities do not have local aural broadcast facilities. On the other hand, Tallahassee with a population of 71,897 may be assigned another FM channel, according to the FM allocation criteria. However, since Tallahassee presently has three Class C channel assignments, the requested would result in mixed classes of stations. It appears that the public interest would be served to propose assignment of another FM channel for Tallahassee, but due to the questions raised by the proposal, we would invite comments on this proposal which is offered tentatively. The comments should include a showing as to whether there are other assignments available to communities located within the precluded area.

15. *Showings required.* Comments are invited upon the various proposals discussed above and listed below. As indicated, in some cases the Commission has reservations or questions concerning the proposals, and proponents of the proposed assignments will be expected to answer them. More generally, the proponents of the various proposals contained herein are expected to file comments, even if they do little more than resubmit or refer to their petitions. They are expected, among other things, to state their intention to apply for the

[4] The showing should be made in accordance with the criteria set forth in Roanoke Rapids and Goldsboro, North Carolina, 9 FCC 2d 672 (1967).

FEB 5 72 XUM

channels if assigned, and, if authorized, to promptly build their stations. Failure to make these showings may result in denial of the proposals.

16. *Cutoff procedure.* As in other recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

17. In view of the foregoing, subject to the conditions and reservations set forth hereinabove in certain respects, and pursuant to authority found in sections 4(i), 303 (g) and (r) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules, the Table of FM Assignments, as follows:

City	Channel No.	
	Present	Proposed
Tallahassee, Fla	245, 255, 281	235, 255, 276A, 281
Hattiesburg, Miss	279, 284	221A, 279, 284
Parkersburg, W. Va	257, 276A	236, 257A, 276A

18. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before March 10, 1972, and reply comments on or before March 24, 1972. All submissions by parties to this proceeding, or persons acting in behalf of such parties, must be made in written comments, reply comments or other appropriate pleadings.

19. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during the regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: January 26, 1972.

Released: February 2, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1757 Filed 2-4-72;8:50 am]

[1] Commissioner H. Rex Lee absent.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

ELEMENTAL SULPHUR FROM MEXICO

Determination of Sales at Less Than Fair Value

FEBRUARY 3, 1972.

Information was received on March 2, 1971, that elemental sulphur from Mexico was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of November 6, 1971.

I hereby determine that for the reasons stated below, elemental sulphur from Mexico is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. Analysis of the information from all sources reveals that the proper basis of comparison is between purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of a U.S. terminal price, or on a C & F, landed U.S. destination price, with appropriate deductions for terminal, port and brokerage charges. The appropriate inland freight and ocean freight costs were deducted from these prices.

Exporter's sales price was calculated on the basis of a delivered U.S. customer's premises or terminal price, with appropriate deductions for selling expenses, terminal, port and brokerage charges, inland freight, ocean freight and net Mexican export tax.

The home market price was based on the f.o.b. plant price of such or similar merchanidse in the country of exportation, with the appropriate adjustment made for blending and filtering costs.

Purchase price or exporter's sales price, as appropriate, was found to be lower than the adjusted home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-1857 Filed 2-4-72;9:41 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, BRANCH OF LANDS AND MINERALS OPERATIONS, DIVISION OF TECHNICAL SERVICES, NEW MEXICO STATE OFFICE

Redelegation of Authority

1. The redelegation of authority promulgated in the June 12, 1971, FEDERAL REGISTER (36 F.R. 11457) to the Chief, Branch of Lands and Minerals Operations, is hereby revoked.

2. Pursuant to the authority contained in Part I, section 1.1(a) of Bureau Order No. 701 of July 23, 1964, as amended, I hereby redelegate to the Chief, Branch of Lands and Minerals Operations in the Division of Technical Services, authority to take action on the matters listed in Part II-A of Bureau Order No. 701 of July 23, 1964, as amended.

3. The Chief, Division of Technical Services may, in his discretion, personally exercise any authority hereby delegated to the Chief, Branch of Lands and Minerals Operations.

4. The Chief, Branch of Lands and Minerals Operations may redelegate the authority vested in him by this delegation to any qualified employee under his jurisdiction. Any order of redelegation must be approved by the State Director and published in the FEDERAL REGISTER.

5. The Chief, Branch of Lands and Minerals Operations may, by written order, designate any qualified employee of the Branch to perform the functions of his position in his absence. Such order will be approved by the Chief, Division of Technical Services.

6. *Effective date.* This redelegation will become effective February 4, 1972.

ROBERT O. BUFFINGTON,
Acting State Director.

Approved: January 31, 1972.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.72-1714 Filed 2-4-72;8:46 am]

[Montana 20500(SD)]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 26, 1972.

The Forest Service, U.S. Department of Agriculture, has filed application M 20500(SD) for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires to protect a developed picnic ground, a recreation area, and a roadside zone.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BLACK HILLS MERIDIAN

BLACK HILLS NATIONAL FOREST

Mount Roosevelt Recreation Sites and Roadside Zone

T. 5 N., R. 3 E.,
M.S. 1216 (Whitewood Mining District) in sec. 16: Excepting a tract known as the Mount Roosevelt Memorial which is a portion of the Last Chance No. 2 lode mining claim, M.S. 1216, situated on the summit of Mount Theodore Roosevelt in sec. 16, T. 5 N., R. 3 E., B.H.M., the northeast corner of which tract lies S. 14°20' W., 128.05 feet from corner No. 1 of said Last Chance No. 2 lode, thence due west 200 feet, thence due south 200 feet, thence due east 200 feet, and thence due north 200 feet to the place of beginning, which tract contains 0.918 acre, more or less.
Sec. 16, lots 1, 3, and 4, SW¼SE¼NE¼, W½NW¼SE¼SE¼, and NE¼SW¼SE¼.

Also: A strip of land 200 feet each side of the centerline of Mount Roosevelt Road and

FEB 5 72

a branch road through the following legal subdivisions:

Sec. 14, lot 4 and S½NW¼;
Sec. 15, lots 1, 2, 3, SW¼NW¼, and NW¼SW¼;
Sec. 16, lot 5, E½SE¼NE¼, NW¼SE¼NE¼, S½SW¼SE¼, and NE¼SE¼.

Steamboat Rock Picnic Ground

T. 2 N., R. 5 E.,
Sec. 1, S½NW¼SW¼, N½SW¼SW¼, and NW¼SE¼SW¼.

The areas described aggregate 333.19 acres, more or less, in Lawrence County, S. Dak.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-1742 Filed 2-4-72;8:48 am]

Office of Hearings and Appeals

[Docket No. M72-30]

UNITED STATES STEEL CORP.

Notice of Petition for Modification of an Interim Mandatory Safety Standard

JANUARY 31, 1972.

In regard petition of United States Steel Corp. for modification of an interim mandatory safety standard (section 309(b) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 801 et seq.), Docket No. M 72-30, Somerset Mine, Somerset, Colo.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 801 et seq.), United States Steel Corp. (petitioner) has filed a petition to modify the application of section 309(b) of the Act with respect to its Somerset Mine located at Somerset, Gunnison County, Colo. Section 309(b) of the Act provides:

(b) Low- and medium-voltage three-phase alternating-current circuits used underground shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the power center, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all the electrical equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded low- and medium-voltage circuits to be used underground to feed such stationary electrical equipment if such circuits are either steel armored or installed in grounded rigid steel conduit throughout their entire length. The grounding resistor, where required, shall be of the proper ohmic value to limit the ground fault current to 25 amperes. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

Petitioner proposed that said mine be excepted from the requirements of section 309(b) of the Act on the grounds that conversions of its 480-volt power system from that in use as described in the petition to a resistance grounded power system would result in no improvement in safety and that the difference between the system in use and that required by the cited provision of the Act is so slight as to be inconsequential.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, VA 22203.

JAMES M. DAY,
Director, Office of Hearings and Appeals.

JANUARY 31, 1972.

[FR Doc.72-1716 Filed 2-4-72;8:46 am]

Office of the Secretary

[INT DES 72-16]

DEEP GEOTHERMAL TEST WELL GEOTHERMAL RESOURCE INVESTIGATIONS, IMPERIAL VALLEY, CALIF.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed deep geothermal test well in Imperial Valley, California.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-9247.
Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, E&R Center, Technical Services Branch, Building 67, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-3007.
Office of the Regional Director, Bureau of Reclamation, Post Office Box 427, Boulder City, NV 89005, Telephone (702) 293-8560.
Southern California Planning Office, Bureau of Reclamation, Post Office Box 1303, San Bernardino, CA 92402, Telephone (714) 884-3441.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, VA 22151. Please refer to the statement number above.

Dated: January 31, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-1715 Filed 2-4-72;8:46 am]

[DES 72-17]

PROPOSED HYBRID PROTOTYPE PLANT FOR CITY OF BROWNSVILLE, TEX.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior in cooperation with the State of Texas has prepared a draft environmental statement for a proposed prototype distillation plant to serve the city of Brownsville, Tex. and invites written comment within thirty (30) days of this notice.

The environmental statement considers the proposed construction of a single purpose plant (water production only), the product water of which will be blended with existing water supplies of the city of Brownsville, Tex.

Copies are available for inspection at the following location:

Office of Saline Water, Room 5346, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-3506.

Dated: January 28, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-1717 Filed 2-4-72;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. F-136]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Indiana Public Service Commission in a proceeding involving the application of the Public Service Company of Indiana for a rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ROD KREGER,
Acting Administrator of General Services.

JANUARY 31, 1972.

[FR Doc.72-1713 Filed 2-4-72;8:46 am]

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Wilson Certified Foods, Inc.	20Q	(*)				(*)	
Wilson Beef & Lamb Co.	20V						
Wilson-Sinclair Co.	20Y	(*)		(*)		(*)	
Wilson Beef & Lamb Co.	20AI						
Do.	20HF						
Swift & Co.	22	(*)					
Rhoden Meat Co.	25						
Patrick Cudahy, Inc.	26	(*)				(*)	
Kreinberg & Krispy, Inc.	31						
Roegelein Provision Co.	32	(*)		(*)		(*)	
Do.	32A						
Valleydale Packers, Inc.	34	(*)		(*)		(*)	
Kenosha Packing Co.	36						
Sunnyland Packing Co.	43	(*)		(*)		(*)	
Stark Wetzel & Co., Inc.	44						
Do.	44A						
Linden Packing Co., Inc.	45	(*)		(*)		(*)	
Idaho Meat Packers	46						
Mountain Meat Inc.	53						
Inel and Inel	54	(*)		(*)		(*)	
Sunnyland Packing Co. of Alabama	56A						
Do.	56B						
Glover Packing Co. of Amarillo	60						
Glover Packing Co., Inc.	60A	(*)		(*)		(*)	
Gooch Packing Plant of Nebraska	61						
Sandusky Dressed Beef Co.	62	(*)		(*)		(*)	
Selkirk Realty Co.	65						
The Quaker Oats Co.	67						
Meat Quality Laboratory	68						
Hinch & Wholesale Meats, Inc.	72	(*)		(*)		(*)	
Ben Thompson & Sons.	73						
Armour & Co.	79A	(*)		(*)		(*)	
Dinner Bell Foods, Inc.	79B						
Do.	81						
The Cudahy Co.	E83						
Rivana Foods, Inc.—Hill's Division	84						
Kahn's Beef Industries, Inc.	85	(*)					
Utica Veal Co., Inc.	86						
The E. Kahn's Sons Co.	88	(*)		(*)		(*)	
Peet Packing Co.	89						
Do.	90						
Do.	90A						
Do.	90B						
Lando Packing Co.	91	(*)		(*)		(*)	
Sugardale Foods, Inc.	92						
Shonyo Packing, Inc.	93	(*)		(*)		(*)	
The Val Decker Packing Co.	94						
Central Packing Co., Inc.	95	(*)		(*)		(*)	
A. Koch's Sons.	96						
Kenosha Packing Co.	100	(*)		(*)			
Liberty Packing Co.	101						
H. Graver Co.	103						
J. Lyna Cornwall, Inc.	107						
Contris Packing Co., Inc.	110			(*)		(*)	
Wilson-Sinclair Co.	111						
Tom Morrell & Co.	112						
Pine Bluff Packing Co.	114						
Farmland Foods, Inc.	115						
Trophy Meat Packing Co., Inc.	116	(*)		(*)		(*)	
Marhoefer Packing Co., Inc.	117						
John Morrell & Co.	121						
Jay Dressed Beef	126						
Cash Brothers Packing Co., Inc.	127	(*)		(*)		(*)	
John Roth & Son, Inc.	128						
Tobin Packing Co., Inc.	129						
Ferris Meat Co., Inc.	132	(*)				(*)	
Nebraska Beef Packers, Inc.	134						
Kenny Meat Co., Inc.	135						
R. B. Rich Packing Co., Inc.	142						
Silver Fork Packing Co., Inc.	144	(*)		(*)		(*)	
Dallas City Packing, Inc.	145						
Cornland Dressed Beef, Inc.	146						
Bedford International, Inc.	157						
	158						

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; List of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the following table lists the establishments operating under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) which were officially reported as humanely slaughtering and handling the species of livestock respectively designated for such establishments in the table. Additions to and deletions from this list will be made from time to time as the facts may warrant, by notices published in the FEDERAL REGISTER. The establishment number given with the name of the establishment is branded on each carcass of livestock inspected at that establishment. The table should not be understood to indicate that all species of livestock slaughtered at a listed establishment are slaughtered and handled by humane methods unless all species are listed for that establishment in the table. Nor should the table be understood to indicate that the affiliates of any listed establishment use only humane methods.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Armour & Co.	2C	(*)					
Do.	2H						
Do.	2W						
Do.	2AT						
Do.	2HT						
Do.	2HA	(*)		(*)		(*)	
Do.	2ID						
Do.	2SI						
Do.	2WN						
Swift & Co.	2G	(*)		(*)			
Do.	2H						
Do.	2L						
Do.	2N	(*)		(*)		(*)	
Do.	2S						
Do.	2W						
Do.	2Y						
Do.	2Z						
Do.	2BW						
Do.	2CC	(*)		(*)		(*)	
D. E. Neberal Meat Co.	2DE						
Swift & Co.	2GI	(*)		(*)		(*)	
Do.	2GW						
Do.	2TA	(*)		(*)		(*)	
Lykes Brothers, Inc. of Georgia	2TC						
Lykes Brothers, Inc.	2U	(*)		(*)		(*)	
Pauly Packing Co., Inc.	8B						
The Lyons Packing Co.	10						
Hygrade Food Products Corp.	11	(*)		(*)		(*)	
Do.	12A						
Do.	12P						
Do.	12PW						
Mickelberry's Food Products Co.	16						
John Morrell & Co.	17						
Do.	17A						
Do.	17D						
Do.	17H						
C. Finkbeiner, Inc.	18						
Cudahy Co.	19W						
Wilson Certified Foods, Inc.	20A						
Wilson Certified Foods, Inc.	20H						
Wilson Certified Foods, Inc.	20L						
Wilson-Sinclair Co.	20N	(*)		(*)		(*)	
Wilson Certified Foods, Inc.	20N	(*)		(*)		(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Missouri Farmers Association Packing Division	159	(*)				(*)	
Carr Packing Co., Inc	160	(*)					
Kansas Beef Industries, Inc	164	(*)					
New York State College of Agriculture	165	(*)	(*)	(*)		(*)	
E. W. Kneip, Inc	169	(*)					
De Kalb Packing Co	170A					(*)	
Bub Davis Packing Co	171	(*)					
Lee's Sausage Co., Inc	173					(*)	
American Meat Packing Corp	180					(*)	
Montrose Beef Co	181	(*)					
The Rath Packing Co	186					(*)	
Do	186A					(*)	
Kent Provision Co., Inc	187	(*)					
Carl's Sausage Co	188					(*)	
Cudahy Co	191					(*)	
Krey Packing Co	192					(*)	
Hynes Packing Co	197	(*)	(*)	(*)			
United Packing Co	198	(*)		(*)			
George A. Hormel & Co	199	(*)				(*)	
Do	199A	(*)					
Do	199D					(*)	
Do	199H	(*)					
Do	199I					(*)	
Do	199N	(*)				(*)	
Caviness Packing Co., Inc	200	(*)					
Cudahy Co	202					(*)	
Platte Valley Packing Co	203	(*)					
Emge Packing Co., Inc	205	(*)				(*)	
National Beef Packing Co	206A	(*)					
Riverside Abattoir, Inc	210	(*)					
Penn Packing Co	212					(*)	
E. W. Kneip, Inc	213	(*)					
Marshall Meat Products, Inc	215	(*)					
Lincoln Meat Co	217	(*)					
York Packing Co., Inc	220					(*)	
ITT Gwaltney, Inc	221A					(*)	
Armour & Co	222	(*)				(*)	
De Jong Packing Co	223	(*)	(*)				
Hygrade Food Products Corp	224	(*)				(*)	
Do	224B	(*)	(*)				
Diamond "O" Meat Packing Corp	232	(*)					
John Morrell & Co	234	(*)					
Waltt Schilling & Co., Inc	235	(*)					
Texas Technological College—Animal Husbandry.	236	(*)		(*)	(*)	(*)	
Reakin Packing Co	237	(*)					
P. D. & J. Meats	240	(*)	(*)				
Greenwood Packing Plant	242	(*)	(*)	(*)		(*)	
I. Klayman & Co	243					(*)	
Iowa Beef Processors, Inc	244	(*)					
Do	245	(*)					
Do	245A	(*)					
Do	245B	(*)					
Do	245C	(*)					
Do	245D	(*)					
John Morrell & Co	246	(*)				(*)	
Harget Realty Corp	247					(*)	
Federal Packing Co., Inc	249	(*)					
Frosty Morn Meats, Inc	250	(*)				(*)	
Metro Meat Packing, Inc	253					(*)	
Magic Valley Packing Co	258	(*)					
Hyplains Dressed Beef, Inc	262	(*)					
The Jones Dairy Farm	263					(*)	
Farm Pac Kitchens, Inc	266	(*)				(*)	
Pacific Meat Co., Inc	267	(*)	(*)	(*)		(*)	
Prairieland Packing Corp	269	(*)					
Golden Valley Packing Co	271	(*)					
Tog Packing Co., Inc	273	(*)					
Alpha Beta Acme Markets, Inc	279	(*)					
Momence Pork Packers Co	282					(*)	
Parnett Packing Corp	283	(*)					
Solano Meat Co	285	(*)	(*)	(*)			
Western Packing Co	288	(*)					
Arbogast and Bastian Co	289					(*)	
The H. H. Meyer Packing Co	290					(*)	
San Jose Meat Co., Inc	291	(*)					

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Armour & Co	292	(*)					
Iowa Beef Processors, Inc	292A	(*)					
S. Schweid	298	(*)	(*)	(*)			
Gus Juengling & Son, Inc	296	(*)					
Waldock Packing Co	299					(*)	
Great Falls Meat Co	301	(*)				(*)	
Commercial Packing Co., Inc	302	(*)					
Union Packing Co	305	(*)					
Do	305A	(*)					
Star Packing Co	306	(*)					
Kaufman Meat Packers, Inc	310	(*)	(*)				
Do	311		(*)	(*)			
Rudy's Farm Co	315					(*)	
Dutterer's of Manchester	316A	(*)					
Estes Packing Co	319	(*)					
Stadler Packing Co., Inc	320	(*)				(*)	
Rudnick Packing Co., Inc	325	(*)					
Frisco Packing Co	327	(*)					
C & M Meat Packing Corp	329	(*)	(*)				
Royal Packing Co	331A	(*)					
Shapiro Packing Co., Inc	332	(*)					
Great Western Packing Co., Inc	334	(*)					
Noble's Meat Co	335	(*)					
Chino Valley Meat Packing Co., Inc	336						
Green & Oliver Sausage Co	338					(*)	
Midland Empire Packing Co., Inc	339	(*)					
Bookey Packing Co	340	(*)					
Peters Meat Products Inc. of Wisconsin	341	(*)				(*)	
Puckett Packing Co., Inc	343	(*)					
Gold-Pac Meat Co., Inc	344	(*)					
Anza Packing Co	345	(*)					
Union Packing Co	351	(*)					
Fresno Meat Packing Co	354	(*)					
Hernando Packing Co., Inc	355	(*)	(*)				
St. Paul Dressed Beef, Inc	357	(*)					
Clougherty Packing Co	360					(*)	
Meyer's Packing Co	363	(*)					
James Allan & Sons	365	(*)		(*)		(*)	
Wilson Certified Foods, Inc	374	(*)	(*)			(*)	
Cross Brothers Meat Packers, Inc	376	(*)	(*)	(*)			
Beeville Packing Co	377	(*)	(*)			(*)	
Salinas Meat Co	378	(*)	(*)			(*)	
Emge Packing Co., Inc	380	(*)				(*)	
Smithfield Packing Co., Inc	382					(*)	
Acme Markets, Inc	384	(*)					
City Custom Packing Co., Inc	387	(*)		(*)	(*)	(*)	
Dugdale Packing Co	390	(*)					
Oldham's Farm Sausage Co., Inc	392					(*)	
Robert L. Runtz, Inc	395	(*)					
Boneless Meat Co	395B	(*)	(*)				
Dubuque Packing Co	396	(*)	(*)	(*)		(*)	
Do	396C	(*)					
Logan Packing Co	397	(*)					
Watsonville Dressed Beef, Inc	398	(*)					
Los Banos Abattoir Co	400	(*)	(*)				
Oakridge Smokehouse	401	(*)				(*)	
Owens Country Sausage, Inc	403					(*)	
Williston Packing Co., Inc	405	(*)					
Neuhoff Brothers	406	(*)	(*)			(*)	
Green Bay Dressed Beef, Inc	410	(*)					
Alpine Packing Co	412	(*)	(*)				
The Landy Packing Co	413					(*)	
Do	413A					(*)	
Frosty Morn Meats	414	(*)				(*)	
Minden Beef Co	417	(*)					
S. Boncuore & Sons, Inc	418	(*)					
Murray Packing Co., Inc	421	(*)					
E. W. Kneip, Inc. of Iowa	422	(*)					
The Collins Packing Co	423					(*)	
Kenosha Packing Co., Inc	425	(*)					
Fineberg Packing Co	426	(*)	(*)			(*)	
Schneider Packing Co	439	(*)					
Omaha Dressed Beef Co., Inc	441	(*)					
Del Curto Meat Co	445	(*)	(*)	(*)	(*)	(*)	
A. Dicillo & Sons, Inc	448	(*)	(*)				
Dewitt Packing Corp	456	(*)					

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Morris Rifkin & Sons, Inc	460	(*)					
Pioneer Boneless Beef, Inc	461	(*)					
Lancaster Packing Co	462	(*)					
Litvak Packing Co	465	(*)					
Beowar Packing Co	467	(*)	(*)			(*)	
Cornhusker Packing Co	468	(*)					
Missouri Beef Packers, Inc	473	(*)					
Missouri Beef Packers, Inc	473A	(*)					
Do	473B	(*)					
Mid-States Packers, Inc	476	(*)					
Do	476A	(*)					
Armour & Co	477	(*)					
Gotham Provision Co., Inc	481	(*)	(*)				
Virgin Islands Packing Plant	482	(*)	(*)	(*)	(*)	(*)	
Rebel Beef Packers	483	(*)					
East Tennessee Packing Co	487	(*)				(*)	
Memphis Butchers Association, Inc	488	(*)				(*)	
E. W. Kneip, Inc	489	(*)					
American Sheep Co	490	(*)	(*)	(*)			
Fairbank Farms, Inc	492	(*)	(*)				
Mid-State Meat Packers, Inc	494	(*)	(*)				
Roberts Packing Co	496					(*)	
Bartel's Meat Co	497	(*)	(*)	(*)		(*)	
Helm Brothers Packing Co., Inc	499	(*)				(*)	
Spencer Foods, Inc	501	(*)					
The Hull & Dillion Packing Co	510	(*)				(*)	
Shea-Valley Meat Packers, Inc	511	(*)				(*)	
Snider Brothers, Inc	512	(*)	(*)				
Averich Packing Co., Inc	513	(*)					
Charles Miller & Co	517					(*)	
Illinois Packing Co	521	(*)					
Pearl Packing Co., Inc	524	(*)	(*)	(*)		(*)	
Meat Laboratory—Oklahoma State University	526	(*)	(*)	(*)		(*)	
Sebastopol Meat Co., Inc	527	(*)	(*)			(*)	
Armour & Co	528	(*)					
Smallwood Packing Co., Inc	530	(*)					
Marysville Meat Packing Co., Inc	533	(*)	(*)				
Pepper Packing Co	536	(*)					
Oscar Mayer & Co., Inc	537A	(*)				(*)	
Do	537B					(*)	
Do	537C					(*)	
Do	537E					(*)	
Midwest Packing Co	539	(*)					
Greendell Packing Co	542	(*)	(*)				
Growers Meat Co, Inc	545	(*)					
Pride Packing Co., Inc	549	(*)	(*)				
Salter Packing Co	551	(*)					
Black Hills Packing Co	554	(*)				(*)	
Mid-South Packers, Inc	557	(*)				(*)	
The Cudahy Co	559	(*)				(*)	
D & W Packing Co	560	(*)				(*)	
Dependable Meat Packing	561	(*)	(*)				
Packerland Packing Co., Inc	562	(*)					
Texas Meat Packers, Inc	565	(*)	(*)				
Do	565C	(*)					
Elmer Bender & Son, Inc	569	(*)	(*)	(*)			
Perretta Packing Co., Inc	571	(*)					
Frosty Morn Meats, Inc	576	(*)				(*)	
Armour & Co	579	(*)				(*)	
Coffeyville Packing Co., Inc	583	(*)					
Frederick Packing Co	586					(*)	
Dawson-Baker Packing Co., Inc	588	(*)	(*)	(*)			
Elk Grove Meat Co	601	(*)					
San Antonio Packing Co	607	(*)		(*)	(*)		
Wright Packing Co	608	(*)	(*)				
I. D. Packing Co., Inc	608					(*)	
Eastern Oregon Meat Co., Inc	611	(*)		(*)		(*)	
Midtown Veal & Mutton Co., Inc	612			(*)			
Metro Meat Packing	613	(*)				(*)	
Donner Packing Co	614	(*)					
Kummer Meat Co, Inc	617	(*)		(*)		(*)	
Deshooli Sausage, Inc	623					(*)	
Lumberjack Meats, Inc	626					(*)	
Big Foot Packing Co., Inc	627	(*)					
E. A. Miller & Sons Packing Co	628	(*)	(*)				
H. H. Keim Co	630	(*)		(*)		(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equine
Ebner Brothers Packers	633	(*)					
United Packing Co., Inc	633	(*)					
Auburn Packing Co., Inc	636	(*)					
Carteret Abattoir, Inc	639	(*)	(*)	(*)	(*)		
Flanery Meat, Inc	643	(*)					
Coast Packing Co	645	(*)					
Transcontinent Packing Co	E646						(*)
Bird Provision Co	647					(*)	
Spencer Foods, Inc	648	(*)					
Schluderberg-Kurdle Co., Inc	649					(*)	
John Morrell & Co	650					(*)	
Nagle Packing Co	653		(*)				
Wilson Beef & Lamb Co	655	(*)		(*)			
Baum's Bologna, Inc	657	(*)					
McCook Packing Corp	660	(*)	(*)				
Quality Meat Packing Co	661	(*)					
Colorado West Packers, Inc	662	(*)	(*)	(*)		(*)	
Globe Packing Co	663	(*)					
Wabbel Farms, Inc	665					(*)	
Crown Packing Co	666					(*)	
Scottsbluff Packing Co	667						
Union Packing Co., Inc	673	(*)					
S & S Packing Co., Inc	674	(*)				(*)	
Do	674A						
Caviness Packing Co., Inc	675	(*)	(*)				
Jacob Bauer's Sons, Inc	678	(*)	(*)				
Caldwell Packing Co	683					(*)	
The William Focke's Sons Co	685					(*)	
Callaway Packing Co., Inc	688	(*)	(*)				
Pierce Packing Co	691	(*)				(*)	
Wilhelm Foods, Inc	692	(*)					
Bryan Meat Co	693	(*)					
Kansas State University—Animal Husbandry Department.	694	(*)	(*)	(*)		(*)	
Kramer Beef Co	695	(*)					
Gulf Packing Co	696	(*)					
Triolo Brothers	706					(*)	
Central Nebraska Packing Co	E718						(*)
Davenport Packing Co., Inc	715	(*)					
Farmland Foods, Inc	717					(*)	
Do	717A					(*)	
A. Darlington Strode	718						
K-M Co	719	(*)					
Swift & Co	720	(*)	(*)	(*)		(*)	
Decker & Son	727					(*)	
Roode Packing Co., Inc	729	(*)					
Frosty Morn Meats, Inc	731					(*)	
Pacific Meat Co	732	(*)	(*)	(*)		(*)	
Western Packers	733	(*)					
The Quaker Oats Co	E734						(*)
Ohio Packing Co	736	(*)	(*)			(*)	
Farnell's Packing Co	737	(*)	(*)	(*)		(*)	
The Jacob Schlachter's Sons Co	739	(*)	(*)				
Mid-State Meat Co	741	(*)	(*)				
The O K Packing Co	749	(*)	(*)				
Monroe Packing Co., Inc	755	(*)					
Seitz Packing Co., Inc	756A	(*)				(*)	
The American Meat Packing Corp	760					(*)	
Schaake Packing Co., Inc	761	(*)					
Karler Packing Co	767	(*)					
Sheridan Meat Co., Inc	768	(*)	(*)	(*)		(*)	
Earl C. Gibbs, Inc	770	(*)					
Hanford Meat Packing Co	776	(*)					
Atlas Packing Co	776	(*)					
Central Packing Co	777	(*)					
The Cudahy Co	779	(*)	(*)			(*)	
Bryan Packing Co	780	(*)	(*)			(*)	
Diamond Meat Co., Inc	783	(*)					
Granite State Packing Co	785	(*)					
Aurora Packing Co., Inc	788	(*)					
Hatfield Packing Co	791	(*)				(*)	
Baum's Meat Packing Co	792	(*)	(*)				
Red Barnes Packing Co	798	(*)					
Western Iowa Pork	806					(*)	
American Beef Packers, Inc	807	(*)					
Do	807A	(*)					

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Amco-Pac Corp.	809	(*)					
The G. Erbardt Sons, Inc.	810	(*)	(*)				
Great Western Packing Co. of Nebraska	811			(*)			
United Packing of Iowa, Inc.	812					(*)	
Castle Brands, Inc.	816					(*)	
Rochester Independent Packer, Inc.	817	(*)					
J. H. Routh Packing Co.	818					(*)	
Sterling Colorado Beef Co.	823	(*)					
Foremost Packing Co.	824					(*)	
Superior Packing Co., Inc.	825			(*)			
[illegible]	[illegible]						
Lee-Johnson, Inc.	835	(*)				(*)	
John Morrell & Co.	836	(*)					
Frederick County Products, Inc.	838	(*)	(*)	(*)			
Reelfoot Packing Co.	840	(*)				(*)	
G. Bartusch Packing Co.	843	(*)					
The Allen Packing Co.	845	(*)	(*)				
Arena Dressed Beef Co.	853	(*)	(*)				
Sioux City Dressed Beef	857	(*)					
Siouxland Dressed Beef Co.	857F	(*)					
Sioux Beef Co.	857O	(*)					
Jordan Meat and Livestock Co., Inc.	858	(*)	(*)	(*)	(*)		
Wells and Davies, Inc.	860	(*)				(*)	
Sierra Meat Co.	862	(*)					
Tennessee Dressed Beef Co.	865	(*)					
American Beef Packers, Inc.	866	(*)					
Hardy and Co., Inc.	869	(*)	(*)				
Santa Ana Packing Co.	874	(*)					
Pahler Packing Corp.	880	(*)					
Swanton Packing Co., Inc.	883	(*)					
Alco Packing Co., Inc.	885	(*)	(*)	(*)		(*)	
Walden Packing Co., Inc.	886	(*)					
Sambol Packing Co.	892	(*)					
Tobin Packing Co., Inc.	893					(*)	
Vernon Calhoun Packing Co.	897	(*)					
Meats, Inc.	899	(*)					
Sigman Meat Co., Inc.	901B					(*)	
Party Packing Corp.	902	(*)					
Kane's Dressed Beef	907	(*)					
B. Constantino & Sons Co.	918	(*)					
Allen Packing Co.	921	(*)					
Valleydale Packers, Inc.	922	(*)	(*)			(*)	
Wisconsin Packing Co.	924	(*)					
Peoples Packing Co.	925	(*)	(*)				
Parsons Beef Co., Inc.	932	(*)					
E. B. Manning & Son	934	(*)					
Iowa Beef Processors, Inc.	935	(*)					
Voltz Packing Co.	938	(*)					
Capellino Abattoir, Inc.	939	(*)					
Gentner Packing Co., Inc.	941	(*)					
Diamond Meat Packers, Inc.	944					(*)	
M. Brizar & Co.	948	(*)					
Joe Dettorman & Son Packing Co., Inc.	949	(*)	(*)			(*)	
Kennedy's Sausage Co.	950					(*)	
Bob Evans Farms, Michigan, Inc.	952					(*)	
Armour & Co.	956					(*)	
Thompson Farm Co.	959					(*)	
Greater Omaha Packing Co., Inc.	960	(*)					
Potter Sausage Product, Inc.	961					(*)	
Virginia Packing Co., Inc.	963	(*)	(*)	(*)			
Interstate Meats, Inc.	965	(*)					
Lay Packing Co.	967	(*)				(*)	
Monfort Packing Co.	969	(*)		(*)			
Hawaii Meat Co., Ltd	970	(*)					
Longhorn Meat Packers, Inc.	976	(*)					
National Food Stores, Inc.	981	(*)					
Banner Beef Co.	985	(*)					
Shamrock Beef Co.	987	(*)					
Everett C. Horlein & Son Inc.	988	(*)					
Klarer of Kentucky, Inc.	995					(*)	
The Home Pride Provisions, Inc.	1029	(*)					
Armour & Co.	1065	(*)	(*)				
Landy Packing Co.	1171	(*)					
Porkland Division of Consolidated Foods	1175					(*)	
A. F. Moyer & Sons, Inc.	1311	(*)					
McCabe Packing Plant	1312	(*)					

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
H & H Packing Co.	1315	(*)				(*)	
Nebraska Iowa Dressed Beef Co.	1318	(*)					
Associated Meat Packers, Inc.	1472	(*)		(*)		(*)	
Bonanza Packing Co.	1475A	(*)				(*)	
Stevens Meat Co., Inc.	1488	(*)					
Aristo Foods, Inc.	1528A						
James Sausage Co.	1718					(*)	
Great Markwestern Packing Co.	1961A	(*)					
C & C Packing Co.	2033	(*)	(*)				
De Luca Packing Co.	2054		(*)				
[illegible]	[illegible]						
Jesse Jones Division of Goodmark, Inc.	2103						
Ballard's Farm Sausage, Inc.	2108						
P & H Packing Co., Inc.	2211	(*)	(*)				
Do.	2211A		(*)				
Greeley Meat Co.	2212	(*)	(*)				
Hardy Packing Co., Inc.	2218	(*)		(*)	(*)	(*)	
Yoakum Packing Co., Ltd	2216	(*)					
Burlson Packing Co.	2224	(*)					
Pace Packing Co.	2228	(*)				(*)	
Ridley Packing Co.	2229	(*)					
South Texas Packers, Inc.	2230	(*)					
L & H Packing—Braun Division	2239	(*)					
Bryan Sausage Co., Inc.	2249					(*)	
Colorado State University—Department of Animal Science	2253	(*)	(*)	(*)	(*)	(*)	
Tiny Packing Co.	2254	(*)					
Loveland Packing Co., Inc.	2259					(*)	
G & C Packing Co.	2262	(*)	(*)				
Ridley Packing Co.	2265	(*)	(*)			(*)	
L. A. Frey & Sons, Inc.	2266A	(*)				(*)	
Western Beef Packers, Inc.	2267	(*)					
Wright Packing Co.	2269	(*)	(*)			(*)	
Lamesa Meat Co.	2272	(*)		(*)		(*)	
Amarillo Packing Co.	2273	(*)					
Sunray Meats, Inc.	2274	(*)					
Northwest Packing Co.	2283	(*)					
Husband Brothers Packing Co.	2284	(*)					
Rollins Packing Co.	2285	(*)	(*)	(*)		(*)	
Ben Grantham Meat Packers	2290	(*)				(*)	
Dankworth Packing Co.	2296	(*)				(*)	
Amana Society Meat Department	2357	(*)					
Theis Packing Co., Inc.	2367	(*)				(*)	
Grote Meat Co.	2369	(*)	(*)				
Wuestling Packing Co.	2370	(*)					
Clayton Packing Co.	2373		(*)				
Smit & Son, Inc.	2378	(*)				(*)	
Spencer Foods, Inc.	2379	(*)					
Partin Sausage Co.	2385					(*)	
Marshall Packing Co., Inc.	2386	(*)					
Clinton Packing Co.	2387					(*)	
Gustav B. Nissen & Son Packing Co.	2388	(*)					
C. E. Richard and Sons, Inc.	2391	(*)					
United Meat Co., Inc.	2396	(*)					
Pony Express Ranch	2398	(*)	(*)			(*)	
South Side Packing Co., Inc.	2424	(*)					
Quality Packinghouse, Inc.	2435					(*)	
John R. Daily, Inc.	2450	(*)					
Cimpl Packing Co.	2460	(*)					
Link Brothers Enterprises	2472	(*)				(*)	
Wenning Packing Co., Inc.	2533	(*)					
Bo Packing Co.	2586					(*)	
Springfield Dressed Beef, Inc.	2590	(*)	(*)			(*)	
Bartlow Brothers, Inc.	2595					(*)	
The Teeters Packing Co.	2598					(*)	
Du Quoin Packing Co.	2599	(*)					
J. W. Treuth & Sons, Inc.	2612	(*)					
Manassas Frozen Foods	2631A	(*)	(*)	(*)	(*)	(*)	
H. P. Beale & Sons, Inc.	2662					(*)	
Yoders Locker Plant	2699	(*)				(*)	
Wagner Provision Co., Inc.	2770	(*)	(*)				
Stoeven Brothers	2819	(*)		(*)			
Blue Mountain Meats	2825	(*)		(*)		(*)	
Lewis & McDermott	2847	(*)		(*)			
Vista Meat Packing Co., Inc.	2854	(*)	(*)	(*)	(*)		
Granite Meat, and Livestock Co.	2866	(*)	(*)	(*)	(*)		

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Zwelgart Packing Corp.	2868	(*)	(*)	(*)		(*)	
Armbrust Meats	2012	(*)	(*)			(*)	
Fort Plain Packing Co., Inc.	5074	(*)	(*)				
Double A Meat Packing, Inc.	5162	(*)	(*)	(*)			
Anthony Parillo, Inc.	5193	(*)	(*)	(*)		(*)	
Ralph Packing Co., Inc.	5228	(*)	(*)				
Johnston Dressed Beef & Veal Co., Inc.	5300	(*)	(*)	(*)			
Hayes Packing Corp.	5301	(*)	(*)				
Morris Mendel & Co.	5309	(*)	(*)	(*)	(*)	(*)	
Klinch & Schaller, Inc.	5319	(*)				(*)	
Hershey Estates Abattoir	5398	(*)	(*)			(*)	
Winchester Packing Co., Inc.	5500	(*)				(*)	
Amend Packing Co.	5509	(*)					
Olson Packing, Inc.	5511	(*)					
Elsheimer Meat Products, Inc.	5516	(*)					
Central Foods, Inc.	5519	(*)					
Hewlett Wholesale Meats	5524	(*)				(*)	
Macon Beef Packers, Inc.	5531	(*)					
Sioux-Preme Packing Co.	5537	(*)				(*)	
Jack Polen Beef, Co., Inc.	5548	(*)					
Bonne Terre Sausage Co.	5554					(*)	
Iola Meat Processors, Inc.	5555	(*)				(*)	
Haviland Brothers Frozen Food Lockers	5565	(*)				(*)	
Tama Meat Packing Corp.	5569	(*)					
Allied Packing Co.	5572	(*)					
Behn's Lean Meats, Inc.	5574						
Herman The German Slaughterhouse	5604	(*)	(*)	(*)		(*)	
Junker's Meats Inc.	5606	(*)	(*)	(*)		(*)	
Alexandria Packing Co.	5623	(*)	(*)	(*)	(*)		
Arthur Locker	5627	(*)		(*)		(*)	
Lohr's Lockers	5628	(*)				(*)	
Holtzen's Certified Meat Processing and Curing.	5630	(*)	(*)	(*)		(*)	
Braver Packing Co.	5636	(*)	(*)				
Clay Center Meat Co.	5637	(*)	(*)	(*)		(*)	
Otte Packing	5638	(*)	(*)				
Hometown Packing Co.	5642	(*)	(*)	(*)		(*)	
Curtis Packing Co.	5643	(*)				(*)	
Daylin Locker Service	5644	(*)	(*)	(*)		(*)	
Tatum's Processing Plant	5649	(*)	(*)	(*)	(*)	(*)	
Custom Pack, Inc.	5650	(*)	(*)				
Verling Locker	5653	(*)	(*)				
Butler's Beef Acres	5660	(*)				(*)	
North Platte Packing Co., Inc.	5663	(*)					
Six Street Processing Plant, Inc.	5664	(*)					
Dale's Locker	5666	(*)	(*)				
Osceola Locker Inc.	5667	(*)					
Petersburg Locker	5668	(*)				(*)	
Yost Pack Inc.	5672	(*)	(*)	(*)		(*)	
Hollstein Packing Co.	5673	(*)	(*)			(*)	
Hastings Meat Supply, Inc.	5674	(*)				(*)	
Flicker Packing Co.	5676	(*)				(*)	
Tecumseh Locker	5682	(*)				(*)	
Deersons Meat Plant, Inc.	5690	(*)		(*)		(*)	
Crete Meat Processors	5695	(*)				(*)	
O. K. Meat Packing Co., Inc.	6001	(*)	(*)	(*)			
William C. Parke & Sons Co.	6003	(*)	(*)	(*)			
University of Nevada—Animal Science Division	6004						
Hohener Meat Co., Inc.	6011	(*)		(*)			
University of California—Department of Animal Science	6012	(*)	(*)	(*)		(*)	
Johnson Meat Co.	6016	(*)	(*)	(*)	(*)	(*)	
Mount Vernon Meat Co., Inc.	6029	(*)	(*)	(*)		(*)	
Pasco Meat Packers, Inc.	6040	(*)	(*)	(*)		(*)	
Weber, Inc.	6041	(*)		(*)			
McRae Pack, Inc.	6042	(*)	(*)	(*)			
Florence Packing Co., Inc.	6043	(*)	(*)			(*)	
Davis Meat Co.	6044	(*)					
Avila Meat Co.	6046	(*)		(*)		(*)	
Schenk Packing Co.	6056	(*)	(*)				
Tulare Meat Co.	6068	(*)	(*)	(*)		(*)	
Redwood Meat Co.	6069	(*)	(*)				
Klubnikin Packing Co.	6071	(*)	(*)	(*)		(*)	
Grandview Packing Co.	6063	(*)	(*)				
Arnopole Meat Co.	6064	(*)	(*)	(*)		(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Kratzig Meat Co.	6110	(*)	(*)	(*)	(*)	(*)	
Atwater Meat Co.	6113	(*)	(*)		(*)	(*)	
Mid-Cave Meat Packing Co.	6114	(*)	(*)			(*)	
Cedar Packing Co.	6118	(*)					
Cuyamaca Meat Co.	6126	(*)					
Circle Bar Meat Co.	6151	(*)				(*)	
Lewis Meats	6175	(*)	(*)	(*)		(*)	
Green Hill, Inc.	6513	(*)				(*)	
George H. Meyer Sons, Inc.	6521	(*)	(*)			(*)	
Guard Hill Meats, Inc.	6526	(*)		(*)	(*)	(*)	
Gunnos Sausage Co., Inc.	6541					(*)	
Odom Sausage Co., Inc.	6544					(*)	
C. Rice Packing Co., Inc.	6545	(*)	(*)				
Suffolk Packing Co.	6546	(*)	(*)				
Martin's Abattoir & Wholesale Meats	6547	(*)	(*)	(*)	(*)	(*)	
Penn Haven Meats, Inc.	6559	(*)	(*)			(*)	
Roland Packing Co.	6563	(*)	(*)			(*)	
Edwards Sausage Co., Inc.	6579					(*)	
Ledford's Livestock Farm Slaughter Plant	6591A	(*)	(*)	(*)		(*)	
City Packing Co.	6594	(*)	(*)				
White Packing Co.	6595	(*)	(*)			(*)	
Dean Sausage Co., Inc.	6621					(*)	
Primeat Packing Co.	6758	(*)					
Star Meat Co.	6760					(*)	
Standard Beef, Inc.	6770	(*)					
Calihan & Co.	6775	(*)	(*)				
Helms Slaughterhouse	6777	(*)				(*)	
The Ross Abattoir Co.	6780	(*)					
Bob Evans Farms Inc.	6785					(*)	
Bergman Meat Packing Co., Inc.	6788	(*)		(*)		(*)	
Illini Beef Packers, Inc.	6792	(*)					
Bob Evans Farms, Inc.	6807						
Utica Packing Co.	6832					(*)	
Marburger Packing Co.	6855	(*)					
Nemetz Packing House	6866	(*)					
Miller Processing Co., Inc.	6889	(*)		(*)		(*)	
Western Illinois Ice Co.	6924	(*)				(*)	
Schwartzman Packing Co.	7003	(*)				(*)	
Deming Packing Co., Inc.	7006	(*)					
Jimmy Dean Meat Co.	7012					(*)	
Muskogee Packing Co., Inc.	7015	(*)	(*)	(*)	(*)	(*)	
Hatch Packing Co., Inc.	7021	(*)	(*)	(*)		(*)	
Sixty Six Packing Co.	7023	(*)	(*)	(*)	(*)	(*)	
Western Meat Packers, Inc.	7028					(*)	
Webb Packing Co.	7029						
Kachina Packing Co.	7040	(*)				(*)	
Crow's Meat Co.	7049	(*)		(*)		(*)	
Chef Reddy Meats Co.	7049	(*)	(*)				
Brown's Meat Locker	7055	(*)	(*)	(*)	(*)	(*)	
Interstate Packing Co.	7056	(*)	(*)	(*)	(*)	(*)	
Brown Packing Co.	7064	(*)		(*)		(*)	
Community Abattoir, Inc.	7075	(*)	(*)	(*)	(*)	(*)	
Cesanun Abattoir	7082			(*)		(*)	
Guillot Packing Co., Inc.	7082	(*)		(*)		(*)	
Heard's Sausage Co.	7085	(*)				(*)	
Caprock Beef Packers, Inc.	7089						
E-Tex Packing Co.	7122	(*)	(*)				
Feliciana Meat Supply	7128	(*)				(*)	
B & B Packing Co.	7145	(*)					
Duffy Boneless Beef Co.	7305	(*)					
Metzger Packing Co., Inc.	7306	(*)					
Coleman Sausage Co.	7401					(*)	
Henry W. Staph	7402						
Carolina Abattoir, Inc.	7404	(*)	(*)	(*)			
Harrisonburg Wholesale Meat Co., Inc.	7420					(*)	
Cribbs Sausage Co.	7424					(*)	
Contris Packing Co.	7436					(*)	
Dinner Bell Meat Products, Inc.	7440	(*)	(*)	(*)			
Blue Ridge Beef Plant, Inc.	7445	(*)					
Williams Sausage Co.	7455					(*)	
F. B. Purnell Sausage Co., Inc.	7464					(*)	
Diamond Meat Co., Inc.	7465	(*)				(*)	
Field Packing Co., Inc.	7467		(*)				
Brundige Sausage Co.	7475					(*)	
Fulton County Packing Co.	7485	(*)	(*)	(*)	(*)	(*)	
Danville Meat Products	7486	(*)	(*)	(*)		(*)	

ESTABLISHMENTS SLAUGHTERING HUMANELY—Continued

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equines
Koch Beef Co.	7387		(*)				
Charles J. Schmidt & Co.	7938						(*)
Gregwood Farm	8301						
Kroger Supermarkets, Inc	8305						
Read's Locker	8306						
St. Joseph Meat Market, Inc	8316						
Frotz-N-Foods Co	8317						
Gordhamer Food Market	8321						
Ruek's Meat Processing Center, Inc	8321		(*)	(*)			
Thompson Processing Service	8322						
Frotz-N-Food Co	8330						
Plantenberg Market, Inc	8331		(*)	(*)			
Carson Custom Meat Processing	8334						
Dave and Ted's Lockers	8350						
Fergus Locker Plant	8362		(*)	(*)			
Little Meats, Inc	8363						
Spikes Lockers	8364		(*)				
City Meat Market	8380						
New Munich Locker Plant	8381						
Peters, Inc	8382						
Do	8383		(*)	(*)			
Forster Packing Co., Inc	8386						
Drewes Frozen Food Center	8371		(*)	(*)			
Foston Coop Association Locker Department	8374						
City Meat Market	8376						
Lynch's Foods	8376						
Geneva Meats & Processing Service	8376						
Greenwald Locker Plant	8382						
Lowell, Inc	8388						
Slayton Z-B-O Pac	8389						
Barnes County Lockers	7806						
Hope Locker Plant	7809						
Caselton Cold Storage	7811						
Great Bend Lockers	7816						
Fairmont Lockers	7816						
Sheffield Meats	7817						
Morleith Meats	7818						
Park River Locker Plant	7819						
Niagara Lockers	7820						
Bowdon Locker Plant	7822						
Langdon Lockers	7823						
Ashley Locker Plant	7824						
Rockdale Locker Plant	7826						
Aneta Meats	7826		(*)	(*)			
Stanley Locker Service	7832						
Davidson's Processing Plant	7834						
Lunde Processing	7836		(*)				
Bud's Meat Market	7837						
Bud's Food Market	7837						
Myers Meat Processing	7841						
Hillside Meat Co	7842						
City Meat & Locker	7844		(*)				
Welsch Jack & Jill	7846						
Reed Meat Co	7848						
Fred Bonn	7870						
Schaders Butcher Shop	7849				(*)		
Knute's Meat Processing & Sales	7848						
John Bonn	7856						
Valley Meat Packing Co., Inc	7876						
City Meat Co	7875						
Rose Meat Service	7870						
Miles City Packing Co	7884						
Hardin Meat Market	7885				(*)		
Seitz-Bowers Processing Plant	7886						
Timberland Packing Corp	7887						
Kreselak, Inc. (Have Abattoir)	7888						
Rocky Mountain Packing Co., Inc	7889						
Triangle Packing Co	7890						
Maria's Packing Co	7891						
Stanford Meat Market	7892						
Harsotti's Meat Plant	7894						
Montana Sales Meat Plant	7896						
Bozeman Packing Plant	7707						
Rick's Packing Co	7708						
Fan Mountain Meats	7710						
Yollmer & Sons, Inc	7712						
Kalispell Meat Co	7713						
White's Wholesale Meats	7716						
Yellowstone Meat Co	7717						
Schramm Packing Co	7719						
Tolman Meat Processing	7724				(*)		
Dales Meat Processing Plant	7781						
Fehr's Sausage & Processing	7783						
Wilson's Meat Market	7795						
Custer County Co-op	7796						
Ungers Garfield Locker	7797						
Batgot Beef Co	7806						
Conti Packing Co., Inc	7814						
Kenneth Baker Farms	7845						
Maplevale Farms, Inc	7847						
Peter Wilson Packing Co	7808						
Sea's Meat Packing Co	7923						
Martin's Country Sausage	7931						
Meherrin Packing Co	7936						
Elm Hill Meats, Inc	7936						

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 426]

LEON BATTINO AND MERKURIA S.A.R.L.

Order Denying Export Privileges

In the matter of Leon Battino, 149 rue Saint Honore, Paris 1, France, respondent; Merkuria S.A.R.L., 149 rue Saint Honore, Paris 1, France, related party. Case No. 426.

By charging letter dated October 29, 1971, the Director, Compliance Division (formerly designated Investigations Division), Office of Export Control, charged the above respondent with violations of the Export Control Act of 1949 as amended.[1] The transaction which is the basis of the charge is the same as that which was involved in the case against J. A. Goldschmidt S.A., Paris, France, in which an order denying export privileges was issued on July 28, 1971 (36 F.R. 14489). The respondent herein at the time of the transaction was an employee of the Goldschmidt firm and was the individual primarily responsible for the firm's participation in the transaction. The respondent is no longer associated

[1] This act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, approved Dec. 30, 1969, 50 U.S.C. App. sec. 2401-2413. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked remain in full force and effect, the same as if promulgated under this Act."

[FR Doc.72-1663 Filed 2-4-72;8:50 am]

Done at Washington, D.C., on January 31, 1972.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

with the Goldschmidt firm or any of its affiliates.

The charging letter alleges in substance that on November 25, 1968, the respondent, then associated with the Goldschmidt firm, reexported or caused to be reexported from France to Cuba 10,000 metric tons of U.S.-origin triple superphosphate (a fertilizer hereinafter referred to as TSP), valued at $538,000; that respondent knew or had reason to know at the time of reexportation that the TSP was of U.S. origin and that U.S. law prohibited such reexportation without first obtaining authorization from the U.S. Government, which he did not obtain. It is charged that such conduct was in violation of §§ 374.1 and 387.6 of the U.S. Export Control Regulations.

The charging letter was served on respondent on December 1, 1971. He did not respond or file an answer and, pursuant to § 388.4 of the Export Control Regulations, was held in default. At an informal hearing the evidence in support of the charges was presented to the Compliance Commissioner. After considering the evidence the Compliance Commissioner submitted a report which includes findings of fact and conclusions. He recommended the sanction that should be imposed.

On consideration of the record in the case, I confirm and adopt the findings of fact of the Compliance Commissioner.

FINDINGS OF FACT

1. At the time here material and until about March 1, 1971, the respondent, Leon Battino, was an employee of J. A. Goldschmidt S.A. (Goldschmidt), a French corporation that was engaged as a trader and broker in foodstuffs and agricultural chemicals. The respondent was employed as a trader. As such it was his function to sell products for the firm and find sources of supply. His special area of competence was Latin American countries, including Cuba.

2. Sometime prior to September 1968 Battino, on behalf of Goldschmidt, negotiated a contract with a customer in Cuba to supply it with 20,000 tons of TSP.

3. During September 1968 Battino negotiated with the firm Etablissements Gardinier (Gardinier) also a French firm, with its main office in a suburb of Paris, to purchase a quantity of TSP to be used by Goldschmidt in fulfilling its contract with its Cuban customer. Gardinier is a manufacturer of and a dealer in agricultural chemicals. It has several plants in France.

4. Gardinier was pressed by Goldschmidt to furnish the material. Gardinier was unable to supply the TSP from its own stock or facilities or from French sources. It sought to obtain the material elsewhere. After negotiating through a Swiss representative of a U.S. supplier, Gardinier entered into a contract with the said U.S. supplier to purchase 10,000 to 12,000 tons of TSP. Gardinier having found a source of supply for this quantity of TSP, on October 1, 1968, agreed to sell to Goldschmidt a like quantity of TSP. A formal contract was subsequently entered into between the parties.

5. On September 25, 1968, while Gardinier was negotiating to obtain the U.S.-origin TSP, it informed Battino by Telex that it could no longer guarantee delivery of this merchandise because of the impending strike of dockers in the United States. (There was a longshoreman's strike in the United States on October 1 and 2, 1968. Its imminence was widely publicized prior thereto. Legislation requiring the strikers to return to work was invoked and they returned to work from October 3 to December 21, 1968.) This information was sufficient to alert Battino to the fact that Gardinier was negotiating to obtain U.S.-origin TSP to carry out is undertaking with Goldschmidt.

6. In the course of conversations in October 1968 one of the principals of Gardinier who was negotiating with Goldschmidt informed Battino that the TSP it was supplying was of U.S.-origin. Subsequently, sometime before November 5, 1968, Battino acknowledged to the supply director of Gardinier, who also participated in the negotiations, that he (Battino) knew the TSP was of U.S.-origin. Battino stated that this was Gardinier's problem and required Gardinier to furnish a certificate that the TSP it was furnishing was of French origin.

7. Gardinier did furnish a certificate dated November 5, 1968, issued by Chamber of Commerce of Bayonne that the TSP in question was of French origin or manufacture. The TSP after its arrival in France was not altered or processed in any way nor was it mixed with any other ingredient. It was not of French origin or manufacture and respondent knew or had reason to know this prior to November 5, 1968. The respondent knew or had reason to know prior to November 5, 1968, that the TSP in question was of U.S. origin.

8. The TSP in question was exported from the United States on October 16, 1968. It was delivered to Goldschmidt at the port of Bordeaux, France, on October 28, 1968. Approximately 10,500–11,000 metric tons were stored temporarily at dockside. Approximately 10,200 metric tons of the material valued at approximately $538,000 were laden on board a vessel and shipped by Goldschmidt to Cuba on November 25, 1968, arriving in Cuba about a month later. The respondent was responsible for having U.S.-origin TSP supplied to fulfill the contract with the Cuban customer and he was also responsible for the reexportation of said commodity from France to Cuba.

9. The respondent at all times here material knew that it was in violation of the U.S. Export Control Regulations to reexport the U.S.-origin TSP in question to Cuba. The respondent did not obtain authorization from any branch of the U.S. Government to ship the TSP in question from France to Cuba.

Based on the foregoing I have concluded that respondent, in violation of §§ 374.1 and 387.6 of the U.S. Export Control Regulations, reexported and caused the reexportation from France to Cuba of triple superphosphate which he knew was of U.S. origin and that such reexportation was made without authorization from the Office of Export Control which authorization respondent knew was required by said regulations.

The respondent terminated his employment with the Goldschmidt firm at the end of February 1971. At about that time the firm Merkuria S.A.R.L. was established and began operating. The respondent has a substantial financial interest in Merkuria and is one of its principal officials. Pursuant to § 388.1(b) of the Export Control Regulations, I find that to prevent evasion of this denial order it is necessary to make it applicable to Merkuria S.A.R.L. as a related party to respondent.

Now, after considering the record in the case and the report and recommendation of the Compliance Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered,*

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof, the respondent for a period of 4 years from the effective date of this order is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. A determination has been made that the firm Merkuria S.A.R.L., Paris, France, is a related party to respondent and this order is applicable to said firm.

FEB 5 72
XUM

IV. Two years after the effective date hereof, without further order of the Bureau of International Commerce, the respondent shall have his export privileges restored conditionally and thereafter for the remainder of the denial period the respondent shall be on probation. The conditions of probation are that the respondent shall fully comply with all requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation, said official with or without notice, by supplemental order may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for the remaining period of the order. Such supplemental order shall not preclude the Bureau of International Commerce from taking such further action for any violation as it shall deem warranted. On the entry of a supplemental order revoking respondent's probation without notice he may file objections and request that such order be set aside and may request an oral hearing as provided in § 388.16 of the Export Control Regulations, but pending such further proceedings the order of revocation shall remain in effect.

VI. During the time when the respondent or other persons within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other persons denied export privileges within the scope of this order, or whereby said respondent or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on February 7, 1972.

Dated: January 31, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.72-1658 Filed 2-4-72;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. S-572]

CHARLES E. SLATER

Notice of Loan Application

JANUARY 31, 1972.

Charles S. Slater, 1106 North Irvine, McMinnville, OR 97128, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 35 feet in length, to engage in the fishery for salmon, albacore, and Dungeness crab off the coasts of California, Oregon, and Washington.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-1727 Filed 2-4-72;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-269]

DUKE POWER CO.

Order Extending Provisional Construction Permit Completion Date

By application dated December 20, 1971, Duke Power Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-33. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Oconee Nuclear Station Unit 1 at the applicant's site in Oconee County, S.C., approximately 8 miles northeast of Seneca, S.C.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-33 is extended from January 31, 1972 to June 30, 1972.

Date of issuance: January 28, 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-1700 Filed 2-4-72;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO.

Order Extending Provisional Construction Permit Completion Date

By application dated October 26, 1971, and supplemental letters dated November 22, 1971, and January 13, 1972; Metropolitan Edison Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-40. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Three Mile Island Nuclear Station Unit No. 1 at the applicant's site on Three Mile Island in the Susquehanna River in Dauphin County, Pa.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-40 is extended from December 1, 1971, to September 30, 1973.

Date of issuance: January 21, 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-1701 Filed 2-4-72;8:45 am]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Order Extending Provisional Operating License Expiration Date

Power Reactor Development Co. has filed a request dated November 29, 1971, for an extension of the expiration date of Provisional Operating License No. DPR-9 which authorizes the possession and operation of the Enrico Fermi Atomic Power Plant, a sodium-cooled fast breeder reactor, at thermal power levels not to exceed 200 megawatts located in Monroe County, Mich.; and

Good cause having been shown in the application for this extension pursuant to paragraph 5 of said license and Part 50 of the Commission's regulations in 10 CFR: *It is hereby ordered*, That the expiration date of Provisional Operating License No. DPR-9 is extended from December 31, 1971 to February 29, 1972.

Dated at Bethesda, Md., this 25th day of January 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-1702 Filed 2-4-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24177]

SEAGREEN AIR TRANSPORT LTD.

Notice of Prehearing Conference and Hearing Regarding Renewal of Foreign Air Carrier Permit

Renewal of foreign air carrier permit authorizing property transportation serving U.S. Virgin Islands, Puerto Rico, Miami, Fort Lauderdale, and West Palm Beach.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 1, 1972, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 22, 1972.

Dated at Washington, D.C., February 1, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-1735 Filed 2-4-72;8:47 am]

COMMISSION ON HIGHWAY BEAUTIFICATION

HIGHWAY BEAUTIFICATION

Notice of Public Hearing

FEBRUARY 2, 1972.

Notice is hereby given that the Commission on Highway Beautification will have its second public hearing in Los Angeles on February 28.

Los Angeles was chosen as a hearing site in order to give interested parties in the Far West an opportunity to present their views to the members of the Commission on the important issue of highways and their relationship to the environment. Among other things, the Commission is particularly interested in learning about the Western States' experience in compensation paid for the removal of signs.

The Commission was established by the Federal-Aid Highway Act of 1970 (Public Law 605). It has 11 members—four from the Senate, four from the House of Representatives, and three appointed by the President. Congressman Jim Wright (D), Texas is the Chairman. The four Commissioners from the Senate are Birch Bayh (D), Indiana; Mike Gravel (D), Alaska; James Buckley (R), New York; and Lowell Weicker (R), Connecticut. The House members are Chairman Wright; Ed Edmondson (D), Oklahoma; Don Clausen (R), California; Fred Schwengel (R), Iowa. The public members are Alfred Bloomingdale, Chairman of the Board, A. B. Enterprises, Los Angeles, Calif.; Mrs. Marion Fuller Brown, member of the Maine Legislature, York, Maine; and Michael Rapuano, landscape architect, Newton, Pa., and New York City.

The Act directed the Commission to:

(1) Study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system;

(2) Review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards;

(3) Compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future;

(4) Study problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public;

(5) Study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out a highway beautification program; and

(6) Recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

A report of the Commission's findings will be submitted to the President and the Congress no later than August of this year.

This is the second in a series of five hearings to be held in different sections throughout the country during 1972. The first hearing was in Atlanta on January 31. Other hearings will be held in St. Louis, Washington, D.C., and an as yet undetermined city in the northeast.

This hearing is scheduled for 9:30 a.m. at the Federal Building, 11000 Wilshire Boulevard, Los Angeles.

This is an open hearing and the public is invited both to attend and to participate. The hearing will be one day in length. Those interested in testifying are requested to contact the Commission at 1121 Vermont Avenue NW., Washington, DC 20005, by February 21, and if possible to submit a copy or a brief summary of their testomony by that date.

LEO A. BYRNES,
Staff Director and Counsel.

[FR Doc.72-1749 Filed 2-4-72;8:49 am]

CIVIL SERVICE COMMISSION

GRANT APPLICATIONS

Notice of Cutoff Date for Fiscal Year 1972

Notice is hereby given that pursuant to the notice of cutoff date for fiscal year 1972 published in the FEDERAL REGISTER of October 23, 1971 (36 F.R. 20551), the Bureau of Intergovernmental Personnel Programs and the following Regional Offices of the Civil Service Commission have established the indicated cutoff dates on or before which IPA grant applications must be received for second-round consideration of applications submitted pursuant to section 506(a) of the Intergovernmental Personnel Act of 1970 (sec. 506(a), 84 Stat. 1927).

Commission Office:	*Cutoff date*
Bureau of Intergovernmental Personnel Programs	Apr. 1, 1972.
Atlanta	Apr. 1, 1972.
Chicago	May 16, 1972.
Dallas	Apr. 1, 1972.
New York	Mar. 15, 1972 (single-round).
Philadelphia	Apr. 1, 1972.
San Francisco	May 1, 1972.
St. Louis	Apr. 7, 1972.
Seattle	Apr. 1, 1972.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1818 Filed 2-4-72;8:50 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Tuesday, February 22, 1972, commencing at 2 p.m., in the Delaware Room of the Sheraton-Pocono Inn, 1220 West Main Street (exit 48 off Interstate Route 80), Stroudsburg, PA. The subject of the hearing will be a proposal to amend the Comprehensive Plan for the Delaware River Basin so as to include therein a regional liquid waste control plan for the interstate Tocks Island region as described and referenced in this notice.

BACKGROUND

A report entitled "The Tocks Island Regional Environmental Study (TIRES)" has been prepared for the Delaware River Basin Commission by the consulting firm of Roy F. Weston, Inc., Environmental Scientists and Engineers, West Chester, Pa. It presents the results of a study of the problem of water supply and waste disposal in the six-county region of New York, Pennsylvania and New Jersey in which the Tocks Island

V 37-25 FEB 5 72 XUM

Reservoir and the Delaware Water Gap National Recreation Area are being developed. Specifically, the report delineates five alternative wastewater collection and treatment plans representing various degrees of regionalization.

The study area is that portion of the Delaware River Basin in Orange, Pike, Monroe, and Northampton Counties that drains into the Delaware River between the mouth of the Mongaup River and the southern limit of the Delaware Water Gap National Recreation Area, and in Sussex and Warren Counties, above the mouth of Paulins Kill, including the watershed of Paulins Kill.

On December 14, 1971, the Commission held a public hearing in Stroudsburg, Pa., on the Tocks Island Region Environmental Study. Testimony was received from numerous witnesses as to the several alternative wastewater collection and treatment plans delineated in the report.

PROPOSED ACTION

It is now proposed to amend the Comprehensive Plan for the Delaware River Basin so as to incorporate therein the regional liquid waste control plan for the Tocks Island region designated as Alternative V in the Tocks Island Region Environmental Study. Characteristics of regional Alternative V are described in detail in Appendix K, and mapped on Figure 9, of the TIRES report. The regional plan would consist of the following general features:

1. Construction prior to 1980 of a central waste treatment plant to serve the entire Tocks Island region. The plant would be located at or near the confluence of Brodhead Creek and the Delaware River near Minisink Hills, Pa. It would have an initial capacity of about 33 million gallons per day to serve a 1980 population of about 415,000 persons, and would be enlarged to a capacity of 90 million gallons per day to serve a population of about 970,000 persons by 2020. About 15 additional small treatment facilities would be located throughout the region in isolated areas.

2. Construction of about 205 pumping stations and 270 miles of trunk sewer lines by the year 1980. This would be augmented by the addition of about 50 pumping stations and approximately 225 miles of trunk sewer lines by the year 2000. Finally, about 20 pumping stations and 70 miles of trunk sewer lines would be added to the system during the period 2000 to 2020.

LEVELS OF WASTE TREATMENT

The subject plan (Alternative V) is designed to provide 95 percent removal of BOD and soluble phosphorus as an average level of treatment over the period 1970 to the year 2020. It shall be required to provide for removal of not less than 85 percent of BOD and soluble phosphorus no later than 1980. Future levels of treatment shall be subject to the continuing jurisdiction of the Commission and the State in which the plant is located.

COST

The present worth (1970) of the total water quality management costs of the subject regional plan (Alternative V), including construction, operation, maintenance, financing, and monitoring, has been estimated to be $362 million. These costs will be incurred over a 50-year period.

Copies of the report mentioned in this notice may be examined in the library of the Delaware River Basin Commission, 25 State Police Drive, Trenton, NJ. and in the office of the Tocks Island Regional Advisory Council (TIRAC), 612 Monroe Street, Stroudsburg, PA (Telephone: 717-421-9841). The report is also available for inspection in several public offices located throughout the Tocks Island region. TIRAC office may be called to learn a location convenient to you. A written summary of the Tocks Island Region Environmental Study is available upon request to the Delaware River Basin Commission. Persons wishing to testify before the Commission are requested to notify the Secretary no later than 5 p.m. on February 18.

W. BRINTON WHITALL,
Secretary.

JANUARY 28, 1972.

[FR Doc.72-1734 Filed 2-4-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19268]

RADIO FREQUENCY DEVICES

Comparable Television Tuning Regulation; Order Extending Time

1. Before us is a petition filed on January 25, 1972, by the Electronic Industries Association, asking that the time for filing comment on a petition for reconsideration filed in this proceeding by Philco-Ford Corp. be extended from January 31 to February 25, 1972.[1]

2. In support of its petition, EIA states that additional time is required by receiver manufacturers to study the petition and for coordination of a common filing.

3. It appears that additional time is reasonably required for the purpose sought and that the public interest will be served by providing an adequate period for comment on the petition by receiver manufacturers other than Philco-Ford and by other interested persons.

4. In view of the foregoing, *It is ordered*, Pursuant to § 0.251(b) of the rules and regulations, that the time for filing comment on the petition for reconsideration filed in this proceeding by Philco-Ford Corp. is extended to February 25, 1972.

Adopted: January 27, 1972.

Released: January 31, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN W. PETTIT,
General Counsel.

[FR Doc.72-1752 Filed 2-4-72;8:49 am]

[1] Report and order in this matter was published at 36 F.R. 23563, Dec. 10, 1971.

[Dockets Nos. 19410, 19411; FCC 72-78]

KEY BROADCASTING CORP. AND SOUND MEDIA, INC.

Order Designating Application for Hearing on Stated Issues

In regard applications of: Key Broadcasting Corp., Lexington Park, Md.,[1] Docket No. 19410, File No. BPH-6540, requests: Channel 249; 3 kw.; 300 feet; Sound Media, Inc., Leonardtown, Md., Docket No. 19411, File No. BPH-6886, requests: Channel 249; 3 kw. (H); 3 kw. (V); 300 feet, for construction permits.

1. Now under consideration are the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Accordingly, the applications must be designated for hearing.

2. Based on information contained in the application of Sound Media, Inc., funds of $22,995 will be needed to construct and operate the proposed station for 1 year, as follows: Down payment on equipment, less deposit, $4,140; first-year payments on equipment, including interest, $6,855; first-year operating expenses, $7,000; and miscellaneous expenses, $5,000. To meet this requirement, the applicant claims the availability of $7,000 in existing capital and $25,000 in new capital. The balance sheet submitted does not establish the availability of the existing capital. The $25,000 new capital is from Mr. George E. Clark III, who is a director, 50-percent shareholder and secretary-treasurer of the applicant. To meet his commitment, Mr. Clark has submitted a letter from the First National Bank of St. Mary's, Md., indicating the bank's commitment to lend Mr. Clark $25,000. Since Mr. Clark is providing funds to the corporation, he has submitted a balance sheet as required by paragraph 4(b) section III of the application form. This balance sheet shows no liabilities, and total assets of $2,752, of which only $152 is liquid. The limited amount of assets raises a substantial question, in our view, as to whether the bank loan will, in fact, be available. Accordingly, an issue has been specified.

3. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, a contingent comparative issue will be specified in addition to an issue to determine which of the proposals would better provide a fair, efficient, and equitable distribution of radio services pursuant to section 307(b) of the Communications Act.

4. Key Broadcasting Corp. proposes independent programing, while Sound Media, Inc., proposes to duplicate the programing of commonly owned station WKIK(AM) during the daytime hours when that station is permitted to operate. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue. The showing permitted under that issue will be limited to evidence concerning the benefits derived from the proposed duplication, and a full comparison of the applicant's program proposals will not be permited in the absence of a specific programing inquiry, Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

5. Except as indicated by the issues set out below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

6. *Accordingly, it is ordered*, That the applications are designated for hearing in a consolidated proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent order, on the following issues:

(1) To determine with respect to the application of Sound Media, Inc.:

(a) Whether a bank loan of $25,000 will be available to Mr. George E. Clark III.

(b) Whether, in light of the evidence adduced under the above issue, the applicant is financially qualified.

(2) To determine the areas and populations that would receive FM service of 1 mv/m or better from the respective proposals, together with the availability of other primary (1 mv/m or better for FM) aural services in such areas.

(3) To determine, in light of section 307(b) of the Communications Act, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

(4) To determine, in the event that it is concluded that a choice between applicants should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

(5) To determine, in light of the evidence adduced under the above issues, which of the applications should be granted.

7. *It is further ordered*, That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

8. *It is further ordered*, That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: January 26, 1972.

Released: February 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1753 Filed 2-4-72;8:49 am]

[1] Channel 249 is assigned to Leonardtown, Md. Key Broadcasting Corp. proposes to use the channel in Lexington Park, Md., pursuant to § 73.203(b) of our rules.

[Docket No. 19409; FCC 72-77]

NEW LONDON ENTERPRISES, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard application of New London Enterprises, Inc., New London, Wis., Docket No. 19409, File No. BP-18100, requests: 1460 kc., 1 kw., DA-1, U for construction permit.

1. The Commission has before it for consideration (i) the above-captioned application; (ii) a letter requesting that the application be dismissed or designated for hearing filed by Laird Broadcasting, Inc., licensee of Station WDUX, Waupaca, Wis.; (iii) a petition for grant without hearing filed by the applicant;[1] (iv) a petition for designation of the application for hearing and for expedited hearing filed by the applicant; (v) a petition to dismiss the application filed by Laird Broadcasting, Inc.,[2] and (vi) pleadings in opposition and reply thereto.

2. As originally filed the proposal of New London Enterprises, Inc., included field intensity measurement data made on three radials (2°, 320°, and 341°) from Station KFIZ, Fond du Lac, Wis. (1450 kc., 250 w., 1 kw.-LS, U). These measurements were submitted for the purpose of establishing that the KFIZ 0.5 mv/m would not overlap the proposed 0.5 mv/m contour in contravention of § 73.37 of the rules.[3] Subsequent to acceptance of the application, the petitioner filed an informal objection and submitted measurement data made on bearings of 341°, 343°, and 2° from KFIZ to establish the extent of the KFIZ 0.5 mv/m contour towards New London. On the basis of these data, the KFIZ 0.5 mv/m would not only overlap the proposed New London 0.5 mv/m contour but would extend beyond its proposed antenna site. In reply pleadings the applicant contends that the measurements filed by the petitioner contain certain infirmities which invalidate the data. Laird has responded to these allegations and contends that its measurements are clearly adequate to establish that the application violates § 73.37 and should be dismissed.

3. In view of the radical disagreement in the measurement data filed by the applicant and petitioner,[4] both parties were advised that a joint field intensity survey should be conducted to resolve the disagreement and that a Commission engineer would be present during the survey. The joint survey, however, was never conducted since the applicant and petitioner failed to agree on the dates the measurements should be made. In order to obtain more information, the Commission conducted its own field survey on KFIZ. During the month of November 1970 field intensity measurements were made on bearings of 341° and 343° from KFIZ and the results confirm the petitioner's finding that the KFIZ 0.5 mv/m contour would overlap the New London 0.5 mv/m contour in violation of § 73.37 of the rules. The applicant was advised of our field survey and furnished with detailed maps showing the measuring locations, as well as the value of field measured at each location. The applicant, however, contends that our measurements, as those submitted by the petitioner, contain certain deficiencies which render the data invalid.

4. In view of the foregoing, the question of whether the proposed operation contravenes the prohibited overlap provisions of § 73.37 of the rules will be resolved in hearing.[5] If evidence received in hearing establishes that the proposal violates § 73.37, the application will be dismissed. In this regard it is significant to note that on one of the radials (343° from KFIZ) measured by the petitioner and the Commission staff, the applicant has not submitted any measurement data. Since overlap along one radial is adequate to establish a violation of § 73.37, the application will be dismissed if it is concluded that the measurements already made on this radial demonstrate that the KFIZ 0.5 mv/m contour overlaps the proposed 0.5 mv/m contour.

[4] Commissioner H. Rex Lee absent.

[1] In light of the action taken herein, this petition will be dismissed as moot.

[2] This petition was filed subsequent to the applicant's published cutoff date and is procedurally defective. We will, however, treat it as an informal objection pursuant to § 1.587 of the rules, and standing will be presumed since the proposed operation would be located within the service area of WDUX and compete with it for listeners and advertising revenue.

[3] Section 73.37 precludes the acceptance of an application which does not conform with certain prohibited overlap provisions. One of the provisions requires that the 0.5 mv/m daytime contour of a new station must not overlap the 0.5 mv/m daytime contour of an existing station operating on a frequency only 10 kc. removed.

[4] For example, along a bearing of 341° from KFIZ, the measurement data submitted by the petitioner indicates that the KFIZ 0.5 mv/m contour would extend to 43 miles whereas data made by the applicant on this same radial indicates that the contour would extend only approximately 31.5 miles. Moreover, the disagreement in measured fields does not appear to be due to seasonal variations since the measurements along this radial were made during the summer, fall, and winter. We would note that if the KFIZ 0.5 mv/v contour extends to a distance any greater than approximately 32.5 miles along this radial overlap would occur with the 0.5 mv/m contour of the proposal in violation of § 73.37.

[5] Harvest Radio Corporation, 22 FCC 2d 820, 19 RR 2d 12 (1970).

V37-25 FEB 5 72 XUM

5. Examination of the financial portion of the New London application indicates that $73,283 will be needed to meet first-year construction and operating costs, consisting of: Equipment, $32,133; professional fees, $1,500; miscellaneous costs, $7,500; and operating expenses for the first year, $32,150. The applicant proposes to meet these costs with cash available from its FM construction fund, $3,450; profits from the first-year's operation, $25,000; and a bank loan of $50,000, for a total of $78,450. The bank loan commitment letter, however, does not indicate the amount of collateral or security required and is thus defective, and the $25,000 in expected revenues fails to meet the Ultravision test.[6] Accordingly, a financial issue is required.

6. Finally, the applicant has made only a marginal attempt to comply with requirements set forth in the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 1507 (1971). The applicant, therefore, fails to meet the programing criteria, and an issue will be added to afford New London Enterprises, Inc., an opportunity to show the steps taken to ascertain community needs and interests and the manner in which its service may be responsive to those needs and interests.

7. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. In view of the foregoing, however, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

8. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the proposed 0.5 mv/m contour would overlap the 0.5 mv/m coutour of Station KFIZ, Fond du Lac, Wis., in contravention of section 73.37 of the Commission rules.

(2) To determine, with respect to the application of New London Enterprises, Inc.:

(a) The nature of security, if any, and the terms of repayment for the bank loan;

(b) The basis of the applicant's estimated revenues for the first year of operation; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

(3) To determine the efforts made by the applicant to ascertain the community needs and interests of the areas to be served and the means by which they propose to meet those needs and interests.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interests, convenience, and necessity.

9. *It is further ordered,* That, the informal objections of Laird Broadcasting, Inc., licensee of Station WDUX, Waupaca, Wis., are granted to the extent indicated above and are denied in all other respects; and that the petition for grant without hearing filed by the applicant is dismissed as moot.

10. *It is further ordered,* That Laird Broadcasting, Inc., licensee of Station WDUX, Waupaca, Wis., is made a party to the proceeding.

11. *It is further ordered,* That, to avail itself of, the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered,* That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly and consistent with the rules, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: January 26, 1972.

Released: February 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-1754 Filed 2-4-72;8:49 am]

[6] Ultravision Broadcasting Company, 1 FCC 2d 544, 5 RR 2d 343 (1965).

[7] Commissioner H. Rex Lee absent.

[Docket Nos. 19407, 19408; FCC 72-76]

TROY RADIO, INC., AND PIKE BROADCASTING, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Troy Radio, Inc., Troy, Ala., Docket No. 19407, File No. BPH-7253, requests: Channel 289; 100 kw.(H); 100 kw.(V); 412.6 feet; Pike Broadcasting, Inc., Troy, Ala., Docket No. 19408, File No. BPH-7303, requests: Channel 289; 100 kw.(H); 100 kw.(V); 397 feet, for construction permits.

1. The Commission has under consideration the captioned applications, which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. A hearing is therefore required.

2. Based on the information submitted in the application of Troy Radio, Inc., funds of at least $70,055 will be needed to construct and operate the proposed station for 1 year, as follows: Deposit on equipment lease, $2,852; first-year payments on equipment lease, $13,662; land, $3,772; buildings, $1,000; interest on loans, $3,181; first-year operating expenses, $41,302; and miscellaneous expenses, $4,286. However, the applicant states that the estimate for the building to house the proposed operation represents a down payment of $1,000. The estimate was based on a verbal discussion. No agreement to that effect, mortgage, or other deferred credit plan has been submitted. Accordingly, an issue will be specified to determine the cost to the applicant of obtaining the proposed studio/transmitter building. The applicant's funds-required figure will, of course, be increased to the extent that this cost exceeds $1,000. To meet its financial requirements, the applicant claims the availability of loans of $58,520 from Mr. Albert H. Goree, and $9,000 from a stock subscription and a loan of $3,500 from Mr. Albert G. Goree, for a total of $71,020. While Mr. Albert H. Goree has demonstrated that he will have sufficient funds to meet his commitment, Mr. Albert G. Goree's balance sheet does not show that he has current and liquid assets in excess of current liabilities in sufficient amount to enable him to meet his commitment. Accordingly, an issue will be specified in this regard.

3. Both applicants proposed to locate their respective main studios at their transmitter sites outside the city limits of Troy. Each applicant has indicated that the proposed studio site will be readily accessible to the residents of Troy and that such a location will result in economies of operation. We believe that good cause has been shown for so locating the main studios and that the locations proposed would not be inconsistent with the operation of the station in the public interest. We will provide, therefore, that in the event of a grant of either application, our consent to the studio location will be granted, pursuant to § 73.210(a)(3) of our rules.

4. Except as indicated by the issues set out below, each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, we are unable to make the statutory finding that a grant of either application would serve the public interest, convenience, and necessity. The applications must, therefore, be designated for hearing in a consolidated proceeding on the issues set out below.

5. Accordingly, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine with respect to the application of Troy Radio, Inc.:

(a) The cost of obtaining the proposed studio/transmitter building, and, to the extent that this costs more than $1,000, the additional funds required by the applicant to construct and operate the proposed station for 1 year;

(b) Whether Mr. Albert G. Goree has sufficient current and liquid assets of current liabilities to enable him to meet his commitment to the applicant, or whether the applicant has available other sources of funds to meet its requirements; and

(c) Whether, in light of the evidence adduced under the above issues, the applicant is financially qualified.

(2) To determine, on a comparative basis, which of the proposals would better serve the public interest.

(3) To determine in light of the evidence adduced under the above issues, which of the applicants for a construction permit should be granted.

6. *It is further ordered,* That consent to locate the station's main studio outside the city limits of Troy shall be granted pursuant to § 73.210(a)(3) of the Commission's rules.

7. *It is further ordered,* That the applicant shall file a written notice stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

8. *It is further ordered,* That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: January 26, 1972.

Released: February 1, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-1755 Filed 2-4-72;8:50 am]

[1] Commissioner H. Rex Lee absent.

[Canadian List 286]

CANADIAN BROADCAST STATIONS

Notification List

JANUARY 27, 1972.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		680 kHz							
CFTR (now in operation)	Toronto, Ontario, N. 43°34' 48", W. 79°38'30".	10D/25N	DA-2	U	II				
		1580 kHz							
CFDA (correction to coordinates)	Victoriaville, Quebec, N. 46° 02'25", W. 72°01'08".	1	DA-N ND-D-197	U	III				
CJVB (assignment of call letters)	Vancouver, British Columbia, N. 49°11'36", W. 123° 00'30".	*1470 kHz* 10	DA-2	U	III				
		1490 kHz							
NEW	Coleman, Alberta, N. 49°37' 39", W. 114°27'50".	1D/0.25N	ND-236	U	IV	330	120	300	E.I.O. 1-27-73.
							120	40	
CKGO (assignment of call letters)	Hope, British Columbia, N. 49°23'15", W. 121°25'42".	*1490 kHz* 0.25	ND-186	U	IV	150	120	264 (AVE)	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, WALLACE E. JOHNSON, *Chief, Broadcast Bureau.*

[FR Doc.72-1756 Filed 2-4-72;8:50 am]

FEDERAL RESERVE SYSTEM

C-M CO., INC.

Formation of Bank Holding Company

The C-M Co., Inc., Medicine Lodge, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a registered bank holding company through retention of 90 percent or more of the voting shares of Isabel State Bank, Isabel, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 1, 1972.

Board of Governors of the Federal Reserve System, January 31, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-1736 Filed 2-4-72;8:47 am]

C-M CO., INC.

Proposed Acquisition of The Clyde S. Boots Insurance Agency

The C-M Co., Inc., Medicine Lodge, Kans., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of The Clyde S. Boots Insurance Agency, Isabel, Kans. Notice of the application was published on January 6, 1972, in the Barber County Index, a newspaper circulated in Barber County, Kans.

Applicant states that the proposed subsidiary would engage in the activities of a general fire and casualty insurance agency in Isabel, Kans., a community with less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 1, 1972.

Board of Governors of the Federal Reserve System, January 31, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-1708 Filed 2-4-72;8:46 am]

FEB 5 72 XUM

FIRST BANK SYSTEM, INC.

Order Approving Acquisition of IDS Credit Corp.

First Bank System, Inc., Minneapolis, Minn., a bank holding company registered under the Bank Holding Company Act, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire 100 percent of the voting shares of IDS Credit Corp. (IDSCC), Minneapolis, Minn. Notice of the application affording opportunity for interested persons to submit comments and views has expired and all received have been considered.

Making or acquiring loans or other extensions of credit and selling group credit life and disability insurance are activities that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(1) and (9)). A bank holding company may acquire a company engaged in this activity so long as the proposed acquisition is consistent with the relevant factors specified in section 4(c)(8) of the Act.

Applicant has 86 bank subsidiaries, located in Minnesota, North Dakota, South Dakota, Montana, and Wisconsin. By virtue of its control of 49 banks in Minnesota holding $2.7 billion in deposits, which sum represents 28.5 percent of deposits in commercial banks in the State, applicant is the largest banking organization in Minnesota. Within the Minneapolis-St. Paul Standard Metropolitan Statistical Area (SMSA), applicant controls 16 banks holding $1.6 billion in deposits constituting 39.7 percent of deposits in commercial banks in the Minneapolis-St. Paul SMSA, and is the largest banking organization in that SMSA. (All deposit data are as of June 30, 1971, whereas all market share data are as of June 30, 1970.) Although all 86 commercial banking subsidiaries make direct consumer installment loans, only five purchased dealer-originated home improvement installment contracts in 1970. The aggregate amount of such contracts was $52,657.

IDSCC, a wholly owned subsidiary of Investors Diversified Services, Inc. (IDS), is a sales finance company that purchases and services dealer-originated home improvement installment contracts. Through its wholly owned subsidiary, Empire Loan and Thrift Co., Minneapolis, Minn. (Empire), IDSCC makes direct consumer loans and purchases dealer-originated automobile installment contracts. IDSCC also operates IDS Homes Corp., Dublin, Ga., which purchases mortgages on low-priced homes, and IDS Credit Corp. of Texas which makes direct consumer loans through four offices in Texas. IDSCC operates 19 offices in 21 States. With the exception of its corporate home office and a sales finance office in Minneapolis, these offices operate outside of the Ninth Federal Reserve District in various Midwestern and Southern States. Empire operates throughout Minnesota from a single office located in Minneapolis.

As of December 31, 1970, IDSCC was the 98th largest finance company in the nation and as of September 30, 1971, IDSCC held unpaid credit balances (outstandings) of approximately $87.1 million. However, IDS has already purchased approximately $50.8 million of IDSCC's outstandings and prior to consummation of the proposed acquisition, IDS will acquire $36.3 million in outstandings of IDSCC in exchange for an assumption of the liabilities of IDSCC. Similarly, IDS will purchase the outstandings of IDS Homes Corp. The outstandings of Empire and IDS Credit Corp. of Texas will be retained by those subsidiaries. Upon consummation of the proposed transaction, IDSCC will have total assets of approximately $7 million and net worth of $1.5 million.

Since applicant's present subsidiaries do not compete outside of the 9th Federal Reserve District, the proposed acquisition of IDSCC would not affect existing competition outside of the Ninth Federal Reserve District. Therefore, prospects for significant potential competition between applicant and IDSCC outside of the Ninth District are slight.

Within the 9th District, the two Minneapolis offices of IDSCC purchase dealer-originated home improvement installment contracts originating in Minnesota and northwestern Wisconsin; such outstandings amounted on September 30, 1971, to approximately $5.7 million. Although these contracts will be sold to IDS prior to consummation of the proposed transaction, it may be assumed that the outstandings of this type will be rebuilt by IDSCC if the acquisition is consummated. In any case, there is little existing competition between applicant's subsidiaries and IDSCC in view of the insignificant extent of the involvement of those subsidiaries in the secondary market for home improvement paper. Although, given applicant's substantial financial resources, there exists a possibility that it might expand its presently limited activities in the home improvement paper market, there is no indication that such an expansion is probable. In this sense, the proposed acquisition may have only a slightly adverse effect.

Applicant's subsidiaries and Empire both make direct consumer loans in the Minneapolis-St. Paul SMSA. However, Empire primarily makes consumer loans of a higher risk quality than commercial banks would, as a rule, make. Furthermore, Empire—which as of December 31, 1970, had outstanding loans and paper of $0.9 million—is not a significant competitor in the consumer loan business in the Minneapolis-St. Paul SMSA, being one of the smallest of the 138 consumer finance companies in the SMSA. It is estimated that applicant through its subsidiaries holds approximately 16 percent of outstanding consumer loans in the SMSA and thereby is the largest consumer lender. It would appear that neither existing nor potential significant competition in consumer lending in the SMSA would be foreclosed by consummation of the proposed acquisition.

Based upon the foregoing, and the record before it, the Board concludes that the proposed acquisition would have no adverse effects on existing competition and only slightly adverse effects on potential competition in Minnesota and northwestern Wisconsin. It is expected that, following consummation of this proposal, applicant will encourage expansion by IDSCC into new geographic markets outside the 9th District and into new areas of finance activity and that none of this expansion will occur within the 9th District. Assuming that this expansion would be by internal growth rather than by acquisition, the public interest would be served by both added convenience and increased competition. On balance, the Board concludes that these public benefits outweigh any possible adverse effects on competition.

Based upon the foregoing and other considerations reflected in the record,[1] the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] January 27, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1709 Filed 2-4-72;8:46 am]

FEDERAL POWER COMMISSION

[Dockets Nos. CI68-703, etc.]

BANQUETE GAS CO. ET AL.

Order Consolidating Proceedings, Granting Intervention, Setting Hearing Date and Prescribing Procedure

Banquete Gas Co., a division of Crestmont Oil & Gas Co., Dockets Nos. CI68-703, CI70-1113, CI71-633, CI71-634, CI71-635, CI71-636, CI71-637; Frank A. Morrison, Docket No. CI68-590; James E. Warren, Docket No. CI68-946; S. A. Story, Docket No. CI68-1034; Edwin G. Ward, doing business as Pemac Co., Docket No. CI69-229; Gulf Coast Natural Gas Co., Docket No. CI69-1161; American Petrofina Company of Texas (Operator) et al., Dockets Nos. CI71-602, CI71-603; William D. Johnson, Docket No. CI71-638; Perry R. Bass, Inc., agent for Perry Bass Enterprises Production Co., Docket No. CI71-639; J. B. Gardner, doing business as Nueces Well Service, Docket No. CI71-640; W. J. Riley (Operator) et al., Docket No. CI71-641; H. F. Boester, Docket No. CI71-642; B. F. Ussery, doing business as Meiba Production Co. (Operator) et al., Docket No. CI71-644; Texaco, Inc., Docket No. CI71-651; Atlantic Richfield Co., Docket No. CI71-680; Afroma Oil & Gas Co., Inc. (Operator) et al., Docket No. CI71-731; Ben D. Marks (Operator) et al., Docket No. CI71-732; W. J. Riley, Docket No. CI71-733; Ben D. Marks et al., doing business as Tri-Mark Oil Co. (Operator) et al., Docket No. CI71-734; W. J. Riley, doing business as W. J. Riley Petroleum Co., Dockets Nos. CI71-735, CI71-736; Fred Bowman, Docket No. CI71-736; Lee Carter (Operator) et al., Docket No. CI71-737; Logue and Patterson (Operator) et al., Dockets Nos. CI71-739, CI71-745; Ramada Oil and Gas Company, agent for B. C. Garnett et al., Dockets Nos. CI71-740, CI71-748; M. E. Cassiday, Jr., Trustee (Operator) et al., Docket No. CI71-741; Minnie Belle Heep et al., Docket No. CI71-742; Ragsdale, Pierce & Crain (Operator) et al., Docket No. CI71-743; Wiley W. Singleton, CI71-744; Hunter Bros. & Wallace, Inc., Docket No. CI71-746; Huisache Operating Co. (Operator) et al., Docket No. CI71-747; John W. Herndon (Operator) et al., Docket No. CI71-754.

On March 3, 1971, Banquete Gas Co., a division of Crestmont Oil and Gas Co. (Banquete), filed an application pursuant to section 7(b) of the Natural Gas Act, seeking permission and approval of the Commission to abandon service to United Gas Pipe Line Co. (United) from various fields in Wharton and San Patricio Counties, Texas District Nos. 3 and 4. In support of its application, Banquete alleges the depletion of reserves and an inability to operate its gathering system economically.

The above-named producers, who sell gas to Banquete for resale to United, have also filed related applications for abandonment of sales to Banquete, asserting a lack of present production and Banquete's filing as reasons therefor.

A timely petition requesting leave to intervene in those dockets involving Banquete was filed by United on April 16, 1971. United opposes the proposed abandonment on the ground that its gas supply situation is "quite critical" and that the volumes of gas herein involved would have to be replaced with new supplies.

Because the applications of Banquete and the applications of the above-named producers involve matters that are interdependent they should be consolidated and heard together. Because of the allegation of uneconomical operation, an appropriate issue to be explored during the course of these proceedings is what rate increase, if any, would be necessary to make the sale and delivery of gas economically feasible.

United's petition to intervene should be granted because United, as the purchaser of gas from Banquete, has a direct interest which is not adequately represented by any other to the proceedings.

The Commission finds:

(1) The proceedings in the above dockets are interdependent and should therefore be consolidated.

(2) It is desirable and in the public interest to allow United Gas Pipe Line Co. to intervene in these consolidated proceedings in order that it may establish the facts and the law from which the nature and validity of its alleged interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in these proceedings be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) The applications in the above dockets are hereby consolidated.

(B) United Gas Pipe Line Co. is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That its participation shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing on the issues presented in the applications will be held commencing March 21, 1972, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426. The hearing shall begin with admission into the record of Banquete's case, subject to appropriate motions, followed by cross-examination of Banquete's witnesses, to be then followed by the presentation of the remaining producer applicants' cases in the order to be fixed by the examiner. Following thereafter, the intervenor shall present its testimony.

(D) On or before February 15, 1972, Banquete and the above named producer applicants shall prepare and serve their direct testimony and exhibits in support of their respective applications.

(E) The intervenor shall prepare and serve its prepared testimony and exhibits, if any, in support of its position and in response to the submittals made in compliance with ordering paragraph (D) above on all parties to this proceeding, on or before Feburary 29, 1972. All evidence shall be filed with the Commission and served on all parties and the Commission Staff.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1746 Filed 2-4-72;8:48 am]

[1] Dissenting Statements of Governors Robertson and Brimmer are filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Chairman Burns and Governors Daane, Maisel, and Sheehan. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governor Mitchell.

[Docket No. E-7685]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Order Accepting for Filing

JANUARY 27, 1972.

Order accepting for filing and suspending original tariff, providing for hearing, establishing procedures, denying motion for rejection, and admitting interventions.

Central Vermont Public Service Corp., a public utility subject to the jurisdiction of this Commission, on November 29, 1971, tendered for filing in Docket No. E-7685 a proposed Original FPC Electric Tariff, original sheets 1 through 20, together with supporting documents as required by the Commission's regulations under the Federal Power Act, particularly section 35.13 thereof. Central Vermont's proposed tariff would increase resale rates to its wholesale customers by a total of $750,933 on a 1970 test year basis. A fuel cost adjustment clause is included in the proposed rates.

The company requests an effective date of January 28, 1972, where permitted by contractual agreements, or the earliest date thereafter when and as permitted by the remaining contracts. Specifically, the company proposes that its proposed increased rates be made effective as of (1) January 28, 1972, for the village of Lyndonville, Vermont Electric Cooperative, Inc., Allied Power and Light Co., and Central Vermont's wholly owned subsidiary, Connecticut Valley Electric Co., (2) November 17, 1972, for the villages of Hyde Park, Johnson, and Ludlow; and Rochester Electric Light and Power Co. (Rochester), and (3) October 28, 1973, for Vermont Electric Cooperative, Inc. at the Richmond and Williston delivery points.

In support of its filing, Central Vermont states it is in a difficult financial situation, having recently sustained a severe decline in earnings. It further states that its interest coverage is below that required under the terms of its bond indentures, and as a result the company is currently precluded from issuing new long term debt.

Notice of Central Vermont's rate increase application was issued on December 9, 1971. Said notice provided that any protests or petitions to intervene should be filed on or before December 29, 1971. This date was subsequently extended to January 7, 1972. On January 7, 1972, two protests and petitions to intervene were filed, one by the Vermont Electric Cooperative, Inc., the other by Central Vermont's municipal customers together with Allied and Rochester. Petitioners argue, inter alia, that the proposed rate increase is excessive, that it is inconsistent with the Government's Economic Stabilization Program, and that the rate design of the new tariff is improper and unlawful. Vermont Electric Cooperative in its petition also requests the proposed rate increase for service to its Richmond and Williston delivery points be rejected by the Commission as premature since

V 37 N 25 FEB 5 72 XUM

such increase is not proposed to become effective until October 28, 1973.

A review of Central Vermont's rate filing, and the protests, petitions to intervene, and motions filed in response thereto indicates that the company's proposed tariff should be accepted for filing and suspended, that the petitions to intervene should be granted, and that the issues raised by the pleadings should be resolved on the basis of an evidentiary record to be established upon hearing. Accordingly the company's proposed rate increase will be suspended for a period of 5 months, and when placed into effect after the suspension period, it will be made subject to refund of all amounts found by the Commission after hearing not to be justified, together with interest on any amount refunded.

We note that the company's filing is based upon a 1970 test period. In view of the fact that data for the year 1971 should now be available, the Presiding Examiner should consider the use of a more current test period. In this connection our regulations under the Federal Power Act do not require the use of a calendar year test period and we prefer the use of the latest actual data available.

The Commission finds:

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, services, and other provisions of Central Vermont's proposed FPC Electric Tariff, and that such tariff be suspended, and the use thereof deferred as herein provided.

(2) The petitions to intervene in this proceeding as noted above should be granted.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, services, and other provisions contained in Central Vermont's proposed FPC Electric Tariff, commencing with a prehearing conference to be held on May 24, 1972.

(B) Pending such hearing and decision thereon, Central Vermont's proposed FPC Electric Tariff, Original Volume No. 1, consisting of original sheets 1 through 20, is hereby accepted for filing, suspended, and its use deferred until June 28, 1972.

(C) At the prehearing conference on May 24, 1972, the direct evidence of the company and the staff shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(D) On or before May 17, 1972, the Commission staff shall serve its prepared testimony and exhibits if any. The prepared testimony and exhibits of the intervenors shall be served on or before June 1, 1972. Any rebuttal evidence by Central Vermont shall be served on or before June 22, 1972. Cross-examination of the evidence filed shall commence at 10 a.m. on June 27, 1972, in a hearing room of the Federal Power Commission.

(E) The motion of Vermont Electric Cooperative, Inc. for rejection of the subject rate increase applicable to the Richmond and Williston delivery points is denied.

(F) Vermont Electric Cooperative, Inc., the villages of Hyde Park, Johnson, Ludlow, and Lyndonville, Vt., Allied Power and Light Co., and Rochester Electric Light and Power Co. are hereby permitted to intervene in this proceeding subject to the Commission's rules of practice and procedure.

(G) A Presiding Examiner to be designated by the Chief Examiner for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the terms of this order, the Commission's rules and regulations, and the Federal Power Act.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1703 Filed 2-4-72;8:45 am]

[Docket No. CP72-183]

CONSOLIDATED GAS SUPPLY CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Joint Application

JANUARY 28, 1972.

Take notice that on January 18, 1972, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, WV 26301, and Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, KY 42301, filed in Docket No. CP72-183, a joint application for a certificate of public convenience and necessity authorizing the exchange of natural gas through applicant's existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization for Texas Gas to deliver to Columbia Gulf Transmission Co. (Columbia Gulf) in Block 250, Eugene Island Area, offshore Louisiana, for the account of Consolidated up to 20,000 Mcf of natural gas per day and for Consolidated to redeliver equivalent volumes of gas to Texas Gas at the western terminus of the Blue Water System near Egan, La., or at some other agreeable point along Texas Gas's system in southern Louisiana. Texas Gas proposes to deliver gas to Columbus Gulf until November 1, 1972, and Consolidated proposes to redeliver gas to Texas Gas prior to December 31, 1975. In view of the delay in the redelivery of natural gas, applicants propose that Consolidated pay Texas Gas 28 cents per Mcf for the gas which Texas Gas delivers to Columbia Gulf for the account of Consolidated and that upon redelivery Texas Gas pay to Consolidated 28 cents per Mcf plus the transportation cost from Eugene Island Area to Texas Gulf's pipeline in southern Louisiana.

Applicants state that the purpose of the exchange is to insure an adequate supply of natural gas for injection into Consolidated storages thereby assisting Consolidated in meeting its 1972-73 winter season requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1704 Filed 2-4-72;8:45 am]

[Docket No. CP72-26]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition to Amend

JANUARY 27, 1972.

Take notice that on January 18, 1972, Michigan Wisconsin Pipe Line Co. (petitioner), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-26, a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on November 4, 1971, so as to authorize an increase in the storage service currently being rendered for Central Indiana Gas Co., Inc. (CIG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner states that it has entered into an agreement with CIG to increase the storage service, which it currently renders to CIG, in order to assist CIG in meeting its firm peak day requirements and to minimize to the extent possible the severe impact which Panhandle Eastern Pipeline Co., CIG's gas supplier, might cause due to its curtailment program. Petitioner seeks authorization to increase the annual storage volume under the storage agreement from 700,000 to 1,500,000 Mcf of natural gas and the daily redelivery rate from 7,000 Mcf to 15,000 Mcf. Petitioner further states that these increases are not significant in terms of its transportation and storage capacities, and that the additional service requires the construction of no new facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1705 Filed 2-4-72;8:45 am]

[Docket No. E-7686]

GULF POWER CO.

Order Accepting for Filing and Suspending FPC Electric Tariff, Providing for Hearing, Establishing Procedures, Denying Motion to Reject, and Permitting Interventions

JANUARY 31, 1972.

Gulf Power Co., a public utility subject to the jurisdiction of this Commission, on December 1, 1971, tendered for filing in Docket No. E-7686 a proposed original FPC Electric Tariff, Original Sheets 1 through 25, together with supporting documents as required by the Commission's regulations under the Federal Power Act, particularly section 35.13 thereof. Gulf Power's proposed tariff would increase the rates for electric service to its wholesale customers by $794,982 annually on a 1970 test year basis.

The company requests an effective date of February 1, 1972, where permitted by existing service agreements, or the earliest date thereafter when and as permitted by the remaining service agreements. The company proposes to give notice of termination of all such service agreements in accordance with their terms, and intends concurrently with the termination date of each service agreement to apply the proposed tariff.

In support of its filing, Gulf Power states the proposed rates will provide increased revenues which will permit the company to earn a more nearly compensatory return upon its property devoted to service to its rural electric cooperative association customers. The company alleges present rates are too low to permit it to earn a compensatory return on this investment.

Notice of Gulf Power's rate increase application was issued on December 9, 1971. Said notice provided that any protests or petitions to intervene should be filed on or before January 7, 1972. On January 4, 1972, Gulf Coast Electric Cooperative Inc., joined by three other distribution cooperatives,[1] and Alabama Electric Cooperative, Inc., a generation and transmission cooperative, filed a joint protest, motion to reject Gulf Power's proposed rate increase, and petition to intervene. Florida Public Utilities Co. filed a petition to intervene on January 7, 1972. The cooperatives argue that Gulf Power's proposed rate increase is excessive, that it is inconsistent with the Government's economic stabilization program, and that certain provisions of the company's proposed tariff are improper and unlawful. In addition, the cooperatives request the company's proposed increase be rejected as premature because the service agreements covering most of the delivery points between the company and the cooperatives expire more than 90 days beyond the filing date of December 1, 1971.

Gulf Power on January 14, 1972, filed an answer to the cooperatives' petition, protest, and motion. Gulf Power opposes the intervention of Alabama Electric Cooperative, claiming that Alabama Electric is not a customer of Gulf Power, and that there is no basis for admitting Alabama Electric as a party intervenor. The company also takes issue with the statements to the effect that its filing is inconsistent with the economic stabilization program and that it is premature.

A review of Gulf's Power's rate increase application and the protest, motion to reject, and petitions to intervene filed in response thereto, indicates that the company's proposed tariff should be accepted for filing and suspended, that the petitions to intervene, including that of Alabama Electric, should be granted, and that the issues raised by the pleadings should be resolved on the basis of an evidentiary record to be established upon hearing. Accordingly the company's proposed rate increase will be suspended for a period of 5 months, and when placed into effect after the suspension period, it will be made subject to refund of all amounts found by the Commission after hearing not to be justified, together with interest on the amount refunded.

The Commission finds:

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, services, and other provisions of Gulf Power Co.'s proposed FPC electric tariff, and that such tariff be suspended, and the use thereof deferred as herein provided.

(2) Alabama Electric Cooperative may have an interest in this proceeding not adequately represented by other parties, and its petition to intervene and the other petitions to intervene filed herein should be granted.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205, 206, 301, 308, and 309 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, services and other provisions contained in Gulf Power Co.'s proposed FPC electric tariff, commencing with a prehearing conference to be held on May 9, 1972.

(B) Pending such hearing and decision thereon, Gulf Power Co.'s proposed FPC Electric Tariff, Original Volume No. 1, consisting of Original Sheets 1 through 25, is hereby accepted for filing, suspended, and its use deferred until July 1, 1972.

(C) At the prehearing conference on May 9, 1972, the direct evidence of company and the staff shall be admitted into the record, and procedures adopted for an orderly and expeditious hearing.

(D) On or before May 2, 1972, the Commission staff shall serve its prepared testimony and exhibits, if any. The prepared testimony and exhibits of the intervenors shall be served on or before May 23, 1972. Any rebuttal evidence of Gulf Power shall be served on or before June 16, 1972. Cross-examination of the evidence filed shall commence at 10 a.m., e.d.t., on June 21, 1972, in a hearing room of the Federal Power Commission.

(E) The motion of the cooperatives for rejection of the subject rate increase application by Gulf Power is denied.

(F) Gulf Coast Electric Cooperative, Inc., Choctawhatchee Electric Cooperative, Inc., West Florida Electric Cooperative Association, Inc., Escambia River Electric Cooperative, Inc., Alabama Electric Cooperative, Inc., and Florida Public Utilities Co. are hereby permitted to intervene in this proceeding subject to the Commission's rules of practice and procedure.

(G) A Presiding Examiner to be designated by the Chief Examiner for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the terms of this order, the Commission's rules and regulations, and the Federal Power Act.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1747 Filed 2-4-72;8:48 am]

---

[1] Choctawhatchee Electric Cooperative, Inc., West Florida Electric Cooperative Association, Inc., Escambia River Electric Cooperative, Inc.

[2] Commissioner Walker issued a separate, dissenting statement, filed as part of the original document.

V 37 N 25 FEB 5 72 XUM

[Docket No. CP72-185]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 28, 1972.

Take notice that on January 18, 1972, Michigan Wisconsin Pipe Line Co. (applicant), 1 Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-185, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in the underground natural gas storage service being rendered for Natural Gas Pipeline Company of America (Natural) and the construction and operation of facilities required therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant currently renders underground natural gas storage service to Natural, authorized by Commission order of April 12, 1971, in Docket No. CP71-184, from its Coldwater, Croton, and Winfield storage fields in Michigan at an annual delivery volume of 13,500,000 Mcf for storage and a daily redelivery volume of not to exceed 135,000 Mcf during the period November 1 to the next succeeding March 1 of each year. Applicant seeks authorization to increase the annual storage volume to 18,000,000 Mcf, to increase the daily redelivery rate to 180,000 Mcf, to install an additional 4,000-horsepower compressor unit at its St. John Compressor Station in Indiana in order to transport the increased gas volume to Natural and to uprate a compressor unit at its Hamilton Compressor Station in Michigan from 19,000 to 27,550 horsepower in order to transport the increased gas volume to storage. Applicant estimates the cost of the proposed facilities at $2,761,000 which it plans to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1706 Filed 2-4-72;8:45 am]

[Docket No. CP67-349]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Order Setting Date For Formal Hearing, Permitting Interventions, and Prescribing Procedures

JANUARY 27, 1972.

On May 23, 1967, South Texas Natural Gas Gathering Co. (South Texas) filed in Docket No. CP67-349 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of additional quantities of natural gas to Transcontinental Gas Pipe Line Corp. (Transco). Subsequent to hearings and the issuance of the presiding examiner's initial decision of April 2, 1969, South Texas and Transco filed on May 19, 1969, a joint motion for approval of stipulation and agreement in settlement of the proceeding involving, inter alia, Docket No. CP67-349. The Commission order, issuing conditioned certificates of public convenience and necessity and approving the proposed settlement, issued July 23, 1969, in Docket No. CP67-349, 40 FPC 200, granted South Texas a conditioned certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities and the sale of natural gas in interstate commerce to Transco.

The order issuing the conditioned certificate approved the terms and provisions of the stipulation and agreement which, inter alia, provided that the total daily contract sales volumes of gas to be delivered to Transco were to be increased to a maximum of 385,000 Mcf and a minimum of 265,000 Mcf, and that the proposed service would be rendered at an initial rate of 19.58 cents per Mcf. However, the order required that after a period of operation consisting of at least 15 months, South Texas should file with the Commission a cost of service statement justifying the settlement rate.

On April 2, 1971, South Texas filed a petition to amend[1] the Commission's order of July 23, 1969, by which South Texas seeks authority to permit the abandonment of certain facilities which were installed pursuant to the Commission's order of July 23, 1969. South Texas has not, as yet, specified the extent of its proposed abandonment of service.

In support of its petition to amend, South Texas avers that the additional volumes of natural gas from the McAllen Ranch Field, Hidalgo County, Tex., upon which it had relied to make the increased sales to Transco authorized, inter alia, in Docket No. CP67-349, et al., are not available and the deliverability from that field will not be increased. South Texas also states that it "has no alternative gas reserves from which it could make the additional deliveries contemplated since it has been unable to purchase additional volumes of gas in the area of its pipeline for resale interstate commerce."

In a letter addressed to South Texas, dated March 19, 1971, Transco stated that it had no objection to South Texas' proposed abandonment. Shortly thereafter, in Docket No. CP71-267, Nueces Industrial Gas Co., Transco, citing a critical gas supply situation on its system, received Commission authorization to engage in an emergency purchase of natural gas from Nueces Industrial Gas Co., an interconnected affiliate of South Texas.

On May 3, 1971, South Texas filed the cost of service statement in Docket No. CP67-349 as required by the Commission's order of July 23, 1969, in this proceeding.[2]

Following these events, the Public Service Commission of the State of New York, on May 4, 1971, requested that a hearing be held on South Texas' proposed abandonment which it filed as a petition to amend on April 2, 1971, in this proceeding. On May 12, 1971, the Philadelphia Gas Works (PGW) also requested that a hearing be held on the proposed abandonment by South Texas.[3] Additionally, on June 25, 1971, PGW requested that the hearing which they request to be held on the issues of South Texas' proposed abandonment also include certain alleged controversial matters regarding South Texas' cost of service filing of May 3, 1971.[4]

In view of the foregoing, we deem it appropriate that a formal hearing be held on the issues raised by the proposed abandonment and the opposing intervenors, including the issues regarding the submitted cost of service of South Texas. Additionally, all factors concerning or affecting the sale to Transco as it was initially proposed and certificated, subsequently amended and certificated, and now proposed to be amended, should be fully explored including, in particular,

[1] See notice of petition to amend, Docket No. CP67-349, issued Apr. 13, 1971.

[2] See notice of cost of service filing, Docket No. CP67-349, issued June 7, 1971.

[3] The Public Service Commission and PGW were participants in the conferences which led up to the stipulation and agreement of May 19, 1969.

[4] The Public Service Commission of the State of New York and the Brooklyn Union Gas Co. concurred with PGW's position in letters dated, respectively, June 28, 1971, and June 30, 1971.

the transportation, exchange, sale, or delivery of natural gas by South Texas or any of its affiliates.

The Commission finds:

(1) It is desirable and in the public interest to permit all parties heretofore permitted to intervene in Docket No. CP67-349 to be deemed intervenors in this proceeding.

(2) It is in the public interest that a formal hearing be held regarding the matters above-described.

The Commission orders:

(A) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 7, 14, and 16 thereof, and the Commission's rules and regulations under the Act, a public hearing shall be held commencing Monday, February 28, 1972, at 10 a.m., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning: (1) All matters related to South Texas' petition to amend its certificate to permit abandonment and (2) all rates, charges, or classifications, demanded, observed, charged, or collected by South Texas in connection with any transportation, exchange, sale, or delivery of natural gas to Transco, and (3) any facts, conditions, rules, regulations, practices, contracts, or matters concerning the transportation, exchange, sale, or delivery of natural gas by South Texas or any of its affiliates.

(B) All parties heretofore permitted to intervene in Docket No. CP67-349 are deemed intervenors in this proceeding including the petitioners named herein.

(C) South Texas is ordered to file and serve upon all parties to this proceeding including the Commission and the Commission staff on or before February 11, 1972, (1) evidence supporting its petition to abandon service to Transco filed April 2, 1971, (2) support for the cost of service submitted in this docketed proceeding on May 3, 1971, and (3) evidence regarding the renegotiation of its contract with Transco providing for reductions in the deliveries of volumes heretofore authorized by the Commission and evidentiary support, if so alleged, of a physical inability to comply with the prior authorization accepted by South Texas.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-1707 Filed 2-4-72;8:45 am]

[Docket No. RP72-91]

SOUTHERN NATURAL GAS CO.

Suspension of Proposed Increased Pipeline Rates

JANUARY 31, 1972.

Order providing for hearing, rejecting proposed revised tariff sheets, accepting and suspending proposed alternative revised tariff sheets and permitting interventions.

Southern Natural Gas Co. (Southern), on December 16, 1971, tendered for filing revised tariff sheets[1] proposing changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective on February 1, 1972. The proposed tariff changes would be applicable to all of Southern's sales and services under jurisdictional rate schedules and provide for an increase in annual revenues in the approximate amount of $20,584,240 based upon sales for the 12-month period ended August 31, 1971, as adjusted. The increased rates are over and above the rates currently in effect subject to refund and pending proceedings in Docket No. RP72-22.

Southern's filing consists of two alternative sets of revised tariff sheets, the first of which contains two new sections to be included in the general terms and conditions of the tariff, providing for adjustments for changes in gas supply costs and a related provision for flow-through of gas supplier refunds.[2] The alternate set is comprised of identical sheets, with all reference to a purchased gas adjustment provision removed. In addition, Southern's rate filing would amend the Authorized Overrun (AO) rate schedules to provide for a year around rate, rather than winter/summer rates.

Southern requests that if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of this filing, the Commission accept for filing the alternate revised sheets, which do not contain purchased gas adjustment provisions nor the related provisions for refund flowthrough.

The reasonableness of including a purchased gas adjustment provision in the applicant's tariff has not been tested in any evidentiary proceeding. If accepted at this time this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d)(3) to permit the filing of the revised tariff sheets which contain a purchased gas adjustment provision.

Southern also requests that it be allowed tracking authority for purchased gas cost changes occurring before the date on which the tariff sheets listed in Appendix A hereto may become effective. We will deny Southern's request for such tracking authority. However, Southern will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas cost included in this filing.

Southern states that the increased rates are required solely to permit it to recoup increased costs it is incurring in operating and maintaining its pipeline system. Of the claimed revenue deficiency of approximately $20.6 million, Southern states that $9.9 million reflects the construction and operation of Muldoon Field underground storage project; $7.4 million reflects advance payments to producers for new gas supplies; $1.8 million reflects the claimed increase in allowed rate of return from 8.5 percent (Opinion No. 585, issued August 20, 1970) to 9.25 percent on overall invested capital; and $1.5 million for all other increases which include increases in operation and maintenance expenses and in the costs of supplies, materials, and services.

Southern's rate filing, among other items, also reflects: (i) Operations under a curtailment program pending in Docket No. RP72-74 and the abandonment of certain nonjurisdictional sales, both authorized and pending in certificate proceedings, as a result of which jurisdictional sales would be reduced 5.7 million Mcf and nonjurisdictional sales would be reduced 18 million Mcf below base period volumes; (ii) liberalized depreciation with normalization in computing Federal income taxes; and (iii) increases from its composite depreciation rate of 3.5 percent to 4.5 and 5 percent for transmission and storage investment, respectively.

Review of the rate filing indicates that the issues therein raised required development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

Petitions to intervene were filed by the parties listed in Appendix B hereto.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Southern's FPC gas tariff, as proposed to be amended in Docket No. RP72-91, and that the proposed tariff sheets listed in Appendix A hereto be suspended, and the use thereof be deferred as herein provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedures set forth below.

(3) The participation of the named petitioners in Appendix B hereto may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing with a prehearing conference on June 20, 1972, at 10 a.m., e.d.t.,

[1] The revised tariff sheets (excluding Purchased Gas Adjustment Clause) are listed in Appendix A hereto.

[2] Proposed Original Sheets Nos. 30A, 45A, 45B, 45C, and 45D.

FEB 5 72

in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Southern's FPC gas tariff, as proposed to be revised herein.

(B) Pending such hearing and decision thereon, Southern's revised tariff sheets listed in Appendix A hereto, are suspended, and the use thereof deferred until July 1, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Southern's request that it be granted authority to change its rates to track changes in purchased gas costs occurring before the date on which the tariff sheets listed in Appendix A hereto may become effective, is denied, without prejudice to its requests hereafter made for permission to track supplier rate increases which increase the purchased gas cost included in this filing.

(D) Southern's revised tariff sheets containing a purchased gas adjustment provision are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein, to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Southern's tariff.

(E) At the prehearing conference on June 20, 1972, Southern's prepared testimony (Statement P), together with its entire rate filing as submitted and served on December 16, 1971, shall be admitted to the record as its complete case-in-chief under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference fully prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure, including a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(F) On or before June 2, 1972, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before June 16, 1972. Any rebuttal evidence by Southern shall be served on or before June 30, 1972. Cross-examination on the evidence filed will commence on July 11, 1972.

(G) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in section 2.59 of the Commission's rules of practice and procedure.

(H) The petitioners named in Appendix B are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

SOUTHERN NATURAL GAS COMPANY

Alternate Proposed Tariff Sheets (Excludes Purchased Gas Adjustment Clause)

Sixth Revised Volume No. 1

Twelfth Revised Sheet No	8A
Twelfth Revised Sheet No	8D
Sixth Revised Sheet No	8E
Sixteenth Revised Sheet No	9
Eighth Revised Sheet No	11F
Twelfth Revised Sheet No	11H
Eleventh Revised Sheet No	11J
Twelfth Revised Sheet No	15A
Twelfth Revised Sheet No	15D
Sixth Revised Sheet No	15E
Sixteenth Revised Sheet No	16
Twelfth Revised Sheet No	26A
Twelfth Revised Sheet No	26D
Sixth Revised Sheet No	26E
Sixteenth Revised Sheet No	27
Twelfth Revised Sheet No	30

APPENDIX B

SOUTHERN NATURAL GAS COMPANY

Petitions To Intervene

Carolina Pipeline Co.
South Carolina Electric & Gas Co.
Gas Section, Georgia Municipal Association.
The Water, Light & Sinking Fund Commission of the City of Dalton, Ga.
Farmers Chemical Association, Inc.
South Georgia Natural Gas Co.
Atlanta Gas Light Co.
Chattanooga Gas Co.
Florida Gas Transmission Co.
Alabama Gas Corp.
Texas Eastern Transmission Corp.
Georgia Industrial Group.
Administrator of General Services.
Alabama Municipal Distributors Group.

[FR Doc.72-1748 Filed 2-4-72;8:49 am]

[Docket No. CS72-614, etc.]

FRED J. DECKER ET AL.

Notice of Applications for "Small Producer" Certificates [1]

JANUARY 28, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

Docket No.	Date filed	Name of applicant
CS72-614	1-17-72	Fred J. Decker, 501 Meadowbrook Lane, Shreveport, LA 71105.
CS72-615	1-14-72	H. W. Marache, Sr., Post Office Box 234, New York, NY 10005.
CS72-616	1-13-72	Manning Gas & Oil Co., Operator, 102 Continental Oil Bldg., Denver, Colo. 80202.
CS72-617	1-18-72	Royal International Petroleum Corp., 700 Oil and Gas Bldg., New Orleans, La. 70112.
CS72-618	1-17-72	C. C. Robinson, 2700 Northside Dr., Bossier City, LA 71010.
CS72-619	1-19-72	Martin G. Miller, 2138 Bank of the Southwest Bldg., Houston, Tex. 77002.
CS72-620	1-19-72	James H. Stone, 3100 Fountain Square Plaza, Cincinnati, OH 45202.
CS72-621	1-19-72	Bixco, Inc., Post Office Box 20664, Phoenix, AZ 85036.
CS72-622	1-20-72	I. N. Hickox, 5002 Grand Central Ave., Vienna, WV 26101.
CS72-623	1-19-72	Robert A. Anderson, Post Office Box 52248, Lafayette, LA 70501.
CS72-624	1-19-72	Crocket Gas Processing Co., 105 Wilkinson-Foster Bldg., Midland, Tex. 79701.
CS72-625	1-20-72	R. R. Robinson, 2415 North Waverly Dr., Bossier City, LA 71010.
CS72-626	1-20-72	Lee Banks, 725 Union Center Bldg., Wichita, Kans. 67202.
CS72-627	1-20-72	Merle Sloan Cawthorn, Post Office Box 671, Mansfield, LA 71052.
CS72-628	1-19-72	Michael P. Grace II, Post Office Box 1418, Carlsbad, NM 88220.

Docket No.	Date filed	Name of applicant
CS72-629	1-19-72	Wilshire Oil Co. of Texas (Operator) et al., 602 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.
CS72-630	1-14-72	Helen Carver, d.b.a. Anthony Oil Co., 131 East Main St., Benton Harbor, MI 49023.
CS72-631	1-21-72	Beniah P. Davidson, 1217 Waller Ave., Bossier City, LA 71010.
CS72-632	1-20-72	Kenneth E. Fletcher, Route 2, Sistersville, W. Va. 26175.
CS72-633	1-20-72	Loyce Phillips, Post Office Box 1251, Kilgore, TX 75662.
CS72-634	1-21-72	Western Oil Producers, Inc., Post Office Box 2055, Roswell, N.M. 88201.
CS72-635	1-21-72	C & E Oil Corp., Box 18602, Oklahoma City, OK 73118.
CS72-636	1-21-72	Aberdeen Petroleum Corp., First National Bldg., Tulsa, Okla. 74103.
CS72-367	1-21-72	Cecil P. Simms, Post Office Box 225, Canyon, TX 79015.
CS72-638	1-24-72	Sharoll, Ltd., 1001 1700 Broadway, Denver, CO 80202.
CS72-639	1-24-72	Sharpet, Inc., 1001 1700 Broadway, Denver, CO 80202.
CS72-640	1-24-72	Dan R. Frantzen, Post Office Box 52382 O. C. S., Lafayette, LA 70501.
CS72-641	1-24-72	Estate of W. A. Delaney, Jr., Box 188, Ada, OK 74820.
CS72-642	1-24-72	Henry H. Windham, d.b.a. Windham Production Co., Post Office Box 146, Panola, TX 75685.

[FR Doc.72-1654 Filed 2-4-72;8:45 am]

[Docket No. RI72-168, etc.]

WESTERN OIL & MINERALS CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 28, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
R172-168	Western Oil & Minerals Corp.	3	6	El Paso Natural Gas Co. (South Blanco Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin).	$40,625	1-3-72		7-9-72	13.0	29.2501	
	do	4	6	do	21,125	1-3-72		7-9-72	13.0	29.2501	
R172-225	Beleo Petroleum Corp.	1	[4] 1-35	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	[2] 2,483	1-3-72	1-14-72	[6] Accepted	[3] 18.9309	[3] 21.0004	R171-225.
	do			do	[2] 82,636	1-3-72	1-14-72	[6] Accepted	[3] 20.1198	[3] 22.2387	R171-225.
	do			do	[2] 39,211	1-3-72	1-14-72	[6] Accepted	[3] 21.2986	[3] 23.4770	R171-225.
	do	2	[4] 1-23	do	[2] 2,483	1-3-72	1-14-72	[6] Accepted	[3] 18.9309	[3] 21.0004	R171-225.
	do			do	[2] 82,636	1-3-72	1-14-72	[6] Accepted	[3] 20.1198	[3] 22.2387	R171-225.
	do			do	[2] 39,211	1-3-72	1-14-72	[6] Accepted	[3] 21.2986	[3] 23.4770	R171-225.
	do	3	[4] 1-21	El Paso Natural Gas Co. (Big Piney and Piney (East La Barge) Fields, Sublette and Lincoln Counties, Wyo.).	[2] 23,798	1-3-72	2-2-72	[6] Accepted	[3] 18.9309	[3] 21.0004	R171-225.
R162-37	do			do	(14)	1-3-72	2-2-72	[6] Accepted	[3] 15.0	[3] 22.2387	R162-37.
R172-225	do			do	[2] 207,603	1-3-72	2-2-72	[6] Accepted	[3] 21.2986	[3] 23.4770	R171-225.
R170-767	do	13	[4] 1-15	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	1,488	1-3-72	[6] 8-72	[6] Accepted	18.135	24.086	R170-767.
R172-169	Amoco Production Co.	163	[10] 21	El Paso Natural Gas Co. (West Kutz Pictured Cliffs Field, San Juan, N. Mex.) (San Juan Basin).	14,544	1-3-72		3-5-72	13.2501	21.33	R169-375.
R172-170	Amoco Production Co.	195	[11] 28	El Paso Natural Gas Co. (Pictured Cliffs and Other Fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	383,866	1-3-72		3-5-73	13.2486	21.33	R171-621.
	do	370	[7] 23	El Paso Natural Gas Co. (South Blanco Pictured Cliffs Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	250	1-3-72		3-5-72	13.2501	21.33	R169-374.
	do	199	[12] 20	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	91,899	1-3-72		3-5-72	14.2678	21.33	R171-121.
	do	497	17	do	1,122	1-3-72		3-5-72	14.2678	21.33	R169-364.
	do	498	22	do	2,119	1-3-72		3-5-72	14.2678	21.33	R169-364.
	do	499	14	do	13,418	1-3-72		3-5-72	14.2678	21.33	R169-364.
	do	500	11	do	9,323	1-3-72		3-5-72	14.2678	21.33	R169-364.
R172-171	Continental Oil Co.	242	7	El Paso Natural Gas Co. (Allison Unit, San Juan County, N. Mex. (San Juan Basin) and La Plata and Archuleta Counties, Colo.).	1,884	12-30-71		3-1-72	14.00	21.33	R169-433.
	do	266	3	El Paso Natural Gas Co. (Rincon Unit, Rio Arriba County, N. Mex.) (San Juan Basin).	12	12-30-71		3-1-72	[15] 15.2678	21.33	R169-433.
	do	267	3	El Paso Natural Gas Co. (Bisti Area, San Juan County, N. Mex.) (San Juan Basin).	2,267	12-30-71		3-1-72	[15] 15.2678	21.33	R169-433.
	do	268		do	242	12-30-71		3-1-72	[15] 15.2678	21.33	R171-980.
	do	273	3	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin).	(13)	12-30-71		3-1-72	[15] 15.2678	21.33	R169-433.

See footnotes at end of table.

FEB 5 72 XUM

APPENDIX A—Continued

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in in effect subject to refund in docket Nos.
RI72-171..	Continental Oil Co..	277	[10] 7	El Paso Natural Gas Co. (Huerfano Unit, San Juan County, N. Mex.) (San Juan Basin).	32	12-30-71	.....	3-1-72	[12] 13.2486	21.33	RI69-433.
					55	12-30-71	.....	3-1-72	[13] [18] 15.2678	21.33	RI69-433.
".....	do.....	279	3	El Paso Natural Gas Co. (Aztec Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin).	153	12-30-71	.....	3-1-72	13.2486	21.33	RI70-1641.
".....	do.....	198	[10] 9	El Paso Natural Gas Co. (Northeast Haynes Area, Rio Arriba County, N. Mex., San Juan Basin).	36,537	12-30-71	.....	3-1 72	[13] [18] 15.2678	21.33	RI69-433.
".....	do.....	241	6	El Paso Natural Gas Co. (Northeast Farmington Field, San Juan County, N. Mex., San Juan Basin).	46	12-30-71	.....	3-1-72	[21] 13.2486	21.33	RI69-433.
					309	12-30-71	.....	3-1-72	[13] [22] 15.2678	21.33	RI69-433.
".....	do.....	221	[10] 7	El Paso Natural Gas Co. (Ballard Pictured Cliffs Area, Rio Arriba and Sandoualcos, N. Mex., San Juan Basin).	4,606	12-30-71	.....	3-1-72	13.2486	21.33	RI69-433.
".....	do.....	274	6	El Paso Natural Gas Co. (Fuleher-Kutz and West Kntz Fields, San Juan County, N. Mex., San Juan Basin).	43,311	12-30-71	.....	3-1-72	13.2486	21.33	RI69-433.
".....	do.....	259	[10] 9	El Paso Natural Gas Co. (Bianco-Pictured Cliffs Field, San Juan and Rio Arriba Counties, N. Mex., San Juan Basin).	2,020	12-30-71	.....	3-1-72	[24] 13.2486	21.33	RI69-433.
".....	do.....	295	2	El Paso Natural Gas Co.....	35,452	12-30-71	.....	3-1-72	[13] 15.2678	21.33	RI69-433.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Delivery pressure below 250 p.s.i.g.
[2] Delivery pressure above 250 p.s.i.g. but below transmission line pressure.
[3] Delivery pressure sufficient to enter transmission line.
[4] Submitted to correct rates filed June 15, 1971, which were suspended in Docket No. RI72-11 until Jan. 14, 1972.
[5] Submitted to correct rates filed Aug. 2, 1971, which were suspended in Docket No. RI72-56 until Feb. 2, 1972.
[6] No deliveries of gas at present time.
[7] Submitted to correct rate filed Dec. 8, 1971, which was suspended in Docket No. RI72-163 until June 8, 1972.
[8] Effective date given to prior filing suspended in Docket No. RI72-163.
[9] Accepted for filing subject to the existing suspension proceedings to be effective on the dates shown in the "Effective Date" column.
[10] Does not pertain to acreage added by Supplements Nos. 14, 15, 16, and 18.
[11] Does not pertain to acreage added by Supplements Nos. 12, 13, 15, 21, 24, and 26.
[12] Does not pertain to acreage added by Supplements Nos. 9, 11, 12, and 18.
[13] Low pressure gas.
[14] High pressure gas.
[15] Includes 1-cent minimum guarantee for liquids.
[16] Does not pertain to acreage added by Supplement No. 2.
[17] No production at present.
[18] Previously reported as 14.2677 cents per Mcf exclusive of 1-cent minimum liquid guarantee.
[19] Not used.
[20] Not applicable to production from acreage added by Supplement No. 2.
[21] Applicable to Pictured Cliffs gas.
[22] Applicable to Mesa Verde gas.
[23] Not applicable to production from acreage added by Supplement No. 5.
[24] Not applicable to production from acreage added by Supplements Nos. 5, 6, and 8.

Belco Petroleum Corp. has submitted amended rate increases, in substitution for previously suspended increases, so as to collect a double amount of the contractually due reimbursement for taxes applicable to future production as well as back to January 1, 1968. Belco's proposed rate increase under FPC Gas Rate Schedule No. 13 which also reflects a double amount of the contractually due tax reimbursement, is amended to correct a mathematical error. Consistent with Commission action on similar filings, the proposed increases may be substituted for its earlier filings subject to refund in the existing suspension proceedings, effective as of the date of filing, as requested, or the expiration of the suspension period applicable to the earlier filing, whichever is later. After tax reimbursement applicable to past production has been recovered, the rates shall be reduced so as to provide for tax reimbursement for future production only.

The remaining proposed increases are for sales to El Paso in San Juan Basin and are based on a favored-nation clause which was allegedly activated by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents which became effective subject to refund in Docket No. RI71-744 on August 1, 1971. El Paso Natural Gas Co. is expected to protest these favored nation increases, as they have previous filings, on the basis that they are not contractually authorized. In view of the contractual problem presented, the hearing herein shall concern itself with the contractual basis for these favored-nation filings as well as the justness and reasonableness of the proposed increased rates. The proposed increases, except for Western's increase, do not exceed the corresponding rate filing limitations imposed in Southern Louisiana and the producers have waived their right to file for any increases for 1 year, subject to the two exceptions permitted in the Commission's order issued December 17, 1971, in Amoco Production Co., Docket No. RI72-70. These fittings therefore are suspended for 1 day. Western's filing, however, is suspended for 5 months inasmuch as it exceeds the ceiling.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR 300 (1972), the Federal Power Commission certifies the abbreviated suspension period in this case as follows:

By Order No. 423 (36 F.R. 3464), § 2.56, in Part 2, Title 18, of the Code of Federal Regulations, issued February 16, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation, comparable with the instant filing, where the Commission decides to suspend such rate change under section 4(e) of the Act (15 U.S.C. 717c(e)).

[FR Doc.72-1653 Filed 2-4-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

FEBRUARY 1, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 3, 1972, through February 12, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1720 Filed 2-4-72;8:47 am]

[811-2052]

FUND B 701 PARTNERSHIP

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

JANUARY 31, 1972.

Notice is hereby given that Fund B 701 Partnership (Applicant), % Arthur Andersen & Co., 69 West Washington Street, Chicago, IL 60602, a New York general partnership, registered as a closed-end nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant filed with the Commission a notification of registration on Form N-8A on March 25, 1970. Applicant originally proposed to make a public offering of 5,000 general partnership interests and filed with the Commission a registration statement on Form S-4 (File No. 2-36749) under the Securities Act of 1933 for this purpose. Applicant has determined that a public offering is not feasible at this time or within the reasonably foreseeable future. Accordingly, it has requested withdrawal of its registration pursuant to Rule 477 under the Securities Act of 1933. At the present time Applicant has issued no securities and has no assets.

Section 3(c)(1) of the Act states, among other things, that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 22, 1972, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1721 Filed 2-4-72;8:47 am]

TARIFF COMMISSION

[AA1921-83]

ICE CREAM SANDWICH WAFERS FROM CANADA

Determination of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on October 26, 1971, that ice cream sandwich wafers from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Commission on November 8, 1971, instituted Investigation No. AA1921-83 to determine whether an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on December 14, 1971.[1] Notices of the investigation and hearing were published in the FEDERAL REGISTER of November 12, 1971 (36 F.R. 21715) and December 3, 1971 (36 F.R. 23099).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff.

On the basis of the investigation, the Commission determined by a vote of 4 to 2[2] that an industry in the United States is being injured by reason of the importation of ice cream sandwich wafers from Canada sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATIONS OF CHAIRMAN BEDELL, VICE CHAIRMAN PARKER, AND COMMISSIONERS SUTTON AND MOORE

In our opinion, an industry in the United States is being injured by reason of the importation of ice cream sandwich wafers from Canada which are being sold at less than fair value (LTFV) within the meaning of the Antidumping Act.

Ice cream sandwich wafers are a unique product. They are physically different from other forms of cookies and are used for distinct purposes. They are recognized by the trade as a specialty type product for use in making ice cream sandwiches.

The industry. In making our determination, we have considered the injured industry to consist of those facilities in the United States which engage in the production of ice cream sandwich wafers. Ice Cream Sandwich wafers currently are being produced domestically by two firms at four establishments.

Market penetration and lost sales. The Commission's investigation has revealed that the price advantage afforded the foreign supplier by the sales at LTFV has contributed to significant market penetration by the Canadian producer and lost sales by the domestic industry.

Ice cream sandwich wafers are a major cost item in the production of ice cream sandwiches. To the producers of such sandwiches, a small price advantage (one which might be unimportant for other products) can be decisive in determining who makes a sale. Hence, a price differential of less than 1 cent per pound can have an appreciable effect on sales. One of the principal purchasers of the Canadian product indicated that the LTFV price difference was substantial.

All imported ice cream sandwich wafers have been made by one Canadian firm. Imports first entered in April 1970; in the period April-September 1970, imports were used principally for testing product acceptability; entries were equivalent to less than 1 percent of U.S. consumption in that period. Once the testing period ended, however, the share of the market acquired by the Canadian producer increased to 2.4 percent, in October-December 1970, and to 3.8 percent in the first 10 months of 1971. Data available to the Commission show that all of the imports in the period April 1970-October 1971 were priced at LTFV.

Ice cream sandwich manufacturers using the LTFV wafers had previously used only domestically produced wafers. Thus, the sales of LTFV priced imported wafers, which displaced domestic wafers virtually on a pound-for-pound basis, resulted in significant lost sales for the domestic wafer producers.

The Commission's investigation revealed that the estimated LTFV margin generally accounted for a substantial part of the margin by which the LTFV wafers undersold domestic wafers. During most of the period when the LTFV wafers entered the United States, the margin of underselling exceeded 2 cents per pound, and the margin was possible in large measure because the Canadian wafers were sold at less than fair value. After August 16, 1971, when the United States imposed a 10-percent import surcharge on entries of goods, the Canadian wafers only slightly undersold domestic wafers, but this small price advantage would not have been possible were the Canadian supplier not selling at less than fair value. As a result of adjustments in its home market prices and commission schedules by the Canadian producer, it appears that sales at less than fair value ceased late in 1971. This circumstance, however, should not, in our view, affect our determination that a domestic industry is being injured by the LTFV sales that have occurred. The Canadian producer sold wafers at a considerable LTFV margin, thus pricing his product in the U.S. market materially below the domestic wafers and enabling him to gain a significant share of the market. The antidumping statute is intended to protect against circumstances such as these. Were there no action to levy antidumping duties, the Canadian producer would be free to reinstitute his previous pricing practices.

[1] A public hearing was originally scheduled for Dec. 7, 1971.

[2] Chairman Bedell, Vice Chairman Parker, and Commissioners Sutton and Moore determined in the affirmative. Commissioners Leonard and Young determined in the negative.

FEB 5 72 XUM

Conclusion. The LTFV price of the imported wafers has permitted the foreign producer to increase penetration of the U.S. market and has resulted in lost sales for the domestic producers. In our opinion, this constitutes injury to the domestic ice cream sandwich wafer industry.

STATEMENT OF REASONS FOR THE NEGATIVE DETERMINATION OF COMMISSIONERS LEONARD AND YOUNG

In our opinion no industry in the United States is being or is likely to be injured, or prevented from being established, by reason of the importation of ice cream sandwich wafers from Canada which the Assistant Secretary of the Treasury has determined to be, or likely to be, sold at less than fair value. The facts before us do not show any such injury. What the facts do show follows.

Market penetration. Penetration of the U.S. market for ice cream sandwich wafers by imports from Canada has been minimal. During the period used by Treasury for fair value comparison, October 1970–December 1970, the U.S. market share of Canadian imports amounted to 2.4 percent. Prior to this period, such market share was insignificant. During the more recent period January–October 1971, the U.S. market share of Canadian imports amounted to only 3.6 percent. There is a significant reason for the attainment of this minimal market share which we detail in the following section.

Total amount of underselling. Except during the 4-month period when the 10-percent import surcharge was in effect, imported wafers consistently and substantially sold for less than their domestically produced counterpart. The amount by which the price of the imported product was less than that of the domestic wafer ranged, for example, from 2 to about 3¾ cents per pound. These prices were in effect at Laurel, Md., the site of the principal importer's plant.

This competitive advantage enjoyed by the imported wafers reflected many factors, both those categorized as resulting from fair as well as from unfair price competition. In other words, the 2- to 3¾-cent price advantage is not composed exclusively of the difference in the price of the Canadian wafers sold for export to the United States and the price charged for their use in Canada by the same manufacturer (referred to as less-than-fair value pricing). Only during the period July 1970 to February 1971 was that part of the competitive price advantage attributed to the less-than-fair value pricing as much as 50 percent of the total price advantage enjoyed by the imported product over the domestic product. Since November 1971 there has not been any less-than-fair value pricing on the part of the Canadian exporter. Moreover, each month since Canadian imports first entered in April 1970 (except for the period when the import surcharge was in effect) the price advantage in favor of imported wafers, excluding the amount of less-than-fair value pricing, amounted to more than six-tenths cent per pound. It has ranged to well over 2 cents per pound, which is the current level.

At a hearing before the Tariff Commission on December 14, 1971, David O. Clark, president of Weston, Ltd.'s three U.S. wafer producing subsidiaries, stated that ice cream sandwich wafers are "a fungible commodity and if our price was a quarter of a cent less than theirs, they would have to meet us and vice versa or they wouldn't get the business; and that is what we are complaining about here."[1]

Clearly, the amount by which the price of Canadian wafers was less than the price of domestic wafers over and above the less-than-fair value pricing was more than sufficient to cause domestic wafer users to buy the imported product. It is clear that the loss of sales by the domestic industry was not by reason of the less-than-fair value export pricing. Or, to put the matter in another way, even had a dumping duty been assessed to offset the less-than-fair value pricing by the Canadian exporter, the resulting competitive situation would have been such that the complained-of-sales would have been consummated.

Price depression or suppression. The impact of Canadian imports on the prices of the two U.S. producers, if indeed there has been any impact at all, has been insignificant. In late April and early May 1970, when imports were just beginning to enter, both U.S. producers raised their truckload prices for wafers of the same size as those being imported from 23 to 24 cents per pound, or 4.3 percent. In late February and early March 1971, after imports had been entering for nearly a year and were still selling at their lowest price, the two U.S. producers again raised their truckload prices, this time by 6.2 percent, from 24 to 25½ cents per pound. Accordingly, no evidence of price depression seems to exist. The rate at which prices increased in 1971 compared with the rate of increase in 1970, 6.2 vs. 4.3 percent, controverts any claim of the existence of price suppression.

Conclusion. In view of:

(a) The minimal penetration of the U.S. market for ice cream sandwich wafers by Canadian imports.

(b) The large size of the total amount by which the imported product undersold the domestic product in comparison with the much smaller extent of less-than-fair value sales,

(c) The effect of a price difference of only one-quarter of a cent on the consummation of sales, and

(d) The absence of price depression and of any evidence of price suppression,

we can only conclude that an industry in the United States is not being injured nor is likely to be injured nor is prevented from being established by reason of the importation of Canadian ice cream sandwich wafers sold in the United States at less than fair value.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-1740 Filed 2-4-72;8:48 am]

U.S. COURT OF CLAIMS

[General Order No. 1]

ALASKA NATIVE CLAIMS SETTLEMENT

Claims for Fees and Expenses

FEBRUARY 2, 1972.

Procedure in claims for fees and expenses pursuant to sec. 20 of the Alaska Native Claims Settlement Act (Public Law No. 92-203, 92d Cong., First Session, Dec. 18, 1971, 84 Stat. 688), before the Chief Commissioner, United States Court of Claims.

1. *Purpose.* The purpose of this order is to establish guidelines and procedures applicable to the filing of claims and answers thereto before the Chief Commissioner, pursuant to the enabling Act cited in the caption. This order may be amended or supplemented and subsequent orders will issue pertaining to procedures beyond the pleading stage.[1] Where rules of the U.S. Court of Claims are cited in any General Order, they are adopted by reference. (Section 20(d) (7) of the enabling Act.) The rules may be obtained from the Clerk or found in title 28, United States Code.

2. *Captions.* The role of the U.S. Court of Claims in these matters is ministerial and only to provide the facilities and personnel for adjudication of these claims without itself being involved in the decision-making process. None of the claims are before the court and none are subject to any judicial review. (Section 20(d) (8) and (10).) Accordingly, all papers of the parties shall be captioned as follows and designated as either (1) for fees and expenses (for attorneys and/or consultants) under section 20 (b), (c), and (d) or (ii) for native association costs under section 20(g):

Before the Chief Commissioner of the U.S. Court of Claims, pursuant to the Alaska Native Claims Settlement Act, section 20, Public Law No. 92-203, 85 Stat. 688.

No. ----------

John Doe, or ---------- Association of Natives, Claimant.

Attorney (and/or Consultant)[2] Fees and Expenses (section 20 (b), (c), (d)) or Native Association Costs (section 20(g)).

(Filed: ----------, 1972)

3. *Attorneys.* Individual parties, including bona fide associations of natives, may present their own claims or may be represented by an attorney duly admitted to practice law before the U.S. Court of Claims or who, with his petition, certifies to the Clerk that he is a member in good standing of the bar of the highest court of the jurisdiction of the United States in which admitted. If a claim for a native association is presented by a nonattorney, such petition shall have attached thereto a power of attorney from the association identifying him as a member thereof and satisfactorily showing that he has authority from the association to prosecute the claim and to accept service on behalf of the association of all papers in connection therewith. Said power of attorney shall be executed by an officer of the association authorized to do so and shall be authenticated by a person authorized to administer oaths and affix his seal thereto.

4. *Pleadings allowed; filing; service*—(a) *Generally.* Every claim shall be commenced by the filing of a petition with the Clerk of the U.S. Court of Claims, 717 Madison Place NW., Washington, DC 20005, and by payment of the filing fee specified by Rule 221. The Clerk will docket and serve the petition as required by section 20(d)(5) of the Act. (Rules 22(a) and 23.) Those served may answer as shown in paragraph 6 of this order. Claims under section 20 (b), (c), and (d) and under section 20(g) of the Act shall not be combined in the same petition, nor shall answers thereto, if any, be so combined. Claims under section 20(g) shall not include any amount for attorney and consultant fees and out-of-pocket expenses. Claims for attorney and consultant fees and out-of-pocket expenses under section 20 (b), (c), and (d) shall not include any costs claimable under section 20(g).

(b) *Signature; oath.* All pleadings and papers shall be signed and sworn to under oath. The manner and effect of signatures will be as further described by Rules 42 and 203.

(c) *Service; time.* Date of service shall be the date of filing with the Clerk. At the time of serving a pleading or other paper, the Clerk shall enter the fact of service on his docket and this record, together with the date stamped on the paper, will be final and conclusive evidence of the date of filing the same and service thereof. Time will be affected as shown by Rule 25 (a) and (d). Claims not filed within the times limited by the Act are forever barred. (From December 18, 1971: 1 year for attorneys and consultants; 6 months for native associations. Section 20 (c) and (g).)

5. *Content of petition.* Each pleading shall be simple, concise, direct, in separate numbered paragraphs (Rule 34 (b) and (c)), and meet, insofar as possible, the following basic minimum requirements:

(a) The name and address of any person or association making claim for services rendered or expenses incurred shall be shown and an explanation shall be given of the capacity of such a person or association to claim, whether as an attorney duly admitted to practice in a given jurisdiction, or as a consultant, or as a bona fide native association.

(b) The name and address of the individual, or entity on whose behalf the services were rendered or expenses were incurred, shall be stated.

(c) There shall be a statement of the time and place where the claim arose, and the items and amounts claimed. Where the claim is based upon a written contract, a certified true copy thereof shall be annexed to the petition.

(d) The claim shall state in detail the nature of the service rendered or expenses incurred and explain the reasonableness thereof, the time and labor required, the need for providing the service or incurring the expenses, whether the same was intended to be, in whole or in part, a voluntary public service or compensable, and the relationship of the service or expenses to the enactment of proposed legislation identified by bill number, title, hearing dates, report numbers, committees, and Congress. (Section 20(d) (2) and (3).)

(3) Any action taken on the claim by Congress or by any department or agency of the United States, or by claimant's client, including reimbursement or compensation made in whole or in part, shall be stated. (Section 20(d)(1).) If the claim is predicated in whole or in part upon services or expenses in connection with an action dismissed before any court or Government agency by this Act, a copy of the order of dismissal shall be attached.

(f) If the claim is based on or supported by any books of account, time, or other records, the petition shall so state and shall be accompanied by a statement (schedule), under oath by the author thereof. This statement shall itemize the basic figures, costs, and rates of the claim and include a computation of the total amount of each item that is based upon or derived from books of account or other records. Each separate portion of the statement shall contain a reference showing the particular books and records and pages thereof from which it was taken. Where the statement includes items based upon allocations of entries, it shall itemize the same for the period involved and shall show the accounting method or principle upon which the allocations were made. The statement shall be accompanied by a declaration that the books and records upon which it is based (including ledgers, journals, payrolls, original invoices, vouchers, checks, notes, and other records and documents needed for a verification of amounts asserted) will be made available for examination on direction of the Chief Commissioner or his designee. The statement shall show the address where such records may be examined or offer to submit them for audit to the Chief Commissioner or his designee in Washington, D.C., and shall further show the name and address of the person who prepared the records and who will be made available for the furnishing of information in connection with the examination. Where books and records supporting a claim are not identified and made available as required herein, the commissioner in his discretion may refuse to receive them in evidence or may prohibit their use otherwise.

(g) Where the claimant is the owner by assignment or other transfer of the claim, in whole or in part, he shall attach to the petition a certified true copy of all instruments of assignment or transfer, and an affidavit setting forth the true consideration paid therefor and stating that the claimant is the bona fide holder and owner thereof and whether or not the claim was purchased for the purpose of instituting a claim in these proceedings. In addition, the information required by this subparagraph shall be included with respect to the claimant's assignor or transferor and any prior assignors or transferors.

(h) The payment to which the pleader deems himself entitled shall be stated.

6. *Defenses*—(a) *Generally.* An answer, contesting any claim filed pursuant to section 20 of the Act, may be filed within 90 days of the date of service of the petition. (Section 20(d)(5) and paragraph 4 of this order.) All answers shall be filed with the Clerk. There shall be separate answers to separate petitions and such answers shall not be combined in the same pleading.

(b) *Form of denials.* An interested party desiring to challenge a claim shall in his answer state in short and plain terms his defenses or objections thereto and shall admit or deny the averments upon which the adverse party relies. Unless the pleader intends in good faith to controvert all the averments of the claim he may make his denials as specific denials of designated averments or paragraphs, or he may generally deny all the averments except such designated averments or paragraphs as he expressly admits. If the pleader is unable to obtain knowledge or information sufficient for him to form a belief as to the truth of an averment, the answer shall so state and such statement shall have the effect of a denial.

(c) *Affirmative defenses.* An answer shall set forth affirmatively the defenses of accord and satisfaction, duress, estoppel, failure of consideration, fraud, illegality, laches, license, payment, release, res judicata, statute of limitations, waiver, mistake, denial of performance or occurrence, and any other matter constituting an avoidance or affirmative defense. (Rule 37(b).)

(d) *Service; signatures.* Answers shall be docketed and served in the same manner as claims presented by petitions and shall be signed as required by Rule 42 and subject to requirements of service and time as provided in paragraph 4 of this order.

7. *Motions*—(a) *Generally.* Every application for an order shall be by written motion filed with the Clerk. The motion shall set forth the relief or order sought and shall state with particularity the grounds therefor. The provisions of this order relating to captions, signing, service, duplication and number of copies shall apply to all motions and related papers filed pertaining to these claims. Any brief, memorandum or affidavit in support of any motion or in support of any objections or response to a motion, shall be included in or attached to each copy of such motion, objections, or response.

(b) *Objections and responses.* Objections or a response to a motion shall be filed within 15 days after service of such a motion: *Provided,* That if a motion states that the adverse party or parties against whom the motion is directed have no objection thereto, it may be acted upon as soon after filing as practicable, without awaiting the expiration of the 15-day period. No reply to an objection or response to a motion shall be allowed except upon order.

[1] Transcript, p. 31, underlining ours. David O. Clark is the President of Southern Biscuit Co., Weston Biscuit Co., and American Biscuit Co., all U.S. subsidiaries of Weston, Ltd., a diversified Canadian firm and one of the two U.S. producers of ice cream sandwich wafers. Burry Division of Quaker Oats Co. is the other U.S. producer.

[1] Suggestions of interested parties for the content of future Orders pertaining to procedures, including hearings in these matters before trial commissioners and review panels, provided by section 20, will be appreciated and considered by the Chief Commissioner. This Order, of necessity, issues sua sponte in the absence of knowledge of the identity and number of all interested parties.

[2] Select appropriate heading for petition.

FEB 5 72 XUM

(c) *Action on motions.* A motion shall be acted upon by the Chief Commissioner or, if he has assigned a claim to a trial commissioner or review panel, it shall be acted upon by said commissioner or panel, depending upon the stage of the proceedings at the time the motion is filed. The commissioner's ruling on the motion shall be by order filed with the Clerk who shall promptly notify the parties thereof. There shall be no appeal therefrom on matters arising under this order, but the commissioner may entertain a motion for reconsideration.

8. *Duplication; copies.* Duplication may be by clearly legible xerography, multilith, offset, or their equivalent. One hundred (100) copies of each petition, each answer, each motion and each response thereto, as well as all attachments to any paper filed, shall be required. It is not now known how many parties will be involved. If the number of copies here specified proves insufficient for service on all persons appearing to have an interest in a claim (or for use of the Chief Commissioner or his designees), claimants, or interested parties filing papers will be required, on direction, to furnish to the Clerk such additional copies as shall be required..

9. *Sanctions.* Section 20(d)(8) of the Act provides: "Any sanction authorized by the rules of practice of the Court of Claims, except contempt, may be imposed on any claimant, witness, or attorney by the trial commissioner, review panel, or Chief Commissioner."

MARION T. BENNETT,
Chief Commissioner.

[FR Doc.72-1745 Filed 2-4-72;8:49 am]

WATER RESOURCES COUNCIL

PROPOSED PRINCIPLES AND STANDARDS FOR PLANNING WATER AND RELATED LAND RESOURCES

Notice of Additional Hearings

In the FEDERAL REGISTER for December 21, 1971 (36 F.R. 24144) the Council gave notice of a period of public review and comment, commencing as of December 21, 1971, and terminating March 31, 1972, on the Council's proposed Principles and Standards for Planning Water and Related Land Resources, which were published as part of the notice, and which included a draft environmental statement.

Notice was also given that as part of the review, a public hearing would be held at the National Museum of History and Technology, 14th Street and Constitution Avenue NW., Washington, DC, on March 20 and 21, 1972, commencing each day at 10 a.m. (use Constitution Avenue entrance, Conference Room to left after entering).

Reaction to the earlier notice and publication of the Council's proposals has indicated the desirability of holding hearings in addition to the hearing in Washington, D.C. Accordingly, the Council has scheduled two additional public hearings as part of the previously announced period of public review and comment on the Council's proposals.

1. *Time and place.* San Francisco, Calif.:

Hearing Room No. 13450, Federal Office Building, 450 Golden Gate Avenue, March 13, 1972, commencing at 7 p.m. and March 14, 1972, commencing at 10 a.m.

St. Louis, Mo.:

Auditorium, St. Louis Engineers Club, 5359 Lindell Boulevard, March 15, 1972, commencing at 7 p.m. and March 16, 1972, commencing at 10 a.m.

2. *Purpose.* The purpose of this public review and hearing is to obtain, prior to formal Council recommendation for Presidential approval, the views of the interested public on principles and standards proposed by the Water Resources Council, pursuant to the Water Resources Planning Act of 1965 (Public Law 89-80), for Federal participation with river basin commissions, States, and others in the preparation, formulation, evaluation, review, revision, and transmission to the Congress of plans for States, regions, and river basins; and for planning of Federal and certain federally assisted water and land resource programs and projects.

A separate draft environmental statement of the proposed principles and standards has been prepared pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 90-190) and implementing guidelines, and the views of the interested public on it will be considered during the same period of public review and at the public hearing.

3. *Availability of proposal.* The texts of the proposed principles and standards and the draft environmental statement are published in Part II, Volume 36, No. 245 of the FEDERAL REGISTER (36 F.R. 24144). Reprints are available from the Water Resources Council, 2120 L Street NW., Washington, DC 20037.

4. *Written statements.* Written views and comments will be introduced into the record if they are submitted to the Director, Water Resources Council, 2120 L Street NW., Washington, DC 20037, no later than March 31, 1972, or to the hearing officer at the public hearings. All statements should clearly indicate whether they are directed to the proposed principles and standards, to the separate draft environmental statement, or to both.

5. *Oral statements.* Views and comments may be presented at the hearings orally or by submitting a written statement for the record, as set out in paragraph 4 above. Notice of intention to present an oral statement should be provided to the Director, Water Resources Council, 2120 L Street NW., Washington, DC 20037, no later than noon, March 10, 1972, with an advance copy of the statement if available. Such notice, as well as the statement itself, should clearly indicate whether it is directed to the proposed principles and standards, to the separate draft environmental statement, or to both. For the convenience of all those who wish to present views, the Council will attempt to schedule persons speaking on their own behalf during the evening portion of the hearings, and persons speaking on behalf of organizations during the morning and afternoon sessions. The Council will attempt to schedule the presentation of those persons who fail to observe the March 10, 1972, deadline as time permits. If necessary to accommodate all those wishing to present oral statements, the hearing officer may limit such statements to 30 minutes. Any person so limited may submit a written extension of his remarks for incorporation into the record, provided he does so within the deadline set out in paragraph 4 above.

6. *Availability of record.* The record of views and comments received during the public review period, including a transcript of the hearings, will be maintained for public inspection at the headquarters of the Water Resources Council, 2120 L Street NW., Washington, DC 20037. Copies of the record, or portions thereof, will be furnished by the Council to any member of the public upon payment of the cost of reproducing the copies desired.

7. *Background of proposal.* These proposed principles and standards are based on over 2 years of intensive effort by the Water Resources Council.

The Council appointed a special task force to review evaluation practices currently used in planning. An initial public hearing was held in January 1969 to solicit public views. A preliminary report of the special task force proposing a multiobjective approach to planning water and land resources was published by the Council in June 1969. The Council directed that the issues and the proposals in the report be widely discussed and tested on existing projects.

Nine public hearings were held at which about 200 oral statements were presented and nearly 400 other statements were submitted for the record. The preliminary task force report, of which about 5,000 copies have been distributed, has been the subject of discussion at numerous meetings and seminars. The report has been extensively reviewed by several Federal agencies and river basins commissions. In addition, 19 field tests have been made of the proposed procedures based on the preliminary task force report. On the basis of this information and suggestions of numerous experts from Federal and State Governments, universities, and other sources the task force submitted its final recommendations to the Water Resources Council in August 1970.

After careful consideration, the Council has made certain revisions in the task force recommendations and has tentatively adopted the revised principles and standards, subject to public review and comment and Presidential approval.

8. *Effect.* The principles and standards, when approved, will supersede the Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources, approved by the President, May 15, 1962, printed as Senate Document No. 97, 87th Congress, second session, together with Supplement No. 1 thereto, June 4, 1964, "Evaluation Standards for Primary Outdoor Recreation Benefits," and the amendment of December 24, 1968, 18 CFR 704.39, *Discount rate.*

W. DON MAUGHAN,
Director,
Water Resources Council.

[FR Doc.72-1739 Filed 2-4-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 2, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 117465 Sub 17, Beaver Express Service, Inc., doing business as Beaver Express, now assigned February 7, 1972, at Amarillo, Tex., postponed indefinitely.

MC 51146 Sub 223, Schneider Transport & Storage, Inc., now assigned February 3, 1972, at Washington, D.C., is canceled and application dismissed.

MC-FC-72239, Denny Truck Lines, Transferee and Stevens Truck Lines, Internal Revenue Service Successor-in-Interest, Transferor, MC-F-11167, H. C. Gabler—Purchase (Portion)—Stevens Truck Lines (Internal Revenue Service, Successor-in-Interest), MC-F-11197, Rogers Transfer, Inc., MC-F-11199, Mercury Motor Express, MC-F-11230, Bowen Trucking, MC-F-11231, Davis & Randall, MC-F-11266, Redwing Refrigerated, MC 135454 Sub 3, Denny Truck Lines, now being assigned hearing April 4, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-11305, Terminal Transport Co., Inc.—Purchase (Portion)—Deaton, Inc., assigned February 28, 1972, at Birmingham, Ala., postponed indefinitely.

W-1255, Potomac Boat Tours, Inc., now assigned February 7, 1972, at Washington, D.C., canceled and application dismissed.

MC 113678 Sub 423, Curtis, Inc., now assigned February 11, 1972, at Chicago, Ill., canceled and application dismissed.

MC-F-11252 (FD 26969 DR) IML Freight, INC.—Purchase (Portion)—Michigan Express, Inc., assigned February 14, 1972, at Chicago, Ill., is postponed indefinitely.

MC 61592 Sub 222, Jenkins Truck Line, heard January 24, through January 25, 1972, at Memphis, Tenn., has been continued to March 21, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 115841 Sub 410, Colonial Refrigerated Transportation, heard January 26, 1972, at Memphis, Tenn., has been continued to March 22, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-11169, International Cartage, Inc.—Purchase (Portion)—Mohawk Motor, Inc., heard January 25, through January 26, 1972, at Chicago, Ill., has been continued to February 22, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-11218, Home Transportation Co., Inc. — Purchase (Portion) — Machinery Transports, Inc., now assigned February 26, 1972, at Chicago, Ill., postponed indefinitely.

MC-C-7407, The Aetna Freight Lines, Inc., and Victory Freight Lines, Inc.—Investigation and Revocation of Certificates, now assigned February 22, 1972, at Birmingham, Ala., is postponed indefinitely.

MC 128273 Sub 45, Midwestern Express, Inc., application dismissed.

MC 1367 Sub 5, Owl Transfer & Storage, now assigned February 14, 1972, at Seattle, Wash., postponed to March 20, 1972, at Seattle, Wash., in a hearing room to be designated later.

MC 29910 Sub 101, Arkansas-Best Freight System, Inc., assigned February 22, 1972, at New Orleans, La., canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1764 Filed 2-4-72;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 2, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42345—*Aniline oil from Pascagoula, Miss.* Filed by M. B. Hart, Jr., agent (No. A6296), for interested rail carriers. Rates on oil, aniline, in tank carloads, as described in the application, from Pascagoula, Miss., to East St. Louis, Ill.

Grounds for relief—Market competition.

Tariff—Supplement 166 to Southern Freight Association, agent, tariff ICC S-800. Rates are published to become effective on March 9, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1763 Filed 2-4-72;8:49 am]

[Notice 11]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice.

Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35443. By order of January 27, 1972, the Motor Carrier Board approved the lease by J & P Properties, Inc., Miami, Fla., of the certificates in the No. MC-118282 series and the permit in No. MC-125811 issued to Transystems, Inc., Miami, Fla., the said common carrier operating rights authorizing the transportation of such commodities as are dealt in or used by nurseries, between points in Florida, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and numerous specified commodities, including frozen fruits, frozen bakery goods, frozen vegetables, fruit products and fruit byproducts (not frozen), canned goods, building materials, and new furniture, to and from named points in the United States generally east of the Mississippi River, and the said contract carrier operating rights authorizing the transportation of sheet and plate plastic material, from Wisconsin Rapids, Wis., to Miami and Tampa, Fla., and from Lowell, Mass., to Atlanta, Ga., Miami and Tampa, Fla., and New Orleans, La., and liquid adhesive and glue, from Buffalo, N.Y., to Atlanta, Ga.; and Miami and Tampa, Fla. Dual operations were approved. Frank D. Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326, attorney for applicants.

No. MC-FC-73311. By order of January 28, 1972, the Motor Carrier Board approved the transfer to E. W. Peery, doing business as Peery Trucking Co., Dyersburg, Tenn., of the operating rights set forth in permits No. MC-123347, MC-123347 (Sub-No. 2), and MC-123347 (Sub-No. 3), issued September 10, 1964, June 8, 1966, and October 3, 1967, to Ajax Transfer Co., Inc., Memphis, Tenn., authorizing the transportation of corrugated metal pipe, and fittings, accessories and attachments thereof, and septic tanks, from the plantsite of Armco Steel Corp., Memphis, Tenn., to points in Arkansas and Mississippi; steel pipe, steel retaining walls, and pipe-piling corrugated steel, steel sheeting, guard rails, and fittings, parts, and attachments used in connection with the fabrication and installation of such items, from Middletown, Ohio, to Memphis, Tenn., and points in Arkansas and Mississippi; from Memphis, Tenn., to points in Arkansas, Mississippi, Kentucky, Illinois, and Missouri; steel pipe and fittings, from Topeka, Kans., to Memphis, Tenn.; steel pipe, steel retaining walls, and pipe-piling corrugated steel, steel sheeting, guard rails, and fittings, parts, and attachments used in connection with the fabrication and installation of such items, from the

FEB 5 1972

plantsites of Armco Steel Corp. at Middletown, Ohio, and Memphis, Tenn., to points in Oklahoma, Texas, Louisiana, Alabama, and Georgia; and steel pipe and fittings, from the plantsite of Armco Steel Corp. at Topeka, Kans., to points in Arkansas, Mississippi, Missouri, Illinois, Kentucky, Oklahoma, Texas, Louisiana, Alabama, and Georgia. E. Connor Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103, attorney for applicants.

No. MC-FC-73414. By order of January 31, 1972, the Motor Carrier Board approved the transfer to Marshall Motor Coach, Inc., Marshalltown, Iowa, of the operating rights in certificate No. MC-119961 (Sub-No. 2) issued February 19, 1963, to Chester Hodgdon, doing business as Marshall Motor Coach, Marshalltown, Iowa, authorizing the transportation of passengers, and their baggage, in round-trip charter operations, beginning and ending at points in Poweshiek, Marion, Tuna, and Jasper Counties, Iowa, and extending to points in Missouri, Illinois, Wisconsin, Minnesota, South Dakota, Nebraska, and Colorado. Rex J. Ryden, 112 West Church Street, Marshalltown, IA 50158, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-1762 Filed 2-4-72;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATIONS:	
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3967 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
EXECUTIVE ORDERS:	
11248 (amended by EO 11641)	2421
11568 (see EO 11642)	2565
11641	2421
11642	2565
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567

5 CFR

	Page
213	2423, 2491
PROPOSED RULES:	
900	2589

6 CFR

	Page
101	2491, 2678
102	2478
200	2479
311	2480

7 CFR

	Page
51	2745
53	2745
501	2423
502	2424
706	2491
724	2745
726	2496
729	2645, 2765
811	2659
905	2660
906	2765
907	2569
910	2426, 2766
1065	2497
1871	2569
PROPOSED RULES:	
59	2775
81	2778

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
726	2774
729	2775
982	2515
993	2515
1434	2775

8 CFR

	Page
214	2766
238	2766
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

	Page
11	2426
82	2429, 2498
97	2430
113	2430
301	2681
311	2661
315	2661
PROPOSED RULES	
316	2779
317	2779

12 CFR

	Page
PROPOSED RULES:	
529	2447
750	2594

13 CFR

	Page
120	2569

14 CFR

	Page
39	2498, 2570, 2662
71	2570–2572
73	2499
75	2499, 2500, 2572, 2767
95	2573
97	2662
121	2500
221	2664
241	2501

14 CFR—Continued

	Page
PROPOSED RULES:	
61	2523
67	2523
71	2524, 2587, 2682, 2683
103	2587, 2588
121	2523, 2684
127	2523
183	2523

15 CFR

	Page
377	2430

16 CFR

	Page
13	2575, 2576, 2578–2581
PROPOSED RULES:	
432	2454

17 CFR

	Page
PROPOSED RULES:	
230	2596, 2598
239	2596, 2598

18 CFR

	Page
2	2502
PROPOSED RULES:	
101	2451
104	2451
105	2451
141	2451
260	2451

19 CFR

	Page
12	2430, 2665
PROPOSED RULES:	
1	2443
11	2509
134	2509

20 CFR

	Page
614	2434
617	2434
PROPOSED RULES:	
620	2684

21 CFR

	Page
3	2503
121	2437
141c	2665
146a	2665
146c	2665
146e	2665
148n	2665
149a	2438
PROPOSED RULES:	
135	2444

22 CFR

	Page
41	2439

24 CFR

	Page
600	2665
1710	2768
1914	2505
1915	2505

25 CFR

	Page
221	2506
PROPOSED RULES:	
43h	2679

26 CFR

	Page
1	2506
301	2481, 2506
PROPOSED RULES:	
1	2773

28 CFR

	Page
9	2768
45	2769

29 CFR

	Page
1904	2439
PROPOSED RULES:	
460	2443
1926	2443

31 CFR

	Page
316	2554

32 CFR

	Page
1801	2672
1808	2673

32A CFR

	Page
Ch. X:	
OI Reg. 1	2439

33 CFR

	Page
PROPOSED RULES:	
110	2446, 2447, 2587
117	2521, 2522

37 CFR

	Page
PROPOSED RULES:	
1	2520

38 CFR

	Page
1	2676

39 CFR

	Page
Ch. I	2423

40 CFR

	Page
52	2581
85	2432
106	2433
180	2676

41 CFR

	Page
1–2	2769
1–7	2769
1–12	2769
1–16	2771
5A–8	2507
5A–73	2441
8–14	2508
8–74	2508
101–27	2771

41 CFR—Continued

	Page
PROPOSED RULES:	
14–10	2680

43 CFR

	Page
2	2677
PUBLIC LAND ORDER:	
5154	2677

45 CFR

	Page
PROPOSED RULES:	
118	2779
143	2779
220	2445
222	2445

46 CFR

	Page
PROPOSED RULES:	
66	2681
193	2682

47 CFR

	Page
2	2771
21	2583
211	2771
PROPOSED RULES:	
73	2524, 2790
81	2524

49 CFR

	Page
1033	2677
PROPOSED RULES:	
173	2588
178	2588

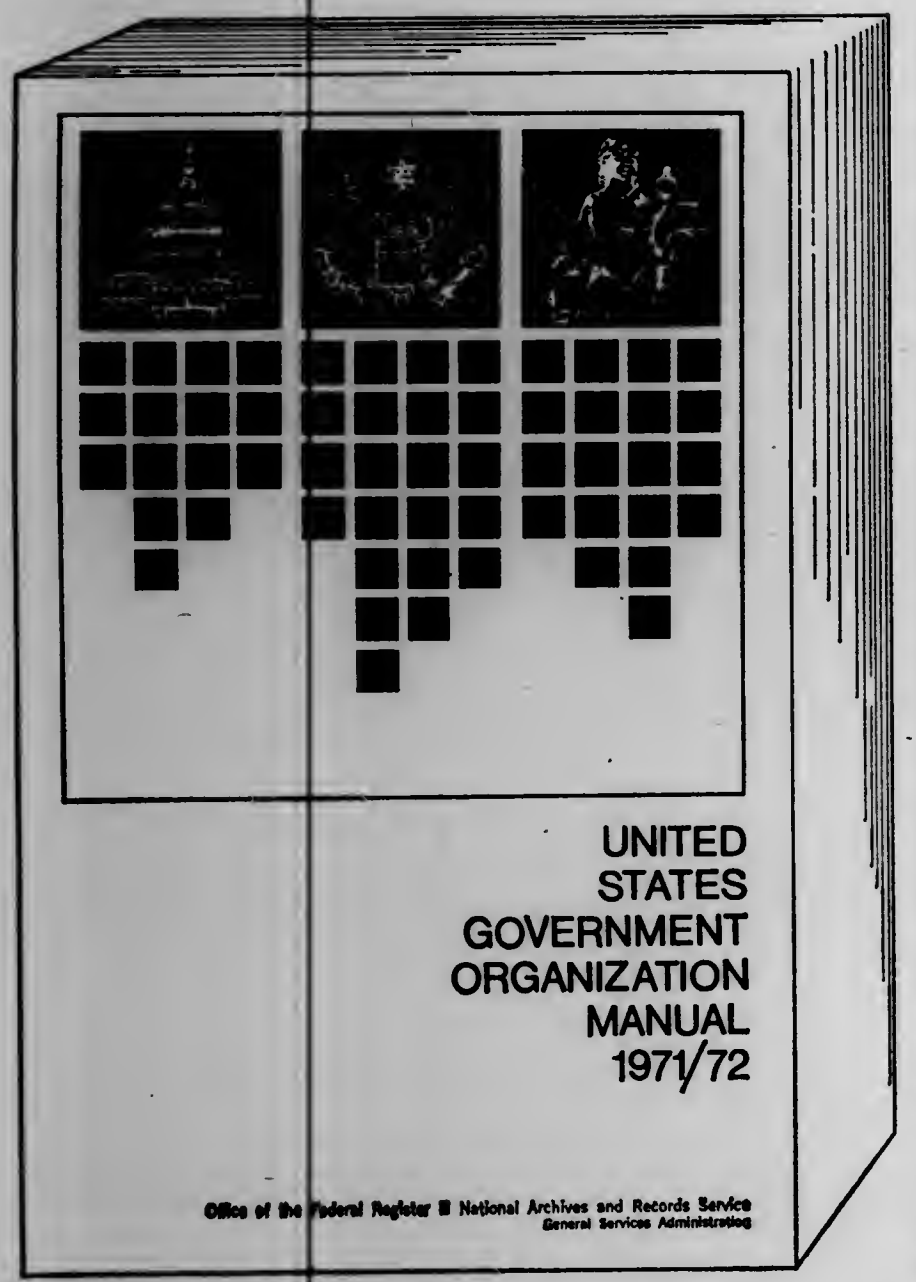
50 CFR

	Page
33	2441, 2502
280	2516
PROPOSED RULES:	
17	2589

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*
2411–2482	Feb. 1
2483–2557	2
2559–2636	3
2637–2737	4
2739–2823	5

FEB 5 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-2

federal register

TUESDAY, FEBRUARY 8, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 26
Pages 2825–2867

ARMY LIBRARY
LAW SECTION

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

NATIONAL SAFE BOATING WEEK—Presidential proclamation designating the week of 7–2–72.... 2831

PRICE POSTING—Price Commission amendment to provide more specific guidelines for retailers; effective 2–7–72..... 2842

PUBLIC UTILITY RATE INCREASES—Price Commission notice setting 2–24–72 as the decision cut-off date for reports received before 1–17–72.. 2859

RURAL ENVIRONMENTAL PROGRAM—USDA changes for the 1972 cost-share assistance program; effective 2–8–72..... 2833

PESTICIDES—
EPA establishment of tolerances for solutions used on celery and corn (2 documents); effective 2–8–72..... 2839
EPA notice proposing exemptions from tolerance requirements for certain kinds of chemicals applied to growing crops..... 2856

RAILROAD ABANDONMENT—ICC notice inviting petitions within 30 days for reconsideration of the new policy..... 2841

PEANUTS—USDA notice of intent to set up the 1972 loan and purchase program; comments within 30 days..... 2844

FLAMMABLE FABRICS—Commerce Dept. notice of a hearing on 2–24–72 to discuss children's sleepwear standards..... 2846

MINORITY MANPOWER—Labor Dept. proposals concerning the awarding of federal construction contracts in St. Louis; comments within 30 days_ 2847

(Continued inside)

V 37 N 26
FEB 8 72
XUM

30-year Reference Volumes
Consolidated Indexes and Tables

Presidential Proclamations and Executive Orders

Consolidated subject indexes and tabular finding aids to Presidential proclamations, Executive orders, and certain other Presidential documents promulgated during a 30-year period (1936–1965) are now available in two separately bound volumes, published under Title 3 of the Code of Federal Regulations, priced as follows:

Title 3, 1936–1965 Consolidated Indexes **$3.50**

Title 3, 1936–1965 Consolidated Tables **$5.25**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

RENEGOTIATION—Board proposal to allow for nonrecurring costs in yearly reviews; comments within 30 days 2849

AIRLINES—CAB notice of the suspension and investigation of a proposal to revise Hawaiian common fares 2855

NEGATIVE OPTION PLANS—FTC proposed requirements; comments by 4–10–72 2848

RURAL ELECTRIFICATION—USDA proposed policy on electric wholesale rates charged by power supply borrowers; comments within 30 days 2846

DRUGS—FDA notice withdrawing approval of certain applications (2 documents) 2851, 2852

Contents

THE PRESIDENT

PROCLAMATION

National Safe Boating Week, 1972 .. 2831

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

National Rural Environmental Assistance Program for 1971 and subsequent years; miscellaneous amendments 2833

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service; Packers and Stockyards Administration; Rural Electrification Administration.

Notices

Washington; designation of area for emergency loans 2851

ATOMIC ENERGY COMMISSION

Notices

Florida Power and Light Co.; availability of applicant's environmental report and supplemental report 2854

Philadelphia Electric Co.; order postponing prehearing conference 2855

CIVIL AERONAUTICS BOARD

Notices

Braniff Airways, Inc.; revised Hawaiian common fares provision; order of investigation and suspension 2855

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
Commerce Department 2842
Defense Department (2 documents) 2841, 2842
Justice Department 2842
Overseas Private Investment Corp 2842

COAST GUARD

Rules and Regulations

Drawbridge operations:
Hood Canal, Wash 2838
Mattapone River, Va 2838
Ontonagon River, Mich 2838
Southern Branch, Elizabeth River, Va 2838

COMMERCE DEPARTMENT

Proposed Rule Making

Children's sleepwear; standard for flammability; hearing 2846

COMMODITY CREDIT CORPORATION

Proposed Rule Making

Peanuts; loan and purchase program, 1972 crop 2844

Notices

Linseed oil (raw) export sales; addition to monthly sales list .. 2851

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Lemons grown in California and Arizona; handling limitation ... 2834

Proposed Rule Making

Potatoes grown in Idaho-Eastern Oregon; redistricting and reapportionment 2844

Tomatoes grown in Florida; decision and referendum order 2845

ECONOMIC OPPORTUNITY OFFICE

Rules and Regulations

Employees; standards of conduct .. 2840

EMERGENCY PREPAREDNESS OFFICE

Notices

Washington; major disaster and related determinations 2859

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions from tolerances:
Chloroxuron 2839
S-propyl dipropylthiocarbamate 2839

Notices

Rohm and Haas Co.; pesticide chemicals; petition filings (2 documents) 2856

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Cessna 300 and 400 Series airplanes; airworthiness directive .. 2835
Control zone and transition area; alteration 2835
Reporting points:
Alteration 2836
Revocation 2837
Restricted area, federal airways and continental control area; alteration 2837
Transition areas:
Alterations (2 documents) 2836
Designations (2 documents) .. 2835, 2836

Proposed Rule Making

Restricted areas; designation 2847

FEDERAL CONTRACT COMPLIANCE OFFICE

Proposed Rule Making

St. Louis Plan; requirements, terms and conditions of awarding federal construction contracts 2847

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
Japan-Atlantic & Gulf Freight Conference 2856
Japan-Puerto Rico & Virgin Islands Freight Conference 2856

(Continued on next page)

V 37-26
FEB 8 72
XUM

FEDERAL RESERVE SYSTEM

Notices

Bank holding companies; formations:
- Bancal Tri-State Corp. 2857
- Midland Mortgage Corp. 2857
- Northern States Financial Corp. 2858
- Port Huron Financial Co. 2858

First Chicago Corp.; order approving acquisition of I. J. Markin & Co. 2857

First City Bancorporation of Texas, Inc.; acquisition of bank 2859

Mountain Banks, Ltd.; proposed acquisition of Rocky Mountain Financial Services, Inc.; correction 2857

OTC margin stock; changes in list 2859

U.S. Bancorp; order denying determination 2858

FEDERAL TRADE COMMISSION

Proposed Rule Making

Home entertainment products; power output of amplifiers; correction 2849

Sellers in commerce; negative option plan 2848

FISH AND WILDLIFE SERVICE

Rules and Regulations

Browns Park National Wildlife Refuge, Colo.; sport fishing 2841

FOOD AND DRUG ADMINISTRATION

Notices

New drug applications; withdrawals of approval:
- High Chemical Co. et al. 2851
- S. E. Massengill Co. et al. 2852

FOREIGN-TRADE ZONES BOARD

Notices

Little Rock, Ark.; application for foreign-trade zone; hearing 2866

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Public Health Service.

Notices

Health Services and Mental Health Administration; statement of organization, functions, and delegations of authority (2 documents) 2852, 2853

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Assistant Regional Administrator for Administration et al.; designation to serve as Acting Regional Administrator, Region VIII 2854

Deputy Regional Administrator et al.; designation to serve as Acting Regional Administrator, Region I 2854

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Abandonment of railroad line; petitions for reconsideration or for hearing 2841

Notices

Increased freight rates and charges, 1972 2864

Motor carrier:
- Temporary authority applications 2863
- Transfer proceedings 2864

LABOR DEPARTMENT

See also Federal Contract Compliance Office.

Notices

Extended unemployment compensation:
- Oregon; termination 2862
- Washington; availability 2863

LAND MANAGEMENT BUREAU

Rules and Regulations

California; public land order 2840

Notices

Nevada; order opening public land 2851

PACKERS AND STOCKYARDS ADMINISTRATION

Notices

Valley Stockyards, Inc., et al; proposed posting of stockyards 2851

PRICE COMMISSION

Rules and Regulations

Price stabilization; price posting guidelines for retail establishments 2842

Notices

Public utilities; final action on rate increases reported prior to Jan. 17, 1972 2859

PUBLIC HEALTH SERVICE

Notices

Licensed biological products 2853

RENEGOTIATION BOARD

Proposed Rule Making

Nonrecurring costs of prior years 2849

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rule Making

Power supply borrowers; electric wholesale rates 2846

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
- GM Shares, Inc. 2860
- New England Electric System and New England Power Co. 2860
- Northeast Utilities 2860
- Stratford Fund, Inc. 2861
- Universal Acceptance Corp. et al 2862

SMALL BUSINESS ADMINISTRATION

Notices

Authority delegations:
- Assistant Administrator for Administration; disaster functions 2862
- Associate Administrator for Operations and Investment; disaster operations 2862

Cedco Capital Corp.; issuance of license to operate as minority enterprise small business investment company 2862

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

PROCLAMATION:
4105 2831

EXECUTIVE ORDER:
5237 (partially revoked by PLO 5155) 2840

5 CFR

213 (5 documents) 2841, 2842

6 CFR

300 2842

7 CFR

701 2833
910 2834

PROPOSED RULES:
945 2844
966 2845
1421 2844
1446 2844
1701 2846

14 CFR

39 2835
71 (8 documents) 2835–2837
73 2837

PROPOSED RULES:
73 2847

15 CFR

PROPOSED RULES:
7 2846

16 CFR

PROPOSED RULES:
425 2848
432 2849

32 CFR

PROPOSED RULES:
1499 2849

33 CFR

117 (4 documents) 2838

40 CFR

180 (2 documents) 2839

41 CFR

PROPOSED RULES:
60–7 2847

43 CFR

PUBLIC LAND ORDER:
5155 2840

45 CFR

1015 2840

49 CFR

1211 2841

50 CFR

33 2841

V 37 26
FEB 8 72
XUM

Presidential Documents

Title 3—The President

PROCLAMATION 4105

National Safe Boating Week, 1972

By the President of the United States of America

A Proclamation

Boating on our Nation's waterways has become a source of recreational pleasure for a rapidly increasing number of Americans. Increased use means more enjoyment for more people, but it carries with it an increased responsibility as well. Those who use our waterways must take greater care to observe the rules of good seamanship and of boating safety.

To focus national attention on the need for safe boating practices, the Congress, by a joint resolution approved June 4, 1958 (72 Stat. 179), requested the President to proclaim annually the week which includes July 4 as National Safe Boating Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 2, 1972, as National Safe Boating Week.

Many boating tragedies could be avoided through education and common sense. I urge all Americans who use our waterways to take advantage of the numerous boating safety courses offered by governmental and private organizations, such as the United States Coast Guard, the Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross, and various State agencies.

Last August I signed into law the Federal Boat Safety Act of 1971, designed to improve boating safety and to encourage State participation in boating safety efforts. I invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Commissioner of the District of Columbia to cooperate in implementing that act, and in providing for the observance of National Safe Boating Week.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-1918 Filed 2-7-72; 11:15 am]

V 37-26 FEB 8 72 XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

[Amdt. 1]

PART 701—NATIONAL RURAL ENVIRONMENTAL ASSISTANCE PROGRAM FOR 1971 AND SUBSEQUENT YEARS

Miscellaneous Amendments

On September 11, 1971, interested persons were invited to submit proposals and views concerning the Rural Environmental Assistance Program for 1972 (36 F.R. 18289). The responses received have been duly considered in the formulation of this amendment.

This amendment is issued pursuant to the provisions of the Soil Conservation and Domestic Allotment Act, as amended. The basis and purposes of the amendment are as follows:

1. Allocates funds among the States for 1972.

2. Makes ineligible for participation States and State agencies.

3. Makes changes in the practices to be performed under the program so as to place continued emphasis on measures which will result in public and communitywide benefits, including the reduction of agriculture-related pollution problems and long-range protection and enhancement of soil, water, woodland, and wildlife resources. The changes include (a) the combination of practices serving comparable purposes; (b) the deletion of practices B–3 (controlling competitive shrubs) and B–4 (mechanical treatment of noncrop grazing land) because of their production-related aspects; (c) the addition of practice C–8 (streambank or shore protection) for use under pooling agreements and special projects which will provide communitywide benefits; and (d) an increase in the maximum rate of cost-sharing from 30 percent to 50 percent for practices for the development of springs and the installation of pipelines for livestock water (B–5) and for spreader ditches and dikes (C–5).

5. Incorporates by reference the regulations in Part 796 prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them.

6. Provides minor technical changes in the administration of the program.

The regulations governing the National Rural Environmental Assistance Program for 1971 and Subsequent Years, 36 F.R. 18289, are hereby amended effective with respect to the 1972 program year as follows:

1. Section 701.3 is amended by revising the first sentences of paragraphs (c) and (f) to read as follows:

§ 701.3 Definitions.

* * * * * *

(c) "Person," or "farmer," or "rancher" means an individual, partnership, association, corporation, estate, trust, or other business enterprise, or other legal entity (excluding Federal agencies, States, and State agencies, but not excluding political subdivisions of a State) that, as owner, landlord, tenant, or sharecropper, participates in the operation of a farm or ranch. * * *

* * * * * *

(f) "State program development group" means the State committee, the State director of extension, the State conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State. * * *

* * * * * *

2. Section 701.4 is amended by adding a new paragraph (d) to read as follows:

§ 701.4 State funds.

* * * * * *

(d) The allocation of funds among the States for 1972 is as follows:

Alabama	$4,964,000
Alaska	101,000
Arizona	1,600,000
Arkansas	4,226,000
California	5,062,000
Colorado	3,887,000
Connecticut	389,000
Delaware	262,000
Florida	3,440,000
Georgia	5,965,000
Hawaii	247,000
Idaho	2,165,000
Illinois	7,151,000
Indiana	4,756,000
Iowa	7,860,000
Kansas	6,355,000
Kentucky	5,786,000
Louisiana	3,880,000
Maine	1,220,000
Maryland	1,141,000
Massachusetts	454,000
Michigan	4,247,000
Minnesota	6,061,000
Mississippi	5,350,000
Missouri	7,462,000
Montana	5,010,000
Nebraska	5,220,000
Nevada	693,000
New Hampshire	454,000
New Jersey	624,000
New Mexico	2,245,000
New York	4,429,000
North Carolina	5,337,000
North Dakota	5,092,000
Ohio	4,937,000
Oklahoma	5,930,000
Oregon	2,706,000
Pennsylvania	4,091,000
Puerto Rico	702,000
Rhode Island	65,000
South Carolina	3,035,000
South Dakota	3,964,000
Tennessee	4,608,000
Texas	17,450,000
Utah	1,378,000
Vermont	901,000
Virginia	3,696,000
Virgin Islands	14,000
Washington	2,934,000
West Virginia	1,456,000
Wisconsin	5,048,000
Wyoming	1,946,000
Total	188,000,000

§ 701.8 [Amended]

3. Section 701.8 is amended by striking out in the third sentence the words "the State agency having responsibility for wildlife conservation" and substituting the words "the State and Federal agencies having responsibility for wildlife conservation".

4. Section 701.13 is amended by revising paragraph (a) to read as follows:

§ 701.13 Use of liming materials and commercial fertilizers for vegetative cover.

(a) Cost-sharing for liming materials and fertilizer shall be limited to the minimum application needed for successful establishment or improvement of the eligible vegetative cover. The minimum application shall be determined on the basis of a soil test as prescribed in instructions issued by the Deputy Administrator.

* * * * * *

5. Section 701.14 is amended by revising the first sentence of paragraph (b) to read as follows:

§ 701.14 Responsibility for technical phases of practices.

* * * * * *

(b) The Forest Service is responsible for the technical phases of practices A–7 (for plantings primarily for the production of forest products) and B–10 (§§ 701.71(d) and 701.72(d)). * * *

6. Section 701.15 is amended by revising the second sentence of paragraph (a) to read as follows:

§ 701.15 Rates of cost-sharing.

(a) * * * Rates of cost-sharing shall not be in excess of 50 percent of the average cost (30 percent of the average cost for practices C–12, D–1, E–1, and E–2 (§§ 701.73(d), 701.74, and 701.75 (a) and (b)) and 80 percent of the average cost for practices (A–7 and B–10 (§§ 701.71(d) and 701.72(d)) of performing the practices, except that higher rates of cost-sharing may be approved by the Director, Conservation and Land Use Programs Division, ASCS, for high priority

V 37 26
FEB 8 72
XUM

practices which have enduring conservation and pollution abatement benefits.

• • • • •

§ 701.22 [Amended]

7. Section 701.22 is amended by striking out in the first sentence the words "and other practices where the farmer or rancher establishes that he intended to file a prior request for cost-sharing but was prevented from doing so for reasons beyond his control".

§ 701.27 [Amended]

7a. Section 701.27 is amended by changing the reference to "§ 701.71(e)" in paragraph (a) to "§ 701.71(d)".

8. Section 701.59 is amended by adding a new paragraph (c) to read as follows:

§ 701.59 Availability of funds.

• • • • •

(c) The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use, marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them are applicable to this program.

9. Section 701.60 is amended by revising paragraph (b) to read as follows:

§ 701.60 Program applicability.

• • • • •

(b) The program is not applicable to: (1) Any department or bureau of the U.S. Government or any corporation wholly owned by the United States; (2) any State or State agency (other than political subdivisions of a State); (3) noncropland owned by the United States which was acquired or reserved for conservation purposes, or which is to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service of the U.S. Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act), or the Fish and Wildlife Service of the U.S. Department of the Interior, except as indicated in paragraph (a)(7) of this section; and (4) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

10. Section 701.71 is amended by deleting paragraphs (d) and (f), redesignating paragraph (e) as paragraph (d), and revising paragraph (c) to read as follows:

§ 701.71 Practices primarily for establishment of permanent protective cover.

• • • • •

(c) *Practice A–5.* Establishing a contour or field strip-cropping system to protect soil from wind or water erosion and to prevent or reduce the pollution of water, air, or land.

• • • • •

11. Section 701.72 is revised to read as follows:

§ 701.72 Practices primarily for improvement and protection of established vegetative cover.

(a) *Practice B–1.* Improving or protecting permanent vegetative cover to provide soil or watershed protection and to prevent or reduce the pollution of water, air, or land.

(b) *Practice B–5.* Developing facilities for livestock water as a means of protecting vegetative cover or to make practicable the use of the land for vegetative cover so as to prevent soil erosion and to prevent or reduce the pollution of water, air, or land.

(c) *Practice B–7.* Constructing or sealing water impoundment reservoirs to enhance the environment by preventing erosion and providing water for agricultural and wildlife uses.

(d) *Practice B–10.* Improving or protecting a stand of forest trees intended for timber production, pulpwood, posts, etc., and to enhance the environment.

12. Section 701.73 is amended by deleting paragraphs (a), (b), (f), (h), and (i), redesignating paragraphs (c), (d), (e), and (g) as paragraphs (a), (b), (c), and (d), respectively, and revising paragraph (c) as redesignated to read as follows:

§ 701.73 Practices primarily for the conservation and disposal of water.

• • • • •

(c) *Practice C–8.* Streambank or shore protection measures to protect farmland from erosion or flood damage and to prevent or reduce the pollution of water, land, or air (applicable only with respect to pooling agreements and special projects).

• • • • •

13. Section 701.74 is revised to read as follows:

§ 701.74 Practice primarily for establishing temporary protective vegetative cover.

Practice D–1. Establishment of interim vegetative cover to provide protection from erosion and to prevent or reduce pollution of water, air, or land.

§ 701.77 [Amended]

14. Section 701.77 is amended by deleting paragraph (c) and redesignating paragraph (d) as paragraph (c).

15. Section 701.78 is amended by deleting paragraphs (b) and (c), redesignating paragraph (d) as paragraph (b), and revising paragraph (a) to read as follows:

§ 701.78 Practices primarily for management of animal wastes to prevent or reduce pollution of water, land, or air.

(a) *Practice I–1.* Constructing animal waste storage facilities to prevent or reduce the pollution of water, land, or air where there are soil and water conservation benefits.

• • • • •

16. Section 701.79 is amended by revising paragraphs (a) and (b) to read as follows:

§ 701.79 Practices primarily for control of sediment and chemically contaminated runoff to prevent or reduce pollution of water, land, or air.

(a) *Practice J–1.* Constructing sediment retention and water control structures to prevent or reduce erosion and the pollution of land, water, or air from sediment and chemically contaminated runoff where there are soil and water conservation benefits.

(b) *Practice J–2.* Sediment or chemical runoff control measures to prevent or reduce erosion and the pollution of water or land where there are soil and water conservation benefits.

• • • • •

17. Section 701.80 is revised to read as follows:

§ 701.80 Practice primarily for disposal of woodland, crop, and orchard residues without burning to prevent or reduce air or water pollution.

Practice K–1. Disposal of crop, orchard, or woodland residues without burning to prevent or reduce air or water pollution and improve soil structure and permeability.

(Sec. 4, 49 Stat. 164, 16 U.S.C. 590d)

Effective date. Date of publication in the FEDERAL REGISTER (2–8–72).

Signed at Washington, D.C., on January 31, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–1848 Filed 2–7–72;8:51 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements, and Orders; Fruit, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 518, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.818 (Lemon Regulation 518, 37 F.R. 1453) during the period January 30, through February 5, 1972, is hereby amended to read as follows:

§ 910.818 Lemon Regulation 518.

• • • • •

(b) *Order.* (1) • • • 205,000 cartons.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 2, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–1802 Filed 2–7–72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72–CE–5–AD, Amdt. 39–1391]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 300 and 400 Series Airplanes

Following a report of cracked main landing gear upper strut barrel assemblies on a Cessna Model 402 airplane, it was determined that the barrel assemblies used on certain Cessna 300 and 400 series airplanes may have been improperly manufactured. Some landing gear struts may be composed of a combination of 4130 and 4340 steel parts, which when heat treated together can result in cracking of the barrel where it is brazed to the two collars used for attaching the torque link and side brace. In addition, some Cessna Model 421B airplanes, which require utilization of 4340 steel in the strut assembly for additional strength, may have strut assemblies installed of improper material, resulting in assemblies of inadequate strength.

Since the conditions described herein are likely to exist or develop in other airplanes of the same series, an Airworthiness Directive is being issued requiring on certain Cessna 300 and 400 series airplanes, a visual inspection of the barrel assemblies for hydraulic leaks and cracks, a chemical test of the barrel assemblies to determine the existence of dissimilar or incorrect metals, and the replacement of the barrel assemblies where necessary. This AD will further require written notification to the FAA of all discrepancies noted.

Since immediate adoption is required in the interest of safety, compliance with the notice and public procedures provisions of the Administrative Procedure Act is not practical and good cause exists for making this rule effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.98 (31 F.R. 13697), § 39.13 of the Federal Aviation regulations is amended by adding to the following new AD.

CESSNA. Applies to Models 310 (Serial Nos. 310Q0074 through 310Q0425, except 310Q0261, 0271, 0279, 0402, 0409, 0411, 0416, 0420, 0424); Models 340 (Serial Nos. 340–0001 through 340–0009 except 340–0005); Models 401 (Serial Nos. 401B0029 through 401B0204); Models 402 (Serial Nos. 402B0007 through 402B0201); Models 414 (Serial Nos. 414–0052 through 414–0173, except 414–0152, 0153, 0168, 0172); and Models 421 (Serial Nos. 421B0001 through 421B0209, except 421B–0144, 0201, 0205, 0208); and all other 300 and 400 series airplanes which may have the original barrel assemblies replaced with new or used assemblies shipped by the manufacturer between January 1, 1970, and December 15, 1971.

Compliance: Required as indicated, unless already accomplished.

To prevent landing gear failure accomplish the following in accordance with Cessna Service Letter ME71–28 dated December 24, 1971, and Supplement No. 1 dated January 28, 1972, or any equivalent methods approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region:

(a) Within the next 5 hours' time in service after the effective date of this AD, visually inspect barrel assemblies of the main landing gear upper struts for hydraulic leaks and surface cracks. If such discrepancies are noted, prior to further flight, replace the appropriate barrel assemblies.

(B) To accomplish the inspection required by paragraph A the airplane may be flown in accordance with FAR 21.197 to a base where the inspection may be performed.

(C) Within the next 25 hours' time in service after the effective date of this AD, conduct chemical tests to determine if barrel assemblies of the main landing gear upper struts are composed of dissimilar or incorrect metals. If such discrepancies are noted, prior to further flight, replace with appropriate and correct barrel assemblies.

(D) Report all defects found in complying with this AD. Such reports must be made in writing and sent to Chief, Engineering and Manufacturing Branch, FAA, Central Region, and should include such items as aircraft serial number, total time in service and nature of defect. (Report approved by the Bureau of the Budget under BOB No. 04–R0174.)

This amendment becomes effective February 9, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on January 31, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72–1787 Filed 2–7–72;8:47 am]

[Airspace Docket No. 71–GL–11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 21416 of the FEDERAL REGISTER dated November 9, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to alter the control zone and transition area at Pontiac, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., March 30, 1972.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on January 12, 1972.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

PONTIAC, MICH.

Within a 5-mile radius of the Oakland-Pontiac Airport (latitude 42°39'53" N., longitude 83°25'01" W.); within 3 miles each side of the Pontiac VORTAC 116° and 272° radial, extending from the 5-mile-radius zone to 8.5 miles west of the VORTAC. This control zone is effective from 0600 to 2400 hours local time daily.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

PONTIAC, MICH.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Oakland-Pontiac Airport (latitude 42°39'53" N., longitude 83°25'01" W.); within 4.5 miles each side of the 112° radial of the Pontiac VORTAC extending from the 10-mile-radius area to 22.5 miles southeast of the VORTAC; within 3.5 miles each side of the 272° radial of Pontiac VORTAC extending from the 10-mile-radius area to 11.5 miles west of the VORTAC.

[FR Doc.72–1790 Filed 2–7–72;8:47 am]

[Airspace Docket No. 71–SW–71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is

V37-26
FEB 8 72
XUM

to designate a 700-foot transition area at Bunkie, La.

On December 24, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 24044) stating the Federal Aviation Administration proposed to designate the Bunkie, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

BUNKIE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bunkie Municipal Airport (latitude 30°57'25" N., longitude 92°14'02" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on January 27, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-1794 Filed 2-7-72;8:48 am]

[Airspace Docket No. 71-SW-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Commerce, Tex.

On November 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22599) stating the Federal Aviation Administration proposed to designate the Commerce, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. It was determined that the transition area extension should be more accurately described as 14.5 miles in lieu of 15 miles. This change has been incorporated in the airspace description.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added.

COMMERCE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Commerce Municipal Airport (latitude 33°17'36" N., longitude 95°53'46" W.) and within 2.5 miles each side of the Sulphur Springs, Tex., VORTAC 286° radial extending from the 5-mile-radius area to 14.5 miles west of VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on January 27, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-1793 Filed 2-7-72;8:47 am]

[Airspace Docket No. 72-SO-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Nashville, Tenn., transition area.

The Nashville transition area is described in § 71.181 (37 F.R. 2143). In the description, an extension predicated on the Nashville VORTAC 109° radial has a designated width of 14 miles and extends to 18.5 miles east of the VORTAC. The procedure turn altitude of VOR RWY 31 Instrument Approach Procedure has been raised to 2,400 feet MSL, which permits revocation of this extension. It is necessary to alter the description to reflect this change. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Nashville, Tenn., transition area is amended as follows:

"• • • within 9.5 miles north and 4.5 miles south of Nashville VORTAC 109° radial, extending from the 14-mile-radius area to 18.5 miles east of the VORTAC; • • •" is deleted.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 26, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-1791 Filed 2-7-72;8:47 am]

[Airspace Docket No. 71-SO-174]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23076), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Palm Beach, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except one submitted by the Air Transport Association of America (ATA).

The comment by ATA can be interpreted as a possible objection in the event simultaneous approaches cannot be conducted to both Palm Beach International and Palm Beach County Park Airports. Upon the effective date of the instrument approach procedure to Palm Beach County Park Airport, the capability will exist to conduct approaches to both airports simultaneously, obviating the possible objection by ATA.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Palm Beach, Fla., transition area is amended as follows:

"• • • excluding the portion outside the continental limits of the United States • • •" is deleted and "• • • within a 6.5-mile radius of Palm Beach County Park Airport (lat. 26°35'15" N., long. 80°05'15" W.); excluding the portion outside the continental limits of the United States • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on January 26, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-1792 Filed 2-7-72;8:47 am]

[Airspace Docket No. 72-AL-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the East Cordova, Alaska, intersection.

The Cordova, Alaska, radio range has been converted to a nondirectional radio beacon. Accordingly, action is taken herein to reflect this change in the description of the East Cordova intersection.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.211 (37 F.R. 2323) East Cordova INT: is amended by deleting "southeast course Cordova, Alaska, RR." and substituting "and 151° bearing Cordova, Alaska, RBN." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 1, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1789 Filed 2-7-72;8:47 am]

[Airspace Docket No. 72-WA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Firepit, Hawaii, reporting point.

It has been determined that the Firepit, Hawaii, designated reporting point is no longer required for air traffic control purposes. Accordingly, action is taken herein to revoke this compulsory reporting point.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.215 (37 F.R. 2326) "Firepit INT" is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 1, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1788 Filed 2-7-72;8:47 am]

[Airspace Docket No. 71-WA-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area, Federal Airways and Continental Control Area

On October 2, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 19321) stating that the Federal Aviation Administration is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations which would alter the Camp Claiborne, La., Restricted Area R-3801, VOR Federal Airway Nos. 114 and 114N, and the Continental Control Area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The Air Transport Association of America (ATA) objected to the proposed designation of restricted area R-3801D due to a conflict with Jet Route No. 58. The centerline of Jet Route No. 58 lies approximately 1.8 nautical miles from the nearest boundary of R-3801D. As stated in the notice, air traffic would be radar vectored to avoid the restricted areas when in actual use and by letter of agreement aircraft could be cleared through the restricted area whenever it is called up but not in actual use. Subsequent to issuance of the notice it was determined that due to the location of the Alexandria long range radar antenna (latitude 31°16'52" N., longitude 92°21'29" W.) radar vectors cannot be provided to aircraft operating between the altitudes of Flight Level 180 and Flight Level 200 because of the loss of radar targets on both primary and secondary radar when passing in proximity to the radar antenna. This loss of radar extends to a 15-mile radius of the antenna.

Extensive coordination has been conducted with the representatives of the U.S. Air Force to adjust the dimensions of R-3801D to provide adequate separation from the centerline of Jet Route No. 58. Unfortunately, the U.S. Air Force is unable to alter their operational requirements to permit simultaneous use of J58 and R-3801D as proposed. Therefore, in recognition of the radar problem previously mentioned, it will be necessary to procedurally reassign altitudes between Flight Level 180 and Flight Level 200 when R-3801D is in use. The FAA believes this is a reasonable solution to the problem based on busy day activity reports concerning flight operations on J58.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

1. Section 73.38 (37 F.R. 2355) is amended as follows:

(a) "R-3801 Camp Claiborne, La." is revoked.

(b) "R-3801A Camp Claiborne, La." is added:

R-3801A CAMP CLAIBORNE, LA.

Boundaries. Beginning at lat. 31°18'00" N., long. 92°46'30" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°28'00" N., long. 93°15'00" W.; to lat. 31°32'30" N., long. 93°11'50" W.; to point of beginning.

Designated altitudes. 1,500 feet AGL to and including 5,000 feet MSL northwest of a line extending from lat. 31°20'50" N., long. 92°51'15" W.; to lat. 31°16'40" N., long. 92°54'30" W.; 500 feet AGL to and including 5,000 feet MSL southeast of the line extending from lat. 31°20'50" N., long. 92°51'15" W.; to lat. 31°16'40" N., long. 92°54'30" W.

Time of designation. Continuous. R-3801A shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England, AFB, La.

(c) "R-3801B Camp Claiborne, La." is added:

R-3801B CAMP CLAIBORNE, LA.

Boundaries. Beginning at lat. 31°16'15" N., long. 92°41'45" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°13'55" N., long. 92°49'45" W.; to lat. 31°18'00" N., long. 92°46'30" W.; to point of beginning.

Designated altitudes. Surface to and including 14,000 feet MSL.

Time of designation. Continuous. R-3801B shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

(d) "R-3801C Camp Claiborne, La." is added:

R-3801C CAMP CLAIBORNE, LA.

Boundaries. Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°06'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°16'15" N., long. 92°41'45" W.; to point of beginning.

Designated altitudes. Surface to and including 20,000 feet MSL.

Time of designation. Continuous. R-3801C shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

(e) "R-3801D Camp Claiborne, La." is added:

R-3801D CAMP CLAIBORNE, LA.

Boundaries. Beginning at lat. 31°11'45" N., long. 92°30'15" W.; to lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°16'15" N., long. 92°41'45" W.; to lat. 31°17'10" N., long. 92°40'10" W.; to point of beginning.

Designated altitudes. Surface to and including 20,000 feet MSL.

Time of designation. Continuous. R-3801D shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

(f) "R-3801E Camp Claiborne, La." is added:

R-3801E CAMP CLAIBORNE, LA.

Boundaries. Beginning at lat. 31°09'45" N., long. 92°31'45" W.; to lat. 31°06'15" N., long. 92°34'50" W.; to lat. 31°11'00" N., long. 92°44'40" W.; to lat. 31°16'15" N., long. 92°41'45" W.; to point of beginning.

Designated altitudes. Surface to but not including FL 240.

Time of designation. Continuous. R-3801E shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

2. In § 71.123 (37 F.R. 2009) V-114 is amended by adding "excluding the portion within R-3801D."

3. In § 71.151 (37 F.R. 2045) "R-3801 Camp Claiborne, La." is deleted and "R-3801 C Camp Claiborne, La.", "R-3801D Camp Claiborne, La." and "R-3801E Camp Claiborne, La." are substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 1, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1795 Filed 2-7-72;8:48 am]

V 37 26
FEB 8 72
XUM

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 71-88a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Hood Canal, Wash.

This amendment changes the regulations for the Hood Canal floating drawbrige to allow the use of radiotelephone communication in lieu of sound signal to request the opening of the draw. It also requires a vessel using radiotelephone communications to maintain continuous communication with the drawtender until transit of the draw is completed.

This amendment was circulated as a public notice dated September 21, 1971 by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-88) on September 15, 1971 (36 F.R. 18531). Ten replies were received. Eight of these endorsed the proposal or had no objection or no comment. One recommended that continuous radiotelephone communication between the vessel and the drawtender be maintained until the vessel has passed through the draw. This recommendation is incorporated in this regulaton. The last reply recommended the use of two additional radiotelephone frequencies. This recommendation is also incorporated in this regulation.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising paragraphs (d)(1) and (e) and adding a new paragraph (f), to § 117.784 to read as follows:

§ 117.784 Hood Canal, Wash.; Washington State Department of Highways Bridge near Port Gamble.

* * * * *

(d) Communication when opening is imminent.

(1) Radio: The drawtender shall monitor and communicate with vessels on radiotelephone frequency 2738 Kilohertz or 156.65 megahertz (Channel 13). If radio contact cannot be made on 2738 Kilohertz or 156.65 megahertz, the drawtender shall monitor and communicate with vessels on 2182 Kilohertz or 156.80 megahertz (Channel 16). These frequencies are subject to change by the Federal Communications Commission.

* * * * *

(e) Audio signals may be omitted when radiotelephones are used as set under paragraph (d)(1) of this section. Vessels using radiotelephone communication to request the opening of the draw shall maintain continuous radiotelephone communication with the drawtender until the vessel has completed passage through the draw.

(f) The owner of or agency controlling the bridge shall keep the provisions of the regulations in this section conspicuously posted on both the upstream and downstream sides of the bridge or elsewhere in such a manner that they can easily be read at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(f)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on March 10, 1972.

Dated: February 1, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-1809 Filed 2-7-72;8:48 am]

[CGFR 71-101a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Mattaponi River, Va.

This amendment changes the regulations for the Virginia Department of Highways (Lord Delaware) bridge on Route 33 at West Point to require at least 24 hours' notice at all times. This amendment was circulated as a public notice dated October 5, 1971, by the Commander, Fifth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-101) on October 5, 1971 (36 F.R. 19391). Two objections were received. One objector states that the boat ramp upstream of this bridge was built with the understanding that the draw would open on signal. He was asked for additional information but did not respond to the request. The other objector stated that the waterway above this bridge would be closed to future development. If future conditions warrant, these regulations may be amended.

Accordingly, Part 117 of Title 33, Code of Federal Regulations is amended by revising § 117.245(f)(22-a) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(22-a) *Mattaponi River, Va.* (i) Virginia Department of Highways bridge on Route 629 at Walkerton. At least 24 hours' notice required. The drawtender service shall be increased to the degree determined to be adequate within 30 days after written notification is received from the District Commander to take such action.

(ii) Virginia Department of Highway bridge on Route 33 at West Point. At least 24 hours' notice required at all times.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937, 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on March 10, 1972.

Dated: February 1, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-1810 Filed 2-7-72;8:48 am]

[CGFR 71-119a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Ontonagon River, Mich.

This amendment changes the regulations for the Michigan State Highway Department bridge at Ontonagon to provide more frequent openings of the draw. This amendment was circulated as a public notice dated November 4, 1971, by the Commander, Ninth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-119) on October 30, 1971 (36 F.R. 20893). Two replies were received and both were in favor of the proposal.

Accordingly, Part 117 of Title 33, Code of Federal Regulations, is amended by revising § 117.641(f)(2) to read as follows:

§ 117.641 Great Lakes tributaries: bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(2) Ontonagon Harbor, Mich.: Michigan State Highway Department bridge at Ontonagon. From March 16 through December 15 from 7 a.m. to 11 p.m. the draw shall open on signal and from 11 p.m to 7 a.m. the draw shall open on signal if at least 1 hour's notice has been given. From December 16 through March 15 the draw shall open on signal if at least 24 hours' notice has been given. The opening signal is one long blast followed by one short blast.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on March 10, 1972.

Dated: February 1, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-1811 Filed 2-7-72;8:48 am]

[CGFR 72-23]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Southern Branch, Elizabeth River, Va.

This amendment changes the regulations applicable to the Norfolk and Western Railroad bridge across the Southern Branch, Elizabeth River at mile 3, to require the bridge to remain open except when trains are crossing or when maintenance work is being performed. The draw is presently required to open on signal. This amendment is made at the request of the Norfolk and Western Railroad. Since this amendment is minor and imposes no additional burden on any person, notice and public procedure thereon are unnecessary and the amendment may be effective in less than 30 days.

Accordingly, § 117.245(f) is amended by adding subparagraph (26-b) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(26-b) *Elizabeth River, Southern Branch, Va.* The draw of the Norfolk and Western Railroad bridge at mile 3 shall be maintained in the fully open position except the draw may close for the crossing of trains and the maintenance of the bridge. When the draw is closed, there shall be a drawtender present and the provisions of § 117.240 shall apply to this bridge.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date: This revision shall become effective upon publication in the FEDERAL REGISTER (2-8-72).

Dated: January 31, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-1812 Filed 2-7-72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chloroxuron

A petition (PP 1F1174) was filed by Ciba-Geigy Corp., Post Office Box 1090, Vero Beach, FL 32960, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide chloroxuron (3-[p-(p-chlorophenoxy)phenyl]-1,1-dimethylurea) and its metabolites containing the p-(p-chlorophenoxy) aniline moiety calculated as chloroxuron in or on the new raw agricultural commodity celery at 0.1 part per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The compound is useful for the purpose for which the tolerance is being established.

2. The proposed use is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The use is classified in the category specified in § 180.6(a)(3).

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.216 is revised to read as follows:

§ 180.216 Chloroxuron; tolerances for residues.

Tolerances for combined negligible residues of the herbicide chloroxuron (3-[p-(p-chlorophenoxy)phenyl]-1,1-dimethylurea) and its metabolites containing the p-(p-chlorophenoxy) aniline moiety calculated as chloroxuron in or on raw agricultural commodities are established as follows:

(a) 0.15 part per million in or on soybeans and soybean forage.

(b) 0.1 part per million in or on carrots, celery, onions (dry bulb), and strawberries.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20250, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-8-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 1, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-1814 Filed 2-7-72;8:49 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-Propyl Dipropylthiocarbamate

A petition (PP 1F1173) was filed by the Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide *S*-propyl dipropylthiocarbamate in or on the raw agricultural commodities corn grain, corn fodder and forage, and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.1 part per million.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerances are being established.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.240 is revised to read as follows:

§ 180.240 S-Propyl dipropylthiocarbamate; tolerances for residues.

Tolerances are established for negligible residues of the herbicide *S*-propyl dipropylthiocarbamate in or on the raw agricultural commodities corn grain, corn fodder and forage, fresh corn including sweet corn (kernels plus cob with husk removed), peanuts, peanut forage, peanut hay, potatoes, soybean forage, soybean hay, soybeans, and sweet potatoes at 0.1 part per million.

V37-26
FEB 8 72
XUM

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–8–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: February 1, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–1815 Filed 2–7–72;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5155]

[Sacramento 4376]

CALIFORNIA

Partial Revocation of Executive Order No. 5237

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order No. 5237 of December 10, 1929, withdrawing lands for classification, is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 17 W.,
Sec. 1, lots 5 and 6.
T. 24 N., R. 18 W.,
Sec. 2, SW¼SW¼.
T. 24 N., R. 19 W.,
Sec. 3, SW¼SE¼.

HUMBOLDT MERIDIAN

T. 1 S., R. 2 W.,
Sec. 1, lots 2, 5, and 6;
Sec. 2, NW¼SE¼;
Sec. 3, SE¼SW¼;
Sec. 4, lots 3 and 4, S½NW¼, and NE¼SE¼;
Sec. 5, lot 1 and S½NE¼;
Sec. 6, SE¼NE¼;
Sec. 8, S½;
Sec. 9, SW¼ and N½SE¼;
Sec. 10, SW¼NE¼, S½NW¼, N½SW¼, and NW¼SE¼;
Sec. 11, S½NW¼;
Sec. 13, NE¼SW¼ and SE¼;
Sec. 24, NW¼NE¼ and NE¼NW¼.
T. 2 S., R. 2 W.,
Sec. 22, SE¼SW¼ and SW¼SE¼;
Sec. 26, lots 4, 5, 12, 13, 14, and 16;
Sec. 28, N½NW¼, SE¼NW¼, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 29, SW¼SW¼;
Sec. 30, SE¼SE¼;
Sec. 32, NW¼NE¼;
Sec. 33, NW¼NE¼, N½NW¼, and SE¼NW¼.
T. 3 S., R. 2 W.,
Sec. 4, SE¼NW¼;
Sec. 5, lot 2 and SW¼NE¼.
T. 4 S., R. 1 E.,
Sec. 14, lot 1.
T. 5 S., R. 2 E.,
Sec. 4, lot 5;
Sec. 8, SE¼SE¼;
Sec. 9, SW¼SW¼;
Sec. 17, SW¼NW¼;
Sec. 19, SE¼SE¼;
Sec. 23, S½NE¼, SW¼NW¼, and NE¼SE¼;
Sec. 25, SW¼SW¼;
Sec. 26, SE¼NE¼;
Sec. 27, SW¼SW¼;
Sec. 28, S½NE¼, SW¼NW¼, W½SE¼;
Sec. 33, NE¼NW¼, SE¼SW¼;
Sec. 34, NW¼NW¼.

The areas described aggregate approximately 3,772.69 acres in Humboldt and Mendocino Counties.

2. For a period of 5 years commencing with the date of publication of this order, any of the above-described lands suitable for transfer to nonpublic ownership shall be classified for exchanges in connection with the King Range National Conservation Area established by the Act of October 21, 1970, 84 Stat. 1067, after which time they will be open to operation of the public land laws generally. At 10 a.m. on March 9, 1972, subject to valid existing rights, the requirements of applicable law, and the provisions of any existing withdrawals, the lands described in paragraph 1 of this order shall be open to the filing of applications for exchanges pursuant to section 5(2) of the Act of October 21, 1970, supra. All valid applications for exchanges under said Act received at or prior to 10 a.m. on March 9, 1972, shall be considered as simultaneously filed. Any applications for exchanges received after that time will be considered in the order of filing.

The lands have been and will continue to be open to the filing of applications and offers under the mineral leasing laws, and to location and entry for metalliferous minerals under the United States mining laws. At 10 a.m. on March 9, 1972, the lands will be open for location and entry under the mining laws for nonmetalliferous minerals.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 2, 1972.

[FR Doc.72–1776 Filed 2–7–72;8:46 am]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1015—STANDARDS OF CONDUCT FOR EMPLOYEES

Miscellaneous Amendments

Part 1015 of Chapter X of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 1015.735–2(a) is revised to read as follows:

§ 1015.735–2 Applicability.

(a) *Coverage.* This part applies equally to all employees of OEO, unless the particular context clearly indicates otherwise. "Employee," as used in this part, includes regular employees, Presidential appointees, officers, "special Government employees," and experts and consultants—whether employed on a full-time, part-time, or intermittent basis. A "special Government employee" is an officer or employee appointed to perform, with or without compensation, for not more than 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

• • • • • •

§§ 1015.735–15 and 1015.735–16 [Amended]

2. In § 1015.735–15, paragraph (c) is revoked.

3. In § 1015.735–16, the reference in paragraph (d) to "5 CFR 733.301" is corrected to read "5 CFR 733.124."

4. In § 1015.735–17, the first sentence of paragraph (c) is revised to read as follows:

§ 1015.735–17 Outside employment.

• • • • • •

(c) • • • (1) Except as provided in subparagraph (2) of this paragraph, no OEO employee may be employed as an executive officer of any grantee or delegate agency (other than a religious organization) in connection with a program receiving financial assistance under part B of title II of the Economic Opportunity Act of 1964 (42 U.S.C. 2808–2812). • • •

• • • • • •

5. Section 1015.735–19 is revised as follows:

§ 1015.735–19 Service on boards, councils, and committees of agencies receiving OEO assistance.

No employee may serve as a member of a board, council, or committee of any agency serving as grantee, contractor, or delegate agency in connection with a program receiving financial assistance from OEO, but this shall not prohibit an employee from serving on a board, council, or committee which does not have any authority or powers in connection with the program assisted by OEO. A special Government employee (as defined in § 1015.735–2(a)) may serve on a board, council, or committee if he has not served OEO for more than 60 days, but he may not in any event perform any service as such a member during any part of any day on which he serves as an OEO employee. See also §1015.735–17(c) in relation to outside employment connected with OEO-assisted programs.

6. In § 1015.735–31, paragraph (b) is revised by adding a new sentence and subdivision (i) through (x) of paragraph (j)(2) are revised to read as follows:

§ 1015.735–31 Reports of non-OEO interests.

• • • • • •

(b) • • • In addition, employees are not required to report any interest which is covered by one of the general exemptions set forth in § 1015.735–18(c).

• • • • • •

(j) • • •

(2) Occupants of the following positions, if classified at GS–13 or above:

(i) In the Office of Operations: Assistant Director for Operations; Deputy Assistant Director for Operations.

(ii) In the Office of Program Development: Assistant Director for Program Development; Deputy Assistant Director for Program Development.

(iii) In the Office of Planning, Research and Evaluation: Assistant Director for Planning, Research and Evaluation.

(iv) In the Office of Health Affairs: Associate Director for Health Affairs; Deputy Associate Director for Health Affairs.

(v) In the Office of Legal Services: Associate Director for Legal Services; Deputy Associate Director for Legal Services.

(vi) In the Office of Administration: Associate Director for Administration; contracting officers.

(vii) In the Office of the Controller: Controller; Deputy Controller.

(viii) In the Office of Congressional and Public Affairs: Assistant Director for Congressional and Public Affairs; Associate Director for Congressional Affairs; Associate Director for Public Affairs.

(ix) In the Office of General Counsel: General Counsel; Deputy General Counsel; Assistant General Counsel for Procurement and Business Affairs.

(x) In each Office of Economic Opportunity Regional Office: Regional Director; Deputy Regional Director; Chief of Plans, Budget and Evaluation Division; Chief of Program Management and Support Division; Administrative Contracting Officers.

• • • • • •

PHILLIP V. SANCHEZ,[1]
Director.

[FR Doc.72–1848 Filed 2–7–72;8:51 am]

[1] The foregoing amendments were approved by the Civil Service Commission on January 18, 1972.

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 274 (Sub-No. 1)]

PART 1211—ABANDONMENT OF RAILROAD LINES

Filing of Petitions for Reconsideration or Hearing

By order served January 18, 1972, published in the FEDERAL REGISTER on January 22, 1972, 37 F.R. 1046, the Commission adopted a new practice and procedure for proposed railroad abandonments where no public objection is sustained or where the requirements of public convenience and necessity are minimal or nonexistent.

While these new procedures took effect on January 22, 1972, the Commission will entertain petitions for reconsideration or for a hearing. These petitions must be specific as to the relief sought and, if a hearing is requested, the reasons therefor must be stated. Any petitioner must serve a copy of the petition on Mr. William M. Moloney, Association of American Railroads, 1920 L Street NW., Washington, DC 20036, and that Association must serve its petition, if any, on the Governors and regulatory commissions of each State as well as any other person serving the Association with a petition. Replies to these petitions must also be served accordingly. Petitions may be filed 30 days from the date this notice appears in the FEDERAL REGISTER and replies will be due within 20 days from the last day that petitions may be filed. An original and 15 copies of each pleading shall be filed with the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–1850 Filed 2–7–72;8:51 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Browns Park National Wildlife Refuge, Colo.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2–8–72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

COLORADO

BROWNS PARK NATIONAL WILDLIFE REFUGE

Sport fishing on the Browns Park National Wildlife Refuge, Colo., is permitted from January 1 through December 31, 1972, inclusive, but only on the areas designated by signs as open to fishing. These open areas, Beaver Creek and the Green River, comprise 1,000 acres. Information may be obtained from the Refuge Manager, Greystone, Colo., or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1972.

H. J. JOHNSON,
Refuge Manager, Browns Park National Wildlife Refuge, Greystone, Colo.

JANUARY 31, 1972.

[FR Doc.72–1834 Filed 2–7–72;8:50 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

1. Section 213.3106 is amended to show that positions in overseas installations of the Department of Defense are excepted under Schedule A when filled by dependents of military or civilian employees of the Department resident in the area. With certain specified exceptions, employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor.

Effective on publication in the FEDERAL REGISTER (2–8–72), subparagraph (6) is added to paragraph (b) of § 213.3106 as set out below.

§ 213.3106 Department of Defense.

• • • • • •

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force).* • • •

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the Department resident in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor: *Provided,* That (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to 1 additional year when the military department concerned finds the additional employment is in the interest of management.

• • • • • •

§ 213.3107 [Amended]

2. Section 213.3107 is amended to show that the Schedule A authority covering

V 37-26 FEB 8 72 XUM

certain overseas positions when filled by dependents of personnel resident in the area is superseded by a comparable Schedule A authority covering overseas positions throughout the Department of Defense overseas.

Effective on publication in the FEDERAL REGISTER (2-8-72), subparagraph (7) of paragraph (a) of § 213.3107 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1820 Filed 2-7-72;8:49 am]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 of Schedule C is amended to reflect the following title change: From Private Secretary to the Assistant to the Secretary of Defense (Telecommunications) to Private Secretary to the Assistant Secretary of Defense (Telecommunications).

Effective on publication in the FEDERAL REGISTER (2-8-72), subparagraph (2) of paragraph (a) of § 213.3306 is revised and subparagraph (36) is revoked as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(2) Two Private Secretaries to the Deputy Secretary of Defense and one Private Secretary to each of the following: The Director of Defense Research and Engineering; the Principal Deputy Director of Defense Research and Engineering; the Deputy Directors of Defense Research and Engineering (Tactical Warfare Programs), (Strategic and Space Systems), (Research and Technology), (Electronics and Information Systems); the Director, Advanced Research Projects Agency; the Assistant Secretaries of Defense (Manpower and Reserve Affairs), (International Security Affairs), (Public Affairs), (Installations and Logistics), (Administration), (Comptroller), (Systems Analysis), (Intelligence), and (Telecommunications); the General Counsel; the Deputy General Counsel; the Assistant to the Secretary of Defense (Atomic Energy); and the Military Assistants to the Secretary of Defense.

• • • • •

(36) [Revoked]

• • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1821 Filed 2-7-72;8:49 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that the following two positons are no longer excepted under Schedule C: Chief, Civil Section, Internal Security Division, and Special Assistant to the Assistant Attorney General, Civil Rights Division.

Effective on publication in the FEDERAL REGISTER (2-8-72), subparagraph (2) of paragraph (p) and subparagraph (2) of paragraph (q) are revoked.

(5 U.S.C. sec. 3301, 3302, E.E. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1822 Filed 2-7-72;8:49 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to reflect the following title change: From Deputy Assistant Secretary for Statistics and Economic Research, Office of the Assistant Secretary for Economic Affairs, to Special Assistant to the Assistant Secretary for Economic Affairs.

Effective on publication in the FEDERAL REGISTER (2-8-72), subparagraph (11) of paragraph (a) of § 213.3314 is revised as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(11) One Special Assistant to the Assistant Secretary for Economic Affairs.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1819 Filed 2-7-72;8:49 am]

PART 213—EXCEPTED SERVICE

Overseas Private Investment Corporation

Section 213.3317 is amended to show that the position of Secretary to the Vice President for Financing is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2-8-72), paragraph (c) of § 213.3317 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1823 Filed 2-7-72;8:49 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Price Posting Guidelines for Retail Establishments

The purpose of this amendment is to provide price posting guidelines for retailers who are required to post base prices pursuant to § 300.13(b). Guidelines are set forth for retail food stores; retail sellers of prescription-type drugs; and other retail stores. However, retail food stores and retail sellers of prescription-type drugs are given the option of following the guidelines applicable to other retail stores. Section 300.13(b) currently requires each retailer to "display prominently in its place of sale" base prices with respect to all food products and certain other items. The new guidelines set forth with more specificity what type of action is considered to meet these requirements.

Because the purpose of this amendment is to provide immediate guidance and information as to the price stabilization rules in effect, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Executive Order No. 11640, 37 F.R. 1213, January 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971)

In consideration of the foregoing, paragraph (b) of § 300.13 is amended to read as set forth below, effective when filed with the FEDERAL REGISTER.

Issued in Washington, D.C., on February 5, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

§ 300.13 Retailers and wholesalers.

• • • • •

(b) *Posting requirements*—(1) *General.* Before January 2, 1972, each retailer shall display prominently in its place of sale, base prices with respect to—

(i) All of its food products; and

(ii) Those 40 items in each department which had the highest dollar sales volume during its last fiscal year, or those items which accounted for at least 50 percent of its total dollar sales in each department during that fiscal year, whichever is less.

(2) *Posting guidelines*—(i) *Retail food stores.* The base prices which a retail food store is required to post under subparagraph (1) of this paragraph are considered to be displayed prominently if they are available for inspection at a convenient central location in the store, to which the public has access without having to obtain the permission or assistance of a store employee, and if a sign is prominently posted in each department clearly indicating the location of the central base price list.

(ii) *Sellers of prescription drugs.* The base prices of drugs which are sold by a retailer only upon the presentation of a prescription or other authorization, and which are required to be posted under subparagraph (1) of this paragraph, are considered to be displayed prominently if the retailer has available, in a convenient location in the retail drug section of his store to which the public has access without having to obtain the permission or assistance of a store employee, a standard compilation of wholesale prescription drug prices plus its professional fee or customary initial percentage markup on the drug product or product line, and a sign (minimum size 22" x 28") indicating the location of that information.

(iii) *Other retail stores.* In the case of any other retail store, base prices which are required to be posted under subparagraph (1) of this paragraph must be prominently posted within the department in which they are sold. However, a retail food store or seller of prescription-type drugs may use the procedure set forth in this subdivision (iii) in place of the procedure in subdivision (i) or (ii) of this subparagraph.

• • • • •

[FR Doc.72-1870 Filed 2-7-72;9:52 am]

V 37 ■ 26 FEB 8 72 XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Parts 1446, 1421]

LOAN AND PURCHASE PROGRAM FOR 1972 CROP PEANUTS

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 101, 401, and 403 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1441, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c), proposes to make determinations and issue regulations relative to a loan and purchase program for 1972 crop peanuts. The program will include (1) loan and purchase rates, (2) the methods by which loans and purchases will be made, (3) eligibility requirements, (4) storage requirements, (5) sales provisions, (6) area and period of the program, and (7) other operating provisions necessary to carry out the program.

Section 101 of the Agricultural Act of 1949 directs the Secretary to make support available on peanuts to cooperators, if producers have not disapproved marketing quotas, at a level between 75 and 90 percent of the parity price, with the minimum permissible level of support within such range to be determined by the supply percentage.

Section 401 of that act requires that, in determining the level of support in excess of the minimum level provided by law, consideration be given to the supply of the commodity in relation to the demand therefor, the levels of which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Current program provisions regarding peanut warehouse storage loans and sheller purchases may be found in regulations in Title 7, Part 1446 of the Code of Federal Regulations. Current program provisions regarding peanut farm storage loans may be found in regulations governing loans, purchases and other operations for grain and similarly handled commodities which appear in Title 7, Part 1421 of the Code of Federal Regulations.

Prior to making any of the foregoing determinations, consideration will be given to data, views, and recommendations which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on February 2, 1972.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-1845 Filed 2-7-72;8:51 am]

Consumer and Marketing Service

[7 CFR Part 945]

POTATOES GROWN IN IDAHO-EASTERN OREGON

Notice of Proposed Redistricting and Reapportionment

Consideration is being given to the approval of proposed redistricting and reapportionment which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Statement of consideration. The order provides in § 945.23 that upon recommendation of the committee, the Secretary may reestablish districts within the production area and may reapportion committee membership among the various districts.

The Idaho-Eastern Oregon Potato Committee consists of eight members representing three districts. The proposed redistricting would divide District No. 1, which now encompasses the counties in the eastern third of Idaho, approximately in half on an east-west line. The northern half would become new District No. 1 and the southern half would become new District No. 2. New District No. 3 would be comprised of counties in existing Districts No. 2 and No. 3. The committee voted that the representation on the new committee be three producers and one handler from District No. 1, one producer and one handler from District No. 2, and one producer and one handler from District No. 3.

Fresh potato shipments in the production area have shifted from the western part of Idaho and Malheur County, Oreg., to the eastern part of Idaho during the past 11 years. During the 1959 crop year, proposed District No. 1 made 33.9 percent of the fresh potato shipments. By the 1970 crop year, proposed District No. 1 had 63.7 percent of the fresh shipments. Proposed District No. 3, which includes the western part of Idaho and Malheur County, Oreg., had 41.4 percent of the fresh shipments during the 1959 crop year and then declined to 14.7 percent of the fresh shipments by the 1970 crop year. Proposed District No. 2 declined slightly from 24.7 percent of fresh shipments during 1959 to 21.6 percent of fresh shipments during 1970. Most of the production in the western part of Idaho and Malheur County, Oreg., is now contracted for processing.

The greatest interest and participation on the Idaho-Eastern Oregon Potato Committee is from the growers and shippers in the fresh shipping areas. Potatoes for canning, freezing and other processing currently are exempt from regulation under the marketing order.

In recommending redistricting and reapportionment, the committee indicated that such a change would result in economies for producers by promoting more efficient administration of the program and provide for greater equity of representation on the committee.

All persons who desire to submit data, views, or arguments in connection with this proposal shall file the same in quadruplicate with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 20 days following publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 945.130 Reestablishment of districts and reapportionment of committee membership.

(a) Pursuant to § 945.23: (1) The following new districts are established;

(i) District No. 1, the counties of Bonneville, Butte, Clark, Freemont, Jefferson, Madison, and Teton;

(ii) District No. 2, the counties of Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida, and Power; and

(iii) District No. 3, Malheur County, Oreg., and the remaining designated counties in Idaho included in the production area, and not included in District No. 1 or District No. 2.

(2) The membership of the Idaho-Eastern Potato Committee shall be apportioned among the districts of the production area so as to provide the following representation:

(i) Three producer members and one handler member from District No. 1;

(ii) One producer member and one handler member from District No. 2; and

(iii) One producer member and one handler member from District No. 3.

The respective alternates shall be selected on the same basis of representation as the members.

(b) The new districts are hereby established in the current fiscal year only for the purpose of making nominations of committee members for the coming fiscal year. The new districts are to be established as operating entities beginning on June 1, 1972.

(c) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 2, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-1804 Filed 2-7-72;8:48 am]

[7 CFR Part 966]

[AO-265-A4]

TOMATOES GROWN IN FLORIDA

Decision and Referendum Order on Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Orlando, Fla., October 7, 1971, pursuant to notice thereof which was published in the FEDERAL REGISTER (36 F.R. 18212), upon a proposed amendment to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966) regulating the handling of tomatoes grown in the production area.

On the basis of the evidence presented at the hearing and the record thereof, a recommended decision in this proceeding was filed on December 15, 1971, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof was published in the December 21, 1971, FEDERAL REGISTER (36 F.R. 24120). The notice allowed 15 days after publication (or until January 5, 1972) for filing exceptions thereto. No exceptions were filed.

Material issues, findings and conclusions. The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (36 F.R. 24120) are hereby approved and adopted as the material issues, findings, and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement as Amended Regulating the Handling of Tomatoes Grown in Florida" and "Order Amending the Order as Amended Regulating the Handling of Tomatoes Grown in Florida" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1970, through July 31, 1971 (which period is hereby determined to be a representative period for the purpose of such referendum) were engaged in the production area (comprising the counties of Pinellas, Hillsborough, Polk, Osceola, and Brevard and all counties south thereof in the State of Florida) in the production of tomatoes for market, to determine whether such producers favor the issuance of the annexed order.

Minard F. Miller and Donald S. Kuryloski of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR 900.400 et seq.).

The ballots used in the referendum shall contain the proposed amendment to be voted on.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from the referendum agents or any appointee or at any county agent's office within the aforesaid production area.

It is hereby ordered, That this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: February 3, 1972.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Tomatoes Grown in Florida

§ 966.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held at Orlando, Fla., on October 7, 1971, upon a proposed amendment to Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of tomatoes produced in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing order upon which a hearing has been held;

(3) The said order, as amended, and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to the different stages of maturity, as are necessary to give due recognition to the differences in the production and marketing of tomatoes produced in the production area; and

(5) All handling of tomatoes produced in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *It is therefore ordered,* That, on and after the effective date hereof, all handling of tomatoes produced in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

---

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

V 37-26
FEB 8 72
XUM

Section 966.48, titled *"Research and development,"* is revised to read as follows:

§ 966.48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of any form of marketing research and development projects including paid advertising, designed to assist, improve, or promote the marketing, distribution and consumption of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 966.42.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

[FR Doc.72–1808 Filed 2–7–72;8:48 am]

Rural Electrificaton Administration

[7 CFR Part 1701]

RURAL ELECTRIFICATION PROGRAM

REA Policy on Electric Wholesale Rates—Power Supply Borrowers

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue new REA Bulletin 111–4, Electric Wholesale Rates—Power Supply Borrowers. The bulletin is being issued to set forth REA policy and general recommendations with respect to electric wholesale rates charged by REA power supply borrowers. On issuance of the new bulletin, Appendix A to Part 1701 will be revised accordingly.

Persons interested in the provisions of REA Bulletin 111–4 may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division.

The text of proposed REA Bulletin 111–4 is as follows:

REA BULLETIN 111–4

Subject: Electric Wholesale Rates—Power Supply Borrowers.

I. *Purpose.* To set forth policy and general recommendations with respect to electric wholesale rates charged by REA power supply borrowers. Wholesale rates include all rates and charges for electric power sold for resale.

II. *General Policy.* A. Power supply borrowers are responsible for charging wholesale rates which will produce the revenues needed to meet lenders' requirements, satisfy their mortgage provisions, and maintain a satisfactory equity position. Each borrower should determine the equity ratio considered satisfactory for its particular system and the length of time needed to achieve that level.

B. In accordance with power supply contracts with their member systems, power supply borrowers are required to review their wholesale rates at least once each year. Where the review indicates the need for revision, borrowers are encouraged to initiate wholesale rate studies either by use of qualified consultants or by their own staffs. REA will review such studies and furnish comments to the borrower as requested and will render technical assistance in developing rates to the extent possible at the borrowers' request.

C. Any proposed changes in the rate must receive REA approval before they are put into effect. Borrowers should notify REA of proposed changes at least 90 days prior to the proposed effective date. At the time of such notice, a copy of the present and proposed rate schedule, together with material showing the effect of the proposed changes upon its own revenues and margins and upon the cost of power to the member systems, should be submitted to REA. A copy of a current long-range financial forecast must be submitted at the same time if one has not been provided REA within the last 12 months.

D. Borrowers should give notice to or advise the member systems regarding any proposed changes in the wholesale rate.

E. Borrowers must, of course, submit proposed rate changes to any regulatory commissions having jurisdiction and must seek approval in the manner prescribed by those commissions. Borrowers must also comply with any Federal Price Commission regulations.

III. *Wholesale rate design considerations.* A. Rate levels should be adequate to produce the revenues required to meet all of the cash requirements of the borrower and provide operating margins to establish and maintain an equity position sufficient to meet the borrower's credit requirements.

B. The rate should satisfy the basic needs of the power supply borrower and should be compatible with the needs of its members to the greatest possible extent. In this respect, consideration should be given to:

1. The magnitudes and seasonal characteristics of the members' loads, their monthly and annual load factors and the effect of those characteristics upon the monthly and annual peak demands and load factors imposed upon the power supply system, and upon the cost of supplying the power requirements of its members.

2. The members sharing equitably in supplying the revenue requirement of the power supply borrowers.

3. Simplicity and clarity in the rate structure, including any required adjustment clauses for fuel and/or purchased power expense.

4. Ability to fully utilize capacity, such as through agreements with other suppliers, where applicable.

C. Within the limits of economic practicality the rate should provide an incentive to the member systems for improving their monthly and annual load factors for the best year-round utilization of the power supply systems.

Dated: February 3, 1972.

E. C. WETZELL,
Acting Administrator.

[FR Doc.72–1847 Filed 2–7–72;8:51 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 7]

CHILDREN'S SLEEPWEAR

Standard for Flammability; Hearing

On July 29, 1971, there was published in the FEDERAL REGISTER (36 F.R. 14062) the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71). This standard was issued under the authority of the Flammable Fabrics Act, as amended (81 Stat. 568; 15 U.S.C. 1191–1204) and was developed under the Flammable Fabrics Act Procedures contained in Title 15, Part 7 of the Code of Federal Regulations. The effective date of the standard is July 29, 1972, with a proviso temporarily requiring a cautioning label for flammable goods manufactured during the 12 months after the effective date of standard. All goods manufactured 24 months after promulgation are required to comply.

On December 21, 1971, a formal petition was submitted by the American Apparel Manufacturers Association urging some 33 specific changes to the children's sleepwear standard. The petition and its supporting documents allege that apparel manufacturers cannot comply with the standard and that the standard does not meet the requirements of the law in that it is not "reasonable", "technologically practicable", or "appropriate". The areas involved in the proposed changes broadly include the effective date of the standard, its scope, its definitions, the labeling requirements and test procedure provided in the standard.

On December 14, 1971, Cotton, Inc. submitted a petition to amend the standard. This petition also alleges that the standard is not "reasonable", "technologically practicable" and "appropriate." The areas included in its proposed amendments are exemption of knit sleepwear, elimination of seam tests, changes in the conditioning of specimens and laundering, and interlaboratory testing.

The action taken by the Department of Commerce on these petitions will be of great interest to everyone concerned with the children's sleepwear standard, such as members of Congress, consumer groups and other segments of the textile and apparel industry. Accordingly, an informal public hearing is the best means to afford all interested parties an opportunity to comment fully on these petitions.

Notice is hereby given that informal public oral hearings will be held on February 24, 1972, at 10 a.m., e.s.t., in the Department Auditorium, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Persons desiring to testify at this hearing should so notify the Assistant Secretary for Science and Technology, Room 3862, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Conduct of the hearing. a. This hearing will be held as an informal, nonadversary proceeding under 5 U.S.C. 553 at which there will be no formal pleadings or adverse parties.

b. The presiding officer shall have the right to apportion the time of persons making presentations at the hearing in an equitable manner. Witnesses may submit a written presentation of their views for the record.

c. The presiding officer and other Department representatives shall have the right to question witnesses appearing at this hearing as to their testimony and other matters relating to the petitions.

d. The presiding officer shall have the right to terminate or shorten the presentation of any party appearing at this hearing when, in the opinion of said presiding officer, such presentation is repetitive or is not relevant to the purpose of the hearing.

e. The presiding officer has the right to exercise authority necessary to contribute to the equitable and efficient conduct of these hearings and to maintain order at the hearings.

Inspection of relevant documents. Copies of the formal petitions of the American Apparel Manufacturer's Association and Cotton, Inc. with the supporting documents as well as copies of relevant correspondence received from other interested industry organizations are available for public inspection at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

Effect of hearing on effective date of standard. This notice and proceedings authorized hereunder do not stay the effective date of the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71).

Issued: February 4, 1972.

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.72–1885 Filed 2–7–72;8:52 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Part 60–7]

ST. LOUIS PLAN

Proposed Requirements, Terms, and Conditions of Awarding Federal Construction Contracts

Notice is hereby given that pursuant to Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303), the Department of Labor proposes to amend 41 CFR Part 60–7 in the manner set forth below.

This proposed amendment concerns matters relating to public contracts. While public participation in this rule making is not required by 5 U.S.C. 553, the Department wishes to invite written comments, suggestions, or objections regarding this proposed amendment. Accordingly, interested persons are invited to submit written comments regarding the proposed amendment to John L. Wilks, Deputy Assistant Secretary for Employment Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 30 days of publication of this notice in the FEDERAL REGISTER.

Part 60–7 of Chapter 60 of Title 41 of the Code of Federal Regulations is hereby amended as follows:

Section 60–7.30, Appendix A, is revised in part to read as follows:

Subpart D—Appendix A

§ 60–7.30 Appendix A.

* * * * *

REQUIREMENTS, TERMS AND CONDITIONS

1. No contracts or subcontracts shall be awarded for Federal or Federally assisted construction in the city of St. Louis or St. Louis County, Mo., on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid openings, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work (both Federal and non-Federal) within the city of St. Louis and St. Louis County, Mo., during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this Appendix in Section 2 thereof. Minority manpower means, for the purposes of this appendix, Negroes, Spanish Surnamed Americans, Orientals, and American Indians. The trades utilizing the following classifications of employees are covered by this appendix:

Asbestos workers.
Boilermakers.
Bricklayers.
Carpenters.
Cement and concrete finishers.
Electricians.
Elevator constructors.
Glaziers.
Ironworkers.
Lathers and plasterers.
Operating engineers.
Painters and paperhangers.
Plumbers and pipefitters.
Roofers and slaters.
Sheetmetal workers.
Tile setters and Terrazzo workers.

The above designated trades are those in which the underutilization of minorities is most apparent and as to which goals of minority manpower utilization falling within the ranges designated herein could be developed and achieved, without displacing incumbents in the trades.

Included in the above listing is the trade of Carpenters as to which there has been developed and approved by the OFCC a Supplemental Manpower Agreement to which the Carpenters District Council of St. Louis and the Associated General Contractors of St. Louis are signatories. That agreement which meets or exceeds the requirements of the St. Louis Plan which would otherwise be applicable to this trade provides, inter alia, for a 5-year goal of twenty percent (20%) minority manpower representation in the trade.

Additionally, an affirmative action agreement has been executed by and between the National Electrical Contractors Association and Local Union No. 1, International Brotherhood of Electrical Workers, which has been accepted by the OFCC. That agreement also meets or exceeds the requirements of the St. Louis Plan which would otherwise be applicable to this trade and provides, inter alia, for a 5-year goal of seventeen percent (17%).

Those contractors who are signatories to the aforementioned affirmative action programs and who continue to satisfactorily participate therein, shall, so long as such programs remain approved by the OFCC be relieved of their obligations to meet their goals of minority manpower utilization designated in this Appendix for the trades of Carpenters and Electricians, as appropriate.

A bidder who fails or refuses to complete or submit the goals required by this Appendix A and who is not otherwise relieved from his obligation to do so, shall not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need be submitted only for those trades which the contractor contemplates to be used in the performance of the federally involved contract. In no case shall there be any negotiations over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

* * * * *

Signed at Washington, D.C., this 3d day of January 1972.

J. D. HODGSON,
Secretary of Labor.

HORACE E. MENASCO,
Acting Assistant Secretary for Employment Standards.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[FR Doc.72–1776 Filed 2–7–72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 73]

[Airspace Docket No. 71–SO–186]

RESTRICTED AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering proposals submitted by the Department of the Navy that would designate temporary restricted areas in the Camp Lejeune/Croatan National Forest/Cherry Point area, and the coastal region adjacent to Jacksonville, Beaufort, and Lake Waccamaw, N.C.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue

V 37 26
FEB 8 72
XUM

SW., Washington, DC 20591. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA is considering the designation of the following temporary restricted areas:

a. Name: Exotic Dancer V—Joint Military Exercise.

b. Location: Camp Lejeune, N.C.

c. Boundaries:

Area A—Beginning at a point on the northwest boundary of Restricted Area R-5306A at lat. 35°23'15" N., long. 76°34'40" W., thence southwest along the boundary of R-5306A to lat. 35°02'00" N., long. 76°58'15" W., thence clockwise along the boundary of the New Bern control zone to lat. 35°02'00" N., long. 77°09'00" W., to lat. 35°15'00" N., long. 77°30'00" W. to lat. 35°32'30" N., long. 77°09'30" W., thence to point of beginning.

Area B—Beginning at a point on the northwest boundary of Restricted Area R-5306A at lat. 35°02'00" N., long. 76°58'15" W., thence southwest and southeast along the boundary of R-5306A, R-5306B, and R-5306C to lat. 34°30'30" N., long. 77°15'50" W., thence southwest along the boundary of Warning Area W-122 to lat. 34°17'45" N., long. 77°37'50" W. to lat. 34°35'30" N., long. 77°42'30" W. to lat. 34°37'30" N., long. 77°50'00" W. to lat. 34°55'00" N., long. 77°49'30" W. to lat. 35°15'00" N., long. 77°30'00 W. to lat. 35°02'00" N., long. 77°09'00" W., thence counterclockwise along the boundary of the New Bern control zone to point of beginning; excluding the airspace at and below 4,000 feet MSL within the Jacksonville, N.C., control zone and transition area (8.5-statute-mile radius of New River MCAS, lat. 34°42'25" N., long. 77°26'35" W., and 6.5-statute-mile radius and extensions of Albert Ellis, N.C., Airport, lat. 34°49'49" N., long. 77°36'42" W.); excluding that airspace from 1,000 to and including 4,000 feet MSL within 4 nautical miles either side of Fayetteville, N.C., VOR-TAC 102° M(106° T) radial, extending from the Jacksonville transition area westward to the restricted area boundary.

Area C—Beginning at a point on the southeast boundary of Restricted Area R-5306A at lat. 34°43'40" N., long. 76°46'20" W. to lat. 34°37'45" N., long. 76°40'00" W., thence west along the boundary of Warning Area W-122 to lat. 34°37'30" N., long. 76°56'20" W. to lat. 34°41'50" N., long. 76°56'20" W., thence along the boundary of R-5306A to point of beginning.

d. Designated Altitudes:

Area A—7,000 to 17,000 feet MSL.

Area B—Surface to 17,000 feet MSL.

Area C—Surface to FL-350.

NOTE: Altitudes of Area B are subject to stated exclusions, at and below 4,000 feet.

e. Time of Designation: Continuous, 19–25 May 1972 inclusive.

f. Controlling Agency: Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

g. Using Agency: U.S. Atlantic Command, Norfolk, Va.

The proposed restricted areas would be utilized for a Joint Military Training Exercise, wherein during the designated period extensive air drop and landing assaults will occur in support of ground forces. Tactical air maneuvers will be contained in the proposed special use airspace under both VFR and IFR conditions through direct control by the appropriate Military Air Traffic Regulations Center. Nonexercise air traffic generated by civil airports within the proposed restricted area will be handled on a coordinated basis using preferential routings, altitudes and coordinated times to effect safe ingress and egress of the proposed area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 31, 1972.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-1796 Filed 2-7-72;8:48 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 425]

SELLERS IN COMMERCE

Proposal Regarding Negative Option Plans

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and provisions of Part 1, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq., issued on May 13, 1970, a proposed trade regulation rule concerning the use of negative option plans by sellers in commerce. Written comments thereon by interested parties were received and public hearings were held on November 16–19, 1970.

Having considered the record produced thereby, the Commission issues the following revised proposed rule for consideration in its stead and invites interested parties to submit data, views, or arguments regarding such revised proposed rule:

§ 425.1 The Rule.

(a) In connection with the sale, offering for sale, or distribution of goods and merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice, for a seller in connection with the use of any negative option plan to fail to comply with the following requirements:

(1) Promotional material shall clearly and conspicuously disclose the material terms of the plan, including:

(i) That aspect of the plan under which the subscriber must notify the seller, in the manner provided for by the seller, if he does not wish to purchase the selection;

(ii) Any obligation assumed by the subscriber to purchase a minimum quantity of merchandise;

(iii) The right of a contract-complete subscriber to cancel his membership at any time;

(iv) Whether billing charges will include an amount for postage and handling;

(v) A disclosure indicating that the subscriber will be provided with at least ten (10) days in which to return any form, contained in or accompanying an announcement identifying the selection, to the seller;

(vi) A disclosure that the seller will credit the return of any selection sent to a subscriber, and guarantee to the postal service or the subscriber postage to return such selection to the seller when the announcement and form are not received by the subscriber in time to afford him at least ten (10) days in which to mail his form to the seller;

(vii) The frequency with which the announcements and forms will be sent to the subscriber, and the maximum number of announcements and forms which will be sent to him during a 12-month period.

(2) Prior to sending any selection, the seller shall mail to its subscribers, within the time specified by subparagraph (3) of this paragraph:

(i) An announcement identifying the selection;

(ii) A form, contained in or accompanying the announcement, clearly and conspicuously disclosing that the subscriber will receive the selection identified in the announcement unless he instructs the seller that he does not want the selection, designating a procedure by which the form may be used for the purpose of enabling the subscriber so to instruct the seller, and specifying either the return date or the mailing date.

(3) The seller shall mail the announcement and form either at least twenty (20) days prior to the return date or at least fifteen (15) days prior to the mailing date, or provide a mailing date at least ten (10) days after receipt by the subscriber: *Provided, however,* That whichever system the seller chooses for mailing the announcement and form, such system must provide the subscriber with at least ten (10) days in which to mail his form.

(b) In connection with the sale or distribution of goods and merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, it shall constitute an unfair method of competition and an unfair or deceptive act or practice for a seller in connection with the use of any negative option plan to:

(1) Refuse to credit, for the full invoiced amount thereof, the return of any selection sent to a subscriber, and to guarantee to the postal service or the subscriber postage adequate to return such selection to the seller, when:

(i) The selection is sent to a subscriber whose form indicating that he does not want to receive the selection was received by the seller by the return date or was mailed by the subscriber by the mailing date;

(ii) Such form is received by the seller after the return date, but has been mailed by the subscriber and postmarked at least 3 days prior to the return date;

(iii) Prior to the date of shipment of such selection, the seller has received from a contract-complete subscriber, a written notice of cancellation of membership adequately identifying the subscriber; however, this provision is applicable only to the first selection sent to a cancelling contract-complete subscriber after the seller has received written notice of cancellation. After the first selection shipment, all selection shipments thereafter are deemed to be unordered merchandise, pursuant to section 3009 of the Postal Reorganization Act of 1970, as adopted by the Federal Trade Commission in its public notice, dated September 11, 1970;

(iv) The announcement and form are not received by the subscriber in time to afford him at least ten (10) days in which to mail his form.

(2) Fail to notify a subscriber known by the seller, to be within any of the circumstances set forth in subparagraphs (1) (i) through (iv) of this paragraph, that if the subscriber elects, the subscriber may return the selection with return postage guaranteed and receive a credit to his account.

(3) Refuse to deliver within 4 weeks after receipt of an order merchandise due subscribers as introductory and bonus merchandise, unless the seller is unable to deliver the merchandise originally offered due to unanticipated circumstances beyond the seller's control and promptly makes a reasonably equivalent alternative offer. However, where the subscriber refused to accept alternatively offered introductory merchandise, but instead insists upon termination of his membership due to the seller's failure to provide the subscriber with his originally requested introductory merchandise, or any portion thereof, the seller must comply with the subscriber's request for cancellation of membership, provided the subscriber returns to the seller any introductory merchandise which already may have been sent him.

(4) Fail to terminate promptly the membership of a properly identified contract-complete subscriber upon his written request.

(5) Ship, without the express consent of the subscriber, substituted merchandise for that ordered by the subscriber.

(c) The Commission recognizes that an industry dependent upon millions of mail transactions each month cannot completely avoid errors. Accordingly, random, sporadic, isolated nonconformance with these regulations shall not constitute a violation if the seller's procedures, manpower, and facilities are adequate to insure that the occurrence of such errors is minimized and they are corrected promptly upon their discovery, or if such nonconformance is the result of circumstances beyond the seller's control.

NOTE: The Commission is aware of the fact that many of the consumer complaints received during the course of this proceeding involve allegations of erroneous or unfair billing practices of a type which would be covered by its proposed trade regulation rule involving Billing Practices Arising Out Of The Administration Of Customer Accounts By Credit Card Issuers And Other Retail Establishments, which proceeding has been postponed indefinitely as a result of and for the reasons stated in the Commission's announcement dated January 7, 1971. In view of the fact that the problems encountered by users of the negative option system of merchandising are no different from those contemplated by the proposed Billing Practices proceeding which was designed to be applicable to all sellers similarly situated, the Commission has not seen fit to include provisions governing such practices in this proposed rule, but would instead visualize that any subsequent rule or statute on the subject would be equally applicable to the members of this industry. In the meantime, abuses in this area will be dealt with on a case by case basis.

(d) For the purposes of this section:

(1) "Negative option plan" refers to a contractual plan or arrangement under which a seller periodically sends to subscribers an announcement which identifies merchandise (other than annual supplements to previously acquired merchandise) it proposes to send to subscribers to such plan, and the subscribers thereafter receive and are billed for the merchandise identified in each such announcement, unless by a date or within a time specified by the seller with respect to each such announcement the subscribers, in conformity with the provisions of such plan, instruct the seller not to send the identified merchandise.

(2) "Subscriber" means any person who has agreed to receive the benefits of, and assume the obligations entailed in, membership in any negative option plan and whose membership in such negative option plan has been approved and accepted by the seller.

(3) "Contract-complete subscriber" refers to a subscriber who has purchased the minimum quantity or merchandise required by the terms of membership in a negative option plan.

(4) "Promotional material" refers to an advertisement containing or accompanying any device or material which a prospective subscriber sends to the seller to request acceptance or enrollment in a negative option plan.

(5) "Selection" refers to the merchandise identified by a seller under any negative option plan as the merchandise which the subscriber will receive and be billed for, unless by the date, or within the period, specified by the seller the subscriber instructs the seller not to send such merchandise.

(6) "Announcement" refers to any material sent by a seller using a negative option plan in which the selection is identified and offered to subscribers.

(7) "Form" refers to any form which the subscriber returns to the seller to instruct the seller not to send the selection.

(8) "Return date" refers to a date specified by a seller using a negative option plan as the date by which a form must be received by the seller to prevent shipment of the selection.

(9) "Mailing date" refers to the time specified by a seller using a negative option plan as the time by or within which a form must be mailed by a subscriber to prevent shipment of the selection.

Interested persons, including consumers and other members of the public, are hereby invited to file written data, views, and arguments concerning the new proposed rule, addressed to: Assistant Director, Division of Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580, on or before April 10, 1972. Such persons are urged to express approval or disapproval of the revised proposed rule or to recommend further modification, and to make statements as full as they wish.

Statements submitted as provided above will be available for examination during regular business hours in the Division of Legal and Public Records, Room 130, Federal Trade Commission, Washington, D.C. All such statements will be considered by the Commission before final action is taken in this matter.

Issued: February 2, 1972.

By the Commission.

CHARLES A. TOBIN,
Secretary.

[FR Doc.72-1806 Filed 2-7-72;8:48 am]

[16 CFR Part 432]

POWER OUTPUT OF AMPLIFIERS UTILIZED FOR HOME ENTERTAINMENT PRODUCTS

Notice of Opportunity To Submit Data, Views, and Arguments Regarding Amendment and Revision of the Proposed Trade Regulation Rule

Correction

In F.R. Doc. 72-1600 appearing at page 2454 in the issue of Tuesday, February 1, 1972, the following changes should be made:

1. In § 432.1(a) the word "offered" in the ninth line should read "offering"; and the word "amplication" in the 11th and 12th lines should read "amplification".

2. The section heading in the first column of page 2455 reading "§ 342.2 *Required disclosures.*" should read "§ 432.2 *Required disclosures.*"

RENEGOTIATION BOARD

[32 CFR Part 1499]

NONRECURRING COSTS OF PRIOR YEARS

Notice of Proposed Rule Making

The Renegotiation Board pursuant to section 109 of the Renegotiation Act of 1951, as amended (50 U.S.C.A., App. Sec. 1211 et seq.), proposes to issue the following regulation not less than thirty (30) days after the date of this publication in the FEDERAL REGISTER.

Interested persons are hereby notified that any changes, to be considered, must be presented, in writing, to the Renegotiation Board, 2000 M Street NW., Washington, DC 20446, within thirty (30) days after the date of this publication in the FEDERAL REGISTER.

V 37 FEB 8 72 XUM

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 2000 M Street NW., Washington, DC.

Dated February 3, 1972.

RICHARD T. BURRESS,
Chairman.

Part 1499 is amended by adding at the end thereof a new § 1499.1–44 to read as follows:

§ 1499.1–44 Renegotiation Ruling No. 44: Consideration of nonrecurring costs of prior years.

(a) This section explains the application of § 1460.10(b)(5) of this chapter, which provides in part as follows:

(5) The Board will give consideration to certain situations where a contractor had deficient profits on renegotiable sales in a year or years prior to that under review. Where it can be established that deficient profits in prior years resulted from nonrecurring costs in the early stages of production which relate to production in the year under review, the Board will take this into account in reviewing the contractor's renegotiable business in the year under review.

(b) Where it is possible to identify and isolate, in specific amount, nonrecurring costs incurred in a prior fiscal year that relate to performance in the year under review, the Board will transfer such costs to the year under review, usually by special accounting agreement entered into pursuant to § 1459.1(b)(2) of this chapter, provided that such action would not affect the result reached in the renegotiation of such earlier fiscal year (see § 1499.2–19(e) of this chapter). If such an adjustment is made, the contractor is not entitled to factor consideration for such costs in the year under review; § 1460.10(b)(5) is not applicable.

(c) On the other hand, if accounting adjustments in precise amounts cannot be made, but nonrecurring costs within a demonstrable range were incurred in the prior year and the Board is satisfied that the other conditions set forth in paragraph (b) of this section exist, the presence of such costs in the prior year is taken into consideration by the Board in reaching a determination for the year under review. It is in such circumstances and in this manner that § 1460.10(b)(5) operates. The provision does not authorize or contemplate an arithmetical allowance, in the year under review, of the deficiency in profits of the prior year; nor does it authorize or contemplate an averaging of profits of the prior year with those of the year under review, or an averaging of costs on a unit or program basis. It contemplates only that certain nonrecurring costs relating to performance in the year under review were incurred in a prior year; that because of such costs the contractor's profits in the prior year were deficient; that the removal of the costs to the year under review would not disturb the result reached in the renegotiation of the prior year; and that, therefore, such costs should be taken into consideration in evaluating the contractor's profits in the year under review. The consideration to be accorded to such matter in determining excessive profits for the year under review rests within the discretion of the Board, and will depend upon the probative value of the information made available to the Board.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

[FR Doc.72–1841 Filed 2–7–72;8:51 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[N–4471]

NEVADA

Order Opening Public Land

JANUARY 31, 1972.

1. In accordance with the provisions of section 3 of the Act of June 14, 1926, 44 Stat. 741, as amended; 43 U.S.C. 869, the following lands were reconveyed to the United States:

MOUNT DIABLO MERIDIAN, NEVADA

T. 21 S., R. 60 E.,
Sec. 1, lot 49.

The area contains 2.5 acres.

2. The land is located in Las Vegas Valley. The terrain is flat with sandy, rocky soil.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the land is hereby open to application, petition, and selection, including location under the U.S. mining laws. All valid applications received at or prior to 10 a.m. on March 6, 1972 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

4. The land has been open to applications and offers under the mineral leasing laws.

5. Inquiries concerning the land should be addressed to Chief, Division of Technical Services, 300 Booth Street, Reno, NV 89502.

A. JOHN HILLSAMER,
Acting Chief,
Division of Technical Services.

[FR Doc.72–1838 Filed 2–7–72;8:50 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 9]

LINSEED OIL (RAW) EXPORT SALES

Sales of Certain Commodities; Monthly Sales List

The CCC Monthly Sales List for the fiscal year ending June 30, 1972, published in 36 F.R. 13044, is amended as follows:

1. A section 46 is inserted, which reads as follows:

46. *Linseed oil (raw) export sales.* Available on a competitive bid basis through the Minneapolis ASCS Commodity Office.

Signed at Washington, D.C., on February 2, 1972.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72–1844 Filed 2–7–72;8:51 am]

Office of the Secretary

WASHINGTON

Designation of Areas for Emergency Loans

For the purpose of making Emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91–606), it has been determined that in the following county in the State of Washington natural disasters have caused a general need for agricultural credit:

COUNTY

Yakima.

Emergency loans will not be made in the above-named county under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for Emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3d day of February 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72–1805 Filed 2–7–72;8:48 am]

Packers and Stockyards Administration

VALLEY STOCKYARDS, INC., ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

CA–166, Valley Stockyards, Inc., El Centro, Calif.
IA–237, Farmers Livestock Auction, Inc., Carroll, Iowa.
IA–240, LaPorte City Sale Barn, LaPorte City, Iowa.
MA–104, Crowley's Commission Sales, Inc., Agawam, Mass.
MS–148, Harrell Stockyard, Inc., Morton, Miss.
MO–221, Miller Livestock Auction Co., Miller, Mo.
OK–187, Midway Sale Barn, Edmond, Okla.
PA–147, Collegeville Livestock Sales, Collegeville, Pa.
PA–148, Marland C. Francs, Doylestown, Pa.
TX–289, Cattlemen's Livestock Auction, Palestine, Tex.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 2d day of February 1972.

JOHN R. BRANNIGAN,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.72–1846 Filed 2–7–72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–421; NDA 0–762, etc.]

HIGH CHEMICAL CO., ET AL.

New-Drug Application; Notice of Withdrawal of Approval

The holders of the new-drug applications listed herein have not submitted annual reports of experience with the drugs as required and have advised the Food and Drug Administration that the new drugs involved were never marketed or marketing has been discontinued and have requested withdrawal of approval of the new-drug applications, thereby waiving opportunity for a hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as

V 37-26
FEB 8 72
XUM

amended; 21 U.S.C. 355(e)), and under authority delegated to the Commissioner (21 CFR 2.120), approval of the following new-drug applications, including all amendments and supplements thereto, is hereby withdrawn on the grounds that the applicants have failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j)) and § 130.13 or § 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.13 and 130.35).

NDA No.	Drug name	Applicant's name and address
0-762	Vitamin B_1 Injection (thiamin hydrochloride).	High Chemical Co., 1760 North Howard St., Philadelphia, PA 19122.
2-531	Biferone Tablets (Birone) (ferrous sulfate, thiamine chloride, riboflavin, nicotinic acid).	Beecham-Massengill Pharmaceuticals, 527 Fifth St., Bristol, TN 37620.
7-062	Paraminyl Tablets (pyranisamine maleate).	Cooper Laboratories, Inc., Fairfield Rd., Wayne, N.J. 07470.
7-119	Diaminide Maleate Tablets (pyranisamine maleate).	Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486.
7-249	Para Hycodan Syrup & Tablets (dihydrocodeinone bitartrate, dihydrocodeinone terephthalate pentylenetetrazol).	Endo Laboratories, Inc., 1000 Stewart Ave., Garden City, NY 11530.
7-844	Diethylstilbestrol in Ethyl Oleate Injection (diethylstilbestrol).	Eli Lilly and Co., Box 618, Indianapolis, IN 46206.
9-566	Reserpine Tablets (reserpine).	High Chemical Co., 1760 North Howard St., Philadelphia, PA 19122.
10-372	Co-Hydeltra Tablets (prednisolone, magnesium trisilicate, dried aluminum hydroxide gel),	Merck Sharp & Dohme, Division Merck & Co., Inc., West Point, Pa. 19486.
10-407	Renir Tablets (reserpine, ephedrine sulfate).	Beecham-Massengill Pharmaceuticals, 527 Fifth St., Bristol, TN 37620.
11-645	Reflexol Cough Lozenges (carbetapentane tannate).	International Playtex Corp., 888 Seventh Ave., New York, N.Y. 10019.
11-646	Reflexol Forte Cough Lozenges (carbetapentane tannate).	Do.
12-009	Pyrilamine Maleate Capsules (pyrilamine maleate).	United Pharmaceuticals, Inc., 1064 44th Ave., Oakland, CA 94601.
16-281	Potassium Chloride Tablets (potassium chloride).	Cooper Laboratories, Inc., 2900 North 17th St., Philadelphia, PA 19132.

This order shall become effective on its date of publication in the FEDERAL REGISTER (2-8-72).

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1737 Filed 2-7-72;8:45 am]

[Docket No. FDC-D-429; NDA 0-484, etc.]

S. E. MASSENGILL CO. ET AL.

New Drug Applications; Notice of Withdrawal of Approval

The holders of the new-drug applications listed herein have not submitted annual reports of experience with the drugs as required and have advised the Food and Drug Administration that the new drugs involved were never marketed or marketing has been discontinued and have requested withdrawal of approval of the new-drug applications, thereby waiving opportunity for a hearing.

Therefore pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to the Commissioner (21 CFR 2.120), approval of the following new-drug applications, including all amendments and supplements thereto, is hereby withdrawn on the grounds that the applicants have failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j) and §§ 130.13 and 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.13 and 130.35).

NDA No.	Drug name	Applicant's name and address
0-484	Niacin Tablets (nicotinic acid).	The S. E. Massengill Co., 527 Fifth St., Bristol, TN 37620.
2-075	Methocel Tablets (methylcellulose).	The Dow Chemical Co., Post Office Box 1706, Midland, MI 48640.
2-368	Napental Capsules (pentobarbital sodium).	The S. E. Massengill Co., 527 Fifth St., Bristol, TN 37620.
2-385	Aminophyllin (Enteric coated) Tablets (aminophyllin).	G. D. Searle & Co., Post Office Box 5110, Chicago, IL 60680.
6-114	Decupryl Cream and Liquid (undecylenic acid).	Cooper Laboratories, Inc., 2900 North 17th St., Philadelphia, PA 19132.
6-614	Semikon Hydrochloride Tablets (methapyrilene hydrochloride).	The S. E. Massengill Co., 527 Fifth St., Bristol, TN 37620.
9-398	Rauwolfia Serpentina Tablets (rauwolfia serpentina).	Bryant Pharmaceutical Corp., 70 MacQuesten Parkway South, Mount Vernon, NY 10550.
9-419	Rauvitine Tablets (rauwolfia serpentina).	The Vitarine Co., Inc., 227-15 North Conduit Ave., Springfield Gardens, NY 11413.
9-586	Verapene Tablets (reserpine).	Wampole Laboratories, 35 Commerce Rd., Stamford, CT 06904.
9-680	Evroloid Tablets (reserpine).	Evron Pharmaceutical Co., Inc., 7475 North Rogers Ave., Chicago, IL 60626.
9-749	Serpivite Tablets (reserpine).	The Vitarine Co., 227-15 North Conduit Ave., Springfield Gardens, NY 11413.
9-943	Plaquinol Sulfate Tablets (hydroxychloroquine sulfate).	Winthrop Products, Inc., 90 Park Ave., New York, NY 10016.
10-199	Hydrocortisone Acetate Ointment (hydrocortisone acetate).	The Vitarine Co., Inc., 227-15 North Conduit Ave., Springfield Gardens, NY 11413.
10-430	Hypersine Tablets (reserpine).	Don Hall Laboratories, 1935 North Argyle St., Portland, OR 97217.
10-552	Reserpine Injection (reserpine).	Cooper Laboratories, Inc., 2900 North 17th St., Philadelphia, PA 19132.
10-650	Hydrocortisone Acetate Suspension (hydrocortisone acetate).	Do.
11-687	Tral with Phenobarbital Drops (hexocyclium methylsulfate, phenobarbital).	Abbott Laboratories, North Chicago, Ill. 60064.
12-091	Isodette Cough Syrup (carbetapentane citrate, phenylephrine hydrochloride, chlorpheniramine maleate, acetaminophen).	International Playtex Corp., 350 Fifth Ave., New York, NY 10001.

This order shall become effective on its date of publication in the FEDERAL REGISTER (2-8-72).

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1738 Filed 2-7-72;8:45 am]

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968), as amended by 35 F.R. 10798, July 2, 1970, is hereby amended with regard to section 3-20, *Organization and Functions*, as follows:

In the chapter alphabetically coded "3G00"—Center for Disease Control (3G00)—the sidehead *Laboratory Division* (3G69) and accompaning text is replaced with the following sidehead and accompanying text:

Laboratory Division (3G69). (1) Administers a comprehensive national laboratory improvement program; (2) directs and conducts the administration of the licensure and evaluation of clinical laboratories engaged in interstate commerce under the authority and provisions of the Clinical Laboratories Improvement Act of 1967; (3) conducts research for improving and standardizing laboratory methodology; (4) evaluates techniques, materials, and reagents used in public health laboratories; (5) provides reference and typing center services related to clinical laboratory procedures for national and international organizations; (6) produces and distributes microbiological reference and working reagents not commercially available or of unreliable supply; (7) provides consultation, training, and informational services in laboratory techniques and laboratory management to States and other recipients; and (8) distributes experimental vaccines and special immune globulins to prevent and control laboratory infections.

Dated: February 2, 1972.

STEVEN D. KOHLERT,
Acting Deputy Assistant Secretary for Management.

[FR Doc.72-1832 Filed 2-7-72;8:50 am]

A complete listing of licensed establishments and products may be obtained by writing to the Division of Biologics Standards, National Institutes of Health, Bethesda, Md. 20014.

ESTABLISHMENT LICENSES ISSUED

Establishment	City and State	License No.
Blood Research Institute, Inc.	Boston, Mass.	445
Community Blood Bank of Southern New Jersey, Inc. (The).	Cherry Hill, N.J.	440
Cordis Corp.	Miami, Fla.	450
Detroit Biologicals, Inc.	Southgate, Mich.	441
Diagnostics, Inc.	Birmingham, Ala.	446
Interstate Blood Bank, Inc. of Pa.	Philadelphia, Pa.	444
Medical Center Blood Bank, Inc.	Nashville, Tenn.	449
Meridian Bio-Medical, Inc.	Denver, Colo.	448
Sera-Tec Biologicals, Inc.	North Brunswick, N.J.	448
Speers Memorial Hospital	Dayton, Ky.	447
University of Arkansas Medical Center Blood Bank.	Little Rock, Ark.	442

ESTABLISHMENT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER

Establishment	City and State	License No.
Allergy Specifics, Inc.	New York, N.Y.	412
Allied Plasma Corp.	Miami, Fla.	418
Blood Bank & Serum Service, Inc.	New York, N.Y.	404
Blood Grouping Laboratory of Boston, Inc.	Boston, Mass.	159
Community Memorial General Hospital.	La Grange, Ill.	277
Dunklin County Memorial Hospital.	Kennett, Mo.	368
Evans Medical, Ltd.	Speke, Liverpool, England.	351
Harrisburg Polyclinic Hospital.	Harrisburg, Pa.	405
Terrell Clinic	Ft. Worth, Tex.	84
Washington Blood Laboratory.	Washington, D.C.	158

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE AND REISSUED

Establishment	City and State	License No.	Action
Behring Diagnostics, Division of American Hoechst Corp.	Woodbury, N.Y.	157	Name change.
Belle Bonfils Memorial Blood Center.	Denver, Colo.	166	Do.
Eastern Biologicals, Inc.	Jersey City, N.J.	420	Establishment move.
Merrell-National Laboratories Division of Richardson-Merrell Inc.	Swiftwater, Pa.	101	Name change.
North American Biologicals, Inc.	North Miami, Fla.	413	Additional location.

PRODUCT LICENSES ISSUED

Product	Establishment	License No.
Allergenic Extracts	Bioproducts Research Laboratories, Inc.	416
Do	Meridian Bio-Medical, Inc.	448
Allergenic Extracts Alum Precipitated.	Center Laboratories, Inc.	198
Anti-A Blood Grouping Serum.	Behringwerke AG	97
Anti-B Blood Grouping Serum.	do	97
Anti-Human Serum	Lee Laboratories, Inc.	436
Do	North American Biologicals, Inc.	413

PRODUCT LICENSES ISSUED—Continued

Product	Establishment	License No.
Anti-Rh Typing Serums:		
Anti-Rh_o (Anti-D)	do	413
Anti-Rh_o (Anti-CD)	Metabolic, Inc.	415
Anti-Rh_o-rh'-rh'' (Anti-CDE).	do	415
Anti-rh'' (Anti-E)	do	415
Anti-hr' (Anti-c)	North American Biologicals, Inc.	413
Cryoprecipitated Anti-hemophilic Factor (Human).	Sera-Tec Biologicals, Inc.	448
Do	Scientific Blood Bank, Inc.	345
Do	University of Cincinnati Blood Transfusion Service.	226
Hepatitis Associated Antibody (Anti-Australia Antigen).	Cordis Corp.	450
Do	Diagnostics, Inc.	446
Do	Ortho Diagnostics, Ortho Pharmaceutical Corp.	196
Do	Travenol Laboratories, Inc.	140
Immune Serum Globulin (Human).	Wyeth Laboratories, Inc.	3
Red Blood Cells (Human).	Blood Research Institute, Inc.	445
Do	Detroit Biologicals, Inc.	441
Do	Perth Amboy General Hospital.	206
Do	Speers Memorial Hospital.	447
Rh_o(D) Immune Globulin (Human).	Dow Chemical Co. (The)	110
Single Donor Plasma (Human).	Community Blood and Plasma Service, Inc., of Texas.	241
Do	Detroit Biologicals, Inc.	441
Whole Blood (Human)	Community Blood Bank of Southern New Jersey, Inc. (The).	440
Do	Detroit Biologicals, Inc.	441
Do	Interstate Blood Bank, Inc., of Pa.	444
Do	Medical Center Blood Bank, Inc.	449
Do	Speers Memorial Hospital.	447
Do	University of Arkansas Medical Center Blood Bank.	442

PRODUCT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER

Product	Establishment	License No.
Absorbed Anti-A Serum.	Blood Bank Foundation.	165
Do	Blood Grouping Laboratory of Boston.	159
Do	Washington Blood Laboratory.	158
Allergenic Extracts	Allergy Specifics, Inc.	412
Do	Terrell Clinic	84
Anti-A Blood Grouping Serum.	Blood Bank Foundation.	165
Do	Blood Grouping Laboratory of Boston.	159
Do	Washington Blood Laboratory.	158
Anti-B Blood Grouping Serum.	Blood Bank Foundation.	165
Do	Blood Grouping Laboratory of Boston.	159
Do	Washington Blood Laboratory.	158
Anti-A,B Blood Grouping Serum.	Blood Bank Foundation.	165
Do	Washington Blood Laboratory.	158
Anti-Fy^a Serum (Anti-Duffy).	Blood Grouping Laboratory of Boston.	159
Anti-Gr(V^s) Serum	do	159
Antihemophilic Globulin (Human).	Michigan Department of Public Health Bureau of Laboratories.	99
Anti-Human Serum	Blood Bank Foundation.	165
Do	Blood Grouping Laboratory of Boston.	159
Do	Washington Blood Laboratory	159

V 37-26 FEB 8 72 XUM

PRODUCT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER—Continued

Product	Establishment	License No.
Anti-Jk[a] Serum (Anti-Kidd).	Blood Grouping Laboratory of Boston.	159
Anti-K Serum (Anti-Kell).	Blood Bank Foundation.	165
Do	Blood Grouping Laboratory of Boston.	159
Anti-Kp[a] Serum (Anti-Penney).	do	159
Anti-Kp[a] and Anti-K Serum (Anti-Rantenberg and Anti-Kell).	do	159
Anti-Le[a] Serum (Anti-Lewis).	do	159
Anti-Le[b] Serum	do	159
Anti-M Serum	do	159
Anti-M[g] Serum	do	159
Anti-P Serum	do	159
Anti-Rh Typing Serums:		
Anti-Rh$_o$ (Anti-D)	Blood Bank Foundation.	165
Do	Blood Grouping Laboratory of Boston.	159
Do	Washington Blood Laboratory.	158
Anti-Rh$_o$ (Anti-CD)	Blood Bank Foundation.	165
Do	Blood Grouping Laboratory of Boston.	159
Do	Washington Blood Laboratory.	158
Anti-Rh$_o$ (Anti-DE).	Blood Bank Foundation.	165
Do	Washington Blood Laboratory.	158
Anti-Rh$_o$h'rh" (Anti-CDE).	Blood Bank Foundation.	165
Do	Washington Blood Laboratory.	158
Anti-rh' (Anti-C)	Blood Bank Foundation.	165
Do	Blood Grouping Laboratory of Boston.	159
Do	Washington Blood Laboratory.	158
Anti-rh" (Anti-e)	Blood Bank Foundation.	165
Do	Blood Grouping Laboratory of Boston.	159
Anti-rh[w] (Anti-C[w])	do	159
Anti-Rh$_o$+Rh$_o$ (Anti-D+D").	do	159
Anti-S Serum	do	159
Anti-s Serum	do	159
Anti-Wr[a] Serum (Anti-Wright).	do	159
Bacterial Vaccines made from:		
Acne Bacillus	Merrell-National Laboratories Division of Richardson-Merrell Inc.	101
Brucella Abortus	do	101
Brucella Melitensis	do	101
Brucella Suis	do	101
Colon Bacillus	do	101
Do	Eli Lilly & Co	56
Gonococcus	Merrell-National Laboratories, Division of Richardson-Merrell Inc.	101
Do	Eli Lilly & Co	56
Meningococcus	Merrell-National Laboratories, Division of Richardson-Merrell Inc.	101
Pertussis Bacillus	Eli Lilly & Co	56
Pseudodiphtheria Bacillus	Merrell-National Laboratories, Division of Richardson-Merrell Inc.	101
Pyocyaneus Bacillus	do	101
Diphtheria and Tetanus Toxoids and Pertussis Vaccine.	Eli Lilly & Co	56
Measles Immune Globulin (Human).	do	56
Measles Virus Vaccine, Inactivated.	do	56
Perfringens Antitoxin	do	56
Pneumococcus Typing Serum.	Michigan Department of Public Health, Bureau of Laboratories.	99

PRODUCT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER—Continued

Product	Establishment	License No.
Red Blood Cells (Human).	North American Biologicals, Inc.	413
Schick Test Control	Eli Lilly & Co	56
Staphylococcus Toxoid & Bacterial Antigen made from Staphylococcus (Albus and Aureus).	E. R. Squibb & Sons, Inc.	52
Tetanus and Gas Gangrene Polyvalent Antitoxin.	Eli Lilly & Co	56
Tuberculin	Evans Medical, Ltd	351
V. Septique Antitoxin	Eli Lilly & Co	56
Whole Blood (Human)	Allied Plasma Corp	418
Do	Blood Bank & Serum Service, Inc.	404
Do	Community Memorial General Hospital.	277
Do	Dunklin County Memorial Hospital.	368
Do	Harrisburg Polyclinic Hospital.	405

Approved:

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

Approved:

STORM WHALEY,
Associate Director for Communications, for the Director, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

[FR Doc.72-1743 Filed 2-7-72;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-145]

DEPUTY REGIONAL ADMINISTRATOR, ET AL.

Designation To Serve as Acting Regional Administrator, Region I

The officials appointed to the following positions in Region I (Boston) are designated to serve as Acting Regional Administrator, Region I, Boston, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no official is authorized to serve as Acting Regional Administrator unless all other officials whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator;
2. Assistant Regional Administrator for Administration;
3. Assistant Regional Administrator for Housing Management;
4. Assistant Regional Administrator for Community Development;
5. Regional Counsel.

This designation supersedes the designation effective October 16, 1970 (36 F.R. 5445, March 23, 1971).

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date. This designation is effective as of August 22, 1971.

JAMES J. BARRY,
Regional Administrator, Region I.

[FR Doc.72-1849 Filed 2-7-72;8:51 am]

[Docket No. D-72-144]

ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION, ET AL.

Designation To Serve as Acting Regional Administrator, Region VIII

The officials appointed to the following listed positions in Region VIII (Denver) are hereby designated to serve as Acting Regional Administrator, Region VIII, during the absence of the Regional Administrator and Deputy Regional Administrator, Region VIII, with all the powers, functions, and duties delegated or assigned to the Regional Administrator: *Provided*, That no official is authorized to serve as Acting Regional Administrator, Region VIII, unless all other officials whose title precedes his in this designation are unable to act by reason of absence:

1. Assistant Regional Administrator for Administration;
2. Regional Counsel;
3. Special Assistant to the Regional Administrator;
4. Public Information Officer;
5. Special Assistant for Indian Housing.

This designation supersedes all previous designations.

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: January 1, 1972.

ROBERT C. ROSENHEIM,
Regional Administrator, Region VIII.

[FR Doc.72-1851 Filed 2-7-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Notice of Availability of Applicant's Environmental Report and Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report—Construction Permit Stage," and "Supplement No. 1 to applicant's Environmental Report—Construction Permit Stage," for the Hutchinson Island Plant, Unit 1, submitted by the Florida Power and Light Co., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, FL 33450. The reports are also being made available to the public at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, FL 32304.

These reports discuss environmental considerations related to the proposed construction of the Hutchinson Island Plant, Unit 1, located about halfway between Fort Pierce and Stuart on the east coast of Florida in St. Lucie County.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 1st day of February 1972.

For the Atomic Energy Commission.

DANIEL R. MULLER,
Acting Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-1767 Filed 2-7-72;8:45 am]

[Dockets Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Order Postponing Prehearing Conference

In the matter of Philadelphia Electric Co. (Limerick Generating Station Units 1 and 2), Dockets Nos. 50-352, 50-353.

On February 3, 1972, the Atomic Safety and Licensing Board received from the Regulatory Staff Counsel the following telegram:

In connection with the prehearing conference scheduled in this matter for February 9, 1972, at Norristown, Pa., the regulatory staff has no objection to such conference being held as scheduled, but wishes to inform the Board of its belief that such conference may be more fruitful if postponed until February 24. The Staff and the applicant have been in contact with State officials, several Congressmen and the Coalition Intervenor group. While progress has been made, the Staff believes that the additional time would be valuable in focusing on the framing of contentions in issue.

The Board construes that communication as a request for a postponement. After a telephonic conference with attorneys for the parties and most of those proposing to become intervenors, the Board has determined that, except for the applicant, there is general agreement that it would be advantageous and would assist in expediting the consideration of various issues involved in this proceeding, to change the date of the prehearing conference from the presently scheduled February 9th date to February 24, 1972. The applicant opposes the postponement on general grounds, although it is understood that applicant is continuing to meet with intervenors in order to simplify the issues. The Board has directed the parties to substitute the vast reams of paper, reflecting formal motions, answers, replies, etc., that usually accompany endeavors to simplify issues, for oral discussions and more realistic endeavors to resolve the actual basis for a hearing. The Board encourages the Staff's endeavors in this regard and grants its request. Not a most important consideration, but an item that should not be overlooked is that this postponement will substantially reduce the travel time of the Staff personnel involved in these conferences, since this February 24 prehearing can be combined with a February 23 adjacent prehearing in Dockets Nos. 50-354 and 50-355.

Wherefore, it is ordered: In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, the February 9th prehearing conference in this proceeding is postponed and the prehearing conference shall be convened at 10:00 a.m. on Thursday, February 24, 1972, in Courtroom A, Montgomery County Courthouse, Swede and Airy Streets, Norristown, Pa.

Issued: February 4, 1972, Germantown, Md.

Atomic Safety and Licensing Board.

SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-1914 Filed 2-7-72;11:05 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24202; Order 72-2-8]

BRANIFF AIRWAYS, INC.

Order of Investigation and Suspension Regarding Revised Hawaiian Common Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of February 1972.

By tariff revision[1] marked to become effective February 5, 1972, Braniff Airways, Inc. (Braniff) proposes to revise its rules with respect to Hawaiian common fare travel to provide that such fares will apply only when tickets are purchased prior to departure from point of origin. Presently, the mainland and intra-Hawaiian carriers can, and do, rewrite tickets in Hawaii for those mainland-Hawaii passengers desiring to travel to the various Hawaiian islands under the common fare arrangement.

In support of its proposal, Braniff alleges that when Aloha Airlines, Inc. (Aloha), or Hawaiian Airlines, Inc. (Hawaiian), rewrites a Braniff passenger's ticket to include travel within Hawaii, Braniff does not know what absorption it will sustain or what stopover charges it will receive. It asserts that accounting for rewritten tickets is extremely difficult and that unless the tickets are sold in advance, it has no way to estimate or control its unearned transportation account.

Aloha and Hawaiian have filed a joint complaint against Braniff's proposal, requesting its suspension and investigation. They assert that the principle at stake is of critical importance since 75 percent of common fare tickets are presently rewritten in Honolulu, and that such rewritten tickets account for 40 percent of the total revenues of the intra-Hawaiian carriers. The complainants contend that approval of the proposal (and adoption of the rule by other mainland carriers) would virtually eliminate the common fare and have a crippling effect on the intra-Hawaiian carriers.

Braniff answers that advance sale removes an unjust discrimination in price between passengers sold in Hawaii,[2] and it places the emphasis on common fare travel on the mainland where it was intended as a promotional tool to encourage travel to Hawaii, rather than in Hawaii as a bonus to already committed mainland-Hawaii travel. Braniff further alleges that the present practice, which results in substantial absorption by the mainland carriers, is inequitable and economically unacceptable in this depressed yield market.[3]

Upon consideration of the tariff filing, the complaint and answer thereto, and all relevant matters, the Board has determined that the proposed rule may be unjust or unreasonable or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed rule should be suspended pending investigation.

The ability to rewrite mainland-Hawaii tickets in Hawaii has proven to be of substantial importance in selling interisland travel. In our opinion, a restriction such as that proposed by Braniff would inhibit such travel and is contrary to the Board's intent in requiring the provision of interisland travel at a nominal stopover charge.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule 322(A)(2) applicable to the carrier Braniff appearing on 12th and 13th Revised Pages 136 of Airline Tariff Publishers, Inc., Agent's CAB No. 142 and

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 142.

[2] Put another way, Braniff believes that a Hawaiian visitor who decides after arrival in Hawaii to visit a neighbor island should pay the same fares which Aloha and Hawaiian charge the Hawaii resident, i.e., the regular fare.

[3] On Jan. 31, 1972, Aloha and Hawaiian filed a motion for leave to file an otherwise unauthorized document. The complainants' motion will be denied.

V37-26 FEB 8 72 XUM

rules, regulations, or practices affecting such provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule 322(A)(2) applicable to the carrier Braniff on 12th and 13th Revised Pages 136 of Airline Tariff Publishers, Inc., Agent's CAB No. 142 is suspended and its use deferred to and including May 4, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The motion of Aloha Airlines, Inc., and Hawaiian Airlines, Inc., for leave to file and otherwise unauthorized document is denied;

4. Except to the extent granted herein, the complaint in Docket 24160 is hereby dismissed;

5. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

6. A copy of this order will be filed with the aforesaid tariffs and be served upon Aloha Airlines, Inc., Braniff Airways, Inc., and Hawaiian Airlines Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

Secretary.

[SEAL] HARRY J. ZINK,

[FR Doc.72-1635 Filed 2-7-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1224) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing establishment of an exemption from the requirement of a tolerance for residues of isophorone in or on raw agricultural commodities when used as an inert solvent or cosolvent in pesticide formulations applied postemergence to growing crops.

The analytical method proposed in the petition for determining residues of the inert ingredient is an ultraviolet spectrophotometric procedure in which the residue is measured at 233 nanometers.

Dated: February 1, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-1816 Filed 2-7-72;8:49 am]

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1225) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing establishment of an exemption from the requirement of a tolerance (40 CFR Part 180) for residues of the suspending agent and dispersing agent maleic anhydride-diisobutylene copolymer, sodium salt, when used as an inert ingredient in pesticide formulations applied to growing crops only.

The analytical method proposed in the petition for determining residues of the surfactant is a turbidimetric procedure with spectrophotometric measurement at 500 nanometers.

Dated: February 1, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-1817 Filed 2-7-72;8:49 am]

FEDERAL MARITIME COMMISSION

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

T. Sato, Secretary, Japan-Puerto Rico and Virgin Islands Freight Conference, 2d Floor, Sumitomo Seimei Yaesu Building, 3, 4-Chome Yaesu, Chou-Ku, Tokyo 104 Japan.

Agreement No. 8190-11 proposes to shift all of the administrative matters from the basic agreement into an appendix section so that in the future, modifications of administrative matters in the appendix will not need the Commission's approval.

Dated: February 2, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1837 Filed 2-7-72;8:50 am]

JAPAN-PUERTO RICO AND VIRGIN ISLANDS FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James E. Masure, Chairman, Japan-Atlantic & Gulf Freight Conference, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-Ku, Tokyo 104 Japan.

Agreement No. 3103-49 modifies the basic agreement of the Japan-Atlantic & Gulf Freight Conference by amending Article 16(a) to permit the lines to reimburse their agents for "container control" and administrative expenses.

Dated: February 2, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-1838 Filed 2-7-72;8:50 am]

FEDERAL RESERVE SYSTEM

BANCAL TRI-STATE CORP.

Formation of One-Bank Holding Company

BanCal Tri-State Corp., San Francisco, Calif., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Bank of California, National Association, San Francisco, Calif. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than February 28, 1972.

Pursuant to § 225.3(b) of Regulation Y, this application shall be deemed to be approved on March 13, 1972, unless the applicant is notified to the contrary before that time, or is granted approval at an earlier date.

Board of Governors of the Federal Reserve System, February 1, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1770 Filed 2-7-72;8:45 am]

FIRST CHICAGO CORP.

Order Approving Acquisition of I. J. Markin & Co.

First Chicago Corp., Chicago, Ill., a bank holding company within the meaning of the Bank Holding Company Act of 1956, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of I. J. Markin & Co. (Markin), Chicago, Ill. Notice of the application affording opportunity for interested persons to submit comments and views was duly published. The time for filing comments and views has expired and all received have been considered, including those presented orally and in writing in connection with a Board hearing on November 8, 1971, pertaining to mortgage banking in general, and this application in particular.

Applicant controls the First National Bank of Chicago (Bank), the second largest bank in the Chicago SMSA, and 21 domestic and foreign nonbanking subsidiaries. Bank's deposits of $4.6 billion[1] represent 18 percent of the total commercial bank deposits in the Chicago SMSA. Bank, which does not service mortgages originated by others, has outstanding $249 million of mortgages (primarily residential), which represent only 1.7 percent of approximately $14.3 billion of mortgage loans outstanding in the Chicago SMSA.

Markin has a mortgage loan portfolio of $97.5 million[2] (which represents 0.7 percent of mortgage loans outstanding in the Chicago SMSA) and originated $8.3 million in loans during 1970. Applicant and Markin hold a combined share of only 2.4 percent of the outstanding mortgage loans in this market. Based on the volume of mortgages serviced, Markin is the ninth largest mortgage company headquartered in Chicago, and the 187th largest in the nation. Markin specializes in the origination of mortgage loans on new income producing properties for sale to institutional investors, whereas applicant specializes in residential loans (for its own account).

The proposed acquisition would not result in any elimination of existing competition between Bank and Markin in the markets for either construction loans, permanent mortgages on one-four family homes, or in the servicing of mortgages for the public. The only market in which the two institutions are in direct competition at the present time is the origination of mortgage loans on new income producing properties. However, there is no significant existing competition between the two in this product market.

Bank's capability for de novo entry into those mortgage banking markets in which it is not presently competing is limited only by its ability to develop or obtain the experienced personnel necessary to operate a de novo concern. However, in this case, we find little differentiation to be made between a de novo entry, and the acquisition of a firm as small as Markin. As the ninth largest mortgage company headquartered in Chicago, Markin services less than 5 percent of all mortgages serviced by the top 10 mortgage companies headquartered in Chicago. There are numerous other mortgage companies and other financial institutions servicing mortgages in the Chicago SMSA as well. Thus, the market is sufficiently unconcentrated to allow a small acquisition by applicant without a substantial lessening of potential competition.

We believe that applicant's acquisition of Markin will not only add to the latter's operating capabilities but will strengthen its competitive role in the markets where it presently operates and those into which it may expand. Applicant's purchase of Markin could expand the availability of housing finance in the Chicago area (and applicant has assured the Board that it will make available to Markin additional funds for low- and moderate-income housing projects). Additionally, because of the number of remaining credit sources, there is no significant possibility that the acquisition would have adverse effects on credit availability to independent mortgage companies. On balance, the Board concludes that these public benefits outweigh any possible adverse effect on competition.

Based upon the foregoing and other considerations reflected in the record,[3] the application is approved.

By order of the Board of Governors,[4] January 31, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1774 Filed 2-7-72;8:46 am]

[1] Data as of December 1970.

[2] Data as of Oct. 31, 1970.

MIDLAND MORTGAGE CORP.

Formation of Bank Holding Company

Midland Mortgage Corp., Detroit, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through the indirect acquisition of 85 percent or more of the voting shares of Peoples Bank of Port Huron, Port Huron, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 2, 1972.

Board of Governors of the Federal Reserve System, February 2, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1769 Filed 2-7-72;8:45 am]

MOUNTAIN BANKS, LTD.

Proposed Acquisition of Rocky Mountain Financial Services, Inc.; Correction

In the notice regarding the proposed acquisition by Mountain Banks, Ltd., Colorado Springs, Colo., for voting shares of Rocky Mountain Financial Services, Inc., Colorado Springs, Colo., published in the FEDERAL REGISTER of December 8, 1971 (36 F.R. 24098), the second paragraph should be corrected to read:

"Applicant states that subsidiaries of the proposed subsidiary would engage in the activities of a finance company, an

[3] Dissenting Statement of Governors Robertson, Maisel, and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sheehan. Voting against this action: Governors Robertson, Maisel, and Brimmer.

V37-26 FEB 8 72 XUM

industrial bank, a lessor of personal property, and insurance agents for the sale of insurance directly related to extensions of credit, all of which activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). (A subsidiary of Rocky Mountain Financial Services, Inc., formerly engaged in the business of reinsuring credit life and disability insurance and presently conducts no business activities.)"

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 15, 1972.

Board of Governors of the Federal Reserve System, February 1, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1771 Filed 2-7-72;8:45 am]

NORTHERN STATES FINANCIAL CORP.

Formation of Bank Holding Company

Northern States Financial Corp., Detroit, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1824(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of City National Bank of Detroit, Detroit, Mich., and the acquisition of indirect control of 13.2 percent of the voting shares of National Bank of Rochester, Rochester, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 1, 1972.

Board of Governors of the Federal Reserve System, February 1, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1772 Filed 2-7-72;8:45 am]

PORT HURON FINANCIAL CO.

Formation of Bank Holding Company

Port Huron Financial Co., Detroit, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 85 percent or more of the voting shares of Peoples Bank of Port Huron, Port Huron, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 2, 1972.

Board of Governors of the Federal Reserve System, February 2, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1768 Filed 2-7-72;8:45 am]

U.S. BANCORP

Order Denying Determination of Bank Holding Company Act

U.S. Bancorp, Portland, Oreg., a bank holding company within the meaning of the Bank Holding Company Act of 1956, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of Securities-Intermountain, Inc. (Simco), Portland, Oreg. Notice of the application affording opportunity for interested persons to submit comments and views was duly published. The time for filing comments and views has expired and all received have been considered, including those presented orally and in writing in connection with a Board hearing on November 8, 1971, pertaining to mortgage banking in general, and this application in particular.

Applicant owns the United States National Bank (Bank), a $1.5 billion deposit institution headquartered in Portland, Oreg. Bank holds 37.7 percent of the total commercial bank deposits in the State of Oregon, and is one of the two largest commercial banks in the State, which together hold 79.5 percent of total State deposits.[1]

Historically, Bank has made residential loans for its own account. In its most recent fiscal year, Bank originated over $1 million in mortgage loans in the Portland area that were sold to long-term investors. In addition, it originated $6.5 million in construction and real estate development loans for its own account.

Bank entered the mortgage banking business in 1967 through the acquisitions of Thomas Mortgage Co. and Commerce Mortgage Co. (Commerce). In its most recent fiscal year, Commerce originated $13.5 million in mortgage loans in the Portland area that were sold to long-term investors, and $9.9 million in construction and real estate development loans for its own account. In the same period, Commerce's Spokane, Wash., office originated $12.1 million of mortgage loans that were sold to long-term investors, and over $6 million in construction and real estate development loans for its own account. Commerce has a servicing volume of over $91 million in loans from the Spokane market alone. Based on its total mortgage servicing volume of $372 million, Commerce is the 52d largest mortgage banking company in the United States.[2]

Simco engages in the origination and servicing of all types of mortgage loans through offices located in Portland, Oreg.; Seattle, Spokane, and Bellevue, Wash.; and Palo Alto, Calif. In its last fiscal year, Simco's Portland office originated and sold $4.8 million in mortgage loans, and originated $5.4 million in construction loans. During the same period, its Spokane office originated $1.3 million mortgage loans and $1.9 million construction loans. Simco has a servicing volume of $22.7 million in loans from the Spokane market alone. Based on its total mortgage servicing volume of $205 million, Simco is the 100th largest mortgage banking company in the country.[2]

The Board finds that the proposed acquisition would eliminate substantial existing competition between applicant and Simco in both the Portland and Spokane markets,[3] where the two are direct competitors. Moreover, through its subsidiary, Commerce Mortgage Co., applicant has the present capability of expanding de novo into the Seattle-Bellevue market, where Simco's mortgage loan portfolio exceeds $88 million. Thus, the proposed acquisition would have an adverse effect on potential competition. The Board also views unfavorably the undue concentration of economic resources that would result from the proposed acquisition, considering applicant's present substantial position in commercial and mortgage banking in Oregon.

If the proposed acquisition were approved, applicant and Simco would offer approximately the same range of services as applicant presently offers; the public would gain few, if any, benefits therefrom. The Board finds that the proposed acquisition would not result in greater convenience, increased competition, or gains in efficiency to the public that outweigh the probable adverse effects.

Accordingly, based upon the foregoing and other considerations reflected in the record, the application is denied.

By order of the Board of Governors,[4] January 31, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1773 Filed 2-7-72;8:45 am]

[1] Deposit data as of June 1971.

[2] Servicing portfolio as of June 30, 1971.

[3] According to the Statements of Robert Wilson, president, U.S. Bancorp, and Robert James, treasurer, Securities-Intermountain, Inc., Commerce accounted for 2.4 percent of total mortgages recorded during the first 9 months of 1971 in the Portland area, while Simco accounted for 1 percent. (Simco's 1970 share of the Portland area represented 3.2 percent according to the application.) In Spokane, the two firms had a combined share of approximately 20 percent. See Board Hearings on Bank Holding Company Acquisition of Mortgage Companies, Nov. 8, 1971, pp. 125, 132. With respect to the elimination of existing competition, the Conference Report accompanying the 1970 Amendments to the Bank Holding Company Act states: "Where a bank holding company seeks to engage in related activities through acquisition, in whole or in part, of a going concern, the elimination of existing competition will be an important negative factor, for other subsidiaries of the bank holding company, or the company itself, may already be providing the products and services in the market served by the company to be acquired. In such circumstances, where the possible benefits to the public of bank holding company activity are already being provided, the elimination of an independent competitive alternative will weight heavily in the balance against approval." Report No. 91-1747, p. 17.

[4] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, and Sheehan. Absent and not voting: Governors Mitchell and Brimmer.

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Arlington, Arlington, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 1, 1972.

Board of Governors of the Federal Reserve System, February 1, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1839 Filed 2-7-72;8:50 am]

[Regs. G, T, U]

OTC MARGIN STOCK

Changes in List

The following changes have been made, effective February 2, 1972, in the List of OTC Margin Stocks, as of July 12, 1971, published in the FEDERAL REGISTER on July 17, 1971.

1. *Addition.* (Stock now subject to margin requirements) National Patent Development Corp., Class A, $0.01 par common.

2. *Deletions.* (Stocks now registered on national securities exchanges) Herff Jones Co., no par common; Horizon Corp., $0.01 par common; Lynch Communication Systems Inc., $1 par common; Mission Equities Corp., no par common; Texfi Industries, Inc., $1 par common; and United Illuminating Co., The, no par common (stocks of company acquired by another firm); Bankers National Life Insurance Co., $2 par common; Eckrich, Peter & Sons, Inc., no par common; North American Life and Casualty Co., $1 par common; and United Convalescent Hospitals, Inc., $1 par common.

3. *Changes.* Beefland International, Inc., $1 par common becomes American Beef Packers, Inc., $1 par common; Bibb Manufacturing Co., $12.50 par common is changed to Bibb Co., The, no par common; Brush Beryllium Co., The, $1 par common now reads as Brush Wellman, Inc., $1 par common; First National Holding Corp., $5 par common is renamed First Tennessee National Corp., $5 par common; Landa Industries, Inc., $0.10 par common becomes Surveyor Companies, Inc., $0.10 par common; and Northern Trust Co., The, $20 par capital reads as Nortrust Corp., $20 par capital.

Board of Governors of the Federal Reserve System, by its director of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)), February 1, 1972.

[SEAL] TYNAN SMITH,
Secretary to the Board.

[FR Doc.72-1840 Filed 2-7-72;8:50 am]

OFFICE OF EMERGENCY PREPAREDNESS

WASHINGTON

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on February 1, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Washington from severe storms and flooding, beginning about January 19, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Washington. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Creath A. Tooley, Regional Director, OEP Region 10, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Washington to have been adversely affected by this declared major disaster:

The counties of:

Asotin.	Skamania.
Cowlitz.	Thurston.
Grays Harbor.	Whitman.
Lewis.	

Dated: February 3, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-1825 Filed 2-7-72;8:50 am]

PRICE COMMISSION

PUBLIC UTILITIES

Final Action on Rate Increases Reported Prior to January 17, 1972

Current Price Commission regulations, § 300.16, provide, in general, that the Price Commission has 10 days in which to take action on price increases reported to it by public utilities. These revised provisions, which reflect the need of public utilities for an expeditious review of price increases, and which became effective on January 17, 1972, did not address themselves specifically to the treatment of requests for, and notifications of, price increases received by the Price Commission before that date.

Under the regulation as in effect before January 17, 1972, the Price Commission had specifically reserved its right to review and limit the amount of any requested increase, ordered increase, or other authorized increase. The period of time during which the Price Commission could exercise its right to review and its authority to limit price increases was not specified. To clarify the status of public utilities which reported price increases before January 17, 1972, under regulatory provisions which contained no time limitation for Price Commission action, the Price Commission has decided to set a cut-off date after which, if no action has been taken by the Price Commission, certain of those increases shall become final, so far as Price Commission action is concerned.

In order to provide fair notice to all persons who might wish to protest or challenge a price increase that their right to do so may be foreclosed, the Price Commission hereby announces that, with respect to public utility price increases which were reported to the Price Commission before January 17, 1972, the Price Commission will not, after February 24, 1972, take any action specifically reserved by the Price Commission under § 300.16(a) of the regulations applicable to public utility price increases reported to the Price Commission prior to January 17, 1972.

Issued in Washington, D.C., on February 6, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.72-1904 Filed 2-7-72;9:52 am]

V37-26 FEB 8 72 XUM

SECURITIES AND EXCHANGE COMMISSION

[811-867]

GM SHARES, INC.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be Investment Company

FEBRUARY 2, 1972.

Notice is hereby given that GM Shares, Inc. (Applicant), 3044 West Grand Boulevard, Detroit, MI, a Delaware corporation registered as a nondiversified, open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on December 31, 1971, and pursuant to shareholder approval it was merged into General Motors Corp., and that all of its assets vested in, and all of its liabilities were assumed by, General Motors Corp.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 21, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1782 Filed 2-7-72;8:46 am]

[70-5139]

NEW ENGLAND ELECTRIC SYSTEM AND NEW ENGLAND POWER CO.

Notice of Proposed Cash Capital Contribution to Subsidiary Company

FEBRUARY 2, 1972.

Notice is hereby given that New England Electric System (NEES), a registered holding company, and its electric utility subsidiary company, New England Power Co. (NEPCO), 20 Turnpike Road, Westborough, MA 05181, have filed with this Commission a declaration pursuant to the Public Utilities Holding Company Act of 1935 (Act), designating section 12 of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

NEES proposes to make a cash capital contribution of $10 million to NEPCO, which amount will be applied toward the payment of a like amount of short-term promissory notes issued to pay for capitalizable expenditures or to reimburse its treasury therefor. NEPCO expects that such notes will aggregate approximately $67 million at the time of the proposed transaction. NEES will charge this amount to its "Investment in Subsidiaries, Consolidated" account and NEPCO will credit the capital contribution to its "Other Paid-in-Capital" account.

The filing states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. NEES estimates that the fees and expenses in connection with the proposed capital contribution will not exceed an aggregate of $500.

Notice is further given that any interested person may, not later than February 23, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1783 Filed 2-7-72;8:46 am]

[70-5132]

NORTHEAST UTILITIES

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper, Exception From Competitive Bidding, and Proposed Capital Contributions to Subsidiary Companies by Holding Company

FEBRUARY 2, 1972.

Notice is hereby given that Northeast Utilities (Northeast), 174 Brush Hill Avenue, West Springfield, MA 01089, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12(b) of the Act and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Northeast proposes, from time to time but not later than August 31, 1973, to issue and sell short-term notes (including commercial paper) in an aggregate principal amount outstanding at any one time of not more than $125 million. Northeast intends to utilize the proceeds from the sale of its notes to make capital contributions to the Hartford Electric Light Co. (HELCO), Western Massachusetts Electric Co. (WMECO), and the Conneticut Light & Power Co. (CL&P), all electric utility subsidiary companies of Northeast, and to supply funds as needed to other subsidiary companies, all if, as, and when authorized by the Commission.

Northeast presently has outstanding $48,500,000 of short-term promissory notes to banks and to a dealer in commercial paper, which notes were issued pursuant to the Commission's order of December 24, 1970 (Holding Company Act Release No. 16943). No further borrowings will be made pursuant to this order; however, upon the effectiveness of the instant declaration, Northeast proposes to renew and extend such notes and to issue and sell up to an additional $76,500,000 of short-term notes to banks and to a dealer in commercial paper (and to renew such notes) from time to time. The aggregate amount of all such notes at any one time outstanding, including notes heretofore authorized and those thereafter issued, will at no time exceed $125 million.

The proposed bank notes will each be dated the date of issue, will have maximum maturity dates of 9 months, with right of renewal, will bear interest at the prime rate (currently 4½%–5% per annum) in effect at the lending bank on the date of issue, will be subject to prepayment at any time at the company's option without premium, and will be issued no later than August 31, 1973. Although no formal commitments for future borrowings have been made with any bank, Northeast expects such borrowings will be effected from the following banks, and represents that the New York City banks will require minimum compensating balances of 10 percent of the line of credit and maximum balances of 20 percent of the amounts borrowed. It is also represented that the banks outside New York City are depository banks for customer collection and/or disbursing banks for one or more of the Northeast system companies and that normal working balances in these banks will be adequate to support the credit lines. Northeast lists its effective cost of money on the proposed notes as ranging from 4.50 percent to 6.25 percent.

Name of bank	*Amount*
Bankers Trust Company, New York, N.Y.	$12,000,000
Chemical Bank, New York, N.Y.	5,000,000
The Connecticut Bank and Trust Co., Hartford, Conn.	7,000,000
First National Bank of Boston, Mass	10,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	5,000,000
Morgan Guaranty Trust Co., New York, N.Y.	5,000,000
New England Merchants National Bank, Boston, Mass.	5,000,000
Irving Trust Co., New York, N.Y	3,000,000
Valley Bank & Trust Co., Springfield, Mass.	2,000,000
Total	54,000,000

The proposed commercial paper notes will be issued in denominations of not less than $50,000 and not more than $1 million, will have a maturity of not more than 270 days, will not be repayable prior to maturity, and will be sold by Northeast directly to a dealer in commercial paper at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public-utility issuers to commercial paper dealers. No commercial paper notes will be issued having a maturity of more than 90 days which have an effective interest cost which exceeds the prime commercial bank rate at which Northeast could borrow from banks in an amount at least equal to the principal amount of such commercial paper. No commission or fee will be payable in connection with the issuance and sale of the commercial paper.

The commercial paper dealer, as principal, will reoffer the commercial paper to institutional investors at a discount of no more than one-eighth of 1 percent per annum less than the prevailing discount rate to Northeast. The commercial paper will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 200 customers.

The declaration states that, unless otherwise authorized by the Commission, any bank notes or commercial paper of Northeast outstanding at August 31, 1973, will be repaid from internal cash resources or from the proceeds of long-term equity financing.

Northeast requests that the issue and sale of its commercial paper notes, pursuant to subparagraph (a)(5)(B) of Rule 50, be excepted from the requirements thereof in view of the fact that current rates for commercial paper for prime borrowers such as Northeast are readily ascertainable by reference to daily financial publications and that it is not practicable to invite competitive bids for commercial paper. Northeast further requests that the certificate under Rule 24 be filed on a quarterly basis with respect to the commercial paper.

Northeast proposes to use the funds obtained from the issuance and sale of the notes to make capital contributions during 1972 to three of its electric subsidiary companies; $35 million to CL&P, $20 million to HELCO, and $5 million to WMECO. The capital contributions will be used to finance the subsidiary companies' construction programs for 1972, which are estimated to be $129,527,000, $91,489,000, and $44,554,000, respectively. Northeast also proposes to use the proceeds from the issuance and sale of the notes to supply funds as needed to its other subsidiary companies as authorized by the Commission.

It is stated that no fees or commissions (including legal fees) will be paid or incurred, directly or indirectly, in connection with the proposed transactions and that incidental services, estimated at $500, will be performed at cost by Northeast Utilities Service Co., an affiliated service company. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 23, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1784 Filed 2-7-72;8:47 am]

[811-1895]

STRATFORD FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be Investment Company

FEBRUARY 2, 1972.

Notice is hereby given that Stratford Fund, Inc. (Applicant), 680 Fifth Avenue, New York, NY, an open-end diversified management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant registered under the Act on January 27, 1970. Applicant represents that, as of December 29, 1971, its aggregate net asset value was $472,452. As of that date all of its outstanding securities were beneficially owned by 95 persons. Since that date at least 24 additional requests for redemption have been received, and are being processed. Applicant's Certificate of Incorporation, Article V, as amended July 1971, guarantees shareholder right of redemption independent of any such right guaranteed by the Act. Applicant also represents that it is not now making and does not propose to make any public offering of its securities.

V37-26 FEB 8 72 XUM

Applicant further represents that as of the end of 1971, the investment advisory agreement between Applicant and its investment adviser was automatically terminated by transfer of control of the investment adviser and the present management of the investment adviser plans not to qualify the company under the Investment Advisers Act of 1940 or seek a new investment advisory agreement with Applicant. In the light of the foregoing facts Applicant's Board of Directors plans to call a meeting of its shareholders, after this application may have been granted, to determine whether or not Applicant shall be liquidated and dissolved.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 21, 1972, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issue, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address above stated. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1785 Filed 2-7-72;8:47 am]

[File No. 500-1]

UNIVERSAL ACCEPTANCE CORP. ET AL.

Order Suspending Trading

FEBRUARY 2, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Universal Acceptance Corp., Pacific American Oil Corp., and Universal Acceptance Corp., International Ltd., being traded otherwise on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 2, 1972, through February 11, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1786 Filed 2-7-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 50 (Rev. 3), Amdt. 7]

ASSOCIATE ADMINISTRATOR FOR OPERATIONS AND INVESTMENT

Rescission of Delegations Relating to Disaster Operations

To effectuate the transfer of delegation of authority relating to disaster operations to the Assistant Administrator for Administration, Delegation of Authority No. 50 (Revision 3) (25 F.R. 7418), as amended (26 F.R. 4440, 27 F.R. 1303, 31 F.R. 13563, 36 F.R. 12256, 36 F.R. 16613, and 36 F.R. 22268) is hereby further amended by rescinding Amendments 4, 5, and 6 in their entirety without prejudice to actions taken under such delegation of authority prior to the date hereof.

Effective date: February 1, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-1779 Filed 2-7-72;8:46 am]

[Delegation of Authority 7, Rev. 2, Amdt. 1]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Administrative and Financial Activities

Delegation of Authority No. 7, Revision 2 (36 F.R. 8713), is hereby amended by adding section D which reads as follows:

* * * * *

D. *Disaster functions.* 1. To declare a disaster area and period.

2. To extend the original disaster period resulting from a disaster declaration.

* * * * *

Effective date: February 1, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-1780 Filed 2-7-72;8:46 am]

[License 05/07-5086]

CEDCO CAPITAL CORP.

Notice of Issuance of License To Operate as a Minority Enterprise Small Business Investment Company

On November 4, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 21236) stating that Cedco Capital Corp. had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the SBA rules and regulations governing Small Business Investment Companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business November 19, 1971, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 05/07-5086 to Cedco Capital Corp. pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: January 31, 1972.

JAMES THOMAS PHELAN,
Acting Associate Administrator for Operations and Investment.

[FR Doc.72-1781 Filed 2-7-72;8:46 am]

DEPARTMENT OF LABOR

Office of the Secretary

OREGON

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation which provides for payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Ross Morgan, Administrator of the Oregon Employment Division, has determined that there was a State "off" indicator in Oregon for the week ending December 25, 1971, and that an extended benefit period terminated in the State with the week ending January 15, 1972. This, however, does not terminate in Oregon the extended benefit period in effect in all States as a result of the national "on" indicator which became effective the week beginning January 2, 1972. (36 F.R. 25074)

Signed at Washington, D.C., this 1st day of February 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-1777 Filed 2-7-72;8:46 am]

WASHINGTON

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, establishes a program of extended unemployment compensation which provides for payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that R. W. Hutt, Acting Commissioner of the Washington Employment Security Department, has determined that there was a State "off" indicator in Washington for the week ending January 1, 1972 and that an extended benefit period terminated in the State with the week ending January 22, 1972. This, however, does not terminate in Washington the extended benefit period in effect in all States as a result of the national "on" indicator which became effective the week beginning January 2, 1972. (36 F.R. 25074)

Signed at Washington, D.C., this 1st day of February 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-1778 Filed 2-7-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Notice 18]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 1, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16961 (Sub-No. 3 TA), filed January 19, 1972. Applicant: HUTCHINS TRUCKING COMPANY, 1000 Congress Street, Portland, ME 04102. Applicant's representative: Francis E. Barrett, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as it dealt in by wholesale, retail, and chain grocery and food business houses, from Northboro, Mass., to Bangor, Portland, Fairfield, Lewiston, Waterville, Lincoln, and Raymond, Maine and Rochester, N.H., *empty containers, returned or rejected merchandise* on return, for 180 days. Supporting shippers: Columbia Markets, 1100 Brighton Avenue, Portland, ME 04102; Giguere's Super Market, Post Office Box 617, 180 Main Street, Waterville, ME 04901. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 22426 (Sub-No. 13 TA), filed January 19, 1972. Applicant: LONGVIEW MOTOR TRANSPORT, INC., 763 Seventh Avenue, Post Office Box 1366, Longview, WA 98632. Applicant's representative: John Deering (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities and commodities in containers* having prior or subsequent movement by water, between Portland, Oreg., Seattle and Longview, Wash., and international boundary line near Blaine, Wash., and between Seattle and Longview, Wash., and international boundary line near Blaine and Seattle, Wash., and international boundary line near Blaine, Wash., for 180 days. Supporting shippers: Easter Unlimited, Inc., 1007 Broadway, Room 1510, New York, NY 10010; Bridgestone America, Inc., 1875 Northeast Argyle Drive, Portland, OR 97211. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 26396 (Sub-No. 45 TA), filed January 20, 1972. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, Post Office Box 990, 201 West Park, Livingston, MT 59047. Applicant's representative: Wayne Waggoner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, and particle board*, between points in Montana, and points in Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Missouri, Indiana, Ohio, Michigan, and Utah, for 180 days. NOTE: Applicant states it intends to tack authority applied for to authority held by it in MC 26396. Supporting shippers: P & M Sales Co., Inc., Box 1012, Missoula, MT 59801; Prentice Lumber Co., Inc., Post Office Box 1208, Missoula, MT 59801; H. E. Simpson Lumber, Post Office Box 1097, Kalispell, MT 59901; Plum Creek Lumber Co., Columbia Falls, Mont. 59912; Evans Products Co., Post Office Box L, Missoula, MT 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 45764 (Sub-No. 15 TA), filed January 21, 1972. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Saville Avenue, Industrial Highway, Post Office Box 38, Eddystone, PA 19013. Applicant's representative: John P. Robbins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Turbo power plant machinery and equipment, materials and supplies* used in the installation thereof, between El Segundo, Calif.; Hartford and Windsor, Conn.; West Palm Beach, Fla; Baltimore, Md.; Ashland, Mass.; Minneapolis and St. Cloud, Minn.; Tenafly, N.J.; Erie, Philadelphia, and Pittsburgh, Pa.; Brownsville, Houston, and Laredo, Tex., and Nellsville, Wis., for 180 days. Supporting shipper: Turbo Power & Marine Systems, Farmington, Conn. 06032. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 52460 (Sub-No. 112 TA), filed January 21, 1972. Applicant: HUGH BREEDING, INC., 1420 West 35th, Post Office Box 9515, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the Tulsa Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: J. P. Stefanec, Traffic Manager, Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, Oklahoma City, Okla. 73102.

No. MC 112750 (Sub-No. 283 TA), filed January 20, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M.

V37-26 FEB 8 72 XUM

Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, (1) between Freeport, Ill., on the one hand, and, on the other, points in Dane, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Racine, Rock, Walworth, and Waukesha Counties, Wis.; and (2) between Robinson, Ill., on the one hand, and, on the other, points in Clay, Crawford, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Orange, Owen, Perry, Pike, Posey, Putnam, Spencer, Sullivan, Vanderburgh, Vermillion, Vigo, and Warrick Counties, Ind., for 180 days. Supporting shippers: State Bank of Freeport, Post Office Box 30, Freeport, IL 61032; Robinson Computer Service, Inc., Box 741 Robinson, IL 62454. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 124711 (Sub-No. 14 TA), filed January 21, 1972. Applicant: BECKER AND SONS, INC., 2643 West Central, Post Office Box 1050, El Dorado, KS 67042. Applicant's representative: Erle W. Francis, Suite 719 Capitol Federal Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk or in packages, from the Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 150 days. Supporting shipper: Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 136352 TA, filed January 20, 1972. Applicant: GEORGE E. MCLAUGHLIN, Post Office Box 243, Berwick, PA 18603. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles, and equipment, parts and supplies* used in the manufacture thereof, from the plantsite of Wheaton Plastic Co., Mays Landing, N.J., to the plantsites of Wheaton Plastic Co., Des Plaines and Centralia, Ill., and Ventura, Calif., for 180 days. Supporting shipper: Wheaton Plastics Co., Mays Landing, N.J. 08330. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136353 TA, filed January 21, 1972. Applicant: RANDALL R. VAUGHT, 219 Balfour Road, West Memphis, AR 72301. Applicant's representative: A. Jan Thomas, Jr., 323 East Broadway, Post Office Box 1368, West Memphis, AR 72301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, packaged, from Memphis, Tenn., to points in Arkansas, Mississippi, and Tennessee, for 180 days. Supporting shipper: Neuhoff Packing Co., 7 East Virginia, Memphis, TN. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, Little Rock, Ark. 72201.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1853 Filed 2-7-72;8:52 am]

[Notice 12]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73113. By order of January 20, 1972, Division 3, acting as an Appellate Division, approved the transfer to Bee Line, Inc., Rahway, N.J., of a portion of the operating rights in certificate No. MC-106010 issued November 16, 1970 to Chandler Transportation, Inc., Rutherford, N.J., authorizing the transportation of general commodities, with exceptions, between points in New Jersey within 30 miles of City Hall, New York, N.Y., on the one hand, and, on the other, points in New Jersey, with exceptions. Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1852 Filed 2-7-72;8:52 am]

Ex Parte 281]

INCREASED FREIGHT RATES AND CHARGES, 1972

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 1st day of February A.D., 1972.

It appearing, that by report and order entered December 21, 1971, the Commission instituted an investigation into and concerning the adequacy of all freight rates and charges of all common carriers by railroad in the United States, said investigation to include (a) the general increase (by surcharge and specific increased rates and charges) and (b) the referred-to general increase proposed to be made subsequently on a selective basis, and the lawfulness of such increases.

It further appearing, that on January 5, 1972, substantially all of the Class I railroads, and many other railroads, filed schedules of increased freight rates and charges under authority of section 6 of the Interstate Commerce Act and the Commission's Special Permission Order No. 72-2600, of Decembtr 21, 1971, as amended, as well as verified statements setting forth the evidentiary basis for the increases, said tariff schedules to become effective on February 5, 1972, as follows:

Tariff of Emergency Charges, X-281, issued jointly by Western Trunk Line Committee, Agent, its ICC No. A-4825, and other designated agents:
Tariff X-281 and Supplements Nos. 1 and 2 thereto;

It further appearing, that the Commission having considered the evidence and arguments of the parties as set forth in verified statements, protests, and replies;

It further appearing, that the railroads have a critical need for additional revenue from their interstate freight rates and charges to offset, in part, recently incurred increased operating costs;

It further appearing, that the increases here proposed are just and reasonable, that the revenues derived thereform will result in earnings and rates of return for the railroads (as a whole and by the usual groupings) not in excess of that required to enable them to render adequate and efficient transportation at the lowest cost consistent with the furnishing of such service;

It further appearing, that unless the railroads obtain the sought additional revenue, their earnings will be insufficient to enable them, under honest, economical, and efficient management, to provide adequate and efficient railway transportation service, to the detriment of the public interest, and that of the national defense;

It further appearing, that the involved general increase will have no significant adverse effect on the movement of traffic by railway or on the quality of the human environment within the meaning of the Environmental Policy Act of 1969;

It further appearing, that the criteria for rate increases established by § 300.16 of the regulations of the Price Commission, as revised January 12, 1972 (37 F.R. 652, January 14, 1972) have been met, as more particularly set forth in our certification contained in the appendix attached hereto, which certificate is made a part hereof;

It further appearing, that the railroads have demonstrated reasonable progress in updating their tariffs to reflect ex parte increases approved in prior proceedings and that this effort must be substantially completed at an early date;

It further appearing, that the involved surcharge is stated to be an emergency interim measure which "will be followed * * * by a proposal for * * * a general increase in freight rates and charges on a selective basis";

It further appearing, that the surcharge introduces a further complexity to the already burdensome task of ascertaining freight rates and charges and should not be allowed to continue in effect indefinitely;

And it further appearing, that our decision to permit the involved tariff to become effective is subject to the conditions that the carrier parties to this proceeding publish upon not less than 2 days' notice supplements, to become effective on February 5, 1972, (1) providing for an expiration date not later than June 5, 1972, (2) providing that the application of the surcharge or increases in rates and charges on freight in trailer bodies, semitrailers, vehicles or containers on flat cars, on export and import traffic, proposed by the western and southern carriers be canceled, in that the proposed application of the surcharge or increases in rates and charges on such traffic by the western and southern carriers and not on such traffic by the eastern carriers would result in disrupting existing port relationships duly established by order of the Commission or recognized customs of the trade, and (3) providing that the proposed surcharge and increased rates and charges do not apply to shipments originating prior to February 5, 1972, and moving under transit arrangements;

It is ordered, That the investigation heretofore instituted be held in abeyance until receipt of a request by the carrier respondents for permission to file the indicated "general increase in freight charges on a selective basis";

It is further ordered, That in making effective the proposed surcharge or increases in rates and charges, the respondents be, and they are hereby, required to protect and maintain all existing port relationships duly established by order of the Commission or recognized customs of the trade, and any disruption of such relationships arising out of publication of tariffs pursuant to authority granted herein shall be promptly corrected;

It is further ordered, That in making effective the proposed surcharge or increases in rates and charges, the respondents be, and they are hereby, required to observe the prohibitions of the Interstate Commerce Act on unjust discriminations and undue and unreasonable preferences and prejudices;

It is further ordered, That our findings as to justness and reasonableness, which are based upon all of the evidence before us will apply to the general bases of rates and charges, and will not preclude interested parties from bringing any maladjustments to our attention for correction. The proposed surcharge or increases in rates and charges are not considered as prescribed within the meaning of the decision in Arizona Grocery Co. v. Atchison, T. & S. F. Ry. Co., 284 U.S. 370, and will, in all respects, be subject to complaint and investigation as provided by the act.

It is further ordered, That all outstanding orders of the Commission be, and they are hereby, modified to permit the increases authorized herein to become effective.

And it is further ordered, That all tariff schedules changing interstate rates or charges under the authority of this order, which rates and charges are now maintained or held in force by virtue of outstanding orders of the Commission, shall make specific reference to this order.

SUPPLEMENTAL FOURTH SECTION ORDER No. 20367

It appearing, that carriers parties to the proceeding applied for relief from the provisions of section 4 of the act necessary to establish the rates and charges sought; that, the Commission, by fourth section order No. 20367, entered December 21, 1971, authorized carriers parties to the proceeding in Ex Parte 281; Increased Freight Rates, 1972, to establish and maintain the increased rates and charges described therein without observing the provisions of section 4 of the Interstate Commerce Act until further order to be entered after investigation; that the increases in rates and charges authorized herein cannot be published and made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, or greater compensation as a through rate or charge than the aggregate-of-intermediate rates or charges subject to the act, in contravention of section 4 thereof; that the increased cost of railroad operation necessitates the increases in rates and charges involved in this proceeding which cannot be made effective without fourth-section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of the fourth-section relief sought on the ground that it would be adversely affected by the fourth-section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of section 4;

It is ordered, That fourth section order No. 20367, entered as aforestated, be, and it is hereby, modified and amended by adding thereto the following paragraphs:

It is further ordered, That carriers, subject to the Interstate Commerce Act and parties to said proceedings be, and they are hereby, authorized to establish and maintain the increased rates and charges described herein without observing the provisions of section 4 of the act;

It is further ordered, That parties to said proceeding be, and they are hereby, authorized to establish and maintain rates and charges described herein without observing the long-and-short haul provision of section 4 of the act in cases arising out of the failure to apply the full increases in rates and charges over interstate routes between points in a single State, in turn caused by the failure of the State authorities to authorise the full increases permitted in this proceeding;

And it is further ordered, That in those instances in which rates in contravention of section 4 are established under authority contained herein, the schedules containing such rates shall make reference to this order in the manner required by Rule 28 of Tariff Circular No. 20.

Amendment to Special Permission No. 72-2600 as amended, Authorizing Certain Departures From the Commission's Published Tariff Regulations.

It is ordered, That Special Permission No. 72-2600, as amended, be, and it is hereby, amended to permit the establishment of the increases in freight rates and charges authorized by the Commission in this order, subject to the terms, conditions and limitations therein.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX

INCREASED FREIGHT RATES AND CHARGES, 1972

Certification. The Interstate Commerce Commission hereby certifies that the railroad freight rate increases which are the subject of our order herein meet the criteria established by § 300.16 of the regulations of the Price Commission, as revised January 12, 1972 (37 F.R. 652, January 14, 1972). In particular, we find:

(1) That the railroads, together with certain motor and water carriers with whom they have joint rates, have proposed a 2.5 percent surcharge on all bills for freight service (subject to certain exceptions or hold downs) with a 2-cent per hundredweight maximum on lumber and lumber articles,

(2) That the proposed increase will provide an increase in revenue in the amount of $62 million (for the four month period prior to expiration of the tariff on June 5, 1972) allocated as follows: $31 million—Eastern district, $14 million—Southern district, $37 million—Western district,

(3) That the increase will not result in an increase in carrier profits,

(4) That the increase will not result in an increase in carrier overall rate of return on capital,

(5) That the increase is cost-based and does not reflect future inflationary expectations,

(6) That the increase does not exceed a minimum required to assure continued, adequate and safe service or to provide for necessary expansion to meet future requirements, and

(7) That the increase does not exceed the minimum rate of return or profit margin needed to attract capital at reasonable costs and not impair the credit of the carrier.

[FR Doc.72-1864 Filed 2-7-72;8:53 am]

V 37 ■ 26
FEB 8 72
XUM

FOREIGN-TRADE ZONES BOARD

LITTLE ROCK, ARKANSAS

Application for Foreign-Trade Zone; Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (Board) by the State of Arkansas requesting a grant of authority to establish a general purpose foreign-trade zone at Little Rock, Ark. pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u). The application was made at the direction of the Governor by the Executive Director of the Arkansas Industrial Development Commission. Operation of the zone would be assigned by the State to the Little Rock Port Authority, an instrumentality of the city of Little Rock. The application was found to be in filing order on January 31, 1972, and officially filed on that date.

The proposed zone location is the Little Rock Port Terminal covering some 4 acres on the Arkansas River within the city and Customs port of entry of Little Rock. The zone would at the outset occupy some 5,000 square feet of space in the Port's transit warehouse. The terminal is within the city's industrial park which covers over 1,000 acres and provides room for future expansion.

Little Rock was designated a port of entry in July 1970 in conjunction with the completion of the Arkansas River Navigation System project which opened a 9-foot navigable channel for some 400 miles from the Mississippi River to Tulsa, Okla.

The zone would be used for storage, manipulation, and display of merchandise moving in international trade. It is contemplated that in the future authority would be requested to expand the zone contiguously and through the establishment of subzones so that manufacturing operations could be accommodated.

Pursuant to the Board's regulations (15 CFR Part 400) the Acting Executive Secretary has appointed an Examiners Committee to investigate the application and report thereon to the Board. The Committee is composed of: George E. Norcross (Chairman), Office of Import Programs, U.S. Department of Commerce, Washington, D.C. 20230; Charles W. Fisher, District Director of Customs, U.S. Bureau of Customs, Customhouse, 423 Canal Street, New Orleans, LA 70130; and Colonel William C. Burns, U.S. Army District Engineer, Little Rock, Post Office Box 867, Little Rock, AR 72203.

A public hearing on the application will be held by the Examiners Committee beginning at 10 a.m., local time, Wednesday, March 8, 1972, in Room 4110, Federal Office Building, 700 West Capital Avenue, Little Rock, AR 72203.

A copy of the application and accompanying exhibits will be available for public inspection prior to the hearing and for 30 days thereafter at the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2203, 14th and E Streets NW., Washington, DC 20230.

Office of the Port Director, U.S. Customs, Arthur L. Vicek, Director, Donaghey Building, Room 1446, 103 East Seventh Street, Little Rock, AR 72201.

The purposes of the hearing are to inform interested persons concerning the application, to give them an opportunity to express their views relating thereto, and to obtain information useful to the Examiners Committee.

Interested persons or their representatives may appear at the hearing to present their views on the proposal. Persons intending to be heard should notify the Board's Acting Executive Secretary and submit a summary of their views by February 25. Those not submitting such notice may be heard at the discretion of the Examiners Committee.

As soon after the hearing as the transcript is available, a copy will be placed for public inspection with the application at the two locations listed above for a period of 30 days from the close of the hearing. The hearing record will remain open for the same period during which time submissions in writing may be made by interested persons to: George E. Norcross, Chairman, Examiners Committee (Little Rock), c/o Acting Executive Secretary, Foreign-Trade Zones Board, Room 2203, U.S. Department of Commerce, Washington, D.C. 20230. They should be received or postmarked on or before the conclusion of the 30-day period.

Dated: February 7, 1972.

JOHN J. DAPONTE, Jr.,
Acting Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.72–1912 Filed 2–7–72;11:03 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATIONS:	
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3967 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
4105	2831
EXECUTIVE ORDERS:	
5237 (partially revoked by PLO 5155)	2840
11248 (amended by EO 11641)	2421
11568 (see EO 11642)	2565
11641	2421
11642	2565
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567

5 CFR

	Page
213	2423, 2491, 2841, 2842
PROPOSED RULES:	
900	2589

6 CFR

	Page
101	2491, 2678
102	2478
200	2479
300	2842
311	2480

7 CFR

	Page
51	2745
53	2745
501	2423
502	2424
701	2833
706	2491
724	2745
726	2496
729	2645, 2765
811	2659
905	2660
906	2765
907	2589
910	2426, 2766, 2834
1065	2497
1871	2569
PROPOSED RULES:	
59	2775
81	2778
726	2773
729	2774

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
945	2844
966	2845
982	2515
993	2515
1421	2844
1446	2844
1701	2846
1434	2775

8 CFR

	Page
214	2766
238	2766
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

	Page
11	2426
82	2429, 2498
97	2430
113	2430
301	2661
311	2661

9 CFR—Continued

	Page
315	2661
PROPOSED RULES	
316	2779
317	2779

12 CFR

	Page
PROPOSED RULES:	
529	2447
750	2594

13 CFR

	Page
120	2589

14 CFR

	Page
39	2498, 2570, 2662, 2835
71	2570–2572, 2835–2837
73	2499, 2837
75	2499, 2500, 2572, 2767
95	2573
97	2662
121	2500
221	2664
241	2501
PROPOSED RULES:	
61	2523
67	2523
71	2524, 2587, 2682, 2683
73	2847
103	2587, 2588
121	2523, 2684
127	2523
183	2523

15 CFR

	Page
377	2430
PROPOSED RULES:	
7	2846

16 CFR

	Page
13	2575, 2576, 2578–2581
PROPOSED RULES:	
425	2848
432	2454, 2849

17 CFR

	Page
PROPOSED RULES:	
230	2596, 2598
239	2596, 2598

18 CFR

	Page
2	2502
PROPOSED RULES:	
101	2451
104	2451
105	2451
141	2451
260	2451

19 CFR

	Page
12	2430, 2665
PROPOSED RULES:	
1	2443
11	2509
134	2509

20 CFR

	Page
614	2434
617	2434
PROPOSED RULES:	
620	2684

21 CFR

	Page
3	2503
121	2437
141c	2665
146a	2665
146c	2665
146e	2665
148n	2665
149a	2438
PROPOSED RULES:	
135	2444

22 CFR

	Page
41	2439

24 CFR

	Page
600	2665
1710	2768
1914	2505
1915	2505

25 CFR

	Page
221	2506
PROPOSED RULES:	
43h	2679

26 CFR

	Page
1	2506
301	2481, 2506
PROPOSED RULES:	
1	2773

28 CFR

	Page
9	2768
45	2769

29 CFR

	Page
1904	2439
PROPOSED RULES:	
460	2443
1926	2443

31 CFR

	Page
316	2554

32 CFR

	Page
1801	2672
1808	2673
PROPOSED RULES:	
1499	2838

32A CFR

	Page
Ch. X:	
OI Reg. 1	2439

33 CFR

	Page
117	2838
PROPOSED RULES:	
110	2446, 2447, 2587
117	2521, 2522

37 CFR

	Page
PROPOSED RULES:	
1	2520

38 CFR

	Page
1	2676

39 CFR

	Page
Ch. I	2423

40 CFR

	Page
52	2581
85	2432
106	2433
180	2676, 2839

41 CFR

	Page
1–2	2769
1–7	2769
1–12	2769
1–16	2771
5A–8	2507
5A–73	2441
8–14	2508
8–74	2508
101–27	2771
PROPOSED RULES:	
14–10	2680
60–7	2847

43 CFR

	Page
2	2677
PUBLIC LAND ORDER:	
5154	2677
5155	2840

45 CFR

	Page
1015	2840
PROPOSED RULES:	
118	2779
143	2779
220	2445
222	2445

46 CFR

	Page
PROPOSED RULES:	
66	2681
193	2682

47 CFR

	Page
2	2771
21	2583
211	2771
PROPOSED RULES:	
73	2524, 2790
81	2524

49 CFR

	Page
1033	2677
1211	2841
PROPOSED RULES:	
173	2588
178	2588

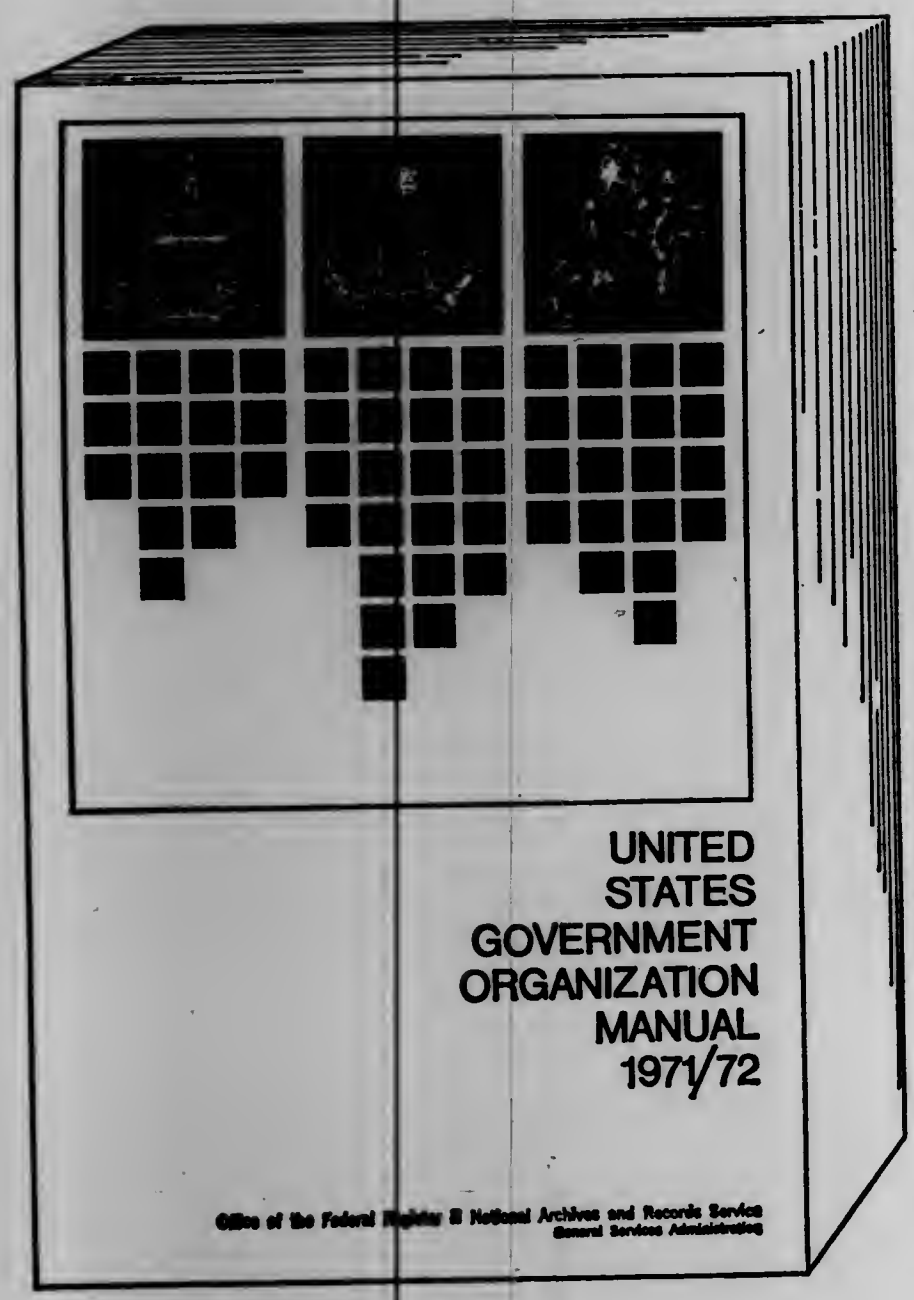
50 CFR

	Page
33	2441, 2502, 2841
280	2516
PROPOSED RULES:	
17	2589

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	Feb. 3
2637–2737	4
2739–2823	Feb. 5
2825–2867	8

V 37-26 FEB 8 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

WEDNESDAY, FEBRUARY 9, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 27
Pages 2869–2913

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ENVIRONMENTAL SAFEGUARDS ON ACTIVITIES FOR ANIMAL DAMAGE ON FEDERAL LANDS—Presidential Executive order 2875

USE OF OFF-ROAD VEHICLES ON THE PUBLIC LANDS—Presidential Executive order 2877

ECONOMIC STABILIZATION—IRS notice on Pay Board ruling concerning contract agreements 2893

WATER AND SEWER SYSTEMS—USDA rule on interest from invested grant funds 2879

REAL PROPERTY INSURANCE—USDA amendment on coverage for certain farm buildings; effective 2–9–72 2879

FLOOD INSURANCE—HUD additions to hazard areas and insurance eligibility lists (2 documents) 2881, 2882

TRADEMARKS—Commerce Dept. amendments to interference rules; effective 3–1–72 2880

PESTICIDES—
- EPA revision of exempted adjuvants; comments within 30 days 2883
- EPA notice on tolerance petition for grapefruit and orange insecticide 2902

EDUCATION—
- HEW rule on State Vocational Education Annual Evaluation Report 2882
- HEW rule on financial assistance for construction of higher education facilities; effective 2–9–72 2882

(Continued inside)

V37•27
FEB 9 72
XUM

Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements; and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. It includes an Index of Contents and a system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist of White House releases, and a digest of other White House announcements.

This systematic publication of Presidential items provides users with up-to-date information and a permanent reference source concerning Presidential policies and pronouncements.

Subscription Price: $9.00 per year

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from: Superintendent of Documents
U.S. Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

HAZARDOUS MATERIALS—DoT amendments to portable tank specifications; effective 3–31–72.. 2885

RICE—USDA extension of comment time on proposal concerning export payments..... 2890

YELLOWFIN TUNA—Commerce Dept. postponement of hearing to 2–18–72..... 2890

TELECOMMUNICATIONS—FCC extension of comment time to 3–10–72 on TV identification pattern proposal..... 2891

NARCOTICS—Justice Dept. 1972 aggregate production quotas; effective 2–9–72..... 2894

EGGS—USDA notice on standards and labeling.. 2897

AIR TRAFFIC CONTROL—FAA notice on proposed channel integration; comments by 4–4–72..... 2900

ENVIRONMENT—AEC notice of availability of report 2901

WORKMEN'S COMPENSATION—National Commission on State Workmen's Compensation Laws announces New York, N.Y., hearing on 3–20–72.. 2908

ANTIDUMPING—Tariff Comm. notice on asbestos cement pipe from Japan..... 2908

UNEMPLOYMENT COMPENSATION—Labor Dept. notice concerning specified States..... 2908

Contents

THE PRESIDENT

EXECUTIVE ORDERS

Environmental safeguards on activities for animal damage control on Federal lands..... 2875
Use of off-road vehicles on the public lands..... 2877

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Delegations of authorities:
Assistant Administrator, Bureau for Asia..... 2892
Assistant Administrator for Program and Management Services 2892
Deputy Administrator and Assistant Administrators..... 2892

AGRICULTURE DEPARTMENT

See Commodity Credit Corporation; Consumer and Marketing Service; Farmers Home Administration; Forest Service.

ATOMIC ENERGY COMMISSION

Notices

Consolidated Edison Company of New York, Inc.; availability of applicant's environmental report 2901
Issuance of facility licenses:
North American Rockwell Corp.; amendment 2901
Westinghouse Electric Corp..... 2901

CIVIL AERONAUTICS BOARD

Notices

China Airlines, Ltd.; postponement of prehearing conference and hearing..... 2901

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service; Department of Commerce 2879

COAST GUARD

Proposed Rule Making

San Luis Obispo Bay, Calif.; special anchorage area..... 2890

COMMERCE DEPARTMENT

See International Commerce Bureau; National Oceanic and Atmospheric Administration; Patent Office.

COMMODITY CREDIT CORPORATION

Proposed Rule Making

Rice export program; extension of time for filing comments..... 2890

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Domestic dates produced or packed in Riverside County, Calif.; size regulations..... 2890

Notices

Egg Products Inspection Act:
Cooperative agreement with Food and Drug Administration for administration and enforcement 2898
Uniform standards and origin labeling 2897

EDUCATION OFFICE

Rules and Regulations

Financial assistance for construction of higher education facilities; determination of costs eligible for Federal participation 2882
State vocational education programs; annual evaluation report 2882

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; adjuvants 2883

Notices

Geigy Agricultural Chemicals; filing of petition regarding pesticides 2902

FARMERS HOME ADMINISTRATION

Rules and Regulations

Grants for preparation of comprehensive area plans for water and sewer systems; processing applications 2879
Real property insurance; coverage requirements 2879

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives; Boeing airplanes 2880

(Continued on next page)

V 37 ■ 27
FEB 9 72
XUM

Notices

Air traffic control radio frequency assignment; proposed integration of 25 kHz spaced VHF communication channels into National Airspace System; invitation for comments 2900

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Stations on shipboard in maritime services:
- Frequencies available 2884
- Frequencies for safety, business, and operational purposes 2884

Proposed Rule Making

Inclusion of program identification patterns in visual transmissions of television broadcast stations; extension of time for filing comments 2891

Notices

Empire Communications Co. and Lane Paging, Inc.; applications for construction permits to establish additional or new facilities 2902

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations

Flood insurance program:
- Areas eligible for sale of insurance 2881
- Identification of special hazard areas 2882

FEDERAL POWER COMMISSION

Notices

National Gas Survey Executive Advisory Committee; order designating additional members 2905

Hearings, etc.:
- Arkansas Louisiana Gas Co 2906
- Minnesota Power & Light Co 2907
- Montana-Dakota Utilities Co 2906
- Trunkline Gas Co 2906
- Union Electric Co 2907

FEDERAL RESERVE SYSTEM

Notices

United National Corp.; proposed acquisition of Rushmore State Insurance Agency 2907

FOREST SERVICE

Notices

Siskiyou National Forest Herbicide Program; availability of draft environmental statement 2898

HAZARDOUS MATERIALS REGULATIONS BOARD

Rules and Regulations

Portable tank specifications 2885

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office.

Notices

Office of Defense Coordinator; statement of organization, functions, and delegation of authority 2899

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INTERIOR DEPARTMENT

See also Land Management Bureau; Mines Bureau.

Notices

Commissioner of Indian Affairs; delegation of authority 2897

INTERNAL REVENUE SERVICE

Notices

Granting of relief regarding firearms acquisition, shipment, possession, etc 2893

Pay Board ruling; existing contracts 2893

INTERNATIONAL COMMERCE BUREAU

Notices

Aminda Enterprises and Khow Amihyia; order denying export privileges for an indefinite period 2898

INTERSTATE COMMERCE COMMISSION

Notices

Motor carriers:
- Alternate route deviation notices 2909
- Applications and certain other proceedings 2909

JUSTICE DEPARTMENT

See Narcotics and Dangerous Drugs Bureau.

LABOR DEPARTMENT

Notices

Temporary compensation; determinations of "temporary on" indicator and beginning of temporary benefit period in 14 States 2908

LAND MANAGEMENT BUREAU

Notices

Montana; proposed withdrawal and reservation of lands 2894

MINES BUREAU

Notices

Environmental impact statements; directives on preparation 2895

NARCOTICS AND DANGEROUS DRUGS BUREAU

Notices

Narcotics and cocaine; aggregate production quotas 2894

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

Notices

State workmen's compensation laws; public hearing 2908

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rule Making

Eastern Pacific tuna fisheries; change of hearing 2890

PATENT OFFICE

Rules and Regulations

Trademark cases; interferences 2880

STATE DEPARTMENT

See Agency for International Development.

TARIFF COMMISSION

Notices

Asbestos cement pipe from Japan; investigation and hearing 2908

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Hazardous Materials Regulations Board.

TREASURY DEPARTMENT

See Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
- 11643 2875
- 11644 2877

5 CFR
- 213 2879

7 CFR
- 1806 2879
- 1823 2879

PROPOSED RULES:
- 987 2890
- 1481 2890

14 CFR
- 39 2880

24 CFR
- 1914 2881
- 1915 2882

33 CFR

PROPOSED RULES:
- 110 2890

37 CFR
- 2 2880

40 CFR
- 180 2883

45 CFR
- 102 2882
- 170 2882

47 CFR
- 83 (2 documents) 2884

PROPOSED RULES:
- 73 2891

49 CFR
- 173 2885
- 174 2886
- 177 2886
- 178 2886

50 CFR

PROPOSED RULES:
- 280 2890

V 37-27 FEB 9 72 XUM

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11643

Environmental Safeguards on Activities for Animal Damage Control on Federal Lands

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Conservation Act of 1969 (16 U.S.C. 668aa), it is ordered as follows:

SECTION 1. *Policy.* It is the policy of the Federal Government to (1) restrict the use on Federal lands of chemical toxicants for the purpose of killing predatory mammals or birds; (2) restrict the use on such lands of chemical toxicants which cause any secondary poisoning effects for the purpose of killing other mammals, birds, or reptiles; and (3) restrict the use of both such types of toxicants in any Federal programs of mammal or bird damage control that may be authorized by law. All such mammal or bird damage control programs shall be conducted in a manner which contributes to the maintenance of environmental quality, and to the conservation and protection, to the greatest degree possible, of the Nation's wildlife resources, including predatory animals.

SEC. 2. *Definitions.* As used in this order the term:

(a) "Federal lands" means all real property owned by or leased to the Federal Government, excluding (1) lands administered by the Secretary of the Interior pursuant to his trust responsibilities for Indian affairs, and (2) real property located in metropolitan areas.

(b) "Agencies" means the departments, agencies, and establishments of the executive branch of the Federal Government.

(c) "Chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to or injected into the body, in relatively small amounts, by its chemical action may cause significant bodily malfunction, injury, illness, or death, to animals or man.

(d) "Predatory mammal or bird" means any mammal or bird which habitually preys upon other animals or birds.

(e) "Secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed, or when applied to or injected into, a mammal, bird, or reptile, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter injested by man,

V 37 27
FEB 9 72
XUM

mammal, bird, or reptile, produces the effects set forth in paragraph (c) of this section.

(f) "Field use" means use on lands not in, or immediately adjacent to, occupied buildings.

SEC. 3. *Restrictions on Use of Chemical Toxicants.*

(a) Heads of agencies shall take such action as is necessary to prevent on any Federal lands under their jurisdiction, or in any Federal program of mammal or bird damage control under their jurisdiction:

(1) the field use of any chemical toxicant for the purpose of killing a predatory mammal or bird; or

(2) the field use of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing mammals, birds, or reptiles.

(b) Notwithstanding the provisions of subsection (a) of this section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that any emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential:

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

SEC. 4. *Rules for Implementation of Order.* Heads of agencies shall issue such rules or regulations as may be necessary and appropriate to carry out the provisions and policy of this order.

Richard Nixon

THE WHITE HOUSE,
February 8, 1972.

[FR Doc.72-2032 Filed 2-8-72; 12:29 pm]

NOTE: For the text of the President's Environmental Message to the Congress dated February 8, 1972, in which reference is made to E.O. 11643, above, see Weekly Comp. of Pres. Doc., Vol. 8, No. 7, issue of February 14, 1972.

EXECUTIVE ORDER 11644

Use of Off-Road Vehicles on the Public Lands

An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others—are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

SECTION 1. *Purpose.* It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

SEC. 2. *Definitions.* As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

SEC. 3. *Zones of Use.* (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

V 37 27
FEB 9 72
XUM

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

SEC. 4. *Operating Conditions.* Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

SEC. 5. *Public Information.* The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

SEC. 6. *Enforcement.* The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

SEC. 7. *Consultation.* Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Atomic Energy Commission.

SEC. 8. *Monitoring of Effects and Review.* (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

Richard Nixon

THE WHITE HOUSE,
February 8, 1972.

[FR Doc.72-2031 Filed 2-8-72; 12:29 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3214 is amended to show that not to exceed 10 positions of Telecommunications Policy Analysts, grades GS–11 through 15, in the Policy Support Division of the Office of Telecommunications are excepted under Schedule B.

Effective on publication in the FEDERAL REGISTER (2–9–72), paragraph (d) is added to § 213.3214, as set out below.

§ 213.3214 Department of Commerce.

* * * * * * *

(d) *Office of Telecommunications.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS–11 through 15. Employment under this authority may not exceed 2 years.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-1880 Filed 2-8-72; 8:47 am]

Title 7—AGRICULTURE

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 426.1]

PART 1806—REAL PROPERTY INSURANCE

On pages 20532 and 20533 of the FEDERAL REGISTER of October 23, 1971, there was published a notice of proposed rule making that would amend § 1806.3(c)(1) of Title 7 of the Code of Federal Regulations to eliminate in certain cases the requirement that insurance will be required on buildings repaired with section 504 loans.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed amendment is hereby adopted subject to the following change: The authorities for issuance of the amendment are changed to read as follows:

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Effective date. These regulations shall become effective on the date of their publication in the FEDERAL REGISTER (2–9–72).

Dated: February 1, 1972.

JOSEPH HASPRAY,
Deputy Administrator, Farmers Home Administration.

1. In § 1806.3(c)(1), subdivisions (iv) and (v) are redesignated as subdivisions (v) and (vi), respectively; and a new subdivision (iv) is added. As amended and redesignated, the subdivisions (iv), (v), and (vi) read as follows:

§ 1806.3 Coverage requirements.

* * * * * * *

(c) * * *
(1) * * *

(iv) Which is being or has been repaired with a section 504 loan. Families receiving section 504 loans should be encouraged but not required to carry insurance on their home.

(v) On LH security property which was not built or repaired with FHA loan funds provided that the State Director determines that the land and other structures adequately secure the FHA loan and any prior liens.

(vi) On which the hazards are so slight because of the character and construction of the building or the cost of the insurance is so high in comparison with the value of the building that, according to common standards of judgment, it should not be insured, including but not limited to windmills, silos, and fire-cured tobacco barns.

* * * * * * *

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

[FR Doc.72-1883 Filed 2-8-72; 8:48 am]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Ins. 442.7]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart G—Grants for Preparation of Comprehensive Area Plans for Water and Sewer Systems

PROCESSING APPLICATIONS FOR COMPREHENSIVE PLANNING GRANTS

Subpart G of Part 1823, Title 7, Code of Federal Regulations (36 F.R. 17031) is amended to clarify the subpart as to the use to which interest earned on grant funds may be put by the grantee.

1. In § 1823.209(f), subparagraphs (2), (3), and (4) are redesignated as subparagraphs (3), (4), and (5), respectively, and a new subparagraph (2) is added. As amended and redesignated, the subparagraphs (2), (3), (4), and (5) will read as follows:

§ 1823.209 Processing applications for comprehensive planning grants.

* * * * * * *

(f) * * *

(2) If for any reason grant funds are invested, income earned on such investments shall be identified as interest income on grant funds and forwarded to the Finance Office, unless the grantee is a State. "State" includes instrumentalities of a State but not political subdivisions of a State. A State grantee is not accountable for interest earned on grant funds.

(3) It is anticipated that most plans will be prepared under contracts with qualified planning consultants. In such cases, the contract, including the schedule of fees and charges and provisions for payment, must be reviewed and approved by FHA before it is executed by the recipient organization. It may be necessary in some instances to accomplish the planning on a force account basis. When the force account method is used, careful control of the disbursement of grant funds must be maintained to insure that such funds are only used to pay additional costs over and above normal personnel and operational costs of the recipient organization.

(4) The County Supervisor, or other employee designated by the State Director, will periodically inspect the progress of the plan. The State Director will review and approve each completed comprehensive plan before final payment is made. Before such approval is granted, he must make sure that the plan has been coordinated with all local units of government which might be affected.

(5) One certified copy of the completed plan will be provided for each FHA County Office located in the area covered by the plan.

* * * * * * *

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Dated: February 1, 1972.

JOSEPH HASPRAY,
Deputy Administrator, Farmers Home Administration.

[FR Doc.72-1882 Filed 2-8-72; 8:48 am]

V 37 27
FEB 9 72
XUM

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-WE-3-AD, Amdt. 39-1392]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747-100 and 747-200B Series Airplanes

There has been an incident involving the stabilizer trim system on a 747-100 airplane which resulted in an unscheduled nose up pitch of the airplane after takeoff. The crew was able to control the aircraft through the use of manual stabilizer trim levers and, in addition, large nose down control forces on the control column. Unscheduled stabilizer trim was caused by a failure of the stabilizer control module arming valve retainer cap and control valve seal, on one of the two stabilizer drive systems, plus a degraded stabilizer drive trim motor on the remaining drive system. The latter condition prevented reversal of the unscheduled trim at higher speeds. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require certain tests and additional Airplane Flight Manual instructions. Modification to the stabilizer trim system on 747-100 and 747-200B Series airplanes, per manufacturer's bulletins, constitutes a terminating action for the test procedures.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to 747-100 and 747-200B Series airplanes.

Compliance required as indicated.

To prevent unscheduled stabilizer trim and to maintain stabilizer control capability, accomplish the following:

(a) For airplanes incorporating stabilizer trim modules Boeing P/N 60B80027-2 and 60B80027-3 and/or stabilizer trim drive motors P/N 60B00250-1 without "B" suffix identification following the unit serial number, within 100 hours' time in service after effective date of this A.D., and, thereafter at intervals not to exceed 100 hours' time in service from the last inspection, test the stabilizer trim system components per Boeing Service Bulletin 27-2054, Revision 2, dated January 14, 1972, or later FAA-approved revisions or equivalent tests approved by the Chief, Aircraft Engineering Division, FAA Western Region, until modified in accordance with paragraph (c), below.

(b) Replace, or modify, prior to further flight, stabilizer trim system components which are found defective by the inspections per paragraph (a), above, in accordance with Boeing Service Bulletin 27-2054, Revision 2, dated January 14, 1972, or later FAA-approved revisions or equivalent replacements or modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) The inspections required per (a), above, may be discontinued after accomplishment of the following:

(1) Replace stabilizer trim modules, Boeing P/N 60B80027-2 and 60B80027-3 with stabilizer trim modules modified with improved arming and control valve seals and steel retainer caps per Boeing Service Bulletin 27-2054, Revision 2, dated January 14, 1972, or later FAA-approved revisions or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: Boeing Service Bulletin 27-2054 Revision 2, dated January 14, 1972, incorporates LTV Electrosystems Service Bulletins 27-6, 27-8, and 27-9 in "Part II, Terminating Action."

(2) Replace stabilizer trim motor, Boeing P/N 60B00250-1, without suffix "B" identification following unit serial number identification, with stabilizer trim motors modified with solid locking pins, per Boeing Service Bulletin 27-2054, Revision 2, dated January 14, 1972, or later FAA-approved revisions or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

NOTE: Boeing Service Bulletin 27-2054 Revision 2, dated January 14, 1972, incorporates Vickers Service Bulletin 910274-2, dated April 2, 1970.

(d) Within 100 hours' time in service after the effective date of this A.D., unless already accomplished, incorporate in the FAA approved Airplane Flight Manual, "Emergency Procedures" (section 2), the following procedures:

Unscheduled Stabilizer Trim

Recall.
Stabilizer Trim Hydraulic Switches—Cutout.
Reference.
Autopilot—Disengage.
Control column movement in opposition of trim will stop unscheduled trim caused by electrical fault.
Moving stabilizer trim hydraulic switches to Cutout will stop any unscheduled trim. Allow sufficient time for valves to operate.
A portion of the system may be determined to be usable by moving one stabilizer trim hydraulic switch at a time to Norm. If trim is normal that system may be used to adjust trim as required.

This amendment becomes effective February 11, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on January 31, 1972.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.72-1866 Filed 2-8-72;8:46 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Interferences

A proposal was published at 36 F.R. 18002 to amend, revise, or redesignate §§ 2.27, 2.61, 2.80–2.82, 2.91, 2.92, 2.98, 2.101, and 2.103. Pursuant to this notice, a number of comments have been received from interested persons, and due consideration has been given to all matter presented. Only editorial changes have been made in the rules as proposed.

Effective date. This revision shall become effective on March 1, 1972, and will apply to all applications except those in which a notice of publication was mailed prior to March 1, 1972.

§ 2.27 [Amended]

1. Section 2.27 is amended by changing "2.81" in paragraph (b) to read "2.80".

§ 2.61 [Amended]

2. Section 2.92(c) is redesignated as § 2.61(c).

3. Section 2.81 is redesignated as § 2.80 and revised to read as follows:

§ 2.80 Publication for opposition.

If, on examination or reexamination of an application for registration on the Principal Register, it appears that the applicant is entitled to have his mark registered, the mark will be published in the Official Gazette for opposition. The mark will also be published in the case of an application to be placed in concurrent use proceedings, if otherwise registrable.

§§ 2.81, 2.82 [Redesignated]

4. Sections 2.82 and 2.83 are redesignated as §§ 2.81 and 2.82, respectively.

5. A new § 2.83 is added and reads as follows:

§ 2.83 Conflicting marks.

(a) Whenever an application is made for registration of a mark which so resembles another mark or marks pending registration as to be likely to cause confusion or mistake or to deceive, the mark with the earliest effective filing date will be published in the Official Gazette for opposition if eligible for the Principal Register, or issued a certificate of registration if eligible for the Supplemental Register. A notice will be sent, if practicable, to the applicants involved informing them of the publication or issuance of the earliest filed mark.

(b) In situations in which conflicting applications have the same effective filing date, the application with the earliest date of execution will be published in the Official Gazette for opposition or issued on the Supplemental Register. A notice will be sent, if practicable, to the applicants involved informing them of the publication or issuance of the application with the earliest date of execution.

(c) Action on the conflicting application which is not published in the Official Gazette for opposition or not issued on the Supplemental Register will be suspended by the Examiner of Trademarks until the published or issued application is registered or abandoned.

6. The heading for §§ 2.91–2.99 entitled "Interferences" is revised to read "Interferences and Concurrent Use Proceedings."

7. Section 2.91 is revised to read as follows:

§ 2.91 Interferences.

(a) An interference will not be declared between two applications or between an application and a registration except upon petition to the Commissioner. Interferences will be declared by the Commissioner only upon a showing of extraordinary circumstances which would result in a party being unduly prejudiced without an interference. In ordinary circumstances, the availability of an opposition or cancellation proceeding to the party will be deemed to remove any undue prejudice.

(b) Registrations and applications to register on the Supplemental Register, registrations under the Act of 1920, and registrations of marks the right to use of which has become incontestable are not subject to interference.

8. Section 2.92 is revised to read as follows:

§ 2.92 Preliminary to interference.

Before the declaration of an interference, the marks which are to form the subject matter of the controversy must have been decided to be registerable by each party except for the interfering mark.

9. Section 2.98 is revised to read as follows:

§ 2.98 Adding party to interference.

If, during the pendency of an interference, another case appears involving substantially the same registrable subject matter, the Examiner of Trademarks may request the suspension of the interference for the purpose of adding said case. Such suspension will be granted as a matter of course if no testimony has been taken. If any testimony has been taken or is about to be taken, the case will not be added except upon approval of a member of the Trademark Trial and Appeal Board. If the case is not added, the Examiner of Trademarks may suspend action on such case pending termination of the interference proceeding.

§ 2.101 [Amended]

10. Section 2.101 is amended by changing "2.81", to read "2.80".

§ 2.103 [Amended]

11. Section 2.103 is amended by changing "2.81" in the second sentence to read "2.80".

Dated: February 2, 1972.

ROBERT GOTTSCHALK,
Commissioner of Patents.

Approved:

JAMES H. WAKELIN, JR.,
Assistant Secretary for Science and Technology.

[FR Doc.72-1863 Filed 2-8-72;8:46 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Colorado	Arapahoe	Englewood	I 08 005 0740 03 I 08 005 0740 04	Colorado Water Conservation Board, 1845 Sherman St., Denver, CO 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Planning Office, City of Englewood, 3400 South Elati St., Englewood, CO 80110.	Feb. 11, 1972.
Delaware	Sussex	Rehoboth Beach				Do.
Massachusetts	Hampshire	Hadley				Do.
Do.	Bristol	Rehoboth				Do.
Minnesota	Washington	Lakeland	I 27 163 3940 01	Minnesota Conservation Department, Division of Waters, Soils, and Minerals, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Village Hall, Village of Lakeland, Lakeland, Minn. 55043.	Do.
Do.	Anoka	Anoka				Do.
Do.	Houston	LaCrescent Village.				Do.
Do.	Polk	Unincorporated areas.				Do.
New Jersey	Morris	Boonton				Do.
Do.	Burlington	Morrestown Township.				Do.
Do.	Bergen	Paramus Borough				Do.
Texas	Tarrant	Hurst				Do.
Vermont	Windsor	Hartford				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 2, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-1806 Filed 2-8-72;8:45 am]

V37-27
FEB 9 72
XUM

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Colorado	Arapahoe	Englewood	H 08 005 0740 03.. H 08 005 0740 04	Colorado Water Conservation Board, 1845 Sherman St., Denver, CO 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Planning Office, City of Englewood, 3400 South Elati St., Englewood, CO 80110.	Feb. 26, 1971.
Delaware	Sussex	Rehoboth Beach				Feb. 11, 1972.
Massachusetts	Hampshire	Hadley				Do.
Do	Bristol	Rehoboth				Do.
Minnesota	Washington	Lakeland	H 27 163 3949 01..	Minnesota Conservation Department, Division of Waters, Soils, and Minerals, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Village Hall, Village of Lakeland, Lakeland, Minn. 55043.	Apr. 3, 1971.
Do	Anoka	Anoka				Feb. 11, 1972.
Do	Houston	LaCrescent Village.				Do.
Do	Polk	Unincorporated areas.				Do.
New Jersey	Morris	Boonton				Do.
Do	Burlington	Morristown Township.				Do.
Do	Bergen	Paramus Borough.				Do.
Texas	Terrant	Hurst				Do.
Vermont	Windsor	Hartford				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 2, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–1807 Filed 2–8–72;8:45 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 102—STATE VOCATIONAL EDUCATION PROGRAMS

Annual Evaluation Report

The following amendments to 45 CFR Part 102, which is applicable to programs of vocational education administered by State boards for vocational education under the Vocational Education Act of 1963, as amended by title I of the Vocational Education Amendments of 1968 (Public Law 90–576) and by title VII of Public Law 91–230 are made to make more effective use of State advisory councils.

In § 102.159, paragraphs (a) and (b) are revised as amended, § 102.159 reads as follows:

§ 102.159 Annual evaluation report.

(a) The State board shall submit to the Commissioner and the National Advisory Council, on or before December 1 of each year, an annual evaluation report prepared by the State advisory council pursuant to § 102.23(c), in accordance with procedures established by the Commissioner. This report shall contain (1) the results of the evaluations by the State advisory council of the effectiveness of programs, services, and activities carried out under the State plan in the year under review in meeting the program objectives set forth in the long-range and annual program plans required by §§ 102.33 and 102.34; and (2) such recommended changes in the content and administration of the State's programs, services, and activities as may be deemed by the State advisory council to be warranted by its evaluation results.

(b) The annual evaluation report of the State advisory council may be accompanied by such comments of the State board as it deems appropriate. The recommendations of the State advisory council shall be considered by the State board in developing the State plan for the ensuing year. Response in writing to each recommendation shall accompany the State plan and may include, among other matters, the results of evaluations by the State board of programs, services, and activities which support, supplement, or differ with the evaluation results of the State advisory council.

(Sec. 104, 82 Stat. 1066; 20 U.S.C. 1244)

These amendments shall take effect 30 days after they are published in the FEDERAL REGISTER (sec. 421(c), Public Law 92–247, as amended).

Dated: January 20, 1972.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: February 2, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.72–1878 Filed 2–8–72;8:47 am]

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

On page 21600 of the FEDERAL REGISTER of November 11, 1971, there was published a notice of proposed rule making to amend regulations to provide an exception to the exclusion from eligible development costs with respect to applications for annual interest grants. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective on the date of their publication in the FEDERAL REGISTER (2–9–72).

Dated: January 18, 1972.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: February 2, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Section 170.7 is amended by revising paragraph (c)(2) and by adding a new paragraph (d) to read as follows:

§ 170.7 Determination of costs eligible for Federal participation.

* * * * *

(c) For a project for which an application is filed for the first time (under any title of the Act) on or after July 1, 1966, the following shall be excluded from the eligible development cost:

* * * * *

(2) Except as provided for in paragraph (d) of this section, any cost incurred under a construction contract or a contract for the purchase and installation of built-in equipment which was entered into before the date or concurrence by the Commissioner in the award of such contract. While such concurrence normally will be given only after a grant or loan for a project has been approved, circumstances occasionally may warrant the beginning of construction in advance of grant or loan approval in order to meet scheduled needs for expansion of enrollment capacity. In any such case, where an application for a project has been filed and the applicant can justify the necessity of beginning construction in advance of the award of the grant or approval of the loan, the Commissioner may, after an appropriate review of the bidding documents, authorize bidding and concur in the award of the contract. However, such concurrence shall in no way provide any advantage for the project in priority determinations by a State commission under Title I and shall in no way commit the Commissioner subsequently to approve a grant or loan under any title for any such application.

(d) With respect to applications for annual interest grants submitted under Subpart E, where the construction contract or contract for the purchase or installation of built-in equipment was entered into on or before July 1, 1966, an exception to the general rule set forth in paragraph (c)(2) of this section may be made by the Commissioner in unusual cases where he finds that the applicant is financially hard pressed and has secured only short-term (not in excess of 5 years) financing of the academic facilities with respect to which the annual interest grant is requested, which short-term financing must be replaced in order to reduce the financial hardships, and where such academic facilities provide significant additional enrollment capacity for disadvantaged students. In making the foregoing findings the Commissioner will take into account:

(1) The number of disadvantaged students enrolled by the college and the percentage of the total enrollment represented by that number.

(2) The number of low-income families residing in the area served by the college and the average family income in that area,

(3) The immediacy of the college's need to obtain new financing, the availability of financing from other sources, and the effect of the burden of the present and proposed new financing on the college's ability to continue serving disadvantaged students,

(4) The number of disadvantaged students who benefit from the facilities for which the college is seeking financing, and

(5) The extent of programs offered by the college to assist disadvantaged students in taking maximum advantage of their education opportunity.

In no event will an exception be made by the Commissioner pursuant to this paragraph unless the applicant produces evidence that the provisions of §§ 170.2, 170.3, and 170.4 have been met and has satisfied the Commissioner that the reasons for the applicant not having secured the Commissioner's advance concurrence as provided for in § 170.7(c)(2) were not due to any unwillingness on the part of the applicant to meet such conditions.

[FR Doc.72–1879 Filed 2–8–72;8:47 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart E—Exemptions From Tolerances

ADJUVANT REVISIONS

An order was published in the FEDERAL REGISTER of December 22, 1971 (36 F.R. 24216), adding 90 adjuvants for pesticide chemicals to the tables in § 180.1001 (c) and (d). The lists of new adjuvants as published did not take into consideration the adjuvants already in the tables. Thus, some of the uses for the new adjuvants will not be correctly described when they are inserted in the tables and in some cases will change correctly described uses.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.1001 is amended by revising the following items in the tables in paragraphs (c) and (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Calcium citrate		Do.
* * *	* * *	* * *
Calcium phosphate		Solid diluent, carrier.
Calcium silicate		Do.
* * *	* * *	* * *
α-Cellulose		Solid diluent, carrier.
* * *	* * *	* * *
Citrus meal		Solid diluent, carrier.
Cocoa shells		Do.
* * *	* * *	* * *
Corn meal		Do.
* * *	* * *	* * *
Cornstarch		Solid diluent, carrier.
* * *	* * *	* * *
Lard		Do.
* * *	* * *	* * *
Peanut shells		Solid diluent, carrier.
* * *	* * *	* * *
Poly(oxypropylene) block polymer with poly-(oxyethylene); molecular weight 1,800–9,000.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Potassium chloride		Do.
* * *	* * *	* * *
Silica, hydrated silica		Do.
* * *	* * *	* * *
Sodium dioctylsulfosuccinate		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Zeolite (hydrated alkali aluminum silicate)		Solid diluent, carrier.

V37-27 FEB 9 72 XUM

(d) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
Amine salts of alkyl (C_4-C_{20}) benzenesulfonic acid (butylamine, dimethylaminopropylamine, mono- and diisopropylamine, mono-, di-, and triethanolamine).		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Chlorobenzene	Contains not more than 1% impurities. Not for use after edible parts of plant begin to form. Do not graze livestock in treated areas within 48 hours after application.	Solvent, cosolvent.
• • •	• • •	• • •
Cyclohexane		Solvent, cosolvent.
• • •	• • •	• • •
n-Decyl alcohol		Do.
• • •	• • •	• • •
n-Hexyl alcohol		Do.
• • •	• • •	• • •
Methyl isobutyl ketone		Solvent, cosolvent.
• • •	• • •	• • •
Monophosphate ester of the block copolymer α-hydro-ω-hydroxypoly (oxyethylene)-poly-(oxypropylene)-poly (oxyethylene); the poly(oxypropylene) content averages 37–41 moles, and the molecular weight averages 8,000.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Polyoxyethylated sorbitol fatty acid esters; the polyoxyethylated sorbitol solution containing 15 percent water is reacted with fatty acids limited to C_{12}, C_{14}, C_{16}, and C_{18} containing minor amounts of associated fatty acids; the poly(oxyethylene) content averages 30 moles.		Do.
• • •	• • •	• • •
Sodium butyl naphthalenesulfonate		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Sodium mono- and dimethylnaphthalenesulfonate; molecular weight 245–260.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Sodium salt of partially or completely saponified dark wood rosin (as defined in Title 21, § 121.2562 (a)(1)(v)).		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •
Tetrasodium *N*-(1,2-dicarboxyethyl)-*N*-octadecylsulfosuccinamate.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-9-72).

(Sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e))

Dated: February 1, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-1813 Filed 2-8-72;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 17295]

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Frequencies Available; Correction

In the matter of amendment of Parts 2, 81, and 83—Reduction of channel spacing to 25 kc/s, allotment of channels, establishment of revised technical criteria and categories of communications in the maritime mobile service band 156–162 Mc/s for VHF radiotelephony.

1. In the report and order in the above-entitled matter released on July 25, 1968, FCC 68-740 (33 F.R. 10849) a specific correction is necessary to conform to the report and order. In § 83.351(a)(5) the Carrier frequency table inadvertently states that the carrier frequency 156.700 Mc/s is subject to condition of use 58 (not available in Puerto Rico and the Virgin Islands per § 83.351(b)(58)).

2. In view of the foregoing, § 83.351 (a)(5) is amended as set forth below.

Released: February 4, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 83.351(a)(5) is amended as follows:

§ 83.351 Frequencies available.

(a) • • •
(5) • • •

Carrier frequency (Mc/s)	*Conditions of use*
• • •	• • •
156.675	33, 35, 40, 41, 45
156.700	34, 40, 41, 45
156.725	33, 35, 40, 41, 45
• • •	• • •

[FR Doc.72-1896 Filed 2-8-72;8:48 am]

[Docket No. 18307]

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Frequencies Below 3000 kHz for Safety, Business, and Operational Purposes; Correction

In the matter of amendment of Parts 2, 81, and 83 to establish a schedule of dates technical standards, frequencies and other requirements for the use of single sideband radiotelephony on frequencies below 4000 kc/s in the Maritime Services, and to make other incidental rule changes, except in Alaska and the Great Lakes, Docket No. 18307, RM-1286.

1. In the first report and order in the above-entitled matter released on June 16, 1970, FCC 70-608 (35 F.R. 10212) a specific correction is necessary to conform to the first report and order. Section 83.362(c) should be corrected to indicate that § 81.360(b), rather than § 81.365(b), is the location of certain limitations on the use of the frequencies 2738 Kc/s and 2830 Kc/s.

2. In view of the foregoing, § 83.362(c) is amended as set forth below.

Released: February 4, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 83.362(c) is amended as follows:

§ 83.362 Frequencies below 3000 kHz for safety, business, and operational purposes.

• • • • • •

(c) The frequencies 2738 kHz and 2830 kHz may be used for safety and related navigational communication with limited coast stations authorized to engage in such communication: *Provided*, That use of these frequencies will be subject to the same conditions under which they are authorized to be used by limited coast stations under the provisions of § 81.360(b) of this chapter:

• • • • • •

[FR Doc.72-1894 Filed 2-8-72;8:48 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-68; Amdts. 173-60, etc.]

PORTABLE TANK SPECIFICATIONS

The purpose of these amendments to the Department's Hazardous Materials Regulations is to provide two new specifications for portable tanks and to prescribe uses for these tanks. Existing authorization for fabrication of DOT specifications 52 and 53 portable tanks will terminate on May 31, 1972.

On December 12, 1970, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-68; Notice No. 70-24 (35 F.R. 18919) which proposed these amendments. The Board received several comments regarding these changes.

Several comments were addressed to the material specifications for aluminum and the difficulties of expressing permitted aluminum alloys in a format that would not be unnecessarily restrictive and that would not require frequent updating to be kept current with advancing technology. Also, the Board was requested to treat aluminum in a similar manner as steel. After reviewing all the comments on this matter, the Board concluded that a table similar in principle and format to that for steel would be the most effective solution. This table is included in the amendment.

Many comments were made regarding the criteria for venting of liquids and the insadequacy of the proposal as it was written. The Board agrees with these comments and has included provisions for the use of frangible discs, adjustment of the total emergency venting capacity table, a requirement for total containment under conditions of transportation which include temperatures as high as 130° F., allowance for minimum venting capacity calculated from a tank pressure of 3 p.s.i.g. to 5 p.s.i.g., and clarification that spring-loaded devices are not mandatory.

In response to several comments regarding materials of construction, the Board has clearly noted that pressure relief devices are not required to be made of metal.

The Board received many comments on the written format of the specifications and has adopted the format for which almost all commenters expressed a preference; viz., a general requirement section for all portable tanks followed by separate specification requirements for tanks for dry and liquid products. Under this format the Board further recognized a difference between requirements for containers for liquid and containers for solids. This was in consideration of the overall difference in hazard between the liquid and solid state of a material in the event of a leak.

Several comments were made concerning the adequacy, desirability, and effect of the proposed tests and how they relate to the transportation environment. Although the testing criteria now set forth in the Hazardous Materials Regulations may not be fully responsive, in consideration of results these criteria have produced with respect to the adequacy of present hazardous materials packaging, the Board prefers to retain the conventional drop, vibration, and pressure testing now found in the regulations. The Department has a study in progress regarding the relation of testing to the environment and will await the conclusions of this study before embarking on any extensive changes in testing philosophy. A particular concern in testing was the requirement for vibration testing, especially as it involves solids. Here also, the Board has chosen to retain existing test criteria. With respect to the tanks to be used for solids, it is the opinion of the Board that use of a fine, dry, powdered filling material in the vibration test will be helpful. It should also permit evaluation of closures located low in the tank if the dry powdered material is of sufficiently fine mesh size. However, the Board has chosen not to prescribe the actual mesh size, but will rely on the clear intent of the rule describing testing and the fact that design and testing information must be available to the shipper to assure compliance with § 173.24 of the Hazardous Materials Regulations.

The retest periods remain as proposed because of the exposure these portable tanks receive. The Board believes that a longer retest period would not be responsive to the type of service these smaller portable tanks will see.

Some objection against the tie-down requirements was expressed. Most of these comments did not contain explanatory or supporting data. Consequently, the Board has made adjustments only as it considered were necessary but otherwise maintained the requirement.

Several commenters objected to the joint efficiency requirements as expressed and referred the Board to the current requirements for cargo tanks as a better form for the rule. The Board agrees with these suggestions and has added requirements similar to § 178.340-5 of the Hazardous Materials Regulations.

On the basis of several comments and re-evaluation, the Board has determined that existing requirements and tests for fittings, closures, guards, and supports assure the adequacy of the specifications without the need for specific mounting pad requirements. This proposed section, therefore, is not included in this amendment.

Several comments related to the difficulty in expressing tank failure. The Board originally proposed terms such as "no stress in excess of yield strength" and other similar expressions. The difficulty in describing inadequate strength was demonstrated by several commenters. The Board has changed the rule to refer to the term "significant deformation" or similar expressions, being of the opinion that the term "significant" relating to the projected adequacy of a container to hold product is capable of being determined.

On the basis of some of the comments received, it became obvious to the Board that the purpose of the term "Maximum gross weight" in § 178.251-7(a) was not fully understood. In performance oriented specifications such as these, testing must of necessity be closely allied to the packaging in the "as used" condition in transportation. The maximum gross weight limitation can refer only to a rated weight based on design and testing. The Board noted, however, that although its performance oriented philosophy was expressed in notice No. 70-24, some of the rules applying its philosophy could be clearer. Accordingly, the term "Maximum gross weight" in § 178.251-7(a) has been changed to "Rated gross weight" and §§ 178.251-1 (b), 178.252-3(a), and 178.253-5(a) incorporate language relating testing more specifically to the gross weight marking on the certification plate.

Currently, there are at least 25 outstanding permits authorizing use of modified specifications 52 or 53 portable tanks. These are commonly known in the trade as "Tote Tanks", "Tote Bins", "Liqua-Bins", etc. The Board is hereby authorizing their continued usage until April 30, 1974, under special permit, each permit subject to cancellation for cause. This authorization is only in effect for the commodities and modes of transportation specified in each permit. Each permit holder must examine the tanks in use to determine compliance with specifications 56 or 57 and if possible modify, re-rate, and re-mark the tanks according to the applicable specification. If the tank covered by a special permit cannot be brought within specification, the permit holder must advise the Board before July 1, 1973, and explain why the tank can not be brought within specification. The Board will then make individual determinations regarding additional rule making or continuance of the permit.

Those special permit holders having specification 52, 53, 56, or 57 portable tanks or similar modified tanks in services not covered by this amendment must also petition the Board for additional rule making or continuance of the permit under the same conditions.

Permits outstanding for portable tanks related to MC specifications or specifications 51 and 60 are not affected by this amendment.

In consideration of the foregoing, 49 CFR Parts 173, 174, 177, and 178 are amended as follows:

PART 173—SHIPPERS

A. In Part 173 Table of Contents, § 173.32 is amended to read as follows:

Sec.
173.32 Qualification, testing, maintenance, and use of portable tanks.

B. In § 173.32, the heading and paragraphs (e) through (i) are amended; paragraph (d) is added to read as follows:

V37-27 FEB 9 72 XUM

§ 173.32 Qualification, testing, maintenance, and use of portable tanks.

• • • • •

(d) *Use of specification 52 and 53 tanks.* Continued use of an existing portable tank constructed to specification 52 or 53 is authorized only for a tank constructed before June 1, 1972.

(e) *Retest.* Each portable tank used for the transportation of a hazardous material must be successfully retested before further use in accordance with the following:

(1) *Schedule.* Each tank must be retested as prescribed in subparagraph (2) of this paragraph, in accordance with the following schedule:

(i) Specification 51 (§ 178.245 of this chapter): at least once every 5 years.

(ii) Specifications 52, 53, 56, and 57 (§§ 178.246, 178.247, 178.251, 178.252, 178.253 of this chapter): at least once every 2 years.

(iii) Specification 60 (§ 178.255 of this chapter): at the end of the first 4-year period after the original test; at least once every 2 years thereafter up to a total of 12 years of service; and at least once annually thereafter. Retesting is not required on a rubber-lined tank except before each relining.

(iv) Any other portable tank authorized by this part for transportation of compressed gases (including liquefied compressed gases): at least once every 5 years.

(2) *Test procedures.* Unless otherwise specified, each tank must be retested in accordance with the following test procedures:

(i) *Pressure.* Each specification 60 tank must be retested in accordance with § 178.255–12 of this chapter. A specification 57 tank must be retested in accordance with § 178.253–5(b) of this chapter. Any other tank must be tested by a minimum pressure (air or hydrostatic) of at least 2 pounds per square inch gage or at least one and one-half times the design pressure (maximum allowable working pressure, or re-rated pressure) of the tank, whichever is greater. During each air pressure test, the entire surface of all joints under pressure must be coated with or immersed in a solution of soap and water, heavy oil, or other material suitable for the purpose of detecting leaks. The pressure must be held for a period of time sufficiently long to assure detection of leaks. During the air or hydrostatic test, relief devices may be removed, but all the closure fittings must be in place and the relief device openings plugged. Lagging need not be removed from a lagged tank if it is possible to maintain the required test pressure at constant temperature with the tank disconnected from the source of pressure.

(ii) *Visual.* While under the test pressure, the tank must be visually inspected for leakage, defective fittings and welds, defective closures, significant dents, and other defects or abnormalities which indicate a potential or actual weakness that could render the tank unsafe for the transportation of a hazardous material.

(iii) *Rejection criteria.* A tank fails to meet the requirements of the pressure test if, during the test, there is permanent distortion of the tank exceeding that permitted by the applicable specification, if there is any leakage, or if any deficiencies described in subdivision (ii) of this subparagraph are found. Any tank that fails must be rejected and may not be used again for the transportation of a hazardous material unless the tank is adequately repaired and thereafter a successful test is conducted in accordance with the requirements of this paragraph.

(3) *Marking.* The date of the most recent periodic retest must be marked on the tank, on or near the metal certification plate. Marking must be in accordance with § 173.24.

(4) *Records.* The owner of the tank or his authorized agent must retain a written record indicating the date and results of all required tests and the name and address of the tester, until the next retest has been satisfactorily completed and recorded.

(f) *Special tanks.* Each portable tank authorized by this Part including each special permit tank (other than a tank covered by paragraph (e)(1)(iv) of this section) which is not in compliance with one of the specifications listed in paragraph (e) of this section, must be tested in accordance with the procedures prescribed in paragraph (e) of this section for the type of portable tank most nearly equivalent in design and usage. A tank constructed in accordance with paragraph U–68 or U–69 of previous editions of the ASME Code, and which has not been re-rated, must be hydrostatically retested at twice the design pressure instead of the one and one-half times prescribed in paragraph (e)(2)(i) of this section.

(g) *Deteriorated tanks.* Without regard to any other retest requirements, any tank that shows evidence at any time of bad dents, corroded areas, leakage, or other conditions that indicate weakness which could render the tank unsafe for the transportation of a hazardous material, must be retested as prescribed in paragraph (e)(2) of this section.

(h) *Damaged tanks.* Any tank that has been in an accident and that has been damaged to an extent that may adversely affect its product retention capability, must be retested as prescribed in paragraph (e)(2) of this section.

(i) *Unused tanks.* Any tank that has not been used to transport a hazardous material for a period of 1 year or more may not be returned to hazardous materials service until it has been tested successfully in accordance with the requirements of paragraph (e)(2) of this section.

• • • • •

C. In § 173.128, paragraph (a)(3) is amended to read as follows:

§ 173.128 Paints and related materials.

(a) • • •

(3) Specification 52,[1] or 57 (§§ 178.251, 178.253 of this chapter). Metal portable tank.

• • • • •

D. In § 173.132, paragraph (a)(2) is amended to read as follows:

§ 173.132 Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.

(a) • • •

(2) Specification 52[1] or 57 (§§ 178.251, 178.253 of this chapter). Metal portable tank. Authorized for materials irrespective of flash point but only those defined as viscous liquids by § 173.115(b).

E. In § 173.239a, paragraph (a)(2) is added to read as follows:

§ 173.239a Ammonium perchlorate.

(a) • • •

(2) Specification 53[1] or 56 (§§178.247, 178.251, 178.252 of this chapter). Metal portable tank. Lower side or hopper-type product discharge openings are not permitted.

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.532, paragraph (n) is added to read as follows:

§ 174.532 Loading other hazardous materials.

• • • • • •

(n) Specification 56 or 57 (§§ 178.251, 178.252, 178.253 of this chapter) portable tanks containing hazardous materials may not be stacked on each other nor may any other freight be stacked on them during transportation.

PART 177—SHIPMENT MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 177.834, paragraph (n) is added to read as follows:

§ 177.834 General requirements.

• • • • • •

(n) Specification 56 or 57 (§§ 178.251, 178.252, 178.253 of this chapter) portable tanks containing hazardous materials may not be stacked on each other nor may any other freight be stacked on them during transportation.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

A. In Part 178 Table of Contents, §§ 178.246 and 178.247 are canceled; §§ 178.251, 178.252, and 178.253 are added to read as follows:

[1] Use of existing tanks authorized. Construction not authorized after April 30, 1972.

Sec.

178.251 General design and construction requirements applicable to specifications 56 (§ 178.252) and 57 portable tanks (§ 178.253).
178.252 Specification 56; metal portable tank.
178.253 Specification 57; metal portable tank.

§ 178.246 [Revoked]

B. Section 178.246 is canceled.

§ 178.247 [Revoked]

C. Section 178.247 is canceled.

D. Section 178.251 is added to read as follows:

§ 178.251 General design and construction requirements applicable to specifications 56 (§ 178.252) and 57 portable tanks (§ 178.253).

§ 178.251–1 General requirements.

(a) These specifications apply to tanks of any shape (cylindrical, conical, cubical, or other).

(b) The rated gross weight of the tank must not exceed the values used during the design qualification vibration and drop tests.

(c) Each tank must be in compliance with all applicable requirements of §§ 173.24 and 173.32 of this chapter.

§ 178.251–2 Materials of construction.

(a) Except for gaskets, pressure relief devices, valve seats, liners, and linings, all construction material must be metal.

(b) Hardware for handling and securing, fitting protection, outlet piping, valves, relief devices, and closures must be made of material that is electrolytically compatible with, or suitably protected from electrolytic action when joined to the product retention components of the tank.

(c) Any material used must not be susceptible to stress corrosion cracking.

(d) Material specification: All sheet, plate, and extruded material for shell, heads, bulkheads, and baffles for portable tanks must meet the following minimum requirements:

(1) *Aluminum alloys.* Aluminum alloys must be suitable for fusion welding and must meet the following requirements:

Minimum yield strength	24,000 p.s.i.
Minimum ultimate strength	30,000 p.s.i.
Minimum elongation of standard 2 inch gage length	8 percent

(2) *Steel.* Steel must meet the following requirements:

	Mild steel	Low alloy low carbon	Stainless
Minimum yield strength, p.s.i.	25,000	45,000	25,000
Minimum ultimate strength, p.s.i.	45,000	60,000	70,000
Minimum elongation of standard 2 inch gage length (percent)	20	25	30

(3) *Magnesium alloys.* Magnesium alloy must conform to ASTM B–90–69, Grade ZE–10A.

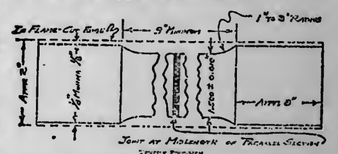
§ 178.251–3 General construction requirements.

(a) *Method of joining.* All joints between tank shells, heads, baffles (or baffle attaching rings), and bulkheads must be welded in accordance with the requirements of this section.

(b) *Strength of joints (Aluminum Alloy (AL), Magnesium Alloy (MG)).* All welded joints must be made in accordance with recognized good practice. The efficiency of a joint must not be less than 85 percent of the mechanical properties of the adjacent material. Each alloy must be joined by an inert gas arc welding process using filler metals which are consistent with material suppliers recommendations.

(c) *Strength of joints (Mild Steel (MS), High Strength Low Alloy (HSLA), Austenitic Stainless Steel (SS)).* Joints must be welded in accordance with recognized good practice. The efficiency of any joint must not be less than 85 percent of the mechanical properties of the adjacent material.

(d) *Compliance test.* Compliance with the requirements contained in paragraph (b) or (c) of this section for the welded joints must be determined by preparing two test specimens from materials representative of those to be used in each tank. Joints must be made by the same technique of fabrication and must conform to the figure below. Each specimen must be tested to failure under tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed. The butt welded specimens tested may be considered as qualifying other types or combinations of types of weld using the same filler material and welding process as long as parent metals are of the same types of material.



§ 178.251–4 Stacking, mounting, and tie-down provisions.

(a) *Load support devices.* Each tank designed to be stacked in storage must be provided with load support devices. There may be no significant permanent deformation of the load support devices or the tank under either of the following stress conditions:

(1) Tanks loaded to their maximum authorized gross weight and stacked at least 18 feet high.

(2) A load on the support devices at least three times the maximum authorized gross weight of the tank.

(b) *Base mounting.* Each tank must be constructed with mountings to provide a secure base during transportation. The mounting may be in the form of a skid or similar structure.

(c) *Tie-down system.* If there are tie-down devices that are a structural part of the tank, the tie-down system must be capable of withstanding the following static loading without significant deformation to the tank. The static loading applied must have, with respect to the center of gravity of the tank a vertical component of at least two times the maximum authorized gross weight of the tank.

(1) If the design of the tank necessitates specific front and side orientation when loaded on a transportation vehicle, the static loading applied must have two horizontal components at right angles to each other, one direction at a time as follows:

(i) A longitudinal component at least seven times the maximum authorized gross weight of the tank in the direction of travel of the vehicle, and

(ii) A component of five times the maximum authorized gross weight of the tank in the transverse direction, or

(2) If the design of the tank does not necessitate specific front and side orientation when loaded on a transportation vehicle, the static loading applied must have two horizontal components at right angles to each other, one direction at a time, of a least seven times the maximum authorized gross weight of the tank.

(d) If there is a structural part of the tank that could be used to tie the tank down and which is not in compliance with paragraph (c) of this section, it must be securely covered or locked during transportation to prevent its use as a tie-down.

§ 178.251–5 Testing.

(a) *Design qualification testing.* Design qualification tests prescribed in this paragraph must be made on at least one of each design and size tank, except that a set of tests, when made on a tank of one size, may serve to qualify smaller tanks made of same kind and thickness of material, by the same fabrication technique, and with identical supports, and equivalent closures, and other appurtenances. Tests must be performed sequentially on a single tank in the order listed in this section. Additional tests must be made if there is any increase in design size of the tank, any reduction in thickness of material, or any change in material, or in fabrication technique. Test samples must be retained for 1 year.

(1) *Vibration and drop tests.* See applicable specification, § 178.252–3(a) or § 178.253–5(a).

(2) *Structural integrity tests*—(i) *Lifting devices.* If there is a system of lifting devices that is a structural part of the tank or is permanently attached thereto or to the support structure, the system must be capable of supporting at least three times the maximum gross weight of the tank, and each individual lifting device must be capable of supporting at least the maximum gross weight of the tank, without significant permanent deformation in either the lifting device system or in any part of the tank.

(ii) *Shipment support structure.* If the tank supports are a structural part of the tank, the supports must be capable of

V37-27
FEB 9 72
XUM

absorbing a force equal to the maximum gross weight of the tank or breaking without significant permanent deformation to the product retention component of the tank. The force must be applied to the supports at ground level from at least two horizontal directions at right angles to each other, one direction at a time.

(iii) *Stacking support devices.* If stacking support devices are a structural part of the tank, there must be no significant permanent deformation of any device or the tank under either of the following stress conditions:

(*a*) Tanks loaded to their maximum authorized gross weight and stacked at least 18 feet high.

(*b*) A load on the stacking support devices of at least three times the maximum authorized gross weight of the tank.

(iv) *Fittings and protective devices.* Each fitting (or its protective device) subject to this test requirement must be capable of withstanding a force at least two times the maximum authorized gross weight of the tank without resultant damage to the fitting. The force must be applied to the fitting or its protective device in at least two horizontal directions at right angles to each other, one direction at a time, and in alinement with the fitting.

(b) *Production quality control, testing and inspection.* See applicable specification, § 178.252–3(b) or § 178.253–5(b).

§ 178.251–6 Rejected tanks.

No tank which fails to pass any of the prescribed tests may be placed in service until suitable repairs have been made and satisfactory re-tests results have been obtained.

§ 178.251–7 Identification and marking.

(a) A metal certification plate must be permanently affixed to each tank and must be readily accessible for inspection. The plate must be marked in letters and numerals at least ⅜-inch high by stamping, embossing, or other means of forming letters into or on the metal plate itself. The marking must contain at least the following information:

Tank manufacturer----------
Specification identification: Spec. 56 or Spec. 57----------
Design pressure (*for specification 57 only*)---------- p.s.i.g.
Test pressure (*for specification 56 only*)---------- p.s.i.g.
Serial number----------
Original test date----------
Tare weight---------- lbs.
Rated gross weight [1]---------- lbs.
Volumetric capacity---- U.S. gal. (or cu. ft.)
Materials of construction [2]----------

[1] The rated (permitted) gross weight may not exceed that weight used during the design qualification tests involving vibration and drop.

[2] E.g., AL for aluminum, MG for magnesium alloy, MS for mild steel, HSLA for high strength low alloy, SS for austenitic stainless steel, including ASTM or ASME reference.

(b) Unless the tank has been designed for stacking and meets the appropriate stacking integrity requirements of this specification, it must also be marked in letters at least 2 inches high in contrasting colors "Do Not Stack" and "Do Not Place Other Freight On Top Of This Tank", on at least two sides of the tank. These instructions must also appear on the certification plate. Plate markings are required to meet the requirements of paragraph (a) of this section and need not be in contrasting color.

E. Section 178.252 is added to read as follows:

§ 178.252 Specification 56; metal portable tank.

§ 178.252–1 General requirements.

(a) Each tank must be in compliance with the general design and construction requirements in § 178.251 in addition to the specific requirements of this section.

(b) Each tank may not exceed a rated gross weight of 7,000 pounds.

§ 178.252–2 Openings.

(a) Each fill and discharge opening must be equipped with a closure and locking device.

(b) A drum-type locking ring closure is authorized for openings not exceeding 23 inches in diameter. A drum-type locking ring closure must be at least a 12-gage bolted ring with forged lugs having at least a ⅝-inch steel bolt tapped into one of the lugs. The locking ring must be equipped with a lock nut or equivalent device.

(c) For a tank that incorporates a hopper-type product discharge opening, the closure device must be constructed to retain product under the test conditions outline in §§ 178.251–5 and 178.252–3(a). Closures for those openings must be designed with positive mechanical locking and sealing devices to prevent leakage during normal conditions incident to transportation.

§ 178.252–3 Testing.

(a) *Design qualification testing.* In addition to the testing prescribed in § 178.251–5(a), a vibration and a drop test are also required on each design. For these tests, the tank must be filled with a fine, dry powdered material having a density that results in the tank having a gross weight not less than the rated gross weight of the tank.

(1) *Vibration test.* This test must be performed for 1 hour using a minimum double amplitude of 1 inch at a frequency that causes the test tank to be raised from the floor of the testing table so a piece of flat steel strap may be passed between the tank and the table. The tank must be restrained so that all horizontal motion is restricted and only vertical motion is permitted.

(2) *Drop test.* The tank must be capable of withstanding without leakage of contents a 2-foot free drop onto a flat unyielding horizontal surface, striking the target surface in the position and attitude from which maximum damage to the tank (including closures) is expected.

(b) *Production quality control, testing, and inspection*—(1) *Leakage test.* Each tank must be tested by a minimum air or hydrostatic pressure of at least 2 pounds per square inch gage applied to the entire tank. If the air pressure is used, the entire surface of all joints under pressure must be coated with, or immersed in, a solution of soap and water, or other material suitable for the purpose of detecting leaks. If the hydrostatic pressure test is used it must be carried out by using water or other liquid having a similar viscosity, the temperature of which may not exceed 100° F. and all joints under pressure must be inspected for leaks. For either test, the pressure must be held for a period of time sufficiently long to assure detection of leaks. All closures must be in place during the test. Any tank that has detectable leakage or significant permanent deformation does not meet the requirements of this specification.

F. Section 178.253 is added to read as follows:

§ 178.253 Specification 57; metal portable tank.

§ 178.253–1 General requirements.

(a) Each tank must be in compliance with the general design and construction requirements in § 178.251 in addition to the specific requirements of this section.

(b) Each tank must have a capacity of at least 110 gallons but not more than 660 gallons.

§ 178.253–2 Openings.

(a) Each fill and discharge opening must be equipped with a closure device that meets the following requirements:

(1) Any closure for a fill opening in excess of 20 square inches must be equipped with a device to prevent the closure from fully opening without first relieving internal pressure.

(2) Any product discharge valve, if used, must be provided with a leak tight device, such as a cap or plug.

(3) Each closure must be vapor tight.

(b) A drum-type locking ring closure is authorized for any opening less than 23 inches in diameter. A drum-type locking ring closure must be at least a 12-gage bolted ring with forged lugs having at least a ⅝-inch steel bolt tapped into one of the lugs. The locking ring must be equipped with a lock nut or equivalent device.

§ 178.253–3 Protection of fittings.

Each fitting which could be damaged sufficiently to result in leakage of tank contents must be protected by suitable guards or protective housings. The term "fitting" includes valves, closure devices, safety relief devices, and other accessories through which contents could leak from the tank. Each fitting or fitting protection device must be capable of withstanding the fitting protection test specified in § 178.251–5.

§ 178.253–4 Vents.

(a) Each tank must be equipped with at least one pressure relief device such as a spring-loaded valve, frangible disc or fusible plug.

(b) Each pressure relief device must communicate with the vapor space of the tank when the tank is in a normal transportation attitude. Shutoff valves must not be installed between the tank opening and any pressure relief device.

Pressure relief devices must be mounted, shielded, or drained to prevent the accumulation of any material that could impair the operation or discharge capability of the device.

(c) The total emergency venting capacity (cu. ft./hr.) of each portable tank must be at least that determined from the following table.

Total surface area square feet [1] [2]:	*Cubic feet free air per hour*
20	15,800
30	23,700
40	31,800
50	39,500
60	47,400
70	55,300
80	63,300
90	71,200
100	79,100
120	94,900
140	110,700
160	126,500

[1] Interpolate for intermediate sizes.
[2] Surface area excludes area of legs.

(1) The pressure operated relief device must open at not less than 3 pounds per square inch gage and at not over the design test pressure of the tank. The minimum venting capacity for pressure activated vents must be 6,000 cubic feet of free air per hour (measured at 14.7 p.s.i.a. and 60° F.) at not more than 5 pounds per square inch gage.

(2) If a frangible device is used for relieving pressure, the device must have a minimum area of 1.25 square inches and must be rated at less than the design test pressure of the tank.

(3) If a fusible device is used for relieving pressure, the device must have a minimum area of 1.25 square inches. The device must function at a temperature between 220° F. and 300° F. and at a pressure less than the design test pressure of the tank, unless this latter function is accomplished by a separate device.

(d) No relief device may be used which would release flammable vapors under normal conditions of transportation (temperature up to and including 130° F.).

§ 178.253–5 Testing.

(a) *Design qualification testing.* In addition to the testing prescribed in § 178.251–5, a vibration test, a drop test, and a pressure test are also required on each design. For the vibration and drop tests, the tank must be filled with a liquid to not less than the rated gross weight.

(1) *Vibration test.* This test must be performed for 1 hour using a minimum double amplitude of 1 inch at a frequency that causes the test tank to be raised from the floor of the testing table so a piece of flat steel strap may be passed between the tank and the table. The tank must be restrained so that all horizontal motion is restricted and only vertical motion is permitted.

(2) *Drop test.* The tank must be capable of withstanding without leakage of contents a 2-foot free drop onto a flat unyielding horizontal surface, striking the target surface in the position and attitude from which maximum damage to the tank (including piping and fittings) is expected.

(3) *Pressure test.* The tank must be capable of maintaining, under hydrostatic test for at least 5 minutes, at least one and one-half times the design pressure prescribed in this paragraph, without detectable leakage or significant permanent deformation. The pressure must be measured at the top of the tank. Each closure must be in place and blocked if necessary as for shipment. Each closure must be standard, except that tapping for pressurizing and gaging is permitted. Design pressure must be determined as follows:

$$P = \frac{hd}{115} + 3$$

Where:

P = Design pressure in psig;
h = Inside height of tank in inches;
d = Maximum allowable density in pounds per gallon;
115 = Number of cubic inches in 1 gallon (231) divided by a safety factor of two.

(b) *Production quality control, testing and inspection*—(1) *Leakage test.* Each tank must be leak tested by a minimum sustained air pressure of at least three pounds per square inch gage applied to the entire tank. The entire surface of all joints under pressure must be coated with or immersed in a solution of soap and water or other material suitable for the purpose of detecting leaks. The pressure must be held for a period of time sufficiently long to assure detection of leaks. All closures must be in place during the test, but safety relief devices may be removed and such openings plugged. Any tank that has detectable leakage or significant permanent deformation does not meet the requirements of this specification.

This amendment is effective March 31, 1972, however, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831–835, title 18, United States Code, sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on February 2, 1972.

MAC. E. ROGERS,
Board Member, for the Federal Highway Administration.

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

JAMES F. RUDOLPH,
Board Member, for the Federal Highway Administration.

[FR Doc.72–1824 Filed 2–8–72;8:45 am]

V 37 27
FEB 9 72
XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1481]

[GR-369]

RICE EXPORT PROGRAM

Notice of Proposed Rule Making

On January 19, 1972, notice was given in the FEDERAL REGISTER (37 F.R. 810) that the Export Marketing Service proposes to amend the provisions of the Rice Export Program (GR-369) (7 CFR 1481) (35 F.R. 7880 and 35 F.R. 8472) as described in the notice. The notice provides that interested persons may submit data, views, and comments in connection with the proposal so as to be received by the Director, Grain Division, Commodity Export, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after publication of the notice in the FEDERAL REGISTER.

The Export Marketing Service has received requests for additional time in which to respond to the notice. To provide all interested parties additional time in which to submit data, views, and comments, the 30 day period is hereby extended to 45 days.

Signed at Washington, D.C., on February 4, 1972.

CLIFFORD G. PULVERMACHER,
Vice President, CCC and General Sales Manager, Export Marketing Service.

[FR Doc.72-1899 Filed 2-8-72;8:49 am]

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Size Regulations

Notice is hereby given of proposals recommended by the California Date Administrative Committee to delete § 987.-204(a)(2) of Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894) which prescribes size requirements for Deglet Noor whole dates withheld to meet a withholding obligation, and to amend § 987.155(a)(1)(i) of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 37 F.R. 1159; and 36 F.R. 25431) by deleting the requirements prescribed therein that restricted dates exported to approved countries, other than Mexico, must meet the then current size requirements in § 987.-204(a)(1) for dates handled as free dates. The subparts are operative pursuant to the marketing agreement, as amended, and Order No. 987, amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

1. Amend subparagraph (1) of § 987.-155(a) of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 37 CFR 1159; and 36 F.R. 25431) by revising subdivision (i) thereof to read as follows: "Be inspected and certified prior to export as meeting the then current applicable grade requirements in § 987.203(b)(1) for dates other than dates for further processing."

2. Amend paragraph (a) of §987.204 of Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894) by deleting therefrom subparagraph (2).

Dated: February 4, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-1898 Filed 2-8-72;8:48 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 280]

YELLOWFIN TUNA

Eastern Pacific Tuna Fisheries; Change of Hearing

Notice is hereby given, pursuant to the provisions of the Tuna Conventions Act of 1950, as amended, that the public hearing announced in the FEDERAL REGISTER, February 2, 1972 (37 F.R. 2516–2520) for February 15 has been postponed to February 18, 1972.

Dated at Washington, D.C., February 4, 1972.

PHILIP ROEDEL,
Director, National Marine Fisheries Service.

[FR Doc.72-1889 Filed 2-8-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 72-24]

SAN LUIS OBISPO BAY, CALIF.

Proposed Special Anchorage Areas

The Coast Guard is considering amending the anchorage regulations to establish an additional special anchorage area in San Luis Obispo Bay, Calif. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

In addition to proposing an additional special anchorage area, the anchorage regulations will be amended to disestablish those waters in the existing special anchorage area not subject to the Inland Rules of the Road. This action is being taken because there is no statutory authority for the existence of a special anchorage area in those waters governed by the International Rules of the Road (33 U.S.C. 44–147d).

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Twelfth Coast Guard District, 630 Sansome Street, San Francisco, CA 94126. Each person submitting comments should include his name and address, identifying the notice (CGFR 72–24) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District, will forward any comments received before March 10, 1972, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in light of comments received.

In consideration of the foregoing, it is proposed to amend Title 33 of the Code of Federal Regulations by revising § 110.120 to read as follows:

§ 110.120 San Luis Obispo Bay, Calif.

(a) *Area A–1.* Area A–1 is the water area bounded by the San Luis Obispo County Wharf, the shoreline, a line drawn from the southernmost point of Fossil Point to latitude 35°10'16.5" N., longitude 120°43'38.5" W.; thence to the southeast corner of the San Luis Obispo County Wharf.

(b) *Area A–2.* Area A–2 is the water area enclosed by a line drawn from the outer end of Whaler Island Breakwater at latitude 35°09'22" N., longitude 120°-44'56" W., to the Marre' Chimney at latitude 35°10'50" N., longitude 120°44'31" W.

NOTE: The Port San Luis Harbor District prescribes local regulations for mooring and boating activities in these areas.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g)(1)(B), 80 Stat. 937; 33 U.S.C. 180, 49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2) (36 F.R. 10160))

Dated: February 1, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-1891 Filed 2-8-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19314]

INCLUSION OF PROGRAM IDENTIFICATION PATTERNS IN VISUAL TRANSMISSIONS OF TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73, § 73.682(a)(22) of the Commission's rules and regulations concerning the inclusion of program identification patterns in the visual transmissions of television broadcast stations, Docket No. 19314, RM-1783.

1. As extended by an order adopted December 2, 1971 (Mimeo No. 77675), the dates for filing comments and reply comments in the above-entitled proceeding are February 8, 1972, and March 8, 1972, respectively.

2. International Digisonics Corp. (IDC), in a petition filed on January 26, 1972, requests that the deadlines for filing comments and reply comments be postponed until March 10, 1972, and April 10, 1972.

3. In support of its request, IDC states that while its efforts previously had been geared to meeting the presently specified filing dates, the unanticipated actions of Columbia Broadcasting System (CBS) in announcing its intention not to accept film material bearing IDC identification patterns for broadcast after February 1, 1972, necessitated a diversion of the entire energies of IDC and its counsel to the problems engendered by the CBS announcement, and it, accordingly, has fallen behind schedule in its preparation of comments to be submitted in the subject proceeding. It, therefore, requests an additional month to complete, organize, and present the material it wishes to file with its comments, which it believes will contribute significantly to the resolution of the questions at issue in the proceeding.

4. While we are interested in arriving at a decision in this matter expeditiously, we are equally concerned that any conclusions we reach be based on a record which, to be fully adequate, requires the contribution of IDC, as the principal proponent of the visual program identification system. Recognizing that IDC's participation has been delayed by unforeseen circumstances, we find it is in the public interest to allow a further period of time within which IDC and other interested parties may comment.

5. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is extended to and including March 10, 1972, and the time for filing reply comments is extended to and including April 10, 1972.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: January 28, 1972.

Released: January 31, 1972.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-1893 Filed 2-8-72;8:49 am]

V 37 27
FEB 9 72
XUM

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 9 (Rev.)]

DEPUTY ADMINISTRATOR AND ASSISTANT ADMINISTRATORS

Delegations of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 of November 3, 1961, as amended, from the Secretary of State (26 F.R. 10608) and in accordance with the provisions of section 624(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2384), it is directed as follows:

In the event of the absence, death, resignation, or disability of the Administrator, the following designated officers of the Agency for International Development shall, in the order of succession indicated, act as Administrator:

(1) Deputy Administrator.
(2) Assistant Administrator for Program and Management Services.
(3) Assistant Administrator, Bureau for Africa.
(4) Assistant Administrator, Bureau for Asia.
(5) Assistant Administrator, Bureau for Latin America.
(6) Assistant Administrator/Coordinator for Supporting Assistance.
(7) Assistant Administrator for Vietnam.

This delegation of authority supersedes Delegation of Authority No. 9 (revised) of July 27, 1970 (35 F.R. 12415).

This delegation of authority is effective immediately.

Dated: February 2, 1972.

JOHN A. HANNAH,
Administrator.

[FR Doc. 72-1867 Filed 2-8-72;8:46 am]

[Delegation of Authority 93]

ASSISTANT ADMINISTRATOR FOR PROGRAM AND MANAGEMENT SERVICES

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961 (26 F.R. 10608) from the Secretary of State, and in furtherance of my decisions relating to reformation of the U.S. Economic Assistance Program, as announced in my memorandum of January 24, 1972, it is hereby ordered as follows:

SECTION 1. The title "Assistant Administrator for Administration" is deleted from each delegation of authority within the Agency for International Development, and the title "Assistant Administrator for Program and Management Services" is substituted therefor. These delegations of authority shall include, but not be limited to, those designated as Nos. 15, 17, 19, 27, 36, 41, 44, 56, 57, 64, 67, 80, 85, and 88.

SEC. 2. The title "Assistant Administrator for Administration" is deleted from each redelegation of authority issued by that official, and the title "Assistant Administrator for Program and Management Services" is substituted therefor.

SEC. 3. Currently effective redelegations of authority issued by the Assistant Administrator for Administration shall continue in effect according to their terms until modified or revoked by the Assistant Administrator for Program and Management Services.

SEC. 4. The authorities delegated to the Assistant Administrator for Program and Management Services by section 1 hereof may be redelegated to the extent specified in the delegations of authority affected thereby, and shall be subject to the same limitations or restrictions as are provided in such delegations.

SEC. 5. Any functions of the Assistant Administrator for Administration which are specified in any regulation (published or unpublished), manual order, policy determination, manual circular, airgram, instruction or communication of any nature, shall henceforth be the responsibility of the Assistant Administrator for Program and Management Services.

SEC. 6. This delegation of authority shall be effective immediately.

Dated: February 1, 1972.

JOHN A. HANNAH,
Administrator.

[FR Doc.72-1868 Filed 2-8-72;8:46 am]

[Delegation of Authority 94]

ASSISTANT ADMINISTRATOR, BUREAU FOR ASIA

Delegation of Various Authorities

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961 (26 F.R. 10608) from the Secretary of State, and in furtherance of my decisions relating to reformation of the U.S. Economic Assistance Program, as announced in my memorandum of January 24, 1972, it is hereby ordered as follows:

SECTION 1. Each of the following delegations of authority is amended, (1) by deleting the titles "Assistant Administrator for Near East and South Asia", "Director, Office of East Asia Development Programs", "Assistant Administrator for East Asia", and (2) by inserting among the titles of the officers named in those delegations, the title of the following officer: "Assistant Administrator for Asia".

A. Delegation of Authority No. 5, dated December 29, 1961 (27 F.R. 449), as amended, with respect to Loan Agreements;

B. Delegation of Authority No. 17, dated April 12, 1963 (27 F.R. 5914), as amended, with respect to Authority to Sign Contracts;

C. Delegation of Authority No. 19, dated October 3, 1962 (27 F.R. 10374), as amended, with respect to Participating Agency Service Agreements;

D. Delegation of Authority No. 23, dated December 28, 1962 (28 F.R. 563), as amended, relating to the Agricultural Trade Development and Assistance Act of 1954, as amended;

E. Delegation of Authority No. 27, dated April 15, 1963, as amended, relating to Personnel;

F. Delegation of Authority No. 38, dated April 10, 1964 (29 F.R. 5280), relating to Project Agreements, Trust Fund Agreements, and Grants to International Organizations;

G. Delegation of Authority No. 40, dated April 17, 1964 (29 F.R. 5695), relating to Waivers of Procurement Source Requirements;

H. Delegation of Authority No. 41, dated May 8, 1964 (29 F.R. 6892), relating to the Furnishing of Services and Commodities pursuant to Section 607 of the Foreign Assistance Act of 1961, as amended;

I. Delegation of Authority No. 43, dated June 12, 1964 (29 F.R. 8122), relating to the Acceptance of Donated Non-military Property and Services pursuant to section 635(d) of the Foreign Assistance Act of 1961, as amended;

J. Delegation of Authority No. 75, dated January 11, 1968 (33 F.R. 919), relating to Certifications under section 611(e) of the Foreign Assistance Act of 1961, as amended; and

K. Delegation of Authority No. 88, dated November 4, 1970 (35 F.R. 17675) relating to Housing Guaranties.

SEC. 2. Delegation of Authority No. 92, dated July 29, 1971 (36 F.R. 14483), relating to authorities granted to the Coordinator, Supporting Assistance, et al., is amended by deleting the title "Director, Office of East Asia Development Programs", whenever that title appears in Delegation of Authority No. 92.

SEC. 3. There is hereby delegated to the Assistant Administrator for Asia, with respect to the countries or areas which are within his responsibilities, all those authorities or functions which are conferred on A.I.D. Assistant Administrators in any regulations (published or unpublished) manual orders, policy directives or determinations, manual circulars or circular airgrams or instructions or communications of any nature.

SEC. 4. The authorities made available to the Assistant Administrator for Asia may be delegated successively according to the terms of the delegations of authority set forth in Sections 1 and 3 of this Delegation of Authority.

SEC. 5. Currently effective redelegations of authority issued by the Assistant Administrator for Near East and South Asia and the Director, Office of East Asia Development Programs are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

SEC. 6. This delegation of authority shall be effective immediately.

Dated: February 1, 1972.

JOHN A. HANNAH,
Administrator.

[FR Doc.72-1869 Filed 2-8-72;8:46 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public safety.

Bishop, Julius Edward, 1814 29th Avenue South, Seattle, WA, convicted in 1946, on July 29, 1957, and on May 8, 1962, in the U.S. District Court for the Western District of Washington.

Bortell, Arthur Eugene, Sr., 273 Spring Street, Portland, ME, convicted on December 19, 1956, in the Portland, Maine, Municipal Court; and on July 10, 1957, and on May 18, 1960, in the Cumberland County, Maine, Superior Court.

Bradford, Prentice Levern, 665½ North Fessenden Street, No. 1, Portland, OR, convicted on May 9, 1956, and on May 15, 1958, in the Circuit Court of Multnomah County, Oregon.

Bule, Leroy Daniel, 659 Dogwood Batesville, Ark., convicted on June 16, 1967, by the U.S. District Court, Kansas City, Mo.

Chambers, Jack Andrew, General Delivery, Greenfield Road, Vanderbilt, Pa., convicted on August 9, 1966, in the Somerset County Court, Pennsylvania.

Charlton, Richard V., 11009 Kettle Run Road, Nokesville, VA, convicted on October 31, 1967, in the Culpeper County Circuit Court, Virginia; and on January 8, 1968, in Rappahanock County Circuit Court, Virginia.

DeGrio, Robert Carl, 407 East Ninth Street, Grand Rapids, MN, convicted on May 7, 1970, in the Sixth Judicial District Court, St. Louis County, Duluth, Minn.

Dyer, Leon Andrew, 442 South State No. 87, Clearfield, UT, convicted on June 16, 1965, in the District Court of the Second Judicial District in and for Weber County, State of Utah.

Eckenroth, Charles H., 907 Cherry Street, Reading, PA, convicted on March 20, 1958, in the Court of Quarter Sessions, Berks County, Reading, Pa.

Elukovich, George Jerry, 42 James Street, Waterbury, CT, convicted on January 19, 1961, in the Corporation Court (Part 2) of the city of Norfolk, Va.; and on November 6, 1962, and on November 12, 1963, in the Superior Court, New Haven County, Waterbury, Conn.

Ferro, Joseph John, 100 Dickinson Street SW., Grand Rapids, MI, convicted on March 14, 1931, in the Circuit Court for the County of Allegan, Mich.; and on January 30, 1940, and on August 27, 1951, in the Superior Court of Grand Rapids, Michigan.

Foster, Robert Drain, Route 1, Mauk, GA, convicted on March 9, 1956, in the U.S. Court, Middle District of Georgia.

Fusco, Louis H., Route 1, Box 64, Swansea, SC, convicted on October 19, 1967, in the U.S. District Court for the District of South Carolina, Columbia Division.

Hernandez, Antonio Arce, 4243 West Portland, Phoenix, AZ, convicted on December 9, 1958, by the Superior Court of Maricopa County, Phoenix, Ariz.; and on September 25, 1959 and on September 4, 1964, by the Superior Court of San Jose, California.

Holt, Earl W., Route 1, McRae, AK, convicted on May 28, 1951, in the District Court of Genesee County, Flint, Mich.

Hunter, Charles Ross, 350 South Bailey Street, Fresno, CA, convicted on December 14, 1959, in the Fresno County Superior Court, California; and on August 11, 1960, in the Superior Court, County of Kern, California.

Johnson, James Collins, Jr., 4702 Buckner Lane, Paducah, KY, convicted on April 22, 1949, in the U.S. District Court for the Western District of Kentucky.

Lewis, Roy, 3562 North Seventh Street, Milwaukee, WI, convicted on October 25, 1966, in the Circuit Court of Milwaukee County, Wisconsin.

Martin, Irvid Ralph, 6553 Balmoral Terrace, Waterford, MI, convicted on September 29, 1941, in the Circuit Court for the County of Oakland, Pontiac, Mich.

Meadows, John Victor, 1080 Stillman Avenue, Eugene, OR, convicted on November 3, 1965, in the Lane County, Oregon, Circuit Court; and on January 27, 1966, in the Deschutes County, Oregon, Circuit Court.

Mickler, Bobby Ray, 8400 Beach, Apartment 106, Austin, TX, convicted on December 1, 1961, and on June 22, 1962, in the Criminal District Court, Houston, Harris County, Tex.; and on February 2, 1965, in the U.S. District Court for the Southern District of Texas.

Munger, Burton D., 20052 Rosemont Street, Detroit, MI, convicted on December 29, 1944, in the Detroit Recorder's Court, Michigan.

Napier, Albert Claude, Keysville, Va., convicted on March 4, 1970, in the Charlotte County Circuit Court, Virginia.

Petrie, Alfred J., 440 Del Norte, Denver, CO, convicted on December 9, 1966, by the District Court, in and for the County of Denver, Colorado.

Phillips, Donald Jay, 1138 Woodbine Road, Saginaw, MI, convicted on April 27, 1964, in the Circuit Court for Midland County, Michigan.

Polk, Willie J., 2563 North Richards Street, Milwaukee, WI, convicted on July 7, 1960, in the Municipal Court for the City and County of Milwaukee, Wisconsin.

Pugh, Donald Ray, 19922 Moenart Street, Detroit, MI, convicted on October 21, 1965, in the Henrico County, Virginia, Circuit Court.

Rider, Theodore, 141-10 26th Avenue, Flushing, Long Island, NY, convicted on October 23, 1959, in the U.S. Federal Court, Southern District of New York.

Rosek, Roger F., Route 2, Greenleaf, WI, convicted on March 4, 1970, in the Brown County Court, Branch No. 2, at Green Bay, Wis.

Ross, David W., 2998 St. Clair Street, Detroit, MI, convicted on March 30, 1936, and on March 26, 1941, in the Fifth Judicial District Court for the Parish of Franklin, Louisiana.

Schindewolf, Junior Edgar, 126 Northeast 112th Street, Seattle, WA, convicted on October 5, 1945, in the Superior Court of the State of California, in and for the County of Los Angeles.

Sollinger, Schuyler Howard, 16822 Quarry Road, Southgate, MI, convicted on October 4, 1949, by the U.S. District Court, Detroit, Mich.

St. Clair, Huston Elbert, Star Route, Phenix, Va., convicted on May 14, 1952, and on April 30, 1956, in the Hustings Court, Roanoke, Va.

Stanberry, Allen Bell, 415 20-Foot Avenue South, Selma, AL, convicted on December 1, 1967, in the U.S. District Court for the Southern District of Alabama.

Stille, Michael Howard, 422 Lake Avenue, Storm Lake, IA, convicted on April 1, 1969, in the District Court, Buena Vista County, Storm Lake, Iowa.

Stock, Benjamin W., 103 Valley Road, Papillion, NE, convicted on October 26, 1937, in the District Court, Johnson County, Tecumseh, Nebr.

Thomas, Lucious, 9669 Woodlawn Street, Detroit, MI, convicted on June 28, 1954, in the Recorder's Court for the City of Detroit, Michigan.

Vernier, Robert Warren, Jr., 4089 Ranchero Drive, Dorr, MI, convicted on November 13, 1968, in the Ottawa County, Michigan, Circuit Court.

Wiegner, Gustav, 1200 Turpin Road, Anchorage, AK, convicted on December 23, 1941, in the Montgomery County Court, Pennsylvania; and on January 27, 1945, at Fort Ord, Calif.

Worley, Lafon Reese, 16060 Hocking Boulevard, Cleveland, OH, convicted on April 17, 1970, in the U.S. District Court for the Northern District of Ohio.

Wyatt, Clayburn, Rural Delivery No. 1, Rising Sun, MD, convicted on December 29, 1959, and on September 30, 1970, in the Magistrate's Court, Rising Sun, Md.

Signed at Washington, D.C., this 2d day of February 1972.

[SEAL] REX D. DAVIS,
Director, Alcohol, Tobacco and Firearms Division.

[FR Doc.72-1906 Filed 2-8-72;8:49 am]

[Pay Board Ruling 1972-2]

EXISTING CONTRACTS

Pay Board Ruling

Facts. As the result of negotiations with the union representative for the employees of Corp. A, Corp. A agreed on October 25, 1971, to increase the wages of its employees effective December 1,

V 37 27 FEB 9 72 XUM

1971, to an amount representing 10 percent of all wages and salaries paid its employees.

Issue. Is Corp. A prohibited from making payments under the agreement?

Ruling. No. The agreement will be allowed to operate according to its terms even though it exceeds the 5.5 percent standard, for it was entered into prior to November 14, 1971. It will be subject to review if challenged by a party at interest or five or more members of the Pay Board. Economic Stabilization Regulations, 6 CFR 201.14, 36 F.R. 21791 (November 13, 1971).

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 8, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 8, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2033 Filed 2-8-72;12:45 p.m.]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

NARCOTICS AND COCAINE

Aggregate Production Quotas

On April 24, 1971, § 303.42 of the regulations implementing the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) was published in the FEDERAL REGISTER (36 F.R. 7789). This section required that all persons requesting a 1972 procurement quota, according to § 303.12 of the regulations, or a 1972 individual manufacturing quota, according to § 303.22 of the regulations, for basic classes of controlled substances listed in §§ 308.11 (Schedule I) and 308.12 (Schedule II) of the regulations, file an appropriate application with the Bureau.

On December 23, 1971, the Bureau published the proposed aggregate production quotas for 1972 for narcotics and cocaine (36 F.R. 24828). All interested parties were provided the opportunity to submit written comments or objections. Only two comments were submitted, both requesting minor modifications in selected proposed quotas.

In determining the narcotic and cocaine aggregate production quotas for 1972, which are adequate to provide for the

(1) Estimated medical, scientific, research and industrial needs of the United States;

(2) Lawful export requirements; and

(3) Establishment and maintenance of reserve stocks, the Bureau has considered the following as required by section 306 of the Act (21 U.S.C. 826) and § 303.11 of Title 21 of the Code of Federal Regulations:

(1) Total net disposal by all manufacturers during the current and preceding 2 years and trends in the national rate of net disposal;

(2) Total actual (or estimated) inventory of narcotics and cocaine and of all substances manufactured from them and trends in inventory accumulation;

(3) Projected demand as indicated by procurement quotas requested pursuant to § 303.12 of Title 21 of the Code of Federal Regulations; and

(4) Other relevant factors affecting the medical, scientific, research, and industrial needs in the United States and lawful export requirements, including:

(a) Changes in currently accepted medical use in treatment with narcotics and cocaine or substances which are manufactured from them;

(b) Economic and physical availability of raw materials for use in manufacturing and for inventory purposes;

(c) Yield and stability problems;

(d) Potential disruptions to production; and

(e) Unforeseen emergencies.

Based upon consideration of the above factors, the Director, Bureau of Narcotics and Dangerous Drugs, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, orders that the aggregate production quotas for 1972 for narcotics and cocaine, expressed in grams in terms of their respective anhydrous base, be established as follows:

Substance	
1. Alphaprodine	52,000
2. Anileridine	315,000
3. Apomorphine	2,250
4. Codeine (for conversion)	230,000
5. Codeine (for sale)	28,660,000
6. Diphenoxylate	614,270
7. Dihydrocodeine	121,430
8. Ecgonine	381,610
9. Ethylmorphine	30,000
10. Fentanyl	2,000
11. Hydrocodone	512,000
12. Hydromorphone	58,000
13. Levorphanol	8,000
14. Methadone	2,602,569
15. Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenyl butane)	725,000
16. Morphine (for conversion)	25,891,000
17. Morphine (for sale)	500,000
18. Norpethidine	530,000
19. Opium (tinctures, extracts, etc.) (expressed in terms of opium)	1,943,000
20. Oxycodone (for conversion)	18,000
21. Oxycodone (for sale)	1,198,000
22. Oxymorphone	6,500
23. Pethidine	14,250,000
24. Phenazocine	500
25. Thebaine (for conversion)	448,500
26. Thebaine (for sale)	2,724,500
1. Cocaine	1,374,000

All persons who submitted an application for either an individual manufacturing quota or procurement quota for 1972 will be notified by mail as to their respective 1972 quota established by the Bureau.

This order is effective upon the date of its publication in the FEDERAL REGISTER (2-9-72).

Dated: February 3, 1970.

JOHN E. INGERSOLL,
Director, Bureau of
Narcotics and Dangerous Drugs.

[FR Doc.72-1884 Filed 2-8-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 20590]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

JANUARY 31, 1972.

The Forest Service, U.S. Department of Agriculture, has filed application M 20590 for the withdrawal of public lands described below from the public land laws but not from the mining and mineral leasing laws.

The applicant desires to use the land as part of the Wise River Ranger Station Administrative Site on the Beaverhead National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

T. 1 N., R. 11 W.,
Sec. 35, SW¼SW¼.

The area contains 40 acres in Beaverhead County, Mont.

ROLAND F. LEE,
Chief, Branch of
Lands and Minerals Operations.

[FR Doc.72-1871 Filed 2-8-72;8:46 am]

Bureau of Mines

ENVIRONMENTAL IMPACT STATEMENTS

Directives on Preparation

Notice is hereby given of the publication of procedures of the Bureau of Mines to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970); section 2(f) of Executive Order 11514 (March 5, 1970); the guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); and Office of Management and Budget Bulletin No. 72-6 (September 14, 1971).

Set forth below is the Bureau of Mines Manual Part 516, Chapter 2, entitled "Environmental Impact Statements." The numbering system used is that of the Bureau of Mines Manual.

E. F. OSBORN,
Director, Bureau of Mines.

The Council on Environmental Quality Guidelines (36 F.R. 7724, April 23, 1971); Office of Management and Budget Bulletin 72-6 (September 14, 1971); and various format illustrations which are used for reference and guidelines but not published in this notice are available in the Office of the Deputy Director—Mineral Resources and Environmental Development.

ENVIRONMENTAL QUALITY—PART 516 NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

CHAPTER 2—ENVIRONMENTAL IMPACT STATEMENTS—516.2.1

.1 *Purpose.* These procedures are to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970), hereafter referred to as the Act; section 2(f) of Executive Order No. 11514 (March 5, 1970); the Guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); Bulletin No. 72-6 of the Office of Management and Budget (September 14, 1971); Departmental Manual, Part 517, Chapter 2, Statement of Environmental Impact (September 27, 1971); and to provide guidance to offices of the Bureau in the preparation of environmental statements for major Federal actions significantly affecting the quality of the human environment.

.2 *Policy.* All activities and proposed or recommended actions of the Bureau will be assessed for their environmental impact. Environmental statements shall be prepared and submitted to the Council on Environmental Quality on all legislation of other major actions proposed by the Bureau, and favorable reports on bills principally concerning the Bureau, which will have significant impacts on the quality of the environment. All draft and final statements shall be available to the public as provided by the Freedom of Information Act (5 U.S.C. section 552).

.3 *Scope.*—A. *Actions affected by this chapter.* (1) All activities initiated or authorized by the Bureau after the effective date of the Act (January 1, 1970) which significantly affect the environment.

(2) All ongoing or incomplete programs and projects, which were authorized or initiated prior to January 1, 1970, shall be reconsidered to determine whether they constitute major Federal actions significantly affecting the quality of the human environment. If the program or project has significant impact, alternatives should be considered and an environmental statement must be prepared.

.4 *Responsibilities.*—A. *The Director.* (1) May establish or approve task forces, composed of representatives of appropriate offices, to prepare environmental statements in special cases;

(2) Shall review and endorse all draft and final environmental statements;

(3) Shall transmit draft and final environmental statements to the Department;

(4) Shall review and approve all Bureau procedures for the preparation and utilization of environmental statements.

B. *Deputy Directors.* (1) Shall maintain general supervision of the offices under their jurisdiction in their compliance with this chapter and section 102(2)(C) of the Act;

(2) Shall review and approve all environmental statements prepared by offices under their jurisdiction before they are forwarded to the Director;

(3) Shall identify those actions requiring environmental statements.

(4) The Deputy Director—Mineral Resources and Environmental Development shall, acting for the Director, maintain continuing supervision of all Bureau offices in their compliance with this chapter and with the Act.

C. *Special Assistant for Environmental Activities.* (1) Shall designate those officials or parties responsible for preparing environmental statements;

(2) Shall consult with and assist all such officials and parties in complying with the procedures contained herein;

(3) Shall review and approve all draft and final environmental statements as to their form and content, and conformity with this chapter;

(4) Shall forward all draft and final statements to the appropriate Deputy Director, and shall provide the Chief, Office of Mineral Information, with copies of draft and final environmental statements that have been transmitted to the Department.

D. *Chief, Office of Mineral Information.* (1) Shall maintain a public file or index of draft and final environmental statements which have been transmitted to the Department and to the Council on Environmental Quality;

(2) Shall arrange for making such statements available for inspection in accordance with provisions of the Freedom of Information Act (5 U.S.C. section 552).

E. *Assistant Directors.* (1) Shall obtain the information needed for the preparation of environmental statement;

(2) Shall consult with appropriate bureaus and offices, other Federal agencies, and other appropriate sources of special environmental expertise not available within the Bureau;

(3) Shall prepare proposed draft environmental statements, and submit them to the Special Assistant for Environmental Activities;

(4) Shall give public notice in the manner herein prescribed of the availability of these statements and invite comments;

(5) Shall prepare proposed final environmental statements, considering all relevant comments received.

.5 *Determination of major actions requiring Environmental Statements.* A. Types of Federal actions to be considered include, but are not limited to:

(1) Recommendations or reports relating to legislation and appropriations.

(2) Projects and continuing activities:

(a) Directly undertaken by the Bureau;

(b) Supported wholly or in part by Bureau funds, i.e. grants, subsidies, loans, etc.;

(c) Involving a Federal lease, permit, license, certificate, or other entitlement for use.

(3) Promulgation of policies, principles, standards, and procedures which affect the environment.

(4) Performance of research programs which have an impact upon the environment.

(5) Actions relating to natural, cultural, or historic resources.

B. The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of the action proposed, and of further actions contemplated. Such actions may be localized in their impact, but if the environment or its uniqueness may be significantly affected, the statement is to be prepared. Any proposed action that has an environmental impact likely to be highly controversial should be covered.

C. In considering what constitutes major action significantly affecting the environment, it should be borne in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited, but cumulatively considerable. This can occur when the Bureau over a period of years puts into a project individually minor but collectively major resources, or when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action.

D. Significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, or serve short-term, to the disadvantage of long term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects even if, on balance, the Bureau believes that the effect will be beneficial. Significant effects on the quality of the human environment include both those that directly and indirectly affect human beings through adverse effects on the environment.

.6 *Content of Environmental Statements.*—A. *Cover sheet.* Every environmental statement shall have a cover sheet indicating the type of statement, a brief but descriptive title, the signature of the Director, and include the complete address and title of the Bureau.

B. *Summary sheet.* A summary statement of no more than one page should contain the following:

(1) Indication whether statement is draft or final;

(2) Indication of whether proposed action is

(a) Legislative,

(b) Administrative;

(3) A summary of environmental impact, and adverse environmental effects;

(4) List of alternatives considered;

(5) A complete listing of all Federal, State, and local agencies from which comments have been received (final), or requested (draft);

(6) Dates statement made available to Council on Environmental Quality and Public.

C. *Body of statement.* The body of the statement shall contain the following eight sections:

(1) *Description of the proposed.* This section shall describe the proposed or recommended action, its purpose, where it is to be

V 37 27
FEB 9 72
XUM

located, when it is proposed to take place, and its interrelationship with other projects or proposals, and shall contain information and technical data sufficient to permit assessment of environmental impact by commenting agencies. Supporting project or program documents shall be referenced and one-page maps included as necessary.

(2) *Description of the environment.* This section shall include a comprehensive description of the existing environment without the proposal and the probable future environment without the proposal. The description shall focus both on the environmental details most likely to be affected by the proposal and on the broader regional aspects of the environment, including ecological interrelationships. This section shall also include a description of the present and projected level of economic development, land use, and related cultural factors, where appropriate.

(3) *The environmental impact of the proposed action.* This section shall describe the environmental impacts of the proposed action. These impacts are defined as direct or indirect changes in the existing environment, whether beneficial or adverse. Wherever possible, these impacts shall be quantified. This discussion will include the impact not only upon the natural environment, but upon land use and social well-being as well. Separate discussion shall be provided for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks. Specific mention should also be made of unknown or partially understood impacts.

(4) *Mitigating measures included in the proposed action.* A section on mitigating factors may be prepared, where appropriate, and shall include a discussion of measures which are proposed to be taken or which are required to be taken to enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring.

(a) With respect to water quality aspects of proposed actions which have been previously certified by the appropriate State or interstate organization as being in substantial compliance with applicable water quality standards under the provisions of the Federal Water Pollution Control Act, as amended, discussion shall include reference to that certification and the comments of the Environmental Protection Agency.

(b) With respect to water and air quality aspects of proposed actions which have been found by the Environmental Protection Agency to meet the requirements of section 4(a)(1) of Executive Order 11507, Prevention, Control, and Abatement of Air and Water Pollution at Federal Facilities, discussion shall include reference to this finding.

(5) *Any adverse effects which cannot be avoided should the proposal be implemented.* This section shall describe those adverse effects which cannot be eliminated. This section shall include a discussion of the unavoidable adverse impacts described in (3) and (4) above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.

(6) *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* This section shall discuss the local short-term use of the environment involved in the proposed action in relation to its cumulative and long-term impacts and give special attention to its relationship to trends of similar actions which would significantly affect ecological interrelationships or pose long-term risks to health or safety. Short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the various significant ecological and geophysical consequences of the proposed action.

(7) *Any reversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* This section shall discuss, and quantify where possible, any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.

(8) *Alternatives to the proposed action.* This section shall describe the environmental impacts, both beneficial and adverse, of the various alternatives considered by and available to the Department, specifically taking into account the alternative of no action. In addition, and where appropriate, there will be a brief discussion of possible alternatives which are beyond the authority of the Bureau.

D. *Consultation and coordination with others.* This part will have two sections as follows:

(1) *Consultation and coordination in the development of the proposal and in the preparation of the draft environmental statement.* This section shall describe the public participation efforts of the Bureau or office concerned and the consultations with Federal, State, local, and individual interests in the development of the proposal and the preparation of the draft environmental statement.

(2) *Coordination in the review of the draft environmental statement.* This section shall indicate the procedures used in disseminating the draft environmental statement and will list those organizations and experts from whom comments have been requested. Upon preparation of the final environmental statement, this section shall be expanded to indicate those organizations and experts from whom comments were received, their disposition, and any unresolved conflicts; and to summarize any public response.

E. *Attachments*—(1) *Draft statements.* Normally draft environmental statements shall not have attachments; however, in some cases, it shall be appropriate to attach environmental assessments, evaluations, or reports prepared by applicants or solicited from consultants or other Federal agencies.

(2) *Final statements.* In addition to appropriate environmental assessments, evaluations, or reports prepared by applicants or consultants, attachments to final environmental statements shall include all written responses from:

(a) Bureaus and offices with delegated jurisdiction or special environmental expertise;

(b) Other Federal agencies with jurisdiction by law or special environmental expertise;

(c) State and local agencies which are authorized to develop and enforce environmental standards;

(d) Responsible private organizations and associations which represent the opinions of wider groups concerning the proposed action or its environmental impact;

(e) Recognized experts.

.7 *Coordination.* In conjunction to the procedures set forth herein, existing mechanisms for obtaining the views of Departmental bureaus and offices and of other Federal, State, and local agencies will be utilized to the maximum extent practicable in the preparation and subsequent review of draft environmental statements.

A. *Departmental Bureaus and Offices.* (1) Draft statements shall be circulated to all of the Department's bureaus and offices which have delegated jurisdiction or special environmental expertise. Comments received from these bureaus and offices shall be attached to the final environmental statement.

B. *Other Federal and Federal-State Agencies.* (1) Other Federal and Federal-State agencies shall be consulted in connection with preparation of environmental statements where those agencies have jurisdiction by law or special environmental expertise with respect to any environmental impact involved, and comments shall be obtained from those Federal and Federal-State agencies which are authorized to develop and enforce environmental standards.

(2) The Environmental Protection Agency shall be consulted and comments requested on matters related to air or water quality standards, noise control, solid waste disposal, or other provisions of the authority of EPA.

(3) A period of not less than forty-five (45) days should be established for reply, after which it may be presumed, unless the agency requests a specific extension of time, that the agency consulted has no comment to make. Where time is a critical factor, time limits of thirty (30) days may be established. A period of forty-five (45) days will always be allowed for EPA review.

C. *State and local review.* (1) Provision for public hearings on the proposed action may be made where machinery for conducting such hearings is or can reasonably be made available to the office concerned or to the task force. Notice of such hearing shall include publication in the FEDERAL REGISTER no less than thirty days before hearing date, and such other notice as is deemed appropriate.

(2) Where no public hearing has been held on the proposed action at which the appropriate State and local review has been invited, and where review of the proposed action by State and local agencies authorized to develop and enforce environmental standards is relevant, such State and local review shall be provided for as follows:

(a) For direct Federal development projects, and for projects assisted under programs listed in Attachment D of the Office of Management and Budget Circular No. A-95, review by State and local governments shall be through the State and Regional or Metropolitan Clearinghouses in accordance with the procedures set forth under Part 1 of OMB Circular No. A-95 and 511 DM 5, Intergovernmental Relations.

(b) For actions affecting the cultural or historic environment, review by State and local agencies shall be through procedures set forth by the Advisory Council on Historic Preservation (36 F.R. 3310), and draft environmental statements shall reflect consultations with the State Liaison Officer for Historic Preservation and with the State Archaeologist.

(c) For actions having an impact on Indian lands or communities, review by State and local agencies shall also include review by any Indian tribal governing bodies.

(3) Where the procedures in (1) above are not appropriate, review and comment by State and local agencies authorized to develop and enforce environmental standards may be obtained by distributing the draft environmental statement to the appropriate State and Regional or Metropolitan Clearinghouses, unless the Governor of the State involved has designated some other point for obtaining this review.

(4) Clearinghouse procedures allow State and local agencies thirty (30) days for initial comment with an extension of thirty (30) days upon request.

.8 *Procedures for preparing and processing environmental statements*—A. *General procedures.* (1) All offices shall identify at what stage or stages of a series of actions the environmental statement procedures of this directive will be applied. It may be necessary

to use these procedures both in the development of a national program and in the review of proposed projects within the national program. Care should be exercised so as not to duplicate the review process, but when actions being considered differ significantly from those that have already been reviewed pursuant to this chapter, an environmental statement should be provided.

(2) When a proposed grant, leasing, or similar program does not entail approval by other agencies of numerous, but relatively minor, projects within the program, the views of Federal, State, and local agencies in the legislative, and possibly appropriation, process may have to suffice. The principle to be applied is to obtain views of other agencies at the earliest feasible time in the development of program and project proposals.

B. *Types of Environmental Statements*—(1) *Draft Statement.* This document is as complete as possible and is formally circulated to Federal, State, and local agencies and to other interested parties for their review and comment.

(2) *Final statement.* This is the completed document which incorporates review comments and discusses unresolved issues. It is the document which must accompany the proposed action through the Bureau's final decision-making process.

C. *Administrative actions.* (1) Administrative actions are defined as any proposed action subject to section 102(2)(C) of the Act other than proposals for legislation to the Congress or reports on legislation.

(2) To the maximum extent practicable, no administrative action is to be taken sooner than ninety (90) days after a draft environmental statement has been furnished to CEQ, circulated for comment, and publicly announced in the FEDERAL REGISTER, whichever is later.

(3) To the maximum extent practicable, no administrative action is to be taken sooner than thirty (30) days after a final environmental statement has been made available to CEQ and the public. If the final statement is filed within the ninety (90) day period in (2) above, the two periods may run concurrently to the extent that they overlap.

D. *Legislative proposals and favorable reports on legislation.* (1) Environmental statements for legislative proposals and reports shall be handled in accordance with section 3a of OMB Bulletin 72-6, section 10 (c) of the CEQ Guidelines, section 2-9D of Departmental Manual 516, and, except as modified herein, section .8E of this chapter.

E. *Processing of Environmental Statements.* (1) The responsible office or task force shall consult with and solicit inputs and informal comments from appropriate bureaus and offices; other Federal agencies; and other specific individuals, organizations, and governmental entities with special expertise regarding the environmental impact of the proposed action. A description of the proposed action may be circulated at this stage in order to solicit such inputs. These inputs and comments received and sent are intended to provide technical assistance in the preparation of a draft environmental statement and shall be considered informal.

(2) Where appropriate, environmental information may be required of applicants for grants, contracts, loans, leases, licenses, or permits. This material may be circulated for comment pursuant to (1) above as long as it is properly identified. It shall not be circulated as a draft statement; however, it may be circulated as an attachment to a draft statement.

(3) Draft statements may be circulated at any level subject to the following:

(a) Fifteen (15) copies shall be transmitted through the Assistant Secretary—Mineral Resources to the Assistant Secretary—Program Policy, who will clear the statement.

(b) A notice of availability shall accompany the statement to the Assistant Secretary—Program Policy, who in turn will send it to the Federal Register at the same time that he transmits the statement to CEQ, except for statements on legislation and budget estimates.

(c) Upon notification of the actions in (b) above, the Bureau shall make formal distribution to reviewing entities. The circulation to other Federal agencies will be through the offices designated in Appendix III of the CEQ Guidelines.

(4) Final environmental statements may be distributed at any level subject to the following:

(a) Fifteen (15) copies shall be transmitted through the Assistant Secretary—Mineral Resources to the Assistant Secretary—Program Policy.

(b) A notice of availability shall accompany the statement to the Assistant Secretary—Program Policy, who in turn will send it to the Federal Register at the same time that he transmits the statement to CEQ.

(c) Upon notification of the actions in (b) above, the Bureau shall distribute the statement to all bureaus, offices, agencies, and organizations from whom comments were received.

[FR Doc.72-1864 Filed 2-8-72;8:46 am]

Office of the Secretary

[Order 2508, Amdt. 94]

COMMISSIONER OF INDIAN AFFAIRS

Delegations of Authority Regarding Elections and Referendums

Paragraph (b) of section 18 of Order 2508, as amended (19 F.R. 4585; 31 F.R. 6551), is further amended to read as follows:

SEC. 18. *Tribal ordinances, resolutions, constitutions, and charters.* * * *

(b) The Commissioner may exercise the authority of the Secretary with respect to the calling and conducting of elections or referendums for the adoption or amendment of constitutions and charters and the calling and conducting of other elections or referendums as prescribed in tribal organic documents. The Commissioner may approve only the results of those elections which simply involve changing the voting age requirement.

ROGERS C. B. MORTON,
Secretary of the Interior.

FEBRUARY 1, 1972.

[FR Doc.72-1872 Filed 2-8-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

EGG PRODUCTS

Notice of Uniform Standards and Origin Labeling

The following is a notice of uniform standards and origin labeling as they apply to the Egg Products Inspection Act (Public Law 91-597, 84 Stat. 1620 et seq., 21 U.S.C. 1031-1056).

The Egg Products Inspection Act (Public Law 91-597) became law on December 20, 1970. It provides for the continuous inspection of egg products whether in interstate, intrastate, or foreign commerce. This phase of the Act has been in effect since July 1, 1971. It also controls, effective July 1, 1972, the disposition of restricted eggs (checks, dirties, incubator rejects, loss, and inedible eggs). Further, the law provides for uniformity of standards, grades, and weight classes for eggs in interstate commerce by prohibiting State or local jurisdictions from imposing the use of standards of quality, condition, weight, quantity, or grade, which are in addition to or different from the official Federal standards. Another provision on labeling prohibits any State or local jurisdiction other than those in noncontiguous areas of the United States (Alaska, Hawaii, Puerto Rico, and the Virgin Islands) from requiring labeling for eggs showing the State or other geographical area of production or origin.

Uniformity of standards for eggs in interstate commerce is highly desirable to promote the free movement of the product. The adequacy of the present U.S. standards to achieve this purpose is important, since these standards will be used exclusively for such eggs when the shell egg phase of the Egg Products Inspection Act becomes effective on July 1, 1972.

At the 1969 meeting of the National Association of State Departments of Agriculture, the egg study committee passed a resolution stating, "Resolved, That the National Association of State Departments of Agriculture and U.S. Department of Agriculture form a joint committee to review and develop a set of Federal-State uniform egg standards, meeting all health requirements, including grade and weight standards, applicable to today's egg quality and merchandising systems that can be offered to the several States for adoption for achieving uniformity throughout the United States." The Chairman of NASDA's marketing committee appointed a joint NASDA-USDA committee to study the USDA standards and grades. The committee met on several occasions in the period from June 1970 to June 1971. All phases of the quality and weight standards were studied intensively, and the Chairman of the committee was in contact with the States not represented on the committee, seeking their advice and recommendations. During the discussions, special emphasis was placed on the adequacy of the standards to achieve the uniformity required by the impending program created by the Egg Products Inspection Act. Other than a slight change in the U.S. Grade AA standards, which has since been accomplished, the committee did not recommend any immediate changes in the official U.S. quality or weight standards for eggs.

In the testimony at the hearings on the Egg Products Inspection Act, there was no opposition to uniform standards for eggs in interstate commerce, or any

V 37 N 27 FEB 9 72 XUM

reference to a need to amend the official U.S. standards for eggs.

The proposed regulations to govern the program created by the Egg Products Inspection Act (7 CFR Part 59) were published in the FEDERAL REGISTER, Vol. 36, No. 52, on Wednesday, March 17, 1971. Interested persons were invited to comment on the proposed regulations to the USDA Hearing Clerk by no later than April 19, 1971. "Official standards" were defined in part in the regulations as amending "the standards of quality, grades, and weight classes for eggs as described under Part 56, as amended, or as hereafter amended." Part 56, the grading regulation for shell eggs, sets forth the standards in detail. No comments were received on the standards or their applicability to the regulation. In addition, the Department held a series of six well publicized public meetings to discuss implementation of the Act in the spring of 1971. At these meetings, no objection was raised as to the adequacy of the present standards.

All of the States have egg laws to govern their surveillance programs to determine grade compliance of eggs sold in their States. Most States have closely patterned their requirements for shell eggs after the official standards of the USDA. Only six States have grade standards substantially different from the official standards, and only four differ in their weight requirements. A few other States have standards in addition to the official standards. In September of 1971, the Department contacted those States with substantially different standards requesting them to initiate steps to bring their standards in line with the official USDA standards. These States have agreed to take such action.

Accordingly, based on the recommendation of the joint NASDA-USDA committee to study egg standards, the comments received during rule making and public meetings, and the almost unanimous support of the present U.S. standards by the various States, no changes in the present U.S. standards are necessary. As noted in the regulations issued pursuant to the Egg Products Inspection Act (7 CFR Part 59), the standards, grades, and weight classes set forth in the Regulations governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes For Shell Eggs (7 CFR Part 56) will be applicable to the shell egg phase of the Egg Products Inspection Act on July 1, 1972.

Signed at Washington, D.C., this 3d day of February 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-1881 Filed 2-8-72;8:48 am]

EGG PRODUCTS INSPECTION ACT

Cooperative Agreement With Food and Drug Administration for Administration and Enforcement

Correction

In F.R. Doc. 72-1620 appearing at page 2686 in the issue for Friday, February 4, 1972, make the following changes:

1. On page 2687, column 2, the heading "States Supervised by Des Moines Regional Grading Office" should be transposed so that it appears above the State listings beginning with "Colorado".

2. On page 2687, column 2, "Western Region", last line, following "Area Code" add "415 556-6488".

Forest Service

SISKIYOU NATIONAL FOREST HERBICIDE PROGRAM

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Siskiyou National Forest Herbicide Program in Oregon, USDA-FS-ES(Adm) 72-19.

The environmental statement concerns the application of 2,4-D, 2,4,5-T or atrazine on 11,858 acres in 213 separate tracts on the Siskiyou National Forest to control certain types of vegetation.

This draft environmental statement was filed with CEQ on January 28, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th and Independence Avenue SW., Washington, D.C. 20250.
Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Oregon 97208.
Siskiyou National Forest, 1504 Northwest Sixth Street, Grants Pass, OR 97526.

A limited number of single copies are available upon request to R. A. Resler, Regional Forester, U.S. Forest Service, 319 Southwest Pine Street, Post Office Box 3623, Portland, OR 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. R. A. Resler, U.S. Forest Service, Post Office Box 3623, Portland, OR 97208. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

FEBRUARY 4, 1972.

[FR Doc.72-1900 Filed 2-8-72;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 26(71)-9]

AMINDA ENTERPRISES (OVERSEAS) AND KHOW AMIHYIA

Order Denying Export Privileges for an Indefinite Period

In the matter of Aminda Enterprises (Overseas), and Khow Amihyia, Accra, Ghana, and 75 West Cromwell Road, London, S.W. 5, England, Respondents, File No. 26(71)-9.

The Director, Compliance Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above respondents all U.S. export privileges for an indefinite period because the said respondents, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Khow Amihyia is the owner of the respondent firm Aminda Enterprises (Overseas) and that he is managing director of said firm; that said firm is an importer and dealer in textile fabrics and has a place of business in Accra, Ghana, and that the respondent Amihyi has an address in London, England. The evidence presented further shows that in the latter part of the year 1970 Amihyia, acting on behalf of Aminda Enterprises, placed an order with a Swiss distributor of a U.S. manufacturer of magnetic tapes for approximately $163,000 worth of such tapes; that said commodity is a strategic item and requires a validated license for export from the United States; and that in connection with the ordering of the magnetic tapes Amihyia represented that they would be used by Aminda Enterprises in its own installations. The evidence further shows that Aminda Enterprises has no installations for facilities for the use of such magnetic tapes.

The Compliance Division is conducting an investigation to ascertain the facts and circumstances relating to respondents' ordering of said strategic magnetic tapes, to ascertain what other parties, if any, were involved in said transaction, and to ascertain if it was contemplated that said tapes be diverted to a destination that would not have been authorized.

It is impracticable to subpoena the respondents, and relevant and material interrogatories were served on them pursuant to § 388.15 of the Export Control Regulations. The respondents, also pursuant to said section, were requested to furnish certain documents relating to the aforesaid matters. Said respondents have failed to respond to said interrogatories or to furnish the documents requested as required by said section, and they have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969:

Accordingly, it is hereby ordered,

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data, in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any respondent or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondents may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on February 9, 1972.

Dated: February 2, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.72-1896 Filed 2-8-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF DEFENSE COORDINATOR

Statement of Organization, Functions, and Delegation of Authority

Chapter 2-580 of the Statement of Organization and Functions and Delegations of Authority has been renumbered and revised as follows:

SECTION 1U13.00 *Mission.* (a) The primary mission of the Office of Defense Coordinator (ODC) is to develop and maintain throughout the Department and in the regions a condition of operational readiness designed to cope with and overcome the effects of all types of emergencies—ranging from major disasters to enemy attack upon the United States.

(b) A secondary mission is to coordinate and direct HEW disaster assistance and relief operations—particularly following the declaration of a major natural disaster.

(c) ODC performs these missions by providing staff support to the Secretary in fulfilling the Secretary's Executive order assignments for emergency preparedness and natural disaster response.

SEC. 1U13.10 *Organization and Relationships.* (a) The Office of Defense Coordinator is headed by the Defense Coordinator, who reports to the Assistant Secretary for Administration and Management.

(b) In the absence of the Defense Coordinator, the Deputy Defense Coordinator serves as Acting Coordinator.

(c) Pursuant to ODC mission assignments, the Defense Coordinator represents the Secretary in dealing with the heads of HEW staff offices, operating agencies, and regional directors, and with the Office of Emergency Preparedness, the Office of Civil Defense, and the defense coordinators of other departments and agencies.

(d) The Office of Defense Coordinator is organized into the following component sections: (1) Emergency Planning and Operations, (2) Administration and Management, (3) HEW Officers-in-Charge, Headquarters Relocation Sites.

SEC. 1U13.20 *Functions.* (a) The Defense Coordinator serves as the HEW focal point for all emergency preparedness, planning, and operations activities. Specific functions are as follows:

(1) Participates in conferences or negotiations with representatives of Federal agencies, such as Department of Defense, Office of Management, and Budget, Office of Emergency Preparedness, and other governmental and nongovernmental agencies, for the purpose of developing or implementing national mobilization and readiness measures, including those related to natural disasters.

(2) Maintains continuing liaison with Federal agencies (DOD, OEP, etc.) and with private organizations (American National Red Cross, State Association of Civil Defense Directors, etc.) which have nonmilitary defense assignments or interests; facilitates the day-to-day working relationships of HEW operating units with these agencies.

(3) Coordinates readiness measures for the Department related to nonmilitary defense under the overall leadership and guidance of the Office of Emergency Preparedness (located in the Executive Office of the President) and provides stimulus and leadership to HEW operating units and staff offices in the development of plans and procedures required by continuity of Government, civil defense, and resources mobilization assignments made to the Department under Public Law 920, 81st Congress, Reorganization Plan No. 1 of 1958, and related legislation, and Executive Orders 11490 and 10958.

(4) Keeps the Secretary and senior staff of the Department (Assistant Secretaries, agency heads and members of the Secretary's immediate staff, as appropriate) informed of all major government-wide developments in readiness

V 37 27 FEB 9 72 XUM

planning and of progress in developing and maintaining HEW readiness capability. Recommends additional steps and, when necessary, corrective action.

(5) Develops and maintains the Emergency Planning and Operations Manual of the Department. The Defense Coordinator is also custodian for the Secretary of important policy guidance and emergency action documents which are required to be classified.

(6) Supervises readiness cadres at two headquarters relocation sites; maintains and tests the Department's alerting procedures for notification of relocatees, prepares instructional material governing the actions of key officials (relocatees) in the event of a national emergency.

(7) Provides direct personal consultation, guidance, and assistance to the HEW Regional Directors to aid in their development and maintenance of regional emergency operational readiness as required by the Secretary's directive (35 F.R. 13546).

(8) Coordinates HEW participation in national and regional interagency readiness tests and exercises.

(9) Prepares budget estimates and justification and other supporting material required by the Office of Emergency Preparedness, the Office of Management and Budget, and the Congress, and participates in Appropriations Committee hearings having to do with the Department's defense activities when requested.

(10) Coordinates the receipt and approval of all contracts and agreements with other Federal agencies involving defense assignments and related research.

(11) Provides staff and facilities for the receipt, control, and safekeeping of classified defense information and material, and for observing security regulations.

(12) Performs special assignments for the Secretary, Under Secretary, and Assistant Secretaries, as requested, on matters involving defense readiness and natural disasters, prepares special reports, staff papers, and correspondence. Reviews and concurs in defense-related correspondence prepared by HEW operating units for the Secretary's signature.

(13) Coordinates HEW natural disaster assistance and relief activities to assure expedited response to State and local government requests for HEW aid; manages disaster information and reporting system; coordinates the performance of other actions required of the Department by Public Law 91-606 and Executive Order 11575, section 4.

SEC. 1U13.30 *Committee assignments.* (a) The Defense Coordinator serves as the Secretary's representative and HEW member of the following interagency committees: (1) Interagency Emergency Preparedness Committee, chaired by the Office of Emergency Preparedness; (2) Interagency Civil Defense Committee, chaired by the Office of Civil Defense, Department of Defense.

(b) The Defense Coordinator serves on behalf of the Secretary as Chairman of the Department Staff Committee for Defense Planning.

Dated: February 1, 1972.

RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

[FR Doc.72-1888 Filed 2-8-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC CONTROL RADIO FREQUENCY ASSIGNMENT

Proposed Integration of 25 kHz Spaced VHF Communication Channels Into National Airspace System; Notice of Invitation for Comments

This notice requests comments and suggestions in accordance with the Department of Transportation policy of regular consultation with the aviation users, aviation industry, State and local governments, other Federal agencies and the general public concerning planning of the National Aviation System.

The Federal Aviation Administration (FAA) on October 20, 1971 established the policy that all radio communication equipment ordered by the FAA for use in the VHF Aeronautical Mobile (R) band (117.975 to 136.0 mHz) shall be capable of being tuned to and operating without harmful interference on 25 kHz spaced channels with appropriate collocation criteria applied.

The FAA proposes to commence integration of 25 kHz spaced channels into the National Airspace System in the above-mentioned band about January 1976. This proposed course of action has been brought about by the existing problems of frequency congestion and the expected growth in aviation. At present, there are 253 Air Traffic Control (ATC) channels spaced 50 kHz apart in the 117.975 to 136.0 mHz Aeronautical Mobile (R) band. There are more than 3,700 discrete assignments on these frequencies within the United States, administered by the FAA. To accommodate this number of assignments, the level of co-channel frequency protection afforded, in many instances, is substantially lower than desirable and significantly lower than specified by the International Standards and Recommended Practices for Aeronautical Communications (Annex 10 to the Convention on International Civil Aviation). To further complicate the situation, the projected growth in air traffic will result in an associated increase in services and facilities which will substantially increase the demand for VHF channels in the next 10 years. A recent study of existing and planned (through fiscal year 1972) frequency requirements disclosed that the situation is already critical in many areas of the country.

Technological methods for coping with the problems created by severe frequency congestion have been investigated extensively but there are none that offer both sufficient relief and reasonable promise of implementation during the required time period. The only logical solution remaining is the increase in the number of available channels by dividing the available spectrum into 25 kHz channels.

The proposed schedule for integration of 25 kHz spaced channels is as follows:

January 1976—Introduced into selected high altitude en route sectors.

June 1976—Deployment at high altitude en route sectors. Introduction into selected high density low altitude en route sectors.

June 1977—Deployment at low altitude en route sectors.

June 1979—Deployment at selected air traffic control tower facilities and selected flight service stations.

The above action would obviously have considerable impact on all users of the National Airspace System as well as the FAA. Therefore, early notification of the proposed plan is essential. In September 1970, the FAA issued an Advisory Circular, AC-90-50, wherein the public was advised of the need for 25 kHz spacing at some future date and that the purchase of 720 channel equipment would insure full service for a greatly extended period. This notice furthers our previous notification with more specific information.

Every effort is being made to delay implementation of 25 kHz spacing as long as possible. Among the expedients used to delay the implementation until January 1976 was a critical and continuing review of all requirements for frequencies to insure that all assignments in use, or proposed, are absolutely necessary; a redeployment of existing assignments to assure optimum utilization of 50 kHz channels and the use of crystal filters, cavity resonators, and other devices to improve the performance of existing ground equipment and reduce co-siting constraints. These actions are expected to keep the deterioration of the air/ground communication system within bounds until the proposed implementation date.

The basic effect of the proposed schedule set forth herein is that aircraft flying en route on an IFR flight plan would have to be capable of receiving and transmitting with 25 kHz spacing by June 1977. By June 1979 all aircraft, IFR or VFR, will require this capability at some high density terminals and certain FSS's associated with high density traffic. As in the transition from 100 kHz spacing to 50 kHz spacing there will be an interim period wherein aircraft not as yet equipped with the 25 kHz spaced equipment will be handled by procedural techniques.

Interested persons are invited to submit such written data and comments as they may desire on this proposed plan. Comments should be submitted to: Director, Office of Aviation Policy and Plans; Federal Aviation Administration; 800 Independence Avenue SW., Washington, DC 20591, on or before April 4, 1972.

All comments submitted will be available for inspection in Room 935; Federal Office Building 10A; 800 Independence Avenue SW., Washington, DC.

Issued in Washington, D.C., on February 2, 1972.

RICHARD H. SEAMAN,
Acting Director, Office of Aviation Policy and Plans, Federal Aviation Administration.

[FR Doc.72-1865 Filed 2-8-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Availability of Applicant's Environmental Report and Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report" and "Supplement No. 1 to Applicant's Environmental Report—Construction Permit Stage," submitted by the Consolidated Edison Company of New York, Inc., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Hendrick Hudson High School Library, Albany Post Road, Montrose, NY 10548. The report is also being made available to the public at the New York State Office of Planning Coordination, 488 Broadway, Albany, NY 12207 and the Metropolitan District Review Coordinator, Office of Planning Coordination, 1841 Broadway, New York, NY 10023.

These reports discuss environmental considerations related to the construction of the Indian Point Nuclear Generating Unit No. 3, located in the town of Buchanan, Westchester County, NY.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 3d day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-1874 Filed 2-8-72;8:47 am]

[Docket No. 50-147]

NORTH AMERICAN ROCKWELL CORP.

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 8 to Facility License No. CX-17. The license presently authorizes the North American Rockwell Corp. (NARC), Atomics International Division of Canoga Park, Calif., to possess, use and operate the "Epithermal Critical Experiment Laboratory (ECEL)" facility located in Ventura County, Calif., at power levels up to 200 watts (thermal). The amendment changes the name of the facility from the above name to "Fast Critical Experiment Laboratory (FCEL)". The name change was requested by NARC in its application dated November 23, 1971, because it more specifically describes the facility's use since the current concentration of work is on the physics problem associated with fast reactors. The action does not involve a change in facility operations authorized by Facility License No. CX-17.

The Commission has found that the application for the amendment dated November 23, 1971, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) NARC's application for license amendment, dated November 23, 1971, and (2) the amendment to the facility license, both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC. A copy of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-1875 Filed 2-8-72;8:47 am]

[Docket No. 50-87]

WESTINGHOUSE ELECTRIC CORP.

Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on October 21, 1971 (36 F.R. 20380), the Atomic Energy Commission (the Commission) has issued Facility License No. R-119 to the Westinghouse Electric Corp. (WEC), Pittsburgh, Pa. The license authorizes WEC to possess, use and operate a nuclear research reactor, designated as the "Nuclear Training Reactor" and located in Zion, Ill., at steady State power levels up to 10 kilowatts (thermal), in accordance with the provisions of the operating license and the Technical Specifications appended thereto, and WEC's application dated September 24, 1970, as amended. The facility will be used in support of WEC's reactor program for reactor operator training.

The Commission has found that the application, as amended, for the license complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations as published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

A copy of Facility License No. R-119, including the Technical Specifications, is available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-1876 Filed 2-8-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24114]

CHINA AIRLINES, LTD.

Notice of Postponement of Prehearing Conference and Hearing

Renewal and amendment of foreign air carrier permit authorizing service

V 37 27 FEB 9 72 XUM

between points in China, intermediate points, and Honolulu, Hawaii; Los Angeles and San Francisco, Calif.

Notice is hereby given that a prehearing conference in the above-entitled matter now assigned to be held on February 29, 1972, is hereby postponed to March 1, 1972, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 18, 1972.

Dated at Washington, D.C., February 3, 1972.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.72-1892 Filed 2-8-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

GEIGY AGRICULTURAL CHEMICALS

Notice of Filing of Petition Regarding Pesticides

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1229) has been filed by Geigy Agricultural Chemicals, Division of Ciba-Geigy Corp., Ardsley, N.Y. 10502, proposing establishment of a tolerance (40 CFR Part 180) for residues of the insecticide *O,O*-dimethyl phosphorodithioate *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiasolin - 5 - one in or on the raw agricultral commodities grapefruit and oranges at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorous-sensitive flame photometric detector.

Dated: February 3, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-1925 Filed 2-8-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19301, 19302; FCC 72R-30]

EMPIRE COMMUNICATIONS CO. AND LANE PAGING, INC.

Memorandum Opinion and Order Regarding Construction Permit To Establish Additional or New Facilities

In regard applications of Empire Communications Co., for a construction permit to establish additional facilities for Station KLF 595 in the Domestic Public Land Mobile Radio Service at Eugene, Oreg., Docket No. 19301, File No. 531-C2-P-70; Lane Paging, Inc., for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service in Eugene, Oreg., Docket No. 19302, File No. 1895-C2-P-70.

1. By order, FCC 71-856, released August 26, 1971, the Commission designated the mutually exclusive applications of Empire Communications Co. (Empire), and Lane Paging, Inc. (Lane), for construction permits to establish one-way signalling (paging) service in the Domestic Public Land Mobile Radio Service (DPLMRS) at Eugene, Oreg., for hearing under various issues. Presently before the Review Board is a petition to enlarge, change, or delete issues, filed September 8, 1971, by Empire,[1] seeking the addition of the following issues:

(1) To determine whether Lane Paging, Inc., is qualified to be a licensee of this Commission in the light of the actions of Lane and J. Robert Kelley, a principal and officer of Lane, in connection with allowing Stations KKM62, KLC968, and other Business Radio Service stations, licensed to J. Robert Kelley, to be used by Lane to page Lane's customers; and in light of the lack of candor by Lane in connection with the furnishing of mobile equipment to Dr. J. H. Hessel in File No. 5239-PS-100.

(2) To determine whether Lane Paging, Inc., is financially qualified to construct its proposed station and to operate such station for a reasonable time.

(3) To determine whether harmful adjacent channel interference will be caused to the reception of mobile radio signals by Empire Station KOK331, on the frequency 158.67 MHz, by a grant of the Lane application to use the transmitter frequency 158.70 MHz, at the location proposed by Lane.

(4) To determine whether the amendment filed by Lane Paging, Inc., on or about November 10, 1970, effected a change of control of Lane, so as to constitute a major change in the Lane application, subject to the cutoff §§ 1.227(b)(3) and 21.30(b).

and the deletion of Issue (c) which reads as follows:

(c) To determine the nature and extent of services now rendered by Empire Communications Co., the capacity of its existing facilities, and in light of § 21.516(b) of the Commission's rules, or other pertinent regulations or Commission policy, whether the grant of Empire's application for an additional channel is justified in the public interest.

[1] Other related pleadings before the Board for consideration are: (a) supplement to motion to enlarge, change or delete issues, filed Sept. 24, 1971, by Empire; (b) opposition, filed Sept. 29, 1971, by Lane; (c) opposition to (a), filed Oct. 7, 1971, by Lane; (d) Common Carrier Bureau's comments, filed Sept. 29, 1971; and (e) reply, filed Oct. 12, 1971, by Empire.

CHARACTER QUALIFICATIONS ISSUE

2. The first part of Empire's requested issue is based upon the allegation that Lane and one of its officers and directors, J. Robert Kelley, improperly used business radio service stations, which were licensed to J. Robert Kelley, for purposes of paging Lane's customers. According to Empire, the Chief of the Safety and Special Radio Services Bureau, by letter dated June 19, 1969,[2] notified Lane that the Commission had information indicating that Lane had been using facilities in violation of Commission rules and that such use should be discontinued; by another letter, dated that same day, the Bureau Chief notified Lane's attorneys that use of such facilities was tantamount to an unlawful transfer of control. Despite two subsequent letters from the Bureau Chief, one directed to Kelley and one to another Lane principal, Empire alleges that Lane did not cease to use Kelley's facilities until August 20, 1969.

3. As explanation for its conduct, Lane, in opposition, states that the use of Kelley's facilities was made pursuant to the advice of noncommunications counsel to the effect that such an operation was permissible; and thus, that the improper operation was not willful. Upon being informed that its operation was in violation of Commission rules, Lane asserts, it ceased use of the facilities in a timely fashion; the fact that 2 months elapsed between the time the Commission first requested cessation of operation and actual compliance can be explained, Lane avers; during this period of time both Lane and Kelley were engaged in determining the precise legal status of the operation and in retaining communications counsel. Lastly, Lane notes that the Commission took no action, punitive or otherwise, upon the cessation of the unlawful operations.

4. In reply, Empire alleges that the excuse of "ignorance" is simply untenable in light of the Commission's clearly articulated prohibition against unauthorized control of radio stations. Thus, Empire reasons, it is apparent that Kelley and Lane "deliberately" delayed cessation of the unlawful operations in order to continue such service. In fact, the petitioner asserts (for the first time), Art Steele, principal of Lane, was advised by a representative of the paging equipment supplier that his "paging for hire" proposal was violative of Commission rules as early as May 1968.[3]

5. It is undisputed that the radio facilities licensed to Kelley were used by Lane to page its own customers. Thus, there is a clear and substantial question as to whether or not Kelley transferred the use and control of these facilities to Lane

[2] This same letter notified Lane that its application for business radio service facilities, filed on or about Dec. 18, 1968, was being returned for failure to comply with Commission rules.

[3] In an attached affidavit, F. Bryan Gilmore, describes a conversation in which he advised Steele that his proposal was questionable without the acquisition of a Commission license.

without prior Commission authorization in violation of the Communications Act as well as Commission rules.[4] Moreover, in the Board's view, Lane has not satisfactorily explained its improper conduct. Its assertion that it acted in good faith upon the erroneous advice of counsel[5] is belied by the affidavit of the paging equipment supplier in which he represents that Art Steele, principal of Lane, was aware of the questionable legality or propriety of his proposal as early as May 1968. These contradictory representations serve to raise a question as to whether or not Lane did, in fact, act in good faith. In any event, erroneous advice of counsel does not excuse compliance with Commission requirements. Moreover, Lane's explanation for the 2-month delay in complying with the Commission's injunctive to discontinue the illegal operation immediately is unpersuasive. There was no question about the precise legal status of the operation; the Commission had clearly stated that the use of these particular facilities was improper and should be ceased immediately. Accordingly, the Board will add an issue to inquire into the matter at the evidentiary hearing.

6. Empire bases the second part of its requested character qualifications issue on Lane's asserted lack of candor concerning its alleged violation of the Commission's rules governing multiple licensing of radio transmitting equipment in the mobile radio service.[6] According to Empire, at the request of Art Steele, Dr. J. H. Hessel, on October 7, 1969, filed an application in the Special Emergency Radio Service (File No. 5239-PS-100) to serve, cooperatively, an association of doctors in the Eugene, Oreg., area.[7] Empire alleges that the Hessel application was amended on November 10, 1970, in order to attempt to show a "breaking of the package" of services to the Hessel group; the applicant indicated that the supplier of answering services (Steele) was divorced from the company which would provide equipment to the Hessel group (Lane).[8] In actual fact, however, Empire contends that Steele will continue to provide answering service to the cooperative and, indirectly, he will provide equipment through Lane, as well. In support of this assertion, Empire submits an affidavit executed by Jack W. Gossard, describing a conversation between Leslie F. Smith, Jr., president of Empire, and J. Robert Kelley, president of Lane.[9] The statements of Kelley,[10] Empire asserts, indicate that as recently as September 17, 1971, Lane, Kelley and Steele did not intend that the divorce of Steele from Lane would be permanent; rather, petitioner concludes, they attempted to mislead the Commission into believing that there had been a permanent divorce of Steele from Lane, and, thus, of the Steele answering services for the Hessel application from the furnishing of equipment to that group.

7. In opposition, Lane asserts that since Steele has no interest in or connection with Lane Paging whatsoever, there is no conceivable way in which he could indirectly supply equipment to the Hessel group through Lane. With respect to the Gossard affidavit, Lane explains that the discussion arose in the context of other business matters and that the statements of Kelley were merely general speculations regarding a possible future event and not proof of future plans or intentions.[11] Moreover, Lane continues, the Gossard affidavit is hearsay based upon hearsay and thus not reliable. In any event, the applicant contends, a temporary separation, if genuine, is not prohibited by Commission rules, since it results in a present and legitimate breaking of the package.

8. In "Multiple Licensing—Safety and Special Radio Services," supra, the Commission adopted rules which would prohibit dispatching by any person (other than the licensee) who furnishes or supplies, directly or indirectly, any of the equipment used in a communications system. In other words, third parties providing telephone answering service to the licensee may not sell, rent or lease, or otherwise provide any of the equipment to be used in the shared system. Since the Hessel application proposes to obtain answering services from Steele and equipment from Lane, it was necessary for Steele to divorce himself from the paging company in order to comply with the Commission's rules. This was done by amendment to both the Lane and Hessel applications. Empire alleges that the parties to this corporate action did not intend that this separation should be permanent in the event that Lane receives a grant of its application; rather, according to Empire, the divorce would exist only for so long as and in the event that Steele would provide answering services to Hessel, assuming that application were granted. Thus, Empire concludes, the divorce is a sham and indicates that the paging company, Lane, its president Kelley and Steele presented a fiction to the Commission as legal fact; this, Empire suggests, is misrepresentation. The Review Board does not agree. As Lane argues, there is no basis for concluding that the present separation between Steele and Lane is anything but genuine; in other words, there are no facts which suggest that Steele actually retains any present interest in the paging company. As long as the divorce is genuine and exists for so long as Steele provides answering services and Lane supplies equipment to the Hessel licensee, the Commission policy concerning multiple licensing is satisfied. The Commission will be assured that Hessel will have a proprietary interest in the equipment (as a lessee) used in the system which will not be subsumed in any relationship which it may have with the dispatcher Steele. Thus, Empire has failed to show that either Kelley, Steele, or Lane intend to violate Commission rules; accordingly, the request for an issue inquiring into this matter will be denied.[12]

FINANCIAL QUALIFICATIONS ISSUE

9. Empire takes issue with Lane's total costs estimate of $4,913.90 for its base station equipment and installation. Petitioner contends that the actual costs will be greatly in excess of that amount, since the estimate does not contain the cost of paging receivers (according to schedules attached to the Lane application) which will, collectively, amount to $15,667.86. In opposition, Lane explains that the cost of the receivers, payable in monthly installments, will be met by subscriber payments on a current and continuing basis.[13] Initially, the Board notes that both Empire and Lane have misconstrued the nature of the financial showing required of a DPLMR applicant (as well as the actual financial demands on Lane during its first year of operation); an applicant must demonstrate that it is financially qualified to construct its proposed facilities and meet operating expenses during the first year of operation. Arlington Telephone Company, 27 FCC 2d 1, 20 RR 2d 1415; Long Island Paging, FCC 71R-190, 30 FCC 2d 405, 22 RR 2d 309 (1971), review denied FCC 71-1100, released November 1, 1971. According to the credit arrangement schedules for equipment (including receivers) Lane will be called upon to pay approximately $4,360 in monthly installments during the first year of operation. Since Lane has estimated only $4,913.90 for total costs, it must meet all other costs of construction, e.g., installation, engineering and legal fees, etc., from the remaining $550. Moreover, no estimate for first-year operating

[4] See 47 U.S.C. 310(b) and § 93.6 of the rules.

[5] Lane did not submit an affidavit from counsel substantiating this assertion.

[6] See "Multiple Licensing-Safety and Special Radio Services," FCC 70-773, 24 FCC 2d 510.

[7] On Oct. 10, 1969, Lane filed the instant application in the Domestic Public Land Mobile Service to serve, among others, the same group of doctors which the Hessel application proposes to serve with a one-way paging system. By memorandum opinion and order, FCC 72-26, released Jan. 12, 1972, the Commission reinstated a previous grant of the Hessel application.

[8] In an amendment to its application, Lane also informed the Commission on Nov. 10, 1970, that Steele was no longer associated with it, either as a director or stockholder.

[9] Leslie Smith attests to the accuracy of Gossard's affidavit in a supporting affidavit.

[10] Gossard related that Kelley had stated that "• • • if Dr. Hessel got his license Art (Steele) would do the dispatching and that if Lane got the license that he would do the dispatching for Lane and be back in Lane Paging as a Director as he was before."

[11] Lane submits a supporting affidavit from Kelley explaining his statements detailed in the Gossard affidavit.

[12] Our conclusion in this regard is reinforced by Dr. J. H. Hessel, FCC 72-26, released Jan. 12, 1972, in which the Commission reinstated a grant of the Hessel application in the face of similar allegations.

[13] Lane did not submit any reliable or substantiated revenue projections. It merely submitted a list of physicians who had requested such service.

V37■27 FEB 9 72 XUM

costs has been made. Under these circumstances, it is clear that an inquiry into Lane's estimated costs is required.

10. Second, Empire alleges that Lane's current financial posture, as reflected in its February 26, 1971, amendment, is inadequate to sustain the costs of construction and operation of its proposed facility. A careful analysis of the applicant's balance sheet supports this view. As Empire correctly notes, there is an excess of current liabilities over current assets in the amount of $8,090.78, in addition to a capital deficit of $5,488.46. Further, the statement signed by J. Robert Kelley to the effect that he and Lee Andrews (another principal) are prepared to contribute whatever additional capital is necessary to operate the proposed station does not cure the serious financial disability.[14] In this connection, the Board notes that the personal balance sheet of neither principal shows sufficient liquid current assets over liabilities to lend the applicant sufficient funds. Moreover, even though substantial fixed and other assets are reflected in the two statements, there is no showing as to the liquidity or ready convertibility of these assets. Accordingly, an availability of funds issue will also be added.

ADJACENT CHANNEL INTERFERENCE ISSUE

11. In support of its request for an adjacent channel interference issue, Empire notes that it is the licensee of two-way Station KOK331, which receives on the frequency of 158.67 MHz at its receiver site located 350 feet or less from the site proposed by Lane for its one-way paging facility which would transmit on a frequency of 158.70 MHz, or 30 kHz removed from the KOK331 receive frequency. Petitioner contends that no technical changes can be made in the KOK331 receiving equipment which would eliminate the interference that might be caused by the proposed Lane operation and that the only solution is a physical separation of sites of at least 1 mile.[15]

12. Empire's motion is supported by the statement of the manager of product service engineering for the General Electric Co. (G.E.), manufacturer of the receiver presently in use at KOK331. The statement sets forth pertinent operating characteristics of that receiver, along with the transmitter noise characteristics of a typical transmitter located 350 feet from the receiver operating on a frequency 30 kHz removed from the receiver frequency. Receiver desensitization resulting from the Lane operation according to the statement, would reduce the Empire receiving range to one-eighth of its present distance, and even with G.E.'s newer (more selective) receiver this distance would be reduced to one-fourth. The statement indicates that even by adding preselecting filters to the newer receiver the receiving distance would be 70 percent of the present distance. More important, petitioner asserts, another factor, the transmitter noise signal, which would appear on the receiver frequency when the Lane transmitter is operated, is the controlling factor in reducing the receiving radius. The G.E. statement contends that the transmitter noise could not be eliminated anywhere but at the source, and that there is no known technique which can provide the required reduction in such noise level. Based on the combination of the receiver desensitization and the transmitter noise, Empire alleges that its receiver will be "rendered useless" by the Lane proposed operation, and that no alternatives are known that would eliminate the potential problem except a site change or a frequency change. In sum, Empire asserts that no other site is available which would not result in a degradation of the service it presently provides;[16] that the burden of a move should be placed on Lane rather than itself; and that Section 309 of the Communications Act provides for a hearing on the question of interference.

13. In opposition, Lane argues that Empire has not raised anything which differs from that considered by the Commission at the time of designation. Moreover, Lane argues that the instant situation is not without precedent because the Commission has granted 24 allocations on 152.21 MHz (with receivers on 158.6 MHz) in communities with allocations on 158.70 MHz, and the Commission's rules provide for such allocations without qualification or limitation. In any event, Lane notes, the engineering statement attached to its pleading indicates its express intention to be "good neighbors" and install equipment (transmitter, filters, etc.), which will afford Empire protection.

14. The Common Carrier Bureau, in its comments, opposes the addition of the interference issue contending that the problem was evaluated both before the designation order was issued, and since receiving Empire's petition, and that the Bureau's position remains the same. The Bureau asserts that the determination in the Commission's report and order in Docket 11253 (39 FCC 487 (1956)) is that "30 kHz separation was feasible and that assignment would be made without regard to geographical separation for frequencies in the 152–162 MHz band."[17]

15. In reply, Empire argues that neither Lane nor the Bureau has refuted the G.E. statement, and that Lane's intention to be a good neighbor will not eliminate the interference problem. Petitioner argues that the reference to the 24 communities with allocations on both 152.21 MHz and 158.70 MHz is meaningless because no showing was made of the proximity of the allocations. Empire disagrees with the Bureau's interpretation of the ruling in Docket No. 11253, contending that the 30 kHz separation theory pertains to Safety and Special Radio Service assignments, not to Common Carrier assignments,[18] and that the "decision left to case-by-case determination the circumstances under which adjacent channel interference may be considered or eliminated."

16. In its order, FCC 71–856, supra, the Commission, although recognizing the possibility of adjacent channel interference, refused to specify an interference issue in this proceeding, stating: "Empire can resolve the problem by making minor technical changes in its equipment or by moving its mobile receiver to one of its other sites." Empire, however, has submitted new factual engineering data and allegations, which were not before the Commission at the time of designation, which warrant a different conclusion as to the specification of an appropriate issue. Thus, since the Commission's ruling was based upon an incomplete showing, there is no impediment to the Board's consideration of the merits of Empire's allegations. See Atlantic Broadcasting Company (WUST), 5 FCC 2d 717, 8 RR 2d 991 (1965); Fidelity Radio, Inc., 1 FCC 2d 661, 6 RR 2d 141 (1965). Empire has submitted computations which indicate that the Lane transmitter will emit noise on the Empire receiver channel which cannot be eliminated at the receiver; and Lane has not submitted calculations in opposition which indicate that its proposed transmitter can be adequately filtered, or otherwise adjusted, to satisfactorily resolve the problem raised by Empire. Additionally, neither Lane nor the Bureau has contested Empire's allegation that no other site is available from which the same general service could be provided. In the Board's view, Empire has presented specific engineering data which raises a substantial question as to whether Lane's proposed operation would cause harmful interference to the Empire operation, and warrants the addition of an appropriate issue.

CHANGE OF CONTROL ISSUE

17. Empire alleges that the November 10, 1970, amendment to the Lane application effected a change of control in that applicant. Prior to the amendment, petitioner explains, each of the three directors—Steele, Andrews and Kelley—owned one-third interest in the Lane stock and, in addition to being one of three directors, Steele was also President of the paging company. By virtue of the amendment, however, Kelley has acquired effective de facto control, Empire asserts; not only has Kelley acquired 50 percent of the stock as a result of Steele's divestiture, he has also gained control of the management and the board of directors since he was elected president, his wife was elected secretary-treasurer and he and his wife presently constitute two-thirds of the board of directors. This change in control is a major change or amendment which, in turn, Empire concludes, subjects the Lane application to cutoff §§ 21.30(b) and 1.227 (b)(3). In support of its argument, Empire urges that this was the position of the Broadcast Bureau in Martin Lake Broadcasting Co., 26 FCC 2d 963 (1970), which was allegedly a factually similar situation.

18. In opposition, Lane initially notes that the November 10, 1970, amendment reflects that Steele had sold his one-third interest in Lane back to the company and had resigned as an officer and director, that no new stockholder was introduced into the company, and that no additional stock was issued to the two remaining stockholders.[19] In any event, Lane argues that the November 10 amendment does not come within the definition of a "major amendment" as defined by § 21.23 (c) of the rules, nor within § 21.23(d) which provides, in effect, that amendments not enumerated in subsection (c) will be considered major changes only "if found to materially alter an existing or proposed station." The changes in the amendment clearly do not fall into the subsection (c) categories, Lane asserts; nor do such changes materially alter the application so as to come within subsection (d). Finally, Lane asserts that Martin Lake Broadcasting Co., supra, does not stand for the proposition for which it is cited.

19. The Common Carrier Bureau also opposes the addition of this issue, contending that Empire misconstrues the position of the Broadcast Bureau in Martin Lake Broadcasting Co., supra. In explanation, it states that the Broadcast Bureau's position (not the holding of the case) was that "the net result of substantial financial and ownership changes in conjunction with the site change is the introduction of an entirely new applicant." Moreover, the Bureau adds, that case involved the propriety of postdesignation amendments which is not the case here.

20. The change of control issue will be denied. As Lane correctly notes, the changes reflected in the November 1970 amendment do not fall within any of the enumerated categories contained in § 21.23(c) of the rules.[20] Nor, in the Board's view, do the changes materially alter the nature of the proposed station so as to fall within the ambit of § 21.23 (d) of the rules. Although the rules do not specifically make reference to ownership amendments in those sections pertaining to classification of predesignation amendments to DPLMR applications, it is helpful to examine such provisions applicable to standard broadcast proceedings. Section 1.572(j)(2) provides that a new file number will be assigned to an application when it is amended to specify a change in ownership as a result of which one or more parties with an ownership interest in the original application do not have, on a collective basis, a 50 percent or more ownership interest in the amended application. The clear intention of this section is to consider ownership amendments as major amendments only when they constitute very fundamental changes in the overall ownership scheme. Clearly, this is not the case in the instant proceeding. Two of the parties which collectively possessed 66⅔ percent ownership interest in the original application, currently possess 100 percent ownership interest in the amended application. Under the circumstances, we find no basis for further inquiry into this matter.

SECTION 21.516(b) ISSUE

21. Petitioner seeks the deletion of the § 21.516(b) issue. See paragraph 1, supra. Empire takes issue with the Commission's reasoning to the effect that since the present channel capacity appears sufficient to meet traffic needs for the foreseeable future for the proposed additional channel, the application is of such a nature that a showing of necessity for the proposed service is required. The Commission and the Review Board have consistently held that, except in unusual circumstances, petitions to delete issues on the basis of material contained in pleadings or amendments will be denied. See, for example, Veterans Broadcasting Company, FCC 62–131, 22 RR 949; and L. B. Wilson, Incorporated, FCC 63R–58, 24 RR 1016. The basis for this long standing policy is that designated factual issues are better resolved in an evidentiary hearing than by interlocutory pleadings, where an evidentiary hearing must be held in any event. Empire's deletion request is based upon its interpretation of § 21.516. However, the Commission addressed itself to the application of this section of its rules in the designation order. Thus, in accordance with Atlantic Broadcasting Company (WUST), supra, and Fidelity Radio, Inc., supra, the Board is foreclosed from substituting its judgment for the reasoned analysis of the Commission.

22. *Accordingly, it is ordered*, That the motion to enlarge, change or delete issues, filed September 8, 1971, by Empire Communications Company is granted to the extent indicated herein, and is denied in all other respects; and

23. *It is further ordered*, That the issues in this proceeding are enlarged to include the following:

(1) To determine the circumstances regarding the actions of Lane Paging, Inc., and J. Robert Kelley, a principal and officer of Lane, in connection with allowing Stations KKM62, KLC968 and other Business Radio Service stations, licensed to J. Robert Kelley, to be used by Lane to page Lane's customers, and, the effect of these actions on the basic or comparative qualifications of Lane Paging, Inc.

(2) To determine whether Lane Paging, Inc., is financially qualified to construct its proposed station and to operate such station for a reasonable time.

(3) To determine whether harmful adjacent channel interference will be caused to the reception of mobile radio signals by Empire Station KOK331, on the frequency 158.67 MHz, by a grant of the Lane application to use the transmitter frequency 158.70 MHz, at the location proposed by Lane.

24. *It is further ordered*, That the burden of proceeding with the introduction of evidence under Issue 1, added herein, shall be on Empire Communications Co., and the burden of proceeding on the remaining issues added herein and the burden of proof under all of these issues shall be on Lane Paging, Inc.

Adopted: February 2, 1972.

Released: February 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1895 Filed 2-8-72;8:48 am]

---

[14] Kelley's balance sheet shows current assets of $968.20 with current liabilities of $2,656.68. Although Andrews' balance sheet reflects an excess of current assets over liabilities, the liquid assets appear to be more than offset by current liabilities; and the remaining assets are primarily composed of accounts receivable and stock, neither of which is shown to be readily convertible. Compare FCC Form 301, section III, page 3, which requires a specific showing of current reliability with respect to assets of this nature.

[15] In the order of designation, the Commission considered the question of adjacent channel interference, stating that Empire could eliminate interference with minor technical changes or by changing the receiver site.

[16] One site considered by Empire (referred to as Location No. 1) is, according to Empire, located more than nine miles from the present KOK331 site. Empire asserts that use of Location No. 1 would not cover the same service area which presently contains numerous subscribers using hand-held mobile units which do not have the range of vehicular units.

[17] Docket No. 11253 was a rule making proceeding that, in part, established standards to permit an increase in the number of usable channels for the land mobile service in the frequency bands 25–50 MHz and 152–162 MHz. The report and order in Docket No. 11253, supra, does not establish the meaning of the "same geographical area" to be that no further consideration of other facilities 30 kHz removed in frequency will be required of applicants without regard to proximity and related potential problems.

[18] The introductory paragraph to the report and order in Docket No. 11253, supra, clearly establishes that the number of useable channels available to the Common Carrier service, among others, was involved in that proceeding.

[19] A subsequent amendment dated Feb. 26, 1971, indicates, however, that Andrews and Kelley each currently own 50 percent of the company.

[20] Section 21.23 (c) and (d) read as follows:

(c) An application amended by a major amendment thereto (as e.g., any amendment which will change or add a frequency; or improve the operating characteristics of an existing or proposed station; or enlarge the service contour or significantly change the location or points of communication of an existing or proposed station; or which will materially alter the nature of an existing or proposed service) is subject to the provisions of § 21.27.

(d) Amendments, other than major amendments within the meaning of paragraph (c) of this section will be considered on a case-by-case basis and, if found to materially alter an existing or proposed station, will be deemed to be a major change and will thereafter be listed in a public notice and subject to the provisions of § 21.27.

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Members

FEBRUARY 1, 1972.

The Federal Power Commission by orders issued April 6, 1971, established an

V37-27 FEB 9 72 XUM

Executive Advisory Committee of the National Gas Survey.

1. *Membership.* Two additional members to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

A. F. Grospiron, President, Oil, Chemical, and Atomic Workers International Union.
Frank E. Fitzsimmons, General President, International Brotherhood of Teamsters, Chauffers, Warehousemen, and Helpers of America.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1858 Filed 2-8-72;8:45 am]

[Docket No. CP72-9]

ARKANSAS LOUISIANA GAS CO.

Notice of Amendment to Petition To Amend

FEBRUARY 1, 1972.

Take notice that on January 21, 1972, Arkansas Louisiana Gas Co. (petitioner), Post Office Box 1734, Shreveport, LA 71102, filed in Docket No. CP72-9 an amendment to its petition to amend the order of the Commission heretofore issued pursuant to section 7(c) of the Natural Gas Act in said docket on November 1, 1971, by requesting authorization for the construction and operation of a delivery point and related delivery facilities, all as more fully set forth in the amendment to the petition to amend which is on file with the Commission and open to public inspection.

Petitioner seeks authorization, in its petition to amend, to deliver under an exchange agreement natural gas from Mesa Petroleum's Risely Well in Hemphill County, Tex., to Cities Service Gas Co.'s pipeline at a mutually agreeable point in section 72, Block A-2, H&GN Survey, Hemphill County, Tex. Petitioner now seeks authorization to construct and operate a delivery point and delivery facilities at Mesa's Risely Well. Petitioner estimates the cost of the facilities at $13,780.

Any person desiring to be heard or to make any protest with reference to said amendment to petition to amend should on or before February 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1859 Filed 2-8-72;8:45 am]

[Docket No. CP72-187]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

FEBRUARY 2, 1972.

Take notice that on January 24, 1972, Montana-Dakota Utilities Co. (applicant), 400 North Fourth Street, Bismarck, ND 58501, filed in Docket No. CP72-187, a budget-type application pursuant to section 7(c) of the Natural Gas Act as implemented by §§ 157.7(b) and 157.7(c) of the regulations under said Act for a certificate of public convenience and necessity authorizing during the period April 1, 1972, through March 31, 1973, the construction and operation of gas purchase facilities and gas-sales and transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate during the period April 1, 1972, to March 31, 1972, gas purchase facilities to permit it to augment its ability to contract and connect to its integrated natural gas system additional wells in existing producing areas and new sources of gas supply contiguous to its system. Applicant also seeks authorization to construct and operate during the period April 1, 1972, through March 31, 1973, gas-sales or transportation facilities for the purpose of making direct sales of natural gas to consumers, for the transportation and sale of previously authorized volumes in existing market areas, and for miscellaneous rearrangements.

The total cost of the proposed gas purchase facilities is not to exceed $1 million and no single project is to exceed $200,000, and the total cost of the sales and transportation facilities is not to exceed $200,000. Applicant proposes to finance the projects from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1860 Filed 2-8-72;8:45 am]

[Docket No. CP72-188]

TRUNKLINE GAS CO.

Notice of Application

FEBRUARY 2, 1972.

Take notice that on January 24, 1972, Trunkline Gas Co., Post Office Box 1642, Houston, TX 77001, filed in Docket No. CP72-188 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate approximately 17.9 miles of 16-inch diameter pipeline and appurtenant facilities necessary to connect gas to be purchased from Oil & Gas Futures et al., at their production platform in Grant Isle Block 81, offshore Louisiana, to its existing 18-inch diameter pipeline in Block 63, South Timbalier Area, offshore Louisiana. Applicant estimates the cost of the proposed facilities at $4,160,000, which it plans to finance from funds on hand.

Applicant states that the proposed facilities will materially assist in meeting its contract demands in a time when it is presently curtailing deliveries to its customers. Applicant states further that it is estimated that recoverable reserves should be at least 87,500,000 Mcf, with daily deliverability of at least 35,000 Mcf, and that further development and exploration can be expected to occur on these leases.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-1862 Filed 2-8-72;8:45 am]

[Docket No. E-7698]

UNION ELECTRIC CO.

Notice of Application

FEBRUARY 2, 1972.

Take notice that on January 10, 1972, Union Electric Co. (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short term, unsecured promissory notes in the amount of $150 million, of which aggregate amount up to $75 million may be in the form of commercial paper with final maturities not later than December 31, 1974. In an order issued April 23, 1971, in Docket No. E-7413, the Commission authorized applicant to issue up to $150 million of short-term promissory notes, of which aggregate amount up to $75 million could be in the form of commercial paper, with final maturities not later than December 31, 1972.

Applicant is incorporated under the laws of the State of Missouri with its principal business office at St. Louis, Mo., and authorized to do business in the States of Missouri, Illinois, and Iowa.

The interest rate applicable to the promissory notes will be, in the case of demand notes issued to commercial banks, the prime rate in effect during the period they are; in the case of notes issued to commercial paper dealers, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with purchasers of such commercial paper for their own accounts, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity placed directly by the issuer thereof. The applicant contemplates the issuance of promissory notes, including the "rollover" of commercial paper promissory notes without further application to this Commission, at any time and from time to time, each of such notes to have a maturity date of not later than December 31, 1974.

The proceeds will be used to finance in part applicant's construction program to December 31, 1974. The construction program of applicant as now scheduled, calls for plant expenditures of approximately $546 million for the 3-year period 1972-74. This program includes two generating units of 6,000 megawatts each which are being installed at applicant's Labadie Plant, located on the Missouri River approximately 38 miles from St. Louis, and two generating units of 600 megawatts each which are being installed at applicant's Rush Island Plant, located on the Mississippi River approximately 35 miles from St. Louis. The Labadie Plant units are expected to be placed in service in the Springs of 1972 and 1973 and the Rush Island Plant units are expected to be placed in service in the Springs of 1975 and 1976. During the 3-year period 1972-74, it is expected that approximately $87 million will be spent on the two Labadie Plant units and $246 million on the two Rush Island Plant units.

Any person desiring to be heard or to make any protest with reference to the application should, on or before February 18, 1972 file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.72-3005 Filed 2-8-72;8:50 am]

FEDERAL RESERVE SYSTEM

UNITED NATIONAL CORP.

Proposed Acquisition of Rushmore State Insurance Agency

United National Corp., Vermillion, S. Dak., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of Rushmore State Insurance Agency, Hill City, S. Dak. Notice of the application was published on November 11, 1971, in the Hill City Prevailer and The Guide, a newspaper circulated in Hill City, S. Dak.

Applicant states that the proposed subsidiary would engage in the general sale of insurance in a community with a population not exceeding 5,000. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse

V 37 27 FEB 9 72 XUM

effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 3, 1972.

Board of Governors of the Federal Reserve System, February 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1873 Filed 2-8-72;8:46 am]

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS

STATE WORKMEN'S COMPENSATION LAWS

Notice of Public Hearing

Notice is hereby given of a public hearing to be held by the National Commission on State Workmen's Compensation Laws at Room 305, Federal Building, 26 Federal Plaza, New York, N.Y., on March 20, 1972. The hearing will commence at 9:30 a.m. At the hearing, interested parties may make oral or written presentations of data, views, and arguments which would assist the National Commission on State Workmen's Compensation Laws in making its study and preparing its report under section 27 of the Occupational Safety and Health Act of 1970 (84 Stat. 1616). Of particular interest to the Commission would be presentations commenting on the questions of whether, and to what extent, the Federal Government should have a role in the State workmen's compensation system, and if so, what the appropriate methods of implementation of the Federal Government's role should be.

Interested persons shall, not later than March 6, 1972, file with the Chairman, National Commission on State Workmen's Compensation Laws, 1825 K Street NW., Washington, DC 20006, a notice of request to appear which shall include the following:

1. Name and address of the person requesting to appear.

2. Three copies of the prepared statement the person intends to present, or if this is not practicable, a detailed outline of the subject matter to be discussed.

3. If such person would appear in a representative capacity, the name and address of the persons or organizations he represents.

4. The approximate length of time requested for his presentation.

From the persons filing timely notice of request to appear, the Commission will schedule personal appearances for the maximum number who can be heard within the time available. Statements submitted by persons who cannot be scheduled for personal appearances will be distributed to the Commissioners and will be made a part of the official record of the hearing. Other interested persons may also file written data, views, or arguments with the Commission at the above address for inclusion in the official record.

The oral proceedings shall be stenographically reported and transcripts will be available to interested persons on payment of fees therefor. The Presiding Officer shall regulate the proceedings, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the inquiry. He shall have discretion to keep the record open after the close of the hearing to permit any person who participated in the oral presentation to submit additional data, views, and arguments responsive to the oral presentations made by other persons.

Signed at Washington, D.C., this 4th day of February 1972.

JOHN F. BURTON, Jr.,
Chairman.

[FR Doc.72-1886 Filed 2-8-72;8:47 am]

TARIFF COMMISSION

[AA1921-91]

ASBESTOS CEMENT PIPE FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on February 2, 1972, that asbestos cement pipe from Japan is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on March 21, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: February 4, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-1887 Filed 2-8-72;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

TEMPORARY COMPENSATION

Notice of Determinations of "Temporary on" Indicator and Beginning of Temporary Benefit Period in Fourteen States

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, title II), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determinations as follows:

1. There is a "temporary on" indicator for the week beginning January 9, 1972, for each of the following States:

Alaska	New Jersey
California	New York
Connecticut	Oregon
Maine	Puerto Rico
Massachusetts	Rhode Island
Michigan	Vermont
Nevada	Washington

This determination is based on my findings—

(a) That the rate of unemployment as defined in the Act for the 13-week period ending January 15, 1972, equaled or exceeded 6.5 per centum in each of the States; and

(b) That there is a national "on" indicator for the week beginning January 9, 1972.

2. A temporary benefit period, as provided in section 202(c)(3)(A)(i)(I) of the Act and 20 CFR 617.5, begins on January 30, 1972, the first day of the third calendar week after the week for which there is a "temporary on" indicator, in each of the States listed above, each of which, before January 30, 1972, entered into an agreement with the Secretary of Labor as provided in section 202 of the Act.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to any of the States listed above. However, no temporary compensation under the Act is payable for any week of unemployment, even though such week is in a temporary benefit period, if it—

(a) Ends after June 30, 1972; or

(b) Ends after September 30, 1972, in the case of an individual who had a week ending before July 1, 1972, with respect to which temporary compensation was payable to him.

Signed at Washington, D.C., this 28th day of January 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-1967 Filed 2-8-72;8:50 am]

INTERSTATE COMMERCE COMMISSION

[Notice 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 4, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 605), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed January 24, 1972. Carrier proposes to operate as a common carrier, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Washington Highway 906 and Interstate Highway 90 (West Summit Interchange), over Interstate Highway 90 to junction Washington Highway 906 (Hyak Interchange), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Seattle, Wash., over Interstate Highway 90 to junction Washington Highway 906 (formerly U.S. Highway 10) West Summit Interchange, thence over Washington Highway 906 to junction Interstate Highway 90, Hyak Interchange, thence over Interstate Highway 90 to junction Washington Highway 10 (formerly U.S. Highway 10), West Cle Elum Junction, thence over Washington Highway 10 to Ellensburg, Wash., and return over the same route.

No. MC-1515 (Deviation No. 606), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed January 26, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Business Route Interstate Highway 15 and Interstate Highway 15 (North Beaver Junction, Utah), over Interstate Highway 15 to junction Business Route Interstate Highway 15 (South Beaver Junction, Utah), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Salt Lake City, Utah, over U.S. Highway 91 to junction Interstate Highway 15, thence over Interstate Highway 15 to junction Business Route Interstate Highway 15 (North Beaver Junction), thence over Business Route Interstate Highway 15 to junction U.S. Highway 91 (South Beaver Junction), thence over U.S. Highway 91 to the Utah-Arizona State line. (Connects with Arizona Highway 17.)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-1902 Filed 2-8-72;8:49 am]

[Notice 9]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 4, 1972.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 31879 (Sub-No. 32) (Amendment), filed July 16, 1971, published in the FEDERAL REGISTER of October 7, 1971, and republished as amended this issue. Applicant: EXHIBITORS FILM DELIVERY & SERVICE, CO., INC., 101 West 10th Avenue, North Kansas City, MO 64116. Applicant's representative: Warren A. Goff, 2132 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods, as defined in 17 M.C.C. 467, commodities in bulk, in tivestock, restricted so that no service shall be rendered in the transportation of parcels, packages, or articles weighing in the aggregate more than 200 pounds from any one consignor, at any one location, to any one consignee, at any one location, on any 1 day, and further restricted against the transportation of any single parcel, package, or article weighing more than 100 pounds; "(a) Between points in Weld, Adams, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgwick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Bent, Prowers, and Baca Counties, Colo.; points in Laramie and Goshen Counties, Wyo.; points in Nebraska and points in New Mexico in the following described area and on a line commencing at the northwest corner of Colfax County, N. Mex., at its junction with the Colorado-New Mexico State line; over the western boundary of Colfax County to the western boundary of Mora County, N. Mex.; thence over the western boundary of Mora County to the boundary of Santa Fe County, N. Mex.; thence in a north and westerly direction over the Santa Fe County boundary to the boundary of Los Alamos County, N. Mex.; thence in a north and westerly direction over the Los Alamos County boundary until that boundary meets the Santa Fe County boundary at the southern tip of Los Alamos County; thence over the Santa Fe County boundary to U.S. Highway 85 and/or Interstate Highway 25; thence over U.S. Highway 85 and/or Interstate Highway 25 to its junction with U.S. Highway 60; thence over U.S. Highway 60 to the New Mexico-Texas State line, thence over the New Mexico State line in a north and westerly direction to the point of beginning." "(b) Between points in (a) above on the one hand, and, on the other, points in Kansas. NOTE: Applicant states that the requested authority can be tacked with its existing authority at points in Kansas, to provide through service to points in Boone and Carroll Counties, Ark.; and the western two thirds of Missouri. The purpose of this republication is to redescribe the scope of authority sought, and to reflect the hearing information. Hearing: March 6, 1972, at Kansas City, Mo., March 13, 1972, at Denver, Colo., March 20, 1972, at Albuquerque, N. Mex.

No. MC 106398 (Sub-No. 547) (republication), filed May 26, 1971, published in the FEDERAL REGISTER June 24, 1971, and republished this issue. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant). An order of the Commission, Operating Rights Board, dated November 30, 1971, and served January 31, 1972, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) trailers, designed to be drawn by passenger automobiles

V 37 27 FEB 9 72 XUM

in initial movements, and (2) prefabricated buildings in sections, from Saratoga Springs, N.Y., to points in Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, and Vermont; that since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in our findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 121684 (Republication), filed February 19, 1970, under State Docket No. 70067–CCB as published in the FEDERAL REGISTER issue of March 12, 1970, and republished under MC 121684 this issue. Applicant: ORLANDO TRANSIT COMPANY, a corporation, 46 Weber Avenue, Orlando, FL 32803. Applicant's representative: John G. Baker, 1001 Citizens National Bank Building, Orlando, Fla. An order of the Commission, Operating Rights Board, dated January 5, 1972, and served January 25, 1972, finds a certificate of registration shall be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a common carrier by motor vehicle, transporting the passengers from, to, or between the points, over the routes, or within the territory, and in the manner described below, and subject (1) to such additional and further conditions as may be necessary to give effect to the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended, and (2) That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation set forth below, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

APPENDIX

[No. MC–121684]

ORLANDO TRANSIT COMPANY (ORLANDO, FLA.)

Description of the transportation service authorized to be conducted solely within the State of Florida, in intrastate commerce, as a common carrier by motor vehicle, pursuant to Certificate of Public Convenience and Necessity No. 209, dated November 23, 1971, issued by the Florida Public Service Commission:

* * * transportation of passengers between Orlando and Winter Garden on the one hand and Walt Disney World area on the other, over the following routes:

Route 1. From downtown Orlando south on Interstate 4 to the turnoff at State Road 535, thence on State Road 535 to Buena Vista and the entrance to Walt Disney Preview Center and return over the same route;

Route 2. From Winter Garden south on State Road 535 and Reams Road to Gate 2 of the Walt Disney World Complex and return over the same route.

Route 3. From downtown Orlando south on Interstate 4 to the turn-off at former State Road 530 (now U.S. 192) thence along State Road 530 (U.S. 192) to Walt Disney World Gate 3 and return over the same route;

Route 3A. From the Orlando metropolitan area south on U.S. 17–92 to Kissimmee, thence west on State Road 535 and U.S. 192 to Walt Disney World Gate 3 and return over the same route;

Route 3B. From Orlando metropolitan area north on Interstate 4 to State Road 436, thence east and south on State Road 436 to Beeline Expressway (State Road 528), thence west along State Road 528 to Interstate 4, thence along Interstate 4 to U.S. 192 (formerly State Road 530) to the Walt Disney World Gate 3 and return over the same route;

and sightseeing service over the following routes:

Route 4. Leave Orlando on Highway 50 to NASA Spaceport and return via Highway 50;

Route 5. Leave Orlando via Interstate 4, U.S. 27 and State Road 542 to Cypress Gardens. Return via same route.

Route 6. Leave Orlando via Interstate 4 east to U.S. 92 to Daytona and Daytona Beach; north on State Road A1A to Marineland and St. Augustine. Leave St. Augustine, south via U.S. 1, Interstate 95 and Interstate 4 to Orlando.

NOTICE OF FILING OF PETITION

No. MC 128648 (Sub-No. 3), (Notice of Filing of Petition for Modification of Permit To Add a Contract Shipper), filed January 13, 1972. Petition: TRANS-UNITED, INC., Torrance, Calif. Petitioner's representative: William J. Lippman, Suite 960, 1819 H Street NW., Washington, DC 20006. Petitioner holds a permit in No. MC 128648 (Sub-No. 3) authorizing the transportation of Cany, in vehicles equipped with mechanical refrigeration, from points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Texas, and Virginia, to points in California, with no transportation for compensation on return except as otherwise authorized, limited to a transportation service to be performed, under a continuing contract, or contracts, with Customer Warehouse Co., of Maywood, Calif. By the instant petition, petitioner seeks to modify its permit to add the name of Beatrice Foods Co., its divisions, subsidiaries, and affiliates, as a contract shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 43475 (Sub-No. 53), filed January 21, 1972. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul, MN 55113. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, and commodities which because of size or weight require special equipment), between points in Illinois in Lake, Cook, Du Page, Kendall, Kane, and Will Counties; that part of McHenry County on and east of Illinois Highway 47; and that part of Kankakee County on and north of Illinois Highway 17. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Chicago, Ill. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The instant application is a matter directly related to MC–F–11443 published in the FEDERAL REGISTER issue of February 2, 1972. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136322, filed January 10, 1972. Applicant: WHITE'S DELIVERY SERVICE, INC., 155 North Front Street, Philadelphia, PA 19106. Applicant's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toiletries*, between the facilities of Kolmar Manufacturing Laboratories at Port Jervis, N.Y., on the one hand, and, on the other, the facilities of Menley and James Laboratories at Bellmawr, N.J. NOTE: Applicant is presently authorized under permit No. MC 133568 (Sub-No. 1), to provide the same service as a contract carrier. Applicant states the purpose of instant application is to convert that authority to common carrier. This application is a matter directly related to MC–F–11434, published in the FEDERAL REGISTER issue of January 19, 1972. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–10339. (Supplement) (HENNIS FREIGHT LINES, INC.—Control—RED BALL EXPRESS CO.), published in the December 27, 1968, issue of the FEDERAL REGISTER. By petition filed January 24, 1972, BENTON-SPRY, INC., join in as party applicant.

No. MC–F–10716, SCOTT TRUCK LINE, INC.—Control—CARGO SYSTEMS, INC., MC–F–11076, SCOTT TRUCK LINE, INC.—Control—NEBRASKA TRANSPORT CO., INC., AND MERCHEIM TRANSFER, INC., and MC–121066 SUB 3, NEBRASKA TRANSPORT CO., INC., published in the January 21, 1970, and February 10, 1971 issues of the FEDERAL REGISTER. By petition filed January 28, 1972, Applicant-Vendee desires to change the nature of the above transactions to one of control and merger rather than of control as originally filed.

No. MC–F–11447. Authority sought for purchase by THE A. G. BOONE COMPANY, 1117 South Clarkson Street, Charlotte, NC 28208, of the operating rights and property of R. H. GARLAND & COMPANY, INC., 2216 Freedom Drive, Charlotte, NC 28208, and for acquisition by JAMES F. BOONE and A. G. BOONE, JR., both of 1117 South Clarkson Street, Charlotte, NC 28208, of control of such rights and properties through the purchase. Applicants' attorneys: Dotson G. Palmer, 1215 American Building, Charlotte, NC 28202, and Mark B. Edwards, 811 Johnston Building, Charlotte, NC 28202. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment*, materials, and supplies used in the conduct of such business, as a *contract carrier* over irregular routes, (a) between points in a defined area of North Carolina and South Carolina, (b) between points in the above-specified territory, on the one hand, and, on the other, Galax, Va., and Copperhill, Tenn., (c) between Asheville and Charlotte, N.C., on the one hand, and, on the other, McCaysville, Ga., (d) between points in a defined area of southwestern Virginia and northeastern Tennessee, (e) between points in the area as described in (d) on the one hand, and, on the other, points in North Carolina and South Carolina, (f) between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Fannin County, Ga.; *fruits, vegetables, farm products, poultry, and sea food*, in the respective seasons of their production, from points in North Carolina, South Carolina, Virginia, and Tennessee, to points in the above-specified territory in North Carolina and South Carolina; *chemical products*, from Charleston, S.C., to Granite Falls and Charlotte, N.C.; *automobile accessories, and materials and supplies* used in the conduct of automobile-accessory manufacture, between Charleston, S.C., and Gastonia and Charlotte, N.C., with restrictions. Vendee is authorized to operate as a *contract carrier* in North Carolina, South Carolina, Virginia, Tennessee, Georgia, Alabama, Mississippi, and Florida. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11448. Authority sought for purchase by CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222, of the operating rights of CHAMPION TRANSPORTATION, INC., Post Office Box 82028, Lincoln, NE 68501, and for acquisition by J & T ASSOCIATES, INC., also of Dallas, Tex. 75222, of control of such rights through the purchase. Applicants' attorneys: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301, and Earl H. Scudder, Jr., 300 NSEA Building, Lincoln, Nebr. 68501. Operating rights sought to be transferred: *Glass and glassware* (except glass containers), as a *common carrier* over irregular routes, from the plantsite and storage facilities of Indiana Glass Co., at Dunkirk, Ind., to Memphis, Tenn., and points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Iowa, Kansas, Kentucky (except points within the Louisville, Ky., and Cincinnati, Ohio, commercial zones as defined by the Commission), Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, South Dakota, Texas, North Dakota, Oklahoma, Oregon, Rhode Island, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11450. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: ANAHEIM TRUCK & TRANSFER CO., 505 South Anaheim Boulevard, Anaheim, CA 92805 (MC–4983), and O.N.C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, CA 94303 (MC–71459), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between certain specified points in California. Attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. ANAHEIM TRUCK & TRANSFER CO., is authorized to operate as a common carrier in California.

No. MC–F–11451. Authority sought for purchase by EAST COAST FREIGHT LINES, INC., 3005 West Marshall Street, Richmond, VA 23230, of the operating rights of METRO TRUCKING, INC., 7202 Washington Highway, Richmond, VA 23227, and for acquisition by SMITH & SOLOMON TRUCKING COMPANY, How Lane, New Brunswick, N.J. 08902, of control of such rights through the purchase. Applicants' attorney: Herbert Burstein, 30 Church Street, New York, NY 10007. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Richmond, Va., on the one hand, and, on the other, points in those portions of King William and King and Queen Counties, Va., southeast of U.S. Highway 360, except points within 1 mile of U.S. Highway 360. Vendee is authorized to operate as a *common carrier* in Maryland, New York, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11452. Authority sought for purchase by GENERAL HIGHWAY EXPRESS, INC., Post Office Box 727, Sidney, OH 45365, of a portion of the operating rights and property of BARNUM MOVING AND STORAGE, INC., Box 101, South Brooklyn Avenue, Sidney, OH 45365, and for acquisition by PAUL B. LONG, SR., Post Office Box 727, Sidney, OH 45365, of control of such rights and property through the purchase. Applicants' attorney: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–106023 Sub-3, covering the transportation of property as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11453. Authority sought for purchase by DAVE'S TRUCKING COMPANY, INC., 31 Purdy Avenue, Portchester, NY 10573, of a portion of the operating rights of SEIGLE'S EXPRESS, INC., 73 Porete Avenue, North Arlington, NJ 07032, and for acquisition by DAVID AZORSKY, also of 31 Purdy Avenue, Portchester, NY 10573, of control of such rights through the purchase. Applicants' representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Westchester County, N.Y., on the one hand, and, on the other, certain specified points in New Jersey. Vendee is authorized to operate as a *common carrier* in Connecticut, New Jersey, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11454. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling

V 3 7 • 2 7
FEB 9 72
XUM

of traffic. Applicants: KERNER TRUCKING SERVICE, INC., 2601 East 26th Street, Los Angeles, CA 90058 (MC–121634), and O.N.C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, CA 94303 (MC–71419), seeks to enter into an agreement for the pooling of traffic consisting of general commodities moving in interstate commerce between certain specified points in California. Attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. KERNER TRUCKING SERVICE, INC., is authorized to operate as a common carrier in California.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–1903 Filed 2–8–72;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATIONS:	
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3967 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
4105	2831
EXECUTIVE ORDERS:	
5237 (partially revoked by PLO 5155)	2840
11248 (amended by EO 11641)	2421
11568 (see EO 11642)	2565
11641	2421
11642	2565
11643	2875
11644	2877
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567

5 CFR

213	2423, 2491, 2841, 2842, 2879
PROPOSED RULES:	
900	2589

6 CFR

101	2491, 2678
102	2478
200	2479
300	2842
311	2480

7 CFR

51	2745
53	2745
501	2423
502	2424
701	2833
706	2491
724	2745
726	2496
729	2645, 2765
811	2659
905	2660
906	2765
907	2569
910	2426, 2766, 2834
1065	2497
1806	2879
1823	2879
1871	2569
PROPOSED RULES:	
59	2775
81	2778

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
726	2773
729	2774
945	2844
966	2845
982	2515
987	2890
993	2515
1421	2844
1446	2844
1481	2890
1701	2846
1434	2775

8 CFR

214	2766
238	2766
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

11	2426
82	2429, 2498
97	2430
113	2430
301	2661
311	2661
315	2661
PROPOSED RULES	
316	2779
317	2779

12 CFR

PROPOSED RULES:	
529	2447
750	2594

13 CFR

120	2569

14 CFR

39	2498, 2570, 2662, 2635, 2880
71	2570–2572, 2835–2837
73	2499, 2837
75	2499, 2500, 2572, 2767
95	2573
97	2662
121	2500
221	2664
241	2501
PROPOSED RULES:	
61	2523
67	2523
71	2524, 2587, 2662, 2683

14 CFR—Continued

	Page
PROPOSED RULES—Continued	
73	2847
103	2587, 2588
121	2523, 2684
127	2523
183	2523

15 CFR

377	2430
PROPOSED RULES:	
7	2846

16 CFR

13	2575, 2576, 2578–2581
PROPOSED RULES:	
425	2848
432	2454, 2849

17 CFR

PROPOSED RULES:	
230	2596, 2598
239	2596, 2598

18 CFR

2	2502
PROPOSED RULES:	
101	2451
104	2451
105	2451
141	2451
260	2451

19 CFR

12	2430, 2665
PROPOSED RULES:	
1	2443
11	2509
134	2509

20 CFR

614	2434
617	2434
PROPOSED RULES:	
620	2684

21 CFR

3	2503
121	2437
141c	2665
146a	2665
146c	2665
146e	2665
148n	2665
149a	2438
PROPOSED RULES:	
135	2444

22 CFR

	Page
41	2439

24 CFR

600	2665
1710	2768
1914	2505, 2881
1915	2505, 2882

25 CFR

221	2506
PROPOSED RULES:	
43h	2679

26 CFR

1	2506
301	2481, 2506
PROPOSED RULES:	
1	2773

28 CFR

9	2768
45	2769

29 CFR

1904	2439
PROPOSED RULES:	
460	2443
1926	2443

31 CFR

316	2554

32 CFR

1801	2672
1808	2673
PROPOSED RULES:	
1499	2849

32A CFR

Ch. X:	
OI Reg. 1	2439

33 CFR

	Page
117	2838
PROPOSED RULES:	
110	2446, 2447, 2587, 2890
117	2521, 2522

37 CFR

2	2880
PROPOSED RULES:	
1	2520

38 CFR

1	2676

39 CFR

Ch. I	2423

40 CFR

52	2581
85	2432
106	2433
180	2676, 2839, 2883

41 CFR

1–2	2769
1–7	2769
1–12	2769
1–16	2771
5A–8	2507
5A–73	2441
8–14	2508
8–74	2508
101–27	2771
PROPOSED RULES:	
14–10	2680
60–7	2847

43 CFR

2	2677
PUBLIC LAND ORDER:	
5154	2677
5155	2840

45 CFR

	Page
102	2882
170	2882
1015	2840
PROPOSED RULES:	
118	2779
143	2779
220	2445
222	2445

46 CFR

PROPOSED RULES:	
66	2681
193	2682

47 CFR

2	2771
21	2583
83	2884
211	2771
PROPOSED RULES:	
73	2524, 2790, 2891
81	2524

49 CFR

173	2885
174	2886
177	2886
178	2886
1033	2677
1211	2841
PROPOSED RULES:	
173	2588
178	2588

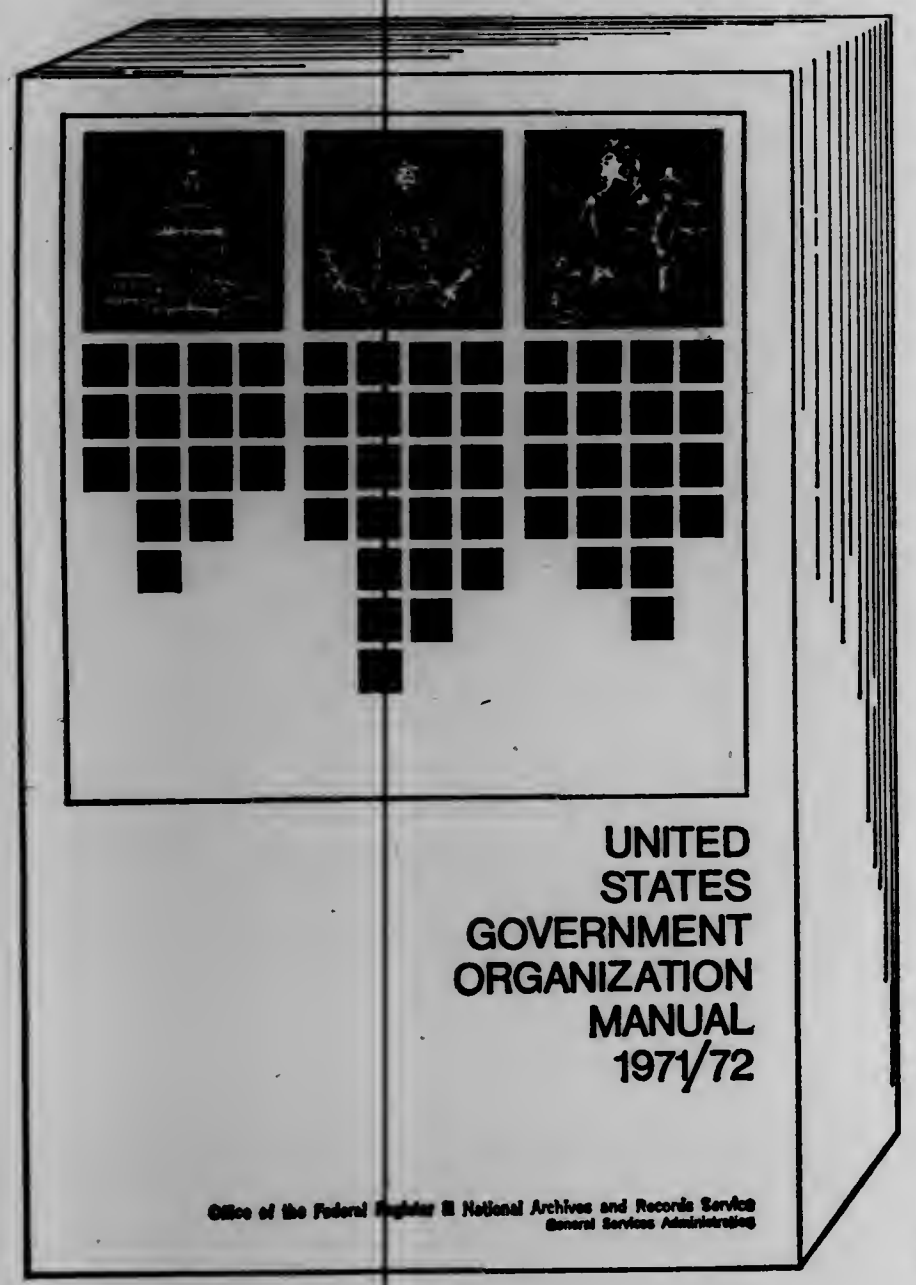
50 CFR

33	2441, 2502, 2841
280	2516
PROPOSED RULES:	
17	2589
280	2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	Feb. 3
2637–2737	4
2739–2823	5
2825–2867	Feb. 8
2869–2913	9

V 37 27 FEB 9 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-2

federal register

THURSDAY, FEBRUARY 10, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 28
Pages 2915–3041

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

LAW DAY—Presidential proclamation 2921

COAST GUARD HOUSING—Presidential Executive order delegating authority 2923

GREAT LAKES BASIN COMMISSION—Presidential Executive order appointing State Dept. representative 2925

MICROFILM—GSA rules on disposal and handling; effective 2–10–72 2962

MINING INJURIES—Bureau of Mines proposes new reporting form; (comments within 30 days) 2968

DISASTER LOANS—SMALL BUSINESS ADMINISTRATION revises regulations; effective on publication 2947

AIRPORT TRAFFIC AREAS—FAA deletes obsolete rules for JFK area, effective 2–10–72 2953

PROHIBITED TRADE PRACTICES—FTC issues cease and desist orders on discriminatory promotional allowances and false advertising (2 documents) 2953

COMMUNITY MENTAL HEALTH CENTERS—HEW proposal to update the rules on grants comments within 30 days 2970

FOOD ADDITIVES—
FDA rules and notice regarding approval of drugs used in animal feeds (4 documents); effective 2–10–72 ..... 2958, 2961, 2962, 3000

FDA rules on substances used in contact with food (3 documents); effective 2–10–72 .... 2959, 2960

(Continued inside)

FEB 10 72
XUM

MICROFILM EDITION
FEDERAL REGISTER
35mm MICROFILM

Complete Set 1936–70, 189 Rolls $1,342

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	$7	13	1948	$28	25	1960	$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42			

Order Microfilm Edition from Publications Sales Branch
National Archives and Records Service
Washington, D.C. 20408

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

GAS—FPC rule concerning cost of transporting producer's fuel and consumer charges; effective 30 days 2954

NEW DRUGS—
FDA notices regarding effectiveness of various drugs (8 documents) 3000–3002
FDA proposal applying efficacy notices to similar drugs; comments within 60 days 2969

ECONOMIC STABILIZATION—IRS notices concerning phase II interpretations (17 documents) .. 2987–2991

FLAMMABLE FABRICS—FTC notice on alternative washing procedure for hide rugs 3010

URBAN PLANNING—National Capital Planning Commission notices on form for proposals (2 documents) 3011, 3013

Contents

THE PRESIDENT

PROCLAMATION
Law Day, USA, 1972 2921

EXECUTIVE ORDERS
Coast Guard housing; authority of the Secretary of Transportation to prescribe certain regulations 2923
Membership of Department of State on the Great Lakes Basin Commission 2925

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT
See also Consumer and Marketing Service; Animal and Plant Health Service.

Notices
North Carolina; designation of areas for emergency loans 2992

ANIMAL AND PLANT HEALTH SERVICE
Rules and Regulations
Interstate movement of cattle with scabies; areas quarantined 2945

ATOMIC ENERGY COMMISSION
Notices
Facility licenses; issuances extending expiration dates:
Gulf Energy & Environmental Systems Co 3003
University of Texas 3003
Vermont Yankee Nuclear Power Corp.; dates for further evidentiary hearings 3003

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
International Air Transport Association 3004
Overseas National Airways, Inc. and Southern Air Transport, Inc 3004

COMMERCE DEPARTMENT
See Import Programs Office.

COMPTROLLER OF THE CURRENCY
Notices
Bank of California, N.A.; application for unlisted trading privileges 2987

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Milk marketing orders:
Boston regional and certain other areas 2927
New Orleans, Louisiana 2944
Navel oranges grown in Arizona and designated part of California; handling limitation 2927
Papayas grown in Hawaii; expenses, rate of assessment, and carryover of unexpended funds 2927

Proposed Rule Making
Milk in Louisville-Lexington-Evansville marketing area; suspension of certain provisions of order 2969

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental impact statements; public availability 3005

FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
John F. Kennedy International Airport; deletion of special air traffic rules 2953
Transition areas:
Alterations (2 documents) 2952
Designations (2 documents) 2952, 2953

FEDERAL COMMUNICATIONS COMMISSION
Notices
Certain Canadian broadcast stations; list of assignments 3035

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
T. J. Hanson, Inc. and Behring International, Inc 3007
Seatrain Lines, Inc 3008

FEDERAL POWER COMMISSION
Rules and Regulations
Transporting liquids and liquefiable hydrocarbons; order establishing charges 2954

Notices
Hearings, etc.:
New England Power Pool Agreement 3008
Panhandle Eastern Pipe Line Co 3009

FEDERAL RESERVE SYSTEM
Notices
Acquisitions of banks; applications:
Barnett Banks of Florida, Inc 3009
First City Bancorporation of Texas, Inc 3009
First Empire State Corp 3009
Marine Midland Banks, Inc 3009

(*Continued on next page*)

VOL 37 NO 28
FEB 10 72
XUM

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices:
- Robertson Photo-Mechanix, Inc ---- 2953
- Sanders Airline Training School et al ---- 2953

Notices

Flammable fabrics; alternative washing procedure for hide rugs ---- 3010

FISH AND WILDLIFE SERVICE

Rules and Regulations

Sport fishing:
- Certain wildlife refuges in southeast United States ---- 2964
- Washita National Wildlife Refuge, Okla ---- 2967

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives:
- Components of paper and paperboard in contact with aqueous and fatty foods ---- 2958
- Erythromycin thiocyanate and arsanilic acid ---- 2858
- Poly-1-butene resins and butene/ethylene copolymers ---- 2959
- Synthetic petroleum wax ---- 2960

Food additives, new animal drugs, and antibiotic drugs; decoquinate, chlortetracycline ---- 2960

New animal drugs:
- Assignment of new code number ---- 2961
- Diethylstilbestrol ---- 2961

Proposed Rule Making

Identical, related, and similar drug products; applicability of DESI notices ---- 2969

Notices

Hydroxyamphetamine hydrobromide; followup notice to drug efficacy study implementation ---- 3002

Morton International, Inc.; withdrawal of petition for food additives ---- 3000

New drug applications; withdrawal of approvals:
- Abbott Laboratories ---- 3000
- Ciba Pharmaceutical Co ---- 3002
- Endo Laboratories, Inc ---- 3002
- Geigy Chemical Corp ---- 3001
- Rexall Drug Co ---- 3001
- Wyeth Laboratories ---- 3002

Winthrop Products, Inc. and Winthrop Laboratories; reconsideration of requests for hearing ---- 3001

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Disposal of microfilmed records, microfilm storage and filming standards, criteria for using microfilm copies and microfilm services available ---- 2962

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Public Health Service; Social and Rehabilitation Service.

IMPORT PROGRAMS OFFICE

Notices

Duty-free entry of scientific articles; applications and decisions on applications (22 documents) ---- 2992–2998

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; Mines Bureau.

INTERNAL REVENUE SERVICE

Notices

Economic stabilization program; rulings of Cost of Living Council, Price Commission and Pay Board (17 documents) ---- 2987–2991

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ---- 3017

Fourth section applications for relief ---- 3018

Motor carrier, broker, water carrier and freight forwarder applications ---- 3023

Motor carriers:
- Temporary authority applications (2 documents) ---- 3018, 3020
- Transfer proceedings ---- 2023

LAND MANAGEMENT BUREAU

Notices

Oregon; proposed classification of public lands for disposal by exchange ---- 2991

Wyoming; opening lands to small tract application ---- 2991

MINES BUREAU

Proposed Rule Making

Accidents; notification, investigation, reports and records ---- 2968

NATIONAL CAPITAL PLANNING COMMISSION

Notices

Protection and enhancement of environmental quality; policies and procedures ---- 3010

Site and building plans; requirements ---- 3011

Urban renewal proposals; proposed requirements ---- 3013

NATIONAL CREDIT UNION ADMINISTRATION

Rules and Regulations

Federal credit unions; organization ---- 2946

PUBLIC HEALTH SERVICE

Proposed Rule Making

Community mental health centers; construction and staffing program grants ---- 2970

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
- Applied Devices Corp ---- 3014
- Coating Unlimited, Inc ---- 3014
- Continental Vending Machine Corp ---- 3014
- Craig-Hallum Corp ---- 3015
- Jersey Central Power & Light Co ---- 3015
- Synercon Corp ---- 3016

SMALL BUSINESS ADMINISTRATION

Rules and Regulations

Disaster loans ---- 2947

Notices

Disaster loan area declarations:
- Illinois ---- 3017
- Oregon ---- 3017

SOCIAL AND REHABILITATION SERVICE

Proposed Rule Making

Community mental health centers; construction and staffing program grants; cross reference ---- 2986

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Comptroller of the Currency; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

PROCLAMATION:
- 4106 ---- 2921

EXECUTIVE ORDERS:
- 11345 (amended by EO 11646) ---- 2925
- 11645 ---- 2923
- 11646 ---- 2925

7 CFR

- 907 ---- 2927
- 928 ---- 2927
- 1001 ---- 2928
- 1002 ---- 2929
- 1004 ---- 2929
- 1006 ---- 2930
- 1007 ---- 2930
- 1011 ---- 2930
- 1012 ---- 2930
- 1013 ---- 2931
- 1015 ---- 2931
- 1030 ---- 2931
- 1032 ---- 2932
- 1033 ---- 2932
- 1036 ---- 2932
- 1040 ---- 2932
- 1043 ---- 2933
- 1044 ---- 2933
- 1046 ---- 2933
- 1049 ---- 2933
- 1050 ---- 2934
- 1060 ---- 2934
- 1061 ---- 2934
- 1063 ---- 2934
- 1064 ---- 2935
- 1065 ---- 2935
- 1068 ---- 2935
- 1069 ---- 2935
- 1070 ---- 2936
- 1071 ---- 2936
- 1073 ---- 2936
- 1075 ---- 2936
- 1076 ---- 2937
- 1078 ---- 2937
- 1079 ---- 2937
- 1090 ---- 2937
- 1094 (2 documents) ---- 2938, 2944
- 1096 ---- 2938
- 1097 ---- 2938
- 1098 ---- 2938
- 1099 ---- 2939
- 1101 ---- 2939
- 1102 ---- 2939
- 1103 ---- 2939
- 1104 ---- 2940
- 1106 ---- 2940
- 1108 ---- 2940
- 1120 ---- 2940
- 1124 ---- 2940
- 1125 ---- 2941
- 1126 ---- 2941
- 1127 ---- 2941
- 1128 ---- 2941
- 1129 ---- 2942
- 1130 ---- 2942
- 1131 ---- 2942
- 1132 ---- 2942
- 1133 ---- 2943
- 1134 ---- 2943
- 1136 ---- 2943
- 1137 ---- 2943
- 1138 ---- 2944

PROPOSED RULES:
- 1046 ---- 2969

9 CFR

- 73 ---- 2945

12 CFR

- 701 ---- 2946

13 CFR

- 123 ---- 2947

14 CFR

- 71 (4 documents) ---- 2952, 2953
- 93 ---- 2953

16 CFR

- 13 (2 documents) ---- 2953

18 CFR

- 2 ---- 2954

21 CFR

- 121 (5 documents) ---- 2958–2960
- 135 (2 documents) ---- 2961
- 135e (2 documents) ---- 2960, 2961
- 144 ---- 2960

PROPOSED RULES:
- 130 ---- 2969

30 CFR

PROPOSED RULES:
- 80 ---- 2968

41 CFR

- 101–11 ---- 2962

42 CFR

PROPOSED RULES:
- 51b ---- 2970
- 54 ---- 2970

45 CFR

PROPOSED RULES:
- 415 ---- 2986

50 CFR

- 28 ---- 2964
- 33 (2 documents) ---- 2964, 2967

VOL 37 NO 28 FEB 10 72 XUM

Presidential Documents

Title 3—The President

PROCLAMATION 4106

Law Day, USA, 1972

By the President of the United States of America

A Proclamation

Reminiscing once about his long and distinguished career in the law, the late Felix Frankfurter pointedly recalled how a dispute over a legal question had ended with a colleague on the Harvard Law School faculty.

"You take law awfully seriously," his friend chided him.

Yes, Professor Frankfurter replied quietly, "That's one accusation against which I plead guilty without reservation."

"I do take law very seriously," he maintained, "because fragile as reason is and limited as law is as the expression of the institutionalized medium of reason, that's all we have standing between us and tyranny of mere will and the cruelty of unbridled, undisciplined feeling."

As America prepares to celebrate this year the fifteenth annual observance of Law Day, USA, we have only to reflect for a moment upon the impact of law in order to appreciate the reverence in which it was held by Justice Frankfurter.

Unquestionably, the rule of law underlies our entire social, economic and governmental structure. Under it, men and women can buy and sell, marry, express their personal opinions, and engage in a vast array of other activities with the assurance that their contracts will be enforced and their liberties protected. Without it, America would not have realized its unparalleled growth in prosperity, individual freedom, and equality of opportunity.

Law Day is not a day set aside for lawyers, but was established by the Congress to encourage every citizen to think anew of the central role of law in our society. This year many observances will be designed to promote greater efforts to renew our governmental institutions,

V 37 28 FEB 10 72 XUM

strengthen the legal structure, and encourage a wider acceptance of the responsibilities of citizenship. The law, as Daniel Webster said, "has honored us, may we honor it."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request the observance of Monday, May 1, 1972, as Law Day in the United States of America.

And, as requested by the Congress, I urge that our people observe Law Day with appropriate public ceremonies, through public bodies and private organizations, in schools and other suitable places. I especially request that the legal profession, all media of public information, and the courts take the lead in sponsoring, participating and publicizing observances throughout the Nation. And, I call upon public officials to display the Nation's flag on public buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of February, in the year of our Lord, nineteen-hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-2046 Filed 2-8-72; 2:34 pm]

EXECUTIVE ORDER 11645

Authority of the Secretary of Transportation To Prescribe Certain Regulations Relating to Coast Guard Housing

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Transportation is designated and empowered to prescribe (or, under a delegation of the Secretary's authority, the Commandant of the Coast Guard is authorized to prescribe) regulations pursuant to section 475(c) of title 14 of the United States Code, relating to the designation and leasing of rental housing, without the approval, ratification, or other action by the President.

SEC. 2. Whenever the entire Coast Guard operates as a service in the Navy, the reference to the Secretary of Transportation in section 1 of this order shall be deemed to be a reference to the Secretary of the Navy.

Richard Nixon

THE WHITE HOUSE,
February 8, 1972.

[FR Doc.72-2045 Filed 2-8-72; 2:34 pm]

FEB 10 72 XUM

EXECUTIVE ORDER 11646

Membership of Department of State on the Great Lakes Basin Commission

Planning for the conservation and use of the water and related land resources of the Great Lakes Basin requires coordination among the affected State and local governments, Federal agencies, other jurisdictions and agencies, and with the Government of Canada. To assure effective coordination in this regard, Executive Order No. 11345 of April 20, 1967, created the Great Lakes Basin Commission pursuant to the provisions of section 201 of the Water Resources Planning Act. I have now determined that the inclusion of a representative of the Department of State as a member of the Great Lakes Basin Commission would enhance the work of that Commission.

NOW, THEREFORE, by virtue of the authority vested in me by section 202 of the Water Resources Planning Act (79 Stat. 247; 42 U.S.C. 1962b–1) and as President of the United States, it is ordered as follows:

SECTION 1. Section 3(2) of Executive Order No. 11345 of April 20, 1967, as amended, is hereby further amended by inserting "Department of State," immediately before "Department of Agriculture".

SEC. 2. Section 5 of Executive Order No. 11345 is hereby amended to read as follows:

"SEC. 5. *International Coordination.* The Council and the Department of State shall consult as appropriate on matters under consideration by the Commission which relate to the areas of interest and jurisdiction of the International Joint Commission, United States and Canada, and the Great Lakes Fishery Commission."

Richard Nixon

THE WHITE HOUSE,
February 8, 1972.

[FR Doc.72–2104 Filed 2–9–72; 10:29 am]

V 37 28 FEB 10 72 XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 255]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.555 Navel Orange Regulation 255.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 8, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 11, through February 17, 1972, are hereby fixed as follows:

(i) District 1: 913,000 cartons

(ii) District 2: 187,000 cartons

(iii) District 3: Unlimited

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 8, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–2147 Filed 2–9–72;11:24 am]

PART 928—PAPAYAS GROWN IN HAWAII

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

On January 19, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 793) regarding proposed expenses and the related rate of assessment for the fiscal year ending December 31, 1972, and carryover of unexpended funds, pursuant to the marketing agreement and Order No. 928 (CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Papaya Administrative Committee (established pursuant to said marketing agreement and order) it is hereby found and determined that:

§ 928.201 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1972, through December 31, 1972, will amount to $162,500.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 928.41, is fixed at $0.0065 per pound of papayas.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the initial fiscal year ended December 31, 1971, shall be carried over as a reserve in accordance with applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of papayas are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable papayas from the beginning of such period; and (3) such period began on January 1, 1972, and the rate of assessment herein fixed will automatically apply to all assessable papayas beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 7, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–2013 Filed 2–9–72;8:54 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Docket No. AO 14–A50, etc.]

MILK IN BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

7 CFR Part	Marketing area	Docket No.
1001	Boston Regional	AO–14–A50.
1002	New York-New Jersey	AO–71–A63.
1004	Middle Atlantic	AO–160–A48.
1006	Upper Florida	AO–356–A9.
1007	Georgia	AO–366–A9.
1011	Appalachian	AO–251–A14.
1012	Tampa Bay	AO–347–A13.
1013	Southeastern Florida	AO–286–A21.
1015	Connecticut	AO–305–A29.
1030	Chicago Regional	AO–361–A6.
1032	Southern Illinois	AO–313–A22.
1033	Ohio Valley	AO–166–A42.
1036	Eastern Ohio-Western Pennsylvania.	AO–179–A38.

FEB 10 72

7 CFR Part	Marketing area	Docket No.
1040	Southern Michigan	AO-225-A34.
1043	Upstate Michigan	AO-247-A17.
1044	Michigan Upper Peninsula.	AO-299-A19.
1046	Louisville-Lexington-Evansville.	AO-123-A39.
1049	Indiana	AO-319-A19.
1050	Central Illinois	AO-355-A11.
1060	Minnesota-North Dakota	AO-360-A7.
1061	Southeast Minnesota-Northern Iowa (Dairyland).	AO-367-A6.
1062	St. Louis-Ozarks	AO-10-A44.
1063	Quad Cities-Dubuque	AO-105-A36.
1064	Greater Kansas City	AO-23-A43.
1065	Nebraska-Western Iowa	AO-86-A26.
1068	Minneapolis-St. Paul	AO-178-A29.
1069	Duluth-Superior	AO-163-A20.
1070	Cedar Rapids-Iowa City	AO-229-A27.
1071	Neosho Valley	AO-227-A27.
1073	Wichita, Kans	AO-173-A27.
1075	Black Hills, S. Dak	AO-248-A14.
1076	Eastern South Dakota	AO-260-A18.
1078	North Central Iowa	AO-272-A21.
1079	Des Moines, Iowa	AO-295-A25.
1090	Chattanooga, Tenn	AO-266-A16.
1094	New Orleans, La	AO-103-A34.
1096	Northern Louisiana	AO-287-A21.
1097	Memphis, Tenn	AO-219-A26.
1098	Nashville, Tenn	AO-194-A32.
1099	Paducah, Ky	AO-183-A27.
1101	Knoxville, Tenn	AO-196-A21.
1102	Fort Smith, Ark	AO-237-A21.
1103	Mississippi	AO-346-A15.
1104	Red River Valley	AO-296-A20.
1106	Oklahoma Metropolitan	AO-210-A32.
1108	Central Ark	AO-243-A23.
1120	Lubbock Plainview, Tex	AO-328-A14.
1124	Oregon-Washington	AO-368-A5.
1125	Puget Sound, Wash	AO-226-A24.
1126	North Texas	AO-231-A36.
1127	San Antonio, Tex	AO-232-A24.
1128	Central West Texas	AO-238-A27.
1129	Austin-Waco, Tex	AO-256-A20.
1130	Corpus Christi, Tex	AO-289-A24.
1131	Central Arizona	AO-271-A16.
1132	Texas Panhandle	AO-292-A23.
1133	Inland Empire	AO-275-A28.
1134	Western Colorado	AO-301 A13.
1136	Great Basin	AO-309-A18.
1137	Eastern Colorado	AO-326-A17.
1138	Rio Grande Valley	AO-335-A19.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than February 1, 1972. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued January 5, 1972, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued January 24, 1972. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective February 1, 1972, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended;

(3) The issuance of the order amending each of the specified orders, except Austin-Waco, Fort Smith, Memphis, Michigan Upper Peninsula, and North Central Iowa, is approved or favored by at least two-thirds of the producers who, during the determined representative period, were engaged in the production of milk for sale in the respective marketing areas; and

(4) The issuance of the order amending the Austin-Waco, Fort Smith, Memphis, Michigan Upper Peninsula, and North Central Iowa orders is approved or favored by at least three-fourths of the producers who, during the determined representative period were engaged in the production of milk for sale in the respective marketing areas.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in each of the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1001—MILK IN BOSTON REGIONAL MARKETING AREA

1. In § 1001.32, paragraph (j) is revised as follows:

§ 1001.32 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class II price for the preceding month; and

(iii) The butterfat differential for the preceding month;

(2) The 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d); and

(3) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

* * * * *

2. The Class I price provisions of § 1001.60 are revised and redesignated. A new § 1001.60 is added as follows:

§ 1001.60 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1001.61 is revised as follows:

§ 1001.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for the month, at plants located in zone 21, shall be computed as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.58.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price for the month computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in § 1001.60;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1001.62 [Amended]

4. In § 1001.62 the reference "§ 1001.60," and the comma following the reference to § 1001.61 are deleted.

§ 1001.56 [Amended]

5. In § 1001.56, the reference to "§ 1001.32(j)(4)" in subparagraph (1) of paragraph (b) is changed to "§ 1001.32 (j)(3)".

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) is revised as follows:

§ 1002.22 Additional duties of the market administrator.

* * * * *

(m) Publicly announce the following:

(1) The fifth day of each month:

(i) The Class I price for the following month applicable at the 201–210-mile zone and at the 1–10-mile zone, and for the first month for which this paragraph is effective, the Class I price for the current month at such zones.

(ii) The Class II price for the preceding month applicable at the 201–210-mile zone and at the 1–10-mile zone; and

(iii) The butterfat differential for the preceding month;

* * * * *

2. The class prices provisions of § 1002.50 are revised and redesignated. A new § 1002.50 is added as follows:

§ 1002.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. A new § 1002.50a is added as follows:

§ 1002.50a Class prices.

For pool milk received during each month from dairy farmers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 1002.51 and 1002.81. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler but which does not operate the plant or the unit receiving the milk from producers shall on or before the 15th day of the following month pay such class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51, 1002.81, and 1002.82(b) applicable at the location where the milk is received from producers. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler and which operates the plant or the unit receiving the milk from producers shall on or before the 15th day of the following month pay such cooperative association in full for such milk at not less than the minimum class prices pursuant to this section subject to the differentials and adjustments set forth in §§ 1002.51, 1002.52, 1002.81, and 1002.82(b) applicable at the plant at which the milk is first received.

(a) For Class I–A milk the price shall be the basic formula price for the second preceding month plus $2.40.

(b) For Class I–B milk the price shall be the price for Class I–A milk.

(c) Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph:

Month	Amount
January	+$0.03
February	+.02
March	−.05
April	−.09
May	−.12
June	−.11
July	+.03
August	+.10
September	+.06
October	+.06
November	+.06
December	+.06

(1) Multiply by 4.2 the Chicago butter price specified in § 1002.50;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents and round to the nearest cent.

§ 1002.51 [Amended]

4. In § 1002.51 the reference "§ 1002.50" is changed to "§ 1002.50a".

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.22, paragraph (j) is revised as follows:

§ 1004.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class II price for the preceding month; and

(iii) The producer butterfat differential for the preceding month.

(2) The 13th day of each month, the uniform price(s) pursuant to §§ 1004.71 and 1004.72 for the preceding month.

* * * * *

2. The class price provisions of § 1004.50 are revised and redesignated. A new § 1004.50 is added as follows:

§ 1004.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per

FEB 10 72

pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. A new § 1004.50a is added as follows:

§ 1004.50a Class prices.

Subject to the provisions of § 1004.51 the minimum class prices per hundredweight of milk containing 3.5 percent butterfat for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.08
December	+.08

(1) Multiply by 4.2 the Chicago butter price specified in § 1004.50;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

1. In § 1006.22, paragraph (j) is revised as follows:

§ 1006.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month;

(iii) The Class II price and the Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1006.50 is revised as follows:

§ 1006.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1006.51, paragraph (a) is revised as follows:

§ 1006.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

* * * * *

PART 1007—MILK IN GEORGIA MARKETING AREA

1. In § 1007.27, paragraph (j) is revised as follows:

§ 1007.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price(s) pursuant to §§ 1007.61 and 1007.61a and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1007.50 is revised as follows:

§ 1007.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1007.51, paragraph (a) is revised as follows:

§ 1007.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.30.

* * * * *

PART 1011—MILK IN APPALACHIAN MARKETING AREA

1. In § 1011.22, paragraph (k) is revised as follows:

§ 1011.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1011.50 is revised as follows:

§ 1011.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1011.51, paragraph (a) is revised as follows:

§ 1011.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.13.

* * * * *

PART 1012—MILK IN TAMPA BAY MARKETING AREA

1. In § 1012.22, paragraph (j) is revised as follows:

§ 1012.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and the Class II butterfat differential, both for the preceding month;

(2) The 11th day of each month the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1012.50 is revised as follows:

§ 1012.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1012.51, paragraph (a) is revised as follows:

§ 1012.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.95.

* * * * *

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.27, paragraph (j) is revised as follows:

§ 1013.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1013.50 is revised as follows:

§ 1013.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1013.51(a) is revised as follows:

§ 1013.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.15.

* * * * *

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) is revised as follows:

§ 1015.32 Additional duties of the market administrator.

* * * * *

(g) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class II price for the preceding month; and

(iii) The butterfat differential for the preceding month;

(2) The 14th day of each month the basic uniform price for the preceding month computed under § 1015.64 and the zone uniform prices resulting from the adjustment of the basic uniform price by the zone price differentials under § 1015.62; and

(3) Whenever required for the purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

* * * * *

2. The Class I price provisions of § 1015.60 are revised and redesignated. A new § 1015.60 is added as follows:

§ 1015.60 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1015.61 is revised as follows:

§ 1015.61 Class prices.

The class prices per hundredweight of milk containing 3.5 percent butterfat for the month at plants located in the nearby plant zone shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.98.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	Amount
January	+$0.088
February	+.078
March	+.008
April	−.032
May	−.062
June	−.052
July	+.088
August	+.158
September	+.118
October	+.118
November	+.118
December	+.118

(1) Multiply by 4.2 the Chicago butter price specified in § 1015.60;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 48 cents, and round to the nearest cent.

§ 1015.62 [Amended]

4. In § 1015.62 the reference "§ 1015.60," is deleted.

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

1. In § 1030.22, paragraph (j) is revised as follows:

§ 1030.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 14th day of each month, the uniform price and the producer butterfat

FEB 10 72

differential, both for the preceding month;

. . . . . .

2. Section 1030.50 is revised as follows:

§ 1030.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1030.51, paragraph (a) is revised as follows:

§ 1030.51 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.26.

. . . . . .

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.22, paragraph (h) is revised as follows:

§ 1032.22 Additional duties of the market administrator.

. . . . . .

(h) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

. . . . . .

2. Section 1032.50 is revised as follows:

§ 1032.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1030.51, paragraph (a) is revised as follows:

§ 1030.51 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.26.

. . . . . .

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.22, paragraph (h) is revised as follows:

§ 1032.22 Additional duties of the market administrator.

. . . . . .

(h) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

. . . . . .

2. Section 1032.50 is revised as follows:

§ 1032.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1032.51, paragraph (a) is revised as follows:

§ 1032.51 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.26.

. . . . . .

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

1. In § 1033.27, paragraph (k) is revised as follows:

§ 1033.27 Additional duties of the market administrator.

. . . . . .

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

. . . . . .

2. Section 1033.50 is revised as follows:

§ 1033.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1033.51, paragraph (a) is revised as follows:

§ 1033.51 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

. . . . . .

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. In § 1036.27, paragraph (j) is revised as follows:

§ 1036.27 Additional duties of the market administrator.

. . . . . .

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials and the producer butterfat differential, all for the preceding month; and
(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

. . . . . .

2. Section 1036.50 is revised as follows:

§ 1036.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1036.51, paragraph (a) is revised as follows:

§ 1036.51 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.87 for plants in the Cleveland-Erie district and $1.97 for plants in the Pittsburgh district. At a plant outside the marketing area, add to the basic formula price for the second preceding month the amount applicable pursuant to this paragraph at the location of the city hall of the following cities that is nearest such plant (by the shortest hard-surfaced highway distance as determined by the market administrator): Canton and Cleveland, Ohio; Erie, Pittsburgh, and Uniontown, Pa.; and Clarksburg, W. Va.

. . . . . .

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

1. In § 1040.27, paragraph (k) is revised as follows:

§ 1040.27 Additional duties of the market administrator.

. . . . . .

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices, the corresponding butterfat differentials and the producer butterfat differential, all for the preceding month; and
(2) The 11th day of each month, the uniform prices pursuant to §§ 1040.62, 1040.63, and 1040.65, and the excess milk price, all for the preceding month;

2. Section 1040.50 is revised as follows:

§ 1040.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1040.51, paragraph (a) is revised as follows:

§ 1040.51 Class I milk price.

. . . . . .

(a) To the basic formula price for the second preceding month add $1.60.

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. In § 1043.22, paragraph (i) is revised as follows:

§ 1043.22 Additional duties of the market administrator.

. . . . . .

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

. . . . . .

2. Section 1043.50 is revised as follows:

§ 1043.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1043.51, the text preceding paragraph (b) is revised as follows:

§ 1043.51 Class prices.

Subject to the provisions of §§ 1043.52 and 1043.53, the prices per hundredweight to be paid by each handler, f.o.b. his pool plant for milk received from producers or from cooperative associations during the month, shall be as follows:

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.49.

. . . . . .

§ 1043.62 [Amended]

4. In § 1043.62, the reference to "§ 1043.51(b)(2)(i)" is changed to "§ 1043.50."

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. In § 1044.22, paragraph (i) is revised as follows:

§ 1044.22 Additional duties of the market administrator.

. . . . . .

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

. . . . . .

2. Section 1044.50 is revised as follows:

§ 1044.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1044.51, paragraph (a) is revised as follows:

§ 1044.51 Class prices.

. . . . . .

(a) *Class I price.* The Class I price for plants located in Zone 1 shall be the basic formula price for the second preceding month plus $1.15. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside of the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2.

. . . . . .

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. In § 1046.22, paragraph (k) is revised as follows:

§ 1046.22 Additional duties of the market administrator.

. . . . . .

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

. . . . . .

2. Section 1046.50 is revised as follows:

§ 1046.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1046.51, paragraph (a) is revised as follows:

§ 1046.51 Class prices.

. . . . . .

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.49.

. . . . . .

PART 1049—MILK IN INDIANA MARKETING AREA

1. In § 1049.27, paragraph (j) is revised as follows:

§ 1049.27 Additional duties of the market administrator.

. . . . . .

FEB 10 72

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 14th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1049.50 is revised as follows:

§ 1049.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1049.51, paragraph (a) is revised as follows:

§ 1049.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.47.

• • • • • •

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.22, paragraph (h) is revised as follows:

§ 1050.22 Additional duties of the market administrator.

• • • • • •

(h) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1050.50 is revised as follows:

§ 1050.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1050.51, paragraph (a) is revised as follows:

§ 1050.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.39.

• • • • • •

PART 1060—MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

1. In § 1060.32, paragraph (j) is revised as follows:

§ 1060.32 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1060.50 is revised as follows:

§ 1060.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1060.51, paragraph (a) is revised as follows:

§ 1060.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.30.

• • • • • •

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. In § 1061.22, paragraphs (h) and (i) are revised as follows:

§ 1061.22 Additional duties of the market administrator.

• • • • • •

(h) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;
(i) On or before the 12th day of each month, notify each handler of his obligations to the producer-settlement fund for the preceding month;

• • • • • •

2. Section 1061.50 is revised as follows:

§ 1061.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1061.51, paragraph (a) is revised as follows:

§ 1061.51 Class prices.

• • • • • •

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.06.

• • • • • •

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.22, paragraph (j) is revised as follows:

§ 1063.22 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1063.50 is revised as follows:

§ 1063.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:
(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.
(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33.
(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. In § 1064.22, paragraph (j) is revised as follows:

§ 1064.22 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price(s) pursuant to §§ 1064.71 and 1064.72 and the producer butterfat differential, all for the preceding month;

• • • • • •

2. Section 1064.50 is revised as follows:

§ 1064.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1064.51, paragraph (a) is revised as follows:

§ 1064.51 Class prices.

• • • • • •

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.74.

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

1. In § 1065.22, paragraph (k) is revised as follows:

§ 1065.22 Additional duties of the market administrator.

• • • • • •

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1065.50 is revised as follows:

§ 1065.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1065.51, paragraph (a) is revised as follows:

§ 1065.51 Class prices.

• • • • • •

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.60 for pool plants located in Zone 1, plus $1.50 in Zone 2 and plus $1.75 in Zone 3.

• • • • • •

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

1. In § 1068.22, paragraph (h) is deleted, and paragraph (g) is revised as follows:

§ 1068.22 Additional duties of the market administrator.

• • • • • •

(g) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 15th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;
(h) [Reserved]

• • • • • •

2. Section 1068.51 is revised as follows:

§ 1068.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1068.53 is revised as follows:

§ 1068.53 Class I price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a), the price per hundredweight for Class I milk shall be the basic formula price for the second preceding month plus $1.06.

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

1. In § 1069.22, paragraph (i) is revised as follows:

§ 1069.22 Additional duties of the market administrator.

• • • • • •

(i) Publicly announce on or before:
(1) the fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and

FEB 10 72
XUM

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1069.50 is revised as follows:

§ 1069.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1069.51, paragraph (a) is revised as follows:

§ 1069.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.10.

• • • • • •

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. In § 1070.22, paragraph (j) is revised as follows:

§ 1070.22 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1070.50 is revised as follows:

§ 1070.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33.

(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

1. In § 1071.22, paragraph (j) is revised as follows:

§ 1071.22 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1071.50 is revised as follows:

§ 1071.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.54: *Provided*, That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than the lower of the following:

• • • • • •

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. In § 1073.22, paragraph (i) is revised as follows:

§ 1073.22 Additional duties of the market administrator.

• • • • • •

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1073.50 is revised as follows:

§ 1073.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33

3. In § 1073.51, paragraph (a) is revised as follows:

§ 1073.51 Class prices.

• • • • • •

(a) *Class I price.* The Class I price at plants located in Zone I shall be the basic formula price for the second preceding month plus $1.80. Such price shall not be less than the Class I price established for the same month pursuant to Part 1064 (Greater Kansas City) of this chapter, nor more than the Greater Kansas City Class I price plus 60 cents.

• • • • • •

PART 1075—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

1. In § 1075.27, paragraph (j) is revised as follows:

§ 1075.27 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price for each handler and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1075.50 is revised as follows:

§ 1075.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1075.51, paragraph (a) is revised as follows:

§ 1075.51 Class prices.

• • • • • •

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

• • • • • •

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

1. In § 1076.27, paragraph (j) is revised as follows:

§ 1076.27 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1076.50 is revised as follows:

§ 1076.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1076.51, paragraph (a) is revised as follows:

§ 1076.51 Class prices.

• • • • • •

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.50.

• • • • • •

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.22, paragraph (j) is revised as follows:

§ 1078.22 Additional duties of the market administrator.

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price for each handler and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1078.50 is revised as follows:

§ 1078.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40.

(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

1. In § 1079.27, paragraph (j) is revised as follows:

§ 1079.27 Additional duties of the market administrator

• • • • • •

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • • •

2. Section 1079.50 is revised as follows:

§ 1079.50 Basic formula and class prices.

The basic formula and class prices for the month shall be as follows:

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40.

(c) *Class II price.* The Class II price shall be the basic formula price for the month.

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

1. In § 1090.27, paragraph (k) is revised as follows:

§ 1090.27 Additional duties of the market administrator.

• • • • • •

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which

FEB 10 72

this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price(s) pursuant to §§ 1090.71 and 1090.72 and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1090.50 is revised as follows:

§ 1090.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1090.51, paragraph (a) is revised as follows:

§ 1090.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.15.

* * * * *

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

1. In § 1094.22, paragraph (k) is revised as follows:

§ 1094.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1094.50 is revised as follows:

§ 1094.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1094.51, paragraph (a) is revised as follows:

§ 1094.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85.

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

1. In § 1096.27, paragraph (j) is revised as follows:

§ 1096.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1096.50 is revised as follows:

§ 1096.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1096.51, paragraph (a) is revised as follows:

§ 1096.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.47.

* * * * *

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. In § 1097.22, paragraph (i) is revised as follows:

§ 1097.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 13th day of each month, the uniform price(s) for each handler pursuant to §§ 1097.71 and 1097.72, the location differential for each handler and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1097.50 is revised as follows:

§ 1097.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1097.51, paragraph (a) is revised as follows:

§ 1097.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94.

* * * * *

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

1. In § 1098.22, paragraph (j) is revised as follows:

§ 1098.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price(s) pursuant to §§ 1098.71 and 1098.72 and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1098.50 is revised as follows:

§ 1098.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1098.51, paragraph (a) is revised as follows:

§ 1098.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.58.

* * * * *

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

1. In § 1099.22, paragraph (k) is revised as follows:

§ 1099.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1099.50 is revised as follows:

§ 1099.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1099.51, paragraph (a) is revised as follows:

§ 1099.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.58.

* * * * *

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. In § 1101.22, paragraph (j) is revised as follows:

§ 1101.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1101.50 is revised as follows:

§ 1101.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1101.51, paragraph (a) is revised as follows:

§ 1101.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70.

* * * * *

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. In § 1102.22, paragraph (j) is revised as follows:

§ 1102.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price(s) pursuant to §§ 1102.71 and 1102.72 and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1102.50 is revised as follows:

§ 1102.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1102.51, paragraph (a) is revised as follows:

§ 1102.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

* * * * *

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

1. In § 1103.22, paragraph (i) is revised as follows:

§ 1103.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1103.50 is revised as follows:

§ 1103.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential

FEB 10 72

(rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1103.51, paragraph (a) is revised as follows:

§ 1103.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.47.

* * * * *

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

In § 1104.27, paragraph (k) is revised as follows:

§ 1104.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.22, paragraph (j) is revised as follows:

§ 1106.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1106.50 is revised as follows:

§ 1106.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1106.51, paragraph (a) is revised as follows:

§ 1106.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.98.

* * * * *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.27, paragraph (k) is revised as follows:

§ 1108.27 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1108.50 is revised as follows:

§ 1108.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1108.51, paragraph (a) is revised as follows:

§ 1108.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94.

* * * * *

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. In § 1120.27, paragraph (j) is revised as follows:

§ 1120.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first time for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. In § 1120.50, paragraph (a) is revised and a new paragraph (c) is added as follows:

§ 1120.50 Basic formula and class prices.

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.42.

* * * * *

(c) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

PART 1124—MILK IN OREGON-WASHINGTON MARKETING AREA

1. In § 1124.22, paragraph (l) is revised as follows:

§ 1124.22 Additional duties of the market administrator.

* * * * *

(l) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and

(2) The 14th day of each month, the uniform prices and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1124.50 is revised as follows:

§ 1124.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1124.51, paragraph (a) is revised as follows:

§ 1124.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.95.

* * * * *

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

1. In § 1125.22, paragraph (k) is revised as follows:

§ 1125.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 13th day of each month, the weighted average and the uniform price(s) pursuant to §§ 1125.71 and 1125.72, the location adjustments for excess milk pursuant to § 1125.81(a)(2) and the producer butterfat differential, all for the preceding month;

* * * * *

2. Section 1125.50 is revised as follows:

§ 1125.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1125.51, paragraph (a) is revised as follows:

§ 1125.51 Class prices.

* * * * *

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $1.85.

* * * * *

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. In § 1126.27, paragraph (j) is revised as follows:

§ 1126.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1126.50 is revised as follows:

§ 1126.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1126.51, paragraph (a) is revised as follows:

§ 1126.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.32.

* * * * *

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. In § 1127.22, paragraph (j) is revised as follows:

§ 1127.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class II-A prices and the corresponding butterfat differentials all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. In § 1127.50, paragraph (b) is revised as follows:

§ 1127.50 Minimum prices and basic formula price.

* * * * *

(b) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. Section 1127.51 is revised as follows:

§ 1127.51 Class I price.

The Class I price shall be the basic formula price for the second preceding month plus $2.74.

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.22, paragraph (j) is revised as follows:

§ 1128.22 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class II-A prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1128.50 is revised as follows:

§ 1128.50 Basic formula and Class I price.

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* Subject to the provisions of §§ 1128.52 and 1128.53, the Class I price per hundredweight shall be the basic formula price for the second preceding month plus $2.57.

PART 1129—MILK IN AUSTIN-WACO, TEX., MARKETING AREA

1. In § 1129.27, paragraph (i) is revised as follows:

§ 1129.27 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 12th day of each month, the uniform price for each handler and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1129.50 is revised as follows:

§ 1129.50 Basic formula and Class I price.

(a) *Basic formula price.* The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

(b) *Class I price.* Subject to the provisions of §§ 1129.52 and 1129.53, the Class I price per hundredweight shall be the basic formula price for the second preceding month plus $2.70.

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. In § 1130.22, paragraph (i) is revised as follows:

§ 1130.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1130.50 is revised as follows:

§ 1130.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1130.51, paragraph (a) is revised as follows:

§ 1130.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.07.

* * * * *

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

1. In § 1131.22, paragraph (k) is revised as follows:

§ 1131.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 11th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1131.50 is revised as follows:

§ 1131.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound as Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1131.51, the part of paragraph (a) that precedes subparagraph (1) is revised as follows:

§ 1131.51 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $2.52, and shall be increased or decreased by a "supply-demand adjustment" of not more than 50 cents computed as follows:

* * * * *

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. In § 1132.27, paragraph (j) is revised as follows:

§ 1132.27 Additional duties of the market administrator.

* * * * *

(j) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II price and Class II butterfat differential, both for the preceding month; and
(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1132.50 is revised as follows:

§ 1132.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1132.51, paragraph (a) is revised as follows:

§ 1132.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.25.

* * * * *

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

1. In § 1133.22, paragraph (k) is revised as follows:

§ 1133.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. In § 1133.50, the first paragraph of the text preceding paragraph (a), and paragraph (a) are revised as follows:

§ 1133.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

* * * * *

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the second preceding month plus $1.95.

* * * * *

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

1. In § 1134.22, paragraph (i) is revised as follows:

§ 1134.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The 5th day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding months; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1134.50 is revised as follows:

§ 1134.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1134.51, paragraph (a) is revised as follows:

§ 1134.51 Class prices.

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $2.00.

* * * * *

PART 1136—MILK IN GREAT BASIN MARKETING AREA

1. In § 1136.22, paragraph (k) is revised as follows:

§ 1136.22 Additional duties of the market administrator.

* * * * *

(k) Publicly announce on or before:
(1) The fifth day of each month:
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. In § 1136.50, paragraph (a) is revised as follows:

§ 1136.50 Class prices.

* * * * *

(a) *Class I milk price.* The Class I price shall be the basic formula price for the second preceding month plus $1.90.

* * * * *

3. Section 1136.51 is revised as follows:

§ 1136.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

1. In § 1137.22, paragraph (i) is revised as follows:

§ 1137.22 Additional duties of the market administrator.

* * * * *

(i) Publicly announce on or before:
(1) The fifth day of each month;
(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;
(ii) The Class I butterfat differential for the current month; and
(iii) The Class II and Class III prices and the corresponding butterfat differentials, all for the preceding month; and
(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

* * * * *

2. Section 1137.50 is revised as follows:

§ 1137.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per

FEB 10 72
XUM

pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1137.51, paragraph (a) is revised as follows:

§ 1137.51 Class prices.

• • • • •

(a) *Class I milk.* The Class I price shall be the basic formula price for the second preceding month plus $2.30.

• • • • •

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.22, paragraph (i) is revised as follows:

§ 1138.22 Additional duties of the market administrator.

• • • • •

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 12th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1138.50 is revised as follows:

§ 1138.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1138.51, paragraph (a) is revised as follows:

§ 1138.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the second preceding month plus $2.35.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: February 1, 1972.

Signed at Washington, D.C., on February 4, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–1930 Filed 2–9–72;8:49 am]

[Docket No. AO 103–A32, Milk Order 94]

PART 1094—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the New Orleans, La., marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New Orleans, La., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1094.10, paragraphs (b) and (c) are revised as follows and paragraph (d) is revoked:

§ 1094.10 Pool plant.

• • • • •

(b) A supply plant from which not less than 45 percent of the Grade A milk received from dairy farmers at such plant during the month is shipped to and received at plants qualifying for the month pursuant to paragraph (a) of this section. Any supply plant meeting such shipping standard for each of the months of August through November shall continue to be a pool plant the following months of December through July unless the operator notifies the market administrator in writing before the first day of any such month of his intent to withdraw such plant as a plant qualified under this paragraph, in which case such plant thereafter shall be a nonpool plant except in any month it meets the above 45 percent shipping standard.

(c) For the purpose of meeting the minimum 45 percent shipping standard of paragraph (b) of this section by a supply plant operated by a cooperative association, all member-dairy farmer milk delivered directly from farms pursuant to § 1094.12(d) to distributing plant(s) qualified under paragraph (a) of this section will be considered to have been first received at that supply plant of the cooperative located nearest New Orleans, La., and then shipped therefrom to such distributing plant(s). The cooperative association may withdraw such supply plant from qualification under this section:

(1) If the cooperative notifies the market administrator in writing prior to or during the month of its intention not to qualify the plant under this section during that month; and

(2) The milk actually shipped during the month from such plant to plant(s) qualified under paragraph (a) of this section is less than 45 percent of the Grade A milk actually received from dairy farmers at such supply plant during the month.

(d) [Revoked]

2. In paragraph (c) of § 1094.12, the reference "in accordance with § 1094.14" is changed to "in accordance with § 1094.15."

3. In § 1094.12, paragraph (d) is revised as follows:

§ 1094.12 Handler.

• • • • •

(d) Any cooperative association with respect to the milk of producers which it causes to be delivered directly from the farm to the pool plant of another person in a tank truck owned and operated by, under contract to, or under the control of such association (unless the association and the person operating the pool plant both notify the market administrator, in writing, prior to the time of delivery that the pool plant operator is to be held responsible to the pool for such milk). For purposes of pricing, such milk shall be deemed to have been received by the association from producers at the location of the pool plant at which such milk is physically received.

• • • • •

4. Section 1094.14 is revised to read as follows:

§ 1094.14 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk, in compliance with Grade A inspection requirements of a duly constituted health authority, which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1094.12(d) or is diverted pursuant to § 1094.15(d) from a pool plant to a nonpool plant.

5. Section 1094.15 is revised to read as follows:

§ 1094.15 Producer milk.

"Producer milk" means the skim milk and butterfat contained in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer, except any such milk received by diversion from another order plant at which such milk is fully subject to the pricing provisions of the other order and which is allocated to Class II pursuant to § 1094.46(a)(4)(iii) and the corresponding provision of § 1094.46(b);

(b) Received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1094.12(d);

(c) Diverted from a pool plant to the pool plant of another handler. Milk so diverted shall be deemed to have been received at the location of the plant to which diverted; and

(d) Diverted by the operator of a pool plant or a cooperative association to a nonpool plant subject to the following conditions:

(1) During December through July such diversions may be made without limit;

(2) During August through November such diversions shall be limited to the amounts specified in subdivisions (i), (ii), and (iii) of this subparagraph:

(i) A cooperative association may divert the milk of any eligible member-dairy farmer without limit during the month if the total volume of milk so diverted does not exceed 35 percent of the cooperative's total member producer milk during that month;

(ii) The operator of a pool plant may divert from such plant the milk of any eligible nonmember dairy farmer without limit during the month if the total volume of milk so diverted does not exceed 35 percent of his nonmember producer milk during that month; and

(iii) If the 35 percent limitation described in subdivisions (i) and (ii) of this subparagraph is exceeded, the diversion of any eligible dairy farmer's milk shall be limited to 15 days' production during any such month. If this 15-day limitation is exceeded for any such dairy farmer, he shall be eligible for pooling only with respect to that milk physically received at pool plants during the month;

(3) Diverted milk shall be deemed to have been received at the location of the plant to which diverted; and

(4) Diversion to an other order plant shall be limited to Class II use.

6. Section 1094.17 is revised to read as follows:

§ 1094.17 Fluid milk product.

"Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, filled milk, concentrated milk or skim milk, fortified milk or skim milk, flavored milk, flavored milk drinks (including eggnog), cream (other than frozen storage cream), cultured sour cream, sour cream products labeled Grade A and any mixture of cream and milk or skim milk in fluid form (other than ice cream mixes, other frozen dessert mixes and sterilized products contained in hermetically sealed containers). This definition shall not include a product which contains 6 percent or more nonmilk fat (or oil).

7. In § 1094.44, the introductory text of paragraph (c) is revised and a new subparagraph (4) is added as follows:

§ 1094.44 Transfers.

• • • • •

(c) Subject to the provisions of subparagraph (4) of this paragraph, as Class I milk if transferred in bulk as milk, filled milk, skim milk or cream, or diverted, to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph: • • •

(4) If such nonpool plant transfers skim milk or butterfat as milk, skim milk, or cream in bulk to a pool plant, the amount so transferred that is not in excess of receipts during the month at such nonpool plant from pool plants shall be excluded from the milk transferred within the meaning of subparagraph (3) of this paragraph, and shall be classified pursuant to paragraph (a) of this section as if moved directly to the second pool plant with Class II utilization indicated. If the classification limitations provided in paragraph (a) of this section results in any skim milk or butterfat being classified as Class I from pool plants of two or more handlers such classification shall be shared pro rata between such handlers unless at or before the time of reporting, signed statements by operators of such plants indicate agreement on a different sharing of such Class I classification.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1972.

Signed at Washington, D.C., on February 4, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–1929 Filed 2–9–72;8:49 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), the provisions in Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, are hereby amended as follows:

In § 73.1a, a new paragraph (c) is added to read:

§ 73.1a Notice of quarantine.

• • • • •

(c) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following counties in such State are hereby quarantined because of said disease:

(1) Harding County.
(2) Guadalupe County.
(3) Lincoln County.
(4) Torrance County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines Harding, Guadalupe, Lincoln, and Torrance Counties in New Mexico because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of February, 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-2012 Filed 2-9-72;8:54 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Revision of Organization of Federal Credit Unions

On pages 14149–14150 of the FEDERAL REGISTER of July 30, 1971, there was published a proposed revision of § 701.1 (12 CFR 701.1) concerning the organization of Federal credit unions.

After consideration of all such relevant matter as was presented by interested persons, the regulation as so proposed is hereby adopted, subject to the following changes:

1. In § 701.1(a)(2), following the semicolon, insert the following: "it is not necessary that the investigator be an employee of the National Credit Union Administration;".

2. In § 701.1(a)(3)(iii), lines 4, 5, and 6, delete "how much initial savings they will be willing to pledge to be paid in within 30 days of the approval of the charter."

3. In § 701.1(a)(4), line 1, following the number "(4)," insert: "(i)."

4. In § 701.1(a)(4)(i), change the numbers (i), (ii), (iii), and (iv) to (a), (b), (c), and (d).

5. Following § 701.1(a)(4)(i)(d), add a new subdivision (ii).

6. In § 701.1(a)(4)(ii), change the numbers (v), (vi), (vii), (viii), and (ix) to (a), (b), (c), (d), and (e).

7. In § 701.1(b), line 5, change "or" to "and."

8. In § 701.1(b), line 7, following the word "to," insert: ", either invididually or collectively,".

Effective date. This regulation is effective February 15, 1972.

HERMAN NICKERSON, JR.,
Administrator.

FEBRUARY 4, 1972.

§ 701.1 Organization of Federal credit unions.

(a) Persons desiring to form a Federal credit union shall, in conjunction with the preparation of a proposed Organization Certificate in accordance with paragraph (b) of this section, accomplish the following:

(1) Arrange a meeting and sufficiently advertise the meeting so as to afford all persons in the field of membership an opportunity to attend;

(2) Provide that an investigator shall be present at the meeting; it is not necessary that the investigator be an employee of the National Credit Union Administration;

(3) Prior to the convening of the meeting, accomplish the following:

(i) Selection of at least seven but not more than 10 persons who will be the subscribers and who will be from and representative of the group to be served by the credit union;

(ii) Selection of at least five qualified persons who will agree to serve on the board of directors, three qualified persons who will agree to serve on the credit committee, and three qualified persons who will agree to serve on the supervisory committee (a signed written agreement to serve in these capacities until the first annual meeting and until the election of their successors shall be executed by those who will so serve. This agreement shall be submitted to the appropriate regional office of the National Credit Union Administration with other documents listed below);

(iii) Determination, by appropriate means, of the number of persons who intend to join and support the credit union, (this information shall be supplied to the investigator at the preliminary meeting);

(4) (i) Provide that the following shall be accomplished at the meeting:

(a) Review of necessary papers and presentation of general background by the investigator as directed by the Administrator, National Credit Union Administration;

(b) Completion of the Investigation Report by the investigator;

(c) Execution of page 3 of Organization Certificate;

(d) Election of board of directors and credit committee by the subscribers;

(ii) Within a reasonable time after meeting held pursuant to subparagraph (a) above, a second meeting shall be held during which the following shall be accomplished:

(a) Election of officers and appointment of members of supervisory committee by board of directors;

(b) Election of chairmen and secretaries by credit and supervisory committees;

(c) Voting by the board of directors to apply for Share Insurance as provided in title II of the Federal Credit Union Act and completion of the necessary application (said insurance will become effective upon approval of the charter);

(d) Setting by the board of directors of the initial operating policies;

(e) Forwarding by the investigator of the Investigation Report, Application and Agreements for Insurance, the proposed Organization Certificate, Confidential Report of Official (completed by each official), the Agreement to Serve, and the Report of Officials to the appropriate regional office of the National Credit Union Administration.

(b) Persons desiring to form a Federal credit union shall submit in duplicate, on forms prescribed by the Administration, a proposed Organization Certificate (Form NCUA 4006, 4007, and 4008). The certificate shall be subscribed to, either individually or collectively, before an officer competent to administer oaths by not less than seven natural persons who have a common bond of occupation, or association, or are within a well-defined neighborhood, community, or rural district, and shall specifically state:

(1) The proposed name of the Federal credit union;

(2) The location of the proposed Federal credit union and the territory in which it will operate;

(3) The names and addresses of the subscribers to the certificate and the number of shares subscribed by each;

(4) The par value of the shares, which shall be $5 each;

(5) The proposed field of membership, specific in detail;

(6) The term of the existence of the corporation, which may be perpetual;

(7) The fact that the certificate is made to enable such persons to avail themselves of the advantages of the Federal Credit Union Act, as amended.

Copies of the form of the Organization Certificate may be obtained from the Washington Office of the Administration or from any Regional Office.

(c) The proposed Organization Certificates shall be submitted to the Regional Director together with a check or money order payable to the National Credit Union Administration in the amount of $25 in payment of the investigation fee of $20 and charter fee of $5. The Regional Director will investigate and make recommendations as to whether the proposed Organization Certificate conforms to the Act, as to the general character and fitness of the subscribers thereto, and as to the economic advisability of establishing and insuring the proposed Federal credit union. The report and recommendation of the Regional Director shall be forwarded to the Administration in Washington, D.C. The Administrator shall consider the proposed Organization Certificate and the recommendations of the Regional Director and shall approve or disapprove the proposed Organization Certificate. The Organization Certificate, if approved, shall be the charter of the Federal credit union. If the Organization Certificate is disapproved, the incorporators shall be notified of the basis for such action and the charter fee of $5 shall be returned to them. Under no circumstances shall the investigation fee of $20 be returned.

[FR Doc.72-1968 Filed 2-9-72;8:52 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 7]

PART 123—DISASTER LOANS

On August 25, 1971, a notice was published in the FEDERAL REGISTER of the intention by the Small Business Administration to comply with the public participation provisions of the Administrative Procedure Act, notwithstanding the exemption given by said Act for matters relating to certain agency activities, including loan making, 5 U.S.C. 553 (36 F.R. 16716). However, prior to August 25, 1971, SBA had modified or revised certain of the rules published in Revision 6 of Part 123 (35 F.R. 16167); a number of the revisions were required by the enactment of the Disaster Relief Act of 1970, Public Law 91–606, December 31, 1970, and other legislation related to the SBA disaster loan program. Therefore, it would be impracticable and contrary to the public interest to further delay effective publication of these rules and regulations. Nevertheless, we would welcome and consider the comment of any person on the rules and regulations published herein. Send the comment to Jack Eachon, Jr., Associate Administrator for Financial Assistance, Room 800, 1441 L Street NW., Washington, DC 20416. This revision is effective upon publication in the FEDERAL REGISTER (2–10–72).

Sec.
123.0 Statutory provisions—Small Business Act.
123.01 Relevant Statutory provisions—Disaster Relief Act of 1969.
123.02 Relevant Statutory provisions—Disaster Relief Act of 1970.
123.1 General.
123.2 Types of disaster loans.
123.3 Purposes of loans.
123.4 Where to apply.
123.5 Amount of loan and interest rates.
123.6 Collateral.
123.7 Repayment.
123.8 Step-by-step procedure for disaster loan applicant.
123.9 Cooperation with American Red Cross.
123.10 Obtaining loan funds.
123.11 Administration of loans.
123.12 Extension of loans, including RFC loans.
123.13 Restriction against loans to certain felons.

AUTHORITY: The provisions of this Part 123 issued under 72 Stat. 385, 387, as amended; 83 Stat. 125, 742; 15 U.S.C. 636.

§ 123.0 Statutory Provisions—Small Business Act.

Sec. 7. • • •

(b) The Administration also is empowered—

(1) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate because of floods, riots, or civil disorders, or other catastrophes; and

(2) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to any small business concern located in an area affected by a disaster, if the Administration determines that the concern has suffered a substantial economic injury as a result of such disaster and if such disaster constitutes—

(A) A major disaster, as determined by the President under the Disaster Relief Act of 1970, or

(B) A natural disaster, as determined by the Secretary of Agriculture pursuant to the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961); or

(C) A disaster as determined by the Administrator of SBA;

(3) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government; and the purpose of a loan made pursuant to such project or program may, in the discretion of the Administration, include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business;

(4) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in reestablishing its business if the Administration determines that such concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes, and

(5) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern operating a coal mine in affecting additions to or alterations in the equipment, facilities, or methods of operation of such mine to requirements imposed by the Federal Coal Mine Health and Safety Act of 1969, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.

(5) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements imposed by the Egg Products Inspection Act, the Wholesome Meat Act of 1967 or State laws enacted in conformity therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.

(6) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act of 1970, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph.

No loan under this subsection, including renewals and extensions thereof may be made for a period or periods exceeding 30 years: *Provided*, That the Administrator may consent to a suspension in the payment of principal and interest charges on, and to an extension in the maturity of, the Federal share of any loan under this subsection for a period of not to exceed 5 years, if (A) the borrower under such loan is a homeowner or small business concern, (B) the loan was made to enable (i) such homeowner to repair or replace his home, or (ii) such concern to repair or replace plant or equipment which was damaged or destroyed as a result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection and (C) the Administrator determines such action is necessary to avoid severe financial hardship: *Provided, further*, That the provisions of paragraph (1) of subsection (c) of this section shall not be applicable to any such loan having a maturity in excess of 20 years. The interest rate on the Administration's share of any loan made under this subsection shall not exceed 8 per centum per annum, except that in the case of a loan made pursuant to paragraph (3), (5), or (6), the rate of interest on the Administration's share of such loan shall not be more than the higher of (A) 2¾ per centum per annum; or (B) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of 1 per centum, plus one-quarter of 1 per centum per annum. In agreements to participate in loans on a deferred basis under this subsection, such participation by the Administration shall not be in excess of 90 per centum of the balance of the loan outstanding at the time of disbursement.

(c) (1) The Administration may further extend the maturity of or renew any loan made pursuant to this section, or any loan transferred to the Administration pursuant

V37-28 FEB 10 72 XUM

to Reorganization Plan No. 2 of 1954, or Reorganization Plan No. 1 of 1957, for additional periods not to exceed 10 years beyond the period stated therein, if such extension or renewal will aid in the orderly liquidation of such loan.

(2) During any period in which principal and interest charges are suspended on the Federal share of any loan as provided in subsection (b), the Administrator shall, upon the request of any person, firm, or corporation having a participation in such loan, purchase such participation, or assume the obligation of the borrower, for the balance of such period to make principal and interest payments on the non-Federal share of such loan: *Provided*, That no such payments shall be made by the Administrator in behalf of any borrower unless (i) the Administrator determines that such action is necessary in order to avoid a default, and (ii) the borrower agrees to make payments to the Administration in an aggregate amount equal to the amount paid in its behalf by the Administrator, in such manner and at such times (during or after the term of the loan) as the Administrator shall determine having due regard to the purposes sought to be achieved by this paragraph.

* * * * *

(f) In the administration of the disaster loan program under subsection (b)(1) of this section, in the case of property loss or damage as a result of a disaster which is a "major disaster" as defined in section 102(1) of the Disaster Relief Act of 1970, the Small Business Administration, to the extent such loss or damage is not compensated for by insurance or otherwise, may lend to a privately owned college or university without regard to whether the required financial assistance is otherwise available from private sources, and may waive interest payments and defer principal payments on such a loan for the first 3 years of the term of the loan.

§ 123.01 Relevant Statutory Provisions—Disaster Relief Act of 1969.

SEC. 6. In the administration of the disaster loan program under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage in any affected State resulting from a major disaster the Small Business Administration—

(1) To the extent such loss or damage is not compensated for by insurance or otherwise, (A) shall at the borrower's option on that part of any loan in excess of $500 cancel (i) the interest due on the loan, or (ii) the principal of the loan, or (iii) any combination of such interest or principal except that the total amount so canceled shall not exceed $1,800, and (B) may defer interest payments or principal payments, or both, in whole or in part, on such loan during the first 3 years of the term of the loan without regard to the ability of the borrower to make such payments.

(2) May grant any loan for the repair, rehabilitation, or replacement of property damaged or destroyed, without regard to whether the required financial assistance is otherwise available from private sources, except that (A) any loan made under authority of this paragraph shall bear interest at a rate equal to the average annual interest rate on all interest-bearing obligations of the United States having maturities of 20 years or more and forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, and (B) no part of any loan made under authority of this paragraph shall be eligible for cancellation or deferral as authorized in paragraph (1) of this section.

(3) May in the case of the total destruction or substantial property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such financing is for the repair, rehabilitation, or replacement of property damaged or destroyed as a result of such disaster and any such refinancing shall be subject to the provisions of paragraphs (1) and (2) of this section.

* * * * *

SEC. 15. (a) As used in this Act the term "major disaster" means a major disaster as determined by the President pursuant to the Disaster Relief Act of 1970.

(b) This Act, other than sections 5, 8, 9, and 13, shall not be in effect after December 31, 1970, except as it applies to major disasters occurring before such date.

§ 123.02 Relevant Statutory Provisions—Disaster Relief Act of 1970.

SEC. 102. As used in this Act—

(1) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance under this Act and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship, or suffering resulting from such catastrophe;

SEC. 231. In the administration of the disaster loan program under section 7(b)(1), (2), and (4) of the Small Business Act, as amended (15 U.S.C. 636(b)), in the case of property loss or damage or injury resulting from a major disaster as determined by the President or a disaster as determined by the Administrator, the Small Business Administration—

(1) To the extent such loss or damage or injury is not compensated for by insurance or otherwise, (A) shall, on that part of any loan in excess of $500, cancel the principal of the loan, except that the total amount so canceled shall not exceed $2,500, except that this clause (A) shall apply only to loans made to cover losses and damage and injury resulting from major disasters as determined by the President, and (B) may defer interest payments or principal payments, or both, in whole or in part, on any loan made under this section during the first 3 years of the term of the loan except that any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

(2) To the extent such injury, loss, or damage is not compensated for by insurance or otherwise, may grant any loan for repair, rehabilitation, or replacement of property damaged, or destroyed, without regard to whether the required financial assistance is otherwise available from private sources.

(3) May, in the case of the total destruction or substantial property damage of a home or business concern, refinance any mortgage or other liens outstanding against the destroyed or damaged property if such property is to be repaired, rehabilitated, or replaced, except that the amount refinanced shall not exceed the amount of the physical loss sustained. Any such refinancing shall be subject to the provisions of clauses (1) and (2) of this section.

SEC. 234. Any loan made under sections 231 and 232 of this Act shall not exceed the current cost of repairing or replacing the disaster injury, loss, or damage in conformity with current codes and specifications. Any loan made under sections 231, 232, 236(b) and 237 of this Act shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of 10 to 12 years reduced by not to exceed 2 per centum per annum. In no event shall any loan made under this section bear interest at a rate in excess of 6 per centum per annum.

SEC. 237. (a) The Small Business Administration in the case of a nonagricultural enterprise, and the Farmers Home Administration in the case of an agricultural enterprise, are authorized to provide any industrial, commercial, agricultural, or other enterprise, which has constituted a major source of employment in an area suffering a major disaster and which is no longer in substantial operation as a result of such disaster, a loan in such amount as may be necessary to enable such enterprise to resume operations in order to assist in restoring the economic viability of the disaster area. Loans authorized by this section shall be made without regard to limitations on the size of loans which may otherwise be imposed by any other provision of law or regulation promulgated pursuant thereto.

(b) Assistance under this section shall be in addition to any other Federal disaster assistance, except that such other assistance may be adjusted or modified to the extent deemed appropriate by the Director under the authority of section 208 of this Act. Any loan made under this section shall be subject to the interest requirements of section 234 of this Act, but the President, if he deems it necessary, may defer payments of principal and interest for a period not to exceed 3 years after the date of the loan. Any such deferred payments shall bear interest at the rate determined under section 234 of this Act.

SEC. 302. The following Acts are hereby repealed:

(1) The Act of September 30, 1950 (64 Stat. 1109);

(2) The Disaster Relief Act of 1966, except section 7 (80 Stat. 1316); and

(3) The Disaster Relief Act of 1969 (83 Stat. 125).

SEC. 304. This Act shall take effect immediately upon its enactment, except that sections 226(b), 237, 241, 252(a), and 254 shall take effect as of August 1, 1969, and sections 231, 232, and 233 shall take effect as of April 1, 1970.

§ 123.1 General

(a) SBA is authorized to make or guarantee loans to victims of floods, riots and civil disorders, and other catastrophes to rehabilitate or replace damaged or lost physical property (Physical-loss Disaster Assistance).

(b) SBA is also authorized to make or guarantee loans to a small business concern:

(1) Located in an area declared to be a major disaster area by the President or declared to be a natural disaster area by the Secretary of Agriculture, or a physical disaster declaration by SBA effective after April 1, 1970, if SBA determines that the concern has suffered substantial economic injury as a result of such disaster (Substantial Economic Injury Assistance);

(2) To assist in reestablishing its business, continuing in business at its existing location, in purchasing a business, or in establishing a new business, if SBA determines that the concern has suffered substantial economic injury as a result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government (Displaced Business Disaster Assistance);

(3) To continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes (Product Disaster Assistance);

(4) Which operates a coal mine, to make additions to or alterations in its equipment or facilities or methods of operation, in order to meet requirements of the Federal Coal Mine Health and Safety Act of 1969, if the SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Coal Mine Health and Safety Assistance);

(5) To make additions to or alterations in its plant, facilities, or operating methods, in order to meet requirements of the Eggs Products Inspection Act, the Wholesome Poultry Products Act, the Wholesome Meat Act of 1967, or State laws enacted by its provisions, if SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Consumer Protection Assistance); and

(6) To make additions to or alterations in the equipment, facilities, or operating methods, in order to comply with standards issued pursuant to the Occupational Safety and Health Act of 1970, or State laws enacted by its provisions, if SBA determines that the concern is likely to suffer substantial economic injury without SBA assistance (Occupational Safety and Health Assistance).

(c) Eligibility standards for Disaster Assistance programs are set forth in § 120.4 of this chapter.

(d) (1) "Financial Assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(2) "Financial Institution" as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans to the general public.

§ 123.2 Types of disaster loans.

Disaster loans may be made by SBA and financial institutions upon an immediate participation basis, upon a guaranteed loan basis, or may be made directly by SBA alone.

(a) In an immediate participation loan either SBA or the financial institution makes the loan and the other party purchases an agreed percentage of the loan. SBA's participation shall not exceed 90 percent of the outstanding amount of the loan.

(b) In guaranteed loans the financial institution makes the entire loan and SBA is obligated to purchase pursuant to its Disaster Loan Guaranty Agreement not more than 90 percent of the outstanding loan and accrued interest in the event the borrower has defaulted. Default as used in this subsection means nonpayment of principal or interest when due.

(c) SBA has the right at any time to purchase the guaranteed percentage of any guaranteed loan.

§ 123.3 Purposes of loans.

(a) *Physical-Loss Disaster Assistance.* (1) The purpose of these loans is to restore a victim's home or business property as nearly as possible to predisaster condition. A loan to an individual may be used to repair or replace damaged furniture and other household belongings or personal effects. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If it is necessary or desirable (as determined by SBA) to construct a new home or new business facilities on a different site, the loan may be used for such purpose. However, the SBA's share or guaranteed percentage of any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property, plus amounts eligible for refinancing of existing liens or mortgages, but not to exceed the physical loss sustained. In loans made for Physical-Loss Disaster Assistance, Substantial Economic Injury Assistance and Product Disaster Assistance to cover losses and damage and injury resulting from major disasters, SBA shall cancel that part of the principal of the loan in excess of $500, but in no event shall such forgiveness for any individual borrower exceed $2,500.

(2) Refinancing: Where property suffers uninsured damage in excess of 50 percent of the fair value at the time of the disaster, a part or all of existing liens as they apply to the specific property lost or damaged, may be refinanced by a part of the SBA loan. Such refinancing on home loans shall be limited to an amount which is no greater than the disaster caused damage or loss. Refinancing is also permitted where a temporary loan has been determined by SBA to have been used solely to alleviate the disaster caused injury.

(3) Any disaster victim located in a flood disaster-prone area that suffers real property damage, to the extent it is determined by SBA to be more feasible to move outside of the disaster area than to repair or rebuild the property at the disaster location, may obtain funds for such purposes as are prescribed in subparagraph (1) of this paragraph and such other funds as may be determined necessary by SBA to reestablish the borrower's real property at the new location. In any situation where physical-loss disaster assistance is provided to relocate real property outside of a flood disaster-prone area, and title to the damaged site is retained by the borrower, no future flood disaster assistance will be provided by SBA for any future physical-loss disaster damage to the property located at the site from which the disaster victim was relocated. SBA shall require the borrower to execute and record in the local office where records of property ownership are recorded a document which shall give notice of this qualification to all subsequent purchasers and encumbrancers of real property located at the disaster site. The recorded notice of disaster qualification may be canceled (released or terminated) by the recording of a determination issued by SBA that adequate flood control measures have been effected to protect the property from future flood damage.

(b) *Substantial Economic Injury Assistance.* The purpose of these loans is solely to provide relief to small business concerns for substantial economic injury sustained as a result of a major or natural disaster declared by the President or Secretary of Agriculture, or SBA declared physical disaster. Personal and/or business assets must be used by the applicant to the greatest extent feasible, without undue hardship, to alleviate the injury incurred. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Loans may be used for working capital and to pay financial obligations which the borrower would have been able to pay had it not been for the loss of revenue resulting from the disaster. Unrealized profits or past sales may not be considered in arriving at the mount of injury incurred. No funds may be authorized which would provide for the payment of any stock dividends, bonuses, or for disbursements to owners, partners, officers, or stockholders not directly related to the performance of services.

(c) *Displaced Business Assistance.* (1) The purpose of these loans is to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a federally aided urban renewal program or a highway project or any other construction constructed by or with funds provided in whole or in part by the Federal Government.

(2) These loans may be used to provide:

(i) Working capital necessary to carry the concern until resumption of normal operations;

(ii) Replacement costs to owners of realty less net amounts received for indemnification of property from which displaced;

(iii) Funds for nonowners of the premises from which displaced to purchase or construct premises if no suitable rental property is available;

(iv) Purchase of machinery and equipment necessary to carry on business at the new location less any funds received from disposal of equipment owned at location from which displaced;

(v) Increases in the cost of fixed charges such as rents, insurance, and utility bills for a reasonable period of time;

V 37 28 FEB 10 72 XUM

(vi) Moving expenses not compensated for from some other source where the distance moved is less than 100 miles;

(vii) Purchase of equipment to upgrade the business in a new location where such upgrading is necessary.

(3) Where realty is needed, no loan shall provide funds which would increase the square footage of:

(i) Land space to more than one-half greater than that owned or occupied prior to displacement: *Provided, however,* That additional space to meet the minimum requirement of a local building code for parking space may be approved;

(ii) Building space to more than one-third greater than that owned or occupied prior to displacement.

(d) *Product Disaster Assistance.* The purpose of these loans is to assist small business concerns to reestablish or continue their business when they have suffered substantial economic injury as the result of inability of such concerns to market or process a product because of disease or toxicity occurring in such products through natural or undetermined causes. Personal and/or business assets must be used by the applicant to the greatest extent feasible, without undue hardship, to alleviate injury incurred. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Loans may be used to provide working capital to support the business until such time as it is reestablished and to pay financial obligations which the borrower would have been able to pay if it had not been for the loss of revenue resulting from the disaster. Financial assistance may not be used for the replacement of equipment or expansion of facilities except as SBA may determine to be necessary or appropriate for the concern properly to process a product to insure its fitness for human consumption. Unrealized profits or past sales may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any stock dividends, bonuses, or for disbursements to owners, partners, officers, or stockholders, not directly related to the performance of services.

(e) *Coal Mine Health and Safety Assistance.* The purpose of these loans is to assist small coal mines to effect additions to or alterations in the equipment, facilities, or operating methods in order to meet the requirements of the Federal Coal Mine Health and Safety Act of 1969, if SBA determines that such coal mine is likely to suffer substantial economic injury without SBA assistance. Personal and/or business assets must be used by the applicant to the greatest extent feasible, but not to the extent of curtailing working capital or reserve requirements or other planned uses. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Working capital may be provided to:

(i) Replace working capital expended incidentally for compliance, such as meeting construction time limits;

(ii) Furnish funds, when construction is involved and the operations are thereby curtailed, to meet continuing fixed costs such as payment on equipment notes or mortgage payments;

(iii) Help finance startup costs;

(iv) Finance changes in methods of operation required by examining authorities. Approval of these loans is contingent upon receipt by SBA of a notice of deficiency from the Bureau of Mines, and the opinion from that Bureau that upon completion of the purchase, rebuilding, or conversion proposed in the loan application, the coal mine will be in compliance with the provisions of the Federal Coal Mine Health and Safety Act of 1969.

(f) *Consumer Protection Assistance.* (1) The purpose of these loans is to assist small business concerns to effect additions to or alterations in the equipment, facilities, or methods of operation of such concern to meet requirements established pursuant to the Egg Products Inspection Act of 1970, the Wholesome Meat Act of 1967, and the Wholesome Poultry Products Act of 1968, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Personal and/or business assets must be used by the applicant to the greatest extent feasible, but not to the extent of curtailing working capital or reserve requirements or other planned uses. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA.

(2) Construction funds may be loaned to:

(i) Construct a new building, even in a new location, to replace an old building where remodeling is not feasible; or to replace rented quarters when needed rental arrangements cannot be obtained. Upgrading may not exceed the corresponding criteria in paragraph (c) (3) of this section;

(ii) Comply with inspection authority requirements issued to a new plant already under construction on January 1, 1971, and owned by a concern not previously involved in the activity in which it intends to engage, but falling within the control of any one of the consumer protection acts. Working capital may be provided for the purposes stated in paragraph (e) (i), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon receipt by SBA of a letter of survey to the plant operator from the U.S. Department of Agriculture or appropriate State authority, and an acceptance of the operator's proposal for correcting the deficiencies covered by the letter, from the agricultural inspection authority.

(g) *Occuptional Safety and Health Assistance.* The purpose is to assist small business concerns to effect additions to or alterations in the equipment, facilities, or operating methods of such business, in order to comply with the applicable standards issued pursuant to section 6 of the Occupational Safety and Health Act of 1970, or adopted by a State pursuant to a plan approved under section 18 of that Act, if SBA determines that such concern is likely to suffer substantial economic injury without SBA assistance. Personal and/or business assets must be used by the applicant to the greatest extent feasible, but not to the extent of curtailing working capital or reserve requirements or other planned uses. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining disaster loan assistance from SBA. Construction funds may be loaned for the purposes stated in paragraph (f) (i) and (ii) of this section. Working capital may be provided for the purposes stated in paragraph (e) (i), (ii), (iii), and (iv) of this section. Approval of these loans is contingent upon the receipt by SBA of an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occuptional Safety and Health Act.

§ 123.4 Where to apply.

A single copy of an application on a form provided by SBA may be filed with the Regional or District Office, or Disaster Branch Office, if one has been established, which is most convenient to the applicant. If a bank is participating, two copies of the application should be filed with the bank which will send one copy to SBA. If a Disaster Branch Office has been established, applications generally should be filed there.

§ 123.5 Amount of loan and interest rates.

(a) SBA's share or guaranteed percentage of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3 (a) (2), (c), (e), (f), and (g).

(1) SBA's share of a direct or immediate participation loan to any small business concern and/or any of its affiliates shall not exceed $500,000 in the aggregate for any one disaster, except for an additional amount to refinance any prior SBA disaster loan. Such dollar limitation also applies to loans made to any other entity eligible to receive disaster assistance other than homeowners and householders. Provided, however, the foregoing dollar limitations do not apply to displaced business, coal mine health and safety, consumer protection, occupational safety and health loans, and loans made under paragraph (e) of this section.

(2) SBA's share in a direct or in an immediate participation loan to any homeowner, including all members of the household, shall not exceed $50,000 for repair or replacement of the land or building, and shall not exceed $10,000 to repair or replace household goods and personal items: *Provided, however,* That SBA's share of any such loan or loans to repair or replace a home and household goods for any single homeowner and members of his household shall not exceed $55,000 in the aggregate for any one disaster.

(3) A guaranteed loan, where the entire loan is disbursed by a private lending institution, may be made, in addition to the direct loan limitation, for the total amount of an applicant's physical loss or the economic injury suffered less funds available from its own resources, including funds from insurance or condemnation proceedings. Such guaranteed disaster loans in conjunction with or exclusive of a direct loan shall not exceed the full amount of such loss or economic injury, except to the extent of allowable refinancing.

(4) Where an applicant's total physical loss or economic injury exceeds the dollar limitations imposed in this paragraph on SBA's share of direct or immediate participation disaster loans, then the balance of such loss may be assisted by a guaranteed loan. SBA's participation in or guaranty of any disaster loan may not exceed 90 percent of the total amount of the loan.

(b) In physical-loss disaster assistance, all direct and indirect costs attributable to restoring, rehabilitating, or replacing damaged or destroyed property will be considered by SBA in determining the amount of loan. The amount of money recovered from insurance or obtained from other relief sources, such as the American Red Cross, shall be deducted from the amount of the loss for which an SBA loan may be made. Sums paid to a disaster victim subsequent to his filing an application by insurance companies representing the indemnification of loss in whole or in part for which the disaster victim is requesting SBA financial assistance shall be paid by the borrower to the SBA for the reduction of this loan.

(c) Interest rates on disaster loans are set forth in Part 120 of this chapter.

(d) Any recipient of an approved disaster loan for any noncommercial purpose shall be entitled to rescind said loan pursuant to the Consumer Credit Protection Act, Public Law 90–321, and Regulation Z of the Federal Reserve Board, 12 CFR Part 226.

(e) *Major sources of employment.* In the case of a major disaster declaration by the President, Physical-Loss Disaster Assistance and Substantial Economic Injury Assistance loans may be made to any nonagricultural enterprise which has been a major source of employment and is no longer in substantial operation, without dollar limitations, to enable such enterprise to resume operations and restore the economy of the area. Loan payments may be deferred for a period of 3 years. This section effective August 1, 1969.

§ 123.6 Collateral.

(a) The Small Business Act, as amended, contains no specific requirements with respect to collateral as security for a disaster loan, nor has SBA established any rigid rule in regard to collateral. However, SBA requires applicants to pledge whatever collateral they can furnish. SBA will give consideration to the moral risk involved and to evidence showing a reasonable prospect that the loan will be repaid.

(b) Evaluation of collateral: In disaster loan cases the same general approach to establishing values will be used as for business loans, keeping in mind the emergency and the urgency incident to a disaster loan.

§ 123.7 Repayment.

(a) Generally, disaster loans shall be repaid in monthly installments beginning not later than 5 months from the date of the note. For loans made under sections 7(b) (1), (2), and (4) of the Small Business Act, payments of principal or interest, or both, may be deferred during the first 3 years of the term of the loan. The maturity of the loan will be geared to the borrower's ability to pay. Final maturity of the loan shall not exceed 30 years. During a deferment period SBA may, upon request of the participant in the loan, purchase its participation. If necessary to avoid default, SBA may assume the borrower's obligation to the participant for the balance of the deferment period, provided the borrower agrees to reimburse SBA for such payments.

(b) In the case of privately owned colleges and universities, payments to interest may be waived for the first 3 years of the term of the loan, where physical damage was caused by a "major disaster," as defined in the Disaster Relief Act of 1970.

(c) Displaced business loans may have other repayment terms if circumstances indicate the need, including (1) a moratorium on principal payments (not interest) not exceeding the 12 months which immediately follow disbursement; (2) smaller amortization payments during the first few years, increasing in later years; or (3) any other reasonable terms to fit the applicant's individual circumstances.

(d) Except as described elsewhere in paragraphs (a), (b), and (c) of this section, and in the case of borrowers whose income is received on an annual or seasonal basis, all loans shall be repaid in equal monthly installments which will include principal and interest.

§ 123.8 Step-by-step procedure for disaster loan applicant.

(a) An applicant for Physical-Loss Disaster Assistance shall:

(1) Make a list of his damaged, destroyed, or lost property showing in as much detail as possible the extent of damage or loss, and, if possible, original cost of the property, desired to be repaired or replaced;

(2) Obtain from a reliable contractor, supplier, or repairman, as appropriate, a signed estimate (in duplicate) of the cost of repairing damaged property or of replacing property which has been lost or damaged beyond repair, for which funds are requested;

(3) Make an overall estimate of his losses;

(4) Prepare a list of both his debts and assets and a financial statement;

(5) If the proposed loan is to rehabilitate his business, prepare a record of his business earnings and expenditures for the 3 years preceding and make a profit and loss statement;

(6) Obtain a disaster loan application form from a local bank or the nearest SBA office;

(7) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension, or repair of buildings, or other improvements to real estate, where the contract exceeds $10,000.

(b) An applicant for Substantial Economic Injury or Product Disaster Assistance shall:

(1) Furnish a statement of the extent to which his business has been injured by the disaster conditions;

(2) For purposes of comparison, furnish financial and operating conditions covering the current period and a 12-month period of normal operations prior to the disaster;

(3) List any accounts and notes receivable which are delinquent due to the disaster conditions;

(4) Explain fully the reasons for any abnormally large and burdensome inventories;

(5) List all payables which are delinquent due to the disaster as well as current accruals;

(6) Point out any adopted or planned economies in operation designed to reduce costs of doing a lessened volume of business.

(c) An applicant for Displaced Business Disaster Assistance shall:

(1) Furnish financial and operating statements for the current year to date and for the past 3 previous fiscal or calendar years;

(2) Furnish figures on actual or contemplated reduction or loss of income and profits and estimate of period of time income and profits will be reduced;

(3) List all payables which are delinquent;

(4) List any additional or replacement equipment that will be required reasonably to upgrade operations in new location, with allowances or any other recoveries from disposal or trade-in of existing equipment;

(5) Advise if additional inventories will be required or if different grades of items must be carried to meet demands of new location and effect on working capital position;

(6) Furnish projection of sales, normal percentage of profits, and fixed expenses, for a period of approximately 2 years following relocation in order to establish reasonable ability to repay loan;

(7) Make a list of collateral to be offered as security for repayment of the loan, showing in detail any existing obligations or liens against such collateral;

(8) Furnish the "Applicant's Agreement of Compliance," SBA Form 601 (see § 122.1(f) of this chapter) if such loan results in the alteration, rehabilitation, construction, conversion, extension, or

V37-1728
FEB 10 72
XUM

repair of buildings or other improvements to real property, where the contract exceeds $10,000; and

(d) An applicant for Coal Mine Safety and Health Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a notice of dificiency from the Bureau of Mines.

(e) An applicant for Consumer Protection Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish a letter of survey from the U.S. Department of Agriculture or appropriate State authority.

(f) An applicant for Occupational Safety and Health Assistance shall follow the procedures in paragraph (b) of this section, and in addition shall furnish an approval of the compliance authority of the proposal for either voluntary compliance or corrections of violations of standards established pursuant to the Occupational Safety and Health Act.

§ 123.9 Cooperation with American Red Cross.

In its physical-loss program of assistance to disaster victims, SBA maintains close coordination with the American Red Cross. In many cases, rehabilitation assistance is given jointly to the Red Cross and SBA with part of the applicant's losses being covered by a grant from the Red Cross and part by a loan through SBA.

§ 123.10 Obtaining loan funds.

(a) Once a disaster loan has been approved by SBA, the disaster victim may obtain the loan funds upon compliance with conditions of SBA's loan authorization.

(b) If the approved loan is an immediate participation or guaranteed loan, the bank will notify the disaster victim of the loan approval, terms and conditions, and arrange with him for actual closing of the loan.

(c) If the loan is a direct loan, the disaster victim will be notified by SBA of the loan approval, terms and conditions.

§ 123.11 Administration of loans.

Participation and guaranteed loans closed by the bank will be administered by the bank, and participation or direct loans closed by SBA will be administered by SBA.

§ 123.12 Extension of loans, including RFC loans.

Actions taken by SBA pursuant to the authority of section 7(c)(1) of the Small Business Act, as amended, are limited to such periods of time as appear necessary to avoid the forced liquidation of loans. Generally, a sequence of short extensions will be granted rather than one lengthy one. Extensions are only granted under this section when it appears that no other course of liquidation will result in a greater and earlier recovery of the indebtedness. No such extension may be made on any loan having a maturity in excess of 20 years.

§ 123.13 Restriction against loans to certain felons.

No person who has been convicted of committing a felony during and in connection with a riot or civil disorder shall be permitted, for a period of 1 year after the date of his conviction, to receive any benefit under any law of the United States providing relief for disaster victims.

NOTE: Added by section 1106(e) of the HUD Act of 1968, as amended by Public Law 90-448.

Effective date: January 27, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 72-1976 Filed 2-9-72;8:53 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-GL-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 22686 and 22687 of the FEDERAL REGISTER dated November 27, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at East Tawas, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Chicago, Ill., on January 20, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is added:

EAST TAWAS, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iosco County Airport (latitude 44°-18'48" N., longitude 83°25'30" W.), excluding the portion which overlies the Oscoda, Mich., transition area.

[FR Doc.72-1908 Filed 2-9-72;8:47 am]

[Airspace Docket No. 71-GL-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 22600 of the FEDERAL REGISTER dated November 25, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to alter the transition area at Richmond, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 20, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

RICHMOND, IND.

That airspace extending upward from 700 feet above the surface within 6½ mile radius of the Richmond Municipal Airport (latitude 39°45'23" N., longitude 84°50'36" W.); within 3 miles each side of the Richmond VOR 045° radial, extending from the 6½ mile radius area to 8 miles northeast of the VOR; within 3 miles each side of the Richmond VOR 243° radial, extending from the 6½ mile radius area to 8 miles southwest of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the northeast by a line extending from latitude 40°10'00" N., longitude 85°00'00" W. to latitude 39°40'00" N., longitude 84°25'00" W. on the southeast by a line extending from latitude 39°40'00" N., longitude 84°25'00" W. to latitude 39°12'00" N., longitude 85°30'00" W. and on the west by the Indiana-Ohio boundary.

[FR Doc.72-1906 Filed 2-9-72;8:47 am]

[Airspace Docket No. 71-NW-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On November 27, 1971 a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22687) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Spokane, Wash. transition area.

Interested persons were given 30 days in which to submit written comments. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901, G.m.t., on March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on January 10, 1972.

C. B. WALK, Jr.,
Director.

In § 71.181 (37 F.R. 2143), the description of the Spokane, Wash., transition area as amended (36 F.R. 5288), is further amended as follows:

In line 10 delete "• • • on the east by longitude 117°32'00" W. • • •" and substitute therefor, "• • • on the east by the west edge of V-253 • • •"

In line 13; after "• • • to the 024° radials, • • •", add "• • • and that area southeast of Spokane bounded on the northwest by the 52-mile arc, on the north by the south edge of V-28 on the southeast by the north edge of V-536, on the southwest by the northeast edge of V-253 • • •"

[FR Doc.72-1909 Filed 2-9-72;8:47 am]

[Airspace Docket No. 71-GL-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 22600 and 22601 of the FEDERAL REGISTER dated November 25, 1971, the Federal Aviation Administration published a notice of propose rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Tell City, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 20, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is added:

TELL CITY, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Perry County Municipal Airport, Ind. (latitude 38°01'05" N., longitude 86°41'30" W.); and within 3 miles each side of the 105° bearing from the Perry County Municipal Airport extending from the 5-mile radius to 8 miles southeast.

[FR Doc.72-1907 Filed 2-9-72;8:47 am]

[Docket No. 11715, Amdt. 93-24]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

John F. Kennedy International Airport Traffic Area

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to delete Subpart B of Part 93 which prescribes special air traffic rules for the John F. Kennedy International Airport traffic area.

These special rules are no longer necessary due to the decommissioning of the Floyd Bennett Naval Airport, and the establishment of the New York terminal control area; therefore, action is taken herein to delete Subpart B of Part 93.

Since this amendment removes an obsolete regulation from the Federal Aviation Regulations, notice and public procedure hereon are not necessary and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, Subpart B of Part 93 of the Federal Aviation Regulations is deleted, effective February 10, 1972.

(Sec. 307, Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), of Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 3, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-1910 Filed 2-9-72;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2121]

PART 13—PROHIBITED TRADE PRACTICES

Robertson Photo-Mechanix, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Robertson Photo-Mechanix, Inc., Des Plaines, Ill., Docket No. C-2121, Dec. 27, 1971]

In the Matter of Robertson Photo-Mechanix, Inc., a Corporation.

Consent order requiring a manufacturer of photomechanical equipment, including large specialized cameras, of Des Plaines, Ill., to cease discriminating in paying promotional allowances among competing sellers and distributors of its equipment in violation of section 2(d) of the Clayton Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Robertson Photo-Mechanix, Inc., a corporation, and its officers, agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in or in connection with the offering for sale, sale, or distribution of photomechanical equipment, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Paying, or contracting for the payment of anything of value to or for the benefit of any customers of the respondent as compensation for or in consideration of the displaying or demonstrating of respondent's products in connection with the processing, handling, sale, or offering for sale of products manufactured and sold by respondent unless such payment or consideration is made available on proportionately equal terms to all other customers who compete with such favored customer in the sale and distribution of respondent's products.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That during the period from the date of entry of this order to the expiration of 10 years from such date respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form of its compliance with this order.

Issued: December 27, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-1926 Filed 2-9-72;8:48 am]

[Docket No. C-2122]

PART 13—PROHIBITED TRADE PRACTICES

Sanders Airline Training School et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Sanders Airline Training School et al., Newark, N.J., Docket No. C-2122, Dec. 28, 1971]

V37-28 FEB 10 72 XUM

In the Matter of Sanders Airline Training School, a Corporation, and Louis Rudnick, Ben Simon, and Stanley Young, Individually and as Officers of Said Corporation.

Consent order requiring a correspondence school, selling a home study course in airline personnel training, located in Newark, N.J., to cease violating provisions of the Truth in Lending Act by failing, in consumer credit transactions and advertisements, to make all disclosures in the manner, form, and amount required by Regulation Z of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Sanders Airline Training School, a corporation, and its officers, and Louis Rudnick, Ben Simon, and Stanley Young, individually and as officers of said corporation, and respondents' agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with any extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321 15 U.S.C. 1601 et seq.), do forthwith cease and desist from failing in any consumer credit transactions or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z the implementing regulation of the Truth in Lending Act, duly promulgated by the Board of Governors of the Federal Reserve System.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resultant in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: December 28, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72–1927 Filed 2–9–72;8:48 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER A—GENERAL RULES

[Docket No. R–338, Order 449]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Charges for Transporting Liquids and Liquefiable Hydrocarbons

JANUARY 31, 1972.

In its notice issued February 5, 1968,[1] in the above-entitled proceeding the Commission focused its attention on the problem of protecting consumers from bearing costs which should be paid by the producers whose liquids and liquefiable hydrocarbons are transported by pipeline companies from the wellhead or a central gathering point in the field to a processing plant owned by the producers. The producers in such situations normally make proportionate reimbursement to the pipeline companies for shrinkage in the raw gas stream as a result of their extraction operations, or the pipeline companies pay for the producers' gas on the basis of the residue volumes received at the tailgates of the producers' plants. While either of the foregoing procedures protects consumers from being charged for a larger stream of gas than they ultimately receive, unless pipeline companies are also reimbursed for the costs incurred in transporting the producers' liquids and liquefiable hydrocarbons from field to plant, or unless the costs associated with such transportation are eliminated in determining the cost of service applicable to other jurisdictional business, the pipeline companies' other customers will be charged costs which are incurred primarily for the producers' benefit.

At the time the notice of rule making was issued, the Commission had reached the tentative conclusion that consumers would be adequately protected by elimination from the cost of service used to determine other jurisdictional charges all of the costs incurred by pipeline companies in transporting liquids and liquefiable hydrocarbons for producers. Since that time, however, the Commission's experience in dealing with questions involving multiphase flow[2] has convinced it that allocation of costs is an impractical means of protecting consumers from costs associated with transporting the producers' liquids and liquefiable hydrocarbons. It appears that consumers will be adequately protected if pipeline companies and producers are permitted to negotiate appropriate charges for such transportation service, provided the negotiated charges are at least as high as the minimum rates hereinafter imposed.

Comments in response to the notice of proposed rule making were received from 30 respondents.[3] All respondents except the Associated Gas Distributors (AGD) and the California and New York Commissions expressed unanimous disapproval of the Commission's tentative proposal to eliminate from the cost of service used to determine other jurisdictional charges all costs incurred by pipeline companies in transporting the producers' liquids and liquefiable hydrocarbons. The pipeline companies objected to a cost-allocation procedure because they contend it might allocate more costs to such transportation service than the pipeline companies could obtain in revenues from the producers with the result that the pipeline companies would be unable to recoup their full cost of service.

The producers primarily objected to cost allocation because they claimed that such a procedure would deprive them of a part of the consideration they expected to receive for their gas, namely, the transportation by the pipeline companies of their liquids and liquefiable hydrocarbons. They also argued that an allocation formula would excerpt a portion of the consideration obtained for their gas and assess it against them because the pipeline companies would attempt to renegotiate existing contracts to recover from them any costs allocated to the transportation of liquids and liquefiable hydrocarbons. A fair renegotiation of the contracts should, according to the producers, include a reevaluation of all the factors making up the consideration they received for their gas rather than just a reexamination of the amount to be allocated to the cost of transporting liquids and liquefiable hydrocarbons.

Nearly all respondents referred to the lack of data concerning the volumes of liquids and liquefiable hydrocarbons transported by the pipeline companies for producers. Therefore, the majority of the respondents requested that a conference or formal hearing be held in order that sufficient data could be obtained to serve as a basis for determining a transportation charge or an allocation formula. In light of the requests for a conference, the Commission's staff invited all respondents to a conference which was held on September 29, 1970. No data were presented at that conference because there was unanimous agreement that the conference should be adjourned to await the outcome of efforts then underway in the Southern Louisiana Area Rate Proceeding to settle the issues concerning the transportation of liquids and liquefiable hydrocarbons insofar as such issues related to that producing area of the United States.

A second conference was held on October 15, 1970, at which time several of the pipeline respondents distributed three studies which they had prepared. The first study consisted of a compilation of the transmission cost of service taken from 10 pipeline companies' rate cases which had been filed with the Commission in a form reflecting data prepared on a commodity-mile basis. The result of the study indicated that the cost of transporting gas averages 2.042 cents per Mcf per 100 miles. The second study was exactly like the first but was based on the transmission cost of service of only the six companies in the first study which have pipelines extending into southern Louisiana. The second study indicated that the transportation cost per 100 miles for companies having systems extending into southern Louisiana is 2.105 cents per Mcf. The third study was based on the fact that Tennessee Gas Pipeline Co., a division of Tenneco Inc., has experienced a 13 percent loss in carrying capacity in its multiphase facilities in southern Louisiana and has hauled an average of 15 barrels of liquids for each 1,000 Mcf of gas transported through such facilities. A formula using the 2-cent cost of transporting gas and utilizing the 13-percent loss in efficiency and 15-barrel/1,000-Mcf ratio, produced a cost for transporting liquids of 20 cents per barrel.

When it became obvious that the respondents attending the second conference could not reach a consensus as to an appropriate charge for transporting liquids and liquefiable hydrocarbons, particularly while trying to protect their positions in the settlement negotiations which were still in progress in the Southern Louisiana Area Rate Proceeding, it was unanimously agreed that further conferences in the proceeding should be deferred pending the outcome of the parties' efforts in the Southern Louisiana proceeding to reach a mutual understand regarding an appropriate charge for transporting liquids and liquefiable hydrocarbons. No respondents other than the pipeline companies expressed any desire to present data to support their positions.

The Commission in Area Rate Proceeding, et al. (Southern Louisiana Area), Docket Nos. AR61–2, et al., Opinion No. 598, issued July 16, 1971, 46 FPC ——, resolved the basic issues with respect to transportation of liquids and liquefiable hydrocarbons, insofar as the southern Louisiana area is concerned, and stated that a special order would be issued terminating this rule making proceeding to the extent it pertains to the southern Louisiana area (mimeo p. 65). Paragraph (A)(1) of the order accompanying Opinion No. 598 provided that transportation charges for liquids and liquefiable hydrocarbons would be applicable to all contracts dated after August 1, 1971, and to all sales which have been certificated subject to the outcome of the proceeding in Docket No. R–338. The Commission has received southern Louisiana contracts dated prior to August 1, 1971, proposing sales which have not yet been certificated. Consequently, if this proceeding were terminated as to the southern Louisiana area, transportation services which might be rendered under such contracts would not be subject to the charges herein imposed. As hereinafter explained, the Commission has now concluded that the same transportation charge originally announced in Opinion No. 598 are appropriate for all other producing area. In view of the uniform rates to be imposed for all areas, the Commission finds that it is preferable to have the order herein issued remain applicable to southern Louisiana so that no producer proposing to sell gas and have liquids or liquefiable hydrocarbons transported from acreage in southern Louisiana shall escape coverage under the rule enunciated herein if the sale and transportation services are commenced pursuant to a contract dated prior to August 1, 1971, but certificated subsequent to the effective date of this order.

Although the Commission's experience in reviewing costs associated with the operation of multiphase pipelines has been related primarily to the southern Louisiana area, the studies presented by the pipeline companies at the conference held in this proceeding on October 15, 1970, show that the minimum charges established in Opinion No. 598 for the southern Louisiana area of 2 cents per Mcf per 100 miles and 20 cents per barrel for transporting liquefiable hydrocarbons and liquids, respectively, are appropriate for use in all other producing areas. The foregoing conclusion is supported by the fact that the transmission cost data of the 10 pipeline companies used in the study distributed at the conference reflected a cost for transporting liquefiable hydrocarbons of 2.042 cents per Mcf per 100 miles. When data for the six companies having facilities extending into southern Louisiana were isolated from the four companies which do not have such facilities, the transmission cost per 100 miles was shown to be 2.105 cents per Mcf. The slight increase in transmission cost associated with the six companies which have facilities extending into southern Louisiana is consistent with the fact that construction of offshore facilities has historically been more expensive than construction of onshore facilities.

The appropriateness of the 2-cent charge for use in all areas is further supported by the fact that when cost data for the four companies which do not have facilities extending into southern Louisiana (Cities Service Gas Co., El Paso Natural Gas Co., Northern Natural Gas Co., and Panhandle Eastern Pipe Line Co.) are isolated from the six companies which do have southern Louisiana facilities, a cost of 1.91 cents per Mcf per 100 miles for transporting gas is produced (total transmission costs of $416,680,512 divided by 21,816,706,602 Mcf per 100 miles=1.91 cents).

The Permian Basin area may be used as another area for comparative purposes in showing the general applicability of the 2-cent charge. Since Natural Gas Pipeline Co. of America, Northern Natural Gas Co., El Paso Natural Gas Co., and Transwestern Pipeline Co. are the only large interstate pipeline companies purchasing gas from the Permian Basin area, the transportation charge for that area should be based on their cost of transportation per 100 miles. Transwestern's costs were not given in the data distributed at the conferences held in this proceeding, but examination of its rate filing in Docket No. RP70–19 discloses that Transwestern's total system-wide transmission costs as presented in that case were $53,762,728 and that the Mcf transported per 100 miles of haul were 1,919,279,500. When the foregoing Transwestern cost data are added to the conference data for El Paso, Northern, and Natural, the total transmission costs are $518,079,346 and the Mcf per 100 miles of haul are 26,115,746,210 which produces an average cost for transporting Permian Basin gas of 1.98 cents per Mcf per 100 miles.

The pipeline companies' costs used for illustrative purposes in the foregoing discussion would be equally applicable for other producing areas, such as the Texas Gulf Coast area or the Hugoton Anadarko area, because several of those same companies purchase gas from all significant producing areas. Consequently, it appears that the charge of 2 cents per Mcf per 100 miles is a charge which can properly be utilized in all producing areas.

The widely varying conditions associated with transporting liquefiable hydrocarbons and liquids from producing areas to processing plants indicate a need for relying upon a transportation charge for such service which will be representative of the costs which the pipeline companies will experience. Variations in load factors, pipeline capacities, and length of haul have a significant effect on pipeline companies' unit transmission costs. For example, in Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Opinion No. 528, 38 FPC 691, Tennessee estimated that the cost of transporting gas through 156 miles of pipeline, ranging from 26 to 12 inches in diameter, would vary from 7.2 cents per Mcf at 31 percent load factor to 2.07 cents per Mcf at 100 percent loan factor (38 FPC at 724). Similarly, the estimated cost of transporting gas through the 294 miles of 30-inch pipeline which Red Snapper Pipe Line Co. proposed to construct would vary from 6.9 cents per Mcf at 50 percent load factor to 3.5 cents per Mcf at 100 percent load factor (38 FPC at 695–96).

Other examples of variations in transmission costs may be seen in such proceedings as Blue Dolphin Pipeline Co., 33 FPC 1141, in which Blue Dolphin proposed to charge 1.5 cents per Mcf for transporting gas through a 50-mile pipeline consisting of 41 miles of 20-inch and 9 miles of 16-inch pipeline, and Black Marlin Pipeline Co., 35 FPC 976, where

[1] Published in the FEDERAL REGISTER on February 10, 1968 (33 F.R. 2360).

[2] Multiphase flow is the transportation in a single pipeline of hydrocarbons in both a gaseous and a liquid state.

[3] Comments were received from 15 producers, 11 pipeline companies, the Independent Natural Gas Association of America, the California Public Service Commission, the New York Public Service Commission, and the Associated Gas Distributors (see appendix A to this order for complete list of respondents).

VOL 37-28 FEB 10 72 XUM

Black Marlin proposed to charge 2.1 cents per Mcf for transporting gas through 53 miles of 16-inch pipeline.

There have not been many proceedings in which pipeline companies have established a rate for transporting liquids. In the Tennessee case *supra* Red Snapper proposed to charge 27 cents per barrel for transporting liquids through the proposed extensive 295-mile, 30-inch pipeline there involved, while in the Blue Dolphin case *supra* the charge for transporting liquids through the 50-mile, 20-inch system constructed in that case was only 6 cents per barrel. Since natural-gas pipeline companies subject to the Commission's jurisdiction construct their systems almost entirely for the purpose of transporting dry gas, cost allocation methods must be developed to determine how much of the costs of operating their systems should be allocated to the transportation of liquids. Obviously, the charge for transporting liquids can be made relatively high or relatively low simply by varying the percentage of total costs which is allocated to the function of transporting liquids.

In designing facilities which will be used in multiphase operations, the pipeline companies have generally used a modification of the Panhandle flow formula providing for a loss of efficiency as a result of moving liquids along with gas in the same pipeline. At the conference held on October 15, 1970, in this proceeding the pipeline companies distributed a study showing that a charge of 20 cents per barrel was appropriate for transporting liquids. The 20-cent charge was based upon experience gained by Tennessee in operating its multiphase pipelines. That experience indicates that the efficiency of Tennessee's pipelines is reduced by 13 percent because of the friction or holdup in movement of the mixture of gas and liquids produced by introducing the liquids in the same pipeline with the gas. Therefore, a formula was developed which would allocate 13 percent of the cost of operating the pipelines to the function of transporting liquids.

In order to complete the allocation formula, it was necessary to determine the quantity of liquids which would be moved in a given pipeline in proportion to a given volume of gas. Here, again, the pipeline companies relied on Tennessee's experience which indicates that 15 barrels of liquids are transported for each 1,000 Mcf of gas. Any speculation as to whether a larger quantity than 15 barrels should be used in the formula is largely eliminated from consideration in light of Tennessee's experience showing that there is no apparent loss in efficiency when the quantity of liquids in a given multiphase pipeline is increased from 4 to 100 barrels per 1,000 Mcf of gas.

The cost for transporting dry gas has already been shown above to be approximately 2 cents per Mcf per 100 miles. Based on a 2-cent charge per 100 miles for transporting gas, and the further data indicating that 15 barrels of liquids will be transported with each 1,000 Mcf of gas with a 13-percent loss in efficiency, a charge for transporting liquids of 20 cents per barrel was developed by using the following formula:

$$\frac{\$.02 \times .13}{.015 \times .87} + \frac{\$.0026}{.01305} = \$.199 \text{ or } 20¢ \text{ per barrel}$$

The discussion above shows that the Commission, in fixing a charge for transporting liquefiable hydrocarbons and liquids, must take into consideration the fact that the producers' liquids and liquefiable hydrocarbons will be transported for varying distances through many sizes of pipelines and that the transportation service will extend from the commencement of production when load factors will be very low to full production when load factors will approach 100 percent. The diverse circumstances and conditions under which the transportation service will be rendered make the establishment of a general rate in a rule making proceeding especially desirable because an unwarranted amount of time would be required to fix an appropriate charge for each specific transportation service and to make necessary changes in the charge each time flow conditions and other factors change sufficiently to merit a reevaluation of the factors related to determining a unit transportation charge.

As hereinbefore indicated, the rule which the Commission is promulgating in this proceeding will fix the same charges for the remaining producing areas as those established for such transportation services for the southern Louisiana area in Opinion No. 598. The rule will be applicable to all sales certificated after the effective date of this order and to all sales which have heretofore been authorized under either temporary or permanent certificates with conditions making the sales subject to the outcome of the rule making proceeding in Docket No. R–338. The Commission has imposed such conditions in certificates authorizing the sale of gas from acreage in Colorado, Wyoming, the Permian Basin, Kansas, Oklahoma, Texas Railroad District No. 10, Mississippi, and the Texas Gulf Coast area.

The rule which is being promulgated by this order will allow contractual provisions to govern unless they provide for a charge of less than 2 cents per Mcf per 100 miles for transporting gas and 20 cents per barrel for transporting liquids. Examination of the producer sales contracts indicates that in the Texas Gulf Coast area most deliveries to the interstate pipelines occur after processing so that the pipeline companies perform no transportation services for the producers. There do not appear to be any consistent provisions in the few cases where the pipeline companies are performing transportation services. United Gas Pipe Line Co.'s and Texas Eastern Transmission Corp.'s contracts do not specify any charge, except that one of Texas Eastern's contracts provides for an offset of plant costs for dehydration against the cost of transporting gas to the processing plant. One of Trunkline Gas Co.'s contracts provides for a charge of 2 cents per Mcf per 100 miles for plant fuel and shrinkage.

In Mississippi, processing appears to have been completed prior to delivery to the pipeline companies in most instances so that no transportation services are performed for producers. In nearly all other areas, such as Oklahoma, Texas, Kansas, and Texas Railroad Commission District No. 10, the contracts do not provide for the producers to pay the pipeline companies a transportation charge.

The foregoing discussion shows that the minimum charges promulgated by this order will bring about uniformity for the transportation services performed by pipeline companies and will properly relieve gas consumers of paying costs which should be borne primarily by the producers. There is, of course, some merit to the producers' arguments that their processing plants remove impurities from the gas stream and improve the quality of the gas ultimately delivered to consumers. The latter point is one of the primary reasons for the Commission's conclusion that a generalized charge should be made for the service because of the many variables which would enter into a determination of an exact charge to fit each of the transportation services which is performed by the pipeline companies for producers.

At the conference held October 15, 1970, some of the respondents argued that the transportation rates heretofore discussed are too low to recover the full cost of rendering the service. The producers and pipeline companies cited some facts in answering those contentions which have a bearing on transportation rates applicable to producing areas involving offshore facilities, such as those in the Texas Gulf Coast area and in additional offshore areas from which future supplies of gas may be found. Specifically, it was pointed out that it is impossible to quantify the benefits to consumers from having the liquids and liquefiable hydrocarbons transported in the same pipelines with dry gas. One advantage of using the same pipelines for both condensates and gas, for example, may be found in the fact that weather conditions cause outages, ranging from 10 to 14 percent of the time, when barges are used to transport the producers' liquids from offshore areas. Introduction of the liquids and liquefiable hydrocarbons into the same pipelines which transport dry gas increases the reliability of offshore facilities and saves consumers the costs which would otherwise be associated with the construction of onshore storage facilities for use as a supplemental source of gas during adverse weather conditions.

Several questions were raised in the notice of proposed rule making issued in this proceeding. Among them was the query as to whether a standard of immateriality or a de minimis rule should be established. Thirteen respondents discussed a de minimis rule in their comments. Nine favored establishing a standard of immateriality, two opposed such a rule, and two believed that a determination of immateriality would have to be made on a case-by-case basis. It appears that providing for the charge to be made on a per-mile basis, that is, 0.02 cent per Mcf per mile, obviates any need to provide for waiving the charge in cases where it will be de minimis because it is unlikely that a situation will occur in which the transportation will be for a distance of less than 1 mile. Since one of the reasons for using the rule making approach is to eliminate case-by-case determinations under a wide variance of conditions, it is appropriate that the charge be applied in every instance regardless of the distance involved.

Another question raised by the rule making notice was whether the charge for transporting liquids and liquefiable hydrocarbons should be applied retrospectively or only prospectively. All respondents discussed that issue in their comments and only three respondents (AGD and the California and New York Commissions) favor application of the charge to contracts executed prior to the issuance of the notice of rule making.

Those favoring application of a transportation charge on a retroactive basis argue that the producers have been obtaining a free ride for their hydrocarbons at the consumers' expense. They contend that if pipeline companies are transporting liquids and liquefiable hydrocarbons in facilities certificated solely for the transportation of dry gas, then the pipeline companies ought to apply for abandonment authority for the portion of the capacity which has been lost to the transportation of liquids and liquefiable hydrocarbons because that capacity would otherwise have been available for the transportation of dry gas for consumers. Since additional certificate proceedings would be necessary to make current authorizations track the use to which the facilities are being put, they do not see that the Commission should be barred from determining for past periods an appropriate charge for transportation of liquids and liquefiable hydrocarbons.

As hereinbefore stated, the notice of rule making had tentatively proposed that costs be allocated to the transportation of liquids and liquefiable hydrocarbons, thereby leaving to the pipeline companies the problem of recouping such costs from the producers. The pipeline companies' comments were made in light of that allocation proposal and they unanimously objected to retroactive application of any charge for transporting liquids and liquefiable hydrocarbons on the ground that they would not be able to recoup such costs from the producers if no such charge had been provided for in their gas purchase contracts with the producers.

The producers argue that a retroactive application of such charges would be contrary to their contracts and violative of due process because they had no prior notice when they agreed to sell their gas that they would be exposed to transportation charges. Additionally, many of the producers contend that their removal of liquids and hydrocarbons in producing areas is beneficial to the pipeline companies because their processing plants not only remove hydrocarbon products but also water and impurities which would otherwise lower the quality of the gas and impede the transportation of dry gas.

The Commission is of the opinon that the transportation charges should be applied only on a prospective basis. Ever since the notice of rule making was issued in this proceeding the Commission has been conditioning the granting of both temporary and permanent certificates involving transporting liquids and liquefiable hydrocarbons to make the related sales subject to the outcome of this proceeding. Application of the rule on a prospective basis would be consistent with the Commission's decision in Hugoton Production Co., 41 FPC 490 (1969)[4] to require refunds of excess charges only after the producers had been placed on notice by the Commission's opinion in Lo-Vaca Gathering Co., 26 FPC 606 (1961), affirmed sub nom. California v. Lo-Vaca Gathering Co., 379 U.S. 366 (1965), that the Commission would consider sales of gas for compressor fuel to pipeline companies to be subject to its jurisdiction if the producers' gas becomes commingled with other gas moving in interstate commerce.

The Commission's determinations in the remanded Catco proceeding (Continental Oil Co., 27 FPC 96 (1962)) are relevant in considering the question of retroactive application of the transportation charge involved in this proceeding. In its Catco opinion the Supreme Court referred to the fact that there was no evidence to show that the producers were entitled to "* * * free movement of distillates retained by the producers" (Atlantic Refining Co. v. P. S. C. of New York, 360 U.S. 378, 393 (1959)). After completion of the hearing held in the remanded Catco proceeding, the Commission reduced the cost allocated to the producers' gas by a credit equal to Tennessee's cost of transporting the producers' condensates to shore (Continental Oil Co. *supra* at 108).

Although the Catco case served the purpose of putting the producers on notice that some charge should be made for transporting their condensates, the fact that the Commission deducted the cost of transporting condensates from the price they were allowed to charge for their gas supports to some extent the producers' argument that the transportation charge for condensates should not be applied retroactively because they had reason to believe on the basis of the Catco case that the transportation charge was being taken into consideration in fixing the price at which their gas was to be sold in interstate commerce.

Only after the notice of rule making had been issued and the Commission had begun to condition producer certificates to the outcome of this proceeding, were the producers on specific notice that they might be required to pay the pipeline companies a charge for transporting their liquids and liquefiable hydrocarbons, that is, a specific charge other than an assignment by the Commission of value to transportation services and a crediting of that amount against the cost of producing gas in determining producer rates. In light of the foregoing considerations, the Commission concludes that the charges hereinafter established for transporting liquids and liquefiable hydrocarbons should be applied to all temporary and permanent certificates heretofore conditioned upon the outcome of this proceeding and to all certificates, involving the transportation of liquids and liquefiable hydrocarbons, which may hereafter be issued.

The Commission finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matter presently before this Commission through the submission, in writing, and presentation at conferences held on September 29, 1970, and October 15, 1970, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) Since the amendments made in the General Policy and Interpretations under the Natural Gas Act result from suggestions made by respondents to the notice of proposed rule making herein and since these revisions do not impose a further burden on persons subject to these interpretations and do not amount to a substantial departure from the original proposal, no further notice and hearing prior to adoption is necessary.

(3) In view of the foregoing, and upon consideration of all relevant matters presented, including the arguments, contentions, suggestions, and other views expressed in the comments received and during the course of the conferences held on September 29, 1970, and October 15, 1970, it is necessary and appropriate for the administration of the Natural Gas Act that the General Policy and Interpretations of the Commission under the Natural Gas Act be amended as herein provided.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 4(e), 5(a), and 16 (52 Stat. 822, 830 (1938); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717o) orders:

(A) Part 2, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by adding a new § 2.71 to read as follows:

§ 2.71 Charges applicable to the transportation of liquids, liquefiable hydrocarbons, etc., for others.

When pipeline companies contract to purchase gas and agree to transport liquids and liquefiable hydrocarbons from field delivery points to processing plants for removal of such hydrocarbons, the transportation charge to be imposed for such service shall be the consideration set forth in the contracts between the pipeline companies and those for

[4] Affirmed sub nom. Mesa Petroleum Co. v. F.P.C., 441 F.2d 182 (5th Cir. 1971) insofar as the Commission had required refunds to be made prospectively from the issuance of its Lo-Vaca opinion.

V 37-28 FEB 10 72 XUM

whom the transportation service is rendered, unless the contractual consideration is less than 0.02 cents per Mcf per mile for liquefiable hydrocarbons and 20 cents per barrel for liquid hydrocarbons, in which case the aforesaid minimum charges shall apply. For sales certificated subject to the outcome of the rule making proceeding in Docket No. R-338, and for sales certificated after March 1, 1972, the transportation charge as of March 1, 1972, or as of the date of initial delivery, whichever is later, shall be as set forth in the respective contracts, unless the contractual consideration is less than the aforementioned minimum charges, in which case the minimum charges shall apply. The payment of the charges hereinbefore specified shall exempt any sales associated therewith from reductions in ceiling prices because of the rendering of the above-described transportation services by pipeline companies for sellers of gas.

(B) Section 2.71, as hereinbefore promulgated, shall become effective 30 days after the issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Comments in the rule making proceeding in Docket No. R-338 have been received from the following:

DISTRIBUTORS

Associated Gas Distributors, consisting of:
Atlanta Gas Light Co.
The Berkshire Gas Co.; Boston Gas Co.; Bristol and Warren Gas Co.; Brockton Taunton Gas Co.; Buzzards Bay Gas Co.; Cambridge Gas Co.; Central Massachusetts Gas Co.; city of Holyoke, Department of Public Utilities; city of Westfield Gas and Electric Light Department; Concord Natural Gas Corp.; The Connecticut Gas Co.; Fall River Gas Co.; Fitchburg Gas and Electric Light Co.; Gas Service, Inc.; The Greenwich Gas Co.; The Hartford Electric Light Co.; The Hartford Gas Co.; Haverhill Gas Co.; Lawrence Gas Co.; Lowell Gas Co.; Lynn Gas Co.; Manchester Gas Co.; Mystic Valley Gas Co.; New Bedford Gas and Edison Light Co.; The New Britain Gas Light Co.; The Newport Gas Light Co.; Northhampton Gas Light Co.; North Attleboro Gas Co.; North Shore Gas Co.; Norwood Gas Co.; The Pequot Gas Co.; Providence Gas Co.; South County Gas Co.; Southern Connecticut Gas Co.; Springfield Gas Light Co.; Tiverton Gas Co.; Valley Gas Co.; Wachusett Gas Co.; and Worcester Gas Light Co. (jointly).
The Brooklyn Union Gas Co.
Central Hudson Gas and Electric Corp.
Consolidated Edison Company of New York, Inc.
The East Ohio Gas Co.; Consolidated Gas Supply Corp.; Lake Shore Pipe Line Co.; The Peoples Natural Gas Co.; and The River Gas Co. (jointly).
Elizabethtown Gas Co.
Long Island Lighting Co.
New Jersey Natural Gas Co.
New York State Electric & Gas Corp.
Philadelphia Electric Co.
Philadelphia Gas Works, Division of The United Gas Improvement Co.
Piedmont Natural Gas Co., Inc.
Public Service Company of North Carolina
Public Service Electric and Gas Co.
Rochester Gas and Electric Corp.
South Jersey Gas Co.
The United Gas Improvement Co.
Washington Gas Light Co.

INDEPENDENT PRODUCERS

Ashland Oil, Inc.
Atlantic Richfield Co.
California Co., The
Continental Oil Co.
Flag Oil Corp.
Humble Oil & Refining Co.
Kerr-McGee Corp.
Mobil Oil Corp.
Pan American Petroleum Corp.
Phillips Petroleum Co.
Shell Oil Co.
Sun Oil Co.
Superior Oil Co., The
Texaco Inc.
Union Oil Company of California

PIPELINE COMPANIES

Colorado Interstate Gas Co.
Columbia Gas System Service Corp.
Natural Gas Pipeline Company of America
Northern Natural Gas Co.
Panhandle Eastern Pipe Line Co. and Trunkline Gas Co. (jointly)
Tennessee Gas Pipeline Co., a division of Tenneco Inc.
Texas Eastern Transmission Corp.
Texas Gas Transmission Corp.
Transcontinental Gas Pipe Line Corp.
United Gas Pipe Line Co.

OTHERS

Independent Natural Gas Association of America
Public Service Commission of the State of New York
Public Utilities Commission of the State of California

[FR Doc. 72-1917 Filed 2-9-72;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

ERYTHROMYCIN THIOCYANATE AND ARSANILIC ACID; REVOCATION

Based on a notice of withdrawal of approval of a new animal drug application (Docket No. FDC-D-403) appearing elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs concludes that the food additive regulations should be amended to revoke provisions for the use of erythromycin thiocyanate and arsanilic acid in complete chicken and turkey feed.

Therefore, purusant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 512, 72 Stat. 1785–88 as amended, 82 Stat. 343–51; 21 U.S.C. 348, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.253 *Arsanilic acid* is amended in the table in paragraph (c) as follows:

a. By revoking the entry "1.1" from the "Principal ingredient" column in subitems f and g under item 1.8.

b. In the "Limitations" and "Indications for use" columns for the entry for subitem f under item 1.8 by deleting the references to items 1.2, 2.2, and 4.2 in the table in § 121.292(d).

2. Section 121.292 *Erythromycin thiocyanate* is amended in the table in paragraph (d) by revoking items 1.2, 2.2, and 4.2 and by revoking from the "Principal ingredient" column the entry "1.2" in subitems a, b, and c under item 1.2; the entry "2.2" in subitems a, b, and c under item 2.2; and the entry "4.2" in subitems a, b, and c under item 4.2.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-10-72).

(Secs. 409, 512, 72 Stat. 1785–88 as amended, 82 Stat. 343–51; 21 U.S.C. 348, 360b)

Dated: January 28, 1972.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.72-1951 Filed 2-9-72;8:51 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2603) filed by The Dow Chemical Co., 2040 Dow Center, Midland, Mich. 48640, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of styrene-butadiene copolymers containing not more than 10 weight percent of polymer units derived by copolymerization with 2-hydroxyethyl acrylate, as set forth below, to be used as components of the food contact surface of paper and paperboard in contact with all foods instead of being limited for use in coatings for paper and paperboard in contact with bakery products and dry solids only.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(b)(2) is amended by deleting the text in the "Limitations" column for the item "Styrene-butadiene copolymers * * *" and amending the entry to read as follows:

§ 121.2526 **Components of paper and paperboard in contact with aqueous and fatty foods.**

* * * * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Styrene-butadiene copolymers containing not more than 10 weight percent of polymer units derived by copolymerization with one or more of the following monomers: Acrylic acid. Fumaric acid. 2-Hydroxyethyl acrylate. Itaconic acid. Methacrylic acid.	----------
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-10-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 27, 1972.

R. E. DUGGAN, *Acting Associate Commissioner for Compliance.*

[FR Doc.72-1956 Filed 2-9-72; 8:51 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

POLY-1-BUTENE RESINS AND BUTENE/ETHYLENE COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2599) filed by Mobil Chemical Co., Edison, N.J. 08817, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use, as set forth below, of poly-1-butene resins and butene/ethylene copolymers as articles or components of articles intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended, as follows:

The following new section is added to Subpart F:

§ 121.2617 **Poly-1-butene resins and butene/ethylene copolymers.**

The poly-1-butene resins and butene/ethylene copolymers identified in this section may be safely used as articles or components of articles intended for use in contact with food subject to the provisions of this section.

(a) *Identity.* Poly-1-butene resins are produced by the catalytic polymerization of butene-1 liquid monomer. Butene/ethylene copolymers are produced by the catalytic polymerization of 1-butene liquid monomer in the presence of small amounts of ethylene monomer so as to yield no higher than a 5 weight percent concentration of polymer units derived from ethylene in the copolymer.

(b) *Specifications and limitations.* Poly-1-butene resins and butene/ethylene copolymers shall conform to the specifications prescribed in subparagraph (1) of this paragraph, and shall meet the extractability limits prescribed in subparagraph (2) of this paragraph.

(1) *Specifications*—(i) *Infrared identification.* Poly-1-butene resins and butene/ethylene copolymers can be identified by their characteristic infrared spectra.

(ii) *Viscosity.* Poly-1-butene resins and the butene/ethylene copolymers have an intrinsic viscosity 1.0 to 3.2 as determined by ASTM Method D-1601.

(iii) *Density.* Poly-1-butene resins have a density of 0.904 to 0.920 gms/cm³, and butene/ethylene copolymers have a density of 0.890 to 0.916 gms/cm³ as determined by ASTM Method D-1505-63T.

(iv) *Melt index.* Poly-1-butene resins have a melt index of 0.1 to 24 and the butene/ethylene copolymers have a melt index of 0.1 to 20 as determined by ASTM Method D-1238, Condition E.

(2) *Limitations.* Poly-1-butene resins and butene/ethylene copolymers for use in articles that contact food, and for articles used for packing or holding food during cooking shall yield no more than the following extractables:

(i) Poly-1-butene resins and butene/ethylene copolymers may be used as articles or components of articles intended for use in contact with food, provided that the maximum extractables do not exceed 2.5 percent by weight of the polymer when film or molded samples are tested for two hours at 50° C. in n-heptane; and provided further that the butene/ethylene copolymer contains no more than 1.5 percent by weight of polymer units derived from ethylene.

(ii) Butene/ethylene copolymers containing no more than 5 percent by weight of polymer units derived from ethylene may be used in food-contact films of no more than 1 mil thickness where such films are manufactured from this copolymer blended with polypropylene, complying with § 121.2501, provided that the finished film contain no more than 60 parts butene/ethylene copolymer and the maximum extractables of the finished film do not exceed 9.3 percent by weight of the film when extracted for two hours at 50° C. in n-heptane.

(iii) Poly-1-butene resins and butene/ethylene copolymers may be used as articles or components of articles intended for packaging or holding food during cooking, provided that the thickness of such polymers in the form in which they contact food shall not exceed 4 mils and yield maximum extractables of not more than 2.5 percent by weight of the polymer when films are extracted for two hours at 50° C. in n-heptane; and provided further that the butene/ethylene copolymer contain no more than 1.5 percent by weight of polymer units derived from ethylene.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-10-72).

(Sec 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 28, 1972.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.72-1955 Filed 2-9-72;8:51 am]

V37-28 FEB 10 72 XUM

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SYNTHETIC PETROLEUM WAX

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0L2539) filed by Petrolite Corp., Bareco Division, Post Office Drawer K, Tulsa, Okla. 74115, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of synthetic petroleum wax in or on food and as an article or component of an article intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. The following new section is added to Subpart D:

§ 121.1239 Petroleum wax, synthetic.

Synthetic petroleum wax may be safely used in or on foods in accordance with the following conditions:

(a) Synthetic petroleum wax is a mixture of solid hydrocarbons, paraffinic in nature, prepared by catalytic polymerization of ethylene, and refined to meet the specifications prescribed by this section.

(b) Synthetic petroleum wax meets the ultraviolet absorbance limits of § 121.1156(b) when subjected to the analytical procedure described therein.

(c) Synthetic petroleum wax has a number average molecular weight of not less than 500 nor greater than 1,200 as determined by vapor pressure osmometry.

(d) Synthetic petroleum wax may contain any antioxidant permitted in food by regulations issued in accordance with section 409 of the Act, in an amount not greater than that required to produce its intended effect.

(e) Synthetic petroleum wax is used or intended for use as follows:

Use	*Limitations*
In chewing gum base as a masticatory substance.	In accordance with § 121.1059 in an amount not to exceed good manufacturing practice.
On cheese and raw fruits and vegetables as a protective coating.	In an amount not to exceed good manufacturing practice.
As a defoamer in food.	In accordance with § 121.1099.

2. In § 121.1059(a) by alphabetically inserting in the list of substances under "Masticatory Substances, *Synthetic*" a new item as follows:

§ 121.1059 Chewing gum base.

(a) • • •

MASTICATORY SUBSTANCES

NATURAL (COAGULATED OR CONCENTRATED LATICES) OF VEGETABLE ORIGIN

Synthetic	*Specifications*
Petroleum wax synthetic.	Complying with § 121.1239.

3. In § 121.1099(a)(3) by alphabetically inserting in the list of substances a new item as follows:

§ 121.1099 Defoaming agents.

(a) • • •
(3) • • •

Substances	*Limitations*
Petroleum wax, synthetic.	Not more than 150 p.p.m. in yeast, measured as hydrocarbons.

4. The following new section is added to Subpart F:

§ 121.2618 Petroleum wax, synthetic.

Synthetic petroleum wax may be safely used as a component of nonfood articles in contact with food, in accordance with the following conditions:

(a) The food additive meets the specifications and definition prescribed in § 121.1239 of this chapter.

(b) Synthetic petroleum wax is used or intended for use as follows:

(1) In combination with olefin polymers complying with § 121.2501(c) provided that the finished article is not used or intended for use in contact with food during cooking.

(2) As a component of paper and paperboard complying with § 121.2526 intended for use in contact with aqueous and fatty foods.

5. In § 121.2526(a)(5) by alphabetically inserting in the list of substances a new item as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

(a) • • •
(5) • • •

List of substances	*Limitations*
Petroleum wax, synthetic	Complying with § 121.2618.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-10-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-1957 Filed 2-9-72; 8:51 am]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

Decoquinate, Chlortetracycline

The Commissioner of Food and Drugs has evaluated a new animal drug application (45-444V) filed by Hess & Clark, Division of Rhodia, Inc., Ashland, Ohio 44805 proposing the safe and effective use of decoquinate in combination with chlortetracycline in low calcium chicken feed for the purposes set forth below. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121, 135e, and 144 are amended as follows:

1. In Part 121, § 121.208 is amended in paragraph (d), table 1, by adding a new item 16, as follows:

§ 121.208 Chlortetracycline.

(d) • • •

TABLE 1—CHLORTETRACYCLINE IN COMPLETE CHICKEN AND TURKEY FEEDS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
16. Chlortetracycline.	200	Decoquinate	27.2 (0.003%)	For broiler chickens; not to be fed to laying chickens; in low calcium feed containing 0.8% of calcium; not to be fed continuously for more than 8 weeks; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. mivati, E. maxima,* and *E. brunetti* and for the treatment of chronic respiratory disease (air sac infection), prevention of synovitis.

2. In Part 135e, § 135e.51 is amended by adding a new subitem b under item 2 to the table in paragraph (g), as follows:

§ 135e.51 Decoquinate.

(g) • • •

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2. b. 1.	• • •	Chlortetracycline	200	For broiler chickens; not to be fed to laying chickens; in low calcium feed containing 0.8% of calcium; not to be fed continuously for more than 8 weeks; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. tenella, E. necatrix, E. acervulina, E. mivati, E. maxima,* and *E. brunetti*; and for the treatment of chronic respiratory disease (air sac infection), prevention of synovitis.

3. In Part 144, § 144.26(b) is amended by adding the following new subparagraph:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

(b) • • •

(64) It is a medicated feed containing decoquinate and antibiotics and it is used in accordance with § 135e.51 of this chapter.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-10-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 13, 1972.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.72-1954 Filed 2-9-72; 8:51 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

ASSIGNMENT OF NEW CODE NUMBER

To facilitate referencing, Penwalt Corp. is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135.501 is amended in paragraph (c) by adding a new code number as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

(c) • • •

Code No.	*Firm name and address*
050	Penwalt Corp., Post Office Box 1297, Tacoma, Wash. 98401.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-10-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: January 28, 1972.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.72-1958 Filed 2-9-72; 8:51 am]

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Diethylstilbestrol

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (11-485V) filed by Dawes Laboratories, 450 State Street, Chicago Heights, Ill., 60411, providing for the safe and effective use of diethylstilbestrol at an additional premix level in the manufacture of finished dry feeds and to provide a range of from 5 to 20 milligrams of diethylstilbestrol per head per day in beef cattle. The supplemental applications are approved.

The regulations are also amended to reflect a revision in the name and address of the sponsor, Dawes Laboratories, Inc.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135e are amended as follows:

1. Section 135.501 is amended in paragraph (c) by revising the name and address of the firm listed as Code No. 011 to read as follows:

§ 135.501 Names, address, and code numbers of sponsors of approved applications.

(c) • • •

Code No.	*Firm name and address*
011	Dawes Laboratories, Inc., 450 State Street, Chicago Heights, Ill. 60411

2. Part 135e is amended in section 135e.18 by designating the existing text in paragraph (c) following the word *"Approvals"* as subparagraph (1) and by adding thereto a new subparagraph (2) to read as follows:

§ 135e.18 Diethylstilbestrol.

(c) *Approvals.* (1) • • •

(2) In dry premix, levels of 2 grams (0.44 percent), 4 grams (0.88 percent), and 10 grams (2.2 percent) of diethylstilbestrol per pound has been granted for use in manufacturing finished feeds within currently approved use levels of 5-20 milligrams per head per day; for sponsor see code No. 011 in § 135.501(c) of this chapter.

V37-28 FEB 10 72 XUM

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-10-72).

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: January 28, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72-1959 Filed 2-9-72;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101-11—RECORDS MANAGEMENT

Disposal of Microfilmed Records, Microfilm Storage and Filming Standards, Criteria For Using Microfilm Copies, and Microfilm Services Available From GSA

This amendment provides the (1) procedures for requesting authority to dispose of microfilmed records, (2) standards to be used by Federal agencies for microfilming records, (3) criteria for using microfilm copies, (4) standards for storing microfilm copies of permanent records, and (5) information concerning microfilm services available from the National Archives and Records Service.

Part 101-11 is amended by the addition of revised Subpart 101-11.5 as follows:

Subpart 101-11.5—Microfilming

Sec.
101-11.500 Scope of subpart.
101-11.501 Authority.
101-11.502 Definitions.
101-11.503 Disposal of records.
101-11.503-1 Request for authority.
101-11.503-2 Deposit of copies.
101-11.503-3 Deteriorating microfilm.
101-11.504 Standards for microfilming permanent records.
101-11.504-1 Preparing and microfilming permanent records.
101-11.504-2 Microfilm stock.
101-11.504-3 Processing film.
101-11.505 Criteria for using microfilm copies of permanent records.
101-11.506 Standards for storing microfilm copies of permanent records.
101-11.506-1 Reels and cores.
101-11.506-2 Storage containers.
101-11.506-3 Storage rooms.
101-11.506-4 Environmental conditions.
101-11.506-5 Control of air conditioning.
101-11.506-6 Protection against air-entrained impurities.
101-11.506-7 Gaseous impurities.
101-11.506-8 Microfilm inspection.
101-11.507 Standards for microfilming nonpermanent records.
101-11.508 Centralized microfilm services.
101-11.508-1 Procedures for arranging for reimbursable services.
101-11.508-2 Fees for microfilming services.

AUTHORITY: The provisions of this Subpart 101-11.5 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); sec. 3302, 82 Stat. 1299, 44 U.S.C. 3302.

§ 101-11.500 Scope of subpart.

This subpart provides the (a) procedures for requesting authority to dispose of microfilmed records, (b) standards to be used by Federal agencies for microfilming records, (c) criteria for using microfilm copies of permanent records, (d) standards for storing microfilm copies of permanent records, and (e) information concerning microfilm services available from the National Archives and Records Service (NARS).

§ 101-11.501 Authority.

As provided in 44 U.S.C. chapters 29 and 33, the Administrator of General Services is authorized to (a) establish standards for the photographic and microphotographic reproduction of permanent records by agencies of the Federal Government with a view to disposal of the original records; (b) establish uniform standards within Government agencies for the storage and use of processed microfilm copies of permanent records that have been authorized for disposal; (c) develop and promote standards to improve the management of records; and (d) establish, maintain, and operate centralized microfilming services for Federal agencies.

§ 101-11.502 Definitions.

For the purpose of this Subpart 101-11.5, the following definitions shall apply:

(a) *Permanent record.* Any record (see 44 U.S.C. 3301) that has been determined by the Archivist of the United States to have sufficient historical or other value to warrant its continued preservation by the Government. Such determinations take the form of approved agency records retention plans or an approved offer to transfer records to the National Archives. A determination is not made merely by NARS approval of a comprehensive records disposal schedule that also lists records that are identified as "permanent" or "retain" by the agency but are not clearly certified as permanent by NARS.

(b) *Original microfilm.* Original microfilm is camera microfilm whether produced by customary or Computer Output Microfilm (COM) methods and regardless of emulsion or base.

(c) *Silver original microfilm.* Silver original microfilm is camera microfilm meeting the requirements of Federal Standard No. 125a; Film Photographic and Film, Photographic, Processed (for permanent record use).

(d) *Silver duplicate negative.* A silver duplicate negative is a second generation negative microfilm meeting the requirements of Federal Standard No. 125a whether produced from an original negative or from an original positive.

(e) *Silver master positive.* A silver master positive is a second generation positive microfilm meeting the requirements of Federal Standard No. 125a produced from either an original negative or from an original positive.

§ 101-11.503 Disposal of records.

§ 101-11.503-1 Request for authority.

(a) Federal agencies proposing to preserve permanent records on microfilm and dispose of the original records shall request authority on Standard Form 115, Request for Authority to Dispose of Records, in accordance with Subpart 101-11.4.

(1) Agencies whose proposed microfilming procedures meet the standards in § 101-11.504 shall include on the SF 115 the following certification:

> This certifies that the records described on this form shall be microfilmed in accordance with the standards set forth in 41 CFR 101-11.504 and that the (select appropriate words: Silver original microfilm, silver duplicate negative microfilm, or silver master positive microfilm) plus one positive copy of each microfilm shall be (select appropriate phrase: Offered to the Office of the National Archives (NN), National Archives and Records Service, General Services Administration, Washington, D.C. 20408; offered to the Federal Records Center (city and State); or transferred to an approved agency records center at (city and State)).

(2) Agencies whose proposed microfilming procedures do not meet the standards in § 101-11.504 shall include on the SF 115 an outline of the system, film, and processing which they propose to use.

(b) Agencies proposing to retain the silver original microfilm copy of permanent records after disposal of the original records must include as part of this request a statement that facilities meeting the standards of § 101-11.506 will be used to store the silver original microfilm. These facilities shall be subject to initial and subsequent inspection by NARS. Such agencies shall also indicate when the first inspection of microfilm required by § 101-11.506-8 will be conducted.

§ 101-11.503-2 Deposit of copies.

(a) The silver original microfilm copy or either of (1) a silver duplicate negative copy or (2) a silver master positive copy; plus one positive copy of each microfilm of permanent records microfilmed by an agency shall be verified for completeness and accuracy and then shall be either transferred to an approved agency records center or offered to either the Office of the National Archives (NN), National Archives and Records Service, General Services Administration, Washington, D.C. 20408; or the Archives Branch in the Federal Records Center where the original permanent records would normally be retired.

(b) After acceptance of the agency offer by NARS, the agency shall forward the microfilm copies as soon as the project is completed or, in the case of larger continuing projects, when a substantial and readily identifiable portion is completed.

(c) The microfilm copies shall be accompanied by adequate descriptive material to enable NARS or agency file personnel to service the records with reasonable facility and by a certification by an agency official that the microfilm was produced in the normal course of agency operations and that care has been taken to insure that the microfilm is a complete and accurate copy of the original records.

§ 101-11.503-3 Deteriorating microfilm.

An agency having custody of a previously produced original microfilm (or, if the original microfilm is no longer in existence, the master copy) of permanent records shall prepare a silver duplicate negative copy for its own use, if required, when it finds that such copies are deteriorating or in danger of deterioration. The agency shall also offer an identical copy plus one positive copy as specified in this § 101-11.503-2.

§ 101-11.504 Standards for microfilming permanent records.

Federal agencies microfilming permanent records shall comply with the following standards which relate to the preparing and filming of permanent records, the selecting of film stock, and the processing of film.

§ 101-11.504-1 Preparing and microfilming permanent records.

(a) *General.* The integrity of the original records authorized for disposal shall be maintained by insuring that the microfilm copies are adequate substitutes for the original records and serve the purposes for which such records were created or maintained. The following measures and any others found necessary shall be observed in any Federal microfilming project to insure preservation of the integrity of the records:

(1) Copies shall contain all significant record detail shown on the originals;

(2) Copies of the records shall be so arranged, identified, and indexed that any individual document or component of the records can be located with reasonable facility;

(3) No photographic densities on negative copies higher than are required for the intended purposes shall be used. Where possible, densities on negative copies shall be between 1.0 and 1.2. On positive copies the background shall be kept as clear as practicable;

(4) A minimum resolution of 90 lines per mm. shall be obtained; and

(5) Military specifications and standards for microfilming and photographing engineering drawings and similar related documents shall be followed whenever applicable.

(b) *Roll microfilm.* (1) The photographic images at the beginning of each roll of microfilm shall include information identifying the agency and organization whose records it covers; the title of the records; the microfilm roll number; the security classification, if any; and, if possible, the inclusive dates, names, or other data identifying the first and last records on the roll; and

(2) Any indexes, registers, or other finding aids shall be microfilmed at the beginning of the records to which they relate.

(c) *Other microforms.* (1) Microfilming systems for unit microfilm records shall be so designed and supervised that the resulting microfilm file is an accurate representation of the original records.

(2) Any indexes, registers, or other finding aids shall be microfilmed and located in a readily identifiable place within the collection of microfilmed records.

(3) Systems (e.g., COM) producing original permanent records on microfilm with no paper original shall be designed so that they produce microfilm which meets the standards of this Subpart 101-11.5.

§ 101-11.504-2 Microfilm stock.

The film stock used to make photographic or microphotographic copies of permanent records shall be safety-base permanent record film as specified in American National Standards Institute (ANSI) PH1.25, Specifications for Safety Photographic Film; PH1.28, Specifications for Photographic Films for Permanent Records; PH1.29, Methods for Determining the Curl of Photographic Film; and PH1.31, Method of Determining the Brittleness of Photographic Film and shall comply with Federal Standard No. 125a. In order to afford adequate protection for permanent records, agencies using microfilm systems which do not produce an original microfilm meeting these standards for permanent records shall immediately make a silver duplicate negative or silver master positive which does meet the standards.

§ 101-11.504-3 Processing film.

The film used to make photographic or microphotographic copies of permanent records shall be so processed that the residual thiosulfate concentration shall be greater than zero but shall not exceed 1 microgram per square centimeter. An optimum concentration of 0.7 micrograms per square centimeter in a clear area is recommended. Agencies conducting their own microfilming program may determine whether their processed film meets this requirement by performing the tests specified in ANSI PH4.8; Methylene Blue Method for Measuring Thiosulfate and the Silver Densitometric Method for Measuring Chemicals in Films, Plates, and Papers; or by submitting a sample for testing from a clear area of the film, measuring at least 2 square inches, to the Office of the Executive Director (NAF), National Archives and Records Service, General Services Administration, Washington, D.C. 20408. A charge of $5 will be made for each sample tested, however, small numbers of samples will be tested by NARS without charge. COM-produced microfilm of permanent records shall meet the processing standards above. If the processing is to be of the reversal type it must be full photographic reversal and not the halide-type reversal.

§ 101-11.505 Criteria for using microfilm copies of permanent records.

The following criteria are required in using microfilm copies of permanent records:

(a) Original microfilm copies of permanent records shall not be used for reference purposes. Negative or positive copies of the original negative shall be used for reference purposes.

(b) Adequate measures shall be taken to keep the original microfilm clean and unscratched.

§ 101-11.506 Standards for storing microfilm copies of permanent records.

This section prescribes standards required for storing silver original microfilm copies or silver duplicate negative or silver master positive copies of permanent records.

§ 101-11.506-1 Reels and cores.

Microfilm stored in roll form shall be wound on cores or on reels of the type specified in ANSI PH5.6, Standard Dimensions for 100-foot Reels for Processed 16-mm. and 35-mm. Microfilm. The materials used for the cores and reels shall be noncorroding such as plastic compounds or nonferrous metals. The use of steel for reels shall be permitted provided the reels are well protected by lacquer, enamel, tinning, or other corrosion-resistant finish. Plastics and lacquers that might give off reactive fumes or exudations during storage shall not be used. The plastic materials must be free of peroxides. Paper strips or rubber bands shall not be used for confining film on reels or cores. The materials used shall not ignite, decompose, or develop reactive fumes and vapors.

§ 101-11.506-2 Storage containers.

The microfilm shall be stored in a closed container made of such inert material as metal or plastic of proven quality. The container shall be sealed where needed to maintain prescribed humidity limits or to protect the film against gaseous impurities. If proper temperature and humidity controls are maintained as prescribed in § 101-11.506-4, and if there is good ventilation and clean air in the storage area, the containers need not be sealed. Open containers such as folding cartons may be used only if it has been established that the container material will have no adverse effect on the film over long periods of time.

§ 101-11.506-3 Storage rooms.

Agencies retaining original microfilm copies of permanent records shall provide a fire-resistive vault or room. The storage area shall not be used as an office or working area. No flammable material shall be stored in the storage area. For full protection against exposure to fire and associated hazards, fire-resistive safes or insulated containers shall be placed within fire-resistive vaults or rooms constructed in accordance with recommendations of the National Fire Protection Association in their publication NFPA 232, Protection of Records, 1970. Particular care shall be taken to insure that the provisions of this § 101-11.506 are applied effectively when original negative microfilm is stored in such places as underground installations and insulated file cabinets where a high humidity is probable.

FEDERAL REGISTER, VOL. 37, NO. 28—THURSDAY, FEBRUARY 10, 1972

V37-28 FEB 10 72 XUM

§ 101–11.506–4 Environmental conditions.

The relative humidity of the storage vault or room shall not exceed 40 percent. Temperatures shall not exceed 70° F. Rapid and wide-range cycling of humidity or temperature shall be avoided and shall in no instance exceed ±5 percent relative humidity or ±5° F. in a 24-hour period. Where inactivity of the film permits, protection may be increased by conditioning and sealing the film at a lower humidity and/or storing the film at a lower temperature. Film stored at a lower relative humidity than 30 percent or a temperature lower than 60° F. shall be sufficiently warmed and reconditioned before use to avoid any possible damage in handling. If possible, approximately 0.05 inches of water pressure above atmospheric pressure shall be maintained within the room or vault and in the film inspection area by means of an independent air-conditioning system.

§ 101–11.506–5 Control of air conditioning.

Air conditioning shall be kept under sufficient control to meet the standards for temperature and humidity as specified in § 101–11.506–4. Dehumidifiers using desiccants shall not be used since, with circulating air in the storage area, there is a danger of abrasive or reactive dust particles settling on the film. Humidification before storage is not necessary unless the prevailing relative humidity in storage areas is less than 15 percent for long periods of time. Water trays or saturated chemical solutions shall not be used due to the serious danger of overhumidification.

§ 101–11.506–6 Protection against air-entrained impurities.

Solid particles that abrade the film or react on the image shall be cleaned from the air supplied to microfilm storage and associated rooms by the use of dry media mechanical filters or electrostatic precipitators. These filters shall have an arrestance or cleaning efficiency of at least 80 percent when tested with atmospheric air using ANSI PH5.4; Standard Practice for Storage of Processed Silver Gelatin Microfilm; which cites the report to the National Board of Fire Underwriters for the installation of air conditioning, warm air heating, air cooling, and ventilating systems. Filtering media, casings, and castings, if used, shall be of the noncombustible type.

§ 101–11.506–7 Gaseous impurities.

Such gaseous impurities as sulfur dioxide, hydrogen sulfide, and others that may cause deterioration of the microfilm shall be removed from the air. Silver-gelatin microfilm shall not be stored with other types of film in the same room or in rooms connected by ventilating ducts because gases given off by the non-silver-gelatin microfilm may damage or destroy the safety-film base.

§ 101–11.506–8 Microfilm inspection.

At approximately 2-year intervals, a 1 percent sample of randomly selected rolls of microfilm shall be inspected. For each biennial inspection, a different lot sample shall be chosen, allowing some overlapping of inspection to note any changes in previously inspected samples. The guidelines in the National Bureau of Standards Handbook 96, Inspection of Processed Photographic Record Films for Aging Blemishes, shall be followed. The results of such inspections shall be reported to the Office of the National Archives (NN), National Archives and Records Service, General Services Administration, Washington, D.C. 20408, 30 days after the inspection is completed. Reports shall include at least the (a) quantity of microfilm of permanent records on hand, i.e., number of rolls, microfiche, jackets, etc.; (b) quantity of microfilm inspected; (c) condition of the microfilm; and (d) corrective action required, if necessary.

§ 101–11.507 Standards for microfilming nonpermanent records.

(a) Agencies that wish to microfilm their own nonpermanent records should conduct a cost-benefit analysis according to their internal regulations and procedures to insure that the project or system is cost effective.

(b) Agencies that wish to microfilm their own nonpermanent records in order to dispose of the original records shall request authority in accordance with Subpart 101–11.4. The request for authority on SF 115 shall indicate whether the original records are required to be held less than 10 years or 10 years or more.

(c) After approval of the request the microfilming shall be done in accordance with the following:

(1) For nonpermanent records to be held 10 years or more, the standards set forth in § 101–11.504 for microfilming, in § 101–11.505 for using microfilm, and in § 101–11.506 for storing microfilm copies of permanent records should be used where applicable to insure the availability of the information for the period of time required.

(2) Nonpermanent records to be held less than 10 years may be microfilmed in accordance with agency standards and requirements for the retention of the records, including the option of using any film, processing system, or storage containers the agency may select.

§ 101–11.508 Centralized microfilm services.

The following microfilming services of the National Archives and Records Service are available to Federal agencies:

(a) Technical advice and assistance in establishing and promoting agency projects and programs to preserve records, reduce volume, provide security copies, make duplicate copies, or improve information retrieval systems;

(b) A central reimbursable microfilming service for Federal agencies including the preparation, indexing, and filming of records, inspection of film, and labeling of film containers; and

(c) Information on current uses of microfilm, new microfilm techniques, and developments in the field.

§ 101–11.508–1 Procedures for arranging for reimbursable services.

Federal agencies desiring microfilm services should contact the appropriate regional National Archives and Records Service. Agencies in the greater St. Louis area (Missouri only) should contact the Manager, National Personnel Records Center, St. Louis, Mo. 63132. Agencies in the District of Columbia, Maryland, Virginia, and West Virginia, should contact the Manager, Washington National Records Center, Suitland, Md. 20409. Elsewhere in GSA Region 3, agencies should contact the Region 3 National Archives and Records Service. An agreement of services to be provided will be negotiated before work is begun. This agreement may be in the form of an agency purchase order. The agency shall provide instructions that specify (a) location of the records to be filmed; (b) description of the records to include the volume, size, physical condition, filing arrangement, and the nature and frequency of additions, changes, and deletions, etc.; (c) size and format of the film to be used; (d) type of camera to be used and the reduction ratio at which the documents are to be filmed; (e) type of reader to be used; and (f) number and type (silver, diazo, vesicular) of reference copies.

§ 101–11.508–2 Fees for microfilming services.

Microfilming services normally available are: 16-mm. rotary, 16-mm. planetary, and 35-mm. planetary microphotography; negative film processing; 16-mm. cartridge loading; aperture card and microthin jacket mounting; and diazo duplication. The fees for these services will be announced in GSA bulletins issued and signed by the Archivist of the United States. For services not listed, contact the person or office shown in § 101–11.508–1.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (2–10–72).

Dated: February 3, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72–2011 Filed 2–9–72;8:54 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

PART 33—SPORT FISHING

Certain Wildlife Refuges in Southeast United States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (2–10–72).

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALABAMA

WHEELER NATIONAL WILDLIFE REFUGE

Area open to transportation of unstrung bows and arrows when used for fishing in conformance with Alabama State fishing regulations

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Sport fishing on the Wapanocca National Wildlife Refuge, Turrell, Ark., is permitted on Wapanocca Lake and other areas as designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1972, through September 30, 1972.

(2) Fishing permitted during daylight hours only.

(3) Motors larger than 10 horsepower are prohibited. No boats are allowed in the Woody Ponds area on the south side of the refuge.

(4) The use of jug, drop, or trotlines are prohibited.

(5) The use of live carp, shad, buffalo, and goldfish for bait are prohibited.

(6) No fishing permitted within 100 yards of the bridge, water control structure and boat dock which is located behind the refuge headquarters.

WHITE RIVER NATIONAL WILDLIFE REFUGE

Sport fishing on the White River National Wildlife Refuge, De Witt, Ark., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 2,592 acres are delineated on a map available at the refuge headquarters and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1972, through October 31, 1972.

(2) Boats without owner's name plate affixed in a conspicuous place may not be left overnight.

(3) Taking of frogs is prohibited.

(4) All fishermen must exhibit their fishing license, fish, and vehicle and boat contents to Federal and State officers upon request.

FLORIDA

LAKE WOODRUFF NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Woodruff National Wildlife Refuge, De Leon Springs, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 650 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season is open year-round on refuge waters west of Norris Dead River, Lake Woodruff, and Spring Garden Creek. Refuge waters east of the canal bordering the east side of Norris Dead River, Lake Woodruff, and Spring Garden Creek will be open to fishing only when such use will not result in undue disturbance to wildlife or will not interfere with wildlife management practices being carried out on the area. Such periods of permitted use will be designated by appropriate signing and will generally occur during the period from March 15 to October 15.

(2) Limited areas throughout the refuge may be designated as closed by appropriate signing to protect wildlife or other refuge values.

(3) Fishing on refuge waters is permitted during daylight hours only.

(4) Airthrust boats are prohibited.

(5) Firearms of any type are prohibited.

(6) State regulations govern fishing in State-owned waters contained in Spring Garden Lake, Spring Garden Creek, Norris Dead River and Highland Park Canal, Lake Woodruff, Tick Island Mud Lake, Tick Island Creek, and Lake Dexter.

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Loxahatchee National Wildlife Refuge, Delray Beach, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 74,492 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from February 23, 1972, to February 22, 1973.

(2) Fishing is restricted to 1 hour before sunrise until 1 hour after sunset.

(3) Boats may enter or leave the refuge only at the three public ramps as follows:

(a) North end of the refuge at S–5A landing.

(b) Headquarters boat ramp.

(c) S–39 boat ramp on south end of refuge.

(4) Method of fishing is with attended rod and reel and/or pole and line. Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Air-thrust boats may be authorized only by special permit issued by the refuge manager. Speedboats and racing craft are prohibited except for official purposes.

(6) Persons must follow such routes of travel within the area as may be designated by posting by the refuge officer-in-charge. To protect Government property or wildlife the refuge officer-in-charge may close any or all of the area.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Blackbeard Island National Wildlife Refuge, McIntosh County, Townsend, Ga., is permitted only on the areas designated by signs as open to fishing. Those open areas, comprising 680 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1972, through October 25, 1972.

(2) Fishing is permitted in daylight hours only.

(3) Boats with electric motors permitted. Boats with gasoline powered outboard motors prohibited.

(4) Use of live minnows as bait prohibited.

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Round Oak, Ga., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1972, through September 30, 1972.

(2) Fishing permitted during daylight hours only.

(3) Boats with motors prohibited.

(4) Use of live minnows as bait prohibited.

SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, Jasper County, Hardeeville, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

V 37 N 28 FEB 10 72 F XUM

(1) The sport fishing season on the refuge extends from March 15, 1972, through October 25, 1972.

(2) Fishing is permitted during daylight hours only.

(3) Boats powered with electric outboard motors are permitted in the impoundments. Boats powered with gasoline outboard motors are prohibited in the impoundments.

LOUISIANA

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1972, through October 15, 1972.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishing permitted from 45 minutes before sunrise to 45 minutes after sunset.

(4) Entry to Lacassine Pool restricted to four roller-ways provided.

(5) Boats may not be left inside the refuge overnight.

(6) Boats with outboard motors no larger than 10 horsepower permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

SABINE NATIONAL WILDLIFE REFUGE

Sport game fishing on the Sabine National Wildlife Refuge, Sulphur, La., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport game fishing season on the refuge extends from March 1, 1972, through October 15, 1972.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishermen must not enter refuge waters earlier than 45 minutes before sunrise and shall leave refuge waters by 45 minutes after sunset.

(4) Boats may be moored only at designated areas in Pool 1b or Pool 3. Boats left at these mooring sites must bear owner's name and address. Boats found moored outside designated areas or without required identification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

(5) Boats may not be dragged across levees for access to pool areas. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees. Boat access into Pool 1b is restricted to bridge sites on Road Canal.

(6) Boats with outboard motors not larger than 10 horsepower permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and bayous.

MISSISSIPPI

NOXUBEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Noxubee National Wildlife Refuge, Brooksville, Miss., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,892 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season extends from March 1 through October 31, 1972 on Ross Branch Reservoir, Bluff and Loakfoma Lakes, Keaton Tower Pond, Parker and Pete Sloughs, Cypress, Jones, and Octoc Creeks, and Noxubee River. Road borrow pits and Betts Ponds are open year-round.

(2) A daily permit (50 cents) is required by the Mississippi State Game and Fish Commission to fish in Bluff and Loakfoma Lakes, and tailwaters of the spillways.

(3) Fishing permitted during daylight hours only.

(4) Snag lines prohibited.

NORTH CAROLINA

PEE DEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Pee Dee National Wildlife Refuge, Wadesboro, N.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 8 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from April 1, 1972, through September 30, 1972.

(2) Bank fishing only is allowed.

(3) Fishing permitted during daylight hours only.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Sport fishing on the Bulls Island Unit of the Cape Romain National Wildlife Refuge, Awendaw, S.C., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 610 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1972, through September 30, 1972.

(2) Fishing permitted during daylight hours only. No overnight camping allowed.

(3) Boats with electric motors permitted; gasoline powered engines prohibited.

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing is permitted in accordance with all applicable State regulations on all refuge controlled areas of Lake Marion and Moultrie, except that the following special conditions shall apply to Jack's Creek, Dingle Pond, Taw Caw Creek, Potato Creek, and Pinopolis Pool Impoundments (hatcheries) and areas behind dikes maintained on the Cuddo and Pine Island Units of the refuge. For further information contact the Refuge Manager, Santee National Wildlife Refuge, Post Office Box 158, Summerton, S.C. 29148 or the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

(1) Sport fishing in the above-mentioned impoundments (hatcheries) extends from March 15, 1972, through October 31, 1972, both dates inclusive.

(2) Fishing is permitted during daylight hours only.

(3) Only boats without motors and engines are permitted.

(4) Boats must be removed from these refuge impoundments at the close of each day.

(5) Areas behind dikes maintained on the Cuddo and Pine Island Units of the refuge are closed to fishing.

TENNESSEE

CROSS CREEKS NATIONAL WILDLIFE REFUGE

Sport fishing on the Cross Creeks National Wildlife Refuge, Dover, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 4,050 acres, are delineated on a map that is available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season is open 24 hours per day year-round on Barkley Lake. The open season for Elk and South Cross Creek Reservoirs and the 15 smaller ponds extends from April 1 through September 15. Fishermen are permitted on the refuge bodies of water only from 30 minutes before sunrise to 30 minutes after sunset.

(2) Boats powered by outboard motors of 5 horsepower or less are permitted on Elk and South Cross Creek Reservoirs. Motor size is not restricted on Barkley Lake. Motors are not permitted in other refuge waters open to fishing.

(3) Methods of fishing the two reservoirs and impoundments are limited to hand fishing with rod and reel and/or pole and line.

(4) Overnight camping and/or overnight mooring of boats are prohibted on the refuge.

(5) Fishermen must follow designated routes of travel while on the refuge, and use the parking areas as provided.

(6) All State regulations must be obeyed while fishing on refuge reservoirs as well as that portion of Barkley Lake within the refuge. Fishing license must be carried on the person to be exhibited to Federal or State officers upon request.

REELFOOT NATIONAL WILDLIFE REFUGE

Sport fishing on the Reelfoot National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 9,092 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from the date of this publication through October 23, 1972, except that portion of the refuge located south of Upper Blue Basin remains open until the day preceding opening of the 1972 waterfowl season.

(2) Boats with outboard motors and inboard motors of not more than 10 horsepower may be used.

LAKE ISOM NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Isom National Wildlife Refuge, Tenn., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 750 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 16, 1972 through September 30, 1972, sunrise to sunset.

(2) Boats with outboard motors and inboard motors of not more than 6 horsepower may be used.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

C. EDWARD CARLSON,
Regulation Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 31, 1972.

[FR Doc.72-1964 Filed 2-9-72;8:52 am]

PART 33—SPORT FISHING

Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2-10-72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of the Washita National Wildlife Refuge during the open season in areas designated by signs as open to fishing. These open areas, comprising 2,367 acres, are delineated on maps available at refuge headquarters, Butler, Okla., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 14, 1972, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) All trot lines must be removed from refuge waters on or before October 14, 1972.

(4) From State Highway 33 south to Big Panther Creek, a "no visible wake zone" is in effect for all boats.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 14, 1972.

ROBERT H. STRATTON, JR.,
Refuge Manager, Washita National Wildlife Refuge, Butler, Okla.

FEBRUARY 2, 1972.

[FR Doc.72-1965 Filed 2-9-72;8:52 am]

V 37 28 FEB 10 72 XUM

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 80]

NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS

Notice of Proposed Rule Making

Notice is hereby given that in accordance with the provisions of section 111 of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), and pursuant to the authority vested in the Secretary of the Interior under section 508 of the Act, it is proposed that Part 80, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, be amended by revising §§ 80.1, 80.22(a)(1), 80.23, 80.24, 80.31, 80.32, 80.35 and by deleting §§ 80.33 and 80.34. These proposed revisions, deletions and amendments would reduce recordkeeping by mine operators by eliminating the Daily Ledger Report, Quarterly Report, Individual Injury Report, and Summary Reports of Injuries and Employees and replacing them with a set of cards for reporting each accident and a separate form for reporting monthly employment and production. The revisions, amendments, and new report forms will provide the Bureau of Mines with current and timely information on accidents, and are also designed to avoid duplication in reporting pursuant to the Occupational Safety and Health Act of 1970.

For the information of interested persons replicas of the Coal Accident, Injury, and Illness Report (Form 6-347) and the Monthly Coal Employment and Production Report (Form 6-348) are set forth following this notice.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

FEBRUARY 8, 1972.

Part 80, Subchapter O, Chapter I, Title 30, Code of Federal Regulations, will be amended and revised as follows:

§ 80.1 [Amended]

1. Paragraph (c) of § 80.1 will be amended and revised by deleting the words "occupational disease" and substituting in lieu thereof the words "occupational illness."

2. Section 80.1 will be amended by adding a new paragraph (h) to read as follows:

§ 80.1 Definitions.

* * * * *

(h) "Occupational illness" means any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion, or direct contact, and which fall within the listing under the heading "Occupational Illness" on Form No. 6-347.

3. Section 80.22, paragraph (a), subparagraph (1) will be revised to read as follows:

§ 80.22 Written record.

(a) The written record of each investigation of an accident shall contain:

(1) An identification of, and correlation with, the record or records of the accident, injury, or occupational illness reported and required to be maintained by § 80.31.

* * * * *

4. Section 80.23 will be revised to read as follows:

§ 80.23 Maintenance of records.

The written records of investigation of accidents required by this Subpart C shall be maintained at the mine for a period of 5 years from the date of the accident and shall be open for inspection by interested persons. A copy of the written record of each investigation of an accident made under § 80.22 shall be furnished to the Bureau of Mines upon request by a Coal Mine Health and Safety District Manager.

5. Section 80.24 will be revised to read as follows:

§ 80.24 Reporting of accident, injury, occupational illness.

A report of the accident, injury, or occupational illness investigated as required by this Subpart C shall be made to the Bureau of Mines in the manner and at the times prescribed in Subpart D of this part.

6. Section 80.31 will be revised to read as follows:

80.31 Coal Accident, Injury, and Illness Report.

(a) The operator of a coal mine shall maintain at the mine office a Coal Accident, Injury, and Illness Report (Form 6-347)[1] on which there shall be entered and recorded specified information with respect to each accident, and each resultant injury by date of occurrence, and each occupational illness by date of diagnosis or occurrence. The Coal Accident, Injury, and Illness Report is organized to facilitate the recording and compilation of information for each occurrence. The operator's copy (white) shall be maintained at the mine for a period of 5 years from the date of occurrence or diagnosis, whichever is applicable, and shall be open for inspection by interested persons.

(b) The Coal Accident, Injury, and Illness Report shall consist of a set of three cards: an original (white) operator's copy, and two carbon copies (one pink and one green), which shall be maintained, filled in, and disposed of in accordance with the provisions of this Subpart D.

(c) The operator shall maintain at the mine office a supply of Accident, Injury, and Illness Report Forms (Form 6-347). Promptly after an accident or injury occurs, or an occupational illness accurs or is diagnosed, the immediate supervisor of the area of the mine where the accident occurred, or the immediate supervisor of the injured or ill person, shall fill out one set of cards for each accident, injury, or occupational illness. A single accident, injury, or illness shall be included and recorded on one set of cards. Where more than one person is injured in the same accident, or is affected simultaneously with the same occupational illness, a separate and additional set of cards shall be used and completed for each person injured or affected.

(d) Coal Accident, Injury, and Illness Reports shall be retained, completed and information recorded, disposed of and distributed and mailed to the Bureau of Mines as follows:

(1) Promptly after the occurrence of an accident, injury, or illness, the operator shall record the information required, and upon completion of the recording of the information shall retain the original (white) card for the operator's records and files.

(2) If an accident does not result in injury to any person, the operator, after recording the information required upon the original (white) card and the carbon copy (pink and green) cards, shall discard the pink card copy and promptly mail the properly filled in and completed green card copy to the Bureau of Mines.

(3) If an occupational illness occurs, the operator shall record the required information and complete one set of cards for each illness. The operator shall—

(i) Enter the date of the initial diagnosis of the illness; or

(ii) Enter the date of the first day of absence of the employee in connection with which the illness was diagnosed if the absence occurs before the diagnosis is made; and

(iii) Proceed in accordance with subparagraphs (4), (5), and (6) of this paragraph.

(4) If an accident results in a personal injury or if an illness occurs or is diagnosed, the operator shall retain the pink and green cards for a period of time not to exceed 72 hours after the occurrence of the injury or illness, or diagnosis of an illness, pending the return to work of the person affected. Depending on whether the person affected does, or does not, return to work within the period of 72 hours the operator shall proceed in accordance with subparagraphs (5) or (6) of this paragraph.

(5) If the injured or ill person returns to work within 72 hours following an accident, or occurrence or diagnosis of an occupational illness, the operator shall enter the "Total number of lost work days," the "Number lost from regular job," the "Date returned to work," and other relevant data on the white and green cards, and promptly mail the green card to the Bureau of Mines, and discard the pink card.

(6) If the injured or ill person has not returned to work within 72 hours following an accident, or occurrence or diagnosis of an occupational illness, the operator shall leave blank the spaces designated "Total number of lost work days," "Number lost from regular job," "Date returned to work," and also those spaces for other relevant but unknown data or information, and promptly upon the expiration of the period of 72 hours the operator shall mail the green card to the Bureau of Mines. Thereafter, when the person returns to work, the operator shall enter the total number of lost work days, the number of days lost from regular job, the date the person returned to work, and complete and record all other relevant data or information in the spaces provided on the white and pink cards, and mail the pink card to the Bureau of Mines.

7. Section 80.32 will be amended and revised to read as follows:

§ 80.32 Monthly Coal Employment and Production Report.

On or before the 15th day of each month, the operator of a coal mine in which one or more men are employed on any calendar day of the month shall file with the Bureau of Mines a Monthly Coal Employment and Production Report (Form 6-348). Monthly Coal Employment and Production Reports shall be made by all mines for each month, or portion thereof, in which the mine is in operation even though the mine may be idle for all or a portion of the month. No report will be required from a mine which has been permanently closed or abandoned, except for the portion of a month during which the mine may have been in operation.

§§ 80.33 and 80.34 [Revoked]

8. Sections 80.33 and 80.34 will be revoked in their entirety.

9. Section 80.35 will be amended and revised to read as follows and will be renumbered § 80.33:

§ 80.33 Place to file reports; initial supply; additional forms.

All reports required by this Subpart D shall be mailed to the address printed on the green copy of Form 6-347, and on the copy of Form 6-348, and on envelopes to be supplied by the Bureau of Mines for the mailing of the pink copy of Form 6-347. An initial supply of the Coal Accident, Injury, and Illness Report (Form 6-347) and the Monthly Coal Employment and Production Report (Form 6-348) and preaddressed envelopes will be mailed to each operator. Additional report forms and envelopes may be obtained as needed, upon request, from the Coal Mine Health and Safety District or Subdistrict Offices of the Bureau of Mines of the District or Subdistrict in which the mine is located.

[FR Doc.72-2028 Filed 2-9-72;8:55 am]

[1] Filed as part of the original document.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1046]

MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is being considered pending action on the basis of the record of a hearing.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In paragraph (d) of § 1046.44, the provision, "or cream"; and

2. In the introductory text of paragraph (e) of § 1046.44, the provision, "located less than 250 airline miles as determined by the market administrator, from the nearer of the City Halls in either Louisville, Ky., or Evansville, Ind.".

This proposed suspension would remove the rule which requires Class I classification of fluid cream transferred in bulk from a pool plant to a nonpool plant located more than 250 miles from the nearer of the City Halls in Louisville, Ky., or Evansville, Ind. It would permit such transfers of cream to be classified according to use in the same manner as is now provided for transfers to nonpool plants within the 250-mile radius.

The suspension was requested by Dairymen, Inc., a cooperative representing a majority of the producers on the market. The cooperative states that the suspension will facilitate the removal of excess butterfat from the market by permitting cream to be classified as Class II milk if utilized in ice cream at plants located more than 250 miles from either Louisville, Ky., or Evansville, Ind.

Signed at Washington, D.C., on February 4, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-1928 Filed 2-9-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUG EFFICACY STUDY IMPLEMENTATION NOTICES

Applicability of DESI Notices to Identical, Related, and Similar Drug Products

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050-53 as amended; 21 U.S.C. 352, 355, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to add the following new section to Part 130:

§ 130.40 Applicability of Drug Efficacy Study Implementation Notices to identical, related, and similar drug products.

(a) The Food and Drug Administration's conclusions on the effectiveness of drugs are currently being published in the FEDERAL REGISTER as Drug Efficacy Study Implementation (DESI) Notices. The products listed in these notices include only those that were introduced into the market through the new-drug procedures from 1938-62 and were submitted for review by the National Academy of Sciences-National Research Council (NAS-NRC), Drug Efficacy Study Group. Many drug products which are identical to, related to, and similar to the drug products covered by these notices have been marketed under different names or by different firms during this same period or since 1962 without going through the new-drug procedures or the Academy review. It is not feasible for the Food and Drug Administration to list all products which are affected by each notice. However, it is essential that the FDA's conclusions be applied to all identical, related, and similar drug products to which those conclusions are reasonably applicable. Even though these products are not listed in the notices, they are subject to these notices.

(b) An identical, related, or similar drug includes other brands, potencies, dosage forms, salts, and esters of the same drug moiety as well as of any drug moiety related in chemical structure or known pharmacological properties. Where experts qualified by scientific training and experience to evaluate the

V37-28
FEB 10 72
XUM

safety and effectiveness of drugs would conclude that the findings in a DESI Notice concerning effectiveness are applicable to an identical, related, or similar drug, such drug is affected by the notice. A combination drug product containing an identical, related, or similar drug is also subject to the conclusions contained in the notice.

(c) Manufacturers and distributors of drugs should review their products as DESI Notices are published and assure that identical, related, or similar drugs comply with all the provisions of the notices.

(d) The published notices and summary lists of the conclusions are of particular interest to drug purchasing agents. These agents should take particular care to assure that the same purchasing policy applies to drug products that are identical to, related to, or similar to those named in the DESI Notices. The Food and Drug Administration applies the same regulatory policy to all such products.

(e) Interested parties may submit to the Food and Drug Administration, Bureau of Drugs, Office of Compliance, BD-300, 5600 Fishers Lane, Rockville, Md. 20852, the names of drug products, and their manufacturers or distributors, that should be the subject of the same purchasing and regulatory policies as those reviewed by the Drug Efficacy Study Group. Appropriate action, including referral to purchasing officials of various government agencies, will be taken.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during business hours, Monday through Friday.

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-1960 Filed 2-9-72;8:52 am]

Public Health Service

[42 CFR Parts 51b, 54]

COMMUNITY MENTAL HEALTH CENTERS

Proposed Construction and Staffing Program Grants

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Part 54 of Title 42, Code of Federal Regulations, presently entitled "Grants for Specialized Service Facilities."

The principal purposes of the revision are (1) to implement the amendments made to the Community Mental Health Centers Act by the Community Mental Health Centers Amendments of 1970 (Public Law 91-211); and (2) to update, clarify, and supplement existing regulations governing the community mental health centers construction and staffing programs in light of administrative and operating experience. In addition, Part 54 would be reorganized and its focus narrowed to community mental health programs by the transfer of subparts A (Grants for Construction of University Affiliated Facilities for the Mentally Retarded) and E (Grants for Regional Medical Programs) to other locations within the Code of Federal Regulations.

Among the major changes made by Public Law 91-211 which are reflected in the proposed revision of Part 54 are the following:

(1) An increase in the ceiling on grants for initial cost of professional and technical personnel of community mental health centers (staffing grants), including specific authority for the Secretary to pay up to 90 percent of such costs for the first 2 years of operation of centers serving persons in areas designated by the Secretary as urban or rural poverty areas. The ceiling for staffing grants to all other centers is 75 percent during the first 2 years of operation.

(2) Authority for the Secretary to waive, with respect to centers serving urban or rural poverty areas, the requirement that community mental health centers provide all the essential elements of comprehensive mental health services. Such waiver may be granted for a period of not more than 18 months following the date of application.

(3) A new program of grants for the initiation and development of community mental health services.

(4) A new program of grants to provide supplemental support for community mental health centers and other facilities which offer consultation services.

Among the regulatory changes not attributable to the new legislation but which are proposed in the light of operation of the community mental health center construction and staffing programs are the following:

(1) Precare and aftercare services and diagnostic services are deleted as elements of community mental health service which may be separately funded.

(2) Community mental health center program criteria have been expanded, and include statements describing the purpose of each fundable element of service.

(3) Criteria for transferring community mental health center construction allotments from one State to another have been expanded and clarified.

(4) Criteria have been included defining the scope and meaning of the assurance that community mental health centers will provide a reasonable volume of services to persons unable to pay therefor.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision of 42 CFR Part 54 to the National Institute of Mental Health, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, within 30 days after the date of publication of this notice in the FEDERAL REGISTER: *Provided*, That, comments are not invited with regard to § 54.103 of the proposed regulations, entitled "Determination of urban or rural poverty areas". The provisions of such § 54.103, which currently appear as 42 CFR Part 54, Subpart B, were published as a notice of proposed rule making in the FEDERAL REGISTER (36 F.R. 6144) on April 2, 1971, with an invitation for public comment, and became effective upon republication in the FEDERAL REGISTER (36 F.R. 10874) of June 4, 1971. Those provisions have been relocated as § 54.103 of the proposed regulations, and are included in this notice of proposed rule making only for the sake of completeness.

Comments received will be available for public inspection at Room 17-99, Parklawn Building, during regular business hours.

It is therefore proposed to revise Part 54 of Title 42 in the manner set forth below:

Dated: November 23, 1971.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: January 27, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. Subpart A of Part 54, entitled "Grants for Construction of University Affiliated Facilities for the Mentally Retarded", is redesignated as Part 415 of 45 Code of Federal Regulations, and the sections thereof (presently 42 CFR 54.1 through 54.7) renumbered 45 CFR 415.1 through 415.7, respectively.

2. Subpart E of Part 54, entitled "Grants for Regional Medical Programs", is redesignated as Part 51b of Title 42, and the sections thereof (presently §§ 54.401 through 54.414, renumbered §§ 51b.101 through 51b.114, respectively).

3. Part 54 is revised to read as follows:

PART 54—GRANTS FOR COMMUNITY MENTAL HEALTH SERVICES AND FACILITIES

Subpart A—General

Sec.
54.101 Applicability.
54.102 Definitions.
54.103 Determination of urban or rural poverty areas.
54.104 Nondiscrimination—Title VI of the Civil Rights Act of 1964.

Subpart B—Construction of Community Mental Health Centers

54.201 Applicability.
54.202 Allotments; transfer of allotments.
54.203 State plan; purpose; relationship to other planning; adequate facilities.
54.204 State plan; catchment areas; determination of relative need; priorities; construction program.
54.205 State plan; administration.
54.206 State plan; standards of maintenance and operation.
54.207 State plan; requests for construction payments; fiscal and accounting requirements.
54.208 Processing of construction grant applications.
54.209 Content of construction grant applications.
54.210 Construction bidding.
54.211 Construction contract requirements.
54.212 Acquisition of facilities.
54.213 Records and reports.
54.214 Approval of applications.
54.215 Change of status of facility or change of ownership.
54.216 Good cause for other use of facility.
54.217 General standards of construction and equipment.

Subpart C—Grants for Initial Cost of Professional and Technical Personnel of Community Mental Health Centers

54.301 Applicability.
54.302 Submittal of staffing grant applications.
54.303 Evaluation of application by State authorities.
54.304 Content of application—assurances.
54.305 Content of application—supporting information.
54.306 Evaluation and disposition of applications.
54.307 Priority of projects.
54.308 Eligible costs.
54.309 Program criteria.
54.310 Waiver of elements of comprehensive mental health services.
54.311 Grantee accountability.
54.312 Records, reports, inspection.
54.313 Other conditions.
54.314 Early termination of grant and withholding of payments.

Subpart D—Grants for Initiation and Development of Community Mental Health Services

54.401 Applicability.
54.402 Eligibility.
54.403 Submittal of application.
54.404 Content of application.
54.405 Review by State and local mental health authorities.
54.406 Evaluation and disposition of applications.
54.407 Period and beginning date of grant.
54.408 Grant payments.
54.409 Eligible costs.
54.410 Publication and copyright.
54.411 Grantee accountability.
54.412 Records, reports, inspections.
54.413 Other conditions.
54.414 Early termination of grant and withholding of payments.

Subpart E—Grants for Consultation Services

54.501 Applicability.
54.502 Eligibility.
54.503 Submittal of application.
54.504 Content of application.
54.505 Evaluation and disposition of applications.
54.506 Grant period.
54.507 Grant payments.
54.508 Eligible costs.
54.509 Grantee accountability.
54.510 Records, reports, inspection.
54.511 Other conditions.
54.512 Early termination of grant and withholding of payments.

AUTHORITY: The provisions of this Part 54 issued under secs. 201-207, 220-224, 264-266, 401-410 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended; 42 U.S.C. 2681-2687, 2688-2688d, 2688r-2688t, 2691-2697b.

Sec.
54.206 State plan; standards of maintenance and operation.
54.207 State plan; requests for construction payments; fiscal and accounting requirements.
54.208 Processing of construction grant applications.
54.209 Content of construction grant applications.
54.210 Construction bidding.
54.211 Construction contract requirements.
54.212 Acquisition of facilities.
54.213 Records and reports.
54.214 Approval of applications.
54.215 Change of status of facility or change of ownership.
54.216 Good cause for other use of facility.
54.217 General standards of construction and equipment.

Subpart C—Grants for Initial Cost of Professional and Technical Personnel of Community Mental Health Centers

54.301 Applicability.
54.302 Submittal of staffing grant applications.
54.303 Evaluation of application by State authorities.
54.304 Content of application—assurances.
54.305 Content of application—supporting information.
54.306 Evaluation and disposition of applications.
54.307 Priority of projects.
54.308 Eligible costs.
54.309 Program criteria.
54.310 Waiver of elements of comprehensive mental health services.
54.311 Grantee accountability.
54.312 Records, reports, inspection.
54.313 Other conditions.
54.314 Early termination of grant and withholding of payments.

Subpart D—Grants for Initiation and Development of Community Mental Health Services

54.401 Applicability.
54.402 Eligibility.
54.403 Submittal of application.
54.404 Content of application.
54.405 Review by State and local mental health authorities.
54.406 Evaluation and disposition of applications.
54.407 Period and beginning date of grant.
54.408 Grant payments.
54.409 Eligible costs.
54.410 Publication and copyright.
54.411 Grantee accountability.
54.412 Records, reports, inspections.
54.413 Other conditions.
54.414 Early termination of grant and withholding of payments.

Subpart E—Grants for Consultation Services

54.501 Applicability.
54.502 Eligibility.
54.503 Submittal of application.
54.504 Content of application.
54.505 Evaluation and disposition of applications.
54.506 Grant period.
54.507 Grant payments.
54.508 Eligible costs.
54.509 Grantee accountability.
54.510 Records, reports, inspection.
54.511 Other conditions.
54.512 Early termination of grant and withholding of payments.

AUTHORITY: The provisions of this Part 54 issued under secs. 201-207, 220-224, 264-266, 401-410 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended; 42 U.S.C. 2681-2687, 2688-2688d, 2688r-2688t, 2691-2697b.

Subpart A—General

§ 54.101 Applicability.

The provisions of this subpart apply to all grants authorized by title II of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended (42 U.S.C. 2661 et seq.).

§ 54.102 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this part:

(a) "Act" means the Mental Retardation Facilities and Community Mental Health Centers Act of 1963, as amended (42 U.S.C. 2661 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "State agency" means the agency designated by a State pursuant to section 204(a)(1) of the Act.

(d) "Catchment area" means a geographic area, delineated in the State plan submitted pursuant to section 204 of the Act, whose purpose is to designate the location of and the population to be served by a community mental health center.

(e) "Comprehensive mental health planning" means planning for the provision of adequate mental health services for the total population of a State.

(f) "Construction" includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment (including medical transportation facilities) of such buildings, whether or not newly constructed, acquired, expanded, remodeled, or altered with the aid of a construction grant under the Act); including architects' fees, but excluding the cost of off-site improvements and the cost of the acquisition of land.

(g) "Equipment", in connection with a grant for construction under the Act, means those items which are necessary for the functioning of the facility or portion thereof with respect to which the grant is made, but does not include items of current operating expense such as glassware, chemicals, food, fuel, drugs, paper, printed forms, and dispensable housekeeping items.

(h) "Grant period" means any period with respect to which assistance is granted under the Act with respect to a particular project.

(i) "Initial grant period" means the first grant period with respect to a particular project.

(j) "Population", with respect to any State or any area thereof, means the latest figures of total population certified by the U.S. Department of Commerce.

(k) "Predecessor of the applicant" means any public or private agency or organization providing services for which the applicant proposes to assume responsibility under his application.

§ 54.103 Determination of urban or rural poverty areas.

The Secretary will from time to time, but not less often than annually, promulgate a list of catchment areas in each State which he has designated as urban or rural poverty areas for purposes of title II of the Act, determined in the following manner:

(a) *State ranking.* (1) Using the latest available published data from the Department of Commerce, Bureau of the Census, each State shall determine what percentage of families living in each catchment area have incomes below the poverty level as determined in accordance with the following standards.

(i) For the 50 States and the District of Columbia, the Revised Office of Economic Opportunity Income Poverty Guidelines (Published in OEO Instruction, No. 6004-1.b, dated December 1, 1970). Those Guidelines are as follows:

(*a*) All States (including the District of Columba) except Alaska and Hawaii:

Family size	Nonfarm family	Farm family
1	$1,900	$1,600
2	2,500	2,000
3	3,100	2,600
4	3,600	3,200
5	4,400	3,700

For families with more than 5 members, add $600 for each additional member in a nonfarm family and $500 for each additional member in a farm family.

(*b*) Alaska:

Family size	Nonfarm family	Farm family
1	$2,400	$2,000
2	3,150	2,625
3	3,909	3,278
4	4,750	3,975
5	5,500	4,600

For families with more than 5 members, add $750 for each additional member in a nonfarm family and $625 for each additional member in a farm family.

(*c*) Hawaii:

Family size	Nonfarm family	Farm family
1	$2,250	$1,875
2	2,900	2,400
3	3,580	2,950
4	4,250	3,550
5	4,900	4,075

For families with more than five members, add $650 for each additional member in a nonfarm family and $525 for each additional member in a farm family.

(ii) For American Samoa, Guam, Puerto Rico, the Trust Territories of the Pacific Islands, and the Virgin Islands, income poverty levels established by the respective territorial or commonwealth governments.

(2) Each State shall rank its catchment areas according to the percentage of families whose incomes fall below the poverty level in each area. The catchment area in each State with the highest percentage of families whose incomes

V 37 N 28 FEB 10 72 XUM

fall below the poverty level shall be designated as No. 1, and areas with lower percentages of such families shall be arrayed in ascending numerical order.

(b) *Designation of poverty areas.* (1) The Secretary will designate as poverty areas that percentage of catchment areas in each State which is determined by subtracting 25 percent from such State's Federal percentage established pursuant to section 401(i) of the Act and promulgated in 33 F.R. 18593 for fiscal years 1971 and 1972.

(2) Example: If the Federal percentage for State X is 50 percent, subtraction of 25 percent leaves a balance of 25 percent. Accordingly, the highest ranking 25 percent of the catchment areas listed by such State pursuant to paragraph (a) of this section would be designated by the Secretary as poverty areas.

(c) *Additional poverty area designations.* (1) An applicant for a grant under any program authorized by title II of the Act who wishes to serve a catchment area which has not been designated as an urban or rural poverty area pursuant to paragraph (b) of this section may apply to the Secretary to have such area designated as a poverty area under the provisions of section 410 of the Act.

(2) The Secretary shall add such area to the list of designated poverty areas with respect to the particular project if the applicant demonstrates to the satisfaction of the Secretary that:

(i) At least one-half of the population of such area lives in one or more impoverished subareas;

(ii) The percentage of families with incomes below the poverty level (as determined in accordance with paragraph (a) of this section) who live in such impoverished subareas is at least 1½ times greater than the percentage of families with incomes below the poverty level living in the least poor of the areas of that State initially designated as poverty areas pursuant to paragraph (b) of this section; and

(iii) The project, facility, or program of services for which the applicant seeks support does or will focus on the needs of persons living in such impoverished subareas.

§ 54.104 Nondiscrimination — Title VI of the Civil Rights Act of 1964.

Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program of activity receiving Federal financial assistance. A regulation implementing such title VI, applicable to grants awarded under title II of the Act, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

Subpart B—Construction of Community Mental Health Centers

§ 54.201 Applicability.

The regulations of this subpart apply only to grants for the construction of community mental health centers under part A of title II of the Act.

§ 54.202 Allotments; transfer of allotments.

(a) Allotments to States: The allotments to the several States under part A of title II of the Act shall be computed as follows:

(1) One-third weight on the basis of facility need, expressed by the relationship of the population in each State to the total population of all the States.

(2) Two-thirds weight on the basis of total population weighted by financial need, as determined by the relative per capita income for each State for the three most recent consecutive years for which data is available from the U.S. Department of Commerce.

(b) No portion of a State's allotment under this subpart for any fiscal year shall be obligated during any fiscal year with respect to any project until the Secretary has been notified in writing by the State agency that the annual review of its State plan required by § 54.205(d) for such fiscal year has been carried out and the State plan resulting from such review, including any modifications thereof, has been approved by the Secretary.

(c) Transfer of allotment to another State: A State may submit a request in writing to the Secretary that its allotment or a specified portion thereof be added to the allotment of another State for the purpose of meeting all or a portion of the Federal share of the cost of a project for the construction of a community mental health center in such other State.

(1) In determining whether the facility with respect to which the request is made will meet the needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, will assist in carrying out the purposes of part A of title II of the Act, the Secretary shall consider the accessibility of the facility and the extent to which services will be made available to the residents of the State making the request.

(2) No such transfer will be approved by the Secretary with respect to any fiscal year until he has been notified in writing by the State agency requesting the transfer that the annual review of its State plan required by § 54.205(d) for such fiscal year has been carried out and the State plan resulting from such review, including any modifications thereof, has been approved by the Secretary.

(d) Transfer of allotment to the allotment for facilities for the developmentally disabled: A State may submit a request in writing to the Secretary that a specified portion of its allotment be added to the allotment to such State for the construction of facilities for the developmentally disabled under part C of title I of the Act.

(1) The Secretary shall adjust the allotments of such State upon either:

(i) Certification by the State agency that it has afforded a minimum of 6 months (but not exceeding the period of availability under the Act), from the date of availability of such allotment to the State during which the availability of such funds was made known to potential applicants for community mental health center construction grants and during which applications could be made for the portion so specified, and that no approvable applications for such funds were received during that period of time; or

(ii) A demonstration satisfactory to the Secretary that the need for facilities for the mentally retarded is substantially greater than for community mental health centers. Such demonstration shall include the concurrence or other views of the State advisory council designated under section 204(a)(3) of the Act.

(2) No such adjustment shall be made by the Secretary with respect to any fiscal year until he has been notified in writing by the State agency that the annual review of its State plan required by § 54.205(d) for such fiscal year has been carried out and the State plan resulting from such review, including any modifications thereof, has been approved by the Secretary.

§ 54.203 State plan; purpose; relationship to other planning; adequate facilities.

(a) *Purpose.* The purpose of the State plan is to provide a rational basis for the utilization of Federal, State, and all other available resources in the provision of adequate community mental health centers for people residing in the State.

(b) *Relationship to other planning.* The State plan must show:

(1) That it is consistent with the mental health component of the State plan for comprehensive health planning developed pursuant to section 314(a) of the Public Health Service Act if an identifiable mental health component of such plan exists, and, to the extent practicable, other statewide and local plans for mental health planning in the State;

(2) That cognizance has been taken of areawide or regional planning in such areas as comprehensive health, urban development, model cities, and welfare services, including any pertinent plans developed pursuant to section 314(b) of the Public Health Service Act;

(3) That in the case of interstate catchment areas there has been consultation with the other State or States concerned; and

(4) That there has been, to the maximum extent practicable, coordination with city, metropolitan area, and interstate planning agencies to achieve consistency between planning for community mental health centers and other health, welfare, and physical development plans.

(c) *Adequate centers.* The State plan shall provide for adequate community mental health centers for the provision of programs of comprehensive mental health services, as described in § 54.309, to all persons residing in the State, and for furnishing such services to persons unable to pay therefor.

§ 54.204 State plan, catchment areas; determination of relative need; priorities; construction program.

(a) *Catchment areas.* The State plan shall set forth a division of the entire State into catchment areas for the provision of community mental health centers. The population of each shall be not less than 75,000 or more than 200,000 except that in particular cases the Secretary may permit modifications of this population range for individual catchment areas if he finds that such modifications will improve the effectiveness of the community mental health center program.

(b) *Determination of relative need.* The State plan shall set forth for each catchment area the relative need for community mental health services, determined on the basis of the following criteria:

(1) Indices of need for such services, considering both the proportion of the population involved and the total number affected, taking into account such variables as:

(i) The demographic characteristics of the population;

(ii) The extent of mental illness and emotional disorders, including the special problems of such groups as the handicapped, children, and the aged;

(iii) Economic indicators such as income, unemployment and substandard housing;

(iv) Social problem indicators such as alcoholism, drug abuse, homicide, suicide, accidents, crime, and delinquency.

(2) The present availability and accessibility of public and private community mental health resources, including personnel and facilities.

(c) *Priorities.* The State plan shall rank the catchment areas according to their relative need for community mental health centers as determined pursuant to paragraph (b) of this section, giving special consideration to:

(1) The extent to which the proposed project will, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, provide comprehensive mental health services to such community; or

(2) The extent to which the proposed community mental health center is to be a part of or closely associated with a general hospital.

(d) *Development of construction program.* After having determined the need for facilities and services, the State agency shall develop an overall construction program. The program shall set forth all such needs in accordance with the standards specified in paragraph (b) of this section and the requirements of § 54.203(c) for furnishing needed services for persons unable to pay therefor and shall, insofar as funds are available, provide for construction in the order of relative need as so determined.

(e) *Statistical procedures.* The State plan shall describe the statistical procedures used in the determination of priorities, including the relative weighting of the indices applied pursuant to paragraph (b) of this section.

(f) *Publicizing the State plan.* At least 30 days prior to submission to the Secretary of the State plan or any modification thereof, the State agency shall publicize a general description of the proposed plan or modification, and the State plan shall be readily available and accessible for examination and comment by interested persons prior to submission to the Secretary and during the period it is in effect.

§ 54.205 State plan; administration.

(a) *Use of portion of allotment for administration.* Upon application by any State, on such forms and in such manner as the Secretary shall prescribe, a portion of any allotment or allotments of such State under Part A of Title II of the Act shall be available in accordance with section 403(c) of the Act and, except as may otherwise be provided by this section, in conformance with the applicable principles set forth in Chapter 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual,[1] to pay a portion of the costs of administration of the State plan.

(1) *Eligible costs.* Funds made available pursuant to this paragraph may be used to pay costs incurred for the following purposes:

(i) Costs of compensation of personnel and other administrative expenses directly related to the functions of the State agency in developing and administering the State plan in accordance with the applicable provisions of the Act and the regulations of this subpart;

(ii) Expenses of the State advisory council designated pursuant to section 204(a)(3) of the Act, including per diem and travel expenses incurred by council members at rates not exceeding those established under applicable State law; and

(iii) Expenses of regional and local mental health advisory groups to the extent that such groups provide advice or contractual services related to the administration of the State plan by the State agency.

(2) *Applications.* (i) The first application submitted by each State agency under this paragraph shall contain a statement of the expenditures incurred by the State agency in administering the State plan during the fiscal year ending June 30, 1968.

(ii) Each application submitted under this paragraph shall state the amount requested to be made available for expenditures under this paragraph.

(3) *Certification of expenditures.* Not later than 60 days after the end of each fiscal year during which a portion of a State's allotment is made available to the State agency for expenditures under this paragraph, the State agency shall certify the amount of Federal funds expended under this paragraph and that such funds have been expended in accordance with the applicable provisions of the Act and this paragraph.

(4) *Records, reports, inspection.*—(i) *Records and reports.* The approval of each application under this paragraph shall be subject to the condition that the State agency shall maintain such fiscal records, and file with the Secretary such fiscal reports relating to the expenditure of Federal funds made available under this paragraph, as the Secretary may find necessary to carry out the purposes of section 403(c) of the Act and these regulations. All records shall be retained for 3 years after the close of the period for which the funds involved are available for expenditure. Such records may be destroyed at the end of such 3-year period if the State agency has been notified of the completion of the Federal audit by such time. If the State agency has not been so notified by the end of such 3-year period, such records shall be retained (a) until the expiration of 5 years after the close of the period for which the funds involved are available, or (b) until the State agency is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(ii) *Inspection and audit.* Any application for funds under this paragraph shall constitute the consent of the State agency to inspections and fiscal audit at reasonable times by persons designated by the Secretary of fiscal records relating to the use of funds made available under this paragraph.

(b) *Personnel administration.* The State plan shall provide for the establishment and maintenance of personnel standards on a merit basis for persons employed by the State agency in the administration of the State plan. Conformity with Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Health, Education, and Welfare, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91–648; 84 Stat. 1915) modifying or superseding such standards, will be deemed to meet this requirement as determined by said Commission.

(c) *Conflict of interest.* No full-time officer or employee of the State agency, or any firm, organization, corporation, or partnership which such officer or employee owns, controls, or directs shall receive funds from any applicant directly or indirectly for payment for services provided in connection with the planning, design, construction, or equipping of any project.

(d) *Review and modification of the State plan.* The State agency shall as necessary, but not less often than annually, review the State plan, and shall submit to the Secretary for approval a

[1] The Department Grants Administration Manual is available for inspection at the Public Information Offices of the several Department Regional Offices and is available for purchase at the Government Printing Office, GPO Document No. 894–823.

FEB 10 72

new State plan or any necessary modifications of the existing State plan or, if the State agency determines that no modifications are necessary, a statement to that effect.

(e) *Fair hearing.* The State agency shall establish such rules and regulations as will provide an opportunity for an appeal to and a fair hearing before the State agency to every applicant for a construction project who is dissatisfied with the action of the State agency regarding its application.

§ 54.206 State plan; standards of maintenance and operation.

The State plan shall set forth:

(a) Minimum standards for the maintenance and operation of community mental health centers receiving assistance under part A of title II of the Act; and

(b) The method to be used and the persons or agencies legally employed to enforce such standards, the sanctions or penalties imposed for noncompliance, and the incentives, if any, offered for compliance.

§ 54.207 State plan; requests for construction payments; fiscal and accounting requirements.

(a) *Certification by State agency.* The State plan shall set forth the manner in which the State agency will certify to the Secretary the amount of payments due an applicant for the cost of work performed and materials and equipment furnished. As a basis for such certification, the State agency, without expense to the Federal Government, shall make adequate inspections to determine that the work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications.

(b) *Fiscal and accounting requirements*—(1) *Construction allotments.* (i) The State plan shall set forth procedures by which the State agency will establish and maintain accounts and fiscal controls of all Federal and State funds allotted for construction projects. Federal and State funds shall be separately identified by maintaining separate fund accounts for this purpose.

(ii) Such fiscal records shall be so designed as to show at any given time the unencumbered balances. If State contributions are made for construction, separate accounts, reflecting similar information, shall be maintained for State funds.

(2) *Construction payments.* (i) Where the State may receive Federal funds for applicants for construction project grants, or the State itself is an applicant, the State plan shall set forth procedures under which adequate records of account and fiscal controls will be established and maintained by the State to assure proper accounting of all funds received and disbursed. Similar suitable accounts shall be maintained to show the receipt and disbursement of State, local, or other funds used for matching purposes.

(ii) The States which by law are authorized to make payments to grantees shall promptly pay such grantees funds certified for payment by the Secretary for approved constructed projects.

§ 54.208 Processing of construction grant applications.

(a) *Submittal of applications.* Applications for construction grants under part A of title II shall be submitted to the Secretary through the State agency on such forms and in such manner as the Secretary may from time to time prescribe. A copy of such application shall be submitted concurrently for review and comment to the State mental health authority, if the State agency is not such State mental health authority.

(b) *Execution.* Each such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant all of the obligations imposed by the terms and conditions of the grant, including the regulations of this part.

(c) *Approval and recommendation by the State agency.* The State agency shall approve and recommend to the Secretary each application for a construction project with respect to which it finds:

(1) That the application is in conformity with all the requirements of the State plan;

(2) That the application is in conformity with all of the applicable requirements of the Act and of these regulations; and

(3) That sufficient funds remain available from the State's allotment under part A of title II of the Act and have been set aside by the State agency for the project.

(d) *Order of processing applications.* The State agency shall approve and recommend applications to the Secretary in the order of priority, except that the State agency may recommend applications for approval and forward them to the Secretary out of the order of priority if:

(1) The State agency has afforded reasonable opportunity for development and presentation of projects in the order of priority, and

(2) The State agency certifies to the Secretary that financial resources for the construction, maintenance, and operation of projects of higher priority are not then available.

(e) *Amendment to application.* (1) A proposed amendment which does not significantly affect the program of services to be offered by the center may be submitted through the State agency to the Secretary and approved by him without regard to the requirements for processing an original application.

(2) A proposed amendment to an approved application, which substantially changes the program of services through changes in the scope or method of service delivery or level of funding, or through other program modifications, may be submitted to the Secretary for his determination as to whether such changes are sufficiently significant as to require review and approval in the same manner as an original application.

(3) A proposed amendment to an approved application which involves changes in design criteria or building specifications shall be submitted to the Secretary for review and approval through the Regional Office of the Facilities Engineering Construction Agency (ROFEC).

(i) All such changes shall be submitted at least 15 days prior to the expected date of change order issuance by the applicant, except that if emergency site conditions make this impossible, applicant may contact the ROFEC Engineer by telephone to request verbal clearance.

(ii) If the proposed design criteria or building specification change is related to a change in the proposed program as described in subparagraph (2) of this paragraph, prior approval of such program change must be secured as prescribed in such subparagraph (2).

(iii) Requests for changes in design criteria or building specifications must include a detailed description of the change, and, if applicable, a cost breakdown, drawings and specifications, and other pertinent data.

(4) If an amendment to an approved application does not modify the factors on which priority was granted to the original application, no further demonstration of conformity to priority regulations is required.

§ 54.209 Content of construction grant applications.

(a) *General supporting information.* Each application for a grant under part A of title II of the Act shall contain the following supporting information:

(1) Information as to the extent of the need in the community for the mental health services and facilities to be provided, and the studies, surveys, inventories, recommendations of community representatives, and other means of determining the existence and extent of such need.

(2) Detailed descriptions of all services and staff of the program of the center, including those to be provided in the facilities for which construction assistance is requested and the manner in which such services will be coordinated and administered to form a comprehensive program of community mental health services, as described in § 54.309.

(3) A narrative and graphic description of the nature of new construction planned or of existing buildings to be acquired and any additions, alterations, repairs, remodelling, or renovations planned in connection with such existing buildings, detailing the architectural performance criteria, including schematic drawings of all the facilities to be used in the treatment program.

(4) A narrative and graphic description of the site on which the proposed facility is to be situated and outline specifications describing the environmental aspects of the project. Such descriptions shall include access to and egress from the site, location and relationship of the proposed facility to other existing and/or proposed facilities, and a description of the site on which the proposed facility is to be situated, including outline specifications describing the environmental features of the project. Facilities, whether existing or proposed, and whether owned or to be acquired, shall be described in sufficient detail to demonstrate to the satisfaction of the Secretary that the accessibility, location, site, and other pertinent features, either existing or proposed, or both, will be suitable for facilities to accommodate the mental health service program and architectural program requirements of these regulations.

(5) Information which satisfies the Secretary that sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility. Such information shall include:

(i) A detailed estimate of all the costs of the construction project, including costs of equipment. In the case of a project involving acquisition of existing facilities, the application shall include in the detailed estimate of the project cost the cost of acquiring such facilities and the cost of remodeling, renovating, or altering such facilities to serve the purposes for which they are to be acquired.

(ii) A statement describing the extent to which elements of the proposed program are eligible for and are receiving financial assistance under Federal, State, and local programs other than this title and an analysis of the portion of the costs to be paid by the Federal Government, State government, local government, other third party resources, and the applicant, respectively.

(iii) A statement identifying funds immediately available, placed in escrow, or acceptably pledged; or funds or fund sources specifically earmarked in a sum sufficient to meet the non-Federal share of the cost of construction of the project.

(6) Information supporting the assurance provided pursuant to paragraph (b)(7) of this section that sufficient funds will be available when construction is completed for effective use of the facility for the purpose for which it is being constructed. Such information shall include a description of the proposed sources of operating income for all elements of service included in the program, and a proposed operating program budget for the 2-year period immediately following the completion of construction of the facility: *Provided*, That the construction grant application need not include such operating program budget where the applicant is concurrently submitting an application for a staffing grant under part B of title II of the Act, and where the requirements of § 54.306(k) are satisfied.

(7) A description of the manner in which residents of the catchment area and representatives of concerned agencies or organizations which serve the catchment area have been and will be involved on a continuing basis in the planning and implementation of the program or community mental health services for which assistance is sought, in order to insure that the program will be responsive to the needs of the catchment area.

(b) *Assurances required.* In addition to any other requirements imposed by law and by these regulations, each applicant for a construction grant must furnish and comply with the following assurances. The Secretary may at any time approve exceptions to these assurances and conditions where he finds that such exceptions are not inconsistent with the Act and the purposes of the program. The applicant shall provide assurance that:

(1) That applicant posseses legal authority to apply for and receive the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing board, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

(2) That applicant or a public or nonprofit private agency which is to operate the center has or will have a fee simple or such other estate or interest in the proposed site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the community mental health center.

(3) That applicant will comply with the provisions of the National Environmental Policy Act, Public Law 91-190; Executive Order 11296, relating to the prevention, control, and abatement of water pollution.

(4) That approval by the Secretary of the final working drawings and specifications will be obtained before the project is advertised or placed on the market for bidding; that applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved drawings and specifications; that it will submit to the Secretary for prior approval changes that materially alter the scope or costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or a part thereof until the conditions of the grant have been met.

(5) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications.

(6) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility.

(7) That sufficient funds will be available when construction is completed for effective use of the facility for the purpose for which it is being constructed.

(8) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages or rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276 et seq.) and will receive compensation at a rate not less than 1½ times his basic rate of pay for all hours worked in any work week in excess of 8 hours in any calendar day or 40 hours in the work week (40 U.S.C. 327-332).

(9) That the facility will be operated and maintained in accordance with minimum standards prescribed by the State agency for the maintenance and operation of centers.

(10) That the services to be provided by the facility, alone or in conjunction with other facilites owned or operated by the applicant in the catchment area, will be made available for a program providing, principally for persons residing in a particular community or communities in or near which such facility is to be situated, at least those essential elements of comprehensive mental health services prescribed in § 54.309(b).

(11) That the facility to be constructed will furnish a community service in accordance with § 54.309(a).

(12) That all services and facilities of the entire community mental health center will be available to all persons in need thereof who reside in the catchment area without discrimination on the basis of creed, sex, duration of residence, or ability to pay for such services. (See also § 54.104.)

(13) That in the selection, compensation, or other employment practices with respect to personnel employed or otherwise engaged in carrying out the center program, there shall be no discrimination on the basis of race, creed, color, sex, or national origin.

(14) That the center will furnish below cost or without charge a reasonable volume of services to persons unable to pay therefor.

(i) For purposes of this subparagraph, "persons unable to pay therefor" includes persons who are otherwise self-supporting but who are unable to pay the full cost of needed services.

(ii) For purposes of this subparagraph, "a reasonabe volume of services to persons unable to pay therefor" means a volume which, together with services otherwise available to residents of the catchment area, is sufficient to meet the total need for such services in the catchment area; except that the Secretary may in particular cases determine that a volume of services to persons unable to pay therefor which meets less than the total need for such services in the catchment area is "a reasonable volume of services for persons unable to pay therefor" where he finds, on the basis of information supplied by the applicant, that such lesser volume of services is the maximum volume which the center can provide, for such period as the Secretary may determine, without placing such a severe financial hardship on the center as to jeopardize its continued operation.

(iii) The requirement of assurance under this subparagraph may be waived only if the Secretary finds, on the basis of information set forth in the application, that the furnishing of any such services by the center would place such

a severe financial hardship on the center as to jeopardize its continued operation.

(15) That the applicant will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1–1961, as modified by other standards prescribed by the Secretary of HEW or Administrator of General Services. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

(16) That the applicant will cause work on the project to be commenced within a reasonable time after receipt of notification from the Secretary or his designee that funds have been awarded, and that the project will be prosecuted to completion with reasonable diligence.

(17) That any Federal funds received pursuant to a grant or loan will be used solely for defraying the development cost of the proposed project.

(18) That the applicant will conform to all the applicable requirements of the State plan and the regulations in this part.

§ 54.210 Construction bidding.

(a) In the case of any project other than a project solely involving acquisition, the Secretary's approval of the final working drawings and specifications which conform to the general standards of construction and equipment as prescribed by § 54.217 must be obtained before the project is advertised or placed on the market for bidding.

(b) Except as otherwise provided by State or local law, all contracting for construction (including the purchase and installation of built-in equipment) shall, except as provided in paragraph (c) of this section, be on a lump sum fixed-price basis, and contracts will be awarded on the basis of competitive bidding with award of the contract to the lowest responsive and responsible bidder. The provision for exceptions based on State or local law shall not be invoked to give local contractors or suppliers a percentage preference over nonlocal contractors bidding for the same contract. Such practices are precluded by this paragraph.

(c) (1) A substitute bidding procedure of selective solicitation with response from three or more bidders may be used if:

(i) The applicant requests and justifies the use of the procedure;

(ii) The procedure is consistent with State and local laws; and

(iii) The Secretary determines that it is necessary to limit bidding to contractors of proven competence due to the complexity or specialty of the project, or that the time element is of primary consideration.

(2) When the selective solicitation bidding procedure is to be used, the applicant shall establish reasonable bid prequalification standards for contractors which shall be included in an "Information for Bidders" form provided by the Secretary. The applicant shall then accept and consider bids from any contractor who requests permission to bid and who is determined by the applicant to meet these prequalification standards.

(d) Adequate time (normally 30 days) shall be allowed for contractors to prepare bids.

(e) Award of construction contracts shall be made to the lowest qualified and responsible bidder whose bid is considered fully responsive to the bid invitation.

§ 54.211 Construction contract requirements.

The following conditions and provisions must be included in all construction contracts:

(a) The provisions set forth in "DHEW Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunities", Form DHEW 514 (April 1969) (issued by the Office of Grants Administration Policy, U.S. Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) Regulations, except in the case of contracts in the amount of $2,000 or less; and pertaining to Executive Order 11246, September 24, 1965 (30 F.R. 12319), relating to nondiscrimination in construction contract employment, except in the case of contracts in the amount of $10,000 or less.

(b) The contractor shall furnish performance and payment bonds, each of which shall be in the full amount of the contract price.

(c) Unless otherwise authorized by the Secretary, the contractor shall maintain, during the life of the contract, adequate fire and workman's compensation insurance and the following minimum insurance coverage for public liability and property damage:

(1) Contractors Protective Liability Insurance—Bodily injury liability $300,000–$500,000, and property damage $100,000–$300,000.

(2) Owners Protective Liability Insurance—Bodily injury $300,000–$500,000, and property damage $100,000–$300,000.

(3) Property Insurance (Builders Risk)—Full insurable value of entire work at the site. This insurance coverage may be provided by the applicant in lieu of the construction contractor at the option of the applicant.

(d) Representatives of the Secretary and the State agency will have access at all reasonable times to work whenever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 54.212 Acquisition of facilities.

In addition to the other requirements of this subpart, the following provisions are also applicable to the acquisition of existing facilities.

(a) *Secretary's approval.* In the case of any project involving acquisition, the Secretary's approval of the architectural program, structural description and, if remodelling, renovation or alteration is proposed, working drawings and specification which conform to the general standards of construction and equipment as prescribed by § 54.217 will be obtained before entering into a final and unconditional contract for such acquisition.

(b) *Determination of necessary cost.* The necessary cost of such acquisition, excluding the value of the site, will be determined on the basis of such documentation submitted by the applicant as the Secretary may prescribe (including the reports of such real estate appraisers as the Secretary may approve) and other relevant factors.

(c) *Bone fide sale.* Federal participation in the acquisition of existing facilities is on condition that such acquisition constitutes a bona fide sale involving an actual cost to the applicant, and will result in additional or improved facilities for the provision of mental health services as described in § 54.309.

(d) *Facility which has previously received Federal grant.* No grant for acquisition of a facility which has previously received a Federal grant for construction, acquisition, or equipment shall serve either to reduce or restrict the liability of the applicant or any other transferor or transferee of the facility with respect to any right of recovery on the part of the Federal Government or to relieve such applicant or other transferee from any obligation of accountability imposed by the Federal Government by reason of such prior grant.

§ 54.213 Records and reports.

(a) *Records.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by the grantee of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit. All records shall be retained for 3 years after the close of the fiscal year in which construction is completed. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified by the end of such 3-year period, such records shall be retained (1) for 5 years after the close of the fiscal year in which construction is completed, or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Reports.* The applicant shall furnish such progress and other reports as the Secretary may require.

(c) *Inspection and audit.* Any application for a grant under this subpart shall constitute the consent of the applicant to inspections at reasonable times by

persons designated by the Secretary and by the Comptroller General of the facilities, equipment and other resources of the applicant and to interviews with principal staff members to the extent that such resources are, or will be, involved in the center program. In addition, the acceptance of any grant under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress, fiscal and other records relating to the use of grant funds.

§ 54.214 Approval of applications.

The Secretary shall approve each application which has been approved and recommended to him by the State agency if:

(a) The Secretary finds that sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment of the State;

(b) The Secretary finds that the application satisfies the applicable requirements of the Act and of these regulations; and

(c) The National Mental Health Advisory Council has recommended the project for approval.

§ 54.215 Change of status of facility or change of ownership.

The State agency shall promptly notify the Secretary, in writing, if at any time within 20 years after the completion of construction any facility with respect to which funds have been paid under part A of title II of the Act is sold or transferred to any person, agency, or organization not qualified to file an application under title II of the Act or not approved as a transferee by the State agency, or ceases to be used as a public or nonprofit community mental health center.

§ 54.216 Good cause for other use of facility.

If within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be used as a public or nonprofit community mental health center, the Secretary, in determining whether there is good cause for releasing the grantee or other owner of the facility from the obligation to continue such facility as a public or other nonprofit community mental health center, shall take into consideration the extent to which:

(a) The facility will be devoted by the grantee or other owner to use for another public purpose which will promote the purpose of the Act; or

(b) There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for the care of the mentally ill will be so utilized and are substantially equivalent in nature and extent for such purposes.

§ 54.217 General standards of construction and equipment.

(a) *Introduction.* The standards set forth in this section have been established by the Secretary as required by the Act. These standards constitute minimum requirements for construction and equipment, including acquisition, remodeling, renovation, or alteration of existing buildings, and shall apply to all projects for which Federal assistance is requested under part A of title II of the Act. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that each project will have to meet the requirements of local codes and ordinances relating to construction.

(b) *Flexibility.* All project facilities shall be designed and constructed so as to permit maximum flexibility in the proposed use of these facilities. Provision shall be made, wherever possible, for

(1) Future expansion of the elements of service, particularly consultation and educational services, outpatient services and partial hospitalization services; and

(2) Variable use of space and adaptability of space to changing program needs.

(c) *Architectural procedures.* To assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates, the submission of material shall be in three stages as follows (such material shall be in addition to program and financial information in connection with such applications as may be required by the Secretary):

(1) *First stage.* Architectural program and schematic design documents.

(i) Schematic drawings and the architectural programs, considered part of the community mental health center program description to be provided with the initial narrative or graphic description, and required of all facilities utilized for the treatment program, including patient, staff, and public circulation systems.

(ii) Outline specifications, containing sufficient information to describe the environmental aspects of the project.

(iii) The Site Survey, consisting of the following:

(a) A catchment area map noting the principal means of transportation, travel time, location of other community services, and visibility as part of the catchment area.

(b) A local area map noting relationships of adjoining neighborhood activities.

(c) A site plan noting property boundaries, parking areas, entrances, outdoor activity areas and directional indicators.

(iv) The estimated construction cost, determined on the basis of current local building costs for proposed facilities. Costs of outdoor parking, planting, landscaping, paving of outdoor program activity areas, transportation equipment for program needs, and program consultant fees may be included.

(v) A report of the preconstruction conference.

(2) *Second stage.* Design development documents (transition stage between schematic drawings and construction documents).

(i) Preliminary plan.

(ii) Site survey drawings.

(iii) Engineering subsurface investigation.

(iv) Outline specifications.

(v) Equipment list.

(vi) Revised cost estimates.

(3) *Third stage.* Final design documents.

(i) Proposed bidding package.

(ii) Final working drawings.

(iii) Final technical specifications.

(iv) Current working construction cost estimates.

(d) *Construction (minimum design criteria).* Facilities should be fire safe, and so planned as effectively to carry out the proposed program. Subject to prior approval by the Secretary, these requirements may be varied for free-standing facilities containing only outpatient, educational, recreational, or workshop function utilized by ambulant groups. It is recognized that approval must also be given by local and State authorities with respect to their construction requirements.

(e) *Structural requirements.* (1) One story buildings shall be constructed of not less than 1-hour fire-resistive construction throughout except as follows:

(i) Boiler rooms and rooms used for the storage of combustible materials shall be of 2-hour fire-resistive construction.

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating.

(2) Multistory buildings: Buildings more than one story in height (including basement) shall be constructed of noncombustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

	Hours
Columns, girders, trusses	1½
Floor construction including beams	1½
Roof construction including beams	1
Beams supporting masonry; individually protected.	2
Bearing walls	2
Corridor partitions	1
Walls enclosing stairways, elevator shafts, chutes, and other vertical shafts, boiler rooms, and room used for storage of combustible materials.	2

(3) Interior finish walls and ceilings of all exit ways, storage rooms, and areas of unusual fire hazard shall have a flame spread rating of 25 or less.

(4) Carpet covering shall have a flame spread rating of 75 or less. Flame spread ratings shall be on the basis of tests conducted in accordance with: American Society for Testing Materials, Publication No. E84.

(f) *Mechanical.* (1) Installations of fuel-burning equipment, steam, heating, air conditioning and ventilation, and plumbing systems shall comply with the

FEB 10 72 XUM

requirements of the following national codes:

(i) National Board of Fire Underwriters, 85 John Street, New York, NY.

(ii) National Fire Protection Association, 60 Batterymarch Street, Boston, MA.

(iii) American Standards Association, 70 East 45th Street, New York, NY.

(iv) American Gas Association, 1725 Eye Street, NW., Washington, DC.

(v) National Plumbing Code: American Society of Mechanical Engineers, 29 West 39th Street, New York, NY.

(2) Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E. Codes relating to pressure vessels), and shall be installed to meet the requirements of State and local codes and regulations.

(g) *Electrical.* All installations and equipment shall comply with the requirements of local and State codes and the applicable section of the National Electrical Code and the following:

(1) Installations and equipment in rooms in which flammable, anesthetic, and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) Installations and location of manually operated fire alarm system shall comply with the requirements of NFPA No. 72 and No. 101.

(3) Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements as follows:

(i) National Bureau of Standards Handbook 55, Protection Against Betatron-Synthrotron Radiations up to 100 Million Electron Volts.

(ii) National Bureau of Standards Handbook 73, Protection Against Radiations From Sealed Gamma Sources.

(iii) National Bureau of Standards Handbooks 76, Medical X-Ray Protection up to Three Million Volts.

(4) Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Building Exists Code, NFPA No. 101.

(h) *Circulation*—(1) *Exit facilities.* Exit facilities shall comply with the requirements of the Building Exits Code, NFPA No. 101. Buildings or sections of buildings which house or in which care is rendered to mental patients who, in the opinion of a competent medical authority approved by the State agency having jurisdiction, are capable of self-preservation, may come under sections of this code other than section 10.

(i) Mixed occupancies are recommended where appropriate (NFPA No. 101, section 4–121) and occupancy classifications are to be those which most adequately describe occupancies and uses of the facilities.

(ii) Occupancy classification recommendations for 24-hour inpatient care facilities:

(*a*) Appropriate residential occupancies are recommended for care of ambulatory inpatients requiring minimal supervision, who are capable of normal self-preservation activities in case of fire (NFPA No. 101, chapter 11).

(b) Institutional occupancies are required for units providing for nursing care of nonambuatory patients and for persons defined in NFPA No. 101, section 10–112.

(2) *Vertical circulation.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A–17; 1–1960.

(3) *Access for physically handicapped persons.* All services shall be made accessible to and useable by physically handicapped persons.

(i) *Equipment.* Equipment necessary for the functioning of the facility or the program as planned shall be provided in the kind and to the extent required to perform the needed service. The necessary equipment may be included in the cost of the project.

Subpart C—Grants for Initial Cost of Professional and Technical Personnel of Community Mental Health Centers

§ 54.301 Applicability.

The regulations of this subpart apply only to grants under section 220(a) of the Act for the initial cost of professional and technical personnel of community mental health centers.

§ 54.302 Submittal of staffing grant applications.

(a) *Form, time, and manner.* Each application for a grant under section 220(a) of the Act shall be submitted to the Secretary on such forms, at such times, and in such manner as the Secretary may from time to time prescribe. A copy of such application shall be submitted concurrently for review and comment to the State mental health authority.

(b) *Execution.* Each application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant all of the obligations imposed by the terms and conditions of the grant, including these regulations.

(c) *Concurrent construction and staffing applications.* Any applicant for a grant under section 220(a) of the Act which is concurrently applying for a grant under part A of title II of the Act shall so state; and documentation meeting the requirements of § 54.306(k) (relating to the operating program budget of the center) will be deemed to satisfy the requirements of § 54.209(a)(6).

(d) *Amendment of application.* An amendment to any application previously approved by the Secretary shall be submitted and processed in the same manner as an original application, except that an amendment which does not significantly affect the program of services to be offered by the center may be submitted directly to the Secretary and approved by him without regard to the requirements for processing an original application.

(e) *Applications for subsequent grants.* Where the application requests assistance for periods subsequent to the initial grant, it shall set forth such amendments to the documents which are submitted at the time of the application for an initial grant as may be necessary to support such request and as may be required by the Secretary in order to act on the request.

§ 54.303 Evaluation of application by State authorities.

(a) *State mental health authority.* In connection with each application for a grant under section 220(a) of the Act, the State mental health authority for the State in which the center is located shall submit to the Secretary.

(1) An evaluation of the application, taking into consideration such factors as the feasibility and probable effectiveness of the proposed program in meeting the needs of the catchment area; and

(2) A statement of whether the services to be provided by the center are described in the State mental health plan in accordance with section 221(a)(5) of the Act.

(b) *Other agencies designated by Governor.* Such other agencies and organizations as may be designated by the Governor of the State may transmit to the Secretary for consideration documents evaluating applications under this subpart.

§ 54.304 Content of application—assurances.

In addition to any other requirements imposed by law (including these regulations), each application for a grant under section 220(a) of the Act shall contain the following assurances:

(a) That the program of services to be provided by the center will meet the minimum criteria specified in § 54.309.

(b) That all services and facilities of the entire community mental health center will be available to all persons in need thereof who reside in the catchment area without discrimination on the basis of creed, sex, duration of residence, or ability to pay for such services. (See also § 54.104.)

(c) That in the selection, compensation, or other employment practices with respect to personnel employed or otherwise engaged in carrying out the center program, there shall be no discrimination on the basis of race, creed, color, sex, or national origin.

(d) That the center will furnish below cost or without charge a reasonable volume of services to persons unable to pay therefor.

(1) As used in this paragraph, "persons unable to pay therefor" includes persons who are otherwise self-supporting but who are unable to pay the full cost of needed services.

(2) For purposes of this paragraph, "a reasonable volume of services to persons unable to pay therefor" means a volume which, together with community mental health services otherwise available to residents of the catchment area, is sufficient to meet the total need for such services in the catchment area; except that the Secretary may in particular cases determine that a volume of services to persons unable to pay therefor which meets less than the total need for such services in the catchment area is "a reasonable volume of services for persons unable to pay therefor" where he finds, on the basis of information supplied by the applicant, that such lesser volume of services is the maximum volume which the center can provide, for such period as the Secretary may determine, without placing such a severe financial hardship on the center as to jeopardize its continued operation.

(3) The requirement of assurance under this paragraph may be waived only if the Secretary finds, on the basis of information set forth in the application, that the furnishing of any such services by the center would place such a severe financial hardship on the center as to jeopardize its continued operation.

(e) (1) That, in the case of any center for which a grant was made under section 220(a) of the Act for any period which began on or before June 30, 1970, the amount of total eligible costs, Federal and non-Federal (as described in section 220(a) of the Act and § 54.308), which will be incurred by such center for staffing costs during any grant period which begins after June 30, 1970, will not be less than the amount of such total eligible costs for the grant period which last commenced on or before June 30, 1970: *Provided*, That the grantee shall not be required to increase the dollar amount of its contribution as the non-Federal share of such costs in the event the amount of the Federal participation is reduced; or

(2) That in the case of any center for which no grant was made under section 220(a) of the Act for any period which began on or before June 30, 1970, there will be expended in the program during the grant period, in addition to the non-Federal funds required to be expended to match Federal funds granted under this subpart, an amount of funds other than funds granted under section 220(a) of the Act which is at least as great as the average amount of funds expended by the applicant and affiliates and predecessors of the applicant for such purposes for the 2 years preceding the initial grant period.

(f) That the services to be provided with the aid of a grant under section 220(a) of the Act will constitute an addition to, or a significant improvement in quality as determined in accordance with the criteria set forth in § 54.309(d)(6) in services that would otherwise be provided by the center.

§ 54.305 Content of application—supporting information.

Each application for a grant under section 220(a) of the Act shall contain the following information:

(a) If the applicant is a private nonprofit agency or organization, a letter from the Internal Revenue Service stating that the applicant is exempt from Federal income taxation under the appropriate provisions of the Internal Revenue Code; or, if such exemption from Federal income taxation has not been obtained, other evidence of the applicant's status as a private nonprofit agency or organization.

(b) A detailed description of all the services which will be included in the community mental health center program to be provided by the applicant and those agencies affiliated with the applicant, including information which satisfies the Secretary that the criteria for an acceptable program of community mental health center services as prescribed by § 54.309 have been met.

(c) Information as to the extent of the need in the catchment area for the mental health services to be provided, and the features of the population to be served which indicate the appropriateness of the proposed program, including the modalities of treatment and services to be provided, as evidenced by the data of a community survey of such need and an inventory of existing services.

(d) Maps or other graphic descriptions of the geographical and other characteristics of the catchment area which indicate the appropriateness of proposed arrangements for physical and psychological accessibility of the services to be provided, taking into account such factors as hours of service and availability of public transportation.

(e) A description of the staff of the center, including their disciplines, numbers, assignments, and the manner in which they are organized to carry out the proposed program of community mental health services; and information as to the need for and the availability of the kinds and quantities of staff proposed, the qualifications proposed to be required of each individual filling a proposed position, and the adequacy of plans for recruitment and compensation.

(f) A description of the arrangements proposed to assure maximum coordination with other public and private agencies in the catchment area which serve persons who may have mental health problems and those which provide programs to promote mental health.

(g) Information as to the extent to which elements of the proposed program will be receiving financial assistance under Federal, State, and local programs other than title II of the Act.

(h) Information as to the relationship of services to be provided by the proposed center program to services included in comprehensive mental health planning.

(i) A detailed description of the methods of administering the proposed program, including information as to the provisions for:

(1) Policy making;

(2) Assuring continuity of care;

(3) Maintaining and sharing of clinical records;

(4) Maintaining and sharing of financial records;

(5) Fostering satisfactory relationships between the proposed community mental health center and the community it serves;

(6) Discharging clinical, administrative and program coordination responsibilities with affiliates and other community agencies; and

(7) Assuring fulfillment of all other obligations and assurances required by the Act and these regulations: *Provided*, That, in cases where individual elements of service are provided by different organizations, agencies, or persons, the relationships between the applicant and its affiliates must be evidenced by appriprate contracts which specifically provide for assuring compliance with the requirements of these regulations. Copies of such contracts must accompany the application.

(j) Information which satisfies the Secretary that residents of the catchment area and representatives of concerned agencies or organizations which serve the catchment area have been and will be involved on a continuing basis in the planning and implementation of the program of the community mental health center for which assistance is sought, in order to insure that its program is and continues to be responsive to the needs of the catchment area.

(k) The following budget and staffing information:

(i) Identification of all actual and contemplated staff positions for each grant period, and the qualifications and compensation for such positions.

(ii) Identification of those costs for which Federal assistance is requested and the amount thereof.

(l) Information providing an adequate basis for a determination by the Secretary that the applicable assurance required by § 54.305(f) (relating to maintenance of effort as required by section 221(a)(4)(B) of the Act) is satisfactory.

(m) In the case of any application which contains a request, pursuant to section 221(a) of the Act and § 54.310, for an exception to the requirement that a center must provide all essential elements of comprehensive mental health services, detailed information justifying such request.

§ 54.306 Evaluation and disposition of applications.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants to those applicants whose applications have been recommended for approval by the National Advisory Mental Health Council.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the performance of the project: *Provided, however*, That such amount shall not represent a percentage of the total cost of the project which exceeds the applicable maximum percentage of Federal participation specified in section 220(b) of the Act.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts of encumbrance of Federal funds available for such purposes on the date of the award.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion

FEB 10 72

thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

§ 54.307 Priority of projects.

In determining the priority of projects, the Secretary will take into account the relative needs of the several States for community mental health center programs, their relative financial needs, and their population, and the relative extent to which each project will, in his judgment, further the purposes of the Act.

§ 54.308 Eligible costs.

(a) *Personnel covered.* For purposes of section 220(a) of the Act and of this subpart, "professional and technical personnel" shall mean all those persons employed by a center or an affiliate thereof to participate in the provision of an element or elements of service eligible for support in accordance with section 220 (a) of the Act and as set forth in § 54.309, and who are found by the Secretary to be appropriately qualified under the circumstances to occupy such positions by virtue of their professional or special mental health training or experience. For purposes of this section:

(1) The term "technical personnel" shall include but is not limited to such personnel as are specified in section 265 of the Act. Such term includes personnel who perform minor clerical, maintenance or housekeeping duties if their duties involve direct contact with persons served by the center and if they have been found by the Secretary to be receiving or to have received mental health training appropriate to such contact.

(2) "Persons employed by a center or an affiliate thereof" shall include persons whose services are obtained through a contractual arrangement that meets the requirements of paragraph (c) of this section.

(b) *Allowable compensation.* Funds granted under section 220(a) of the Act may be expended, in accordance with the applicable principles set forth in Chapters 1–76, 2–65, 2–66, and 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual,[2] for the costs of compensation of personnel of the types described in paragraph (a) of this section.

(c) *Utilization of consultants.* (1) Funds granted under section 220(a) of the Act may be utilized for consultants' services only if the applicant is unable to recruit and hire center employees to provide the services in question. The applicant must be prepared to document such inability to the satisfaction of the Secretary, upon the Secretary's request.

(2) Such consultants must be retained under contracts which contain at least the following provisions:

(i) A description of the particular services to be provided;

(ii) A statement of the number of hours per week which the consultant agrees to provide;

(iii) A statement of the amount of compensation to be paid;

(iv) A statement that the fee for services rendered is payable by the center or its affiliate only, and may not be collected directly from the patient;

(v) An agreement by the consultant that he will abide by the terms and conditions of the grant, including the regulations of this subpart, pertaining to direct patient care and other services provided by the center; and

(vi) A provision for termination of the contract in case of violation of any of the above provisions.

(d) *Expenditures by applicant.* Any funds paid pursuant to a grant under section 220(a) of the Act may be expended by the applicant for compensation of personnel as provided in paragraph (b) of this section only for obligations incurred during the period for which the grant was approved by the Secretary.

§ 54.309 Program criteria.

(a) *Community service.* In addition to fulfilling the assurances required by § 54.305 with respect to nondiscrimination, all services included in the center program shall be

(1) So publicized as to be generally known to the population of the catchment area;

(2) Available as appropriate to all residents of the catchment area in all age groups who are suffering from all types of mental or emotional disorder, whether such services are sought by the patient voluntarily or are, in accordance with and to the extent permitted under applicable State law, ordered to be provided to the patient; and

(3) So located as to be readily accessible to the general population of the catchment area.

(b) *Essential elements of comprehensive mental health services.* No grant may be made under section 220(a) of the Act unless the Secretary is satisfied that the program described by the applicant will stress prevention and will include at least the following essential elements of comprehensive community mental health services, as described below:

(1) "Emergency service" designed to provide immediate evaluation of persons in emotional crisis situations and to provide immediate mental health care as needed to such persons.

(i) Such service may be provided in center facilities, in the patient's home, or elsewhere, but must be available on a 24-hour-a-day, 7-day-a-week basis.

(ii) Such service must be so publicized as to be generally known to the population of the catchment area.

(iii) Such service must be clearly identified and coordinated with other service components of the community mental health center.

(iv) The need for continuing such service in each individual case shall be evaluated with sufficient frequency to ensure that proper arrangements have been made for discharge or for transfer to other elements of service or referral to another provider of services where clinically appropriate in each individual case.

(2) "Inpatient service" service designed to provide on a 24-hour-a-day, 7-days-a-week basis a wide range of treatment, including a wide range of therapies such as individual, family and group psychotherapy and chemotherapy, and may also include appropriate occupational and recreational activities.

(i) Such service shall be designed to facilitate the patient's return to the community as rapidly as is consistent with sound treatment.

(ii) Such service shall be provided in a therapeutic milieu.

(iii) The need for continuing such service in each individual case shall be evaluated with sufficient frequency to ensure that proper arrangements have been made for discharge or for transfer to other elements of service or referral to another provider of services where clinically appropriate in each individual case.

(iv) Such service must be clearly identified and coordinated with other service components of the community mental health center.

(3) "Partial hospitalization service" designed to provide the same range of therapies as that specified in subparagraph (2) of this paragraph, for persons requiring less than 24-hour-a-day care but more than outpatient care.

(i) Such service shall include at least day care and, to the extent possible, night and weekend care.

(ii) Such service shall be designed to obviate the patient's need for partial hospitalization as rapidly as is consistent with sound treatment.

(iii) Such service shall be provided in a therapeutic milieu.

(iv) The need for continuing such service in each individual case shall be evaluated with sufficient frequency to ensure that proper arrangements have been made for discharge or for transfer to other elements of service or referral to another provider of service where clinically appropriate in each individual case.

(v) Such service must be clearly identified and coordinated with other service components of the community mental health center.

(4) "Outpatient service" designed to provide the same range of treatment as that specified in subparagraph (2) of this paragraph, for persons not requiring care on an inpatient or partial hospitalization basis.

(i) The need for continuing such service in each individual case shall be evaluated with sufficient frequency to ensure that proper arrangements have been made for discharge or for transfer to other elements of service or referral to another provider of service where clinically appropriate in each individual case.

(ii) Such service must be clearly identified and coordinated with other service components of the community mental health center.

(5) "Consultation and education service" (i) Consultation services shall be designed to provide case and program advice and assistance by qualified mental health personnel to a wide variety of community human service agencies, community organizations and individuals, including but not limited to schools, courts, probation officers, police, clergy, welfare case workers, residential care personnel, and other health care personnel such as physicians and public health nurses.

(ii) Education services shall be designed to promote mental health and prevent mental illness throughout the catchment area, make the public more aware of the center and its services, improve public attitudes toward mental illness, and stimulate public support and participation in planning for new or improved community mental health services. Education services may be rendered through use of a variety of communication media, or through speeches, lectures, and other public meetings.

(c) *Additional elements of mental health services.* The following additional elements of mental health services, as described below, may also be included in a program of services for which assistance is granted under section 220(a) of the Act:

(1) "Rehabilitation service" designed to reduce the residual deficits of emotional disturbance and to facilitate the adjustment of mental health center patients in the community through a variety of vocational and social programs, including, though not limited to, vocational testing, counseling, job placement, and other relevant group activities, as appropriate.

(2) "Training service" designed to increase the job-related mental health skills of a wide range of community mental health center personnel, including though not limited to psychiatrists, psychologists, social workers, nurses, volunteers and indigenous workers, through the provision of lectures, seminars, workshops and other educational program.

(3) "Research and evaluation service" including appropriate measurement, data collection and analysis designed to provide objective information regarding community mental health needs and resources, the impact of mental health service delivery, and the extent to which the community mental health center is meeting its objectives and goals.

(4) "Central administrative service" designed to provide for overall administration of the total center program of comprehensive community mental health services.

(d) *Services not previously provided.* For purposes of section 221(a)(3)(A) of the Act, an element of service will not be regarded as having been previously provided by the center if it is an element of service:

(1) Which during the 2 years immediately preceding an initial grant period, has not been provided by the applicant or any affiliate or predecessor of the applicant; or

(2) Which the applicant proposes to provide in accordance with methods of treatment or delivery of service not used by the applicant or any affiliate or predecessor of the applicant during such 2-year period; or

(3) Which the applicant proposes to provide in a way designed to meet the needs of a specific group not served by such a service provided by the applicant or any affiliate or predecessor of the applicant during such 2-year period; or

(4) Which represents an expansion of a previously provided service which results in either an absolute increase in the number of patients who will receive care from such service or in the case of consultation and education service will result in an absolute increase in the number of persons affected by such service; or

(5) Which has been provided by the applicant or predecessor of the applicant only on a pilot or developmental basis for a period of 1 year or less prior to the date on which the application is filed; or

(6) Which has been provided by the applicant, affiliates of the applicant or by its predecessors but will be continued with significant improvements in quality. Such services will be considered to constitute an improvement in quality if: (i) Adjustments in the hours of service or in the location of the service provider make the services more physically accessible to the catchment area population; (ii) the method of delivery of services is changed so as to become more appropriate and responsive to the actual mental health needs of the catchment area residents; (iii) there is an upgrading of position requirements prior to hiring new staff, and existing staff are given in-service training if necessary to conform to the new requirements; and (iv) additional staff is employed which has skill levels and/or specific specialties not previously available.

(e) *Continuity of care.* The relationships between individual elements of services in the community mental health center must be designed to assure:

(1) That any person eligible for treatment within any one element of service will also be eligible for treatment within any other element of service;

(2) That any patient within any one element can and will be transferred without delay to any other element of service whenever such a transfer is indicated by the patient's clinical needs;

(3) That the clinical information concerning a patient which was obtained within one element will be made available to those responsible for that patient's treatment within any other element;

(4) That those responsible for a patient's care within one element can, when practicable and when not clinically contraindicated, continue to care for that patient within any of the other elements;

(5) That mental health practitioners who are not physicians, and nonpsychiatric as well as psychiatric physicians in the community, will be allowed, when qualified, to follow and assist in the care of their patients on the various services of the center, provided they are working under the general supervision of the staff of the center; and

(6) That the center will coordinate its services with those provided by other community resources, and will establish followup procedures designed to assure, to the extent practicable, that patients referred by the center to other providers of service receive appropriate medical treatment or other services. Such procedures shall include provision for the routine exchange of all necessary information concerning patients so transferred.

(f) *Administration.* All elements of the center shall be under the general administrative control of a single administrative units, so constituted as to assure

(1) That such single administrative unit will be responsible for carrying out each of the functions enumerated in § 54.306(i);

(2) That the overall direction of the center is vested in a single center director, employed full time, who is a qualified member of any one of the mental health professions; and

(3) That the medical responsibility for each patient will be vested in a physician: *Provided, except,* That if such physician is not a psychiatrist, psychiatric consultation must be available to such physician and to other center staff on a continuing and regularly scheduled basis, not less than once weekly.

§ 54.310 Waiver of elements of comprehensive mental health services.

(a) The requirement that a center must provide all essential elements of comprehensive mental health services shall apply in those cases where the Secretary finds, with respect to a particular project, that

(1) The center will serve a catchment area which has been designated by the Secretary, pursuant to § 54.103, as an urban or rural poverty area;

(2) The program of services will include at least three of the essential elements of comprehensive mental health services specified in § 54.309(b);

(3) The element or elements of service with respect to which a waiver is sought are specifically designated in the application;

(4) The application is a complete application for a grant under section 220(a) of the Act which describes all the proposed services of the center, including those elements of service with respect to which a waiver is sought; and

(5) The applicant will provide all elements of comprehensive mental health services prior to the end of the 18-month period commencing on the date of the filing of the application.

(b) Each application requesting a waiver of one or more elements of comprehensive mental health services shall set forth the arrangements under which the applicant will, to the extent practicable, obtain for the residents of the catchment area it serves, those elements of services with respect to which a waiver is sought.

[2] The Department Grants Administration Manual is available for inspection at the Public Information Offices of the several Department Regional Offices and is available for purchase at the Government Printing Office, GPO Document No. 894–523.

V 37 N 28 FEB 10 72 XUM

(c) A grantee shall be eligible to receive grant support under section 220(a) of the Act for any service with respect to which a waiver is granted for a period of 8 years beginning with the first day of the first month after the initiation of such service, at rates not in excess of the rates of Federal participation specified in section 220(b)(2) of the Act.

(d) No funds awarded under this subpart shall be expended for costs of providing any service with respect to which a waiver is granted unless the Secretary determines, prior to the time such service is inaugurated, that such service will be provided in conformance with the approved application or an approved modification of such application.

§ 54.311 Grantee accountability.

(a) *Accounting for grant funds.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for the costs of compensation of professional and technical personnel meeting the requirements of this subpart.

(b) *Accounting for grant-related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds pending their disbursement for grant purposes. A State, as defined in section 202 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of a State. All grantees other than a State, as so defined, must return all interest earned on grant funds to the Federal Government.

(2) *Other income.* Other income earned by the grantee shall be disposed of in accordance with the alternatives specified in the Department of Health, Education, and Welfare Grants Administration Manual (available for purchase at the Government Printing Office (GPO 894–523)), as determined by the Secretary in the grant award.

(c) *Grant conclusion*—(1) *Date of final accounting.* A grantee shall, with respect to each approved project, render a full account, as provided herein, as of the date of the termination of grant support, the Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the sum of

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (b)(1) of this section; and

(iii) Any other settlements required pursuant to paragraph (b)(2) of this section.

Such total shall constitute a debt owed by the grantee to the Federal Government and shall be rendered by the grantee or its successors and assignees by set-off or other action as provided by law.

§ 54.312 Records, reports, inspection.

(a) *Records.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee (including its affiliates) shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by the grantee of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit. All records shall be retained for 3 years after the close of the grant period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified by the end of such 3-year period, such records shall be retained (1) for 5 years after the close of the grant period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Reports.* The applicant shall furnish such progress and other reports as the Secretary may require.

(c) *Inspection and audit.* Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and by the Comptroller General, and to interviews with principal staff members to the extent that such resources and personnel are, or will be, involved in the center program. In addition, the acceptance of any grant under this subpart shall constitute the consent of the grantee to inspections and fiscal audits, by such persons, of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 54.313 Other conditions.

The Secretary may, with respect to any grant award, impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 54.314 Early termination of grant and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act or the terms of the grant, including the regulations of this subpart, he may, on reasonable notice to the grantee, withheld further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

Subpart D—Grants for Initiation and Development of Community Mental Health Services

§ 54.401 Applicability.

The regulations of this subpart apply only to grants under section 224(b) of the Act for assessing local needs for mental health services, designing mental health service programs, obtaining local financial and professional assistance and support for community mental health services, and fostering community involvement in initiating and developing community mental health services.

§ 54.402 Eligibility.

A grant under section 224(b) of the Act may be made only to a local public or nonprofit private organization, and only if:

(a) The project with respect to which the grant is sought will serve a catchment area which has been designated by the Secretary as a rural or urban poverty area pursuant to § 54.103;

(b) Such organization is located in the catchment area to be served by the project or has been designated by the State agency as the organization responsible for the planning and development of community mental health services for such catchment area;

(c) No grant under section 224(b) of the Act has previously been made with respect to any project in the catchment area; and

(d) There is no community mental health center in the catchment area to be served by the project.

§ 54.403 Submittal of application.

(a) *Form, time and manner.* Each application for a grant under section 224(b) of the Act shall be submitted to the Secretary on such forms, at such times and in such manner as the Secretary may from time to time prescribe. A copy of the application shall be submitted concurrently for review and comment to the mental health authority of the State in which the project is to be conducted and to the local mental health authority if any.

(b) *Execution.* Each application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including these regulations.

§ 54.404 Content of application.

(a) *Assurances.* Each application for a grant under section 224(b) of the Act shall contain the following assurances:

(1) That in the selection, compensation, or other practices with respect to the employment of personnel in the project there shall be no discrimination on the basis of race, creed, color, sex, national origin, or duration of residence.

(2) That all activities (including planning) under the project will be conducted without discrimination on the basis of creed, sex, duration of residence, or ability to pay for mental health services. (See also § 54.104.)

(b) *Supporting information.* Each application for a grant under section 224(b) of the Act shall contain the following information:

(1) Information which satisfies the Secretary that each of the eligibility requirements set forth in § 54.402 is met.

(2) A narrative statement describing the need for a grant under section 224(b) of the Act with respect to the particular catchment area involved.

(3) Preliminary plans describing the methods by which the applicant will:

(i) Collect and evaluate (*a*) quantitative data pertaining to the assessment of need in the catchment area for community mental health services, such as admission rates to existing mental health treatment facilities, size and composition of waiting lists for such facilities, sample survey reports, requests for services from courts, welfare, and other agencies, and U.S. Census Bureau statistics; and (b) qualitative information on potential community participation and involvement, such as ideas and attitudes expressed by potential consumers of community mental health services in the catchment area, community leaders, service providers, and potential sources of financial support for such services;

(ii) Develop local financial assistance and support for the provision of community mental health services;

(iii) Design a program of comprehensive community mental health services for the catchment area; and

(iv) Assure adequate community involvement in carrying out the project with respect to which a grant under section 224(b) is sought. For purposes of section 224(b) of the Act and this subpart, "community involvement" shall mean the continuing participation of (*a*) actual or potential consumers of community mental health services who reside in the catchment area and (*b*) representatives of concerned public agencies and of private groups or other organizations in the catchment area in identifying needs for community mental health services, planning for the development of new or the utilization of existing resources to meet such needs, and in such other activities as are necessary to initiate and develop a program of comprehensive community mental health services in the catchment area.

(4) Descriptions of all staff positions and duties related thereto necessary to carry out the project (including a description of the abilities, skills, and training to be required of each individual filling a proposed position) and a description of the method by which personnel will be recruited to fill each position.

(5) A budget identifying all costs for which Federal assistance is requested and the amount of each such cost, including compensation for each staff position identified pursuant to subparagraph (4) of this paragraph.

§ 54.405 Review by State and local mental health authorities.

No application for a grant under section 224(b) of the Act will be approved by the Secretary unless the mental health authority of the State in which the project is to be conducted and the local mental health authority, if any, have been given at least 60 days to review and comment on such application.

§ 54.406 Evaluation and disposition of applications.

(a) *Priorities.* Within the limits of funds available for such purpose, the Secretary may award grants to those applicants whose approved projects will, in his judgment, best promote the purposes of section 224(b) of the Act. In making such judgment, the Secretary will give due weight to the evaluation of each application by the State and local mental health authorities, and will take into account:

(1) The relative need of each catchment area for a project of the type authorized by section 224(b) of the Act, based on such factors as the existence and availability of information and data relating to the need for community mental health services, the financial inability of the applicant to purchase the necessary skills to design a program of community mental health services without a grant under section 224(b) of the Act, and the inability of the applicant to obtain local financial and professional assistance and support;

(2) The relative probability, with respect to each catchment area, that such a project can obtain adequate financial assistance from sources other than section 224(b) of the Act; and

(3) The relative effectiveness of each project in achieving the purpose of section 224(b) of the Act.

(b) *Amount of grant.* The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as hospital per diem rates or fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however,* That no grant shall be made for an amount which exceeds $50,000. In determining the grantee's share of project costs, costs for which Federal grants from other sources have been or may be claimed or received or costs used to match other Federal grants except as may be otherwise provided by law, or costs to be met from the Federal share of grant related income (except as may be permitted by chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual[1]) may not be included.

(c) *Direct and indirect costs.* Except as may otherwise be provided by the regulations of this part, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in chapters 1–76, 2–65, 2–66, and 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual.

(d) *Grant Award.* All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts an encumbrance of Federal funds available for such purposes on the date of the award.

§ 54.407 Period and beginning date of grant.

(a) *Period of grant.* No grant under section 224(b) of the Act shall be for a period in excess of 1 year.

(b) *Beginning date.* The beginning date of each grant under section 224(b) of the Act shall be on the first day of a month, and shall be not later than 3 calendar months after the close of the month in which the grant was awarded.

§ 54.408 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the project, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 54.409 Eligible costs.

Any funds granted under section 224(b) of the Act shall be expended by the grantee solely for costs of carrying out the approved project in accordance with the Act, the regulations of this subpart, the terms and conditions of the award, and cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual: *Provided,* That no such funds shall be used to provide mental health or other treatment services.

§ 54.410 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications,

[1] The Department Grants Administration Manual is available for inspection at the Public Information Offices of the several Department Regional Offices and is available for purchase at the Government Printing Office, GPO Document No. 894–523.

V 37 N 28 FEB 10 72 XUM

films or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 54.411 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment.* As used in this section the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1-410-50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other projects.* Equipment may be used without adjustment of accounts or other projects within the scope of section 224(b) of the Act, and no other accounting for such equipment shall be required: *Provided, however,* That (i) during such period of use no charge for depreciation, amortization or other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if within the period of its useful life the equipment is transferred by sale or otherwise for use outside the scope of section 224(b) of the Act, the Federal share of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of sale credited to the grant account for project use, or it may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased with grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1-410-50B of the Department of Health, Education, and Welfare Grants Administration Manual may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivision of a State. All grantees other than a State, as so defined, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the cost of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed in accordance with subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with the alternatives specified in the Department of Health, Education, and Welfare Grants Administration Manual as determined by the Secretary in the grant award.

(c) *Grant conclusion*—(1) *Date of final accounting.* A grantee shall, with respect to each approved project, render a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of

(i) any amount not accounted for pursuant to paragraph (a) of this section;

(ii) any credits for material on hand as provided in paragraph (b) of this section;

(iii) any credits for earned interest pursuant to subparagraph (1) of this paragraph; and

(iv) any other settlements required pursuant to this subparagraph (2) and subparagraph (3) of this paragraph. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 54.412 Records, reports, inspection.

(a) *Reports.* Each grant awarded pursuant to section 224(b) of the Act shall be subject to the condition that the grantee shall file with the Secretary such progress and fiscal reports relating to the use of grant funds as the Secretary may find necessary to carry out the purposes of the Act and the regulations, including the following:

(1) *Interim report.* Not more than 3 months after the beginning date of the grant, the grantee shall submit to the Secretary an interim progress report. Approval by the Secretary of the interim report will constitute his approval of any changes in the project as originally approved.

(i) The interim progress report shall contain the following information:

(*a*) A description of any changes which have been made by the grantee in the preliminary plans set forth in the application as required by § 54.404 (b)(3);

(*b*) Identification of all staff positions filled;

(*c*) A description of any changes in necessary staff positions described in the application in accordance with § 54.404 (b)(4);

(*d*) A summary of progress to date in carrying out the plans set forth in the application, including any data which has been gathered in accordance therewith, any problems which have developed in carrying out the approved project, and a description of any consultation or other help needed in connection with the project;

(*e*) A report of all grant funds expended to date and the purposes of such expenditures; and

(*f*) Such other information as the Secretary may specifically require.

(ii) The permissible changes in the project will be limited to changes which will expedite achievement of the project objectives, including changes that grow out of the approved project and serve the best strategy for achieving the purposes of the grant. Changes in the project after the interim report has been filed may be made only with the specific approval of the Secretary.

(2) *Final report.* Not less than 60 days after the close of the grant period, the grantee shall submit to the Secretary a final report containing the following information:

(i) A narrative description of the nature and extent of community involvement in carrying out the project.

(ii) A narrative and statistical demographic description of the population of the catchment area, including cultural and socioeconomic conditions of minority and poverty groups;

(iii) A description of the existing mental health services in the catchment area and the extent of their ultilization by residents of the catchment area;

(iv) A description of the actual and potential sources of financial support for the provision of community mental health services for the catchment area;

(v) A description of current mental health needs of the catchment area and the factors responsible for such need;

(vi) A design of a proposed program of comprehensive community mental health services to meet the needs of the catchment area;

(vii) A description of the method to be used in evaluating the effectiveness of such proposed program in meeting the needs of the catchment area;

(viii) A final report of expenditures showing any unexpended balance remaining in the grant account, including cash on hand and interest or other income earned on grant funds; and

(ix) Such other information as the Secretary may specifically require.

(b) *Records.* Each grant awarded under section 224(b) of the Act shall be subject to the condition that the grantee shall maintain such progress and accounting records as the Secretary may find necessary to carry out the purposes of the Act and these regulations. All records shall be retained for 3 years after the close of the period for which the grant is made. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the period for which the grant is made of (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(c) *Inspection and audit.* Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and by the Comptroller General, and to interviews with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under tihs subpart shall constitute the consent of the grantee to inspections and fiscal audits, by such persons, of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 54.413 Other conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 54.414 Early termination of grant and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act or with the terms of the grant, including the regulations of this subpart, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be notified promptly of such action, in writing, and given the reasons therefor.

Subpart E—Grants for Consultation Services

§ 54.501 Applicability.

The regulations of this subpart apply only to grants under section 264 of the Act with respect to community mental health centers, alcoholism prevention and treatment programs, specialized programs for alcoholics, treatment programs for narcotic addicts, or programs for mental health of children to which grants are made under part B, C, D, or F of title II of the Act to assist such centers or facilities in meeting a portion of the costs of compensation of professional and technical personnel who provide consultation services.

§ 54.502 Eligibility.

A grant under section 264 of the Act may be made only:

(a) With respect to a community mental health center, alcoholism prevention and treatment program, specialized program for alcoholics, treatment program for narcotic addicts, or program for mental health of children to which a grant is made under part B, C, D, or F of title II of the Act to assist such center or program in meeting a portion of the cost of professional or technical personnel who provide consultation services; and

(b) To a public or nonprivate agency or organization which is the recipient of a grant specified in paragraph (a) of this section.

§ 54.503 Submittal of application.

(a) *Form, time and manner.* Each application for a grant under section 264 of the Act shall be submitted to the Secretary on such forms, at such times and in such manner as the Secretary may from time to time prescribe.

(b) *Execution.* Each application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act and the terms and conditions of any award, including the regulations of this subpart.

§ 54.504 Content of application.

Each application for a grant under section 264 of the Act shall contain a budget and a narrative plan specifying the costs for which Federal funds are requested.

§ 54.505 Evaluation and disposition of applications.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to those applicants whose applications have been recommended for approval by the National Advisory Mental Health Council and which will in his judgment best promote the purposes of section 264 of the Act.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for the performance of the project: *Provided,* That no such grant will exceed whichever of the following is the lesser:

(1) Fifteen per centum of the costs with respect to which a grant has been awarded under part B, C, D, or F of the Act with respect to the program of center; or

(2) That percentage of such costs which when added to the percentage of such costs covered by such other grant equals 100 per centum.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts an encumbrance of Federal funds available for such purposes on the date of the award.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

§ 54.506 Grant period.

A grant under section 264 of the Act may be made only for the period determined by the Secretary to be applicable to the grant made under part B, C, D, or F of the Act, as the case may be, with respect to the center or program.

§ 54.507 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the project, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 54.508 Eligible costs.

(a) *Personnel covered.* For purposes of section 264 of the Act and of this subpart, "professional and technical personnel who provide consultation services" shall mean all those persons employed by a center or program or an affiliate thereof to participate in the provision of consultation services eligible for support in accordance with section 220(a), 242(a), 243(a), 251(a), or 271(a) of the Act, as the case may be, and as described in § 54.309(b)(5)(i), and who are found by the Secretary to be appropriately qualified under the circumstances to occupy such positions by virtue of their professional or special mental health training or experience. For purposes of this section:

(1) The term "technical personnel" shall include but is not limited to such personnel as are specified in section 265 of the Act. Such term includes personnel who perform minor clerical, maintenance or housekeeping duties if their duties involve direct contact with persons served by the center or program and if they have

VOL 37 NO 28 FEB 10 72 XUM

been found by the Secretary to be receiving or to have received mental health training appropriate to such contact.

(2) "Persons employed by the center or program or an affiliate thereof" shall include persons whose services are obtained through a contractual arrangement that meets the requirements of § 54.308(c).

(b) *Allowable compensation.* Funds granted under section 264 of the Act may be expended for the costs of compensation, as defined in § 54.308(b), of personnel of the types described in paragraph (a) of this section.

(c) *Expenditures by applicant.* Any funds paid pursuant to a grant under section 264 of the Act may be expended by the applicant for compensation of personnel as provided in paragraph (b) of this section only for obligations incurred during the period for which the grant was approved by the Secretary in accordance with § 54.506.

§ 54.509 Grantee accountability.

(a) *Accounting for grant funds.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for the costs of compensation of professional and technical personnel meeting the requirements of this subpart.

(b) *Accounting for grant related income.*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds pending their disbursement for grant purposes. A State, as defined in section 202 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, and territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivision of a State. All grantees other than a State, as so defined, must return all interest earned on grant funds to the Federal overnment.

(2) *Other income.* Other income earned by the grantee shall be disposed of in accordance with the alternatives specified in the Department of Health, Education, and Welfare Grant Administration Manual (available for purchase at the Government Printing Office (GPO 894–523)), as determined by the Secretary in the grant award.

(c) *Grant conclusion.*—(1) *Date of final accounting.* A grantee shall, with respect to each approved grant, render a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved grant the sum of

(i) any amount not accounted for pursuant to paragraph (a) of this section:

(ii) any credits for earned interest pursuant to paragraph (b)(1) of this section; and

(iii) any other settlements required pursuant to paragraph (b)(2) of this section.

Such total shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set-off or other action as provided by law.

§ 54.510 Records, reports, inspection.

(a) *Records.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee (including its affiliates) shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by the grantee of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount of that portion of the cost of the project supplied by other sources, and such other records as will facilitate an effective audit. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the grant period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such five-year period, records shall be retained until resolution of all such questions.

(b) *Reports.* The applicant shall furnish such progress and other reports as the Secretary may require.

(c) *Inspection and audit.* Any application for a grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and by the Comptroller General, and to interviews with principal staff members to the extent that such resources and personnel are, or will be part of the program. In addition, the acceptance of any grant under this subpart shall constitute the consent of the grantee to inspections and fiscal audits, by such persons, of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 54.511 Other conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved program, the interests of public health, or the conservation of grant funds.

§ 54.512 Early termination of grant and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act or the terms of the grant, including the regulations of this subpart, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancellable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[FR Doc.72-1877 Filed 2-9-72;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 415]

COMMUNITY MENTAL HEALTH CENTERS

Proposed Construction and Staffing Program Grants

CROSS REFERENCE: For a document relating to grants for community mental health centers (42 CFR Parts 51b, 54), see F.R. Doc. 72-1877, Department of Health, Education, and Welfare, Public Health Service, *supra*.

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

BANK OF CALIFORNIA, N.A.

Notice of Application for Unlisted Trading Privileges

FEBRUARY 4, 1972.

Notice is hereby given that the Boston Stock Exchange, 2314 Penobscot Building, Detroit, Mich. 43226, has filed an application with the Comptroller of the Currency pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934, as amended, for unlisted trading privileges in the common stock of The Bank of California, N.A., San Francisco, Calif., which securities are listed and registered on the New York Stock Exchange.

Notice is hereby given that any interested person may, not later than February 29, 1972, at 5:30 p.m., submit to the Comptroller of the Currency in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the comptroller should order a hearing thereon. Any such communication should be addressed: Office of the Comptroller of the Currency, Attention: Mr. Robert Bloom, Chief Counsel, Treasury Building, Washington D.C. 20220. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, an order disposing of the application herein may be issued by the Comptroller of the Currency upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued upon request or upon the Comptroller's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.72-1980 Filed 2-9-72;8:53 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972-10]

UNIFORM MANUFACTURERS

Cost of Living Council Ruling

Facts. X is a uniform manufacturer who makes uniforms according to standard sizes and then makes alterations to fit the purchaser. All uniforms are custom fitted by X to the individual.

Issue. Recognizing that the tailoring of clothing to individual order is exempt under Economic Stabilization Regulations, 6 CFR 101.34(c)(2)(i), 37 F.R. 1240 (January 27, 1972) would X also be exempt?

Ruling. X would not be exempt from price controls. As a practical matter X is in the business of producing uniforms which, from their inception, are not intended for any particular individual. Thus, the element of being custom made for the individual is missing. It could be argued that since X sells only custom fitted uniforms the fact that he first makes them in standard sizes is merely an expedient to meet production requirements (That is, making each uniform to individual order from the beginning would be more time consuming) and therefore should not be determinative of his exempt status. The fact that he must make standard sizes and then alter them to meet production, however, is indicative that X is not engaged in the custom making of clothing to individual order.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1981 Filed 2-9-72;8:45 am]

[Cost of Living Council 1972-12]

EXEMPTION FOR CHRISTMAS TREES

Cost of Living Council Ruling

Facts. Retailer R sold Christmas trees during the 1971 holiday season. The trees were obtained from a Maine supplier and were sold untrimmed and untreated in the same state that the supplier had delivered them. Retailer X obtained Christmas trees from the same supplier but before selling them trimmed off the lower branches, rounded the trunk to fit in standard tree holders, and sprayed the trees with a "fireproofing" solution.

Issue. Were prices on the trees sold by either of these retailers exempt from the coverage of the Economic Stabilization Program?

Ruling. Economic Stabilization Regulations, 6 CFR 101.32, 37 F.R. 1237 (January 27, 1972), exempts price adjustments on "raw agricultural products" from the coverage of the Economic Stabilization program. Raw agricultural products are defined in § 101.32(a) of the regulations to be, "Agricultural products which retain their original physical form and have not been processed." Processed products are those that have been, "Changed in their physical form."

One raw agricultural product specifically enumerated in the exempt class of products in § 101.32(a) of the regulations is "Stumpage, or trees cut from the stump." A Christmas tree is a "tree cut from the stump," and is therefore within the exempt class. The operations performed by Retailer X or any other such operations to enhance the beauty or safety of a Christmas tree does not make the tree a "processed" raw agricultural product because the tree retains its same physical form.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1982 Filed 2-9-72;8:45 am]

[Pay Board Ruling 1972-1]

CONTINUED PAYMENT OF CHALLENGED PAY ADJUSTMENTS

Pay Board Ruling

Facts. Corporation A has a contract with its employees that was in existence prior to November 14, 1971, which provides for pay adjustments to take effect thereafter which exceed the 5.5 percent standard established by the Pay Board. The contract is challenged and the challenge is pending before the Pay Board.

Issue. May the employer continue to pay its employees the increased wages provided in the contract during the period the challenge to the pay adjustments is pending before the Pay Board.

Ruling. So long as the pay adjustments were provided for in a contract that was existing prior to November 14, 1971, the employer may continue to pay the employees at the increased rate during the period the pay adjustments are under challenge unless and until the Pay Board rules otherwise.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-1992 Filed 2-9-72;8:46 am]

FEB 10 72 XUM

[Pay Board Ruling 1972–3]

APPROPRIATE EMPLOYEE UNIT

Pay Board Ruling

Facts. Corp. A has 200 employees and 4 different labor unions representing different units of employees. One of the unions seeks a contract which would increase the wages of its particular unit of employees 10 percent over the present wages of the unit, but not more than 5.5 percent of total wages paid by the corporation.

Issue. Is the wage increase sought by the union prohibited?

Ruling. Yes. The 5.5 percent standard is applied to the aggregate annual wage and salary increase within any appropriate employee unit and not to the total payroll of the corporation. In the absence of unusual circumstances, the established collective bargaining units, where they exist, are presumed to be the "appropriate employee units" for the measurement of changes in wage and salary levels.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1993 Filed 2–9–72;8:46 am]

[Pay Board Ruling 1972–4]

BONA FIDE PROMOTIONS

Pay Board Ruling

Facts. Due to a vacancy Corp. A promoted one of its office managers to be a vice president of the corporation. The starting salary for the position as vice president represented an increase in salary of 30 percent over what the employee had been receiving.

Issue. Is the increase of salary prohibited?

Ruling. No. Bona fide promotions to positions of greater skill, effort, and responsibility are excluded from the 5.5 percent limitation since remuneration goes with the job, not the man.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc. 72–1994 Filed 2–9–72;8:46 am]

[Pay Board Ruling 1972–5]

COSTS OF LIVING INCREASES AS PART OF EXISTING CONTRACTS AND PAY PRACTICES

Pay Board Ruling

Facts. Employer A and his employees negotiated a new labor contract, effective July 1, 1971, providing for an automatic cost of living increase every 3 months. The increment due October 1, 1971, was precluded by Phase I. The employer wants to make said increase effective November 14, 1971, and continue to make future 3-month increases under the labor contract.

Issue. May the past due increase be made, effective November 14, 1971? May future increases be made at 3-month intervals, as provided by the labor contract, assuming that the cost of living continues to rise?

Ruling. Yes. Economic Stabilization Regulations, 6 CFR 201.3, 36 F.R. 21790 (November 13, 1971), defines "wages and salaries" as including:

> all forms of direct and indirect remuneration or inducement to employees by their employers for personal services, which are reasonably subject to valuation, including • • • cost-of-living allowances • • •

Economic Stabilization Regulations, 6 CFR 201.14, 36 F.R. 21790 (November 13, 1971), states that:

> Existing contracts and pay practices previously set forth will be allowed to operate according to their terms except that specific contracts or pay practices are subject to review, when challenged by a party at interest or by five or more members of the Pay Board, to determine whether any increase is unreasonably inconsistent with the criteria established by the Board.

Although a cost-of-living increase comes within the Regulations § 201.3 definition of "wages and salaries", and is subject to the post-freeze 5.5-percent limitation, the contract predated November 14, 1971, and therefore is permitted by § 201.14 of the Regulations to take effect as of November 14, 1971, subject to the above-stated Pay Board review. In addition, all increases which affect more than 1,000 employees must be reported by the employer to the Pay Board no later than January 31, 1972. Subject to the above review, however, the cost of living increases may be continued in the future pursuant to the contract provisions.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1995 Filed 2–9–72;8:46 am]

[Price Commission Ruling 1972–35]

INSURANCE BROKERS COMMISSIONS

Price Commission Ruling

Facts. An insurance company wishes to raise the percentage commission it pays to independent brokers for selling its insurance. Although the brokers have not requested higher commissions nor indicated that their costs have increased, the insurance company believes that higher commissions will encourage greater efforts from the brokers and result in an increase in sales.

Issue. May the insurance company voluntarily pay more commissions without considering whether the brokers would be justified in requesting higher commissions due to increased costs?

Ruling. This situation is to be distinguished from that where the insurance salesmen are employees of the insurance company rather than independent contractors as is the case with brokers. Payments to the brokers are regarded as fees for services and are regulated as prices.

The insurance company must first determine whether the brokers could justify charging an additional amount for their services. By accepting a larger percentage commission the brokers would be put in the position of having to justify a higher "price" for their services. See, Economic Stabilization regulations, 6 CFR 300.14, 36 F.R. 23974 (December 16, 1971). To the insurance company the result of increasing commissions will be to increase its costs. In the exercise of sound business judgment a company may voluntarily increase its costs of operation, but in the instant case, the insurance company cannot pay higher commissions if the brokers are forbidden to receive them.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1989 Filed 2–9–72;8:45 am]

[Price Commission Ruling 1972–37]

SERVICE ORGANIZATION NOT A UTILITY SERVICE

Price Commission Ruling

Facts: A is a trash hauling company which contracts with retailers and building owners to remove and dispose of trash from stores and residences for a fee. A has several competitors who offer the same service and are competitive as to their fee schedules. A is seeking to increase his rates because of increased costs.

Issue. Is A a "service organization" or a "public utility" within the Economic Stabilization Regulations?

Ruling. A is a "service organization" within the regulations, and its price increases are controlled by § 300.14, 36 F.R. 23974 (December 16, 1971). The removing and disposing of trash for a fee is clearly a "service" as that word is defined in § 300.5 of the Economic Stabilization Regulations, 36 F.R. 23974 (December 16, 1971), and thus A is a "service organization" as that phrase is likewise defined, since it is carrying on the trade or business of performing that service.

A is not a "public utility," as that phrase is defined in § 300.16 of the regulations, 37 F.R. 652 (January 14, 1972). It is clear that, on the above facts, A does not fit any of the categories specifically included in the definition of a "public utility," nor does it fit the more general definition as one who furnishes "utility services" to the public or a recognized segment of the public. As defined in § 300.16, a "utility service" is a commodity or service "affected with a public interest." Since A's trash hauling service is not unique in character, nor provided in essentially noncompetitive circumstances, under the above facts, it is affected with no particular public interest beyond that normally surrounding any other service or commodity. Therefore, A is not a "public utility" and is not governed by § 300.16.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1991 Filed 2–9–72;8:46 am]

[Price Commission Ruling 1972–34]

SIMILAR PRODUCT NOT NEW

Price Commission Ruling

Facts. A is manufacturer of product X which crushes trash into small and compact size for easy disposal. On December 1, A began to manufacture product Y, which not only crushes trash like product X, but also deodorizes it by injecting a deodorant spray and then seals the top of the paper container. A has now begun to offer product Y to its customers, and is seeking to establish a "base price" for it under the Economic Stabilization Regulations.

Issue. What is the base price of product Y under the Economic Stabilization Regulations?

Ruling. The base price for product Y is the highest price charged to a specific class of purchasers in a substantial number of transactions involving product X during the freeze base period, under § 300.405 of the regulations, 36 F.R. 23974 (December 16, 1971) or the price of product X on May 25, 1970, whichever is higher.

Product Y does not qualify for treatment as a "new product" under Economic Stabilization Regulation, 6 CFR 300.409, 36 F.R. 23974 (December 16, 1971). Even though A has not offered product Y at any time during the 1-year period immediately preceding his offering date, § 300.409(b) of the regulation clearly provides that property must be "substantially different from other property • • • in purpose, function, quality, or technology or the use of that property • • • must effect a substantially different result" in order for it to qualify as new property. On the facts provided product Y performs essentially the same function as that performed by product X, with some additional conveniences which clearly do not "effect a substantially different result." Thus the base price for product Y is determined by reference to the base price of product X.

Even though the base price of product Y is determined by reference to product X, this does not mean that A cannot offer product Y a higher price than product X. In order to do so, however, he must justify the higher price on the basis of increased costs being incurred in manufacturing product Y, pursuant to Economic Stabilization Regulation, 6 CFR 300.12, 36 F.R. 23974 (December 16, 1971). This ruling has been approved by the general counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1988 Filed 2–9–72;8:45 am]

[Price Commission Ruling 1972–38]

ADMINISTRATIVE APPEAL OF O.E.P. DETERMINATION UNDER PHASE I

Price Commission Ruling

Facts. Manufacturer X mailed its new price lists to distributors hours before the Executive order of August 15, 1971, implemented the 90-day freeze. X sought a determination from the Office of Emergency Preparedness that the new price list was in effect prior to the freeze. OEP ruled adversely. The desired price increases are in excess of those allowed by regulation § 300.12.

Issue. May X take an administrative appeal from the OEP ruling?

Ruling. No provision was made under Phase I for administrative appeal. OEP determined that X's new price list was not effective prior to the freeze and X's prices were frozen. X is therefore bound to its old prices as base prices. Unless X can show in a request for an exception that limiting its price increases to those allowed by regulation will result in serious hardship or gross inequity, it is also bound by § 300.12 of the Economic Stabilization Regulations.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 7, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 7, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1997 Filed 2–9–72;8:46 am]

[Price Commission Ruling 1972–29]

REPORTING REQUIREMENTS OF INSTITUTIONAL PROVIDERS OF HEALTH SERVICES

Price Commission Ruling

Facts. A profitmaking hospital wishes to increase its prices. The proposed increases are based on allowable costs, reduced to reflect productivity gains, and will not result in an increase in the hospital's base period profit margin. The proposed prices will increase the hospital's aggregate annual revenues by more than 2.5 percent but less than 6 percent over the amount such revenues would have been if the prices previously authorized under the Regulations had been charged.

Issues. Must the hospital obtain the prior approval of the appropriate District Director of Internal Revenue and medicare intermediary before it can put the proposed price increase into effect?

Ruling. No. Under § 300.18(c)(1) of the Economic Stabilization Regulations, the hospital must send a copy of its revised price schedule to its Internal Revenue Service District Director accompanied by a statement specifying the price increases, the previous price levels for the services affected, and the increased cost factors that justify the increased prices. Economic Stabilization Regulations 6 CFR 300.18, 36 F.R. 25384 (December 30, 1971). A copy of the revised price schedule must also be sent to the medicare intermediary that services the provider's geographic area. The District Director and the medicare intermediary, however, do not have to give prior approval before a price increase resulting in a 2.5 percent to 6 percent increase in aggregate annual revenues can go into effect.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1963 Filed 2–9–72;8:45 am]

FEB 10 72 XUM

[Price Commission Ruling 1972–30]

PHARMACISTS—CLASSIFIED AS RETAILERS

Price Commission Ruling

Facts. Mr. A is a professional pharmacist, licensed by the government of his State after completing a prescribed course of study and passing a qualifying examination. Mr. A owns and operates a drug store in the State.

Issue. Are professional pharmacists, such as Mr. A, treated as retailers for the purposes of the posting-of-base-prices requirement of Economic Stabilization Regulations 6 CFR 300.13 (b), 36 F.R. 23974 (December 16, 1971)?

Ruling. Yes, professional pharmacists are regarded as retailers for the purposes of the Economic Stabilization Regulations, including the base prices posting provision. (See, Economic Stabilization Regulations 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971) for the definition of "retailer.") The requirement that pharmacists post base prices is in no way inconsistent with their recognized professional standing, but is considered by the Price Commission to be necessary to achievement of stabilization objectives.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1984 Filed 2–9–72;8:45 am]

[Price Commission Ruling 1972–31]

BASE PRICE OF AUTOMOBILES AND ACCESSORIES

Price Commission Ruling

Facts. During the freeze base period, an automobile dealer sold a particular model automobile with several "additional cost" accessories for $3,000 in a substantial number of transactions. The dealer's cost was $2,500; the suggested retail or "sticker" price was $3,500 including a breakdown of the accessories. The dealer made no apportionment of the price (either published or disclosed to the customer) between the car and the accessories.

Issue. How does the dealer determine the base price for the car and each accessory?

Ruling. The dealer's percentage markup on the car as a whole (i.e., the difference between his total cost of the car and accessories and the actual sales price (not the sticker price)) used in a substantial number of transactions in the freeze base period should be applied separately to the cost of the car and each accessory. The resulting figure will then be added to each component's cost to determine the base price for each component. Accordingly, the base price for an accessory may vary from car to car. On the other hand, if during the freeze base period a dealer charged a specific price for an accessory in a substantial number of transactions, that price would be the base price.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1985 Filed 2–9–72;8:45 am]

[Price Commission Ruling 1972–32; Cost of Living Council Ruling 1972–9]

PRENOTIFICATION REQUIREMENTS

Price Commission Ruling and Cost of Living Council Ruling

Facts. Corporation A, manufacturer of automobile supplies, having annual revenues of over $100 million, owns a subsidiary corporation that operates a hospital which is an institutional provider of health services within the meaning of § 300.18 of the Economic Stabilization Regulations. Economic Stabilization Regulations, 6 CFR 300.18, 36 F.R. 25384 (December 30, 1971). The annual revenues of the hospital do not exceed $4 million. As a result of allowable cost increases the hospital wishes to raise its prices in an amount that will increase its aggregate annual revenues by more than 6 percent over the amount those revenues would have been if the prices previously authorized by the Price Commission Regulations had been charged.

Issue. Must Corporation A prenotify the Price Commission of the hospital's proposed price increase under section 300.51 of the regulations?

Ruling. No. Generally, for reporting purposes, if a business unit or units are controlled directly or indirectly by another business unit or units, the Price Commission will treat the controlled and controlling units as a single entity. However, § 300.51(j) of the regulations provides that § 300.51 (which generally contains the prenotification requirements) does not apply to, among others, providers of health services covered by § 300.18. Therefore Company A does not have to prenotify the Price Commission of the proposed price increase by its subsidiary, the hospital. The hospital, however, must request an exception from the Price Commission by applying to the local District Director of Internal Revenue because the proposed increase meets the more-than-6 percent of revenues requirement of § 300.18(c)(2).

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1986 Filed 2–9–72;8:45 am]

[Price Commission Ruling 1972–36; Cost of Living Council Ruling 1972–11]

PROFIT MARGIN COMPUTATION INCLUDES EXEMPT AND NONEXEMPT PRODUCTS

Price Commission and Cost of Living Council Ruling

Facts. Prenotification firm has sales of both exempt agricultural products and nonexempt products and makes sales at both the retail and wholesale levels.

Issue. Does the profit margin limitation apply to the total sales and profits per profit and loss statement, or should there be an allocation of income and expenses between exempt and nonexempt sales before application of the limitation?

Ruling. "Profit margin" refers to the ratio that net profits (determined before taxes) bears to gross sales as reported on the person's financial statement prepared in accordance with generally accepted accounting principles consistently applied. (§ 300.5 of the Economic Stabilization Regulations) The net profits and gross sales utilized in the computation of both base period and current period profit margins include profits and sales relating to both exempt and nonexempt products.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1990 Filed 2–9–72;8:46 am]

[Price Commission Ruling 1972–33; Cost of Living Council Ruling 1972–8]

COVERAGE OF STATE PAYMENTS MADE DIRECTLY TO PERSONS PROVIDING SERVICES FOR WELFARE RECIPIENTS

Price Commission Ruling and Cost of Living Council Ruling

Facts. In conducting its welfare program, State A makes payments directly to licensed private skilled nursing homes for the care of persons in the homes who are eligible for welfare assistance. The uniform monthly rate for welfare recipients is set by the State legislature following negotiations between the State welfare board and the association representing the participating nursing homes. All of the homes provide 24 hour in-patient health services.

Issue. Is the uniform rate set by the legislature and charged by the private nursing homes for care of welfare recipients a welfare payment, and thus exempt from the Economic Stabilization Regulations?

Ruling. No. The charges made by the skilled nursing homes are prices and controlled by the Economic Stabilization Regulations. A charge made by a person for furnishing housing, goods, services, or other items to a welfare recipient is a price or rent even though payment is made directly to the person furnishing such items by the State or other agency administering the welfare program. The nursing home rates are subject to § 300.18 of the Economic Stabilization Regulations. Economic Stabilization Regulation, 6 CFR 300.18, 36 F.R. 25384 (December 30, 1971).

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1987 Filed 2–9–72;8:45 am]

[Price Commission Ruling 1972–39]

DETERMINATIONS UNDER PHASE I

Price Commission Ruling

Facts. Landlord raised the yearly fee for use of his apartment house health club facilities shortly prior to the 90-day wage-price freeze. A tenants' association sought a ruling from the Office of Emergency Preparedness that the increase was in violation of the freeze. OEP ruled the increase proper. Tenants' association now reports to the Internal Revenue Service that the landlord's increase violates Phase II.

Issue. Will the Internal Revenue Service make de novo findings or will it be bound by OEP's ruling?

Ruling. To the extent that OEP determined under Phase I, that the material facts supported an increase, the Internal Revenue Service will be bound. Since OEP did not rule on Phase II, any determination of a violation under Phase II will be de novo, except for situations where a Phase I determination will establish a basic fact (e.g. base price) required for a Phase II computation. In addition, parties will not be allowed to take indirect appeals from Phase I or Phase II rulings by alleging violations. Where, however, one party to a transaction is issued a favorable ruling on specific facts and the other party to the transaction alleges a violation or seeks a ruling based on material facts not previously submitted, the second determination will be de novo.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 7, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 7, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–1998 Filed 2–9–72;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 8969]

OREGON

Notice of Proposed Classification of Public Lands for Disposal by Exchange

FEBRUARY 2, 1972.

Pursuant to 43 CFR Part 2460 (Subpart 2462), it is proposed to classify the lands described below for disposal through exchange, under section 8 of the Taylor Grazing Act of June 28, 1934 (43 U.S.C. 315g), for lands within the Prineville District:

WILLAMETTE MERIDIAN

CROOK COUNTY

T. 15 S., R. 16 E.,
Sec. 18, E½SE¼.
T. 15 S., R. 18 E.,
Sec. 8, W½NW¼.
T. 16 S., R. 15 E.,
Sec. 3, E½SW¼ and SW¼SE¼.
T. 16 S., R. 19 E.,
Sec. 14, N½N½ and E½SE¼;
Sec. 22, S½.
T. 16 S., R. 20 E.,
Sec. 22, N½NW¼.
T. 16 S., R. 25 E.,
Sec. 15, E½SE¼;
Sec. 22, NE¼NE¼;
Sec. 23, NW¼NW¼.

The areas described aggregate approximately 1,080 acres.

Publication of this notice will segregate the lands from all appropriations, including location under the mining laws, except applications for exchange. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. In accordance with 43 CFR 2201.1 and 2201.2, no application for an exchange will be accepted until the land has been classified and the application is accompanied by a statement from the Bureau of Land Management, Prineville District Manager, that the proposal is feasible.

Information concerning these lands is available at the BLM District Office, Prineville, Oreg.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Prineville District Manager, Bureau of Land Management, 185 East Fourth Street, Post Office Box 550, Prineville, OR 97754.

ARCHIE D. CRAFT,
State Director.

[FR Doc.72–2004 Filed 2–9–72;8:54 am]

[Wyoming 30041]

WYOMING

Opening Lands to Small Tract Application

FEBRUARY 4, 1972.

1. Pursuant to Small Tract Classification Wyoming 30041 dated September 22, 1971, the following described land will be opened to small tract application as set out below, for lease only for business site purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 Act of June 1, 1938 (52 Stat. 609; 43

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 87 W.,
Sec. 8, a tract of land lying in lot 161 described as follows: Beginning at the northeast corner of lot 161; thence N. 89°52' W. a distance of 220 feet, thence S. 0°13' E. a distance of 183 feet, thence S. 89°52' E. a distance of 133.24 feet, thence N. 19°31' E. a distance of 47 feet, thence N. 26°51' E. a distance of 155.80 feet to the point of beginning.

The above-described parcel of land contains 0.73 acre.

The land is located in Carbon County approximately one-half mile north of the downtown section of Rawlins, Wyo.

2. At 10 a.m. on February 16, 1972, the land will be open to applications for a business site lease under the Small Tract Act. All valid applications received at or prior to 10 a.m. on February 16, 1972, will be considered as simultaneously filed at that time. All applications filed after that time will be considered in the order of filing.

3. Applicants must file, in duplicate, with the Chief, Lands and Mining Section, Bureau of Land Management, Post Office Box 1828, 2120 Capitol Avenue, Cheyenne, WY 82001, application form 2233–1 filled out in compliance with instructions on the form and accompanied by evidence that they have submitted an acceptable bid to the U.S. General Services Administration, for the construction of facilities in accordance with GSA Solicitation for Offers No. 72–5. Copies of the application form can be secured from the above-named official. The application must be accompanied by a filing fee of $10 and a deposit of $100 advance rental for 1 year. Failure to transmit these payments with the application will render the application invalid. Advance rentals

VOL 37 NO 28 FEB 10 72 XUM

will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

4. The lease will be issued for a term of 20 years.

DANIEL P. BAKER,
State Director.

[FR Doc.72-1966 Filed 2-9-72;8:52 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

Designation of Areas for Emergency Loans

For the purpose of making Emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following county in the State of North Carolina natural disasters have caused a general need for agricultural credit:

COUNTY

Cleveland.

Emergency loans will not be made in the above named county under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for Emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 7th day of February 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-2014 Filed 2-9-72;8:54 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

AUGUSTANA COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00452-01-28600. Applicant: Augustana College, 29th and Summit, Sioux Falls, SD 57102. Article: SIRIGOR gas exchange chamber and associated control and measurement components. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article will be used to study the process of photosynthesis in plants which inhabit the extreme environments of the arctic and alpine tundra. The main properties to be investigated are the CO_2 and H_2O exchange rates from individual species and land areas as these are related to growing seasons, temperature, time of day, and light intensity in the Arctic. The temperature responses, light responses, water use efficiencies, diffusion resistance, energy exchange, and other properties will be examined.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for examining photo synthesis by determining the net carbon dioxide exchange between the vegetative layer and the atmosphere in controlled microenvironments and macroenvironments. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 9, 1971, that the above cited capability is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no comparable domestically manufactured system which is scientifically equivalent to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1931 Filed 2-9-72;8:49 am]

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00571-33-46040. Applicant: Case Western Reserve University School of Medicine, Institute of Pathology, 2085 Adelbert Road, Cleveland, OH 44106. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, Inc., West Germany.

Intended use of article: The article will be used to mass produce low power electron micrographs of peripheral nerves and central nervous tissue (human and animal) for measurements and statistical studies on the size and geometry of cells. The electron microscope will also be used in the Training Program in Neuropathology of the Institute for pathologists, neurologists, and neuropathologists.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 1, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1932 Filed 2-9-72; 8:49 am]

CHILDREN'S CANCER RESEARCH FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00459-33-60060. Applicant: The Children's Cancer Research Foundation, 35 Binney Street, Boston, MA 02115. Article: Reflection photometer. Manufacturer: Karolinska Institute, Sweden.

Intended use of article: The article will be used to produce characteristic fluorescence curves or patterns from photographic negatives of human and other metaphase chromosomes after selecting staining with quinacrine mustard or other fluorochromes. In particular, chromosomes from cancer patients will be examined and analyzed.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant is engaged in a collaborative program in cancer research with the institute that manufactures the foreign article wherein comparison of data and results require duplicate instruments. The detailed design specifications of the article and the comparison testing which it affords are pertinent to the purposes for which the article is intended to be used. We are advised by the Department of Health, Education and Welfare (HEW) in its memorandum dated July 16, 1971 that it knows of no comparable domestic instrument or apparatus with all of the pertinent capabilities of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1933 Filed 2-9-72;8:49 am]

HEALTH RESEARCH CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00549-00-41200. Applicant: Health Research Center, 606 Elm Street, Buffalo, NY 14203. Article: Kylstron tube, Model VC 104. Manufacturer: Varian Associates of Canada, Ltd., Canada.

Intended use of article: The article is a replacement tube for a microwave generator used for the study of radiation damage.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a replacement for a Klystron tube incorporated in a microwave generator that was manufactured in the United States. However the Klystron tube is no longer being produced in the United States by the manufacturer of the generator, but in a Canadian facility of this manufacturer.

The Department of Commerce knows of no other Klystron tube being manufactured in the United States which is capable of fulfilling the technical requirements specified by the applicant, or can be adapted or modified to serve the purposes for which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1934 Filed 2-9-72;8:49 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00585-33-90000. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Rotating anode assembly; Model GX-6. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom.

Intended use of article: The article, which produces a high intensity beam of X-rays, will be used to study the diffraction from heavily hydrated crystals. The studies are directed toward the solution of structure of transfer RNA, an important molecule in the synthesis of proteins in living systems.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a fine focus to a spot size of 0.2 square millimeter and high intensity by using a rotating anode. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 8, 1971, that the characteristics described above are pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no comparable instrument or apparatus being manufactured in the United States which possesses both pertinent characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1935 Filed 2-9-72;8:49 am]

OCHSNER FOUNDATION HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00547-33-43780. Applicant: Ochsner Foundation Hospital, 1516 Jefferson Highway, New Orleans, LA 70121. Article: Inoescu-Ross-Wooler fascia lata valve supports. Manufacturer: Hypodermic Services, United Kingdom.

Intended use of article: The articles are being used in a clinical study in which these valves are used in humans. The fascia lata from the human is attached to the frame, which is used to replace the diseased heart valve that has been excised.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 29, 1970).

Reasons: The foreign article consists of dacron covered lightweight titanium frames and templets which were used in prior studies to fashion heart valve replacements utilizing the fascia lata from the same human receiving such replacements. The applicant intends to perform similar studies. The equivalency of the article to the supports used in the

V 37 N 28 FEB 10 72 XUM

earlier studies is pertinent to the applicant's intended purposes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 23, 1971, that it knows of no domestic instrument or apparatus which was available at the time the foreign article was ordered, of equivalent scientific value to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1936 Filed 2-9-72;8:49 am]

OCHSNER FOUNDATION HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00551-33-43780. Applicant: Ochsner Foundation Hospital, 1516 Jefferson Highway, New Orleans, LA 70121. Article: Inoescu-Ross-Wooler fascia lata valve supports. Manufacturer: Hypodermic Services, United Kingdom. Intended use of article: The articles are being used in a clinical study in which these valves are used in humans. The fascia lata from the human is attached to the frame, which is used to replace the diseased heart valve that has been excised.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article consists of Dacron covered lightweight titanium frames and templets which were used in prior studies to fashion heart valve replacement utilizing the fascia lata from the same human receiving such replacements. The applicant intends to perform similar studies. The equivalency of the article to the supports used in the earlier studies is pertinent to the applicants intended purposes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 23, 1971, that it knows of no domestic instrument or apparatus which was available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1938 Filed 2-9-72;8:49 am]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00545-33-07730. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Searle X-ray camera with toroid optics. Manufacturer: Baird & Tatlock, United Kingdom.

Intended use of article: The article will be used to study nucleic acids and mucopoly-saccharides by the methods of X-ray diffraction analysis. The experiment to be conducted will involve the recording of the fiber diffraction on photographic plates: Measurement of the intensities and their spatial distribution and the computation therefrom of the geometrical parameters of the molecules and molecular assemblies that would produce such a pattern.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a minimum exposure time by means of toroidal optics and a focused X-ray beam of high intensity. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1971, that a minimum exposure time is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no scientifically equivalent domestic instrument.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1938 Filed 2-9-72;8:49 am]

UNIVERSITY OF ARIZONA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00478-33-46040. Applicant: The University of Arizona, Arizona Medical Center, 1501 North Campbell Avenue, Tucson, AZ 85724. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for research, teaching, and diagnosis. Projects concern the examination of biopsy material from living patients: muscle, kidney, brain, and other tissues. Slow virus infections, the reaction of human tissues to drugs, and microtubules obtained from homogenates of brain will also be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (July 22, 1970).

Reasons: The foreign article has a specified resolving capability of 3 angstroms. The most closely comparable domestic instrument was the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C had a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 1, 1971 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1939 Filed 2-9-72;8:50 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00481-81-80500. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Two each blackbody standard lamps. Manufacturer: General Electric Co., Ltd., United Kingdom.

Intended use of article: These lamps are used as primary standards of temperature for the calibration of manual-balancing and automatic optical pyrometers.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides radiation capable of serving as a primary standard temperature for the calibration of optical pyrometers. We are advised by the National Bureau of Standards (NBS) in its memorandum dated September 30, 1971, that the characteristic listed above is pertinent to the purposes for which the foreign article is intended to be used. NBS further advises that it knows of no comparable domestic instrument or apparatus being manufactured in the United States that can be used for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1940 Filed 2-9-72;8:50 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00557-33-25100. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Two Leichardt rowing ergometers (1 port and 1 starboard). Manufacturer: E. R. Curtain Pty. Ltd., Australia.

Intended use of article: The article will be used in courses entitled General Kinesiology, Assessment of Human Movement Skill, Conditioning for Maximal Performance, and Kinesiometrics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires engometers which are suitable for instruction in specific problems in kinesiometric measurement. The capacity to provide accurate measurement of work output for any given period of time is pertinent to the applicants' educational purposes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 23, 1971, that the article has scientific value as a demonstration and evaluation device for teaching. HEW further advises that it knows of no scientifically equivalent instrument which is manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1941 Filed 2-9-72;8:50 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00519-33-16095. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Sealed gas-filled proportional counter type CPX180M1 with built-in preamplifier. Manufacturer: Compagnie Generale de Radiologie, France.

Intended use of article: The article will be used to measure the radiation of very low energy, emitted in small numbers by certain very toxic radioactive materials (such as plutonium) when deposited in the human body (especially the lung), in order to determine the amount of such material present.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a large window area, very low background and energy resolution. The most closely comparable instrument, the Model RSG-41, manufactured by Reuter-Stokes Electronic Components Inc. (Reuter-Stokes), Cleveland, Ohio, does not provide a larger window area than the foreign article. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1971, that the combination of a large window area, very low background and energy resolution is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no available comparable domestic instrument with all the pertinent characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1942 Filed 2-9-72;8:50 am]

UNIVERSITY OF COLORADO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00334-88-43000. Applicant: University of Colorado, Purchasing Department, Regent Hall, Room 122, Boulder, CO 80302. Article: Magnetometer, Model MF2-100. Manufacturer: Edgar Sharpe & Associates, Ltd., Canada.

Intended use of article: The article will be used in the Geological Sciences

FEB 10 72 XUM

Building for instruction in geophysics at all levels. A freshman course, Physical Science-Introduction to Geophysics, and a senior level course, Geophysical Prospecting, will use the instrument as a teaching tool, for laboratory work, and for individual research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities of a portable hand-held, flux gate type magnetometer. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 17, 1971, that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no scientifically equivalent domestic instrument which is available in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1953 Filed 2-9-72;8:51 am]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00430-33-07520. Applicant: University of Minnesota Hospitals, University of Minnesota, Mayo Box 494, Minneapolis, MN 55455. Article: Batch calorimeter (microcalorimeter) system. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in the investigation of the calorimetric features of the antibody-antigen interaction. Antibody shall be obtained by stimulation of several mammalian species with both particulate and soluble antigens (antibody inducing substances). The source of the antibody will be the serum of these species, and the antibody will be purified from the serum by standard chromatography procedures. The experiment to be conducted will be the reaction of the purified antibody with the antigen in the microcalorimeter.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a sensitivity of one microcalorie. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 9, 1971, that the sensitivity of the foreign article is a pertinent characteristic. HEW further advises that it knows of no scientifically equivalent instrument or apparatus being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1943 Filed 2-9-72;8:50 am]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00456-33-68200. Applicant: University of Minnesota, Office of the Purchasing Agent, Administrative Services Building, 2610 University Avenue, St. Paul, MN 55455. Article: High precision fluid pump (motor-driven, for maintaining constant flow of reactant solutions through a microflow calorimeter (calorimeter manufactured by LKB Produkter, Sweden, No. 10700-1). Pumping must be uniform in rate to a noise level no greater than the intrinsic noise level of the calorimeter and must be designed to drive syringes. Flow rate to be appropriate to the calorimeter, i.e. from 1 ml./hr. to 50 ml./hr. in steps. Manufacturer: Thermochemistry Institute of the University of Lund, Sweden.

Intended use of article: The article will be used to measure the quantitative behavior of hemoglobin in binding oxygen and other more sensitive substances. The study insofar as it includes calorimetric measurements of oxygen binding and the dissociation of hemoglobin into subunits is of fundamental importance to the physiology of blood and also the pilot study in area of protein behavior for proteins which consist of dissociable subunit.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1944 Filed 2-9-72;8:50 am]

UNIVERSITY OF MISSOURI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00219-33-46070. Applicant: University of Missouri-Columbia, Hospital Purchasing Department, Room W128, Columbia, MO 65201. Article: Scanning electron microscope, Model SSM-2. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used in a comparative pathology program of the departments of Medical Pathology, Veterinary Pathology, and Plant Pathology, for training electron microscope techniques at the graduate level.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (June 30, 1970).

Reasons: The foreign article is an intermediate scanning electron microscope which in terms of sophistication and capabilities lies a step below the highly complex research types. The applicant intends to use the foreign article for teaching untrained individuals the fundamentals of scanning electron microscope techniques and for this purpose,

requires a transitional instrument for bridging the gap between the use of light microscopes and the research types of scanning electron miscroscopes. The most closely comparable domestic scanning electron microscopes available at the time the foreign article was ordered were the Model 700 manufactured by the Materials Analysis Co., the Model SM-2 manufactured by the Ultrascan Corp., and the Model 900 manufactured by the Advanced Metals Research Corp. The domestic models are highly sophisticated and relatively complex scanning electron microscopes intended for the use of an expert. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum of February 5, 1971, that design simplicity and relative ease of operation are pertinent to the applicant's educational purposes.

For this reason, we find that the domestic scanning electron microscopes models cited above are not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1945 Filed 2-9-72;8:50 am]

UNIVERSITY OF NORTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00491-33-46040. Applicant: University of North Carolina, Chapel Hill, N.C. 27514. Article: Electron microscope with X-ray microanalyzer, Emma-4. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom.

Intended use of article: The article will be used for the study of fine structure and microelementary analysis of spermatozoa, ova, early developing embryos, and other biological specimens utilized in research in reproductive biology. Living materials taken from animals and plants will be used for the experiments which involve the detection and the measurement of specific species of atoms in various small volumes of cells and tissues.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides transmission electron microscopy and X-ray spectrometry in the same instrument. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. (Forgflo) which provides the capability for transmission electron microscopy but does not provide the capability for X-ray spectrometry. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 1, 1971, that the capability of analyzing material by the usual transmission electron microscopy and then to analyze precise area by X-ray spectrometry is pertinent to the purposes for which the foreign article is intended to be used. HEW also advises that it knows of no transmission electron microscope with an X-ray spectrometer which is being manufactured in the United States.

We, therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1946 Filed 2-9-72;8:50 am]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00543-07-30650. Applicant: University of Washington, Seattle, Wash. 98105. Article: Meat separator. Manufacturer: Yanagiya Machinery Works, Inc., Japan.

Intended use of article: The article will be used for the research purpose of deboning fishery products prior to preparation of prepared foods such as fish sausage and fish protein concentrate. Educational purposes include food science courses, and advanced unit operations and processes in food engineering.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a complete and simple device which can debone fish without prior grinding of the whole fish. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1971, that the characteristics described above are pertinent to the purpose for which the foreign article is intended to be used. HEW also advises that it knows of no scientifically equivalent domestic instrument.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1947 Filed 2-9-72;8:50 am]

VETERANS ADMINISTRATION HOSPITAL, NEBRASKA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00582-33-46500. Applicant: Veterans Administration Hospital, 4101 Woolworth Avenue, Omaha, NE 68105. Article: Ultramicrotome, Model OmU3. Manufacturer: C. Reichert Optische Werke A.G., Austria.

Intended use of article: The article will be used for several projects involving tissues and mitochondrial suspensions of differing origin. These include rat liver, kidney, pancreas, adrenal, and thyroid. Mitochondrial suspensions from in vitro experiments will also be used.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being

FEB 10 72
XUM

sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of October 8, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the applicants research studies involving serial sectioning for high resolution electron microscopy of soft specimens, including mitochondrial suspensions and tissue with massive accumulation of lipid. HEW cites as a precedent its prior recommendation relating to Docket No. 71–00149–33–46500 which conforms in many particulars with the captioned application.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1948 Filed 2-9-72;8:50 am]

VETERANS ADMINISTRATION HOSPITAL, CALIF.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00546–33–41400. Applicant: Veterans Administration Hospital, San Francisco, Calif. 94121. Article: SI-RO-KEEN microtome knife sharpener. Manufacturer: Peter T. Lawson, Scientific Instruments, Australia.

Intended use of article: The article will be used to sharpen the microtome knives for use in the applicant's paraffin and colloidin neurohistology laboratory. Studies concern nervous system diseases and autopsy and biopsy material.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for a setting box with precise optical orientation of the knife angle prior to honing. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 23, 1971, that the capability described above is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no comparable domestic instrument or apparatus being manufactured in the United States.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1949 Filed 2-9-72;8:50 am]

WASHINGTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00593–00–46040. Applicant: Washington University, 660 South Euclid, St. Louis, MO 63110. Article: Siemens image intensifier, No. M311191–A1–A20. Manufacturer: Siemens A.G., West Germany.

Intended use of article: The article is an accessory for an existing Elmiskop 101 electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1950 Filed 2-9-72;8:51 am]

UNIVERSITY OF MINNESOTA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72–00242–01–11000. Applicant: University of Minnesota, Institute of Agriculture, Minneapolis, Minn. 55455. Article: LKB Combined Gas Chromatograph—Single focusing mass spectrometer. Manufacturer: LKB Produkter AB, Sweden. Intended use of Article: The article is intended to be used in the following research projects;

1. Biosynthesis studies and identification of mycotoxins.
2. Terpene degradation and biosynthesis in bacteria.
3. Production and turnover rates of hormones in intact humans.
4. Identification of bile acids and their sterospecific configuration and identification of terminal glycosyl moieties.
5. Control mechanisms regulating the metabolic formation of naphtheleneacyl asparatic acid.

In addition the article will be used in the training of graduate students in modern methods of chemical analyses. Application received by Commissioner of Customs: November 22, 1971.

Docket No. 72–00199–33–46040. Applicant: The University of Chicago, Department of Biophysics, 5640 South Ellis Avenue, Chicago, IL 60637. Article: Electron microscope, HU–12. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of Article: The article is intended to be used in a two phase project which consists of the following:

1. Design, construction and study of performance of modifications to a conventional electron microscope which is intended to result in a new and powerful tool for biological investigations.
2. Biological research, particularly the study of unstained macromolecules and ribosomes with regard to protein synthesis.

The article will also be used in the education of students either in course work or in thesis research projects. Application received by Commissioner of Customs: October 21, 1971.

Docket No. 72–00205–00–46000. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Counting chamber. Manufacturer: Hawskley and Sons, Ltd., United Kingdom. Intended use of Article: The article is an accessory for an existing standard microscope. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72–00246–91–4604. Applicant: University of Washington, Quarternary Research Center, Seattle, Wash. 98195. Article: Electron microscope, JEM–100B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article is intended for morphological and developmental studies of micro-organisms, organs (including pollen), and microfossils. The article will also be utilized for the training of graduate students (including technically oriented students) to provide an indispensible tool in studying ultrastructural development of pollen and other organelles. Application received by Commissioner of Customs: November 22, 1971.

Docket No. 72–00219–80–84300. Applicant: Drexel University, 32d. and Chestnut Streets, Philadelphia, Pa. 19104. Article: Wind Tunnel. Manufacturer: Armfield Engineering Limited, United Kingdom. Intended use of article: The article is intended to be used in the course E105 Chemical Engineering Thermodynamics for experimental demonstration of the following compressible-flow phenomena:

1. Relation between frictional losses and Reynold's number.
2. Effect of sudden enlargement on total mechanical energy of gas stream.
3. Measurement of gas flow rates by means of orifice plates.
4. "Choked" flow in convergent-divergent nozzle.
5. Flow demonstrations of convergent nozzles.

Application received by Commissioner of Customs: November 4, 1971.

Docket No. 72–00220–00–11000. Applicant: Rockland State Hospital, Research Center, Orangeburg, N.Y. 10962. Article: Mid peak matcher, LKB 9060. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory for an existing mass spectrometer. Application received by Commissioner of Customs: November 4, 1971.

Docket No. 72–00218–33–46040. Applicant: Hartford Hospital, 80 Seymour Street, Hartford, CT 06115. Article: Electron microscope, EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in experiments consisting of observation, recording and photographing of renal ultrastructure and a wide variety of pathologic states including lipoid nephrosis, post Streptococcus glomerulonephritis, collagen vascular diseases, idiopathic membranous glomerulonephritis, juvenile and adult nephrotic syndrome, and clinical and subclinical diabetes mellitus. The article will also be used for the training of residents in pathology. Application received by Commissioner of Customs: November 4, 1971.

Docket No. 72–00217–33–46500. Applicant: Huntington Institute of Applied Medical Research, 734 Fairmount Avenue, Pasadena, CA 91105. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section mammalian normal and pathological tissues collected from experimental animals previously injected with radioisotopes or electron dense markers. These sections will be investigated to (a) characterize certain barrier systems in the central nervous system, (b) determine sites of elaboration and egress of the cerebrospinal fluid, and (c) assess junctional transport of solutes in normal and pathological preparations. Application received by Commissioner of Customs: November 3, 1971.

Docket No. 72–00216–33–07700. Applicant: University of Iowa Department of Zoology, Iowa City, Iowa 52240. Article: Oscilloscope Camera. Manufacturer: Tonnies Laboratorium for Elektrophysik, West Germany. Intended use of article: The article is intended to be used in the study of neuronal aspects of behavior in insects, specifically the activity of motor neurons innervating muscles controlling locomotion. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72–00215–99–77040. Applicant: Columbia University Department of Chemistry, Box 666 Havemeyer Hall, New York, NY 10027. Article: Mass spectrometer, JMS–07. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is to be used in the course "Chemistry G9307 x and y—Research for the doctorate" to teach students how to conduct research in such fields as organic chemistry, bioorganic and biophysical chemistry and inorganic chemistry as well as how to use and operate the complex instrumentation used in the various areas of modern chemistry. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72–00214–33–46500. Applicant: Stanford University, 820 Quarry Road, Palo Alto, CA 94304. Article: Ultramicrotome, Model "Om U2". Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The ultramicrotome is to be used to cut ultrathin sections of mammalian (excluding human) tissue culture cells for the study of their cell membranes. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72–00213–00–46040. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 94720. Article: Electro magnetic shutter with exposure meter. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory for an existing electron microscope. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72–00212–33–46000. Applicant: Washington University, Ophthalmology Department, 660 South Euclid, St. Louis, MO 63110. Article: Biovert microscope. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article will be used

FEB 10 72
XUM

in the study of living slices of retinas. In particular the osmotic properties of the photoreceptors will be investigated by sequentially photographing and studying their volume changes in the face of various artificial solutions, noxious agents, etc. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72-00211-33-46070. Applicant: Medical University of South Carolina, Pathology Department, 80 Barre Street, Charleston, SC 29401. Article: Scanning electron microscope, SSM-2. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used as a research tool by undergraduate students, graduate students, MD's and Ph.D.,s and technicians interested in experimental and morphological data. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72-00210-00-66700. Applicant: Jacksonville Children's Museum, 1025 Gulf Life Drive, Jacksonville, FL 32207. Article: Planatarium projector, MS-10. Manufacturer: Minolta, Japan. Intended use of article: The article will be used to demonstrate astronomical phenomena and also allow student participation and involvement in several high school and college courses such as astronomy and physical sciences. Application received by Commissioner of Customs: November 2, 1971.

Docket No. 72-00209-00-46040. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Large angle goniometer hot stage. Manufacturer: Japan Electron Optics Laboratory Co. Ltd., Japan. Intended use of article: The article is an accessory for an existing electron microscope. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00208-01-01100. Applicant: Washington State Department of Agriculture, Post Office Box 128, Olympia, WA 98504. Article: Semi-automatic falling number apparatus, Type HA No. 293 and accessories. Manufacturer: Falling Number AB, Sweden. Intended use of article: The article will be used to measure the ability of alpha-amylase to liquify a starch gel in wheat by falling number, defined as the time in seconds for the stirrer to fall a measured distance through a hot aqueous flour gel undergoing liquefaction. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00207-00-46040. Applicant: The Neurophyschiatric Institute at UCLA, Department of Mental Hygiene, 760 Westwood Plaza, Los Angeles, CA 90024. Article: Accessories for an Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles are accessories for an existing electron microscope. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00206-33-46040. Applicant: University of Rochester, School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, NY 14642. Article: Electron microscope, HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in studies of the vascular endothelium, supporting connective tissue cells and their product, and parenchymal cells of normal, inflammatory and neoplastic tissue. Quantitative comparison of the responses of a number of normal and malignant organs are to be made following a variety of single and multiple X-ray exposures and various courses of therapeutic chemicals used separately or in combination. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00204-00-00520. Applicant: State University of New York, Accelerator Laboratories, 1400 Washington Avenue, Albany, NY 12203. Article: Target Housing for Accelerator. Manufacturer: Nukem, West Germany. Intended use of article: The article will be used with an accelerator for research in nuclear physics. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00203-33-46595. Applicant: Emory University, 954 Gatewood Road NE., Atlanta, GA 30322. Article: Microtome, Model LKB 11800. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to trim tissue blocks and cut thick sections for light microscope examination for orientation for electron microscopy. Experimental animal tissue specimens will be evaluated to determine the ultrastructural changes produced by, or associated with various experimental manipulations. Ultrastructural characteristics of tissues from some spontaneous diseases (tumors, virus infections) will also be studied. Application received by Commissioner of Customs: October 28, 1971.

Docket No. 72-00200-33-46040. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD. Intended use of article: The article will be used in high magnification, high resolution electron microscopy studies of insect viruses and their ultrastructure, as well as the ultrastructure of viral infected and uninfected tissues insects. The article is also intended to be used for the instruction of graduate students studying insect virology and will be used in the laboratory in Entomology 613, Principles of Insect Pathology. Application received by Commissioner of Customs: October 21, 1971.

Docket No. 72-00201-00-46040. Applicant: Washington University, Ophthalmology Department, 660 South Euclid Avenue, St. Louis, MO 63110. Article: Universal camera (Cassette) and magazine plus extra film holders and light tight boxes. Manufacturer: Siemens AG, West Germany. Intended use of Article: The articles are accessories to an existing electron microscope. Application received by Commissioner of Customs: October 21, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-1913 Filed 2-9-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-403; NADA No. 10-979V]

ABBOTT LABORATORIES

Drug Containing Erythromycin Thiocyanate and Arsanilic Acid; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of June 20, 1970 (35 F.R. 10163, DESI 10979V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Gallimycin-TF, NADA (new animal drug application) No. 10-979V marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

Abbott Laboratories responded to the announcement by requesting that approval of NADA No. 10-979V be withdrawn.

Based on the grounds set forth in the announcement and the firm's response, the Commissioner of Food and Drugs concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 10-979V, including all amendments and supplements thereto, is withdrawn effective on the date of publication of this document.

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-1952 Filed 2-9-72;8:51 am]

MORTON INTERNATIONAL, INC.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Morton International, Inc., 110 North Wacker Drive, Chicago, Ill. 60606, has withdrawn its petition (FAP 1A2688), notice of which was published in the FEDERAL REGISTER of June 22, 1971 (36 F.R. 11875), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of glycine as a flavor-masking agent for saccharin in sugar substitutes for table use.

Dated: January 27, 1972.

VIRGIL O. WODICKA,
Director,
Bureau of Foods.

[FR Doc.72-1962 Filed 2-9-72;8:52 am]

[Docket No. FDC-D-269; various NDAs]

REXALL DRUG CO.

New-Drug Application; Notice of Withdrawal of Approval

A notice of opportunity for hearing was published in the FEDERAL REGISTER of January 13, 1971 (36 F.R. 454), on a proposal to issue an order under the provision of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of new-drug application No. 9-430 and all amendments and supplements thereto held by Rexall Drug Co., 3901 North Kingshighway, St. Louis, Missouri 63115, for the drug R.D. Reserpine Tablets.

Rexall Drug Co. filed a letter requesting an extension of the time permitted to request a hearing and requested further information on the new-drug application. Subsequently, the firm filed a letter stating they had not distributed reserpine tablets under NDA 9-430 for a number of years, were voluntarily recalling the application and thereby waived opportunity for a hearing.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), approval of new-drug application No. 9-430, including all amendments and supplements thereto, is hereby withdrawn on the grounds that the applicant has failed to make reports under section 505(j) of the Act (21 U.S.C. 355(j)) and §§ 130.13 and 130.35 (e) and (f) of the new-drug regulations (21 CFR 130.13 and 130.35).

This order shall become effective on its date of publication in the FEDERAL REGISTER (2-10-72).

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-1961 Filed 2-9-72;8:52 am]

[DESI 8530; Docket No. FDC-D-141; NDA Nos. 10-613 and 8-530]

WINTHROP PRODUCTS, INC., AND WINTHROP LABORATORIES

Alevaire; Notice of Reconsideration of Requests for Hearing

On September 11, 1971, there was published in the FEDERAL REGISTER (36 F.R. 18336) a final order denying requests for hearing and withdrawing approvals of new-drug applications Nos. 10-613 and 8-530 on the grounds that there is a lack of substantial evidence that the drug, Alevaire, is effective for its recommended uses.

After preparation of the order, but prior to its publication in the FEDERAL REGISTER, additional data in support of requests for hearing were submitted to the Food and Drug Administration. Due to inadvertence, these data were not considered prior to publication of the final order.

Sterling Drug, Inc., Winthrop Products, Inc., and Breon Laboratories, Inc. petitioned for judicial review of the order in the U.S. Court of Appeals for the Second Circuit. On January 11, 1972, the court, upon application of the Secretary of Health, Education, and Welfare and the Commissioner of Food and Drugs, set aside the order and remanded the proceedings to the Food and Drug Administration for reconsideration of the requests for hearing in light of the data not considered.

Therefore, the Commissioner, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (f) and (h), 52 Stat. 1052, as amended; 21 U.S.C. 355 (f) and (h)) and under authority delegated to him (21 CFR 2.120), hereby gives notice that the order denying a hearing and withdrawing approvals of new-drug applications for Alevaire is set aside to allow reconsideration of the requests for hearing and approvals of such applications are reinstated.

Dated: February 2, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-1963 Filed 2-9-72;8:52 am]

[Docket No. FDC-D-416; NDA No. 6-813]

CARAMIPHEN HYDROCHLORIDE

Certain Antiparkinson Drug; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 6813) published in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13601) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below, stating that the drug is regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

NDA 6-813; Panparnit Tablets containing 12.5 or 50 milligrams caramiphen hydrochloride; Geigy Chemical Corp., Saw Mill River Road, Ardsley, N.Y. 10502.

Therefore, notice is given to Geigy Chemical Corp., and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn. Any related drug for human use not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

It such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the applications and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact

VOL 37 NO 28 FEB 10 72 XUM

precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970.)

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–1999 Filed 2–9–72;8:53 am]

[DESI 11498; Docket No. FDC–D–427; NDA No. 11–498]

CIBA PHARMACEUTICAL CO.

Domiphen Bromide-Benzocaine Lozenges; Notice of Withdrawal of Approval of New Drug Application

In an announcement (DESI 11498) published in the FEDERAL REGISTER on March 28, 1970 (35 F.R. 5278), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences–National Research Council, Drug Efficacy Study Group, on Bradosol Lozenges (NDA 11–498) containing domiphen bromide and benzocaine; Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, N.J. 07901. The announcement stated that there is a lack of substantial evidence that the drug will have the effects it purports or is represented to have under the conditions of use recommended in its labeling.

Ciba Pharmaceutical Co., holder of NDA 11–498 Bradosol Lozenges has requested withdrawal of approval of their new drug application and thereby waived their opportunity for a hearing, stating that marketing of the drug was discontinued in January 1970.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120) finds on the basis of new information before him with respect to the drug evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore, pursuant to the foregoing findings, approval of the above-listed new drug application and all amendments and supplements applying thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER.

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2000 Filed 2–9–72;8:53 am]

[Docket No. FDC–D–419; NDA No. 6–969]

ENDO LABORATORIES, INC.

Arsthinol Tablets; Notice of Withdrawal of Approval of New Drug Application

In the FEDERAL REGISTER of May 22, 1971 (36 F.R. 9342), the Commissioner announced (DESI 6969) his conclusions pursuant to evaluation of a report received from the National Academy of Sciences–National Research Council, Drug Efficacy Study Group, concerning the following drug for oral use:

NDA 6–969; Balarsen Tablets containing arsthinol; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, N.Y. 11533.

The announcement stated that the drug was regarded as possibly effective for the labeled indications. Six months from the date of that publication were allowed for the holder of the application and any person marketing such drug without approval to obtain and submit data providing substantial evidence of effectiveness of the drug. No such data have been received and the holder of said new drug application has stated that marketing of the drug was discontinued in 1966, requested withdrawal of approval of the application and thereby has waived opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above-listed new drug application (NDA 6–969), and all amendments and supplements thereto, is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER.

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2001 Filed 2–9–72;8:53 am]

[DESI 4]

HYDROXYAMPHETAMINE HYDROBROMIDE

Mydriatic Drug; Drugs for Human Use; Drug Efficacy Study Implementation; Follow-up Notice

In a notice [DESI 4] published in the FEDERAL REGISTER of June 23, 1970 (35 F.R. 10237), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning Paredrine (hydroxyamphetamine hydrobromide) 1 percent with Boric Acid ophthalmic solution; Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 0–004). The announcement stated that this drug was regarded as effective for use in the production of mydriasis; and possibly effective when used adjunctively to help induce a rapid and satisfactory cycloplegia.

The indication for which the drug was regarded as possibly effective was allowed to be used for 6 months following the publication date (June 30, 1970) of the announcement to allow additional time for submission of data supporting the efficacy of the drug for this indication.

The time for submission of additional evidence has expired, and no additional evidence has been submitted in support of the possibly effective indication. Smith Kline and French Laboratories has supplemented their new drug application to delete any indication other than the effective indication.

Accordingly, the Commissioner of Food and Drugs finds that there is a lack of substantial evidence that hydroxyamphetamine hydrobromide is effective when used adjunctively to help induce a rapid and satisfactory cycloplegia. Therefore, this indication is no longer acceptable in labeling.

Any such preparation on the market with labeling bearing indications for which substantial evidence of effectiveness is lacking may be subject to regulatory proceedings.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2003 Filed 2–9–72;8:54 am]

[Docket No. FDC–D–342; NDA 12–663]

WYETH LABORATORIES

Spartase Tablets; Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of July 23, 1971 (36 F.R. 13698), extending to Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101 and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 12–663 for Spartase Tablets (potassium and magnesium aspartates). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 12–663 and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER.

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2002 Filed 2–9–72;8:53 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–253]

GULF ENERGY & ENVIRONMENTAL SYSTEMS CO.

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 5 to Facility License No. R–105 dated March 7, 1967. The license presently authorizes Gulf Energy & Environmental Systems Co. to possess, use and operate the Accelerator Pulsed Fast Critical Assembly (APFA–III) located at the Torrey Pines Mesa site near San Diego, Calif. The amendment extends the expiration date to January 31, 1974.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to health and safety of the public. The Commission has also found that prior public notice of this amendment is not required since the amendment does not present significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated December 15, 1971, and (2) the amendment to facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of the amendment may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72–1996 Filed 2–9–72;8:53 am]

[Docket No. 50–192]

UNIVERSITY OF TEXAS

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 8 to Facility License No. R–92 dated February 20, 1968. The license authorizes The University of Texas to possess, use and operate a TRIGA Mark I nuclear reactor located on the University's campus at Austin, Tex., at power levels up to 250 kilowatts (thermal). The amendment extends the expiration date of the license from February 12, 1972, to February 12, 1976, in accordance with the University's application dated January 11, 1972.

The Commission has found that the application for the amendment dated January 11, 1972, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Ch. I. The Commission has made the findings required by the Act and the Commission's regulations and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated January 11, 1972, and (2) the amendment to the facility license, both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, DC 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 27th day of January 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72–1915 Filed 2–9–72;8:47 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Setting Dates for Further Sessions of Evidentiary Hearings

In the matter of Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station), Docket No. 50–271.

At an evidentiary session of hearings convened on January 31 and February 1, 1972, consideration was given to requests by Applicant for further sessions of hearings. Applicant requested two sessions each of 2 weeks duration in March and April. After a consideration of schedules, the Atomic Safety and Licensing Board has granted the request of Applicant by providing for two sessions of 1 week each, contemplating more than the usual hours of hearing for each day's session. In addition, Applicant requested that a

FEB 10 72
XUM

date be determined on or before which Intervenors who propose to adduce direct evidence shall submit their proposed evidence in written form prior to the second session of hearings

Wherefore: *It is ordered*, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, as follows

(1) An evidentiary session of hearing shall convene at 2:30 p.m. on Monday, March 13, 1972, in the Vermont National Guard Armory, 207 Main Street, Brattleboro, VT, and shall continue through Saturday, March 18, 1972.

(2) An evidentiary session of hearing shall convene at 2:30 p.m. on Monday, April 10, 1972, in the Vermont National Guard Armory, 207 Main Street, Brattleboro, VT, and shall continue through Saturday, April 15, 1972.

(3) Intervenors planning to adduce direct evidence in this proceeding in support of their contentions shall prepare such proposed evidence in written form and shall mail in time to be received by other parties to this proceeding on or before April 3, 1972.

Issued: February 3, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-1916 Filed 2-9-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 72-2-9]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding to Specific Commodity Rates

Issued under delegated authority February 3, 1972.

Agreement adopted by Traffic Conference 3 of the International Air Transport Association relating to specific commodity rates Docket 20993, Agreement CAB 22332, R-51 and R-52.

By Order 72-1-31, dated January 12, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 72-1-31 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22332, R-51 and R-52, be and hereby is approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *And provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-2009 Filed 2-9-72;8:47 am]

[Dockets Nos. 24157, 22975; Order 72-2-19]

OVERSEAS NATIONAL AIRWAYS, INC. AND SOUTHERN AIR TRANSPORT, INC.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of February 1972.

Cargo charter charges proposed or in effect by Overseas National Airways, Inc., Southern Air Transport, Inc., Docket 24157, cargo charter charges from Atlanta to Detroit proposed by Overseas National Airways, Inc., Docket 22975.

By tariff revision filed January 3, and marked to become effective February 5, 1972, Overseas National Airways, Inc. (ONA), proposes to establish point-to-point, one-way directional cargo charter charges, separately in each direction, for DC-9 aircraft between Miami, on the one hand, and points in the Bahamas, Haiti, Puerto Rico, Jamaica, and the Virgin Islands, on the other.

A complaint has been filed by Airlift International, Inc. (Airlift), requesting investigation and suspension of the proposed charges between San Juan and Miami. The charges of $1,400 from San Juan to Miami are lower than those from Miami to San Juan and are applicable to flights commencing on Monday through Friday between the hours of 11 a.m. and 8 p.m. Charges of $1,200 are proposed from San Juan to Miami applicable to flights commencing between the hours of 8:01 p.m. and 10:59 a.m. on Monday through Friday and all times on Saturday and Sunday. These point-to-point northbound charter charges result in sharp reductions below the current live and ferry charter rates and result in yields of $1.34 and $1.15 per charter plane mile compared with the cargo charter rate per mile of $2.05 live or ferry which is otherwise applicable for ONA.

The complaint asserts that (1) the San Juan to Miami rates are uneconomic in that they do not cover direct operating expenses, much less the fully allocated costs of the service provided, (2) it is anomalous to establish jet aircraft rates at same levels as for piston and turboprop aircraft, (3) traffic currently moving in Airlift's and other scheduled service in the San Juan to Miami market will be jeopardized, and ONA should not be permitted to divert substantial traffic from the subordinate leg of a market distinguished by a sharp imbalance of traffic flow, and (4) the net effect of this proposal will be the complete undermining of the San Juan-Miami rate structure and seriously inhibit the continuation of scheduled all-cargo service now being provided.

In justification of its proposal and in answer to the complaint, ONA asserts, among other things, that (1) the proposed charges are to meet the competition of Southern Air Transport (SAT) in this market, and equate on a rate-per-pound basis to SAT's rates, (2) ONA's current charges are too high and result in inefficient utilization of DC-9 aircraft, since much of the air eligible cargo which the proposed charges have the potential to attract is presently moving by surface transport, (3) the lift capacities of the competitive DC-6 and L-100 aircraft are sufficiently close to that of a DC-9 to make these three aircraft types equally appealing to charterers, (4) the proposal is aimed at attracting planeload traffic and will not divert individually waybilled air freight, and (5) the proposed charges are promotional in that they are aimed at traffic currently moving by water and they have been constructed to develop northbound traffic in order to help correct a serious directional imbalance.

The proposed charter charges would be below ONA's experienced costs. On the basis of ONA's reports to the Board, fully allocated costs for its DC-9 aircraft are estimated as $1.54 per revenue aircraft mile for the first three quarters of 1971. The resultant one-way yields of the proposed charges of $1.34 and $1.15 would be 13 and 25 percent below the total aircraft operating expenses for DC-9 aircraft.

As indicated, the plane-mile yield from this proposed charge would be significantly below that of the plane-mile charter rate for ONA. The yield would also be below the DC-9 charter rates currently in effect for other carriers. While ONA asserts that the northbound charges will enable it to balance out its southbound Miami to San Juan traffic, a significant issue still remains as to the lawfulness of the proposed charges in this market.

The Board notes ONA's assertion that the instant proposal is similar to currently effective cargo charter charges for DC-6 and L-100 aircraft of SAT in these same markets. These currently effective charter charges with yields ranging as low as $1.20 per mile present questions of lawfulness similar to those raised by the instant proposal and will be investigated. In view of the fact that the SAT rates are now in effect, we will deny the request for suspension of the ONA proposal.

Therefore, the Board finds that ONA's currently proposed charter charges, as well as those presently in effect for SAT between Miami and San Juan, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. In view of the similarities of the issues, we shall consolidate this investigation with the investigations instituted in Docket 22975.[1] Although we shall not direct expedition of that investigation, we intend to proceed as soon as practicable in the light of other matters pending before the Board.

[1] Order 71-1-11 dated Jan. 5, 1971, and Order 71-3-124 dated Mar. 22, 1971, instituting investigations of Cargo Charter Rates proposed by ONA.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the cargo charter charges from Miami, Fla., to San Juan, P.R., on First Revised Page 13 and from San Juan, P.R., to Miami, Fla., on First Revised Page 14 of Tariff CAB No. 148 issued by Overseas National Airways, Inc., and the cargo charter charges from Miami, Fla., to San Juan, P.R., and from San Juan, P.R., to Miami, Fla., on First Revised Page 25 and from Miami, Fla., to San Juan, P.R., and from San Juan, P.R., to Miami, Fla., on First Revised Page 30 of Tariff CAB No. 2 issued by Southern Air Transport, Inc., including subsequent revisions and reissues thereof, and classifications, rules, regulations, and practices affecting such charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. The foregoing investigation be consolidated in the investigation instituted in Docket 22975;

3. The complaint of Airlift International, Inc., in Docket 24157, is dismissed, except to the extent granted herein; and

4. Copies of this order shall be served upon Overseas National Airways, Inc., Airlift International, Inc., Southern Air Transport Inc., and upon all other parties of record in Docket 22975.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-2010 Filed 2-9-72; 8:47 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality, January 24–January 28, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

FOREST SERVICE

Draft, January 19

Poverty Creek Unit, Blacksburg Ranger District, Jefferson National Forest, Montgomery County, Va. Management plan, including primary use for environmental learning, improvement of creek and timber management. (ELR Order No. 1645, 105 pages) (NTIS Order No. PB-205 931-D)

Draft, January 21

Federal-State cooperative spruce budworm suppression project.—1972, Aroostook and Penobscot Counties, Maine. Chemical treatment of 500,000 acres of State and private commercial woodland with Zectran. (ELR Order No. 1683, 84 pages) (NTIS Order No. PB-206 057-D)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545, (202) 973-5391.

For regulatory matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973-7531.

Draft, January 14

Solid radioactive waste volume reduction facility, Los Alamos Scientific Laboratory, Los Alamos County, N. Mex. Construction and operation of the facility as part of an experimental program to develop safe and effective sorting, compaction and incineration procedures for low-level plutonium contaminated wastes. (ELR Order No. 1620, 42 pages) (NTIS Order No. PB-206 080-D)

Draft, January 25

Rocky Flats plant, Boulder County, Colo., acquisition of 4,640 acres. (ELR Order No. 1688, 21 pages) (NTIS Order No. PB-206 081-D)

Wagon wheel gas stimulation experimental project, Sublette County, Wyo. Sequential detonation of five 100-kiloton nuclear explosives 9,000–12,750 feet below the surface in a natural gas bearing geologic formation to gather data on the feasibility of using nuclear explosions to stimulate natural gas production from low-permeability reservoirs. Will cause ground motion and resultant architectural damage, release radioactivity to the atmosphere and entrap in the natural gas formation radioactive materials at or near the points at which the nuclear explosives are detonated. (ELR Order No. 1689, 50 pages) (NTIS Order No. PB-206 082-D)

Radioactive waste evaporator and auxiliaries, Richland, Wash. Addition of a large-scale radioactive waste evaporator and auxiliaries to the smaller evaporators at the AEC Hanford Plant, doubling the evaporative capacity of the system and accelerating reduction of the liquid wastes stored in underground steel-lined tanks to a solid cake form. (ELR Order No. 1690, 64 pages) (NTIS Order No. PB-206 083-D)

Contaminated soil removal facility, Richland, Wash. A part of the waste disposal system at the AEC Hanford plant. Soil containing significant quantities of plutonium will be removed from a covered trench and reprocessed for recovery of the plutonium and ultimate final disposal of the remaining radioactive material. (ELR Order No. 1691, 53 pages) (NTIS Order No. PB-206 084-D)

Final, January 26

Los Alamos Scientific Laboratory, Los Alamos County, N. Mex. Construction to replace existing facility to meet recent requirements to upgrade safety characteristics of buildings and equipment for plutonium operations. R&D activities include plutonium metal, alloys and compounds. Comments made by USDA, DOC, EPA, HEW, DOI, DOT, and State of New Mexico. (ELR Order No. 1687, 50 pages) (NTIS Order No. PB-196 710-F)

Plutonium recovery facility, Rocky Flats Plant, Jefferson County, Colo. Replacement of facility to be used to recover plutonium from scrap generated in operations of plant which fabricates plutonium components for nuclear weapons. Comments made by USDA, DOC, EPA, HEW, DOI, DOT, and State of Colorado. (ELR Order No. 1693, 55 pages) (NTIS Order No. PB-196 763-F)

DEPARTMENT OF DEFENSE

DEPARTMENT OF AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, (202) OX 5-2889.

Draft, January 20

Disposition of Orange herbicide (a defoliant) by commercial incineration at Deer Park, Harris County, Tex., and at Sauget, Ill. The empty drums will be decontaminated, crushed, and buried in a landfill pit. Involves discharge of 44.66 million pounds of CO_2 into the atmosphere, and the liquid water-salt effluent from the HCl acid scrubbing action will discharge 12.4 million pounds of NaCl into a public stream. (ELR Order No. 1672, 46 pages) (NTIS Order No. PB-206 061-D)

DEPARTMENT OF THE ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-6346.

Draft, January 14

Cleveland Harbor, Ohio. Maintenance of breakwaters and maintenance dredging of 1,125,000 cubic yards of sediment annually, with 55 percent placed in enclosed area and the remainder dumped in Lake Erie. (ELR Order No. 1648, 7 pages) (NTIS Order No. PB-206 930-D)

Draft, January 24

Mullet Key Beach erosion control, Pinellas County, Fla. Nourishment of Beach and fronting protective beach, construction of a 420-foot anchor groin and construction of a 1,150-foot revetment. About 325,000 cubic yards of sand will be dredged, destroying benthic invertebrates and covering those in the beach area (ELR Order No. 1686, 53 pages) (NTIS Order No. PB-206 062-D)

Draft, January 20

Little River Inlet, N.C. and S.C., navigation project, including a 3,300-foot entrance channel, a 9,100-foot inner channel, a 3,200-foot jetty, a 3,000-foot jetty and transition dikes connecting the jetties to the shore. Approximately 1,141,000 cubic yards of sandy material will be dredged; it will be used in building the dikes. (ELR Order No. 1697, 23 pages) (NTIS Order No. PB-206 056-D)

Final, January 21

Wallisville Lake, Trinity River, Chambers and Liberty Counties, Tex. Construction of a low dam, a navigation channel and lock, recreational areas, various ancillary facilities and minor bend easings in the channel. Involves loss of 7,200 acres of estuarine nursery area, destruction of archeological sites and inundation of others. Comments made by USDA, EPA, DOI, six State agencies, Trinity River Authority of Texas, Chambers-Liberty Counties Navigation District, City of Houston, Sierra Club, Environmental Protection Fund, Inc., Citizens' Environmental Coalition, Outdoor Nature Club, Houston Sportsmen's Club, Help Eliminate Pollution, Inc., and interested citizens. (ELR Order No. 1676, 275 pages) (NTIS Order No. PB-206 068-F, $6)

DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350 (202) 697-0692.

FEB 10 72
XUM

Draft, January 19
Relocation of target facilities to Cross Cay, Atlantic Fleet Weapons Range, P.R. To relocate necessitates clearing a shallow draft boat channel, preparing an access roadway, constructing a helicopter landing pad and preparing the target area. (ELR Order No. 1680, 35 pages) (NTIS Order No. PB–206 051–D)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, (202) 755–0940.

Draft, January 21
Application for assistance for construction of wastewater facilities, Pittsburg, Camp County, Tex., to include additions to Sparks Branch wastewater treatment plant, construction of a new wastewater treatment plant on Dry Creek and construction of interceptor sewers to the proposed plant. Project WPC–TEX–722. (ELR Order No. 1666, 57 pages) (NTIS Order No. PB–205 921–D)

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, (202) 386–6084.

Draft, January 17
Application by Niagara Mohawk Power Corp. for a new license for the Green Island Project No. 13, Albany County, N.Y. Project consists of a forebay downstream and at the west end of the U.S.-owned dam and bulkhead; a powerhouse containing four turbines, each directly connected to a 1,500-kw. generator; and a tailrace channel. (ELR Order No. 1643, 22 pages) (NTIS Order No. PB–206 050–D)

Draft, January 21
El Paso Natural Gas Co., proposed tariff revisions under section 4 of the Natural Gas Act, relative to a natural gas curtailment plan. Establishment of criteria by which curtailments will be effected in the event of a natural gas shortage or insufficient available capacity. Establishment of priorities of service applicable to all El Paso's Southern Division Mainline System customers. Docket No. RP72–6. (ELR Order No. 1677, 140 pages) (NTIS Order No. PB–206 066–D)

Draft, January 26
Application by the Susquehanna Power Co. and Philadelphia Electric Power Co. for amendment of license to provide additional recreational facilities at the constructed Conowingo Project No. 405, Harford and Cecil Counties, Md., and York, Lancaster, Chester, and Montgomery Counties, Pa. (ELR Order No. 1693, 7 pages) (NTIS Order No. PB–206 053–D)

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Acting Administrator, GSA–AD, Washington, D.C. 20405, (202) 343–6077.
Alternate contact: Aaron Woloshin, Director, Office of Environmental Affairs, GSA–AD, Washington, D.C. 20405, (202) 343–4161.

Draft, January 18
Disposal of the Naval Supply Center, Puget Sound, Seattle Division (Pier 90/91), Seattle, Wash., by negotiated sale of 185.8 acres to the Port of Seattle, by transferring 2.5 acres to the U.S. Postal Service for construction of a postal station and by assigning 4.12 acres to HEW for transfer for use for the area handicapped. (ELR Order No. 1671, 11 pages) (NTIS Order No. PB–206 926–D)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, (202) 755–6186.

Final, January 20
San Antonio Ranch New Community, Bexar County, Tex. Proposed offer of commitment to guarantee up to $18 million over a 30-year period for development of a new community located on 9,318 acres about 20 miles from downtown San Antonio with an ultimate population of 87,972 residents in 28,676 housing units. Comments made by USDA, Army COE, AEC, EPA, FPC, HUD, DOI, four State offices, Alamo Area Council of Governments, San Antonio River Authority, City of San Antonio, Citizens for a Better Environment, and Sierra Club. (ELR Order No. 1679, 154 pages) (NTIS Order No. PB–202 588–F)

DEPARTMENT OF THE INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343–6416.

BUREAU OF MINES

Draft, January 24
Synthane coal gasification pilot plant, Bruceton, Allegheny County, Pa., for evaluating the feasibility of commercial conversion of coal to sulfur-free substitute natural gas (SNG). (ELR Order No. 1684, 16 pages) (NTIS Order No. PB–206 048–D)

NATIONAL PARK SERVICE

Draft, January 24
Legislative proposal for designation as wilderness 6,926 acres of Chiricahua National Monument, Cochise County, Ariz. (ELR Order No. 1681, 20 pages) (NTIS Order No. PB–206 055–D)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Ralph E. Cushman, Special Assistant, Office of Administration, Washington, D.C. 20546, (202) 967–8107.

Final, January 21
Goddard Space Flight Center, Greenbelt, Md. The environmental background by which Goddard was established, the environmental considerations in planning and operating the facilities and the role and mission of the Center as it pertains to the surrounding environment. (ELR Order No. 1673, 47 pages) (NTIS Order No. PB–206 049–F)

DEPARTMENT OF TRANSPORTATION

Contact Martin Convisser,[1] Director, Office of Program Coordination, 400 Seventh Street SW., Washington, D.C. 20590, (202) 462–4357.

FEDERAL AVIATION ADMINISTRATION

Draft, January 18
Medford Municipal Airport, Medford, Grant County, Okla. Acquisition of land for clear zone; construction of runway, taxiway and apron; installation of lighting, beacon, wind cone and fencing. (ELR Order No. 1669, 18 pages) (NTIS Order No. PB–205 924–D)
John F. Kennedy Memorial Airport, Ashland, Wis. Extension of runway, acquisition of land for development and clear zones, burial of powerline, installation of lights and perimeter fencing to accommodate general aviation turbojet aircraft. (ELR Order No. 1670, 19 pages) (NTIS Order No. PB–205 925–D)

Final, January 19
Fleming-Mason Airport, Flemingsburg, Ky. Land acquisition, construction, and lighting of runway and taxiway, and construction of turnaround, apron and entrance road to provide a 24-hour landing capability. Comments made by USDA, Kentucky, Program Development Office, and Buffalo Trace Area Development District. (ELR Order No. 1663, 14 pages) (NTIS Order No. PB–203 604–F)
Dillingham Airport, Dillingham, Alaska. Land acquisition, extending and widening runway, constructing an apron and base course, resurfacing of runway, installing a new lighting system and relocating a road. Comments made by Army COE, DOC, EPA, HEW, and DOI. (ELR Order No. 1664, 25 pages) (NTIS Order No. PB–201 523–F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, January 18.
S.H.–40: Pennington County, S. Dak. Grading and surfacing from 1 mile east of Scenic southeast to county line 30 miles). 4(f) determination required for traversing the Bad Lands National Monument. Project S 1041 CN 52932, 52928, and 52939. (ELR Order No. 1646, 22 pages) (NTIS Order No. PB–205 927–D)

Draft, January 17.
KY.–10: Mason County, Ky. Upgrading from Fernleaf east to U.S.–68 (5.5 miles). Will displace seven families and one business. (ELR Order No. 1647, 8 pages) (NTIS Order No. PB–205 928–D)

Draft, January 18.
FAP–95, Gastineau Channel bridge: Juneau, Alaska. Construction of bridge to Douglas Island (0.5–1.0 mile). (ELR Order No. 1649, 39 pages) (NTIS Order No. PB–205 955–D)

Draft, January 19.
F.A. Route 7 Spur, Franklin Street Connector: Chicago, Ill. Construction from the Dan Ryan and Stevenson Expressway interchange to Lower Wacker Drive (ELR Order No. 1657, 31 pages) (NTIS Order No. PB–205 933–D)

Draft, January 13.
S.R.–107: Jefferson County, Ind. Widening from intersection with old U.S.–421 to intersection with S.R.–62 (2.86 miles). (ELR Order No. 1665, 21 pages) (NTIS Order No. PB–205 922–D)

Draft, January 20.
TH–23 and TH–274: Lyon, Yellow Medicine, Renville, and Chippewa Counties, Minn. Improvement and rerouting of TH–23, bypassing Cottonwood, Hanley Falls, Maynard, and Clara City (32.6 miles). A 0.5-mile section of TH–274 will connect with TH–23. Requires removal of four homes, a town hall, and several other buildings and involves severance of farmsteads. Projects F 023–1, F 023–2, S 4025; 4203, 8701, 6505, 1204, 1205, and 8714. (ELR Order No. 1667, 22 pages) (NTIS Order No. PB–205 929–D)
Junction City-Eugene Highway, Santa Clara-Eugene Section: Lane County, Oreg. Improvement to four lanes (3 miles). Will displace two family units and four businesses. (ELR Order No. 1668, 13 pages) (NTIS Order No. PB–205 923–D)

Draft, January 21
West Seattle Freeway, 36 Avenue SW. to I–5: Seattle, Wash. Construction of a limited access highway in the Spokane Street corridor, including a bridge over the Duwamish River (3.2 miles). Will displace 20 families and 50 businesses. (ELR Order No. 1674, 300 pages) (NTIS Order No. PB–206 066–D)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

Codington County, S. Dak. Construction of two-lane facility beginning 4.75 miles east of Wallace east 3.5 miles and then northeast 3.5 miles to intersection with U.S.–81 and S.H.–20. Probable designation as S.H.–20. Project SA 9963. 4(f) determination required for use of 2.4 acres of U.S. Fish and Wildlife area. (ELR Order No. 1675, 17 pages) (NTIS Order No. PB–206 085–D)

Draft, January 18
FA Route 412 Corridor: Winnebago, Ogle, Lee, Bureau, La Salle, De Kalb, McLean, Woodford, Livingston, and Marshall Counties, Ill. Construction of four-lane freeway from near Rockford to a point just south of Bloomington (130 miles). 4(f) determination required for use of parks and forest preserve lands. (ELR Order No. 1678, 190 pages) (NTIS Order No. PB–206 059–D)

Draft, January 24
I–80, Brownson Interchange; I–80, West Sidney Interchange; Brownson connecting link road; and West Sidney connecting link road, Cheyenne County, Nebr. The first two projects, construction from Brownson to Sidney (10.68 miles); the third, construction from I–80 interchange southwest of Brownson northeast to U.S.–30/Ordville Spur Road intersection (1.69 miles); and the fourth, construction from I–80 interchange 2 miles southwest of Sidney north to U.S.–30 intersection (1.68 miles). Projects I–80–1 (11) and (12), S–259(4), and S–620–A. (ELR Order No. 1685, 16 pages) (NTIS Order No. PB–206 086–D)
Illinois Route 23: La Salle County, Ill. Widening and partial relocation, including widening bridge and replacing four others, from Livingston Road in Streator to the west limits of Cornell (12.1 miles). Involves displacement of 17 families, six farm units, and two businesses. (ELR Order No. 1694, 15 pages) (NTIS Order No. PB–206 060–D)

Draft, January 25
U.S.–87 (designated I–27): Lubbock and Hale Counties, Tex. Construction from 1.5 miles north of Monroe Overpass in Lubbock County to 0.2 mile northeast of the north city limits of Hale Center (25 miles). Involves taking of 10 homes and one business. (ELR Order No. 1695, 9 pages) (NTIS Order No. 206 062–D)
Supplement to draft (Aug. 26), 4(f) information relating to 1 acre of land abutting Talcottville Pond and a length of the Tankerhoosen River. I–86, Manchester, South Windsor, and Vernon, Conn. Project I–86–1(31)8, 76–89. (ELR Order No. 1696, 12 pages) (NTIS Order No. PB–202 182–D)

Draft, January 24
SH–288: Brazoria County, Tex. Construction on new location from north of Angleton to S.H.–332 in Lake Jackson and along S.H.–332 from Oyster Creek Drive to S.H.–288 in Clute (20 miles). Involves taking of 21 single-family residences, two two-family duplexes, and four mobile homes. Special efforts will be made regarding an inactive bald eagle nest. 4(f) determination required for use of 30 acres of proposed T. J. Dunbar (formerly Thumb) Park. (ELR Order No. 1698, 23 pages) (NTIS Order No. PB–206 064–D)

Final, January 19
S.H.–101: Mendocino County, Calif. Widening highway from two to four lanes on new location between Sonoma County line and Hopland Overhead (8.9 miles). Project 01–Men–101–0.0/8.9 (F–001). Comments made by EPA, HEW, DOI, DOT, three State agencies, University of California, and the Northcoast Environmental Center. (ELR Order No. 1650, 35 pages) (NTIS Order No. PB–199 856–F)
I–80N, West Pendleton interchange: Umatilla County, Oreg. Reconstruction to accommodate the proposed county road that will connect Rieth Road (FAS 470) with the interchange. Project S–576(—). Comments made by Army COE, EPA, DOI, DOT, Oregon State University Research and Extension Center, Oregon Executive Department, and Oregon A–95 review. (ELR Order No. 1651, 19 pages) (NTIS Order No. PB–201 847–F)
U.S.–460, Salyersville-Paintsville Road, Section II: Johnson County, Ky. Widening and realigning highway to connect the Mountain Parkway with the new U.S.–23 at Paintsville (7.5 miles). Project SP 58–97–4L F 75(4). Comments made by DOC, HUD, DOI, DOT, and Kentucky Department of Natural Resources. (ELR Order No. 1652, 32 pages) (NTIS Order No. PB–201 998–F)
S.H.–50: Yankton and Clay Counties, S. Dak. Widening and upgrading between Yankton and Vermillion (24 miles), including three bridges across the Vermillion and James Rivers. Project F 012–3 and F 012–4. Comments made by USDA, Army COE, EPA, DOI, and Vermillion Chamber of Commerce. (ELR Order No. 1653, 17 pages) (NTIS Order No. PB–203 314–F)
Oregon–38, Umpqua Highway: Douglas County, Oreg. Construction of 11 passing bays between Wells Creek and Jack Creek. Comments made by Army COE, EPA, DOI, DOT, Oregon Game Commission, and Umpqua Regional Council of Governments. (ELR Order No. 1654, 22 pages) (NTIS Order No. PB–201 377–F)
Winfield Bypass: Fayette and Marion Counties, Ala. Construction of two-lane bypass (1.93 miles). Project S–1726–A, F–437. Comments made by USDA, Army COE, DOC, DOD, EPA, HUD, DOI, DOT, Alabama Historical Commission, Alabama Development Office, and Alabama Department of Conservation. (ELR Order No. 1655, 51 pages) (NTIS Order No. PB–205 934–F)
U.S.–31: Miami, Fulton, and Marshall Counties, Ind. Widening and upgrading highway, partially on new location, from north of Peru to south of Plymouth (32.5 miles) with the exception of 10.4 miles (from 1 mile south of S.R.–25 to south of S.R.–110). Projects F–85 (27), (29), (23), and (31). Comments made by USDA, EPA, HUD, and DOI. (ELR Order No. 1656, 30 pages) (NTIS Order No. PB–201 230–F)
I–44: Pulaski County, Mo. Replacement of substandard road with dual lane highway (4.7 miles). Project I–44–2 (32). Comments made by USDA, EPA, HUD, DOT, State Clearinghouse, and Lake Ozarks Regional Planning Commission. (ELR Order No. 1658, 21 pages) (NTIS Order No. PB–205 932–F)
S.R.—424 (Edgewater Drive): Orlando, Orange County, Fla. Upgrading from two to four lanes from Par Avenue to Lee Road (1.9 miles). Jobs 75260–1501 and –1502, U.S. 432 (2) and (3). Comments made by EPA, HUD, DOI and Florida. Game and Fresh Water Fish Commission. (ELR Order No. 1659, 33 pages) (NTIS Order No. PB–201 089–F)
LR–18, Section 23T, Harris Place Connection: Williamsport, Lycoming County, Pa. Construction of free access highway between Washington Boulevard and High Street and modification of the Market Street-Hepburn Street-Rural Avenue intersection. Project T–9010(1). Comments made by three State offices. (ELR Order No. 1660, 52 pages) (NTIS Order No. PB–202 139–F)
U.S.–62: Bibb County, Ala. Widening to four-lane divided facility from the Tuscaloosa-Bibb County line to a point about 0.8 mile west of Eoline (5.5 miles). Project F–397(1), S–320–I. Comments made by USDA, DOD, DOI, EPA, HUD, DOT, and Alabama Department of Conservation. (ELR Order No. 1661, 35 pages) (NTIS Order No. PB–201 381–F)
Portion of L.R. 1045 (I–78): Lehigh and Northampton Counties, Pa. Construction of six-lane limited access facility (15.7 miles). Will displace 223 individuals and families and 26 businesses. 4(f) determination required for use of Saucon Park land. Comments made by USDA, Army COE, EPA, DOI, DOT, 13 State offices, Lehigh and Northhampton Conservation Districts and Lehigh-Northampton County Joint Planning Commission. (ELR Order No. 1662, 58 pages) (NTIS Order No. PB–201 994–F)

VETERANS ADMINISTRATION

Contact: William H. Bowen, 001–A, Staff Assistant to the Deputy Administrator, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389–2830.

Draft, January 25
Veterans Administration Hospital, Loma Linda, San Bernardino County, Calif. Construction of a 630-bed hospital to replace the beds destroyed by the February 1971 earthquake at the San Fernando VA Hospital. (ELR Order No. 1682, 6 pages) (NTIS Order No. PB–206 063–D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.72–1750 Filed 2–9–72;8:45 am]

FEDERAL MARITIME COMMISSION

T. J. HANSON, INC., AND BEHRING INTERNATIONAL, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

FEB 10 72
XUM

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Alan L. Newhouse, president, Behring International, Inc., 1314 Texas Avenue, Houston, TX 77002.

Agreement No. FF 71–12, between T. J. Hanson, Inc. (FMC–192), and Behring International, Inc. (FMC–910), is intended to secure Federal Maritime Commission approval for an agreement whereby T. J. Hanson, Inc. will be merged into and operated as a branch office of Behring International, Inc.

The acquisition of T. J. Hanson, Inc. will not change the present directorship or stock ownership of Behring International, Inc.

Dated: February 3, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–2021 Filed 2–9–72;8:52 am]

HELLENIC LINES, LTD. AND SEATRAIN LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Fermin Mendes, Rate Manager, Seatrain Lines, Inc., Port Seatrain, Weehawken, N.J. 07087.

Agreement No. 9754–2 is a restatement of the basic agreement which covers a through billing arrangement on general cargo from India, Pakistan, East and South Africa to Mayaguez, Ponce and San Juan, P.R., with transshipment at New York, Baltimore, Norfolk, or Charleston. Agreement No. 9754–2 will amend the terms and conditions of the presently approved arrangement by providing that (1) the parties shall establish and file joint through rates on traffic not within the scope of any approved conference agreement to which either or both parties are members; (2) on traffic within the scope of any such conference, the conference rates will apply; (3) the provisions of Article 4(a), with respect to the division of expenses of transshipment, shall apply at all ports where transshipment takes place; and (4) Article 5, the "variance clause," be eliminated.

Dated: February 4, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–2020 Filed 2–9–72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. E–7690]

NEW ENGLAND POWER POOL (NEPOOL) AGREEMENT

Notice of Rate Schedule Changes

JANUARY 26, 1972.

Take notice that on November 12, 1971, the Secretary of the NEPEX Management Committee submitted for filing the NEPOOL Power Pool Agreement,[1] intended to supersede the interim NEPEX Power Exchange Agreement, as amended, filed May 21, 1970. Copies of the NEPOOL agreement have been made available to investor owned, publicly owned and cooperatively owned operating utilities throughout the New England area, as well as to appropriate State regulatory agencies. Correspondence critical of the NEPOOL agreement has been directed to the Secretary of the Commission by the representatives of a number of publicly owned systems within the Commonwealth of Massachusetts.

The new agreement proposes to incorporate revisions in the existing interim NEPEX Power Exchange Agreement, as amended. Among others, these revisions provide for:

(a) An installed generating reserve criterion and the means of allocating the agreed-upon reserves to the participating systems.

(b) An arrangement to spread among the participants the cost of certain pool transmission facilities (PTF).

(c) An agreed basis upon which any individual participant can choose to secure its power supply for load growth from new units installed by other participants.

It is proposed that the agreement will continue in effect until terminated by the parties represented by members of the management committee entitled in the aggregate to cast a number of votes at meetings of the management committee equal to at least 85 percent of the total number of votes to which all members are entitled at such meetings. The NEPEX Management Committee has requested waiver of the Commission's notice requirement to permit an effective date of November 1, 1971, to effectuate the uninterrupted operation of NEPEX and implementation of the NEPOOL agreement to achieve the specified pooling objectives at the earliest practicable date.

Any person desiring to be heard or to make any protest or objection with any reference to said application should on or before February 27, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest stating clearly and precisely the relief sought, the factual and legal basis therefor under the regulatory jurisdiction of this Commission, changes, if any, which the filing party seeks in respect to the NEPOOL agreement together with proffered additional contractual language to reflect any such revisions to the agreement, and otherwise in accordance with the requirements of the Commission's rules of practice and procedure. (18 CFR 1.8 or 1.10.) It is requested that any such submissions be served upon the signatories to the NEPOOL agreement at the time of filing with this Commission. On or before March 29, 1972, any affected person may file a response to any protest or objection which may be submitted in respect to the NEPOOL agreement. All such responses shall state clearly and precisely the relief sought, the factual and legal basis therefor under the regulatory jurisdiction of this Commission, changes, if any, which the filing party seeks or opposes in respect to the NEPOOL agreement together with proffered additional contractual language to reflect any such revisions to the Agreement, and otherwise in accordance with the Commission's rules of practice and procedure. All protests or objections and responses thereto filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–1919 Filed 2–9–72;8:48 am]

[1] The signatories as designated in the NEPEX Management Committee's transmittal letter are: Bangor Hydro-Electric Co.; Blackstone Valley Electric Co.; Boston Edison Co.; Brockton Edison Co.; Burlington Electric Light Department; Cambridge Electric Light Co.; Canal Electric Co.; Cape & Vineyard Electric Co.; Central Maine Power Co.; Central Vermont Public Service Corp.; The Connecticut Light and Power Co.; Citizens Utilities Co.; Fall River Electric Light Co.; Fitchburg Gas & Electric Light Co.; Granite State Electric Co.; Green Mountain Power Corp.; Village of Hardwick; The Hartford Electric Light Co.; Holyoke Power & Electric Co.; Holyoke Water Power Co.; Massachusetts Electric Co.; Montaup Electric Co.; Village of Morrisville Water & Light Department; The Narragansett Electric Co.; New Bedford Gas & Edison Light Co.; New England Power Co.; Village of Northfield; Public Service Company of New Hampshire; The United Illuminating Co.; Vermont Electric Cooperative, Inc.; Vermont Electric Power Co., Inc.; Western Massachusetts Electric Co.; Vermont Marble Company.

[Docket No. CP72–181]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JANUARY 25, 1972.

Take notice that on January 14, 1972, Panhandle Eastern Pipe Line Co. (applicant), Post Office Box 1348, Kansas City, MO, filed in Docket No. CP72–181, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain gathering and transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to construct and operate approximately 300 miles of 24-inch transmission pipeline, 5,000 compressor horsepower and appurtenant facilities extending from Weld County, Colo., to a point of connection with applicant's existing main line near Liberal, Kans., and 300 miles of 3-inch through 16-inch gathering lines, 15,800 compressor horsepower, onstream cleaning, gas measurement, dehydration and other appurtenant facilities in the Denver-Julesburg Basin Area of northeastern Colorado. Applicant states that it has committed to it approximately 1,289,000 acres of land in the area to be traversed by the proposed facilities which geological work and drilling success have verified as potentially productive of large amounts of natural gas. Applicant estimates the total cost of the proposed facilities to be 60,647,000 which it plans to finance initially by short-term bank loans, and permanently by the issuance of debentures and other securities.

Applicant states that the proposed project will enable it to continue to serve its customers' existing natural gas requirements and to offset the declining supply west of its Liberal, Kans., compressor station.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–1920 Filed 2–9–72;8:48 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Bank of Florida & Trust Co. of Homestead, Homestead, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 4, 1972.

Board of Governors of the Federal Reserve System, February 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–1921 Filed 2–9–72;8:48 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor to Gulfgate State Bank of Houston, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 3, 1972.

Board of Governors of the Federal Reserve System, February 3, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–1922 Filed 2–9–72;8:48 am]

FIRST EMPIRE STATE CORP.

Acquisition of Bank

First Empire State Corp., Buffalo, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Hambro American Bank & Trust Co., New York, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 4, 1972.

Board of Governors of the Federal Reserve System, February 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–1923 Filed 2–9–72;8:48 am]

MARINE MIDLAND BANKS, INC.

Proposed Acquisition of Carter H. Golembe Associates, Inc.

Marine Midland Banks, Inc., Buffalo, N.Y., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Carter H. Golembe Associates, Inc., Washington, D.C. Notice of the application was published on December 15, 1971, in The Evening Star, a newspaper circulated in Washington, D.C., and on December 16, 1971, in the Buffalo Courier-Express, Buffalo, N.Y.

Applicant states that the proposed subsidiary would engage in the following activities: economic research, bank consulting, and the providing of informational services primarily related to the research function.

Interested persons may express their views on whether the proposed activities are so closely related to banking or managing banks as to be a proper incident thereto.

Interested persons may also express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience,

increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any requests for a hearing on these questions should be accompanied by a statement summarizing the evidence that the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing to be received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 4, 1972.

Board of Governors of the Federal Reserve System, February 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-1924 Filed 2-9-72;8:48 am]

FEDERAL TRADE COMMISSION

HIDE RUGS SUBJECT TO CARPET AND RUG FLAMMABILITY STANDARDS

Alternative Washing Procedure

On April 10, 1970, the Secretary of Commerce pursuant to his authority under the Flammable Fabrics Act issued a Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70) (pill test) applicable to large carpets and rugs defined therein, which standard was published in the FEDERAL REGISTER on April 16, 1970 (35 F.R. 6211) and became effective 1 year after publication.

Subsequently, the Secretary of Commerce issued a Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2-70) applicable to certain small carpets and rugs excluded from DOC FF 1-70). DOC FF 2-70 was published in the FEDERAL REGISTER on December 29, 1970 (35 F.R. 19702) and became effective 1 year after publication.

Each of the aforesaid standards is the same with the only substantial difference between the two being that DOC FF 1-70 requires that carpets and rugs subject to its provisions meet the acceptance criterion prior to introduction into commerce, while the small carpet or rug to be introduced into commerce DOC FF 1-70. DOC FF 2-70 was publabeled by a cautionary label, the language of which is specified in the standard, where the small carpet or rug does not meet the acceptance criterion of that standard.

Both standards provide for the washing and drying of carpets and rugs by procedures provided in Method 124-1967 of the American Association of Textile Chemists and Colorists (AATCC) prior to testing the flammability of the carpet or rug if it has been treated with a fire-retardant as defined in the standard.

Alternatively, the standards permit the approval of a different washing method than that referred to above, if such method is found by the Commission to be the equivalent of the specified method or such method is established to the satisfaction of the Commission as being normally used for the particular type of carpet or rug in service. Details as to the criteria for approval of alternative procedures are set out in the standards. (Section 10(b). See also section 1(a).)

Producers and distributors of shearling and hide rugs consisting of natural wool or hair attached to the hide with no synthetic fibers have petitioned the Commission for an alternative washing procedure for such carpets and rugs on the basis that the specified washing method would render a hide carpet or rug useless, and on the further bases that the specified AATCC method is never normally used in service for hides and that the proposed alternative is the only suitable method for normal cleaning in service.

The Commission has fully examined all the documents and exhibits presented and has made such information a part of the public record. On the basis of the submitted information and its own investigation, the Commission has determined to approve an alternative washing procedure for the testing of the flammability of hide rugs which have been treated with a fire-retardant finish and which are subject to flammability standards DOC FF 1-70 and DOC FF 2-70.

Such approval, however, is predicated upon the condition that before any hide rug may be washed by such alternative procedure it must be permanently labeled with information setting forth the cleaning procedure to be utilized by the consumer.

Accordingly, the Commission will accept as an appropriate alternative washing procedure under DOC FF 1-70 and DOC FF 2-70 the procedure hereinafter set forth, provided that any hide carpet or rug for which such alternative procedure is utilized is labeled with a conspicuous, legible and permanent label containing the following statement:

DO NOT WASH OR DRY CLEAN

This rug has been treated with a flame retardant. To keep rug attractive and clean use the following methods:

To eliminate loose dirt or dust, vacuum or shake pelt outdoors.

For spot cleaning, use water dampened cloth and rub lightly in one direction.

Do Not Use Detergents or Other Stain Removers

Details of the alternative procedure are as follows:

ALTERNATIVE WASHING PROCEDURE FOR THE TESTING OF THE FLAMMABILITY OF HIDE OR SKIN RUGS SUBJECT TO THE STANDARDS FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS DOC FF 1-70 AND DOC FF 2-70

The test specimens shall be cut to size 9" x 9" before the procedure is initiated.

1. Shake specimen vigorously to remove any lose fibers, dust, and possible accumulated debris.

2. Place specimen on a solid flat surface and anchor or hold firmly while conducting the test.

3. Select an operating applicator consisting of a rod at least 2" in diameter and 9" long composed of nonabsorbent material such as glass or plastic.

4. Select sufficient cloth to form at least five layers when wrapped around the operating applicator. The cloth shall be of the type known as "Crockmeter Test Cloth" as specified in Note 8.3 of AATCC Test Method 8-1969.

5. Immerse cloth in water (100° F.) until thoroughly wetted.

6. Manually wring out the cloth to remove all excess water and wrap around the operating applicator.

7. Immediately with light pressure, stroke entire surface of specimen with the wrapped operating applicator in one direction only along the natural "lay" of the hair structure for ten complete strokes.

8. Place test specimen in a circulating drying oven maintained at 212° F. until dry.

9. Repeat the above procedure 10 times using a fresh or clean cloth each time.

10. After 10 successive cycles of washing and drying the dried specimens shall be subjected to the testing procedures (pill test) as outlined in DOC FF 1-70 and DOC FF 2-70.

The Commission further announced that its approval of the aforesaid washing procedure and labeling provisions would be subject to revision or revocation should it be determined that such procedure was inadequate to fully protect the public. The Commission further announced that it would receive appropriate comments on the aforesaid procedure but that the same would not affect its approval of the procedure unless the Commission should subsequently so order.

By direction of the Commission dated February 1, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-1911 Filed 2-9-72;8:47 am]

NATIONAL CAPITAL PLANNING COMMISSION

[NCPC File No. 0735]

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY IN NATIONAL CAPITAL REGION

Policies and Procedures

The Commission's Policies and Procedures for Protection and Enhancement of Environmental Quality in the National Capital Region, as amended through August 9, 1971, were published by the Council on Environmental Quality on December 11, 1971 (36 F.R. 23706-23709). On December 2, 1971, the Commission adopted the following amendments:

1. In the first paragraph of section 2 delete the words "is responsible for preparing environmental statements in" and insert in lieu thereof the words "will prepare either an environmental statement or a description of environmental impact for each of".

2. After the first paragraph of section 2 insert the following new paragraph:

The Executive Director shall determine with respect to each plan, plan modification, or other undertaking described in the first paragraph of this section whether such plan, plan modification, or other undertaking is a major action, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the Council on Environmental Quality's guidelines for statements on major proposed actions affecting the environment, for which an environmental statement is required.

DANIEL H. SHEAR,
Secretary to the Commission.

FEBRUARY 7, 1972.

[FR Doc.72-2007 Filed 2-9-72;8:55 am]

[NCPC File No. 0389]

SITE AND BUILDING PLANS

Requirements

At its meeting on February 3, 1972, the National Capital Planning Commission adopted the following requirements respecting site and building plans submitted to the Commission (proposed 36 F.R. 23654, sec. 11, 1971) pursuant to section 5 of the National Capital Planning Act of 1952, as amended, and section 16 of the Act of June 20, 1938, as amended:

SECTION 1—INTRODUCTION

Section 5(a) of the National Capital Planning Act of 1952, as amended, provides that each Federal and District of Columbia agency, prior to the preparation of construction plans originated by such agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in whole or in part from Federal or District funds, shall advise and consult with the Commission in the preparation by the agency of plans and programs in preliminary and successive stages which affect the plan and the development of the National Capital.

The Act authorizes the Commission to determine in advance the type or kinds of plans which need not be submitted for review by the Commission. The Commission has determined that plans for the following types of projects need not be submitted for review:

A. Projects involving the replacement of walks, roadways, and parking areas where no change in location or the existing character or extent of the improvement is involved.

B. Projects involving the rehabilitation and improvement of buildings and structures when no change in the existing character or extent of the building or structure is involved.

C. Projects involving the replacement of trees, shrubs and other plant material and minor changes in plant material that do not change the concept in the approved landscape plan.

D. Projects involving the replacement, but not the relocation or extension, of existing underground utility lines, such as pipes and cables, except pumping stations and treatment facilities, that do not (1) involve the removal of existing trees or changes in the natural topography, or (2) perpetuate or create an adverse environmental impact.

In accordance with section 5(b) of the Act, these requirements shall not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

These requirements respecting the submission of site and building plans are intended to be used in connection with proposed developments of the District of Columbia Government and the Federal Government, including civilian and military installations and facilities in the National Capital Region, except as provided above.

The Executive Director of the Commission may extend, modify or waive any requirement as it pertains to any project proposal or development plan submitted for the review of the Commission that does not meet such requirement because of its unique or special character or quality.

SECTION 2.—PRESUBMISSION REQUIREMENTS

The general location and/or the site boundaries of a proposed development should be submitted for review by the Commission prior to the preparation and submission of preliminary site and building plans, either as a separate submission or as part of a master plan or capital improvements program, unless the site was previously established by legislation.

Sponsoring agencies are urged to contact the Commission staff at the earliest possible time in the siting and initial planning and design of proposed new developments within the Region. The Commission staff is available at all times to advise and consult with sponsoring agencies prior to formal submission of plans for Commission review.

Sponsoring agencies may submit proposed developments for Commission review at a design concept stage if they desire to solicit the Commission's views prior to the submission of preliminary site and building plans. Such submissions should be conceptual and their contents determined by consultation with the Commission's staff.

SECTION 3.—CONTENTS OF SITE AND PLANS, PRESENTATION MATERIALS, AND SUPPORTING MATERIALS

A. *Site and building plans*—(1) *Site plan.* The site plan shall be uncolored and presented at a scale of at least 1 inch equals 50 feet, and shall contain the following basic elements:

(a) Existing and proposed topography of the site (preferably at 1- or 2-foot intervals). Topography need not be shown if included on landscape plan;

(b) Site boundaries for the building or facility; and

(c) Outline of all proposed buildings, structures, and related improvements and uses immediately adjacent to the proposed development—including but not limited to, access ways, drives, sidewalks, walls, and fences, loading areas, and off-street parking.

When the proposed improvements involve only a portion of the site of a facility, the site plan shall include all of the site area of the facility, showing the relationship between the portion of the site to be improved and the portion to remain unchanged. When an adjacent facility has an integral supporting relationship to the facility to be constructed or improved (such as a recreation center which provides play space for an adjacent school), the site of the adjacent facility shall be included in the site plan to show the functional relationship of the facilities and the effects of the proposed improvements thereon.

(2) *Landscape and grading plan.* The landscape and grading plan should preferably be presented as a separate plan but may be incorporated in the site plan if the proposed project is small and the combination plan is clear and readable.

If presented as a separate plan, the landscape and grading plan shall be at the same scale as the site plan. The following information shall be included in all cases:

(a) Existing and proposed topography on the site (preferably at 1- or 2-foot intervals);

(b) General location of all existing-to-remain, existing-to-be-removed, and proposed trees, shrubs, and other plant materials; and

(c) A list (either on the map or in a separate table) of the type, quantity, and size of the plant materials proposed (final site and building plans only).

(3) *Elevations and sections.* All elevations of the proposed buildings, structure, or improvements shall be provided at the same scale as the floor plan. Elevations shall indicate, but not be limited to, the following:

(a) The height of the building, its bulk and general massing for all sites;

(b) All pedestrian and vehicular entrances and exits to the building;

(c) The fenestration and building materials proposed to be used on all exterior surfaces. A detailed exterior wall section that shows this information shall be included;

(d) The treatment of the roof and all related roof extrusions (penthouses, ventilations, ventilation shafts, chimneys, smoke stacks);

(e) At least two cross sections; and

(f) Identification of the point of measurement of the height of proposed buildings in the District of Columbia in accordance with the Act of June 1, 1910, 36 Stat. 452.

(4) *Floor plans.* Plans for each floor of the building at the same scale as the elevations, which indicate the following:

(a) Labeling of all interior spaces to indicate use;

(b) Interior partitions, stairs, and elevators;

(c) Overall dimensions;

(d) Dimensions of interior spaces; and

(e) Elevations of various floor levels.

(5) *Roof plans.* The roof plan shall be submitted at the same scale as the floor plans and shall indicate the following:

FEB 10 72
XUM

(a) The proposed design of the roof and all building materials and finishes to be used; and

(b) Proposed roof appurtenances, mechanical equipment and structures indicating all proposed screening, if any.

B. *Presentation materials.* One set of all presentation materials shall be submitted at each stage by the sponsoring agency for use in the various presentations. Maps used by sponsoring agencies in presentation to the Commission should be in color—using zippatone, magic marker, or other suitable materials.

(1) *Rendered plans and perspectives.* Sponsoring agencies shall prepare and submit one copy of rendered plans and perspectives in color as part of their submission to aid in the presentation and review of proposed developments by the Commission.

(2) *Models.* Sponsoring agencies shall prepare and submit a model of all major construction proposals indicating topography, existing-to-remain and proposed new buildings and improvements, pedestrian and vehicular circulation, and parking and loading areas. Models shall be prepared at the same scale as the site plan or at a larger scale if preferred by the sponsoring agency. The Commission staff will advise sponsoring agencies as to whether a proposed project is a "major" project requiring a model, at any time prior to submission.

C. *Supporting materials.* At least two copies of the following supporting materials shall be submitted for Commission review:

(1) *Project data sheet.* The project data sheet shall indicate the following:

(a) Agency project manager;

(b) Narrative description of the project;

(c) Total area of site and allocation of land to the various proposed uses;

(d) Area of building, or buildings, and site coverage;

(e) Employment, by grade level and income, including;

(i) Presently existing, and

(ii) New employment generated by the project;

(f) Traffic impact of proposed development on adjacent highways both on and off the site;

(g) Total parking proposed for employees and visitors and ratios assumed for each;

(h) Relocation of individuals, businesses, and families required by the proposal, if any;

(i) Community participation and/or views, when applicable;

(j) Schedule for construction and occupancy;

(k) Total cost of project and funding status; and

(l) Housing required, if any, for proposed new employees;

(i) On-site, and/or

(ii) Off-site.

(2) *Vicinity map.* A vicinity map, indicating building outlines, streets, and other physical features, shall be submitted at a scale of 1 inch equals either 100 or 200 feet. It shall include an area that is at least 500 feet around the proposed development.

(3) *Construction and equipment drawings.* Construction details and equipment drawings that are dimensioned shall be submitted to permit a general understanding and thorough review of the project, particularly those features which will affect the exterior of the building.

(4) *Housing availability.* Pursuant to the interim policy adopted by the Commission on April 18, 1969, if a proposed master plan, or a modification thereof or a proposed project involves a significant increase in employment, an analysis of the housing available for low- and moderate-income employees and their families within reasonable commuting distance to the proposed project shall be included in the submission.

(5) *Environmental impact.* Each submission shall include a determination by the head of the sponsoring agency, or other authorized official, as to whether an environmental statement for the project is required pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. In accordance with the Commission's Policies and Procedures for the Protection and Enhancement of Environmental Quality in the National Capital Region, the sponsoring agency shall submit such an environmental statement, if determined to be required, or a description of the environmental impact of the proposed development.

Section 4—Form of Site and Building Plans

A. *Map scales.* Site plans shall be presented at a scale of at least 1 inch equals 50 feet. Vicinity maps shall be presented at a scale of 1 inch equals either 100 feet or 200 feet. Elevations, sections, floor plans, and roof plans shall be presented at a scale commensurate with the sheet size limitations and large enough to be readable in a large meeting room at a distance of 20 to 25 feet.

B. *Sheet sizes.* All drawings submitted shall not exceed a sheet size of 33 x 44 inches to be compatible with the Commission's microfilm process. For projects involving larger plans, multiple sheets, covering portions of the plan, may be submitted so that the maximum sheet size may be maintained. No minimum sheet size has been established. However, proposed drawings should be large enough to be readable by the Commission in a large meeting room at a distance of 20 to 25 feet.

C. *Number of copies.* At least three complete sets of the site and building plans are to be submitted for all projects. At least two complete sets of supporting materials shall be included in the submission. When site and building plans for a small installation in essence constitute the master plan for such a facility, the number of complete sets required shall be determined pursuant to the Commission's requirements for submission of master plans.

Section 5—Procedures for the Submission of Preliminary and Final Site and Building Plans

Sponsoring agencies shall submit site and building plans to the Commission at both a "preliminary" and a "final" stage in the planning for any proposed development.

All elements of the site and building plans shall be submitted at both preliminary and final stages. Preliminary plans should be submitted early in the design phase of a project while the design is still flexible. Final plans should be submitted after all design decisions, including building materials and landscaping materials, have been made and prior to advertisement and awarding of construction contracts.

If major changes are made in either the design or the program for a proposed development after the Commission has reviewed and made recommendations on the preliminary site and building plans, sponsoring agencies shall submit revised preliminary plans for review prior to completing and submitting final site and building plans.

Final plans submitted to the Commission usually are about 50 percent to 60 percent of the final design work. The designs shall be sufficiently advanced to represent what the agency actually intends to build.

Final site and building plans for Federal public buildings within the District of Columbia and for District Government public buildings within the Central area of the District of Columbia or defined by concurrent action of the Commission and the District of Columbia Council will ordinarily constitute the required submission under Section 16 of the Act of June 20, 1938, 52 Stat. 802 (D.C. Code, sec. 5–428). Since the Commission may not lawfully qualify or condition its approval of a proposed development pursuant to D.C. Code, section 5–428, and a sponsoring agency may not lawfully deviate from the plans as approved by the Commission, sponsoring agencies are urged to resolve all outstanding issues with affected agencies and organizations prior to submission of the final site and building plans. The staff of the Commission is available to assist in the resolution of all such questions.

When a proposed development does not involve the construction of buildings or structures, sponsoring agencies need submit only the site plan and landscape plan.

Section 6. Steps in Commission Review of Site and Building Plans

A. The sponsoring agency shall submit plans, in accordance with established monthly deadlines, to the Commission for review pursuant to section 5(a) of the National Capital Planning Act of 1952.

B. If the proposed development is located in, or adjacent to, the District of Columbia, the submission is referred to the Commission's Coordinating Committee, pursuant to section 2(d) of the National Capital Planning Act of 1952. The purpose of this referral is to insure that such projects are properly coordinated with interested and affected District of Columbia and Federal agencies.

C. If, in the opinion of the Executive Director, the proposed development is an architectural and/or historic landmark or would appear to significantly affect an existing landmark, it is referred to the Joint Committee on Landmarks.

D. Site and building plans proposed for small installations outside the District of Columbia are referred to the affected local, subregional, and regional planning agencies and to the affected State clearinghouse where no separate master plan has been, or is to be, prepared and the site and building plans represent the master plan for the installation.

E. Review, evaluation, and recommendation of the proposed development, by the staff, to the appropriate committee of the Commission—including consideration of any comments resulting from referral under paragraphs B, C, and/or D.

F. Review, evaluation, and recommendation by the appropriate committee of the Commission to the Commission.

G. Review, evaluation, and action by the Commission.

H. With respect to projects outside the District of Columbia but within the National Capital Region on reservations or sites for which the Commission has submitted to the agency its report and recommendations on the master plan therefor, the Executive Director may make environmental impact findings on and approve.

(1) Preliminary and final site and building plans for proposed temporary or permanent additions of less than 5,000 square feet of floor area to existing structures and for proposed new temporary or permanent structures of less than 5,000 square feet of floor area, if the Executive Director determines that (a) the proposed development (i) is consistent with the recommendations of the Commission on the land use and circulation plan elements of the master plan, (ii) will have no significant adverse impact on the environment, access and egress facilities, and utilities, and (iii) is compatible with existing and proposed developments in its immediate vicinity, and (b) the addition or relocation of employees to the proposed development would not cause a significant impact on low- and/or moderate-income housing needs in the vicinity of the development; and

(2) Final site and building plans where such plans conform to applicable recommendations made by the Commission in its review of the preliminary site and building plans for the project and of any environmental statement or description of the environmental impact submitted pursuant to the Commission's Policies and Procedures for the Protection and Enhancement of Environmental Quality in the National Capital Region.

I. Formal notification to the sponsoring agency of the action of the Commission.

The sponsoring agency and/or its consultants shall make oral presentations of the proposed plans to the Coordinating Committee and the Joint Committee on landmarks, if necessary, to the appropriate committee of the Commission, and to the Commission. The Commission staff will advise sponsoring agencies of the nature and type of presentations usually made to the Commission, the characteristics of the meeting room, and available methods for exhibit presentations.

DANIEL H. SHEAR,
Secretary to the Commission.

FEBRUARY 7, 1972.

[FR Doc.72-2006 Filed 2-9-72;8:55 am]

[NCPC File No. 0933]

URBAN RENEWAL PROPOSALS

Proposed Requirements

The National Capital Planning Commission will consider the adoption at its meeting on March 2, 1972, of the following proposed requirements for urban renewal proposals pursuant to the District of Columbia Redevelopment Act of 1945, as amended. Interested parties are requested to submit their views in writing to the Commission within twenty (20) days from the filing of this notice in the FEDERAL REGISTER addressed to:

Ben Reifel, Chairman, National Capital Planning Commission, Washington, D.C. 20576.

Section 1—Introduction

Section 6(b) of the District of Columbia Redevelopment Act of 1945, as amended (hereinafter referred to as the "Act"), provides for adoption by the Commission and approval by the District of Columbia Council of boundaries and urban renewal plans for urban renewal areas in the District of Columbia. Section 12 of the Act provides that modifications of such plans may be effected only through adoption by the Commission and approval by the District of Columbia Council.

The following material, form, and procedural requirements are prerequisites to Commission consideration of:

1. Urban renewal area boundaries and modifications thereof, and

2. Urban renewal plans and modifications thereof.

They are intended to insure an adequate and complete review and evaluation of all urban renewal proposals pursuant to the Act, the National Environmental Policy Act of 1969, and other applicable laws and regulations.

The requirements regarding the scheduling of Commission consideration are intended to insure an adequate opportunity for interagency coordination and for review and comment by interested and affected organizations and individuals.

The requirements are also intended to guide the staff of the Commission, the District of Columbia government, the District of Columbia Redevelopment Land Agency, and other groups and organizations, including redevelopers, making urban renewal proposals to the Commission. Such agencies and organizations are urged to contact the Commission staff at the earliest possible time for consultation prior to making such proposals.

Boundaries and urban renewal plans for urban renewal areas and modifications thereof shall be scheduled for Commission consideration only if all of the following requirements are met in accordance with the established monthly deadlines for the submission of plans. Adherence to such deadlines is essential to permit necessary referrals, interagency coordination, and staff review.

Section 2.—Materials Required

A. *Action items.* The following materials are required for Commission consideration of urban renewal proposals for adoption pursuant to the Act:

(1) *Boundaries and modifications thereof.* A map showing the proposed boundaries of the urban renewal area or proposed modifications to the boundaries of an approved urban renewal area.

(2) *Urban renewal plans and modifications thereof.* Proposed text and/or map(s) of urban renewal plans or modifications to an approved urban renewal plan. The proposed text of an urban renewal plan, or of a modification to an approved urban renewal plan which includes a change in urban renewal area boundaries, shall include a metes and bounds description of the boundaries or change in boundaries.

B. *Supporting documentation.* The following materials in support of the action items described above will be presented to the Commission and placed in the record:

(1) *Eligibility report—urban renewal area.* A statement of the eligibility of the proposed urban renewal area, or of the proposed modified urban renewal area, under the Act.

(2) *Eligibility report—action areas.* A statement of the eligibility of each action area in the proposed annual neighborhood development program for a proposed urban renewal plan or modification(s) to an approved urban renewal plan, pursuant to title I of the Housing Act of 1949, as amended.

(3) *Relocation report.* A description of the estimated residential and non-residential displacement that will be caused by an urban renewal proposal and a statement of available relocation resources to accommodate project displacement.

(4) *Rehabilitation report.* A statement of the feasibility of each rehabilitation area in the proposed annual neighborhood development program for a proposed urban renewal plan or modification(s) to an approved urban renewal plan, pursuant to title I of the Housing Act of 1949, as amended.

(5) *Environmental impact.* A statement of the environmental impact of the urban renewal proposal in the form of a draft environmental statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 or a report containing sufficient information to permit the preparation of such a statement or of a description of environmental impact.

(6) *Citizen participation report.* A statement of the steps taken to insure citizen participation and community review of the urban renewal proposal and statements from affected community

FEB 10 72

groups indicating their position relative to the proposal.

C. Background data and information. The following materials are required to enable a complete review and evaluation of an urban renewal proposal by the Commission:

(1) *Narrative description.* A narrative description and justification of the urban renewal proposal.

(2) *Data sheet.* A data sheet indicating, where applicable, each of the following:

(a) The lot and square numbers of all properties proposed for acquisition, disposition, or rehabilitation.

(b) The area in square feet or acres of each disposition lot or rehabilitation area.

(c) The number, size, density, and type of housing units to be developed on each disposition lot and the number, size, density, and type of housing units to be rehabilitated in each rehabilitation area.

(d) The floor area and type of new commercial space or other nonresidential uses to be developed on each disposition lot.

(3) *Status report on project execution activities.* In connection with each proposed annual neighborhood development program, a narrative description of:

(a) The current status of acquisition, disposition, and rehabilitation activities in previously approved action areas, and

(b) The current status of project improvement activities in each urban renewal area.

SECTION 3.—FORM OF SUBMISSIONS

A. *Map scales.* Except for presentation maps, all maps shall be presented at a scale of at least 1 inch equals 200 feet, for maps showing urban renewal area boundaries and modifications thereof and maps constituting parts of urban renewal plans and modifications thereof, and at a scale of at least 1 inch equals 50 feet for site and building plans submitted in support or explanation of proposed modifications to approved urban renewal plans.

B. *Sheet sizes.* All drawings submitted shall not exceed a sheet size of 33 x 44 inches in order to be compatible with the Commission's microfilm process. For projects involving larger plans, multiple sheets, covering portions of the plan, may be submitted so that the maximum sheet size may be maintained. No minimum sheet size has been established. However, drawings should be large enough to be readable by the Commission in a large meeting room at a distance of 20 to 25 feet.

C. *Number of copies.* At least three complete sets of all materials, including action items, supporting documentation, and background data and information shall be submitted.

D. *Presentation materials.* One set of all presentation materials shall be submitted for use in the various presentations. Maps used in presentations to the Commission shall be in color—using zip-a-tone, magic marker, or other suitable materials.

SECTION 4—STEPS IN COMMISSION CONSIDERATION

1. Staff review and evaluation of and, if determined by the Executive Director to be necessary, revisions to the urban renewal proposal and the statement of environmental impact submitted in accordance with section 2.B.(5).

2. Referral of the proposal or revised proposal to the Commission's Coordinating Committee for coordination with interested and affected Federal and District of Columbia agencies.

3. Referral of the proposal or revised proposal to the Joint Committee on Landmarks of the National Capital if the proposal or modified proposal is determined by the Executive Director to significantly affect a designated landmark.

4. Presentation of the proposal or revised proposal to the Commission's Urban Renewal and Housing Committee, together with the Executive Director's recommendation thereon.

5. Presentation of the proposal or revised proposal to the Commission, together with the report of the Urban Renewal and Housing Committee. If the proposal or revised proposal is determined by the Executive Director to be a "major action" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, the Executive Director and the Committee will ordinarily recommend that the proposal or revised proposal and the draft environmental statement be circulated for comment, pursuant to the guidelines of the Council on Environmental Quality.

6. Action on the proposal or revised proposal by the Commission. With respect to a "major action", the Commission may not adopt the proposal or revised proposal for a period of at least 90 days after circulation of the proposal or revised proposal and the draft environmental statement.

DANIEL H. SHEAR,
Secretary to the Commission.

FEBRUARY 7, 1972.

[FR Doc.72-2006 Filed 2-9-72;8:55 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3882]

APPLIED DEVICES CORP.

Order Suspending Trading

FEBRUARY 3, 1972.

The common stock $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, and otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective from the close of business at 3:30 p.m. for the period February 3, 1972, through February 12, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1970 Filed 2-9-72;8:52 am]

[File No. 500-1]

COATINGS UNLIMITED, INC.

Order Suspending Trading

FEBRUARY 3, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Coatings Unlimited, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 5, 1972, through February 14, 1972.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1969 Filed 2-9-72;8:52 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 3, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 5, 1972, through February 14, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1971 Filed 2-9-72;8:53 am]

[812-2985]

CRAIG-HALLUM CORP.

Notice of Filing of Application

FEBRUARY 4, 1972.

Notice is hereby given, that Craig-Hallum Corp., a Delaware corporation ("Craig-Hallum"), 133 South Seventh Street, Minneapolis, MN 55402, has filed an application pursuant to section 17(d) of the Investment Company Act of 1940 (Act) and Rule 17d-1 thereunder for an order permitting the purchase of 166.6 shares of common stock of United Packaging Co., a Minnesota corporation (United) for the sum of $12,500 from two stockholders of United. The President of Craig-Hallum is an affiliate of Minnesota Small Business Investment Co., a Minnesota corporation (Minnesota), registered as a closed-end, nondiversified, management investment company under the Small Business Investment Act of 1958. Minnesota holds a warrant to purchase 166.7 shares of United. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

BACKGROUND

Since September 30, 1963, Minnesota has loaned funds to Midwest Merchandise Mart, Inc., a Minnesota corporation (Midwest), which has been engaged since its incorporation in 1961 in the ownership and operation of commercial and industrial buildings. Minnesota also received and holds a warrant to purchase 25 percent of the stock of Midwest which expires September 30, 1972. All of the currently outstanding stock of Midwest is owned by John J. Kaplan and members of his family.

From its incorporation on December 28, 1967, until May 1, 1971, United was a wholly owned subsidiary of Midwest. United is engaged in the business of packaging and distributing food products. On May 1, 1971, all of the outstanding capital stock of United (500 shares) was declared and paid as a dividend in kind to the stockholders of Midwest. The aggregate value of the dividend was $37,500, determined as a result of arms length negotiations among the Boards of Directors of Midwest, United and Minnesota after consideration of (1) the net worth of United at the end of its last fiscal year, September 30, 1970 ($9,735), (2) information concerning operations of United in the interim period, (3) tax implications and related information, and (4) after consultation with independent public accountants for United and Midwest.

In connection with the dividend in kind of United capital stock declared and paid May 1, 1971 by Midwest, United also issued to Minnesota a warrant expiring September 30, 1972, to purchase 166.7 shares of United capital stock for an aggregate cash consideration of $12,500. At the same time, Midwest reduced the aggregate price of its warrant to Minnesota by the amount of $12,500.

Mr. John J. Kaplan and his wife propose to sell an aggregate of 166.6 shares of United stock owned by them to Craig-Hallum for an aggregate of $12,500.

Craig-Hallum's principal business activities consist of the ownership of Craig-Hallum, Inc., a registered broker-dealer engaged generally in the investment banking business, and the ownership of significant interests in various operating companies such as the proposed investment in United.

Mr. Reznick is a shareholder, director and president of Craig-Hallum and is also a shareholder, director, vice president and member of the Loan Committee of Minnesota. He has advised both Craig-Hallum and Minnesota that he will not participate in any deliberations or decisions of the Board of Directors of Minnesota or any committee thereof relating to the exercise of, or failure to exercise, the warrants held by Minnesota to purchase up to 25 percent of the capital stock of Midwest and United.

SUPPORTING STATEMENTS

Craig-Hallum states that it has been advised by Mr. and Mrs. John J. Kaplan that they deem that the proposed sale should take place in order to assure that Craig-Hallum, which has previously offered business assistance to United, will continue to be interested in the operations of United. They desire that this occur in order to assist the future development of the business of United which is now principally owned by their son and daughter. The sale price is the same as the value of the dividend of United shares received by Mr. and Mrs. Kaplan on May 1, 1971.

The application also states that Craig-Hallum has been advised by Minnesota that it approves of the proposed transaction and considers that its consummation would be in the best interest of Minnesota.

If the proposed transaction is effected, there will be no change in the position of Minnesota. As a result of the changes made in the warrant of Midwest held by Minnesota in connection with the declaration of the dividend of United stock, Minnesota retains the right to buy 25 percent (on a fully diluted basis) of the outstanding capital stock of both United and Midwest for the same aggregate cash price as existed prior to the May 1, 1971, declaration of the dividend of United stock by Midwest. Further, no change will be made as a result of the proposed transaction since it will be between stockholders of United and Craig-Hallum and will not involve the issuance of any further capital stock by United. Craig-Hallum contends that the participation of Craig-Hallum in the proposed transaction is not on a basis which could be deemed different from or disadvantageous or unfair to Minnesota.

STATUTORY PROVISIONS

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of an affiliated person of a registered investment company, acting as principal, to participate in, or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order. In passing upon such application, the Commission must consider whether the proposed transaction is consistent with the provisions, policies and purposes of the Act and the extent to which such transaction may result in treatment of the registered company on a basis different from or less advantageous than that of other participants.

Notice is further given, that any interested person may, not later than February 24, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Craig-Hallum at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-1972 Filed 2-9-72;8:53 am]

[70-5135]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance and Sale of Preferred Stock at Competitive Bidding

FEBRUARY 3, 1972.

Notice is hereby given that Jersey Central Power & Light Co. (JCP&L), Madison Avenue at Punch Bowl Road, Morristown, NJ 07960, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant

V 37 N 28
FEB 10 72
XUM

to the Public Utility Holding Company Act of 1935 (Act), designating section 6 (b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

JCP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 250,000 shares of its Cumulative Preferred Stock, ------ percent Series E, par value $100 per share. The dividend rate of the preferred stock (which shall be a multiple of one twenty-fifths of 1 percent and the price, exclusive of accrued dividends, to be paid to JCP&L (which shall be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The terms of the new preferred stock include a prohibition until March 1, 1977, against refunding the stock, directly or indirectly, with funds obtained from the issuance of debt securities at a lower effective interest cost or of preferred stock at a lower effective dividend cost.

The proceeds from the sale of the preferred stock will be used to pay JCP&L's short-term bank borrowings, which were or will be incurred for construction purposes and which are expected to aggregate approximately $25 million at the time of the proposed sale. The balance of such proceeds, if any, will be applied to JCP&L's 1972 construction program estimated at $132 million. The proceeds from any premium resulting from the sale of the preferred stock will be used to finance the business of JCP&L, including the payment of expenses of the financing.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $83,000, including legal fees of $22,500 and accounting fees of $6,500. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment. The filing further states that the issuance and sale of the preferred stock is subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested persons may, not later than February 29, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1973 Filed 2-9-72;8:53 am]

[812-3006]

SYNERCON CORP.

Notice of Filing of Application Declaring That Company Is Not an Investment Company

FEBRUARY 3, 1972.

Notice is hereby given that Synercon Corp. (Applicant), a Tennessee corporation, 318 Murfreesboro Road, Nashville, TN 37210, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act) for an order of the Commission declaring that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant was incorporated on September 2, 1969, for the purpose of succeeding to the business of Forrest Life Insurance Co. (Forrest), a Tennessee corporation engaged in the general life insurance business and, until August 1971, a wholly owned subsidiary of Applicant. In 1970, Applicant acquired all of the outstanding shares of three other operating companies incorporated in Tennessee: Blair, Folling, Allen, and Walker, Inc. (BFAW), a general insurance agency; Richard M. Miller & Co., Inc. (Miller), a general insurance agency and brokerage firm; and Data Service Corp. (Data), a data processing service company.

On or about August 27, 1971, Forrest was merged into Republic National Life Insurance Co. (Republic) pursuant to an agreement and plan of merger approved by Applicant's shareholders. Republic is a Texas corporation engaged in the general life insurance business. Pursuant to the agreement, Applicant received 800,000 shares of Republic, or 8½ percent of Republic's outstanding capital stock. Applicant is presently the second largest stockholder in Republic, but does not partake in the management or control of Republic.

As of December 31, 1971, the board of directors of Applicant determined the fair value of Applicant's assets, other than its holdings in Republic, to be as follows: BFAW–$5 million; Miller–$3 million; Data–$1,500,000; Other Assets—$250,000. Applicant presently values its holdings of 800,000 shares of Republic on its balance sheet at a 10 percent discount from market price due to the unregistered character of the shares, current market trends, and past earnings and dividend policies of Republic. On January 12, 1972, the mean over-the-counter market price of Republic shares was $17 per share. At a 10 percent discount, the total value of the 800,000 shares would be $12,240,000. The board of directors of Applicant have determined that if Applicant disposed of the entire 800,000 shares at one time, the market price would have to be discounted by 40 percent. At a market price of $17 per share, and deducting the 40 percent discount, the total value of Applicant's holding in Republic shares would be $8,160,000.

Section 3(a)(3) of the Act, in pertinent part, defines an investment company as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets. For purposes of section 3(a)(3), "investment securities" include all securities companies, and securities issued by majority-owned subsidiaries of the issuer which are not investment companies.

While the above valuations of Applicant's assets indicate that the value of Applicant's investment securities exceed 40 percent of its total assets, Applicant states that it is entitled to an order pursuant to section 3(b)(2) of the Act that it is not an investment company inasmuch as it is primarily engaged directly and through wholly owned subsidiaries in the insurance marketing, insurance service, and data processing businesses.

In support of this claim, Applicant alleges that it intends to use its investment securities to provide the financial base necessary to obtain the working capital required to expand its business in the insurance agency and brokerage field, both by the internal growth of its existing subsidiaries and by the acquisition of companies engaged in such fields. For the year ended December 31, 1971, Applicant, on a consolidated basis, received, in the ordinary course of business, net income, before taxes, of $365,028. If Applicant had owned the Republic securities for the entire fiscal year 1971, it would have received a dividend of 20 cents per share per annum (the current dividend rate for Republic shares) or a total of $160,000 on its 800,000 shares.

Applicant contends it has never made representations that it was an investment company or that it proposed to engage in such operations. From the date of its incorporation, and thereafter to the present, Applicant has stated in its annual and other reports to shareholders that its intention was, and continues to be, to expand its insurance agency and data processing service businesses. The application also states that the activities of Applicant's officers and directors have almost exclusively been concerned with its insurance agency and data processing service operations. In addition, Applicant states that it employs no personnel capable of, or with the intention of, conducting an investment business.

Section 3(b)(2) of the Act provides that, notwithstanding section 3(a)(3), the term "investment company" does not include an issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than February 25, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-1974 Filed 2-9-72;8:53 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 873; Class B]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in East St. Louis, Ill., suffered damage or destruction resulting from a gas explosion on January 23, 1972.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill. 60604.

2. A temporary office will be established in the City Hall, East St. Louis, Ill.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 31, 1972.

Dated: January 26, 1972.

A. H. SINGER, *Associate Administrator for Operations and Investment.*

[FR Doc.72-1977 Filed 2-9-72;8:53 am]

[Declaration of Disaster Loan Area 874; Class B]

OREGON

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1972, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Oregon;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Clatsop, Tillamook, and Lincoln Counties, Oreg., suffered damage or destruction resulting from floods occurring on January 11, 12, 18, and 19, 1972.

OFFICE

Small Business Administration District Office, 700 Pittock Block, 921 Southwest Washington Street, Portland, OR 97205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1972.

Dated: January 26, 1972.

ANTHONY G. CHASE, *Deputy Administrator.*

[FR Doc.72-1978 Filed 2-9-72;8:53 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 7, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 110563 Sub 58, Coldway Food Express, Inc., now assigned February 29, 1972, at Washington, D.C., postponed to March 7, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106485 Sub 18, Lewis Truck Lines, Inc., assigned February 14, 1972, at Fargo, N. Dak., is postponed to March 20, 1972, in Room 359, Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, N. Dak.

MC 116101 Sub 9, Quick Air Freight, now assigned February 8, 1972, at Columbus, Ohio, is postponed indefinitely.

MC 65224 Sub 8, Hennis Freight Lines of Canada, Ltd., doing business as Florida Refrigerated Service, now assigned February 7, 1972, at Dallas, Tex., canceled and application dismissed.

MC 135497 Sub 1, I–5 Freightline, Inc., heard January 17, 1972, at Portland, Oreg., is continued to February 28, 1972, in the Eugene Hotel, 222 East Broadway, Eugene, OR, and to April 3, 1972, at Medford, Oreg., in a hearing room to be later designated.

FEB 10 72 XUM

MC 123115 Sub 4, Ben Packer, doing business as Packer Transportation Co., heard January 10, 1972, at Carson City, Nev., and continued to March 6, 1972, in the Conference Room, Third Floor, Arlington Towers, 100 North Arlington, Reno, NV.
MC 128273 Sub 45, Midwestern Express, Inc., application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2015 Filed 2-9-72;8:54 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 7, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42346—*Phosphates between points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2655), for interested rail carriers. Rates on diammonium phosphate, monoammonium phosphate, and superphosphate, in carloads, as described in the application, between points in western trunkline territory, on the C&EI, KCS, and MP.

Grounds for relief—Market competition.

Tariff—Supplement 55 to Western Trunk Line Committee, agent, tariff ICC A-4749. Rates are published to become effective on March 6, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2016 Filed 2-9-72;8:54 am]

[Notice 19]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 3, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56679 (Sub-No. 61 TA) (Correction), filed January 5, 1972, published FEDERAL REGISTER January 18, 1972, corrected and republished in part as corrected this issue. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Post Office Box 6985, Atlanta, GA 30316. Applicant's representative: B. K. McClain (same address as above). NOTE (C) The service which applicant proposes to provide by this application is the same as that which applicant is presently providing under the temporary authority granted in Docket No. MC 56679 (Sub-No. 45 TA). The only difference between this application and the present Sub 45 TA involves the highways to be used in crossing the Savannah River between Georgia and South Carolina. After temporary authority operations were commenced by applicant on an emergency basis (MC 56679, R-7 ETA) and later in Sub 45 TA, applicant discovered that the bridge across the Savannah River as specified in the temporary route, i.e., Georgia Highway 368 (formerly Georgia Highway 82) and South Carolina Highway 184, would not accommodate applicant's loaded tractor-trailer units. It was necessary to deviate to the nearest available bridge. The instant temporary authority seeks to substitute an operable temporary route for the inoperable route presently specified in Sub 45 TA. The routes specified in the new application are those which most nearly parallel the routes specified in Sub 45 TA via the nearest available and sufficient bridge over the river. By framing the request for intermediate and terminal point authority as specified above, applicant has confined its application to the same points as authorized in Sub 45 TA. Applicant has pending a permanent authority application (Sub 48, advertised in the FEDERAL REGISTER of January 14, 1971), which corresponds to the present Sub 45 TA. Applicant intends to file a new permanent authority application to correspond to the revised temporary route sought by this application. Upon approval by the Commission of the temporary authority requested by this application, to extend throughout the period required to finally determine the corresponding application for permanent authority, Brown requests that the authority issued in Sub 45 TA be canceled. NOTE: The purpose of this partial republication is to correctly set forth the note C shown above, which was shown erroneously in previous publication.

No. MC 61825 (Sub-No. 48 TA), filed January 24, 1972. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, from the site of the plant of PPG Industries, Inc., at or near Mt. Holly Springs, Pa., to points in Georgia, North Carolina, Virginia, and points in Tennessee located on and east of U.S. Highway 231, for 180 days. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 84692 (Sub-No. 1 TA), filed January 19, 1972. Applicant: BEKINS VAN AND STORAGE COMPANY, West Fourth and Bluff Streets, Fifth and Wesley Way, Post Office Box 777, 51102, Sioux City, IA 51101. Applicant's representative: Shull, Marshall, Marks & Vizintos, Baderow Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Groundwood paper* (except in bulk) *newsprint, and printing papers* (all for the account of Bowaters Southern Paper Corp.), from Sioux City, Iowa, to points in Iowa, Nebraska, South Dakota, and Minnesota, restricted to traffic having a prior or out-of-State movement by water or railroad, for 180 days. Supporting shipper: Bowaters Southern Paper Corp., Calhoun, Tenn. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 94201 (Sub-No. 104 TA), filed January 24, 1972. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Post Office Box 2188, Gadsden, AL 35903. Applicant's representative: Bishop and Carlton, 325-29 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the plantsite, warehouse, and storage facilities of Gulf States Paper Co. at or near Demopolis, Ala., to Nicholasville, Ky., for 180 days. Supporting shipper: Gulf States Paper Corp., Post Office Box 3199, Tuscaloosa, AL 35401, Attention: J. P. Sims, Traffic Manager. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 107544 (Sub-No. 105 TA), filed January 25, 1972. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Richmond County, Va., to points in Alabama, Florida, Kentucky, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shippers: Olin Corp., 120 Longridge Road, Stamford, CT 06901; Dan River, Inc., Danville, Va. 24540; Union Camp Corp., Post Office Box 178, Franklin, VA 23851; American Enka Co., Enka, N.C. 27728; Olin Corp., Pisgah Forest, N.C. 28768. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 107544 (Sub-No. 106 TA), filed January 25, 1972. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Charleston, Tenn., to points in Alabama, Florida, Georgia, Kentucky, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shippers: Olin Corp., Stamford, Conn. 06901, Pisgah Forest, N.C. 28768; American Enka Co., Enka, N.C. 28728; Union Camp Corp., Post Office Box 178, Franklin, VA 23851; Dan River, Inc., Danville, Va. 24540. Send protests to: C. M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 112617 (Sub-No. 296 TA) filed January 24, 1972. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 21395, 1292 Fern Valley Road 40219, Louisville, KY 40221. Applicant's representative: Charles R. Dumford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Vistron, Inc., at or near Lima, Ohio, to points in Indiana and the Lower Peninsula of Michigan, for 180 days. Supporting shipper: Charles M. Owen, Motor Carrier Coordinator, Distribution Operations Division, Agrico Chemical Division, Continental Oil Co., Post Office Box 346, Memphis, TN 38101. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 113855 (Sub-No. 252 TA), filed January 24, 1972. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Airplane loading maintenance and baggage handling equipment*, from San Leandro, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Stanray Corp., Industrial Service Division, 492 Hester Street, San Leandro, CA 94577. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 119654 (Sub-No. 18 TA), filed January 24, 1972. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Applicant's representative: Frank Bove (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, rock wool, slag*, plain or saturated, with or without binder, in bulk, in bags, batts or blankets with or without backing and/or covering, loose or in packages, from Alexandria, Ind., to points in Ohio, Indiana, Illinois, Michigan, Missouri, Kentucky, Tennessee, Wisconsin, Minnesota, North Dakota, South Dakota, Florida, Arkansas, Alabama, Delaware, Georgia, Kansas, Louisiana, Maryland, Mississippi, New Jersey, Iowa, South Carolina, North Carolina, Pennsylvania, and the District of Columbia and *return of damaged or rejected shipments*, from the above destination points to Alexandria, Ind., for 180 days. Supporting shipper: Indiana Rock Wool, Division of Susquehanna Corp., Alexandria, Ind. (Mr. Walter Vaden). Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 119774 (Sub-No. 38 TA), filed January 21, 1972. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX) AND JAMES E. MANKINS, SR., a partnership, doing business as, EAGLE TRUCKING COMPANY, Post Office Box 471, 301 Main Street, Third Floor, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, tubing, conduit, valves; fittings, compounds, joint sealer, bonding cement, primer coating, thinner, and hand tools*, used in the installation of such products (except commodities in bulk, in tank vehicles); and (2) *material, equipment, supplies and fittings* used in the manufacture and installation of such products, Territory Description: Commodities described in (1) above from New Orleans and Slidell, La., on the one hand, to all points in the United States (except Alaska and Hawaii); commodities described in (2) above, from all points in the United States (except Alaska and Hawaii) to New Orleans and Slidell, La., for 180 days. Supporting shipper: Dixie Plastic Manufacturing Co., Inc., 4250 Florida Avenue, New Orleans, LA. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 123905 (Sub-No. 12 TA), filed January 24, 1972. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, MS 39350. Applicant's representative: Donald B. Morrison, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry and animal and poultry health products*, in containers, and *feeders and advertising matter and premiums*, when moving in same vehicle with the previous commodities, from Decatur, Ill., to points in Mississippi, for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, IL 62525. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 124221 (Sub-No. 36 TA), filed January 24, 1972. Applicant: HOWARD BAER, Post Office Box 27, Route 98 W, Morton, IL 61550. Applicant's representative: George J. Scanlan, 6801 West Higgins Avenue, Chicago, IL 60656. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bacon and hams*, from the plantsite of the Sugar Creek Packing Co., at Bloomington, Ill., to the Warehouse and distribution facilities of the Kroger Co. at Irving, Tex., for 180 days. Supporting shipper: Albert Rauch, Traffic Manager, The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 125140 (Sub-No. 14 TA), filed January 12, 1972. Applicant: RICHARD B. BRUNZLICK, Augusta, Wis. 54722. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy byproducts, fruit juices, and fruit drinks*, from St. Paul, Minn., to Amery, Baldwin, Chippewa Falls, Eau Claire, Galesville, Hudson, La Crosse, Luck, New Richmond, and Whitehall, Wis., for 180 days. Supporting shipper: Land O'Lakes, Inc., Minneapolis, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 128862 (Sub-No. 12 TA), filed January 20, 1972. Applicant: B. J. CECIL TRUCKING, INC., Post Office Box C, Claypool, AZ 85532. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper cement*, from Safford, Ariz., and Tyrone, N. Mex., to Houston, Tex., for 180 days. NOTE: Applicant states it does intend to tack the authority with MC 128862. Supporting shipper: Aaron Ferer & Sons Co., 909 Abbott Drive, Omaha, NE 68102. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 128940 (Sub-No. 19 TA), filed January 24, 1972. Applicant: RICHARD A. CRAWFORD, doing business as CRAWFORD TRUCKING SERVICE, Post Office Box 722, 9327 Riggs Road, Adelphi, MD 20783. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food products and preparations, advertising media, equipment, and supplies*, used in

FEB 10 72 XUM

the preparation and serving of foods in restaurants or commissaries, between Washington, D.C., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Iowa, Missouri, Kansas, Louisiana, New Mexico, Arizona, and California, for 180 days. Supporting shipper: Fairfield Farm Kitchens, 5200 Addison Road NE., Washington, DC 20027. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW. Washington, D.C. 20423.

No. MC 128986 (Sub-No. 4 TA) filed January 24, 1972. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1703 West Ninth Street, Kansas City, MO 64101. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, requiring refrigeration, other than frozen, from Kansas City, Mo.-Kans., commercial zone, to points in Missouri on and west of U.S. Highway 63, for 180 days. Supporting shippers: The Maffry Co. of Strawberry Hill, Kansas City, Kans. 66117; Oscar Mayer & Co., Kansas City, Kans. 66119; Inland Underground Facilities, Inc., Kansas City, Kans. 66110; Midwest Cold Storage & Ice Corp., Kansas City, Kans. 66119; Holiday Sales Inc., Kansas City, Kans. 66119; Stoops, Redmond, Cates & Tarwater, Shawnee Mission, Kans. 66202. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 129086 (Sub-No. 14 TA), filed January 21, 1972. Applicant: SPENCER TRUCKING CORPORATION, Post Office Box 254A, Route No. 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ashes and cinders*, from Cresaptown, Md., and Mount Storm, W. Va., to Gainesville, Va., for 180 days. Supporting shipper: Washington Concrete Products, Inc., Gainesville, Va. 22065. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

No. MC 133095 (Sub-No. 21 TA), filed January 25, 1972. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., 2603 West Euless Boulevard, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, from Brooklyn, N.Y., Chicago, Ill., Hammondsport, N.Y., Poughkeepsie, N.Y., and Teterboro, N.J., to Amarillo, Dallas, and Odessa, Tex., for 180 days. Supporting shipper: Tenk Distributing Co., Inc., 1002 East Second Street, Odessa, TX. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 135689 (Sub-No. 1 TA), filed January 21, 1972. Applicant: EUGENE MEYER, 509 Fairview Avenue, Versailles, OH 45380. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Screened limestone* (fertilizer filler), for the account of Armco Steel Corp., from Piqua, Ohio, to points in Indiana on and east of U.S. Route 31 north of Interstate 74, for 180 days. Supporting shipper: Armco Steel Corp., Middletown, Ohio 45042. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5544-B, Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 135760 (Sub-No. 2 TA), filed January 24, 1972. Applicant: COAST REFRIGERATED TRUCKING CO., INC., Post Office Box 188, Holly Ridge, NC 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork products*, in vehicles equipped with mechanical refrigeration, from Council Bluffs, Sioux City, Waterloo, Des Moines, and Dubuque, Iowa; Chicago, Rochelle, and Peoria, Ill; and Muncie, Ind., to Castle Haynes and Holly Ridge, N.C., for 180 days. Supporting shipper: Carolina Meat Processors, Inc., Post Office Box 294, Wilmington, N.C. 28401. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 136306 (Sub-No. 1 TA), filed January 24, 1972. Applicant: EQUIPMENT EXPRESS LTD., Rural Route No. 2, Gromley, ON Canada. Applicant's representative: Robert D. Gunderman, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete building components*, for the account of Jespersen-Kay Systems Ltd., from ports of entry on the international boundary line between the United States and Canada on the Niagara River to Rochester, N.Y., *returned shipments of the same commodities* in the reverse direction, for 180 days. Supporting shipper: Jespersen-Kay Systems Ltd., Whitchurch-Stouffville, Ontario, Canada. Send protests to: District Supervisor George M. Parker, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2018 Filed 2-9-72;8:54 am]

[Notice 20]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 4, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1328 (Sub-No. 9 TA), filed January 27, 1972. Applicant: MGS TRANSPORTATION, INC., Post Office Box 270, Alexandria, IN 46001. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock wool, mineral wool, and rock wool and mineral wool products*, from Alexandria, Ind., to points in Ohio, Indiana, Illinois, Michigan, Missouri, Kentucky, Tennessee, Wisconsin, Minnesota, North Dakota, South Dakota, Florida, Arkansas, Alabama, Delaware, Georgia, Kansas, Louisiana, Maryland, Mississippi, New Jersey, New York, Iowa, South Carolina, North Carolina, Pennsylvania, Vermont, Maine, Massachusetts, Connecticut, Nebraska, Rhode Island, West Virginia, Virginia, and the District of Columbia, for 180 days. Supporting shipper: Indiana Rockwool, Division of Susquehanna Corp., Alexandria, Ind. (Walter Z. Vaden, General Manager). Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 51146 (Sub-No. 254 TA), filed January 28, 1972. Applicant: SCHNEIDER TRANSPORT, INC. (2661 South Broadway), Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Sibley, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Oklahoma, and Texas, and (2) *plastic bags, liners, and films, and textile bags*, from Sibley, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Oklahoma, Texas, Minnesota, Wisconsin, Iowa, Illinois, Indiana, Kentucky, and Michigan for 180 days. Supporting shipper: Chase Bag Co., 309 West Jackson Boulevard, Chicago, IL 60606 (C. J. Dwyer, General Traffic Manager). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 51146 (Sub-No. 255 TA), filed January 28, 1972. Applicant: SCHNEIDER TRANSPORT, INC., Post Office Box 2298, 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and canned goods*, from RJR Foods, Lockport, N.Y., to RJR Foods Distribution Center, South Bend, Ind., for 180 days. Supporting shipper: RJR Foods, Inc., 750 Third Avenue, New York, N.Y. 10017 (Donald J. Kays, General Traffic Manager). Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 64932 (Sub-No. 500 TA), filed January 25, 1972. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: R. P. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulfur*, from Burns Harbor, Porter County, Ind., to Chicago, Ill., for 180 days. Supporting shipper: Bethlehem Steel Corp., Bethlehem, Pa. Send protests to: District Supervisor, Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 75830 (Sub-No. 9 TA), filed January 26, 1972. Applicant: INTERCITY TRANSPORT & MOTOR COMPANY, Post Office Box 88, Liggetts Avenue, Buckhannon, WV 26201. Applicant's representative: John L. Gedid, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail drug and variety stores, and *equipment, materials, and supplies*, used in the conduct of such business, between O'Hara Township, Allegheny County, Pa., on the one hand, and, on the other, Carbondale, Chicago, Kankakee, Lombard, Schaumberg, and Springfield, Ill.; Anderson and Richmond, Ind.; Ashland, Bascom, Bryan, Dayton, and Shelby, Ohio; Grand Rapids, Muskegon, and Muskegon Heights, Mich.; Edina, Minneapolis, Rochester, and Winona, Minn.; and Appleton, Brookfield, Brown Deer, Greendale, Janesville, Kenosha, Madison, Manitowoc, Milwaukee, and Sheboygan, Wis. Restriction: The above operations are limited to a transportation service to be performed under a continuing contract, or contracts with the Thrift Drug Division of J. C. Penney Co., Inc., of New York, N.Y., for 180 days. Supporting shipper: J. C. Penney Co., Inc., Thrift Drug Division, 1301 Avenue of The Americas, New York, NY 10019, Attention: William E. Hertwig, Private/Contract Carrier Traffic Specialist. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 105636 (Sub-No. 31 TA), filed January 25, 1972. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. 08360. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with usual exceptions, (1) between New York, N.Y., points in New Jersey and points in Pennsylvania and Delaware within 25 miles of Philadelphia, Pa., including Philadelphia, on the one hand, and, on the other, Fort Pierce, Riviera Beach, and West Palm Beach, Fla.; and (2) from Chicago, Ill., to Fort Pierce, Riviera Beach, and West Palm Beach, Fla. Restriction: Restricted to traffic moving in foreign commerce, and having an immediately prior or subsequent movement by air or water, for 180 days. Supported by: There are approximately 16 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 107496 (Sub-No. 836 TA), filed January 27, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic resins*, in bulk, in tank vehicles, from Minneapolis, Minn., to Lenoir, N.C., for 150 days. Supporting shipper: Whittaker Corp., Mol-Rez Resins Division, 3134 California Street NE., Minneapolis, MN 55418. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 109637 (Sub-No. 385 TA), filed January 26, 1972. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium carbide*, in bulk, from Louisville, Ky., to Bladensburg, and Hyattsville, Md., and Iselin, N.J., for 150 days. Supporting shipper: Joseph S. Stasiak, Assistant to Traffic Manager, Airco Alloys & Carbide, a division of Airco, Inc., Post Office Box 368, Niagara Falls, NY 14302. Send protests to: Ross A. Divis, District Supervisor, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 110563 (Sub-No. 78 TA), filed January 24, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 747, 113 North Ohio Avenue, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products, suspended, boxed or cured cheese, butter and dairy products* to move in mixed lots with above products, from St. Louis, Mo., and National Stockyards, Ill., and their commercial zones, to points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, Ohio, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Washington, D.C., for 180 days. Supporting shippers: Swift Grocery Products Co., a division of Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604; Royal Packing Co., Inc., Box 156, St. Clair Avenue and Ice Plant Road, National Stock Yards, IL 62071; Krey Packing Co., St. Louis, MO 63107. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Toledo, OH 43604.

No. MC 110563 (Sub-No. 79 TA), filed January 21, 1972. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, butter, and dairy products*, from St. Louis, Mo., and its commercial zone, to points in Connecticut, Indiana, Ohio, Massachusetts, Maryland, Michigan, New York, New Jersey, Pennsylvania, Rhode Island, and Washington, D.C., for 180 days. Supporting shipper: Raskas Dairy, Inc., 1313 North Newstead Avenue, St. Louis, MO 63113. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 111729 (Sub-No. 335 TA), filed January 28, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John D. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

FEB 10 72

routes, transporting: (1) *business papers, records and audit, and accounting media* of all kinds, between Toledo, Ohio, on the one hand, and, on the other, Ann Arbor and Chelsea, Mich.; (2) *whole human blood derivatives, body fluids, cancer smears, tissue specimens, and related documents and records*, between Savannah, Ga., and Anderson, S.C.; (3) *microbiological media* in culture tubes and plates, and *related documents and records*, between Columbus, Ind., on the one hand, and, on the other, Chicago, Ill., Dayton, and Cincinnati, Ohio, and Louisville and Owensboro, Ky.; (4) *pharmaceuticals, prescription medications, and business papers, records and accounting media*, between Silver Spring, Md., on the one hand, and, on the other, Norfolk, Richmond, and Winchester, Va.; and (5) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising material* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Roanoke, Va., on the one hand, and, on the other, points in North Carolina, eastern Kentucky, eastern Tennessee, and West Virginia; (b) between Kingston, N.Y., on the one hand, and, on the other, Niagara Falls, N.Y., Chicopee, North Adams, Northampton, and Springfield, Mass.; East Haven, Elmwood, Torrington, and Wallingford, Conn., and (c) between Augusta, Ga., and Columbia, S.C., for 180 days. Supporting shippers: Washington Distributors, Inc., 3115 Frenchmens Road, Toledo, OH 43607; Dana Corp., Spicer Transmission Division, Post Office Box No. 986, Toledo, OH 43601; Anderson Pathology Associates Laboratory, 801–A North Fant Street, Anderson, SC 29621; Columbus Biologicals, Inc., 1634 Gladstone Avenue, Columbus, IN 47201; Accredited Surgical Co., 8705 Colesville Road, Silver Spring, MD 20901; Roanoke Photo Finishing Co., Second Street and Luck Avenue, Roanoke, Va. 24005; Ideal Camera Corp., 609–611 Broadway, Kingston, NY 12401; Colorcraft of August, Inc., 626 13th Street, Post Office Box 917, Augusta, GA 30902. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 124839 (Sub-No. 12 TA), filed January 25, 1972. Applicant: BUILDERS TRANSPORT, INC., Post Office Box 7057, 4800 Augusta Road, Savannah, GA 31408. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, building materials, and materials, equipment, and supplies* used in the distribution, installation, and application of such commodities from National Gypsum Co. and The Flintkote Co., Chatham County, Ga., to points in Florida, for 180 days. Supporting shippers: Gold Bond Building Products, Division of National Gypsum Co., Buffalo, N.Y. 14202; Flintkote Building Products Group, 480 Central Avenue, East Rutherford, NJ 07073. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 127867 (Sub-No. 8 TA), filed January 28, 1972. Applicant: TRANSOL COMPANY, 116 Forest Avenue, Des Moines, IA 50314. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solvents*, in bulk, in tank vehicles, when moving at the same time and on the same vehicle with solvents in drums; and (2) *solvents*, in drums, when moving at the same time and on the same vehicle with solvents, in bulk, in tank vehicles, from Longview, Tex., to Des Moines, Iowa, under contract with Barton Solvents, Inc., for 180 days. Supporting shipper: Barton Solvents, Inc., 116 Forest Avenue, Des Moines, IA 50314. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133276 (Sub-No. 4 TA), filed January 24, 1972. Applicant: BERRY TRANSPORT, INC., 5315 Northwest St., Helens Road, Portland, OR 97210. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including loaded and empty steamship cargo containers*, between the port of entry between the United States and Canada boundary at or near Blaine, Wash., on the one hand, and points in Oregon and Washington on the other, and from points in Oregon and points in Washington to Portland, Oreg., and Vancouver, Longview, Tacoma, and Seattle, Wash., for 180 days. Supporting shippers: Harper, Robinson & Co., Board of Trade Building, Portland, Oreg. 97204; General Steamship Corp., Ltd., 425 Southwest Washington Street, Portland, OR 97204; American Mail Line, 522 Pacific Building, Portland, Oreg. 97204; Seaport Shipping Co., 604 World Trade Building, Portland, Oreg. 97204; Norpac Shipping Co., 710 World Trade Building, Portland, Oreg. 97204. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 134145 (Sub-No. 15 TA), filed January 27, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Raw materials, supplies and equipment*, used in the manufacture of snowmobiles and motorbikes, from points in California, Colorado, Connecticut, Idaho, Iowa, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Texas, Washington, and Wisconsin to Clearbrook, Minn., for 180 days. Supporting shipper: Arctic Enterprises, Inc., Thief River Falls, Minn. 56701. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 135018 (Sub-No. 2 TA), filed January 25, 1972. Applicant: A'ri' D CORP., Post Office Box 1186, Orange, CA 92668. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pool and patio accessories, including fibreglass pool panels, and advertising and promotional equipment, materials and supplies* used in connection therewith, from points in Cameron County, Tex., to points in the United States (except Alaska and Hawaii); (2) *aluminum, bolts, hardware and nuts*, from points in the United States (except Alaska and Hawaii), to points in Cameron County, Tex.; (3) *chair shells*, from points in Illinois and Wisconsin to points in Cameron County, Tex.; (4) *steel*, from points in California, Illinois, Indiana, and Pennsylvania to points in Cameron County, Tex.; (5) *stainless steel*, from points in California, Connecticut, and New Jersey to points in Cameron County, Tex.; (6) *fibreglass*, from points in California, Ohio, Tennessee, and Texas to points in Cameron County, Tex.; (7) *lumber and plywood*, from points in California, Idaho, Oregon, and Washington to points in Cameron County, Tex.; (8) *packaging materials*, from points in California, Illinois, Louisiana, and Washington to points in Cameron County, Tex.; (9) *adhesives* used in the fabrication of fibreglass, from points in California, Delaware, and New Jersey to points in Cameron County, Tex.; (10) *pool and patio accessories* (including fibreglass pool panels) *advertising and promotional equipment materials and supplies, and methyl ethyl keystone*, from points in California to points in Cameron County, Tex.; and (11) *component parts, materials, supplies and equipment* used in the manufacturing, production, and distribution of pool and patio accessories, including fibreglass pool panels, between points in Los Angeles and Orange Counties, Calif., on the one hand, and, on the other, points in Cameron County, Tex., for 180 days. Supporting shipper: Aquaslide 'n' dive Corp., 11077 East Rush Street, South El Monte, CA 91733. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136361 TA, filed January 25, 1972. Applicant: CECIL BURNETT, doing business as "SANDY" BURNETT TRUCKING CO., Route No. 1, Box No. 30, Lawrenceburg, IN 47025. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, IN. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt and crushed stone, and commodities* usually and ordinarily transported in dump trucks, from Harrison, Ohio, and from Hooven, Ohio, to points in Dearborn County, Ind., for 180 days. Supporting shippers: Top Quality Building, Inc., Lawrenceburg, Ind. (Dearborn County, Ind.). Dearborn Gravel, Inc., Lawrenceburg, Ind. (Dearborn County, Ind.). Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 72-2019 Filed 2-9-72; 8:55 am]

[Notice 13]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 7, 1972.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73468. By application filed February 2, 1972, YOUTH SPORT AND CAMP TOURS, INC., Post Office Box 15, Millburn, NJ 07041, seeks temporary authority to release the operating rights of ALPINE SKI TOURS, INC., 491 Valley Street, Maplewood, NJ 07040, under section 210a(b). The transfer to YOUTH SPORT AND CAMP TOURS, INC., of the operating rights of ALPINE SKI TOURS, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2017 Filed 2-9-72;8:54 am]

[Notice 10]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 4, 1972.

The following applications are governed by Special Rule 247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 730 (Sub-No. 334), filed January 6, 1972. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Post Office Box 638, Oakland, CA 94604. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt sealer* in bulk, in tank vehicles, from Cedar City, Utah to points in California, Kansas, Nebraska, North Dakota, Oklahoma, and South Dakota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, or Los Angeles, Calif.

No. MC 1042 (Sub-No. 7), filed January 6, 1972. Applicant: C.P.T. FREIGHT, INC., 2600 Calumet Avenue, Hammond, IN 46320. Applicant's representative: Eugene L. Cohn, 1 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Portage, Ind., on the one hand, and, on the other, points in Illinois within a territory bounded by a line commencing at the Illinois-Indiana State line, thence west over Illinois Highway 114 to its junction with Illinois Highway 17, thence west over Illinois Highway 17 to its junction with U.S. Highway 66, thence southwest over U.S. Highway 66 to its junction with U.S. Highway 24, thence west over U.S. Highway 24 to its junction with U.S. Highway 150, thence northwest over U.S. Highway 150 to its junction with Illinois Highway 88, thence north over Illinois Highway 88 to its junction with Illinois Highway 2, thence north and northeast over Illinois Highway 2 to the Illinois-Wisconsin State line, including all points on the aforesaid highways. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1334 (Sub-No. 10), filed January 10, 1972. Applicant: RITEWAY TRANSPORT, INC., Post Office Box 20433, Phoenix, AZ 85036. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials, equipment, and supplies; self-propelled articles* weighing 15,000 pounds or more; *commodities* which by reason of size and weight require special equipment or handling, *commodities* which do not require special handling or equipment; and *iron and steel articles*, between points in California, Arizona, Colorado, Nevada, New Mexico, Utah, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.; Phoenix, Ariz., or Denver, Colo.

No. MC 2153 (Sub-No. 42), filed January 10, 1972. Applicant: MIDWEST MOTOR EXPRESS, INC., 1205 Front Avenue, Post Office Box 1058, Bismarck, ND 58501. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, MN 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FEB 10 72 XUM

Commission, commodities in bulk, and those requiring special equipment), between St. Paul, Minn., and McGregor, Minn., serving no intermediate points and serving points within 15 miles of McGregor as off-route points, from St. Paul, over U.S. Highway 10 to junction Minnesota Highway 65, thence over Minnesota Highway 65 to McGregor, and return over the same route. NOTE: Applicant states that the authority sought shall be restricted against tacking with other authority presently held by applicant, except for service to and from points on Minnesota Highway 210 between McGregor and Sawyer, Minn., including both termini. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 2253 (Sub-No. 49), filed January 3, 1972. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150 East, Cherryville, N.C. 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, NC 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in South Carolina, on the one hand, and, on the other, points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant states that purpose of this application is to eliminate its gateway between points in South Carolina, on the one hand, and, on the other, points in Florida. If a hearing is deemed necessary, applicant requests it be held at Columbia or Greenville, S.C.

No. MC 2765 (Sub-No. 29), filed December 27, 1971. Applicant: SQUARE DEAL CARTAGE CO., 13401 Eldon Avenue, Detroit, MI 48234. Applicant's representative: Eugene C. Ewald, 1 Woodward Avenue, Suite 1100, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, new bodies, new cabs, and new chassis* in initial and secondary movements, in truckaway and driveaway service, from the plantsites and facilities of the Chrysler Corp. located in Wayne County and Macomb County, Mich., to Milwaukee, Wis. Restriction: The commodities indicated above are restricted to movements during the season of open navigation on the Great Lakes, when water carrier service from the port of Muskegon is unavailable. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 7832 (Sub-No. 14), filed January 10, 1972. Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, a partnership, doing business as SUPER M FOODS DELIVERY, 411A North Wood Avenue, Linden, NJ 07036. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household cleaning products* (except in bulk), from Passaic, N.J., to Syracuse, and New York, N.Y., Hartford, Conn., Providence and Cumberland, R.I., Boston, Mass., and points in Nassau, Suffolk, and Westchester Counties, N.Y., under contract with J. L. Prescott Co. NOTE: Applicant states it presently holds a portion of the authority sought, further stating however, that duplicating authority is not requested. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 15859 (Sub-No. 7) (amendment), filed July 23, 1971, published in the FEDERAL REGISTER issue of September 2, 1971, and republished as amended, this issue. Applicant: THE HINE LINE, 247 Emmet, Newark, NJ 07114. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind, 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, skins, pelts, chromes, and pieces thereof*, between points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, and Virginia (except no service from Luray, Va.), on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; (2) *tannery products and supplies* (except leather and leather products), restricted to transportation of such products to and from tanneries or leather processing plants only, and restricted against the transportation of liquid products in bulk in tank vehicles, between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia (except no service from Luray, Va.), West Virginia, and Wisconsin; and

(3) *Sdlt*, restricted against the transportation of liquid products in bulk in tank vehicles, between points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 18535 (Sub-No. 53), filed January 3, 1972. Applicant: HICKLIN MOTOR LINE, INC., Box 377, Railroad Avenue, St. Matthews, SC 29135. Applicant's representative: Lawrence M. Gressette, Jr., Post Office Box 346, St. Matthews, SC 29135. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimension lumber*, from plantsite of Council Lumber Co., Orangeburg, S.C., to Athens and Dandridge, Tenn.; Martinsville and Bassett, Va.; Henderson, Somerset, and Covington, Ky.; and Crescent City, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 19227 (Sub-No. 167), filed January 10, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Post Office Box 602, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic tubing, and plastic fittings*, from the plantsite of Tex-Tube Division, Detroit Steel Corp., at Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D C.

No. MC 19227 (Sub-No. 168), filed January 10, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, particleboard, plywood, lumber and lumber products*, from points in Angelina and

Sabine Counties, Tex., to points in Connecticut, Delaware, Indiana, Maryland, Michigan, Maine, Massachusetts, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29120 (Sub-No. 131) (correction), filed November 17, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished in part, as corrected this issue. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, SD 57101. Applicant's representative: Mead Bailey (same address as applicant). The purpose of this partial republication is to reflect the following information: "Serving no intermediate points, except, however, serving for the purpose of joinder only the junctions of: (a) Interstate Highways 235, 35, and 80 at or near Des Moines, Iowa; (b) Interstate Highway 35 and U.S. Highway 20 at or near Williams, Iowa; and (c) U.S. Highways 65 and 20 at or near Webster City, Iowa." The rest of the application remains as previously published.

No. MC 30844 (Sub-No. 388), filed January 7, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities utilized by Wilson Certified Foods, Inc., at Oklahoma City, Okla., to points in Indiana, Ohio, Virginia, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30867 (Sub-No. 181), filed December 9, 1971. Applicant: CENTRAL FREIGHT LINES, INC., 303 South 12th Street (Post Office Box 238), Waco, TX 76703. Applicant's representative: Phillip Robinson, The 904 Lavaca Building (Post Office Box 2207), Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, from Granbury, Tex., over Texas Highway 144, 5.9 miles to its intersection with Farm Road 2425, thence over Farm Road 2425, 1.9 miles to its intersection with unnumbered road, thence over unnumbered road 2.9 miles to the site of the DeCordova Steam Electric Station, Texas Power & Light Co. and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 35628 (Sub-No. 325), filed January 5, 1972. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson-Sinclair Co., located at Des Moines, Iowa, to points in Indiana, Ohio, and those in the lower peninsula of Michigan, restricted to traffic originating at the named origin and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Detroit, Mich.

No. MC 42475 (Sub-No. 7), filed January 11, 1972. Applicant: "B" LINE TRANSPORTATION COMPANY, INC., 17 Boston Post Road, Waterford, CT 06385. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to New London, Conn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 45716 (Sub-No. 8), filed January 6, 1972. Applicant: WELSH BROS. MOTOR SERVICE, INC., 920 150th Street, Hammond, IN 46325. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Portage, Ind., on the one hand, and, on the other, points in Illinois within 70 miles of Chicago, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 245) (Clarification), filed December 6, 1971, published FEDERAL REGISTER, issue of January 6, 1972, and republished as clarified this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, plastic materials and products, paper and paper products (except commodities in bulk), between the plantsites and storage facilities of Will Ross, Inc., at Milwaukee, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the plant and storage facilities of Will Ross, Inc., at Milwaukee, Wis., restricted to traffic originating at and destined to the named plant and storage facilities. NOTE: The purpose of this republication is to show the location of Will Ross, Inc., which was inadvertently omitted from the application. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 61396 (Sub-No. 231), filed January 10, 1972. Applicant: HERMAN BROS. INC., Post Office Box 189, 2501 North 11th Street, Omaha, NE 68101. Applicant's representative: Dale G. Herman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk in tank vehicles; (a) from the plantsite of Arco Chemical Co., in Cerro Gordo County, Iowa, to points in Minnesota; and (b) from terminal sites and loading facilities located on the ammonia pipeline of Gulf Central Pipeline Co. located at or near Algona and Iowa Falls, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Illinois, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 64600 (Sub-No. 41), filed January 10, 1972. Applicant: WILSON TRUCKING CORPORATION, 203 New Hope Road, Waynesboro, VA 22980. Applicant's representative: William J. Jones (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose acetate*, in bulk, from Narrows, Va., to Norfolk, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 65660 (Sub-No. 6), filed January 11, 1972. Applicant: WARNER & SMITH MOTOR FREIGHT, INC., Post Office Box 96, Masury, OH 44438. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual

FEB 10 72
XUM

value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Kittanning, Pa., as an off-route point in connection with carrier's authorized regular route operations between Pittsburgh, Pa., and Warren, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 66886 (Sub-No. 25), filed January 11, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast or prestress concrete articles and accessories* used in the installation of above-named commodities, from Tulsa, Okla., to points in Kansas, Missouri, Arkansas, and Texas. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 66886 (Sub-No. 26), filed January 11, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings*, from the plantsite of Tex-Tube Division, Detroit Steel Corp., a division of Cyclops Corp., at Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Kansas City, Mo.

No. MC 66886 (Sub-No. 27), filed January 11, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors and farm implements and industrial implements*, from New Orleans, La., to points in Louisiana, Arkansas, Mississippi, Alabama, Tennessee, Kentucky, and Illinois. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 66886 (Sub-No. 28), filed January 11, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems, equipment and parts; environmental control and protective systems, equipment and parts;* (2) *equipment, material and supplies* used in the construction or installation of antipollution and environmental control or protective systems; and (3) *safes, vaults, tanks, hoppers, bins, structural steel, conveyors, and mail-handling equipment*, from Fort Smith, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.

No. MC 70832 (Sub-No. 14), filed January 11, 1972. Applicant: NEW PENN MOTOR EXPRESS, INC., 18 East Weidman Street, Lebanon, PA. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Milton and Williamsport, Pa., from Milton over the Susquehanna River Bridge to West Milton, thence over U.S. Highway 15 to Williamsport, and return over the same route, serving no intermediate points. Restriction: The transportation sought herein is restricted to shipments having a prior or subsequent movement by motor carrier. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 76987 (Sub-No. 7), filed January 11, 1972. Applicant: ORVILLE C. BADGER TRUCKING CO., INC., 15 Lexington Avenue, New Haven, CT 06513. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials, equipment and supplies* used in the manufacture, distribution and installation of such commodities, between Portsmouth, N.H., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland, under contract with National Gypsum Co. NOTE: Applicant states that the proposed authority duplicates much of the authority presently held to serve the supporting shipper and, in the event of a grant, coincidental cancellation of duplicated authority will be requested. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106644 (Sub-No. 134), filed January 3, 1972. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Post Office Box 916, Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except in bulk), between points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Oklahoma, and Texas, restricted against the transportation of pipe as described in Mercer Extension Oilfield Commodities, 74 M.C.C. 459. NOTE: Applicant states that tacking possibilities exist in connection with its lead certificate No. MC 106644, Sub-30, 41 and 106. Applicant now holds contract carrier authority under its No. MC 104724 (Sub-No. 13), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 108859 (Sub-No. 57), filed January 7, 1972. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, MI 49829. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Sault Ste. Marie, Mich., and Cincinnati, Ohio, over Interstate Highway 75 including uncompleted sections thereof using connecting Federal or State highways, pending completion of said Interstate Highway 75 in its entirety, and U.S. Highway 23 between its junction with Interstate Highway 75 near Flint, Mich., and its junction with Interstate Highway 75 near Toledo, Ohio, as an alternate route for operating convenience only in connection with applicant's regular route authority, serving no intermediate points other than those already authorized to be served, and (2) between Sault Ste. Marie, Mich., and Indianapolis, Ind., over Interstate Highway 75 between Sault Ste. Marie and its junction with U.S. Highway 27, thence over U.S. Highway 27 between its junction with Interstate Highway 75 and its junction with Interstate Highway 69 near Battle Creek, Mich., and Indianapolis, Ind., including uncompleted sections of Interstate Highway 69 using connecting Federal or State highways, pending completion of said Interstate Highway 69 in its entirety, as an alternate route for operating convenience only, in connection with applicant's regular route authority, serving no intermediate points other than those already authorized to be served. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109236 (Sub-No. 25), filed December 15, 1971. Applicant: ELMER L. SIMS, G. GRANT SIMS, AND ELMER L. SIMS (TRUSTEE FOR SIMS FAMILY TRUST), a partnership, doing business as SALT LAKE TRANSFER COMPANY, 35 South Fifth West, Salt Lake City, UT 84101. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, by reason of size or weight, require special handling or the use of special equipment, and commodities which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles*, transported on trailers, and *related machinery, tools, parts*, and *supplies*, moving in connection therewith; (3) *iron and steel articles* as described in appendix 5 to the Commission's report in *Descriptions in Motor Carrier Certificates*, ex parte, MC 45, 61 M.C.C. 209 and 766; and (4) *pipe* other than iron and steel, together with fittings; and (5) *construction materials*, between points in California, on the one hand, and, on the other, points in Oregon, Washington, Idaho, Nevada, Utah, Colorado, Wyoming, Arizona, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles and San Francisco, Calif., Portland, Oreg., and Salt Lake City, Utah.

No. MC 109612 (Sub-No. 32), filed January 6, 1972. Applicant: LEE MOTOR LINES, INC., 4319 South Madison, Muncie, IN 47305. Applicant's representative: Eugene Lee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Northlake, Ill., to points in Indiana, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 109729 (Sub-No. 4), filed January 10, 1972. Applicant: HERMAN POWELL, Post Office Box 36, Girard Station, 806 26th Street, Phenix City, AL 36867. Applicant's representative: Richard Y. Bradley, Fifth Floor, The Ralston Center, Post Office Box 2707, Columbus, GA 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, from points in Russell and Jefferson Counties, Ala., Escambia County, Fla., and Cobb County, Ga., to points in Alabama, Georgia, Mississippi, Tennessee, and points in Florida in and west of Hamilton, Suwanee, Lafayette, and Dixie Counties, under contract with Bickerstaff Clay Products Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham or Atlanta, Ga.

No. MC 111170 (Sub-No. 181), filed January 10, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bromine*, in bulk, from points in Columbia County, Ark., to points in Alabama, Louisiana, Missouri, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111812 (Sub-No. 453) (correction), filed November 11, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished as corrected this issue. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East 18th Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising materials, circulars, periodical inserts, and newsprint* which are exempt from economic regulation in mixed truckloads with regulated commodities, from points in Hartford, New Haven, and Fairfield Counties, Conn., Providence County, R.I., New York commercial zone, N.Y., Baltimore and Anne Arundel counties, Md., and Philadelphia and Chester Counties, Pa., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this republication is to reflect the correct origin point as Providence County, R.I., in lieu of Providence, R.I., erroneously shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 112713 (Sub-No. 139), filed January 4, 1972. Applicant: YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, MO 64114. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those of unusual value and those injurious or contaminating to other lading), serving the plantsite and storage facilities of General Cable Corp. at Bonham, Tex., as an off-route point in connection with applicant's otherwise authorized regular route authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 112854 (Sub-No. 29), filed January 7, 1972. Applicant: HOLLEBRAND TRUCKING, INC., Post Office Box 164, Ontario Center, NY 14520. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* otherwise exempt from economic regulations under section 203(B)(6) of the act when transported in mixed shipments with bananas, from Albany, N.Y., to points in New Jersey, New York, Ohio, and Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rochester or Buffalo, N.Y.

No. MC 113362 (Sub-No. 229), filed January 13, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Raymond W. Ellsworth, Post Office Box 227, Seneca, PA 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, including materials and supplies, used in distribution and installation thereof, from Trenton, N.J., to Des Moines, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 113624 (Sub-No. 60), filed September 11, 1971. Applicant: WARD TRANSPORT, INC., Post Office Box 735, Pueblo, CO 81002. Applicant's representative: Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in bulk in tank vehicles, (1) from Laramie, Wyo., to points in Colorado, Kansas, Nebraska, South Dakota, and Wyoming and (2) from points in Cheyenne County, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113843 (Sub-No. 180), filed January 4, 1972. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food*

FEB 10 72
XUM

products, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from points in Cuyahoga, Summit, and Wayne Counties, Ohio, to points in Colorado, Illinois, Indiana, Iowa, Kentucky, Minnesota, Missouri, Nebraska, and Wisconsin, restricted to traffic originating at Cuyahoga, Summit, and Wayne Counties, Ohio, and destined to the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 114011 (Sub-No. 5), filed January 7, 1972. Applicant: PETER SADOWSKI, doing business as PETE'S SERVICE AND TRUCK RENTALS, 640 South Century Avenue, St. Paul, MN 55119. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and the return of used empty containers*, from Minneapolis-St. Paul, Minn., commercial zone, to points in Wisconsin on and north of Wisconsin Highway 29 (used empty containers return to Minneapolis-St. Paul commercial zone). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 114273 (Sub-No. 112), filed January 3, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packinghouses, and dairy products, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from St. Louis, Mo., and East St. Louis, Ill., to points in Connecticut, Indiana, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114897 (Sub-No. 93), filed January 10, 1972. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Drive, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal fats*, in bulk, in tank vehicles, from Booker, Tex., to points in Quay County, N. Mex.; (2) *liquid fertilizers*, in bulk, in tank vehicles, from points in Pinal and Maricopa Counties, Ariz., to points in New Mexico; (3) *liquid animal feedstuffs*, in bulk, in tank vehicles, from points in New Mexico to points in Arizona; and (4) *road binding compound*, in bulk, in tank vehicles, from Brea, Calif., to El Paso, Tex., and Tucson, Ariz. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 115826 (Sub-No. 236), filed January 7, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned mushrooms*, from Kennett Square, Pa., to points in Illinois, Colorado, California, Ohio, Michigan, Arizona, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Philadelphia, Pa.

No. MC 118270 (Sub-No. 7), filed January 12, 1972. Applicant: PRODUCE TRANSPORT SERVICE, INC., 181 West Ramapo Avenue, Mahwah, NJ 08403. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and plantains*, in straight or mixed shipments, from Albany, N.Y., and Baltimore, Md., to points in Connecticut, Massachusetts, New Hampshire, Maine, New Jersey, New York, Pennsylvania, and Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118402 (Sub-No. 4), filed January 11, 1972. Applicant: HILLSIDE MOTOR LINES, INC., 321 Indian River Road, Orange, CT 06477. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, and points within the New York, N.Y., commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No MC 118535 (Sub-No. 49), filed January 10, 1972. Applicant: JIM TIONA, JR., 803 West Ohio, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients and livestock feeders, livestock feeder parts, and advertising materials* when moving in connection with animal feed and animal feed ingredients, from Minneapolis, and Rogers, Minn., to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant could tack at Kansas City, Mo., and Kansas City, Kans., to serve Virginia and West Virginia in the transportation of dry animal and poultry feeds and ingredients thereof (except in tank or hopper type vehicles). If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119118 (Sub-No. 33), filed December 27, 1971. Applicant: MCCURDY TRUCKING, INC., Post Office Box 388, Latrobe, PA 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material* moving therewith, from Winston-Salem, N.C., to points in New Jersey, New York, Connecticut, and Massachusetts; and (2) *empty* (used) *malt beverage containers*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. Applicant now holds contract carrier authority under its No. MC 116564 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 119631 (Sub-No. 16), filed December 7, 1971. Applicant: DEIOMA TRUCKING COMPANY, a corporation, Post Office Box 915, Mount Union Station, Alliance, OH 44601. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products, and accessories used in the installation of such clay products*, from Summitville, Ohio and Pekin, Ohio, to points in Connecticut, District of Columbia, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin, and (2) *materials and machinery used in the manufacture of clay products*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119774 (Sub-No. 35), filed January 5, 1972. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX) AND JAMES E. MANKINS, SR., a partnership, doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels*; (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above; and (4) *metal prefabricated structural components, and panels, and accessories used in the installation and completion thereof*, from the plantsite and storage facilities of Engineered Components, Inc., at Stafford, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority and serve points in Alabama, Arkansas, Florida, Georgia, Indiana, Illinois, Louisiana, Kansas, Kentucky, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas. Applicant further states no duplicating authority sought. If a hearing is deemed necessary applicant requests it be held at Houston, Tex.

No. MC 119864 (Sub-No. 46), filed December 13, 1971. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26746 Eckel Road, Perrysburg, OH 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, packinghouse products and commodities* used by packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Bonne Terre, Mo., on the one hand, and, on the other, points in Indiana, Michigan, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 121470 (Sub-No. 7), filed January 10, 1972. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 901 Harrison Street, Nashville, TN 37203. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products*, from points in Rutherford, County, Tenn., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, and South Carolina. NOTE: Applicant states that the requested authority can be tacked with its Sub-2 certificate authorizing transportation of commodities which because of size or weight requires special equipment between points in Tennessee at a point in Rutherford County, Tenn. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 123025 (Sub-No. 4), filed January 10, 1972. Applicant: LUVERNE MARCUSSON, 307 Oak Street, Red Oak, IA 51566. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, NE 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, dirt, rock and crushed limestone*, between points in Iowa, Missouri and Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 124025 (Sub-No. 2), filed January 10, 1972. Applicant: GLASS TRUCKING COMPANY, INC., 200 Chestnut, Post Office Box 276, Newkirk, OK 74647. Applicant's representative: Marlin Glass (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour and mill feed*, in bags or containers, from Arkansas City, Kans., to points in Kentucky, under contract with Dixie Portland Flour Mills, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Wichita, Kans.

No. MC 125535 (Sub-No. 3), filed January 7, 1972. Applicant: JOHN SHARP TRUCKING COMPANY, INC., 346 Central Avenue, Woodbury, NJ 08097. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigeration and freezing units, machines, and equipment and parts and supplies* connected therewith, uncrated (except those which because of the size or weight require the use of special equipment or handling), and *shelves, bins, containers and checkout counters*, from the plantsite and storage facilities of Hussman Refrigerator Co., at or near Bellmawr, N.J., to points in Virginia, West Virginia, Maryland, Connecticut, Massachusetts, Pennsylvania, New York, Delaware, Rhode Island, and the District of Columbia; and (2) *damaged and defective equipment* described above, from the destination points specified above, to the plantsite and storage facilities of Hussman Refrigerator Co., at Cherry Hill, N.J., and at or near Bellmawr, N.J. Restriction: The operations sought herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Hussman Refrigerator Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 125896 (Sub-No. 1), filed November 29, 1971. Applicant: O'BRIEN TRUCKING CO., INC., 221 Oakridge Terrace, Liverpool, NY 13088. Applicant's representative: Herbert H. Heim, 315 Seitz Building, Syracuse, N.Y. 12020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Clarence E. Hancock Airport (Onondaga County), N.Y., on the one hand, and, on the other, points in Cortland, Jefferson, and Tompkins Counties, N.Y., and (b) between Clarence E. Hancock Airport (Onondaga County), N.Y., and the following airports in New York: John F. Kennedy International Airport (Nassau and Queens Counties), La Guardia Airport (Queens County), The Greater Buffalo International Airport (Erie County), Rochester-Monroe County Airport (Monroe County), Oneida County Airport (Oneida County), Broome County Airport (Broome County), Chemung County Airport (Chemung County), Albany County Airport (Albany County), Watertown Airport (Jefferson County), Massena Airport (St. Lawrence County), and Tompkins County Airport (Tompkins County), N.Y., and Newark Municipal Airport (Essex County), N.J. NOTE: Applicant states that it is presently authorized to transport the same commodities subject to the same restriction from Clarence E. Hancock Airport (Onondaga County), N.Y., to the airports listed hereinabove. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse or New York, N.Y.

No. MC 126514 (Sub-No. 35), filed January 11, 1972. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, doing business as SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 850001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

FEB 10 72

transporting: *Envelopes*, from New York, N.Y., and Knoxville, Tenn., to Anaheim, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 126555 (Sub-No. 14), filed January 7, 1972. Applicant: UNIVERSAL TRANSPORT, INC., Box 268, Rapid City, SD 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Minnehaha County, S. Dak., to points in Iowa, Minnesota, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Omaha, Nebr.

No. MC 127197 (Sub-No. 6), filed January 7, 1972. Applicant: JAMES E. WILSON, Rural Delivery No. 3, Coudersport, PA 16915. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in New York State on and west of New York Highway 15. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 127877 (Sub-No. 4), filed January 11, 1972. Applicant: EWEN BROTHERS, INC., 440 Jerrie Lane, Billings, MT 59101. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Beaverhead, Fergus, Flathead, Gallatin, Granite, Lake, Lincoln, Mineral, Missoula, Musselshell, Powell, Ravalli, Rosebud, and Sanders Counties, Mont.; and Salmon, Idaho, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 129396 (Sub-No. 1), filed November 18, 1971. Applicant: BERRY TRANSPORTATION, INC., Post Office Box 1824, Longview, TX 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and materials and supplies* ordinarily dealt in by malt beverage distributors, from Laredo, Tex., to points in Arkansas, Kansas, Louisiana, Missouri, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio, or Fort Worth, Tex.

No. MC 129396 (Sub-No. 1), filed January 11, 1972. Applicant: M. S. MAWHINNEY, JR., doing business as AIRPORT EXPRESS, Post Office Box 41, Duncansville, PA 16635. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the Greater Pittsburgh Airport, Moon Township, Allegheny County, Pa., on the one hand, and, on the other, points in Clearfield County, Pa., on and south of Interstate Highway 80 and points in Mifflin County, Pa., restricted to traffic having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 129903 (Sub-No. 3), filed November 14, 1971. Applicant: CALVIN T. VERNON, doing business as EMPORIA MOTOR FREIGHT, 506 Arundel, Emporia, KS 66801. Applicant's representative: John L. Richeson, First National Bank Building, Ottawa, Kans. 66067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Kansas City, North Kansas City, and St. Joseph, Mo., on the one hand, and, on the other, points in Chase and Lyon Counties, Kans.; (2) between Kansas City, North Kansas City, and St. Joseph, Mo., on the one hand, and, on the other, points in Council Grove, Lego, Madison, and Osage City, Kans. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 133106 (Sub-No. 14), filed January 11, 1972. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe fittings and connections and pipe hangers*, from the plants, warehouses, and storage facilities used by Grinnell Corp. at or near Atlanta, Ga., to points in Colorado, Kansas, Oklahoma, New Mexico, and Texas; (a) *iron and steel pipe*, from the plants, warehouses, and storage facilities used by Grinnell Corp., at or near Kernersville, N.C., to points in Colorado, Kansas, Oklahoma, New Mexico, and Texas, and (3) *pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves* with or without operating apparatus, *castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads and automatic fire protection and prevention systems* (except those commodities which, because of size and weight require the use of special equipment), from the plants, warehouses and storage facilities used by Grinnell Corp. at or near Cleveland, N.C., to points in Colorado, Kansas, Oklahoma, New Mexico, and Texas, under a continuing contract with Grinnell Corp. and its parent corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133106 (Sub-No. 15), filed January 11, 1972. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves* with or without operating apparatus, *castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads and automatic fire protection and prevention systems* (except those commodities which, because of size and weight require the use of special equipment), from the plants, warehouses and storage facilities used by Grinnell Corp. at or near Warren, Ohio, to points in North Dakota, South Dakota, Montana, Wyoming, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California, under a continuing contract with Grinnell Corp. and its parent corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133106 (Sub-No. 16), filed January 11, 1972. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves* with or without operating apparatus, *castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads and automatic fire protection and prevention systems* (except those commodities which, because of size or weight require the use of special equipment), from plants, warehouse and storage facilities utilized by Grinnell Corp. at or near Warren, Ohio, to points in Colorado, New Mexico, Kansas, Oklahoma, Texas, Missouri, and Nebraska, under a continuing contract with Grinnell Corp. and its parent corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133106 (Sub-No. 17), filed January 11, 1972. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street (Post Office Box 1358), Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street (Post Office Box 80806), Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *articles used by meat packinghouses*, from Fort Morgan and Sterling, Colo., and points in New Mexico, Texas, Oklahoma, Nebraska, Iowa, and Missouri, to the plantsites and warehouse facilities of National Beef Packing Co. located at or near Liberal and Kansas City, Kans., under a continuing contract or contracts with National Beef Packing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133480 (Sub-No. 1), filed January 3, 1972. Applicant: A. VIZZI, 17 Crescent Street, Keansburg, NJ 07734. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Acoustical coatings*, from Perth Amboy, N.J., to points in the New York, N.Y., commercial zone as defined by the Commission, points in Pennsylvania, Hartford, Conn., and Norfolk, Va. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Mortell Co. of Perth Amboy, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133565 (Sub-No. 6), filed January 10, 1972. Applicant: TRUE TRANSPORT, INC., Starboard and Export Streets, Port Newark, NJ 07036. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), in containers or trailers, between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in that part of New York, on, west and north of a line beginning at the New York-Pennsylvania State Line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., and thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 50 to Saratoga Springs, N.Y., thence along U.S. Highway 9 via Glens Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. Highway 4 at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt., on traffic having a prior or subsequent movement by water. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134349 (Sub-No. 4), filed December 8, 1971. Applicant: B. L. T. CORPORATION, 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by women's and children's ready-to-wear retail stores*, and, in connection therewith, *supplies and equipment* used in the conduct of such business, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Pennsylvania and Delaware and (2) *such commodities as are dealt in or used by department stores*, between points in the New York, N.Y. commercial zone as defined by the Commission, on the one hand, and, on the other, points in Georgia, Louisiana, North Carolina, Maryland, Missouri, Pennsylvania, New Hampshire, Vermont, Massachusetts, and Connecticut, under contract with Gaylords National Corp., Secaucus, N.J., and My Shop, Inc., New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 134453 (Sub-No. 2), filed January 5, 1972. Applicant: STERNLITE TRANSPORTATION COMPANY, a corporation, Winsted, Minn. 55395. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pipe, aluminum billets, aluminum dross, aluminum fittings, and unfinished aluminum shapes*, from Ellenville, N.Y., to points in Arkansas, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Washington, and Wisconsin, under contract with V.A.W. of America, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 134513 (Sub-No. 1), filed January 7, 1972. Applicant: POLAR TRANSIT, INC., 1984 Oakdale Avenue, West St. Paul, MN 55118. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders, from New Haven, Conn., North Haven, Conn., Boston, Mass., and Providence, R. I., to Minneapolis, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 134601 (Sub-No. 1), filed January 13, 1972. Applicant: GOOSE CREEK TRANSPORT, INC., Rural Delivery No. 1, Ashville, NY 14710. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown Building, Jamestown, NY 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and articles distributed by meat packinghouses* (except hides), as described in sections A, B, and C of appendix I to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Des Moines, Cedar Rapids, and Ottumwa, Iowa; Omaha, Nebr.; Albert Lea, Minn.; South Bend, Ind.; and Harmony (Chautauqua County), N.Y., to points in Chautauqua, Cattaraugus, and Allegany Counties, N.Y., and points in Crawford, Venango, Warren, McKean, and Erie Counties, Pa., under a continuing contract with Fairbank Farms, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134665 (Sub-No. 3), filed January 11, 1972. Applicant: DWAYNE C. ATKINS, doing business as ATKINS TRUCKING, Post Office Box 4, R.F.D. 33, Sioux Falls, SD 57106/Tea, SD 57064. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, and animal and poultry feed ingredients;* (a) from the plantsite and warehouse facilities of Zip Feed Mills, Inc., at Huron S. Dak., to points in Iowa, Minnesota, Nebraska, and North Dakota; and (b) from points in Kansas to the plantsite and warehouse facilities of Zip Feed Mills, Inc., at Huron and Sioux Falls, S. Dak. Restriction: The authority sought herein is limited to a transportation service to be performed under a continuing contract or contracts, with Zip Feed Mills, Inc., of Huron and Sioux Falls, S. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 135661 (Sub-No. 2), filed December 27, 1971. Applicant: LELAND D. MELROSE, doing business as MELROSE TRUCKING COMPANY, Raderville Route, Box 6360, Casper, WY 83601. Applicant's representative: Max F. Parrish, Center at Second, Pocatello, ID 83201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (a) from

FEB 10 72

Inkom, Idaho, to the plantsite of the Jim Bridger Power Installation near Point of Rocks, Wyo.; and (b) from points in Sweetwater County, Wyo., to the plantsite of the Jim Bridger Power Installation near Point of Rocks, Wyo., restricted to having a prior out-of-State movement by railroad, under contract with Idaho Portland Cement Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pocatello, Idaho.

No. MC 135874 (Sub-No. 1) (Correction), filed November 3, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished in part as corrected this issue. Applicant: LTL PERISHABLES, INC., 120 Main Street, Lamoni, IA 50140. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. NOTE: The sole purpose of this partial republication is to reflect addition of Nebraska and Wisconsin as destination States, which were inadvertently omitted from the original publication. The rest of the application remains as previously published.

No. MC 135931 (Sub-No. 2), filed January 7, 1972. Applicant: LEO E. HERBRAND & SON TRUCKING, INC., 2429 Middleton Beach Road, Middleton, WI 53562. Applicant's representative: James E. Quackenbush, 139 West Wilson Street, Suite 108, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed crushed glass*, in bulk, for recycling and reuse, from the Coca-Cola Bottling Co. at Madison, Wis., to Owens Illinois Glass Co. at Streator, Ill., under contract with Coca-Cola Bottling Co. of Madison, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 135998 (Sub-No. 2), filed December 17, 1971. Applicant: KEN BLACKMON, Post Office Box B, Glenwood, AR 71943. Applicant's representative: Q. Byrum Hurst, 201 Woodbine Street, Hot Springs, AR 71901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer* for plywood, on flat or floats, trailers, from Umpire and Glenwood, Ark., to Ruston, Minden, and Dodson, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.; Memphis, Tenn., or the nearest examining point.

No. MC 136026 (Sub-No. 1), filed January 10, 1972. Applicant: AUGUST J. LIST, JR., doing business as LIST TRUCKING, 198 North Street, Sun Prairie, WI 53590. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feeds, animal feed ingredients, vitamin and mineral premixes, livestock minerals, animal health medications, calf milk replacer, and animal health products* from Madison, Wis., to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Illinois, Indiana, Michigan, Ohio, Kansas, Missouri, Pennsylvania, and New York, and (2) *materials, equipment, ingredients, and supplies* which are used or useful in the manufacture, sale, production, or distribution of the commodities named in part (1) of this application, from points in above-named destination States to Madison, Wis., under a continuing contract, or contracts, with T. C. Products Co., Inc., of Madison, Wis. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 136187 (Clarification), filed November 22, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished as clarified this issue. Applicant: CONTRACT CARRIER CORPORATION, Rural Delivery No. 1, Box 35–J, Chestertown, MD 21620. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), from Baltimore, Md., to points in Virginia, West Virginia, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia, under contract with Phillips Bros., Warehouses Inc., of Baltimore, Md. NOTE: The purpose of this republication is to show that applicant is under contract with Phillip's Bros., Warehouses Inc., in lieu of Phillip's Bros., Warehouse & Distributing Corp. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136213 (Sub-No. 1), filed January 10, 1972. Applicant: MIDCO DISTRIBUTING, INC., 508 South Third Street, Goshen, IN 46526. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, supplies, parts, appliances, furnishings, and components* used in the production, manufacture, assembly, installation, and distribution of mobile and modular homes and recreational vehicles, (1) from Cullman, Ala., Lemoncove and Los Angeles, Calif., Plains and Albany, Ga., Caldwell, Idaho; Evanston, Rockford, and Chicago, Ill., Breman, Elkhart, Kendallville, La Grange, Middlebury, Bourbon, Indianapolis, Fremont, Syracuse, and Bristol, Ind., Topeka, Kans., Adrian, Capac, Birmingham, Detroit, Royal Oak, Oxford, Orchard Lake, and Dryden, Mich., points in New Jersey; Archibald, Cleveland, Port Clinton, and Fort Recovery, Ohio; Erie, Pa., Henry, Tenn., and VanAlystine, Tex., to Goshen, Ind.; and (2) from Goshen, Ind., to Cutler, Dinuba, and Lindsay, Calif.; Berthoud, Colo.; Oneco and Lake City, Fla.; Thomasville, Ellaville, and Woodbury, Ga.; Payette, New Plymouth, and Weiser, Idaho; Breman, Elkhart, and Ridgeville, Ind.; Wellington, Kans.; Dryden, Mich.; Slayton, Minn.; York, Nebr.; Canastota, N.Y.; Lillington, N.C.; Claysburg, Pa.; Henry, Tenn.; Buffalo, Commerce, Honey Grove, and VanAlystine, Tex., and Mount Jackson, Va. Restricted to a contract or continuing contracts with Champion Home Builders Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 136220 (Sub-No. 2), filed January 7, 1972. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING CO., 1705 Northeast Woodland, Ponca City, OK 74601. Applicant's representative: Dean Williamson, 280 National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the mining facilities of Southwestern Coal Co., at or near Spadra, Ark., to the plant and storage facilities of National Zinc Co. Inc., at or near Bartlesville, Okla., and Blackwell Zinc Co., at or near Blackwell, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 136243, filed December 8, 1971. Applicant: CITY HAUL, INC., Monument and Fallsway, Baltimore, MD 21202. Applicant's representative: William J. Augello, Jr., Horn Professional Center, 103 Fort Salonga Road, Northport, NY 11768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Baltimore, Md., on the one hand, and, on the other, points in Maryland, restricted to traffic having a prior or subsequent movement by air, rail, motor, or water carrier, under contract with Baltimore Security Warehouse, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136264, filed December 29, 1971. Applicant: LEWIS A. STRAW, doing business as ACME MOVERS, 21st and Boas Streets, Harrisburg, PA 17102. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Pennsylvania restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136267 (Sub-No. 2), filed January 6, 1972. Applicant: BELLS PRODUCE CO., INC., 11357 Vienna Road, Montrose, MI 48457. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers, from the plant and warehouse sites of Vlasic Foods, Inc., at Bridgeport and Imlay City, Mich., to points in Maine, Rhode Island, New Hampshire, Vermont, Connecticut, and Massachusetts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 136308, filed December 29, 1971. Applicant: HOLMES FREIGHT LINES, INC., 7878 I Street, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in containers, from Chicago, Ill., Lawrenceburg, Ind., Bardstown, Louisville, and Owensboro, Ky., Allen Park, Mich., New York, and Long Island, N.Y., and Elizabeth, Linden, and Teterboro, N.J., to Omaha, Nebr., under continuing contract with United Distillers Products Co. of Omaha, Nebr. NOTE: Applicant holds common carrier authority under MC 124830, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136314, filed December 27, 1971. Applicant: HOWARD LA ZERTE, doing business as ACME POLE AND PILING COMPANY, Route 2, Osseo, MN 55369. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, MN 55082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles and piling and such equipment, material, and supplies* used in the installation, construction, or erection of same, between the St. Paul-Minneapolis commercial zone on the one hand, and, on the other, points in Illinois, Iowa, Michigan, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136326, filed January 11, 1972. Applicant: FLORIDA ASSEMBLY & DISTRIBUTION, INC., 201 North Federal Highway, Deerfield Beach, FL 33441. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) between points in St. Lucie, Martin, Palm Beach, Broward, and Dade Counties, Fla.; and (2) between points in Pinellas, Hillsborough, Polk, Manatee, and Sarasota Counties, Fla., restricted to traffic having a prior or subsequent movement by rail or water. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami or Tampa, Fla., or Atlanta, Ga.

No. MC 136345, filed January 10, 1972. Applicant: ELBERT TRANSFER CO., a corporation, 6020 Galley Road, Colorado Springs, CO 80915. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Douglas, Elbert, El Paso, Fremont, Pueblo, and Teller Counties, Colo., restricted to transportation of traffic having a prior or subsequent movement in containers and further restricted to performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136351, filed January 6, 1972. Applicant: ROBERT M. LLEWELLYN, JR., doing business as POWERS TOWING SERVICE OF CUMBERLAND, MARYLAND, 85 Henderson Avenue, Cumberland, MD 21502. Applicant's representative: Ronald C. Brubaker, Post Office Box 749, Cumberland, MD 21502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and trailers*, between points in Allegany, Garrett, and Washington Counties, Md.; Bedford, Somerset, and Cambria Counties, Pa.; Frederick County, Va.; and Morgan, Mineral, Hampshire, Grant, Hardy, Preston, and Tucker Counties, W. Va., under contract with Fort Ashby Trailer Sales, A & G Mobile Homes, Ralph Mobile Homes, Whitacre Mobile Homes & Sales and Tradewinds Mobile Homes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cumberland, Md., or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub-No. 439), filed January 7, 1972. Applicant: TRANSPORT OF NEW JERSEY, 180 Boyden Avenue, Maplewood, NJ 07040. Applicant's representative: Thomas J. McCluskey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, and newspapers* in the same vehicle with passengers. (1) Between junction of Interstate Highway 80, New Jersey Highway 23 and U.S. Highway 46, Wayne, N.J., and junction of Interstate Highway 80 and Interstate Highway 95, Teaneck, N.J. (also, between junction of Interstate Highway 95 and U.S. Highway 46, Palisades Park, N.J., and junction of Interstate Highway 95 and De Graw Avenue, Teaneck, N.J.), over Interstate Highways 80 and 95 and access roads, as alternate routes for operating convenience only, in connection with carrier's existing routes, serving no intermediate points except for joinder purposes only: (a) From junction of Interstate Highway 80, New Jersey Highway 23 and U.S. Highway 46, Wayne, N.J., over Interstate Highway 80 and access roads to junction of Interstate Highway 95 and Interstate Highway 95, Teaneck, N.J., and returning over the same route; and (b) from junction of Interstate Highway 95 and U.S. Highway 46, Palisades Park, N.J., over Interstate Highway 95 and access roads to junction of Interstate Highway 95 and De Graw Avenue, Teaneck, N.J., and returning over the same route; (2) between junction of New Jersey Highway 3 and Garden State Parkway, Clifton, N.J., and junction New Jersey Highway 20 (Garden State Parkway Extension) and Interstate Highway 80, Paterson, N.J., over Garden State Parkway, New Jersey Highway 20 and access roads, as an alternate route for operating convenience only, in connection with carrier's existing routes, serving no intermediate point except for joinder purposes only:

From junction of New Jersey Highway 3 and Garden State Parkway, Clifton, N.J., over Garden State Parkway and access roads to junction of New Jersey Highway 20, thence over New Jersey Highway 20 and access roads to junction of Interstate Highway 80, Paterson, N.J., and returning over the same route; (3) between junction of Valley Road and Gilles Street, Clifton, N.J., and junction of Valley Road and New Jersey Highway 20 (Garden State Parkway Extension), Paterson, N.J., serving all intermediate points: From junction of Valley Road and Gilles Street, Clifton, N.J., over Valley Road and access roads to junction of New Jersey Highway 20, Paterson, N.J., and returning over the same route; (4) between junction of Valley Road and Van Houten Avenue, Clifton, N.J., and junction of Valley Road and New Jersey Highway 3, Clifton, N.J., serving all intermediate points: From junction of Valley Road and Van Houten Avenue, Clifton, N.J., over Valley Road and access roads to junction of New Jersey Highway 3 and returning over the same route; (5) between junction Totowa Road and Riverview Drive, Wayne, N.J., and junction of Union Boulevard and U.S. Highway 46, Totowa, N.J., serving all intermediate points: From junction Totowa Road and Riverview Drive, Wayne, N.J., over Totowa Road, Crews Street and Union Boulevard to junction Union Boulevard and U.S. Highway 46, Totowa, N.J., and returning over the same route; and (6) between junction Totowa Road and Minnisink Road, Totowa, N.J., and junction Minnisink Road, Riverview Drive and U.S. Highway 46, Totowa, N.J., serving all intermediate points: From junction Totowa Road and Minnisink Road, Totowa, N.J., over Minnisink Road to junction Minnisink Road, Riverview Drive and U.S. Highway 46, Totowa, N.J., and returning over the same route. NOTE: Applicant states that it intends to tack the above routes to its existing routes. Applicant further states that no duplicating authority is sought. Applicant holds a broker license under MC 12668. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 13300 (Sub-No. 87), filed January 10, 1972. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, NC 27600.

FEB 10 72
XUM

Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Petersburg, Va., and Durham, N.C., from Petersburg over Interstate Highway 85 to Durham and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations. NOTE: Applicant states it is prepared to revoke certificate No. MC 13300 (Sub-No. 83) simultaneously with the issuance of a certificate as requested herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 84933 (Sub-No. 3), filed December 17, 1971. Applicant: ELMIRA-WATKINS GLEN TRANSIT CORPORATION, 220 Owego Street, Montour Falls, NY 14065. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations, in round trip, sightseeing and pleasure tours: Beginning and ending at points on applicant's regular routes, including termini and all intermediate points, and extending to points in the United States, such regular routes being described hereafter: (1) Between Elmira, N.Y., and Watkins Glen, N.Y., serving all intermediate points; from Elmira, over New York Highway 14 to Watkins Glen, N.Y., and return; (2) between Watkins Glen and Geneva, N.Y., serving all intermediate points; from Watkins Glen, over New York Highway 14 to junction unnumbered highway (near Lakemont, N.Y.), thence over unnumbered highway via Lakemont and Starkey, N.Y., to Dundee, N.Y., thence over New York Highway 14–A to Penn Yan, thence over New York Highway 54 to Dresden, N.Y., thence over New York Highway 14 to Geneva, N.Y., and return over the same route; (3) between Elmira, N.Y., and Canton, Pa., serving all intermediate points, from Elmira, N.Y., over New York Highway 17–E to its intersection with New York Highway 14, thence over New York Highway 14 to its intersection with Pennsylvania Highway 14, thence over Pennsylvania Highway 14 to Canton, Pa., and return over the same routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Elmira, N.Y.

No. MC 136256 (Sub-No. 1), filed January 10, 1972. Applicant: THE YELLOW CAB COMPANY OF SAVANNAH, INC., a corporation doing business as SAVANNAH AIRLINE LIMOUSINES, 315 East Congress Street, Savannah, GA 31401. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between the Savannah Airport in Savannah, Ga., on the one hand, and, on the other, points on Hilton Head Island, S.C., and points in Beaufort County, S.C., restricted to passengers having an immediately prior or subsequent movement by air to or from the Savannah Airport. NOTE: If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga., or Charleston, S.C.

No. MC 136300, filed December 20, 1971. Applicant: BILL HESSELGRAVE doing business as, PUGET SOUND TOURS, 1208 Main Street, Sumner, WA 98390. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in special and charter operations, from points in King, Pierce, and Thurston Counties, Wash., to points in Washington, Oregon, Idaho, California, Utah, Nevada, Montana, North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and Alaska, and return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle or Tacoma, Wash.

APPLICATION FOR WATER CARRIERS

No. W–586 (Sub-No. 5) (PUGET SOUND TUG & BARGE COMPANY Extension—ATLANTIC/GULF), filed January 27, 1972. Applicant: PUGET SOUND TUG & BARGE COMPANY, a corporation, 1102 Southwest Massachusetts Street, Seattle, WA 98134. Applicant's representative: John Cunningham, Tower Building, 1401 K Street NW., Washington, DC 20005. By application filed January 27, 1972, applicant seeks revision of Certificate (No. W–586) to cover the following proposed changes in service: Operation as a common carrier by water, in interstate or foreign commerce, in the transportation of *commodities* exceeding 19 feet in height, 12 feet in width, 90 feet in length, or 100 tons in weight, *component parts* thereof, and *related equipment*, by towing vessels, in the performance of towage and by nonself propelled vessels with the use of separate towing vessels, between ports and points on the Atlantic coast tributary waterways, on the one hand, and, on the other, ports and points on the Gulf of Mexico coast and tributary waterways excluding the Mississippi River system above Baton Rouge.

No. W–630 (Sub-No. 37) (A. L. MECHLING BARGE LINES INC. Extension—INTERCOASTAL), filed January 24, 1972. Applicant: A. L. MECHLING BARGE LINES INC., 51 North Desplaines Street, Joliet, IL 60431. Applicant's representative: S. Sidney Eisen, 370 Lexington Avenue, New York, NY 10017. By application filed January 24, 1972, applicant seeks to operate as a common carrier by water in interstate or foreign commerce by nonself propelled vessels with the use of separate towing vessels and by towing vessels in the performance of towage in the transportation of *articles* exceeding 19 feet in height, 12 feet in width, 90 feet in length, or 100 tons in weight, *component parts* thereof, and *related equipment*, between ports and points along the Pacific coast and tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico and tributary waterways.

APPLICATION FOR BROKAGE LICENSE

No. MC 130161 (amendment), filed November 22, 1971, published in the FEDERAL REGISTER issue of December 16, 1971, and republished as amended this issue. Applicant: MILLIE BLASER, doing business as MAGIC VALLEY TRUCK BROKERS, 5821 Randolph Drive, Boise, ID 83705. For a license (BMC–4) to engage in operations as a *broker* at Boise, Idaho, in arranging for the transportation in interstate or foreign commerce of *general commodities*, originating at or destined to points in Ohio, Indiana, Illinois, Wisconsin, Michigan, and points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: The purpose of this republication is to redescribe the territorial scope of the application.

No. MC 130163, filed January 5, 1972. Applicant: UNIVERSITY TRAVEL SERVICE, INC., 1776 University Avenue, Green Bay, WI 54302. Applicant's representative: John C. Gower (same address as applicant). For a license (BMC–5) to engage in operations as a *broker* at Green Bay, Wis., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, as individuals and groups, beginning and ending at points in Alger, Baraga; Delta Dickinson, Gogebic, Houghton, Iron, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Menominee, Oconto, Oneida, Outagamie, Portage, Shawano, Vilas, Waupaca, Waushara, Winnebago and Wood Counties, Wis., and extending to points in the United States (including Alaska and Hawaii).

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 125454 (Sub-No. 1), filed December 19, 1971. Applicant: RAYMOND D. McNAUGHTON AND CLIFFORD R. CARNAHAN, a partnership, doing business as McNAUGHTON TRANSFER COMPANY, East Indiana Avenue, Blairsville, PA. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of cosmetics, from Blairsville, Pa., to points in Armstrong, Blair, Cambria, Clarion, Clearfield, Fayette, Huntingdon, Indiana, Jefferson, Somerset, and Westmoreland Counties, Pa.; and, from the above-specified destination points to Blairsville, Pa. NOTE: Applicant already holds authority as follows: *Toilet preparations, soap, and cosmetics and related advertising material*, from Blairsville, Pa., to points in Armstrong, Blair, Cambria, Clarion, Clearfield, Fayette, Huntingdon, Indiana, Jefferson, Somerset, and Westmoreland Counties, Pa.; and *Damaged and returned merchandise*, from the above-specified destination points to Blairsville, Pa. The only purpose of this application is to broaden the existing commodity description to allow applicant to continue rendering a complete service for the supporting shipper. Applicant states that the requested authority cannot be tacked with its existing authority.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–1901 Filed 2–9–72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CERTAIN CANADIAN TELEVISION STATIONS

List of Additions, Changes and Deletions

FEBRUARY 1, 1972.

Recapitulative to January 1, 1972.

The set forth below list of Canadian television station assignments is recapitulative and contains details supplied by the Department of Communications of Canada, pursuant to section B of the Canadian-USA Television Agreement (TIAS 2594). It reflects all the additions, changes, and deletions notified to the Commission by the above date and supersedes previous lists issued by the Commission.

Further additions, changes, and deletions, as reported to the Commission by the Canadian Department of Communications, will be issued from time to time.

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)

RECAPITULATIVE TO JANUARY 1, 1972

Call Sign	Licensee	Location	Effective Radiated Power (kw)	Directivity	Antenna: Height Above Ground (Ft.)	Antenna: Height Above MSL (Ft.)	Antenna: Height Above Terrain (Ft.)	Offset
		CHANNEL 2 (54–60 MHZ)						
CFAC-TV	Calgary TV, Ltd	Calgary, Alberta N 51 04 24 W 114 15 24	100.00 V 20.00 A	Om.	633	4508	989	(+)
CFON-TV-1	Oyen and District Television Assoc.	Oyen, Alberta N 51 21 10 W 110 24 30	0.54 V 0.27 A	Om.	267	2842	365	(–)
CHBC-TV	Okanagan Valley TV Company, Ltd.	Kelowna, B. C. N 49 58 00 W 119 31 40	3.70 V 0.48 A	Om.	77	4310	2704	No
CBUT	Canadian B/Cing Corporation	Vancouver, B. C. N 49 21 12 W 122 57 18	47.60 V 7.60 A	D.A.	190	2985	2400	(+)
CKCW-TV	Moncton B/Cing. Ltd	Moncton, New Brunswick N 45 51 06.5 W 64 48 46.6	25.00 V 3.74 A	Om.	326	1686	990	No
CFCL-TV-3	J. Conrad Lavigne Ltd	Kapuskasing, Ontario N 49 22 32 W 82 21 35	0.095 V 0.019 A	D.A.	380	1127	363	(+)
CFCL-TV-2	J. Conrad Lavigne Ltd	Kirtland Lake (Kearns), Ontario N 48 05 12 W 79 33 12	14.50 V 7.30 A	D.A.	400	1750	722	No
CKPR-TV	Thunder Bay Electronics Ltd. (Formerly Port Arthur, Ontario).	Thunder Bay, Ontario N 48 31 30 W 89 06 50	58.40 V 20.20 A	D.A.	643	2243	1302	No
CJIC-TV	Hyland Radio-TV Ltd	Sault Ste. Marie, Ont. N 46 30 32 W 84 19 36	28.00 V 16.00 A	D.A.	225	835	–19	(–)
CKCO-TV-2	Carl A. Pollock, Esq	Wiarton, Ontario N 44 56 41 W 81 07 55	100.00 V 18.50 A	Om.	722	1597	943	(–)
CHRS-TV-2	Radio Saguenay Ltd	Chicoutimi, Quebec N 48 26 09 W 71 02 34	0.04 V 0.006 A	Om.	60	335	60	(+)
CHAU-TV-1	Television de la Baie des Chaleurs Inc.	Ste. Marquerite-Marie, Quebec N 48 18 40 W 67 05 06.	0.219 V 0.109 A	D.A.	166	1841	700	(–)
CBFT	Canadian B/Cing Corporation	Montreal, Quebec N 45 30 20 W 73 35 32	100.00 V 10.00 A	Om.	252	996	906	No
CHAU-TV-5	Television de la Baie des Chaleurs.	Perce, Quebec N 48 31 38 W 64 14 40	0.465 V 0.233 A	D.A.	120	1380	1215	(+)
CKCK-TV	Transcanada Communications, Ltd.	Regina, Saskatchewan N 50 26 52 W 104 20 00	100.00 V 20.00 A	Om.	634	2534	588	No
		CHANNEL 3 (60–66 MHZ)						
CJOC-TV-3	Lethbridge Television, Ltd	Burmis, Alberta N 49 31 54 W 114 11 27	0.225 V 0.045 A	D.A.	115	4765	420	No
CBUT-2	Canadian Brdcstg. Corporation	Chilliwack, B. C. N 49 06 36 W 121 50 47	0.690 V 0.295 A	D.A.	85	2345	702	No
CFTK-TV	Skeena Brdcsters, Ltd	Terrace, B. C. N 54 31 05 W 128 28 15	4.10 V 2.10 A	Om.	70	3390	1783	No
CBWFT	Canadian B/Cing Corporation	Winnipeg, Manitoba N 49 46 15 W 97 30 25	59.00 V 7.37 A	Om.	923	1708	930	(–)
CBHT	Canadian B/Cing Corporation	Halifax, Nova Scotia N 44 39 03 W 63 39 28	56.00 V 11.20 A	D.A.	620	1070	866	No
CBHFBT	Canadian Brdcstg. Corporation	Yarmouth, Nova Scotia N 43 55 55 W 66 06 10	1.90 V 0.19 A	D.A.	470	620	558	(–)
CKVR-TV	Ralph Snelgrove Television, Ltd	Barrie, Ontario N 44 21 06 W 79 41 55	100.00 V 12.50 A	Om.	651	1651	820	(+)
CKSO-TV-1	Cambrian B/Cing Ltd	Elliot Lake, Ontario N 46 25 50 W 82 40 21	19.00 V 3.80 A	Om.	216	1596	552	No
CKSO-TV-2	Cambrian Brdcstg. Ltd	Timmins, Ontario N 48 29 30 W 81 19 45	55.00 V 11.00 A	D.A.	499	1499	544	(–)
CBVT-2	Canadian Brdcstg. Corporation	La Tuque, Quebec N 47 25 25 W 72 45 49	18.40 V 1.84 A	D.A.	150	1350	407	(–)
CBFT-2	Canadian B/Cing Corporation	Mont Laurier, Quebec N 46 33 37 W 75 42 20	5.84 V 2.80 A	D.A.	400	1396	513	(+)
CJBR-TV	Lower St. Lawrence Radio, Inc	Rimouski, Quebec N 48 19 40 W 68 50 09	49.30 V 9.86 A	D.A.	124	1261	986	(–)
CFQC-TV-1	A. A. Murphy and Sons, Ltd	Stranraer, Saskatchewan N 51 40 55 W 106 30 55	6.80 V 1.02 A	D.A.	230	3100	930	(–)
CKOS-TV	Yorkton TV Co. Ltd	Yorkton, Saskatchewan N 51 13 33 W 102 43 59	15.00 V 2.60 A	Om.	525	2275	534	No

FEB 10 72 XUM

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)— Continued

Call Sign	Licensee	Location	Effective Radiated Power (kw)	Directivity	Antenna: Height Above Ground (Ft.)	Antenna: Height Above MSL (Ft.)	Antenna: Height Above Terrain (Ft.)	Offset
		CHANNEL 4 (66–72 MHz)						
CFCN-TV	CFCN Television Ltd.	Calgary, Alberta N 51 03 37 W 114 10 13	55.00 V 27.50 A	D.A.	426	4349	669	No
CHAT-TV-1	Monarch B/Cing Co., Ltd.	Pivot, Alberta N 50 24 14 W 110 03 07	2.75 V 1.37 A	D.A.	512	3199	623	(+)
CFJC-TV	Inland Brdcesters., Ltd.	Kamloops, B.C. N 50 40 15 W 120 23 50	3.70 V 1.85 A	Om.	114	3021	501	(+)
CBWT-2	Canadian B/Cing Corporation	Lac du Bonnet, Man. N 50 15 30 W 95 57 20	9.70 V 1.90 A	D.A.	440	1290	442	No
CHSJ-TV	New Brunswick B/Cing Co., Ltd.	St. John, New Brunswick N 45 28 39 W 66 14 02	54.23 V 7.79 A	D.A.	144	1599	1263	(+)
CBHT-5	Canadian Brdcstg. Corporation	New Glasgow, Nova Scotia N 45 32 00 W 62 38 14	0.800 V 0.060 A	D.A.	152	702	422	(−)
CFCL-TV-4	J. Conrad Lavigne Ltd.	Hearst, Ontario N 49 42 56 W 83 38 49	0.098 V 0.049 A	D.A.	200	1020	200	(−)
CBOT	Canadian B/Cing Corporation	Ottawa, Ontario N 45 30 11 W 75 51 02	100.00 V 15.00 A	Om.	618	1768	1310	(+)
CFCM-TV	Television de Quebec, Ltd.	Quebec, Quebec N 46 47 04 W 71 15 54	100.00 V 15.00 A	Om.	407	672	460	No
CKBI-TV-3	Central Brdcstg. Co. Ltd.	Greenwater Lake, Sask. N 52 28 03 W 103 30 15	3.00 V 1.60 A	Om.	514	2614	718	No
CBKMT	Canadian Brdcstg. Corporation	Moose Jaw, Sask. N 50 23 26 W 105 55 38	48.00 V 25.00 A	D.A.	503	2903	793	(−)
		CHANNEL 5 (76–82 MHz)						
CFCN-TV-4	CFCN Television Ltd.	Burmis, Alberta N 49 31 54 W 114 11 37	0.230 V 0.115 A	Om.	134	4784	439	(−)
CBUCT-1	Canadian Brdcstg. Corporation	Crawford Bay, B.C. N 49 38 54 W 116 50 53	0.468 V 0.093 A	D.A.	138.7	3359.7	−440	No
CHKL-TV	British Columbia Television Brdcstg. System Ltd.	Kelowna, B. C. N 49 58 00 W 119 31 40	4.00 V 0.80 A	D.A.	115	4348	1672	(−)
CFJC-TV-6	Inland B/csters, Ltd.	Mt. Timothy, B.C. N 51 54 00 W 121 15 30	0.98 V 0.49 A	Om.	49	5449	1871	(−)
CKX-TV	Western Manitoba B/csters, Ltd.	Brandon, Manitoba N 49 49 42 W 99 59 09	54.00 V 27.00 A	D.A.	525	1828	511	(+)
CJCH-TV	CJCH Ltd.	Halifax, N.S. N 44 39 03 W 63 39 28	60.00 V 6.00 A	D.A.	575	1025	822	No
CBWCT	Canadian B/Cing Corp.	Fort Frances, Ontario N 48 48 18 W 93 53 24	20.20 V 4.04 A	D.A.	521	1861	660	No
CKVR-TV-3	Ralph Snelgrove Television, Ltd.	Haliburton, Ontario N 45 02 35 W 78 29 56	0.10 V 0.05 A	D.A.	114	1414	149	No
CHOV-TV	The Ottawa Valley Television Co. Ltd.	Pembroke, Ontario N 45 50 02 W 77 09 50	19.10 V 9.50 A	D.A.	520.5	983	496	(+)
CKSO-TV	Cambrian Brdcstg. Co. Ltd.	Sudbury, Ontario N 46 30 02 W 81 01 16	100.00 V 14.40 A	Om.	975	2006	1049	No
CHAU-TV	La Television de la Baie des Chaleurs, Inc.	Carleton (New Carlisle,) Quebec N 48 08 07 W 66 07 00	52.50 V 26.25 A	D.A.	151	1930	1543	No
CKMI-TV	Television de Quebec (Canada), Ltd.	Quebec, Quebec N 46 47 04 W 71 15 54	13.85 V 6.77 A	Om.	407	672	460	(−)
CJFB-TV	Swift Current T/Cing Co., Ltd.	Swift Current, Sask. N 50 20 20 W 107 47 17	13.30 V 6.65 A	Om.	343	3027	511	(−)
		CHANNEL 6 (82–88 MHz)						
CHAT-TV	Monarch B/Cing Co., Ltd.	Medicine Hat, Alberta N 50 04 36 W 110 47 40	5.70 V 3.00 A	Om.	270	2719	315	(−)
CKRD-TV	CHCA Television Ltd.	Red Deer, Alberta N 52 16 15 W 113 41 30	13.20 V 6.60 A	D.A.	321	3671	714	(+)
CHKM-TV	British Columbia Television Brdcstg Ltd.	Kamloops, B.C. N 50 40 15 W 120 23 50	4.00 V 1.00 A	Om.	114	3021	501	(+)
CFTK-TV-1	Skeena B/csters. Ltd.	Prince Rupert, B.C. N 54 17 05 W 130 18 48	0.48 V 0.24 A	Om.	160	2480	1960	(+)
CHEK-TV	CHEK TV, Ltd.	Victoria, B.C. N 48 46 28 W 123 10 10	100.00 V 50.00 A	Om.	298.5	1598.5	1555	No
CBWT	Canadian B/Cing Corp.	Winnipeg, Manitoba N 49 46 15 W 97 30 35	100.00 V 12.00 A	Om.	1020	1805	1027	(−)
CHSJ-TV-1	New Brunswick B/Cing Co., Ltd.	Bon Accord, N.B. N 46 38 57 W 67 35 35	54.70 V 27.30 A	D.A.	470	1968	1088	(−)
CHAK-TV	Canadian Brdcstg. Corporation	Inuvik, N.W.T. N 68 21 46 W 133 41 43	3.00 V 0.20 A	D.A.	303	563	304	No
CJCH-TV-6	CJCH Limited.	Caledonia, Nova Scotia N 44 20 26 W 65 06 34	51.50 V 10.30 A	D.A.	468	968	633	(+)
CFCL-TV	J. Conrad Lavigne Ltd.	Timmins, Ontario N 48 29 30 W 81 19 45	100.00 V 10.00 A	Om.	498	1530	562	No
CBLT	Canadian B/Cing Corp.	Toronto, Ontario N 43 39 43 W 79 22 42	99.50 V 9.95 A	Om.	471	815	402	(+)
CJPM-TV	C.J.P.M.-TV Inc.	Chicoutimi, Quebec N 48 24 27 W 71 05 08	61.00 V 36.50 A	D.A.	190	740	440	No
CKBL-TV-6	La Compagnie de Radiodiffusion de Matane, Ltee.	Matane, Quebec N 48 49 34 W 67 32 34	0.422 V 0.084 A	Om.	64	414	134	(+)
CBMT	Canadian B/Cing Corp.	Montreal, Quebec N 45 30 20 W 73 35 32	100.00 V 16.00 A	Om.	167	911	820	(+)
CKCK-TV-2	Transcanada Communications, Ltd.	Willow Bunch, Sask. N 49 20 58 W 105 38 08	9.00 V 1.80 A	D.A.	636	3511	864	(−)
CHSS-TV	Yorkton TV Co. Ltd.	Wynyard, Sask. N 51 42 30 W 104 17 55	11.00 V 1.80 A	Om.	514	2530	614	No
CFWH-TV	Canadian Brdcstg. Corporation	Whitehorse, Yukon Terr. N 60 39 35 W 134 52 56	0.30 V 0.03 A	Om.	100	4340	1248	No

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)— Continued

Call Sign	Licensee	Location	Effective Radiated Power (kw)	Directivity	Antenna: Height Above Ground (Ft.)	Antenna: Height Above MSL (Ft.)	Antenna: Height Above Terrain (Ft.)	Offset
		CHANNEL 7 (174–180 MHz)						
CJOC-TV	Lethbridge Television Ltd.	Lethbridge, Alberta N 49 42 55 W 112 47 56	96.10 V 19.20 A	D.A.	600	3619	662	No
CHBC-TV-2	Okanagan Valley TV Co., Ltd.	Vernon, B. C. N 50 16 58 W 119 19 09	0.310 V 0.039 A	D.A.	93	2826	865.5	(−)
CJAY-TV	Channel 7 Television, Ltd.	Winnipeg, Manitoba N 49 34 48 W 97 10 04	325.00 V 65.00 A	Om.	929.5	1704.5	982.5	(+)
CKCD-TV	Moncton B/Cing, Ltd.	Campbellton, N. B. N 48 04 57 W 66 34 54	1.44 V 0.288 A	D.A.	90	1190	640	(−)
CHMT-TV	New Brunswick Brdcstg. Co. Ltd.	Moncton, N. B. N 45 48 32 W 64 45 11	182.0 V 36.4 A	D.A.	452	1702	1128	No
CBWCT-1	Canadian Brdcstg. Corporation	Atikokan, Ontario N 48 46 18 W 91 36 50	0.544 V 0.109 A	D.A.	309	1719	385	(−)
CFCL-TV-6	J. Conrad Lavigne Ltd.	Chapleau, Ontario N 47 51 15 W 83 25 08	0.101 A 0.020 V	D.A.	256	1876	420	(+)
CBFOT-2	Canadian B/Cing. Corp.	Hearst, Ontario N 49 38 50 W 83 30 50	8.40 V 1.68 A	D.A.	520	1420	511	No
CBFST	Canadian B/Cing. Corp.	Sturgeon Falls, Ontario N 46 25 10 W 79 56 04	9.75 V 1.95 A	D.A.	513	1363	617	No
CHAU-TV-7	Television de la Baie des Chaleurs Inc.	Riviere-au-Renard (Fox River), Quebec N 48 59 52 W 64 25 55	0.079 V 0.0395 A	D.A.	90	1140	709	No
CKRT-TV	CKRT-TV Ltee.	Riviere-du-Loup, Quebec N 47 35 03 W 69 22 10	49.00 V 24.50 A	Om.	200	2350	1156	(+)
CHLT-TV	Radio Television Sherbrooke, Inc.	Sherbrooke, Quebec N 45 18 43 W 72 14 32	170.00 V 100.00 A	D.A.	106	2856	1920	No
CFSS-TV	Yorkton Television Co. Ltd.	Carlyle Lake, Sask. N 49 44 22 W 102 16 38	55.00 V 8.80 A	D.A.	706	3231	886	(+)
CKMJ-TV	Transcanada Communications, Ltd.	Moose Jaw, Sask. N 50 38 43 W 105 46 06	55.40 V 11.08 A	D.A.	752	2727	768	(−)
CBCP-TV-1	Canadian Brdcstg. Corporation	Shaunavon, Sask. N 49 28 05 W 108 26 04	1.14 V 0.23 A	D.A.	418	3793	560	(+)
		CHANNEL 8 (180–186 MHz)						
CHBC-TV-3	Okanagan Valley Television Co.	Oliver, B.C. N 49 06 00 W 119 34 45	0.110 V 0.014 A	D.A.	57	2557	1346	No
CHAN-TV	British Columbia TV Broadcasting System Ltd.	Vancouver, B.C. N 49 16 31 W 122 54 49	164.00 V 81.00 A	D.A.	338	1313	1171	(+)
CKSS-TV	Yorkton Television Co., Ltd.	Dauphin (Baldy Mtn.) Manitoba N 51 28 14 W 100 43 10	120.00 V 12.00 A	D.A.	540	3267	1147	No
CBHT-2	Canadian B/Cing Corp.	Shelburne, N. S. N 43 46 35 W 65 18 29	0.423 V 0.254 A	D.A.	313.5	563.5	449	No
CJSS-TV	Cornwall B/Cing Ltd.	Cornwall, Ontario N 45 10 35 W 74 31 38	130.00 V 78.00 A	D.A.	638	813	615	(+)
CKVR-TV-2	Ralph Snelgrove Television, Ltd.	Huntsville, Ontario N 45 24 38 W 79 15 22	0.118 V 0.049 A	Om.	365	1665	481	(+)
CBWAT	Canadian B/Cing Corp.	Kenora, Ontario N 49 46 13 W 94 30 13	9.30 V 1.86 A	D.A.	185	1345	240	No
CBLAT-1	Canadian B/Cing Corp.	Manitouwadge, Ontario N 49 08 21 W 85 49 23.5	22.00 V 4.40 A	D.A.	538	1968	509	(+)
CKNX-TV	Radio Station CKNX, Ltd.	Wingham, Ontario N 44 05 26 W 81 12 26	90.00 V 18.00 A	D.A.	628	1773	793	(−)
CKRS-TV-3	Radio Saguenay Ltd.	Roberval, Quebec N 48 24 00 W 72 05 14	2.36 V 0.354 A	D.A.	307	1217	532	(+)
CFQC-TV	A. A. Murphy & Sons, Ltee.	Saskatoon, Sask. N 52 11 29.93 W 106 23 0.55	180.00 V 27.00 A	D.A.	625	2585	866	(+)
CBTE-TV-1	Canadian Brdcstg. Corporation	Watson Lake, Y.T. N 60 03 52 W 128 42 52	0.035 V 0.0035 A	D.A.	105	2405	−29	(+)
		CHANNEL 9 (186–192 MHz)						
CFJC-TV-4	Inland B/Casters Ltd.	Clinton, B. C. N 51 05 10 W 121 40 30	0.204 V 0.102 A	Om.	35	6535	1800	(+)
CBUT-1	Canadian B/Cing Corp.	Courtenay, B. C. N 49 35 44 W 125 00 36	0.625 V 0.232 A	D.A.	218	1418	483	(−)
CBUCT	Canadian B/Cing Corporation	Nelson, B. C. N 49 31 50 W 117 17 58	0.940 V 0.188 A	D.A.	168.5	5759.5	1377	No
CHBC-TV-4	Okanagan Valley Television Co., Ltd.	Salmon Arm, B. C. N 50 45 20 W 119 19 45	0.199 V 0.0025 A	D.A.	120	1910	−155	(−)
CKX-TV-2	Western Manitoba B/Casters., Ltd.	Melita, Manitoba N 49 16 50 W 100 50 12	0.188 V 0.094 A	Om.	211	1686	212	(+)
CKLT-TV	Moncton Broadcasting Ltd.	Saint John, N. B. N 45 28 39 W 66 14 02	162.00 V 32.00 A	D.A.	241	1696	1361	(+)
CJCB-TV-2	Cape Breton B/Casters, Ltd.	Antigonish, N. S. N 45 32 45 W 62 15 39	73.00 V 37.00 A	D.A.	463	1463	921	No
CBWDT	Canadian Brdcstg. Corpofation	Dryden, Ontario N 49 45 52 W 92 41 01	8.90 V 1.78 A	D.A.	511.2	1825	569	(−)
CBOFT	Canadian B/Cing Corp.	Ottawa, Ontario N 45 30 11 W 75 51 02	128.00 V 25.60 A	D.A.	702	1852	1204	(+)
CKNC-TV	J. Conrad Lavigne Ltd.	Sudbury, Ontario N 46 30 44 W 81 00 19	168.00 V 16.80 A	D.A.	530	1569	627	(+)
CBFOT	Canadian B/Cing Corp.	Timmins, Ontario N 48 28 00 W 81 17 50	16.00 V 3.20 A	D.A.	525	1669	706	(−)
CFTO-TV	Baton Broadcasting Ltd.	Toronto, Ontario N 43 46 48 W 79 15 34	325.00 V 162.00 A	Om.	871	1421	925	No
CBLAT-3	Canadian B/Cing Corp.	Wawa, Ontario N 48 01 13 W 84 44 08	16.00 V 3.20 A	D.A.	374	1814	581	(+)
CKLW-TV	Western Ontario B/Cing Co., Ltd.	Windsor, Ontario N 42 18 59 W 83 02 58	178.00 V 35.60 A	D.A.	626	1226	631	(−)
CKBL-TV	La Compagnie de Radiodiffusion	Matane, Quebec N 48 53 25 W 66 38 25	153.00 V 30.60 A	D.A.	114	3830	2336	(−)
CKRS-TV-1	Radio Saguenay Ltee.	Port Alfred, Quebec N 48 19 20 W 70 49 48	0.019 V 0.00285 A	DA	80	605	61	(+)
CBKRT	Canadian Brdcstg. Corporation	Regina, Sask. N 50 28 58 W 104 30 20	140.00 V 75.00 A	D.A.	607.5	2654	680	(−)
CBKST-1	Canadian Brdcstg. Corporation	Stranraer, Sask. N 51 40 25 W 108 28 54	35.20 V 7.05 A	D.A.	450	2950	765	No

FEB 10 72
XUM

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)—Continued

Call Sign	Licensee	Location	Effective Radiated Power (kw)	Directivity	Antenna: Height Above Ground (Ft.)	Antenna: Height Above MSL (Ft.)	Antenna: Height Above Terrain (Ft.)	Offset
		CHANNEL 10 (192–198 MHz)						
CKRD–TV–1	CHCA Television Ltd.	Coronation, Alberta N 52 09 15 W 111 09 30	12.40 V 6.20 A	D.A.	218	3218	687	No
CBUBT	Canadian B/Cing Corp.	Cranbrook, B. C. N 49 32 45 W 115 47 52	1.10 V 0.505 A	D.A.	77	4091	832	No
CHKL–TV–1	British Columbia Television B/Cing.	Penticton, B. C. N 49 30 34 W 119 34 18	0.440 V 0.088 A	D.A.	67	4367	1173	No
CBWGT	Canadian Brdcstg. Corporation	Fisher Branch, Manitoba N 51 04 50 W 97 38 55	27.40 V 5.48 A	D.A.	548	1368	559	(+)
CJCH–TV–1	CJCH Limited	Canning, N. S. N 45 12 12 W 64 24 06	9.05 A	D.A.	318	993	886	No
CFPL–TV	CFPL Broadcasting Ltd.	London, Ontario N 42 57 15 W 81 15 58	4.53 V 325.00 V 43.20 A	Om.	946	1860	1000	No
CFCH–TV	Tel-Ad Co., Ltd.	North Bay (Callender), Ontario N 46 12 15 W 79 21 05	110.00 V 23.80 A	D.A.	340	1185	420	(–)
CBWET	Canadian B/Cing Corporation	Red Lake, Ontario N 51 01 35 W 93 49 41	0.570 V 0.114 A	D.A.	211	1461	286	(–)
CKHQ–TV–1	Northeast Social Club	Manicouagan, Que. N 50 38 45 W 68 44 22	0.0550 V 0.0271 A	D.A.	203	1383	71	No
CFTM–TV	Telemetropole Corporation	Montreal, Quebec N 45 30 20 W 73 35 32	325.00 V 100.00 A	Om.	328	1068	972	No
CJFB–TV–3	Swift Current T/Cing Co., Ltd.	Riverhurst, Sask. N 50 44 25 W 106 51 34	0.300 V 0.195 A	D.A.	415	2940	776	(–)
CBKMT–1	Canadian B/Cing Corporation	Willow Bunch, Sask. N 49 23 10 W 105 40 17	16.80 V 4.02 A	D.A.	550	3425	820	(+)
		CHANNEL 11 (198–204 MHz)						
CBUAT	Canadian B/Cing Corp.	Trail, B. C. N 49 05 27 W 117 47 55	3.340 V 0.668 A	D.A.	203	4453	762	No
CKX–TV–1	Western Manitoba B/Csters., Ltd.	Foxwarren, Manitoba N 50 31 14 W 101 04 23	6.64 V 3.48 A	D.A.	261	2031	270	No
CBAFT	Canadian B/Cing Corp.	Moncton, N. B. N 46 08 41 W 64 51 11	163.00 V 33.00 A	D.A.	394	1010	781	No
CBHT–4	Canadian B/Cing Corp.	Sheet Harbor, N. S. N 44 55 29 W 62 29 55	9.07 V 1.814 A	D.A.	243	493	368	(+)
CBHT–3	Canadian B/Cing Corporation	Yarmouth, N.S., N 43 55 55 W 66 06 10	15.70 V 3.30 A	D.A.	540	690	620	(–)
CHCH–TV	Niagara TV, Ltd.	Hamilton, Ontario N 43 12 27 W 79 16 28	230.00 V 23.00 A	D.A.	1054	1679	1173	(+)
CKSO–TV–3	Cambrian B/Cing Ltd.	Kearns, Ontario N 48 08 12 W 79 33 12	65.00 V 13.00 A	D.A.	396	1746	734	No
CKWS–TV	Frontenac B/Cing Ltd.	Kingston, Ontario N 44 10 02 W 76 25 40	130.00 V 26.00 A	D.A.	785	1110	851	(–)
CBLAT–4	Canadian B/Cing Corp.	Marathon, Ontario N 48 44 50 W 86 34 09	7.66 V 1.532 A	D.A.	313	1758	932	(–)
CKBL–TV–1	La Compagnie de Radiodiffusion De Matane Ltee.	Mont Climont, Que. N 48 23 50 W 67 19 27	0.343 V 0.172 A	D.A.	95	1645	732	No
CBFT–1	Canadian B/Cing Corp.	Mont Tremblant, Que. N 46 13 10 W 74 33 11	0.600 V 0.300 A	D.A.	97	3047	1779	No
CBVT	Canadian B/Cing Corp.	Quebec, Quebec N 46 51 40.41 W 71 01 46.24	173.00 V 34.60 A	D.A.	525	950	641	(+)
CBKST	Canadian B/Cing Corporation	Saskatoon, Sask. N 52 10 25 W 106 25 42	325.00 V 65.00 A	Om.	600	2550	786	No
		CHANNEL 12 (204–210 MHz)						
CFCN–TV–1	CFCN Television Ltd.	Drumheller, Alta. N 51 34 00 W 112 19 48	11.10 V 7.00 A	D.A.	540	4040	916	No
CBUBT–1	Canadian B/Cing Corporation	Canal Flats, B.C. N 50 11 41 W 115 49 25	5.40 V 1.00 A	D.A.	132	3326	−805	No
CHKL–TV–2	British Columbia Television B/Cing System Ltd.	Vernon, B.C. N 50 16 58 W 119 19 09	0.241 V 0.023 A	D.A.	67	2800	578	No
CKAM–TV	Moncton B/Cing Ltd.	Upsalquitch Lake (Campbellton) N.B. N 47 27 19 W 66 25 07	111.00 V 28.20 A	D.A.	733	2793	1331	No
CBHT–1	Canadian B/Cing Corporation	Liverpool, N.S. N 44 03 59 W 64 43 00	0.970 V 0.097 A	D.A.	472	772	647	No
CBFST–3	Canadian B/Cing Corporation	Elliot Lake, Ontario N 46 23 21 W 82 37 06	18.60 V 3.72 A	D.A.	145	1645	532	(+)
CBFOT–1	Canadian B/Cing Corporation	Kapuskasing, Ontario N 49 17 48 W 82 11 19	17.40 V 3.48 A	D.A.	426	1226	438	No
CHEX–TV	Kawartha B/Cing Co., Ltd.	Peterborough, Ontario N 44 19 45 W 78 18 03	139.00 V 83.40 A	D.A.	753	1353	772	(+)
CBLAT–2	Canadian B/Cing Corporation	White River, Ontario N 48 37 45 W 85 11 24	0.384 V 0.077 A	D.A.	347.5	2311	761	(–)
CKRS–TV	Radio Saguenay Ltd.	Jonquiere, Quebec N 48 24 29 W 71 14 52	20.00 V 2.00 A	D.A.	228	748	311.5	(+)
CFCF–TV	Canadian Marconi Co.	Montreal, Quebec N 45 30 20 W 73 35 32	325.00 V 160.00 A	Om.	330	1074	970	No
CBFST–2	Canadian B/Cing Corporation	Temiskaming, Quebec N 46 38 28 W 79 04 24	7.08 V 1.416 A	D.A.	525	1825	860	(–)
CKCK–TV–1	Transcanada Communications, Ltd.	Colgate, Sask. N 49 26 16 W 103 47 53	15.10 V 3.02 A	D.A.	538	2463	532	No

CANADIAN TELEVISION ASSIGNMENTS WITHIN 250 MILES OF THE UNITED STATES (LISTED BY CHANNEL)—Continued

Call Sign	Licensee	Location	Effective Radiated Power (kw)	Directivity	Antenna: Height Above Ground (Ft.)	Antenna: Height Above MSL (Ft.)	Antenna: Height Above Terrain (Ft.)	Offset
		CHANNEL 12 (210–216 MHz)						
CFCN–TV–5	CFCN Television Ltd.	Lethbridge, Alberta N 49 42 55 W 112 47 56	47.00 V 7.34 A	D.A.	530	3549	593	(+)
CBUDT	Canadian B/Cing Corporation	Bonnington, B.C. N 49 28 33 W 117 29 16	0.022 V 0.0022 A	D.A.	107	2907	−1287	(+)
CHAN–TV–4	British Columbia TV B/Cing.	Courtenay, B.C. N 49 44 55 W 125 14 53	0.980 V 0.093 A	D.A.	68	3343	1321	No
CHBC–TV–1	Okanagan Valley TV Co. Ltd.	Penticton, B.C. N 49 30 34 W 119 34 18	0.200 V 0.038 A	D.A.	91	4291	2717	No
CJBR–TV–1	Lower St. Lawrence Radio, Inc.	Edmundston, N.B. N 47 23 25 W 68 18 59	1.430 V 0.714 A	D.A.	521	1721	856	No
CBHFT	Canadian B/Cing Corp.	Halifax, Nova Scotia N 44 39 03 W 63 39 28	0.135 V 0.0135 A	D.A.	525	975	771	No
CBLAT	Canadian B/Cing Corporation	Geraldton, Ontario N 49 43 50 W 86 43 21	22.00 V 4.40 A	D.A.	540	1690	598	(+)
CKCO–TV	Central Ontario TV Ltd.	Kitchener, Ontario N 43 24 15 W 80 38 05	325.00 V 65.00 A	Om.	653.8	2089	954	(+)
CJOH–TV	Bushnell Communications Ltd.	Ottawa, Ontario N 45 30 11 W 75 51 02	178.00 V 35.60 A	D.A.	533	1663	1225	(+)
CBFST–1	Canadian B/Cing Corporation	Sudbury, Ontario N 46 30 14 W 80 58 04	8.60 V 1.72 A	D.A.	265	1403	478	(–)
CBCT	Canadian B/Cing Corporation	Charlottetown, P.E.I. N 46 12 40 W 63 20 25	98.60 V 19.20 A	D.A.	540	890	771	(+)
CKTM–TV	Television St. Maurice, Inc.	Three Rivers, Quebec N 46 29 27 W 72 39 00	162.60 V 32.60 A	D.A.	1040	1615	1323	(–)
		CHANNEL 19 (500–506 MHz)						
CICA–TV	Canadian B/Cing Corporation	Toronto, Ontario N 43 39 43 W 79 22 42	600.00 V 120.00 A	Om.	521	861	476	(–)
		CHANNEL 72 (818–824 MHz)						
CHBC–TV–5	Okanagan Television Co., Ltd.	Enderby, B.C. N 50 33 48 W 119 06 10	0.020 V 0.0025 A	D.A.	103	2103	−625	No

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72–1987 Filed 2–9–72;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR — Page

PROCLAMATIONS:
- 2761A (see Proc. 4102) — 2417
- 2929 (see Proc. 4102) — 2417
- 3140 (see Proc. 4102) — 2417
- 3967 (see Proc. 4102) — 2417
- 4102 — 2417
- 4103 — 2489
- 4104 — 2643
- 4105 — 2831
- 4106 — 2921

EXECUTIVE ORDERS:
- 5237 (partially revoked by PLO 5155) — 2840
- 11248 (amended by EO 11641) — 2421
- 11345 (amended by EO 11646) — 2925
- 11568 (see EO 11642) — 2565
- 11641 — 2421
- 11642 — 2565
- 11643 — 2875
- 11644 — 2877
- 11645 — 2923
- 11646 — 2925

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Memorandum of January 27, 1972 — 2567

5 CFR — Page

213 — 2423, 2491, 2841, 2842, 2879

PROPOSED RULES:
- 900 — 2589

6 CFR

101 — 2491, 2678
102 — 2478
200 — 2479
300 — 2842
311 — 2480

7 CFR

51 — 2745
53 — 2745
501 — 2423
502 — 2424
701 — 2833
706 — 2491
724 — 2745
726 — 2496
729 — 2645, 2765
811 — 2659
905 — 2660
906 — 2765
907 — 2569, 2927
910 — 2426, 2766, 2834
928 — 2927
1001 — 2928

7 CFR—Continued — Page

1002 — 2929
1004 — 2929
1006 — 2930
1007 — 2930
1011 — 2930
1012 — 2930
1013 — 2931
1015 — 2931
1030 — 2931
1032 — 2932
1033 — 2932
1036 — 2932
1040 — 2932
1043 — 2933
1044 — 2933
1046 — 2933
1049 — 2933
1050 — 2934
1060 — 2934
1061 — 2934
1063 — 2934
1064 — 2935
1065 — 2497, 2935
1068 — 2935
1069 — 2935
1070 — 2936
1071 — 2936
1073 — 2936
1075 — 2936

FEB 10 72 XUM

7 CFR—Continued

	Page
1076	2937
1078	2937
1079	2937
1090	2937
1094	2938, 2944
1096	2938
1097	2938
1098	2938
1099	2939
1101	2939
1102	2939
1103	2939
1104	2940
1106	2940
1108	2940
1120	2940
1124	2940
1125	2941
1126	2941
1127	2941
1128	2941
1129	2942
1130	2942
1131	2942
1132	2942
1133	2943
1134	2943
1136	2943
1137	2943
1138	2944
1806	2879
1823	2879
1871	2569
PROPOSED RULES:	
59	2775
81	2778
726	2773
729	2774
945	2844
966	2845
982	2515
987	2890
993	2515
1046	2969
1421	2844
1434	2775
1446	2844
1481	2890
1701	2846

8 CFR

	Page
214	2766
238	2766
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

	Page
11	2426
73	2945
82	2429, 2498
97	2430
113	2430
301	2661
311	2661
315	2661
PROPOSED RULES	
316	2779
317	2779

12 CFR

	Page
701	2946

12 CFR—Continued

	Page
PROPOSED RULES:	
529	2447
750	2594

13 CFR

	Page
120	2569
123	2947

14 CFR

	Page
39	2498, 2570, 2662, 2835, 2880
71	2570–2572, 2835–2837, 2952, 2953
73	2499, 2837
75	2499, 2500, 2572, 2767
93	2953
95	2573
97	2662
121	2500
221	2664
241	2501
PROPOSED RULES:	
61	2523
67	2523
71	2524, 2587, 2682, 2683
73	2847
103	2587, 2588
121	2523, 2684
127	2523
183	2523

15 CFR

	Page
377	2430
PROPOSED RULES:	
7	2846

16 CFR

	Page
13	2575, 2576, 2578–2581, 2953
PROPOSED RULES:	
425	2848
432	2454, 2849

17 CFR

	Page
PROPOSED RULES:	
230	2596, 2598
239	2596, 2598

18 CFR

	Page
2	2502, 2954
PROPOSED RULES:	
101	2451
104	2451
105	2451
141	2451
260	2451

19 CFR

	Page
12	2430, 2665
PROPOSED RULES:	
1	2443
11	2509
134	2509

20 CFR

	Page
614	2434
617	2434
PROPOSED RULES:	
620	2684

21 CFR

	Page
3	2503
121	2437, 2958–2960
135	2961

21 CFR—Continued

	Page
135e	2960, 2961
141c	2665
144	2960
146a	2665
146c	2665
146e	2665
148n	2665
149a	2438
PROPOSED RULES:	
130	2969
135	2444

22 CFR

	Page
41	2439

24 CFR

	Page
600	2665
1710	2768
1914	2505, 2881
1915	2505, 2882

25 CFR

	Page
221	2506
PROPOSED RULES:	
43h	2679

26 CFR

	Page
1	2506
301	2481, 2506
PROPOSED RULES:	
1	2773

28 CFR

	Page
9	2768
45	2769

29 CFR

	Page
1904	2439
PROPOSED RULES:	
460	2443
1926	2443

30 CFR

	Page
PROPOSED RULES:	
80	2968

31 CFR

	Page
316	2554

32 CFR

	Page
1801	2672
1808	2673
PROPOSED RULES:	
1499	2849

32A CFR

	Page
Ch. X:	
OI Reg. 1	2439

33 CFR

	Page
117	2838
PROPOSED RULES:	
110	2446, 2447, 2587, 2890
117	2521, 2522

37 CFR

	Page
2	2880
PROPOSED RULES:	
1	2520

38 CFR

	Page
1	2676

39 CFR

	Page
Ch. I	2423

40 CFR

	Page
52	2581
85	2432
106	2433
180	2676, 2839, 2883

41 CFR

	Page
1–2	2769
1–7	2769
1–12	2769
1–16	2771
5A–8	2507
5A–73	2441
8–14	2508
8–74	2508
101–11	2962
101–27	2771
PROPOSED RULES:	
14–10	2680
60–7	2847

42 CFR

	Page
PROPOSED RULES:	
51b	2970
54	2970

43 CFR

	Page
2	2677
PUBLIC LAND ORDERS:	
5154	2677
5155	2840

45 CFR

	Page
102	2882
170	2882
1015	2840
PROPOSED RULES:	
118	2779
143	2779
220	2445
222	2445
415	2986

46 CFR

	Page
PROPOSED RULES:	
66	2681
193	2682

47 CFR

	Page
2	2771
21	2583

47 CFR—Continued

	Page
83	2884
211	2771
PROPOSED RULES:	
73	2524, 2790, 2891
81	2524

49 CFR

	Page
173	2885
174	2886
177	2886
178	2886
1033	2677
1211	2841
PROPOSED RULES:	
173	2588
178	2588

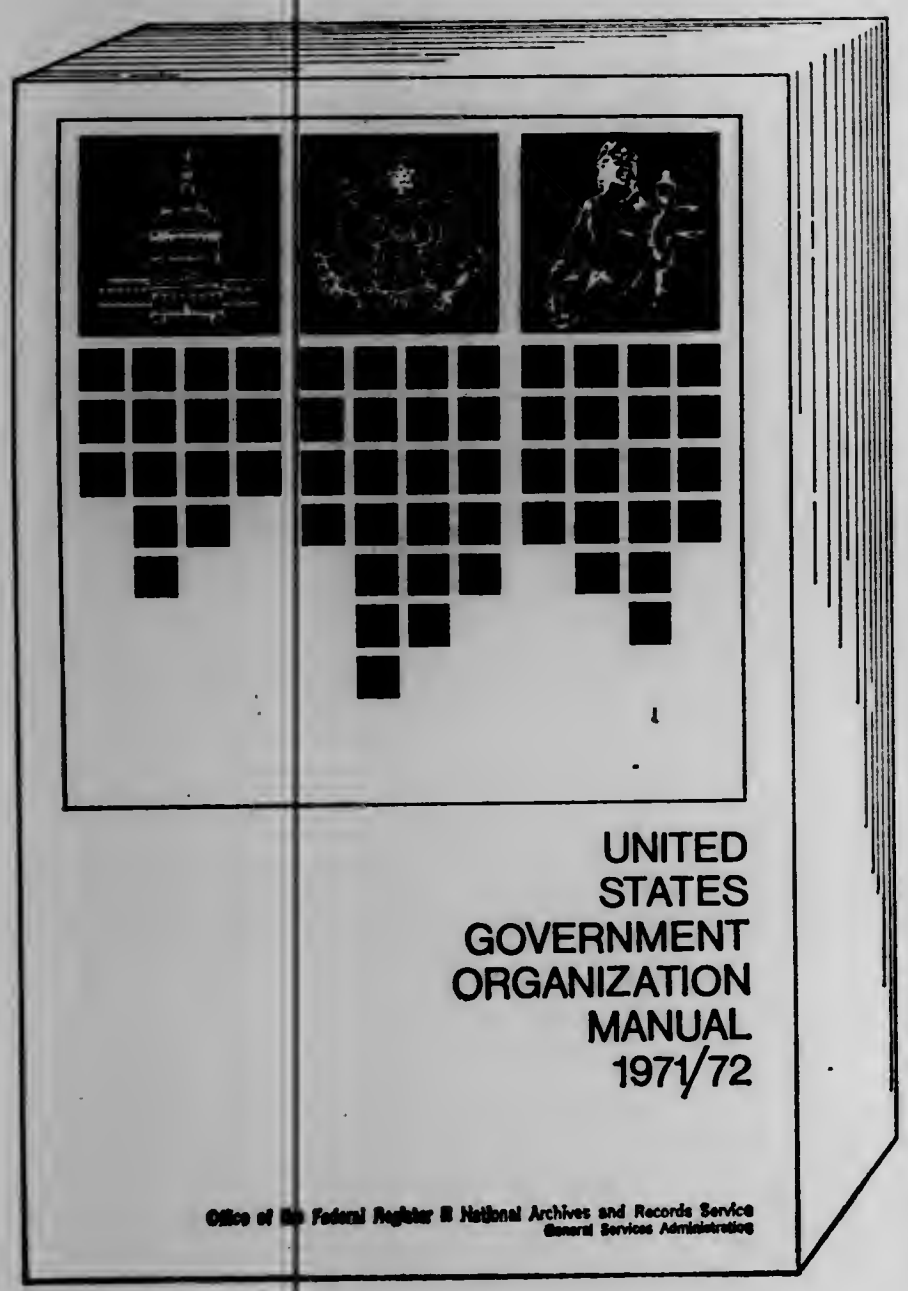
50 CFR

	Page
28	2964
33	2441, 2502, 2841, 2964, 2967
280	2516
PROPOSED RULES:	
17	2589
280	2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	Feb. 3
2637–2737	4
2739–2823	5
2825–2867	Feb. 8
2869–2913	9
2915–3041	10

FEB 10 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

FRIDAY, FEBRUARY 11, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 29
Pages 3043–3157

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

PUBLIC UTILITIES AND BENEFIT CORPORATIONS—Price Commission notice suspending rate increases and announcing hearings on Feb. 22, 24, 25, 26 1972 3094

PRICE STABILIZATION—
IRS notice of a Price Commission ruling to illustrate the Term Limited Pricing approval procedure 3061
IRS notice of a Price Commission ruling to permit price increases in reflection of wage increases incurred before 11–13–71 3063
IRS notice of a Price Commission ruling to define "retailer" and "ultimate customer" 3063
IRS notice of a Price Commission ruling to disallow patent royalty increases keyed on the cost of living index 3063

RENT STABILIZATION—
IRS notice of a Price Commission ruling to emphasize the 30-day prenotification requirement in rent increases (2 documents) 3061, 3062
IRS notice of a Price Commission ruling to reject the use of indirect municipal fee increases to justify rent raises 3061
IRS notice of a Price Commission ruling on the status of mobile home parks 3062

CROP PROGRAM PAYMENT LIMITATION—USDA interpretation attributing the stock of minor children to the parents 3049

NONMEMBER BROKER-DEALERS—SEC guidelines for rules of conduct 3050

ANIMAL DRUGS—
FDA amendment approving the use of a certain solution for dogs; effective 2–11–72 3053
FDA notice of certain drugs deemed adulterated 3079

(Continued inside)

V 37 ■ 29
FEB 11 72
XUM

Now Available

LIST OF CFR SECTIONS AFFECTED

1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Price: $6.75

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

POWERED INDUSTRIAL TRUCK SAFETY STANDARDS—Labor Dept. amendments coordinating effective dates and clarifying certain provisions 3053

COPYRIGHT CLAIMS REGISTRATION—Library of Congress rules for sound recordings; effective 2–15–72 3055

INTERNATIONAL MAIL—Postal Service rates and conditions for steamship agreements 3056

HAZARDOUS MATERIALS—DoT amendment to require additional couplers on railroad tank cars; effective 2–11–72 3058

BROKERS AND DEALERS—SEC time extension to 2–15–72 for comments on the proposed financial responsibility measures 3059

ANTIDUMPING—Treasury Dept. notice of investigation into printers' rubberized blankets from the United Kingdom 3061

DRUGS—
FDA notice of intent to withdraw approval of certain solutions (2 documents) 3078, 3079
FDA notice reclassifying as effective certain oral anticoagulants 3077
FDA notice withdrawing approval of a certain solution 3079

EDUCATIONAL TV—HEW listing of applications for Federal financial aid in construction 3080

FEDERAL CONSTRUCTION MINIMUM WAGES—Labor Dept. determinations for specified areas 3096

FOOD ADDITIVES—FDA proposal to revoke regulations authorizing the use of a certain fermentation inhibitor to still wines; comments within 60 days 3060

OCCUPATIONAL SAFETY—Labor Dept. notice announcing a meeting on Feb. 14 and 15, 1972, of the Advisory Committee on Asbestos Standards 3155

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Payment limitation; interpretation 3049

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Animal and Plant Health Service; Consumer and Marketing Service.

ANIMAL AND PLANT HEALTH SERVICE
Rules and Regulations
Exotic Newcastle disease; and psittacosis or ornithosis in poultry; permitted movements from areas quarantined 3050
Notices
Specific approval of stockyards and slaughtering establishments under brucellosis regulations 3064

ATOMIC ENERGY COMMISSION
Notices
Detroit Edison Co.; availability of applicant's supplemental environmental reports 3083
Duke Power Co.; proposed issuance of facility operating license 3084

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service; National Commission on Productivity 3049

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Oranges and grapefruit grown in lower Rio Grande Valley in Texas; fruit exempt from regulations 3049

COPYRIGHT OFFICE
Rules and Regulations
Registration of claims to copyright; registration for sound recordings 3055

CUSTOMS BUREAU
Notices
Printers' rubberized blankets from United Kingdom; antidumping proceeding notice 3061

EDUCATION OFFICE
Notices
Grants for noncommercial educational broadcasting facilities; acceptance of applications for filing 3080

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and federally assisted construction; modification and/or supersedeas decisions to area wage determination decisions for specified localities 3096

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rule Making
Advisory committees and hearings under Federal Insecticide, Fungicide, and Rodenticide Act; cancellation of registration of an economic poison; correction 3060

FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
Control zone; alteration 3050
Proposed Rule Making
Control zone and transition area; alteration 3059
Limitations governing number of operations each hour at Washington National Airport; withdrawal of proposals (2 documents) 3059

(Continued on next page)

V 37-29 FEB 1 1 72 XUM

FEDERAL MARITIME COMMISSION

Notices

Certificates of financial responsibility (oil pollution); certificates issued 3085
Latin America/Pacific Coast Steamship Conference; agreements filed (2 documents) 3084

FEDERAL POWER COMMISSION

Notices

Exemption of small producer from regulation; availability of updated list of small producer certificate applications 3087
Hearings, etc.:
Consolidated Gas Supply Corp. 3087
Electric and Water Plant Board, Frankfort, Ky., and Kentucky Utilities Co. 3087
Missouri Power & Light Co. 3088
Natural Gas Pipeline Company of America 3088
Northern Natural Gas Co. 3089
Texas Eastern Transmission Corp 3089
Wisconsin Public Service Corp. 3090

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

New animal drugs; naloxone hydrochloride 3053

Proposed Rule Making

Diethyl pyrocarbonate; revocation of food additive regulation 3060

Notices

Certain anticoagulant drugs; drugs for human use; efficacy study implementation; follow-up notice 3077
Don Baxter, Inc.; certain parenteral electrolyte solutions; opportunity for hearing 3078
Hess & Clark and Jensen-Salsbery Laboratories; certain tablets containing streptomycin, sulfathiazole and kaolin; drugs deemed adulterated 3079
Schering Corp.; sulfacetamide for oral administration; opportunity for hearing 3079
Upjohn Co.; combination drug containing medroxyprogesterone acetate, ethoxyolamide and ectylurea; withdrawal of approval 3079

HAZARDOUS MATERIALS REGULATIONS BOARD

Rules and Regulations

Specifications for tank cars; interlocking couplers 3058

Notices

Special permits issued or denied 3083

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration.

INDIAN AFFAIRS BUREAU

Proposed Rule Making

Wind River Irrigation Project, Wyo.; operation and maintenance charges 3060

INTERIOR DEPARTMENT

See also Indian Affairs Bureau; Land Management Bureau.

Notices

Navajo Project; availability of final environmental statement 3064

INTERNAL REVENUE SERVICE

Notices

Price Commission rulings:
Definition of retailer 3063
Effect of insufficient notice under rental regulations 3062
Indirect municipal fees as allowable costs 3061
Notice requirements for rental transactions after December 28, 1971 3061
Rental of mobile home spaces 3062
Royalties for use of a patent 3063
Term limited pricing 3061
Wage increases incurred prior to November 13, 1971, as allowable costs 3063

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 3095
Fourth section application for relief 3095
Motor carrier transfer proceedings 3095

LABOR DEPARTMENT

See Employment Standards Administration; Occupational Safety and Health Administration.

Notices

Puerto Rico; availability of extended unemployment compensation 3155

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:
Alaska 3056
Colorado 3058
Colorado, Utah, and Wyoming 3057

Notices

California; opening of land 3063
Idaho; termination of proposed withdrawal and reservation of lands 3064
Lands and resources; redelegation of authorities 3064

LIBRARY OF CONGRESS

See Copyright Office.

NATIONAL CAPITAL PLANNING COMMISSION

Notices

Protection and enhancement of environmental quality in National Capital Region; policies and procedures 3155

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules and Regulations

National consensus standards and established Federal standards; certain standards for powered industrial trucks; clarification 3053

Notices

Advisory Committee on Asbestos Standards; notice of meeting 3155

POSTAL SERVICE

Rules and Regulations

Purchase of mail transportation and related services by contract; compensation for transportation of surface mail 3056

PRICE COMMISSION

Notices

Public utilities and public benefit corporations; public hearings and temporary suspension of rate increases 3094

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Securities Exchange Act of 1934; relevance of standards and rules of conduct to nonmember broker-dealers 3050

Proposed Rule Making

Reserves and related measures respecting financial responsibility of brokers and dealers; extension of time for filing comments 3059

Notices

Hearings, etc.:
American Medicorp, Inc., et al. 3091
Beatrice Foods Co. et al. 3091
Cities Service Co. and City Investing Co. 3091
City Investing Co. et al. 3092
First Mortgage Investors 3092
Gannett Co., Inc., et al. 3092
Hudson's Bay Oil & Gas Co. Ltd., et al. 3092
Lomas & Nettleton Mortgage Investors 3093
Matsushita Electric Industrial Co., Ltd 3093
Revere Copper & Brass Inc. et al. 3093
Sony Corp. 3093
Warner & Swasey Co. 3094
Westcoast Transmission Co., Ltd 3094

STATE DEPARTMENT

Rules and Regulations

Documentation of nonimmigrants; classes of aliens eligible to receive diplomatic visas; correction 3053

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Hazardous Materials Regulations Board.

TREASURY DEPARTMENT

See Customs Bureau; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

PROCLAMATIONS:
2032 (see PLO 5158) 3058
2372 (see PLO 5158) 3058
EXECUTIVE ORDERS:
5327 (see PLO 5157) 3057

5 CFR

213 3049

7 CFR

795 3049
906 3049

9 CFR

82 3050

14 CFR

71 3050
PROPOSED RULES:
71 3059
159 (2 documents) 3059

17 CFR

241 3050
PROPOSED RULES:
240 3059

21 CFR

135 3053
135b 3053
PROPOSED RULES:
121 3060

22 CFR

41 3053

25 CFR

PROPOSED RULES:
221 3060

29 CFR

1910 3053

37 CFR

202 3055

39 CFR

619 3056

40 CFR

PROPOSED RULES:
164 3060

43 CFR

PUBLIC LAND ORDERS:
4522 (amended by PLO 5157) 3057
5156 3056
5157 3057
5158 3058

49 CFR

179 3058

V 37 29 FEB 11 72 XUM

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that until April 30, 1973, positions in grade GS–15 and below on the staff of the National Commission on Productivity are excepted under Schedule A.

Effective on publication in the FEDERAL REGISTER (2–11–72), paragraph (n) is added to § 213.3199 as set out below.

§ 213.3199 Temporary boards and commissions.

* * * * *

(n) *National Commission on Productivity.* (1) Until April 30, 1973, positions in grade GS–15 and below on the staff of the Commission.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2027 Filed 2–10–72;8:45 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—PROVISIONS COMMON TO MORE THAN ONE PROGRAM

PART 795—PAYMENT LIMITATION

Interpretation

The following interpretation of § 795.7 of the regulations governing the payment limitation, 35 F.R. 19339, as amended, is issued.

The question has been raised whether stock owned by an irrevocable trust having minor children as beneficiaries is to be attributed to their parents in applying the provisions of § 795.7. Section 795.7 provides that where any stockholder has more than a 20-percent interest in the value of the outstanding stock of a corporation, the stockholder's pro rata share of the program payments to the corporation shall be attributed to the stockholder for purposes of applying the payment limitation to the stockholder and the corporation.

In the question raised, a father is individually conducting a farming operation. He also owns more than 20 percent of the stock of a corporation which owns and operates a farm. The father proposes to transfer all the stock (or such part as would leave him individually owning less than 20 percent) to an irrevocable trust of which his two minor children are the beneficiaries.

It has been concluded that the stock owned by the irrevocable trust is to be attributed to the father in applying the provisions of § 795.7. Section 795.7 provides specifically that in computing the shares of stock owned by a stockholder, there is to be included the stock owned by his spouse and minor children. In addition, § 795.11 provides that, except under certain described circumstances, a minor child and his parents are to be considered as one person.

Signed at Washington, D.C., on February 7, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–2030 Filed 2–10–72; 8:45 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Fruit Exempt From Regulations

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the amendment of Subpart—Rules and Regulations thereunder, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This action reflects the Department's appraisal of the need for authorizing an additional container for the shipment of fruit in "specialty packs" pursuant to the provisions of §§ 906.42 and 906.44 of this part. The amendment is based upon an appraisal of the marketing situation for Texas oranges and grapefruit and the need to provide an additional container for the shipment of oranges and grapefruit in "specialty packs". Oranges and grapefruit are more elongated than normal this year, and several shipments to a particular outlet for fruit in "specialty packs" using container No. 6506—a container (16½ x 10¾ x 9½ inches), authorized pursuant to § 906.120(e)—have resulted in some of the fruit in many of the containers arriving in a damaged condition due to being bruised or flattened, or both. Because of this poor arrival condition, the opportunity to market Texas oranges and grapefruit to this outlet may be lost unless a suitable shipping container is provided. Such a container is one that is one inch deeper than the telescopic container (16½ x 10¾ x 9½ inches) presently authorized for shipment of oranges and grapefruit in "specialty packs", and this added space will prevent oranges and grapefruit, when packed level full, from arriving at destination bruised or in a flattened condition. The requirements with respect to type, material, and test strenght of the additional container are comparable to current container requirements, and are designed to adequately protect the fruit so packed in shipment to assure that the fruit will reach the consumer in satisfactory condition, and to maximize returns to producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication of the FEDERAL REGISTER (5 U.S.C. 553) in that (i) the handling of fruit is now in progress and to be of maximum benefit the provisions of this amendment should be effective upon the date hereinafter specified, (ii) the effective date hereof will not require of handlers any preparation that cannot be completed prior thereto, (iii) this amendment was recommended by members of the Texas Valley Citrus Committee in an open meeting at which all interested persons were afforded opportunity to submit their views, (iv) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and (v) this amendment relieves restrictions on the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas.

Order. It is therefore ordered that the provisions of § 906.120 (7 CFR 906.120; 36 F.R. 23617) are amended as follows:

Paragraphs (e)(3) and (f) are amended to read as follows:

§ 906.120 Fruit exempt from regulations.

* * * * *

(e) * * *

(3) The fruit is handled (i) in closed fully telescopic fiberboard cartons with inside dimensions of 16½ x 10¾ x 10½

V 37-29 FEB 11 72 XUM

inches: *Provided*, That the cover section and bottom section each has a Mullen or Cady test of at least 250 pounds. *Provided further*, That each such container is packed level full; (ii) in six-packs; (iii) in 12-packs; (iv) in baskets of a capacity of 1 bushel or less; or (v) in any of the containers authorized under § 906.340: *Provided*, That if any of the containers, currently authorized under § 906.340 are so used to handle fruit, each such container shall be stamped or marked "special purpose shipment".

* * * * *

(f) *Meaning of terms.* When used herein, the term "bushel" means a unit of measure equivalent to 2,150.42 cubic inches; the term "level full" means that the fruit is level with the top edge of the bottom section of the carton; the term "six-pack" means any container with a capacity of one-eighth of a bushel; the term "12-pack" means any container with a capacity of one-fourth of a bushel; the term "basket" means any container made of interwoven material; the term "closed" means closed in accordance with good commercial practices; and the term "U.S. No. 1" shall have the same meaning as given to such term in the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona) designated as §§ 51.680–51.712 of this title, and the U.S. Standards for Grapefruit (Texas and States other than Florida, California, and Arizona) designated as §§ 51.620–51.653 of this title, as applicable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, February 7, 1972, to become effective February 8, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–2029 Filed 2–10–72;8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Permitted Movements From Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 82.4, a new paragraph (c) is added to read as follows:

§ 82.4 Restrictions on interstate movement from guaranteed areas.

* * * * *

(c) *Other movements.* The Deputy Administrator may upon request in specific cases permit the movement, not otherwise provided for in this section, of poultry not known to be affected with exotic Newcastle disease, under such conditions as he may prescribe in each case to prevent the spread of such disease. The Deputy Administrator will promptly notify the appropriate livestock sanitary officials of the States involved of any such action.

(Secs. 4–7,, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 11–113, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707)

Effective date. The foregoing amendment shall become effective upon issuance.

The purpose of the foregoing amendment is to authorize the Deputy Administrator of Veterinary Services, Animal and Plant Health Service, in specific cases, to permit the movement of poultry not known to be affected with exotic Newcastle disease from areas quarantined because of such disease, when such movement will not constitute a threat to the poultry industry of the United States.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of February 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Service.

[FR Doc.72–2069 Filed 2–10–72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72–SO–9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Brunswick, Ga. (NAS Glynco) control zone.

The Brunswick (NAS Glynco) control zone is described in § 71.171 (37 F.R. 2056) and is presently effective 24 hours per day. Since the control tower will begin operating from 0700 to 2300 hours, local time, daily, effective February 15, 1972, it is necessary to alter the control zone to redesignate it as part-time. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 15, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Brunswick, Ga. (NAS Glynco), control zone is amended as follows: "This control zone is effective from 0700 to 2300 hours, local time, daily." is added to the description.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 1, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72–2023 Filed 2–10–72; 8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Relevance of Standards and Rules of Conduct to Nonmember Broker-Dealers

Statement of policy of the Director of the Division of Trading and Markets regarding the comparability of NASD and SECO regulation and the relevance of published NASD standards and rules of conduct to nonmember broker-dealers and their associated persons.

The Commission released the following statement of policy and guidelines of the Director of the Division of Trading and Markets with respect to the relevance of the standards and rules of conduct enunciated and promulgated by the National Association of Securities Dealers, Inc. (NASD) for its members to broker-dealers who are not members of that Association (nonmember broker-dealers).

1. *General policy.* Nonmember broker-dealers are subject to the so-called "SECO program" of the Commission adopted pursuant to sections 15(b) (8), (9), and (10) of the Securities Exchange Act of 1934 (the Act). Enacted in 1964 as amendments to the Act,[1] these provisions empowered the Commission to established for such nonmember broker-dealers and their associated persons supplementary regulatory procedures and

[1] 15 U.S.C. section 780.

rules comparable to those adopted by the NASD for its members and their associated persons. In various rules adopted under these statutory provisions, the Commission has set up specific procedures and norms of conduct closely paralleling those of the NASD in areas such as qualifications of associated persons of broker-dealers (including written examinations), fees and assessment, standards for supervision of securities employees, discretionary accounts, and suitability of recommendation.[2] Particularly under Rule 15b10–2 (17 CFR 240.15b10–2), dealing with "high standards of commercial honor" and "just and equitable principles of trade" questions have been raised from time to time by nonmember broker-dealers, their counsel and others as to the relevance to SECO firms of standards of conduct embodied in the rules, interpretations, guidelines, policy statements, etc., that have been published by the NASD.[3] A discussion of the general nature and scope of that rule is set forth in part II hereof.

The principles of conduct contained in published NASD rules and standards which are considered by the Division to be relevant guidelines and precedents for nonmember brokers and dealers and their associated persons are included in the first or first two columns of the appendix which also shows in the last two columns the Commission rules, statutory provisions, or other statements forming the basis for the relationship with each NASD standard. In this regard it should be noted that the inclusion in the appendix of certain Commission rules and statutory provisions as closely parrallel to specified NASD standards does not eliminate the possibility that specific activity may also violate other applicable provisions of the Federal securities laws and/or Commission rules (including the antifraud provisions.[4]

It will be noted that these NASD standards fall into several categories. Many are substantially covered by closely parallel statutory provisions and Commission rules. Other NASD policy and interpretative statements or rules contain principles, some or all of which the Commission (or the courts) has already discussed in adjudicated cases or public releases relating to the applicability of general statutory provisions and/or Commission rules (e.g. the antifraud provisions).

Further, many NASD articulated standards, while not specifically covered in Commission rules, cases, or releases, reflect relevant norms of behavior for nonmembers under Rule 15b10–2 which requires the observance of "just and equitable principles of trade" and "high standards of commercial honor." The Division will not recommend disciplinary action for violations of "just and equitable principles of trade" or "high standards of commercial honor" where there has been compliance with these NASD guidelines and applicable legal requirements (i.e., other than Rule 15b10–2).

As indicated above, the Appendix covers (in the first or first two columns) only published NASD standards of conduct. Other standards have emerged through adjudicated NASD disciplinary proceedings, many of which have been reviewed by the Commission and the courts. Nonmember broker-dealers should thus be aware of the published decisions of this nature since the standards so enunciated would generally be useful as precedents for them.[5]

On the other hand, the NASD's rules of fair practice and other directives include some measures which are designed primarily to prevent or aid in the detection of certain abuses but which may not always, depending upon the case, represent general principles of proper conduct. Such measures, including various NASD filing and recordkeeping requirements and some aspects of the Association's rules on hypothecation and lending of securities, payments to employees of others, and margin maintenance, are also included in the appendix. While the Division believes that a number of these standards should be applicable to nonmembers, it is of the opinion that they should be the subject of separate Commission rules and regulations. Proposals in these areas are therefore under consideration, as reflected (by an asterisk) in the third or middle column of the appendix.[6]

It is suggested that nonmember broker-dealers obtain directly from the National Association of Securities Dealers, Inc., 1735 K Street NW., Washington, DC 20006 copies of the NASD manual which contains current NASD rules, interpretations and policy statements.

II. *Nature and Scope of Rule 15b10–2.* Rule 15b10–2 provides:

> Every nonmember broker or dealer and associated person shall observe high standards of commercial honor and just and equitable principles of trade in the conduct of his business.

The rule was adopted under section 15 (b) (10) of the Act which states:

> No broker or dealer subject to paragraph (8) of this subsection shall effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) in contravention of such rules and regulations as the Commission may prescribe designed to promote just and equitable principles of trade, to provide safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market.

"Just and equitable principles of trade" and "high standard of commercial honor," however, are not phrases which originated in the Act or the Commission's rule but rather are concepts which have long characterized the level of professional integrity expected of persons in the securities business. Moreover, they are evolving standards of ethical conduct about as old as the securities business itself, which have grown in breadth and with increasing definition over the years. They therefore cannot be considered apart from their historical development.

The concepts predate the Federal securities laws by many years. As early as 1848 the Chicago Board of Trade announced one of its purposes to be to "inculcate principles of justice and equity in trade." By 1900 the constitution of nearly every stock exchange, including the New York Stock Exchange, provided that its purposes were "to furnish members with facilities for trading and to maintain high standards of commercial honor and integrity among its members and to promote and inculcate just and equitable principles of trade and business."

Section 6(b) of the Act has provided since 1934 that:

> No registration (of a national securities exchange) shall be granted or remain in force unless the rules of the exchange include provision for the expulsion, suspension,

[2] 17 CFR 240.15b–8, 9, and 10 (1967).

[3] The NASD standards discussed herein as useful guidelines for SECO firms are written as norms of conduct which the Association has prescribed for its members. Thus, persons in the SECO category should read the relevant NASD published materials in context. For example, the Association's interpretations often contain descriptions of the NASD's internal review procedures and/or refer to the association committees having responsibility for the implementation or enforcement of the conduct standards covered therein. These references would clearly be of no interest to SECO firms although in most instances the Commission does not have comparable (though not identical) administrative procedures.

[4] See appendix, footnote 1, which is filed as part of the original document.

[5] For instance, the NASD applies its rule on just and equitable principles of trade to certain failures by members to follow the Uniform Practice Code and to certain breaches of trade contracts. In this connection, the business practices relating to such matters as the confirmation, settlement, closing out, etc. of securities transactions, as they have been codified in the NASD's Uniform Practice Code, are an expression of the customs and usages of the trade. National Association of Securities Dealers, Inc. Manual, 1971, Commerce Clearing House, Inc., Chicago, Ill. (hereinafter referred to as "Manual"), paragraphs 3501–61. As such, the practices reflected in provisions of the Code should normally be followed in dealings between members of the NASD and nonmembers and between nonmembers. Consistent with NASD precedent in this regard, a failure by a nonmember, therefore to observe the procedures outlined in that Code could be a violation of Rule 15b10–2. See also Southern Brokerage Co., Inc., Securities Exchange Act Release No. 7463 (1964) and cases cited therein and Nassau Securities, Securities Exchange Act Release No. 7464 (1964), aff'd 348 F. 2d 133 (1965) (failure to honor trade contracts).

[6] In a few instances—as for example, certain recordkeeping requirements included in the Free-Riding and Withholding Policy (manual paragraph 2181)—parallel rule proposals by the Commission are not presently under consideration. In these instances, however, nonmembers who follow the special procedures required of NASD members would normally comply with the general SECO standards.

V37-29 FEB 11 72 XUM

or disciplining of a member for conduct or proceeding inconsistent with just and equitable principles of trade, and declare that the willful violation of any provisions of this title or any rule or regulation thereunder shall be considered conduct or proceeding inconsistent with just and equitable principles of trade.

In 1938 Congress, in the Maloney Act amendments to the Act, sought to create a type of regulation for the over-the-counter markets similar to that provided by the exchanges for their members. In furtherance of this purpose, it chose the media of registered national securities associations. Testifying at the hearings preceding the passage of the Maloney Act former SEC Commissioner Mathews stated:

> An association of this sort, if it is successful, must be able to control those practices of its members which, in the language of the stock exchange rule, are inconsistent with just and equitable principles of trading.

Thus, the concept of just and equitable principles of trade in the regulatory pattern adopted for those doing business in the over-the-counter markets has been embodied in both section 15A of the Act and in the rules of the NASD, the only association registered under that section. Section 15A(b)(8) of the Act provides that an association shall not be registered unless it appears to the Commission that, among other things, "the rules of the association are designed * * * to promote just and equitable principles of trade." Article III, section 1 of the NASD rules of fair practice, which was adopted pursuant to section 15A(b)(6), reflects both of the concepts here involved:

> A member, in the conduct of his business, shall observe high standards of commercial honor and just and equitable principles of trade.

Partially as a result of a recommendation of the Commission's Special Study of Securities Markets,[7] Congress in 1964 again addressed itself to the self-regulatory scheme it had created for the over-the-counter markets some 26 years earlier. Since membership in the NASD was voluntary—i.e., some broker-dealers who did not require the economic incentives to NASD membership contemplated by the Act[8] were not members of any self-regulatory organization—a regulatory gap remained. The Commission initially recommended compulsory membership in the NASD as a means of bridging the gap. However, Congress elected to preserve the voluntary character of NASD membership by committing directly to the Commission in new sections 15(b)(8), (9), and (10) the task of establishing supplementary regulatory programs for broker-dealers who do not elect such membership.[9] SECO was not created to afford its "members" any competitive advantage or means of circumventing regulation of ethical behavior by the NASD but solely to preserve freedom of choice. Congress intended that nonmember broker-dealers should receive substantially the same degree of regulation as members of the NASD. Accordingly:

> (Section 15(b)(10)) is based in large part upon the requirements imposed upon a securities association by section 15A(b)(8) of the Exchange Act with respect to its membership and is necessary to insure that those brokers and dealers who choose not to belong to an association will be subject to regulation in those areas by the Commission.[10]

Since its inception in 1939 the NASD has been the principal catalyst in the development of the scope and meaning of just and equitable principles of trade and high standards of commercial honor for the over-the-counter markets. There have been a number of avenues through which this development has occurred, including adoption by the Association of rules of fair practice, promulgation by the Board of Governors, through its powers to administer and interpret NASD rules,[11] of statements of policy, guidelines and interpretations, and case by case adjudication in Association disciplinary actions. The particular avenue utilized has depended in large measure on the nature of the regulatory problem concerned as well as other factors. In general, rules have been adopted where the principles of business conduct could be stated in general or reasonably specific terms. For the most part, these rules codified settled standards of behavior or embodied new standards or requirements designed to prevent recognized abuses. Promulgation of statements of policy, interpretations and guidelines regarding the implementation of existing rules has normally been the vehicle used (1) where the basic or underlying principles have been established (e.g., by rules) or have, over a period of time, been generally understood as appropriate norms of conduct and (2) where the enunciation of specific, detailed rules was unnecessary or impractical but (3) where the Board of Governors nevertheless considered it desirable to inform the membership of the guidelines or "rules of thumb," as they developed and evolved, that were being or would be applied by the Board and operating committees in administering such norms. Finally, the evolutionary development of business ethics has occurred through the disciplinary route where conduct recognized as patently contrary to professional standards has been found, but where, for example, the applicable norms previously were not or could not readily be reduced to written rule or guidelines.[12]

There have been many examples throughout the NASD's history of the use of each of the approaches or avenues described above. However, it is important to bear in mind that in all phases of NASD regulatory activity with regard to the development of the concepts of business ethics here involved, the Commission has played an active role both in formulation of standards and in supervising their implementation. The Commission, as part of the Congressional design for "cooperative regulation" of the over-the-counter markets, has been an active participant with the NASD in the development of the concepts of "just and equitable principles of trade" and "high standards of commercial honor." Just as the courts have recognized for some time that the limits of fraud cannot be precisely defined and accordingly have interpreted the antifraud provisions as general proscriptions against myriad forms of deception and manipulation,[13] so too "just and equitable principles of trade" is a standard of great elasticity intended to circumscribe a wide variety of conduct which may operate as an injustice to investors or other participants in the marketplace.

It is thus the opinion of the Division that, subject to the qualifications already noted, the standards of conduct and general interpretive principles which have been prescribed by the NASD for its members pursuant to section 15A(b)(8) of the Act and which have resulted from the continuing processes of definition described above, are relevant guidelines and accepted standards of behavior for nonmember broker-dealers and their associated persons. The Division believes that the language of section 15(b)(10) under the Exchange Act and the legislative history of its passage in 1964 compel such a conclusion. To hold nonmembers to a level of conduct less stringent than or at material variance with the standards which have been established for NASD members would be contrary to the intention of Congress. Although it has generally been the position of both the NASD and the Commission, in reviewing NASD action and in interpreting Rule 15b10-2, that in determining whether any given conduct contravenes "just and equitable principles of trade," all relevant facts and circumstances must be considered,[14] it is clear as a general proposition that conduct, which if engaged in by an NASD member (or associated person) would violate the NASD's parallel rule, would similarly constitute a violation of Commission Rule 15b10-2 if engaged in by a SECO firm (or associated person).

Since the views contained herein are being published partly in response to the expressed desires of the securities community for clarification, the Division invites comments from interested persons with respect to the adequacy of the foregoing statement and to the need for possible additional releases in this area.

[SEAL] RONALD F. HUNT,
Secretary.

DECEMBER 1, 1971.

[FR Doc.72-1975 Filed 2-10-72;8:45 am]

---

[7] "Report of Special Study of Securities Markets of the Securities and Exchange Commission," H.R. Doc. 95, 88th Cong., first sess. (1963).

[8] Section 15A(1).

[9] The Commission's residual jurisdiction in this area has since received the form designation "SECO" (i.e., SEC-registered only).

[10] H.R. Rep. No. 1418, p. 24, 88th Cong., second sess. (1964).

[11] NASD By-laws, article VII, section 3.

[12] The NASD's Mark-Up Policy (Manual, paragraph 2154) is perhaps the best example of a policy statement of guideline based upon an established general rule (article III, section 4 of the rules of Fair Practice where adoption of more specific and detailed rules has been impractical but where, in view of recurring abuses, the Board has found it necessary to keep the membership apprised of the guidelines and "rules of thumb" being applied. Considerable additional definition has been supplied in this area through the disciplinary route. (See appendix, footnote 10).

A similar pattern has marked the development of most of the NASD's Policy on Corporate Financing (Manual, paragraph 2151). This area is also one which has undergone considerable evolution, particularly in the past 5 years. The Free-Riding and Withholding Interpretation (Manual, paragraph 2151) has also had a similar development, except that here one of the major underlying principles (i.e., the ethical obligation of an underwriter to make a "bona fide public offering") was not previously set forth in writing as a conduct rule. The latter, however, had long been an accepted norm of the investment banking community. And, of course, failure to make a bona fide public offering also may violate the Federal securities laws. See appendix, footnote 5.

[13] See "Securities and Exchange Commission v. Capital Gains Research Bureau, Inc.," 375 U.S. 190 (1962); "J. I. Case Co. v. Borak, 377 U.S. 426 (1963); Tcherephin v. Knight," 389 U.S. 332 (1967); "Securities and Exchange Commission v. National Securities, Inc.," 393 U.S. 453 (1968); "Mills v. Electric Auto-Lite Co., 396 U.S. 375 (1969).

[14] See "Southern Brokerage Co., Inc.," supra note 3.

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
057----------	Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11530.

2. Part 135b is amended by adding the following new section:

§ 135b.36 Naloxone hydrochloride injection.

(a) *Specifications.* Naloxone hydrochloride injection is an aqueous sterile solution containing 0.4 milligram of naloxone hydrochloride per milliliter.

(b) *Sponsor.* See code No. 057 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used as a narcotic antagonist in dogs.

(2) It is administered by intravenous, intramuscular, or subcutaneous injection at an initial dose of 0.04 milligram per kilogram of body weight. When given intravenously, the dosage may be repeated at 2- to 3-minute intervals as necessary. Onset of action by intramuscular or subcutaneous injection is slightly longer than it is by intravenous injection, and repeated dosages must be administered accordingly.

(3) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-11-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 3, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72-2062 Filed 2-10-71;8:50 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Naloxone Hydrochloride

The Commissioner of Food and Drugs has evaluated a new animal drug application (35-825V) filed by Endo Laboratories, Inc., proposing the safe and effective use of naloxone hydrochloride injection for the treatment of certain conditions in dogs. The application is approved.

To facilitate referencing, Endo Laboratories, Inc., is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135b are amended as follows:

1. Part 135 is amended in § 135.501 by adding a new code number 057 to paragraph (c), as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.653]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Classes of Aliens Eligible To Receive Diplomatic Visas

Correction

In F.R. Doc. 72-1417 appearing on page 2439 in the issue of Tuesday, February 1, 1972, the following changes should be made:

1. The second paragraph should read as follows:

Section 41.102(b) is amended by revising the introductory text and subparagraph (12) and by adding a new subparagraph (13) to read as follows:

2. Subparagraph (12) should be inserted immediately preceding § 41.102 (b)(13), reading as follows:

(12) The Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS; NATIONAL CONSENSUS STANDARDS AND ESTABLISHED FEDERAL STANDARDS

Certain Standards for Powered Industrial Trucks; Clarification

On October 20, 1971, there was published in the FEDERAL REGISTER at page 20305 a notice of proposed rule making regarding the possible temporary suspension of certain safety and health standards applicable to the use of powered industrial trucks. The requested temporary suspension would restore from August 27, 1971, to February 15, 1972:

1. The requirement in § 1910.178 (a)(2) that powered industrial trucks used by employers in certain hazardous situations be manufactured in conformity with the American National Standards Institute (ANSI) standard B56.1-1969; and

2. The requirement of § 1910.178 (a)(3) that powered industrial trucks used by employers in certain hazardous situations must bear a label or other identifying mark indicating approval by a testing laboratory.

BACKGROUND

In the FEDERAL REGISTER of May 29, 1971 (36 F.R. 10466), occupational safety and health standards were published which are applicable to employers subject to the Williams-Steiger Occupational Safety and Health Act of 1970. Section 1910.178 containing standards applicable to the use of powered industrial trucks was said to be effective February 15, 1972. By virtue of amendments to Part 1910 which were published in the FEDERAL REGISTER on August 13, 1971, the effective dates of § 1910-178(a) (2) and (3) were accelerated to August 27, 1971.

Subsequently, Cushman Motors, a division of Outboard Marine Corp., Lincoln, Nebr., filed a petition with the Assistant Secretary alleging that the accelerating of the pertinent effective dates had a serious prejudicial effect upon Cushman Motors as a manufacturer of powered industrial trucks. It was asserted that before the August 13, 1971, publication Cushman Motors had made plans to comply with the pertinent standards by February 15, 1972. Cushman asserted that it could not comply with the labeling requirements of ANSI B56.1-1969 before the end of the calendar year and that it would be another month before the required laboratory testing would be accomplished.

The petition argued that the Assistant Secretary has authority to grant the action requested by informal rulemaking under section 6(a) of the Act. It is contended essentially that: (1) The possible temporary suspension is conceptually similar to ancillary rulemaking under

V37-29 FEB 11 72 XUM

section 6(a) of the Act establishing various delays in the effective dates of standards, such as those prescribed in the August 13, 1971, document; (2) that section 6(a) permits this suspension; and (3) that section 6(b) was not intended to preclude the taking of the requested action.

On December 28, 1971, Cushman Motors amended its petition to seek a further delay in the effective date of § 1910.178(a) until May 15, 1972. The amendment recites the delay experienced by Cushman since its initial filing in obtaining testing of its powered industrial trucks by a testing laboratory.

COMMENTS

Written comments were received in response to the notice. The comments have been carefully considered.

The petitioner submitted comments which largely reiterate the points made in the petition.

The Industrial Truck Association commented that it does not take a position either for or against the request for suspension. Komatsu American Corp., a distributor in this country for forklift trucks manufactured by Komatsu stated that it relied on the May 29, 1971, publication and its pertinent February 15, 1972, effective date in making purchases of trucks for Komatsu. Komatsu has applied for UL testing, but scheduling for the UL inspection cannot be fixed for the immediate future. An additional delay for forklift trucks is sought until April 15, 1972.

C. Itoh & Co., Inc., which imports forklift trucks manufactured by Toyo Umpanki Company of Japan, generally supports the petition and also seeks clarification as to the meaning of the pertinent standards as they apply to forklift trucks.

The Nader Task Force on Occupational Safety and Health submitted comments asserting that the Assistant Secretary lacks authority to provide the requested relief by means of informal rule making under section 6(a) or the general rulemaking authority under section 8(g)(2). The Task Force appears to ask that the proceeding be treated as rule making under section 6(b) of the Act and the period for comment prescribed therein be provided, or that the Assistant Secretary obtain a list of the purchasers of the equipment, and require such purchasers to seek a variance from the standards involved under section 6(b)(6)(A) of the Act. Concerning section 6(a), the Task Force argues that no delays in effective date from standards issued thereunder was intended by the Congress.

DISCUSSION AND CONCLUSION

The critical portions of § 1910.178(a) read as follows:

(a) • • •

(2) All new powered industrial trucks acquired after the effective date of this subpart shall meet the design specifications established in the "American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1–1969", except for vehicles intended primarily for earth moving or over-the-road hauling.

(3) Approved trucks shall bear a label or some other identifying mark indicating approval by the testing laboratory.

Part II of ANSI B56.1–1969 sets forth safety standards for the design and construction of powered industrial trucks. Although § 1910.178(a)(2) is concerned exclusively with the duties of employers in the acquisition and use of powered industrial trucks, Part II itself is addressed essentially to matters of interest to the manufacturers of powered industrial trucks. The critical standards in Part II insofar as this petition is concerned seem to be paragraph 405A. and paragraph 406. Paragraph 405A. reads as follows:

405 NAMEPLATES AND MARKINGS

A. On every truck the manufacturer shall install a durable, corrosion resistent, nameplate with the truck model or truck serial number and approximate weight of truck legibly inscribed. The truck serial number shall also be stamped on the frame of the truck. If the truck is accepted by a nationally recognized testing laboratory it should be so marked.

Paragraph 406 sets forth in considerable detail various tests which are required for the making of stability determinations regarding the industrial trucks.

The application of § 1910.178(a)(3) quoted above must be read with paragraph (a)(7) which reads as follows:

(a) • • •

(7) Definition: As used in this section, "approved" means listed or approved by at least one of the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factory Mutual Engineering Corp.

Section 1910.178(a)(2), (3), and (7) must be read together. In other words, the rules contemplate that the various tests provided in Part II of ANSI B56.1–1969 will be performed by a nationally recognized testing laboratory.

Only "approved" industrial trucks may be used in hazardous locations. See paragraph (c) prescribing the "designated locations" in which approved powered industrial trucks may be used and (m)(12) providing that only "approved" industrial trucks shall be used in hazardous locations.

It is clear from the foregoing that some restatement or clarification of the pertinent effective dates is necessary. Paragraph (a)(2) applies to "all new powered industrial trucks acquired after the effective date of this subpart". The subpart is Subpart N. However, Subpart N has no single effective date. See § 1910.182(b) (36 F.R. 15106, August 13, 1971). Further, paragraph (b) of § 1910.182 provides that, among other things, the effective date for paragraph (c) shall be February 15, 1972.

In view of this relationship between paragraph (c) and paragraph (a)(3), and in turn the labeling requirements of paragraph 405 of the ANSI standard applied in paragraph (a)(2) requiring a marking if a truck is accepted by a nationally recognized testing laboratory, it would seem that paragraph (a)(2), paragraph (a)(3), and paragraph (c) should have the same effective date. Under these circumstances and in view of the fact that the existing effective date for paragraph (c) is February 15, 1972, the effective date for the three provisions should be February 15, 1972.

The accomplishment of this may be viewed as requiring nothing more than a clarification of existing rules which are patently conflicting. The clarification is considered nonsubstantive in nature.

It is therefore not necessary to reach the issues of whether the use of a February 15, 1972, effective date requires a suspension of standards and whether such a suspension may be accomplished without having recourse to the detailed and time-consuming procedures of section 6(b) of the Act.

The separate requests by Komatsu and Cushman Motors for time beyond February 15, 1972, are rejected. No further postponement in the application of the rules involved appears warranted. They are rules of general application, and we understand that "approved" trucks meeting the requirements of § 1910.178 are presently and generally available. Therefore, the recourse of the petitioners should be addressed to remedies which are more particular in scope.

As the Nader Task Force has observed, employers of new powered industrial trucks may seek variances from the standards involved under section 6(b)(6)(A) of the Act. Section 6(b)(6)(A) permits a variance from a standard when the applicant shows that: (1) He is unable to comply with a standard by its effective date because of the unavailability of professional or technical personnel or to material or equipment needed to come into compliance with the standard; (2) he is taking all available steps to safeguard his employees against the hazards covered by the standard; and (3) he has an effective program for coming into compliance with the standard as quickly as practicable. This relief is available to employers, and not to manufacturers as such. But Cushman Motors itself is also an employer. Further, the applicable procedural rules permit relief for not only individual employers but also classes of employers. Cushman and other users (such as purchasers) of its industrial trucks may well be a class for purposes of Part 1905, Title 29 of the Code of Federal Regulations (36 F.R. 12290, June 30, 1971). Similarly, purchasers from Komatsu may also comprise a class.

Finally, we note that Cushman questions the validity of the definition of the term "approved" in § 1910.178(a)(7). An examination of the pertinent national consensus standards, NFPA No. 505–1969 and ANSI B56.1–1969, suggests that the definition is too narrow. To be consistent with the official NFPA definition of the term "approved" adopted January 23, 1964, rev. December 9, 1969, the definition should be changed to include testing laboratories which are qualified and equipped to conduct the necessary tests required by the cited ANSI standard.

Section 1910.178 of Title 29, Code of Federal Regulations, is hereby amended as indicated below:

1. Section 1910.178 is amended by clarifying the effective date statement in subparagraph (2) of paragraph (a) thereof, by clarifying the application of subparagraph (3) thereof in relation to subparagraph (2), and by revising subparagraph (7) thereof. As amended, § 1910.178 reads as follows:

§ 1910.178 Powered industrial trucks.

(a) • • •

(2) All new powered industrial trucks acquired and used by an employer after the effective date specified in paragraph (b) of § 1910.182 shall meet the design and construction requirements for powered industrial trucks established in the "American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1–1969", except for vehicles intended primarily for earth moving or over-the-road hauling.

(3) Approved trucks shall bear a label or some other identifying mark indicating approval by the testing laboratory. See subparagraph (7) of this paragraph and paragraph 405 of "American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1–1969", which is incorporated by reference in subparagraph (2) of this paragraph and which provides that if the powered industrial truck is accepted by a nationally recognized testing laboratory it should be so marked.

• • • • • •

(7) Definition: As used in this section, "approved" means labeled by a nationally recognized testing laboratory; i.e., a laboratory qualified and equipped to conduct the necessary tests required under "American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1–1969", in accordance with the requirements of section 405 thereof.

• • • • • •

2. Paragraph (b) of § 1910.182 is amended in order to reflect the effective date change discussed above. As amended, § 1910.182 reads as follows:

§ 1910.182 Effective dates.

• • • • • •

(b) The following provisions shall become effective on February 15, 1972:

§ 1910.177 (d) and (f).
§ 1910.178 (a)(2) and (3), (c), (e), and (m)(11).
§ 1910.179 (b)(6), (c), (d), (e), (f), (g), and (h).
§ 1910.180(c).

• • • • • •

(Secs. 6(a), 8(g), 84 Stat. 1553, 1600; 29 U.S.C. 657, 659)

Signed at Washington, D.C., this 8th day of February, 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72–2100 Filed 2–10–72;8:51 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Registration for Sound Recordings

Effective February 15, 1972, Part 202 Of Chapter II of Title 37 of the Code of Federal Regulations is amended as follows:

1. In § 202.2, paragraph (b) is amended by revising subparagraphs (1), (2), and (10) to read as follows:

§ 202.2 Copyright notice.

• • • • • •

(b) *Defects in notice.* Where the copyright notice does not meet the requirements of the law, the Copyright Office will reject an application for copyright registration. Common defects in the notice include, among others, the following:

(1) The notice lacks one or more of the necessary elements (i.e., the word "Copyright," the abbreviation "Copr.", or the symbol ©, or, in the case of a sound recording, the symbol ℗; the name of the copyright proprietor, or, in the case of a sound recording, the name, a recognizable abbreviation of the name, or a generally known alternative designation, of the copyright owner; and, when required, the year date of publication);

(2) The elements of the notice are so dispersed that a necessary element is not identified as a part of the notice; in the case of a sound recording, however, if the producer is named on the label or container, and if no other name appears in conjunction with the notice, his name will be considered a part of the notice;

• • • • • •

(10) A notice is on the wrapper or container which is not a part of the work and which will eventually be removed and discarded when the work is put to use; the notice may be on a container which is designed and can be expected to remain with the work;

• • • • • •

2. Section 202.3 is revised as follows:

a. Paragraph (a) is revised to read as set forth below.

b. In paragraph (c) of § 202.3, the list of application forms for the registration of claims to copyright is amended by inserting, after the item "Form L–M—Motion picture (Classes L–M)," the new item "Form N—Sound recording (Class N)."

§ 202.3 Application forms.

(a) *In general.* Section 5 of title 17 of the United States Code provides fourteen classes (Class A through Class N) of works in which copyright may be claimed. Examples of certain works falling within these classes are given in §§ 202.4 to 202.15a inclusive, for the purpose of assisting persons who desire to obtain registration of a claim to copyright, to select the correct application form.

• • • • • •

3. In § 202.8, paragraph (b) is revised to read as follows:

§ 202.8 Musical compositions (Class E).

• • • • • •

(b) A phonorecord, such as a disc, tape, or other reproduction of a sound recording, is not considered a "copy" of the musical composition or the literary or dramatic work recorded on it, and is not acceptable as a deposit copy for copyright registration of the musical composition or the literary or dramatic work. Concerning the registration of copyright claims in sound recordings as works in themselves (as distinct from the musical compositions or the literary or dramatic works recorded), see § 202.15a.

4. Part 202 is amended by adding a new § 202.15a, reading as follows:

§ 202.15a Sound recordings (Class N).

(a) This class includes published sound recordings, i.e., works that result from the fixation of a series of musical, spoken, or other sounds. Common examples include recordings of music, drama, narration, or other sounds, as published in the form of phonorecords such as discs, tapes, cartridges, cassettes, player piano rolls, or similar material objects from which the sounds can be reproduced either directly or with the aid of a machine or device. Registration for sound recordings is made in Class N.

(b) Only those sound recordings fixed and published on or after February 15, 1972, are eligible for registration. A sound recording is "fixed" when the complete series of sounds constituting the work is first produced on a final master recording that is later reproduced in published copies.

(c) Sound recordings registrable in Class N do not include a sound track that is an integrated part of a motion picture. Registration for motion pictures, of which a sound track may be an integrated part, is made in Class L or M; see § 202.15.

(d) Registration for a sound recording in Class N does not cover the musical composition or the literary or dramatic work of which a rendition is recorded. A claim of copyright in the recorded musical composition is to be registered separately in Class E; see § 202.8. A claim of copyright in the recorded literary or dramatic work is to be registered separately in Class A, B, C, or D, whichever is appropriate; see §§ 202.4, 202.5, 202.6, and 202.7.

(Sec. 207, 61 Stat. 666; 17 U.S.C. 207)

Dated: February 8, 1972.

GEORGE D. CARY,
Register of Copyrights.

Approved:

L. QUINCY MUMFORD,
Librarian of Congress.

[FR Doc.72–2052 Filed 2–10–72;8:46 am]

V37-29
FEB 11 72
XUM

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 619—PURCHASE OF MAIL TRANSPORTATION AND RELATED SERVICES BY CONTRACT

Compensation for Transportation of Surface Mail

Regulations codified under Part 619 are amended to prescribe rates and conditions applicable to the transportation of mail by steamship beyond the United States, when the transportation is effected by agreement based upon the tender and acceptance of mail. Accordingly, in Part 619 add new Subpart 11, to read as follows:

Subpart 11—International Transportation of Mail by Vessel Through Tender and Acceptance Agreement

§ 619.1101 Compensation for transportation of surface mail.

Where the U.S. Postal Service tenders mail for transportation beyond the borders of the United States under the provisions of this section and the mail is so accepted by steamships of United States or foreign registry, acceptance of such mail shall constitute an agreement between the U.S. Postal Service and the accepting steamship or steamship company that the following conditions and rates shall apply to the transportation of such mail.

(a) *Rates.* Payment shall be made for the transportation of U.S. mail and foreign closed transit mail on steamships of the United States and foreign registry at the rates specified in the schedule below. The word "mail" includes parcel post. The rates cover all services performed by foreign flag vessels and all maritime service of U.S.-flag vessels.

Distance conveyed (nautical miles)	(1) Rates[1]	(2) Rates[2]
Up to 300 miles	3.6	1.8
Over 300 up to 600 miles	3.6	2.5
Over 600 up to 1,000 miles	3.6	3.1
Over 1,000 up to 1,500 miles	4.1	3.6
Over 1,500 up to 2,000 miles	5.4	4.0
Over 2,000 up to 2,500 miles	5.4	4.4
Over 2,500 up to 3,000 miles	5.4	4.7
Over 3,000 up to 3,500 miles	5.8	5.0
Over 3,500 up to 4,000 miles	6.1	5.3
Over 4,000 up to 5,000 miles	6.4	5.6
Over 5,000 up to 6,000 miles	7.0	6.1
Over 6,000 up to 7,000 miles	7.5	6.5
Over 7,000 up to 8,000 miles	7.8	6.8
Over 8,000 miles	8.0	7.1

[1] Rates for: Maritime transportation of mail (except U.S. Mail transshipped from the Canal Zone) including outbound empty equipment on steamships of U.S. registry (cents per pound, net weight for mail).

[2] Rates for: 1. All mail (including empty airmail sacks) on steamships of foreign registry and 2. U.S. Mail transshipped from Canal Zone on steamships of U.S. registry (cents per pound, net weight for mail).

In addition to the maritime transportation rates shown in column (1) above, the U.S. Postal Service will either pay steamships of U.S. registry directly for costs incurred by them or assume the responsibility for cartage from postal facility to pier.

(b) *Special rates.* This section shall not prevent a carrier from accepting maritime transportation rates lower than those shown in paragraph (a) of this section.

(c) *Computation of payments.* The maritime transportation rates prescribed in paragraph (a) of this section, while measured by the net weight of the mail, are intended in all cases to include payment for the weight of the covering mail bags. In the case of vessels of foreign registry, the maritime transportation rates prescribed in paragraph (a) of this section, while measured by the net weight of the mail, also include compensation for the return of empty surface mail bags and the transportation from the postal facility to the pier. Acceptance by steamship companies of mail for transportation constitutes an acceptance of this method of computing payment.

(d) *Outgoing mail.* Steamship companies are to provide for the transportation and protection of all outgoing mail, including parcel post and sacks containing empty sacks, from the post office to the transporting vessel.

(e) *Incoming mail.* All incoming mail, including letter mail, parcel post and sacks containing empty sacks, is to be placed on the piers by the steamship companies. At that point delivery of the mail is made into the custody of agents of the postal service for trucking to the post office. The mail shall be placed on the piers and delivered to the agents of the postal service before the transporting vessel makes entry or breaks bulk, such action to be regarded as compliance with the law. Mail, including letter mail, parcel post and sacks containing empty sacks, waybilled for discharge at ports other than the first port of call of the vessel in the United States, shall be discharged at the first port of call if the vessel is scheduled to remain at said first port of call for more than 24 hours.

(f) *Vehicles and carriers.* Carriers are accountable and answerable in fines for failure to:

(1) Carry the mail in a safe and secure manner. The mail compartment of the completely closed van-type vehicle or trailer-type container vehicle must be locked or sealed during transport from post office to pier. When open-top trucks are used, the sacks shall be covered by a fireproof and rainproof tarpaulin which must be fastened securely to the body of the truck.

(2) Guard the pouches and other mail in their custody from theft or damage by water or any other source.

(g) *Registered (red label) sacks.* The registered sacks shall be specially protected during transfer between post offices and the transporting vessels and on board the vessels. The red label sacks shall be separately delivered to the steamship company's representative at the post office in the case of outgoing mails. Incoming red label sacks shall be segregated from the other mails on the piers by the steamship companies.

(h) *Fines and deductions.* Steamship companies are responsible to the United States for the safety of the mail intrusted to them, and accountable for any loss or damage resulting to any mail by reason of failure on the part of any of their officers, agents, or employees to exercise due care in the custody, handling, or transportation thereof. In case of delinquencies, fines may be imposed or deductions made from the company's pay.

(39 U.S.C. 401, 5601, 5604)

LOUIS A. COX,
General Counsel.

[FR Doc.72-2054 Filed 2-10-72;8:46 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5156]

ALASKA

Withdrawal of Lands in Former Reservations

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, all of the lands and water areas in the reserves set aside by legislation, Executive and Secretarial Orders for Native use or for administration of Native Affairs, including those created under the Act of May 31, 1938, 52 Stat. 503, which were revoked by section 19(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 710, are hereby withdrawn from all forms of appropriation under the public land laws, including selections by the State of Alaska under the Alaska Statehood Act (72 Stat. 339), and from location and entry under the mining laws (30 U.S.C., Ch. 2), and from leasing under the Mineral Leasing Act of February 25, 1920, 41 Stat. 437, as amended, 30 U.S.C. section 181 et seq. (1970), in furtherance of the right of any Native Village Corporation or Corporations to acquire title to the surface and subsurface estates in the reservations, pursuant to section 19(b) of said Act.

2. The withdrawal made by this order will remain in full force and effect until December 18, 1973, unless sooner modified or terminated. Any of the lands or water areas not selected under the provisions of the Alaska Native Claims Act, supra, and not withdrawn by said Act or otherwise, shall at 10 a.m. on December 18, 1973, be open to selection by the State of Alaska under the Statehood Act, and to appropriation under the public land laws generally, including location and entry under the mining laws, and to leasing under the mineral leasing laws at 10 a.m. on March 18, 1974.

3. This order shall become effective upon publication in the FEDERAL REGISTER (2-11-72).

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 4, 1972.

[FR Doc.72-2073 Filed 2-10-72;8:47 a.m.]

[Public Land Order 5157]

[Misc. 1375265]

COLORADO, UTAH AND WYOMING

Amendment of Public Land Order No. 4522

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 4522 of September 13, 1968, which withdrew deposits of oil shale and lands containing such deposits from appropriation under the U.S. mining laws relating to metalliferous minerals, and from sodium leasing under the mineral leasing laws, is hereby amended to delete the following described national forest lands:

COLORADO

SIXTH PRINCIPAL MERIDIAN

T. 10 S., R. 92 W.,
Secs. 18 to 20, inclusive, 29 to 33, inclusive.
T. 11 S., R. 92 W.,
Secs. 3 to 10, inclusive, 15 to 22, inclusive, 26 to 33, inclusive.
T. 12 S., R. 92 W.,
Secs. 3 to 6, inclusive, and 10.
T. 7 S., R. 93 W.,
Secs. 30 and 31.
T. 8 S., R. 93 W.,
Secs. 6 to 9, inclusive, 15 to 22, inclusive, and 27 to 30, inclusive.
T. 10 S., R. 93 W.,
Secs. 13 to 36, inclusive.
T. 11 S., R. 93 W.,
Secs. 1 to 36, inclusive.
T. 12 S., R. 93 W.,
Secs. 1 to 6, inclusive, 8 to 11, inclusive, 13 to 17, inclusive, 20 to 24, inclusive.
T. 7 S., R. 94 W.,
Secs. 19 to 36, inclusive.
T. 8 S., R. 94 W.,
Secs. 1 to 30, inclusive.
T. 10 S., R. 94 W.,
Secs. 23 to 27, inclusive, 31 to 36, inclusive.
T. 11 S., R. 94 W.,
Secs. 1 to 36, inclusive.
T. 12 S., R. 94 W.,
Secs. 1 to 11, inclusive, and 16.
T. 8 S., R. 95 W.,
Secs. 1 to 3, inclusive, 10 to 15, inclusive, 22 to 35, inclusive.
T. 9 S., R. 95 W.,
Secs. 4 to 6, inclusive.
T. 11 S., R. 95 W.,
Secs. 1 to 4, inclusive, and 7 to 36, inclusive.
T. 12 S., R. 95 W.,
Secs. 1 to 22, inclusive, 28 to 31, inclusive.
T. 9 S., R. 96 W.,
Secs. 11 to 15, inclusive.
T. 11 S., R. 96 W.,
Secs. 22 to 36, inclusive.
T. 12 S., R. 96 W.,
Secs. 1 to 27, inclusive, 33 to 36, inclusive.
T. 12 S., R. 97 W.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, 22 to 24, inclusive.

UTAH

UINTA MERIDIAN

T. 2 N., R. 1 W.,
Sec. 19.
T. 2 N., R. 3 W.,
Secs. 20, 21, and 28 to 33, inclusive.
T. 2 N., R. 4 W.,
Secs. 35 and 36.
T. 6 S., R. 3 W.,
Secs. 4 to 9, inclusive, 16 to 21, inclusive, 29 and 30.
T. 6 S., R. 4 W.,
Secs. 1 to 35, inclusive.
T. 7 S., R. 4 W.,
Secs. 3 to 10, inclusive, 15 to 18, inclusive.
T. 6 S., R. 5 W.,
Secs. 1 to 36, inclusive.
T. 7 S., R. 5 W.,
Secs. 1 to 7, inclusive, 9 to 14, inclusive.
T. 6 S., R. 6 W.,
Secs. 1 to 36, inclusive.
T. 7 S., R. 6 W.,
Secs. 1 to 6, inclusive, 8 to 12, inclusive.
T. 6 S., R. 7 W.,
Secs. 1 to 36, inclusive.
T. 7 S., R. 7 W.,
Secs. 1 to 8, inclusive.
T. 5 S., R. 8 W.,
Secs. 5 to 8, inclusive, 17 and 18.
T. 6 S., R. 8 W.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, 21 to 36, inclusive.
T. 7 S., R. 8 W.,
Secs. 1 to 12, inclusive, 15 to 16, inclusive.
T. 4 S., R. 9 W.,
Secs. 25 to 36, inclusive.
T. 5 S., R. 9 W.,
Secs. 1 to 24, inclusive, 28 to 31, inclusive.
T. 6 S., R. 9 W.,
Secs. 6, 7, 18, 19, and 25 to 36, inclusive.
T. 7 S., R. 9 W.,
Secs. 1 to 16, inclusive.
T. 4 S., R. 10 W.,
Secs. 30 and 31.
T. 5 S., R. 10 W.,
Secs. 1 to 19, inclusive, 21 to 27, inclusive, 30 and 34 to 36, inclusive.
T. 6 S., R. 10 W.,
Secs. 1 to 3, inclusive, 11 to 14, inclusive, 23 to 26, inclusive, and 36.
T. 7 S., R. 10 W.,
Sec. 1.
T. 4 S., R. 11 W.,
Secs. 25, 33 to 36, inclusive.
T. 5 S., R. 11 W.,
Secs. 1 to 35, inclusive.
T. 6 S., R. 11 W.,
Secs. 4, 5, 6.
T. 3 S., R. 12 W.,
Secs. 1 to 6, inclusive, 8 to 17, inclusive, 20 to 29, inclusive, 33 to 36, inclusive.
T. 4 S., R. 12 W.,
Secs. 1 to 3, inclusive, 10 to 15, inclusive, 22 to 28, inclusive, 33 to 36, inclusive.
T. 5 S., R. 12 W.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, 21 to 25, inclusive.

SALT LAKE MERIDIAN

T. 21 S., R. 2 W.,
Secs. 20, 21;
Sec. 27, W½NW¼, NW¼SW¼;
Secs. 28, 29, and 32;
Sec. 33, W½E½, W½.
T. 22 S., R. 2 W.,
Sec. 3, lots 3 to 7, inclusive, 9 to 12, inclusive, and S½;
Secs. 4, 5, 9, 10;
Sec. 15, N½, SW¼;
Sec. 16;
Sec. 28, N½;
Secs. 29, 30, 31.
T. 23 S., R. 2 W.,
Sec. 6;
Sec. 7, lots 1 and 2, NE¼NW¼.
T. 23 S., R. 3 W.,
Secs. 2 and 10;
Sec. 13, NW¼;
Secs. 14, 15, 21, 22;
Sec. 23, W½;
Secs. 27, 28, 29, 32, 33.
T. 15 S., R. 1 E.,
Secs. 24, 25, 36.
T. 21 S., R. 1 E.,
Sec. 13;
Sec. 22, SE¼;
Secs. 23 to 27, inclusive;
Sec. 28, SE¼;
Sec. 33, E½, SW¼;
Secs. 34 and 35.
T. 22 S., R. 1 E.,
Secs. 2 to 5, inclusive, 8 to 11, inclusive, 14 to 17, inclusive, and 19 to 36, inclusive.
T. 23 S., R. 1 E.,
Secs. 1 to 18, inclusive, 20 to 29, inclusive, 32 to 36, inclusive.
T. 24 S., R. 1 E.,
Secs. 1 to 4, inclusive, 9 to 16, inclusive, and 21 to 24, inclusive.
T. 15 S., R. 2 E.,
Secs. 29 to 33, inclusive.
T. 21 S., R. 2 E.,
Secs. 5, 7, 8, 17, 18, 19.
T. 23 S., R. 2 E.,
Secs. 6, 7, 18, 19, 30, 31.
T. 24 S., R. 2 E.,
Secs. 6, 7, 17 to 20, inclusive.
T. 18 S., R. 3 E.,
Sec. 7, SE¼SE¼SE¼;
Sec. 8, S½NE¼, S½SW¼, SE¼.
T. 8 S., R. 4 E.,
Secs. 25 and 36.
T. 9 S., R. 4 E.,
Secs. 1 to 4, inclusive;
Sec. 9, N½, N½SW¼, SW¼SW¼;
Sec. 10, E½, SE¼SW¼;
Secs. 11, 12, 13;
Sec. 21, E½, E½W½;
Secs. 22, 23, 24;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½;
Sec. 28, NE¼, E½NW¼.
T. 10 S., R. 4 E.,
Secs. 15, 20, 21, 22, 27, 28, 29, 36.
T. 11 S., R. 4 E.,
Secs. 1, 12, 13.
T. 7 S., R. 5 E.,
Secs. 1 and 2, 10 to 16, inclusive, 20 to 31, inclusive, 33 to 36, inclusive.
T. 8 S., R. 5 E.,
Secs. 1, 2, 4, 8, 9, 12, 13, 16 to 20, inclusive, 30 and 31.
T. 9 S., R. 5 E.,
Secs. 11 to 15, inclusive, 21 to 29, inclusive;
Sec. 33, N½;
Secs. 34, 35, 36.
T. 10 S., R. 5 E.,
Sec. 1;
Sec. 2, lots 1, 2, 3;
Secs. 5 to 8, inclusive, 17 to 24, inclusive, 28 to 32, inclusive.
T. 11 S., R. 5 E.,
Secs. 6 and 7.
T. 7 S., R. 6 E.,
Secs. 4 to 9, inclusive, 16 to 22, inclusive, 26 to 35, inclusive.
T. 8 S., R. 6 E.,
Secs. 2 to 11, inclusive, 14 to 23, inclusive, 26 to 35, inclusive.
T. 9 S., R. 6 E.,
Secs. 3 to 9, inclusive, 11 to 36, inclusive.
T. 10 S., R. 6 E.,
Secs. 1 to 12, inclusive;
Sec. 13, N½, SE¼;
Sec. 27, lots 1, 2, 3, 4, W½W½, SE¼;
Sec. 30.
T. 9 S., R. 7 E.,
Secs. 19, 24 to 26, inclusive, 30 to 36, inclusive.
T. 10 S., R. 7 E.,
Secs. 1 to 18, inclusive.
T. 9 S., R. 8 E.,
Secs. 15 to 17, inclusive, 19 to 23, inclusive, 26 to 35, inclusive.
T. 10 S., R. 8 E.,
Secs. 2 to 18, inclusive, 21 to 28, inclusive, 33 to 36, inclusive.
T. 10 S., R. 9 E.,
Sec. 31.

WYOMING

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 110 W.,
Secs. 1 to 4, inclusive, 9 to 15, inclusive, 23 to 26, inclusive.
T. 42 N., R. 110 W.,
Secs. 1 to 30, inclusive, 32 to 36, inclusive.

VOL 37 NO 29 FEB 11 72 XUM

T. 43 N., R. 110 W.,
Secs. 1 to 36, inclusive.
T. 42 N., R. 111 W.,
Secs. 1, 2, 12, and 13.
T. 43 N., R. 111 W.,
Secs. 1, 2, 10 to 15, inclusive, 22 to 27, inclusive, 35 and 36.

2. This order does not otherwise change the status of the lands or their withdrawal for oil shale made by Executive Order No. 5327 of April 15, 1930, and modification thereof.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 7, 1972.

[FR Doc.72-2074 Filed 2-10-72;8:47 am]

[Public Land Order 5158]

[Colorado 12101]

COLORADO

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1970), it is ordered as follows:

1. The departmental orders of January 31, 1902, and March 30, 1905, withdrawing lands for reclamation purposes in connection with the Uncompahgre Project, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 7 W.,
Sec. 3, SW¼, SW¼SE¼;
Sec. 4, lots 3, 4, 5, 6, 9, 10, 11, 12, N½S½, N½SW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 5, lots 1, 2, 7, 8, 9, 10, N½SE¼, SE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, N½NE¼NW¼, NW¼NW¼, NW¼NE¼.
T. 50 N., R. 7 W.,
Sec. 19, lots 5 to 9, inclusive;
Sec. 29, lots 1 to 5, inclusive;
Sec. 30, lots 5, 6, 7, 8, 10, 11, 12, 13, 14, 17, and 18;
Sec. 31, lots 5 and 6;
Sec. 32, lots 1 to 14, inclusive;
T. 50 N., R. 8 W.,
Sec. 16, SW¼, SW¼SE¼;
Sec. 17, SW¼NE¼, NW¼, NW¼SW¼, SE¼SW¼, SE¼;
Sec. 20, N½NE¼;
Sec. 21, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SW¼SE¼;
Sec. 22, SW¼NE¼, S½NW¼, S½;
Sec. 23, S½;
Sec. 24, S½N½, SW¼, N½SE¼, SE¼SE¼;
Sec. 26, N½N½;
Sec. 27, N½NE¼.

The areas described aggregate 5,412.19 acres in Montrose County.

2. All of the lands described above remain withdrawn under the jurisdiction of the National Park Service in connection with the administration of the Black Canyon of the Gunnison National Monument, established by Presidential Proclamations No. 2032 of March 2, 1933, and No. 2372 of October 28, 1939.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 7, 1972.

[FR Doc.72-2075 Filed 2-10-72;8:47 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-38, Amdt. 179-11]

PART 179—SPECIFICATIONS FOR TANK CARS

Interlocking Couplers

On November 13, 1970, the Hazardous Materials Regulations Board published Docket No. HM-38; Amendment No. 179-5 (35 F.R. 17418) prescribing, among other things, that all tank cars built after January 1, 1971, must be equipped with interlocking automatic couplers that will resist car telescoping and jackknifing in derailments and in emergency stops, and that are approved by the Federal Railroad Administrator.

The purpose of this amendment to the Hazardous Materials Regulations is to authorize the use of additional couplers. The design and performance data were reviewed by the Federal Railroad Administration and the couplers were found to be as efficient in resisting car telescoping and jackknifing in derailments and in emergency stops as the existing approved couplers.

Since this amendment imposes no added burden on any person, public notice and procedure thereon are unnecessary, and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, § 179.14 is amended as follows:

§ 179.14 **Tank car couplers.**

(a) All tank cars built after January 1, 1971, must be equipped with interlocking automatic couplers that will resist car telescoping and jackknifing in derailments and in emergency stops, and that have been approved by the Federal Railroad Administrator.

(1) Effective November 13, 1970, couplers designated by the Association of American Railroads Catalog Nos. F70BHT, F70BHTE, F71BHT, F72BHT, F73HT, F73HTE, F79BHT, and F79BHTE are approved.

(2) Effective February 11, 1972, couplers designated by the Association of American Railroads Catalog Nos. F70BHT, F70BHTE, F71BHT, F72BHT, F73HT, F73HTE, F79BHT, and F79BHTE, which have modified shanks and solid butt ends, but do not have pin bearing blocks, are approved.

This amendment is effective upon publication in the FEDERAL REGISTER (2-11-72).

(Secs. 831-835, title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on February 7, 1972.

MAC E. ROGERS,
Board Member for the Federal Railroad Administration.

[FR Doc.72-2044 Filed 2-10-72;8:45 am]

Proposed Rule Making

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-9481]

RESERVES AND RELATED MEASURES RESPECTING FINANCIAL RESPONSIBILITY OF BROKERS AND DEALERS

Extension of Time for Filing Comments

Notice is hereby given that the Securities and Exchange Commission has extended the deadline from February 1, 1972, to February 15, 1972, for the submission by all interested persons of views and comments on the proposal to adopt Rules 15c3-3 (17 CFR 240.15c3-3) and 15c3-4 (17 CFR 240.15c3-4) under the Securities Exchange Act of 1934 and to amend Rules 8c-1 (17 CFR 240.8c-1) and 15c2-1 (17 CFR 240.15c2-1) under that Act, as proposed in Securities Exchange Act Release No. 9388 and in the FEDERAL REGISTER for November 24, 1971, at 36 F.R. 22314.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

FEBRUARY 3, 1972.

[FR Doc.72-2082 Filed 2-10-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-NW-05]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Pasco, Wash., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108.

A new ILS runway 20R procedure has been developed for the Tri-Cities Airport, Pasco, Wash. In order to provide controlled airspace to protect aircraft executing this procedure, it is necessary to alter the Pasco, Wash., control zone and transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace action:

In § 71.171 (37 F.R. 2056) the description of the Pasco, Wash., control zone is amended in part as follows: Delete: "• • • within 3 miles each side of the Pasco VOR 036° radial extending from the 5-mile-radius zone to 8 miles northeast of the VOR • • •" and substitute therefor, "• • • within 4 miles each side of the Pasco ILS localizer northeast course extending from the 5-mile-radius zone to 10 miles northeast of the OM (46°18'41" North Latitude, 119°03'08" West Longitude) • • •"

In § 71.181 (37 F.R. 2143) the description of the Pasco, Wash., transition area is amended to read as follows: "That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 6 miles southeast of the Pasco VOR 046° and 226° radials extending from 23 miles northeast to 12 miles southwest of the VOR within 9.5 miles northeast and 5 miles southwest of the Pasco VOR 131° radial extending from the VOR to 18.5 miles southeast of the VOR."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Wash., on February 4, 1972.

J. H. TANNER,
Acting Director.

[FR Doc.72-2026 Filed 2-10-72;8:45 am]

[14 CFR Part 159]

[Docket No. 7526; Reference Notice 66-29]

LIMITATIONS GOVERNING NUMBER OF AIR CARRIER OPERATIONS EACH HOUR AT WASHINGTON NATIONAL AIRPORT

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 66-29 (31 F.R. 10199) in which the Federal Aviation Administration proposed methods to effect limitations on the number of air carrier operations at Washington National Airport.

Since the issuance of Notice 66-29 the objectives of that proposal have been accomplished by agreement and by the adoption of the High Density Traffic Airport Rules.

For these reasons the FAA has determined that the proposed rule making action is no longer appropriate, and that Notice 66-29 should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (31 F.R. 10199) on July 28, 1966, and circulated as Notice 66-29 is hereby withdrawn.

This withdrawal is issued under the authority of section 2, Act of June 29, 1940, as amended (54 Stat. 686); and section 4, Act of September 7, 1950, as amended (64 Stat. 770).

Issued in Washington, D.C., on February 2, 1972.

C. R. MELUGIN, Jr.,
Acting Manager, CA-1, National Capital Airports.

[FR Doc.72-2024 Filed 2-10-72;8:45 am]

[14 CFR Part 159]

[Docket No. 7541; Reference Notice No. 66-33]

LIMITATIONS GOVERNING NUMBER OF OPERATIONS (OTHER THAN SCHEDULED AIR CARRIERS) EACH HOUR AT WASHINGTON NATIONAL AIRPORT

Withdrawal of Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 66-33 (31 F.R. 10476) in which the Federal Aviation Administration proposed methods to effect limitations on the number of operations, other than scheduled air carrier operations, at Washington National Airport.

V 37 N 29 FEB 11 72 XUM

Since the issuance of Notice 66–33, the FAA has adopted the High Density Traffic Airports Rule which has obviated the need for the restrictions proposed in Notice 66–33.

For this reason, the FAA has determined that rule-making action on the proposed amendment is not appropriate, and that Notice 66–33 should be withdrawn.

The withdrawal of this notice, however, does not preclude the FAA from issuing similar notices in the future or commit the FAA to any course of action.

In consideration of the foregoing, the notice of proposed rule making published in the FEDERAL REGISTER (31 F.R. 10476) on August 4, 1966, and circulated as Notice No. 66–33 is hereby withdrawn.

The withdrawal is issued under the authority of section 2, Act of June 29, 1940, as amended (54 Stat. 688); and section 4, Act of September 7, 1950, as amended (64 Stat. 771).

Issued in Washington, D.C., on February 2, 1972.

C. R. MELUGIN, Jr.,
Acting Manager, CA–1,
National Capital Airports.

[FR Doc.72-2025 Filed 2-10-72;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

WIND RIVER IRRIGATION PROJECT, WYO.

Proposed Operation and Maintenance Charges

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 533), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director BIAM 3.1 (34 F.R. 637), January 16, 1969, and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969 Release 10–2, 10 BIAM 7.0, § 2.7, notice is hereby given of the intention to modify § 221.95 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Wind River Irrigation Project, Wyo. Purpose of this amendment is to establish the assessment charges for the season 1972 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Wind River Irrigation Project.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Superintendent, Bureau of Indian Affairs, Fort Washakie, Wyo. 82514, within thirty (30) days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Section 221.95 is amended to read as follows:

§ 221.95 Charges.

In compliance with the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyo., for the calendar year 1972 and subsequent years until further notice, are hereby fixed at $4.60 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $3.20 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

CLYDE W. NOBBS,
Superintendent, Wind River Agency.

[FR Doc.72-2079 Filed 2-10-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

DIETHYL PYROCARBONATE

Proposed Revocation of Food Additive Regulation

An order published in the FEDERAL REGISTER of March 23, 1963 (28 F.R. 2900), provided for diethyl pyrocarbonate, manufactured by a specified process, to be added as a fermentation inhibitor to still wines. This regulation was amended (1) by an order published in the FEDERAL REGISTER of June 10, 1964 (29 F.R. 7462), to provide for an alternate method of manufacturing diethyl pyrocarbonate; (2) by an order published in the FEDERAL REGISTER of March 8, 1967 (32 F.R. 3819), to provide for the use of the additive in fermented malt beverages; and (3) by an order published in the FEDERAL REGISTER of August 30, 1968 (33 F.R. 12229), to provide for the use of the additive in noncarbonated soft drinks and fruit-based beverages.

Recent information has raised questions about the safety of diethyl pyrocarbonate. It has been shown that this ingredient is theoretically capable of combining with other ingredients to form a byproduct that may present a health hazard. Although this possibility has not yet been proved to occur in any marketed product, in view of this information, this ingredient can no longer be regarded as having been shown to be safe as required by section 409 of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409, 701(a), 52 Stat. 1055, 72 Stat. 1785–88 as amended; 21 U.S.C. 348, 371(a)) and under authority delegated to him (21 CFR 1.120), the Commissioner of Food and Drugs proposes to amend Part 121 by revoking § 121.1117 *Diethyl pyrocarbonate*, on the ground that a fair evaluation of all the data before him fails to establish that the use of the ingredient is safe.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

If suitable data are presented showing that this ingredient may continue to be used safely under the conditions prescribed by the present regulation or under other appropriate conditions, this proposal will be terminated.

Dated: February 8, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-2179 Filed 2-10-72;9:33 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 164]

RULES GOVERNING ADVISORY COMMITTEES AND RULES OF PRACTICE GOVERNING HEARINGS UNDER FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Cancellation of Registration of an Economic Poison Under the Act; Correction

The document proposing revision of Part 164 of Chapter I of Title 40 of the Code of Federal Regulations, published in the FEDERAL REGISTER on January 22, 1972, at 37 F.R. 1059, is corrected as follows:

1. Change the references in § 164.4(b)(3)(ii) from "subparagraph (1) of this paragraph" to "subparagraph (2) of this paragraph."

2. Change the reference in § 164.12(j) from "§ 164.4(b)(2)" to "§ 164.4(b)(3)(ii)".

Dated: January 31, 1972.

DAVID D. DOMINICK,
Assistant Administrator for Categorical Programs.

[FR Doc.72-2043 Filed 2-10-72;8:46 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PRINTERS' RUBBERIZED BLANKETS FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

On November 23, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that printers' rubberized blankets from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 7, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2099 Filed 2-10-72;8:51 am]

Internal Revenue Service

[Price Commission Ruling 1972–40]

TERM LIMITED PRICING

Price Commission Ruling

Facts. Company A, a price category I manufacturing firm under Economic Stabilization Regulations, 6 CFR 101.11(c), 37 F.R. 1237 (January 27, 1971), is required to submit a prenotification to the Price Commission of each proposed price adjustment in accordance with its regulations. Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971); requires Price Commission approval of any price in excess of the base price. Under its Term Limited Pricing (TLP) approval procedure, Price Commission Release No. 37, December 22, 1971, the Commission has issued a TLP order to Company A for 2 percent. The order is based on allowable cost increases incurred for the company in excess of 2 percent. The order is binding for a period of 1 year during which Company A may not apply for any additional price increases.

Issue. What prices may Company A charge and still be in compliance with the TLP order and the Economic Stabilization Regulations?

Ruling. Company A may raise or lower the prices on any of its products during the year in which the order is in effect so long as the weighted average of all price increases from the base prices does not exceed 2 percent. In calculating its weighted average the company may take into account price decreases on items it sells as well as price increases.

For Company A, the 2 percent increase represents the top level weighted average limitation. The order will also include top limit price increases for particular products. Within the limits set by the order, no prenotification of price increases on individual items is necessary. However, special quarterly reports demonstrating and certifying compliance are required. The burden of proving that the TLP order is being complied with rests with the company. Upon challenge by the Price Commission or the Internal Revenue Service, a company must document compliance or be held to have violated the order.

TLP orders do not displace the profit margin limitation found in § 300.12 of the regulations. Thus, Company A cannot increase its prices even within the 2 percent limitation set by its TLP order if to do so would cause it to increase its profits as a percentage of sales over that which prevailed in the base period.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 8, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 8, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2034 Filed 2-10-72;8:50 am]

[Price Commission Ruling 1972–41]

NOTICE REQUIREMENTS FOR RENTAL TRANSACTIONS AFTER DECEMBER 28, 1971

Price Commission Ruling

Facts. A residence became occupied on month-to-month terms on October 1, 1971. On December 15, 1971, the lessor decided to increase the rent of the residence to reflect certain increased costs and notified the lessee of the proposed increased rent effective January 1, 1972. On January 1, 1972, the lessee paid the increased rent for the month of January and continued to occupy the residence. However, the lessee contends that the increase violates economic stabilization regulations effective on December 29, 1971 (Economic Stabilization Regulations, 6 CFR Part 301, 36 F.R. 25386 (December 30, 1971)), because the notification requirements of § 301.502 were not met. The lessor contends that the increase in rent is allowable since the 30-day notification required by § 301.502 would have preceded the effective date of Part 301.

Issue. May a lessor increase the rent on a residence after December 28, 1971, without conforming to the notification procedures of Part 301 when the prescribed notice would have been given prior to the effective date of Part 301 (December 29, 1971).

Ruling. No. Section 301.501 provides that no person may increase a rent, with respect to any transaction after December 28, 1971, involving a lease or implied contract of occupancy of a residence unless he has complied with Subpart F of Part 301 (36 F.R. 25392). Section 301.502(a) of that subpart requires a lessor to notify the lessee of a proposed rent increase at least 30 days before the date it is to become effective. The definition of "transaction" in § 301.2 includes the coming into being of an implied contract of occupancy or an informal lease on month-to-month terms. Thus, the lessee's occupancy of the subject residence on January 1, 1972, constitutes a "transaction" occurring after December 28, 1971, which is governed by § 301.502(a), and the lessor may not increase the rent of the residence until the notification procedures of Part 301 are followed.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 8, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 8, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2035 Filed 2-10-72;8:50 am]

[Price Commission Ruling 1972–42]

INDIRECT MUNICIPAL FEES AS ALLOWABLE COSTS

Price Commission Ruling

Facts. A owns an apartment complex and has an agreement with B that B will remove the trash from A's apartments

FEB 11 72

for a specified fee. City X has imposed a new dumping fee on all trash haulers, including B, who use the city's trash dumping facilities. B has increased his fee to A pursuant to § 300.14 of the Economic Stabilization Regulations to reflect the new dumping fee, as a cost increase incurred after November 13, 1971 in furnishing the trash collection service. A is now seeking to increase the rent he charges for his apartments in order to offset B's increased trash collection fee.

Issue. Is B's higher fee, based on the new city dumping fee, an "allowable cost" to A under § 301.102 of the Economic Stabilization Regulations in order to justify A's proposed rent increase?

Ruling. B's higher fee is not an "allowable cost" to A within the Economic Stabilization Regulations, 6 CFR 301.102 (b), 36 F.R. 25386 (December 30, 1971).

Although the dumping fee is a local fee for a municipal service, and would be an "allowable cost" for purposes of increased rentals under the Economic Stabilization Regulations 6 CFR 301.102(a)(2), 36 F.R. 25386 (December 30, 1971) if it were imposed directly on A's property or A himself, it is on these facts imposed on B according to his usage of city dumping facilities. If B passes along the burden of the fee by increasing his fees, the increased cost to A does not arise from the municipal fee, but from B's increased fee. Moreover, B may choose to pass along only a portion of the increased cost, or none at all. Therefore, increases in trash hauling fees arising from the city dumping fee are not "allowable costs" within § 301.102(b), and may not justify increased rental rates under § 301.102(a)(2). Increased trash hauling fees arising from increased dumping costs are among the increases in operating costs for which the 2½ percent annual rent increases of § 301.102 (a)(1) is provided.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 8, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 8, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2036 Filed 2-10-72;8:50 am]

[Price Commission Ruling 1972-43]

RENTAL OF MOBILE HOME SPACES

Price Commission Ruling

Facts. A mobile home park provides spaces upon which patrons can park mobile homes and facilities for connecting electric, gas, water, and sewer lines. Many of its spaces are occupied by patrons to whom the mobile home is the principal place of abode. Other spaces are used by vacationers or travelers on a temporary basis. The park owner has received a notice that water rates are being increased, and would like to increase his rates on the mobile home spaces to offset the increased water rates, but he is uncertain as to which regulations govern the proposed increase.

Issue. Are rates for mobile home parks subject to the regulations governing rent, or do other regulations apply?

Ruling. Mobile home parks are governed by the general provisions of the rent regulations to the extent that they provide mobile home spaces for use in connection with the principal place of abode of nontransient occupants for a fee. If the park provides a space for a nonresidential use, however, the park is to that extent governed by the regulations applicable to "service organizations".

As defined in the regulations, "rent" means any price for the use of a residence or other real property. Economic Stabilization Regulations 6 CFR 301.3, 36 F.R. 25386 (December 30, 1971). "Other real property" is defined as real property devoted to the use of a residence, and a "residence" is a unit of housing normally occupied as a dwelling place under all the facts and circumstances; a mobile home is included as a "residence" if it is the principal place of abode of nontransient occupants. Economic Stabilization Regulations 6 CFR 301.2, 36 F.R. 25386 (December 30, 1971).

On the above facts, the spaces occupied by persons to whom the mobile home is a principal place of abode are "residences" and are therefore being "rented" within the definitions provided by the rent regulations. Fee increases for those spaces are subject to the rent regulations.

Since water rates are charges for a municipal service, they are "allowable costs" within § 301.102(b) of the regulations. Increases in such rates occurring after December 28, 1971, allocated to the residence or other real property, will justify increases in rents as the residence or other real property becomes occupied after December 28, 1971, under § 301.102(a).

Spaces occupied temporarily by vacationers or travelers do not fit the definition of a "residence" provided by § 301.2, and § 301.3(b) excludes fees or charges paid for space not used in connection with a residence from the definition of "rent". Not being a "rent", such charges are still within the definition of a "price" provided by § 300.5 of the regulations, as compensation for the use of property. In this case, the providing of mobile home spaces on a temporary basis is a leasing or licensing of property to another person which is within the definition of a "service" provided by § 300.5. Therefore, to the extent that it rents spaces for temporary occupancy by travelers and vacationers, the mobile home park is a "service organization" within § 300.5 and the rates on such transactions are governed by § 300.14 of the Economic Stabilization Regulations.

Dated: February 8, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 8, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of Treasury.

[FR Doc.72-2037 Filed 2-10-72;8:50 am]

[Price Commission Ruling 1972-44]

EFFECT OF INSUFFICIENT NOTICE UNDER RENTAL REGULATIONS

Price Commission Ruling

Facts. Lessor, on February 15, 1972, notifies lessee that the monthly rent of his apartment will be raised effective March 1, 1972. The notification does not contain all of the information required by § 301.502(b) of Part 301 (Economic Stabilization Regulations, 6 CFR Part 301, 36 F.R. 25386 (December 30, 1971)). Tenant has reason to believe that the proposed increased rent is in violation of Part 301. After first meeting with the lessor, lessee complains to the Internal Revenue Service that the increased rent is not allowable under rent regulations effective after December 28, 1971, and provides the Service with a copy of the notification received and a written statement as to why he believes there has been a violation (§ 301.502(e)).

Issue. Is the proposed increase in rent effective on March 1, 1972, pending final action with respect to the alleged violation, despite the fact that the notification does not conform to the requirements of § 301.502.

Ruling. No. No person may increase a rent, with respect to any transaction after December 28, 1971, involving a lease or implied contract of occupancy of a residence, unless he has complied with the rental increase procedures of Subpart F, regardless of whether the increase is otherwise allowable under Part 301 (§ 301.501).

Section 301.502(e) provides that "any proposed increase of which the lessee is notified pursuant to this section shall become effective as of the date specified in the notification pending final action with respect to the alleged violation." The notification provided in this case did not meet the 30-day requirement of § 301.502(a), nor did it set forth all the information required by § 301.502(b). The lessee was clearly not notified of the proposed increase pursuant to § 301.502. Therefore, the proposed increase in rent does not become effective on March 1, 1972, and the lessee need not pay the increase in rent pending final action with respect to the alleged violation.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 8, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 8, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2038 Filed 2-10-72;8:50 am]

[Price Commission Ruling 1972-45]

WAGE INCREASES INCURRED PRIOR TO NOVEMBER 13, 1971, AS ALLOWABLE COSTS

Price Commission Ruling

Facts. On April 1, 1971, a hospital, an institutional provider of health services, entered into a contract with a labor union representing the hospital's employees. The contract provided for an aggregate wage increase for the employees of 9 percent per year, to be paid beginning January 1, 1972. Section 300.18(d) of the Economic Stabilization Regulations provides that generally, aggregate wage increases in excess of 5.5 percent per year incurred after November 13, 1971, are not allowable costs for the purpose of determining allowable price increases by institutional providers of health services. Economic Stabilization Regulations, 6 CFR 300.18(d), 36 F.R. 25384 (December 30, 1971). A proposed price increase reflecting this 9 percent wage increase will not raise the hospital's annual aggregate revenues more than 6 percent.

Issue. Was the 9 percent wage increase incurred before November 13, 1971?

Ruling. Yes. For the purposes of § 300.18(d) of the Economic Stabilization Regulations a wage increase will be deemed to be incurred prior to November 13, 1971, if a binding contract to pay that wage increase was entered into before August 15, 1971, even if actual payment under the contract does not begin until after November 13, 1971. The price increase reflecting this increased cost, however, may not take effect until the increased wages are being paid.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 8, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 8, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2039 Filed 2-10-72;8:50 am]

[Price Commission Ruling 1972-46]

DEFINITION OF RETAILER

Price Commission Ruling

Facts. A distributor, D, is in the business of renting, selling, and servicing a multiple line of new and used construction, mining, logging, and road maintenance equipment. D sells a portable cement mixer and several wheelbarrows to a construction company, C.

Issue. Whether D is a retailer as defined in the Economic Stabilization Regulations and consequently subject to the posting requirements?

Ruling. Yes. Section 300.5 defines retailer as a person who carries on the trade or business of selling property to the ultimate consumer. 36 F.R. 23976 (December 16, 1971). A consumer is generally understood to be the person who uses up a commodity or service. The "ultimate consumer," then, is the last person to hold or use an item, in the normal course of events. Thus, for the purposes of the Economic Stabilization Regulations, the ultimate consumer includes a person who purchases an item for use in his trade or business, notwithstanding any other definition or classification, such as the U.S. Standard Industrial Classification Code. Consequently, to the extent that D sells a multiple line of equipment to an ultimate consumer, he is a retailer for the purposes of the price posting requirements. It should be noted, however, that to the extent that D's business involves the sale of used equipment (exempt), or the repairing of equipment (a service), or the leasing of equipment (a service), the price posting requirements do not apply.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 8, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 8, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2040 Filed 2-10-72;8:50 am]

[Price Commission Ruling 1972-47]

ROYALTIES FOR USE OF A PATENT

Price Commission Ruling

Facts. A holds the patent rights to an invention in accordance with an agreement with B. The agreement allows the royalties paid to B to be increased in an amount that reflect any increase in the cost of living index.

Issue. Whether such increase royalties are permissible.

Ruling. Increases in royalty payments keyed proportionately to increases in the cost-of-living index are not allowable. The rationale to support this ruling is dependent upon Economic Stabilization Regulation § 300.111, 36 F.R. 25384 (December 30, 1971), entitled Formula-determined lease of personal property.

A royalty, in substance, is a payment for the use of property, most commonly a patent. As such it is similar to a lease of personal property and therefore the same rules should apply and the consistent results are reached. Regulations § 300.111 will not allow price increases based on increases in the consumer price index and therefore an increase in a royalty payment based on an increase in the cost-of-living index is not to be allowed.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 8, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 8, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2041 Filed 2-10-72;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 2825]

CALIFORNIA

Opening of Land Under Section 24 of the Federal Power Act

FEBRUARY 4, 1972.

By virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the authority redelegated to me by the Chief, Division of Technical Services, California State Office, Bureau of Land Management, approved by the California State Director, effective January 12, 1972 (37 F.R. 491), it is ordered as follows:

1. In DA-1102-California, the Federal Power Commission finds that the land described below has no significant power value, therefore, the withdrawal for Project No. 2246 insofar as it pertains to this land should be vacated as to the following described land:

MOUNT DIABLO MERIDIAN

T. 16 N., R. 6 E.,
Sec. 27, lot 7.

The area described contains approximately 1.75 acres, and is situated one-half mile east of the town of Smartsville, Yuba County, Calif.

2. At 10 a.m., on March 15, 1972, the land shall be open to such forms of disposition as may by law be made of such lands.

FEB 11 72
XUM

The State of California has waived its preference right of application for highway rights-of-way or material sites afforded it by section 24 of said Act.

Inquiries concerning the land should be addressed to the California State Office, Bureau of Land Management, Sacramento, Calif.

JESSE H. JOHNSON,
Acting Chief, Branch of Lands, and Minerals Operations.

[FR Doc.72-2078 Filed 2-10-72;8:48 am]

[Serial No. Idaho-06678]

IDAHO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 4, 1972.

Notice of an application Serial No. I-06678 for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 57-8740 of the issue for October 24, 1957 (22 F.R. 207). The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Part 2091.2-5(b), such lands will be at 10 a.m. on February 19, 1972 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN

T. 5 S., R. 3 E.,
Sec. 9, S½ of lot 1.

The area described aggregates about 20 acres in Elmore County, Idaho.

RICHARD H. PETRIE,
Chief, Division of Technical Services.

[FR Doc. 72-2077 Filed 2-10-72;8:48 am]

[Bureau Order No. 701, Amdt. 14]

LANDS AND RESOURCES

Redelegation of Authorities

FEBRUARY 7, 1972.

Bureau Order No. 701 dated July 23, 1964 (29 F.R. 10526), is further amended as follows:

A new paragraph (f) is added to section 1.7 and section 3.7 as follows:

SECTION 1.7 *Range Management.*

• • • • •

(f) *Protection of wild free-roaming horses and burros.* Take all actions under the Act of December 15, 1971 (35 Stat. 649; 16 U.S.C. 1331-1340), except those provided in section 8(b) thereof.

• • • • •

SEC. 3.7 *Range Management.*

• • • • •

(f) Protection of wild free-roaming horses and burros.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc.72-2076 Filed 2-10-72;8:48 am]

Office of the Secretary

[INT FES 72-1]

NAVAJO PROJECT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Navajo Project, located principally in Arizona.

The environmental statement pertains to the coal-fired electrical power project which is presently under construction. The major feature of the project, the Navajo Generating Station, is located near Page, Ariz. Other features of the project include the Black Mesa and Lake Powell Railroad, the Black Mesa Coal Mining Operation, the Southern Transmission System, and the Western Transmission System. The project will supply electrical energy to portions of Arizona, California, and Nevada, as well as the authorized Central Arizona Project.

Copies of the statement are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-9247.

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4991.

Division of Engineering Support, E&R Center, Technical Services Branch, Building 67, Denver Federal Center, Denver, Colo. 80225, telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 427, Boulder City, NV 89005, telephone (702) 293-8560.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: February 4, 1972.

JOHN W. LARSON,
Assistant Secretary of the Interior.

[FR Doc.72-2080 Filed 2-10-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Service

SPECIFIC APPROVAL OF STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

Pursuant to §§ 78.14(b), 78.15(b), and 78.16(b) of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the movement of certain animals because of brucellosis, under the Acts of May 29, 1884, as amended, February 2, 1903, as amended, and March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of § 78.5, Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraphs (b) and (c) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis. The following stockyards not preceded by an asterisk are specifically approved for the purposes of paragraphs (b) and (c) of § 78.12 only:

STOCKYARDS

ALABAMA

*Adams & Eagle, Inc., Marion.
*Arab Stockyard, Arab.
*Atmore Truckers Association, Inc., Atmore.
*Cherokee County Stockyard, Centre.
*Covington Livestock Auction, Inc., Andalusia.
*Dadeville Stockyards, Inc., Dadeville.
*Enterprise Livestock Co., Enterprise.
*Escambia County Cooperative, Inc., Brewton.
*Farmers Cooperative Market, Inc., Frisco City.
*Farmers Cooperative Market, Inc., Opp.
*Fayette Stockyards, Fayette.
*Florence Trading Post, Florence.
*Fort Payne Livestock Commission, Fort Payne.
*Geneva Stockyard, Geneva.
*Hartford Livestock Co., Hartford.
*Headland Stockyard, Inc., Headland.
*Henry County Livestock Association, Inc., Abbeville.
*Hodges-Capital Stockyards, Montgomery.
*Hodges-Selma Stockyards, Selma.
*Hooper Auction Co., Inc., Montgomery.
*Jackson County Livestock Co., Scottsboro.
*Kennamer Livestock Co., Inc., Guntersville.
*Kennett-Murray & Co., Montgomery.
*Limestone County Stockyard, Athens.
*Linden Stockyard, Linden.
*Livingston Stockyard, Livingston.
*Madison County Livestock Market, Huntsville.
*Pickens County Livestock Commission, Aliceville.
*Ramsey & Sons, Inc., Dothan.
*Roanoke Stockyards, Inc., Roanoke.
*Robertsdale Livestock Auction, Inc., Robertsdale.
*L. A. Roll & Son Cattle Co., Montgomery.
*Tri-County Livestock Auction, Inc. (formerly Hodges-Hurtsboro Stockyards), Hurtsboro.
*Triple S Stockyards, Inc., Montgomery.
*Valley Stockyard, Decatur.
*West Alabama Stockyards, Inc., Eutaw.
*White Livestock Commission Co., Inc., Morris.
*Winfield Livestock Commission Co., Winfield.

ARIZONA

Arizona Livestock Auction, Phoenix.
Nelson Livestock Auction, Willcox.
Phoenix Livestock Auction, Phoenix.
Wentz Bros. Livestock Auction, Tucson.

ARKANSAS

*Ash Flat Livestock Auction, Ash Flat.
*Beebe Auction, Inc., Beebe.
*Bentonville Commission Sales, Bentonville.
*Carroll County L. S. Auction, Berryville.
*Central Arkansas Auction, Morrilton.
*Clark County L. S. Auction, Arkadelphia.
*Corning Livestock Auction, Corning.
*County Line Sale, Ratcliff.
*Davis Livestock Auction, Batesville.

*Decatur L. S. Auction, Decatur.
*Drew County Auction Co., Monticello.
*Eudora Livestock Auction, Eudora.
*Farmers Livestock Auction, Springdale.
*Glover Livestock Commission, Co., Inc., Pine Bluff.
*Giddens, L. S. Auction, Sam, Booneville.
*Gorden L. S. Auction, Bob, Mena.
*Garvette Community Sales, Gravette.
*Harrison Stockyards, Inc., Harrison.
*Hill Livestock Auction, Co., Nuel, Batesville.
*Hope Livestock Commission Co., Hope.
*Jonesboro Stockyards, Jonesboro.
*Magnolia Livestock Auction, Magnolia.
*Montgomery Livestock Auction, Searcy.
*Mountain Home Livestock Auction, Mountain Home.
*Nettleton Stockyards, Jonesboro.
*Randolph County Livestock Auction, Pocahontas.
*Salem Livestock Auction, Salem.
*Scott County Livestock Auction, Waldron.
*Searcy County Auction, Marshall.
*Shantz & Rodman Livestock Commission, North Little Rock.
*Siloam Springs Sale Barn, Siloam Springs.
*Washington County Sale, Fayetteville.

CALIFORNIA

*California Livestock Marketing Association, Red Bluff.
*Chino Stockyards, Chino.

COLORADO

*Alamosa Livestock Sales, Alamosa.
*Basin Livestock Commission Co., Durango.
*Brush Livestock Commission Co., Brush.
*Burlington Livestock Sales Co., Burlington.
*Calhan Cash Auction Market, Calhan.
*Cortez Sales Barn, Cortez.
*Craig Sale Barn, Craig.
*Delta Sales Yard, Delta.
*Elizabeth Livestock Auction, Elizabeth.
*Fowler Auction Co., Fowler.
*Farmer & Rancher Commission Co., Fort Collins.
*Grand Junction Livestock Auction, Grand Junction.
*Haxtun Cooperative Livestock Exchange, Haxtun.
*K & R Livestock Commission Co., Broomfield.
*La Junta Livestock Commission Co., La Junta.
*Livestock Exchange, Brush.
*R. P. Lewis & Son Auction Co., La Junta.
*Limon Livestock Commission Co., Limon.
*Longmont Sales Yard, Longmont.
*McCanless Livestock Commission Co., Lamar.
*Monte Vista Livestock Commission Co., Monte Vista.
*Ranchland Livestock Commission Co., Wray.
*Rifle Sale Yard, Rifle.
*Rocky Mountain Livestock Commission Co. (formerly Salida Livestock Commission Co.), Salida.
*Sterling Livestock Commission Co., Sterling.
*Valley Livestock Auction Co., Grand Junction.
*Weld County Livestock Commission Co., Greeley.
*Western Slope Livestock Auction, Montrose.
*Yuma Livestock Auction, Yuma.
*Zavislan Livestock Commission Co., Pueblo.
*Winter Livestock Commission Co., La Junta.

CONNECTICUT

Middlesex Livestock Auction, Durhan.
Kahn's North Franklin Sales, North Franklin.

DELAWARE

*Carroll's Sales Co., Felton.
*Goldinger Brothers, Inc., Smyrna.
Charles F. Poore Livestock Market, Smyrna.

FLORIDA

*Cattlemen's Livestock Auction Market of Tampa, Inc., Tampa.
Chipley Livestock Co., Chipley.
Interstate Livestock Auction Market, Inc., Seffner.
*Jay Livestock Auction Market, Jay.
Tindel Livestock Auction Market, Inc., Gracevile.
West-Florida Livestock Market, Inc., Marianna.

GEORGIA

*Bainbridge Auction Market, Inc., Bainbridge.
*Bartow Livestock Commission Co., Cartersville.
*Carroll Co. L/S Sale Barn, Carrollton.
*Citizens Stockyard, Arlington.
*Columbus-Muscogee Stockyard Co., Columbus.
*Cordele Livestock Co., Cordele.
*Dublin Livestock Commission Co., Dublin.
*Duvall-Wheeler Livestock Co., Greensboro.
*Farmers' Stockyard, Sylvania.
*Fitzgerald Farmers Auction, Fitzgerald.
*Flint River Livestock Auction, Bainbridge.
*Franklin Co. L/S Market, Inc., Garnesville.
*Gainesville Livestock Auction, Gainesville.
*Georgia Farm Produce Sale Corp., Thomaston.
*Georgia Farmers Livestock, Inc., Cumming.
*Georgia Livestock Terminal Market, Inc., Macon.
*Hagan Livestock Market, Inc., Hagan.
*Irwin County Livestock Co., Inc., Ocilla.
*Jepeway-Craig Commission Co., Dublin.
*LaGrange Stockyards, LaGrange.
*Livestock Marketeers, Inc., Douglas.
*McClure-Burnett Commission Co., Rome.
*Metter Livestock Market, Metter.
*Mitchell Co. Livestock Market, Inc., Camilla.
*Mosley & Holman Auction Co., Blakely.
*Moultrie Livestock Co., Moultrie.
*North Georgia Farmers L/S Market, Cumming.
*North Georgia Livestock Auction, Inc., Athens.
*Peoples Stockyard, Cuthbert.
*Pierce County Stockyard, Blackshear.
*Pulaski Stockyard, Hawkinsville.
*Seminole L/S Auction Market, Donalsonville.
*Smith Bros. Stockyard, Bartow.
*Soperton Stockyard, Soperton.
*Southeastern Livestock Market, Inc., Covington.
*Sumter Livestock Association, Inc., Americus.
*Sutton Livestock Co., Sylvester.
*Sylvania Stockyards, Sylvania.
*Thomas County Stockyard, Inc., Thomasville.
*Thomson Stockyard, Thomson.
*Tifton Stockyards, Tifton.
*Toccoa Livestock Auction, Toccoa.
*Tri-County Livestock Co., Social Circle.
*Turner County Stockyard, Ashburn.
*Union Stockyards, Albany.
*Valdosta Livestock Market, Waycross.
*Wayne County Livestock Co., Jesup.
*Wilkes County Stockyard, Washington.
*Waycross Livestock Market, Waycross.

IDAHO

*Bonners Ferry Livestock, Inc., Bonners Ferry.
*Burley Livestock Commission Co., Inc., Burley.
*Cache Valley Livestock Auction, Inc., Preston.
*Coeur d'Alene Livestock, Inc. (formerly Coeur d'Alene Livestock Yards), Coeur d'Alene.
*Cottonwood Sales Yard, Cottonwood.
*Emmett Livestock Commission Co., Inc., Emmett.
*Gooding Livestock Commission Co., Inc., Gooding.
*Jerome Producers Livestock Marketing Assn., Jerome.
*Meridian Sales Yard, Meridian.
*Nampa Livestock Market, Inc. (formerly Nampa Livestock Markets, Inc), Nampa.
*Rexburg Livestock Auction, Inc., Rexburg.
*Salmon River Livestock Commission, Inc., Salmon.
*Shoshone Sale Yard, Inc., Shoshone.
*Stockgrower's Commission Co., Inc. (formerly Stockgrower's Commission Co., Inc.), Twin Falls.
*Twin City Sales Yard, Inc., Lewiston.
*Valley Livestock Commission Co., Inc. (formerly Valley Livestock Commission Co.), Rupert.
*Weiser Livestock Commission Co., Weiser.

ILLINOIS

Barnard Livestock Auction Market, Wayne City.
Bloomington Livestock Commission Co., Bloomington.
Breed's Livestock Sale, Elizabeth.
Carthage Community Sale Co., Carthage.
*Chicago-Joliet Marketing Center, Inc., Joliet.
Chicago Stockyards—Atkinson Market, Inc., Atkinson.
Dameron Livestock Auction, Vienna.
Danville Livestock Commission Co., Danville.
Decker's Livestock Inc., Milford.
DeWane's Livestock Exchange, Belvidere.
Greenville Livestock Auction Co., Greenville.
Heinold Hog Market (formerly Souders Stockyards), Brookport.
Heinold Cattle Market, El Paso.
Illinois Auction Commission Co., Paris.
Interstate Producers Livestock Association, Shelbyville.
Interstate Producers Livestock Association, Sullivan.
Jennings Sale Co., Macomb.
Kankakee Livestock Co., Bourbonnais.
Kewanee Sale Barn, Kewanee.
Knoxville Community Sale Co., Knoxville.
Mercer County Livestock Auction, Viola.
Paris Livestock Sales Co., Paris.
*Peoria Union Stockyards, Peoria.
Rock Island Auction Sales, Inc., Rock Island.
Schrader, Harry, Consignment, Dakota.
*Springfield Stockyards, Springfield.
Trainor's Livestock Sales, Clinton.
Winslow Marketing Center, Inc., Winslow.

INDIANA

*Boswell Livestock Commission, Boswell.
*Claypool Sale Inc., Silver Lake.
*Delta Livestock Inc. (formerly Delta Livestock Auction & Commission Co.), Fort Wayne.
*Lowell Livestock Auction Inc., Lowell.
*Producers Livestock Auction, Vincennes.
*Producers Marketing Association Inc., Centerville.
*Producers Marketing Association Inc., Columbia City.
*Producers Marketing Association, Lafayette.
*Producers Marketing Association Inc., Montpelier.
*Producers Marketing Association Inc., Terre Haute.
*Reynolds Sale Barn, Reynolds.
*Shipshewana Auction Co., Shipshewana.
*Valparaiso Community Sale, Valparaiso.

IOWA

Ackley Sales Pavillion, Ackley.
Adams County Auction Co., Corning.
Adel Sales Pavillion, Adel.
Albia Sales Co., Albia.
Algona Livestock Auction, Algona.
Anita Auction Co., Anita.
Aplington Livestock Auction, Inc., Aplington.
Audubon Livestock Auction Market, Audubon.

FEB 11 72
XUM

Avoca Auction Co., Avoca.
B & H Cattle Co., Ida Grove.
Baxter Sales Co., Baxter.
Bedford Sales Co., Bedford.
•Belle Plaine Livestock Auction, Inc., Belle Plaine.
Belmond Sales Pavillion, Belmond.
•Bingley Sales Co., Knoxville.
Boone Sales Co., Boone.
Bradley Livestock Auction, Red Oak.
Carroll Livestock Sales, Carroll.
Cascade Sales Barn, Cascade.
Cedar Valley Livestock Exchange, Vinton.
Centerville Sales Co., Centerville.
Chariton Sales Co., Chariton.
Clarinda Auction Co., Clarinda.
Phil Clark & Sons Sales Co., Knoxville.
Clear Lake Auction Co., Clear Lake.
Coggon Livestock Sales Co., Coggon.
Colfax Livestock Sales Co., Colfax.
Council Bluffs Livestock Exchange, Inc., Council Bluffs.
Creston Livestock Auction Market, Creston.
Davis County Sales Co., Bloomfield.
DeVries Auction Co., Buffalo Center.
Diagonal Livestock Auction, Inc., Diagonal.
Donnellson Livestock Sales, Inc., Donnellson.
Dunlap Livestock Auction, Dunlap.
Dyersville Sales Barn, Dyersville.
Eastern Iowa Livestock Commission, Inc., Mechanicsville.
Eddyville Sales Co., Eddyville.
Edgewood Sale Barn, Edgewood.
Eldora Livestock Sales, Inc., Eldora.
Elkader Sale Barn, Elkader.
Fairfield Livestock Commission, Inc., Fairfield.
Farmers Auction Market, Eldora.
Fonda Livestock Sales Co., Fonda.
Forest City Cow Palace, Jennings Brothers, Inc. (formerly Cow Palace, Inc.), Forest City.
Garner Livestock Sales, Inc., Garner.
Greenfield Community Sale, Inc., Greenfield.
Grinnell Livestock Exchange, Grinnell.
•Guthrie Stock Pavilion Co., Inc., Guthrie Center.
Hampton Auction Sales (formerly Hampton Auction), Hampton.
Harlan Auction Co., Harlan.
Hawkeye Livestock Auction, Fairfax.
Herbold Livestock Auction, Ringsley.
Humeston Sales Barn, Humeston.
Independence Sale Co., Independence.
Indianola Sale Co., Indianola.
Interstate Producers Livestock Association, Wankon.
Iowa Falls Livestock, Iowa Falls.
Irwin Sales Co., Irwin.
Jansma & Van Kley, Sioux Center.
Kalona Salebarn, Kalona.
Keoco Auction Co., Sigourney.
Keosauqua Sale Co., Inc., Keosauqua.
Kimballton Auction Co., Kimballton.
Lamoni Livestock Sales Co., Inc., Lamoni.
LeMars Sales Co., LeMars.
Lenox Livestock Auction, Lenox.
Live Stock Auction Co., Denison.
Lizer Livestock Auction, Gowrie.
Madison County Auction, Winterset.
Mapleton Livestock Sales (formerly Mapleton Livestock Auction Co.), Mapleton.
Maquoketa Sales Co., Maquoketa.
Marengo Livestock Commission Co., Marengo.
Marshalltown Livestock Auction, Marshalltown.
Massena Livestock Auction, Massena.
McCreary Sale Co., Centerville.
McIntosh Livestock Auction, Inc., Ida Grove.
Middletown Auction Sales, Inc., Middletown.
Montezuma Sales Co., Inc., Montezuma.
Monticello Sales Barn (formerly Monticello Sales), Monticello.
Moorhead Auction Co., Moorhead.
Mount Ayr Livestock Market, Mount Ayr.
Mountain States Stockyards, Inc., Sioux City.
New Liberty Sale Barn, New Liberty.
New Sharon Sales Co., Inc., New Sharon.
Nishna Valley Auction, Shenandoah.
Northeast Iowa Sales Commission, Waukon.
Northside Sales Co., Sibley.
O & W Auction Market, Wadena.
Oelwein Dairy Sales, Oelwein.
Oelwein Livestock Exchange, Oelwein.
Ollie Livestock Exchange, Ollie.
Orient Sales Co., Inc., Orient.
Osceola Sales Co., Osceola.
Oskaloosa Livestock Auction, Inc., Oskaloosa.
Pella Sales Co., Pella.
Perry Sales Pavilion, Perry.
Riceville Sales Pavilion, Riceville.
Rock Valley Sales Co., Rock Valley.
Rubey Auction Co., Red Oak.
Russell Sales Co., Russell.
Sales Company of Hawarden, Hawarden.
Sharp Livestock, Inc., Grundy Center.
Sheldon Livestock Co., Sheldon.
Smylie-Haupert Livestock, Inc., Columbus Junction.
Spencer Livestock Sales, Spencer.
Spencer North Y Auction, Inc., Spencer.
Stanton Livestock Auction, Stanton.
Storm Lake Auction Co., Storm Lake.
Story City Auction Sales, Story City.
Sumner Livestock Auction, Sumner.
Tama Livestock Auction Co., Tama.
Thompson Livestock Commission Co. Lamoni.
Traer Auction Co., Inc. (formerly Traer Sales Co.), Traer.
Tri-State Livestock Auction Co., Inc., Sioux Center.
United Livestock Auction Exchange, Inc., Maquoketa.
Walker Sales Co., Walker.
Wapello Livestock Sales, Inc., Wapello.
Washington Livestock Auction Market, Inc., Washington.
Waverly Sales Co., Waverly.
Wayland Sale Co., Inc., Wayland.
West Union Auction Exchange, West Union.
Winneshiek Coop Sales Commission, Decorah.
Jake Zoet Livestock Co., Sheldon.

KANSAS

•Abilene Livestock Sales Co., Abilene.
•Allen County Livestock Auction, Gas City.
•Anderson County Sales Co., Garnett.
•Anthony Livestock Co., Anthony.
•Atchison County Auction Co., Inc., Atchison.
•Atwood Sale Barn, Inc., Atwood.
•Belleville Livestock Commission Co., Inc., Belleville.
•Beloit Livestock Auction, Inc., Beloit.
•Caldwell Community Sales, Caldwell.
•Cedar Vale Sales Co., Cedar Vale.
•Central Livestock Corp., South Hutchinson.
•Chandler Livestock Auction, Inc., Smith Center.
•Chanute Livestock Auction, Chanute.
•Clay Center Sale Co., Inc., Clay Center.
•Cloud County Livestock Commission Co., Concordia.
•Coffeyville Livestock Commission Co., Inc., Coffeyville.
•Colby Livestock Auction, Colby.
•Coldwater Sales Co., Inc., Coldwater.
•Concordia Sales Co., Inc., Concordia.
•Council Grove Livestock Auction, Council Grove.
•Dighton Livestock Auction Market, Inc., Dighton.
•Dodge City Livestock Commission Co., Inc., Dodge City.
•Douglass Livestock Commission Co., Douglass.
•Downs Sale Co., Downs.
•Effingham Auction Co., Effingham.
•El Dorado Livestock Auction, Inc., El Dorado.
•Emporia Livestock Sales Co., Inc., Emporia.
•Eureka Auction Sale, Eureka.
•Farmers Livestock Exchange, Inc., Wakarusa.
•Farmers & Ranchers Livestock Commission, Co., Salina.
•Flint Hills Livestock Auction, Eskridge.
•Fort Scott Sale Co., Inc., Fort Scott.
•Frankfort Community Sale, Frankfort.
•Franklin County Sale Co., Inc., Ottawa.
•Fredonia Livestock Sales Co., Inc., Fredonia.
•Garden City Sale Co., Inc., Garden City.
•Glasco Livestock Exchange, Glasco.
•Goodland Livestock Commission Co., Inc., Goodland.
•Great Bend Livestock Commission, Inc., Great Bend.
•Harper Livestock Sales Co., Harper.
•Hays Livestock Commission Co., Inc., Hays.
•Herington Livestock Auction Co., Inc., Herington.
•Hiawatha Auction Co., Hiawatha.
•Hill City Sale Barn, Hill City.
•Holton Community Sale, Holton.
•Holton Livestock Exchange, Inc., Holton.
•Hoxie Livestock Sale, Hoxie.
•Hutchinson Livestock Commission Co., Hutchinson.
•Iola Community Sale, Iola.
•Junction City Livestock Sales, Inc., Junction City.
•Kingman Community Sale Co., Kingman.
•Kiowa Sales Co., Inc., Kiowa.
•Larned Livestock Commission Co., Inc., Larned.
•Lawrence Livestock Sale, Inc., Lawrence.
•Leavenworth Livestock Auction Co., Leavenworth.
•Liberal Sales Co., Liberal.
•Lyon County Livestock Auction, Emporia.
•McKinley-Winter Livestock Commission Co., Inc., Dodge City.
•Manhattan Commission Co., Inc., Manhattan.
•Mankato Livestock Commission Co., Mankato.
•Marysville Livestock & Commission Co., Marysville.
•Medicine Lodge Sales Co., Inc., Medicine Lodge.
•Moline Auction Co., Moline.
•Natoma Livestock Exchange, Natoma.
•Newton Livestock & Commission Co., Newton.
•Norton Livestock Auction, Inc., Norton.
•Norton Livestock Commission Co., Norton.
•Oakley Livestock Commission Co., Inc., Oakley.
•Oberlin Livestock Commission Co., Inc., Oberlin.
•Onaga Community Sale, Onaga.
•Osborne Livestock Commission Co., Inc., Osborne.
•Overbrook Livestock Market, Overbrook.
•Phillipsburg Sale Co., Inc., Phillipsburg.
•Plainville Livestock Commission Co., Inc., Plainville.
•Quinter Livestock Commission Co., Quinter.
•Rezac Livestock Commission Co., St. Marys.
•Rush County Sales, LaCrosse.
•Russell Livestock Commission Co., Russell.
•Sabetha Livestock Auction, Sabetha.
•St. Francis Livestock Sales Co., St. Francis.
•Stockton Livestock Commission, Stockton.
•Sylvan Sales Co., Inc., Sylvan Grove.
•Syracuse Sale Co., Syracuse.
•Tri-State Sale Co., Elkhart.
•Turon Sale Co., Turon.
•Wakeeney Livestock Commission Co., Wakeeney.
•Washington Sale Co., Inc., Washington.
•Waverly Livestock Sale Barn, Waverly.
•Wilkey Livestock Sales, Inc., Lyons.
•Wilkey Livestock Sales, Inc. (formerly Pratt Livestock Commission Co.), Pratt.
•Wilson Livestock Auction, Salina.
•Winfield Auction Co., Winfield.
•Zima Livestock Sales Co., Emmett.

KENTUCKY

•Adair County Stockyards, Columbia.
•Albany Stockyards, Albany.
•Barren County Stockyards, Glasgow.
•Blue Grass Stockyards, Lexington.
•Bowling Green Livestock Market, Bowling Green.
•Boyle County Stockyards, Danville.
•Breckinridge County Livestock Sales, Irvington.

•Billie Carnes Stockyard, Leitchfield.
•Don Brown Stockyards, Keville.
•Bullitt County Stockyards, Shepherdsville.
•Burkesville Stockyards, Burkesville.
•Butler & Wilson, Harned.
•Carlisle Stockyards, Carlisle.
•Catlettsburg Livestock Sales, Catlettsburg.
•Christian County Livestock Market, Hopkinsville.
•Clay-Wachs Stockyards, Lexington.
•Cynthiana Stockyards Co., Cynthiana.
•Edmonton Livestock Market, Edmonton.
•Farmers Commission Co., Tompkinsville.
•Farmers Livestock Market, London.
•Farmers Livestock Market, Mayfield.
•Farmers Stockyards, Flemingsburg.
•Farmers Stockyards, Mt. Sterling.
•Floyd County Livestock Market, Ivel.
•Franklin Livestock Market, Franklin.
•Garfield Auction Barn, Garfield.
•Garrard County Stockyard, Lancaster.
•Glasgow Livestock Market, Glasgow.
•Green County Stockyards, Greensburg.
•Horse Cave Stockyards, Horse Cave.
•Kentuckiana Livestock Market, Owensboro.
•Ky-Tenn Livestock Market, Guthrie.
•Knox County Stockyards, Barbourville.
•Laurel Sales Co., London.
•Lebanon Stockyards, Inc., Lebanon.
•Logan County Livestock Co., Russellville.
•Fred Madison Sales Barn, Bowling Green.
•Madison Sales Co., Richmond.
•Mammoth Cave Market Corp., Smiths Grove.
•Mayfield Livestock Sales, Mayfield.
•Maysville Stockyards, Maysville.
•Middlesboro Livestock Market, Middlesboro.
•Morganfield Stockyards, Morganfield.
•Murray Livestock Co., Murray.
•Ohio Valley Producers, Burna.
•Ohio Valley Producers, Clinton.
•O. K. Stockyards, Maysville.
•Olive Hill Livestock Co., Olive Hill.
•Owen County Stockyards, Owenton.
•Paducah Livestock Auction, Paducah.
•Paintsville Livestock Market, Paintsville.
•Paris Stockyards, Paris.
•Ratliff Stockyards, Mount Sterling.
•Russell County Stockyards, Russell Springs.
•Sawyer, Dan & K G, Albany.
•Smith Livestock Co., Symsonia.
•Smithland Livestock Co., Smithland.
•Somerset & Pulaski Livestock Market, Inc. (formerly Pulaski Co. Livestock Market), Somerset.
•Warren Co. Farmer Marketing Co-op, Bowling Green.
•Wayne County Livestock Market, Inc. (formerly Monticello Stockyards), Monticello.
•Williamstown Stockyards, Williamstown.
•West Kentucky Land & Cattle Co. (formerly Gibson Livestock Co.), Marion.
•Winchester Stockyards, Winchester.

LOUISIANA

•Abbeville Commission Co., Abbeville.
•Alsbrooks-Guilbeau Stockyards, Inc., Baton Rouge.
•Alsbrooks-Guilbeau Stockyards, Inc., Opelousas.
•Amite Livestock Co., Inc., Amite.
•Avoyelles Livestock Auction Market, Mansura.
•Bastrop Livestock Auction, Bastrop.
•Brown, Charles A., Baton Rouge.
•Clark Livestock Auction Co., Bossier City.
•Delhi Livestock Auction, Delhi.
•DeQuincy Livestock Commission Co., DeQuincy.
•DeRidder Livestock Market, DeRidder.
•Dominique's Livestock Auction, Inc., Alexandria.
•Dominique's Stockyard, Inc., Istrouma Station.
•A. Dominique's Stockyard, Inc., Lafayette.
•A. Dominique's Cow Palace, Inc., Marksville.
•Dominique's Inc., Opelousas.
•Farmer & Stockman Auction, Inc., Clarence.
•Franklin Livestock Auction, Inc., Wilansboro.
•Franklinton Stockyards, Inc., Franklinton.
•W. H. Hodges & Co., Alexandria.
•W. H. Hodges & Co., Crowley.
•W. H. Hodges & Co., New Roads.
•W. H. Hodges & Co., Raceland.
•Homer Livestock Commission Co., Homer.
•Kentwood Livestock Sales, Inc., Kentwood.
•Lacassine Stockyard, Lacassine.
•Lacy Stockyard, J. D., Alexandria.
•Livestock Producers, Inc., Bossier City.
•Lum Brothers Stockyards, Inc., Vidalia.
•Bill Lyles Auction Co., Grand Cane.
•Mansfield Livestock Auction Co., Inc., Mansfield.
•Micelle's Commission Yard, Inc., Lake Charles.
•Miller & Dominique Stockyards, Eunice.
•North Tangipahoa Stockyards, Inc., Kentwood.
•Red River Livestock Auction, Coushatta.
•Joe Tate Commission Barn, Lebeau.
•Joe Tate Commission Barn, Ville Platte.
•Voiron Stockyard, Inc., Thibodaux.
•West Monroe Livestock Auction, West Monroe.
•Zachary Stockyards, Zachary.

MARYLAND

•Aberdeen Sales Co., Aberdeen.
Caroline Sales Co., Denton.
•Cumberland Stockyards, Inc., Cumberland.
•Farmers' Livestock Exchange, Inc., Boonsboro.
Farmers Market & Auction, Charlotte Hall.
•Four States Livestock Sales, Inc., Hagerstown.
•Frederick Livestock Auction, Inc., Frederick.
•Friend's Stockyard, Inc., Accident.
•Grantsville Community Sales, Inc., Grantsville.
•Rudnick & Sons, Inc., Harry, Galena.
West Nottingham Livestock, Inc., Rising Sun.
•Western Maryland Stockyards, Inc., Westminster.
Woodsboro Livestock Sales, Inc., Woodsboro.

MASSACHUSETTS

•Flame, Inc., Littleton.
•Michelson's Livestock Commission Auctions, Inc., South Easton.
•Northampton Cooperative Auction, Whately.

MICHIGAN

•Andy Adams Sale Barn, Hillsdale.
•Coldwater Livestock Auction, Coldwater.
•Dundee Livestock Sales, Inc., Dundee.
Linsmeier Livestock Auction, Menominee.
•Michigan Livestock Exchange, Cassopolis.
•Napoleon Livestock Auction, Napoleon.
•Ravenna Livestock Sales, Ravenna.
•Three Rivers Livestock Auction, Three Rivers.

MINNESOTA

Arends Sale Yard, Inc., Blue Earth.
Faribault Livestock Sales, Faribault.
Farmers Livestock Auction Market, Caledonia.
Kasson Livestock Exchange, Kasson.
Luverne Livestock Auction, Luverne.
Top Livestock Auction, Edgerton.

MISSISSIPPI

•Alcorn County Stockyard, Corinth.
•Batesville Livestock Commission Co., Batesville.
•Billingsley's Auction Sale, Inc. (formerly "Doc" Billingsley's Auction Sale), Senatobia.
•Booneville Commission Co., Booneville.
Carl's Commission Co., Pontotoc.
•Chickasaw Commission Co., Huston.
•Clarksdale Livestock Sales Co., Clarksdale.
•Coble Sales, J. E., Pontotoc.
•Corinth Livestock Commission Co., Corinth.
•Decatur Stockyards, Inc. (formerly Decatur Stockyards), Decatur.
•Dixie Stock Yards, Inc., Meridian.
•East Mississippi Farmers Livestock Co., Philadelphia.
•Fairchild Livestock Commission, Inc., Hazlehurst.
•Fayette Stockyards, Inc., Fayette.
•Felder's Livestock Sales Co., Summit.
•Forrest County Livestock Market, Hattiesburg.
•George County Stockyards, Lucedale.
•Graves Livestock Co., Winona.
•Grenada Livestock Exchange, Grenada.
•Jackson Union Stockyards (& Quinns), Jackson.
•Knight Brothers Sale, Carthage.
•Laurel Stockyards, Laurel.
•Lexington Sales Co., Lexington.
•Lincoln County Livestock Commission Co., Brookhaven.
•Lipscomb Commission Co., Como.
•Livestock Producers Association, Tylertown.
•Lum Commission Co., Vicksburg.
•Meridian Stockyards, Inc., Meridian.
•Mid-South Order Buyers, Inc., Jackson.
•Mississippi Livestock Producers Association (North Yard), Jackson.
•Moore & Woods Commission Co., Inc., Macon.
•Natchez Stockyard, Natchez.
•New Albany Sales Co., New Albany.
•Olive Branch Sales Co., Olive Branch.
•Oxford Livestock Commission Co., Oxford.
•Pearl River County Stockyards, Inc., Poplarville.
•Peeler's Livestock Sales, Kosciusko.
•Pontotoc Livestock Commission Co., Pontotoc.
Prairie Livestock, Inc., West Point.
•Ripley Sales Co., Ripley.
•S & A Livestock, Inc., Tupelo.
•Southeast Mississippi Livestock Farmers Association (formerly South Mississippi Livestock Market), Hattiesburg.
Southwest Mississippi Livestock Producers Association, Liberty.
•Southwest Stockyards, Inc., Port Gibson.
•Spicer Brothers Stockyard, Tupelo.
•Starkville Livestock Commission Co., Starkville.
•Stockyards, Inc., Tupelo.
•Stringer Sale Barn, Columbia.
•Tri-State Stockyards, Inc., Greenville.
•Walnut Sales Co., Walnut.
•Waynesboro Livestock Yards, Inc., Waynesboro.
•West Point Livestock Auction, West Point.
•Winston County Community Sales, Louisville.

MISSOURI

Alton Sales Co., Alton.
Ava Sales Co., Ava.
Beck & McCord Auction Co., Sikeston.
Benton County Producers Association, Warsaw.
Bollinger County Livestock Association, Marble Hill.
Brunswick Sale Co., Brunswick.
Buffalo Sale Barn, Buffalo.
Bullshippers, Inc., Nevada.
Butler Community Sale (formerly Butler Livestock Auction), Butler.
Cabool Livestock Market, Cabool.
Callaway Stock Sales Association, Fulton.
Cantrell & Sons Sale Co., Archie.
Carrollton Livestock Auction, Carrollton.
Central Missouri Livestock Auction, Inc., Mexico.
Central Missouri Sales Co., Sedalia.
Central Ozark Livestock Market, West Plains.
•Charleston Auction Co., Charleston.
Chillicothe Livestock Auction, Inc., Chillicothe.
Circle "S" Livestock Auction, Stanberry.
Clark County Sales Co., Kahoka.
Clinton Community Sale, Clinton.
Columbia Livestock Auction, Inc., Columbia.
Concordia Livestock Auction, Concordia.
Cox (Noel) Auction Sale, Ozark.

FEB 11 72

Doniphan Auction Sales Co., Doniphan.
Edina Auction Co., Edina.
El Dorado Sales Co., El Dorado Springs.
Fair Play Sale and Auction Co., Fair Play.
Farmers Auction Co., Mountain View.
Farmers and Traders Commission Co., Inc., Palmyra.
Farmington Auction Co., Inc., Farmington.
Four Square Market (formerly Interstate Livestock Producers Association), Marshall.
Fredericktown Auction Co., Inc., Fredericktown.
Fruitland Livestock Auction Co., Inc., Jackson.
Gallatin Livestock Auction, Gallatin.
Goodman Auction Market, Goodman.
Grant City Sale Barn, Inc., Grant City.
Green City Auction Co., Inc., Green City.
HRH Auction Co., Hamilton.
Halsey-Riley Sales Co., Inc., Marshall.
Hannibal Sale Co., Inc., Hannibal.
Hayes Cattle, Inc., Chillicothe.
Hinds Sale Co., Memphis.
Interstate Producers Livestock Association, Callao.
Interstate Producers Livestock Association, Cuba.
Interstate Producers Livestock Association, Perryville.
Johnson County Livestock Market, Inc., Warrensburg.
Kahoka Sale Co., Inc., Kahoka.
Kennett Sales Co., Inc., Kennett.
Kirksville Community Sale, Kirksville.
LaClede County Livestock Producers Association, Lebanon.
Lamar Auction Market, Lamar.
Lewis County Auction Co., Lewistown.
Lexington Livestock Auction, Lexington.
Licking Auction Sales Co., Licking.
Lincoln County Livestock Market, Inc., Troy.
Linn County Auction Co., Brookfield.
Linn County Beef Producers Association, Brookfield.
Lockwood Community Sale, Inc., Lockwood.
Lolli Sales Pavilion, Macon.
Mansfield Livestock Auction, Mansfield.
Maryville Auction Co., Maryville.
Means Auction Co., Boonville.
Mercer County Auction, Princeton.
Mercer County Producers Association, Princeton.
Merrigan Bros. Livestock Auction Market, Inc., Maryville.
Milan Livestock Auction, Milan.
Miller Livestock Auction Co., Miller.
Moberly Livestock Auction Co., Moberly.
Monett Sale Co., Monett.
Montgomery County Livestock Auction Co., Montgomery City.
Moore, C. H. & Son, Memphis.
Mountain Grove Livestock Auction, Mountain Grove.
New Cambria Community Sale, New Cambria.
North Missouri Sale Pavilion, Trenton.
Odessa Community Sale, Odessa.
Olean Sale Co., Olean.
Oregon Livestock Sales Co., Oregon.
Osage County Livestock Producers Association, Linn.
Palmyra Livestock Auction Market, Palmyra.
Pasley (C. M.) Auction Co., Osceola.
Payne Auction Sale, Lebanon.
Pike County Livestock Market (formerly Bowling Green Market), Bowling Green.
Platte County Sales Co., Inc., Platte City.
Poplar Bluff Sales Co., Poplar Bluff.
Potosi Auction Co., Inc., Potosi.
Puxico Stockyards and Auction Co., Inc., Puxico.
Roberts Brothers Auction, Bolivar.
Robertsons Community Sale, Bethany.
Rock Port Sales Pavilion, Inc., Rock Port.
St. Clair Auction, St. Clair.
St. James Auction Co., St. James.
Salem Auction Sale Co., Salem.
Savannah Sale Co., Savannah.
Schuyler County Sales Co., Lancaster.
Sedgewickville Auction Barn, Sedgewickville.
Seneca Community Sale, Inc., Seneca.
Shelbina Auction Co., Shelbina.
Sho-Me Feeder Pig—Thayer Division, Thayer.
Sivils (Jack) Sale Co., Butler.
Stewarts Sales Pavilion, Cameron.
Stockton Sale Barn, Meta.
Summersville Auction Sale, Summersville.
Unionville Sale Co., Unionville.
Urbana Sale Barn, Urbana.
Van Meter Auction Co., Kingsville.
Versailles Auction, Versailles.
Warsaw Sales Co., Warsaw.
Weddles Sale Barn, Bethany.
Welty Sales Pavilion, Nevada.
West Plains City Scales, West Plains.
West Plains Livestock Auction, West Plains.
Wheaton Livestock Auction, Wheaton.
Windsor Auction Co., Windsor.

MONTANA

Billings Livestock Commission Co., Billings.
Glendive Livestock Sales Co., Glendive.
Sidney Livestock Market Center, Sidney.

NEBRASKA

*Ainsworth Livestock Market, Ainsworth.
*Albion Livestock Market, Inc., Albion.
*Alliance Livestock Auction, Alliance.
*Alma Sale Barn, Alma.
*Arnold Livestock Sales Co., Inc., Arnold.
*Ashland Sale Barn, Ashland.
*Atkinson Livestock Market, Atkinson.
*Bassett Livestock Auction Inc., Bassett.
*Beatrice Sales Pavilion, Beatrice.
*Beatrice 77 Livestock Sales Co., Beatrice.
*Bloomfield Livestock Auction, Bloomfield.
*Blue Hill Livestock Co., Blue Hill.
*Burwell Livestock Market, Burwell.
*Butte Livestock Market, Butte.
*Central Nebraska Commission Co., Broken Bow.
*Chadron Sales Co., Chadron.
*Chappell Livestock Auction, Inc., Chappell.
*Columbus Sales Pavilion, Inc., Columbus.
*Crawford Livestock Market, Crawford.
*Creighton Livestock Market, Creighton.
*Curtis Livestock Commission Co., Curtis.
*Ewing Livestock Market, Ewing.
*Fairbury Livestock Co., Fairbury.
*Falls City Auction Co., Falls City.
*Farmers Livestock Sales Co., Benkelman.
*Garden County Commission Co., Oshkosh.
*Grand Island Livestock Auction, Inc., Grand Island.
*Gordon Livestock Auction Co., Inc., Gordon.
*Hebron Livestock Commission Co., Hebron.
*Holdrege Commission Co., Holdrege.
*Imperial Auction Market, Inc., Imperial.
*Kearney Livestock Commission Co., Kearney.
*Kimball Livestock Auction, Kimball.
*Klug Brothers Livestock Co., Columbus.
*Lexington Livestock Commission Co., Lexington.
*Lockwood Livestock Auction, South Sioux City.
*Minden Livestock Sales Co., Minden.
*Morris Livestock Auction, Plattsmouth.
*Morrison's Twin City Livestock Auction (formerly Twin City Livestock Auction Co.), Gering.
*Nebraska City Salebarn Inc., Nebraska City.
*Nebraska Livestock Sales Co., Lincoln.
*Neligh Livestock Commission Co., Neligh.
*Newman Grove Livestock Market, Newman Grove.
*Nollett Livestock Sales, Valentine.
*Norfolk Livestock Market, Inc., Norfolk.
*Ogallala Livestock Commission Co., Ogallala.
*O'Neill Livestock Market, O'Neill.
*Oxford Livestock Commission Co., Oxford.
*Pawnee Livestock Co., Pawnee City.
*Platte Valley Livestock Auction (formerly Producers Livestock Marketing Association), Gering.
*Pender Livestock Sales Co., Pender.
*Producers Livestock Marketing Association, McCook.
*Red Cloud Livestock Commission Co., Inc., Red Cloud.
*Republican Valley Livestock Auction, Franklin.
*Shelby Cattle Co. (formerly Augustin Brothers), Shelby.
*Sheridan Livestock Commission Co., Rushville.
*Sioux County Livestock Commission Co., Harrison.
*Spalding Livestock Market, Spalding.
*Superior Livestock Commission Co., Inc., Superior.
*Stickelman Livestock Commission Co., Gothenburg.
*Thedford Livestock Commission Co., Thedford.
*Tri-State Livestock Commission Co., McCook.
*Valentine Livestock Market, Valentine.
*Verdigre Livestock Market, Verdigre.
*Wahoo Livestock Auction Market, Wahoo.
*Wayne Livestock Auction Co., Inc., Wayne.
*Wells Commission Co., Fremont.
*West Point Sales Co., West Point.
*Western Livestock Auction Co., North Platte.
*Western Plains Auction Co. (formerly Sidney Livestock Sales Pavilion, Inc.), Sidney.
*Wisner Livestock Sales Co., Wisner.
*York Livestock Sales Co., York.

NEVADA

*Gallagher Livestock Co., Fallon.

NEW JERSEY

*Community Livestock Auction, Woodstown.
*Cowtown Auctioneers, Woodstown.
*Flemington Agricultural Marketing Co-op, Inc., Flemington.
*Jaeger's Livestock Auction Market, Sussex.
*Livestock Cooperative Auction Market Ass'n. of North Jersey, Inc., Hackettstown.
*Henry Zlotkin Auction, Freehold.

NEW MEXICO

Five States Livestock Auction, Inc., Clayton.
Portales Livestock Commission Co., Portales.

NEW YORK

Burton's Livestock Exchange, Inc., Vernon.
Cambridge Valley Livestock Market, Cambridge.
Chambers, D. R. & Sons, Inc., Unadilla.
Chatham Area Auction Cooperative, Inc., Chatham.
Condon's Auction Market, Cherry Creek.
County Livestock Market, Amsterdam.
DiBello, Ben, Commission Sales, Hannibal.
Empire Livestock Marketing Cooperative, Inc. (Burn's Property), Bath.
Empire Livestock Marketing Cooperative, Inc. (120 Wilson Avenue), Bath.
Empire Livestock Marketing Cooperative, Inc., Caledonia.
Empire Livestock Marketing Cooperative, Inc., Dryden.
Empire Livestock Marketing Cooperative, Inc., Gouverneur.
Empire Livestock Marketing Cooperative, Inc., Lowville.
Empire Livestock Marketing Cooperative, Inc., Oneonta.
Empire Livestock Marketing Cooperative, Inc., Watertown.
Empire Livestock Marketing Cooperative, Inc., Whitney Point.
Finger Lakes Livestock Market, Inc., Canandaigua.
Gentner, Raymond, Commission Market, Springville.
Hillsdale Farmers' Auction, Inc., Hillsdale.
Kaplan, J. M. & Son, Inc., Millerton
Luther's Livestock Commission Market, Wassaic.
Maplehurst Livestock Market, Hinsdale.
Milford Commission Sales Stable, Inc., Milford.
Miller's Livestock Market, Argyle.

North County Livestock Exchange, Inc., Chazy.
Pavilion Livestock Market, Inc., Pavilion.
Peter's Livestock Exchange, Jeffersonville.
Norvel Reed & Sons, Inc., Jamestown.
Norvel Reed & Sons, Inc., Sherman.
Sullivan Brothers Livestock Exchange, Utica.
Wallkill Livestock Market, Walden.
Welch Livestock Market, Inc., West Edmeston.

NORTH CAROLINA

Benthall's Stockyard, Rich Square.
Brite and Tatum Livestock Co., Inc., Elizabeth City.
Carolina Stockyards Co., Siler City.
Cattleman's Livestock Yard, Inc., Canton.
Central Carolina Farmers Livestock Market, Hillsborough.
Creech Livestock Market, Inc., Norlina.
Dedmon's Livestock Yards, Shelby.
Farmers Livestock Exchange, Marshville.
D. F. Foust Livestock Co., Inc., Greensboro.
Franklin Livestock Auction, Franklin.
Hill's Stockyard, Kinston.
Gus Z. Lancaster Stockyards, Inc., Rocky Mount.
Lumberton Auction Co., Inc., Lumberton.
Morris Livestock Co., Charlotte.
Mount Airy Livestock Market, Inc., Mount Airy.
Murphy Livestock Auction Co., Murphy.
Norwood Stockyard, Norwood.
Oxford Livestock Market, Inc., Oxford.
Pates Stockyard, Pembroke.
Powell Livestock Co., Smithfield.
Shelby Sales Barn, Shelby.
Union County Livestock Auction, Inc., Mineral Springs.
Watauga Livestock Market, Inc., Boone.
Wells Livestock Market, Inc., Wallace.
Western Carolina Livestock Market, Inc., Asheville.
West Jefferson Livestock Market, West Jefferson.

NORTH DAKOTA

*Ashley Livestock Sales Co., Ashley.
*Carrington Livestock Sales, Inc., Carrington.
*Edgeley Livestock Sales, Inc. (formerly Edgeley Livestock Sales Co.), Edgeley.
*Ellendale Livestock Sales Co., Ellendale.
*Hamann Livestock Co., Uecker Yards (formerly Hamann Livestock Co., Hettinger.
*Harvey Livestock Auction, Harvey.
*Hettinger Auction Market, Inc. (formerly Hettinger Livestock Sales), Hettinger.
*Home Base Auction Co., Bowman.
*Jamestown Livestock Sales Co. (formerly Jamestown Livestock Sales), Jamestown.
*JKL Cattle Co., Williston.
*Kamrath Sales Pavilion, Mott.
*Kist Livestock Auction Co., Mandan.
*Lake Region Auction Market (formerly Lake Region Auction and Livestock Market, Inc.), Devils Lake.
*Linton Livestock Sales, Inc., Linton.
*Lorenz Livestock Sales, Hazen.
*Meyer's Livestock Sales, Williston.
*Minot Livestock Auction, Minot.
*Missouri Slope Livestock Auction, Inc., Bismarck.
*Napoleon Livestock Sales, Napoleon.
*Oakes Livestock Commission Co. (formerly Oakes Livestock Terminal), Oakes.
*Park River Livestock Sales, Inc. (formerly Park River Livestock Auction Market), Park River.
*Ranchers & Farmers Livestock Sales, Inc., Minot.
*Rugby Livestock Auction Market, Inc., Rugby.
*Schlichenmayer Livestock Sales, Turtle Lake.
*Schnell-Beulah Livestock Auction Market, Inc. (formerly Beulah Livestock Auction Market, Inc.), Beulah.
*Schnell Livestock Auction Co., Dickinson.
*Sitting Bull Auction, Williston.
*Wahpeton Livestock Co., Wahpeton.
*Watford City Livestock Auction (formerly Badlands Auction Co.), Watford City.
*Wishek Livestock Market, Wishek.
*Western Livestock Co., Dickinson.

OHIO

*Athens Livestock Sales, Athens.
*Barnesville Livestock Exchange, Barnesville.
*Bloomfield Livestock Auction, North Bloomfield.
*Bowling Stockyard, Circleville.
*Canfield Livestock Auction, Canfield.
*Carrollton Livestock Auction, Carrollton.
*Creston Livestock Sales, Creston.
*Damascus Livestock Auction, Damascus.
*Delta Livestock Auction & Commission Co., Delta.
*Farmers Livestock Auction, Inc., Marietta.
*Fremont Livestock Exchange, Fremont.
*Kenton Farmers Marketing Co., Kenton.
*Kidron Auction, Inc., Kidron.
*Lugbill Bros., Inc., Archbold.
*Lugbill Bros., Inc., Columbus Grove.
*Muskingum Livestock Sales Co., Zanesville.
*Ohio Valley Livestock Company, Gallipolis.
*Peoples Livestock Exchange, Greenville.
*Producers Livestock Association, Bucyrus.
*Producers Livestock Association, Coshocton.
*Producers Livestock Association, Eaton.
*Producers Livestock Association, Findlay.
*Producers Livestock Association, Hillsboro.
*Producers Livestock Association, Lancaster.
*Producers Livestock Association, Marysville.
*Producers Livestock Association, Mt. Vernon.
*Producers Livestock Association, Wapakoneta.
*Producers Livestock Association, Washington C. H.
*Producers Livestock Association, Wilmington.
*Rothschild Livestock Co., Stony Ridge.
*Scio Auction Market, Scio.
*Scioto Livestock Sales Co., Chillicothe.
*Union Stockyards Co., Hillsboro.
*Woodsfield Livestock Sales, Inc., Woodsfield.
*Zanesville Community Sales, Zanesville.

OKLAHOMA

*Ada Livestock Auction, Inc., Ada.
*Adair County Livestock Auction, Stilwell.
*Antlers Livestock Auction, Antlers.
*Apache Livestock Sale, Apache.
*Ardmore Livestock Auction, Inc., Ardmore.
*Atoka Livestock Auction, Atoka.
*Beaver Livestock Sale, Beaver.
*Big Pasture Auction, Frederick.
*Blackwell Livestock Auction, Blackwell.
*Buffalo Livestock Commission Co., Buffalo.
*Carnegie Livestock Market, Carnegie.
*Chandler Auction, Chandler.
*Cherokee Sales Co., Cherokee.
*Clinton Livestock Auction, Clinton.
*Cordell Livestock Auction, Cordell.
*Cornwell-Ochaner Commission Sale, Yukon.
*Covington Sale Barn, Covington.
*Dewey Livestock Sale, Dewey.
*Durant Stockyards Co., Durant.
*Elk City Livestock Auction, Inc., Elk City.
*Enid Livestock Market, Inc., Enid.
*Fairview Sale Barn, Fairview.
*Farmers and Ranchers Stockyard, Comanche.
*Four-Way Stockyards Co., McAlester.
*Grandfield Stockyards, Grandfield.
*Grove Sales Co., Grove.
*Hollis Livestock Commission Co., Hollis.
*Hobart Stockyards, Hobart.
*Holton Brothers Stockyards, Hugo.
*Hugo Sales Commission Co., Hugo.
*Idabel Livestock Commission Co., Idabel.
*Leflore County Livestock Auction, Wister.
*Donald Leslie Commission Co., Hugo.
*Locust Grove Sale, Locust Grove.
*Loopers Auction, Stillwater.
*Mangum Livestock Co., Mangum.
*Farmers and Ranchers Livestock Auction, Vinita.
*Marietta Auction Sale, Marietta.
*Maxson Sales Co., Inc., South Coffeyville.
*Maxson Sales Co., Inc., Welch.
*Meeker Livestock Auction, Meeker.
*Muskogee Stockyards and Livestock Auction, Inc., Muskogee.
*Newkirk Livestock Auction, Newkirk.
*Oklahoma Auction Yards, Hominy.
*Panhandle Livestock Commission Co., Guymon.
*Pawnee Sale Co., Pawnee.
*Perkins Y Livestock Auction, Perkins.
*Perry Livestock Exchange, Perry.
*Pryor Livestock Auction, Pryor.
*Ringling Community Livestock Auction, Ringling.
*Selling Sales Association, Inc., Selling.
*Snyder Stockyards, Snyder.
*Stigler Sale Barn (Stigler Livestock Auction), Stigler.
*Tahlequah Sale Barn, Tahlequah.
*Texhoma Livestock Commission Co., Texhoma.
*Tonkawa Livestock Auction, Tonhoma.
*Ray Tucker Cattle Co., Antlers.
*Tulsa Cow Palace, Tulsa.
*Waurika Auction Sale, Waurika.
*Webb Livestock Sale, Sayre.
*Western Oklahoma Livestock Auction, Elk City.
*Woodward Livestock Commission Co., Woodward.

PENNSYLVANIA

Belknap Livestock Market, Inc. (formerly Belknap Auction Sales), Dayton.
Belleville Livestock Market, Inc., Belleville.
Black, Edgar K., Skippack.
Border, K. M. Livestock, Dover.
Carlisle Livestock Market, Carlisle.
Chambersburg Livestock Sales, Inc., Chambersburg.
Chesley's Sales, Inc., North East.
Coudersport Livestock Market, Inc., Coudersport.
Cowanesque Valley Livestock Market, Knoxville.
Craig, Wayne F. & Son, Shippensburg.
Dewart Livestock Market, Dewart.
Eighty-Four Auction Sales, Inc., Eighty-Four.
Enon Valley Community Sales, Enon Valley.
Farmer's Tri-County Auction, Inc., Scenery Hill.
Fayette Stockyard Co., Uniontown.
Greencastle Livestock Market, Inc., Greencastle.
Green Dragon Livestock Sales, Ephrata.
Hickory Auction Sales, Inc., Hickory.
Indiana Livestock Auction, Inc., Indiana (Homer City).
Lebanon Valley Livestock Market, Inc., Fredericksburg.
Leesport Market & Auction, Leesport.
Meadville Livestock Auction, Saegertown.
Mercer Livestock Auction, Mercer.
Middleburg Auction Sales, Inc., Middleburg.
Montague Livestock Auction, Union City.
Montour Farmers Livestock Market, Inc., Danville.
Morrisons Cove Livestock Market, Martinsburg.
New Holland Sales Stables, Inc., New Holland.
New Wilmington Livestock Auction, Inc., New Wilmington.
Nicholson Sales Co., Nicholson.
Penns Valley Livestock Auction, Centre Hall.
Pennsylvania Livestock Auction, Inc., Waynesburg.
Perkiomenville Sales Stables, Inc., Perkiomenville.
Quakertown Livestock Sale, Quakertown.
Sechrist Sales Co., Fawn Grove.
Sellers, W. R. Greencastle.
Showalter's Livestock Exchange, Duncansville.
Silver Springs Livestock Market, Inc., Mechanicsburg.
Troy Sales Cooperative, Troy.
Valley Stockyards, Inc., Athens.
Vintage Sales Stables, Inc., Paradise.

FEB 11 72
XUM

Wayne County Livestock Exchange Inc., Honesdale.
Weikert's Livestock, Fairfield.
Wyalusing Livestock Market (formerly Wyalusing Sales Co., Wyalusing.
York Livestock Market, Inc., York.

SOUTH CAROLINA

Bruce & Co., P. L., Greenville.
Central Carolina Livestock Market, Lugoff.
Chesnee Livestock Co., Chesnee.
Darlington Auction Market, Inc., Darlington.
Farmer's Livestock Market, Lexville.
Farmers Market, Estill.
Greenwood Stockyard, Inc., Greenwood.
Herndon Stockyards, Inc., Ehrhardt.
Hutto Stockyards, Inc., Holly Hill.
Johnson Livestock Market, Honea Path.
Nichols Auction Market, Nichols.
Orangeburg Stockyards, Inc., Orangeburg.
Pickens Auction Market, Inc., Pickens.
Saluda County Stockyards, Inc., Saluda.
Springfield Stockyards, Springfield.
Spartanburg Livestock Yards, Spartanburg.
Taylor Stockyards, John C., Anderson.
Walterboro Stockyards Co., Inc., Walterboro.
York County Stockyards, Inc., York.

TENNESSEE

•Athens Livestock Auction Co., Athens.
•Botts & Evans Livestock Co., Union City.
•C & M Livestock Market, Inc., Jamestown.
•Chattanooga Union Stockyards, Chattanooga.
•Caldwell Livestock, Inc., Jackson.
•Clarksville Livestock Market, Clarksville.
•Clarksville Livestock Co., Clarksville.
•Cleveland Livestock Auction Co., Cleveland.
•Clinton Livestock Auction Co., Clinton.
•Coffee County Livestock Market, Manchester.
•Collierville Auction Co., Collierville.
•Cookeville Livestock Co., Cookeville.
•Covington Sales Co., Covington.
•Crockett County Sales Co., Maury City.
•Cumberland City Stockyard, Cumberland City.
•DeKalb County Livestock Co., Alexandria.
•East Tennessee Livestock Center, Inc., Sweetwater.
•Farmers Auction Co., Fayetteville.
•Farmers Commission Co., Carthage.
•Farmers Livestock Exchange, Union City.
•Farmers Livestock Market, Inc., Greeneville.
•Gamaliel Livestock Market, Gamaliel.
•Giles County Stockyard, Pulaski.
•Greeneville Livestock Co., Inc., Greeneville.
•Hardin County Stockyards, Savannah.
•Hartsville Livestock Market, Hartsville.
•Henderson Sale Co., Henderson.boro.
•Johnson City Livestock Market, Johnson City.
•Kingsport Livestock Market, Kingsport.
•Lawrence County Stockyards, Lawrenceburg.
•Lewis County Stockyards, Hohenwald.
•Lexington Livestock Market, Lexington.
•Logan Livestock Co., Union City.
•McNairy County Livestock & Auction Corp., Selmer.
•Macon County Livestock Market, Lafayette.
•Middleton Sales Co., Middleton.
•Mid-South Livestock Commission Co., Columbia.
•Morristown Stockyard, Inc., Morristown.
•Murfreesboro Livestock Market, Murfreesboro.
•Newbern Sales Co., Newbern.
•Newport Livestock Auction Co., Newport.
•New Tazewell Livestock Market, New Tazewell.
•Nichols-Moore Sale Barn, Thompson Station.
•Oliver Livestock Market, Union City.
•O'Neil, Sam, Livestock Commission Co., Chattanooga.
•Paris Livestock Commission Co., Paris.
•Payne Livestock Market, Telford.
•Peoples Stockyard, Cookeville.
•Peoples Stockyard Co., Fayetteville.
•Plateau Livestock Exchange, Crossville.
•Pulaski Stockyard, Pulaski.
•Rogersville Livestock Market, Rogersville.
•Sampsons Livestock Auction, Lewisburg.
•Scotts Hill Auction Co., Inc., Scotts Hill.
•Sevier County Livestock Auction Co., Seymour.
•Shelbyville Livestock Market, Shelbyville.
•Smith County Commission Co., Carthage.
•Smithville Livestock Sales, Smithville.
•Southern Livestock Auction Co., Columbia.
•Southwestern Sales Co., Inc., Huntingdon.
•Tennessee Producers Livestock Market Association, Fayette.
•Tennessee Producers Livestock Market Association, Woodbury.
•Thompson Livestock Co., Obion.
•Trenton Sales Co., Trenton.
•Tri-County Stockyards, McKenzie.
•Trousdale County Livestock Market, Hartsville.
•Union Livestock Yards, Knoxville.
•Unionville Livestock Market, Unionville.
•Ward, William, Stockyard, South Fulton.
•Warren County Livestock Co., McMinnville.
•West Tennessee Auction Co., Martin.
•White County Livestock Market, Sparta.
•Wilson County Livestock Co., Lebanon.
•Wilson Livestock Market, Newport.

TEXAS

•Abilene Auction, Abilene.
•Amarillo Livestock Auction Co., Amarillo.
•Athens Commission Co., Athens.
•Bay City Livestock Commission Co., Bay City.
•Belton Livestock Auction, Belton.
•Bonham Livestock Commission Co., Bonham.
•Breckenridge Livestock Exchange, Breckenridge.
•Bridgeport Auction Sale, Bridgeport.
•Brownwood Cattle Auction, Brownwood.
•Buffalo Livestock Commission Co., Buffalo.
•Burleson Dairy Cow Sale, Inc., Burleson.
•Canyon Livestock Commission Co., Canyon.
•Cattleman's Commission Co. (formerly McCulloch County Commission Co.), Brady.
•Center Auction Co., Center.
•Central Texas Livestock Auction (formerly Cole Livestock Commission Co.), Brownwood.
•Childress Livestock Auction, Childress.
•Clarksville Livestock Exchange, Clarksville.
•Coleman Livestock Auction, Coleman.
•O. L. Colley Livestock Commission Co., Mt. Pleasant.
•Conroe Livestock Commission Co., Conroe.
•Dalhart Auction Co., Inc. (formerly Dalhart Livestock Auction Co.), Dalhart.
•Decatur Auction Sale, Decatur.
•Ennis Auction Co., Ennis.
•Farmers & Ranchers Livestock Commission Co., Paris.
•Gainesville Livestock Auction, Gainesville.
•Gilmore Livestock Commission Co., Bowie.
•Graham Livestock Auction, Graham.
•Groesbeck Commission Co., Groesbeck.
•Groveton Livestock Commission Co., Groveton.
•Haskell Livestock Auction, Haskell.
•Henderson County Livestock Auction Inc., Athens.
•Hopkins County Livestock Commission Co., Sulphur Springs.
•Huntsville Livestock Auction, Huntsville.
•Jacksonville Livestock Commission Co., Jacksonville.
•Kirbyville Auction Barn, Kirbyville.
•Lampasas Auction, Inc., Lampasas.
•Lometa Commission Co., Lometa.
•Longview Livestock Commission, Longview.
•Lufkin Livestock Exchange, Lufkin.
•McDougal Livestock Auction, Comanche.
•McKinney Livestock Commission Co., McKinney.
•Madison County Livestock Commission Co., Madisonville.
•Mansfield Livestock Commission Co., Mansfield.
•Marshall Livestock Commission Co., Marshall.
•Meridian Livestock Auction, Meridian.
•Midland Livestock Market, Inc., Midland.
•Mills County Commission Co., Goldthwaite.
•Mineral Wells Stockyards Co., Mineral Wells.
•Moore's Livestock Commission Co., Inc., McKinney.
•Muenster Livestock Commission Co., Muenster.
•Olney Livestock Auction, Olney.
•Panola County Livestock Commission Co., Inc., Carthage.
•Paris Livestock Commission Co., Paris.
•Parker County Livestock Commission Co., Weatherford.
•Patton Auction Barn, Nacogdoches.
•Pilot Point Livestock Exchange, Pilot Point.
•Pittsburg Livestock Commission Co., Pittsburg.
•Port City Stockyards, Sealy.
•Quanah Livestock Commission, Quanah.
•Rains County Livestock Commission, Emory.
•Ranchers & Farmers Livestock Commission Co., Abilene.
•Seymour Stockyards, Inc., Seymour.
•Sulphur Springs Livestock Commission Co., Sulphur Springs.
•Terrell Commission Co., Terrell.
•Tulia Livestock Auction, Tulia.
•Tyler Livestock Marketing Co., Tyler.
•Vernon Stockyards Co., Inc., Vernon.
•Waxahachie Livestock Commission, Waxahachie.
•Weatherford Livestock Commission Co., Weatherford.
•Wellington Livestock Commission Co., Wellington.
•Wichita Livestock Auction, Wichita Falls.
•Wills Point Livestock Commission Co., Wills Point.
•Winnsboro Livestock Commission, Winnsboro.
•Wood County Livestock Auction, Mineola.
•Woodville Livestock Commission Co., Woodville.

UTAH

•Delta Livestock Auction Co., Delta.
•Richfield Auction Market, Richfield.
•Salina Producers Auction Co. (formerly Salina Auction), Salina.
•Smithfield Livestock Auction, Inc., Smithfield.
•Spanish Fork Livestock Auction, Inc., Spanish Fork.
•Uintah Sales Barn, Roosevelt.
•Uneva Auction (formerly Southern Utah Auction), Cedar City.
•Utah Valley Auction, Spanish Fork.
•Vernal Livestock Auction Co., Vernal.

VERMONT

Addison County Commission Sale, East Middlebury.
Crosby's Commission Sale, Whiting.
East Thetford Commission Sale, East Thetford.
Vergennes Livestock Market, Vergennes.
Westminster Commission Sale, Westminster.

VIRGINIA

•Abingdon Livestock Market, Inc., Abingdon.
•Bedford Livestock Market, Inc., Bedford.
•Christiansburg Livestock Market, Inc., Christiansburg.
•Creech Livestock Market, South Hill.
•Farmers Livestock Market, Inc., Ewing.
•Farmers Livestock Exchange, Inc., Winchester.
•Fauquier Livestock Exchange, Inc., Marshall.
•Front Royal Livestock Market, Front Royal.
•Galax Livestock Market, Inc., Galax.
•Halifax Livestock Market, Halifax.

•Highland County Livestock Market, Inc., Monterey.
•Lee Farmers Livestock Market, Inc., Jonesville.
•Loudoun County Livestock Market, Inc., Leesburg.
•Lynchburg Livestock Market, Lynchburg.
•Narrows Livestock Market, Inc., Narrows.
•Nokesville Livestock Auction, Inc., Nokesville.
•Orange Livestock Market, Inc., Orange.
•Phenix Livestock Market, Phenix.
•Pulaski Livestock Market, Pulaski.
•Roanoke Livestock Market, Inc., Roanoke.
•Rockingham Livestock Sales, Inc., Harrisonburg.
•Scott County Livestock Market, Inc., Gate City.
•Shenandoah Valley Livestock Sales, Inc., Harrisonburg.
•Smithfield Livestock Market, Inc., Smithfield.
•South Boston Livestock Market, South Boston.
•Southside Stockyards, Inc., Petersburg.
•Staunton Livestock Market, Inc., Staunton.
•Staunton Union Stockyards, Inc., Staunton.
•Tazewell Livestock Markets, Inc., Tazewell.
•Tri-State Livestock Market, Inc., Abingdon.
•Victoria Livestock Market, Victoria.
•Woodstock Livestock Market, Woodstock.
•Wytheville Livestock Market, Inc., Wytheville.

WASHINGTON

•Auburn Livestock Market, Inc., Auburn.
Chehalis Livestock Market, Chehalis.
•Colville Auction Co., Colville.
•Prosser Saleyard, Inc., Prosser.
Twin City Sale, Centralia.
Vancouver Livestock Auction Market, Vancouver.
•Walla Walla Livestock Commission Co., Walla Walla.

WEST VIRGINIA

•Alderson Livestock Market, Alderson.
•Bluegrass Market, Inc., North Caldwell.
•Blueridge Livestock Sales, Inc., Charles Town.
•Bridgeport Stockyards, Inc., Bridgeport.
•Buckhannon Stockyards, Buckhannon.
•Elkins Stockyards, Inc., Elkins.
•Jackson County Livestock Market, Inc., Ripley.
•Mannington Stockyards, Inc., Mannington.
•Moundsville Livestock Auction Co., Moundsville.
•New River Livestock Market, Inc., Beckley.
•Ohio County Livestock Auction, Inc., West Alexander, Pa.
•Pocahontas Producers Cooperative Association, Marlinton.
•Point Pleasant Livestock Co., Point Pleasant.
•South Branch Stockyard, Inc., Moorefield.
•Spencer Livestock Exchange, Inc., Spencer.
•Terra Alta Stockyards, Inc., Terra Alta.
•Union Livestock Sales Co., Inc., Parkersburg.
•Weston Livestock Sales Co., Inc., Weston.

WISCONSIN

•Beetown Sales Barn, Beetown.
•Belmont Livestock Market, Belmont.
•Benoit Livestock Market, Mason.
•Carey Cattle Co., B., Mineral Point.
•Central Wisconsin Livestock Market, Augusta.
•Clear Lake Livestock Market, Clear Lake.
•Drees Livestock Market, Peshtigo.
•Equity Co-op Livestock Market, Sparta.
•Equity Co-op Livestock Sales Association, Bonduel.
•Equity Co-op Sales Association, Johnson Creek.
•Geurkink Dairy Cattle Market, Baldwin.
•Kuehne Livestock Auction Market, Seymour.
•Matthes Farms, Viola.
•Midwest Livestock Producers, Darlington.
•Mondovi NFO Collection Point, Mondovi.
•South Central Livestock Exchange, Portage.
•Equity Co-op Livestock Market, Sparta.

WYOMING

•Douglas Livestock Exchange Co., Douglas.
•Gillette Livestock Exchange, Gillette.
•Greybull Livestock Auction, Greybull.
•Lander Livestock Commission Co., Lander.
•Lusk Livestock Exchange, Lusk.
•Powell Auction Market, Powell.
•Riverton Auction & Livestock Co., Riverton.
•Sheridan Livestock Exchange, Inc., Sheridan.
•Stockman Livestock Commission Co., Inc., Torrington.
•Torrington Livestock Commission Co., Torrington.
•Worland Livestock Auction, Worland.

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of § 78.5 of Title 9, Code of Federal Regulations, concerning brucellosis reactors and of paragraph (b) of § 78.12 of said Title 9, concerning cattle not known to be affected with brucellosis, and those not preceded by an asterisk are specifically approved for the purposes of paragraph (b) of § 78.12 only:

SLAUGHTERING ESTABLISHMENTS

ALABAMA

Bama Meats, Inc. (formerly Florence Packing Co.), Florence.
Barney's Pork House, Decatur.
Bird Packing Co., Inc., Midland City.
•East Alabama Frozen Foods & Provision Co., Opelika.
Florence Frozen Foods Slaughter Plant, Florence.
•Haas-Davis Packing Co., Mobile.
Hinote Packing Co., Loxley.
Nelms & Son, Decatur.
•Roanoke Packing Co., Inc., Roanoke.
Williams Packing Co., Gadsden.
•R. L. Zeigler, Inc., Selma.
•R. L. Zeigler, Inc., Tuscaloosa.

ARIZONA

•Busby, Vern, Meat Co., Tucson.
Evans Meat Co., Phoenix.
•Herseth Meat Packing Co., Phoenix.
Maricopa Packing Co., Phoenix.
Paramount Packing Co., Casa Grande.
Southwest Meat Co., Yuma.
Stone & Randall Meat Co., Mesa.
•Tempe Meat Packing Co., Tempe.

ARKANSAS

Berry, H. O. Packing Co. (formerly Barnett's Slaughter House), Crossett.
Bramlett's Country Market (formerly Clough's Country Market), Lowell.
Brawner Packing Co., Wynne.
•Broadaway Packing Co., Jonesboro.
•Burton Wholesale Meats, Roy, North Little Rock.
Butcher Wholesale Meats, Camden.
•C & C Packing Co., Stamps.
Carroll Packing Co., Paragould.
Charleston Frozen Foods, Charleston.
•Columbia Packing Co., Magnolia.
•Community Abattoir, Inc., Ft. Smith.
Dumas Packing, El Dorado.
•Fox Slaughtering & Processing Co., Prairie View.
•Freer, Sheridan & Harold, Ivan.
Garner's Abattoir & Meat Processing Co., Van Buren.
Gude Packing Co., Blytheville.
•Hawthorne Packing Co., Hot Springs.
•Hot Springs Packing Co., Inc., Hot Springs.
Huber Slaughter Plant, Subiaco.
•Hunt, Leo, Pine Bluff.
•Kierre & Sons, North Little Rock.
•Kruse Packing Co., Alexander.
Lasiter Packing Co. (formerly Robertson Packing Co.), Booneville.
•Meacham Packing Co., Batesville.
Mhoon Beef Co., Fayetteville.
•Middleton Packing Co., Newport.
•Miller Packing Co., Judsonia.
Mitchell Locker Plant (formerly Riggan Bros. Locker Plant), Sheridan.
Montgomery, Ralph Custom Slaughter, Hope.
Monticello Packing Co., Monticello.
Morrilton Packing Co., Morrilton.
•Northwest Packing Co., Rogers.
Oaklawn Farms, Warren.
•Oliver Slaughter House, Stuttgart.
Pruett Meat Market, Batesville.
•Reeder Meat Co., Arkadelphia.
Russellville Packing Co., Russellville.
•Ryburn & Glover Meat Co., Pine Bluff.
•Searcy Frozen Foods, Searcy.
St. Scholastica, Ft. Smith.
•Taylor Bros. Wholesale Meats, Gurdon.
•White County Packing Co., Searcy.

CALIFORNIA

•Moxon's Gold Star Meats, Eureka.

COLORADO

•Colorado Packing Co., La Junta.

CONNECTICUT

•Dan Brook Packing Co., New Milford.
•Connecticut Packing Co., Bloomfield.
F. DeMartino & Son, Seymour.
E. & J. Farms, Windham.
Hazardville Packing, Hazardville.
•Shore Line Packing Co., East Haven.
•Southington Packing, Southington.

DELAWARE

Goldberg Bros., Wilmington.
Sidney Hendler, Wilmington.
Kemp's Meats, Wyoming.
Anthony G. Messina, Wilmington.

FLORIDA

•Beesley Packing Co. of Florida, Inc., Pensacola.
•Economy Packing House, Hialeah.
Florida Packing & Provisions, Co., Division of Triangle Lockers, Palatka.
•Jones-Chambliss Co., Jacksonville.
•Meat Supply Co., Pensacola.
Register Meat Co., Inc., Cottondale.
•Sunnyland Packing Co., Gainesville.
Suwannee Packing Co., Live Oak.
•Taylor Industries, Jay.

GEORGIA

Acuff Meat Processing Plant, Ringgold.
Benton Packing Co., LaFayette.
Brooks County Packing Co., Quitman.
Bullard's Sausage Plant, Summerville.
Carroll Packing Co., Valdosta.
City Abattoir, Albany.
•Cochran Provision Co., Dublin.
Dalton Slaughterhouse, Dalton.
•Gold Kist (Beavers Packing Co.), Newnan.
•Gold Kist (R. H. McEver Packing Co.), Talmo.
R. R. Justice & Sons, Waycross.
D. L. Lee & Sons, Alma.
Levinson Bros., Inc., Rome.
Lowell Packing Co., Fitzgerald.
Moree Packing Co., Albany.
Quitman Abattoir, Quitman.
•Rome Provision Co., Inc., Rome.
•Scott Meat Packers, Augusta.
•Southern Foods, Inc., Columbus.
Tillman Bros. Meat Co., Bainbridge.

IDAHO

•Ball Packing Inc. (formerly Ball Packing Corp.), Idaho Falls.

Bendel Meat Packing Plant (formerly Bendel's Packing Plant), Troy.
Boise Valley Packing Co., Eagle.
Bryant Packing Co., Burley.
Custom Packing Co. (formerly Jenson Custom Packing Co.), Rupert.
•Gem Meat Packing Co., Boise.
Gooby and Sons Meats, Inc., Sandpoint.
HiBoy Meats, Emmett.
Hillcrest Packing Co., Nampa.
Howard's Meat Processing Plant, Grangeville.
•Independent Meat Co. (formerly Independent Meat Co., Inc.), Twin Falls.
Johnston Brothers Packing, Caldwell.
•King B Pack (formerly Idaho Falls Meat Co.), Idaho Falls.
•Nampa Packing Co., Nampa.
Owyhee Meat Packers, Homedale.
Penguin Lockers, Fruitland.
Peoples Packing Plant (formerly Peoples Packing Co.), Rupert.
•Ray Mickelson's Pack (formerly Mickelson Pack), Blackfoot.
Theissen & Son (formerly Theissen & Son Pack), Gennessee.
•Valliepak (formerly Knudson Packing Company), Preston.
•Y-J Packing Co., Inc. (formerly Y-J Packing Co.), Coeur d' Alene.

ILLINOIS

Al's Packing Plant, Naperville.
Bartlow Bros., Inc., Rushville.
Bergman Meat Packing Co., Inc., Pittsfield.
Brighton Locker Plant, Brighton.
Callihan & Co., Peoria.
Covemaker Packing Co., Moline.
David's Frozen Food Center, Milford.
DeSchepper Packing Co., Milan.
Ducey Packing Co., Jerseyville.
DuQuoin Packing Co., DuQuoin.
Eckert Orchard Assn., Belleville.
Edgar County Locker Service, Paris.
Elmwood Locker Service, Elmwood.
Goble, Howard, Danville.
Hansen Packing Co., Jerseyville.
Harmon Packing Co., Paris.
Hartrich Meat Processing Plant, St. Marie.
Hill Packing Co., Danville.
Hoopeston Food Lockers, Hoopeston.
Hubbard Packing Co., Chicago.
Humphrey Packing Co., Lawrenceville.
Johannes Market, Quincy.
Jones Packing Co., Harvard.
Kabrick Locker Plant, Plainville.
L & M Slaughter House, Georgetown.
Metamora Abattoir, Metamora.
Papineau Lockers, Papineau.
Parks Processing Plant, Warren.
Petroff Packing Co., Benton.
Potomac Slaughter House, Potomac.
Raber Packing Co., Peoria.
Rock River Provision Co., Rock Falls.
Rocke's Cold Storage, Morton.
Ruff Locker Service, Quincy.
Sievers, Tony, Slaughter House, Palestine.
Stone Meat Packing, Chicago Heights.
Streck Packing Co., Belleville.
Tuscola Locker Service, Tuscola.
Virginia Packing Co., Virginia.
Wente Locker, Stewardson.
Weyhaupt Bros. Packing Co., Belleville.
Wunderlich Packing Co., Sharon (Wisc.).
Y. T. Packing Co., Springfield.

INDIANA

Barney's Meat Packing Co., Valparaiso.
Bloomington Packing Co., Bloomington.
Brook Locker Plant, Brook.
Carpenter, K. & Sons, Shipshewana.
Clark & Moore Processing Plant, Monticello.
Cole, Mark Packing Co., Sharpesville.
Dew Packing Co., N. Judson.
Dewig Bros. Packing Co., Haubstadt.
Elcona Foods, Inc., Elkhart.
Farm Boy Meats of Evansville Inc., Evansville.
Fisher Packing Co., Portland.
Gutzweiler Packing Co., Jasper.
Hanford Packing Co., Thayer.
Hargis Inc., Hamilton.
Harlow Meat Market, Seymour.
Helm Market, Winchester.
Hitch Packing Co., Princeton.
Kucan Food Shop, Gary.
Lengerich Slaughter House, Monroe.
Manley, Glen Custom Butchering, Decatur.
Marburger Packing Inc., Peru.
Melcho Packing Co., Carlisle.
Merkley & Sons, Inc., Jasper.
Miller Packing Co., Kokomo.
Miller Processing Co., Georgetown.
Mischler Packing Co. Inc, Lagrange.
Monticello Packing Co. Inc., Monticello.
Ossian Packing Co. (formerly Ossian Locker Plant), Ossian.
Parrott Packing Co., Fort Wayne.
Price, Walter Abattoir Inc., Plymouth.
Rahe, Wm. J. & Sons Inc., Muncie.
Rockville Packing Co., Rockville.
Roos Packing Co., Indianapolis.
Rose City Packing Co., Inc., New Castle.
Rowe, A. & Sons, Terre Haute.
Rutzel Slaughter House, Aurora.
Schmitt, H. P. Packing Co., Decatur.
Schuler Packing Co., Ferdinand.
Spindle Bros. (formerly Clinton Packing Co.), Clinton.
Standard Packing Co., Kokomo.
State Line Packing Co., Momencee, Illinois.
Straub & Smith Packing Co., Indianapolis.
Top of Indiana Beef Co., Inc., Fort Wayne.
Troy Packing Co., Indianapolis.
Vetter Meat Co., Kokomo.
Vietti Bros. Packing Co., Clinton.
Ward Packing Co., Monon.
Wilcox Inc., N. Liberty.
Wolf Meat Market, New Albany.
Wright Packing Co., Chandler.
Young Bros. Market, Ladoga.

IOWA

Bryant's Locker, Donnellson.
Carstensen Meats & Processing Service, Lake Park.
Community Meat Processors, Mt. Ayr.
D & H Storage Co., Sibley.
Falk's Lockers, Ocheyedan:
Forbes Meats & Processing (formerly Thompson's Locker & Grocery), Harris.
Frozen Foods Center, Akron.
Grandia Locker, Otley.
Groff Locker Service, Blockton.
Hamburg Lockers, Hamburg.
Haviland Brothers, Sergeant Bluff.
Hawarden Meats (formerly Younie Processing Plant), Hawarden.
Inwood Locker, Inwood.
Johnson Market & Locker, Rake.
K. & K. Locker Service, Milton.
Lansing Lockers, Lansing.
Lime Springs Locker, Lime Springs.
Little Rock Locker, Little Rock.
Manufacturers Surplus Outlet, West Burlington.
Martin Meat Processing Co., Underwood.
Miller's Frozen Foods, Thompson.
Moulton Locker, Moulton.
Northwood Locker Service, Northwood.
Paullina Locker Plant, Paullina.
Pella Packing Co., Pella.
Pierce Lockers, Armstrong.
Potter Cheese Factories, Inc., New Albin.
Preston Locker, Preston.
Pulaski Locker Service, Pulaski.
Puritan Ice Cream Co., Cresco.
Riceville Locker, Riceville.
Risetter Pack, Jewell.
Rock Rapids Locker & Freezer Provisioning, Rock Rapids.
Scarville Food Market, Scarville.
Steele Packing Co., Centerville.
Thompson's Processing Service, Bloomfield.
Valley Locker Service, Rock Valley.

KANSAS

Barnes Beef Co., Parsons.
Beattie Lockers, Beattie.
Bichelmeyer Slaughtering, Kansas City.
Claude Cady Slaughtering Establishment, Osborne.
Colby Lockers, Coldwater.
Columbus Wholesale & Retail Meat Market, Columbus.
•Fredonia Packing Co., Fredonia.
•Griffith Provision Co., Inc., Downs.
Grinnell Locker, Grinnell.
Haag Locker Plant, Fairview.
Hentzler Packing Co., Topeka.
Hoseney's Dressed Beef, Coffeyville.
Jones Packing Co., Dodge City.
Kiowa Locker System, Kiowa.
•McArthur Meats, Inc., Hutchinson.
Miller Locker System, Erie.
Oberlin Locker, Oberlin.
•P & B Packing Co., Hays.
Phillipsburg Locker, Phillipsburg.
Schnelle's Wholesale Meats, Greensburg.
Snow's Locker Plant, Kansas City.
Spring Hill Packing Co., Spring Hill.
Valley Vista Locker Service, Topeka.
Joseph Vlach & Sons, Hanover.
Welch's Frozen Food Center, Frankfort.
Wiley & Green Packing Co., Leavenworth.
•Winchester Packing Co., Inc., S. Hutchinson.

KENTUCKY

Ashland Meat Co., Ashland.
Boone's Abattoir, Bardstown.
S. M. Campbell Co., Gray.
•Elm Hill Meats, Inc., Lexington.
Emory Gillum Wholesale Meats, Inc., Ashland.
•Field Packing Co., Owensboro.
Field Packing Co., Bowling Green.
Frosty Foods, Locker, Taylorsville.
Griffin Packing Co., Danville.
Henderson Slaughtering, Henderson.
Jones Packing Co., Paducah.
•Koch Beef Co., Louisville.
•Louisville Beef Co., Louisville.
Metzger Bros., Paducah.
•Mt. Sterling, Packing Co., Mt. Sterling.
•Parker Sausage Co., Georgetown.
•C. Rice Packing Co., Covington.
Riverside Packing Co., Paducah.
•Harry Ross Packing Co., Paducah.
J. F. Schneider & Son, Inc., Middlesboro.
Shroat Meat Market, Murray.
•Walton Locker & Slaughtering House, Walton.
•Bob White Packing Co., Bowling Green.
Wiman Packing Co., Madisonville.

LOUISIANA

•Autin Packing Co., Houma.
•Berry Packing Co., H.O., Bastrop.
Crawford Super Market, Covington.
•H. P. Packing Co., Sarepta.
•H & S Packing Co., Baton Rouge.
•Micelle, John (formerly Micelle Packing Plant), Lake Charles.
•Millwood Packing Co., Baton Rouge.
Port City Packing Co., Inc., Baton Rouge.
•Thompson Packing Co., Thibodaux.
Western Packing Co., Slidell.

MARYLAND

•Bauerlien, Edward C., Hampstead.
•Benson Meat Products Co., Fallston.
•Boyle, B. H., Emmitsburg.
•Brook Meadow Provision Co., Hagerstown.
•Bullocks, G. Winston, Westminster.
•Burger, Ray, Halfway Processing, Williamsport.
•Burtner's Meats, Middletown.
•Cecil Provision Co., Elkton.
•Cumberland Meats, Inc., Cumberland.
•Dameron Butcher Shop., Dameron.
•Gladhill Bros., Damascus.
•Greise, Frances A. & Franklin, Cumberland.
•Harsh's Meat Market, Westminster.

•Heinzerling's Meats, Inc., Baltimore.
•Hemp & Sons, R. D., Jefferson.
•Hoffman & Son, Roy L., Hagerstown.
•Lotz Wholesale Meats, John F., Frostburg.
•Martins Meats, Joppa.
•Maurer & Miller Meats, Inc., Manchester.
•Mount Airy Locker Co., Mount Airy.
•135 Meat Market, Mountain Lake Park.
•Reid, Inc., George L., Baltimore.
•Ruppersberger & Sons, Inc., George G., Baltimore.
•Schmidt & Son, Inc., A. W., Baltimore.
•Shriver, Jr., Norman J., Emmitsburg.
•Shuff's Meats, Thurmont.
•Stapf, August, Baltimore.
•Thompson's Food Market, Maryland Line.
•Will, Weldon W., Sykesville.
•Working, H. R., Hagerstown.

MASSACHUSETTS

Adams, Lewis, Athol.
Arena & Sons, A., Hopkinton.
Blood & Son, E. L., W. Groton.
Bonanno, Rocco, Methuen.
Brito's Market, Dartmouth.
Budnick & Son, E., W. Boxford.
Cohen Beef Co., Inc., Jacob, Ipswich.
Cook's Slaughterhouse, Edric, Leyden.
Crestfield Meat Packing, Brockton.
Franklin's Slaughterhouse, Leyden.
Hatfield Beef Co., Hatfield.
Jaeschke Slaughterhouse, Carl, Cheshire.
Mason, Frank, Williamstown.
Molinari, John, Milford.
Reynolds Slaughterhouse, Shelburne.
Scibelli's Anthony, Southwick.
Scibelli's George, Southwick.
Sheinhit, Jacob, Peabody.
Stearns, Ed., Charlton.
Streeter's Slaughterhouse, Bernardston.
Szala, John, N. Hadley.
Warmesit Abattoir, Tewksbury.
Weigert Co., George, Worcester.
Wilbur, Joseph H., S. Easton.
Woods Slaughterhouse, Westport.

MICHIGAN

•Ada Beef Co., Ada.
Allen Packing Co., Charlotte.
•Allendale Beef Co., Allendale.
Bay DeNoc Packing Co. (formerly Felix Johnson & Son), Escanaba.
Bellefeul Bros., Wilson.
•Besbris & Sons, Inc., Kalamazoo.
Brady's Midway Market, Cassopolis.
•Choice Packing Co., Detroit.
•Columbia Packing Co., Detroit.
DeBoer & Son, Mark, St. Johns.
•Dykstra Wholesale Beef, Grand Rapids.
Edson, Inc., Lee, Hudsonville.
Feldman Bros., Detroit.
•Fillmore Beef Co., Holland.
•Gemmen & Sons, Inc., A., Allendale.
Gerding Packing Co., Davison.
Haarer's Meat Processing Plant, Saline.
Hazekamp & Sons, Bert, Muskegon.
Hillsdale County Meats, Waldron.
Houghton, Beef Packers, Ionia.
•Johnson, Inc., Carl R., Kalamazoo.
Kappler Packing Co., Ann Arbor.
Kastel Slaughtering House, Riga.
Keefer's Market, Morenci.
Kiebler & Sons, A. M., Clinton.
•Kirby Packing Co., Detroit.
Laden Packing Co., Hillsdale.
Lake Superior Beef, Dafter.
Little River Packing, Menominee.
Marshall-Collicker Packing, Bay City.
•Merritt Packing Co., Carrollton.
Meyer Provision Co., Iron River.
•Midway Packing Co., Inc., Wayland.
Moor's Slaughterhouse, Don, Homer.
•Monarch Packing, Detroit.
•National Packing Co., Detroit.
Parsell Beef Co., Flint.
Perry Packing Co., J., Hart.
•Reznik's Packing Plant, South Haven.
Rocheleau Meats, Cheboygan.
•Rochester Packing Co., Rochester.
•Smallegan, Arthur, Forest Grove.
Smith, Hubert H., Muskegon.
•Snow & Co., Morris, Detroit.
•Standard Beef, Inc. (West), Detroit.
Standard Beef, Inc. (Lamb & Veal Division), Detroit.
Stone's Meat Packing Co., Inc., South Haven.
Superior Packing, Ironwood.
Telfer Packing Co., Inc., Owosso.
Terrill Supermarket, Marcellus.
Van Alstine Packing, Inc., East Lansing.
Weeks & Sons Co., Inc., Ray, Richmond.

MISSISSIPPI

•Delta Packing Co., Inc., Clarksdale.
Jackson Packing Co., Jackson.
Jones Slaughter House, Mrs. Ruby, Summit.
•Owen Bros. Packing Co., Meridian.
Passbach Slaughter House, Natches.
Van Norman Slaughter House, McComb.

MONTANA

•City Meat Co., Wolf Point.
•Rahr Meat Service, Glendive.
•Rick's Packing Co., Livingston.
•Sidney Locker and Creamery Co., Sidney.
•Valley Meat Packing Co., Sidney.

NEBRASKA

Consumers Packing Co., Superior.
Dundy County Processors, Benkleman.
Flicker Packing Co., Scottsbluff.
Hersch Packing Co., Scottsbluff.
North Platte Packing Co., North Platte.
Schorzman Locker Plant, Haigler.
Yost Packing Plant, Inc., Red Cloud.

NEVADA

•Carson Valley Meat Co., Minden.
•K. Pack (formerly Heck's Market), Fallon.
•Ruby Mountain Packing Co., Elko.

NEW JERSEY

•Borden Co., Trenton.
•Bringhurst Bros., Berlin.
•John DeVries, Sussex:
Fritz Dielmann, Oak Ridge.
•Green Village Packing Co., Green Village.
•Irell Packing, Monroeville.
Maresca's, Stockton.
•Marx Brothers, Shrewsbury.
Moonlight Hog Farm, Flemington.
•Egon Muench, Trenton.
Russo Packing Co., Green Village.
•Salem Packing Co., Salem.
Sussex Packing Co., Sussex.
•Vineland Dressed Beef, Vineland.
Vogel's Farm, Bound Brook.

NEW MEXICO

Ben's Slaughter House, Las Vegas.
Curry County Meat Co., Clovis.
Las Cruces Meat Co., Las Cruces.
Rayjox Packing Co., Fort Sumner.
Stephens Packing Co., Albuquerque.
Zero Locker Plant, Portales.

NEW HAMPSHIRE

George Edwards, Walpole.
George Taylor, Dover.

NEW YORK

Adams Meat Co., Adams.
Ahl, Charles F., Warsaw.
Apthorpe, Charles F., Jamestown.
Aronson, Jerome & Milton, Glens Falls.
Bernacki Bros., Depew.
Bertch's Slaughterhouse & Processing Plant, Almond.
Bond, Frederick, West Valley.
Booth, Harry L., Poughkeepsie.
Boetwick, J. M., & Son, Inc., Caledonia.
Brennan, Patrick, Inc., Buffalo.
Bricetti's Bedford Market, Yorktown Heights.
Canastota Frozen Food Locker, Canastota.
Carelas, Peter, Greenville.
Conley, George, Slaughterhouse, Bath.
Cuomo, Alphonso, Altamont.
Cuomo, Neil, Schenectady.
Davis Bros., Oswego.
Dillon, Edward, Wyoming.
Dye's Meat Market, Bridgewater.
Ehmer, Karl, Farms Corp., LaGrangeville.
F. K. & Sons, Inc., Buffalo.
Frank Bros. Farms, Inc., Poughkeepsie.
Frontier Beef, Inc., Buffalo.
Gorham Meat Products Co., Gorham.
Hanlon, Gilfus & Foltz, Weedsport.
Hobart's Refrigerated Service, Clarence Center.
Hokan's Slaughter House, Angola.
Kamery's Wholesale Meats, Olean.
Kennedy Meat Market, Kennedy.
Kingston Beef Corp., Inc., Kingston.
Klink Bros., Inc., Buffalo.
Lashway, Victor, & Sons, Saranac.
L & C Meat Co., Split Rock.
Lewis Market, Rome.
Lillie's Wholesale Meats, Auburn.
Locker Plant, The, Randolph.
Luts Packers (formerly Geerken Packers, Inc.), Worcester.
Lynch, Don J., Packing House, Chaffee.
Macri Beef & Veal Co., Inc., Utica.
Maple Grove Farms, Warners.
Medina Provision Co., Inc., Medina.
Meet, William G., Packing Co., Strykersville.
Morandi Packing Co., Inc., Hillsdale.
Nadler, Vergil, Moravia.
Newell, Donald, Morrisonville.
Orleans Meat Processing Co., Albion.
Packer's Wholesale Meats, Amsterdam.
Pagliuso, Joe & Bros., Inc., Ontario.
Pat's Market, Batavia.
Polyniak, Victoria, Newark Valley.
Potter Packing Co., Middlesex.
Puritan Provisions, Cohoes.
Riteway Processing Co., Middleport.
Saltsman, Glenn L., Fonda.
Schreiber, Frank & Sons, Webster.
Shappee & Sheive Meat Plant, Pine City.
Sipperly Bros., Inc., Albany.
South Dayton Meat Market, South Dayton.
Steiger's Slaughterhouse, Ithaca.
Steiner, Roger, Otego.
Strandiburg's Wholesale Meats, Jamestown.
Tears, Erwin, Penn Yan.
Van Camps, Newark.
Wagner, Harry G., Alden.
Willard, Ward & Son, Heuvelton.
Ziff, Herbert M., Inc., Elmira.

NORTH CAROLINA

•Aberdeen Packing Co., Aberdeen.
Asheville Packing Co., West Asheville.
•Bonanza Meat Processing Co., Mineral Springs.
Z. B. Bulluck, Inc., Rocky Mount.
•Carolina Packers, Smithfield.
Cook's Packing Co., Inc., Concord.
•Curtis Packing Co., Greensboro.
Draughon Abattoir, Fayetteville.
Edwards Abattoir, Eden.
Fritts Packing Co., Inc., Lexington.
Greenville Packing Co., Greenville.
•Hickory Packing Co., Hickory.
Martin's Abattoir, Godwin.
Mecklenburg Abattoir, Charlotte.
Mount Airy Abattoir, Mount Airy.
Norris Packing Co., Shelby.
Peacock Meat Co., Inc., Rocky Mount.
Randolph, Packing Co., Asheboro.
Robersonville Packing Co., Robersonville.
•Roland Packing Co. (formerly Whiteville Packing Co.), Whiteville.
Scottish Packing Co., Lumberton.
Stewart's Abattoir, Mount Airy.
White Packing Co., Inc., Salisbury.
Williamston Packing Co., Williamston.

OHIO

Arnett's Packing House, Laura.
Barnes Provision, Inc., Alliance.
Bolantz, E. R. Co., Mansfield.
Boll, John & Son, Ironton.

Boomershine Slaughtering Establishment, Germantown.
Buchy, Chas. G. Packing Co., Greenville.
Busse, L. W. & Sons, Fort Loramie.
Convoy Meat Market, Convoy.
•Copley Packing Co., Copley.
Cuyahoga Meat Co., Cleveland.
DeLuca Slaughtering Establishment, Rayland.
Fairmont Provision Co., Alliance.
Falter, Herman, Packing Co., Columbus.
Feher's, Martins Ferry.
Fidel Bros. Packing Co., Unionville.
Gibson Packing Co., Zanesville.
•Hall Bros., Inc., Olmsted Falls.
Hasselback, E. E. & Son, Fremont.
•Henry Packing Co., Lime City.
Hermann, C. & Son Slaughtering Establishment, Portsmouth.
Hornung Packing Plant, Hamilton.
Hunt Meat Packing Co., Grove City.
Jacoby, Hal C., West Unity.
Keible Brothers Packing Co., Berlin Heights.
Krugh's Slaughtering Establishment, Wren.
Lloyd Packing Co., Youngstown.
Mahan Slaughtering Establishment, Bristolville.
•Marks and Sons, Inc., Cleveland.
Meloni's Meats, Kinsman.
Nosse, Joe, Packing, Middlefield.
•Pacer Packing Co., Toledo.
Parkman Packing Co., Parkman.
Peden's Meat Establishment, Kinsman.
Pershing Packing Co., Sardinia.
Piper and Son Provision Co., Dorset.
Pride of Lima Provision Co., Lima.
Rittberger Bros., Zanesville.
•Routh Packing Co., Tiffin.
Siekkinen, Harold W., Williamsfield.
Stehlin, John & Sons, Cincinnati.
Sturgis Packing Co., Kenton.
Suter's Meat Market, Greenville.
•Tanks Meats, Elmore.
Valley Packing Co., Lansing.
Village Packing Co., Columbus.
Warren and Bever Processing, Whipple.
Werling, Eleanora, Slaughtering Establishment, Burkettsville.
Williams, B. J. Slaughtering Establishment, Pierpont.
Winner, Robert F., Sons, Osgood.

OKLAHOMA

•Akins and Fincannon, Sand Springs.
Antlers Slaughter House, Antlers.
B & B Grocery and Locker, Duncan.
B & B Packing Co., Oklahoma City.
•Braden's Slaughter Establishment, Ponca City.
•Brooks Packing Co., Tulsa.
•Brown's Slaughtering Establishment, Joe S., Tulsa.
•Butcher Packing Co., W. H., Oklahoma City.
Butcher Slaughtering Establishment, Bartlesville.
•Butch's Meat Cottage, Seminole.
•Canadian Valley Slaughtering Establishment, Oklahoma City.
•Central Packing Co., Muskogee.
City Packing Co., Shawnee.
Cleveland Lockers, Cleveland.
Coly's H. H., Boise City.
Cones Packing Co., Miami.
•Cornett Slaughtering Establishment, Oklahoma City.
Crosby & Crosby Slaughtering Establishment, Wright City.
Cushing Packing and Provision Co., Cushing.
•Custom Slaughtering, Inc., Tulsa.
•Daack Packing Co., Ponca City.
Douglas-Pierce Co., Norman.
Dudley Tucker Slaughter, Durant.
Elkins Market, Waurika.
•Enid Packing Co., Enid.
Fairfax Packing Co., Fairfax.
Fairview Packing Co., Fairview.
Fraser Wholesale Meat Co., Ardmore.
Fraser Packing Co., Aline.
Gibson Meat Co., Nowata.
Grant, R. O. Slaughtering Establishment, Idabel.
Halstead Slaughtering Establishment, Fairview.
Harris Meat & Produce Co., Oklahoma City.
Harrison's Meat House, Oklahoma City.
Hilburn Meat Market, Madill.
Hominy Food Lockers, Hominy.
•Husband Bros. Slaughtering Establishment, Oklahoma City.
Hutchinson Slaughtering Establishment, W. R., Waynoka.
Jackson Slaughtering Establishment, Earl, Pawhuska.
•Jones Packing Co., Madill.
Kay Packing Co., Ponca City.
Klein's Meats, Perry.
•Lawton Meat Supply, Lawton.
•Little Dixie Packing Co., McAlester.
Manschreck Wholesale Meats, Krebs.
•Miller Packing Co., Sapulpa.
Miller Slaughtering Establishment, Elmer, Covington.
Morris Slaughtering Establishment, J. C., Stilwell.
Norman Wholesale Meat Co., Norman.
•OK Packing Co., Tecumseh.
•Oklahoma Packing Co., Oklahoma City.
•Okmulgee Packing Co., Okmulgee.
Panhandle A&M College, Goodwell.
Puckett Packing Co., Sayre.
Ralph's Packing Co., Perkins.
•Reeves Packing Co., W. E., Ada.
Riber Custom Slaughtering Establishment, Hominy.
Ridley Packing Co., Duncan.
•Santa Fe Packing Co., Muskogee.
•Shalloup Slaughtering Establishment, Alva.
Shultz Slaughtering Establishment, Stratford.
Simank's Frozen Food Center, Stillwater.
Tri-State Super Market, Guymon.
•Tulsa Beef and Provision Co., Tulsa.
Turner Bros., Nowata.
Turner, C. L., Slaughtering Establishment, Moore.
•Turvey, Inc., Oklahoma City.
•Turvey Packing Co., Blackwell.
•Virginia B., Slaughtering Establishment, Tulsa.
Whitten Slaughter House, Broken Bow.
•Wickham Packing Co., Ada.
•Wickham Packing Co., Sapulpa.
Wiley Brewer Slaughtering Establishment, Selling.
Wolfe Processing Plant, Perry.
Woods, Lloyd, Westville.
Woodward Packing Co., Woodward.

OREGON

Boston's Beef House, Ontario.
Boyer Meat Co., Roseburg.
•Bruce Packing Co., Sublimity.
Cannon Meat Co., Salem.
Cedar Point Packing Co., Coos Bay.
Cinder Butte Packing Co., Redmond.
•Crooked River Meat Co., Prineville.
Erdman Packing Co., Bandon.
•Farmer's Packing Co., Medford.
H & M Meat Co., Union.
Hill Meat Co., Pendleton.
•Hopkins Wholesale Meats, Nyssa.
Jacobsmuhlen Slaughterhouse, Cornelius.
Lewis Meat Co., Gresham.
Merrill Meat Co., Merrill.
Mt. Angel Meat Co., Mt. Angel.
Myrtle Packing Co., Coquille.
Ponderosa Packing Co., Ashland.
Steen Bros. Meat Co., Albany.
•TP Packing Co., Inc., Klamath Falls.
Western Meat, Milton-Freewater.

PENNSYLVANIA

Alan Beef Co., Dunmore.
Albert Packing Co., Washington.
Alfery's Sausage Co., Greensburg.
Alfery's Sausage Co., Inc.—Plant No. 2, Mt. Pleasant.
American Foods, Inc., Slovan.
Anderson, Roy, East Berlin.
Bardine Packing Co., Crabtree.
Barnes, T. William, Waynesburg.
Battles Meat Processing, Saegertown.
Beaver Valley Packing Co., New Brighton.
Bilski, Joseph, Waterford.
Blough's Slaughter House, Hooversville.
Bovalina Packing Co., Inc., Slovan.
Boyer, Kenneth, Klingerstown.
Breauchy, Harry H., Sharon.
Bristol Beef Co., Bristol.
Brown's Slaughter House, Smethport.
Burkee's Food Market, McSherrystown.
Butler Packing Co., Butler.
Castle Provision Co., Darragh.
Clark Packing Co., Paxinos.
Clark, William A., Homer City.
Coffaro, Frank R., Sugar Grove.
Columbus Packing Co., Columbus.
Crissman Bros., Castanea.
Cunningham Locker & Slaughter House, Meyersdale.
Darling, Howard W., LaPlume.
Dressler, Paul (formerly Dressler, Norman), Exeter.
Dysinger, B. C. & Son, Thompsontown.
East Carson Packing Co., Pittsburgh.
Edward Bros., Dalton.
Fine, Dave, Saxonburg.
Fisher, Wellington J., Selinsgrove.
Froehlich, Alex Packing Co., Johnstown.
Gashel, Lee, Claysville.
Godfrey Bros., Felton.
Gourley, James P., New Bethlehem.
Green Valley Packing Co., Slaysville.
Greenville Packing Co., Greenville.
Grettler's Market, Girard.
Gurgacz, Mike P., New Castle.
Haibach Bros., Erie.
Hershey, R. E. Meats, Inc., Elizabethtown.
Hervitz Packing Co., Harrisburg.
Hillcrest Packing Co., Inc., Philadelphia.
Hippey, Samuel W., Willow Street.
Hirsch, William R., Kossuth.
Hollinger Meat Products Co., Mechanicsburg.
Hostoffer, E. B. & Sons, Mt. Pleasant.
Indiana Slaughter Co., Philadelphia.
J. & B. Meat Plant, Friendsville.
Kelly's Packing, Connellsville.
Kline Bros., Hollidaysburg.
Knapp & Son, Lee, Albion.
Kolb, Samuel, Spring City.
Kovacevic Bros., Sewickley.
Kreisl Bros., Hazelton.
Kunzler & Co., Inc., Lancaster.
Kveragas Meat Plant, Rome.
Lakeview Packing Co., Inc., Sandy Lake.
Leali Bros., Wheatland.
Leona Meat Plant, Troy.
Lepidi, M. & Sons, Inc., Jeannette.
Levchik, Mike, Hooversville.
Livezey, Merrill, Sugar Grove.
Locustdale Packing Co., Locustdale.
Loutsion Packing Co., Canonsburg.
Lovewell, Thomas, Waterford.
Lukon Meats, Burgettstown.
Madrigales Prime Meats (formerly Madrigale, Frank), Bristol.
Mamula, Pete, Aliquippa.
Martin Co., Ezra W., Lancaster.
Martin, Gerald, Chambersburg.
Martin, John F. & Sons, Inc., Denver.
Melvin, Arthur G., Greenville.
Midway Market, Milan.
Millers Fayetteville Abattoir, Fayetteville.
Moxham Packing Co., Johnstown.
Myers Bros., Spring Mills.
Nace, Melvin M., Hanover.
Neil, Wayne & Charles, East Berlin.
Northrup, Gerry G., North East.
Paterson's Meat Market, Littlestown.
Peluso, John M., New Castle.
Pennsylvania State University, University Park.
Perry Packing, Daisytown.
Peters Brothers Meat Market, Lenhartsville.
Pezzner Brothers, Inc. (formerly Alinkoff's, Harry & Sons), Wilkes-Barre (Ashley).

Pieniasek, Walter, Waterford.
Pleasant Unity Packing Co., Pleasant Unity.
Prime Packing Co., McDonald.
Princz, August, Mars.
Pudliner's Home Dressed Meats, Johnstown.
Putnak, Robert L., Monongahela.
Rehrig Slaughter House, Ashfield.
Rendulic, Frank D., McKeesport.
Rex, George Slaughter House, Ashfield.
Rice, Robert L. Abattoir & Market, Waynesboro.
Robie Meat Packers, Inc., Erie.
Rockhill's Meat Processing & Sales, Greenville.
Rothermel, Wellington A., Danville.
Shade Meat Packing, Hooversville.
Shaffer, Arthur L., New Cumberland.
Shamokin Packing Co., Shamokin.
Sharon Best Meats, Sharon.
Shively Bros., Mifflinburg.
Slagle's Packing House, Kittanning.
Smalstig, Fred, Millvale.
Smith's Quality Super Market, Glen Rock.
Stehle, Julius, Eighty-Four.
Stepniak, William, Hop Bottom.
Sterner's Grocery, Inc., Hanover.
Taylor, J. V., Co., Wyalusing.
Thoma, Paul, Saxonburg.
Thomas & Diehl, Glen Rock.
Thomas, Ralph E., Hungerford.
Thompson Packing Co., Jersey Shore.
Thornton, Howard J., Erie.
Three Sons Meat Market, York.
Troutman Brothers, Klingerstown.
Troutman, N.S. & C.H., Freeburg.
Troy Meat Packing, Inc., South of Troy.
Warner, Paul, Frozen Food Center, Union City.
Wayne Meats & Processing Co., Honesdale.
Waynesburg Packing Co., Waynesburg.
Weaver Bros., Wellsville.
Weiss Packing Co., Inc., Donora.
Werry Provision, Scottdale.
West Apollo Packing House, West Apollo.
Weynadt, Hughey, Jr., Claysburg.
Wilkes-Barre City Abattoir, Wilkes-Barre.
Williamson's Wholesale Meats, Turbotville.
Willrich, Thos. B. & Sons, Edinboro.
Worthington, Warren H., Pennsdale.
Yakubik, Frank, New Castle.
Yambrovich, Steve, Sharpsville.
Yoder's Meat Market, Shoemakersville.
Yosts Quality Meats (formerly Yost, Dale), Littlestown.
Youndt Bros., Denver.
Zrile, Mike, Sharon.

SOUTH CAROLINA

•Azalea Meats, Inc., Orangeburg.
•Carolina Abattoir, Columbia.
•Caughman Meat Plant, Lexington.
Cheraw Packing Co., Cheraw.
•Harvin Packing Co., Sumter.
•Kemmerlin Wholesale Meat Packing Plant, Orangeburg.
Lancaster Frozen Foods, Inc., Lancaster.
•Old Fort Packing Co., Walterboro.
Oconee County Abattoir, Seneca.
Rick's Meat Packers, Aiken.
•Spartanburg Abattoir, Spartanburg.
•Sumter Frozen Foods, Inc., Sumter.
•Truesdale Wholesale Meat Co., West Columbia.
•Vaughn Packing Co., Greer.

SOUTH DAKOTA

Siouxland Packing Co., Sioux Falls.

TENNESSEE

Ausmus, Wade, Slaughterhouse, Speedwell.
B & J Packing Co., Trenton.
•Bakers Processing Co., McKenzie.
•Baltz Brothers Packing Co., Nashville.
Big Four Slaughterhouse, New Tazewell.
Bills' Custom Slaughtering & Processing, Gibson.
Bolivar Packing Plant, Bolivar.
Bradley Processing Co., Cleveland.
Brock's Slaughterhouse, Paris.
Brown's Processing Plant, Troy.
•Bulls, Wade, Wholesale Meats, Johnson City.
•Carmichael-Curtis Slaughterhouse, Telford.
Carrier, Phil, Slaughterhouse, Bluff City.
Dalton's Packing Co., Sevierville.
Davis Country Sausage, Dyer.
Davis Slaughterhouse, Lancing.
Delozier, E. A., Slaughterhouse, Sevierville.
Delozier, W. R., Slaughterhouse, Seymour.
•Dixie Sausage Co., Lebanon.
Dunn Packing Co., Union City.
Ed's Processing Co., Cleveland.
•Elm Hill Meats, Lenoir City.
•Estepp Slaughterhouse, Limestone.
•Fayette Packing Co., Hickory Withe.
Ferguson Slaughterhouse, Atoka.
Fisher's Meat Market, Rockwood.
Fortenberry, Sam, Sausage Co., Kodak.
Foutch, J. J. & Son Packing Co., Cookeville.
•Fuller Locker Plant, Maryville.
Geisler's Slaughterhouse, Piney Flats.
Gilbert's Slaughterhouse, Paris.
Glasgow's Market, Dresden.
Goolsby & Wade Slaughterhouse, Cookeville.
•Groce Provisions Co., Fayetteville.
Grooms Custom Slaughtering, Watertown.
Hayes, Harold, Slaughter, Huntingdon.
Hendon's Meat Plant, Milan.
Herron Packing Co., Concord.
Hill's Meat Processing Co., Cleveland.
Hiwassee College Slaughterhouse, Madisonville.
Hutchins Brothers Packing House, Kingsport.
Ivey, Junior, Slaughterhouse, Lafollette.
•Lingo Packing Co., Jonesboro.
•Loomis Packing Co., Sweetwater.
McClain's Slaughterhouse, Paris.
McDonald's Slaughterhouse, Carthage.
M & G Slaughterhouse, Dresden.
Mitchell's Processing Plant, Selmer.
Modern Slaughters, Greeneville.
Moore, John L. Slaughterhouse, Fayetteville.
Morrissey Meats & Provisions, Nashville.
Morristown Provisions Co., Russellville.
West Tennessee Packing Co. (formerly New 20 Packing Co.), Alamo.
•Norman's Packing Co., Covington.
•Parks-Harris & Co., Columbia.
POP, Inc., Greeneville.
Powers Slaughterhouse, Martin.
Processors, Inc., Celina.
Rebel Packing Co., Martin.
•Savannah Process & Locker, Savannah.
•Sell, Earl W. & Sons Meat Co., Johnson City.
Sherrell's Slaughterhouse, Ridgely.
Smelcer, Charles Slaughterhouse, Dandridge.
Southern Abattoir Meat Co., Knoxville.
Swaggerty Sausage Co., Kodak.
•Tennessee Valley Packing Co., Columbia.
Tri-City Packing Co., Kingsport.
Wampler's Wholesale Meats, Lenoir.
•Well's Processing Plant, Brighton.
Wood Brothers Slaughter Co., Jacksboro.

TEXAS

ABC Packing Co., Wichita Falls.
•Allen's Wholesale Meats, McKinney.
Anderson Slaughtering & Processing Plant, Sherman.
Apache Packing Co., San Antonio.
Auge Packing Co. (formerly Ed Auge Packing Co.), San Antonio.
Azle Food Locker Corp., Azle.
Berryhill Packing Co., Inc., Levelland.
Big 4 Packing Co., Perryton.
Big "M" Packing Co., Inc., Denison.
Brown's Slaughter House, Annona.
Burton Brothers Public Abattoir, Houston.
•Caddo Packing Co., Marshall.
•Central Packing Co., Wichita Falls.
Chief Packing Co., Quanah.
Columbia Packing Co., Dallas.
Floyd Locker, Spearman.
•Freedman Packing Co., Houston.
Graham Packing Co., Graham.
Haley's Food Locker, Crowley.
Morton Packing Co., Morton.
Nemecek Brothers, West.
•P & S Meat Co., Texarkana.
Pitner & Hensley, Denton.
•Pratt Packing Co., Inc., Sulphur Springs.
Smith's Frozen Food Plant, Atlanta.
•Southern Packing Co., Denison.
Steuernagel Packing Co., San Antonio.
Swindell's Country Sausage (formerly Swindell's Country Sausage Plant), Quanah.
Tyler Packing Co., Tyler.
Wickham Packing Co., Inc., Longview.
Wilburn & Miller Wholesale Meats, Denison.
Zummo Meat Co., Beaumont.

UTAH

•Langston Packing Co., Hurricane.
•Midvale Packing Co., Midvale.
•Ogden Dressed Meat Co., Ogden.
•Tri-Miller Packing Co., Hyrum.
•Ellason Packing Co., Logan.

VERMONT

Lawrence Bailey, Hardwick.
Delair's Slaughtering Establishment, East Montpelier.
Gallerani's Market, Bradford.
Jewett Meat Processing Plant, Randolph.
Ourensma Slaughter House, Ferrisburg Center.
G. Rubalcaba Inc., Websterville.
Herrick Stearns, Rutland.

VIRGINIA

•Dinner Bell Meat Products, Inc., Lynchburg.
•Fleet and Co., Inc., Winchester.
•Green Hill, Inc., Elliston.
Isom's Slaughterhouse, Galax.
Lee Packing Co., Pennington Gap.
•Ondorff, Charles, Abattoir, Winchester.
•Southern Packing Corp., Norfolk.
•Suffolk Packing Co., Inc., Suffolk.
•Woodstock Wholesale Meats, Woodstock.

WASHINGTON

Chambers Packing Co., Olympia.
Colfax Meat Packing Plant, No. 117, Colfax.
•Curcio Meats, No. 76, Walla Walla.
Evergreen Packing Co., No. 92, Vancouver.
•Federal Meat Co., No. 38, Tacoma.
Ferry Brothers, Inc., No. 16, Ferndale.
Florence Packing Co., No. 6043, Stanwood.
•Grandview Packing Co., No. 6083, Grandview.
Kratzig Meat Co., No. 6110, Bellingham.
•Lewis River Meat Co., No. 118, Woodland.
McInroy Meat Co., No. 94, Wilbur.
•McKinley Meat Packing Co., No. 39, Longview.
Midway Meats, No. 62, Centralia.
Moses Lake Meat Co., No. 32, Moses Lake.
Mount Vernon Meat Co., Inc., No. 6039, Mt. Vernon.
Pasco Meat Packers, Inc., No. 6040, Pasco.
Rice Meat Packing Co., No. 103, Veradale.
•Valley Packing Co., No. 18, Puyallup.
Weber, Inc., No. 6041, Sumner.
•Wenatchee Packing Co., No. 22, Wenatchee.

WEST VIRGINIA

Blue Grass Market, Inc., Lewisburg.
Camp Packing Co., Parkersburg.
•Campbell's Market, Beverly.
Chadwick and Son, Wayne.
Chapman Packing Co., Ona.
•Cloverdale Packing Co., Parkersburg.
M. E. Coleman Packing, Oak Hill.
Elm Grove Packing, Wheeling.
Ennis Slaughter House, Ulington.
Fancher, R. L., Shinnston.
•Fisher's Quality Meats, Sissonsville.
Fotos and Co., Beckley.
Gamble's Market, Moundsville.
P. E. Holz Sons Co., Charleston.
Independent Dressed Beef Co., Morgantown.
•Jeffries Slaughterhouse, Lewisburg.
Jenkins, Frank M., Martinsburg.
Kidwiler, Frank E., Harpers Ferry.
Lambert and Beavers, Squire.
Logan, S. S. Packing Co., Huntington.
•McCown & Sons Co., L. M., Charleston.

V 37 N 29 FEB 11 72 XUM

Martini Packing Co., Inc., Wheeling.
Miller Bros., Martinsburg.
Niebergall Meats Slaughtering Establishment, Wheeling.
Smittle Packing Co., Paden City.
Soloman's Establishment, Frank, Fairview.
Spitznogle, Glen L., Slaughtering Establishment, Blacksville.
Staggs Meat Market, Burlington.
Stuart, Nate and Sons, Inc., Mount Clare.
Thomas and Wolfe Slaughtering Establishment, Ripley.
Thompson Bros. Packing Company, Bluefield.
Tony's Super Market, Beckley.
Tri-County Processing Plant, Inc., Martinsburg.
V & G Slaughterhouse, Sweetland.
Wade's Slaughter House, Mount Morris.
Weimer Packing Co., Wheeling.
West Virginia Sausage, New Haven.
Wooddell's Meats, Green Bank.
*Young and Stout, Inc., Clarksburg.

WISCONSIN

Black Creek Meat Market, Black Creek.
*Born and Son, August, Milwaukee.
Central Packing Co., Sullivan.
Clinton Packing Co., Inc., Clinton.
Coenen Packing Co., Appleton.
Coloma Meat Products, Coloma.
Dobb Meat Packers, Rosholt.
Dobratz Meat Service, Shawano.
Dohr's Market, Grafton.
Faust & Sons, Hy., Mayville.
Feider's Meats, Belgium.
Foss Locker Plant, Sparta.
Hagert's Locker, Siren.
Hanson Meat Service, H., Franksville.
Helland's Food & Locker, Juda.
Holmen Locker Service, Holmen.
Kimmes Hereford Farm, Superior.
Kress Packing Co., Waterloo.
Lake Geneva Packing House, Lake Geneva.
Marcelle's Meats, Inc., Wausau.
Marchant, W. J., Brussels.
Meier Slaughtering Establishment, Monroe.
Paulus Market, Cedarburg.
Royal Meats, Watertown.
S & S Meats, Stoughton.
Sawyer Meat Plant, East Troy.
Schaefer Sausage Co., Inc., Oshkosh.
Schroedl Market, Jefferson.
Seymour Locker, Peshtigo.
Sorg Farm Packing, Inc., Darien.
Super Lockers, Amery.
Tarlton, L., Co., Athelstane.
Thomson Packing Co., West De Pere.
Townsend-Piller Packing Co., Cumberland.
*Valley Meat Service, Appleton.
Webster's Processing Plant, Cuba City.
Weinstein Slaughtering Establishment, Superior.

WYOMING

Big Horn Processing, Lovell.
Gillette Meat Service, Gillette.
Jim's Place, Cheyenne.
K&B Cold Storage Co., Afton.
Kelly Slaughtering Establishment, Torrington.
Ken's Locker & Slaughtering Establishment, Laramie.
Lincoln Meats, Rock Springs.
Nield Cold Storage and Supply, Afton.
Pilch Slaughtering & Processing Service, Acme.
Rock Springs Butchering, Rock Springs.
*Roitz Meat Cutting, Fort Bridger.
Triangle Packing Co., Worland.

The following stockyards and slaughtering establishments are deleted from the specifically approved lists:

STOCKYARDS

ALABAMA

Hodges-Hurtsboro Stockyards, Hurtsboro.
King Livestock Auction Co., Florence.
Union Stockyards, Eufaula.

ARIZONA

Laveen Livestock Auction, Laveen.

ARKANSAS

Allen Auction, Harrison.
B & S Livestock Sales, Marianna.

COLORADO

Mellott Livestock Commission Co., Pueblo.
Sunset Livestock Commission Co., Greeley.

IDAHO

Sandpoint Livestock Auction Co., Sandpoint.

ILLINOIS

LaSalle Co. Livestock Market Center, Ottawa.

IOWA

Anamosa Livestock Auction, Anamosa.
Farmers Sale Co., Carroll.
Knickman Livestock Sales Co., Council Bluffs.
Northwest Iowa Livestock Exchange, Alta.
Northwood Sales Co., Northwood.
Tabor Sale Barn, Tabor.
Webster City Livestock Market, Inc., Webster City.

KENTUCKY

Farmers Livestock Sales, Louisa.

MISSISSIPPI

*Farmers Livestock Yards, Hattiesburg.
*Gulfport Livestock Yards, Gulfport.
*Highway 84 West Stockyard, Laurel.
Holton's Livestock Sale, J. W., Centreville.
*Mississippi Livestock Producers Association (South Yard), Jackson.
Stiles Livestock Commission Co., Sturgis.

MISSOURI

Gainesville Auction Barn, Gainesville.
Golden Valley Auction Co., Clinton.
Mexico Stockyards Co., Mexico.
Nevada Livestock Auction, Nevada.
Ray County Sales Co., Inc., Richmond.
Thayer Sales Co., Thayer.
Wentzville Auction Co., Wentzville.

NEBRASKA

Beaver Valley Livestock Co., Inc., Beaver City.
Elkhorn Valley Cattle Co., Norfolk.

NEW YORK

Miller's Livestock Market of Johnstown, Johnstown.
Norwich Commission Sales, Norwich.

NORTH CAROLINA

John F. Hobbs Stockyard, Inc., Goldsboro.
R. D. Martin Livestock Market, Aberdeen.

NORTH DAKOTA

Harrington Brothers Livestock Auction, Minot.
Valley City Livestock Auction, Valley City.

OHIO

Dorset Livestock Sales, Dorset.
Producers Livestock Association, Columbus.
Producers Livestock Association, Marion.
Tiffin Livestock Sales Co., Tiffin.

OKLAHOMA

Alva Sales Co., Alva.
Cattlemen's Stockyards, Comanche.

SOUTH CAROLINA

Conder Co., Inc. J. W., Columbia.
Rock Hill Sales Barn, Rock Hill.

WEST VIRGINIA

Gassaway Livestock Market, Inc., Gassaway.

WYOMING

Laramie Livestock Exchange, Inc., Laramie.

SLAUGHTERING ESTABLISHMENTS

ALABAMA

Beasley Packing Co., Inc., Andalusia.
Decatur Packing Co., Decatur.
Florence Packing Co., Florence.
Lumberjack Meats, Inc., Leeds.

ARKANSAS

Philip Freer & Son, Ivan.

DELAWARE

Townsend Locker Plant, Townsend.

IDAHO

Dahmen Food Lockers, Lewiston.
Grimes Packing Co., Nampa.
Williams Customs Service, Council.

ILLINOIS

Hamilton Locker Service, Hamilton.
McLain's Locker Plant, Warren.
Marengo Packing Co., Marengo.
Margolin Packing Co., Danville.
Sheldon Market & Food Lockers, Sheldon.
Smith Packing Co., Harrisburg.

IOWA

Holst's Frozen Foods, Forest City.
Jim & Dean's Town & Country, Market, Inc., Council Bluffs.
Keosauqua Locker, Keosauqua.
Nissen & Son Packing Co., Inc., Webster City.
Richard & Sons, Inc., Muscatine.
Swea City Locker, Swea City.

NEW HAMPSHIRE

Eastern Beef Slaughtering Establishment, Lancaster.

MARYLAND

Schmidt, C. J., Baltimore.
Shrivers, Mark A., Millstone Grocery.
Yoder's Locker Plant, Grantsville.

MICHIGAN

Peet Packing Co., Bay City.
Peet Packing Co., Grand Rapids.
Standard Beef, Inc. (East), Detroit.

MISSISSIPPI

*Barnes & Son, Poplarville.
Brown's Slaughter House, Walnut.
Burk's Slaughter House, Carriere.
Columbus Provision Co., Columbus.
*Dedeaux Packing Co., Inc., Gulfport.
*Gilbert's Slaughter House, Gulfport.
*Robinson Brothers Packing Co., Batesville.
*Valley Farm, Inc., Laurel.
Well's Processing and Meat Co., Drew.

MONTANA

Biastock Meats, Inc., Butte.
Oljar Meat, Glendive.

NEW JERSEY

George Dealaman, Plainfield.
Joseph Earrusso, Whippany.

NEW YORK

Barbalich's Slaughterhouse, Watertown.
Conti Packing Co., Inc., Henrietta.
Geerken Packers, Inc., Worcester.
Earl Rainbow, Macedon.
Smith's Slaughterhouse, H. J., Pine Plains.

NORTH CAROLINA

John Boyd and Son's, Gastonia.
Charlotte Abattoir, Charlotte.
Land's Slaughterhouse, Eden.
A. J. Scholosser & Sons, Greensboro.

OHIO

Brewster Slaughtering Establishment, Mason.
Conneaut Frozen Food Locker, Conneaut.
Dayton Packing Co., Dayton.
Evans Packing Co., Gallipolis.
Flechtner Bros. Packing Co., Inc., Fostoria.

Frame, Myron, Slaughtering Establishment, Manchester.
Goldsberry Meat Market, Ripley.
Henderson Meat, Waterloo.
Herberth, W. J. & Son, Cincinnati.
Ideal Provision Packing Co., Martins Ferry.
Martin Farm Slaughter House, Fremont.
Myers and Son, Archbold.
New Cooperative Co., Dillonvale.
Rockford Locker Service, Rockford.
Ross Abattoir Co., Springfield.
Weber Packing, Marietta.
Williams, Van Wert.
Young's Slaughter Plant, Manchester.
Zimmerman Packing Co., Youngstown.

OREGON

Alpine Meat Co., Inc., Grants Pass.
Bond Bros., Lakeview.
Coos Bay Packing Co., Inc., Boox Bay.
The Dalles City Pack, The Dalles.
Van Dine Meat Co., Myrtle Creek.

PENNSYLVANIA

Ahrens, E. F. & Sons, Inc., York.
Alinkoff's, Harry & Sons, Wilkes-Barre.
Aquilante, Congens, Berwyn.
Balderston Bros., Newtown.
Baumgardner Packing Co., Pinleyville.
Bingham Packing Co., Berlin.
Brann's Slaughter House, Canton.
Broadwater, Forrest, Salisbury.
Brown, Victor, Port Allegany.
Burkholder, Eugene, Garrett.
Carpenter, Rex Packing Co., Townville.
Carpenter, Simon T., Sheridan.
Center Valley Packing Co., Center Valley.
Danko, Matthew, Latrobe.
DeFranco, Philip & Son, Roseto.
DeVault Packing Co., DeVault.
Eremic, George N., Monroeville.
Fischer, J. Fred & Sons, Inc., York.
Frazier, Charles E., Stoystown.
Frigid-Freeze Lockers, Riegelsville.
Gajan, John, Coal Center.
Ginther, Urban, St. Mary's.
Glick Bros., Mt. Pleasant.
Gouldey, Wesley R. & Sons, Pipersville.
Grande Bros. Packing, Farrell.
Heckel & Ferlen, Pittsburgh.
Heinnickel, S. & A., Crabtree.
Hill N Dale Farm Meat Co., Downingtown.
Hilltop Beef & Provision Co., Loyalhanna.
Horne's Slaughterhouse, Marianna.
Hynes, O. J. Abattoir, Cedars.
Ishman, Robert J., Worthington.
J. T. Provision Co., Inc., McKeesport.
Joseph Packing Co., Connellsville.
Kaufman Beef & Provision Co., Dalton.
Landis Brothers, Skippack.
Lavella, Victor L., Kersey.
Lawrence, H. W. & Son, Albion.
Lichliter, J. C. & Co., Salisbury.
Miller, E. R., Hanover.
Mitman, Vernon K., Nazareth.
Moyer Bros., Reinholds.
Northwestern Packing Co., Pittsburgh.
Olijnyk, M. & B., Harrison City.
Riley, James C., Greenville.
Riverside Meat Packing Co., New Castle.
Silverberg Meats, Bradford.
Smelko Bros., Mt. Pleasant.
Smith, Wilbur, Blairsville.
Stairs, James, Confluence.
Venezia, Carl, Conshohocken.
Warrington Packing Co., Inc., Chalfont.
Weise, R. A., Hyndman.
Weller, Frank & Sons, Plymouth Meeting.
Winner Packing Co., Lock Haven.
Wisnieski, Steve, New Castle.
Yoder, Kermit C., Hollsopple.
Zaluski Meats, Aliquippa.

SOUTH CAROLINA

Hodges Sale Co., Abbeville.

VERMONT

Baker's Market, Pittsford.
Presseaus Slaughter House, Poultney.

VIRGINIA

Corn Valley Packers, Inc., Danville.
Perry's Abattoir, Winchester.
Rosenbaum Slaughterhouse, Glade Spring.

WASHINGTON

Sierk Meat Packing Co., Wenatchee.
Sky Valley Meats, Monroe.

WEST VIRGINIA

*Byard's Famous Meats, Kenova.
Gissell Packing Co., Inc., Huntington.
Hatten Wholesale Meat Co., Huntington.
Places Butchering Quarters, Martinsburg.
Rupert Meat & Poultry Supply, Rupert.

Effective date. The foregoing notice shall become effective upon publication in the FEDERAL REGISTER (2-11-72).

Certain additional stockyards and slaughtering establishments are added to the list of those heretofore specifically approved under the regulations in 9 CFR Part 78. It has been determined that the inspection and handling of livestock or carcasses or products thereof at such stockyards or establishments are adequate to effectuate the purposes of such regulations. Certain stockyards and slaughtering establishments are removed from the list of those heretofore specifically approved under said regulations, because it has been determined that such stockyards and establishments no longer qualify for specific approval under the regulations. Name changes affecting certain stockyards and slaughtering establishments are also set forth in the foregoing notice. This action, therefore, imposes certain restrictions necessary to prevent the spread of brucellosis, relieves certain restrictions presently imposed, and makes certain changes which do not affect the substance of the restrictions set forth in 9 CFR Part 78. The action should become effective promptly in order to accomplish its purpose in the public interest, to be of maximum benefit to persons subject to the restrictions which are relieved hereby, and to promptly correct the names of all listed stockyards and slaughtering establishments. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of February 1972.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Services.

[FR Doc. 72-2068 Filed 2-10-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5509]

CERTAIN ANTICOAGULANT DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-up Notice

Certain anticoagulant drugs containing sodium or potassium warfarin, diphenadione, phenprocoumon, phenindione, bishydroxycoumarin, anisindione, ethylbiscoumacetate, or acenocoumarol.

In a notice [DESI 5509] published in the FEDERAL REGISTER of September 23, 1970 (35 F.R. 14797), the Commissioner of Food and Drugs announced his conclusions pursuant to an evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following anticoagulant drugs:

1. a. Coumadin Injection and

b. Coumadin Tablets both containing sodium warfarin; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, N.Y. 11533 (NDA 9-218).

2. a. Athrombin Tablets containing sodium warfarin and

b. Athrombin-K Tablets containing potassium warfarin; The Purdue Frederick Co., 99-101 Saw Mill River Road, Yonkers, N.Y. 10701 (NDA 11-771).

3. Dipaxin Tablets containing diphenadione; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 9-751).

4. Liquamar Tablets containing phenprocoumon; Organon, Inc., 375 Mount Pleasant Avenue, West Orange, N.J. 07052 (NDA 11-228).

5. Hedulin Tablets containing phenindione; Walker Laboratories, Division of Richardson-Merrell, Inc., Bradford Road, Mount Vernon, N.Y. 10551 (NDA 8-767).

6. Danilone Tablets containing phenindione; Schieffelin and Co., Box 8, Apex, N.C. 27502 (NDA 8-700).

7. Dicumarol Tablets containing bishydroxycoumarin; Abbott Laboratories, Inc., 14th and Sheridan Road, North Chicago, Ill. 60064 (NDA 5-545).

8. Dicumarol Pulvules containing bishydroxycoumarin; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 5-509).

9. Miradon Tablets containing anisindione; Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003 (NDA 10-909).

10. Tromexan Tablets containing ethyl biscoumacetate; Geigy Pharmaceuticals, Division Geigy Chemical Corp., Saw Mill River Road, Ardsley, N.Y. 10502 (NDA 7-542).

11. Sintron Tablets containing acenocoumarol; Geigy Pharmaceuticals (NDA 10-759).

FEB 11 72
XUM

The notice stated that the drugs were regarded as effective, probably effective, possibly effective, and lacking substantial evidence of effectiveness for their various labeled indications.

Based upon further review and evaluation of additional studies, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of September 23, 1970 by:

1. Changing the effectiveness classification of the probably effective indication for use as an adjunct in the treatment of coronary occlusions to effective.

2. Reclassifying the possibly effective indications as lacking substantial evidence of effectiveness in that no new evidence has been presented pursuant to the September 23, 1970 announcement which supports these claims, i.e., prophylaxis and treatment of intravascular clots, to inhibit further intravascular clotting, acute embolic and thrombotic occlusion of the peripheral arteries, prophylaxis in coronary occlusion with myocardial infarction, prophylaxis in blood vessel trauma or surgery such as embolectomy arterial repair, aortic thrombasis popliteal aneurysm, and prophylaxis of thrombosis in thrombosis obliterans and thromboangiitis obliterans.

3. Rewording the indications section to read as follows:

INDICATIONS

This drug is indicated for the prophylaxis and treatment of venous thrombosis and its extension, the treatment of atrial fibrillation with embolization, the prophylaxis and treatment of pulmonary embolism, and as an adjunct in the treatment of coronary occlusion.

Holders of applications approved for these drugs are required to submit, within 60 days following publication of this amended announcement in the FEDERAL REGISTER, supplements to their new drug applications to provide for revised labeling in accord with the indications section above. Such supplements should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time.

Any such preparation, for human use, introduced into interstate commerce after 60 days following publication of this notice in the FEDERAL REGISTER with labeling bearing indications that lack substantial evidence of effectiveness, may be subject to regulatory proceedings.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 2, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2063 Filed 2-10-72;8:50 am]

[Docket No. FDC-D-408; NDA 6-472, etc.]

DON BAXTER, INC.

Certain Parenteral Electrolyte Solutions: Lactated Potassic Saline Injection and Ammonium Chloride Injection; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice [DESI 6472] published in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13598), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs, stating that the drugs are regarded as possibly effective for the labeled indications.

NDA 6-472: Lactated Potassic Saline Injection, containing potassium chloride, sodium chloride, and sodium lactate; Don Baxter, Inc., 1015 Grandview Avenue, Glendale, Calif. 91201.

That part of NDA 6-580 pertaining to Ammonium Chloride in Distilled Water, containing ammonium chloride 0.9 percent; Don Baxter, Inc.

Six months were allowed for obtaining and submitting substantial evidence of effectiveness. The drugs have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted.

Therefore, notice is given to Don Baxter, Inc., and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug applications and all amendments and supplements thereto on the grounds that new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn. Any related drug for human use not the subject of an approved new drug application may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, October 27, 1970.)

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 2, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2064 Filed 2-10-72;8:51 am]

[Docket No. FDC-D-430]

HESS & CLARK AND JENSEN-SALSBERY LABORATORIES

Certain Tablets Containing Streptomycin, Sulfathiazole and Kaolin; Notice of Drugs Deemed Adulterated

An announcement was published in the FEDERAL REGISTER of July 22, 1970 (35 F.R. 11710, DESI 0020NV), concerning 2-Way Tabs for Calf Scours marketed by Hess & Clark, Division of Rhodia, Inc., Ashland, Ohio 44805, and S-2-K Calf Scour Tabs marketed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City, Mo. 64141. The announcement set forth the conclusions of the Food and Drug Administration, following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, that there is a lack of substantial evidence to show that said drugs are effective under the conditions of use prescribed, recommended or suggested in the labeling.

The announcement provided the manufacturers and all interested parties a 6-month period in which to submit new animal drug applications. The above named firms did not submit new animal drug applications for said drugs.

Based on the foregoing and the information before him, the Commissioner of Food and Drugs concludes that the above named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subjects of approved new animal drug applications pursuant to section 512 of the act. Therefore, notice is given to Hess & Clark and Jensen-Salsbery Laboratories, and all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343–51; 21 U.S.C. 351(a)(5), 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2065 Filed 2-10-72;8:51 am]

[Docket No. FDC-D-401; NDA 3-726]

SCHERING CORP.

Sulfacetamide for Oral Administration; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice [DESI 3726] published in the FEDERAL REGISTER of July 9, 1970 (35 F.R. 11070) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning Sulamyd (sulfacetamide) Tablets, NDA 3-726 for which is held by Schering Corp., 60 Orange Street, Bloomfield, NJ 07003. The notice stated that the drug was regarded as possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications. Six months were allowed for obtaining and submitting substantial evidence of effectiveness of the drug for the indications regarded possibly effective. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted.

Therefore, notice is given to Schering Corp. and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written apearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such person elects not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355(e)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2067 Filed 2-10-72;8:51 am]

[Docket No. FDC-D-344; NDA 12-064]

UPJOHN CO.

Combination Drug Containing Medroxyprogesterone Acetate, Ethoxzolamide and Ectylurea; Notice of Withdrawal of Approval of New Drug Application

On June 10, 1971, there was published in the FEDERAL REGISTER (36 F.R. 11228) a notice of opportunity for hearing (DESI 12064) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new drug application No. 12-064, Cytran Tablets; The Upjohn Co., 7171 Portage Road, Kalamazoo, MI 49002, in the absence of substantial evidence that the drug is effective as a fixed

FEB 11 72
XUM

combination for the conditions of use recommended in its labeling.

Neither the holder of the NDA nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him, with respect to such drug evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

Therefore, pursuant to the foregoing findings, approval of the above new drug application, and all amendments and supplements thereto, is withdrawn effective on the date of publication of this document.

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2066 Filed 2-10-72;8:51 am]

Office of Education

GRANTS FOR NONCOMMERCIAL EDUCATIONAL BROADCASTING FACILITIES

Notice of Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance in the construction of noncommercial educational broadcasting facilities are accepted for filing under the provisions of title III, part IV of the Communications Act of 1934, as amended (47 U.S.C. 390–399) and in accordance with 45 CFR 60.8.

Any interested person may, pursuant to 45 CFR 60.10, within 30 calendar days from the date of this publication, file comments regarding these applications with the Director, Educational Broadcasting Facilities Program, Division of Educational Technology, Bureau of Libraries and Educational Technology, Office of Education, Washington, D.C. 20202.

EDUCATIONAL TELEVISION

Central Michigan University, Mount Pleasant, Mich., 48858, File No. 338–T, for the establishment of a noncommercial educational television station on Channel 6, Alpena, Mich. Project accepted as of October 7, 1971. Estimated project cost: $469,649. Grant requested: $352,237. Application signed by: Mr. Charles J. Ping, Provost.

Maryland Public Broadcasting Commission, Bonita Avenue, Owings Mills, Md. 21117, File No. 339–T, for the establishment of a noncommercial educational television station on Channel 31, Hagerstown, Md. Project accepted as of October 14, 1971. Estimated project cost: $573,000. Grant requested: $429,825. Application signed by: Dr. Frederick Brietenfeld, Executive Director.

Tennessee State Board of Education, 100–A Cordell Hull Building, Nashville, Tenn. 37219, File No. 340–T, for the improvement of noncommercial educational television Station WTCI–TV on Channel 45, Chattanooga, Tenn. II. Project accepted as of October 29, 1971. Estimated project cost: $290,840. Grant requested: $218,130. Application signed by: Mr. E. C. Stimbert, Chairman.

The Board of Trustees for the Vincennes University, 1002 North First Street, Vincennes, IN 47591, File No. 341–T, for the expansion of noncommercial educational television station WVUT–TV on Channel 22, Vincennes, Ind. II. Project accepted as of November 2, 1971. Estimated project cost: $471,135. Grant requested: $353,350. Application signed by: Dr. Isaac K. Beckes, President, Vincennes University.

Southwest Texas Educational Television Council, Post Office Box 7158, Austin, TX 78712, File No. 342–T, for the improvement of noncommercial educational television Station KLRN–TV on Channel 9, Austin, Tex. IV. Project accepted as of November 16, 1971. Estimated project cost: $110,074. Grant requested: $82,555. Application signed by: Mr. Robert F. Schenkkan, President and General Manager.

Duluth-Superior Area Educational Television Corp., 210 Bradley Building, Duluth, Minn. 55802, File No. 343–T, for the improvement of noncommercial educational television Station WDSE–TV on Channel 8, Duluth, Minn. IV. Project accepted as of November 29, 1971. Estimated project cost: $185,000. Grant requested: $138,750. Application signed by: Mr. Harry Newby.

Arkansas ETV Commission, 350 South Donaghey, Conway, AR 72032, File No. 344–T, for the improvement of noncommercial educational television Station KETS–TV on Channel 2, Little Rock, Ark. II. Project accepted as of November 30, 1971. Estimated project cost: $277,840. Grant requested: $194,488. Application signed by: Mr. Elster T. Shuffield, Chairman.

El Paso Public Television Foundation, Post Office Box 146, El Paso, TX 79942, File No. 345–T, for the establishment of a noncommercial educational television station on Channel 7, El Paso, Tex. Project accepted as of November 30, 1971. Estimated project cost: $810,500. Grant requested: $607,875. Application signed by: Mrs. Elaine C. Rosen, Chairman, Board of Trustees.

Clark County School District, 2832 East Flamingo Road, Las Vegas, NV 89109, File No. 346–T, for the improvement of noncommercial educational television Station KLVX–TV on Channel 10, Las Vegas, Nev. II. Project accepted as of November 30, 1971. Estimated project cost: $156,000. Grant requested: $117,000. Application signed by: Mr. Ronald D. Hawley, Director of TV Services.

The Greater Toledo ETV Foundation, Inc., Manhattan Boulevard at Elm Street, Toledo, Ohio 43608, File No. 347–T, for the improvement of noncommercial educational television Station WGTE–TV on Channel 30, Toledo, Ohio II. Project accepted as of December 1, 1971. Estimated project cost: $285,000. Grant requested: $205,010. Application signed by: Mrs. Helen Davis, General Manager.

South Carolina Educational Television Commission, Drawer L, Columbia, S.C. 29205, File No. 348–T, for the improvement of the production facilities of the Statewide ETV network at Columbia, S.C. IV. Project accepted as of December 3, 1971. Estimated project cost: $632,582. Grant requested: $474,436. Application signed by: Mr. Henry J. Cauthen, General Manager.

Connecticut Educational Television Corp., 24 Summit Street, Hartford, CT 06106, File No. 349–T, for the expansion of noncommercial educational television Station WEDH–TV on Channel 24, Hartford, Conn. I. Project accepted as of December 2, 1971. Estimated project cost: $430,000. Grant requested: $322,500. Application signed by: Mr. John C. Lennhoff, Vice President.

Connecticut Educational Television Corp., 24 Summit Street, Hartford, CT 06106, File No. 350–T, for the improvement of noncommercial educational television Stations WEDH, WEDN, and WEDW of the Connecticut State network (Hartford) II. Project accepted as of December 2, 1971. Estimated project cost: $465,000. Grant requested: $232,500. Application signed by: Mr. John C. Lennhoff, Vice President.

Connecticut Educational Television Corp., 24 Summit Street, Hartford, CT 06106, File No. 351–T, for the improvement of the interconnection capability of the Connecticut State network (Channel 24, Hartford; Channel 53, Norwich; and Channel 49, Bridgeport) III. Project accepted as of December 2, 1971. Estimated project cost: $200,072. Grant requested: $150,054. Application signed by: Mr. John C. Lennhoff, Vice President.

Florida Central East Coast ETV, Inc., 2908 West Oak Ridge Road, Orlando, FL 32809, File No. 352–T, for the expansion of noncommercial educational television Station WMFE–TV on Channel 24, Orlando, Fla. III. Project accepted as of December 3, 1971. Estimated project cost: $482,915. Grant requested: $362,186. Application signed by: Mr. Ronald D. Morrisseau, General Manager.

Educational Communications Board, 732 North Midvale Boulevard, Madison, WI 53705, File No. 353–T, for the establishment of a noncommercial educational television station on Channel 31, La Crosse, Wis. Project accepted as of December 3, 1971. Estimated project cost: $1,168,646. Grant requested: $549,646. Application signed by: Mr. Antin J. Moe, Chairman.

Community Television Foundation of South Florida, Inc., Post Office Box 1, North Miami, FL 33161, File No. 354–T, for the expansion of noncommercial educational television Station WPBT–TV on Channel 2, Miami, Fla. II. Project accepted as of December 3, 1971. Estimated project cost: $509,900. Grant requested: $382,425. Application signed by: Mr. George Dooley, President.

West Virginia Board of Regents, 1316 Charleston National Plaza, Charleston, W. Va. 25301, File No. 355–T, for the expansion of noncommercial educational television Station WWVU–TV on Channel 24, Morgantown, W. Va. II. Project accepted as of December 3, 1971. Estimated project cost: $343,684. Grant requested: $232,586. Application signed by: Mr. James G. Harlow, President.

Bethel Broadcasting, Inc., Box 37, Bethel, AK 99559, File No. 356–T, for the establishment of a noncommercial educational television station on Channel 4, Bethel, Alaska. Project accepted as of December 3, 1971. Estimated project cost: $349,930. Grant requested: $262,440. Application signed by: Mr. Clarence B. Clark, Vice President.

Trustees of Indiana University, Bloomington, Ind. 47401, File No. 357–T, for the improvement of noncommercial educational television Station WTIU–TV on Channel 30, Bloomington, Ind. II. Project accepted as of December 3, 1971. Estimated project cost: $267,602. Grant requested: $200,701. Application signed by: Mr. W. George Pinnell, Vice President and Treasurer, Indiana University.

Community-Service Broadcasting of Mid-America, Inc., 1211 McGee Street, Kansas City, MO 64106, File No. 358–T, for the expansion of noncommercial educational television Station KCSD–TV on Channel 19, Kansas City, Mo. Project accepted as of December 3, 1971. Estimated project cost: $666,000. Grant requested: $499,500. Application signed by: Mr. Edward T. Matheny, Jr., President.

University of Maine, Alumni Hall, Orono, Maine 04473, File No. 359–T, for the establishment of a noncommercial educational television station on Channel 26, Biddeford, Maine. Project accepted as of December 3, 1971. Estimated project cost: $509,657. Grant requested: $382,243. Application signed by: Mr. Harry W. Gordon, Treasurer.

The Sunflower Educational Television Corp., 309 East Third Street, Wichita, KS 67202, File No. 360–T, for the improvement of noncommercial educational television Station KPTS–TV, on Channel 8, Wichita, Kans. II. Project accepted as of December 3, 1971. Estimated project cost: $66,057. Grant requested: $49,499. Application signed by: Mr. Dale K. Ouzts, Executive Vice President and General Manager.

Mohawk-Hudson Council on ETV, Inc., 17 Fern Avenue, Schenectady, NY 12301, File No. 361–T, for the improvement of noncommercial educational television Station WMHT–TV on Channel 17, Schenectady, N.Y. II. Project accepted as of December 3, 1971. Estimated project cost: $474,000. Grant requested: $356,500. Application signed by: Mr. Donald E. Schein, President.

University of Alaska, College, Alaska 99701, File No. 362–T, for the improvement of noncommercial educational television Station KUAC–TV on Channel 9, College, Alaska II. Project accepted as of December 6, 1971. Estimated project cost: $104,450. Grant requested: $78,337. Application signed by: Mr. K. M. Rae, Vice President for Research and Advanced Studies.

State of Oregon, acting by and through State Board of Higher Education, Post Office Box 3175, Eugene, OR 97403, File No. 363–T, for the expansion of noncommercial educational television station KOAP–TV on Channel 10, Portland, Oreg. II. Project accepted as of December 6, 1971. Estimated project cost: $43,977. Grant requested: $32,982. Application signed by: Mr. D. R. Larson, Director, Oregon Educational and Public Broadcasting Service, State of Oregon (State Board of Education).

St. Louis Educational Television Commission, 6996 Millbrook Boulevard, St. Louis, MO 63130, File No. 364–T, for the improvement of noncommercial educational television Station KETC–TV on Channel 9, St. Louis, Mo. III. Project accepted as of December 6, 1971. Estimated project cost: $440,000. Grant requested: $330,000. Application signed by: Mr. Robert C. Glazier, Executive Director.

Ohio University, Athens, Ohio 45701, File No. 365–T, for the improvement of noncommercial educational television Station WOUB–TV on Channel 20, Athens, Ohio II. Project accepted as of December 6, 1971. Estimated project cost: $257,490. Grant requested: $193,118. Application signed by: Mr. John F. Milar, Treasurer.

Department of Education, Government of American Samoa, Pago Pago, American Samoa 96920, File No. 366–T, for the improvement of noncommercial educational television Station KVZK–TV on Channel 4, Pago Pago, American Samoa. Project accepted as of December 6, 1971. Estimated project cost: $334,000. Grant requested: $164,400. Application signed by: Mr. Stewart D. Cheifet, Station Manager, KVZK–TV.

Dade County School Board, 1410 Northeast Second Avenue, Miami, FL 33132, File No. 367–T, for the expansion of noncommercial educational television Station WSEC–TV on Channel 17, Miami, Fla. II. Project accepted as of December 6, 1971. Estimated project cost: $550,847. Grant requested: $412,136. Application signed by: Mr. Edward L. Whigham, Superintendent of Dade County Public Schools.

Delta College, University Center, Mich. 48710, File No. 368–T, for the improvement of noncommercial educational television Station WUCM–TV on Channel 19, Bay City, Mich. II. Project accepted as of December 6, 1971. Estimated project cost: $573,395. Grant requested: $333,395. Application signed by: Mr. Donald J. Carlyon, President.

Western New York ETV Association, Inc., Hotel Lafayette, Buffalo, N.Y. 14203, File No. 369–T, for the improvement of noncommercial educational television Station WNED–TV on Channel 17, Buffalo, N.Y. Project accepted as of December 6, 1971. Estimated project cost: $708,952. Grant requested: $531,713. Application signed by: Mr. J. Michael Collins, President.

Minnesota Independent School District No. 742, 13th and Seventh Street South, St. Cloud, Minn., File No. 370–T, for the establishment of a noncommercial educational television station on Channel 25, St. Cloud, Minn. Project accepted as of December 6, 1971. Estimated project cost: $441,084. Grant requested: $330,813. Application signed by: Mr. Williard J. Murphy, Administrative Assistant, Minnesota Independent School District 742.

North Central ETV, Inc., 4500 South University Drive, Fargo, ND 58102, File No. 371–T, for the establishment of a noncommercial educational television station on Channel 2, Grand Forks, N. Dak. Project accepted as of December 6, 1971. Estimated project cost: $406,885. Grant requested: $305,163. Application signed by: Mr. Dennis Falk, Executive Secretary.

Clover Park School District No. 400, 5214 Steilacoom Boulevard, SW., Tacoma, WA 98499, File No. 372–T, for the improvement of noncommercial educational television Station KPEC–TV on Channel 56, Clover Park, Wash. III. Project accepted as of December 6, 1971. Estimated project cost: $359,629. Grant requested: $269,721. Application signed by: Mr. T. Olai Hageness, Superintendent.

Greater Cincinnati Television Educational Foundation, 2222 Chickasaw, Cincinnati, OH 45219, File No. 373–T, for the improvement of noncommercial educational television Station WCET–TV on Channel 48, Cincinnati, Ohio III. Project accepted as of December 6, 1971. Estimated project cost: $507,801. Grant requested: $355,551. Application signed by: Mr. Charles W. Vaughan, President and General Manager.

Ball State University, 2000 University, Muncie, IN 47306, File No. 374–T, for the improvement of noncommercial educational television Station WIPB–TV on Channel 49, Muncie, Ind. Project accepted as of December 6, 1971. Estimated project cost: $80,000. Grant requested: $60,000. Application signed by: Mr. John J. Pruis, President.

EDUCATIONAL RADIO

Alabama Educational Television Commission, 2101 Magnolia Avenue, Birmingham, AL 35205, File No. 89–R, for the establishment of a noncommercial educational FM radio station on Channel 212, Birmingham, Ala. Project accepted as of November 12, 1971. Estimated project cost: $103,824. Grant requested: $77,868. Application signed by: Mr. Raymond D. Hurlbert, General Manager.

West Virginia Board of Regents, c/o Fairmont State College, Fairmont, W. Va. 26554, File No. 90–R, for the establishment of a noncommercial educational FM radio station on Channel 215, Fairmont, W. Va. Project accepted as of November 30, 1971. Estimated project cost: $42,937. Grant requested: $32,203.

FEB 11 72

Application signed by: Mr. Prince B. Woodward, Chancellor, Board of Regents.

University of North Dakota, Grand Forks, N. Dak. 58201, File No. 91–R, for the establishment of a noncommercial educational FM radio station on Channel 225, Grand Forks, N. Dak. Project accepted as of November 24, 1971. Estimated project cost: $84,228. Grant requested: $63,696. Application signed by: Mr. Gerald M. Skogley, Vice President for Finance.

Northwest Mississippi Junior College, Senatobia, Miss. 38668, File No. 92–R, for the improvement of noncommercial educational FM radio Station WNJC on Channel 211, Senatobia, Miss. II. Project accepted as of November 29, 1971. Estimated project cost: $31,164. Grant requested: $23,973. Application signed by: Mr. R. D. McLendon, President.

South Carolina Educational Television Commission, 2712 Millwood Avenue, Columbia, SC 29205, File No. 93–R, for the establishment of a noncommercial educational FM radio station on Channel 215, Charleston, S.C. Project accepted as of November 30, 1971. Estimated project cost: $121,707. Grant requested: $91,281. Application signed by: Mr. Henry J. Cauthen, General Manager.

The Curators of the University of Missouri, 106 Parker Hall, University of Missouri—Rolla, Rolla, Mo. 65401, File No. 94–R, for the expansion of noncommercial educational FM radio Station KMSM on Channel 203, Rolla, Mo. Project accepted as of December 1, 1971. Estimated project cost: $184,322. Grant requested: $138,241. Application signed by: Mr. Dale O. Bowling, Vice President for Business Management, University of Missouri, Columbia, Mo.

West Virginia Educational Broadcasting Authority, Suite B–424, State Capitol, Charleston, W. Va. 25305, File No. 95–R, for the establishment of a noncommercial educational FM radio station on Channel 208, Beckley, W. Va. Project accepted as of December 2, 1971. Estimated project cost: $179,880. Grant requested: $134,910. Application signed by Mr. Harry M. Brawley, Executive Secretary.

Board of Education, Special School District No. 1, 807 Northeast Broadway, Minneapolis, MN 55413, File No. 96–R, for the expansion of noncommercial educational FM radio Station KBEM on Channel 203, Minneapolis, Minn. Project accepted as of December 3, 1971. Estimated project cost: $21,068. Grant requested: $16,551. Application signed by: Mr. John B. Davis, Jr., Superintendent of Schools.

Cleveland City Board of Education, 1380 East Sixth Street, Cleveland, OH 44114, File No. 97–R, for the expansion of noncommercial educational FM radio Station WBOE on Channel 212, Cleveland, Ohio. Project accepted as of December 3, 1971. Estimated project cost: $225,610. Grant requested: $169,205. Application signed by: Mr. Paul W. Briggs, Superintendent.

Kotzebue Broadcasting, Inc., Kotzebue, Alaska 99752, File No. 98–R, for the establishment of a noncommercial educational AM radio station on Channel 670, Kotzebue, Alaska. Project accepted as of December 3, 1971. Estimated project cost: $71,333. Grant requested: $53,333. Application signed by: Mrs. June Nelson, President.

Board of Regents of University of Wisconsin System, 750 University Avenue, Madison, WI 53706, File No. 99–R for the expansion of noncommercial educational AM radio Station WHA on Channel 970, Madison, Wis. Project accepted as of December 3, 1971. Estimated project cost: $95,265. Grant requested: $44,360. Application signed by: Mr. Robert W. Erickson, Director, Research Administration—Financial.

Wichita State University, 1751 North Fairmount, Wichita, KS 67208, File No. 100–R, for the improvement of noncommercial educational FM ratio Station KMUW on Channel 206, Wichita, Kans. Project accepted as of December 3, 1971. Estimated project cost: $36,585. Grant requested: $27,664. Application signed by: Mr. Leslie M. Blake, Chairman, Department of Speech.

South Dakota State University, Brookings, S. Dak. 57006, File No. 101–R, for the expansion of noncommercial educational FM radio Station KESD on Channel 202, Brookings, S. Dak. Project accepted as of December 6, 1971. Estimated project cost: $29,726. Grant requested: $ 22,226. Application signed by: Mr. H. M. Briggs, President.

Metropolitan Pittsburgh Public Broadcasting, Inc., 4802 Fifth Avenue, Pittsburgh, PA 15213, File No. 102–R, for the improvement of noncommercial educational FM radio Station WQED on Channel 207, Pittsburgh, Pa. II. Project accepted as of December 6, 1971. Estimated project cost: $126,258. Grant requested: $94,694. Application signed by: Mr. Samuel J. Francis, Assistant, Secretary-Treasurer and Controller.

University of Montana, KUFM, Radio-TV Department, Missoula, Mont. 59801, File No. 103–R, for the expansion of noncommercial educational FM radio Station KUFM on Channel 206, Missoula, Mont. Project accepted as of December 6, 1971. Estimated project cost: $41,539. Grant requested: $31,120. Application signed by: Mr. Phillip J. Hess, Chairman, Radio-TV Department.

Middle Tennessee State University, Box 3, Murfreesboro, TN 37130, File No. 104–R, for the improvement of noncommercial educational FM radio Station WMOT on Channel 208, Murfreesboro, Tenn. II. Project accepted as of December 6, 1971. Estimated project cost: $93,274. Grant requested: $69,955. Application signed by: Mr. M. G. Scarlett, President.

Rochester Area ETV Association, Inc., 410 Alexander Street, Rochester, NY 14607, File No. 105–R, for the establishment of a noncommercial educational FM radio station on Channel 218, Rochester, N.Y. Project accepted as of December 6, 1971. Estimated project cost: $136,378. Grant requested: $102,278. Application signed by: Mr. William J. Pearce, President.

Educational Television of Northwest Pennsylvania, Inc., Waterford Pike Road, Erie, Pa. 16509, File No. 106–R, for the establishment of a noncommercial educational FM radio station on Channel 217, Erie, Pa. Project accepted as of December 6, 1971. Estimated project cost: $180,343. Grant requested: $130,343. Application signed by: Mr. Louis Pollock, President.

Virginia Cultural Foundation, Inc., Post Office Box 6314, Norfolk, VA 23508, File No. 107–R, for the establishment of a noncommercial educational FM radio station on Channel 208, Norfolk, Va. Project accepted as of December 6, 1971. Estimated project cost: $85,946. Grant requested: $64,341. Application signed by: Mr. Forrest P. Clay, Jr., Vice President.

The Regents of the University of Michigan, 503 Thompson Street, Ann Arbor, MI 48104, File No. 108–R, for the improvement of noncommercial educational FM radio Station WUOM on Channel 219, Ann Arbor, Mich. Project accepted as of December 6, 1971. Estimated project cost: $33,743. Grant requested: $25,293. Application signed by: Mr. A. G. Norman, Vice President for Research.

The Regents of the University of Michigan, 503 Thompson Street, Ann Arbor, MI 48104, File No. 109–R, for the improvement of noncommercial educational FM radio Station WVGR on Channel 281, Grand Rapids, Mich. Project accepted as of December 6, 1971. Estimated project cost: $26,127. Grant requested: $19,577. Application signed by: Mr. A. G. Norman, Vice President for Research.

East Tennessee State University, Department of Speech, Johnson City, Tenn. 37601, File No. 110–R, for the establishment of a noncommercial educational FM radio station on Channel 208, Johnson City, Tenn. Project accepted as of December 6, 1971. Estimated project cost: $82,373. Grant requested: $61,780. Application signed by: Mr. Harold E. Frank and Mr. Thomas F. Headley, Department of Speech.

Tacoma School District No. 10, 1101 South Yakima Avenue, Tacoma, WA 98405, File No. 111–R, for the expansion of noncommercial educational FM radio Station KTOY on Channel 275, Tacoma, Wash. Project accepted as of December 6, 1971. Estimated project cost: $27,037. Grant requested: $20,278. Application signed by: Toney Shelton, Business Manager and Deputy Secretary, Tacoma School District No. 10.

Chicago Board of Education, 228 North La Salle Street, Chicago, IL 60601, File No. 112–R, for the expansion of noncommercial educational FM radio Station WBEZ on Channel 218, Chicago, Ill. Project accepted as of December 6, 1971. Estimated project cost: $133,440. Grant requested: $100,080. Application signed by: Mr. James F. Redmond, General Superintendent of Schools.

Regents of the University of Wisconsin System, University of Wisconsin, Milwaukee, Wis. 53201, File No. 113–R, for the improvement of noncommercial educational FM radio Station WUWM on Channel 209, Milwaukee, Wis. Project accepted as of December 6, 1971. Estimated project cost: $30,527. Grant requested: $22,896. Application signed by: Mr. James T. Wheeler, Director of Grants and Contracts, University of Wisconsin.

Oklahoma State Department of Education, 328 State Capitol, Oklahoma City, Okla. 73105, File No. 114–R, for the establishment of a noncommercial educational FM radio station on Channel 205, Oklahoma City, Okla. Project accepted as of December 6, 1971. Estimated project cost: $99,656. Grant requested: $74,656. Application signed by: Mr. E. H. McDonald, Deputy State Superintendent.

The University of Massachusetts, Amherst, Mass. 01002, File No. 115–R, for the improvement of noncommercial educational FM radio Station WFCR on Channel 203, Amherst, Mass. II. Project accepted as of December 6, 1971. Estimated project cost: $19,320. Grant requested: $14,490. Application signed by: Mr. Kenneth W. Johnson, Treasurer.

Newark Board of Education, 31 Green Street, Newark, NJ 07102, File No. 116–R, for the improvement of noncommercial educational FM radio Station WBGO on Channel 202, Newark, N.J. II. Project accepted as of December 6, 1971. Estimated project cost: $35,263. Grant requested: $26,447. Application signed by: Mr. Franklin Titus, Superintendent of Schools.

San Mateo Junior College District, 1700 West Hillsdale Boulevard, San Mateo, CA 94402, File No. 117–R, for the expansion of noncommercial educational radio Station KCSM on Channel 216, San Mateo, Calif. Project accepted as of December 6, 1971. Estimated project cost: $21,805. Grant requested: $16,354. Application signed by: Mr. Clifford G. Erickson, Chancellor-Superintendent.

Approved: February 4, 1972.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

[FR Doc.72–2053 Filed 2–10–72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED OR DENIED

FEBRUARY 4, 1972.

Pursuant to Docket No. HM–1, rule making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during January 1972:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6557	General Fire Extinguisher Corp., Northbrook, Ill., to ship carbon dioxide and bromotrifluoromethane in DOT 3A, 3AA or 4BA cylinders for which certain inspection report requirements have been waived.	Highway, rail, water and air.
6558	Eli Lilly Co., Edgewood, N.J., to ship certain corrosive liquids in non-DOT specification steel portable tanks, rubber lined.	Highway and water.
6569	Shippers registered with this Board to ship alcohol, n.o.s., in non-DOT specification steel portable tanks similar to MC306 cargo tanks.	Highway and water.
6572	Brookhaven National Laboratory, Upton, L.I., N.Y., and Inter-Maritime Forwarding, Inc., to make one shipment of special form radioactive material in an ETR type shipping cask.	Highway and water.
6573	Shippers registered with this Board to ship Class I fissile radioactive materials in package identified as Model No. HIT–506.	Highway, rail, and air.
6575	Remington Arms Co., Bridgeport, Conn., to ship percussion caps, Class C explosives, in quantities exceeding present limitations.	Highway and rail.
6578	Ireco Chemicals, Salt Lake City, Utah, to ship surplus tritonal, Class A explosives, in military specification containers.	Highway.
6579	Trojan-U.S. Powder, Allentown, Pa., to ship surplus tritonal, Class A explosives in military specification containers.	Highway.
6580	Shippers registered with this Board to ship paints and related materials in non-DOT specification steel portable tanks similar to DOT–52 tanks.	Highway.
6581	Shippers registered with this Board to ship large quantities of fissile radioactive material, n.o.s., in package identified as Model No. 51032–1.	Highway.
6582	U.S. Small Business Administration, Miami, Fla., to make one shipment of a steel encased Cobalt-60 Irradiator.	Highway.
6583	Phillips Petroleum Co., Bartlesville, Okla., to ship an alkaline caustic liquid in DOT–51 portable tanks with bottom outlet.	Highway.
6586	U.S. Atomic Energy Commission, Oak Ridge, Tenn., to make one shipment of fissile radioactive material in package identified as EBOR Fuel Element Container.	Highway.

Following is a list of requests for special permits which were denied during January, 1972:

Denied—Subject:

1. Stauffer Chemical Co., New York, N.Y., for authorization to ship phosphorus in a DOT–111A60W1 tank car having gross weight of 394,000 pounds.

ALAN I. ROBERTS,
Secretary.

[FR Doc.72–1979 Filed 2–10–72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–341]

DETROIT EDISON CO.

Notice of Availability of Applicant's Supplemental Environmental Reports

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that a report dated September 1971 and entitled "Applicants Environmental Report (Revised) Construction Permit Stage, Enrico Fermi Atomic Power Plant Unit 2" and Supplements 1 and 2 thereto, submitted by the Detroit Edison Co. are being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Monroe County Library System, 3700 South Custer Road, Monroe, MI 48161. The reports are also being made available to the public at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48713 and at the South East Michigan Council of Governments, 810 Book Building, Detroit, Mich. 48226.

These reports discuss environmental considerations related to the proposed construction of the Enrico Fermi Atomic Power Plant Unit 2, located on the western short of Lake Erie in Frenchtown Township, Monroe County, Mich.

Notice of the availability of the applicant's original environmental report was published in the FEDERAL REGISTER on October 13, 1970 (35 F.R. 16060).

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. This statement will supersede the June 18, 1971 detailed statement for which a notice of availability was published in the FEDERAL REGISTER on July 7, 1971 (36 F.R. 12804). Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 4th day of February 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72–2055 Filed 2–10–72;8:46 am]

FEB 11 72 XUM

[Docket No. 50-269]

DUKE POWER CO.

Supplementary Notice of Proposed Issuance of Facility Operating License

On January 8, 1971, a notice of proposed issuance of facility operating license was published by the Atomic Energy Commission (the Commission) in the FEDERAL REGISTER (36 F.R. 296) in the captioned proceeding. That notice indicated that the Commission was considering the issuance of a facility operating license which would authorize Duke Power Co. (the applicant) to possess, use, and operate the Oconee Nuclear Station Unit 1, a pressurized water reactor, on the applicant's site located in eastern Oconee County, approximately 8 miles northeast of Seneca, S.C. The notice provided the applicant with an opportunity to request a hearing and also provided an opportunity for any person whose interest might be affected by the proceeding to file a petition for leave to intervene. No request for a hearing or petition for leave to intervene was filed.

On September 9, 1971, the Commission published a revision of its regulations in 10 CFR Part 50, Appendix D, "Implementation of the National Environmental Policy Act of 1969," (36 F.R. 18071) to set forth an interim statement of Commission policy and procedure for implementation of the National Environmental Policy Act of 1969 (NEPA).[1] The revised regulations require the consideration of additional matters in applicants' Environmental Reports and in Detailed Statements of environmental considerations and provide for determination in pending proceedings of specified issues in addition to and different from those previously in issue in AEC licensing proceedings.

Notice is hereby given, pursuant to 10 CFR Part 2, "Rules of Practice," and Appendix D of 10 CFR Part 50, "Licensing of Production and Utilization Facilities," that in the conduct of the captioned proceeding, the Commission is providing an opportunity for hearing with respect to those matters covered by Appendix D of 10 CFR Part 50. This notice does not provide an additional opportunity to any person to intervene on the basis of, or to raise matters encompassed within, the issues pertaining to radiological health and safety and the common defense and security for which opportunity to intervene was provided in the notice of proposed issuance of facility operating license, published in the FEDERAL REGISTER on January 8, 1971.

Accordingly, within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file on time.

For further details with respect to the matters under consideration see the applicant's supplemental Environmental Report and the Commission's draft Detailed Statement of environmental considerations which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, S.C. As it becomes available, the Commission's final Detailed Statement of environmental considerations will also be placed in the Commission's Public Document Room and in the Oconee County Library for inspection by members of the public. Copies of the Commission's draft and final Detailed Statements and, to the extent of supply, a copy of the applicant's supplemental Environmental Report may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 9th day of February 1972.

For the Atomic Energy Commission.

F. SCHROEDER,
Deputy Director,
Division of Reactor Licensing.

[FR Doc.72-2198 Filed 2-10-72;10:21 am]

[1] The Commission has since adopted certain amendments to revised Appendix D which were published in the FEDERAL REGISTER on Sept. 30, 1971 (36 F.R. 19183), Nov. 11, 1971 (36 F.R. 21579), and Jan. 20, 1972 (37 F.R. 864).

FEDERAL MARITIME COMMISSION

LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 8660-4, among the member lines of the Latin America/Pacific Coast Steamship Conference, amends Article 2 of the approved conference agreement to provide that the outbound trade from Pacific Coast ports of the United States and Canada to the countries named in Trade Area "A" shall include, with respect to Panama, the full range of ports on the Pacific Coast of Panama, except Panama City, instead of Puerto Armuelles, Republic of Panama, as presently provided in the conference agreement.

Dated: February 7, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-2097 Filed 2-10-72;8:49 am]

LATIN AMERICA/PACIFIC COAST STEAMSHIP CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 8660-5, among the member lines of the Latin America/Pacific Coast Steamship Conference, amends Article 2 of the conference agreement to incorporate therein a new provision "(b) *Through Movements Included.*" Said provision contains authority for the establishment of rates, charges, and practices, and for the adoption of a uniform bill of lading relating to through movements from or to inland points of origin or destination by the member lines as a group, or individually, under the terms and conditions set forth in the new provision.

Dated: February 7, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-2098 Filed 2-10-72;8:49 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01014---	Robert Bornhofen Reederei: Max Bornhofen.
01067---	Dampskibsselskabet Torm A/S: M/S Kristina.[1]
01229---	Belships Co., Ltd., Skibs-A/S: Belstar.
01354---	H. E. Hansen—Tangen: Greenland Sea.
01426---	Kuwait Shipping Co. (S.A.K.): Al Aridhiah.
01464---	Christian Salvesen Ltd.: Inveralmond.
01466---	Common Bros. (Management) Ltd.: Caribbean Endeavour.
01517---	Salamis A/S: Skaukar.
01529---	Oy Pulpships AB: Tivano.
01533---	Henry Nielsen Oy/AB: Meitemi.
01613---	Reardon Smith Line Ltd.: New Westminister City.
01637---	Sidarma Societa Italiana di Armamento: Sebastiano Venier.
01684---	Compania Anonima Naviera Orinoco "C.A.N.O.": Amacuro. Parima. Roraima.
01807---	Partenreederei M/S "Sunsaxonia": Saxonia.
01857---	Ohg I Fa. Bernhard Schulte: Alexander Schulte.
01878---	"Messana"—Societa di Navigazione, S.p.A.: Masano.
01893---	Silver Line Ltd.: Silverfjord.
01935---	Partnership between Steamship Co. Svendborg Ltd. and Steamship Co. of 1912 Ltd.: Rosa Maersk.
02032---	D. B. Deniz Nakliyati T.A.S.: Gediz.
02040---	"Odra"—Swinoujscie. Garnela.
02196---	The Peninsular & Oriental Steam Navigation Co.: Garonne. Malwa. Opawa. Orama. Orissa. Ottawa. Quilca. Talambra. Atherstone. Fernie. Ardtaraig. Ardlui. Ardshiel. Ardvar. Eridge. Grafton. Heythrop. Irfon. Gazana. Buccleuch. Cotswold. Duhallow. Busiris. Mantua. Maloja.
02199---	Atlantic Richfield Co.: B-13.
02256---	Sigurd Haavik A/S: Vikfrost.
02293---	China Marine Investment Co., Ltd.: Liberty Trader.
02296---	Naviera Galea, S.A.: Aiboa.
02368---	The Canadian Pacific Steamships Ltd.: CP Explorer.
02428---	The Kinsman Marine Transit Co.: William A. Reiss. Raymond H. Reiss. John P. Reiss. Otto M. Reiss. Joe S. Morrow. Chicago Trader. George D. Goble.
02433---	Arcadia Reederei G.m.b.H. & Co.: Arcadia Wien.
02448---	Rederiaktiebolaget Nordstjernan: Antonia Johnson.
02458---	The Turnbull Scott Shipping Co., Ltd.: Baxtergate.
02518---	Consortium Europeen de Transports Maritimes: Cetra Centaurus.
02522---	Sugar Line Ltd.: Sugar Refiner.
02727---	Societe Maritime des Petroles BP: Langeais.
02861---	Naviera Bilbaina, S.A.: Jupiter.
02911---	Sig Bergesen D. Y. & Co.: Berge Sigval.
02940---	J. S. Giesel & Co.: DC-90.
02959---	Kokuyo Kaiun K.K.: Yashiokawa Maru.
02977---	J. Ray McDermott & Co., Inc.: LBR-140A.
02982---	The Shipping Corp. of India: M/V Vishva Nayak.
03008---	Rederi AB Wallenius: Figaro.
03019---	Gulf-Canal Lines, Inc.: Captain Caplener. Port of Brownsville. Port of Houston. Port of New Orleans.
03212---	Amoco Shipping Co.: Amoco Delaware.
03215---	Rederiaktiebolaget Salenia: Snow Flower.
03244---	Rederiaktieselskabet Vendila: Amalienborg.
03245---	Rederiaktieselskabet Dannebrog: Brattingsborg. Billesborg.
03292---	Maritimecor S.A.: Gladiola.
03399---	Audun Reksten Rederi A/S: Arabrave.
03415---	Chiyoda Kisen K.K.: Oceania Maru.
03421---	Daio Kisen K.K.: Toyo Maru No. 30.
03447---	K.K. Kyokuyo: Kyoshin Maru No. 52.
03462---	Mitsubishi Koseki Yuso K.K.: Santa Barbara Maru.[2]
03501---	Mitsui O.S.K. Lines, Ltd.: Rhine Maru.
03524---	Towa Kisen KK.: Toyu Maru. Tosho Maru.
03534---	Nederlandse Norness Scheepvaart Naatschappij N.V.: Naess Ranger.
03601---	Etela-Suomen Laiva Oy: Eira.
03635---	Hines, Inc.: Hines 410. Hines 414.
03815---	Indian Towing Co., Inc.: Timballer.
03857---	Overseas Bulktank Corp.: Overseas Valdez.
03867---	Darius Tanker Corp.: Sea Valiant.
03754---	Carbonavi Societa' per Azioni di Navigazione: Mara Lolli-Ghetti.
03845---	Montpelier Tanker Co.: American Victory.
03917---	Mobil Shipping Co., Ltd.: Satucket.
04002---	Compagnie des Messageries Maritimes: Zelande.
04077---	Fritzen Schiffsagentur und Bereederungs-G.m.b.h.: Stolt Fritzen.
04080---	Port Arthur Towing Co.: Triton. Patco 200. Patco 201. Patco 202. Patco 203.
04088---	Petrolane Offshore Construction Services, Inc.: Octopus.
04095---	M.G.R.S., Inc.: Catalina.
04113---	Mom River Towing Inc.: Elk No. 2.
04276---	Rivtow Straits Ltd.: Rivtow Carrier. Rivtow Viking.

[1] Certificate effective: Feb. 15, 1972.

[2] Certificate Effective: Mar. 22, 1972.

FEB 11 72 XUM

Certificate No.	Owner/operator and vessels
04289---	Dixie Carriers, Inc.: DXE-234-DC.
04386---	Maritime Co. of the Philippines: Cabo Bojeador. Cabo Bolinao.
04404---	Lars Bej Johansen: Joruna.
04449---	China Merchants Steam Navigation Co., Ltd.: Hai Jung.
04454---	Satsmaru Kaiun Co., Ltd.: Satsumaru No. 30.
04458---	"Naviera Artola" S.A.: Liebana.
04483---	Kaiomaru Gyogyo Kabushiki Kaisha: Kaiomaru No. 36.
04502---	Kotoshiro Gyogyo Kabushiki Kaisha: Kotoshiro Maru No. 8.
04503---	Mr. Seitaro Futagawa: Isemaru No. 18.
04535---	Mr. Eiji Uehara: Kochi Maru No. 56.
04601---	American Tunaboat Association: Rosa Olivia. Mary Elizabeth. Balboa.
04767---	Texaco, Inc.: Bateman.
04846---	Prime Shipping Corp.: Prime Orion.
M-04854	Union Minerals & Alloys Corp.: Vessels held for purposes of construction, scrapping, or sale, but not including vessels over 30,000 gross tons.
04884---	Hall Corp. (Shipping) 1969 Ltd.: Sea Transport.
05016---	Hess Oil Virgin Islands Corp.: Sandy Cay.
05036---	Companhia Nacional de Nacegacao: Manica.
05104---	Teh Hu Steamship Co., Ltd.: Virtuous.
05229---	Gibleh Shipping Co.: Armatan.
05238---	Tradax Internacional S.A.: Carbay.
05329---	Gem Shipping Co. S.A.: Pompoea.
05351---	Falcon Tankers Inc.: Falcon Countess.
05501---	Industrial Navigation Co., Inc.: Seamaster.
05573---	Companhia de Navegacao Carregadores Accreanos: Monte Brasil.
05577---	Far-Eastern Shipping Co.: Komsomolets Nakhodki. Olenek. Marina Raskova.
05598---	Pateras Bros. Ltd.: Amar. Aris.
05624---	P. N. Pertambangan Minjak Dan Gas Bumi Nasional (Pertamina), Djakarta, Indonesia: Permina Sumatra VI. Permina Sumatra VII. Permina Sumatra VIII.
05657---	United Towing Ltd.: Lloydsman.
05667---	Black Ball Transport, Inc.: Coho.
05767---	Neptune Orient Lines Ltd.: Neptune Zircon.
05781---	Nepco Towing Co., Ltd.: Grantor. Growler.
05825---	Interstate Navigation Co.: Block Islandqueset.
05932---	Freestone Maritime Co. S.A., Panama: Titika Halcoussi.
06066---	Singapore Cosmos Shipping Co. (PTE), Ltd.: Eternity.
06188---	Idemitsu Tanker K.K.: Olympus. Ohshima Maru.
06213---	Second Marine Corp.: ABL-205.
06218---	Nelbro Packing Co.: Sally N.
06226---	Jupiter Maritima, S.A.: Unter den Linden.
06246---	Pam Shipping Ltd.: Pam.
06247---	Armatrice Santa Cristina Societa per Azioni: Carlo Cameli. San Giusto. Agrigentum.
06317---	Heiner Braasch Schiffahrts-Gesellschaft MS "Hamburger Wall" Kommanditgesellschaft: Hamburger Wall.
06318---	Heiner Braasch Schiffahrts-Gesellschaft MS "Hamburger Damm" Kommanditgesellschaft: Hamburger Damm.
06389---	Sears Oil Co., Inc.: Albany Sears. Rome Sears. Syracuse Sears. Utica Sears.
06406---	Amon Shipping Co., Ltd.: Aegis Strength.
06432---	St. John Maritime Corp.: St. John.
06434---	Dampskibsaktieselskabet den Norske Afrika-Og Australielinie, A/S Tankfart VI: Tamano.
06435---	Dampskibsaktieselskabet den Norske Afrika-Og Australielinie, Wilhelmsens Dampskibsaktieselskab, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: Tonsberg.
06436---	Dampskibsaktieselskabet den Norske Afrika-Og Australielinie A/S Tankfart IV: Templar.
06437---	Kommandittselskapet A/S Tibetan & Co.: Tibetan.
06438---	Skips A/S Tudor: Tuareg.
06439---	Skips A/S Triton: Tiberius.
06440---	Dampskibsaktieselskabet den Norske Afrika-Og Australielinie Wilhelmsens Dampskibsaktieselskab, A/S Tonsberg, A/S Tankfart I A/S Tankfart IV, A/S Tankfart V: Tulane. Tatra.
06441---	Dampskibsaktieselskabet den Norske Afrika-Og Australielinie, Wilhelmsens Dampskibsaktieselskab, A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI, Skips A/S Tudor, Skips A/S Pegasus: Theben.
06442---	Dampskibsaktieselskabet den Norske Afrika-Og Australielinie: Tirranna. Troms. Tamerlane. Troll Forest. Tysla.
06443---	Erjac Ocean Lines Ltd.: Ingrid.
06462---	St. Olga Maritime Co., Ltd.: St. Olga.
06475---	Carrier Shipping Co., S.A.: Navigator.
06492---	Transitoll Corp.: New Jersey.
06496---	Whaling City Dredge & Dock Corp.: No. 655. No. 660. No. 534. No. 657. Jamestown. Navajo.
06502---	Rederij Theodora N.V.: Stella Rigel.
06503---	Athenian Shipping Co., S.A.: Apollon.
06504---	Partenreederei M/S "Grethe Reith": Grethe Reith.
06505---	Astir Navigation Co., Ltd.: Anson. Nelson. Byron.
06506---	Tamassos Navigation Co., Ltd.: Constantinos.
06508---	Compania de Navigatio Aeolus S.A.: Sparto.
06533---	Duro Shipping Co., Inc., Panama: Maritime Optimum.
06539---	Athelsovereign Tankers Co., Ltd.: Anco Sovereign.
06541---	Kaigai Gyogyo Kabushiki Kaisha: Kaisei Maru No. 18.
06542---	Servicios Tecnicos Industriales, S.A.: La Chorrera.
06544---	Hellenic Cruises (Monrovia) S.A.: Galaxias.
06547---	Kyknos Shipping Co., Ltd.: Sandra.
06549---	Compagnie Marocaine de Navigation: Atlas.
06551---	Sea Union Ltd.: Sea Union.
06554---	Fairwind Shipping Corp., Monrovia: Fairwind.
06555---	Texas City Tankers Corp.: William T. Steele. William J. Fields. V. A. Fogg.
06556---	Dollart Reederei G.m.b.h. & Co., KG.: Dollart.
06558---	Orient Overseas Container Servicea Inc., of Liberia: Oriental Leader.
06560---	Apollo Transport Corp.: New Guinea Trader.
06563---	Ragnar Johansen & Co. A/S: Adajo.
06566---	Occidental Petroleum Corp. J.L.S. 2.
06567---	Hooker Chemical Corp.: Heco I.
06570---	Tenax Steamship Co., Ltd.: Leknes. Baynes.
06575---	China-Ken: Wakachiba Maru.
06582---	The Delaware Navigation Co.: Amoco Delaware.
06587---	Dart Shipping Co., Inc., Panama: Maritime Explorer.
06589---	Formosa Navigation Inc., S.A.: Froma.
06598---	Forward Shipping Co., Ltd.: Victor.
06605---	Propeller Shipping Co. Inc., of Monrovia: Capetan Carras.
06609---	Alcino Societa di Navigazione Marittima: Sealion.

Certificate No.	Owner/operator and vessels
06612---	Oswego Latex Carriers Corp.: Old Dominion State.
06613---	Eastern Wiseman Transports, Inc.: Eastern Wiseman.
06614---	Eastern Winner Transports Inc.: Eastern Alpha.
06616---	Twin Shipping Corp.: Twintwo. Twinone.
06617---	Universal Container Lines, Inc.: Taeho.
06619---	Candlewood Navigation Corp., Ltd.: Olicia.
06620---	Transworld Carriers, Inc.: Mandarin Venture.
06621---	Interseas Bulk Carriers, Inc.: Overseas Bulker.
06622---	Naviera Lagunek S.A.: Charta.
06624---	Evmits Tankers Inc.: E. M. Tsangaris.
06625---	Estrella Dynamica Navegacion S.A. Panama: Messiniaki Ormi.
06626---	Arte Delmar Armadora S.A. Panama: Messiniaki Timi.
06627---	Imperio Transoceanico S.A. Panama: Aristandros.
06628---	Marineros Galantes Navegacion S.A. Panama: Messiniaki Pnoi.
06629---	Imperio Maritimo Navegacion S.A. Panama: Messiniaki Lampsis.
06630---	Marlineas Transmundo S.A.: Sparta.
06631---	Anglomar Chemicals Shipping Ltd.: Stolt Lion.
06637---	Toyama Prefectural Government: Tsurugi Maru.
06638---	Fukushima-Ken: Fukushima Maru.
06641---	Takei Gyogyo Kabushiki Kaisha: Masa Maru No. 26.
06646---	Liberian Garnet Transports, Inc.: World Fuji.
06647---	First Summer Cloud Shipping Inc.: Hornland.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-2096 Filed 2-10-72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. R-393]

EXEMPTION OF SMALL PRODUCERS FROM REGULATION

Notice of Availability of Updated List of Small Producer Certificate Applications

FEBRUARY 3, 1972.

Order No. 428-B, issued July 15, 1971 (36 F.R. 13382), listed all small producers who received small producer certificates or who had applications pending as of April 30, 1971. The order stated that from time to time the list would be updated.

Notice is hereby given that an updated list of small producer certificate applications filed with the Commission through October 21, 1971, and the disposition thereof, if any, is available for inspection and copying in the Commission's Office of Public Information, 441 G Street NW., Washington, DC.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2057 Filed 2-10-72;8:47 am]

[Docket No. RP72-104]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Rate Increase

FEBRUARY 4, 1972.

Take notice that on January 31, 1972, Consolidated Gas Supply Corp. (Consolidated) tendered for filing as a part of its FPC Gas Tariff revised tariff sheets and proposed that they become effective March 17, 1972. Consolidated states (1) that the proposed rates constitute an increase of approximately $20 million in presently effective jurisdictional rates based upon its cost-of-service study for a base period of 12 months ending September 30, 1971, as adjusted; (2) that the operating costs incurred during the base period have been adjusted primarily for annualization of increased costs of purchased gas, including tracking increases which became effective through January 22, 1972; and (3) that the cost of service in this filing reflects the adjustments made in Docket No. RP71-77 to the company's annual depreciation rates. Consolidated also proposes, among other things, a purchased gas adjustment provision. Consolidated represents that the proposed increased rates are consistent with the President's antiinflation program and with the applicable provisions of the Economic Stabilization Act and the regulations of the Price Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-2047 Filed 2-10-72;8:46 am]

[Docket No. E-7704]

ELECTRIC AND WATER PLANT BOARD, FRANKFORT, KY., AND KENTUCKY UTILITIES CO.

Order Accepting Complaint and Prescribing Hearing Procedures

JANUARY 26, 1972.

On December 20, 1971, the Electric and Water Plant Board of the city of Frankfort, Ky. (Frankfort), filed a petition to intervene in the matter of Kentucky Utilities Co. (applicant), Docket No. E-7677 which involves an application to issue short term promissory notes and commercial paper pursuant to section 204 of the Federal Power Act.

Frankfort's petition to intervene in the proceeding alleged that applicant is violating antitrust laws by refusing to enter into pooling operations with Frankfort similar to those operations it has with other parties.

More specifically Frankfort's petition to intervene sets forth the following allegations:

That Frankfort has been actively seeking to enter into the generation business to provide generating capacity to serve its own loads. Because of the technology and economics, Frankfort's entry into the electric power industry is feasible only if it can participate with other utilities in regional planning and construction of generating and transmission facilities, and in regional interconnections and sharing of reserves. To meet those goals discussions were held in 1970 and early 1971 between Frankfort and East Kentucky Rural Electric Cooperative (East Kentucky). Frankfort further alleges that those discussions ceased abruptly in early 1971, and that it is Frankfort's understanding that East Kentucky stopped its negotiations with Frankfort because of opposition by applicant in conjunction with proposals concerning coordination made by applicant to East Kentucky, including East Kentucky's admission into the Kentucky-Indiana Power Pool.

In addition, it is alleged that applicant is unlawfully attempting to monopolize the generation, transmission and bulk supply of electric power and energy in the area of Frankfort and to keep Frankfort a captive, all-requirements customer of applicant by refusing to enter into the same type of joint planning, coordination, and pooling agreement with Frankfort as it has with others, by refusing to even discuss with Frankfort the possibility of Frankfort's entry into the generation and transmission business, and by apparently preventing others from joint planning of generation and transmission with Frankfort. Frankfort claims such actions are anticompetitive.

Frankfort requests that it be admitted as a full party to the proceeding; that the application for authorization be set for hearing; that any authorization granted be expressly conditioned upon applicant's cessation of anticompetitive practices; and that the Commission take such other action herein as it may deem appropriate.

On January 4, 1972, applicant answered Frankfort's petition to intervene denying Frankfort's allegations concerning anticompetitive behavior. The applicant requests that Frankfort's petition be denied in all respects, but without prejudice to Frankfort's continuing right at any time to file a complaint sufficient to warrant Commission consideration.

Upon review of Frankfort's petition to intervene and applicant's reply thereto

FEB 11 72

and in accordance with our order issued simultaneously herewith in Docket No. E-7677, it is our view that the matter raised by Frankfort should be treated as a complaint under section 306 of the Federal Power Act so that Frankfort can have the opportunity to present evidence in support of their allegations. Accordingly the above-mentioned petition to intervene and the answer of applicant will be treated as a complaint and answer thereto, respectively, and a public hearing will be held in order to afford all parties an opportunity to present evidence on the issues raised therein.

At such a hearing, Frankfort shall have the burden of proving that the applicant has engaged in anticompetitive conduct, that such acts and practices of applicant are continuing or are likely to continue, and to what extent the Commission has jurisdiction to remedy such acts and practices.

The Commission finds:

(1) It is necessary and appropriate in the proper exercise of the Commission's responsibilities under the Federal Power Act that the above-described issues raised by Frankfort in their petition filed in Docket No. E-7677 be investigated in the context of a complaint proceeding to determine what relief, if any, may be granted by the Commission under Part II of the Federal Power Act.

(2) The expeditious disposition of this proceeding will be furthered by the submission of prepared testimony and exhibits by Frankfort in support of their allegation on or before March 6, 1972.

(3) The expeditious disposition of this proceeding will be further effectuated by holding a hearing on March 28, 1972.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 202, 306, and 307 thereof and the Commission's rules of practice and procedure, an investigation is hereby instituted to determine the justification of the petition to intervene by Frankfort and, if necessary, to prescribe such relief as is appropriate within the boundaries of the Federal Power Act.

(B) Any person desiring to be heard or to make any protest with reference to the matters presented in this proceeding should, on or before February 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing herein must file petitions to intervene in accordance with the Commission's rules.

(C) Frankfort shall file with the Commission and serve on all parties to the proceeding, including the staff of the Commission, direct testimony and exhibits in support of its allegations on or before March 6, 1972.

(D) A public hearing on the issues presented will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, commencing at 10 a.m. e.s.t., on March 28, 1972.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2056 Filed 2-10-72;8:47 am]

[Docket No. E-7701]

MISSOURI POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 3, 1972.

Take notice that on January 17, 1972, Missouri Power and Light Co. tendered for filing in Docket No. E-7701 changes in its electric service rates to the cities of Owensville, Centralia, Perry, Kahoka, and Linneus, Mo. The proposed rate change would increase revenues from each of the cities in the amount of 6½ percent annually as follows:

City of Owensville	$3,678.67
City of Linneus	823.88
City of Perry	1,773.96
City of Centralia	8,184.84
City of Kahoka	2,225.26

Missouri Power also proposes a new service agreement relating to its electric service to Linneus, Mo.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The Company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2058 Filed 2-10-72;8:47 am]

[Dockets Nos. CP72-47, CP72-88]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Consolidating Proceeding, Granting Interventions, and Setting Procedure and Dates for Formal Hearing

FEBRUARY 4, 1972.

On August 30, 1971, Natural Gas Pipeline Company of America (applicant) filed in Docket No. CP72-47 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to transport and sell 21,730 Mcf of additional natural gas per day for a 2 year period beginning on the date authorization is received and delivery can begin. Applicant also seeks authorization to construct and operate facilities for the receipt and gasification of ethane and propane from which the additional volumes are to be secured, all as more fully set forth in the application. Applicant proposes to purchase the needed ethane and propane from Phillips Petroleum Co.

On September 29, 1971, applicant filed in Docket No. CP72-88 an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing (1) transportation and sale of 6,450 Mcf of natural gas per day commencing on the date of initial delivery and through September 30, 1973, (2) construction and operation of facilities to receive and inject propane and ethane from which the additional volumes will be secured, and (3) abandonment of such facilities upon expiration of the term of the certificate, all as more fully set forth in the application. Applicant proposes to purchase the needed ethane and propane from Mobil Oil Corp.

Applicant seeks authorization to use the above-mentioned volumes to provide increased daily demand quantities to its customers during winter period. During summer off-peak seasons, the gas will be used to increase the applicant's total gas supply. Thus, the increased volumes resulting from the gasification of these liquids would, during off-peak periods, be used to reduce curtailment. We note that there exists an interrelationship between the two above-described proceedings and conclude that their disposition would be best accomplished in a consolidated proceeding.

Mobil Oil Corp. has filed in Docket No. CP72-88 a petition for the issuance of a declaratory order to the effect that the sale of light hydrocarbon liquids under the circumstances involved in these proceedings is not subject to the jurisdiction of the Federal Power Commission. Mobil Oil is a prospective supplier of part of the natural gas liquids involved in the instant applications. It is therefore appropriate that the Mobil Oil petition for a declaratory order be considered in conjunction with the proceedings in Dockets Nos. CP72-47 et al.

Petitions seeking leave to intervene in the proceedings in Docket No. CP72-47 were timely filed by North Shore Gas Co., Iowa Electric Gas Light and Coke Co., the Peoples Gas Light and Coke Co., Northern Illinois Gas Co., Illinois Power Co., Iowa-Illinois Gas and Electric Co., Northern Indiana Public Service Co., Interstate Power Co., Mississippi River Transmission Corp., Humble Oil and Refining Co., United Gas Pipe Line Co., the Members[1] of the Petrochemical Group, Iowa Southern Utilities Co., Phillips Petroleum Co., and Texaco, Inc.

Seeking leave to intervene in Docket No. CP72-88 are Humble Oil and Refining Co., The Peoples Gas Light and Coke Co., Iowa-Illinois Gas and Electric Co., Mobil Oil Corp., Mississippi Power Transmission Corp., Texaco, Inc., Northern Indiana Public Service Co., the Members[2] of the Petrochemical Group, the Northern Illinois Gas Co., and the North Shore Gas Co.

The members of the Petrochemical Group have requested that a hearing be held in this matter. In view of this request and of the significant legal and factual issues raised by the applicant's proposals and the petition of Mobil Oil, we are of the opinion that a formal hearing is appropriate herein. All relevant matters bearing on the public interest should be developed on a full evidentiary record.

The Commission finds:

(1) It is necessary and appropriate that the above-mentioned applications be consolidated for hearing and decision. The petition of Mobil Oil Corp., should be considered in conjunction with the consolidated proceeding.

(2) It is desirable to allow the above-named petitioners to intervene in these proceedings.

The Commission orders:

(A) Each of the above-named petitioners is permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

(B) The above-designated matters are consolidated for the purposes of hearing and decision. The petition of Mobil Oil Corp., shall be considered in conjunction with these consolidated proceedings.

(C) The direct case of Natural Gas Pineline Company of America and all supporting intervenors shall be filed and served on all parties including the Commission and its staff on or before February 22, 1972.

(D) A formal hearing shall be convened in these proceedings entitled Natural Gas Pipeline Company of America, CP72-47 et al., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, on March 6, 1972 at 10 am., e.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the formal hearing on these matters, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-2048 Filed 2-10-72;8:46 am]

[1] B. F. Goodrich Chemical Co.; Celanese Corp.; Chemplex Co.; Dart Industries, Inc.; The Dow Chemical Co.; E. I. du Pont de Nemours and Co.; Ethyl Corp.; Hercules Inc.; Marbon Chemical Division; Borg-Warner Corp.; Olin Corp.; Sinclair-Koppers Co.; Texas Eastman Co., Division of Eastman Kodak Co.; Union Carbide Corp.

[2] See footnote 1, supra.

[Docket No. RP72-96]

NORTHERN NATURAL GAS CO.

Order Suspending Proposed Revised Tariff Sheets, Consolidating Proceedings and Permitting Interventions

JANUARY 26, 1972.

Northern Natural Gas Co. (Northern), on December 27, 1971, filed proposed revised tariff sheets[1] to its FPC Gas Tariff which would increase charges to Northern's jurisdictional customers by $2,097,281 annually, to be effective January 27, 1972. The purpose of the increase is to track increases in Northern's purchased gas costs which are attributable principally to producer price increases incurred after the test period in Northern's general rate increase proceeding in Docket No. RP71-107.

Northern claims that since its last rate increase filing in Docket No. RP71-107 it has experienced increases in its cost of purchased gas due largely to increases in producer prices. These increases result in a unit cost of purchased gas of 16.85 cents per Mcf at 14.65 p.s.i.a., an increase of 0.30 cent per Mcf over the 16.55 cents per Mcf at 14.65 p.s.i.a., the weighted average system unit cost of purchased gas reflected in Northern's rates in Docket No. RP71-107. Northern agrees to refund any savings in cost of gas purchased where the actual average cost of gas experienced during the year or a portion thereof, is less than 16.85 cents per Mcf at 14.65 p.s.i.a.

Petitions to intervene were filed by Iowa Public Service Co., Michigan Wisconsin Pipeline Co., Minnesota Natural Gas Co., Central Telephone and Utilities Corp., Minneapolis Gas Co., Metropolitan Utilities District of Omaha and Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin). Notices of intervention were filed by the Iowa State Commerce Commission and the Suburban Rate Authority (representing municipalities in the State of Minnesota). Several of the petitioners move to reject Northern's filing as being duplicative of cost included in Docket No. RP71-107 and alternatively request suspension of Northern's filing for the maximum period permitted Under the Natural Gas Act and that formal hearing be ordered.

Our review of the petitioners' requests for rejection indicate that they have not shown sufficient reasons for rejection of Northern's filing. However, in view of the issues they have raised and the fact that Northern has no specified tracking authority we shall suspend Northern's tracking filing for 1 day and consolidate it with Northern's general rate increase proceeding in Docket No. RP71-107.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission suspend Northern's proposed revised tariff sheets contained in footnote 1 above pending determination of the lawfulness of the rates and charges contained therein.

(2) The participation of the above-named parties in these proceedings, as herein consolidated, may be in the public interest.

The Commission orders:

(A) Northern's proposed revised tariff sheets contained in footnote 1 are hereby suspended and the use thereof is deferred until January 28, 1972, at which time they shall become effective subject to refund.

(B) Northern shall flow through any refunds and rate reductions ordered in Docket No. RP71-107 and Docket No. RP72-96.

(C) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) Docket No. RP72-96 is consolidated with the proceeding in Docket No. RP71-107.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2059 Filed 2-10-72;8:47 am]

[1] First Revised Sheets Nos. 27b, 29b; Second Revised Sheets Nos. 16, 21, 26, and 37.

[Docket Nos. RP70-29, etc.]

TEXAS EASTERN TRANSMISSION CORP.

Order Accepting Some Revised Tariff Sheets, and Providing for Hearing and Suspending Other Proposed Revised Tariff Sheets

FEBRUARY 4, 1972.

On August 6, 1971, Texas Eastern Transmission Corp. (Texas Eastern) tendered for filing a proposed change in rates, to become effective on September 20, 1971, reflecting the inclusion in rate base of a $10,500,000 advance payment made to its subsidiary, Texas Eastern Exploration Co., for exploration, including lease acquisition costs, development and production of gas in 11 Federal offshore oil and gas leases in the Vermillion Area, Offshore Louisiana. Such filing was made in accordance with Article V of the settlement agreement in this proceeding, approved by Commission order issued March 24, 1971. No objection was filed to the proposed change in rates.

Commission Order 410-A reserved for decision in Docket No. R-411 the question of the proper rate treatment to be afforded advances by pipelines to their affiliates for exploration and lease acquisition. In Order No. 441 we indicated that advance payments for exploration and lease acquisition made pursuant to contracts executed after the issuance of

that order would not be accorded rate base treatment. In that Docket we did not resolve the question of rate treatment for advance payments to affiliates for lease acquisition and exploration. We find no reason to treat a pipeline affiliated producer any differently than an independent producer with respect to such advance payments. The instant filing reflects such advances under contract executed prior to the issuance of Order No. 441. Accordingly, it is appropriate to include these advance payments in rate base.

On August 13, 1971, Texas Eastern tendered for filing a proposed change in rates to become effective on September 27, 1971, reflecting the inclusion in rate base of a $7,200,000 advance payment for gas made by the company to its subsidiary, Texas Eastern Gas Supply Co. (Supply Company). The $7,200,000 is the amount advanced thus far by Supply Company to Mobil Oil Company Canada, Ltd. for exploratory drilling activities currently being conducted in the Sable Island Area, Offshore Nova Scotia, Canada. On September 24, 1971, the Commission staff filed an objection to the inclusion of such payment in rate base and requested that the proposed tariff sheets be suspended for 1 day, be made subject to refund, and that a hearing be held to determine whether such payment is in compliance with Orders 410 and 410–A. Texas Eastern filed a response to staff's objection on October 4, 1971, stating that there is nothing in Order 410 and 410–A to indicate that such a payment cannot be included in rate base and requesting the Commission to allow the proposed rates to become effective without suspension. In answers to Texas Eastern's response the Public Service Commission of New York and the Algonquin Customer Group support staff's objection and contend that the language of Article V of the aforesaid stipulation and agreement requires the suspension of the rate change and the ordering of a hearing since the reasonableness of the advance payment has been questioned.

Article V of the stipulation and agreement clearly indicates that if an objection is filed to any filing made pursuant to that article, the filing will be suspended for 1 day and hearing ordered thereon.

The Commission finds:

(1) It is necessary and proper in the enforcement of the provisions of the Natural Gas Act that:

(a) The proposed revised tariff sheets tendered by Texas Eastern on August 6, 1971, be accepted for filing as hereinafter ordered.

(b) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Texas Eastern's FPC Gas Tariff as proposed to be amended by the filing of August 13, 1971; that the proposed tariff sheets listed below be suspended and the use thereof be deferred as herein provided; and the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(2) In view of all the facts and circumstances in this case, the Commission's action herein of permitting the rates tendered on August 6, 1971, to become effective and permitting the increased rates tendered on August 13, 1971, to become effective, subject to refund, after expiration of the suspension period ordered herein pending Commission determination of the justness and reasonableness of such increased rates, is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) The proposed revised tariff sheets tendered for filing by Texas Eastern on August 6, 1971, are accepted and permitted to become effective as of 12:01 a.m., November 14, 1971.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing be held for the purpose of cross examination of prepared testimony on March 21, 1972, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates and charges contained in Texas Eastern's FPC Gas Tariff, as proposed to be amended by Texas Eastern's filing of August 13, 1971.

(C) Pending such hearing and decision thereon Texas Eastern's proposed tariff sheets tendered on August 13, 1971, identified below, are suspended and the use thereof is deferred until 12:01 a.m., November 15, 1971.

(D) The provisions of § 154.67(a) of the regulations under the Natural Gas Act are waived in order to allow Texas Eastern's proposed increased rates to become effective on November 15, 1971, upon the filing by Texas Eastern of the appropriate motion under section 4(e) of the Natural Gas Act.

(E) Texas Eastern shall file the agreement and undertaking required by § 154.67(d) of the regulations under the Natural Gas Act within 15 days from the date of issuance of this order.

(F) On or before March 3, 1972, Texas Eastern, any intervenors, and the Commission staff shall serve prepared testimony and exhibits concerning the necessity, reasonableness, and appropriateness of the subject advance payment and the lawfulness of the rates contained in Texas Eastern's filing of August 13, 1971.

(G) A presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

REVISED TARIFF SHEETS

SECOND REVISED VOLUME NO. 1

Twentieth Revised Sheet No. 7.
Twentieth Revised Sheet No. 9.
Twentieth Revised Sheet No. 10.
Fifteenth Revised Sheet No. 10A.
Tenth Revised Sheet No. 10B.
Twentieth Revised Sheet No. 11.
Seventeenth Revised Sheet No. 12A.
Twenty-fourth Revised Sheet No. 14.
Twenty-fourth Revised Sheet No. 16.
Twenty-fourth Revised Sheet No. 17.
Twenty-fourth Revised Sheet No. 19.
Twenty-fourth Revised Sheet No. 23.
Twenty-sixth Revised Sheet No. 24.
Thirteenth Revised Sheet No. 25.
Twenty-fifth Revised Sheet No. 27.
Twentieth Revised Sheet No. 28A.
Twenty-fourth Revised Sheet No. 30.
Twenty-fourth Revised Sheet No. 32.
Twenty-fourth Revised Sheet No. 33.
Twenty-fourth Revised Sheet No. 35.
Twenty-fourth Revised Sheet No. 39.
Twenty-fourth Revised Sheet No. 41.
Twenty-fourth Revised Sheet No. 44.
Twentieth Revised Sheet No. 44B.
Twenty-fourth Revised Sheet No. 46.
Twenty-fourth Revised Sheet No. 48.
Twenty-fourth Revised Sheet No. 49.
Twenty-fourth Revised Sheet No. 51.
Twenty-fourth Revised Sheet No. 55.
Twenty-fifth Revised Sheet No. 56.
Thirteenth Revised Sheet No. 57.
Twenty-fifth Revised Sheet No. 59.
Twenty-seventh Revised Sheet No. 61.
Twenty-fourth Revised Sheet No. 65B.
Twenty-fourth Revised Sheet No. 65F.
Twenty-third Revised Sheet No. 65G.
Twenty-third Revised Sheet No. 65H.
Seventeenth Revised Sheet No. 65L.

[FR Doc.72–2050 Filed 2–10–72;8:46 am]

[Project 1968]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for License for Constructed Project

FEBRUARY 4, 1972.

Public notice is hereby given that application for new minor license has been filed under the Federal Power Act (17 U.S.C. 791a–825r) by Wisconsin Public Service Corp. (correspondence to Mr. C. A. McKenna, Secretary, Wisconsin Public Service Corp., 1029 North Marshall Street, Milwaukee, WI 53201), for its constructed Hat Rapids Project No. 1968, located in Oneida County, Wis., near the cities of Rhinelander and Wausau, on the Wisconsin River. The project affects navigable rivers of the United States.

The existing Hat Rapids Project, operated as a run-of-the-river project, consists of (1) a dam about 22 feet high and 1,006 feet long, comprised of two powerhouse sections, one 60 feet long, the other 32 feet long, a 90-foot long spillway section containing four tainter gates 10 feet wide and 18 feet high and a tainter gate 8 feet wide and 18 feet high, and two flanking earth fill dikes 224 feet long on the west side and 600 feet long on the east side, (2) a reservoir which extends about 4½ miles upstream, (3) two powerhouses integral with the dam containing three generating units having an aggregate capacity of 1,440 kw., (4) an outdoor substation, and (5) all other facilities and interests appurtenant to operation of the project.

According to the application: (1) The estimated net investment is $116,000, which is less than its estimated fair value, (2) the estimated severance damages in the event of "takeover" are $50,000, and (3) the annual taxes paid to State and local governments are estimated to be about $5,000.

Applicant states that because the area near the project abounds in good lakes and streams, development of recreational facilities has been located elsewhere. However, one access area to the reservoir near the damsite has been provided, and project lands owned in fee are available for hiking and hunting. No further recreational development is proposed or contemplated by the State, local groups, or the applicant at this time.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 16, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72–2049 Filed 2–10–72;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7–4086, etc.]

AMERICAN MEDICORP, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
American Medicorp, Inc	7–4086
Aquitaine Company of Canada, Ltd	7–4087
Canadian Export Gas & Oil Ltd	7–4088
Canadian Superior Oil Ltd	7–4089
Campbell Chibougamau Mines Ltd	7–4090
Distillers Corp.-Seagrams, Ltd	7–4092
Electronic Data Systems Corp	7–4093
Genstar Ltd	7–4094
Gulf States Utilities Co	7–4095
Halliburton Co	7–4096

Upon receipt of a request, on or before February 22, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–2092 Filed 2–10–72;8:49 am]

[File Nos. 7–4049, etc.]

BEATRICE FOODS CO., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Beatrice Foods Co	7–4049
Brockway Glass Co., Inc	7–4050
Clark Equipment Co	7–4053
Conill Corp	7–4054
Dana Corp	7–4055
Donnelly R. R. & Sons Co	7–4056
Dun & Bradstreet, Inc	7–4057
Electronic Data Systems Corp	7–4058
First Chicago Corp	7–4059
First Wisconsin Bankshares Corp	7–4061

Upon receipt of a request, on or before February 22, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–2083 Filed 2–10–72;8:48 am]

[File Nos. 7–4051, 7–4052]

CITIES SERVICE CO. AND CITY INVESTING CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Cities Service Co., warrants to purchase Atlantic Richfield Co. Common Stock	7–4051
City Investing Co., warrants to purchase General Development Corp. Common Stock	7–4052

Upon receipt of a request, on or before February 22, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–2084 Filed 2–10–72;8:48 am]

[File Nos. 7-4091, etc.]

CITY INVESTING CO., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
City Investing Co., warrants to Purchase General Development Corp. Common Stock	7-4091
Ryder System, Inc., warrants (expiring August 5, 1975)	7-4105
Tesoro Petroleum Corp., warrants (expiring August 24, 1976)	7-4107

Upon receipt of a request, on or before February 22, 1972 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2094 Filed 2-10-72;8:49 am]

[File No. 7-4060]

FIRST MORTGAGE INVESTORS

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the shares of beneficial interest of the following company, which security is listed and registered on one or more other national securities exchanges:

First Mortgage Investors, Shares of Beneficial Interest, No Par Value, File No. 7-4060.

Upon receipt of a request, on or before February 22, 1972 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2086 Filed 2-10-72;8:48 am]

[File Nos. 7-4062, etc.]

GANNETT CO., INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Gannett Co., Inc.	7-4062
General American Transportation Corp	7-4063
Heinz, H. J., Co.	7-4064
Heller, Walter E., International Corp.	7-4065
Levitz Furniture Corp.	7-4066
Mead Corp.	7-4069
Medusa Portland Cement Co.	7-4070
Menasco Manufacturing Co.	7-4071
New Process Co.	7-4072
Papercraft Corp.	7-4073

Upon receipt of a request, on or before February 22, 1972 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2065 Filed 2-10-72;8:48 am]

[File No. 7-4097, etc.]

HUDSON'S BAY OIL AND GAS CO., LTD., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Hudson's Bay Oil & Gas Co. Ltd.	7-4097
Jewel Cos. Inc.	7-4098
Lennar Corp.	7-4099
Mohasco Industries, Inc.	7-4100
Northgate Exploration Ltd.	7-4101
Playboy Enterprises, Inc.	7-4102
Presley Development Co.	7-4103
Ryan Homes, Inc.	7-4104
Scurry-Rainbow Oil Ltd.	7-4106
Total Petroleum (North America) Ltd	7-4108

Upon receipt of a request, on or before February 22, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2093 Filed 2-10-72;8:49 am]

[File No. 7-4067]

LOMAS AND NETTLETON MORTGAGE INVESTORS

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the shares of beneficial interest of the following company, which security is listed and registered on one or more other national securities exchanges:

Lomas & Nettleton Mortgage Investors, Shares of Beneficial Interest, No Par Value, File No. 7-4067.

Upon receipt of a request, on or before February 22, 1972 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2087 Filed 2-10-72;8:49 am]

[File No. 7-4068]

MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Matsushita Electric Industrial Co., Ltd., American Depositary Receipts, For 50 Yen Par Common, File No. 7-4068.

Upon receipt of a request, on or before February 22, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2088 Filed 2-10-72;8:49 am]

[File Nos. 7-4074—7-4083]

REVERE COPPER & BRASS, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Revere Copper & Brass Inc.	7-4074
Rubbermaid Inc.	7-4075
Ryder System, Inc.	7-4076
Scot Lad Foods Inc.	7-4077
Simmons Co.	7-4078
Taft Broadcasting Co.	7-4079
United Jersey Banks.	7-4080
United Refining Co.	7-4081
United States Fidelity and Guaranty Co	7-4082
Wachovia Corp.	7-4083

Upon receipt of a request, on or before February 22, 1972 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2089 Filed 2-10-72;8:49 am]

[File No. 7-4085]

SONY CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of application of the Midwest Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Sony Corp., American Depositary Receipts, For 50 Yen Par Common, File No. 7-4085.

Upon receipt of a request, on or before February 22, 1972 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2091 Filed 2-10-72;8:49 am]

[File No. 70-4084]

WARNER & SWASEY CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Warner & Swasey Co., File No. 7-4084.

Upon receipt of a request, on or before February 22, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2090 Filed 2-10-72;8:49 am]

[File No. 7-4109]

WESTCOAST TRANSMISSION CO., LTD.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 7, 1972.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Westcoast Transmission Co., Ltd., File No. 7-4109.

Upon receipt of a request on or before February 22, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2095 Filed 2-10-72;8:49 am]

PRICE COMMISSION

PUBLIC UTILITIES AND PUBLIC BENEFIT CORPORATIONS

Public Hearings and Temporary Suspension of Rate Increases

Notice is hereby given that the Price Commission will hold public hearings on February 22, 24, 25, and 26, 1972, on the subject of the Commission's rules governing price increases by public utilities and public benefit corporations.

The hearings will be held in the auditorium of the U.S. Civil Service Commission, 1900 E Street NW., Washington, DC. It is contemplated that a member of the Commission will preside at the hearings.

The Commission is not proposing any particular modifications to the current regulations applicable to public utilities and public benefit corporations. The purpose of the public hearings is to provide an effective forum for persons who wish to propose such changes which will enable the Commission, in cooperation with Federal, State, and local regulatory agencies, to achieve the goals of the Economic Stabilization Act of 1970, as amended, more effectively and with a minimum of burden on the Commission, the regulatory agencies and the public utilities and public benefit corporations which are subject to the Commission's regulations.

The public hearings hereby scheduled reflect the Commission's intention to comport with the stated desire of Congress (section 207 of the Economic Stabilization Act of 1970, as amended) for public hearings on matters which have a significantly large impact upon the national economy.

Any person who has a substantial interest in the subject of the hearings, or who is representative of a group or class of persons which has a substantial interest in the subject of the hearings, may submit, on or before February 16, 1972, a written request to make an oral presentation. Any such written request should include a description of the substantial interest concerned; if appropriate, a statement of why the requesting person is a proper representative of a group or class of persons which has such an interest; and a concise summary of the proposed oral presentation. Oral presentations may be supplemented by written submissions filed with the Commission before or immediately after the oral presentation. The Commission reserves the right to select the persons to be heard at the hearings, to schedule and determine the length of their respective presentations, and to establish the procedures governing the conduct of the hearings. Except in extraordinary circumstances, no oral presentations will be allowed to last more than 1 hour. In addition, the Commission requests all other interested persons to submit written suggestions and comments on the subject for Commission consideration.

In order to allow time for any changes in the Commission's regulations which may result from these public hearings to be effective on the large number of public utility price increases which might otherwise go into effect before the changes are implemented, the Commission hereby decides, and orders, that all price increases by privately owned public utilities which were not legally in effect on February 9, 1972, are prohibited until the Commission implements the changed regulations, if any, or until March 10, 1972, which ever first occurs.

The time limit for review or other action by the Commission on any public utility or public benefit corporation price increase which has not elapsed by February 10, 1972, and on any public utility or public benefit corporation price increase to which the suspension of the preceding paragraph applies, is hereby extended to March 25, 1972, or to 15 days after the Commission issues modifications, if any, to its public utility regulations resulting from these hearings, whichever first occurs. The price increases to which this extension of time applies include those covered by Price Commission Decision, "Final Action on Rate Increases Reported Prior to January 17, 1972," published in the FEDERAL REGISTER on February 8, 1972 (37 F.R. 2859).

The suspension of price increases under this order does not apply to price increases to which § 300.16(c) of the current Commission regulations applies or to which this section would have applied had it been in effect earlier.

The Price Commission will consider written requests for exceptions to this suspension of price increases which are based upon good cause shown, such as gross inequity or extreme hardship.

All written submissions, requests to make an oral presentation, and requests for exceptions should be sent to the Price Commission, 2000 M Street NW., Washington, DC 20508.

Issued in Washington, D.C., on February 10, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.72-2233 Filed 2-10-72;11:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 8, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 99234, Sub 2, Westway Motor Freight, Inc., assigned March 13, 1972, at Denver, Colo, is canceled and transferred to Modified Procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2070 Filed 2-10-72;8:47 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 8, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42347—*Phosphatic fertilizer solution to points in Wyoming.* Filed by Southwestern Freight Bureau, agent (No. B-292), for interested rail carriers. Rates on phosphatic fertilizer solution, in tank carloads, as described in the application, from points in southwestern territory, to specified points in Wyoming.

Grounds for relief—Market competition, and modified short-line distance formula.

Tariff—Supplement 44 to Southwestern Freight Bureau, agent, tariff ICC 4941. Rates are published to become effective on March 6, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2071 Filed 2-10-72;8:47 am]

[Notice 14]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 8, 1972.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

F. D. No. 26788. By order of January 31, 1972, the Motor Carrier Board approved the transfer to Jim Zanelli and Doris Zanelli, doing business as Hell's Canyon Navigation, Box 145, Oxbow, OR 97840, of the operating rights in the third amended certificate and order issued July 2, 1970, in Nos. W-1014 and W-1014 (Sub-No. 1) to Helen Stubblefield Elliott and Oscar J. Elliott, doing business as Hell's Canyon Navigation, 715 North Sixth Street, Payette, ID 83661, authorizing operations as a common carrier by self-propelled vessels, in interstate or foreign commerce, in the transportation of passengers and their baggage, from and to points along the Snake River, (1) northbound, between Weiser and Granite Creek, Idaho, and from those points except Granite Creek, to Lewiston, Idaho, and (2) southbound, between Kinney Creek Rapids and Home, Oreg., inclusive.

No. MC-FC-73370. By order of January 31, 1972, the Motor Carrier Board approved the transfer to Mary Lee Tours, Inc., Latrobe, Pa., of Broker License No. MC-12833 issued June 1, 1964, to Mary H. Lee, doing business as Mary Lee Tours, Latrobe, Pa., authorizing the holder thereof to engage in operations as a broker at Latrobe, Pa., in arranging for the transportation of: Passengers and their baggage in charter and special operations, beginning and ending at points in specified counties in Pennsylvania and extending to points in the United States, including Alaska and Hawaii. Charles J. Williams, attorney, 47 Lincoln Park, Newark, NJ 07102.

No. MC-FC-73424. By order of February 3, 1972, the Motor Carrier Board approved the transfer to Dominic A. Shippole, doing business as Star Motor Lines, Salisbury, Crag., Worcester, Mass., of certificates Nos. MC-56276 and MC-56276 (Sub-No. 1), issued September 22, 1949, and September 25, 1953, to Star Motor Lines, Inc., 22 Church Street, Auburn, MA, authorizing the transportation of: Steel and steel products, between Worcester, Mass., and points in Rhode Island and Connecticut, in a radial movement; to New York, N.Y., and points within 35 miles thereof in New Jersey, and specified points in Pennsylvania.

No. MC-FC-73437. By order of January 31, 1972, the Motor Carrier Board approved the transfer to Donald L. Harsh, doing business as Harsh Transfer, Rock Falls, Wis., of the operating rights in certificate No. MC-79073 issued August 8, 1962, to Bushendorf Transfer, Inc., Eau Claire, Wis., authorizing the transportation of livestock, between Eau Claire, Wis., and points in the towns of Colfax, Elk Mound, Spring Brook, and Dunn, Dunn County, Wis., the towns of Union and Seymour, Eau Claire County, Wis., and points in the towns of Wheaton, Howard, Tilden, Cooks Valley, Woodmohr, Hallie, and Eagle Point, Chippewa County, Wis., on the one hand, and, on the other, South St. Paul and Newport, Minn.; flour, feed, seed, meat scraps, fertilizer, and groceries, from South St. Paul, Newport, St. Paul, and Minneapolis, Minn., to Eau Claire, Wis.; and feed, seed, fertilizer, glassware, livestock, and agricultural commodities, between Osseo, Wis., and points in the town of Wheaton, Chippewa County, Wis., and the towns of Union, Washington, Fairchild, and Brunswick, Eau Claire County, Wis., on the one hand, and, on the other, South St. Paul, Newport, Minneapolis, and St. Paul, Minn. A. R. Fowler, registered practitioner, 2288 University Avenue, St. Paul, MN 55114, representative for applicants.

No. MC-FC-73444. By order of January 31, 1972, the Motor Carrier Board approved the transfer to T. Connell Piano Movers, Inc., Brooklyn, N.Y., of the operating rights in certificate No. MC-119341 issued February 3, 1960, to Terence Connell, Jr., doing business as Terence Connell—Mover, Brooklyn, N.Y., authorizing the transportation of uncrated pianos, from New York, N.Y., to points in Connecticut, New York, New Jersey, and Pennsylvania within 150 miles of the City Hall, New York, N.Y. and, on return, uncrated shipments of damaged, rejected, repossessed, or second-hand trade-in pianos. Stephen B. Schneider, 101 West 30th Street, New York, NY 10001, attorney for applicants.

No. MC-FC-73450. By order of January 31, 1972, the Motor Carrier Board approved the transfer to B. & S. Truck Line, Inc., Wichita, Kans., of the operating rights in certificates Nos. MC-107180 and MC-107180 (Sub-No. 1) issued June 16, 1949, and August 11, 1950, respectively to O. J. Gray, Potwin, Kans., authorizing the transportation of various commodities from, to and between specified points and areas in Kansas, Missouri, Arkansas, Colorado, Nebraska, Oklahoma, and Texas. Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-2072 Filed 2-10-72;8:47 am]

V 37 29 FEB 11 72 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and/or Supersedeas Decisions to Area Wage Determination Decisions for Specified Localities in Certain States

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Pennsylvania, Texas, and Washington.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM-344, AM-351, AM-352 (AM-8582), AM-353 (AM-8581), AM-357, AM-358, AM-359, AM-360, AM-361, AM-362, AM-363, AM-364, AM-366, AM-2377, AM-2378, AM-2379, AM-2380, AM-2361	Aug. 13, 1971
AM-385, AM-392	Aug. 18, 1971
AM-449, AM-453, AM-454, AM-455, AM-456, AM-459, AM-460, AM-470 (AM-8583), AM-473, AM-475, AM-479, AM-480, AM-481, AM-482, AM-1841 (AM-9679), AM-1850, AM-1851, AM-1853, AM-1855, AM-1856, AM-1858, AM-1859, AM-1861	Aug. 20, 1971
AM-3554, AM-3555, AM-3626, AM-3627, AM-3628, AM-3629	Aug. 25, 1971
AM-2407, AM-2409, AM-2410, AM-2413, AM-2479, AM-2480, AM-2481, AM-2482, AM-2483, AM-2484, AM-2485, AM-2486, AM-2487, AM-2488, AM-2489, AM-1859, AM-1861	Aug. 20, 1971
AM-7489	Nov. 12, 1971
AM-6248, AM-6249, AM-6250, AM-6251, AM-7703, AM-7706, AM-7713, AM-7714, AM-7715, AM—7716, AM—17	Nov. 19, 1971

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modification and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideratiaon by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. No. 553 is set forth in the document being modified.

The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 4th day of February 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-[illegible]—36 F.R. 16390, Alachua County, Fla., Modification No. 1						
CHANGE:						
Building construction:						
Lathers	$5.50					
Plumbers	7.55	$0.15	$0.25		$0.05	
WD No. AM-[illegible]—36 F.R. 16373, Dade County, Fla., Modification No. 6						
CHANGE:						
Building construction:						
Painters:						
Brush	7.10	.25	.30		.01	
Scaffold work	7.50	.25	.30		.01	
Spray	7.65	.25	.30		.01	
Tapers and paperhangers	7.35	.25	.30		.01	
Extension and erected:						
Scaffold over 30'	7.35	.25	.30		.01	
Structural steel	7.35	.25	.30		.01	
Dry wall taper mechanical	7.85	.25	.30		.01	
WD No. AM-[illegible]—36 F.R. 16377, Duval County, Fla., Modification No. 4						
CHANGE:						
Building construction:						
Laborers:						
Laborers	3.46					
Mason tenders, grouters, mortar mixers	3.76					
Mechanical tool operator, power buggies, pipelayers (concrete and clay), gunnite workers	3.66					
Gunnite nozzleman	3.91					
Highway formsetters	4.06					
WD No. AM-[illegible]—36 F.R. 16381, Hillsborough County, Fla., Modification No. 5						
CHANGE:						
Building construction:						
Electricians	7.25	.15	1%		.05	
Cable splicers	7.60	.15	1%		.05	
Laborers:						
Common laborers	4.675	.125				
Power tool operator	4.825	.125				
Mortar mixers	4.825	.125				
Pipelayers	4.825	.125				
Mason tenders	4.825	.125				
Plasterers' tenders	4.825	.125				

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Building construction—Continued						
Painters:						
Brush and rollers	5.20	.20	$0.10			
Swing stage, window jacks, spray and sandblasting	5.45	.20	.10			
Dry wall tapers	6.05	.20	.10			
Structural steel; bridge and ind., brush, roller, swing stage, boa'n chair	5.80	.20	.10			
Spray and sandblasting	6.05	.20	.10			
Paperhangers	5.70	.20	.10			
WD No. AM-[illegible]—36 F.R. 16385, Leon County, Fla., Modification No. 1						
CHANGE:						
Building construction:						
Bricklayers	5.75	.15			.02	
Cement masons	5.10	.15			.02	
Cement blocklayers	5.75	.15			.02	
Marble masons	5.10	.15			.02	
Plasterers	5.35	.15			.02	
Stonemasons	5.75	.15			.02	
Terrazzo workers	5.10	.15			.02	
Tile setters	5.10	.15			.02	
WD No. AM-[illegible]—36 F.R. 16394, Orange County, Fla., Modification No. 2						
CHANGE:						
Building construction:						
Bricklayers	5.65	.35	.20			
Cement masons	5.40	.35	.20			
Marble masons	5.65	.35	.20			
Stonemasons	5.65	.35	.20			
WD No. AM-[illegible]—36 F.R. 16397, Palm Beach County, Fla., Modification No. 3						
CHANGE:						
Building construction:						
General laborers	5.75	.10	.30		.01	
Mason tenders	5.85	.10	.30		.01	
Mortar mixers	5.85	.10	.30		.01	
Power tool operators	5.85	.10	.30		.01	
Pipelayers	5.85	.10	.30		.01	
WD No. AM-[illegible]—36 F.R. 16421, Highway Zone 3, Georgia, Modification No. 1						
CHANGE:						
Dredge-2-Atlantic K:						
Hydraulic dredges 20" and over:						
Leverman and engineer	5.13	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		
Spill barge operator	4.77	.25	.15	a		
Spider barge operator	4.77	.25	.15	a		
Tug master	4.46	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinist	4.82	.25	.15	a		
Steward	3.75	.25	.15	a		
Oiler and fireman	3.61	.25	.15	a		
Deckhand, tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Hydraulic dredges under 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler and fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill and spider barge operators	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Tug master	4.57	.25	.15	a		
Mate	4.27	.25	.15	a		
Engineer	4.57	.25	.15	a		
Assistant engineer	4.15	.25	.15	a		
Deckhand	3.24	.25	.15	a		

Paid Holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnote: a. Holidays: A through F, plus 5% of straight time pay.

WD No. AM-[illegible]—36 F.R. 16424, Bryan, Chatham, and Liberty Counties, Ga., Modification No. 1

CHANGE:						
Dredge-2-Atlantic K:						
Hydraulic dredges 20" and over:						
Leverman and engineer	5.13	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.90	.25	.15	a		

V 37 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Dredge-2-Atlantic K—Continued						
Hydraulic dredges 20" and over—Continued						
Spill barge operator	4.77	.25	.15	a		
Spider barge operator	4.77	.25	.15	a		
Tug master	4.46	.25	.15	a		
Tug mate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Mechinist	4.82	.25	.15	a		
Steward	3.75	.25	.15	a		
Oiler and fireman	3.61	.25	.15	a		
Deckhand, tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Hydraulic dredges under 20":						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler and fireman	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill and spider barge operators	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Tug master	4.57	.25	.15	a		
Mate	4.27	.25	.15	a		
Engineer	4.57	.25	.15	a		
Assistant, engineer	4.15	.25	.15	a		
Deckhand	3.24	.25	.15	a		

Paid Holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnote: a. Holidays: A through F, plus 5% of straight time pay.

WD No. AM-2407—36 F.R. 17186, Benewah, Bonner, Boundary, Kootenai, Shoshone Counties, Idaho, Modification No. 1

CHANGE:					
Carpenters:					
Carpenters	6.28	.40	.30	.02	
Piledrivermen-sawfiler-stationary power woodworking tools	6.43	.40	.30	.02	
Millwrights-machine erector	6.53	.40	.30	.02	
Shingler (wood and composition)	6.48	.40	.30	.02	
Boommen-carpenters working burned, charred or creosoted material	6.53	.40	.30	.02	
Roofers:					
Roofers	6.20	.30	.15	.50	
Roofers working with pitch products	7.20	.30	.15	.50	
Tile setters' helpers	5.85				
Truck drivers:					
Flat bed truck, single rear axle; fork lift, 3,000 lbs. and under; fuel truck driver (steam cleaner and washer); helper and swamper; leverman loading trucks at bunkers; pickup hauling material; stationary fuel operator; team driver; tractor (small rubber tired pulling trailer or similar equipment); water tank truck 1,800 gallons	6.30	.37	.30		
Bus driver or manhaul driver; flat bed truck, dual rear axle; tireman No. 1; warehouseman	6.35	.37	.30		
Buggy mobile and similar; bulk cement tanker; oil tank driver; power operated sweeper; semi-trailer, low bed, truck and trailer; straddle carrier (Ross, Hyster and similar); transit mixers and trucks hauling concrete (3 yds. and under); trucks, side, end and bottom dump (under 6 yds.); water tank truck (1,801–4,000 gallons)	6.40	.37	.30		
Bulk cement spreader; dumptor (6 yds. and under); Flaherty spreader, box driver; flat bed truck (using power take off); fork lift (over 3,000 lbs.); oil distributor driver (road, bootman, leverman, helper); rubber tired tunnel jumbo; scissors truck; slurry truck driver; transit mixers and trucks hauling concrete (over 3 yds. to 6 yds.); trucks, side, end and bottom dump (over 6 yds. to 12 yds.); water tank truck (4,001–6,000 gals.); wrecker and tow trucks	6.50	.37	.30		
Low boy (under 50 tons); service greaser; tireman No. 2	6.55	.37	.30		
A-frame (Swedish crane, Iowa 3,000, hydrolift); water tank truck (over 6,000 gals.)—10¢ for each 2,000 additional	6.60	.37	.30		
Dumptor (over 6 yds.); transit-mixers and trucks hauling concrete (6 yds. to 10 yds.) trucks, side, end and bottom dump (over 12 yds. including 20 yds.)	6.65	.37	.30		
Low boy (over 50 tons)	6.70	.37	.30		
Transit mixers and trucks hauling concrete (10 yds. to 15 yds.); trucks, side, end and bottom dump (over 20 yds. including 30 yds.)	6.80	.37	.30		
Tournarocker, DW's and similar w/2 or 4 wheel power tractor w/trailer or yardage scale	6.85	.37	.30		
Transit mixers and trucks hauling concrete (15 yds. to 20 yds.); trucks, side, end and bottom dump (over 20 yds. to 40 yds.)	6.95	.37	.30		
Transit mixers and trucks hauling concrete (over 20 yds.); trucks, side, end and bottom dump (over 40 yds.)	7.10	.37	.30		
Power equipment operators:					
Group I:					
Bit grinders; bolt threading machine; brakeman; compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; crusher feeder (mechanical); deck hand; drillers helper; fireman and heater tender; grade checker; helper (mechanic or welder, H.D.); oiler; oiler and cable tender, mucking machine; pumpman; rollers, all types on subgrade (farm type, Case, John Deere, and similar—or compacting or vibrator) except when pulled by dozer with operable blade; welding machines	6.30	.45	.45	.015	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Power equipment operators—Continued						
Group II:						
A-frame truck (single-drum); assistant refrigeration plant (under 1,000 tons); assistant plant operator, fireman or pugmixer (asphalt); bagley or stationary scraper; batch plant and wet mix operator, single unit (concrete); belt finishing machine; bending machine (pipeline); blower operator (cement); cement hog; compressor (2,000 cu. ft. or over, 2 or more—gas, diesel or electric power); concrete saw (multiple cut); distributor leverman; dope pots (power agitated); equipment serviceman, greaser & oiler; fork lift or lumber stacker, hydra-lift and similar; gin trucks (pipeline); hoist, single drum; loader (bucket elevator and conveyors); longitudinal float; mixer (portable-concrete); pavement breaker, (hydra-hammer and similar); posthold auger or punch; power broom; railroad ballast regulation operator, (self-propelled); railroad power tamper operator, (self-propelled); railroad power tamper jack operator, (self-propelled); spray curing machine (concrete); spreader box (self-propelled); straddle buggy (Ross and similar on construction job site); tractor (farm type R/T with attachments except backhoe); tugger operator	6.60	.45	.45	.015	
Group III:						
A-frame truck (2 or more drums); assistant refrigeration plant and chiller operator (over 1,000 tons); backfillers (Cleveland and similar); belt-crete conveyors with power pack or similar; belt loader (Kocal or similar); blade operator (motor patrol and attachments); boat operators; boom cats (side); boring machine (earth); boring machine (rock under 8" bit) (quarry master, Joy or similar); bump cutter (Wayne, Saginau or similar); canal lining machine (concrete); chipper (without crane); cleaning and doping machine (pipeline); concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); drills (churn, core, calyx, or diamond); elevating belt-type loader (Euclid, Barber Greene or similar), elevating grader-type Loader (Dumor, Adams, or similar); generator plant engineers (diesel electric); gunite combination mixer and compressor; hoist (2 or more drums or tower hoist); loaders (overhead and front end, under 4 yds. r/t); locomotive engineer; mixermobile; mucking machine; paver (asphalt and concrete); pump (grout or jet); rollerman (finishing pavement); rubber-tired scrapers (one motor with one scraper under 40 yds.); screed operator; soil stabilizer (P&H or similar); spreader machine; tractor (crawler, incl. dozer, scraper, drills, booms, rollers, etc.); traverse finishing machine; trenching machines (under 7 ft. depth capacity); turnhead operator	6.85	.45	.45	.015	
Group IV:						
H.D. mechanic; H.D. welder; refrigeration plant engineer (under 1,000 tons); semiautomatic welding machines	6.96	.45	.45	.015		
Group V:						
Asphalt plant operator; crusher and screening plant operator; rubber-tired scrapers multi-engine power with one scraper (Euclid, TS-24 and similar); rubber-tired scraper, one motor with one scraper (40 yds. and over); single engine with two scrapers (LeTourneau, Tandem B and similar); surface heater & planer machine	7.00	.45	.45	.015		
Group VI:						
Automatic subgrader (ditches and trimmers) (R.A. Hansen and similar); backhoes (under 3 yds.); batch and wet mix operator-multiple units (2 and including 4); chipper (with crane); clamshell operator (under 3 yds.); concrete slip form paver; cranes (under 65 tons); derricks and stiffleg (under 65 tons); dragline (under 3 yds.); drilling equipment (8" bit and over); (Robbins and similar); Hydra-Cranes (Austin, Western, Hydra-Hoe and similar with attachments); loader operator (front end and overhead, 4 yds. to 8 yds.); multiple dozer unit with single blade; piledriving engineers; paver (dual drum); quad-track or similar equipment; railroad track liner operator (self-propelled); rubber-tired scrapers, multiple engines with two scrapers; refrigeration plant engineer (1,000 tons and over); shovels (under 3 yds.); signalmen (whirleys, highline, hammerheads or similar); trenching machines (7 ft. depth and over)	7.15	.45	.45	0.15		
Group VII:						
Backhoes (3 yds. and over); batch plant (over 4 units); cableway controller-dispatcher; cableway operators; clamshell operator (3 yds. and over); cranes (65 tons and over); derricks and stiffleg (65 tons and over); draglines (3 yds. and over); loader—(360° revolving Koehring scooper or similar); loaders (overhead and front end over 8 yds.); rubber-tired scrapers (multiple engine with 3 or more scrapers); shovels (3 yds. and over); tower crane, whirleys and hammerheads (all)	7.40	.45	.45	.015		
Underground work—Add 10% to the Classification. (Not to include open pits, cuts, ditches, trenches, and such work as paving etc.)						
All cranes booms: 130' to 200'—$0.15/hr. additional to classification, over 200'—$0.30/hr. additional to classification.						
Yo Yo dozer: 10% additional.						

WD No. AM-2409—36 F.R. 17196, Clearwater, Latah, Lewis, and Nez Perce Counties, Idaho, Modification No. 1

CHANGE:					
Carpenters:					
Carpenters	6.28	.40	.30	.02	
Piledrivermen-sawfiler-stationary power, woodworking tools	6.43	.40	.30	.02	
Millwrights-machine erector	6.53	.40	.30	.02	
Shingler (wood or composition)	6.48	.40	.30	.02	
Boommen-carpenters working burned, charred or creosoted material	6.53	40	.30	.02	
Tile setters' helpers	5.85				
Truck drivers:					
Flat bed truck, single rear axle; fork lift, 3,000 lbs. and under; fuel truck driver (steam cleaner and washer); helper and swamper; leverman loading trucks at bunkers; pickup hauling material; stationary fuel operators; team driver; tractor (small rubber tired pulling trailer or simple equipment); water tank truck 1,800 gals.	6.30	.37	.30		
Bus driver or manhaul driver; flat bed truck, dual rear axle; tireman No. 1; warehouseman	6.35	.37	.30		
Buggy mobile and similar; bulk cement tanker; oil tank driver; power operated sweeper; semi-trailer, low bed, truck and trailer; straddle carrier (Ross, Hyster and similar); transit mixers and trucks hauling concrete (3 yds. and under); trucks, side, end and bottom dump (under 6 yds.); water tank truck (1,801–4,000 gals.)	6.40	.37	.30		
Bulk cement spreader; dumptor (6 yds. and under); Flaherty spreader, box driver; flat bed truck (using power take off); fork lift (over 3,000 lbs.); oil distributor driver (road, bootman, leverman, helper); rubber tired tunnel jumbo; scissors truck; slurry truck driver; transit mixers and trucks hauling concrete (over 3 yds. to 6 yds.); trucks, side, end and bottom dump (over 6 yds. to 12 yds.); water tank truck (4,001–6,000 gals.); wrecker and tow trucks	6.50	.37	.30		
Low boy (under 50 tons); service greaser; tireman No. 2	6.55	.37	.30		
A-frame (Swedish crane, Iowa 3,000, hydrolift); water tank truck (over 6,000 gals.)—10 cents for each 2,000 additional	6.60	.37	.30		
Dumptor (over 6 yds.); transit mixers and trucks hauling concrete (6 yds. to 10 yds.) trucks, side, end and bottom dump (over 12 yds. including 20 yds.)	6.65	.37	.30		
Low boy (over 50 tons)	6.70	.37	.30		
Transit mixers and trucks hauling concrete (10 yds. to 15 yds.); trucks, side, end and bottom dump (over 20 yds. including 30 yds.)	6.80	.37	.30		
Tournarocker, DW'S and similar w/2 or 4 wheel power tractor w/trailer or yardage scale	6.85	.37	.30		
Transit mixers and trucks hauling concrete (15 yds. to 20 yds.); trucks, side, end and bottom dump (over 20 yds. to 40 yds.)	6.95	.37	.30		
Transit mixers and trucks hauling concrete (over 20 yds.); trucks, side, end and bottom dump (over 40 yds.)	7.10	.37	.30		

V 37 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Power equipment operators:						
Group I:						
Bit grinders; bolt threading machine; brakeman; compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; crusher feeder (mechanical); deck hand; drillers helper; fireman and heater tender; grade checker; helper (mechanic or welder, H.D.); oiler; oiler and cable tender, mucking machine; pumpman; rollers, all types on subgrade (farm type, Case, John Deere, and similar-or compacting or vibrator) except when pulled by dozer with operable blade; welding machines	6.30	.45	.45		.015	
Group II:						
A-frame truck (single-drum); assistant refrigeration plant (under 1,000 tons); assistant plant operator, fireman or pugmixer (asphalt); bagley or stationary scraper; batch plant and wet mix operator, single unit (concrete); belt finishing machine; bending machine (pipeline); blower operator (cement); cement hog; compressor (2,000 cu. ft. or over; 2 or more—gas, diesel, or electric power); concrete saw (multiple cut); distributor leverman; dope pots (power agitated); equipment serviceman, greaser and oiler; fork lift or lumber stacker, hydra-lift and similar; gin trucks (pipeline); hoist, single drum; loader (bucket elevator and conveyors); longitudinal float; mixer (portable-concrete); pavement breaker; (hydra-hammer and similar); posthold auger or punch; power broom; railroad ballast regulation operator (self-propelled); railroad power tamper operator (self-propelled); railroad power tamper jack operator (self-propelled); spray curing machine (concrete); spreader box (self-propelled); straddle buggy (Ross and similar on construction job site); tractor (farm type R/T with attachments except backhoe); tugger operator	6.60	.45	.45		.015	2.15
Group III:						
A-frame truck (2 or more drums); assistant refrigeration plant and chiller operator (over 1,000 tons); backfillers (Cleveland and similar); belt-crete conveyors with power pack or similar; belt loader (Kocal or similar); blade operator (motor patrol and attachments); boat operators; boom cats (side); boring machine (earth); boring machine (rock under 8" bit) (Quarry Master, Joy, or similar); bump cutter (Wayne, Saginau or similar); canal lining machine (concrete); chipper (without crane); cleaning and doping machine (pipeline); concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); drills (churn, core, calyx, or diamond); elevating belt-type loader (Euclid, Barber Greene, or similar); elevating grader-type loader (Dumor, Adams, or similar); generator plant engineers (diesel electric); gunnite combination mixer and compressor; hoist (2 or more drums or tower hoist); loaders (overhead and front end, under 4 yds. R/T) locomotive engineer; mixermobile; mucking machine; paver (asphalt and concrete); pump (grout or jet); rollerman (finishing pavement); rubber-tired scrapers (one motor with one scraper, under 40 yds.); screed operator; soil stabilizer (P & H or similar); spreader machine; traction (crawler, including dozer, scraper, drills, booms, rollers, etc.); traverse finishing machine; trenching machines (under 7 ft. depth capacity); turnhead operator	6.85	.45	.45		.015	
Group IV:						
H.D. mechanic; H.D. welder; refrigeration plant engineer (under 1,000 tons); semi-automatic welding machines	6.95	.45	.45		.015	
Group V:						
Asphalt plant operator; crusher and screening plant operator; rubber-tired scrapers multi-engine power with one scraper (Euclid, TS-24 and similar); rubber-tired scraper, one motor with one scraper (40 yds. and over); single engine with two scrapers (LeTourneau, Tandem B, and similar); surface heater and planer machine	7.00	.45	.45		.015	
Group VI:						
Automatic subgrader (ditches and trimmers) (R. A. Hansen and similar); backhoes (under 3 yds.); batch and wet mix operator—multiple units (2 and including 4); chipper (with crane); clamshell operator (under 3 yds.); concrete slip form paver; cranes (under 65 tons); derricks and stiffleg (under 65 tons); draglines (under 3 yds.); drilling equipment (8" bit and over); (Robbins and similar); Hydra-Cranes (Austin, Western, Hydra-Hoe, and similar with attachments); loader operator (front end and overhead, 4 yds. to 8 yds.); multiple dozer unit with single blade; piledriving engineers; paver (dual drum); quad-track or similar equipment; railroad track liner operator (self-propelled); rubber-tired scrapers, multiple engines with two scrapers; refrigeration plant engineer (1,000 tons and over); shovels (under 3 yds.); signalmen (whirleys, highline, hammerheads, or similar); trenching machines (7 ft. depth and over)	7.15	.45	.45		.015	
Group VII:						
Backhoes (3 yds. and over); batch plant (over 4 units); cableway controller-dispatcher; cableway operators; clamshell operator (3 yds. and over); cranes (65 tons and over); derricks and stiffleggs (65 tons and over); drag lines (3yds. and over); loader, (360° revolving Koehring scooper or similr); loaders (overhead and front end over 8 yds.); rubber-tired scrapers (multiple engine with 3 or more scrapers); shovels (3 yds. and over); tower crane, whirleys, and hammerheads (all)	7.40	.45	.45		.015	

Underground work—Add 10% to the classification. (Not to include open pits, cuts, ditches, trenches, and such work as paving etc.)
All cranes booms: 130' to 200'—$0.15/hr. additional to classification, over 200' $0.30/hr. additional to classification.
Yo Yo dozer: 10% additional.

WD No. AM-2410—36 F.R. 17260, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls, Counties, Idaho, Modification No. 2

OMIT:					
Brike tenders	4.25	.15	.15		
Plasterers' tenders	4.25	.15	.15		

WD No. AM-2413—36 F.R. 17212, Benewah, Bonner, Boundary, Clearwater, Idaho (north of the 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties, Idaho, Modification No. 1

CHANGE:					
Carpenters (north of a line east-west along north boundary T. 29 N., from Snake River to Montana Line):					
Carpenters	6.28	.40	.30	.02	
Piledrivermen	6.43	.40	.30	.02	
Truck drivers:					
Flat bed truck, single rear axle; fork lift, 3,000 lbs. and under; fuel truck driver (steam cleaner and washer); helper and swamper; leverman loading trucks at bankers; pickup hauling material; stationary fuel operator; team driver; tractor (small rubber tired pulling trailer or similar equipment); water tank truck 1,800 gallons	6.30	.37	.30		
Bus driver or manhaul driver; flat bed truck, dual rear axle; tireman No. 1; warehouseman	6.35	.37	.30		
Buggy mobile and similar; bulk cement tanker; oil tank driver; power operated sweeper; semi-trailer, low bed, truck and trailer; straddle carrier (Ross, Hyster and similar); transit mixers and trucks hauling concrete (3 yds and under); trucks, side, end and bottom dump (under 6 yds.); water tank truck (1,801–4,000 gallons)	6.40	.37	.30		
Bulk cement spreader; Dumptor (6 yds. and under); fisherly spreader, box driver; flat bed truck (using power take off); fork lift (over 3,000 lbs.); oil distributor driver (road, bootman, leverman, helper); rubber tired tunnel jumbo; scissors truck; slurry truck driver; transit mixers and trucks hauling concrete (over 3 yds. to 6 yds.); trucks, side, end and bottom dump (over 6 yds. to 12 yds.); water tank truck (4,001–6,000 gals.); wrecker and tow trucks	6.50	.37	.30		
Low boy (under 50 tons); service greaser; tireman No. 2	6.55	.37	.30		

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Truck drivers—Continued						
A-frame ($wedish crane, Iowa 3,000, hydrolift); water tank truck (over 6,000 gals.)—10¢ for each 2,000 additional	6.80	.37	.30			
Dumptor (over 6 yds.); transit mixers and trucks hauling concrete (6 yds. to 10 yds.) trucks, side, end and bottom dump (over 12 yds. including 20 yds.)	6.65	.37	.30			
Low boy (over 50 tons)	6.70	.37	.30			
Transit mixers and trucks hauling concrete (10 yds. to 15 yds.): trucks, side. end and bottom dump (over 20 yds. including 30 yds.)	6.80	.37	.30			
Tournarocker, DW's and similar w/2 or 4 wheel power tractor w/trailer or yardage scale	6.85	.37	.30			
Transit mixers and trucks hauling concrete (15 yds. to 20 yds.); trucks, side, end and bottom dump (over 30 yds. to 40 yds.)	6.95	.37	.30			
Transit mixers and trucks hauling concrete (over 20 yds.); trucks, side, end and bottom dump (over 40 yds.)	7.10	.37	.30			
Power equipment operators:						
Group I:						
Bit grinders; bolt threading machine; brakeman; compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; crusher feeder (mechanical); deck hand; drillers helper; fireman and heater tender; grade checker: helper (mechanic or welder, H. D.); oiler; oiler and cable tender, mucking machine; pumpman; rollers, all types on subgrade (farm type, Case, John Deere and similar—or compacting or vibrator) except when pulled by dozer with operable blade; welding machines	6.30	.45	.45		.015	
Group II:						
A-frame truck (single-drum); assistant refrigeration plant (under 1,000 tons); assistant plant operator, fireman or pugmixer (asphalt); Bagley or stationary scraper; batch plant and wet mix operator, single unit (concrete); belt finishing machine; bending machine (pipeline); blower operator (cement); cement hog; compressor (2,000 cu ft. or over, 2 or more—gas, diesel, or electric power); concrete saw (multiple cut); distributor leverman; dope pots (power agitated); equipment serviceman, greaser and oiler; fork lift or lumber stacker, hydra-lift and similar gin trucks (pipeline); hoist, single drum; loader (bucket leveator and conveyors); longitudinal float; mixer (portable—concrete); pavement braker, (hydra-hammer and similar); posthold auger or punch; power broom; railroad ballast regulation operator, (self-propelled); railroad power tamper operator (self-propelled); railroad power tamper jack operator (self-propelled); spray curing machine (concrete); spreader box (self-propelled) straddle buggy (Ross and similar on construction job site); tractor (farm type R/T with attachments except backhoe); tugger operator	6.60	.45	.45		.015	
Group III:						
A-frame truck (2 or more drums); assistant refrigeration plant and chiller operator (over 1,000 tons); backfillers (Cleveland and similar); belt-crete conveyors with power pack or similar; belt loader (Kocal or similar); blade operator (motor patrol and attachments); boat operators; boom cats (side); boring machine (earth); boring machine (rock under 8" bit) (Quarry Master, Joy, or similar); bump cutter (Wayne, Saginau, or similar); canal lining machine (concrete); chipper (without crane); cleaning & doping machine (pipeline); concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); drills (churn, core, calyx, or diamond); elevating belt-type loader (Euclid, Barber Greene, or similar); elevating grader-type loader (Dumor, Adams, or similar); generator plant engineers (diesel electric); gunnite combination mixer and compressor; hoist (2 or more drums or tower hoist); loaders (overhead and front-end, under 4 yds. R/T) locomotive engineer; mixermobile; mucking machine; paver (asphalt and concrete); pump (grout or jet); rollerman (finishing pavement); rubber-tired scrapers (one motor with one scraper, under 40 yds.); screed operator; soil stabilizer (P&H or similar); spreader machine; tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); traverse finishing machine; trenching machines (under 7 ft. depth capacity); turnhead operator	6.85	.45	.45		.015	
Group IV:						
H.D. mechanic; H.D. welder; refrigeration plant engineer (under 1,000 tons); semiautomatic welding machines	6.95	.45	.45		.015	
Group V:						
Asphalt plant operator; crusher and screening plant operator; rubber-tired scrapers multi-engine power with one scraper (Euclid, TS–24 and similar); rubber-tired scraper, one motor with one scraper (40 yds. and over); single engine with two scrapers (LeTourneau, Tandem B and similar); surface heater and planer machine	7.00	.45	.45		.015	
Group VI:						
Automatic subgrader (ditches and trimmers) (R. A. Hansen and similar); backhoes (under 3 yds.); batch and wet mix operator-multiple units (2 and including 4); chipper (with crane); clamshell operator (under 3 yds.); concrete slip form paver; cranes (under 65 tons); derricks and stiff-legs (under 65 tons); draglines (under 3 yds.); drilling equipment (8" bit and over); (Robbins and similar); Hydra-Cranes (Austin, Western, Hydra-Hoe, and similar with attachments); loader operator (front end and overhead, 4 yds. to 8 yds.); multiple dozer unit with single blade; piledriving engineers; paver (dual drum); quad-track or similar equipment; railroad track liner operator (self-propelled); rubber-tired scrapers, multiple engines with two scrapers; refrigeration plant engineer (1,000 tons and over); shovels (under 3 yds.); signalmen (whirleys, highline, hammerheads, or similar); trenching machines (7 ft. depth and over)	7.15	.45	.45		.015	
Group VII:						
Backhoes (3 yds. and over); batch plant (over 4 units); cableway controller-dispatcher; cableway operators; clamshell operator (3 yds. and over); cranes (65 tons and over); derricks and stiffleggs (65 tons and over); draglines (3 yds. and over); loader (360° revolving Koehring scooper or similar); loaders (overhead and front end over 8 yds.); rubber-tired scrapers (multiple engine with three or more scrapers); shovels (3 yds. and over); tower crane, whirleys and hammerheads (all)	7.40	.45	.45		.015	

Underground work—Add 10% to the classification. (Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)
All cranes booms: 130' to 200'—$0.15/hr. additional to classification, over 200'—$0.30/hr. additional to classification.
Yo Yo dozer: 10% additional.

WD No. AM-844—36 F.R. 15234, Bureau, Carroll, Henry, Jo Daviess, Lee, Ogle, Rock Island, Stephenson, Whiteside, and Winnebago Counties, Ill. Modification No. 3

CHANGE:					
Illinois–50–Laborers A:					
Bureau County					
Laborers:					
Unskilled:					
Common laborer, carpenter tenders, tool cribmen, firemen or salamander tenders, flagmen, gravel box men, dumpmen and spotters, form handlers, material handlers, fencing laborers, cleaning lumber, pit men, material checkers, dispatchers, landscapers, unloading explosives, laying of sod, planting of trees, removal of trees, asphalt plant laborers, wrecking laborers, writer of scale tickets, fire shop laborers, fireproofing laborers, janitors, wrecking, dismantling buildings, wallmen and housemovers, driving of stakes, stringlines for all machinery	5.90	.25	.20		.005	

V37-29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Illinois–50–Laborers A—Continued						
Bureau County—Continued						
Laborers—Continued						
Semiskilled:						
Handling of materials treated with oil, creosote, asphalt, or any foreign material, track laborers, cement handlers, chloride handlers, the unloading and laborers with steel workers and re-bars, concrete workers (wet), tunnel helpers in free air, batch dumpers, mason and plasterer tenders and material wheelers, kettle and tarmen, tank cleaners, plastic installers, scaffold workers, motorized buggies or motorized unit used for wet concrete or handling of building materials, laborers with de-watering systems, all sewer workers plus depth, rod and chainmen with technical engineers, rod and chainmen with lead surveyors, rod and chainmen with surveyors, vibrator operators, mortar mixer operators, cement silica, clay, fly ash, lime and plasters, handlers (bulk or bag), cofferdam workers plus depth, on concrete paving, placing, cutting and tying or reinforcing deck hand, dredge hand and shore laborers, bankmen on floating plant, asphalt workers with machine, asphalt raker, grade checker	6.10	.25	.20		.035	
Skilled:						
Dynamite man or blasters, caisson workers plus depth, gunnite nozzle men, lead man on sewer work, welders, cutters, burners, and torchmen, chain saw operators, jackhammer and drill operators, layout man, steel form setters—street and highway, air tamping hammerman, signal man on crane, concrete saw operator, screenman on asphalt pavers, laborers tending masons with hot material or where foreign materials are used, multiple concrete duct—leadman, inteman, curb asphalt machine operator, ready mix scalemen, portable or temporary plant, laborers handling masterplate or similar materials, laser beam operator, concrete burning machine operator, coring machine operator	6.30	.25	.20		.035	
Depth and height:						
First 20 ft.—regular hourly rate, 25 to 50 ft.—50¢ per hour over base rate, 50 to 75 ft.—75¢ per hour over base rate, 75 to 100 ft.—$1 per hour over base rate, 100 to 150 ft.—$1.25 per hour over base rate, 150 to 200 ft.—$1.50 per hour over base rate, 200 to 250 ft.—$1.75 per hour over base rate, from 250 ft. on regardless of height $2.00 per hour over base rate.						

WD No. AM-351—36 F.R. 15277, Allen County, Ind., Modification No. 6

CHANGE:					
Building construction:					
Painters:					
Brush and roller	5.90	.25	.25	.05	
Spray and sandblasting	6.90	.25	.25	.05	
Highwork:					
31' to 60'	6.30	.25	.25	.05	
61' to 100'	6.70	.25	.25	.05	
Over 100'	6.90	.25	.25	.05	
Indiana Area II L:					
Line construction:					
Linemen	6.21	.15	1%	.25%	
Cable splicers	6.52	.15	1%	.25%	
Heavy equipment operators:					
Class A	5.84	.15	1%	.25%	
Class B	5.12	.15	1%	.25%	
Ground truck driver with winch	4.06	.15	1%	.25%	
Senior ground truck driver with winch	4.32	.15	1%	.25%	
Ground truck driver without winch	3.70	.15	1%	.25%	
Groundman:					
0 to 12 months	3.45	.15	1%	.25%	
After 1 year	3.97	.15	1%	.25%	

WD No. AM-357—36 F.R. 15310, Lake County, Ind., Modification No. 5

CHANGE:					
Indiana Area II L:	*Remainder of county*				
Line construction:					
Linemen	6.21	.15	1%	.25%	
Cable splicers	6.52	.15	1%	.25%	
Heavy equipment operators:					
Class A	5.84	.15	1%	.25%	
Class B	5.12	.15	1%	.25%	
Ground truck driver with winch	4.06	.15	1%	.25%	
Senior ground truck driver with winch	4.32	.15	1%	.25%	
Ground truck driver without winch	3.70	.15	1%	.25%	
Groundman:					
0 to 12 months	3.45	.15	1%	.25%	
After 1 year	3.97	.15	1%	.25%	

WD No. AM-358—36 F.R. 15319, La Porte County, Ind., Modification No. 4

CHANGE:					
La Porte County, excluding Michigan City:					
Building construction:					
Cement masons (building)	7.50	.30	$0.70	.03	
Ironworkers:	8.10	.40	.65	.01	
Structural, ornamental, reinforcing	7.82	.23	.25	.01	
Lathers	7.13	.30	.70	.03	
Plasterers					
Michigan City, La Porte County:					
Building construction:					
Cement masons (building)	7.50	.30	.70	.03	
Lathers	7.82	.23	.25	.01	
Plasterers	7.13	.30	.70	.03	
Indiana Area II L:					
Line construction:					
Linemen	6.21	.15	1%	.25%	
Cable splicers	6.52	.15	1%	.25%	
Heavy equipment operators:					
Class A	5.84	.15	1%	.25%	
Class B	5.12	.15	1%	.25%	
Ground truck driver with winch	4.06	.15	1%	.25%	
Senior ground truck driver with winch	4.32	.15	1%	.25%	
Ground truck driver without winch	3.70	.15	1%	.25%	
Groundman:					
0 to 12 months	3.45	.15	1%	.25%	
After 1 year	3.97	.15	1%	.25%	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-359—36 F.R. 15327, Marion County, Ind., Modification No. 4						
CHANGE: Modification No. 4—36 F.R. 22709, Nov. 27, 1971, to Modification No. 3.						
Building construction:						
Asbestos workers	8.10	.20	$0.20		$0.02	
Cement masons	6.63				.04	
Electricians	7.78	2%	8%		.8%	
Pipefitters and steamfitters	7.70	$0.25	$0.35		$0.04	
Plumbers	7.90	.25	.15		.04	
Sheet metal workers	7.18	.40	.40		.02	
Indiana Area I–E:						
Line construction:						
Linemen	6.77	.15	1%		.28%	
Cable splicers	6.77	.15	1%		.28%	
Heavy equipment operator "A"	6.47	.15	1%		.28%	
Heavy equipment operator "B"	5.33	.15	1%		.28%	
Powderman	5.21	.15	1%		.28%	
Equipment mechanic	5.21	.15	1%		.28%	
Senior groundman truck driver with winch	4.47	.15	1%		.28%	
Groundman truck driver with winch	4.30	.15	1%		.28%	
Groundman truck driver without winch	3.77	.15	1%		.28%	
Senior groundman after 5 years	4.29	.15	1%		.28%	
Senior groundman after 12 months	4.17	.15	1%		.28%	
Groundman 0–12 months	3.55	.15	1%		.28%	

WD No. AM-360—36 F.R. 15333, Monroe County, Ind., Modification No. 4

CHANGE:					
Building construction:					
Asbestos workers	8.10	$0.20	.20	$0.02	
Electricians	7.30	.20	1%	.1%	
Sheet metal workers	7.18	.40	.40	$0.02	
Indiana Area I–E:					
Line construction:					
Linemen	6.77	.15	1%	.28%	
Cable splicers	6.77	.15	1%	.28%	
Heavy equipment operator "A"	6.47	.15	1%	.28%	
Heavy equipment operator "B"	5.33	.15	1%	.28%	
Powderman	5.21	.15	1%	.28%	
Equipment mechanic	5.21	.15	1%	.28%	
Senior groundman truck driver with winch	4.47	.15	1%	.28%	
Groundman truck driver with winch	4.30	.15	1%	.28%	
Groundman truck driver without winch	3.77	.15	1%	.28%	
Senior groundman after 5 years	4.29	.15	1%	.28%	
Senior groundman after 12 months	4.17	.15	1%	.28%	
Groundman 0–12 months	3.55	.15	1%	.28%	
Ind 9–PEO–1, T and S I:					
Building, tunnel, and sewer construction:					
Power equipment operators:					
Group A:					
Master mechanic	7.47	.25	$0.25	$0.05	
Group B:					
Utility operator	7.37	.25	.25	.05	
Group C:					
Power cranes, draglines, derricks, electric overhead cranes, shovels, gradall, mechanics, repair and maintenance of all equipment, tractor highlift shovel, tournadozer, concrete mixers with skip, tournamixer, 2 drum machine or 2 cage hoists, all 1 drum hoists with tower or boom, cableways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers and rollers on asphalt, gravel, mecadam and brick surface, Ross carrier or similar machine, gravel processing machine, asphalt plant engineer or pug mill, 2 air compressors, hetherington paver operator, farm tractor with half yard bucket and/or back hoe attachment, dredging equipment, dredge engineer, dredge operator, central mix plant engineer, rock spreader, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, boiler operator, concrete plant engineer, ditching machine over 6" or with a dual attachment, tractor mounted loaders, cherry picker, hydracrane, air compressor 300 cu. ft. or over, standard or dinkey locomotives, scoopmobiles, Euclid loader, soil cement machine, back filler, elevating machine, power blade, asphalt plant engineer, drilling machines including well testing, caissons, shaft or any similar type drilling machines, paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, Apsco paver, boring machine, tractors without winch, head equipment greasers, barber green loaders, formless paver, well point system, concrete spreader	7.20	.25	.25	.05	
Group D:					
Power subgrader, bull float, form grader, finishing machine, concrete mixers without skip, pavement breaker, rock crushers, ditching machine under 6", curing machine, truck crane oiler and driver, 1 drum machines without tower or boom, air tugger, self-propelled concrete saw, post hole digger, 2 to 4 generators or welding machines, mechanized heaters irrespective of motor power when used for temporary heat, small rollers on earth, 2 or 4 water pumps, fork lift, curing machine, concrete and blacktop curb machine, farm tractor with less than half yard bucket	6.42	.25	.25	.05	
Group E:					
One water pump, oilers, air valves or steam valves from plant, one welding machine, track jack, mudjack, air compressor less than 300 cu. ft. capacity, gunite machine, house elevators when used for hoisting material, engine tenders, foreman, wagon drill, flexplane, conveyor, siphon and pulsometer, switchman, fireman on paint pots, fireman on asphalt plants, distributor operator on trucks, tampers, power broom, striping machine (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser, operators to do winter work in shop between Nov. 1 and Mar. 1, deck hands	5.60	.25	.25	.05	

WD No. AM-361—36 F.R. 15340, Porter County, Ind., Modification No. 3

OMIT:					
Building construction:					
Painters—Remainder of county:					
Structural steel (40' above ground)	7.00				
Schedules for laborers, building construction, issued in original decision.					
Schedule for line construction issued in original decision.					
ADD:					
Building construction:					

VOL 37 NO 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
Building construction:						
Cement masons	7.50	.30	.70		.03	
Painters—Remainder of county:						
Brush	7.00					
Spray	8.00					
Painters—North of Highway No. 6:						
Brush (industrial)	7.80	.32	.25		.02	
Brush (commercial)	5.95	.32	.25		.02	
Spray (industrial)	7.70	.32	.25		.02	
Plasterers (east one-half of county)	7.13	.30	.70		.03	
Plumbers	8.19	.35	.35			
Line construction, Indiana Area, II L 1 of 1:						
Line construction:						
Linemen	6.21	.15	1%		.25%	
Cable splicers	6.52	.15	1%		.25%	
Heavy equipment operators:						
Class A	5.84	.15	1%		.25%	
Class B	5.12	.15	1%		.25%	
Ground truck driver with winch	4.06	.15	1%		.25%	
Senior ground truck driver with winch	4.32	.15	1%		.25%	
Ground truck driver without winch	3.70	.15	1%		.25%	
Groundman:						
0 to 12 months	3.45	.15	1%		.25%	
After 1 year	3.97	.15	1%		.25%	
Ind. 6—LAB—I—E, 1 of 1:						
Building construction:						
Laborers:						
South of Highway No. 20						
Group A:						
Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 inches, mason tenders	5.50	.18	$0.25		.07	
Group B:						
Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic)	5.70	.18	.25		.07	
Group C:						
Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer	5.80	.18	.25		.07	
Group D:						
Tunnel work in free air:						
Muckers or tunnel laborers, bottom men, concrete men (bottom), miners and headermen	6.10	.18	.25		.07	
Group E:						
Dynamite men	6.50	.18	.25		.07	
Stacks and chimneys:						
Base to 25'—$0.25 per hour over base rate.						
25' to 50'—0.50 per hour over base rate.						
50' to 75'—0.75 per hour over base rate.						
75' to 100'—1.00 per hour over base rate.						
100' to 150'—$1.25 per hour over base rate.						
150' to 200'—1.50 per hour over base rate.						
200' to 250'—1.75 per hour over base rate.						
250' and up—2.00 per hour over base rate.						

WD No. AM-[illegible]—36 F.R. 15348, St. Joseph County, Ind., Modification No. 4

ADD:						
Building construction:						
Cement masons (heavy and highway)	6.82	.30	.30		.01	
CHANGE:						
Line Construction, Indiana Area, II L, 1 of 1:						
Line construction:						
Linemen	6.21	.15	1%		.25%	
Cable splicers	6.52	.15	1%		.25%	
Heavy equipment operators:						
Class A	5.84	.15	1%		.25%	
Class B	5.12	.15	1%		.25%	
Ground truck driver with winch	4.06	.15	1%		.25%	
Senior ground truck driver with winch	4.32	.15	1%		.25%	
Ground truck driver without winch	3.70	.15	1%		.25%	
Groundman:						
0 to 12 months	3.45	.15	1%		.25%	
After 1 year	3.97	.15	1%		.25%	

WD No. AM-[illegible]—36 F.R. 15353, Vanderburgh County, Ind., Modification No. 3

CHANGE:						
Building construction:						
Bricklayers and stonemasons	7.15	.35				
Electricians	7.20	.20	1%		.125%	
Elevator constructors	7.74	.195	.20	2%+a&b	.005	
Elevator constructors' helpers	5.42	.195	.20	2%+a&b	.005	
Elevator constructors' helpers (prob.)	3.87					
Plasterers	7.70					

WD No. AM-[illegible]—36 F.R. 15358, Vigo County, Ind., Modification No. 3

CHANGE:						
Building construction:						
Bricklayers and stonemasons	7.70	.20	.30		.03	
Ironworkers:						
Structural, ornamental, and reinforcing	8.20	.40	.65			
Marble setters	7.30	.20	.30		.03	
Marble setters' helpers	5.95	.20	.30		.03	
Plumbers	7.60	.25	.45		.05	
Steamfitters	7.60	.25	.45		.05	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Building construction—Continued						
Terrazzo workers	7.30	.20	.30		.03	
Terrazzo workers' helpers	5.95	.20	.30		.03	
Tile setters	7.30	.20	.30		.03	
Tile setters' helpers	5.95	.20	.30		.03	
Indiana Area I-E:						
Line construction:						
Linemen	6.77	.15	1%		.25%	
Cable splicers	6.77	.15	1%		.25%	
Heavy equipment operator "A"	6.47	.15	1%		.25%	
Heavy equipment operator "B"	5.33	.15	1%		.25%	
Powderman	5.21	.15	1%		.25%	
Equipment mechanic	5.21	.15	1%		.25%	
Senior groundman truck driver with winch	4.47	.15	1%		.25%	
Groundman truck driver with winch	4.30	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.29	.15	1%		.25%	
Senior groundman after 12 months	4.17	.15	1%		.25%	
Groundman 0-12 months	3.55	.15	1%		.25%	
Ind 9—PEG—1, T&S						
Building, tunnel, and sewer construction:						
Power equipment operators:						
Group A:						
Master mechanic	7.47	.25	.25		.05	
Group B:						
Utility operator	7.37	.25	.25		.05	
Group C:						
Power cranes, draglines, derricks, electric overhead cranes, shovels, gradall, mechanics, repair and maintenance of all equipment, tractor high-lift shovel, tournadozer, concrete mixers with skip, tournamixer, two drum machine or two cage hoists, all one drum hoists with tower or boom, cableways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tournapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers & rollers on asphalt, gravel, macadam and brick surface, Roes carrier or similar machine, gravel processing machine, asphalt plant engineer or pug mill, two air compressors, hetherington paver operator, farm tractor with half yard bucket and/or back hoe attachment, dredging equipment, dredge engineer, dredge operator, central mix plant engineer, rock spreader, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, boiler operator, concrete plant engineer, ditching machine over 6' or with a dual attachment, tractor mounted loaders, cherry picker, hydra crane, air compressor 300 cu. ft. or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, asphalt plant engineer, drilling machines including well testing, caissons, shaft or any similar type drilling machines, paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, Apeco paver, boring machine, tractors without winch, head equipment greasers, barber green loaders, formless paver, well point system, concrete spreader	7.20	.25	.25		.05	
Group D:						
Power subgrader, bull float, form grader, finishing machine, concrete mixers without skip, pavement breaker, rock crushers, ditching machine under 6", curing machine, truck crane oiler and driver, one drum machines without tower or boom, air tugger, self propelled concrete saw, posthole digger, 2 to 4 generators or welding machines, mechanized heaters irrespective of motor power when used for temporary heat, small rollers on earth, 2 or 4 water pumps, fork lift, curing machine, concrete and blacktop curb machine, farm tractor with less than half yard bucket	6.42	.25	.25		.05	
Group E:						
One water pumps, oilers, air valves or steam valves from plant, one welding machine, track jack, mud jack, air compressor less than 300 cu. ft. capacity, gunite machine, house elevators when used for hoisting material, engine tenders, foreman, wagon drill, flexplane, conveyor, siphon and pulsometer, switchman, fireman on paint pots, fireman on asphalt plants, distributor operator on trucks, tampers, power broom, striping machine (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser, operators to do winter work in shop between November 1st and March 1st, deck hands	5.60	.25	.25		.05	

WD No. AM-[illegible]—36 F.R. 15370, Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash, and White Counties, Ind., Modification No. 3

OMIT:						
All wage rates for cement masons.						
ADD:						
Cement Masons:						
Tipton County	6.75	.25				
Wabash County	5.05	.15				
Cass, Fulton, and Miami Counties	5.95	.15			.01	
Remaining Counties	6.65	.20	.20			
CHANGE:						
Modification No. 3—37 F.R. 1431, January 28, 1972, to Modification No. 2.						

WD No. AM-479—36 F.R. 16432, Fayette County, Ky., Modification No. 8

CHANGE:						
Building construction:						
Carpenters	6.85	.30	.30		.02	
Millwrights	7.35	.30	.30		.02	
Piledrivermen	7.35	.30	.30		.02	
Plumbers	7.95	.25	.35		.02	
Steamfitters	7.95	.25	.35		.02	

WD No. AM-480—36 F.R. 16437, Jefferson County, Ky., Modification No. 4

CHANGE:						
Building construction:						
Bricklayers	8.03	.25	.40			
Caulkers	8.03	.25	.40			
Cleaners	8.03	.25	.40			
Concrete blocklayers	8.03	.25	.40			
Pointers	8.03	.25	.40			
Stonemasons	8.03	.25	.40			

V 37 N 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Building construction—Continued						
Carpenters:						
Carpenters, soft floor layers, piledriverman	7.45	.30	.30			
Carpenters when working in excess of 30 ft. to 100 ft. above ground or a solid floor on scaffold skip hoist, tower or slip form	7.70	.30	.30			
Carpenters when working in excess of 100 ft. above ground or a solid floor on scaffold, skip hoist tower or slip form	7.95	.30	.30			
Carpenters when working on suspended or swinging scaffold	7.70	.30	.30			
Cement masons	7.98	.30	.30			
Lathers	7.39		.20		.01	
Marble setters	7.35	.25	.40			
Terrazzo workers	7.35	.25	.40			
Tile setters	7.35	.25	.40			

WD No. AM-481—36 F.R. 16442, McCracken County, Ky., Modification No. 3

CHANGE:						
Building construction:						
Roofers	5.50	.10				

WD No. AM-482—36 F.R. 16446, Warren County, Ky., Modification No. 4

CHANGE:						
Building construction:						
Electricians	6.90		1%		¼ of 1%	

WD No. AM-3,626—F.R. 16736, East Baton Rouge Parish, La., Modification No. 2

CHANGE:						
Electricians:	$7.40	.25	1%+.20		3/10%	
Electricians	7.175	.10	.15		.015	
Ironworkers:	7.175					
Structural; ornamental; reinforcing	6.65	.315	.375			
Millwrights	5.49	.25	.20		.01	
Plumbers	4.085	.25	.20		.01	
Roofers	6.65	.315	.375			
Roofers' Helpers						
Steamfitters						

WD No. AM-3,627—F.R. 16738, Caddo and Bossier Parishes, La., Modification No. 6

CHANGE:						
Asbestos Workers	$6.925	.15	.175		.025	
Carpenters:	5.90		.10		.03	
Carpenters; soft floor layers, linoleum	6.15		.10		.03	
Piledrivers	6.40		.10		.03	
Millwrights	5.15					
Glaziers	6.22	.30	.25		.05	
Sheet Metal Workers						

WD No. AM-3,628—F.R. 16740, St. Bernard, Plaquemines, Orleans, and Jefferson Parishes, La., Modification No. 5

CHANGE:						
Painters:	$5.125	.125				
Brush and paperhanger						

WD No. AM-3,629—F.R. 16742, Rapides Parish, La., Modification No. 2

CHANGE:						
Electricians	$6.45	.30	1%		.05	

WD No. AM-392—36 F.R. 15867, St. Clair County, Mich., Modification No. 6

CHANGE:						
Building and heavy construction:						
Bricklayers	8.56	.35	.30	.50		
Cement masons	7.89	.35	.30	.50		
Painters:	8.30	.35				
Brush—Commercial and Industrial	8.80	.35				
Spray 40' or less from ground	8.95	.35				
Spray over 40' from ground	9.55	.35				
Steeplejack work 40' to 100'	8.09	.35	.30	.50		
Plasterers						

WD No. AM-885—36 F.R. 15825, Kalamazoo County, Mich., Modification No. 6

CHANGE:						
Building and heavy construction:						
Electricians (Remainder of County)	8.25	.30	1%		.01	

WD No. AM-837—36 F.R. 16392, Hennepin County, Minn., Modification No. 1

CHANGE:						
Building construction:						
Asbestos workers	8.17	.30	.35		.02	
Carpenters:	7.13	.40	.20	.50	.02	
Carpenters; millwrights; piledrivermen	7.38	.40	.20	.50	.02	
When working with material treated with toxic carbolineum or toxic creosote	7.60	.20			.01	
Lathers	7.65	.20	.20		.01	
Plasterers						
Roofers:	7.84	.24	.15			
Roofers	7.49	.24	.15			
Kettlemen	6.30	.25	.25			
Truck drivers						
Site preparation, excavation and incidental paving, heavy and highway construction:	6.63	.40	.20	.50	.02	
Carpenters-piledrivermen						
Power equipment operators:	11.25	.15	.25			
Helicopter operators (hoisting material)	8.85	.15	.25			
Truck and crawler cranes with 200' of boom and over including JIB	8.50	.15	.25			
Truck and crawler cranes with 150' of boom including JIB up to 200' of boom	8.40	.15	.25			
Traveling tower crane	8.30	.15	.25			
Master mechanic						
Derrick (guy and stiff leg); hoist engineer (3 drums or more); locomotive operator, master mechanic; overhead crane operator (inside building perimeter); truck and crawler cranes up to 150' of boom including JIB	8.05	.15	.25			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Building construction—Continued						
Air compressor operator, pump operator and/or conveyor, 2 or more machines; hoist engineer (2 drums); mechanic or welder; pumpcrete or complaco type machine operator	7.93	.15	.25			
Fork lift operator	7.98	.15	.25			
Boom truck operator; concrete mixer operator; drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); front end loader operator; hoist engineer (1 drum); powerplant engineer (100 kw.-hr. and over); straddle carrier operator; tractor operator (over D-2); well point pump operator	7.85	.15	.25			
Concrete batch plant operator; gunite operator; tractor operator (D-2 or similar size and front end loader operator up to ½ cu. yd.)	7.58	.15	.25			
Air compressor operator, pump and/or conveyor operator; fireman, temporary heat; brakeman; pickup sweeper (combustion engine operated); truck crane oiler	7.30	.15	.25			
Mechanic space heater (temporary heat); oiler or greaser	6.95	.15	.25			
Site preparation, excavating, and incidental paving, heavy and highway construction:						
Laborers:						
Unskilled laborers; drill runner helper; landscape gardener; sod layer and nurseryman; powder monkey; reinforced steel laborer; reinforced steel setter (pavement); salamander heater and blower tender; carpenter tender; winch handler (manual)	5.85	.35	.35	.40		
Laborer, wrecking and demolition; bituminous batcherman (stationary plant); bituminous shoveler; blacksmith helper; bottom man (sewer, water or gas trench); bricklayer tender; cement handler (bulk or bag); cement coverman (batch trucks); compaction equipment (hand operated); concrete shoveler, tamper and puddler (paving); concrete vibrator; concrete batcherman (proportioning plant); concrete longitudinal floatmen (manual bull float on paving); conduit layers (w/o wiring); chipping hammer; curb setter (stone or precast concrete); dumper (wagon, truck, etc.); dump man; dump man (paver-batch truck, etc.); form setter (municipal type curb and sidewalk); form setter (pavement); hydrant and valve setter; joint filler (concrete pavement); kettleman (bituminous or lead); service connection maker (water or gas); power buggy; joint sawer; squeegeman (bituminous brick or block); stabilizing batcherman (stationary plant); stone mason tender; drill runner (heavy, including churn drill)	5.95	.35	.35	.40		
Chainsaw man; concrete mixer (1 bag); jackhammer man and paving buster; mortar mixer; pipe handler (water, gas, cast iron); pipe derrickman (triped, manual)	6.00	.35	.35	.40		
Bottom man (sewer, water, or gas trench, more than 8 feet below starting level of manual work); tunnel laborer (atmospheric pressure); underground laborers; cofferdam work; tunnel work; underpinning work; caisson work; other work more than 8 feet below starting level of manual work; open ditch work	6.10	.35	.35	.40		
Bituminous tamper; pipelayer (sewer, water, gas); sand cushion and bed maker	6.15	.35	.35	.40		
Cement gun (1½ inches and over); leadman	6.20	.35	.35	.40		
Nozzlemen (gunite)	6.25	.35	.35	.40		
Brick or block paving setter	6.28	.35	.35	.40		
Bituminous raker, floater, and utility man	6.30	.35	.35	.40		
Powderman; tunnel man (air pressure); tunnel miner	6.53	.35	.35	.40		
Dredge deck hand; gravel screening plant (portable, not crushing or washing); greaser truck and tractor; leverman; mechanic helper; mechanic space heater (temporary heat); oilers (power shovel, crane, dragline)	6.45	.25	.25			
Tractor, 50 hp. or less without power takeoff	6.48	.25	.25			
Batch plant (concrete); brakeman or switchman; conveyor; fireman; tank car heater; self-propelled vibrating packer (pad type) (35 hp. and over); truck crane oiler	6.55	.25	.25			
Air compressor; lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
Concrete distributor and spreader; finishing machine; longitudinal float; joint machine; spray operator; concrete saw (multiple blade) (power operated); fine grade operator; form trench digger (power); power actuated jacks; pumps; shouldering machine (power) (Apsco or similar type including self-propelled sand and chip spreader); stump chipper; self-propelled chip spreader (Flaherty or similar); curb machine	6.72	.25	.25			
Bituminous spreader and bituminous finishing machine (helper) (power)	6.80	.25	.25			
Concrete mixer, on jobsite, 14S and under; front-end loader, up to and including 1 cu. yd.; gunite operator gunall; loader (Barber Greene or similar type); power actuate augers; boring machine; rollers up to 8 tons; tractor, D2, TD6, or similar hp. w/power takeoff	6.83	.25	.25			
Grader operator (motor patrol)	6.90	.25	.25			
Asphalt bituminous stabilizer plant; automatic road machine (CMI or similar); backfiller; bituminous spreader and finishing machine (power); boom truck (power operated boom); concrete mixer, on job site over 14S; crushing plant (gravel and stone); gravel washing, crushing and screening plant; dope machine (pipeline); drill rigs; heavy duty rotary churn or cable drills; engineer in charge of plant requiring first class license; forklift; straddle carrier; forklift or lumber stacker (for construction jobsite); front-end loader, over 1 cu. yd. up to 5 cu. yd.; launcherman (tankerman or pilot license); locomotives, all types; mechanic or welder; hoist engineer (power); paving breaker or tamping machine (power driven) (Mighty Mite or similar type); power actuated horizontal boring machines over 6" operator; pickup sweeper, 1 cu. yd. and over hopper cap.; pipeline wrapping, cleaning or bending machine; powerplant engineer 100 kw-hr. and over; pugmill; rollers 8 tons and over; rubber-tired tractor, backhoe attachments; sheep foot roller (self-propelled) (3 drum and over); slip form (power driven) (paving); tie tamper and ballast machine tractor, over D2, TD6, or similar hp. with power takeoff; tractor, over 50 hp. without power takeoff; trenching machine (sewer, water, gas); Turnapull (or similar type); well point installation, dismantling or repair mechanics; 2 or more pumps; compressors; welding machines	7.45	.25	.25			
Self-propelled traveling soil stabilizer	7.55	.25	.25			
Dual tractor, elevating grader; pumperete; scraper struck cap., 32 cu. yd. and over	7.35	.25	.25			
Cableway; concrete mixer stationary plant over 34E; derrick (guy and stiffleg) (power) (skids or stationary); dredge operator or engineer; dredge operator (power) and engineer; front end loader 5 cu. yd. and over; grader or motor patrol, finishing, earthwork and bituminous; locomotive crane; master mechanic; mixer (paving) concrete paving, road; mole operator including power supply; mucking machine (including mucking operations) (Conway or similar); power shovel and/or other equipment with shovel type controls, up to 3 cu. yd.; refrigeration plant engineer; tandem scraper; tractor, boom type; truck crane; tugboat, 100 hp. and over	7.70	.25	.25			
Crane with over 135 boom, excluding jib; power shovel and/or other equipment with shovel type controls, 3 cu. yd. and over	7.95	.25	.25			

WD No. AM-2,578—36 F.R. 15397, Ramsey County, Minn., Modification No. 1

CHANGE:						
Building construction:						
Asbestos workers	8.17	.30	.35		.02	
Carpenters:	7.13	.40	.20	.50	.02	
Carpenters; millwrights; piledrivermen	7.38	.40	.20	.50	.02	
When working with material treated with toxic carbolineum or toxic creosote						
Roofers:	7.84	.24	.15			
Roofers	7.49	.24	.15			
Kettleman	6.30	.25	.25			
Truck drivers						
Site preparation, excavation and incidental paving, heavy and highway construction:	6.63	.40	.20	.50	.02	
Carpenters-piledrivermen						

FEB 11 1972 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Building construction—Continued						
Power equipment operators:						
Hellcopter operators (hoisting material)	11.25	.15	.25			
Truck and crawler cranes with 200' of boom and over including jib	8.85	.15	.25			
Truck and crawler cranes with 150' of boom including jib up to 200' of boom	8.50	.15	.25			
Traveling tower crane	8.40	.15	.25			
Master mechanic	8.30	.15	.25			
Derrick (guy and stiff leg); hoist engineer (3 drums or more); locomotive operator, master mechanic; overhead crane operator (inside building perimeter); truck and crawler cranes up to 150' of boom including jib	8.05	.15	.25			
Air compressor operator, pump operator and/or conveyor operator, 2 or more machines; hoist engineer (2 drums); mechanic or welder; pumperete or Complaco type machine operator	7.93	.15	.25			
Fork lift operator	7.93	.15	.25			
Boom truck operator; concrete mixer operator; drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); front end loader operator; hoist engineer (1 drum); power plant engineer (100 kw.-hr. and over); straddle carrier operator; tractor operator (over D-2); well point pump operator	7.85	.15	.25			
Concrete batch plant operator; gunite operator; tractor operator (D-2 or similar size and front end loader operator up to ½ cu. yd.)	7.58	.15	.25			
Air compressor operator, pump and/or conveyor operator; fireman, temporary heat; brakeman; pickup sweeper (combustion engine operated); truck crane oiler	7.30	.15	.25			
Mechanic space heater (temporary heat); oiler or greaser	6.85	.15	.25			
Site preparation, excavation and incidental paving, heavy and highway construction:						
Laborers:						
Unskilled laborers; drill runner helper; landscape gardener; sod layer and nurseryman; powder monkey; reinforced steel laborer; reinforced steel setter (pavement); salamander heater and blower tender; carpenter tender; winch handler (manual)	5.85	.35	.35	.40		
Laborer, wrecking and demolition; bituminous batcherman (stationary plant); bituminous shoveler; blacksmith helper; bottom man (sewer, water or gas trench); Bricklayer tender; cement handler (bulk or bag); cement coverman (batch trucks); compaction equipment (hand operated); concrete shoveler, tamper and puddler (paving); concrete vibrator; Concrete batcherman (proportioning plant); concrete longitudinal floatmen (manual bull float on paving); conduit layers (w/o wiring); chipping hammer; curb setter (stone or precast concrete); dumper (wagon, truck, etc.); dump man; dump man (paver-batch truck, etc.); formsetter (municipal type curb and sidewalk; formsetter (pavement); hydrant and valve setter; joint filler (concrete pavement); kettleman (bituminous or lead); service connection maker (water or gas); power buggy; joint sawer; squeegeman (bituminous brick or block); stabilizing batcherman (stationary plant); stonemason tender; drill runner (heavy, including churn drill)	5.95	.35	.35	.40		
Chainsaw man; concrete mixer (1 bag); jackhammer man and paving buster; mortar mixer; pipe handler (water, gas, cast iron); pipe derrickman (triped, manual)	6.00	.35	.35	.40		
Bottom man (sewer, water or gas trench, more than 8 ft. below starting level of manual work); tunnel laborer (atmospheric pressure); underground laborers; cofferdam work; tunnel work; underpinning work; caisson work; other work more than 8 ft. below starting level of manual work; open ditch work	6.10	.35	.35	.40		
Bituminous tamper; pipelayer (sewer, water, gas); sand cushion and bed maker	6.15	.35	.35	.40		
Cement gun (1½ in. and over); leadman	6.30	.35	.35	.40		
Nozzlemen (gunite)	6.25	.35	.35	.40		
Brick or block paving setter	6.28	.35	.35	.40		
Bituminous raker, floater and utility man	6.30	.35	.35	.40		
Powderman; tunnel man (air pressure); tunnel miner	6.53	.35	.35	.40		
Site preparation, excavation and incidental paving, heavy and highway construction:						
Power equipment operators:						
Dredge deck hand; gravel screening plant (portable, not crushing or washing); greaser truck and tractor; leverman; mechanic helper; mechanic space heater (temporary heat); oilers (power shovel, crane, dragline)	6.45	.25	.25			
Tractor, 50 hp. or less without power takeoff	6.48	.25	.25			
Batch plant (concrete); brakeman or switchman; conveyor; fireman; tank car heater; self-propelled vibrating packer (pad type) (35 hp. and over); truck crane oiler	6.55	.25	.25			
Air compressor; lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
Concrete distributor and spreader; finishing machine; longitudinal float; joint machine; spray operator; concrete saw (multiple blade) (power operated); fine grade operator; form trench digger (power); power actuated jacks; pumps; shouldering machine (power) (Apsco or similar type including self-propelled sand and chip spreader); stump chipper; self-propelled chip spreader (Flaherty or similar); curb machine	6.72	.25	.25			
Bituminous spreader and bituminous finishing machine (helper) (power)	6.80	.25	.25			
Concrete mixer, on job site 14s and under; front end loader, up to and including 1 cu. yd.; gunite operator gunall; loader (Barber Greene or similar type); power actuate augers; boring machine; rollers up to 8 tons; tractor, D2, TD6 or similar hp. w/power takeoff	6.83	.25	.25			
Grader operator (motor patrol)	6.90	.25	.25			
Asphalt bituminous stabilizer plant; automatic road machine (CMI or similar); backfiller; bituminous spreader and finishing machine (power); boom truck (power operated boom); concrete mixer, on jobsite over 14S; crushing plant (gravel and stone); gravel washing, crushing and screening plant; dope machine (pipeline); drill rigs; heavy duty rotary churn or cable drills; engineer in charge of plant requiring first class license; fork lift; straddle carrier; fork lift or lumber stacker (for construction jobsite); front end loader, over 1 cu. yd. up to 5 cu. yds.; launcherman (tankerman or pilot license); Locomotives, all types; mechanic or welder; Holst engineer (power); paving breaker or tamping machine (power driven) (Mighty Mite or similar type); power actuated horizontal boring machines over 6" operator; pickup sweeper, 1 cu. yd. and over hopper cap.; pipeline wrapping cleaning or bending machine; power plant engineer 100 kw.-hr. and over; pugmill; rollers 8 tons and over; rubber tired tractor backhoe attachs.; sheep foot roller (self-propelled) (3 drum and over); slip form (power driven) (paving); tie tamper and ballast machine tractor, over D2, TD6 or similar h.p with power takeoff; tractor, over 50 h.p. without power takeoff; trenching machine (sewer, water, gas); turnapull (or similar type); well point installation dismantling or repair mechanics; two or more pumps; compressors; welding machines	7.48	.25	.25			
Self-propelled traveling soil stabilizer	7.55	.25	.25			
Dual tractor; elevating grader; pumperete; scraper struck capacity 32 cu. yds. and over	7.58	.25	.25			
Cableway; concrete mixer stationary plant over 34E; derrick (guy and stiff leg) (power) (skids or stationary); dredge operator or engineer; dredge operator (power) and engineer; front end loader 5 cu. yds. and over; grader or motor patrol, finishing, earth work and bituminous; locomotive crane; master mechanic; mixer (paving) concrete paving, road; mole operator including power supply; mucking machine (including mucking operations) (Conway or similar); power shovel and/or other equipment with shovel type controls, up to 3 cu. yds.; refrigeration plant engineer; tandem scraper; tractor, boom type; truck crane; tugboat, 100 h.p. and over	7.70	.25	.25			
Crane with over 135 boom, excluding jib; power shovel and/or other equipment with shovel type controls, 3 cu. yds. and over	7.96	.25	.25			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,379—36 F.R. 15402, St. Louis (Duluth) County, Minn., Modification No. 3						
CHANGE:						
Building construction:						
Electricians:						
Electrical contracts under $5,000	7.50	3%	3½%	7%	1½%	
Electrical contracts over $5,000	8.00	3%	3½%	7%	1½%	
Hellcopter operators (hoisting material)	11.25	.15	.25			
Truck and crawler cranes with 200' of boom and over including jib	8.85	.15	.25			
Truck and crawler cranes with 150' of boom including jib up to 200' of boom	8.50	.15	.25			
Traveling tower crane	8.40	.15	.25			
Master mechanic	8.30	.15	.25			
Derrick (guy and stiff leg); hoist engineer (3 drums or more); locomotive operator, master mechanic; overhead crane operator (inside building perimeter); truck and crawler cranes up to 150' of boom including jib	8.05	.15	.25			
Air compressor operator, pump operator and/or conveyor, operator, 2 or more machines; hoist engineer (2 drums); mechanic or welder; pumperete or complaco type machine operator	7.93	.15	.25			
Fork lift operator	7.93	.15	.25			
Boom truck operator; concrete mixer operator; drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); front end loader operator; hoist engineer (1 drum); powerplant engineer (100 kw.-hr. and over); straddle carrier operator; tractor operator (over D-2); well point pump operator	7.85	.15	.25			
Concrete batch plant operator; gunite operator; tractor operator (D-2 or similar size and front end loader operator up to ½ cu. yd.)	7.58	.15	.25			
Air compressor operator, pump and/or conveyor operator; fireman, temporary heat; brakeman; pickup sweeper (combustion engine operated); truck crane oiler	7.30	.15	.25			
Mechanic space heater (temporary heat); oiler or greaser	6.85	.15	.25			
Site preparations, excavation and incidental paving, heavy and highway construction:						
Laborers:						
Unskilled laborers; laborers, wrecking and demolition; bricklayer tender; drill runner helper; landscape gardener; sod layer and nurseryman; pipe handler (water, gas, cast iron); salamander heater and blower tender; carpenter tender; stone mason tender	6.08	.15	.15	.25		
Bituminous shoveler; bottom man (sewer water or gas trench); cement handler (bulk or bag); cement coverman (batch trucks); chain saw man; compaction equipment (hand operated); concrete mixer operator (1 bag); concrete shoveler, tamper and puddler (paving); concrete vibrator; conduit layers (w/o wiring); dumper (wagon, truck, etc.); formsetter (municipal type curb and sidewalk); formsetter (pavement); jackhammer man and paving buster; kettleman (bituminous or lead); mortar mixer; power buggy; joint sawer; tunnel laborer (atmospheric pressure)	6.15	.15	.15	.25		
Bituminous tamper; cofferdam work; caisson work	6.33	.15	.15	.25		
Drill runner (heavy, including churn drill)	6.38	.15	.15	.25		
Bituminous raker, floater and utility man; pipelayer (sewer, water, gas); leadman	6.43	.15	.15	.25		
Nozzleman (gunite)	6.43	.15	.15	.25		
Powerman	6.58	.15	.15	.25		
Tunnel miner	6.68	.15	.15	.25		
Site preparations, excavation and incidental paving heavy and highway construction:						
Power equipment operators:						
Dredge deck hand; gravel screening plant (portable, not crushing or washing); greaser truck and tractor; leverman; mechanic helper; mechanic space heater (temporary heat); oilers (power shovel, crane, dragline)	6.45	.25	.25			
Tractor, 50 h.p. or less without power takeoff	6.48	.25	.25			
Batch plant (concrete); brakeman or switchman; conveyor; fireman; tank car heater; self-propelled vibrating packer (pad type) (35 h.p. and over); truck crane oiler	6.55	.25	.25			
Air compressor; lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
Concrete distributor and spreader; finishing machine; longitudinal float; joint machine; spray operator; concrete saw (multiple blade) (power operated); fine grade operator; form trench digger (power); power actuated jacks; pumps; shouldering machine (power) (Apsco or similar type including self-propelled sand and chip spreader); stump chipper; self-propelled chip spreader (Flaherty or similar); curb machine	6.72	.25	.25			
Bituminous spreader and bituminous finishing machine (helper) (power)	6.80	.25	.25			
Concrete mixer, on job site 14s and under; front end loader, up to and including 1 cu. yd.; gunite operator gunall; loader (Barber Greene or similar type); power actuate augers; boring machine; rollers up to 8 tons; tractor, D2, TD6, or similar h.p. w/power takeoff	6.83	.25	.25			
Grader operator (motor patrol)	6.90	.25	.25			
Asphalt bituminous stabilizer plant; automatic road machine (CMI or similar) backfiller; bituminous spreader and finishing machine (power); boom truck (power operated boom); concrete mixer, on jobsite over 14S; crushing plant (gravel and stone); gravel washing, crushing and screening plant; dope machine (pipeline); drill rigs; heavy duty rotary churn or cable drills; engineer in charge of plant requiring first class license; fork lift; straddle carrier; fork lift or lumber stacker (for construction jobsite); front end loader, over 1 cu. yd. up to 5 cu. yds.; launcherman (tankerman or pilot license); locomotives, all types; mechanic or welder; hoist engineer (power); paving breaker or tamping machine (power driven) (Mighty Mite or similar type); power actuated horizontal boring machines over 6" operator; pickup sweeper, 1 cu yd. and over hopper capacity; pipeline wrapping cleaning or bending machine; power plant engineer 100 kw.-hr. and over; pugmill; rollers 8 tons and over; rubber tired tractor backhoe attachs.; sheep foot roller (self-propelled) (3 drum and over); slip form (power driven) (paving); tie tamper and ballast machine tractor, over D2, TD6, or similar h.p. with power takeoff; tractor over 50 h.p. without power takeoff; trenching machine (sewer, water, gas); turnapull (or similar type); well point installation, dismantling or repair mechanics; two or more pumps; compressors; welding machines	7.48	.25	.25			
Self-propelled traveling soil stabilizer	7.55	.25	.25			
Dual tractor; elevating grader; pumpcrete; scraper struck capacity 32 cu. yds. and over	7.58	.25	.25			
Cableway; concrete mixer stationary plant over 34E; derrick (guy and stiff leg) (power) (skids or stationary); dredge operator or engineer; dredge operator (power) and engineer; front end loader 5 cu. yds. and over; grader or motor patrol, finishing, earth work and bituminous; locomotive crane; master mechanic; mixer (paving) concrete paving, road; mole operator including power supply; mucking machine (including mucking operations) (Conway or similar); Power shovel and/or other equipment with shovel type controls, up to 3 cu. yds.; refrigeration plant engineer, tandem scraper; tractor, boom type; truck crane; tugboat, 100 h.p. and over	7.70	.25	.25			
Crane with over 135 boom, excluding jib; power shovel and/or other equipment with shovel type controls, 3 cu. yds. and over	7.96	.25	.25			
WD No. AM-2,380—36 F.R. 15406, Anoka, Carver, Dakota, Scott, Washington Counties, Minn., Modification No. 1						
CHANGE:						
Carpenters-pliedrivermen	6.46	.40	.20	.50	.02	
Laborers:						
Unskilled laborers; drill runner helper; landscape gardener; sod layer and nurseryman; powder monkey; reinforced steel laborer; reinforced steel setter (pavement); salamander heater and blower tender; carpenter tender; winch handler (manual)	6.35	.35	.35	.40		

V37-29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Laborers—Continued						
Laborer, wrecking and demolition; bituminous batcherman (stationary plant); bituminous shoveler; blacksmith helper; bottom man (sewer, water or gas trench); bricklayer tender; cement handler (bulk or bag); cement coverman (batch trucks); compaction equipment (hand operated); concrete shoveler, tamper and paddler (paving); concrete vibrator; concrete batcherman (proportioning plant); concrete longitudinal floatmen (manual bull float on paving); conduit layers (w/o wiring); chipping hammer; curb setter (stone or precast concrete); dumper (wagon, truck, etc.); dump man; dump man (paver-batch truck, etc.); form setter (municipal type curb and sidewalk); formsetter (pavement); hydrant and valve setter; joint filler (concrete pavement); kettleman (bituminous or lead); service connection maker (water or gas); mower buggy; joint sawer; squeegeman (bituminous brick or block); stabilizing batcherman (stationary plant); stonemason tender; drill runner (heavy, incl. churn drill)	5.95	.35	.35	.40		
Chainsaw man; concrete mixer (1 bag); jackhammer man and paving buster; mortar mixer; pipe handler (water, gas, cast iron); pipe derrickman (triped, manual)	6.00	.35	.35	.40		
Bottom man (sewer, water or gas trench, more than 8 ft. below starting level of manual work); tunnel laborer (atmospheric pressure); underground laborers; cofferdam work; tunnel work; underpinning work; caisson work; other work more than 8 ft. below starting level of manual work; open ditch work	6.10	.35	.35	.40		
	6.15	.35	.35	.40		
Bituminous tamper; pipelayer (sewer, water, gas); sand cushion and bed maker	6.20	.35	.35	.40		
Cement gun (1½ in. and over); leadman	6.25	.35	.35	.40		
Nozzlemen (gunite)	6.28	.35	.35	.40		
Brick or block paving setter	6.30	.35	.35	.40		
Bituminous raker, floater and utility man	6.53	.35	.35	.40		
Powderman; tunnel man (air pressure); tunnel miner						
Power equipment operators:						
Dredge deck hand; gravel screening plant (portable, not crushing or washing); greaser truck and tractor; leverman; mechanic helper; mechanic space heater (temporary heat); oilers (power shovel, crane, dragline)	6.45	.25	.25			
	6.48	.25	.25			
Tractor, 50 h.p. or less without power take-off						
Batch plant (concrete); brakeman or switchman; conveyor; fireman; tank car heater; self-propelled vibrating packer (pad type) (35 h.p. and over); truck crane oiler	6.55	.25	.25			
	6.70	.25	.25			
Air compressor; lead greaser on grease truck or grease rack (where no mechanic is employed)						
Concrete distributor and spreader; finishing machine; longitudinal float; joint machine; spray operator; concrete saw (multiple blade) (power operated); fine grade operator; form trench digger (power); power actuated jacks; pumps; shouldering machine (power) (Apsco or similar type including self-propelled sand and chip spreader); stump chipper; self-propelled chip spreader (Flaherty or similar); curb machine	6.72	.25	.25			
	6.80	.25	.25			
Bituminous spreader and bituminous finishing machine (helper) (power)						
Concrete mixer, on job site 14s and under; front end loader, up to and including 1 cu. yd.; gunite operator gunall; loader (Barber Greene or similar type); power actuate augers; boring machine; rollers up to 8 tons; tractor, D2, TD6, or similar h.p. w/power take-off	6.83	.25	.25			
	6.90	.25	.25			
Grader operator (motor patrol)						
Asphalt bituminous stabilizer plant; automatic road machine (CMI or similar); backfiller; bituminous spreader and finishing machine (power); boom truck (power operated boom); concrete mixer, on job site over 14S; crushing plant (gravel and stone); gravel washing, crushing and screening plant; dope machine (pipeline); drill rigs; heavy duty rotary churn or cable drills; engineer in charge of plant requiring first class license; fork lift; straddle carrier; fork lift or lumber stacker (for construction job site); front end loader, over 1 cu. yd. up to 5 cu. yds.; launcherman (tankerman or pilot license); locomotives, all types; mechanic or welder; hoist engineer (power); paving breaker or tamping machine (power driven) (mighty Mite or similar type); power actuated horizontal boring machines over 6" operator; pick-up sweeper, 1 cu. yd. and over hopper cap.; pipeline wrapping cleaning or bending machine; power plant engineer 100 kw.-hr. and over; pugmill; rollers 8 tons and over; rubber tired tractor backhoe attachments; sheep foot roller (self-propelled) (3 drum and over); slip form (power driven) (paving); tie tamper and ballast machine tractor, over D2, TD6, or similar h.p. with power take-off; tractor, over 50 h.p. without power take-off; trenching machine (sewer, water, gas); turnapull (or similar type); well point installation, dismantling or repair mechanics; 2 or more pumps; compressors; welding machines	7.48	.25	.25			
	7.55	.25	.25			
	7.58	.25	.25			
Self-propelled traveling soil stabilizer						
Dual tractor; elevating grader; pumperete; scraper struck capacity 32 cu. yds. and over						
Cableway; concrete mixer stationary plant over 34E; derrick (guy and stiff leg) (power) (skids or stationary); dredge operator or engineer; dredge operator (power) and engineer; Front end loader 5 cu. yd. & over; grader or motor patrol, finishing, earth work and bituminous; Locomotive crane; master mechanic; mixer (paving) concrete paving, road; mole operator including power supply; mucking machine including (mucking operations) (Conway or similar); power shovel and/or other equipment with shovel type controls, up to 3 cu. yds.; refrigeration plant engineer; tandem scraper; tractor, boom type; truck crane; tugboat, 100 h.p. and over	7.70	.25	.25			
Crane with over 135 boom, excluding jib; power shovel and/or other equip. with shovel type controls, 3 cu. yd. and over	7.96	.25	.25			

WD-No. AM-2381—36 F.R. 15410, Cook-Lake-St. Louis Counties, Minnesota Modification No. 1

CHANGE:						
Carpenters (Cook-Lake-St. Louis)	96.78	.25		.30		
Carpenters (N½ of St. Louis)	6.73	.25		.30		
Electricians (N½ of St. Louis):						
Electricians	8.00	3%	3½%	7%	1½%	
Cable splicers	8.55	3%	3½%	7%	1½%	
Linemen	8.00	3%	3½%	7%	1½%	
Groundman	7.10	3%	3½%	7%	1½%	
Electricians (S½ of St. Louis and all of Cook and Lake):	8.00	3%	3½%	7%	1½%	
Electrical contracts over $5,000	7.80	3%	3½%	7%	1½%	
Electrical contracts under $5,000						
Laborers (S. of TH 55, Duluth, Cook, Lake, S½ of St. Louis)						
Unskilled laborers; laborers, wrecking and demolition; bricklayer tender; drill runner helper; Landscape gardener; sod layer and nurseryman; pipe handler (water, gas, cast iron); salamander heater and blower tender; carpenter tender; stone mason tender	6.66	.15	.15	.25		
Bituminous shoveler; bottom man (sewer water or gas trench); cement handler (bulk or bag); cement coverman (batch trucks); chain saw man; compaction equipment (hand operated); concrete mixer op. (1 bag); concrete shoveler, tamper and paddler (paving); concrete vibrator; conduit layers (w/o wiring); dumper (wagon, truck, etc.); formsetter (municipal type curb and sidewalk) formsetter (pavement); jackhammer man and paving buster; kettleman (bituminous or lead); mortar mixer; power buggy; joint sawer; tunnel laborer (atmospheric pressure)	6.15	.15	.15	.25		
	6.33	.15	.15	.25		
Bituminous tamper; cofferdam work; caisson work	6.38	.15	.15	.25		
Drill runner (heavy, including churn drill)	6.43	.15	.15	.25		
Bituminous raker, floater and utility man; pipelayer (sewer, water gas); leadman	6.45	.15	.15	.25		
Nozzleman (gunnite)	6.58	.15	.15	.25		
Powderman	6.68	.15	.15	.25		
Tunnel miner						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS: (N. of TH 55, Iron Range, Hibbing-Virginia, N½ of St. Louis)						
Unskilled laborers; laborer, wrecking and demolition; bricklayer tender; drill runner helper; landscape gardener; sod layer and nurseryman; pipe handler (water, gas, cast iron); Salamander heater and blower tender; carpenter tender; stonemason tender	$5.93	.15	.15	.25		
Bituminous shoveler; bottom man (sewer, water, or gas trench); cement handler (bulk or bag); cement coverman (batch trucks); chain saw man; compaction equipment (hand operated); concrete mixer (1 bag); concrete shoveler, tamper and puddler (paving); concrete vibrator; conduit layers (w/o wiring); dumper (wagon, truck, etc.); formsetter (municipal type curb and sidewalk); formsetter (pavement); jackhammer man; paving buster; kettleman (bituminous or lead); mortar mixer; power buggy; joint sawer; tunnel laborer (atmospheric pressure)	6.03	.15	.15	.25		
Drill runner (heavy, incl. churn drill)	6.13	.15	.15	.25		
Bituminous tamper; cofferdam work; caisson work; other work more than 8' below starting level or manual work	6.15	.15	.15	.25		
Bituminous raker, floater and utility man; leadman	6.25	.15	.15	.25		
Nozzleman (gunite)	6.33	.15	.15	.25		
Pipelayer (sewer, water, gas)	6.38	.15	.15	.25		
Powderman; Tunnel miner	6.43	.15	.15	.25		
Power equipment operators:						
Dredge deck hand; gravel screening plant (portable, not crushing or washing); greaser truck and tractor; leverman; mechanic helper; mechanic space heater (temporary heat); oilers (power shovel, crane, dragline)	$6.45	.25	.25			
Tractor, 50 H.P. or less without power take-off	6.48	.25	.25			
Batch plant (concrete); brakeman or switchman; conveyor; fireman; tank car heater; self-propelled vibrating packer (pad type) (35 h.p. and over); truck crane oiler	6.55	.25	.25			
Air compressor; lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
Concrete distributor and spreader; finishing machine; longitudinal float; joint machine; spray operator; concrete saw (multiple blade) (power operated); fine grade operator; form trench digger (power); power actuated jacks; pumps; shouldering machine (power) (Apsco or similar type including self-propelled sand and chip spreader); stump chipper; self-propelled chip spreader (Flaherty or similar); curb machine	6.72	.25	.25			
Bituminous spreader and bituminous finishing machine (helper) (power)	6.80	.25	.25			
Concrete mixer, on job site 14s and under; front end loader, up to and including 1 cu. yd.; gunite operator gunall; loader (Barber Greene or similar type); power actuate augers; boring machine; rollers up to 8 tons; tractor, D2, TD6 or similar h.p. w/power take-off	6.83	.25	.25			
Grader operator (motor patrol)	6.90	.25	.25			
Asphalt bituminous stabilizer plant; automatic road machine (CMI or similar) backfiller; bituminous spreader and finishing machine (power); boom truck (power operated boom); concrete mixer, on job site over 14S; crushing plant (gravel and stone); gravel washing, crushing and screening plant; dope machine (pipeline); drill rigs; heavy duty rotary churn or cable drills; engineer in charge of plant requiring first class license; fork lift; straddle carrier; fork lift or lumber stacker (for construction job site); front end loader, over 1 cu. yd. up to 5 cu. yds.; launcherman (tankerman or pilot license); locomotives, all types; mechanic or welder; hoist engineer (power); paving breaker or tamping machine (power driven) (mighty Mite or similar type); power actuated horizontal boring machines over 6" operator; pick-up sweeper, 1 cu. yd. and over hopper cap.; pipeline wrapping cleaning or bending machine; power plant engineer 100 kw.-hr. and over; pugmill; rollers 8 tons and over; rubber-tired tractor backhoe attachments; sheep foot roller (self-propelled) (3 drum and over); slip form (power driven) (paving); tie tamper and ballast machine tractor, over D2, TD6 or similar h.p. with power take-off; tractor, over 50 h.p. without power take-off; trenching machine (sewer, water, gas); turnapull (or similar type); well point installation, dismantling or repair mechanics; two or more pumps; compressors; welding machines	7.48	.25	.25			
Self-propelled traveling soil stabilizer	7.55	.25	.25			
Dual tractor; elevating grader; pumperete; scraper struck cap. 32 cu. yd. and over	7.58	.25	.25			
Cableway; concrete mixer stationary plant over 34E; derrick (Guy and stiff leg) (power) (skids or stationary); dredge operator or engineer; dredge operator (power) and engineer; front end loader 5 cu. yds. and over; grader or motor patrol, finishing, earth work and bituminous; locomotive crane; master mechanic; mixer (paving) concrete paving, road; Mole operator including power supply; mucking machine (including mucking operations) (Conway or similar); power shovel and/or other equipment with shovel type controls, up to 3 cu. yds.; refrigeration plant engineer; tandem scraper; tractor, boom type; truck crane; tugboat, 100 h.p. and over	7.70	.25	.25			
Crane with over 135 boom, excluding jib; power shovel and/or other equipment with shovel type controls, 3 cu. yds. and over	7.96	.25	.25			

WD No. AM-6,248—36 F.R. 22102, Carver-Hennepin Counties, Minn., Modification No. 1

CHANGE:						
Building construction:						
Asbestos workers	8.17	.30	.36		.02	
Carpenters:						
Carpenters; millwrights; piledrivermen	7.13	.40	.20	.80	.02	
When working with material treated with toxic carbolineum or toxic creosote	7.38	.40	.20	.80	.02	
Lathers	7.60	.20			.01	
Plasterers	7.65	.20	.20		.01	
Roofers:						
Roofers	7.84	.24	.15			
Kettleman	7.49	.24	.15			
Truck drivers	6.20	.26	.26			
Power equipment operators:						
Helicopter operators (hoisting material)	11.25	.15	.26			
Truck and crawler cranes with 200' of boom and over including jib	8.55	.15	.26			
Truck and crawler cranes with 150' of boom including jib up to 200' of boom	8.50	.15	.26			
Traveling tower crane	8.40	.15	.26			
Master mechanic	8.30	.15	.26			
Derrick (guy and stiff leg); hoist engineer (3 drums or more); locomotive operator, master mechanic; overhead crane operator (inside building perimeter); truck and crawler cranes up to 150' of boom including jib	8.05	.15	.25			
Air compressor operator, pump operator and/or conveyor operator, 2 or more machines; hoist engineer (2 drums); mechanic or welder; pumperete or Complaco type machine operator	7.93	.15	.25			
Fork lift operator	7.93	.15	.25			
Boom truck operator; concrete mixer operator; drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); front end loader operator; hoist engineer (1 drum); powerplant engineer (160 kw.-hr. and over); straddle carrier operator; tractor operator (over D-2); well point pump operator	7.85	.15	.26			
Concrete batch plant operator; gunite operator; tractor operator (D-2 or similar size and front end loader operator up to ½ cu. yd.)	7.88	.15	.26			
Air compressor operator, pump and/or conveyor operator; fireman, temporary heat; brakeman; pickup sweeper (combustion engine operated); truck crane oiler	7.20	.15	.26			
Mechanic space heater (temporary heat); oiler or greaser	6.85	.15	.26			

VOL 37 NO 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Site preparation, excavating and incidental paving:						
Laborers:						
Unskilled laborers; drill runner helper; landscape gardener; sod layer and nurseryman; powder monkey; reinforced steel laborer; reinforced steel setter (pavement); salamander heater and blower tender; carpenter tender; winch handler (manual)	5.85	.35	.35	.40		
Laborer, wrecking and demolition; bituminous batcherman (stationary plant); bituminous shoveler; blacksmith helper; bottom man (sewer, water, or gas trench); bricklayer tender; cement handler (bulk or bag); cement coverman (batch trucks); compaction equipment (hand operated); concrete shoveler, tamper and puddler (paving); concrete vibrator; concrete batcherman (proportioning plant); concrete longitudinal floatmen (manual bull float on paving); conduit layers (w/o wiring); chipping hammer; curb setter (stone or precast concrete); dumper (wagon, truck, etc.); dump man; dump man (paver—batch trucks, etc.); form setter (municipal type curb and sidewalk); formsetter (pavement); hydrant and valve setter; joint filler (concrete pavement); kettleman (bituminous or lead); service connection maker (water or gas); power buggy; joint sawer; squeegeman (bituminous brick or block); stabilizing batcherman (stationary plant); stonemason tender; drill runner (heavy, including churn drill)	5.95	.35	.35	.40		
Chainsaw man; concrete mixer (1 bag); jackhammer man and paving buster; mortar mixer; pipe handler (water, gas, cast iron); pipe derrickman (triped, manual)	6.00	.35	.35	.40		
Bottom man (sewer, water, or gas trench, more than 8 ft. below starting level of manual work); tunnel laborer (atmospheric pressure); underground laborers; cofferdam work; tunnel work; underpinning work; caisson work; other work more than 8 ft. below starting level of manual work; open ditch work	6.10	.35	.35	.40		
Bituminous tamper; pipelayer (sewer, water, gas); sand cushion and bed maker	6.15	.35	.35	.40		
Cement gun (1½ in. and over); leadman	6.20	.35	.35	.40		
Nozzlemen (gunite)	6.25	.35	.35	.40		
Brick or block paving setter	6.28	.35	.35	.40		
Bituminous raker, floater and utility man	6.30	.35	.35	.40		
Powderman; tunnel man (air pressure); tunnel miner	6.53	.35	.35	.40		
Power equipment operators:						
Dredge deck hand; gravel screening plant (portable, not crushing or washing); greaser truck and tractor; leverman; mechanic helper; mechanic space heater (temporary heat); oilers (power shovel, crane, dragline)	6.45	.25	.25			
Tractor, 50 h.p. or less without power takeoff	6.48	.25	.25			
Batch plant (concrete); brakeman or switchman; conveyor; fireman; tank car heater; self-propelled vibrating packer (pad type) (35 h.p. and over); truck crane oiler	6.55	.25	.25			
Air compressor; lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
Concrete distributor and spreader; finishing machine; longitudinal float; joint machine; spray operator; concrete saw (multiple blade) (power operated); fine grade operator; form trench digger (power); power actuated jacks; pumps; shouldering machine (power) (Apsco or similar type including self-propelled sand and chip spreader); stump chipper; self-propelled chip spreader (Flaherty or similar); curb machine	6.72	.25	.25			
Bituminous spreader and bituminous finishing machine (helper) (power)	6.80	.25	.25			
Concrete mixer, on job site 14s and under; front end loader, up to and including 1 cu. yd.; gunite operator gunsil; loader (Barber Greene or similar type); power actuate augers; boring machine; Rollers up to 8 tons; tractor, D2, TD6, or similar h.p. w/power takeoff	6.83 6.90	.25 .25	.25 .25			
Grader operator (Motor Patrol)						
Asphalt bituminous stabilizer plant; automatic road machine (CMI or similar); backfiller; bituminous spreader and finishing machine (power); boom truck (power operated boom); concrete mixer, on jobsite over 14S; crushing plant (gravel and stone); gravel washing, crushing and screening plant; dope machine (pipeline); drill rigs; heavy duty rotary churn or cable drills; engineer in charge of plant requiring first class license; fork lift; straddle carrier; fork lift or lumber stacker (for construction jobsite); front end loader over 1 cu. yd. up to 5 cu yds.; launcherman (tankerman or pilot licensee); locomotives, all types; mechanic or welder; hoist engineer (power); paving breaker or tamping machine (power driven) (Mighty Mite or similar type); power actuated horizontal boring machines over 6" operator; pickup sweeper, 1 cu. yd. and over hopper capacity; pipeline wrapping cleaning or bending machine; powerplant engineer 100 kw.-hr. and over; pugmill; rollers 8 tons and over; rubber tired tractor backhoe attachs.; sheep foot roller (self-propelled) (3 drum and over); slip form (power driven) (paving); tie tamper and ballast machine tractor, over D2, TD6, or similar h.p. with power takeoff; tractor, over 50 h.p. without power takeoff; trenching machine (sewer, water, gas); turnapull (or similar type); well point installation, dismantling or repair mechanics; two or more pumps; compressors; welding machines	7.48 7.55 7.58	.25 .25 .25	.25 .25 .25			
Self-propelled traveling soil stabilizer						
Dual tractor; elevating grader; pumpcrete; scraper struck capacity 32 cu. yd. and over	7.70	.25	.25			
Cableway; concrete mixer stationary plant over 34E; derrick (guy and stiff leg) (power) (skids or stationary); dredge operator or engineer; dredge operator (power) and engineer; front end loader, 5 cu. yds. and over; grader or motor patrol, finishing, earth work and bituminous; locomotive crane; master mechanic; mixer (paving) concrete paving, road; mole operator including power supply; mucking machine (including mucking operations) (Conway or similar); power shovel and/or other equipment with shovel type controls, up to 3 cu. yds.; refrigeration plant engineer; tandum scraper; tractor, boom type; truck crane; tugboat, 100 hp. and over	7.96	.25	.25			
Crane with over 135 boom, excluding jib; power shovel and/or other equipment with shovel type controls, 3 cu. yds. and over						

WD No. AM-6,2[illegible]—36 F.R. 22104, Dakota and Ramsey Counties, Minn., Modification No. 1

CHANGE:						
Building construction:						
Asbestos workers	8.17	.30	.35			
Carpenters:						
Carpenters; millwrights; piledrivermen	7.13	.40	.20	.50	.02	
When working with material treated with toxic carbolineum or toxic creosote	7.38	.40	.20	.50	.02	
Roofers:						
Roofers	7.84	.24	.15			
Kettlemen	7.49	.24	.15			
Truck drivers	6.30	.25	.25			
Power equipment operators:						
Helicopter operators (hoisting material)	11.25	.15	.25			
Truck and crawler cranes with 200' of boom and over including jib	8.85	.15	.25			
Truck and crawler cranes with 150' of boom including jib up to 200' of boom	8.50	.15	.25			
Traveling tower crane	8.40	.15	.25			
Master mechanic; derrick (guy and stiff leg); hoist engineer (3 drums or more); locomotive operator, master mechanic; overhead crane operator (inside building perimeter); truck and crawler cranes up to 150' of boom including jib	8.30	.15	.25			
Air compressor operator, pump operator and/or conveyor, 2 or more machines; hoist engineer (2 drums); mechanic or welder; pumpcrete or Complaco type machine operator	8.05	.15	.25			
Fork lift operator	7.98 7.98	.15 .15	.25 .25			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Building Construction—Continued						
Power equipment operators—Continued						
Boom truck operator; concrete mixer operator; drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); front end loader operator; hoist engineer (1 drum); power plant engineer (100 kw.-hr. and over); straddle carrier operator; tractor operator (over D-2); well point pump operator	7.88	.35	.25			
Concrete batch plant operator; gunite operator; tractor operator (D-2 or smaller size and front end loader operator up to ½ cu. yd.)	7.68	.15	.25			
Air compressor operator, pump and/or conveyor operator; fireman, temporary heat; brakeman; pick up sweeper (combustion engine operated); truck crane oiler	7.20	.15	.25			
Mechanic space heater (temporary heat); oiler or greaser	6.88	.15	.25			
Site preparation, excavation, and incidental paving:						
Laborers:						
Unskilled laborers; drill runner helper; landscape gardener; sod layer and nurseryman; powder monkey; reinforced steel laborer; reinforced steel setter (pavement); salamander heater and blower tender; carpenter tender; winch handler (manual)	5.98	.35	.35	.40		
Laborer, wrecking and demolition; bituminous batcherman (stationary plant); bituminous shoveler; blacksmith helper; bottom man (sewer, water or gas trench); bricklayer tender; cement handler (bulk or bag); cement coverman (batch trucks); compaction equipment (hand operated); concrete shoveler, tamper and puddler (paving); concrete vibrator; concrete batcherman (proportioning plant); concrete longitudinal floatmen (manual bull float on paving); conduit layers (w/o wiring); chipping hammer; curb setter (stone or precast concrete); dumper (wagon, truck, etc.); dump man; dump man (paver-batch truck, etc.); form setter (municipal type curb and sidewalk); formsetter (pavement); hydrant and valve setter; joint filler (concrete pavement); kettleman (bituminous or lead); service connection maker (water or gas); power buggy; joint sawer; squeegeman (bituminous brick or block); stabilizing batcherman (stationary plant); stonemason tender; drill runner (heavy, including churn drill)	6.08	.35	.35	.40		
Chainsaw man; concrete mixer (1 bag); jackhammer man and paving buster; mortar mixer; pipe handler (water, gas, cast iron); pipe derrickman (triped, manual)	6.10	.35	.35	.40		
Bottom man (sewer, water or gas trench, more than 8 ft. below starting level of manual work); tunnel laborer (atmospheric pressure); underground laborers; cofferdam work; tunnel work; underpinning work; caisson work; other work more than 8 ft. below starting level of manual work; open ditch work	6.15	.35	.35	.40		
Bituminous tamper; pipelayer (sewer, water, gas); sand cushion and bed maker	6.20	.35	.35	.40		
Cement gun (1½ in. and over); leadman	6.28	.35	.35	.40		
Nozzlemen (gunite)	6.30	.35	.35	.40		
Brick or block paving setter	6.53	.35	.35	.40		
Bituminous raker, floater and utility man						
Powderman; tunnel man (air pressure); tunnel miner						
Dredge deck hand; gravel screening plant (portable, not crushing or washing); greaser truck and tractor; leverman; mechanic helper; mechanic space heater (temporary heat); oilers (power shovel, crane, dragline)	6.45	.25	.25			
Tractor, 50 h.p. or less without power takeoff	6.48	.25	.25			
Batch plant (concrete); brakeman or switchman; conveyor; fireman; tank car heater; self-propelled vibrating packer (pad type) (35 h.p. and over); truck crane oiler	6.55	.25	.25			
Air compressor; lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
Concrete distributor and spreader; finishing machine; longitudinal float; joint machine; spray operator; concrete saw (multiple blade) (power operated); fine grade operator; form trench digger (power); power actuated jacks; pumps; shouldering machine (power) (Apsco or similar type including self-propelled sand and chip spreader); stump chipper; self-propelled chip spreader (Flaherty or similar); curb machine	6.72	.25	.25			
Bituminous spreader and bituminous finishing machine (helper) (power)	6.80	.25	.25			
Concrete mixer, on job site 14s and under; front end loader, up to and including 1 cu. yd. gunite operator gunsil; loader (Barber Greene or similar type); power actuate augers; boring machine; rollers up to 8 tons; tractors, D2, TD6, or similar h.p. w/ power takeoff	6.83 6.90	.25 .25	.25 .25			
Grader operator (motor patrol)						
Asphalt bituminous stabilizer plant; automatic road machine (CMI or similar); backfiller; bituminous spreader and finishing machine (power); boom truck (power operated boom); concrete mixer, on job site over 14S; crushing plant (gravel and stone) gravel washing, crushing and screening plant; dope machine (pipeline); drillings; heavy duty rotary churn or cable drills; engineer in charge of plant requiring first class license; fork lift; straddle carrier; fork lift or lumber stacker (for construction job site); front end loader, over 1 cu. yd. up to 5 cu. yd.; launcherman (tankerman or pilot license); locomotives, all types; mechanic or welder; hoist engineer (power); paving breaker or tamping machine (power driven) (Mighty Mite or similar type); power actuated horizontal boring machines over 6" operator; pick-up sweeper, 1 cu. yd. and over hopper cap.; pipeline wrapping cleaning or bending machine; power plant engineer 100 kw.-hr. and over; pugmill; rollers 8 tons and over; rubber tired tractor backhoe attachs.; sheep foot roller (self-propelled) (3 drums and over); slip form (power driven) (paving); tie tamper and ballast machine tractor, over D2, TD6, or similar h.p. with power take-off; tractor, over 50 h.p. without power take-off; trenching machine (sewer, water, gas); turnapull (or similar type); well point installation, dismantling or repair mechanics; 2 or more pumps; compressors; welding machines	7.48 7.58	.25 .25	.25 .25			
Self-propelled traveling soil stabilizer						
Dual tractor; elevating grader; pumpcrete; scraper truck capacity 32 cu. yd. and over	7.68	.25	.25			
Cableway; concrete mixer stationary plant over 34E; derrick (guy and stiff leg) (power) (skids or stationary); dredge operator or engineer; dredge operator (power) and engineer; front end loader 5 cu. yd. and over; grader or motor patrol, finishing, earth work and bituminous; locomotive crane; master mechanic; mixer (paving) concrete paving, road; mole operator including power supply; mucking machine (including mucking operations) (Conway or similar); power shovel and/or other equipment with shovel type controls, up to 3 cu. yd.; refrigeration plant engineer; tandem scraper; tractor, boom type; truck crane; tugboat, 100 h.p. and over	7.70	.25	.25			
Crane with over 135 boom, excluding jib; power shovel and/or other equipment with shovel type controls, 3 cu. yd. and over	7.96	.25	.25			

WD No. AM-6,250—36 F.R. 22106, St. Louis (Duluth) County, Minn., Modification No. 2

CHANGE:						
Building construction:						
Electricians:						
Electrical contracts under $5,000	7.80	3%	3½%	7%	1½%	
Electrical contracts over $5,000	8.00	3%	3½%	7%	1½%	
Power equipment operators:						
Helicopter operators (hoisting material)	11.25	.15	$0.25			
Truck and crawler cranes with 200' of boom and over including jib	8.85	.15	.25			
Truck and crawler cranes with 150' of boom including jib up to 200' of boom	8.50	.15	.25			
Traveling tower crane	8.40	.15	.25			

V 37-29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Building Construction—Continued						
Power equipment operators—Continued						
Master mechanic	8.30	.15	.25			
Derrick (guy and stiffleg); hoist engineer (3 drums or more); locomotive operator, master mechanic; overhead crane operator (inside building perimeter); truck and crawler cranes up to 150' of boom including jib	8.05	.15	.25			
Air compressor operator, pump operator and/or conveyor, 2 or more machines; hoist engineer (2 drums); mechanic or welder; pumpcrete or Compiaco type machine operator	7.93	.15	.25			
Fork lift operator	7.93	.15	.25			
Boom truck operator; concrete mixer operator; drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); front end loader operator; hoist engineer (1 drum); power plant engineer (100 kw.-hr. and over); straddle carrier operator; tractor operator (over D–2); well point pump operator	7.85	.15	.25			
Concrete batch plant operator; gunite operator; tractor operator (D–2 or similar size and front end loader operator up to ½ cu. yd.)	7.58	.15	.25			
Air compressor operator, pump and/or conveyor operator; fireman, temporary heat; brakeman; pick up sweeper (combustion engine operated); truck crane oiler	7.30	.15	.25			
Mechanic space heater (temporary heat); oiler or greaser	6.85	.15	.25			
Site preparation, excavation, and incidental paving:						
Laborers:						
Unskilled laborers; laborers, wrecking and demolition; bricklayer tender; drill runner helper; landscape gardener; sod layer and nurseryman; pipe handler (water, gas, cast iron); salamander heater and blower tender; carpenter tender; stone mason tender	6.08	.15	.15	.25		
Bituminous shoveler; bottom man (sewer water or gas trench); cement handler (bulk or bag); cement coverman (batch trucks); chain saw man; compaction equipment (hand operated); concrete mixer operator (1 bag); concrete shoveler, tamper and puddler (paving); concrete vibrator; conduit layers (w/o wiring); dumper (wagon, truck, etc.); formsetter (municipal type curb and sidewalk); formsetter (pavement); jackhammerman and paving buster; kettleman (bituminous or lead); mortar mixer; power buggy; joint sawer; tunnel laborer (atmospheric pressure)	6.18	.15	.15	.25		
Bituminous tamper; cofferdam work; caisson work	6.33	.15	.15	.25		
Drill runner (heavy, including churn drill)	6.38	.15	.15	.25		
Bituminous raker, floater and utility man; pipelayer (sewer, water, gas); leadman	6.43	.15	.15	.25		
Nozzleman (gunite)	6.48	.15	.15	.25		
Powderman	6.56	.15	.15	.25		
Tunnel miner	6.68	.15	.15	.25		
Dredge deck hand; gravel screening plant (portable, not crushing or washing); greaser truck and tractor; leverman; mechanic helper; mechanic space heater (temporary heat); oilers (power shovel, crane, dragline)	6.45	.25	.25			
Tractor, 50 h.p. or less without power take-off	6.48	.25	.25			
Batch plant (concrete); brakeman or switchman; conveyor; fireman; tank car heater; self-propelled vibrating packer (pad type) (35 h.p. and over); truck crane oiler	6.55	.25	.25			
Air compressor; lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
Concrete distributor and spreader; finishing machine; longitudinal float; joint machine; spray operator; concrete saw (multiple blade) (power operated); fine grade operator; form trench digger (power); power actuated jacks; pumps; shouldering machine (power) (Apsco or similar type including self-propelled sand and chip spreader); stump chipper; self-propelled chip spreader (Flaherty or similar); curb machine	6.72	.25	.25			
Bituminous spreader and bituminous finishing machine (helper) (power)	6.80	.25	.25			
Concrete mixer, on job site 14s and under; front end loader, up to and including 1 cu. yd.; gunite operator gunall; loader (Barber Greene or similar type); power actuate augers; boring machine; rollers up to 8 tons; tractor, D2, TD6, or similar h.p. w/power take-off	6.83	.25	.25			
Grader operator (motor patrol)	6.90	.25	.25			
Asphalt bituminous stabilizer plant; automatic road machine (CMI or similar); backfiller; bituminous spreader and finishing machine (power); boom truck (power operated boom); concrete mixer, on job site over 14S; crushing plant (gravel and stone); gravel washing, crushing and screening plant; dope machine (pipeline); drill rigs; heavy duty rotary churn or cable drills; engineer in charge of plant requiring first class license; fork lift; straddle carrier; fork lift or lumber stacker (for construction job site); front end loader, over 1 cu. yd. up to 5 cu. yd.; launcherman (tankerman or pilot license); locomotives, all types; mechanic or welder; hoist engineer (power); paving breaker or tamping machine (power driven) (Mighty Mite or similar type); power actuated horizontal boring machines over 6" operator; pick-up sweeper, 1 cu. yd. and over hopper cap.; pipeline wrapping cleaning or bending machine; power plant engineer 100 kw.-hr. and over; pugmill; rollers 8 tons and over; rubber tired tractor backhoe attachs.; sheep foot roller (self-propelled) (3 drum and over); slip form (power driven) (paving); tie tamper and ballast machine tractor, over D2, TD6, or similar h.p. with power take-off; tractor, over 50 h.p. without power take-off; trenching machine (sewer, water, gas); turnapull (or similar type); well point installation dismantling or repair mechanics; 2 or more pumps; compressors; welding machines	7.48	.25	.25			
Self-propelled traveling soil stabilizer	7.55	.25	.25			
Dual tractor; elevating grader; pumpcrete; scraper struck capacity 32 cu. yd. and over	7.58	.25	.25			
Cableway; concrete mixer stationary plant over 34E; derrick (guy and stiff leg) (power) (skids or stationary); dredge operator or engineer; dredge operator (power) and engineer; front end loader 5 cu. yd. and over; grader or motor patrol, finishing. earth work and bituminous; locomotive crane; master mechanic; mixer (paving) concrete paving, road; mole operator including power supply; mucking machine (including mucking operations) (Conway or similar); power shovel and/or other equipment with shovel type controls, up to 3 cu. yd.; refrigeration plant engineer; tandem scraper; tractor, boom type; truck crane; Tugboat, 100 h.p. and over	7.70	.25	.25			
Crane with over 135 boom. excluding jib; power shovel and/or other equipment with shovel type controls, 3 cu. yd. and over	7.96	.25	.25			

WD No. AM-6,251—36 F.R. 22108, Anoka County, Minn., Modification No. 1

CHANGE:						
Building construction:						
Asbestos workers	8.17	.30	.35		.02	
Carpenters:	7.13	.40	.20	.50	.02	
Carpenters; millwrights; piledrivermen	7.38	.40	.20	.50	.02	
When working with material that has been treated with toxic carbolineum or toxic creosote excluding piling	7.60	.20	.20		.01	
Lathers	7.65	.20	.20		.01	
Plasterers	7.84	.24	.15			
Roofers:	7.49	.24	.15			
Roofers	6.30	.25	.25			
Kettlemen						
Truck drivers						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Helicopter operators (hoisting material)	11.25	.15	.25			
Truck and crawler cranes with 200' of boom and over including jib	8.85	.15	.25			
Truck and crawler cranes with 150' of boom including jib up to 200' of boom	8.50	.15	.25			
Traveling tower crane	8.40	.15	.25			
Master mechanic	8.30	.15	.25			
Derrick (guy and stiff leg); hoist engineer (3 drums or more); locomotive operator, master mechanic; overhead crane operator (inside building perimeter); truck and crawler cranes up to 150' of boom including jib	8.05	.15	.25			
Air compressor operator, pump operator and/or conveyor operator, 2 or more machines; hoist engineer (2 drums); mechanic or welder; pumpcrete or complaco type machine operator	7.93	.15	.25			
Fork lift operator	7.93	.15	.25			
Boom truck operator; concrete mixer operator; drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); frontend loader operator; hoist engineer (1 drum); powerplant engineer (100 kw.-hr. and over); straddle carrier operator; tractor operator (over D–2); well point pump operator	7.85	.15	.25			
Concrete batch plant operator; gunite operator; tractor operator (D–2 or similar size and front end loader operator up to ½ cu. yd.)	7.58	.15	.25			
Air compressor operator, pump and/or conveyor operator; fireman, temporary heat; brakeman; pickup sweeper (combustion engine operated); truck crane oiler	7.30	.15	.25			
Mechanic space heater (temporary heat); oiler or greaser	6.85	.15	.25			
Site preparation, excavating and incidental paving:						
Laborers:						
Unskilled laborers; drill runner helper; landscape gardener; sod layer and nurseryman; powder monkey; reinforced steel laborer; reinforced steel setter (pavement); salamander heater and blower tender; carpenter tender; winch handler (manual)	5.85	.35	.35	.40		
Laborer, wrecking and demolition; bituminous batcherman (stationary plant); bituminous shoveler; blacksmith helper; bottom man (sewer, water or gas trench); bricklayer tender; cement handler (bulk or bag); cement coverman (batch trucks); compaction equipment (hand operated); concrete shoveler, tamper and puddler (paving); concrete vibrator; concrete batcherman (proportioning plant); concrete longitudinal floatmen (manual bull float on paving); conduit layers (w/o wiring); chipping hammer; curb setter (stone or precast concrete); dumper (wagon, truck, etc.); dump man; dump man (paver-batch truck, etc.); form setter (municipal type curb and sidewalk); formsetter (pavement); hydrant and valve setter; joint filler (concrete pavement); kettleman (bituminous or lead); service connection maker (water or gas); power buggy; joint sawer; squeegeman (bituminous brick or block); stabilizing batcherman (stationary plant); stonemason tender; drill runner (heavy, including churn drill)	5.95	.35	.35	.40		
Chainsaw man; concrete mixer (1 bag); jackhammer man and paving buster; mortar mixer; pipe handler (water, gas, cast iron); pipe derrickman (triped, manual)	6.00	.35	.35	.40		
Bottom man (sewer, water, or gas trench, more than 8 ft. below starting level of manual work); tunnel laborer (atmospheric pressure); underground laborers; cofferdam work; tunnel work; underpinning work; caisson work; other work more than 8 ft. below starting level of manual work; open ditch work	6.10	.35	.35	.40		
Bituminous tamper; pipelayer (sewer, water, gas); sand cushion and bed maker	6.15	.35	.35	.40		
Cement gun (1½ in. and over); leadman	6.20	.35	.35	.40		
Nozzlemen (gunite)	6.25	.35	.35	.40		
Brick or block paving setter	6.25	.35	.35	.40		
Bituminous raker, floater and utility man	6.30	.35	.35	.40		
Powderman; tunnel man (air pressure); tunnel miner	6.53	.35	.35	.40		
Power equipment operators:						
Dredge deck hand; gravel screening plant (portable, not crushing or washing); greaser truck and tractor; leverman; mechanic helper; mechanic space heater (temporary heat); oilers (power shovel, crane, dragline)	6.45	.25	.25			
Tractor, 50 h.p. or less without powcr takeoff	6.48	.25	.25			
Batch plant (concrete); brakeman or switchman; conveyor; fireman; tank car heater; self-propelled vibrating packer (pad type) (35 h.p. and over); truck crane oiler	6.55	.25	.25			
Air compressor; lead greaser on grease truck or grease rack (where no mechanic is employed)	6.70	.25	.25			
Concrete distributor and spreader; finishing machine; longitudinal float; joint machine; spray operator; concrete saw (multiple blade) (power operated); fine grade operator; form trench digger (power); power actuated jacks; pumps; shouldering machine (power) (Apsco or similar type including self-propelled sand and chip spreader); stump chipper; self-propelled chip spreader (Flaherty or similar); curb machine	6.72	.25	.25			
Bituminous spreader and bituminous finishing machine (helper) (power)	6.80	.25	.25			
Concrete mixer, on job site 14s and under; front end loader, up to and including 1 cu. yd.; gunite operator gunall; loader (Barber Greene or similar type); power actuate augers; boring machine; rollers up to 8 tons; tractor, D2, TD6, or similar h.p. w/power takeoff	6.83	.25	.25			
Grader operator (motor patrol)	6.90	.25	.25			
Asphalt bituminous stabilizer plant; automatic road machine (CMI or similar); backfiller; bituminous spreader and finishing machine (power); boom truck (power operated boom); concrete mixer, on jobsite over 14S; crushing plant (gravel and stone); gravel washing, crushing and screening plant; dope machine (pipeline); drill rigs; heavy duty rotary churn or cable drills; engineer in charge of plant requiring first class license; fork lift; straddle carrier; fork lift or lumber stacker (for construction jobsite); front end loader, over 1 cu. yd. up to 5 cu. yds.; launcherman (tankerman or pilot license); locomotives, all types; mechanic or welder; hoist engineer (power); paving breaker or tamping machine (power driven); (Mighty Mite or similar type); power actuated horizontal boring machines over 6" operator; pickup sweeper, 1 cu. yd. and over hopper capacity; pipeline wrapping, cleaning or bending machine; powerplant engineer 100 kw.-hr. and over; pugmill; rollers 8 tons and over; rubber tired tractor backhoe attachs.; sheep foot roller (self-propelled) (3 drum and over); Slip form (power driven) (paving); tie tamper and ballast machine tractor, over D2, TD6, or similar h.p. with power takeoff; tractor, over 50 h.p. without power takeoff; trenching machine (sewer, water, gas); turnapull (or similar type); well point installation, dismantling or repair mechanics; two or more pumps; compressors; welding machines	7.48	.25	.25			
Self-propelled traveling soil stabilizer	7.55	.25	.25			
Dual tractor; elevating grader; pumpcrete; scraper struck capacity 32 cu. yds. and over	7.58	.25	.25			
Cableway; concrete mixer stationary plant over 34E; derrick (guy and stiff leg) (power) (skids or stationary); dredge operator or engineer; dredge operator (power) and engineer; front end loader 5 cu. yds. and over; grader or motor patrol, finishing, earth work and bituminous; locomotive crane; master mechanic; mixer (paving) concrete paving, road; mole operator including power supply; mucking machine (including mucking operations) (Conway or similar); power shovel and/or other equipment with shovel type controls, up to 3 cu. yds.; refrigeration plant engineer; tandem scraper; tractor, boom type; truck crane; tugboat, 100 h.p. and over	7.70	.25	.25			
Crane with over 135' boom, excluding jib; power shovel and/or other equipment with shovel type controls, 3 cu. yds. and over	7.96	.25	.25			

V 37-29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,850—36 F.R. 16260, Dauphin County, Pa., Modification No. 2						
CHANGE:						
Building construction:						
Marble setters	6.525	.20	.175			
Truckdrivers:						
Pickups, dump, service trucks, flat trucks to and including Z highway license plates	5.05	d	e			
Transit mix, winch trucks, tractor trailers, all types Euclid, Ross lumber carriers and trucks over Z plates	5.30	d	e			
Footnote: d. $34.50 per month for employees who has worked 40 hours or more during the month.						
WD No. AM-1,851—36 F.R. 16262, Cumberland County, Pa., Modification No. 2						
CHANGE:						
Tile setters	6.525	.20	.175			
Truck drivers:						
Pickups, dump, service trucks, flat trucks to and including Z highway license plates	5.05	d	e			
Transit mix, winch trucks, tractor trailers, all types Euclid, Ross lumber carriers and trucks over Z plates	5.30	d	e			
Footnote: d. $34.50 per month for employees who has worked 60 hours or more during the month.						
WD No. AM-1,853—36 F.R. 16270, Erie County, Pa., Modification No. 2						
CHANGE:						
Building construction:						
Line construction:						
Linemen	6.94	.15	1%			
Cable splicer and dynamite man	6.94	.15	1%			
Digging machine operator (hole digger operator)	6.94	.15	1%			
Tractor and compressor operator	4.92	.15	1%			
Groundman—truck driver	4.73	.15	1%			
Groundmen	5.37	.25	.25		.02	
Plumbers and steamfitters	6.70	.20	$0.15			
Roofers:						
Composition	4.25	.15	1%			
Tree trimmer:						
Tree trimmer	3.35	.15	1%			
Brush cutter	4.04	.15	1%			
Groundman—truck driver	7.125	.35	$0.40		.10	
Roofers						
WD No. AM-1,855—36 F.R. 16281, Lackawanna County, Pa., Modification No. 2						
CHANGE:						
Building construction:						
Asbestos workers	6.80	.30	.30	1.00		
Bricklayers, plasterers, stone masons and tile setters (Scranton)	7.575	.35	.50		.01	
Electricians	6.675	.275	1%+0.50		.10	
Ironworkers:						
Structural and ornamental	7.95	d			.05	
Reinforcing	7.85	d			.05	
Line construction:						
Linemen	6.94	.15	1%			
Cable splicer and dynamite man	6.94	.15	1%			
Digging machine operator	6.94	.15	1%			
Tractor and compressor operator	4.92	.15	1%			
Groundman—truck driver	4.73	.15	1%			
Groundman						
Tree trimmers:	4.25	.15	1%			
Tree trimmer	3.35	.15	1%			
Brush cutter	4.04	.15	1%			
Groundman—truck driver						
PA—22—PEO—1-2B:						
Power equipment operators, building and heavy construction:						
Wage Group I:						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	8.68	4.6%	5.2%	a	.7%	
Wage Group II:						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3¼ cu. yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, forklifts, 20 ft. lift and over, machines similar to the above	8.41	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.61	4.6%	5.2%	a	.7%	
Wage Group IV:						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	5.90	4.6%	5.2%	a	.7%	
Wage Group V:						
Fireman, grease truck	6.47	4.6%	5.2%	a	.7%	
Wage Group VI:						
Oilers and deck hands (personnel boats), core drill helper	5.64	4.6%	5.2%	a	.7%	
Wage Group VII:						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	8.93	4.6%	5.2%	a	.7%	
150 ft. and over	9.18	4.6%	5.2%	a	.7%	
200 ft. and over	9.43	4.6%	5.2%	a	.7%	

Footnote: a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,856—36 F.R. 16285, Lawrence County, Pa., Modification No. 2						
CHANGE:						
Building construction:						
Lathers:						
Wilmington, Plain Grove, Hickory, Washington and Scott Townships	8.16					
Line construction:						
Linemen	6.94	.15	1%			
Cable splicer and dynamiteman	6.94	.15	1%			
Groundman—truck driver	4.92	.15	1%			
Groundman	4.73	.15	1%			
Tree trimmers:						
Tree trimmers	4.25	.15	1%			
Brush cutter	3.35	.15	1%			
Groundman—truck driver	4.04	.15	1%			
Roofers	7.125	.35	.40		.01	
Soft floor layers	7.80	4%	5%	d	¼%	
WD No. AM-1,858—36 F.R. 16294, Luzerne County, Pa., Modification No. 1						
CHANGE:						
Asbestos workers	6.80	.30	.30	1.00		
Bricklayers and stonemasons: Hazleton, Berwick and Freeland:						
Commercial	6.75	.30				
Remainder of county	5.20	.30				
Electricians (Hazleton):						
Commercial	6.85	.20	1%+.10			
Elevator constructors	7.66	.195	.20	1¼%a+b	$0.005	
Elevator constructors' helpers	5.36	.195	.20	1¼%a+b	.005	
Elevator constructors' helpers (prob.)	3.83					
Line construction:						
Linemen, cable splicers', dynamite man and digging machine operator, tractor and compressor operator	6.94	.15	1%			
Groundman	4.73	.15	1%			
Groundman—truck driver	4.92	.15	1%			
Marble setters (Hazleton)	6.25	.30				
Painters (Pittston):						
Commercial:						
Brush	5.25					
Spray	6.38					
Industrial:						
Brush	5.99					
Plasterers:						
Hazleton, Berwick and Freeland	6.00					
Terrazzo workers and tile setters:						
Hazleton	6.50	.30				
PA-22-PEO-1-2B:						
Power equipment operators, building and heavy construction:						
Wage Group I:						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	8.68	4.6%	5.2%	a	.7%	
Wage Group II:						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3½ cu. yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plant operators (concrete), drills, self-contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.41	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3½ cu. yds., mechanic-Welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.61	4.6%	5.2%	a	.7%	
Wage Group IV:						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), machines similar to the above	5.90	4.6%	5.2%	a	.7%	
Wage Group V:						
Fireman, grease truck	6.47	4.6%	5.2%	a	.7%	
Wage Group VI:						
Oilers and deck hands (personnel boats), core drill helper	5.64	4.6%	5.2%	a	.7%	
Wage Group VII:						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	8.93	4.6%	5.2%	a	.7%	
150 ft. and over	9.18	4.6%	5.2%	a	.7%	
200 ft. and over	9.43	4.6%	5.2%	a	.7%	

Footnote: a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

WD No. AM-1,859—36 F.R. 16299, Mercer County, Pa., Modification No. 1						
CHANGE:						
Building construction:						
Electricians	8.75	$0.30	1%+.0675		$0.01	
Lathers	8.18					
Line construction:						
Linemen	6.94	.15	1%			
Cable splicer and dynamite man	6.94	.15	1%			
Digging machine operator	6.94	.15	1%			
Tractor and compressor operator	6.94	.15	1%			
Groundman—truck driver	4.92	.15	1%			
Groundman	4.73	.15	1%			
WD No. AM-1,861—36 F.R. 16310, Northampton County, Pa., Modification No. 1						
CHANGE:						
Building construction:						
Linemen	8.38	.15	1%		.5%	
Cable splicer	8.38	.15	1%		.5%	
Groundman	5.03	.15	1%		.5%	
Winch truck operator	6.87	.15	1%		.5%	

VOL 37 NO 29 FEB 11 1972 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PA-22-PEO-1-2B:						
Power equipment operators, building and heavy construction:						
Wage group I:						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	8.68	4.6%	5.2%	a	.7%	
Wage group II:						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two lowers, pavers 21E and over, all types of overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3½ cu. yds. and over, tandem scrapers, pipping type backhoes, boat captains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.41	4.6%	5.2%	a	.7%	
Wage group III:						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.61	4.6%	5.2%	a	.7%	
Wage group IV:						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	6.90	4.6%	5.2%	a	.7%	
Wage group V:						
Fireman, grease truck	6.47	4.6%	5.2%	a	.7%	
Wage group VI:						
Oilers and deck hands (personnel boats), core drill helper	5.64	4.6%	5.2%	a	.7%	
Wage group VII:						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	8.93	4.6%	5.2%	a	.7%	
150 ft. and over	9.18	4.6%	5.2%	a	.7%	
200 ft. and over	9.43	4.6%	5.2%	a	.7%	

Footnote: a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

WD No. AM-3,554—36 F.R. 16771, Bexar County, Tex., Modification No. 1

CHANGE:
16—Texas-3-f:
Incidental paving and utilities and site preparation:

Air toolman	1.85					
Asphalt heaterman	2.50					
Asphalt raker	2.50					
Batching plant scaleman	2.75					
Carpenter	2.75					
Carpenter helper	2.50					
Concrete finisher (paving)	3.00					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	2.85					
Concrete finisher helper (structures)	2.40					
Concrete rubber	2.10					
Electrician	4.60					
Form builder (structures)	2.95					
Form builder helper (structures)	2.00					
Form setter (paving and curb)	3.00					
Form setter (structures)	2.95					
Form setter helper (structures)	2.50					
Laborer, common	1.60					
Laborer, utility man	2.00					
Manhole builder, brick	2.00					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.30					
Painter (structures)	4.25					
Painter helper (structures)	2.25					
Pipelayer	2.80					
Pipelayer helper	1.85					
Powderman	2.75					
Powderman helper	2.25					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	2.80					
Reinforcing steel setter helper	2.00					
Steel worker (structural)	3.60					
Spreader boxman	2.30					
Swamper	2.00					
Power equipment operators:						
Asphalt distributor	2.50					
Asphalt paving machine	2.75					
Bulldozer, 150 hp. and less	2.80					
Bulldozer, over 150 hp	3.25					
Concrete paving finishing machine	2.75					
Concrete paving saw	2.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	2.85					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	3.50					
Crusher or screening plant operator	2.80					
Foundation drill operator (crawler mounted)	4.90					
Foundation drill operator (truck mounted)	3.85					
Foundation drill operator helper	3.15					
Front end loader (2½ cu. yds. and less)	2.55					
Front end loader (over 2½ cu. yds.)	2.75					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.00					
Roller, steel wheel (plant-mix pavements)	2.60					
Roller, steel wheel (other—flat wheel or tamping)	2.00					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yds. and less)	2.50					
Scrapers (over 17 cu. yds.)	2.75					
Tractor (crawler type) 150 hp. and less	2.20					
Tractor (crawler type) over 150 hp	2.50					
Tractor (pneumatic) 80 hp. and less	2.05					
Tractor (pneumatic) over 80 hp	2.50					
Trenching machine, light	2.55					
Wagon drill, boring machine or post-hole driller-operator	2.50					

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
16—Texas-3-f—Continued						
Incidental paving and utilities and site preparation—Continued						
Truckdrivers:						
Single-axle, light	2.00					
Single-axle, heavy	2.00					
Tandem-axle or semitrailer	2.00					
Winch	2.15					
Welder	4.00					

WD No. AM-3,555—36 F.R. 16773, Bexar County, Tex., Modification No. 6

CHANGE:

Building construction:						
Laborers:						
Common laborers	3.72	.18	.10		.02	
Air tool operator (jackhammer, vibrating)	3.81	.18	.10		.02	
Bell holeman	3.53	.18	.10		.02	
Mason tenders	3.83	.18	.10		.02	
Mortar mixers	4.09	.18	.10		.02	
Plasterer's tenders	4.09	.18	.10		.02	
Marble masons	5.70	.20	.20			
Terrazzo workers	5.70	.20	.20			
Tile setters	5.70	.20	.20			
Line construction:						
Linemen	6.615	.17	1%		1%	
Ground mechanics	5.33	.17	1%		1%	
Groundmen	4.51	.17	1%		1%	
Groundmen, first 6 months	3.36	.17	1%		1%	
Incidental paving and utilities:						
Air toolman	1.85					
Asphalt heaterman	2.50					
Asphalt raker	2.50					
Batching plant scaleman	2.75					
Carpenter	2.75					
Carpenter helper	2.50					
Concrete finisher (paving)	3.00					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	2.85					
Concrete finisher helper (structures)	2.40					
Concrete rubber	2.10					
Electrician	4.60					
Formbuilder (structures)	2.95					
Formbuilder helper (structures)	2.00					
Form setter (paving and curb)	3.00					
Form setter (structures)	2.95					
Form setter helper (structures)	2.50					
Laborer, common	1.60					
Laborer, utility man	2.00					
Manhole builder, brick	2.00					
Mechanic	3.00					
Mechanic helper	2.50					
Oiler	2.30					
Painter (structures)	4.25					
Painter helper (structures)	2.25					
Pipelayer	2.80					
Pipelayer helper	1.85					
Powderman	2.75					
Powderman helper	2.25					
Reinforcing steelsetter (paving)	3.00					
Reinforcing steelsetter (structures)	2.80					
Reinforcing steel setter helper	2.00					
Steelworker (structural)	3.60					
Spreader boxman	2.30					
Swamper	2.00					
Power equipment operators:						
Asphalt distributor	2.50					
Asphalt paving machine	2.75					
Bulldozer, 150 hp. and less	2.80					
Bulldozer, over 150 hp	3.25					
Concrete paving finishing machine	2.75					
Concrete paving saw	2.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	2.85					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	3.50					
Crusher on screening plant operator	2.80					
Foundation drill operator (crawler mounted)	4.90					
Foundation drill operator (truck mounted)	3.85					
Foundation drill operator helper	3.15					
Front end loader (2½ cu. yds. and less)	2.55					
Front end loader (over 2½ cu. yds.)	2.75					
Motor grader operator, fine grade	3.25					
Motor grader operator	3.00					
Roller, steel wheel (plant-mix pavements)	2.60					
Roller, steel wheel (other—flat wheel or tamping)	2.00					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yds. and less)	2.50					
Scrapers (over 17 cu. yds.)	2.75					
Tractor (crawler type) 150 h.p. and less	2.20					
Tractor (crawler type) over 150 h.p	2.50					
Tractor (pneumatic) 80 h.p. and less	2.05					
Tractor (pneumatic) over 80 h.p	2.50					
Trenching machine, light	2.55					
Wagon drill, boring machine or post-hole driller-operator	2.50					
Truckdrivers:						
Single-axle, light	2.00					
Single-axle, heavy	2.00					
Tandem-axle or semitrailer	2.00					
Winch	2.15					
Welder	4.00					

V 37-29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-7,489—36 F.R. 21737, Harris County, Tex. Modification No. 6						
CHANGE:						
Line construction:						
Linemen	7.465	.17	1%		1%	
Ground mechanics	6.42	.17	1%		1%	
Groundman	5.15	.17	1%		1%	
Groundmen (first 6 months)	3.77	.17	1%		1%	
14—Texas—3–f:						
Incidental paving and utilities:						
Air toolman	2.80					
Asphalt heaterman	2.85					
Asphalt raker	3.00					
Asphalt shoveler	2.50					
Batching plant scaleman	2.60					
Carpenter	4.00					
Carpenter helper	3.00					
Concrete finisher (paving)	3.75					
Concrete finisher helper	2.75					
Concrete finisher (structures)	3.45					
Concrete finisher helper (structures)	3.00					
Concrete rubber	3.00					
Electrician	5.50					
Form builder (structures)	3.50					
Form builder helper (structures)	2.55					
Formliner (paving and curb)	3.65					
Formsetter (paving and curb)	3.45					
Formsetter helper (paving and curb)	2.75					
Formsetter (structures)	3.75					
Formsetter helper (structures)	2.65					
Laborer, common	2.25					
Laborer, utility man	2.50					
Manhole builder, brick	3.75					
Mechanic	4.00					
Mechanic helper	3.10					
Oiler	2.95					
Serviceman	3.10					
Painter (structures)	3.90					
Painter helper (structures)	2.80					
Piledriverman	3.50					
Pipelayer	3.00					
Pipelayer helper	2.75					
Reinforcing steelsetter (paving)	3.00					
Reinforcing steelsetter (structures)	3.40					
Reinforcing steelsetter helper	2.50					
Steelworker (structural)	3.90					
Steelworker helper (structural)	2.75					
Spreader boxman	3.50					
Power equipment operators:						
Asphalt distributor	3.25					
Asphalt paving machine	3.20					
Bulldozer, 150 h.p. and less	3.25					
Bulldozer, over 150 h.p.	3.50					
Concrete paving curing machine	3.35					
Concrete paving finishing machine	3.35					
Concrete paving longitudinal float	3.25					
Concrete paving mixer	3.75					
Concrete paving spreader	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	4.00					
Crusher or screening plant operator	3.25					
Foundation drill operator (crawler mounted)	4.00					
Foundation drill operator (truck mounted)	3.85					
Front end loader (2½ cu. yds. and less)	3.25					
Front end loader (over 2½ cu. yds.)	3.50					
Mixer (16 cu. ft. and less)	3.55					
Motor grader operator, fine grade	3.75					
Motor grader operator	3.50					
Roller, steel wheel (plant-mix pavements)	2.75					
Roller, steel wheel (other—flat wheel or tamping)	2.75					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yds. and less)	3.00					
Scrapers (over 17 cu. yds.)	3.25					
Tractor (crawler type) 150 h.p. and less	3.00					
Tractor (crawler type) over 150 h.p.	3.15					
Tractor (pneumatic) 80 h.p. and less	2.40					
Tractor (pneumatic) over 80 h.p.	2.55					
Trenching machine, heavy	4.00					
Wagon drill, boring machine or post-hole driller-operator	3.25					
Truckdrivers:						
Single-axle, light	2.50					
Single-axle, heavy	2.75					
Tandem-axle or semitrailer	2.50					
Winch	2.50					
Welder	4.00					
Welder helper	3.00					
WD No. AM-7,705—36 F.R. 22116, Galveston County, Tex. Modification No. 2						
CHANGE:						
14—Texas—3f:						
Incidental paving and Utilities and Site Preparation:						
Air tool man	2.80					
Asphalt heaterman	2.85					
Asphalt raker	3.00					
Asphalt shoveler	2.50					
Batching plant scaleman	2.60					
Carpenter	4.00					
Carpenter helper	3.00					
Concrete finisher (paving)	3.75					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	3.45					
Concrete finisher helper (structures)	3.00					
Concrete rubber	3.00					

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
14—Texas—3–f—Continued						
Incidental paving and utilities and site preparation—Continued						
Electrician	5.50					
Form builder (structures)	3.50					
Form builder helper (structures)	2.55					
Form liner (paving and curb)	3.65					
Form setter (paving and curb)	3.45					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.75					
Form setter helper (structures)	2.65					
Laborer, common	2.25					
Laborer, utility man	2.50					
Manhole builder, brick	3.75					
Mechanic	4.00					
Mechanic helper	3.10					
Oiler	2.95					
Serviceman	3.10					
Painter (structures)	3.90					
Painter helper (structures)	2.80					
Piledriverman	3.50					
Pipelayer	3.00					
Pipelayer helper	2.75					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	2.40					
Reinforcing steel setter helper	2.50					
Steel Worker (structural)	3.90					
Steel worker helper (structural)	2.75					
Spreader box man	3.50					
Power equipment operators:						
Asphalt distributor	3.25					
Asphalt paving machine	3.20					
Bulldozer, 150 h.p. and less	3.25					
Bulldozer, over 150 h.p.	3.50					
Concrete paving curing machine	3.35					
Concrete paving finishing machine	3.35					
Concrete paving longitudinal float	3.25					
Concrete paving mixer	3.75					
Concrete paving spreader	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	4.00					
Crusher or screening plant operator	3.25					
Foundation drill operator (crawler mounted)	4.00					
Foundation drill operator (truck mounted)	3.85					
Front end loader (2½ cu. yds. and less)	3.25					
Front end loader (over 2½ cu. yds.)	3.50					
Mixer (16 cu. ft. and less)	3.55					
Motor grader operator, fine grade	3.75					
Motor grader operator	3.50					
Roller, steel wheel (plant-mix pavements)	2.75					
Roller, steel wheel (other-flat wheel or tamping)	2.75					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yds. and less)	3.00					
Scrapers (over 17 cu. yds.)	3.25					
Tractor (crawler type) 150 h.p. and less	3.00					
Tractor (crawler type) over 150 h.p.	3.15					
Tractor (pneumatic) 80 h.p. and less	2.40					
Tractor (pneumatic) over 80 h.p.	2.55					
Trenching machine, heavy	4.00					
Wagon drill, boring machine or post hole driller operator	3.25					
Truck Drivers:						
Single axle, light	2.50					
Single axle, heavy	2.75					
Tandem axle or semitrailer	2.50					
Winch	2.50					
Welder	4.00					
Welder helper	3.00					
WD No. AM-7,706—36 F.R. 22117, Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Castro, Swisher and Childress Counties, Texas Modification No. 3						
CHANGE:						
19—Texas—3f						
Incidental Paving and Utilities and Site Preparation:						
Asphalt heaterman	3.00					
Asphalt raker	3.50					
Batching plant scaleman	3.70					
Carpenter	3.25					
Carpenter helper	2.50					
Concrete finisher (paving)	3.55					
Concrete finisher helper (paving)	3.00					
Concrete finisher (structures)	3.90					
Concrete rubber	3.25					
Form builder (structures)	3.65					
Form builder helper (structures)	3.00					
Form liner (paving and curb)	3.50					
Form setter (structures)	4.20					
Form setter helper (structures)	3.15					
Laborer, common	2.15					
Laborer, utility man	2.65					
Manhole builder, brick	2.50					
Mechanic	3.50					
Mechanic helper	3.10					
Oiler	3.00					
Serviceman	2.90					
Pipelayer	2.70					
Pipelayer helper	2.15					
Powderman	3.50					
Reinforcing steel setter (structures)	3.25					
Reinforcing steel setter helper	2.55					
Sign erector	3.00					
Sign erector helper	2.60					
Spreader box man	3.00					
Swamper	2.25					

V37-29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
19—Texas—3f—Continued						
Incidental paving and utilities and site preparation—Continued						
Power equipment operators:						
Asphalt distributor	3.30					
Asphalt paving machine	4.20					
Broom or sweeper operator	2.55					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 h.p.	3.50					
Concrete paving curing machine	3.10					
Concrete paving form grader	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.25					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	4.35					
Crusher or screening plant operator	3.30					
Foundation drill operator (truck mounted)	3.90					
Front end loader (2½ cu. yds. and less)	3.25					
Front end loader (over 2½ cu. yds.)	3.65					
Motor grader operator, fine grade	4.35					
Motor grader operator	3.75					
Roller, steel wheel (plant-mix pavements)	3.30					
Roller, steel wheel (other-Flat wheel or tamping)	3.00					
Roller, pneumatic (self-propelled)	2.55					
Scrapers (17 cu. yd. and less)	3.00					
Scrapers (over 17 cu. yd.	3.50					
Tractor (crawler type) 150 h.p. and less	2.90					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) 80 h.p. and less	2.40					
Tractor (pneumatic) over 80 h.p.	2.65					
Traveling mixer	3.20					
Wagon drill, boring machine or post hole driller operator	2.80					
Truck drivers:						
Single axle, light	2.50					
Single axle, heavy	2.55					
Tandem axle or semitrailer	2.25					
Lowboy-float	3.60					
Winch	3.50					
Weighman (truck scales)	2.30					
Welder	4.35					

WD No. AM–7,713–36 F.R. 22118, Loving, Winkler, Ector, Midland, Reeves, Ward, Crane, Upton, and Pecos Counties, Tex., Modification No. 2

CHANGE:						
20—Texas—3f:						
Incidental paving and utilities and site preparation:						
Air tool man	2.40					
Asphalt heaterman	2.60					
Asphalt raker	2.75					
Batching plant scaleman	2.65					
Carpenter	3.30					
Carpenter helper	2.50					
Concrete finisher (structures)	3.00					
Concrete finisher helper (structures)	2.75					
Concrete rubber	3.10					
Form builder (structures)	3.15					
Form builder helper (structures)	2.25					
Form setter (paving and curb)	3.00					
Form setter helper (paving and curb)	2.65					
Form setter (structures)	3.00					
Form setter helper (structures)	2.40					
Laborer, common	3.00					
Laborer, utility man	2.55					
Mechanic	3.00					
Mechanic helper	2.35					
Oiler	3.00					
Serviceman	2.50					
Powderman	2.30					
Reinforcing steel setter (structures)	2.60					
Reinforcing steel setter helper	3.00					
Spreader box man	3.00					
Power equipment operators:	2.25					
Asphalt distributor	2.60					
Asphalt paving machine	2.90					
Bulldozer, 150 h.p. and less	2.75					
Bulldozer, over 150 h.p.	2.85					
Concrete paving saw	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	2.75					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	3.00					
Crusher or screening plant operator	3.25					
Elevating grader	2.75					
Foundation drill operator (truck mounted)	2.75					
Front end loader (2½ cu. yd. and less)	4.10					
Front end loader (over 2½ cu. yd.)	2.70					
Motor grader operator, fine grade	3.00					
Motor grader operator	3.25					
Roller, steel wheel (plant-mix pavements)	3.00					
Roller, steel wheel (other-flat wheel or tamping)	2.75					
Roller, pneumatic (self-propelled)	2.35					
Scrapers (17 cu. yds. and less)	2.00					
Scrapers (over 17 cu. yds.)	2.85					
Tractor (crawler type) 150 h.p. and less	3.00					
Tractor (crawler type) over 150 h.p.	2.60					
Tractor (pneumatic) 80 h.p. and less	2.75					
Tractor (pneumatic) over 80 h.p.	2.50					
Traveling mixer	2.75					
Wagon drill, boring machine or post hole driller operator	2.80					
Truck drivers:	2.50					
Single axle, light	2.00					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.00					
Lowboy-float	2.90					
Weighman (truck scales)	2.00					
Welder	3.00					

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-7, 714—36 F.R. 22119, Travis County, Tex., Modification No. 3						
CHANGE:						
Building construction:						
Carpenters:						
Carpenters	5.845	.21	.30		.02	
Millwrights	6.095	.21	.30		.02	
Electricians:						
Electricians	6.80		1%		1%	
Cable splicers	6.80		1%		1%	
Painters:						
Painters, brush	5.25					
Taping and floating of sheetrock	5.25					
Paperhangers	5.50					
Spray	5.75					
Steam cleaning, sand blast and other powered equipment	5.75					
Chipper, burner, torch	5.50					
Skeleton steelwork erected	5.50					
Plasterers	7.10				$0.01	
18—Texas—3f:						
Incidental paving and utilities:						
Air tool man	2.15					
Asphalt heaterman	2.50					
Asphalt raker	3.35					
Batching plant scaleman	2.75					
Carpenter	3.30					
Carpenter helper	2.25					
Concrete finisher (structures)	3.00					
Concrete finisher helper (structures)	2.25					
Electrician	5.25					
Fireman	3.30					
Form builder (structures)	3.25					
Form builder helper (structures)	2.25					
Form setter (paving and curb)	2.90					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.00					
Form setter helper (structures)	2.00					
Laborer, common	1.75					
Laborer, utility man	2.00					
Mechanic	3.15					
Mechanic helper	2.25					
Oiler	2.25					
Pipelayer	2.90					
Powderman	2.65					
Reinforcing steel setter (structures)	3.25					
Reinforcing steel setter helper	2.75					
Spreader box man	2.60					
Power equipment operators:						
Asphalt distributor	2.65					
Asphalt paving machine	3.50					
Bulldozer, 150 h.p. and less	2.80					
Bulldozer, over 150 h.p.	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yds.)	3.00					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yds. and over)	3.50					
Crusher or screening plant operator	2.75					
Foundation drill operator (truck mounted)	4.25					
Foundation drill operator helper	3.25					
Front end loader (2½ cu. yds. and less)	2.60					
Front end loader (over 2½ cu. yds.)	3.00					
Motor grader operator, fine grade	3.50					
Motor grader operator	3.20					
Roller, steel wheel (plant-mix pavements)	3.35					
Roller, steel wheel (other—flat wheel or tamping)	2.50					
Roller, pneumatic (self-propelled)	2.00					
Scrapers (17 cu. yds. and less)	2.90					
Scraper (over 17 cu. yds.)	3.00					
Tractor (crawler type) over 150 h.p.	3.00					
Tractor (pneumatic) over 80 h.p.	2.15					
Traveling mixer	2.50					
Wagon drill, boring machine or post hole driller operator	2.25					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.25					
Tandem axle or semitrailer	2.00					
Vibrator man (hand type)	2.25					
Welder	3.00					

WD No. AM-7,715—36 F.R. 22121, Galveston County, Tex., Modification No. 4

CHANGE:						
Building construction:						
Electricians	7.21	.17	1%+.21		.01	
Line construction:						
Linemen	7.465	.17	1%		1%	
Ground mechanics	6.42	.17	1%		1%	
Groundmen	5.15	.17	1%		1%	
Groundmen (first 6 months)	3.77	.17	1%		1%	
14—Texas—3f:						
Incidental paving and utilities (excluding Galveston Island):						
Air tool man	2.80					
Asphalt heaterman	2.85					
Asphalt raker	3.00					
Asphalt shoveler	2.50					
Batching plant scaleman	2.60					
Carpenter	4.00					
Carpenter helper	3.00					
Concrete finisher (paving)	3.75					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	3.45					
Concrete finisher helper (structures)	3.00					
Concrete rubber	3.00					
Electrician	5.50					
Form builder (structures)	3.80					
Form builder helper (structures)	2.85					
Form liner (paving and curb)	3.65					

V37-29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
14—Texas—3f—Continued						
Incidental paving and utilities (excluding Galveston Island)—Continued						
Form setter (paving and curb)	3.45					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.75					
Form setter helper (structures)	2.65					
Laborer, common	2.25					
Laborer, utility man	2.80					
Manhole builder, brick	3.75					
Mechanic	4.00					
Mechanic helper	3.10					
Oiler	2.95					
Serviceman	3.10					
Painter (structures)	3.90					
Painter helper (structures)	2.80					
Piledriverman	3.50					
Pipelayer	3.00					
Pipelayer helper	2.75					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	3.40					
Reinforcing steel setter helper	2.50					
Steel worker (structural)	3.90					
Steel worker helper (structural)	2.75					
Spreader box man	3.80					
Power equipment operators:						
Asphalt distributor	3.25					
Asphalt paving machine	3.20					
Bulldozer, 150 h.p. and less	3.25					
Bulldozer, over 150 h.p.	3.50					
Concrete paving curing machine	3.35					
Concrete paving finishing machine	3.35					
Concrete paving longitudinal float	3.25					
Concrete paving mixer	3.75					
Concrete paving spreader	3.80					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1¼ cu. yds.)	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (1¼ cu. yds. and over)	4.00					
Crusher or screening plant operator	3.25					
Foundation drill operator (crawler mounted)	4.00					
Foundation drill operator (truck mounted)	3.85					
Front end loader (¾ cu. yds. and less)	3.25					
Front end loader (over ¾ cu. yds.)	3.50					
Mixer (16 cu. ft. and less)	3.55					
Motor grader operator, fine grade	3.75					
Motor grader operator	3.60					
Roller, steel wheel (plant-mix pavements)	2.75					
Roller, steel wheel (other—flat wheel or tamping)	2.75					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yds. and less)	3.00					
Scrapers (over 17 cu. yds.)	3.25					
Tractor (crawler type) 150 hp. and less	3.00					
Tractor (crawler type) over 150 hp.	2.15					
Tractor (pneumatic) 80 hp. and less	2.40					
Tractor (pneumatic) over 80 hp.	2.55					
Trenching machine, heavy	4.00					
Wagon drill, boring machine or post hole driller operator	3.25					
Truck drivers:						
Single axle, light	2.50					
Single axle, heavy	2.75					
Tandem axle or semitrailer	2.50					
Winch	2.50					
Welder	4.00					
Welder helper	3.00					

WD No. AM-7,710—36 F.R. 22123, Lubbock County, Tex., Modification No. 4

CHANGE:						
24—Texas—3f:						
Incidental paving and utilities:						
Air tool man	2.60					
Asphalt heaterman	2.50					
Asphalt raker	2.90					
Batching plant seaman	2.75					
Carpenter	3.75					
Carpenter helper	2.65					
Concrete finisher (structures)	2.90					
Fireman	2.70					
Form builder (structures)	2.80					
Form builder helper (structures)	2.50					
Form setter (structures)	3.25					
Form setter helper (structures)	2.50					
Laborer, common	2.20					
Laborer, utility man	2.80					
Mechanic	3.10					
Mechanic helper	2.80					
Oiler	2.50					
Serviceman	2.70					
Powderman	3.25					
Spreader box man	2.70					
Power equipment operators:						
Asphalt distributor	2.60					
Asphalt paving machine	3.25					
Bulldozer, 150 h.p. and less	3.00					
Bulldozer, over 150 hp	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1¼ cu. yds.)	3.15					
Crane, clamshell, backhoe, derrick, dragline, shovel (1¼ cu. yds. and over)	3.75					
Crusher or screening plant operator	3.00					
Front end loader (2½ cu. yds. and less)	2.80					
Front end loader (over 2½ cu. yds.)	3.00					
Motor grader operator, fine grade	3.85					
Motor grader operator	3.50					
Roller, steel wheel (plant-mix pavements)	2.60					
Roller, steel wheel (other—flat wheel or tamping)	2.55					
Roller, pneumatic (self-propelled)	2.50					

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
24—Texas—3f—Continued						
Incidental paving and utilities—Continued						
Power equipment operators—Continued						
Scrapers (17 cu. yds. and less)	2.75					
Scrapers (over 17 cu. yds.)	3.00					
Tractor (crawler type) 150 hp. and less	2.80					
Tractor (crawler type) over 150 hp.	2.80					
Tractor (pneumatic) 80 hp. and less	2.60					
Tractor (pneumatic) over 80 hp.	2.65					
Traveling mixer	2.80					
Wagon drill, boring machine or post hole driller operator	2.75					
Truck drivers:						
Single axle, light	2.00					
Single axle, heavy	2.50					
Tandem axle or semitrailer	2.25					
Transit-mix	2.75					
Welder	3.50					

WD No. AM-7,717—36 F.R. 22124, Jefferson and Orange Counties, Tex., Modification No. 3

CHANGE:						
Electricians	7.225	.17	1%		1½%	
Ironworkers:						
Structural; Ornamental; Reinforcing	6.52	.25	$0.40		$0.05	

WD No. AM-2,479—36 F.R. 17259, Clallam County, Wash., Modification No. 1

CHANGE:						
Bricklayers; stonemasons	7.45	.35	.25		0.02	
Carpenters:						
Carpenters	6.50	.35	.25		.01	
Carpenters on creosoted material	6.60	.35	.25		.01	
Sawfiler; stationary power saw operator; floor finisher; floor layers; shingles; floor sander operator; and other stationary power woodworking	6.63	.35	.25		.01	
Millwrights; machine erectors; piledrivers; bridge, dock, and wharf builders	6.65	.35	.25		.01	
Boommen	6.70	.35	.25		.01	
Acoustical workers	6.66	.35	.25		.01	
Electricians:						
Electricians	8.045	.14	1%		.01	
Cable splicers	8.81	.14	1%		.01	
Elevator constructors	7.65	.195	.20	2%+a		
Elevator constructors' helpers	70%J R	.195	.20	2%+a		
Elevator constructors' helpers (prob.)	50%J R					
Ironworkers:						
Ornamental; structural	$7.38	.42	.40		.02	
Reinforcing	7.38	.43	.40		.02	
Roofers:						
Roofers; kettlemen; waterproofers	6.65	.20	.20			
Slate; tile	6.93	.20	.20			

Footnote: a. Employer contributes 4% basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

Dredging:						
Dipper leverman:						
(a) Over 5 yards	8.39	.35	.50			
(b) 5 yards and under	7.84	.35	.50			
Hydraulic leverman	7.45	.35	.50			
Assistant engineer (electric, generator operator for primary pump, power barge or dredge)	7.13	.35	.50			
Engineer welder; craneman	7.05	.35	.50			
Assistant engineer (electric, diesel, steam or booster pump); mates and boatmen	7.03	.35	.50			
Fireman; oiler	6.59	.35	.50			
Assistant mate (deckhand)	6.59	.35	.50			
Power equipment operators:						
Mechanics' helpers (heavy duty)	6.67	.35	.50		.04	
Brakemen; oiler (grade checkers and stakeman)	6.77	.35	.50		.04	
Fireman; fireman (drier and hot plant)	6.88	.35	.50		.04	
Tractor (farmall type, 60 hp. and under); compressors (excavating and general purposes); rollers, tampers and vibrators (other than plant, road mix or multilift materials)	6.93	.35	.50		.04	
Oiler driver on truck cranes (over 45 tons up to 100)	6.95	.35	.50		.04	
Oil distributors; blower distributors and mulch seeding operator	7.00	.35	.50		.04	
Locomotives (dinkey, air, diesel, electric, gas, steam)	7.01	.35	.50		.04	
Equipment service oiler; oiler driver on truck cranes (100 tons and over)	7.05	.35	.50		.04	
Tractors (farmall type, over 60 hp.); pump (water)	7.07	.35	.50		.04	
Post hole diggers (mechanical)	7.20	.35	.50		.04	
Mixer (asphalt up to 4 tons per batch) brooms, power (Wayne, Saginaw and similar); bulldozers (under D9 or similar); saws (concrete); loaders (fork lift or lumber stacker on construction jobsite, Drott travel lift); scrapers (carryall type, single); roller, tampers, and vibrator, twin engine	7.23	.35	.50		.04	
Loaders (elevating Athey, Barber Greene and similar types); loaders (overhead and front end, under 2½ yds.); mixers (concrete and batch 200 yds. per hour and under); pump (concrete, Fuller Kenyon, pump crete); roller, tamper and vibrator (on plant, road mix or multilift materials); trenching machines (under 16 inches); batch plant and mixer (200 yds. per hour and under); conveyors; crushers (rock), washing and screening plants; finishing machine operator (concrete paving); hoists, air tuggers, strato tower bucket, elevators and deck winches (power); powerplant operators; screedman; spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); cranes ("A" frame truck, single power drum)	7.26	.35	.50		.04	
Locomotive, mechanics or welder (heavy duty)	7.31	.35	.50		.04	
Tournapulls, caterpillar, Euclid scrapers and similar type equipment (25 yds. and under); motor patrol graders (including model 14 and similar)	7.33	.35	.50		.04	
Hoists on steel erection, air tuggers and towermobiles; compressors (steel erection including sandblasting, painting, or same); loaders (forklifts w/tower)	7.35	.35	.50		.04	
Loaders (elevating grader type, Dumor and similar); cement hogs; locomotive (geared or rod engines); paving; scraper (carryall type, double)	7.36	.35	.50		.04	
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar types, 60 hp. and under)	7.41	.35	.50		.04	
Bulldozer (D-9 or similar)	7.45	.35	.50		.04	
Trenching machines (16 inches and over)	7.53	.35	.50		.04	
Bump cutter (Concut, Christianson or similar types)	7.53	.35	.50		.04	
Conveyors (beltcrete with power pack and similar types); loaders (elevating belt type, Euclid and similar); batch plant and mixer (over 200 yds. per hour through 400 yds.); mixer (concrete and batch, over 200 yds. per hour through 400 yds.), paving (dual), asphalt (4 tons and over per batch)	7.88	.35	.50		.04	

V 37 ■ 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Power equipment operators—Continued						
Motor patrol graders (over model 14 and similar); derricks all-drilling machines (core, cable, rotary and exploration); linked pusher, pay dozer (quad 9 and similar); mucking machines (mole or tunnel drill and/or shield); subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. through 40 yds.); tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar, over 60 hp.); piledriver engineers (L. B. Foster puller or similar paving breaker); cranes ("A" frame truck, double power drum); crawler (truck type, floating, locomotive, Whirley, either 3 yds. and under, or 150' of boom, including jibs, and under, or 45 tons and under); hydralifts; Hyster cat cranes and attachments; bulldozers (engaged) in yo yo operation (while clearing and scaling); shovels (crawler and truck type, all attachments, 3 yds. and under); cranes, chipper, wood with boom attachment; mixer (mobile type with hoist combination); cableways (3 yds. and under); loaders (forklift with power boom and swing attachment); loaders (overhead and front end, 2½ yds. up to 4 yds.)	7.63	.35	.50	.04	
Loaders (overhead and front end, 4 yds. up to 8 yds.)	7.85	.35	.50	.04		
Mixer (concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)	7.89	.35	.50	.04		
Tournapulls, Caterpillar, Euclid scraper (over 70 yds. through 55 yds.)	7.94	.35	.50	.04		
Slip form paver (Timmerman, CMI, and other similar types); cableway (over 3 yds.); crane (crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom including jibs, or over 45 tons up to 100 tons); crane (tower cranes, Pecco, Lorraine, Bucyrus and similar types; remote control operator (on rubber tired earth moving equipment); helicopter winch operator; shovel (crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.02	.35	.50	.04		
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 55 yds. through 70 yds.)	8.24	.35	.50	.04		
Loaders (overhead and front end, 8 yds. and over)	8.44	.35	.50	.04		
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 70 yds. through 85 yds.)	8.55	.35	.50	.04		
Shovel (crawler and truck type, all attachments, 6 yds. and over); cranes (crawler, truck type, floating, locomotive, Whirley, either 6 yds. and over, 200' of boom including jibs and over, or 100 tons and over)	8.57	.35	.50	.04		
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 100 yds.)	8.85	.35	.50	.04		
WD No. AM-2,480—36 FH., Adams, Douglas, Franklin, Grant, and Okanogan Counties, Wash., Modification No. 1						
CHANGE:						
CARPENTERS:						
Adams-Franklin-Grant and Douglas and Okanogan Counties east of the 120th meridian:	6.54	.40	.35	.025		
Carpenters	6.69	.40	.35	.025		
Pliedriver; sawfiler; stationary power woodworking tool operator; floorlayer; floor finisher; floor sander	6.74	.40	.35	.025		
Shingler (wood and composition)	6.79	.40	.35	.025		
Creosoted or similar treated material; millwrights; boommen; machine erector						
Carpenters:						
Douglas and Okanogan counties west of the 120th meridian:	6.50	.35	.25	.01		
Carpenters	6.60	.35	.25	.01		
Carpenters on creosoted material						
Sawfiler; stationary power saw operator; floor finisher; shingles; floor sander operator; and other stationary power woodworking tool operator	6.63	.35	.25	.01		
Millwrights; machine erectors; pliedrivers; bridge, dock and wharf builders	6.65	.35	.25	.01		
Boommen	6.70	.35	.25	.01		
Acoustical; workers	6.66	.35	.25	.01		
Electricians:						
Douglas-Grant-Okanogan Counties:	7.53	.25	1%	.02		
Electricians	7.93	.35	1%	.02		
Cable splicers						
Ironworkers	7.38	.43	.40	.03		
Structural; ornamental; fence erectors	7.38	.43	.40	.03		
Reinforcing						
Plasterers:	6.80	.40				
Douglas-Okanogan Counties						
Roofers:	6.20	.30	.15			
Adams-Douglas-Grant and Okanogan Counties						
Adams, Franklin, Grant, and Douglas and Okanogan Counties east of the 120th Meridian:						
Power equipment operators:						
Group I:						
Bit grinders; bolt threading machine; brakeman; compressors, under 1,000 cu. ft. per minute, gas, diesel, or electric power; crusher feeder (mechanical); deck hand; drillers helper; fireman and heater tender; grade checker; helper (mechanic or welder, h.d.); oiler; pumpman; rollers, all types on subgrade (farm type, Case, John Deere, and similar—or compacting or vibrator) except when pulled by dozer with operable blade; welding machines	6.30	.45	.45	.015		
Group II:						
A-frame truck (single-drum); assistant refrigeration plant (under 1,000 tons); assistant plant operator, fireman or pugmixer (asphalt); Bagley or stationary scraper; batch plant and wet mix operator, single unit (concrete); belt finishing machine; bending machine (pipeline); blower operator (cement); cement hog; compressor (1,000 cu. ft. or over, 2 or more—gas, diesel, or electric power); concrete saw (multiple cut); distributor (serviceman; dope pots (power agitated); equipment serviceman, greaser and oiler; fork lift or lumber stacker, hydra-Lift and similar; gin trucks (pipeline); hoist, single drum loaders (bucket elevators and conveyors); longitudinal float; mixer (portable—concrete); pavement breaker, Hydra-Hammer and similar; posthold auger or punch; power broom; railroad ballast regulation operator (self-propelled); railroad power tamper operator (self-propelled); railroad power tamper jack operator (self-propelled); straddle buggy spray curing machine (concrete); spreader box (self-propelled); tractor (farm type R/T with attachments (Case and similar on construction jobsite); tractor (farm type R/T with attachments except backhoe); tugger operator	6.60	.45	.45	.015		
Group III:						
A-frame truck (2 or more drums); assistant refrigeration plant and chiller operator (over 1,000 tons); backfillers (Cleveland and similar); belt-crete conveyors with power pack or similar; belt loader (Kocal or similar); blade operator (motor patrol and attachments); boat operators; boom cats (side); boring machine (earth); boring machine (rock under 8" bit) (Quarry Master, Joy, or similar); bump cutter (Wayne, Saginaw, or similar); canal lining machine (concrete); cleaning and doping machine (pipeline); concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); drills (churn, core, calyx, or diamond); elevating belt-type loader (Euclid, Barber Green, or similar); elevating grader-type loader (Dumor, Adams, or similar); generator plant engineers (diesel electric); gunite combination mixer and compressor; hoist (2 or more drums or tower hoist); loaders (overhead and front-end, under 4 yds. r/t); locomotive engineer; mixermobile; oiler and cable tender, mucking machine; pavers (asphalt and concrete); pump (grout or jet); refrigeration plant engineer (1,000 tons); rollerman (finishing pavement); rubber-tired scrapers (one motor with one scraper, under 40 yds.); screed operator; soil stabilizer (P & H, or similar); spreader machine; tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); traverse finishing machine; trenching machines (under 7 ft. depth capacity); turnhead operator	6.85	.45	.45	.016		

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Adams, Franklin, Grant, and Douglas and Okanogan Counties east of the 120th Meridian—Con.						
Power equipment operators—Continued						
Group IV:						
H.D. mechanic; H.D. welder; refrigeration plant engineer (1,000 tons and over) semi-automatic welding machine	6.95	.45	.45	.015		
Group V:						
Asphalt plant operator; crusher and screening plant operator; rubber-tired scrapers multiengine power with one scraper (Euclid, TS-24, and similar); rubber-tired scraper, one motor with one scraper (40 yds. and over); single engine with two scrapers (Letournneau, Tandem B, and similar); surface heater and planer machine	7.00	.45	.45	.015		
Group VI:						
Automatic subgrader (ditches and trimmers) (R. A. Hansen and similar); backhoes (under 3 yds.); batch and wet mix operator-multiple units (2 and including 4); clamshell operator (under 2 yds.); concrete slip form paver; cranes (under 65 tons); derricks and stiffegs (under 65 tons); draglines (under 3 yds.); drilling equipment (8" bit and over) (Robbins and similar); Hydra-Cranes (Austin, Western Hydra-Hoe and similar with attachments); loader operator (front end and overhead 4 yds. to 8 yds.); mucking machines; pliedriving engineers; paver (dual drum); quad-track or similar equipment; railroad track liner operator (self-propelled); rubber-tired scrapers, multiple engines with two scrapers; shovels (under 3 yds.); signalmen (whirleys, highline hammerheads, or similar); trenching machines (7 ft. depth and over)	7.15	.45	.45	.015		
Group VII:						
Backhoes (3 yds. and over); batch plant (over 4 units); cableway controller-dispatcher; cableway operators; clamshell operator (3 yds. and over); cranes (55 tons and over); derricks and stiffegs (55 tons and over); draglines (3 yds. and over); loader—(360° revolving Koehring scooper or similar); loaders (overhead and front end over 8 yds.); rubber-tired scrapers (multiple engine with 3 or more scrapers); shovels (3 yds. and over); tower crane; whirleys and hammerheads (all)	7.40	.45	.45	.015		
Underground work—Add 10% to the classification. (Not to include open pits, cuts, ditches, trenches, and such work as paving, etc.)						
All crane booms: 130' to 200'—$0.15/hr. additional to classification; over 200'—$0.30/hr. additional to classification.						
Yo-Yo dozer: 10% Additional.						
Adams, Franklin, Grant, and Douglas and Okanogan Counties east of the 120th Meridian:						
Truck drivers:						
Flat bed truck, single rear axle; fork lift, 3,000 lbs. and under; fuel truck driver (steam cleaner and washer); helper and swamper; leverman loading trucks at bunkers; pickup hauling material; stationary fuel operator; team driver; tractor (small rubber-tired pulling trailer or similar equipment); water tank truck 1,800 gallons	6.30	.37	.20			
Bus driver or manhaul driver; flat bed truck, dual rear axle; tireman No. 1; warehouseman	6.35	.37	.20			
Buggy mobile and similar; bulk cement tanker; oil tank driver; power operated sweeper; semitrailer, low bed truck and trailer; straddle carrier (Ross, Hyster, and similar); transit mixers and trucks hauling concrete (3 yds. and under); trucks, side, end, and bottom dump (under 6 yds.); water tank truck (1,801-4,000 gallons)	6.40	.37	.20			
Auto crane (2,000-lb. capacity); bulk cement spreader; dumptor (6 yds. and under); Flaherty spreader, box driver; flat bed truck (using power takeoff); fork lift (over 3,000 lbs.); oil distributor driver (road bootman, leverman, helper); rubber-tired tunnel jumbo; scissors truck; slurry truck driver; transit mixers and trucks hauling concrete (over 3 yds. to 6 yds.); trucks, side, end, and bottom dump (over 6 yds. to 12 yds.); water tank truck (4,001-6,000 gallons); wrecker and tow truck	6.50	.37	.20			
Low boy (under 50 tons); service greaser; tireman No. 2	6.55	.37	.20			
A-frame (Swedish crane, Iowa 3,000, hydrolift); water tank truck (over 6,000 gallons—10¢ for each 2,000 additional)	6.60	.37	.20			
Dumptor (over 6 yds.); transit mixers and trucks hauling concrete (6 yds. to 10 yds.); trucks, side, end, and bottom dump (over 12 yds. including 20 yds.)	6.65	.37	.20			
Low boy (over 50 tons)	6.70	.37	.20			
Transit mixers and trucks hauling concrete (10 yds. to 15 yds.); trucks, side, end, and bottom dump (over 20 yds. including 30 yds.)	6.80	.37	.20			
Tournarocker, D.W.'d, and similar with 2- or 4-wheel power tractor with trailer or yardage scale	6.85	.37	.20			
Transit mixers and trucks hauling concrete (15 yds. to 20 yds.); trucks, side, end, and bottom dump (over 30 yds. to 40 yds.)	6.95	.37	.20			
Transit mixers and trucks hauling concrete (over 20 yds.); trucks, side, end, and bottom dump (over 40 yds.)	7.10	.37	.20			
Douglas and Okanogan Counties west of the 120th Meridian:						
Power equipment operators:						
Mechanics' helpers (heavy duty)	6.67	.35	.50	.04		
Brakemen; oiler (grade checkers and stakeman)	6.77	.35	.50	.04		
Fireman; fireman (drier and hot plant)	6.88	.35	.50	.04		
Tractor (farmall type, 60 h.p. and under); compressors (excavating and general purposes); rollers, tampers and vibrators (other than plant, road mix, or multilift materials)	6.93	.35	.50	.04		
Oiler driver on truck cranes (over 45 tons up to 100)	6.95	.35	.50	.04		
Oil distributors; blower distributors and mulch seeding operator	7.00	.35	.50	.04		
Locomotives (dinkey, air, diesel, electric, gas, steam)	7.01	.35	.50	.04		
Equipment service oiler; oiler driver on truck cranes (100 tons and over)	7.05	.35	.50	.04		
Tractors (farmall type, over 60 h.p.); pump (water)	7.07	.35	.50	.40		
Post hole diggers (mechanical)	7.20	.35	.50	.04		
Mixer (asphalt up to 4 tons per batch) brooms, power (Wayne, Saginaw, and similar); bulldozers (under D9 or similar); saws (concrete); loaders (fork lift or lumber stacker on construction jobsite, Drott travel lift); scrapers (carryall type, single); roller, tampers and vibrator, twin engine	7.23	.35	.50	.04		
Loaders (elevating Athey, Barber Greene, and similar types); loaders (overhead and front end, under 2½ yds.); mixers (concrete and batch 200 yds. per hour and under); pump (concrete, Fuller Kenyon, pump crete); roller, tamper and vibrator (on plant, road mix, or multilift materials); trenching machines (under 16 inches); batch plant and mixer (200 yds. per hour and under); conveyors; crushers (rock), washing and screening plants; finishing machine operator (concrete paving); hoists, air tuggers, strato tower bucket, elevators and deck winches (power); power plant operators; screedman; spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety, or similars); cranes ("A" frame truck, single power drum)	7.26	.35	.50	.04		
Locomotive, mechanics or welder (heavy duty)	7.31	.35	.50	.04		
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. and under); Motor Patrol graders (including Model 14 and similar)	7.33	.35	.50	.04		
Hoists on steel erection, air tuggers and towermobiles; compressors (steel erection including sandblasting, painting, or same); loaders (fork lifts w/lower)	7.35	.35	.50	.04		
Loaders (elevating grader type, Dumor and similar); cement hogs; locomotive (geared or rod engines); paving; scraper (carryall type, double)	7.36	.35	.50	.04		
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case, and similar types, 60 h.p. and under)	7.41	.35	.50	.04		
Bulldozer (D-9 or similar)	7.45	.35	.50	.04		
Trenching machines (16 inches and over)	7.52	.35	.50	.04		
Bump cutter (Concut, Christianson, or similar types)	7.53	.35	.50	.04		

V 37 ■ 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Yo-Yo dozer: 10% Additional—Continued						
Douglas and Okanogan Counties west of the 120th Meridian—Continued						
Power equipment operators—Continued						
Conveyors (beltcrete with power pack and similar types); loaders (elevating belt type, Euclid and similar); batch plant and mixer (over 200 yds. per hour through 400 yds.); mixer (concrete and batch, over 200 yds. per hour through 400 yds.), paving (dual), asphalt (4 tons and over per batch)	7.58	.35	.50		.04	
Motor Patrol graders (over Model 14 and similar); derricks all—drilling machines (core, cable, rotary, and exploration); linked pusher, pay dozer (quad 9 and similar); mucking machines (mole or tunnel drill and/or shield); subgrader (gurries or other automatic types); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. through 40 yds.); tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case, and similar, over 60 h.p.); Piledriver Engineers (L. B. Foster puller or similar paving breaker); cranes (A-frame truck, double power drum); crawler (truck type, floating, locomotive, whirley, either 3 yds. and under, or 150' of boom, including jibs, and under, or 45 tons and under); Hydralifts; Hyster Cat cranes and attachments; bulldozers (engaged) in yo yo operation (while clearing and scaling); shovels (crawler and truck type, all attachments, 3 yds. and under); cranes, chipper, wood with boom attachment; mixer (mobile type with hoist combination); cableways (3 yds. and under); loaders (fork lift with power boom and swing attachment); loaders (overhead and front end, 2½ yds. up to 4 yds.)	7.63	.35	.50		.04	
Loaders (overhead and front end, 4 yds. up to 8 yds.)	7.85	.35	.50		.04	
Mixer (concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)	7.89	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scraper (over 70 yds. through 85 yds.)	7.94	.35	.50		.04	
Slip form paver (Zimmerman, CMI, and other similar types); cableway (over 3 yds.); crane (crawler, truck type, floating, locomotive, whirley, either over 3 yds. or over 150' of boom including jibs, or over 45 tons up to 100 tons); crane (Tower cranes, Pecco, Lorraine, Bucyrus, and similar types: Remote control operator (on rubber-tired earth moving equipment); helicopter winch operator; shovel (crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.02	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 70 yds.)	8.24	.35	.50		.04	
Loaders (overhead and front end, 8 yds. and over)	8.44	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 70 yds. through 85 yds.)	8.55	.35	.50		.04	
Shovel (crawler and truck type, all attachments, 6 yds. and over); cranes (crawler, truck type, floating, locomotive, whirley, either 6 yds. and over, 200' pf boom including jibs and over, or 100 tons and over)	8.57	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 100 yds.)	8.85	.35	.50		.04	
Adams, Franklin, Grant Counties and Douglas and Okanogan Counties east of the 120th Meridian:						
Dredging:						
Leverman dipper:						
(a) 5 yards and under	7.84	.45	.40			
(b) Over 5 yards	8.39	.45	.40			
Leverman, hydraulic	7.45	.45	.40			
Assistant engineer (electric generator operator for primary pump, power barge or dredge)	7.13	.45	.40			
Engineer welder; craneman	7.08	.45	.40			
Assistant engineer (electric, diesel, steam, or booster pump); mates and boatmen	7.08	.45	.40			
Fireman; oiler	6.69	.45	.40			
Assistant mate (deckhand)	6.59	.45	.40			
Douglas and Okanogan Counties west of the 120th meridian:						
Dredging:						
Dipper leverman:						
(a) Over 5 yards	8.39	.35	.50			
(b) 5 yards and under	7.84	.35	.50			
Hydraulic leverman	7.45	.35	.50			
Assistant engineer (electric, generator operator for primary pump, power barge or dredge)	7.13	.35	.50			
Engineer welder; craneman	7.08	.35	.50			
Assistant engineer (electric, diesel, steam, or booster pump); mates and boatmen	7.08	.35	.50			
Fireman; oiler	6.69	.35	.50			
Assistant mate (deckhand)	6.59	.35	.50			

WD No. AM-2,48—36 F.R. 17255, Pierce County, Wash., Modification No. 1

CHANGE:						
Bricklayers; stonemasons	7.67	.35	.30		.02	
Carpenters:						
Carpenters	6.50	.25	.25		.005	
Carpenters on creosoted material	6.60	.25	.25		.005	
Sawfiler; stationary power saw operator; floor finisher; floorlayer; shingles; floor sand operator; and other stationary power woodworking	6.63	.25	.25		.005	
Millwrights; machine erectors; pliedrivers; bridge, dock, and wharf builders	6.55	.25	.25		.005	
Boommen	6.70	.25	.25		.005	
Acoustical workers	6.66	.25	.25		.006	
Elevator constructors	8.045	.195	.20	2%+a		
Elevator constructors' helpers	70% JR	.195	.20	2%+a		
Elevator constructors' helpers (prob.)	50% JR					
Ironworkers:						
Reinforcing	7.38	.43	.40		.03	
Ornamental; structural	7.38	.43	.40		.03	
Painters:						
Brush; tapers	6.46	.38	.25		.02	
Bituminastic; sandblasting; spray; structural steel	6.71	.38	.25		.02	
Plasterers	6.25	.40	.25		.02	
Roofers:						
Kettlemen; roofers; waterproofers	6.68	.20	.20			
Slate; tile	6.93	.20	.20			

Footnote:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years service as vacation pay credit. Six paid holidays: A through F.

Dredging:						
Dipper leverman:						
(a) Over 5 yards	8.39	.35	.50			
(b) 5 yards and under	7.84	.35	.50			
Hydraulic leverman	7.45	.35	.50			
Assistant engineer (electric, generator operator for primary pump, power barge or dredge)	7.13	.35	.50			
Engineer welder; craneman	7.08	.35	.50			
Assistant engineer (electric, diesel, steam or booster pump); mates and boatmen	7.08	.35	.50			
Fireman; oiler	6.69	.35	.50			
Assistant mate (deckhand)	6.59	.35	.50			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Power equipment operators:						
Mechanics' helpers (heavy duty)	6.67	.35	.50		.04	
Brakemen; oiler (grade checkers and stakeman)	6.77	.35	.50		.04	
Fireman; fireman (drier and hot plant)	6.88	.35	.50		.04	
Tractor (farmall type, 60 h.p. and under); compressors (excavating and general purposes); rollers, tampers and vibrators (other than plant, road mix or multilift materials)	6.93	.35	.50		.04	
Oiler driver on truck cranes (over 45 tons up to 100)	6.95	.35	.50		.04	
Oil distributors; blower distributors and mulch seeding operator	7.00	.35	.50		.04	
Locomotives (dinkey, air, diesel, electric, gas, steam)	7.01	.35	.50		.04	
Equipment service oiler; oiler driver on truck cranes (100 tons and over)	7.03	.35	.50		.04	
Tractors (farmall type, over 60 h.p.); pump (water)	7.07	.35	.50		.04	
Posthole diggers (mechanical)	7.20	.35	.50		.04	
Mixer (asphalt up to 4 tons per batch); brooms, power (Wayne, Saginaw and similar); bulldozers (under D9 or similar); saws (concrete); loaders (forklift or lumber stacker on construction jobsite, Drott travel lift); scrapers (carry-all type, single); roller, tampers and vibrator, twin-engine	7.23	.35	.50		.04	
Loaders (elevating Athey, Barber Greene and similar types); loaders (overhead and front end, under 2½ yds.); mixers (concrete and batch 200 yds. per hour and under); pump (concrete, Fuller Kenyon, pumpcrete); roller, tamper and vibrator (on plant, roadmix or multilift materials); trenching machines (under 16 inches); batch plant and mixer (200 yds. per hour and under); conveyors; crushers (rock), washing and screening plants; finishing machine operator (concrete paving); hoists, air tuggers, strato lower bucket, elevators and deck winches (power); powerplant operators; screedman; spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); cranes (A frame truck, single-power drum)	7.26	.35	.50		.04	
Locomotive, mechanics or welder (heavy duty)	7.31	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. and under); Motor Patrol graders (including model 14 and similar)	7.33	.35	.50		.04	
Hoist on steel erection, air tuggers and towermobiles; compressors (steel erection including sandblasting, painting or same); loaders (forklifts with tower)	7.35	.35	.50		.04	
Loaders (elevating grader type, Dumor and similar); cement hogs; locomotive (geared or rod engines); paving; scraper (carryall type, donbie)	7.38	.35	.50		.04	
Tractors (farmall type, used as backhoes, rubber tired, Ford-Ferguson, Case and similar types, 60 h.p. and under)	7.41	.35	.50		.04	
Bulldozer (D-9 or similar)	7.45	.35	.50		.04	
Trenching machines (16 inches and over)	7.62	.35	.50		.04	
Bump cutter (Concut, Christianson or similar types)	7.53	.35	.50		.04	
Conveyors (beltcrete with powerpack and similar types); loaders (elevating belt type, Euclid and similar); batch plant and mixer (over 200 yds. per hour through 400 yds.); mixer (concrete and batch, over 200 yds. per hour through 400 yds.), paving (dual), asphalt (4 tons and over per batch)	7.58	.35	.50		.04	
Motor Patrol graders (over model 14 and similar); derricks all-drilling machines (core, cable, rotary and exploration); linked pusher, Pay Dozer (quad 9 and similar); mucking machines (mole or tunnel drill and/or shield); subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. through 40 yds.); tractors (farmall type, used as backhoes, rubber tired, Ford-Ferguson, Case and similar, over 60 h.p.); pliedriver engineers (L. B. Foster puller or similar paving breaker); cranes (A-frame truck, double power drum); crawler (truck type, floating, locomotive, Whirley, either 3 yds. and under, or 150 feet of boom, including jibs, and under, or 45 tons and under); hydralifts; Hyster Cat cranes and attachments; bulldozers (engaged) in yo-yo operation (while clearing and scaling); shovels (crawler and truck type, all attachments, 3 yds. and under); cranes, chipper, wood with boom attachment; mixer (mobile type with hoist combination); cableways (3 yds. and under); loaders (forklift with power boom and swing attachment); loaders (overhead and front end, 2½ yds. up to 4 yds.)	7.63	.35	.50		.04	
Loaders (overhead and front end, 4 yds. up to 8 yds.)	7.85	.35	.50		.04	
Mixer (concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)	7.89	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scraper (over 70 yds. through 85 yds.)	7.94	.35	.50		.04	
Slip form paver (Zimmerman, CMI, and other similar types); cableway (over 3 yds.); crane (crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150 feet of boom including jibs, or over 45 tons up to 100 tons); crane (tower cranes, pecco, Lorraine, Bucyrus and similar types: remote-control operator (on rubber-tired earth-moving equipment); helicopter winch operator; shovel (crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.02	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 70 yds.)	8.24	.35	.50		.04	
Loaders (overhead and front end, 8 yds, and over)	8.44	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 70 yds. through 85 yds.)	8.55	.35	.50		.04	
Shovel (crawler and truck type, all attachments, 6 yds. and over); cranes (crawler, truck type, floating, locomotive, Whirley, either 6 yds. and over, 200-foot pf boom including jibs and over, or 100 tons and over)	8.57	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 100 yds.)	8.85	.35	.50		.04	

WD AM-2,482—36 F.R. 17233, Benton County, Wash. Modification No. 1

CHANGE:						
Carpenters:						
Carpenters	6.54	.40	.35		.025	
Floor finishers; floor layers; operator of other stationary woodworking tool; pliedrivers; saw filers	6.69	.40	.35		.025	
Shinglers (composition and wood)	6.74	.40	.35		.025	
Carpenter working burned, charred or creosoted material	6.79	.40	.35		.025	
Ironworkers:						
Reinforcing	7.38	.43	.40		.03	
Ornamental; structural; fence erectors	7.38	.43	.40		.03	
Dredging:						
Leverman dipper:						
(a) 5 yards and under	7.84	.45	.40			
(b) Over 5 yards	8.39	.45	.40			
Leverman, hydraulic	7.45	.45	.40			
Assistant engineer (electric generator operator for primary pump, power barge or dredge)	7.13	.45	.40			
Engineer welder; craneman	7.08	.45	.40			
Assistant engineer (electric, diesel, steam or booster pump); mates and boatmen	7.08	.45	.40			
Fireman; oiler	6.69	.45	.40			
Assistant mate (deckhand)	6.59	.45	.40			
Truckdrivers						
Flatbed truck, single-rear-axle; forklift, 3,000 lbs. and under; fuel truckdriver (steam cleaner and washer); helper and swamper; leverman loading trucks at bunkers; pickup hauling material; stationary fuel operator; team driver; tractor (small rubber-tired pulling trailer or similar equipment); water tank truck 1,800 gallons	6.30	.37	.30			
Bus driver or manhaul driver; flatbed truck, dual-rear-axle; fireman No. 1; warehouseman	6.35	.37	.30			
Buggy mobile and similar; bulk cement tanker; oil tank driver; power operated sweeper; semitrailer, lowbed truck and trailer; straddle carrier (Ross, Hyster and similar); transit mixers and trucks hauling concrete (3 yds. and under); trucks, side, end, and bottom dump (under 6 yds.); water tank truck (1,801-4,000 gallons)	6.40	.37	.30			

V 37 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Truck drivers—Continued						
Auto crane (3,000 lb. capacity); bulk cement spreader; Dumptor (6 yds. and under); Flaherty spreader, box driver; flatbed truck (using power takeoff); forklift (over 3,000 lbs.); oil distributor driver (road boot man, leverman, helper); rubber-tired Tunnel Jumbo; scissors truck; slurry truck driver; transit mixers and trucks hauling concrete (over 3 yds. to 6 yds.); trucks, side, end, and bottom dump (over 6 yds. to 12 yds.); water tank truck (4,001–6,000 gallons); wrecker and tow truck	6.50	.37	.30			
Lowboy (under 50 tons); service greaser; tireman No. 2	6.55	.37	.30			
A-frame (Swedish crane, Lowe 3,000, hydrolift); water tank truck (over 6,000 gallons—10¢ for each 2,000 additional)	6.60	.37	.30			
Dumpter (over 6 yds.); transit mixers and trucks hauling concrete (6 yds. to 10 yds.); trucks, side, end, and bottom dump (over 12 yds. including 20 yds.)	6.65	.37	.30			
Lowboy (over 50 tons)	6.70	.37	.30			
Transit mixers and trucks hauling concrete (10 yds. to 16 yds.); trucks, side, end, and bottom dump (over 20 yds. including 30 yds.)	6.80	.37	.30			
Tournarocker, double-wheeled and similar with 2- or 4-wheel power tractor with trailer or yardage scale	6.85	.37	.30			
Transit mixers and trucks hauling concrete (18 yds. to 20 yds.); trucks, side, end, and bottom dump (over 30 yds. to 40 yds.)	6.95	.37	.30			
Transit mixers and trucks hauling concrete (over 20 yds.); trucks, side, end, and bottom dump (over 40 yds.)	7.10	.37	.30			
Power equipment operators:						
Group I:						
Bit grinders; bolt threading machine; brakeman; compressors, under 1,000 cu. ft. per minute gas, diesel, or electric power; crusher feeder (mechanical); deckhand; drillers helper; fireman and heater tender; grade checker; helper (mechanic or welder, heavy duty); oiler; pumpman; rollers, all types on subgrade (farm type, Case, John Deere and similar—or compacting or vibrator) except when pulled by dozer with operable blade; welding machines	6.30	.45	.45		.015	
Group II:						
A-frame truck (single-drum); assistant refrigeration plant (under 1,000 tons); assistant plant operator, fireman or pugmixer (asphalt); Bagley or stationary scraper; batch plant and wet mix operator, single-unit (concrete); belt finishing machine; bending machine (pipeline); blower operator (cement); cement hog; compressor (1,000 cu. ft. or over, 2 or more gas, diesel, or electric power); concrete saw (multiple-cut); distributor leverman; dope pots (power-agitated); equipment serviceman, greaser and oiler; forklift or lumber stacker, hydra-lift and similar; gin trucks (pipeline); hoist, single-drum; loaders (bucket elevators and conveyors); longitudinal float; mixer (portable—concrete); pavement breaker, hydra-hammer and similar; posthoid auger or punch; power broom; railroad ballast regulation operator (self-propelled); railroad power tamper operator (self-propelled); railroad power tamper jack operator (self-propelled); spray curing machine (concrete); spreader box (self-propelled); straddle buggy (Ross and similar on construction job site); tractor (farm type rototiller with attachments except backhoe); tugger operator	6.90	.45	.45		.015	
Group III:						
A-frame truck (2 or more drums); assistant refrigeration plant and chiller operator (over 1,000 tons); backfillers (Cleveland and similar); belt-crete conveyors with power pack or similar; belt loader (Kocal or similar); blade operator (Motor Patrol and attachments); boat operators; boom cats (side); boring machine (earth); boring machine (rock under 8-inch bit) (Quarry Master, Joy or similar); bunp cutter (Wayne, Saginaw or similar); canal lining machine (concrete); cleaning and doping machine (pipeline); concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); drills (churn, core, calyx or diamond); elevating belt-type loader (Euclid, Barber, Greene or similar); elevating grader-type loader (Dumor, Adams, or similar); generator plant engineers (diesel-electric); Gunite combination mixer and compressor; hoist (2 or more drums or tower hoist); loaders (overhead and front-end, under 4 yds. R/T); locomotive engineer; mixermobile; oiler and cable tender, mucking machine; paver (asphalt and concrete); pump (grout or jet); refrigeration plant engineer (1,000 tons); rollerman (finishing pavement); rubber-tired scrapers (one motor with one scraper, under 40 yds.); screed operator; soil stabilizer (P & H or similar); spreader machine; tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); traverse finishing machine; trenching machines (under 7-foot depth capacity); Turnhead operator	6.95	.45	.45		.015	
Group IV:						
Heavy-duty machanic; heavy-duty welder; refrigeration plant engineer (1,000 tons and over); semiautomatic welding machine	6.96	.45	.45		.015	
Group V:						
Asphalt plant operator; crusher and screening plant operator; rubber-tired scrapers multi-engine power with one scraper (Euclid, TS–24 and similar); rubber-tired scraper, one motor with one scraper (40 yds. and over); single-engine with two scrapers (LeTourneau, Tandem B and similar); surface heater and planer machine	7.00	.45	.45		.015	
Group VI:						
Automatic subgrader (ditches and trimmers) (R. A. Hansen and similar); backhoes (under 3 yds.); batch and wet mix operator—Multiple units (2 and including 4); clamshell operator (under 1 yds.); concrete slip form paver; cranes (under 65 tons); derricks and stiffegs (under 65 tons); draglines (under 3 yds.); drilling equipment (8-inch bit and over) (Robbins and similar); hydra-cranes (Austin, Western, Hydra-Hoe and similar with attachments); loader operator (front end and overhead, 4 yds. to 8 yds.); mucking machines; piledriving engineers; paver (dual-drum); quad-track or similar equipment; railroad track liner operator (self-propelled); rubber-tired scrapers, multiple-engines with two scrapers; shovels (under 3 yds.); signalmen (Whirleys, Highline Hammerheads or similar); trenching machines (7-foot depth and over)	7.15	.45	.45		.015	
Group VII:						
Backhoes (3 yds. and over); batch plant (over 4 units); cableway controller-dispatcher, cableway operators; clamshell operator (3 yds. and over); cranes (65 tons and over), derricks and stiffegs (65 tons and over); draglines (3 yds. and over); loader (360 degrees revolving Koehring scooper or similar); loaders (overhead and front end over 8 yds.); rubber-tired scrapers (multiple-engine with 3 or more scrapers); shovels (3 yds. and over); tower crane; Whirleys and Hammerheads (all)	7.40	.45	.45		.015	
Underground work—Add 10% to the Classification. (Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)						
All crane booms: 130 feet to 200 feet—$.15/hr. additional to classification; Over 200 feet—$.20/hr. additional to classification.						
Yo-Yo dozer: 10% additional.						

WD AM-2,483—86 F. 17271, Whatcom County, Wash.—Modification No. 1

CHANGE:						
Bricklayers; stonemasons	7.50	.35	.30			
Carpenters:						
Carpenters	6.50	.35	.25		.01	
Carpenters on creosoted material	6.60	.35	.25		.01	
Sawfiler; stationary power saw operator; floor finisher; floorlayers; shingles; floor sander operator; and other stationary power woodworking	6.63	.35	.25		.01	
Millwrights; machine erectors; piledrivers; bridge, dock, and wharf builders	6.65	.35	.25		.01	
Boommen	6.70	.35	.25		.01	
Acoustical workers	6.95	.35	.25		.01	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Elevator constructors	7.08	.195	.20	2%+a		
Elevator constructors' helpers	70%JE	.195	.20	2%+a		
Elevator constructors' helpers (prob.)	50%JE					
Ironworkers:						
Reinforcing	$7.38	.43	.40		.08	
Ornamental; structural	7.38	.43	.40		.08	
Marble setter, terrazzo workers, and tile setters	7.40	.35	.25			
Painters:						
Brush; Tapers	6.46	.38	.25		.02	
Bitumastic; sandblasting; steam cleaning; spray; structural steel; swing stage	6.71	.38	.25		.02	
Roofers:						
Roofers; kettlemen; waterproofers	6.68	.20	.20			
Slate; tile	6.93	.20	.20			
Footnote:						
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.						
Dredging:						
Dipper leverman:						
(a) Over 5 yards	8.39	.35	.50			
(b) 5 yards and under	7.84	.35	.50			
Hydraulic leverman	7.45	.35	.50			
Assistant engineer (electric, generator operator for primary pump, power barge or dredge)	7.13	.35	.50			
Engineer welder; craneman	7.08	.35	.50			
Assistant engineer (electric, diesel, steam or booster pump); mates and boatman	7.03	.35	.50			
Fireman; oiler	6.69	.35	.50			
Assistant mate (deckhand)	6.59	.35	.50			
Power equipment operators:						
Mechanics' helpers (heavy duty)	6.67	.35	.50		.04	
Brakemen; oiler (grade checkers and stakeman)	6.77	.35	.50		.04	
Fireman; fireman (drier and hot plant)	6.88	.35	.50		.04	
Tractor (farmall type, 60 hp. and under); compressors (excavating and general purposes); rollers, tampers and vibrators (other than plant, road mix or multilift materials)	6.93	.35	.50		.04	
Oiler driver on truck cranes (over 45 tons up to 100)	6.98	.35	.50		.04	
Oil distributors; blower distributors and mulch seeding operator	7.00	.35	.50		.04	
Locomotives (dinkey, air, diesel, electric, gas, steam)	7.01	.35	.50		.04	
Equipment service oiler; oiler driver on truck cranes (100 tons and over)	7.05	.35	.50		.04	
Tractors (farmall type, over 60 hp.); pump (water)	7.07	.35	.50		.04	
Post hole diggers (mechanical)	7.20	.35	.50		.04	
Mixer (asphalt up to 4 tons per batch) brooms, power (Wayne, Saginaw and similar); bulldozers (under D9 or similar); saws (concrete); loaders (fork lift or lumber stacker on construction job site, Drott travel lift); scrapers (carry-all type, single); roller, tampers and vibrator, twin engine	7.23	.35	.50		.04	
Loaders (elevating Athey, Barber Greene and similar types); loaders (overhead and front end, under 2½ yds.); mixers (concrete and batch 200 yds. per hour and under); pump (concrete, Fuller Kenyon, pump crete); roller, tamper and vibrator (on plant, road mix or multilift materials); trenching machines (under 16 inches); batch plant and mixer (200 yds. per hour and under); conveyors; crushers (rock), washing and screening plants; finishing machine operator (concrete paving); hoists, air tuggers, strato tower bucket, elevators and deck winches (power); power plant operators; screedman; spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); cranes ("A" frame truck, single power drum)	7.26	.35	.50		.04	
Locomotive, mechanics or welder (heavy duty)	7.31	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. and under); Motor Patrol graders (including Model 14 and similar)	7.33	.35	.50		.04	
Hoists on steel erection, air tuggers and tower mobiles; compressors (steel erection including sandblasting, painting or same); loaders (fork lifts w/tower)	7.35	.35	.50		.04	
Loaders (elevating grader type, Dumor and similar), cement hogs, locomotive (geared or rod engines), paving; scraper (carryall type, double)	7.38	.35	.50		.04	
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar types, 60 h.p. and under)	7.41	.35	.50		.04	
Bulldozer (D–9 or similar)	7.45	.35	.50		.04	
Trenching machines (16 inches and over)	7.52	.35	.50		.04	
Bump cutter (Concut, Christianson or similar types)	7.53	.35	.50		.04	
Conveyors (beltcrete with power pack and similar types), loaders (elevating belt type, Euclid and similar); batch plant and mixer (over 200 yds. per hour through 400 yds.); mixer (concrete and batch, over 200 yds. per hour through 400 yds.), paving (dual), asphalt (4 tons and over per batch)	7.58	.35	.50		.04	
Motor Patrol graders (over Model 14 and similar); derricks all-drilling machines (core, cable, rotary and exploration); linked pusher, pay dozer (quad 9 and similar), mucking machines (mole or tunnel drill and/or shield), subgrader (gurries or other automatic types), Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. through 40 yds.); tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar, over 60 h.p.); piledriver engineers (L. B. Foster puller or similar paving breaker); cranes ("A" frame truck, double power drum); crawler (truck type, floating, locomotive, whirley, either 3 yds. and under, or 150' of boom, including jibs, and under, or 45 tons and under); hydralifts; hyster cat cranes and attachments; bulldozers (engaged) in yo-yo operation (while clearing and scaling); shovels (crawler and truck type, all attachments, 3 yds. and under); cranes, chipper, Wood with boom attachment; mixer (mobile type with hoist combination); Cableways (3 yds. and under); loaders (fork lift with power boom and swing attachment); loaders (overhead and front end, 2½ yds. up to 4 yds.)	7.63	.35	.50		.04	
Loaders (overhead and front end, 4 yds. up to 8 yds.)	7.85	.35	.50		.04	
Mixer (concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)	7.89	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scraper (over 70 yds. through 85 yds.)	7.94	.35	.50		.04	
Slip form paver (Zimmerman, CMI, and other similar types); cableway (over 3 yds.); crane (crawler, truck type, floating, locomotive, whirley, either over 3 yds. or over 150' of boom including jibs, or over 45 tons up to 100 tons); crane (tower cranes, Pecco, Lorraine, Bucyrus and similar types: Remote control operator (on rubber tired earth moving equipment); helicopter winch operator; shovel (crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.02	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 70 yds.)	8.24	.35	.50		.04	
Loaders (overhead and front end, 8 yds. and over)	8.44	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 70 yds. through 85 yds.)	8.85	.35	.50		.04	
Shovel (crawler and truck type, all attachments, 8 yds. and over); cranes (crawler, truck type, floating, locomotive, whirley, either 6 yds. and over, 200' pf boom including jibs and over, or 100 tons and over)	8.87	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 100 yds.)	8.85	.35	.50		.04	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,484-36 F.R. 17298, Clallam-Grays Harbor-Island—Jefferson-King-Kitsap-Lewis-Pierce-San Juan-Skagit-Snohomish-Thurston-Whatcom Counties, Wash., Modification No. 1						
CHANGE:						
Carpenters	6.50	.35	.25		.01	
Carpenters on creosoted material	6.60	.35	.25		.01	
Sawfiler; stationary power saw operator; floor finisher; floor layer: shingles; floor sander operator; and other woodworking tools	6.63	.35	.25		.01	
Millwrights; machine erectors; piledrivers; bridge, dock and wharf builders	6.65	.35	.25		.01	
Boommen	6.70	.35	.25		.01	
Acoustical workers	6.66	.35	.25		.01	
Electricians:						
Clallam, Jefferson, King, Kitsap Counties:						
Electricians	8.045	.15	1%		.01	
Cable splicers	8.81	.15	1%		.01	
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties:						
Electricians	7.81		1%+0.30	4%	.04	
Cable splicers	8.33		1%+0.30	4%	.04	
Painters:						
All other counties	6.46	.38	$0.25		.02	
Power equipment operators:						
Mechanics' helpers (heavy duty)	6.67	.35	.50		.04	
Brakemen; oiler (grade checkers and stakeman)	6.77	.35	.50		.04	
Fireman; fireman (drier and hot plant)	6.88	.35	.50		.04	
Tractor (farmall type, 60 hp. and under); compressors (excavating and general purposes); rollers, tampers and vibrators (other than plant, road mix or multilift materials)	6.93	.35	.50		.04	
Oiler driver on truck cranes (over 45 tons up to 100)	6.95	.35	.50		.04	
Oil distributors; blower distributors and mulch seeding operator	7.00	.35	.50		.04	
Locomotives (dinkey, air, diesel, electric, gas, steam)	7.01	.35	.50		.04	
Equipment service oiler; oiler driver on truck cranes (100 tons and over)	7.05	.35	.50		.04	
Tractors (farmall type, over 60 hp.); pump (water)	7.07	.35	.50		.04	
Post hole diggers (mechanical)	7.20	.35	.50		.04	
Mixer (asphalt up to 4 tons per batch) brooms, power (Wayne, Saginaw and similar); bulldozers (under D9 or similar); saws (concrete); loaders (forklift or lumber stacker on construction jobsite, Drott travel lift); scrapers (carryall type, single); roller, tampers and vibrator, twin engine	7.23	.35	.50		.04	
Loaders (elevating Athey, Barber Greene and similar types); loaders (overhead and front end, under 2½ yds.); mixers (concrete and batch 200 yds. per hour and under); pump (concrete, Fuller Kenyon, pump crete); roller, tamper and vibrator (on plant, road mix or multilift materials); trenching machines (under 16 inches); batch plant and mixer (200 yds. per hour and under); conveyors; crushers (rock), washing and screening plants; finishing machine operator (concrete paving); hoists, air tuggers, strato tower bucket, elevators and deck winches (power); powerplant operators; screedman; spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); cranes A-frame truck, single power drum)	7.26	.35	.50		.04	
Locomotive, mechanics or welder (heavy duty)	7.31	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. and under); Motor Patrol graders (including model 14 and similar)	7.33	.35	.50		.04	
Hoists on steel erection, air tuggers and towermobiles; compressors (steel erection including sandblasting, painting or same); loaders (forklifts w/tower)	7.35	.35	.50		.04	
Loaders (elevating grader type, Dumor and similar); cement hogs; locomotive (geared or rod engines); paving; scraper (carryall type, double)	7.38	.35	.50		.04	
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar, over 60 hp. and under)	7.41	.35	.50		.04	
Bulldozer (D–9 or similar)	7.45	.35	.50		.04	
Trenching machines (16 inches and over)	7.52	.35	.50		.04	
Bump cutter (Concut, Christianson or similar types)	7.53	.35	.50		.04	
Conveyors (beltcrete with powerpack and similar types); loaders (elevating belt type, Euclid and similar); batch plant and mixer (over 200 yds. per hour through 400 yds.); mixer (concrete and batch, over 200 yds. per hour through 400 yds.), paving (dual), asphalt (4 tons and over per batch)	7.58	.35	.50		.04	
Motor Patrol graders (over model 14 and similar); derricks all-drilling machines (core, cable, rotary and exploration); linked pusher, pay dozer (quad 9 and similar); mucking machines (mole or tunnel drill and/or shield); subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. through 40 yds.); tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar, over 60 hp.); piledriver engineers (L. B. Foster puller or similar paving breaker); cranes (A-frame truck, double power drum); crawler (truck type, floating, locomotive, Whirley, either 3 yds. and under, or 150' of boom including jibs, and under, or 45 tons and under); hydralifts; Hyster cat cranes and attachments; bulldozers (engaged) in yo yo operation (while clearing and scaling); shovels (crawler and truck type, all attachments, 3 yds. and under); cranes, chipper, wood with boom attachment; mixer (mobile type with hoist combination); cableways (3 yds. and under); loaders (forklift with power boom and swing attachment); loaders (overhead and front end, 2½ yds. up to 4 yds.)	7.63	.35	.50		.04	
Loaders (overhead and front end, 4 yds. up to 8 yds.)	7.85	.35	.50		.04	
Mixer (concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)	7.89	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scraper (over 70 yds. through 55 yds.)	7.94	.35	.50		.04	
Slip form paver (Zimmerman, CMI, and other similar types); cableway (over 3 yds.); crane (crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom including jibs, or over 45 tons up to 100 tons); crane (tower cranes, Pecco, Lorraine, Bucyrus and similar types); remote control operator (on rubber tired earth moving equipment); hellcopter winch operator; shovel (crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.02	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 55 yds. through 70 yds.)	8.24	.35	.50		.04	
Loaders (overhead and front end, 8 yds. and over)	8.44	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 70 yds. through 85 yds.)	8.55	.35	.50		.04	
Shovel (crawler and truck type, all attachments, 6 yds. and over); cranes (crawler, truck type, floating, locomotive, Whirley, either 6 yds. and over, 200' of boom including jibs and over, or 100 tons and over)	8.67	.35	.50		.04	
Tournapulls, caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 100 yds.)	8.85	.35	.50		.04	
WD No. AM-2,485-36 F.R. 17250, King and Kitsap Counties, Wash., Modification No. 1						
CHANGE:						
Bricklayers; stonemasons	7.45	.35	.25		.02	
Carpenters:						
Carpenters	6.50	.35	.25		.01	
Carpenters on creosoted material	6.60	.35	.25		.01	
Saw filers; Stationary Power Saw operator; floor finishers; floorlayer; shingles; floor sander operator; and other stationary power woodworking	6.63	.35	.25		.01	
Millwrights; machine erectors; piledrivers; bridge, dock, and wharf builders	6.65	.35	.25		.01	
Boommen	6.70	.35	.25		.01	
Accoustical workers	6.66	.35	.25		.01	
Electricians:						
Electricians	8.045	.14	1%		.02	
Cable splicers	8.81	.14	1%		.02	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Elevator constructors	7.68	.195	.20	2%+a		
Elevator constructors' helpers	70%JR	.195	.20	2%+a		
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers:						
Structural; ornamental and reinforcing	$7.38	.43	.40		.03	
Painters:						
Brush; tapers	6.46	.38	.25		.02	
Spray; structural steel; bridge	6.71	.38	.25		.02	
Plasterers	6.91	.30	.25		.02	
Roofers:						
Kettlemen; roofers; waterproofers	6.68	.20	.20			
Slate, tile	6.93	.20	.20			
Footnote: a. Employer contributes 4% basic hourly rate for over 5 years' service 6 months to 5 years' service 2% basic hourly rate as vacation pay credit.						
Dredging:						
Dipper leverman:						
(a) Over 5 yards	8.39	.35	.50			
(b) 5 yards and under	7.84	.35	.50			
Hydraulic leverman	7.45	.35	.50			
Assistant engineer (electric, generator operator for primary pump, power barge or dredge)	7.13	.35	.50			
Engineer welder; cmeneman	7.08	.35	.50			
Assistant engineer (electric, diesel, steam or booster pump); mates and boatmen	7.03	.35	.50			
Fireman; oiler	6.69	.35	.50			
Assistant mate (deckhand)	6.59	.35	.50			
Power equipment operators:						
Mechanics' helpers (heavy duty)	6.67	.35	.50		.04	
Brakemen; oiler (grade checkers and stakeman)	6.77	.35	.50		.04	
Fireman; fireman (drier and hot plant)	6.88	.35	.50		.04	
Tractor (farmall type, 60 hp. and under); compressors (excavating and general purposes); rollers, tampers and vibrators (other than plant, road mix or multilift materials)	6.93	.35	.50		.04	
Oiler driver on truck cranes (over 45 tons up to 100)	6.95	.35	.50		.04	
Oil distributors; blower distributors and mulch seeding operator	7.00	.35	.50		.04	
Locomotives (dinkey, air, diesel, electric, gas, steam)	7.01	.35	.50		.04	
Equipment service oiler; oiler driver on truck cranes (100 tons and over)	7.05	.35	.50		.04	
Tractors (farmall type, over 60 hp.); pump (water)	7.07	.35	.50		.04	
Post hole diggers (mechanical)	7.20	.35	.50		.04	
Mixer (asphalt up to 4 tons per batch) brooms, power (Wayne, Saginaw and similar); bulldozers (under D9 or similar); saws (concrete); loaders (forklift or lumber stacker on construction jobsite, Drott travel lift); scrapers (carryall type, single); roller, tampers and vibrator, twin engine	7.23	.35	.50		.04	
Loaders (elevating Athey, Barber Greene and similar types); loaders (overhead and front end, under 2½ yds.); mixers (concrete and batch 200 yds. per hour and under); pump (concrete, Fuller Kenyon, pump crete); roller, tamper and vibrator (on plant, road mix or multilift materials); trenching machines (under 16 inches); batch plant and mixer (200 yds. per hour and under); conveyors; crushers (rock), washing and screening plants; finishing machine operator (concrete paving); hoists, air tuggers, strato tower bucket, elevators and deck winches (power); powerplant operators; screedman; spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); cranes (A-frame truck, single power drum)	7.26	.35	.50		.04	
Locomotive, mechanics or welder (heavy duty)	7.31	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. and under); Motor Patrol graders (including model 14 and similar)	7.33	.35	.50		.04	
Hoists on steel erection, air tuggers and towermobiles; compressors (steel erection including sandblasting, painting or same); loaders (forklifts w/tower)	7.35	.35	.50		.04	
Loaders (elevating grader type, Dumor and similar); cement hogs; locomotive (geared or rod engines); paving; scraper (carryall type, double)	7.38	.35	.50		.04	
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar types, 60 hp. and under)	7.41	.35	.50		.04	
Bulldozer (D–9 or similar)	7.45	.35	.50		.04	
Trenching machines (16 inches and over)	7.52	.35	.50		.04	
Bump cutter (Concut, Christianson or similar types)	7.53	.35	.50		.04	
Conveyors (beltcrete with powerpack and similar types); loaders (elevating belt type, Euclid and similar); batch plant and mixer (over 200 yds. per hour through 400 yds.); mixer (concrete and batch, over 200 yds. per hour through 400 yds.), paving (dual), asphalt (4 tons and over per batch)	7.58	.35	.50		.04	
Motor Patrol graders (over model 14 and similar); derricks all-drilling machines (core, cable, rotary and exploration); linked pusher, pay dozer (quad 9 and similar); mucking machines (mole or tunnel drill and/or shield); subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. through 40 yds.); tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar, over 60 hp.); piledriver engineers (L. B. Foster puller or similar paving breaker); cranes (A-frame truck, double power drum); crawler (truck type, floating, locomotive, Whirley, either 3 yds. and under, or 150' of boom, including jibs, and under, or 45 tons and under); hydralifts; Hyster cat cranes and attachments; bulldozers (engaged) in yo yo operation (while clearing and scaling); shovels (crawler and truck type, all attachments, 3 yds. and under); cranes, chipper, wood with boom attachment; mixer (mobile type with hoist combination); cableways (3 yds. and under); loaders (forklift with power boom and swing attachment); loaders (overhead and front end, 2½ yds. up to 4 yds.)	7.63	.35	.50		.04	
Loaders (overhead and front end, 4 yds. up to 8 yds.)	7.85	.35	.50		.04	
Mixer (concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)	7.89	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scraper (over 70 yds. through 55 yds.)	7.94	.35	.50		.04	
Slip form paver (Zimmerman, CMI, and other similar types); cableway (over 3 yds.); crane (crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom including jibs, or over 45 tons up to 100 tons); crane (tower cranes, Pecco, Larraine, Bucyrus and similar types); remote control operator (on rubber tired earth moving equipment); hellcopter winch operator; shovel (crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.02	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 55 yds. through 70 yds.)	8.24	.35	.50		.04	
Loaders (overhead and front end, 8 yds. and over)	8.44	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 70 yds. through 85 yds.)	8.55	.35	.50		.04	
Shovel (crawler and truck type, all attachments, 6 yds. and over); cranes (crawler, truck type, floating, locomotive, Whirley, either 6 yds. and over, 200' of boom including jibs and over, or 100 tons and over)	8.57	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 100 yds.)	8.85	.35	.50		.04	

V 37 • 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,486-36 F.R. 17860 Snohomish County, Wash., Modification No. 1						
CHANGE:						
Bricklayers; stonemasons	7.45	.35	.25		.02	
Carpenters:						
Carpenters	6.50	.35	.25		.01	
Carpenters on creosoted material	6.60	.35	.25		.01	
Sawfiler; stationary power saw operator; floor finisher; floorlayer; shingles; floor sander operator; and other stationary power woodworking	6.63	.35	.25		.01	
Millwrights; machine erectors; piledrivers; bridge, dock, and wharf builders	6.65	.35	.25		.01	
Boommen	6.70	.35	.25		.01	
Acoustical workers	6.66	.35	.25		.01	
Elevator constructors	7.68	.195	.20	2%+a		
Elevator constructors' helpers	70%JR	.195	.20	2%+a		
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers:						
Reinforcing	7.38	.43	.40		.03	
Ornamental; structural	7.38	.43	.40		.03	
Painters:						
Brush; tapers	6.46	.38	.25		.02	
Sandblasting; spray; steam cleaning; structural steel	6.71	.38	.25		.02	
Roofers:						
Kettlemen; roofers; waterproofers	6.68	.20	.20			
Slate; tile	6.93	.20	.20			
Dredging:						
Dipper leverman:						
(a) Over 5 yards	8.30	.35	.50			
(b) 5 yards and under	7.84	.35	.50			
Hydraulic leverman	7.45	.35	.50			
Assistant engineer (electric, generator operator for primary pump, power barge or dredge)	7.13	.35	.50			
Engineer welder; craneman	7.08	.35	.50			
Assistant engineer (electric, diesel, steam, or booster pump); Mates and boatmen	7.03	.35	.50			
Fireman; oiler	6.69	.35	.50			
Assistant mate (deckhand)	6.59	.35	.50			
Footnote:						
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as vacation pay credit. Six paid holidays: A through F.						
Power equipment operators:						
Mechanics' helpers (heavy duty)	6.67	.35	.50		.04	
Brakemen; oiler (grade checkers and stakeman)	6.77	.35	.50		.04	
Fireman; fireman (drier and hot plant)	6.88	.35	.50		.04	
Tractor (farmall type, 60 h.p. and under); compressors (excavating and general purposes); rollers, tampers and vibrators (other than plant, road mix or multilift materials)	6.93	.35	.50		.04	
Oiler driver on truck cranes (over 45 tons up to 100)	6.95	.35	.50		.04	
Oil distributors; blower distributors and mulch seeding operator	7.00	.35	.50		.04	
Locomotives (dinkey, air, diesel, electric, gas, steam)	7.01	.35	.50		.04	
Equipment service oiler; oiler driver on truck cranes (100 tons and over)	7.05	.35	.50		.04	
Tractors (farmall type, over 60 h.p.); pump (water)	7.07	.35	.50		.04	
Post hole diggers (mechanical)	7.20	.35	.50		.04	
Mixer (asphalt up to 4 tons per batch) brooms, power (Wayne, Saginaw, and similar); bulldozers (under D9 or similar); saws (concrete); loaders (fork lift or lumber stacker on construction job site, Drott travel lift); scrapers (carry-all type, single); roller, tampers and vibrator, twin engine	7.23	.35	.50		.04	
Loaders (elevating Athey, Barber Greene, and similar types); loaders (overhead and front end, under 2½ yds.); mixers (concrete and batch 200 yds. per hour and under); pump (concrete, Fuller Kenyon, pumpcrete); roller, tamper and vibrator (on plant, road mix or multilift materials); trenching machines (under 16 inches); batch plant and mixer (200 yds. per hour and under); conveyors; crushers (rock), washing and screening plants; finishing machine operator (concrete paving); hoists, air tuggers, strato tower bucket, elevators and deck winches (power); power plant operators; screedman; spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar); cranes (A-frame truck, single power drum)	7.26	.35	.50		.04	
Locomotive, mechanics or welder (heavy duty)	7.31	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. and under); motor patrol graders (including model 14 and similar)	7.33	.35	.50		.04	
Hoists on steel erection, air tuggers and towermobiles; compressors (steel erection including sandblasting, painting or same); loaders (fork lifts w/tower)	7.35	.35	.50		.04	
Loaders elevating grader type, Dumor and similar); cement hogs; locomotive (geared or rod engines); paving; scraper (carryall type, double)	7.38	.35	.50		.04	
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar types, 60 h.p. and under)	7.41	.35	.50		.04	
Bulldozer (D-9 or similar)	7.45	.35	.50		.04	
Trenching machines (16 inches and over)	7.62	.35	.50		.04	
Bump cutter (Conent, Christianson or similar types)	7.53	.35	.50		.04	
Conveyors (beltcrete with power pack and similar types); loaders (elevating belt type, Euclid and similar); batch plant and mixer (over 200 yds. per hour through 400 yds.); mixer (concrete and batch, over 200 yds. per hour through 400 yds.), paving (dual), asphalt (4 tons and over per batch)	7.58	.35	.50		.04	
Motor patrol graders (over model 14 and similar); derricks all-drilling machines (core, cable, rotary and exploration); linked pusher, pay dozer (quad 9 and similar); mucking machines (mole or tunnel drill and/or shield); subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. through 40 yds.); tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar, over 60 h.p.); piledriver engineers (L. B. Foster puller or similar paving breaker); cranes (A-frame truck, dbl. power drum); crawler (truck type, floating, locomotive, Whirley, either 3 yds. and under, or 150' of boom, including jibs, and under, or 45 tons and under); hydralifts; Hyster cat cranes and attachments; bulldozers (engaged) in yo yo operation (while clearing and scaling); shovels (crawler and truck type, all attachments, 3 yds. and under); cranes, chipper, wood with boom attachment; mixer (mobile type with hoist combination); cableways (3 yds. and under); loaders (fork lift with power boom and swing attachment); loaders (overhead and front end, 2½ yds. up to 4 yds.)	7.63	.35	.50		.04	
Loaders (overhead and front end, 4 yds. up to 8 yds.)	7.85	.35	.50		.04	
Mixer (concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)	7.89	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scraper (over 70 yds. through 55 yds.)	7.94	.35	.50		.04	
Slip form paver (Zimmerman, CMI, and other similar types); cableway (over 3 yds.); crane (crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom including jibs, or over 45 tons up to 100 tons); crane (Tower cranes, Pecco, Lorraine, Bucyrus and similar types; remote control operator (on rubber tired earth moving equipment); helicopter winch operator; shovel (crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.02	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 55 yds. through 70 yds.)	8.24	.35	.50		.04	
Loaders (overhead and front end, 8 yds. and over)	8.44	.35	.50		.04	

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Power equipment operators—Continued						
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 70 yds. through 85 yds.)	8.55	.35	.50		.04	
Shovel (crawler and truck type, all attachments, 6 yds. and over); cranes (crawler, truck type, floating, locomotive, Whirley, either 6 yds. and over, 200' pf boom including jibs and over, or 100 tons and over)	8.67	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 100 yds.)	8.85	.35	.50		.04	
WD AM-2, 487—36 F.R. 17302, Clark, Cowlitz, Klickitat, Pacific, Skamania, and Wahkiakum Counties, Wash., Modification No. 1						
CHANGE:						
Carpenters:						
Northern part of Pacific County:						
Carpenters	$6.50	.35	.25		.01	
Carpenters on creosoted material	6.60	.35	.25		.01	
Sawfiler; stationary power saw operator; floor finisher; floor layer; shingles; floor sander operator; and other stationary power woodworking	6.63	.35	.25		.01	
Millwrights; machine erectors; piledrivers; bridge, dock and warf builders	6.65	.35	.25		.01	
Boommen	6.70	.35	.25		.01	
Acoustical workers	6.66	.35	.25		.01	
Southern part of Pacific County and all other counties:						
Carpenters; manhole builders (concrete)	6.28	.35	.30	.25	.03	
Piledrivermen; bridge, dock and wharf builders; riggers	6.38	.35	.30	.25	.03	
Stationary power saws	6.40	.35	.30	.25	.03	
Electricians:						
Pacific County:						
Electricians	7.61		1%+.30	4%	.04	
Cable splicers	8.33		1%+.30	4%	.04	
Cowlitz-Wahkiahum Counties:						
Electricians	7.73	.15	1%		.02	
Cable splicers	8.50	.15	1%		.02	
Ironworkers:						
Reinforcing	7.38	.43	.40		.03	
Fence erectors; ornamental; riggers; structural	7.38	.43	.40		.03	
Painters:						
Northern part of Pacific County:						
Brush	6.46	.38	.25		.02	
Spray; steel; bridge; steam cleaning; bituminastic; swing stage sandblasting	6.71	.38	.25		.02	
Northern Part of Pacific County:						
Power equipment operators:						
Mechanics' helpers (heavy duty)	$6.67	.35	.50		.04	
Brakemen; oiler (grade checkers and stakeman)	6.77	.35	.50		.04	
Fireman; fireman (drier and hot plant)	6.88	.35	.50		.04	
Tractor (farmall type, 60 h.p. and under); compressors (excavating and general purposes); rollers, tampers and vibrators (other than plant, road mix or multilift materials)	6.93	.35	.50		.04	
Oiler driver on truck cranes (over 45 tons up to 100)	6.95	.35	.50		.04	
Oil distributors; blower distributors and mulch seeding operator	7.00	.35	.50		.04	
Locomotives (dinkey, air, diesel, electric, gas, steam)	7.01	.35	.50		.04	
Equipment service oiler; oiler driver on truck cranes (100 tons and over)	7.05	.35	.50		.04	
Tractors (farmall type, over 60 h.p.); pump (water)	7.07	.35	.50		.04	
Post hole diggers (mechanical)	7.20	.35	.50		.04	
Mixer (asphalt up to 4 tons per batch) brooms, power (Wayne, Saginaw and similar); bulldozers (under D9 or similar); saws (concrete); loaders (fork lift or lumber stacker on construction job site, Drott travel lift); scrapers (carry-all type, single); roller, tampers and vibrator, twin engine	7.23	.35	.50		.04	
Loaders (elevating Athey, Barber Greene and similar types); loaders (overhead and front end, under 2½ yds.); mixers (concrete and batch 200 yds. per hour and under); pump (concrete, Fuller Kenyon, pump crete); roller, tamper and vibrator (on plant, road mix or multilift materials); trenching machines (under 16 inches); batch plant and mixer (200 yds. per hour and under); conveyors; crushers (rock), washing and screening plants; finishing machine operator (concrete paving); hoists, air tuggers, strato tower bucket, elevators and deck winches (power); power plant operators; screedman; spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); cranes (A-frame truck, single power drum)	7.26	.35	.50		.04	
Locomotive, mechanics or welder (heavy duty)	7.31	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. and under); Motor Patrol graders (including Model 14 similar)	7.33	.35	.50		.04	
Hoists on steel erection, air tuggers and towermobiles; compressors (steel erection including sandblasting, painting or same); loaders (fork lifts w/tower)	7.35	.35	.50		.04	
Loaders (elevating grader type, Dumor and similar); cement hogs; locomotive (geared or rod engines); paving; scraper (carryall type, double)	7.38	.35	.50		.04	
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar types, 60 h.p. and under)	7.41	.35	.50		.04	
Bulldozer (D-9 or similar)	7.45	.35	.50		.04	
Trenching machines (16 inches and over)	7.62	.35	.50		.04	
Bump cutter (Conent, Christianson or similar types)	7.58	.35	.50		.04	
Conveyors (beltcrete with power pack and similar types); loaders (elevating belt type, Euclid and similar); batch plant and mixer (over 200 yds. per hour through 400 yds.); mixer (concrete and batch, over 200 yds. per hour through 400 yds.), paving (dual), asphalt (4 tons and over per batch)	7.58	.35	.50		.04	
Motor Patrol graders (over Model 14 and similar); derricks all-drilling machines (core, cable, rotary and exploration); linked pusher, pay dozer (quad 9 and similar); mucking machines (mole or tunnel drill and/or shield); subgrader (gurries or other automatic types); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. through 40 yds.); tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar, over 60 h.p.); piledriver engineers (L. B. Foster puller or similar paving breaker); cranes (A-frame truck, double power drum); crawler (truck type, floating, locomotive, Whirley, either 3 yds. and under, or 150' of boom, including jibs, and under, or 45 tons and under); hydralifts; hyster cat cranes and attachments; bulldozers (engaged) in yo yo operation (while clearing and scaling); shovels (crawler and truck type, all attachments, 3 yds. and under); cranes, chipper, wood with boom attachment; mixer (mobile type with hoist combination); cableways (3 yds. and under); loaders (fork lift with power boom and swing attachment); loaders (overhead and front end, 2½ yds. up to 4 yds.)	$7.63	.35	.50		.04	
Loaders (overhead and front end, 4 yds. up to 8 yds.)	7.85	.35	.50		.04	
Mixer (concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)	7.89	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scraper (over 70 yds. through 55 yds.)	7.94	.35	.50		.04	
Slip Form Paver (Zimmerman, CMI, and other similar types); cableway (over 3 yds.); crane (crawler, truck type, floating, locomotive, whirley, either over 3 yds. or over 150' of boom including jibs, or over 45 tons up to 100 tons); crane (tower cranes, Pecco, Lorraine, Bucyrus and similar types: Remote control operator (on rubber tired earth moving equipment); helicopter winch operator; shovel (crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.02	.35	.50		.04	

V 37 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Northern Part of Pacific County—Continued						
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 55 yds. through 70 yds.)	8.24	.35	.50		.04	
Loaders (overhead and front end, 8 yds. and over)	8.44	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 70 yds. through 85 yds.)	8.55	.35	.50		.04	
Shovel (crawler and truck type, all attachments, 6 yds. and over); Cranes (crawler, truck type, floating, locomotive, whirley, either 6 yds. and over, 200' of boom including jibs and over, or 100 tons and over)	8.57	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 100 yds.)	8.85	.35	.50		.04	
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and southern part of Pacific County:						
Power equipment operators:						
Group I: Assistant conveyor; oiler, including plant and crusher; crusher feederman; deckhand; self-propelled scaffolding; guard rail punch oiler; pump under 4" brakeman switchman; parts man (tool room)	6.10	.40	.50	.20		
Group II: Blase, pulled type; truck crane oiler-driver, 25-ton capacity or fireman, all equipment; A-frame truck, single drum; tugger or coffin type hoist, any power; drill helper; auger oiler; boatman; forklift or lumber stacker; temporary heating plant; grade oiler, required to check grade; grade checker; tar pot fireman; tar pot fireman (power agitated); H.D. repairman helper; welder's helper; fireman helicopter radioman (ground); roller, rock	6.24	.40	.50	.20		
Group III: Plant fireman; pugmill; truck mounted asphalt spreader, with screed; compressor, any power, under 1,000 cu. ft. total capacity; mixer box concrete plant; concrete conveyor; cement hog; concrete saw, self-propelled unit; wire mat machine or booming machine; concrete curing machine, self-propelled; bucket elevator loader, Barber Greene and similar type; hydraulic pipe press; pump any power, 4" and over; hydrostatic pump; motorman; ballast jack tamper; bell boy, phones, etc.; tamping machine, mechanical self-propelled; hydrographic seeder machine, straw, pump or seed; broom operator, self-propelled; air filtration equipment; welding machine	6.34	.40	.50	.20		
Group IV: Screed; compactor, including vibratory; compressor, over 1,000 cu. ft. total capacity, concrete mixer, single drum, under 5-bag capacity; concrete cooling machine; combination mixer and compressor, gunite work; helicopter hoist; fork lift, over 5 tons; Lull Hi-Lift or similar types; pavement breaker; pump, more than 3, any size; locomotive, under 40 tons; roller, olling, CTB	6.50	.40	.50	.20		
Group V: Curb machine, mechanical berm, curb and/or curb and cutter; Wagner Pactor or similar type (without blade); batch plant material control; power jumbo, setting slip forms, etc. in tunnels; slip form pumps, power driven hydraulic lifting device for concrete forms; hoist, single drum; elevator, diesel, gas, engineer; chip spreading machine; lime spreading; sweeper (Wayne type); self-propelled; tractor, rubber-tired 50 h.p. flywheel and under; trenching machine, maximum digging capacity 3 ft. depth	6.52	.40	.50	.20		
Group VI: Asphalt plant; asphalt paver; Maginnis, internal full slab vibrator; concrete finishing machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; curb machine, mechanical berm, curb and/or curb and gutter; concrete joint machine; concrete planer; cast in place pipe laying machine; concrete paving machine; concrete spreader; loaders, rubber-tired type, 2½ cu. yds. and under; rock spreader, self-propelled	6.60	.40	.50	.20		
Group VII: Roller, asphalt; concrete mixer, single drum, 5-bag capacity and over; beltcrete; pumpcrete; cement pump, Fuller-Kenyon and similar; grouting machine; concrete pump; tower mobile; A-frame truck, double drums; boom truck; churn drill and earth boring machine; hydraulic backhoe, wheel type ¾ cu. yds. and under with or without front end attachments 1½ cu. yds. and under (Ford, John Deere, Case type); elevating grader, tractor and towed requiring operator or grader; pot rammer; ballast regulator; ballast tamper, multipurpose; track liner; tie spacer; shuttle car; locomotive, 40 tons and over	6.66	.40	.50	.20		
Group VIII: Diesel-electric engineer, plant or floating; batch plant and/or wet mix, 1 and 2 drums; generator; diesel-electric engineer; belt loaders, Kolman and Ko Cal types	6.76	.40	.50	.20		
Group IX: Bulldozer; drill cat; side-boom cat; compactor, with blade; Chicago boom and similar types; lift slab machine; boom type lifting device, 5 tons capacity or less; cherry pick or similar type crane-hoist; 5-ton capacity or less; grizzley; crusher plant; borerg machine; surface heater and planer; hydraulic backhoe, truck type ⅜ cu. yds. loader, front end and overhead 2½ cu. yds. and under 4 cu. yds.; pipe cleaning machine; pipe doping machine; pipe bending machine; pipe wrapping machine; bolt threading machine; drill doctor; including bit grinder; H.D. mechanic; H.D. welder; mrechine tool operator; stationary drag scraper; tractor rubber-tired over 50 h.p. flywheel; tractor, rubber-tired with boom attachments; trenching machine maximum dygging capacity over 3 ft. depth	6.82	.40	.50	.20		
Group IX: Bulldozer, twin-engine (TC 12 and similar type); cable-plow; compactor, multiengine; driller-percussion, diamond, core, cable, rotary, and similar types; jack operator elevating barges; barge operator, self-unloading combination H.D. mechanic-welder; welder-certified; rubber-tired dozers and pushers (Michigan, Cat, Hough, type)	6.88	.40	.50	.20		
Group XI: Mixermobile; crane, 25 tons and under; shovel, dragline; clamshell, hoe, etc., under 1 cu. yd.; gradeall, under 1 cu. yd.; mucking machine	6.90	.40	.50	.20		
Group XII: Blade; batch plant and/or wet mix, 3 units or more; hoist, 2 drums; hoist, 3 or more drums; elevating loader, Athey and similar types; piledriver (not crane type); rubber-tired scraper, single engine, single scraper; scraper—self-loading, paddle wheel ladder type; rubber-tired scraper, twin engine; rubber-tired scraper, with push-pull attachments; blade mounted spreaders, Ulrich and similar types; shield operator	6.96	.40	.50	.20		
Group XIII: Blade, finish (working with either red or blue tops); blade, electronically controlled by wire or laser beam; blade, multiengine; concrete paving and road mixer; bridge crane, locomotive, gantry overhead; derrick, under 100 tons; hoist stiffleg, guy derrick or similar type 50 tons and over; cableway, up to 25 tons; crane, over 25 tons and including 40 tons; tower crane; piledriver (not crane type); floating clamshell, etc., under 3 cu. yds.; floating crane (derrick barge); less than 30 tons; hydraulic backhoe, truck type over ⅜ cu. yds.; elevating; grader, operated by tractor, Sierra, Euclid, or similar types; back-filling machine; shovel, etc., 1 cu. yd. but less than 3 cu. yds.; gradeall, 1 cu. yd. and over	7.04	.40	.50	.20		

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and southern part of Pacific County—Continued						
Power equipment operators—Continued						
Group XIV: Rubber-tired scraper with tandem scraper	7.20	.40	.50	.20		
Group XV: Rock hound; loader, 4 cu. yds. but less than 6 cu. yds.	7.36	.40	.50	.20		
Group XVI: Auto grader (i.e. CMB) or trimmer; tandem bulldozer, Quad-nine and similar type; automatic concrete slip form paver; concrete canal liner; cableway, 25 tons and over; crane, over 40 tons and including 100 tons; whirley, 80 tons and under; floating clamshell, etc., 3 cu. yds. and over; floating crane (derrick barge), 30 tons but less than 80 tons; loader, 6 cu. yds., but less than 8 cu. yds.; loader 8 cu. yds. but less than 12 cu. yds.; rubber-tired scraper, with tandem scraper, multiengine; shovel, etc., 3 cu. yds. but less than 5 cu. yds.; wheel excavator, under 750 cu. yd. per hour	7.54	.40	.50	.20		
Group XVII: Crane, over 100 tons and including 200 tons; whirley over 80 tons and including 150 tons; floating crane (derrick barge); 80 tons but less than 150 tons; loader, 12 cu. yds. and over; shovel, etc., 5 cu. yds. and over; canal trimmer	7.68	.40	.50	.20		
Group XVIII: Crane, over 200 tons; whirley, 150 tons and over; floating crane 150 tons but less than 250 tons; wheel excavator, over 750 cu. yds. per hour; band wagons, in conjunction with wheel excavator	7.86	.40	.50	.20		
Group XVIV: Helicopter; when used in erecting work; floating crane 250 tons and over; remote controlled earth moving equipment (no one operator shall operate more than 2 pieces of moving equipment at one time); underwater equipment, remote or otherwise	8.00	.40	.50	.20		
WD No. AM-2,488—36 F.R. 17255, Adams, Asotin, Benton, Columbia, Perry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties, Wash., Modification No. 1						
CHANGE:						
Carpenters:						
Carpenters	6.54	.40	.35		.025	
Piledrivermen; saw filer; stationary power saw	6.69	.40	.35		.025	
Boommen	6.79	.40	.35		.025	
Electricians:						
Asotin-Benton-Columbia-Franklin-Garfield-Walla Walla, Counties	7.53	.25	1%		.02	
Grant County	7.98	.25	1%		.02	
Ironworkers:						
Structural; ornamental; fence erectors; riggers	7.38	.43	$0.40		.03	
Reinforcing	7.38	.43	.40		.03	
*Adams, Asotin, Benton, Columbia, Perry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties, Wash., Modification No. 1.						
Dredging:						
Leverman dipper: (a) 5 yards and under	7.84	.45	.40			
(b) Over 5 yards	8.39	.45	.40			
Leverman, hydraulic	7.45	.45	.40			
Assistant engineer (electric generator operator for primary pump, power barge or dredge)	7.13	.45	.40			
Engineer welder; craneman	7.08	.45	.40			
Assistant engineer (electric, diesel, steam or booster pump); mates and boatmen	7.03	.45	.40			
Fireman; oiler	6.69	.45	.40			
Assistant mate (deckhand)	6.59	.45	.40			
Power equipment operators:						
Group I: Bit grinders; bolt threading machine; brakeman; compressors, under 1,000 cu. ft. per minute gas, diesel or electric power; crusher feeder (mechanical); deck hand; drillers helper; fireman and heater tender; grade checker; helper (mechanic or welder, H.D.); oiler; pumpman; rollers, all types on subgrade (farm type, Case, John Deere, and similar—or compacting or vibrator) except when pulled by dozer with operable blade; welding machines	6.30	.45	.45		.015	
Group II: A-frame truck (single-drum); assistant refrigeration plant (under 1,000 tons); assistant plant operator, fireman or pugmixer (asphalt); Bagley or stationary scraper; batch plant and wet mix operator, single unit (concrete); belt finishing machine; bending machine (pipeline); blower operator (cement); cement hog; compressor (1,000 cu. ft. or over, 2 or more—gas, diesel, or electric power); concrete saw (multiple cut); distributor leverman; dope pots (power agitated); equipment serviceman, greaser and oiler; fork lift or lumber stacker, Hydra-Lift and similar; gin trucks (pipeline); hoist, single drum; loaders (bucket elevators and conveyors); longitudinal float; mixer (portable—concrete); pavement breaker, Hydra-Hammer and similar; post-hole auger or punch; power broom; railroad ballast regulation operator, (self-propelled); railroad power tamper operator, (self-propelled); railroad power tamper jack operator (self-propelled); spray curing machine (concrete); spreader box (self-propelled); straddle buggy (Ross and similar on construction job site); tractor (farm type R/T with attachments except backhoe); tugger operator	6.60	.45	.45		.015	
Group III: A-frame truck (2 or more drums); assistant refrigeration plant and chiller operator (over 1,000 tons); backfillers (Cleveland and similar); belt-crete conveyors with power pack or similar; belt loader (Kocal or similar); blade operator (Motor Patrol and attachments); boat operators; boom cats (side); boring machine (earth); boring machine (rock under 8" bit) (Quarry Master, Joy, or similar); bump cutter (Wayne, Saginaw, or similar); canal lining machine (concrete); cleaning and doping machine (pipeline); concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); drills (churn, core, calyz, or diamond); elevating belt-type loader (Euclid, Barber Green, or similar); elevating grader-type loader (Dumor, Adams, or similar); generator plant engineers (diesel, electric); gunite combination mixer and compressor; hoist (2 or more drums or tower hoist); loaders (overhead and frontend, under 4 yds. R/T); locomotive engineer; mixermobile; oiler and cable tender, mucking machine; paver (asphalt and concrete); pump (grout or jet); refrigeration plant engineer (1,000 tons); rollerman (finishing pavement); rubber-tired scrapers (one motor with one scraper, under 40 yds.); screed operator; soil stabilizer (P&H or similar); spreader machine; tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); traverse finishing machine; trenching machines (under 7 ft. depth capacity); turnhead operator	6.85	.45	.45		.015	
Group IV: H.D. mechanic; H.D. welder; refrigeration plant engineer (1,000 tons and over); semi-automatic welding machine	6.95	.45	.45		.015	
Group V: Asphalt plant operator; crusher and screening plant operator; rubber-tired scrapers multiengine power with one scraper (Euclid, T8-24, and similar); rubber-tired scraper, 1 motor with 1 scraper (40 yds. and over); single engine with 2 scrapers (Letourneau, Tandem B. and similar); surface heater and planer machine	7.00	.45	.45		.015	

V 37 N 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Dredging—Continued						
Power equipment operators—Continued						
Group VI:						
Automatic subgrader (ditches and trimmers) (R. A. Hansen and similar); backhoes (under 3 yds.), batch and wet mix operator-multiple units (2 and including 4); clamshell operator (under 3 yds.); concrete slip form paver; cranes (under 65 tons); derricks and stiffleg (under 65 tons); draglines (under 3 yds.); drilling equipment (8" bit and over) (Robbins and similar); hydra-cranes (Austin, Western Hydra-Hoe, and similar with attachments); loader operator (front end and overhead 4 yds. to 8 yds.); mucking machines; piledriving engineers; paver (dual drum); Quad-track or similar equipment; railroad track liner operator (self-propelled); rubber-tired scrapers, multiple engines with 2 scrapers; shovels (under 3 yds.); signalmen (whirleys, highline, hammerheads, or similar); trenching machines (7 ft. depth and over)	7.15	.45	.45		.015	
Group VII:						
Backhoes (3 yds. and over); batch plant (over 4 units); cableway controller-dispatcher; cableway operators; clamshell operator (3 yds. and over); cranes (65 tons and over); derricks and stiffleg (65 tons and over); draglines (3 yds. and over); loader—(360° revolving Koehring scooper, or similar); loaders (overhead and front end over 8 yds.); rubber-tired scrapers (multiple engine with 3 or more scrapers); shovels (3 yds. and over); tower crane; whirleys and hammerheads (all)	7.40	.45	.45		.015	
Underground work—Add 10% to the classification. (Not to include open pits, cuts, ditches, trenches, and such work as paving, etc.)						
All crane booms: 130' to 200'—$0.15/hr. additional to classification; over 200'—$0.30/hr. additional to classification.						
Yo-Yo dozer: 10% additional.						
Truck drivers:						
Flat bed truck, single rear axle; fork lift, 3,000 lbs. and under; fuel truck driver (steam cleaner and washer); helper and swamper; leverman loading trucks at bunkers; pickup hauling material; stationary fuel operator; team driver; tractor (small rubber-tired pulling trailer or similar equipment); water tank truck 1,800 gallons	6.30	.37	.30			
Bus driver or manhaul driver; flat bed truck, dual rear axle; tireman No. 1; warehouseman	6.35	.37	.30			
Buggy mobile and similar; bulk cement tanker; oil tank driver; power operated sweeper; semi-trailer, low bed truck and trailer; straddle carrier (Ross, Hyster, and similar); transit mixers and trucks hauling concrete (3 yds. and under); trucks, side, end, and bottom dump (under 6 yds.); water tank truck (1,801-4,000 gallons)	6.40	.37	.30			
Auto crane (2,000 lb. capacity); bulk cement spreader; dumptor (6 yds. and under); Flaherty spreader, box driver; flat bed truck (using power takeoff); fork lift (over 3,000 lbs.); oil distributor driver (road bootman, leverman, helper); rubber tired tunnel jumbo; scissors truck; slurry truck driver; transit mixers and trucks hauling concrete (over 3 yds. to 6 yds.); trucks, side, end, and bottom dump (over 6 yds. to 12 yds.); water tank truck (4,001-6,000 gallons); wrecker and tow truck	6.50	.37	.30			
Low boy (under 50 tons); service greaser; tireman No. 2	6.55	.37	.30			
A-frame (Swedish crane, Iowa 3,000, Hydrolift); water tank truck (over 6,000 gallons—10¢ for each 2,000 additional)	6.60	.37	.30			
Dumptor (over 6 yds.); transit mixers and trucks hauling concrete (6 yds. to 10 yds.); trucks, side, end, and bottom dump (over 12 yds. including 20 yds.)	6.65	.37	.30			
Low boy (over 50 tons)	6.70	.37	.30			
Transit mixers and trucks hauling concrete (10 yds. to 15 yds.); trucks, side, end, and bottom dump (over 20 yds. including 30 yds.)	6.80	.37	.30			
Tournarocker, D.W.'d, and similar with 2- or 4-wheel power tractor with trailer or yardage scale	6.85	.37	.30			
Transit mixers and trucks hauling concrete (15 yds. to 20 yds.); trucks, side, end, and bottom dump (over 30 yds. to 40 yds.)	6.95	.37	.30			
Transit mixers and trucks hauling concrete (over 20 yds.); trucks, side, end, and bottom dump (over 40 yds.)	7.10	.37	.30			

WD AM-2,489-36 F.R. 17290, Chelan, Douglas, Kittitas, Okanogan and Yakima Counties, Wash.—Modification No. 2

CHANGE:						
Carpenters:						
Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties, west of the 120th meridian:						
Carpenters	$6.50	.35	.25		.01	
Carpenters on creosoted material	6.60	.35	.26		.01	
Sawfiler; stationary power saw operator	6.63	.35	.26		.01	
Machine erectors; bridge, dock, and wharf builders	6.65	.35	.25		.01	
Boommen	6.70	.35	.25		.01	
Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties, east of the 120th meridian:						
Carpenters	6.54	.40	.35		.025	
Sawfiler	6.59	.40	.35		.025	
Creosoted, or similar treated materials; boommen; machine erector	6.79	.40	.35		.025	
Electricians:						
Chelan, Douglas, and Okanogan Counties:						
Electricians	7.53	.25	1%		.02	
Cable splicers	7.93	.25	1%		.02	
Kittitas, and Yakima Counties:						
Electricians	7.53	.25	1%		.02	
Cable splicers	7.93	.25	1%		.02	
Ironworkers:						
Fence erectors; ornamental; riggers; structural	7.38	.43	.40		.03	
Reinforcing	7.38	.43	.40		.03	
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties east of the 120th Meridian:						
Power equipment operators:						
Group I:						
Bit grinders; bolt threading machine; brakeman; compressors, under 1000 cu. ft. per minute gas, diesel or electric power; crusher feeder (mechanical); deck hand; drillers helper; fireman and heater tender; grade checker; helper (mechanic or welder, H.D.); oiler; pumpman; rollers, all types on subgrade (farm type, Case, John Deere and similar—or compacting or vibrator) except when pulled by dozer with operable blade; welding machines	$6.30	.45	.45		.015	
Group II:						
A-frame truck (single drum); assistant refrigeration plant (under 1,000 tons); assistant plant operator, fireman or pugmixer (asphalt); Bagley or Stationary scraper; batch plant and wet mix operator, single unit (concrete); belt finishing machine; bending machine (pipeline); blower operator (cement); cement Hog; compressor (1,000 cu. ft. or over, two or more—gas, diesel, or electric power); concrete saw (multiple cut); distributor leverman; dope pots (power agitated); equipment serviceman, greaser and oiler; fork lift or lumber stacker, hydralift and similar; gin trucks (pipeline); hoist, single drum; loaders (bucket elevators and conveyors); longitudinal float; mixer (portable—concrete); pavement breaker, hydra-hammer and similar; post-hold auger or punch; power broom; railroad ballast regulation operator (self-propelled); railroad power tamper operator (self-propelled); railroad power tamper jack operator (self-propelled); spray curing machine (concrete); spreader box (self-propelled); straddle buggy (Ross and similar on construction job site); tractor (farm type R/T with attachments except backhoe); tugger operator	6.60	.45	.45		.015	

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties east of the 120th Meridian—Continued						
Power equipment operators—Continued						
Group III:						
A-frame truck (two or more drums); assistant refrigeration plant and chiller operator (over 1,000 tons); backfillers (Cleveland and similar); belt-crete conveyors with power pack or similar; belt loader (Kocal or similar); blade operator (Motor Patrol and attachments); boat operators; boom cats (side); boring machine (earth); boring machine (rock under 8-inch bit) (Quarry Master, Joy or similar); bump cutter (Wayne, Saginaw or similar); canal lining machine (concrete); cleaning and doping machine (pipeline); concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); drills (churn, core, calyx or diamond); elevating belt-type loader (Euclid, Barber Green or similar); elevating grader-type loader (Dumor, Adams, or similar); generator plant engineers (diesel electric); gunite combination mixer and compressor; hoist (two or more drums or tower hoist); loaders (overhead and front-end, under 4 yds. R/T); locomotive engineer; mixermobile; oiler and cable tender, mucking machine; paver (asphalt and concrete); pump (grout or jet); refrigeration plant engineer (1,000 tons); rollerman (finishing pavement); rubber-tired scrapers (one motor with one scraper, under 40 yds.); screed operator; soil stabilizer (P and H or similar); spreader macbine; tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); traverse finishing machine; trenching machines (under 7 ft. depth capacity); turnhead operator	6.85	.45	.45		.015	
Group IV:						
H.D. mechanic; H.D. welder; refrigeration plant engineer (1,000 tons and over); semi-automatic welding machine	6.95	.45	.45		.015	
Group V:						
Asphalt plant operator; crusher and screening plant operator; rubber-tired scrapers multi-engine power with one scraper (Euclid, TS-24 and similar); rubber-tired scraper, one motor with one scraper (40 yds. and over); single engine with two scrapers (Letourneau, Tandem B and similar); surface heater and planer machine	7.00	.45	.45		.015	
Group VI:						
Automatic subgrader (ditches and trimmers) (R. A. Hansen and similar); backhoes (under 3 yds.); batch and wet mix operator-multiple units (two and including four); clamshell operator (under 3 yds.); concrete slip form paver; cranes (under 65 tons); derricks and stiffleg (under 65 tons); draglines (under 3 yds.); drilling equipment (8" bit and over) (Robbins and similar); hydra-cranes (Austin, Western Hydra-Hoe and similar with attachments); loader operator (front end and overhead 4 yds. to 8 yds.); mucking machines; piledriving engineers; paver (dual drum); quad-track or similar equipment; railroad track liner operator (self-propelled); rubber-tired scrapers, multiple engines with two scrapers; shovels (under 3 yds.); signalmen (whirleys, highline, hammerheads or similar); trenching machines (7 ft. depth and over)	7.15	.45	.45		.015	
Group VII:						
Backhoes (3 yds. and over); batch plant (over 4 units); cableway controller-dispatcher; cableway operators; clamshell operator (3 yds. and over); cranes (65 tons and over); derricks and stiffleg (65 tons and over); draglines (3 yds. and over); loader—(360° degrees revolving Koehring scooper or similar); loaders (overhead and front and over 8 yds.); rubber-tired scrapers (multiple engine with three or more scrapers); shovels (3 yds. and over); tower crane; whirleys and hammerheads (all)	7.40	.45	.45		.015	
Underground work—Add 10% to the classification. (Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)						
All crane booms: 130' to 200'—$0.15/hr. additional to classification; over 200'—$0.30/hr. additional to classification.						
Yo-Yo dozer: 10% additional.						
Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties east of the 120th meridian:						
Truck drivers:						
Flat bed truck, single rear axle; fork lift, 3,000 lbs. and under; fuel truck driver (steam cleaner and washer); helper and swamper; leverman loading trucks at bunkers; pickup hauling material; stationary fuel operator; team driver; tractor (small rubber-tired pulling trailer or similar equipment); water tank truck 1,800 gallons	6.30	.37	.30			
Bus driver or manhaul driver; flat bed truck, dual rear axle; tireman No. 1; warehouseman	6.35	.37	.30			
Buggy mobile and similar; bulk cement tanker; oil tank driver; power operated sweeper; semitrailer, low bed truck and trailer; straddle carrier (Ross, Hyster and similar); transit mixers and trucks hauling concrete (3 yds. and under); trucks, side, end, and bottom dump (under 6 yds.); water tank truck (1,801-4,000 gallons)	6.40	.37	.30			
Auto crane (2,000 lb. capacity); bulk cement spreader; dumptor (6 yds. and under); Flaherty spreader, box driver; flat bed truck (using power take off); fork lift (over 3,000 lbs.); oil distributor driver (road bootman, leverman, helper); rubber tired tunnel jumbo; scissors truck; slurry truck driver; transit mixers and trucks hauling concrete (over 3 yds. to 6 yds.); trucks, side, end and bottom dump (over 6 yds. to 12 yds.); water tank truck (4,001-6,000 gallons); wrecker and tow truck	6.50	.37	.30			
Low boy (under 50 tons); service greaser; tireman No. 2	6.55	.37	.30			
A-frame (Swedish crane, Iowa 3000, hydrolift); water tank truck (over 6,000 gallons—10 cents for each 2,000 additional)	6.60	.37	.30			
Dumptor (over 6 yds.); transit mixers and trucks hauling concrete (6 yds. to 10 yds.); trucks, side, end, and bottom dump (over 12 yds. including 20 yds.)	6.65	.37	.30			
Low boy (over 50 tons)	6.70	.37	.30			
Transit mixers and trucks hauling concrete (10 yds. to 15 yds.); trucks, side, end, and bottom dump (over 20 yds. including 30 yds.)	6.80	.37	.30			
Tournarocker, dual-wheeled and similar with 2 or 4 wheel power tractor with trailer or yardage scale	6.85	.37	.30			
Transit mixers and trucks hauling concrete (15 yds. to 20 yds.); trucks, side, end, and bottom dump (over 30 yds. to 40 yds.)	6.95	.37	.30			
Transit mixers and trucks hauling concrete (over 20 yds.); trucks, side, end, and bottom dump (over 40 yds.)	7.10	.37	.30			
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties west of the 120th meridian:						
Power equipment operators:						
Mechanics' helpers (heavy duty)	6.67	.35	.50		.04	
Brakemen; oiler (grade checkers and stakeman)	6.77	.35	.50		.04	
Fireman; fireman (drier and hot plant)	6.88	.35	.50		.04	
Tractor (farmall type, 60 h.p. and under); compressors (excavating and general purposes); rollers, tampers, and vibrators (other than plant, road mix or multilift materials)	6.93	.35	.50		.04	
Oiler driver on truck cranes (over 45 tons up to 100)	6.95	.35	.50		.04	
Oil distributors; blower distributors and mulch seeding operator	7.00	.35	.50		.04	
Locomotives (dinkey, air, diesel, electric, gas, steam)	7.01	.35	.50		.04	
Equipment service oiler; oiler driver on truck cranes (100 tons and over)	7.05	.35	.50		.04	
Tractors (farmall type, over 60 h.p.); pump (water)	7.07	.35	.50		.04	
Post hole diggers (mechanical)	7.20	.35	.50		.04	
Mixer (asphalt up to 4 tons per batch) brooms, power (Wayne, Saginaw, and similar); bulldozers (under D9 or similar); saws (concrete); loaders (fork lift or lumber stacker on construction job site, Drott travel lift); scrapers (carryall type, single); roller, tampers and vibrator, twin engine	7.23	.35	.50		.04	

VOL 37-29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Chelan, Douglas, Kittitas, Okanogan and Yakima Counties west of the 120th Meridian—Continued						
Power equipment operators—Continued						
Loaders (elevating Athey, Barber Greene, and similar types); loaders (overhead and front end, under 2½ yds.); mixers (concrete and batch 200 yds. per hour and under); pump (concrete, Fuller Kenyon, pump crete); roller, tamper, and vibrator (on plant, road mix or multilift materials); trenching machines (under 16 inches); batch plant and mixer (200 yds. per hour and under); conveyors; crushers (rock), washing and screening plants; finishing machine operator (concrete paving); hoists, air tuggers, strato tower bucket, elevators and deck winches (power); power plant operators; screedman; spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety, or similars); cranes (A-frame truck, single power drum)	7.26	.35	.50		.04	
Locomotive, mechanics or welder (heavy duty)	7.31	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. and under); motor patrol graders (including model 14 and similar)	7.33	.35	.50		.04	
Hoists on steel erection, air tuggers and towermobiles; compressors (steel erection including sandblasting, painting or same); loaders (fork lifts w/tower)	7.35	.35	.50		.04	
Loaders (elevating grader type, Dumor and similar); cement hogs; locomotive (geared or rod engines); paving; scraper (carryall type, double)	7.38	.35	.50		.04	
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case, and similar types, 60 h.p. and under)	7.41	.35	.50		.04	
Bulldozer (D–9 or similar)	7.45	.35	.50		.04	
Trenching machines (16 inches and over)	7.52	.35	.50		.04	
Bump cutter (Concut, Christianson or similar types)	7.53	.35	.50		.40	
Conveyors (belterete with power pack and similar types); loaders (elevating belt type, Euclid and similar); batch plant and mixer (over 200 yds. per hour through 400 yds.); mixer (concrete and batch, over 200 yds. per hour through 400 yds.), paving (dual), asphalt (4 tons and over per batch)	7.58	.35	.50		.04	
Motor patrol graders (over model 14 and similar); derricks all-drilling machines (core, cable, rotary and exploration); linked pusher, pay dozer (quad 9 and similar); mucking machines (mole or tunnel drill and/or shield); subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. through 40 yds.); tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar, over 60 h.p.); piledriver engineers (L.B. Foster puller or similar paving breaker); cranes (A-frame truck, dbl. power drum); crawler (truck type, floating, locomotive, Whirley, either 7 yds. and under, or 150' of boom, including jibs, and under, or 45 tons and under); Hydralifts; Hyster eat cranes ad attachments· bulldozers (engaged) in yo-yo operation (while clearing and scaling); shovels (crawler and truck type, all attachments, 3 yds. and under); cranes, chipper, wood with boom attachment; mixer (mobile type with hoist combination); cableways (3 yds. and under); loaders (fork lift with power boom and swing attachment); loaders (overhead and front end, 2½ yds. up to 4 yds.)	7.63	.35	.50		.04	
Loaders (overhead and front end, 4 yds. up to 8 yds.)	7.85	.35	.50		.04	
Mixer (concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)	7.89	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scraper (over 70 yds. through 55 yds.)	7.94	.35	.50		.04	
Slip form paver (Zimmerman, CMI, and other similar types); cableway (over 3 yds.); crane (crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' of boom including jibs, or over 45 tons up to 100 tons); crane (tower cranes, Pecco, Lorraine, Bucyrus, and similar types; remote control operator (on rubber tired earth moving equipment); helicopter winch operator; shovel (crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.02	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 55 yds. through 70 yds.)	8.24	.35	.50		.04	
Loaders (overhead and front end, 8 yds. and over)	8.44	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 70 yds. through 85 yds.)	8.55	.35	.50		.04	
Shovel (crawler and truck type, all attachmepts, 6 yds. and over); cranes (crawler, truck type, floating, locomotive, Whirley, either 6 yds. and over, 200' of boom including jibs, and over, or 100 tons and over)	8.57	.35	.50		.04	
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 100 yds.)	8.85	.35	.50		.04	

WD No. AM 2,490 36 F.R. 17244, Ferry, Lincoln, Pend Oreille, Spokane, Stevens, Whitman Counties, Wash., Modification No. 1

CHANGE:						
Carpenters:						
Carpenters	6.54	.40	.35		.025	
Piledrivermen; sawfiler; stationary power woodworking tools; floor layer; floor finisher; floor sander	6.69	.40	.35		.025	
Shinglers (wood and composition)	6.74	.40	.35		.025	
Boommen; carpenters working with creosoted material; millwrights; machine erector	6.79	.40	.35		.025	
Ironworkers:						
Reinforcing	7.38	.43	.40		.03	
Fence erectors; ornamental; and structural	7.38	.43	.40		.03	
Roofers	6.20	.30	.15	$0.50		
Dredging:						
Leverman dipper:						
(a) 5 yards and under	7.84	.45	.40			
(b) Over 5 yards	8.39	.45	.40			
Leverman, hydraulic	7.45	.45	.40			
Assistant engineer (electric generator operator for primary pump, power barge or dredge)	7.13	.45	.40			
Engineer welder; craneman	7.08	.45	.40			
Assistant engineer (electric, diesel, steam or booster pump); mates and boatmen	7.03	.45	.40			
Fireman; oiler	6.69	.45	.40			
Assistant mate (deckhand)	6.59	.45	.40			
Power equipment operators:						
Group I:						
Bit grinders; bolt threading machine; brakeman; compressors, under 1,000 cu. ft. per minute gas, diesel or electric power; crusher feeder (mechanical); deck hand; drillers helper; fireman and heater tender; grade checker; helper (mechanic or welder, H.D.); oiler; pumpman; rollers, all types on subgrade (farm type, Case, John Deere and similar—or compacting or vibrator) except when pulled by dozer with operable blade; welding machines	6.30	.45	.45		.015	

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Power equipment operator—Continued						
Group II:						
A-frame truck (single-drum); assistant refrigeration plant (under 1,000 tons); assistant plant operator, fireman or pugmixer (asphalt); Bagley or stationary scraper; batch plant and wet mix operator, single unit (concrete); belt finishing machine; bending machine (pipeline); blower operator (cement); cement hog; compressor (1,000 cu. ft. or over, 2 or more—gas, diesel, or electric power); concrete saw (multiple cut); distributor leverman; dope pots (power agitated); equipment serviceman, greaser and oiler; forklift or lumber stacker, hydralift and similar; gin trucks (pipeline); hoist, single drum; loaders (bucket elevators and conveyors); longitudinal float; mixer (portable—concrete); pavement breaker, Hydra-Hammer and similar); posthold auger or punch; power broom; railroad ballast regulation operator, (self-propelled); railroad power tamper operator, (self-propelled); railroad power tamper jack operator (self-propelled); spray curing machine (concrete); spreader box (self-propelled); straddle buggy (Ross and similar on construction jobsite); tractor (farm type R/T with attachments except backhoe); tugger operator	6.60	.45	.45		.015	
Group III:						
A-frame truck (2 or more drums); assistant refrigeration plant and chiller operator (over 1,000 tons); backfillers (Cleveland and similar); belt-crete conveyors with powerpack or similar; belt loader (Kocal or similar); blade operator (Motor Patrol and attachments); boat operators; boom cats (side); boring machine (earth); boring machine (rock under 8" bit) (Quarry Master, Joy or similar); bump cutter (Wayne, Saginaw, or similar); canal lining machine (concrete); cleaning and doping machine (pipeline); concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); drills (churn, core, calyz, or diamond); elevating belt-type loader (Euclid, Barber, Green or similar); elevating grader-type loader (Dumor, Adams, or similar); generator plant engineers (diesel electric); Gunite combination mixer and compressor hoist, (2 or more drums or tower hoist); loaders, (overhead and front end, under 4 yds. R/T); locomotive engineer; mixermobile; oiler and cable tender, mucking machine; paver (asphalt and concrete); pump (grout or jet); refrigeration plant engineer (1,000 tons); rollerman (finishing pavement); rubber-tired scrapers (1 motor with 1 scraper, under 40 yds.); screed operator; soil stabilizer (P & H or similar); spreader machine; tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); traverse finishing machine; trenching machines (under 7 ft. depth capacity); turnhead operator	6.85	.45	.45		.015	
Group IV:						
H.D. mechanic; H.D. welder; refrigeration plant engineer (1,000 tons and over); semiautomatic welding machine	6.96	.45	.45		.015	
Group V:						
Asphalt plant operator; crusher and screening plant operator; rubber-tired scrapers, multiengine power with one scraper (Euclid, TS–21 and similar); rubber-tired scraper, 1 motor with 1 scraper (40 yds. and over); single engine with 2 scrapers (Letourneau, Tandem B, and similar); surface heater and planer machine	7.00	.45	.45		.015	
Group VI:						
Automatic subgrader (ditches and trimmers) (R. A. Hansen and similar); backhoes (under 3 yds.); batch and wet mix operator-multiple units (2 and including 4); clamshell operator (under 3 yds.); concrete slip form paver; cranes (under 65 tons); derricks and stiffegs (under 65 tons); draglines (under 3 yds.); drilling equipment (8" bit and over) (Robbins and similar); hydracranes (Austin, Western Hydra-Hoe and similar with attachments); loader operator (front end and overhead 4 yds. to 8 yds.), mucking machines; piledriving engineers; paver (dual drum); quad-track or similar equipment; railroad track liner operator (self-propelled); rubber-tired scrapers, multiple engines with 2 scrapers; shovels (under 3 yds.); signalmen (Whirleys, Highline Hammerheads or similar); trenching machines (7 ft. depth and over)	7.15	.45	.45		.015	
Group VII:						
Backhoes (3 yds. and over); batch plant (over 4 units); cableway controller-dispatcher; cableway operators; clamshell operator (3 yds. and over); cranes (65 tons and over); derricks and stiffegs (65 tons and over); draglines (3 yds. and over); loader ((360°) revolving koehring Scooper or similar); loaders (overhead and front end over 8 yds.); rubber-tired scrapers (multiple engine with 3 or more scrapers); shovels (3 yds. and over); tower crane; Whirleys and Hammerheads (all)	7.40	.45	.45		.015	
Underground work—Add 10% to the classification. (Not to include open pits, cuts, ditches, trenches, and such work as paving, etc.)						
All crane booms: 130' to 200'—$0.15/hr. additional to classification; over 200'—$0.30/hr. additional to classification.						
Yo-Yo dozer: 10% additional.						
Truck drivers:						
Flat bed truck, single rear axle; forklift, 3,000 lbs. and under; fuel truck driver (steam cleaner and washer); helper and swamper; leverman loading trucks at bunkers; pickup hauling material; stationary fuel operator; team driver; tractor (small rubber-tired pulling trailer or similar equipment); water tank truck, 1,800 gallons	6.30	.37	.30			
Bus driver or manhaul driver; flat bed truck, dual rear axle; tireman No. 1; warehouseman	6.35	.37	.30			
Buggy mobile and similar; bulk cement tanker; oil tank driver; power operated sweeper; semitrailer, low bed truck and trailer; straddle carrier (Ross, Hyster and similar); transit mixers and trucks hauling concrete (3 yds. and under); trucks, side, end and bottom dump (under 6 yds.); water tank truck (1,801–4,000 gallons)	6.40	.37	.30			
Auto crane (2,000 lb. capacity); bulk cement spreader; Dumptor (6 yds. and under); Flaherty spreader, box driver; flat bed truck (using power takeoff); forklift (over 3,000 lbs.); oil distributor driver (road bootman, leverman, helper); rubber-tired tunnel jumbo; scissors truck; slurry truck driver; transit mixers and trucks hauling concrete (over 3 yds. to 6 yds.); trucks, side, end, and bottom dump (over 6 yds. to 12 yds.); water tank truck (4,001–6,000 gallons); wrecker and tow truck	6.50	.37	.30			
Low boy (under 50 tons); service greaser; tireman No. 2	6.55	.37	.30			
A-frame (Swedish crane, Iowa 3,000, hydrolift); water tank truck (over 6,000 gallons—10c for each 2,000 additional)	6.60	.37	.30			
Dumptor (over 6 yds.); transit mixers and trucks hauling concrete (6 yds. to 10 yds.); trucks, side, end, and bottom dump (over 12 yds. including 20 yds.)	6.65	.37	.30			
Low boy (over 50 tons)	6.70	.37	.30			
Transit mixers and trucks hauling concrete (10 yds. to 15 yds.); trucks, side, end, and bottom dump (over 20 yds. including 30 yds.)	6.80	.37	.30			
Tournarocker, dual-wheeled and similar with 2 or 4 wheel power tractor with trailer or yardage scale	6.85	.37	.30			
Transit mixers and trucks hauling concrete (15 yds. to 20 yds.); trucks, side, end, and bottom dump (over 30 yds. to 40 yds.)	6.95	.37	.30			
Transit mixers and trucks hauling concrete (over 20 yds.); trucks, side, end, and bottom dump (over 40 yds.)	7.10	.37	.30			

VOL 37 NO 29 FEB 11 72 XUM

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-9,491-36 F.R. 17865, Walla Walla County, Wash., Modification No. 1						
CHANGE:						
Carpenters:						
Carpenters	6.54	.40	.35		.025	
Piledrivermen; floor layers; floor finishers; floor sanders; saw filers; stationary power woodworking tool operators	6.69	.40	.35		.025	
Millwrights; boommen; machine erector; carpenters (creosoted material)	6.74	.40	.35		.025	
Shingler (wood or composition)	6.79	.40	.35		.025	
Ironworkers:						
Structural; ornamental; fence erector	7.38	.43	.40		.03	
Reinforcing	7.38	.43	.40		.03	
Dredging:						
Leverman dipper:						
(a) 5 yards and under	7.84	.45	.40			
(b) Over 5 years	8.39	.45	.40			
Leverman, hydraulic	7.45	.45	.40			
Assistant engineer (electric generator operator for primary pump, power barge or dredge)	7.13	.45	.40			
Engineer welder; craneman	7.08	.45	.40			
Assistant engineer (electric, diesel, steam or booster pump); mates and boatmen	7.03	.45	.40			
Fireman; oiler	6.69	.45	.40			
Assistant mate (deckhand)	6.59	.45	.40			
Power equipment operators:						
Group I:						
Bit grinders; bolt threading machine; brakeman; compressors, under 1,000 cu. ft. per minute gas, diesel, or electric power; crusher feeder (mechanical); deckhand; drillers helper; fireman and heater tender; grade checker; helper (mechanic or welder, heavy duty); oiler; pumpman; rollers, all types on subgrade (farm type, Case, John Deere and similar—or compacting or vibrator) except when pulled by dozer with operable blade; welding machine	6.30	.45	.45		.015	
Group II:						
A-frame truck (single-drum); assistant refrigeration plant (under 1,000 tons); assistant plant operator, fireman or pugmixer (asphalt); Bagley or stationary scraper; batch plant and wet mix operator, single unit (concrete); belt finishing machine; bending machine (pipeline); blower operator (cement); cement hog; compressor (1,000 cu. ft. or over, 2 or more—gas, diesel, or electric power); concrete saw (multiple-cut); distributor leverman; dope pots (power agitated); equipment serviceman, greaser and oiler; forklift or lumberstacker, hydralift and similar; gin trucks (pipeline); hoist, single drum; loaders (bucket elevators and conveyors); longitudinal float; mixer (portable—concrete); pavement breaker (Hydra-Hammer and similar); posthold auger or punch; power broom; railroad ballast regulation operator (self-propelled); railroad power tamper operator (self-propelled); railroad power tamper jack operator (self-propelled); spray curing machine (concrete); spreader box (self-propelled); straddle buggy (Ross and similar on construction jobsite); tractor (farm type rototiller with attachments except backhoe); tugger operator	6.60	.45	.45		.015	
Group III:						
A-frame truck (2 or more drums); assistant refrigeration plant and chiller operator (over 1,000 tons); backfillers (Cleveland and similar); belt-crete conveyors with powerpack or similar; belt loader (Kocal or similar); blade operator (Motor Patrol and attachments); boat operators; boom cats (side); boring machine (earth); boring machine (rock under 8-inch bit) (Quarry Master, Joy or similar); bump cutter (Wayne, Saginaw or similar); canal lining machine (concrete); cleaning and doping machine (pipeline); concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); drills (churn, core, calyx or diamond); elevating belt-type loader (Euclid, Barber, Greene or similar); elevating grader-type loader (Euclid, Adams, or similar); generator plant engineers (diesel-electric); Gunite combination mixer and compressor; hoist (2 or more drums or tower hoist); loaders (overhead and front-end, under 4 yds. R/T); locomotive engineer; mixermobile; oiler and cable tender, mucking machine; paver (asphalt and concrete); pump (grout or jet); refrigeration plant engineer (1,000 tons); rollerman (finishing pavement); rubber-tired scrapers (1 motor with 1 scraper, under 40 yds.); screed operator; soil stabilizer (P & H or similar); spreader machine; tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); traverse finishing machine; trenching machines (under 7-foot depth capacity); Turnhead operator	6.85	.45	.45		.015	
Group IV:						
Heavy-duty mechnics; heavy-duty welder; refrigeration plant engineer (1,000 tons and over); semiautomatic welding machine	6.95	.45	.45		.015	
Group V:						
Asphalt plant operator; crusher and screening plant operator; rubber-tired scrapers multi-engine power with 1 scraper; (Euclid, TS-24 and similar); rubber-tired scraper, 1 motor with 1 scraper (40 yds. and over); single-engine with 2 scrapers (Letourneau, Tandem H and similar); surface heater and planer machine	7.00	.45	.45		.015	
Group VI:						
Automatic subgrader (ditches and trimmers) (R. A. Hansen and similar); backhoes (under 3 yds.); batch and wet mix operator—multiple units (2 and including 4); clamshell operator (under 3 yds.); concrete slip form paver; cranes (under 65 tons); derricks and stiffegs (under 65 tons); draglines (under 3 yds.); drilling equipment (8-inch bit and over) (Robbins and similar); hydra-cranes (Austin, Western Hydra-Hoe, and similar with attachments); loader operator (front end and overhead, 4 yds. to 8 yds.); mucking machines; piledriving engineers; paver (dual drum); quad-track or similar equipment; railroad track liner operator (self-propelled); rubber-tired scrapers, multiple-engines with 2 scrapers; shovels (under 3 yds.); signalmen (Whirleys, Highline, Hammerheads or similar); trenching machines (7-ft. depth and over)	7.15	.45	.45		.015	
Group VII:						
Backhoes (3 yds. and over); batch plant (over 4 units); cableway controller-dispatcher; cableway operators; clamshell operator (3 yds. and over); cranes (65 tons and over); derricks and stiffegs (65 tons and over); draglines (3 yds. and over); loaders (360 degrees revolving Koehring Scooper or similar); loaders (overhead and front end, over 8 yds.); rubber-tired scrapers (multiple-engine with 3 or more scrapers); shovels (3 yds. and over); tower crane; Whirleys and Hammerheads (all)	7.40	.45	.45		.015	
Underground work—Add 10% to this classification. (Not to include open pits, cuts, ditches, trenches, and such work as paving, etc.)						
All crane booms: 130 feet to 200 feet—$0.15/hr. additional to classification; over 200 feet—$0.30/hr. additional to classification.						
Yo-Yo dozer: 10% additional.						
Truckdrivers:						
Flatbed truck, single rear axle; forklift, 3,000 lbs. and under; fuel truckdriver (steam cleaner and washer); helper and swamper; leverman loading trucks at bunkers; pickup hauling material; stationary fuel operator; team driver; tractor (small rubber-tired pulling trailer or similar equipment); water tank truck 1,800 gallons	6.30	.37	.30			
Busdriver or manhaul driver; flatbed truck, dual rear axle; tireman No. 1; warehouseman	6.35	.37	.30			
Buggymobile and similar; bulk cement tanker; oil tank driver; power operated sweeper; semitrailer, lowbed truck and trailer; straddle carrier (Ross, Hyster and similar); transit mixers and trucks hauling concrete (3 yds. and under); trucks, side, end, and bottom dump (under 6 yds.); water tank truck (1,801-4,000 gallons)	6.40	.37	.30			

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Truckdrivers—Continued						
Auto crane (2,000 lb. capacity); bulk cement spreader; Dumptor (5 yds. and under); Flaherty spreader, box driver; flatbed truck (using power takeoff); forklift (over 3,000 lbs.); oil distributor driver (road bootman, leverman, helper); rubber-tired Tunnel Jumbo; scissors truck; slurry truckdriver; transit mixers and trucks hauling concrete (over 5 yds. to 6 yds.); trucks, side, end, and bottom dump (over 6 yds. to 12 yds.); water tank truck (4,001-6,000 gallons); wrecker and towtruck	6.80	.37	.30			
Lowboy (under 50 tons); service greaser; tireman No. 2	6.85	.37	.30			
A-frame (Swedish crane, Iowa 3000, hydrolift); water tank truck (over 6,000 gallons—10¢ for each 2,000 additional)	6.60	.37	.30			
Dumptor (over 6 yds.); transit mixers and trucks hauling concrete (6 yds. to 10 yds.); trucks, side, end, and bottom dump (over 12 yds. including 20 yds.)	6.65	.37	.30			
Lowboy (over 50 tons)	6.70	.37	.30			
Transit mixers and trucks hauling concrete (10 yds. to 15 yds.); trucks, side, end, and bottom dump (over 20 yds. including 30 yds.)	6.80	.37	.30			
Tournarocker, dual-wheeled and similar with 2- or 4-wheel power tractor with trailer or yardage scale	6.85	.37	.30			
Transit mixers and trucks hauling concrete (15 yds. to 20 yds.); trucks, side, end, and bottom dump (over 30 yds. to 40 yds.)	6.95	.37	.30			
Transit mixers and trucks hauling concrete (over 20 yds.); trucks, side, end, and bottom dump (over 40 yds.)	7.10	.37	.30			
WD AM-2,503—36 F.R. 17276, Yakima County, Wash.—Modification No. 1						
CHANGE:						
Carpenters—*East of 120th Meridian:*						
Carpenters	$6.54	.40	.35		.025	
Floor layers; floor finishers; piledrivermen; sawfiler; stationary power woodworking tools	6.69	.40	.35		.025	
Shinglers (wood and composition)	6.74	.40	.35		.025	
Boommen; millwrights; machine erectors	6.79	.40	.35		.025	
Carpenters—*West of 120th Meridian:*						
Carpenters	6.50	.35	.25		.01	
Carpenters on creosoted material	6.60	.35	.25		.01	
Sawfiler; stationary power saw operator; floor finisher; floorlayer; shinglers; power woodworking	6.63	.35	.25		.01	
Millwrights; machine erectors; piledrivers; bridge, dock, and wharf builders	6.65	.35	.25		.01	
Boommen	6.70	.35	.25		.01	
Acoustical workers	6.66	.35	.25		.01	
Elevator constructors	7.68	.195	.20	2%+a		
Elevator constructors' helpers	70%JR	.195	.20	2%+a		
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers:						
Reinforcing	7.38	.43	.40		.03	
Fence Erectors; Ornamental; Structural	7.38	.43	.40		.03	
Footnote:						
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six paid holidays: A through F.						
East of the 120th Meridian:						
Dredging:						
Leverman dipper:						
(a) 5 yards and under	7.84	.45	.40			
(b) Over 5 yards	8.39	.45	.40			
Leverman, hydraulic	7.45	.45	.40			
Assistant engineer (electric Generator operator for primary pump, power barge or dredge)	7.13	.45	.40			
Engineer welder; craneman	7.08	.45	.40			
Assistant engineer (electric, diesel, steam or booster pump); Mates and Boatmen	7.03	.45	.40			
Fireman; oiler	6.69	.45	.40			
Assistant mate (deckhand)	6.59	.45	.40			
West of the 120th Meridian:						
Dredging:						
Dipper leverman:						
(a) Over 5 yards	8.39	.35	.50			
(b) 5 yards and under	7.84	.35	.50			
Hydraulic leverman	7.45	.35	.50			
Assistant engineer (electric, generator operator for primary pump, power barge or dredge)	7.13	.35	.50			
Engineer welder; craneman	7.08	.35	.50			
Assistant engineer (electric, diesel, steam or booster pump); mates and boatmen	7.03	.35	.50			
Fireman; oiler	6.69	.35	.50			
Assistant mate (deckhand)	6.59	.35	.50			
East of the 120th Meridian:						
Power equipment operators:						
Group I:						
Bit grinders; bolt threading machine; brakeman; compressors, under 1000 cu. ft. per minute gas, diesel, or electric power; crusher feeder (mechanical); deck hand; drillers helper; fireman and beater tender; grade checker; helper (mechanic or welder, H.D.); oiler; pumpman; rollers, all types on subgrade (faam type, Case, John Deere and similar—or compacting or vibrator) except when pulled by dozer with operable blade; welding machines	6.30	.45	.45		.015	
Group II:						
A-frame truck (single-drum); assistant refrigeration plant (under 1000 tons); assistant plant operator, fireman or pugmixer (asphalt); Bagley or Stationary scraper; batch plant and wet mix operator, single unit (concrete); belt finishing machine; bending machine (pipeline); blower operator (cement); cement Hog; compressor (1000 cu. ft. or over, two or more—gas, diesel, or electric power); concrete saw (multiple cut); distributor leverman; dope pots (power agitated); equipment serviceman, greaser and oiler; fork lift or lumber stacker, hydrallft and similar; gin trucks (pipeline); hoist, single drum; loaders (bucket elevators and conveyors); longitudinal float; mixer (portable—concrete); pavement breaker (hydra-hammer and similar); post-hold auger or punch; power broom; railroad ballast regulation operator (self-propelled); railroad power tamper operator (self-propelled); railroad power tamper jack operator (self-propelled); straddle buggy (Ross and similar on construction job site); tractor (farm type R/T with attachments except backhoe); tugger operator	6.60	.45	.45		.015	

V 37 29
FEB 11 72
XUM

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
East of the 120th Meridian—Continued						
Power equipment operators—Continued						
Group III: A-frame truck (two or more drums); assistant refrigeration plant and chiller operator (over 1,000 tons); backfillers (Cleveland and similar); belt-crete conveyors with power pack or similar; belt loader (kocal or similar); blade operator (Motor Patrol and attachments); boat operators; boom cats (side); boring machine (earth); boring machine (rock under 8' bit) (Quarry Master, Joy or similar); bump cutter (Wayne, Saginaw or similar); canal lining machine (concrete); cleaning and doping machine (pipeline); concrete pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); drills (churn, core, calyx or diamond); elevating belt-type loader (Euclid, Barber Green or similar); elevating grader-type loader (Dumor, Adams, or similar); generator plant engineers (diesel electric); gunite combination mixer and compressor; hoist, (two or more drums or tower hoist); loaders (overhead and frontend, under 4 yds. R/T); locomotive engineer; misermobile; oiler and cable tender, mucking machine; paver (asphalt and concrete); pump (Grout or Jet); refrigeration plant engineer (1,000 tons); Rollerman (finishing pavement); rubber-tired scrapers (one motor with one scraper, under 40 yds.); screed operator; soil stabilizer (P & H or similar); spreader machine; tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.) traverse finishing machine; trenching machines (under 7 ft. depth capacity); turnhead operator	6.85	.45	.45	.015	
Group IV: H.D. mechanic; H.D. welder; refrigeration plant engineer (1,000 tons and over); semi-automatic welding machine	6.95	.45	.45	.015	
Group V: Asphalt plant operator; crusher and screening plant operator; rubber-tired scrapers multi-engine power with one scraper (Euclid, T-8-24 and similar); rubber-tired scraper, one motor with one scraper (40 yds. and over); single engine with two scrapers (Letourneau, Tandem B and similar); surface heater and planer machine	7.00	.45	.45	.015	
Group VI: Automatic subgrader (ditches and trimmers) (R. A. Hansen and similar); backhoes (under 3 yds.); batch and wet mix operator-multiple units (two and including 4); clamshell operator (under 3 yds.); Concrete slip form paver; cranes (under 55 tons); derricks and stiffleg (under 55 tons); draglines (under 3 yds.); drilling equipment (8' bit and over) (Robbins and similar); hydra-cranes (Austin, Western hydra-hoe and similar with attachments); loader operator (front end and overhead 4 yds. to 8 yds.); mucking machines; piledriving engineers; paver (dual drum); quad-track or similar equipment; railroad track liner operator (self-propelled); rubber-tired scrapers multiple engines with two scrapers; shovels (under 3 yds.); signalmen (whirleys, highline hammerheads or similar); trenching machines (7 ft. depth and over)	7.15	.45	.45	.015	
Group VII: Backhoes (3 yds. and over); batch plant (over 4 units); cableway controller-dispatcher; cableway operators; clamshell operator (3 yds. and over); cranes (55 tons and over); derricks and stiffleg (55 tons and over); draglines (3 yds. and over); loader—(360 degrees revolving N-shering scooper or similar); loaders (overhead and front end over 8 yds.); rubber-tired scrapers (multiple engine with three or more scrapers); shovels (3 yds. and over); tower crane; whirleys and hammerheads (all)	$7.40	.45	.45	.015	
Underground Work—add 10% to the classification. (Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)						
All crane booms: 130' to 200'—$0.15/hr. additional to classification; over 200'—$0.30/hr. additional to classification.						
Yo-yo Dozer: 10% additional.						
East of the 120th meridian:						
Truck drivers: Flat bed truck, single rear axle; forklift, 3,000 lbs. and under; fuel truck driver (steam cleaner and washer); helper and swamper; leverman loading trucks at bunkers; pickup hauling material; stationary fuel operator; team driver; tractor (small rubber-tired pulling trailer or similar equipment); water tank truck 1,800 gallons	6.30	.37	.30		
Bus driver or manhaul driver; flat bed truck, dual rear axle; tireman No. 1; warehouseman	6.35	.37	.30		
Buggy mobile and similar; bulk cement tanker; oil tank driver; power operated sweeper; semi-trailer, low bed truck and trailer; straddle carrier (Ross, Hyster and similar); transit mixers and trucks hauling concrete (3 yds. and under); trucks, side, end, and bottom dump (under 6 yds.); water tank truck (1,801–4,000 gallons)	6.40	.37	.30		
Auto crane (2,000 lb. capacity); bulk cement spreader; dumptor (6 yds. and under); Flaherty spreader, box driver; flat bed truck (using power takeoff); forklift (over 3,000 lbs.); oil distributor driver (road bootman, leverman, helper); rubber-tired tunnel jumbo; scissors truck; slurry truck driver; transit mixers and trucks hauling concrete (over 3 yds. to 6 yds.); trucks, side, end and bottom dump (over 6 yds. to 12 yds.); water tank truck (4,001–6,000 gallons); wrecker and tow truck	6.50	.37	.30		
Low boy (under 50 tons); service greaser; tireman No. 2	6.55	.37	.30		
A-frame (Swedish crane, Iowa 3,000, hydrolift); water tank truck (over 6,000 gallons—10¢ for each 2,000 additional)	6.60	.37	.30		
Dumptor (over 6 yds.); transit mixers and trucks hauling concrete (6 yds. to 10 yds.); trucks, side, end, and bottom dump (over 12 yds. including 20 yds.)	6.65	.37	.30		
Low boy (over 50 tons)	6.70	.37	.30		
Transit mixers and trucks hauling concrete (10 yds. to 15 yds.): trucks, side, end, and bottom dump (over 20 yds. including 30 yds.)	6.80	.37	.30		
Tournarocker, D.W.'d and similar with 2 or 4 wheel power tractor with trailer or yardage scale	6.85	.37	.30		
Transit mixers and trucks hauling concrete (15 yds. to 20 yds.); trucks, side, end, and bottom dump (over 30 yds. to 40 yds.)	6.95	.37	.30		
Transit mixers and trucks hauling concrete (over 20 yds.); trucks, side, end, and bottom dump (over 40 yds.)	7.10	.37	.30		
West of the 120th meridian:						
Laborers: General labor; carpenter tender; form stripper; rip rap man; track laborer; stake hopper; choke setter; fence laborer	4.65	.30	.30	.02	
Air track and wagon drill helper; crusher feeder; dump and stockpile man; powderman helper; sloper, over 20 ft.	4.75	.30	.30	.02	
Power buggy; drill chipper; grinder and similar light power tools; faller and bucker (hand); grout man (power)	4.80	.30	.30	.02	
Asphalt raker and spreader; cement handler; sack of bulk; dope pot tender; house wreckers; jackhammer; pavement breaker, tamper vibrator; track spike puller; concrete saw and similar heavy power tools; nozzleman (air and water)	4.85	.30	.30	.02	
Formsetter; steel forms; grade checker; swinging stage or bosun chair over water or over 25 ft. in height	4.90	.30	.30 ½	.02	
Air track and wagon drill operator; chain saw operator; gunite man; high scaler; pipe layer and caulker; pipe wrapper; sand blaster; timber man; open ditch; mortar man and hod carrier	4.95	.30	.30	.02	
Faller and Bucker (chain saw); powderman	5.00	.30	.30	.02	
Caisson workers; free air	5.05	.30	.30	.02	

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
West of the 120th Meridian—Continued						
Tunnel shafts, free air: Topman and bull gang	4.75	.30	.30	.02		
Chuck tender; mucker and laborer; nipper; brakeman	4.80	.30	.30	.02		
Powderman helper	4.90	.30	.30	.02		
Miner (including monolithic worker); retimberman; maintenance man; spader	5.00	.30	.30	.02		
Miner; shaft and raise	5.05	.30	.30	.02		
Powderman	5.15	.30	.30	.02		
Power equipment operators: Mechanics' helpers (heavy duty)	6.67	.35	.50	.04		
Brakemen; oiler (grade checkers and stakeman)	6.77	.35	.50	.04		
Fireman; fireman (drier and hot plant)	6.88	.35	.50	.04		
Tractor (farmall type, 60 h.p. and under); compressors (excavating and general purposes); rollers, tampers and vibrators (other than plant, road mix or multilift materials)	6.93	.35	.50	.04		
Oiler driver on truck cranes (over 45 tons up to 100)	6.95	.35	.50	.04		
Oil distributors; blower distributors and mulch seedling operator	7.00	.35	.50	.04		
Locomotives (dinkey, air, diesel, electric, gas, steam)	7.01	.35	.50	.04		
Equipment service oiler; oiler driver on truck cranes (100 tons and over)	7.05	.35	.50	.04		
Tractors (farmall type, over 60 h.p.); pump (water)	7.07	.35	.50	.04		
Post hole diggers (mechanical)	7.20	.35	.50	.04		
Mixer (asphalt up to 4 tons per batch) brooms, power (Wayne, Saginaw and similar); bulldozers (under D-9 or similar); saws (concrete); loaders (forklift or lumber stacker on construction jobsite, Drott travel lift); scrapers (carryall type, single); roller, tampers, and vibrator, twin engine	7.23	.35	.50	.04		
Loaders (elevating Athey, Barber Greene and similar types); loaders (overhead and frontend, under 2½ yds.); mixers (concrete and batch 200 yds. per hour and under); pump (concrete, Fuller Kenyon, pump crete); roller, tamper and vibrator (on plant, road mix or multilift materials); trenching machines (under 16 in.); batch plant and mixer (200 yds. per hour and under); conveyors; crushers (rock), washing and screening plants; finishing machine operator (concrete paving): hoists, air tuggers, strato tower bucket, elevators and deck winches (power); powerplant operators; screedman; spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similars); cranes A-frame truck single power drum)	7.26	.35	.50	.04		
Locomotive, mechanics or welder (heavy duty)	7.31	.35	.50	.04		
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. and under); Motor Patrol graders (including model 14 and similar)	7.33	.35	.50	.04		
Hoists on steel erection, air tuggers and towermobiles; compressors (steel erection including sandblasting, painting, or same); loaders (forklifts w/tower)	7.35	.35	.50	.04		
Loaders (elevating grader type, Dumor and similar); cement hogs; locomotive (geared or rod engines); pavrite; scraper (carryall type, double)	7.38	.35	.50	.04		
Tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar types, 60 h.p. and under)	7.41	.35	.50	.04		
Bulldozer (D-9 or similar)	7.45	.35	.50	.04		
Trenching machines (16 in. and over)	7.52	.35	.50	.04		
Bump cutter (Concut, Christianson or similar types)	7.53	.35	.50	.04		
Conveyors (beltcrete with powerpack and similar types); loaders (elevating belt type, Euclid and similar); batch plant and mixer (over 200 yds. per hour through 400 yds.); mixer (concrete and batch, over 200 yds. per hour through 400 yds.), paving (dual), asphalt (4 tons and over per batch)	7.58	.35	.50	.04		
Motor Patrol graders (over model 14 and similar); derricks all-drilling machines (core, cable, rotary and exploration); linked pusher, pay dozer (quad 9 and similar); mucking machines (mole or tunnel drill and/or shield); subgrader (Gurries or other automatic types); Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (25 yds. through 40 yds.); tractors (farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar, over 60 hp.); piledriver engineers (L. B. Foster puller or similar paving breaker); cranes (A-frame truck, double power drum); crawler (truck type, floating, locomotive, Whirley, either 3 yds. and under, or 150' of boom, including jigs, and under, or 45 tons and under); hydralifts; Hyster cat cranes and attachments; bulldozers (engaged) in yo-yo operation (while clearing and scaling); shovels (crawler and truck type, all attachments, 3 yds. and under); cranes, chipper, wood with boom attachment; mixer (mobile type with hoist combination); cableways (3 yds. and under); loaders (forklift with power boom and swing attachment); loaders (overhead and front end, 2½ yds. up to 4 yds.)	7.63	.35	.50	.04		
Loaders (overhead and front end, 4 yds. up to 8 yds.)	7.85	.35	.50	.04		
Mixer (concrete mixers and batch over 400 yds. per hour through 600 yds. per hour)	7.89	.35	.50	.04		
Tournapulls, Caterpillar, Euclid scraper (over 70 yds. through 55 yds.)	7.94	.35	.50	.04		
Slip form paver (Zimmerman, CMI, and other similar types); cableway (over 3 yds.); crane (crawler, truck type, floating, locomotive, Whirley, either over 3 yds. or over 150' or boom including jibs, or over 45 tons up to 100 tons); crane (tower cranes, Pecco, Lorraine, Bucyrus and similar types); remote control operator (on rubber-tired earthmoving equipment); helicopter winch operator; shovel (crawler and truck type, all attachments, over 3 yds. up to 6 yds.)	8.02	.35	.50	.04		
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 55 yds. through 70 yds.)	8.24	.35	.50	.04		
Loaders (overhead and front end, 8 yds. and over)	8.44	.35	.50	.04		
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 70 yds. through 85 yds.)	8.55	.35	.50	.04		
Shovel (crawler and truck type, all attachments, 6 yds. and over); cranes (crawler, truck type, floating, locomotive, Whirley, either 6 yds. and over, 200' of boom including jibs and over, or 100 tons and over)	8.67	.35	.50	.04		
Tournapulls, Caterpillar, Euclid scrapers and similar type equipment (over 85 yds. through 100 yds.)	8.85	.35	.50	.04		

VOL 37 NO 29 FEB 11 72 XUM

SUPERSEDEAS DECISIONS

State: Indiana; County: Bartholomew.
Decision No.: AM-8,562; Date of decision: Feb. 11, 1972.
Supersedes Decision No. AM-352, dated Aug. 13, 1971, in 36 F.R. 15282.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including four stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building construction:						
Asbestos workers	$8.10	$0.20	$0.20		$0.02	
Boilermakers	7.95	.40	.80		.01	
Bricklayers: (commerical)	7.35					
Stonemasons	7.35					
Carpenters (Camp Atterbury):						
Carpenters and soft-floor layers	7.55	.37	.20		.04	
Millwrights	7.55	.37	.20		.04	
Pliedrivermen	7.55	.37	.20		.04	
Heavy and highway carpenters	6.38	.20	.20		.02	
Carpenters (remainder of county):						
Carpenters and soft-floor layers	6.05	.25	.15		.02	
Millwrights	6.30	.25	.15		.02	
Pliedrivermen	6.30	.25	.15		.02	
Heavy and highway carpenters	6.18	.15	.15		.02	
Cementmasons	6.70					
Electricians	7.78	2%	3%		5%	
Glaziers	7.77					
Ironworkers:						
Structural, ornamental, reinforcing	6.70	.25	.45		.02	
Lathers	6.10	.15			.015	
Lead burners	6.35	.25		a	.01	
Marble setters	7.35					
Marble setters' helpers	5.10					
Painters:						
Brush and rollers	5.45					
Spray	5.70					
Structural steel	5.45					
Plasterers	7.75					
Plumbers (Camp Atterbury)	7.90	.25	.15		.04	
Plumbers and steamfitters (remainder of county)	7.20	.25	.30			
Roofers:						
Composition	6.60	.15	.15			
Slate and tile	6.85	.15	.15			
Helpers	5.25	.15	.15			
Sheet metal workers	7.18	.40	.40		.02	
Sprinkler fitters	8.00	.25	.40		.04	
Steamfitters (Camp Atterbury)	7.70	.25	.35		.04	
Terrazzo workers	7.35					
Terrazzo workers' helpers	5.20					
Tile setters	7.35					
Tile setters' helpers	5.10					

Welders receive rate prescribed for craft performing operation to which welding is incidental.

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

Ind. 2-PEO V:					
Power equipment operators:					
A-frame winch truck, air compressor over 600 cu. ft., air tugger, autograde (CMI), auto patrol, backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), concrete paver, concrete pump (crete), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipeline), dragline, dredge operator, drill operator, elevating grader, elevator, Ford hoe (or similar type equipment), forklift, formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift, hoist, Hopto, Hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic, mobile mixer, motor crane, motor crane oiler and one (1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer, push boats, roller (sheep foot), Ross carrier, scoop, shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder (heavy duty), truck-mounted concrete pump, truck-mounted drill, 2 to 4 pieces of minor equipment, well point, whirleys	$7.38	.20	.20		
Air compressor (200 cu. ft. per min. capacity or more), brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine, drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump, motor boats, motor crane oiler, oiler and one piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), seaman tiller, spreader rock, sub grader, tamping machine, truck mounted drill oiler, welding machine, widener (Apsco or similar type)	6.58	.20	.20		
Air compressor (under 200 cu. ft. per min.), bituminous distributor, cement saw, conveyor, desk hand, earth roller farm grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump	6.03	.20	.20		
Ind.—6-TD K:					
Truckdrivers:					
Drivers on single-axle trucks, low boy helper or flagman, drivers on air compressors and welding machines including those pulled by cars, pickup trucks, tractors, forklifts, dumpsters and val-true when used for specific purpose of transporting materials on the job site. All pickup trucks used on the job for the purpose other than superintendents, foreman of mechanics' transportation or to haul mechanics' tools or repair parts shall be operated by union drivers, warehousemen	4.53	a 9.50	a 10.00		b
Drivers on mixer trucks 2 yards	4.58	a 9.50	a 10.00		b
Mechanic helpers and greasers	4.63	a 9.50	a 10.00		b
Drivers on batch trucks wet or dry three batches or under	4.68	a 9.50	a 10.00		b
Drivers on tandem-axle trucks (including dogiegs), drivers on oil distributors, drivers on mixer trucks 3 yards, which trucks (when used for transportation of materials suspended from the hook)	4.73	a 9.50	a 10.00		b
Drivers on single-axle semitrucks, drivers on batch trucks wet or dry or dry over three batches, drivers on pavement breakers	4.78	a 9.50	a 10.00		b
Drivers on tandem-axle semitrucks, drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment up to and including 10 yards, drivers on mixer trucks 4 yards, mechanics	4.88	a 9.50	a 10.00		b
Drivers on tri-axle trucks	4.93	a 9.50	a 10.00		b
Drivers on trac-o-trucks, euclids, tourn-a-pull when pulling other than self-loading equipment 11 yards to and including 16 yds., drivers on mixer trucks above 4 yards	5.00	a 9.50	a 10.00		b

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building construction—Continued						
Ind.—6-TD K—Continued						
Drivers on trac-o-trucks, euclids, tourna-pull when pulling other than self-loading equipment over 16 yards, helicopter pilot	5.18	a9.50	a10.00		b	
Drivers on low boy, drivers on tandemtandem axle semitrucks	4.98	a9.50	a10.00		b	

Footnotes:
a. Per week for each employee.
b. 1 week paid vacation for employee with 1 year's service, 2 weeks after 3 years, and 3 weeks after 10 years.

Ind. 1—LAB-2-3-H					
Heavy and highway construction:					
Laborers:					
Dynamite and powdermen	$4.40	.18	.25	.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25	.07	
Common laborers, unskilled	4.05	.18	.25	.07	
Ind.—19-PEO G:					
Power equipment operators:					
Group I:					
Auto patrol, backhoe (on farm-type tractor over 50 h.p.), ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (including clamshell, dragline, shovel, backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. and over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver—Hetherington, piledriver—skid or crawler, road paving mixer, rock crusher, roller—asphalt, waterbound macadam, bituminous macadam, brick surface, roller with doser blade, self-propelled widener, surface heater and planer, tandem push cat, tournapull, or similar type equipment, tournapull—tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24 inches) tug boat operator, well drilling machine, winch truck with A-frame	6.60	.25	.20	.04	
Group II:					
Backfiller, backhoe on farm-type tractor with less than 50 h.p., bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader—power control, ross carrier, sheep foot roller (self-propelled), Tamper—multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24 inches and under), welder	6.25	.25	.20	.04	
Group III:					
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (including farm tractor with all attachments except backhoe, and including high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.); tamper—multiple-vibrating—earth and subbase material, throttle valve, throttle valve and compressor or Clever-Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 h.p. or over), wellpoint system, widener (Apsco or similar type)	5.90	.25	.20	.04	
Group IV:					
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, Choeman type screen, conveyor (portable), deckhand, digger—posthold (power-driven), Ulrich spreader, form grader, form tamper (motor-driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, operator, 2 pieces of minor equipment, outboard or inboard motorboat, power curing spraying machine, power saw—concrete (power-driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor-driven), subgrader, Tractaire, tractor (below 50 h.p.), track crane oiler—driver, water pump, welding machine	5.25	.25	.20	.04	
Indiana-9-TD-I:					
Heavy and highway construction:					
Truckdrivers:					
Group A:					
Acey wagons, over 3 buckets	4.95	a	b		
Group B:					
Acey wagons to and including 3 buckets	4.90	a	b		
Group C:					
Tandem-tandem semitrucks—truck mechanics—heavy-equipment type water wagon over 5,000 gallons—tri-axle trucks pulling tilt-top trailers; lowboys, tandem-tandem axle	4.85	a	b		
Group D:					
Tri-axle trucks; tandem-axle semitrucks; equipment not self-loaded or pusher-loaded, such as Koehring or similar dumpster; track truck, Euclid bottom and hug-bottom dump; Tournetrailers, tournarockers, Athey wagons, or similar equipment over 12 cu. yds.; tandem-axle trucks pulling tilt-top trailers; lowboys, tandem-axle; tri-axle batch truck	4.80	a	b		
Group E:					
Tandem dogiegs trucks; semi-water trucks; sprinkler trucks; heavy equipment type water wagon, 5,000 gallon and under	4.75	a	b		
Group F:					
Truck mounted pavement breakers; tandem trucks over 15-ton payload; single-axle semitrucks; farm tractors hauling material; equipment not self-loaded or pusher-loaded, such as Koehring or similar dumpster; track truck; Euclid bottom dump and hug-bottom dump; Tournarockers, Athey wagons, or similar equipment, 12 cu. yds. and under; mixer trucks, all types; single-axle trucks pulling tilt-top trailer; lowboys, single-axle	4.70	a	b		
Group G:					
Tandem axle fuel trucks—tandem axle water trucks—Bituminous distributor, 1 man	4.95	a	b		
Group H:					
Single axle "Dog Legs"—tandem trucks or "Dog-Legs"—winch trucks or A frames used for transportation—batch trucks, wet or dry over 3 (34E) batches—grease and maintenance trucks servicing tandem axle trucks	4.90	a	b		
Group I:					
Single axle fuel trucks—single axle water trucks—bituminous distributors, 2-man	4.85	a	b		
Group J:					
Single axle straight trucks—batch trucks, wet or dry 3 (34E) batches or less—grease and maintenance trucks servicing single axle trucks	4.80	a	b		

V 37 N 29 FEB 11 1972 XUM

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Indiana–9–TD–I—Continued						
Heavy and highway construction—Continued						
Truckdrivers—Continued						
Group K:						
Helpers, greasers, firemen, batch board tenders	4.45	a	b			
Group L:						
Pickup trucks	4.35	a	b			

Footnotes:
a. $6 per week for each employee on payroll of employer 30 days or more.
b. $8 per week for each employee on payroll of employer 30 days or more.

Indiana area I–E:						
Line construction:						
Linemen	6.77	$0.15	1%		.25%	
Cable splicers	6.77	.15	1%		.25%	
Heavy equipment operator "A"	6.47	.15	1%		.25%	
Heavy equipment operator "B"	5.33	.15	1%		.25%	
Powderman	5.21	.15	1%		.25%	
Equipment mechanic	5.21	.15	1%		.25%	
Senior groundman truck driver with winch	4.47	.15	1%		.25%	
Groundman truck driver with winch	4.30	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.29	.15	1%		.25%	
Senior groundman after 12 months	4.17	.15	1%		.25%	
Groundman 0–12 months	3.55	.15	1%		.25%	

State: Indiana; Counties: Benton and Tippecanoe.
Decision No. AM–8561; Date of Decision: Feb. 11, 1972.
Supersedes Decision No. AM–353, dated Aug. 13, 1971, in 36 F.R. 15287.
Description of work: Building construction (excluding single family homes and garden type apartments up to and including four stories), heavy and highway construction.

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building construction:						
Asbestos workers	$8.10	$0.20	$0.20		$0.02	
Boilermakers	7.95	.40	.50		.01	
Bricklayers and stonemasons	7.50	.35			.01	
Carpenters:						
Carpenters	6.75	.25	.15		.02	
Millwrights	7.10	.25	.15		.02	
Piledrivermen	7.10	.25	.15		.02	
Cement masons	6.65	.30	.20			
Electricians	7.60	.20	1%		.25%	
Glaziers (Benton County only)	7.05					
Glaziers (except Benton County)	7.77					
Ironworkers:						
Structural, ornamental, reinforcing	8.225	.40	.65		$0.02	
Lathers	6.80	.25	.15		.01	
Lead burners	6.35	.25	a		.01	
Marble setters	7.50	.35			.01	
Marble setters' helpers	5.10					
Painters:						
Brush	6.50					
Stage	6.75					
Spray	9.75					
Tapers	6.75					
Boatswain chair, elevator shaft	6.75					
Plasterers	7.25	.25				
Plumbers	6.72	.30	.30	.50	.03	
Plumbers and steamfitters (hazardous and highwork)	6.97	.30	.30	.50	.03	
Roofers:						
Composition	7.35	.15	.20			
Slate and tile	7.60	.15	.20			
Sheet metal workers	7.50				.01	
Soft floor layers	6.40	.20	.15		.02	
Sprinkler fitters	8.00	.25	.40		.03	
Steamfitters	6.72	.30	.30	.50	.03	
Terrazzo workers	7.05	.35			.01	
Terrazzo workers' helpers	5.20					
Tile setters	7.05	.35			.01	
Tile setters' helpers	5.10					

Welders receive rate prescribed for craft to which work performed is incidental.
Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Holidays: A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

Ind.19–LAB–1–A:						
Building construction:						
Laborers:						
Group A:						
Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 inches	4.72	.18	.25		.07	
Group B:						
Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hyster operapump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine, and winch operator, water main and cable ducking (metallic and nonmetallic)	4.92	.18	.35		.07	

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Ind.19–LAB–1–A—Continued						
Building construction—Continued						
Laborers—Continued						
Group C:						
Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders	5.02	.18	.25		.07	
Group D:						
Tunnel work in free air:						
Muckers or tunnel laborers, bottom men, concrete men (bottom), miners and header men	5.32	.18	.25		.07	
Group E:						
Dynamite men	5.72	.18	.25		.07	

Stacks and chimneys:
Base to 25'—$0.25 per hr. over base rate.
25' to 50'—$0.50 per hr. over base rate.
50' to 75'—$0.75 per hr. over base rate.
75' to 100'—$1.00 per hr. over base rate.
100' to 150'—$1.25 per hr. over base rate.
150' to 200'—$1.50 per hr. over base rate.
200' to 250'—$1.75 per hr. over base rate.
250' and up—$2.00 per hr. over base rate.

Indiana—11—PEO 11:						
Building construction:						
Power equipment operators:						
Air compressor, concrete mixer (under 21 cu. ft.), conveyor mechanical heater, oilers or greasers, pump, welding machine	4.95	.15	.20		.02	
Truck crane driver	5.05	.15	.20		.02	
Throttle valve, well point system	5.70	.15	.20		.02	
Roller on earth, tractor	5.73	.15	.20		.02	
Mechanical heaters (2, 3, 4, or 5)	5.55	.15	.20		.02	
Batcher plant (automatic dry batch), concrete saw (power driven) finishing machine, firemen, flex plane, form grader, paving joint machine	6.05	.15	.20		.02	
Tractor, farm with attachments	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Bituminous paver, buil float, concrete curing machine, sub grader	6.30	.15	.20		.02	
Tractor, farm with backhoe	6.35	.15	.20		.02	
Dinkey engine, track jack	5.80	.15	.20		.02	
Bituminous plant engineer	6.45	.15	.20		.02	
Hydrohammer	6.55	.15	.20		.02	
Concrete mixer (21 cu. ft.), drilling machine, elevators (when used to hoist materials)	6.56	.15	.20		.02	
Auto patrol, boom cat, bull dozer, concrete pump, ditching machine, fork lift (material and machinery handling on job), hoist, mechanic on job, mucking machine, push dozer roller on stone, blacktop, brick, ross carrier, scoops, tournapull or similar type, tractor shovel (high lift), tractor with winch, truck with winch	6.61	.15	.20		.02	
Concrete mixer (dual drum), crane with any attachments, derrick, ditching machine (over 24"), dredge, drilling machine (caisson), electric overhead crane, pile driver, tower crane	6.71	.15	.20		.02	
Helicopter (other than transportation)	7.40	.15	.20		.02	

11 TD—Indiana E:						
Building construction:						
Truck drivers:						
Semitrucks	4.62	a	b	c		
Mechanics	4.62	a	b	c		
Bituminous distributors	4.47	a	b	c		
Tandem axles and doglegs, straight trucks	4.42	a	b	c		
Single axle-straight trucks and warehousemen	4.32	a	b	c		
Helpers, greasers and fireman	4.27	a	b	c		
Pickup truck when hauling equipment, supplies and materials to, from, and on the job site, except when used by superintendent or a foreman for his own transportation or for the use of a mechanic for the transportation of himself, his tools and repair parts	4.17	a	b	c		

Footnotes:
a. $4.30 per week for each employee.
b. $5.00 per week for each employee.
c. 1 week paid vacation after 1 year employment; 2 weeks after 3 years; and 3 weeks after 10 years.

Ind. 1—LAB–2–3–H:						
Heavy and highway construction:						
Laborers:						
Dynamite and powdermen	4.40	$0.18	$0.25		.07	
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.20	.18	.25		.07	
Common laborers, unskilled	4.05	.18	.25		.07	

Ind. 12—PEO K:						
Heavy and highway construction:						
Power equipment operators:						
Group I:						
Auto patrol, backhoe (on farm type tractor over 50 h.p.), ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (including clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part elevating grader, euclid loader, formless paver, gradall, gravel processing machine, operator of guard rail post driver high lift shovel 1½ yds. and over), hoist (2 drums and over), keystone (skimmer scoop) locomotive operator, mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piled-river—skid or crawler, road paving mixer, rock crusher, roller—asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater and planer, tandem push cat, tournapull, or similar equipment, tournapull tandem, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	6.00	.35	.20		.04	
Group II:						
Backfiller, backhoe on farm type tractor with less than 50 h.p., bull float, concrete pump, concrete mesh depressor (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader—power control, ross carrier, sheepfoot roller (self-propelled) tamper—multiple vibrating—asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under) welder	6.25	.35	.20		.04	

FEB 11 72
XUM

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Ind. 12—PEO K—Continued						
Heavy and highway construction—Continued						
Power equipment operators—Continued						
Group III:						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.), curb machine, farm tractor (including farm tractor with all attachments except backhoe, and including high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (one drum, Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine (R.R.) tamper—multiple vibrating—earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, tractair with drill, tractor (50 h.p. or over), wellpoint system, widener (Apsco or similar type)	5.90	.25	.20		.04	
Group IV:						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, operating two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw—concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven, subgrader, tractair, tractor (below 50 h.p.), truck crane oiler—driver, water pump, welding machine	5.25	.25	.20		.04	
Indiana-16-PEO-T & S-J:						
Sewer, water and gas lines and underground utilities, except such as are incidental to street and highway projects and building construction projects. All excavating and grading in connection with housing projects and residential work, except apartment houses:						
Power equipment operators:						
Bituminous plant engineer	6.45	.15	.20		.02	
Hydrohammer	6.55	.15	.20		.02	
Concrete mixer (21 cu. ft.), drilling machine, Elevators (when used to hoist materials,)	6.56	.15	.20		.02	
Anto patrol, boom cat, bulldozer, concrete pump, forklift, hoist mechanic onjob, push dozer, scoops, Tournapull [1] or similar type, tractor shovel (high lift), tractor with winch	6.66	.15	.20		.02	
Concrete mixer (dual drum), crane with any attachments, derrick, ditching machine (over 24 inches); dredge, drilling machine (caisson), electric overhead crane, pile driver, tower crane	6.71	.15	.20		.02	
Helicopter (other than transportation)	7.40	.15	.20		.02	
Air compressor, concrete mixer (under 21 cu. ft.), conveyor, mechanical heater, oilers and greasers, pumps welding machine	4.95	.15	.20		.02	
Truck crane driver	5.95	.15	.20		.02	
Throttle valve, well point system	5.70	.15	.20		.02	
Roller on earth, tractor	5.73	.15	.20		.02	
Dinkey engine, track jack	5.80	.15	.20		.02	
Mechanical heaters (2, 3, 4 or 5)	5.55	.15	.20		.02	
Batcher plants, concrete saw, finishing machine, fireman, flex plane, form grader, paving joint machine	6.05	.15	.20		.02	
Farm tractor with attachments [2]	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Bituminous paver, bull boat, concrete curing machine, sub-grader	6.30	.15	.20		.02	
Farm tractor with backhoe	6.35	.15	.20		.02	
Ditching machine, mucking machine, roller on stone, blacktop or brick, ross carrier and truck with winch	6.61	.15	.20		.02	
Air compressors [3] (2) (combination rate).						
Pumps [3] (2, 3, or 4) (combination rate).						
Welding machine (2, 3, or 4) (combination rate).						
Indiana-9-TDI:						
Heavy and highway construction:						
Truck drivers:						
Group A:						
Acey wagons over 3 buckets	4.95	a	b			
Group B:						
Acey wagons to and including 3 buckets	4.90	a	b			
Group C:						
Tandem-tandem semitrucks—truck mechanics—heavy equipment type water wagon over 5,000 gallons—triaxle trucks pulling tilt-top trailers—low boys, tandem-tandem axle	4.85	a	b			
Gronp D:						
Tri-axle trucks—Tandem axle semi trucks—equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom and bug bottom dump, tournatrailers, tournarockers, Athey wagons, or similar equipment over 12 cu. yds. Tandem axle trucks pulling tilt-top trailers—low boys, tandem axle—Triaxle bate truck	4.80	a	b			
Group E:						
Tandem "Dog-Legs" trucks—semiwater trucks—sprinkler trucks—heavy equipment, type water wagon 5,000 gallon and under	4.75	a	b			
Gronp F:						
Truck mounted pavement breakers—Tandem trucks over 15 ton payload single axle semi-trucks—farm tractors hauling material—equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, tournarockers, Athey wagons, or similar equipment, 12 cu. yds. and under—mixer trucks, all types—single axle trucks pulling tilt—top trailer—low boys, single axle	4.70	a	b			
Group G:						
Tandem axle fuel trucks—tandem axle water trucks—bituminous distributor, 1 man	4.65	a	b			
Group H:						
Single axle "Dog Legs"—tandem trucks or "Dog-Legs"—winch trucks or A frames used for transportation—batch trucks, wet or dry over 3 (34E) batches—grease and maintenance trucks servicing tandem axle trucks	4.60	a	b			
Group I:						
Single axle fuel trucks—single axle water trucks—bituminous distributors, 2-man	4.55	a	b			
Group J:						
Single axle straight trucks—batch trucks, wet or dry 3 (34E) batches or less—grease and maintenance trucks servicing single axle trucks	4.50	a	b			
Group K:						
Helpers, greasers, firemen, batch board tenders	4.45	a	b			
Group L:						
Pickup trucks	4.35	a	b			

NOTES:
[1] Tournapull or similar type equipment with multiple units shall be paid 25¢ per hour extra for each additional unit.
[2] Applies to dirt work only.
[3] Combination rate shall mean 25¢ per hour extra for each additional machine.

Footnotes:
a. $6 per week for each employee on payroll of employer 30 days or more.
b. $8 per week for each employee on payroll of employer 30 days ormore.

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Indiana Area I-E:						
Tippecanoe County and Benton County (Bolivar township only):						
Line construction:						
Linemen	6.77	.15	1%		.25%	
Cable splicers	6.77	.15	1%		.25%	
Heavy equipment operator "A"	6.47	.15	1%		.25%	
Heavy equipment operator "B"	5.33	.15	1%		.25%	
Powderman	5.21	.15	1%		.25%	
Equipment mechanic	5.21	.15	1%		.25%	
Senior groundman truck driver with winch	4.47	.15	1%		.25%	
Groundman truck driver with winch	4.30	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Senior groundman after 5 years	4.29	.15	1%		.25%	
Senior groundman after 12 months	4.17	.15	1%		.25%	
Groundman 0-12 months	3.55	.15	1%		.25%	
Indiana Area II—L:						
Remainder of Benton County:						
Line construction:						
Linemen	6.21	.15	1%		.25%	
Cable splicers	6.52	.15	1%		.25%	
Heavy equipment operators:						
Class A	5.84	.15	1%		.25%	
Class B	5.12	.15	1%		.25%	
Ground truck driver with winch	4.06	.15	1%		.25%	
Senior ground truck driver with winch	4.32	.15	1%		.25%	
Ground truck driver without winch	3.70	.15	1%		.25%	
Groundman:						
0 to 12 months	3.45	.15	1%		.25%	
After 1 year	3.97	.15	1%		.25%	

STATE: Delaware; County: Statewide.
Decision No.: AM-9679; date of decision: Feb. 11, 1972.
Supersedes decision No. AM-1841 dated Aug. 20, 1971, in 36 F.R. 16235.
Description of work: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy, highway construction and dredging.
1-DEL-1-2-3-B.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building, heavy and highway construction:						
Asbestos workers	$8.55	$0.20	$0.20			
Boilermakers (New Castle County)	8.50	.40	.90		$0.01	
Boilermakers (Kent and Sussex Counties)	7.65	.30	.70	$0.20	.01	
Bricklayers	8.15	.30	.15			
Carpenters, building and heavy:						
New Castle and Kent Counties	8.11	.48	.40		.02	
Sussex County	6.80	.18				
Carpenters, higway construction	5.10	.25	.15	.15		
Cement masons	5.50	.235	.175			
Electricians	9.04	4%	4%		¼ of 1%	
Elevator constructors	7.92	$0.17	$0.185	1½%+a+b	$0.006	
Elevator constructors' helpers	5.54	.17	.185	1½%+a+b	.006	
Elevator constructors' helpers (prob.)	3.96					
Glaziers	8.13	.245	.15			
Ironworkers:						
Structural, ornamental and reinforcing	7.15	f			.05	
Riggers and machinery movers	7.15	f			.05	
Laborers: (New Castle County, building, only)						
Common, dumpmen, truck spotters	5.93	$0.30	.30			
Operators of pneumatic and electrical tools, vibrating machines and concrete saws, mason tenders, buggy mobiles, scaffold builders, plasterers' tenders, sewer pipe layers and caulkers, drillers (other than core, diamond, or multiple wagon), sandblaster (pot tenders), gunite material men, rebound men, industrial fume stack men	6.18	.30	.30			
Drillers (core, diamond, or multiple wagon), blasters, sandblasters (nozzlemen), gunite nozzlemen, rodmen	6.43	.30	.30			
Laborers: (Kent and Sussex Counties, building only)						
Common, dumpmen, truck spotters	5.73	.30	.30			
Operators of pneumatic and electrical tools, vibrating machines and concrete saws, mason tenders, buggy mobile, scaffold builders, plasterer tender, sewer pipe layers and caulkers, drillers (other than core, diamond or multiple wagon), sandblaster (pot tenders), gunite material men, rebound men, industrial fume stack men	5.98	.30	.30			
Drillers (core, diamond, or multiple wagon), blasters, sandblaster (nozzlemen), gunite nozzlemen, rodmen	6.23	.30	.30			
Laborers (New Castle County—heavy and highway only):						
Common laborers; landscapers; planters seeders; arborists; asphalt tampers and rakers; concrete pitmen; puddlers; rubbers; magazine tenders; railroad trackmen; signal men	2.90	.10	.15			
Pipelayers	3.06	.10	.15			
Wagon drill; diamond point drill; gunnite nozzlemen; form setters (road); blasters; caisson and cofferdam, open air, below 8'	3.20	.10	.15			
Laborers (Kent and Sussex Counties—heavy and highway only):						
Common laborers; landscapers; planters seeders; arborists; asphalt tampers and rakers; concrete pitmen; puddlers, rubbers, magazine tenders, railroad trackmen, signal men	2.70	.10	.15			
Pipelayers	2.85	.10	.15			
Wagon drill, diamond point drill, gunnite nozzlemen, form setters (road), blasters, caisson and cofferdam, open air, below 8'	3.00	.10	.15			
Lathers	7.55	.20	.15		.01	
Line Construction:						
Line men, cable splicers	9.45	.15	1%		¼%	
Winch truck operator	6.62	.15	1%		¼%	
Groundmen	5.67	.15	1%		¼%	
Marble setters	8.15	.30	$0.20			
Millwrights (New Castle and Kent Counties)	9.115	.425	.225			
Painters:						
Brush	6.44	.80	.15			
Piledrivermen, wharf and dock builders	8.62	1.05	.35		$0.07	
Plasterers	5.30	.25				
Plumbers (New Castle and Kent Counties, north of the southern boundary of Dover City)	6.80	.27	.35	$0.54+j		
Plumbers (Sussex and Kent Counities, south of the southern boundary of Dover City)	7.80	.45	.35	.28+d	.02	

VOL 37 NO 29 FRI FEB 11 1972 XUM

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building, heavy and highway construction—Continued						
Roofers:						
Composition, damp and waterproofing	8.225	.65	.40	c		
Helper	4.60	.65	.40	c		
Sheet metal workers	7.50	.25	.20			
Soft floor layers (Sussex County)	4.775					
Soft floor layers (New Castle and Kent Counties only)	6.65	.35	.35			
Sprinkler fitters	8.00	.25	.40		.05	
Tile setters	8.725	.30	.15			
Steamfitters and pipefitters (New Castle and Kent Counties, north of the southern boundary of Dover City)	8.77	.30	.55	c		
Steamfitters (Sussex and Kent Counties, south of the southern boundary of Dover City)	5.09	.15	.25	$0.29+b	.02	
Stone masons	9.00	.30	.15			
Tile and terrazzo workers	8.15	.30	.30			
Truck Drivers: Building						
Fork lifts, pickups, panel trucks, flatbody material trucks, dump trucks, dumpsters, form trucks, rubber tired, truck helpers, material checkers receivers, greasers, tiremen, mechanical helpers	3.60	g	h			
Tandems and batch truck, A-frame, semitrailers, low boy trucks, asphalt distributor trucks, agitator or mixer trucks, mechanics, dispatcher	3.75	g	h			
Specialized earth moving equipment, Euclid or similar off-highway equipment, off-highway tandem back-dump, twin engine equipment, double-hitched equipment, water tank sprinkler trucks, winch trucks	3.85	g	h			
Truck Drivers: (New Castle County only heavy and highway):						
Helpers, pickups, panels, flat material dumps (single axle), dumpsters, greasers, tiremen and mechanic helpers, rubber-tired towing or pushing flatbody vehicles), form trucks	2.75	g	h			
Tandems, batch trucks, mechanics, dispatchers, A-frame, semitrailers, low boys, asphalt distributors, agitators, mixers	2.90	g	h			
Special earth moving equipment (Euclids)	3.00	g	h			
Truck Drivers (Kent and Sussex Counties heavy and highway):						
Helpers, pickups, panels flat material dumps (single axle), dumpsters, greasers, tiremen and mechanic helpers, rubber-tired towing or pushing flatboy vehicles), form trucks	2.00					
Tandem, batch trucks, mechanics, dispatchers, A-frame, semitrailers, low boys, asphalt distributors, agitators, mixers	2.40					

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. 6 paid holidays: A through F.
c. 08136% of basic hourly rate employer contribution to vacation fund and 5 paid holidays: A through C and E through F.
d. A through F, provided that the employee worked the days preceding and following the holiday.
e. Election day paid holiday.
f. Employer contributes $.90 to health and welfare and pension fund.
g. $4.00 per week for health and welfare and $1.00 per week for life insurance contribution.
h. $6.00 per week for those on the payroll for over 90 days.
j. Paid holidays: A through F for employee currently employed by the employer at the time the holiday occurs, and who would otherwise be scheduled to work and would work on such day if it were not observed as a holiday, and who has worked under working conditions, the last regularly scheduled workday after the holiday.

1-DEL-PEO-1-2-B:
Power equipment operators; building and heavy construction:

Wage Group I:					
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	8.68	4.6%	5.2%	a	.7%
Wage Group II:					
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with 2 towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all frontend loaders 3½ cu. yds. and over, tandem scrapers, pippin type backhoes, boat captains, batch plant operators (concrete), drills, self contained rotary drills, forklifts, 20 ft. lift and over, machines similar to the above	8.41	4.6%	5.2%	a	.7%
Wage Group III:					
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	7.61	4.6%	5.2%	a	.7%
Wage Group IV:					
Welding machines, well points, pumps, heaters, farm tractors, form line graders, fine grade machine, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power brooms, seeding spreader, tireman (for power equipment), machines similar to the above	6.90	4.6%	5.2%	a	.7%
Wage Group V:					
Fireman, grease truck	6.47	4.6%	5.2%	a	.7%
Wage Group VI:					
Oilers and deck hands (personnel boats), core drill helper	5.64	4.6%	5.2%	a	.7%
Wage Group VII:					
All machines with booms (including jibs, masts, leads, etc.):					
100 ft. and over	8.93	4.6%	5.2%	a	.7%
150 ft. and over	9.18	4.6%	5.2%	a	.7%
200 ft. and over	9.43	4.6%	5.2%	a	.7%

Footnote: a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

1-DEL-PEO-3-A:
Power equipment operators; highway construction:

Wage Group I:					
Pippin type backhoe, Euclid loader, all types of cranes, all types of backhoes, draglines, all types of shovels, keystones, pavers 21E and over, trenching machines, cableways, all loaders 2 cu. yds. and over, machines similar to the above	7.27	0.20	0.35		0.05
Wage Group II:					
Carryalls, tournapulls, asphalt spreaders, motor patrols, concrete pumps, asphalt plant engineers, well drillers, all bulldozers, tractors, maintenance engineer, welders, conveyor loader, all loaders under 2 cu. yds., machines similar to the above	6.58	.20	.35		.05
Wage Group III:					
Form line grader, farm tractor, road finishing machine, concrete spreader, fine grade machines, compressors, pumps—4 in. or over, pumps—2 or more any size, well point pumps, concrete breaking machines, roller (grade fill and stone base), fireman, machines similar to the above	5.93	.20	.35		.05
Wage Group IV:					
Oilers	4.98	.20	.35		.05

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
1-DEL-PEO-3-A—Continued						
Dredge 1-Atlantic-U:						
Dipper and clamshell dredges:						
Operators	6.02	.25	.15	a+6%		
Cranemen	5.78	.25	.15	a+6%		
Maintenance engineers	5.66	.25	.15	a+6%		
Welders	5.54	.25	.15	a+6%		
Mates	5.14	.25	.15	a+6%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+6%		
Deckhands	4.35	.25	.15	a+6%		
Scowmen	4.28	.25	.15	a+6%		
Engineer	5.95	.25	.15	a+6%		
Hydraulic dredges:						
Levermen	5.86	.25	.15	a+6%		
Engineer and derrick operators	5.78	.25	.15	a+6%		
Maintenance engineer	5.66	.25	.15	a+6%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+6%		
Mates	5.14	.25	.15	a+6%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+6%		
Deckhands and shoremen	4.28	.25	.15	a+6%		
Tug engineer	5.20	.25	.15	a+6%		
Tug deckhand	4.35	.25	.15	a+6%		
Drill boats:						
Engineer	7.1575	.25	.15	b		
Blaster	7.2875	.25	.15	b		
Driller, welder, machinist	7.1567	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Holiday5: A through F; Washington's Birthday and Veteran's Day.
b. Holidays: A through F; Washington's Birthday and Veteran's Day (6½) days of vacation with pay for 104 days of service; 1 additional day of vacation with pay for each additional 21¾ days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.

State: Georgia; County: Chatham.
Decision No.: AM-8,563; Date of decision: February 11, 1972.
Supersedes Decision No. AM-470, dated Aug. 20, 1971, in 36 F.R. 16416.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building construction:						
Asbestos workers	$5.90	$0.20	$0.13			
Boilermakers	6.25	.30	.50		$0.01	
Boilermakers' helpers	6.00	.30	.50		.01	
Bricklayers:						
Bricklayors	5.75	.10	.10			
Stonemasons	5.75	.10	.10			
Marblemasons	3.00					
Terrazzo workers	3.00					
Tile setters	3.00					
Carpenters:						
Carpenters	5.45	.10	.05			
Piledrivermen	5.70	.10	.05			
Millwrights	5.95	.10	.05			
Soft-floor layers	5.45	.10	.05			
Cementmasons	5.25					
Electricians:						
Electricians	5.10	.25	1%		.2%	
Cable splicers	6.35	.25	1%		.2%	
Elevator constructors	5.80	.17	.185	2%+a&b	$0.006	
Elevator constructors helpers	4.06	.17	.185	2%+a&b	.006	
Elevator constructors helpers (prob.)	2.90					
Glaziers	4.70					
Ironworkers:						
Structural and sheeter	5.80	.35	.25		.01	
Ornamental and reinforcing	5.80	.35	.25		.01	
Laborers:						
Unskilled laborers	3.06	.10				
Mason tenders	3.20	.10				
Mortar mixers	3.30	.10				
Air tool and vibrator operator	3.20	.10				
Plasterers' tenders	3.20	.10				
Pipelayers	3.30	.10				
Lathers	4.50					
Painters:						
Brush	4.75					
Rollers	5.00					
Steel, brush	5.25					
Tapers	5.00					
Stage work and window-jack work	5.25					
Paperhangers	5.00					
Paint burners	5.00					
Spray painting and sandblasting	5.50					
Plasterers	3.75					
Plumbers and pipefitters:						
Plumbing, heating, and piping contracts, $2,000 or less	5.92	.25	.30		.02	
Plumbing, heating, and piping contracts, over $2,000	6.57	.25	.30		.02	
Air-conditioning mechanics:						
Contracts, $2,000 or less	5.92	.25	.30		.02	
Contracts, over $2,000	6.57	.25	.30		.02	
Roofers	3.00					
Helpers	1.65					
Sprinkler fitters	7.30	.25	.40		.05	
Sheet metal workers	5.50					
Truck drivers:						
One-half to and including 2 tons flatbed, stakes, all dump and pickups when used to transport building material	2.40					
Special equipment drivers—transit-mix, pole, Mississippi wagons, dumpsters, semidump or heavy equipment, Euclid, etc.	2.75					

Welders—receive rate prescribed for craft performing operation to which welding is incidental.

FEB 11 72

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Paid holidays: A—New Years Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Holidays, A through F. b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.						
Ga.-2 PEO-I:						
Power equipment operators:						
Air Compressor, batchplant, bulldozers, mixers, endloaders, scrapers, patrols and tuggers	6.40	.20	.20			
Cranes, derricks, draglines, sidebooms, mechanics, piledrivermen, and backhoes	6.00	.20	.20			
Distributors, finishing machines, rollers, plain tractors, firemen	5.15	.20	.20			
Hoist, boom truck	5.75	.20	.20			
Trenching machines, small backhoes	5.50	.20	.20			
Oiler and helpers	5.00	.20	.20			
Pump operator	5.05	.20	.20			
Master mechanic	6.50	.20	.20			
GA—Zone 5-C:						
Heavy and highway construction:						
Carpenters	2.75					
Cementmasons	2.15					
Ironworkers, structural	4.45					
Laborers:						
Air tool operators (jackhammer, vibrator)	1.70					
Asphalt rakers	1.85					
Unskilled	1.60					
Carpenters' helpers	2.50					
Power equipment operators:						
Asphalt distributors—spreaders	3.00					
Backhoes	2.50					
Bulldozers	2.75					
Cranes, derricks and draglines	3.25					
Loaders (all types)	2.25					
Mechanics	3.00					
Motor patrols	3.00					
Oilers and greasers	1.75					
Rollers	3.00					
Shovels	3.05					
Scrapers (pan)	2.75					
Tractor, farm	2.00					
Tractor, crawler	2.50					
Truckdrivers, up to 2½ tons	1.60					
Truckdrivers, over 2½ tons	2.07					
Welders	2.50					
Dredge-2-Atlantic-K:						
Hydraulic dredges 20 inches and over:						
Leverman and engineer	5.13	.25	.15	a		
Mate	4.51	.25	.15	a		
Welder	4.69	.25	.15	a		
Derrick operator	4.40	.25	.15	a		
Spill barge operator	4.77	.25	.15	a		
Spider barge operator	4.77	.25	.15	a		
Tugmaster	4.46	.25	.15	a		
Tugmate	4.20	.25	.15	a		
Carpenter	4.87	.25	.15	a		
Electricians	5.00	.25	.15	a		
Machinist	4.82	.25	.15	a		
Steward	3.75	.25	.15	a		
Oiler and fireman	3.61	.25	.15	a		
Deckhand, tug deckhand	3.29	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Second cook	3.29	.25	.15	a		
Messman	3.21	.25	.15	a		
Hydraulic dredges under 20 inches:						
Leverman	4.65	.25	.15	a		
First engineer	4.37	.25	.15	a		
Second engineer	4.25	.25	.15	a		
Third engineer	4.12	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	3.84	.25	.15	a		
Oiler and firemen	3.55	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Shoreman	3.21	.25	.15	a		
Spill and spider barge operators	3.97	.25	.15	a		
Cook	3.55	.25	.15	a		
Mess cook	3.27	.25	.15	a		
Messman and janitor	3.18	.25	.15	a		
Dipper and clamshell dredges:						
Operator	5.00	.25	.15	a		
Craneman	4.87	.25	.15	a		
First engineer	4.20	.25	.15	a		
Second engineer	4.09	.25	.15	a		
Third engineer	3.84	.25	.15	a		
Welder	4.46	.25	.15	a		
Mate	4.15	.25	.15	a		
Fireman	3.60	.25	.15	a		
Deckhand	3.29	.25	.15	a		
Launchman	3.61	.25	.15	a		
Scowman	3.37	.25	.15	a		
Tugmaster	4.87	.25	.15	a		
Mate	4.27	.25	.15	a		
Engineer	4.57	.25	.15	a		
Assistant engineer	4.15	.25	.15	a		
Deckhand	3.24	.25	.15	a		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F, plus 8% of straight-time pay.						

[FR Doc. 72-1890 Filed 2-10-72;8:45 am]

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON ASBESTOS STANDARDS

Notice of Meeting

The first meeting of the Advisory Committee on Asbestos Standards, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), was held on February 3, 1972.

Notice is hereby given that the second meeting of the Committee will take place on February 14 and 15, 1972, in Conference Rooms 102-A, B, and C, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. The meeting will commence at 9 a.m. on February 14, 1972.

The Advisory Committee has been established to advise the Assistant Secretary of Labor for Occupational Safety and Health with regard to proposed rules concerning exposure of employees to asbestos dust, which were published in the FEDERAL REGISTER on January 12, 1972 (37 F.R. 446). The meeting shall be open to the public.

Signed at Washington, D.C., this 9th day of February 1972.

GEORGE C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-2183 Filed 2-10-72;9:55 am]

Office of the Secretary

PUERTO RICO

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, Title II of Public Law 91-373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Manuel Rivera, Director of the Puerto Rico Bureau of Employment Security, has determined that there was a State "on" indicator in Puerto Rico for the week beginning December 12, 1971, and than an extended benefit period began in the State with the week beginning January 2, 1972.

Signed at Washington, D.C., this 4th day of February 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc. 72-2081 Filed 2-10-72;8:48 am]

NATIONAL CAPITAL PLANNING COMMISSION

[NCPC File No. 0735]

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY IN NATIONAL CAPITAL REGION

Policies and Procedures

The Commission's policies and procedures for protection and enhancement of environmental quality in the National Capital Region appear in the FEDERAL REGISTER at 36 F.R. 23706-23709 and 37 FR. 3010. The Commission will consider the addition of the proposed amendments set out below at its meeting on March 2, 1972. Interested parties are requested to submit their views in writing to the Commission within fifteen (15) days from the filing date of this notice in the FEDERAL REGISTER, addressed to:

Ben Reifel, Chairman, National Capital Planning Commission, Washington, D.C. 20576.

The proposed amendments are as follows:

1. Delete subparagraph numbered "(b)" in the first paragraph of Section 2 and renumber subparagraphs "(c)" through "(i)" as subparagraphs "(b)" through "(h)", respectively.

2. Amend subparagraph numbered "(a)" in the first paragraph of section 3 to read as follows:

(a) Require that each submission by Federal agencies shall include a determination by the head of the agency, or other authorized official, as to whether an environmental statement for the project is required pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. The agency shall submit such an environmental statement, if determined to be required, or a description of the environmental impact of the proposed development.

DANIEL H. SHEAR,
Secretary to the Commission.

FEBRUARY 8, 1972.

[FR Doc.72-2051 Filed 2-10-72;8:46 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR — Page

PROCLAMATIONS:
2032 (see PLO 5158) — 3058
2372 (see PLO 5158) — 3058
2761A (see Proc. 4102) — 2417
2929 (see Proc. 4102) — 2417
3140 (see Proc. 4102) — 2417
3967 (see Proc. 4102) — 2417
4102 — 2417
4103 — 2489
4104 — 2643
4105 — 2831
4106 — 2921

EXECUTIVE ORDERS:
5237 (partially revoked by PLO 5155) — 2840
5327 (see PLO 5157) — 3057
11248 (amended by EO 11641) — 2421
11345 (amended by EO 11646) — 2925

3 CFR—Continued — Page

EXECUTIVE ORDERS—Continued
11568 (see EO 11642) — 2565
11641 — 2421
11642 — 2565
11643 — 2875
11644 — 2877
11645 — 2923
11646 — 2925

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of January 27, 1972 — 2567

5 CFR
213 — 2423, 2491, 2841, 2842, 2879, 3049

PROPOSED RULES:
900 — 2589

6 CFR — Page
101 — 2491, 2678
102 — 2478
200 — 2479
300 — 2842
311 — 2480

7 CFR
51 — 2745
53 — 2745
501 — 2423
502 — 2424
701 — 2833
706 — 2491
724 — 2745
726 — 2496
729 — 2645, 2765
795 — 3049
811 — 2659
905 — 2660

7 CFR—Continued

	Page
906	2765, 3049
907	2569, 2927
910	2426, 2766, 2834
928	2927
1001	2928
1002	2929
1004	2929
1006	2930
1007	2930
1011	2930
1012	2930
1013	2931
1015	2931
1030	2931
1032	2932
1033	2932
1036	2932
1040	2932
1043	2933
1044	2933
1046	2933
1049	2933
1050	2934
1060	2934
1061	2934
1063	2934
1064	2935
1065	2497, 2935
1068	2935
1069	2935
1070	2936
1071	2936
1073	2936
1075	2936
1076	2937
1078	2937
1079	2937
1090	2937
1094	2938, 2944
1096	2938
1097	2938
1098	2938
1099	2939
1101	2939
1102	2939
1103	2939
1104	2940
1106	2940
1108	2940
1120	2940
1124	2940
1125	2941
1126	2941
1127	2941
1128	2941
1129	2942
1130	2942
1131	2942
1132	2942
1133	2943
1134	2943
1136	2943
1137	2943
1138	2944
1806	2879
1823	2879
1871	2569
PROPOSED RULES:	
59	2775
81	2778
726	2773
729	2774
945	2844
966	2845
982	2515
987	2890
993	2515
1046	2969

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
1421	2844
1434	2775
1446	2844
1481	2890
1701	2846

8 CFR

214	2766
238	2766
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

11	2426
73	2945
82	2429, 2498, 3050
97	2430
113	2430
301	2661
311	2661
315	2661
PROPOSED RULES	
316	2779
317	2779

12 CFR

701	2946
PROPOSED RULES:	
529	2447
750	2594

13 CFR

120	2569
123	2947

14 CFR

39	2498, 2570, 2662, 2835, 2880
71	2570–2572, 2835–2837, 2952, 2953, 3050
73	2499, 2837
75	2499, 2500, 2572, 2767
93	2953
95	2573
97	2662
121	2500
221	2664
241	2501
PROPOSED RULES:	
61	2523
67	2523
71	2524, 2587, 2682, 2683, 3059
73	2847
103	2587, 2588
121	2523, 2684
127	2523
159	3059
183	2523

15 CFR

377	2430
PROPOSED RULES:	
7	2846

16 CFR

13	2575, 2576, 2578–2581, 2953
PROPOSED RULES:	
425	2848
432	2454, 2849

17 CFR

241	3050
PROPOSED RULES:	
230	2596, 2598
239	2596, 2598
240	3059

18 CFR

2	2502, 2954
PROPOSED RULES:	
101	2451
104	2451
105	2451
141	2451
260	2451

19 CFR

12	2430, 2665
PROPOSED RULES:	
1	2443
11	2509
134	2509

20 CFR

614	2434
617	2434
PROPOSED RULES:	
620	2684

21 CFR

3	2503
121	2437, 2958–2960
135	2961, 3053
135b	3053
135e	2960, 2961
141c	2665
144	2960
146a	2665
146c	2665
146e	2665
148n	2665
149a	2438
PROPOSED RULES:	
121	3060
130	2969
135	2444

22 CFR

41	2439, 3053

24 CFR

600	2665
1710	2768
1914	2505, 2881
1915	2505, 2882

25 CFR

221	2506
PROPOSED RULES:	
43h	2679
221	3060

26 CFR

1	2506
301	2481, 2506
PROPOSED RULES:	
1	2773

28 CFR

9	2768
45	2769

29 CFR

	Page
1904	2439
1910	3053
PROPOSED RULES:	
460	2443
1926	2443

30 CFR

PROPOSED RULES:	
80	2968

31 CFR

316	2554

32 CFR

1801	2672
1808	2673
PROPOSED RULES:	
1499	2849

32A CFR

Ch. X:	
OI Reg. 1	2439

33 CFR

117	2838
PROPOSED RULES:	
110	2446, 2447, 2587, 2890
117	2521, 2522

37 CFR

2	2880
202	3055
PROPOSED RULES:	
1	2520

38 CFR

1	2676

39 CFR

Ch. I	2423
619	3056

40 CFR

	Page
52	2581
85	2432
106	2433
180	2676, 2839, 2883
PROPOSED RULES:	
164	3060

41 CFR

1–2	2769
1–7	2769
1–12	2769
1–16	2771
5A–8	2507
5A–73	2441
8–14	2508
8–74	2508
101–11	2962
101–27	2771
PROPOSED RULES:	
14–10	2680
60–7	2847

42 CFR

PROPOSED RULES:	
51b	2970
54	2970

43 CFR

	Page
2	2677
PUBLIC LAND ORDERS:	
4522 (amended by PLO 5157)	3057
5154	2677
5155	2840
5156	3056
5157	3057
5158	3058

45 CFR

102	2882
170	2882
1015	2840

45 CFR—Continued

	Page
PROPOSED RULES:	
118	2779
143	2779
220	2445
222	2445
415	2986

46 CFR

PROPOSED RULES:	
66	2681
193	2682

47 CFR

2	2771
21	2583
83	2884
211	2771
PROPOSED RULES:	
73	2524, 2790, 2891
81	2524

49 CFR

173	2885
174	2886
177	2886
178	2886
179	3058
1033	2677
1211	2841
PROPOSED RULES:	
173	2588
178	2588

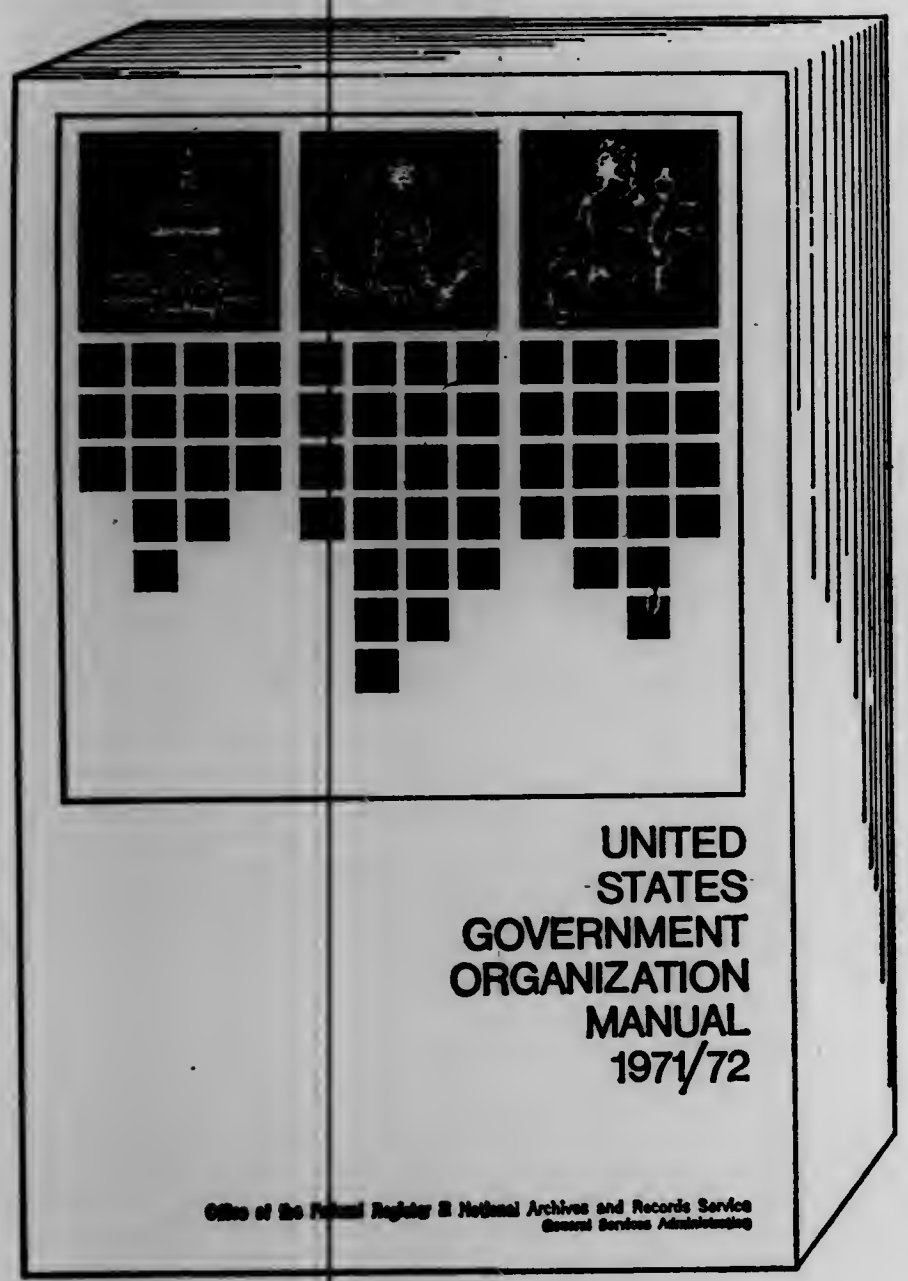
50 CFR

28	2964
33	2441, 2502, 2841, 2964, 2967
280	2516
PROPOSED RULES:	
17	2589
280	2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	3
2637–2737	Feb. 4
2739–2823	5
2825–2867	8
2869–2913	Feb. 9
2915–3041	10
3043–3157	11

FEB 11 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

SATURDAY, FEBRUARY 12, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 30
Pages 3159–3341
PART I
(Part II begins on page 3251)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

NATIONAL ACTION FOR FOSTER CHILDREN WEEK—Presidential proclamation 3165

FEDERAL REGIONAL COUNCILS—Presidential Executive order 3167

CABLE TV—
FCC regulations for certification and operation; effective 3–31–72 3251
FCC proposal to preserve the blackout rule in professional sports coverage; comments by 3–16–72 3190
FCC notice of a general inquiry and interim procedures concerning the importation of radio broadcast signals; comments by 3–16–72 3192
FCC notices establishing advisory committees for Federal-State/local relationships and technical standards (2 documents) 3204, 3205

NARCOTICS AND DANGEROUS DRUGS—Justice Dept. establishment of 1972 production quotas for amphetamines and methamphetamines; effective 2–12–72 3194

ECONOMIC STABILIZATION—Price Comm. delegation of authority concerning the Secretary of the Treasury; effective 12–22–71 3212

PRESERVATION OF NIAGARA FALLS—International Joint Commission, United States and Canada, notice 3212

EXPORT CLEARANCE—Commerce Dept. rule on shippers' declarations 3175

(Continued inside)

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

V37-30
FEB 12 72
XUM

MICROFILM EDITION
FEDERAL REGISTER
35mm MICROFILM

Complete Set 1936–70, 189 Rolls $1,342

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	$7	13	1948	$28	25	1960	$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42			

Order Microfilm Edition from Publications Sales Branch
National Archives and Records Service
Washington, D.C. 20408

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

FHA LOANS AND GRANTS—
USDA amendments on formulation and coordination of assistance programs 3172
USDA rule concerning nondiscrimination by recipients 3174

ANTIBIOTICS—
FDA certification of bacitracin; comments within 30 days 3179
FDA notice on bacitracin efficacy; comments within 30 days 3203
FDA revocation of certification of certain drugs; comments within 30 days 3178

DRUG LABELING AND ADVERTISING—FDA guidelines for disclosure of effectiveness ratings; effective 2–12–72 3175

UPLAND COTTON—USDA amendments for 1972 Set-Aside Program; effective 2–12–72 3171

FOOD ADDITIVES—
FDA provision for use of certain substance in food containers; comments within 30 days 3177
FDA amendment concerning reference designation for certain additive; comments within 30 days 3177
FDA notices of filing of petitions on animal and poultry feeds 3196

PESTICIDES—EPA establishment of tolerance for fungicide used on onions; effective 2–12–72 3181

NEW ANIMAL DRUGS—FDA approval of substance for treatment of dogs; effective 2–12–72 .. 3178

JOHNNY HORIZON—Interior Dept. rule on use of symbol; effective 2–15–72 3183

MOTOR VEHICLE SAFETY STANDARDS—DoT amendment to definition of gross axle weight rating; effective 2–12–72 3185

EGG PRODUCTS—USDA proposal on ingredients labeling; comments by 3–13–72 3187

FOOD STANDARDS—FDA extension of comment time to 5–1–72 on proposal concerning enriched foods 3189

NATURAL GAS PIPELINE COMPANIES—FPC notice for 3–14–72 conference on proposal 3193

OFFICE FOR DRUG ABUSE LAW ENFORCEMENT—Justice Dept. establishment of new office 3180

PIPELINE PERMIT—State Dept. notice of application for petroleum pipeline between United States and Canada; comments within 30 days 3194

DRUG EFFICACY—
FDA notices of withdrawal of approval (7 documents); effective 2–12–72 .... 3196, 3197, 3199, 3202
FDA notices of proposed withdrawal of approval (5 documents); comments within 30 days 3198, 3200, 3201
FDA notice concerning certain dermatologic preparations; comments within 30 days 3197

ENVIRONMENT—AEC notice of availability of report 3204

COTTON TEXTILES FROM KOREA—Interagency Textile Administrative Committee notice; comments within 10 days 3212

ANTIDUMPING—Tariff Commission notice of hearing concerning Mexican elemental sulphur .. 3212

Contents

THE PRESIDENT

PROCLAMATION
National Action for Foster Children Week 3165

EXECUTIVE ORDER
Federal Regional Councils 3167

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations
Upland cotton set-aside program, 1971–73 crop years; farm yield and payment rates 3171

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service; Farmers Home Administration; Forest Service.

Notices
Administration of Capper-Volstead Act; termination of committee 3196
Chairman, Commodity Exchange Commission; designation 3196
Pennsylvania; designation of area for emergency loans 3196

ATOMIC ENERGY COMMISSION

Notices
Long Island Lighting Co.; availability of applicant's supplemental environmental report .. 3204

CIVIL AERONAUTICS BOARD

Notices
ATC bylaws investigation; postponement of prehearing conference 3204

(*Continued on next page*)

V 37-30 FEB 12 72 XUM

COAST GUARD

Proposed Rule Making

General requirements for certification ---- 3190

Notices

San Diego Harbor; security zone ---- 3204

COMMERCE DEPARTMENT

See International Commerce Bureau.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Lemons grown in California and Arizona; handling limitation ---- 3171

Proposed Rule Making

Eggs and egg products; inspection; requirement of formula and approval of labels for use in official plants ---- 3187

Milk in Boston regional and New York-New Jersey marketing areas; decision ---- 3187

EMERGENCY PREPAREDNESS OFFICE

Notices

Mississippi; amendment to notice of major disaster ---- 3212

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Thiram in or on raw agricultural commodities; tolerances for residues ---- 3181

FARMERS HOME ADMINISTRATION

Rules and Regulations

Nondiscrimination by recipients of financial assistance; compliance reviews and reports ---- 3174

Projects requiring FHA assistance; evaluation, review, and coordination ---- 3172

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Standard instrument approach procedures; changes and additions ---- 3174

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Cable television service; cable television relay service ---- 3252

Proposed Rule Making

Cable television systems:
- Radio signals importation ---- 3192
- Sports programs coverage ---- 3190

Notices

Cable television systems; establishment of advisory committees:
- Federal-State/local relationships ---- 3204
- Technical standards ---- 3205

FEDERAL POWER COMMISSION

Proposed Rule Making

Natural gas pipeline companies; total gas supply; conference ---- 3193

Notices

National Gas Survey; public conference ---- 3208

Hearings, etc.:
- Exchange Oil & Gas Corp ---- 3206
- Grant, Walter S., et al ---- 3205
- Kilroy Properties Inc ---- 3205
- Mobil Oil Corp ---- 3206
- Mosbacher, Robert, et al ---- 3208
- Pecos Growers Gas Co ---- 3207
- Pennzoil Producing Co. (2 documents) ---- 3207
- Sylvania Corp ---- 3206
- UGI Corp ---- 3208

FEDERAL RESERVE SYSTEM

Notices

Acquisition of banks; approvals:
- Bank Securities, Inc ---- 3209
- First Banc Group of Ohio, Inc ---- 3209
- Midlantic Banks Inc ---- 3211

Capital National Corp.; application for approval of acquisition of bank ---- 3209

First National Bankshares of Florida, Inc.; approval of formation of bank holding company ---- 3210

First Tulsa Bancorporation, Inc.; order denying acquisition of Hall Investment Co ---- 3210

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Bacitracin sterile powder; certification ---- 3179

Color additive; FD&C Red No. 40 ---- 3177

Combination drug containing chloramphenicol, paromomycin, and hydrocortisone acetate; confirmation or order revoking provisions for certification ---- 3179

Combination drug containing neomycin sulfate and nystatin for oral use; confirmation of order revoking provisions for certification ---- 3179

Drug labeling and advertising; disclosure and NAS/NRC drug efficacy study group evaluations ---- 3175

Food additives:
- Antioxidants and/or stabilizers for polymers ---- 3177
- Dioctyl sodium sulfosuccinate ---- 3177

New animal drugs in oral dosage forms; chlorothiazide tablets ---- 3178

Penicillin and penicillin-containing drugs; revocation of certain certifications ---- 3178

Proposed Rule Making

Enriched foods; improvement of nutrient levels; comment time extended ---- 3189

Notices

Drugs for human use; drug efficacy study implementations, etc.:
- Bacitracin sterile powder ---- 3203
- Certain neomycin topical dermatologic preparations ---- 3197

Food additives; petitions:
- A.H.P., Inc ---- 3196
- Hynite Corp ---- 3199

New drug applications; opportunity for hearings on proposed withdrawals of approval:
- Geigy Chemical Corp. and Roche Laboratories ---- 3198
- National Drug Co., et al ---- 3198
- Parke, Davis & Co. (2 documents) ---- 3200, 3201
- Smith, Kline & French Laboratories ---- 3200

New drug applications; withdrawals of approval:
- Endo Laboratories ---- 3196
- Lederle Laboratories, et al ---- 3197
- William S. Merrell Co., et al ---- 3199
- Ortho Pharmaceutical Corp ---- 3199
- Upjohn Co ---- 3202
- Vitamix Pharmaceuticals Inc ---- 3202
- Wilson Laboratories, et al ---- 3202

FOREST SERVICE

Notices

Cooperative spruce budworm suppression project; availability of draft environmental statement ---- 3196

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Federal Supply Service; procurement ---- 3182

Notices

Authority delegations:
- Postmaster General ---- 3211
- Secretary of Transportation ---- 3211

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules and Regulations

Low rent public housing; prototype cost limits ---- 3185

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

Certain cotton textile products produced or manufactured in the Republic of Korea; entry or withdrawal from warehouse for consumption ---- 3212

INTERIOR DEPARTMENT

See also Land Management Bureau.

Rules and Regulations

Use of the "Johnny Horizon" symbol ---- 3183

INTERNATIONAL COMMERCE BUREAU

Rules and Regulations

Export clearance; shipper's export declaration ---- 3175

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Notices

American Falls at Niagara; public hearing regarding preservation and enhancement ---- 3212

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ---- 3213

Fourth section application for relief ---- 3213

Motor carrier transfer proceedings ---- 3213

JUSTICE DEPARTMENT

See also Narcotics and Dangerous Drugs Bureau.

Rules and Regulations

Drug Abuse Law Enforcement Office; establishment ---- 3180

LABOR DEPARTMENT

See Wage and Hour Division.

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:
- Colorado (3 documents) ---- 3184, 3185
- Montana ---- 3185

Notices

Reservation of lands; proposed withdrawal:
- Montana ---- 3195
- South Dakota ---- 3195

NARCOTICS AND DANGEROUS DRUGS BUREAU

Notices

Amphetamines and methamphetamine; aggregate production quotas ---- 3194

NATIONAL CREDIT UNION ADMINISTRATION

Rules and Regulations

Federal Credit Unions; organization revision; change in effective date ---- 3174

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules and Regulations

Federal motor vehicle safety standards; definition of gross axle weight rating ---- 3185

PRICE COMMISSION

Notices

Secretary of the Treasury; delegation of authority concerning stabilization of prices and rents ---- 3212

RENEGOTIATION BOARD

Rules and Regulations

Prime contracts; application of the 1951 act ---- 3181

STATE DEPARTMENT

Notices

Continental Pipe Line Co.; application for pipeline permit ---- 3194

TARIFF COMMISSION

Notices

Elemental sulphur from Mexico; investigation and hearing ---- 3212

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration.

WAGE AND HOUR DIVISION

Rules and Regulations

Agriculture industry in Puerto Rico; wage order ---- 3180

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

PROCLAMATION:
- 4107 ---- 3165

EXECUTIVE ORDERS:
- January 27, 1913 (partially revoked by PLO 5159) ---- 3184
- 7295 (see PLO 5162) ---- 3185
- 8592 (see PLO 5162) ---- 3185
- 11647 ---- 3167

7 CFR

- 722 ---- 3171
- 910 ---- 3171
- 1823 ---- 3172
- 1890 (2 documents) ---- 3172, 3174

PROPOSED RULES:
- 59 ---- 3187
- 1001 ---- 3187
- 1002 ---- 3187

12 CFR

- 701 ---- 3174

14 CFR

- 97 ---- 3174

15 CFR

- 386 ---- 3175

18 CFR

PROPOSED RULES:
- 260 ---- 3198

21 CFR

- 1 ---- 3175
- 3 ---- 3175
- 8 ---- 3177
- 121 (2 documents) ---- 3177, 3178
- 135c ---- 3178
- 141d ---- 3178
- 146a ---- 3178
- 146d ---- 3178
- 146e ---- 3179
- 148i ---- 3179

PROPOSED RULES:
- 15 ---- 3189
- 17 ---- 3189

24 CFR

- 275 ---- 3135

28 CFR

- 0 ---- 3180

29 CFR

- 727 ---- 3180

32 CFR

- 1452 ---- 3181

40 CFR

- 180 ---- 3181

41 CFR

- 5A-1 ---- 3182
- 5A-2 ---- 3182
- 5A-72 ---- 3183
- 5A-73 ---- 3183

43 CFR

- 25 ---- 3183

PUBLIC LAND ORDERS:
- 1272 (modified by PLO 5161) ---- 3185
- 2732 (amended by PLO 5160) ---- 3184
- 5159 ---- 3184
- 5160 ---- 3184
- 5161 ---- 3185
- 5162 ---- 3185

46 CFR

PROPOSED RULES:
- 12 ---- 3190

47 CFR

- 1 ---- 3277
- 15 ---- 3277
- 21 ---- 3277
- 74 ---- 3278
- 76 (3 documents) ---- 3190, 3292, 3278
- 78 ---- 3297
- 91 ---- 3297

PROPOSED RULES:
- 76 (2 documents) ---- 3190, 3192

49 CFR

- 571 ---- 3185

V 37-30 FEB 12 72 XUM

Presidential Documents

Title 3—The President

PROCLAMATION 4107

National Action for Foster Children Week

By the President of the United States of America

A Proclamation

A child without love lives in a cruel and often terrifying world. Yet in our midst each year are more than a quarter of a million children—of all ages, all ethnic groups, some with health handicaps, many bearing the emotional scars of life's experiences—who no longer live with their natural parents. They need love, and their best hope often rests with foster parents.

Time and again, experience has shown that these children grow and develop better when they have the individualized love and nurture of a generous foster father and mother. If deprived of close parental relationship, children—especially young children—are often damaged for life in their emotional and intellectual growth. Today many more foster parents are needed for the children in our society who, for whatever the reason, cannot remain in their own homes.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week of April 9 through April 15, 1972, as National Action for Foster Children Week.

I urge national, State and local government officials, voluntary agencies and private groups during that week to give special attention to the needs of foster children, to plan concerted action between agencies and citizens for improving and expanding services for foster children, to assist in the rehabilitation of their families, and to help recruit more foster parents.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-2333 Filed 2-11-72; 12:14 pm]

V 37 30 FEB 12 72 XUM

EXECUTIVE ORDER 11647

Federal Regional Councils

The proper functioning of Government requires the development of closer working relationships between major Federal grantmaking agencies and State and local government and improved coordination of the categorical grant system.

I have heretofore directed the Domestic Council to:

(1) receive and develop information necessary for assessing national domestic needs and defining national domestic goals, and to develop for the President alternative proposals for reaching those goals;

(2) collaborate with the Office of Management and Budget and others in the determination of national domestic priorities for the allocation of available resources;

(3) collaborate with the Office of Management and Budget and others to assure a continuing review of ongoing programs from the standpoint of their relative contributions to national goals as compared with their use of available resources; and

(4) provide policy advice to the President on domestic issues.

Furthermore, I have assigned to the Office of Management and Budget the responsibility for assisting the President in developing efficient coordinating mechanisms to implement Government activities and to expand interagency cooperation. Three years ago I directed that the senior regional officials of certain of the grantmaking agencies convene themselves in regional councils to better coordinate their services to Governors, Mayors, and the public.

I have now determined that the measures prescribed by this Order would assure improved service to the public.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *Federal Regional Councils.* (a) There is hereby established a Federal Regional Council for each of the ten standard Federal regions. Each Council shall be composed of the directors of the regional offices of the Departments of Labor, Health, Education, and Welfare, and Housing and Urban Development, the Secretarial Representative of the Department of Transportation, and the directors of the regional offices of the Office of Economic Opportunity, the Environmental Protection Agency, and the Law Enforcement Assistance Administration. The President shall designate one member of each such Council as Chairman of that

V 37 30 FEB 12 72 XUM

Council and such Chairman shall serve at the pleasure of the President. Representatives of the Office of Management and Budget may participate in any deliberations of each Council.

(b) Each member of each Council may designate an alternate who shall serve as a member of the Council involved whenever the regular member is unable to attend any meeting of the Council.

(c) When the Chairman determines that matters which significantly affect the interests of Federal agencies which are not represented on any such Council are to be considered by that Council, he shall invite the regional director or other appropriate representative of the agency involved to participate in the deliberations of the Council.

SEC. 2. *Functions of the Councils.* Each Federal Regional Council shall be constituted as a body within which the participating agencies will, under the general policy formulation of the Under Secretaries Group, and to the maximum extent feasible, conduct their grantmaking activities in concert through:

(1) the development of short-term regional interagency strategies and mechanisms for program delivery;

(2) the development of integrated program and funding plans with Governors and local chief executives;

(3) the encouragement of joint and complementary grant applications for related programs;

(4) the expeditious resolution of interagency conflicts and coordination problems;

(5) the evaluation of programs in which two or more member agencies participate;

(6) the development of long-term regional interagency and intergovernmental strategies for resource allocations to better respond to the needs of States and local communities;

(7) the supervision of regional interagency program coordination mechanisms; and

(8) the development of administrative procedures to facilitate day-to-day interagency and intergovernmental cooperation.

SEC. 3. *Under Secretaries Group for Regional Operations.* There is hereby established an "Under Secretaries Group for Regional Operations" which shall be composed of the Under Secretaries of Labor, Health, Education, and Welfare, Housing and Urban Development, and Transportation, the Administrator of the Law Enforcement Assistance Administration, the Deputy Director of the Office of Economic Opportunity, the Deputy Administrator of the Environmental Protection Agency, and the Associate Director of the Office of Management and Budget, who shall serve as the Chairman of the Group. When the Chairman determines that matters which significantly affect the interest of Federal agencies which are not represented on the Group are to be

considered by the Group, he shall invite an appropriate representative of the agency involved to participate in the deliberations of the Group. The Under Secretaries Group for Regional Operations shall, consistent with the objectives and priorities established by the President and the Domestic Council, establish policy with respect to Federal Regional Council matters, provide guidance to the Councils, respond to their initiatives, and seek to resolve policy issues referred to it by the Councils. The Under Secretaries Group, under the Chairmanship of the Associate Director of the Office of Management and Budget, shall be responsible for the proper functioning of the system established by this Order.

SEC. 4. *Construction.* Nothing in this Order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

Richard Nixon

THE WHITE HOUSE,
February 10, 1972

[FR Doc.72-2332 Filed 2-11-72; 12:14 pm]

V 37-30 FEB 12 72 XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 722—COTTON

Subpart—Upland Cotton Set-Aside Program for Crop Years 1971–73

FARM YIELD AND PAYMENT RATES

On September 14, 1971, notice of proposed rule making regarding determinations with respect to the 1972 crop of upland cotton was published in the FEDERAL REGISTER (36 F.R. 18412). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 24 days. The comments received have been duly considered.

This amendment is issued pursuant to the provisions of the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91–524, 84 Stat. 1358. The basis and purposes of the amendment are as follows:

1. To change all references to "Form ASCS–378" in the regulations to "Form ASCS–516". A new Form ASCS–516 will be used beginning with the 1972 program.

2. To announce the approved alternate crops for 1972 and to provide that the per acre reduction shall be at a fair and reasonable rate as determine in accordance with instructions issued by the Deputy Administrator.

3. To set forth the cropland set-aside percentage for 1972.

4. To amend the provisions for adjusting cotton yields in relation to the previous year's production.

5. To announce the 1971 regular payment rate.

6. To delete for 1972 the provision relating to a payment reduction when an acreage that receives prevented planting or failed acreage credit is planted to another nonconserving crop or designated as set-aside acreage. However, acreage considered as planted to cotton may not be designated as set-aside acreage in 1972.

7. To incorporate by reference the regulations in Part 796 prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such drug-producing plants on any part of the lands owned or controlled by them.

The regulations governing the Upland Cotton Set-Aside Program for Crop Years 1971–73, 36 F.R. 15516, are hereby amended as follows:

1. Sections 722.801, 722.804, 722.811, 722.812, 722.816, and 722.819 are amended by striking out "Form ASCS–378" and "Form 378" wherever they appear and substituting "Form ASCS–516" and "Form 516", respectively.

2. Section 722.805 is amended by revising paragraph (b) and adding a new paragraph (c) to read as follows:

§ 722.805 Set-aside acres.

* * * * *

(b) For 1972, the set-aside requirement shall be 20 percent of the farm base acreage allotment.

(c) For 1973, the set-aside requirement shall be announced by amendment to this subpart.

3. Section 722.808 is amended by revising the last proviso in paragraph (a) and adding a new sentence at the end of paragraph (b) to read as follows:

§ 722.808 Farm yield and payment rates.

(a) * * * *Provided further*, That the average yield established for the farm for any year shall not be less than (1) the yield used in making payments in the preceding year multiplied by (2) the ratio (not to exceed 1.0) obtained by dividing the total cotton production on the farm in such preceding year by the product of the yield used in making payments for the farm for such preceding year times the farm base acreage allotment for such preceding year and the yield as adjusted pursuant to this proviso (if greater than the actual yield) shall be used in computing yields for future years.

(b) * * * Pursuant to the provisions of the foregoing sentence, the Secretary determined that the regular payment rate for 1971 is 7.01 cents.

4. Section 722.812 is amended by revising paragraphs (h) (2) and (i) to read as follows:

§ 722.812 Payments.

* * * * *

(h) * * *

(2) For 1972, the approved alternate crops are castor beans, crambe, guar, mustard seed, plantago ovato, safflower, sesame, and sunflower. The per acre reduction for set-aside acreage devoted to approved alternate crops shall be at a fair and reasonable rate as determined in accordance with instructions issued by the Deputy Administrator.

(i) The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them are applicable to this program.

* * * * *

(Sec. 103, 84 Stat. 1374, 7 U.S.C. 1444)

Effective date: Date of publication in the FEDERAL REGISTER (2–12–72).

Signed at Washington, D.C., on February 4, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–2150 Filed 2–11–72;8:52 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 520]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.820 Lemon Regulation 520.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the

V 37 30 FEB 12 72 XUM

aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 8, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 13, through February 19, 1972, is hereby fixed at 190,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 9, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2170 Filed 2-11-72;8:48 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

[AL-986(440); FHA Ins. 440.7]

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

PART 1890—EVALUATION, REVIEW, AND COORDINATION OF PROJECTS REQUIRING FHA ASSISTANCE

Evaluation, Review, and Coordination of Projects Requiring FHA Assistance

Subchapter G, Miscellaneous Regulations, Chapter XVIII, Title 7, Code of Federal Regulations is amended by transferring and redesignating Part 1890l, "Evaluation, Review, and Coordination of Projects Requiring FHA Assistance." (35 F.R. 14914, September 25, 1970.) The said part is transferred to Subchapter B, Part 1823 of this chapter and redesignated as Subpart M of this part. Part 1890l is hereby vacated.

Subchapter B, Loans and Grants Primarily for Real Estate Purposes is amended by adding a new Subpart M, "Evaluation, Review, and Coordination of Projects Requiring FHA Assistance." This new subpart is a revision of the redesignated Part 1890l and implements the provisions of the Office of Management and Budget Circular A–95, revised February 9, 1971. It is applicable to loans and grants made under Subparts A, B, D, G, H, I, J, K, and L of this part.

The new subpart M reads as follows:

Subpart M—Evaluation, Review, and Coordination of Projects Requiring FHA Assistance

Sec.
1823.371 General.
1823.372 Scope.
1823.373 Definitions.
1823.374 Project notification and review system.

AUTHORITY: The provisions of this Subpart M issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

Subpart M—Evaluation, Review, and Coordination of Projects Requiring FHA Assistance

§ 1823.371 General.

The purpose of this subpart is to implement the provisions of Office of Management and Budget (OMB) Circular A–95, Revised February 9, 1971. This subpart is applicable to loans and grants made under Subparts A, B, D, G, H, I, J, K, and L of this part.

§ 1823.372 Scope.

(a) OMB Circular A–95 provides that rules and regulations will be established concerning the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities. This subpart applies to the following FHA programs.

(1) Rural water and waste disposal facilities.

(2) Comprehensive area wide water and sewer planning grants.

(3) Watershed protection and flood prevention.

(4) Resource conservation and development.

(5) Shift-in-land-use projects (except grazing associations).

(6) Soil and water conservation projects (except loans to Soil and Water Conservation Districts for equipment).

(b) The Soil Conservation Service has the responsibility for clearing Watershed Protection and Flood Prevention and Resource Conservation and Development plans through the respective clearinghouses referred to in § 1823.373(e). The clearance will apply to individual projects within the watershed work plans. It may not apply to all projects mentioned in Resource Conservation and Development plans. When an application for a Watershed Protection, Flood Prevention, or Resource Conservation and Development loan is received, the FHA State Director will determine from the State Soil Conservation Service Conservationist whether the specific project has been cleared, and if cleared, obtain a copy of any comments which may have been made. If a specific project has not been cleared, the State Director will request the applicant to obtain clearance in accordance with this subpart.

§ 1823.373 Definitions.

Terms used in this subpart will have the following meaning:

(a) "State" means any State of the United States, the District of Columbia, Puerto Rico, any territory or posession of the United States, or any agency or instrumentality of the State, but does not include the governments of the political subdivisions of the State.

(b) "Unit of General Local Government" means any city, county, town, parish, village, or other general purpose subdivision of a State.

(c) "Special Purpose Unit of Local Government" means any special district, public-purpose corporation, or other strictly limited purpose political subdivision of a State, but shall not include a school district.

(d) "Metropolitan Area" means a Standard Metropolitan Statistical Area as established by the OMB, subject, however, to such modifications and extensions as the OMB may determine to be appropriate for the purposes of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, and these regulations.

(e) "Clearinghouse" includes the following:

(1) An agency of the State government designated by the Governor or by State law.

(2) A nonmetropolitan regional comprehensive planning agency (hereinafter referred to as a "regional clearinghouse") designated by the Governor (or Governors in the case of regions extending into more than one State) or by State law.

(3) A metropolitan areawide agency that has been recognized by the OMB as an appropriate agency to perform review functions under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.

(f) "Application" means all items normally required in order to prepare the Letter of Conditions, such as the preliminary engineering report, proposed budget, financial statement, and project summary. This definition is for the purpose of this subpart only.

§ 1823.374 Project notification and review system.

An outline is available in State and county offices to illustrate the operation of the Project Notification and Review System.

(a) *Notification.* Any association undertaking to apply for financial assistance of the type listed in § 1823.372(a) will file written notifications of its intent to apply for such assistance with the State clearinghouse and with the proper metropolitan or regional clearinghouse.

(1) For projects located in metropolitan areas, notifications will be filed simultaneously with the State clearinghouse and with the appropriate metropolitan or regional clearinghouse.

(2) For projects located in other than metropolitan areas, notifications will be filed simultaneously with the State and regional clearinghouses.

(3) Notifications should be sent to the appropriate clearinghouses at the earliest feasible time in order to assure maximum time for effective coordination and so as not to delay orderly consideration of a project.

(4) The applicant may use Standard Form 101, "Application—Federal Assistance for Public Works and Facility-Type Projects," as the notification or such other method as the clearinghouses involved may prefer. Standard Form 101 may be referred to other agencies when necessary to determine jurisdiction prior to receiving clearinghouse comments. The county supervisor may assist with the preparation of the notification if requested to do so. The notification must contain the following summary description of the project:

(i) Identity of the applicant agency, organization, or individual.

(ii) The geographic location of the project to be assisted.

(iii) A brief description of the proposed project by type, purpose, general size or scale, estimated cost, beneficiaries, or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs, or projects that might be affected by the proposed project.

(iv) The Federal program and agency under which assistance will be sought.

(v) The estimated date by which time the applicant expects to formally file an application. This will be not less than 30 calendar days after the date the clearinghouse will receive the notification.

(vi) A statement as to whether an Environmental Impact Statement is required. Environmental Impact Statements will be prepared if the project will have a significant impact on the environment.

(b) *Establishing clearinghouses.* The State Director should work closely with Governors in implementing the provisions of OMB Circular A–95. A list of clearinghouses designated to review applications in each State is available at any FHA office. A complete listing is available at the FHA National Office, 14th and Independence Avenue SW., Washington, DC 20250. Applications in regional areas not covered by the list may be processed under existing FHA requirements until regional clearinghouses have been established for the area. However, this will not preclude State clearinghouses in such instances from seeking advice and comments from local government officials and other recognized planning groups regarding a particular project.

(c) *Clearinghouse functions.* Clearinghouse functions include:

(1) Evaluating the significance of proposed Federal or federally assisted projects to State, areawide, or local plans and programs as appropriate.

(2) Receiving and disseminating project notifications to appropriate State agencies in the case of the State clearinghouses and to appropriate local governments and agencies in the case of regional or metropolitan clearinghouses; and providing liaison, as may be necessary, between such agencies or bodies and the applicant.

(3) Assuring that appropriate State, metropolitan, regional, or local agencies which are authorized to develop and enforce environmental standards are informed of and are given opportunity to review and comment on the environmental significance of proposed projects for which Federal assistance is sought.

(4) Providing, pursuant to § 1823.372 liaison between Federal agencies contemplating direct Federal development projects and the State or areawide agencies or local governments having plans or programs that might be affected by the proposed project.

(d) *Consultation and review by clearinghouses.* (1) State, metropolitan, and regional clearinghouses may have a period of 30 days after receipt of a project notification in which to inform State agencies, other local or regional bodies, and so forth, that may be affected by the project (including agencies authorized to develop and enforce environmental standards), to arrange, as may be necessary, to consult with the applicant on the proposed project, and to make any initial comments.

(2) During this 30-day period and during the period in which the application is being completed, the clearinghouse may work with the applicant in the resolution of any problems raised by the proposed project.

(3) Clearinghouses may have, if necessary, an additional 30 days to review the application and to transmit to the applicant any comments or recommendations the clearinghouse (or others) may have.

(4) In the case of a project for which Federal assistance is sought by a special purpose unit of the Government, clearinghouses will assure that any unit of general local government, having jurisdiction over the area in which the project is to be located, has opportunity to confer, consult, and comment upon the project and the application.

(5) Where regional or metropolitan areas are contiguous, coordinative arrangements should be established between the clearinghouses in such areas to assure that projects in one area which may have an impact on the development of a contiguous area are jointly studied. Any comments and recommendations made by or through a clearinghouse will accompany the application for assistance to that project.

(e) *Subject matter of comments and recommendations.* Comments and recommendations made through or by clearinghouses with respect to any project are for the purpose of assuring maximum consistency of such project with State, regional, and local comprehensive plans. They are also intended to assist the Federal agency (or State agency, in the case of projects for which the State under certain Federal grants has final project approval) administering such a program in determining whether the project is in accord with applicable Federal law. Comments or recommendations, as may be appropriate, may include information about:

(1) The extent to which the project is consistent with or contributes to the fulfillment of comprehensive planning for the State, region, metropolitan area, or locality.

(2) The extent to which the project contributes to the achievement of State, regional, metropolitan, and local objectives as specified in section 401(a) of the Intergovernmental Cooperation Act of 1968, as follows:

(i) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

(ii) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

(iii) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

(iv) Adequate outdoor recreation and open space;

(v) Protection of areas of unique natural beauty, historical, and scientific interest;

(vi) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

(vii) Concern for high standard of design.

(f) *Information to be included with the application.* Applicants will submit with their applications the following:

(1) Any comments and recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to submission of the application, or

(2) A statement that the required notifications have been made and no comments or recommendations have been received.

(g) *Informing potential applicants of the requirements of this subpart.* (1) FHA program information will incorporate pertinent information concerning the project notification and review system.

(2) Anyone inquiring about application procedures will be informed of the appropriate requirements.

(3) Any other means that will assure the earliest possible contact between the applicant and the clearinghouses will be employed.

(h) *Disposition of applications.* The State Director will notify clearinghouses within 7 days of any significant action (approvals, disapprovals, return for amendment, and so forth) taken on applications.

(i) *Application from general local government will be given preference.* In the case of an application submitted by a special purpose unit of the government where accompanying comments indicate that a unit of general government having jurisdiction over the area in which the project is to be located has submitted or plans to submit an application for assistance to the same or similar type project, appropriate considerations and preferences will be accorded the unit of general local government and the financial assistance shall be rendered to the unit of general local government in the absence of substantial reasons to the contrary. Where such preference cannot be

FEB 12 72
XUM

accorded, the State Director shall notify the unit of general local government in writing of the reasons therefor. Two copies of the notice will be sent to the National Office, one of which will be forwarded to the OMB.

(j) *County Office records.* (1) Records will be established in the FHA County Office to record information concerning each application filed. The following information should be recorded on each application subject to the requirements of this subpart:

(i) Name of applicant and purpose of request.

(ii) Type of comments by clearinghouses-supportive, supportive with modifications, or no comments after proper notification.

(iii) Type of organization.

Dated: February 4, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72-2148 Filed 2-11-72;8:51 am]

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

[AL-17(400)]

PART 1890—NONDISCRIMINATION BY RECIPIENTS OF FINANCIAL ASSISTANCE

Compliance Reviews and Reports

Part 1890, Title 7, Code of Federal Regulations (35 F.R. 13973), § 1890.6 (b) and (c) (3) are amended as to the method of reporting compliance reviews and to require that the compliance review officer contact informed minority group community leaders when making his review. Section 1890.6 (b) and (c) (3) as amended reads as follows:

§ 1890.6 Compliance reviews and reports.

* * * * *

(b) *Time of reviews.* For property described in § 1890.5(b) (1) or (2), the compliance review officer will check compliance with the requirements of this part once each year. For a facility or activity described in § 1890.5(b) (3), an annual review will be required each year up to and including the year in which the last advance of funds is made. Compliance reviews may be completed in connection with visits for other purposes, but they must be completed at the location of the facility or activity. All required compliance reviews are to be completed by October 31 each year. The reporting period for these annual reviews is the 12-month period from November 1 through October 31. These reviews and reports may be made anytime during the reporting period, provided there is a minimum of 90 days between reviews for each particular recipient. If the review report is not made on an FHA Form, the compliance review officer will enter in the "Running Record," the date of the compliance review, and his determination that the borrower was in compliance per the requirements of this part.

(c) *Type of review.* * * *

(3) The operating practices of the recipient based on personal knowledge and reasonable inquiry of informed sources including informed minority group community leaders in the area in which the facility or activity is located.

* * * * *

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529; Order of Director, OEO, 29 F.R. 14764)

Dated: January 4, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72-2149 Filed 2-11-72;8:51 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Revision of Organization; Change in Effective Date

Notice is hereby given that the effective date of the revised § 701.1 (12 CFR 701.1) which appeared on page 2946 of the FEDERAL REGISTER of February 10, 1972, is changed from February 15, 1972 to June 1, 1972.

HERMAN NICKERSON, Jr.,
Administrator.

FEBRUARY 11, 1972.

[FR Doc.72-2243 Filed 2-11-72;8:53 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11718, Amdt. 795]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAPs, effective March 9, 1972.

Whitefield, N.H.—Whitefield Regional Airport; NDB (ADF)-1, Amdt. 2; Canceled.

2. Section 97.23 is amended by establishing, revising; or canceling the following VOR-VOR/DME SIAPs, effective March 9, 1972.

Bakersfield, Calif.—Meadows Field; VOR Runway 12L, Amdt. 1; Revised.
Newburgh, N.Y.—Stewart Airport; VOR Runway 16, Original; Established.
Washington, D.C.—Washington National Airport; VOR Runway 15, Amdt. 1; Revised.
Washington, D.C.—Washington National Airport; VOR Runway 36, Amdt. 2; Revised.

3. Section 97.25 is amended by establishing, revising or canceling the following SDF-LOC-LDA SIAPs effective March 9, 1972.

Portland, Oreg.—Portland International Airport; LOC Runway 20, Original; Canceled.
Portland, Oreg.—Portland International Airport; LOC/DME Runway 20, Original; Established.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective March 9, 1972.

Albertville, Ala.—Albertville Municipal Airport; NDB Runway 23, Original; Established.
Arlington, Tenn.—Arlington Municipal Airport; NDB Runway 15, Original; Established.
Arlington, Tenn.—Arlington Municipal Airport; NDB Runway 33, Original; Established.
Newburgh, N.Y.—Stewart Airport; NDB Runway 9, Amdt. 2; Revised.
Troutdale, Oreg.—Portland-Troutdale Airport; NDB (ADF) Runway 7, Amdt. 2; Canceled.
Troutdale, Oreg.—Portland-Troutdale Airport; NDB-A, Original; Established.
Wellsville, N.Y.—Wellsville Municipal, Tarantine Field; NDB Runway 28, Original; Established.
Whitefield, N.H.—Whitefield Regional Airport; NDB Runway 10, Original; Established.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective March 9, 1972.

Bakersfield, Calif.—Meadows Field; ILS Runway 30R, Amdt. 18; Revised.
Newburgh, N.Y.—Stewart Airport; ILS Runway 9, Amdt. 1; Revised.
Washington, D.C.—Washington National Airport; LDA Runway 18, Amdt. 5; Revised.
Washington, D.C.—Washington National Airport; ILS Runway 36, Amdt. 21; Revised.

6. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective March 9, 1972.

Washington, D.C.—Washington National Airport; Radar-1, Amdt. 15; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 4, 1972.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-2022 Filed 2-11-72;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

[13th Gen. Rev. Export Regs., Amdt. 32]

SUBCHAPTER B—EXPORT REGULATIONS

PART 386—EXPORT CLEARANCE

Part 386 is amended to read as set forth below:

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: February 10, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

In § 386.3(x), subparagraph (1) is revised to read as set forth below.

§ 386.3 Shipper's export declaration.

* * * * *

(x) *Summary monthly reports in lieu of individual shipper's export declaration*—(1) *Scope.* An alternate procedure for reporting exports to Canada and to Country Groups Q, T, V, W, X, and Y is established under which qualified exporters may be authorized to file at the end of each month typewritten or handwritten-Shipper's Summary Export Declarations (Form 7525-M), or computer tapes compatible with equipment of the Bureau of the Census, punched cards, etc., in lieu of individual Shipper's Export Declarations. Details of the procedure are set forth in section 30.39 of the Foreign Trade Statistics Regulations of the Bureau of the Census. Exporters interested in the procedure should consult section 30.39 to ascertain qualifications, how to apply for the privilege of participating, how to file a monthly report after approval is given, and other pertinent facts. This § 386.3(x) contains only basic information about the procedure and specific requirements relating exclusively to export controls.

* * * * *

[FR Doc.72-2158 Filed 2-11-72;8:52 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Drug Labeling and Advertising; Disclosure of NAS/NRC Drug Efficacy Study Group Evaluations

In the FEDERAL REGISTER of June 8, 1971 (36 F.R. 11022), an order was published requiring disclosure of Drug Efficacy Study evaluations in labeling and advertising of prescription drugs. Comments received in response to the order indicated there was uncertainty concerning the required statements which were to be "presented in a prominently placed box," pursuant to § 3.81(e). Therefore in the FEDERAL REGISTER of October 14, 1971 (36 F.R. 19978), the Commissioner of Food and Drugs proposed that, for clarification of this required disclosure of information, the policy statement should be revised to describe more specifically a standard box format and its placement in labeling and advertisements. This proposal also included provisions to revise §§ 1.105(e)(2)(i) and 1.106(b)(4)(ii) to prohibit the use of reminder-piece advertising and reminder-piece labeling for drugs reviewed by NAS-NRC for which no claim has been evaluated as higher than "possibly effective."

In response to the October 14, 1971, proposal comments were received from the Pharmaceutical Manufacturers Association and the Public Interest Research Group. The latter organization requested an extension of the time allocated for filing comments, but subsequently notified the Food and Drug Administration that it would not file comments.

The Pharmaceutical Manufacturers Association, representing over 100 member companies, submitted three comments. These comments and the Commissioner's conclusions based on his evaluation of them are as follows:

1. Since the purpose of promotional labeling is similar to that of advertising, the association feels that the final order should include a provision for promotional labeling similar to that proposed for advertising so that the NAS-NRC findings would be required in promotional labeling only if material is included for claims evaluated as less than "effective." The Commissioner does not consider this recommendation acceptable in view of the requirement in the regulations (21 CFR 1.106(b)(4)) that any labeling as defined in section 201(m) of the Federal Food, Drug, and Cosmetic Act, whether or not it is on or within a package, must contain the same information in the same language and with the same emphasis that is in approved labeling.

2. The Association recommended the inclusion of a requirement for the placement of the standard box format in labeling similar to that proposed for advertising. The Commissioner considers this comment to be appropriate, and a provision has been added in § 3.81(e)(3) which provides guidance for keying the less than "effective" indication(s) in promotional labeling to the boxed statement.

3. The Association wanted the specific authorization for manufacturers to include additional qualifying statements within the box format regarding ongoing studies and the submission of additional data to the Food and Drug Administration. The Commissioner considers this request unacceptable on the grounds that the inclusion in the box statement of any reference to ongoing studies or to the submission of data to FDA in support of effectiveness could by implication mislead the prescriber.

As announced in the proposal published October 14, 1971, the time period for implementation of the requirements as specified in § 3.81(d) of the June 8, 1971, order has not been applicable in view of the amendments which were proposed in that document. Now that those amendments are being finalized, paragraph (d) of § 3.81 is being revised to reflect the time period for implementation which is now in effect.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502, 505, 507, 701, 52 Stat. 1041, 1050-53 as amended, 1055-56 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 463 as amended; 21 U.S.C. 321(n), 352, 355, 357, 371) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 1 and 3 are amended as follows:

1. Part 1 is amended:

a. In § 1.105 by revising paragraph (e)(2)(i) to read as follows:

FEB 12 72 XUM

§ 1.105 Prescription-drug advertisements.

• • • • •

(e) • • •

(2) • • •

(i) *Reminder advertisements.* Reminder advertisements if they contain only the proprietary or trade name of a drug (which necessitates declaring the established name, if any, and furnishing the formula showing quantitatively each ingredient of the drug to the extent required for labels) and, optionally, information relating to dosage form, quantity of package contents, price, the name and address of the manufacturer, packer, or distributor or other written, printed, or graphic matter containing no representation or suggestion relating to the advertised drug: *Provided, however,* That if the Commissioner finds that there is evidence of significant incidence of fatalities or serious damage associated with the use of a particular prescription drug, he may notify the manufacturer, packer, or distributor of the drug by mail that this exemption does not apply to such drug by reason of such finding: *And provided, however,* That reminder advertisements are not permitted for a drug for which an announcement has been published pursuant to a review of the labeling claims for the drug by the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, and for which no claim has been evaluated as higher than "possibly effective." If the Commissioner finds the circumstances are such that a reminder advertisement may be misleading to prescribers of drugs subject to NAS–NRC evaluation, such advertisements will not be allowed and the manufacturer, packer, or distributor will be notified either in the publication of the conclusions on the effectiveness of the drug or by letter.

• • • • •

b. In § 1.106 by revising paragraph (b)(4)(ii) to read as follows:

§ 1.106 Drugs and devices; directions for use.

• • • • •

(b) • • •

(4) • • •

(ii) The same information concerning the ingredients of the drug as appears on the label and labeling on or within the package from which the drug is to be dispensed: *Provided, however,* That the information required by subdivisions (i) and (ii) of this subparagraph is not required on the so-called reminder-piece labeling which calls attention to the name of the drug but does not include indications or dosage recommendations for use of the drug: *And provided, however,* That reminder-piece labeling is not permitted for a drug for which an announcement has been published by the Food and Drug Administration pursuant to a review of the labeling claims for the drug by the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and for which no claim has been evaluated as higher than "possibly effective." If the Commissioner finds the circumstances are such that reminder-piece labeling may be misleading to prescribers of drugs subject to NAS–NRC evaluation, such reminder labeling will not be allowed and the manufacturer, packer, or distributor will be notified either in the publication of the conclusions on the effectiveness of the drug or by letter.

• • • • •

2. Part 3 is amended in § 3.81 by revising paragraphs (c), (d), and (e) and by adding new paragraphs (f) and (g), as follows:

§ 3.81 Disclosure of drug efficacy study evaluations in labeling and advertising.

• • • • •

(c) Therefore, after publication in the FEDERAL REGISTER of a Drug Efficacy Study Implementation notice on a prescription drug, unless exempted or otherwise provided for in the notice, all package labeling (other than the immediate container or carton label, unless such labeling contains information required by § 1.106(b)(3)(i) of this chapter in lieu of a package insert), promotional labeling, and advertisements shall include, as part of the information for practitioners under which the drug can be safely and effectively used, an appropriate qualification of all claims evaluated as other than "effective" by a panel of the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, if such claims continue to be included in either the labeling or advertisements. However, this qualifying information will be required in advertisements only if promotional material is included therein for claims evaluated as less than "effective" or if such claims are included in the indications section of the portion of the advertisement containing the information required in brief summary by § 1.105(e)(1) of this chapter. When, however, the Food and Drug Administration classification of such claim is "effective" (for example, on the basis of revision of the language of the claim or submission or existence of adequate data), such qualification is not necessary. When the Food and Drug Administration classification of the claim, as stated in the implementation notice, differs from that of the Academy but is other than "effective," the qualifying statement shall refer to this classification in lieu of the Academy's classification.

(d) For new drugs and antibiotics, supplements to provide for revised labeling in accord with paragraph (c) of this section shall be submitted under the provisions of § 130.9 (d) and (e) and § 146.2 of this chapter within 90 days after publication of the implementation notice in the FEDERAL REGISTER or by May 15, 1972, for those drugs for which notices have been published and such labeling shall be put into use as soon as possible but not later than the end of the time period allowed for submitting supplements to provide for revised labeling.

(e) Qualifying information required in drug labeling by paragraph (c) of this section in order to advise prescribers of a drug of the findings made by a panel of the Academy in evaluating a claim as other than "effective" shall be at least of the same size and color and degree of prominence as other printing in the labeling and shall be presented in a prominent box using one of the following formats and procedures:

(1) In drug labeling the box statement may entirely replace the indications section and be in the following format:

> INDICATIONS
>
> Based on a review of this drug by the National Academy of Sciences—National Research Council and/or other information, FDA has classified the indication(s) as follows:
> Effective: (list or state in paragraph form).
> "Probably" effective: (list or state in paragraph form).
> "Possibly" effective: (list or state in paragraph form).
> Final classification of the less-than-effective indications requires further investigation.

(2) Or the indication(s) for which the drug has been found effective may appear outside the boxed statement and be followed immediately by the following boxed statement:

> Based on a review of this drug by the National Academy of Sciences—National Research Council and/or other information, FDA has classified the other indication(s) as follows:
> "Probably" effective: (list or state in paragraph form).
> "Possibly" effective: (list or state in paragraph form).
> Final classification of the less-than-effective indications requires further investigation.

(3) In drug labeling (other than that which is required by § 1.106(b)(3)(i) of this chapter) which may contain a promotional message, the promotional message shall be keyed to the boxed statement by the same means as those provided for advertisements in paragraph (f)(2) of this section.

(f) Qualifying information required in prescription drug advertising by paragraph (c) of this section shall contain a prominent boxed statement of the advertised indication(s) and of the limitations of effectiveness using the same format, language, and emphasis as that required in labeling by paragraph (e) of this section.

(1) The boxed statement shall appear in (or next to) the information required in brief summary by § 1.105(e)(1) of this chapter and shall have prominence at least equal to that provided for other information presented in the brief summary and shall have type size, captions, color, and other physical characteristics comparable to the information required in the brief summary.

(2) Less-than-effective indication(s) in the promotional message of an advertisement which is a single page or less shall be keyed to the boxed statement by asterisk, by an appropriate statement, or by other suitable means providing adequate emphasis on the boxed statement. On each page where less-than-effective indication(s) appear in a mutiple page advertisement, an asterisk shall be placed after the most prominent mention of the indication(s); if the degree of prominence does not vary, an asterisk shall be placed after the first mention of the indication. The asterisk shall refer to a notation at the bottom of the page which shall state "This drug has been evaluated as probably effective (or possibly effective whichever is appropriate) for this indication" and "See Brief Summary" or "See Prescribing Information," the latter legend to be used only if the advertisement carries the required information for professional use as set forth in § 1.106(b)(3)(i) of this chapter.

(3) For less-than-effective indications which are included in the advertisement only as a part of the information required in brief summary, the disclosure information shall appear in this portion of the advertisement in the same manner as is specified for labeling in paragraph (e) of this section.

(g) The Commissioner may find circumstances are such that, while the elimination of claims evaluated as other than effective will generally eliminate the need for disclosure about such claims, there will be instances in which the change in the prescribing or promotional profile of the drug is so substantial as to require a disclosure of the reason for the change so that the purchaser or prescriber is not misled by being left unaware through the sponsor's silence that a basic change has taken place. The Food and Drug Administration will identify these situations in direct correspondence with the drug promoters, after which the failure to make the disclosure will be regarded as misleading and appropriate action will be taken.

(Secs. 201(n), 502, 505, 507, 701, 52 Stat. 1041, 1050–53 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 463 as amended; 21 U.S.C. 321(n), 352, 355, 357, 701)

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER (2–12–72).

Dated: February 1, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72–2116 Filed 2–11–72;8:48 am]

PART 8—COLOR ADDITIVES

Subpart C—Listing of Color Additives for Food Use Subject to Certification

Subpart E—Listing of Color Additives for Drug Use Subject to Certification

FD&C RED No. 40

In the matter of amending the regulations providing for the safe use of lakes of FD&C Red No. 40 (21 CFR 8.244, 8.4104) in food and drugs, subject to certification, and for correcting the specification for the permissible amount of arsenic:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c)(1), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c)(1), (d)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for hearing were filed in response to the order on the above-identified matter published in the FEDERAL REGISTER of December 10, 1971 (36 F.R. 23552). Accordingly, the amendment promulgated by that order became effective January 19, 1972.

Dated: February 4, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2117 Filed 2–11–72;8:48 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the date in a petition (FAP 1B2653) filed by The B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, and other relevant material, concludes that § 121.2566 should be amended to provide for an additional safe use of 1,3,5-Tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine - 2,4,6(1*H*, 3*H*, 5*H*)-trione as set forth below as an antioxidant and/or stabilizer in polymers used in the manufacture of articles or components of articles that contact fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising the text in the "Limitations" column for the subject additive, to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

• • • • •

(b) List of substances:

	Limitations
• • •	• • •
1,3,5 - Tris(3,5-di-*tert* - butyl - 4-hydroxy-benzyl)-*s* - triazine - 2,4,6(1*H*,3*H*,5*H*)-trione.	For use only: 1. At levels not to exceed 0.25 percent by weight of polypropylene complying with § 121.2501. 2. At levels not to exceed 0.1 percent by weight of polyethylene complying with § 121.2501.

(b) List of substances—Continued

	Limitations
• • •	• • •
3. At levels not to exceed 0.5 percent by weight of ethylene-propylene-5-ethylidine-2-norbornene terpolymers complying with § 121.2501. The maximum thickness of such polymers in the form in which they contact food shall not exceed 0.005 inch.	
• • •	• • •

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–12–72).

Dated: February 4, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2118 Filed 2–11–72;8:48 am]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DIOCTYL SODIUM SULFOSUCCINATE

Two notices announcing proposals for amending the food additive regulation for dioctyl sodium sulfosuccinate (21 CFR 121.1137) have been published in the FEDERAL REGISTER. The first notice (35 F.R. 17137) was based on a petition (FAP 1A2595) filed by the American Cyanamid Co., Pearl River, N.Y. 10965. It proposed that the heading and the introductory sentence of the regulation should be amended by adding the abbreviation "DSS" in parenthesis immediately after the name "dioctyl sodium sulfosuccinate." It also proposed that the citation to the compendium in which the specifications for the additive are set out should be changed by deleting the reference to the "National Formulary" and substituting therefor references to the "United

States Pharmacopeia" and the "Food Chemicals Codex."

The second notice (36 F.R. 9025) was published on the initiative of the Commissioner of Food and Drugs. It referred to the proposal for adding the parenthetical abbreviation "DSS" after the name of the additive but indicated that the compendium reference should be limited to the "Food Chemicals Codex" and should not include a reference to the "United States Pharmacopeia," a drug compendium. The notice invited interested persons to file written comments.

A comment from the attorney for the American Cyanamid Co. expressed approval of the Commissioner's proposal. Comments from representatives of the "United States Pharmacopeia" and the "United States Adopted Names Council" opposed adoption of that part of the notice proposing to insert the abbreviation "DSS" in parenthesis after the name of the additive.

On the basis of information submitted in the petition, the comments received, and other relevant information, the Commissioner concludes that since the name "dioctyl sodium sulfosuccinate," without the parenthetical addition, fully serves the purpose of the food additive regulation and, since there is a lack of accord as to what substitute name should be used for the food additive, that § 121.1137 should not be amended by adding the abbreviation "DSS" after the name "dioctyl sodium sulfosuccinate." The Commissioner further concludes that the compendium reference should designate the "Food Chemicals Codex" in lieu of the reference to the "National Formulary."

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), (d), 72 Stat. 1786–87; 21 U.S.C. 348 (c)(1), (d)) and under authority delegated to the Commissioner (21 CFR 2.120) the introductory sentence of § 121.1137 is revised to read as follows:

§ 121.1137 Dioctyl sodium sulfosuccinate.

The food additive dioctyl sodium sulfosuccinate which meets the specifications of the Food Chemicals Codex may be safely used in food in accordance with the following prescribed conditions:

* * * * *

(Sec. 409 (c)(1), (d), 72 Stat. 1786–87; 21 U.S.C. 348 (c)(1), (d))

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–12–72).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2119 Filed 2–11–72;8:48 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Chlorothiazide Tablets

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11–678V) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, N.J. 07065, proposing the safe and effective uses of chlorothiazide tablets in dogs for the treatment of congestive heart failure and renal edema. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding the following new section:

§ 135c.61 Chlorothiazide tablets.

(a) *Specifications.* Each tablet contains 0.25 gram of chlorothiazide.

(b) *Sponsor.* See code No. 023 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is intended for use in dogs for the treatment of congestive heart failure and renal edema.

(2) The usual dosage range is 5 to 10 milligrams of chlorothiazide per pound of body weight; a dose is administered two or three times each day. The dosage must be adjusted to meet the changing needs of the individual animal. In mild and responsive cases, it is suggested that a dose of 5 milligrams per pound of body weight be administered two or three times daily. In moderately edematous and moderately responsive animals, a dose of 7.5 to 10 milligrams per pound of body weight may be administered three times each day. Severe conditions may require higher doses. Certain animals may respond adequately to intermittent therapy; in these cases, the drug may be administered either every other day or for 3 to 5 days each week.

(3) For use only by or on the order of a licensed veterinarian.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2–12–72).

Dated: February 2, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–2120 Filed 2–11–72; 8:49 am]

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL - CONTAINING DRUGS

Confirmation of Order Revoking Provisions for Certification of Combination Drug Containing Chloramphenicol, Paromomycin, and Hydrocortisone Acetate

An order was published in the FEDERAL REGISTER of October 23, 1971 (36 F.R. 20510), amending the antibiotic drug regulations to repeal provisions for certification of a combination drug containing chloramphenicol, paromomycin, and hydrocortisone acetate. The order amended Parts 141d and 146d by revoking §§ 141d.316 and 146d.316.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above identified order. Accordingly the amendment promulgated thereby became effective December 2, 1971.

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2121 Filed 2–11–72;8:49 am]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Revocation of Sections

In the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6602), the Commissioner of Food and Drugs announced the conclusion of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Penstix (procaine penicillin G, bougies) and Penstix-SM (procaine penicillin G-dihydrostreptomycin sulfate, bougies), marketed by Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101.

The announcement invited the manufacturer of said drugs and any other interested persons to submit pertinent data on the drugs' effectiveness. Wyeth Laboratories, Inc., did not furnish any data to support the effectiveness of the above named products. They reported that the manufacture and marketing of these products had been discontinued. No other data have been submitted to support the efficacy of the above named certifiable antibiotic-containing drugs for their recommended use for treating mastitis in milk-producing animals.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provisions for certification of these drugs due to a lack of substantial evidence that they will have the effectiveness they purport or are represented to have.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343–51; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 146a is amended by revoking § 146a.40 *Penicillin bougies, veterinary (sodium penicillin bougies, calcium penicillin bougies, potassium penicillin bougies, procaine penicillin bougies, penicillin bougies sodium salt, penicillin bougies calcium salt, penicillin bougies potassium salt, penicillin bougies procaine salt)* and § 146a.55 *Penicillin-streptomycin bougies, veterinary; penicillin-dihydrostreptomycin bougies, veterinary.*

Any person who would be adversely affected by the removal of any such drug from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the NAS–NRC evaluation and identify any adequate and well controlled investigation on the basis of which it could reasonably be concluded that these drugs would have the effectiveness claimed and would be safe for their intended use.

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852. Objections and requests for a hearing which are received in response to this order may be seen in the above office during business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon.

(Secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343–51; 21 U.S.C. 357, 360b)

Dated: February 2, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2122 Filed 2–11–72;8:49 am]

[DESI 6483]

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Bacitracin Sterile Powder

In a notice (DESI 6483) published in the FEDERAL REGISTER of June 24, 1970 (35 F.R. 10326), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following bacitracin drugs:

1. Bacitracin Sterile Powder; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 6–483).

2. Bacitracin Sterile Powder; Chas. Pfizer and Co., Inc., 235 42d Street, New York, N.Y. 10017 (NDA 60–282).

3. Bacitracin Sterile Powder; Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. (NDA 60–350).

These preparations have been reevaluated and a notice amending the June 24, 1970, announcement is published elsewhere in this issue of the FEDERAL REGISTER. Based on the amendments to this notice, the Commissioner finds it necessary to amend § 146e.401 (21 CFR 146e.401).

Therefore, pursuant to the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 146e.401 is amended in paragraphs (a)(1) and (c)(1)(i) and (ii), as follows:

§ 146e.401 Bacitracin.

(a) * * *

(1) Its potency is not less than 40 units per milligram, except that if it is packaged for dispensing its potency is not less than 50 units per milligram.

* * * * *

(c) * * *

(1) * * *

(i) An expiration date prescribed by § 148.3(a)(3) of this chapter.

(ii) On the outside wrapper or container, if it is packaged for dispensing the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

* * * * *

Any person who will be adversely affected by this amendment to the antibiotic drug regulations may file objections to this order, request a hearing, and show reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended, and shall include a well organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner will be named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act. (35 F.R. 7250, May 8, 1970.)

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Maryland 20852. Received objections and requests for a hearing may be seen in the above office during business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling the Commissioner will specify another effective date.

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2114 Filed 2–11–72;8:48 am]

[DESI 11212]

PART 148i—NEOMYCIN SULFATE

Confirmation of Order Revoking Provisions for Certification of Combination Drug Containing Neomycin Sulfate and Nystatin for Oral Use

An order was published in the FEDERAL REGISTER of November 2, 1971 (36 F.R. 20938), amending the antibiotic drug regulations to repeal provisions for certification of neomycin sulfate-nystatin tablets. The order amended Part 148i by revoking § 148i.29 and all antibiotic certificates issued thereunder.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendment promulgated thereby became effective December 12, 1971.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drug. Certification of new stocks has been discontinued.

Dated: February 2, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2123 Filed 2–11–72;8:49 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 478–72]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart B—Office of the Attorney General

ESTABLISHING THE OFFICE FOR DRUG ABUSE LAW ENFORCEMENT

Executive Order No. 11641 of January 28, 1972, provides for the concentration of law enforcement activities relating to drug abuse. It directs the Attorney General to provide for the establishment within the Department of Justice of an Office for Drug Abuse Law Enforcement, to be headed by a Director. The purpose of this order is to implement the directives and purposes of Executive Order No. 11641.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, 5 U.S.C. 301, the Comprehensive Drug Abuse Prevention and Control Act of 1970, and Executive Order No. 11641 of January 28, 1972, Subpart B of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new § 0.11:

§ 0.11 Office for Drug Abuse Law Enforcement.

There shall be in the Office of the Attorney General an Office for Drug Abuse Law Enforcement, to be headed by a Director who shall have the title of Special Assistant Attorney General. Subject to the general supervision and direction of the Attorney General, the Director shall be responsible for the development and implementation of a concentrated program throughout the Federal Government for the enforcement of Federal laws relating to the prevention of drug abuse and for cooperation with State and local governments in the enforcement of their drug abuse laws.

Dated: February 4, 1972.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.72–2162 Filed 2–11–72;8:52 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 727—AGRICULTURE INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), and by means of Administrative Order No. 618 (36 F.R. 7686), the Secretary of Labor appointed and convened Industry Committee No. 106 for the Agriculture Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 106 are hereby published, revising § 727.2 of Title 29, Code of Federal Regulations. The rates for those classifications for which Industry Committee No. 106 was unable to agree are continued. These rates are those recommended by Industry Committee No. 89–A and published January 28, 1970 (35 F.R. 1105).

As revised, § 727.2 reads as follows:

§ 727.2 Wage rates.

(a) *Livestock farms.* Livestock farms are defined as those engaged in the breeding and raising of cattle for meat; the care of poultry for the production of meat and/or eggs; and the production and rearing of baby chicks, game cocks, or any other birds; and the breeding and raising of swine.

(1) *Drivers, tractor operators and machinery operators classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities in livestock farm operations performed by drivers of motor vehicles, tractor operators, or operators of any other agricultural motor machinery. Tractor operators include those who condition and operate tractors to haul heavy agricultural machinery such as plows, cultivators, rakes, etc., and may operate a small tractor (wheeled tractor) commonly known in Puerto Rico as mosquito to haul light agricultural machinery used in farms or to pull dump wagons, mow grass, sink poles, etc.

(2) *Craftsmen classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities in livestock farm operations performed by craftsmen who practice, carry out or accomplish work which requires mechanical or manual skill, including, but without limitation, cabinetmakers, electricians, painters, mechanics, masons, carpenters, or plumbers.

(3) *Other workers classification.* (i) The minimum rate for this classification is $1.15 an hour.

(ii) This classification is defined as all activities in livestock farm operations, except those included in any other livestock farm classifications.

(b) *Pineapple farms.* Pinapple farms are defined as those engaged in the sowing, cultivation, harvesting, packing, sale, and delivery of pineapple to a warehouse or market.

(1) *Drivers, tractor operators, and machinery operators classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is denied as all activities on pineapple farms performed by drivers of motor vehicles, tractor operators, or operators of any other agricultural motor machinery. Tractor operators include those who condition and operate tractors to haul heavy agricultural machinery such as plows, cultivators, rakes, etc., and may operate a small tractor (wheeled tractor) commonly known in Puerto Rico as mosquito to haul light agricultural machinery used in farms or to pull dump wagons, mow grass, sink poles, etc.

(2) *Craftsmen classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities on pineapple farms performed by craftsmen who practice, carry out or accomplish work which requires mechanical or manual skill, including, but without limitation, cabinetmakers, electricians, painters, mechanics, masons, carpenters, or plumbers.

(3) *Other workers classification.* (i) The minimum rate for this classification is $1.15 an hour.

(ii) This classification is defined as all activities in pineapple farm operations, except those included in any other pineapple farm classifications.

(c) *Dairy farms.* Dairy farms are defined as those engaged in the production, handling, packing, bottling, and storage of milk, and in the breeding of bovine cattle for the production of milk.

(1) *Drivers, tractor operators, and machinery operators classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities in dairy farms performed by drivers of motor vehicles, tractor operators, or operators of any other agricultural motor machinery. Tractor operators include those who condition and operate tractors to haul heavy agricultural machinery such as plows, cultivators, rakes, etc., and may operate a small tractor (wheeled tractor) commonly known in Puerto Rico as mosquito to haul light agricultural machinery used in farms or to pull dump wagons, mow grass, sink poles, etc.

(2) *Craftsmen classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities in dairy farms performed by craftsmen who practice, carry out or accomplish work which requires mechanical or manual skill, including, but without limitation, cabinetmakers, electricians, painters, mechanics, masons, carpenters, or plumbers.

(3) *Milkers classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as the activities of milkers in dairy farms who milk cows by machine or by hand, and tend machines which separate milk from cream.

(4) *Other workers classification.* (i) The minimum rate for this classification is $1.15 an hour.

(ii) This classification is defined as all activities on dairy farms, except those included in any other dairy farm classifications.

(d) *Tobacco farms.* Tobacco farms are defined as those engaged in the preparation of the soil, the planting, handplanting, cultivating, harvesting, sowing, drying, packing, preparing, and delivery of tobacco.

(1) *Drivers, tractor operators, and machinery operators classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities on tobacco farms performed by drivers of motor vehicles, tractor operators, or operators of any other agricultural motor machinery. Tractor operators include those who condition and operate tractors to haul heavy agricultural machinery such as plows, cultivators, rakes, etc., and may operate a small tractor (wheeled tractor) commonly known in Puerto Rico as mosquito to haul light agricultural machinery used in farms or to pull dump wagons, mow grass, sink poles, etc.

(2) *Craftsmen classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities on tobacco farms performed by craftsmen who practice, carry out, or accomplish any work which requires mechanical or manual skill, including, but without limitation, cabinetmakers, electricians, painters, mechanics, masons, carpenters, or plumbers.

(3) *Other workers classification.* (i) The minimum rate for this classification is $0.58 an hour.

(ii) This classification is defined as all activities on tobacco farms, except those included in any other tobacco farm classifications.

(e) *Coffee farms.* Coffee farms are defined as those engaged in the planting, replanting, and cultivating of coffee trees (including the preparation of the soil); the harvesting of coffee; the removal of the pulp from the coffee bean; the washing, drying, hulling, and packing of the bean; and the conditioning of shade trees cultivated in connection with the growing of coffee.

(1) *Drivers, tractor operators, and machinery operators classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities on coffee farms performed by drivers of motor vehicles, tractor operators, or operators of any other agricultural motor machinery. Tractor operators include those who condition and operate tractors to haul heavy agricultural machinery such as plows, cultivators, rakes, etc., and may operate a small tractor (wheeled tractor) commonly known in Puerto Rico as mosquito to haul light agricultural machinery used in farms or to pull dump wagons, mow grass, sink poles, etc.

(2) *Craftsmen classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities on coffee farms performed by craftsmen who practice, carry out or accomplish any work which requires mechanical or manual skill, including, but without limitation, cabinetmakers, electricians, painters, mechanics, masons, carpenters, or plumbers.

(3) *Other workers classification.* (i) The minimum rate for this classification is $1.05 an hour.

(ii) This classification is defined as all activities on other farms, except those included in any other classification of this industry.

(f) *Other farms.* Other farms are defined as those engaged in all other work in the general agriculture industry in Puerto Rico other than work included in any other classification of this industry.

(1) *Drivers, tractor operators, and machinery operators classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities on other farms performed by drivers of motor vehicles, tractor operators, or operators of any other agricultural motor machinery. Tractor operators include those who condition and operate tractors to haul heavy agricultural machinery such as plows, cultivators, rakes, etc., and may operate a small tractor (wheeled tractor) commonly known in Puerto Rico as mosquito to haul light agricultural machinery used in farms or to pull dump wagons, mow grass, sink poles, etc.

(2) *Craftsmen classification.* (i) The minimum rate for this classification is $1.30 an hour.

(ii) This classification is defined as all activities on other farms performed by craftsmen who practice, carry out or accomplish any work which requires mechanical or manual skill, including, but without limitation, cabinetmakers, electricians, painters, mechanics, masons, carpenters, or plumbers.

(3) *Other workers classification.* (i) The minimum rate for this classification is $1.05 an hour.

(ii) This classification is defined as all activities on other farms, except those included in any other classification of this industry.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Effective date. This amendment shall become effective upon the expiration of 15 days after the date of publication.

Signed at Washington, D.C., this 9th day of February 1972.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72–2159 Filed 2–11–72;8:47 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

Amendments and Deletion to List

Section 1452.2 *Application of the act to prime contracts* is amended by deleting, from the list therein, footnotes 1 and 2 and the words "National Aeronautics and Space Administration" and "Federal Aviation Agency—June 30, 1964" and inserting at the end of such list the following:

Maritime Administration—Dec. 31, 1956.
Federal Maritime Board—Dec. 31, 1956, Aug. 12, 1961.
National Aeronautics and Space Administration—Sept. 6, 1958.
Federal Aviation Agency—June 30, 1964, Oct. 15, 1966.
Federal Aviation Administration—Oct. 15, 1966.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

Dated: February 9, 1972.

RICHARD T. BURRESS,
Chairman.

[FR Doc.72–2169 Filed 2–11–72;8:53 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Thiram

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of December 23, 1971 (36 F.R. 24826), proposing establishment of a tolerance for residues of the fungicide thiram (tetramethyl thiuram disulfide) in or on the raw agricultural commodity onions (dry bulbs) at 0.5 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.132 is amended by adding to the end thereof a new paragraph, as follows:

§ 180.132 Thiram; tolerances for residues.

* * * * *

0.5 part per million in or on onions (dry bulb).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–12–72).

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: February 3, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–2112 Filed 2–11–72;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Part 5A–1 is amended as follows:

PART 5A–1—GENERAL

The table of contents for Part 5A–1 is amended by the addition of the following entry:

Sec.
5A–1.304 Designation of solicitation opening time.

Subpart 5A–1.3—General Policies

Section 5A–1.304 is added as follows:

§ 5A–1.304 Designation of solicitation opening time.

For formally advertised solicitations, the bid opening time and date shall be shown on SF 33, Block 9, as follows: Time (a.m. or p.m.), Date (month — Day — Year (in numbers)), and the words: "Local time at the place of bid opening."

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

The table of contents for Part 5A–2 is amended by the addition of the following entry:

Sec.
5A–2.406–1 General.

Subpart 5A–2.2—Solicitation of Bids

1. Section 5A–2.202–1 is revised as follows:

§ 5A–2.202–1 Bidding time.

(a) Standard bidding times of 30 days for standard commercial articles or services and 40 days for other than standard commercial articles or services shall generally be used by contracting officers. However, deviations may be called for under certain conditions as illustrated by the following examples:

(1) Less than standard—

(i) A noncomplex solicitation for a relatively small number of standard commercial items or services that will be circulated only within the immediate trading area of the contracting office.

(ii) A solicitation covering a requirement for standard commercial articles that requires expedited procurement to meet ship sailing dates, or where delivery time is important but negotiation under "public exigency" authority is not justified.

(2) More than standard—

(i) A complex solicitation for a large number of standard commercial articles or services to be covered under a Federal Supply Schedule contract or term contract.

(ii) A solicitation for technical equipment wherein standard commercial items must be modified to meet Government specifications and bidders must prepare samples, drawings, illustrations, etc., which will undergo detailed engineering evaluations.

(b) Deviations from standard bidding times are authorized but require the approvals as set forth in (1) and (2), below:

(1) *Less than standard bidding time.* Less than the standard bidding time must be approved by the appropriate Branch Chief in the Procurement Operations Division, Central Office, or by the Chief of a regional Procurement Division. Except for noncomplex solicitations of the type described in § 5A–2.202–1(a)(1)(i) above, no approval shall be given for a bidding time of less than 7 days for standard commercial articles or less than 20 days for other than commercial articles, unless approved by an official at the next higher level of authority.

(2) *More than standard bidding time.* More than the standard bidding time must be approved by the Chief of the appropriate branch in the Procurement Operations Division, Central Office, or by the Chief of a regional Procurement Division.

2. Section 5A–2.202–3 is revised as follows:

§ 5A–2.202–3 Place and method of delivery of supplies.

The point at which delivery is to be made to the Government shall be stated clearly in each solicitation for offers. (See also § 1–2.202–3.)

Subpart 5A–2.4—Opening of Bids and Award of Contract

1. Section 5A–2.404–2(b) is amended as follows:

§ 5A–2.404–2 Rejection of individual bids.

* * * * *

(b) * * *

(1) If a page or pages are missing from the original bid, or from both the original and any signed copy of a bid, the contracting officer shall ascertain whether this is a major defect or if it constitutes a minor informality or irregularity which may be waived under § 1–2.405. The essential test of whether such bid may be considered responsive is whether the bidder's intention to be bound by all substantive portions of the solicitation in any resulting contract is evident from the terms of the bid as submitted. For example, where the solicitation portion of SF 33 specifically identifies the number of pages in the solicitation and the bidder has taken no exception to any portion of the solicitation, the signed offer usually should be considered as evidencing the bidder's intention to be bound by all of the substantive terms and conditions of the solicitation. However, if there is a need for clarification of the bidder's intent after bid opening with regard to a substantive aspect, such irregularity may not be waived and the bid must be rejected as nonresponsive.

* * * * *

2. Section 5A–2.406–1 is added as follows:

§ 5A–2.406–1 General.

Where a contracting officer has reason to believe that a mistake may have been made in a bid, he shall request from the bidder a verification of the bid. This request shall include the specific reasons for the contracting officer's suspicion. Use of such terms as "discrepancy in the bid," "disparity in bid," "disparity in prices," "prices are out of line," and similarly indefinite and vague terms shall be avoided.

3. Section 5A–2.407–1(c) is revised as follows:

§ 5A–2.407–1 General.

* * * * *

(c) Preaward inquiries from bidders normally shall be directed to the Business Service Center in accordance with § 5–2.408(c). If the inquiry is about the status of an award and notice of award has not been issued, the Business Service Center personnel or the contracting personnel, as appropriate, shall normally limit their response to a statement that final award determination has not been made. This does not preclude advising a bidder who is pressing for award status, that award will not be made to him, when such conclusion has been reached at the appropriate level required by the Delegations of Authority, nor does it preclude, when applicable, advising the bidder that his case has been referred to the Small Business Administration for consideration as to Certificate of Competency action and the reasons therefor. However, no information shall be given out with regard to the status of a proposed award being processed through GSA approval channels. When pressed for information under these circumstances, bidders shall be advised that our policy and procedures do not permit the release of information about status of awards while they are in process. Any action or discussion which may create false impressions in the eyes of prospective contractors about any forthcoming award must be avoided. Bidders must clearly understand that, until a formal notice of award is issued, no communication by the Government, whether written or oral, shall be interpreted as a promise that an award will be made. This includes, but is not limited to, requests for clarification of an offer, requests to extend the offer acceptance time, or requests for information for the purpose of verifying an offeror's ability to perform any resultant contract. In conformance with the foregoing, the following provision shall be included in all solicitations for offers:

AWARD

Until a formal notice of award is issued, no communication by the Government, whether written or oral, shall be interpreted as a promise that an award will be made.

* * * * *

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A–72.4—Term Contracts for Commodities Other Than Stores Stock Items

Section 5A–72.403 is revised as follows:

§ 5A–72.403 Distribution of information and placing of orders under zone and national contracts.

(a) Contracts providing for orders by Federal Supply Service only. Such contracts shall provide that orders may be placed by all FSS regions covered in the scope of the contract. The contracts shall be summarized on GSA Form 1584, Contract Summary, which shall be distributed with copies of the solicitation to each region included in the contract scope. (See § 5A–76.201.)

(b) Contracts providing for direct ordering by agencies, grantees and contractors (see § 101–26.7). Such term contracts shall be summarized in appropriate format to provide ordering offices with necessary information. Cover sheets will be prepared on the form illustrated in § 5A–16.950–1955, Cover for Term Contract Ordering Data, and shall contain: (1) FSC group or group and industry number in the case of service contracts; (2) complete title of the contract(s); (3) address of the issuing office; and (4) effective period of the contract. A national, zone, or regional map, as appropriate, will be printed in the lower left hand corner of the cover sheet to depict the area of geographic coverage. GSA Form 1955, Cover Sheet for Term Contract Ordering Data, and attachments, shall be distributed directly by the contract issuing office to addresses which will be furnished, upon application, by Region 8, Centralized Mailing Lists Services (CMLS). (See GSA Order FSS 1860.4.)

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

The table of contents for Part 5A–73 is amended by the addition of the following entry:

Sec.
5A–73.123–3 Cancellation provision.

Subpart 5A–73.1—Production and Maintenance

Section 5A–73.123–3 is added as follows:

§ 5A–73.123–3 Cancellation provision.

All multiple award solicitations including New Item Introductory Schedule solicitations, shall contain the following cancellation provision:

CANCELLATION

Resultant contracts may be canceled in whole or in part by either party upon 60 days written notice.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This regulation is effective on the date shown below.

Dated: February 1, 1972.

M. S. MEEKER,
Commissioner, Federal Supply Service.

[FR Doc.72–2113 Filed 2–11–72;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

[Circular 2330]

PART 25—USE OF THE "JOHNNY HORIZON" SYMBOL

On page 21207 of the FEDERAL REGISTER of November 4, 1971, there was published a notice and text of a proposed amendment to Subtitle A of Title 43, Code of Federal Regulations. The purpose of the amendment is to provide rules for the commercial manufacture, importation, reproduction, and use of the character "Johnny Horizon"—the official symbol for a public service antilitter and environmental cleanup program to maintain the beauty and utility of the Nation's public lands carried on by the Department of the Interior. It also provides guidelines for noncommercial use and for contributions of money and personal property to the "Johnny Horizon" program. These regulations are promulgated in accordance with the Act of September 25, 1970 (84 Stat. 870).

Interested persons were given until December 16, 1971, within which to submit comments, suggestions, or objections to the proposed amendment. Only one comment was received which suggested that the word "importation" be included in certain sections to prevent the importation of unauthorized "Johnny Horizon" items manufactured or reproduced outside of the United States. This suggested change has been made. A reference to State agencies as possible cooperators has also been added.

The proposed amendment is hereby adopted as changed, and is set forth below. This amendment shall become effective February 15, 1972.

HARRISON LORSCH,
Assistant Secretary of the Interior.

FEBRUARY 4, 1972.

Sec.
25.0–1 Purpose.
25.0–2 Objectives.
25.0–3 Authority.
25.0–5 Definitions.
25.1 Commercial use.
25.2 Noncommercial use.
25.3 Contributions.
25.4 Unauthorized use.

AUTHORITY: The provision of this Part 25 issued under the Act of September 25, 1970 (84 Stat. 870).

A new Part 25 is added to Subtitle A, Title 43 of the Code of Federal Regulations to read as follows:

§ 25.0–1 Purpose.

This subpart establishes rules for the commercial and noncommercial use of the "Johnny Horizon" symbol and name.

§ 25.0–2 Objectives.

The objectives of these regulations are (a) to maintain the integrity of the name and characterization of "Johnny Horizon" the official symbol for a public service antilitter and environmental cleanup program to maintain the beauty and utility of the Nation's public lands, (b) to authorize the noncommercial use of the symbol, and (c) to provide for use or royalty fees for the manufacture, reproduction, or use of the symbol for commercial purposes.

§ 25.0–3 Authority.

The Act of September 25, 1970 (84 Stat. 870) authorizes the Secretary of the Interior to establish and collect use or royalty fees for the manufacture, reproduction, or use of the "Johnny Horizon" name and symbol. The Act makes unauthorized manufacture, reproduction, and use a crime (18 U.S.C. 714). The Act also provides that royalty and use fees will be deposited in a special account and used for the purpose of furthering nationwide antilitter campaigns.

§ 25.0–5 Definitions.

As used in this part:

(a) The term "Johnny Horizon" means the name or characterization "Johnny Horizon" originated by the Bureau of Land Management, Department of the Interior, as the official symbol for a public service antilitter and environmental cleanup program, and as described in 18 U.S.C. 714, the representation of a tall, lean man, with strong facial features, who wears slacks and sport shirt buttoned to the collar (both green, when colored), no tie, a field

jacket (red, when colored), boot-type shoes (brown, when colored) and who carries a backpack.

(b) "Director" means the Director of the Bureau of Land Management, or the person he delegates to act for him on matters pertaining to the "Johnny Horizon" program.

(c) "Johnny Horizon program" means those activities and supporting services conducted in furtherance of a public service antilitter and environmental cleanup campaign which uses the "Johnny Horizon" name or symbol.

§ 25.1 Commercial use.

(a) *Licenses.* The "Johnny Horizon" name or symbol may be used for commercial purposes only under a license issued pursuant to the regulations in this part. Licenses will be granted to any individual, business, or corporation if the Director determines that the proposed commercial use will promote the purposes of the "Johnny Horizon" program and will not impair the integrity of the name or symbol.

(b) *Terms and conditions.* In order to maintain the integrity of the "Johnny Horizon" program and to regulate the manufacture, importation, reproduction, and use of the "Johnny Horizon" name and symbol licenses will be subject, but not limited, to the following terms and conditions:

(1) Payment of fair return to the United States for its property through negotiation of use or royalty fees.

(2) Licenses are nontransferable.

(3) All proposed products must be approved by the Director prior to manufacture, importation, or reproduction by the licensee. Substances inherently dangerous to users shall not be used.

(4) All licenses shall contain Equal Employment Opportunity provisions in compliance with Executive Order 11246, as amended (30 F.R. 12319 (1965)), and regulations issued pursuant thereto (41 CFR Chapter 60 and Part 17 of this chapter).

(5) Alteration of artwork must first be approved by the Director.

(6) Licenses shall be subject to revocation by the Director at any time he finds that (i) the use involved is injurious to the characterization of "Johnny Horizon," or (ii) there has been a violation of the terms and conditions of the license.

§ 25.2 Noncommercial use.

(a) *Permitted uses.* Products bearing the name or symbol of "Johnny Horizon," provided by the Government or acquired from licensed sources, may be used without a license or advance permission by any person or organization for the purpose of furthering antilitter and environmental cleanup campaigns, provided that no charge is made by the unlicensed user for service or products.

(b) *Technical advice.* To the extent possible, technical advice will be given to interested parties upon request to the Director.

(c) *Cooperation.* The Director may enter into cooperative agreements with other Federal and State agencies for use of the name or symbol of "Johnny Horizon." Agreements shall state the responsibilities of each agency pertaining to (1) maintaining the integrity of the program, (2) supplying materials, (3) assisting other groups or organizations, (4) restrictions of uses of materials, (5) altering artwork, and (6) making arrangements with public personalities engaged in the program.

§ 25.3 Contributions.

The Director may accept contributions of money and personal property by any person or organization for use in the "Johnny Horizon" program.

§ 25.4 Unauthorized use.

Manufacture, importation, reproduction, or use of the "Johnny Horizon" name or symbol, except as provided for under these regulations in this part is prohibited (16 U.S.C. 714).

[FR Doc.72-2144 Filed 2-11-72;8:51 am]

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5159]

[Colorado 0124514]

COLORADO

Powersite Restoration No. 685; Revocation of Powersite Reserve No. 335

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. section 818 (1964), and pursuant to the Determination of the Federal Power Commission in DA-473-Colorado, it is ordered as follows:

1. The Executive order of January 27, 1913, creating Powersite Reserve No. 335, is hereby revoked so far as it affects the following described lands:

UTE PRINCIPAL MERIDIAN

T. 1 N., R. 2 W.,
Sec. 20, lot 4.

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 102 W.,
Sec. 36, NE¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, NW¼SW¼, W½NE¼SW¼, SE¼NE¼SW¼.
T. 12 S., R. 102 W.,
Sec. 12, SE¼NW¼.
T. 13 S., R. 102 W.,
Sec. 1, E½SE¼;
Sec. 12, NE¼NE¼, W½E½;
Sec. 13, W½E½;
Sec. 24, W½E½ (lots 1, 3, 4, 5);
Sec. 25, W½NE¼, E½NW¼, N½SW¼, SW¼SW¼ (lots 1 through 7);
Sec. 35, NE¼NE¼, S½NE¼, W½SE¼;
Sec. 36, NW¼NW¼.

The areas described aggregate approximately 1307.17 acres in Mesa County.

All of the lands except the patented SE¼NW¼, sec. 12, T. 12 S., R. 102 W., are public lands.

2. At 10 a.m. on March 14, 1972, the public lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 14, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. These lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 7, 1972.

[FR Doc.72-2140 Filed 2-11-72;8:46 am]

[Public Land Order 5160]

[Colorado 071589]

COLORADO

Amendment of Public Land Order No. 2732

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 2732 of July 19, 1962, withdrawing national forest lands for camp and picnic grounds, recreation areas, and for watershed management, so far as it described land by legal subdivisions in sections 17 and 20, T. 42 N., R. 2 E., for the Wheeler Geological Area, is hereby amended to embrace instead the land described by metes and bounds as follows:

NEW MEXICO PRINCIPLE MERIDIAN

T. 42 N., R. 2 E.,
A tract of land beginning at corner No. 1 from which Geological Survey Halfmoon marker (lat. 37°53'58.673" N., long. 106°46'49.81" W.) bears North 0°2.35 chains to a witness corner and thence North 15°46' W. 54.36 chains to the Geological Survey Halfmoon marker:
Thence from corner No. 1 West 80.00 chains to Brass Cap Corner No. 2 (from which the GLO section corner common to sections 13 and 24, T. 42 N., R. 1 E., and sections 18 and 19, T. 42 N., R. 2 E., lies South 45°26' West 35.83 chains West);
Thence South 80.00 chains to Brass Cap No. 3;
Thence East 80.00 chains to Brass Cap No. 4;
Thence North 80.00 chains to the point of beginning.

The area described aggregates 640 acres.

2. The lands are national forest lands in the Rio Grande National Forest. At 10 a.m. on March 14, 1972, all lands previously included in the description of the Wheeler Geological Area, which are not included in the amended description, shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 7, 1972.

[FR Doc.72-2141 Filed 2-11-72;8:46 am]

[Public Land Order 5161]

[Colorado 012310]

COLORADO

Modification of Public Land Order No. 1272

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1272 of March 14, 1956, withdrawing the following described public lands for experimental purposes, scientific research, and studies in erosion and sedimentation control as the Badger Wash Study Area, is hereby modified to the extent necessary to permit leasing the lands for oil and gas under the Mineral Leasing Act of February 25, 1920, 41 Stat. 437, as amended and supplemented, 30 U.S.C. section 181 et seq. (1970):

SIXTH PRINCIPAL MERIDIAN

T. 8 S., R. 103 W.,
Tract 56, lots 10, 11, and 12;
Sec. 19, lots 6 to 8, inclusive;
Sec. 30, lots 5 to 7, inclusive;
Sec. 31, lots 5, 6, 7, 8, 10, 11, 12, 13, 14, and 15.
T. 8 S., R. 104 W.,
Sec. 24, E½, S½NW¼, E½SW¼, NW¼SW¼;
Sec. 25;
Sec. 26, SE¼NE¼, SE¼;
Sec. 35, E½, E½SW¼;
Sec. 36.
T. 9 S., R. 103 W.,
Sec. 6, lots 3 and 4.

The areas described aggregate 3,119.91 acres in Mesa County.

2. All valid applications and offers received at or prior to 10 a.m. on March 14, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. All leases issued under the provisions of the above-cited mineral leasing law will contain the stipulation that no occupancy for oil and gas exploration or production will be permitted, and directional drilling only from well sites outside the lands described above will be permitted. An applicant for a lease must consent to such stipulations as a condition for issuance of a lease.

Inquiries concerning this land should be addressed to the Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 7, 1972.

[FR Doc.72-2142 Filed 2-11-72;8:46 am]

[Public Land Order 5162]

[Montana 18092]

MONTANA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 32 Stat. 388, 43 U.S.C. 416 (1970), it is ordered as follows:

The departmental orders of August 18, 1902, March 2, 1903, and April 30, 1928, which withdrew lands for reclamation purposes, are hereby revoked so far as it affects the following described lands:

MONTANA PRINCIPAL MERIDIAN

T. 30 N., R. 31 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, N½S½, and SW¼SW¼;
Sec. 2;
Sec. 3, lot 4;
Sec. 4, lots 1 to 4, inclusive, SW¼NE¼, S½NW¼, and S½;
Sec. 5;
Sec. 8, NE¼ and SE¼NW¼;
Sec. 9, N½, N½SW¼, and SE¼;
Sec. 10, S½NE¼, W½, N½SE¼, SW¼SE¼, N½SE¼SE¼, N½SW¼SE¼SE¼, SW¼SW¼SE¼SE¼, NW¼SE¼SW¼SE¼SE¼, N½NW¼SE¼SE¼SE¼, and SW¼NW¼SE¼SE¼SE¼;
Sec. 11, N½, N½NE¼NE¼NE¼SW¼, SW¼NE¼NE¼NE¼SW¼, NW¼NE¼NE¼SW¼, NW¼SW¼NE¼NE¼SW¼, NW¼NE¼SW¼, N½NW¼SW¼NE¼SW¼, SW¼NW¼SW¼NE¼SW¼, N½NW¼SW¼, SW¼NW¼SW¼, N½SE¼NW¼SW¼, SW¼SE¼NW¼SW¼, NW¼SE¼NW¼SW¼, N½NE¼NW¼SW¼, SW¼SW¼, SW¼NE¼NW¼SW¼SW¼, NW¼NW¼SW¼SW¼, and NW¼SW¼NW¼SW¼SW¼;
Sec. 15, NW¼NE¼ and N½NW¼.
T. 31 N., R. 31 E.,
Sec. 21, lot 1, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 22, lots 1 to 4, inclusive, and N½S½;
Sec. 23, SE¼NE¼ and S½;
Secs. 24 to 28, inclusive;
Sec. 29, lot 1, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 32, lots 1 to 6, inclusive, NE¼NW¼, SE¼SW¼SW¼, and E½SW¼;
Secs. 33 to 36, inclusive.
T. 30 N., R. 32 E.,
Sec. 6, lots 1 to 8, inclusive, and lot 12.
T. 31 N., R. 32 E.,
Sec. 19, lots 1 to 4, inclusive, and E½W½;
Sec. 28, SW¼;
Sec. 29, SW¼NE¼, S½NW¼, and S½;
Secs. 30 and 31;
Sec. 32, N½ and N½S½;
Sec. 33, lots 1, 2, 3, 5, 6, and 7, S½NE¼, NW¼, and NE¼SE¼.

The areas described aggregate 12,131.95 acres in Phillips County.

The lands are within the Bowdoin National Wildlife Refuge as established by Executive Order No. 7295 of February 14, 1936, and as modified by Executive Order No. 8592 of November 12, 1940, and are subject to such laws and regulations pertaining to wildlife refuges.

HARRISON LOESCH,
Assistant Secretary of the Interior.

FEBRUARY 7, 1972.

[FR Doc.72-2143 Filed 2-11-72;8:46 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Definition of Gross Axle Weight Rating

This notice amends the definition of "Gross axle weight rating" to reflect more clearly the intended meaning of the phrase.

Gross axle weight rating is defined in 49 CFR 571.3 as follows:

"Gross axle weight rating" or "GAWR": Means the value specified by the vehicle manufacturer as the loaded weight on a single axle measured at the tire-ground interfaces.

GAWR, as it has been interpreted by this agency in response to questions from interested persons, is intended to reflect the load carrying capacity of the axle system, and not necessarily the actual load that may be imposed on an axle system by a vehicle in use. The capacity should normally be at least equal to the imposed load, of course, but it may exceed the imposed load to any extent desired by the vehicle manufacturer.

In order to express this intent more clearly, the definition of "Gross axle weight rating" in 49 CFR § 571.3, *Definitions*, is hereby revised to read as follows:

§ 571.3 Definitions.

• • • • •

"Gross axle weight rating" or "GAWR" means the value specified by the vehicle manufacturer as the load-carrying capacity of a single axle system, as measured at the tire-ground interfaces.

• • • • •

Effective date: February 12, 1972.

Since this amendment is interpretative in nature, and reflects current understanding and practice, it is found for good cause that notice and public procedure thereon are unnecessary, and that an immediate effective date is in the public interest.

(Secs. 103, 119, of National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and delegation of authority, 49 CFR 1.51)

Issued on February 8, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-2178 Filed 2-11-72;8:53 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration], Department of Housing and Urban Development

[Docket No. R-72-163]

PART 275—LOW RENT PUBLIC HOUSING

Appendix—Prototype Cost Limits for Public Housing; Amendment

In the FEDERAL REGISTER issued for Saturday, May 1, 1971 (36 F.R. 8213-8232) prototype per unit cost schedules were published pursuant to section 209 (a) of the Housing and Urban Development Act of 1970. While these schedules are currently being evaluated in light of

V 37 30 FEB 12 72 XUM

PROTOTYPE PER UNIT COST SCHEDULE
REGION I

	Number of bedrooms					
	0	1	2	3	4	5	6
Augusta, Maine:							
Detached and semidetached	10,600	12,650	13,980	16,700	20,060	22,880	23,380
Row dwellings	10,060	11,980	13,300	15,900	19,150	21,350	22,200
Walk-up	8,140	10,450	12,050	14,300	18,400	18,100	19,300
Elevator-structure	12,600	14,650	18,650				
Bangor, Maine:							
Detached and semidetached	10,300	12,250	13,550	16,200	19,450	21,650	22,650
Row dwellings	9,750	11,600	12,900	15,400	18,850	20,600	21,550
Walk-up	8,300	10,250	11,700	13,800	16,000	17,850	18,800
Elevator-structure	12,150	14,150	17,900				
Brunswick, Maine:							
Detached and semidetached	10,650	12,800	13,850	16,550	19,900	22,150	23,150
Row dwellings	9,950	11,850	13,200	15,750	18,900	21,050	22,050
Walk-up	8,500	10,500	11,900	14,100	16,350	17,950	18,900
Elevator-structure	12,400	14,400	18,300				
Calais, Maine:							
Detached and semidetached	11,200	13,400	14,850	17,700	21,250	23,700	24,850
Row dwellings	10,700	12,700	14,150	16,700	20,150	22,550	23,600
Walk-up	8,950	10,950	12,500	15,100	17,500	19,250	20,300
Elevator-structure	13,350	15,500	19,650				
Lewiston, Maine:							
Detached and semidetached	10,550	12,600	13,850	16,550	19,900	22,150	23,150
Row dwellings	9,950	11,850	13,200	15,750	18,950	21,050	22,050
Walk-up	8,500	10,500	11,950	14,100	16,350	17,950	18,900
Elevator-structure	12,400	14,450	18,350				
Portland, Maine:							
Detached and semidetached	10,550	12,600	13,850	16,550	19,900	22,150	23,150
Row dwellings	9,950	11,850	13,200	15,750	18,950	21,050	22,050
Walk-up	8,500	10,500	11,950	14,100	16,350	17,950	18,900
Elevator-structure	12,500	14,550	18,400				
Waterville, Maine:							
Detached and semidetached	10,200	12,100	13,400	16,000	19,250	21,400	22,400
Row dwellings	9,650	11,450	12,750	15,250	18,350	20,350	21,300
Walk-up	8,200	10,150	11,550	13,650	15,900	17,350	18,300
Elevator-structure	12,000	14,000	17,700				
Bennington, Vt.:							
Detached and semidetached	10,800	12,800	13,850	16,550	19,900	22,150	23,200
Row dwellings	10,000	11,900	13,250	15,750	18,900	21,100	22,050
Walk-up	8,550	10,550	12,000	14,300	16,400	18,100	19,000
Elevator-structure	11,700	13,850	17,500				
Brattleboro, Vt.:							
Detached and semidetached	10,800	12,800	13,850	16,550	19,900	22,150	23,200
Row dwellings	10,000	11,900	13,250	15,750	18,900	21,100	22,050
Walk-up	8,550	10,550	12,000	14,300	16,400	18,100	19,000
Elevator-structure	11,700	13,850	17,500				
Burlington, Vt.:							
Detached and semidetached	10,600	12,600	13,850	16,550	19,900	22,150	23,200
Row dwellings	10,000	11,900	13,250	15,750	18,900	21,100	22,050
Walk-up	8,550	10,500	12,000	14,300	16,400	18,100	19,000
Elevator-structure	11,700	13,850	17,500				
Montpelier, Vt.:							
Detached and semidetached	10,200	12,150	13,450	16,100	19,350	21,550	22,550
Row dwellings	9,750	11,600	12,900	15,300	18,400	20,500	21,450
Walk-up	8,300	10,200	11,650	13,800	15,950	17,600	18,500
Elevator-structure	11,700	13,850	17,500				
Rutland, Vt.:							
Detached and semidetached	10,150	12,300	13,600	16,300	19,650	21,900	22,900
Row dwellings	9,600	11,400	13,050	15,500	18,600	20,700	21,700
Walk-up	8,400	10,350	11,800	13,950	16,100	17,800	18,700
Elevator-structure	11,600	13,750	17,400				

[FR Doc.72-2042 Filed 2-11-72;8:45 am]

public comments received pursuant to invitation in the issuing order, consideration of subsequent factual project cost data received from the Manchester, N.H. area office indicates that certain prototype per unit cost schedules should be revised for the States of New Hampshire, Maine, and Vermont. Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to these revised limits, and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons, the appendix to Part 275 is amended as follows with respect to the locations named:

PROTOTYPE PER UNIT COST SCHEDULE
REGION I

Delete the Bangor, Augusta, Brunswick, Lewiston, Portland and Waterville, Maine schedules; the Manchester, Keene, Nashua, Portsmouth, Dover and Concord, N.H. schedules; the Burlington, Bennington, Rutland, Montpelier and Brattleboro, Vt. schedules under Region I and substitute in lieu thereof the revised prototype per unit cost shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedules. (Sec. 7(d) of Department of Housing and Urban Development Act. 42 U.S.C. 3535(d).)

Effective date. This rule is effective upon publication in the FEDERAL REGISTER (2-11-72).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

	Number of bedrooms					
	0	1	2	3	4	5	6
Concord, N.H.:							
Detached and semidetached	11,050	13,700	16,150	18,150	21,750	24,200	25,400
Row dwellings	10,850	13,050	14,600	17,200	20,750	23,100	24,100
Walk-up	9,950	12,300	14,050	16,600	19,200	21,100	22,200
Elevator-structure	13,750	16,000	20,200				
Dover, N.H.:							
Detached and semidetached	10,000	12,350	13,650	16,350	19,600	21,850	22,900
Row dwellings	9,800	11,750	13,050	15,550	18,700	20,850	21,750
Walk-up	8,950	11,100	12,700	14,950	17,300	19,050	20,000
Elevator-structure	12,400	14,400	18,250				
Keene, N.H.:							
Detached and semidetached	10,600	13,100	14,500	17,350	20,850	23,300	24,300
Row dwellings	10,400	12,500	13,850	16,500	19,850	22,100	23,100
Walk-up	9,500	11,750	13,450	16,850	18,250	20,200	21,250
Elevator-structure	13,150	15,300	19,350				
Manchester, N.H.:							
Detached and semidetached	10,350	12,800	14,150	16,950	20,350	22,650	23,750
Row dwellings	10,150	12,500	13,850	16,600	19,900	22,200	23,150
Walk-up	9,300	11,550	13,150	15,800	17,950	19,750	20,750
Elevator-structure	12,850	14,950	18,900				
Nashua, N.H.:							
Detached and semidetached	10,350	12,800	14,150	16,950	20,350	22,650	23,750
Row dwellings	10,150	12,200	13,650	16,150	19,400	21,700	22,750
Walk-up	9,300	11,500	13,100	15,600	17,650	19,750	20,750
Elevator-structure	12,850	14,950	18,900				
Portsmouth, N.H.:							
Detached and semidetached	10,850	13,400	14,800	17,750	21,300	23,600	24,650
Row dwellings	10,600	12,750	14,150	16,850	20,300	22,600	23,600
Walk-up	9,750	12,050	13,750	16,200	18,900	20,650	21,700
Elevator-structure	13,450	15,650	19,750				

FEDERAL REGISTER, VOL. 37, NO. 30—SATURDAY, FEBRUARY 12, 1972

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 59]

INSPECTION OF EGGS AND EGG PRODUCTS

Proposed Requirement of Formula and Approval of Labels for Use in Official Plants

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Inspection of Eggs and Egg Products under authority of the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031–1056).

STATEMENT OF CONSIDERATIONS

Egg products are used extensively by institutions and food manufacturing plants such as bakeries, confectioners, and premix manufacturers.

Sometimes water is added to egg products either as a carrier to dissolve and disperse other ingredients in the product, or to attain certain formulations. It is important for the users of egg products, especially when these products are incorporated with other ingredients, to have informative labeling on such products for proper formulations and to prevent deception. In order to provide this information, the Department is proposing to amend the Egg and Egg Products Inspection Regulations (7 CFR Part 59) and proposed amendments to such part in § 59.411(c)(1) published February 5, 1972, in 37 F.R. 2777, to require that when water is added to egg products in excess of that needed to reconstitute dehyrated ingredients, the total amount of water added, including the water content of any cellulose or vegetable gum used will be indicated in the ingredient statement on the label as a percentage of the total product volume. The proposed amendments would become effective September 1, 1972.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than March 13, 1972.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment is as follows:

In proposed amendments to 7 CFR Part 59 published February 5, 1972 in 37 F.R. 2777, paragraph (c)(1) of § 59.411 would be revised to read:

§ 59.411 Requirement of formulas and approval of labels for use in official egg products plants.

• • • • • •

(c) • • •

(1) The common or usual name, if any, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions. When water (excluding that used to reconstitute dehydrated ingredients back to their normal composition) is added to an egg product, the total amount of water added, including the water content of any cellulose or vegetable gums used, shall be expressed as a percentage of the total product volume in the ingredient statement on the label. This subparagraph (1) is effective September 1, 1972;

• • • • • •

Signed at Washington, D.C., this 9th day of February 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-2171 Filed 2-11-72;8:52 am]

[7 CFR Parts 1001, 1002]

[Dockets Nos. AO–14–A51, AO–71–A64]

MILK IN BOSTON REGIONAL AND NEW YORK-NEW JERSEY MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the foresaid marketing areas.

The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at New York, N.Y., on January 6, 1972, pursuant to notice thereof issued on December 17, 1971 (36 F.R. 24820).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on January 20, 1972 (37 F.R. 1112) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issues on the record relate to:

1. Increased takeouts under the seasonal incentive plan.
2. Emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Increased takeouts under the seasonal incentive plan.* The Boston Regional and New York-New Jersey milk orders should be amended to provide an additional 10 cents per hundredweight takeout under the seasonal incentive pricing plans during the months of March through June. The resulting amount taken out for each month under these orders thus would be: March, 20 cents; April, 30 cents; and May and June, 40 cents.

Under the terms of the current orders the Class I price is based on and moved by the average price per hundredweight for manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin, as reported by the U.S. Department of Agriculture for the preceding month on a 3.5 percent butterfat basis. The Class II price is the lesser of such Minnesota and Wisconsin pay price or a butter powder formula price and is adjusted monthly in varied amounts ranging from a subtraction of a maximum of 12 cents to an addition of a maximum of 10 cents.

Before computing the uniform price payable to producers for each of the months of March through June, an amount determined by multiplying the volume of pooled milk by the specified takeout rate under the seasonal incentive pricing plan is subtracted from the pool funds. These amounts are held by the market administrator and added to the pool funds distributed during the months of August through November. The amount of the payback during the month of August is 25 percent of the total amount withheld in the 4 spring months, in September 30 percent, in October 30 percent, and in November the remainder plus interest earned on the aggregate fund withheld in the March through June period.

The New York-New England Dairy Cooperative Coordinating Committee, representing 16 cooperative producer associations with extensive producer membership under the northeastern orders, proposed that the specified amounts of takeout under the Boston Regional and New York-New Jersey milk orders be increased by 10 cents per hundredweight during the months of March through June, in the identical manner here adopted.

Another substantial cooperative association also proposed that the Boston Regional order takeout be increased by 10 cents per hundredweight during these months but held that no change should

V37-30
FEB 12 72
XUM

be made in the New York-New Jersey order at this time.

The Committee's justification for amending the orders emanates from the fact that:

1. The blend prices payable to producers under the two orders have substantially increased since the seasonal incentive plan was adopted. Because the takeout amounts are fixed under the terms of the orders and have remained unchanged, their effect as a tool for promoting more uniform production has decreased.

2. The seasonality in the Class II prices is less than when the seasonal incentive plan was adopted, and this has reduced the seasonality in the blend prices under the orders.

Milk production in these markets normally peaks during spring months and reaches its lowest level during the fall months, usually in November. Market needs for milk for fluid use tend to be greatest during the period when supply is shortest. To encourage more even production, the orders historically employed seasonally varied Class I prices. Prices were lowest in the flush production months and highest in the months of shortest production. The seasonally varied prices which handlers were required to pay generally resulted in seasonally varied resale prices. The resulting variations in resale prices were not well received by consumers and were believed to have an adverse effect on overall consumption.

In April 1967 these orders were amended to provide the present seasonal incentive plan generally referred to as the Louisville plan. Under this plan, a specified amount per hundredweight is deducted during the spring months of greatest production. These monies are added back, plus interest earned, during the fall months when production is lowest. The plan results in seasonally varied producer prices and thus functions to promote uniform production in essentially the same manner as the pricing plan employed previously under the orders by financially rewarding those dairymen who adjust their production to peak during the fall months when blended prices for milk are highest.

Proponents indicated that uniform production contributes to marketing efficiency which results in lower hauling and storage costs, reduced overall operating costs, and increased returns on surplus utilization. They pointed out that because take-out amounts are fixed amounts under terms of the order, the effectiveness of such deductions decreases as milk prices increase.

Since adoption of the plan in 1967, the Minnesota-Wisconsin price for milk of 3.5 percent butterfat content has increased 82 cents, or 21 percent. In addition, the seasonal spread in the Class II price, which averaged 40 cents in the 1964–68 period, decreased to an average of only 26 cents in the 1968–71 period.

The upward spiral of the Minnesota and Wisconsin manufacturing milk price, on which both Class I and Class II prices are based, has resulted in a very substantial increase in class prices under the orders. The fixed spring take-outs under the seasonal incentive pricing plan throughout this period of rapidly increasing prices in conjunction with a decline in the seasonality in Class II prices has resulted in a decline in the seasonality of prices payable to producers.

Under usual circumstances it would be expected that insufficient seasonal swing in producers' pay prices would result in deterioration of the seasonal production pattern. There is little indication that the production pattern in these markets has been significantly altered by the change in seasonality of pricing which has thus far occurred. However, proponents' concern that the present seasonal production pattern may not continue in the face of the declining price incentive for fall production is valid. It is concluded, therefore, that proponents' request for a 10-cent per hundredweight increase in the take-out amounts during the spring months should be and is hereby adopted.

The spokesman for the cooperative which proposed amendment of the Boston Regional order but opposed amendment of the New York-New Jersey order held that an increased take-out rate under Order 1 would facilitate an improved pattern of production under that order. He indicated, however, that the change would result in an identical seasonal pricing plan under the Boston Regional and Connecticut orders (the Connecticut take-out is currently 10 cents higher than Boston Regional and New York-New Jersey) and this would tend to implement consolidation of those orders. This, he stated, was the primary reason for the cooperative's proposal to amend the Boston Regional order.

The cooperative's spokesman held that there was no indication that the reduced seasonality of pricing has had an adverse effect on the production pattern under Order 2. He also suggested that there could be producer opposition to the change in Order 2 and, therefore, held that the order should not be amended at this time.

Price alignment between the several northeastern markets has long been a matter of great concern both to producers and handlers. Numerous hearings have been held in the past to correct interorder price alignment to insure continuing orderly marketing which was threatened by shifts of producers between markets in response to price differences. As brought out in the cross-examination of the cooperative's spokesman, institutional factors in the Connecticut market tend to override price differences for producers seeking a market in Connecticut. This is not the case, however, between Orders 1 and 2. In large measure, producers can and do shift in substantial numbers whenever unusual price differences arise. It would be impractical to change the existing interorder price relationship between these two markets by modifying the take-out rate under the seasonal incentive pricing plan under the Boston Regional order only.

The proponent cooperatives for amendment of the two orders represent a very substantial segment of the producers in both markets. For the reasons previously stated, it is concluded that the proposal to amend both the Boston Regional and New York-New Jersey orders to increase the take-out rates under the seasonal incentive pricing plan should be adopted.

2. *Emergency action.* The notice of hearing stated that emergency action was requested with respect to these amendments. This would mean omission of a recommended decision. At the hearing, producer representatives favored issuance of a recommended decision. They indicated that emergency action should be taken only if the orders could not be amended by March, the first month of the take-out period under each order.

The cooperative favoring amendment of only the Boston Regional order further requested that a recommended decision be issued if the seasonal incentive plans under both orders are recommended for amendment. This would afford interested parties opportunity to file exceptions to the decision.

It is concluded that a recommended decision should be issued. It appears that sufficient time exists to amend the orders by March 1, the first month of the take-out period. Moreover, because there is some indication of possible disagreement among producer groups, it is desirable that opportunity be afforded for the filing of exceptions. Accordingly, the request for emergency action through omission of the recommended decision is denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the aforesaid marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

October 1971 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid marketing areas is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on February 9, 1972.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Order, Regulating the Handling of Milk in the Boston Regional and New York-New Jersey Marketing Areas

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and orders amending the orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on January 20, 1972, and published in the FEDERAL REGISTER on January 25, 1972 (37 F.R. 1112), shall be and are the terms and provisions of these orders, amending the orders, and are set forth in full herein.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

PART 1001—MILK IN BOSTON REGIONAL MARKETING AREA

1. In § 1001.65, paragraph (c) is revised as follows:

§ 100.65 Basic blended price.

* * * * * *

(c) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 20 cents in March, 30 cents in April, and 40 cents in May and June.

* * * * *

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.71, paragraph (c) is revised as follows:

§ 1002.71 Computation of the uniform price.

* * * * * *

(c) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk for the month by 20 cents in March, 30 cents in April, and 40 cents in May and June;

* * * * *

[FR Doc.72-2151 Filed 2-11-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 15, 17]

WHEAT FLOUR AND RELATED PRODUCTS AND BAKED PRODUCTS

Proposed Improvement of Nutrient Levels of Enriched Foods; Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of December 3, 1971 (36 F.R. 23074), proposing to improve the nutrient levels of enriched foods, provided 60 days for the filing of comments.

The Commissioner of Food and Drugs has received many requests to extend such time and, good reason therefor appearing, the time for filing comments is hereby extended to May 1, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2124 Filed 2-11-72;8:48 am]

V37-30 FEB 12 72 XUM

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 12]

[CGFR 72-25]

GENERAL REQUIREMENTS FOR CERTIFICATION

Notice of Proposed Rule Making

The Coast Guard is considering amending the merchant marine officers and seamen regulations to—

(a) Require an applicant for a merchant mariner's document to impress his thumbprint and sign the document at the time he makes application;

(b) Use the seaman's social security number as his official identification number for record purposes; and

(c) Describe current Coast Guard practices.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Coast Guard (CMC), Room 8234, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should identify the notice number, CGFR 72–25, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator.

Comments received before March 17, 1972, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8234, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, both before and after March 17, 1972. The proposal contained this document may be changed in the light of the comments received.

It is proposed to amend §§ 12.02–17(a), 12.02–23 (a), (b), and (f) to eliminate terminology that is no longer in use, such as "certificate of identification" and "certificate of service or efficiency", and to eliminate redundancy.

It is proposed to amend § 12.02–12(c) to require that an applicant for a merchant mariner's document impress his left thumbprint and sign the document at the time he makes application. It is further proposed that if the left thumb is missing, the applicant must impress his right thumbprint on the document. This new requirement will permit the Coast Guard to mail the document to the seamen instead of requiring the seamen to return to the issuing office to complete the processing.

It is proposed to amend § 12.02–17(d) to require that a seaman's social security number will be placed on his document and be his official identification number for record purposes.

It is proposed to revoke § 12.02–17(e) because the requirement concerns duplicate documents and is in the wrong section. In addition, it is proposed to amend paragraph (d) of § 12.02–23, which also concerns duplicate documents, to reflect current Coast Guard practices. This amendment would provide that a seaman issued a document described in § 12.02–5 must report to an Officer in Charge, Marine Inspection, its loss.

A revised paragraph (e) of § 12.02–23 is proposed that would permit a seaman to obtain a duplicate document or service record by—

(a) Applying to the nearest Officer in Charge, Marine Inspection, on form CG–4363 and paying the prescribed fees in § 12.02–23(c). A recent amendment to § 12.02–23(c) appears in the FEDERAL REGISTER of December 8, 1971 (36 F.R. 23296);

(b) Signing an affidavit that explains the loss of the document or service record; and

(c) Submitting at least two photographs for each duplicate document that the seaman needs.

In consideration of the foregoing, it is proposed to amend Subpart 12.02 of Title 46, Code of Federal Regulations, as follows:

1. By amending § 12.02–17(a) by striking the words "any person for a certificate of service or efficiency, or" and inserting the words "a person for a" in place thereof.

2. By revising § 12.02–17 (c) and (d) and revoking (e) to read as follows:

§ 12.02–17 Rules for the preparation and issuance of documents.

* * * * *

(c) When a seaman applies for a merchant mariner's document, he must—

(1) Sign the document; and

(2) Impress his left thumbprint on the document; or

(3) Impress his right thumbprint on the document if his left thumb is missing.

(d) A seaman's social security number is placed on his document and is his official identification number for record purposes.

(e) [Revoked]

* * * * *

§ 12.02–23 [Amended]

3. By amending § 12.02–23(a) by striking in the first sentence the following words—

(a) "certificate of identification, or"; and

(b) "representing a certificate of identification".

4. By amending § 12.02–23(b) by—

(a) Striking the words "representing a certificate of identification";

(b) Striking the words "or a duplicate" and inserting the words ", should he want one" in place thereof; and

(c) Striking "1.25–65", and inserting "1.25–40" in place thereof.

5. By amending § 12.02–23 by revising paragraphs (d) and (e) to read as follows:

6. By amending § 12.02–23(f) by striking the following words.

(a) "of a certificate of service, certificate of efficiency, certificate of identification, continuous discharge book, or"; and

(b) "with respect to proof that he is lawfully admitted to the United States for permanent residence".

§ 12.02–23 Issuance of duplicate documents.

* * * * *

(d) Each person issued a document described in § 12.02–5, shall report to an Officer in Charge, Marine Inspection, its loss.

(e) If a seaman's document or service record is missing, he may obtain a duplicate by following the procedures in paragraph (c) of this section and by—

(1) Signing an affidavit before the Officer in Charge, Marine Inspection, or his designated representative, that explains the loss of his document or service record; and

(2) Submitting at least two photographs for each duplicate document.

* * * * *

(R.S. 4405, as amended, R.S. 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b)(1), and 49 CFR 1.46(b))

Dated: February 7, 1972.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72-2156 Filed 2-11-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19417; FCC 72–109]

CABLE TELEVISION SYSTEMS

Proposed Carriage of Sports Programs

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to cable television systems and the carriage of sports programs on cable television systems, Docket No. 19417; petition for rule making amendment to Part 76 of the Commission's rules and regulations relative to cable television systems filed by Channel 6, Inc., licensee of Television Broadcast Station KCEN–TV, Temple-Waco, Tex., RM No. 1836.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

NATURE AND SCOPE OF THIS PROCEEDING

2. The Commission is today embarking on a new regulatory program for cable television. See Cable Television Report and Order (FCC 72–108), and letter of August 5, 1971, 31 FCC 2d 115 (1971). In the letter we discussed several aspects of sports programing including the relationship of Public Law 87–331, title 15, U.S.C. §§ 1291–93 to cable television. This is a complex area involving the effect of telecasting on gate receipts of sports teams and their ability to survive or thrive. Consequently, we welcome congressional guidance. But in the interim or if Congress chooses not to legislate in this area, we believe that we should institute this proceeding in accordance with the representations made in our letter so that established congressional policy will be implemented "before the significant emergence of new systems under (our) new rules."

PUBLIC LAW 87–331

3. Comments received in our rule making proceedings in Dockets 18397, 15 F.C.C. 2d 417 (1968) and 18397–A, 24 F.C.C. 2d 580 (1970), indicated that sports interests would generally have us ban the carriage on cable of professional sports events not broadcast by local market stations. The other extreme, of course, is to allow the carriage of whatever sports events appear on the stations that cable systems are permitted to carry under our rules. The middle ground is Public Law 87–331 and we believe that where Congress has already acted we can and should initiate rules for cable television.

4. The legislative process culminating in Public Law 87–331 was precipitated by the emergence of the American Football League and two cases of the same name: United States v. National Football League 116 F. Supp 319 (E.D. Pa. 1953) and 196 F. Supp 445 (E.D. Pa. 1971) (construing final judgment of cited 1953 case). A synopsis of these cases aids in understanding some of the basic issues involved in the subject proceeding.

5. Prior to 1953, the bylaws of the National Football League prohibited member teams from telecasting their games into an area of 75 miles radius of another team's city—without the consent of such other team[1]—on the day that such other team was playing at home or was playing away from home and causing its game to be televised by a station within 75 miles of its home city.[2] For example, if the Cleveland Browns were playing at home or if they were playing away from home and selling the right to the game to a station within 75 miles of Cleveland, no other team could sell television rights to their game within 75 miles of Cleveland.

6. In his 1953 decision Judge Grim held that the provision of the National Football League's bylaws that prohibited the telecasting of other games into the home territory of a team that was playing at home was a reasonable method of protecting attendance at games and not violative of the antitrust laws. However, when the home team was playing away there was no gate to protect, consequently the restriction on telecasting other games into the home territory of a club, not playing at home, was an unreasonable restraint on trade.[3] In 1961, the National Football League sought a construction of the final judgment entered in the 1953 case to determine the validity of a contract entered into by the League and the Columbia Broadcasting System. The contract gave CBS the exclusive right to telecast regular season games of the League with the proceeds from the sale to CBS to be distributed equally among the League teams. The contract represented a departure from the previous practice of League members of individually negotiating and selling television rights. The court found that this pooling arrangement eliminated competition among the League teams in a manner inconsistent with the 1953 decision and barred the enforcement of the contract. The 1961 decision, however, did not run against the American Football League which had sold a similar package to ABC in 1960 and 1961. Legislation was sought to remedy this alleged inequity and the result was Public Law 87–331.

7. *Proposed rule.* Public Law 87–331 is divided into three sections. The first, in relevant part, provides an exemption from the antitrust laws for professional football, basketball, baseball, and hockey so that "packaged" or "pooled" television rights may be sold by the league for games of the member clubs.[4] The second section provides for television blackout of games in the home territory of a team when it is playing at home. The third section effectively insures that the professional football teams will not play, or cause their games to be telecast into areas where collegiate football is being played, on Friday nights or Saturdays. While we propose no rule, we specifically request comment on whether regulation is needed to carry out the purposes of sections 1 and 3.

Section 2 of Public Law 87–331 (section 1292 of title 15 U.S.C.) states:

> Section 1291 of this title (exempting joint agreements to sell television rights to sports events) shall not apply to any joint agreement described in the first sentence in such section which prohibits any person to whom such rights are sold or transferred from televising any games within any area, except within the home territory of a member club of the league on a day when such club is playing a game at home.

8. The legislative history of Public Law 87–331 indicates that section 2 of the Act was included for the purpose of maintaining, when joint agreements for pooled television rights were sold, so much of the restriction on the televising of sports events as the Court believed was not anticompetitive in United States v. National Football League, 116 F. Supp. 319 supra—blackouts when the home team was playing at home. See 107 Cong. Rec. 18852 Congressman Rogers and of Congressman Cellar); and H.R. Rep. No. 1178, 87th Cong., first sess. 5 (1961).

9. We believe that the following proposed rule will accomplish the above described intention vis-à-vis cable television carriage of sports events:

When a professional baseball, basketball, football, or hockey team is playing at home, no cable television system located within the predicted Grade B contour[5] of a station located within the home city of the team shall, without the consent of the home team and its league, carry the television broadcast of a professional game of the same sport if such event is not available on a television station that:

(a) Is located within 35 miles of the reference point of the community of the system or

(b) Has an audience in the county or community of the system meeting the significant viewing test set forth in section 76.54 of the Commission's rules and regulations.

While Public Law 87–331 provides for blackouts when there are pooled or package arrangements, it does not specifically provide for restricting telecasts—either by broadcast or by cable—of sports events in "home territories" of teams when the team is playing at home and pooling is not involved. Because congressional policy does appear to focus on the protection of gate receipts for home games, our proposed rule does not distinguish between sports teams that pool their rights and those that do not. This is, of course, an appropriate area for comments—specifically, whether cable systems should be permitted to carry sports events in "home territories" when a team is playing at home and when there is no pooling agreement.

10. From the guidance of the legislative history, we believe that the most effective manner of preserving blackouts, vis-a-vis cable television systems, is to fashion such protection along the line of the actual usage of the sports blackout by the team employing it.[6] If a sports event is to be blacked out in a certain area, the event will not be sold to any station located in the area which is desired to be blacked out. We believe, then, that the Grade B contour of stations located in the home city of the team in question represents the area in which cable systems must comply with the blackout. By stations located in the home city we mean those licensed to the city itself or nearby communities that serve the home city. The home city of a team

---

[1] The Court found that it is the general policy of the clubs to withhold such consent. United States v. National Football League, 116 F. Supp 319 at 321.

[2] Certain exceptions to the 75 mile rule existed; e.g., when league cities were within 100 miles of each other. Id.

[3] The Court also found illegal all territorial restrictions on the sale of radio broadcasting rights and the exercise by the Commissioner of the National Football League of powers granted to him under the League's bylaws to disapprove television contracts because such power could effectuate illegal trade practices. Id. at 330.

[4] The first section of Public Law 87–331 was amended in 1966 to provide immunity from the antitrust laws so that the American and National Football Leagues could merge.

[5] We also invite comments on whether we should parallel our signal carriage rules by establishing a fixed mileage zone of 35 miles.

[6] H.R. Rep. 1178, 87th Cong., 1st sess. 5 (1961) states:

> The term "home territory" is not susceptible of a single definition that will be suitable for all professional football, baseball, basketball, and hockey leagues. By "home territory" the committee means such home territory as is recognized by a particular league's bylaws or custom and usage.

FEB 12 72

that plays in more than one city, e.g., the Virgina Squires or North Carolina Cougars, would be the home city in which the team is playing on a particular day. Because different leagues recognized varying distances for "home territories," we seek comments on whether cable systems not located within the Grade B contours of stations in a team's home city but within their "home territory" (where a broadcast station might be subject to a blackout) should fall within our proposed rule and whether a fixed mileage zone would be preferable to the proposal for Grade B contours. We also request comments on whether there should be different criteria for carriage of the home games as against the games of some other team. With respect to television broadcast stations not located in the home city (or within the "home territory") of a professional team, we do not believe that distant sports programing should be blacked out on cable systems located within the Grade B contours because such blackout would not conform to the purpose of the blackout rule—protecting attendance at games. Finally, we contemplate that cable television systems would, in any case, be permitted to carry sports events on local stations or on those significantly viewed. Since these games are viewable off the air in the community of the system, this reflects the practice of the team or leagues involved.

11. Channel 6, Inc., licensee of Television Broadcast Station KCEN–TV, Temple-Waco, Tex., has filed a petition for rule making, R.M. No. 1836,[1] proposing the following rule

Whenever carriage of a sporting event is "blacked-out" to a television broadcast station either by the promoters of the event or by the network with which the station is affiliated, such sporting event shall not be carried by any CATV system operating in the whole or in part within the predicted Grade B contour of said "blacked-out" station.

We are incorporating Channel 6's petition into this proceeding. Parties are, of course, free to comment on the proposed rule set forth immediately above and may introduce other solutions thought to be appropriate.

OTHER ISSUES

12. Aside from Public Law 87–331, a number of other questions have been raised (e.g., the effect of cable operations on minor league baseball; see comments of the Commissioner of Baseball in Docket 18397–A). Most importantly, the argument is made, particularly by representatives of the baseball, hockey, and basketball leagues, that unrestricted importation on distant signals of games of the same sport will undermine the ability of sports teams to obtain substantial revenues from the sale of packages of games (both home and away). We seek comments on these matters and as to the appropriateness of adopting rules for other sports events, e.g., golf, automobile races, college sports, etc., and on both the legal and policy aspects of any suggested action.

13. Because any action should be taken before significant numbers of new cable operations have commenced, we intend to complete this rule making proceeding expeditiously. Parties are therefore put on notice that requests for extension of time to file must be accompanied by a very strong showing of unusual circumstances—and not a recitation that the matter is an important, complex one or that it takes time for the group or association to canvass its members. Such matters have already been taken into account—along with a need to bring this proceeding to a speedy close—in fixing the filing date.

14. Authority for the proposed rule making instituted herein is contained in sections 2, 3, 4 (i), (j), and (k), 301, 303, 307, 308 of the Communications Act.

15. All interested persons are invited to file written comments on the rule making proposals on or before March 16, 1972, and reply comments on or before April 6, 1972. In reaching this decision on this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this notice.

16. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

Adopted: February 2, 1972.

Released: February 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–1827 Filed 2–11–72;8:45 am]

[1] Channel 7, Inc., licensee of Television Broadcast Station KLTV, Tyler, Tex., filed a petition for rule making requesting the adoption of a rule identical to the one requested by Channel 6. The disposition of the Channel 6 matter, through incorporation into this proceeding, should also satisfy the request of Channel 7.

[2] Commissioner H. Rex Lee absent.

[47 CFR Part 76]

[Docket No. 19418; FCC 72–110]

CABLE TELEVISION SYSTEMS

Proposed Importation of Radio Signals

In the matter of amendment of Part 76 of the Commission's rules and regulations to govern importation of radio signals by cable television systems, Docket No. 19418, RM–1782.

1. The Commission has before it a "Petition for Institution of Rule Making Barring or Restricting Importation of Non-local Radio Station Signals by CATV Systems" (RM–1782), filed April 9, 1971, by the Rocky Mountain Broadcasters' Association. Statements in support of this petition were filed by the National Association of Broadcasters and by the National Association of Educational Broadcasters. An opposition was filed by the National Cable Television Association.

2. This petition requests that the Commission adopt rules regulating the carriage of radio signals by cable television systems. No specific rule was proposed. As previously indicated in our August 5, 1971 Letter of Intent to Congress (31 FCC 2d 115, 140 (1971)) we believe this is an area where further inquiry and action by the Commission is needed. It appears that some of the same concerns we have expressed in our regulation of television signal carriage may also be applicable to radio carriage. Thus, petitioners urge that carriage of nonlocal radio stations, particularly when local stations are not also carried, fragments the market of local stations, potentially impairing their ability to serve the public. The need for action in this area is also suggested by the "Consensus Agreement" that we included as appendix D to our Cable Television Report and Order (FCC 72–108) adopted this day. That agreement suggests a rule so that:

When a CATV system carries a signal from an AM or FM radio station licensed to a community beyond a 35-mile radius of the system, it must, on request carry the signals of all local AM or FM stations respectively.

3. These considerations have persuaded us to inaugurate a rule making in this matter. Additionally, we are this day taking actions that we anticipate will result in significant new cable television system construction that may involve radio signal carriage and we, therefore, believe it appropriate to adopt some interim measures to govern the carriage of radio signals until this proceeding is completed. We believe the best way to proceed is through the certificating process (see Cable Television Report and Order, FCC 72–108, paragraph 110). Cable systems must disclose which radio signals will be carried in connection with the application for a certificate. (See Form 325 that accompanies the application.) In view of the substantial public interest questions involved and the difficulties inherent in attempting to remove or readjust the carriage of signals to which the public has become accustomed, we shall not, during the pendency of this proceeding, process applications for certificates which propose to bring distant[1] radio signals: (1) Into cable communities having licensed radio stations with populations of less than 50,000 or (2) into any community unless all radio stations of the same type (AM or FM) licensed to the cable community are also carried.

4. During this proceeding, the Commission will be seeking comment on the following issues: The definition of the term "local signal" as applied to radio stations; the possibility of "grandfathering" radio signals presently imported by cable systems; and the question of whether a leapfrog policy is appropriate here as in the case of television signals. In addition, consideration will be given to the possibility of devising importation policies premised either on the size of the market involved, or on the type of signals imported (educational, AM or FM), as presently is done with the carriage of television signals. The rule suggested in the consensus agreement should provide an appropriate focus for those commenting, with one addition—that whenever a local signal is carried, all such signals of the same type must be carried.

5. The Commission invites all interested parties to file written comments on this rule making proceeding on or before March 16, 1972, and reply comments on or before April 6, 1972. In reaching its decision on this matter, the Commission may take into account any other relevant information before it, in addition to the comments invited by this notice.

6. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

7. Authority for the proposed rule making is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, and 309.

Adopted: February 2, 1972.

Released: February 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–1828 Filed 2–11–72;8:45 am]

[1] For purposes of the interim procedures, we shall define a distant radio signal as one licensed to a community more than 75 miles from the cable community.

[2] Commissioner H. Rex Lee absent. Commissioner Johnson dissenting and issuing a statement, filed as part of the original document.

FEDERAL POWER COMMISSION

[18 CFR Part 260]

[Docket No. R–308]

NATURAL GAS PIPELINE COMPANIES

Total Gas Supply; Notice of Conference Regarding Annual Report FPC Form No. 15

FEBRUARY 7, 1972.

Take notice that on March 14, 1972, a conference will be held pursuant to the notice of proposed rule making issued September 29, 1971 (36 F.R. 19515), in Docket No. R–308 in response to the requests of certain parties. The conference will be held at 10 a.m. in a hearing room (to be posted) at the Federal Power Commission, 441 G Street NW., Washington, DC.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72–2103 Filed 2–11–72;8:45 am]

FEB 12 72

Notices

DEPARTMENT OF STATE

[Public Notice 350]

CONTINENTAL PIPE LINE CO.

Notice of Application for Pipeline Permit

The Department of State has received an application dated January 24, 1972, from Continental Pipe Line Co., a Delaware corporation having its main office at Ponca City, Okla., for a permit to construct, operate, and maintain a pipeline for petroleum, petroleum products, and other liquid hydrocarbons at the border between the United States and Canada.

Notice is hereby given pursuant to section 2(a) of Executive Order 11423 of August 16, 1968, that copies of this application are available to the public and that written comments thereon will be received by the Department of State for 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: January 31, 1972.

For the Secretary of State.

[SEAL] CHARLES N. BROWER,
Deputy Legal Adviser.

[FR Doc.72-2146 Filed 2-11-72;8:51 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

AMPHETAMINES AND METHAMPHETAMINE

Aggregate Production Quotas

On April 24, 1971, § 303.42 of the regulations implementing the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.) was published in the FEDERAL REGISTER (36 F.R. 7789). This section required that all persons requesting a 1972 procurement quota, according to § 303.12 of the regulations, or a 1972 individual manufacturing quota, according to § 303.22 of the regulations, for basic classes of controlled substances listed in §§ 308.11 (schedule I) and 308.12 (schedule II) of the regulations, file an appropriate application with the Bureau.

On July 7, 1971, a final order was published in the FEDERAL REGISTER (36 F.R. 12734) transferring all amphetamines and methamphetamine into schedule II of the Act. Thus, all persons manufacturing or procuring, for compounding and formulating, amphetamines and methamphetamine prior to the rescheduling, who desired to continue to do so in 1972, were required to submit their quota requests to the Bureau.

On December 4, 1971, the proposed aggregate production quotas for amphetamines and methamphetamine expressed in kilograms as the anhydrous alkaloid, were published in the FEDERAL REGISTER (36 F.R. 23165) as follows:

Basic class	Produced-1971	Requested-1972	Proposed-1972
Amphetamine	9,356	19,956	5,870
Methamphetamine	4,926	8,941	2,782

In determining the final amphetamine and methamphetamine aggregate production quotas for 1972, which are adequate to provide for the

(1) Estimated medical, scientific, research, and industrial needs of the United States;

(2) Lawful export requirements; and

(3) Establishment and maintenance of reserve stocks, the Bureau considered the following as required by section 306 of the CSA (21 U.S.C. 826) and § 303.11 of Title 21 of the Code of Federal Regulations:

(1) Total net disposal by manufacturers during the current and preceding 2 years and trends in the national rate of net disposal, which indicate a substantial decrease over the past 3-year period and a significant downward trend;

(2) Total actual (or estimated) inventory of amphetamines and methamphetamine and of all substances manufactured from them and trends in inventory accumulation, which also indicate a substantial decrease in inventory accumulation over the past 3-year period and a significant downward trend;

(3) Projected demand as indicated by procurement quotas requested pursuant to § 303.12 of Title 21 of the Code of Federal Regulations; and

(4) Other relevant factors affecting the medical, scientific, research, and industrial needs in the United States and lawful export requirements, including:

(a) Changes in currently accepted medical use in treatment with amphetamines and methamphetamine or substances which are manufactured from them as follows:

(i) Voluntary restrictions upon prescribing, administering, and dispensing of amphetamines and methamphetamine, except for highly limited and selective indications such as narcolepsy and hyperkinesis, adopted by an ever increasing number of medical and pharmacy associations and societies throughout the United States;

(ii) The American Medical Association's support for stronger controls over amphetamine and methamphetamine as indicated by its House of Delegates' adoption of a resolution supporting the Bureau's transfer of these substances to schedule II resulting in increased restrictions, including production quotas, and urging all physicians to limit their use of these substances to specific well-recognized medical indications; and

(iii) The Food and Drug Administration's order published in the FEDERAL REGISTER of August 8, 1970, by which it severely curtailed the prescribing, administering or dispensing of amphetamine and methamphetamine for exogenous obesity;

(b) Economic and physical availability of raw materials for use in manufacturing and for inventory purposes;

(c) Yield and stability problems;

(d) Potential disruptions to production; and

(e) Unforeseen emergencies.

Another factor considered by the Bureau was the estimate by Health, Education, and Welfare of legitimate needs in the United States for 1972. Prior to the publication of the Bureau's proposed aggregate production quotas, HEW recommended that 1972 legitimate needs in the United States could be met by a 40 percent reduction in the 1971 consumption level of amphetamines and methamphetamine in the United States. However, HEW indicated that this recommendation would be subject to upward or downward revision if clear-cut evidence of greater or lesser medical need should be presented. Thus, prior to publication of this order, HEW recommended that 1972 legitimate needs in the United States could be met by an additional 30 percent reduction in the 1972 consumption level of amphetamines and methamphetamine in the United States.

The final factor considered by the Bureau was the effect of the Bureau's recently completed "Operation Blackjack", which resulted in the issuance of an order to show cause on January 18, 1972 to Strasenburgh Prescription Products, Division of Pennwalt Corp., as to why the Bureau should not deny its application for a certificate of registration to export amphetamines and as to why the proposed 1972 aggregate production quota for amphetamines should not be reduced by the amount allocated for export purposes. By letter dated January 25, 1972, Pennwalt Corp. amended its application for certificate of registration to export by deleting from the application the exportation of amphetamines and requested that the proposed 1972 aggregate production quota be reduced correspondingly. The proposed quota for amphetamine was, thus, subject to further downward revision.

Based upon consideration of the above factors, the Director, Bureau of Narcotics and Dangerous Drugs, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, orders that the aggregate production quotas for 1972 for amphetamines and methamphetamine, expressed in kilograms as the anhydrous alkaloid, be established as follows:

Basic class	Produced-1971	Requested-1972	Granted-1972
Amphetamine	9,356	19,956	1,564
Methamphetamine	4,926	8,941	969

At the present time, the Food and Drug Administration is conducting a review of the question of the use of amphetamines and methamphetamine in short-term treatment of obesity. A final determination on the efficacy question will be announced by FDA on July 1, 1972. Since this announcement could result in significant alterations in the medical need for these substances, with a corresponding revision of the above quotas, the Bureau reserves its authority under this order to revise the above quotas after the July 1, 1972 report.

The Huntington Narcotics Guidance Council objected to the 1972 quotas originally proposed by the Bureau and requested a hearing on the issue of consideration and inclusion by the Bureau of short term obesity in determining the legitimate medical needs in the United States. In view of the additional reduction by the Bureau and the further quota revision, which will occur after the July 1, 1972, obesity report by FDA, the Huntington Narcotics Guidance Council has consented to deferment of the hearing as requested until its review of the revised 1972 quota following the FDA obesity report.

All persons who submitted an application for either an individual manufacturing quota or procurement quota for 1972 will be notified by mail as to their respective 1972 quota established by the Bureau.

This order is effective upon the date of its publication in the FEDERAL REGISTER (2-12-72).

Dated: February 10, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-2235 Filed 2-11-72;8:53 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 20575]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 3, 1972.

The Forest Service, U.S. Department of Agriculture, has filed application M 20575 for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for the protection of five existing public campgrounds and two Forest Service Administrative sites in the Lewis and Clark National Forest, Mont.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN MONTANA

LEWIS AND CLARK NATIONAL FOREST

Calf Creek Administrative Site

T. 13 N., R. 6 E.,
Sec. 33, SE¼SE¼.

Newlan Creek Administrative Site

T. 11 N., R. 7 E.,
Sec. 9, W½NE¼ and SE¼NW¼.

Moose Creek Campground

T. 12 N., R. 7 E.,
Sec. 5, S½NW¼NW¼NE¼, W½SW¼NW¼NE¼, SE¼NE¼NW¼, and NE¼SE¼NW¼.

Jumping Creek Campground

T. 12 N., R. 7 E.,
Sec. 36, S½NE¼NE¼NE¼, S½NW¼NE¼NE¼, S½NE¼NE¼, SE¼NW¼NE¼, N½NE¼SW¼NE¼, and N½N½SE¼NE¼.

Grasshopper Campground

T. 9 N., R. 8 E.,
Sec. 17, NE¼NE¼NW¼, S½NE¼NW¼, and N½SE¼NW¼.

Lamb Creek Campground

T. 12 N., R. 8 E.,
Sec. 33, S½S½SW¼NE¼, S½SW¼SE¼NE¼, S½S½SE¼NW¼, N½NE¼SW¼, SE¼NE¼SW¼, W½NE¼SE¼, and NW¼SE¼.

Dry Wolf Campground

T. 14 N., R. 9 E.,
Sec. 13, NE¼NE¼NE¼, S½NE¼NE¼, S½SW¼NW¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, NW¼SW¼NE¼, and NW¼SE¼NE¼, excluding the private lands in HES No. 63.

The areas described aggregate approximately 469.1 acres in Judith Basin and Meagher Counties, Mont.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-2168 Filed 2-11-72;8:48 am]

[Montana 20660(SD)]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 4, 1972.

The Forest Service, U.S. Department of Agriculture, has filed application M 20660(SD) for the withdrawal of national forest lands described below from mineral location and entry under the mining laws but not from leasing under the mineral leasing laws, subject to existing valid claims.

The applicant desires to protect an existing public campground and expand the campground facilities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, MT 59101.

The Department's regulation (43 CFR 2351.4(c)) provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purpose other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice

VOL 37 NO 30 FEB 12 72 XUM

will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BLACK HILLS MERIDIAN
CUSTER NATIONAL FOREST
Picnic Springs Campground

T. 22 N., R. 5 E.,
Sec. 15, NE¼

The area described contains 160 acres in Harding County, S. Dak.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-2167 Filed 2-11-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COOPERATIVE SPRUCE BUDWORM SUPPRESSION PROJECT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Cooperative Spruce Budworm Suppression Project in Maine, USDA-FS-ES(Adm) 72-16.

The environmental statement concerns a proposal by the U.S. Forest Service and the State of Maine Forestry Department to chemically treat an estimated 500,000 acres of State and private woodlands in Aroostook and Penobscot Counties, Maine, to suppress an unusually severe outbreak of the spruce budworm.

This draft environmental statement was filed with CEQ on January 21, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th and Independence Avenue SW., Washington, DC 20250.
USDA, Forest Service, 1621 North Kent Street, Room 1205-B, Rosslyn Plaza, Arlington, VA 22209.
USDA, Forest Service, 6816 Market Street, Room 207, Upper Darby, PA 19082.

A limited number of single copies are available upon request to Edward P. Cliff, Chief, U.S. Forest Service, South Agriculture Building, 12th and Independence Avenue SW., Washington, D.C. 20250.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA. 22151 for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Edward P. Cliff, Chief, U.S. Forest Service, South Agriculture Building, 12th and Independence Avenue SW., Washington, DC 20250. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

Dated: February 8, 1972.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

[FR Doc.72-2152 Filed 2-11-72;8:47 am]

Office of the Secretary

ADMINISTRATION OF CAPPER-VOLSTEAD ACT

Termination and Revocation

Pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, the committee established on October 14, 1959 (24 F.R. 8335), to carry out certain responsibilities assigned to the Secretary of Agriculture by 7 U.S.C. 291-292, is hereby terminated and the delegations to such committee are hereby revoked, effective immediately.

Done at Washington, D.C., this 9th day of February, 1972.

[SEAL] EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.72-2173 Filed 2-11-72;8:49 am]

CHAIRMAN, COMMODITY EXCHANGE COMMISSION

Notice of Designation

Pursuant to the provisions of section 2(a) of the Commodity Exchange Act, as amended (7 U.S.C. 2), I hereby designate Quentin M. West, Administrator, Economic Research Service, U.S. Department of Agriculture, to serve in my stead as Chairman of the Commodity Exchange Commission, effective immediately.

Done at Washington, D.C., this 9th day of February 1972.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.72-2174 Filed 2-11-72;8:49 am]

PENNSYLVANIA

Designation of Areas for Emergency Loans

For the purpose of making Emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in th following county in the State of Pennsylvania natural disasters have caused a general need for agricultural credit:

COUNTY

Somerset.

Emergency loans will not be made in the above-named county under this designation pursuant to applications received after June 30, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation.

The urgency of the need for Emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 9th day of February 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-2153 Filed 2-11-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

A. H. P., INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (MF 3490) has been filed by A. H. P., Inc., Post Office Box 1809, Gainesville, GA 30501, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of gentian violet as a fungicidal mold inhibitor in animal and poultry feeds.

Dated: February 9, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2125 Filed 2-11-72;8:49 am]

[Docket No. FDC-D-428; NDA No. 5-714]

ENDO LABORATORIES

Aurothioglycanide; Notice of Withdrawal of Approval of New Drug Application

In the FEDERAL REGISTER of February 26, 1971 (36 F.R. 3532), the Commissioner of Food and Drugs announced (DESI 5714) his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drug:

NDA 5-714; Lauron Suspension for Injection, containing aurothioglycanide; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, N.Y. 11530.

The announcement stated that the drug was regarded as possibly effective for the labeled indication, rheumatoid arthritis. Six months from the date of that publication were allowed for the holder of the application and any person marketing such drug without approval to obtain and submit data providing substantial evidence of effectiveness of the drug for the possibly effective indication. No such data have been received and the holder of said new drug application has requested withdrawal of approval of its new drug application and thereby has waived opportunity for a hearing, stating that marketing of the drug was discontinued in 1968.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 5-714, and all amendments and supplements thereto, is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (2-12-72).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2126 Filed 2-11-72;8:50 am]

[DESI 50223]

CERTAIN NEOMYCIN TOPICAL DERMATOLOGIC PREPARATIONS

Drugs for Human Use; Efficacy Study Implementation; Follow-up Notice

In a notice (DESI 50223) published in the FEDERAL REGISTER of April 6, 1971 (36 F.R. 6531), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following preparations:

1. Ultimycin Cream, containing neomycin palmitate and allantoin; Walker Corp. & Co., Inc., Easthampton Place and North Collingwood Avenue, Post Office Drawer 1320, Syracuse, N.Y. 13206 (NDA 50-223).

2. Neo-Mantle Lotion and Neo-Mantle Creme, both containing neomycin sulfate; Dome Laboratories Division, Miles Laboratories, Inc., 400 Morgan Lane, West Haven, Conn. 06516 (NDA 50-239 and NDA 50-240).

The notice stated that these drugs were regarded as possibly effective for their labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted pursuant to the notice of April 6, 1971.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for release. There is no antibiotic drug regulation which provides for certification of these preparations.

Any person who will be adversely affected by this action may, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, petition for the issuance of regulation providing for certification of the drugs for such indications. The petition must be supported by a full factual and well-documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2129 Filed 2-11-72;8:50 am]

[DESI 3684; Docket No. FDC-D-420; NDA 4-924, etc.]

CERTAIN SULFONAMIDE-CONTAINING PREPARATIONS FOR TOPICAL OR OPHTHALMIC USE

Notice of Withdrawal of Approval of New Drug Applications

In an announcement (DESI 3684) published in the FEDERAL REGISTER on September 25, 1970 (35 F.R. 14954), the Commissioner of Food and Drugs announced his conclusions pursuant to an evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the subject drugs, stating that these drugs are regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drugs has been submitted within the period provided.

The holders of the following new drug applications have requested withdrawal of approval of their new drug applications and have thereby waived their opportunity for hearing, stating that the drugs are no longer marketed. (NDA's identified by an asterisk were not reviewed by the Academy and not included in the notice of September 25, 1970, but are regarded as similarly affected.):

1. NDA 4-924*; Sulfadiazine Ointment 5 percent and Sulfadiazine Ophthalmic Ointment 5 percent; Lederle Laboratories, Division American Cyanamid Co., Pearl River, N.Y. 10965.

2. NDA 4-988*; Sulfathiazole-Urantoin Ointment; Mallinckrodt Chemical Works, 3600 North Second Street, St. Louis, Mo. 63160.

3. NDA 5-069*; Sulthigel Ointment and Jelly; Breon Laboratories, Inc., Subsidiary Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016.

4. NDA 5-122; Sulfathiazole Crystals; Breon Laboratories, Inc.

5. NDA 6-613; Sulfamylon (mafenide hydrochloride) Solutions; Otomylon (mafenide hydrochloride) Ear Drops; and Sulfamylon Hydrochloride with Streptomycin Sulfate; Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016.

A notice published in the FEDERAL REGISTER of July 24, 1970 (35 F.R. 11947), withdrew approval of NDA 3-756 Sulfallantoin Ointment 2 percent and Powder; S. F. Durst and Co., Inc., 5317 North Third Street, Philadelphia, Pa. 19120 (this new drug application held by Schuylkill Chemical Co., 2436 West Sedgley Avenue, Philadelphia, Pa. 19132). Another notice published in the FEDERAL REGISTER of August 6, 1971 (36 F.R. 14493), withdrew approval of NDA 5-114; Morumide Ointment; The S. E. Massengill Co., 527 Fifth Street, Bristol, Tenn. 37620. Approval of both of these new drug applications was withdrawn on the grounds that the applicants had failed to make reports under section 505(j) and §§ 130.13 and 130.35 (e) and (f) of the new drug regulations (21 CFR 130.13 and 130.35).

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120) finds on the basis of new information before him with respect to such drugs evaluated together with the evidence available to him when the applications were approved, that there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above-listed new drug applications and all amendments and supplements applying thereto is withdrawn effective on date of publication hereof in the FEDERAL REGISTER (2-12-72).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2127 Filed 2-11-72;8:50 am]

FEB 12 72
XUM

[DESI 3684; Docket No. FDC–D–406; NDA 9–684 etc.]

CERTAIN SULFONAMIDE-CONTAINING PREPARATIONS FOR TOPICAL, OPHTHALMIC OR OTIC USE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 3684) published in the FEDERAL REGISTER of September 25, 1970 (35 F.R. 14954) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council Drug Efficacy Study Group on the subject drugs, stating that these drugs are regarded as possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drugs has been submitted within the period provided.

Therefore, notice is given to the holders of the new drug applications listed below, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug applications and all amendments and supplements thereto on the grounds that new information evaluated together with the evidence available when the applications were approved, shows there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

1. NDA 6–187; ACR-Allantomide Ointment containing sulfanilamide, aminacrine hydrochloride and allantoin; National Drug Co., Division of Richardson-Merrell Inc., 4663 Stenton Avenue, Philadelphia, Pa. 19144.

2. NDA 3–684; Allantomide Ointment containing sulfanilamide and allantoin; National Drug Co.

3. NDA 4–494; Sulfathiasole Cream 5 percent; Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

4. NDA 5–061; Alukotion Sulfathiasole containing sulfathiasole, kaolin and aluminum hydroxide gel; Wyeth Laboratories, Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101.

5. NDA 8–781; Gantrisin Ear Solution containing sulfisoxazole diolamine, urea, and chlorobutanol; Roche Laboratories, Division Hoffman-La Roche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110.

6. NDA 5–623; Otomide Otic Solution containing sulfanilamide, urea, and chlorobutanol; White Laboratories, Inc., Galloping Hill Road, Kenilworth, N.J. 07033.

7. NDA 4–787; Sulfanilamide Powder; Acme Scientific Co., Post Office Box 8826, Richmond, Va. 23225.

8. NDA 6–367; Brandenfels Scalp and Hair Applications and Massage, containing sulfanilamide (Formula A) and lanolin (Formula B); Carl Brandenfels, Scappoose, Oregon 97056.

9. NDA 4–361; Sulfanilamide Powder; Hynson, Westcott and Dunning, Inc., Charles and Chase Streets, Baltimore, Md. 21201.

10. NDA 4–507; Sulfathiazole Cream 5 percent; S. F. Durst and Co., Inc., 5317 North Third Street, Philadelphia, Pa. 19120.

11. NDA 4–604; Triethyl-Diazine Solution containing sulfadiazine; Lederle Laboratories, Division American Cyanamid Co.; Pearl River, N.Y. 10965.

12. NDA 4–122; Sulfadiazine Ointment 5 percent and Sulfadiazine Ophthalmic Ointment 5 percent; Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970.)

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2128 Filed 2–11–72;8:50 am]

[Docket No. FDC–D–412; NDA 8–836, etc.]

GEIGY CHEMICAL CORP. AND ROCHE LABORATORIES; DIVISION OF HOFFMANN-LA ROCHE, INC.

Certain Topical Anti-Infective Drugs; Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Applications

In a notice (DESI 8836) published in the FEDERAL REGISTER of August 26, 1970 (35 F.R. 13604), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the drugs listed below, stating that the drugs were regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drugs has been submitted within the period provided.

Therefore, notice is given to the holders of the new drug applications, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug applications and all amendments and supplements thereto on the grounds that new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, shows there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

NDA 8–836, Sterosan Cream and Ointment, containing chlorquinaldol; Geigy Pharmaceuticals, Division of Geigy Chemical Co., Saw Mill River Road, Ardsley, N.Y. 10502.

NDA 11–675, Triburon Ointment; and

NDA 11–925, Triburon Cream, containing triclobisonium chloride; Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug applications would not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970)

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 2, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2130 Filed 2–11–72;8:50 am]

HYNITE CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1788; 21 U.S.C. 348 (b)(5)), notice is given that a petition (MF 3488) has been filed by the Hynite Corp., Carrollville Station, Oak Creek, Wis. 53154, proposing that § 121.301 *Hydrolyzed leather meal* (21 CFR 121.301) be amended to provide for the safe use of hydrolyzed leather meal in chick and broiler rations as a source of protein in an amount not to exceed 3.75 percent by weight of the finished feed.

Dated: February 2, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2135 Filed 2–11–72;8:51 am]

[Docket No. FDC–D–423; NDA 12–568]

ORTHO PHARMACEUTICAL CORP.

Chlordantoin and Benzalkonium Chloride Lotion; Notice of Withdrawal of Approval of New Drug Application

In the FEDERAL REGISTER of February 26, 1971 (36 F.R. 3535), the Commissioner of Food and Drugs announced (DESI 12568) his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drug:

NDA 12–568; Sporostacin Lotion containing chlordantoin and benzalkonium chloride; Ortho Pharmaceutical Corp., Route 202, Raritan, N.J. 08869.

The announcement stated that the drug was regarded as possibly effective for the labeled indication. Six months from the date of that publication were allowed for the holder of the application and any person marketing such drug without approval to obtain and submit data providing for substantial evidence of effectiveness of the drug for the possibly effective indication. No such data have been received and the holder of said new drug application has requested withdrawal of approval of its new drug application and thereby has waived opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing, finding, approval of new drug application No. 12–568, and all amendments and supplements thereto, is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (2–12–72).

Dated: February 2, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2131 Filed 2–11–72;8:50 am]

[Docket No. FDC–D–351; NDA 6–566, etc.]

OXANAMIDE AND CERTAIN OTHER DRUGS

Notice of Withdrawal of Approval of New Drug Applications

A notice was published in the FEDERAL REGISTER of August 3, 1971 (36 F.R. 14277), extending to each holder of a new drug application listed below, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act, withdrawing approval of each listed application and all amendments and supplements thereto. The basis of the proposed action was the lack of substantial evidence that the drugs are effective for their labeled indications,

FEB 12 72

NDA No.	Drug name	NDA holder
10-611	Quiactin Tablets, containing oxanamide.	The William S. Merrell Co., Division Richardson Merrell, Inc., 110 East Amity Rd., Cincinnati, OH 45215.
12-261	Lenetran Tablets, containing mephenoxalone.	Lakeside Laboratories, Division Colgate-Palmolive Co., 1707 East North Ave., Milwaukee, WI 53201.
6-566	Tolserol Tablets, Capsules [1] Elixir, Injection, and Powder [1] for Injection, containing mephenesin.	E. R. Squibb & Sons, Inc., Division Olin Mathieson Chemical Corp., 745 Fifth Ave., New York, N.Y 10022.
9-157	Tolseram Tablets, and Suspension, containing mephenesin carbamate.	Do.
16-934	Dioloxol Tablets, Capsules, and Elixir containing mephenesin.	G. W. Carnrick Co., 65 Horse Hill Rd., Cedar Knolls, NJ 07927.

[1] Although not specifically reviewed by the Academy, these are regarded as similarly affected.

Neither the holders of the new drug applications nor any other interested person have filed a written appearance of election as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e) and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above-listed new drug applications and all amendments and supplements thereto is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (2-12-72).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2136 Filed 2-11-72;8:51 am]

[Docket No. FDC-D-426; NDA 8-245]

PARKE, DAVIS & CO.

Combination Drug Containing Diphenhydramine Hydrochloride and Scopolamine Hydrobromide; Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

In a notice (DESI 8245) published in the FEDERAL REGISTER of October 15, 1970 (35 F.R. 16194) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below, stating that the drug is regarded as possibly effective for the labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

NDA 8-245; Benacine Tablets containing diphenhydramine hydrochloride and scopolamine hydrobromide; Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232.

Therefore, notice is given to Parke, Davis & Co. and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of an opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition.

A request for hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970.)

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2133 Filed 2-11-72;8:50 am]

[DESI 12467; Docket No. FDC-D-415; NDA 12-467]

SMITH, KLINE & FRENCH LABORATORIES

Combination Containing Trimeprazine Tartrate, Phenylpropanolamine Hydrochloride, and Acetaminophen for Oral Use; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In an announcement (DESI 12467) published in the FEDERAL REGISTER of May 22, 1971 (36 F.R. 9344), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Coplexen Liquid (NDA 12-467) containing trimeprazine tartrate, phenylpropanolamine hydrochloride, and acetaminophen. The announcement stated that there is a lack of substantial evidence that the drug is effective as a fixed combination for its various claims, a lack of evidence that the claimed benefits outweigh the risks of administration of a phenothiazine derivative for symptoms related to the common cold, and that the Commissioner of Food and Drugs intended to initiate proceedings to withdraw approval of the new drug application for the drug. Interested persons were invited to submit any pertinent data bearing on the proposal within 30 days following publication of the announcement. There has been no response.

Therefore, notice is given to Smith, Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, PA 19101, holder of NDA 12-467 for Coplexen Liquid, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of said application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is lack of substantial evidence that the drug will have the effects its purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 7, 1970)

Received requests for a hearing, and/or elections not to request a hearing, may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2132 Filed 2-11-72;8:50 am]

[Docket No. FDC-D-425; NDA 6-205]

PARKE, DAVIS AND CO.

Tetraethylammonium Chloride Injection; Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

In a notice (DESI 6205) published in the FEDERAL REGISTER of October 15, 1970 (35 F.R. 16195) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below, stating that the drug is regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

NDA 6-205; Etamon Chloride Sterivial containing Tetraethylammonium chloride; Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232.

Therefore, notice is given to Parke, Davis & Co., and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn. Any related drug for human use, not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of an opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application

FEB 12 72 XUM

should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970)

Received requests for a hearing and/or elections not to request a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2137 Filed 2-11-72;8:51 am]

[Docket No. FDC-D-417; NDA 11-577]

UPJOHN CO.

Ectylurea for Oral Use; Notice of Withdrawal of Approval of New Drug Application

In the FEDERAL REGISTER of June 25, 1970 (35 F.R. 10394), the Commissioner of Food and Drugs announced (DESI 6566) his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following drug for oral use:

Levanil Tablets containing ectylurea; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 11-577).

The announcement stated that the drug was regarded as either lacking substantial evidence of effectiveness or possibly effective for the various labeled indications. Six months from the date of that publication were allowed for the holder of the application and any person marketing such drug without approval to obtain and submit data providing substantial evidence of effectiveness of the drug for the possibly effective indications. No such data have been received and the holder of said new drug application has requested withdrawal of approval of its new drug application and thereby has waived opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505 (e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 11-577, and all amendments and supplements thereto, is withdrawn effective on the date of publication hereof in the FEDERAL REGISTER (2-12-72).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2134 Filed 2-11-72;8:50 am]

[Docket No. FDC-D-348; NDA 9-922]

VITAMIX PHARMACEUTICALS INC.

Pyrilamine Maleate—Dextroamphetamine Hydrochloride Injection; Notice of Withdrawal of Approval of New Drug Application

On July 23, 1971, there was published in the FEDERAL REGISTER (36 F.R. 13697) a notice of opportunity for hearing (DESI 9922) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of new drug applications NDA 9-922, Dexa-Pyramine Injection; Vitamix Pharmaceuticals, Inc., Division Wynn Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, PA 19132, in the absence of substantial evidence that the drug is effective as a fixed combination for the conditions of use recommended in its labeling.

Neither the holder of the new drug application nor any other interested person has filed a written appearance of election as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new drug application, and all amendments and supplements thereto, is withdrawn effective on the date of publication of this document (2-12-72).

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2139 Filed 2-11-72;8:51 am]

[Docket No. FDC-D-352; NDA 10-522, etc.]

WILSON LABORATORIES ET AL.

Trypsin or Chymotrypsin Injection and Ointment; Notice of Withdrawal of Approval of New Drug Applications

On August 28, 1971, there was published in the FEDERAL REGISTER (36 F.R. 17371) a notice of opportunity for hearing in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications listed below in the absence of substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

NDA No.	Drug name	NDA holder
11-882	Chymotrypsin Injection.	The Wilson Laboratories, Division of Wilson Pharmaceutical and Chemical Corp., 4221 South Western Ave., Chicago, IL. 60609.
11-883	Trypsin Injection...	Do.
12-743	Chymotrypsin Injection.	North American Pharmacal, 6851 Chase Rd., Dearborn, MI. 48126. (The former holder was Chicago Pharmacal Inc., Division of Conal Pharmaceuticals.)
10-779	Enzeon (chymotrypsin) Injection.	Breon Laboratories, Inc., Division Sterling Drug, Inc., 90 Park Ave., New York, NY 10016.
10-522	Parenzyme Aqueous Injection containing trypsin.	National Drug Co., Division of Richardson-Merrell, Inc., 4663 Stenton Ave., Philadelphia, PA. 19144.
11-252	Parenzyme Ointment containing trypsin chymotrypsin and aminacrine hydrochloride.	Do.

The Wilson Laboratories, by letter of October 8, 1971, elected not to avail itself of the opportunity for a hearing concerning NDA Nos. 11-882 and 11-883, stating that marketing of the drugs had been discontinued.

Neither the holders of the other new drug applications listed above nor any other interested person have filed a written appearance of election as provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The Commissioner of Food and Drugs, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended, 21 U.S.C. 355(e)) and under authority delegated to him (21 CFR 2.120), finds on the basis of new information before him with respect to each of said drugs, evaluated together with the evidence available to him when each application was approved, that there is a lack of substantial evidence that each of the drugs will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of the above new drug applications, and all amendments and supplements thereto, is withdrawn effective on the date of publication of this document (2-12-72).

Dated: February 2, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2138 Filed 2-11-72;8:51 am]

[DESI 6483]

BACITRACIN STERILE POWDER

Drugs for Human Use; Drug Efficacy Study Implementation; Classification and Labeling Amended

In a notice (DESI 6483) published in the FEDERAL REGISTER of June 24, 1970 (35 F.R. 10326), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following bacitracin drugs:

1. Bacitracin Sterile Powder; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 6-483).

2. Bacitracin Sterile Powder; Chas. Pfizer and Co., Inc., 235 42d St., New York, N.Y. 10017 (NDA 60-282).

3. Bacitracin Sterile Powder; Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114 (NDA 60-350).

The notice stated that the drug was regarded as probably effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications.

Based upon a reevaluation of these preparations, the Commissioner of Food and Drugs finds it appropriate to amend the announcement of June 24, 1970, by:

1. Changing the effectiveness classification of the following probably effective indication to effective: Intramuscularly for the treatment of infants with pneumonia and empyema caused by staphylococci shown to be sensitive to the drug.

2. Revising the labeling guidelines, as follows:

BACITRACIN STERILE POWDER

FOR INTRAMUSCULAR USE ONLY

WARNING

Nephrotoxicity: Bacitracin in parenteral (intramuscular) therapy may cause renal failure due to tubular and glomerular necrosis. Its use should be restricted to infants with staphylococcal pneumonia and empyema when due to organisms shown to be susceptible to bacitracin. It should be used only where adequate laboratory facilities are available and when constant supervision of the patient is possible.

Renal function should be carefully determined prior to and daily during therapy. The recommended daily dose should not be exceeded and fluid intake and urinary output maintained at proper levels to avoid kidney toxicity. If renal toxicity occurs the drug should be discontinued. The concurrent use of other nephrotoxic drugs, particularly streptomycin, kanamycin, polymyxin B, polymyxin E (colistin), neomycin, and viomycin, should be avoided.

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Bacitracin, an antibiotic substance derived from cultures of *Bacillus subtilis* (Tracey), exerts pronounced antibacterial action in vitro against a variety of gram-positive and a few gram-negative organisms. However, among systemic diseases, only staphylococcal infections qualify for consideration of bacitracin therapy. Bacitracin is assayed against a standard and its activity is expressed in units, 1 mg. having a potency of not less than 50 units.

Susceptibility plate testing: If the Kirby-Bauer method of disc susceptibility is used, a 10-unit bacitracin disc should give a zone of over 13 mm. when tested against a bacitracin-susceptible strain of *Staphylococcus aureus*. Absorption of bacitracin following intramuscular injection is rapid and complete. A dose of 200 or 300 units kg. every 6 hours gives serum levels of 0.2 to 2 mcg./ml. in individuals with normal renal function. The drug is excreted slowly by glomerular filtration. It is widely distributed in all body organs and is demonstrable in ascitic and pleural fluids after intramuscular injection.

INDICATIONS

In accord with the statements in the "Warning Box," the use of intramuscular bacitracin is limited to the treatment of infants with pneumonia and empyema caused by staphylococci shown to be susceptible to the drug.

CONTRAINDICATIONS

This drug is contraindicated in those individuals with a history of previous hypersensitivity or toxic reaction to it.

PRECAUTIONS

See "Warning Box" for precautions in regard to kidney toxicity associated with intramuscular use of bacitracin.

Adequate fluid intake should be maintained orally, or if necessary, by parenteral method.

As with other antibiotics, use of this drug may result in overgrowth of nonsusceptible organisms, including fungi. If superinfection occurs, appropriate therapy should be instituted.

ADVERSE REACTIONS

Nephrotoxic reactions. Albuminuria. Cylinduria. Azotemia. Rising blood levels without any increase in dosage.

Other reactions. Nausea and vomiting. Pain at site of injection. Skin rashes.

DOSAGE AND ADMINISTRATION

TO BE ADMINISTERED INTRAMUSCULARLY ONLY

Infant dose: For infants under 2500 Gm.—900 units/kg./24 hours in 2–3 divided doses. For infants over 2500 Gm.—1,000 units/kg./24 hours, in 2–3 divided doses.

Preparation of solutions. (To be supplied by manufacturer or distributor.)

Storage conditions. (To be supplied by manufacturer or distributor.)

3. The remaining probably effective and possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of this drug has been submitted pursuant to the notice of June 24, 1970.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release.

Any person who will be adversely affected by the deletion from labeling of the indications for which the drug has been reclassified from probably effective or possibly effective to lacking substantial evidence of effectiveness may, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, petition for the issuance of a regulation providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulations.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 3, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2115 Filed 2-11-72;8:48 am]

FEB 12 72
XUM

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 72-27]

SAN DIEGO HARBOR

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters as contained in the FEDERAL REGISTER of September 30, 1971 (36 F.R. 19160), I hereby affirm for publication in the FEDERAL REGISTER the order of A. H. Siemens, Captain, U.S. Coast Guard, Captain of the Port, San Diego, Calif., who has exercised authority as Captain of the Port, such order reading as follows:

SAN DIEGO HARBOR

SECURITY ZONE

Under the present authority of section 1 of Title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 0730 PST on March 13, 1972, until the USS *Kitty Hawk* has cleared San Diego Harbor, the following area is a Security Zone and I order it closed to any person or vessel due to the transmitting of San Diego Harbor by the U.S.S. *Kitty Hawk*. The Security Zone will be disestablished 1,500 yards astern of the U.S.S. *Kitty Hawk* as she transits the channel.

The water area contained within the limits of the turning basin off the U.S. Naval Air Station, North Island, San Diego Harbor. The boundary of the basin begins at 32°42'-21" N., 117°11'20" W. to Mooring Buoy No. 23, thence along a line from Mooring Buoy No. 23 to Mooring Buoy No. 27, thence to 32°42'-11" N., 117°10'49" W. thence along the face of the Naval Air Station, North Island to 32°-42'21" N., 117°11'20" W.; and the San Diego Main Channel from the above described turning basin to San Diego Channel Entrance Buoy No. 5.

No person or vessel shall remain in or enter this Security Zone without permission of the Captain of the Port, San Diego, 295-3121.

The Captain of the Port shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any state or political subdivision thereof.

For violation of this order, section 2 of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: February 10, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72-2244 Filed 2-11-72;8:53 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that a supplemental report dated December 1971, and entitled "Environmental Report, Construction Permit Stage, Shoreham Nuclear Power Station" submitted by the Long Island Lighting Co., is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Comsewogue Public Library, 170 Terryville Road, Port Jefferson, NY 11776. The report is also being made available to the public at the New York State Office of Planning Services, 488 Broadway, Albany, NY 12207 and at the Tri-State Regional Planning Commission, 100 Church Street, New York, NY 10007.

This report, which is a revision of the environmental report dated June 1, 1970, discusses environmental considerations related to the proposed construction of the Shoreham Nuclear Power Station located on the north shore of Long Island in Suffolk County, N.Y.

Notice of the availability of the applicant's original environmental report was published in the FEDERAL REGISTER on June 9, 1970 (35 F.R. 8897).

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. This statement will supersede the September 14, 1970, detailed statement for which a notice of availability was published in the FEDERAL REGISTER on September 18, 1970 (35 F.R. 14631). Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 7th day of February 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2105 Filed 2-11-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23542]

ATC BYLAWS INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in the above-entitled proceeding has been postponed from April 10, 1972, to May 1, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

For information concerning the issues and other details, interested persons are referred to the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 9, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72-2166 Filed 2-11-72;8:53 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 72-113]

CABLE TELEVISION SYSTEMS

Establishment of Advisory Committee to Consider Federal-State/Local Relationships

FEBRUARY 3, 1972.

As proposed in its "Letter of Intent," 31 FCC 2d 115, 139, and in accordance with section 3(b) of Executive Order 11007, 27 F.R. 1875 (February 28, 1962), and as noted this day in its Cable Television Report and Order, the Commission has created a Cable Television Advisory Committee to deal with problems of Federal-State/local relationships. Chairman Burch will head the Committee, and Mr. Sol Schildhause, Chief of the Commission's Cable Television Bureau, will be its Vice-Chairman.

The role of the Advisory Committee will include, but will not necessarily be limited to, the collection and analysis of information pertaining to the following subjects:

(a) Enforcement of minimum procedural requirements in the local franchising process.

(b) Enforcement of service and technical standards.

(c) Regional interconnection of cable systems.

(d) Construction timetables, and equitable development of service areas.

(e) Possibility of framing standardized franchise terms, forms, applications, etc.

(f) Methods of establishing subscriber rates, access costs, leased channel rates, franchise fees, etc.

(g) Franchise applicant selection criteria.

The Commission wishes to emphasize that, although the Committee will be advisory only, its recommendations are expected to be most helpful to the Commission in formulating its future policies in this most critical area.

It is anticipated that the membership of the Advisory Committee will consist of, but not be limited to, representatives of State and municipal entities, the cable television industry, and public-interest groups, and, of course, members of the Commission staff.

Persons desiring to participate in the work of the Committee should so advise the Vice-Chairman of the Committee, Mr. Sol Schildhause, in writing, by March 15, 1972.

Action by the Commission February 2, 1972. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, Reid, and Wiley.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1829 Filed 2-11-72;8:45 am]

[FCC 72-111]

CABLE TELEVISION SYSTEMS

Establishment of Advisory Committee To Consider Technical Standards

FEBRUARY 3, 1972.

As proposed in its "Letter of Intent," 31 FCC 2d 115, 134, and in accordance with section 3(b) of Executive Order 11007, 27 F.R. 1875 (February 28, 1962) and as noted this day in its Cable Television Report and Order, the Commission has created a Cable Television Technical Advisory Committee to deal with problems of technical standards. Chairman Burch will head the Committee, and Mr. Sol Schildhause, Chief of the Commission's Cable Television Bureau, will be its Vice-Chairman.

The Commission expects that the Advisory Committee will attempt to formulate and propose technical standards for carriage of cable originated programs, return (two-way) communication, and various miscellaneous cable services as they develop. In related effort, the Commission expects shortly to request comments on such matters as limitations on permissible cross-modulation, ghosting, measurement techniques, and carriage of aural broadcast signals (31 FCC 2d 134).

The Commission wishes to make clear that, although the Committee will be advisory only, its recommendations are expected to be most helpful to the Commission in formulating its future policies in this area.

It is anticipated that the membership of the Advisory Committee will consist of, but not be limited to, representatives of the cable television industry, the electronics industry, and public-interest groups and, of course, members of the Commission staff.

Persons desiring to participate in the work of the Committee should so advise the Vice-Chairman of the Committee, in writing, by March 15, 1972.

Action by the Commission February 2, 1972. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Johnson, Reid and Wiley.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-1830 Filed 2-11-72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CS72-643 etc.]

WALTER S. GRANT ET AL.

Notice of Applications for "Small Producer" Certificates [1]

FEBRUARY 3, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 1, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-643...	1-24-72	Walter S. Grant, 432 College Lane, Shreveport, LA 71106.
CS72-644...	1-24-72	Wayne L. Brown, 1111 Vickers Tower, Wichita, Kans. 67202.
CS72-645...	1-26-72	National Petroleum Corp., Post Office Box 29228, Columbus, OH 43229.
CS72-646...	1-27-72	Vermilion Bay Land Co., Post Office Box 81643, Oil Center Station, Lafayette, LA 70601.
CS72-647...	1-27-72	Franklin E. Bernsen, 2800 Fourth National Bank Bldg., Tulsa, Okla. 74119.
CS72-648...	1-27-72	Jessie E. Coller, Trustee, U/W Frederick A. Coller Trust, 2800 Fourth National Bank Bldg., Tulsa, Okla. 74119.
CS72-649...	1-20-72	Serendipity Gas Co., 2920 Republic Bank Tower, Dallas, Tex. 75201.

[FR Doc.72-2060 Filed 2-11-72;8:45 am]

[Docket No. CI72-467]

KILROY PROPERTIES INC.

Notice of Application

FEBRUARY 7, 1972.

Take notice that on January 28, 1972, Kilroy Properties Inc. (applicant), 1908 First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CI72-467 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Bayou Penchant Field, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to United on January 20, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year commencing March 20, 1972, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) at the rate of 35 cents per Mcf at 15.025 p.s.i.a. The estimated daily sales volumes are 1,500 to 2,000 Mcf of gas.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

FEB 12 72

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-2101 Filed 2-11-72;8:45 am]

[Docket No. CP68-173]

SYLVANIA CORP.

Notice of Petition To Amend

FEBRUARY 7, 1972.

Take notice that on January 31, 1972, The Sylvania Corp. (petitioner), 308 Seneca Street, Oil City, PA 16301, filed in Docket No. CP68-173, a petition to amend the order of the Commission issued in said docket (39 FPC 889) pursuant to section 7(c) of the Natural Gas Act by authorizing a change in its resale rate, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was granted a certificate of public convenience and necessity in subject docket on the condition that its resale rate should not be more than 32 cents per Mcf. Applicant requests that the original certificate be amended to allow it to charge a resale rate equal to the allowable cost of purchased gas plus a gathering and transportation allowance of 2 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 29, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-2102 Filed 2-11-72;8:45 am]

[Docket No. CI72-489]

EXCHANGE OIL & GAS CORP.

Notice of Application

FEBRUARY 10, 1972.

Take notice that on February 4, 1972, Exchange Oil & Gas Corp. (applicant), 1010 Common Street, New Orleans, La. 70112, filed in Docket No. CI72-489 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the Melodia Field, Lafourche Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on or about February 1, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale until December 31, 1972, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) at the rate of 35 cents per Mcf at 15.025 p.s.i.a. The estimated monthly sales volume is 54,060 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2207 Filed 2-11-72;8:52 am]

[Docket No. CI72-482]

MOBIL OIL CORP.

Notice of Application

FEBRUARY 10, 1972.

Take notice that on February 2, 1972, Mobil Oil Corp. (applicant), Post Office Box 1774, Houston, TX 77001, filed in Docket No. CI72-482 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the Melodia Field, Lafourche Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to commence the subject sale within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) at the rate of 35 cents per Mcf at 15.025 p.s.i.a. Applicant proposes to sell up to 35,000 Mcf of gas per day until December 31, 1972, or until applicant cancels the related contract after 6 months of deliveries, whichever occurs first.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2208 Filed 2-11-72;8:52 am]

[Docket No. CP72-197]

PECOS GROWERS GAS CO.

Notice of Application

FEBRUARY 10, 1972.

Take notice that on February 3, 1972, Pecos Growers Gas Co. (applicant), Fidelity Union Tower Building, Dallas, Tex. 75201, filed in Docket No. CP72-197 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Nautral Gas Pipeline Company of America (Natural) in Ward County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the subject sale to Natural on January 7, 1972, within the contemplation of § 2.68 of the Commission's general policy and interpretations (18 CFR 2.68) and that it proposes to continue said sale for 1 year from the termination of the 60-day emergency period within the contemplation § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 25,000 Mcf of gas per day at the rate of 35 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2210 Filed 2-11-72;8:52 am]

[Docket No. CI72-490]

PENNZOIL PRODUCING CO.

Notice of Application

FEBRUARY 10, 1972.

Take notice that on February 4, 1972, Pennzoil Producing Co. (applicant), 900 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CI72-490 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the East Gibson Area, Terrebonne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on January 26, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from March 26, 1972, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 210,000 Mcf of gas per month at 35 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2211 Filed 2-11-72;8:53 am]

[Docket No. CI72-491]

PENNZOIL PRODUCING CO.

Notice of Application

FEBRUARY 10, 1972.

Take notice that on February 4, 1972, Pennzoil Producing Co. (applicant), 900 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CI72-491 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Co. from the Walker Creek Field, Columbia County, Ark., and delivery of said gas to Beacon Gasoline Co. for transportation and delivery to the purchaser in Webster Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on January 25,

FEB 12 72

1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from March 25, 1972, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 31,000 Mcf of gas per month at 35 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 to 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2212 Filed 2-11-72;8:53 am]

[Docket No. CI72-480]

ROBERT MOSBACHER ET AL.

Notice of Application

FEBRUARY 10, 1972.

Take notice that on February 1, 1972, Robert Mosbacher, et al. (applicants), 21st Floor, Capital National Bank Building, Houston, Tex. 77002, filed in Docket No. CI72-480 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the Melodia Field, Lafourche Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to sell up to 35,000 Mcf of gas per day within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) at the rate of 35 cents per Mcf until December 31, 1972.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2209 Filed 2-11-72;8:52 am]

[Docket No. CP72-198]

UGI CORP.

Notice of Application

FEBRUARY 10, 1972.

Take notice that on February 4, 1972, UGI Corp. (applicant), 1401 Arch Street, Philadelphia, PA 19105, filed in Docket No. CP72-198 an application pursuant to section 7(c) of the Natural Gas Act authorizing the transportation of 15 truckloads, approximately 135,000 gallons, of liquefied natural gas (LNG) from Boston, Mass., to Temple, Pa., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is completing an LNG storage facility near Temple and that the LNG for coolant and testing will not be available from Distrigas Corp. as required on February 7, 1972. In order to assure that no moisture collects in the insulation in the storage facility and to begin initial testing applicant has contracted to purchase and proposes to transport from Boston Gas Co., Boston, Mass., 15 truckloads of LNG.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2213 Filed 2-11-72;8:53 am]

NATIONAL GAS SURVEY

Notice of Public Conference

FEBRUARY 10, 1972.

Please take notice that on February 22, 1972, at 2 p.m., a Public Conference will be held in the auditorium of the General Accounting Office Building, 441 G Street NW., Washington, DC, for the purpose of receiving comments by interested members of the public regarding the National Gas Survey.

Any person desiring to participate in such Conference should file with the Commission's Secretary, on or before

February 18, 1972, a notice of his intention to do so, in order that a schedule of presentations can be made. Such notice should include the full name of such individual, his address and the organization or group he represents, if any. Each organization or group should have one speaking representative at the Conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2208 Filed 2-11-72;8:53 am]

FEDERAL RESERVE SYSTEM

BANK SECURITIES INC.

Order Approving Acquisition of Bank

Bank Securities, Inc., Alamogordo, N. Mex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 60 percent or more of the voting shares of First National Bank of Portales, Portales, N. Mex. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, third largest of four multibank holding companies in New Mexico, has six subsidiary banks controlling $91.2 million in deposits representing 5.4 percent of total deposits held by commercial banks in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through November 30, 1971.) Upon acquisition of Bank ($12.8 million deposits) applicant's share of deposits in the State would increase by approximately 0.8 percentage points, and its present ranking would remain unchanged. Bank, the third largest of five banks in the Roosevelt-Curry County area, which approximates its banking market, operates two banking offices in Portales, N. Mex., and controls approximately 14 percent of commercial bank deposits in the market.

Applicant's acquisition of Bank would constitute its initial entry into the area, and its subsidiary banking office closest to Bank is located approximately 125 miles northwest of Bank. No competition exists between Bank and any of applicant's subsidiary banks, nor does it appear likely that such competition will develop in the future in light of the distances separating Bank from applicant's subsidiaries. Bank's relatively small size, and the State's restrictive branching laws. Consummation of this proposal would neither eliminate any meaningful existing competition nor foreclose significant potential competition.

Although it does not appear that any needs of the banking public in Bank's market are going unserved, applicant proposes to provide additional specialized services such as business and investment counseling and a convenient source of capital to permit the servicing of larger loans. The extension of these services should afford some benefit to the public. The financial and managerial resources and future prospects of applicant, its subsidiaries and Bank are generally satisfactory and consistent with approval. In addition, applicant's intention to modify its present management fee policy as concerns its subsidiary banks should have a beneficial effect on the prospects of these banks and the interests of their minority shareholders.

Additional consideration has been given to the form of applicant's proposal. The Board has on a number of occasions expressed the view that failure to make an equivalent offer to minority shareholders is considered as an adverse circumstance (e.g., 1971 Bulletin 415 and 688). Applicant plans to purchase for cash 60 percent of Bank's shares from four individuals, who are principals of applicant, pursuant to an option agreement executed with these individuals in December 1970. Applicant proposes to offer an exchange of shares to all minority shareholders of Bank at an exchange ratio based upon applicant's estimated present valuation of its shares rather than at a ratio based upon the actual market price of applicant's stock at the time of the exchange.

The Board wishes to note the difficulty, even after extensive market investigation, in determining a true market value of closely held, thinly traded bank holding company shares, for the purpose of evaluating the equivalence of a combination cash-exchange offer transaction of the type proposed by applicant. In view of this difficulty, there exists the possibility that an exchange offer which is not identical to the terms agreed to with holders of a majority of the shares may serve certain private interests to the undue disadvantage of minority shareholders. Therefore, the Board believes that where it is proposed that all shareholders of bank shares are not to be treated identically, the burden rests upon the proponents to demonstrate the substantial equivalence of the offers extended. Upon a review of the material supplied in support of applicant's proposal, and upon analysis of the current value of its shares and the future prospects and conditions in applicant's market, the Board concludes that the proposed offer to minority shareholders is substantially equivalent to that given the Bank's original majority shareholders. Accordingly, the Board concludes that the proposed transaction is in the public interest and should be approved,

On the basis of the record, the application is approved for the reasons summarized above.[1] The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] February 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2106 Filed 2-11-72;8:46 am]

[1] Dissenting Statement of Governor Robertson was filed as part of original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

CAPITAL NATIONAL CORP.

Acquisition of Bank

Capital National Corp., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 25 percent of the voting shares of Northwest National Bank, Houston, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 7, 1972.

Board of Governors of the Federal Reserve System, February 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2107 Filed 2-11-72;8:46 am]

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank

First Banc Group of Ohio, Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Clermont National Bank, Milford, Ohio (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Voting against this action: Governor Robertson.

FEB 12 72
XUM

Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls nine banks with deposits of $715.5 million, representing 3.2 percent of total commercial bank deposits in the State, and is the seventh largest banking organization in Ohio. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through November 30, 1971.)[1] Acquisition of Bank (deposits of $48.9 million) would increase applicant's share of deposits in the State by approximately 0.2 percentage points, and its present ranking would remain unchanged. Consummation of the proposed transaction would not result in a substantial increase in the concentration of banking resources in the State.

Bank's main office and two of its eight branch offices are located in Milford, Ohio, 16 miles east of Cincinnati, Ohio. It is the seventh largest of 39 banks in the Cincinnati market and controls 1.9 percent of market deposits. Applicant's subsidiary closest to Bank is located in a separate market approximately 19 miles northwest of Bank. Although some competition exists between bank and applicant's closest subsidiary, the amount of competition is not considered substantial. Thus, consummation of the proposed acquisition would not have a significantly adverse effect on existing competition.

The amount of potential competition which may be foreclosed by the proposed acquisition is regarded as insubstantial in view of the structure of the Cincinnati banking market, Bank's size, and Ohio's restrictive branch banking laws. The proposal represents applicant's initial entry into the Cincinnati market, a market in which the top four banking organizations control over 80 percent of banking deposits, and consummation of the proposal may serve to stimulate competition in this area.

On the basis of the foregoing, the Board concludes that consummation of the proposed transaction would not result in a monopoly, nor be in furtherance of any combination, conspiracy or attempt to monopolize the business of banking in any part of the United States, and would not restrain trade, substantially lessen competition, or tend to create a monopoly in any section of the country.

The financial and managerial resources and future prospects of applicant, its subsidiary banks and Bank are regarded as satisfactory and consistent with approval. Although there is no evidence that significant banking needs of the communities involved are going unserved, applicant proposes to expand mortgage, educational, consumer and industrial loans services and provide trust facilities through its lead bank. Accordingly, considerations relating to convenience and needs of the community lend some weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[2] February 7, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2108 Filed 2-11-72;8:46 am]

FIRST NATIONAL BANKSHARES OF FLORIDA, INC.

Order Approving Formation of Bank Holding Company

First National Bankshares of Florida, Inc., Pompano Beach, Fla., has applied for the Board's approval under section 3 (a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 90 percent or more of the voting shares of First National Bank of Pompano Beach, Pompano Beach; First National Bank of North Broward County, Lighthouse Point; First National Bank of Margate, Margate, and Beach First National Bank of Pompano Beach, Pompano Beach, all in the State of Florida.

Notice of receipt of the application has been given in accordance with section 3 (b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant was formed for the purpose of acquiring the four proposed subsidiary banks, all of which are affiliated through common stock ownership. Upon acquisition of Pompano Beach Bank (deposits of $72.5 million), North Broward Bank (deposits of $31.6 million), Margate Bank (deposits of $19 million), and Beach First Bank (deposits of $8.2 million), applicant would become the largest banking organization (deposits of $131.3 million) within the relevant market, which is approximated by the northern one-third of Broward County and Boca Raton in Palm Beach County.[1] Although applicant would have 32.6 percent of the commercial bank deposits in its market area, there would be no increase in market concentration and less than 1 percent of the total commercial bank deposits in Florida would be held by applicant's proposed subsidiary banks, thereby making applicant the 18th largest of 23 holding companies in the State.

The stockholders of Pompano Beach Bank organized de novo North Broward Bank, Margate Bank, and Beach First Bank. Pompano Beach Bank's stockholders own between 65 and 90 percent of the three affiliated banks and have been instrumental in the management of such banks. Since the affiliation among the four banks appears to be strong and is unlikely to diminish, there is no meaningful existing competition. It appears unlikely that competition among the banks will develop in the future or that competing banks would be adversely affected by the holding company formation.

The financial and managerial resources of applicant and the proposed subsidiaries are satisfactory and consistent with approval. It appears that consummation of the proposal would not have any immediate effects on the convenience and needs of the community, although the improvement and expansion of services may be facilitated by the operational structure of a holding company. Considerations related to the convenience and needs of the communities to be served are, therefore, consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] February 7, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2109 Filed 2-11-72;8:46 am]

FIRST TULSA BANCORPORATION, INC.

Order Denying Acquisition of Hall Investment Company

First Tulsa Bancorporation, Inc., Tulsa, Okla., a bank holding company registered under the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4 (b)(2) of the Board's Regulation Y to acquire all of the voting shares of Hall Investment Company (Company), Tulsa, Okla. Notice of the application affording opportunity for interested persons to submit comments and views, was duly published (36 F.R. 21849). Time for filing comments and views has expired and none have been received.

The operation of a mortgage company by a bank holding company is an activity that the Board has determined to be closely related to banking (12 CFR 225.4(a)(1)). A bank holding company may acquire a company engaged in this activity so long as the proposed acquisition is consistent with the relevant factors specified in section 4(c)(8) of the Act.

Applicant owns the First National Bank and Trust Company of Tulsa (Bank), the third largest banking organization in Oklahoma. Bank's total deposits of $407.7 million (deposit data are for June, 1971) represent 7 percent of all commercial bank deposits in the State, and 31.5 percent of those within Tulsa County. Within Tulsa County, Bank is engaged in extending credit secured by real property through (1) permanent mortgage loans on one-four family residential properties, (2) permanent mortgage loans on income producing properties, and (3) construction loans.

Company, the second largest mortgage company in Tulsa County and the 227th largest mortgage company in the Nation, specializes in the origination and servicing of single-family mortgage loans. As of June 1971, Company had a mortgage servicing portfolio of $80.2 million. In addition to its office in Tulsa, Company has recently opened an office in Oklahoma City.

Bank and Company are both engaged in the making of permanent one-four family residential mortgages in Tulsa County. In 1970, Bank originated $4.5 million of such mortgages, and Company originated $7.9 million of such mortgages. It is estimated that Bank's share of the permanent one-four family residential mortgage market in Tulsa County was 4.3 percent in 1970, whereas Company's share was 7.5 percent. Consummation of the proposed acquisition would increase applicant's share of that market to nearly 12 percent and would eliminate a significant competitive alternative in that market. Furthermore, consummation of the proposed acquisition would foreclose the potential development of further competition between Bank and Company.

Applicant contends that consummation of the proposed acquisition would enable it to provide additional funds for the development of low and moderate income housing in Tulsa and would produce gains in efficiency. The basis for such contention is not clearly evidenced in the record but, in any case, the Board concludes that even if such public benefits were to result, this would not outweigh the adverse effects indicated above.

Based upon the foregoing and other considerations reflected in the record, the Board has concluded that the public interest factors the Board is required to consider under section 4(c)(8) are not favorable to the requested determination and do not outweigh possible adverse effects. Accordingly, the application is hereby denied.

By order of the Board of Governors,[2] February 7, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2110 Filed 2-11-72;8:46 am]

MIDLANTIC BANKS INC.

Order Approving Acquisition of Bank

Midlantic Banks Inc., Newark, N.J., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Madison National Bank, Madison, N.J. (Madison Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is approved for the reasons set forth in the Board's statement[1] of this date, with the provision that applicant merge Madison Bank into one of its subsidiaries within 2 years of the approval date of this application. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] February 7, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2111 Filed 2-11-72;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-32]

POSTMASTER GENERAL

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Postmaster General to appoint uniformed guards of the U.S. Postal Service as special policemen to serve in the buildings listed in paragraph 3a, below, to assist in controlling violation of law and regulations in these buildings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Postmaster General to appoint uniformed guards as special policemen, to make all needful rules and regulations, and to annex to such rules and regulations such reasonable penalties, not to exceed those prescribed in 40 U.S.C. 318c., as will insure their enforcement for the protection of the following buildings over which the United States has exclusive criminal jurisdiction:

PO, CtHs, Newark, NJ.
FB, CtHs, Wilkes-Barre, PA.
FB, CtHs, Lexington, KY.
FB, CtHs, Evansville, IN.
FB, PO, New Orleans, LA.
PO, CtHs, Laredo, TX.
FB, PO, Denver, CO.
PO, Wilmington, DE.
New PO, Washington, DC.
PO, CtHs, Terre Haute, IN.
FB, CtHs, Lafayette, LA.
PO, CtHs, Dallas, TX.
PO, CtHs, San Antonio, TX.
FB, 390 Main, San Francisco, CA.

b. The Postmaster General may redelegate this authority to any officer or employee of the U.S. Postal Service.

c. This authority shall be exercised in accordance with the limitations and requirements of the above cited Acts, and the policies, procedures, and controls prescribed by the General Services Administration.

ROD KREGER, *Acting Administrator of General Services.*

FEBRUARY 7, 1972.

[FR Doc.72-2163 Filed 2-11-72;8:47 am]

[Federal Property Management Regs. Temporary Reg. D-33]

SECRETARY OF TRANSPORTATION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Transportation to perform all functions in connection with the leasing of certain property at the University of Connecticut Extension Facility, Groton, Conn., for use by the U.S. Coast Guard as a Research and Development Laboratory.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Transportation to perform all functions in connection with leasing approximately 50,000 square feet of space

[1] On January 25, 1972, Applicant received approval from the Board to acquire The Ashland Bank and Savings Company, Ashland, Ohio (deposits of $12.8 million).

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

[1] Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through Dec. 31, 1971.

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

[1] Voting for this action: Chairman Burns and Governors Robertson, Maisel, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Daane.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting statement of Governor Robertson filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Voting against this action: Governor Robertson.

FEB 12 72 XUM

in Building 23 and several smaller facilities located on the University of Connecticut Extension Facility, Groton, Conn., for a term of 5 years.

b. The Secretary of Transportation may redelegate this authority to any officer, official, or employee of the Department of Transportation.

c. This authority shall be exercised in accordance with the limitations and requirements of the Act, and the policies, procedures, and controls prescribed by the General Services Administration.

ROD KREGER,
Acting Administrator of General Services.

FEBRUARY 7, 1972.

[FR Doc.72-2164 Filed 2-11-72;8:47 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal from Warehouse for Consumption

FEBRUARY 8, 1972.

The United States Government understands that the level of restraint applicable to cotton textile products in Category 39, produced or manufactured in the Republic of Korea, that may be entered or withdrawn from warehouse for consumption for the 9-month period beginning January 1, 1972, has been exhausted, and consequently cotton textile products in this category are being denied entry. In order to provide the U.S. Government with the information necessary to ascertain the volume of such cotton textile products in the subject category, all persons whose goods have been so denied entry and are held in the United States either in a bonded warehouse, or general order warehouse, or a foreign-trade zone, should report within 10 days from the publication date of this notice by registered mail to Mr. Stanley Nehmer, Chairman, Interagency Textile Administrative Committee, Room 3834, U.S. Department of Commerce, Washington, D.C. 20230. Reports should include the following: Complete description of the goods, date of exportation from the Republic of Korea, date of arrival in the United States, quantities involved, location of goods including U.S. customs port, and warehouse entry number, general order lot number, or foreign-trade zone number and lot number assigned.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.72-2167 Filed 2-11-72;8:52 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

AMERICAN FALLS AT NIAGARA

Preservation and Enhancement; Notice of Public Hearing

The International Joint Commission announces that it will conduct a Public Hearing at 9:30 a.m., March 24, 1972, in the Council Chambers, City Hall, Niagara Falls, N.Y., as part of its investigation on the Preservation and Enhancement of the American Falls at Niagara.

The recent interim report submitted to the Commission outlined alternative measures to preserve and enhance the beauty of the American Falls. They included stabilization in varying degrees of the flanks and crest, increasing the flows during selected hours, raising the Maid-of-the-Mist Pool by downstream control works, removing varying amounts of talus and also a safety warning system. Before directing the Board to proceed with refined studies of specific measures the Commission wishes to have the benefit of public views and comments on the proposed alternatives.

The purpose of this hearing is to receive such comments from interested persons and groups, public or private, on the alternative measures. Copies of the interim report may be obtained from the Commission's secretaries in Ottawa or Washington.

Depending upon the number of persons wishing to be heard, the Commission may limit the time allotted to each witness. While not mandatory, written statements are desirable to supplement oral testimony and to insure accuracy of the record. When a written statement is presented, thirty (30) copies should be provided for Commission purposes. Additional copies of written statements may be deposited with the secretaries at the hearing for distribution to the news media and others interested.

W. A. BULLARD,
Secretary, United States Section, International Joint Commission.

FEBRUARY 10, 1972.

[FR Doc.72-2155 Filed 2-11-72;8:52 am]

OFFICE OF EMERGENCY PREPAREDNESS

MISSISSIPPI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Mississippi, dated January 19, 1972, and published January 25, 1972 (37 F.R. 1140) is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 19, 1972.

The counties of:

Copiah. Walthall.

Dated: February 7, 1972.

G. A. LINCOLN,
Director, Office of Emergency Preparedness.

[FR Doc.72-2145 Filed 2-11-72;8:51 am]

PRICE COMMISSION

[Order No. 2]

SECRETARY OF THE TREASURY

Delegation of Authority Concerning Stabilization of Prices and Rents

In view of the changes made in the Economic Stabilization Act of 1970, as amended (hereinafter the "Act"), by the enactment of the Economic Stabilization Act Amendments of 1971, the Price Commission has determined that it would be appropriate to reaffirm and clarify the authority of the Secretary of the Treasury with respect to the stabilization of prices and rents. Pursuant to the authority delegated by the Cost of Living Council by Order No. 7, it is hereby ordered as follows:

1. The delegation of authority to the Secretary of the Treasury contained in Price Commission Order No. 1 (36 F.R. 21798) is hereby reaffirmed and continued.

2. In addition to the authority delegated by Order No. 1 and continued by this order, there is hereby delegated to the Secretary of the Treasury the authority to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Act, for any purpose related to the Act.

3. This order shall be effective as of December 22, 1971.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.72-2154 Filed 2-11-72;8:52 am]

TARIFF COMMISSION

[AA1921-02]

ELEMENTAL SULPHUR FROM MEXICO

Notice of Investigation and Hearing

Having received advice from the Treasury Department on February 4, 1972, that elemental sulphur from Mexico is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.s.t., on March 28, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: February 9, 1972.

By order of the Commission:

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-2165 Filed 2-11-72;8:53 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 9, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 64373 Sub 6, Clarkson Bros. Machinery Haulers, Inc., assigned February 9, 1972, at Washington, D.C., canceled and application dismissed.

MC 115331 Sub 318, Truck Transport, Inc., continued to February 23, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 115092 Sub 14, Weiss Trucking, Inc., assigned February 22, 1972, at Salt Lake City, Utah, is canceled and the application is dismissed.

MC-F-11321, Central Transport, Inc., Et Al-V-Red Line Express, Inc. and Short Freight Lines, Inc., now assigned February 24, 1972, at Columbus, Ohio, postponed indefinitely.

MC 107295 Sub 300, Pre-Fab Transit Co., now being assigned March 20, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11016, Laidlaw Transport Ltd.—Purchase—Pettapiece Cartage Ltd., assigned March 9, 1972, at Washington, D.C., is postponed to April 25, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 205, Schneider Transport & Storage, Inc., assigned March 1, 1972, MC 100666 Sub 188, Melton Truck Lines, Inc., assigned February 25, 1972, MC 107002 Sub 405, Miller Transporters, Inc., assigned February 28, 1972, MC 127028 Sub 7, Bredehoeft Produce Co., Inc., assigned February 23, 1972, MC 127689 Sub 42, Pascagoula Drayage Co., Inc., assigned February 25, 1972, and MC 135586, Prassel Enterprises, Inc., assigned February 24, 1972, at New Orleans, La., will be held in Room 1210, 701 Loyola Avenue.

MC 138095 Sub 12, Texas Continental Express, Inc., now assigned February 14, 1972, at Dallas, Tex., canceled and application dismissed.

I & S 8692, Vegetables & Melons, between west and southwest, midwest, and south, heard February 1, through February 4, 1972, at Washington, D.C., and continued to February 9, through February 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7699, K. L. Breeden & Sons, Inc.—Investigation and Revocation of Certificates, now being assigned March 13, 1972, in Room 8212 Federal Building, 515 Rusk Street, Houston, Tex.

MC 29886 Sub 270, Dallas & Mavis Forwarding Co., heard February 3 through February 4, 1972, at Chicago, Ill., has been continued to February 28, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 135104, A. J. Archie Goodale Ltd., heard January 31, through February 4, 1972, at Buffalo, N.Y., and continued to March 20, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2175 Filed 2-11-72;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 9, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42348—*Plasticizers or solvents to points in New Jersey.* Filed by Southwestern Freight Bureau, agent (No. B-290), for interested rail carriers. Rates on plasticizers or solvents, in tank carloads, as described in the application, from Taft, La., to Bayway, Bayonne, Carteret, and Elizabethport, N.J.

Grounds for relief—Private water competition.

Tariff—Supplement 335 to Southwestern Freight Bureau, agent, tariff ICC 4668. Rates are published to become effective on March 7, 1972.

By the commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2176 Filed 2-11-72;8:49 am]

[Notice 15]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 9, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73178. By order of February 1, 1972, the Motor Carrier Board approved the transfer to Command Trucking Corp., Brooklyn, N.Y., of the operating rights in certificate No. MC-117412 issued February 24, 1967, to Industrial Carriers Corp., Newark, N.J., authorizing the transportation of household goods, as defined by the Commission, and general commodities, with exceptions, over a regular route, between Morristown, N.J., and New York, N.Y., serving specified intermediate and off-route points; and household goods, as defined by the Commission, and horses and equipment, between Morristown, N.J., and points within 15 miles of Morristown, on the one hand, and, on the other, New York, N.Y., and points in Long Island, N.Y., Westchester County, N.Y., Philadelphia, Pa., commercial zone, and a specified area in Pennsylvania. Robert B. Pepper, 174 Brower Avenue, Edison, NY 08817. Representative for applicants.

No. MC-FC-73346. By order of February 4, 1972, the Motor Carrier Board approved the transfer to Coburn Moving & Storage Co., Inc., 2236 Brookfield Drive SW., Roanoke, VA 24018 of that portion of the operating rights set forth in certificate No. MC-106274 (Sub-No. 6) issued March 29, 1965, in the name of Raeford Trucking Co., a corporation, and acquired by John L. Brown, 2236 Brookfield Drive SW., Roanoke, VA 24018, authorizing the transportation of machinery, from points in Virginia to points in Caswell County, N.C.

No. MC-FC-73379. By order of February 2, 1972, the Motor Carrier Board approved the transfer to Aavon Moving & Storage, Inc., Cheyenne, Wyo., of certificate No. MC-126846 issued February 3, 1970, to Ted V. Rhode and Mary H. Rhode, a partnership, doing business as Aavon Moving & Storage, Cheyenne, Wyo., authorizing the transportation of: Used household goods, between points in Albany and Laramie Counties, Wyo. Robert S. Stauffer, attorney, 3539 Boston Road, Cheyenne, WY 82001.

No. MC-FC-73403. By order of February 3, 1972, the Motor Carrier Board approved the transfer to William W. Shirley, doing business as S & S Trucking Co., Jackson, Miss., of permit No. MC-134560 issued June 4, 1971, to Robert J. Little, Jackson, Miss., authorizing the transportation of: Lumber, between points in Tennessee, Alabama, Louisiana, Mississippi, and Texas. Donald B. Morrison, attorney, 717 Deposit Guaranty Bank, Post Office Box 22628, Jackson, MS 39205.

FEB 12 72

No. MC–FC–73408. By order of February 3, 1972, the Motor Carrier Board approved the transfer to Boyer Truck Line, Inc., Lowden, Iowa, of certificates Nos. MC–93674 and MC–93674 (Sub-No. 2) issued November 27, 1956, to Vernon A. Boyer, Lowden, Iowa, authorizing the transportation of: General commodities, with the usual exceptions, and various commodities of a general commodity nature, between points in Illinois, and Iowa, Larry D. Knox, attorney, Hubbell Building, Des Moines, Iowa 50309.

No. MC–FC–73448. By order of February 3, 1972, the Motor Carrier Board approved the transfer to General Cartage Co., Inc. (Iowa corporation), Sterling, Ill., of permits Nos. MC–114829 (Sub-No. 3), MC–114829 (Sub-No. 5), and MC–114829 (Sub-No. 7), issued February 1, 1956, October 15, 1969, and April 21, 1971, respectively, to General Cartage Co., Inc. (Illinois corporation), Sterling, Ill., authorizing the transportation of general commodities, with the usual exceptions, between specified points in Iowa and Illinois; pulpboard, pulpboard boxes, and damaged or defective pulpboard, and pulpboard boxes, from and to points in Missouri, Wisconsin, Iowa, and Rock Island, Ill.; paper and paper products, from Rock Island, Ill., to points in Wisconsin and Minnesota, and pulpboard, pulpboard boxes, and parts therefor, from Sioux City, Iowa, to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, and Iowa, Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602, attorney for applicants.

No. MC–FC–73453. By order of February 3, 1972, the Motor Carrier Board approved the transfer to Schjoneman Trucking, Inc., Colby, Wis., of certificate No. MC–103786 (Sub-No. 4), issued July 3, 1953, to Gordon Doine, doing business as Central Wisconsin Petroleum Transport, Marshfield, Wis., authorizing the transportation of: Petroleum products, in bulk, in tank vehicles, over irregular routes, from Minneapolis, St. Paul, New Brighton, and Winona, Minn., to points in Jackson, Clark, Wood, Marathon, Portage, Adams, Juneau, Monroe, and Vernon Counties, Wis.; and damaged, defective, rejected, or returned shipments of the above-specified commodities, over irregular routes, from the above-specified destination points to the above-designated origin points. Nancy J. Johnson, 4506 Regent Street, Madison, WI 53705, attorney for applicants.

No. MC–FC–73459. By order of February 3, 1972, the Motor Carrier Board approved the transfer to Gerald R. Priest and Helen M. Priest, doing business as G & H Transfer, Red Cloud, Nebr., of certificate of registration No. MC–120882 (Sub-No. 1), issued November 18, 1963, to Ronald R. Dickerson and Laverne A. Dickerson, a partnership, doing business as Dickerson Transfer, Franklin, Nebr., evidencing a right to engage in transportation in interstate commerce corresponding in scopy to certificate of public convenience and necessity No. M–11228, dated January 11, 1961, issued by the Nebraska State Railway Commission. Duan L. Stromer, Box 315, Hastings, NE 68901, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–2177 Filed 2–11–72;8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

PROCLAMATIONS:
- 2032 (see PLO 5158) — 3058
- 2372 (see PLO 5158) — 3058
- 2761A (see Proc. 4102) — 2417
- 2929 (see Proc. 4102) — 2417
- 3140 (see Proc. 4102) — 2417
- 3967 (see Proc. 4102) — 2417
- 4102 — 2417
- 4103 — 2489
- 4104 — 2643
- 4105 — 2831
- 4106 — 2921
- 4107 — 3165

EXECUTIVE ORDERS:
- January 27, 1913 (partially revoked by PLO 5159) — 3184
- 5237 (partially revoked by PLO 5155) — 2840
- 5327 (see PLO 5157) — 3057
- 7295 (see PLO 5162) — 3185
- 8592 (see PLO 5162) — 3185
- 11248 (amended by EO 11641) — 2421
- 11345 (amended by EO 11646) — 2925
- 11568 (see EO 11642) — 2565
- 11641 — 2421
- 11642 — 2565
- 11643 — 2875
- 11644 — 2877
- 11645 — 2923
- 11646 — 2925
- 11647 — 3167

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Memorandum of January 27, 1972 — 2567

5 CFR

- 213 — 2423, 2491, 2841, 2842, 2879, 3049

PROPOSED RULES:
- 900 — 2589

6 CFR

- 101 — 2491, 2878
- 102 — 2478
- 200 — 2479
- 300 — 2842
- 311 — 2480

7 CFR

- 51 — 2745
- 53 — 2745
- 501 — 2423
- 502 — 2424
- 701 — 2833
- 706 — 2491
- 722 — 3171
- 724 — 2745
- 726 — 2496
- 729 — 2645, 2765
- 795 — 3049
- 811 — 2659
- 905 — 2660
- 906 — 2765, 3049
- 907 — 2589, 2927
- 910 — 2426, 2766, 2834, 3171
- 928 — 2927
- 1001 — 2928
- 1002 — 2929
- 1004 — 2929
- 1006 — 2930
- 1007 — 2930
- 1011 — 2930
- 1012 — 2930
- 1013 — 2931
- 1015 — 2931
- 1030 — 2931
- 1032 — 2932
- 1033 — 2932
- 1036 — 2932
- 1040 — 2932
- 1043 — 2933
- 1044 — 2933
- 1046 — 2933
- 1049 — 2933
- 1050 — 2934
- 1060 — 2934
- 1061 — 2934
- 1063 — 2934
- 1064 — 2935
- 1065 — 2497, 2935
- 1068 — 2935
- 1069 — 2935
- 1070 — 2936
- 1071 — 2936
- 1073 — 2936
- 1075 — 2936
- 1076 — 2937
- 1078 — 2937
- 1079 — 2937
- 1090 — 2937
- 1094 — 2938, 2944
- 1096 — 2938
- 1097 — 2938
- 1098 — 2938
- 1099 — 2939
- 1101 — 2939
- 1102 — 2939
- 1103 — 2939
- 1104 — 2940
- 1106 — 2940
- 1108 — 2940
- 1120 — 2940
- 1124 — 2940
- 1125 — 2941
- 1126 — 2941
- 1127 — 2941
- 1128 — 2941
- 1129 — 2942
- 1130 — 2942
- 1131 — 2942
- 1132 — 2942
- 1133 — 2943
- 1134 — 2943
- 1136 — 2943
- 1137 — 2943
- 1138 — 2944
- 1806 — 2879
- 1823 — 2879, 3172
- 1871 — 2569
- 1890 — 3172, 3173

PROPOSED RULES:
- 59 — 2775, 3187
- 81 — 2778
- 726 — 2773
- 729 — 2774
- 945 — 2844
- 966 — 2845
- 982 — 2515
- 987 — 2890
- 993 — 2515
- 1001 — 3187
- 1002 — 3187
- 1046 — 2969
- 1421 — 2844
- 1434 — 2775
- 1446 — 2844
- 1481 — 2890
- 1701 — 2848

8 CFR

- 214 — 2766
- 238 — 2766
- 332 — 2767
- 332d — 2767
- 334 — 2767
- 334a — 2767
- 339 — 2767
- 341 — 2767
- 342 — 2767

9 CFR

- 11 — 2426
- 73 — 2945
- 82 — 2429, 2498, 3050
- 97 — 2430
- 113 — 2430
- 301 — 2661
- 311 — 2661
- 315 — 2661

PROPOSED RULES
- 316 — 2779
- 317 — 2779

12 CFR

- 701 — 2946, 3174

PROPOSED RULES:
- 529 — 2447
- 750 — 2594

13 CFR

- 120 — 2569
- 123 — 2947

14 CFR

- 39 — 2498, 2570, 2662, 2835, 2880
- 71 — 2570–2572, 2835–2837, 2952, 2953, 3050
- 73 — 2499, 2837
- 75 — 2499, 2500, 2572, 2767
- 93 — 2953
- 95 — 2573
- 97 — 2662, 3174
- 121 — 2500
- 221 — 2664
- 241 — 2501

PROPOSED RULES:
- 61 — 2523
- 67 — 2523
- 71 — 2524, 2587, 2682, 2683, 3059
- 73 — 2847
- 103 — 2587, 2588
- 121 — 2523, 2684
- 127 — 2523
- 159 — 3059
- 183 — 2523

15 CFR

- 377 — 2430
- 386 — 3175

PROPOSED RULES:
- 7 — 2846

16 CFR

- 13 — 2575, 2576, 2578–2581, 2953

PROPOSED RULES:
- 425 — 2848
- 432 — 2454, 2849

17 CFR

- 241 — 3050

PROPOSED RULES:
- 230 — 2596, 2598
- 239 — 2596, 2598
- 240 — 3059

18 CFR

- 2 — 2502, 2954

PROPOSED RULES:
- 101 — 2451
- 104 — 2451
- 105 — 2451
- 141 — 2451
- 260 — 2451, 3193

19 CFR

- 12 — 2430, 2665

PROPOSED RULES:
- 1 — 2443
- 11 — 2509
- 134 — 2509

20 CFR

- 614 — 2434
- 617 — 2434

PROPOSED RULES:
- 620 — 2684

21 CFR

- 1 — 3175
- 3 — 2503, 3175
- 8 — 3177
- 121 — 2437, 2958–2960, 3177
- 135 — 2961, 3053
- 135b — 3053
- 135c — 3178
- 135e — 2960, 2961
- 141c — 2665
- 141d — 3178
- 144 — 2960
- 146a — 2665, 3178
- 146c — 2665
- 146d — 3178
- 146e — 2665, 3179
- 148i — 3179
- 148n — 2665
- 149a — 2438

PROPOSED RULES:
- 15 — 3189
- 17 — 3189
- 121 — 3060
- 130 — 2969
- 135 — 2444

22 CFR

- 41 — 2439, 3053

24 CFR

- 275 — 3185
- 600 — 2665
- 1710 — 2768
- 1914 — 2505, 2881
- 1915 — 2505, 2882

25 CFR

- 221 — 2506

PROPOSED RULES:
- 43h — 2679
- 221 — 3060

26 CFR

- 1 — 2506
- 301 — 2481, 2506

PROPOSED RULES:
- 1 — 2773

28 CFR

- 0 — 3180
- 9 — 2768
- 45 — 2769

29 CFR

- 727 — 3180
- 1904 — 2439
- 1910 — 3053

PROPOSED RULES:
- 460 — 2443
- 1926 — 2443

30 CFR

PROPOSED RULES:
- 80 — 2968

31 CFR

- 316 — 2554

32 CFR

- 1452 — 3181
- 1801 — 2672
- 1808 — 2673

PROPOSED RULES:
- 1499 — 2849

32A CFR

Ch. X:
- OI Reg. 1 — 2439

FEB 12 72

33 CFR — Page

117 — 2838

PROPOSED RULES:

110 — 2446, 2447, 2587, 2890

117 — 2521, 2522

37 CFR

2 — 2880

202 — 3055

PROPOSED RULES:

1 — 2520

38 CFR

1 — 2676

39 CFR

Ch. I — 2423

619 — 3056

40 CFR

52 — 2581

85 — 2432

106 — 2433

180 — 2676, 2839, 2883, 3181

PROPOSED RULES:

164 — 3060

41 CFR

1–2 — 2769

1–7 — 2769

1–12 — 2769

1–16 — 2771

5A–1 — 3182

5A–2 — 3182

5A–8 — 2507

5A–72 — 3183

5A–73 — 2441, 3183

8–14 — 2508

8–74 — 2508

41 CFR—Continued — Page

101–11 — 2962

101–27 — 2771

PROPOSED RULES:

14–10 — 2680

60–7 — 2847

42 CFR

PROPOSED RULES:

51b — 2970

54 — 2970

43 CFR

2 — 2677

25 — 3183

PUBLIC LAND ORDERS:

1272 (modified by PLO 5161) — 3185

2732 (amended by PLO 5160) — 3184

4522 (amended by PLO 5157) — 3057

5154 — 2677

5155 — 2840

5156 — 3056

5157 — 3057

5158 — 3058

5159 — 3184

5160 — 3184

5161 — 3185

5162 — 3185

45 CFR

102 — 2882

170 — 2882

1015 — 2840

PROPOSED RULES:

118 — 2779

143 — 2779

220 — 2445

222 — 2445

415 — 2986

46 CFR — Page

PROPOSED RULES:

12 — 3190

66 — 2681

193 — 2682

47 CFR

1 — 3277

2 — 2771

15 — 3277

21 — 2583, 3277

74 — 3278

76 — 3278

78 — 3292

83 — 2884

91 — 3297

211 — 2771

PROPOSED RULES:

73 — 2524, 2790, 2891

76 —

81 — 2524

49 CFR

173 — 2885

174 — 2886

177 — 2886

178 — 2886

179 — 3058

571 — 3185

1033 — 2677

1211 — 2841

PROPOSED RULES:

173 — 2588

178 — 2588

50 CFR

28 — 2964

33 — 2441, 2502, 2841, 2964, 2967

280 — 2516

PROPOSED RULES:

17 — 2589

280 — 2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*	*Pages*	*Date*	*Pages*	*Date*
2411–2482	Feb. 1	2637–2737	Feb. 4	2869–2913	Feb. 9
2483–2557	2	2739–2823	5	2915–3041	10
2559–2636	3	2825–2867	8	3043–3157	11
				3159–3341	12

federal register

SATURDAY, FEBRUARY 12, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 30

PART II

FEDERAL COMMUNICATIONS COMMISSION

■

Cable Television Service; Cable Television Relay Service

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-108; Dockets Nos. 18397, 18397-A, 18373, 18416, 18892, and 18894]

CABLE TELEVISION SERVICE; CABLE TELEVISION RELAY SERVICE

In the matter of Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Community Antenna Television Systems; and inquiry into the development of Communications Technology and Services to formulate regulatory policy and rule making and/or legislative proposals, Docket No. 18397, Docket No. 18397-A. Amendment of § 74.1107 of the Commission's rules and regulations to avoid filing of repetitious requests, Docket No. 18373. Amendment of §§ 74.1031(c) and 74.1105 (a) and (b) of the Commission's rules and regulations as they relate to addition of new television signals, Docket No. 18416. Amendment of Part 74, Subpart K, of the Commission's rules and regulations relative to Federal-State or local relationships in the Community Antenna Television System Field; and/or formulation of legislative proposals in this respect, Docket No. 18892. Amendment of Subpart K of Part 74 of the Commission's rules and regulations with respect to technical standards for Community Antenna Television Systems, Docket No. 18894.

The Commission has the following before it for consideration:

(a) Notice of proposed rule making in Docket 18373,[1] notice of proposed rule making in Docket 18416,[2] notice of proposed rule making and notice of inquiry in Docket 18397,[3] further notice of proposed rule making in Docket 18397,[4] Public Notice Mimeo No. 35602 released July 23, 1969, second further notice of proposed rule making in Docket 18397-A,[5] all of which concern the carriage of television broadcast signals by CATV systems and/or the use of CATV channels for the distribution of nonbroadcast programing;

(b) Notice of proposed rule making in Docket 18894,[6] which concerns standards to govern the technical performance of CATV systems, minimum channel requirements, two-way transmission capability, and separate neighborhood program origination centers;

(c) Notice of proposed rule making in Docket 18892,[7] concerning the appropriate division of regulatory jurisdiction between the Federal and State and local levels of government and a limitation on the local franchise fees paid by CATV systems;

(d) The comments and reply comments filed in each of the above;

(e) Transcript of oral argument in Docket 18397 held before the Commission en banc on February 3 and 4, 1969; and

(f) Transcript of panel discussions[8] and oral presentations in Dockets 18397-A, 18891, 18892, and 18894 held with and before the Commission en banc on March 11, 12, 15, 18, 19, 22, 23, 25, and 26, 1971.[9]

I. Introduction

1. In our Notice of proposed rule making and notice of inquiry in Docket 18397, we launched an inquiry into the long-range development of cable television.[9] Our purpose was to explore:

> • • • [H]ow best to obtain, consistent with the public interest standard of the Communications Act, the full benefits of developing communications technology for the public, with particular immediate reference to CATV technology and potential services • • •.

Though designed as a vehicle for eliciting comments and data, our notice recognized the variety of possible services that cable systems could offer. We did not attempt an all-inclusive listing of cable's potential uses, but took note of many.[10]

2. Our recognition of the importance and promise of cable development led to our proposing rules requiring program origination and a system of annual reports. The Commission indicated, further, that it intended to prescribe technical standards but that it would first issue a further notice proposing specific criteria. In addition, the Commission recognized, but did not propose rules to resolve, the problems of the proper relationship between local and Federal regulation. We noted that cable television service has tended to develop on a "noncompetitive, monopolistic basis in the areas served," thus denying cable subscribers "the normal protection afforded consumers by providing a choice between alternative suppliers." While we then declined to extend "our jurisdiction to the licensing of CATV systems," we expressed a belief that "local, State, and Federal governmental agencies must face up to providing some means of consumer protection in this area." And we emphasized that "[s]uch regulation, while called for in the case of present CATV operations, would be particularly appropriate in light of CATV operations with originations."

3. At the same time, the Commission undertook an inquiry into diversifying the ownership of cable in combination with other mass communications media. We made these specific proposals: To ban cross-ownership of cable with specified types of broadcast stations and to limit the number of commonly owned systems. The Commission also indicated its belief that encouraging cable systems to operate as common carriers on nonbroadcast channels would serve the public interest. Additionally, it was proposed that distant signal importation into television markets be conditioned on cable systems' obtaining "retransmission consent" from distant stations, and the Commission stated that it would authorize distant signal importation with retransmission consent in a limited number of cases in order to gain experience with the proposal. Finally, the Commission posed a number of related questions concerning the future development of CATV. 15 FCC 2d 417, 442.

4. The first report and order in Docket 18397[11] was the first significant action in the proceeding and established the ground rules for cable origination. Basically, the Commission decided that origination served the public interest, allowed cable systems to present commercials at natural breaks, encouraged the development of public access channels, approved interconnection of cable facilities; *Provided*, That cable systems with 3,500 or more subscribers would be required to originate, adopted antisiphoning rules for pay-cable operations, and adopted broadcast-type rules to deal with equal time, sponsorship identification, and fairness. Shortly thereafter, the Commission adopted rules permitting the use of private microwave facilities by cable systems for carrying locally originated programs.[12]

5. In June 1970 we issued further proposals on television broadcast signal carriage,[13] cross-ownership of cable systems and radio stations and cable and newspapers, multiple ownership,[14] technical performance standards, minimum channel capacity, two-way transmission capability, local origination centers,[15] and the division of jurisdiction between the Federal and State-local levels of government.[16] These were followed later by proposals concerning the logging of cablecast programing,[17] equal opportunities in employment practices,[18] and the use of call leters in connection with nonbroadcast channels.[19]

6. In Docket 18892, the Commission requested comments on the interrelationship of local and State regulation of cable with Federal regulation. It was also proposed that there be a limitation of 2 percent of revenues on local franchise fees. The Commission offered alternative models of Federal/local relationships, including Federal licensing and Federal standards for local application. Under the latter approach, the local entity would consider legal and financial questions and measure the character qualifications of franchise applicants. And local governments would, in turn, certify to the Commission that the various criteria had been considered.

7. In Docket 18397-A, the Commission proposed to permit cable systems in the top 100 markets to carry four distant independent signals if they deleted commercials on the distant signals and replaced them with commercials provided by local television stations. As a further condition to distant signal importation, systems would be required to pay 5 percent of their gross subscription revenues to support public broadcasting. Additionally, the Commission asked for comments on whether cable systems should be required to provide local government, public access, educational, and leased channels. Comments were also requested on a proposal that systems with 20 or more channels set aside half their capacity for such uses.

8. The preceding is illustrative of the range of regulatory controversy that has surrounded the cable television industry in recent years. Technological advances have multiplied the issues. At first, cable television systems served largely to provide subscribers with better quality reception and more channels of conventional broadcast television programing. While need for these services continues, increasingly sophisticated cable technology and cost reductions and improvements in the quality of program origination equipment have made possible increased channel capacity, low cost nonbroadcast programing, and a subscriber response capability. The confluence of these developments provides the basis for the next stage in cable television's evolution with which the rules now adopted are concerned. Additional services and further technological developments are under study as part of the industry's more distant future.

9. Our initial rule making proposals were issued in December 1968, and oral presentations with respect to those proposals were heard in February 1969. As discussed above, portions of that proceeding were resolved separately, additional rule making proposals were issued, and further comments received. In March 1971 further oral presentations were heard, part of which were in the form of panel discussions between the Commission and recognized authorities on specific issues. Following the public proceedings, the Commission formulated a cable program designed to allow for fulfillment of the technological promise of cable and, at the same time, to maintain the existing structure of broadcast television. The framework of the new program was described to the Congress in testimony before the Senate Communications Subcommittee on June 15, 1971, and before the House Communications and Power Subcommittee on July 22, 1971. In order to permit the committees and the Congress ample opportunity to consider its proposals prior to final adoption, the Commission on August 5, 1971, adopted a "Letter of Intent" [20] in which it described in detail the course it planned to adopt.

10. Over the years that the Commission has been evolving a cable program, it has had the benefit of a number of independent studies of the cable industry—of its possible impact on broadcast television, its potential for advancing national goals, and its appropriate role in a total communications structure. These have provided valuable input for the formulation of our regulatory policies. We have also witnessed over the last several years repeated attempts by the affected industries to resolve their differences. Following release of our letter of intent further negotiations were undertaken, and agreement was reached on a proposal that was supported by the National Cable Television Association, the National Association of Broadcasters, the Association of Maximum Service Telecasters, and a major group of program suppliers. This consensus agreement is fully discussed later in this report and it, too, has had significant impact on the direction of our settlement of the complex questions having to do with distant signals/copyright.

11. As indicated, the rules we are adopting are the result of a number of interwoven proceedings. The program is designed as a single package because each part has impact on all the others. Our concerns may generally be divided into four main areas:

- Television broadcast signal carriage;
- Access to, and use of nonbroadcast cable channels, including minimum channel capacity;
- Technical standards;
- The appropriate division of regulatory jurisdiction between the Federal and State-local levels of government.

Each of these will be considered in order. Questions concerning patterns of ownership, including cross-ownership and multiple ownership, are under consideration in another proceeding and will be taken up separately.

II. Television Broadcast Signal Carriage Proposals and Alternatives

12. Within the frame described above, we turn to a consideration of the various proposals that have been advanced for settling the question of cable carriage of television broadcast signals.

1966 Rules

13. Under the rules adopted in March 1966, local broadcasters and the Commission had to be notified before any cable system could undertake to carry a television broadcast signal (§ 74.1105). A distant signal (that is, a signal carried beyond its Grade B contour) could not be carried into one of the 100 largest television markets without prior Commission authorization after evidentiary hearing (§ 74.1107). Carriage of local signals and carriage of distant signals in smaller markets could commence 30 days after notice, provided no objection had been filed (§ 74.1105(c)). If objected to, carriage could not be commenced until the Commission ruled on the merits of the objection (§§ 74.1105(c) and 74.1109). In every instance where the Commission was called on to judge whether a cable system should be permitted to carry distant or local signals, the test was the general public interest standard of the Communications Act, and more specifically the consistency of the carriage with "the establishment and healthy maintenance of television broadcast service in the area" (see § 74.1107). The 100 largest television markets were singled out for special attention because it was felt that the potential for independent television station growth, particularly for UHF stations, was most favorable in those areas. Additionally, all local stations on request had to be carried by cable systems within the stations' Grade B service areas and, again on request, systems generally were not to duplicate the programing of a higher priority station by carrying the same programing from a lower priority station during the same 24-hour period (§ 74.1103). The priority of a station for purposes of obtaining program exclusivity was based on the strength of its signal in the area, with stations of higher signal strength having higher priority (§ 74.1103(a)).

1968 Commission Proposal

14. By December 1968, the Commission concluded that its cable rules should be

---

[1] FCC 68-1094, 33 F.R. 17855.
[2] FCC 69-9, 34 F.R. 872.
[3] FCC 68-1176, 15 FCC 2d 417 (1968), 33 F.R. 19028.
[4] FCC 69-516, 22 FCC 2d 943 (1969), 34 F.R. 7961.
[5] FCC 70-676, 24 FCC 2d 510 (1970), 35 F.R. 11045.
[6] FCC 70-679, 25 FCC 2d 38 (1970), 35 F.R. 11036.
[7] FCC 70-675, 22 FCC 2d 50 (1970), 35 F.R. 11044.

[8] For orders establishing panel discussion procedure see 27 FCC 2d 303 (1971) and 27 FCC 2d 932 (1971).

[9] The Commission has heretofore generally referred to community-wide, broadband, coaxial cable, television broadcast signal distribution systems as Community Antenna Television or CATV systems. Because of the broader functions to be served by such facilities in the future, they are generally referred to herein by use of the more inclusive term cable television systems, although the older term is sometimes used.

[10] "[F]acsimile reproduction of newspapers, magazines, documents, etc.; electronic mail delivery; merchandising; business concern links to branch offices, primary customers or suppliers; access to computers; e.g., man to computer communications in the nature of inquiry and response (credit checks, airlines reservations, branch banking, etc.), information retrieval (library and other reference material, etc.), and computer to computer communications; the furtherance of various governmental programs on a Federal, State, and municipal level; e.g., employment services and manpower utilization, special communications systems to reach particular neighborhoods or ethnic groups within a community, and for municipal surveillance of public areas for protection against crime, fire detection, control of air pollution and traffic; various educational and training programs; e.g., job and literacy training, preschool programs in the nature of 'Project Headstart,' and to enable professional groups such as doctors to keep abreast of developments in their fields; and the provision of a low cost outlet for political candidates, advertisers, amateur expression (e.g., community or university drama groups) and for other moderately funded organizations or persons desiring access to the community or a particular segment of the community." 15 FCC 2d 417, 420.

[11] 20 FCC 2d 201 (1969), stay denied, 20 FCC 2d 899 (1969), recon. denied, 23 FCC 2d 825 (1970).

[12] Report and order in Docket 18452, 20 FCC 2d 415 (1969); report and order in Docket 17999, 20 FCC 2d 422 (1969).

[13] Second further notice of proposed rule making in Docket 18397-A, supra, note 5.

[14] Notice of proposed rule making in Docket 18891, 23 FCC 2d 833 (1971).

[15] Notice of proposed rule making in Docket 18894, supra, note 6.

[16] Notice of proposed rule making in Docket 18892, supra, note 7.

[17] Notice of proposed rule making in Docket 19128, 27 FCC 2d 18 (1971).

[18] Notice of proposed rule making in Docket 19246, 29 FCC 2d 18 (1971).

[19] Notice of proposed rule making in Docket 19334, FCC 71-1064 (1971).

[20] Cable Television Proposals, 31 FCC 2d 115 (1971), attached hereto as appendix C, filed as part of the original document.

revised to establish general guidelines and procedures governing television broadcast signal carriage so as to eliminate the necessity for the burdensome evidentiary hearings required by the 1966 rules. Adjudicatory proceedings had come to be viewed as unduly complex, and the types of issues involved did not appear capable of satisfactory resolution in individual proceedings. What was clearly indicated was the necessity for fixed standards that would lend certainty to the process of signal carriage.

15. The 1968 rules, proposed to replace the evidentiary hearing requirement, contained the following basic provisions:

Retransmission consent	(1) All restrictions would be eliminated on the carriage of distant signal programing for which cable systems had obtained "retransmission consent" on a program-by-program basis from the originating station.
Top 100 markets	(2) Cable systems in communities within 35 miles of designated communities in the 100 largest television markets could carry no distant signal programing in the absence of retransmission consent.
Smaller markets	(3) Cable systems within 35 miles of commercial television station communities not in the top 100 markets could carry, without obtaining retransmission consent, sufficient distant signals to provide their subscribers with the signals of stations affiliated with each of the three national television networks and the signal of one commercial independent station.
Beyond all markets	(4) Cable systems in communities more than 35 miles from any commercial television station community could carry distant signals without restriction as to number.
Overlapping top 100 markets	(5) A cable system in a community within 35 miles of one top 100 market designated community could not, in the absence of retranamission consent, carry commercial programing from a station in another top 100 market designated community unless the cable community was also wholly within 35 miles of the second market.
Noncommercial educational stations	(6) No restrictions were placed on the carriage of noncommercial educational station signals. Prior to such carriage, however, notification to local noncommercial educational stations and educational authorities was to be required and those so notified would be afforded an opportunity to object to such carriage.
Leapfrogging	(7) In the absence of waiver for good cause, each distant signal carried had to be obtained from the closest station of the type sought or from the closest in-State station of that type.
Grandfathering	(8) Cable systems operating in compliance with existing rules on December 20, 1968, would be permitted to continue in operation even if inconsistent with the proposed rules.
Carriage and program exclusivity	(9) Existing rules concerning program exclusivity and mandatory carriage would remain essentially unchanged, except in overlapping top 100 market situations.

These rules were designed to achieve certain basic purposes: To insure at least a minimum of service in underserved areas, set limits to the impact of cable distant signal carriage on over-the-air broadcasting, and eliminate certain elements of competitive unfairness resulting from the fact that cable systems are not required under existing copyright laws to pay for the television broadcast programming they pick up and distribute. Carriage of the closest stations of particular types was required because they were more likely to be attuned to the needs and interests of the cable community.

16. At the time these rules were proposed, interim procedures were adopted. Under these procedures all hearings under the 1966 rules were suspended, and action on requests for authorizations to carry signals was deferred pending the completion of the rule making proceeding, unless carriage of the signals requested was consistent with the proposed rules.

1970 Commission Proposal

17. In June 1970, another alternative to govern the carriage of television broadcast signals was proposed and released for comment. Under this proposal, cable systems within 35 miles of the designated communities in the 100 largest television markets would be permitted to carry four channels of distant nonnetwork television programming. Systems would be required to delete the advertising from these distant signals and insert advertising supplied by certain of the local stations. Preference in inserting commercials was to be based on a priority system, with those stations most threatened by cable competition receiving first priority. It was thought that by means of this proposal cable might be used affirmatively to promote the development of UHF stations.

18. Because of the commercial substitutions that would have been required in the distant signals carried, it was felt that the adoption of the proposal would have to dovetail with copyright legislation. While acknowledging that copyright was for Congress to resolve, a method of calculating the amount of compensation to which distant signal program owners would be entitled was included to show that the proposal could be designed to compensate program owners fully. As a further condition to carrying distant signals in this fashion, and affirmatively to support noncommercial broadcasting, cable systems would have been required to contribute 5 percent of their gross subscription revenues to public broadcasting.

19. Comments were also requested on other possible alternatives, such as an expansion of the existing program exclusivity rules to protect local independent stations from having their programing duplicated via cable-carried distant signals. Another alternative was a proposal for a system of direct payments by cable systems to local stations to make up revenues lost through the diversion of audience to distant stations. Other alternatives were received in comments filed and are discussed below along with the comments on the Commission's proposals.

Comments on Retransmission Consent Proposal

20. Section IV of our notice in Docket 18397 concerned the importation of television signals by cable systems and contained our retransmission consent proposal. Comments addressing this proposal focused on: The technical feasibility of the retransmission consent theory; the size of the specified zones around each market; the requirement that retransmission consent be obtained even for local (Grade B) signals when a cable system within the zone of one top 100 market carried local signals from an adjoining top 100 market; the makeup of the list of top 100 market designated communities; the requirement that, if a distant signal were to be carried, the closest in that class of stations be carried first (the leapfrogging rule); and the rules applying to the carriage of noncommercial educational stations.

21. *Comments by broadcast interests.* The National Association of Broadcasters (NAB), the Columbia Broadcasting System (CBS), the National Broadcasting Co. (NBC), and broadcast interests generally, supported the retransmission theory, although certain changes in the specifics of the proposal were recommended.[21] NAB, for example,

[21] These comments were filed during 1969, and it is recognized that the views of some of those commenting may have been changed by intervening events. During one panel discussion in 1971 the panelists, including cable, broadcast, and copyright owner representatives, were asked if they thought the retransmission consent concept was a valuable concept or had "any validity whatsoever as a practical matter." None of the panelists responded in support of the concept. Transcript vol. 4, p. 715, Mar. 18, 1971.

endorsed this approach "as a means to eliminate much of the unfair competition presently generated by distant signal importation." CBS supported the retransmission consent type of regulation only as an interim solution and indicated its belief that only Congress was capable of providing the comprehensive solution required. Some doubt was expressed as to the Commission's jurisdiction to create a regulatory framework of the type proposed. CBS stressed that its purpose was not to have stations insulated from competition but to ensure that competition be conducted fairly. Accordingly, it stated that there should be no restrictions on the carriage of distant signals into any market, but that no distant signal carriage should be permitted in the absence of retransmission consent or a congressionally enacted equivalent. Considerable doubt, however, was expressed as to how the proposal would operate in practice, because of the different market situations involved, the existing contractual and other relationships between program suppliers and broadcast stations, and the relative economic power of the cable, broadcast, and program supply interests. NBC felt the proposed regulations were well within the Commission's power, would eliminate the most undesirable elements of unfair competition, and should be the "keystone" of any regulatory provisions for cable systems. NBC would have had the requirements applied to all cable systems carrying distant signals, regardless of location, but suggested that cable systems, even without retransmission consent, should carry sufficient distant signals to provide their subscribers with at least one independent station's signal, one noncommercial educational signal, and one signal from a station affiliated with each of the major national networks. NBC visualized those stations that granted retransmission consent as acquiring rights from program suppliers to grant such retransmission consents and acting as small networks.[22] CBS, in contrast, thought that requiring distant stations to act as intermediaries between program suppliers and cable systems would be an "indirect and doubtfully effective" means of equalizing competition between cable systems and broadcast stations.

22. While the comments indicated general support for the retransmission consent proposal among the networks and broadcasters, some were opposed to it. The Association of Maximum Service Telecasters (AMST), for example, found the retransmission consent requirement to be "* * * simply irrelevant to the critical problem of adverse impact on local broadcasting." AMST pointed out that the proposed rules would permit cable systems to carry an unlimited number of distant and overlapping market signals in any television market irrespective of impact on local broadcasting service to the public. AMST considered distant signal carriage pursuant to retransmission consents "* * * undesirable for all the reasons that CATV originations are undesirable, and more." The possibility was foreseen that cable systems might acquire a sufficiently large economic base to outbid local stations for the rights to carry certain programs, thus siphoning off exclusive rights to programs that are now broadcast over the air. As did NBC, AMST saw the possibility that a few strong stations would acquire from program suppliers the right to grant retransmission consents which would then be given freely to cable systems that would become in effect small networks, greatly expanding their markets, upsetting competitive patterns in their own markets, and destroying over-the-air broadcast service in distant markets.

23. In addition to endorsing the retransmission consent theory of regulation generally, there was broadcast support (including some who did not support the retransmission idea) for the proposal to establish a fixed list of designated top 100 market communities and to use fixed mileage zones. However, certain additions to the designated city list were suggested and the 35-mile zones proposed were generally considered to be too small. Zones of 45, 60, 75, or 100 miles were suggested, in addition to use of Grade A contours and a proposal that a sliding scale be used, with smaller markets having larger zones. Also, certain changes in the list of designated top 100 market communities were suggested. AMST, for example, provided a list of all allocations within the Grade A contours of the designated market list that were not "clearly" part of some other television market. It suggested that because stations operating on these allocations would be overshadowed by stations in the already-designated communities, they would not be network affiliates and would face all the difficulties of stations operating in the designated cities. It was claimed that the rating services do not yet consider operating stations in these communities as part of the designated markets because viewing of these stations has not yet reached the required level. AMST would have had us include all of these communities in the designated market list.

24. *Cable television interests.* The cable parties filing comments were without exception opposed to the retransmission consent proposal. The National Cable Television Association (NCTA) found the proposal completely unrealistic, arguing that consents could not be obtained on the required program-by-program basis and that by requiring program-by-program consent the Commission would simply be turning over control of the cable industry to broadcasters and program suppliers. Many of the cable parties felt that the Commission was usurping the power of the Congress in the copyright area, because the consent requirement would have operated as though a change had been made in the copyright laws. It was argued that even if retransmission consents were theoretically available they would be impossible as a practical matter to obtain because they are not under control of one owner or entity but are bound up with exclusivity contracts, labor and residual rights agreements, music licensing agreements, and ownership disputes between stations having rights to broadcast the programs in specific areas and parties from whom such rights were obtained. It was argued that, because of these complications and the number of programs and channels involved, the paperwork required would in itself defeat all but the largest cable systems. Last minute changes in programs and failures in negotiations would mean that cable systems, if they overcame other problems, would be presenting a crazy quilt of programs interspersed with blacked-out channels. It was contended that lack of choice as to incoming distance signal programing would preclude meaningful price negotiations, and uncertainties as to future program availabilities would inhibit investment in system construction.

25. *Retransmission experiment.* In addition to the comments on retransmission consent, we have had a limited amount of experience with its operation. As part of the interim procedures of Docket 18397, we indicated that we would consider petitions for waiver of § 74.1107 of the rules for cable systems that would operate in accordance with the proposed retransmission consent requirement. Top Vision Cable Co., operator of a system in Owensboro, Ky., was granted authorization to carry programs from several distant stations for which it could obtain retransmission consent.[23] Top Vision has reported to the Commission every 60 days on its efforts to obtain retransmission consent.[24]

26. Top Vision's reports reveal a broad range of reactions to requests for retransmission consents. Some stations, two networks, a number of program owners, and music licensors refused consent, asserting that it would be inappropriate to give consents while the Commission was still considering whether carriage of distant signals was appropriate as a general policy matter; because others already had obtained exclusive rights to the programs for the Owensboro area; and, further, because uncertainties as to pending legislation, court decisions, and regulations made it

[22] It should also be noted that in an experiment with retransmission authorizations, consent was sought by a cable system to carry the local news program of a station. Because that program carried news films and other material supplied by the NBC News Program Service, the station referred the cable system to NBC to obtain consent. NBC refused, stating "* * * we have concluded that because of the nature of the material transmitted, as well as the manner of its transmission, we should not enter into arrangements to authorize other than affiliates to carry this service." Letter of Nov. 16, 1970, Ex. 6 to Top Vision's Sixth Report filed Dec. 28, 1970, in CATV 100-113.

[23] Initial authorization was granted in Top Vision Cable Co., 18 FCC 2d 1051 (1969).

[24] A second experiment was authorized, Tri-Cities Cable TV, Inc., 22 FCC 2d 533 (1970), but was terminated before useful results were obtained. Tri-Cities Cable TV, Inc., 27 FCC 2d 432 (1970).

V 37 30 FEB 12 72 XUM

inadvisable to grant consents. Some suppliers indicated that they were unable to grant consents to carriage of particular programs because the programs contained copyrighted musical compositions under the control of others. But consents were obtained to some programs without the payment of any fee or with the question of compensation deferred until the adoption of new legislation; other consents to some programing, including professional basketball games, were obtained in consideration for fees paid by Top Vision.

Comments on Commercial Substitution Proposals

27. Our proposal of June 1970, insofar as it required the deletion and insertion of advertising on distant signals was, without exception opposed by broadcast and copyright interests, and they were joined in this opposition by many cable parties. Objections went to the economic impact of distant signal carriage and the technical and economic feasibility of deletion and insertion procedures. Our proposal contemplated the possibility that distant stations might be required to insert electronic coding in their signal indicating the imminence and duraton of commercials.[25] It was expected that automatic switching equipment at the headend of each cable system could then be programed to perform the required advertising deletions and insertions. In the alternative, there was some thought that central switching centers in particular market areas might be created to perform the required switching operations simultaneously for all cable systems in the market. Many of the comments expressed the opinion that the complexity of performing these switching operations had been underestimated by the Commission.

28. *Comments by broadcast interests.* Storer Broadcasting Co.'s comments included an engineering statement discussing the substitution procedures that would be involved and the equipment, costs, and staff required. Storer posited a system where distant stations would transmit information, in coded form in the vertical blanking interval of their signal, as to upcoming advertising and its duration. This information would be decoded at the cable headend and relayed over telephone lines to the studio of the station inserting advertising. The local station would then transmit appropriate length advertisements via microwave to the cable headend for insertion on the channel of the distant signal in place of the advertising that would be deleted by the cable system. Equipment needed for this system, including a minicomputer, four video tape units, switching, decoding, and automatic logging equipment, and a one-hop, one-channel microwave system, was estimated to cost $143,500. Wage payments to operate the system would total $36,000 per year. This arrangement would supply one cable system with the advertising to be inserted on one channel. The cost of the equipment required by the distant station was not included. As another alternative, some cost savings would have been achieved by having the distant signal delivered directly to the local station's studio, where all insertions would be made and the signal microwaved to all cable systems in the market.

29. NAB judged the commercial substitution proposal to be confiscatory, technically, and economically unworkable, and inconsistent with the realities of the marketplace. If each cable system performed the switching operations individually, each would need, it was alleged 12 video tape units (for 10-, 20-, and 30-second commercials on each of four imported channels), plus switching equipment, at a cost of $140,000. If switching for all cable systems in the market were performed at a single switching center, a cost of $800,000 for this facility was assumed. An estimated additional $175,000 annually would be required to maintain and staff the center. The carriage of sporting events and other live broadcasts during which commercial messages are not preprogramed would further complicate the operation of the substitution system and frustrate attempts to automate it. NAB concluded that, even if the system were technically workable, it would not provide sufficient additional advertising revenue to make it workable from an economic standpoint.

30. KOB–TV et al. regarded the proposal as "harebrained," "mind boggling," and a "Rube Goldberg device." In addition to the technical complexity and high cost of the required equipment, they rated the full cooperation of the distant stations, the local stations, and the cable system as essential, but saw little likelihood of its achievement. They reported that commercial time availabilities with audiences of only 3,000 to 5,000 or even more "cannot be sold at any price," and anticipated that the cost of selling the time would very likely exceed the revenue received. Other broadcast comments were pessimistic about the technical and economic validity of the proposal and opposed to it as a matter of principle.

31. *Comments by copyright interests.* The program suppliers were opposed to any proposal that involved compulsory licenses, at least in the larger markets, and were, therefore, opposed to the commercial substitution proposal.

32. *Comments by cable television interests.* In the cable television industry there was considerable diversity of opinion as to the proposal. The NCTA found it to be technically and economically feasible. The required deletions and insertions, it was believed, could be performed on three channels at a cost of $27,000 for equipment and $90,000 a year for operating expenses. These calculations were based on a system using closed circuit rather than standard broadcast equipment, no automatic signaling or switching, and no microwave expense. The cost, it was suggested, would be prohibitively expensive for cable systems and should be borne by the broadcasters receiving the benefits of the commercial insertions. Athena Communications Corp. et al. stated that "commercial substitutions may be feasible and can probably work with the total cooperation of all parties concerned." Other cable operators—for example, Midwest Video Corp.—regarded the proposal as unworkable and an aid neither to cable nor to independent UHF stations. Those cable interests who regarded it as workable generally emphasized that the costs should be borne by the benefiting stations.

33. *Commercial substitution experiment.* Bucks County Cable TV, operator of a cable system in Falls Township, Pa., was authorized to carry three commercial signals and one noncommercial educational station from New York City on condition that it test and report on the technical feasibility of commercial substitution.[26] In this test the entire cost has been borne by the cable system with no assistance from either the distant stations carried or the local stations entitled to insert commercials. WPHL–TV, Philadelphia, authorized Bucks to record its commercials directly off the air and insert them in the distant signal channels. The commercials are inserted into the signals of the New York stations by means of a manual switching system that is dependent on the skill and efficiency of the persons operating the manual switches who are, in turn, dependent on visual and audio cues in the program material to indicate when the switch deleting the distant advertising and inserting local advertising should be thrown. Bucks judges that more than 90 percent of the insertions have been made perfectly and that "a manual switching system of commercial substitutions is feasible."

Comments on 5 Percent Payment to Public Broadcasting

34. As part of the commercial substitution plan, it was also proposed that cable systems be required to use a portion (5 percent) of their subscriber revenues to support public broadcasting. This payment was to be made by all cable systems without regard to whether they carried programing from noncommercial educational stations. The Corporation for Public Broadcasting, as a potential beneficiary of this proposal, supported it but suggested that the funds should be separately managed and used for purposes specifically benefiting subscribers to cable systems—such as the acquisition of hardware and the production of programing. An alternative to this proposal was suggested by the Suffolk County Organization for the Promotion of Education. Under this alternative, half of the 5 percent would be used to support cable-distributed instructional television programing and would be distributed through the U.S. Office of Education to State education departments. School districts, institutions of higher learning, or nonpublic schools would then apply for the funds to produce, procure, and transmit educational, instructional, or school-community type programing. Many letters supporting this proposal were received from persons either engaged in instructional television activities or who believed that an expansion of instructional television would aid in the educational process. Cable parties generally questioned whether the Commission had the authority to enact regulations that would require cable systems to support public broadcasting. They pointed out that it was not the Commission's duty to provide financing for the public broadcasting system, that there were other methods of providing for financing, and that the requirement was discriminatory. Broadcasters generally were in agreement with the cable operators that the requirement would be beyond the jurisdiction of the Commission and should not be undertaken without legislation.

[25] A filing by International Digisonics Corp. indicated that the nation's largest purchasers of television advertising are now placing monitoring "codes" in their commercials, and such "codes" might be suitable for commercial switching rather than signals inserted by the originating stations.

[26] Bucks County Cable TV, Inc., 27 FCC 2d 178 (1971); recon. denied, 28 FCC 2d 4 (1971).

Comments on Leapfrogging Rule

35. In our notice of December 1968, we proposed generally that a cable system carrying a distant signal or signals would be required to carry the closest station of each type (ABC, NBC, or CBS network, partial network, independent, or noncommercial educational). In certain instances, the closest station of a type from within a State could be carried even if there were a closer station of the same type in another State. Provision was made for obtaining a waiver of this rule on a showing of good cause, such as a cable community's having a greater community of interest with the community of a more distant station. In our proposal of June 1970, some additional flexibility was permitted, with two of the four distant signals that we proposed to permit in the major markets having no restriction as to origin and two having to come from within the same State as the system.

36. The comments on this question were generally divided between broadcast and cable interests, with the former strongly supporting the rule and the latter either opposing it or supporting it with qualifications. Those in favor of a strict antileapfrogging rule stressed that such a rule would support our allocations policy, avoid undue concentrations of control in major market independent VHF stations, lead to carriage of stations more attuned to the needs and interests of the cable community, and result in the carriage of stations with less audience appeal, giving them the benefits of extra circulation and resulting in less audience diversion in the markets into which they were carried. Those opposing adoption of such a requirement felt that cable subscribers should be entitled to the best stations available without regard to place of origin, that concern over concentration of control could be discounted in light of the control of the existing networks from New York and Los Angeles, that community of interest considerations might dictate carriage of more distant stations, and that frequently the choice is not between closer and more distant stations but between no additional stations and those available over existing microwave facilities. Western Microwave, Inc., argued that there were special problems that should be considered in areas of the sparsely populated West where additional service could only be obtained from a considerable distance. In these areas, without regard to which signals were carried, it was said to be necessary that all cable systems carry the same signals so that microwave costs might be shared. While many cable parties accepted the theory of such a rule, they pointed out the desirability of retaining sufficient flexibility to permit the carriage of more distant stations from communities with a greater community of interest, and of signals available on existing microwave routes when the construction cost of new microwave facilities to carry closer signals would not be economically feasible.

Comments on the Proposed Codification of Overlapping Market Rule

37. Our general policy has been to require that cable systems carry all Grade B signals (§ 74.1103). A possible exception to this rule was created in footnote 69 of the Second Report and Order in Docket 15971 [27] which suggested that in certain circumstances Grade B signals from one major market might be considered as distant signals for cable carriage in the vicinity of another major market. In Docket 18397 fixed rules were proposed to govern the carriage of overlapping major market signals. Under this proposal a cable system in a community within 35 miles of one major market could not, in the absence of retransmission consent, carry commercial television signals from another major market unless the cable community were also within 35 miles of the latter market.

38. Program suppliers and broadcasters, with a number of specific exceptions discussed below, supported the proposed rule. They urged that, because signals from one major market are generally not viewed in adjoining major markets, they should be treated as distant signals even in areas where predicted Grade B service is available. It was argued that cable carriage would alter existing viewing patterns and have the adverse consequences attributed to distant signal carriage. A chart filed by AMST indicated that these situations are in fact common, with the central cities of 72 of the top 100 television markets receiving some predicted Grade B service from other top 100 markets.

39. In contrast to this general support for the proposed rule, some specific cases were brought to our attention in which it was said that the zones proposed would cut broadcasters out of their normal markets. Camellia City Telecasters, Inc., licensee of KTXL–TV, Sacramento, Calif., and Kelly Broadcasting Co., licensee of KCRA–TV, Sacramento, pointed out that portions of Contra Costa and Solano counties, which audience surveys show to be in the Sacramento-Stockton market and which are on "their" side of the mountains, are beyond their 35-mile zones and in the zone of San Francisco. They asked that any rules adopted be flexible with respect to their particular situations. Bay Broadcasting Co., licensee of television Station KUDO, San Francisco, similarly requested that the overlapping market rule not be used to bar carriage of its signal on cable systems in San Jose. It pointed out that San Jose, while 40 miles from the center of San Francisco, is within the Principal Community contours of KUDO and other San Francisco stations. A filing on behalf of eleven television stations (KCST et al.) included audience survey information indicating extensive viewing of out-of-market stations in several overlapping markets. New York City stations, for example, were shown as having a 43.7-percent share of audience in New Haven, and Boston stations were shown as having a 21.5-percent share in Providence.

40. In the oral presentations, a possible remedy for situations where there is actual viewing of out-of-market stations was suggested on behalf of U.S. Communications Corp., owner of several major market independent UHF television stations. In order that cable subscribers have available at least the signals that are actually viewed off the air, the Commission was urged to adopt a rule permitting cable carriage whenever there is "significant" off-the-air viewing of an overlapping market signal. Dr. Leland Johnson of the Rand Corp. suggested a similar approach and specifically that an overlapping market signal might be considered a local signal if 15 percent of the homes in the area watched the signal in question during an average day. AMST suggested there might be certain instances that lent themselves to ad hoc treatment, citing the Manchester, N.H., television market where more than 50 percent of viewing is of Boston stations.

41. Cable interests strongly oppose the adoption of any rule or the continuation of any policy barring the carriage of Grade B signals. It was their contention that any signal ordinarily receivable off the air should also be available to cable subscribers and that a contrary rule would restrict carriage of signals that are not only receivable but are in fact viewed. At a minimum, it was argued, cable subscribers should have access to what is available off the air. Prohibitions against carriage of out-of-market signals were said not only to discriminate against cable subscribers but to make it impossible to market cable service because the subscriber would be in the position of paying more to get less.

42. The proposed rule was also said to conflict with already established policy. Our decisions in Shen-Heights TV Association et al.[28] was cited as indicating the nature of this conflict. In that decision, it was held that a broadcast station "has

[27] 2 FCC 2d 725 (1966).

[28] 11 FCC 2d 814 (1968).

V37-30 FEB 12 72 XUM

a responsibility of serving as an outlet for its entire service area" and that, as a counterpart to this obligation, cable systems within the predicted Grade B contour of a station "must observe the carriage and nonduplication requirements of our rules even though a viewable off-the-air picture is not available in any part of the CATV community." From this, and similar language in other decisions, it was argued that our proposed rule was in fundamental conflict with other policy decisions already made. Broadcast stations, for example, are intended and in fact required to serve the whole area within their Grade B contours.

Comments on the Carriage of Noncommercial Educational Television Stations

43. Our proposal to permit unrestricted carriage of noncommercial educational television stations in the absence of objection by local educational stations or local or state educational authorities was generally supported. The Joint Council on Educational Telecommunications, Nebraska Educational Television Commission et al., Eastern Educational Network, and the National Association of Educational Broadcasters objected to the proposal to the extent that it would force educational stations to become involved in hearings and other burdensome proceedings. They believed it discriminated against educational stations by forcing them to make specific objections to distant signal carriage, whereas commercial television station carriage would be regulated without such a requirement.

Additional Alternatives Proposed

44. Our notice of June 1970, in addition to containing the commercial substitution proposal, solicited comments on other alternatives and suggested as possibilities expanded program exclusivity and direct subsidization of UHF television by cable systems.

45. *Direct compensation for audience diversion.* Dr. Leland Johnson, in a report entitled "Cable Television and the Question of Protecting Local Broadcasting" prepared under a Markle Foundation grant, raised the possibility that UHF stations suffering audience diversion from cable should receive direct compensation from the cable systems in question. While Dr. Johnson did not believe broadcast stations in the larger markets would be harmed substantially by cable systems carrying four distant signals, it was his view that audience diversion resulting from such carriage could be ascertained through audience surveys and the revenue losses to UHF stations made up by direct payments. Payments could be made to all stations in the market, to those below a stated level of profitability, or to all stations on a sliding scale related to station profitability.

46. John J. McGowan, Roger G. Noll, and Merton J. Peck, as part of a Brookings Institution study financed by the Ford Foundation, also suggested the adoption of a form of direct compensation. They suggested that all cable systems be required to make payments into a UHF development fund. The amount to be paid would be that amount sufficient to make up the deficit of all existing UHF independent stations. This fund would be distributed according to the following rules:

(i) Only unprofitable stations would be eligible and only to the extent of their deficit.

(ii) Payments would be related to the number of hours of programing devoted to first-run syndications or local live programs in order to encourage the development of new programing.

(iii) Eligibility would be limited to existing UHF independents or to one UHF independent in each market.

47. American Cable Television et al. suggested the elimination of the proposed 5-percent levy for public broadcasting and the establishment of 5 percent of gross revenues impact fund to compensate both commercial and educational stations for loss of revenue resulting from cable competition. Allen's TV Cable Service et al. suggested the creation of impact pools made up of 2 to 3 percent of the gross revenues of VHF stations and cable systems. UHF stations suffering economic impact from either cable or VHF would receive compensation from the respective impact pool. Others (both broadcasters and cable operators) were opposed to direct compensation on the ground that it is beyond the Commission's jurisdiction, would inhibit competition between the cable and broadcast industries, and would destroy the incentive of local stations to improve the quality of their programing.

48. Extended nonnetwork program exclusivity. Midwest Video Corp., a cable operator, suggested that the Commission adopt proposals that would implement the approach exemplified by section 111 of the copyright legislation pending in Congress.[28] The provisions of section 111, which are described here in simplified form, would subject all cable systems to copyright liability provided, however, that systems would have a compulsory license at a fixed fee to carry all local signals (including those from overlapping markets) and sufficient distant signals to provide a statutorily defined adequate service minimum. In the top 50 markets, adequate service is defined in the bill as carriage of signals from each of the three national networks, three independent signals, and one noncommercial educational signal. In markets 51 and below, adequate service is defined as signals from each of the national networks, two independents, and one noncommercial educational. If distant signals were carried to make up the adequate service complement, local stations would be entitled to protection for their nonnetwork programing. A provision was also included to restrict the carriage of live professional sports programs on distant signals.

49. Kaiser Broadcasting suggested a variation whereby cable systems in all markets could carry sufficient local and distant signals to provide their subscribers with at least three network signals, three independent signals, and one noncommercial educational signal. Full "run-of-contract" exclusivity would be afforded the nonnetwork programing of Grade A stations against Grade B stations and of Grade B stations against distant stations, carriage of all Grade B signals would be permitted, a compulsory copyright license would be provided for these signals, carriage of the closest distant signals of each type would be required, and professional sports blackouts would be protected. Westinghouse Broadcasting Co. suggested another variation. It would permit carriage of local and distant signals sufficient to provide at least service from the national networks, one noncommercial educational station, and three channels of nonnetwork programing. If this combination were already provided by signals from within the market, no distant signals or Grade B signals from other markets could be carried. If a local station were activated after the cable system had commenced operation, its signals would be substituted for a distant signal but only after a 7-year amortization period. The leapfrogging rules would be discarded and cable systems permitted to obtain authorized service from any station within 350 miles. No exclusivity of any type would be recognized beyond 35 miles of a station, but within that zone a station would be entitled to nonduplication protection for any programing it had contracted to broadcast. However, in order to avoid the shelving of programing, this exclusivity would apply only if the program were scheduled for broadcast within 2 years of purchase or, in the case of a series-type program, if telecast within 1 year. Compulsory copyright license legislation would be expected to accompany these regulations.

50. In connection with these proposals, a study by Harbridge House, Inc., attempted to calculate the loss of revenues to program producers resulting from the loss of first-run exclusivity. The study assumed, as the best estimate available, that loss of exclusivity reduces the value of a first-run feature film by 40 percent and even more in the case of series programs.

51. *Professional sports exclusivity.* A number of comments received from professional sports interests, including the Commissioner of Baseball, the National Football League, and the American Hockey League, requested that exclusivity rules be adopted to bar cable carriage of professional sports programing on distant signals. Their concern was primarily that carriage of such programing, especially into a blacked-out area, would decrease the gate attendance at professional sporting events. The Commissioner of Baseball first proposed a rule that would have precluded carriage of the signal of a distant station broadcasting a baseball game by a cable system within 50 miles of a community to which a professional baseball club was franchised (when a home game was being played), unless consent had been obtained from the distant station and from the league of the baseball club being protected. Later, a broader rule was suggested that would preclude the carriage of any live organized professional team sporting event on a distant signal unless the cable system obtained the consent of the originating station and of the team that authorized the telecast. In addition, no live professional sporting event could be carried on a local signal if that signal were carried more than 35 miles from the community of the originating station to within 35 miles of a television station community in another market. It was suggested that the Commission use as its model section 111(a)(4)(c) of the proposed copyright revision bill. The American Hockey League and the National Football League supported this position. As an authority for the Commission's jurisdiction to adopt such restrictions Public Law 87-331 was cited.[29] This law provides some professional sports teams with a limited exemption from the provisions of the antitrust laws in order that they may make agreements designed to protect home game attendance. It confers no authority on the Commission but does indicate some public policy support for protecting the gate of professional sports teams.

52. *Allocations or market-tailored approach.* General Electric suggested that distant signal carriage might be regulated according to an allocations plan similar to that of FM radio and television facilities, but based on economic rather than interference considerations. Markets would be classified according to existing stations, allocations, populations, available revenues, etc., and judgments made as to the measure of distant signal carriage that should be permitted for each class of market. Under this proposal, it would be possible for areas not separately capable of supporting independent stations to be added together through cable carriage, so that these areas in the aggregate could support independent television service. General Electric was particularly concerned that, because of the rapidly changing nature of the industry, the Commission not attempt to define regulations that would permanently shape cable's evolution and represent the ultimate solution to all of its problems.

53. *Justice Department proposal.* The U.S. Department of Justice was critical of our cable regulations and proposals as being unnecessarily protective of the broadcast industry. It recommended that the Commission attempt to assure only a minimum of continued over-the-air service "consisting of one, two or perhaps even three stations." Beyond that minimum, there should be no restrictions on distant signal carriage, and copyright questions should be left entirely for congressional resolution. Cable systems, it was asserted, should be left to compete with broadcasters in the marketplace, and the marketplace should decide how many and what kind of facilities survive. Donald I. Baker, Deputy Director of Policy Planning for the Department, expressed the Justice position during the panel hearing as follows:

> • • • our position is basically that the Commission is invited to embark on an elaborate scheme of social engineering, of handicapping here, subsidizing there and so forth. We think that is an inappropriate role. This may have been a role that has been thrust on the Commission by the shortage of broadcasting spectrum in dealing with over-the-air broadcasting. It is not a necessary role with the abundance of cable.
>
> • • • • • •
>
> • • • [B]asically the Commission should allow the people in the marketplace who want it or don't want it, who will pay or will not pay, to make the choice.

54. *Copyright approach.* The comments of the program suppliers (MCA, Inc., and Allied Artists Pictures Corp. et al.) indicated their belief in the crucial importance of full copyright liability for cable in the top 50 television markets. As a compromise solution for smaller markets, they suggested that cable systems be permitted to carry (on a compulsory license basis) sufficient local and distant signals to provide subscribers with signals from stations of the three national networks, one independent station, and one noncommercial educational station. In areas outside all markets and for local signals, a compulsory copyright license would be provided for all signals carried. In all markets where distant signals are imported, local stations would have their exclusive rights to feature films protected for 3 years, and series protection for 4 years. No distant signal programing could be imported unless the copyright owner had 2 years from the first nonnetwork showing to negotiate an exclusive sale in the market. Compulsory license fees would be established. Existing systems would be grandfathered to 150 percent of their subscribers as of a base date, and systems with fewer than 1,500 subscribers would be exempt unless affiliated with a multiple owner having more than 10,000 subscribers. Adoption of this proposal would require action by the Commission and the Congress.

55. *Elimination of exclusivity in the sale of television programing.* Leonard M. Ross of Harvard Law School made the point during our panel discussions that, while full copyright liability for distant signal programing "at first blush" appears to be fair, experience has shown that long-term exclusive sales of programing provide a substantial barrier to market entry—that is, a cable system attempting to purchase programing on a full copyright basis would find that the most desirable programing had already been sold on a long-term basis to broadcast stations in the area. Two approaches to limiting this barrier were suggested: The adoption of some type of compulsory license system or elimination or limitation on exclusive program sales.[31]

56. *NCTA proposal.* NCTA, during the panel discussions, proposed the following package:

- Carriage of all Grade B signals;
- Carriage of four distant independents, two from within State if possible;
- Carriage of noncommercial educational stations in the absence of objection;
- Preservation of professional sports team blackouts consistent with Public Law 87-331;
- Nondiscriminatory first-come, first-served access to unreserved cable channels;
- First run exclusivity provided to local independent UHF stations;
- A failing-station doctrine under which special relief would be granted stations demonstrating inability to provide minimal service as the result of cable competition;
- Existing systems grandfathered in their operating territories; and
- Payment of reasonable copyright fees on a compulsory license basis to be decided by Congress.

RESOLUTION OF ISSUES CONCERNING TELEVISION BROADCAST SIGNAL CARRIAGE

57. The carriage of distant television broadcast signals by cable television systems has been center stage in the continuing controversy before the Commission, the Congress, and the Courts. The industries involved have variously argued—the cable industry, that cable technology will bring extra programing and other services to the pubic, both on distant signals and on locally originated channels; the broadcast industry, that distant signal importation will lead to smaller audiences and reduced revenues and thus threaten the existence of some broadcast stations or inhibit their ability to produce local public service programs; the television programing industry, that suppliers of programing should receive compensation for the use of their product by cable systems and that the exclusive sales of such programs in particular markets should be honored.

58. In resolving these issues, our basic objective is to get cable moving so that the public may receive its benefits, and to do so without jeopardizing the basic structure of over-the-air television.[32] We also desire to put to rest the problem of exclusivity protection for programs imported from distant cities by cable television systems and to open the way for

[28] Section 111 is the CATV section of the Omnibus Copyright Revision Bill that was reported to the Senate Judiciary Committee by the Subcommittee on Patents, Trademarks, and Copyrights in December 1969. The bill was introduced in the 91st Congress, first session, as S. 543, and reintroduced in the 92d Congress, first session, as S. 644.

[29] 15 U.S.C. secs. 1291-1295.

[31] These views were expressed in greater detail in Chasen and Ross, "Federal Regulation of Cable Television: The Visible Hand," 83 Harv. L. Rev. 1820, 1839 (1969).

[32] We have previously set out the reasons why the public interest is served by preserving a healthy broadcast service. See Second Report and Order in Docket 15971, supra note 27; see also U.S. v. Southwestern Cable Co., 392 U.S. 157 (1968). It is sufficient to restate that we are guided by the standard of what will best serve the public interest and not by a desire to protect any industry from the impact of new technology.

V37-130 FEB 12 72 XUM

resolution of the long-standing dispute over copyright payments. To achieve these goals, we have considered a number of alternative courses of action. Our existing rules, which require individual consideration of all distant signal carriage proposals for the top 100 television markets and of special relief requests in other markets, are unsuitable for reasons detailed in the notice in Docket 18397. The adjudications required in these cases have involved policy matters beyond the scope of the individual disputes. The procedures available for the settlement of these disputes have proved burdensome and have not furnished a dependable basis for regulation. The comments filed, almost without exception, support us in this decision.

59. We are also rejecting the retransmission consent proposal of Docket 18397. Experience has indicated that it simply will not achieve our basic objectives. Nor does the commercial substitution proposal of Docket 18397–A provide the answer. While the Bucks County Cable TV experiment (paragraph 33, supra) suggests that many of the technical objections to the proposal have been exaggerated, the prospect is not promising because of the necessity for close cooperation of all the parties—and such cooperation, as the comments indicate, is highly unlikely. We believe it imperative that our new approach above all be a pragmatic one, and have fashioned a program that melds techniques with which we have had experience—exclusivity and a limitation on the number of distant signals to be imported.

60. The approach we are adopting is to extend existing exclusivity rules so that they cover nonnetwork as well as network programing, and to restrict the number of distant signals that a system may carry based on the size of the market in which it is located and the estimated ability of that market to absorb additional competition. In so regulating distant signal carriage, we hope to give cable impetus to develop in the larger markets without creating an unacceptable risk of adverse impact on local television broadcast service. At the same time, these limits should serve to create an incentive for the development of those nonbroadcast services that represent the long term promise of cable television and are critical to the public interest judgment we have made.

The Consensus Agreement

61. In the course of developing a regulatory program, and because of Congressional concern over these important matters, the Commission in its letter of August 5, 1971 outlined to Congress the rules on which there was Commission agreement.[33] We noted there (p. 2) the recent efforts of the principal industries to reach agreement on the major issues at controversy and expressed the hope that these efforts would be successful. Following the letter's release, intensive efforts were made to achieve a consensus, and agreement has now been reached. Because this consensus agreement is of particular significance to our deliberations, it is set out in full in Appendix D.[33a] The Office of Telecommunications Policy provided valuable assistance in the negotiations that led to this agreement.

62. The agreement does not alter in any respect the access, technical standards, or Federal-State/local aspects of the August 5 letter. It deals solely with Part I of the letter—television broadcast signal carriage. It proposes three modifications, as follows:

(i) *Exclusivity.* For syndicated programing, the agreement provides for extensive exclusivity in the top 50 markets, and more limited exclusivity in markets 51–100. For network programing, it substitutes simultaneous for same-day protection.

(ii) *Local signals.* The agreement changes the significant viewing standard applied to out-of-market independent stations in overlapping market situations from a 1 percent share of viewing hours to a 2 percent share; it does not alter the standard applied to network affiliates.

(iii) *Leapfrogging.* The agreement retains a UHF priority where a third distant signal is carried but changes the requirements for the first two signals. There is no restriction on these signals as to point of origin, except that if either is taken from any of the top 25 markets it must be from one of the two closest such markets. In the August 5 letter these signals were, in effect, channels of independent programing (conceivably a blend of several distant stations); now they are restricted to specified distant stations except during exclusivity protection periods.

63. The principal addition the agreement would make to the program we outlined in August is the provision of exclusivity for syndicated programing. In the August letter, we stated that "we intend to study whether present or future considerations call for altering our existing CATV program exclusivity rule (§ 74.1103), which in effect protects only the network programing of network affiliates." Clearly, even before the agreement was reached, the Commission recognized the need for considering action to protect syndicated programing.[34] Now a consensus has been hammered out by the principal industries themselves and they have agreed to support legislation that resolves the remaining aspect of the copyright issue, that of copyright payments.

64. The provisions of the agreement would add exclusivity protection for syndicated programing—a matter that was in any event under study—and would work two changes in our earlier proposal. The changes in the viewing standard and in leapfrogging restrictions are consistent with our long-range goals for cable and represent merely variations on a theme. Adoption of the agreement does not mean that we would, absent agreement, have opted in its precise terms for the changes it contemplates. But their incorporation into our new rules for cable does not disturb the basic structure of our August 5 plan. And if, as we judge, the terms are within reasonable limits and the agreement is of public benefit, then it should be implemented in its entirety.

65. We believe that adoption of the consensus agreement will markedly serve the public interest:

(i) First, the agreement will facilitate the passage of cable copyright legislation. It is essential that cable be brought within the television programing distribution market. There have been several attempts to do so, but all have foundered on the opposition of one or more of the three industries involved. It is for this reason that Congress and the Commission have long urged the parties to compromise their differences.

(ii) Passage of copyright legislation will in turn erase an uncertainty that now impairs cable's ability to attract the capital investment needed for substantial growth. The development of the industry, at least with respect to assessing copyright costs, would be settled by the new copyright legislation and its future no longer tied to the outcome of pending litigation.[35]

(iii) Finally, the enactment of cable copyright legislation by Congress—with the Commission's program before it—would in effect reaffirm the Commission's jurisdiction to carry out that program, including such important features as access to television facilities.

It is important to emphasize that for full effectiveness the consensus agreement requires Congressional approval, not just that of the Commission. The rules will, of course, be put into effect promptly. Without Congressional validation, however, we would have to reexamine some aspects of the program. Congress, we believe, will share our conclusion—that implementation of the agreement clearly serves the public interest. (See exchange of letters between Chairman Burch and Senator McClellan attached as Appendix E.[35a])

66. There remains the question of the effect of the consensus agreement on the Commission's flexibility to shape cable's evolution. Our judgment is, to repeat, that the agreement serves the public and should thus be reflected in the rules here adopted. The legislation that we believe must follow will limit the number of distant signals to which compulsory copyright licenses apply to those specified in §§ 76.59, 76.61, and 76.63 of the rules. In all other respects—for example, the details of network and syndicated programing exclusivity protection, leapfrogging, the significant viewing standard, the definition of signals that must be carried—the Commission retains full freedom and, indeed, the responsibility to act as future developments warrant. We reiterate that we are affording cable the minimum number of distant signals necessary to promote its entry into some of the major television markets but that, ultimately, its success will depend on the provision of innovative nonbroadcast services. This is not to say that such matters as signal carriage, exclusivity, and leapfrogging are insignificant. These rules represent our best judgment as to broad policies that should govern cable's evolution. The Commission has no intention of setting out detailed regulations today, only to rewrite them tomorrow. But, as we gain experience and insight, we retain the flexibility to act accordingly—to make revisions, major or minor—and to keep pace with the future of this dynamic area of communications technology.

67. We have considered whether we should issue a further notice to solicit comment on the consensus agreement or turn to some other additional public proceeding. But we have concluded that it would serve little purpose to do so. It is not necessary to have further argument, for example, on which leapfrogging standard should be used. We are in position now to make that judgment. Indeed, all parties have had full opportunity to comment on this and all other matters covered by the agreement (e.g., exclusivity, significant viewing standard, overlapping markets). The decisive consideration is whether the public interest will be served by incorporating the consensus agreement in its entirety. And we have concluded that it clearly serves the public interest to do so. For more than 3 years we have been gathering data, soliciting views, hearing argument, evaluating studies, examining alternatives, authorizing experiments—turning finally to public panel discussions unique in communications rule making—and, in this effort, have necessarily delayed the substantial benefits of cable to the public. If it would serve some overriding national purpose, we would turn to further process even in the face of more delay. But it does not. It is time to act.

Impact Considerations

68. Before proceeding to the specific provisions of the rules, some discussion would be useful on the judgments we have made as to: (a) The amount of distant signal competition that can be introduced into particular types of markets without having adverse impact on local television service, and (b) the effect of distant signal carriage on the supply of television programing. The answers rest in the complex economics of, and interrelationships between, the three industries involved as well as on expectations of future developments in the industries and in the economy generally.

69. With respect to the question of impact of distant signal carriage on local television broadcast service, a number of studies were undertaken to test our proposals in Docket 18397–A. These proposals would have permitted carriage of four distant independent signals in each of the top 100 markets. A study was undertaken by the Commission's staff, several studies were produced by the Rand Corp. under grants from the Ford and Markle Foundations, and studies and critical appraisals of the staff and Rand reports were submitted by various broadcast interests. In all of these it was assumed that four distant signals, including among them the strongest independents in the country, would be carried. There was no consensus as to the range of likely impact. The Rand studies concluded generally that carriage of four distant signals would not have significant adverse impact on local television broadcast service and that, in the short run at least, increased cable penetration would have a beneficial effect on local UHF stations because cable carriage eliminates the technical edge of VHF over UHF. The broadcast studies pointed out a number of alleged defects in the Commission staff and Rand studies and concluded that carriage of four distant signals as proposed would have a seriously detrimental impact on local broadcast service. The Commission staff study was somewhat less optimistic than the Rand studies but less pessimistic than those of the broadcasters

70. The conflicting conclusions of these studies make abundantly clear the difficulties involved in attempting to predict the future where there are so many variables and unknowns. While the reports and studies have been useful in illuminating the various elements of our policy decision, we cannot rely on any particular report or study as a sure barometer of the future. We would simply point out there is no consensus, and we do not pretend that we can now forecast precisely how cable will evolve in major markets. There is inherent uncertainty. But this does not mean that we should stand still and block all possibility of new and diverse communications benefits. Rather, it means that we should act in a conservative, pragmatic fashion—in the sense of maintaining the present system and adding to it in a significant way, taking a sound and realistic first step and then evaluating our experience. That is the approach we have taken. We have authorized not four distant signals, as proposed, but a more limited number (particularly in the smaller markets), and provided the added protection of nonnetwork program exclusivity (particularly in the larger markets where independent stations generally operate).

71. Based on our experience and on our study of the comments, we do not believe that this approach will have impact adverse to the public interest. On the contrary, it is our judgment that it would be wholly wrong to halt cable development on the basis of conjecture, for example, as to its impact on UHF stations. We believe the improvements that cable will make in clearer UHF pictures and wider UHF coverage will offset the inroads on UHF audiences made by the limited number of distant signals that our rules would permit. As to similar arguments concerning cable's impact on VHF in the smaller markets, it is our judgment—considering such factors as cable's rate of penetration and the growth of broadcast revenues—that our approach will not undermine these stations in their ability to serve the public. As with any general policy, there may well be exceptional cases—as to a particular market or, more likely, a particular station in that market. In such an event, we would be prepared to take appropriate action under the special relief provisions of the rules (§ 76.7).

72. The viewing patterns in cable and noncable homes will soon become apparent and serve as a measure of cable's possible impact on local broadcast service. We intend to obtain continuing reports from representative communities, and broadcasters will be free to submit such reports at any time. If these reports and the financial data from operating stations were to show the need for remedial action, we could and would act promptly. The range of possibilities here is broad. More extensive nonnetwork programing protection might be afforded to affected stations in markets below the top 50. Or, we might consider halting cable's growth with distant signals at discrete areas within the community—something we have done on occasion in the past.

73. The additional program exclusivity rules are designed both to protect local broadcasters and to insure the continued supply of television programing. The latter, of course, is fundamental to the continued functioning of broadcast and cable television alike. As with the basic signal carriage rules, the types of exclusivity incorporated into the rules vary according to market size: The most extensive protection is in the top 50 markets from which the bulk of program supplier revenue is derived and where these restrictions are consequently most needed to insure the continued health of the television programing industry.[36] This

[33] See full text, Appendix C filed as part of the original document.

[33a] Appendix D filed as part of the original document.

[34] The subject of exclusivity for syndicated programing was raised in our notices in Dockets 18397 and 18397–A, and numerous comments were received. Many of the suggestions received in the comments are now, in fact, being incorporated into the Commission's regulatory program. Exclusivity is a complex, dynamic subject that is most appropriately a matter for agency regulation. This is in accord with our view concerning S. 543 (Omnibus Copyright Revision Bill) where we urged that a revised copyright law leave detailed regulation of cable television signal carriage to administrative control. Letter of March 11, 1970, to Senator Warren G. Magnuson.

[35] Under the decision in Fortnightly Corporation v. United Artists, 392 U.S. 390 (1968), cable systems do not now make payment for broadcast programing. But the case of C.B.S. v. TelePrompTer, now pending in the Federal District Court of the Southern District of New York (64 Civil 3814) would test the limits of the Fortnightly decision. Assuming that Congress confirms the consensus agreement with the passage of copyright legislation, a decision in TelePrompTer could be significant, we believe, only with respect to past liability.

[35a] Appendix E filed as part of the original document.

[36] Our concern here with the continued supply of television programing has a counterpart in the prime time network access rules. See Network Television Broadcasting, 23 FCC 2d 382 (1970), aff'd, Mt. Mansfield Television, Inc. v. FCC, 492 F 2d 470 (2d Cir. 1971).

VOL 37-30 FEB 12 72 XUM

protection will also assist independent stations (including many UHF's) that are very largely concentrated in these markets. In markets 51–100 the rules afford additional, although limited, protection to local broadcasters. It has been necessary to find a middle ground: The stations are very largely network affiliated, and generally only two distant signals will be permitted; but these markets are mostly underserved, lacking independent stations, and thus there is a particular need for cable. No syndicated programing exclusivity is added in markets below 100 because the number of distant signals is very strictly limited under the rules. That limitation along with network programing protection, is, we believe, adequate to preserve local service, and no additional impediment should be placed on cable operations in these underserved markets.

SIGNAL CARRIAGE RULES

74. The following chart will give an overview of signals that will be permitted:

GENERAL OUTLINE OF THE RULES PERTAINING TO BROADCAST SIGNAL CARRIAGE

The television signal carriage rules divide all signals into three classifications:

First, signals that a cable system, upon request of the appropriate station, must carry.

Second, signals that, taking television market size into account, a cable system may carry.

Third, signals that some systems may carry in addition to those required or permitted in the two above categories.

These three classifications of signals are used in various market situations as outlined below:

CABLE SYSTEMS LOCATED OUTSIDE ALL TELEVISION MARKETS

PRIORITIES

First:
The following signals are required, upon request, to be carried:
(1) All Grade B signals.
(2) All translator stations in the cable community with 100 watts or higher power.
(3) All educational television stations within 35 miles.
(4) Television stations significantly viewed in the cable community.

Second:
The cable television system may carry any other additional signals.

CABLE SYSTEMS LOCATED IN SMALLER TELEVISION MARKETS

First:
The following signals are required, upon request, to be carried:
(1) All market signals (those within 35 miles and those located in other communities that are generally considered part of the same market.[1]
(2) Grade B signals of educational television stations.
(3) Grade B signals from stations in other smaller markets.
(4) All translator stations in the cable community with 100 watts or higher power.
(5) Television stations significantly viewed in the cable community.

Second:
A cable system may carry additional signals so that, including the signals required to be carried under the First priority, the following total may be provided.
(1) Three full network stations (subject to leapfrogging restrictions).
(2) One independent station (subject to leapfrogging restrictions).

Third:
Generally, the cable system may carry additional educational stations and one or more stations programed in non-English languages.

CABLE SYSTEMS LOCATED IN THE FIRST 50 MAJOR MARKETS

First:
The following signals are required, upon request, to be carried:
(1) All market signals (see smaller markets above).[2]
(2) Grade B signals of educational television stations.
(3) All translator stations in the cable community with 100 watts or higher power.
(4) Television stations significantly viewed in the cable community.

Second:
A cable system may carry additional signals so that, including the signals required to be carried under the First priority, the following total may be provided:
(1) Three full network stations (subject to leapfrogging restrictions).
(2) Three independent stations (subject to leapfrogging restrictions).

Third:
Generally, the cable system may carry educational and non-English language stations as described for smaller markets above.

The cable system may carry two additional independent stations (subject to leapfrogging restrictions): *Provided, however,* That the number of additional signals permitted under this priority is reduced by the number of signals added to the system under the second priority.

CABLE SYSTEMS LOCATED IN THE SECOND 50 MAJOR MARKETS

First:
The same requirements apply as for the

Second:
First 50 Markets.
The cable system may carry additional signals so that, including the signals required to be carried under the First priority, the following total may be provided:
(1) Three full network stations (subject to leapfrogging restrictions).
(2) Two independent stations (subject to leapfrogging restrictions).

Third:
The same requirements apply as for the First 50 Markets.

NOTE: Cable systems located in overlapping markets where differing amounts of service are provided for under the rules, e.g., in the overlap of a smaller market and one of the first 50 markets, must operate in accordance with the rules for the larger market.

75. The signal carriage rules are tailored to markets of varying size in accordance with the estimated ability of these markets to withstand additional distant signal competition. The rules vary according to whether the cable system is in the first 50 television markets, in markets 51–100, in a market below 100, or not in any television market. A list of the major markets (first 100) and their designated communities is made part of the rules (§ 76.51). The list is derived largely from the American Research Bureau's 1970 prime-time households ranking. The list will not be revised each time new rankings are issued; there must be stability in this area, so that plans and investment can go forward with confidence. A contrary approach would be disruptive to the viewing public. Previously, our rules (§ 74.1107) employed a market ranking system based on the net weekly circulation of the largest station in each market. We have now concluded that the prime-time households ranking will serve more appropriately because it more accurately reflects the audience and financial strength of each market.[27]

76. We have delineated the areas to which particular rules will be applicable. We define the basic area as a zone of 35-mile radius surrounding a specified reference point in each designated community in a market. A set of reference points fixing the center of the community to which each station is licensed is made part of the rules (§ 76.53). For new television stations where reference points have not been specified, the 35-mile zone will be drawn from the main post office in the television station community. The purpose of drawing these zones is to permit generally unrestricted cable operation in those outer areas where such operation would have insignificant effect on the revenues of local television stations.[28]

[1] National audience rating services, e.g., ARB and Nielsen, recognize differing communities as being in the same market (hyphenated markets). These characterizations may be relied on for smaller markets; our new rules, however, designate specifically the hyphenated major markets.

[2] In the major markets, where a cable television system is located in the designated community of such a market, it shall not carry as a local signal the signal of a station licensed to a designated community in another major market, unless the designated community of the cable system is wholly within 35 miles of the reference point of the other community or unless the station meets the significant viewing standard.

[27] Net weekly circulation is more an index of potential audience than actual audience. The latter can probably best be reflected by average prime-time rankings of all stations in the market. In employing these rankings we have changed some designations from those supplied by ARB where anomalous results would otherwise occur. There are also changes from the list attached to our Aug. 5, 1971 letter to the Congress: Little Rock, for example, is now ranked 50 and Wichita-Hutchinson 67 in order to reflect our earlier determination in the Prime Time Access Proceeding, Public Notice, 29 FCC 2d 212 (1971). Other markets have consequently also been renumbered.

[28] The 35-mile zone was first proposed in our proceeding in Docket 18397. It was based on experience and on analysis of a number of representative markets. In that proceeding the comments directed toward the size of the zone were predictably split: Cable interests desired smaller zones; broadcasters, larger ones. We are not convinced that our proposal for a 35-mile zone should be changed in either direction. The zone is particularly effective for UHF stations that generally have significantly smaller service areas than VHF stations. The comments filed by AMST indicated that it is the UHF stations—no matter where located—that have the substantial share of their audience within the 35-mile zone. In addition, as we stated in our proposal, a fixed mileage standard has the advantage of administrative ease and provides certainty to the affected industries.

77. Cable systems in communities partially within a 35-mile zone are treated as if they are entirely within the zone. There is, however, one exception to this rule: A cable system in a major market designated community is treated as within the zone of a station licensed to a designated community in another major market only if the 35-mile zone of the station covers the entire community of the cable system. In those instances where there is an overlapping of zones to which different carriage rules are applicable, the rules governing the larger market will be followed. Authorized stations with construction permits, but which have not yet commenced broadcasting, are treated as having a zone and as operational under the rules for a period of 18 months following initial grant of permit.[29] However, the emergence of new stations will not require displacement of existing signals because that would cause disruption of service to the public. Such new stations are likely only in the major markets where new systems will in any event have large channel capacity.

Signals Required to be Carried

78. Our objective in approaching the signal carriage issue has been generally twofold: (1) To assure that "local" stations are carried on cable television systems and are not denied access to the audience they are licensed to serve; and (2) to gage and, where appropriate, to ameliorate the competitive impact of "distant" signal carriage. Because market patterns vary and there is only gradual deterioration in a station's receivability as the distance from its transmitter increases, there is no necessarily clear dividing line between "distant" and "local" signals. Nevertheless, a line must be drawn somewhere.

79. Under prior rules, Grade B signals were generally considered to be local and, on request, cable systems were required to carry all Grade B signals covering their communities. Signals carried beyond their Grade B contours were considered to be distant. While the Grade B carriage rule has been a part of the Commission's cable television rules from the beginning, its operation has been complicated in practice as a result of footnote 69 to the Second Report and Order in Docket 15971. This footnote[30] indicated that there might in rare instances be a question whether all local signals could be carried if the cable system were identified primarily with one market and some of the local signals came from an overlapping market.

80. Between March 1966, when the Second Report and Order was adopted, and our cable proposal of December 1968, many cable systems were precluded from carrying local stations because television broadcasters filed oppositions to, and petitions for special relief against, cable proposals seeking to carry signals that were in fact local but came from overlapping major markets. Under the Commission's rules, the filing of such oppositions resulted in a stay against carriage of the disputed signals until the Commission resolved the issue in each case.[31] In December 1968, we proposed to lend precision to the application of footnote 69 by providing that cable systems located in communities that were for all practical purposes part of two major markets (neither market could claim the community as its own because television viewers watched programs from both markets) could carry the signals of both markets but only in those cases where the community of the system lay wholly within the 35-mile zones of both overlapping markets.

81. We have now decided that the following classes of signals should be treated as local: Signals of stations within 35 miles of the cable system, signals meeting a significant viewing test, market signals in hyphenated markets, and in some cases Grade B signals.

82. *35-Mile and Grade B signals.* All cable systems must carry, on request, the signals of all stations licensed to communities within 35 miles of the cable system's community.[32] This requirement, based on policy considerations similar to those underlying existing carriage rules, is intended to aid stations—generally UHF—whose Grade B contours are limited. In this manner less powerful stations will be able to compete with more powerful stations in the same market more effectively than they could under our old carriage rules; they will be capable of extending their coverage into the area that we have determined is generally necessary for the development of broadcasting stations. With respect to cable systems located wholly outside the specified zones of all stations, all Grade B signals must be carried. This, of course, maintains the earlier carriage rule and assures that all stations whose Grade B contours extend beyond 35-mile zones will be carried by systems located outside such zones.

83. *Overlapping market signals.* A more significant departure from our earlier carriage rules involves the overlapping market or footnote 69 situation. Audience measurements frequently show that stations from one market coming into another market do not receive audience shares of significant size in the latter even though they are of predicted Grade B strength. Such stations with no significant audience in a market may logically be treated as distant signals. The problem then is to draw a line between those stations that have sufficient audience to be considered local and those that do not. Cable development is not likely to be advanced if television choices on the cable are more limited than choices over the air, nor is it reasonable that signals significantly viewed over the air be excluded from carriage on cable systems. Thus, our rule permits and, on appropriate request, requires carriage of a signal from one major market into another if that signal—without regard to distance or contour—has a significant over-the-air audience in the cable system's community. Because the same rationale is applicable, the rule is also applicable to overlaps between major and smaller markets. In sum, cable systems in a smaller or major market may carry a signal from a major market as a local signal only if the system's community is wholly or partially within 35 miles of that market or if the signal in question is significantly viewed in the cable system community. However, where a cable system is located in the designated community of a major television market, it may carry the signal of a television station licensed to a designated community in another major television market only if the designated community in which the cable system is located is wholly within the specified 35-mile zone of the station. There will continue to be no restriction on carriage of Grade B signals or those significantly viewed from one smaller market into another, and network exclusivity will be applicable.

84. A significant viewing standard can reasonably be drawn at several points. We have concluded that an out-of-market network affiliate should be considered to be significantly viewed if it obtains at least a 3-percent share of the viewing hours in television homes in the community and has a net weekly circulation of at least 25 percent.[33] For

[29] A station that goes off the air will have no zone nor be treated as operational but can, under § 76.7, file appropriate pleadings to insure that the status quo not be altered during a reasonable period needed to put the station back on the air. However, the burden will be on the station to make a convincing showing that it will speedily return to broadcasting.

[30] The full text of footnote 69 is as follows: If two major markets each fall within one another's Grade B contour (e.g., Washington and Baltimore), this does not mean that there is no question as to the carriage by a Baltimore OATV system of the signals of Washington; for in doing so and thus equalizing the quality of the more distant Washington signals, it might be changing the viewing habits of the Baltimore population and thus affecting the development of the Baltimore independent UHF station or stations. Such instances rarely arise, and can, we think, be dealt with by appropriate petition or Commission consideration in the unusual case where a problem of this nature might arise.

[31] Under § 74.1105(c) an automatic stay against the carriage of signals objected to in a cable proposal became effective if the proposal was objected to within 30 days after notification was given to local broadcasters.

[32] All signals that systems must carry on request may also be carried in the absence of request. We also retain our present rule that all 100-watt or higher power translator stations licensed to the community of the system must be carried. We note, however, especially with respect to noncommercial educational stations, that translators are operating with less than 100 watts of power. In many of these cases, it may be expected that the parent station will be carried. Should problems arise in this area, we will consider them either on an ad hoc or general basis.

[33] As used here the term net weekly circulation is a measure of the number of households that viewed a station for 5 minutes or more during an entire week, expressed as a percentage of the total television households in the community. Share of viewing hours is a measure of the total hours all television households in the community viewed a station during the week, expressed as a percentage of the total hours these households viewed all stations during the period surveyed.

V37-30 FEB 12 72 XUM

independent stations, the test is a share of at least 2-percent viewing hours and a net weekly circulation of at least 5 percent. The two criteria reflect distinct concepts. Net weekly circulation reflects the extent to which signals are of any interest to television viewers but tends largely to reflect the availability or viewability of a signal as a technical matter. Audience share indicates the intensity of viewer interest. The combination of these two criteria provides greater assurance that the signal meeting the test is in fact significantly-viewed. The lower figures for independent stations are intended to reflect the smaller audiences that these stations generally attract even in their home markets.

85. For purposes of establishing that a station meets the significant viewing standard we are using the 1971 American Research Bureau "Television Circulation Share of Hours" survey information for those counties in which there is less than 10 percent cable television penetration. In those counties where there is 10 or more percent penetration we are using the ARB 1971 "Non-CATV Circulation and Share of Viewing Hours Study for ARB CATV-Controlled Counties." [44] The latter was prepared for the Commission by ARB so that in those counties with substantial existing cable penetration, over-the-air viewing in the absence of cable television can be measured. Because this data is provided on a countywide basis only, we recognize that it may not account for variations in viewing levels among communities within the county. There may be other drawbacks in using these surveys, such as rounding of percentages and sampling errors. We nevertheless propose to accept this countywide information to establish viewing levels for signals in all communities within these counties. In doing so, we note that survey information of this type is generally used by the television industry without differentiating among communities within counties, and that it gives a useable indication of viewing. But the most important consideration in our decision to accept these figures as conclusive is the strong desirability of certainty, both from a cable and a broadcast point of view.[45] Otherwise, rather than permitting cable to get moving, we believe there would be controversy in virtually every case. By proceeding in this fashion, we hope to reduce controversy, to provide a base of signals that cable systems will be assured they may carry, and to define areas in which stations will have rights to carriage. This approach strikes an appropriate balance—in 1966 we selected the Grade B contour, and in 1968 the 35-mile zone, neither of which was specifically geared to actual viewing, while we now select a precise standard that is much more likely to reflect such viewing.

86. To minimize controversy at the outset of our new program, we are precluding special showings by cable systems or broadcasters until March 31, 1973. Thereafter, those wishing to make supplemental showings for the purpose of qualifying new signals under the significant viewing test may do so. Any survey data submitted must be based on the requirements specified in § 76.54 of the rules. This rule requires that surveys be made by disinterested professional organizations that are independent of the cable systems or television stations ordering the surveys. Two weekly periods separated by at least 30 days are required to offset any variations in viewing that may occur during a particular week, and one of the weeks must be outside the summer season when viewing patterns are unrepresentative of the entire year. We recognize that the results of sample surveys can only be determinative within a given probability. But because signals once permitted to be carried will not be deleted, we are setting our probability test high. We are providing that the sample result must exceed the significant viewing standard by at least one standard error. And although we will not require it, we believe it will reduce controversy if parties making studies were to inform other interested parties that the survey is to be made and of the methodology to be used. Objections, if any, to methodology should then be lodged so that corrections may be made before the survey is taken.

87. *Hyphenated markets.* In such markets, characterized by more than one major population center supporting all stations in the market but with competing stations licensed to different cities within the market area, we will permit and, on request of the station involved, require carriage of all stations licensed to designated communities in the market.[46] Because of the structure of these markets, including the terrain and the population distribution, portions of the market are occasionally located beyond the Grade B contours of some market stations. Consequently, we are adopting this rule in order to help equalize competition between stations in markets of this type, and to assure that stations will have access to cable subscribers in the market and that cable subscribers will have access to all stations in the market.

Additional Service

88. The Commission's television allocations policy to a large degree reflects population distribution: more channels are allocated to densely populated areas than to those that are sparsely populated. This means more television service and more choices for those who live in the population centers of the country. This represents, however, not a judgment that inhabitants of the largest cities need the added service or have a public right to more diversity, but merely our decision as to an equitable distribution of facilities and that more television stations can be economically supported in areas of greatest population. Clearly, cable service can provide greater diversity—can, if permitted, provide the full television complement of a New York or a Los Angeles to all areas of the country. Although that would be a desirable achievement, it would pose a threat to broadcast television's ability to perform the obligations required in our system of television service. We believe, however, that those who are not accommodated as are New York or Los Angeles viewers should be entitled to the degree of choice that will afford them a substantial amount of diversity and the public services rendered by local stations.

89. Cable television can and should help in achieving the diversification sought by our allocations policies. It would, of course, be desirable to adopt one nationwide standard. However, because we seek to minimize possible impact on local broadcasting, we have decided to establish standards of television service that vary with market size. (Noncommercial educational and non-English language stations are not included in these standards and are discussed separately below.) It is our determination that the public interest will be served by allowing cable systems to make available the following complement of signals:

(1) In television markets 1–50:
Three full network stations.[47]
Three independent stations.
(2) In television markets 51–100:
Three full network stations.
Two independent stations.
(3) In smaller television markets (below 100):
Three full network stations.
One independent station.

If after carriage of stations within 35 miles, those from the same market, and those meeting the viewing test, the service authorized above is not available,

[44] For convenience, the Commission is herewith supplying as Appendix B the relevant information from these reports. In those instances, where ARB has divided counties for survey purposes, we have followed that pattern.

[45] To avoid disruption of viewing and to promote the needed certainty, we stress that the signals specified in the 1971 sweeps are not subject to deletion on the basis of some special showing or later survey.

[46] For example, a Mineral Springs, Ark., system would, on request, have to carry signals from stations licensed to Shreveport, even though they are of less than Grade B quality, because Mineral Springs is in the Texarkana-Shreveport market. Where smaller markets are involved, we will rely on industry practices as reflected by national audience rating services as to which markets are hyphenated. This is an area where decision will have to be made on the facts of each case.

[47] Some confusion existed under our former definitions of independent and network stations. For example, a fourth station in a market where the other three each had primary affiliations with a major network and where the fourth carried some network programing not otherwise available in the market, might have been construed to be a network station although essentially it was an independent. In order to clarify such ambiguities and to insure, particularly during prime time, that cable views will be provided with full network service, we have settled on the following definitions: (1) A full network station is one that generally carries during prime time 85 percent of the hours of programing offered by a single network with which it has a primary affiliation. (2) An independent station is one that generally carries during prime time not more than 10 hours of network programing per week.

distant signals are permitted to be carried to make up the defined level of service."

90. Cable systems in major markets are in any case permitted to carry two signals beyond those whose carriage is required under the mandatory carriage rules. If the service standards set out in the preceding paragraph are met by the carriage of all stations required to be carried, two additional independent stations will be authorized. However, if the system adds distant signals—either network affiliates or independent stations—to meet the service standards, these will be counted against the two additional signals. If, for example, a system in a market ranked between 51 and 100 proposes to carry a distant network affiliate and a distant independent signal to reach the service standard, no further signals will be authorized. Cable systems in smaller markets (below 100) are not permitted to import network or independent television signals beyond the designated 3–1 service level. Noncommercial educational and non-English language stations may also be carried in accordance with the rules set out below. The rationale for permitting at least two additional signals in all major markets is simply this: It appears that two signals not available in the community is the minimum amount of new service needed to attract large amounts of investment capital for the construction of new systems and to open the way for the full development of cable's potential. We will, therefore, permit this complement of signals in the larger markets because it is necessary in terms of cable's requirements and because it is acceptable in terms of impact on broadcasting.

91. Cable systems in communities entirely outside the zone of any commercial television station may carry television signals without restriction as to number and must carry all Grade B signals, all educational television stations within 35 miles, and all 100 watts or higher power translator stations licensed to the cable community. We have, however, given particular attention to the arguments of small market broadcasters that continuing cable penetration will adversely affect their ability to serve the public interest. Because these smaller stations serve sparsely populated areas, we agree that some relief is warranted. Accordingly, we are going beyond our August letter by requiring that these smaller market signals, where significantly viewed, must be carried on all new cable systems and on all existing systems with sufficient channel capacity—even if the cable community is beyond Grade B contours—and, as to new systems, must be afforded simultaneous nonduplication protection (§§ 76.57(a)(4) and 76.91 (c))." Smaller market broadcasters, particularly in the Rocky Mountain region, argue against 35-mile zones and contend that, in their case, an effective zone must be much greater (e.g., Grade B contour) to take into account audiences important to their operations. We recognize the validity of the contention that there is audience beyond the 35-mile zones. But our economic analysis—taking into account such factors as where cable can be feasibly constructed, the impact of existing cable penetration, and the revenues of such stations—simply does not bear out the need for any general rule that would have unpredictable consequences in other parts of the country. And we note that even the Rocky Mountain stations do not appear to fit into one mold: financially, some are doing better than the industry average, some the average, and some worse. In view of all these considerations, we have concluded that the appropriate way of proceeding at this time is to extend the special relief described above and to examine any showings filed by these stations in the certificating process. New cable systems must give notice before commencing operations, and broadcasters—with knowledge of their own situations—will thus have a full opportunity to make a case for additional relief. We will give these showings most careful scrutiny. Additionally, we will undertake our own in-depth analysis where the desirability of such study is indicated. The essential consideration is not the extent of cable penetration or audience fragmentation per se but rather a demonstration of the effect of cable operations on station revenues and profits and on their ability to serve the public interest. We intend to keep a close watch on future developments in the Rocky Mountain and other regions involving smaller station operations—in rural areas generally—and have directed our staff to prepare reports annually. We will be alert to any emerging trend and in position to adjust our program accordingly.

[48] In areas of overlap between markets in which different degrees of services are permitted, cable is required to operate in accordance with the rules governing the larger market. Generally, these overlapping areas, especially between major and smaller markets, comprise a small portion of both markets and do not encompass the populated centers of the markets.

Leapfrogging

92. In establishing policy in this area we have had a number of conflicting considerations to reconcile. On the one hand, it is arguably desirable to allow cable systems the greatest possible choice, on the assumption that they will select those signals that will most appeal to their subscribers and are available at the least expense. But in that event there is a risk that most cable systems would select stations from either Los Angeles, Chicago, New York, or one of the other larger markets. There would then be no general participation by broadcast television stations in the benefits of cable carriage. There is the additional consideration that carriage of closer stations, because they are usually in the same region and often in the state, supplies some programing that is more likely to be of interest in the cable community. We believe we have struck an appropriate balance.

93. The leapfrogging rules are applicable to cable systems in all television markets. With respect to network affiliates, a cable system must afford priority of carriage to the closest such station or, at the option of the cable system, to the closest such station within the same State. In selecting independent stations, cable systems have a choice as to the first two such stations carried, except that if stations from among those in the top 25 designated markets are selected, they must be taken from one or both of the two closest such markets. Systems permitted to carry a third independent station are required to select a UHF station from within 200 miles. In the absence of any UHF station in this area, a VHF independent from within the area may be carried or, at the option of the cable system, any UHF independent. During those periods when programing on a regularly carried independent station must be deleted by virtue of the program exclusivity rules, the system is free to insert unprotected programing from any other stations (including network affiliates) without regard to point of origin. Such substitute programing may be continued to its conclusion. The cable system may also substitute other programing when the material on the regularly carried independent is a program primarily of local interest to the distant community (e.g., local news or public affairs).

Educational Stations

94. The principal concern of noncommercial educational broadcasters with signal importation is not reduction in audience size but possible erosion of local support among cable television subscribers. The rule we are adopting will permit carriage of distant educational stations in the absence of objection from local educational stations or educational television authorities.

95. Educational television interests are concerned about such a rule only to the extent that it might involve them in difficult and expensive process. We recognize the difficulties that educational interests face if forced to spend time and money in protracted litigation before the Commission and will accordingly attempt to settle any questions that may arise through informal procedures. We will give their objections careful consideration, and will endeavor to work out accommodations that serve the public interest. In the absence of objection, however, the widest possible dissemination of educational and public television programing is clearly of public benefit and should not be restricted. The rules require cable systems to carry, on request, all educational stations within 35 miles and those placing a Grade B contour over the cable community. We are continuing to require that local educational stations and local and State edu-

[49] New systems may wish to use microwave facilities in order to obtain a better quality picture. We recognize, however, that our requirements may impose undue burden on some systems and accordingly will give careful consideration to appropriate petitions for relief.

V37I30 FEB 12 72 XUM

cational authorities receive direct notification of proposals by cable television systems to carry educational stations. While all objections will be carefully considered, we do not ordinarily anticipate precluding carriage of State-operated educational stations in the same State as the cable community.

Foreign Language Stations

96. Except in a very few markets, all U.S. stations broadcast in the English language. Although there are areas of the country, especially along the Canadian and Mexican borders, with significant populations whose first or only language is French or Spanish, the economics of television broadcasting generally precludes providing these areas with other than English language programing. Cable systems, however, have the capability of overcoming this problem, and we believe this capability should be encouraged. We will, accordingly, permit cable systems to carry non-English language programing without limitation. Where there is a local station broadcasting predominantly in a foreign language the added diversity provided by the carriage of distant foreign language stations broadcasting in the same language will be permitted unless the local station demonstrates that such importation will adversely affect its ability to serve the public. In order to encourage this carriage, distant foreign language stations will not be counted as part of the additional signal quota discussed above and we will not impose any restriction as to which stations, either foreign or domestic, may be carried.[43] As with educational stations, foreign language stations fulfill an important need for what generally is an audience limited in number. As a consequence, we do not anticipate that their carriage will have significant impact on the totality of local television service.

PROGRAM EXCLUSIVITY

97. Our solution to the problem of distant signal carriage involves an extension of our existing program exclusivity rules to provide more effective protection to syndicated programing. Additionally, we believe a change is appropriate in the same-day exclusivity rule that applied as a practical matter only to network programing.

98. The previous exclusivity rule (§ 74.1103) was based on a system of priorities that generally protected a station of higher priority against having its programing duplicated on the same day by cable carriage of a lower priority station. From highest to lowest, the signal strength priorities are Principal Community, Grade A, and Grade B. With respect to network television programing, we are retaining this system of priorities but will only require cable systems, on request of a higher priority station, to refrain from simultaneous duplication of the higher priority station's network programing.[44] Except for this change from same-day to simultaneous protection, we retain the precedents and policies evolved under the prior rule.

99. The change, while serving effectively to protect an affiliate's all-important network programing (except in the time zone situation[45]), facilitates cable operation, particularly in the smaller markets. The new provision is also complementary to the changes in our signal carriage rules that permit new cable systems in both smaller and major markets to carry duplicate sets of network stations only if the signals are available under the significant viewing standard. Because these signals are generally available even without cable, it is appropriate that cable subscribers not be denied such time diversity as is available over the air.

100. Syndicated programing will now be effectively protected in the major markets.[46] In markets 1–50—cable systems, on receipt of appropriate notification, will be required to refrain from carrying syndicated programing on a distant signal as follows: (1) During a preclearance period of 1 year, syndicated programs sold for the first time anywhere in the United States for television broadcast exhibition; (2) during the run of the contract, programs under exclusive contract to a station licensed to a designated community in the market. In markets 51–100—cable systems, on receipt of appropriate notification, will be required to refrain from distant signal carriage of syndicated programs under exclusive contract to a station licensed to a designated community in the market, except in the following circumstances:

(1) *For off-network series programs:*

(A) Prior to the first nonnetwork broadcast in the market of an episode in the series;

(B) After a first nonnetwork run of the series in the market or after 1 year from the date of the first nonnetwork broadcast in the market of an episode in the series, which ever occurs first;

(2) For first-run series programs:

(A) Prior to the first broadcast in the market of an episode in the series;

(B) After 2 years from the first broadcast in the market of an episode in the series;

(3) For first-run, nonseries programs:

(A) Prior to the date the program is available for broadcast in the market under the provisions of any contract or license of a television broadcast station in the market;

(B) After 2 years from the date of such first availability;

(4) For feature films:

(A) Prior to the date such film is available for nonnetwork broadcast in the market under the provisions of any contract or license of a television broadcast station in the market;

(B) Two years after the date of such first availability;

(5) For other programs: One day after the first nonnetwork broadcast in the market or 1 year from the date of purchase of the program for nonnetwork broadcast in the market, whichever occurs first.

Additionally, and with respect to each of these categories of programing, a cable system in markets 51–100 may carry any distant signal syndicated program during prime time unless the station asserting exclusivity has both an exclusive contract for that program and will broadcast that program during prime time hours.

101. The rules governing syndicated program exclusivity will be administered in the following manner. While contracts entered into before the effective date of these rules will be presumed to be exclusive, subsequent contracts must specifically provide for broadcast exclusivity (both over-the-air and by cable) before a program can be protected under the rules. At a minimum a television licensee seeking exclusivity protection must obtain (a) exclusivity against other television stations licensed to its designated community in the market[47] and (b) exclusivity against cable dissemination of the program within the 35-mile zone[48] via a distant signal. We think that this is a reasonable requirement. A broadcast station may now purchase the exclusive right to broadcast a television program in its market. Cable represents another way to distribute the program. The station may bargain for the exclusive right as to any cable television presentation (e.g., cable origination, pay-cable, or other leased channel presentation). But what it must obtain, in order to be entitled to protection, is the exclusive right with respect to broadcast exhibition—whether the broadcast exhibition stems from another station in the market or from a cable system in the market that is bringing in distant broadcast signals. This is reasonable market exclusivity which the broadcaster is entitled to seek and which he must obtain to claim exclusivity rights under § 76.151.

102. Because this is a complex subject, it may be helpful to give examples, using the Baltimore-Washington situation. A Washington station, even if significantly viewed in Baltimore, would have no right to preclude carriage of its syndicated programs on a distant signal (e.g., from Philadelphia) carried on a Baltimore cable system, because Baltimore is a designated major market community that does not fall wholly within 35 miles of Washington. A Washington station could preclude carriage of a protected program on a distant signal being carried on a Washington cable system and on other cable systems located within 35 miles of Washington (except on a cable system in Baltimore). In Laurel, Md., which lies between Washington and Baltimore, a cable system could carry both Washington and Baltimore signals, would protect the programing of neither against the other, and would protect the programing of both Baltimore and Washington signals against distant signals. Assuming that a smaller television market community were located wholly or partially within the 35-mile zone of Washington, a Washington station would be entitled to top 50 market exclusivity protection in that community. If a community fell wholly or partially within 35 miles of both a top 50 station and a second 50 station, the 1 year preclearance period would be applicable, and the cable system could be called on to protect the programing of stations from both markets in accordance with the requirements respectively applicable to those markets.

103. In markets 1–50, preclearance protection is complementary to the way in which syndicated programs are sold—i.e., they are sold in the largest markets first and, without a preclearance period, cable carriage of signals from these larger markets into other markets in the first 50 could dilute exclusivity and the value of the product. We are also protecting exclusivity for the full term contracts in these markets, but we note that the duration of contracts is a matter that we have under consideration in Docket 18179 where we stated:

> The issue is somewhat analogous to that in the motion picture field where the courts have held that clearances are reasonable only "when not unduly extended in area or duration" and are not reasonable if "in excess of what is reasonably necessary to protect the licensee in the run granted". U.S. v. Paramount Pictures, Inc., 66 F. Supp. 323, 70 F. Supp. 53 (S.D.N.Y., 1947), noted with approval by the Supreme Court, 334 U.S. 131, 145, 147 (1948).[49]

104. With respect to exclusivity in markets 51–100, a number of distinctions have been drawn among the types of programs involved and the length of protection each is afforded. In general, off-network programing (formerly on the network, now in syndication) is protected for a shorter period because it receives its initial protection under network exclusivity rules and because, with respect to series, a year is sufficient to establish viewer loyalty for the local station. We have also been attempting to encourage the production of first-run, nonnetwork syndicated programing through our prime time access rules, and the exclusivity afforded here will give additional encouragement to the production of that kind of programing.

105. With respect to series programs, all episodes are to be treated as a unit—i.e., for the period in which exclusivity protection is afforded, the whole series rather than individual episodes will be protected, and during that period a cable system will not only have to refrain from carrying on a distant signal the same episodes under contract in the market but all other episodes as well, regardless of whether any station in the market has an exclusive contract to broadcast the episodes against which exclusivity is sought. Similarly, a station's exclusivity rights expire as a unit so that, for example, protection ends for a first-run series 2 years after any station in the market first broadcasts an episode in the series. Thereafter, any episode of the series may be brought in by cable regardless of whether it has ever been shown by a station in the market or is under exclusive contract to a station in the market. Finally, in the first 50 markets preclearance applies only to series or packages of programs consisting wholly of newly created material.

106. The rules governing program protection specify that appropriate notification be given to cable systems when exclusivity rights are asserted. The preclearance rule for the first 50 markets is designed principally for the benefit of copyright holders. The burden is therefore placed on copyright holders or their designated agents to notify cable systems in these markets when a sale has been made and that the preclearance period is running. With respect to other requests for exclusivity, the burden is also placed on the party seeking protection, in these cases the broadcaster. But when program deletion on regularly carried distant signals is required, the burden of identifying substitute programing that may be carried shifts to the cable system. Section 76.155 specifies how proper notification is to be given and details the form of notification. Because the program protection obligations of cable systems turn on the terms specified in contracts between copyright holders and broadcast stations, the appropriate portions of such contracts are required to be included in the public files of broadcast stations where they will be available for examination.[50] Reciprocally, we are requiring cable systems to maintain a log of distant signals carried and the programs offered on those signals.

GRANDFATHERING

107. In light of the difficulty of withdrawing signals to which the public has become accustomed and in deference to the equities of existing system operators, we are not applying the new carriage rules to any signals that a cable system was authorized by the Commission to carry or was lawfully carrying prior to March 31, 1972.[51] If carriage of signals has been limited by Commission order to a discrete area of a community, any extension of service outside the discrete area will be subject to the new carriage rules. A cable television system currently operating with authorized signals, and not the subject of such an order, may freely expand in its community with such signals. Grandfathered cable systems may add signals of a class permitted by

---

[43] Following our August letter to Congress, the licensees or permittees of Spanish-language stations in Los Angeles and Hanford, Calif., San Antonio, Tex., and Miami, Fla., wrote to the Commission requesting that importation from Mexico of Spanish language stations not be allowed where U.S. Spanish language programing is available either off the air or potentially available via microwave. We recognize the arguments in favor of supporting domestic stations. However, above all, we are attempting to encourage carriage of foreign language stations. Therefore, absent the unusual situation, we do not think any additional burden should be imposed on the cable systems involved.

[44] We do not afford exclusivity to foreign stations (§ 76.5(b)). We would, however, consider affording network exclusivity on petition filed under § 76.7 in the unusual situation where a U.S. network has obtained permission to have its programing transmitted into a U.S. market via a foreign station.

[45] We will, on appropriate petition, grant additional exclusivity relief in those situations where a signal is carried from one time zone into another.

[46] Syndicated programing is defined in the rules (§ 76.5(p)). Essentially, it encompasses nonnetwork programing sold in more than one market. This does not mean that if two stations (usually under common ownership) have a practice of saving on film costs by using a microwave interconnection for their syndicated presentations (e.g., an off-network series), the stations are not entitled to syndicated exclusivity protection. They are simply using a different means of presenting nonnetwork programing.

[47] We recognize that it may appear anomalous in some instances to require exclusivity only against stations licensed to the same designated community—e.g., a Minneapolis-St. Paul or a Dallas-Fort Worth situation. But the answer is that in such instances programs are not sold on an exclusive basis just in St. Paul or just in Fort Worth, but rather for both cities in each of the markets. As a practical matter the requirement for specific exclusivity for television broadcast in one of these designated cities insures that broadcast exclusivity has really been obtained in that market. Were we to specify that the contract should provide exclusivity for all the designated cities in the market, it might be requiring too much. In some markets, the designated communities are located so far apart that a sale in one does not and should not preclude a sale in the other. This matter of permissible geographical exclusivity is the subject of the proceeding in Docket 18179. We believe that by proceeding as above, we will largely avoid introducing 18179 problems in this area and yet will achieve our basic objective here. If there are abuses or the need for specific action because of some peculiar situation, we can handle those matters on complaint. The foregoing is the minimum requirement for exclusivity protection. If a broadcast station obtains in its contract exclusivity against stations located in other designated communities in its market, protection will also be afforded in the 35-mile zones of those communities. While this purchase of additional broadcast exclusivity (with explicit accompanying extension of cable protection) is clearly a permissible practice in many instances (e.g., the Dallas-Fort Worth situation) it could, as noted, raise policy questions under 18179 (e.g., Cleveland-Akron). These matters will be treated in Docket 18179, but may of course be raised in this area by any interested person, such as the cable system.

[48] A station located in a designated community of a major market is not entitled to exclusivity protection in a designated community located in another major market unless the latter community lies wholly within 35 miles of the station's community. This provision parallels § 76.61(a)(1) of the carriage rules. Further, stations from other markets carried by a cable system pursuant to the significant viewing test will not be entitled to syndicated program exclusivity on such systems. Nor will any of their programing have to be deleted to protect stations licensed to designated cities in the market in which the system is located.

[49] 27 FCC 2d 13, 14 (1971).

[50] Arguably, full contracts should be in the file. We are not persuaded, however, that it is necessary to go that far, and are permitting the parties to withhold those terms of their contracts that do not relate to the exclusivity in question. But we expect to watch carefully how this arrangement works out in practice, and we will revisit the matter if abuse develops because all the terms of contracts are not revealed.

[51] Included among authorized signals are both those whose carriage has been permitted by specific decision of the Commission, and those authorized by operation of the provisions of former § 74.1105 of the rules and not inconsistent with former § 74.1107.

FEDERAL REGISTER, VOL. 37, NO. 30—SATURDAY, FEBRUARY 12, 1972

V37-30 FEB 12 72 XUM

the rules (e.g., independent signal(s) if none is presently carried). The addition of such new signals where the system is located in one of the top 100 markets will also require compliance with the rules regarding access availability (§ 76.251 (a) (4) through (a) (11)). With respect to exclusivity, existing carriage is grandfathered so that an operating system need not comply with the syndicated exclusivity rules except for new signals added or if the system extends operations into a new community or beyond the discrete area to which it has been specifically limited by Commission order.

108. In addition, we have adopted the proposal in Docket 18373[28] that permits signals authorized or grandfathered to one system in a community to be carried by other systems in the community. Systems availing themselves of this rule are governed by the syndicated programing exclusivity obligations applicable to the earlier system. This will eliminate competitive imbalances between systems operating in the same community and avoid the necessity for the filing of waiver requests.

PROCEDURAL MATTERS

109. With the adoption of our new program for cable television, we are also instituting new procedures. These have been designed to assure: That effective public notice of new proposals is given; that applications contain full information on the details of system operation; and that new cable proposals are, without exception, reviewed for consistency with our rules.

110. New service may not begin until a certificate of compliance is issued. An application for a certificate of compliance must contain the following information:

(1) The name, mailing address, and proposed starting date of service, the community to be served, a list of the broadcast stations to be carried (excluding those expected to be used for substitute programing under §§ 76.61 (b) (2) (ii) and 76.63), and a statement of whether microwave service will be used to deliver any of the signals.

(2) A copy of FCC Form 325 "Annual Report of Cable Television Systems," supplying all applicable information.

(3) A copy of the franchise, license, permit, or certificate granted by the local authority.

(4) A statement demonstrating that the proposal complies with the cable television rules. This should indicate how the choice of signals to be regularly carried is consistent with the rules and should explain how the system's franchise and plans for availability and administration of access channels and other nonbroadcast services meets requirements.

After a cable system is certified, an application for a new certificate to add local or distant signals on a regular basis need not include the franchise or Form 325. A system in operation on March 31, 1972, does not have to file an application for certification if no new signals are added to the system, but will have to apply for certification when its current franchise expires or by March 31, 1977, whichever comes first.

111. In issuing certificates, and for purposes of these new rules generally, we will continue the policy of treating cable operations, even if served by the same head end, as separate systems in each community served. Thus, when applications are filed for certificates of compliance, a separate application should be filed for each community in which the system will operate. Information pertaining to a number of communities need not be refiled separately for each community but may be incorporated by reference.

112. The Commission will issue public notices of all applications for certificates of compliance. Cable systems must give direct notice to local franchising authorities, local television stations, the superintendent of schools in the community, and local educational television authorities. Objections to proposed cable service may be made within 30 days after the Commission's public notice. Controversies concerning carriage (Subpart D) and network program exclusivity (§ 76.91) will be acted on in the certificating process if raised within 30 days of the public notice. Such matters may be raised at any time and will be considered under the special relief rules but outside the certificating process. The Commission will not certify new operations for 30 days after public notice and, whether or not objection is filed, a cable system may not commence new service before receipt of a certificate of compliance from the Commission. Absent special situations or showings, requests consistent with our rules will receive prompt certification. The rules will operate on a "go, no-go" basis—i.e., the carriage rules reflect our determination of what is, at this time, in the public interest with respect to cable carriage of local and distant signals. We will, of course, consider objections to signal carriage applications and have retained special relief rules, but those seeking signal carriage restrictions on otherwise permitted signals have a substantial burden. Before restrictions are imposed in such cases, there will have to be a clear showing that the proposed service is not consistent with the orderly integration of cable television service into the national communications structure and that the results would be inimical to the public interest. We have during the course of this proceeding fully considered the question of impact on local television service and we do not except to reevaluate that general question in individual cases. And, for the same reason, we have no intention of reevaluating on request of cable systems in individual proceedings the general questions settled in our carriage and exclusivity rules. Rather, we strongly believe that cable systems must generally operate under these rules and that, only after meaningful experience, will we be in position for a general reassessment.

113. In connection with our special relief provisions, we note that in our August letter we designated certain markets where it appeared that special treatment to restrict distant signal carriage might have to be considered. We are no longer singling out these cases because the inclusion of substantial exclusivity protection for syndicated programing limits the impact of cable on local television service and is a new factor that must be taken into account. We are leaving unusual situations to petition for special relief, but there must be substantial showing to warrant deviation from the "go, no-go" concept of the rules. Finally, our 1968 proposals contemplated waiver of the leapfrogging restrictions in several circumstances. We will continue to be flexible as to the leapfrogging provisions for network signals—the rules specify that waiver may be granted for good cause, e.g., to bring in a signal of greater interest or from the same State or to avoid excessive microwave costs. But waivers in the case of the leapfrogging provisions for independent signals are not contemplated.

114. *Pending cases, notices, and related matters.* Having described the contents and operation of the new signal carriage and exclusivity rules, it is appropriate to outline the Commission's intentions with respect to pleadings, notifications, and other documents filed pursuant to our earlier rules (Part 74, Subpart K) prior to the effective date of the rules adopted herein.[29]

A. Petitions relating to the carriage and program exclusivity provisions of § 74.1103:

(1) Petitions seeking waiver of the carriage rules will be dismissed as moot unless, within ninety (90) days of the effective date of the new rules, they are supplemented to demonstrate their relevance to the new regulatory program;

(2) Petitions seeking waiver of the program exclusivity rules will remain on file. Requests for same-day network program exclusivity will be presumed to have been modified to request only simultaneous network program exclusivity.

B. Notifications given pursuant to § 74.1105:

These notifications will remain on file and, where relevant, may be incorporated by reference into an application for certificate of compliance.

C. Petitions seeking waiver of § 74.1107 to import distant television signals into one of the 100 largest television markets:

These petitions will be dismissed as moot unless, within ninety (90) days of the effective date of the new rules, they are supplemented to convert them into applications for certificates of compliance filed pursuant to § 76.13 of the rules.

D. Petitions invoking § 74.1105(c) to stay the carriage of television signals:

These petitions will be dismissed as moot, without prejudice to the filing of new pleadings in response to related applications for certificates of compliance.

E. Petitions seeking authorization to import television signals into areas not within the top 100 markets:

These petitions will be dismissed as moot unless, within ninety (90) days of the effective date of the new rules, they are supplemented to convert them into applications for certificates of compliance filed pursuant to § 76.13 of the rules.

F. Petitions seeking interpretative rulings or the imposition of additional or different requirements, filed pursuant to § 74.109:

These petitions will be dismissed as moot unless, within ninety (90) days of the effective date of the new rules, they are supplemented to demonstrate their relevance to the new regulatory program.

G. Petitions seeking reconsideration or stay of prior Commission actions:

These petitions will remain on file. Their disposition will depend on the particulars of each case..

H. Hearing cases:

Cases in which hearings were ordered prior to December 13, 1968, and which were suspended pursuant to paragraph 51 of the December, 1968 notice in Docket 18397, will be disposed of by Hearing Examiners and other decision-making Commission personnel consistent with our action herein.

I. Microwave applications:

Applications for authorization in the Cable Television Relay (CAR) Service, Business Radio Service, or Domestic Public Point-to-Point Microwave Radio Service that are pending on March 31, 1972 will be dismissed unless, within ninety (90) days of the effective date of the new rules, they are supplemented to indicate that any necessary application for certificate of compliance, pursuant to §§ 76.11 and 76.13 of the rules, has been filed. The supplement shall identify the application for certificate by the name of the cable television system, the community and area served or to be served, the date on which the application was filed, and the file number (if available).

115. *Fees.* The revisions in these rules require corresponding changes in the Commission's schedule of fees for cable television (§ 1.1116 of the rules). In particular, the provisions concerning petitions for experimental operations pursuant to Docket 18397, and petitions for waiver of the top 100 market hearing requirement are now obsolete, and will be deleted. Rule making will soon be initiated concerning fees for the certificating process. In order to begin processing applications for certificates of compliance promptly, and because these applications are substantially equivalent to a combination of petitions for special relief filed pursuant to § 74.1109 ($25 fee) and notifications pursuant to § 74.1106 ($10 fee), we have concluded that a filing fee of $35 per application can properly be assessed on an interim basis, pending the outcome of further fee rule making. We are amending the fee schedule accordingly. If multiple applications for certificates of compliance are filed by cable systems having a common headend and identical ownership but serving or proposing to serve more than one community, the full fee will be required only for one of the communities; $10 will be required for each of the other communities. This approach follows previous Commission practice with respect to multiple community filings.

116. Fees previously paid in connection with the filing of petitions that must now be supplemented to convert them into applications for certificates will be credited against the application fee, and, on request, refunds of previous fees in excess of the amount now required will be made. Fees paid in connection with the petitions dismissed as moot will also be refunded on request. Any objections to applications for certificates will be treated in the same manner as previous oppositions to petitions for waiver of the top 100 market hearing requirement: No fee will be due.

III. ACCESS TO AND USE OF NONBROADCAST CHANNELS

117. In its notice of proposed rule making in Docket 18894, the Commission stated that:

> Cable television offers the technological and economic potential of an economy of abundance.[31]

On the basis of the record now assembled, we believe the time has come for cable television to realize some of that potential within a national communications structure. We recognize that in any matter involving future projections, there are necessarily certain imponderables. These access rules constitute not a complete body of detailed regulations but a basic framework within which we may measure cable's technological promise, assess its role in our nationwide scheme of communications, and learn how to adapt its potential for energetic growth to serve the public.

CHANNEL CAPACITY

118. Confronted with the need for more outlets for community expression on the one hand and, on the other, with cable television's capacity to provide an abundance of channels, we asserted in our second further notice of proposed rule making in Docket 18397–A the principle that the Commission "* * * must make an effort to ensure the development of sufficient channel availability on all new CATV systems to serve specific recognized functions."[32]

119. Most cable system operators and many others argue against the proposed establishment of a fixed minimum channel capacity. Some comments in Docket 18894 went further and suggested that the entire matter of channel capacity be left to experimentation.[33] While it is true that many existing cable systems have large channel capacities and seem at least technologically prepared to meet foreseeable demand, there are many systems apparently content to provide only broadcast signal carriage with no plans to expand service capabilities.

120. We envision a future for cable in which the principal services, channel uses, and potential sources of income will be from other than over-the-air signals. We note 40, 50, and 60 channel systems are currently being installed in some communities. The cost difference between building a 12 channel system and a 20 channel system would not appear to be substantial.[34] We urge cable operators and franchising authorities to consider that future demand may significantly exceed current projections, and we put them on notice that it is our intention to insist on the expansion of cable systems to accommodate all reasonable demands. We wish to proceed conservatively, however, to avoid imposing unreasonable economic burdens on cable operators. Accordingly, we will not require a minimum channel capacity in any except the top 100 markets. In these markets, we believe that 20 channel capacity (actual or potential) is the minimum consistent with the public interest. We also require that for each broadcast signal carried, cable systems in these markets provide an additional channel 6 MHz in width suitable for transmission of Class II or Class III signals. This seems a reasonable way to obtain necessary minimum channel capacity and yet gear it to particular community needs. We emphasize that the cable operator cannot accept the broadcast signals that will be made available without also accepting the obligation to provide the nonbroadcast bandwidth and the access services described below. The two are integrally linked in the public interest judgment we have made.

DESIGNATED CHANNELS

121. Broadcast signals are being used as a basic component in the establishment of cable systems, and it is therefore appropriate that the fundamental goals of a national communications structure be furthered by cable—the opening of new outlets for local expression, the promotion of diversity in television programing, the advancement of educational and instructional television, and increased informational services of local governments. Accordingly, cable television systems will have to provide one dedicated, noncommercial public access channel available without charge at all times on a first-come, first-served nondiscriminatory basis and, without charge during a developmental period, one channel for educational use and another channel for local government

---

[28] Supra, note 1.

[29] Although our discussion has been limited to the revised cable television rules, now to be found in a new Part 76 (Cable Television Service), we have also made conforming changes in Subpart I of Part 21 (Point-to-Point Microwave Radio Service), Subpart J of Part 74 (Community Antenna Relay Service), and Subpart L of Part 91 (Business Radio Service). We note that the Community Antenna Relay Service has been renamed the Cable Television Relay Service (still to be abbreviated CAR), and the rules have been rearranged in a new Part 78.

[31] 25 FCC 2d 38, 39 (1970).

[32] 24 FCC 2d 580, 587 (1970).

[33] See, for instance, the comments of Storer Broadcasting Co.

[34] Testimony of Moses Shapiro on behalf of General Instrument Corp., Vol. 5, p. 982, transcript of hearings before the Commission in Docket 18397–A, Mar. 19, 1971.

V 37 30 FEB 12 72 XUM

use. We have already imposed an obligation on systems with 3,500 or more subscribers to originate programing and are now requiring that the origination channels be specifically designated.

122. *Public access channel.* It has long been a Commission objective to foster local service in broadcasting. To this end we have encouraged the growth of UHF television, and have looked to all broadcast stations to provide community-oriented programing. We expect no less of cable. In our July 1, 1970 notice we stated:

> The structure and operation of our system of radio and television broadcasting affects, among other things, the sense of "community" of those within the signal area of the station involved. Recently governmental programs have been directed toward increasing citizen involvement in community affairs. Cable television has the potential to be a vehicle to much needed community expression.[65]

We believe there is increasing need for channels for community expression, and the steps we are taking are designed to serve that need. The public access channel will offer a practical opportunity to participate in community dialogue through a mass medium. A system operator will be obliged to provide only use of the channel without charge, but production cost (aside from live studio presentations not exceeding 5 minutes in length) may be charged to users.

123. *Educational access channel.* It is our intention that local educational authorities have access to one designated channel for instructional programing and other educational purposes. Use of the educational channel will be without charge from the time subscriber service is inaugurated until 5 years after the completion of the cable system's basic trunk line. After this developmental period—designed to encourage innovation in the educational uses of television—we will be in a more informed position to determine in consultation with State and local authorities whether to expand or curtail the free use of channels for such purposes or to continue the developmental period. The potential uses of the educational channel are varied. An important benefit promises to be greater community involvement in school affairs. It is apparent, for instance, that combined with two-way capability, the quality of instructional programing can be greatly enhanced. Similarly, some envision significant advances in the educational field by the linking of computers to cable systems with two-way capability.[66] For the present, we are only requiring that systems provide an educational channel and, as noted below, some return communication capability, and will allow experiments in this field to proceed apace.

124. *Government access channel.* The Government access channel is designed to give maximum latitude for use by local governments. The suggestions for use range across a broad spectrum and it is premature to establish precise requirements. As with the educational channel, use of the Government channel will be free from the time subscriber service is inaugurated until 5 years after the completion of the cable system's basic trunk line, at which time we will consider whether to expand or curtail such free use or to continue the developmental period.

[65] Supra, note 66, at Pt. II, paragraph 6.

[66] Comments of the Stanford Cable Television Committee, Institute for Communications Research, in Docket 18397-A.

LEASED ACCESS CHANNELS

125. In addition to the designated channels and broadcast channels, cable systems shall make available for leased use the remainder of the required bandwidth and any other available bandwidth (e.g., if a channel carrying broadcast programing is required to be blacked out because of our exclusivity rules or is otherwise not in use, that channel also may be used for leased access purposes). Additionally, to the extent that the public, education, and Government access channels are not being used, these channels may also be used for leased operation. But such operations may only be undertaken on the express condition that they are subject to immediate displacement if there is demand to use the channel for the dedicated purpose.

EXPANSION OF CAPACITY

126. Our basic goal is to encourage cable television use that will lead to constantly expanding channel capacity. Cable systems are therefore required to make additional bandwidth available as the demand arises. There are a number of ways to meet this general objective. Initially, we intend to use the following formula to determine when a new channel must be made operational: whenever all operational channels are in use during 80 percent of the weekdays (Monday-Friday), for 80 percent of the time during any consecutive 3-hour period for 6 weeks running, the system will then have 6 months in which to make a new channel available. This requirement should encourage use of the system with the knowledge that channel space will always be available, and also encourage the cable operator continually to expand and update his system. On at least one of the leased channels part-time users must be given priority. We plan at a later date to institute a proceeding with a view to assuring that our requirement of capacity expansion is not frustrated through rate manipulation or by any other means. This proceeding will also deal with such open questions as rates charged for leased channel operations.

127. We are aware of the possibility that the formula may impose undue burdens on system operations. If it were necessary to rebuild or add extensive new plant, this could not reasonably be expected within a 6-month period. The requirement for activating new capacity within 6 months is based on our understanding that only relatively modest effort is involved in converting existing potential to actual capacity. These considerations, however, point up the necessity for building now with a potential that takes the future into account. Because this part of our program is a relatively uncharted area, we will make it a matter for continuing regulatory concern.

TWO-WAY CAPACITY

128. On review of the comments received and our own engineering estimates, we have decided to require that there be built into cable systems the capacity for return communication on at least a non-voice basis. Such construction is now demonstrably feasible.[67] Two-way communication, even rudimentary in nature, can be useful in a number of ways—for surveys, marketing services, burglar alarm devices, educational feedback, to name a few.

129. We are not now requiring cable systems to install necessary return communication devices at each subscriber terminal. Such a requirement is premature in this early stage of cable's evolution. It will be sufficient for now that each cable system be constructed with the potential of eventually providing return communication without having to engage in time-consuming and costly system rebuilding. This requirement will be met if a new system is constructed either with the necessary auxiliary equipment (amplifiers and passive devices) or with equipment that could easily be altered to provide return service. When offered, activation of the return service must always be at the subscriber's option.

REGULATIONS APPLICABLE TO CHANNELS PRESENTING NONBROADCAST PROGRAMING

130. We now turn to the question of the regulation of access channels presenting nonbroadcast programing. We believe that such regulation is properly the concern of this Commission. These channels fulfill Communications Act purposes and, in the context of our total program, are integrally bound up with the broadcast signals being carried by cable. It is by no means clear that the viewing public will be able to distinguish between a broadcast program and an access program; rather, the subscriber will simply turn the dial from broadcast to access programing, much as he now selects television fare. Moreover, leased channels will undoubtedly carry interconnected programing via satellite or interstate terrestrial facilities, matters that are clearly within the Commission's jurisdiction. Finally, it is this Commission that must make the decisions as to conditions to be imposed on the operation of pay cable channels, and we have already taken steps in that direction. (See § 76.225). Federal regulation is thus clearly called for.

131. There remains the issue of whether also to permit State or local regulation of these channels where not inconsistent with Federal purposes. We think that in this area a dual form of regulation would be confusing and impracticable. Our objective of allowing a period for experimentation might be jeopardized if, for example, a local entity were to specify more restrictive regulations than we have prescribed. Thus, except for the Government channel, local regulation of access channels is precluded. If experience and further proceedings indicate its need or desirability, we can then delineate an appropriate local role.[68]

[67] We note the recent developments in this field by Sterling Manhattan Cable TV in New York City and Telecable Corp. in Overland Park, Kans.

132. Because of the Federal concern, local entities will not be permitted, absent a special showing, to require that channels be assigned for purposes other than those specified above. We stress again that we are entering into an experimental or developmental period. Thus, where the cable operator and franchising authority wish to experiment by providing additional channel capacity for such purposes as public, educational, and Government access—on a free basis or at reduced charges—we will entertain petitions and consider the appropriateness of authorizing such experiments, to gain further insight and to guide future courses of action.[70] In communities outside the top 100 markets where access channels are not required by the Commission, we will permit local authorities to require access services, so long as they are not in excess of what we require for the major markets.

133. The question of what regulations we should impose at this time is most difficult. Our judgments on how these access services will evolve are at best intuitive. We believe that the best course is to proceed with only minimal regulation in order to obtain experience. We emphasize, therefore, that the regulatory pattern is interim in nature—that we may alter the program as we gain the necessary insights.

134. We are requiring that cable systems promulgate rules to apply to access services, and that these rules be kept on public file at the system's local headquarters and with the Commission. What matters during this experimental period is not form but substance, and we are specifying the guidelines that we believe are appropriate at this time. We believe we have full discretion to act in this fashion.[71]

135. With respect to the public access channel, the rules to be promulgated by the system must specify nondiscriminatory access without charge on a first-come, first-served basis. These rules shall also proscribe for all designated access channels (except the Government access channel when it is being used for its designation purpose) the presentation of: Any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office); lottery information and obscene or indecent matter (modeled after the prohibitions in §§ 76.213 and 76.215 respectively). The regulations shall also specify that persons or groups seeking access be identified, and their addresses obtained; this information should be publicly available and must be retained by the system for at least 2 years. The cable operator must not in any other way censor or exercise program content control of any kind over the material presented on the public access channel.

136. We recognize that open access carries with it certain risks. But some amount of risk is inherent in a democracy committed to fostering "uninhibited, robust, and wide-open" debate on public issues (New York Times Co. v. Sullivan, 376 U.S. 254, 270 (1964)). In any event, further regulation in this sensitive area should await experience. For example, we intend to explore whether it would be feasible or desirable to provide a locked switch to cut off the public access or leased channels, should subscribers wish to control channel selection.

137. In short, we recognize that the regulation of public access channels may result in many problems for the cable operator, especially during the break-in period. Effective operational procedures can evolve only from trial and error, and it is probable that systems will have different problems that do not now lend themselves to uniform regulation. We note, for example, the need to decide how applications for access time are to be made, what overall time limitations might be desirable, how copyrighted material will be protected, how production facilities will be provided, how the public can obtain advance notice of presentations, and so on. All these questions will probably be answered in a number of different ways. We will require that the rules adopted by cable systems in these respects be filed with us and made available to the public. But experimentation appears to be the best way to determine what will be workable for the long run.

138. The cable operator similarly must not censor or exercise program content control of any kind over the material presented on the leased access channels. Specifically, his rules shall provide for nondiscriminatory access on a first-come, first-served basis with the appropriate rate schedule specified. Again, he shall obtain the names and addresses of those leasing the channel, and shall adopt rules proscribing the presentation of; Lottery information; obscene or indecent matter; and advertising material not containing sponsorship identification.[72] Finally, in contrast with origination cablecasting rules (§ 76.217), we will not require commercials only at natural breaks on these channels. It is our expectation that there will be experimentation, with some channels used entirely for advertising, some following the pattern of commercial broadcasts, and others that of § 76.217. We will continue to monitor developments in this area with a view to assuring that the public interest is served, particularly regarding such issues as false and misleading advertising.

139. The regulations we are imposing on systems engaging in cablecast origination are substantially the same as those first issued in the First Report and Order in Docket 18397. These regulations (§ 76.201 et seq.) include rules on lottery information, advertising, sponsorship identification, etc., and add a new specific proscription of obscenity.

LIABILITY

140. Many cable operators are concerned about potential civil and criminal liability resulting from use of these public and leased access channels. There is little likelihood of the possibility of a criminal suit in a situation where the system has no right of control and thus no specific intent to violate the law. See, e.g., Lambert v. California, 355 U.S. 225 (1957). The real fears of cable operators seem, in fact, to center on potential libel suits. The possible number and scope of such actions is, however, severely limited. In Rosembloom v. Metromedia, Inc., 403 U.S. 29 (1971), the Court extended the "actual malice" rule of New York Times Co. v. Sullivan, supra,[73] to cover any situation where "the utterance involved concerns a matter of public or general interest." Since most users will presumably air opinion on matters that are of at least as much "public or general interest" as in the Rosenbloom case, it seems likely that their speech would come within the "actual malice" rule. It is doubtful that such malice could be imputed to a cable operator who has no control over the given program's content.

141. In the event that some material presented on these nonbroadcast channels were to fall outside the broad scope of the court's recent decisions such as Rosenbloom, this would not necessarily mean that the system is liable. (In this situation, recourse against the programer would be available.) We have adopted the no-censorship requirement in order to promote free discourse; this is, we believe, valid regulation having "the force of law." While the matter is of course one for resolution by the courts, State law imposing liability on a system that has no control over these channels may unconstitutionally frustrate Federal purposes. In any event, if a problem should develop in this respect, it is readily remedied by Congress and, in this connection, we would welcome clarifying legislation.[74]

PRODUCTION FACILITIES

142. It is apparent that our goal of creating a low-cost, nondiscriminatory means of access cannot be attained unless members of the public have reason-

[68] Franchise specifications concerning the number of dedicated channels for systems in operation prior to Mar. 31, 1972, will be permitted to continue in effect (§ 76.251(a)(11)(iv)).

[69] [Omitted]

[70] We are aware that bidding contests may result in awards that will unduly burden systems and possibly thwart achievement of our basic goals. We caution franchising authorities against encouraging such contests or making selections based on the barter of extra channels. If abuses arise in this respect, they will be examined in the course of the certificating process or on later petition.

[71] See Philadelphia Television Broadcasting Co. v. F.C.C., 123 U.S. App. D.C. 298, 359 F. 2d 282 (1966).

[72] Modeled after the prohibitions in §§ 76.213, 76.215, and 76.221 of the Commission's rules, respectively.

[73] See also Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967).

[74] Cf. Farmers Educational and Cooperative Union v. WDAY, 360 U.S. 525 (1959).

V 37 N 30 FEB 12 72 XUM

able production facilities available to them. We expect that many cable systems will have facilities with which to originate programing that will also be available to produce program material for public access. Hopefully, colleges and universities, high schools, recreation departments, churches, unions, and other community groups will have low-cost video-taping equipment for public use. In any event, we are requiring that the cable operator maintain within the franchise area production facilities for use on the public access channel.

143. In this experimental stage, it would be self-defeating to require cable systems to carry access programing and at the same time meet stringent technical standards. Thus, for the present, our technical standards will apply only to Class I channels (those used to distribute broadcast programing—see § 76.5(z) of the rules). We note specifically that the use of half-inch video tape is a growing and hopeful indication that low-cost recording equipment can and will be made available to the public. While such equipment does not now meet our technical standards for broadcasting, there is promise of its improvement and refinement. Further, since it provides and inexpensive means of program production, we see no reason why technical development of this nature should not be encouraged for use on cable systems.

144. Elaborate suggestions have been made for comprehensive community control plans such as neighborhood origination centers and neighborhood councils to oversee access channels. Here again the Commission will encourage experimentation rather than trying to impose a more formal structure at this time.

145. The access requirements we are imposing differ considerably in scope and purpose from our origination requirement of § 76.201. Because of the system operator's control over programing of originated material it was necessary to impose such obligations as are involved in the "equal time" and "fairness" doctrines. Such requirements are not being imposed on use of the access channels because these channels are free of operator control and access is guaranteed. But they do remain in effect for designated origination cablecasting channels. Should a cablecast by a candidate for political office on the origination channel prompt the necessity for providing equal time to an opponent, it must be provided on the origination channel. In this situation, the opponent's appearance on an access channel will not suffice. Similarly, should a controversial originated program raise a "fairness" issue, any countering views must also be presented on the origination channel.

146. The suggestion has been made that cable television systems be prohibited from originating their own programing and be restricted entirely to a common carrier role. We have considered these possibilities but feel that it would be premature to adopt either at this time. (See notice in Docket 18397, 15 FCC 2d 417 at paragraph 26 (1968).)

At this stage in the development of the cable industry, it is the system operator who has the greatest incentive to produce originated material attractive to existing and potential subscribers. We have tried to encourage this origination both through our origination rules (First Report and Order in Docket 18397, 20 FCC 2d 201 (1969)) and by structuring the broadcast signal carriage rules to stimulate the development of nonbroadcast services. At the same time, we have recognized that during this developmental stage we should not adopt rules that constrain experimentation and innovation in the services that cable systems provide but, rather, that we should seek to keep our future options open. When cable penetration reaches high levels and demand increases for leased channel operations, we will revisit this matter. For now, we remain of the view that the most appropriate mix for the orderly development of cable and for encouraging the maximization of its potential for public benefit is one that embraces "• • • a multipurpose CATV operation combining carriage of broadcast signals with program origination and common carrier service • • •" (First Report and Order in Docket 18397, supra, paragraph 3). The rules adopted here are designed to accomplish that.

APPLICABILITY

147. These access rules will be applicable to all new systems that become operational after March 31, 1972 in the top 100 television markets. Currently operating systems in those markets will have 5 years to comply fully with this section. We focus here on the top 100 markets because we have selected these markets as the recipients of certain benefits in order to stimulate cable growth. But, correspondingly, that growth should be accompanied by accesss obligations if the public is to receive the full benefits of this program. Further, cities in the top 100 markets have, as a general rule, more diverse minority groups (ethnic, racial, economic, or age) who are most greatly in need of both an opportunity to express their views and a more efficient method by which they can be apprised of governmental actions and educational opportunities. To the extent that the access requirements pose problems for systems operating in small communities in major markets, such systems are free to meet their obligations through joint building and related programs with cable operators in the larger core areas.

148. If these requirements should impose an undue burden on some isolated system, that is a matter to be dealt with in a waiver request, with an appropriate detailed showing. While we encourage systems in markets below the top 100 to provide access channels, we are not at this time requiring them to do so. We will permit local franchising authorities in such areas to require systems to provide access service, but to no greater extent than we have specified for systems in the top markets. In that event, our access rules would be applicable.

IV. TECHNICAL STANDARDS

149. In our June 24, 1970 notice of proposed rule making in Docket 18894, we proposed technical standards for the operation of cable television systems. Comments were received from diverse sources, including the National Cable Television Association, the consulting firm of Hammett and Edison, the Association of Maximum Service Telecasters, Inc., Archer S. Taylor, vice president of the engineering consulting firm, Malarkey, Taylor and Associates, Inc., and many others. All comments were reviewed and we are adopting a set of technical standards that we believe will provide much needed uniformity on a nationwide basis yet still allow sufficient flexibility for further technical change.

DEFINITIONS (§ 76.5)

150. It is our ultimate intention to provide appropriate technical standards for the various kinds of signals that we expect cable television systems will offer their subscribers. At this moment there is need for standards governing the carriage of standard television signals that are picked up off the air. We expect soon to need technical standards—in some measure possibly different—for carriage of cablecast programs. The burgeoning use of two-way or "return" communications will require the formulation of additional technical regulations in order to insure protection to channels used for television or other communications. Accordingly, at this time, we are adopting definitions for four categories of cable channels. These may be modified in the future, but at present we view them as a useful framework for administering the multifaceted development of cable distribution systems.

Class I cable channel. This definition is intended to designate those cable channels devoted to delivering standard broadcast television signals picked up off the air at the headend or delivered to the cable network by microwave or provided by direct connection to a local television broadcast station. Class I cable channels are subject to the technical standards adopted herein.

Class II cable channel. This is intended to designate those channels used for the delivery of cablecast programing. Technical standards are not now being provided for these channels. Class II cable channels are those used for television signals not obtained from television broadcast stations but that are intended to display pictures on subscriber television receivers without the use of decoding devices. Channels carrying television pictures purposely encoded or processed to permit reception by only selected subscribers are not included in this category.

Class III cable channel. In addition to television pictures, cable systems are likely to deliver to subscribers other forms of communication. We recognize the potential for a wide diversity of communications, some of which will require terminal equipment in subscriber homes. Some of these involve analog signals; others make use of digital signals. Not all

require a full 6 MHz of bandwidth. Class III cable channel uses might include: Encoded television signals which require special decoding equipment at the subscriber terminal, FM or AM broadcast signals, and facsimile and printed message material. Obviously, no single set of technical standards can embrace so many differing kinds of signals. We are not proposing standards for Class III cable channels at this time, but as the need becomes apparent, appropriate standards will be provided.

Class IV cable channel. This class will apply to "return" or "response" channels. At this time plans for use of those channels envision a relatively narrow band of frequencies that will be used to return limited amounts of information from subscriber to control point. Although it is too early to provide technical standards for such communications, it is expected that standards will be required.

Channel frequency response. This definition seeks to promote a common understanding that the frequency response requirements are those obtaining at subscriber terminals. We are not requiring frequency response standards for other points in the system or to other than Class I channels.

Subscriber terminal. This is defined as the point of interface between the facilities of the cable system and the receiving equipment normally the property of the subscriber. Thus, matching transformers, baluns, converters, or special amplifiers provided by the cable company are examples of facilities considered to be located on the system side of the subscriber terminal. Cable extensions that serve other premises and are not owned by the subscriber are considered the responsibility of the system.

PERFORMANCE TESTS (§ 76.601)

151. This section sets forth the responsibility of the cable system operator to make such tests and measurements as are necessary to offer reasonable assurance that the system performance is continuously satisfactory. The comments generally recognized the necessity of requiring some adequate measurement and monitoring schedule, although it was pointed out that the system subscribers are quick to report gross deficiencies in service. Our requirement is intended to reduce the incidence of malfunction by encouraging the system to institute procedures for regularly checking its operation. Many advised that requiring performance measurements at only three vaguely defined points would fall short of rigorously testing the system. Consideration has been given to requiring measurements at more than three points in order to insure "representative" sampling of system performance. But our view is that this requirement is not intended to establish that each subscriber will receive service in accordance with the standards—that can come only with a measurement at each subscriber terminal. The performance check is, rather, assurance to the operator and to the Commission (should the performance be questioned) that the signal path from head-end to check point is capable of conforming to the standards. We are therefore retaining the proposed requirement for three measurement points. Many systems, as a matter of good practice, will make routine observations at more than three points. The ultimate requirement, in any event, is that the technical standards must be met at each subscriber terminal.

152. Our aim is not to generate marginally useful measurement data for ourselves, but to encourage each cable operator to engage in systematic performance checking and preventive maintenance. Thus, we agree with those comments suggesting that the annual performance data not be filed with the Commission but be kept with the system where it will be available for inspection. The information required by our rule is minimal and should be readily available from every system. It will be useful in resolving service complaints and as reference data for identifying those cable television channels to which our technical standards apply and on which our required measurements are to be made.

153. It has been suggested that the cost of measuring equipment and the costs of hiring consultants to make the necessary measurements would be prohibitively high for small systems. While we recognize that compliance will involve some costs, we do not choose to sacrifice the public benefits derived from good technical performance. We have, therefore, carefully drawn our technical standards so that measuring equipment of reasonable cost can be used.

STANDARDS (§ 76.605)

154. Based on many persuasive comments, we are adopting certain revisions of our proposed rules. Some suggested that the phrase "pick up off-air" be eliminated from the opening sentence of subsection (a). Because we are adopting standards only for channels devoted to broadcast television programing, we are amending the disputed phrase. It is intended that the standards apply only to Class I channels—those carrying television broadcast signals picked up off the air, either at the cable system headend or relayed by CARS microwave from an off-air-pickup, or obtained by direct connection at a television station.

155. In (a)(1) we provide that the channels delivered to subscribers conform to the capability of the television broadcast receiver. This is not intended to limit the use of other channel arrangements within the system. We are also permitting, on adequate showing, the use of such arrangements as central switching systems similar to those identified with rediffusion.

156. We have relaxed the frequency tolerance standard originally proposed. Under the rule, systems which supply subscribers with an individual converter, tuner, or similar channel-selection device are required to meet a tolerance on the visual signal of only ±250 KHz. The proposed ±25 KHz tolerance is applicable to other systems. We are retaining the aural-visual separation tolerance as proposed.

157. With respect to visual signal level, we are requiring, in (a)(4), delivery of signals so that at no time is the signal on any cable television channel lower than the equivalent of 0 dBmV (across 75 ohms). We intended in our proposals to impose a limit on the difference in level permissible between any two adjacent cable channels (Channels 4 to 5 and 6 to 7 excepted), and also a limit on the maximum permissible difference between any other channels in the system. The ultimate purposes of such specifications are to insure an adequate signal on all channels, to prevent annoying visible differences of signal strength between channels, and to promote an optimum balance between signal level equality in distribution amplifiers and at subscriber terminals. These considerations and the comments on this subject have prompted us to adopt the signal level requirements set out in (a)(4) and (5). No specific maximum level is adopted. Instead, we are adopting a general rule which requires, in effect, that the signal level on any channel not exceed the level at which overload problems in the customer's receiver begin to occur.

158. After consideration of the comments directed to (a)(6) through (8), we have decided to retain these standards essentially as proposed, rejecting for the present the concern expressed by some that the 5-percent permissible amplitude for power frequency hum components is too high. In further proceedings we expect to reexamine this matter and may then decide from the information before us that a reduction on the maximum limit is necessary.

159. We have revised the signal-interference ratios proposed in (a)(9) and (10). Several parties pointed out that, as proposed, interference caused by undesired reception of a properly offset cochannel station would have to be reduced to a 46 dB ratio. However, off-air viewers are protected only to a ratio varying between 28 and 36 dB. These cochannel ratios involve certain assumptions about the percentage of audience that finds them acceptable and about the absolute value of the desired signals involved. Considering the superior quality of service every subscriber to cable should receive, we believe that some relaxation of the 46 dB cochannel ratio for offset signals may be appropriate, but not beyond 36 dB.

160. Most parties suggested that the value of terminal isolation we proposed in (a)(11) was too high and instead, recommended values in the range between 15 and 20 decibels. Further study suggests that a required terminal isolation of 18 decibels should be adequate to protect each subscriber from the effects of expected levels of spurious signals or impedance variations introduced at other subscriber terminals. We are amending our proposed rule accordingly.

161. We consider it appropriate to transfer (with some modification) from Part 15 to Part 76 our existing limits on radiation from cable systems. The

V37-30 FEB 12 72 XUM

modifications we proposed—dropping the category of "sparsely inhabited areas" and tightening the radiation limit between 132 and 216 MHz—met general approval. They are now set forth in section 76.605(a)(12).

162. Special notice is taken of a letter dated February 2, 1971, addressed to our Acting Chief Engineer from the Office of Telecommunications Policy (OTP), expressing concern about possible interference to Air Traffic Control communications during periods of "CATV equipment malfunction." The frequency bands that OTP suggests might be excluded from use by cable systems include:

108 to 136 MHz.
162 to 174 MHz.
225 to 400 MHz.

Alternative suggestions include imposing power limitation on cable signals within the system, interleaving of channel assignments, and the installation of automatic shutoff devices that would remove power from amplifiers if malfunctions in the system might cause excessive radiation. While we recognize the desirability of eliminating the possibility of interference to air-ground communications, we are unable to share the OTP view of the hazard posed by possible cable malfunctions. After more than 20 years of cable operation, interference by cable radiation to aircraft communications has not been documented. We note also that OTP is not objecting to radiation from television receivers in the hands of the public. These, when tuned to Channels 4 through 13, may radiate signals within the bands OTP wishes to proscribe for cable systems. Television receiver oscillators may radiate fields as strong or stronger than those expected from cable systems. Spurious radiation from television transmitters also may occur in the aviation bands and, in our view, present a greater interference potential than cable systems. Because public benefits lie in encouraging full use of available radio spectrum within the cable, we are reluctant to hamper cable operations by so restricting the use of frequency space, particularly when that restriction would be based on a rather remote interference possibility. Accordingly, we are declining to adopt the frequency restrictions proposed by the Office of Telecommunications Policy.

MEASUREMENTS (§ 76.609)

163. Comments submitted with respect to this portion of our proposed rules reflected either a concern that the measuring techniques we proposed were inadequately detailed, or that other methods should be employed. Additionally, our proposal to include CARS microwave relays in the measurement caused concern. Our intention was to set forth a number of measurement procedures that we consider suitable for determining various aspects of system performance. Because cable systems operate under a variety of circumstances, we are adopting a flexible approach to determining system performance. As indicated in the rules, we are permitting the use of whatever alternative measuring methods can be fully justified. This should not be construed as permitting the use of rough-and-ready procedures that result in equivocal measurement data. We will insist upon a bona fide and authoritative attempt to measure system performance, and where the resulting data is inadequate, we may require remeasurement using specified equipment or procedures.

164. Some objected to our proposal to include CARS microwave relay circuits within the measurement loop and not to include similar facilities operated by common carriers. Others, noting this difference, suggested that we reserve the formulation of standards for microwave delivery for later rule making. We have made the distinction on the assumption that CAR facilities are under the direct control or supervision of the cable system; common carrier facilities are not. With respect to the CAR service, the cable operator is able to effect scheduling of the microwave facilities. When the microwave relay is operated by a common carrier, however, there is considerable difficulty in arranging measurement procedures. In the latter case, we are leaving it to the cable operator to insure contractually that the signals delivered to his system are adequate to permit him to conform to our technical requirements.

165. Comments directed to specific measurement procedures noted that we had failed to provide that, when antennas or other inputs are disconnected for system performance measurements, substitute carriers or pilot signals in some instances must be inserted in order to maintain proper operation of the rest of the system. In paragraphs (a) and (b) we now reflect this concern. We emphasize that measurement of a performance parameter in any cable television channel must be made under conditions that approximate those existing under normal operations. Signals should be present on all other channels on which signals normally are delivered. They should be of normal amplitude. Automatic gain controls or manually controlled gains should be normal.

166. With respect to measuring noise in a cable channel, it was suggested that the NCTA standard for noise measurement should be required. We agree. Thus, we are amending the language of § 76.609(e) to recognize that method. We are also taking note of the usual circumstances in which the variation of noise level over the width of a cable television channel is small, and are providing language to permit a "spot" measurement of noise. At the same time, we note a suggestion filed by Hammett and Edison to use an oscilloscope in a rapid sweep, single-trace mode to permit an acceptable visual observation of the noise voltage after demodulation. The peak-to-peak amplitude of the noise is directed compared to the peak-to-peak amplitude of the desired signal, to which ratio an appropriate peak-to-rms correction is added. The method is attractively simple and direct and, if performed with adequate precautions, appears to be acceptable.

167. Other comments questioned the appropriateness or necessity of various methods we had proposed. For example, the requirement that the measurement of noise in a channel must include the CARS microwave relay (if any) within the measurement loop poses the problem of measuring noise in the face of the channel carrier. This circumstance appears to dictate the use of a compartively narrow band noise measuring technique. However, whatever the measurement procedure used, it will be subject to review as to accuracy and appropriateness.

168. As an exception to the approach used in § 76.609 (e), (f), and (g), we intend that the measurement procedures outlined in (h) of that section be followed strictly or, if special circumstances necessitate divergence from established procedures, the alternate procedures be thoroughly justified. The rule for measuring radiation from a cable system is essentially that which was established in Part 15 of our rules. The measuring procedure has been tested over a number of years. We see no indication that substantial change in the procedure is necessary.

RESPONSIBILITY FOR INTERFERENCE (§ 76.617)

169. We have noted the concern that a cable system would be held responsible for interfering signals radiated from television receivers connected to the system. We have long had a rule (§ 15.82) which places on the operator of a radio (television) receiver the responsibility for eliminating interference caused by that receiver. Section 76.617 is intended to place a similar restriction on the cable operator who must insure that his system does not distribute or reradiate an interfering signal generated in his customer's receiver, even if the latter generates a signal in excess of permissible limits. In our view, the obvious remedy when a receiver-generated interfering signal is found in the cable distribution system is to suspend service to the customer until the receiver is repaired.

ADDITIONAL TECHNICAL PROBLEMS

170. We are of the view that the technical standards we have adopted are minimal and should be augmented as soon as possible with standards covering other technical areas such as:

- Standards for a cable television receiver (a television receiver specifically designed for use with a cable television system).
- Frequency allocations within the cable network.
- Standards for Class II, III, and IV channels.
- Standards on envelope delay, differential gain, and phase.
- Standards on permissible cross-modulation, "ghosting," hum.
- Standards for cable carriage of aural broadcast programing.

We intend to intiate a new proceeding to deal with these matters. But we see the need for tapping a larger body of expertise in order to develop more technical and economic information than is ordinarily available through the rulemaking process. Therefore, we will also establish a task force of experts to advise us in specifically designated areas.

V. FEDERAL-STATE/LOCAL RELATIONSHIPS

171. In our notice of proposed rule making in Docket 18892[7] we observed that "actions have been taken in the cable field without any overall plan as to the Federal-local relationship." This has resulted in a patchwork of disparate approaches affecting the development of cable television. While the Commission was pursuing a program to promote national cable policy, State and local governments were formulating policies to reflect local needs and desires. In many respects this dual approach worked well. To a growing extent, however, the rapid expansion of the cable television industry has led to overlapping and sometimes incompatible regulations. This resulted in confusion, and we faced an obvious need to clarify the respective Federal, State, and local regulatory roles. Three possible approaches were outlined in Docket 18892:

(a) Federal licensing of all cable television systems.
(b) Maintenance of the current Federal regulatory program enforced by section 312 (b) proceedings.
(c) Federal regulation of some aspects, with local regulation of others under Federal prescription of standards for local jurisdictions.

As we noted in Docket 18892:

> This last approach recognizes that although practical considerations argue in favor of leaving important aspects of cable regulation to State and local government, cable is nonetheless an integral part of the inter-State movement of electronic communications. United States v. Southwestern Cable Co., 392 U.S. 157 (1968). In these circumstances, it is appropriate for this agency to establish uniform or minimum standards to which local actions must conform.

We requested comments on the form such "uniform or minimum standards" might take. The filings differed in their specific proposals for resolution of the questions raised in our notice, thus indicating the wide diversity of opinion in this complex area of regulation.

ANALYSIS OF COMMENTS

172. *Broadcast interests.* To varying degrees, most broadcast interests favored a regulatory approach involving a distribution of authority between local government and the Commission. Views on the extent to which the Commission should impose guidelines for State or local action varied considerably, however. For instance, Storer Broadcasting Co. suggested that the Commission establish guidelines for character qualifications of franchise applicants. Others argued that the Commission should not establish guidelines for any aspect of the franchising process. Some favored Commission guidance for the regulation of subscriber rates, while most urged that this element of regulation might better be left to local authorities. The National Association of Broadcasters proposed that the Commission impose minimum standards in most aspects of regulation, allowing local governments to impose additional requirements not inconsistent with the Federal standards. American Broadcasting Co., which atypically argued in favor of Federal licensing, still agreed that such matters as franchising and subscriber rates be left to local control. In general, broadcast interests did not favor the proposed 2-percent limitation on franchise fees, arguing that the Commission had provided no adequate basis for such a limitation. Westinghouse Broadcasting Co. thought the 2-percent figure acceptable as a starting point but would have permitted adjustment upward on appropriate showing. Those opposing our 2-percent proposal ventured no alternative figure, but most agreed that whatever the fee, it should be no more than is necessary to finance a local regulatory program.

173. *Cable television interests.* These parties uniformly were of the view that the present three-tiered regulatory approach is unsatisfactory. Pointing to the confusion and waste caused by such an approach, and arguing that on many issues local and State governments lack the expertise to oversee cable's development, they all favored some degree of Federal preemption. The National Cable Television Association urged that the Commission entirely preempt this field and limit local involvement to the selection among franchise applicants. Other groups such as Community Tele-Communications, Inc. agreed with this position and simply asserted that Federal licensing would be best. Recognizing, however, that such an approach might be burdensome, they supported a more flexible course whereby the Commission, as suggested in our third alternative, would preempt some areas, establish minimum standards for State and local authorities to follow in others, and leave purely local matters to the appropriate local entity. At the other end of the spectrum, Time-Life Broadcast, Inc., believed that Federal licensing would not be effective and suggested that the Commission adopt a dual-jurisdictional approach, establishing minimum guidelines for technical performance, legal and character qualifications and any other matters calling for regional or nationwide uniformity. Time-Life would leave the franchising function to local authorities who can best deal with such questions as local programing needs, compliance with local laws, rights of inspection, insurance, indemnity, performance bonds, grounds for revocation, property encumbrances, and the like.

174. Cable interests were clearly opposed to State regulation. They noted in particular that regulation by public utility commissions results in unconscionable delay and confusion. Their filings were also uniformly opposed to State rate regulation. Some acknowledged the need for some rate regulation but disagreed over whether this should more properly be a Federal or local function. The General Electric Co., for instance, maintained that rate regulation should be left to the local franchising entity because it can best gauge the requirements of its particular community. Comtel, on the other hand, argued for Federal standards for rate schedules. The National Cable Television Association said no rate regulations of any kind are needed. Most parties agreed that our proposed 2 percent franchise fee limitation was a reasonable point of departure. General Electric thought that the figure might be too low but that it was a matter best dealt with by the Commission. A joint filing by several multiple system operators called for the abolition of all franchise fees based on gross receipts, including those in existing franchise agreements. They argued that payment of anything more than reasonable regulatory costs would impede the growth of the industry. The National Cable Television Association favored a federally-established 2 percent maximum franchise fee.

175. *State and local governmental interests.* These interests unanimously opposed Federal preemption of cable regulation. It was maintained that the Commission, with its limited staff and uniform approcah, cannot effectively regulate thousands of cable systems operating in communities across the country. Such regulation should be left to local governments which are responsible for the utilization of their physical facilities, familiar with local needs, and necessarily more responsive to community desires. Many local governments went further and argued that the Commission lacks the jurisdiction to regulate any local aspect of cable. Others, however, admitted that federally imposed technical standards would be desirable and some favored the establishment of minimum Federal guidelines, but only to the extent that local authority would not be diminished. The National Institute of Municipal Law Officers (NIMLO) urged a general approach similar to that suggested by the Commission: Federal regulation of some aspects of cable, plus local regulation of other aspects under prescribed Federal standards. State and local government interests uniformly opposed the 2 percent limitation on franchise fees. Although a few thought that some higher figure might be appropriate, most favored no Federal limitation at all.

176. *Other comments.* As in the case of cable and broadcast interests, most others recognized the need for some form of dual regulation, with the Commission issuing standards and guidelines for local franchising authorities to follow. They also acknowledged that, while Federal licensing might be the best solution, it is impractical and burdensome. The Ford Foundation stated its preference for nonprofit ownership, timely construction rules, reasonable duration of franchises, a requirement that construction extend to all areas within a franchise, the provision of local community program channels, and limitations on franchise fees. The Corporation for Public Broadcasting was concerned about the franchising process and urged that the Commission assure that adequate notice is given and all groups allowed to participate. Black Efforts for Soul in Television (BEST) supported the dual regulatory approach

[7] 22 FCC 2d 50 (1970).

V37■30 FEB 12 72 XUM

and particularly noted the need for equal employment opportunities in this field. The American Civil Liberties Union urged that sufficient common carrier capacity for use at reasonable rates and terms be required but opposed Federal preemption, favoring regional and local experimentation instead. American Telephone and Telegraph Co. said that the Commission should regulate only the interstate aspects of cable. While this overview is not exhaustive, it does give a general picture of the diverse and helpful suggestions we have had available to us in this proceeding.

COMMISSION'S REGULATORY PROGRAM

177. *Dual jurisdiction.* The comments advance persuasive arguments against Federal licensing. We agree that conventional licensing would place an unmanageable burden on the Commission. Moreover, local governments are inescapably involved in the process because cable makes use of streets and ways and because local authorities are able to bring a special expertness to such matters, for example, as how best to parcel large urban areas into cable districts. Local authorities are also in better position to follow up on service complaints. Under the circumstances, a deliberately structured dualism is indicated; the industry seems uniquely suited to this kind of creative federalism. We are also persuaded that because of the limited resources of States and municipalities and our own obligation to insure an efficient communications service with adequate facilities at reasonable charges, we must set at least minimum standards for franchises issued by local authorities. These standards relate to such matters as the franchise selection process, construction deadlines, duration of the franchise, rates, and rate changes, the handling of service complaints, and the reasonableness of franchise fees. The standards will be administered in the certificating process.

178. *Franchising.* We are requiring that before a cable system commences operation with broadcast signals, it must obtain a certificate of compliance from the Commission. The application for such a certificate must contain (§ 76.31 (a)(1)) a copy of the franchise and a detailed statement showing that the franchising authority has considered in a public proceeding the system operator's legal, character, financial, technical, and other qualifications, and the adequacy and feasibility of construction arrangements. We expect that franchising authorities will publicly invite applications, that all applications will be placed on public file, that notice of such filings will be given, that where appropriate a public hearing will be held to afford all interested persons an opportunity to testify on the qualifications of the applicants, and that the franchising authority will issue a public report setting forth the basis for its action. Such public participation in the franchising process is necessary to assure that the needs and desires of all segments of the community are carefully considered.

179. *Applicant qualifications.* We are authorizing the use of broadcast signals in order to obtain new benefits for the public. No such benefits will be forthcoming if the cable television applicant is not fully qualified to operate. The character of an applicant, for example, is of particular importance especially because he may be engaged in program origination. Some governmental body must insure that a franchise applicant's qualifications are consistent with the public interest, and we believe this matter is appropriate for local determination.

180. *Franchise area.* Another matter uniquely within the competence of local authorities is the delineation of franchise areas. We emphasize that provision must be made for cable service to develop equitably and reasonably in all parts of the community. A plan that would bring cable only to the more affluent parts of a city, ignoring the poorer areas, simply could not stand. No broadcast signals would be authorized under such circumstances. While it is obvious that a franchisee cannot build everywhere at once within a designated franchise area, provision must be made that he develop service reasonably and equitably. There are a variety of ways to divide up communities; the matter is one for local judgment.

181. *Construction.* We are establishing in § 76.31(a)(2) general timetables for construction and operation of systems to insure that franchises do not lie fallow or become the subject of trafficking. Specifically, we are providing that the franchise require the cable system to accomplish significant construction within 1 year after the certificate of compliance is issued, and that thereafter energized trunk cable be extended to a substantial percentage of the franchise area each year, the percentage to be determined by the franchising authority. As a general proposition, we believe that energized trunk cable should be extended to at least 20 percent of the franchise area per year, with the extension to begin within 1 year after the Commission issues its certificate of compliance. But we have not established 20 percent as an inflexible figure, recognizing that local circumstances may vary.[76]

182. *Franchise duration.* We are requiring in § 76.31(a)(3) that franchising authorities place reasonable limits on the duration of franchises. Long terms have generally been found unsatisfactory by State and local regulatory authorities,[77] and are an invitation to obsolescense in light of the momentum of cable technology.[78] We believe that in most cases a franchise should not exceed 15 years and that renewal periods be of reasonable duration. We recognize that decisions of local franchising authorities may vary in particular circumstances. For instance, an applicant's proposal to wire intercity areas without charge or at reduced rates might call for a longer franchise. On the other hand, we note that there is some support for franchise periods of less than 15 years.[79]

183. *Subscriber rates.* In § 76.31(a)(4) we are permitting local authorities to regulate rates for services regularly furnished to all subscribers. The appropriate standard here is the maintenance of rates that are fair to the system and to the subscribing public—a matter that will turn on the facts of each particular case (after appropriate public proceedings affording due process) and the accumulated experience of other cable communities.

184. *Service complaints.* Section 76.31(a)(5) requires that franchises provide for the investigation and resolution of local service complaints and also that the franchisee maintain a local business office or agent for these purposes. We note that some local bodies are already considering detailed plans along these general lines.

185. *Franchise fee.* While we have decided against adopting a 2 percent limitation on franchise fees, we believe some provision is necessary to insure reasonableness in this respect. First, many local authorities appear to have exacted high franchise fees more for revenue-raising than for regulatory purposes. Most fees are about 5 or 6 percent, but some have been known to run as high as 36 percent. The ultimate effect of any revenue-raising fee is to levy an indirect and regressive tax on cable subscribers. Second, and of great importance to the Commission, high local franchise fees may burden cable television to the extent that it will be unable to carry out its part in our national communications policy.[80] Finally, cable systems are subject to substantial obligations under our new rules and may soon be subject to congressionally-imposed copyright payments. We are seeking to strike a balance that permits the achievement of Federal goals and at the same time allows adequate revenues to defray the costs of local regulation.

186. The Commission imposes an annual fee of 30 cents per subscriber to help finance its own cable regulatory program. Assuming average annual revenues to the cable system of $60 per subscriber, the Commission's fee amounts to one-half of 1 percent of a system's gross receipts. The regulatory program to be carried out by local entities is different in scope and may vary from jurisdiction to jurisdiction. It is our judgment that maximum franchise fees should be between 3 and 5 percent of gross subscriber revenues. But we believe it more appropriate to specify this percentage range as a general standard, for specific local application. When the fee is in excess of 3 percent (including all forms of consideration, such as initial lump sum payments), the franchising authority is required to submit a showing that the specified fee is appropriate in light of the planned local regulatory program, and the franchisee must demonstrate that the fee will not interfere with its ability to meet the obligations imposed by our rules.

187. *Grandfathering.* The grandfathering provisions of our rules with respect to franchise standards seek to achieve a large measure of flexibility. An existing cable system will be required to certify within 5 years of the effective date of these rules or on renewal of its franchise, whichever comes first, that its franchise meets the requirements of the rules. This deferral should relieve both cable systems and local authorities of whatever minor dislocations our rules might otherwise cause.

188. *Advisory Committee.* We believe that we have provided a useful framework for the proper allocation of responsibility among the various levels of government. But much remains to be done as the industry evolves and experience accumulates. Recognizing that the rules are complex and break new ground, we are prepared to provide assistance, through our Cable Television Bureau, to all State and local governments requesting aid. We also intend to issue an explanatory handbook on cable television regulations. Further, because we expect significant development in cable television as a result of our action today, the Commission will seek the advice of a special committee composed of representatives of Federal, State, and local governments, the cable industry, and public interest groups. This committee will aid the Commission as it attempts to define an appropriate allocation of responsibilities in cable regulation.

VI. CONCLUSION

189. Cable television is an emerging technology that promises a communications revolution. Inevitably, our regulatory pattern must evolve as cable evolves—and no one can say what the precise dimensions will be. This report and order represents the amount and the substance of regulation that we believe is essential, at this stage, for the orderly development of the industry. We have taken long overdue first steps after more than 3 years of exhaustive inquiry.

190. The rules will be effective March 31, 1972. Out of an abundance of caution, we are delaying the date beyond the 30 days ordinarily required so that we may have before us any petitions for reconsideration prior to the rules becoming operative. But for more than 3 years we have been gathering data, soliciting views, hearing argument, evaluating studies, examining alternatives, authorizing experiments—turning finally to public panel discussions unique in communications rule making—and, in this effort, have necessarily postponed the substantial public benefits that cable promises. In these circumstances, we do not foresee that there can be any case for further delay.

191. Authority for adoption of these rules is contained in sections 2, 3, 4 (i), and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended. We reaffirm our view that cable systems are neither broadcasters nor common carriers within the meaning of the Communications Act. Rather, cable is a hybrid that requires identification and regulation as a separate force in communications.

Accordingly, it is ordered, That effective March 31, 1972, Parts 1, 15, 21, 74, and 91 of the Commission's rules and regulations are amended as set forth in Appendix A below, and that new Parts 76 (Cable Television Service) and 78 (Cable Television Relay Service) of the Commission's rules and regulations are added as set forth in Appendix A.

It is further ordered, That the proceedings in Dockets 18397, 18397-A, 18373, 18892, and 18894 are terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309)

Adopted: February 2, 1972.

Released: February 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[81]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1—PRACTICE AND PROCEDURE

1. In § 1.1116, the headnote and paragraphs (a) and (c) are revised to read as follows:

§ 1.1116 Schedule of fees for Cable Television and Cable Television Relay Services.

(a) Applications and petitions filed in the Cable Television and Cable Television Relay Services shall be accompanied by the fees prescribed below:

Applications in the Cable Television Relay (CAR) Service:	
For a construction permit	$50
For a license or renewal	15
For a modification of construction permit or license	15
Applications for certificates of compliance, pursuant to § 76.11	35

NOTE: If multiple applications for certificate of compliance are filed by cable television systems having a common headend and identical ownership but serving or proposing to serve more than one community, the full $35 fee will be required only for one of the communities; $10 will be required for each of the other communities.

Petitions for special relief, pursuant to § 76.7	25

• • • • •

(c) Fees are not required in the following instances:

(1) Petition for special relief filed pursuant to § 76.7 of this chapter by a noncommercial educational broadcast station.

PART 15—RADIO FREQUENCY DEVICES

§ 15.4 [Amended]

1. In § 15.4, paragraph (e) is deleted.

§§ 15.161–15.165 [Deleted]

2. Subpart D of Part 15, §§ 15.161–15.165, is deleted.

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

1. In § 21.713, the headnote and text are revised to read as follows:

§ 21.713 Applications for authorizations involving relay of television signals to cable television systems.

An application in this service for authorization to establish new facilities or to modify existing facilities to be used to relay television signals to cable television systems shall contain a statement by the applicant that, to the best of his knowledge, each cable television system to be served has, on or before the filing date of the application, filed any necessary application for certificate of compliance, pursuant to §§ 76.11 and 76.13 of this chapter. Such statement by the applicant shall identify the application for certificate of compliance by the name of the cable television system for which

[76] Some municipalities may require expansion at a greater rate. The New York City contract, for example, requires that a cable television franchisee extend trunk cable to its whole franchise area within 4 years from the grant of the franchise. This 4-year period represents an increase from the 2- to 3-year period originally recommended by the Mayor's Advisory Task Force on CATV and Telecommunications, Report on Cable Television and Cable Communications in New York City (1968). Similar limitations appear to have been imposed throughout most of New York State. W. Jones, Regulation of Cable Television by the State of New York 134–35 (1970).

[77] E. Clemens, Economics and Public Utilities (N.Y.C.: Appleton-Century-Crofts, 1950) 75–76.

[78] R. Posner, Cable Television: The Problem of Local Monopoly 22–23 (1970), prepared for the Ford Foundation, Memorandum RM-6309-FF.

[79] At one extreme, two commentators have proposed 3-year franchise periods. R. Posner, id. at 26; Better Broadcasting Council, A Model Ordinance for Cable Television for the City of Chicago S2.16 (1970). An Illinois bill would have restricted franchises to 5 years. Illinois General Assembly, S. 169, § 6 (1971). And although the franchises ultimately granted by New York City were for 20 years, 10 years had been initially recommended, and the experimental initial grant was only 2 years. Mayor's Advisory Task Force on CATV and Telecommunications, Report on Cable Television and Cable Communications in New York City (1968); Bureau of Franchises, Report to the Board of Estimate Relating to Community Antenna Television and to the Petitions of Eight Applicants for the Consent of the City of New York to Install and Operate CATV Systems (1965).

[80] We have from time to time stated our concern with the threat of other inhibiting factors. Cable television is also involved, for example, in a dispute over utility pole attachment rates and faces the burdening claims of the telephone and electric power industries that rental charges be increased. We are currently inquiring into pole rental practices (Docket 16928) and expect to address the question of what regulatory controls may appropriately be invoked.

[81] Commissioners Burch, chairman; Bartley, Reid and Wiley concurring and issuing statements to be released at a later date; Commissioner Robert E. Lee dissenting and issuing a statement to be released at a later date; Commissioner Johnson concurring in part and dissenting in part and issuing a statement filed as part of the original document; Commissioner H. Rex Lee absent.

V37-30 FEB 12 72 XUM

the certificate is sought, the community and area served or to be served, the date on which the application was filed, and the file number (if available).

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

§§ 74.1001–74.1083 [Deleted]

1. Subpart J of Part 74, §§ 74.1001–74.1083, is deleted.

§§ 74.1101–74.1131 [Deleted]

2. Subpart K of Part 74, §§ 74.1101–74.1131, is deleted.

E. Part 76—Cable Television Service is added to read as follows:

PART 76—CABLE TELEVISION SERVICE

Subpart A—General

Sec.
76.1 Purpose.
76.3 Other pertinent rules.
76.5 Definitions.
76.7 Special relief.

Subpart B—Applications and Certificates of Compliance

76.11 Certificate of compliance required.
76.13 Filing of applications.
76.15 Public notice.
76.17 Objections to applications; related matters.

Subpart C—Federal-State/Local Regulatory Relationships

76.31 Franchise standards.

Subpart D—Carriage of Television Broadcast Signals

76.51 Major television markets.
76.53 Reference points.
76.54 Significantly viewed signals; method to be followed for special showings.
76.55 Manner of carriage.
76.57 Provisions for systems operating in communities located outside of all major and smaller television markets.
76.59 Provisions for smaller television markets.
76.61 Provisions for first 50 major television markets.
76.63 Provisions for second 50 major television markets.
76.65 Grandfathering provisions.

Subpart E—[Reserved]

Subpart F—Program Exclusivity

76.91 Stations entitled to network program exclusivity.
76.93 Extent of protection.
76.95 Exceptions.
76.97 Waiver petitions.
76.151 Syndicated program exclusivity; extent of protection.
76.153 Persons entitled to exclusivity.
76.155 Notification.
76.157 Exclusivity contracts.
76.159 Grandfathering.

Subpart G—Cablecasting

76.201 Origination cablecasting in conjunction with carriage of broadcast signals.
76.205 Origination cablecasts by candidates for public office.
76.209 Fairness doctrine; personal attacks; political editorials.
76.213 Lotteries.
76.215 Obscenity.
76.217 Advertising.
76.221 Sponsorship identification.
76.225 Per-program or per-channel charges for reception of cablecasts.
76.251 Minimum channel capacity; access channels.

Subpart H—General Operating Requirements

76.301 Copies of rules.
76.305 Logging and recordkeeping requirements.

Subpart I—Forms and Reports

76.401 Annual report of cable television systems.
76.405 Cable television annual financial report.
76.406 Computation of cable television annual fee.

Subpart J—Diversification of Control

76.501 Cross-ownership.

Subpart K—Technical Standards

76.601 Performance tests.
76.605 Technical standards.
76.609 Measurements.
76.613 Interference from a cable television system.
76.617 Responsibility for receiver-generated interference.

AUTHORITY: The provisions of this Part 76 issued under secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

Subpart A—General

§ 76.1 Purpose.

The rules and regulations set forth in this part provide for the certification of cable television systems and for their operation in conformity with standards for carriage of television broadcast signals, program exclusivity, cablecasting, access channels, and related matters.

§ 76.3 Other pertinent rules.

Other pertinent provisions of the Commission's rules and regulations relating to the Cable Television Service are included in the following parts of this chapter:

Part 0—Commission Organization.
Part 1—Practice and Procedure.
Part 21—Domestic Public Radio Services (Other Than Maritime Mobile).
Part 63—Extension of Lines and Discontinuance of Service by Carriers.
Part 78—Cable Television Relay Service.
Part 91—Industrial Radio Services.

§ 76.5 Definitions.

(a) *Cable television system (or CATV system).* Any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service, but such term shall not include (1) any such facility that serves fewer than 50 subscribers, or (2) any such facility that serves only the residents of one or more apartment dwellings under common ownership, control, or management, and commercial establishments located on the premises of such an apartment house.

NOTE: In general, each separate and distinct community or municipal entity (including single, discrete, unincorporated areas) served by cable television facilities constitutes a separate cable television system, even if there is a single headend and identical ownership of facilities extending into several communities. See, e.g., Telerama, Inc., 3 FCC 2d 585 (1966); Mission Cable TV, Inc., 4 FCC 2d 230 (1966).

(b) *Television station; television broadcast station.* Any television broadcast station operating on a channel regularly assigned to its community by § 73.606 of this chapter, and any television broadcast station licensed by a foreign government: *Provided, however,* That a television broadcast station licensed by a foreign government shall not be entitled to assert a claim to carriage or program exclusivity, pursuant to Subpart D or F of this part, but may otherwise be carried if consistent with the rules.

(c) *Television translator station.* A television broadcast translator station as defined in § 74.701 of this chapter.

(d) *Principal community contour.* The signal contour that a television station is required to place over its entire principal community by § 73.685(a) of this chapter.

(e) *Grade A and Grade B contours.* The field intensity contours defined in § 73.683(a) of this chapter.

(f) *Specified zone of a television broadcast station.* The area extending 35 air miles from the reference point in the community to which that station is licensed or authorized by the Commission. A list of reference points is contained in § 76.53. A television broadcast station that is authorized but not operating has a specified zone that terminates eighteen (18) months after the initial grant of its construction permit.

(g) *Major television market.* The specified zone of a commercial television station licensed to a community listed in § 76.51, or a combination of such specified zones where more than one community is listed.

(h) *Designated community in a major television market.* A community listed in § 76.51.

(i) *Smaller television market.* The specified zone of a commercial television station licensed to a community that is not listed in § 76.51.

(j) *Substantially duplicated.* Regularly duplicated by the network programing of one or more stations in a week during the hours of 6 to 11 p.m., local time, for a total of 14 or more hours.

(k) *Significantly viewed.* Viewed in other than cable television households as follows: (1) For a full or partial network station—a share of viewing hours of at least 3 percent (total week hours), and a net weekly circulation of at least 25 percent; and (2) for an independent station—a share of viewing hours of at least 2 percent (total week hours), and a net weekly circulation of at least 5 percent. See § 76.54.

NOTE: As used in this paragraph, "share of viewing hours" means the total hours that noncable television households viewed the subject station during the week, expressed as a percentage of the total hours these households viewed all stations during the period, and "net weekly circulation" means the number of noncable television households that viewed the station for 5 minutes or more during the entire week, expressed as a percentage of the total noncable television households in the survey area.

(l) *Full network station.* A commercial television broadcast station that generally carries in weekly prime time hours 85 percent of the hours of programing offered by one of the three major national television networks with which it has a primary affiliation (i.e., right of first refusal or first call).

(m) *Partial network station.* A commercial television broadcast station that generally carries in prime time more than 10 hours of programing per week offered by the three major national television networks, but less than the amount specified in paragraph (l) of this section.

(n) *Independent station.* A commercial television broadcast station that generally carries in prime time not more than 10 hours of programing per week offered by the three major national television networks.

(o) *Network programing.* The programing supplied by a national or regional television network, commercial or noncommercial.

(p) *Syndicated program.* Any program sold, licensed, distributed, or offered to television station licensees in more than one market within the United States for noninterconnected (i.e., nonnetwork) television broadcast exhibition, but not including live presentations.

(q) *Series.* A group of two or more works which are centered around, and dominated by the same individual, or which have the same, or substantially the same, cast of principal characters or a continuous theme or plot.

(r) *Off-network series.* A series whose episodes have had a national network television exhibition in the United States or a regional network exhibition in the relevant market.

(s) *First-run series.* A series whose episodes have had no national network television exhibition in the United States and no regional network exhibition in the relevant market.

(t) *First-run nonseries programs.* Programs, other than series, that have had no national network television exhibition in the United States and no regional network exhibition in the relevant market.

(u) *Prime time.* The 5-hour period from 6 to 11 p.m., local time, except that in the central time zone the relevant period shall be between the hours of 5 and 10 p.m., and in the mountain time zone each station shall elect whether the period shall be 6 to 11 p.m. or 5 to 10 p.m.

NOTE: Unless the Commission is notified to the contrary, a station in the mountain time zone shall be presumed to have elected the 6 to 11 p.m. period.

(v) *Cablecasting.* Programing (exclusive of broadcast signals) carried on a cable television system. See paragraphs (aa), (bb), and (cc) (Classes II, III, and IV cable television channels) of this section.

(w) *Origination cablecasting.* Programing (exclusive of broadcast signals) carried on a cable television system over one or more channels and subject to the exclusive control of the cable operator.

(x) *Access cablecasting.* Services provided by a cable television system on its public, educational, local government, or leased channels.

(y) *Legally qualified candidate.* Any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State, or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot, or

(2) Is eligible under the applicable law to be voted for by sticker, by writing his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office.

(z) *Class I cable television channel.* A signaling path provided by a cable television system to relay to subscriber terminals television broadcast programs that are received off-the-air or are obtained by microwave or by direct connection to a television broadcast station.

(aa) *Class II cable television channel.* A signaling path provided by a cable television system to deliver to subscriber terminals television signals that are intended for reception by a television broadcast receiver without the use of an auxilliary decoding device and which signals are not involved in a broadcast transmission path.

(bb) *Class III cable television channel.* A signaling path provided by a cable television system to deliver to subscriber terminals signals that are intended for reception by equipment other than a television broadcast receiver or by a television broadcast receiver only when used with auxiliary decoding equipment.

(cc) *Class IV cable television channel.* A signaling path provided by a cable television system to transmit signals of any type from a subscriber terminal to another point in the cable television system.

(dd) *Channel frequency response.* The relationship within a cable television channel between amplitude and frequency of a constant amplitude input signal as measured as a subscriber terminal.

(ee) *Subscriber terminal.* The cable television system terminal to which a subscriber's equipment is connected. Separate terminals may be provided for delivery of signals of various classes.

(ff) *System noise.* That combination of undesired and fluctuating disturbances within a cable television channel that degrades the transmission of the desired signal and that is due to modulation processes or thermal or other noise-producing effects, but does not include hum and other undesired signals of discrete frequency. System noise is specified in terms of its rms voltage or its mean power level as measured in the 4 MHz bandwidth between 1.25 and 5.25 MHz above the lower channel boundary of a cable television channel.

(gg) *Terminal isolation.* The attenuation, at any subscriber terminal, between that terminal and any other subscriber terminal in the cable television system.

(hh) *Visual signal level.* The rms voltage produced by the visual signal during the transmission of synchronizing pulses.

§ 76.7 Special relief.

(a) Upon petition by a cable television system, an applicant, permittee, or licensee of a television broadcast, translator, or microwave relay station, or by any other interested person, the Commission may waive any provision of the rules relating to cable television systems, impose additional or different requirements, or issue a ruling on a complaint or disputed question.

(b) The petition may be submitted informally, by letter, but shall be accompanied by an affidavit of service on any cable television systems, station licensee, permittee, applicant, or other interested person who may be directly affected if the relief requested in the petition should be granted.

(c) (1) The petition shall state the relief requested and may contain alternative requests. It shall state fully and precisely all pertinent facts and considerations relied on to demonstrate the need for the relief requested and to support a determination that a grant of such relief would serve the public interest. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them.

(2) A petition for a ruling on a complaint or disputed question shall set forth all steps taken by the parties to resolve the problem, except where the only relief sought is a clarification or interpretation of the rules.

(d) Interested persons may submit comments or opposition to the petition within thirty (30) days after it has been filed. For good cause shown in the petition, the Commission may, by letter or telegram to known interested persons, specify a shorter time for such submissions. Comments or oppositions shall be served on petitioner and on all persons listed in petitioner's affidavit of service, and shall contain a detailed full showing, supported by affidavit, of any facts or considerations relied on.

(e) The petitioner may file a reply to the comments or oppositions within twenty (20) days after their submission,

V37-30 FEB 12 72 XUM

which shall be served on all persons who have filed pleadings and shall also contain a detailed full showing, supported by affidavit, of any additional facts or considerations relied on. For good cause shown, the Commission may specify a shorter time for the filing of reply comments.

(f) The Commission, after consideration of the pleadings, may determine whether the public interest would be served by the grant, in whole or in part, or denial of the request, or may issue a ruling on the complaint or dispute. The Commission may specify other procedures, such as oral argument, evidentiary hearing, or further written submissions directed to particular aspects, as it deems appropriate. In the event that an evidentiary hearing is required, the Commission will determine, on the basis of the pleadings and such other procedures as it may specify, whether temporary relief should be afforded any party pending the hearing and the nature of any such temporary relief.

(g) Where a petition for waiver of the provisions of §§ 76.57(a), 76.59(a), 76.61(a), or 76.63(a), is filed within fifteen (15) days after a request for carriage, a cable television system need not carry the signal of the requesting station pending the Commission's ruling on the petition or on the question of temporary relief pending further proceedings.

Subpart B—Applications and Certificates of Compliance

§ 76.11 Certificate of compliance required.

(a) No cable television system shall commence operations or add a television broadcast signal to existing operations unless it receives a certificate of compliance from the Commission.

(b) No cable television system lawfully carrying television broadcast signals in a community prior to March 31, 1972, shall continue carriage of such signals beyond the end of its current franchise period, or March 31, 1977, whichever occurs first, unless it receives a certificate of compliance.

(c) A cable television system to which paragraph (b) of this section applies may continue to carry television broadcast signals after expiration of the period specified therein, if an application for certificate is filed at least thirty (30) days prior to the date on which a certificate would otherwise be required and the Commission has not acted on the application.

§ 76.13 Filing of applications.

No standard form is prescribed in connection with the filing of an application for a certificate of compliance; however, three (3) copies of the following information must be provided:

(a) For a cable television system not operational prior to March 31, 1972 (other than systems that were authorized to carry one or more television signals prior to March 31, 1972, but did not commence such carriage prior to that date), an application for certificate of compliance shall include:

(1) The name and mailing address of the operator of the proposed system, community and area to be served, television signals to be carried (other than those permitted to be carried pursuant to § 76.61(b)(2)(ii) or § 76.63(a) (as it related to § 76.61(b)(2)(ii)), proposed date on which cable operations will commence, and, if applicable, a statement that microwave radio facilities are to be used to relay one or more signals;

(2) A copy of FCC Form 325 "Annual Report of Cable Television Systems," supplying all applicable information;

(3) A copy of the franchise, license, permit, or certificate granted to construct and operate a cable television system;

(4) A statement that explains how the proposed system's franchise and its plans for availability and administration of access channels and other nonbroadcast cable services are consistent with the provisions of §§ 76.31 and 76.251;

(5) A statement that explains, in terms of the provisions of Subpart D of this part, how carriage of the proposed television signals is consistent with those provisions, including any special showings as to whether a signal is significantly viewed (see § 76.54(b));

(6) An affidavit of service of the information described in subparagraph (1) of this paragraph on the licensee or permittee of any television broadcast station within whose predicted Grade B contour or 35-mile zone the system will operate; the licensee or permittee of any 100-watt or higher power television translator station licensed to the community of the system, the franchising authority, the superintendent of schools in the community of the system, and any local or State educational television authorities;

(7) A statement that the filing fee prescribed in § 1.1116 of this chapter is attached.

(b) For a cable television system that was authorized to carry one or more television signals prior to March 31, 1972, but did not commence such carriage prior to that date, an application for certificate of compliance shall include:

(1) The name and mailing address of the system, community and area served or to be served, television signals authorized to be carried but not carried prior to March 31, 1972, and, if applicable, a statement that microwave relay facilities are to be used to relay one or more signals;

(2) A list of all television signals already being carried;

(3) A statement that explains how the system's plans for availability and administration of access channels and other nonbroadcast cable services are consistent with the provisions of § 76.251.

NOTE: The provisions of this subparagraph are applicable only to systems located in a community that is wholly or partially within a major television market.

(4) An affidavit of service of the information described in subparagraph (1) of this paragraph on the parties named in paragraph (a)(6) of this section;

(5) A statement that the filing fee prescribed in § 1.1116 of this chapter is attached.

(c) For a cable television system proposing to add a television signal to existing operations, an application for certificate of compliance shall include:

(1) The name and mailing address of the system, community and area served, television signals to be added (other than those permitted to be carried pursuant to § 76.61(b)(2)(ii) or § 76.63(a) (as it relates to § 76.61(b)(2)(ii)), and, if applicable, a statement that microwave relay facilities are to be used to relay one or more signals;

(2) A list of all television signals already being carried;

(3) A statement that explains, in terms of the provisions of Subpart D of this part, how carriage of the proposed television signals is consistent with those provisions, including any special showings on the question whether a signal is significantly viewed (see § 76.54(b));

(4) A statement that explains how the system's plans for availability and administration of access channels and other nonbroadcast cable services are consistent with the provisions of § 76.251;

NOTE: The provisions of this subparagraph are applicable only to systems operating in a community located in whole or in part within a major television market.

(5) An affidavit of service of the information described in subparagraph (1) of this paragraph on the parties named in paragraph (a)(6) of this section;

(6) A statement that the filing fee prescribed in § 1.1116 of this chapter is attached.

(d) For a cable television system seeking certification of existing operations in accordance with § 76.11(b), an application for certificate of compliance shall include:

(1) The name and mailing address of the system, community and area served, television signals being carried (other than those permitted to be carried pursuant to § 76.61(b)(2)(ii) or § 76.63(a) (as it relates to § 76.61(b)(2)(ii))), date on which operations commenced, and date on which its current franchise expires;

(2) A statement that explains how the franchise under which the system will operate upon Commission certification is consistent with the franchise standards specified in § 76.31;

(3) An affidavit of service of the information described in subparagraph (1) of this paragraph on the parties named in paragraph (a)(6) of this section;

(4) A statement that the filing fee prescribed by § 1.1116 of this chapter is attached.

NOTE: As used in § 76.13, the term "predicted Grade B contour" means the field intensity contour defined in § 73.683(a) of this chapter, the location of which is determined exclusively by means of the calculations prescribed in § 73.684 of this chapter.

§ 76.15 Public notice.

The Commission will give public notice of the filing of applications for certificates of compliance. A certificate will not be issued sooner than thirty (30) days from the date of public notice.

§ 76.17 Objections to applications; related matters.

A petition challenging the service proposed in an application for certificate of compliance shall be filed within thirty (30) days of the public notice described in § 76.15. The procedures specified in § 76.7 shall be applicable to such petitions and to oppositions and replies. Controversies concerning carriage (Subpart D) and program exclusivity (§ 76.91) will be acted on in connection with the certificating process if raised within thirty (30) days of the public notice; any other objection will be treated as a petition for special relief filed pursuant to § 76.7.

Subpart C—Federal-State/Local Regulatory Relationships

§ 76.31 Franchise standards.

(a) In order to obtain a certificate of compliance, a proposed or existing cable television system shall have a franchise or other appropriate authorization that contains recitations and provisions consistent with the following requirements:

(1) The franchisee's legal, character, financial, technical, and other qualifications, and the adequacy and feasibility of its construction arrangements, have been approved by the franchising authority as part of a full public proceeding affording due process;

(2) The franchisee shall accomplish significant construction within one (1) year after receiving Commission certification, and shall thereafter equitably and reasonably extend energized trunk cable to a substantial percentage of its franchise area each year, such percentage to be determined by the franchising authority;

(3) The initial franchise period and any renewal franchise period shall be of reasonable duration;

(4) The franchising authority has specified or approved the initial rates which the franchisee charges subscribers for installation of equipment and regular subscriber services. No changes in rates charged to subscribers shall be made except as authorized by the franchising authority after an appropriate public proceeding affording due process;

(5) The franchise shall specify procedures for the investigation and resolution of all complaints regarding the quality of service, equipment malfunctions, and similar matters, and shall require that the franchisee maintain a local business office or agent for these purposes;

(6) Any modifications of the provisions of this section resulting from amendment by the Commission shall be incorporated into the franchise within one (1) year of adoption of the modification, or at the time of franchise renewal, whichever occurs first: *Provided*, *however*, That, in an application for certificate of compliance, consistency with these requirements shall not be expected of a cable television system that was in operation prior to March 31, 1972, until the end of its current franchise period, or March 31, 1977, whichever occurs first.

(b) The franchise fee shall be reasonable (e.g., in the range of 3–5 percent of the franchisee's gross subscriber revenues per year from cable television operations in the community (including all forms of consideration, such as initial lump sum payments)). If the franchise fee exceeds 3 percent of such revenues, the cable television system shall not receive Commission certification until the reasonableness of the fee is approved by the Commission on showings, by the franchisee, that it will not interfere with the effectuation of Federal regulatory goals in the field of cable television, and, by the franchising authority, that it is appropriate in light of the planned local regulatory program. The provisions of this paragraph shall not be effective with respect to a cable television system that was in operation prior to March 31, 1972, until the end of its current franchise period, or March 31, 1977, whichever occurs first.

Subpart D—Carriage of Television Broadcast Signals

§ 76.51 Major television markets.

For purposes of the cable television rules, the following is a list of the major television markets and their designated communities:

(a) First 50 major television markets:

(1) New York, N.Y.—Linden-Paterson, N.J.
(2) Los Angeles-San Bernardino-Corona-Fontana, Calif.
(3) Chicago, Ill.
(4) Philadelphia, Pa.-Burlington, N.J.
(5) Detroit, Mich.
(6) Boston-Cambridge-Worcester, Mass.
(7) San Francisco-Oakland-San Jose, Calif.
(8) Cleveland-Lorain-Akron, Ohio.
(9) Washington, D.C.
(10) Pittsburgh, Pa.
(11) St. Louis, Mo.
(12) Dallas-Fort Worth, Tex.
(13) Minneapolis-St. Paul, Minn.
(14) Baltimore, Md.
(15) Houston, Tex.
(16) Indianapolis-Bloomington, Ind.
(17) Cincinnati, Ohio-Newport, Ky.
(18) Atlanta, Ga.
(19) Hartford-New Haven-New Britain-Waterbury, Conn.
(20) Seattle-Tacoma, Wash.
(21) Miami, Fla.
(22) Kansas City, Mo.
(23) Milwaukee, Wis.
(24) Buffalo, N.Y.
(25) Sacramento-Stockton-Modesto, Calif.
(26) Memphis, Tenn.
(27) Columbus, Ohio.
(28) Tampa-St. Petersburg, Fla.
(29) Portland, Oreg.
(30) Nashville, Tenn.
(31) New Orleans, La.
(32) Denver, Colo.
(33) Providence, R.I.-New Bedford, Mass.
(34) Albany-Schenectady-Troy, N.Y.
(35) Syracuse, N.Y.
(36) Charleston-Huntington, W. Va.
(37) Kalamazoo-Grand Rapids-Muskegon-Battle Creek, Mich.
(38) Louisville, Ky.
(39) Oklahoma City, Okla.
(40) Birmingham, Ala.
(41) Dayton-Kettering, Ohio.
(42) Charlotte, N.C.
(43) Phoenix-Mesa, Ariz.
(44) Norfolk-Newport News-Portsmouth-Hampton, Va.
(45) San Antonio, Tex.
(46) Greenville - Spartanburg - Anderson, S.C.-Asheville, N.C.
(47) Greensboro-High Point-Winston Salem, N.C.
(48) Salt Lake City, Utah.
(49) Wilkes Barre-Scranton, Pa.
(50) Little Rock, Ark.

(b) Second 50 major television markets:

(51) San Diego, Calif.
(52) Toledo, Ohio.
(53) Omaha, Nebr.
(54) Tulsa, Okla.
(55) Orlando-Daytona Beach, Fla.
(56) Rochester, N.Y.
(57) Harrisburg-Lebanon-Lancaster-York, Pa.
(58) Texarkana, Tex.-Shreveport, La.
(59) Mobile, Ala.-Pensacola, Fla.
(60) Davenport, Iowa-Rock Island-Moline, Ill.
(61) Flint-Bay City-Saginaw, Mich.
(62) Green Bay, Wis.
(63) Richmond-Petersburg, Va.
(64) Springfield - Decatur - Champaign-Jacksonville, Ill.
(65) Cedar Rapids-Waterloo, Iowa.
(66) Des Moines-Ames, Iowa.
(67) Wichita-Hutchinson, Kans.
(68) Jacksonville, Fla.
(69) Cape Girardeau, Mo.-Paducah, Ky.-Harrisburg, Ill.
(70) Roanoke-Lynchburg, Va.
(71) Knoxville, Tenn.
(72) Fresno, Calif.
(73) Raleigh-Durham, N.C.
(74) Johnstown-Altoona, Pa.
(75) Portland-Poland Spring, Maine.
(76) Spokane, Wash.
(77) Jackson, Miss.
(78) Chattanooga, Tenn.
(79) Youngstown, Ohio.
(80) South Bend-Elkhart, Ind.
(81) Albuquerque, N. Mex.
(82) Fort Wayne-Roanoke, Ind.
(83) Peoria, Ill.
(84) Greenville - Washington - New Bern, N.C.
(85) Sioux Falls-Mitchell, S. Dak.
(86) Evansville, Ind.
(87) Baton Rouge, La.
(88) Beaumont-Port Arthur, Tex.
(89) Duluth-Superior, Minn.
(90) Wheeling, W. Va.-Steubenville, Ohio.
(91) Lincoln-Hastings-Kearney, Nebr.
(92) Lansing-Onondaga, Mich.
(93) Madison, Wis.
(94) Columbus, Ga.
(95) Amarillo, Tex.
(96) Huntsville-Decatur, Ala.
(97) Rockford-Freeport, Ill.
(98) Fargo-Grand Forks-Valley City, N. Dak.
(99) Monroe, La.-El Dorado, Ark.
(100) Columbia, S.C.

§ 76.53 Reference points.

To determine the boundaries of the major and smaller television markets (defined in § 76.5), the following list of reference points for communities having licensed television broadcast stations and/or outstanding construction permits shall be used. Where a community's reference point is not given, the geographic coordinates of the main post office in the community shall be used.

V37-30 FEB 12 72 XUM

State and community	Latitude			Longitude		
	°	′	″	°	′	″
Alabama:						
Anniston	33	39	49	85	49	47
Birmingham	33	31	01	86	48	36
Decatur	34	36	35	86	58	45
Demopolis	32	30	56	87	50	07
Dothan	31	13	27	85	23	35
Dozier	31	29	30	86	21	59
Florence	34	48	05	87	40	31
Huntsville	34	44	18	86	35	19
Louisville	31	47	00	85	33	09
Mobile	30	41	26	88	02	33
Montgomery	32	22	33	86	18	31
Mount Cheaha State Park	32	29	06	85	48	30
Selma	32	24	26	87	01	15
Tuscaloosa	33	12	05	87	33	44
Alaska:						
Anchorage	61	13	09	149	53	29
College	64	51	22	147	48	38
Fairbanks	64	50	35	147	41	31
Juneau	58	18	06	134	25	09
Sitka	57	02	58	135	20	12
Arizona:						
Flagstaff	35	11	54	111	39	02
Mesa	33	24	54	111	49	41
Nogales	31	20	14	110	56	12
Phoenix	33	27	12	112	01	28
Tucson	32	13	15	110	58	08
Yuma	32	43	16	114	57	01
Arkansas:						
El Dorado	33	12	39	92	39	40
Fayetteville	36	03	41	94	09	38
Fort Smith	35	23	10	94	25	36
Jonesboro	35	50	14	90	42	11
Little Rock	34	44	42	92	16	37
California:						
Bakersfield	35	22	31	119	01	16
Chico	39	44	07	121	49	57
Concord	37	58	48	122	01	51
Corona	33	52	35	117	33	56
El Centro	32	47	25	115	32	45
Eureka	40	48	08	124	09	46
Fontana	34	05	45	117	26	29
Fresno	36	44	12	119	47	11
Guastl	34	03	48	117	35	10
Hanford	36	19	51	119	38	48
Los Angeles	34	03	15	118	14	28
Modesto	37	38	26	120	59	44
Monterey	36	35	44	121	53	39
Oakland	37	48	03	122	15	54
Palm Springs	33	49	22	116	32	46
Redding	40	34	57	122	23	34
Sacramento	38	34	57	121	29	41
Salinas	36	40	24	121	39	25
San Bernardino	34	06	30	117	17	28
San Diego	32	42	53	117	09	21
San Francisco	37	46	29	122	24	40
San Jose	37	20	16	121	53	24
San Luis Obispo	35	16	49	120	39	34
San Mateo	37	34	08	122	19	16
Santa Barbara	34	25	18	119	41	55
Santa Maria	34	57	02	120	26	10
Stockton	37	57	30	121	17	16
Tulare	36	12	31	119	20	35
Ventura	34	16	47	119	17	22
Visalia	36	19	46	119	17	30
Colorado:						
Colorado Springs	38	50	07	104	49	16
Denver	39	44	58	104	59	22
Durango	37	16	29	107	52	25
Grand Junction	39	04	06	108	33	54
Montrose	38	28	44	107	52	31
Pueblo	38	16	17	104	36	33
Sterling	40	37	29	103	12	25
Connecticut:						
Bridgeport	41	10	49	73	11	22
Hartford	41	46	12	72	40	49
New Britain	41	40	02	72	47	08
New Haven	41	18	25	72	55	30
Norwich	41	31	36	72	04	31
Waterbury	41	33	13	73	02	31
Delaware:						
Wilmington	39	44	46	75	32	51
Distrie of Columbia:						
Washington	38	53	51	77	00	33
Florida:						
Clearwater	27	57	56	82	47	51
Daytona Beach	29	12	44	81	01	10
Fort Lauderdale	26	07	11	80	08	34
Fort Myers	26	38	42	81	52	06
Fort Pierce	27	26	48	80	19	38
Gainesville	29	38	56	82	19	19
Jacksonville	30	19	44	81	39	42
Largo	27	54	54	82	47	32
Leesburg	28	48	43	81	52	30
Melbourne	28	04	41	80	36	29
Miami	25	46	37	80	11	32
Ocala	29	11	34	82	08	14
Orlando	28	32	42	81	22	38
Panama City	30	09	24	85	39	46
Pensacola	30	24	51	87	12	56
St. Petersburg	27	46	18	82	38	19
Sarasota	27	20	05	82	32	20
Tallahassee	30	26	30	84	16	56
Tampa	27	56	58	82	27	25
West Palm Beach	26	42	36	80	03	07
Georgia:						
Albany	31	34	36	84	09	22
Athens	33	57	34	83	22	39
Atlanta	33	45	10	84	23	37
Augusta	33	28	20	81	58	00
Chatsworth	34	46	08	84	46	10
Cochran	32	23	18	83	21	18
Columbus	32	28	07	84	59	24
Dawson	31	46	33	84	26	29
Macon	32	50	12	83	37	36
Pelham	31	07	42	84	09	02
Savannah	32	04	42	81	05	37
Thomasville	30	50	25	83	58	59
Waycross	31	12	19	82	21	47
Wrens	33	12	21	82	23	23
Guam:						
Agana	13	28	23	144	45	00
Hawaii:						
Hilo	19	43	42	155	05	30
Honolulu	21	18	36	157	51	48
Wailuku	20	53	21	156	30	27
Idaho:						
Boise	43	37	07	116	11	58
Idaho Falls	43	29	39	112	02	28
Lewiston	46	25	05	117	01	10
Moscow	46	43	58	116	59	54
Pocatello	42	51	38	112	27	01
Twin Falls	42	33	25	114	28	21
Illinois:						
Aurora	41	45	22	88	18	56
Bloomington	40	45	58	88	59	32
Carbondale	37	43	38	89	13	00
Champaign	40	07	05	88	14	48
Chicago	41	52	28	87	38	22
Decatur	39	50	37	88	57	11
Elgin	42	02	14	88	16	53
Freeport	42	17	57	89	37	07
Harrisburg	37	44	20	88	32	25
Jacksonville	39	44	03	90	13	44
Joliet	41	31	37	88	01	52
La Salle	41	19	49	89	05	44
Moline	41	30	31	90	30	49
Mount Vernon	38	18	20	88	54	26
Olney	38	43	47	88	05	00
Peoria	40	41	42	89	35	33
Quincy	39	55	59	91	24	12
Rockford	42	16	07	89	05	48
Rock Island	41	30	40	90	34	24
Springfield	39	47	58	89	38	51
Urbana	40	06	41	88	13	13
Indiana:						
Bloomington	39	09	56	86	31	52
Elkhart	41	40	56	85	58	15
Evansville	37	58	20	87	34	21
Fort Wayne	41	04	21	85	08	26
Gary	41	35	59	87	20	07
Hammond	41	35	13	87	27	43
Indianapolis	39	46	07	86	09	46
Lafayette	40	25	11	86	53	39
Marion	40	33	17	85	39	49
Muncie	40	11	28	85	23	16
Richmond	39	49	49	86	53	26
Roanoke	40	57	50	85	22	30
St. John	41	27	00	87	28	13
South Bend	41	40	33	86	15	01
Terre Haute	39	28	03	87	24	26
Vincennes	38	40	52	87	31	12
Iowa:						
Ames	42	01	36	93	36	44
Cedar Rapids	41	58	48	91	39	48
Davenport	41	31	24	90	34	21
Des Moines	41	35	14	93	37	00
Dubuque	42	29	55	90	40	08
Fort Dodge	42	30	12	94	11	05
Iowa City	41	39	37	91	31	52
Mason City	43	09	15	93	12	00
Sioux City	42	29	46	96	24	30
Waterloo	42	29	40	92	20	20
Kansas:						
Ensign	37	38	48	100	14	00
Garden City	37	57	54	100	52	20
Goodland	39	20	53	101	42	35
Great Bend	38	22	04	98	45	58
Hays	38	52	16	99	19	57
Hutchinson	38	03	11	97	55	20
Pittsburg	37	24	50	97	42	11
Salina	38	50	36	97	36	40
Topeka	39	03	16	95	40	23
Wichita	37	41	30	97	20	16
Kentucky:						
Ashland	38	28	36	82	38	23
Bowling Green	36	59	41	86	26	33
Convington	39	05	00	84	30	29
Elizabethtown	38	41	38	85	51	35
Hazard	37	15	54	83	11	31
Lexington	38	02	50	84	29	46
Louisville	38	14	47	85	45	49
Madisonville	37	19	45	87	29	54
Morehead	38	10	53	83	26	06
Murray	36	36	35	88	18	39
Newport	39	05	28	84	29	20
Owensboro	37	46	27	87	06	46
Owenton	38	32	11	84	50	16
Paducah	37	06	13	88	35	56
Pikeville	37	28	49	82	31	09
Somerset	37	08	35	84	36	17
Louisiana:						
Alexandria	31	18	33	92	26	47
Baton Rouge	30	26	58	91	11	00
Houma	29	35	34	90	43	09
Lafayette	30	13	24	92	01	06
Lake Charles	30	13	45	93	12	52
Monroe	32	30	02	92	06	55
New Orleans	29	56	53	90	04	10
Shreveport	32	30	46	93	44	58
West Monroe	32	30	51	92	08	13
Maine:						
Augusta	44	18	53	69	46	29
Bangor	44	48	13	68	46	18
Calais	45	11	04	67	16	33
Orono	44	53	15	68	40	12
Poland Spring	44	01	42	70	21	40
Portland	43	39	33	70	15	19
Presque Isle	46	40	57	68	00	52
Maryland:						
Baltimore	39	17	26	76	36	45
Cumberland	39	39	01	78	45	45
Hagerstown	39	38	39	77	43	15
Salisbury	38	21	56	75	35	56
Massachusetts:						
Adams	42	37	30	73	07	05
Boston	42	21	24	71	03	25
Cambridge	42	21	58	71	06	21
Greenfield	42	35	15	72	35	51
New Bedford	41	38	13	70	55	41
Springfield	42	06	21	72	35	32
Worcester	42	15	37	71	48	17
Michigan:						
Allen Park	42	15	12	83	12	57
Battle Creek	42	18	58	85	10	48
Bay City	43	36	04	83	53	15
Cadillac	44	15	10	85	23	52
Cheboygan	45	38	38	84	28	38
Detroit	42	19	48	83	02	57
Escanaba	45	44	45	87	03	18
Flint	43	00	50	83	41	33
Grand Rapids	42	58	03	85	40	13
Jackson	42	14	43	84	24	22
Kalamazoo	42	17	29	85	35	14
Lansing	42	44	01	84	33	15
Marquette	46	32	37	87	24	44
Mount Pleasant	43	36	12	84	46	31
Muskegon	43	14	17	86	15	02
Onondaga	42	26	41	84	33	43
Saginaw	43	25	52	83	56	05
Sault Ste. Marie	46	29	58	84	20	57
Traverse City	44	45	47	85	37	25
University Center	43	33	31	83	59	09
Minnesota:						
Alexandria	45	51	06	95	22	59
Appleton	45	12	00	96	01	02
Austin	43	29	57	92	58	20
Duluth	46	46	56	92	06	24
Hibbing	47	25	43	92	56	21
Mankato	44	09	49	94	00	00
Minneapolis	44	58	57	93	15	43
Rochester	44	01	21	92	28	03
St. Cloud	45	33	35	94	09	38
St. Paul	44	56	50	93	05	11
Walker	47	05	57	94	35	12
Mississippi:						
Biloxi	30	24	43	88	53	08
Bude	31	27	46	90	50	34
Columbus	33	29	40	88	25	33
Greenwood	33	31	05	90	10	55
Gulfport	30	22	04	89	05	36
Jackson	32	17	56	90	11	06
Laurel	31	41	40	89	07	48
Meridian	32	21	57	88	42	02
Oxford	34	22	00	89	31	07
State College	33	27	18	88	47	13
Tupelo	34	15	26	88	42	30
Missouri:						
Cape Girardeau	37	18	29	89	31	29
Columbia	38	57	03	92	19	46
Hannibal	39	42	24	91	22	45
Jefferson City	38	34	40	92	10	24
Joplin	37	05	26	94	30	50
Kansas City	39	04	56	94	35	20
Kirksville	40	11	37	92	34	58
Poplar Bluff	36	45	20	90	23	38
St. Joseph	39	45	57	94	51	02
St. Louis	38	37	45	90	12	22
Sedalia	38	42	08	93	13	26
Springfield	37	13	03	93	17	32
Montana:						
Anaconda	46	07	40	112	57	12
Billings	45	47	00	108	30	04
Butte	46	01	06	112	32	11
Glendive	47	06	42	104	43	02
Great Falls	47	29	33	111	18	23
Helena	46	35	33	112	02	24
Kalispell	48	11	45	114	18	44
Miles City	46	24	34	105	50	30
Missoula	46	52	23	113	59	29
Nebraska:						
Albion	41	41	23	97	59	53
Alliance	42	06	04	102	52	08
Bassett	42	35	00	99	32	10
Grand Island	40	55	33	98	20	25
Hastings	40	35	21	98	23	20
Hayes Center	40	30	36	101	01	13
Hay Springs	42	41	08	102	41	22

State and community	Latitude			Longitude		
	°	′	″	°	′	″
Nebraska—Continued						
Kearney	40	41	56	99	04	53
Lexington	40	46	30	99	44	41
Lincoln	40	48	59	96	42	15
McCook	40	12	02	100	37	22
Merriman	42	55	07	101	42	02
Norfolk	42	01	56	97	24	42
North Platte	41	08	14	100	45	43
Omaha	41	15	42	95	56	14
Scottsbluff	41	51	40	103	39	00
Superior	40	01	12	98	04	00
Nevada:						
Elko	40	50	00	115	45	41
Henderson	36	02	00	114	58	57
Las Vegas	36	10	20	115	08	37
Reno	39	31	27	119	48	40
New Hampshire:						
Berlin	44	28	20	71	10	43
Durham	43	08	02	70	55	35
Hanover	43	42	03	72	17	24
Keene	42	56	02	72	16	44
Lebanon	43	38	34	72	15	12
Littleton	44	18	22	71	46	13
Manchester	42	59	28	71	27	41
New Jersey:						
Atlantic City	39	21	32	74	25	53
Burlington	40	04	21	74	51	47
Camden	39	56	45	75	07	26
Glen Ridge	40	48	16	74	12	14
Linden	40	37	57	74	15	22
Newark	40	44	14	74	10	19
New Brunswick	40	29	38	74	26	49
Paterson	40	54	51	74	09	51
Trenton	40	13	16	74	45	28
Vineland	39	29	13	75	01	17
Wildwood	38	59	18	74	48	43
New Mexico:						
Albuquerque	35	05	01	106	39	05
Carlsbad	32	25	09	104	13	47
Clovis	34	24	11	103	12	08
Portales	34	10	58	103	20	10
Roswell	33	23	47	104	31	26
New York:						
Albany	42	39	01	73	45	01
Binghamton	42	06	03	75	54	47
Buffalo	42	52	52	78	52	21
Carthage	43	58	50	75	36	26
Elmira	42	05	26	76	48	22
Garden City	40	43	26	73	38	03
Ithaca	42	26	33	76	29	42
Jamestown	42	05	48	79	14	40
New York	40	45	06	73	59	39
North Pole	44	23	59	73	51	00
Oneonta	42	27	21	75	03	42
Patchogue	40	45	56	73	00	42
Plattsburgh	44	42	03	73	27	07
Riverhead	40	55	06	72	39	51
Rochester	43	09	41	77	36	21
Schenectady	42	48	52	73	56	24
Syracuse	43	03	04	76	09	14
Utica	43	06	12	75	13	33
Watertown	43	58	30	75	54	48
North Carolina:						
Asheville	35	35	42	82	33	26
Chapel Hill	35	54	51	79	03	11
Charlotte	35	13	44	80	50	45
Columbia	35	55	06	76	16	04
Concord	35	24	29	80	34	45
Durham	35	59	48	78	54	09
Fayetteville	35	03	12	78	52	54
Greensboro	36	04	17	79	47	25
Greenville	35	36	49	77	22	22
Hickory	35	43	54	81	20	20
High Point	35	57	14	80	00	15
Jacksonville	34	45	00	77	25	54
Linville	36	04	06	81	52	16
New Bern	35	06	33	77	02	23
Raleigh	35	46	38	78	38	21
Washington	35	32	35	77	03	16
Wilmington	34	14	14	77	56	58
Winston-Salem	36	05	52	80	14	42
North Dakota:						
Bismark	46	48	23	100	47	17
Devils Lake	48	06	42	98	51	29
Dickinson	46	52	55	102	47	06
Fargo	46	52	30	96	47	18
Minot	48	14	09	101	17	38
Pembina	48	58	00	97	14	37
Valley City	46	55	31	98	00	04
Williston	48	08	47	103	36	59
Ohio:						
Akron	41	05	00	81	30	44
Athens	39	19	38	82	06	09
Bowling Green	41	22	37	83	39	03
Canton	40	47	50	81	22	37
Cincinnati	39	06	07	84	30	35
Cleveland	41	29	51	81	41	50
Columbus	39	57	47	83	00	17
Dayton	39	45	32	84	11	43
Kettering	39	41	22	84	10	07
Lima	40	44	29	84	06	34
Lorain	41	27	48	82	10	23
Marion	40	35	14	83	07	36
Newark	40	03	35	82	24	15
Oxford	39	30	28	84	44	26
Ohio—Continued						
Portsmouth	38	44	08	82	59	39
Springfield	39	55	38	83	48	29
Steubenville	40	21	42	80	36	53
Toledo	41	39	14	83	32	39
Youngstown	41	05	57	80	39	02
Zanesville	39	56	59	82	00	56
Oklahoma:						
Ada	34	46	24	96	40	36
Ardmore	34	10	18	97	07	50
Lawton	34	36	27	98	23	41
Oklahoma City	35	28	26	97	31	04
Sayre	35	17	34	99	38	23
Tulsa	36	09	12	95	59	34
Oregon:						
Coos Bay	43	22	02	124	13	00
Corvallis	44	34	10	123	16	12
Eugene	44	03	16	123	05	30
Klamath Falls	42	13	32	121	46	32
La Grande	45	19	47	118	05	45
Medford	42	19	33	122	52	31
Portland	45	31	06	122	40	35
Roseburg	43	12	34	123	20	26
Salem	44	56	21	123	01	59
Pennsylvania:						
Allentown	40	36	11	75	28	06
Altoona	40	30	55	78	24	03
Bethlehem	40	37	57	75	21	36
Clearfield	41	01	20	78	26	10
Erie	42	07	15	80	04	57
Harrisburg	40	15	43	76	52	59
Hershey	40	17.	04	76	39	01
Johnstown	40	19	35	78	55	03
Lancaster	40	02	25	76	18	20
Philadelphia	39	56	58	75	09	21
Pittsburgh	40	26	19	80	00	00
Reading	40	20	09	75	55	40
Scranton	41	24	32	75	39	46
Wilkes-Barre	41	14	32	75	53	17
York	39	57	35	76	43	36
Puerto Rico:						
Aguadilla	18	25	53	67	09	18
Arecibo	18	28	26	66	43	39
Caguas	18	13	59	66	02	06
Fajardo	18	19	35	65	39	21
Mayaguez	18	12	16	67	08	36
Ponce	18	00	51	66	36	58
San Juan	18	26	55	66	03	55
Rhode Island:						
Providence	41	49	32	71	24	41
South Carolina:						
Allendale	33	00	30	81	18	26
Anderson	34	30	06	82	38	54
Charleston	32	46	35	79	55	53
Columbia	34	00	02	81	02	00
Florence	34	11	49	79	46	06
Greenville	34	50	50	82	24	01
Spartanburg	34	57	03	81	56	06
South Dakota:						
Aberdeen	45	27	31	98	29	03
Brookings	44	18	38	96	47	53
Florence	45	03	14	97	19	35
Lead	44	21	07	103	46	03
Mitchell	43	42	48	98	01	36
Pierre	44	22	06	100	20	57
Rapid City	44	04	52	103	13	11
Reliance	43	52	45	99	36	18
Sioux Falls	43	32	35	96	43	35
Vermillion	42	46	52	96	55	35
Tennessee:						
Chattanooga	35	02	41	85	18	32
Jackson	35	36	48	88	49	15
Johnson City	36	19	04	82	20	56
Kingsport	36	32	57	82	33	44
Knoxville	35	57	39	83	55	07
Lexington	35	38	58	88	23	31
Memphis	35	08	46	90	03	13
Nashville	36	09	33	86	46	55
Sneedville	36	31	46	83	13	04
Texas:						
Abilene	32	27	05	99	43	51
Amarillo	35	12	27	101	50	04
Austin	30	16	09	97	44	37
Beaumont	30	05	20	94	06	09
Belton	31	03	31	97	27	39
Big Spring	32	15	03	101	28	38
Bryan	30	38	48	96	21	31
College Station	30	37	05	96	20	41
Corpus Christi	27	47	51	97	23	45
Dallas	32	47	09	96	47	37
El Paso	31	45	36	106	29	11
Fort Worth	32	44	55	97	19	44
Galveston	29	18	10	94	47	43
Harlingen	26	11	29	97	41	35
Houston	29	45	26	95	21	37
Laredo	27	30	22	99	30	30
Longview	32	28	24	94	43	45
Lubbock	33	35	06	101	50	33
Lufkin	31	20	14	94	43	21
Midland	31	59	54	102	04	31
Monahans	31	35	15	102	53	26
Nacogdoches

NOTE: The relevant information from these surveys is available from the Commission.

(b) On or after March 31, 1973, significant viewing in a cable television community for signals not shown as significantly viewed under paragraph (a) of this section may be demonstrated by an independent professional audience survey of noncable television homes that covers at least two weekly periods separated by at least thirty (30) days but no more than one of which shall be a week between the months of April and September. If two surveys are taken, they shall include samples sufficient to assure that the combined surveys result in an average figure at least one standard error above the required viewing level. If surveys are taken for more than 2-weekly periods in any 12 months, all such surveys must be submitted and the combined surveys must result in an average figure at least one standard error above the required viewing level.

§ 76.55 Manner of carriage.

(a) Where a television broadcast signal is required to be carried by a cable television system, pursuant to the rules in this subpart:

(1) The signal shall be carried without material degradation in quality (within the limitations imposed by the technical state of the art), and, where applicable, in accordance with the technical standards of Subpart K of this part;

(2) The signal shall, on request of the station licensee or permittee, be carried on the system on the channel number on which the station is transmitting, except where technically infeasible;

(3) The signal shall, on request of the station licensee or permittee, be carried on the system on no more than one channel.

(b) Where a television broadcast signal is carried by a cable television system, pursuant to the rules in this subpart, the programs broadcast shall be carried in full, without deletion or alteration of any portion except as required by this part.

(c) A cable television system need not carry the signal of any television translator station of (1) the system is carrying the signal of the originating station, or (2) the community of the system is located, in whole or in part, within the Grade B contour of a station carried on the system whose programing is substantially duplicated by the translator station.

(d) If the community of a cable television system is located, in whole or in part, within the Grade B contour of both a satellite and its parent television station, and if the system would otherwise be required to carry both of them pursuant to the rules in this subpart, the system need carry only one of these signals, and may select between them.

§ 76.57 Provisions for systems operating in communities located outside of all major and smaller television markets.

A cable television system operating in a community located wholly outside all major and smaller television markets, as defined in § 76.5, shall carry television broadcast signals in accordance with the following provisions:

(a) Any such cable television system may carry or, on request of the relevant station licensee or permittee, shall carry the signals of:

(1) Television broadcast stations within whose Grade B contours the community of the system is located, in whole or in part;

(2) Television translator stations, with 100 watts or higher power, licensed to the communitiy of the system;

(3) Noncommercial educational television broadcast stations within whose specified zone the community of the system is located, in whole or in part;

(4) Commercial television broadcast stations that are significantly viewed in the community of the system. See § 76.54.

(b) In addition to the television broadcast signals carried pursuant to paragraph (a) of this section, any such cable television system may carry any additional television signals.

§ 76.59 Provisions for smaller television markets.

A cable television system operating in a community located in whole or in part within a smaller television market, as defined in § 76.5, shall carry television broadcast signals only in accordance with the following provisions:

(a) Any such cable television system may carry or, on request of the relevant station licensee or permittee, shall carry the signals of:

(1) Television broadcast stations within whose specified zone the community of the system is located, in whole or in part;

(2) Noncommercial educational television broadcast stations within whose Grade B contours the community of the system is located, in whole or in part;

(3) Commercial television broadcast stations licensed to communities in other smaller television markets, within whose Grade B contours the community of the system is located, in whole or in part;

(4) Television broadcast stations licensed to other communities which are generally considered to be part of the same smaller television market (Example: Burlington, Vt.—Plattsburgh, N.Y., television market);

(5) Television translator stations, with 100 watts or higher power, licensed to the community of the system;

(6) Commercial television broadcast stations that are significantly viewed in the community of the system. See § 76.54.

(b) Any such cable television system may carry sufficient additional signals so that, including the signals required to be carried pursuant to paragraph (a) of this section, it can provide the signals of a full network station of each of the major national television networks, and of one independent television station: *Provided, however,* That, in determining how many additional signals may be carried, any authorized but not operating television broadcast station that, if operational, would be required to be carried pursuant to paragraph (a)(1) of this section, shall be considered to be operational for a period terminating 18 months after grant of its initial construction permit. The following priorities are applicable to the additional television signals that may be carried:

(1) *Full network stations.* A cable television system may carry the nearest missing full network stations or the nearest in-state full network stations;

NOTE: The Commission may waive the requirements of this subparagraph for good cause shown in a petition filed pursuant to § 76.7.

(2) *Independent station.* A cable television system may carry any independent television station: *Provided, however,* That if a signal of a station in the first 25 major television markets (see § 76.51(a)) is carried pursuant to this subparagraph, such signal shall be taken from one of the two closest such markets, where such signal is available.

NOTE: It is not contemplated that waiver of the provisions of this subparagraph will be granted.

(c) In addition to the noncommercial educational television broadcast signals carried pursuant to paragraph (a) of this section, any such cable television system may carry the signals of any noncommercial educational stations that are operated by an agency of the State within which the system is located. Such system may also carry any other noncommercial educational signals, in the absence of objection filed pursuant to § 76.7 by any local noncommercial educational station or State or local educational television authority.

(d) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (c) of this section, any such cable television system may carry any television stations broadcasting predominantly in a non-English language.

(e) Where the community of a cable television system is wholly or partially within both one of the first 50 major television markets and a smaller television market, the carriage provisions for the first 50 major markets shall apply. Where the community of a system is wholly or partially within both one of the second 50 major television markets and a smaller television market, the carriage provisions for the second 50 major markets shall apply.

§ 76.61 Provisions for first 50 major television markets.

A cable television system operating in a community located in whole or in part within one of the first 50 major television markets listed in § 76.51(a) shall carry television broadcast signals only in accordance with the following provisions:

(a) Any such cable television system may carry, or on request of the relevant station licensee or permittee, shall carry the signals of:

(1) Television broadcast stations within whose specified zone the community of the system is located, in whole or in part: *Provided, however,* That where a cable television system is located in the designated community of a major television market, it shall not carry the signal of a television station licensed to a designated community in another major television market, unless the designated community in which the cable system is located is wholly within the specified zone (see § 76.5(f)) of the station, except as otherwise provided in this section;

(2) Noncommercial educational television broadcast stations within whose Grade B contours the community of the system is located, in whole or in part;

(3) Television translator stations, with 100 watts or high power, licensed to the community of the system;

(4) Television broadcast stations licensed to other designated communities of the same major television market (Example: Cincinnati, Ohio-Newport, Ky., television market);

(5) Commercial television broadcast stations that are significantly viewed in the community of the system. See § 76.54.

(b) Any such cable television system may carry sufficient additional signals so that, including the signals required to be carried pursuant to paragraph (a) of this section, it can provide the signals of a full network station of each of the major national television networks, and of three independent television stations: *Provided, however,* That in determining how many additional signals may be carried, any authorized but not operating television broadcast station that, if operational, would be required to be carried pursuant to paragraph (a)(1) of this section, shall be considered to be operational for a period terminating 18 months after grant of its initial construction permit. The following priorities are applicable to the additional television signals that may be carried:

(1) *Full network stations.* A cable television system may carry the nearest missing full network stations, or the nearest in-State full network stations;

NOTE: The Commission may waive the requirements of this subparagraph for good cause shown in a petition filed pursuant to § 76.7.

(2) *Independent stations.* (i) For the first and second additional signals, if any, a cable television system may carry the signals of any independent television station: *Provided, however,* That if signals of stations in the first 25 major television markets (see § 76.51(a)) are carried pursuant to this subparagraph, such signals shall be taken from one or both of the two closest such markets, where such signals are available. If a third additional signal may be carried, a system shall carry the signal of any independent UHF television station located within 200 air miles of the reference point for the community of the system (see § 76.53), or, if there is no such station, either the signal of any independent VHF television station located within 200 air miles of the reference point for the community of the system, or the signal of any independent UHF television station.

NOTE: It is not contemplated that waiver of the provisions of this subparagraph will be granted.

(ii) Whenever, pursuant to Subpart F of this part, a cable television system is required to delete a television program on a signal carried pursuant to subdivision (i) of this subparagraph or paragraph (c) of this section, or a program on such a signal is primarily of local interest to the distant community (e.g., a local news or public affairs program), such system may, consistent with the program exclusivity rules of Subpart F of this part, substitute a program from any other television broadcast station. A program subsituted may be carried to its completion, and the cable system need not return to its regularly carried signal until it can do so without interrupting a program already in progress.

(c) After the service standards specified in paragraph (b) of this section have been satisfied, a cable television system may carry two additional independent television broadcast signals, chosen in accordance with the priorities specified in paragraph (b)(2) of this section: *Provided, however,* That the number of additional signals permitted under this paragraph shall be reduced by the number of signals added to the system pursuant to paragraph (b) of this section.

(d) In addition to the noncommercial educational television broadcast signals carried pursuant to paragraph (a) of this section, any such cable television system may carry the signals of any noncommercial educational stations that are operated by an agency of the State within which the system is located. Such system may also carry any other noncommercial educational signals, in the absence of objection filed pursuant to § 76.7 by any local noncommercial educational station or State or local educational television authority.

(e) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (d) of this section, any such cable television system may carry any television stations broadcasting predominantly in a non-English language.

(f) Where the community of a cable television system is wholly or partially within both one of the first 50 major television markets and another television market, the provisions of this section shall apply.

§ 76.63 Provisions for second 50 major television markets.

(a) A cable television system operating in a community located in whole or in part within one of the second 50 major television markets listed in § 76.51(b) shall carry television broadcast signals only in accordance with the provisions of § 76.61, except that in paragraph (b) of § 76.61, the number of additional independent television signals that may be carried is two (2).

(b) Where the community of a cable television system is wholly or partially within both one of the second 50 major television markets and one of the first 50 major television markets, the carriage provisions for the first 50 major markets shall apply. Where the community of a system is wholly or partially within both one of the second 50 major television markets and a smaller television market, the provisions of this section shall apply.

§ 76.65 Grandfathering provisions.

The provisions of §§ 76.57, 76.59, 76.61, and 76.63 shall not be deemed to require the deletion of any television broadcast or translator signals which a cable television system was authorized to carry or was lawfully carrying prior to March 31, 1972: *Provided, however,* That if carriage of a signal has been limited by Commission order to discrete areas of a community, any expansion of service will be subject to the appropriate provisions of this subpart. If a cable television system in a community is authorized to carry signals, either by virtue of specific Commission authorization or otherwise, any other cable television system already operating or subsequently commencing operations in the same community may carry the same signals. (Any such new system shall, before instituting service, obtain a certificate of compliance, pursuant to § 76.11.)

Subpart E—[Reserved]

Subpart F—Program Exclusivity

§ 76.91 Stations entitled to network program exclusivity.

(a) Any cable television system operating in a community, in whole or in part, within the Grade B contour of any television broadcast station, or within the community of a 100-watt or higher power television translator station, and that carries the signal of such station shall, on request of the station licensee or permittee, maintain the station's exclusivity as an outlet for network programing against lower priority duplicating signals, but not against signals of equal priority, in the manner and to the extent specified in §§ 76.93 and 76.95.

(b) For purposes of this section, the order of priority of television signals carried by a cable television system is as follows:

(1) First, all television broadcast stations within whose principal community contours the community of the system is located, in whole or in part;

(2) Second, all television broadcast stations within whose Grade A contours the community of the system is located, in whole or in part;

(3) Third, all television broadcast stations within whose Grade B contours the community of the system is located, in whole or in part;

(4) Fourth, all television translator stations with 100 watts or higher power, licensed to the community of the system.

(c) If the signal of a television broadcast station licensed to a community in a smaller television market is carried by a cable television system, pursuant to § 76.57(a)(4), such signal shall, on request, be afforded network program exclusivity. This provision shall not be applicable to any signal authorized or lawfully carried by a cable television system prior to March 31, 1972.

§ 76.93 Extent of protection.

(a) Where the network programing of a television station is entitled to pro-

V37-30 FEB 12 72 XUM

gram exclusivity, the cable television system shall, on request of the station licensee or permittee, refrain from simultaneously duplicating any network program broadcast by such station, if the cable operator has received notification from the requesting station of the date and time of its broadcast of the program and the date and time of any broadcast to be deleted, as soon as possible and in any event no later than 48 hours prior to the broadcast to be deleted. On request of the cable system, such notice shall be given no later than the Monday preceding the calendar week (Sunday–Saturday) during which exclusivity is sought.

(b) On petition filed pursuant to § 76.7, the Commission will afford additional, limited program exclusivity to a network-affiliated station where, because of the time-zone situation, the affording of simultaneous program exclusivity would result in duplication of a substantial amount of such station's network programing. Where a station is currently receiving same-day program exclusivity and files for such relief within fifteen (15) days of the effective date of this rule, it shall continue to receive same-day program exclusivity pending the Commission's ruling on the petition. During such period, and if same-day program exclusivity is required thereafter, the following provisions shall be applicable:

(1) A cable television system need not delete reception of a network program if, in so doing, it would leave available for reception by subscribers, at any time, less than the programs of two networks (including those broadcast by any stations whose signals are being carried and whose program exclusivity is being protected pursuant to the requirements of this section);

(2) A system need not delete reception of a network program which is scheduled by the network between the hours of 6 and 11 p.m., eastern time, but is broadcast by the station requesting deletion, in whole or in part, outside of the period which would normally be considered prime time for network programing in the time zone involved.

§ 76.95 Exceptions.

Notwithstanding the requirements of § 76.93:

(a) A cable television system need not delete reception of any program which would be carried on the system in color but will be broadcast in black and white by the station requesting deletion.

(b) The Commission will give full effect to private agreements between operators of cable television systems and local television stations which provide for a type or degree of network exclusivity which differs from the requirements of §§ 76.91 and 76.93.

§ 76.97 Waiver petitions.

Where a petition for waiver of the provisions of §§ 76.91 and 76.93 is filed within fifteen (15) days after a request for program exclusivity is received by the operator of a cable television system, such system need not provide program exclusivity pending the Commission's ruling on the petition or on the question of temporary relief pending further proceedings.

§ 76.151 Syndicated program exclusivity; extent of protection.

Upon receiving notification pursuant to § 76.155:

(a) No cable television system, operating in a community in whole or in part within one of the first 50 major television markets, shall carry a syndicated program, pursuant to § 76.61 (b), (c), (d), or (e), for a period of 1 year from the date that program is first licensed or sold as a syndicated program to a television station in the United States for television broadcast exhibition;

(b) No cable television system, operating in a community in whole or in part within a major television market, shall carry a syndicated program, pursuant to §§ 76.61 (b), (c), (d), or (e), or 76.63(a) (as it refers to § 76.61 (b), (c), (d), or (e)), while a commercial television station licensed to a designated community in that market has exclusive broadcast exhibition rights (both over-the-air and by cable) to that program: *Provided, however,* That if a commercial station licensed to a designated community in one of the second 50 major television markets has such exclusive rights, a cable television system located in whole or in part within the market of such station may carry such syndicated programs in the following circumstances:

(1) If the program is carried by the cable television system in prime time and will not also be broadcast by a commercial market station in prime time during the period for which there is exclusivity for the program;

(2) For off-network series programs:

(i) Prior to the first nonnetwork broadcast in the market of an episode in the series;

(ii) After a nonnetwork first-run of the series in the market or after 1 year from the date of the first nonnetwork broadcast in the market of an episode in the series, whichever occurs first;

(3) For first-run series programs:

(i) Prior to the first broadcast in the market of an episode in the series;

(ii) After two (2) years from the first broadcast in the market of an episode in the series;

(4) For first-run, nonseries programs:

(i) Prior to the date the program is available for broadcast in the market under the provision of any contract or license of a television broadcast station in the market;

(ii) After two (2) years from the date of such first availability;

(5) For feature films:

(i) Prior to the date such film is available for nonnetwork broadcast in the market under the provisions of any contract or license of a television broadcast station in the market;

(ii) Two (2) years after the date of such first availability;

(6) For other programs: 1 day after the first nonnetwork broadcast in the market or 1 year from the date of purchase of the program for nonnetwork broadcast in the market, whichever occurs first.

NOTE 1: For purposes of § 76.151, a series will be treated as a unit, that is:

(i) No episode of a series (including an episode in a different package of programs in the same series) may be carried by a cable television system, pursuant to §§ 76.61 (b), (c), (d), or (e) or 76.63(a) (as it refers to § 76.61 (b), (c), (d), or (e)) while any episodes of the series are subject to exclusivity protection.

(ii) In the second 50 major television markets, no exclusivity will be afforded a different package of programs in the same series after the initial exclusivity period has terminated.

NOTE 2: As used in this section, the phrase "broadcast in the market" or "broadcast by a market station" refers to a broadcast by a television station licensed to a designated community in the market.

§ 76.153 Parties entitled to exclusivity.

(a) Copyright holders of syndicated programs shall be entitled to the exclusivity provided by § 76.151(a). In order to receive such exclusivity, the copyright holder shall notify each cable system of the exclusivity sought in accordance with the requirements of § 76.155.

(b) Television broadcast stations licensed to designated communities in the major television markets shall be entitled to the exclusivity provided by § 76.151(b). In order to receive such exclusivity, such television stations shall notify each cable system of the exclusivity sought in accordance with the requirements of § 76.155.

(c) In order to be entitled to exclusivity for a program under § 76.151(b), a television station must have an exclusive right to broadcast that program against all other television stations licensed to the same designated community and against broadcast signal cable carriage of that program in the cable system community: *Provided, however,* That such exclusivity will not be recognized in a designated community of another major television market unless such community is wholly within the television market of the station seeking exclusivity. In hyphenated markets, exclusivity will be recognized beyond the specified zone of a station only to the extent the station has exclusivity against other stations in the designated communities of the market. In such instances, exclusivity to the extent a station has obtained it will be recognized within the specified zones of such other stations. It shall be presumed that broadcast rights acquired prior to March 31, 1972, are exclusive for the specified zones of all stations in the market in which the station is located.

§ 76.155 Notification.

(a) Syndicated program exclusivity notifications shall include the following information:

(1) For purposes of § 76.151(a):

(i) The name and address of the copyright holder requesting exclusivity;

(ii) The name of the program or series for which exclusivity is sought;

(iii) The date of first sale or license of the program for television broadcast as a syndicated program in the United States.

(2) For purposes of § 76.151(b):

(i) The name and address of the television broadcast station requesting exclusivity;

(ii) The name of the program or series for which exclusivity is sought;

(iii) The dates on which exclusivity is to commence and terminate;

(iv) As to programs to be deleted from signals regularly carried by the system pursuant to §§ 76.61 (b), (c), (d), or (e) and 76.63(a) (as it refers to § 76.61 (b), (c), (d), or (e)): the name of the program; the call letters of the station from which the deletion is to be made; and the date, time, and duration of the deletion. Information, once supplied pursuant to subparagraphs (2) (i), (ii), (iii), or (3) of this paragraph, need not be repeated in any notification supplying the information required by this subparagraph.

(3) For purposes of § 76.151(b) (as it relates to television stations licensed to designated communities in the second 50 major television markets), the following information shall be supplied in addition to that required by subparagraph (2) of this paragraph:

(i) Whether the program will be broadcast in prime time by the station requesting exclusivity during the period of protection provided in § 76.151(b);

(ii) The specific rule pursuant to which exclusivity is requested (e.g., § 76.151(b)(2)—off-network series, § 76.151(b)(3)—first-run series);

(iii) For off-network series programs, the number of showings contracted for, including the number of repeat presentations, if any, and the date when the first run is to end.

(b) Subject to the provisions of paragraph (c) of this section, notifications given pursuant to § 76.151 must be received no later than the Monday preceding the calendar week (Sunday-Saturday) during which exclusivity is sought.

(c) Direct notice of a change in the schedule of a television station against which exclusivity is sought, given to a cable television system by a television station seeking exclusivity, shall, if given more than 36 hours prior to the time a deletion is to be made, supersede prior notifications containing the information required by paragraph (a) of this section and any information otherwise relied on pursuant to paragraph (d) of this section.

(d) In determining which programs must be deleted from a television signal when such information is not required to be provided pursuant to paragraph (a) of this section, a cable television system may rely on information from any of the following sources published or made available during the week the deletion is to be made or during the prior week:

(i) Newspapers or journals of general circulation in the service area of a television station whose programs may be subject to deletion;

(ii) A television station whose programs may be subject to deletion;

(iii) Any television station requesting exclusivity.

§ 76.157 Exclusivity contracts.

With respect to each program as to which a television broadcast station licensee or permittee requests exclusivity pursuant to § 76.151, such licensee or permittee shall maintain in its public file an exact copy of those portions of the exclusivity contract, such portions to be signed by both the copyright holder and the licensee or permittee, setting forth in full the provisions pertinent to the duration, nature, and extent of the exclusivity terms concerning broadcast signal exhibition (whether over-the-air or by cable) to which the parties have agreed.

§ 76.159 Grandfathering.

The provisions of § 76.151 shall not be deemed to require a cable television system to delete programing from any signal that was carried prior to March 31, 1972, or that any other cable television system in the same community was carrying prior to March 31, 1972: *Provided, however,* That if carriage of a signal has been limited by Commission order to discrete areas of a community, any expansion of service will be subject to the appropriate provisions of the subpart.

Subpart G—Cablecasting

§ 76.201 Origination cablecasting in conjunction with carriage of broadcast signals.

(a) No cable television system having 3,500 or more subscribers shall carry the signal of any television broadcast station unless the system also operates to a significant extent as a local outlet by origination cablecasting and has available facilities for local production and presentation of programs other than automated services. Such origination cablecasting shall be limited to one or more designated channels which may be used for no other purpose.

(b) No cable television system located outside of all major television markets shall enter into any contract, arrangement, or lease for use of its cablecasting facilities which prevents or inhibits the use of such facilities for a substantial portion of time (including the time period 6–11 p.m.) for local programing designed to inform the public on controversial issues of public importance.

(c) No cable television system shall carry the signal of any television broadcast station if the system engages in origination cablecasting, either voluntarily or pursuant to paragraph (a) of this section, unless such cablecasting is conducted in accordance with the provisions of §§ 76.205, 76.209, 76.213, 76.215, 76.217, 76.221, and 76.225.

§ 76.205 Origination cablecasts by candidates for public office.

(a) *General requirements.* If a cable television system shall permit any legally qualified candidate for public office to use its origination channel(s) and facilities therefor, it shall afford equal opportunities to all other such candidates for that office: *Provided, however,* That such system shall have no power of censorship over the material cablecast of any such candidate; *And provided, further,* That an appearance by a legally qualified candidate on any:

(1) Bona fide newscast,

(2) Bona fide news interview,

(3) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) On-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of the facilities of the system within the meaning of this paragraph.

NOTE: The fairness doctrine is applicable to these exempt categories. See § 76.209.

(b) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform, shall not be rebated by any means direct or indirect, and shall not exceed the charges made for comparable origination use of such facilities for other purposes.

(2) In making facilities available to candidates for public office no cable television system shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any cable television system make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to cablecast to the exclusion of other legally qualified candidates for the same public office.

(c) *Records, inspections.* Every cable television system shall keep and permit public inspection of a complete record of all requests for origination cablecasting time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the system of such requests, the charges made, if any, and the length and time of cablecast, if the request is granted. Such records shall be retained for a period of 2 years.

(d) *Time of request.* A request for equal opportunities for use of the origination channel(s) must be submitted to the cable television system within one (1) week of the day on which the first prior use, giving rise to the right of equal opportunities, occurred: *Provided, however,* That where a person was not a candidate at the time of such first prior use, he shall submit his request within one (1) week of the first subsequent use after he has become a legally qualified candidate for the office in question.

(e) *Burden of proof.* A candidate requesting such equal opportunities of the cable television system, or complaining of noncompliance to the Commission, shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.

V37-30 FEB 12 72 XUM

§ 76.209 Fairness doctrine; personal attacks; political editorials.

(a) A cable television system engaging in origination cablecasting shall afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

NOTE: See public notice, "Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance," 29 F.R. 10415.

(b) When, during such origination cablecasting, an attack is made upon the honesty, character, integrity, or like personal qualities of an identified person or group, the cable television system shall, within a reasonable time and in no event later than one (1) week after the attack, transmit to the person or group attacked: (1) Notification of the date, time, and identification of the cablecast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer of a reasonable opportunity to respond over the system's facilities.

(c) The provisions of paragraph (b) of this section shall not be applicable: (1) To attacks on foreign groups or foreign public figures; (2) to personal attacks which are made by legally qualified candidates, their authorized spokesmen, or those associated with them in the campaign, on other such candidates, their authorized spokesmen, or persons associated with the candidates in the campaign; and (3) to bona fide newscasts, bonafide news interviews, and on-the-spot coverage of a bona fide news event (including commentary or analysis contained in the foregoing programs, but the provisions of paragraph (b) of this section shall be applicable to editorials of the cable television system).

(d) Where a cable television system, in an editorial, (1) endorses or (2) opposes a legally qualified candidate or candidates, the system shall, within 24 hours after the editorial, transmit to respectively (i) the other qualified candidate or candidates for the same office, or (ii) the candidate opposed in the editorial, (*a*) notification of the date, time, and channel of the editorial; (*b*) a script or tape of the editorial; and (c) an offer of a reasonable opportunity for a candidate or a spokesman of the candidate to respond over the system's facilities: *Provided, however,* That where such editorials are cablecast within 72 hours prior to the day of the election, the system shall comply with the provisions of this paragraph sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in a timely fashion.

§ 76.213 Lotteries.

(a) No cable television system when engaged in origination cablecasting shall transmit or permit to be transmitted on the origination cablecasting channel or channels any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes.

(b) The determination whether a particular program comes within the provisions of paragraph (a) of this section depends on the facts of each case. However, the Commission will in any event consider that a program comes within the provisions of paragraph (a) of this section if in connection with such program a prize consisting of money or thing of value is awarded to any person whose selection is dependent in whole or in part upon lot or chance, if as a condition of winning or competing for such prize, such winner or winners are required to furnish any money or thing of value or are required to have in their possession any product sold, manufactured, furnished, or distributed by a sponsor of a program cablecast on the system in question.

§ 76.215 Obscenity.

No cable television system when engaged in origination cablecasting shall transmit or permit to be transmitted on the origination cablecasting channel or channels material that is obscene or indecedent.

§ 76.217 Advertising.

A cable television system engaged in origination cablecast programing may present advertising material at the beginning and conclusion of each such program and at natural intermissions or breaks within a cablecast: *Provided, however,* That the system itself does not interrupt the presentation of program material in order to intersperse advertising: *And provided, further,* That advertising material is not presented on or in connection with origination cablecasting in any other manner.

NOTE: The term "natural intermissions or breaks within a cablecast" means any natural intermission in the program material which is beyond the control of the cable television operator, such as time-out in a sporting event, an intermission in a concert or dramatic performance, a recess in a city council meeting, an intermission in a long motion picture which was present at the time of theatre exhibition, etc.

§ 76.221 Sponsorship identification.

(a) When a cable television system engaged in origination cablecasting presents any matter for which money, services, or other valuable consideration is either directly or indirectly paid or promised to, or charged or received by, such system, the system shall make an announcement that such matter is sponsored, paid for, or furnished, either in whole or in part, and by whom or on whose behalf such consideration was supplied: *Provided, however,* That "service or other valuable consideration" shall not include any service or property furnished without charge or at a nominal charge for use on, or in connection with, such cablecasting unless it is so furnished as consideration for an identification in a cablecast of any person, product, service, trademark, or brand name beyond an identification which is reasonably related to the use of such service or property on the cablecast.

(b) Each system engaged in origination cablecasting shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals directly in connection with any program matter for origination cablecasting, information to enable it to make the announcement required by this section.

(c) In the case of any political program or any program involving the discussion of public controversial issues for which any films, records, transcriptions, talent, script, or other material or services of any kind are furnished, either directly or indirectly, to a cable television system as an inducement to the origination cablecasting of such program, an announcement to this effect shall be made at the beginning and conclusion of such program: *Provided, however,* That only one such announcement need be made in the case of any such program of five (5) minutes' duration or less, either at the beginning or conclusion of the program.

(d) The announcements required by this section are waived with respect to feature motion picture films produced initially and primarily for theater exhibition.

§ 76.225 Per-program or per-channel charges for reception of cablecasts.

(a) Origination or access cablecasting operations for which a per-program or per-channel charge is made shall comply with the following requirements:

(1) Feature films shall not be cablecast which have had general release in theaters anywhere in the United States more than two (2) years prior to their cablecast: *Provided, however,* That during 1 week of each calendar month one feature film the general release of which occurred more than ten (10) years previously may be cablecast, and more than a single showing of such film may be made during that week: *Provided, further,* That feature films the general release of which occurred between two (2) and ten (10) years before proposed cablecast may be cablecast upon a convincing showing to the Commission that bona fide attempt has been made to sell the films for conventional television broadcasting and that they have been refused, or that the owner of the broadcast rights to the films will not permit them to be televised on conventional television because he has been unable to work out satisfactory arrangements concerning editing for presentation thereon, or perhaps because he intends never to show them on conventional television since to do so might impair their repetitive box office potential in the future.

NOTE: As used in this subparagraph, "general release" means the first-run showing of a feature film in a theatre or theatres in an area, on a nonreserved-seat basis, with continuous performances. For first-run showing of feature films on a nonreserved-seat basis which are not considered to be "general release" for purposes of this subparagraph, see note 56 in Fourth Report and Order in Docket No. 11279, 15 FCC 2d 466.

(2) Sports events shall not be cablecast which have been televised live on a nonsubscription, regular basis in the community during the two (2) years preceding their proposed cablecast: *Provided, however,* That if the last regular occurrence of a specific event (e.g., summer Olympic games) was more than two (2) years before proposed showing on cable television in a community and the event was at that time televised on conventional television in that community, it shall not be cablecast.

NOTE 1: In determining whether a sports event has been televised in a community on a nonsubscription basis, only commercial television broadcast stations which place a Grade A contour over the entire community will be considered. Such stations need not necessarily be licensed to serve that community.

NOTE 2: The manner in which this subparagraph will be administered and in which "sports," "sports events," and "televised live on a nonsubscription regular basis" will be construed is explained in paragraphs 288–305 in Fourth Report and Order in Docket No. 11279, 15 FCC 2d 466.

(3) No series type of program with interconnected plot or substantially the same cast of principal characters shall be cablecast.

(4) Not more than 90 percent of the total cablecast programing hours shall consist of feature films and sports events combined. The percentage calculations may be made on a yearly basis, but, absent a showing of good cause, the percentage of such programing hours may not exceed 95 percent of the total cablecast programing hours in any calendar month.

(5) No commercial advertising announcements shall be carried on such channels during such operations except, before and after such programs, for promotion of other programs for which a per-program or per-channel charge is made.

§ 76.251 Minimum channel capacity; access channels.

(a) No cable television system operating in a community located in whole or in part within a major television market, as defined in § 76.5, shall carry the signal of any television broadcast station unless the system also complies with the following requirements concerning the availability and administration of access channels:

(1) *Minimum channel capacity.* Each such system shall have at least 120 MHz of bandwidth (the equivalent of 20 television broadcast channels) available for immediate or potential use for the totality of cable services to be offered;

(2) *Equivalent amount of bandwidth.* For each Class I cable channel that is utilized, such system shall provide an additional channel, 6 MHz in width, suitable for transmission of Class II or Class III signals (see § 76.5 for cable channel definitions);

(3) *Two-way communications.* Each such system shall maintain a plant having technical capacity for nonvoice return communications;

(4) *Public access channel.* Each such system shall maintain at least one specially designated, noncommercial public access channel available on a first-come, nondiscriminatory basis. The system shall maintain and have available for public use at least the minimal equipment and facilities necessary for the production of programing for such a channel. See also § 76.201;

(5) *Education access channel.* Each such system shall maintain at least one specially designated channel for use by local educational authorities;

(6) *Local government access channel.* Each such system shall maintain at least one specially designated channel for local government uses;

(7) *Leased access channels.* Having satisfied the origination cablecasting requirements of § 76.201, and the requirements of subparagraphs (4), (5), and (6) of this paragraph for specially designated access channels, such system shall offer other portions of its nonbroadcast bandwidth, including unused portions of the specially designated channels, for leased access services. However, these leased channel operations shall be undertaken with the express understanding that they are subject to displacement if there is a demand to use the channels for their specially designated purposes. On at least one of the leased channels, priority shall be given part-time users;

(8) *Expansion of access channel capacity.* Whenever all of the channels described in subparagraphs (4) through (7) of this paragraph are in use during 80 percent of the weekdays (Monday–Friday) for 80 percent of the time during any consecutive 3-hour period for 6 consecutive weeks, such system shall have 6 months in which to make a new channel available for any or all of the above-described purposes;

(9) *Program content control.* Each such system shall exercise no control over program content on any of the channels described in subparagraphs (4) through (7) of this paragraph; however, this limitation shall not prevent it from taking appropriate steps to insure compliance with the operating rules described in subparagraph (11) of this paragraph;

(10) *Assessment of costs.* (i) From the commencement of cable television service in the community of such system until five (5) years after completion of the system's basic trunk line, the channels described in subparagraphs (5) and (6) of this paragraph shall be made available without charge.

(ii) One of the public access channels described in subparagraph (4) of this paragraph shall always be made available without charge, except that production costs may be assessed for live studio presentations exceeding 5 minutes. Such production costs and any fees for use of other public access channels shall be consistent with the goal of affording the public a low-cost means of television access;

(11) *Operating rules.* (i) For the public access channel(s), such system shall establish rules requiring first-come nondiscriminatory access; prohibiting the presentation of: Any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office); lottery information; and obscene or indecent matter (modeled after the prohibitions in §§ 76.213 and 76.215, respectively); and permitting public inspection of a complete record of the names and addresses of all persons or groups requesting access time. Such a record shall be retained for a period of 2 years.

(ii) For the educational access channel(s), such system shall establish rules prohibiting the presentation of: Any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office); lottery information; and obscene or indecent matter (modeled after the prohibitions in §§ 76.213 and 76.215, respectively) and permitting public inspection of a complete record of the names and addresses of all persons or groups requesting access time. Such a record shall be retained for a period of 2 years.

(iii) For the leased channel(s), such system shall establish rules requiring first-come, nondiscriminatory access; prohibiting the presentation of lottery information and obscene or indecent matter (modeled after the prohibitions in §§ 76.213 and 76.215, respectively); requiring sponsorship identification (see § 76.221); specifying an appropriate rate schedule and permitting public inspection of a complete record of the names and addresses of all persons or groups requesting time. Such a record shall be retained for a period of 2 years.

(iv) The operating rules governing public access, educational, and leased channels shall be filed with the Commission within 90 days after a system first activates any such channels, and shall be available for public inspection at the system's offices. Except on specific authorization, or with respect to the operation of the local government access channel, no local entity shall prescribe any other rules concerning the number or manner of operation of access channels; however, franchise specifications concerning the number of such channels for systems in operation prior to March 31, 1972, shall continue in effect.

(b) No cable television system operating in a community located wholly outside of all major television markets shall be required by a local entity to exceed the provisions concerning the availability and administration of access channels contained in paragraph (a) of this section. If a system provides any access programing, it shall comply with paragraphs (a) (9), (10), and (11) of this section.

(c) The provisions of this section shall apply to all cable television systems that commence operations on or after March 31, 1972, in a community located in whole or in part within a major television market. Systems that commenced operations prior to March 31, 1972, shall comply on or before March 31, 1977: *Provided, however,* That, if such systems begin to provide any of the access services described

V37-30 FEB 12 72 XUM

above at an earlier date, they shall comply with paragraph (a) (9), (10), and (11) of this section at that time. *And provided, further,* That if such systems receive certificates of compliance to add television signals to their operations at an earlier date, they shall comply with paragraph (a) (4) through (11) of this section at the time of such addition.

Subpart H—General Operating Requirements

§ 76.301 Copies of rules.

The operator of a cable television system shall have a current copy of Part 76, and is expected to be familiar with the rules governing cable television systems. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at nominal cost.

§ 76.305 Logging and recordkeeping requirements.

(a) *Carriage of certain television signals.* (1) A cable television system operating in a community located in whole or in part within a major television market shall keep and permit public inspection of a record of all television signals carried pursuant to §§ 76.61 (b), (c), (d), or (e) or 76.63(a) (as it refers to § 76.61 (b), (c), (d), or (e)). Such record shall include the call letters and location of each such station whose signals are carried, the date and specific starting and ending time of such carriage, and the names of the programs scheduled to be shown. This record shall be retained for a period of 2 years.

(2) This paragraph shall be applicable only to television signals whose carriage commenced on or after March 31, 1972.

(b) *Origination cablecasts by candidates for public office.* See § 76.205(c).

(c) *Public access channels.* See § 76.251 (a) (11).

(d) *Educational access channels.* See § 76.251(a) (11).

(e) *Leased access channels.* See § 76.251(a) (11).

Subpart I—Forms and Reports

§ 76.401 Annual report of cable television systems.

An "Annual Report of Cable Television Systems" (FCC Form 325) shall be filed with the Commission for each cable television system, as defined in § 76.5, on or before March 1 of each year, for the preceding calendar year.

§ 76.405 Cable television annual financial report.

A "Cable Television Annual Financial Report" (FCC Form 326) shall be filed with the Commission for each cable television system, as defined in § 76.5, on or before April 1 of each year, for the preceding calendar year: *Provided, however,* That a cable television system which commences operations prior to December 1, 1971, may report on a fiscal year basis, in which case Form 326 shall be filed annually no more than ninety (90) days after the close of the system's fiscal year.

§ 76.406 Computation of cable television annual fee.

A "Computation of Cable Television Annual Fee" (FCC Form 326–A) shall be filed with the Commission for each cable television system, as defined in § 76.5, on or before April 1 of each year, for the preceding calendar year, to accompany payment of the cable television annual fee. See §§ 1.1101 and 1.1116.

Subpart J—Diversification of Control

§ 76.501 Cross-ownership.

(a) No cable television system (including all parties under common control) shall carry the signal of any television broadcast station if such system directly or indirectly owns, operates, controls, or has an interest in:

(1) A national television network (such as ABC, CBS, or NBC); or

(2) A television broadcast station whose predicted Grade B contour, computed in accordance with § 73.684 of this chapter, overlaps in whole or in part the service area of such system (i.e., the area within which the system is serving subscribers); or

(3) A television translator station licensed to the community of such system.

NOTE 1: The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

NOTE 2: The word "interest" as used herein includes, in the case of corporations, common officers or directors, and partial (as well as total) ownership interests represented by ownership of voting stock.

NOTE 3: In applying the provisions of paragraph (a) of this section to the stockholders of a corporation which has more than 50 stockholders:

(a) Only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

(b) Stock ownership by an investment company as defined in 15 U.S.C. section 80a–3 (commonly called a mutual fund) need be considered only if it directly or indirectly owns 3 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company. Holdings by investment companies under common management shall be aggregated. If an investment company directly or indirectly owns voting stock in an intermediate company which in turn directly or indirectly owns 50 percent or more of the voting stock of the corporation, the investment company shall be considered to own the same percentage of outstanding shares of such corporation as it owns of the intermediate company: *Provided, however,* That the holding of the investment company need not be considered where the intermediate company owns less than 50 percent of the voting stock, but officers or directors of the corporation who are representatives of the intermediate company shall be deemed to be representatives of the investment company.

(c) In cases where record and beneficial ownership of voting stock is not identical (e.g., bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street name for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties), the party having the right to determine how the stock will be voted will be considered to own it for the purposes of this section.

(b) The provisions of paragraph (a) of this section are not effective until August 10, 1973, as to ownership interests proscribed herein if such interests were in existence on or before July 1, 1970 (e.g., if a franchise were in existence on or before July 1, 1970): *Provided, however,* That the provisions of paragraph (a) of this section are effective on August 10, 1970, as to such interests acquired after July 1, 1970.

Subpart K—Technical Standards

§ 76.601 Performance tests.

(a) The operator of each cable television system shall be responsible for insuring that each such system is designed, installed, and operated in a manner that fully complies with the provisions of this subpart. Each system operator shall be prepared to show, on request by an authorized representative of the Commission, that the system does, in fact, comply with the rules.

(b) The operator of each cable television system shall maintain at its local office a current listing of the cable television channels which that system delivers to its subscribers and the station or stations whose signals are delivered on each Class I cable television channel, and shall specify for each subscriber the minimum visual signal level it maintains on each Class I cable television channel under normal operating conditions.

(c) The operator of each cable television system shall conduct complete performance tests of that system at least once each calendar year (at intervals not to exceed 14 months) and shall maintain the resulting test data on file at the system's local office for at least five (5) years. It shall be made available for inspection by the Commission on request. The performance tests shall be directed at determining the extent to which the system complies with all the technical standards set forth in § 76.605. The tests shall be made on each Class I cable television channel specified pursuant to paragraph (b) of this section, and shall include measurements made at no less than three widely separated points in the system, at least one of which is representative of terminals most distant from the system input in terms of cable distance. The measurements may be taken at convenient monitoring points in the cable network: *Provided,* That data shall be included to relate the measured performance to the system performance as would be viewed from a nearby subscriber terminal. A description of intruments and procedure and a statement of the qualifications of the person performing the tests shall be included.

(d) Successful completion of the performance tests required by paragraph (c) of this section does not relieve the system of the obligation to comply with all pertinent technical standards at all subscriber terminals. Additional tests, repeat tests, or tests involving specified subscriber terminals may be required by the Commission in order to secure compliance with the technical standards.

(e) All of the provisions of this section shall become effective March 31, 1973.

§ 76.605 Technical standards.

(a) The following requirements apply to the performance of a cable television system as measured at any subscriber terminal with a matched termination, and to each of the Class I cable television channels in the system:

(1) The frequency boundaries of cable television channels delivered to subscriber terminals shall conform to those set forth in § 73.603(a) of this chapter: *Provided, however,* That on special application including an adequate showing of public interest, other channel arrangements may be approved.

(2) The frequency of the visual carrier shall be maintained 1.25 MHz±25 kHz above the lower boundary of the cable television channel, except that, in those systems that supply subscribers with a converter in order to facilitate delivery of cable television channels, the frequency of the visual carrier at the output of each such converter shall be maintained 1.25 MHz±250 kHz above the lower frequency boundary of the cable television channel.

(3) The frequency of the aural carrier shall be 4.5 MHz±1 kHz above the frequency of the visual carrier.

(4) The visual signal level, across a terminating impedance which correctly matches the internal impedance of the cable system as viewed from the subscriber terminals, shall be not less than the following appropriate value:

Internal impedance:
75 ohms.
300 ohms.
Visual signal level:
1 millivolt.
2 millivolts.

(At other impedance values, the minimum visual signal level shall be $\sqrt{0.0133}$ Z millivolts, where Z is the appropriate impedance value.)

(5) The visual signal level on each channel shall not vary more than 12 decibels overall, and shall be maintained within

(i) 3 decibels of the visual signal level of any visual carrier within 6 MHz nominal frequency separation, and

(ii) 12 decibels of the visual signal level on any other channel, and

(iii) A maximum level such that signal degradation due to overload in the subscriber's receiver does not occur.

(6) The rms voltage of the aural signal shall be maintained between 13 and 17 decibels below the associated visual signal level.

(7) The peak-to-peak variation in visual signal level caused undesired low frequency disturbances (hum or repetitive transients) generated within the system, or by inadequate low frequency response, shall not exceed 5 percent of the visual signal level.

(8) The channel frequency response shall be within a range of ±2 decibels for all frequencies within −1 MHz and +4 MHz of the visual carrier frequency.

(9) The ratio of visual signal level to system noise, and of visual signal level to any undesired cochannel television signal operating on proper offset assignment, shall be not less than 36 decibels. This requirement is applicable to:

(i) Each signal which is delivered by a cable television system to subscribers within the predicted Grade B contour for that signal, or

(ii) Each signal which is first picked up within its predicted Grade B contour.

(10) The ratio of visual signal level to the rms amplitude of any coherent disturbances such as intermodulation products or discrete-frequency interfering signals not operating on proper offset assignments shall not be less than 46 decibels.

(11) The terminal isolation provided each subscriber shall be not less than 18 decibels, but in any event, shall be sufficient to prevent reflections caused by open-circuited or short-circuited subscriber terminals from producing visible picture impairments at any other subscriber terminal.

(12) Radiation from a cable television system shall be limited as follows:

Frequencies	Radiation limit (microvolts/meter)	Distance (feet)
Up to and including 54 MHz	15	100
Over 54 up to and including 216 MHz	20	10
Over 216 MHz	15	100

(b) Cable television systems distributing signals by using multiple cable techniques or specialized receiving devices, and which, because of their basic design, cannot comply with one or more of the technical standards set forth in paragraph (a) of this section, may be permitted to operate provided that an adequate showing is made which establishes that the public interest is benefited. In such instances the Commission may prescribe special technical requirements to ensure that subscribers to such systems are provided with a good quality of service.

(c) Paragraph (a) (12) of this section shall become effective March 31, 1972. All other provisions of this section shall become effective in accordance with the following schedule:

	Effective date
Cable television systems in operation prior to March 31, 1972	Mar. 31, 1977
Cable television systems commencing operations on or after March 31, 1972	Mar. 31, 1972

§ 76.609 Measurements.

(a) Measurements made to demonstrate conformity with the performance requirements set forth in §§ 76.701 and 76.605 shall be made under conditions which reflect system performance during normal operations, including the effect of any microwave relay operated in the Cable Television Relay (CAR) Service intervening between pickup antenna and the cable distribution network. Amplifiers shall be operated at normal gains, either by the insertion of appropriate signals or by manual adjustment. Special signals inserted in a cable television channel for measurement purposes should be operated at levels approximating those used for normal operation. Pilot tones, auxiliary or substitute signals, and nontelevision signals normally carried on the cable television system should be operated at normal levels to the extent possible. Some exemplary, but not mandatory, measurement procedures are set forth in this section.

(b) When it may be necessary to remove the television signal normally carried on a cable television channel in order to facilitate a performance measurement, it will be permissible to disconnect the antenna which serves the channel under measurement and to substitute therefor a matching resistance termination. Other antennas and inputs should remain connected and normal signal levels should be maintained on other channels.

(c) As may be necessary to ensure satisfactory service to a subscriber, the Commission may require additional tests to demonstrate system performance or may specify the use of different test procedures.

(d) The frequency response of a cable television channel may be determined by one of the following methods, as appropriate:

(1) By using a swept frequency or a manually variable signal generator at the sending end and a calibrated attenuator and frequency-selective voltmeter at the subscriber terminal; or

(2) By using a multiburst generator and modulator at the sending end and a demodulator and oscilloscope display at the subscriber terminal.

(e) System noise may be measured using a frequency-selective voltmeter (field strength meter) which has been suitably calibrated to indicate rms noise or average power level and which has a known bandwidth. With the system operating at normal level and with a properly matched resistive termination substituted for the antenna, noise power indications at the subscriber terminal are taken in successive increments of frequency equal to the bandwidth of the frequency-selective voltmeter, summing the power indications to obtain the total noise power present over a 4 MHz band centered within the cable television channel. If it is established that the noise level is constant within this bandwidth, a single measurement may be taken which is corrected by an appropriate factor representing the ratio of 4 MHz to the noise bandwidth of the frequency-selective voltmeter. If an amplifier is inserted between the frequency-selective voltmeter and the subscriber terminal in order to facilitate this measurement, it should have a bandwidth of at least 4 MHz and appropriate corrections must be made to account for its gain and noise figure. Alternatively, measurements made in accordance with the NCTA standard on noise measurement (NCTA Standard 005–0669) may be employed.

V37-30 FEB 12 72 XUM

(f) The amplitude of discrete frequency interfering signals within a cable television channel may be determined with either a spectrum analyzer or with a frequency-selective voltmeter (field strength meter), which instruments have been calibrated for adequate accuracy. If calibration accuracy is in doubt, measurements may be referenced to a calibrated signal generator, or a calibrated variable attenuator, substituted at the point of measurement. If an amplifier is used between the subscriber terminal and the measuring instrument, appropriate corrections must be made to account for its gain.

(g) The terminal isolation between any two terminals in the system may be measured by applying a signal of known amplitude to one and measuring the amplitude of that signal at the other terminal. The frequency of the signal should be close to the mid-frequency of the channel being tested.

(h) Measurements to determine the field strength of radio frequency energy radiated by cable television systems shall be made in accordance with standard engineering procedures. Measurements made on frequencies above 25 MHz shall include the following:

(1) A field strength meter of adequate accuracy using a horizontal dipole antenna shall be employed.

(2) Field strength shall be expressed in terms of the rms value of synchronizing peak for each cable television channel for which radiation can be measured.

(3) The dipole antenna shall be placed 10 feet above the ground and positioned directly below the system components. Where such placement results in a separation of less than 10 feet between the center of the dipole antenna and the system components, the dipole shall be repositioned to provide a separation of 10 feet.

(4) The horizontal dipole antenna shall be rotated about a vertical axis and the maximum meter reading shall be used.

(5) Measurements shall be made where other conductors are 10 or more feet away from the measuring antenna.

§ 76.613 Interference from a cable television system.

In the event that the operation of a cable television system causes harmful interference to reception of authorized radio stations, the operation of the system shall immediately take whatever steps are necessary to remedy the interference.

§ 76.617 Responsibility for receiver-generated interference.

Interference generated by a radio or television receiver shall be the responsibility of the receiver operator in accordance with the provisions of Part 15, Subpart C, of this chapter: *Provided, however*, That the operator of a cable television system to which the receiver is connected shall be responsible for the suppression of receiver-generated interference that is distributed by the system when the interfering signals are introduced into the system at the receiver.

PART 78—CABLE TELEVISION RELAY SERVICE

F. Part 78—Cable Television Relay Service—is added to read as follows:

Subpart A—General

Sec.
78.1 Purpose.
78.3 Other pertinent rules.
78.5 Definitions.

Subpart B—Applications and Licenses

78.11 Permissible service.
78.13 Eligibility for license.
78.15 Contents of applications.
78.17 Frequency assignments.
78.19 Interference.
78.21 Notification of filing of applications.
78.23 Equipment tests.
78.25 Service or program tests.
78.27 License conditions.
78.29 License period.
78.31 Temporary extension of license.

Subpart C—General Operating Requirements

78.51 Remote control operation.
78.53 Unattended operation.
78.55 Time of operation.
78.57 Station inspection.
78.59 Posting of station and operator licenses.
78.61 Operator requirements.
78.63 Painting and lighting of antenna structures.
78.65 Additional orders.
78.67 Copies of rules.
78.69 Operating log.

Subpart D—Technical Regulations

78.101 Power limitations.
78.103 Emissions and bandwidth.
78.105 Antennas.
78.107 Equipment and installation.
78.109 Equipment changes.
78.111 Frequency tolerance.
78.113 Frequency monitors and measurements.
78.115 Modulation limits.

AUTHORITY: The provisions of this Part 78 issued under secs. 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309.

Subpart A—General

§ 78.1 Purpose.

The rules and regulations set forth in this part provide for the licensing and operation of fixed or mobile cable television relay stations used for the transmission of television and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting from the point of reception to a terminal point from which the signals are distributed to the public by cable.

§ 78.3 Other pertinent rules.

Other pertinent provisions of the Commission's rules and regulations relating to the Cable Television Relay Service are included in the following parts of this chapter:

Part 0—Commission Organization.
Part 1—Practice and Procedure.
Part 76—Cable Television Service.

§ 78.5 Definitions.

For purposes of this part, the following definitions are applicable. For other definitions, see Part 76 (Cable Television Service) of this chapter.

(a) *Cable television relay (CAR) station.* A fixed or mobile station used for the transmission of television and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting from the point of reception to a terminal point from which the signals are distributed to the public by cable.

NOTE: Except where the rules contained in this part make separate provision, the term "cable television relay" or "CAR" includes the term "local distribution service" or "LDS", the term "cable television relay studio to headend link" or "SHL," and the term "cable television relay pickup," as defined in paragraphs (b), (c), and (d) of this section.

(b) *Local distribution service (LDS) station.* A fixed CAR station used within a cable television system or systems for the transmission of television signals and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting from a local transmission point to one or more receiving points, from which the communications are distributed to the public by cable. LDS stations may also engage in repeatered operation.

(c) *Cable television relay studio to headend link (SHL) station.* A fixed CAR station used for the transmission of television program material and related communications from a cable television studio to the headend of a cable television system.

(d) *Cable television relay pickup station.* A land mobile CAR station used for the transmission of television signals and related communications from the scenes of events occurring at points removed from cable television studios to cable television studios or headends.

(e) *Remote control operation.* Operation of a station by a qualified operator on duty at a control position from which the transmitter is not visible but which control position is equipped with suitable control and telemetering circuits so that the essential functions that could be performed at the transmitter can also be performed from the control point.

(f) *Attended operation.* Operation of a station by a qualified operator on duty at the place where the transmitting apparatus is located with the transmitter in plain view of the operator.

(g) *Unattended operation.* Operation of a station by automatic means whereby the transmitter is turned on and off and performs its functions without attention by a qualified operator.

Subpart B—Applications and Licenses

§ 78.11 Permissible service.

(a) Cable television relay stations are authorized to relay television broadcast and related audio signals, the signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting intended for use solely by one or more cable television systems. LDS stations are authorized to relay television broadcast and related audio signals, the signals of standard and FM broadcast stations, signals of instructional television fixed stations, cablecasting, and such other communications as may be authorized by the Commission. Relaying includes retransmission of signals by intermediate relay stations in the system. CAR licensees may interconnect their facilities with those of other CAR or common carrier licensees, and may also retransmit the signals of such CAR or common carrier stations, provided that the program material retransmitted meets the requirements of this paragraph.

(b) The transmitter of a cable television relay station using FM transmission may be multiplexed to provide additional communication channels for the transmission of standard and FM broadcast station programs and operational communications directly related to the technical operation of the relay system (including voice communications, telemetry signals, alerting signals, fault reporting signals, and control signals). A cable television relay station will be authorized only where the principal use is the transmission of television broadcast program material or cablecasting: *Provided, however*, That this requirement shall not apply to LDS stations.

(c) Cable television relay station licenses may be issued to cable television owners or operators and to cooperative enterprises wholly owned by cable television owners or operators.

(d) Cable television relay systems shall supply program material to cable television systems only in the following circumstances:

(1) Where the licensee of the CAR station or system is owner or operator of the cable television systems supplied with program material; or

(2) Where the licensee of the CAR station or system supplies program material to cable television systems either without charge or on a nonprofit, cost-sharing basis pursuant to a written contract between the parties involved which provides that the CAR licensee shall have exclusive control over the operation of the cable television relay stations licensed to him and that contributions to capital and operating expenses are accepted only on a cost-sharing, nonprofit basis, prorated on an equitable basis among all cable television systems being supplied with program material in whole or in part. Records showing the cost of the service and its nonprofit, cost-sharing nature shall be maintained by the CAR licensee and held available for inspection by the Commission.

(e) A CAR licensee shall file a notification with the Commission thirty (30) days prior to supplying program material to any cable television system that has not been specified in its license application or in a prior notification to the Commission containing the following information:

(1) A copy of the contract between the parties pursuant to which the program material will be supplied;

(2) Network and station origin of the signals to be transmitted or, if cablecasting, the intended source and general nature of the programing;

(3) Location of the point at which reception will be made;

(4) Location of intermediate relay stations in the system through which the signal will be transmitted;

(5) Location of the relay station that will supply the program material to the cable television system;

(6) Name of each community to be served by the cable television system;

(7) Current number of subscribers of the cable television system; and

(8) Identity of the owner or owners of the cable television system.

The CAR licensee may institute the service described in such notification 30 days after filing unless the Commission during that period notifies the licensee that the information supplied is inadequate or that the proposed service is not authorized under these rules, and the licensee shall then have the right to amend or file another notification to remedy the inadequacy or defect and to institute the service 30 days thereafter, or at such earlier date as the Commission may set upon finding that the inadequacy or defect has been remedied.

(f) Each CAR licensee providing program material to a cable television system pursuant to paragraph (d)(2) of this section shall file an annual report with the Commission within 90 days of the close of its fiscal year containing:

(1) A financial statement of such operations in sufficient detail to show compliance with the requirements of this section;

(2) The names of those who have shared the use of the licensed facilities;

(3) A brief statement as to the use of the facilities made by each person sharing the use and an estimate of the approximate percentage of use by each participant; and

(4) Any change in the items previously reported to the Commission in the application for the license or in a notification under this section.

(g) The provisions of paragraph (d) of this section and § 78.13 shall not apply to a licensee who has been licensed in the CAR service pursuant to § 21.709 of this chapter, except that paragraph (d) of this section shall apply with respect to facilities added or cable television systems first served after February 1, 1966.

(h) Except during momentary circuit failure and brief transition periods, a cable television relay station shall not be permitted to radiate unless it is supplying programs to one or more users.

(i) The license of a CAR pickup station authorizes the transmission of program material, and related communications necessary to the accomplishment of such transmission, from the scenes of events occurring in places other than a cable television studio, to the studio or headend of its associated cable television system, or to such other cable television systems as are carrying the same program material. CAR pickup stations may be used to provide temporary CAR studio to headend links or CAR circuits consistent with this part without further authority of the Commission: *Provided, however*, That prior Commission authority shall be obtained if the transmitting antenna to be installed will increase the height of any natural formation or man-made structure by more than 20 feet and will be in existence for a period of more than 2 consecutive days.

§ 78.13 Eligibility for license.

A license for a cable television relay station will be issued only to the owner of a cable television system or to a cooperative enterprise wholly owned by cable television owners or operators upon a showing that applicant is qualified under the Communications Act of 1934, that frequencies are available for the proposed operation, and that the public interest, convenience, and necessity will be served by a grant thereof.

§ 78.15 Contents of applications.

(a) An application for a new cable television relay station or for changes in the facilities of an existing station shall specify the call sign and location of any television, standard, or FM broadcast stations or instructional television fixed stations to be received and the intended source and general nature of any cablecasting to be relayed, the location of the point at which reception will be made, the number and location of any intermediate relay stations in the system, the location of the terminal receiving point(s) in the system, the name or names of the communities to be served by the cable television system or systems to which the programs will be delivered, the current number of subscribers of each such cable television system, and the name of any other licensee to whom the same program will be delivered through interconnection facilities. An application for a new LDS station or for changes in the facilities of an existing station shall specify in detail the precise nature and technical operation of any service other than the relay of television broadcast signals proposed to be provided on the LDS facilities, including any sections of this part for which waiver is sought.

(b) An application for any authorization subject to § 78.27 for a station used or to be used for the transmission of television broadcast signals shall contain a statement that the applicant has notified the licensee or permittee of any television broadcast station within whose predicted Grade B contour the system operates or will operate, the licensee or permittee of any 100-watt or higher power television translator station licensed to the community of the system, the franchising authority, the superintendent of schools in the community of the system, and any local or state educational television authorities, of the filing of the application. Such statement of the applicant shall be supported by copies of the letters of notification. The notice shall include the fact of intended filing by the applicant, the name and mailing address of each cable television system served or to be served under the authorization sought, the community and area served by each cable television system, and the television, standard broadcast, FM, and instructional television fixed

V37-130
FEB 12 72
XUM

stations whose signals will be carried by each cable television system.

(c) An application for a construction permit for a new CAR pickup station or for renewal of license of an existing station shall designate the cable television system with which it is to be operated and specify the area in which the proposed operation is intended.

(d) An application for a CAR studio to headend link or LDS station construction permit shall contain a statement that the applicant has investigated the possibility of using cable rather than microwave and the reasons why it was decided to use microwave rather than cable.

NOTE: As used in this § 78.15 the term "predicted Grade B contour" means the field intensity contour defined in § 73.683(a) of this chapter, the location of which is determined exclusively by means of the calculations prescribed in § 73.684 of this chapter.

§ 78.17 Frequency assignments.

(a) The following channels may be assigned to cable television relay stations:

(1) For cable television relay stations using FM transmission:

Group A MHz	*Group B* MHz
12,700–12,725	12,712.5–12,737.5
12,725–12,750	12,737.5–12,762.5
12,750–12,775	12,762.5–12,787.5
12,775–12,800	12,787.5–12,812.5
12,800–12,825	12,812.5–12,837.5
12,825–12,850	12,837.5–12,862.5
12,850–12,875	12,862.5–12,887.5
12,875–12,900	12,887.5–12,912.5
12,900–12,925	12,912.5–12,937.5
12,925–12,950	

(2) Cable television relay stations using vestigial sideband AM transmission:

Group C MHz	*Group D* MHz
12,700.5–12,706.5	12,769.7–12,765.7
12,706.5–12,712.5	12,765.7–12,771.7
12,712.5–12,718.5	12,771.7–12,777.7
12,718.5–12,722.5 [1]	12,777.7–12,781.7 [1]
12,722.5–12,728.5	12,781.7–12,787.7
12,728.5–12,734.5	12,787.7–12,793.7
12,734.5–12,740.5	12,793.7–12,799.7
12,740.5–12,746.5	12,799.7–12,805.7
12,746.5–12,752.5	12,805.7–12,811.7
12,752.5–12,758.5	12,811.1–12,817.7
12,820.5–12,826.5	12,879.7–12,885.7
12,826.5–12,832.5	12,885.7–12,891.7
12,832.5–12,838.5	12,891.7–12,897.7
12,838.5–12,844.5	12,897.7–12,903.7
12,844.5–12,850.5	12,903.1–12,909.7
12,850.5–12,856.5	12,909.7–12,915.7
12,856.5–12,862.5	12,915.7–12,921.7
12,862.5–12,868.5	12,921.7–12,927.7
12,868.5–12,874.5	12,927.7–12,933.7

[1] For transmission of pilot subcarriers, or other authorized narrow band signals.

Auxiliary Channels MHz	
12,939.7–12,945.7	12,933.7–12,939.7

(3) For cable television relay stations using frequency modulation to transmit a baseband of frequency-division multiplexed standard television signals:

(i) When the baseband comprises three or four standard television signals:

Group E MHz	*Group F* MHz
12,700–12,775	12,725–12,800
12,775–12,850	12,800–12,875
12,850–12,925	12,875–12,950

(ii) When the baseband comprises five to eight standard television signals:

Group G MHz	
12,825–12,950	12,700–12,825

(iii) When the baseband comprises nine or more standard television signals:

Group H MHz

12,700–12,950

(b) Television pickup, STL, and intercity relay stations may be assigned channels in the band 12,700–12,950 MHz subject to the conditions that no harmful interference is caused to cable television relay stations authorized at the time of such grants. Similarly, new cable television relay stations shall not cause harmful interference to television STL and intercity relay stations authorized at the time of such grants. Television pickup stations and CAR pickup stations will be assigned channels in the band on a coequal basis subject to the condition that they accept interference from and cause no interference to existing or subsequently authorized television STL, television intercity relay, fixed CAR, CAR SHL, or LDS stations. A cable television system operator will normally be limited in any one area to the assignment of not more than three channels for CAR pickup use: *Provided, however,* That additional channels may be assigned upon a satisfactory showing that additional channels are necessary and are available.

(c) An application for a cable television relay station shall be specific with regard to the channel or channels requested. Channels shall be identified by the channel-edge frequencies listed in paragraph (a) of this section.

(d) For cable television relay stations using frequency modulation to transmit a single television signal, channels normally shall be selected from Group A. Channels in Group B will be assigned only on a case-by-case basis upon an adequate showing that Group A channels cannot be used and that such use will not degrade the technical quality of service provided in Group A channels to the extent that the Group A channels could not be used. On-the-air tests may be required before channels in Group B are permitted to be placed in regular use.

(e) For cable television relay stations using vestigial sideband AM transmission, channels from only Group C or Group D normally will be assigned a station, although upon adequate showing variations in the use of channels in Groups C and D may be authorized on a case-by-case basis in order to avoid potential interference or to permit a more efficient use. The use of channels in both Groups C and D may be authorized for repeated operation, or where the channels in one group are not sufficient to accommodate the services proposed to be provided on the cable television system, if the Commission finds that such use of channels in both groups would serve the public interest.

(f) For vestigial sideband AM transmission, the assigned visual carrier frequency for each channel listed in Group C or Group D shall be 1.25 MHz above the lower channel-edge frequency. The center frequency for the accompanying FM aural carrier in each channel shall be 4.5 MHz above the corresponding visual carrier frequency.

(g) For cable television relay stations using frequency modulation to transmit a baseband of frequency-division multiplexed standard television signals, channels will be assigned from Groups E, F, G, and H according to the number of standard television signals which comprise the baseband, as set forth in paragraph (a)(3) of this section. The station license will indicate the number of standard television signals authorized to be multiplexed for transmission in the assigned channel. The transmission of additional standard television signals may be authorized upon a showing that such can be provided without degradation of the technical quality of the service, and that interference will not be caused to existing operations.

(h) Should any conflict arise among applications for stations in this band, priority will be based on the filing date of an application completed in accordance with the instructions thereon.

§ 78.19 Interference.

(a) Applicants for cable television relay stations shall endeavor to select an assignable frequency or frequencies which will be least likely to result in interference to other licensees in the same area.

(b) Applicants for cable television relay stations shall take full advantage of all known techniques, such as the geometric arrangement of transmitters and receivers, the use of minimum power required to provide the needed service, and the use of highly directive transmitting and receiving antenna systems, to prevent interference to the reception of television STL, television intercity relay, and other CAR stations.

§ 78.21 Notification of filing of applications.

(a) *Radio astronomy and radio research installations.* In order to minimize harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory at Sugar Grove, Pendleton County, W. Va., an applicant for authority to construct a cable television relay station, except a CAR pickup station, or for authority to make changes in the frequency, power, antenna height, or antenna directivity of an existing station within the area bounded by 39°15' N. on the north, 78°30' W., on the east, 37°30' N. on the south and 80°30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, Post Office Box No. 2, Green Bank, WV 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. After receipt of such application, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

(b) *Location on Government land.* Applicants proposing to construct a cable television relay station on a site located under the jurisdiction of the U.S. Forest Service, U.S. Department of Agriculture, or the Bureau of Land Management, U.S. Department of the Interior, must supply the information and must follow the procedure prescribed by § 1.70 of this chapter.

§ 78.23 Equipment tests.

(a) During the process of construction of a cable television relay station, the permittee, after notifying the Commission and Engineer in Charge of the district in which the station is located, may, without further authority of the Commission, conduct equipment tests for the purpose of such adjustments and measurements as may be necessary to assure compliance with the terms of the construction permit, the technical provisions of the application therefor, the rules and regulations, and the applicable engineering standards.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of equipment tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Equipment tests may be continued so long as the construction permit shall remain valid.

(d) The authorization for tests contained in this section shall not be construed as constituting a license to operate but as a necessary part of construction.

§ 78.25 Service or program tests.

(a) Upon completion of construction of a cable television relay station in accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations and applicable engineering standards, and when an application for station license has been filed showing the station to be in satisfactory operating condition, the permittee of such station may, without further authority of the Commission, conduct service or program tests: *Provided, however,* That the Engineer in Charge of the district in which the station is located and the Commission are notified at least two (2) days (not including Sundays and Saturdays and legal holidays when the offices of the Commission are not open) in advance of the beginning of such operation.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date for the beginning of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

(c) Unless sooner suspended or revoked, program test authority will continue valid during Commission consideration of the application for license, and during this period further extension of the construction permit is not required. Program test authority shall be automatically terminated by final determination upon the application for station license.

(d) The authorization for tests contained in this section shall not be construed as approval by the Commission of the application for station license.

§ 78.27 License conditions.

Authorizations (including initial grants, modifications, assignments or transfers of control, and renewals) in the Cable Television Relay Service to construct or operate fixed or mobile stations to relay television and related audio signals, signals of standard and FM broadcast stations, signals of instructional television fixed stations, and cablecasting to cable television systems, either directly or indirectly, shall contain the condition that such cable television systems shall operate in compliance with the provisions of Part 76 (Cable Television Service) of this chapter.

§ 78.29 License period.

Licenses for cable television relay stations will be issued for a period not to exceed five (5) years. On and after February 1, 1966, licenses for CAR stations ordinarily will be issued for a period expiring on February 1, 1971, and, when regularly renewed, at 5-year intervals thereafter. When a license is granted subsequent to the last renewal date for CAR stations, the license will be issued only for the unexpired period of the current license term of such stations. The license renewal date applicable to CAR stations may be varied as necessary to permit the orderly processing of renewal applications, and individual station licenses may be granted or renewed for a shorter period of time than that generally prescribed for CAR stations, if the Commission finds that the public interest, convenience, and necessity would be served by such action.

§ 78.31 Temporary extension of license.

Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of or the refusal to renew an existing cable television relay station license, the Commission will grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any CAR station thereunder will serve the public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided, further,* That such temporary extension of license will in nowise affect or limit the action of the Commission with respect to any pending application or proceeding.

Subpart C—General Operating Requirements

§ 78.51 Remote control operation.

(a) A cable television relay station may be operated by remote control provided the following conditions are met:

(1) The transmitter and associated control system shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(2) An operator meeting the requirements of § 78.61 shall be on duty at the remote control position and in actual charge thereof at all times when the station is in operation.

(3) Facilities shall be provided at the control position which will permit the operator to turn the transmitter on and off at will. The control position shall also be equipped with suitable devices for observing the overall characteristics of the transmissions and a carrier operated device which will give a continuous visual indication whenever the transmitting antenna is radiating a signal. The transmitting apparatus shall be inspected as often as may be necessary to insure proper operation.

(4) The control circuits shall be so designed and installed that short circuits, open circuits, other line faults, or any other cause which would result in loss of control of the transmitter will automatically cause the transmittter to cease radiating.

(b) An application for authority to construct a new station or to make changes in the facilities of an existing station and which proposes operation by remote control shall include an adequate showing of the manner of compliance with the requirements of this section.

§ 78.53 Unattended operation.

(a) A cable television relay station (other than a CAR pickup station) may be operated unattended provided that the following requirements are met:

(1) The transmitter and associated control circuits shall be installed and protected in a manner designed to prevent tampering or operation by unauthorized persons.

(2) The transmitter shall be equipped with an automatic control which will permit it to radiate only when it is relaying an incoming signal. The automatic control may be either a time clock or a signal sensing device. Allowances may be made for momentary circuit failures and brief transition periods when no incoming signal is available for retransmission.

(3) If the transmitting apparatus is located at a site which is not readily accessible at all hours and in all seasons, means shall be provided for turning the transmitter on and off at will from a location which can be reached promptly at all hours and in all seasons.

(4) Licensed radio personnel responsible for the maintenance of the station shall be available on call at a location which will assure expeditious performance of such technical servicing and

V37I30 FEB 12 72 XUM

maintenance as may be necessary whenever the station is operating. In lieu thereof, arrangements may be made to have an unlicensed person or persons available at all times when the transmitter is operating, to turn the transmitter off in the event that it is operating improperly. The transmitter may not be restored to operation until the malfunction has been corrected by a technically qualified person.

(5) The station licensee shall be responsible for the proper operation of the station at all times and is expected to provide for observations, servicing, and maintenance as often as may be necessary to insure proper operation. All adjustments or tests during or coincident with the installation, servicing, or maintenance of the station which may affect its operation shall be performed by or under the immediate supervision of a licensed radio operator as provided in § 78.61.

(b) An application for authority to construct a new station or make changes in the facilities of an existing station and which proposes unattended operation shall include an adequate showing as to the manner of compliance with the requirements of this section.

§ 78.55 Time of operation.

(a) A cable television relay station is not expected to adhere to any prescribed schedule of operation. However, it is limited to operation only when the originating station, or stations, is transmitting the programs which it relays except as provided in paragraph (b) of this section.

(b) The transmitter may be operated for short periods of time to permit necessary tests and adjustments. The radiation of an unmodulated carrier for extended periods of time or other unnecessary transmissions are forbidden.

§ 78.57 Station inspection.

The station and all records required to be kept by the licensee shall be made available for inspection upon request by any authorized representative of the Commission.

§ 78.59 Posting of station and operator licenses.

(a) The station license and any other instrument of authorization or individual order concerning the construction or the equipment or manner of operation shall be posted at the place where the transmitter is located, so that all terms thereof are visible except as otherwise provided in paragraphs (b) and (c) of this section.

(b) In cases where the transmitter is operated by remote control, the documents referred to in paragraph (a) of this section shall be posted in the manner described at the control point of the transmitter.

(c) In cases where the transmitter is operated unattended, the name of the licensee and the call sign of the unattended station shall be displayed at the transmitter site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition at all times by the licensee. The station license and other documents referred to in paragraph (a) of this section shall be kept at the nearest attended station or, in cases where the licensee of the unattended station does not operate attended stations, at the point of destination of the signals relayed by the unattended station.

(d) The original of each station operator license shall be posted at the place where the operator is on duty: *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing the class of station and is there available for inspection a representative of the Commission, a verification card (FCC Form 758–F) is acceptable in lieu of the posting of such license: *And provided, further,* That if the operator on duty holds an operator permit of the card form (as distinguished from the diploma form), he shall not post that permit but shall keep it in his personal possession.

§ 78.61 Operator requirements.

(a) Except in cases where a cable television relay station is operated unattended in accordance with § 78.53, an operator holding a valid radiotelephone first- or second-class operator license shall be on duty at the place where the transmitting apparatus is located, in plain view and in actual charge of its operation or at a remote control point established pursuant to the provisions of § 78.51, at all times when the station is in operation. Control and monitoring equipment at a remote control point shall be readily accessible and clearly visible to the operator at that position.

(b) In cases where the cable television relay station is operated unattended pursuant to the provisions of § 78.53, the licensed personnel referred to in paragraph (a)(4) of that section shall hold a valid radiotelephone first- or second-class operator license.

(c) Any transmitter tests, adjustments, or repairs during or coincident with the installation, servicing, operation, or maintenance of a cable television relay station which may affect the proper operation of such station shall be made by or under the immediate supervision and responsibility of a person holding a valid first- or second-class radiotelephone operator license, who shall be fully responsible for proper functioning of the station equipment.

(d) The licensed operator on duty and in charge of a cable television relay station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator license which he holds and the rules governing such stations. However, such duties shall in no way impair or impede the required supervision of the cable television relay station.

§ 78.63 Painting and lighting of antenna structures.

The painting and lighting of antenna structures employed by the stations licensed under this part, where required, will be specified in the authorization issued by the Commission. Part 17 of this chapter sets forth the conditions under which painting and lighting will be required and the responsibility of the licensee with regard thereto.

§ 78.65 Additional orders.

In case the rules of this part do not cover all phases of operation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

§ 78.67 Copies of rules.

The licensee of a cable television relay station shall have a current copy of this Part 78, and, in cases where aeronautical obstruction marking of antennas is required, Part 17 of this chapter shall be available for use by the operator in charge. Both the licensee and the operator or operators responsible for the proper operation of the station are expected to be familiar with the rules governing cable television relay stations. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at nominal cost.

§ 78.69 Operating log.

(a) The licensee of a cable television relay station shall maintain an operating log showing the following:

(1) The date and time of the beginning and end of each period of operation of each transmitter;

(2) The date and time of any unscheduled interruptions to the transmissions of the station, the duration of such interruptions, and the causes thereof;

(3) A record of repairs, adjustments, tests, maintenance, and equipment changes;

(4) Entries required by § 17.49 of this chapter concerning daily observations of tower lights and quarterly inspections of the condition of the tower lights and associated control equipment and an entry when towers are cleaned or repainted as required by § 17.50 of this chapter.

(b) Log entries shall be made in an orderly and legible manner by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the log when starting duty and again when going off duty.

(c) No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention required by rule. Any necessary correction may be made only by the person who made the original entry who shall strike out the erroneous portion, initial the correction made, and show the date the correction was made.

(d) Operating logs shall be retained for a period of not less than 2 years. The Commission reserves the right to order retention of logs for a longer period of time. In cases where the licensee has notice of any claim or complaint, the log shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

Subpart D—Technical Regulations

§ 78.101 Power limitations.

(a) Transmitter peak output power shall not be greater than necessary, and in any event, shall not exceed 5 watts on any channel; except that, stations using frequency modulation to transmit a baseband of frequency-division multiplexed standard television signals may be authorized to use peak power of 15 watts on frequency assignments in Groups E and F, 30 watts on frequency assignments in Group G, and 60 watts on assignments in Group H.

(b) LDS stations shall use for the visual signal either vestigial sideband AM transmission or frequency-division multiplexed . FM transmission. When vestigial sideband AM transmission is used, the peak power of the visual signal on all channels shall be maintained within 2 decibels of equality. The mean power of the aural signals on each channel shall not exceed a level 7 decibels below the peak power of the visual signal.

§ 78.103 Emissions and bandwidth.

(a) A cable television relay station may be authorized to employ any type of emission suitable for the simultaneous transmission of visual and aural television signals.

(b) Any emission appearing on a frequency outside of the channel authorized for a transmitter shall be attenuated below the peak power of emission in accordance with the following schedule:

(1) For CAR stations using FM transmission (including those modulated by a frequency-division baseband of standard television signals):

(i) On any frequency above the upper channel limit and below the lower channel limit by between zero and 50 percent of the assigned channel width: At least 25 decibels;

(ii) On any frequency above the upper channel limit or below the lower channel limit by more than 50 percent and up to 150 percent of the assigned channel width: At least 35 decibels; and

(iii) On any frequency . above the upper channel limit or below the lower channel limit by more than 150 percent of the assigned channel width: At least $43+10 \log_{10}$ (power in watts) decibels.

(2) For CAR stations using vestigial sideband AM transmission: At least 50 decibels.

(c) In the event that interference to other stations is caused by emissions outside the authorized channel, the Commission may require greater attenuation than that specified in paragraph (b) of this section.

§ 78.105 Antennas.

(a) Cable television relay stations shall use directive transmitting antennas. The maximum beamwidth in the horizontal plane between half power points of the major lobe shall not exceed 3°: *Provided, however,* That, upon adequate showing of need to serve a larger sector, or more than a single sector, greater beamwidth or multiple antennas may be authorized for LDS stations. Either vertical, horizontal, or elliptical polarization may be employed. The Commission reserves the right to specify the polarization of the transmitted signal.

(b) The choice of receiving antennas is left to the discretion of the licensee. However, licensees will not be protected from interference which results from the lack of adequate antenna discrimination against unwanted signals.

§ 78.107 Equipment and installation.

(a) From time to time the Commission publishes a revised list of type approved and type accepted equipment entitled "Radio Equipment List." Copies of this list are available for inspection at the Commission's offices in Washington, D.C., and at each of its field offices.

(b) Each transmitter authorized for use in the Cable Television Relay Service (other than a CAR pickup station) must be of a type which has been type accepted pursuant to Part 2 (Subpart F) of this chapter, as capable of meeting the requirements of §§ 78.17, 78.101, 78.111, and 78.115.

(c) The installation of a cable television relay station shall be made by or under the immediate supervision of a qualified engineer. Any tests or adjustments requiring the radiation of signals and which could result in improper operation shall be conducted by or under the immediate supervision of an operator holding a valid first- or second-class radiotelephone operator license.

(d) Simple repairs such as the replacement of tubes, fuses, or other plug-in components which require no particular skill may be made by an unskilled person. Repairs requiring replacement of attached components or the adjustment of critical circuits or corroborative measurements shall be made only by a person with required knowledge and skill to perform such tasks.

§ 78.109 Equipment changes.

(a) Formal application is required for any of the following changes:

(1) Replacement of the transmitter as a whole, except replacement with an identical transmitter, or any change in equipment which could result in a change in the electrical characteristics or performance of the station;

(2) Any change in the transmitting antenna system of a station (other than a CAR pickup station), including the direction of the main radiation lobe, directive pattern, antenna gain or transmission line;

(3) Any change in the height of the antenna of a station (other than a CAR pickup station) above ground, or any horizontal change in the location of the antenna;

(4) Any change in the transmitter control system;

(5) Any change in the location of a station transmitter (other than a CAR pickup station transmitter), except a move within the same building or upon the tower or mast or a change in the area of operation of a CAR pickup station;

(6) Any change in frequency assignment;

(7) Any change of authorized operation power.

(b) Other equipment changes not specifically referred to in paragraph (a) of this section may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the station is located and the Commission in Washington, D.C., are notified in writing upon the completion of such changes and provided further, that the changes are appropriately reflected in the next application for renewal of licenses of the station.

§ 78.111 Frequency tolerance.

(a) The frequency of the unmodulated carrier as radiated by a cable television relay station using FM transmission (including those modulated by a frequency-division baseband of standard television signals) shall be maintained within 0.02 percent of the center of the assigned channel.

(b) The frequency of the visual carrier of a CAR station using vestigial sideband AM transmission shall be maintained within 0.0005 percent of the assigned frequency, and the center frequency of the accompanying aural signal shall be maintained 4.5 MHz±1 kHz above the visual frequency.

§ 78.113 Frequency monitors and measurements.

(a) Suitable means shall be provided to insure that the operating frequency is within the prescribed tolerance at all times. The operating frequency shall be checked as often as is necessary to insure compliance with § 78.111 and in any case at intervals of no more than 1 month.

(b) The choice of apparatus to measure the operating frequency is left to the discretion of the licensee. However, failure of the apparatus to detect departures of the operating frequency in excess of the prescribed tolerance will not be deemed an acceptable excuse for the violation.

§ 78.115 Modulation limits.

(a) If amplitude modulation is employed, negative modulation peaks shall not exceed 100 percent modulation.

(b) If frequency modulation is employed, carrier excursions shall be limited to the extent necessary to comply with the requirements of § 78.103 and shall in no event extend beyond the channel limits.

PART 91—INDUSTRIAL RADIO SERVICES

§ 91.557 [Amended]

1. In § 91.557, the text of paragraph (a) is deleted and the word "Reserved" is substituted therefor.

2. In § 91.559, the headnote and text are revised to read as follows:

V37-130 FEB 12 72 XUM

§ 91.559 Authorizations for operational fixed stations to relay television signals to cable television systems.

Authorizations (including initial grants, modifications, assignments or transfers of control, and renewals) in the Business Radio Service to construct or operate point-to-point operational fixed stations to relay television signals to cable television systems shall contain the condition that such cable television systems shall operate in compliance with the provisions of Part 76 (Cable Television Service) of this chapter.

3. Section 91.561 is amended to read as follows:

§ 91.561 Notification by applicant.

An application for any authorization subject to § 91.559 shall contain a statement that the applicant has notified the licensee or permittee of any television broadcast station within whose predicted Grade B contour the cable television system served or to be served operates or will operate, the licensee or permittee of any 100-watt or higher power television translator station licensed to the community of the system, the franchising authority, the superintendent of schools in the community of the system, and any local or State educational television authorities, of the filing of the application. Such statement of the applicant shall be supported by copies of the letters of notification. The notice shall include the fact of intended filing by the applicant, the name and mailing address of each cable television system served or to be served under the authorization sought, the community and area served or to be served by each cable television system, and the television signals to be carried by each cable television system.

NOTE: As used in § 91.561, the term "predicted Grade B contour" means the field intensity contour defined in § 73.683(a) of this chapter, the location of which is determined exclusively by means of the calculations prescribed in § 73.684 of this chapter.

APPENDIX B

SIGNIFICANTLY VIEWED TELEVISION STATIONS

This table lists the television stations significantly for purposes of cable television carriage, in accordance with § 76.54(a) of the Commission's rules. All stations meeting the significant viewing test are listed, including market and other stations that might be subject to required or permissible carriage under other provisions of the rules.

Information in the table is derived from the American Research Bureau's 1971 Share of Hours Study for all counties with less than 10 percent cable television penetration and ARB's special study of Non-CATV Circulation and Share of Viewing Hours for those counties with between 10 percent and 90 percent cable television penetration. No data is shown for the following seven counties that are reported to have more than 90 percent cable penetration: El Dorado, Calif.; Northumberland, Montour, Pa.; Concho, Terrell, Tex.; Mineral, W. Va.; and Sweetwater, Wyo.

Cities, not politically part of any county, are listed with the county in which they were included for survey purposes. A description of how split counties have been divided is included after each State listing that includes split counties. The description indicates which Census County Divisions (1960) are included in each division of the county. Maps of Census County Divisions may be found in U.S. Census of Population: 1960, Vol. I, Characteristics of the Population, Part A, Number of Inhabitants.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C. 20554.

JANUARY 1972.

SIGNIFICANTLY VIEWED SIGNALS

County	Call letters, channel number, and market name		
ALABAMA			
Autauga	WSFA	12	Montgomery.
	WCOV	20	Do.
	WKAB	32	Do.
Baldwin	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
	WALA	10	Do.
Barbour	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WTVY	4	Dothan.
	WSFA	12	Montgomery
	WBRC	6	Birmingham.
Bibb	WAPI	13	Do.
	WBMG	42	Do.
	WBRC	6	Do.
Blount	WAPI	13	Do.
	WHNT	19	Huntsville-Decatur-Florence.
Bullock	WSFA	12	Montgomery.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Butler	WSFA	12	Montgomery.
	WCOV	20	Do.
	WKAB	32	Do.
Calhoun	WBRC	6	Birmingham.
	WAPI	13	Do.
	WHMA	40	Anniston, Ala.
Chambers	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
	WSFA	12	Montgomery.
Cherokee	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WBRC	6	Birmingham.
Chilton	WBRC	6	Do.
	WAPI	13	Do.
	WBMG	42	Do.
	WSFA	12	Montgomery.
Choctaw	WTOK	11	Meridian.
Clarke	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
	WALA	10	Do.
Clay	WBRC	6	Birmingham.
	WAPI	13	Do.
	WRBL	3	Columbus, Ga.
Cleburne	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WBRC	6	Birmingham.
	WAPI	13	Do.
	WTVY	4	Dothan.
Coffee	WSFA	12	Montgomery.
	WTVM	9	Columbus, Ga.
	WJHG	7	Panama City.
Colbert	WOWL	15	Huntsville-Decatur-Florence.
	WHNT	19	Do.
	WAAY	31	Do.
	WMSL	48	Do.
Conecuh	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
	WALA	10	Do.
	WSFA	12	Montgomery.
Coosa	WBRC	6	Birmingham.
	WAPI	13	Do.
	WSFA	12	Montgomery.
Covington	WSFA	12	Do.
	WTVY	4	Dothan.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
ALABAMA—continued			
Crenshaw	WSFA	12	Montgomery.
	WCOV	20	Do.
	WTVY	4	Dothan.
Cullman	WBRC	6	Birmingham.
	WAPI	13	Do.
	WHNT	19	Huntsville-Decatur-Florence.
	WAAY	31	Do.
Dale	WTVY	4	Dothan.
	WTVM	9	Columbus, Ga.
	WRBL	3	Do.
	WSFA	12	Montgomery.
Dallas	WSFA	12	Do.
	WCOV	20	Do.
	WKAB	32	Do.
	WBRC	6	Birmingham.
De Kalb	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
	WAGA	5	Atlanta.
	WBRC	6	Birmingham.
	WHNT	19	Huntsville-Decatur-Florence.
Elmore	WSFA	12	Montgomery.
	WCOV	20	Do.
	WKAB	32	Do.
Escambia	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
	WALA	10	Do.
Etowah	WBRC	6	Birmingham.
	WAPI	13	Do.
	WHMA	40	Anniston, Ala.
Fayette	WBRC	6	Birmingham.
	WAPI	13	Do.
	WCPI	4	Columbus, Miss.
Franklin	WHNT	19	Huntsville-Decatur-Florence.
	WBRC	6	Birmingham.
	WCBI	4	Columbus, Miss.
	WTWV	9	Tupelo.
Geneva	WTVY	4	Dothan.
	WDHN	18	Do.
	WJHG	7	Panama City.
Greene	WBRC	6	Birmingham.
	WAPI	13	Do.
	WTOK	11	Meridian.
	WCFT	33	Tuscaloosa.
Hale	WBRC	6	Birmingham.
	WAPI	13	Do.
	WTOK	11	Meridian.
	WCFT	33	Tuscaloosa.
Henry	WTVY	4	Dothan.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Houston	WTVY	4	Dothan.
	WDHN	18	Do.
Jackson	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Jefferson	WBRC	6	Birmingham.
	WAPI	13	Do.
	WBMG	42	Do.
Lamar	WCBI	4	Columbus, Miss.
	WBRC	6	Birmingham.
	WAPI	13	Do.
Lauderdale	WOWL	15	Huntsville-Decatur-Florence.
	WHNT	19	Do.
	WAAY	31	Do.
	WMSL	48	Do.
Lawrence	WHNT	19	Do.
	WAAY	31	Do.
	WMSL	48	Do.
	WBRC	6	Birmingham.
Lee	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WSFA	12	Montgomery.
Limestone	WHNT	19	Huntsville-Decatur-Florence.
	WAAY	31	Do.
	WMSL	48	Do.
Lowndes	WSFA	12	Montgomery.
	WCOV	20	Do.
	WKAB	32	Do.
Macon	WSFA	12	Do.
	WCOV	20	Do.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Madison	WHNT	19	Huntsville-Decatur-Florence.
	WAAY	31	Do.
	WMSL	48	Do.
Marengo	WTOK	11	Meridian.
Marion	WBRC	6	Birmingham.
	WAPI	13	Do.
	WCBI	4	Columbus, Miss.
Marshall	WHNT	19	Huntsville-Decatur-Florence.
	WAAY	31	Do.
	WMSL	48	Do.
	WBRC	6	Birmingham.
	WAPI	13	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
ALABAMA—Continued			
Mobile	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
	WALA	10	Do.
Monroe	WEAR	3	Do.
	WKRG	5	Do.
	WALA	10	Do.
Montgomery	WSFA	12	Montgomery.
	WCOV	20	Do.
	WKAB	32	Do.
Morgan	WHNT	19	Huntsville-Decatur-Florence.
	WAAY	31	Do.
	WMSL	48	Do.
	WBRC	6	Birmingham.
Perry	WBRC	6	Do.
	WAPI	13	Do.
	WSFA	12	Montgomery.
Pickens	WBRC	6	Birmingham.
	WAPI	13	Do.
	WCPI	4	Columbus, Miss.
Pike	WSFA	12	Montgomery.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WTVY	4	Dothan.
Randolph	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
Russell	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WYEA	38	Do.
St. Clair	WBRC	6	Birmingham.
	WAPI	13	Do.
Shelby	WBRC	6	Do.
	WAPI	13	Do.
	WBMG	42	Do.
Sumter	WTOK	11	Meridian.
Talladega	WBRC	6	Birmingham.
	WAPI	13	Do.
	WBMG	42	Do.
Tallapoosa	WBRC	6	Do.
	WAPI	13	Do.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WSFA	12	Montgomery.
Tuscaloosa	WBRC	6	Birmingham.
	WAPI	13	Do.
	WCFT	33	Tuscaloosa.
Walker	WBRC	6	Birmingham.
	WAPI	13	Do.
	WBMG	42	Do.
Washington	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
	WALA	10	Do.
Wilcox	WSFA	12	Montgomery.
	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
Winston	WBRC	6	Birmingham.
	WAPI	13	Do.
	WBMG	42	Do.
	WHNT	19	Huntsville-Decatur-Florence.
ARIZONA			
Apache	KVOA	4	Tucson.
	KGUN	9	Do.
	KOLD	13	Do.
	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
Cochise	KVOA	4	Tucson.
	KGUN	9	Do.
	KOLD	13	Do.
Coconino	KOAI	2	Phoenix.
	KTVK	3	Do.
	KPHO	5	Do.
	KOOL	10	Do.
	KTAR	12	Do.
Gila	KTVK	3	Do.
	KPHO	5	Do.
	KOOL	10	Do.
	KTAR	12	Do.
Graham	KTAR	12	Do.
	KVOA	4	Tucson.
	KGUN	9	Do.
	KOLD	13	Do.
Greenlee	KVOA	4	Do.
	KGUN	9	Do.
	KOLD	13	Do.
Maricopa	KTVK	3	Phoenix.
	KPHO	5	Do.
	KOOL	10	Do.
	KTAR	12	Do.
Mohave	KTVK	3	Do.
	KPHO	5	Do.
	KOOL	10	Do.
	KTAR	12	Do.
	KORK	3	Las Vegas.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
ARIZONA—continued			
Navajo	KVOA	4	Tucson.
	KGUN	9	Do.
	KOLD	13	Do.
	KOAI	2	Phoenix.
	KOOL	10	Do.
Pima East	KVOA	4	Tucson.
	KGUN	9	Do.
	KZAZ	11	Do.
	KOLD	13	Do.
Pima West	KVOA	4	Do.
	KGUN	9	Do.
	KOLD	13	Do.
	KPHO	5	Phoenix.
Pinal	KTVK	3	Do.
	KPHO	5	Do.
	KOOL	10	Do.
	KTAR	12	Do.
Santa Cruz	KVOA	4	Tucson.
	KGUN	9	Do.
	KZAZ	11	Do.
	KOLD	13	Do.
	KPHO	5	Phoenix.
	XHFA	2	Mexico
Yavapai	KTVK	3	Phoenix.
	KPHO	5	Do.
	KOOL	10	Do.
	KTAR	12	Do.
Yuma	KPHO	5	Do.
	KBLU	13	Yuma.
	KECC	9	El Centro.

Census County Divisions in Split Counties.
Pima West: Ajo, Papago.
Pima East: all other.

ARKANSAS			
Arkansas	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Ashley	KNOE	8	Monroe-El Dorado.
	KTVE	10	Do.
	KATV	7	Little Rock.
Baxter	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Benton	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
	KUHI	16	Do.
	KFSA	5	Ft. Smith.
	KOTV	6	Tulsa.
	KTUL	8	Do.
Boone	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
Bradley	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Calhoun	KTVE	10	Monroe-El Dorado.
	KARK	4	Little Rock.
	KATV	7	Do.
	KNOE	8	Monroe-El Dorado.
	KTVE	10	Do.
Carroll	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
Chicot	KNOE	8	Monroe-El Dorado.
	KTVE	10	Do.
	WABG	6	Greenwood-Greenville.
	KATV	7	Little Rock.
Clark	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
Clay	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	KAIT	8	Jonesboro.
Cleburne	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Cleveland	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
Columbia	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
	KSLA	12	Do.
Conway	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Craighead	KAIT	8	Jonesboro.
	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
Crawford	KFSA	5	Ft. Smith.
	KARK	4	Little Rock.
	KTHV	11	Do.
	KTUL	8	Tulsa.
Crittenden	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
ARKANSAS—continued			
Cross	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
Dallas	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Desha	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
	KTVE	10	Monroe-El Dorado.
Drew	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
	KTVE	10	Monroe-El Dorado.
Faulkner	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Franklin	KFSA	5	Ft. Smith.
	KARK	4	Little Rock.
	KTHV	11	Do.
	KTUL	8	Tulsa.
Fulton	KYTV	3	Springfield, Mo.
	KAIT	8	Jonesboro.
	KTHV	11	Little Rock.
Grant	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
Garland	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Greene	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
Hempstead	KAIT	8	Jonesboro.
	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
	KSLA	12	Do.
Hot Spring	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Howard	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
Independence	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Izard	KARK	4	Do.
	KTHV	11	Do.
	KYTV	3	Springfield, Mo.
Jackson	KARK	4	Little Rock.
	KHTV	11	Do.
	KAIT	8	Jonesboro.
	WREC	3	Memphis.
	WMC	5	Do.
Jefferson	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Johnson	KARK	4	Do.
	KTHV	11	Do.
	KFSA	5	Ft. Smith.
	KATV	7	Little Rock.
Lafayette	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
	KSLA	12	Do.
Lawrence	KAIT	8	Jonesboro.
	WREC	3	Memphis.
	WMC	5	Do.
Lee	WREC	3	Do.
	WMC	5	Do.
	WHBQ	13	Do.
	KATV	7	Little Rock.
Lincoln	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
Little River	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
	KSLA	12	Do.
Logan	KFSA	5	Ft. Smith.
	KARK	4	Little Rock.
	KTHV	11	Do.
Lonoke	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
Madison	KYTV	3	Springfield, Mo.
	KFSA	5	Ft. Smith.
	KODE	12	Joplin-Pittsburg.
Marion	KYTV	3	Springfield, Mo.
	KITS	10	Do.
	KMTC	27	Do.
	KARK	4	Little Rock.
	KTHV	11	Do.
Miller	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
	KSLA	12	Do.
Mississippi	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
Monroe	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Montgomery	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.

V 37 N 30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
ARKANSAS—continued			
Nevada	KARK	4	Little Rock
	KATV	7	Do.
	KTHV	11	Do.
	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
	KSLA	12	Do.
Newton	KYTV	3	Springfield, Mo.
	KARK	4	Little Rock.
	KTHV	11	Do.
Ouachita	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
	KTVE	10	Monroe-El Dorado.
Perry	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Phillips	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	KATV	7	Little Rock.
Pike	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
Poinsett	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	KAIT	8	Jonesboro.
Polk	KARK	4	Little Rock.
	KTHV	11	Do.
	KFSA	5	Ft. Smith.
	KTAL	6	Shreveport-Texarkana.
	KATV	7	Little Rock.
Pope	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
Prairie	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
Pulaski	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
Randolph	KAIT	8	Jonesboro.
	WREC	3	Memphis.
	WMC	5	Do.
St. Francis	WREC	3	Do.
	WMC	5	Do.
	WHBQ	13	Do.
	KATV	7	Little Rock.
Saline	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
Scott	KFSA	5	Ft. Smith.
	KARK	4	Little Rock.
	KTUL	8	Tulsa.
Searcy	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
	KYTV	3	Springfield, Mo.
Sebastian	KFSA	5	Ft. Smith.
	KTUL	8	Tulsa.
Sevier	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
	KSLA	12	Do.
Sharp	KAIT	8	Jonesboro.
	KARK	4	Little Rock.
	KTHV	11	Do.
	WMC	5	Memphis.
	KYTV	3	Springfield, Mo.
Stone	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Union	KNOE	8	Monroe-El Dorado.
	KTVE	10	Do.
	KATV	7	Little Rock.
	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
Van Buren	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Washington	KOTV	6	Tulsa.
	KTUL	8	Do.
	KFSA	11	Ft. Smith.
	KODE	12	Joplin-Pittsburg.
White	KARK	4	Little Rock.
	KATV	7	Do.
	KTHV	11	Do.
Woodruff	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
Yell	KARK	4	Do.
	KATV	7	Do.
	KTHV	11	Do.
	KFSA	5	Ft. Smith.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
CALIFORNIA			
Alameda East	KTVU	2	San Francisco.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
	KGSC	36	Do.
Alameda West	KTVU	2	Do.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
	KEMO	20	Do.
	KBHK	44	Do.
Alpine	KTVN	2	Reno.
	KCRL	4	Do.
	KOLO	8	Do.
Amador	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
Butte	KRCR	7	Chico-Redding.
	KHSL	12	Do.
	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
Calaveras	KCRA	3	Do.
	KXTV	10	Do.
	KOVR	13	Do.
Colusa	KCRA	3	Do.
	KXTV	10	Do.
	KOVR	13	Do.
	KRCR	7	Chico-Redding.
	KHSL	12	Do.
Contra Costa East.	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
	KTXL	40	Do.
	KTVU	2	San Francisco.
	KPIX	5	Do.
Contra Costa West.	KTVU	2	Do.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
	KEMO	20	Do.
	KBHK	44	Do.
Del Norte	KVIQ	6	Eureka.
El Dorado East over 90 percent cable penetration.			
El Dorado West	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
Fresno	KMJ	24	Fresno.
	KFRE	30	Do.
	KJEO	47	Do.
Glenn	KRCR	7	Chico-Redding.
	KHSL	12	Do.
Humboldt	KIEM	3	Eureka.
	KVIQ	6	Do.
Imperial	KECC	9	El Centro.
	KCOP	13	Los Angeles.
	KBLU	13	Yuma.
	XHBC	3	Mexico.
Inyo	KNXT	2	Los Angeles.
	KNBC	4	Do.
	KTLA	5	Do.
	KABC	7	Do.
	KOLO	8	Reno.
Kern East	KNXT	2	Los Angeles.
	KNBC	4	Do.
	KTLA	5	Do.
	KABC	7	Do.
	KHJ	9	Do.
	KTTV	11	Do.
	KCOP	13	Do.
Kern West	KTVU	17	Bakersfield.
	KERO	23	Do.
	KBAK	29	Do.
Kings	KMJ	24	Fresno.
	KFRE	30	Do.
	KJEO	47	Do.
	KERO	23	Bakersfield.
	KBAK	29	Do.
Lake	KCRA	3	Sacramento-Stockton.
	KOVR	13	Do.
	KTVU	2	San Francisco.
Lassen	KTVN	2	Reno.
	KCRL	4	Do.
	KOLO	8	Do.
Los Angeles	KNXT	2	Los Angeles.
	KNBC	4	Do.
	KTLA	5	Do.
	KABC	7	Do.
	KHJ	9	Do.
	KTTV	11	Do.
	KCOP	13	Do.
Madera	KMJ	24	Fresno.
	KFRE	30	Do.
	KJEO	47	Do.
Marin	KTVU	2	San Francisco.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
CALIFORNIA—continued			
Mariposa	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KMJ	24	Fresno.
	KFRE	30	Do.
	KJEO	47	Do.
	KOVR	13	Sacramento-Stockton.
Mendocino	KTVU	2	San Francisco.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
	KIEM	3	Eureka.
Merced	KMJ	24	Fresno.
	KFRE	30	Do.
	KJEO	47	Do.
Modoc	KRCR	7	Chico-Redding.
	KOTI	2	Klamath Falls.
	KMED	10	Medford.
Mono	KOLO	8	Reno.
	KCRA	3	Sacramento-Stockton.
	KPIX	5	San Francisco.
	KGO	7	Do.
	KTVU	2	Do.
Monterey East	KSBW	8	Salinas-Monterey.
	KNTV	11	Do.
	KMST	46	Do.
	KTVU	2	San Francisco.
Monterey West	KSBW	8	Salinas-Monterey.
	KNTV	11	Do.
	KMST	46	Do.
	KTVU	2	San Francisco.
Napa North	KTVU	2	Do.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
Napa South	KTVU	2	Do.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
	KEMO	20	Do.
Nevada East	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
	KOLO	8	Reno.
Nevada West	KTVU	2	San Francisco.
	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
Orange North	KNXT	2	Los Angeles.
	KNBC	4	Do.
	KTLA	5	Do.
	KABC	7	Do.
	KHJ	9	Do.
	KTTV	11	Do.
	KCOP	13	Do.
Orange South	KNXT	2	Do.
	KNBC	4	Do.
	KTLA	5	Do.
	KABC	7	Do.
	KHJ	9	Do.
	KTTV	11	Do.
	KCOP	13	Do.
Placer East	KOLO	8	Reno.
Placer West	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
	KTXL	40	Do.
Plumas	KCRA	3	Do.
	KTXL	40	Do.
	KHSL	12	Chico-Redding.
Riverside East	KTVK	3	Phoenix.
	KPHO	5	Do.
	KOOL	10	Do.
	KTAR	12	Do.
Riverside West	KNXT	2	Los Angeles.
	KNBC	4	Do.
	KTLA	5	Do.
	KABC	7	Do.
	KHJ	9	Do.
	KTTV	11	Do.
	KCOP	13	Do.
Riverside Central.	KNXT	2	Do.
	KNBC	4	Do.
	KTLA	5	Do.
	KABC	7	Do.
	KHJ	9	Do.
	KTTV	11	Do.
	KCOP	13	Do.
Sacramento	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
	KTXL	40	Do.
San Benito	KTVU	2	San Francisco.
	KRON	4	Do.
	KPIX	5	Do.
	KSBW	8	Salinas-Monterey.
	KNTV	11	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
CALIFORNIA—continued			
San Bernardino East.	KTVK	3	Phoenix.
	KPHO	5	Do.
	KOOL	10	Do.
	KTAR	12	Do.
San Bernardino West.	KNXT	2	Los Angeles.
	KNBC	4	Do.
	KTLA	5	Do.
	KABC	7	Do.
	KHJ	9	Do.
	KTTV	11	Do.
	KCOP	13	Do.
San Diego	XETV	6	San Diego.
	KFMB	8	Do.
	KOGO	10	Do.
	KCST	39	Do.
	KCOP	13	Los Angeles.
San Francisco	KNBC	4	Do.
	KTVU	2	San Francisco.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
	KEMO	20	Do.
San Joaquin	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
	KTXL	40	Do.
San Luis Obispo.	KSBY	6	Salinas-Monterey.
	KEYT	3	Santa Barbara-Santa Maria.
	KCOY	12	Do.
San Mateo	KTVU	2	San Francisco.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
	KEMO	20	Do.
	KBHK	44	Do.
Santa Barbara North.	KEYT	3	Santa Barbara-Santa Maria.
	KCOY	12	Do.
	KSBY	6	Salinas-Monterey.
Santa Barbara South.	KEYT	3	Santa Barbara-Santa Maria.
	KNXT	2	Los Angeles.
	KNBC	4	Do.
	KTLA	5	Do.
	KABC	7	Do.
	KHJ	9	Do.
	KTTV	11	Do.
	KCOP	13	Do.
Santa Clara East.	KTVU	2	San Francisco.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
	KEMO	20	Do.
	KBHK	44	Do.
	KSBW	8	Salinas-Monterey.
	KNTV	11	Do.
	KMST	46	Do.
Santa Clara West.	KTVU	2	San Francisco.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
	KEMO	20	Do.
	KBHK	44	Do.
Santa Cruz	KSBW	8	Salinas-Monterey.
	KNTV	11	Do.
	KMST	46	Do.
	KTVU	2	San Francisco.
Shasta	KRCR	7	Chico-Redding.
	KHSL	12	Do.
Sierra	KCRL	4	Reno.
	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KTVU	2	San Francisco.
	KRON	4	Do.
Siskiyou	KRCR	7	Chico-Redding.
	KHSL	12	Do.
	KMED	10	Medford.
Solano East	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
	KTXL	40	Do.
	KTVU	2	San Francisco.
	KPIX	5	Do.
	KGO	7	Do.
	KRON	4	Do.
Solano West	KTVU	2	Do.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
Sonoma North	KTVU	2	Do.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
Sonoma South	KTVU	2	Do.
	KRON	4	Do.
	KPIX	5	Do.
	KGO	7	Do.
Stanislaus	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
	KTXL	40	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
CALIFORNIA—continued			
Sutter	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
	KTXL	40	Do.
	KHSL	12	Chico-Redding.
	KTVU	2	San Francisco.
	KBHK	44	Do.
Tehama	KRCR	7	Chico-Redding.
	KHSL	12	Do.
Trinity	KRCR	7	Do.
	KHSL	12	Do.
Tulare	KMJ	24	Fresno.
	KFRE	30	Do.
	KJEO	47	Do.
	KJTV	17	Bakersfield.
	KERO	23	Do.
	KBAK	29	Do.
Tuolumne	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
	KSBW	8	Salinas-Monterey.
	KTVU	2	San Francisco.
	KRON	4	Do.
Ventura	KNXT	2	Los Angeles.
	KNBC	4	Do.
	KTLA	5	Do.
	KABC	7	Do.
	KHJ	9	Do.
	KTTV	11	Do.
	KCOP	13	Do.
Yolo	KCRA	3	Sacramento-Stockton.
	KXTV	10	Do.
	KOVR	13	Do.
	KTXL	40	Do.
Yuba	KCRA	3	Do.
	KXTV	10	Do.
	KOVR	13	Do.
	KTXL	40	Do.
	KHSL	12	Chico-Redding.

Census county divisions in split counties:
Alameda East: Livermore, Pleasanton.
Alameda West: All other.
Contra Costa East: Ambrose, Antioch, Brentwood-Bryon, Clayton-Tassajara, Martinez, Oakley-Bethel, Pittsburg, Pleasant Hill, Port Chicago.
Contra Costa West: All other.
El Dorado East: La e Valley.
El Dorado West: All other.
Kern East: East Kern, Tehachapi.
Kern West: All other.
Monterey West: Carmel, Carmel Valley, Ford Ord, Monterey, Monterey Penin., Pacific Grove, Seaside.
Monterey East: All other.
Napa North: Angwin, Berryessa, Calistoga, St. Helena.
Napa South: All other.
Nevada East: Donner.
Nevada West: All other.
Orange North: Anaheim-Garden Grove, Buena Park-Cypress, Fullerton-La Habra, Santa Ana Canyon, Santa Ana-Orange.
Orange South: All other.
Placer East: Lake Tahoe.
Placer West: All other.
Riverside East: Palo Verde.
Riverside Central: Cathedral City-Palm Desert, Chuckwalla, Coachella Valley, Desert Hot Springs, Idyllwild, Palm Springs, San Gorgonio Pass.
Riverside West: All other.
San Bernardino East: Needles.
San Bernardino West: All other.
Santa Barbara North: Cuyama, Guadalupe, Lompoc Valley, Santa Maria, Santa Maria Valley, Santa Ynez Valley.
Santa Barbara South: All other.
Santa Clara East: Diablo Range, Gilroy, Llagas-Uvas, Morgan Hill, San Martin.
Santa Clara West: All other.
Solano East: Dixon, Fairfield-Suisun, Rio Vista, Vacaville.
Solano West: All other.
Sonoma South: Petaluma, Petaluma Rural, Sonoma.
Sonoma North: All other.

COLORADO			
Adams	KWGN	2	Denver.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Alamosa	KOB	4	Albuquerque.
	KOAT	7	Do.
	KOGM	13	Do.
	KRDO	13	Colorado Springs-Pueblo.
Arapahoe	KWGN	2	Denver.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
COLORADO—continued			
Archuleta	KOB	4	Albuquerque.
	KOAT	7	Do.
	KOGM	13	Do.
Baca	KOAA	5	Colorado Springs-Pueblo.
	KKTV	11	Do.
	KRDO	13	Do.
Bent	KOAA	5	Do.
	KKTV	11	Do.
	KRDO	13	Do.
Boulder	KWGN	2	Denver.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Chaffee	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
	KOAA	5	Colorado Springs-Pueblo.
Cheyenne	KAYS	7	Wichita-Hutchinson.
	KKTV	11	Colorado Springs-Pueblo.
	KRDO	13	Do.
Clear Creek	KWGN	2	Denver.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Conejos	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
Costilla	KOB	4	Do.
	KOAT	7	Do.
	KGGM	13	Do.
Crowley	KOAA	5	Colorado Springs-Pueblo.
	KKTV	11	Do.
	KRDO	13	Do.
Custer	KOAA	5	Do.
	KKTV	11	Do.
	KRDO	13	Do.
Delta	KREX	5	Grand Junction.
	KREY	10	Do.
	KBTV	9	Denver.
Denver	KWGN	2	Do.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Dolores	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
Douglas	KWGN	2	Denver.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
	KRDO	13	Colorado Springs-Pueblo.
Eagle	KOA	4	Denver.
	KLZ	7	Do.
	KBTV	9	Do.
Elbert	KWGN	2	Do.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
	KKTV	11	Colorado Springs-Pueblo.
	KRDO	13	Do.
El Paso	KOAA	5	Do.
	KKTV	11	Do.
	KRDO	13	Do.
Fremont	KOAA	5	Do.
	KKTV	11	Do.
	KRDO	13	Do.
Garfield	KREX	5	Grand Junction.
	KOA	4	Denver.
Gilpin	KWGN	2	Do.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Grand	KWGN	2	Do.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Gunnison	KOAA	5	Colorado Springs-Pueblo.
	KBTV	9	Denver.
	KREX	5	Grand Junction.
	KREY	10	Do.
Hinsdale	KREX	5	Do.
	KOAA	5	Colorado Springs-Pueblo.
Huerfano	KOAA	5	Do.
	KKTV	11	Do.
	KRDO	13	Do.
Jackson	KOA	4	Denver.
	KFBC	5	Cheyenne
Jefferson	KWGN	2	Denver
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.

V37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
COLORADO—continued			
Kiowa	KOAA	5	Colorado Springs-Pueblo
	KKTV	11	Do.
	KRDO	13	Do.
	KAYS	7	Wichita-Hutchinson
Kit Carson	KAYS	7	Do.
Lake	KWGN	2	Denver
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
La Plata	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
	KREZ	6	Grand Junction.
Larimer	KWGN	2	Denver.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
	KFBC	5	Cheyenne.
Las Animas	KOAA	5	Colorado Springs-Pueblo.
	KKTV	11	Do.
	KRDO	13	Do.
Lincoln	KOAA	5	Do.
	KKTV	11	Do.
	KRDO	13	Do.
	KWGN	2	Denver.
	KOA	4	Do.
Logan	KTVS	3	Cheyenne.
Mesa	KREX	5	Grand Junction
Mineral	KOAA	5	Colorado Springs-Pueblo.
	KOAT	7	Albuquerque.
	KGGM	13	Do.
Moffat	KOA	4	Denver.
	KLZ	7	Do.
	KBTV	9	Do.
Montezuma	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
Montrose	KREY	10	Grand Junction.
	KOAA	5	Colorado Springs-Pueblo
	KBTV	9	Denver.
	KUTV	2	Salt Lake City.
Morgan	KWGN	2	Denver.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
	KTVS	3	Cheyenne.
Otero	KOAA	5	Colorado Springs-Pueblo.
	KKTV	11	Do.
	KRDO	13	Do.
Ouray	KREX	5	Grand Junction.
Park	KWGN	2	Denver.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Phillips	KTVS	3	Cheyenne.
	KHOL	13	Lincoln-Hastings-Kearney.
Pitkin	KREX	5	Grand Junction.
Prowers	KOAA	5	Colorado Springs-Pueblo.
	KKTV	11	Do.
	KRDO	13	Do.
Pueblo	KOAA	5	Wichita-Hutchinson. Colorado Springs-Pueblo.
	KKTV	11	Do.
	KRDO	13	Do.
Rio Blanco	KUTV	2	Salt Lake City.
	KCPX	4	Do.
	KSL	5	Do.
Rio Grande	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
	KOAA	5	Colorado Springs-Pueblo.
Routt	KOA	4	Denver.
	KLZ	7	Do.
	KBTV	9	Do.
Saguache	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
	KOAA	5	Colorado Springs-Pueblo.
San Juan	KREX	5	Grand Junction.
San Miguel	KREX	5	Do.
Sedgwick	KTVS	3	Cheyenne.
	KHOL	13	Lincoln-Hastings-Kearney.
	KNOP	2	North Platte.
Summit	KWGN	2	Denver.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Teller	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Washington	KKTV	11	Colorado Springs. Pueblo
	KRDO	13	Do.
	KWGN	2	Denver.
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Weld	KTVS	3	Cheyenne
	KWGN	2	Denver
	KOA	4	Do.
	KLZ	7	Do.
	KBTV	9	Do.
Yuma	KAYS	7	Wichita-Hutchinson
	KOMC	8	Do.
	KTVS	3	Cheyenne
	KHOL	13	Lincoln-Hastings-Kearney.
CONNECTICUT			
Fairfield	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
	WNHC	8	Hartford-New Haven.
Hartford	WTIC	3	Do.
	WNHC	8	Do.
	WHCT	18	Do.
	WHNB	30	Do.
Litchfield	WTIC	3	Do.
	WNHC	8	Do.
	WHNB	30	Do.
	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WPIX	11	Do.
Middlesex	WTIC	3	Hartford-New Haven.
	WNHC	8	Do.
	WHNB	30	Do.
	WNEW	5	New York.
New Haven	WTIC	3	Hartford-New Haven.
	WNHC	8	Do.
	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
New London	WTEV	6	Providence.
	WJAR	10	Do.
	WPPI	12	Do.
	WHDH	5	Boston.
	WTIC	3	Hartford-New Haven.
	WNHC	8	Do.
Tolland	WTIC	3	Do.
	WNHC	8	Do.
	WHNB	30	Do.
	WHZ	4	Boston.
Windham	WHYN	40	Springfield, Mass.
	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WTIC	3	Hartford-New Haven.
	WNHC	8	Do.
DELAWARE			
Kent	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WMAR	2	Baltimore,
	WBAL	11	Do.
New Castle	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Sussex	WBOC	16	Salisbury.
	WMAR	2	Baltimore.
	WBAL	11	Do.
	WJZ	13	Do.
	WTTG	5	Washington, D.C.
DISTRICT OF COLUMBIA			
District of Columbia	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WDCA	20	Do.
FLORIDA			
Alachua	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WESH	2	Orlando-Daytona Beach.
Baker	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WJKS	17	Do.
Bay	WJHG	7	Panama City.
	WTVY	4	Dothan.
Bradford	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WJKS	17	Do.
Brevard	WESH	2	Orlando-Daytona Beach.
	WDBO	6	Do.
	WFTV	9	Do.
Broward	WTVJ	4	Miami.
	WCKT	7	Do.
	WPLG	10	Do.
	WAJA	23	Do.
	WPTV	5	West Palm Beach.
	WEAT	12	Do.
Calhoun	WJHG	7	Panama City.
	WTVY	4	Dothan.
	WCTV	6	Tallahassee.
Charlotte	WFLA	8	Tampa-St. Petersburg.
	WTVT	13	Do.
	WINK	11	Fort Myers.
Citrus	WFLA	8	Tampa-St. Petersburg.
	WLCY	10	Do.
	WTVT	13	Do.
	WESH	2	Orlando-Daytona Beach.
	WDBO	6	Do.
	WFTV	9	Do.
Clay	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WJKS	17	Do.
Collier	WINK	11	Fort Myers.
	WBBH	20	Do.
	WCIX	6	Miami.
	WPLG	10	Do.
	WTVJ	4	Do.
Columbia	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
Dade	WTVJ	4	Miami.
	WCIX	6	Do.
	WCKT	7	Do.
	WPLG	10	Do.
		13	Do.
De Soto	WFLA	8	Tampa-St. Petersburg
	WTVT	13	Do.
	WTOG	44	Do.
	WINK	11	Fort Myers.
Dixie	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WESH	2	Orlando-Daytona Beach.
	WCTV	6	Tallahassee.
	WLCY	10	Tampa-St. Petersburg.
Duval	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WJKS	17	Do.
Escambia	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
	WALA	10	Do.
Flagler	WESH	2	Orlando-Daytona Beach.
	WDBO	6	Do.
	WFTV	9	Do.
	WJXT	4	Jacksonville, Fla.
Franklin	WCTV	6	Tallahassee.
	WJHG	7	Panama City.
Gadsden	WCTV	6	Tallahassee.
	WTVY	4	Dothan.
	WJHG	7	Panama City.
Gilchrist	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WESH	2	Orlando-Daytona Beach.
Glades	WPTV	5	West Palm Beach.
	WEAT	12	Do.
	WINK	11	Fort Myers.
Gulf	WTVJ	4	Miami.
	WJHG	7	Panama City.
	WTVY	4	Dothan.
	WCTV	6	Tallahassee.
Hamilton	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WALB	10	Albany, Ga.
	WCTV	6	Tallahassee.
Hardee	WFLA	8	Tampa-St. Petersburg.
	WTVT	13	Do.
	WTOG	44	Do.
Hendry	WINK	11	Fort Meyers.
	WBBH	20	Do.
	WTVJ	4	Miami.
	WCIX	6	Do.
	WPLG	10	Do.
	WCKT	7	Do.
	WPTV	5	West Palm Beach.
	WEAT	12	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
FLORIDA—continued			
Hernando	WFLA	8	Tampa-St. Petersburg.
	WLCY	10	Do.
	WTVT	13	Do.
	WTOG	44	Do.
Highlands	WFLA	8	Do.
	WTVT	13	Do.
	WINK	11	Fort Myers.
Hillsborough	WFLA	8	Tampa-St. Petersburg.
	WLCY	10	Do.
	WTVT	13	Do.
	WTOG	44	Do.
Holmes	WTVY	4	Dothan.
	WJHG	7	Panama City.
Indiana River	WPTV	5	West Palm Beach.
	WEAT	12	Do.
	WTVX	34	Fort Pierce-Vero Beach.
Jackson	WTVY	4	Dothan.
	WJHG	7	Panama City.
	WCTV	6	Tallahassee.
Jefferson	WCTV	6	Do.
	WALB	10	Albany, Ga.
Layfayette	WCTV	6	Tallahassee.
Lake	WESH	2	Orlando-Daytona Beach.
	WDBO	6	Do.
	WFTV	9	Do.
	WTOG	44	Tampa-St. Petersburg.
Lee	WINK	11	Fort Myers.
	WBBH	20	Do.
Leon	WCTV	6	Tallahassee.
	WALB	10	Albany, Ga.
	WJHG	7	Panama City.
Levy	WESH	2	Orlando-Daytona Beach.
	WFTV	9	Do.
	WJXT	4	Jacksonville, Fla.
	WLCY	10	Tampa-St. Petersburg.
	WTVT	13	Do.
Liberty	WCTV	6	Tallahassee.
	WJHG	7	Panama City.
Madison	WCTV	6	Tallahassee.
	WALB	10	Albany, Ga.
Manatee	WFLA	8	Tampa-St. Petersburg.
	WLCY	10	Do.
	WTVT	13	Do.
	WTOG	44	Do.
Marion	WESH	2	Orlando-Daytona Beach.
	WDBO	6	Do.
	WFTV	9	Do.
Martin	WPTV	5	West Palm Beach.
	WEAT	12	Do.
Monroe	WTVJ	4	Miami.
	WCIX	6	Do.
	WCKT	7	Do.
	WPLG	10	Do.
Nassau	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WJKS	17	Do.
Okaloosa	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
	WALA	10	Do.
	WJHG	7	Panama City.
Okeechobee	WPTV	5	West Palm Beach.
	WEAT	12	Do.
Orange	WESH	2	Orlando-Daytona Beach.
	WDBO	6	Do.
	WFTV	9	Do.
Osceola	WESH	2	Do.
	WDBO	6	Do.
	WFTV	9	Do.
Palm Beach	WPTV	5	West Palm Beach.
	WEAT	12	Do.
	WTVJ	4	Miami.
	WCKT	7	Do.
	WPLG	10	Do.
Pasco	WFLA	8	Tampa-St. Petersburg.
	WLCY	10	Do.
	WTVT	13	Do.
	WTOG	44	Do.
Pinellas	WFLA	8	Tampa-St. Petersburg.
	WLCY	10	Do.
	WTVT	13	Do.
	WTOG	44	Do.
Polk	WFLA	8	Do.
	WLCY	10	Do.
	WTVT	13	Do.
	WTOG	44	Do.
	WDBO	6	Orlando-Daytona Beach.
	WFTV	9	Do.
Putnam	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WJKS	17	Do.
	WESH	2	Orlando-Daytona Beach.
	WDBO	6	Do.
St. Johns	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WJKS	17	Do.
St. Lucie	WPTV	5	West Palm Beach.
	WEAT	12	Do.
	WTVX	34	Fort Pierce-Vero Beach.
Santa Rosa	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
	WALA	10	Do.
Sarasota	WFLA	8	Tampa-St. Petersburg.
	WLCY	10	Do.
	WTVT	13	Do.
	WTOG	44	Do.
Seminole	WESH	2	Orlando-Daytona Beach.
	WDBO	6	Do.
	WFTV	9	Do.
Sumter	WESH	2	Orlando-Daytona Beach.
	WDBO	6	Do.
	WFTV	9	Do.
	WFLA	8	Tampa-St. Petersburg.
	WTVT	13	Do.
Suwannee	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WCTV	6	Tallahassee.
Taylor	WCTV	6	Do.
Union	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WJKS	17	Do.
Volusia	WESH	2	Orlando-Daytona Beach.
	WDBO	6	Do.
	WFTV	9	Do.
Wakulla	WCTV	6	Tallahassee.
	WJHG	7	Panama City.
Walton	WJHG	7	Do.
	WTVY	4	Dothan.
	WEAR	3	Mobile-Pensacola.
Washington	WTVY	4	Dothan.
	WJHG	7	Panama City.
GEORGIA			
Appling	WSAV	3	Savannah.
	WTOC	11	Do.
	WJCL	22	Do.
	WJBF	6	Augusta.
	WJXT	4	Jacksonville, Fla.
	WCSC	5	Charleston, S.C.
Atkinson	WALB	10	Albany, Ga.
	WCTV	6	Tallahassee.
Bacon	WALB	10	Albany, Ga.
	WJXT	4	Jacksonville, Fla.
	WSAV	3	Savannah.
Baker	WALB	10	Albany, Ga.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WTVY	4	Dothan.
	WCTV	6	Tallahassee.
Baldwin	WMAZ	13	Macon.
	WSB	2	Atlanta.
	WAGA	5	Do.
Banks	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
Barrow	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
Bartow	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WATL	36	Do.
Ben Hill	WALB	10	Albany, Ga.
	WMAZ	13	Macon.
Berrien	WALB	10	Albany, Ga.
	WCTV	6	Tallahassee.
Bibb	WMAZ	13	Macon.
	WCWB	41	Do.
	WSB	2	Atlanta.
	WTVM	9	Columbus, Ga.
Bleckley	WMAZ	13	Macon.
Brantley	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
Brooks	WCTV	6	Tallahassee.
	WALB	10	Albany, Ga.
Bryan	WSAV	3	Savannah.
	WTOC	11	Do.
	WJCL	22	Do.
Bulloch	WSAV	3	Do.
	WTOC	11	Do.
	WJBF	6	Augusta.
	WRDW	12	Do.
Burke	WJBF	6	Augusta.
	WRDW	12	Do.
Butts	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Calhoun	WALB	10	Albany, Ga.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WTVY	4	Dothan.
	WCTV	6	Tallahassee.
Camden	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WJKS	17	Do.
Candler	WJBF	6	Augusta,
	WRDW	12	Do.
	WSAV	3	Savannah.
	WTOC	11	Do.
Carroll	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
Catoosa	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Charlton	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WJKS	17	Do.
Chatham	WSAV	3	Savannah.
	WTOC	11	Do.
	WJCL	22	Do.
Chattahoochee	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Chattooga	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Cherokee	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Clarke	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WFBC	4	Greenville-Spartanburg-Ashville.
Clay	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WTVY	4	Dothan.
Clayton	WSB	2	Atlanta
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Clinch	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
	WALB	10	Albany, Ga.
	WCTV	6	Tallahassee.
Cobb	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Coffee	WALB	10	Albany, Ga.
Colquitt	WALB	10	Do.
	WCTV	6	Tallahassee.
Columbia	WJBF	6	Augusta.
	WRDW	12	Do.
	WATU	26	Do.
Cook	WALB	10	Albany, Ga.
	WCTV	6	Tallahassee.
Coweta	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WATL	36	Do.
Crawford	WMAZ	13	Macon.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WSB	2	Atlanta.
Crisp	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WALB	10	Albany, Ga.
	WMAZ	13	Macon.
Dade	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Dawson	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
Decatur	WCTV	6	Tallahassee.
	WALB	10	Albany, Ga.
	WTVY	4	Dothan.
De Kalb	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Dodge	WMAZ	13	Macon.
	WALB	10	Albany, Ga.

VOL 37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
GEORGIA—continued			
Dooly	WMAZ	13	Macon.
	WALB	10	Albany, Ga.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Dougherty	WALB	10	Albany, Ga.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WCTV	6	Tallahassee.
Douglas	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Early	WTVY	4	Dothan.
	WTVM	9	Columbus, Ga.
	WCTV	6	Tallahassee.
	WALB	10	Albany, Ga.
Echols	WCTV	6	Tallahassee.
	WALB	10	Albany, Ga.
Effingham	WSAV	3	Savannah.
	WTOC	11	Do.
	WJCL	22	Do.
Elbert	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
Emanuel	WJBF	6	Augusta.
	WRDW	12	Do.
Evans	WSAV	3	Savannah.
	WTOC	11	Do.
	WJBF	6	Augusta.
Fannin	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
	WSB	2	Atlanta.
	WAGA	5	Do.
	WATL	36	Do.
Fayette	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WATL	36	Do.
Floyd	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Forsyth	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Franklin	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
Fulton	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Gilmer	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Glascock	WJBF	6	Augusta.
	WRDW	12	Do.
Glynn	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
Gordon	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
Grady	WCTV	6	Tallahassee.
	WALB	10	Albany, Ga.
Greene	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WJBF	6	Augusta.
Gwinnett	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Habersham	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WATL	36	Do.
	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
Hall	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
Hancock	WJBF	6	Augusta.
	WRDW	12	Do.
	WMAZ	13	Macon.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
GEORGIA—continued			
Haralson	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Harris	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Hart	WSB	2	Atlanta.
	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
Heard	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
Henry	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WATL	36	Do.
Houston	WMAZ	13	Macon.
	WCWB	41	Do.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Irwin	WALB	10	Albany, Ga.
	WTVM	9	Columbus, Ga.
	WCTV	6	Tallahassee.
Jackson	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WFBC	4	Greenville-Spartanburg-Asheville.
Jasper	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
	WMAZ	13	Macon.
Jeff Davis	WALB	10	Albany, Ga.
	WJXT	4	Jacksonville, Fla.
	WSAV	3	Savannah.
	WTOC	11	Do.
Jefferson	WJBF	6	Augusta.
	WRDW	12	Do.
Jenkins	WJBF	6	Do.
	WRDW	12	Do.
Johnson	WMAZ	13	Macon.
	WJBF	6	Augusta.
	WRDW	12	Do.
Jones	WMAZ	13	Macon.
	WCWB	41	Do.
	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
Lamar	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WMAZ	13	Macon.
Lanier	WALB	10	Albany, Ga.
	WCTV	6	Tallahassee.
Laurens	WMAZ	13	Macon.
	WCWB	41	Do.
Lee	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WALB	10	Albany, Ga.
Liberty	WSAV	3	Savannah.
	WTOC	11	Do.
	WJCL	22	Do.
Lincoln	WJBF	6	Augusta.
	WRDW	12	Do.
	WFBC	4	Greenville-Spartanburg-Asheville.
Long	WSAV	3	Savannah.
	WTOC	11	Do.
	WJCL	22	Do.
Lowndes	WCTV	6	Tallahassee.
	WALB	10	Albany, Ga.
Lumpkin	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
McDuffie	WJBF	6	Augusta.
	WRDW	12	Do.
McIntosh	WSAV	3	Savannah.
	WTOC	11	Do.
	WJXT	4	Jacksonville, Fla.
Macon	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WALB	10	Albany, Ga.
	WMAZ	13	Macon.
Madison	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
Marion	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Meriwether	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
GEORGIA—continued			
Miller	WTVY	4	Dothan.
	WALB	10	Albany, Ga.
	WCTV	6	Tallahassee.
Mitchell	WALB	10	Albany, Ga.
	WCTV	6	Tallahassee.
Monroe	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WMAZ	13	Macon.
Montgomery	WMAZ	13	Do.
	WJBF	6	Augusta.
	WSAV	3	Savannah.
	WTOC	11	Do.
Morgan	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
Murray	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
	WSB	2	Atlanta.
Muscogee	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WYEA	38	Do.
Newton	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WATL	36	Do.
Oconee	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
Oglethorpe	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
	WJBF	6	Augusta.
	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
Paulding	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WATL	36	Do.
Peach	WMAZ	13	Macon.
	WCWB	41	Do.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Pickens	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Pierce	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
Pike	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Polk	WSB	2	Do.
	WAGA	5	Do.
	WQXI	11	Do.
Pulaski	WMAZ	13	Macon.
	WRBL	3	Columbus, Ga.
Putnam	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WMAZ	13	Macon.
Quitman	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WSFA	12	Montgomery.
Rabun	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
Randolph	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WALB	10	Albany, Ga.
	WTVY	4	Dothan.
Richmond	WJBF	6	Augusta.
	WRDW	12	Do.
	WATU	26	Do.
Rockdale	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Schley	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WALB	10	Albany, Ga.
Screven	WJBF	6	Augusta.
	WRDW	12	Do.
	WSAV	3	Savannah.
	WTOC	11	Do.
Seminole	WTVY	4	Dothan.
	WALB	10	Albany, Ga.
	WCTV	6	Tallahassee.
Spalding	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WATL	36	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
GEORGIA—continued			
Stephens	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
Stewart	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Sumter	WRBL	3	Do.
	WTVM	9	Do.
	WALB	10	Albany, Ga.
Talbot	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WSB	2	Atlanta.
	WAGA	5	Do.
Taliaferro	WJBF	6	Augusta.
	WRDW	12	Do.
	WAGA	5	Atlanta
Tattnall	WSAV	3	Savannah.
	WTOC	11	Do.
Taylor	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WMAZ	13	Macon.
Telfair	WALB	10	Albany, Ga.
	WMAZ	13	Macon.
Terrell	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WALB	10	Albany, Ga.
Thomas	WCTV	6	Tallahassee.
	WALB	10	Albany, Ga.
Tift	WALB	10	Do.
	WCTV	6	Tallahassee.
Toombs	WSAV	3	Savannah.
	WTOC	11	Do.
	WJCL	22	Do.
	WJBF	6	Augusta.
	WRDW	12	Do.
Towns	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WRCB	3	Chattanooga.
Treutlen	WMAZ	13	Macon.
	WJBF	6	Augusta.
	WRDW	12	Do.
Troup	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Turner	WALB	10	Albany, Ga.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WCTV	6	Tallahassee.
Twiggs	WMAZ	13	Macon.
	WCWB	41	Do.
Union	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WRCB	3	Chattanooga.
Upson	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
	WMAZ	13	Macon.
Walker	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Walton	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
	WTCG	17	Do.
	WATL	36	Do.
Ware	WJXT	4	Jacksonville, Fla.
	WFGA	12	Do.
Warren	WJBF	6	Augusta.
	WRDW	12	Do.
	WATU	26	Do.
Washington	WJBF	6	Do.
	WRDW	12	Do.
	WMAZ	13	Macon.
Wayne	WSAV	3	Savannah.
	WTOC	11	Do.
	WJCL	22	Do.
	WJXT	4	Jacksonville, Fla.
Webster	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Wheller	WMAZ	13	Macon.
	WJBF	6	Augusta.
White	WSB	2	Atlanta.
	WAGA	5	Do.
	WQXI	11	Do.
Whitfield	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Wilcox	WSB	2	Atlanta.
	WAGA	5	Do.
	WMAZ	13	Macon.
	WALB	10	Albany, Ga.
	WRBL	3	Columbus, Ga.
	WTVM	9	Do.
Wilkes	WJBF	6	Augusta.
	WRDW	12	Do.
	WFBC	4	Greenville-Spartanburg-Asheville.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
GEORGIA—continued			
Wilkinson	WMAZ	13	Macon.
	WCWB	41	Do.
Worth	WALB	10	Albany, Ga.
	WTVM	9	Columbus, Ga.
	WCTV	6	Tallahassee.
	WRBL	3	Columbus.
HAWAII			
Hawaii 1	KHON	2	Honolulu.
	KHVH	4	Do.
	KGMB	9	Do.
Hawaii 2	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
Hawaii 3	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
Hawaii 4	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
Hawaii 5	KHVH	4	Do.
Honolulu 1	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
Honolulu 2	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
	KIKU	13	Do.
Honolulu 3	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
Honolulu 4	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
	KIKU	13	Do.
Kauai	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
Maui 1	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
	KIKU	13	Do.
Maui 2	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
Maui 3	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.
Maui 4	KHON	2	Do.
	KHVH	4	Do.
	KGMB	9	Do.

Census county divisions in split counties:
Hawaii 1: North Kona, South Kona.
Hawaii 2: Keaau-Mountain View, Pahoa-Kalapana.
Hawaii 3: Hilo, North Hilo, Papaikou-Wailea.
Hawaii 4: Honokaa-Kukuihaele, North Hohala, Paauhau-Paauilo, South Kohala.
Hawaii 5: Kau.
Honolulu 1: Koolaupoko.
Honolulu 2: Koolauloa, Waialua, Wahiawa.
Honolulu 3: Waianae.
Honolulu 4: Ewa, Honolulu.
Maui 1: Lahaina, Lanai City.
Maui 2: Kahaului, Kihei, Puunene, Spreckiesville Wailuee-Waikapu, Wailuku.
Maui 3: Haiku-Pauwela, Hana, Kula, Makawao-Pala.
Maui 4: East Molokai, West Molokai, Kalawao.

IDAHO			
Ada	KBOI	2	Boise.
	KTVB	7	Do.
Adams	KBOI	2	Do.
	KTVB	7	Do.
Bannock	KID	3	Idaho Falls-Pocatello.
	KTLE	6	Do.
	KIFI	8	Do.
Bear Lake	KUTV	2	Salt Lake City.
	KCPX	4	Do.
	KSL	5	Do.
Benewah	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Bingham	KID	3	Idaho Falls-Pocatello.
	KIFI	8	Do.
Blaine	KMVT	11	Twin Falls.
	KID	3	Idaho Falls-Pocatello.
Boise	KBOI	2	Boise.
	KTVB	7	Do.
Bonner	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
IDAHO—continued			
Bonneville	KID	3	Idaho Falls-Pocatello.
	KIFI	8	Do.
Boundary	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Butte	KID	3	Idaho Falls-Pocatello.
	KIFI	8	Do.
Camas	KMVT	11	Twin Falls.
Canyon	KBOI	2	Boise.
	KTVB	7	Do.
Caribou	KUTV	2	Salt Lake City.
	KCPX	4	Do.
	KSL	5	Do.
	KID	3	Idaho Falls-Pocatello.
	KIFI	8	Do.
Cassia	KMVT	11	Twin Falls.
	KID	3	Idaho Falls-Pocatello.
	KTLE	6	Do.
	KIFI	8	Do.
Clark	KID	3	Do.
	KIFI	8	Do.
Clearwater	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
	KLEW	3	Yakima.
Custer	KID	3	Idaho Falls-Pocatello.
	KIFI	8	Do.
Elmore	KBOI	2	Boise.
	KTVB	7	Do.
Franklin	KUTV	2	Salt Lake City.
	KCPX	4	Do.
	KSL	5	Do.
Fremont	KID	3	Idaho Falls-Pocatello.
	KIFI	8	Do.
Gem	KBOI	2	Boise.
	KTVB	7	Do.
Gooding	KMVT	11	Twin Falls.
	KBOI	2	Boise.
	KTVB	7	Do.
Idaho	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
	KLEW	3	Yakima.
Jefferson	KID	3	Idaho Falls-Pocatello.
	KIFI	8	Do.
Jerome	KMVT	11	Twin Falls.
Kootenai	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Latah	KREM	2	Do.
	KXLY	4	Do.
	KHQ	6	Do.
	KLEW	3	Yakima.
Lemhi	KID	3	Idaho Falls-Pocatello.
	KGVO	12	Missoula.
Lewis	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Lincoln	KMVT	11	Twin Falls.
Madison	KID	3	Idaho Falls-Pocatello.
	KIFI	8	Do.
Minidoka	KMVT	11	Twin Falls.
	KID	3	Idaho Falls-Pocatello.
	KIFI	8	Do.
Nez Perce	KLEW	3	Yakima.
	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Oneida	KUTV	2	Salt Lake City.
	KCPX	4	Do.
	KSL	5	Do.
Owyhee	KBOI	2	Boise.
	KTVB	7	Do.
Payette	KBOI	2	Do.
	KTVB	7	Do.
Power	KID	3	Idaho Falls-Pocatello.
	KTLE	6	Do.
	KIFI	8	Do.
Shoshone	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Teton	KID	3	Idaho Falls-Pocatello.
	KIFI	8	Do.
Twin Falls	KMVT	11	Twin Falls.
	KTVB	7	Boise.
Valley	KBOI	2	Do.
	KTVB	7	Do.
Washington	KBOI	2	Do.
	KTVB	7	Do.

ILLINOIS			
Adams	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WJJY	14	Jacksonville, Ill.

V37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
ILLINOIS—continued			
Alexander	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Bond	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
Boone	WREX	13	Rockford.
	WTVO	17	Do.
	WCEE	23	Do.
	WGN	9	Chicago.
Brown	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WJJY	14	Jacksonville, Ill.
Bureau	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
	WGN	9	Chicago.
Calhoun	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
Carroll	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
	WREX	13	Rockford.
Cass	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WJJY	14	Jacksonville, Ill.
	WMBD	31	Peoria.
	WICS	20	Springfield-Decatur-Champaign
	WIRL	19	Peoria.
Champaign	WCIA	3	Springfield-Decatur-Champaign.
	WICD	15	Do.
	WAND	17	Do.
Christian	WCIA	3	Do.
	WAND	17	Do.
	WICS	20	Do.
Clark	WTWO	2	Terre Haute.
	WTHI	10	Do.
	WTTV	4	Indianapolis.
Clay	WTWO	2	Terre Haute.
	WTHI	10	Do.
	WTVW	7	Evansville.
	KMOX	4	St. Louis.
Clinton	KTVI	2	Do.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
Coles	WCIA	3	Springfield-Decatur-Champaign.
	WICD	15	Do.
	WAND	17	Do.
	WTWO	2	Terre Haute.
	WTHI	10	Do.
Cook	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WFLD	32	Do.
Crawford	WTWO	2	Terre Haute.
	WTHI	10	Do.
Cumberland	WTWO	2	Do.
	WTHI	10	Do.
	WCIA	3	Springfield-Decatur-Champaign.
	WICD	15	Do.
	WAND	17	Do.
De Kalb	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WREX	13	Rockford.
	WTVO	17	Do.
	WCEE	23	Do.
De Witt	WCIA	3	Springfield-Decatur-Champaign.
	WAND	17	Do.
	WICS	20	Do.
	WEEK	25	Peoria.
Douglas	WCIA	3	Springfield-Decatur-Champaign.
	WICD	15	Do.
	WAND	17	Do.
Dupage	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WFLD	32	Do.
Edgar	WTWO	2	Terre Haute.
	WTHI	10	Do.
	WTTV	4	Indianapolis.
	WCIA	3	Springfield-Decatur-Champaign.
Edwards	WTVW	7	Evansville.
	WFIE	14	Do.
	WEHT	25	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
ILLINOIS—continued			
Effingham	WCIA	3	Springfield-Decatur-Champaign.
	WTWO	2	Terre Haute.
	WTHI	10	Do.
Fayette	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
Ford	WCIA	3	Springfield-Decatur-Champaign.
	WICD	15	Do.
	WAND	17	Do.
Franklin	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Fulton	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
Gallatin	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
	WTVW	7	Evansville.
	WFIE	14	Do.
	WEHT	25	Do.
Greene	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
Grundy	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WFLD	32	Do.
Hamilton	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
	WTVW	7	Evansville.
Hancock	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WJJY	14	Jacksonville, Ill.
Hardin	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Henderson	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
Henry	WIBF	4	Do.
	WOC	6	Do.
	WQAD	8	Do.
Iroquois	WCIA	3	Springfield-Decatur-Champaign.
	WICD	15	Do.
	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WFLD	32	Do.
Jackson	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
	KPLR	11	St. Louis.
Jasper	WTWO	2	Terre Haute.
	WTHI	10	Do.
Jefferson	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Jersey	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Jo Daviess	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
	WISC	3	Madison.
	WREX	13	Rockford.
	WTVO	17	Do.
Johnson	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Kane	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WFLD	32	Do.
Kankakee	WBBM	2	Do.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WFLD	32	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
ILLINOIS—continued			
Kendall	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WFLD	32	Do.
Knox	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
Lake	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WFLD	32	Do.
La Salle	WBBM	2	Do.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WIBF	4	Davenport-Rock Island (Quad City).
	WEEK	25	Peoria.
Lawrence	WTWO	2	Terre Haute.
	WTHI	10	Do.
	WTVW	7	Evansville.
Lee	WHBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
	WGN	9	Chicago.
	WREX	13	Rockford.
	WTVO	17	Do.
	WCEE	23	Do.
Livingston	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
	WCIA	3	Springfield-Decatur-Champaign.
Logan	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
	WCIA	3	Springfield-Decatur-Champaign.
	WAND	17	Do.
	WICS	20	Do.
McDonough	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
McHenry	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WFLD	32	Do.
McLean	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
	WCIA	3	Springfield-Decatur-Champaign.
	WAND	17	Do.
Macon	WCIA	3	Do.
	WAND	17	Do.
	WICS	20	Do.
Macoupin	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Madison	KTVI	2	Do.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Marion	KTVI	2	Do.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
Marshall	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
Mason	WIRL	19	Do.
	WEEK	25	Do.
	WMBD	31	Do.
Massac	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Menard	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
	WAND	17	Springfield-Decatur-Champaign.
	WICS	20	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
ILLINOIS—continued			
Mercer	WHBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
Monroe	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
	WICS	20	Springfield-Decatur-Champaign.
Morgan	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WJJY	14	Jacksonville, Ill.
	KTVI	2	St. Louis.
	KPLR	11	Do.
	WICS	20	Springfield-Decatur-Champaign.
Moultrie	WCIA	3	Do.
	WICD	15	Do.
	WAND	17	Do.
	WICS	20	Do.
Ogle	WREX	13	Rockford.
	WTVO	17	Do.
	WCEE	23	Do.
Peoria	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
Perry	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	KFVS	11	Do.
Piatt	WCIA	3	Springfield-Decatur-Champaign.
	WICD	15	Do.
	WAND	17	Do.
	WICS	20	Do.
Pike	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WJJY	14	Jacksonville, Ill.
	KTVI	2	St. Louis.
	KSD	5	Do.
	KPLR	11	Do.
Pope	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Pulaski	WSIL	3	Do.
	WPSD	6	Do.
	KFVS	12	Do.
Putnam	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
Randolph	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Richland	WTWO	2	Terre Haute.
	WTHI	10	Do.
	WTVW	7	Evansville.
Rock Island	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
St. Clair	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Saline	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Sangamon	WCIA	3	Springfield-Decatur-Champaign.
	WAND	17	Do.
	WICS	20	Do.
Schuyler	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WJJY	14	Jacksonville, Ill.
Scott	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WJJY	14	Jacksonville, Ill.
	KTVI	2	St. Louis.
	KSD	5	Do.
	KPLR	11	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
ILLINOIS—continued			
Shelby	WCIA	3	Springfield-Decatur-Champaign.
	WAND	17	Do.
	WICS	20	Do.
Stark	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
Stephenson	WREX	13	Rockford.
	WTVO	17	Do.
	WCEE	23	Do.
	WISC	3	Madison.
Tazewell	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.
Union	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Vermilion	WCIA	3	Springfield-Decatur-Champaign.
	WICD	15	Do.
	WAND	17	Do.
Wabash	WTWO	2	Terre Haute.
	WTVW	7	Evansville.
	WFIE	14	Do.
	WEHT	25	Do.
Warren	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
Washington	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Wayne	WTVW	7	Evansville.
	WFIE	14	Do.
	WEHT	25	Do.
	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
White	WTVW	7	Evansville.
	WFIE	14	Do.
	WEHT	25	Do.
	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
Whiteside	WIBF	4	Davenport-Rock Island (Quad City).
	WOC	6	Do.
	WQAD	8	Do.
Will	WBBM	2	Chicago.
	WMAQ	5	Do.
	WLS	7	Do.
	WGN	9	Do.
	WFLD	32	Do.
Williamson	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Winnebago	WREX	13	Rockford.
	WTVO	17	Do.
	WCEE	23	Do.
Woodford	WIRL	19	Peoria.
	WEEK	25	Do.
	WMBD	31	Do.

INDIANA

County	Call letters, channel number, and market name		
Adams	WANE	15	Fort Wayne.
	WPTA	21	Do.
	WKJG	33	Do.
Allen	WANE	15	Do.
	WPTA	21	Do.
	WKJG	33	Do.
Bartholomew	WTTV	4	Indianapolis.
	WFBM	6	Do.
	WISH	8	Do.
	WLWI	13	Do.
Benton	WTTV	4	Do.
	WFBM	6	Do.
	WLWI	13	Do.
	WGN	9	Chicago.
	WLFI	18	Lafayette, Ind.
	WCIA	3	Springfield-Decatur-Champaign.
	WICD	15	Do.
Blackford	WTTV	4	Indianapolis.
	WFBM	6	Do.
	WISH	8	Do.
	WLWI	13	Do.
	WANE	15	Fort Wayne.
	WPTA	21	Do.
	WKJG	33	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
INDIANA—continued			
Boone	WTTV	4	Indianapolis.
	WFBM	6	Do.
	WISH	8	Do.
	WLWI	13	Do.
Brown	WTTV	4	Do.
	WFBM	6	Do.
	WISH	8	Do.
	WLWI	13	Do.
Carroll	WTTV	4	Do.
	WFBM	6	Do.
	WISH	8	Do.
	WLWI	13	Do.
Cass	WFBM	6	Indianapolis.
	WISH	8	Do.
	WLWI	13	Do.
	WLFI	18	Lafayette, Ind.
Clark	WAVE	3	Louisville.
	WHAS	11	Do.
	WLKY	32	Do.
Clay	WTWO	2	Terre Haute.
	WTHI	10	Do.
	WTTV	4	Indianapolis.
	WFBM	6	Do.
	WISH	8	Do.
	WLWI	13	Do.
Clinton	WTTV	4	Do.
	WFBM	6	Do.
	WISH	8	Do.
	WLWI	13	Do.
Crawford	WAVE	3	Louisville.
	WHAS	11	Do.
	WLKY	32	Do.
	WTVW	7	Evansville.
Daviess	WTWO	2	Terre Haute.
	WTHI	10	Do.
	WTVW	7	Evansville.
	WTTV	4	Indianapolis.
Dearborn	WLWT	5	Cincinnati.
	WCPO	9	Do.
	WKRC	12	Do.
	WXIX	19	Do.
Decatur	WTTV	4	Indianapolis.
	WFBM	6	Do.
	WISH	8	Do.
	WLWI	13	Do.
De Kalb	WANE	15	Fort Wayne.
	WPTA	21	Do.
	WKJG	33	Do.
Delaware	WTTV	4	Indianapolis.
	WFBM	6	Do.
	WISH	8	Do.
	WLWI	13	Do.
Dubois	WTVW	7	Evansville.
	WFIE	14	Do.
	WEHT	25	Do.
	WTTV	4	Indianapolis.
	WAVE	3	Louisville.
	WHAS	11	Do.
	WTWO	2	Terre Haute.
	WTHI	10	Do.
Elkhart	WNDU	16	South Bend-Elkhart.
	WSBT	22	Do.
	WSJV	28	Do.
Fayette	WLWT	5	Cincinnati.
	WCPO	9	Do.
	WKRC	12	Do.
	WHIO	7	Dayton.
	WTTV	4	Indianapolis.
	WFBM	6	Do.
	WISH	8	Do.
Floyd	WAVE	3	Louisville.
	WHAS	11	Do.
	WLKY	32	Do.
Fountain	WTTV	4	Indianapolis.
	WFBM	6	Do.
	WLWI	13	Do.
	WCIA	3	Springfield-Decatur-Champaign.
	WTWO	2	Terre Haute.
	WTHI	10	Do.
Franklin	WLWT	5	Cincinnati.
	WCPO	9	Do.
	WKRC	12	Do.
	WTTV	4	Indianapolis.
Fulton	WNDU	16	South Bend-Elkhart.
	WSBT	22	Do.
	WSJV	28	Do.
Gibson	WTVW	7	Evansville.
	WFIE	14	Do.
	WEHT	25	Do.
Grant	WTTV	4	Indianapolis.
	WFBM	6	Do.
	WISH	8	Do.
	WLWI	13	Do.
Greene	WTWO	2	Terre Haute.
	WTHI	10	Do.
	WTVW	7	Evansville.
	WTTV	4	Indianapolis.
	WFBM	6	Do.
	WLWI	13	Do.

V37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
INDIANA—continued	
Hamilton	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Hancock	WTTV 4 Do.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Harrison	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Hendricks	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Henry	WTTV 4 Do.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Howard	WTTV 4 Do.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Huntington	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
Jackson	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Jasper	WBBM 2 Chicago.
	WMAQ 5 Do.
	WLS 7 Do.
	WGN 9 Do.
Jay	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
Jefferson	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WTTV 4 Indianapolis.
Jennings	WTTV 4 Do.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Johnson	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Knox	WTWO 2 Terre Haute.
	WTHI 10 Do.
	WTVW 7 Evansville.
Kosciusko	WNDU 16 South Bend-Elkhart.
	WSBT 22 Do.
	WSJV 28 Do.
Lagrange	WNDU 16 Do.
	WSBT 22 Do.
	WSJV 28 Do.
	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
Lake	WBBM 2 Chicago.
	WMAQ 5 Do.
	WLS 7 Do.
	WGN 9 Do.
	WFLD 32 Do.
La Porte	WBBM 2 Do.
	WMAQ 5 Do.
	WLS 7 Do.
	WGN 9 Do.
	WFLD 32 Do.
	WNDU 16 South Bend-Elkhart.
	WSBT 22 Do.
Lawrence	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WAVE 3 Louisville
	WHAS 11 Do.
	WTWO 2 Terre Haute.
	WTHI 10 Do.
Madison	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Marion	WTTV 4 Do.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
INDIANA—continued	
Marshall	WNDU 16 South Bend-Elkhart.
	WSBT 22 Do.
	WSJV 28 Do.
	WGN 9 Chicago.
Martin	WTWO 2 Terre Haute.
	WTHI 10 Do.
	WTVW 7 Evansville.
	WTTV 4 Indianapolis.
	WAVE 3 Louisville.
Miami	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
	WGN 9 Chicago.
	WFLD 32 Do.
	WPTA 21 Fort Wayne.
	WKJG 33 Do.
	WNDU 16 South Bend-Elkhart.
	WSBT 22 Do.
Monroe	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
	WTWO 2 Terre Haute.
	WTHI 10 Do.
Montgomery	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Morgan	WTTV 4 Do.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Newton	WBBM 2 Chicago.
	WMAQ 5 Do.
	WLS 7 Do.
	WGN 9 Do.
	WFLD 32 Do.
	WLFI 18 Lafayette, Ind.
Noble	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
	WNDU 16 South Bend-Elkhart.
	WSBT 22 Do.
	WSJV 28 Do.
Ohio	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Orange	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WTTV 4 Indianapolis.
Owen	WTTV 4 Do.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
	WTWO 2 Terre Haute.
	WTHI 10 Do.
Parke	WTWO 2 Do.
	WTHI 10 Do.
	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WLWI 13 Do.
Perry	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
	WAVE 3 Louisville.
	WHAS 11 Do.
Pike	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
	WTTV 4 Indianapolis.
	WTWO 2 Terre Haute.
	WTHI 10 Do.
Porter	WBBM 2 Chicago.
	WMAQ 5 Do.
	WLS 7 Do.
	WGN 9 Do.
	WFLD 32 Do.
Posey	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
	WNDU 16 South Bend-Elkhart.
Pulaski	WSBT 22 Do.
	WSJV 28 Do.
	WBBM 2 Chicago.
	WMAQ 5 Do.
	WLS 7 Do.
	WGN 9 Do.
Putnam	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
	WTWO 2 Terre Haute.
	WTHI 10 Do.
Randolph	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
	WLWD 2 Dayton.
	WHIO 7 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
INDIANA—continued	
Ripley	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
	WTTV 4 Indianapolis.
Rush	WTTV 4 Do.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
St. Joseph	WNDU 16 South Bend-Elkhart.
	WSBT 22 Do.
	WSJV 28 Do.
	WGN 9 Chicago.
Scott	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WTTV 4 Indianapolis.
Shelby	WTTV 4 Do.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Spencer	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
Starke	WNDU 16 South Bend-Elkhart.
	WSBT 22 Do.
	WSJV 28 Do.
	WBBM 2 Chicago.
	WMAQ 5 Do.
	WLS 7 Do.
	WGN 9 Do.
Steuben	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
	WKZO 3 Grand Rapids-Kalamazoo.
Sullivan	WTWO 2 Terre Haute.
	WTHI 10 Do.
	WTTV 4 Indianapolis.
Switzerland	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Tippecanoe	WLFI 18 Lafayette, Ind.
	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Tipton	WTTV 4 Do.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
Union	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
	WHIO 7 Dayton.
	WKTR 16 Do.
	WTTV 4 Indianapolis.
Vanderburgh	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
Vermillion	WTWO 2 Terre Haute.
	WTHI 10 Do.
	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WLWI 13 Do.
	WCIA 3 Springfield-Decatur-Champaign.
Vigo	WTWO 2 Terre Haute.
	WTHI 10 Do.
	WTTV 4 Indianapolis.
Wabash	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
Warren	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WLWI 13 Do.
	WCIA 3 Springfield-Decatur-Champaign.
	WICD 15 Do.
	WTHI 10 Terre Haute.
Warrick	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
Washington	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WTTV 4 Indianapolis.
Wayne	WLWD 2 Dayton.
	WHIO 7 Do.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
INDIANA—continued	
Wells	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
White	WTTV 4 Indianapolis.
	WFBM 6 Do.
	WISH 8 Do.
	WLWI 13 Do.
	WGN 9 Chicago.
	WLFI 18 Lafayette, Ind.
Whitley	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
IOWA	
Adair	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Adams	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.
Allamakee	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	WKRT 8 La Crosse-Eau Claire.
	KROC 10 Rochester-Mason City-Austin.
Appanoose	KTVO 3 Ottumwa-Kirksville.
	KRNT 8 Des Moines.
	WHO 13 Do.
Audubon	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.
Benton	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Black Hawk	WMT 2 Do.
	KWWL 7 Do.
	KCRG 9 Do.
Boone	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Bremer	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Buchanan	WMT 2 Do.
	KWWL 7 Do.
	KCRG 9 Do.
Buena Vista	KTIV 4 Sioux City.
	KCAU 9 Do.
	KMEG 14 Do.
Butler	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	KGLO 3 Rochester-Mason City-Austin.
Calhoun	WOI 5 Des Moines.
	KRNT 8 Do.
	KVFD 21 Fort Dodge.
	KTIV 4 Sioux City.
	KCAU 9 Do.
Carroll	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Cass	WOW 6 Omaha.
	KMTV 3 Do.
	WOW 6 Do.
	KETV 7 Do.
Cedar	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	WHBF 4 Davenport-Rock Island (Quad City).
	WOC 6 Do.
	WQAD 8 Do.
Cerro Gordo	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
Cherokee	KTIV 4 Sioux City.
	KCAU 9 Do.
	KMEG 14 Do.
	KELO 11 Sioux Falls-Mitchell.
	KSOO 13 Do.
Chickasaw	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	KGLO 3 Rochester-Mason City-Austin.
	KROC 10 Do.
Clarke	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
IOWA—continued	
Clay	KTIV 4 Sioux City.
	KCAU 9 Do.
	KELO 11 Sioux Falls-Mitchell.
	KSOO 13 Do.
Clayton	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Clinton	WHBF 4 Davenport-Rock Island (Quad City).
	WOC 6 Do.
	WQAD 8 Do.
Crawford	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.
Dallas	KTIV 4 Sioux City.
	KCAU 9 Do.
	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Davis	KTVO 3 Ottumwa-Kirksville.
	KRNT 8 Des Moines.
	WHO 13 Do.
	KHQA 7 Quincy-Hannibal.
	WQEM 10 Do.
Decatur	KRNT 8 Des Moines.
	WHO 13 Do.
	KTVO 3 Ottumwa-Kirksville.
Delaware	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Des Moines	WHBF 4 Davenport-Rock Island (Quad City).
	WOC 6 Do.
	WQAD 8 Do.
Dickinson	KTIV 4 Sioux City.
	KCAU 9 Do.
	KEYC 12 Mankato.
	KELO 11 Sioux Falls-Mitchell.
	KSOO 13 Do.
Dubuque	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	KDUB 40 Dubuque, Ia.
Emmet	KEYC 12 Mankato.
	KAUS 6 Rochester-Mason City-Austin.
	KCAU 9 Sioux City.
Fayette	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Floyd	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
	WMT 2 Cedar Rapids-Waterloo.
Franklin	KWWL 7 Do.
	KCRG 9 Do.
	KGLO 3 Rochester-Mason City-Austin.
	KROC 10 Do.
	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Fremont	WOI 5 Des Moines.
	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.
Greene	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Grundy	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Guthrie	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Hamilton	WOI 5 Do.
	KRNT 8 Do.
	WHO 13 Do.
Hancock	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
Hardin	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Harrison	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
IOWA—continued	
Henry	WHBF 4 Davenport-Rock Island (Quad City).
	WOC 6 Do.
	WQAD 8 Do.
	KTVO 3 Ottumwa-Kirksville.
Howard	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
	KWWL 7 Cedar Rapids-Waterloo.
	KCRG 9 Do.
Humboldt	WOI 5 Des Moines.
	KRNT 8 Do.
	KVFD 21 Ft. Dodge.
Ida	KTIV 4 Sioux City.
	KCAU 9 Do.
	KMEG 14 Do.
Iowa	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Jackson	WHBF 4 Davenport-Rock Island (Quad City).
	WOC 6 Do.
	WQAD 8 Do.
	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Jasper	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Jefferson	KTVO 3 Ottumwa-Kirksville.
	WMT 2 Cedar Rapids-Waterloo.
	KCRG 9 Do.
	WOC 6 Davenport-Rock Island (Quad City).
	KHQA 7 Quincy-Hannibal.
Johnson	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	WHBF 4 Davenport-Rock Island (Quad City).
	WOC 6 Do.
Jones	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Keokuk	WMT 2 Do.
	KWWL 7 Do.
	KCRG 9 Do.
	WHO 13 Des Moines.
Kossuth	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KVFD 21 Ft. Dodge.
	KEYC 12 Mankato.
Lee	KHQA 7 Quincy-Hannibal.
	WQEM 10 Do.
	KTVO 3 Ottumwa-Kirksville.
Linn	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Louisa	WHBF 4 Davenport-Rock Island (Quad City).
	WOC 6 Do.
	WQAD 8 Do.
Lucas	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Lyon	KELO 11 Sioux Falls-Mitchell.
	KSOO 13 Do.
	KTIV 4 Sioux City.
	KCAU 9 Do.
Madison	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Mahaska	KRNT 8 Do.
	WHO 13 Do.
	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	KTVO 3 Ottumwa-Kirksville.
Marion	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Marshall	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Mills	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.

V37-130 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
IOWA—continued	
Mitchell	KGLO 3 Rochester-Mason City Austin.
	KAUS 6 Do.
	KROC 10 Do.
Monona	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.
	KTIV 4 Sioux City.
	KCAU 9 Do.
Monroe	KRNT 8 Des Moines.
	WHO 13 Do.
	KTVO 3 Ottumwa-Kirksville.
Montgomery	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.
Muscatine	WHBF 4 Davenport-Rock Island (Quad City).
	WOC 6 Do.
	WQAD 8 Do.
O'Brien	KTIV 4 Sioux City.
	KCAU 9 Do.
	KELO 11 Sioux Falls-Mitchell.
Osceola	KSOO 13 Do.
	KELO 11 Do.
	KSOO 13 Do.
	KTIV 4 Sioux City.
Page	KCAU 9 Do.
	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.
Palo Alto	KTIV 4 Sioux City.
	KCAU 9 Do.
	KVFD 21 Ft. Dodge.
	KEYC 12 Mankato.
Plymouth	KTIV 4 Sioux City.
	KCAU 9 Do.
	KMEG 14 Do.
	KELO 11 Sioux Falls-Mitchell.
Pocahontas	KTIV 4 Sioux City.
	KCAU 9 Do.
	KRNT 8 Des Moines.
	KVFD 21 Ft. Dodge.
Polk	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Pottawattamie	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.
Poweshiek	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Ringgold	WOI 5 Do.
	KRNT 8 Do.
	WHO 13 Do.
	WOW 6 Omaha.
	KQTV 2 St. Joseph.
Sac	KTIV 4 Sioux City.
	KCAU 9 Do.
	WOW 6 Omaha.
Scott	WHBF 4 Davenport-Rock Island (Quad City).
	WOC 6 Do.
	WQAD 8 Do.
Shelby	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.
Sioux	KTIV 4 Sioux City.
	KCAU 9 Do.
	KMEG 14 Do.
	KELO 11 Sioux Falls-Mitchell.
	KSOO 13 Do.
Story	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Tama	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	WHO 13 Des Moines.
Taylor	KMTV 3 Omaha.
	WOW 6 Do.
	KETV 7 Do.
Union	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
	KETV 7 Omaha.
Van Buren	KTVO 3 Ottumwa-Kirksville.
	KHQA 7 Quincy-Hannibal.
	WQEM 10 Do.
Wapello	KRNT 8 Des Moines.
	WHO 13 Do.
	KTVO 3 Ottumwa-Kirksville.
Warren	WOI 5 Des Moines.
	KRNT 8 Do.
	WHO 13 Do.
Washington	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
IOWA—continued	
	WHBF 4 Davenport-Rock Island (Quad City).
	WOC 6 Do.
Wayne	KRNT 8 Des Moines.
	WHO 13 Do.
	KTVO 3 Ottumwa-Kirksville.
Webster	WOI 5 Des Moines.
	KRNT 8 Do.
	KVFD 21 Fort Dodge.
Winnebago	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
	KEYC 12 Mankato.
Winneshiek	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	WKBT 8 La Crosse-Eau Claire.
	KGLO 3 Rochester-Mason City-Austin.
	KROC 10 Do.
Woodbury	KTIV 4 Sioux City.
	KCAU 9 Do.
	KMEG 14 Do.
Worth	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
Wright	WOI 5 Des Moines.
	KRNT 8 Do.
	KVFD 21 Fort Dodge.
	KGLO 3 Rochester-Mason City-Austin.
KANSAS	
Allen	KOAM 7 Joplin-Pittsburg.
	KODE 12 Do.
Anderson	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	WIBW 13 Topeka.
Atchison	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	KQTV 2 St. Joseph.
	KTSB 27 Topeka.
Barber	KARD 3 Wichita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
	KTEN 10 Ardmore-Ada.
Barton	KCKT 2 Wichita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
Bourbon	KOAM 7 Joplin-Pittsburg.
	KODE 12 Do.
	KCMO 5 Kansas City.
Brown	WDAF 4 Do.
	KCMO 5 Do.
	KMBC 9 Do.
	KQTV 2 St. Joseph.
	WIBW 13 Topeka.
Butler	KARD 3 Wichita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
Chase	KARD 3 Do.
	KAKE 10 Do.
	KTVH 12 Do.
	WIBW 13 Topeka.
Chautauqua	KTEW 2 Tulsa.
	KOTV 6 Do.
	KTUL 8 Do.
Cherokee	KOAM 7 Joplin-Pittsburg.
	KODE 12 Do.
	KUHI 16 Do.
Cheyenne	KAYS 7 Wichita-Hutchinson.
	KOMC 8 Do.
	KHOL 13 Lincoln-Hastings-Kearney.
Clark	KTVC 6 Wichita-Hutchinson.
	KGLD 11 Do.
	KUPK 13 Do.
Clay	WIBW 13 Topeka.
	KHTL 4 Lincoln-Hastings-Kearney.
Cloud	KHTL 4 Lincoln-Hastings-Kearney.
	KOLN 10 Do.
	WIBW 13 Topeka.
	KTVH 12 Wichita-Hutchinson.
Coffey	WIBW 13 Topeka.
	KOAM 7 Joplin-Pittsburg.
	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
Comanche	KTVC 6 Wichita-Hutchinson.
	KUPK 13 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
KANSAS—continued	
Cowley	KARD 3 Wichita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
Crawford	KOAM 7 Joplin-Pittsburg.
	KODE 12 Do.
	KUHI 16 Do.
Decatur	KOMC 8 Wichita-Hutchinson.
	KHOL 13 Lincoln-Hastings-Kearney.
Dickinson	KARD 3 Wichita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
	WIBW 13 Topeka.
Doniphan	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	KQTV 2 St. Joseph.
Douglas	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	WIBW 13 Topeka.
Edwards	KCKT 2 Wichita-Hutchinson.
	KTVC 6 Do.
	KAYS 7 Do.
	KTVH 12 Do.
Elk	KTEW 2 Tulsa.
	KOTV 6 Do.
	KTUL 8 Do.
	KOAM 7 Joplin-Pittsburg.
	KARD 3 Wichita-Hutchinson.
	KAKE 10 Do.
Ellis	KCKT 2 Do.
	KAYS 7 Do.
Ellsworth	KCKT 2 Do.
	KAKE 10 Do.
	KTVH 12 Do.
Finney	KTVC 6 Do.
	KGLD 11 Do.
	KUPK 13 Do.
Ford	KTVC 6 Wichita-Hutchinson.
	KGLD 11 Do.
	KUPK 13 Do.
Franklin	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	WIBW 13 Topeka.
Geary	WIBW 13 Do.
	KAKE 10 Wichita-Hutchinson.
Gove	KAYS 7 Do.
	KOMC 8 Do.
Graham	KAYS 7 Do.
	KOMC 8 Do.
Grant	KTVC 6 Do.
	KGLD 11 Do.
	KUPK 13 Do.
Gray	KTVC 6 Do.
	KGLD 11 Do.
	KUPK 13 Do.
Greeley	KAYS 7 Do.
	KGLD 11 Do.
Greenwood	KARD 3 Do.
	KAKE 10 Do.
	WIBW 13 Topeka.
Hamilton	KGLD 11 Wichita-Hutchinson.
	KUPK 13 Do.
Harper	KARD 3 Do.
	KAKE 10 Do.
	KTVH 12 Do.
Harvey	KARD 3 Do.
	KAKE 10 Do.
	KTVH 12 Do.
Haskell	KTVC 6 Do.
	KGLD 11 Do.
	KUPK 13 Do.
Hodgeman	KCKT 2 Do.
	KTVC 6 Do.
	KAYS 7 Do.
	KUPK 13 Do.
Jackson	WIBW 13 Topeka.
	KTSB 27 Do.
	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	KQTV 2 St. Joseph.
Jefferson	WIBW 13 Topeka.
	KTSB 27 Do.
	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	KQTV 2 St. Joseph.
Jewell	KHTL 4 Lincoln-Hastings Kearney.
	KHAS 5 Do.
	KOLN 10 Do.
Johnson	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	KCIT 50 Do.
	KBMA 41 Do.
Kearny	KTVC 6 Wichita-Hutchinson.
	KGLD 11 Do.
	KUPK 13 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
KANSAS—continued	
Kingman	KARD 3 Wichita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
Kiowa	KCKT 2 Do.
	KTVC 6 Do.
	KAKE 10 Do.
	KTVH 12 Do.
Labette	KOAM 7 Joplin-Pittsburg.
	KODE 12 Do.
	KUHI 16 Do.
Lane	KTVC 6 Wichita-Hutchinson.
	KGLD 11 Do.
	KUPK 13 Do.
Leavenworth	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	KBMA 41 Do.
	KCIT 50 Do.
Lincoln	KCKT 2 Wichita-Hutchinson.
	KAYS 7 Do.
	KTVH 12 Do.
Linn	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	KOAM 7 Joplin-Pittsburg.
Logan	KAYS 7 Wichita-Hutchinson.
	KOMC 8 Do.
Lyon	WIBW 13 Topeka.
	KTSB 27 Do.
McPherson	KARD 3 Wichita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
Marion	KARD 3 Do.
	KAKE 10 Do.
	KTVH 12 Do.
Marshall	WIBW 13 Topeka.
	KHTL 4 Lincoln-Hastings-Kearney.
	KOLN 10 Do.
Meade	KTVC 6 Witchita-Hutchinson.
	KGLD 11 Do.
	KUPK 13 Do.
Miami	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	KBMA 41 Do.
Mitchell	KCKT 2 Witchita-Hutchinson.
	KAYS 7 Do.
	KHTL 4 Lincoln-Hastings-Kearney.
Montgomery	KTEW 2 Tulsa.
	KOTV 6 Do.
	KTUL 8 Do.
	KOAM 7 Joplin-Pittsburg.
	KODE 12 Do.
Morris	WIBW 13 Topeka.
	KTSB 27 Do.
	KARD 3 Witchita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
Morton	KGLD 11 Do.
	KUPK 13 Do.
Nemaha	WIBW 13 Topeka.
	WDAF 4 Kansas City.
	KQTV 2 St. Joseph.
Neosho	KOAM 7 Joplin-Pittsburg.
	KODE 12 Do.
	KUHI 16 Do.
Ness	KCKT 2 Witchita-Hutchinson.
	KAYS 7 Do.
Norton	KAYS 7 Do.
	KOMC 8 Do.
	KOLN 10 Lincoln-Hastings-Kearney.
	KHOL 13 Do.
Osage	WIBW 13 Topeka.
	KTSB 27 Do.
	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
Osborne	KCKT 2 Witchita-Hutchinson.
	KAYS 7 Do.
	KHTL 4 Lincoln-Hastings-Kearney.
Ottawa	KCKT 2 Witchita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
	KHTL 4 Lincoln-Hastings-Kearney.
Pawnee	KCKT 2 Witchita-Hutchinson.
	KAYS 7 Do.
	KAKE 10 Do.
	KTVH 12 Do.
Phillips	KOLN 10 Lincoln-Hastings-Kearney.
	KHOL 13 Do.
	KHAS 5 Do.
	KAYS 7 Witchita-Hutchinson.
Pottawatomie	WIBW 13 Topeka.
	KTSB 27 Do.
Pratt	KARD 3 Witchita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
KANSAS—continued	
Rawlins	KAYS 7 Wichita-Hutchinson.
	KOMC 8 Do.
	KHOL 13 Lincoln-Hastings-Kearney.
Reno	KARD 3 Wichita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
Republic	KHTL 4 Lincoln-Hastings-Kearney.
	KHAS 5 Do.
	KOLN 10 Do.
Rice	KCKT 2 Wichita-Hutchinson.
	KARD 3 Do.
	KAKE 10 Do.
	KTVH 12 Do.
Riley	WIBW 13 Topeka.
	KTSB 27 Do.
Rooks	KCKT 2 Wichita-Hutchinson.
	KAYS 7 Do.
	KHTL 4 Lincoln-Hastings-Kearney.
Rush	KCKT 2 Wichita-Hutchinson.
	KAYS 7 Do.
Russell	KCKT 2 Do.
	KAYS 7 Do.
Saline	KARD 3 Do.
	KAKE 10 Do.
	KTVH 12 Do.
Scott	KTVC 6 Do.
	KGLD 11 Do.
	KUPK 13 Do.
Sedgwick	KARD 3 Do.
	KAKE 10 Do.
	KTVH 12 Do.
Seward	KTVC 6 Do.
	KGLD 11 Do.
	KUPK 13 Do.
Shawnee	WIBW 13 Topeka.
	KTSB 27 Do.
	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
Sheridan	KAYS 7 Witchita-Hutchinson.
	KOMC 8 Do.
Sherman	KAYS 7 Witchita-Hutchinson.
	KOMC 8 Do.
Smith	KHTL 4 Lincoln-Hastings-Kearney.
	KHAS 5 Do.
	KOLN 10 Do.
	KHOL 13 Do.
Stafford	KCKT 2 Wichita-Hutchinson.
	KAKE 10 Do.
	KTVH 12 Do.
Stanton	KTVC 6 Do.
	KGLD 11 Do.
	KUPK 13 Do.
Stevens	KTVC 6 Do.
	KGLD 11 Do.
	KUPK 13 Do.
Summer	KARD 3 Do.
	KAKE 10 Do.
	KTVH 12 Do.
Thomas	KAYS 7 Do.
	KOMC 8 Do.
Trego	KCKT 2 Do.
	KAYS 7 Do.
Wabaunsee	WIBW 13 Topeka.
	KTSB 27 Do.
	KCMO 5 Kansas City.
	KMBC 9 Do.
Wallace	KAYS 7 Wichita-Hutchinson.
Washington	KHTL 4 Lincoln-Hastings-Kearney.
	KOLN 10 Do.
	WIBW 13 Topeka.
Wichita	KAYS 7 Wichita-Hutchinson.
	KGLD 11 Do.
	KUPK 13 Do.
Wilson	KOAM 7 Joplin-Pittsburg.
	KODE 12 Do.
	KOTV 6 Tulsa.
Woodson	KOAM 7 Joplin-Pittsburg.
	KODE 12 Do.
	WIBW 13 Topeka.
Wyandotte	WDAF 4 Kansas City.
	KCMO 5 Do.
	KMBC 9 Do.
	KBMA 41 Do.
	KCIT 50 Do.
KENTUCKY	
Adair	WAVE 3 Louisville.
	WHAS 11 Do.
	WLAC 5 Nashville.
Allen	WSM 4 Do.
	WLAC 5 Do.
	WSIX 8 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
KENTUCKY—continued	
Anderson	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Ballard	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
Barren	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
Bath	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
Bell	WATE 6 Knoxville.
	WBIR 10 Do.
Boone	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Bourbon	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
Boyd	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Boyle	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
	WAVE 3 Louisville.
	WHAS 11 Do.
Bracken	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Breathitt	WSAZ 3 Charleston-Huntington.
	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Breckinridge	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WTVW 7 Evansville.
Bullitt	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Butler	WSM 4 Nashville.
	WLAC 5 Do.
	WBKO 13 Bowling Green.
	WTVW 7 Evansville.
Caldwell	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
	WSM 4 Nashville.
	WLAC 5 Do.
Calloway	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
Campbell	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Carlisle	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
Carroll	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
	WTTV 4 Indianapolis.
	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Carter	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Casey	WLEX 18 Lexington.
	WKYT 27 Do.
	WAVE 3 Louisville.
	WHAS 11 Do.
Christian	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.

V 37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
KENTUCKY—continued	
Clark	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Clay	WATE 6 Knoxville.
	WBIR 10 Do.
Clinton	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
Crittenden	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
Cumberland	WTVW 7 Evansville.
	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
Daviess	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
Edmonson	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
	WBKO 13 Bowling Green.
Elliott	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Estill	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Fayette	WLEX 18 Do.
	WKYT 27 Do.
	WBLG 62 Do.
Fleming	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WLEX 18 Lexington.
Floyd	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Franklin	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WCPO 9 Cincinnati.
	WKRC 12 Do.
	WXIX 19 Do.
	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Fulton	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
Gallatin	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Garrard	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Grant	WAVE 3 Louisville.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Graves	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
Grayson	WAVE 3 Louisville.
	WHAS 11 Do.
	WBKO 13 Bowling Green.
	WTVW 7 Evansville.
Green	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Greenup	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Hancock	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
	WAVE 3 Louisville.
Hardin	WAVE 3 Do.
	WHAS 11 Do.
	WLKY 32 Do.
Harlan	WATE 6 Knoxville.
	WBIR 10 Do.
	WLOS 13 Greenville-Spartanburg-Asheville.
Harrison	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WLEX 18 Lexington.
Hart	WSM 4 Nashville.
	WLAC 5 Do.
	WBKO 13 Bowling Green.
	WAVE 3 Louisville.
	WHAS 11 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
KENTUCKY—continued	
Henderson	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
Henry	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
Hickman	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
Hopkins	WTVW 7 Evansville.
	WEHT 25 Do.
	WSM 4 Nashville.
	WLAC 5 Do.
	WPSD 6 Paducah-Cape Girardeau-Harrisburg.
Jackson	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
	WATE 6 Knoxville.
	WBIR 10 Do.
Jefferson	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
Jessamine	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Johnson	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Kenton	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Knott	WCYB 5 Bristol-Kingsport-Johnson City.
	WJHL 11 Do.
	WSAZ 3 Charleston-Huntington.-
	WLOS 13 Greenville-Spartanburg-Asheville.
	WLEX 18 Lexington.
Knox	WATE 6 Knoxville.
	WBIR 10 Do.
Larue	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Laurel	WATE 6 Knoxville.
	WBIR 10 Do.
Lawrence	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Lee	WLEX 18 Lexington.
	WKYT 27 Do.
	WCYB 5 Bristol-Kingsport-Johnson City.
Leslie	WCYB 5 Do.
	WJHL 11 Do.
	WBIR 10 Knoxville.
Letcher	WHTN 13 Charleston-Huntington
	WCYB 5 Bristol-Kingsport-Johnson City.
Lewis	WSAZ 3 Charleston-Huntington.
	WHTN 13 Do.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
Lincoln	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Livingston	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
Logan	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
Lyon	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
McCracken	WSIL 3 Do.
	WPSD 6 Do.
	KFVS 12 Do.
McCreary	WATE 6 Knoxville.
	WBIR 10 Do.
McLean	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
	WLAC 5 Nashville.
Madison	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Magoffin	WSAZ 3 Charleston-Huntington.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
KENTUCKY—continued	
Marion	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do
Marshall	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
	KFVS 12 Do.
Martin	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Mason	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
Meade	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Menifee	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Mercer	WLEX 18 Do.
	WKYT 27 Do.
	WBLG 62 Do.
	WAVE 3 Louisville.
	WHAS 11 Do.
Metcalfe	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
Monroe	WSM 4 Do.
	WLAC 5 Do.
	WSIX 8 Do.
Montgomery	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
	WXIX 19 Cincinnati.
Morgan	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Muhlenberg	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
	WBKO 13 Bowling Green.
	WTVW 7 Evansville.
	WEHT 25 Do.
Nelson	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Nicholas	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
Ohio	WTVW 7 Evansville.
	WEHT 25 Do.
	WBKO 13 Bowling Green.
	WSM 4 Nashville.
	WLAC 5 Do.
Oldham	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Owen	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WAVE 3 Louisville
	WHAS 11 Do.
Owsley	WLEX 18 Lexington.
	WKYT 27 Do.
	WATE 6 Knoxville.
Pendleton	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Perry	WCYB 5 Bristol-Kingsport-Johnson City.
	WJHL 11 Do.
Pike	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
	WHIS 6 Bluefield-Beckley-Oak Hill.
Powell	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Pulaski	WATE 6 Knoxville.
	WBIR 10 Do.
	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
Robertson	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WLEX 18 Lexington.
Rockcastle	WLEX 18 Do.
	WKYT 27 Do.
	WBLG 62 Do.
Rowan	WSAZ 3 Charleston-Huntington.
Russell	WATE 6 Knoxville.
	WBIR 10 Do.
	WHAS 11 Louisville.
	WSM 4 Nashville.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
KENTUCKY—continued	
	WLAC 5 Nashville.
	WSIX 8 Do.
Scott	WLEX 18 Lexington.
	WKYT 27 Do.
	WBLG 62 Do.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
Shelby	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Simpson	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
Spencer	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Taylor	WAVE 3 Do.
	WHAS 11 Do.
Todd	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
Trigg	WSM 4 Do.
	WLAC 5 Do.
	WSIX 8 Do.
	WPSD 6 Paducah-Cape Girardeau-Harrisburg.
Trimble	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
	WTTV 4 Indianapolis.
Union	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
	WSIL 3 Paducah-Cape Girardeau-Harrisburg.
	WPSD 6 Do.
Warren	WSM 4 Nashville.
	WLAC 5 Do.
	WSIX 8 Do.
	WBKO 13 Bowling Green.
Washington	WAVE 3 Louisville.
	WHAS 11 Do.
	WLKY 32 Do.
Wayne	WATE 6 Knoxville.
	WBIR 10 Do.
Webster	WTVW 7 Evansville.
	WFIE 14 Do.
	WEHT 25 Do.
Whitley	WATE 6 Knoxville.
	WBIR 10 Do.
Wolfe	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WLEX 18 Lexington.
	WKYT 27 Do.
Woodford	WLEX 18 Do.
	WKYT 27 Do.
	WBLG 62 Do.
	WAVE 3 Louisville.
	WHAS 11 Do.
LOUISIANA	
Acadia	KATC 3 Layfayette, La.
	KLFY 10 Do.
	KLNI 15 Do.
	KALB 5 Alexandria, La.
Allen	KATC 3 Lafayette, La.
	KLFY 10 Do.
	KALB 5 Alexandria, La.
	KPLC 7 Lake Charles.
Ascension	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
Assumption	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
Avoyelles	KALB 5 Alexandria, La.
	WAFB 9 Baton Rouge.
	KATC 3 Lafayette, La.
	KLFY 10 Do.
Beauregard	KJAC 4 Beaumont-Port Arthur.
	KFDM 6 Do.
	KALB 5 Alexandria, La.
	KATC 3 Lafayette, La.
	KLFY 10 Do.
	KPLC 7 Lake Charles.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
LOUISIANA—continued	
Blenville	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
Bossier	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Caddo	KTBS 3 Do.
	KTAL 6 Do.
	KSLA 12 Do.
Calcasieu	KPLC 7 Lake Charles.
	KJAC 4 Beaumont-Port Arthur.
	KFDM 6 Do.
	KBMT 12 Do.
	KATC 3 Lafayette, La.
	KLFY 10 Do.
Caldwell	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
Cameron	KPLC 7 Lake Charles.
	KJAC 4 Beaumont-Port Arthur.
	KFDM 6 Do.
	KBMT 12 Do.
	KATC 3 Lafayette, La.
	KLFY 10 Do.
Catahoula	KNOE 8 Monroe-El Dorado.
	KALB 5 Alexandria, La.
Claiborne	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
Concordia	KNOE 8 Do.
	KALB 5 Alexandria, La.
DeSoto	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
East Baton Rouge	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
East Carroll	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
	WABG 6 Greenwood-Greenville.
	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
East Feliciana	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
Evangeline	KATC 3 Lafayette, La.
	KLFY 10 Do.
	KALB 5 Alexandria, La.
Franklin	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
Grant	KALB 5 Alexandria, La.
	KNOE 8 Monroe-El Dorado.
Iberia	KATC 3 Lafayette, La.
	KLFY 10 Do.
	KLNI 15 Do.
	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
Iberville	WBRZ 2 Do.
	WAFB 9 Do.
Jackson	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
	KTBS 3 Shreveport-Texarkana.
	KSLA 12 Do.
Jefferson	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
Jefferson Davis	KATC 3 Lafayette, La.
	KLFY 10 Do.
	KPLC 7 Lake Charles.
Lafayette	KATC 3 Lafayette, La.
	KLFY 10 Do.
	KLNI 15 Do.
	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
Lafourche	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
	WAFB 9 Baton Rouge.
LaSalle	KNOE 8 Monroe-El Dorado.
	KALB 5 Alexandria, La.
Lincoln	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Livingston	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
	WWL 4 New Orleans.
Madison	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	KNOE 8 Monroe-El Dorado.
Morehouse	KNOE 8 Do.
	KTVE 10 Do.
Natchitoches	KTBS 3 Shreveport-Texarkana.
	KSLA 12 Do.
	KALB 5 Alexandria, La.
	KNOE 8 Monroe-El Dorado.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
LOUISIANA—continued	
Orleans	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
	WWOM 26 Do.
Ouachita	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
Plaquemines	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
Pointe Coupee	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
Rapides	KALB 5 Alexandria, La.
	KLFY 10 Lafayette, La.
	KNOE 8 Monroe-El Dorado.
Red River	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Richland	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
	WLBT 3 Jackson, Miss.
Sabine	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
	KABL 5 Alexandria, La.
St. Bernard	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
St. Charles	WWL 4 Do.
	WDSU 6 Do.
	WVUE 8 Do.
St. Helena	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
St. James	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
St. John the Baptist	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
	WAFB 9 Baton Rouge.
St. Landry	KATC 3 Lafayette, La.
	KLFY 10 Do.
	KALB 5 Alexandria, La.
	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
St. Martin	KATC 3 Lafayette, La.
	KLFY 10 Do.
	KLNI 15 Do.
	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
St. Mary	WBRZ 2 Do.
	WAFB 9 Do.
	KATC 3 Lafayette, La.
	KLFY 10 Do.
St. Tammany	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
Tangipahoa	WWL 4 Do.
	WDSU 6 Do.
	WVUE 8 Do.
	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
Tensas	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	KNOE 8 Monroe-El Dorado.
Terrebonne	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
Union	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
Vermilion	KATC 3 Lafayette, La.
	KLFY 10 Do.
	KLNI 15 Do.
	KALB 5 Alexandria, La.
Vernon	KALB 5 Do.
	KTBS 3 Shreveport-Texarkana.
Washington	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
	WLOX 12 Baton Rouge.
Webster	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
West Baton Rouge	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
West Carroll	KNOE 8 Monroe-El Dorado.
	KTVE 10 Do.
West Feliciana	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
	KATC 3 Lafayette, La.
Winn	KNOE 8 Monroe-El Dorado.
	KALB 5 Alexandria, La.

V 37 N 30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MAINE	
Androscoggin	WCSH 6 Portland-Poland Springs.
	WMTW 8 Do.
	WGAN 13 Do.
Aroostook	WAGM 8 Presque Isle.
	CHSJ 4 Canada.
Cumberland	WCSH 6 Portland-Poland Spring.
	WMTW 8 Do.
	WGAN 13 Do.
Franklin	WCSH 6 Do.
	WMTW 8 Do.
	WGAN 13 Do.
Hancock	WABI 5 Bangor.
	WLBZ 2 Do.
	WABI 5 Do.
	WEMT 7 Do.
Kennebec	WCSH 6 Portland-Poland Spring.
	WMTW 8 Do.
	WGAN 13 Do.
	WLBZ 2 Bangor.
	WABI 5 Do.
Knox	WLBZ 2 Do.
	WABI 5 Do.
	WEMT 7 Do.
	WCSH 6 Portland-Poland Spring.
	WMTW 8 Do.
	WGAN 13 Do.
Lincoln	WCSH 6 Do.
	WMTW 8 Do.
	WGAN 13 Do.
Oxford	WCSH 6 Do.
	WMTW 8 Do.
	WGAN 13 Do.
	WABI 5 Bangor.
Penobscot	WLBZ 2 Do.
	WABI 5 Do.
	WEMT 7 Do.
Piscataquis	WLBZ 2 Do.
	WABI 5 Do.
	WEMT 7 Do.
Sagadahoc	WCSH 6 Portland-Poland Spring.
	WMTW 8 Do.
	WGAN 13 Do.
Somerset	WLBZ 2 Bangor.
	WABI 5 Do.
	WEMT 7 Do.
	WCSH 6 Portland-Poland Spring.
	WMTW 8 Do.
	WGAN 13 Do.
Waldo	WLBZ 2 Bangor.
	WABI 5 Do.
	WEMT 7 Do.
Washington	WLBZ 2 Do.
	WABI 5 Do.
	WEMT 7 Do.
	CHSJ 4 Canada.
	CKLT 9 Do.
York	WCSH 6 Portland-Poland Spring.
	WMTW 8 Do.
	WGAN 13 Do.
	WBZ 4 Boston.
	WHDH 5 Do.
	WNAC 7 Do.
MARYLAND	
Allegany	WTTG 5 Washington, D.C.
	WMAL 7 Do.
	WTOP 9 Do.
	WJAC 6 Johnstown-Altoona.
Anne Arundel	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
	WRC 4 Washington, D.C.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
	WDCA 20 Do.
Baltimore (including Baltimore City).	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
	WTTG 5 Washington, D.C.
Calvert	WRC 4 Do.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
	WMAR 2 Baltimore.
Caroline	WMAR 2 Do.
	WBAL 11 Do.
	WJZ 13 Do.
	WTTG 5 Washington, D.C.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MARYLAND—continued	
Carroll	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
	WRC 4 Washington, D.C.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
	WDCA 20 Do.
Cecil	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
	KYW 3 Philadelphia.
	WFIL 6 Do.
	WCAU 10 Do.
	WGAL 8 Harrisburg-York-Lancaster-Lebanon.
Charles	WRC 4 Washington, D.C.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
	WDCA 20 Do.
Dorchester	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
	WBOC 16 Salisbury.
	WRC 4 Washington, D.C.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
Frederick	WRC 4 Do.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
	WDCA 20 Do.
Garrett	KDKA 2 Pittsburgh.
	WTAE 4 Do.
	WJAC 6 Johnstown-Altoona.
Harford	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
Howard	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
	WRC 4 Washington, D.C.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
	WDCA 20 Do.
Kent	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
	WRC 4 Washington, D.C.
	WTTG 5 Do.
	WTOP 9 Do.
Montgomery	WRC 4 Do.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
	WDCA 20 Do.
Prince Georges	WRC 4 Do.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
	WDCA 20 Do.
Queen Annes	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
	WTTG 5 Washington, D.C.
St. Marys	WRC 4 Do.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
	WMAR 2 Baltimore.
Somerset	WBOC 16 Salisbury.
	WTTG 5 Washington, D.C.
Talbot	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
	WRC 4 Washington, D.C.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
Washington	WRC 4 Do.
	WTTG 5 Do.
	WMAL 7 Do.
	WTOP 9 Do.
	WMAR 2 Baltimore.
	WHAG 25 Hagerstown, Md.
Wicomico	WBOC 16 Salisbury.
	WMAR 2 Baltimore.
	WBAL 11 Do.
	WJZ 13 Do.
	WTTG 5 Washington, D.C.
Worcester	WBOC 16 Salisbury.
	WTTG 5 Washington, D.C.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MASSACHUSETTS	
Barnstable	WBZ 4 Boston.
	WHDH 5 Do.
	WNAC 7 Do.
	WKBG 56 Do.
	WTEV 6 Providence.
	WJAR 10 Do.
	WPRI 12 Do.
Berkshire	WRGB 6 Albany-Schenectady-Troy.
	WTEN 10 Do.
	WAST 13 Do.
	WTIC 3 Hartford-New Haven.
Bristol	WTEV 6 Providence.
	WJAR 10 Do.
	WPRI 12 Do.
	WBZ 4 Boston.
	WHDH 5 Do.
	WNAC 7 Do.
	WSBK 38 Do.
	WKBG 56 Do.
Dukes	WTEV 6 Providence.
	WJAR 10 Do.
	WPRI 12 Do.
	WBZ 4 Boston.
	WHDH 5 Do.
	WNAC 7 Do.
Essex	WBZ 4 Do.
	WHDH 5 Do.
	WNAC 7 Do.
	WSBK 38 Do.
	WKBG 56 Do.
Franklin	WWLP 22 Springfield, Mass.
	WHYN 40 Do.
	WBZ 4 Boston.
	WHDH 5 Do.
	WTIC 3 Hartford-New Haven.
Hampden	WWLP 22 Springfield, Mass.
	WHYN 40 Do.
	WTIC 3 Hartford-New Haven.
	WNHC 8 Do.
	WHCT 18 Do.
	WHNB 30 Do.
Hampshire	WWLP 22 Springfield, Mass.
	WHYN 40 Do.
	WTIC 3 Hartford-New Haven.
Middlesex	WBZ 4 Boston.
	WHDH 5 Do.
	WNAC 7 Do.
	WSBK 38 Do.
	WKBG 56 Do.
Nantucket	WTFV 6 Providence.
	WJAR 10 Do.
	WPRI 12 Do.
	WBZ 4 Boston.
Norfolk	WBZ 4 Do.
	WHDH 5 Do.
	WNAC 7 Do.
	WSBK 38 Do.
	WKBG 56 Do.
Plymouth	WBZ 4 Do.
	WHDH 5 Do.
	WSBK 38 Do.
	WKBG 56 Do.
	WNAC 7 Do.
	WTEV 6 Providence.
	WJAR 10 Do.
	WPRI 12 Do.
Suffolk	WBZ 4 Boston.
	WHDH 5 Do.
	WNAC 7 Do.
	WSBK 38 Do.
	WKBG 56 Do.
Worcester	WBZ 4 Do.
	WHDH 5 Do.
	WNAC 7 Do.
	WSBK 38 Do.
	WKBG 56 Do.
	WJAR 10 Providence.
	WPRI 12 Do.
	WSMW 27 Worcester.
MICHIGAN	
Alcona	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
Alger	WLUC 6 Marquette.
	WFRV 5 Green Bay.
Allegan	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WZZM 13 Do.
Alpena	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Antrim	WPBN 7 Do.
	WWTV 9 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MICHIGAN—continued	
Arenac	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WWTV 9 Traverse City-Cadillac.
Baraga	WLUC 6 Marquette.
	WFRV 5 Green Bay.
	WLUK 11 Do.
Barry	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WZZM 13 Do.
	WJIM 6 Lansing.
Bay	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WKNX 25 Do.
Benzie	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Berrien	WBBM 2 Chicago.
	WMAQ 5 Do.
	WLS 7 Do.
	WGN 9 Do.
	WNDU 16 South Bend-Elkhart.
	WSBT 22 Do.
	WSJV 28 Do.
Branch	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WJIM 6 Lansing.
	WILX 10 Do.
Calhoun	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WJIM 6 Lansing.
	WILX 10 Do.
Cass	WNDU 16 South Bend-Elkhart.
	WSBT 22 Do.
	WSJV 28 Do.
	WGN 9 Chicago.
	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
Charlevoix	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Cheboygan	WPBN 7 Do.
	WWTV 9 Do.
Chippewa	WPBN 7 Do.
	WWTV 9 Do.
	CJIC 2 Canada.
Clare	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Clinton	WJIM 6 Lansing.
	WILX 10 Do.
	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WOOD 8 Grand Rapids-Kalamazoo.
Crawford	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Delta	WFRV 5 Green Bay.
	WLUK 11 Do.
Dickinson	WLUC 6 Marquette.
	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
Eaton	WLUC 6 Marquette.
	WJIM 6 Lansing.
	WILX 10 Do.
	WJRT 12 Flint-Saginaw-Bay City.
	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
Emmet	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Genesee	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WJBK 2 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
	WKBD 50 Do.
	WJIM 6 Lansing.
Gladwin	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WWTV 9 Traverse City-Cadillac.
Gogebic	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
	WAEO 12 Wausau-Rhinelander.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MICHIGAN—continued	
Grand Traverse	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Gratiot	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WOOD 8 Grand Rapids-Kalamazoo.
	WJIM 6 Lansing.
Hillsdale	WJIM 6 Do.
	WILX 10 Do.
	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WTOL 11 Toledo.
	WSPD 13 Do.
Houghton	WLUC 6 Marquette.
	WFRV 5 Green Bay.
Huron	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	CKNX 8 Canada.
Ingham	WJIM 8 Lansing.
	WILX 10 Do.
	WJRT 12 Flint-Saginaw-Bay City.
	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
Ionia	WKZO 3 Do.
	WOOD 8 Do.
	WZZM 13 Do.
	WJRT 12 Flint-Saginaw-Bay City.
	WJIM 6 Lansing.
Iosco	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
Iron	WLUC 6 Marquette.
	WFRV 5 Green Bay.
	WAEO 12 Wausau-Rhinelander.
Isabella	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WJIM 6 Lansing.
	WWTV 9 Traverse City-Cadillac.
Jackson	WJIM 6 Lansing.
	WILX 10 Do.
	WJBK 2 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
Kalamazoo	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WZZM 13 Do.
Kalkaska	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Kent	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WZZM 13 Do.
Keweenaw	WLUC 6 Marquette.
	CKPR 2 Canada.
Lake	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
	WZZM 13 Grand Rapids-Kalamazoo.
Lapeer	WJBK 2 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
	CKLW 9 Do.
	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WJIM 6 Lansing.
Leelanau	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Lenawee	WJBK 2 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
	CKLW 9 Do.
	WKBD 50 Do.
	WJIM 6 Lansing.
	WTOL 11 Toledo.
	WSPD 13 Do.
	WDHO 24 Do.
Livingston	WJBK 2 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
	CKLW 9 Do.
	WKBD 50 Do.
	WJRT 12 Flint-Saginaw-Bay City.
	WJIM 6 Lansing.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MICHIGAN—continued	
Luce	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
	WFRV 5 Green Bay.
	WLUC 6 Marquette.
	CJIC 2 Canada.
Mackinac	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
	WFRV 5 Green Bay.
	CJIC 2 Canada.
Macomb	WJBK 2 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
	CKLW 9 Do.
	WKBD 50 Do.
Manistee	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
	WZZM 13 Grand Rapids-Kalamazoo.
	WBAY 2 Green Bay.
	WLUK 11 Do.
Marquette	WLUC 6 Marquette.
	WFRV 5 Green Bay.
	WLUK 11 Do.
Mason	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
	WZZM 13 Grand Rapids-Kalamazoo.
	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
Mecosta	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
	WZZM 13 Grand Rapids-Kalamazoo.
Menominee	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
	WLUC 6 Marquette.
Midland	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WWTV 9 Traverse City-Cadillac.
Missaukee	WPBN 7 Do.
	WWTV 9 Do.
Monroe	WJBK 2 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
	CKLW 9 Do.
	WKBD 50 Do.
	WTOL 11 Toledo.
	WDIO 24 Do.
	WSPD 13 Do.
Montcalm	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WZZM 13 Do.
	WJRT 12 Flint-Saginaw-Bay City.
	WJIM 6 Lansing.
	WWTV 9 Traverse City-Cadillac.
Montmorency	WPBN 7 Do.
	WWTV 9 Do.
Muskegon	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WZZM 13 Do.
Newaygo	WKZO 3 Do.
	WOOD 8 Do.
	WZZM 13 Do.
	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Oakland	WJBK 2 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
	CKLW 9 Do.
	WKBD 50 Do.
Oceana	WKZO 3 Grand Rapids-Kalamazoo.
	WZZM 13 Do.
	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Ogemaw	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WWTV 9 Traverse City-Cadillac.
Ontonagon	WLUC 6 Marquette.
	KDAL 3 Duluth-Superior.
	WAEO 12 Wausau-Rhinelander.
Osceola	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
	WNEM 5 Flint-Saginaw-Bay City.
	WZZM 13 Grand Rapids-Kalamazoo.

V 37 N 30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MICHIGAN—continued	
Oscoda	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
	WNEM 5 Flint-Saginaw-Bay City.
Otsego	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Ottawa	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WZZM 13 Do.
Presque Isle	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
Poscommon	WPBN 7 Do.
	WWTV 9 Do.
	WNEM 5 Flint-Saginaw-Bay City.
Saginaw	WNEM 5 Do.
	WJRT 12 Do.
	WKNX 23 Do.
St. Clair	WJBK 7 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
	CKLW 9 Do.
	WKBD 50 Do.
St. Joseph	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WNDU 16 South Bend-Elkhart.
	WSBT 22 Do.
	WSJV 28 Do.
Sanilac	WJBK 7 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	CFPL 10 Canada.
Schoolcraft	WLUC 6 Marquette.
	WFRV 5 Green Bay.
Shiawassee	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WJIM 6 Lansing.
	WILX 10 Do.
Tuscola	WNEM 5 Flint-Saginaw-Bay City.
	WJRT 12 Do.
	WKNX 23 Do.
Van Buren	WKZO 3 Grand Rapids-Kalamazoo.
	WOOD 8 Do.
	WZZM 13 Do.
Washtenaw	WJBK 2 Detroit.
	WWJ 4 Do.
	WXYZ 7 Do.
	CKLW 9 Do.
	WKBD 50 Do.
Wayne	WJBK 2 Do.
	WWJ 4 Do.
	WXYZ 7 Do.
	CKLW 9 Do.
	WKBD 50 Do.
Wexford	WPBN 7 Traverse City-Cadillac.
	WWTV 9 Do.
MINNESOTA	
Aitkin	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
	KNMT 12 Alexandria, Minn.
Anoka	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Becker	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
Beltrami	KNMT 12 Alexandria, Minn.
	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	KTHI 11 Fargo.
Benton	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KCMT 7 Alexandria, Minn.
Big Stone	KCMT 7 Do.
	WTCN 11 Minneapolis-St. Paul.
	KELO 11 Sioux Falls-Mitchell.
Blue Earth	KEYC 12 Mankato.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KAUS 6 Rochester-Mason City-Austin.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MINNESOTA—continued	
Brown	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KEYC 12 Mankato.
	KAUS 6 Rochester-Mason City-Austin.
Carlton	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
Carver	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Cass	KCMT 7 Alexandria, Minn.
	KNMT 12 Do.
	KDAL 3 Duluth-Superior.
	WDIO 10 Do.
Chippewa	KCMT 7 Alexandria, Minn.
	WCCO 4 Minneapolis-St. Paul.
	KMSP 9 Do.
	WTCN 11 Do.
Chisago	WCCO 4 Do.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Clay	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
Clearwater	KXJB 4 Do.
	WDAY 6 Do.
	KTHI 11 Do.
Cook	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
	CKPR 2 Canada.
Cottonwood	KEYC 12 Mankato.
	KSTP 5 Minneapolis-St. Paul.
	WTCN 11 Do.
	KAUS 6 Rochester-Mason City-Austin.
Crow Wing	KCMT 7 Alexandria, Minn.
	KNMT 12 Do.
	KDAL 3 Duluth-Superior.
Dakota	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Dodge	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
Douglas	KCMT 7 Alexandria, Minn.
Faribault	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
Fillmore	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
	WKBT 8 La Crosse-Eau Claire.
Freeborn	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
Goodhue	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Grant	KCMT 7 Alexandria, Minn.
	KXJB 4 Fargo.
Hennepin	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Houston	WKBT 8 La Crosse-Eau Claire.
	KROC 10 Rochester-Mason City-Austin.
Hubbard	KNMT 12 Alexandria, Minn.
Isanti	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Itasca	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
	KNMT 12 Alexandria, Minn.
Jackson	KEYC 12 Mankato.
	KCAU 9 Sioux City.
	KELO 11 Sioux Falls-Mitchell.
	KSOO 13 Do.
Kanabec	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MINNESOTA—continued	
Kandiyohi	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KCMT 7 Alexandria, Minn.
Kittson	KXJB 4 Fargo.
	WDAZ 8 Do.
	KCND 12 Pembina.
	CBWT 6 Canada.
	CJAY 7 Do.
Koochiching	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
	CBWT 6 Canada.
Lac Qui Parle	KCMT 7 Alexandria, Minn.
	KELO 11 Sioux Falls-Mitchell.
Lake	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
Lake of the Woods.	CBWT 6 Canada.
Le Sueur	WCCO 4 Minneapolis-St Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KEYC 12 Mankato.
Lincoln	KORN 5 Sioux Falls-Mitchell.
	KELO 11 Do.
	KSOO 13 Do.
Lyon	KELO 11 Do.
	KSOO 13 Do.
	KEYC 12 Mankato.
McLeod	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Mahnomen	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
Marshall	KXJB 4 Do.
	WDAZ 8 Do.
	KTHI 11 Do.
	KCND 12 Pembina.
	CBWT 6 Canada.
Martin	KEYC 12 Mankato.
	KAUS 6 Rochester-Mason City-Austin.
	KROC 10 Do.
Meeker	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KCMT 7 Alexandria, Minn.
Mille Lacs	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Morrison	KCMT 7 Alexandria, Minn.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Mower	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
Murray	KELO 11 Sioux Falls-Mitchell.
	KSOO 81 Do.
Nicollet	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KEYC 12 Mankato.
Nobles	KELO 11 Sioux Falls-Mitchell.
	KSOO 13 Do.
	KCAU 9 Sioux City.
Norman	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
Olmsted	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
Otter Tail	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
	KCMT 7 Alexandria, Minn.
Pennington	KXJB 4 Fargo.
	WDAY 6 Do.
	WDAZ 8 Do.
	KTHI 11 Do.
Pine	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MINNESOTA—continued	
Pipestone	KORN 5 Sioux Falls-Mitchell.
	KELO 11 Do.
	KSOO 13 Do.
Polk	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
Pope	KCMT 7 Alexandria, Minn.
Ramsey	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Red Lake	KXJB 4 Fargo.
	WDAY 6 Do.
	WDAZ 8 Do.
	KTHI 11 Do.
Redwood	KEYC 12 Mankato.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Renville	WCCO 4 Do.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KCMT 7 Alexandria, Minn.
Rice	KEYC 12 Mankato.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Rock	KELO 11 Sioux Falls-Mitchell.
	KSOO 13 Do.
	KCAU 9 Sioux City.
Roseau	KCND 12 Pembina.
	WDAZ 8 Fargo.
	CBWT 6 Canada.
	CJAY 7 Do.
St. Louis	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
Scott	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
Sherburne	WTCN 11 Do.
	WCCO 4 Do.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Sibley	WCCO 4 Do.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KEYC 12 Mankato.
Stearns	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Steele	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
	KEYC 12 Mankato.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Stevens	KCMT 7 Alexandria, Minn.
	KELO 11 Sioux Falls-Mitchell.
Swift	KCMT 7 Alexandria, Minn.
Todd	KCMT 7 Do.
Traverse	KCMT 7 Do.
	KXJB 4 Fargo.
	KELO 11 Sioux Falls-Mitchell.
Wabasha	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	WKBT 8 La Crosse-Eau Claire.
	WEAU 13 Do.
	KAUS 6 Rochester-Mason City-Austin.
	KROC 10 Do.
Wadena	KCMT 7 Alexandria, Minn.
	KNMT 12 Do.
Waseca	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KEYC 12 Mankato.
	KGLO 3 Rochester-Mason City-Austin.
	KAUS 6 Do.
	KROC 10 Do.
Washington	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Watonwan	KEYC 12 Mankato.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	WTCN 11 Do.
	KAUS 6 Rochester-Mason City-Austin.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MINNESOTA—continued	
Wilkin	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
Winona	WKBT 8 La Crosse-Eau Claire.
	KAUS 6 Rochester-Mason City-Austin.
Wright	KROC 10 Do.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Yellow Medicine	WCCO 4 Do.
	KMSP 9 Do.
	WTCN 11 Do.
	KCMT 7 Alexandria, Minn.
	KELO 11 Sioux Falls-Mitchell.
MISSISSIPPI	
Adams	KNOE 8 Monroe-El Dorado.
	KALB 5 Alexandria, La.
	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
Alcorn	WREC 3 Memphis.
	WMC 5 Do.
	WHBQ 13 Do.
Amite	WBRZ 2 Baton Rouge.
	WAFB 9 Do.
	WLBT 3 Jackson, Miss.
Attala	WLBT 3 Do.
	WJTV 12 Do.
	WABG 6 Greenwood-Greenville.
Benton	WREC 3 Memphis.
	WMC 5 Do.
	WHBQ 13 Do.
Bolivar	WABG 6 Greenwood-Greenville.
	WLBT 3 Jackson, Miss.
	WREC 3 Memphis.
	WMC 5 Do.
Calhoun	WREC 3 Do.
	WMC 5 Do.
	WCBI 4 Columbus, Miss.
	WABG 6 Greenwood-Greenville.
Carroll	WABG 6 Do.
	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
Chickasaw	WCBI 4 Columbus, Miss.
	WMC 5 Memphis.
	WTWV 9 Tupelo.
Choctaw	WCBI 4 Columbus, Miss.
	WABG 6 Greenwood-Greenville.
	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
Claiborne	WLBT 3 Do.
	WJTV 12 Do.
Clarke	WTOK 11 Meridian.
	WDAM 7 Laurel-Hattiesburg.
Clay	WCBI 4 Columbus, Miss.
Coahoma	WREC 3 Memphis.
	WMC 5 Do.
	WHBQ 13 Do.
Copiah	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	WAPT 16 Do.
Covington	WDAM 7 Laurel-Hattiesburg.
	WLOX 13 Biloxi-Gulfport-Pascagoula.
	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
De Soto	WREC 3 Memphis.
	WMC 5 Do.
	WHBQ 13 Do.
Forrest	WDAM 7 Laurel-Hattiesburg.
	WLOX 13 Biloxi-Gulfport-Pascagoula.
Franklin	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	WBRZ 2 Baton Rouge.
George	WEAR 3 Mobile-Pensacola.
	WKRG 5 Do.
	WALA 10 Do.
	WLOX 13 Biloxi-Gulfport-Pascagoula.
Greene	WEAR 3 Mobile-Pensacola.
	WKRG 5 Do.
	WALA 10 Do.
	WLOX 13 Biloxi-Gulfport-Pascagoula.
Grenada	WDAM 7 Laurel-Hattiesburg.
	WABG 6 Greenwood-Greenville.
	WREC 3 Memphis.
	WMC 5 Do.
Hancock	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
	WLOX 13 Biloxi-Gulfport-Pascagoula.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
MISSISSIPPI—continued	
Harrison	WLOX 13 Biloxi-Gulfport-Pascagoula.
	WKRG 5 Mobile-Pensacola.
	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
Hinds	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	WAPT 16 Do.
Holmes	WLBT 3 Do.
	WJTV 12 Do.
	WABG 6 Greenwood-Greenville.
Humphreys	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	WABG 6 Greenwood-Greenville.
Issaquena	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	WABG 6 Greenwood-Greenville.
Itawamba	KNOE 8 Monroe-El Dorado.
	WTWV 9 Tupelo.
	WCBI 4 Columbus, Miss.
Jackson	WEAR 3 Mobile-Pensacola.
	WKRG 5 Do.
	WALA 10 Do.
	WLOX 13 Biloxi-Gulfport-Pascagoula.
	WDSU 6 New Orleans.
Jasper	WDAM 7 Laurel-Hattiesburg.
	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
Jefferson	WTOK 11 Meridian.
	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	KNOE 8 Monroe-El Dorado.
Jefferson Davis	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	WDAM 7 Laurel-Hattiesburg.
Jones	WDAM 7 Do.
	WLOX 13 Biloxi-Gulfport-Pascagoula.
	WTOK 11 Meridian.
Kemper	WTOK 11 Do.
Lafayette	WREC 3 Memphis.
	WMC 5 Do.
	WHBQ 13 Do.
Lamar	WDAM 7 Laurel-Hattiesburg.
	WLOX 13 Biloxi-Gulfport-Pascagoula.
Lauderdale	WTOK 11 Meridian.
Lawrence	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	WAPT 16 Do.
Leake	WLBT 3 Do.
	WJTV 12 Do.
Lee	WTWV 9 Tupelo.
	WCBI 4 Columbus, Miss.
	WREC 3 Memphis.
	WMC 5 Do.
	WHBQ 13 Do.
Leflore	WABG 6 Greenwood-Greenville.
	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
Lincoln	WLBT 3 Do.
	WJTV 12 Do.
Lowndes	WCBI 4 Columbus, Miss.
Madison	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	WAPT 16 Do.
Marion	WLBT 3 Do.
	WJTV 12 Do.
	WLOX 13 Biloxi-Gulfport-Pascagoula.
	WDAM 7 Laurel-Hattiesburg.
Marshall	WREC 3 Memphis.
	WMC 5 Do.
	WHBQ 13 Do.
Monroe	WCBI 4 Columbus, Miss.
	WTWV 9 Tupelo.
Montgomery	WABG 6 Greenwood-Greenville.
	WCBI 4 Columbus, Miss.
	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
	WMC 5 Memphis.
Neshoba	WTOK 11 Meridian.
	WLBT 3 Jackson, Miss.
Newton	WTOK 11 Meridian.
	WLBT 3 Jackson, Miss.
	WJTV 12 Do.
Noxubee	WTOK 11 Meridian.
	WCBI 4 Columbus, Miss.
Oktibbeha	WCBI 4 Do.
Panola	WREC 3 Memphis.
	WMC 5 Do.
	WHBQ 13 Do.
Pearl River	WWL 4 New Orleans.
	WDSU 6 Do.
	WVUE 8 Do.
	WLOX 13 Biloxi-Gulfport-Pascagoula.

VOL 37 NO 30 FEB 12 1972 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
MISSISSIPPI—continued			
Perry	WDAM	7	Laurel-Hattiesburg.
	WLOX	13	Biloxi-Gulfport-Pascagoula.
	WKRG	5	Mobile-Pensacola.
Pike	WLBT	3	Jackson, Miss.
	WJTV	12	Do.
	WBRZ	2	Baton Rouge.
	WAFB	9	Do.
	WWL	4	New Orleans.
Pontotoc	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	WTWV	9	Tupelo.
Prentiss	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	WTWV	9	Tupelo.
Quitman	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
Rankin	WLBT	3	Jackson, Miss.
	WJTV	12	Do.
	WAPT	16	Do.
Scott	WLBT	3	Jackson, Miss.
	WJTV	12	Do.
	WTOK	11	Meridian.
Sharkey	WLBT	3	Jackson, Miss.
	WJTV	12	Do.
	WABG	6	Greenwood-Greenville.
Simpson	WLBT	3	Jackson, Miss.
	WJTV	12	Do.
	WAPT	16	Do.
Smith	WLBT	3	Do.
	WJTV	12	Do.
	WDAM	7	Laurel-Hattiesburg.
Stone	WLOX	13	Biloxi-Gulfport-Pascagoula.
	WDAM	7	Laurel-Hattiesburg.
	WKRG	5	Mobile-Pensacola.
	WWL	4	New Orleans.
	WDSU	6	Do.
Sunflower	WABG	6	Greenwood-Greenville.
	WLBT	3	Jackson, Miss.
	WJTV	12	Do.
Tallahatchie	WABG	6	Greenwood-Greenville.
	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
Tate	WREC	3	Do.
	WMC	5	Do.
	WHBQ	13	Do.
Tippah	WREC	3	Do.
	WMC	5	Do.
	WHBQ	13	Do.
Tishomingo	WTWV	9	Tupelo.
	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
Tunica	WREC	3	Do.
	WMC	5	Do.
	WHBQ	13	Do.
Union	WREC	3	Do.
	WMC	5	Do.
	WHBQ	13	Do.
Walthall	WLBT	3	Jackson, Miss.
	WJTV	12	Do.
	WLOX	13	Biloxi-Gulfport-Pascagoula.
	WDAM	7	Laurel-Hattiesburg.
	WWL	4	New Orleans.
	WDSU	6	Do.
Warren	WLBT	3	Jackson, Miss.
	WJTV	12	Do.
	KNOE	8	Monroe-El Dorado.
Washington	WLBT	3	Jackson, Miss.
	WJTV	12	Do.
	KTVE	10	Monroe-El Dorado.
	WABG	6	Greenwood-Greenville.
Wayne	WDAM	7	Laurel-Hattiesburg.
	WLOX	13	Biloxi-Gulfport-Pascagoula.
	WTOK	11	Meridian.
	WEAR	3	Mobile-Pensacola.
	WKRG	5	Do.
Webster	WCBI	4	Columbus, Miss.
	WABG	6	Greenwood-Greenville.
	WLBT	3	Jackson, Miss.
Wilkinson	WBRZ	2	Baton Rouge.
	WAFB	9	Do.
Winston	WTOK	11	Meridian.
	WCBI	4	Columbus, Miss.
	WLBT	3	Jackson, Miss.
	WREC	3	Memphis.
Yalobusha	WMC	5	Do.
	WHBQ	13	Do.
	WABG	6	Greenwood-Greenville.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
MISSISSIPPI—continued			
Yazoo	WLBT	3	Jackson, Miss.
	WJTV	12	Do.
	WABG	6	Greenwood-Greenville.
MISSOURI			
Adair	KTVO	3	Ottumwa-Kirksville.
	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
Andrew	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KQTV	2	St. Joseph.
Atchison	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
	KQTV	2	St. Joseph.
Andrain	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
Barry	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
Barton	KOAM	7	Do.
	KODE	12	Do.
	KUHI	16	Do.
Bates	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
Benton	KMOS	6	Columbia-Jefferson City.
	KCMO	5	Kansas City.
	KMBC	9	Do.
	KYTV	3	Springfield, Mo.
Bollinger	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
	KFVS	12	Do.
Boone	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
Buchanan	KQTV	2	St. Joseph.
	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
Butler	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Caldwell	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KQTV	2	St. Joseph.
Callaway	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
Camden	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
Cape Girardeau	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Carroll	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
Carter	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
	KFVS	12	Do.
	KAIT	8	Jonesboro.
Cass	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KCIT	50	Do.
Cedar	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
Charlton	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
Christian	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Clark	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	KTVO	3	Ottumwa-Kirksville.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
MISSOURI—continued			
Clay	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KBMA	41	Do.
	KCIT	50	Do.
Clinton	WDAF	4	Do.
	KCMO	5	Do.
	KMBC	9	Do.
	KCIT	50	Do.
	KQTV	2	St. Joseph.
Cole	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
Cooper	KOMU	8	Do.
	KRCG	13	Do.
Crawford	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KRCG	13	Columbia-Jefferson City.
Dade	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
Dallas	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Daviess	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KQTV	2	St. Joseph.
DeKalb	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KQTV	2	St. Joseph.
Dent	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
	KRCG	13	Columbia-Jefferson City.
Douglas	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Dunklin	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	KAIT	8	Jonesboro.
	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
	KFVS	12	Do.
Franklin	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Gasconade	KTVI	2	Do.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KRCG	13	Columbia-Jefferson City.
Gentry	KQTV	2	St. Joseph.
	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
Greene	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Grundy	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KTVO	3	Ottumwa-Kirksville.
	KQTV	2	St. Joseph.
Harrison	KQTV	2	Do.
	WDAF	4	Kansas City.
	KCMO	5	Do.
Henry	WDAF	4	Do.
	KMBC	9	Do.
	KCMO	5	Do.
Hickory	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Holt	KQTV	2	St. Joseph.
	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
Howard	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
Howell	KYTV	3	Springfield, Mo.
	KMTC	27	Do.
Iron	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
	KFVS	12	Paducah-Cape Girardeau-Harrisburg.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
MISSOURI—continued			
Jackson	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KBMA	41	Do.
	KCIT	50	Do.
Jasper	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
	KUHI	16	Do.
Jefferson	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Johnson	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
Knox	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	KTVO	3	Ottumwa-Kirksville.
Laclede	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Lafayette	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KCIT	50	Do.
Lawrence	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
Lewis	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	KTVO	3	Ottumwa-Kirksville.
Lincoln	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
Linn	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
Livingston	KTVO	3	Ottumwa-Kirksville.
	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KQTV	2	St. Joseph.
McDonald	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
	KUHI	16	Do.
Macon	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	KOMU	8	Columbia-Jefferson City.
Madison	KTVO	3	Ottumwa-Kirksville.
	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KFVS	12	Paducah-Cape Girardeau-Harrisburg.
Maries	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
Marion	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WJJY	14	Jacksonville, Ill.
Mercer	KTVO	3	Ottumwa-Kirksville.
	KRNT	8	Des Moines.
	WDAF	4	Kansas City.
	KCMO	5	Do.
	KQTV	2	St. Joseph.
Miller	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
Mississippi	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Moniteau	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
Monroe	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
Montgomery	KOMU	8	Do.
	KRCG	13	Do.
	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Morgan	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
	KYTV	3	Springfield, Mo.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
MISSOURI—continued			
New Madrid	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
	KFVS	12	Do.
Newton	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
	KUHI	16	Do.
Nodaway	KQTV	2	St. Joseph.
	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMTV	3	Omaha.
	WOW	6	Do.
Oregon	KYTV	3	Springfield, Mo.
	KAIT	8	Jonesboro.
Osage	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
	KTVI	2	St. Louis.
Ozark	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
Pemiscot	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	KFVS	12	Paducah-Cape Girardeau-Harrisburg.
Perry	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KFVS	12	Paducah-Cape Girardeau-Harrisburg.
Pettis	KMOS	6	Columbia-Jefferson City.
	KOMU	8	Do.
	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
Phelps	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KYTV	3	Springfield, Mo.
Pike	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
Platte	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KBMA	41	Do.
	KCIT	50	Do.
	KQTV	2	St. Joseph.
Polk	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Pulaski	KYTV	3	Do.
	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
Putnam	KTVO	3	Ottumwa-Kirksville.
Ralls	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	WJJY	14	Jacksonville, Ill.
Randolph	KOMU	8	Columbia-Jefferson City.
	KRCG	13	Do.
Ray	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KCIT	50	Do.
Reynolds	KFVS	12	Paducah-Cape Girardeau-Harrisburg.
	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
Ripley	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
	KFVS	12	Do.
	KAIT	8	Jonesboro.
St. Charles	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
St. Clair	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
St. Francois	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
MISSOURI—continued			
St. Louis including city of St. Louis	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Ste. Genevieve	KTVI	2	Do.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
	KDNL	30	Do.
Saline	WDAF	4	Kansas City.
	KCMO	5	Do.
	KMBC	9	Do.
	KMOS	6	Columbia-Jefferson City
	KOMU	8	Do.
	KRCG	13	Do.
Schuyler	KTVO	3	Ottumwa-Kirksville.
	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
Scotland	KHQA	7	Do.
	WGEM	10	Do.
	KTVO	3	Ottumwa-Kirksville.
Scott	WSIL	3	Paducah-Cape Girardeau-Harrisburg.
	WPSD	6	Do.
	KFVS	12	Do.
Shannon	KYTV	3	Springfield, Mo.
Shelby	KHQA	7	Quincy-Hannibal.
	WGEM	10	Do.
	KTVO	3	Ottumwa-Kirksville.
Stoddard	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
	KFVS	12	Do.
Stone	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Sullivan	KTVO	3	Ottumwa-Kirksville.
	KCMO	5	Kansas City.
	KMBC	9	Do.
	WGEM	10	Quincy-Hannibal.
Taney	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Texas	KTYV	3	Do.
	KTTS	10	Do.
	KMTC	27	Do.
Vernon	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
	KUHI	16	Do.
	KCMO	5	Kansas City.
Warren	KTVI	2	St. Louis.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
Washington	KTVI	2	Do.
	KMOX	4	Do.
	KSD	5	Do.
	KPLR	11	Do.
Wayne	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
	KFVS	12	Do.
Webster	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
Worth	KQTV	2	St. Joseph.
	WDAF	4	Kansas City.
	KCMO	5	Do.
Wright	KYTV	3	Springfield, Mo.
	KTTS	10	Do.
	KMTC	27	Do.
MONTANA			
Beaverhead	KXLF	4	Butte.
	KGVO	13	Missoula.
Big Horn	KOOK	2	Billings.
	KULR	8	Do.
Blaine	KRTV	3	Great Falls.
	KFBB	5	Do.
	CJLH	7	Canada.
Broadwater	KXLF	4	Butte.
	KRTV	3	Great Falls.
	KFBB	5	Do.
Carbon	KOOK	2	Billings.
	KULR	8	Do.
Carter	KOTA	3	Rapid City.
	KXGN	5	Glendive.
Cascade	KRTV	3	Great Falls.
	KFBB	5	Do.
Chouteau	KRTV	3	Do.
	KFBB	5	Do.
Custer	KOOK	2	Billings.
	KULR	8	Do.
	KYUS	3	Miles City, Mont.
Daniels	KUMV	8	Minot-Bismarck.
	KXMD	11	Do.
	CKCK	2	Canada.
Dawson	KXGN	5	Glendive.
	KUMV	8	Minot-Bismarck.

V37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
MONTANA—continued			
Deer Lodge	KXLF	4	Butte.
	KGVO	13	Missoula.
Fallon	KDIX	2	Dickinson, N. Dak.
	KXGN	5	Glendive.
Fergus	KOOK	2	Billings.
	KULR	8	Do.
	KFBB	5	Great Falls.
Flathead	KCFW	9	Missoula.
	KREM	2	Spokane.
	KXLY	4	Do.
Gallatin	KXLF	4	Butte.
	KGVO	13	Missoula.
Garfield	KOOK	2	Billings.
	KULR	8	Do.
Glacier	KRTV	3	Great Falls.
	KFBB	5	Do.
	CJLH	7	Canada.
Golden Valley	KOOK	2	Billings.
	KULR	8	Do.
Granite	KXLF	4	Butte.
	KGVO	13	Missoula.
Hill	KRTV	3	Great Falls.
	KFBB	5	Do.
	CFCN	4	Canada.
	CJLH	7	Do.
Jefferson	KXLF	4	Butte.
	KFBB	5	Great Falls.
	KGVO	13	Missoula.
Judith Basin	KOOK	2	Billings.
	KULR	8	Do.
	KRTV	3	Great Falls.
	KFBB	5	Do.
Lake	KGVO	13	Missoula.
	KXLF	4	Butte.
	KXLY	4	Spokane.
Lewis & Clark	KBLL	12	Helena.
	KXLF	4	Butte.
	KFBB	5	Great Falls.
Liberty	KRTV	3	Do.
	KFBB	5	Do.
	CFCN	4	Canada.
	CJLH	7	Do.
Lincoln	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
	KCFW	9	Missoula.
McCone	KUMV	8	Minot-Bismarck.
	KXGN	5	Glendive.
Madison	KXLF	4	Butte.
	KGVO	13	Missoula.
Meagher	KRTV	3	Great Falls.
	KFBB	5	Do.
	KXLF	4	Butte.
Mineral	KXLY	4	Spokane.
	KXLF	4	Butte.
	KGVO	13	Missoula.
Missoula	KGVO	13	Do.
	KXLF	4	Butte.
Musselshell	KOOK	2	Billings.
	KULR	8	Do.
Park	KOOK	2	Do.
	KULR	8	Do.
	KXLF	4	Butte.
Petroleum	KOOK	2	Billings.
	KULR	8	Do.
Phillips	KRTV	3	Great Falls.
	KFBB	5	Do.
	KOOK	2	Billings.
Pondera	KRTV	3	Great Falls.
	KFBB	5	Do.
	CJLH	7	Canada.
Powder River	KOOK	2	Billings.
	KULR	8	Do.
	KOTA	3	Rapid City.
Powell	KXLF	4	Butte.
	KGVO	13	Missoula.
Prairie	KXON	5	Glendive.
	KYUS	3	Miles City, Mont.
Ravalli	KGVO	13	Missoula.
	KXLF	4	Butte.
Richland	KUMV	8	Minot-Bismarck.
	KXMD	11	Do.
	KXGN	5	Glendive.
Roosevelt	KUMV	8	Minot-Bismarck.
	KXMD	11	Do.
	CKCK	2	Canada.
Rosebud	KOOK	2	Billings.
	KULR	8	Do.
	KYUS	3	Miles City, Mont.
Sanders	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
	KGVO	13	Missoula.
Sheridan	KUMV	8	Minot-Bismarck.
	KXMD	11	Do.
	CKCK	2	Canada.
Silver Bow	KXLF	4	Butte.
	KGVO	13	Missoula.
Stillwater	KOOK	2	Billings.
	KULR	8	Do.
Sweet Grass	KOOK	2	Do.
	KULR	8	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
MONTANA—continued			
Teton	KRTV	3	Great Falls.
	KFBB	5	Do.
Toole	KRTV	3	Do.
	KFBB	5	Do.
	CFCN	4	Canada.
	CJLH	7	Do.
Treasure	KOOK	2	Billings.
	KULR	8	Do.
Valley	KUMV	8	Minot-Bismarck.
	KXMD	11	Do.
	CKCK	2	Canada.
Wheatland	KOOK	2	Billings.
	KULR	8	Do.
Wibaux	KDIX	2	Dickinson, N. Dak.
	KXGN	5	Glendive.
	KUMV	8	Minot-Bismarck.
Yellowstone	KOOK	2	Billings.
	KULR	8	Do.
NEBRASKA			
Adams	KHAS	5	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	KHOL	13	Do.
Antelope	KHQL	8	Do.
	KOLN	10	Do.
	KTIV	4	Sioux City.
	KCAU	9	Do.
Arthur	KNOP	2	North Platte.
	KHOL	13	Lincoln-Hastings-Kearney.
Banner	KSTF	10	Cheyenne.
	KDUH	4	Rapid City.
Blaine	KNOP	2	North Platte.
Boone	KHAS	5	Lincoln-Hastings-Kearney.
	KHQL	8	Do.
	KOLN	10	Do.
Box Butte	KSTF	10	Cheyenne.
	KDUH	4	Rapid City.
Boyd	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
Brown	KELO	11	Do.
Buffalo	KHAS	5	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	KHOL	13	Do.
Burt	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
Butler	KMTV	3	Do.
	WOW	6	Do.
	KETV	7	Do.
	KOLN	10	Lincoln-Hastings-Kearney.
Cass	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
	KOLN	10	Lincoln-Hastings-Kearney.
Cedar	KTIV	4	Sioux City.
	KCAU	9	Do.
	KMEG	14	Do.
	KELO	11	Sioux Falls-Mitchell.
Chase	KHOL	13	Lincoln-Hastings-Kearney.
	KOMC	8	Wichita-Hutchinson.
Cherry	KELO	11	Sioux Falls-Mitchell.
	KNOP	2	North Platte.
	KDUH	4	Rapid City.
Cheyenne	KTVS	3	Cheyenne.
	KSTF	10	Do.
	KDUH	4	Rapid City.
Clay	KHTL	4	Lincoln-Hastings-Kearney.
	KHAS	5	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Colfax	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
	KOLN	10	Lincoln-Hastings-Kearney.
Cuming	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
	KTIV	4	Sioux City.
	KCAU	9	Do.
Custer	KHAS	5	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	KHOL	13	Do.
	KNOP	2	North Platte.
Dakota	KTIV	4	Sioux City.
	KCAU	9	Do.
	KMEG	14	Do.
Dawes	KDUH	4	Rapid City.
	KSTF	10	Cheyenne.
Dawson	KOLN	10	Lincoln-Hastings-Kearney.
	KHOL	13	Do.
	KNOP	2	North Platte.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
NEBRASKA—continued			
Deuel	KTVS	3	Cheyenne.
	KHOL	13	Lincoln-Hastings-Kearney.
	KNOP	2	North Platte.
Dixon	KTIV	4	Sioux City.
	KCAU	9	Do.
	KMEG	14	Do.
Dodge	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
Douglas	KMTW	3	Do.
	WOW	6	Do.
	KETV	7	Do.
Dundy	KAYS	7	Wichita-Hutchinson.
	KOMC	8	Do.
	KHOL	13	Lincoln-Hastings-Kearney.
Fillmore	KHTL	4	Do.
	KHAS	5	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Franklin	KHAS	5	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Frontier	KOLN	10	Do.
	KHOL	13	Do.
	KNOP	2	North Platte.
Furnas	KOMC	8	Wichita-Hutchinson.
	KOLN	10	Lincoln-Hastings-Kearney.
	KHOL	13	Do.
Gage	KOMC	8	Wichita-Hutchinson.
	KOLN	10	Lincoln-Hastings-Kearney.
	KMTV	3	Omaha.
	KETV	7	Do.
Garden	KTVS	3	Cheyenne.
	KSTF	10	Do.
	KHOL	13	Lincoln-Hastings-Kearney.
	KNOP	2	North Platte.
	KDUH	4	Rapid City.
Garfield	KHAS	5	Lincoln-Hastings-Kearney.
	KHQL	8	Do.
	KOLN	10	Do.
Gosper	KHAS	5	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Grant	KDUH	4	Rapid City.
	KHOL	13	Lincoln-Hastings-Kearney.
	KNOP	2	North Platte.
Greeley	KHAS	5	Lincoln-Hastings-Kearney.
	KHQL	8	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Hall	KHAS	5	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Hamilton	KHAS	5	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Harlan	KHAS	5	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Hayes	KHOL	13	Do.
	KNOP	2	North Platte.
	KOMC	8	Wichita-Hutchinson.
Hitchcock	KAYS	7	Do.
	KOMC	8	Do.
	KHOL	13	Lincoln-Hastings-Kearney.
Holt	KHQL	8	Do.
	KOLN	10	Do.
	KTIV	4	Sioux City.
	KCAU	9	Do.
	KELO	11	Sioux Falls-Mitchell.
Hooker	KNOP	2	North Platte.
	KDUH	4	Rapid City.
Howard	KHAS	5	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	KHOL	13	Do.
Jefferson	KHTL	4	Do.
	KHAS	5	Do.
	KOLN	10	Do.
Johnson	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
	KOLN	10	Lincoln-Hastings-Kearney.
Kearney	KHAS	5	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Keith	KNOP	2	North Platte.
	KHOL	13	Lincoln-Hastings-Kearney.
Keya Paha	KELO	11	Sioux Falls-Mitchell.
Kimball	KTVS	3	Cheyenne.
	KFBC	5	Do.
	KSTF	10	Do.
	KDUH	4	Rapid City.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
NEBRASKA—continued			
Knox	KTIV	4	Sioux City.
	KCAU	9	Do.
	KHQL	8	Lincoln-Hastings-Kearney.
	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
	KSOO	13	Do.
Lancaster	KOLN	10	Lincoln-Hastings-Kearney.
	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
Lincoln	KNOP	2	North Platte.
	KOLN	10	Lincoln-Hastings Kearney.
	KHOL	13	Do.
Logan	KNOP	2	North Platte.
	KHOL	13	Lincoln-Hastings-Kearney.
Loup	KHAS	5	Do.
	KHQL	8	Do.
	KOLN	10	Do.
McPherson	KNOP	2	North Platte.
	KHOL	13	Lincoln-Hastings-Kearney.
Madison	KTIV	4	Sioux City.
	KCAU	9	Do.
	KHQL	8	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	WOW	6	Omaha.
Merrick	KHAS	5	Lincoln-Hastings-Kearney.
	KHQL	8	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Morrill	KSTF	10	Cheyenne.
	KDUH	4	Rapid City.
Nance	KHAS	5	Lincoln-Hastings-Kearney.
	KHQL	8	Do.
	KOLN	10	Do.
Nemaha	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
Nuckolls	KHTL	4	Lincoln-Hastings-Kearney.
	KHAS	5	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Otoe	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
	KOLN	10	Lincoln-Hastings-Kearney.
Pawnee	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
	KOLN	10	Lincoln-Hastings-Kearney.
Perkins	KHOL	13	Do.
	KTVS	3	Cheyenne.
	KNOP	2	North Platte.
Phelps	KHAS	5	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	KHOL	13	Do.
Pierce	KTIV	4	Sioux City.
	KCAU	9	Do.
	KHQL	8	Lincoln-Hastings-Kearney.
	KELO	11	Sioux Falls-Mitchell.
Platte	KHQL	8	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
Polk	KHAS	5	Lincoln-Hastings-Kearney.
	KHQL	8	Do.
	KOLN	10	Do.
	KMTV	3	Omaha.
	KETV	7	Do.
Red Willow	KOMC	8	Wichita-Hutchinson.
	KOLN	10	Lincoln-Hastings-Kearney.
	KHOL	13	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
NEBRASKA—continued			
Richardson	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
	KCMO	5	Kansas City.
	KOLN	10	Lincoln-Hastings-Kearney.
	KQTV	2	St. Joseph.
Rock	KELO	11	Sioux Falls-Mitchell.
Saline	KHTL	4	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	KMTV	3	Omaha.
	KETV	7	Do.
Sarpy	KMTV	3	Do.
	WOW	6	Do.
	KETV	7	Do.
Saunders	KMTV	3	Do.
	WOW	6	Do.
	KETV	7	Do.
	KOLN	10	Lincoln-Hastings-Kearney.
Scotts Bluff	KSTF	10	Cheyenne.
	KDUH	4	Rapid City.
Seward	KOLN	10	Lincoln-Hastings-Kearney.
	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
Sheridan	KDUH	4	Rapid City.
Sherman	KHAS	5	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	KHOL	13	Do.
Sioux	KSTF	10	Cheyenne.
	KDUH	4	Rapid City.
Stanton	KTIV	4	Sioux City.
	KCAU	9	Do.
	KHQL	8	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
Thayer	KHTL	4	Lincoln-Hastings-Kearney.
	KHAS	5	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Thomas	KNOP	2	North Platte.
Thurston	KTIV	4	Sioux City.
	KCAU	9	Do.
	KMEG	14	Do.
	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
Valley	KHAS	5	Lincoln-Hastings-Kearney.
	KHQL	8	Do.
	KOLN	10	Do.
	KHOL	13	Do.
Washington	KMTV	3	Omaha.
	WOW	6	Do.
	KETV	7	Do.
Wayne	KTIV	4	Sioux City.
	KCAU	9	Do.
	KMEG	14	Do.
Webster	KHAS	5	Lincoln-Hastings-Kearney.
	KOLN	10	Do.
	KHOL	13	Do.
Wheeler	KHAS	5	Do.
	KHQL	8	Do.
	KOLN	10	Do.
York	KHTL	4	Do.
	KHAS	5	Do.
	KOLN	10	Do.
NEVADA			
Churchill	KORL	4	Reno.
	KOLO	8	Do.
Clark	KORK	3	Las Vegas.
	KHBV	5	Do.
	KLAS	8	Do.
	K8O	13	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
NEVADA—continued			
Douglas	KTVN	2	Reno.
	KCRL	4	Do.
	KOLO	8	Do.
	KTVU	2	San Francisco.
Elko	K8L	5	Salt Lake City.
	KBOI	2	Boise.
	KTVB	7	Do.
	KOLO	8	Reno.
Esmeralda	KOLO	8	Do.
Eureka	KUTV	2	Salt Lake City.
	KCPX	4	Do.
	K8L	5	Do.
Humboldt	KOLO	8	Reno.
	KBOI	2	Boise.
	KTVB	7	Do.
Lander	KTVN	2	Reno.
	KOLO	8	Do.
Lincoln	KORK	3	Las Vegas.
	KLAS	8	Do.
	KCPX	4	Salt Lake City.
Lyon	KTVN	2	Reno.
	KCPL	4	Do.
	KOLO	8	Do.
Mineral	KTVN	2	Do.
	KCPL	4	Do.
	KOLO	8	Do.
Nye	KTVN	2	Do.
	KCRL	4	Do.
	KOLO	8	Do.
	KORK	3	Las Vegas.
Ormsby	KTVN	2	Reno.
	KCRL	4	Do.
	KOLO	8	Do.
Pershing	KTVN	2	Do.
	KCRL	4	Do.
	KOLO	8	Do.
Storey	KTVN	2	Do.
	KCRL	4	Do.
	KOLO	8	Do.
Washoe	KTVN	2	Do.
	KCRL	4	Do.
	KOLO	8	Do.
White Pine	KUTV	2	Salt Lake City.
	KCPX	4	Do.
	K8L	5	Do.
NEW HAMPSHIRE			
Belknap	WC8H	6	Portland-Poland Spring.
	WMTW	8	Do.
	WGAN	13	Do.
	WBZ	4	Boston.
	WHDH	5	Do.
	WMUR	9	Manchester.
Carroll	WC8H	6	Portland-Poland Spring.
	WMTW	8	Do.
	WGAN	13	Do.
Cheshire	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WTIC	3	Hartford-New Haven.
	WMUR	9	Manchester.
	WWLP	22	Springfield, Mass.
Coos	WC8H	6	Portland-Poland Spring.
	WMTW	8	Do.
	WGAN	13	Do.
	WCAX	3	Burlington-Plattsburgh.
Grafton	WMTW	8	Portland-Poland Spring.
	WCAX	3	Do.
Hillsborough	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	W8BK	26	Do.
	WKBG	56	Do.
	WMUR	9	Manchester.

V37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
NEW HAMPSHIRE—continued			
Merrimack	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WSBK	38	Do.
	WMUR	9	Manchester.
	WCSH	6	Portland-Poland Spring.
	WMTW	8	Do.
Rockingham	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WSBK	38	Do.
	WKBG	56	Do.
	WMUR	9	Manchester.
Strafford	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WMUR	9	Manchester.
	WCSH	6	Portland-Poland Spring.
	WMTW	8	Do.
	WGAN	13	Do.
Sullivan	WBZ	4	Boston.
	WHDH	5	Do.
	WCAX	3	Burlington-Plattsburgh.
	WMUR	9	Manchester.
	WWLP	22	Springfield, Mass.
NEW JERSEY			
Atlantic	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Bergen	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Burlington	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Camden	KYW	3	Do.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Cape May	KYW	3	Do.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WKBS	48	Do.
Cumberland	KYW	3	Do.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Essex	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Gloucester	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WKBS	48	Do.
Hudson	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
NEW JERSEY—continued			
Hunterdon	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WTAF	29	Do.
Mercer	KYW	3	Do.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WKBS	48	Do.
Middlesex	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Monmouth	WCBS	2	Do.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Morris	WCBS	2	Do.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Ocean	WCBS	2	Do.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Passaic	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Salem	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Somerset	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Sussex	WCBS	2	Do.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Union	WCBS	2	Do.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Warren	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WPIX	11	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
NEW MEXICO			
Bernalillo	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
Catron	KOB	4	Do.
	KOAT	7	Do.
	KVOA	4	Tucson.
	KGUN	9	Do.
	KOLD	13	Do.
Chaves	KBIM	10	Roswell.
	KCBD	11	Lubbock.
Colfax	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
	KRDO	13	Colorado Springs-Pueblo.
Curry	KVII	7	Amarillo.
	KFDA	10	Do.
	KCBD	11	Lubbock.
De Baca	KCBD	11	Do.
	KOAT	7	Albuquerque.
	KBIM	10	Roswell.
Dona Ana	KROD	4	El Paso.
	KTSM	9	Do.
	KELP	13	Do.
Eddy	KBIM	10	Roswell.
	KELP	13	El Paso.
	KCBD	11	Lubbock.
Grant	KROD	4	El Paso.
	KTSM	9	Do.
	KOAT	7	Albuquerque.
Guadalupe	KOB	4	Do.
	KOAT	7	Do.
	KGGM	13	Do.
Harding	KOB	4	Do.
	KOAT	7	Do.
	KGGM	13	Do.
Hidalgo	KTVK	3	Phoenix.
	KOOL	10	Do.
	KTAR	12	Do.
	KVOA	4	Tucson.
	KGUN	9	Do.
	KOLD	13	Do.
Lea North	KBIM	10	Roswell.
	KCBD	11	Lubbock.
Lea South	KMID	2	Odessa-Midland.
	KOSA	7	Do.
	KMOM	9	Do.
	KCBD	11	Lubbock.
	KBIM	10	Roswell.
Lincoln	KOB	4	Albuquerque.
	KCBD	11	Lubbock.
	KBIM	10	Roswell.
Los Alamos	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
Luna	KROD	4	El Paso.
	KTSM	9	Do.
	KELP	13	Do.
McKinley	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
Mora	KOB	4	Do.
	KOAT	7	Do.
	KGGM	13	Do.
Otero	KROD	4	El Paso.
	KTSM	9	Do.
	KOAT	7	Albuquerque.
Quay	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
	KOAT	7	Albuquerque.
	KCBD	11	Lubbock.
Rio Arriba	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
Roosevelt	KFDA	10	Amarillo.
	KCBD	11	Lubbock.
Sandoval	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
San Juan	KOB	4	Do.
	KOAT	7	Do.
	KGGM	13	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
NEW MEXICO—continued			
San Miguel	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.
Santa Fe	KOB	4	Do.
	KOAT	7	Do.
	KGGM	13	Do.
Sierra	KOB	4	Do.
	KOAT	7	Do.
	KGGM	13	Do.
Socorro	KOB	4	Do.
	KOAT	7	Do.
	KGGM	13	Do.
Taos	KOB	4	Do.
	KOAT	7	Do.
	KGGM	13	Do.
Torrance	KOB	4	Do.
	KOAT	7	Do.
	KGGM	13	Do.
Union	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
	KKTV	11	Colorado Springs-Pueblo.
	KRDO	13	Do.
Valencia	KOB	4	Albuquerque.
	KOAT	7	Do.
	KGGM	13	Do.

Census county divisions in split counties:
Lea North: Lea North Central, Lovington, Tatum.
Lea South: All other.

County	Call letters, channel number, and market name		
NEW YORK			
Albany	WRGB	6	Albany-Schenectady-Troy.
	WTEN	10	Do.
	WAST	13	Do.
Allegany	WGP	2	Buffalo.
	WBEN	4	Do.
	WKBW	7	Do.
Bronx	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Broome	WNBF	12	Binghamton.
	WBJA	34	Do.
	WINR	40	Do.
Cattaraugus	WGP	2	Buffalo.
	WBEN	4	Do.
	WKBW	7	Do.
Cayuga	WSYR	3	Syracuse.
	WHEN	5	Do.
	WNYS	9	Do.
	WHEC	10	Rochester, N.Y.
	WOKR	13	Do.
Chautauqua	WGR	2	Buffalo.
	WBEN	4	Do.
	WKBW	7	Do.
Chemung	WSYE	18	Elmira.
	WENY	36	Do.
	WNBF	12	Binghamton.
	WNEW	5	New York.
Chenango	WSYR	3	Syracuse.
	WHEN	5	Do.
	WNYS	9	Do.
	WNBF	12	Binghamton.
	WINR	40	Do.
Clinton	WCAX	3	Burlington-Plattsburgh.
	WPTZ	5	Do.
	WVNY	22	Do.
	CBMT	6	Canada.
	CFCF	12	Do.
Columbia	WRGB	6	Albany-Schenectady-Troy.
	WTEN	10	Do.
	WAST	13	Do.
Cortland	WSYR	3	Syracuse.
	WHEN	5	Do.
	WNYS	9	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
NEW YORK—continued			
Delaware	WNBF	12	Binghamton.
	WRGB	6	Albany-Schenectady-Troy.
	WTEN	10	Do.
	WKTV	2	Utica.
Dutchess	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
	WTEN	10	Albany-Schenectady-Troy.
Erie	WGR	2	Buffalo.
	WBEN	4	Do.
	WKBW	7	Do.
	WUTV	29	Do.
Essex	WCAX	3	Burlington-Plattsburgh.
	WPTZ	5	Do.
Franklin	WCAX	3	Do.
	WPTZ	5	Do.
	CBOT	4	Canada.
	CBMT	6	Do.
	CJSS	8	Do.
	CFCF	12	Do.
Fulton	WRGB	6	Albany-Schenectady-Troy.
	WTEN	10	Do.
	WAST	13	Do.
Genesee	WGR	2	Buffalo.
	WBEN	4	Do.
	WKBW	7	Do.
	WROC	8	Rochester, N.Y.
	WHEC	10	Do.
	WOKR	13	Do.
Greene	WRGB	6	Albany-Schenectady-Troy.
	WTEN	10	Do.
	WAST	13	Do.
Hamilton	WRGB	6	Do.
	WTEN	10	Do.
Herkimer	WKTV	2	Utica.
	WRGB	6	Albany-Schenectady-Troy.
	WTEN	10	Do.
	WIEN	5	Syracuse.
	WNYS	9	Do.
Jefferson	WWNY	7	Watertown-Carthage.
	WSYR	3	Syracuse.
	WIEN	5	Do.
	CKWS	11	Canada.
Kings	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Lewis	WWNY	7	Watertown-Carthage.
	WSYR	3	Syracuse.
	WHEN	5	Do.
	WKTV	2	Utica.
Livingston	WROC	8	Rochester, N.Y.
	WHEC	10	Do.
	WOKR	13	Do.
Madison	WSYR	3	Syracuse.
	WHEN	5	Do.
	WNYS	9	Do.
	WKTV	2	Utica.
Monroe	WROC	8	Rochester, N.Y.
	WHEC	10	Do.
	WOKR	13	Do.
Montgomery	WRGB	6	Albany-Schenectady-Troy.
	WTEN	10	Do.
	WAST	13	Do.
	WKTV	2	Utica.
Nassau	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
NEW YORK—continued			
New York	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Niagara	WGR	2	Buffalo.
	WBEN	4	Do.
	WKBW	7	Do.
	WUTV	29	Do.
	CBLT	6	Canada.
	CFTO	9	Do.
	CHCH	11	Do.
Oneida East	WKTV	2	Utica.
	WUTR	20	Do.
	WSYR	3	Syracuse.
	WHEN	5	Do.
	WNYS	9	Do.
Oneida West	WSYR	3	Do.
	WHEN	5	Do.
	WNYS	9	Do.
	WKTV	2	Utica.
Onondaga	WSYR	3	Syracuse.
	WHEN	5	Do.
	WNYS	9	Do.
Ontario	WROC	8	Rochester, N.Y.
	WHEC	10	Do.
	WOKR	13	Do.
	WSYR	3	Syracuse.
	WHEN	5	Do.
	WNYS	9	Do.
Orange	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Orleans	WGR	2	Buffalo.
	WBEN	4	Do.
	WKBW	7	Do.
	WUTV	29	Do.
	WROC	8	Rochester, N.Y.
	WHEC	10	Do.
	WOKR	13	Do.
Oswego	WSYR	3	Syracuse.
	WHEN	5	Do.
	WNYS	9	Do.
Otsego	WKTV	2	Utica.
	WRGB	6	Albany-Schenectady-Troy.
	WNBF	12	Binghamton.
	WHEN	5	Syracuse.
	WNYS	9	Do.
Putnam	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Queens	WCBS	2	Do.
	WNBC	4	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
	WNEW	5	Do.
Rensselaer	WRGB	6	Albany-Schenectady-Troy.
	WTEN	10	Do.
	WAST	13	Do.
Richmond	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.
Rockland	WCBS	2	Do.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WOR	9	Do.
	WPIX	11	Do.

V37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
NEW YORK—continued	
St. Lawrence	WWNY 7 Watertown-Carthage.
	WPTZ 5 Burlington-Platts-burgh.
	CBOT 4 Canada.
	CJSS 8 Do.
	CKWS 11 Do.
Saratoga	WRGB 6 Albany-Schenectady-Troy.
	WTEN 10 Do.
	WAST 13 Do.
Schenectady	WRGB 6 Do.
	WTEN 10 Do.
	WAST 13 Do.
Schoharie	WRGB 6 Do.
	WTEN 10 Do.
	WAST 13 Do.
Schuyler	WSYR 3 Syracuse.
	WHEN 5 Do.
	WNYS 9 Do.
	WROC 8 Rochester, N.Y.
	WHEC 10 Do.
	WOKR 13 Do.
Seneca	WSYR 3 Syracuse.
	WHEN 5 Do.
	WNYS 9 Do.
	WROC 8 Rochester, N.Y.
	WHEC 10 Do.
	WOKR 13 Do.
Steuben	WSYR 3 Syracuse.
	WHEN 5 Do.
	WNYS 9 Do.
	WNBF 12 Binghamton.
	WBEN 4 Buffalo.
	WKBW 7 Do.
	WSYE 18 Elmira.
Suffolk East	WCBS 2 New York.
	WNBC 4 Do.
	WNEW 5 Do.
	WABC 7 Do.
	WOR 9 Do.
	WPIX 11 Do.
	WTIC 3 Hartford-New Haven.
	WNHC 8 Do.
Suffolk West	WCBS 2 New York.
	WNBC 4 Do.
	WNEW 5 Do.
	WABC 7 Do.
	WOR 9 Do.
	WPIX 11 Do.
Sullivan	WCBS 2 Do.
	WNBC 4 Do.
	WNEW 5 Do.
	WABC 7 Do.
	WOR 9 Do.
	WPIX 11 Do.
Tioga	WNBF 12 Binghamton.
	WBJA 24 Do.
	WINR 40 Do.
Tompkins	WSYR 3 Syracuse.
	WHEN 5 Do.
	WNYS 9 Do.
	WNBF 12 Binghamton.
Ulster	WCBS 2 New York.
	WNBC 4 Do.
	WNEW 5 Do.
	WABC 7 Do.
	WOR 9 Do.
	WPIX 11 Do.
	WRGB 6 Albany-Schenectady-Troy.
	WTEN 10 Do.
Warren	WRGB 6 Do.
	WTEN 10 Do.
	WAST 13 Do.
Washington	WRGB 6 Do.
	WTEN 10 Do.
	WAST 13 Do.
Wayne	WROC 8 Rochester, N.Y.
	WHEC 10 Do.
	WOKR 13 Do.
	WSYR 3 Syracuse.
	WHEN 5 Do.
	WNYS 9 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
NEW YORK—continued	
Westchester	WCBS 2 New York.
	WNBC 4 Do.
	WNEW 5 Do.
	WABC 7 Do.
	WOR 9 Do.
	WPIX 11 Do.
Wyoming	WGIP 2 Buffalo.
	WBEN 4 Do.
	WKBW 7 Do.
	WROC 8 Rochester, N.Y.
	WHEC 10 Do.
	WOKR 13 Do.
Yates	WSYR 3 Syracuse.
	WHEN 5 Do.
	WNYS 9 Do.
	WROC 8 Rochester, N.Y.
	WHEC 10 Do.

Census county divisions in split counties:
Onelda West: Annsville, Ava, Boonville, Camden, Florence, Forestport, Lee, Rome City, Vernon, Verona, Vienna, Western, Sherrill.
Oneida East: All others.
Suffolk West: Babylon, Huntington, Islip, Smithtown.
Suffolk East: All other.

NORTH CAROLINA		
Alamance	WFMY	2 Greensboro-Winston-Salem-High Point.
	WGHP	8 Do.
	WSJS	12 Do.
	WRAL	5 Raleigh-Durham
	WTVD	11 Do.
Alexander	WBTV	3 Charlotte.
	WSOC	9 Do.
	WRET	36 Do.
	WGHP	8 Greensboro-Winston-Salem-High Point.
	WSJS	12 Do.
Alleghany	WFMY	2 Do.
	WGHP	8 Do.
	WSJS	12 Do.
	WBTV	3 Charlotte.
	WSOC	9 Do.
	WDBJ	7 Roanoke-Lynchburg.
	WSLS	10 Do.
Anson	WBTV	3 Charlotte.
	WSOC	9 Do.
	WCCB	18 Do.
	WRET	36 Do.
	WBTW	13 Florence, S.C.
	WGHP	8 Greensboro-Winston-Salem-High Point.
Ashe	WBTV	3 Charlotte.
	WCYB	5 Bristol-Kingsport-Johnson City.
	WGHP	8 Greensboro-Winston-Salem-High Point.
Avery	WBTV	3 Charlotte.
	WSOC	9 Do.
	WCYB	5 Bristol-Kingsport-Johnson City.
Beaufort	WITN	7 Greenville-New Bern-Washington.
	WNCT	9 Do.
	WCTI	12 Do.
Bertie	WITN	7 Do.
	WNCT	9 Do.
	WTAR	3 Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10 Do.
	WVEC	13 Do.
Bladen	WWAY	3 Wilmington, N.C.
	WECT	6 Do.
Brunswick	WWAY	3 Do.
	WECT	6 Do.
Buncombe	WFBC	4 Greenville-Spartanburg-Asheville.
	WSPA	7 Do.
	WLOS	13 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
NORTH CAROLINA—continued	
Burke	WBTV 3 Charlotte.
	WSOC 9 Do.
	WFBC 4 Greenville-Spartanburg-Asheville.
	WSPA 7 Do.
	WLOS 13 Do.
Cabarrus	WBTV 3 Charlotte.
	WSOC 9 Do.
	WCCB 18 Do.
	WRET 36 Do.
Caldwell	WBTV 3 Do.
	WSOC 9 Do.
	WFBC 4 Greenville-Spartanburg-Asheville.
	WSPA 7 Do.
	WLOS 13 Do.
Camden	WTAR 3 Norfolk-Portsmouth-Newport News-Hampton.
	WAVY 10 Do.
	WVEC 13 Do.
Carteret	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WCTI 12 Do.
Caswell	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WSJS 12 Do.
	WRAL 5 Raleigh-Durham.
	WDBJ 7 Roanoke-Lynchburg.
	WSLS 10 Do.
	WLVA 13 Do.
Catawba	WBTV 3 Charlotte.
	WSOC 9 Do.
	WCCB 18 Do.
	WSPA 7 Greenville-Spartanburg-Asheville.
	WLOS 13 Do.
Chatham	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WRDU 28 Do.
Cherokee	WRCB 3 Chattanooga.
	WTVC 9 Do.
	WDEF 12 Do.
	WFBC 4 Greenville-Spartanburg-Asheville.
	WLOS 13 Do.
Chowan	WTAR 3 Norfolk-Portsmouth-Newport News-Hampton.
	WAVY 10 Do.
	WVEC 13 Do.
	WITN 7 Greenville-New Bern-Washington.
Clay	WNCT 9 Do.
	WRCB 3 Chattanooga.
	WTVC 9 Do.
	WDEF 12 Do.
	WSB 2 Atlanta.
	WAGA 5 Do.
	WQXI 11 Do.
Cleveland	WBTV 3 Charlotte.
	WSOC 9 Do.
	WFBC 4 Greenville-Spartanburg-Asheville.
	WSPA 7 Do.
	WLOS 13 Do.
Columbus	WWAY 3 Wilmington, N.C.
	WECT 6 Do.
	WBTW 13 Florence, S.C.
Craven	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WCTI 12 Do.
Cumberland	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WECT 6 Wilmington, N.C.
Currituck	WTAR 3 Norfolk-Portsmouth-Newport News-Hampton.
	WAVY 10 Do.
	WVFC 13 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
NORTH CAROLINA—continued	
Dare	WTAR 3 Norfolk-Portsmouth-Newport News-Hampton.
	WAVY 10 Do.
	WVEC 13 Do.
	WITN 7 Greenville-New Bern-Washington.
Davidson	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WSJS 12 Do.
	WBTV 3 Charlotte.
	WSOC 9 Do.
Davie	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WSJS 12 Do.
	WBTV 3 Charlotte.
	WSOC 9 Do.
Duplin	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WWAY 3 Wilmington, N.C.
	WECT 6 Do.
Durham	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WRDU 28 Do.
	WFMY 2 Greensboro-Winston Salem-High Point.
Edgecombe	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
Forsyth	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WSJS 12 Do.
Franklin	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WNCT 9 Greenville-New Bern-Washington.
Gaston	WBTV 3 Charlotte.
	WSOC 9 Do.
	WCCB 18 Do.
	WRET 36 Do.
	WLOS 13 Greenville-Spartanburg-Asheville
Gates	WTAR 3 Norfolk-Portsmouth-Newport News-Hampton
	WAVY 10 Do.
	WVEC 13 Do.
Graham	WATE 6 Knoxville.
	WBIR 10 Do.
	WFBC 4 Greenville-Spartanburg-Asheville.
	WLOS 13 Do.
Granville	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WRDU 28 Do.
Greene	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
Guilford	WFMY 2 Greensboro-Winston Salem-High Point
	WGHP 8 Do.
	WSJS 12 Do.
Halifax	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
Harnett	WRAL 5 Do.
	WTVD 11 Do.
	WECT 6 Wilmington, N.C.
Haywood	WFBC 4 Greenville-Spartanburg-Asheville.
	WSPA 7 Do.
	WLOS 13 Do.
Henderson	WFBC 4 Do.
	WSPA 7 Do.
	WLOS 13 Do.
Hertford	WTAR 3 Norfolk-Portsmouth-Newport News-Hampton.
	WAVY 10 Do.
	WVEC 13 Do.
Hoke	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	BTW 13 Florence, S.C.
	WGHP 8 Greensboro-Winston Salem-High Point.
	WECT 6 Wilmington, N.C.
Hyde	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WCTI 12 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
NORTH CAROLINA—continued	
Iredell	WBTV 3 Charlotte.
	WSOC 9 Do.
	WCCB 18 Do.
	WRET 36 Do.
	WGHP 8 Greensboro-Winston Salem-High Point.
	WSJS 12 Do.
Jackson	WFBC 4 Greenville-Spartanburg-Asheville.
	WSPA 7 Do.
	WLOS 13 Do.
Johnston	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
Jones	WITN 7 Do.
	WNCT 9 Do.
	WCTI 12 Do.
Lee	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WRDU 28 Do.
	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
Lenoir	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WCTI 12 Do.
	WRAL 5 Raleigh-Durham.
Lincoln	WBTV 3 Charlotte.
	WSOC 9 Do.
	WCCB 18 Do.
	WRET 36 Do.
	WSPA 7 Greenville-Spartanburg-Asheville.
	WLOS 13 Do.
McDowell	WFBC 4 Do.
	WSPA 7 Do.
	WLOS 13 Do.
Macon	WBTV 3 Charlotte.
	WFBC 4 Greenville-Spartanburg-Asheville.
	WSPA 7 Do.
	WLOS 13 Do.
Madison	WSB 2 Atlanta.
	WFBC 4 Greenville-Spartanburg-Asheville.
	WLOS 13 Do.
Martin	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WCTI 12 Do.
Mecklenburg	WBTV 3 Charlotte.
	WSOC 9 Do.
	WCCB 18 Do.
	WRET 36 Do.
Mitchell	WBTV 3 Do.
	WCYB 5 Bristol-Kingsport-Johnson City.
	WFBC 4 Greenville-Spartanburg-Asheville.
	WSPA 7 Do.
	WLOS 13 Do.
Montgomery	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WBTV 3 Charlotte.
	WSOC 9 Do.
Moore	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WECT 6 Wilmington, N.C.
Nash	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
New Hanover	WWAY 3 Wilmington, N.C.
	WECT 6 Do.
Northampton	WTAR 3 Norfolk-Portsmouth-Newport News-Hampton.
	WAVY 10 Do.
	WVEC 13 Do.
	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
Onslow	WITN 7 Do.
	WNCT 9 Do.
	WCTI 12 Do.
	WWAY 3 Wilmington, N.C.
	WECT 6 Do.
Orange	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WRDU 28 Do.
	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
NORTH CAROLINA—continued	
Pamlico	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WCTI 12 Do.
Pasquotank	WTAR 3 Norfolk-Portsmouth-Newport News-Hampton.
	WAVY 10 Do.
	WVEC 13 Do.
	WYAH 27 Do.
Pender	WWAY 3 Wilmington, N.C.
	WECT 6 Do.
Perquimans	WTAR 3 Norfolk-Portsmouth-Newport News-Hampton.
	WAVY 10 Do.
	WVEC 13 Do.
Person	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WRDU 28 Do.
	WFMY 2 Greensboro-Winston Salem-High Point.
	WDBJ 7 Roanoke-Lynchburg.
	WSLS 10 Do.
	WLVA 13 Do.
Pitt	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WCTI 12 Do.
	WRAL 5 Raleigh-Durham.
Polk	WFBC 4 Greenville-Spartanburg-Asheville.
	WSPA 7 Do.
	WLOS 13 Do.
	WBTV 3 Charlotte.
Randolph	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WSJS 12 Do.
Richmond	WBTV 3 Charlotte.
	WSOC 9 Do.
	WBTW 13 Florence, S.C.
	WGHP 8 Greensboro-Winston Salem-High Point.
Robeson	WWAY 3 Wilmington, N.C.
	WECT 6 Do.
	WBTW 13 Florence, S.C.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
Rockingham	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WSJS 12 Do.
	WDBJ 7 Roanoke-Lynchburg.
	WSLS 10 Do.
Rowan	WBTV 3 Charlotte.
	WSOC 9 Do.
	WCCB 18 Do.
	WRET 36 Do.
	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WSJS 12 Do.
Rutherford	WFBC 4 Greenville-Spartanburg-Asheville.
	WSPA 7 Do.
	WLOS 13 Do.
	WBTV 3 Charlotte.
	WSOC 9 Do.
Sampson	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WWAY 3 Wilmington, N.C.
	WECT 6 Do.
Scotland	WBTW 13 Florence, S.C.
	WGHP 8 Greensboro-Winston Salem-High Point.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
	WECT 6 Wilmington, N.C.
Stanly	WBTV 3 Charlotte.
	WSOC 9 Do.
	WGHP 8 Greensboro-Winston Salem-High Point.
Stokes	WFMY 2 Do.
	WGHP 8 Do.
	WSJS 12 Do.
Surry	WFMY 2 Do.
	WGHP 8 Do.
	WSJS 12 Do.
Swain	WFBC 4 Greenville-Spartanburg-Asheville.
	WSPA 7 Do.
	WLOS 13 Do.
Transylvania	WFBC 4 Do.
	WSPA 7 Do.
	WLOS 13 Do.

V 37 N 30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
NORTH CAROLINA—continued	
Tyrrell	WTAR 3 Norfolk-Portsmouth-Newport News-Hampton.
	WAVY 10 Do.
	WVEC 13 Do.
	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
Union	WBTV 3 Charlotte.
	WSOC 9 Do.
	WCCB 18 Do.
	WRET 36 Do.
Vance	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
Wake	WRAL 5 Do.
	WTVD 11 Do.
Warren	WRAL 5 Do.
	WTVD 11 Do.
	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
Washington	WITN 7 Do.
	WNCT 9 Do.
	WCTI 12 Do.
Watauga	WBTV 3 Charlotte.
	WCYB 5 Bristol-Kingsport-Johnson City.
	WGHP 8 Greensboro-Winston Salem-High Point.
Wayne	WITN 7 Greenville-New Bern-Washington.
	WNCT 9 Do.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
Wilkes	WGHP 8 Greensboro-Winston Salem-High Point.
	WSJS 12 Do.
	WBTV 3 Charlotte.
	WSOC 9 Do.
Wilson	WITN 7 Greenville-Winston Salem-High Point.
	WNCT 9 Do.
	WRAL 5 Raleigh-Durham.
	WTVD 11 Do.
Yadkin	WFMY 2 Greensboro-Winston Salem-High Point.
	WGHP 8 Do.
	WSJS 12 Do.
	WBTV 3 Charlotte.
	WSOC 9 Do.
Yancey	WFBC 4 Greenville-Spartanburg-Asheville.
	W8PA 1 Do.
	WLOS 13 Do.
	WCYB 5 Bristol-Kingsport-Johnson City.
NORTH DAKOTA	
Adams	KDIX 2 Dickinson, N. Dak.
	KFYR 5 Minot-Bismarck.
Barnes	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
Benson	KXJB 4 Do.
	WDAZ 8 Do.
	KTHI 11 Do.
	KXMC 13 Minot-Bismarck.
Billings	KDIX 2 Dickinson, N. Dak.
	KFYR 5 Minot-Bismarck.
Bottineau	KMOT 10 Do.
	KXMC 13 Do.
Bowman	KDIX 2 Dickinson, N. Dak.
	KFYR 5 Minot-Bismarck.
	KOTA 3 Rapid City.
Burke	KUMV 8 Minot-Bismarck.
	KMOT 10 Do.
	KXMC 13 Do.
	CKOS 3 Canada.
Burleigh	KFYR 5 Minot-Bismarck.
	KXMB 12 Do.
Cass	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
	WDAZ 8 Do.
Cavalier	KCND 12 Pembina.
	CJAY 7 Canada.
Dickey	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
	KELO 11 Sioux Falls-Mitchell.
	KSOO 13 Do.
Divide	KUMV 8 Minot-Bismarck.
	KXMD 11 Do.
	CKCK 2 Canada.
Dunn	KDIX 2 Dickinson, N. Dak.
	KFYR 5 Minot-Bismarck.
	KUMV 8 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
NORTH DAKOTA—continued	
Eddy	KXJB 4 Fargo.
	WDAZ 8 Do.
	KTHI 11 Do.
Emmons	KFYR 5 Minot-Bismarck.
	KXMB 12 Do.
Foster	KXJB 4 Fargo.
	WDAY 6 Do.
	WDAZ 8 Do.
	KTHI 11 Do.
Golden Valley	KUMV 8 Minot-Bismarck.
	KDIX 2 Dickinson, N. Dak.
Grand Forks	KXJB 4 Fargo.
	WDAY 6 Do.
	WDAZ 8 Do.
	KTHI 11 Do.
	CJAY 7 Canada.
Grant	KFYR 5 Minot-Bismarck.
	KXMB 12 Do.
Griggs	KXJB 4 Fargo.
	WDAY 6 Do.
	WDAZ 8 Do.
	KTHI 11 Do.
Hettinger	KFYR 5 Minot-Bismarck.
	KDIX 2 Dickinson, N. Dak.
Kidder	KFYR 5 Minot-Bismarck.
	KXMB 12 Do.
La Moure	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
Logan	KFYR 5 Minot-Bismarck.
	KXMB 12 Do.
	KMOT 10 Do.
	KXMC 13 Do.
McHenry	KFYR 5 Do.
	KXMB 12 Do.
McIntosh	KUMV 8 Do.
	KXMD 11 Do.
McKenzie	KFYR 5 Do.
	KXMB 12 Do.
McLean	KFYR 5 Do.
	KXMC 13 Do.
Mercer	KFYR 5 Do.
	KXMC 13 Do.
Morton East	KFYR 5 Do.
	KXMB 12 Do.
Morton West	KFYR 5 Do.
	KXMB 12 Do.
Mountrail	KUMV 8 Do.
	KMOT 10 Do.
	KXMC 13 Do.
Nelson	KXJB 4 Fargo.
	WDAY 6 Do.
	WDAZ 8 Do.
	KTHI 11 Do.
Oliver	KFYR 5 Minot-Bismarck.
	KXMB 12 Do.
Pembina	KCND 12 Pembina.
	KXJB 4 Fargo.
	WDAZ 8 Do.
	CBWT 6 Canada.
	CJAY 7 Do.
Pierce	KMOT 10 Minot-Bismarck.
	KXMC 13 Do.
Ramsey	KXJB 4 Fargo.
	WDAZ 8 Do.
	KTHI 11 Do.
Ransom	KXJB 4 Do.
	WDAY 6 Do.
	KTHI 11 Do.
Renville	KMOT 10 Minot-Bismarck.
	KXMC 13 Do.
Richland	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
	WTCN 11 Minneapolis-St. Paul.
Rolette	KMOT 10 Minot-Bismarck.
	KXMC 13 Do.
	CKX 5 Canada.
Sargent	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
Sheridan	KFYR 5 Minot-Bismarck.
	KXMC 13 Do.
Sioux	KFYR 5 Do.
	KXMB 12 Do.
Slope	KDIX 2 Dickinson, N. Dak.
Stark	KDIX 2 Do.
	KFYR 5 Minot-Bismarck.
Steele	KXJB 4 Fargo.
	WDAY 6 Do.
	KTHI 11 Do.
Shutsman	KXJB 4 Do.
	WDAY 6 Do.
	KTHI 11 Do.
Towner	KFYR 5 Minot-Bismarck.
	KXJB 4 Fargo.
	WDAZ 8 Do.
Traill	KXJB 4 Do.
	WDAY 6 Do.
	KTHI 11 Do.
Walsh	KXJB 4 Do.
	WDAZ 8 Do.
	KTHI 11 Do.
	KCND 12 Pembina.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
NORTH DAKOTA—continued	
Ward	KMOT 10 Minot-Bismarck.
	KXMC 13 Do.
Wells	KFYR 5 Do.
	KXMC 13 Do.
	KXJB 4 Fargo.
	WDAZ 8 Do.
	KTHI 11 Do.
Williams	KUMV 8 Minot-Bismarck.
	KXMD 11 Do.

Census county divisions in split counties:
Morton East: Mandan, Mandan North, Mandan South.
Morton West: All other.

OHIO	
Adams	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
Allen	WIMA 35 Lima.
	WHIO 7 Dayton.
	WANE 15 Fort Wayne.
	WTOL 11 Toledo.
	W8PD 13 Do.
	WDHO 24 Do.
Ashland	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Do.
	WKBF 61 Do.
Ashtabula	WKYC 3 Do.
	WEWS 5 Do.
	WJW 8 Do.
	WICU 12 Erie.
	WJET 24 Do.
	WSEE 35 Do.
Athens	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
	WLWC 4 Columbus, Ohio.
Auglaize	WLWD 2 Dayton.
	WHIO 7 Do.
Belmont	WIMA 35 Lima.
	WTRF 7 Wheeling-Steubenville.
	W8TV 9 Do.
	KDKA 2 Pittsburgh.
	WTAE 4 Do.
Brown	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Butler	WLWT 5 Do.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
	WLWD 2 Dayton.
	WHIO 7 Do.
Carroll	WTRF 7 Wheeling-Steubenville.
	W8TV 9 Do.
	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	KDKA 2 Pittsburgh.
	WTAE 4 Do.
	WIIC 11 Do.
Champaign	WLWD 2 Dayton.
	WHIO 7 Do.
	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Clark	WLWD 2 Dayton.
	WHIO 7 Do.
	WKEF 22 Do.
	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Clermont	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Clinton	WLWT 5 Do.
	WCPO 9 Do.
	WKRC 12 Do.
	WLWD 2 Dayton.
	WHIO 7 Do.
	WKEF 22 Do.
Columbiana	KDKA 2 Pittsburgh.
	WTAE 4 Do.
	WIIC 11 Do.
	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WTRF 7 Wheeling-Steubenville
	WSTV 9 Do.
	WFMJ 21 Youngstown.
	WKBN 27 Do.
	WYTV 33 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
OHIO—continued	
Coshocton	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
	WTRF 7 Wheeling-Stuebenville
	W8TV 9 Do.
	WHIZ 18 Zanesville.
Crawford	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WTOL 11 Toledo
	W8PD 13 Do.
Cuyahoga	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Do.
	WKBF 61 Do.
Darke	WLWD 2 Dayton.
	WHIO 7 Do.
	WKEF 22 Do.
	WCPO 9 Cincinnati.
Defiance	WTOL 11 Toledo.
	W8PD 13 Do.
	WDHO 24 Do.
	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
Delaware	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Erie	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Do.
	WKBF 61 Do.
	WTOL 11 Toledo.
	W8PD 13 Do.
Fairfield	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Fayette	WLWC 4 Do.
	WTVN 6 Do.
	WBNS 10 Do.
Franklin	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Fulton	WTOL 11 Toledo.
	W8PD 13 Do.
	WDHO 24 Do.
Gallia	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Geauga	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Do.
	WKBF 61 Do.
Greene	WLWD 2 Dayton.
	WHIO 7 Do.
	WKEF 22 Do.
	WCPO 9 Cincinnati.
	WKRC 12 Do.
Guernsey	WTRF 7 Wheeling-Steubenville.
	W8TV 9 Do.
Hamilton	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
Hancock	WTOL 11 Toledo.
	W8PD 13 Do.
	WDHO 24 Do.
Hardin	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
	WTOL 11 Toledo.
	W8PD 13 Do.
Harrison	WTRF 7 Wheeling-Steubenville.
	W8TV 9 Do.
	KDKA 2 Pittsburgh.
	WTAE 4 Do.
	WIIC 11 Do.
Henry	WTOL 11 Toledo.
	W8PD 13 Do.
	WDHO 24 Do.
Highland	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
	WXIX 19 Do.
	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
	WHIO 7 Dayton.
Hocking	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
OHIO—continued	
Holmes	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
Huron	WKYC 3 Do.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Do.
	WKBF 61 Do.
	WTOL 11 Toledo.
	W8PD 13 Do.
Jackson	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Jefferson	WTRF 7 Wheeling-Steubenville.
	W8TV 9 Do.
	KDKA 2 Pittsburgh.
	WTAE 4 Do.
	WIIC 11 Do.
Knox	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Lake	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Do.
	WKBF 61 Do.
Lawrence	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Licking	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Logan	WLWC 4 Do.
	WTVN 6 Do.
	WBNS 10 Do.
	WLWD 2 Dayton.
	WHIO 7 Do.
Lorain	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Do.
	WKBF 61 Do.
Lucas	WTOL 11 Toledo.
	W8PD 13 Do.
	WDHO 24 Do.
	WJBK 2 Detroit.
	WXYZ 7 Do.
	WKBD 50 Do.
Madison	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Mahoning	WFMJ 21 Youngstown.
	WKBN 27 Do.
	WYTV 33 Do.
Marion	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Medina	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Do.
	WKBF 61 Do.
Meigs	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Mercer	WLWD 2 Dayton.
	WHIO 7 Do.
	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
	WIMA 35 Lima.
Miami	WLWD 2 Dayton.
	WHIO 7 Do.
	WKEF 22 Do.
	WKTR 16 Kettering (Dayton).
Monroe	WTRF 7 Wheeling-Steubenville.
	W8TV 9 Do.
	WDTV 5 Clarksburg-Weston.
	WTAE 4 Pittsburgh.
Montgomery	WLWD 2 Dayton.
	WHIO 7 Do.
	WKTR 16 Do.
	WKEF 22 Do.
	WCPO 9 Cincinnati.
	WKRC 12 Do.
Morgan	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
	WTAP 15 Parkersburg.
	WHIZ 18 Zanesville.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
OHIO—continued	
Morrow	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Muskingum	WHIZ 18 Zanesville.
	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Noble	WTRF 7 Wheeling-Steubenville.
	W8TV 9 Do.
Ottawa	WTOL 11 Toledo.
	W8PD 13 Do.
	WDHO 24 Do.
	WEWS 5 Cleveland.
Paulding	WJBK 2 Detroit.
	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
Perry	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
	WHIZ 18 Zanesville.
Pickaway	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Pike	WLWC 4 Do.
	WTVN 6 Do.
	WBNS 10 Do.
	WSAZ 3 Charleston-Huntington.
	WHTN 13 Do.
Portage	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Dc.
	WKBF 61 Do.
Preble	WLWD 2 Dayton.
	WHIO 7 Do.
	WKEF 22 Do.
	WLWT 5 Cincinnati.
	WCPO 9 Do.
	WKRC 12 Do.
Putnam	WXIX 19 Do.
	WTOL 11 Toledo.
	W8PD 13 Do.
	WDHO 24 Do.
	WIMA 35 Lima.
Richland	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WBNS 10 Columbus.
Ross	WLWC 4 Do.
	WTVN 6 Do.
	WBNS 10 Do.
Sandusky	WTOL 11 Toledo.
	W8PD 13 Do.
	WDHO 24 Do.
Scioto	WSAZ 3 Charleston-Huntington.
	WCHS 8 Do.
	WHTN 13 Do.
Seneca	WTOL 11 Toledo.
	W8PD 13 Do.
	WDHO 24 Do.
	WEWS 5 Cleveland.
Shelby	WLWD 2 Dayton.
	WHIO 7 Do.
	WKEF 22 Do.
Stark	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Do.
	WKBF 61 Do.
Summit	WKYC 3 Do.
	WEWS 5 Do.
	WJW 8 Do.
	WUAB 43 Do.
	WKBF 61 Do.
	WAKR 23 Akron.
Trumbull	WFMJ 21 Youngstown.
	WKBN 27 Do.
	WYTV 33 Do.
	WKYC 3 Cleveland.
	WEWS 5 Do.
	WJW 8 Do.
Tuscarawas	WKYC 3 Do.
	WEWS 5 Do.
	WJW 8 Do.
	WTRF 7 Wheeling-Steubenville.
	W8TV 9 Do.
Union	WLWC 4 Columbus, Ohio.
	WTVN 6 Do.
	WBNS 10 Do.
Van Wert	WANE 15 Fort Wayne.
	WPTA 21 Do.
	WKJG 33 Do.
	WIMA 35 Lima.

V37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters	channel number	market name
OHIO—continued			
Vinton	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
	WLWC	4	Columbus, Ohio.
	WTVN	6	Do.
	WBNS	10	Do.
Warren	WLWT	5	Cincinnati.
	WCPO	9	Do.
	WKRC	12	Do.
	WXIX	19	Do.
	WLWD	2	Dayton.
	WHIO	7	Do.
	WKEF	22	Do.
Washington	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
	WTAP	15	Parkersburg.
	WTRF	7	Wheeling-Steubenville.
Wayne	WKYC	3	Cleveland.
	WEWS	5	Do.
	WJW	8	Do.
	WUAB	43	Do.
	WKBF	61	Do.
Williams	WTOL	11	Toledo.
	WSPD	13	Do.
	WDHO	24	Do.
	WANE	15	Fort Wayne.
	WPTA	21	Do.
	WKJG	33	Do.
Wood	WTOL	11	Toledo.
	WSPD	13	Do.
	WDHO	24	Do.
	WKBD	50	Detroit.
Wyandot	WTOL	11	Toledo.
	WSPD	13	Do.
	WDHO	24	Do.
	WLWC	4	Columbus, Ohio.
	WBNS	10	Do.
OKLAHOMA			
Adair	KIEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Alfalfa	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Atoka	KTEN	10	Ardmore-Ada.
	KXII	12	Do.
Beaver	KTVC	6	Wichita-Hutchinson,
	KGLD	11	Do.
	KUPK	13	Do.
Beckham	KFDA	10	Amarillo.
	KSWO	7	Wichita Falls-Lawton.
Blaine	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Bryan	KTEN	10	Ardmore-Ada.
	KXII	12	Do.
	KDFW	4	Dallas-Fort Worth.
	WFAA	8	Do.
	KTVT	11	Do.
Caddo	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Canadian	WKY	4	Do.
	KOCO	5	Do.
	KWTV	9	Do.
Carter	KTEN	10	Ardmore-Ada.
	KXII	12	Do.
	KWTV	9	Oklahoma City.
	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
Cherokee	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Choctaw	KTVT	11	Dallas-Fort Worth.
	KTEN	10	Ardmore-Ada.
	KXII	12	Do.
Cimarron	KGNC	4	Amarillo.
	KVII	7	Do.
	KDFA	10	Do.
Cleveland	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Coal	KTEN	10	Ardmore-Ada.
	KXII	12	Do.
	WKY	4	Oklahoma City.
Comanche	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Cotton	KFDX	3	Do.
	KAUZ	6	Do.
	KSWO	7	Do.
Craig	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
	KOAM	7	Joplin-Pittsburg.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters	channel number	market name
OKLAHOMA—continued			
Creek	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Custer	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Delaware	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
Dewey	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Ellis	WKY	4	Do.
	KOCO	5	Do.
	KWTV	9	Do.
	KGNC	4	Amarillo.
	KFDA	10	Do.
Garfield	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Garvin	WKY	4	Do.
	KOCO	5	Do.
	KWTV	9	Do.
	KTEN	10	Ardmore-Ada.
Grady	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Grant	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
	KARD	3	Wichita-Hutchinson.
	KAKE	10	Do.
Greer	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
	KFDA	10	Amarillo.
Harmon	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Harper	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
	KTVC	6	Wichita-Hutchinson.
	KUPK	13	Do.
Haskell	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
	KFSA	5	Fort Smith.
Hughes	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
	KTEN	10	Ardmore-Ada.
	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Jackson	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Jefferson	KFDX	3	Do.
	KAUZ	6	Do.
	KSWO	7	Do.
	KXII	12	Ardmore-Ada.
Johnston	KTEN	10	Do.
	KXII	12	Do.
Kay	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
	KTEW	2	Tulsa.
	KOTV	6	Do.
	KARD	3	Wichita-Hutchinson.
	KAKE	10	Do.
Kingfisher	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Kiowa	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KTUL	8	Tulsa.
Latimer	KTEN	10	Ardmore-Ada.
	KFSA	5	Fort Smith.
Le Flore	KFSA	5	Do.
	KTUL	8	Tulsa.
Lincoln	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Logan	WKY	4	Do.
	KOCO	5	Do.
	KWTV	9	Do.
Love	KDFW	4	Dallas-Fort Worth.
	WFAA	8	Do.
	KTVT	11	Do.
	KXII	12	Ardmore-Ada.
	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
McClain	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters	channel number	market name
OKLAHOMA—continued			
McCurtain	KTBS	3	Shreveport-Texarkana.
	KTAL	12	Do.
	KSFA	5	Fort Smith.
McIntosh	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Major	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Marshall	KTEN	10	Ardmore-Ada.
	KXII	12	Do.
Mayes	KDFW	4	Dallas-Fort Worth.
	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Murray	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
	KTEN	10	Ardmore-Ada.
	KXII	12	Do.
Muskogee	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Noble	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Nowata	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Okfuskee	KTEW	2	Do.
	KOTV	6	Do.
	KTUL	8	Do.
	KTEN	10	Ardmore-Ada.
	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Oklahoma	WKY	4	Do.
	KOCO	5	Do.
	KWTV	9	Do.
Okmulgee	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Osage	KTEW	2	Do.
	KOTV	6	Do.
	KTUL	8	Do.
Ottawa	KOAM	7	Joplin-Pittsburg.
	KODE	12	Do.
	KUHI	16	Do.
	KOTV	6	Tulsa.
	KTUL	8	Do.
Pawnee	KTEW	2	Do.
	KOTV	6	Do.
	KTUL	8	Do.
Payne	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
	KTEW	2	Tulsa.
	KOTV	6	Do.
Pittsburg	KTEW	2	Do.
	KOTV	6	Do.
	KTUL	8	Do.
	KTEN	10	Ardmore-Ada.
Pontotoc	KTEN	10	Do.
	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Pottawatomie	WKY	4	Do.
	KOCO	5	Do.
	KWTV	9	Do.
Pushmataha	KTEN	10	Ardmore-Ada.
	KXII	12	Do.
Roger Mills	KFDA	10	Amarillo.
	WKY	4	Oklahoma City.
Rogers	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Seminole	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
	KTEN	10	Ardmore-Ada.
Sequoyah	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
	KSFA	5	Fort Smith.
Stephens	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Texas	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
	KTVC	6	Wichita-Hutchinson.
	KGLD	11	Do.
	KUPK	13	Do.
Tillman	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Tulsa	KTEW	2	Tulsa.
	KOTV	6	Do.
	KTUL	8	Do.
Wagoner	KTEW	2	Do.
	KOTV	6	Do.
	KTUL	8	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters	channel number	market name
OKLAHOMA—continued			
Washington	KTEW	2	Tulsa
	KOTV	6	Do.
	KTUL	8	Do.
Washita	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Woods	WKY	4	Oklahoma City.
	KOCO	5	Do.
	KWTV	9	Do.
Woodward	WKY	4	Do.
	KOCO	5	Do.
	KWTV	9	Do.
OREGON			
Baker	KBOI	2	Boise.
	KTVB	7	Do.
Benton	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KPTV	12	Do.
	KEZI	9	Eugene.
	KVAL	13	Do.
Clackamas	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Clatsop	KATU	2	Do.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Columbia	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Coos	KCBY	11	Eugene.
	KOBI	5	Medford.
Crook	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
	KEZI	9	Eugene.
Curry	KIEM	3	Eureka.
	KVIQ	6	Do.
Deschutes	KOIN	6	Portland, Oreg.
	KGW	8	Do.
	KPTV	12	Do.
	KEZI	9	Eugene.
Douglas	KPIC	4	Do.
	KEZI	9	Do.
	KOBI	5	Medford.
Gilliam	KEPR	19	Yakima.
	KNDU	25	Do.
	KOIN	6	Portland, Oreg.
	KGW	8	Do.
	KPTV	12	Do.
Grant	KBOI	2	Boise.
	KTVB	7	Do.
Harney	KOIN	6	Portland, Oreg.
	KTVB	7	Boise.
Hood River	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Jackson	KOBI	5	Medford.
	KMED	10	Do.
Jefferson	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
Josephine	KOBI	5	Medford.
	KMED	10	Do.
Klamath	KOTI	2	Klamath Falls.
	KMED	10	Medford.
Lake	KOTI	2	Klamath Falls.
Lane Inner	KEZI	9	Eugene.
	KVAL	13	Do.
Lane Outer	KEZI	9	Do.
	KVAL	13	Do.
	KOIN	6	Portland, Oreg.
	KPTV	12	Do.
Lincoln	KATU	2	Do.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
	KEZI	9	Eugene.
Linn	KVDO	3	Salem, Oreg.
	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
	KEZI	9	Eugene.
	KVAL	13	Do.
Malheur	KVDO	3	Salem, Oreg.
	KBOI	2	Boise.
	KTVB	7	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters	channel number	market name
OREGON—continued			
Marion	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
	KVDO	3	Salem, Oreg.
Morrow	KEPR	19	Yakima.
	KNDU	25	Do.
	KVEW	42	Do.
	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
Multnomah	KATU	2	Do.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Polk	KATU	2	Do.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Sherman	KVDO	3	Salem, Oreg.
	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Tillamook	KATU	2	Do.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
	KVDO	3	Salem, Oreg.
Umatilla	KEPR	19	Yakima.
	KNDU	25	Do.
	KVEW	42	Do.
Union	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Wallowa	KTVB	7	Boise.
	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Wasco	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
Washington	KATU	2	Do.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Yamhill	KATU	2	Do.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Wheeler	KVDO	3	Salem, Oreg.
	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
	KOMO	4	Seattle-Tacoma.

Census county divisions in split counties:
Lane Inner: Eugene, Springfield, Eugene West.
Lane Outer: All other.

PENNSYLVANIA

Adams	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
	WMAR	2	Baltimore.
	WBAL	11	Do.
	WJZ	13	Do.
	WTTG	5	Washington, D.C.
Allegheny	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WPGH	53	Do.
Armstrong	KDKA	2	Do.
	WTAE	4	Do.
	WIIC	11	Do.
	WPGH	53	Do.
	WJAC	6	Johnstown-Altoona.
Beaver	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WPGH	53	Do.
	WSTV	9	Wheeling-Steubenville.
Bedford	WJAC	6	Johnstown-Altoona.
	WFBG	10	Do.
Berks	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
Blair	WJAC	6	Johnstown-Altoona.
	WFBG	10	Do.
Bradford	WNBF	12	Binghamton.
	WSYE	18	Elmira.
	WENY	36	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters	channel number	market name
PENNSYLVANIA—continued			
Bucks	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Butler	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WPGH	53	Do.
	WJAC	6	Johnstown-Altoona.
Cambria	WJAC	6	Do.
	WFBG	10	Do.
	KDKA	2	Pittsburgh.
	WTAE	4	Do.
Cameron	WJAC	6	Johnstown-Altoona.
	WFBG	10	Do.
	WBEN	2	Buffalo.
	WKBW	7	Do.
Carbon	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WNEP	16	Wilkes-Barre-Scranton.
Centre	WJAC	6	Johnstown-Altoona.
	WFBG	10	Do.
Chester	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Clarion	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WJAC	6	Johnstown-Altoona.
Clearfield	WJAC	6	Do.
	WFBG	10	Do.
Clinton	WJAC	6	Do.
	WFBG	10	Do.
	WNEW	5	New York.
	WPIX	11	Do.
	WNEP	16	Wilkes-Barre-Scranton.
	WDAU	22	Do.
	WBRE	28	Do.
Columbia	WNEP	16	Do.
	WDAU	22	Do.
	WBRE	28	Do.
Crawford	WICU	12	Erie.
	WJET	24	Do.
	WSEE	35	Do.
Cumberland	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
	WHP	21	Do.
	WTPA	27	Do.
Dauphin	WGAL	8	Do.
	WHP	21	Do.
	WTPA	27	Do.
Delaware	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Elk	WJAC	6	Johnstown-Altoona.
	WFBG	10	Do.
Erie	WICU	12	Erie.
	WJET	24	Do.
	WSEE	35	Do.
Fayette	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
Forest	WICU	12	Erie.
	WJAC	6	Johnstown-Altoona.
	KDKA	2	Pittsburgh.
	WTAE	4	Do.
Franklin	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WMAR	2	Baltimore.
	WBAL	11	Do.
	WJZ	13	Do.
	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
Fulton	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WJAC	6	Johnstown-Altoona.
	WFBG	10	Do.
Greene	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WPGH	53	Do.
	WTRF	7	Wheeling-Steubenville.
Huntingdon	WJAC	6	Johnstown-Altoona.
	WFBG	10	Do.

V37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
PENNSYLVANIA—continued			
Indiana	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WJAC	6	Johnstown-Altoona.
Jefferson	WFBG	10	Do.
	WJAC	6	Do.
	WFBG	10	Do.
	KDKA	2	Pittsburgh.
	WTAE	4	Do.
Juniata	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
	WHP	21	Do.
	WTPA	27	Do.
	WFBG	10	Johnstown-Altoona.
Lackawanna	WNEP	16	Wilkes-Barre-Scranton.
	WDAU	22	Do.
	WBRE	28	Do.
Lancaster	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
	WLYH	15	Do.
	WTPA	27	Do.
	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
Lawrence	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WFMJ	21	Youngstown.
	WKBN	27	Do.
	WYTV	33	Do.
Lebanon	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
	WLYH	15	Do.
	WHP	21	Do.
	WTPA	27	Do.
Lehigh	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
Luzerne	WNEP	16	Wilkes-Barre-Scranton.
	WDAU	22	Do.
	WBRE	28	Do.
Lycoming	WNEP	16	Do.
	WDAU	22	Do.
	WBRE	28	Do.
	WFBG	10	Johnstown-Altoona.
McKean	WOR	2	Buffalo.
	WBEN	4	Do.
	WKBW	7	Do.
Mercer	WFMJ	21	Youngstown.
	WKBN	27	Do.
	WYTV	33	Do.
	KDKA	2	Pittsburgh.
	WIIC	11	Do.
Mifflin	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
	WJAC	6	Johnstown-Altoona.
	WFBG	10	Do.
Monroe	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
Montgomery	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Montour	Over 90 percent cable penetration.		
Northampton	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WNEW	5	New York.
	WOR	9	Do.
	WPIX	11	Do.
Northumberland, over 90% cable penetration.			
Perry	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
	WHP	21	Do.
	WTPA	27	Do.
Philadelphia	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WPHL	17	Do.
	WTAF	29	Do.
	WKBS	48	Do.
Pike	WCBS	2	New York.
	WNBC	4	Do.
	WNEW	5	Do.
	WABC	7	Do.
	WNEP	16	Wilkes-Barre-Scranton.
	WDAU	22	Do.
	WBRE	28	Do.
Potter	WGR	2	Buffalo.
	WBEN	4	Do.
	WKBW	7	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
PENNSYLVANIA—continued			
Schuylkill	KYW	3	Philadelphia.
	WFIL	6	Do.
	WCAU	10	Do.
	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
Snyder	WGAL	8	Do.
	WHP	21	Do.
	WTPA	27	Do.
	WNEP	16	Wilkes-Barre-Scranton.
	WBRE	28	Do.
Somerset	WJAC	6	Johnstown-Altoona.
	KDKA	2	Pittsburgh.
	WTAE	4	Do.
Sullivan	WNBF	12	Binghamton.
	WNEP	16	Wilkes-Barre-Scranton.
	WDAU	22	Do.
	WBRE	28	Do.
Susquehanna	WNBF	12	Binghamton.
	WNEP	16	Wilkes-Barre-Scranton.
	WDAU	22	Do.
	WBRE	28	Do.
Tioga	WSYE	18	Elmira.
	WENY	36	Do.
	WNBF	12	Binghamton.
Union	WNEP	16	Wilkes-Barre-Scranton.
	WDAU	22	Do.
	WBRE	28	Do.
Venango	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WICU	12	Erie.
	WJAC	6	Johnstown-Altoona.
Warren	WGR	2	Buffalo.
	WBEN	4	Do.
	WKBW	7	Do.
	WICU	12	Erie.
Washington	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WPGH	53	Do.
	WTRF	7	Wheeling-Steubenville.
	WSTV	9	Do.
Wayne	WNEP	16	Wilkes-Barre-Scranton.
	WDAU	22	Do.
	WBRE	28	Do.
	WNBP	12	Binghamton.
	WNBC	4	New York.
	WNEW	5	Do.
Westmoreland	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WPGH	53	Do.
	WJAC	6	Johnstown-Altoona.
Wyoming	WNEP	16	Wilkes-Barre-Scranton.
	WDAU	22	Do.
	WBRE	28	Do.
York	WGAL	8	Harrisburg-York-Lancaster-Lebanon.
	WTPA	27	Do.
	WSBA	43	Do.
	WMAR	2	Baltimore.
	WBAL	11	Do.
	WJZ	12	Do.
RHODE ISLAND			
Bristol	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
	WBZ	4	Boston.
	WNAC	7	Do.
	WSBK	38	Do.
Kent	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
	WHDH	5	Boston.
	WNAC	7	Do.
	WSBK	38	Do.
Newport	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
	WNAC	7	Boston.
	WSBK	38	Do.
	WKBG	56	Do.
Providence	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WSBK	38	Do.
	WKBG	56	Do.
Washington	WTEV	6	Providence.
	WJAR	10	Do.
	WPRI	12	Do.
	WBZ	4	Boston.
	WHDH	5	Do.
	WNAC	7	Do.
	WKBG	56	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
SOUTH CAROLINA			
Abbeville	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
	WJBF	6	Augusta.
Aiken	WJBF	6	Do.
	WRDW	12	Do.
	WATU	26	Do.
Allendale	WJBF	6	Do.
	WRDW	12	Do.
Anderson	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
Bamberg	WJBF	6	Augusta.
	WRDW	12	Do.
	WCSC	5	Charleston, S.C.
	WIS	10	Columbia, S.C.
Barnwell	WJBF	6	Augusta.
	WRDW	12	Do.
	WIS	10	Columbia, S.C.
Beaufort	WUSN	2	Charleston, S.C.
	WCIV	4	Do.
	WCSC	5	Do.
	WSAV	3	Savannah.
	WTOC	11	Do.
Berkely	WUSN	2	Charleston, S.C.
	WCIV	4	Do.
	WCSC	5	Do.
Calhoun	WIS	10	Columbia, S.C.
	WNOK	19	Do.
	WRDW	12	Augusta.
	WUSN	2	Charleston, S.C.
	WCSC	5	Do.
Charleston	WUSN	2	Do.
	WCIV	4	Do.
	WCSC	5	Do.
Cherokee	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
	WBTV	3	Charlotte.
	WSOC	9	Do.
Chester	WBTV	3	Do.
	WSOC	9	Do.
	WIS	10	Columbia, S.C.
	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
Chesterfield	WBTV	3	Charlotte.
	WSOC	9	Do.
	WCCB	18	Do.
	WRET	36	Do.
	WIS	10	Columbia, S.C.
Clarendon	WBTW	13	Florence, S.C.
	WIS	10	Columbia, S.C.
	WUSN	2	Charleston, S.C.
	WCIV	4	Do.
	WCSC	5	Do.
Colleton	WBTW	13	Florence, S.C.
	WUSN	2	Charleston, S.C.
	WCIV	4	Do.
	WCSC	5	Do.
Darlington	WBTW	13	Florence, S.C.
	WIS	10	Columbia, S.C.
Dillon	WBTW	13	Florence, S.C.
	WIS	10	Columbia, S.C.
	WWAY	3	Wilmington, N.C.
	WECT	6	Do.
Dorchester	WUSN	2	Charleston, S.C.
	WCIV	4	Do.
	WCSC	5	Do.
Edgefield	WJBF	6	Augusta.
	WRDW	12	Do.
Fairfield	WIS	10	Columbia, S.C.
	WNOK	19	Do.
	WOLO	25	Do.
	WSPA	7	Greenville-Spartanburg-Asheville.
Florence	WBTW	13	Florence, S.C.
	WIS	10	Columbia, S.C.
Georgetown	WUSN	2	Charleston, S.C.
	WCIV	4	Do.
	WCSC	5	Do.
Greenville	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
Greenwood	WFBC	4	Do.
	WSPA	7	Do.
	WLOS	13	Do.
	WJBF	6	Augusta.
Hampton	WJBF	6	Do.
	WRDW	12	Do.
	WUSN	2	Charleston, S.C.
	WCIV	4	Do.
	WCSC	5	Do.
	WSAV	3	Savannah.
	WTOC	11	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
SOUTH CAROLINA—continued			
Horry	WWAY	3	Wilmington, N.C.
	WECT	6	Do.
	WCSC	5	Charleston, S.C.
	WBTW	13	Florence, S.C.
Jasper	WSAV	3	Savannah
	WTOC	11	Do.
	WUSN	2	Charleston, S.C.
	WCIV	4	Do.
	WCSC	5	Do.
Kershaw	WIS	10	Columbia, S.C.
	WNOK	19	Do.
	WOLO	25	Do.
	WBTW	13	Florence, S.C.
Lancaster	WBTV	3	Charlotte
	WSOC	9	Do.
	WCCB	18	Do.
	WRET	36	Do.
	WIS	10	Columbia, S.C.
Laurens	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
Lee	WIS	10	Columbia, S.C.
	WBTW	13	Florence, S.C.
Lexington	WIS	10	Columbia, S.C.
	WNOK	19	Do.
	WOLO	25	Do.
McCormick	WJBF	6	Augusta
	WRDW	12	Do.
	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
Marion	WBTW	13	Florence, S.C.
	WIS	10	Columbia, S.C.
	WWAY	3	Wilmington, N.C.
	WECT	6	Do.
Marlboro	WBTW	13	Florence, S.C.
	WIS	10	Columbia, S.C.
	WECT	6	Wilmington, N.C.
Newberry	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
	WJBF	6	Augusta
	WIS	10	Columbia, S.C.
Oconee	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do
Orangeburg	WIS	10	Columbia, S.C.
	WJBF	6	Augusta.
	WRDW	12	Do.
	WUSN	2	Charleston, S.C.
	WCIV	4	Do.
	WCSC	5	Do.
Pickens	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
Richland	WIS	10	Columbia, S.C.
	WNOK	19	Do.
	WOLO	25	Do.
Saluda	WJBF	6	Augusta.
	WRDW	12	Do.
	WIS	10	Columbia, S.C.
	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
Spartanburg	WFBC	4	Do.
	WSPA	7	Do.
	WLOS	13	Do.
	WBTV	3	Charlotte.
Sumter	WIS	10	Columbia, S.C.
	WNOK	19	Do.
	WOLO	25	Do.
	WBTW	13	Florence, S.C.
Union	WFBC	4	Greenville-Spartanburg-Asheville.
	WSPA	7	Do.
	WLOS	13	Do.
	WBTV	3	Charlotte.
Williamsburg	WUSN	2	Charleston, S.C.
	WCIV	4	Do.
	WCSC	5	Do.
	WIS	10	Columbia, S.C.
	WBTW	13	Florence, S.C.
York	WBTV	3	Charlotte.
	WSOC	9	Do.
	WCCB	18	Do.
	WRET	36	Do.
	WSPA	7	Greenville-Spartanburg-Asheville.
	WLOS	13	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
SOUTH DAKOTA			
Aurora	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
	KSOO	13	Do.
Beadle	KORN	5	Do.
	KELO	11	Do.
	KSOO	13	Do.
Bennett	KOTA	3	Rapid City.
	KDUH	4	Do.
Bon Homme	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
	KSOO	13	Do.
	KTIV	4	Sioux City.
	KCAU	9	Do.
Brookings	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
	KSOO	13	Do.
Brown	KELO	11	Do.
	KSOO	13	Do.
Brule	KORN	5	Do.
	KELO	11	Do.
Buffalo	KORN	5	Do.
	KELO	11	Do.
Butte	KOTA	3	Rapid City.
	KRSD	7	Do.
Campbell	KFYR	5	Minot-Bismarck.
	KXMB	12	Do.
Charles Mix	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
	KSOO	13	Do.
Clark	KELO	11	Do.
	KSOO	13	Do.
Clay	KTIV	4	Sioux City.
	KCAU	9	Do.
	KMEG	14	Do.
	KELO	11	Sioux Falls-Mitchell.
	KSOO	13	Do.
Codington	KELO	11	Do.
	KSOO	13	Do.
Corson	KFYR	5	Minot-Bismarck.
	KXMB	12	Do.
Custer	KOTA	3	Rapid City.
	KRSD	7	Do.
Davison	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
	KSOO	13	Do.
Day	KELO	11	Do.
	KSOO	13	Do.
Deuel	KELO	11	Do.
	KSOO	13	Do.
Dewey	KFYR	5	Minot-Bismarck.
	KXMB	12	Do.
	KELO	11	Sioux Falls-Mitchell.
Douglas	KORN	5	Do.
Edmunds	KELO	11	Do.
	KELO	11	Do.
	KSOO	13	Do.
Fall River	KOTA	3	Rapid City.
	KDUH	4	Do.
	KSTF	10	Cheyenne.
Faulk	KELO	11	Sioux Falls-Mitchell.
	KSOO	13	Do.
	KELO	11	Do.
Grant	KCMT	7	Alexandria, Minn.
	KMSP	9	Minneapolis-St. Paul.
	WTCN	11	Do.
Gregory	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
Haakon	KOTA	3	Rapid City.
	KELO	11	Sioux Falls-Mitchell.
Hamlin	KELO	11	Do.
	KSOO	13	Do.
Hand	KELO	11	Do.
	KSOO	13	Do.
Hanson	KORN	5	Do.
	KELO	11	Do.
	KSOO	13	Do.
Harding	KOTA	3	Rapid City.
Hughes	KELO	11	Sioux Falls-Mitchell.
Hutchinson	KORN	5	Do.
	KELO	11	Do.
	KSOO	13	Do.
Hyde	KELO	11	Do.
	KSOO	13	Do.
Jackson	KOTA	3	Rapid City.
	KELO	11	Sioux Falls-Mitchell.
Jerauld	KORN	5	Do.
	KELO	11	Do.
	KSOO	13	Do.
Jones	KELO	11	Do.
Kingsbury	KORN	5	Do.
	KELO	11	Do.
	KSOO	13	Do.
Lake	KORN	5	Do.
	KELO	11	Do.
	KSOO	13	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
SOUTH DAKOTA—continued			
Lawrence	KOTA	3	Rapid City.
	KRSD	7	Do.
Lincoln	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
	KSOO	13	Do.
	KTIV	4	Sioux City.
	KCAU	9	Do.
Lyman	KELO	11	Sioux Falls-Mitchell.
Mc Cook	KORN	5	Do.
	KELO	11	Do.
	KSOO	13	Do.
Mc Pherson	KELO	11	Do.
	KSOO	13	Do.
	KFYR	5	Minot-Bismarck.
Marshall	KELO	11	Sioux Falls-Mitchell.
	KSOO	13	Do.
	KXJB	4	Fargo.
Meade	KOTA	3	Rapid City.
	KRSD	7	Do.
	KWGN	2	Denver.
Mellette	KELO	11	Sioux Falls-Mitchell.
Miner	KORN	5	Do.
	KELO	11	Do.
	KSOO	13	Do.
Minnehaha	KORN	5	Do.
	KELO	11	Do.
	KSOO	13	Do.
	KCAU	9	Sioux City.
Moody	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
	KSOO	13	Do.
Pennington	KOTA	3	Rapid City.
	KRSD	7	Do.
Perkins	KFYR	5	Minot-Bismarck.
	KDIX	2	Dickinson, N. Dak.
	KOTA	3	Rapid City.
Potter	KELO	11	Sioux Falls-Mitchell.
	KSOO	13	Do.
	KFYR	5	Minot-Bismarck.
Roberts	KELO	11	Sioux Falls-Mitchell.
	KSOO	13	Do.
	WDAY	6	Fargo.
Sanborn	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
	KSOO	13	Do.
Shannon	OTA	3	Rapid City.
	KDUH	4	Do.
	KRSD	7	Do.
Spink	KELO	11	Sioux Falls-Mitchell.
	KSOO	13	Do.
Stanley	KELO	11	Do.
	KWGN	2	Denver.
	KOA	4	Do.
	KBTV	9	Do.
Sully	KELO	11	Sioux Falls-Mitchell.
Todd	KELO	11	Do.
Tripp	KORN	5	Do.
	KELO	11	Do.
Turner	KORN	5	Sioux Falls-Mitchell.
	KELO	11	Do.
	KSOO	13	Do.
	KTIV	4	Sioux City.
	KCAU	9	Do.
Union	KTIV	4	Do.
	KCAU	9	Do.
	KMEG	14	Do.
	KELO	11	Sioux Falls-Mitchell.
	KSOO	13	Do.
Walworth	KFYR	5	Minot-Bismarck.
	KXMB	12	Do.
	KELO	11	Sioux Falls-Mitchell
Washabaugh	KOTA	3	Rapid City.
	KELO	11	Sioux Falls-Mitchell.
Yankton	KTIV	4	Sioux City.
	KCAU	9	Do.
	KELO	11	Sioux Falls-Mitchell.
	KSOO	13	Do.
Ziebach	KOTA	3	Rapid City.
TENNESSEE			
Anderson	WATE	6	Knoxville.
	WBIR	10	Do.
	WTVK	26	Do.
Bedford	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Benton	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Bledsoe	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Blount	WATE	6	Knoxville.
	WBIR	10	Do.
	WTVK	26	Do.

V37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
TENNESSEE—continued			
Bradley	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Campbell	WATE	6	Knoxville,
	WBIR	10	Do.
	WTVK	26	Do.
Cannon	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Carroll	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
	WBBJ	7	Jackson, Tenn.
	WREC	3	Memphis.
	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
Carter	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
	WKPT	19	Do.
Cheatham	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Chester	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	WBBJ	7	Jackson, Tenn.
Claiborne	WATE	6	Knoxville.
	WBIR	10	Do
Clay	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Cocke	WATE	6	Knoxville.
	WBIR	10	Do.
	WLOS	13	Greenville-Spartanburg-Asheville.
Coffee	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Crockett	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	WBBJ	7	Jackson, Tenn.
Cumberland	WATE	6	Knoxville.
	WBIR	10	Do.
	WTVC	9	Chattanooga.
Davidson	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Decatur	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
	WBBJ	7	Jackson, Tenn.
De Kalb	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Dickson	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Dyer	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	WBBJ	7	Jackson, Tenn.
	KFVS	12	Paducah-Cape Girardeau-Harrisburg.
Fayette	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
Fentress	WATE	6	Knoxville.
	WBIR	10	Do.
Franklin	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
	WTVC	9	Chattanooga.
	WDEF	12	Do.
Gibson	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	WBBJ	7	Jackson, Tenn.
Giles	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Grainger	WATE	6	Knoxville.
	WBIR	10	Do.
Greene	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
	WLOS	13	Greenville-Spartanburg-Asheville
	WATE	6	Knoxville.
	WBIR	10	Do.
Grundy	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Hamblen	WATE	6	Knoxville.
	WBIR	10	Do.
	WCYB	5	Bristol-Kingsport-Johnson City.
	WLOS	13	Greenville-Spartanburg-Asheville.
Hamilton	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Hancock	WATE	6	Knoxville.
	WBIR	10	Do.
	WCYB	5	Bristol-Kingsport-Johnson City.
Hardeman	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
Hardin	WBBJ	7	Jackson, Tenn.
	WREC	3	Memphis.
	WMC	5	Do.
Hawkins	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
	WLOS	13	Greenville-Spartanburg-Ashville.
	WATE	6	Knoxville.
	WBIR	10	Do.
Haywood	WREC	3	Memphis.
	MC	5	Do.
	WHBQ	13	Do.
	WBBJ	7	Jackson, Tenn.
Henderson	WBBJ	7	Do.
	WREC	3	Memphis.
	WMC	5	Do.
	WSM	4	Nashville.
	WLAC	5	Do.
Henry	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
Hickman	WSM	4	Nashville
	WLAC	5	Do.
	WSIX	8	Do.
Houston	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Humphreys	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Jackson	WSML	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Jefferson	WATE	6	Knoxville.
	WBIR	10	Do.
	WTVK	26	Do.
	WLOS	13	Greenville-Spartanburg-Asheville
Johnson	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
Knox	WATE	6	Knoxville.
	WBIR	10	Do.
	WTVK	26	Do.
Lake	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
	KFVS	12	Do.
	WREC	3	Memphis
	WMC	5	Do.
	WHBQ	13	Do.
Lauderdale	WREC	3	Do.
	WMC	5	Do.
	WHBQ	13	Do.
Lawrence	WSM	4	Nashville
	WLAC	5	Do.
	WSIX	8	Do.
	WIINT	19	Huntsville-Decatur-Florence
	WAAY	31	Do.
Lewis	WSM	4	Nashville
	WLAC	5	Do.
	WSIX	8	Do.
Lincoln	WIINT	19	Huntsville-Decatur-Florence
	WAAY	31	Do.
	WMSL	48	Do.
	WSM	4	Nashville
	WLAC	5	Do.
	WSIX	8	Do.
Loudon	WATE	6	Knoxville
	WBIR	10	Do.
	WTVK	26	Do.
McMinn	WRCB	3	Chattanooga
	WTVC	9	Do.
	WDEF	12	Do.
	WATE	6	Knoxville
McNairy	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
	WBBJ	7	Jackson, Tenn.
Macon	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Madison	WBBJ	7	Jackson, Tenn.
	WREC	3	Memphis
	WMC	5	Do.
	WHBQ	13	Do.
Marion	WRCB	3	Chattanooga
	WTVC	9	Do.
	WDEF	12	Do.
Marshall	WSM	4	Nashville
	WLAC	5	Do.
	WSIX	8	Do.
Maury	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Meigs	WRCB	3	Chattanooga
	WTVC	9	Do.
	WDEF	12	Do.
Monroe	WATE	6	Knoxville
	WBIR	10	Do.
	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Montgomery	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Moore	WHNT	19	Huntsville-Decatur-Florence.
	WAAY	31	Do.
	WMSL	48	Do.
	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Morgan	WATE	6	Knoxville.
	WBIR	10	Do.
	WTVC	9	Chattanooga.
Obion	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
	KFVS	12	Do.
	WBBJ	7	Jackson, Tenn.
	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Overton	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Perry	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Pickett	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Polk	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
	WATL	36	Atlanta.
Putnam	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Rhea	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Roane	WATE	6	Knoxville.
	WBIR	10	Do.
	WRCB	3	Chattanooga.
	WTVC	9	Do.
	WDEF	12	Do.
Robertson	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Rutherford	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Scott	WATE	6	Knoxville.
	WBIR	10	Do.
	WDEF	12	Chattanooga.
Sequatchie	WRCB	3	Do.
	WTVC	9	Do.
	WDEF	12	Do.
Sevier	WATE	6	Knoxville.
	WBIR	10	Do.
	WTVK	26	Do.
Shelby	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.
Smith	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Stewart	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Sullivan	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
	WKPT	19	Do.
Sumner	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Tipton	WREC	3	Memphis.
	WMC	5	Do.
	WHBQ	13	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
TENNESSEE—continued			
Trousdale	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Unicoi	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
	WATE	6	Knoxville.
	WBIR	10	Do.
	WTVK	26	Do.
Van Buren	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
	WRCB	3	Chattanooga.
	WDEF	12	Do.
Warren	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Washington	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
	WKPT	19	Do.
Wayne	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Weakley	WPSD	6	Paducah-Cape Girardeau-Harrisburg.
	KFVS	12	Do.
	WBBJ	7	Jackson, Tenn.
White	WSM	4	Nashville.
	WLAC	5	Do.
	WSIX	8	Do.
Williamson	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
Wilson	WSM	4	Do.
	WLAC	5	Do.
	WSIX	8	Do.
TEXAS			
Anderson	KDFW	4	Dallas-Fort Worth.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
	KLTV	7	Tyler.
Andrews	KMID	2	Odessa-Midland.
	KOSA	7	Do.
	KMOM	9	Do.
Angelina	KTRE	9	Tyler.
Aransas	KIII	3	Corpus Christi.
	KRIS	6	Do.
	KZTV	10	Do.
Archer	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Armstrong	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
Atascosa	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
Austin	KPRC	2	Houston.
	KHOU	11	Do.
	KTRK	13	Do.
	KHTV	39	Do.
Bailey	KCBD	11	Lubbock.
	KLBK	13	Do.
	KFDA	10	Amarillo.
Bandera	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
Bastrop	KTBC	7	Austin, Tex.
	KHFI	42	Do.
	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
Baylor	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Bee	KIII	3	Corpus Christi.
	KRIS	6	Do.
	KZTV	10	Do.
	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
Bell	KCEN	6	Waco-Temple.
	KWTX	10	Do.
	KTBC	7	Austin, Tex.
Bexar	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
	KWEX	41	Do.
Blanco	WOAI	4	Do.
	KENS	5	Do.
	KSAT	12	Do.
	KTBC	7	Austin, Tex.
	KHFI	42	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
TEXAS—continued			
Borden	KCBD	11	Lubbock.
	KLBK	13	Do.
	KSEL	28	Do.
Bosque	KDFW	4	Dallas-Fort Worth.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
	KCEN	6	Waco-Temple.
	KWTX	10	Do.
Bowie	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
	KSLA	12	Do.
Brazoria	KPRC	2	Houston.
	KHOU	11	Do.
	KTRK	13	Do.
	KHTV	39	Do.
Brazos	KBTX	3	Waco-Temple.
	KCEN	6	Do.
	KTVT	11	Dallas-Fort Worth.
Brewster	KMID	2	Odessa-Midland.
	KOSA	7	Do.
	KMOM	9	Do.
	KTSM	9	El Paso.
Briscoe	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
Brooks	KIII	3	Corpus Christi.
	KRIS	6	Do.
	KZTV	10	Do.
Brown	KRBC	9	Abilene-Sweetwater.
	KTXS	12	Do.
	KTVT	11	Dallas-Fort Worth.
Burleson	KBTX	3	Waco-Temple.
	KCEN	6	Do.
	KTBC	7	Austin, Tex.
Burnet	KTBC	7	Do.
	KHFI	42	Do.
	KWTX	10	Waco-Temple.
Caldwell	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
	KTBC	7	Austin, Tex.
	KHFI	42	Do.
Calhoun	KPRC	2	Houston.
	KHOU	11	Do.
	KTRK	13	Do.
	KIII	3	Corpus Christi.
	KRIS	6	Do.
	KZTV	10	Do.
Callahan	KRBC	9	Abilene-Sweetwater.
	KTXS	12	Do.
Cameron	KGBT	4	McAllen-Brownsville.
	KROV	5	Do.
Camp	KTBS	3	Shreveport-Texarkana
	KTAL	6	Do.
	KSLA	12	Do.
	KLTV	7	Tyler.
Carson	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
Cass	KTBS	3	Shreveport-Texarkana
	KTAL	6	Do.
	KSLA	12	Do.
Castro	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
	KLBK	13	Lubbock.
Chambers	KPRC	2	Houston.
	KHOU	11	Do.
	KTRK	13	Do.
	KHTV	39	Do.
	KJAC	4	Beaumont-Port Arthur.
	KFDM	6	Do.
	KBMT	12	Do.
Cherokee	KLTV	7	Tyler.
	KTRE	9	Do.
	KTBS	3	Shreveport-Texarkana.
Childress	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Clay	KFDX	3	Do.
	KAUZ	6	Do.
	KSWO	7	Do.
Cochran	KCBD	11	Lubbock.
	KLBK	13	Do.
	KSEL	28	Do.
Coke	KRBC	9	Abilene-Sweetwater.
	KTXS	12	Do.
	KCTV	8	San Angelo.
Coleman	KRBC	9	Abilene-Sweetwater.
	KTXS	12	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
TEXAS—continued			
Collin	KDFW	4	Dallas-Fort Worth.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
	KDTV	39	Do.
Collingsworth	KVII	7	Amarillo.
	KFDA	10	Do.
	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Colorado	KPRC	2	Houston.
	KHOU	11	Do.
	KTRK	13	Do.
Comal	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
Comanche	KDFW	4	Dallas-Fort Worth.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
	KRBC	9	Abilene-Sweetwater.
Concho	Over 90 percent cable penetration.		
Cooke	KDFW	4	Dallas Fort Worth.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
Coryell	KCEN	6	Waco-Temple.
	KWTX	10	Do.
	KTBC	7	Austin, Tex.
	KTVT	11	Dallas-Fort Worth.
Cottle	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Crane	KMID	2	Odessa-Midland.
	KOSA	7	Do.
	KMOM	9	Do.
Crockett	KMID	2	Do.
	KOSA	7	Do.
	KMOM	9	Do.
Crosby	KCBD	11	Lubbock.
	KLBK	13	Do.
	KSEL	28	Do.
Culberson	KROD	4	El Paso.
	KTSM	9	Do.
	KELP	13	Do.
Dallam	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
Dallas	KDFW	4	Dallas-Fort Worth.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
	KDTV	39	Do.
Dawson	KCBD	11	Lubbock.
	KLBK	13	Do.
	KSEL	28	Do.
	KMXN	34	Do.
Deaf Smith	KMID	2	Odessa-Midland.
	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
Delta	KDFW	4	Dallas-Fort Worth.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
Denton	KDFW	4	Do.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
	KDTV	39	Do.
De Witt	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
Dickens	KCBD	11	Lubbock.
	KLBK	13	Do.
	KSEL	28	Do.
	KTXS	12	Abilene-Sweetwater.
Dimmit	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
	KGNS	8	Laredo.
Donley	KGNC	4	Amarillo.
	KVII	7	Do.
	KFDA	10	Do.
Duval	KIII	3	Corpus Christi.
	KRIS	6	Do.
	KZTV	10	Do.
Eastland	KRBC	9	Abilene-Sweetwater.
	KTXS	12	Do.
Ector	KMID	2	Odessa-Midland.
	KOSA	7	Do.
	KMOM	9	Do.

V37-30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
TEXAS—continued	
	KTVT 11 Dallas-Fort Worth.
	KDTV 39 Do.
Edwards	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Ellis	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KDTV 39 Do.
El Paso	KROD 4 El Paso.
	KTSM 9 Do.
	KELP 13 Do.
Erath	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
Falls	KCEN 6 Waco-Temple.
	KWTX 10 Do.
Fannin	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KXII 12 Ardmore-Ada.
Fayette	KTBC 7 Austin, Tex.
	KHFI 42 Do.
	KPRC 2 Houston.
	KHOU 11 Do.
	KTRK 13 Do.
	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Fisher	KRBC 9 Abilene-Sweetwater.
	KTXS 12 Do.
	KTVT 11 Dallas-Fort Worth.
Floyd	KCBD 11 Lubbock.
	KLBK 13 Do.
	KSEL 28 Do.
Foard	KFDX 3 Wichita Falls-Lawton.
	KAUZ 6 Do.
	KSWO 7 Do.
Fort Bend	KPRC 2 Houston.
	KHOU 11 Do.
	KTRK 13 Do.
	KHTV 39 Do.
Franklin	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Freestone	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
Frio	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Gaines	KCBD 11 Lubbock.
	KLBK 13 Do.
	WFAA 8 Dallas-Fort Worth.
	KTVT 11 Do.
	KDTV 39 Do.
Galveston	KPRC 2 Houston.
	KHOU 11 Do.
	KTRK 13 Do.
	KHTV 39 Do.
Garza	KCBD 11 Lubbock.
	KLBK 13 Do.
	KSEL 28 Do.
	KXMN 34 Do.
	KTVT 11 Dallas-Fort Worth
Gillespie	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
	KTBC 7 Austin, Tex.
Glasscock	KMID 2 Odessa-Midland.
	KOSA 7 Do.
	KMOM 9 Do.
Goliad	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Gonzales	WOAI 4 Do.
	KENS 5 Do.
	KSAT 12 Do.
Gray	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Grayson	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KXII 12 Ardmore-Ada.
Gregg	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
	KLTV 7 Tyler.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
TEXAS—continued	
Grimes	KPRC 2 Houston.
	KHOU 11 Do.
	KTRK 13 Do.
	KHTV 39 Do.
	KBTX 3 Waco-Temple.
Guadalupe	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Hale	KCBD 11 Lubbock.
	KLBK 13 Do.
	KSEL 28 Do.
	KTVT 11 Dallas-Fort Worth.
Hall	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Hamilton	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KCEN 6 Waco-Temple.
	KWTX 10 Do.
Hansford	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Hardeman	KFDX 3 Wichita Falls-Lawton.
	KAUZ 6 Do.
	KSWO 7 Do.
Hardin	KJAC 4 Beaumont-Port Arthur.
	KFDM 6 Do.
	KBMT 12 Do.
Harris	KPRC 2 Houston.
	KHOU 11 Do.
	KTRK 13 Do.
	KHTV 39 Do.
Harrison	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Hartley	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Haskell	KRBC 9 Abilene-Sweetwater.
	KTXS 12 Do.
	KFDX 3 Wichita Falls-Lawton.
Hays	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
	KTBC 7 Austin, Tex.
Hemphill	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Henderson	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KLTV 7 Tyler.
Hidalgo	KGBT 4 McAllen-Brownsville (Lower Rio Grande).
	KRGV 5 Do.
Hill	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KWTX 10 Waco-Temple.
Hockley	KCBD 11 Lubbock.
	KLBK 13 Do.
	KSEL 28 Do.
	KTVT 11 Dallas-Fort Worth.
Hood	KDFW 4 Do.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
Hopkins	KDFW 4 Do.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KLTV 7 Tyler.
Houston	KTRE 9 Lufkin-Nacogdoches.
	KBTX 3 Waco-Temple.
Howard	KMID 2 Odessa-Midland.
	KWAB 4 Do.
	KOSA 7 Do.
	KMOM 9 Do.
Hudspeth	KROD 4 El Paso.
	KTSM 9 Do.
	KELP 13 Do.
Hunt	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
Hutchinson	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Irion	KCTV 8 San Angelo.
	KRBC 9 Abilene-Sweetwater.
Jack	KFDX 3 Wichita Falls-Lawton.
	KAUZ 6 Do.
	KSWO 7 Do.
	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
TEXAS—continued	
Jackson	KPRC 2 Houston.
	KHOU 11 Do.
	KTRK 13 Do.
	KHTV 39 Do.
Jasper	KJAC 4 Beaumont-Port Arthur.
	KFDM 6 Do.
	KBMT 12 Do.
Jeff Davis	KMID 2 Odessa-Midland.
	KOSA 7 Do.
	KMOM 9 Do.
Jefferson North	KJAC 4 Beaumont-Port Arthur.
	KFDM 6 Do.
	KBMT 12 Do.
Jefferson South	KJAC 4 Do.
	KFD 6 Do.
	KBMT 12 Do.
Jim Hogg	KIII 3 Corpus Christi.
	KRIS 6 Do.
	KZTV 10 Do.
Jim Wells	KIII 3 Do.
	KRIS 6 Do.
	KZTV 10 Do.
Johnson	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KDTV 39 Do.
Jones	KRBC 9 Abilene-Sweetwater.
	KTXS 12 Do.
Karnes	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Kaufman	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KDTV 39 Do.
Kendall	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Kenedy	KIII 3 Corpus Christi.
	KRIS 6 Do.
	KZTV 10 Do.
Kent	KCBD 11 Lubbock.
	KLBK 13 Do.
	KSEL 28 Do.
	KTXS 12 Abilene-Sweetwater.
Kerr	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Kimble	WOAI 4 Do.
	KENS 5 Do.
	KSAT 12 Do.
King	KFDX 3 Wichita Falls-Lawton.
	KAUZ 6 Do.
	KSWO 7 Do.
	KTXS 12 Abilene-Sweetwater.
Kinney	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Kleberg	KIII 3 Corpus Christi.
	KRIS 6 Do.
	KZTV 10 Do.
Knox	KFDX 3 Wichita Falls-Lawton.
	KAUZ 6 Do.
	KSWO 7 Do.
	KTXS 12 Abilene-Sweetwater.
Lamar	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KXII 12 Ardmore-Ada.
Lamb	KCBD 11 Lubbock.
	KLBK 13 Do.
	KSEL 28 Do.
Lampasas	KCEN 6 Waco-Temple.
	KWTX 10 Do.
	KTBC 7 Austin, Tex.
La Salle	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
	KGNS 8 Laredo.
Lavaca	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
	KPRC 2 Houston.
Lee	KTBC 7 Austin, Tex.
	KHFI 42 Do.
	KBTX 3 Waco-Temple.
	KCEN 6 Do.
Leon	KBTX 3 Do.
	KCEN 6 Do.
	KWTX 10 Do.
Liberty	KPRC 2 Houston.
	KHOU 11 Do.
	KTRK 13 Do.
	KHTV 39 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
TEXAS—continued	
Limestone	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KCEN 6 Waco-Temple.
	KWTX 10 Do.
Lipscomb	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Live Oak	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Llano	KTBC 7 Austin, Tex.
	KHFI 42 Do.
Loving	KOSA 7 Odessa-Midland.
	KMOM 9 Do.
Lubbock	KCBD 11 Lubbock.
	KLBK 13 Do.
Lynn	KCBD 11 Do.
	KLBK 13 Do.
	KSEL 28 Do.
	KMXN 34 Do.
McCulloch	KRBC 9 Abilene-Sweetwater.
	KTXS 12 Do.
	KTBC 7 Austin, Tex.
	KHFI 42 Do.
	WFAA 8 Dallas-Fort Worth.
McLennan	KCTV 8 San Angelo.
	KCEN 6 Waco-Temple.
	KWTX 10 Do.
	KDFW 4 Dallas-Fort Worth.
	WFAA 8 Do.
	KTVT 11 Do.
McMullen	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Madison	KBTX 3 Waco-Temple.
	KPRC 2 Houston.
Marion	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Martin	KMID 2 Odessa-Midland.
	KOSA 7 Do.
	KMOM 9 Do.
Mason	KTBC 7 Austin, Tex.
	KHFI 42 Do.
	KENS 5 San Antonio.
	KSAT 12 Do.
Matagorda	KPRC 2 Houston.
	KHOU 11 Do.
	KTRK 13 Do.
	KHTV 39 Do.
Maverick	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Medina	WOAI 4 Do.
	KENS 5 Do.
	KSAT 12 Do.
Menard	KRBC 9 Abilene-Sweetwater.
	KCTV 8 San Angelo.
Midland	KMID 2 Odessa-Midland.
	KOSA 7 Do.
	KMOM 9 Do.
Milam	KCEN 6 Waco-Temple.
	KWTX 10 Do.
	KTBC 7 Austin, Tex.
Mills	KCEN 6 Waco-Temple.
	KWTX 10 Do.
	KRBC 9 Abilene-Sweetwater.
	KTXS 12 Do.
Mitchell	KMID 2 Odessa-Midland.
	KMOM 9 Do.
	KTXS 12 Abilene-Sweetwater.
Montague	KFDX 3 Wichita Falls-Lawton.
	KAUZ 6 Do.
	KSWO 7 Do.
	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	KTVT 11 Do.
	KDTV 39 Do.
Montgomery	KPRC 2 Houston.
	KHOU 11 Do.
	KTRK 13 Do.
	KHTV 39 Do.
Moore	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Morris	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Motley	KCBD 11 Lubbock.
	KLBK 13 Do.
	KSEL 28 Do.
	KGNC 4 Amarillo.
	KVII 7 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
TEXAS—continued	
Nacogdoches	KTBS 3 Shreveport-Texarkana.
	KSLA 12 Do.
	KTVT 11 Dallas-Fort Worth.
	KTRE 9 Tyler.
Navarro	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
Newton	KJAC 4 Beaumont-Port Arthur.
	KFDM 6 Do.
	KBMT 12 Do.
Nolan	KRBC 9 Abilene-Sweetwater.
	KTXS 12 Do.
Nueces	KIII 3 Corpus Christi.
	KRIS 6 Do.
	KZTV 10 Do.
Ochiltree	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Oldham	KGNC 4 Do.
	KVII 7 Do.
	KFDA 10 Do.
Orange	KJAC 4 Beaumont-Port Arthur.
	KFDM 6 Do.
	KBMT 12 Do.
Palo Pinto	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
Panola	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Parker	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
Parmer	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Pecos	KCDB 11 Lubbock.
	KMID 2 Odessa-Midland.
	KOSA 7 Do.
	KMOM 9 Do.
Polk	KTRE 9 Tyler.
	KJAC 4 Beaumont-Port Arthur.
	K DM 6 Do.
	KPRC 2 Houston.
Potter	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Presidio	KOSA 7 Odessa-Midland.
Rains	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
Randall	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Reagan	KMID 2 Odessa-Midland.
	KOSA 7 Do.
	KMOM 9 Do.
Real	WOAI 4 San Antonio.
	KENS 5 Do.
	KSAT 12 Do.
Red River	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Reeves	KOSA 7 Odessa-Midland.
	KMOM 9 Do.
Refugio	KIII 3 Corpus Christi.
	KRIS 6 Do.
	KZTV 10 Do.
Roberts	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Robertson	KBTX 3 Waco-Temple.
	KCEN 6 Do.
	KWTX 10 Do.
	KTBC 7 Austin, Tex.
Rockwall	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KDTV 39 Do.
Runnels	KRBC 9 Abilene-Sweetwater.
	KTXS 12 Do.
	KCTV 8 San Angelo.
Rusk	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
	KLTV 7 Tyler.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
TEXAS—continued	
Sabine	KJAC 4 Beaumont-Port Arthur.
	KFDM 6 Do.
	KTBS 3 Shreveport-Texarkana.
	KSLA 12 Do.
	KTRE 9 Tyler.
San Augustine	KTBS 3 Shreveport-Texarkana.
	KSLA 12 Do.
	KTRE 9 Tyler.
San Jacinto	KPRC 2 Houston.
	KHOU 11 Do.
	KTRK 13 Do.
San Patricio	KIII 3 Corpus Christi.
	KRIS 6 Do.
	KZTV 10 Do.
San Saba	KDFW 4 Dallas-Fort Worth.
	KRBC 9 Abilene-Sweetwater.
	KTBC 7 Austin, Tex.
	KCEN 6 Waco-Temple.
	KWTX 10 Do.
Schleicher	KCTV 8 San Angelo.
	KRBC 9 Abilene-Sweetwater.
Scurry	KRBC 9 Do.
	KTXS 12 Do.
Shackelford	KRBC 9 Do.
	KTXS 12 Do.
Shelby	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Sherman	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Smith	KLTV 7 Tyler.
	KDFW 4 Dallas-Fort Worth.
	KTVT 11 Do.
	KTBS 3 Shreveport-Texarkana
	KSLA 12 Do.
Somervell	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
Starr	KGBT 4 McAllen-Brownsville. (Lower Rio Grande).
	KRGV 5 Do.
Stephens	KRBC 9 Abilene-Sweetwater.
	KTXS 12 Do.
	WFAA 8 Dallas-Fort Worth.
	KTVT 11 Do.
Sterling	KRBC 9 Abilene-Sweetwater.
	KCTV 8 San Angelo.
Stonewall	KRBC 9 Abilene-Sweetwater.
	KTXS 12 Do.
Sutton	WOAI 4 San Antonio.
	KSAT 12 Do.
	KCTV 8 San Angelo.
Swisher	KGNC 4 Amarillo.
	KVII 7 Do.
	KFDA 10 Do.
Tarrant	KDFW 4 Dallas-Fort Worth.
	WBAP 5 Do.
	WFAA 8 Do.
	KTVT 11 Do.
	KDTV 39 Do.
Taylor	KRBC 9 Abilene-Sweetwater.
	KTXS 12 Do.
Terrell	Over 90 percent cable penetration.
Terry	KCBD 11 Lubbock.
	KLBK 13 Do.
	KSEL 28 Do.
	KTVT 11 Dallas-Fort Worth.
Throckmorton	KFDX 3 Wichita Falls-Lawton.
	KAUZ 6 Do.
	KSWO 7 Do.
Titus	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
Tom Green	KCTV 8 San Angelo.
	KRBC 9 Abilene-Sweetwater.
Travis	KTBC 7 Austin, Tex.
	KHFI 42 Do.
Trinity	KTRE 9 Tyler.
	KPRC 2 Houston.
	KBTX 3 Waco-Temple.
Tyler	KJAC 4 Beaumont-Port Arthur
	KFDM 6 Do.
	KBMT 12 Do.
Upshur	KTBS 3 Shreveport-Texarkana.
	KTAL 6 Do.
	KSLA 12 Do.
	KLTV 7 Tyler.
Upton	KMID 2 Odessa-Midland.
	KOSA 7 Do.
	KMOM 9 Do.

V37-130 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
TEXAS—continued			
Uvalde	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
Val Verde	WOAI	4	Do.
	KENS	5	Do.
Van Zandt	KDFW	4	Dallas-Fort Worth.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
	KLTV	7	Tyler.
Victoria	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
	KIII	3	Corpus Christi.
Walker	KPRC	2	Houston.
	KHOU	11	Do.
	KTRK	13	Do.
	KHTV	39	Do.
	KBTX	3	Waco-Temple.
Waller	KPRC	2	Houston.
	KHOU	11	Do.
	KTRK	13	Do.
	KHTV	39	Do.
Ward	KMID	2	Odessa-Midland.
	KOSA	7	Do.
	KMOM	9	Do.
Washington	KPRC	2	Houston.
	KHOU	11	Do.
	KTRK	13	Do.
	KHTV	39	Do.
	KBTX	3	Waco-Temple.
Webb	KGNS	8	Laredo.
	XEFE	2	Mexico.
Wharton	KPRC	2	Houston.
	KHOU	11	Do.
	KTRK	13	Do.
	KHTV	39	Do.
Wheeler	KFDA	10	Amarillo.
Wichita	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Wilbarger	KFDX	3	Do.
	KAUZ	6	Do.
	KSWO	7	Do.
Willacy	KGBT	4	McAllen-Brownsville (Lower Rio Grande).
	KRGV	5	Do.
Williamson	KTBC	7	Austin, Tex.
	KHFI	42	Do.
	KCEN	6	Waco-Temple.
	KWTX	10	Do.
Wilson	WOAI	4	San Antonio.
	KENS	5	Do.
	KSAT	12	Do.
	KWEX	41	Do.
Winkler	KMID	2	Odessa-Midland.
	KOSA	7	Do.
	KMOM	9	Do.
Wise	KDFW	4	Dallas-Fort Worth.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
	KDTV	39	Do.
Wood	KTBS	3	Shreveport-Texarkana.
	KTAL	6	Do.
	KSLA	12	Do.
	KDFW	4	Dallas-Fort Worth.
	WBAP	5	Do.
	WFAA	8	Do.
	KTVT	11	Do.
	KLTV	7	Tyler.
Yoakum	KCBD	11	Lubbock.
	KLBK	13	Do.
	KBIM	10	Roswell.
Young	KFDX	3	Wichita Falls-Lawton.
	KAUZ	6	Do.
	KSWO	7	Do.
Zapata	KGNS	8	Laredo.
	KGBT	4	Mc Allen-Brownsville (Lower Rio Grande).
	XEFB	3	Mexico.
Zavala	WOAI	4	San Antonio.
	KENS	5	Do.

Census county divisions in split counties:
Jefferson North: Beaumont, Nome-China.
Jefferson South: all other.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
UTAH			
Beaver	KUTV	2	Salt Lake City.
	KCPX	4	Do.
	KSL	5	Do.
Box Elder	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Cache	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Carbon	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Daggett	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Davis	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Duchesne	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Emery	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Garfield	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Grand	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Iron	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Juab	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Kane	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Millard	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Morgan	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Piute	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Rich	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Salt Lake	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
San Juan	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Sanpete	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Sevier	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Summit	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Tooele	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Uintah	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Utah	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Wasatch	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Washington	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
	KORK	3	Do.
Wayne	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.
Weber	KUTV	2	Do.
	KCPX	4	Do.
	KSL	5	Do.

County	Call letters, channel number, and market name		
VERMONT			
Addison	WCAX	3	Burlington-Platts-burgh.
	WPTZ	5	Do.
	WRGB	6	Albany-Schenectady-Troy.
Bennington	WRGB	6	Do.
	WTEN	10	Do.
	WAST	13	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
VERMONT—continued			
Caledonia	WCAX	3	Burlington-Platts-burgh.
	WMTW	8	Portland-Poland Spring.
Chittenden	WCAX	3	Burlington-Platts-burgh.
	WPTZ	5	Do.
	WVNY	22	Do.
	CFCF	12	Canada.
Essex	WCAX	3	Burlington-Platts-burgh.
	WMTW	8	Portland-Poland Spring.
Franklin	WCAX	3	Burlington-Platts-burgh.
	WPTZ	5	Do.
	WVNY	22	Do.
	CBMT	6	Canada.
	CFCF	12	Do.
Grand Isle	WCAX	3	Burlington-Platts-burgh.
	WPTZ	5	Do.
	WVNY	22	Do.
	WMTW	8	Portland-Poland Spring.
	CBMT	6	Canada.
Orange	WCAX	3	Burlington-Platts-burgh.
	WMTW	8	Portland-Poland Spring.
Orleans	WCAX	3	Burlington-Platts-burgh.
	WPTZ	5	Do.
	WMTW	8	Portland-Poland Spring.
	CBMT	6	Canada.
	CFCF	12	Do.
Rutland	WCAX	3	Burlington-Platts-burgh.
	WPTZ	5	Do.
	WRGB	6	Albany-Schenectady-Troy.
	WTEN	10	Do.
	WAST	13	Do.
Washington	WCAX	3	Burlington-Platts-burgh.
	WPTZ	5	Do.
	WMTW	8	Portland-Poland Spring.
Windham	WMTW	8	Do.
	WHDH	5	Boston.
Windsor	WCAX	3	Burlington-Platts-burgh.
	WMTW	8	Portland-Poland Spring.

County	Call letters, channel number, and market name		
VIRGINIA			
Accomack	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WVEC	13	Do.
	WBOC	16	Salisbury.
	WTTG	5	Washington, D.C.
Albemarle and Charlottesville City	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
	WSVA	3	Harrisonburg.
Allegheny and Covington City including Clifton Forge City	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
Amelia	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
Amherst	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WLVA	13	Do.
Appomattox	WDBJ	7	Do.
	WSLS	10	Do.
	WLVA	13	Do.
Arlington and Alexandria City	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WDCA	20	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
VIRGINIA—continued			
Augusta and Stanton City and Waynesboro City	WTVR	6	Richmond.
	WWBT	12	Do.
	WSVA	3	Harrisonburg.
	WTTG	5	Washington, D.C.
Bath	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WHIS	6	Bluefield-Beckley-Oak Hill.
	WSVA	3	Harrisonburg.
Bedford	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WLVA	13	Do.
Bland	WHIS	6	Bluefield-Beckley-Oak Hill.
	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
Botetourt	WDBJ	7	Do.
	WSLS	10	Do.
	WLVA	13	Do.
Campbell and Lynchburg City	WDBJ	7	Do.
	WSLS	10	Do.
	WLVA	13	Do.
Buchanan	WOAY	4	Bluefield-Beckley-Oak Hill
	WHIS	6	Do.
	WCYB	5	Bristol-Kingsport-Johnson City
Buckingham	WTVR	6	Richmond
	WXEX	8	Do.
	WWBT	12	Do.
Caroline	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
	WTTG	5	Washington, D.C.
Brunswick	WTVR	6	Richmond
	WXEX	8	Do.
	WWBT	12	Do.
Carroll	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WHIS	6	Bluefield-Beckley-Oak Hill
	WFMY	2	Greensboro-Winston-Salem-High Point
	WGHP	8	Do.
	WSJS	12	Do.
Charlotte	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WLVA	13	Do.
Charles City	WTVR	6	Richmond
	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
Chesterfield and Colonial Heights City	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
Clarke	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
Craig	WDBJ	7	Roanoke-Lynchburg
	WSLS	10	Do.
Culpeper	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
Cumberland	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
Dickenson	WCYB	5	Bristol-Kingsport-Johnson City.
Dinwiddie and Petersburg City	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
Essex	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
	WTTG	5	Washington, D.C.
Fairfax and Fairfax City and Falls Church City	WRC	4	Do.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WDCA	20	Do.
Fauquier	WRC	4	Do.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
Floyd	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
Fluvanna	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
Franklin	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WLVA	13	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
VIRGINIA—continued			
Frederick and Winchester City	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WDCA	20	Do.
Giles	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WHIS	6	Bluefield-Beckley-Oak Hill.
Glouster	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WVEC	13	Do.
	WTVR	6	Richmond.
	WXEX	8	Do.
Goochland	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
Grayson	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WFMY	2	Greensboro-Winston-Salem-High Point.
	WGHP	8	Do.
	WSJS	12	Do.
Greene	WTVR	6	Richmond
	WXEX	8	Do.
	WWBT	12	Do.
	WSVA	3	Harrisonburg.
Greensville	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
Halifax	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WLVA	13	Do.
Hanover	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
Henrico and Richmond City	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
Henry and Martinsville City	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WFMY	2	Greensboro-Winston-Salem-High Point.
	WGHP	8	Do.
	WSJS	12	Do.
Highland	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WSVA	3	Harrisonburg.
Isle of Wight	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WVEC	13	Do.
James City and Williamsburg City	WTAR	3	Do.
	WAVY	10	Do.
	WVEC	13	Do.
	WTVR	6	Richmond.
	WXEX	8	Do.
King and Queen	WWBT	12	Do.
	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
	WAVY	10	Norfolk-Portsmouth-Newport News-Hampton.
King George	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WDCA	20	Do.
King William	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
Lancaster	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
Lee	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
	WATE	6	Knoxville.
	WBIR	10	Do.
Loudoun	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WDCA	20	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
VIRGINIA—continued			
Louisa	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
Lunenburg	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
Madison	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
	WSVA	3	Harrisonburg.
	WRC	4	Washington, D.C.
	WTTG	5	Do.
Mathews	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WVEC	13	Do.
	WTVR	6	Richmond.
	WXEX	8	Do.
Mecklenburg	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WLVA	13	Do.
	WRAL	5	Raleigh-Durham.
	WTVD	11	Do.
	WTVR	6	Richmond.
	WXEX	8	Do.
Middlesex	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	13	Do.
Montgomery and Radford City	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WLVA	13	Do.
Nansemond and Suffolk City	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WVEC	13	Do.
	WYAH	27	Do.
Nelson	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WLVA	13	Do.
	WTVR	6	Richmond.
	WWBT	12	Do.
New Kent	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
Norfolk and Chesapeake City and Portsmouth City and Norfolk City	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WVEC	13	Do.
Northampton	WTAR	3	Do.
	WAVY	10	Do.
	WVEC	13	Do.
Northumberland	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WTTG	5	Washington, D.C.
Nottoway	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
Orange	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
	WRC	4	Washington, D.C.
	WTTG	5	Do.
Page	WRC	4	Do.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WSVA	3	Harrisonburg.
	WTVR	6	Richmond.
Patrick	WFMY	2	Greensboro-Winston Salem-High Point.
	WGHP	8	Do.
	WSJS	12	Do.
	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
Pittsylvania and Danville City	WDBJ	7	Do.
	WSLS	10	Do.
	WLVA	13	Do.
	WFMY	2	Greensboro-Winston Salem-High Point.
	WGHP	8	Do.
	WSJS	12	Do.
Powhatan	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
Prince Edward	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
	WLVA	13	Roanoke-Lynchburg.

VOL 37 NO 30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
VIRGINIA—continued			
Prince George and Hopewell City	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
Prince William	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WDCA	20	Do.
Pulaski	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WHIS	6	Bluefield-Beckley-Oak Hill.
Rappahannock	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WSVA	3	Harrisonburg.
Richmond	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
	WTTG	5	Washington, D.C.
Roanoke and Roanoke City and Salem City	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WLVA	13	Do.
	WRFT	27	Do.
Rockbridge	WDBJ	7	Do.
	WSLS	10	Do.
	WLVA	13	Do.
Rockingham and Harrisonburg City	WSVA	3	Harrisonburg.
	WTVR	6	Richmond.
	WWBT	12	Do.
	WTTG	5	Washington, D.C.
Russell	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
	WHIS	6	Bluefield-Beckley-Oak Hill.
Scott	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
Shenandoah	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WSVA	3	Harrisonburg.
Smyth	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
Southampton	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WVEC	13	Do.
Spotsylvania and Fredericksburg City.	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WTVR	6	Richmond.
Stafford	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WDCA	20	Do.
	WTVR	6	Richmond.
Surry	WTVR	6	Do.
	WXEX	8	Do.
	WWBT	12	Do.
	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WVEC	13	Do.
Sussex	WTVR	6	Richmond.
	WXEX	8	Do.
	WWBT	12	Do.
	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
Tazewell	WOAY	4	Bluefield-Beckley-Oak Hill.
	WHIS	6	Do.
	WDBJ	7	Roanoke-Lynchburg.
Virginia Beach and Virginia Beach City.	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WVEC	13	Do.
Warren	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WMAR	2	Baltimore.
	WBAL	11	Do.
	WJZ	13	Do.
	WSVA	3	Harrisonburg.
Washington and Bristol City.	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
	WKPT	19	Do.
	WLOS	13	Greenville-Spartanburg-Asheville.
Westmoreland	WRC	4	Washington, DC..
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WTVR	6	Richmond.
	WXEX	8	Do.
Wise	WCYB	5	Bristol-Kingsport-Johnson City.
	WJHL	11	Do.
Wythe	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WHIS	6	Bluefield-Beckley-Oak Hill.
Hampton-Newport News and Hampton City and Newport News City.	WTAR	3	Norfolk-Portsmouth-Newport News-Hampton.
	WAVY	10	Do.
	WVEC	13	Do.
York	WTAR	3	Do.
	WAVY	10	Do.
	WVEC	13	Do.
WASHINGTON			
Adams	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
	KEPR	19	Yakima.
	KNDU	25	Do.
Asotin	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Benton	KEPR	19	Do.
	KNDU	25	Do.
	KVEW	42	Do.
Chelan	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Clallam	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
	KIRO	7	Do.
	KVOS	12	Bellingham.
	CBUT	2	Canada.
	CHEK	6	Do.
	CHAN	8	Do.
Clark	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Columbia	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Cowlitz	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Douglas	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Ferry	KREM	2	Do.
	KXLY	4	Do.
	KHQ	6	Do.
Franklin	KEPR	19	Yakima.
	KNDU	25	Do.
	KVEW	42	Do.
Garfield	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Grant	KREM	2	Do.
	KXLY	4	Do.
	KHQ	6	Do.
Grays Harbor	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
	KIRO	7	Do.
Island	KOMO	4	Do.
	KING	5	Do.
	KIRO	7	Do.
	KTNT	11	Do.
	KVOS	12	Bellingham.
	CHEK	6	Canada.
Jefferson	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
	KIRO	7	Do.
	KTNT	11	Do.
King	KOMO	4	Do.
	KING	5	Do.
	KIRO	7	Do.
	KTNT	11	Do.
Kitsap	KOMO	4	Do.
	KING	5	Do.
	KIRO	7	Do.
	KTNT	11	Do.
Kittitas	KNDO	23	Yakima.
	KIMA	29	Do.
Klickitat	KATU	2	Portland. Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Lewis	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
	KIRO	7	Do.
	KTNT	11	Do.
	KATU	2	Portland. Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Lincoln	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Mason	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
	KIRO	7	Do.
	KTNT	11	Do.
Okanogan	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Pacific	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
Pend Oreille	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Pierce	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
	KIRO	7	Do.
	KTNT	11	Do.
San Juan	KOMO	4	Do.
	KING	5	Do.
	KIRO	7	Do.
	KVOS	12	Bellingham.
	CBUT	2	Canada.
	CHEK	6	Do.
	CHAN	8	Do.
Skagit	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
	KIRO	7	Do.
	KTNT	11	Do.
	KVOS	12	Bellingham.
	CHEK	6	Canada.
	CHAN	8	Do.
Skamania	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KGW	8	Do.
	KPTV	12	Do.
Snohomish	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
	KIRO	7	Do.
	KTNT	11	Do.
Spokane	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Stevens	KREM	2	Do.
	KXLY	4	Do.
	KHQ	6	Do.
Thurston	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
	KIRO	7	Do.
	KTNT	11	Do.
	KTVW	13	Do.
Wahkiakum	KATU	2	Portland, Oreg.
	KOIN	6	Do.
	KPTV	12	Do.
Walla Walla	KEPR	19	Yakima.
	KNDU	25	Do.
	KVEW	42	Do.
	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.
Whatcom	KVOS	12	Bellingham.
	KOMO	4	Seattle-Tacoma.
	KING	5	Do.
	KIRO	7	Do.
	CBUT	2	Canada.
	CHEK	6	Do.
	CHAN	8	Do.
Whitman	KREM	2	Spokane.
	KXLY	4	Do.
	KHQ	6	Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name		
WASHINGTON—continued			
Yakima	KNDO	23	Yakima.
	KIMA	29	Do.
	KAPP	35	Do.
WEST VIRGINIA			
Barbour	WDTV	5	Clarksburg-Weston.
	WBOY	12	Do.
	KDKA	2	Pittsburgh.
	WTAE	4	Do.
Berkeley	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WMAR	2	Baltimore.
Boone	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
Braxton	WSAZ	3	Do.
	WCHS	8	Do.
	WOAY	4	Bluefield-Beckley-Oak Hill.
Brooke	WDTV	5	Clarksburg-Weston.
	WTRF	7	Wheeling-Steubenville.
	WSTV	9	Do.
	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
Cabell	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
Calhoun	WSAZ	3	Do.
	WCHS	8	Do.
	WHTN	13	Do.
	WDTV	5	Clarksburg-Weston.
Clay	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WOAY	4	Bluefield-Beckley-Oak Hill.
Doddridge	WDTV	5	Clarksburg-Weston.
	WBOY	12	Do.
	WTRF	7	Wheeling-Steubenville.
	WSTV	9	Do.
Fayette	WOAY	4	Bluefield-Beckley-Oak Hill.
	WHIS	6	Do.
	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
Gilmer	WDTV	5	Clarksburg-Weston.
	WBOY	12	Do.
	WOAY	4	Bluefield-Beckley-Oak Hill.
	WSAZ	3	Charleston-Huntington.
Grant	WSVA	3	Harrisonburg.
	WJAC	6	Johnstown-Altoona.
Greenbrier	WOAY	4	Bluefield-Beckley-Oak Hill.
	WHIS	6	Do.
	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
Hampshire	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WTOP	9	Do.
	WMAR	2	Baltimore.
	WSVA	3	Harrisonburg.
	WJAC	6	Johnstown-Altoona.
Hancock	WTRF	7	Wheeling-Steubenville.
	WSTV	9	Do.
	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
Hardy	WSVA	3	Harrisonburg.
	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WTOP	9	Do.
Harrison	WDTV	5	Clarksburg-Weston.
	WBOY	12	Do.
	WTAE	4	Pittsburgh.
Jackson	WSAZ	3	Charleston-Huntington
	WCHS	8	Do.
	WHTN	13	Do.
Jefferson	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WMAR	2	Baltimore.
Kanawha	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
Lewis	WDTV	5	Clarksburg-Weston.
	WBOY	12	Do.
Lincoln	WSAZ	3	Charleston-Huntington.
	WHTN	13	Do.
	WCHS	8	Do.
Logan	WSAZ	3	Do.
	WCHS	8	Do.
	WHTN	13	Do.
Marion	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WDTV	5	Clarksburg-Weston.
	WBOY	12	Do.
	WTRF	7	Wheeling-Steubenville.
	WSTV	9	Do.
McDowell	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
	WOAY	4	Bluefield-Beckley-Oak Hill.
	WHIS	6	Do.
Marshall	WTRF	7	Wheeling-Steubenville.
	WSTV	9	Do.
	KDKA	2	Pittsburgh.
	WTAE	4	Do.
Mason	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
Mercer	WOAY	4	Bluefield-Beckley-Oak Hill.
	WHIS	6	Do.
	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
Mineral. Over 90% cable penetration.			
Mingo	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
	WHIS	6	Bluefield-Beckley-Oak Hill.
Monongalia	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WBOY	12	Clarksburg-Weston.
	WTRF	7	Wheeling-Steubenville.
Monroe	WHIS	6	Bluefield-Beckley-Oak Hill.
	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
Morgan	WRC	4	Washington, D.C.
	WTTG	5	Do.
	WMAL	7	Do.
	WTOP	9	Do.
	WMAR	2	Baltimore.
	WFBG	10	Johnstown-Altoona.
Nicholas	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
	WOAY	4	Bluefield-Beckley-Oak Hill.
Ohio	WTRF	7	Wheeling-Steubenville.
	WSTV	9	Do.
	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WIIC	11	Do.
	WPGH	53	Do.
Pendelton	WSVA	3	Harrisonburg.
Pleasants	WTRF	7	Wheeling-Steubenville.
	WCHS	8	Charleston-Huntington.
	WDTV	5	Clarksburg-Weston.
Pocahontas	WDBJ	7	Roanoke-Lynchburg.
	WSLS	10	Do.
	WHIS	6	Bluefield-Beckley-Oak Hill.
Preston	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WHC	11	Do.
	WDTV	5	Clarksburg-Weston.
	WTRF	7	Wheeling-Steubenville.
Putnam	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
Raleigh	WOAY	4	Bluefield-Beckley-Oak Hill.
	WHIS	6	Do.
	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
Randolph	WDTV	5	Clarksburg-Weston.
	WBOY	12	Do.
	WCHS	8	Charleston-Huntington.
Ritchie	WSAZ	3	Do.
	WCHS	8	Do.
	WHTN	13	Do.
	WDTV	5	Clarksburg-Weston.
	WBOY	12	Do.
Roane	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
Summers	WOAY	4	Bluefield-Beckley-Oak Hill.
	WHIS	6	Do.
Taylor	WDTV	5	Clarksburg-Weston.
	WBOY	12	Do.
Tucker	KDKA	2	Pittsburgh.
	WTAE	4	Do.
	WDTV	5	Clarksburg-Weston.
	WBOY	12	Do.
	WTRF	7	Wheeling-Steubenville.
	WSTV	9	Do.
Tyler	WTRF	7	Do.
	WDTV	5	Clarksburg-Weston.
Upshur	WDTV	5	Do.
	WBOY	12	Do.
Wayne	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
Webster	WSAZ	3	Do.
	WOAY	4	Bluefield-Beckley-Oak Hill.
	WDTV	5	Clarksburg-Weston.
Wetzel	WTRF	7	Wheeling-Steubenville.
	WSTV	9	Do.
	KDKA	2	Pittsburgh.
	WTAE	4	Do.
Wirt	WSAZ	3	Charleston-Huntington.
	WCHS	8	Do.
	WHTN	13	Do.
Wood	WSAZ	3	Do.
	WCHS	8	Do.
	WHTN	13	Do.
	WTAP	15	Parkersburg.
Wyoming	WOAY	4	Bluefield-Beckley-Oak Hill.
	WHIS	6	Do.
	WCHS	8	Charleston-Huntington.
WISCONSIN			
Adams	WSAU	7	Wausau-Rhinelander.
	WAOW	9	Do.
	WKBT	8	La Crosse-Eau Claire
	WFAU	13	Do.
	WISC	3	Madison
Ashland	KDAL	3	Duluth-Superior
	WDSM	6	Do.
	WDIO	10	Do.
Barron	WCCO	4	Minneapolis-St. Paul
	KSTP	5	Do.
	KMSP	9	Do.
	WTCN	11	Do.
	WEAU	13	La Crosse-Eau Claire.
Bayfield	KDAL	3	Duluth-Superior
	WDSM	6	Do.
	WDIO	10	Do.
Brown	WBAY	2	Green Bay
	WFRV	5	Do.
	WLUK	11	Do.
Buffalo	WKBT	8	La Crosse-Eau Claire.
	WEAU	13	Do.
	KROC	10	Rochester-Mason City-Austin.
Burnett	WCCO	4	Minneapolis-St. Paul
	KSTP	5	Do.
	KMSP	9	Do.
	WTCN	11	Do.
	KDAL	3	Duluth-Superior
	WDSM	6	Do.
Calumet	WBAY	2	Green Bay
	WFRV	5	Do.
	WLUK	11	Do.
Chippewa	WKBT	8	La Crosse-Eau Claire.
	WEAU	13	Do.
Clark	WSAU	7	Wausau-Rhinelander.
	WAOW	9	Do.
	WKBT	8	La Crosse-Eau Claire.
	WEAU	13	Do.
Columbia	WISC	3	Madison
	WMTV	15	Do.
	WKOW	27	Do.

VOL 37 NO 30 FEB 12 72 XUM

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
WISCONSIN—continued	
Crawford	WKBT 8 La Crosse-Eau Claire.
	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
Dane	WISC 3 Madison.
	WMTV 15 Do.
	WKOW 27 Do.
Dodge	WTMJ 4 Milwaukee.
	WITI 6 Do.
	WISN 12 Do.
	WISC 3 Madison.
	WMTV 15 Do.
	WKOW 27 Do.
Door	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
Douglas	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
Dunn	WKBT 8 La Crosse-Eau Claire.
	WEAU 13 Do.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Eau Claire	WKBT 8 La Crosse-Eau Claire.
	WEAU 13 Do.
Florence	WLUC 6 Marquette.
	WFRV 5 Green Bay.
	WAEO 12 Wausau-Rhinelander.
Fond Du Lac	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
	KFIZ 34 Fond Du Lac.
	WTMJ 4 Milwaukee.
	WITI 6 Do.
	WISN 12 Do.
Forest	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
	WASU 7 Wausau-Rhinelander.
	WAOW 9 Do.
	WAEO 12 Do.
Grant	WMT 2 Cedar Rapids-Waterloo.
	KWWL 7 Do.
	KCRG 9 Do.
	WISC 3 Madison.
Green	WISC 3 Do.
	WMTV 15 Do.
	WKOW 27 Do.
	WREX 13 Rockford.
	WTVO 17 Do.
	WCEE 23 Do.
Green Lake	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
	WISC 3 Madison.
Iowa	WISC 3 Madison.
	WMTV 15 Do.
	WKOW 27 Do.
Iron	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
Jackson	WKBT 8 La Crosse-Eau Claire.
	WEAU 13 Do.
Jefferson	WTMJ 4 Milwaukee.
	WITI 6 Do.
	WISN 12 Do.
	WISC 3 Madison.
	WMTV 15 Do.
	WKOW 27 Do.
Juneau	WKBT 8 La Crosse-Eau Claire.
	WEAU 13 Do.
	WISC 3 Madison.
	WSAU 7 Wausau-Rhinelander.
	WAOW 9 Do.
Kenosha	WBBM 2 Chicago.
	WMAQ 5 Do.
	WLS 7 Do.
	WGN 9 Do.
	WTMJ 4 Milwaukee.
	WITI 6 Do.
	WISN 12 Do.
Kewaunee	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
La Crosse	WKPT 8 La Crosse-Eau Claire.
	WEAU 13 Do.
	WXOW 19 Do.
Lafayette	WISC 3 Madison.
	WMTV 15 Do.
	WKOW 27 Do.
Langlade	WSAU 7 Wausau-Rhinelander.
	WAOW 9 Do.
	WAEO 12 Do.
	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
WISCONSIN—continued	
Lincoln	WSAU 7 Wausau-Rhinelander.
	WAOW 9 Do.
	WAEO 12 Do.
Manitowoc	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
Marathon	WSAU 7 Wausau-Rhinelander.
	WAOW 9 Do.
	WAEO 12 Do.
	WEAU 13 La Crosse-Eau Claire.
Marinette	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
Marquette	WISC 3 Madison.
	WMTV 15 Do.
	WKOW 27 Do.
	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
Menominee	WBAY 2 Do.
	WFRV 5 Do.
	WLUK 11 Do.
Milwaukee	WTMJ 4 Milwaukee.
	WITI 6 Do.
	WISN 12 Do.
	WVTV 18 Do.
Monroe	WKBT 8 La Crosse-Eau Claire.
	WEAU 13 Do.
Oconto	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUX 11 Do.
Oneida	WSAU 7 Wausau-Rhinelander.
	WAOW 9 Do.
	WAEO 12 Do.
Outagamie	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
Ozaukee	WTMJ 4 Milwaukee.
	WITI 6 Do.
	WISN 12 Do.
	WVTV 18 Do.
Pepin	WKBT 8 La Crosse-Eau Claire.
	WEAU 13 Do.
	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Pierce	WCCO 4 Do.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Polk	WCCO 4 Do.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Portage	WSAU 7 Wausau-Rhinelander.
	WAOW 9 Do.
	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
Price	WSAU 7 Wausau-Rhinelander.
	WAOW 9 Do.
	WAEO 12 Do.
	WEAU 13 La Crosse-Eau Claire.
Racine	WTMJ 4 Milwaukee.
	WITI 6 Do.
	WISN 12 Do.
	WVTV 18 Do.
	WLS 7 Chicago.
	WGN 9 Do.
Richland	WISC 3 Madison.
	WKBT 8 La Crosse-Eau Claire.
Rock	WREX 13 Rockford.
	WTVO 17 Do.
	WCEE 23 Do.
	WISC 3 Madison.
	WMTV 15 Do.
	WKOW 27 Do.
Rusk	WKBT 8 La Crosse-Eau Claire.
	WEAU 13 Do.
	WSAU 7 Wausau-Rhinelander.
St Croix	WCCO 4 Minneapolis-St. Paul.
	KSTP 5 Do.
	KMSP 9 Do.
	WTCN 11 Do.
Sauk	WISC 3 Madison.
	WMTV 15 Do.
	WKOW 27 Do.
Sawyer	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
Shawano	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
	WSAU 7 Wausau-Rhinelander.
Sheboygan	WTMJ 4 Milwaukee.
	WITI 6 Do.
	WISN 12 Do.
	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
WISCONSIN—continued	
Taylor	WSAU 7 Wausau-Rhinelander.
	WAOW 9 Do.
	WEAU 13 La Crosse-Eau Claire.
Trempealeau	WKBT 8 Do.
	WEAU 13 Do.
Vernon	WKBT 8 Do.
	WEAU 13 Do.
	KROC 10 Rochester-Mason City-Austin.
Vilas	WSAU 7 Wausau-Rhinelander.
	WAOW 9 Do.
	WAEO 12 Do.
Walworth	WTMJ 4 Milwaukee.
	WITI 6 Do.
	WISN 12 Do.
	WBBM 2 Chicago.
	WGN 9 Do.
	WISC 3 Madison.
	WREX 13 Rockford.
Washburn	KDAL 3 Duluth-Superior.
	WDSM 6 Do.
	WDIO 10 Do.
Washington	WTMJ 4 Milwaukee.
	WITI 6 Do.
	WISN 12 Do.
	WVTV 18 Do.
Waukesha	WTMJ 4 Do.
	WITI 6 Do.
	WISN 12 Do.
	WVTV 18 Do.
Waupaca	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
	WSAU 7 Wausau-Rhinelander.
Wausbara	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
	WSAU 7 Wausau-Rhinelander.
Winnebago	WBAY 2 Green Bay.
	WFRV 5 Do.
	WLUK 11 Do.
	KFIZ 34 Fond Du Lac.
Wood	WSAU 7 Wausau-Rhinelander.
	WAOW 9 Do.
	WEAU 13 La Crosse-Eau Claire.
Albany	KOA 4 Denver.
	KLZ 7 Do.
	KBTV 9 Do.
	KFBC 5 Cheyenne.
Big Horn	KOOK 2 Billings.
	KULR 8 Do.
	KWRB 10 Casper-Riverton.
Campbell	KUTV 2 Salt Lake City.
	KCPX 4 Do.
	KSL 5 Do.
	KTWO 2 Casper-Riverton
	KOTA 3 Rapid City.
Carbon	KTWO 2 Casper-Riverton.
	KFBC 5 Cheyenne.
Converse	KTWO 2 Casper-Riverton.
	KSTF 10 Cheyenne.
Crook	KOTA 3 Rapid City.
	KTWO 2 Casper-Riverton.
Fremont	KTWO 2 Do.
	KWRB 10 Do.
Goshen	KSTF 10 Cheyenne.
	KDUH 4 Rapid City.
Hot Springs	KTWO 2 Casper-Riverton.
	KWRB 10 Do.
Johnson	KTWO 2 Do.
Laramie	KFBC 5 Cheyenne.
	KWGN 2 Denver.
	KOA 4 Do.
	KLZ 7 Do.
	KBTV 9 Do.
Lincoln	KID 3 Idaho Falls-Pocatello.
	KIFI 8 Do.
	KCPX 4 Salt Lake City.
	KSL 5 Do.
Natrona	KTWO 2 Casper-Riverton.
Niobrara	KTWO 2 Do.
	KFBC 5 Cheyenne.
Park	KOOK 2 Billings.
	KULR 8 Do.
Platte	KFBC 5 Cheyenne.
	KSTF 10 Do.
	KTWO 2 Casper-Riverton.
Sheridan	KOOK 2 Billings.
	KULR 8 Do.
	KTWO 2 Casper-Riverton.
	KOTA 3 Rapid City.
Sublette	KTWO 2 Casper-Riverton.
	KID 3 Idaho Falls-Pocatello.
Sweetwater	Over 90 percent cable penetration.
Teton	KID 3 Idaho Falls-Pocatello.
	KIFI 8 Do.
Uinta	KUTV 2 Salt Lake City.
	KCPX 4 Do.
	KSL 5 Do.

SIGNIFICANTLY VIEWED SIGNALS—Continued

County	Call letters, channel number, and market name
WISCONSIN—continued	
Washakie	KTWO 2 Casper-Riverton.
	KWRB 10 Do.
	KCPX 4 Salt Lake City.
	KSL 5 Do.
Weston	KTWO 2 Casper-Riverton.
	KOTA 3 Rapid City.
Yellowstone National Park	KID 3 Idaho Falls-Pocatello.
	KULR 8 Billings.

APPENDIX D

CONSENSUS AGREEMENT

Local Signals:

Local signals defined as proposed by the FCC, except that the significant viewing standard to be applied to "out-of-market" independent stations in overlapping market situations would be a viewing hour share of at least 2 percent and a net weekly circulation of at least 5 percent.

Distant Signals:

No change from what the FCC has proposed.

Exclusivity for Nonnetwork Programing (against distant signals only): A series shall be treated as a unit for all exclusivity purposes.

The burden will be upon the copyright owner or upon the broadcaster to notify cable systems of the right to protection in these circumstances.

A. *Markets 1–50.*

A 12-month presale period running from the date when a program in syndication is first sold any place in the United States, plus run-of-contract exclusivity where exclusivity is written into the contract between the station and the program supplier (existing contracts will be presumed to be exclusive).

B. *Markets 51–100.*

For syndicated programing which has had no previous nonnetwork broadcast showing in the market, the following contractual exclusivity will be allowed:

(1) For off-network series, commencing with first showing until first run completed, but no longer than 1 year.

(2) For first-run syndicated series, commencing with first showing and for 2 years thereafter.

(3) For feature films and first-run, nonseries syndicated programs, commencing with availability date and for 2 years thereafter.

(4) For other programing, commencing with purchase and until day after first run, but no longer than 1 year.

Provided, however, That no exclusivity protection would be afforded against a program imported by a cable system during prime time unless the local station is running or will run that program during prime time.

Existing contracts will be presumed to be exclusive. No preclearance in these markets.

C. *Smaller Markets.*

No change in the FCC proposals.

Exclusivity for Network Programing:

The same-day exclusivity now provided for network programing would be reduced to simultaneous exclusivity (with special relief for time-zone problems) to be provided in all markets.

Leapfrogging:

A. For each of the first two signals imported, no restriction on point of origin, except that if it is taken from the top-25 markets it must be from one of the two closest such markets. Whenever a CATV system must black out programing from a distant top-25 market station signals it normally carries, it may substitute any distant signals without restriction.

B. For the third signal, the UHF priority, as set forth in the FCC's letter of August 5, 1971, p. 16.

Copyright Legislation:

A. All parties would agree to support separate CATV copyright legislation as described below, and to seek its early passage.

B. Liability to copyright, including the obligation to respect valid exclusivity agreements, will be established for all CATV carriage of all radio and television broadcast signals except carriage by independently owned systems now in existence with fewer than 3,500 subscribers. As against distant signals importable under the FCC's initial package, no greater exclusivity may be contracted for than the Commission may allow.

C. Compulsory licenses would be granted for all local signals as defined by the FCC, and additionally for those distant signals defined and authorized under the FCC's initial package and those signals grandfathered when the initial package goes into effect. The FCC would retain the power to authorize additional distant signals for CATV carriage; there would, however, be no compulsory license granted with respect to such signals, nor would the FCC be able to limit the scope of exclusivity agreements as applied to such signals beyond the limits applicable to over-the-air showings.

D. Unless a schedule of fees covering the compulsory licenses or some other payment mechanism can be agreed upon between the copyright owners and the CATV owners in time for inclusion in the new copyright statute, the legislation would simply provide for compulsory arbitration failing private agreement on copyright fees.

E. Broadcasters, as well as copyright owners, would have the right to enforce exclusivity rules through court actions for injunction and monetary relief.

Radio Carriage:

When a CATV system carries a signal from an AM or FM radio station licensed to a community beyond a 35-mile radius of the system, it must, on request, carry the signals of all local AM or FM stations, respectively.

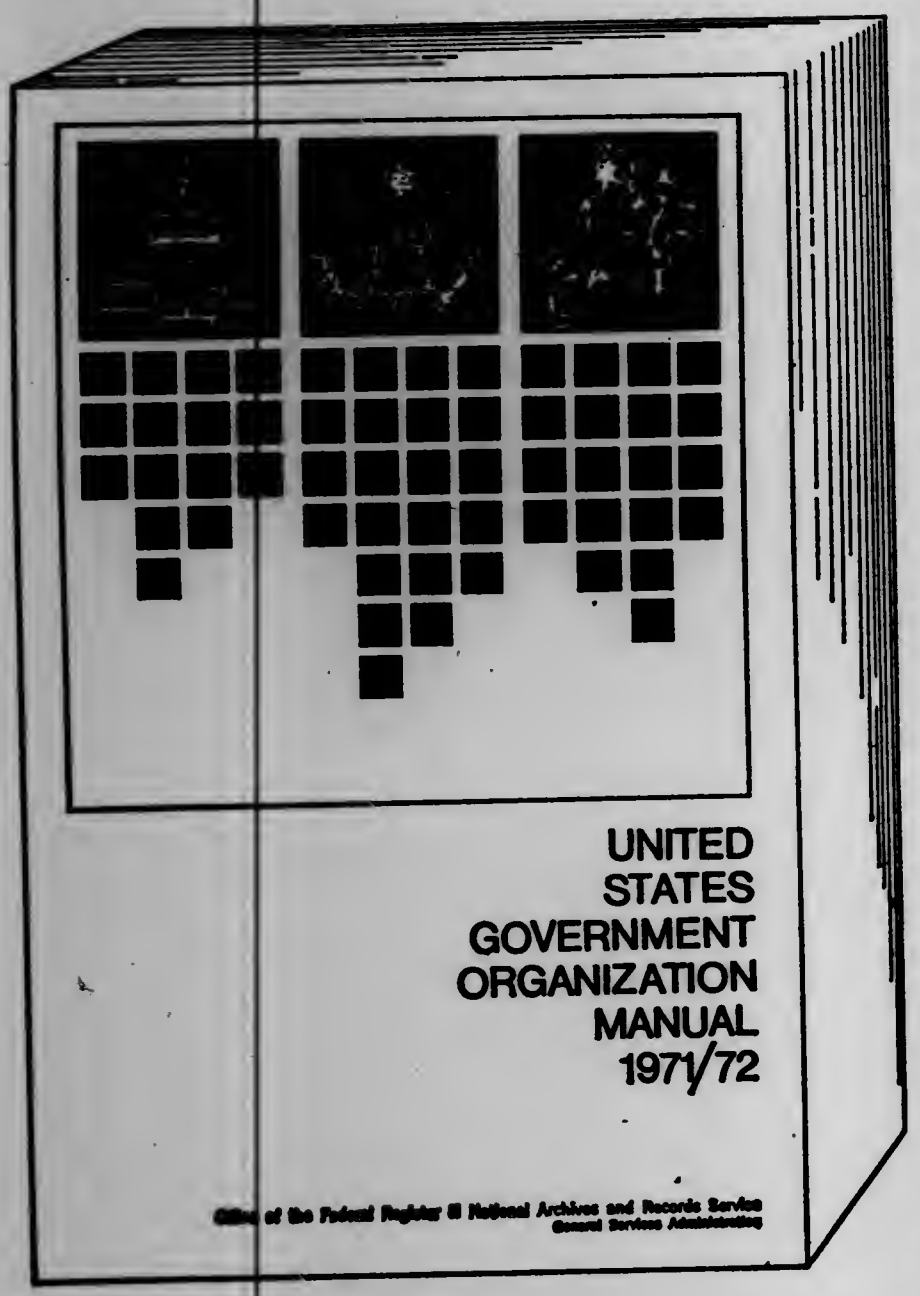
Grandfathering:

The new requirements as to signals which may be carried are applicable only to new systems. Existing CATV systems are "grandfathered." They can thus freely expand currently offered service throughout their presently franchised areas with one exception: In the top 100 markets, if the system expands beyond discrete areas specified in FCC order (e.g., the San Diego situation), operations in the new portions must comply with the new requirements.

Grandfathering exempts from future obligation to respect copyright exclusivity agreements, but does not exempt from future liability for copyright payments.

[FR Doc.72-1826 Filed 2-11-72;8:45 am]

FEB 12 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

c-1

federal register

TUESDAY, FEBRUARY 15, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 31
Pages 3343–3401

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

SALARY STABILIZATION—Pay Board regulations on executive and variable compensation; effective 11–14–71 3357

AGRICULTURAL STABILIZATION AND CONSERVATION—USDA amendments to rules for local committee elections; effective 2–15–72..... 3349

NATIONAL PARKS—Interior Dept. revision of rules for the fee program; effective 2–15–72..... 3350

VETERANS' LIFE INSURANCE—VA amendment setting up a dividend deposit or credit option; effective 2–8–72 3352

COPPER COMPOUND PESTICIDES—
EPA amendment exempting certain copper solutions from the tolerance requirement; effective 2–15–72..... 3352
FDA proposed tolerance for copper solutions used in potable water; comments within 30 days 3366

TOBACCO INSPECTION AND PRICE SUPPORT—USDA proposed revision of rules governing the extension of services to new markets and additional sales..... 3362

TOMATOES FOR CANNING—USDA proposed revision of standards; comments by 11–30–72..... 3363

ENVIRONMENTAL IMPACT—Environmental Quality Council listing of information on statements received by various Federal agencies..... 3377

(Continued inside)

FEB 15 72
XUM

30-year Reference Volumes

Consolidated Indexes and Tables

Presidential Proclamations and Executive Orders

Consolidated subject indexes and tabular finding aids to Presidential proclamations, Executive orders, and certain other Presidential documents promulgated during a 30-year period (1936–1965) are now available in two separately bound volumes, published under Title 3 of the Code of Federal Regulations, priced as follows:

Title 3, 1936–1965 Consolidated Indexes $3.50

Title 3, 1936–1965 Consolidated Tables $5.25

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

TV FAIRNESS DOCTRINE—
FCC notice to solicit views on guidelines for editorial advertising; comments by 3–8–72 3383
FCC time extension to 2–23–72 for comments on broadcast access as a result of product advertising 3383

TV PRIME TIME ACCESS—
FCC rule waiver to allow the presentation of and "off-network" program 3386
FCC rule waiver to permit winter Olympic coverage in Salt Lake City 3387

NEW ANIMAL DRUG—FDA notice of an eye and ear ointment deemed adulterated 3375

TV PROGRAM IDENTIFICATION—FCC order relaxing enforcement of pattern transmission standards 3388

ECONOMIC POLICY—Federal Open Market Committee notice of its directives and record of actions of 11–16–71, 12–14–71, and 12–23–71 ..... 3392, 3393

Contents

AGRICULTURE DEPARTMENT

See also Commodity Credit Corporation; Consumer and Marketing Service; Rural Electrification Administration.

Rules and Regulations
Agricultural stabilization and conservation committees; selection and eligibility requirements 3349

Notices
Blackfeet Indian tribe in Montana; feed grain donations 3368

ATOMIC ENERGY COMMISSION

Notices
Metropolitan Edison Co. and Jersey Central Power & Light Co.; amended determination to suspend certain construction activities pending completion of environmental review 3376
Northern State Power Co.; order extending provisional construction permit completion date 3377

CIVIL SERVICE COMMISSION

Rules and Regulations
Pay administration; allotments and assignments from Federal employees 3355

COAST GUARD

Rules and Regulations
Captain of the Port areas; Twelfth Coast Guard District 3350

COMMERCE DEPARTMENT

See Import Programs Office; International Commerce Bureau.

COMMODITY CREDIT CORPORATION

Notices
Louisiana, Michigan, Utah, and Wyoming; designation of emergency areas for purposes of livestock feed program 3368

CONSUMER AND MARKETING SERVICE

Rules and Regulations
Dried prunes produced in California; handling; correction 3349

Proposed Rule Making
Grapefruit grown in Arizona and certain parts of California; suspension 3366
Tobacco; extension of inspection and price support services to new markets and to additional sales on designated markets 3362
Tomatoes; standards for grade evaluation for processing 3363

Notices
Egg products; uniform standards and origin labeling; correction 3368

EMPLOYMENT STANDARDS ADMINISTRATION

Notices
Extension of expiration dates of Davis-Bacon area wage determinations; variation from certain labor standards 3396

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations
Exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; copper 3352

Proposed Rule Making
Environmental impact statements; procedures for preparation; correction 3367

ENVIRONMENTAL QUALITY COUNCIL

Notices
Environmental impact statements; public availability 3377

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations
Transition area; alteration 3349

Proposed Rule Making
Transition area; designation 3367

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations
Domestic public radio services; point-to-point microwave radio service; correction 3354

Notices
Fairness doctrine and public interest standards:
Further notice of inquiry 3383
Order extending time 3383
Program identification patterns; memorandum opinion and order 3388
Hearings, etc.:
American Telephone and Telegraph Co. (2 documents) 3380, 3382
Friendly Broadcasting Co 3384
Mutual Insurance Company of Omaha 3386
New Laurel Radio Station, Inc., et al 3385
Station KUTV, Salt Lake City, Utah 3387

(Continued on next page)

V 37 31 FEB 15 72 XUM

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations

Insurance coverage and rates; special definitions; correction 3350

FEDERAL POWER COMMISSION

Notices

Sun Oil Co. et al.; applications for certificates, abandonment of service and petitions to amend certificates 3390

FEDERAL RESERVE SYSTEM

Notices

Associated Bank Services, Inc.:
- Order approving acquisition of bank 3391
- Order denying acquisition of bank 3391

Federal Open Market Committee:
- Continuing authority directive with respect to domestic open market operations 3392
- Current economic policy directives (2 documents) 3392, 3393

FOOD AND DRUG ADMINISTRATION

Proposed Rule Making

Copper; tolerance for residues 3366

Notices

Fort Dodge Laboratories, Inc.; Nolvapent; drug deemed adulterated 3375

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration.

Rules and Regulations

Procurement by formal advertising; solicitation of bids 3353

Responsible prospective contractors; standards for determination 3353

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Insurance Administration.

Notices

Assistant Secretary for Housing Management; redelegation and delegation of authority with respect to emergency preparedness 3378

Regional Administrators et al.; designation as contracting officer and redelegation of authority with respect to major-disaster field functions 3378

IMPORT PROGRAMS OFFICE

Notices

Decisions on applications for duty-free entry of scientific articles (12 documents) 3371–3375

INTERIOR DEPARTMENT

See also Land Management Bureau; National Park Service.

Notices

Statements of changes in financial interests:
- Hocker, Otis B 3368
- Remalia, William R 3368

INTERNATIONAL COMMERCE BUREAU

Notices

Roger Bingham Stewart Macnamara; order denying export privileges 3369

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Car service; Burlington Northern Inc. authorized to operate over tracks of Chicago and North Western Railway Co 3354

Special procedures for tariff filings under wage and price stabilization program; privately owned public utilities 3354

Notices

Fourth section application for relief 3397

Motor carriers:
- Temporary authority applications 3397
- Transfer proceedings 3399

LABOR DEPARTMENT

See Employment Standards Administration.

LAND MANAGEMENT BUREAU

Notices

Nevada; filing of plat of survey and order providing for opening of lands 3368

NATIONAL PARK SERVICE

Rules and Regulations

Recreation fees; entrance and user fees 3350

PAY BOARD

Rules and Regulations

Stabilization of wages and salaries; executive and variable compensation 3357

POSTAL SERVICE

Rules and Regulations

Settlements; damage or loss of postal property 3352

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Brazos Electric Power Cooperative, Inc.; draft environmental statement 3369

Buckeye Power, Inc.; final environmental statement 3369

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
- Able Associates and Able Retirement Fund 3393
- Narragansett Electric Co 3393
- National Securities Funds 3394
- Topper Corp 3395

SMALL BUSINESS ADMINISTRATION

Notices

Assistant Administrator for Administration and Operations and Associate Administrator for Investment; transfer of functions and title changes 3396

Enterprises Now, Inc.; application for license as minority enterprise small business investment company 3395

Space Coast SBIC, Inc.; issuance of small business investment company license 3396

Washington; declaration of disaster loan area 3395

TARIFF COMMISSION

Notices

Closed toe circular hosiery knitting machines and devices; extension of time for filing written views 3396

Paper stitchers; dismissal of complaint 3396

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

VETERANS ADMINISTRATION

Rules and Regulations

National service life insurance; dividends; how paid 3352

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR
550 3355

6 CFR
201 3357

7 CFR
7 3349
993 3349
PROPOSED RULES:
29 3362
51 3363
909 3366

14 CFR
71 3349
PROPOSED RULES:
71 3367

21 CFR
PROPOSED RULES:
121 3366

24 CFR
1911 3350

33 CFR
3 3350

36 CFR
6 3350

38 CFR
8 3352

39 CFR
273 3352

40 CFR
180 3352
PROPOSED RULES:
8 3367

41 CFR
3–1 3353
3–2 3353

47 CFR
21 3354

49 CFR
1033 3354
1311 3354

V37-31
FEB 15 72
XUM

Rules and Regulations

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 1]

PART 7—AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Selection of Committees, and Eligibility Requirements

Public notice was published in the FEDERAL REGISTER October 23, 1971, volume 36, No. 206, page 20532, that rule changes were proposed in connection with method of election, tie votes, eligibility to hold office, date committeemen take office, and the effective period of the oath of office. Public comments on the proposed changes were invited through November 25, 1971. No comments were received opposing or favoring the proposed changes. Therefore, pursuant to the authority vested in the Secretary of Agriculture by 16 U.S.C. 590h(b) to prescribe regulations for county and community committeemen, the regulations at 7 CFR Part 7, are hereby amended as follows:

1. Paragraph (a) of § 7.11 is amended to require mail type elections in all counties unless waived as follows:

§ 7.11 Election of community committee and delegates to the county convention.

(a) Except as provided in paragraph (c) of this section, the eligible voters in a community shall elect annually a community committee composed of three members and shall elect first and second alternates to serve as acting members of the community committee in the order elected in case of the temporary absence of a member, or to become a member of the community committee in the order elected in case of the resignation, disqualification, removal, or death of a member. An acting member of the community committee shall have the same duties and the same authority as a member. The election shall be conducted by the mail ballot method in all counties, except that the Deputy Administrator may authorize use of the meeting or polling place method in a specific county where such is deemed justified. Where elections are by mail or by polling place, the county committee shall give advance public notice that nominations may be made by petition. Election shall be by secret ballot and by plurality vote, with each eligible voter having the option of writing in the names of candidates of his own choice. Except as provided in paragraph (c) of this section, the three regular members of the community committee shall be the delegates to the county convention and the first and second alternates to the community committee shall also be in that order alternate delegates to the county convention: *Provided, however,* That a person may not serve as delegate if he has been a member of the county committee for that county during the 90 days preceding the community election. Failure to elect the prescribed number of alternates at the regular election shall not invalidate such election or require a special election to elect additional alternates.

* * * * *

2. Section 7.13 is amended to provide that tie votes shall be uniformly settled by lot as follows:

§ 7.13 Tie votes.

(a) Tie votes in community committee elections held by mail or polling place method shall be settled by lot. Tie votes in such elections held by the meeting method which cannot be settled by further balloting on the same day shall be settled by lot. In one-community counties, a tie vote in determining the chairman and vice chairman which cannot be settled by further balloting on the same day shall be settled by lot.

(b) In the county convention, tie votes which cannot be settled by further balloting on the same day shall be settled by lot.

3. Paragraph (h) of § 7.15 is amended to provide that community committeemen as well as county committeemen are not eligible to hold office past age 70 unless waived as follows:

§ 7.15 County committeemen, community committeemen, and delegates.

* * * * *

(h) Not have passed his 70th birthday by the date his term of office, or new term of office, begins unless this provision is waived by the State committee.

* * * * *

4. Section 7.18 is changed to provide authority for elected committeemen to take office on the first day of January whether or not it is a work day. The section is amended to read as follows:

§ 7.18 County and community committeemen.

The terms of office of county and community committeemen and alternates to such office shall begin on a date fixed by the Deputy Administrator which shall be after their election and not later than the first day in the next January. *Provided, however,* That before any such county committeeman or alternate county committeeman may take office he shall sign a pledge that he will faithfully, fairly, and honestly perform to the best of his ability all of the duties devolving on him as a committeeman. A term of office shall continue until a successor is elected and qualified as provided in §§ 7.11 and 7.12.

(Secs. 4, 8, 49 Stat. 164, 1149, as amended; 16 U.S.C. 590d, 590h(b))

It is to the benefit of the public that these amendments be made effective at the earliest possible date. Accordingly, good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date: Publication in the FEDERAL REGISTER (2–15–72).

Signed at Washington, D.C., on February 9, 1972.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.72–2358 Filed 2–14–72;8:51 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Order Amending the Order, as Amended, Regulating Handling; Correction

In the order amending the order, as amended, regulating handling, F.R. Doc. 72–803, appearing at page 861 in the January 20, 1972, issue of the FEDERAL REGISTER, the citation in the 16th and 17th lines of the first paragraph reading "July 16, 1971 (F.R. Doc. 71–10345; 36 F.R. 13397)," is deleted.

Dated: February 9, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–2229 Filed 2–14–72;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–NW–22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 24124) stating the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Portland, Oreg., transition area.

Interested persons were given 30 days in which to submit written comments. No objections to the proposed amendment were received.

V 37 31 FEB 15 72 XUM

In consideration of the foregoing, the proposed regulation is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t. 30 March 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on February 3, 1972.

J. H. TANNER,
Acting Director.

In § 71.181 (37 F.R. 2143), as amended, is further amended as follows:

" • • • that airspace south of Portland extending upward from 10,000 feet MSL, bounded on the north by the 60-mile circle centered on Portland International Airport, on the east by the west edge of V-165, on the south by the north edge of V-121, and on the west by the east edge of V-23 E.

[FR Doc.72-2205 Filed 2-14-72;8:47 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

[Docket No. R-71-116]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1911—INSURANCE COVERAGE AND RATES

Special Definitions

Correction

In F.R. Doc. 72-968, appearing at page 1036, in the issue for Saturday, January 22, 1972, the word "or" in the last line of § 1911.1 should read "of".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGFR 72-26]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Twelfth Coast Guard District

This amendment establishes two new Captain of the Port areas at Monterey, Calif., and Humboldt Bay, Calif., and revises the boundary of the Captain of the Port, San Francisco. The reason for the establishment of the two Captain of the Port areas is that there has been a tremendous growth in terms of population, industry and shipping which require a more direct supervision by the Coast Guard in law enforcement and pollution control. The expansion of the boundaries of the Captain of the Port, San Francisco together with the designation of the two Captains of the Port at Monterey and Humboldt Bay will put all ports and coastal waters of the Twelfth Coast Guard District under the jurisdiction of a designated Captain of the Port.

Since this is a matter relating to agency organization, it is exempted from notice of proposed rule making and public notice and procedure thereon by 5 U.S.C. 555.

Accordingly, Part 3 is amended by adding two new §§ 3.60-50 and 3.60-60, and by revising § 3.60-55 to read as follows:

Subpart 3.60—Twelfth Coast Guard District

§ 3.60-50 Monterey Captain of the Port.

(a) The Monterey Captain of the Port Office is in Monterey, Calif.

(b) The Monterey Captain of the Port area comprises all the navigable waters of the United States and contiguous land areas within the following boundaries: A line beginning at latitude 37°14'00" N., longitude 122°39'00" W.; thence to latitude 37°14'00" N., longitude 121°-40'00" W.; thence to latitude 35°00'00" N., longitude 120°20'00" W.; thence to the mouth of the Santa Maria River at latitude 34°58'00" N., longitude 120°-39'00" W.; thence to latitude 34°58'00" N., longitude 120°58'00" W.; thence to latitude 36°40'00" N., longitude 122°-35'00" W.; thence to the point of beginning.

§ 3.60-55 San Francisco Captain of the Port.

(a) The San Francisco Captain of the Port Office is in San Francisco, Calif.

(b) The San Francisco Captain of the Port area comprises all the navigable waters of the United States and contiguous land areas within the following boundaries: A line beginning at latitude 40°00'00" N. on the California coast thence to longitude 123°30'00" W.; thence to latitude 38°40'00" N., longitude 121°25'00" W.; thence to latitude 37°40'00" N., longitude 121°10'00" W.; thence to Pescadero Point on the coast at latitude 37°14'00" N.; thence to latitude 39°00'00" N., longitude 124°00'00" W.; thence to the point of beginning.

§ 3.60-60 Humboldt Bay Captain of the Port.

(a) The Humboldt Bay Captain of the Port Office is in Samoa, Calif.

(b) The Humboldt Bay Captain of the Port area comprises all the navigable waters of the United States and contiguous land areas within the following boundaries: A line beginning on the coast at the California-Oregon border at latitude 42°00'00" N. and extending due east along the California-Oregon State line to latitude 42°00'00" N., longitude 123°30'00" W.; thence to latitude 40°00'00" N., longitude 123°-30'00" W.; thence to the coast at latitude 40°00'00" N.; thence to latitude 40°25'00" N., longitude 124°40'00" W.; thence to the point of beginning.

(80 Stat. 383, as amended, 63 Stat. 545, sec. 6(b), 80 Stat. 937; 5 U.S.C. 552, 14 U.S.C. 633, 49 U.S.C. 1655(b); and 49 CFR 1.45 and 1.46)

Effective date. This amendment is effective on February 16, 1972.

Dated: February 9, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.72-2245 Filed 2-14-72;8:50 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 6—MISCELLANEOUS FEES

Recreation Fees; Entrance and User Fees

The Act of July 15, 1968 (82 Stat. 354) as amended by the Act of July 7, 1970 (84 Stat. 410) repealed, as of December 31, 1971, section 2 of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897, 16 U.S.C. 460L), under which the Golden Eagle fee program was established.

Therefore, pursuant to the authority contained in the Act of August 31, 1951 (65 Stat. 290; 31 U.S.C. 483a), section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and 245 DM1 (34 F.R. 13879) as amended, § 6.7 of Title 36 of the Code of Federal Regulations is renamed Recreation Fees and is hereby revised as set forth below.

The purpose of the revision is to provide for the National Park Service fee program. No annual entrance permit is available under these revised regulations.

Any charges imposed and collected under § 6.7 shall be covered into a special account in the Land and Water Conservation Fund and will be available upon appropriation, to the collecting agency for any of its authorized outdoor recreation functions.

The fees prescribed herein will continue in effect pending action by the Congress on the Golden Eagle fee program.

While it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process, it is deemed unnecessary to do so in this instance since the revision serves to continue in effect provisions of the current fee program and the revised regulations do not further restrict members of the public.

Due to immediate need for this revision, it will take effect upon publication of this notice in the FEDERAL REGISTER (2-15-72).

Section 6.7 is hereby renamed and revised as follows:

§ 6.7 Recreation fees.

There shall be two general types of recreation fees: Entrance fees and user fees. Both types of fees shall be charged on a daily basis.

(a) *Fees for daily entrance permits.* (1) There shall be two fees for daily entrance permits charged at Designated Fee Areas where entrance fees are charged: One applicable to those entering by private, noncommercial vehicle and one applicable to those entering by any other means.

(2) The fee for a daily permit applicable to those entering by private, noncommercial vehicle shall be $1 to $3 per vehicle per day. The daily permit shall be valid only at the one Designated Fee Area for which it is purchased. The daily permit shall admit, without further payment, the purchaser and all who accompany him in a private, noncommercial vehicle for a single visit or series of visits during its period of validity.

(3) The fee for a daily permit charged at Designated Fee Areas, applicable to those entering by any means other than private, noncommercial vehicle shall be $0.50 to $1.50 per person per day and shall be valid only at the one Designated Fee Area for which it is purchased.

(4) Any of the permits provided for in subparagraphs (2) and (3) of this paragraph shall be valid for a single visit or series of visits to the Designated Fee Area for which it was purchased during the same calendar day for which it was purchased. In addition, at areas in which overnight use is permitted, such permits shall be valid for departure only until noon of the day following purchase, except as otherwise posted.

(b) *Validation and display of entrance permits.* (1) All daily entrance permits shall be nontransferable, except that the permits issued pursuant to paragraph (a)(2) of this section may be used by members of the purchaser's immediate family (spouse and children).

(2) Every permit shall be kept on the person of its owner, except that, whenever a peson enters a Designated Fee Area by private, noncommercial vehicle, during the period that the vehicle used in such entry remains within the Designated Fee Area, the daily entrance permit shall be displayed on the sun visor or the dashboard on the left side of such vehicle in a manner to be readily visible to persons outside the vehicle unless different manner of display is prescribed by instructions posted at the area.

(c) *User fees.* (1) User fees are payable for the use of sites, facilities, equipment, or services provided by the United States, especially for recreationists in Designated Fee Areas which include, but are not limited to well-developed campsites, picnic areas, guide services, elevators, winter sport facilities, and special purpose recreational vehicle use privileges. User fees may be charged at Designated Fee Areas singly, or in addition to entrance or admission fees.

(2) User fees shall be selected from within the range of fees in accord with the criteria set forth below:

(i) The direct and indirect cost to the United States of establishing and maintaining the area;

(ii) The quality and variety of recreation opportunities offered in the area;

(iii) The amount charged for admission to or the use of comparable State, local, and private areas;

(iv) The impact of the fee on potential development of other outdoor recreation areas and facilities in the locality by State and local governments and by private investors;

(v) The contribution of State and local governments and private contributions to the maintenance and development of the area.

(3) User fees may be charged for additional types of sites, facilities, equipment, and services not listed below.

Sites	*Range of user fees*
Camp and trailer sites	$1 to $4 for overnight use.
Picnic sites	$0.50 to $1 per site per day.
Group camping and picnicking sites	$0.25 to $0.50 per person per day.[1]

[1] The Superintendents may select group use rates in lieu of the above "Camp and trailer sites" fee or the above "picnic sites" fee or both, and may establish a minimum group use charge of at least $3 per day per group without regard to group size or other provisions of this part.

(4) User fees may be charged if the site contains or is within a reasonable distance of the following facilities:

Basic facility	Camp and trailer site requirements	Picnic site requirements
Access and circulatory roads[2]	X	X
Parking[1]	X	X
Drinking water	X	X
Toilet facilities	X	X
Refuse containers	X	X
Picnic tables[2]	X	X
Firegrates[2] or fireplaces	X	X
Adequate tent or trailer spaces	X	

[1] Except at campsites accessible only by boat.
[2] Not applicable to trailer sites.

Other Facilities and Services	
Vehicle and trailer parking	To be established at a daily, weekly, or monthly rate in accord with the criteria set forth in subparagraph (2) of this paragraph.
Elevators	At least $0.10 per person per round trip.
Ferries and other means of transportation.	To be established at a rate in accord with the criteria set forth in subparagraph (2) of this paragraph.
Overnight shelters	To be established at a daily rate in accord with the criteria set forth in subparagraph (2) of this paragraph.
Guided tours	To be established at a rate in accord with the criteria set forth in subparagraph (2) of this paragraph.
Special purpose vehicles	At least $1 per individual vehicle permit issued.

(d) *Wrongful entry.* No person shall enter or use park areas, use park camping grounds, or otherwise participants in Park Service programs or activities for which fees have been designated without first paying the required fees. Any violation of this provision is punishable as provided in § 1.3 of this chapter.

(e) *Exceptions, exclusions, and exemptions.* In the application of the provisions of this part, the following exceptions, exclusions, and exemptions shall apply:

(1) Nothing contained herein shall authorize Federal hunting or fishing licenses or fees;

(2) No fee shall be charged for the use of any water;

(3) No fee shall be charged for travel by private, noncommercial vehicle over any National Parkway or any road or highway established as part of the national Federal-aid system, which, although it is part of a larger area, is commonly used by the public as a means of travel between two places, either or both of which are outside the area;

(4) No fee shall be charged any person in the exercise of a right of access to privately owned lands;

(5) No daily entrance fee shall be charged at any area where more than 50 percent of the land within such area has been donated to the United States by a State, unless the Governor of such State or has designee has been advised of such fee at least 60 days prior to its establishment and unless any recommendation of such Governor and all legal and other obligations of the United States to such State with respect to such areas have been taken into consideration;

(6) No fee shall be charged for access to waters or shorelines by those classes of persons which have rights thereto under treaty or law;

(7) No fee shall be charged for commerical or other activities not related to recreation; or for organized tours or outings conducted for educational or scientific purposes by bona fide institutions established for these purposes; nor shall any fee be charged hospital inmates involved in medical therapy;

(8) No entrance fee shall be charged any person conducting State, local, or Federal Government business;

(9) No entrance fee shall be charged at any entrance to Great Smoky Mountains National Park unless such fees are charged at main highway and thoroughfare entrances.

(10) No fees shall be charged at Designated Fee Areas requiring such fees, for persons who have not reached their 16th birthday.

(f) *Designation of fee areas.* (1) Entrance and user fees established pursuant to this section will be required only at those areas which have been formally designated as fee areas by the Director of the National Park Service. Notification to the public of such designations shall be accomplished by posting such information conspicuously at each area and by local public announcements, press releases, and other suitable means.

V371 FEB 15 72 XUM

(2) No fee established pursuant to this section shall be effective until the area for which it is assessed has been posted as a designated fee area. Signs used for this purpose at park areas may be used in combination with, or incorporated into, entrance signs.

LAWRENCE C. HADLEY,
Acting Director,
National Park Service.

[FR Doc.72-2161 Filed 2-14-72;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

Dividends; How Paid

In § 8.26, paragraph (h) is added to read as follows:

§ 8.26 How paid.

* * * * *

(h) Any insured receiving an annual dividend in cash may return such dividend check or an equivalent amount of money in order to have the dividend retained under the deposit or credit option. The return of such dividend must be made during the lifetime of the insured and before the end of the calendar year during which the dividend was paid. Dividends returned under this provision are not available for the payment of premiums, receipt of interest, or calculation of cash value prior to the postmark date of the returned check.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: February 8, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-2238 Filed 2-14-72;8:49 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

PART 273—SETTLEMENTS

Part 273 is revised to read as follows:

Sec.
273.1 Acceptance of payment.
273.2 Reciprocal release of vehicle damage.

AUTHORITY: The provisions of this Part 273 issued under 39 U.S.C. 401, 2008(c).

§ 273.1 Acceptance of payment.

(a) *Payments in full settlement*—(1) *Definition.* A "payment in full settlement" is a payment equal to the full amount necessary to repair or replace damaged postal property. If the amount of a claim against a private party has been mathematically computed incorrectly, a tender of payment of a lesser amount which merely reflects a correction of the computation may be considered as a payment in full settlement.

(2) *Acceptance of payments in full settlement.* Postmasters are authorized to accept payments in full settlement of claims for damage to Postal Service property. Postmasters accepting payments shall execute releases of further liability on these claims, and negotiate checks and drafts bearing language having the effect of a release. Releases will cover only damage to postal property in the specific case being settled, and will in no way attempt to settle a claim for injury to a postal employee.

(b) *Compromise settlements*—(1) *Definition.* A "compromise offer" is an offer of an amount less than that claimed for damage to postal property.

(2) *Claims of $250 or less.* At post offices where the postmaster is in PES–16 or above, the postmaster is authorized to accept compromise offers in settlement of claims on which the postmaster initiated the collection action, when the damage to postal property does not exceed $250. The postmaster, in these cases, will execute the necessary releases for property damage only. See paragraph (a) of this section. At post offices where the postmaster is in PES–15 or below, claims shall be processed in accordance with subparagraph (3) of this paragraph.

(3) *Claims in excess of $250*—(i) *Vehicle damage claims.* Refer compromise offers on these claims to the Director, Postal Data Center, for further action.

(ii) *Nonvehicle damage claims.* Refer compromise offers on these claims to the Regional Postmaster General for negotiation and further action.

(iii) *Release forms.* Release forms and checks or drafts need not accompany the settlement papers.

(c) *Offers in kind.* In cases of damage to vehicles owned by the Postal Service where the private party is responsible, he or his insurer may offer to reimburse the cost of repairs of the damaged vehicle. In such cases, the payment may be made directly to the repairman, or to the postmaster and the repairman so that endorsement by the postmaster will constitute a release. If the private party or insurer insists on making payment to the postmaster only, deposit the check as postal funds, record it in Trust Fund Account 16601 of the postmaster, and draw a Treasury check in favor of the repairman. The check issued will be recorded as a withdrawal from Trust Fund Account 16602. Retain the repair invoice to support the details of the transaction. Postmasters with vehicle maintenance facilities may accept offers in kind up to a valuation of $500; postmasters without vehicle maintenance facilities (nonpersonnel offices) may accept such offers up to $100. Refer all offers in kind in excess of these valuations to the manager, vehicle maintenance, for approval, listing in detail the repairs to be made, estimated repair time, and the recommendation of the postmaster. All offers in kind should be adequate to restore the vehicle to its condition immediately prior to the accident.

§ 273.2 Reciprocal release of vehicle damage.

Execute a release in behalf of the private party for vehicle damage when it is requested, provided no claim for vehicle damage will be made against him by the Postal Service, and provided a like release in favor of the U.S. Postal Service is obtained. If the private party refuses to execute a reciprocal release in favor of the Postal Services, refer his request to the Regional Counsel.

LOUIS A. COX,
General Counsel.

[FR Doc.72-2224 Filed 2-14-72;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart D—Exemptions From Tolerances

COPPER

A petition (PP 1F1073) was filed by Cities Service Co., Post Office Drawer 8, Cranbury, NJ 08512, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of an exemption from the requirement of a tolerance for residues of copper in water resulting from use of the herbicide and algicide copper sulfate pentahydrate in lakes, ponds, and reservoirs. Subsequently, the Bureau of Reclamation, U.S. Department of the Interior, requested that the chemical be exempted when used for the treatment of water in irrigation conveyance systems.

Another petition (PP 1F1071) was filed by 3M Co., 3M Center, St. Paul, Minn. 55101, proposing an exemption from the requirement of a tolerance for residues of the aquatic herbicide basic copper carbonate (malachite) in nonmoving water in lakes, ponds, and stagnant canals and waterways.

A third petition (PP 1F1093) was filed by Phelps Dodge Refining Corp., 300 Park Avenue, New York, NY 10022, proposing an exemption from the requirement of a tolerance for residues of copper from the use of the aquatic herbicide copper sulfate pentahydrate.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Copper is widely distributed in animal and plant tissues and is an essential trace element in the human body. Copper compounds have been used for years as pesticides and for treatment of water. As an indication of its safety, a number of copper compounds have been exempted from the requirement of a tolerance when applied to growing crops.

Thus, based on consideration given data submitted in the petitions and other relevant material, it is concluded that the pesticides are useful and that the exemption established in this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended by adding the following new section to Subpart D:

§ 180.1021 Copper; exemption from the requirement of a tolerance.

Copper is exempted from the requirement of a tolerance in eggs, fish, meat, milk, irrigated crops, and shellfish when it results from the use of:

(a) Copper sulfate pentahydrate as an algicide or herbicide in irrigation conveyance systems and lakes, ponds, reservoirs, or bodies of water in which fish or shellfish are cultivated.

(b) Basic copper carbonate (malachite) as an algicide or herbicide in impounded and stagnant bodies of water.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–15–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: February 9, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-2214 Filed 2-14-72;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3–1—GENERAL

Subpart 3–1.12—Responsible Prospective Contractors

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to provide additional standards for determining responsibility of prospective contractors.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves minor technical matters. Therefore, the public rule making process is deemed unnecessary in this instance.

1. The table of contents of Part 3–1 is amended to add a new Subpart 3–1.12 as follows:

Sec.
3–1.1200 Scope of subpart.
3–1.1203 Minimum standards for responsible prospective contractors.
3–1.1203–2 Additional standards.
3–1.1204 Determination of responsibility or nonresponsibility.
3–1.1204–1 Requirement.

AUTHORITY: The provisions of this Subpart 3–1.12 are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

2. Subpart 3–1.12 is added to read as follows:

§ 3–1.1200 Scope of subpart.

This subpart implements the policies set forth in FPR 1–1.12 concerning the responsibility of prospective contractors, minimum standards for responsible prospective contractors, requirements and procedures for the determination of responsibility, and policies regarding the determination of subcontractor responsibility.

§ 3–1.1203 Minimum standards for responsible prospective contractors.

§ 3–1.1203–2 Additional standards.

In addition to the standards set forth in FPR 1–1.1203–1 and –2, a prospective contractor, in order to be determined as responsible must, in the opinion of the contracting officer, meet the following standards as they relate to the particular procurement under consideration.

(a) Have an established system of accounting and financial controls which are determined by the contracting officer to be adequate to permit the effective administration of the type of contract proposed, particularly if under its terms the costs incurred are a factor in determining the amount payable under the contract, or if advance or progress payments are requested.

(b) In determining the adequacy of a prospective contractor's financial resources for the performance of the proposed contract, as required by FPR 1–1.1203–1(a), particular attention shall be given to the ability of the contractor to discharge his full financial responsibility for charges and losses of Government-furnished material, when the contractor has responsibility for such material.

§ 3–1.1204 Determination of responsibility or nonresponsibility.

§ 3–1.1204–1 Requirement.

(a) The signing of the contract shall be deemed to be evidence of the contracting officer's affirmative determination that a contractor is responsible within the meaning of FPR 1–1.1202. In the event that a contracting officer determines a prospective contractor to be nonresponsible within the meaning of FPR 1–1.1202, a written determination to this effect shall be made by the contracting officer and placed in the contract file. (See FPR 1–1.708 and HEWPR 3–1.708–2 if a small business concern is involved.)

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (2–15–72).

Dated: February 2, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary
for Administration.

[FR Doc.72-2242 Filed 2-14-72;8:50 am]

PART 3–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 3–2.2—Solicitations of Bids

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to insure that bidders mailing lists are maintained on a current basis.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to take part in the rule making process. However, the amendment herein involves minor technical matters. Therefore, the public rule making process is deemed unnecessary in this instance.

1. Table of contents of Part 3–2 is amended to add a new Subpart 3–2.2 as follows:

Sec.
3–2.205 Bidders mailing lists.
3–2.205–2 Removal of names from bidders mailing lists.

AUTHORITY: The provisions of this Subpart 3–2.2 are issued under 5 U.S.C. 301; 40 U.S.C. 486(c).

2. Subpart 3–2.2 is added to read as follows:

§ 3–2.205 Bidders mailing lists.

§ 3–2.205–2 Removal of names from bidders mailing lists.

Bidders mailing lists shall be reviewed annually to ensure that they contain only accurate and current information which

V 37 31
FEB 15 72
XUM

is consistent with the present needs of the procurement office.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (2-15-72).

Dated: February 8, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc. 72-2241 Filed 2-14-72; 8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18920]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Domestic Public Point-to-Point Microwave Radio Service; Correction

In the matter of establishment of policies and procedures for consideration of applications to provide specialized common carrier services in the domestic public point-to-point microwave radio service and proposed amendments to Parts 21, 43, and 61 of the Commission's rules, Docket No. 18920.

In the memorandum opinion and order released January 31, 1972 (FCC 72-71; 37 F.R. 2583), correct the first sentence of the amended § 21.108(c) to read as follows:

(c) Fixed stations (other than temporary fixed) operating at 2500 MHz or higher shall employ transmitting and receiving antennas meeting the appropriate performance Standard A indicated below, except that in areas not subjected to frequency congestion antennas meeting performance Standard B may be used subject to the liability set forth in § 21.109(c). * * *

Released: February 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2255 Filed 2-14-72;8:51 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1090]

PART 1033—CAR SERVICE

Burlington Northern Inc., Authorized To Operate Over Tracks of Chicago and North Western Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of February 1972.

It appearing, that because of severe track damage resulting from snow drifts and flooding, the Burlington Northern Inc., is unable to operate its line between Rutland, N. Dak., and Ludden, N. Dak.; that shippers located on this line between Ludden, N. Dak., and the end of the line at Forbes, N. Dak., are thereby deprived of railroad service; that there are no shippers served by this line between Rutland, N. Dak., and Ludden, N. Dak.; that the Chicago and Northern Western Railway Co. has agreed to permit the use of its line between a point of connection with the Oakes branch of the Burlington Northern at Oakes, N. Dak., and a point of connection with the Forbes branch of the Burlington Northern near Ludden, N. Dak., a distance of approximately 7.8 miles; that the Commission is of the opinion that operation by the Burlington Northern Inc., over these tracks of the Chicago and North Western Railway Co. is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice:

It is ordered, That:

§ 1033.1090 Service Order No. 1090.

(a) *Burlington Northern Inc., authorized to operate over tracks of the Chicago and North Western Railway Co.* The Burlington Northern Inc., be, and it is hereby, authorized to operate over tracks of the Chicago and North Western Railway Co. between Oakes, N. Dak., and Ludden, N. Dak., a distance of approximately 7.8 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Burlington Northern, Inc., over tracks of the Chicago and North Western Railway Co., is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Burlington Northern Inc., over these tracks of the Chicago and North Western Railway Co. shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., February 10, 1972.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2266 Filed 2-14-72;8:52 am]

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 280]

PART 1311—SPECIAL PROCEDURES FOR TARIFF FILINGS UNDER THE WAGE AND PRICE STABILIZATION PROGRAM

Privately Owned Public Utilities

Present: Robert C. Gresham, Acting Chairman, to whom the above matter, which is the subject of this order, has been assigned for action thereon.

It appearing, that pursuant to the provisions of Executive Order 11627, 36 F.R. 20139, the Price Commission, by its order of February 10, 1972, has deferred all rate increases proposed to be made effective by or for privately owned public utilities on or after February 10, 1972, and that the period of the deferral by the Price Commission extends until March 10, 1972, or until such time as the Price Commission may indicate by subsequent order or directive;

And it further appearing, that there have been, or will be, filed with the Interstate Commerce Commission tariffs and schedules setting forth new increased rates, fares and charges, and new rules, regulations, and practices having the effect of increasing rates, fares, and charges applicable on interstate or foreign commerce that are indicated as becoming effective within the aforesaid period of deferral by the Price Commission;

And it further appearing, that the operation of the said tariffs and schedules during the period of deferral would be in violation of the said order of the Price Commission; and good cause appearing therefor:

It is ordered, That the use and operation of the said tariffs and schedules be deferred pending the expiration of the period of deferral as determined by the Price Commission;

It is further ordered, That all carriers subject to the tariff and schedule filing requirements of this Commission be, and they are hereby, directed to file with this Commission supplements containing notice deferring indefinitely the effective dates of all increased rates, fares, charges, rules, regulations, and practices which are subject to this order.

And it is further ordered, That copies of this order be posted in the Office of the Secretary and in the Section of Tariffs of the Interstate Commerce Commission, that a copy be delivered to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER and that all carriers subject to the jurisdiction of the Interstate Commerce Commission be, and they are hereby, made respondents to this order.

Approved: February 11, 1972.

R. C. GRESHAM.

By the Commission, Acting Chairman Gresham.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2334 Filed 2-11-72;12:27 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 550—PAY ADMINISTRATION (GENERAL)

Allotments and Assignments From Federal Employees

Subchapter C of Part 550 is amended to reflect the amendments made in Executive Order 11491 relating to dues withholding and to reorganize the regulations under subject matter headings for greater clarity.

Effective the beginning of the first pay period which begins on or after February 20, 1972, Subpart C is amended as set out below.

Subpart C—Allotments and Assignments From Federal Employees

DEFINITIONS

Sec.
550.301 Definitions.

GENERAL PROVISIONS

550.311 Authority of agency.
550.312 Authorized allottees.
550.313 General limitations.

LABOR ORGANIZATION

550.321 Scope.
550.322 Limitation and discontinuance of allotment.
550.323 Saving provision.
550.324 Fee for service.

ASSOCIATION OF MANAGEMENT OFFICIALS OR SUPERVISORS

550.331 Scope.
550.332 Limitation and discontinuance of allotment.
550.333 Fee for service.

FOREIGN AFFAIRS AGENCY ORGANIZATIONS

550.341 Scope.
550.342 Limitation and discontinuance of allotment.
550.343 Fee for service.

COMBINED FEDERAL CAMPAIGN

550.351 Scope.
550.352 Limitation of allotment.
550.353 Discontinuance of allotment.

INCOME TAX WITHHOLDING

550.361 Scope.

ADDITIONAL CIRCUMSTANCES FOR WHICH AN ALLOTMENT IS PERMITTED

550.371 Scope.

AUTHORITY: The provisions of this Subpart C issued under 5 U.S.C. section 5527, E.O. 10982; 3 CFR, 1959-1963 Comp., p. 502.

Subpart C—Allotments and Assignments From Federal Employees

DEFINITIONS

§ 550.301 Definitions.

In this subpart:

(a) "Agency" means an Executive agency as defined by section 105 of title 5, United States Code.

(b) "Allotment" means a recurring, specified deduction from pay authorized by an employee to be paid to an allottee.

(c) "Allottee" means the person or institution to whom an allotment is made payable.

(d) "Allotter" means the employee from whose pay an allotment is made.

(e) "Association of management officials or supervisors" means an association composed of management officials or of supervisors with which the agency has established official relationships under section 7(e) of Executive Order 11491, as amended.

(f) "Combined Federal Campaign" means an organization of voluntary health and welfare agencies authorized to solicit charitable contributions in a local area in accordance with arrangements prescribed by the Chairman of the Civil Service Commission under Executive Order 10927.

(g) "Continental United States" means the several States and the District of Columbia, but excluding Alaska and Hawaii.

(h) "Dues" means the regular, periodic amount required to maintain the member in good standing in a labor organization or association of management officials or supervisors.

(i) "Employee" means an employee of an agency.

(j) "Foreign affairs agency" means the Department of State, the U.S. Information Agency, the Agency for International Development and its successor agency or agencies.

(k) "Labor organization" means a labor organization as defined by section 2(e) of Executive Order 11491, as amended.

(l) "Pay" means the net pay due an employee after all deductions authorized by law (such as retirement or social security deductions, Federal withholding tax, and others, when applicable) have been made.

GENERAL PROVISIONS

§ 550.311 Authority of agency.

(a) An agency may permit allotments under section 5525 of title 5, United States Code, only in accordance with subchapter III of chapter 55 of title 5, United States Code, and this subpart.

(b) An agency may permit an employee to authorize an allotment to be effective on the issuance of an order of evacuation under section 5522 or 5523 of title 5, United States Code. Payment of such an allotment may not be made until the issuance of the order.

(c) The head of an agency may prescribe such additional regulations governing allotments, not inconsistent with subchapter III of chapter 55 of title 5, United States Code, and this subpart, as he considers necessary.

(d) Except as provided in this subpart, only an employee who is serving under an appointment not limited to 6 months or less may make an allotment.

§ 550.312 Authorized allottees.

(a) An employee may make an allotment to an individual, a corporation, a financial institution, a Combined Federal Campaign, an agency, a State or the District of Columbia, a labor organization, or an association of management officials or supervisors when the allotment is for one of the purposes permitted under this subpart.

(b) The allotter shall designate the allottee specifically and in writing in an allotment authorization.

§ 550.313 General limitations.

(a) An allotment shall be disbursed on one of the regularly designated paydays of the employee and in accordance with the conditions of the allotment authorization, except when the agency and the allotter agree on a later date.

(b) An employee may have only one allotment payable to the same allottee at the same time.

(c) The total amount of allotments may not exceed the pay due the allotter for a particular period.

(d) An agency shall discontinue paying an allotment when the allottee dies or his whereabouts are unknown.

LABOR ORGANIZATION

§ 550.321 Scope.

(a) An agency may permit an employee, regardless of his tenure, to make an allotment for dues to a labor organization when: (1) He is a member of a labor organization which holds exclusive recognition for employees in the exclusive unit in which he is employed, and (2) the agency has agreed in writing with the labor organization to deduct allotments for the payment of dues.

(b) With respect to an employee assigned to a post of duty outside the United States (including Alaska and Hawaii), an agency may permit an employee, regardless of his tenure, to make an allotment for dues to a labor organization when he is a member of a labor organization granted recognition under conditions prescribed by the head of the agency under section 3(c) of Executive Order 11491, as amended, and with which the agency has agreed in writing to deduct allotments for the payment of dues to the labor organization.

§ 550.322 Limitation and discontinuance of allotment.

(a) The agreement between the agency and the labor organization shall

V37-31 FEB 15 72 XUM

specify how often a change may be made in the amount of the allotment for the payment of dues to a labor organization.

(b) An allotment for the payment of dues to a labor organization may be revoked by an employee only in writing and effective at stated 6-month intervals as provided by section 21(a) of Executive Order 11491, as amended, and as provided in the agreement. Upon receipt in the payroll office of a written notice of revocation, the agency shall discontinue the allotment at the beginning of the first full pay period which begins on or after the next stated revocation date.

(c) Except as provided in paragraph (d) of this section, an agency shall discontinue paying an allotment when the allotter is separated from the Federal service; transfers between agencies, moves or is reassigned or promoted within the agency outside the unit for which the labor organization has been accorded exclusive recognition; is suspended or expelled from the labor organization, or when the dues withholding agreement between the agency and the labor organization is terminated, suspended, or ceases to be applicable to the allotter.

(d) An agency may permit an employee, transferring in from another agency, or transferring within the same agency, to continue on a temporary basis to make an allotment for dues to a labor organization under the following conditions:

(1) The transfer of the employee is in connection with a transfer of function or reorganization; and

(2) The employee was in a unit of recognition, which unit was transferred in whole or part to another agency or different organizational group within the same agency.

(3) A substantial question of successorship exists, that is, a question as to whether the union which held exclusive recognition for the unit is eligible to retain the recognition previously granted to it by the losing agency; and

(4) The continuation of dues allotment is on a temporary basis until such time as the recognition status of the unit is clarified.

§ 550.323 Saving provision.

This subpart does not preclude a supervisor, at his discretion, from continuing an allotment of dues to a labor organization which he was permitted to continue when he was excluded from a formal or exclusive unit by reason of the requirements of former section 24(d) of Executive Order 11491.

§ 550.324 Fee for service.

An agency shall recover from a labor organization the costs of making each deduction from the pay of an employee unless the agency agrees in writing with the labor organization to make no charge or a reduced charge below actual costs for making the deduction. The amount of the fee, or no fee, is a matter which is subject to negotiation between the agency and the labor organization; however, the actual cost of the service is the maximum fee which the agency may charge.

ASSOCIATION OF MANAGEMENT OFFICIALS AND SUPERVISORS

§ 550.331 Scope.

An agency may permit an employee, regardless of his tenure, to make an allotment for dues to an association of management officials or supervisors when he is a supervisor or management official who is a member of an association of management officials or supervisors with which an agency has agreed in writing to deduct allotments for the payment of dues to the association.

§ 550.332 Limitation and discontinuance of allotment.

An agency shall prescribe (a) how often a change may be made in the amount of the allotment, (b) the conditions under which an allotment is discontinued, and (c) the procedures for revoking the allotment.

§ 550.333 Fee for service.

Agencies may decide, as a matter of agency policy, to charge no fee for collecting dues for members of associations of management officials or supervisors; to charge a standard fee for this service throughout the agency; or to leave it as a matter for determination at the levels and locations at which official relationships with such associations have been established.

FOREIGN AFFAIRS AGENCY ORGANIZATIONS

§ 550.341 Scope.

A foreign affairs agency may permit an employee, regardless of his tenure, to make an allotment for dues to an organization when he is a member of a recognized organization with which the foreign affairs agency has agreed in writing to deduct allotments for the payment of dues. For purposes of this section and §§ 550.342 and 550.343, "employee" and "organization" mean an "employee" and "organization" as defined by section 2 (b) and (f), respectively, of Executive Order 11636.

§ 550.342 Limitation and discontinuance of allotment.

(a) The agreement between the foreign affairs agency and the organization shall specify how often a change may be made in the amount of the allotment for the payment of dues to the organization.

(b) An allotment for the payment of dues to an organization may be revoked by an employee only in writing and effective at stated 6-month intervals as provided by section 15 of Executive Order 11634, as provided in the agreement. Upon receipt in the payroll office of a written notice of revocation, the foreign affairs agency shall discontinue the allotment at the beginning of the first full pay period which begins on or after the next stated revocation date.

(c) A foreign affairs agency shall discontinue paying an allotment when the dues withholding agreement between the foreign affairs agency and the organization is terminated or ceases to be applicable to the employee.

(d) A foreign affairs agency may permit an employee, transferring in from another foreign affairs agency, or transferring within the same foreign affairs agency, to continue on a temporary basis to make an allotment for dues to an organization under the following conditions:

(1) The transfer of the employee is in connection with a transfer of function or reorganization; and

(2) The employee was in a unit of recognition, which unit was transferred in whole or substantial part to the receiving foreign affairs agency; and

(3) A substantial question of successorship exists, that is, a question as to whether the organization which held exclusive recognition for the unit is eligible to retain the recognition previously granted to it by the losing foreign affairs agency; and

(4) The continuation of dues allotment is on a temporary basis until such time as the recognition status of the unit is clarified.

§ 550.343 Fee for service.

A foreign affairs agency shall recover from an organization the costs of making each deduction from the pay of an employee unless the foreign affairs agency agrees in writing with the organization to make no charge or a reduced charge below actual costs for making the deduction. The amount of the fee, or no fee, is a matter which is subject to agreement between the foreign affairs agency and the organization; however, the actual costs of the service is the maximum fee which the agency may charge.

COMBINED FEDERAL CAMPAIGN

§ 550.351 Scope.

An agency may permit an employee to make an allotment for charitable contributions to a Combined Federal Campaign only in accordance with instructions published in the Federal Personnel Manual. However, allotments for contributions to the Department of Defense Overseas Combined Federal Campaign may be permitted in accordance with a special agreement between the Commission and the Department of Defense which may contain any necessary exceptions to this subpart with respect to allotments made for charitable contributions.

§ 550.352 Limitation of allotment.

(a) An agency may permit an employee to make an allotment for a charitable contribution to a Combined Federal Campaign only when he is employed in an area in which a Combined Campaign authorized by the Civil Service Commission is established.

(b) An employee serving under an appointment limited to 1 year or less may make an allotment to a Combined Federal Campaign when an appropriate official of the employing agency determines the employee will continue his employment for a period sufficient to justify an allotment.

(c) An allotment to a Combined Federal Campaign shall be:

(1) For a term of 1 year beginning with the first pay period which begins in January and ending with the last pay period which begins in December; and

(2) Of an equal amount to be deducted each pay period, which amount may not be less than 50 cents for an employee paid biweekly or semimonthly or $1 for an employee paid monthly.

(d) During the term of an allotment to a Combined Federal Campaign the allotter may not change the amount to be deducted each pay period, but he may voluntarily discontinue the allotment at any time.

§ 550.353 Discontinuance of allotment.

An agency shall discontinue paying an allotment when the allotter is separated from the Federal service, a written notice to discontinue is given by the allotter, or the 1-year term for an allotment to a Combined Federal Campaign expires.

INCOME TAX WITHHOLDING

§ 550.361 Scope.

An agency may permit an employee, regardless of his tenure, to make an allotment for the payment of State or District of Columbia income taxes when he is employed outside of, but is a resident in, a State or the District of Columbia with which the Secretary of the Treasury has entered into an agreement to withhold income taxes from the pay of employees under sections 5516 and 5517 of title 5, United States Code.

ADDITIONAL CIRCUMSTANCES FOR WHICH AN ALLOTMENT IS PERMITTED

§ 550.371 Scope.

(a) Subject to paragraphs (b) and (c) of this section, an agency may permit an employee to make an allotment for any of the following purposes:

(1) The support of relatives or dependents of the allotter;

(2) Savings;

(3) Payment of commercial insurance premiums on the life of the allotter;

(4) Payment of U.S. Government Insurance or National Service Life Insurance; and

(5) Any other purpose when approved by the head of the agency or his authorized representative.

(b) An agency may not permit an employee to make an allotment for any of the following purposes:

(1) Payment of indebtedness, except when the head of the agency specifically provides otherwise;

(2) Contributions to charity except as authorized by § 550.351; or

(3) Payment of dues to civic, fraternal, or other organizations except as authorized by §§ 550.321 and 550.331.

(c) An agency may permit an employee to make an allotment for one of the purposes specified in paragraph (a) of this section only when he is:

(1) Assigned to a post of duty outside the continental United States;

(2) Working on an assignment away from his regular post of duty when the assignment is expected to continue for 3 months or more; or

(3) Serving as an officer or member of a crew of a vessel under the control of the Federal Government.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2286 Filed 2-14-72;8:52 am]

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

PART 201—STABILIZATION OF WAGES AND SALARIES

Executive and Variable Compensation

Part 201, Title 6, Chapter II, Code of Federal Regulations will be amended by adding new Subpart D thereto. New Subpart D, as set forth below, prescribes rules with respect to items constituting executive and variable compensation.

Since the rules set forth in this Subpart D are assential to the expeditious implementation of the Economic Stabilization Act Amendments of 1971 and Executive Order No. 11640, the Pay Board finds that it is impracticable to provide for the submission of written data, views, or arguments by interested persons in accordance with usual rule making procedures and that good cause exists for promulgating these regulations in less than 30 days.

These amendments shall be effective on and after November 14, 1971. However, written comments including views or arguments may be submitted to the Office of the General Counsel, Pay Board, 2000 M Street, Washington, DC 20508.

GEORGE H. BOLDT,
Chairman of the Pay Board.

Subpart D—Executive and Variable Compensation

Sec.
201.71 Scope.
201.72 Definitions.
201.73 Executive salaries and job perquisites.
201.74 Incentive compensation plans (other than stock options).
201.75 Incentive compensation practices (other than stock options).
201.76 Stock options.
201.77 Sales, commission, and production incentive plans or practices.
201.78 New or revised plans or practices.
201.79 New organizations.
201.80 Employee productivity incentive plans or practices.

AUTHORITY: The provisions of this Subpart D issued under Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order 11640 (37 F.R. 1213, Jan. 27, 1972), Cost of Living Council Order No. 3 (36 F.R. 20202, Oct. 16, 1971), as amended.

Subpart D—Executive and Variable Compensation

§ 201.71 Scope.

(a) *Purpose.* The purpose of this subpart is to provide rules and standards to stabilize items of executive and variable compensation whether or not payable to an executive.

(b) *Conflict with other provisions.* To the extent that any provision of this chapter is inconsisent with the provisions of this subpart, the provisions of this subpart shall control. Thus, for example, in the area of executive and variable compensation only those existing contracts meeting the requirements of § 201.72(f) and pay practices previously set forth meeting the requirements of § 201.72(g) shall be allowed to operate under § 201.14.

(c) *Exception.* The provisions of this subpart shall not affect the provisions of a collective bargaining agreement.

§ 201.72 Definitions.

For purposes of this subpart the term—

(a) "Wages and salaries" means the same as under § 201.3 except that items constituting incentive compensation or items under sales, commission, and production incentive plans or practices shall not be treated as wages and salaries except as otherwise provided in this subpart;

(b) "Executive compensation" includes, but is not limited to, the following items: Base salary, job perquisites, and incentive compensation;

(c) "Base salary" means cash remuneration paid to an employee by an employer on account of the performance of services;

(d) "Job perquisites" means any item furnished to or on behalf of an employee by an employer on account of the performance of services including, but not limited to, such items as reimbursement or payment by an employer of country club membership fees, dues, or other similar items, reimbursement or payment by an employer of uninsured medical expenses which are not excluded from gross income under section 104 of the Code, the personal use of an automobile furnished by an employer, payment by an employer for, or in kind furnishing of housing, and other such similar items;

(e) "Incentive compensation" includes, but is not limited to, the following items: Incentive bonuses (whether payable in cash or other property), stock options, so-called phantom stock awards (including both dividend and share units), employer contributions to stock purchase plans, and employer contributions to profit-sharing plans which fail to meet the requirements of section 401 of the Code;

(f) "Existing contract" means a contract with respect to employment all the elements of which have been reduced to a writing which has been signed by the employee and the employer on or before November 13, 1971; and

V 37 31 FEB 15 72 XUM

(g) "Pay practice previously set forth" means a wage or salary, incentive compensation, or sales, commission, or production incentive plan or practice which on or before November 13, 1971, meets all of the following requirements:

(1) The plan or practice had been communicated to the affected employees;

(2) The aggregate amount of the payment or award cannot be increased or withheld in its entirety by the exercise of any discretion;

(3) The aggregate amount of the payment or award is determined by a definite method or clear formula; and

(4) The definite method or clear formula is applied only to a wage or salary amount on a percentage or other similar basis without preference to profits, earnings, or any factor or item other than the actual wage or salary amount.

(h) "Plan or practice unit" means the employees covered by an incentive compensation or sales, commission, or production incentive plan or practice, and

(i) "Plan or practice year" means the 12-month period with respect to which an incentive compensation or sales, commission, or production incentive plan or practice operates.

§ 201.73 Executive salaries and job perquisites.

(a) *In general.* Executive base salaries paid to and job perquisites awarded to the employees in an appropriate employee unit during any wage year shall be subject to the general wage and salary standard established in § 201.10.

(b) *Deferred payments*—(1) *Items deferred from an earlier year.* An item of base salary paid to the employees in an appropriate employee unit during any wage year which was earned by any such employees during an earlier wage year shall not be considered as an item of base salary for such employees for the wage year during which such item is paid.

(2) *Items deferred to a later year.* An item of base salary paid to the employees in an appropriate employee unit during any wage year shall include all such items which were earned by all such employees during such wage year.

(3) *Definition.* For purposes of this paragraph an item is considered as being "earned" during the wage year in which services are performed giving rise to the obligation to pay for the performance of such services whether or not such obligation is contingent upon the performance of future services or any other condition or restriction (including, but not limited to, an agreement not to compete).

(c) *Valuation of items constituting job perquisites.* The amount of any job perquisite shall be determined as follows:

(1) The employer's current expenditure where such expenditure constitutes the only cost of the item, otherwise

(2) The reasonable cost of providing the item to be determined from all the facts and circumstances involved.

§ 201.74 Incentive compensation plans (other than stock options).

(a) *In general*—(1) *Established plans.* Subject to the provisions of this section an employer having an established written plan with respect to items of incentive compensation (but not including any plan or part thereof with respect to stock options) in effect before November 14, 1971, which plan does not qualify under § 201.72 (f) or (g), may continue to administer such a plan providing the following conditions are met: (i) A payment or award has actually been granted under the plan during any one of the last 3 plan years ending before November 14, 1971; (ii) the aggregate maximum amount of incentive compensation payable under the plan is determined according to a definite method or clear formula; (iii) administration of the plan is clearly in accordance with all conditions and limitations expressed therein; and (iv) administration of the plan is in the customary manner without any deviation from such manner for purposes of circumventing the intent of the wage and salary stabilization program.

(2) *New or revised plans.* An employer having an incentive compensation plan (but not including any plan or part thereof with respect to stock options) described in § 201.78 (b) or (c) (with respect to new or revised plans) and approved by the Pay Board pursuant to § 201.78 or described in § 201.79 (a) or (b) (with respect to new organizations) and reported to the Pay Board pursuant to § 201.79 shall administer such a plan subject to the provisions of paragraphs (b) and (c) of this section.

(b) *Computation of allowable amount*—(1) *Established plans.* The allowable amount of any item of incentive compensation granted to the employees in a plan unit during any wage year under a plan described in paragraph (a) (1) of this section or a plan described in paragraph (a) (2) of this section to which subparagraph (2) of this paragraph does not apply shall not exceed an amount determined as follows: The base year amount plus such base year amount multiplied by the permissible wage and salary standard established in § 201.10.

(2) *New or revised plans.* The allowable amount of any item of incentive compensation granted to the employees in a plan unit under a new or revised plan described in paragraph (a) (2) of this section during the first consecutive 12-month period under which the plan operates shall not exceed the base year amount.

(3) *Definition.* For purposes of this section, the term "base year amount" means (i) in the case of a plan described in subparagraph (1) of this paragraph the amount (in dollars or where applicable, in dividend or share units) of an item of incentive compensation granted to the employees in a plan unit under a plan in one of the last 3 plan years ending before November 14, 1971, or (ii) in case of a new or revised plan described in paragraph (a) (2) of this section during the first consecutive 12-month period under which such a plan operates the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation established by the Pay Board.

(c) *Rules with respect to computation of allowable amount*—(1) *Deferred payments*—(i) *Items deferred from an earlier year.* An item of incentive compensation paid to the employees in a plan unit during any wage year which was granted to any such employees during an earlier wage year shall not be considered as an item of incentive compensation for such employees for the wage year during which such item is paid.

(ii) *Items deferred to a later year.* An item of incentive compensation granted to the employees in a plan unit during any wage year which is deferred to a later wage year shall be considered as an item of incentive compensation for such employees for the wage year during which such item is granted.

(iii) *Definition.* For purposes of this subparagraph an item is considered as being "granted" during the wage year in which services are performed giving rise to the obligation to pay for the performance of such services whether or not such obligation is contingent upon the performance of future services or any other condition or restriction.

(2) *Excesses.* If the amount of any item of incentive compensation awarded pursuant to a plan described in paragraph (a) of this section is in excess of the allowable amount with respect to such item determined pursuant to the rules contained in paragraph (b) of this section, such excess shall be deemed to be an increase in wages and salaries paid for the wage year the excess occurs with respect to the covered plan unit. Such excess shall be apportioned to the appropriate employee units of the employees participating in the plan unit. The amount of excess which shall be apportioned to an appropriate employee unit shall be determined as follows: The number of employees in an appropriate employee unit who are participating in such a plan unit multiplied by a fraction, the numerator of which is the amount of the excess and the denominator of which is the number of employees in the plan unit. Such amount shall not be allowed to increase the maximum permissible annual aggregate wage and salary rate increase with respect to an appropriate employee unit, but shall reduce the maximum permissible aggregate wages and salaries payable to an appropriate employee unit by the amount of the excess for the wage year the excess occurs. For purposes of determining the amount of any excess with respect to phantom stock awards each phantom dividend or share unit shall be deemed to be an actual share of stock not subject to any restriction.

(3) *Credits.* If the amount of any item of incentive compensation granted pursuant to a plan described in paragraph (a) of this section is less than the allowable amount with respect to such item determined pursuant to the rules contained in paragraph (b) of this section, the amount equal to the difference between such allowable amount and the amount of the award granted but no more than the difference between the allowable amount and the base year amount may be used by the employer as a credit for wages and salaries payable in the wage year in which such amount which is less than such allowable amount occurs with respect to the employees participating in the covered plan unit. The amount which may be so credited shall be apportioned in the same manner described in subparagraph (2) of this paragraph providing for apportioning excesses, provided, however, such amount shal not constitute wages and salaries for the purpose of computing the amount of any increase in wages and salaries for the following wage year and shall not be allowed to increase the maximum permissible annual aggregate wage and salary rate increase with respect to an appropriate employee unit.

(4) *Valuation of items of incentive compensation.* The amount of an award shall be determined as follows—

(i) For phantom stock awards: In dividend or share units;

(ii) For incentive bonuses awarded in stock: In dollars in an amount equal to the fair market value of such stock at the time of the award regardless of any conditions or restrictions less the amount (if any) paid for such stock by the employee;

(iii) For incentive bonuses awarded in property other than stock: In dollars in an amount equal to the fair market value of such property at a time of the award, regardless of any conditions or restrictions, less the amount (if any) paid for such property by the employee;

(iv) For employer contributions such as contributions to incentive stock bonus plans (whether or not described in section 401 of the Code), stock purchase plans, or profit sharing plans which fail to meet the requirements of section 401 of the Code: In dollars in an amount equal to the employer's contribution regardless of any deferral in time of the employee's rights under such a plan or any other condition or restriction;

(v) For employer contributions in property (including stock) to plans described in subdivision (iv) of this subparagraph: In dollars in an amount equal to the fair market of such property, regardless of any conditions or limitations, any deferral in time of the employee's rights under the plan, or any other condition or restriction.

(d) *Rule with respect to certain plans.* Any plan described in paragraph (a) (1) of this section which fails to meet the condition of having made a payment or award during the last 3 plan years ending before November 14, 1971, shall be considered as a new plan subject to the provisions of § 201.78 and paragraphs (b) and (c) of this section.

§ 201.75 Incentive compensation practices (other than stock options).

(a) *In general*—(1) *Existing practices.* Subject to the provisions of this section, an employer having a practice (other than a plan described in § 201.74 (a)) with respect to items of incentive compensation (but not including any plan or practice with respect to stock options) which practice does not qualify under § 201.72 (f) or (g), may continue to administer such a practice providing the following conditions are met: (i) A payment or award has actually been granted under the practice as a matter of custom or habit during two of the last 3 practice years ending before November 14, 1971, or if the practice had been in existence less than 2 practice years ending before November 14, 1971, then during 1 practice year ending before such date; (ii) administration of the practice is clearly in accordance with demonstrated past custom or habit; and (iii) administration of the practice is in the customary manner without any deviation from such manner for purposes of circumventing the intent of the wage and salary stabilization program.

(2) *New or revised practices.* An employer having an incentive compensation practice (but not including any plan or practice with respect to stock options) described in § 201.78 (b) or (c) (with respect to new or revised plans or practices) and approved by the Pay Board pursuant to § 201.78 or described in § 201.79 (b) or (c) (with respect to new organizations) and reported to the Pay Board pursuant to § 201.79 shall administer such a practice subject to the provisions of paragraphs (b) and (c) of this section.

(b) *Computation of allowable amount*—(1) *Established practices.* The allowable amount of any item of incentive compensation granted to the employees in a practice unit during any wage year under a practice described in paragraph (a) (1) of this section or a practice described in paragraph (a) (2) of this section to which subparagraph (2) of this paragraph does not apply shall not exceed an amount determined as follows: The base year amount plus such base year amount multiplied by the permissible wage and salary standard established in § 201.10.

(2) *New or revised practices.* The allowable amount of any item of incentive compensation granted to the employees in a practice unit under a new or revised practice described in paragraph (a) (2) of this section during the first consecutive 12-month period under which the plan operates shall not exceed the base year amount.

(3) *Definition.* For purposes of this section the term "base year amount" means (i) in the case of a practice described in subparagraph (1) of this paragraph the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation granted to the employees in a practice unit under a practice in one of the last 3 practice years ending before November 14, 1971, or (ii) in case of a new or revised practice described in paragraph (a) (2) of this section during the first consecutive 12-month period under which such a practice operates the amount (in dollars, or where applicable, in dividend or share units) of an item of incentive compensation established by the Pay Board.

(c) *Rules with respect to computation of allowable amount*—(1) *Deferred payments*—(i) *Items deferred from an earlier year.* An item of incentive compensation paid to the employees in a practice unit during any wage year which was granted to any such employees during an earlier wage year shall not be considered as an item of incentive compensation for such employee for the wage year during which such item is paid.

(ii) *Items deferred to a later year.* An item of incentive compensation granted to the employees in a practice unit during any wage year which is deferred to a later wage year shall be considered as an item of incentive compensation for such employees for the wage year during which such item is granted.

(iii) *Definition.* For purposes of this paragraph an item is considered as being "granted" during the wage year in which services are performed giving rise to the obligation to pay for the performance of such services whether or not such obligation is contingent upon the performance of future services or any other condition or restriction.

(2) *Excesses.* If the amount of any item of incentive compensation awarded pursuant to a practice described in paragraph (a) of this section is in excess of the allowable amount with respect to such item determined pursuant to the rules contained in paragraph (b) of this section, such excess shall be deemed to be an increase in wages and salaries for the wage year the excess occurs with respect to the covered practice unit. Such excess shall be apportioned to the appropriate employee units of the employees participating in the practice unit. The amount of excess which shall be apportioned to an appropriate employee unit shall be determined as follows: The number of employees in an appropriate employee unit who are participating in such a practice unit multiplied by a fraction, the numerator of which is the amount of the excess and the denominator of which is the number of employees in the practice unit. Such amount shall not be allowed to increase the maximum permissible annual aggregate wage and

V 37 31 FEB 15 72 XUM

salary rate increase with respect to an appropriate employee unit, but shall reduce the maximum permissible aggregate wages and salaries payable to an appropriate employee unit by the amount of the excess for the wage year the excess occurs. For purposes of determining the amount of any excess with respect to phantom stock awards each phantom dividend, or share unit shall be deemed to be an actual share of stock not subject to any restriction.

(3) *Credits.* If the amount of any item of incentive compensation granted pursuant to a practice described in paragraph (a) of this section is less than the allowable amount with respect to such item determined pursuant to the rules contained in paragraph (b) of this section, the amount equal to the difference between such allowable amount and the amount of the award granted but no more than the difference between the allowable amount and the base year amount may be used by the employer as a credit for wages and salaries payable in the wage year in which such amount which is less than such allowable amount occurs with respect to the employees participating in the covered practice unit. The amount which may be so credited shall be apportioned in the same manner described in subparagraph (2) of this paragraph providing for apportioning excesses, provided, however, such amount shall not constitute wages and salaries for the purpose of computing the amount of any increase in wages and salaries for the following wage year and shall not be allowed to increase the maximum permissible annual aggregate wage and salary rate increase with respect to an appropriate employee unit.

(4) *Valuation of items of incentive compensation.* Items of incentive compensation shall be valued according to the provisions of paragraph (c)(4) of § 201.74.

(d) *Rule with respect to certain practices.* Any practice described in paragraph (a)(1) of this section which fails to meet the condition of having made the payment or award required under such paragraph shall be considered as a new practice subject to the provisions of § 201.78 and paragraphs (b) and (c) of this section

§ 201.76 Stock options.

(a) *Existing stock options.* Stock options granted to the employees in a plan unit in writing before the close of business on December 16, 1971, under a stock option plan adopted by an employer before November 14, 1971, may be exercised.

(b) *New stock options under existing plans*—(1) *Grant.* New stock options under a stock option plan adopted by an employer before November 14, 1971, may be granted to the employees in a plan unit under such stock option plan but only in writing provided that: (i) The plan has been approved by the employer's stockholders pursuant to the provisions of section 422(b)(1) of the Code; (ii) the plan stipulates a maximum number of shares to be made available for stock option grants; (iii) the option price of shares may not be established at less than 100 percent of the fair market value of such shares on the date of grant; (iv) administration of the plan is in accordance with the customary manner; and (v) the aggregate shares under new stock options during an employer's fiscal year shall not exceed the number of shares determined as follows: The number of shares (adjusted to reflect stock splits and stock dividends) granted under such plan during the last 3 fiscal years of the employer ending before November 14, 1971, divided by three.

(2) *Exercise.* A stock option described in subparagraph (1) of this paragraph may be exercised by the employees in a plan unit under a stock option plan.

(c) *Rules with respect to certain existing plans.* For purposes of subdivision (v) of paragraph (b)(1) of this section if any plan is:

(1) In existence for at least 1 fiscal year of the employer ending before November 14, 1971, but less than 3 such fiscal years, the aggregate shares under new stock options granted during an employer's fiscal year shall not exceed the number of shares determined as follows: The number of shares (adjusted to reflect stock splits and dividends) granted during the existence of the plan divided by the number of such fiscal years; or

(2) In existence for less than a full fiscal year of the employer ending before November 14, 1971, the aggregate shares under new stock options granted during an employer's fiscal year shall not exceed the greater of the aggregate shares (adjusted to reflect stock splits and stock dividends) actually granted during such period of less than such a full fiscal year ending before November 14, 1971, or 25 percent of the aggregate shares (adjusted to reflect stock splits and stock dividends) authorized for stock options during the life of the plan; or

(3) In existence for 3 or more fiscal years of the employer ending before November 14, 1971, and failing to meet the conditions of subdivision (v) of paragraph (b)(1) of this section because no shares under new options were granted during the last 3 such fiscal years, the aggregate shares under new stock options granted during an employer's fiscal year shall not exceed 25 percent of the aggregate shares (adjusted to reflect stock splits and stock dividends) authorized for stock options but not granted during the life of the plan.

(d) *New stock options under new plans.* Any stock option plan which fails to meet the requirements of paragraph (b) of this section shall be considered as a new plan subject to the provisions of § 201.78. Except as provided in paragraphs (a) and (e) of this section, stock options under such new plans shall be granted and exercised only under the terms and conditions (including aggregate shares granted) established by the Pay Board.

(e) *Stock options not otherwise described in this section*—(1) *Grant.* The grant of any stock option which is not (i) described in paragraph (a) of this section or (ii) granted under a plan described in paragraph (b) of this section or approved by the Pay Board pursuant to § 201.78 (with respect to new plans) shall be deemed to be an increase in wages and salaries with respect to the employees in the covered plan or practice unit during the wage year such option is granted.

(2) *Exercise.* The exercise of any stock option which is not (i) described in paragraph (a) of this section or (ii) granted under a plan described in paragraph (b) of this section or approved by the Pay Board pursuant to § 201.78 (with respect to new plans) shall be deemed to be an increase in wages and salaries with respect to the employees in the covered plan or practice unit during the wage year such option is exercised.

(3) *Apportionment to appropriate employee units.* Any increase in wages and salaries described in subparagraph (1) or (2) of this paragraph shall be apportioned to the appropriate employee units of the employees participating in the covered plan or practice unit. The amount of such increase which shall be apportioned to each such appropriate employee unit shall be determined as follows: The number of employees in an appropriate employee unit who are participating in such a plan or practice unit multiplied by a fraction, the numerator of which is the amount of such increase and the denominator of which is the number of employees in the plan or practice unit.

(f) *Valuation of stock options.* For purposes of paragraph (e) of this section the value of a stock option (1) when granted shall be an amount equal to the value of such option at the time of grant (without taking into account any conditions or restrictions imposed under the stock option or on the stock) determined as follows: The sum of the option premium plus the excess of the fair market value of the stock under option at the time of the grant over the price of the stock under the option, and (2) when exercised shall be an amount equal to the value of such option at the time of exercise (without taking into account any conditions or restrictions imposed under the stock option or on the stock) determined as follows: The excess of the fair market value of the stock under option at the time of exercise over the sum of the option premium plus the fair market value of the stock under the option at the time of the grant. The term "option premium" means the value of the stock option. Such value shall be an amount equal to 25 percent of the fair market value of the stock under option at the time of grant without taking into account any conditions or restrictions imposed under the stock option or on the stock.

§ 201.77 Sales, commission, and production incentive plans or practices.

(a) *In general*—(1) *Established plans or practices.* Sales, commission, and production incentive plans or practices may continue to operate in accordance with their provisions provided such plans or practices were established and in effect before November 14, 1971. Such plans or practices are those which directly reflect the performance of the employee participant in the form of sales or production output. Thus, for example, an incentive award related to profits is generally not a sales, commission, or production incentive plan or practice within the meaning of this section.

(2) *New plans or practices.* An employer having a sales, commission, or production incentive plan or practice described in § 201.78(c) (with respect to new plans) and approved by the Pay Board pursuant to § 201.78 or described in § 201.79 (a) or (b) (with respect to new organizations) and reported to the Pay Board pursuant to § 201.79 shall administer such a plan or practice subject to the provisions of paragraph (b) of this section.

(b) *Changes in method of calculating earnings.* Unless excepted pursuant to § 201.80 (with respect to employee productivity incentive plans or practices), if any change in the method of calculating the earnings of any employee in a plan or practice unit under a plan or practice described in paragraph (a) of this section results in an increase in the aggregate amount of compensation of such plan or practice unit, the amount of such increase shall be deemed to be an increase in wages and salaries for the wage year earned with respect to the covered plan or practice unit. Such increase shall be apportioned to the appropriate employee units of the employees participating in the plan or practice unit. The amount of such increase which shall be apportioned to each such appropriate employee unit shall be determined as follows: The number of employees in an appropriate employee unit who are participating in such a plan or practice unit multiplied by a fraction, the numerator of which is the amount of the increase and the denominator of which is the number of employees in the plan or practice unit.

§ 201.78 New or revised plans or practices.

(a) *Replacement of existing plans or practices.* An employer may, without the approval of the Pay Board, adopt a new incentive compensation or sales, commission, or production incentive plan or practice replacing such a plan or practice which has lapsed or terminated on account of the operation of time and which was either in existence before November 14, 1971, or was approved by the Pay Board pursuant to paragraph (c) of this section or was reported to the Pay Board pursuant to § 201.79 (with respect to new organizations) only when such new plan or practice (1) has the same essential terms and the same formula or method of computing the aggregate amount of compensation granted to the covered plan or practice unit and (2) does not increase the aggregate amount of compensation that would have otherwise been granted (whether or not currently) a plan or practice unit under the plan or practice replaced.

(b) *Modification or revision of existing plans or practices.* Except for a change described in § 201.77(b), an employer may, without the approval of the Pay Board, modify or revise an incentive compensation or sales, commission, or production incentive plan or practice which was either in existence before November 14, 1971, was approved by the Pay Board pursuant to the provisions of paragraph (c) of this section, or was reported to the Pay Board pursuant to the provisions of § 201.79 (a) or (b) only when such modified or revised plan or practice does not increase the aggregate amount of compensation that would have otherwise been granted (whether or not currently) a plan or practice unit under the plan or practice without taking such modification or revision into account. Any other modification or revision of a plan or practice shall be submitted to the Pay Board for prior approval.

(c) *Adoption of new plans.* An employer may adopt a new incentive compensation or sales, commission, or production incentive plan or practice where one did not exist before November 14, 1971, only upon the prior approval of the Pay Board.

(d) *Rules with respect to plans or practices described in paragraphs (a), (b), or (c) of this section.* A new plan or practice adopted pursuant to paragraph (a) or (c) of this section or a plan modified or revised pursuant to paragraph (b) of this section shall comply with other relevant sections of this subpart applicable to plans or practices in existence prior to Novmeber 14, 1971.

§ 201.79 New organizations.

(a) *In general.* Any business, enterprise, partnership, corporation, association, or any other organization organized or established on or after November 14, 1971, may establish executive compensation or sales, commission, or production incentive plans or practices provided that within the later of 90 days after establishment of such business, enterprise, partnership, corporation, association, or other organization, or 90 days after February 15, 1972, all such plans and practices shall be filed in report form with the Pay Board. The report filed shall demonstrate that the establishment of the entity and such plans or practices, were not for the purpose of circumventing the intent of the wage and salary stabilization program and are not unreasonably inconsistent with the intent and purposes of the wage and salary stabilization program or the policies of the Pay Board.

(b) *Changes in organization form.* If an employer doing business in a particular organizational form on November 13, 1971, thereafter reorganizes and conducts its business in a different organizational form or merges with another business and, after and on account of such reorganization or merger, establishes new executive compensation or sales, commission, or production incentive plans or practices, it shall, within the later of 90 days after such reorganization or merger, or 90 days after February 15, 1972, file in report form all such plans or practices with the Pay Board. The report filed shall demonstrate that the reorganization or merger and establishment of such plans or practices, were not for the purpose of circumventing the intent of the wage and salary stabilization program, and are not unreasonably inconsistent with the intent and purposes of the wage and stabilization program or policies of the Pay Board.

(c) *Changes in method or formula.* After a plan or practice has been reported pursuant to paragraph (a) or (b) of this section, any change in the method or formula for calculating employee earnings in a plan or practice unit after such report must be submitted to the Pay Board for prior approval pursuant to the provisions of § 201.78(c) (with respect to new or revised plans or practices) whether or not the aggregate amount of compensation paid to the covered plan or practice unit will be increased, unless the plan or practice is excepted pursuant to the provisions of § 201.80 (with respect to employee productivity plans or practices).

(d) *Carryover of attributes.* For purposes of this subpart, a change in organizational form described in paragraph (b) of this section shall not affect the applicable attributes of the employer, such as appropriate employee units, plan or practice units, or wage years. Such attributes shall be carried over by the employer undertaking such a change in form, unless otherwise clearly required by the organizational change.

§ 201.80 Employee productivity incentive plans or practices.

An employer seeking to establish an employee productivity incentive plan or practice which is designed to reflect directly increases in employee productivity shall, prior to such establishment, submit such plan or practice to the Pay Board for review and furnish proof that payments or awards made pursuant to such plan or practice will directly reflect increased employee productivity. An employer seeking to revise or modify an employee productivity incentive plan or practice which was established and in effect before November 14, 1971, shall, prior to such revision or modification, submit such revised or modified plan or practice to the Pay Board for review, unless such revision or modification results in, or will result in, no increase in the aggregate amount of compensation for the plan or practice unit, or unless the increase in the aggregate amount of compensation for the plan or practice unit which results, or which will result, from such revision or modification will be offset by increased productivity.

[FR Doc.72-2402 Filed 2-14-72;10:11 am]

V 37 31 FEB 15 72 XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 29]

TOBACCO

Extension of Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

Notice is hereby given that the Department is considering revising Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets (7 CFR Part 29). The aforesaid policy statement and regulations are concurrent and identical statements of agency policy and rules and regulations issued pursuant to the authority of the Tobacco Inspection Act (49 Stat. 731, 7 U.S.C., 511 et seq.) and the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended, 15 U.S.C. 714 et seq.) and the Agricultural Act of 1949, as amended (63 Stat. 1051; 7 U.S.C. 1421 et seq.).

Statement of considerations. One of the proposed revisions would advance the closing date for filing applications for additional services from the Flue-cured and Burley areas. The new closing dates would be March 15 for Flue-cured and July 15 for Burley. This would provide a more adequate timetable for scheduling and conducting hearings, consideration of evidence and arguments, and announcing decisions prior to market openings, especially where several applications must be considered. Other revisions would further define and clarify the time and manner in which an application is to be filed, and the criteria to be considered in granting or denying such applications. Under present regulations an applicant is permitted to obtain an oral hearing, at the location of the market, on the same application renewed every year without limitation. This has resulted, on occasion, in unwarranted expenditures for hearings at which no new evidence was submitted. For this reason, it is proposed that no oral hearing be held on an application which was denied the previous year, unless the application contains a statement setting forth new and substantial evidence of such changed circumstances as, in the opinion of the review committee, would warrant the holding of an oral hearing.

Minor changes in the definitions of § 29.1 are also proposed.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposed revision may file the same in four copies with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The policy statement and regulations as proposed to be revised are as follows:

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

Sec.

29.1 Definitions.
29.2 Policy statement.
29.3 Procedures for filing, hearing, and determination of applications.

AUTHORITY: The provisions of this Subpart A issued under sec. 14, 49 Stat. 734, as amended; sec. 4, 62 Stat. 1070, as amended, 7 U.S.C. 511m, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054 as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423.

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

§ 29.1 Definitions.

For purposes of this Subpart A, the following terms shall have the following meanings:

(a) "Additional sale" means an additional auction sale proposed to be conducted on a designated market.

(b) "Adequate set of buyers" means 5 or more buyers representing 5 or more companies or buying organizations which either will use the tobacco in the manufacture of tobacco products in this country or in foreign countries, or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries, and who could reasonably be expected to purchase at least two-thirds of the total U.S. production of the kind of tobacco for which the additional services are requested.

(c) "Auction market" means a marketing center containing one of more warehouses where tobacco is delivered by producers thereof, or their agents, for sale by the auction process. There may be one or more auction sales on an auction market.

(d) "Bona fide auction sale" and "auction sale" mean the buying and selling of tobacco offered by producers by the auction process which customarily and usually consists of an adequate set of buyers; an auctioneer who takes each buyer's bid; a sales starter who makes the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot.

(e) "Designated market" means an auction market designated by the Secretary under section 5 of the Tobacco Inspection Act.

(f) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) "New market" means an auction market, other than a designated market, at which inspection service under the tobacco Inspection Act was not provided on a regular basis during the preceding marketing season.

(h) "Hearing Clerk" means the Hearing Clerk of the U.S. Department of Agriculture, Washington, D.C. 20250.

(i) "Kind of tobacco" means any one of the following: Flue-cured, Burley, Fire-cured, Dark air-cured, Maryland or Virginia sun-cured.

§ 29.2 Policy statement.

Inspection and price support services currently provided in auction marketing areas are adequate and the lack of these services is not a limiting factor to accelerated marketings or the extension of price support to producers. Consequently, the extension of inspection and price support services, without limitation, would not contribute to the effectuation of the purposes of either of these services. The additional cost incident to the unlimited extension of these services would be unjustifiable and excessive in relation to the total quantity of tobacco available for market. Accordingly, inspection and price support services shall be made available on new markets and additional sales only as hereinafter provided. Also, since these services shall be made available to new markets and additional sales only as herein provided, referenda incident to market designations shall not be conducted until auction markets seeking designation have qualified for inspection and price support services as herein provided.

(a) *Reasonable inspection and price support services.* The extension of tobacco inspection and price support services to new markets and additional sales will be conditioned upon the reasonableness of such services existing in the marketing area of the proposed new market or additional sale. Transactions in tobacco as conducted at auction markets customarily involve the sale of tobacco at a bona fide auction sale. Determination with respect to reasonableness, and consequently with respect to granting or denying additional services, will be based on evidence (1) that the proposed new market or additional sale will function as a bona fide auction sale, and (2) that additional services are justifiable in relation to other market data, including the volume of tobacco produced in the area surrounding the proposed new market or additional sale; the roads and road distances involved in moving tobacco to the proposed new market or additional sale in relation to other tobacco marketing centers; the relative availability or congestion of all facilities for redrying and packing tobacco handled or to be handled in the proposed new market or additional sale; the location of other auction markets on which tobacco produced in the marketing area of the proposed new market or additional sale may be marketed; the number of tobacco growers to be affected by the proposed new market or additional sale; the volume of tobacco likely to be sold in the proposed new market or additional sale; the relationship of sales in the proposed new market or additional sale to sales in other auction markets in the producing area for that kind of tobacco; and other economic factors affecting the marketing of tobacco, by growers, in the marketing area of the proposed new market or additional sale and in the producing area for that kind of tobacco, including limitations on sales imposed by any marketing agreement and/or order, or by any other means.

(b) *Order of priority.* If the Secretary finds that there are insufficient qualified tobacco inspectors available to service adequately all applicants otherwise found to be qualified for additional inspection service pursuant to this subpart for a kind of tobacco, those applicants found to be eligible for additional services on auction markets designated for free and mandatory inspection shall be given priority over applicants for additional inspection service on a fee basis on other auction markets. If it becomes necessary to determine which of several qualified applicants having an equal order of priority under the preceding sentence shall receive additional inspection and price support services, those auction sales or auction markets where the greatest number of growers needing such service may be served with the qualified inspectors shall have priority. If an application for an additional sale on a designated market is denied for lack of qualified inspectors, the Secretary, on application from such market, may temporarily suspend the requirement of inspection and certification on such market pursuant to section 5 of the Tobacco Inspection Act.

(c) *Price support services to be through warehouses.* Price support services on any auction market will be offered through tobacco auction warehouses operating in such market, and, notwithstanding any provision of this subpart, the offering of price support services through any auction warehouse located on any auction market will be conditioned upon a qualified, responsible warehouseman entering into an approved auction warehouse contract under the provisions of the applicable tobacco price support program, published at Part 1464 of this title.

§ 29.3 Procedures for filing, hearing, and determination of applications.

(a) *Time and place of filing.* Applications for the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets shall be filed, in triplicate, with the Hearing Clerk not later than March 15 in the case of Flue-cured tobacco, December 1 in the case of Maryland tobacco, and July 15 in the case of Burley and all other kinds of tobacco. Applications should be addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. Applications which are not received by the Hearing Clerk on or before the foregoing cutoff date for the kind of tobacco shall be rejected as untimely filed. After denial of an application for additional inspection and price support services for a marketing season, no application from the same auction market or proposed new market shall be considered for the next consecutive marketing season, unless the application contains a statement by the applicant setting forth new facts that constitute evidence of such a substantial change in conditions since the previous hearing as the review committee as specified in paragraph (h) of this section deems would warrant such further hearing.

(b) *Form and content of application.* The application shall be in writing, shall set forth the grounds for the application and shall be signed by the applicant or applicants. If an applicant is a corporation, the application shall be executed by a responsible officer of such corporation. The application shall include a statement of the name, address and form of business organization of each party to the application and the location of the proposed new market or additional sale.

(c) *Hearings on applications.* Following the closing date for filing applications for each kind of tobacco, a hearing or hearings shall be held on the applications, if any, filed for additional inspection and price support services for the kind of tobacco in question. Such hearing or hearings shall be scheduled to begin within 50 days following the closing date for such applications. Notice of hearing shall be issued by the Secretary, filed with the Hearing Clerk, and published in the FEDERAL REGISTER, and a copy shall be mailed by the Hearing Clerk to each applicant. Such publication and mailing shall be not less than 5 days prior to the opening of the hearing.

(d) *Presiding officer.* The presiding officer at each such hearing shall be a Hearing Examiner of the Office of Hearing Examiners of the U.S. Department of Agriculture or such other employee of the Department of Agriculture as the Secretary may designate to act as presiding officer at such hearing. The presiding officer shall determine the order of procedure at the hearing, shall have power to administer oaths and affirmations, to rule on and admit evidence, and, following the opening of the hearing, to recess the hearing to such other times and places as he deems desirable or necessary.

(e) *Scope of hearing and burden of proof.* Each applicant shall have the burden of presenting evidence relative to the factors specified in § 29.2(a).

(f) *Record and evidence.* The proceedings at each such hearing shall be transcribed verbatim. All oral testimony shall be under oath or affirmation. All documentary exhibits shall be submitted in triplicate by the person offering the same. The presiding officer shall, insofar as possible, exclude testimony and exhibits which are irrelevant, immaterial, or not of the sort upon which responsible persons are accustomed to rely. Cross-examination shall be allowed only to the extent that the presiding officer in his discretion deems it desirable or necessary to develop the material facts.

(g) *Briefs.* If requested at the hearing, the presiding officer shall fix a time, not to exceed 20 days from the close of the hearing, within which interested persons may mail briefs to the Hearing Clerk.

(h) *Certification and referral.* As soon as practicable following the close of the hearing, the presiding officer shall certify the transcript of the proceedings at the hearing together with all exhibits and shall transmit the same to the Hearing Clerk for referral to a review committee comprised of the Administrator, Consumer and Marketing Service, the Administrator, Commodity Stabilization Service, and a representative of the Office of the Secretary to be designated by the Secretary.

(i) *Recommended action.* The review committee shall review and consider the applications, hearing record, including exhibits, and all other available information and data relating to applications for each kind of tobacco and shall submit a recommendation thereon to the Secretary.

(j) *Final decision.* The Secretary shall issue the decision on each application and such decision shall be final: *Provided*, That any determination that additional services will be provided may be reconsidered and may be vacated if it is subsequently found that any material fact upon which such determination was based was materially erroneous or false, or that the new market or additional sale in question is not functioning as a bona fide auction sale. Such decision shall be filed with the Hearing Clerk who shall mail a true copy thereof, by certified mail, to the applicant.

Done at Washington, D.C., this 9th day of February 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-2230 Filed 2-14-72;8:49 am]

[7 CFR Part 51]

TOMATOES

Proposed Standards for Grade Evaluation for Processing [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grade Evaluation of Tomatoes for Processing (7 CFR 51.3310–51.3318) and the

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

V 37 31 FEB 15 72 XUM

termination of U.S. Standards for Canning Tomatoes (7 CFR 51.4240–51.4250) and U.S. Standards for Grades of Tomatoes for Manufacture of Strained Tomato Products (7 CFR 51.4260–51.4267). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than November 30, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed revision of the grade standards. The U.S. Standards for Grade Evaluation of Tomatoes for Processing were issued in February 1964. Since that time, there have been significant changes in the harvesting, handling, and processing of tomatoes. At the request of the Agriculture Committee of the National Canners Association a study draft to consider revision of these standards was prepared in June 1971. A full crop season was allowed for study and testing with comments ending December 1971. Suggested changes in the draft were based on discussions with growers and processors, in addition to observations made by Inspection Service personnel. Several processors conducted extensive studies during the 1971 season using the study draft as a basis for determining the desirability of proposing a revision of the tomatoes for processing standards.

Following the 1971 season, USDA's Consumer and Marketing Service representatives met with the Tomato Advisory Committee of the American Agricultural Marketing Association and the National Canners Ad Hoc Committee on Tomato Grading to discuss the study draft and review the findings of studies conducted by several processors.

Consideration of comments from these committees as well as those from growers and processors and additional changes suggested by the Department are reflected in the proposal. The proposed standards incorporate certain requirements from, and would supersede the U.S. Standards for Canning Tomatoes, effective December 31, 1938; and U.S. Standards for Grades of Tomatoes for Manufacture of Strained Tomato Products, effective, March 1, 1933. Changes are needed in the standards in view of present product handling and processing methods associated with the development of mechanical harvesting, bulk handling, new cultural practices, new varieties, and reduced use of hand labor in processing procedures.

Discussions and comments received from several processors who have participated in studies during the 1971 season using the study draft, indicate there is considerable interest in using the proposed standards during the coming season as a basis for contracts with growers. In order to provide the industry ample time to study and apply these standards, a full crop season is being allowed for comments on the proposal. This also would provide the industry the foundation for developing a sound and satisfactory purchasing system for raw tomatoes based on the proposed standards.

The proposed standards provide an inspection procedure for determining the quality of raw tomatoes for processing based on two factors:

(1) Classification of defects into various categories; and

(2) Optional color determination by use of either a color instrument or visual evaluation of individual fruit.

Following are the principal changes proposed:

(1) Tomatoes would be classified for defects into three categories, A, B, and Culls, depending on mold or decay and other defects present. Color would be a basic requirement in each category. However, the method of determining color would be optional and so specified in contracts with growers, either by means of a color instrument or visual evaluation.

(2) A calculation of total weights of Categories A and B would be provided to determine the "Percent Usable". The color and percent usable are combined to give the grade of a representative sample.

(3) A new "fairly firm" requirement would be provided in all categories, meaning that the tomato is not water-soaked to the extent that it will lose more than 10 percent of its weight during the peeling or washing process.

(4) A "free from freezing" requirement would be provided in all categories, meaning that the tomato is not frozen and does not show evidence of having been frozen. Tomatoes affected by any amount of freezing injury would be classed as "Culls".

(5) Tomatoes in "Category A" would be required to be free from mold or decay including Anthracnose. Tomatoes with not more than two Anthracnose spots or aggregating not more than three-eighths inch in diameter would meet the requirements of "Category B".

(6) Mold or decay other than Anthracnose would be restricted in "Category B" to not more than 10 percent, by weight, of the individual tomato. Mold or decay is defined as breakdown, disintegration, or fermentation of the flesh of the tomato. Tomatoes with mold or decay that has penetrated the flesh would be classed as "Category B" or "Culls" depending upon the amount of waste involved.

(7) Color evaluation by means of a USDA Tomato Colorimeter, unless otherwise specified, would provide a tomato color index (TCI) of not less than 63.0, based on a composite raw juice sample. However, any tomato completely green in color appearing in the color sample would be classed as a "Cull".

(8) A new format is provided to present in logical order the various requirements for a particular category. Also a new Defect Classification Guide section would be provided to assist in evaluating defects. Both changes are designed to promote more uniform application and better understanding of the standards.

(9) The title would be changed from U.S. Standards for Grade Evaluation of Tomatoes for Processing to U.S. Standards for Grades of Tomatoes for Processing.

Following is a tabulation summarizing the proposed changes:

Factor	Category A	Category B	Culls
Firmness	Fairly firm	Fairly firm	Water-soaked, soft, shriveled, or puffy, over 10 percent waste.
Any worm attached.	Free from	Free from	Affected tomatoes classed as culls.
Freezing	Free from	Free from	
Worm injury	Free from	Free from	
Anthracnose	Free from	Not more than 2 spots or aggregating not more than ⅜ inch diameter.	More than 2 spots or aggregating more than ⅜ inch diameter.
Other molds or decays.	Free from	Not more than 10 percent waste	Over 10 percent waste.
Any other defect or combination of defects.	Not over 10 percent waste.	Not more than 20 percent waste including not more than 10 percent decay.	Over 20 percent waste.
Attached stems	Free from stems over 1" in length.	Free from stems over 1" in length	Tomatoes with stems over 1" in length.
Color: Subjective or Objective.	Fairly well colored.	Fairly well colored	Not fairly well colored. Completely green fruit.
		Unless otherwise specified (Raw juice index of not less than 63.0)	

A's + 75% of B's=Percent usable.
Culls + 25% of B's=Percent waste.

The proposed standards, as revised, are as follows:

GENERAL

Sec.
51.3310 General.

CATEGORIES

51.3311 Category A.
51.3312 Category B.

CULLS

51.3313 Culls.

PERCENT USABLE

51.3314 Percent usable.

PERCENT WASTE

51.3315 Percent waste.

COLOR EVALUATION

51.3316 Color evaluation.

EXTRANEOUS MATERIAL

51.3317 Extraneous material.

DEFINITIONS

51.3318 Fairly firm.
51.3319 Worm injury.
51.3320 Mold or decay.
51.3321 Freezing.
51.3322 Green.
51.3323 Defect classification guide.

METRIC CONVERSION TABLE

51.3324 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.3310 General.

(a) The standards contained in this subpart apply to an inspection procedure for determining the quality of tomatoes for processing based on two factors: (1) Color measurement by use of a photoelectric instrument (USDA Tomato Colorimeter) or subjective visual color evaluation of individual fruit; and, (2) classification of defects. Calculation of percentages shall be on the basis of weight.

CATEGORIES

§ 51.3311 Category A.

"Category A" consists of tomatoes which meet the following requirements:
(a) Basic requirements:
(1) Fairly firm; and,
(2) Color:
(i) Tomato color index (TCI) shall be as specified in § 51.3316; or,
(ii) Fairly well colored. (See § 51.3316.)
(b) Free from:
(1) Any worm attached;
(2) Worm injury;
(3) Freezing;
(4) Stems over one inch in length;
(5) Anthracnose when more than two spots or aggregating more than a circle three-eighths inch in diameter; and,
(6) Other mold or decay, or a combination of other defects including mold or decay, the removal of which in the preparation for processing causes a loss of not more than 20 percent, by weight, of the individual tomato; including therein not more than 10 percent resulting from mold or decay.

CULLS

§ 51.3313 Culls.

"Culls" are tomatoes which fail to meet the requirements of Category B and includes tomatoes which, when color evaluation is determined by means of a photoelectric instrument, are completely green.

PERCENT USABLE

§ 51.3314 Percent usable.

"Percent usable" is a calculation of total weights of tomatoes in Category A, plus 75 percent of the weight of tomatoes in Category B.

PERCENT WASTE

§ 51.3315 Percent waste.

"Percent waste" is a calculation of total weights of Culls, plus 25 percent of the weight of tomatoes in Category B.

COLOR EVALUATION

§ 51.3316 Color evaluation.

Color shall be determined according to one of the following methods:

(a) Unless otherwise specified, the tomato color index (TCI) of a composite raw juice sample shall be not less than 63.0 as determined by means of a photoelectric instrument (USDA Tomato Colorimeter).

(1) The raw juice used for the color determination shall be extracted from a representative sample by means of a USDA approved extractor fitted with a 0.034-inch mesh screen juice attachment;[1]

(2) Each tomato in the color sample must show a definite change in surface color from green to tannish-yellow, pink, red, or a combination thereof; or

(b) Each tomato shall be "fairly well colored."

(1) "Fairly well colored" means that at least two-thirds of the flesh of the tomato has good red color: *Provided*, That a tomato having flesh of a lighter shade of red shall be considered as "fairly well colored" if sufficient amount of the flesh has a red color equivalent to that of a tomato with two-thirds good red color.

EXTRANEOUS MATERIAL

§ 51.3317 Extraneous material.

(a) Extraneous material is loose stems, vines, dirt, adhering dirt, stones, trash, and other foreign material.

(b) The amount of extraneous material in any lot may be specified in connection with these standards.

DEFINITIONS

§ 51.3318 Fairly firm.

"Fairly firm" means that the tomato is not water-soaked to the extent that it is so soft, shriveled or puffy that it will lose more than 10 percent of its weight during the peeling or washing process.

§ 51.3319 Worm injury.

"Worm injury" means any worm injury that has penetrated through the outer wall of the tomato.

§ 51.3320 Mold or decay.

"Mold or decay" means breakdown, disintegration or fermentation of the flesh of the tomato caused by bacteria or fungi.

§ 51.3321 Freezing.

"Freezing" means that the tomato is frozen or shows evidence of having been frozen.

§ 51.3322 Green.

"Green" means that the surface of the tomato is completely green in color. The shade of green color may vary from light to dark.

[1] The extractor and the USDA Tomato Colorimeter are commercially available. Information on where they may be purchased and additional details concerning them, may be obtained from the Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

V 37 31
FEB 15 72
XUM

§ 51.3323 Defect classification guide.

Defect	Waste	
	10 percent	20 percent
Sunburn (thin superficial type)	Extends not more than ¼ inch from stem scar, and to not more than ¼ of the circumference of a 2½ inch tomato.	Extends not more than ¾ inch from stem scar, and around the circumference of a 2½ inch tomato.
(type of which penetrates outer wall).	Extends not more than ¼ inch from stem scar, and to not more than ½ of the circumference of a 2½ inch tomato.	Extends not more than ¾ inch from stem scar, and around the circumference of a 2½ inch tomato.
Worms and wormy injury	Tomatoes with worms attached or with worm injury that has penetrated through the outer wall, or attached cocoons, shall be classed as "Culls". Worms on the fruit but not attached, and loose worms shall be ignored.	
Insects	Grasshoppers, crickets, spiders, or other insects on the tomatoes shall be disregarded, but tomatoes injured by such insects shall be evaluated on a waste basis.	
Growth cracks	Badly discolored cracks which are not affected by mold or decay shall be evaluated on a waste basis. Cracks affected by mold or decay which has penetrated the fleshy wall of the tomato shall be classed as "Category B", unless additional defects make them "Culls."	
Mechanical damage	Split, punctured, and leaky tomatoes shall be evaluated on a waste basis. In determining waste caused by leaky tomatoes consideration shall be given to the wide variation of locule size in different varieties. As a guide in estimating waste when a tomato is split, cracked, or leaking to the extent that only two locules are exposed, with part or all of their contents missing, the tomato will not lose more than 10 percent of its weight. If a tomato has more than two locules split or leaking and if the fruit will not lose more than 20 percent, it shall be classed as "Category B" unless additional defects caused it to be classed as "Cull".	
Gray wall, virus mottling, cloudy spot, ghost spot, internal browning and irregular ripening.	Fruit affected by such conditions shall not be handled on a waste basis. Presence of such factors shall be evaluated from the standpoint of their effect on color (See § 51.3316).	
Blossom end rot	The initial stage of development, occurring as brown or silver discoloration of the skin, shall not be considered as decay. However if the fleshy wall of the tomato is affected it shall be classed as decay.	
Sunscald	Affected areas show a darkened, soft watery condition of the flesh or areas slightly sunken with a tough outer wall which has a whitish yellow appearance, shall be evaluated on a waste basis.	
Freezing	Fruit affected by freezing injury develop a wide range of symptoms. Chief symptom of freezing injury is a glassy or water-soaked appearance of the fruit. Tomatoes affected by any amount of freezing injury shall be classed as "Culls".	
Mold or decay	Tomatoes affected by mold or decay which has penetrated the flesh shall be classed as "Category B" or "Culls" depending upon the amount of waste.	

METRIC CONVERSION TABLE

§ 51.3324 Metric conversion table.

Inches:	*Millimeters (mm.)*
⅛ equals	3.
¼ equals	6.
⅜ equals	9.
½ equals	12.
⅝ equals	15.
¾ equals	19.
⅞ equals	22.
1 equals	25.
1½ equals	38.
2 equals	50.
2½ equals	63.

Dated: February 8, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-2172 Filed 2-14-72;8:45 am]

[7 CFR Part 909]

GRAPEFRUIT GROWN IN ARIZONA AND CERTAIN PARTS OF CALIFORNIA

Proposed Suspension

Notice is hereby given that the Department is giving consideration to a proposed suspension of the operation of certain provisions of Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On November 18, 1971, the Administrative Committee met in Yuma, Ariz., and voted 8 to 2 in favor of suspending the operations of the order for the current season and closing the office on December 31, 1971.

The proposed suspension would be on the basis that, in such circumstances, the provisions, listed below, do not tend to effectuate the declared policy of the act.

The proposal is to suspend, for the period January 1, 1972 through August 31, 1972, the operations of the following provisions of Order No. 909:

1. Section 909.41 *Assessments;*
2. Section 909.51 *Recommendation for grade and size regulation;*
3. Section 909.52 *Recommendation for regulation by minimum standards of quality and maturity;*
4. Section 909.53 *Issuance of regulations;*
5. Section 909.60 *Shipping manifest report;*
6. Section 909.61 *Disposition report;* and
7. Section 909.62 *Other reports.*

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: February 10, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-2260 Filed 2-14-72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

COPPER

Proposed Tolerance

The Pesticides Tolerances Division of the Environmental Protection Agency having evaluated data submitted in three pesticide petitions: (PP 1F1071) filed by 3M Co., 3M Center, St. Paul, MN 55101; (PP 1F1073) filed by Cities Service Co., Post Office Drawer 8, Cranbury, NJ 08512; and (PP 1F1093) filed by Phelps Dodge Refining Corp., 300 Park Avenue, New York, NY 10022, and other relevant material, has determined that a food additive tolerance of 1 part per million should be established for residues of copper in potable water. (For a related document, see this issue of the FEDERAL REGISTER, page 3352.) Such residues result from the use of the algicides or herbicides copper sulfate pentahydrate and basic copper carbonate (malachite) to control aquatic plants in reservoirs, lakes, ponds, irrigation ditches, and other potential sources of potable water.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Based on consideration given the data submitted in the pesticide petitions and other relevant material, it is concluded that the proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038) it is proposed that Part 121 be amended by adding the following new section to Subpart D:

§ 121.1241 Copper.

A tolerance of 1 part per million is established in potable water for residues of copper resulting from the use of the algicides or herbicides copper sulfate pentahydrate and basic copper carbonate (malachite) to control aquatic plants in reservoirs, lakes, ponds, irrigation ditches, and other potential sources of potable water.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 9, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-2215 Filed 2-14-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-GL-1]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ely, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

Two new public use instrument approach procedures have been developed for the Ely Municipal Airport, Ely, Minn. Consequently, it is necessary to provide controlled airspace protection for aircraft executing these new approach procedures by designating a transition area at Ely, Minn. The new procedures will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

ELY, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ely Municipal Airport (latitude 47°49'28" N., longitude 91°49'45" W.); and within 3 miles each side of the 112° bearing from the Ely Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport, and within 3 miles each side of the 305° bearing from Ely Municipal Airport, extending from the 6-mile radius area to 8 miles northwest of the airport; that airspace extending upward from 1200 feet above the surface within 9½ miles south and 4½ miles north of the 112° bearing from the Ely Municipal Airport extending from the airport to 18½ miles southeast of the airport, and within 9½ miles southwest and 4½ miles north of the 305° bearing of the Ely Municipal Airport extending from the airport to 18½ miles northwest of the airport excluding the portion which overlies the prohibited areas P-205 and P-204.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on January 20, 1972.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.72-2206 Filed 2-14-72;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 6]

ENVIRONMENTAL IMPACT STATEMENTS

Procedures for Preparation; Correction

The Environmental Protection Agency's proposed procedures for the preparation of environmental impact statements on Agency actions affecting the environment were published in the FEDERAL REGISTER on January 20, 1972 (37 F.R. 879). The deadline for submission of written comments or suggestions concerning the preparation of final regulations is hereby changed from February 1, 1972, to March 1, 1972.

Dated: February 10, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-2236 Filed 2-14-72;8:49 am]

V 37-31 FEB 15 72 XUM

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

FEBRUARY 7, 1972.

1. The Plat of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nev., effective 10 a.m., on March 14, 1972:

MOUNT DIABLO MERIDIAN, NEVADA

T. 7 N., R. 26 E.,
Sec. 25, N½.

Containing 322.40 acres.

2. The land is located in the foothills along the East Walker River. Soils vary from rocky clay on high country to sandy clay loam along the river bottom. Vegetation consists of shadscale, budsage, sagebrush, willow, buckthorn, sparse native grasses, also scattered stands of pinon and juniper.

3. The NW¼ said sec. 25 is within the Toiyabe National Forest. The NE¼ said sec. 25 is classified for multiple-use management which segregated the land from applications under the agricultural land laws, from sales under section 2455 of the Revised Statutes and from location, under the U.S. mining laws.

4. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications and petitions as may be permitted. All such valid applications received at or prior to 10 a.m., on March 14, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing. The land within the Toiyabe National Forest has been and continues to be open to mining location.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

LEGRAND BENNION,
Chief, Branch of Records and Data Management.

[FR Doc.72-2221 Filed 2-14-72;8:48 am]

Office of the Secretary

OTIS B. HOCKER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) Disposed of holdings of Microdot.
(3) None.
(4) None.

This statement is made as of January 29, 1972.

Dated: January 31, 1972.

OTIS B. HOCKER.

[FR Doc.72-2222 Filed 2-14-72;8:48 am]

WILLIAM R. REMALIA

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 25, 1972.

Dated: January 25, 1972.

WILLIAM R. REMALIA.

[FR Doc.72-2223 Filed 2-14-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

LOUISIANA, MICHIGAN, UTAH, AND WYOMING

Notice of Designation of Emergency Areas for Purposes of the Livestock Feed Program

Notice is hereby given that, pursuant to the provisions of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1472, 63 Stat. 1055), and the Act of September 21, 1959, as amended (sections 1-4, 73 Stat. 574), the Secretary of Agriculture has designated the counties specified in this notice as emergency areas for purposes of the Livestock Feed Program (7 CFR, Part 1475, as amended). Feed grains will be made available for sale to livestock owners in such counties in accordance with the terms and conditions in the regulations for such program. The designated counties are as fololws:

Louisiana—Cameron, Franklin, and Richland Parishes; Michigan—Manistee and Newaygo Counties; Utah—Daggett, Grand, Rich, and San Juan Counties; and Wyoming—Carbon, Lincoln, Sweetwater, and Uinta Counties.

Signed at Washington, D.C., on February 9, 1972.

E. J. PERSON,
Deputy Vice President, Commodity Credit Corporation.

[FR Doc.72-2261 Filed 2-14-72;8:51 am]

Consumer and Marketing Service

EGG PRODUCTS

Notice of Uniform Standards and Origin Labeling

Correction

In F.R. Doc. 72-1881 appearing at page 2897 of the issue for Wednesday, February 9, 1972, in the 11th line of the first complete paragraph on page 2898, the word "amending" should read "meaning".

Office of the Secretary

BLACKFEET INDIAN TRIBE IN MONTANA

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Blackfeet Indian Tribe located principally in the county of Glacier, Mont., has been materially increased and become acute because of earlier than usual snow covering causing loss of considerable grazing and aggravated by heavy snowfalls, blizzards, and subzero temperatures creating a serious shortage of livestock feed. These lands are reservation or other lands designated for Indian use and are utilized by members of the Indian Tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the Tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing lands of this Tribe to be an acute distress area and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior to be needy members of the Tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on February 10, 1972.

CLARENCE D. PALMBY,
Acting Secretary.

[FR Doc.72-2259 Filed 2-14-72;8:51 am]

Rural Electrification Administration

BRAZOS ELECTRIC POWER COOPERATIVE, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a draft environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Brazos Electric Power Cooperative, Inc., of Waco, Tex. This loan application will provide financing related to the construction of a 200,000-kw. generating unit to be added at the existing Palo Pinto Generating Station.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC, Room 4322, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 9th day of February 1972.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.72-2231 Filed 2-14-72;8:49 am]

BUCKEYE POWER, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a final environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with loan applications from the member systems of Buckeye Power, Inc., of Columbus, Ohio. The loan funds, when available, together with funds from other sources, are to finance the construction of a 615,000-kw. electrical generating unit as an addition to the generation station near Brilliant, Ohio.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW, Washington, DC, Room 4322 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 9th day of February 1972.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.72-2232 Filed 2-14-72;8:49 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 425]

ROGER BINGHAM STEWART MACNAMARA

Order Denying Export Privileges

In the matter of Roger Bingham Stewart Macnamara, 52 Oakleigh Park Drive, Leigh-on-Sea, Essex, England, Respondent, Case No. 425.

The Director of the Compliance Division (formerly called Investigations Division), Office of Export Control, issued a charging letter against the above respondent on August 2, 1971, alleging violations of the regulations under the Export Control Act of 1949, as amended,[1] and the Export Administration Act of 1969. The charging letter was served on respondent and he filed an answer but did not request a hearing.

The charging letter alleges in substance that the firm Petroservice International G.m.b.H (PSI) of Wiesbaden, West Germany, was subject to an order denying U.S. export privileges; that respondent knew or had reason to know of PSI's denied status; that notwithstanding such knowledge, the respondent between December 1, 1969, and May 5, 1970, on 17 occasions caused to be ordered U.S.-origin oil well drilling equipment for the account of PSI and on four (of the said 17) occasions caused the purchase and shipment of such equipment for the account of PSI. The known total value of the equipment ordered is alleged to be $80,000, of which $25,000 was delivered for the account of PSI. It is further alleged that although respondent knew or had reason to know that PSI was the true party in interest he failed to disclose the fact to the Office of Export Control or to obtain specific authorization to participate in said transactions. It is charged that respondent violated §§ 387.4 and 387.10 of the Export Control Regulations and the provisions of the denial order which prohibited parties from dealing with a denied party.

The respondent's answer in substance denies that he was instrumental in exporting commodities from the United States; he denies that he was aware of or had been informed of PSI's denied status and therefore was not subject to the restrictions as to dealings with denied parties; he denies that he knowingly caused to be ordered U.S.-origin oil well drilling equipment in contravention of the U.S. export control regulations; he denies that he was informed of the existence of the denial list and that PSI was on the list; he alleges that he was not informed that the equipment was of U.S.-origin; he admits that he knew or had reason to know the PSI was the true party in interest; he claims that he had no reason to know that prior disclosure of the facts had to be made to OEC and authorization obtained.

There was an informal presentation of documentary evidence before the Compliance Commissioner in support of the charges. The Compliance Commissioner considered the evidence and submitted to the undersigned a report which summarizes the evidence and includes findings of fact and conclusions. He recommended the sanction that should be imposed.

After considering the record in the case, I confirm and adopt the findings of fact of the Compliance Commissioner, which are as follows:

FINDINGS OF FACT

1. The respondent Roger Bingham Stewart Macnamara has resided in London, England and presently has an address in a town near London. He has been engaged principally in trading in steel and other metals. In connection with his principal activities he was acquainted with Manfred Hardt of Wiesbaden, West Germany and through him, in October 1968, became acquainted with the firm

[1] This act has been succeeded by the Export Administration Act of 1969, Public Law 91-184, approved Dec. 30, 1969, 50 U.S.C. App. sec. 2401-2413. Section 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked remain in full force and effect, the same as if promulgated under this Act".

V 37-31 FEB 15 72 XUM

Petroservice International G.m.b.H. (hereinafter PSI), also of Wiesbaden, and its general manager, Michael Schmidt-Sandler.

2. By virtue of several orders and determinations issued by the Director, Office of Export Control and published in the FEDERAL REGISTER, the firm PSI and a predecessor firm by the same name since July 20, 1967 have been denied all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States. The said orders and determinations are as follows: 32 F.R. 11895, August 17, 1967; 33 F.R. 3395, February 27, 1968; 33 F.R. 5425, April 5, 1968; 33 F.R. 6487, April 27, 1968; 34 F.R. 564, January 15, 1969; 34 F.R. 5186, March 13, 1969; 35 F.R. 8707, June 4, 1970.

3. Section 387.10 of the Export Control Regulations provides, in pertinent part, that without prior authorization from the Office of Export Control no person, with knowledge that another person is subject to an order denying him export privileges, may participate in transactions involving U.S.-origin commodities with such denied person or whereby in such a transaction the denied person may obtain any benefit or have any interest therein. The participation prohibited includes ordering, buying, selling, or delivering U.S.-origin commodities. The orders and determinations mentioned in Finding 2 contain similar provisions applicable specifically to the denied party PSI.

4. When respondent met Schmidt-Sandler, the latter requested him to attempt to expedite delivery to PSI of certain U.S.-origin oilfield equipment which it had ordered from a supplier in London. The respondent contacted said supplier and had dealings with one of its employees. On evaluating conflicting evidence, I find that in the course of these dealings said employee of the supplier informed respondent that PSI was on the U.S. denial list. By enlisting the services of a different supplier in London the respondent was successful in having the equipment delivered to PSI in December 1968.

5. In December 1969 respondent was engaged by PSI to act as an intermediary to procure oilfield equipment for it. It was agreed that he would receive a commission of 12½ percent above the list price of the equipment. The respondent did not have the financial standing to place orders with suppliers of such equipment and he arranged with a firm in London to have the orders placed through it. The respondent agreed to share his commission with the ordering firm.

6. The respondent has acknowledged that between December 1, 1969, and May 5, 1970, 30 orders were placed through the ordering firm with various suppliers for equipment for PSI. The respondent was not an employee of the ordering firm but he dealt with the suppliers in the name of the firm.

7. Evidence was introduced with respect to 17 orders placed by the ordering firm with four different suppliers in London to procure U.S.-origin oilfield equipment for PSI. As to these orders the respondent was the intermediary between PSI and the ordering firm and he participated in the preparation of said 17 orders or knew their contents. The respondent had numerous contacts with the suppliers with regard to prices, shipping dates, specifications, and quantities.

8. The respondent did not obtain authorization from the Office of Export Control or any branch of the U.S. Government to participate in any of said transactions on behalf of PSI.

9. At least 13 of the orders or communications in connection therewith that came to respondent's attention showed that the goods were of U.S. origin. The respondent knew or had reason to know that the commodities involved in each of the 17 orders were of U.S. origin.

10. With respect to four of the above mentioned 17 orders oilfield equipment was exported from the United States and in accordance with instructions from PSI, conveyed through the ordering firm, were delivered to Rotterdam, Holland.

11. Practically all of the equipment involved in the 17 orders above referred to would have required a validated license for exportation from the United States and applications for such licenses to East European destinations would probably have been denied.

Based on the foregoing, I have concluded: (1) That the respondent violated § 387.4 of the Export Control Regulations in that he caused to be ordered, sold, and delivered commodities exported and to be exported from the United States with knowledge that a violation of an order and regulations under the Export Administration Act were intended to occur; (2) that the respondent violated § 387.10 of the Export Control Regulations in that without authorization from the Office of Export Control, and with knowledge that PSI was subject to an order denying export privileges, he participated in transactions whereby he caused to be ordered for said PSI and caused to be sold and delivered for the account of PSI, commodities of U.S. origin in which transactions PSI had an interest and obtained a benefit.

With respect to certain defenses raised by respondent, the Compliance Commissioner stated:

Respondent raised defenses on two essential elements of the violations: (1) He was unaware of the denied status of PSI; (2) he was not informed that the equipment in question was of U.S. origin.

The evidence shows that in December 1968 the respondent was given a copy of the denial list on which the name of PSI appeared and was told, in effect, that he should be careful in his dealings with PSI in U.S.-origin goods. There is also evidence to show that again in March 1970 respondent was informed of the denied status of PSI. The respondent denies having received this information or the list of denied parties. I cannot accept his denial.

As an intelligent business man the respondent must have known that there was something questionable in PSI's desire to obtain goods through an intermediary. It certainly must have occurred to him to question, at least in his own mind, why PSI could not place orders directly with suppliers in London or manufacturers in the United States. Equally, if not more important, is the question why PSI would be willing to pay 12½ percent above cost price, when by dealing directly with the suppliers it could eliminate this surcharge.

The respondent in two interviews with a representative of the Compliance Division furnished no answers to these questions. A credible explanation, which I accept, is that respondent knew of PSI's denied status and was willing to furnish his services so that PSI could evade the denial order. It is significant to note that the respondent has admitted that after he learned that PSI was a denied party, he participated in placing seven orders for PSI to procure U.S.-origin goods.

I do not accept the respondent's contention that he was not informed that the equipment in question was of U.S. origin. Inasmuch as the denial order against PSI restricted its participation in commodities exported or to be exported from the United States, its need for an intermediary would be limited to the procurement of U.S.-origin commodities. This must have been obvious to the respondent. Further, the evidence shows that in at least 13 of the 17 orders, or in communications in connection therewith that came to respondent's attention, there was specific information to show that the commodities were of U.S. origin.

I find that respondent knew that the equipment in question that was ordered for PSI, some of which was delivered, was exported or was to be exported from the United States.

Concerning the sanction that should be imposed the Compliance Commissioner said:

The respondent actively participated in the procurement of strategic U.S.-origin commodities with knowledge that he was acting for a party who had been denied U.S. export privileges. He was successful in having approximately $25,000 worth of such commodities exported from the United States for disposal by the denied party. He had placed orders for other equipment valued at least in the amount of $55,000. The respondent's role in these transactions was discussed before these additional shipments were made. The respondent's participation in these transactions was in willful violation of the restrictions of the U.S. Export Control Regulations.

As an appropriate sanction I recommend that the respondent be denied U.S. export privileges for 4 years and that his export privileges be restored conditionally after 2 years and that for the remainder of the denial period he be placed on probation.

Having considered the record in the case and the report and recommendation of the Compliance Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered,*

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in part IV hereof, the respondent for a period of 4 years from the effective date of this order is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his representatives, agents, and employees, and also to any person, firm, corporation, or other business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Two years after the effective date hereof, without further order of the Bureau of International Commerce, the respondent shall have his export privileges restored conditionally and thereafter for the remainder of the denial period the respondent shall be on probation. The conditions of probation are that the respondent shall fully comply with all requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding by the Director, Office of Export Control or such other official as may be exercising the duties now exercised by him, that the respondent has knowingly failed to comply with the requirements and conditions of this order or with any of the conditions of probation, said official with or without notice, by supplemental order may revoke the probation of said respondent, revoke all outstanding validated export licenses to which said respondent may be a party and deny to said respondent all export privileges for the remaining period of the order. Such supplemental order shall not preclude the Bureau of International Commerce from taking such further action for any violation as it shall deem warranted. On the entry of a supplemental order revoking respondent's probation without notice he may file objections and request that such order be set aside and may request an oral hearing as provided in § 388.16 of the Export Control Regulations, but pending such further proceedings the order of revocation shall remain in effect.

VI. During the time when the respondent or other persons within the scope of this order are prohibited from engaging in any activity within the scope of part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other persons denied export privileges within the scope of this order, or whereby said respondent or such other persons may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other persons denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

Dated: February 7, 1972.

This order shall become effective on February 16, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-2182 Filed 2-14-72;8:45 am]

Office of Import Programs

CENTER FOR DISEASE CONTROL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00006-33-46500. Applicant: DHEW, PHS, HSMA, Center for Disease Control, 255 East Paces Ferry Road NE., Atlanta, GA 30305. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The instruments will be used in research for ultrathin sectioning of plastic embedded virologic materials, including infected tissues, tissue cultures, and autopsy specimens.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 17, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Program.

[FR Doc.72-2184 Filed 2-14-72;8:45 am]

CHILDREN'S CANCER RESEARCH FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of

V37-31 FEB 15 72 XUM

the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00017–33–90000. Applicant: Children's Cancer Research Foundation, 35 Binney Street, Boston, MA 02115. Article: Rotating anode X-ray generator, Model GX–6. Manufacturer: Elliot Automation Radar Systems Ltd., United Kingdom. Intended use of article: The foreign article will be used in medical research on virus structure studies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a focused spot of minimal size and a rotating target for maximum X-ray power. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 19, 1971, that both of the characteristics described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument that provides both of the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2185 Filed 2–14–72;8:45 am]

EAST LOS ANGELES COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00539–33–46040. Applicant: East Los Angeles College, Department of Life Sciences, 5357 East Brooklyn, Los Angeles, CA 90022. Article: Electon microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The primary function of the article will be to provide instruction in the basic technique of electron microscopy and specimen preparation. Students involved in the program of instruction will be disadvantaged, physically handicapped, and others. Courses include Introduction to Electron Microscopy, Techniques of Electron Microscopy, Biological Applications of Electron Microscopy, and Electron Microscope Optics and Theory.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 10, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2186 Filed 2–14–72;8:45 am]

MEDICAL UNIVERSITY OF SOUTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00007–33–46500. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, SC 29401. Article: Ultramicrotome Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to study human and animal intestinal mucosa and liver to determine (a) the cellular pathology in various disease and experimental states, and (b) the distribution of certain cellular enzymes during human and animal nutritional experiments. The article will also be used in a course "Laboratory Research in Gastroenterology" for preclinical and clinical medical students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 30, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2187 Filed 2–14–72;8:45 am]

MERCY HOSPITAL LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00595–33–46040. Applicant: Mercy Hospital Laboratory, 1000 North Village Avenue, Rockville Centre, NY 11570. Article: Electron microscope, EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in the study of diseases of the kidney, liver, bone marrow, and tumor biopsies for the specific purpose of a more definite diagnosis of disease on ultrastructure. The article will also be used in a training program of operation of the electron microscope and related techniques.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated October 15, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2188 Filed 2–14–72;8:46 am]

MICROBIOLOGICAL ASSOCIATION, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00524–33–46040. Applicant: Microbiological Association, Inc., for National Cancer Institute, NIH, 4733 Bethesda Avenue, Bethesda, MD 20014. Article: Electron miscroscope, Model HU–11E. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to study ultrathin sections of normal and cancerous tissues, and tissue culture cells; and negative stain preparations. These studies are being conducted for the express purpose of finding evidence of C-type particles and other virus or virus-like particles that may be etiologically related to oncogenesis.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (November 9, 1970).

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument was the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C had a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated September 3, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States and available at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2189 Filed 2–14–72;8:46 am]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00620–33–90000. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Anode X-ray diffraction system, Model GX–6. Manufacturer: Elliott Automatic Radar Systems, Ltd., United Kingdom. Intended use of article: The article will be used in research analyzing the detailed molecular structures of nucleic acid, polysaccharides, globular proteins, and viruses.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a focused spot of minimal size and a rotating target for maximum X-ray power. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 19, 1971, that both of the characteristics described above are pertinent to the applicant's research studies. HEW further advises that it knows of no comparable domestic instrument that provides both of the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2190 Filed 2–14–72;8:46 am]

V 37 31 FEB 15 72 XUM

SOUTHERN ILLINOIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 71-00474-33-07520. Applicant: Southern Illinois University, Department of Chemistry, Carbondale, Ill. 62901. Article: Batch microcalorimeter, conversion kit, and two Perpex pumps. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to study a number of biologically important systems. Projects concern the interactions of small molecules with proteins, enzymes or other biological macromolecules; and macromolecuar transformations accompanying conformational changes in proteins, lipids, and nucleic acids.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used is being manufactured in the United States.

Reasons: The foreign article is a microcalorimetric system capable of providing a sensitivity of 1 microcalorie per second on approximately 5 milliliters of solution. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 16, 1971, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no equivalent domestic instrument being produced in the United States that provides the pertinent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-2191 Filed 2-14-72;8:46 am]

UNIVERSITY OF HOUSTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00542-33-46040. Applicant: University of Houston, Department of Biology, 3801 Cullen Boulevard, Houston, TX 77004. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used to instruct graduate students in electron microscopy and will carry the burden of a sustained graduate research program in the area of biological ultrastructure. The types of preparations to be examined are negatively stained preparations of viruses, bacteria, and various cellular isolates; shadow-cast preparations of viruses and bacteria; both stained and unstained thin sections of bacterial, plant and animal cells; and ultracytochemical and autoradiographic studies which will also be performed with bacterial plant and animal cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The foreign article provides a holder for six specimens in vacuum. The most closely comparable domestic instrument is the Model EMU-4C manufactured by Forgflo Corp. The Model EMU-4C electron microscope, is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation and does not provide a holder for six specimens in vacuum. We are advised by the Department of Health, Education, and Welfare in its memorandum dated September 10, 1971, that the relative simplicity of design and a holder for six specimens in vacuum is pertinent to the applicant's educational purposes. HEW further advises that the pertinent features of the article are not matched in domestic instruments. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-2192 Filed 2-14-72;8:46 am]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amendedcd (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00003-33-90000. Applicant: The University of Texas at Austin, Purchasing Office, Box 7306, University Station, Austin, TX 78712. Article: Anode X-ray diffraction generator. Manufacturer: Elliot Automation Radar Systems Ltd., United Kingdom. Intended use of article: The article will be used in research experiments to obtain X-ray diffraction patterns from crystals of, and/or solutions of the enzymes, pyruvate dehydrogenase and a-ketoglutarate dehydrogenase, which are large biological molecules having dimensions over 200 angstroms.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or appartus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a focused spot of minimal size and a rotating target for maximum X-ray power. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 19, 1971, that both of the characteristics described above are pertinent to the applicants' research studies. HEW further advises that it knows of no comparable domestic instrument that provides both of the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-2193 Filed 2-14-72;8:46 am]

VETERANS ADMINISTRATION HOSPITAL, SAN DIEGO, CALIF.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00005-33-46500. Applicant: Veterans Administration Hospital, 3350 La Jolla Village Drive, San Diego, CA 19161. Article: Ultramicrotome Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to produce serial sections of high quality which will be used in research concerned with the elucidation of the mechanism of demyelination and remyelination by hymen and experimental diseases. The article will also be used in teaching electron microscopy of nerve tissue to medical and post graduate students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 17, 1972, that cutting speed in excess of 4 mm./sec. are pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-2194 Filed 2-14-72;8:46 am]

VETERANS ADMINISTRATION HOSPITAL, BOSTON, MASS.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00004-33-46500. Applicant: Veterans Administration Hospital, 150 South Huntington Avenue, Boston, MA 02130. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in research experiments on the normal, physiological behavior of cells and tissues in regard to the development of ataxia, tremor, and seizures. In addition, variations in the behavior of cells and tissues under experimental and genetically induced pathological conditions will be studied.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 19, 1971 that cutting speeds in excess of 4 mm./sec. are pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-2195 Filed 2-14-72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-434]

FORT DODGE LABORATORIES, INC.

Nolvapent; Notice of Drug Deemed Adulterated

An announcement concerning Nolvapent, Anesthetic Eye and Ear Ointment manufactured by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50501 was published in the FEDERAL REGISTER of May 5, 1970 (35 F.R. 7090). The announcement set forth the findings of the Food and Drug Administration following review of a report received from the National Academy of Sciences-National

V 37 31 FEB 15 72 XUM

Research Council, Drug Efficacy Study Group, that this product is probably not effective for treatment of bacterial infections of the eye and ear.

Said announcement provided the manufacturer and all interested persons a 6-month period in which to submit new animal drug applications. Fort Dodge Laboratories, Inc., did not submit a new animal drug application for the above product.

Based on the foregoing and the information before him, the Commissioner of Food and Drugs concludes that the above named drug is adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act in that it is not the subject of an approved new animal drug application pursuant to section 512 of the act. Therefore, notice is given to Fort Dodge Laboratories, Inc., and all interested persons that all stocks of said drug within the jurisdiction of the act are deemed adulterated within the meaning of the act, and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 501(a)(5), 512, 52 Stat. 1049 as amended, 82 Stat. 343-51; 21 U.S.C. 351(a)(5), 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2220 Filed 2-14-72;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-147]

ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Redelegation and Delegation of Authority With Respect to Emergency Preparedness

SECTION A. *Authority redelegated.* The Assistant Secretary for Housing Management and the Deputy Assistant Secretary for Housing Management are redelegated the functions assigned to the Secretary of Housing and Urban Development by Executive Order 11490 (34 F.R. 17567) including the preparation of national emergency plans and the development of preparedness programs covering all aspects of housing, community facilities related to housing, and urban development.

SEC. B. *Effectuation.* Any emergency plans developed under the authority redelegated in section A may be effectuated only in the event that authority for such effectuation is provided by law enacted by the Congress or by an order or directive issued by the President.

SEC. C. *Delegation of authority.* The Assistant Secretary for Housing Management is authorized to direct and to coordinate, within the Department of Housing and Urban Development and with the Office of Emergency Preparedness, major-disaster relief functions of the Department and as assigned by the Director of the Office of Emergency Preparedness, pursuant to Public Law 91-606 (42 U.S.C. 4401), Executive Order 11575, and regulations of OEP codified in 32 CFR Parts 1709 and 1710, as amended by 36 F.R. 1329, January 29, 1971. The Assistant Secretary is authorized to utilize or lend the equipment, supplies, facilities, personnel and other resources of the Department in major-disaster areas as provided by law and directed by the Director of the Office of Emergency Preparedness.

SEC. D. *Authority to redelegate.* The Assistant Secretary for Housing Management is authorized to:

1. Redelegate to agencies and instrumentalities of the United States, and to officers and employees of the United States, the functions set forth in section A.

2. Redelegate to employees of the Department any of the authority set forth in section C.

Supersedure. The delegation of authority under section C supersedes the delegation published at 36 F.R. 1548, February 2, 1971.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)) and section 3012 of Executive Order 11490 (34 F.R. 17567))

Effective date. This delegation and redelegation of authority is effective as of July 13, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

[FR Doc.72-2200 Filed 2-14-72;8:47 am]

[Docket No. D-72-146]

REGIONAL ADMINISTRATORS, ET AL.

Designation as Contracting Officer and Redelegation of Authority With Respect to Major-Disaster Field Functions

SECTION A. *Designation and redelegation.* Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, Insuring Office Director, and Insuring Office Deputy Director of the Department of Housing and Urban Development is designated a contracting officer, and is authorized to enter into and administer procurement contracts within major-disaster areas under his jurisdiction, including the sale of emergency housing acquired pursuant thereto to occupants, and to make related determinations except determinations under section 302(c) (11), (12), and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c) (11), (12), and (13)), with respect to major-disaster relief functions of the Department and as assigned by the Director, Office of Emergency Preparedness, by Public Law 91-606 (42 U.S.C. 4401), Executive Order 11575 (36 F.R. 37), and regulations of OEP (32 CFR Parts 1709 and 1710, amended by 36 F.R. 1329).

SEC. B. *Authority to redelegate.* Each Regional Administrator, Deputy Regional Administrator, Area Director, Deputy Area Director, Insuring Office Director, and Insuring Office Deputy Director is authorized to redelegate to employees of the Department any of the authority redelegated in section A.

Supersedure. This redelegation of authority supersedes the redelegation published at 36 F.R. 1549, February 2, 1971. (Secretary's Redelegation and Delegation of Authority With Respect to Emergency Preparedness being published concurrent herewith.)

Effective date. This redelegation of authority is effective as of July 13, 1971.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.72-2199 Filed 2-14-72;8:47 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-289, 50-320]

METROPOLITAN EDISON CO. AND JERSEY CENTRAL POWER & LIGHT CO.

Amended Determination To Suspend Certain Construction Activities Pending Completion of NEPA Environmental Review

On December 7, 1971, the Director of Regulation of the Atomic Energy Commission published in the FEDERAL REGISTER, 36 F.R. 23264, a determination to suspend construction activities involving the off-site portion of the transmission lines for the Three Mile Island Nuclear Generating Station, Unit 2, pending completion of such portions of an environmental review under the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), 10 CFR Part 50, Appendix D, as relate to these matters. As noted in the determination, the Director of Regulation had served upon Metropolitan Edison Co. and Jersey Central Power & Light Co. (licensees) an order to show cause why the above-mentioned construction activities involving the off-site portion of the transmission lines for the Three Mile Island Nuclear Generating Station, Unit 2, should not be suspended pending completion of the NEPA environmental review relating to these matters. Among other things, the order to show cause provided that the licensees might, within thirty (30) days of the date of the order, file a written answer to the order under oath or affirmation.

On December 28, 1971, the licensees filed a timely answer requesting that the order to show cause be reconsidered.

Upon consideration of the licensees' answer to the order to show cause, it has been determined that the Director of Regulation's determination should be modified so as to provide for the suspension of construction activities involving the off-site portion of only the Juniata transmission line for the Three Mile Island Nuclear Generating Station, Unit 2, pending completion of the NEPA environmental review relating to these matters. The Director of Regulation has served on the licensees an order suspending such construction activities.

Further details of this amended determination are set forth in a document entitled "Supplement to Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Provisional Construction Permits for the Three Mile Island Nuclear Generating Station, Units 1 and 2, Metropolitan Edison Co. and Jersey Central Power & Light Co., Dockets Nos. 50-289 and 50-320," dated February 4, 1972.

Any person whose interest may be affected by this amended determination other than the licensees may file a request for hearing within thirty (30) days after publication of this amended determination in the FEDERAL REGISTER.

Such request shall set forth the matters with reference to the factors set out in section E.2 of Appendix D alleged to warrant a suspension determination other than the amended determination made by the Director of Regulation and set forth the factual basis for the request. If the Commission determines that the matters stated in such a request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

Copies of (1) the licensees' answer to the order to show cause, (2) a document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Provisional Construction Permits for the Three Mile Island Nuclear Generating Station, Units 1 and 2, Metropolitan Edison Co. and Jersey Central Power and Light Co., Dockets Nos. 50-289 and 50-320," (3) the supplement there to referred to above, and (4) the order suspending construction activities involving the off-site portion of the Juniata transmission line are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the General Public Section, State Library of Pennsylvania, Harrisburg, Pa. Copies of Items 2, 3, and 4 may be obtained upon request, addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 7th day of February 1972.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.72-2180 Filed 2-14-72;8:45 am]

[Docket No. 50-282]

NORTHERN STATES POWER CO.

Order Extending Provisional Construction Permit Completion Date

By application dated December 30, 1971, Northern States Power Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-45. The permit authorizes the construction of a pressurized water nuclear reactor designated as the Prairie Island Nuclear Generating Plant Unit 1 at the applicant's site northwest of Red Wing, in Goodhue County, Minn.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered,* That the latest completion date specified in Provisional Construction Permit No. CPPR-45 is extended from February 1, 1972, to February 1, 1973.

Date of issuance: February 7, 1972.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Deputy Director, Division of Reactor Licensing.

[FR Doc.72-2181 Filed 2-14-72; 8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality January 31-February 4, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388-7803.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Draft, February 2

Commitment of 25,700 acres to new continental cane sugar production, Lower Rio Grande Valley, Cameron, Willacy, Hidalgo, and Starr Counties, Tex. Involves construction of a raw sugar processing facility in the area. (ELR Order No. 1777, 7 pages) (NTIS Order No. PB-206 263-D)

SOIL CONSERVATION SERVICE

Draft, January 25

Shoemaker River Watershed, Rockingham County, Va. Accelerated land treatment measures on 1,077 acres on farm and forest land and construction of four floodwater retarding structures. Involves loss of forest, wildlife habitat, and esthetic values. (ELR Order No. 1725, 21 pages) (NTIS Order No. PB-206 177-D)

Draft, January 31

Wheat, Feed Grain and Cotton Set-Aside Programs provide for a set-aside of cropland if the Secretary determines that the total supply of wheat, feed grain, or cotton will likely be excessive. A condition of eligible for loans, purchases, and other payments for cotton, wheat, or feed grain requires that producers on a farm must set aside and devote to approved conservation uses a certain percentage of the commodity allotment for wheat or cotton or the feed grain base. Additional payment on set-aside acreage is provided if the producer agrees to permit public access for hunting, trapping, fishing, and hiking. A pilot public access program will be offered for 1972 in five counties and 10 designated States. (ELR Order No. 1761, 25 pages) (NTIS Order No. PB-206 158-D)

Water Bank Program provides incentive payments to landowners and operators for conserving waters, preserving or improving migratory waterfowl habitat and other wildlife resources. Under the program, long-term agreements are entered into with landowners or operators who agree to take certain actions to preserve designated wetlands areas for which the Secretary agrees to make an annual payment and bear a part of the cost of establishing and maintaining the needed conservation practices. (ELR Order No. 1762, five pages) (NTIS Order No. PB-206 159-D)

ATOMIC ENERGY COMMISSION

Contact: For Nonregulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, (202) 973-5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973-7531.

Draft, January 27

Application of the Baltimore Gas & Electric Co. for a license to operate the Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Calvert County, Md. The waste heat during full power operation of the two units, about 3,500 m.w., will be dissipated by pumping about 5,500 c.f.s. of salt water from Chesapeake Bay through steam condensers, elevating the water temperature 10° F (with a maximum discharge temperature not exceeding 90° F) and returning the water directly to the Bay. (ELR Order No. 1760, 102 pages) (NTIS Order No. PB-206 179-D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, (202) 693-6346.

Draft, January 26

Perico Island, Manatee County, Fla. Application of Curtiss-Wright Corp. for a permit to dredge and fill to produce 370 acres of upland and 92.4 acres of canals from the former upland for development. A total of 43.9 acres of submerged grass flats, 9 acres of mud flats, and 6.6 acres of intertidal flats and associated fauna will be covered by dredged material. Dredging will remove another 67.4 acres of submerged grass flats, 15.5 acres of mud flats, 516 acres of intertidal flats and 0.4 acre of coon oyster beds (ELR Order No. 1710, 22 pages) (NTIS Order No. PB-206 105-D)

V37#31 FEB 15 72 XUM

Draft, January 19
Kingstree Branch flood control project, Black River Basin, Kingstree, S.C. Enlargement of channel from confluence of Kingstree Branch and Black River upstream 1.83 miles to the city limits. (ELR Order No. 1715, 35 pages) (NTIS Order No. PB–206 109–D)

Draft, February 1
Bound Brook, Scituate, Mass. Snagging, clearing, and channel realignment and widening for flood control 1,200 feet upstream of Hunters Pond Dam. (ELR Order No. 1767, 31 pages) (NTIS Order No. PB–206 266–D)

Draft, February 2
Big Sioux River at and in the vicinity of Sioux City, Iowa, and North Sioux City, S. Dak. Flood protection by channel enlargement and bank stabilization for 5.5 miles. Downstream of the interstate highway, flow will be diverted directly to the Missouri River, entering the river 7,500 feet upstream from its present location. Will eliminate 25 acres of wildlife habitat. (ELR Order No. 1770, 39 pages) (NTIS Order No. PB–206 261–D)

Draft, January 26
Chowan River, N.C.–Blackwater River, Va. Improvement of navigation by dredging three cutoff channels on the two rivers, at Riddicksville, Cherry Grove, and Georges Bend. Involves loss of terrestrial wildlife habitat and creation of an aquatic habitat. (ELR Order No. 1771, 4 pages) (NTIS Order No. PB–206 236–D)

Final, January 27
Revised final statement (April 15). Trumbull Lake, Pequonnock River, Conn. Flood protection by construction of concrete dam and storage reservoir extending 2.5 miles up the Pequonnock River. Will inundate 200 acres of land, involve loss of a valley with pools and rapids, result in loss of stream fishing and cause relocation of 30 families. Comments made by EPA, DOI, five State agencies and the town of Trumbull. (ELR Order No. 1704, 37 pages) (NTIS Order No. PB–206 104–F)

Aquatic plant control program, Hudson and Mohawk Rivers, N.Y. Control and progressive eradication of waterchestnut in and from the waters within the two rivers by spraying with 2,4–D. Comments made by USDA, EPA, New York Department of Environmental Conservation, and New York Department of Health. (ELR Order No. 1707, 18 pages) (NTIS Order No. PB–200 003–F)

Long Branch Lake, East Fork, Little Chariton River, Macon County, Mo. Flood protection by construction of an earthfill dam and lake. Will inundate 2,430 acres of land and eliminate 14 miles of the East Fork and associated habitat. Comments made by USDA, EPA, DOI, four State agencies, American Fisheries Society, and Wildlife Society. (ELR Order No. 1721, 33 pages) (NTIS Order No. PB–201 518–F)

Red River of the North, Oslo, Marshall County, Minn. Flood control improvement by improving a levee and constructing interior drainage facilities and street and road ramps. Will drain a 25-acre marsh, alter 313 acres of wildlife habitat by removal of trees and necessitate relocation of six houses. Comments made by USDA, HEW, DOI, Minnesota Department of Natural Resources, and village of Oslo. (ELR Order No. 1734, 32 pages) (NTIS Order No. PB–204 [illegible]–F)

Dog River, Mobile Bay, Ala. Dredging of a new channel from 3,000 feet east of the Mobile Bay Ship Channel to and up Dog River (26,200 feet) and spur channels from the main channel to the mouths of Perch and Halls Mill Creeks. Total length is 7.8 miles. Spoils to be deposited on diked land areas and in open water. Filling of 30 acres of marsh will limit use by small mammals and birds. Comments made by DOC, EPA, HUD, DOI, DOT, and Alabama State Development Office. (ELR Order No. 1726, 45 pages) (NTIS Order No. PB–206 176–F)

Final, January 28
Zumbro River, Wabasha County, Minn. Flood protection by channel modification on 3 miles of the river from Kellogg to the mouth. Will change or eliminate 1.3 miles of stream. Comments made by USDA, EPA, DOI, and Minnesota Department of Natural Resources. (ELR Order No. 1727, 50 pages) (NTIS Order No. PB–201 851–F)

New Bedford and Fairhaven Harbor, Mass. Improvement of navigation by widening one section of the channel, deepening another section and extending the channel. Comments made by DOC, DOI, Massachusetts Department of Natural Resources and city of New Bedford. (ELR Order No. 1728, 25 pages) (NTIS Order No. PB–203 156–F)

Manitowoc Harbor, Manitowoc City and County, Wis. Improvement of navigation by extending channel upstream for 720 feet. Comments made by EPA, DOI, DOT, Wisconsin Department of Natural Resources, Wisconsin Department of Local Affairs and Development, and city of Manitowoc. (ELR Order No. 1730, 25 pages) (NTIS Order No. PB–202 843–F)

Stuart Gulch Dam, Idaho. Flood control by construction of an earthfill dam. Would cover 194 acres of land. Comments made by USDA, EPA, DOI, five State offices, city of Boise, and Ada County Commissioners. (ELR Order No. 1737, 25 pages) (NTIS Order No. PB–198 722–F)

Libby Dam and Lake Koocanusa, Kottenai River, Mont. Flood control as a part of a multipurpose project included in the International Water Resource Development Plan of the Columbia River Basin (United States and Canada), under construction since 1966. Consists of completing dam (scheduled for flood control storage by 1973), constructing a powerhouse on the west bank with four 105,000-kw. generators, etc. Surface area of lake: 46,500 (28,850 in United States, 17,650 in Canada). Comments made by USDA, DOC, FPC, HEW, DOI, DOT, Bonneville Power Administration, four Montana State offices, two Idaho State offices, and town of Rexford. (ELR Order No. 1739, 50 pages) (NTIS Order No. PB–200 538–F)

Final, February 2
Chief Joseph Dam additional units, Columbia River, Wash. Construction of 11 additional units to increase the hydraulic capacity and peak power producing capacity of the dam. Will inundate 500 acres of land. Comments made by DOC, DOI, three State offices, Northwest Steelheaders Council of Trout Unlimited, and interested citizens. (ELR Order No. 1776, 46 pages) (NTIS Order No. PB–199 458–F)

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, (202) 386–6084.

Draft, January 3
Supplement to draft (August 17). Applications by Columbia LNG Co., Consolidated System LNG Co., Southern Energy Co., and Southern Natural Gas Co. for authorization to import Algerian liquefied natural gas (LNG) and for certificates of public convenience and necessity authorizing construction and operation of facilities for the unloading and handling of imported LNG volumes. Dockets Nos. CP71–68, CP71–151, CP71–153, CP71–264, CP71–276, CP71–289, and CP71–290. (ELR Order No. 1616, 297 pages) (NTIS Order No. PB–206 255)

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Acting Administrator, GSA–AD, Washington, D.C. 20405, (202) 343–6077.
Alternate Contact: Aaron Woloshin, Director, Office of Environmental Affairs, GSA–AD, Washington, D.C. 20405, (202) 343–4161.

Final, February 1
Disposal of Birdsboro Army Tank-Automotive Steel Foundry, Berks County, Pa., by negotiated sale to the Greater Berks Development Fund for lease to the Birdsboro Corp. Comments made by EPA. (ELR Order No. 1772, 7 pages) (NTIS Order No. PB–204 098–F)

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343–6416.

BUREAU OF RECLAMATION

Draft, January 26
South Gila Valley, Colorado River front work and levee system, Yuma County, Ariz. Concrete lining of main outlet drain (8 miles long) to prevent seepage of saline water into the Gila River Pilot Channel and the groundwater table of the valley. (ELR Order No. 1706, 25 pages) (NTIS Order No. PB–206 102–D)
Palmetto Bend Dam, Navidad River, Jackson County, Tex. Construction of an earthfill dam with a concrete spillway. Will inundate 11,300 acres, change 40 miles of the river and tributaries to impounded and regulated streams, change the fresh water inflow to Matagorda Estuary and displace nine families. (ELR Order No. 1719, 27 pages) (NTIS Order No. PB–206 113–D)

Draft, January 27
Pueblo Dam and Reservoir, Fryingpan-Arkansas Project, Colo. Construction of a dam and reservoir for storage and regulation of water supplies, flood control, recreation, and regulation and storage of project water and the native flows of the Arkansas River. Construction begun in 1970. Will inundate 4,646 acres of land and 9 miles of natural river. (ELR Order No. 1723, 74 pages) (NTIS Order No. PB–206 272–D)

Draft, January 31
Deep geothermal test well, geothermal resource investigations, Imperial Valley, Calif. Drilling of a geothermal test well between 4,000 feet and 8,000 feet in the East Mesa area to recover steam and brine to determine its suitability for development of desalted water and electric power. Involves stripping and leveling of 10 acres. (ELR Order No. 1754, 15 pages) (NTIS Order No. PB–206 161–D)

BUREAU OF SPORT FISHERIES AND WILDLIFE

Draft, January 26
Legislative proposal to designate as wilderness 5,577 acres of the Lostwood National Wildlife Refuge, Burke and Mountrail Counties, N. Dak. (ELR Order No. 1705, 18 pages) (NTIS Order No. PB–206 103–D)
Legislative proposal to designate as wilderness 4,155 acres of the Chase Lake National Wildlife Refuge, Stutsman County, N. Dak. (ELR Order No. 1708, 18 pages) (NTIS Order No. PB–206 112–D)
Legislative proposal to designate as wilderness seven islands of the San Juan Archipelago, San Juan and Skagit Counties, Wash. (ELR Order No. 1709, 15 pages) (NTIS Order No. PB–206 110–D)
Legislative proposal to designate as wilderness 3,000 acres of the Blackbeard Island National Wildlife Refuge, offshore from McIntosh County, Ga. (ELR Order No. 1714, 21 pages) (NTIS Order No. PB–206 111–D)
Legislative proposal to designate as wilderness 4,218 acres of the Wolf Island National Wildlife Refuge offshore from Darien, McIntosh County, Ga. (ELR Order No. 1717, 18 pages) (NTIS Order No. PB–206 109–D)

Draft, February 2
Legislative proposal to designate as wilderness 16,900 acres of the Chassahowitzka National Wildlife Refuge, Citrus and Hernando Counties, Fla. (ELR Order No. 1766, 23 pages) (NTIS Order No. PB–206 254–D)
Legislative proposal to designate as wilderness 4,250 acres, comprising 17 islands, of Brigantine National Wildlife Refuge, Atlantic and Ocean Counties, N.J. (ELR Order No. 1768, 23 pages) (NTIS Order No. PB–206 259–D)

NATIONAL PARK SERVICE

Draft, January 27
Legislative proposal to designate as wilderness 7,700 acres of Colorado National Monument, Colo. (ELR Order No. 1729, 26 pages) (NTIS Order No. PB–206 273–D)
Legislative proposal to designate as wilderness 29,255 acres of Great Sand Dunes National Monument, Colo. (ELR Order No. 1731, 24 pages) (NTIS Order No. PB–206 166–D)
Legislative proposal to designate as wilderness 8,780 acres of Gunnison National Monument, Colo., encompassing all of Black Canyon and a portion of the mesa and bench land in the western half of the monument. (ELR Order No. 1735, 25 pages) (NTIS Order No. PB–206 169–D)
Legislative proposal to designate as wilderness 16,303 acres of Bryce Canyon National Park, Garfield and Kane Counties, Utah. (ELR Order No. 1742, 36 pages) (NTIS Order No. PB–206 163–D)

Draft, January 31
Legislative proposal to designate as wilderness 5,418 acres of Cumberland Gap National Historical Park, Kentucky, Tennessee and Virginia. (ELR Order No. 1764, 25 pages) (NTIS Order No. PB–206 257–D)

OFFICE OF SALINE WATER

Draft, January 28
Hybrid prototype desalting plant, Brownsville, Tex. Legislative proposal to design, construct, operate, and maintain an 8 m.g.d. prototype desalination plant in cooperation with the Rio Grande Valley Municipal Water Authority and the city of Brownsville. (ELR Order No. 1763, 26 pages) (NTIS Order No. PB–206 256–D)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,[1] Director, Office of Program Coordination, 400 Seventh Street SW., Washington, DC 20590, (202) 462–4357.

FEDERAL AVIATION ADMINISTRATION

Draft, January 25
Schoolcraft County Airport, Mich. Expansion by construction of runway, taxiway, and apron; runway extension; relocation of road; relocation of beacon and lighting controls; etc. (ELR Order No. 1711, 32 pages) (NTIS Order No. PB–206 106–D)
Springfield Municipal Airport, Brown County, Minn. Development of a new airport, including construction of a runway, connecting taxiway, apron, and tiedown area. (ELR Order No. 1718, 15 pages) (NTIS Order No. PB–206 107–D)
Goldsby Airport, Norman, McClain County, Okla. Reconstruction, realignment, and extension of runway and installation of lighting system, rotating beacon and tower, segmented circle and lighted wind cone. (ELR Order No. 1720, 30 pages) (NTIS Order No. PB–206 108–D)
Baxley Municipal Airport, Appling County, Ga. Extension and widening runway to accommodate all propeller aircraft of less than 12,500 pounds. (ELR Order No. 1734, 12 pages) (NTIS Order No. PB–206 167–D)

Draft, January 31
Freemont Municipal Airport, Newaygo County, Mich. Construction of a runway and extension of another runway. (ELR Order No. 1740, 56 pages) (NTIS Order No. PB–206 162–D)
Hemphill Municipal Airport, Sabine County, Tex. Development of new airport, including runway, taxiway, parking ramp, access road, wind cone and segmented circle, fencing, radio and airport beacons and lighting system. (ELR Order No. 1769, 28 pages) (NTIS Order No. PB–206 262–D)

Final, January 25
Lincolnton-Cherryville Airport, N.C. Construction of new airport south of juncture of N.C.–182 and S.R.–1187 adequate for 95 percent of propeller-driven aircraft of less than 12,500 pounds and some light twin-engine propeller-driven aircraft. Comments made by USDA, EPA, DOI, five State agencies and Central Piedmont Regional Council of Local Governments. (ELR Order No. 1713, 19 pages) (NTIS Order No. PB–204 024–F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, January 26
Project 24–44, F 072–1(19): Jefferson County, Kans. Grading and surfacing from the end of the four-lane pavement near Grantville east to Newman Corner and the proposed junction of K–237 (4.2 miles) (ELR Order No. 1716, 16 pages) (NTIS Order No. PB–206 100–D)

Draft, January 27
Ky.–80, Pikeville-Elkhorn City Road and Elkhorn City-Virginia State Line Road: Pike County, Ky. Relocation of Ky.–80 between Sheldiana and Elkhorn City (16.17 miles). Involves relocation or residences, some mobile homes. Projects APD 640(5), AP 98–163–7L, AP 98–223–17L, and APD 640(2), AP 98–2223–16L. (ELR Order No. 1722, 24 pages) (NTIS Order No. PB–206 174–D)

Draft, January 28
U.S.–169: Miami and Johnson Counties, Kans. Construction from 1 mile south of the Johnson-Miami County line to I–35 (8.5 miles). 4(f) determination will be required, depending on the route selected. Involves displacement of people and severance of property. Project 169–61 F 061–1(16) and 169–46 F 061–1(14). (ELR Order No. 1732, 72 pages) (NTIS Order No. PB–206 170–D)

Draft, January 27
U.S.–54: Augusta, Butler County, Kans. Improvement to four lanes from 400 feet west of Walnut Street to the west end of the Walnut River Bridge. Will displace residences and businesses. Project (SF) 54–8 U–038–(23, 24). (ELR Order No. 1733, 25 pages) (NTIS Order No. PB–206 168–D)

Draft, January 28
Big Bend Road: Kirkwood, St. Louis County, Mo. Relocation between I–244 and Marshall Road and widening to four lanes from Marshall Road to Couch Avenue. Will displace two residences and one service station. Project T–4189 (8). (ELR Order No. 1736, 7 pages) (NTIS Order No. PB–206, 181–D)

Draft, January 31
FAP Route 3, Stadium Freeway: Milwaukee, Greenfield, and West Milwaukee, Milwaukee County, Wis. Construction to connect Stadium Freeway and interchange on East-West Freeway (I–94) to Greenfield interchange on the Airport Freeway (I–894) (5 miles). 4(f) determination required for use of portions of Cherokee Park, Jackson Park, Kinnickinnic River Parkway, Manitoba School in Milwaukee, and Hillcrest School in Greenfield. Project F–03–1( ), 1350–1–00. (ELR Order No. 1753, 130 pages) (NTIS Order No. PB–206 178–D)

Draft, January 25
Project F020–7: Lake County, S. Dak. Construction from 1 mile south of S.H.–34/S.H.–19 intersection southeast to S.H.–34 (7.5 miles). (ELR Order No. 1755, 5 pages) (NTIS Order No. PB–206 162–D)

Draft, January 31
Albertson Road–Sherman Road–Linden Avenue: High Point, Guilford County, N.C. Provision of a continuous thoroughfare in High Point between Kearns Avenue and English Road along the alinement of Linden Avenue, Springfield Avenue, Sherman Road, and Albertson Road and improvement of English Road from Westchester Drive to the west corporate limits. Requires relocation of 45 families and 15 businesses. Project 9.8071021, S–1686. (ELR Order No. 1756, 18 pages) (NTIS Order No. PB–206 163–D)
N.C.–110: Haywood County, N.C. Improvement from the south corporate limits of Canton south to U.S.–276 (5 miles). Will displace 7–14 families. Project 6.801870. (ELR Order No. 1757, 25 pages) (NTIS Order No. PB–206 164–D)

Draft, January 24
Freeway 520: Sioux City, Woodbury County, Iowa. Construction from proposed I–29/I–129 interchange east to an interchange with Lakeport Road, then northeast to U.S.–20. Will displace 20 homes, 13 farmsteads, two businesses, and one mobile home. (ELR Order No. 1758, 12 pages) (NTIS Order No. PB–206 165–D)

Draft, January 28
LA.–1: White Castle, Iberville Parish, La. Widening to four lanes from east of White Castle, partly on relocation, west to near Dorcyville (1.88 miles). Project 50–06–36, F–399(12). (ELR Order No. 1759, 24 pages) (NTIS Order No. PB–206 157–D)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

V 37 • 31 FEB 15 72 XUM

Draft, January 27

Freeway 520: Evansdale, Black Hawk County, Iowa. Construction from U.S.–218 interchange in Waterloo, across Cedar River to a River Forest Road interchange in Evansdale, to an interchange with Iowa 297. The roadbed will act as a flood protection levee over part of its length. Involves displacement of 35 houses and 7–8 businesses. (ELR Order No. 1765, 15 pages) (NTIS Order No. PB–206 260–D)

Draft, January 4

S.H.–19: Delta County, Tex. Upgrading to four lanes from F.M. 1507 in Paris through Gadston to S.H.–19/S.H.–24 junction near Lake Creek (14.7 miles). Will displace 28 homes and three businesses, (ELR Order No. 1774, 75 pages) (NTIS Order No. PB–206 267–D)

Draft, February 2

U.S.–287: Ellis County, Tex. Construction of four-lane highway from Spur 394 southeast of Waxahachie to near west city limits of Ennis (10 miles). Will displace six families and two farm outbuildings. (ELR Order No. 1775, 21 pages) (NTIS Order No. PB–206 266–D)

Seventh Street: Langdon, Cavalier County, N. Dak. Construction of a curb and gutter street from 11th Avenue North to 15th Avenue North. 4(f) determination required for construction through Langdon City Park, Project A–SI–12(3). (ELR Order No. 1778, 5 pages) (NTIS Order No. PB–206 264–D)

Draft, January 11

Revised draft (September 23) S.R.–2: Snohomish County, Wash. Addition of passing lanes in the Sultan vicinity in two sections. Revised draft pertains to section 2 right-of-way and excavation. FAP 024–1, CS 3109 SR 2. (ELR Order No. 1779, 9 pages) (NTIS Order No. PB–206 265–D)

Final, January 26

Shaniko-Fossil Highway, Clarno-Porcupine Butte Section: Wasco and Wheeler Counties, Oreg. Reconstruction of unpaved mountain road and construction of a bridge over the John Day River on new location at Clarno. Project S–295( ). Comments made by Army COE, EPA, HUD, DOI, four State offices, Mid-Columbia Economic Development District, East Central Oregon Association of Counties, and Oregon Environmental Council. (ELR Order No. 1699, 16 pages) (NTIS Order No. PB–201 096–F)

Delaware Route 14, Rehoboth Bypass, and New Savannah Road Bridge: Sussex County, Del. Construction of additional two lanes from near Route 14A/Route 14 intersection to Dewey Beach (1.2 miles) and of twin bridges over the Lewes and Rehoboth Canal. Comments made by USDA, Army COE, EPA, HUD, Delaware River Basin Commission, and State Planning Office. (ELR Order No. 1700, 17 pages) (NTIS Order No. PB–201 096–F)

U.S.–20, Santiam Highway, Vail Creek-Sweet Home Section: Linn County, Oreg. Reconstruction from two to four lanes between Vail Creek and Sweet Home (9.6 miles). Involves relocation of 20 homes, five mobile homes, and five businesses. Comments made by Army COE, DOC, HUD, EPA, DOI, DOT, Oregon District 4 Council of Governments, and Local Government Relations Division. (ELR Order No. 1701, 34 pages) (NTIS Order No. PB–203 510–F)

FAS–2700: Appling County, Ga. Construction of a two-lane rural highway from the end of "Poor Robin Road" southeast to S.R.–121 near Memorial Church (9 miles). Project PR–505–A (S–2700). Comments made by USDA, EPA, DOI, Bureau of State Planning and Community Affairs, and Altamaha Area Planning and Developing Commission. (ELR Order No. 1702, 15 pages) (NTIS Order No. PB–206 114–F)

Freeway 518, Southwest Bypass: Johnson County, Iowa. Construction to bypass Iowa City from U.S.–218 interchange to near an I–80/I–38 interchange (7.3 miles). Project 518–4. Comments made by USDA, EPA, HUD, DOI, Iowa Water Pollution Control Commission, Iowa Office for Planning and Programing, and Johnson County Regional Planning Commission. (ELR Order No. 1703, 18 pages) (NTIS Order No. PB–206 099–F)

S.R.–400 (I–4): Seminole County, Fla. Construction of two rest areas 0.8 mile north of S.R.–424. Comments made by USDA, DOC, EPA, and DOI. Project I–4–2(53) 113, Job 77160–1410. (ELR Order No. 1712, 33 pages) (NTIS Order No. PB–202 140–F)

Final, January 25

Route 13: Polk and Greene Counties, Mo. Construction of dual lane facility from Bolivar to Springfield (24 miles). Project F–13–2 (8), (9), (10), (11), (12); U–13–2(13). Comments made by HUD, DOT, State Clearinghouse, and Lakes Country Regional Planning Commission. (ELR Order No. 1738, 37 pages) (NTIS Order No. PB–206 175–F)

Final, January 26

S.R.–46 and S.R.–3 (FAS Route S–558): Scott County, Ind. Replacement of the grade separation over the B&O RR. 0.2 mile south of the S.R.–56/S.R.–3 junction and relocation of approaches through Morgan Trail Park. Comments made by EPA, HUD, and DOI. (ELR Order No. 1743, 34 pages) (NTIS Order No. PB–202 323–F)

U.S.–62, Blandville Road, Paducah, McCracken County, Ky. Widening to four lanes from U.S.–45 (Lone Oak Road) to Ky.–1286 (Friendship Church Road) (1.81 miles). Project S 318. Comments made by EPA, HEW, DOI, and University of Kentucky. (ELR Order No. 1744, 16 pages) (NTIS Order No. PB–203 223–F)

N–100 and N–68: Rockville, Sherman County, and Ravenna, Buffalo County, Nebr. Improvement of N–100 from N–10 to N–58 (8.1 miles) and relocation of N–68 from 0.5 mile north of Ravenna to N–100 (4.5 miles). Projects S–36(4) and S–201(5). Comments made by USDA, Army COE, EPA, HUD, DOI, and Nebraska Department of Environmental Control. (ELR Order No. 1745, 20 pages) (NTIS Order No. PB–203 099–F)

Lowell-Double Adobe-McNeal Highway: Cochise County, Ariz. Widening and surfacing between Douglas and Bisbee (13 miles). Projects S0208(2), Prince Road section; S–208(4), Prince Road-Double Adobe section; S–490(2), Cochise Junior College-Double Adobe section. Comments made by EPA, DOI, Arizona Game and Fish Department, and Arizona State Museum. (ELR Order No. 1746, 28 pages) (NTIS Order No. PB–202 444–F)

S.R.–8 and S.R.–111: Sequatchie County, Tenn. Upgrading from 2.5 miles south of Cagle to the Van Buren County line (7.77 miles). Projects APD J11–J13. Comments made by USDA, DOI, DOT, TVA, State Office of Urban and Federal Affairs, and Sequatchie Valley Planning and Development Agency, Inc. (ELR Order No. 1747, 27 pages) (NTIS Order No. PB–206 160–F)

S.R.–7, U.S.–441: Palm Beach County, Fla. Construction of a two-lane roadway adjacent to existing two-lane highway and resurfacing existing highway (6.6 miles). Project S–12(12), 93210–1503. Comments made by Army COE, EPA, HEW, HUD, DOI, State Planning and Development Clearinghouse, Florida Game and Fresh Water Fish Commission, Florida Division of Planning and Budgeting, Florida Department of Air and Water Pollution Control, Palm Beach Area Planning Board, Broward County Planning Board, and city of Boca Raton. (ELR Order No. 1748, 37 pages) (NTIS Order No. PB–202 648–F)

Whitesburg Bypass: Letcher County, Ky. Construction of a segment of the Appalachian Developmental System (Corridor I), from Ky.–15 to U.S.–119. Will touch upon Whitesburg Appalachian Regional Hospital property and displace 29 residences. Comments made by DOC, EPA, HEW, HUD, DOI, DOT, Kentucky Water Pollution Control Commission, and Kentucky Program Development Office. (ELR Order No. 1749, 44 pages) (NTIS Order No. PB–201 762–F)

FAS 2317: Dale County, Ala. Construction of a steel beam span bridge across the Choctawhatchee River. Project S–2317 (101). Comments made by USDA, Army COE, EPA, DOI, DOT, and Coosa Valley Planning Agency. (ELR Order No. 1750, 19 pages) (NTIS Order No. PB–206 172–F)

State Route U.S.–24: Lucas County, Ohio. Widening to four lanes from Lucas County 133 (Dutch Road) to Lucas County 105 (Jerome Road) (1.9 miles) and construction of an interchange between Lucas County 126 (Stitt Road) and Lucas County 105 (Jerome Road). Project F–1043(6). Comments made by DOI, DOT, Ohio Historical Society, and Ohio Department of Highways. (ELR Order No. 1751, 25 pages) (NTIS Order No. PB–206 171–F)

I–80: Summit County, Utah. Construction of four-lane divided highway (eastbound lane generally along U.S.–30) from east of Emory Overhead through Echo Canyon to 1 mile east of Castle Rock. Project I–80–4(11)175. Comments made by USDA, EPA, DOI, and the State Clearing House. (ELR Order No. 1752, 66 pages) (NTIS Order No. PB–200 439–F)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.72–2237 Filed 2–14–72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18128, 18684; FCC 72–118]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Regarding Tariff Revisions

In the matter of American Telephone & Telegraph Co., Long Lines Department, Docket No. 18128, revisions of Tariff FCC No. 260 Private Line Services, Series 5000 (TELPAK); American Telephone & Telegraph Co., Docket No. 18684, revision of American Telephone & Telegraph Co. Tariff FCC No. 260 Series 6000 and 7000 Channels (Program Transmission Services).

1. The Commission has before it certain revisions proposed by the American Telephone & Telegraph Co. (A.T. & T.) in its private line service offerings, Tariff FCC No. 260. The revised tariff schedules are due to become effective on February 4, 1972. The tariff changes, filed on December 6, 1971, under Transmittal No. 11334, would have the effect of increasing the installation and monthly charges for private line service terminals of voice and teletypewriter grade, the installation and monthly charges for local access lines furnished with Common Control Switching Arrangements (CCSA), and the installation charges for the Switched Service Automatic Network (SCAN). A.T. & T. has estimated that these increases will yield additional annual revenues of approximately $30 million. In addition, A.T. & T. has estimated that there will be a net annual cost savings of aprpoximately $6 million associated with the market shifts resulting from the earlier tariff filing effective December 12, 1971, Transmittal No. 11272, which generally eliminated Telpak sharing. The estimated total annual effect of the rate changes proposed under Transmittal No. 11334 and of the elimination of Telpak sharing would be an earnings before taxes increase for the Bell System of $36 million from its private line services.

2. The following organizations have filed petitions with respect to Transmittal No. 11334 requesting the Commission to: (a) Reject or secure withdrawal of the rate increases, or (b) suspend the effective date of the increases for the full statutory period, with or without an accounting order, and institute an investigation of the lawfulness of the proposed charges: Association of American Railroads (AAR); Aerospace Industries Association of America, Inc. (AIA); Aeronautical Radio, Inc. (ARINC); Air Transport Association of America (ATA); United Air Lines, Inc. (United) and Eastern Air Lines, Inc. (Eastern) jointly; Bunker-Ramo Corp. (Bunker-Ramo); Secretary of Defense on behalf of the Executive Agencies of the United States (DOD); Dow Jones and Co., Inc. (Dow Jones); Independent Data Communications Manufacturers Association, Inc. (IDCMA);[1] Litton Industries, Inc., and its wholly owned subsidiaries Litton Systems, Inc., Litton Business Systems (Litton); Microwave Communications, Inc. (MCI);[1] National Association of Motor Bus Owners (NAMBO); National Data Corp. (National Data); George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor (Penn Central); United Press International, Inc. (UPI). Associated Press (AP) has petitioned the Commission to enter an order which, in substance, would prohibit the filing or effectiveness of tariff schedules providing for increases in charges for services subject to investigation in Docket No. 18128 until a final decision is entered therein, or unless a request is made in writing and prior approval obtained from the Commission. A.T. & T. has filed replies to the petitions of: AAR, AIA, AP, ARINC, ATA, IDCMA, MCI, United and Eastern, DOD, Penn Central, and UPI. In so doing, it has opposed the requests for rejection of the tariff filing and to the specific request of AP, and has acceded to a 1-day suspension thereof. As discussed more fully below, we have determined to deny the requests for rejection of the tariff and to grant the requests for a 90-day suspension thereof and the inclusion of the questions of the lawfulness of these tariff changes in Docket 18128.

[1] IDCMA has filed a "Response", and AIA and MCI have each filed a "Reply" to A.T. & T.'s oppositions.

3. In the petitions requesting rejection of the tariff filing, three principal arguments are given as grounds for the relief requested. First, it is asserted that A.T. & T. has failed to supply adequate supporting data and consequently, has failed to comply with the requirements of § 61.38 of the Commission's rules and regulations. Second, it is asserted that the price increases are incompatible with the regulation issued by the Price Commission pursuant to the Economic Stabilization Act of 1970, as amended. Third, it is asserted that the present posture of the proceeding in Docket No. 18128 is such that to not reject these tariff changes would be unduly disruptive and the cause of unwarranted delay in terms of completing this proceeding.

4. In our judgment, the cost, revenue, and other data submitted by A.T. & T. in justification of the proposed tariff changes sufficiently satisfies the requirements of § 61.38 to permit the acceptance for filing of the new schedules. It is a separate and distinguishable issue, however, whether the submitted data establishes that the proposed tariffs are just and reasonable and otherwise lawful under the Communications Act. The resolution of that issue should be made through the hearing process.

5. With respect to the arguments for rejection based on the regulations of the Price Commission, it is not apparent to us that the rate increases under consideration are incompatible with the standards established by the Price Commission. Even assuming that they are, we are not aware of any regulations of the Price Commission which would have the effect of giving this Commission the power to reject under the instant circumstances. As we understand the Price Commission's regulations, the final decision as to whether price increases by the larger carriers are to be allowed to go into effect is up to the Price Commission, itself.

6. As to the contentions that failure to reject these tariff changes will unduly delay the conclusion of the proceedings in Docket No. 18128, we agree with the basic concern that this proceeding should be concluded as soon as possible, consistent with the dictates of due process. However, it is by no means clear that rejection for this reason is a course that is open to us in the present circumstances, and, in any event, such a course, in our view, is presently unnecessary. The fundamental questions which this proceeding is expected to resolve are: What should be the appropriate earnings relationships among the various interstate services offered by the Bell System? and, how should the contribution to total earnings by each service be measured? The resolution of these questions is a matter of very high priority. To the extent that the present tariff changes raise subsidiary questions not previously considered in this proceeding which relate to the internal component rate relationships within a given service, we direct the Hearing Examiner to take evidence thereon only if in his judgment the taking of such evidence will not delay conclusion of the proceeding insofar as the fundamental issues are concerned. In the event that consideration of such new questions is not feasible within the spirit of this directive, the Commission will subsequently consider how best to deal with them.

7. Inasmuch as the proceeding in Dockets Nos. 18128 and 18684 appears to be in its final stages, it may well be that any further tariff revisions relating to the services under investigation will unduly disrupt or delay the conclusion of the case. Accordingly, we shall require that A.T. & T. obtain special permission to make any further changes in these tariffs prior to the entering of a final decision in this matter.

8. Various of the petitions referred to above contend that the subject tariff changes should be suspended for the full statutory period, an accounting order entered, and the matter set for investigation. The allegations are to the effect that the new charges are unjust, unreasonable and unduly discriminatory in violation of sections 201(b) and 202(a) of the Communications Act. In support thereof, numerous statements by A.T. & T. in support of the tariff changes are challenged as being inaccurate or insufficient to support the lawfulness of the proposed charges. We think the petitions taken in their entirety have raised material questions as to the lawfulness of the tariff changes of a magnitude sufficient to warrant the suspension of the tariff changes for the full statutory period. It also appears appropriate to enter an accounting order to protect the interest of the carriers' customers in the event that the tariff changes become effective prior to a resolution of the questions of lawfulness.

9. *Accordingly, it is ordered*, That pursuant to sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, the hearing and investigation in Docket 18128 concerning the lawfulness of the private line tariff schedules of American Telephone & Telegraph Co. shall include the revisions to A.T. & T. Tariff FCC No. 260 forwarded with Transmittal No. 11334 filed on December 6, 1971, as enumerated in the appendix hereto, and that the issues heretofore specified in that docket shall apply with equal force to the above-described revised tariff schedules of A.T. & T.

10. *It is further ordered*, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the tariff schedules listed below to become effective February 4, 1972, are hereby suspended, unless otherwise ordered by the Commission, until May 4, 1972, and that respondents, as to the operation of such tariff schedules, shall, in the case of all increased charges and until further order of the Commission,

V 37 • 31 FEB 15 72 XUM

keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 204 of the Act, and A.T. & T. shall file a report on or before the 10th day of each month, commencing June 10, 1972, showing the amounts accounted for as aforesaid during the previous calendar month.

11. *It is further ordered*, That, in order to best conduce to the proper dispatch of the Commission and to the ends of justice, pursuant to section 4(j) of the Communications Act of 1934, as amended, respondents shall file no further tariff revisions relating to the services under investigation in Dockets Nos. 18128 and 18684 prior to the entering of a final decision therein unless authorized by special permission of the Commission.

12. *It is further ordered*, That the petitions requesting rejection, withdrawal, suspension or other relief and the reply in opposition thereto are granted to the extent noted and otherwise denied.

Adopted: February 3, 1972.

Released: February 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

AMERICAN TELEPHONE & TELEGRAPH CO.

Tariff FCC No. 260:
Third Revised Page 48.1.
Eighth Revised Page 52.
Tenth Revised Page 58.
Third Revised Page 58.1.
Eighth Revised Page 63.
Fourth Revised Page 67.
Sixth Revised Page 71.
Fifth Revised Page 74.
Ninth Revised Page 78.
Thirteenth Revised Page 85.
Sixteenth Revised Page 86.
Second Revised Page 139.10.2.
First Revised Page 139.10.3.
Eleventh Revised Page 167.1.
Fifth Revised Page 168.
Ninth Revised Page 170.

[FR Doc.72-2252 Filed 2-14-72;8:50 am]

[Docket No. 19419, FCC 72-119]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of American Telephone & Telegraph Co., Long Lines Department, Docket No. 19419, revisions of Tariffs FCC No. 259 and No. 260.

1. The Commission has before it modifications proposed by American Telephone & Telegraph Co. (A.T. & T.) in its Tariffs FCC No. 259 and No. 260. The revised tariff schedules, filed under Transmittals Nos. 11345, 11346, 11353, and 11354 are now due to become effective on or after February 4, 1972. Independent Data Communications Manufacturers Association, Inc. (IDCMA), has filed petitions to reject or suspend the tariff schedules filed under the above transmittals.[1] The thrust of the petitions of IDCMA urging rejection or suspension is that the proposed tariff revisions, if permitted to become effective, would seriously hamper the competitive efforts of competitors to A.T. & T. A.T. & T. has filed replies opposing the grant of the requested relief with respect to the tariff schedules accompanying Transmittals Nos. 11345, 11346, 11353, and 11354.

2. The filing submitted with Transmittal No. 11345 modifies Tariff FCC No. 260 and provides for a rate decrease in monthly and installation charges for 200 Series Data-Phone data sets suitable for conditioning signals at rates of 2,000 to 2,400 bits per second. With respect to Transmittal No. 11346, the filing therewith revises Tariff FCC Nos. 259 and 260, and provides rates for automatic data access arrangements (DAA) for the connection of customer provided data transmitting equipment and/or receiving terminal equipment to private line service or wide area telecommunications service (WATS). The filing accompanying Transmittal No. 11353 revises Tariff FCC No. 260, and provides for the following changes in regulations relating to multichannel data station equipment: (1) To permit its use with or without a data line concentrator; (2) to permit the derivation of a maximum of 17 75-baud channels, and the addition of one 75-baud channel to the present maximum of eight 150-baud channels. To allow at the customer's request any combination of 75-baud and 150-baud channels with two 75-baud channels being equivalent to one 150-baud channel; (3) to allow for the removal of the 50-foot restriction for a station on a station line. Transmittal No. 11354 covers revisions of tariff provisions contained in Tariff FCC No. 260 and provides for the establishment of regulations and rates for a 200 Series Data-Phone data set for combined sending and receiving, and suitable for conditioning signals at rates up to 1,800 bits per second in sequence.

3. IDCMA argues with respect to the filing accompanying Transmittal No. 11345 that its purpose is anticompetitive to the extent that the rates thereby charged are cross-subsidized by monopoly sector revenues and that it is based upon questionable economic data. With respect to Transmittal No. 11346, IDCMA states that the DAA charge penalizes the customer who chooses not to use A.T. & T. equipment by imposing upon him an unlawful rate. IDCMA complains that the DAA degrades telephone service and unfairly affects competition since it is used only on lines where the customer chooses not to use the A.T. & T. data set. With respect to Transmittal No. 11353, IDCMA requests that the filing be rejected or suspended because the supporting data does not satisfy the requirements of § 61.38. Furthermore, states IDCMA, the filing should be rejected or suspended because it unfairly prejudices the competitive position of independent manufacturers of multiplexers by virtue of utilizing understated revenue requirements for the multiplexer and thereby establishing an improperly low rate. With respect to Transmittal No. 11354, IDCMA argues that the accompanying filing is defective because it is based on an understatement of revenue requirements. IDCMA argues, moreover, that with respect to the model 201A and 201B data sets A.T. & T. markets a "special assembly" data set including assurances to customers it will work on unconditioned channels. This reduces the price per circuit. However, states IDCMA, no such assurances are given when a competitive data set is used. Consequently, a diminished quality of service is provided to customers who do not use A.T. & T. equipment. For those customers employing its equipment, in view of IDCMA, A.T. & T. seeks to reduce charges despite failing to file a tariff revision.

4. In summary, IDCMA requests with respect to Transmittals Nos. 11345, 11346, 11354 that: (a) The respective tariffs be rejected or suspended; (b) A.T. & T. be required to disclose the bases for the rates filed; (c) A.T. & T. be required to file tariffs covering or to desist from offering special assembly rates for model 201 data sets; (d) A.T. & T. be required to file in its tariffs adequate specifications for the performance of telephone circuits.

5. With respect to Transmittal No. 11353 IDCMA requests that the Commission: (a) Reject or suspend the filed tariffs; (b) require A.T. & T. to state the bases for the rates filed with that transmittal; (c) investigate the marketing practices of A.T. & T. as they relate to meeting competition.

6. In our judgment, the supporting data submitted with the tariff schedules filed under Transmittals Nos. 11345, 11346, 11353, and 11354 is sufficiently responsive to the requirements of § 61.38 for us to find that rejection of said schedules is not warranted. However, the petitions of IDCMA raise substantial questions with respect to the lawfulness of these tariff schedules, and we are unable to conclude at this juncture that the filed schedules are reasonable, just or lawful. Consequently, we are instituting an investigation into the lawfulness of the tariff schedules and are ordering that said tariff schedules be suspended for the full statutory period.[2] In this investigation we shall consider particularly the question of the lawfulness of the proposed tariff schedules in light of their potentially anticompetitive effects.

Accordingly, in view of the foregoing considerations, *It is ordered*, That, pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by American Telephone & Telegraph Co. submitted with Transmittals Nos. 11345, 11346, 11353, and 11354 including cancellations, amendments or reissues thereof;

It is further ordered, That, pursuant to the provisions of section 204 tariff schedules filed by American Telephone & Telegraph Co. submitted with Transmittals Nos. 11345, 11346, 11353, and 11354 are hereby suspended until May 4, 1972;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) Whether the aforesaid tariffs conform to the requirements of section 203 of the Act and Part 61 (47 CFR Part 61) of our rules implementing that section;

(4) If any of such charges, classifications, practices, and regulations are found to be unlawful, whether the Commission should prescribe charges, classifications, practices, and regulations for the service governed by the tariffs, and if so, what should be prescribed.

It is further ordered, That, American Telephone & Telegraph Co. and the Associated Bell System Cos. Are made parties respondent;

It is further ordered, That, Independent Data Communications Manufacturers Association, Inc. (IDCMA), is granted leave to intervene upon filing a notice of intention to appear and participate within 20 days of the release date of this order.

Adopted: February 3, 1972.

Released: February 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[2] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

[1] IDCMA also filed on Jan. 27, 1972, a Response" to A.T. & T.'s replies.

[2] The question, raised by IDCMA, of the fairness or lawfulness of A.T. & T.'s marketing practices with respect to the Model 201A and Model 201B data sets, under the circumstances, is more appropriately the subject of a formal complaint rather than an issue in a rate investigation. Accordingly, this question shall not be considered in this investigation.

[3] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

Transmittal No. 11345: Tariff FCC No. 260, 10th Revised Page 173.1.
Transmittal No. 11346:
Tariff FCC No. 260, 17th Revised Page 173.
Tariff FCC No. 259, Sixth Revised Page 2, Original Page 43.1, 10th Revised Page 178.2
Transmittal No. 11353: Tariff FCC No. 260, Third Revised Page 178.2, Original Page 178.3.
Transmittal No. 11354: Tariff FCC No. 260, 18th Revised Page 173.

[FR Doc.72-2249 Filed 2-14-72;8:50 am]

[Docket No. 19260; FCC 72-123]

FAIRNESS DOCTRINE AND PUBLIC INTEREST STANDARDS

Order Extending Time

In the matter of the handling of public issues Under the Fairness Doctrine and the Public Interest Standards of the Communications Act, Docket No. 19260.

1. The Commission has before it a motion filed by the National Association of Broadcasters asking that the time for filing reply comments to the late-filed comments of the Federal Trade Commission and others on part III of this inquiry, entitled "Access to the Broadcast Media as a Result of Carriage of Product Commercials", be extended from February 9, 1972, to February 23, 1972.

2. In support of its motion, petitioner notes that the comments filed by the Federal Trade Commission present materials and contain proposals not previously considered in this proceeding that will require time for study and analysis beyond that afforded in the Commission's order of January 20, 1972.

3. In view of the desirability of allowing interested parties to fully examine all proposals submitted in this important inquiry and to express their conclusions thereon, a grant of the requested extension of time is warranted.

4. *Accordingly, it is ordered*, That the time for filing reply comments to the late-filed comments on part III of this inquiry is extended from February 9, 1972, to February 23, 1972; and that the National Association of Broadcasters' Motion for extension of time is granted.

Adopted: February 7, 1972.

Released: February 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2248 Filed 2-14-72;8:50 am]

[Docket No. 19260; FCC 72-117]

FAIRNESS DOCTRINE AND PUBLIC INTEREST STANDARDS

Further Notice of Inquiry

In the matter of the handling of public issues under the Fairness Doctrine and the Public Interest Standards of the Communications Act, and guidelines for the acceptance by broadcast licensees of editorial advertising; Docket No. 19260.

1. This further notice concerns part IV of our notice of June 9, 1971 (36 F.R. 11825), including particularly the formulation of guidelines for the acceptance by broadcasters of editorial advertising. This latter facet is both the issue involved in Business Executives' Move for Vietnam Peace v. F.C.C., —— U.S. App. D.C. ——, 450 F. 2d 642 (1971), and also an important aspect of the part IV inquiry—"access generally to the broadcast media for the discussion of public issues." We have delayed comment on part IV because, as discussed below, we are seeking further review of the above decision. However, the discussion makes clear that we must now move immediately to the consideration of guidelines in the area of editorial advertising. That being so, there is no reason to delay the filing of part IV comments. Indeed, it would be helpful to have such comments before us when we consider the other issues in this inquiry, since the issues are all interrelated to some degree. That does not mean that we shall decide all the issues at the same time. Circumstances appear to require more expeditious resolution of some aspects of the inquiry than others. This notice deals with one such area.

I. 2. In Business Executives' Move for Vietnam Peace v. F.C.C., supra, the U.S. Court of Appeals for the District of Columbia circuit held that a broadcast licensee may not, as a general policy, refuse to sell advertising time to groups or individuals wishing to speak on controversial public issues. While the Court left "undisturbed the licensee's basic right to exercise judgment and control in public issue programing" and "normal programing time," and it stated that no particular person or group has an absolute right to have his (or its) message carried, it ruled that in the broadcaster's allocation of advertising time it is not permissible to maintain a "total, flat ban on editorial advertising." The Court stated that:

> We hold specifically that a flat ban on paid public issue announcements is in violation of the First Amendment, at least when other sorts of paid announcements are accepted. We do not hold, however, that the planned announcements of the petitioners or, for that matter, of any other particular applicant for air time must necessarily be accepted by broadcast licensees. Rather we confine ourselves to invalidating the flat ban alone, leaving it up to the licensees and the Commission to develop and administer reasonable procedures and regulations determining which and how many "editorial advertisements" will be put on the air.

3. On January 3, 1972, a petition for a writ of certiorari was filed on behalf of the Commission in the Supreme Court of the United States. No. 71-864, 40 U.S.L.W. 3317 (Jan. 11, 1972). The Supreme Court has not yet acted on this petition. However, on January 24, 1972, the Court denied an application for a stay of mandate. Accordingly, the Commission is

[1] Commissioner H. Rex Lee absent.

V37■31 FEB 15 72 XUM

under a mandate to carry out the decision of the Court of Appeals which instructed the Commission as follows:

On remand, the Commission should develop reasonable regulatory guidelines to deal with editorial advertisements. Petitioners should be allowed to reapply for advertising time; and, unless their presentations are found to be excludable under the Commission's guidelines, their applications should be accepted. Since the issues on which BEM and DNC seek to speak are current and changing, it is essential that regulations be developed speedily and that the affected broadcasters pass promptly upon petitioners' applications to buy time.

4. The purpose of this notice is to solicit the views of all interested parties on the nature and content of appropriate procedures and guidelines to be adopted by the Commission in furtherance of the Court's mandate. We welcome all comments which can be of assistance in developing reasonable guidelines governing the determination by licensees of which and how many editorial advertisements will be put on the air. As a general approach, suggested guidelines or procedures should so far as possible be designed to avoid frequent recourse to individual requests for Commission rulings in particular situations. In particular, we urge parties filing comments to address the following areas:

a. May a licensee limit the time available for editorial advertisements and, if so, on what basis?

b. What regulation may the licensee make as to the placement of editorial advertisements?

c. May a licensee prevent domination by a few groups or a few viewpoints and, if so, by what means?

d. May a licensee reject a proffered advertisement on the ground that the particular viewpoint has been sufficiently expressed, short of finding undue dominance?

e. May a licensee reject a proffered advertisement on standards of taste and suitability for access to the home?

f. May a licensee reject a proffered advertisement on the ground that its subject matter is of little or no significance or interest to the community?

g. Are any restrictions on content permissable short of a finding that the material is outside the protection of the first amendment?

h. Should the Commission's Cullman doctrine[1] be applicable to editorial and controversial issue advertisements which the licensee would not have aired in the first place except for the required sale of editorial advertising time?

i. What is the relationship generally of editorial advertising to the licensee's responsibilities under the fairness doctrine to make available a reasonable opportunity for the presentation of conflicting views on controversial issues of public importance? In this connection consideration should be given to the decision of the Supreme Court in Red Lion Broadcasting Co. v. F.C.C., 395 U.S. 367 (1969).

5. We are issuing this further notice of inquiry rather than issuing guidelines without calling for comments because we believe that we need the views of those who would be confronted with the day-to-day practicalities of applying the guidelines. We are allowing a reasonable time for the submission of comments commensurate with the importance of the issues. However, prompt Commission action is required, and we intend to expedite our consideration of this matter. No extensions of time for comments are contemplated.

II. 6. The discussion in I has dealt with access for editorial advertising. The other aspect of the inquiry in part IV is the matter of the right of access to programing time. We have set forth our view that the ruling in Business Executives' Move for Vietnam Peace v. F.C.C., supra, does not extend to programing time. See Committee of One Million, October 22, 1971, FCC 71-1096. We have also set forth in part IV issues which would be generally pertinent here (see paragraph 19, notice of inquiry of June 9, 1971). We shall not repeat that discussion here. Parties are invited to comment on those issues and any other matters that they believe pertinent.

III. 7. Accordingly, pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, 47 CFR 1.415 (1972), interested parties may file comments on or before March 8, 1972, and reply comments on or before March 23, 1972, a schedule to which we intend to adhere (see paragraph 5, supra). In accordance with the provisions of § 1.419 of the rules, 47 CFR 1.419 (1972), an original and 14 copies of all comments and replies shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. Because of the importance of the matters in this docket, we believe that some form of oral presentations will be helpful. If it is determined to have such presentations cover the issues in part I of this further notice, we shall make this the first order of business at the oral proceedings and shall schedule such proceedings promptly after receipt of the reply comments. Finally, the authority for this further notice is that stated in paragraph 24 of the notice of inquiry, June 9, 1971.

Adopted: February 3, 1972.

Released: February 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-2247 Filed 2-14-72;8:50 am]

[1] See Cullman Broadcasting Co., 40 F.C.C. 576 (1963), which held that a licensee cannot avoid his fairness responsibilities simply because of his inability to obtain sponsorship for the presentation of a viewpoint.

[2] Commissioner Johnson concurring and issuing a statement, filed as part of the original document; Commissioner H. Rex Lee absent.

[Docket No. 19412; FCC 72-73]

FRIENDLY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues and Notice of Apparent Liability

In regard applications of Friendly Broadcasting Co. for renewal of licenses for radio stations WJMO and WLYT (FM) Cleveland Heights, Ohio, Docket No. 19412, File No. BR-1844, File No. BRH-140.

1. The Commission has before it for consideration (a) the captioned applications and (b) its inquiries into the operations of Standard Broadcast Station WJMO and FM Broadcast Station WLYT (formerly WCUY), Cleveland Heights, Ohio.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain licensee of the captioned stations. In view of these questions, the Commission is unable to find that grant of the renewal applications would serve the public interest, convenience and necessity, and must, therefore, designate the applications for hearing.

3. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the captioned applications are designated for hearing at a place and time to be specified in a subsequent order, upon the following issues:

(a) To determine whether the applicant violated § 1.613(c) of the Commission's rules by failing to file contracts relating to the sale of broadcast time to "time brokers" for resale;

(b) To determine whether applicant complied with section 315 of the Communications Act of 1934, as amended, and § 73.120 of the Commission's rules, or the terms of the Fairness Doctrine, in the sale of broadcast time to candidates for public office in the November 3, 1970, Congressional and State elections;

(c) To determine whether the applicant substantially carried out or sought to carry out its representations in its renewal application for WJMO concerning its local news facilities, the amount of local news to be presented, or public affairs programing and whether the licensee made misrepresentations or was lacking in candor in its renewal application;

(d) To determine whether licensee violated § 73.112 of the Commission's rules;

(e) To determine whether licensee exercised adequate control over programs broadcast over WJMO during time sold to "time brokers" for resale;

(f) To determine whether licensee violated section 509(a) (3) and (4) of the Communications Act of 1934, as amended;

(g) To determine the nature and extent of alleged violations of the Commission's rules for which an official notice of violation was issued to WJMO on February 16, 1971, and whether in light of the evidence adduced pursuant to that determination, applicant has exercised that degree of responsibility required of the licensee of a broadcast station;

(h) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, whether the applicant possesses the requisite qualifications to be and to remain a licensee of the Commission;

(i) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the grant of the captioned applications would serve the public interest, convenience, and necessity.

4. *It is further ordered,* That, if it is determined that the hearing record does not warrant an order denying the captioned applications for renewal of licenses for Stations WJMO and WLYT-FM, it shall also be determined whether applicant has repeatedly or willfully violated §§ 1.613, 73.112, 73.51(c)(2), 73.963 (c), and 73.113(d)(1), of the Commission's rules, or the terms of the authorization for WJMO or WLYT(FM),[1] and, if so whether an order of forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred within 1 year of issuance of the bill of particulars in this matter.

5. *It is further ordered,* That this document constitutes notice of apparent liability for forfeiture for violation of §§ 1.613, 73.112, 73.51(c)(2), 73.961(c), and 73.113(d)(1), of the Commission's rules and the terms of the station authorization. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered,* That in the event United Broadcasting Co. is determined to be the otherwise qualified and preferred applicant in Docket No. 18559 in re the applications of United Broadcasting Co. for renewal of licenses of WOOK and WFAN-TV, the grant of the applications shall be withheld pending resolution of the issues in this matter. United Broadcasting Co. is also a party to a revocation and renewal proceeding involving its stations WMUR-TV, WMET-TV and KECC-TV (Dockets Nos. 19336-8). If it should be determined that the public interest would be served by allowing United Broadcasting Co. to continue to operate these facilities then the granting of such authority shall be withheld pending resolution of the issues in the instant proceeding. The resolution of the issues in this docketed proceeding shall be binding on any other licensee commonly owned or controlled with the captioned licensee and will be res judicata as to any such other licensee.

7. *It is further ordered,* That the Chief, Broadcast Bureau, is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a), (b), (c), (d), (e), (f), and (g).

8. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a), (b), (c), (d), (e), (f), and (g), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

9. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall file with the Commission within twenty (20) days of the mailing of this order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That the applicant herein, pursuant to section 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

11. *It is further ordered,* That the Secretary of the Commission send a copy of this order by certified mail—return receipt requested to Friendly Broadcasting Co.

Adopted: January 26, 1972.

Released: January 27, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-2250 Filed 2-14-72;8:50 am]

[1] See bill of particulars for specific dates and details of each alleged violation.

[2] Commissioner H. Rex Lee absent.

[Dockets Nos. 19414-19416; FCC 72-100]

NEW LAUREL RADIO STATION, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: New Laurel Radio Station, Inc., Laurel, Miss., Docket No. 19414, File No. BPH-6247, requests: Channel 272A; 3 kW(H); 3 kW(V); 135.5 feet; Southland, Inc., Laurel, Miss., Docket No. 19415, File No. BPH-7405, requests: Channel 272A; 3 kW(H); 3 kW (V); 118 feet; South Jones Broadcasters, Inc., Ellisville, Miss.,[1] Docket No. 19416, File No. BPH-7445, requests: Channel 272A; 3 kW(H); 3 kW(V); 298 feet, for construction permits.

1. Now under consideration are: (a) The captioned applications; and (b) a petition to deny the application of South Jones Broadcasters, Inc. (South Jones), filed by Southland, Inc. (Southland). No opposition pleading was filed.

2. In its petition to deny, Southland questions several aspects of South Jones' financial plan. We find that South Jones will require funds of $41,231 to construct and operate the proposed station as follows: Payments on equipment lease, $4,968; interest on loans, if available, $2,500; first-year operating expenses, $32,088; and miscellaneous expenses, $1,775. To meet this requirement, South Jones claims the availability of $10,438 in existing capital and bank loans of $5,000 and $30,000 from the Merchants and Manufacturers Bank of Ellisville, Miss. The availability of the existing capital has been established. Southland notes that, as initially filed, the terms of the loans specified repayment within 1 year. Thus, the loans would not serve to establish South Jones' financial qualifications. However, the application was subsequently amended and the bank indicated that the loans would be renewable, assuming that interest payments are met. We shall, therefore, raise no question on this score. Southland also claims that the security for the loans has not been indicated. Subsequent amendments indicate that the security for the $5,000 loan is real estate owned by South Jones. The $30,000 loan is to be secured by the signatures of 11 named individuals. These individuals have not submitted a statement that they are willing to assume this obligation, as required by paragraph 4(a) section III, FCC Form 301. This raises a question as to whether the $30,000 bank loan will be available and an issue has been specified.

3. Southland also alleges that South Jones has failed to identify the community leaders consulted in ascertaining community problems and that the entire ascertainment showing is not sufficiently specific. South Jones subsequently amended its application. While making no judgment as to the showing as originally filed, it is clear that the amended application clearly complies with the criteria set out in our Primer on the ascertainment of community problems by broadcast applicants, 27 FCC 2d 650, 15 RR 2d 1507 (1971). Accordingly, no Suburban issue will be specified.[2]

4. Southland also raises questions as to whether South Jones has made misrepresentations to us in its application. As noted above, the loan agreements submitted by South Jones were, as originally filed, repayable within 1 year. Southland alleges that this constitutes a misrepresentation because these loans would not aid in establishing the availability of sufficient funds to construct and operate for 1 year. Since the date of repayment was indicated in the copy of the bank

[1] Each applicant proposes to operate on Channel 272A, which is assigned to Laurel, Miss. South Jones proposes to use that channel in Ellisville, Miss., under § 73.203(b) of our rules.

[2] Suburban Broadcasters, 30 FCC 1021 (1961).

V37-31 FEB 15 72 XUM

commitment contained in the application, we can find no misrepresentation. Southland further notes that South Jones entered the figure of $18,000 in the space designated for deferred credit. Since South Jones proposes to lease its equipment, Southland alleges that another misrepresentation was made. The $18,000 represents the total value of the equipment to be leased by South Jones. It appears that South Jones chose an inappropriate space for indicating that figure. However, the immediately adjacent statement, "See attached lease agreement," precludes a finding that a misrepresentation was made. Finally, Southland alleges that South Jones' failure to specify the security for the $30,000 bank loan as originally filed, "could be another indication of the applicant's (South Jones') lack of candor." Since things that "could be" are not the specific allegations of fact required by section 309(d) of the Communications Act, we reject Southland's contention. In any event, the omission here is one small point in a relatively lengthy and complex financial showing. Similar omissions are frequently found by our staff, particularly among those that are uninitiated as to the details of our financial requirements. As a matter of practice, our staff will request any required data that may have been omitted. While we do not say that an omission cannot be a misrepresentation, on the facts presented here, we are unable to conclude that this omission constitutes a substantial question as to South Jones' qualifications.

5. The three applications, although for different communities, would serve substantial areas in common. Consequently, in addition to determining which of the proposals would best provide a fair, efficient, and equitable distribution of radio service, under section 307(b) of the Communications Act, a contingent comparative issue will be specified.

6. South Jones Broadcasters, Inc., proposes independent programing. Southland, on the other hand, proposes to duplicate the programing of commonly owned station WLAU(AM) during 15.9 percent of the broadcast week, while New Laurel will duplicate commonly owned station WAML(AM)'s programing during 68.4 percent of the broadcast week. Where an applicant proposes a substantial amount of duplicated programing, we have permitted evidence as to the benefits derived from the proposed duplication under the comparative issue. In our view, the 68.4 percent duplication proposed by New Laurel is substantial, while the 15.9 percent proposed by Southland is not. Therefore, evidence regarding program duplication will be admissible under the contingent comparative issue as to New Laurel only. A full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry, Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

7. South Jones proposes to locate its main studio outside its city of license at its transmitter site. The applicant states that the proposed site is 0.8 mile outside the city limits of Ellisville on a main highway. The combined studio-transmitter site will result in economies of operation. We believe that good cause for locating the main studio outside the city of license has been established. Our consent to that studio site will, therefore, be granted if South Jones' application is granted.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

9. *Accordingly, it is ordered,* That the applications are designated for hearing in a consolidated proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent order, on the following issues:

(1) To determine with respect to the application of South Jones Broadcasters, Inc.:

(a) Whether a bank loan of $30,000 will be available to the applicant from the Merchants and Manufacturers Bank of Ellisville, Miss.

(b) Whether, in light of the evidence adduced under the above issue, the applicant is financially qualified.

(2) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals together with the availability of other primary (1 mv/m or better for FM) aural service in such areas.

(3) To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

(4) To determine, in the event that it is concluded that a choice between proposals should not be based solely on 307 (b) considerations, which of the proposals would best serve the public interest.

(5) To determine, in light of the evidence adduced under the above issues, which application should be granted.

10. *It is further ordered,* That if the application of South Jones Broadcasters, Inc., is granted, the Commission's consent to the specified main studio location outside the city of license is granted.

11. *It is further ordered,* That the petition to deny the application of South Jones Broadcasters, Inc., filed by Southland, Inc., is granted to the extent indicated above and is denied in all other respects.

12. *It is further ordered,* That each of the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of our rules.

13. *It is further ordered,* That the applicants shall give notice of the hearing, within the time and in the manner specified in § 1.594 of our rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: February 2, 1972.

Released: February 8, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2251 Filed 2-14-72;8:50 am]

[FCC 72-114]

MUTUAL INSURANCE COMPANY OF OMAHA

Memorandum Opinion and Order Regarding "Prime Time" Rule Waiver

In the matter of waiver of the "Prime Time Access Rule", § 73.658(k), with respect to the presentation after October 1, 1972 of "off-network" programs (Petition of Mutual Insurance Company of Omaha).

1. The Commission here considers a request for waiver of § 73.658(k) of its rules, the "prime time access rule", with respect to one of the provisions thereof, becoming effective October 1, 1972, which bars use of "off-network" material to fill the time from which network programing is excluded. The request is contained in a petition for waiver filed on December 29, 1971, by Mutual Insurance Company of Omaha (Mutual) in connection with its program "Wild Kingdom", which was on th NBC network at 7 p.m., e.s.t., Sunday evenings for several years and during the 1971–72 season is being distributed to stations on a syndication basis. The "prime time access rule", which, in general, limits stations to the presentation of 3 hours of national network programs each evening during prime hours (7–11 p.m. except 6–10 p.m., e.s.t., in the central zone), was adopted in May 1970, and somewhat modified on reconsideration in August 1970.[1] One of the changes made in the latter decision was to postpone until October 1, 1972, the prohibition against use of "off-network" material (and also movies previously shown in the market, not involved here), while putting the basic limitation to 3 hours of network programs into effect October 1, 1971. The reason for the delay in the "off-network" restriction was to permit ample time for the changeover and permit stations to use, during the 1971–72 season, the program material they had already acquired.

2. The program involved, "Wild Kingdom", was on the NBC network for several years (in the recent past on Sundays at 7 p.m., e.s.t.), and is apparently reasonably popular and highly regarded, both by audience and critics. It deals with the world of nature, particularly various forms of animal life, and has been

[2] Commissioner H. Rex Lee absent.

[1] Report and order in Docket 12782, 23 FCC 2d 382 (May 1970); memorandum opinion and order on reconsideration in Docket 12782, 25 FCC 2d 318 (August 1970).

praised as significant in the fight for conservation and protection of the environment, including animals. Mutual lists some 30 awards it has received from both television and entertainment industry and conservation and education groups. Aside from its distinctiveness and asserted great merit, Mutual claims that a waiver should ge granted—to permit stations to present those portions of the material which have appeared on NBC in past years—because of the unique position the program has had. Unlike much network material, which the networks have either produced themselves, coproduced or acquired proprietary interests in, the "Wild Kingdom" program has been in recent years entirely the property of Mutual, which simply bought the Sunday evening time on the network to present it on a sponsored basis (it has been one of very few "conventionally sponsored" shows on evening network television in recent years). Originally, in the early 1960's, the program was conceived and produced by Don Meier Productions, Inc., and sold to NBC for network exhibition on a sponsored basis (with NBC not acquiring any other rights in it). Mutual became the sponsor, and in November 1968 acquired all of the rights to the program itself, simply paying NBC for the network broadcast time. Thus, it is claimed, the program is really the very type of material, produced and owned by sources independent of the networks, such as advertisers, which was more prevalent in the early years of television and which the purpose of the rule is to foster, not exclude.

3. As a network program, the show is said to have been a casualty of the "prime time access rule" when it went into operation in October 1971, since NBC and the other networks were required to cut their prime time schedules back to 3 hours in the top 50 markets (and did so in all other markets as well), and NBC decided to drop "Wild Kingdom" as part of the reduction process. After some hesitation, for one thing because of the great expense involved in distribution via syndication, Mutual decided not to drop the program but to undertake this form of distribution; and it has been reasonably successful, getting prime time exposure on 214 stations, including 43 of the top 50 markets.

4. Mutual has produced each year, and intends to produce annually in the future, 12 new programs for the series; the remainder of the 52-week package which it offers to stations is reruns. By the end of the 1972–73 season (Oct. 1, 1973), this could mean 24 programs never shown on the NBC network and at that point there would still be 28 "off-NBC" programs of the 52 total.

Mutual states that it is undesirable and, indeed, impossible to present any more new material each season because of: (1) The high cost of program production; (2) the uncertainties involved in the production of any program involving wild life, which cannot be controlled as can the production of a conventional entertainment program; and (3) the fact that many of these programs are of "timeless interest", so that reruns may well be much in the public interest. It is asserted that it is simply not possible to formulate an attractive syndication package without a substantial number of the older programs.

5. Mutual claims that waiver, to the extent indicated in the last paragraph, is in effect necessary for it to continue to present the program at all. It asserts that it must have the prime time exposure, including time in the major markets, in order to bring this desirable program to large audiences and justify the great costs involved. Mutual recognizes that the rule does not bar such material entirely from "prime time" but only from that portion of it from which network programs are excluded (which, for the most part, means the 7 to 8 p.m. hour in the eastern and Pacific zones); but it claims that network-owned and affiliated stations in the top 50 markets cannot realistically be expected to forego network prime time material in order to present "Wild Kingdom", and, also that its early Sunday evening time, which it long had on NBC and which clearly would fall within the rule's prohibition, is especially desirable from the standpoint of viewing by family groups and young people, the audience to which the program is particularly directed. It is claimed that if these programs are held to be barred as "off-network" material by the operation of the rule, Mutual will be forced to drop sponsorship and future production of the series.

CONCLUSIONS

6. After considering this matter carefully, we are of the view that waiver should be granted in this case, to permit the presentation of a reasonable amount of "Wild Kingdom" material which previously ran on NBC. While this decision to a certain extent is based on all of the factors advanced and set forth above, it is in only a minor degree based on the distinctive character, and even less the asserted merit, of the program. These are factors which are difficult for the Commission to evaluate, if, indeed, we could appropriately put ourselves in the position of having to do so. Rather, it is chiefly based on the other two considerations advanced: the fact that this material is the kind of thing which the rule was designed to promote—material produced and/or owned by independent sources such as advertisers—and that a substantial amount of material which is not "off-network" will be included in the package. In view of the complaints which have been registered by viewers over the years as to the prevalence of reruns (most recently in connection with the current operation of the "prime time access rule"), we believe it appropriate to impose some requirement that a substantial amount of the material be other than programs which were carried on the NBC network. At the same time, as far as the 1972–73 season is concerned, it does not appear desirable to oblige stations to present again all or most of the programs which have been shown in the immediate past, i.e., those which were new in the 1971–72 year when the program has been distributed via syndication. These programs would probably be more in the public interest if rerun later—longer after their first presentation. Accordingly, for the first season, we are simply stating that at least 12 programs of the "Wild Kingdom" series presented on stations between October 1, 1972, and October 1, 1973, shall be new material not previously appearing on television. Our present action is limited to the 1972–73 year; it will be appropriate to reevaluate the situation before granting waivers further into the future, since more new material will then be available.

7. The Commission wishes to emphasize its view that the "prime time access rule" should be given a full opportunity to work, with substantial amounts of valuable prime time in major markets made available to independent sources and new program material from them. But in our view, any impingement which may result from grant of waiver here, as compared to adherence to the letter of the rule, is minor and is indeed offset by the likelihood that this program itself would not be able to continue in production. Therefore, we believe that under all of the circumstances the public interest is served by grant of the waiver, limited as mentioned.

8. In view of the foregoing: *It is ordered,* That Mutual Insurance Company of Omaha may offer, and stations in the top 50 markets may present without limitation during prime hours, between October 1, 1972, and October 1, 1973, the "Wild Kingdom" series of television programs: *Provided,* That at least 12 of the programs presented in this series during this period must be programs which have not previously been presented on television.

Adopted: February 2, 1972.

Released: February 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2256 Filed 2-14-72;8:51 am]

[FCC 72-93]

STATION KUTV, SALT LAKE CITY, UTAH

Order Regarding "Prime Time" Rule Waiver

In the matter of request for waiver of the "Prime Time Access Rule" § 73.658(k) for Station KUTV, Salt Lake City, Utah (to permit carriage of winter Olympic coverage).

1. The Commission here considers a request for waiver of the "prime time access rule", § 73.658(k) of the Commissions' rules, filed on January 24, 1972, by KUTV, Inc., licensee of Station KUTV, Salt Lake City (NBC-affiliated) for

[3] Commissioner Nicholas Johnson concurring in the result; H. Rex Lee absent.

V37-31 FEB 15 72 XUM

Thursday and Saturday, February 10 and 12, 1972. The request is based on the fact that NBC will carry coverage of the Winter Olympic Games on these evenings, instead of some of its regular prime-time and late evening material, and KUTV wishes to carry this material. The request reflects the fact that mountain zone stations have a particular problem in relation to the "prime time access rule", in that, under their normal scheduling practices, they must carry, during their prime hours, certain network material which does not originate, and is not carried in other parts of the country, during "prime time". The request is for waiver on these evenings to permit carriage of Olympic coverage starting at 10:30 p.m. Mountain time, in addition to three prime-time hours of earlier NBC programs (in both cases 2 hours of it being Olympic coverage also).[1] Thus, 3½ hours of network programs during prime time are planned in these evenings.

2. Under all of the circumstances—including the facts that these are special programs of considerable appeal not occurring regularly, that the need for waiver arises from the special scheduling problems of mountain zone stations in relation to the "prime time access rule", and KUTV's position in feeding some 10 other mountain zone stations—we are of the view that waiver is warranted.

3. *Accordingly, it is ordered*, That waiver of the provisions of § 73.658(k) of the Commission's rules is granted to Station KUTV, Salt Lake City, Utah, to permit the presentation of 3½ hours of NBC programs on the evenings of Thursday, February 10 and Saturday, February 12, 1972.

Adopted: February 2, 1972.

Released: February 3, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2257 Filed 2-14-72;8:51 am]

[1] KUTV also mentions its position as feeding NBC programs to some 10 other stations in smaller markets in the mountain zone, which presents some special problems and means that changes in schedule have a more widespread impact than would changes affecting only its own broadcasting.

[2] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

[FCC 72-54]

PROGRAM IDENTIFICATION PATTERNS

Memorandum Opinion and Order

In the matter of interim standards for program identification pattern transmission by television broadcast stations pending a decision in Docket 19314.

1. By public notice of September 17, 1971 (FCC 71-969) the Commission specified a temporary or interim standard which would apply to the transmission by television stations of program identification patterns, pending the conclusion of the rule making proceeding in Docket 19314. This proceeding is concerned with the proposed amendment of § 73.682(a)(22), our rule which governs identification pattern transmissions. The interim standard established is, in effect, a limited waiver of those requirements of the present rule which control the vertical location of identification patterns.

2. Specifically, pursuant to this standard, identification patterns are permitted to occupy portions of six field lines, measured downward from the top of the transmitted television picture, and six field lines, measured upward from the bottom of the transmitted picture. In the aforementioned public notice, we stated that we "may find it necessary to take appropriate enforcement action with respect to transmissions which depart substantially from the interim standard."

3. The Commission has received and has had under consideration letters or petitions seeking modification or suspension of the interim standard established by the public notice, filed by International Digisonics Corp. (IDC), Columbia Broadcasting System, Inc. (CBS), National Broadcasting Co., Inc. (NBC), and American Broadcasting Co., Inc. (ABC). It is the basic position of all of these parties that the standard which the Commission has set, and with which it stated it would exact compliance, is impracticably severe.

4. IDC suggests that relief be afforded by the issuance of a "clarification" of the public notice, wherein we would hold that identification pattern transmissions would be deemed to "depart substantially" from the interim standard only in instances where patterns contain more than three field lines in excess of the six field line maximum prescribed in the standard. Such a "clarification", in effect, would make acceptable, on a temporary basis, pattern transmissions meeting the requirements of the amendment which IDC has proposed to present § 73.682(a)(22) of our rules. IDC urges that the additional three lines "in order to allow for alignment tolerances" are as necessary a part of an interim standard as of a permanent rule, since "patterns would nevertheless exceed the six line standard, even when produced and broadcast with care, in a small, but statistically noticeable number of cases because of the presence of tolerances in framing processes". The maintenance of an unduly strict interim standard, backed by the prospect of its literal enforcement, states IDC, may deter broadcasters from transmitting identification patterns, and make impossible an orderly determination of the ability of the IDC system to function within the parameters specified in its proposed amendment to § 73.682(a)(22).

5. The three networks seek relief from compliance with any standard for identification patterns transmission, other than a general requirement that such transmission not cause significant picture degradation, until a decision is rendered in Docket 19314, or (assuming that a decision in this Docket will look toward a termination of visual identification patterns transmissions) until commercials containing identification patterns, having been utilized for their normal lifetimes, are retired from circulation. It is the contention of these parties that station licensees have no practical means for insuring, before the actual moment of broadcast, that identification pattern transmissions will meet the interim standard set by the Commission, or, indeed, any standard whatever, and they should be relieved from the obligation for compliance, pending a final solution of the problem, to be reached in formal proceedings by the Commission (there are differing opinions as to the nature of these proceedings).

6. On December 23, 1971, a "Request of International Digisonics Corporation for Expedited Consideration" was filed with the Commission. In this document, IDC notes the pendency of the petitions for relief which it and the three networks have filed, and calls attention to a recent circumstance which, it urges, dictates immediate Commission action.

7. Specifically, it states, on December 15, 1971, the Columbia Broadcasting System wrote to national television advertisers informing them that the CBS network and CBS-owned stations would not accept commercials bearing identification patterns after February 1, 1972. "CBS based its action on the unsupported allegation that the presently applicable specifications for the transmission of identification patterns makes unavoidable a 'significant incidence' of illegal transmissions."[1]

8. IDC alleges that if CBS takes the proposed action, "television advertising will be seriously disrupted and the rendition of automatic monitoring services will be halted". In such circumstances, national advertisers must either discard "vast numbers" of commercials bearing identification patterns or remove the patterns; either alternative, says IDC, would be immensely expensive, and would cause chaos in the distribution and scheduling of advertising, and irreparable harm to IDC; the market for its services will be removed, its investment in monitoring equipment rendered valueless, and its very existence jeopardized. Finally, urges IDC, the CBS action will seriously interfere with a fair and comprehensive consideration of issues to be considered in the rule making proceeding in Docket 19314, "because it threatens the continued existence of the primary exponent of the proposal under consideration".

9. To forestall the harm which would be visited on the broadcast advertising industry and on IDC should CBS pursue its present course of action, and to permit a meaningful decision in the rule making docket IDC believes that we should suspend enforcement of specific standards, other than the limitation of pattern transmissions to 1 second, and the maintenance of prohibition against significant picture degradation (which, IDC notes, experience has shown is highly unlikely to occur) pending a decision in the rule making proceeding.

[1] In a response, filed Jan. 4, 1972, CBS, in support of its allegations has summarized the results it has obtained thus far, in an extensive program of measurements of identification pattern transmissions.

10. Should the Commission adopt this interim procedure, which provides the relief requested by the networks, in IDC's view "neither CBS nor any other broadcaster would appear to have the slightest basis for refusing to accept identified commercials." Assuming such Commission action, IDC suggests that the refusal of CBS, or any other broadcaster, to accept commercials bearing identification patterns" should be found by the Commission to be arbitrary, unreasonable, and contrary to the public interest." Indeed, states IDC, "It would be appropriate for the Commission to notify licensees that a completely arbitrary failure to transmit broadcast material bearing identification patterns would bear negatively on the renewal of broadcast licenses."

11. In its letter of April 12, 1971, which accompanied its petition for rule making, IDC proposed that during the period while the rule amendment was under consideration no specific requirement be imposed on the transmission of identification patterns contained in film commercials produced before April 1, 1971, with the standard specified in its proposed rule amendment applying to commercials of later production dates, or, alternatively, that all pattern transmissions during this period be permitted without specific restriction. In our public notice of September 17, we rejected this proposal, reasoning as follows:

> • • • our adoption of such an interim relaxation would sanction a degradation of the television picture of greater or lesser degree for a period of many months. How much worse the situation would be than that which now exists, we do not know. It would appear that many broadcasters have been making a conscientious effort to eliminate commercials with patently defective pattern placement. The motivation for continuing this effort would be removed under the IDC proposal, with the likelihood that the number of improper pattern transmissions would increase, at least during a portion of the interim period. While, in the absence of complaints from viewers of picture degradation, this situation might be tolerated if we could look toward early compliance of all transmissions with a reasonable standard, what this standard is remains to be determined.

12. Thus, while at the time the September 17 public notice was issued, we had before us a proposal to permit pattern transmissions on a temporary basis without restriction as to line placement, we chose, instead, to require our licensees to take all reasonable measures to insure that pattern transmissions met the standard set forth in that notice. By imposing this requirement, we sought to promote early retirement of commercials with patently faulty pattern placement, being unwilling to permit their unrestricted transmission over the normal useful lifetime of each commercial. Our attitude on this matter is the same today as it was then.

13. The networks profess themselves unable, by any practicable means, to insure that their stations will transmit identification patterns in accordance with the interim standard set by the Commission, nor can affiliated stations transmit identified commercials furnished by CBS with confidence that this standard will be met. They ask that they be relieved of this burden. CBS apparently has gone further, and looks toward the elimination of all commercials bearing identification patterns. IDC sees this latter development as threatening the viability of the visual identification system, and rendering futile any subsequent formal determination of the basis on which it may continue to function. Accordingly, we are urged, in the light of this situation, to immediately grant the relief requested.

14. We, of course, will not accede to the request of IDC we inform our licensees that an arbitrary refusal to transmit commercials bearing identification patterns is contrary to the public interest. Such action would be tantamount to the imposition of a direct requirement that broadcasters provide an admittedly nonbroadcast subsidiary service, and constitute an unwarranted invasion of the area of licensee responsibility. The Commission has found it in the public interest to adopt a rule which, pursuant to specified technical standards, permits its licensees to transmit identification patterns for the purpose of automatic program identification. It is unwilling to convert this privilege into a mandatory requirement.

15. Since the adoption of § 73.682(a)(22) of the rules in May of 1970, identification pattern transmissions have been subject, at different times, to three different operating standards, (1) the requirements in the basic rule, (2) the interim standard adopted on a temporary basis by public notice of October 22, 1970, and (3) the interim standard subsequently set in the September 17, 1971, public notice. Whatever standard was in force during any particular period of time, each licensee's obligation to operate in accordance with the applicable standard either was implicit or was expressly stated. The interim standard prescribed in the September 17, 1971, notice is appreciably more permissive than the one set in the October 22, 1970, notice, and represents a substantial relaxation of the requirements of the basic rule.

16. Nevertheless, it is the adoption of September 17 standard which has occasioned the networks' petitions for relief, and, presumably, the CBS decision not to accept commercials bearing identification patterns, even though the difficulties allegedly experienced in meeting this standard must be less than those involved in operating under previous standards. It seems apparent that these steps have been taken now because, in its public notice of September 17, the Commission stated its intention to take affirmative action to enforce the interim standard set in that notice. The networks, professedly unable to insure that identification patterns on film commercials will be transmitted consistently within this standard, and unwilling to subject their owned and affiliated stations to the hazards of adverse Commission action, accordingly have sought the relief requested in the petitions here under consideration.

17. The problem which faces the broadcaster is real—the apparent lack of any practical means for making certain, beforehand, that the identification patterns on any particular commercial will be transmitted in accordance with a specified line standard. We have recognized this problem as one which must be resolved finally in the proceeding in Docket 19314.

18. Since this is the case, some measure of relief from the strictures imposed in the public notice is in order. Nevertheless, if identification patterns on film are to be transmitted under conditions where they do not depart widely from their intended locations, a reasonable amount of care must be exercised by the broadcaster in their transmission. A suspension of any line standard for a period of time extending to or beyond the date of decision in Docket 19314, as requested by the petitioners, would relieve the broadcaster of any obligation in this area, and increase the probability and incidence of faulty pattern transmissions, with the attendant hazard of picture degradation. While the hazard is held not to be great, this question is also at issue in the rule making proceeding, and has been raised in that proceeding by certain of the petitioners herein.

19. Under these circumstances, we will maintain the line standard for the transmission of identification patterns set in the public notice of September 17, and will expect our licensees to take reasonable care in attempting to meet this standard in their pattern transmissions. However, since, at this time, the broadcaster may be unable, as a practical matter, to exercise such control over pattern transmissions as is necessary to achieve strict compliance with the standard, we will rely solely on his good faith efforts to achieve compliance, and, until a final resolution is reached of the matters at issue in Docket 19314, will not hold our licensees responsible for identification pattern transmissions which fail to meet this standard, in the absence of public complaints that significant picture degradation is resulting therefrom.[1]

20. While we hereby deny the specific relief requested by the petitioners, we believe that we have presented above a practical alternative pursuant to which, and subject to reasonable restraints, identification pattern transmissions may continue, pending a decision in Docket 19314.

Adopted: January 18, 1972.

Released: January 20, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2253 Filed 2-14-72;8:51 am]

[1] While the Commission will monitor identification pattern transmissions, its efforts will be directed toward the accumulation of information for use in the rule making proceeding.

[2] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

V37-31 FEB 15 72 XUM

FEDERAL POWER COMMISSION

[Docket No. G-9462 etc.]

SUN OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 9, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-9462 ..... D 7-19-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221 (partial abandonment).	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	Depleted	-----
CI72-476 ..... D 1-19-72	Marshall R. Young Oil Co., 1800 First National Bldg., Fort Worth, Tex. 76102.	United Gas Pipe Line Co., Ansley Field, Hancock County, Miss.	Depleted	-----
CI69-1053 ..... C 1-21-72	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, TX 76107.	Panhandle Eastern Pipe Line Co., State Line Fields Woods County, Okla.	[2] 18.5	14.65
CI71-825 ..... C 1-19-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Arkansas Louisiana Gas Co., Witcherville Field, Sebastian County, Ark.	[3] 21.5	14.65
CI72-159 ..... A 9-20-71	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Northern Natural Gas Co., Gomes Field, Pecos County, Tex.	[3] 26.0	14.65
CI72-428 ..... A 1-13-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Arkansas-Louisiana Gas Co., Northwest Watonga Field, Blaine County, Okla.	[3] 21.802	14.65
CI72-429 ..... B 1-13-72	Elk Oil Co., Post Office Box 310, Roswell, NM 88201.	Northern Natural Gas Co., Kennitz Marrow Field, Lea County, N. Mex.	Depleted	-----
CI72-430 ..... 1-17-72 [4]	Anadarko Production Co., Post Office Box 296, Liberal, KS 67901.	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	[4] 18.015	14.65
CI72-431 ..... B 1-17-72	Claud B. Hamill, 2306 First City National Bank, Houston, Tex. 77002.	United Gas Pipe Line Co., Mount Selman Field, Cherokee and Smith Counties, Tex.	Depleted	-----
CI72-432 ..... A 1-14-72	Atlantic Richfield Co., Post Office Box 2819 Dallas, TX 75221.	Arkansas Louisana Gas Co., East Kiblah Field, Miller County, Ark.	[5] 18.0	14.65
CI72-433 ..... A 1-17-72	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Northern Natural Gas Co., Yuccabaughman Unit, Seward County, Kans.	[6] 19.0	14.65
CI72-434 ..... A 1-17-72	Anadarko Production Co., Post Office Box 296, Liberal, KS 67901.	Northern Natural Gas Co., Panoma Council Grove Field, Grant and Stevens Counties, Kans.	[7] 19.0	14.65
CI72-435 ..... 1-17-72 [4]	do	Cities Service Gas Co., Hull Gas Unit, Northeast Waynoka Field, Woods County, Okla.	[5] 18.0	14.65
CI72-436 ..... 1-17-72 [4]	do	Panhandle Eastern Pipe Line Co., Pastorious, Rein and other gas units, West Valley Center and Northeast Trail Fields, Dewey County, Okla.	[8] 18.0	14.65
CI72-437 ..... B 1-17-72	Crown Central Petroleum Corp. et al., 1010 Bank of the Southwest Bldg., Houston, Tex. 77002.	Transcontinental Gas Pipe Line Corp., Southwest Kaplan Field, Vermilion Parish, La.	Depleted	-----
CI72-438 ..... A 1-19-72	Shell Oil Co., 1 Shell Plaza, Houston, TX 77001.	United Gas Pipe Line Co., East Texas Field, Gregg County, Tex.	[3] 23.5	14.65
CI72-439 ..... A 1-19-72	General Crude Oil Co., Post Office Box 2252, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co., West Cameron Area, Block 171, Offshore Louisiana.	[3] 22.0	15.025
CI72-440 ..... A 1-18-72	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., Wattenberg and other fields, Weld, Adams, and Arapahoe Counties, Colo.	[9] 22.913	14.65
CI72-441 ..... A 1-18-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Arkansas Louisiana Gas Co., East Kiblah Field, Miller County, Ark.	18.0	14.65
CI72-442 ..... B 1-17-72	Phillips Petroleum Co., Bartlesville, Okla. 74003.	Transcontinental Gas Pipe Line Corp., Greenbranch Field, McMullen County, Tex.	Depleted	-----
CI72-443 ..... B 1-13-72	Hewitt B. Fox, Inc., 900 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.	Texas San Juan Oil Corp., Miller & Fox Field, Jim Wells County, Tex.	Uneconomical	-----
CI72-444 ..... B 1-20-72	Tennneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., Vermilion Block 76 Field, Offshore Vermilion Parish, La.	Depleted	-----
CI72-445 ..... B 1-19-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Lone Star Gas Co., East Hewitt Field, Carter County, Okla.	Depleted	-----
CI72-446 ..... B 1-19-72	do	Panhandle Eastern Pipe Line Co., Morse Field, Hansford County, Tex.	Depleted	-----
CI72-447 ..... 1-14-72 [10]	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Southern Natural Gas Co., Diamond Field, Plaquemines Parish, La.	[11] 22.375	15.025
CI72-448 ..... 1-14-72 [12]	Diamond Shamrock Corp., Post Office Box 631, Amarillo, TX 79105.	Arkansas Louisiana Gas Co., section 16, township 22 North, Range 6 West, Garfield County, Okla.	16.0	14.65
CI73-449 ..... (CI66-419) F 1-17-72	Amoco Production Co. (successor to Dan R. Wager), Post Office Box 591, Tulsa, OK 74102.	Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla.	[13] 16.255	14.65
CI72-451 ..... (G-3573) F 1-20-72 [14]	John A. Hanford (successor to Petroleum, Inc., et al.), Post Office Box 594, Hooker, OK 73945.	Cities Service Gas Co., Hugoton Field, Stanton County, Kans.	[15] 12.5	14.65
CI72-452 ..... B 1-21-72	Gulf Oil Corp., Post Office Box 1589, Tulsa, OK 74102.	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Depleted	-----
CI72-453 ..... B 1-21-72	Crown Central Petroleum Corp., 1010 Bank of the Southwest Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., Iota Field, Acadia Parish, La.	Depleted	-----

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at and of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI72-454 ..... B 1-24-72	Anadarko Production Co., Post Office Box 296, Liberal, KS 67901.	Panhandle Eastern Pipe Line Co., Harris No. 1-5 Well, Boyer Field, Meade County, Kans.	Depleted	-----
CI72-455 ..... B 1-24-72	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	United Gas Pipe Line Co., Laura La Velle Field, Houston County, Tex.	Depleted	-----
CI72-456 ..... A 1-24-72	Amerada Hess Corp., Post Office Box 2040, Tulsa, OK 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Atchafalaya Bay Field, St. Mary Parish, La.	[3] 28.0	15.025

[1] Subject to upward and downward B.t.u. adjustment.
[2] Application previously noticed Oct. 15, 1971, in G-3573 et al., at a rate of 22 cents per Mcf. By letter dated Jan. 17, 1972, Applicant amended its application to reflect a rate of 26.5 cents per Mcf for a permanent certificate.
[3] Gas-well gas. Includes 1.48 cents per Mcf upward B.t.u. adjustment.
[4] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI62-1377 to be made pursuant to Calvert Exploration Co. (Operator) et al., FPC Gas Rate Schedule No. 6.
[5] Plus 0.015 cent per Mcf for 1967 Oklahoma tax reimbursement.
[6] Casinghead gas. Subject to upward and downward B.t.u. adjustment.
[7] Adjusted for B.t.u.
[8] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI62-1489 to be made pursuant to May Petroleum, Inc. (Operator), et al., FPC Gas Rate Schedule No. 16.
[9] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI63-1394 to be made pursuant to Apache Corp., FPC Gas Rate Schednie No. 28.
[10] Includes 3.006 cents per Mcf upward B.t.u. adjustment and 0.31509 cent per Mcf Oklahoma tax reimbursement.
[11] Incldnes 2.501 cents per Mcf upward B.t.u. adjustment.
[12] Applicant proposes to continue the sale of its own gas heretofore authorized in Docket No. CI66-27 to be made pursuant to American Trading and Production Corp. (Operator) et al., FPC Gas Rate Schedule No. 5.
[13] Subject to upward and downward B.t.u. adjustment. Applicant is willing to accept a permanent certificate in conformance with the provisions of Opinion No. 598.
[14] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI66-909 to be made pursuant to L. O. Ward (Operator and Agent) et al., FPC Gas Rate Schedule No. 1.
[15] Includes 0.255 cent per Mcf tax reimbursement.
[16] Applicant, a small producer certificate holder, proposes to sell gas from reserves acquired in place from a large producer.
[17] Pursuant to Opinion No. 586; however, the contract price is 13.5 cents per Mcf.

[FR Doc.72-2061 Filed 2-14-72;8:45 am]

FEDERAL RESERVE SYSTEM

ASSOCIATED BANK SERVICES, INC.

Order Approving Acquisition of Bank

Associated Bank Services, Inc., Green Bay, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 80 percent or more of the voting shares of Neenah West National Bank (Bank), Neenah, Wis.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls three banks with aggregate deposits of approximately $215 million, representing 2.1 percent of the total commercial bank deposits in the State, and is the fourth largest banking organization and bank holding company in Wisconsin.[1] Applicant's acquisition of Bank ($5.7 million in deposits) would increase applicant's share of deposits in the State by 0.1 percentage point without affecting applicant's ranking.

Bank was organized in 1966 by directors and officers of The First National Bank of Neenah (Neenah National), and was an affiliate of Neenah National until the latter bank was acquired by applicant on May 1, 1970. Presently, about 36 percent of Bank's stock is held by management of Neenah National and over 70 percent of Bank's stock is held by shareholders of applicant; the close association that existed appears to be a continuing relationship. It appears that the two banks do not in fact compete with each other, even though the main offices of Bank and Neenah National are located only 1.5 miles apart and there is considerable overlap of the respective service areas.

Bank is the smallest of the 15 banks in the Appleton banking market, the relevant market, which is approximated by the southeast portion of Outagamie County and the northeast portion of Winnebago County, and holds 1.7 percent of deposits in that market. Applicant's subsidiary, Neenah National ($43.6 million in deposits), holds 12.8 percent of the total deposits in the market. Two Appleton-based holding companies operate five banks in the market and together they control about 47 percent of total deposits there. Competing in the same market is the third largest banking organization in the State. The acquisition of Bank would have a minimal effect on concentration and, in view of the relationship between Bank and Neenah National, said acquisition apparently would not eliminate any existing competition. If the application were denied, the existing ownership ties might eventually be dissolved and Bank might be able to become an independent competitor. However, in view of the facts of record, including Bank's small size and small market share, and the number and size of banks already in the market, such possible disassociation is not likely to have a significant procompetitive effect. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have a significantly adverse effect on competition in any relevant area. Nor is consummation likely to have any significant adverse effects on Bank's competitors.

Applicant proposes to aid Bank in the technical aspects of lending, investments, data processing, trust services, marketing, accounting and auditing, as well as provide for management succession. While many of these services are already being furnished, it appears that the acquisition would assure the continuation by Bank of present services and the addition of improved and expanded services in the future. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application.

Considerations relating to financial and managerial resources and future prospects as they relate to applicant, its subsidiaries and Bank, are regarded as generally satisfactory. Applicant is in a position to assist Bank in meeting its need for additional capital; and proposes to add $100,000 to Bank's capital account. Applicant's acquisition of Bank would enhance Bank's prospects. Banking factors lend weight toward approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] February 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2196 Filed 2-14-72;8:46 am]

[1] All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through Nov. 30, 1971.

ASSOCIATED BANK SERVICES, INC.

Order Denying Acquisition of Bank

Associated Bank Services, Inc., Green Bay, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of American National Bank of Green Bay (Bank), Green Bay, Wis.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Voting against this action: Governor Robertson. Dissenting statement of Governor Robertson filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

V37 I31 FEB 15 72 XUM

Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls three banks with aggregate deposits of approximately $215 million, representing 2.1 percent of the total commercial bank deposits in the State, and is the fourth largest banking organization and bank holding company in Wisconsin.[1] Upon acquisition of Bank ($13.5 million of deposits), applicant's position in relation to the State's other banking organizations and holding companies would remain unchanged and applicant's share of deposits in the State would be increased by 0.1 percentage point.

Bank was established in 1963 by officers and directors of Kellogg-Citizens National Bank (Kellogg), applicant's lead bank ($120 million of deposits), and the two banks were affiliated until Kellogg was acquired by applicant upon its formation in 1970. At present, 64 percent of Bank's shares are owned by management of Kellogg and 87 percent of Bank's shares are held by shareholders of applicant. Bank is the seventh largest of 15 banks in the Green Bay banking market (which is approximately Brown County), the relevant market, and controls 3.5 percent of deposits in that market. Applicant's subsidiary, Kellogg, is the largest banking organization in that market with 31.3 percent of deposits there. Bank is located in a shopping center less than 3 miles from Kellogg which is located in downtown Green Bay; and the service areas of Bank and Kellogg overlap. However, due to their previous affiliation and present relationship, it appears that the two banks presently do not compete with each other.

Denial of the application holds out the possibility that the existing ownership links would be broken, and Bank could become an additional independent competitor with a resulting decrease in the share of deposits controlled by applicant in the relevant market. Furthermore, approval of the proposed acquisition would foreclose Bank as a possible point of entry for another bank holding company; and would solidify Kellogg's and applicant's already dominant position in the relevant market. On the basis of the record before it, the Board concludes that the effect of approval of the application herein may be substantially to lessen competition in the Green Bay area. Accordingly, this application should be disapproved unless the Board finds that the anticompetitive effects are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

In our judgment, consummation of applicant's proposal would result in no significant benefit to the convenience or needs of the community to be served. The record indicates that the area's needs are being served adequately by the banks serving the area. Bank is also providing, directly, or indirectly through Kellogg as its correspondent, the full line of services needed in its service area. If the application is denied, Bank reasonably may be expected to provide similar services with the assistance of one or more correspondents—whether as an independent bank or as a subsidiary of a bank holding company. Considerations relating to the convenience and needs of the communities to be served do not clearly outweigh the anticompetitive effects of the proposed transaction. Considerations relating to financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application but do not add strong weight for approval. On the basis of the record, the Board concludes that approval of the proposed acquisition is not in the public interest, and approval is accordingly denied.

By order of the Board of Governors,[2] February 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2197 Filed 2-14-72;8:46 am]

[1] All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through Nov. 30, 1971.

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its rules regarding availability of information, notice is given that on December 23, 1971, a majority of Committee members voted to suspend, until close of business on the day of the next meeting of the Committee, the lower limit (set forth in paragraph 1(c) of the continuing authority directive with respect to domestic open market operations) on interest rates on repurchase agreements arranged by the Federal Reserve Bank of New York with nonbank dealers. The suspended provision specified that such repurchase agreements were to be made "at rates not less than (1) the discount rate of the Federal Reserve Bank of New York at the time such agreement is entered into, or (2) the average issuing rate on the most recent issue of 3-month Treasury bills, whichever is the lower."

NOTE: For paragraph 1(a) of the directive, see 36 F.R. 22697, for paragraph 1 (b) and (c), see 32 F.R. 9584, for paragraph 2, see 36 F.R. 19277, and for paragraph 3, see 35 F.R. 447.

By order of the Federal Open Market Committee, February 3, 1972.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.72-2218 Filed 2-14-72; 8:48 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on November 16, 1971.[1]

The information reviewed at this meeting indicates that real output of goods and services expanded modestly in the third quarter, but greater growth appears in prospect for the current quarter. Although the unemployment rate has declined recently, it remains high. Available data indicate that the 90-day freeze effectively limited increases in prices and wages, and basic policies for the post-freeze stabilization program have been announced. The narrowly defined money stock declined further in October, but inflows of consumer-type time and savings deposits to banks expanded considerably and the broadly defined money stock increased moderately. Expansion in the bank credit proxy slowed substantially as the volume of large-denomination CD's outstanding rose less than in September and as U.S. Government deposits were reduced. Interest rates on both short- and long-term market securities have continued to decline in recent weeks and Federal Reserve discount rates were reduced by one-quarter of a percentage point to 4¾ percent. The U.S. foreign trade balance was raised in September by a sharp acceleration of export shipments in advance of an east coast port strike. In recent weeks net outflows of short-term capital apparently have diminished further, market exchange rates for foreign currencies against the dollar on average have not changed much, and foreign official reserve holdings have increased less than they did in September. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions consistent with the aims of the new governmental program, including sustainable real economic growth and increased employment, abatement of inflationary pressures and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to promote somewhat greater growth in monetary and credit aggregates over the months ahead. System open market operations until the next meeting of the Committee shall be conducted with a view to achieving bank reserve and money market conditions consistent with that objective.

By order of the Federal Open Market Committee, February 3, 1972.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc. 72-2217 Filed 2-14-72; 8:48 am]

[1] The Record of Policy Actions of the Committee for the meeting of November 16, 1971, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on December 14, 1971.[1]

The information reviewed at this meeting suggests that real output of goods and services is increasing more rapidly in the current quarter than it had in the third quarter, but the unemployment rate remains high. Increases in prices and wages were effectively limited by the 90-day freeze, which ended in mid-November. Since then some wage and price increases have occurred, but other increases requested have been cut back or not approved by the Pay Board and the Price Commission. The narrowly defined money stock changed little in November and has not grown on balance since August. Inflows of consumer-type time and savings deposits to banks remained rapid in November and the broadly defined money stock continued to increase moderately. Expansion in the bank credit proxy stepped up as U.S. Government deposits and nondeposit liabilities increased on average. After advancing in the latter part of November, most market interest rates have been declining recently, and discount rates at four Federal Reserve Banks were reduced by an additional one-quarter of a percentage point. The U.S. foreign trade balance was heavily in deficit in October. In recent weeks net outflows of short-term capital apparently have been substantial, market exchange rates for foreign currencies against the dollar on average have risen further, and official reserve holdings of some countries have increased considerably. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions consistent with the aims of the new governmental program, including sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, the Committee seeks to promote the degree of ease in bank reserve and money market conditions essential to greater growth in monetary aggregates over the months ahead.

On December 20, 1971, Committee members voted unanimously to amend this current economic policy directive by adding the clause "while taking account of international developments" at the end of the final sentence. As amended, that sentence reads as follows:

To implement this policy, the Committee seeks to promote the degree of ease in bank reserve and money market conditions essential to greater growth in monetary aggregates over the months ahead, while taking account of international developments.

By order of the Federal Open Market Committee, February 3, 1972.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.72-2216 Filed 2-14-72;8:48 am]

[1] The Record of Policy Actions of the Committee for the meeting of Dec. 14, 1971, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SECURITIES AND EXCHANGE COMMISSION

[811-1862—811-1863]

ABLE ASSOCIATES AND ABLE RETIREMENT FUND

Notice of Filing of Application Declaring That Companies Have Ceased To Be Investment Companies

FEBRUARY 9, 1972.

Notice is hereby given that Able Associates (Able) and Able Retirement Fund (Retirement), 174 Birch Drive, Manhasset Hills, NY (collectively called "Applicants") both registered as open-end, nondiversified management investment companies under the Investment Company Act of 1940 (Act), have filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicants have ceased to be investment companies as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicants represent that they registered under the Act on May 14, 1969, by filing notifications of registration on Form N-8A.

Able Associates Fund (Fund), an open-end, nondiversified management investment company was registered under the Act on September 30, 1969, for the purpose of effecting an exchange on the Fund's shares for outstanding interests in Able and Retirement. The Fund's currently effective Form S-5 Registration Statement was filed with the Commission on October 13, 1971. Applicants represent that pursuant to a Plan (Plan) approved by their partners, Able and Retirement would be dissolved after the effective date of the Funds' registration statement, and their assets would be distributed in proportion to the respective interests of the partners. Applicants further represent that according to the Plan, the Fund offered to each partner of Able and Retirement the option to receive Fund shares in exchange for an assignment of each respective partner's interest in the cash and securities held by Able and Retirement. The exchange offer terminated when all the partners assigned their respective interests in the assets of Able and Retirement for shares of the Fund. Applicants state that at present, neither Able nor Retirement have assets or limited partners. According to the Plan, Able, and Retirement are now in the process of dissolution.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 1, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2225 Filed 2-14-72;8:48 am]

[70-5137]

NARRAGANSETT ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

FEBRUARY 9, 1972.

Notice is hereby given that The Narragansett Electric Co. (Narragansett), 280 Melrose Street, Providence, RI 02901, an electric utility subsidiary company of New England Electric System (NEES), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9(a), 10, and 12 of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

V37I31 FEB 15 72 XUM

Narragansett proposes to issue and sell $7,500,000 aggregate principal amount of its First Mortgage Bonds, Series I, ____ percent, to mature not less than 5 years nor more than 30 years from the first day of the month of March 1972. Such bonds will be sold pursuant to the competitive bidding requirements of Rule 50 and the interest rate (which shall be a multiple of one-eighth of 1 percent) and the price exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount) will be determined by the competitive bidding. The bonds will be issued under the First Mortgage and Indenture and Deed of Trust dated as of September 1, 1944, between Narragansett and Rhode Island Hospital Trust National Bank, trustee, as heretofore supplemented and amended and as to be further supplemented by an Eighth Supplemental Indenture to be dated as of March 1, 1972, which may include a prohibition until March 1, 1977, against refunding the bonds with the proceeds of funds borrowed at an effective interest cost lower than that of the Series I Bonds. Narragansett will decide on both the maturity and refundability of the bonds after the date of public invitation for proposals and subsequently notify prospective bidders, but not later than the second full business day prior to the time of the bidding.

The proceeds from the sale of the bonds will be applied towards the reduction of $10 million of outstanding short-term promissory notes evidencing borrowings made for capitalizable expenditures or to reimburse the treasury therefor.

The application-declaration states that the Department of Business Regulation of Rhode Island has jurisdiction over the issue and sale of the bonds, and that an appropriate order will be obtained from that Commission and copies thereof will be filed herein by amendment and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid by Narragansett are estimated at $60,000, including service fees, at cost, of New England Power Service Co., a wholly owned subsidiary company of NEES, of $26,000. The fees of counsel for the underwriters are to be paid by the successful bidders and will be supplied by amendment.

Notice is further given that any interested person may, not later than March 6, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2226 Filed 2-14-72;8:48 am]

[812-3027]

NATIONAL SECURITIES FUNDS

Notice of Filing of Application For Exemption

FEBRUARY 9, 1972.

Notice is hereby given that National Securities & Research Corp. (Applicant), 120 Broadway, New York, NY, has filed on behalf of National Securities Funds (Fund), an open-end diversified management investment company registered under the Investment Company Act of 1940 (Act), an application pursuant to section 6(c) of the Act for an order exempting Charles A. Foehl, Jr., a director of Applicant, from the definition of interested person in section 2(a)(19) for the purposes of section 10 of the Act as it applies to Fund and to Applicant. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Fund was created prior to the enactment of the Act as an unincorporated common-law trust pursuant to a trust agreement, dated as of June 1, 1940. Since Fund's inception Applicant has acted as its depositor, principal underwriter, and investment manager.

Charles A. Foehl, Jr., a director of Applicant since 1961, is also a director of Berkshire Life Insurance Co. (Berkshire). In 1968 Berkshire organized Equity Sales, Inc. (Equity), an N.A.S.D. affiliate whose function is to offer for sale mutual funds sponsored by Berkshire. Applicant alleges that the business of Equity is a minor part of Berkshire's business and that Mr. Foehl takes no active part in it.

Equity sells to the public no securities other than securities of registered investment companies. Although it has dealer agreements with underwriters for 14 funds or groups of funds, its sales of mutual fund shares to the public have been predominantly sales of Berkshire Growth Fund and Berkshire Capital Fund, which are underwritten by Equity. Total sales of mutual fund shares by Equity amounted to $1,006,213 in the period between January 1, 1971, through October 31, 1971. Of such amount $897,835 or about 90 percent, was accounted for by sales of Berkshire Growth Fund and Berkshire Capital Fund.

Prior to December 14, 1971, section 10(a) of the Act provided that no registered investment company should have a board of directors more than 60 per centum of the members of which were persons who are investment advisers of, affiliated persons of, an investment adviser of, or officers or employees of such registered company. Effective December 14, 1971, amended section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 per centum of the members of which are persons who are interested persons of such registered company.

Section 2(a)(19) of the Act, in relevant part, defined an interested person, when used with respect to an investment company, as any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any director, officer, or employee of such other person.

Section 10(h) of the Act provides that in the case of a registered management company such as Fund which is an unincorporated company not having a board of directors, section 10(a) shall apply to the board of directors of the depositor of such company, i.e., Applicant. Under an order of the Commission of September 15, 1965 (Investment Company Act Release No. 4356), Applicant was exempted from section 10(a) provided that such exemption would terminate if at any time a majority of the board of directors of Applicant consists of persons who are affiliated with Applicant otherwise than as directors.

The board of directors of Applicant is currently composed of nine members. Three such directors are also officers of Applicant; one is a partner in a law firm which acts as counsel to Applicant; four have no relationship to Applicant other than their status as directors; and the remaining director is Mr. Foehl, the subject of this application, whose only relationship to Applicant other than as director, is his directorship in Berkshire. Thus, although Applicant presently meets the literal terms of the 1965 order in that a majority of its directors are persons affiliated with it only by virtue of their directorships, it is also true that, pursuant to section 10(a), as amended, a majority of Applicant's board of directors would be deemed interested persons of Applicant, unless the order requested as to Mr. Foehl is granted.

Section 6(c) of the Act provides that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act or rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that Charles A. Foehl, Jr., should not be deemed an "interested person" of Applicant because his affiliation with Berkshire does not and will not inhibit his independence or create an "interest" such as section 2(a)(19) was designed to reach, and that the requested exemption is, therefore, consistent with the interest of the Fund and the public.

Notice is further given that any interested person may, not later than March 1, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2227 Filed 2-14-72;8:49 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

FEBRUARY 9, 1972.

The common stock, $1 par value, of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order will be effective at 10 a.m., e.s.t., on February 9, 1972, and will terminate on February 18, 1972.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2228 Filed 2-14-72;8:49 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 875; Class B]

WASHINGTON

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of January 1972, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in Cowlitz, Skamania, Whitman, Asotin, Grays Harbar, Lewis, and Thurston Counties, Wash., suffered damage or destruction resulting from storms and floods beginning about January 19, 1972.

OFFICES

Small Business Administration Regional Office, 1206 Smith Tower, 506 Second Avenue, Seattle, WA 98104.
Small Business Administration District Office, 651 U.S. Courthouse, Post Office Box 2167, Spokane, WA 99210.
Small Business Administration District Office, 700 Pittock Block, 921 Southwest Washington Street, Portland, OR 97205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1972.

Dated: February 4, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-2201 Filed 2-14-72;8:47 am]

[MESBIC License Application 04/08-5102]

ENTERPRISES NOW, INC.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Enterprises Now, Inc., with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)).

The officers and directors of the applicant are as follows:

Cain H. Felder, 2142 Beecher Circle SW., Atlanta, GA 30311, President, Director.
Dr. W. Earle Wilson, 1498 Morley Drive SW., Atlanta, GA 30314, Treasurer, Assistant Secretary, Director.
Mrs. Thelma D. Barnes, 899 Beckwith Street SW., Atlanta, GA 30314, Secretary, Director.
James M. Shopshire, Sr., 899 Beckwith Street SW., Atlanta, GA 30314, Director.
Floyd C. Green, Jr., 2701 Oakland Avenue, Augusta, GA 30904, General Manager.

The applicant, a Georgia corporation with its principal place of business located at 898 Beckwith Street SW., Atlanta, GA 30314, will begin operations with $200,000 of paid-in capital, consisting of 100,000 shares of common stock. All of the issued and outstanding stock will be owned by Black Methodists for Church Renewal, Inc., a nonprofit organization located at 890 Beckwith Street SW., Atlanta, GA 30314.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

V37■31 FEB 15 72 XUM

A copy of this notice shall be published in a newspaper of general circulation in Atlanta, Ga.

Dated: February 7, 1972.

A. H. SINGER,
Associate Administrator for Operations and Investment.

[FR Doc.72-2203 Filed 2-14-72;8:47 am]

[License 04/05-0100]

SPACE COAST SBIC, INC.

Notice of Issuance of Small Business Investment Company License

On January 15, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 689) stating that Space Coast SBIC, Inc., 101 South Courtenay Parkway, Merritt Island, FL 32952, had filed an application with the Small Business Administration (SBA) pursuant to the Regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) for a license to operate as a small business investment company.

Interested parties were given to the close of business January 25, 1972, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 04/05-0100 to Space Coast SBIC, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: February 7, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-2204 Filed 2-14-72;8:47 am]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION AND OPERATIONS AND ASSOCIATE ADMINISTRATOR FOR INVESTMENT

Transfer of Functions and Title Changes

Notice is hereby given that the title of "Assistant Administrator for Administration" is changed to "Assistant Administrator for Administration and Operations" and the title of "Associate Administrator for Investment and Operations" is changed to "Associate Administrator for Investment." This is to provide for a transfer of responsibilities with respect to all field operations of the Small Business Administration.

Effective date: February 1, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-2202 Filed 2-14-72;8:47 am]

TARIFF COMMISSION

[337-L-46]

CLOSED TOE CIRCULAR HOSIERY KNITTING MACHINES AND DEVICES

Extension of Time for Filing Written Views

On December 2, 1971, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Scott & Williams, Inc., of Laconia, N.H., alleging unfair methods of competition and unfair acts in the unauthorized importation and sale of certain closed toe circular hosiery knitting machines and devices said to be embraced within the claims of U.S. Patent No. 3,340,706 and Reissue No. 26,580, which reissued patent is owned by complainant (36 F.R. 23018). The complaint also alleged further unfair methods or acts in the form of a conspiracy or combination among the respondents to avoid competition among themselves in the United States and to boycott complainant's patents.

Interested parties were given until January 10, 1972, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. On December 27, 1971, the time for filing written views was extended until February 9, 1972 (36 F.R. 25267). The time for filing written views has now been extended until the close of business on February 16, 1972.

Issued: February 10, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-2240 Filed 2-14-72;8:50 am]

[337-L-43]

PAPER STITCHERS

Notice of Dismissal of Complaint

After preliminary inquiry in accordance with § 203.3 of its rules of practice and procedure (19 CFR 203.3), the U.S. Tariff Commission, on February 4, 1972, dismissed (Commissioner Leonard dissenting) the complaint filed under section 337 of the Tariff Act of 1930 by Robert T. Kaufman of Silver Spring, Md., alleging unfair methods of competition and unfair acts in the importation and sale of certain paper stitchers which are embraced within the claims of U.S. Patent No. 2,994,881 owned by the complainant. Notice of the receipt of the complaint was published in the FEDERAL REGISTER (36 F.R. 303) on January 8, 1971.

The Commission dismissed the complaint at this time without ordering a full investigation or recommending the issuance of a temporary exclusion order because there is no definable producing industry in existence nor is there an industry within the purview of the statute prevented from being established.

Issued: February 10, 1972.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.72-2239 Filed 2-14-72;8:49 am]

DEPARTMENT OF LABOR

Employment Standards Administration

EXTENSION OF EXPIRATION DATES OF DAVIS-BACON AREA WAGE DETERMINATIONS

Notice of Variation From Certain Labor Standards

Whereas a number of general or area wage determinations of the Secretary of Labor issued under the Davis-Bacon Act and the provisions of other Federal statutes containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act will soon expire; and whereas the burdensome process of republication of these determinations would not be in the public interest because all appropriate changes in such wage determinations have regularly been incorporated into the determinations by modifications published in the FEDERAL REGISTER, I find that the variation from the provisions of 29 CFR 5.4 set forth below is necessary in order to avoid serious impairment in the conduct of Government business. I also find that notice, public procedure, and delay in the effective date of this document extending the life of wage determinations would be contrary to the public interest within the meaning of 5 U.S.C. 553.

Accordingly, notice is hereby given that pursuant to the provisions of 29 CFR 5.13 the expiration date of each outstanding general or area wage determination of the Secretary of Labor issued under the Davis-Bacon Act and the related statutes, as modified, is extended for a period of 120 days from the date on which it would have expired: *Provided, however,* That during this period of extension such area wage determinations will continue to be modified as appropriate.

Signed at Washington, D.C., this 11th day of February 1972.

HORACE E. MENASCO,
Administrator of Employment Standards.

[FR Doc.72-2331 Filed 2-14-72;8:52 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 10, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42349—*Boards or sheets from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-286), for interested rail carriers. Rates on boards or sheets, in carloads, as described in the application, from points in southwestern territory, to points in western trunkline, official (including Illinois) territories, on the one hand; also from specified points in Illinois, also Kansas and Missouri, to points in southwestern territory, on the other.

Grounds for relief—Market competition, rate relationship, and short-line distance formula and grouping.

Tariff—Supplement 115 to Southwestern Freight Bureau, agent, tariff ICC 4883. Rates are published to become effective on March 11, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2265 Filed 2-14-72;8:52 am]

[Notice 21]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 9, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 103490 (Sub-No. 67 TA), filed January 31, 1972. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, NY 12550. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pipe and fittings* on flatbed trailers, from Newburgh, N.Y., to Wantagh, Long Island, N.Y., and Jones Beach, Long Island, N.Y., for the account of Price Brothers Co., for 180 days. Supporting shipper: Price Brothers Co., Post Office Box 825, Dayton, OH 45401. Send protests to: Robert A. Radler, Officer in Charge, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 107983 (Sub-No. 15 TA), filed January 26, 1972. Applicant: COLDWAY EXPRESS, INC., Box 26, 1069 Johnson Street, Morton, IL 61550. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gravity flow wagon boxes, running gear, wheels, hubs, fertilizer equipment, plows and related parts*, between Goodfield, Ill., and points in Alabama, Arkansas, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming, for 180 days. Supporting shipper: William J. Dietrich, Dietrich Manufacturing, Inc., Post Office Box 65, Goodfield, IL 61742. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 111170 (Sub-No. 182 TA), filed January 27, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compound*, in bulk, from Jacksonville, Ark., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Transvaal, Inc., Post Office Box 69, Jacksonville, AR 72076. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 112963 (Sub-No. 24 TA), filed January 28, 1972. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Di-calcium phosphate*, dry in bulk, in tank vehicles, from Peabody, Mass., to Portland and Lewiston, Maine, for 180 days. Supporting shipper: Eastman Gelatine Corp., Peabody, Mass. 01960. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, MA 02203.

No. MC 114890 (Sub-No. 56 TA), filed January 27, 1972. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, MO 64801, Terminal: A. A. Highway, Caterville, 64835. Applicant's representative: Frank Shagets (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Tulsa Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 180 days. Supporting shippers: Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103; Olin Agricultural Division, Post Office Box 991, Little Rock, AR 72203. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 117119 (Sub-No. 450 TA), filed January 27, 1972. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 108, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Stilwell, Okla., to points in Oklahoma, Arkansas, New Mexico, Texas, Colorado, Kansas, Missouri, and California, for 180 days. Supporting shipper: Stilwell Foods, Stilwell, Okla. 74960. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 117147 (Sub-No. 5 TA), filed January 27, 1972. Applicant: STARR'S TRANSPORTATION, INC., Upper Main Street, North Troy, VT 05859. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood finishes*, such as, *varnish, paints, enamels, and thinning compounds*, in containers, from Milwaukee, Wis., to Hancock, Vt., under contract with Weyerhaeuser Co. to Chicago, Ill., for 180 days. Supporting shipper: Weyerhaeuser Co., 545 Westminster Street, Fitchburg, MA 01420. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 117304 (Sub-No. 28 TA), filed January 26, 1972. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street North,

V37•31 FEB 15 72 XUM

Lewiston, ID 83501. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Idaho north of the southern boundaries of Idaho and Lemhi Counties, Idaho, to points in Wyoming and Colorado, for 180 days. Supporting shippers: Potlatch Forests, Inc., General Offices, Lewiston, Idaho 83501; Kamiah Mills, Post Office Box 638, Kamiah, ID 83536; Konkolville Lumber Co., Inc., Orofino, Idaho 84544; Daugherty & Sons, Star Route, Rooskia, Idaho 83539; Zellco, Inc., Kooskia, Idaho. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 117799 (Sub-No. 26 TA), filed January 26, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Styropar*, (in drums), from Jamesburg, N.J., to Nixa, Mo., for 150 days. Supporting shipper: Diversified Plastics Corp., Nixa, Mo. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 119399 (Sub-No. 32 TA), filed January 28, 1972. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Post Office Box 1375, Joplin, MO 64801. Applicant's representative: David L. Sitton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Tulsa Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 180 days. Supporting shippers: Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103; Olin Corp., Agricultural Division, Post Office Box 991, Little Rock, AR 72203. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 123061 (Sub-No. 62 TA), filed December 27, 1971. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, UT 84104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass bathroom fixtures and auxiliary hardware incidental to the fixture and/or the installation thereof*, from Boise, Idaho, to Belgrade and Livingston, Mont., for 180 days. Supporting shipper: Component Structures, Inc., 1622 Taggart Street, Boise, ID 83705 (Ronald A. West, Vice President and General Manager). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 124328 (Sub-No. 50 TA), filed December 27, 1971. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, IL 60616. Applicant's representative: F. D. Partland (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Coral Gables, Fla., on the one hand, and, on the other, Boston, Mass.; New York, and Buffalo, N.Y.; Philadelphia, Pa.; Cleveland and Cincinnati, Ohio; Pittsburgh, Pa.; Baltimore, Md.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; Nashville, Tenn.; New Orleans, La.; Chicago, Ill.; Detroit, Mich.; St. Louis, Mo.; Little Rock, Ark.; Louisville, Ky.; Memphis, Tenn.; Minneapolis, Minn.; Helena, Mont.; Kansas City, Mo.; Denver, Colo.; Oklahoma City, Okla.; Omaha, Nebr.; Dallas, El Paso, Houston, San Antonio, Tex.; San Francisco and Los Angeles, Calif.; Portland, Oreg.; Salt Lake City, Utah; Seattle, Wash.; Culpeper, Va.; Ft. Knox, Ky.; Richmond, Va.; Washington, D.C.; and West Point, N.Y.; for 180 days. Supporting shipper: Mr. Robert F. Lenzi, Chief, Contracts and Negotiations Branch, Transportation and Communications Service, General Services Administration, Washington, D.C. 20405. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 124813 (Sub-No. 90 TA), filed January 26, 1972. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, in hopper vehicles, from the plantsite of Cargill, Inc., Cedar Rapids, Iowa, to points in Illinois on and north of U.S. Highway 36, for 150 days. Supporting shipper: Cargill, Inc., Cargill Building, Minneapolis, Minn. 55402. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 134145 (Sub-No. 16 TA), filed January 27, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, supplies, and equipment*, used in the manufacture of motor bikes, lawn mowers, and attachments, and snowmobiles, from points in California, Connecticut, Massachusetts, and New Jersey to Omaha, Nebr., for 180 days. Supporting shipper: General Leisure Products Corp., Post Office Box 529, Downtown Station, Omaha, NE 68101. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 134387 (Sub-No. 10 TA), filed January 26, 1972. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and can ends*, from points in Alameda and Santa Clara Counties, Calif., to Kent and Vancouver, Wash., for 180 days. Supporting shipper: National Can Corp., 1657 Rollins Road, Burlingame, CA. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 134875 (Sub-No. 1 TA), filed January 31, 1972. Applicant: John W. Smoot, Box 124, Mount Jackson, VA 22842. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, such as spun yarn and/or synthetic yarn, between Edinburg, Winchester, and Woodstock, Va., Belmont, Albermarie, High Point, and Valdese, N.C., and Spartanburg, S.C., on the one hand, and, on the other, Abilene, Tex., for 180 days. Supporting shipper: Aileen, Inc., Manufacturing Division, Edinburg, Va. 22824. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 136365 TA, filed January 27, 1972. Applicant: MIXON MILLING COMPANY OF CAIRO, INC., Second Avenue SE., Cairo, GA 31728. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Cairo, Ga., to points in Alabama and Florida, for 180 days. Supporting shipper: Cargill, Inc., Salt Department, Minneapolis, Minn. 55402. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2264 Filed 2-14-72;8:51 am]

[Notice 14-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 10, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73398. By order of February 7, 1972, the Motor Carrier Board approved the transfer to Mallory Moving & Storage, Inc., 207 North 10th Street, Columbia, MO, of certificate No. MC-86457 issued February 20, 1950, to Scurlock Transfer & Storage Co., Inc., 207 North 10th Street, Columbia, MO, authorizing the transportation of: General commodities, including household goods, but with certain exceptions, between Columbia, Mo., and points within 4 miles thereof.

No. MC-FC-73428. By order of February 8, 1972, the Motor Carrier Board approved the transfer to Berkshire Express, Inc., Pittsfield, Mass., of certificates Nos. MC-85608 (Sub-No. 1) and MC-85608 (Sub-No. 3) issued September 14, 1967, and November 21, 1963, to Richard L. Conway, doing business as Berkshire Express, Pittsfield, Mass., authorizing the transportation of: General commodities, with the usual exceptions, between specified points and areas in Massachusetts, Connecticut, and specified commodities of a general commodity nature, between points in Massachusetts, Vermont, Rhode Island, Connecticut, and New York. Harris N. Aaronson, attorney, 57 Wendell Avenue, Pittsfield, MA 01201.

No. MC-FC-73451. By order of February 3, 1972, the Motor Carrier Board approved the transfer to Rone Trucking, Inc., Morgantown, Ky., of the operating rights in permit No. MC-127824 (Sub-No. 1) issued November 14, 1966, to Otto Rone, Logansport, Ky., authorizing the transportation of various commodities from specified points in Kentucky to points in Illinois, Indiana, Michigan, and Ohio. Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2263 Filed 2-14-72;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATIONS:	
2032 (see PLO 5158)	3058
2372 (see PLO 5158)	3058
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3967 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
4105	2831
4106	2921
4107	3165
EXECUTIVE ORDERS:	
January 27, 1913 (partially revoked by PLO 5159)	3184
5237 (partially revoked by PLO 5155)	2840
5327 (see PLO 5157)	3057
7295 (see PLO 5162)	3185
8592 (see PLO 5162)	3185
11248 (amended by EO 11641)	2421
11345 (amended by EO 11646)	2925
11568 (see EO 11642)	2565
11641	2421
11642	2565
11643	2875
11644	2877
11645	2923
11646	2925
11647	3167
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567

5 CFR

	Page
213	2423, 2491, 2841, 2842, 2879, 3049
550	3355
PROPOSED RULES:	
900	2589

6 CFR

	Page
101	2491, 2678
102	2478
200	2479
201	3357
300	2842
311	2480

7 CFR

	Page
7	3349
51	2745
53	2745
501	2423
502	2424
701	2833
706	2491
722	3171
724	2745
726	2496
729	2645, 2765
795	3049
811	2659
905	2660
906	2765, 3049
907	2569, 2927
910	2426, 2766, 2834, 3171
928	2927
993	3349
1001	2928
1002	2929
1004	2929
1006	2930
1007	2930
1011	2930
1012	2930
1013	2931
1015	2931
1030	2931
1032	2932
1033	2932
1036	2932
1040	2932
1043	2933
1044	2933
1046	2933

7 CFR—Continued

	Page
1049	2933
1050	2934
1060	2934
1061	2934
1063	2934
1064	2935
1065	2497, 2935
1068	2935
1069	2935
1070	2936
1071	2936
1073	2936
1075	2936
1078	2937
1078	2937
1079	2937
1090	2937
1094	2938, 2944
1096	2938
1097	2938
1098	2938
1099	2939
1101	2939
1102	2939
1103	2939
1104	2940
1106	2940
1108	2940
1120	2940
1124	2940
1125	2941
1126	2941
1127	2941
1128	2941
1129	2942
1130	2942
1131	2942
1132	2942
1133	2943
1134	2943
1136	2943
1137	2943
1138	2944
1806	2879
1823	2879, 3172

V 37 ■ 31 FEB 15 72 F XUM

7 CFR—Continued

	Page
1871	2569
1890	3174
1890i	3172
PROPOSED RULES:	
29	3362
51	3363
59	2775, 3187
81	2778
726	2773
729	2774
909	3366
945	2844
966	2845
982	2515
987	2890
993	2515
1001	3187
1002	3187
1046	2969
1421	2844
1434	2775
1446	2844
1481	2890
1701	2846

8 CFR

214	2766
238	2766
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

11	2426
73	2945
82	2429, 2498, 3050
97	2430
113	2430
301	2661
311	2661
315	2661
PROPOSED RULES	
316	2779
317	2779

12 CFR

701	2946, 3174
PROPOSED RULES:	
529	2447
750	2594

13 CFR

120	2569
123	2947

14 CFR

39	2498, 2570, 2662, 2835, 2880
71	2570–2572, 2835–2837, 2952, 2953, 3050, 3349
73	2499, 2837
75	2499, 2500, 2572, 2767
93	2953
95	2573
97	2662, 3174
121	2500
221	2664
241	2501
PROPOSED RULES:	
61	2523
67	2523
71	2524, 2587, 2682, 2683, 3059, 3367

14 CFR—Continued

	Page
PROPOSED RULES—Continued	
73	2847
103	2587, 2588
121	2523, 2684
127	2523
159	3059
183	2523

15 CFR

377	2430
386	3175
PROPOSED RULES:	
7	2846

16 CFR

13	2575, 2576, 2578–2581, 2953
PROPOSED RULES:	
425	2848
432	2454, 2849

17 CFR

241	3050
PROPOSED RULES:	
230	2596, 2598
239	2596, 2598
240	3059

18 CFR

2	2502, 2954
PROPOSED RULES:	
101	2451
104	2451
105	2451
141	2451
260	2451, 3193

19 CFR

12	2430, 2665
PROPOSED RULES:	
1	2443
11	2509
134	2509

20 CFR

614	2434
617	2434
PROPOSED RULES:	
620	2684

21 CFR

1	3175
3	2503, 3175
8	3177
121	2437, 2958–2960, 3177
135	2961, 3053
135b	3053
135c	3178
135e	2960, 2961
141c	2665
141d	3178
144	2960
146a	2665, 3178
146c	2665
146d	3178
146e	2665, 3179
148i	3179
148n	2665
149a	2438
PROPOSED RULES:	
15	3189
17	3189
121	3060, 3366
130	2969
135	2444

22 CFR

41	2439, 3053

24 CFR

275	3185
600	2665
1710	2768
1911	3350
1914	2505, 2881
1915	2505, 2882

25 CFR

221	2506
PROPOSED RULES:	
43h	2679
221	3060

26 CFR

1	2506
301	2481, 2506
PROPOSED RULES:	
1	2773

28 CFR

0	3180
9	2768
45	2769

29 CFR

727	3180
1904	2439
1910	3053
PROPOSED RULES:	
460	2443
1926	2443

30 CFR

PROPOSED RULES:	
80	2968

31 CFR

316	2554

32 CFR

1452	3181
1801	2672
1808	2673
PROPOSED RULES:	
1499	2849

32A CFR

Ch. X: OI Reg. 1	2439

33 CFR

3	3350
117	2838
PROPOSED RULES:	
110	2446, 2447, 2587, 2890
117	2521, 2522

36 CFR

6	3350

37 CFR

2	2880
202	3055
PROPOSED RULES:	
1	2520

38 CFR

1	2676
8	3352

39 CFR

	Page
Ch. I	2423
273	3352
619	3056

40 CFR

52	2581
85	2432
106	2433
180	2676, 2839, 2883, 3181, 3352
PROPOSED RULES:	
6	3367
164	3060

41 CFR

1–2	2769
1–7	2769
1–12	2769
1–16	2771
3–1	3353
3–2	3353
5A–1	3182
5A–2	3182
5A–8	2507
5A–72	3183
5A–73	2441, 3183
8–14	2508
8–74	2508
101–11	2962
101–27	2771
PROPOSED RULES:	
14–10	2680
60–7	2847

42 CFR

PROPOSED RULES:	
51b	2970
54	2970

43 CFR

2	2677
25	3183
PUBLIC LAND ORDERS:	
1272 (modified by PLO 5161)	3185
2732 (amended by PLO 5160)	3184
4522 (amended by PLO 5157)	3057
5154	2677
5155	2840
5156	3056
5157	3057
5158	3058
5159	3184
5160	3184
5161	3185
5162	3185

45 CFR

102	2882
170	2882
1015	2840
PROPOSED RULES:	
118	2779
143	2779
220	2445
222	2445
415	2986

46 CFR

PROPOSED RULES:	
12	3190
66	2681
193	2682

47 CFR

	Page
1	3277
2	2771
15	3277
21	2583, 3277, 3354
74	3278
76	3278
78	3292
83	2884
91	3297
211	2771
PROPOSED RULES:	
73	2524, 2790, 2891
76	3190, 3192
81	2524

49 CFR

173	2885
174	2886
177	2886
178	2886
179	3058
571	3185
1033	2677, 3354
1211	2841
1311	3354
PROPOSED RULES:	
173	2588
178	2588

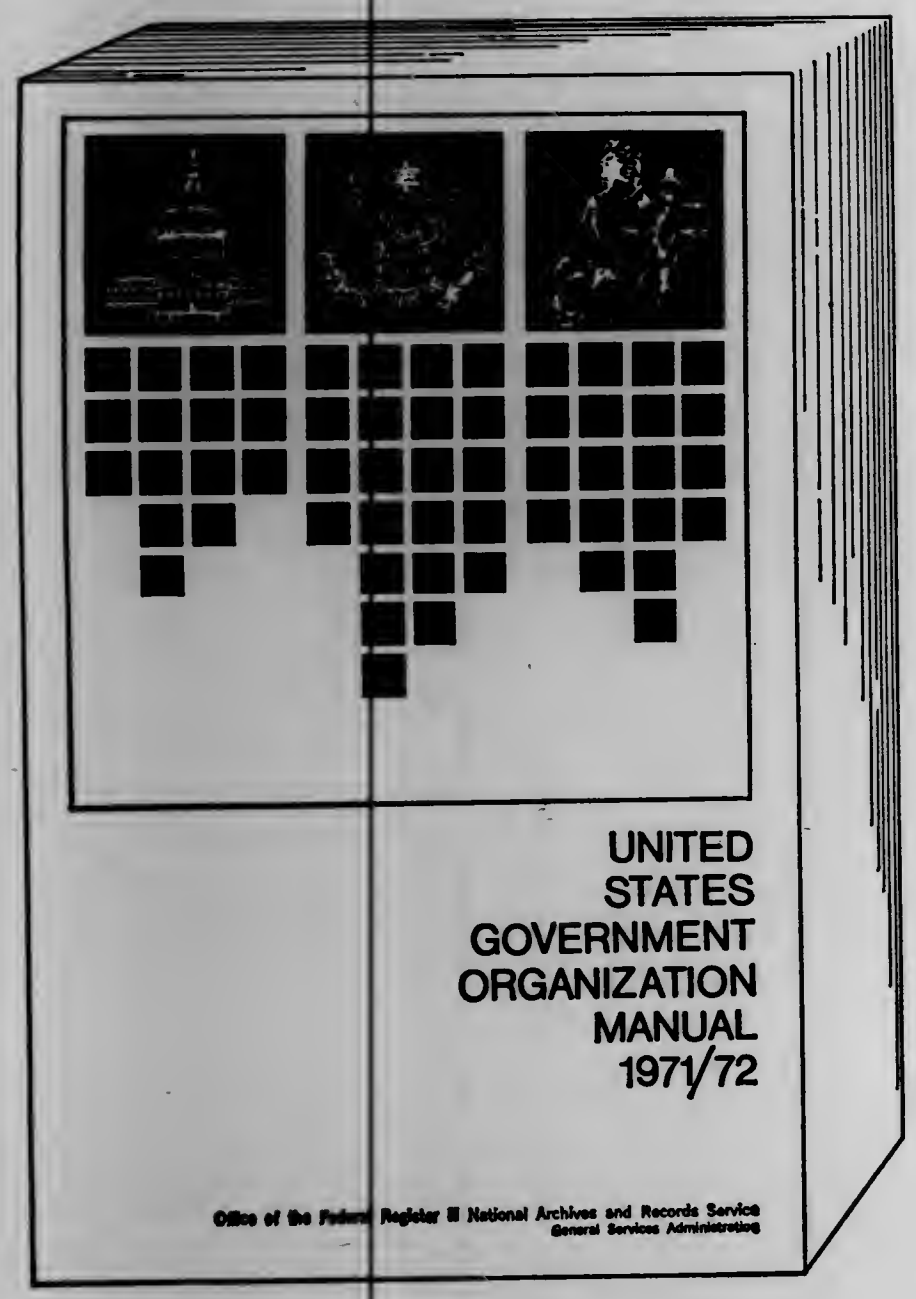
50 CFR

28	2964
33	2441, 2502, 2841, 2964, 2967
280	2516
PROPOSED RULES:	
17	2589
280	2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date	Pages	Date	Pages	Date
2411–2482	Feb. 1	2739–2823	Feb. 5	2915–3041	Feb. 10
2483–2557	2	2825–2867	8	3043–3157	11
2559–2636	3	2869–2913	9	3159–3341	12
2637–2737	4			3343–3401	15

V 37-31 FEB 15 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C-1

federal register

WEDNESDAY, FEBRUARY 16, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 32
Pages 3403–3500
PART I
(Part II begins on page 3491)



HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

REQUESTS FOR ASYLUM—State Dept. notice on policy and procedures 3447

FLAMMABLE FABRICS—FTC proposal concerning guaranties, testing, and labeling; comments by 3–15–72 3443

MEDICARE—HEW proposal on coverage of services of independent laboratories; comments within 30 days 3491

CHILD POISON PREVENTION—FDA regulations on safe packaging standards for aspirin-containing preparations 3427

NUCLEAR FACILITIES—AEC amendments to financial protection requirements; effective 3–1–72 3423

ECONOMIC STABILIZATION—
IRS notices on Cost of Living Council rulings on the sale of used products, sales at military commissaries, and other matters (3 documents) 3450
IRS notice on Cost of Living Council and Price Comm. ruling relating to price adjustments below the base price level 3451
IRS notice of Pay Board ruling on application of definitions of "pay adjustment" and "appropriate employee unit" 3451
IRS notices on Price Comm. rulings on the determination of base prices, pollution control expenditures, future rent increases, and other matters (13 documents) 3451–3454

(Continued inside)

V 37-32
FEB 16 72
XUM

Would you like to know WHAT CHANGES HAVE BEEN MADE IN CERTAIN TITLES OF THE CODE OF FEDERAL REGULATIONS without reading the Federal Register every day? If so, you may wish to subscribe to the "List of CFR Sections Affected."

List of CFR Sections Affected — $5.00 per year

The "List of CFR Sections Affected" is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register, and is issued monthly in cumulative form. Entries indicate the nature of the changes.

Also available on a subscription basis . . .

The Federal Register Subject Index — $3.00 per year

Subject Indexes covering the contents of the daily Federal Register are issued monthly, quarterly, and annually. Entries are carried primarily under the names of the issuing agencies, with the most significant subjects additionally carried in appropriate alphabetical position.

A finding aid is included at the end of each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Order from: Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Note to FR Subscribers: FR Subject Indexes and the "List of CFR Sections Affected" will continue to be mailed free of charge to regular FR subscribers.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

UPLAND COTTON—USDA amendments for 1972 base acreage allotments; effective 2–16–72 3420

CARTMEN AND LIGHTERMEN—Customs Bur. rule on licenses and ID cards 3423

IMPORT TAX—Customs Bur. rule on alcoholic beverages 3425

DISABILITY INSURANCE—HEW rule concerning benefit reductions; effective 2–16–72 3425

NEW ANIMAL DRUGS—FDA approval of certain sulfa compound; effective 2–16–72 3426

ANTIBIOTICS—FDA revocation of exemption from certification for certain penicillin and bacitracin drugs 3426

FAIR HOUSING—HUD rule on display and content of Fair Housing Poster 3429

OCCUPATIONAL SAFETY AND HEALTH—Labor Dept. amendments on applicability of certain electrical standards; effective 3–15–72 3431

LIFESAVING EQUIPMENT—Coast Guard interim regulations; effective 4–17–72 3433

PROCUREMENT—AEC miscellaneous amendments; effective 2–16–72 3435

SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN—USDA proposal on in-kind contributions, summer programs, and other matters; comments within 20 days 3440

TOBACCO—
- USDA proposal on 1972 crop support program; comments within 30 days 3439
- USDA announcement of results of marketing quota referenda 3422
- USDA proposal on cigar-binder tobacco marketing quotas; comments within 10 days 3438

SECURITIES—SEC extension of comment time to 2–24–72 on proposal concerning proxy rules 3446

INTERNATIONAL CARGO—Treasury Dept. recommended standards of security 3455

ENVIRONMENT—
- AEC notices of availability of reports (3 documents) 3466, 3467
- Interior Dept. notice of availability of report 3457

AIR PASSENGER AND CARGO RATES—
- CAB notice on proposed blocked-space multicontainer general commodity rates 3467
- CAB notice on agreements adopted by International Air Transport Assoc.; comments by 2–25–72 3468

COMMISSION ON HIGHWAY BEAUTIFICATION—Commission notice on change of hearing site to Beverly Hills, Calif 3470

PESTICIDES—EPA notice of temporary tolerance for substance used on rice 3470

LIGHTWEIGHT LUGGAGE—Tariff Comm. notice on recommendation to exclude certain imports; comments within 20 days 3476

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Certain types of tobacco; marketing quota referendum results 3422

Upland cotton; base acreage allotments for 1971, 1972, and 1973 crops 3420

Proposed Rule Making

Cigar-binder tobacco; determinations and action regarding termination of marketing quotas for 1972–73 marketing year 3438

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Animal and Plant Health Service; Commodity Credit Corporation; Consumer and Marketing Service; Food and Nutrition Service.

Notices

Six Rivers National Forests; transfer of certain lands 3458

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations

Overtime services relating to imports and exports; administrative instructions prescribing commuted travel time allowances 3410

ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY OFFICE

Rules and Regulations

Fair housing poster; display and content 3429

ATOMIC ENERGY COMMISSION

Rules and Regulations

Financial protection requirements and indemnity agreements; miscellaneous amendments 3423

Miscellaneous amendments to chapter 3435

(Continued on next page)

V 37 32 FEB 16 72 XUM

Notices

Environmental statements; availability of applicant's supplemental reports:
- Maine Yankee Atomic Power Co ---- 3466
- Virginia Electric and Power Co ---- 3466

Florida Power & Light Co.; availability of draft environmental statement ---- 3467
Texas A & M University; issuance of facility license amendment ---- 3466
Wisconsin Electric Power Co. and Wisconsin Michigan Power Co.; reconstitution of Board ---- 3467

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
- Airlift International, Inc ---- 3467
- International Air Transport Association ---- 3468
- Pakistan International Airlines Corp ---- 3469
- REA Air Freight Forwarding, Control, and Interlocking Relationships Investigation ---- 3470

CIVIL SERVICE COMMISSION

Rules and Regulations

Position classification; appeals procedure ---- 3409

COAST GUARD

Rules and Regulations

Lifesaving equipment; interim boat regulations ---- 3433

COMMERCE DEPARTMENT

See also Maritime Administration; National Oceanic and Atmospheric Administration.

Notices

Assistant Secretary for Economic Affairs; authorities, duties and responsibilities ---- 3459
Federal cochairmen of regional commissions; functions and responsibilities ---- 3459
National Business Council for Consumer Affairs staff; organization and functions ---- 3460
Office of Regional Economic Coordination; establishment and functions ---- 3460
Social and Economic Statistics Administration; establishment, organization, and functions (2 documents) ---- 3461, 3462

COMMODITY CREDIT CORPORATION

Proposed Rule Making

Tobacco; loan and purchase program ---- 3439

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Domestic dates produced or packed in Riverside County, Calif.; revision of 1971–72 free and restricted percentages and withholding factor for zahidi dates ---- 3439
Hops of domestic production; salable quantity and allotment percentage for 1972–73 marketing year ---- 3440

CUSTOMS BUREAU

Rules and Regulations

Cartmen and lightermen; procedures for revoking or suspending licenses and identification cards ---- 3423
Import tax; delinquent deferred taxes on alcoholic beverages ---- 3425

ENVIRONMENTAL PROTECTION AGENCY

Notices

Potassium azide; establishment of temporary tolerance ---- 3470

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Certain Bendix wheel assemblies; airworthiness directive ---- 3409
Transition areas:
- Alteration ---- 3409
- Designation ---- 3409

Proposed Rule Making

Restricted area; alteration ---- 3442
Transition areas:
- Designation ---- 3443
- Alterations (2 documents) ---- 3441, 3442

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Frequency allocation table ---- 3437

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
- Central Gulf Steamship Corp. et al ---- 3470
- City of Los Angeles and Overseas Shipping Co ---- 3470
- Maryland Port Administration and Terminal Shipping Co ---- 3471
- Port of Oakland and Harry H. Blanco Co ---- 3471

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Beacon Gasoline Co ---- 3471
- Daniel, E. Ralph, et al ---- 3472

FEDERAL RESERVE SYSTEM

Notices

Banque Nationale de Paris; orders approving formation of bank holding company and retention of investment (2 documents) ---- 3472
L & L Holding Co.; formation of bank holding company and proposed acquisition of W & W Insurance Agency ---- 3473
Valley Bancorporation; acquisition of bank ---- 3474
Western Bancshares, Inc.; formation of bank holding company and proposed retention of Woodston Agency ---- 3474

FEDERAL TRADE COMMISSION

Proposed Rule Making

Flammable fabrics; guaranties, testing, and labeling for carpets and rugs ---- 3443

FISH AND WILDLIFE SERVICE

Rules and Regulations

Iroquois National Wildlife Refuge, N.Y.; public access, use, and recreation ---- 3436
Muscatatuck National Wildlife Refuge, Ind.; sport fishing regulations ---- 3437

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Certain penicillin and bacitracin drugs; revocation of exemption from certification ---- 3426
Preparations containing aspirin; child protection packaging standards ---- 3427
Sulfadimethoxine; approval of new animal drug in oral dosage form ---- 3426

FOOD AND NUTRITION SERVICE

Proposed Rule Making

Special food service program for children; in-kind contributions, summer programs, and other matters ---- 3440

GEOLOGICAL SURVEY

Notices

Alaska; coal land classification ---- 3457

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Social Security Administration.

Notices

Social and Rehabilitation Service; statement of organization, functions, and delegations of authority ---- 3465

HIGHWAY BEAUTIFICATION COMMISSION

Notices

Highway beautification; change of site of public hearing ---- 3470

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Assistant Secretary for Equal Opportunity Office.

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Geological Survey; National Park Service.

Notices

Certain individuals; statements of changes in financial interests (12 documents) ---- 3457, 3458

INTERNAL REVENUE SERVICE

Notices

Economic stabilization; Cost of Living Council, Pay Board and Price Commission rulings (18 documents) ---- 3450–3454

INTERSTATE COMMERCE COMMISSION

Proposed Rule Making

Motor carriers of household goods; use of credit card system; extension of time for filing statements ---- 3446

Notices

Assignment of hearings ---- 3480
Fourth section application for relief ---- 3480
Raymond R. Manion; statement of changes in financial interests ---- 3480
Motor carriers:
- Alternate route deviation notices (2 documents) ---- 3480, 3481
- Applications and certain other proceedings ---- 3481
- Intrastate applications ---- 3486

LABOR DEPARTMENT

See Occupational Safety and Health Administration; Wage and Hour Division.

MARITIME ADMINISTRATION

Rules and Regulations

War risk insurance; change in expiration dates ---- 3436

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Edward B. Davis; loan application ---- 3459

NATIONAL PARK SERVICE

Proposed Rule Making

Glacier National Park, Mont.; restrictions on fishing, use of motor boats, and hitchhiking (2 documents) ---- 3438

Notices

Padre Island National Seashore master plan; availability of draft environmental statement ---- 3457

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules and Regulations

Certain electrical standards; applicability ---- 3431

PRICE COMMISSION

Rules and Regulations

Reporting forms ---- 3410

SECURITIES AND EXCHANGE COMMISSION

Proposed Rule Making

Shareholder proposals; proposed proxy rules; extension of time for submitting comments ---- 3446

Notices

Hearings, etc.:
- Applied Devices Corp ---- 3474
- Butcher & Sherrerd ---- 3474
- Ecological Science Corp ---- 3476

SOCIAL SECURITY ADMINISTRATION

Rules and Regulations

Disability insurance; benefit reductions based on receipt of workmen's compensation ---- 3425

Proposed Rule Making

Federal health insurance for the aged; conditions for coverage of services of independent laboratories ---- 3492

STATE DEPARTMENT

Notices

Asylum; procedures for handling requests ---- 3447
Environmental impact statements; issuance of procedures for preparation and coordination ---- 3448

TARIFF COMMISSION

Notices

Lightweight luggage; findings and recommendations ---- 3476

TREASURY DEPARTMENT

See also Customs Bureau; Internal Revenue Service.

Notices

International cargo; standards for security ---- 3455

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration.

VETERANS ADMINISTRATION

Rules and Regulations

Statements of employment and financial interests; list of positions required to file ---- 3435

WAGE AND HOUR DIVISION

Rules and Regulations

Industry committees in Puerto Rico, the Virgin Islands, and American Samoa; compensation for work of committee members ---- 3430

Notices

Employment of full-time students working outside of school hours at special minimum wages in retail or service establishments or in agriculture; authorization certificates ---- 3476

V37-32 FEB 16 72 XUM

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR
532 ... 3409

6 CFR
300 ... 3410

7 CFR
722 ... 3420
724 ... 3422
PROPOSED RULES:
225 ... 3440
724 ... 3438
987 ... 3439
991 ... 3440
1464 ... 3439

9 CFR
97 ... 3410

10 CFR
140 ... 3423

14 CFR
39 ... 3409
71 (2 documents) ... 3409
PROPOSED RULES:
71 (4 documents) ... 3441–3443

16 CFR
PROPOSED RULES:
302 ... 3443

17 CFR
PROPOSED RULES:
240 ... 3446

19 CFR
21 ... 3423
24 ... 3425

20 CFR
404 ... 3425
PROPOSED RULES:
405 ... 3492

21 CFR
135 ... 3426
135c ... 3426
146a ... 3426
146e ... 3426
295 ... 3427

24 CFR
110 ... 3429

29 CFR
511 ... 3430
1910 ... 3431
1926 ... 3431

33 CFR
199 ... 3433

36 CFR
PROPOSED RULES:
7 (2 documents) ... 3438

38 CFR
0 ... 3435

41 CFR
9–1 ... 3435
9–5 ... 3435
9–7 ... 3435
9–59 ... 3436

46 CFR
308 ... 3436

47 CFR
2 ... 3437

49 CFR
PROPOSED RULES:
1056 ... 3446
1322 ... 3446

50 CFR
28 ... 3436
33 ... 3437

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72–CE–6–AD, Amdt. 39–1393]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Bendix Wheel Assemblies

There have been several reports of cracks occurring in the hub inside diameters of inboard wheel halves of Bendix wheel assemblies installed on Boeing 747 series airplanes. Such cracks can develop in the early service life of these wheels, which if not detected and corrected, may result in failure of the wheel assemblies. Since the condition described herein is likely to exist or develop in other such wheel assemblies, an airworthiness directive is being issued requiring repetitive inspections of the hub area of Bendix P/N's 2601901 and 2603561 wheel assemblies installed on Boeing 747 series airplanes and the replacement of any defective parts found during said inspections.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BENDIX. Applies to P/N's 2601901 and 2603561 wheel assemblies (TSO C26B) used on Boeing 747 series airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent wheel failure accomplish the following:

(A) At the next tire change after the effective date of this AD, and thereafter at every other tire change until five (5) additional inspections have been accomplished (except as noted in paragraph B below), inspect the subject wheel assemblies for cracks. This inspection requires use of the dye penetrant method or an FAA-approved equivalent on the hubs of wheel halves, P/N's 2602118 and 2603745, with particular attention to the area in or near the radius in the hub ID behind the inboard bearing cup.

(B) On wheels that have had a minimum of twelve (12) tire changes, a one time only inspection in accordance with paragraph A is required.

(C) If cracks are found during any inspection required by paragraph A or B, prior to further flight, replace all defective parts with airworthy parts. The replacement of defective parts will not relieve the requirement for accomplishing the repetitive inspections specified in paragraph A.

Bendix Service Information Letter No. 319, dated September 16, 1971, pertains to this subject.

This amendment becomes effective February 17, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 4, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72–2269 Filed 2–15–72;8:45 am]

[Airspace Docket No. 71–SW–70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at De Quincy, La.

On December 24, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 24944) stating the Federal Aviation Administration proposed to designate the De Quincy, La., transition area.

The Air Transport Association of America (ATA) expressed opposition to the processed IFR approach procedure at De Quincy Industrial Airport, stating that it would conflict with the primary ILS procedure which serves the municipal airport at Lake Charles, La.

A review of the airport and approach procedure indicates there are three aircraft based at the De Quincy Industrial Airport and each is a single-engine aircraft. It is anticipated there will be but a minimum number of instrument approaches conducted to this airport during actual IFR conditions; however, an additional study was made to ascertain if changes in the procedure could further alleviate any impact this approach might have on other IFR air traffic in the area.

It was determined that an alternate missed approach procedure would be provided which could be utilized when traffic volume so dictates and as specified by air traffic control. This alternate procedure would provide for climb to an altitude above the normally specified 1,500-foot altitude, e.g., 3,500 feet, which would afford greater flexibility in handling air traffic in the Lake Charles/De Quincy, La., area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

DE QUINCY, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of De Quincy Industrial Airport (latitude 30°26'17" N., longitude 93°28'21" W.) and within 2 miles each side of the Lake Charles VORTAC 318° radial extending from the airport to a point 6 miles southeast.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 7, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72–2271 Filed 2–15–72;8:45 am]

[Airspace Docket No. 71–SO–182]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 25235), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Lakeland, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Lakeland, Fla., transition area is amended as follows:

"• • • 9.5 miles southwest of the VORTAC • • •" is deleted and "• • • 9.5 miles southwest of the VORTAC; within a 5-mile radius of Plant City Municipal Airport (lat. 28°00'00" N., long. 82°09'40" W.) • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 7, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72–2270 Filed 2–15–72;8:45 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 532—PAY RATE UNDER PREVAILING RATE SYSTEMS

Appeal to the Commission

Section 532.703 is amended to clearly specify the effective date of any change in the classification of a job resulting

V37-32 FEB 16 72 XUM

from an appeal to the Civil Service Commission and to show the change in the title of Bureau of Inspections to Bureau of Personnel Management Evaluation.

Effective on publication in the FEDERAL REGISTER (2–16–72), paragraphs (a) and (d) of § 532.703 are amended as set out below.

§ 532.703 Appeal to the Commission.

(a) An employee may appeal the classification of his position to the Bureau of Personnel Management Evaluation of the Commission only (1) after the agency has issued a decision under the system established under § 532.702, and (2) if he files the appeal with the Commission within 15 calendar days after receipt of the decision of the agency. The Commission may extend this time limit on a showing by the employee that he was not notified of the applicable time limit and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

• • • • •

(d) The Commission shall notify the employee and the agency in writing of its decision. The effective date of a change in the classification of a position directed by the Commission shall be specified in the decision of the Commission, computed from the date the employee filed his application with the agency, and determined under § 532.702(b)(11).

• • • • •

(5 U.S.C. sec. 5345)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2319 Filed 2-15-72;8:52 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1972 ed.), as amended February 1, 1972 (37 F.R. 2430), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

OUTSIDE METROPOLITAN AREA

1 HOUR

Add: Nogales, Ariz. (when served from Lochiel, Ariz.).

2 HOURS

Add: Nogales, Ariz. (when served from Tumacacori, Ariz.).

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (2–16–72).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Service.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of February 1972.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Service.

[FR Doc.72-2368 Filed 2-15-72;8:53 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Appendix II—Price Commission Reporting Forms

The purpose of this amendment is to add Appendix II—Price Commission Reporting Forms, to Part 300 of the Commission regulations. The appendix contains the following forms: PC–1, for tier I and tier II manufacturers and service organizations requesting approval of or reporting price increases; PC–50, base period income statements for certain tier I and tier II firms; and PC–51, reports on sales, costs, and profits by certain tier I and tier II firms. Provisions requiring these reports are contained in §§ 300.51 and 300.52. Other forms will be added to the appendix as they are approved. The forms described above have been approved by the Office of Management and Budget pursuant to OMB 164–R0001; OMB 164–R0002; and OMB 164–R0003; which expire April 30, 1973.

Also included, for information purposes, is a form which may be used to show a delegation of authority to sign reporting forms sent to the Price Commission.

(Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended by adding the following new Appendix II at the end thereof, effective January 31, 1972.

Issued in Washington, D.C., on February 10, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

APPENDIX II—PRICE COMMISSION REPORTING FORMS

DELEGATION OF AUTHORITY TO CERTIFY FOR A CONSOLIDATED GROUP OF A PARENT FIRM OR FOR A PORTION ("REPORTING ENTITY") THEREOF

Requests and reports to the Price Commission are normally required to be signed and certified to by the chief executive officer of the firm that is the parent of the requesting or reporting firm. Authority to sign and certify to such documents may, however, be delegated to named executive officers of the organization. A copy of such a delegation must be filed with the Price Commission and should be in substantially the following form:

DELEGATION OF AUTHORITY TO SIGN AND CERTIFY FOR A CONSOLIDATED GROUP OF A PARENT FIRM OR FOR A PORTION ("REPORTING ENTITY") THEREOF

(Name of parent firm)

I, ---, hereby
(Name)

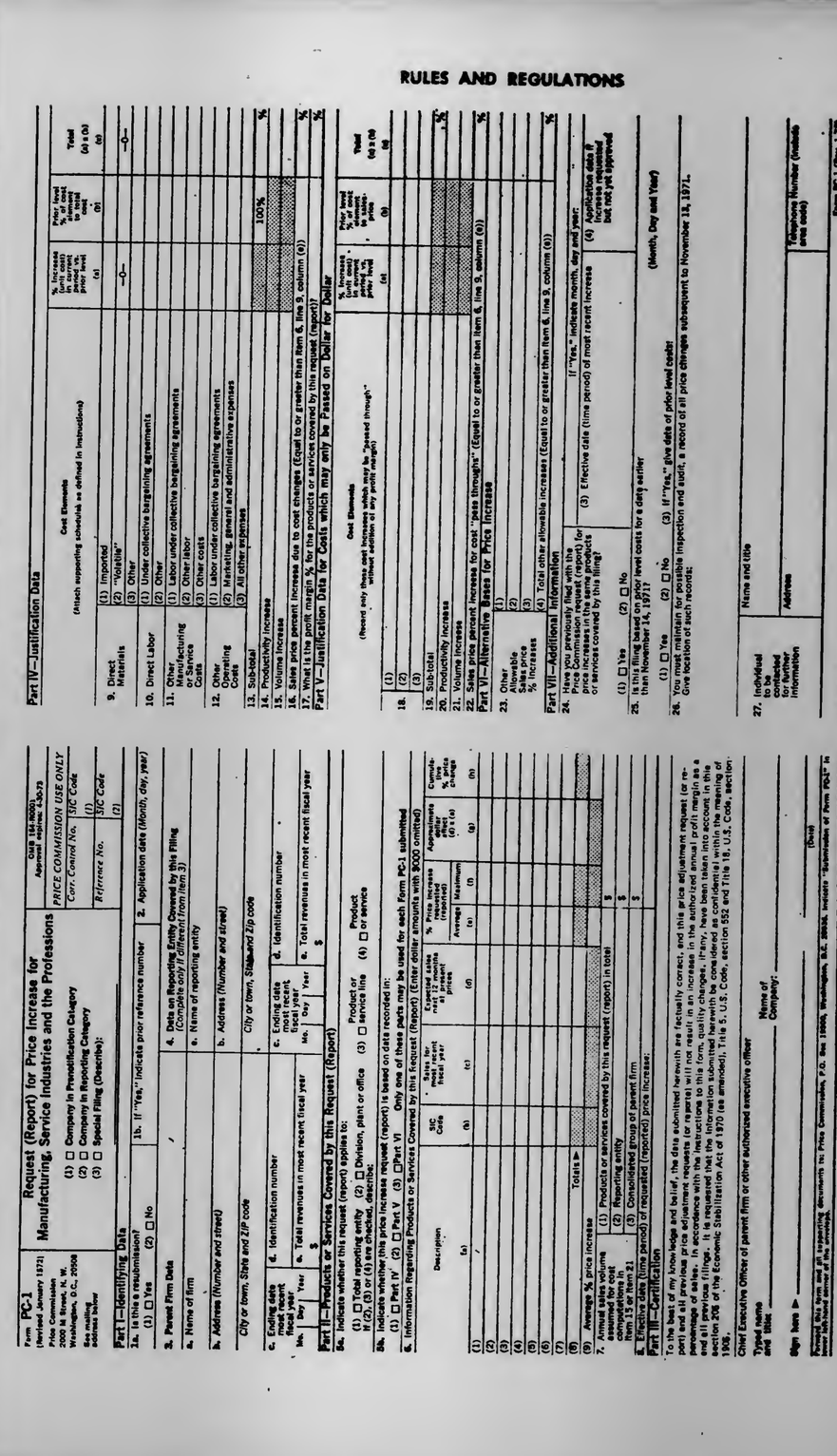
certify that I am the ---
(Title)

of the above-named parent firm; and that, as such, I am authorized to sign documents and to certify to the Price Commission, on behalf of said parent firm, the accuracy and completeness of all the information in such documents. Pursuant to the power vested in me, I hereby delegate all or, to the extent indicated below, a portion of that authority to the persons listed below, who are executive officers of the above-named parent firm or of a portion ("reporting entity") thereof.

This delegation is effective until it is revoked in writing and the Price Commission so notified.

---------- ----------
(Date) (Signature)

Authorized Individuals	
Name and title (alphabetical by surname)	*Extent of authorization (entire firm or reporting entity)*
---	---
---	---
---	---
---	---



Part IV—Justification Data

Cost Elements (Attach supporting schedule as defined in instructions)

		% Increase (unit cost) current period vs. period used (a)	Prior level % of cost element to total cost (b)	Total (a) x (b) (c)
9. Direct Materials	(1) Imported			
	(2) "Volatile"		—0—	—0—
	(3) Other			
10. Direct Labor	(1) Under collective bargaining agreements			
	(2) Other			
11. Other Manufacturing or Service Costs	(1) Labor under collective bargaining agreements			
	(2) Other labor			
	(3) Other costs			
12. Other Operating Costs	(1) Labor under collective bargaining agreements			
	(2) Marketing, general and administrative expenses			
	(3) All other expenses			
13. Sub-total			100%	%
14. Productivity increase				
15. Volume increase				
16. Sales price percent increase due to cost changes (Equal to or greater than Item 8, line 9, column (c))				%
17. What is the profit margin %, for the products or services covered by this request (report)?				%

Part V—Justification Data for Costs which may only be Passed on Dollar for Dollar

Cost Elements (Percent only those cost items to be passed through without addition of any profit margin)		% Increase (unit cost) current vs. prior level (a)	Prior level (unit cost) amount in dollars (b)	Total (a) x (b) (c)
18.	(1)			
	(2)			
	(3)			
19. Subtotal				%
20. Productivity increase				
21. Volume increase				
22. Sales price percent increase for cost "pass throughs" (Equal to or greater than Item 8, line 9, column (c))				%

Part VI—Alternative Bases for Price Increase

23. Other Allowable Price Increase % Increases	(1)	
	(2)	
	(3)	
	(4) Total other allowable increases (Equal to or greater than Item 8, line 9, column (c))	%

Part VII—Additional Information

24. Have you previously filed with the Commission a request (report) for price increases in the same products or services covered by this filing?	If "Yes," indicate month, day and year: (3) Effective date (time period) of most recent increase	(4) Application date if increase requested but not approved

25. Is this filing based on prior level costs for a date(s) earlier than November 14, 1971? (1) ☐ Yes (2) ☐ No (Month, Day and Year)

26. You must maintain for possible inspection and audit, a record of all price changes subsequent to November 13, 1971. (1) ☐ Yes (2) ☐ No (3) If "Yes," give date of prior level costs:

Give location of such records:

27. Individual to be contacted for further information	Name and title	
	Address	Telephone Number (include area code)

Form PC-1 (Rev. 1-72)

GPO 1972 O - 484-499

Form PC-1 (Revised January 1972) Price Commission 2000 M Street, N. W. Washington, D.C. 20508 See mailing instructions

Request (Report) for Price Increase for Manufacturing, Service Industries and the Professions

OMB 154-R0001 Approval expires 4-30-73

PRICE COMMISSION USE ONLY
Corr. Control No. | SIC Code (1)
Reference No. | SIC Code (2)

(1) ☐ Company in Presidential Category
(2) ☐ Company in Reporting Category
(3) ☐ Special Filing (Describe):

Part I—Identifying Data

1a. Is this a resubmission? (1) ☐ Yes (2) ☐ No

1b. If "Yes," indicate prior reference number

2. Application date (Month, day, year)

3. Parent Firm Data

4. Data on Reporting Entity Covered by this Filing (Complete only if different from Item 3)

a. Name of firm

b. Address (Number and street)

City or town, State and Zip code

c. Ending date most recent fiscal year: Mo. | Day | Year

d. Identification number

e. Total revenues in most recent fiscal year $

Part II—Products or Services Covered by this Request (Report)

5a. Indicate whether this request (report) applies to: (1) ☐ Total reporting entity (2) ☐ Division, plant or office (3) ☐ Product or service line (4) ☐ Product or service

5b. Indicate whether this price increase request (report) is based on data recorded in: (1) ☐ Part IV (2) ☐ Part V (3) ☐ Part VI Only one of these parts may be used for each Form PC-1 submitted

6. Information Regarding Products or Services Covered by this Request (Report) (Enter dollar amounts with $000 omitted)

	Description (a)	SIC Code (b)	Sales for most recent fiscal year (c)	Expected sales next 12 months at current prices (d)	% Price increase requested (reported) Average (e)	% Price increase requested (reported) Maximum (f)	Approximate dollar ($ x 1/a) (g)	Cumulative % price increase (h)
(1)	/							
(2)								
(3)								
(4)								
(5)								
(6)								
(7)								
(8)	Totals ▶							
(9)	Average % price increase							

7. Annual sales volume assumed for cost computations in Item 11, line 1

(1) Products or services covered by this request (report) in total $
(2) Reporting entity $
(3) Consolidated group of parent firm $

8. Effective date (time period) of requested (reported) price increase:

Part III—Certification

To the best of my knowledge and belief, the data submitted herewith are factually correct, and this price adjustment request (or report) and all previous price adjustment requests (or reports) will not result in an increase in the authorized annual profit margin (in terms of percentage of sales) for the reporting entity, in violation of the instructions to this form, quality changes, if any, have been taken into account in this request (report). It is requested that the information submitted herewith be considered as confidential within the meaning of section 208 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code, section 552 and Title 18, U.S. Code, section 1905.

Chief Executive Officer of parent firm or other authorized executive officer

Typed name and title: Name of Company:

Sign here ▶ (Date)

Form PC-1 (Rev. 1-72)

Forward this form and all supporting documents to: Price Commission, P.O. Box 19000, Washington, D.C. 20036. Indicate "Submission of Form PC-1" in the lower left corner of the envelope.

V 37-32
FEB 16 72
XUM

PRICE COMMISSION
2000 M STREET, N.W.,
WASHINGTON, D.C. 20508

Instructions for the preparation of Form PC-1
Request (Report) for Price Increase for Manufacturing, Service Industries and the Professions

GENERAL INSTRUCTIONS

Purpose

Form PC-1 is to be used to request a price increase from the Price Commission, or to report price adjustments where prenotification is not required.

A price increase is an increase in the selling price of a product or service whose quality, specifications or characteristics are comparable to those of the product or service to which it is being compared. A reduction in the quality, specifications or characteristics of the product or service also constitutes a price increase.

In the selling price. In any event, a statement must be attached to the Form PC-1 filing describing the nature and effect of any quality changes, of a material nature, which will be (have been) made in the products or services covered by the form.

The basic policy is that price increases will not be allowed except those that are justified on the basis of costs in effect on November 14, 1971, and cost increases incurred after November 13, 1971, which cannot be offset by productivity gains. Those increases will not be granted to give retroactive relief for the impact of the August 15-November 13, 1971, freeze. It is emphasized that the effect of all price changes must not be such as to increase the profit margin as a percentage of sales over that which prevailed during the base period.

Confidentiality of Information

It is the practice of the Price Commission to release to the public summaries of price increases requested and allowed, while respecting the confidentiality of information which is of consequence to the competitive position of the person submitting it, consistent with section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code, § 552, and Title 18, U.S. Code, § 1905.

Suggestions for Improvement

The Price Commission welcomes suggestions for improving this and other forms. In general, it seeks ways of obtaining the information it needs to exercise its responsibilities under the price stabilization program with a minimum amount of reporting burden on prenotification and reporting companies.

Who Must File

This form is to be used by all firms who are required to request (or report) their price increases, unless the Price Commission has specifically designated some other specialized form for a particular class of firm (for example, forms prescribed for retailers and wholesalers and for public utilities). It is not required of firms whose annual revenues are under $50 million.

Separate PC-1 forms must be prepared for each division, subsidiary or other major organizational unit requesting or reporting price increases. Such an organizational unit is called a "reporting entity." Generally, the reporting entity for purposes of Form PC-1 is a unit of the firm or consolidated group which is customarily regarded as a separate entity for cost, pricing and profit decisions. Such a reporting entity may be distinguished from other units of the firm or consolidated group because of separate or different management profit responsibilities, industries, methods of doing business, or other logical, customary distinctions.

Although no numerical size criterion is specified, it is anticipated that most reporting entities will have annual sales of at least $25,000,000. Smaller divisions, subsidiaries or other profit centers with similar product lines and cost characteristics should ordinarily be combined in order to obtain a reporting entity with at least $25,000,000 annual sales. Such combinations should not be made, of course, if the smaller units are in different industries.

Only in exceptional cases should an organizational unit with annual sales of less than $5,000,000 be a reporting entity. Units with sales volume smaller than this, and with dissimilar product lines and cost characteristics, can be combined into a miscellaneous category.

If two or more firms own equal fractions of a subsidiary (so-called "joint ventures"), they should decide among themselves which parent is to file reports for the joint venture. The firm that elects to file such a report should explain the circumstances in an accompanying statement.

When to File

Prenotifying firms must file these forms with the Price Commission whenever a price increase is sought. No price increase may be put into effect until approved by the Price Commission or until 30 days from the date the application is received by the Price Commission, whichever is earlier.

Reporting firms must file Form PC-1 with the Price Commission for the quarter in which a price increase has occurred, at the same time they file their PC-51 report for that quarter.

All other manufacturing, service and professional firms (under $50 million annual sales) do not have to file Form PC-1 to validate their price increases, but must maintain records of such increases in their files. It is suggested that Form PC-1 would be useful for computing and recording, in their files, any price increases put into effect.

What to File

Requests may be filed whenever price increases are required but may not be used to anticipate increases. Reported cost increases must have been incurred since the last price change, be currently and legally in effect, and be expected to continue in order to be included in the request. Cost decreases which have taken place since the base period or since the last price change must be included in current requests or reports.

Within reporting entities, separate PC-1 forms must be prepared for product lines or services for which, following the practices customarily employed in the business, price changes are calculated and announced separately. You must file supporting data to explain items in Form PC-1, as enumerated in the instructions below.

For purposes of this form all percentages must be expressed to the nearest two decimal places (such as 5.92%). All dollar entries must be rounded to the nearest $1,000 and the 000 should be omitted (such as $1,750,803 entered as $1,751).

This form and instructions call for basic information. The Price Commission may request additional data in particular cases.

Companies submitting multiple Form PC-1's at the same time must attach a summary containing the following information:

(a) Parent firm and reporting entity name, address, and identification number.

(b) A listing of the following information from each Form PC-1 attached:

1. The description included in Item 5a. and 5b.
2. The amount entered in Item 6, line 8, column (d).
3. The percentage entered in Item 6, line 9, column (e).
4. The amount entered in Item 8, line 8, column (g).

Where to File

Form PC-1 and attachments should be mailed to:

Price Commission
P.O. Box 19500
Washington, D. C. 20035

Indicate "Submission of Form PC-1" in the lower left-hand corner of the envelope.

SPECIFIC INSTRUCTIONS

PART I—Identifying Data

Item 1: Prior Reference Number—Answer the question in 1(a). If you are supplying requested additional information or are resubmitting a request that had been initially returned, record the prior reference number in 1(b). The prior reference number is the number recorded by the Price Commission in the top right hand corner of page 1 of this form, in the box labeled "Reference No."

Item 2: Application Date—Enter the date that this filing is made, regardless of whether this represents an initial filing, requested additional information, or a resubmission.

Item 3: Parent Firm Data—A Parent firm is the firm which controls a group of consolidated subsidiaries following the criteria for the preparation of consolidated financial statements in accordance with generally accepted accounting principles.

(a) Enter name of Parent firm.

(b) Enter address of executive office of Parent firm.

(c) Enter the ending date of the most recent fiscal year as customarily used by the Parent firm.

(d) Enter the Parent firm's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, leave this item blank. The D-U-N-S Number is a nine-digit number assigned to establishments by Dun & Bradstreet, Inc. If the firm has more than one establishment, the D-U-N-S Number entered should be that assigned to the firm for the address entered above as the executive office.

(e) Enter the total revenues of the Parent firm during its most recent fiscal year (Item 3(c)), from whatever source derived.

Item 4: Data on Reporting Entity Covered by this Filing—Fill in this item only if the reporting entity covered by this filing is different from the entity listed in Item 3. The criteria for determining such reporting entities are given above under Item 3—Parent Firm Data.

(a) Enter name of reporting entity covered by this filing.

(b) Enter address of executive office of reporting entity.

(c) Enter the date of the most recent fiscal year of the reporting entity as customarily used.

(d) Enter the reporting entity's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, or if the reporting entity does not have a D-U-N-S Number, leave this item blank. The number entered in this item should be that assigned to the firm for the address entered above in Item 4(b) as the executive office of the reporting entity.

(e) Enter the total revenues of the reporting entity covered by this filing during its most recent fiscal year (Item 4(c)), from whatever source derived.

PART II—Products or Services Covered by this Request (Report)

Item 5a: Unit Covered by this Request (Report)—Check the applicable box relating to products or services covered by this filing. If request (report) covers only a reporting entity rather than the total consolidated group, briefly describe the level on which the increase is requested (reported).

The term "product" as used herein means an Item of tangible personal property offered for sale or lease to another person or persons. The term "product line" means an aggregation of products, of the same manufacturer or different manufacturers, substantially similar as to intended function, usage, and structure; and offered for sale or lease simultaneously or within the same commercial season, by a person or persons.

Item 5b: Price Increase Based on Part IV, V or VI—Check the applicable box relating to which of these Parts represents the basis for the price increase request (report). As discussed in the introductory instructions to each of these Parts, only one of these Parts may be used for each Form PC-1 submitted.

Item 6: Information Regarding Products or Services Covered by this Request (Report)—If the price increase applies uniformly to all products of the unit identified in Item 5a, fill in only Line 1, Line 8 and Line 9 of Item 6. If the price increase does not apply uniformly to the unit identified in Item 5a, provide details showing how it will be (has been) applied on Lines 1 through 7 of Item 6. These details should be by product, service, product or service line, or other pricing unit according to customary pricing practice.

For example, if an increase of 2.2% was being requested for product line A, but it was the firm's intention to increase the average prices of some of the items in the line by 3%, some by 1½, and some not at all, it is this basic information which is desired in this Item 6. In this example, the three categories of products within product line A would be listed separately and added together for Lines 8 and 9. If additional lines are required, attach a supporting schedule with the same columner format as Item 6.

Column (a): Enter the description of the product or service as it is customarily used by the firm.

Column (b): The Standard Industrial Classification (S.I.C.) Code is used to classify reporting entities by the type of activity in which engaged. The "Standard Industrial Classification Manual," which defines such codes, may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

Enter the S.I.C. Code for the activity that most closely describes the item entered in Column (a). In exceptional cases, for which no four-digit code fits the item, enter the closest three-digit code.

Column (c): Enter the sales for the most recent fiscal year (Item 4c if used; otherwise Item 3c).

Column (d): If this is a request for a price increase, enter the expected sales (at present prices) for the 12 month period subsequent to the date in Item 8.

If this is a report of a price increase, enter the expected sales (at the prices in effect prior to the reported price increase) for the 12 month period subsequent to the date in Item 8.

Column (e): Enter the requested (reported) price increase percentage over the prior level price. To calculate the average % price increase (Line 9), divide the total of Line 8, Column (g) by the total of Line 8, Column (d). This percentage cannot exceed the percentage shown in Item 16, Item 22 or Item 23, Line (4).

Column (f): If the percentages entered in Column (e) will not be applied uniformly to all items in the category, enter in this column, for each category, the highest % price increase which will be made for any item in the category. For purposes of establishing the highest % within the category, you may exclude items of a minor nature. Items of a minor nature are those which account in total amount to not more than 5% of the sales volume in the category, or $5,000,000 annual sales, whichever is less.

Column (g): Multiply Column (d) by Column (e) and enter the result in Column (g) "Approximate Dollar Effect."

Column (h): If this is the initial request (or report) of price adjustments for the indicated products or services, this percentage should be the same as Column (e). For subsequent reports by prenotification companies, the percentage in Column (h) should reflect the cumulative effect of, (1) the current request, (2) the price adjustments requested in previous applications and effective in the reporting entity's current fiscal year, but not yet been acted upon, and (3) previously approved price adjustments effective in the reporting entity's current fiscal year.

These price increases are cumulative for the current fiscal year only. A new cumulation begins with each fiscal year. For subsequent reports by reporting companies, the percentage in Column (h) should reflect the cumulative effect of the current report, and all previously reported price adjustments in the current fiscal year.

Item 7: Annual Sales Volume Assumed—Show here the annualized sales dollar volume assumed, at prices in effect before the price increase, in the cost computations used for Item 15 or Item 21.

Item 8: Effective Date (Time Period) of Requested (Reported) Price Increase—If this is a report of a price increase, enter the date (or closest time period) that the increase went into effect.

If this is a request for a price increase, enter a date not earlier than 30 days from the date of filing this report (Item 2).

PART III—Certification

Type the name and title (including the company name) of the individual who has signed the certification, on the lines above such signature. The individual certifying to this Form PC-1 must be the Chief Executive Officer of the Parent firm, or such other executive officer as authorized by the Chief Executive Officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

It is emphasized that the individual certifying should be aware of the method that is used to determine the authorized profit margin. This method is described in the instructions to Forms PC-50 (Base Period Income Statement) and PC-51 (Report on Sales, Costs and Profits).

PART IV—Justification Data

A firm which uses this Part IV may not use Part V or Part VI on the same filing.

This part is used to compute the effect of allowable cost increases on the sales price, in those situations where addition of profit margins is allowable. Column (e) shows the percentage increase in allowable unit cost in the current period as compared with the "prior level" (defined below under Use of Part IV); Column (b) shows the percentage of the prior level cost element to prior level total cost and should total to 100%. Columns (e) and (b) are both based on the costs at the prior level volume. Column (c) shows the products of the percentages in Columns (e) and (b) and represents the percentage effect on the present sales price of the increases in the cost elements. Column (c) should be totaled at Line 10 to show the total sales price percent increase due to cost changes. Cost decreases which have taken place must be included in current requests or reports.

It should be noted that special items have been provided to record the effect of productivity increases (Item 14) and volume increases (Item 15). Entries made in Items 9 through 13 should all be based on productivity and volume levels for the *prior level*, to avoid inadvertent exclusion or extra counting of the same factors.

In utilizing this Part to report allowable cost increases, cost elements included in separate filings using Part V may not also be reflected as cost increases for this Part. If a cost increase is claimed under Part V, that cost element must still be reflected in this Part for purposes of showing 100% of product costs in Column (b), but the entry in Column (e) and Column (c) must be zero (as demonstrated on the form for Item 9(2)).

Allowable Cost Increases

Allowable cost increases are increases that are necessary and reasonable, and not disallowed by Price Commission regulations or rulings. A cost is reasonable if, in its nature or amount, it does not exceed that which would be incurred by an ordinary prudent person in the conduct of competitive business. What is reasonable depends upon a variety of considerations and circumstances involving both the nature and amount of the cost in question. In determining the reasonableness of a given cost, consideration should be given to:

(i) whether the cost is of a type generally recognized as ordinary and necessary for the conduct of the reporting entity's business;

(ii) the restraints or requirements imposed by such factors as generally accepted sound business practices, arm's length bargaining, and Federal and State laws and Regulations;

(iii) the action that a prudent business man would take in the circumstances, considering his responsibilities to the owners of the business, his employees, his customers, the Government and the public at large; and

(iv) significant deviations from the established practices of the reporting entity.

Amplification of the criteria for "necessary and reasonable" is given in the Internal Revenue Service Code and Regulations, in the measurement of costs, generally accepted accounting principles and the customary practices of the reporting entity should be adhered to.

Following are guides for certain cost items:

(1) *Non-operating expenses.* Increases in non-operating expenses are not allowable as a basis for price increases. Generally, non-operating expenses include, but are not limited to, the following (except where such items are related to the reporting entity's principal business activity): interest expense on long-term debt, debt discount and expense, losses on dispositions of assets, losses of unconsolidated subsidiaries, and losses on foreign exchange.

(2) *Extraordinary losses* and *Federal, state and local taxes based on income.* Increases in these costs are not allowable as a basis for price increases. For this purpose, extraordinary losses are defined as in accordance with generally accepted accounting principles and the customary practices of the reporting entity.

(3) *Pay increases.* Pay increases in excess of amounts approved by or guidelines established by the Pay Board may not be allowable as a basis for price increases.

(4) *General and administrative costs,* including research and development costs. Increases are allowable to the extent that they reflect increases in rates of pay and in unit costs of materials and services. If price increases are requested because of the addition or expansion of general and administrative functions, such as pollution control, or the expansion of research and development activities, the costs of such activities and the justification therefore should be set forth in a supporting schedule.

(5) *Marketing.* An increase in marketing costs beyond the marketing costs (expressed as a percentage of net sales) in the "prior level period," is ordinarily not an allowable cost. However, increases are allowable to the extent that they reflect increases in rates of pay and in unit costs of materials and services. If price increases are requested because of the addition or expansion of marketing functions, the costs of such activities and the justification therefore should be set forth in a supporting schedule.

(6) *Compensation for personal services.* Increases in compensation for personal services of owners of closely-held corporations, partners, sole proprietors, or members of the immediate families thereof, are allowable only to the extent that the total amount paid or accrued conforms generally to compensation paid by other firms of the same size, in the same industry, or in the same geographic area, for similar services.

Use of Part IV

In Column (e), normally, enter the percentage cost increases incurred since the last price increase, but in no event prior to January 1, 1971, whichever is most recent. If the last price increase was after January 1, 1971, but prior to August 16, 1971, and was based on anticipated cost increases, a special definition applies to the term "prior level." In this instance, for purposes of calculating the percentage cost increases entered in Column (e), the term "prior level" is defined as:

- actual recurring costs in affect at the time of the last price increase, plus
- any anticipated higher costs which were also used as the basis for determining such price increase—regardless of whether such anticipated costs actually occurred.

It is emphasized that "current period" costs are allowable recurring costs in effect on or after November 14, 1971, and may not include anticipated costs thereafter. Price increases will not be granted to permit recovery of cost increases incurred to the extent they apply to the August 16 to November 13, 1971, freeze period.

Filings based on "prior level" costs for a date earlier than November 14, 1971, must be on a Form PC-1 separate from those where "prior level" costs are based on or subsequent to November 14, 1971, and must be so identified in a covering letter.

Item 9: Direct Materials—Include materials and material-related costs which are traceable to the products or services included in net sales, in accordance with accounting procedures normally employed by the firm. Such material costs should be further classified as indicated on Lines (1), (2) and (3) of this Item. For purposes of this classification, imported materials (Line 1) are materials produced outside of the United States where the form of such materials has not changed substantially between its initial sale into United States' commerce and its purchase by the reporting entity; and "volatile" materials (Line 2) are those for which a prenotification firm has applied for and received an exemption from requesting approval of price increases (see the Price Commission regulations).

Generally, such "volatile" materials are raw materials, changes in the cost of which have a direct, immediate and significant effect on the selling price of the products in which they are contained. A "direct" change is one in which customarily the amount of change in the selling price corresponds closely to the change in the cost of the raw material. An "immediate" change is one which customarily has been put into effect shortly after the firm learns of the change in the cost of raw material. A "significant" raw material is one in which the change in cost, if not reflected promptly in the sales price, would cause considerable hardship on the firm.

In order to expedite processing in the event that the Price Commission requests additional information, supporting schedules should be maintained listing the major direct materials for which costs have increased, the percentage increases in each of these materials (as per column (e)) and the prior level percentage each of these materials represents of total direct materials included in this Form PC-1.

Item 10: Direct Labor—Include labor and labor-related costs which are readily identifiable with the products or services included in net sales, in accordance with accounting procedures normally employed by the firm. Such labor costs should be further detailed as indicated on Lines (1) and (2), and should include all forms of direct and indirect remuneration as defined in the Pay Board regulations.

For purposes of the entries on Line (1), labor costs include those based on collective bargaining agreements as well as those where such remuneration is based on tandem relationships with collective bargaining agreements. Tandem relationships are those well-established and consistently maintained practice whereby the precise timing, amount and nature of general increases in wages, salaries and other compensation of a given appropriate employee unit have followed those of another unit of employees of the same employer or of other employers within the organized industry (such as S.I.C. two-digit category).

For this, and for all other labor items for which a cost increase is shown, provide supporting detail. If the increase was approved by the Pay Board, give the circumstances of such approval, including the effective dates of the increase. If the increase has not been approved by the Pay Board, explain why such approval has not been obtained.

Item 11: Other Manufacturing or Service Costs—Other manufacturing or service costs assigned to the products or services should be segregated as indicated on Lines (1), (2), and (3). The labor categories should include labor and labor-related costs, including tandem agreements as explained in the instructions to Item 10, Line (1) above, and supporting detail as described for Item 10 should be provided.

If the manufacturing costs included as a cost element, are measured through a pool of costs or group of accounts, supporting schedules should be maintained listing the cost elements or accounts covered, the basis for the allocations and the assumptions made. Such supporting schedules will speed processing should the Price Commission request additional information.

Item 12: Other Operating Costs—Other operating costs attributable to the products or services should be segregated as indicated on Lines (1), (2), and (3). The labor category should include labor and labor-related costs as explained in the instructions to Item 10, Line 1 above, with collective bargaining agreements defined to include remuneration which is determined in tandem with such agreements. Supporting detail as described for Item 10 should be provided.

Other operating costs include expenses incurred directly by this reporting entity, as well as allocated expenses from the consolidated group or the Parent firm if such allocations are consistent with those in the prior level period.

In order to expedite processing in the event that the Price Commission requests additional information, supporting schedules of allocated expenses from the consolidated group or the Parent firm should be maintained. These schedules should list the cost elements or accounts covered, the basis for all allocations, and the volume assumptions made, in a manner similar to the supporting schedules maintained for Other Manufacturing or Service Costs.

Item 13: Sub-total—As indicated on the form, all cost percentages recorded in Column (b) must total to 100%. Enter in Column (c) the total of Items 9, 10, 11, and 12.

Item 14: Productivity Increase—Incurred increases in costs must be offset by reductions in cost due to improvements in productivity. Show in this item the reduction in total cost reflected in this Part IV resulting from improvements in productivity as compared with the prior level.

Attach a supporting schedule indicating the manner in which the productivity increase was determined.

If, under highly unusual circumstances, there is strong evidence of a productivity decrease, a negative amount can be entered for this item. Complete supporting evidence must be furnished.

Item 15: Volume Increase—Current period costs must be estimated at a volume that is not less than the prior period volume. If there is a reasonable expectation that volume in the current period will be higher than volume in the prior period, the cost estimates should be based on the current estimated volume. The percentage of unit cost decrease in nonvariable costs that results from the use of a higher volume should be shown in Item 15. See the instructions for Item 7.

If under highly unusual circumstances, there is a valid basis for assuming a volume decrease, a negative amount can be entered for this item. Complete supporting evidence must be furnished.

Item 16: Sales Price Percent Increase Due to Cost Changes—This is the total of Column (c), and represents the total effect on prices of all cost increases and decreases, offset by productivity and volume increases. Note that Items 14 and 15 normally will represent amounts which must be subtracted from Item 13.

Item 17: Enter the prior level profit margin % for the products or services covered by this request (report), expressed as a % of net sales prices.

PART V—Justification Data for Costs Which May Only Be Passed on Dollar for Dollar

A firm which uses this Part V may not use Part IV or Part VI on the same filing.

This part is used to compute the effect of allowable cost increases on the sales price, for those special situations where only the added costs are allowed to be passed through, without addition of any profit margin. The column headings and mechanics of their use are exactly the same as for Part IV, except that Column (b) shows the percentage of the prior level cost element to the prior level sales price, rather than to prior level total cost. Since only selected cost elements are included in this Part, Column (b) will not total to 100%. Column (c) is totaled at Item 22 to show the total sales price percent increase due to the cost changes reported in this Part V.

In utilizing this Part to report allowable cost increases, those cost elements permitted under Price Commission regulations to be handled in this manner are of course precluded from also being included in a separate filing using Part IV, since that would represent a duplicate request.

Item 18: Specific Cost Elements—Record a brief description of the cost element for which a sales price increase is computed, including reference to the specific regulation under which you are filing.

Attach a supporting schedule listing the major components of the cost element listed in this item. On this supporting schedule, enter the percentage change in each of these major components (as per Column (e)) and the prior level percentage each of these components represents of the cost element listed.

Item 19: Sub-total—Record the total of all line entries for Item 18.

Item 20: Productivity Increase—This item is to be calculated, recorded and supported in the same manner as Item 14.

Item 21: Volume Increase—This item is to be calculated, reported and supported in the same manner as Item 15.

Item 22: Sales Price Percent Increase for Cost "Pass Throughs"—This is the total of Column (c) for this Part, and represents the total effect on prices of all cost increases and decreases, offset by productivity and volume increases, for those cost changes which may only be passed through dollar for dollar without addition of any profit margin. Note that Items 20 and 21 normally will represent amounts which must be subtracted from Item 19.

Form **PC-50** (January 1972)

Price Commission
2000 M Street, N. W.
Washington, D.C. 20508

See mailing address on page 2

Base Period Income Statement

(1) ☐ Company in Prenotification Category
(2) ☐ Company in Reporting Category

OMB 164-R0002 Approval expires: 4-30-73

PRICE COMMISSION USE ONLY

Corr. Control No.	Reference No.	SIC Codes: (1)	(2)

1a. Is this a resubmission? (1) ☐ Yes (2) ☐ No

1b. If "Yes," indicate prior reference number

2. Date filed (*Month, day, year*)

Part I Identifying Data

3. Parent Firm Data
- a. Name of firm
- b. Address (*Number, street, City or town, State and ZIP code*)
- c. Ending date of most recent fiscal year (*Month, day, year*) | d. SIC Code
- e. Identification number

4. Data on Entity Covered by this Filing (*Complete only if different from item 3*)
- a. Name of reporting entity
- b. Address (*Number, street, City or town, State and ZIP code*)
- c. Ending date of most recent fiscal year (*Month, day, year*) | d. SIC Code
- e. Identification number

Part II—Summary Income Report

$000 Omitted ▶	(1) First Base Year Fiscal year ending date (*Month, Day, Year*): Total (a)	"Covered" (b)	(2) Second Base Year Fiscal year ending date (*Month, Day, Year*): Total (c)	"Covered" (d)	(3) Most Recent Fiscal Year (*If not first or second base year*) (*Month, Day, Year*): Total (e)	"Covered" (f)
5. Net sales						
6. Cost of sales						
7. Gross profit						
8. Other operating expenses						
9. Operating income (loss)						
10. Non-operating income (deductions)						
11. Income before extraordinary items and taxes based on income						
12. Extraordinary income (expenses)						
13. Income before taxes based on income						

Form PC-50 (1-72)

PART VI—Alternative Bases for Price Increase

A firm which uses this Part VI may not use Part IV or Part V on the same filing.

Item 23—Allowable Sales Price % Increases—This item is provided to record other allowable factors which may be taken into account in requesting or reporting price increases. It is intended for those factors which are not required to be cost justified. Items to be recorded are as follows:

(1) If you are requesting (or reporting) a price increase because of a price specified in a binding contract for the sale of property or services entered into prior to August 15, 1971, with delivery or performance occurring after November 13, 1971 (see Price Commission regulations), enter "Long-term contracts" in item 23, and enter the sales price increase percentage in the column.

(2) If you are requesting (or reporting) a price increase resulting from calculation of a revised base price increase" in item 23, and enter the sales price increase percentage in the column. The base price is either (1) the actual sales price on August 15, 1971, or (2) August 15, 1971, through November 13, 1971, freeze period. **price as adjusted in accordance with the rules provided in Price Commission regulations. Because of adjusted definitions contained in the Price Commission regulations, primarily in the definition of a transaction, certain persons may be entitled to a base price increase. Item 23 is to be used to enter this price increase request.**

(3) If you are requesting (or reporting) a price increase for any other allowable factor which is not required to be cost justified, enter a brief description in item 23 and enter the sales price increase percentage in the column. Attach a supporting schedule to Form PC-50. Exception: Where the Price Commission has made a reasonable determination that such factor is allowable and is not required to be cost justified. Indicate on the schedule the Price Commission regulations under which you are filing for this price increase.

PART VII—Additional Information—Self-explanatory.

IMPORTANT NOTICE

Effective January 21, 1972, the Price Commission will only process requests for price increases for manufacturing, service or retailing firms which are submitted on this latest revised PC-1 form or facsimile copy of such form.

FEDERAL REGISTER, VOL. 37, NO. 32—WEDNESDAY, FEBRUARY 16, 1972

U.S. GOVERNMENT PRINTING OFFICE : 1972 O - 464-428

PRICE COMMISSION
2000 M STREET, N.W.
WASHINGTON, D.C. 20508

Instructions for the preparation of Form PC-50 Base Period Income Statement

GENERAL INSTRUCTIONS

Purpose

Price Commission regulations provide for firms to increase prices only as a result of certain clearly defined circumstances. Such increases may not increase a firm's profit margin rate over the base period margin rate. The primary purpose of this filing is to establish the base period margin which will be used to determine the extent to which firms have complied with the Price Commission regulations. The report information also will be used to assist the Price Commission in evaluating future requests for price increases.

Confidentiality of Information

It is the practice of the Price Commission to release to the public summaries of price increases requested and allowed, consistent with the need for financial information, consistent with section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code § 552, and Title 18, U.S. Code, § 1905.

Who Must File

Normally, Form PC-50 is filed only once. It is required of practically all firms (generally, those with annual sales or revenues of $100 million or more) in the manufacturing, retailing, and wholesaling sectors, those with annual sales or revenues of $50 million or more in the service sector, Public Utilities and Insurers (as defined in Price Commission regulations). Public Utilities and Insurers are not required to file Form PC-50 unless they have material non-utility or non-insurance activities. Form PC-50 is required of all retailers and wholesalers unless their annual sales or revenues are less than $100 million. Other reporting entities are not required to file Form PC-50. Firms which are also required to file Form PC-51 (Report on Sales, Costs and Profit Margins).

A manufacturing, service or professional firm that has not increased any selling price above the ceiling prices established during the August 15, 1971—November 13, 1971 freeze period may elect not to file Form PC-50. Firms choosing this option must submit a statement to the Price Commission that the following certificate within 30 days of the close of each fiscal quarter:

I certify that as of (quarter ended date) this firm has not increased the selling price of any of its products above the ceiling prices established for the August 16, 1971—November 13, 1971, freeze period.

Chief Executive Officer (or other authorized executive officer)

The Chief Executive Officer may authorize another executive officer to sign for him for this purpose. Such authorization must be in the form required by Price Commission regulations.

Ordinarily, a Form PC-50 must be filed for the consolidated group of the Parent firm, as defined in item 3 below.

If the consolidated group includes a retailing or wholesaling entity that requests or reports price adjustments on a single supplementary Form PC-50, a Form PC-50 must be filed covering all retailing and wholesaling entities.

A firm may request permission not to file Form PC-50 for the consolidated group of the Parent firm. The Price Commission may approve such a request, a primary Form PC-50 must be filed for each reporting entity. The Price Commission may require any entity that requests or reports price adjustments on a single supplementary Form PC-50 to have its financial statements reported by independent public accountants.

If the consolidated group includes a retailing or wholesaling entity, a Form PC-50 must be filed for an entity other than the consolidated group of the Parent firm (as defined in item 3 below) which is the primary reporting entity for filing Form PC-50. The Price Commission may require any other entity than the consolidated group of the Parent firm to file a Form PC-50 if required for the consolidated group. Such consolidated filings require that only Parts I, II and VI be used.

If two or more firms own equal fractions of a subsidiary (so-called "joint ventures"), they should decide among themselves which one is to file Form PC-50 for the joint venture. The firm that elects to file such a report should explain the circumstances in an accompanying statement.

Generally Accepted Accounting Principles and Practices Applied Consistently

Accounting information furnished in this report must be in accordance with generally accepted accounting principles and consistently practices customarily followed by the firm, applied consistently.

Data are required for at least two, and in some cases three, fiscal years. If financial statements as originally prepared for any of these years were subsequently restated, the restated versions should be used.

If it is recognized that if, in the future, a firm makes a material change in its accounting principles or practices, it must prepare a revised Form PC-50, "Base Period Income Statement," restating the base period data to reflect this change in accounting principles or practices. The firm must submit with the revised report a document describing and explaining the change, as submitted together with the first Form PC-51 reflecting such a change. See the instructions to Form PC-51 for further details regarding generally accepted accounting principles and practices, and certain specific accounting consistency requirements.

When to File

Form PC-50 must be filed at the same time, or prior to, the first Form PC-51 to be filed. Form PC-51 must be filed not later than 45 days after the close of a fiscal quarter or 90 days after the end of the firm's fiscal year.

What to File

Firms required to file Form PC-50 must attach all supporting schedules indicated in the instructions. Firms which have their financial statements audited by independent public accountants must attach a copy of the accountants' report, including the accountants' opinion. Firms which release unaudited financial statements to the public must attach a copy of such statements. Firms which have neither audited nor published statements must attach a document explaining why such statements are not available.

Where to File

Form PC-50 and attachments should be mailed to:
Price Commission
P.O. Box 19300
Washington, D.C. 20036

Indicate "Submission of Form PC-50," in the lower left-hand corner of the envelope.

Rounding

For the purpose of this form, all percentages must be expressed to the nearest two decimal places (4.6% 5.92%). All dollar entries must be rounded to the nearest $1,000 and the 000 should be omitted (such as $1,750,803 entered as $1,751).

SPECIFIC INSTRUCTIONS

PART I—Identifying Data

Item 1: Prior Reference Number—Answer the question in 1(a). If your firm has been assigned a reference number and you are resubmitting a report that had been initially returned, record the prior reference number in 1(b). The Price Commission has assigned a 6-digit number to each item 1 of this form, in the box labeled "Reference No." in the Price Commission in the top right hand corner of page 1 of this form. Please note that this form is filed with caused above under "Who Must File," certain firms need not file this form until they are required to commence filing Form PC-51.

Part III—Details of Cost of Sales

			Most recent fiscal year "Covered" (a)
14. Manufacturing or Service Costs	(1) Direct materials	a. Imported	
		b. "Volatile"	
		c. Other	
	(2) Direct labor costs incurred	a. Under collective bargaining agreements	
		b. Other	
	(3) Other manufacturing or service costs incurred	a. Labor under collective bargaining agreements	
		b. Other labor	
		c. Other costs	
	(4) Total manufacturing or service costs		
15. Inventory adjustments			
16. Cost of sales (Same as item 6)			

Part IV—Details of Other Operating Expenses

17. Other expenses incurred by this reporting entity	(1) Labor under collective bargaining agreements	
	(2) Other	
18. Other operating expenses allocated to this reporting entity from other affiliated entities (Specify)	(1)	
	(2)	
	(3)	
	(4)	
19. Total operating expenses (Same as item 8)		

Part V—Calculation of Base Period Profit Margin Rate

20. Base Years' Net Sales (From item 5)	(1) Base Year 1 (From column (b))		
	(2) Base Year 2 (From column (d))		
	(3) Total Net Sales (Lines (1) plus (2))		
21. Base Years' Operating Income (From item 9)	(1) Base Year 1 (From column (b))		
	(2) Base Year 2 (From column (d))		
	(3) Total Net Income (Lines (1) plus (2))		
22. Base Period Profit Margin Rate (Divide item 21(3) by item 20(3). Calculate to two decimal places; e.g., 9.87%)			%

Part VI—Certification

To the best of my knowledge and belief, the data submitted herewith are factually correct, complete and prepared in accordance with the applicable instructions. It is requested that the information submitted herewith be considered as confidential within the meaning of section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code, section 552 and Title 18, U.S. Code, section 1905.

Chief Executive Officer of parent firm or other authorized executive officer

Typed name and title: _____

Name of company: _____

Sign here ▶ _____ (Date)

Forward this form and all supporting documents to: Price Commission, P.O. Box 19300, Washington, D.C. 20036. Indicate "Submission of Form PC-50" in the lower left-hand corner of the envelope.

GPO : 1972 O - 464-428

Form PC-50 (1-72)

FEDERAL REGISTER, VOL. 37, NO. 32—WEDNESDAY, FEBRUARY 16, 1972

V37-32 FEB 16 72 XUM

Item 3: Parent Firm Data—A Parent firm is the firm which controls a group of consolidated subsidiaries following the criteria for the preparation of consolidated financial statements in accordance with generally accepted accounting principles.

(a) Enter name of Parent firm.

(b) Enter address of executive office of Parent firm.

(c) Enter the ending date of the most recent fiscal year as customarily used by the Parent firm.

(d) The Standard Industrial Classification (S.I.C.) code is used to classify reporting entities by the type of activity in which engaged. The "Standard Industrial Classification Manual," which defines such codes, may be obtained from the U.S. Government Printing Office, Washington, D.C. 20402. It is recognized that many firms filing this form will be engaged in more than one of the activities defined in the S.I.C. Manual. For purposes of this filing, firms should enter the four digit S.I.C. code which most closely describes their most significant activity. Where it is not practical to define the firm's activities by the four digit S.I.C. code, firms may enter the applicable three digit or two digit S.I.C. code.

(e) Enter the Parent firm's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, leave this item blank. The D-U-N-S Number is a nine-digit number assigned to establishments by Dun & Bradstreet, Inc. If the firm has more than one D-U-N-S Number, the number entered in this item should be that assigned to the firm for the address entered above in Item 3(b) as the executive office of the Parent firm.

Item 4: Data on Entity Covered by this Filing—Fill in this item only if the reporting entity covered by this filing is different from the entity listed in Item 3. The criteria for determining such reporting entities are given above under "Who Must File."

(a) Enter name of reporting entity covered by this filing.

(b) Enter address of executive office of reporting entity.

(c) Enter the date of the most recent fiscal year of the reporting entity as customarily used.

(d) Enter the Standard Industrial Classification (S.I.C.) code for this reporting entity, following the instructions for Item 3(d), above.

(e) Enter the reporting entity's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, or if the reporting entity does not have a D-U-N-S Number, leave this item blank. The number entered in this item should be that assigned to the firm for the address entered above in Item 4(b) as the executive office of the reporting entity.

PART II—Summary Income Report

This part is a summary of the data required to calculate the base period profit margin rate, as well as data for the most recent fiscal year.

For purposes of determining the base period profit margin rate, the reporting entity must use data from any two of the entity's last three fiscal years ending prior to August 15, 1971.

The two base years selected are indicated by entering appropriate fiscal year ending dates in sections (1) and (2) of this part. If neither of these years are the entity's most recent fiscal year ended prior to the date filed (for which financial statements are available), such recent year data must be entered in section (3) of this part.

Data entered in the Total Columns (a), (c), and (e), must be based on data used to report to the public, or where the entity does not report to the public, data should be as recorded in the entity's accounting records.

In completing this part, your attention is called to the requirements outlined above under "Generally Accepted Accounting Principles and Practices Applied Consistently."

"Covered" activities

A "covered" activity is any activity other than that of a subsidiary, division or other discrete organizational unit whose principal activity is one of the following:

1. Farming.
2. Life insurance, individual endowment and annuity insurance, excluding credit-life insurance.
3. Operations of overseas entities. An overseas entity is an entity that operates principally in a foreign country and whose customers are principally located in foreign countries. A foreign country is a country other than the United States and its possessions. The importing and exporting activities of domestic entities are "covered" activities.
4. Public utility.

Data in Columns (a), (c) and (e) of Part II should include the consolidated results of "covered" and non-covered activities. Consolidated data for "covered" activities should be entered in Columns (b), (d) and (f) of Part II, and Column (a) of Parts III and IV.

A supporting document which reconciles the net sales entered in the "Total" and "Covered" columns of Part II must be filed. The supporting document must show the total net sales of non-covered activities, summarized by the principal activities listed above, and a description of other reconciling items showing the amounts of such reconciling items.

Where the controlling firm, or affiliated firms allocate costs to non-covered entities, the method used to allocate such costs must be reasonable, and consistantly applied in both base years and current year. Such allocation method must be shown in a schedule, to this Form PC-50 filing, describing the established allocation method.

Items 5–13: See corresponding instructions for Items 5–13 on Form PC-51.

PART III—Details of Cost of Sales

This part provides further details for the amounts entered in Item 6, and is required for the most recent fiscal year reported in Part II from each reporting entity that raquasts or reports price adjustments on Form PC-1. If the Form PC-50 reporting entity is a segment of a Parent firm, this part should not be completed for the consolidated group of the Parent firm. In other words, Parent firms need complete this part only if they submit a single Form PC-50 for the whole firm.

Estimates

The Price Commission recognizes that some of the information required in this part cannot be obtained directly from the accounting records of some firms. The firm must provide the most reasonable estimate it can for such information and the estimating method used must be consistently applied in future filings of Form PC-51. Attach to this filing of Form PC-50, a description of the method used to estimate the amounts included in Part III.

These estimates must be reconcilable to information that is contained in the accounting records. For asample, the report calls for information on direct materials that is broken down by (a) imported, (b) "volatile," and (c) other. If a reporting entity does not have such information in its accounting records, it should provide estimates, but the total of these three estimates should equal the total direct material cost which should be obtainable from the accounting records.

As explained in the instructions to Part II, only "covered" entity costs should be entered in Column (a).

Items 14 and 15: See corresponding instructions for Items 15 and 16 on Form PC-51.

Item 16: Cost of Sales—This entry is determined by adding Item 15 to, or deducting it from, line (4) of Item 14. This amount must agree with the corresponding amount in Item 6.

PART IV—Details of Other Operating Expense

This part provides further details for the amounts entered in Item 8, and is required for the most recent fiscal year reported in Part II from each reporting entity that requests or reports price adjustments on Form PC-1. If the Form PC-50 reporting entity is a segment of a Parent firm, this part should not be completed for the consolidated group of the Parent firm. In other words, Parent firms need complete this part only if they submit a single Form PC-50 for the whole firm.

As discussed in the Instructions to Part III, reasonable estimates may be used to determine the details of entries in this part.

As explained in the Instructions to Part II, only "covered" entity costs should be entered in Column (a).

Items 17 and 18: See corresponding instructions for Items 18 and 19 on Form PC-51.

Item 19: Total Operating Expenses—This entry is computed by adding the amounts included in Items 17 and 18. This total must agree with the corresponding amount in Item 8.

PART V—Calculation of Base Period Profit Margin Rate

The purpose of this part is to calculate the base period profit margin rate. The term base period means the average of the two fiscal years selected by the reporting entity in sections (1) and (2) of Part II.

This part must be completed by all reporting entities which will be subject to the profit margin limitation. Where the instructions call for the preparation of a supplementary filing of Form PC-50 (see "Who Must File"), Part V should not be used.

Item 20: Base Years' Net Sales—

(1) Enter the first base year net sales from Item 5, Column (b).

(2) Enter the second base year net sales from Item 5, Column (d).

(3) Enter the total of lines (1) and (2).

Item 21: Base Years' Operating Income—

(1) Enter the first base year operating income from Item 9, Column (b).

(2) Enter the second base year operating income from Item 9, Column (d).

(3) Enter the total of lines (1) and (2).

Item 22: Base Period Profit Margin Rate—The base period margin rate is calculated by dividing Item 21, line (3), by Item 20, line (3). Calculate this number to two decimal places (e.g., 9.87%).

PART VI—Certification

Type, on the lines above the signature, the name and title (including the company name) of the individual who has signed the certification. The individual certifying to this Form PC-50 must be the Chief Executive Officer of the Parent firm, or such other executive officer as authorized by the Chief Executive Officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

GPO : 1972 O - 484-886

Form PC-51
(January 1972)

Price Commission
2000 M Street, N. W.
Washington, D.C., 20508

See mailing address on page 2

Report on Sales, Costs and Profits

(1) ☐ Company In Prenotification Category

(2) ☐ Company In Reporting Category

OMB 154-R0003
Approval expires: 4-30-73

PRICE COMMISSION USE ONLY

Corr. Control No.	SIC Code
	(1)
Reference No.	SIC Code
	(2)

Part I—Identifying Data

1a. Is this a resubmission? (1) ☐ Yes (2) ☐ No	1b. If "Yes," indicate prior reference number	2. Period covered (Month, day, year) From To

3. Parent Firm Data	4. Data on Entity Covered by this Filing (Complete only if different from item 3)
a. Name of firm	a. Name of reporting entity
b. Address (Number and street)	b. Address (Number and street)
City or town, State and ZIP code	City or town, State and ZIP code
c. Ending date of most recent fiscal year (mo. day, yr.) / d. Identification number	c. Ending date of most recent fiscal year (mo. day, yr.) / d. Identification number

Part II—Summary Income Report

$000 Omitted ►	Total Current period (a)	"Covered" Amounts Current period (b)	"Covered" Amounts Same period prior year (c)
5. Net sales			
6. Cost of sales			
7. Gross profit			
8. Other operating expenses			
9. Operating income (loss)			
10. Non-operating income (deduction)			
11. Income before extraordinary items and taxes based on income			
12. Extraordinary income (expenses)			
13. Income before taxes based on income			
14. Revenue from price increases			

Part III—Details of Cost of Sales

			(a) Current period "Covered" ($000 Omitted)
15. Manufacturing or Service Costs	(1) Direct Materials	a Imported	
		b "Volatile"	
		c Other	
	(2) Direct labor costs incurred	a Under collective bargaining agreements	
		b Other	
	(3) Other manufacturing or service costs incurred	a Labor under collective bargaining agreements	
		b Other Labor	
		c Other costs	
	(4) Total manufacturing or service costs.		
16. Inventory adjustments			
17. Cost of sales (same as Item 6, column (b))			

Part IV—Details of Other Operating Expenses

			(a) Current period "Covered" ($000 Omitted)
18. Other expenses incurred by this reporting entity	(1) Labor under collective bargaining agreements		
	(2) Other		
19. Other operating expenses allocated to this reporting entity from other affiliated entities (specify)	(1)		
	(2)		
	(3)		
	(4)		
20. Total operating expenses (same as item 8, column (b))			

Form PC-51 (1-72)

Part V—Calculation of Profit Variation

21. Net sales (from item 5, column (b))	$
22. Base period profit rate (1) ☐ From Form PC-50, item 22, OR (2) ☐ From letter of exception dated (mo., day, yr.) ____	%
23. Target current period profit (item 21 x item 22)	$
24. Actual current period profit (from item 9, column (b))	$
25. Current profit under (over) target profit (item 23—item 24)	$

Part VI—Certification

To the best of my knowledge and belief, the data submitted herewith are factually correct, complete and prepared in accordance with the applicable instructions. It is requested that the information submitted herewith be considered as confidential within the meaning of section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code, section 552 and Title 18, U.S. Code, section 1905.

Chief Executive Officer of parent firm or other authorized executive officer

Typed name and title: _____ Name of company: _____

Sign here ► _____ _____ (Date)

Remarks

Forward this form and all supporting documents to: Price Commission, P.O. Box 19300, Washington, D.C. 20036. Indicate "Submission of Form PC-51" in the lower left-hand corner of the envelope.

Form PC-51 (1-72)

GPO : 1972 O - 484-887

MICROFILMED BY UNIVERSITY MICROFILMS, INC.

PRICE COMMISSION
2000 M STREET, N.W.
WASHINGTON, D.C. 20508

Instructions for the preparation of Form PC–51
Report on Sales, Costs, and Profits

GENERAL INSTRUCTIONS

Purpose

Price Commission regulations provide that firms may increase prices only under certain clearly defined circumstances. Such increases may not increase a firm's profit margin over that which prevailed during a base period. The primary purpose of this report is to determine the extent to which firms have complied with the profit margin limitation. The reported information also will be used to assist the Price Commission in evaluating future requests for price increases.

Confidentiality of Information

It is the practice of the Price Commission to release to the public summaries of price increases requested and allowed, while respecting the confidentiality of financial information, consistent with section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code, § 552, and Title 18, U.S. Code, § 1905.

Suggestions for Improvement

The Price Commission welcomes suggestions for improving this and other reports. In general, it seeks ways of obtaining the information it needs to exercise its responsibilities under the price stabilization program with a minimum amount of reporting burden on prenotification and reporting companies.

Who Must File

Form PC-51 must be used by prenotification firms (generally, those with annual sales or revenues of $100 million or more), and reporting firms (generally, those with annual sales or revenues of $50 million to $100 million). Public Utilities and Insurers (as defined in Price Commission regulations) are not required to file Form PC-51 unless they have material nonutility or non-insurance activities.

A manufacturing, service or professional firm that has not increased any selling price above the ceiling prices established, is not required to file Form PC-51. Firms choosing this option, however, must submit to the Price Commission the following certificate within 30 days of the close of each fiscal quarter:

> I certify that as of (quarter ended date) this firm has not increased the selling price of any of its products above the ceiling prices established for the August 16, 1971—November 13, 1971, freeze period.
>
> _____
> Chief Executive Officer (or other authorized executive officer)

The Chief Executive Officer may authorize another executive officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

Reporting entities which are required to file Form PC-51 are also required to file Form PC-50 at the same time, or prior. Normally, Form PC-50 is filed only once, and shows the calculation of the base period profit margin rate.

Ordinarily, a Form PC-51 must be filed for the consolidated group of the Parent firm, as defined in Item 3 below.

A supplementary Form PC-51 must be filed for each reporting entity that has requested or reported price adjustments on Form PC-1.

If the consolidated group includes retailing or wholesaling entities, and manufacturing, service or professional entities, a single supplementary Form PC-51 must be filed covering all retailing and wholesaling entities.

A firm may request permission not to file Form PC-51 for the consolidated group of the Parent firm. If the Price Commission approves such a request, a primary Form PC-51 must be filed for each reporting entity. The Price Commission may require that these Forms PC-51 be supported for the reporting entity by annual financial statements audited by independent public accountants.

The Price Commission may determine that an entity other than the consolidated group of the Parent firm is the appropriate primary reporting entity for filing Form PC-51.

Where the primary Form PC-51 is filed for an entity other than the consolidated group of the Parent firm, a supplementary Form PC-51 is required for the consolidated group. Such consolidated filings require that only Parts I, II, and VI be used.

If two or more firms own equal fractions of a subsidiary (so-called "joint-ventures"), they should decide among themselves which parent is to file reports for the joint venture. The firm that elects to file such a report should explain the circumstances in an accompanying statement.

Generally Accepted Accounting Principles and Practices Applied Consistently

Accounting information furnished in this report must be in accordance with generally accepted accounting principles and with the practices customarily followed by the firm, applied consistently.

If a firm makes a material change in an accounting policy or practice, it must prepare a revised Form PC-50, "Base Period Income Statement," restating the base period data to reflect the change in accounting policy or practice. The revised Form PC-50, and a supporting document describing and explaining the change, must be submitted together with the first Form PC-51 reflecting such a change in accounting policy or practice.

Accounting consistency includes, but is not limited to, the requirements that:

(a) The financial data presented for each period should be consistent with the data as stated in the annual and interim statements contained in reports to stockholders and, if any, filings with the SEC or regulatory commissions for that period. Any differences between these reports should be disclosed and reconciled and explained.

(b) The application of the accounting principles and the methods of applying them should be consistent from period to period. The definition of accounting principle changes for this purpose is the same as presented in Opinion No. 20 of the Accounting Principles Board.

(c) Accounting estimates as defined in Opinion No. 20 of the Accounting Principles Board should be consistent from period to period.

(d) The definition of the reporting entity should be consistent. The definition of what constitutes a change in the reporting entity is the same as that presented in Opinion No. 20 of the Accounting Principles Board.

(e) The definition of accounts and the application of these definitions should be consistent from period to period.

(f) The methods of allocating overhead between accounts should be consistent from period to period.

(g) The definition of the fiscal year and cutoff dates for determining the period to which transactions should be assigned should be consistent.

(h) The definition and method of computing reserves and allowances should be consistent from period to period.

(i) The methods which transfer prices are calculated and recorded should be consistent from period to period. Such transfer pricing consistency is required with respect to transactions between entities filing separate Forms PC-51 and with respect to transactions between "covered" and "non-covered" activities (as discussed in the instructions to Part II) of the reporting entity.

When to File

Form PC-51 must be filed not more than 45 days after the end of a fiscal quarter or 90 days after the end of the firm's fiscal year.

What to File

Firms required to file Form PC-51 must attach all supporting schedules indicated in the instructions. Firms which have their financial statements audited by independent public accountants must attach a copy of such audited statements together with the accountants' opinion. Firms which release unaudited financial statements to the public must attach copies of such statements. Firms which have neither audited nor published statements must attach a document explaining why such statements are not available.

Where to File

Form PC-51 and attachments should be mailed to:
Price Commission
P.O. Box 19300
Washington, D.C. 20036
Indicate "Submission of Form PC-51" in the lower left-hand corner of the envelope.

Rounding

For the purpose of this form, all percentages must be expressed to the nearest two decimal places (e.g., 5.92%). All dollar entries must be rounded to the nearest $1,000 and the 000 should be omitted (such as $1,750,803 entered as $1,751).

SPECIFIC INSTRUCTIONS

PART I—Identifying Data

Item 1: Prior Reference Number—Answer the question in 1(a). If you are supplying requested additional information or are resubmitting a report that had been initially returned, record the prior reference number in 1(b). The prior reference number is the number recorded by the Price Commission in the top right hand corner of page 1 of this form, and is labeled "Reference No."

Item 2: Period Covered—Once a reporting entity is required to file Form PC-51 (see above under "Who Must File"), data are required thereafter for each of its fiscal quarters. Each quarterly report is cumulative for the current fiscal year. For example, the second quarterly report covers the first half of the fiscal year. Therefore, the "period covered" is from the first day of the fiscal year to the last day of the fiscal quarter being reported.

Special Instructions for the First Fiscal Year

Entities that are required to submit Form PC-51 should submit the first quarterly report for the quarter that begins on any day between August 15, 1971, and November 14, 1971. The "from" date for all subsequent quarters in the first fiscal year should be the same as that entered for the first quarterly report. If the fourth quarter report does not include the entire fiscal year, a supplementary Form PC-51 report is required. This supplementary report should cover the entire fiscal year. Part V of this supplementary Form PC-51 should not be used.

Item 3: Parent Firm Data—A Parent firm is the firm which controls a group of consolidated subsidiaries following the criteria for the preparation of consolidated financial statements in accordance with generally accepted accounting principles.

(a) Enter name of Parent firm.

(b) Enter address of executive office of Parent firm.

(c) Enter the ending date of the most recent fiscal year as customarily used by the Parent firm.

(d) Enter the Parent firm's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, leave this item blank. The D-U-N-S Number is a nine-digit number assigned to establishments by Dun & Bradstreet, Inc. If the firm has more than one D-U-N-S Number, the number entered in this item should be that assigned to the firm for the address entered above in Item 3(b) as the executive office of the Parent firm.

Item 4: Data on Entity Covered by this Filing—Fill in this item only if the reporting entity covered by this filing is different from the entity listed in Item 3. The criteria for determining such reporting entities are given above under "Who Must File."

(a) Enter name of reporting entity covered by this filing.

(b) Enter address of executive office of reporting entity.

(c) Enter the date of the most recent fiscal year of the reporting entity as customarily used.

(d) Enter the reporting entity's "Data Universal Numbering System" (D-U-N-S) Number, if known. If not known, or if the reporting entity does not have a D-U-N-S Number, leave this item blank. The number entered in this item should be that assigned to the firm for the address entered above in Item 4(b) as the executive office of the reporting entity.

PART II—Summary Income Report

This part is a summary of the data entering into the calculation of net income for the reporting entity.

Data are required for the current period entered in Item 2 (Columns (a) and (b)), and the same period in the prior year (Column (c)).

In completing this part, your attention is called to the requirements outlined above under "Generally Accepted Accounting Principles and Practices Applied Consistently."

"Covered" activities

A "covered" activity is any activity other than that of a subsidiary, division or other discrete organizational unit whose principal activity is one of the following:

1. Farming.
2. Life insurance, individual endowment and annuity insurance, excluding credit-life insurance.
3. Operations of overseas entities. An overseas entity is an entity that operates principally in a foreign country and whose customers are principally located in foreign countries. A foreign country is a country other than the United States and its possessions. The importing and exporting activities of domestic entities are "covered" activities.
4. Public utility.

Data in Column (a) of Part II should include the consolidated results of "covered" and non-covered activities. Consolidated data for "covered" activities should be entered in Columns (b) and (c) of Part II and Column (a) for Parts III and IV.

A supporting document which reconciles the net sales entered in Columns (a) and (b) of Part II must be filed. The supporting document must show the total net sales of non-covered activities, summarized by the principal activities listed above, and a description of other reconciling items showing the amounts of such reconciling items.

Item 5: Net Sales—Include all sales or revenues reduced by applicable discounts, returns, and allowances, as customarily calculated by the firm.

Item 6: Cost of Sales—Include the costs of the products or services included in Item 5. Certain reporting entities must provide additional data as called for in Part III.

Item 7: Gross Profit—Calculated by subtracting cost of sales from net sales.

Item 8: Other Operating Expenses—Include in this item those costs not included in Cost of Sales (Item 6) which are normal and generally recurring costs of business operations. This item should not include: Federal, state and local taxes based on income; non-operating items (included in Item 10); and extraordinary items (included in Item 12). Certain reporting entities must provide further details of other operating expenses in Part IV.

If the amount of Federal, state and local taxes based on income is included in other operating expenses on the attached audited or published financial statements, and is not shown as a separate item (or identifiable items) in such financial statements, attach a schedule: itemizing the Federal, state and local taxes based on income, and reconciling such tax items to the date on the financial statements.

Item 9: Operating Income (Loss)—Calculated by subtracting Other Operating Expenses from Gross Profit.

Item 10: Non-Operating Income (Deductions)—Include in this item the net amount of non-operating income (after deducting non-operating costs). Generally, non-operating items include, but are not limited to, the following (except where such items are related to the reporting entity's principal business activity): interest income, interest expense on long-term debt, debt discount and expense, dividend income, gains or losses on disposition of assets, earnings of unconsolidated subsidiaries, royalty income, and gains or losses on foreign exchange.

If the amount shown as non-operating income (deductions) does not appear as a separate item (or identifiable items) on the attached audited or published financial statements, attach a schedule, itemizing the non-operating items, and reconciling such amounts to the date on the financial statements.

Item 11: Income before Extraordinary Items and Taxes Based on Income—Calculated by adding Other Income (Deductions) to Operating Income (Loss).

Item 12: Extraordinary Income (Expenses)—Enter the difference between extraordinary income and extraordinary expenses.

Item 13: Income Before Taxes Based on Income—Calculated by adding Extraordinary Income (Expenses) to Income Before Extraordinary Items and Taxes Based on Income.

Item 14: Revenue from Price Increases—Include in this item an amount representing that portion of net sales (Item 5) which results from price increases requested or reported on Form PC-1, and which have been put into effect after November 13, 1971.

If the current period amount (Column (b)) cannot be derived from the firm's accounting records, a reasonable estimate may be used. If this amount is estimated, attach a supporting statement indicating the method used.

PART III—Details of Cost of Sales

This part provides further details for the amounts entered in Item 6, and is required as follows from firms which are reporting entities for purposes of filing Form PC-1:

1. For the fourth quarter report which covers the entire fiscal year (see the instructions to Item 2).

2. For all quarterly reports where the reporting entity anticipates that it will be filing a Form PC-1 in the following fiscal quarter.

3. Where the reporting entity files a Form PC-1 and has not previously completed this Part III for the preceding quarter in the fiscal year, a supplementary Form PC-51 must be submitted providing such omitted Part III data.

Estimates

The Price Commission recognizes that some of the information required in this part cannot be obtained directly from the accounting records of some firms. The firm must provide the most reasonable estimate it can for such information and the estimating method used must be consistent with that used in preparing the base period income statement, Form PC-50.

These estimates must be reconcilable to information that is contained in the accounting records. For example, the report calls for information on direct materials that is broken down by (a) imported, (b) "volatile," and (c) other. If a reporting entity does not have such information in its accounting records, it should provide estimates, but the total of these three estimates should equal the total direct material cost which should be obtainable from the accounting records.

As explained in the instructions to Part II, only "covered" entity costs should be entered in Column (a).

Item 15: Manufacturing or Service Costs

(1) Direct Materials—Include materials and material-related costs which are traceable to the products or services included in net sales. In accordance with accounting procedures normally employed by the firm. Such material costs should be further classified as indicated on lines (a), (b) and (c) of this item. For purposes of this classification, imported materials (line (a)) are materials produced outside of the United States where the form of such materials has not changed substantially between its initial sale into the United States' commerce and its purchase by the reporting entity; and "volatile" materials (line (b)) are those which have qualified a prenotification firm for an exemption from requesting approval of price increases (see the Price Commission regulations). Generally, such "volatile" materials are raw materials, changes in the cost of which have a direct, immediate, and significant effect on the selling price of the products in which they are contained. A "direct" change is one in which customarily the amount of change in the selling price corresponds closely to the change in the cost of the raw material. An "immediate" change is one which customarily has been put into effect shortly after the firm learns of the change in the cost of the raw material. A "significant" raw material is one in which the change in cost, if not reflected promptly in the sales price, would cause considerable hardship on the firm.

(2) Direct Labor Costs Incurred—Include labor and labor-related costs which are readily identifiable with the products or services included in net sales, in accordance with accounting procedures normally employed by the firm. Such labor costs should be further detailed as indicated on lines (a) and (b), and should include all forms of direct and indirect remuneration as defined in the Pay Board regulations.

For purposes of the entries on line (a), labor costs include those incurred under collective bargaining agreements as well as those where such remuneration is based on tandem relationships with collective bargaining agreements. Tandem relationship means a well-established and consistently maintained practice whereby the precise timing, amount and nature of general increases in wages, salaries and other compensation of a given appropriate employee unit have followed those of another such unit of employees of the same employer or of other employers within a commonly recognized industry (such as S.I.C. two-digit category).

(3) Other Manufacturing or Service Costs Incurred—Other costs assigned to the products or services included in net sales should be segregated as indicated on lines (a), (b) and (c). The labor categories should include labor and labor-related costs, including tandem agreements as explained in the instructions to line (2) above.

(4) Total Manufacturing or Service Costs—As indicated on the form, enter the sum of all costs recorded in (1), (2) and (3) above.

Item 16: Inventory Adjustments—If the reporting entity's accounting system provides the details of the cost of the sales recorded in Item 15, the total of Item 15, line (4), should agree with Item 17 (cost of sales), and no entry for inventory adjustment or change should be made in Item 16.

However, if the details of Item 15 cannot be derived, for cost of sales, from the accounting system, such details should represent manufacturing or service costs incurred during the period. An entry will then be required in Item 16 only to reduce or increase such manufacturing or service costs incurred for the change in inventory during the period. Item 16 should not be used for any other type of inventory adjustment.

Item 17: Cost of Sales—This entry is determined by adding Item 16 to, or deducting it from, line (4) of Item 15.

PART IV—Details of Other Operating Expense

This part provides further details for the amounts entered in Item 8 and is required as follows from firms which are reporting entities for purposes of filing Form PC-1:

1. For the fourth quarter report which covers the entire fiscal year (see the instructions to Item 2).

2. For all quarterly reports where the reporting entity anticipates that it will be filing a Form PC-1 in the following fiscal quarter.

3. Where the reporting entity files a Form PC-1 and has not previously completed this Part IV for the preceding quarter in the fiscal year, a supplementary Form PC-51 must be submitted providing such omitted Part IV data.

As discussed in the instructions to Part III, reasonable estimates may be used to determine the details of entries in this part.

As explained in the instructions to Part II, only "covered" entity costs should be entered in Column (a).

Item 18: Other Operating Expenses—This Reporting Entity—include in this item operating expenses incurred directly by this reporting entity. Such expenses should be detailed as explained below:

(1) The labor category should include labor and labor-related costs as explained in the instructions to Item 15, line (2).

(2) Include all other operating expenses.

Item 19: Other Operating Expenses—Allocated—If this entity filing this report is a unit of a firm or consolidated group, and operating expenses are allocated to it, these allocated expenses must be listed in reasonable detail in this item, and must be determined on a basis consistent with that used in determining comparable amounts for the base period.

Item 20: Total Operating Expenses—This entry is the sum of the amounts included in Items 18 and 19. This total must agree with the amount included in Item 8, Column (b).

PART V—Calculation of Profit Variation

This part must be completed by all reporting entities subject to the profit margin limitation. It should be noted that the instructions also call for the filing of supplementary reports under certain circumstances (see "Who Must File," and instructions to Item 2, "Period Covered"). When completing such supplementary reports, Part V should not be used.

The purpose of Part V is to determine if the reporting entity's profits exceed those calculated by applying to current period net sales the profit margin established during its base period.

Under certain circumstances, the Price Commission may permit a firm to use an alternative profit margin rate. The Price Commission will specify the information required to justify such an alternative profit margin rate.

When requesting or reporting price increases, the Chief Executive Officer is required to certify that the firm's annual profit margin percentage will not increase over that which prevailed during the base period. Since a firm may not increase its prices beyond that amount which would bring its profits (as a percentage of net sales) to a level greater than that in the base period, the Price Commission may use the information reported in this part as the basis for denying future requests for price increases, or may take such other action as they deem necessary to achieve compliance with Price Commission regulations.

Item 21: Net Sales—Enter the amount shown in Item 5, Column (b). This is the total of current period "covered" net sales.

Item 22: Base Period Profit Margin Rate—Enter the base period profit margin percentage. Check the box on line (1) if the firm is using the profit margin rate calculated on Form PC-50, Item 22. If the Price Commission has granted the firm an exception to the base period margin rate calculated on Form PC-50, the box on line (2) should be checked, the date of the letter granting such exception should be entered, and the alternative profit margin rate should be entered in Item 22.

Item 23: Target Current Period Profit—Enter the target amount of current period profit determined by multiplying Item 21 by Item 22.

Item 24: Actual Current Period Profit—Enter the actual current period profit from Item 9, Column (b).

Item 25: Current Profit Under (Over) Target Profit—This entry is determined by subtracting Item 24 from Item 23. Where Item 25 reflects a cumulative overage in profits, attach a supporting schedule explaining the reasons for the overage and your program to return to your base period profit margin level in succeeding quarters (provided seasonal factors are not the sole cause of the current overage).

PART VI—Certification

Type, on the lines above the signature, the name and title (including the company name) of the individual who has signed the certification. The individual certifying to this PC-51 must be the Chief Executive Officer of the Parent firm, or such other executive officer as authorized by the Chief Executive Officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

U. S. GOVERNMENT PRINTING OFFICE : 1972 O - 454-439

[FR Doc.72-2284 Filed 2-15-72;8:45 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 722—COTTON

Subpart—Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.). The purpose of this amendment is to establish certain new procedures applicable beginning with the 1972 crop of upland cotton. In general, these new procedures are technical in nature and conform the upland cotton program to certain procedures in effect for other programs. In addition, cotton program changes based on requests from State committees and based on experience gained in administering the 1971 upland cotton program have been made. Specific changes in procedures are as follows:

1. To add acreage planted to soybeans for harvest as grain in 1972 to those items included in acreage planted and considered planted.

2. To provide that a State reserve for new farms and a State reserve for corrections, missed farms, etc., be combined into a single State reserve which may be used for both purposes.

3. To drop the strict acreage limitation 33 acres or 75 percent on reapportioned acreage and to add a cropland limitation.

4. To provide changes in the closing dates for release and reapportionment of cotton acreage for certain States as requested by State committees.

5. To delete the requirement that notices of farm base acreage allotments bear the actual or facsimile signature of a member of the county committee.

6. To provide that county committees may make separate determinations regarding out-of-county transfers by sale and by lease. This is in recognition of the fact that there may be a demand within the county for one of the types of transfers but not for the other. The amended provision provides that the original determination by the county committee shall be the final one and not be subject to reconsideration. This action is taken due to the inequity which may arise if an original determination of a county committee is changed after farmers have relied thereon. This amendment also includes as a factor for county committee consideration the price offered for within-county transfers, as compared to out-of-county transfers, which may be an indication as to the demand for the acreage within the county.

7. To change the term "application" to "record" in every place applicable throughout § 722.419, and to provide that the owner or operator's signature on Form ASCS–375 be witnessed by an employee of the county committee in both the transferring and receiving counties.

8. To provide that the acreage limitation on allotment after transfer be the farm cropland and to remove the 10 percent yield limitation on transfers and to provide for a new method for computing transfers.

9. To delete specific language prohibiting subleasing of cotton since subleasing is effectively prohibited in the regulatory language prohibiting transfers to and from a farm in the same year.

10. To provide that ginners, buyers, and warehousemen are required to maintain certain records relative to upland cotton.

The base acreage allotment program for upland cotton falls within the exception in 5 U.S.C. 553(a)(2) regarding rule making. However, the Secretary's policy with respect to compliance with 5 U.S.C. 553 (b) and (c) published in the FEDERAL REGISTER of July 24, 1971 (36 F.R. 13804) is applicable subject to exemption for good cause. Since farmers are now filing records for transfers of allotments to take effect in 1972, it is hereby found and determined that compliance with the notice and public procedure requirements of 5 U.S.C. 553 (b) and (c) is impracticable and contrary to the public interest. This amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

The subpart—Base Acreage Allotments for 1971, 1972, and 1973 Crops of Upland Cotton, of Part 722, Subchapter B of Chapter VII, Title 7 (36 F.R. 4853, 6733, 7509, 10772), is amended as follows:

1. Paragraph (f) of § 722.404 is amended to read as follows:

§ 722.404 Definitions.

* * * * *

(f) *History acreage of cotton on the farm.* (For use in establishing farm base acreage allotments; acreage devoted to production of extra long staple cotton shall be excluded.) History acreage of cotton on the farm for 1971, 1972, and 1973 shall be credited in the amount of the farm base acreage allotment including any portion transferred by temporary adjustment (see paragraph (i) of this section) from the farm but excluding any portion transferred by temporary adjustment to the farm. Such history acreage shall be adjusted to the acreage planted or considered as planted to cotton if less than 90 percent of the farm base acreage allotment before temporary adjustments is planted or considered as planted to cotton. Acreage planted or considered as planted to cotton shall be the sum of the following:

(1) Acreage planted to cotton on the farm in the current year. For purposes of this subparagraph:

(i) The acreage seeded to cotton plus stub cotton acreage on the farm in the current year, excluding acreage which the county committee determines was planted or cared for in an unworkmanlike manner without the expectation of producing a normal crop under usual conditions.

(ii) If the farm operator fails to file a certification of acreage, the acreage planted to cotton shall be considered to be zero for history acreage purposes in lieu of the rule prescribed in subdivision (i) of this subparagraph.

(2) Acreage transferred by temporary adjustment from the farm. (See paragraph (i) of this section.)

(3) Acreage on which the planting of cotton was prevented because of a natural disaster as determined by the county committee.

(4) Acreage considered as planted under conservation programs of practices.

(5) Allotment acreage in the eminent domain pool under Part 719 of this chapter.

(6) Acreage not planted because of the payment limitation under Part 795 of this chapter.

(7) Acreage not planted because of a quarantine imposed by the county, State, or Federal Government prohibiting the planting of cotton in an area.

(8) Acreage planted to wheat in excess of the wheat allotment, acreage planted to feed grains in excess of one-half of the feed grain base, and acreage planted to soybeans for harvest as grain: *Provided*, That such acreage planted to wheat, feed grains or soybeans is not considered as planted to feed grains or wheat.

* * * * *

2. Section 722.406 is amended to read as follows:

§ 722.406 Establishment of farm base acreage allotments.

(a) *County base acreage allotment.* The county base acreage allotment shall be the county share of the State base acreage allotment including allocations from the State reserve to the county for trends and abnormal conditions.

(b) *Initial county reserve.* The county committee may establish an initial county reserve for the uses described in paragraph (g) of this section. Such initial county reserve shall not result in an adjusted county reserve (as described in paragraph (f) of this section) greater than 5 percent of the county base acreage allotment unless the State committee authorizes a larger adjusted county reserve which may not be greater than 10 percent of the county base acreage allotment.

(c) *Adjusted county base acreage allotment.* The adjusted county base acreage allotment shall be the county base acreage allotment in paragraph (a) of this section less the initial county reserve in paragraph (b) of this section.

(d) *County base acreage allotment factor.* The county base acreage allotment factor (county factor) shall be determined by dividing the total of the preliminary allotments for the current year for all farms into the adjusted county base acreage allotment.

(e) *Factored base acreage allotments for old farms.* The factored base acreage allotment for an old farm shall be determined by multiplying the preliminary allotment by the county factor but shall not be greater than the cropland on the farm.

(f) *Adjusted county reserve.* The adjusted county reserve is the county base acreage allotment minus the total factored farm base acreage allotments for old farms in the county.

(g) *Use of county reserve.* The county reserve shall be used by the county committee to adjust factored farm base acreage allotments and to establish base acreage allotments for new cotton farms. Farms covered by contracts under the conservation programs shall receive the same consideration as other comparable farms in the county. The county reserve shall not be used to reflect new cropland brought into production after November 30, 1970. The county reserve shall be used by the county committee as follows:

(1) *Determination of acreage needed for new cotton farms.* If any part of the State reserve or the county reserve is to be used for establishing base acreage allotments for new cotton farms, the county committee, with the assistance of the community committees, may estimate from county office records and other available sources of information the number of new cotton farms in the county and an estimate may be made of the cropland on new cotton farms. Such estimates may be used by the State and county committees as a basis for determining the acreage, if any, that will be allocated for establishing base acreage allotments for new cotton farms. In determining the acreage, if any, from the county reserve which is to be used for establishing base acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State reserve for establishing base acreage allotments for new cotton farms.

(2) *Adjustments in farm base acreage allotments to correct inequities and to prevent hardship.* The county committee shall determine the acreage required from the county reserve to supplement any acreage allocated to the county from the State reserve to correct inequities in farm base acreage allotments and to prevent hardship. Such reserves may also be used for establishing and adjusting farm base acreage allotments as provided in paragraph (c) of this section and to provide fair and reasonable base acreage allotments where the county committee had insufficient information to make proper adjustments at the time the original base acreage allotment for the farm was established. Any acreage from the county reserve and any allocation to the county from the State reserve to correct inequities and prevent hardship may be used by the county committee for making adjustments in farm base acreage allotments to correct inequities and to prevent hardship. Such adjustments shall be made so as to establish base acreage allotments which are fair and reasonable in relation to the base acreage allotments established for similar farms in the community taking into consideration for the farm the acreages planted to cotton in the farm base years; the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical factors affecting the production of cotton; and abnormal conditions of production.

(3) *Base acreage allotments for missed farms and correction of errors.* The remainder of the acreage in the county reserve, after meeting or determining the requirements under subparagraphs (1) and (2) of this paragraph and the acreage allocated by the State committee from the State reserve for this purpose shall be used by the county committee (i) for establishing base acreage allotments for old cotton farms for which base acreage allotments were not established at the time base acreage allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee, and (ii) for correcting errors in farm base acreage allotments.

(4) *Combined reserves.* The State committee may establish a single reserve to be allocated to counties for uses set forth in subparagraphs (1) and (3) of this paragraph. The county committee may establish a single reserve to be allocated to farms for the purposes set forth in subparagraphs (1) and (3) of this paragraph.

(h) *Equitable adjustments from State reserve for all old cotton farms.* Under the conservation programs, acreage diverted from the production of cotton shall be considered acreage devoted to cotton for purposes of establishing future State, county, and farm base acreage allotments. In order to prevent inequitable allotments on farms included in such programs, the State reserve for categories other than new farms shall not be larger than the acreage required to give all old cotton farms equal consideration, whether the farm history resulted from actual seeding of cotton or from acreage history required by law.

(i) *Limitation on adjustments for farms transferring base acreage allotments.* If acreage was transferred from the farm by sale, lease, or by owner in the current or prior year, the county committee may adjust farm base acreage allotments for such farms with reserve acreage only in exceptional cases including but not limited to cases where the transferor will not benefit from the adjustment, or the transfer was temporary and allotment has been returned to the farm for the current year. Any such adjustment shall be subject to the approval of a representative of the State committee.

3. Section 722.408 is amended by revising paragraph (b)(4)(i) to read as follows, and by revising the table in paragraph (b)(7)(iv) by changing the closing dates for Arizona, Arkansas, California, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia to read as follows:

§ 722.408 Release and reapportionment of cotton base acreage allotment.

* * * * *

(b) * * *

(4) * * *

(i) The farm base acreage allotment for any farm to which released base acreage allotment is reapportioned shall not exceed the cropland for the farm.

* * * * *

(7) * * *

(iv) * * *

State	Closing date for release and requests for reapportionment	Final date for reapportionment
* * *	* * *	* * *
Arizona	Mar. 10	1 month following applicable closing dates for release and requesting reapportionment.
Arkansas	Mar. 8	Do.
California	Mar. 15	Do.
Georgia	Mar. 17	Do.
Kentucky	Apr. 17	Do.
Mississippi	Mar. 24	Do.
North Carolina	Mar. 10	Do.
Tennessee	Mar. 15	Do.
Virginia	Mar. 15	Do.
* * *	* * *	* * *

§ 722.411 [Amended]

4. Paragraph (d) of § 722.411 is deleted. Paragraphs (e) and (f) are redesignated (d) and (e), respectively.

5. Section 722.418 is amended to read as follows:

§ 722.418 Transfers by sale or lease across county lines.

Transfers by sale or lease across county lines within the same State may be authorized by the county committee of the county from which the allotment is to be transferred if the committee (a) finds that a demand for such base acreage allotment no longer exists in such county, and (b) approves any transfers of base acreage allotments to farms outside such county. The county committee shall make its determination and announce it no later than the date that original allotment notices are mailed in the county. In making its finding whether a demand for base acreage allotments no longer exists in the county, the county committee should consider any factor reasonably related to such a demand. A strong indication that such demand no longer exists in the county would be (1) that a majority of the producers voting in the last transfer referendum voted to approve transfers from the county, (2) that released acreage was surrendered to the State committee in a prior year, or (3) that the price offered for transferred cotton is substantially less in the county than it is for cotton transferred out of county. The county committee may make separate determinations for transfers by sale and transfers by lease. For example, a county committee may determine that there is a basis for permitting out-of-county transfers by lease but not by sale. The county committee may prescribe an initial period during which only transfers within-county will be approved.

V 37 • 32 FEB 16 72 XUM

After this period out-of-county transfers may be approved. This period may not extend beyond February 1 or such later date as may be approved by the deputy administrator. To the extent practicable, the county committee shall give general publication to determinations under this section. The original determination by the county committee shall be the final one and should contain a summary of the facts upon which based. The original determination of the county committee shall not be subject to reconsideration by the county committee.

7. Section 722.419 is amended to read as follows:

§ 722.419 Records of transfer.

(a) *Persons eligible to file records of transfers*—(1) *Sale or lease.* The owner and operator of any old cotton farm for the current year for which an upland cotton base acreage allotment is or will be established for the year in which the transfer is to take effect is eligible to file a record of sale or lease of all or part of such base acreage allotment to any other owner or operator of an old cotton farm for which a current year base acreage allotment is established for transfer to such farm. If the owner and operator of the farm from which transfer by sale or lease is to be made are different persons, both such persons shall execute the record. Either the owner or operator of the receiving farm is required to sign the transfer. A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner's or operator's residence. The requirement that signature be witnessed for producers who are ill, infirm, reside in distant areas, or are in other similar situations may be met by mail, provided a request is made by one of the parties to the transfer. In the case of a permanent transfer, such request must be accompanied by a statement signed by all parties to the transaction confirming that the sale has been made.

(2) *By owner.* The owner of any old cotton farm for which an upland cotton base acreage allotment is or will be established for the year in which the transfer is to take effect is eligible to file a record to transfer such base acreage allotment from the farm to another farm in the same State owned or controlled by such owner. The county committee shall approve a transfer under this subparagraph requested on a nonpermanent basis to a farm controlled but not owned by the applicant only if such applicant will be the operator of the farm to which transfer is to be made for each of the years for which the transfer is requested. However, if the county committee determines that the applicant is prevented from remaining the operator of such farm for which such transfer has been approved due to conditions beyond his control, the transfer shall remain in effect. Conditions beyond his control shall include, but are not limited to, death, illness, incompetency, or bankruptcy of such person.

(b) *When records to be filed.* Records of transfers may be filed during the period beginning on the date original notices of base acreage allotment are mailed to farm operators and ending on the date established by the State committee as the closing date for release and requests for reapportionment of base acreage allotment according to § 722.408 (b). The State committee may authorize a record of transfer to be filed after the closing date upon a finding that the producer was prevented from filing for reasons beyond his control.

(c) *Where records to be filed.* Records shall be filed with the county committee of the county where the farm to which the base acreage allotment is to be transferred is located, but the county office of the county where the farm from which the base acreage allotment is to be transferred is located is hereby authorized to receive records on behalf of such county committee and shall forward a copy of each record to such county committee.

8. Paragraph (b) of § 722.420 is amended to read as follows:

§ 722.420 Amount of base acreage allotment transferable.

* * * * *

(b) *Productivity adjustments.* For the purpose of the adjustments in this paragraph, the word "yield" means that finally determined payment yield established for the farm for the year preceding the year the transfer is to take effect. The county committee shall determine the amount of base acreage allotment to be transferred by sale, lease, and by owner, where productivity adjustment is required under this paragraph as follows:

(1) Multiply the transferred acres by the payment yield for the transferring farm. The result is the number of pounds transferred.

(2) Divide the pounds transferred by the payment yield for the receiving farm. The result is the number of acres by which the allotment on the receiving farm is to be increased. The amount of base acreage allotment which may be transferred is limited to the cropland on the receiving farm less the receiving farm's current upland cotton allotment. In the case of temporary transfers of base acreage allotment for 2 or more years by lease or by owner, the productivity adjustment and amount of base acreage allotment so transferred shall be redetermined by the county committee each year the transfer remains in effect.

* * * * *

9. Paragraph (e) of § 722.421 is deleted. Paragraphs (f), (g), (h), and (i) are redesignated (e), (f), (g), and (h), respectively. The redesignated paragraph (e) is amended to read as follows:

§ 722.421 Additional conditions and limitations.

* * * * *

(e) *Limitation on transfers to and from a farm.* No transfer of base acreage allotment under section 344a of the act for any year shall be made (1) from a farm receiving base acreage allotment by transfers under section 344a of the act for such year, or (2) to a farm which has had base acreage allotment transferred from it under section 344a of the act for such year. Where an allotment is transferred temporarily from a farm for 1 or more years (and the transfer remains in effect) and the farm is subsequently combined with another farm that is otherwise eligible to receive allotment by transfer, such earlier temporary transfer from the parent farm shall be disregarded for the purpose of applying this provision.

* * * * *

10. A new § 722.423 is added to read as follows:

RECORDKEEPING REQUIREMENTS

§ 722.423 Records and reports.

The recordkeeping and reporting requirements for upland cotton are contained in §§ 722.89 to 722.95 and 722.99 of the cotton marketing quota regulations.

(Secs. 301, 344a, 350, 375, 52 Stat. 38, as amended, 79 Stat. 1197, as amended, 79 Stat. 1193 as amended, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1344b, 1350, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 11, 1972.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-2369 Filed 2-15-72;8:54 am]

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Subpart—Proclamation, Determinations and Announcements of National Marketing Quotas and Referedum Results

MARKETING QUOTA REFERENDUM RESULTS

Basis and purpose. Sections 724.26 and 724.27 are issued pursuant to and in accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the marketing quota referenda results for Cigar-binder (types 51 and 52) and Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively, for the 3 marketing years beginning October 1, 1972, October 1, 1973, and October 1, 1974. Under the provisions of the same section of the Act, the Secretary proclaimed national marketing quotas for Cigar-binder (types 51 and 52) tobacco and for Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, for the 1972–73, 1973–74, and 1974–75 marketing years, and announced the amount of the national marketing quota for each of such kinds of tobacco for the 1972–73 marketing year (36 F.R. 24060). The Secretary announced (36 F.R. 24233) that separate referenda would be conducted by mail ballot during the period January 10–14, 1972, each inclusive, to determine whether Cigar-binder (types 51 and 52) tobacco producers and Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco producers were in favor of or opposed to marketing quotas for the 3 marketing years beginning October 1, 1972, October 1, 1973, and October 1, 1974.

The material previously appearing in these sections under centerhead Marketing Quota Referendum Results remain in full force and effect as to the crops to which they were applicable.

The only purpose of this document is to proclaim the results of the referenda. It is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of 5 U.S.C. 553 is unnecessary.

§ 724.26 Cigar-binder (types 51 and 52) tobacco—1972–73, 1973–74, and 1974–75 marketing years.

In a referendum of farmers engaged in the production of the 1971 crop of Cigar-binder (types 51 and 52) tobacco held during the period January 10 to 14, each inclusive, 282 farmers voted. Of those voting, 260 or 92.2 percent, favored quotas for a period of 3 years beginning October 1, 1972; 22 or 7.8 percent were opposed to quotas. Therefore, the national marketing quota of 11.9 million pounds proclaimed December 16, 1971 (36 F.R. 24061), for Cigar-binder (types 51 and 52) tobacco for the 1972–73 marketing year will be in effect, and marketing quotas will be in effect for the 3 years beginning October 1, 1972, October 1, 1973, and October 1, 1974.

§ 724.27 Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco—1972–73, 1973–74, and 1974–75 marketing years.

In a referendum of farmers engaged in the production of the 1971 crop of Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco held during the period January 10 to 14, each inclusive, 3,629 farmers voted. Of those voting, 3,309 or 91.2 percent, favored quotas for a period of 3 years beginning October 1, 1972; 320 or 8.8 percent were opposed to quotas. Therefore, the national marketing quota of 33.7 million pounds proclaimed December 16, 1971 (36 F.R. 24061), for Cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco for the 1972–73 marketing year will be in effect, and marketing quotas will be in effect for the 3 marketing years beginning October 1, 1972, October 1, 1973, and October 1, 1974.

(Secs. 312, 375, 52 Stat. 46, as amended, 66, as amended; 7 U.S.C. 1312, 1375)

Signed at Washington, D.C., on February 9, 1972.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-2370 Filed 2-15-72;8:55 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Miscellaneous Amendments

Under the provisions of section 170 of the Atomic Energy Act of 1954, as amended, the holder of a license for a production or utilization facility is required to have and maintain financial protection to cover public liability claims, and the Atomic Energy Commission is required to indemnify the licensee and other persons indemnified against public liability claims in excess of the amount of financial protection required. Subsection 170b. requires that for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100 electrical megawatts or more, the amount of financial protection required shall be the maximum amount available from private sources. For other licensees, the Commission may require lesser amounts of financial protection. Financial protection may be in the form of private insurance, private contractual indemnities, self-insurance or other proof of financial responsibility, or a combination of such measures. Nonprofit educational institutions and Federal agencies are not required to obtain financial protection.

The insurers who provide private nuclear liability insurance, Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters, have advised the Commission that effective January 1, 1972, the maximum amount of privately available nuclear energy liability insurance has been increased from $82 million to $95 million. Pursuant to the provisions of subsection 170b. of the Act, the amount of financial protection required for facilities having a rated capacity of 100 electrical megawatts or more will be increased to $95 million, effective March 1, 1972. The following amendments to 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," reflect this requirement.

Since the amendments set out below conform the Commission's regulations to a statutory requirement, the Commission has found that good cause exists for omitting public notice of proposed rule making and public procedure thereon as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Part 140, Code of Federal Regulations, are published as a document subject to codification, to be effective March 1, 1972.

1. Section 140.11(a)(4) is amended by deleting "$82,000,000" and substituting therefor "$95,000,000."

2. Section 140.91, Appendix A, Conditions, paragraph 4, is amended by deleting footnote 1 and substituting therefor a new footnote 1 to read as follows: "For policies issued by Nuclear Energy Liability Insurance Association the amount will be $73,625,000; for policies issued by Mutual Atomic Energy Liability Underwriters, the amount will be $21,375,000."

3. Section 140.91, Appendix A., Optional Amendatory Endorsement, paragraph III, is amended by deleting footnote 1 and substituting therefor a new footnote 1 to read as follows: "For policies issued by Nuclear Energy Liability Insurance Association the amount will be $73,625,000; for policies issued by Mutual Atomic Energy Liability Underwriters the amount will be $21,375,000."

4. Section 140.92, Appendix B, Article II, paragraph 8(a), is amended by deleting the number "$63,550,000" wherever it appears and substituting therefor "$73,625,000."

5. Section 140.92, Appendix B, Article II, paragraph 8(b), is amended by deleting the number "$18,450,000" wherever it appears and substituting therefor "$21,375,000."

6. Section 140.92, Appendix B, Article II, paragraph 8(c), is amended by deleting the number "$82,000,000" wherever it appears and substituting therefor "$95,000,000."

7. Section 140.92, Appendix B, Article III, paragraph 4(b)(2), is amended by changing "$82,000,000" to "$95,000,000."

8. Section 140.93, Appendix C, Article II, paragraph 8, is amended by deleting the number "$82,000,000" wherever it appears and substituting therefor the number "$95,000,000."

9. Section 140.93, Appendix C, Article III, paragraph 4(b)(2), is amended by changing "$82,000,000" to "$95,000,000."

10. Section 140.94, Appendix D, Article II, paragraph 6, is amended by changing "$82,000,000" to "$95,000,000."

11. Section 140.95, Appendix E, Article III, paragraph 4(b)(2), is amended by changing "$82,000,000" to "$95,000,000."

(Secs. 161, 170, 68 Stat. 948, 71 Stat. 576; 42 U.S.C. 2201, 2210)

Dated at Germantown, Md., this 11th day of February 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-2431 Filed 2-15-72;8:55 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-52]

PART 21—CARTAGE AND LIGHTERAGE

Procedures for Revoking or Suspending Licenses and Identification Cards

On November 20, 1971, there was published in the FEDERAL REGISTER (36 F.R. 22162) a notice of proposed rule making to amend §§ 21.2 and 21.6 of the Customs regulations (19 CFR 21.2, 21.6) and to add a new § 21.2a, to prescribe procedures to be followed by the Bureau of Customs in revoking or suspending a cartman or lighterman license or identification card

V 37 32 FEB 16 72 XUM

issued by the Bureau of Customs. Interested persons were given 30 days in which to submit in writing any data, views, or arguments pertaining to the proposed amendment.

No objections have been received and the amendments as proposed, with a change in subparagraph (5) to § 21.6(b) to clarify the application of the revocation or suspension procedure where a license has been issued to a corporation, are adopted as set forth below.

This amendment shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 4, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

Section 21.2 is amended to read as follows:

§ 21.2 Identification cards.

(a) When required for purposes of local Customs administration, the district director of Customs may require each licensed cartman or lighterman and each employee thereof who receives, transports, or otherwise handles imported merchandise which has not been released from Customs custody to carry and display upon request of a Customs officer an identification card issued by the Bureau of Customs. An identification card shall not be issued to any person whose employment in connection with the transportation of bonded merchandise will, in the judgment of the district director, endanger the revenue.

(b) An application for an identification card required pursuant to paragraph (a) of this section shall be filed personally by the applicant with the district director of Customs on Customs Form 3078 together with two 1¼" x 1¼" color photographs of himself. The fingerprints of the applicant shall also be required on Standard Form 87 at the time of the filing of the application.

(c) The identification card shall be issued on Customs Form 3873 and shall not be valid for Customs purposes unless the U.S. Customs seal is impressed thereon.

(d) The identification card shall be in the possession of the person in whose name the card is issued at all times when he is engaged in transactions with respect to imported merchandise. It shall be the responsibility of each person to whom an identification card is issued to encase it in protective transparent plastic so that both sides are clearly visible.

(e) Should an identification card be presented by a person other than the one to whom it was issued, such card shall be forthwith confiscated.

(f) When there has been a change in the name, address, or employer of the card holder, the card shall be promptly submitted by the card holder to the district director supported by an application in the proper form indicating the change so that it may be officially changed on the Customs records. New cards shall be issued when necessary.

(g) The identification card shall be surrendered to the district director by the card holder when he leaves the employment of the cartman or lighterman, when the cartman or lighterman bond or license is terminated, or when the card is revoked or suspended pursuant to § 21.2a.

(h) The loss or theft of an identification card shall be promptly reported by the card holder to the district director of Customs.

(Secs. 565, 624, 46 Stat. 747, as amended, 759; 19 U.S.C. 1565, 1624)

Part 21 is amended by adding a new § 21.2a as follows:

§ 21.2a Revocation or suspension of identification cards; hearings.

(a) An identification card issued pursuant to this part may be revoked or suspended by the district director if—

(1) Such card was obtained through fraud or the misstatement of a material fact; or

(2) The holder of such card is convicted of a felony, or convicted of a misdemeanor involving theft, smuggling, or any theft-connected crime; or

(3) The holder permits the card to be used by any other person, or refuses to produce it upon the proper demand of a Customs officer; or

(4) The holder fails to abide by the rules and regulations prescribed in this part.

(b) The district director of Customs shall revoke or suspend an identification card by serving notice of the proposed action in writing upon the card holder. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the identification card and shall be final and conclusive upon the card holder unless within 10 days following receipt of such notice he shall file with the district director a written notice of appeal. The appeal shall be filed in duplicate and shall set forth the response of the holder to the statement of the district director. The card holder in his notice of appeal may request a hearing.

(c) If a hearing is requested by a card holder in his notice of appeal, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The card holder shall be notified of the time and place of the hearing at least 5 days prior thereto. The holder of the identification card may be represented by counsel at such a hearing, and all evidence and testimony of witnesses in such a proceeding, including substantiation of the charges and the answer thereto shall be presented, with the right of cross-examination to both parties. A stenographic record of any such proceeding shall be made and a copy thereof shall be delivered to the card holder. At the conclusion of such proceeding or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action. Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the card holder may submit to the Commissioner in writing additional views and arguments on the basis of such record. If neither the card holder nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs. The Commissioner shall thereafter render his decision in writing, stating his reason therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the card holder.

(Secs. 565, 624, 46 Stat. 747, as amended, 759; 19 U.S.C. 1565, 1624)

Section 21.6 is amended to read as follows:

§ 21.6 Suspension or revocation of licenses of cartman or lighterman.

(a) Inspectors or other Customs officers may require any person claiming to be a licensed customhouse cartman or lighterman to produce his license for inspection. The district director may also require that licensed cartmen and lightermen make, keep, and promptly submit for Customs inspection and examination upon request therefor, such current written records relating to cartage and lighterage as may be needed for purposes of local Customs administration.

(b) The district director may revoke or suspend the license of a cartman or lighterman if:

(1) His license is not promptly produced upon demand;

(2) His vehicle or vessel is not properly marked, as required by § 21.1(c);

(3) The cartman or lighterman refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation relative to the cartage or lighterage of merchandise, including the marking, keeping, and submitting of current written records relating to cartage and lighterage;

(4) The license was obtained through fraud or the misstatement of a material fact;

(5) The holder of such a license or an officer of a corporation holding such a license is convicted of a felony, or is convicted of a misdemeanor involving theft, smuggling or a theft-connected crime;

(6) The holder of such license permits it to be used by any other person.

(c) The district director of Customs shall revoke or suspend a license by serving notice of the proposed action in writing upon the holder of the license. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation and suspension of the license and shall be final and conclusive upon the licensee unless within 10 days following receipt of such notice he shall file

with the district director a written notice of appeal. The appeal shall be filed in duplicate and shall set forth the response of the licensee to the statement of the district director. The licensee in his notice of appeal may request a hearing.

(d) If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The licensee shall be notified of the time and place of the hearing at least 5 days prior thereto. The holder of the license may be represented by counsel at such a hearing, and all evidence and testimony of witnesses in such proceeding, including substantiation of the charges and the answer thereto shall be presented, with the right of cross-examination to both parties. A stenographic record of any such proceeding shall be made and a copy thereof shall be delivered to the licensee. At the conclusion of such proceeding or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action. Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the licensee may submit to the Commissioner in writing additional views and arguments on the basis of such record. If neither the licensee nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs. The Commissioner shall thereafter render his decision, in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the licensee.

(Secs. 565, 624, 46 Stat. 747, as amended, 759; 19 U.S.C. 1565, 1624)

[FR Doc.72-2330 Filed 2-15-72;8:53 am]

[T.D. 72-53]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Delinquent Deferred Taxes on Alcoholic Beverages

On September 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 17653) a notice of proposed rule making setting forth a proposed amendment to the Customs Regulations relating to collection of interest on delinquent deferred taxes on alcoholic beverages. Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed regulations. After consideration of all representations received in response to the notice, the proposed amendment is hereby adopted as follows:

In § 24.4, paragraph (f) is amended to read as follows:

§ 24.4 Optional method for payment of estimated import taxes on alcoholic beverages upon entry, or withdrawal from warehouse, for consumption.

* * * * *

(f) *Payment procedure*—(1) *Billing.* Each importer who has deferred tax payments on imported alcoholic beverages will be billed at the end of each tax deferral period for all taxes deferred during the period. A statement will accompany each bill listing each tax amount deferred and the related entry number. These bills must be paid in full by the last day of the next succeeding deferral period.

(2) *Interest on overdue accounts.* When any bill for deferred taxes is not paid within the period specified in subparagraph (1) of this paragraph, interest thereon at the rate of 6 percent per annum from the date following the end of the specified period to the date of payment of the bill shall be assessed, collected and paid in the same manner as the basic tax.

The citation of authority for § 24.4 is amended to read:

(Sec. 201, 72 Stat. 1322, 1334, 1335, 68A Stat. 817, as amended, 917; 26 U.S.C. 5007, 5054, 5061, 6601, 7805) (R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Effective date. This amendment shall become effective 30 days after its publication in the FEDERAL REGISTER.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: February 4, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2329 Filed 2-15-72;8:53 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950____)

Subpart E—Deductions; Reductions; Nonpayments; Increases

REDUCTION OF DISABILITY BENEFIT BASED ON RECEIPT OF WORKMEN'S COMPENSATION

On November 6, 1971, there was published in the FEDERAL REGISTER (36 F.R. 21360) a notice of proposed rule making with a proposed amendment to Subpart E of Regulations No. 4. The proposed amendment to the regulations specifies that in computing the reduction of a disability insurance benefit on account of receipt of a workmen's compensation benefit, amounts paid or incurred, or to be incurred, for medical, legal, or related expenses, which are not counted for purposes of the reduction, may be evidenced by the workmen's compensation award, compromise agreement, or court order, or by such other evidence as the Administration may require. Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendments. No comments have been received and the proposed amendment is adopted without change.

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER (2-16-72).

Dated: January 31, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: February 10, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Section 404.408 is amended by revising paragraph (d) to read as follows:

§ 404.408 Reduction of benefits based on disability on account of receipt of workmen's compensation.

* * * * *

(d) *Items not counted for reduction.* Amounts paid or incurred, or to be incurred, by the individual for medical, legal, or related expenses in connection with his workmen's compensation claim, or the injury or occupational disease on which his workmen's compensation award or settlement agreement is based, are excluded in computing the reduction under paragraph (a) of this section to the extent that they are consonant with State law. Such medical, legal, or related expenses may be evidenced by the workmen's compensation award, compromise agreement, or court order in the workmen's compensation proceeding, or by such other evidence as the administration may require. Such other evidence may consist of:

(1) A detailed statement by the individual's attorney, physician, or the employer's insurance carrier; or

(2) Bills, receipts, or canceled checks; or

(3) Other clear and convincing evidence indicating the amount of such expenses; or

(4) Any combination of the foregoing evidence from which the amount of such expenses may be determinable.

Any expenses not established by evidence required by the administration will not be excluded.

* * * * *

(Secs. 205, 224, 1102, 53 Stat. 1368, as amended, 79 Stat. 406, as amended, 49 Stat. 647, as amended; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 424, 1302)

[FR Doc.72-2539 Filed 2-15-72;8:53 am]

V 37 32 FEB 16 72 XUM

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sulfadimethoxine

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13-526V) filed by Affiliated Laboratories, Division of Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, proposing the safe and effective use of sulfadimethoxine tablets for the treatment of dogs and cats. The supplemental application is approved.

To facilitate referencing, Affiliated Laboratories is being assigned a code number and is being placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 069 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	Firm name and address
* * *	* * *
069	Affiliated Laboratories, Division Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067

2. Section 135c.13 is amended by revising paragraph (b) and by adding a new item 2 to table 2 in paragraph (e) as follows:

§ 135c.13 Sulfadimethoxine.

* * * * *

(b) *Sponsor.* (1) For items 1 and 2 in table 1 and item 1 in table 2, paragraph (e), see code No. 020 in § 135.501(c) of this chapter.

(2) For item 2 in table 2, paragraph (e), see code No. 069 in § 135.501(c) of this chapter.

* * * * *

(e) *Conditions of use.* It is used as follows:

* * * * *

TABLE 2—IN TABLETS

Amount		Limitations	Indications for use
* * *	* * *	* * *	* * *
2. Sulfadimethoxine.	12.5 to 25 milligrams per pound body weight.	For dogs and cats; administer 25 milligrams per pound of body weight followed by 12.5 milligrams per pound of body weight daily thereafter for 3 to 5 days; in most cases 3 to 5 days of treatment is adequate; however, treatment should be continued until the patient is without clinical signs for 48 hours; animals must maintain adequate water intake during treatment; for use by or on the order of a licensed veterinarian.	For the treatment of respiratory infections, genitourinary tract infections, enteritis and soft tissue infections in dogs and cats when caused by streptococci, staphylococci, escherichia, salmonella or shigella organisms sensitive to sulfadimethoxine and for the treatment of canine bacterial enteritis associated with coccidiosis and canine salmonellosis.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-16-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 7, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72-2219 Filed 2-15-72;8:45 am]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Revocation of Exemption From Certification for Certain Penicillin and Bacitracin Drugs

In a notice published in the FEDERAL REGISTER of August 6, 1971 (36 F.R. 14477), the Commissioner of Food and Drugs proposed to revoke the blanket exemptions from certification of crystalline penicillin G for injection, buffered crystalline penicillin G for injection and bacitracin ointment by amending the antibiotic drug regulations. The grounds for this proposal were stated in the notice.

The proposal provided interested persons 30 days in which to submit written comments. Upon receipt by the Commissioner of requests and good reason appearing therefore, the time for filing comments on the subject proposal was extended to October 5, 1971. Comments were received from three respondents: The Pharmaceutical Manufacturers Association and two pharmaceutical companies.

The Pharmaceutical Manufacturers Association, on behalf of its 112 member companies, opposed the proposal contending that there appeared to be a lack of evidence to indicate the development of a continuing pattern necessitating the deletion of an industrywide exemption from certification. The Pharmaceutical Manufacturers Association further contended, in keeping with section 507(c) of the Food, Drug, and Cosmetic Act, that a more equitable policy would be the revocation of exemption privileges on a manufacturer-by-manufacturer basis.

One firm commented favorably on the proposal acknowledging the existence of a previously approved antibiotic Form 6 exemption.

A second firm commented that section 507(c) of the Act provides for the conditions whereby antibiotic drug products may be exempt from certification for either all manufacturers or for individual manufacturers and that its long history of production of batches in compliance with the antibiotic regulations entitled it to a continuation of the exemption from certification.

Having considered the comments received and other relevant information, the Commissioner concludes that sufficient data have been accumulated representing a significant cross section of the industry concerned, to establish that the problems of nonsterile, subpotent, and otherwise defective batches of these antibiotic drugs are such that in order to insure the safety and effectiveness of their intended use they should be subject to certification procedures unless adequate grounds are shown for the exemption of individual drugs.

Manufacturers should submit applications (Form 6) provided for in the Code of Federal Regulations (21 CFR 146.2) under the provisions of section 507(a) or applications to meet exemptions under section 507(c) of the Federal Food, Drug, and Cosmetic Act. One hundred eighty days following the effective date of this order the shipment of crystalline penicillin G for injection, buffered crystalline penicillin G for injection or bacitracin ointment from a batch for which a certificate, release, or exemption has not been issued will be regarded as in violation of section 502(l) of the Act.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 146a and 146e of the antibiotic drug regulations are amended as follows:

§ 146a.24 [Amended]

1. By revoking paragraph (f) from § 146a.24 *Sodium penicillin.*

§ 146a.37 [Amended]

2. By revoking paragraph (f) from § 146a.37 *Buffered crystalline penicillin.*

§ 146e.402 [Amended]

3. By revoking paragraph (f) from § 146e.402 *Bacitracin ointment; zinc bacitracin ointment.*

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 4, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-2297 Filed 2-15-72;8:52 am]

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Child Protection Packaging Standards for Preparations Containing Aspirin

In the FEDERAL REGISTER of September 1, 1971 (36 F.R. 17512), the Commissioner of Food and Drugs proposed child protection packaging standards for preparations containing aspirin. Thirty days were allowed for comments, and this was extended to January 19, 1972, by subsequent notices (36 F.R. 19703, 21832, 25235). Approximately 50 comments were received from consumers, consumer interest groups, the medical and academic community, trade and professional associations, and the pharmaceutical and packaging industries. Thirteen of the comments supported the standards as proposed. The principal points raised in the other comments and the Commissioner's response to them are as follows:

A. *Unit packaging.* Several comments note the omission of any provision for unit packaging. As adopted November 20, 1971 (36 F.R. 22152) and as revised January 18, 1972 (37 F.R. 741), § 295.10 *Testing procedure for special packaging* provides for the testing of unit packaging, and the standards promulgated below have been appropriately changed to provide for unit packaging. Several comments filed after the testing procedure was adopted request that the unit packaging provision of such procedure be waived and that existing forms of unit packaging be authorized for continued use until more data are available on testing unit packaging. The Commissioner concludes, however, that due to child protection considerations, unit packaging must be tested by the procedure presently required by § 295.10. If experience indicates a need for change, the procedure will be amended or revised.

B. *Nonconsumer packages.* Numerous comments express concern that the packaging standards will apply to bulk shipments of pharmaceuticals, to packages of prescription drugs for multiple dispensing and not of a size to be presented directly to the consumer in filling a prescription, and to shipments of pharmaceuticals in unit packaging for institutional use. The person who places a household substance subject to these standards into a container or package must determine if that container is in fact a package in which the substance may be delivered to the consumer for use or storage in the household. If it is not, then these standards do not apply. However, the responsibility for repackaging prescribed drugs in accordance with this standard rests with the individual dispensing such substances at the retail or user level.

C. *Use by the elderly or handicapped.* Several comments express concern that elderly or handicapped persons may have difficulty using special packaging. Section 4(a) of the act provides that substances subject to special packaging standards may also be packaged in noncomplying packaging within prescribed limitations. Section 4(b) provides that prescribed drugs subject to such standards may be packaged in a noncomplying package either at the direction of the practitioner issuing the prescription or on request of the purchaser.

D. *Effectiveness.* Two comments recommend that the percent of child-resistant effectiveness be increased to from 98 to 100 percent. An effectiveness specification of 100 percent is prohibited by section 2(4) of the act. If experience with special packaging demonstrates a need for changing the effectiveness specifications, such changes may be made if they are technically feasible, practicable, and appropriate.

E. *Technically feasible, practicable, and appropriate.* Several comments from the industry and from trade and professional associations contend that the proposed special packaging is not technically feasible, practicable, and appropriate for aspirin-containing preparations. Section 3(a)(2) of the act provides that a finding must be made that such special packaging is technically feasible, practicable, and appropriate for the subject substance. On the basis of reports and data from industry and other relevant information, the Commissioner finds that the special packaging required herein is:

1. Technically feasible because technology exists to produce special packages conforming to the standard. At least 10 different special packages have been tested in accordance with § 295.10 (21 CFR 295.10) that meet or exceed the child-resistant effectiveness and adult-use effectiveness specifications in § 295.3 (b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production, data indicates a capability to adequately meet the needs of the affected industries.

3. Appropriate since special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

F. *Sample packages.* Several comments object to the submission of sample packages. They contend that this may involve an inordinate number of packages from one manufacturer and that the act does not specifically provide for submission of samples. The Commissioner concludes that this requirement is necessary to accomplish the purposes of the act and will assist in determining whether a substance offered by a manufacturer or packer in a noncomplying package is also being supplied by such manufacturer or packer in popular size packages complying with the standards. The Commissioner also concludes, however, that the requirement for submission of sample packages should be modified to reduce the number of packages that must be submitted by each manufacturer or packer and § 295.2(b) has been changed accordingly.

G. *Effective date.* Several manufacturers and trade associations express concern over the effective date of the proposed standards. The principal comments note time factors involved in obtaining suitable special packaging, in conducting stability studies, and in modifying production lines to comply with the standards. Several comments requested specific effective dates. For example, a consumer interest group requested an immediate effective date; a pharmaceutical manufacturer requested a 9-month effective date; and a trade association requested an effective date of 1 year from the date this order is final. Having considered these comments and other relevant information, the Commissioner concludes that a period of 180 days is a necessary, reasonable, and sufficient time to allow affected persons to achieve full compliance with the standard established by this order. A sufficient amount of special packaging for preparations containing aspirin is not presently available to permit promulgating an effective date of less than 180 days and such an effective date would preclude the marketing of some aspirin preparations that are medically needed. An adequate supply of special packaging will be available within 180 days.

H. *Amounts of aspirin.* Several comments from manufacturers request clarification of the phrase "preparations containing significant amounts of aspirin" as used in the preamble to the proposal. The Commissioner concludes that all preparations containing aspirin are subject to these standards.

V 37 32 FEB 16 72 XUM

I. *Conflicting requirements.* Several comments from trade and professional associations express concern that requirements of the Poison Prevention Packaging Act and regulations thereunder will conflict with those of the Federal Food, Drug, and Cosmetic Act, its regulations, and official compendia dealing with packaging. The Commissioner concludes that the standards need appropriate clarification, and a new paragraph (c) has been added to § 295.2 to so provide.

J. *Reuse of special packaging.* A comment from the packaging industry suggests that the reuse of special packaging for drugs subject to special packaging standards should be prohibited. The Commissioner agrees that reuse of special packaging may compromise its effectiveness, and an appropriate prohibition has been incorporated in the standards.

K. *Continued functioning.* The preamble to the document promulgating § 295.10 *Testing procedure for special packaging*, published November 20, 1971 (36 F.R. 22152), contains the statement "The effect of a particular substance on continued functioning of the special packaging under conditions of use will be considered in the individual standards for substances regulated under the act." Accordingly, § 295.3 has been revised to include a provision that special packaging must continue to function with the effectiveness specifications set forth in the regulation when in actual contact with the substance contained therein and must also continue to so function for the number of openings customary for its size and contents. These determinations may be made by appropriate scientific evaluation of the compatibility of the substance with the special packaging and by appropriate mechanical testing to measure such factors as force, wear, and stress.

L. *Flavoring and coloring.* Two consumer interest comments suggest that the flavoring and/or coloring of aspirin should be prohibited because this makes the package unnecessarily attractive to children. In light of the statutory definition of package set forth in section 2(3) of the act, as well as the explicit provision in section 3(d) which prohibits the prescribing of product content, the Commissioner concludes that there is no legal authority under this act to prohibit such a practice. In any event, special packaging is required for such products under this regulation.

M. *Miscellaneous.* One comment suggests that the Commissioner has authority to prohibit noncomplying packages until the manufacturer establishes that noncomplying packages would be appropriate. The Commissioner concludes that there is no such authority in the act. Another comment suggests that a protocol for field tests be developed. The impact of special packaging standards will be continuously monitored by the Food and Drug Administration. No comments were received concerning the finding made by the Commissioner pursuant to section 3(a)(1) of the act, and the finding is hereby confirmed.

N. *Exemptions.* The legislative history of the act indicates that exemptions from special packaging standards may be granted, and the preamble to the document promulgating § 295.10 indicates that the Commissioner is prepared to grant individual exemptions. Several pharmaceutical manufacturers requested exemptions for particular aspirin-containing products: Preparations in powder, suppository and chewing gum form; boluses for veterinary use; effervescent tablets; and cold tablets. Since the Commissioner does not have sufficient information to determine whether any of the requests should be granted, and since none of them has been published for comment in the FEDERAL REGISTER as required by section 5(a) of the act, these requests are hereby denied without prejudice. Any request for an example from a special packaging standard will be considered by the Commissioner. Such a request must be in writing and must furnish reasonable grounds therefor, including, but not limited to, available human experience data, relevant experimental data, toxicity information, product and packaging specifications, labeling, marketing history, and the justification for the exemption. If such request furnishes reasonable grounds therefor, the Commissioner will publish a notice in the FEDERAL REGISTER proposing the amendment of the standard. Following such publication, the proceedings shall be the same as prescribed by section 5 of the act.

Therefore, having evaluated the comments received and other relevant material, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below. Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471–74) and under authority delegated to the Commissioner (21 CFR 2.120), two new sections are added to Part 295 as follows:

§ 295.2 Substances requiring "special packaging".

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

(1) *Aspirin.* Any preparation containing aspirin shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c).

(b) *Sample packages.* (1) The manufacturer or packer of any of the substances listed under paragraph (a) of this section as substances requiring special packaging shall provide the Commissioner with a sample of each type of special packaging, as well as the labeling for each size product that will be packaged in special packaging and the labeling for any noncomplying package. Sample packages and labeling should be sent to the Food and Drug Administration, Attention: Bureau of Product Safety, 5600 Fishers Lane, Rockville, Md. 20852.

(2) Sample packages should be submitted without contents when such contents are unnecessary for demonstrating the effectiveness of the packaging.

(3) Any sample packages containing drugs listed under paragraph (a) of this section shall be sent by registered mail.

(4) As used in subparagraph (1) of this paragraph, the term "manufacturer or packer" does not include pharmacists and other individuals who dispense, at the retail or user level, drugs listed under paragraph (a) of this section as requiring special packaging.

(c) *Applicability.* Special packaging standards for drugs listed under paragraph (a) of this section shall be in addition to any packaging requirements of the Federal Food, Drug, and Cosmetic Act or regulations promulgated thereunder or of any official compendia recognized by that act.

§ 295.3 Poison prevention packaging standards.

To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commissioner has determined that packaging designed and constructed to meet the following standards shall be regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application of these standards to substances requiring special packaging is in accordance with § 295.2.

(a) *General requirements.* The special packaging must continue to function with the effectiveness specifications set forth in paragraph (b) of this section when in actual contact with the substance contained therein. This requirement may be satisfied by appropriate scientific evaluation of the compatibility of the substance with the special packaging to determine that the chemical and physical characteristics of the substance will not compromise or interfere with the proper functioning of the special packaging. The special packaging must also continue to function with the effectiveness specifications set forth in paragraph (b) of this section for the number of openings and closings customary for its size and contents. This requirement may be satisfied by appropriate technical evaluation based on physical wear and stress factors, force required for activation, and other such relevant factors which establish that, for the duration of normal use, the effectiveness specifications of the packaging would not be expected to lessen.

(b) *Effectiveness specifications.* Special packaging which when tested by the method described in § 295.10, meets the following specifications:

(1) Child-resistant effectiveness of not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper means of opening such special packaging. In the case of unit packaging, child-resistant effectiveness of not less than 80 percent.

(2) Adult-use effectiveness not less than 90 percent.

(c) *Reuse of special packaging.* Special packaging for substances subject to the provisions of this paragraph shall not be reused.

Effective date. This order shall become effective 180 days after its date of publication in the FEDERAL REGISTER.

(Secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471–74)

Dated: February 11, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-2358 Filed 2-15-72;8:53 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

SUBCHAPTER A—FAIR HOUSING

[Docket No. R-72-165]

PART 110—FAIR HOUSING POSTER

The purpose of this regulation is to require the display of a fair housing poster by persons subject to sections 804–806 of the Civil Rights Act of 1968 and to prescribe the content of this poster.

Notice of a proposed amendment to Title 24 to include a new Part 72 was published in the FEDERAL REGISTER on August 4, 1971 (36 F.R. 14336). (Under the reorganization of Title 24 published in the FEDERAL REGISTER on December 22, 1971 (36 F.R. 24402), the fair housing poster will become new Part 110.) Comments were received from approximately 20 interested persons and organizations and consideration has been given to each comment.

Some comments with respect to proposed § 72.10 criticized the coverage of the proposed regulation as too broad, while other comments objected that the coverage is too narrow, and various suggestions were made for changes in coverage. Comments were directed not only to what dwellings should be included but also to the stage at which the requirement should take effect and the persons to whom it should apply. In response to the comments, § 72.10(a) (now § 110.10 (a) and (b)) has been revised to clarify the extent of coverage, to broaden coverage to the extent appropriate and to eliminate unnecessary burdens where the requirement can appropriately be narrowed or eliminated. Under § 110.10 (a) and (b), display of the prescribed poster at a single-family dwelling is not required unless the dwelling is being offered for sale or rental in conjunction with the sale or rental of other dwellings; however if a real estate broker or agent is handling the sale or rental, he must display the poster at any place of business where the dwelling is being offered for sale or rental. With respect to all other dwellings covered by the Act, the poster must be displayed at any place of business where the dwelling is offered for sale or rental; in addition, the poster must be displayed at the dwelling, except that in the case of a single-family dwelling being offered for sale or rental in conjunction with the sale or rental of other dwellings, e.g., a subdivision, the poster may be displayed at model homes instead of at each of the individual dwellings. Finally, in the case of dwellings other than a single-family dwelling not being offered for sale or rental in conjunction with the sale or rental of other dwellings, the poster must be displayed from the beginning of construction through the end of the sale or rental process.

Several comments suggested revisions in the language of the poster described in proposed § 72.25. Such suggestions included rewriting the poster in terms of the individual's rights rather than the Act's prohibitions, adding additional prohibitions contained in the Act, emphasizing the nature of penalties for failure to post, and listing the HUD area office instead of the regional office as a location to which to send complaints. The new § 110.25 adopts the suggestion with regard to the area offices in that the poster will provide for insertion of the address of the regional or area office as appropriate. It has been decided that instead of lengthening the content of the poster by adding additional prohibitions, the poster should be made shorter and easier to understand by briefly highlighting the major prohibitions. In addition, the Equal Housing Opportunity logotype and slogan have been inserted at the top of the poster.

A comment by the Federal Home Loan Bank Board (FHLBB) recommended exempting from this regulation any person subject to a regulation of the FHLBB requiring that person to post a poster substantially similar in content to the poster described in HUD's regulation. A similar comment was made by the Board of Governors of the Federal Reserve System with respect to entities subject to supervision by any of the four Federal financial regulatory agencies. The Department will authorize a person subject to the jurisdiction of a Federal financial regulatory agency to utilize a poster prescribed in a regulation by such agency, and approved by the Department, instead of the poster prescribed by HUD. However, all of the other requirements of Part 110 will remain fully applicable regardless of whatever sanctions the regulatory agency prescribes for failure to comply with its regulation. This provision is set forth in § 110.25(b). The requirement, set forth in § 110.10(c), that financial institutions post and maintain a fair housing poster will not be effective until May 1, 1972, in order to allow time for the Federal financial regulatory agencies to issue appropriate regulations.

Proposed § 72.30 stated that a failure to display the poster as required would be deemed a discriminatory housing practice, i.e., an act unlawful under sections 804, 805, and 806 of title VIII, and prima facie evidence of a violation of those sections, as applicable. There were comments favoring this provision and a comment stating that such a provision was beyond the Department's authority on the ground that title VIII prescribes the specific acts of discrimination which are unlawful. There was also a comment recommending that failure to comply should subject a person to suspension from eligibility for FHA insurance.

The Department believes that it has the authority to require a fair housing poster, and that proposed § 72.30 does not prescribe a new violation not provided for in title VIII. Rather, the section provides an appropriate evidentiary mechanism for assisting in the determination of whether a violation of title VIII has occurred. For purposes of clarity, the provision has been combined with proposed § 72.35—complaints—into a new § 110.30—Effect of failure to display poster—and the combined text shortened. Under § 110.30, when a person claiming to have been injured by a discriminatory housing practice files a complaint pursuant to Part 105—Fair Housing, a failure to display the required poster shall be deemed prima facie evidence of such practice.

The comment with respect to application of additional sanctions is rejected, since such sanctions as well as others are provided in the Affirmative Fair Housing Marketing Regulations published January 5, 1972 (37 F.R. 75), for failure to make the posting required at FHA project sites by § 200.620(f) of that regulation. Although Part 110 is applicable to some persons who are not covered by the Affirmative Fair Housing Marketing regulations, the Department considers that the insertion in Part 110 of the sanctions proposed in the comment is not appropriate.

Accordingly, a new Part 110 is added to Title 24 to read as follows:

Subpart A—Purpose and Definitions

Sec.
110.1 Purpose.
110.5 Definitions.

Subpart B—Requirements for Display of Posters

110.10 Persons subject.
110.15 Location of posters.
110.20 Availability of posters.
110.25 Description of posters.

Subpart C—Enforcement

110.30 Effect of failure to display poster.

AUTHORITY: The provisions of this Part 110 are issued under section 7(d) of the Department of Housing and Urban Development Act of 1965 (42 U.S.C. 3535(d)).

Subpart A—Purpose and Definitions

§ 110.1 Purpose.

The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development with respect to the display of a fair housing poster by persons subject to sections 804–806 of the Civil Rights Act of 1968, 42 U.S.C. 3604–3606.

V 37 N 32 FEB 16 72 XUM

§ 110.5 Definitions.

(a) "Department" means the Department of Housing and Urban Development.

(b) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, or 806 of title VIII.

(c) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(d) "Family" includes a single individual.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

(f) "Secretary" means the Secretary of Housing and Urban Development.

(g) "Fair housing poster" means the poster prescribed by the Secretary for display by persons subject to sections 804–806 of the Civil Rights Act of 1968.

(h) "The Act" means title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.

(i) "Person in the business of selling or renting dwellings" means a person as defined in section 803(c) of the Act.

Subpart B—Requirements for Display of Posters

§ 110.10 Persons subject.

(a) Except to the extent that paragraph (b) of this section applies, all persons subject to section 804 of the Act, Discrimination in the Sale or Rental of Housing, shall post and maintain a fair housing poster as follows:

(1) With respect to a single-family dwelling (not being offered for sale or rental in conjunction with the sale or rental of other dwellings) offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings, such person shall post and maintain a fair housing poster at any place of business where the dwelling is offered for sale or rental.

(2) With respect to all other dwellings covered by the Act:

(i) A fair housing poster shall be posted and maintained at any place of business where the dwelling is offered for sale or rental, and

(ii) A fair housing poster shall be posted and maintained at the dwelling, except that with respect to a single-family dwelling being offered for sale or rental in conjunction with the sale or rental of other dwellings, the fair housing poster may be posted and maintained at the model dwellings instead of at each of the individual dwellings.

(3) With respect to those dwellings to which subparagraph (2) of this paragraph applies, the fair housing poster must be posted at the beginning of construction and maintained throughout the period of construction and sale or rental.

(b) This part shall not require posting and maintaining a fair housing poster:

(i) On vacant land, or

(ii) At any single-family dwelling, unless such dwelling

(*a*) Is being offered for sale or rental in conjunction with the sale or rental of other dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in paragraph (a)(2)(ii) of this section, or

(*b*) Is being offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in paragraph (a)(1) of this section,

(c) All persons subject to section 805 of the Act, Discrimination in the Financing of Housing, shall post and maintain a fair housing poster at all their places of business which participate in the financing of housing.

(d) All persons subject to section 806 of the Act, Discrimination in the Provision of Brokerage Services, shall post and maintain a fair housing poster at all their places of business.

§ 110.15 Location of posters.

All fair housing posters shall be prominently displayed so as to be readily apparent to all persons seeking housing accommodations or financial assistance or brokerage services in connection therewith as contemplated by sections 804–806 of the Act.

§ 110.20 Availability of posters.

All persons subject to this part may obtain fair housing posters from the Department's regional and area offices. A facsimile may be used if the poster and the lettering are equivalent in size and legibility to the poster available from the Department.

§ 110.25 Description of posters.

(a) The fair housing poster shall be 11 inches by 14 inches and shall bear the following legend:

EQUAL HOUSING OPPORTUNITY

We Do Business in Accordance With the Federal Fair Housing Law

(Title VIII of the Civil Rights Act of 1968)

IT IS ILLEGAL

TO DISCRIMINATE AGAINST

ANY PERSON BECAUSE OF RACE,

COLOR, RELIGION, OR NATIONAL ORIGIN

- In the sale or rental of housing or residential lots.
- In advertising the sale or rental of housing.
- In the financing of housing.
- In the provision of real estate brokerage services.
- Blockbusting is also illegal.

Anyone who feels he has been discriminated against should send a complaint to:

U.S. Department of Housing and Urban Development, Assistant Secretary for Equal Opportunity, Washington, D.C. 20410

or

HUD Region or

[Area Office stamp]

(b) The Assistant Secretary for Equal Opportunity may grant a waiver permitting the substitution of a poster prescribed by a Federal financial regulatory agency for the fair housing poster described in paragraph (a) of this section. While such waiver remains in effect, compliance with the posting requirements of such regulatory agency shall be deemed compliance with the posting requirements of this part. Such waiver shall not affect the applicability of all other provisions of this part.

Subpart C—Enforcement

§ 110.30 Effect of failure to display poster.

Any person who claims to have been injured by a discriminatory housing practice may file a complaint with the Secretary pursuant to Part 105 of this chapter. A failure to display the fair housing poster as required by this part shall be deemed prima facie evidence of a discriminatory housing practice.

Effective date. This part shall be effective February 25, 1972, except for § 110.10(c) which shall be effective May 1, 1972.

SAMUEL J. SIMMONS,
Assistant Secretary for Equal Opportunity.

[FR Doc.72-2262 Filed 2-15-72;8:45 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from $85 to $90 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

As amended, § 511.4 reads as follows:

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $90 for each day actually spent in the work of the committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of, the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C., this 9th day of February 1972.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.72-2317 Filed 2-15-72;8:51 am]

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Applicability of Certain Electrical Standards

Pursuant to sections 6(a) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596, 29 U.S.C. 655), Subpart S of Part 1910 of Title 29, Code of Federal Regulations (36 F.R. 10600, May 29, 1971) is hereby amended in the manner indicated below in order to update the standards contained therein, clarify certain provisions concerning the applicability of such standards, and also clarify certain definitions used in Subpart S.

The present Subpart S is essentially an incorporation by reference of the National Fire Protection Association's electrical standards contained in the National Electrical Code NFPA 70–1968 (ANSI C1–1968). These amendments adopt the updated version of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

In addition, numerous questions have arisen concerning the applicability of certain provisions in Subpart S and the meaning of the term "approved" used therein. These amendments are intended to clarify both of these areas. Also included are a number of conforming changes.

Pursuant to section 4(b)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970, Subpart K of Part 1926 of Title 29, Code of the Federal Regulations, is also amended in the manner indicated below in order to adopt the updated version of the National Electrical Code NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), and to clarify the meaning of the term "approved" as used therein.

A. Part 1910 is amended as follows:

1. Section 1910.66(c)(22) (i) and (vii) are revised to read as follows:

§ 1910.66 Powered platforms for exterior building maintenance.

* * * * * * *

(c) * * *

(22) * * *

(i) All electrical equipment and wiring shall conform to the requirements of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), except as modified by ANSI A120.1–1970 "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance." For detail design specifications for electrical equipment, see Part 2, ANSI A120.1–1970.

* * * * * * *

(vii) Electric runway conductor systems shall be of the type designed for use in exterior locations and shall be located so as not to be subject to contact with water or accumulated snow. The conductors, collectors, and disconnecting means shall conform to the same requirements as those for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968). A grounded conductor shall parallel the power conductors and be so connected that it cannot be opened by the disconnecting means. The system shall be designed to avoid hazard to persons in the area.

* * * * * * *

2. Section 1910.68 (b)(4) and (c)(5)(iv)(c) are revised to read as follows:

§ 1910.68 Manlifts.

* * * * * * *

(b) * * *

(4) Reference to other codes and subparts. The following codes, and subparts of this part, are applicable to this section. Safety Code for Mechanical Power Transmission Apparatus ANSI B15.1–1953 (R 1958) and Subpart O; National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968) and Subpart S; Safety Code for Fixed Ladders, ANSI A14.3–1956 and Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1–1967 and Subpart D.

* * * * * * *

(c) * * *

(5) * * *

(iv) * * *

(c) Where flammable vapors or dusts may be present all electrical installations shall be in accordance with the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), requirements for such locations.

* * * * * * *

3. Section 1910.94(a)(2)(iii) is revised to read as follows:

§ 1910.94 Ventilation.

(a) * * *

(2) * * *

(iii) Organic abrasives which are combustible shall be used only in automatic systems. Where flammable or explosive dust mixtures may be present, the construction of the equipment, including the exhaust system and all electric wiring shall conform to the requirements of American National Standard Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, Z33.1–1961 (NFPA 91–1961), and the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968). The blast nozzle shall be bonded and grounded to prevent the build up of static charges. Where flammable or explosive dust mixtures may be present, the abrasive blasting enclosure, the ducts, and the dust collector shall be constructed with loose panels or explosion venting areas, located on sides away from any occupied area, to provide for pressure relief in case of explosion, following the principles set forth in the National Fire Protection Association Explosion Venting Guide. NFPA 68–1954.

* * * * * * *

4. Section 1910.103(b)(3)(iii)(*e*) is revised to read as follows:

§ 1910.103 Hydrogen.

* * * * * * *

(b) * * *

(3) * * *

(iii) * * *

(*e*) Electrical equipment shall be in accordance with Article 501 of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), for Class I Division 2 locations.

* * * * * * *

5. Section 1910.143(e) is revised to read as follows:

§ 1910.143 Nonwater carriage disposal systems.

* * * * * * *

(e) * * *

(5) The combustion system and all fuel and electrical parts shall be safe and in compliance with applicable gas and electrical codes of local authorities. Where such codes do not exist, the installations shall comply with the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

* * * * * * *

6. Section 1910.177(f)(3) is revised to read as follows:

§ 1910.177 Indoor general storage.

* * * * * * *

(f) * * *

(3) Electrical equipment shall be installed in accordance with the provisions of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

* * * * * * *

7. Section 1910.178(c)(2) is revised to read as follows:

§ 1910.178 Powered industrial trucks.

* * * * * * *

(c) * * *

FEB 16 72 VOL 37 NO 32 XUM

(2) For specific areas of use see Table N–1 which tabulates the information contained in this section. References in parentheses are to the corresponding classification as used in the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968) for the convenience of persons familiar with those classifications.

* * * * *

8. Subpart S is amended by revising §§ 1910.308 and 1910.309 to read as follows:

§ 1910.308 Application.

(a) *General.* Section 1910.309 adopts as a national consensus standard the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), which is incorporated by reference in this subpart.

(b) *Purpose of the National Electrical Code.* (1) The purpose of the National Electrical Code is the practical safeguarding of any persons and of buildings and their contents from hazards arising from the use of electricity for light, heat, power, radio, signaling, and for other purposes. The standards contained therein are occupational safety and health standards to the extent that they safeguard any person who is an employee of an employer.

(2) The National Electrical Code contains basic minimum provisions considered necessary for safety.

(c) *Scope*—(1) *Covered.* The provisions of this Subpart S cover electrical installations and utilization equipment installed or used within or on public and private buildings, structures and other premises including:

(i) Yards,
(ii) Carnivals,
(iii) Parking lots,
(iv) Mobile homes,
(v) Recreational vehicles,
(vi) Conductors that connect an installation to a supply of electricity, and
(vii) Other outside conductors adjacent to the premises.

(2) *Not covered.* The provisions of this subpart do not cover:

(i) Installations in ships, watercraft, railway rolling stock, aircraft or automotive vehicles,

(ii) Installations underground in mines,

(iii) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes,

(iv) Installations of communication equipment under exclusive control of communication utilities located outdoors or in building spaces used exclusively for such installation, or

(v) Installations under the exclusive control of electric utilities for the purpose of communication, metering or for the generation, control, transformation, transmission, and distribution of electric energy, located in buildings used exclusively by the utilities for such purposes or located outdoors on property owned or leased by the utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(d) *Definitions applicable to this Subpart S*—(1) *Approved.* Some provisions of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), which is adopted in this Subpart S, require installations or equipment to be approved. In Article 100 of the Code, "approved" is defined to mean "acceptable to the authority enforcing this Code." The authority enforcing the Code under subpart S is the Assistant Secretary of Labor for Occupational Safety and Health. The definitions in this subsection indicate what is acceptable to the Assistant Secretary of Labor, and therefore approved within the meaning of the Code as incorporated in this subpart S.

(2) *Acceptable.* An installation or equipment is acceptable to the Assistant Secretary of Labor, and approved within the meaning of this Subpart S: (i) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriters' Laboratories, Inc. and Factory Mutual Engineering Corp.; or (ii) with respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another Federal agency, or by a State, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in § 1910.309; or (iii) with respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by, a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the Assistant Secretary and his authorized representatives.

(3) For purposes of subparagraph (2) of this paragraph:

(i) *Listed.* Equipment is "listed" if it is of a kind mentioned in a list which, (*a*) is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment, and (*b*) states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner;

(ii) *Labeled.* Equipment is "labeled" if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which, (*a*) makes periodic inspections of the production of such of equipment, and (*b*) whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner;

(iii) *Accepted.* An installation is "accepted" if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes;

(iv) *Certified.* Equipment is "certified" if it, (*a*) has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or (*b*) is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and (*c*) it bears a label, tag, or other record of certification;

(v) *Utilization equipment.* Utilization equipment means equipment which utilizes electric energy for mechanical, chemical, heating, lighting, or similar useful purpose.

§ 1910.309 National Electrical Code.

(a) The requirements contained in the following articles and sections of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968) shall apply to all electrical installations and utilization equipment:

Articles:	
500	Hazardous Locations.
501	Class I Installations (Hazardous Locations).
502	Class II Installations (Hazardous Locations).
503	Class III Installations (Hazardous Locations).
Sections:	
250–58 (a) and (b).	Equipment on Structural Metal.
250–59 (a), (b), and (c).	Portable and/or Cord Connected and Plug Connected Equipment, Grounding Method.
400–3 (a) and (b)	Flexible Cords and Cable, Uses.
400–4	Flexible Cords and Cable Prohibited.
400–5	Flexible Cords and Cables, Splices.
400–9	Overcurrent Protection and Ampacities of Flexible Cords.
410–10	Pull at Joints and Terminals of Flexible Cords and Cables.
422–8	Installation of Appliances with Flexible Cords.
422–9	Installation of Portable Immersion Heaters.
422–10	Installation Appliances Adjacent to Combustible Material.
422–11	Stands for Portable Appliances.
422–12	Signals for Heated Appliances.
422–14	Water Heaters.
422–15 (a), (b), and (c).	Installation of Infrared Lamp and Industrial Heating Appliances.
110–14 (a) and (b).	Electric Connection.
110–17 (a), (b), and (c).	Grounding Live Part.
110–18	Arcing Parts.
110–21	Marking.
110–22	Identification.
140–16 (a), (b), (c), and (d).	Location in Premises of Overcurrent Protection.
240–19 (a) and (b).	Grounding of Arcing or Suddenly Moving Parts of Overcurrent Protection Devices.
250–3 (a) and (b)	D.C. System Grounding.
Sections—Continued	
250–5 (a), (b), and (c).	A.C. Circuits and Systems To Be Grounded.
250–7	Circuits Not To Be Grounded.
250–42 (a), (b), (c), and (d).	Fixed Equipment Grounding, General.
250–43 (a), (b), (c), (d), (e), (f), (g), (h), and (i).	Fixed Equipment Grounding, Specific.
250–44 (a), (b), (c), (d), and (e).	Nonelectrical Equipment, Grounding.
250–45 (a), (b), (c), and (d).	Equipment Connected by Cord and Plug, Grounding.
430–142 (a), (b), (c), and (d).	Stationary Motor, Grounding.
430–143	Portable Motors, Grounding.
250–50 (a) and (b).	Equipment Grounding Connections.
250–51	Effective Grounding.
250–57 (a) and (b).	Fixed Equipment Method of Grounding.
422–16	Appliance Grounding.
422–17	Installation of Wall-mounted Ovens and Counter - mounted Cooking Units.

(b) Every new electrical installation and all new utilization equipment installed after March 15, 1972, and every replacement, modification, or repair or rehabilitation, after March 15, 1972, of any part of any electrical installation or utilization equipment installed before March 15, 1972, shall be installed or made, and maintained, in accordance with the provisions of the 1971 National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

(Secs. 6(a), 8(g), 84 Stat. 1593, 1598; 29 U.S.C. 655, 657; Secretary Orders 12–71, 36 F.R. 8754)

B. Subpart K of Part 1926 is amended as follows:

1. Section 1926.151(a)(1) is revised to read as follows:

§ 1926.151 Fire prevention.

(a) *Ignition hazards.* (1) Electrical wiring and equipment for light, heat, or power purposes shall be installed in compliance with the requirements of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), and the requirements of Subpart K of this part.

* * * * *

2. Section 1926.351(d)(5) is revised to read as follows:

§ 1926.351 Arc welding and cutting.

* * * * *

(d) * * *

(5) Other requirements, as outlined in Article 630, National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), Electric Welders, shall be used when applicable.

* * * * *

3. Section 1926.400 (a), (c), and (f) are revised to read as follows:

§ 1926.400 General requirements.

(a) All electrical work, installations, and wire capacities shall be in accordance with pertinent provisions of the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), and the National Electrical Safety Code, National Bureau of Standards, Part 4 (ANSI C2.4) unless otherwise provided by regulations of this part.

* * * * *

(e) Workspace around equipment: Sufficient space shall be provided and maintained in the area of electrical equipment to permit ready and safe operation and maintenance of such equipment. When parts are exposed, the minimum clearance for the workspace shall be not less than 6¼ feet high, nor less than a radius of 3 feet wide, and there shall be clearance sufficient to permit at least a 90° opening of all doors or hinged panels. All working clearances shall be maintained in accordance with Article 110–16, National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968).

(f) Load ratings: In existing installations no changes in circuit protection shall be made to increase the load in excess of the load rating of the circuit wiring, as specified in National Electric Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), Article 310.

* * * * *

4. Section 1926.401(h) is revised to read as follows:

§ 1926.401 Grounding and loading.

* * * * *

(h) *Temporary wiring.* All temporary wiring shall be effectively grounded in accordance with the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968), Articles 305 and 310.

* * * * *

5. Section 1926.404(a)(4) is revised to read as follows:

§ 1926.404 Hazardous locations.

(a) * * *

(4) See the National Electrical Code, NFPA 70–1971; ANSI C1–1971 (Rev. of 1968) for further definition of divisions 1 and 2 for each class.

* * * * *

6. Section 1926.405(a) is revised to read as follows:

§ 1926.405 Definitions appplicable to this subpart.

(a) The definition of "approved" as set forth in § 1910.308(d) of this chapter shall apply.

* * * * *

7. Section 1926.803(j)(3) is revised to read as follows:

§ 1926.803 Compressed air.

* * * * *

(j) * * *

(3) All electrical equipment, and wiring for light and power circuits, shall comply with requirements of the National Electrical Code, ANSI C1–1971 (Rev. of 1968) for use in damp, hazardous, high temperature, and compressed air environments.

* * * * *

(Sec. 4(b)(2), 84 Stat. 1592, 29 U.S.C. 653; Secretary's Order No. 12–71, 36 F.R. 8754)

Effective date. These amendments shall become effective March 15, 1972.

Signed at Washington, D.C., this 11th day of February 1972.

GEORGE C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72–2360 Filed 2–15–72;8:53 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER X—INTERIM REGULATIONS

[CGFR 72–28]

PART 199—INTERIM REGULATIONS FOR BOATS

Lifesaving Equipment

The purpose of these amendments to Chapter I of Title 33, Code of Federal Regulations, is to add a new Subchapter X and a new Part 199 which contains interim lifesaving equipment requirements for boats.

A notice of proposed rule making was published in the FEDERAL REGISTER on November 10, 1971 (36 F.R. 215 23) proposing interim lifesaving equipment requirements under the authority of section 5 of the Federal Boat Safety Act of 1971 (Public Law 92–75). The notice of proposed rule making declared the Coast Guard's intention to require approved lifesaving devices on boats propelled or controlled by oars, paddles, sails, poles, or by another vessel. The regulations in Title 46 and all other Coast Guard regulations pertaining to lifesaving equipment remain in effect.

On December 6, 1971, the Boating Safety Advisory Council, established under the authority of section 33 of the Federal Boat Safety Act of 1971, was consulted concerning:

(1) The need for and extent to which the proposed rule would contribute to boating safety.

(2) The relevant available statistics and data which the Coast Guard considered in formulating the rule.

(3) The reasonableness and appropriateness of the proposed rule for the particular types of boats to which it is intended to apply.

The 20 Council members present voted unanimously that the rule is needed and that it should be published as a final rule, taking into account public comment on the proposal.

On December 16, 1971, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C., to receive the views of interested persons on the proposed regulations. During the period November 10, 1971, to December 26, 1971, written comments from interested persons were received. The Coast Guard has considered these oral and written comments in preparing the final rule.

VOL 37 NO 32 FEB 16 72 XUM

The majority of the comments were concerned with "white water canoes" and similar boats. The special requirements for freedom of movement while wearing a lifesaving device and the difficulty of stowing lifesaving devices in a readily accessible location on such boats are recognized by the Coast Guard. The special lifesaving devices commonly in use by white water canoeists are not presently Coast Guard approved. The Coast Guard has therefore added § 199.15(a) to the rule to provide an alternative to carrying an approved device for the white-water canoeist.

Racing shells and sculls are designed to carry only the crew. They do not have space to stow lifesaving devices during practice and while racing. Such devices when worn interfere with the intense physical efforts of the crew. However, the racing shells and sculls are usually accompanied by other boats. The Coast Guard has therefore added § 199.15(b) to the rule to provide an alternative to the rower when his scull or shell is accompanied by another vessel.

Other comments concerned the appropriateness of requiring lifesaving devices on sailboats of the "sailboard" type. The Coast Guard considers that these boats are used in general sailing service and that there are now Coast Guard approved lifesaving devices available which are specially designed to meet the freedom of movement requirements of the sailor when worn. The Coast Guard considers that there is ample clear space on these boats for lifesaving device stowage. Further, for example, the North Jersey Yacht Racing Association requires the carrying of Coast Guard approved lifesaving devices on boats of the sailboard type and their comment supported such action by the Coast Guard.

Other comments advocated extending the applicability of the proposed rule to other boats such as ship's lifeboats and State owned boats not of the recreational type, and to revising the present lifesaving device requirements on all boats. The applicability of the Federal Boat Safety Act of 1971, under the authority of which the proposed rule was issued, defines precisely the vessels to which the Act is applicable and extension of the proposed requirements to other vessels not covered by the Act is not possible.

Minor revisions of the proposed rule have been made for purposes of clarity: Subparagraphs (2) and (3) have been added to § 199.5(a); section 199.13(b) has been reworded with no substantive changes; and the words "of lifesaving equipment" have been added to § 199.19(c).

As stated in the preamble to the proposed rule, these regulations are interim in nature pending an overall revision of lifesaving device requirements. All comments received on the interim rule will be considered again by the Coast Guard in developing the overall revision.

Section 5(b) of the Federal Boat Safety Act of 1971 requires that a regulation issued thereunder specify an effective date which is not earlier than 180 days from the date of issuance, unless there exists a boating safety hazard so critical as to require an earlier effective date. Allowing the boats covered by this rule to continue to operate without approved lifesaving devices for even one more boating season may involve the unnecessary loss of many lives. For this reason the Coast Guard hereby considers that an early effective date is needed and makes these regulations effective 60 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Chapter I of Title 33, Code of Federal Regulations, is amended by adding a new Subchapter X and a new Part 199 to read as follows:

Subpart A—General

Sec.
199.1 Applicability.
199.3 Purpose.
199.5 Definitions.

Subpart B—Lifesaving Equipment

199.11 Applicability of subpart.
199.13 Lifesaving equipment required.
199.15 Racing canoes, kayaks, shells, and sculls.
199.17 Stowage.
199.19 Condition; approval; marking.

AUTHORITY: The provisions of this Part 199 are issued under the Act of August 10, 1971, Public Law 92-75, section 5, 85 Stat. 213, 215; 49 CFR 1.46(o)(1) (63 F.R. 19593).

Subpart A—General

§ 199.1 Applicability.

This part prescribes rules governing the use of boats on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for boats owned in the United States, except—

(a) Foreign boats temporarily using waters subject to United States jurisdiction;

(b) Military or public boats of the United States, except recreational-type public vessels;

(c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such; and

(d) Ship's lifeboats.

§ 199.3 Purpose.

The purpose of this part is to prescribe boating regulations and standards that are so critical as to require an early effective date during the interim before comprehensive boating safety regulations can be promulgated under the Federal Boating Safety Act of 1971.

§ 199.5 Definitions.

As used in this part:

(a) "Boat" means any vessel—

(1) Manufactured or used primarily for noncommercial use;

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers.

(b) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(c) "Use" means operate, navigate, or employ.

Subpart B—Lifesaving Equipment

§ 199.11 Applicability of subpart.

This subpart applies to boats that are propelled or controlled by oars, paddles, poles, or sails, or by another vessel.

§ 199.13 Lifesaving equipment required.

(a) Except as provided in § 199.15, no person may use a boat less than 40 feet long unless there is at least one of the following on board for each person:

(1) Life preserver.

(2) Ring life buoy.

(3) Buoyant vest.

(4) Special purpose water safety buoyant device.

(5) Buoyant cushion.

(b) No person may use a boat that is 40 feet or more but less than 65 feet in length unless there is at least one of the following on board for each person:

(1) Life preserver.

(2) Ring life buoy.

(c) No person may use a boat that is 65 feet long or longer unless there is at least one life preserver on board for each person.

§ 199.15 Racing canoes, kayaks, shells, and sculls.

(a) A person using a canoe or kayak that is enclosed by a deck or spray skirt need not comply with § 199.13 if he wears a vest-type lifesaving device that—

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 13 lb. of positive buoyancy in fresh water, if worn by a person who weighs more than 90 pounds; or

(2) Has no less than 120 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ lb. positive buoyancy in fresh water, if worn by a person who weighs 90 pounds or less.

(b) A person using a racing shell or rowing scull need not comply with § 199.13 if a device required by § 199.13 is carried on board an accompanying vessel for his use.

§ 199.17 Stowage.

No person may use a boat unless each item of lifesaving equipment required by § 199.13 is readily accessible.

§ 199.19 Condition; approval; marking.

No person may use a boat unless each item of lifesaving equipment required by § 199.13 is—

(a) Approved by the Commandant under 46 CFR 160.

(b) In good and serviceable condition; and is

(c) Legibly marked with the markings specified in 46 CFR 160 for that item of lifesaving equipment.

(Act of August 10, 1971, Public Law 92-75, sec. 5, 85 Stat. 213, 215; 49 CFR 1.46(o)(1) (36 F.R. 19593))

Effective date. This amendment shall become effective on April 17, 1972.

Dated: February 10, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.72-2354 Filed 2-15-72;8:53 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 0—STANDARDS OF ETHICAL CONDUCT AND RELATED RESPONSIBILITIES

Statement of Employment and Financial Interests

In § 0.735-73, paragraph (e) is amended to read as follows:

§ 0.735-73 Employees required to submit statements.

• • • • •

(e) The following positions, which are classified at GS-13 or above except as otherwise indicated, are considered to meet the criteria of paragraph (a), (b), (c), or (d) of this section and have not been excluded under § 0.735-74; all appointees to these positions must file statements of employment and financial interests, except where an individual position in an included category may be exempted under § 0.735-74(a):

LIST OF POSITIONS REQUIRING FILING OF STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

Deputy Administrator.
Associate Deputy Administrator.
Assistant Deputy Administrator.
Chief Medical Director.
Chief Benefits Director.
Chief Data Management Director.
General Counsel.
Manager, Administrative Services.
Controller.
Assistant Administrator for Construction.
Chairman and Members, Contract Appeals Board.
Assistant Manager, Administrative Services, Central Office.
Director, Central Office Building and Supply Service.
Assistant Director, Central Office Building and Supply Service.
Chief, Central Office Supply Division, GS-12.
Director, Central Office Publications Service.
Assistant Director, Central Office Publications Service.
Commercial Procurement Supervisor, Publications Service, GS-11.
Deputy Assistant Administrator for Construction.
Director, Program Control and Analysis Staff (Construction).
Area Projects Directors (Construction).
Director of Architecture and Engineering.
Utilities Contracting Officer.
Director, Research Staff (Construction).
All Service Directors in Office of Construction.
Resident Engineers (Construction) with authority to issue change orders, GS-11 and above.
Deputy Chief Data Management Director.
Assistant Deputy Chief Data Management Director.
Center Directors, Department of Data Management.
Deputy Chief Medical Director.
Associate Deputy Chief Medical Director.
Associate Deputy Chief Medical Director for Field Operations.
Executive Assistant to Chief Medical Director.
Regional Medical Directors.
Assistant Chief Medical Director for Professional Services.
Deputy for Clinical Services.
Deputy for Clinical Support Services.
Director, Dietetic Service.
Director, Ambulatory Care Service.
Director, Medical Service.
Director, Nuclear Medicine Service.
Director, Nursing Service.
Director, Pathology and Allied Sciences Service.
Director, Pharmacy Service.
Director, Physical Medicine and Rehabilitation Service.
Director, Psychiatry, Neurology and Psychology Service.
Director, Prosthetic and Sensory Aids Service.
Director, Radiology Service.
Director, Surgical Service.
Assistant Chief Medical Director for Administration and Facilities.
Director, Building Management Service.
Director, Engineering Service.
Assistant Chief Medical Director for Research and Education in Medicine.
Assistant Chief Medical Director for Dentistry.
Director, Health Care Facilities Service.
Director, Veterans Canteen Service.
Deputy Director, Veterans Canteen Service.
Field Directors, Veterans Canteen Service.
Supervisory Buyers, Merchandising Division, Veterans Canteen Service.
Director, Supply Service.
Supply Management Officers (Class Title) GS-13 and up.
Supply Management Representatives (Class Title) GS-13 and up.
Contract Specialists (Class Title) GS-13 and up.
Chiefs, Supply Divisions, All Field Stations, GS-9 and above.
Chiefs, Business Services Divisions, DM&S Field Stations, GS-10 and above.
Directors of Field Stations, DM&S (Department of Medicine and Surgery).
Assistant Directors of Field Stations, DM&S.
Chiefs of Staff, DM&S Field Stations.
Deputy Chief Benefits Director.
Executive Assistant to the Chief Benefits Director.
Director, Compensation, Pension and Education Service.
Director, Insurance Service.
Director, Loan Guaranty Service.
Deputy Director, Loan Guaranty Service.
Chief Actuary, Insurance Service.
Field Directors, Area Field Offices.
Directors, DVB (Department of Veterans Benefits) Field Stations.
Assistant Directors, DVB Centers.
Loan Guaranty Officers, Field Stations.
Assistant Loan Guaranty Officers, Field Stations.
Chief, Construction and Valuation Sections (Field Stations), GS-11 and above.
Chiefs, Loan Processing Sections (Field Stations), GS-10 and above.
Chiefs, Property Management Sections (Field Stations), GS-11 and above.

• • • • •

(E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104)

These amendments were approved by the Civil Service Commission on February 1, 1972, and are effective on publication in the FEDERAL REGISTER (2-16-72).

Approved: February 10, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-2356 Filed 2-15-72;8:53 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

The changes in AECPR Subpart 9-1.13, Minority Business Enterprises, and AECPR § 9-59.004, *AECPR-FPR provisions pertaining to cost-type contractor procurement*, are made in order to add reporting requirements for minority business enterprise procurements. Other miscellaneous changes in other parts are also included.

PART 9-1—GENERAL

1. In Subpart 9-1.13, Minority Business Enterprises, § 9-1.1310, *Policy*, a new paragraph (c) is added as follows:

Subpart 9-1.13—Minority Business Enterprises

§ 9-1.1310 Policy.

• • • • •

(c) See § 9-1.709, *Reports and Records*, for reporting requirements.

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

2. In Subpart 9-5.52, Procurement of Special Items, § 9-5.5206, Miscellaneous items, a new § 9-5.5206-27 is added as follows:

Subpart 9-5.52—Procurement of Special Items

§ 9-5.5206-27 Procurement of masking devices.

Masking devices are assembled in the AEC plant at Paducah, Ky., and may be requisitioned by AEC offices and cost-type contractors at cost (currently about $275) from:

Mr. Bernard Stiller, Area Manager, U.S. Atomic Energy Commission, Paducah Area Office, Post Office Box 1213, Paducah, KY 42001.

PART 9-7—CONTRACT CLAUSES

3. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5004-11, *Security*, paragraph (a) is revised to read as follows:

FEB 16 72
XUM

Subpart 9–7.50—Use of Standard Clauses

§ 9–5.5004–11 Security.

(a) *Contractor's duty to safeguard Restricted Data, Formerly Restricted Data, and other classified information.* The contractor shall, in accordance with the Atomic Energy Commission's security regulations and requirements, be responsible for safeguarding restricted data, formerly restricted data, and other classified information and protecting against sabotage, espionage, loss and theft, the classified documents and material in the contractor's possession in connection with the performance of work under this contract. Except as otherwise expressly provided in this contract, the contractor shall, upon completion or termination of this contract, transmit to the Commission any classified matter in the possession of the contractor or any person under the contractor's control in connection with performance of this contract. If retention by the contractor of any classified matter is required after the completion or termination of the contract and such retention is approved by the Contracting Officer, the contractor will complete a certificate of possession to be furnished to the Atomic Energy Commission specifying the classified matter to be retained. (Note A.) If retention is approved by the Contracting Officer, the security provisions of the contract will continue to be applicable to the matter retained.

PART 9–59—ADMINISTRATION OF COST-TYPE CONTRACTOR PROCUREMENT ACTIVITIES

4. In AECPR Part 9–59, § 9–59.004, *AECPR–FPR provisions pertaining to cost-type contractor procurement,* is revised to read as follows:

§ 9–59.004 AECPR–FPR provisions pertaining to cost-type contractor procurement.

The AECPR–FPR provisions referenced below pertain to cost-type contractor procurements and are listed in this part to facilitate administration. Some of these provisions are implementations of statutory or other requirements and AEC-wide policies, which provide little or no basis for the exercise of judgment. However, to the extent such provisions permit or provide for the exercise of judgment, contracting officers should be guided by good business practice and the best interests of the Government.

Subject	*Reference*
Federal Paper Specifications.	9–1.305–1(b).
Contingent Fees	9–1.501.
Small Business	9–1.700.
Labor Surplus Area Concerns.	1–1.805–1.
Qualified Products	9–1.11.
Minority Business Enterprises.	9–1.1310 (a), (b), and (c), 1–1.1310 (1) and (2).
Organization Conflicts of Interest.	9–1.5403.
Price Negotiation Policies and Techniques.	1–3.8, 9–3.800.
Subcontracting Policies and Procedures.	1–3.9, 9–3.901.
Public Utilities	9–4.402(b).
Livestock Products	9–4.801.
Indemnity Representation.	9–4.5008.
Measurement Differences, SSNM Transfers.	9–4.5300.
Enriched Uranium Agreements.	9–4.5400.
Multiyear Procurement	9–4.5500.
Special and Directed Sources.	1–1.319, 9–5.000.
Foreign Purchases	9–6.100, 9–6.800, 9–18.600.
Clauses	9–7.000–50, 9–14.–5002, 9–7.5003 (c)
Termination	9–8.000.
Patents and Copyrights	9–9.5001, 9–9.5101.
Bonds and Insurance	9–10.000.
Taxes	9–11.203, 9–11.350, 9–11.4.
Labor	9–12.000, 1–12.8.
Cost Principles	9–15.50.
Construction	9–18.150, 1–18.305 (b), 9–18.305, 9–18.50, 9–18.108.
Contract Finance	1.30.4, 1–30.5, 9–30.4, 9–30.5, 9–30.7.
Approval of Contracts	9–51.200, 9–51.400, 9–51.500, 9–51.600.
Procedures for handling mistakes under cost-type contractor procurement.	9–59.005.
Contractor-controlled sources.	
Subcontractor Selection	9–56.002, 9–56.405.

Records and reports	*Reference*
Small Business and Labor Surplus Reports.	9–1.709, 9–1.807.
Possible Antitrust Violations.	9–1.901.
Identical Bids	9–1.1603.
Dissemination of Procurement Information.	9–3.103.
Contract Reporting	9–54.
Justifications	9–55.102–3, 9–55.204.

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (2–16–72).

Dated at Germantown, Md., this 9th day of February 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.72–2284 Filed 2–15–72;8:51 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 24]

PART 308—WAR RISK INSURANCE

Change in Expiration Dates

Part 308 is hereby amended to reflect the following changes:

Amend § 308.6 *Period of interim binders and renewal procedure,* § 308.106 *Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement,* § 308.206 *Standard form of war risk protection and indemnity insurance interim binder,* and § 308.305 *Standard form of Second Seamen's war risk insurance interim binder,* by changing the expiration dates contained therein to read "midnight, June 7, 1972, G.m.t."

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: February 11, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72–2454 Filed 2–15–72;8:55 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on the date of publication in the FEDERAL REGISTER (2–16–72).

§ 28.28 Special regulations, public access, use, and recreation; for the individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Travel on foot or by motor vehicle except snowmobile is permitted on designated travel routes, for the purpose of nature study, photography, hiking, and sightseeing during daylight hours. Pets are permitted if on a leash not over 10 feet in length. Fishing and hunting may be permitted under special regulations.

The refuge area, comprising 10,783 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

LAWRENCE S. SMITH,
Refuge Manager,
Iroquois National Wildlife Refuge.

FEBRUARY 7, 1972.

[FR Doc.72–2301 Filed 2–15–72;8:49 am]

PART 33—SPORT FISHING

Muscatatuck National Wildlife Refuge, Ind.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (2–16–72).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

INDIANA

MUSCATATUCK NATIONAL WILDLIFE REFUGE

Sport fishing on the Muscatatuck National Wildlife Refuge, Seymour, Ind., is permitted only on the six ponds designated by signs as open to fishing. These open areas comprising 160 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from April 15, 1972, to October 1, 1972, daylight hours only.

(2) Winter fishing through the ice will be permitted during 1972 and continue through the winter on designated areas which have been determined to be safe and announced by the Refuge Manager.

(3) The use of boats is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through October 1, 1972.

CHARLES E. SCHEFFE,
Refuge Manager, Muscatatuck National Wildlife Refuge, Seymour, Ind.

JANUARY 25, 1972.

[FR Doc.72–2357 Filed 2–15–72;8:52 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

Order. In the matter of amendment of Part 2 of the Commission's rules to effect editorial revisions therein.

1. The Table of Frequency Allocations, § 2.106 of the Commission's rules, has recently undergone a series of amendments affecting the frequency range 470–947 MHz resulting from decisions in Docket No. 18261 (first report and order, 35 F.R. 8634), Docket No. 18262 (first report and order and second notice of inquiry, 35 F.R. 8644), and an order adopted September 1, 1971 (36 F.R. 18307). Some of these amendments, however, were incorrectly or incompletely reflected in the allocation table.

2. The corrected portion of the allocation table for this frequency range appears below and incorporates the following changes:

a. The station classification "Base" is added in column 9 of the table to the band 470–512 MHz;

b. The bands 470–881 MHz and 881–902 MHz are combined in column 5 into a single NG band 470–902 MHz, and bands 928–947 MHz and 947–960 MHz are combined in column 5 into a single NG band 928–960 MHz;

c. Footnote designator US36 is added in appropriate places in column 6 to show that the note applies to the overall range 890–942 MHz, whereas it now appears only against the band 902–928 MHz.

3. Authority for these amendments is contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Because the amendments are editorial in nature, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

4. *Accordingly, it is ordered,* Effective February 15, 1972, that Part 2 of the Commission's rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: February 4, 1972.

Released: February 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 2.106 in columns 5 through 9 for the bands 470–881, 881–902, 928–947, and 947–960 MHz is amended to read as follows:

Band (MHz)	Allocation	Band (MHz)	Service	Class of station
5	6	7	8	9
• • •	• • •	• • •	• • •	• • •
470–902 (NG30) (NG43) (US88)	NG. (US36) (US110) (US116)	470–512	BROADCASTING. LAND MOBILE. (NG66)	Television broadcasting. Land mobile. Base.
		512–806	BROADCASTING.	Television broadcasting.
		806–881 (NG63) (NG65)	LAND MOBILE.	Base. Land mobile.
		881–902 (NG63)	LAND MOBILE.	Base. Land mobile.
• • •	• • •	• • •	• • •	• • •
928–960	NG. (US36) (US116)	928–947 (NG64)	LAND MOBILE.	Base. Land mobile.
		947–952 (NG9) (NG40) (NG58)	FIXED.	Aural broadcast STL. International aeronautical fixed (Alaska, Hawaii, and U.S. possessions only). International fixed public (Alaska, Hawaii, and U.S. possessions only).
		952–960 (NG10)	FIXED.	International fixed public (Puerto Rico and Virgin Islands only). International control. Operational fixed.
• • •	• • •	• • •	• • •	• • •

[FR Doc.72–2254 Filed 2–15–72;8:45 am]

FEB 16 72
XUM

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GLACIER NATIONAL PARK, MONT.

Proposed Fishing Limitations and Restrictions

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of May 11, 1910 (36 Stat. 354; 16 U.S.C. 162), and the Act of August 22, 1914 (38 Stat. 700 16 U.S.C. 170), and 245 DMI (27 F.R. 6395) as amended, it is proposed to amend § 7.3 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to prohibit the snagging of fish and to have Park regulations apply to Lower McDonald Creek from the Quarter Circle Bridge to its confluence with the Middle Fork of the Flathead River.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Glacier National Park, West Glacier, Mont. 59936, within 30 days of the publication of this notice in the FEDERAL REGISTER.

It is proposed to amend paragraphs (a), (b), and (c) of § 7.3 as follows:

§ 7.3 Glacier National Park.

(a) *Fishing; open season.* • • •

(3) The North Fork of the Flathead River, except for its tributaries, shall be open to fishing in conformance with the seasons and regulations established by the State of Montana for this river.

• • • • •

(b) *Fishing; daily limit of catch and possession limit.* • • •

(2) • • •

(i) The daily limit of catch and possession in the North Fork of the Flathead River, except for its tributaries, shall be in conformance with the regulations established for the State of Montana for this river.

• • • • •

(c) *Fishing; restriction on use of bait and lures.* • • •

(3) The snagging of fish by any method is prohibited.

(d) *Eating, drinking, and lodging establishments.* • • •

• • • • •

LAWRENCE C. HADLEY,
Acting Director,
National Park Service.

[FR Doc.72-2302 Filed 2-15-72;8:49 am]

[36 CFR Part 7]

GLACIER NATIONAL PARK, MONT.

Proposed Restrictions Regarding the Use of Motorboats and Hitchhiking

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of May 11, 1910 (36 Stat. 354; 16 U.S.C. 162), and the Act of August 22, 1914 (38 Stat. 700; 16 U.S.C. 170), and 245 DMI (27 F.R. 6395) as amended, it is proposed to amend § 7.3 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to retain the serene atmosphere on designated lakes by limiting the horsepower used on motorboats and motor vessels, eliminating motorboats and motor vessels on Swiftcurrent Lake; and allowing hitchhiking except in designated areas.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Glacier National Park, West Glacier, Mont. 59936, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraphs (f) and (g) of § 7.3 are added to read, as follows:

§ 7.3 Glacier National Park.

• • • • •

(f) *Motorboats.* (1) Motorboats and motor vessels are limited to ten (10) horsepower or less on Kintla, Bowman, and Two Medicine Lakes. This restriction does not apply to sightseeing vessels operated by an authorized concessioner on Two Medicine Lake.

(2) All motorboats and motor vessels except the authorized, concessioner-operated, sightseeing vessels, are prohibited on Swiftcurrent Lake.

(g) *Hitchhiking.* Hitchhiking or the solicitation of transportation is permitted off the roadway on the shoulder, except in those areas where the Superintendent prohibits such activities by the posting of appropriate signs.

LAURENCE C. HADLEY,
Acting Director,
National Park Service.

[FR Doc.72-2303 Filed 2-15-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

TOBACCO

Proposed Determinations and Action Regarding Termination of Marketing Quotas on Cigar-Binder (Types 51 and 52) Tobacco for 1972–73 Marketing Year

Pursuant to and in accordance with section 371(a) of the Agricultural Adjustment Act of 1938, as amended (referred to hereinafter as the "Act"), an investigation is being made to determine whether the operation of farm marketing quotas in effect on Cigar-binder (types 51 and 52) tobacco for the 1972–73 marketing year will cause the amount of such kind of tobacco which will be free of marketing restrictions to be less than the normal supply for such kind of tobacco for such marketing year.

If upon the basis of such investigation the Secretary finds the existence of such fact, he will proclaim the same and in such proclamation specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such kind of tobacco which will be free of marketing restrictions for the 1972–73 marketing year equal to the normal supply.

The Secretary announced the national marketing quota for the 1970–71 marketing year (35 F.R. 2506) and later terminated the quota (35 F.R. 7361). The Secretary announced the national marketing quota for the 1971–72 marketing year (36 F.R. 2397) and also terminated that quota (36 F.R. 4977).

The Secretary proclaimed marketing quotas to be in effect on Cigar-binder (types 51 and 52) tobacco for the 1972–73, 1973–74, and 1974–75 marketing years and announced the national marketing quota for the 1972–73 marketing year (36 F.R. 24060). The Secretary announced a referendum of farmers on marketing quotas for such 3 marketing years (36 F.R. 24233), and such marketing quotas were approved in the referendum.

Under present law, the termination of marketing quotas for any given marketing year would be limited in application and effect to that year only.

Under section 106 of the Agricultural Act of 1949, as amended, price support would be available on the 1972 crop of Cigar-binder (types 51 and 52) tobacco even if marketing quotas are terminated for such year since producers did not disapprove quotas for such year. Further, as authorized by section 101 of such Act, price support will be made available on all Cigar-binder (types 51 and 52) tobacco produced in 1972 if marketing quotas are terminated.

Data show that total disappearance (domestic use plus exports) of Cigar-binder (types 51 and 52) tobacco has decreased from 26 million pounds during the 1955–56 marketing year, prior to the advent of reconstituted binder sheet, to 2.7 million pounds during the 1970–71 marketing year. Disappearance is expected to be about 3 million pounds during the 1971–72 marketing year. This has necessitated drastic adjustments in production. Producers have used the Soil Bank and the Cropland Adjustment Programs extensively in making these adjustments. In addition, the allotted acreage has been reduced from 17,643 acres in the 1955–56 marketing year to 6,920 acres in 1972.

Total disappearance (domestic use plus exports) exceeded production each year from 1955 through 1969. Production exceeded disappearance by 140,000 pounds in 1970. The excessive supplies have been used up, resulting in less than normal supplies at the end of the 1970–71 marketing year. In 1968, 36.5 percent of the allotted acreage was harvested. In 1969, acreage allotments were increased 50 percent and the harvested acreage as a percent of the allotted acreage declined to 26.4. In 1970, allotments were increased 15 percent and the harvested acreage as a percent of the allotted acreage held at 26.4 with quotas being terminated. The 1971 allotments were increased 10 percent, and quotas were later terminated. The 1971 acreage harvested was less than the 1970 harvested acreage. If the 1972 harvested acreage is the same as the 1971 harvested acreage, and if a yield per acre about equal to the average of the 1969, 1970, and 1971 per acre yields were obtained, production would equal about 2.7 million pounds. A 2.7 million pound crop and a carryover (estimated) of 7.2 million pounds would provide a total supply for the 1972–73 marketing year of 9.9 million pounds. The normal supply is 16.3 million pounds.

Section 371(a) of the Act provides that in the course of the investigation conducted by the Secretary, due notice and opportunity for hearing shall be given to interested persons. Accordingly, consideration will be given to data, views, and recommendations pertaining to the determinations and actions described in this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions made pursuant to this notice will be made available for public inspection at such time and in a manner convenient to the public business (7 CFR 1.27(b)). All submissions must, in order to be considered, be postmarked not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 9, 1972.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-2371 Filed 2-15-72;8:55 am]

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO

Proposed Loan and Purchase Program for 1972 Crop

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 106, 401, and 403 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445, 1421, and 1423), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (15 U.S.C. 714b, 714c), proposes to make determinations relative to a support program for the 1972 crop of tobacco.

The Agricultural Act of 1949, as amended, requires the Secretary to make support available on any crop of tobacco for which marketing quotas have not been disapproved by producers. Under section 106 of the Act, the level of support in cents per pound for each crop of each kind of tobacco for which marketing quotas are in effect, or for which marketing quotas are not disapproved, is mandatory at the support level for the 1959 crop of such kind of tobacco, multiplied by the ratio of the average of the index of prices paid by farmers for the 3 calendar years immediately preceding the calendar year in which the marketing year begins for which the support level is being determined to the average index of prices paid by farmers for the 1959 calendar year. The average of the index of prices paid for calendar years 1969–71 will be used in computing the 1972 tobacco support levels. This average is 391. The average index of prices paid for the calendar year 1959 is 298. The resulting ratio is 1.31. Thus, the support level for the 1972 crop of each eligible kind of tobacco will be 131 percent of the 1959 crop support level. Prior to the beginning of the marketing season for each kind of tobacco, pursuant to section 403 of the Act, Commodity Credit Corporation will issue proposed advance rates for the various types and grades of tobacco, and comments on such rates may be made at that time.

No change is contemplated in the method of supporting tobacco through loans on all kinds of tobacco and purchases of Puerto Rican tobacco. Regulations currently in effect with respect to the tobacco price support program are set forth at 7 CFR Part 1464.

Prior to making determinations relating to this notice, consideration will be given to data, views, and recommendations which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on February 4, 1972.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-2325 Filed 2-15-72;8:52 am]

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Revision of 1971–72 Free and Restricted Percentages and Withholding Factor for Zahidi Dates

Notice is hereby given of a proposal to revise the volume percentages applicable to marketable dates of the Zahidi variety for the 1971–72 crop year (§ 987.219; 36 F.R. 23894). The proposal would reduce the restricted percentage for the variety from the current 10 percent to 0 percent; increase the free percentage from the current 90 percent to 100 percent, and reduce the withholding factor from the current 11.1 percent to 0 percent. The proposal was unanimously recommended by the California Date Administrative Committee. The Committee is established under, and its recommendation is made pursuant to, the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053) regulating the handling of domestic dates produced or packed in Riverside County, California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Amend § 987.219 (36 F.R. 23894) by revising paragraph (b) to read as follows:

§ 987.219 Free and restricted percentages and withholding factors.[1]

• • • • •

FEB 16 72
XUM

(b) *Zahidi variety dates.* Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent;

• • • • •

Dated: February 11, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2373 Filed 2-15-72;8:53 am]

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Proposed Salable Quantity and Allotment Percentage for 1972-73 Marketing Year

Notice is hereby given of a proposal to establish, for the 1972-73 marketing year, beginning August 1, 1972, a salable quantity and allotment percentage applicable to hops produced in Washington, Oregon, Idaho, and California. The proposed salable quantity and allotment percentage would be established in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Hop Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 21 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be made in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The proposed salable quantity and allotment percentage are based upon recommendations of the Committee made at their meeting of January 24, 1972, and derive from the following determinations for the marketing year beginning August 1, 1972:

(1) Total domestic consumption of 34,250,000 pounds of hops;

(2) Minus imports of 14 million pounds of hops to result in domestic consumption of U.S. hops of 20,250,000 pounds;

(3) Plus total U.S. exports of 29 million pounds of hops to equal 49,250,000 pounds total usage of U.S. hops;

(4) Minus a desirable inventory adjustment, as of September 1, 1973, of 1,209,000 pounds; and

(5) Plus an adjustment of 1,949,000 pounds to provide for allotments not produced plus 1,390,000 pounds to assure production of the quantity needed to meet market requirements, resulting in adjusted requirements for salable hops of 51,380,000 pounds.

The proposal is as follows:

§ 991.210 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1972.

The allotment percentage during the marketing year beginning August 1, 1972, shall be 85 percent, and the salable quantity shall be 51,380,000 pounds.

Dated: February 10, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2324 Filed 2-15-72;8:51 am]

Food and Nutrition Service

[7 CFR Part 225]

SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Notice of Proposed Rule Making

Notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend the regulations governing the operation of the Special Food Service Program For Children to implement the provisions of Public Law 92-32 and for other purposes.

Comments, suggestions, or objections are invited and in order to be sure of being considered should be delivered within 20 calendar days after publication hereof to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than 20 days following publication hereof.

Communications should identify the regulation section and paragraph on which comments, etc., are offered. All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during the regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

The proposed amendments, with the proposed effective date as stated, are as follows:

§ 225.1 [Amended]

1. In § 225.1, the word "pilot" is deleted wherever it appears.

2. In § 225.2, paragraph (p) is amended to delete the phrase "providing for children from such areas food service similar to that available to children under the National School Lunch or School Breakfast Programs during the school year"; and new paragraphs (i-1) and (p-1) are added, as follows:

§ 225.2 Definitions.

• • • • •

(i-1) "In-kind contributions" means personal services donated to the program, and food (other than USDA-donated food) and other goods donated to the program.

• • • • •

(p-1) "Special summer program" means a food service conducted by a private nonprofit institution or a public institution during the summer months which provides for children from areas in which poor economic conditions exist or areas in which there are high concentrations of working mothers a food service similar to that available to children under the National School Lunch or School Breakfast Programs during the school year.

• • • • •

3. In § 225.4, the opening sentence of paragraph (a), and paragraph (b) are revised; as follows:

§ 225.4 Apportionment of funds to States.

(a) Except when otherwise authorized by law, any Federal funds made available for the purposes of section 13 of the Act for any fiscal year shall be apportioned among the States in accordance with the following provisions:

• • • • •

(b) All of the funds available to any State for the program shall be withheld by FNS if the State agency is not permitted by law or is otherwise unable to disburse the funds apportioned or allocated to it to any service institution in the State, and the funds so withheld shall be disbursed directly to service institutions in such State.

• • • • •

4. In § 225.5, the first sentence of paragraph (a) is revised to read as follows:

§ 225.5 Payments to States.

(a) The funds apportioned or allocated to any State shall be made available by means of Letters of Credit issued by FNS to appropriate Federal Reserve Banks in favor of the State agency. • • •

5. In § 225.7, a new paragraph (a-1) is added; in paragraph (b), subparagraphs (5), (6), and (7) are revised and a new subparagraph (14) is added; a new paragraph (b-1) is added; the opening paragraph of paragraph (c) is revised; in paragraph (e), subdivision (iv) is added under subparagraph (12); paragraph (f) is revised, and a new paragraph (i) is added, as follows:

§ 225.7 Requirements for participation.

• • • • •

(a-1) Applications for participation of special summer programs which are filed before April 1 shall be considered to the extent that funds are available for special summer programs, in the following priority: (1) First, applications from service institutions which participated in the program during the prior calendar year for not more than the approximate level of funds used in the prior year; (2) second, applications from service institutions which did not participate in the program during the prior calendar year; (3) third, applications from service institutions which participated in the program in the prior calendar year for a higher level of funding than in the prior year. If funds will not permit approval of all applications received prior to April 1, local interest as indicated by the level of local financial support and in-kind contributions shall be considered in determining which applications shall be approved. Approval of applications received after April 1 will be dependent on the funds available for special summer programs after allowance is made for financing programs for which applications were received prior to April 1. Applications received after April 1 shall be approved in the order of the date of receipt of such applications.

(b) • • • (5) the proportion of children from low-income families to be served and data to demonstrate that the service institution will operate for children from areas in which poor economic conditions exist, including, but not limited to pertinent data from Model City target areas within the community, departments of welfare, zoning commissions, census tracts, or the local school systems; (6) if the application is based solely upon the service of children from areas in which there is a high percentage of working mothers, data to demonstrate that at least half of the mothers in such area are engaged in work outside the home; (7) types of meals to be served and the method to be used to provide such meals; • • • and (14) where appropriate, a justification of the need of the service institution for financial assistance in meeting operating costs in lieu of reimbursement for meals under paragraph (e) of § 225.10. Such justification shall include an estimate of the total cost of the food service and of the total resources, other than federal assistance under this part, available to support the food service, including the fair value of in-kind contributions.

(b-1) Service institutions operating special summer programs shall attach to their applications information sheets on each food service site. Such information sheets shall include, as a minimum, the following: The site name, location, estimated average daily attendance, the estimated average daily number of children who will receive free or reduced price meals due to their inability to pay for such meals, a description of any organized activities and supervision thereof, a description of the food service area, planned meal service, dates and hours of operation, data to document that the site will serve children from areas in which poor economic conditions exist or data to demonstrate that the site will serve children from areas in which at least half of the mothers work outside the home if the application is based solely upon the service of children from areas in which there is a high percentage of working mothers; and the methods to be used to identify children eligible for participation at the site, including the methods to be used to identify those children eligible for free or reduced price meals.

(c) Any service institution may contract with a food service management company or other commercial enterprise for the preparation or delivery at food service sites of complete meals, or components of such meals, for service to children. Any service institution operating a program serving 500 or more children daily and contracting with a food service management company or other commercial enterprise to so prepare or deliver such meals or components thereof, shall use a competitive bid procedure in the selection of such company or enterprise. Any service institution may employ a food service management company to operate its feeding program. A service institution that so employs a food service management company shall remain responsible for seeing that the feeding operation is in conformity with its agreement with the State agency, or FNSRO where applicable. Any service institution using a food service management company in the conduct of a feeding operation serving 500 or more children daily shall use a competitive bid procedure in the selection of the food service management company. The contract between the service institution and the food service management company shall expressly provide that:

• • • • •

(e) • • •

12) • • •

(iv) *In-kind contributions.* Service institutions authorized to receive financial assistance in meeting operating costs in lieu of reimbursement for meals under paragraph (e) of § 225.10 shall maintain records of in-kind contributions. The value assigned to such in-kind contributions shall be based upon prices or wages prevailing in the area for similar foods, goods and services.

• • • • •

(f) A service institution may utilize existing school food service facilities or obtain meals from a school food service facility, and the pertinent requirements of this part shall be embodied in a written agreement between the service institution and the school. In the event that the school is receiving Federal assistance for its food service program under the provisions of Part 210, 215, 220, or 250 of this chapter, the agreement shall also provide that payments made to the school under such agreement shall be deposited into the school's nonprofit food service account and all expenditures made by the school in connection with such agreement shall be paid from such account.

• • • • •

(i) Service institutions approved for participation shall operate their food service program in accordance with the provisions of this part and any instructions and handbooks issued by FNS or the State Agency which are not inconsistent with provisions of this part.

6. In § 225.10, paragraph (e) is revised to read as follows:

§ 225.10 Reimbursement payments.

• • • • •

(e) Notwithstanding any other provision of this section, where all or nearly all the attending children are in need of free meals and the service institution is financially unable to meet this need, the State agency, or FNSRO where applicable, may authorize financial assistance to such service institution, in lieu of reimbursement for meals, in an amount not to exceed 80 percentum of the operating costs of its food service, i.e., the cost of obtaining, preparing, and serving food, or 100 percentum of the cash expenditure for such operating costs, whichever is the lesser: *Provided, however,* That such financial assistance shall not exceed 60 cents for a lunch or supper, 20 cents for a breakfast, and 15 cents for supplemental food.

7. In § 225.18, a new paragraph (a-1) is added, as follows:

§ 225.18 Special responsibilities of State agencies.

• • • • •

(a-1) The State agency, or FNSRO where applicable, shall not approve any applications for special summer programs in which more than one meal service will be offered at a site unless it is determined that the service of each meal for which reimbursement will be claimed will meet all the requirements for that meal as set forth in § 225.9, and that each meal will be served at a separate time. The State agency, or FNSRO where applicable, shall consider the adequacy of meal delivery, storage and distribution schedules to assure that overlapping of meal service will not occur.

• • • • •

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (2-16-72).

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: February 9, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-2374 Filed 2-15-72;8:55 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-170]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Miami, Fla., transition area.

FEB 16 72
XUM

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would alter the Miami, Fla., transition area by adding that airspace within a 6.5-mile radius of Pompano Beach Airpark (lat. 26°15'00" N., long. 80°06'30" W.) and within 3 miles each side of the Pompano Beach VOR (lat. 26°14'52" N., long. 80°06'32" W.) 319° radial, extending from the 6.5-mile-radius area to 8.5 miles northwest of the VOR.

The proposed alteration of the transition area is needed to provide controlled airspace for proposed IFR operations at Pompano Beach Airpark. A privately owned VOR has been installed at Pompano Beach and an instrument approach procedure to Pompano Beach Airpark is proposed in conjunction with the proposed alteration of the Miami, Fla., transition area.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 10, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2273 Filed 2-15-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-7]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Athens, Tex., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Athens, Tex., transition area is amended to read:

ATHENS, TEX.

That airspace extending from 700 feet above the surface within a 5-mile radius of Jones Municipal Airport (latitude 32°10'00" N., longitude 95°50'00" W.) and within 3.5 miles (3 NM) each side of the 176° bearing from the Athens RBN (latitude 32°09'35" N., longitude 95°49'50" W.) extending from the 5-mile radius to 11.5 miles (10 NM) south of the RBN.

Alteration of the Athens, Tex., transition area is necessary as the approach procedure serving Glad Oaks Airport has been canceled and its associated nondirectional radio beacon (RBN) serving that airport has been decommissioned. The extent of the Athens, Tex., transition area will be substantially reduced.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 7, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-2274 Filed 2-15-72; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Sherman, Tex., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Sherman, Tex., transition area is amended to read:

SHERMAN, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Sherman Municipal Airport (latitude 33°37'30" N., longitude 96°35'09" W.) and within a 7-mile radius of Grayson County Airport (latitude 33°42'25" N., longitude 96°40'25" W.).

Alteration of the 700-foot transition area will afford controlled airspace for a VOR/DME approach serving Grayson County Airport (formerly Perrin AFB) in addition to the VOR/DME approach which currently serves Sherman Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 7, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-2275 Filed 2-15-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-2]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new transition area for Lake Havasu City Airport, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A new instrument approach procedure has been developed for Lake Havasu Airport utilizing the Needles VORTAC 163° T (148° M) radial for final approach course. The proposed transition area is required to provide controlled airspace protection for aircraft executing the prescribed instrument procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the following transition area is added:

LAKE HAVASU, ARIZ.

That airspace extending upward from 700 feet above the surface within 7 miles east and 5.5 miles west of the Needles, Calif., VORTAC 163° radial, extending from 17 to 27 miles south of the VORTAC, and that airspace extending upward from 1,200 feet above the surface within 7 miles east and 5.5 miles west of the Needles VORTAC 163° radial extending from the VORTAC to 17 miles south of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 4, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-2276 Filed 2-15-72;8:46 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 302]

FLAMMABLE FABRICS ACT

Proposed Guaranties, Testing and Labeling for Carpets and Rugs

Notice of proposed amendment regarding separate and continuing guaranties and forms therefor to conform to 1967 amendment to said Act and to provide for new form of guaranty for seller to buyer; reasonable and representative tests and recordkeeping requirements relating to standard for the surface flammability of small carpets and rugs (pill test) DOC FF 2-70; labeling requirements for carpets and rugs by use of the letter "T" which have been treated with a fire-retardant as applicable to DOC FF 1-70 and DOC FF 2-70; and manner of required labeling of small carpets and rugs (DOC FF 2-70) not meeting acceptance criterion.

The Flammable Fabrics Act, 15 U.S.C. section 1191, et seq. (hereinafter sometimes referred to as "Act"), was amended in 1967 by An Act to amend the Flammable Fabrics Act, etc., 81 Stat. 568, et seq., December 14, 1967 (hereinafter referred to as the "1967 Amendment"), to increase the protection afforded consumers. The 1967 Amendment permitted flammability standards to be issued or amended by the Secretary of Commerce under rule making procedures, outlined in section 4 of the Act as amended in 1967, to modify existing standards or establish new standards for categories of "interior furnishings" for which a standard of flammability was not previously provided for, such as, carpets and rugs, etc. The 1967 Amendment continued in effect standards existing at the time of its passage until superseded or modified by the Secretary of Commerce.

Among other things, the 1967 Amendment changed section 8 of the Act, 15 U.S.C. section 1197, to provide for continuing guaranties "given by seller to buyer applicable to any product, fabric, or related material sold or to be sold to buyer by seller in a form as the (Federal Trade) Commission by rules and regulations may prescribe," section 6, 1967 Amendment. This type of guaranty is in addition to the two types which were already provided for in section 8, i.e., separate guaranties and continuing guaranties filed with the Federal Trade Commission (hereinafter sometimes referred to as "Commission"). In order to effectuate this new provision in section 8, the Commission proposes to amend the rules and regulations under the Act, Part 302, Subchapter C, Chapter I, Title 16, Code of Federal Regulations, to provide a form to be used for continuing guaranties from seller to buyer. This form appears hereinafter as proposed 16 CFR 302.10(f) (proposed Rule 10(f) under the Act).

Additionally, both proposed 16 CFR 302.9 and 302.10 (proposed Rules 9 and 10 under the Act) set out hereinafter, would revise the existing sections (Rules) suggesting or prescribing forms of guaranty, 16 CFR 302.9 and 302.10 (Rules 9 and 10 under the Act), by making numerous small changes therein. These changes are editorial in nature and are designed mainly to conform the language of these sections (Rules) to the terminology of the Act as amended in 1967, and relate primarily to the extension of coverage under the 1954 Act which provided jurisdiction over "wearing apparel" and "fabric" which is intended or sold for use in wearing apparel "to wearing apparel and fabric which is intended for use or which may reasonably be expected to be used in any product * * *" which includes both wearing apparel and the added category "interior furnishing".

The Commission also proposes to amend the rules and regulations under the Act to add a new section (Rule) thereto, proposed 16 CFR 302.16 (Rule 16 under the Act), set out hereinafter, prescribing reasonable and representative tests and recordkeeping requirements relative to small carpets and rugs (DOC FF 2-70) for guaranty purposes pursuant to section 8 of the Act. The need for this section (Rule) arose when, on December 29, 1970, the Secretary of Commerce, pursuant to authority granted by the 1967 Amendment, promulgated and caused to be published in the FEDERAL REGISTER a "Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test), Small Carpets and Rugs DOC FF 2-70" (hereinafter sometimes referred to as "Small Carpet Standard"), to become effective

FEB 16 72

12 months from the above publication date. This standard is made applicable to manufacturers, importers and all other persons marketing or handling small carpets and rugs as provided in section 3 of the Act, 15 U.S.C. section 1192, as amended, December 14, 1967.

In addition to the editorial amendment to the language contained in the forms of guaranties above referred to, the provisions of 16 CFR 302.15 (Rule 15 of the regulations under the Flammable Fabrics Act) published in the FEDERAL REGISTER on July 20, 1971, at 36 F.R. 13329, concerning reasonable and representative tests and recordkeeping requirements relating to carpet guaranties issued under section 8 of the Act for carpets and rugs subject to the "Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1–70)" are proposed to be adopted by reference for small carpets and rugs subject to the Standard for the "Surface Flammability of Small Carpets and Rugs (Pill Test) DOC FF 2–70" (published in the FEDERAL REGISTER at 35 F.R. 19702, December 29, 1970) except that testing and recordkeeping is proposed to be on the basis of units of small carpets and rugs rather than on the basis of linear yards or square yards. These provisions appear hereinafter as proposed new 16 CFR 302.16 (proposed Rule 16 of the regulations under the Act).

Both the "Standard for the Surface Flammability of Carpets and Rugs, DOC FF 1–70" (promulgated by the Secretary of Commerce, 35 F.R. 6211, April 15, 1970, for carpets and rugs other than small carpets and rugs), and the Small Carpet Standard (DOC FF 2–70, 35 F.R. 19702) require that if a carpet or rug or small carpet or rug has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment, it shall be labeled with the letter "T" pursuant to conditions or rules and regulations established by the Commission. This provision with regard to both large carpets and rugs and small carpets and rugs would be effectuated primarily by proposed new 16 CFR 302.17 (proposed new Rule 17 under the Act), set forth hereinafter which merely provides that if applicable the letter "T" shall appear legible and conspicuous at each place where the fiber content disclosure is made on a label or invoice relating thereto pursuant to the fiber content disclosure requirements of the Textile Fiber Products Identification Act, which includes specimens or samples used to effect or promote the sale of said carpet or rug.

The Small Carpet Standard (DOC FF 2–70) requires that if a small carpet or rug does not meet the acceptance criterion of DOC FF 1–70 it shall, prior to its introduction into commerce, be "permanently" labeled, pursuant to rules and regulations established by the Commission, with the statement: "Flammable (Fails U.S. Department of Commerce Standard FF 2–70); Should Not Be Used Near Sources of Ignition." This provision would be effectuated primarily by proposed new 16 CFR 302.18 (proposed new Rule 18 under the Act), set forth hereinafter.

Interested parties may participate in this proceeding by submitting in writing to the Federal Trade Commission, Washington, D.C. 20580, their views, arguments or other data, including suggested revisions, additions, or deletions, on or before the 15th day of March 1972.

In summary, it is proposed that §§ 302.9 and 302.10 (Rules 9 and 10 under the Act), Part 302, Subchapter C, Chapter I, Title 16, Code of Federal Regulations, be changed as appears in their corresponding proposed revised sections (Rules) set forth hereinafter; and that three new sections (Rules), §§ 302.16, 302.17, and 302.18 (Rules 16, 17, and 18 under the Act), be added to Part 302, Subchapter C, Chapter I, Title 16, Code of Federal Regulations; all as set forth hereinafter:

§ 302.9 Form of separate guaranty.

The forms which follow are suggested forms of separate guaranties under section 8 of the Act for use by guarantors residing in the United States. Representation contained in these suggested forms of separate guaranties with respect to reasonable and representative tests may be based upon a guaranty received and relied upon in good faith by the guarantor, tests performed by or for a guarantor, or class tests, where permitted under these rules. Where the forms are used as part of an invoice or other paper relating to the marketing or handling of products, fabrics, or related materials subject to the Act, wording may be varied to limit the guaranty to specific items in such invoice or other paper. The name, address of the guarantor, and date on the invoice or other paper will suffice to meet the signature, address, and date requirements indicated on the forms.

(a) *General form.*

The undersigned hereby guarantees that reasonable and representative tests, made in accordance with procedures prescribed and applicable standards or regulations issued, amended or continued in effect under the Flammable Fabrics Act, as amended, show that the product, fabric, or related material covered and identified by, and in the form delivered under this document conforms to the applicable standard or regulation issued, amended or continued in effect.

Date: ----------

Name

Address

(b) *Guaranty based on guaranty.*

Based upon a guaranty received, the undersigned hereby guarantees that reasonable and representative tests, made in accordance with procedures prescribed pursuant to the Flammable Fabrics Act, as amended, show that the product, fabric, or related material covered and identified by, and in the form delivered under this document conforms to the applicable standard or regulation issued, amended or continued in effect.

Date: ---------- ----------

Name

Address

[Rule 9]

§ 302.10 Continuing guaranties.

(a) Any person residing in the United States may file with the Federal Trade Commission a continuing guaranty under section 8 of the Act applicable to any product, fabric, or related material marketed or handled by such person. When filed with the Commission, a continuing guaranty shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public. Forms for use in preparing continuing guaranties to be filed with the Commission will be supplied by the Commission upon request. To remain in effect, such guaranties must be renewed every 3 years and at such other times as any change occurs in the legal business status of the person filing the guaranty. It is therefore required that any person who has filed a continuing guaranty with the Commission shall promptly advise the Commission in writing of any change in the legal status of the guarantor or in the address of the guarantor's principal office and place of business. Representations contained in the prescribed form of continuing guaranty with respect to reasonable and representative tests may be based upon (1) a guaranty received and relied upon in good faith by the guarantor, (2) tests performed by or for a guarantor, or (3) class tests, where permitted under these rules.

(b) The following is the prescribed form of continuing guaranty for filing with the Commission:

CONTINUING GUARANTY UNDER THE FLAMMABLE FABRICS ACT FOR FILING WITH FEDERAL TRADE COMMISSION

The undersigned, ----------, a ---------- residing

(Corporation, partnership, proprietorship)

in the United States and having principal office and place of business at ----------

---

(Street and number)

---------- ----------

(City) (State or territory)

and being engaged in the marketing or handling of products, fabrics or related materials subject to the Flammable Fabrics Act, as amended, and Regulations thereunder,

Hereby guarantee(s) that with regard to all the products, fabrics, or related materials [described as follows: ----------

---

---]¹ hereafter marketed or handled by the undersigned, and for which flammability standards have been issued, amended, or continued in effect under the Flammable Fabrics Act, as amended, reasonable and representative tests as prescribed by the Federal Trade Commission have been performed, which show that the products, fabrics, or related materials conform to such of the above-mentioned flammability standards as are applicable thereto.

---

¹ If guaranty is limited to certain products, fabrics, or related materials, list the general categories here. If guaranty is not so limited, leave these lines blank.

Dated, signed, and executed this ------ day of ----------, 19--, at ----------, ----------

(City) (State or territory)

[Impression of corporate seal, if corporation.] (If firm is a partnership list partners below.)

---------- ----------

---------- ----------

---------- ----------

---------- ----------

(Name under which business is conducted)

(Signature of proprietor, partner, or authorized official of corporation.)

STATE OF ----------
County of ----------
} ss

On this ------ day of ----------, 19--, before me personally appeared the said ---------- proprietor, partner

(Signer of guaranty)

(strike nonapplicable words) ----------

(If corporation, give title of signing official) of ----------

---

(Firm name)

to me personally known, and acknowledged the execution of the foregoing instrument on behalf of the firm, for the uses and purposes therein stated.

(Impression of notary seal required here.)

Notary Public in and for County of----------, State of----------.

My commission expires----------

(c) Any person who has a continuing guaranty on file with the Commission may, during the effective period of the guaranty, give notice of such fact by setting forth on the invoice or other paper covering the marketing or handling of the product, fabric, or related material guaranteed the following: "Continuing guaranty under the Flammable Fabrics Act filed with the Federal Trade Commission."

(d) Any person who falsely represents that he has a continuing guaranty on file with the Federal Trade Commission when such is not a fact shall be deemed to have furnished a false guaranty under section 8(b) of the Act.

(e) Any seller residing in the United States may give a continuing guaranty under section 8 of the Act to a buyer applicable to any product, fabric, or related material sold or to be sold to said buyer by said seller. All such continuing guaranties shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public. To remain in effect, such guaranties must be renewed every 3 years and at such other times as any change occurs in the legal business status of the person giving the guaranty. Representations contained in the prescribed form of continuing guaranty from seller to buyer with respect to reasonable and representative tests may be based upon (1) a guaranty received and relied upon in good faith by the guarantor, (2) tests performed by or for a guarantor, or (3) class tests, where permitted under these rules.

(f) The following is the prescribed form of continuing guaranty from seller to buyer:

CONTINUING GUARANTY FROM SELLER TO BUYER UNDER THE FLAMMABLE FABRICS ACT

The undersigned, ----------, a ----------

(Corporation, partnership, proprietorship)

residing in the United States and having principal office and place of business at ----------

---

(Street and number)

---------- ----------

(City) (State or Territory)

handling of products, fabrics or related materials subject to the Flammable Fabrics Act, as amended, and Regulations thereunder,

Hereby guarantee(s) to ----------

(Name and address)

----------, buyer, that with regard to all the products, fabrics, or related materials described as follows: ----------

---

---

hereafter sold or to be sold to buyer by the undersigned, and for which flammability standards have been issued, amended, or continued in effect under the Flammable Fabrics Act, as amended, reasonable and representative tests, as prescribed by the Federal Trade Commission have been performed which show that the products, fabrics, or related materials, at the time of their shipment or delivery by the undersigned, conform to such of the above-mentioned flammability standards as are applicable thereto.

Dated, signed, and executed this ------ day of ----------, 19--, at ----------.

(City)

(State or territory)

(Impression of corporate seal, if corporation.)

(Name under which business is conducted)

(If firm is a partnership list partners below.)

(Signature of proprietor, partner, or authorized official of corporation.)

STATE OF ----------
County of ----------
}

On this ------ day of ----------, 19--, before me personally appeared the said ---------- proprietor, partner

(Signer of guaranty)

(strike nonapplicable words) ----------

(If corporation, give title of signing official) of ----------

(Firm name)

to me personally known, and acknowledged the execution of the foregoing instrument on behalf of the firm, for the uses and purposes therein stated,

(Impression of notary seal required here.)

Notary Public in and for County of----------, State of----------.

My commission expires----------

[Rule 10]

---

¹ If guaranty is limited to certain products, fabrics, or related materials, list the general categories here. If guaranty is not so limited, leave these lines blank.

§ 302.16 Reasonable and representative tests and recordkeeping requirements relating to small carpet guaranties.

(a) The provisions of § 302.15 (Rule 15), Reasonable and Representative Tests and Recordkeeping Requirements Relating to Carpet Guaranties, applicable to Carpets and Rugs subject to the "Standard for the Surface Flammability of Carpets and Rugs, DOC FF 1–70" shall also apply to small carpets and rugs subject to the "Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test), DOC FF 2–70" promulgated by the Secretary of Commerce, 35 F.R. 19702 (hereinafter referred to as DOC FF 2–70), and references to "Standard" in § 302.15 (Rule 15) shall include DOC FF 2–70. Persons issuing guaranties under section 8(a) of the Act for small carpets and rugs subject to DOC FF 2–70 shall be subject to all of the requirements of § 302.15 (Rule 15) except as provided in paragraph (b) of this section.

(b) In lieu of performing tests and maintaining records on the basis of linear yards or square yards as provided in § 302.15 (Rule 15), persons furnishing guaranties for small carpets and rugs subject to DOC FF 2–70 shall perform tests and maintain records on the basis of units of carpets or rugs with "unit" being defined as a single carpet or rug. At least one test shall be performed upon commencement of production, importation or other receipt of such small carpet or rug and every 3,000 units thereafter.

[Rule 16]

§ 302.17 Carpets and rugs with fire-retardant treatment.

(a) For the purposes of this section (Rule) the following definitions apply:

(1) "Carpet" and "rug" mean "carpet" and "rug" as defined in the "Standard for the Surface Flammability of Carpets and Rugs, DOC FF 1–70," promulgated by the Secretary of Commerce, 35 F.R. 6211.

(2) "Small carpet" and "small rug" mean "small carpet" and "small rug" as defined in the "Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test), Small Carpets and Rugs DOC FF 2–70," promulgated by the Secretary of Commerce, 35 F.R. 19702.

(3) "Fire-retardant treatment" means "fire-retardant treatment" as defined in the above-mentioned Carpet and Rug Standard (DOC FF 1–70) or Small Carpet and Rug Standard (DOC FF 2–70).

(b) If a carpet or rug or small carpet or rug is manufactured, imported or otherwise marketed or handled which has had a fire-retardant treatment or is made of fibers which have had a fire-retardant treatment the letter "T" shall be set forth legibly and conspicuously on the label, or invoice required pursuant to the Textile Fiber Products Identification Act whether or not such letter "T" appears elsewhere on said product. Samples, pieces, rolls, or squares used to promote or effect the sale of such carpet or rug

FEB 16 72
XUM

are subject to the same aforementioned requirements.

[Rule 17]

§ 302.18 Small carpets and rugs not meeting acceptance criterion.

(a) If any small carpet or rug as defined in the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test) DOC FF 2–70, is manufactured, imported or otherwise marketed or handled and does not meet the acceptance criterion of such Standard, it shall, prior to its introduction into commerce, be legibly and conspicuously labeled with a permanent label which sets forth the following statement: "Flammable (Fails U.S. Department of Commerce Standard FF 2–70); Should Not be Used Near Sources of Ignition." The required cautionary statement may be set out on or affixed to the small carpet or rug on the same label as the fiber content label required to be affixed under the Textile Fiber Products Identification Act, if said label is permanent, or said statement shall be set forth on a separate permanent label on or affixed to the small carpet or rug in immediate proximity to the said required label under the Textile Fiber Products Identification Act.

(b) Such cautionary statements shall also appear in a conspicuous manner in all advertisements in which said small carpets or rugs are being offered for sale through direct mail, telephone solicitation, or under any other circumstances where the consumer, in the ordinary course of dealing, will not have an opportunity to inspect the label before receiving the merchandise. The phrase "Flammable—Read the Label" shall conspicuously appear in all other advertisements of small carpets or rugs which do not meet the acceptance criterion of the Standard.

[Rule 18]

(Sec. 5 of the Act, 67 Stat. 112, as amended by 81 Stat. 570, 15 U.S.C. 1194; sec. 8 of the Act, 67 Stat. 114, as amended by 81 Stat. 572, 15 U.S.C. 1197; and Subpart B of Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.11 et seq.)

By the Commission dated February 4, 1972.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-2267 Filed 2-15-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Releases Nos. 34-9488, 35-17451, IC-6987]

SHAREHOLDER PROPOSALS

Proposed Proxy Rules; Extension of Time for Filing Comments

The Securities and Exchange Commission has extended from February 3, 1972, until February 24, 1972, the period of time within which written comments and views may be submitted on its proposed amendments to Rules 14a–5 (17 CFR 240.14a–5) and 14a–8 (17 CFR 240.14a–8) of its proxy rules adopted under section 14(a) of the Securities Exchange Act of 1934. The proposed amendments to the rules were announced on December 22, 1971 in Securities Exchange Act Release No. 9432 (36 F.R. 25432, December 31, 1972).

By the Commission, February 9, 1972.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2320 Filed 2-15-72;8:52 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1056, 1322]

[Ex Parte No. MC-19 (Sub-No. 16)]

MOTOR CARRIERS OF HOUSEHOLD GOODS

Proposed Use of Credit Card System; Extension of Time for Filing Statements

FEBRUARY 3, 1972.

Modification of Parts 1322 and 1056.8—general rules and regulations of motor carriers of household goods (Credit Card System).

At the request of Mr. Alan F. Wohlstetter, attorney for respondent, the due date for filing statements has been extended from February 7, 1972, to February 22, 1972.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2381 Filed 2-15-72;8:55 am]

Notices

DEPARTMENT OF STATE

[Public Notice 351]

REQUESTS FOR ASYLUM

Policy and Procedures

The following procedures were transmitted by memorandum of January 7, 1972, to all U.S. Government departments and agencies. Copies were also sent to all American diplomatic and consular posts instructing them to coordinate implementation by U.S. Government units within the areas of their jurisdiction.

Dated: February 1, 1972.

[SEAL] WILLIAM P. ROGERS, *Secretary of State.*

JANUARY 4, 1972.

PART I—GENERAL POLICY FOR DEALING WITH REQUESTS FOR ASYLUM BY FOREIGN NATIONALS

Policy. Both within the United States and abroad, foreign nationals who request asylum of the U.S. Government owing to persecution or fear of persecution should be given full opportunity to have their requests considered on their merits. The request of a person for asylum or temporary refuge shall not be arbitrarily or summarily refused by U.S. personnel. Because of the wide variety of circumstances which may be involved, each request must be dealt with on an individual basis, taking into account humanitarian principles, applicable laws and other factors.

In cases of such requests occurring within foreign jurisdiction, the ability of the U.S. Government to give assistance will vary with location and circumstances of the request.

U.S. objectives. A basic objective of the United States is to promote institutional and individual freedom and humanitarian concern for the treatment of the individual.

Through the implementation of generous policies of asylum and assistance for political refugees, the United States provides leadership toward resolving refugee problems.

Background. A primary consideration in U.S. asylum policy is the "Protocol Relating to the Status of Refugees," to which the United States is a party. The principle of asylum inherent in this international treaty (and in the 1951 Refugee Convention whose substantive provisions are by reference incorporated in the Protocol) and its explicit prohibition against the forcible return of refugees to conditions of persecution, have solidified these concepts further in international law. As a party to the Protocol, the United States has an international treaty obligation for its implementation within areas subject to jurisdiction of the United States.

U.S. participation in assistance programs for the relief of refugees outside U.S. jurisdiction and for their permanent resettlement in asylum or other countries helps resolve existing refugee problems. It also avoids extensive accumulation of refugees in asylum countries and promotes the willingness of the latter to maintain policies of asylum for other arriving refugees.

President Nixon has reemphasized the U.S. commitment to the provision of asylum for refugees and directed appropriate departments and agencies of the U.S. Government, under the coordination of the Department of State, to take steps to bring to every echelon of the U.S. Government which could possibly be involved with persons seeking asylum a sense of the depth and urgency of our commitment.

PART II—HANDLING ASYLUM REQUESTS BY PERSONS IN THE UNITED STATES OR IN OTHER AREAS OUTSIDE ANY FOREIGN JURISDICTION

All U.S. Government personnel who may receive a request from a foreign national for asylum within territory under the jurisdiction of the United States, or aboard a U.S. vessel or aircraft in or over U.S. territorial waters or on or over the high seas, should become thoroughly familiar with procedures for the handling of such requests. Implementing instructions issued by Government agencies to establish these procedures should receive the widest dissemination among such personnel.

Procedures. A. Upon receipt of a request for asylum from a foreign national or an indication that a request from a foreign national is imminent, U.S. Government agencies should immediately notify the Department Operations Officer at the Operations Center of the Department of State (Telephone area code 202, 632–1512). The Department Operations Officer will refer any request to the appropriate offices in the Department of State and will maintain contact with the U.S. agency involved until the designated action officer in the Department of State assumes charge of the case.

The following information should be forwarded to the Department Operations Officer at the Operations Center when available but the initial report must not be delayed pending its development:

1. Name and nationality of the individual seeking asylum.
2. Date, place of birth, and occupation.
3. Description of any documentation in his possession.
4. What foreign authorities are aware of his seeking asylum.
5. Circumstances surrounding the request for asylum.
6. Exact location. If aboard vessel or aircraft, ETA at next intended port or airport.
7. Reason for claiming asylum.
8. Description of any criminal charges known or alleged to be pending against the asylum seeker. Indicate also any piracy at sea, air piracy, or hijacking background.
9. Any Communist Party affiliation or affiliation with other political party; any government office now held or previously occupied.

Telephone notification to the Operations Center should be confirmed as soon as possible with an immediate precedence telegram to the Department of State summarizing all available information.

B. Safe protective custody will be provided to the asylum seeker and, where indicated, appropriate law enforcement or security authorities will be brought in as early as possible. Interim measures taken to assure safe custody may include the use of force against attempts at forcible repatriation where means or rpsistance are available, taking into account the safety of U.S. personnel and using no greater force than necessary to protect the individual. Any inquiries from interested foreign authorities will be met by the senior official present with a response that the case has been referred to headquarters for instructions.

C. U.S. Government agencies should also immediately inform the nearest office of the U.S. Immigration and Naturalisation Service (INS) of any request for asylum, furnish all details known, and arrange to transfer the case to INS as soon as feasible. Agencies should continue to follow any procedures already in effect between themselves and INS. For INS only: Where INS has received a direct request for asylum and has assumed jurisdiction over a routine case in which forcible repatriation or deportation is not indicated, INS may follow existing notification procedures in lieu of the special alerting procedure to the Department of State described above.

PART III—HANDLING ASYLUM REQUESTS BY PERSONS WITHIN FOREIGN JURISDICTIONS

This instruction sets forth procedures for all U.S. Government agencies abroad in dealing with asylum requests at U.S. installations, vessels, or aircraft in foreign jurisdictions.

I. GRANTING ASYLUM

While it is the policy of the United States not to grant asylum at its units or installations within the territorial jurisdiction of a foreign state, any requests for U.S. asylum should be reported in accordance with the procedures set forth herein.

II. GRANTING TEMPORARY REFUGE

Immediate temporary refuge for humanitarian reasons, however, may be granted (except to board aircraft because of their vulnerability to hijacking) in extreme or exceptional circumstances wherein the life or safety of a person is put in danger, such as pursuit by a mob.

When such temporary refuge is granted, the American Embassy or consular office having jurisdiction, the Washington headquarters of the concerned agency, and the Department of State should be immediately notified. Military units under direct Embassy jurisdiction will report through the Embassy, unless the senior diplomatic official determines otherwise.

To the extent circumstances permit, persons given temporary refuge should be afforded every reasonable care and protection. The measures which can prudently be utilized in providing this protection must be a matter for decision of the senior U.S. official present at the scene, taking into consideration the safety of American personnel and the established security procedures for the unit or installation concerned.

Protection shall be terminated when the period of active danger is ended, except that authority to do so shall be obtained from the Department of State. Where a military installation not under direct Embassy jurisdiction is involved, such authority shall be obtained from its Washington headquarters upon concurrence of the Department of State. Any inquiries from interested foreign authorities will be met by the senior official present with a response that the case has been referred to Washington.

III. NOTIFICATION TO DEPARTMENT OF STATE OF ASYLUM REQUESTS

Upon receipt of a request for U.S. asylum made by any foreign national, U.S. personnel within foreign jurisdiction should notify immediately the nearest American diplomatic or consular office in the country in which the

FEB 16 72
XUM

request is made. Embassies or Consulates will forward this information to the Department of State by an immediate precedence telegram. Agencies having their own rapid communications systems with direct contact with their headquarters in the United States may notify those headquarters, with information copies to the nearest Embassy or Consular office and the Department of State, by immediate precedence message.

IV. INFORMATION TO BE TRANSMITTED

With respect to requests for temporary refuge (whether or not granted) or for asylum, the following information should be furnished when available but the initial report should not be delayed pending its development:

1. Name and nationality of the individual seeking asylum.
2. Date, place of birth, and occupation.
3. Description of any documentation in his possession.
4. What foreign authorities are aware of his seeking asylum.
5. Circumstances surrounding the request for asylum.
6. Exact location. If aboard vessel or aircraft, ETA at next intended port or airport.
7. Reason for claiming asylum.
8. Description of any criminal charges known or alleged to be pending against the asylum seeker. Indicate also any piracy at sea, air piracy, or hijacking background.
9. Any Communist Party affiliation or affiliation with other political party; any government office now held or previously occupied.

V. DIPLOMATIC AND CONSULAR ESTABLISHMENTS

A. *Requests for asylum.* Requests for asylum made at U.S. diplomatic and consular establishments will continue to be dealt with in accordance with the provisions of Volume 2, section 225.2 of the Foreign Affairs Manual, except that, should temporary refuge be granted, the authority of the Department of State must be obtained before such refuge is terminated.

B. *Routine requests.* Requests of third country nationals for asylum made to diplomatic and consular offices need not be reported immediately to the Department of State when all of the following conditions exist:

(a) Adequate host government machinery is well established which, in the opinion of the Embassy, assures satisfactory protection of the asylum seeker's rights.

(b) There is no evidence of danger of forcible repatriation.

(c) Local authorities can be expected to assume responsibility for the asylum seeker.

C. *Coordination with host country authorities.* Action with regard to third country nationals seeking asylum should normally be taken within the overall policy that the granting of asylum is the right and responsibility of the government of the country in whose territory the request is made. Unless the Embassy deems that there are cogent reasons for not doing so, these authorities should be informed by the Embassy as soon as practicable of the request for asylum.

Activities should also be coordinated by the Embassy with the representative of the United Nations High Commissioner for Refugees (UNHCR), where such a representative is resident and the Embassy deems it appropriate. The UNHCR is a valuable instrument for providing international protection and securing adequate legal and political status for refugees. In addition to providing guarantees against forcible repatriation, the UNHCR seeks to secure for refugees legal, political, economic and social rights within asylum countries.

D. *Available U.S. assistance.* The United States is prepared in the cases of selected refugees to provide care and maintenance, and to assist in local settlement in the country of first asylum or in another country of resettlement, including the United States. Such assistance is normally provided through voluntary agencies under a contract with the Department of State. In cases where the Embassy or Consular Office has determined that U.S. assistance is warranted, it should telegraph the Department of State recommending the type and extent of initial aid and ultimate resettlement considered most suitable.

[FR Doc.72-2327 Filed 2-15-72;8:52 am]

[Public Notice 352]

ENVIRONMENTAL IMPACT STATEMENTS

Issuance of Departmental Procedures for Preparation and Coordination

Notice is hereby given of the publication of proposed procedures of the Department of State, after consultation with the Council on Environmental Quality, in accordance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190 (42 U.S.C. 4332(2)(C)); section 2 of Executive Order 11514 of March 5, 1970; and section 3 of the guidelines for statements of proposed Federal action affecting the environment promulgated by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) hereby incorporated by reference and hereafter referred to as the CEQ Guidelines. The procedures, when established, will be published in the Foreign Affairs Manual of the Department of State. The proposed procedures are as follows:

1. *General.* Attention is called to the National Environmental Policy Act of 1969 and to the Guidelines for Federal Agencies under the National Environmental Policy Act (NEPA) issued by the Council on Environmental Quality (CEQ) April 23, 1971. Except as modified by the present policy guides, the CEQ Guidelines will be deemed applicable to actions of the Department in complying with policies and provisions of the NEPA. These procedures do not apply to the Agency for International Development, the Arms Control and Disarmament Agency, and the U.S. Information Agency. These procedures likewise do not apply to the United States section of the International Boundary and Water Commission, which operates under compatible and more specialized procedures.

2. *Determining the need for environmental impact statements.* (a) Whether or not an environmental impact statement is required under section 102(2)(C) and filed for any Department action, the policies and provisions of the act require that the environmental effects of proposed actions be considered. The process of deciding on the need for the environmental impact statement on any Department action will itself require an extensive analysis of the effects that the proposed action will have on the human environment. The inquiry into environmental effects is mandated, independent of the requirement to file environmental impact statements, by section 102(2)(B) of the act, which requires procedures to insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations. CEQ Guideline No. 1 underscores this by recognizing that the purpose of section 102(2)(C) is to build into the agency decisionmaking process an appropriate and careful consideration of the environmental aspects of proposed action, and to assist agencies in implementing not only the letter, but the spirit, of the act. While the requirement for strict compliance with the procedural requirements of section 102(2)(C) is not to be taken lightly, it must be emphasized that the essence of the act is the need for real consideration of environmental effects.

(b) Section 102(2)(C) of NEPA requires an environmental impact statement on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. Therefore, an activity which requires a statement must both be a major Federal action and must significantly affect the environment. For a general elaboration of the terms, see the CEQ Guidelines, especially CEQ Guidelines 5(a) and 5(b).

3. *Responsibility within the Department.* The Office of Environmental Affairs (SCI/EN) has primary responsibility for the Department's compliance with the requirements of NEPA. Jointly with the Office of Environmental Affairs, the Bureau of the Department which has operational authority over any proposed action shares responsibility for determining whether an environmental impact statement will be needed, or in the case of the International Boundary Commission and the International Joint Commission, the United States section thereof. (Such section is hereinafter included in the term "Bureau.") In order to determine whether the proposed action will be a "major Federal action significantly affecting the quality of the human environment," the Office of Environmental Affairs, together with the Bureau, will investigate thoroughly the direct and indirect environmental effects of the proposed action. They will solicit information from other areas of the Department, from other Federal agencies with jurisdiction by law or special expertise, as determined by the CEQ, with respect to any environmental impact involved, and from private organizations, to the extent necessary to supplement work in evaluating the environmental impact of the proposed action. In assessing the need for impact statements regarding any particular action, the following guides will be considered:

(a) Not every Department activity will be considered a "major Federal action" for the purposes of the act. For example, the following general classes of actions ordinarily do not require the filing of an environmental impact statement:

(i) Participation in research or study projects;

(ii) Participation in or action pursuant to the decision of any multilateral international organization or which the United States is a member;

(iii) The payment of contributions to any organization pursuant to the obligation of treaty or other international agreement; or acquiescence in the expenditure of funds of an international organization where the United States has made a voluntary contribution to it.

(b) Section 5(d) of the CEQ Guidelines provides that environmental protective regulatory activities concurred in by the Environmental Protection Agency, are not deemed actions which require the preparation of environmental impact statements under section 102(2)(C) of the act. In the usual course, any activity which might be considered an environmental protective regulatory activity would normally receive concurrence from the Environmental Protection Agency in the regular clearance process. Examples of environmental protective regulatory activities are: (1) The U.S. proposed Convention on the Regulation of Transportation for Ocean Dumping; (2) the negotiation of common water quality objectives between the United States and Canada through the medium of the International Joint Commission, and (3) the development and adoption of WHO Air Quality Guides. Examples of actions, which, if proposed, might require the Department to file an environmental impact statement, subject to paragraph (d) of this section, would be proposals for agreements on canals connecting hitherto unconnected bodies of water or affecting peaceful uses of atomic energy.

(c) Indirect effects of United States activities can lead to a need to file an environmental impact statement. For example, trade agreements, which can influence resource allocations, population trends, and development patterns, may have a significant environmental impact and therefore may require a statement. Such secondary effects must be considered, and included, if necessary, in the statement itself.

(d) The Department is responsible for determining whether an environmental impact statement is required and for preparing an environmental impact statement only with respect to the Federal actions as to which it is the lead agency. "Lead agency" is defined in CEQ Guideline 5(b) as "the Federal agency which has primary authority for committing the Federal Government to a course of action." Projects such as the completion of the Pan American Highway through the Darien Gap would be the subject of environmental impact statements, if otherwise required, prepared by the Department of Transportation or other lead agency. Wherever the Department is the lead agency, the Office of Environmental Affairs, together with the appropriate bureau, will be responsible for preparation of the statement.

Advice on legal requirements for filing environmental impact statements and on legal requirements regarding their contents will be obtained from the Assistant Legal Adviser for Environmental Affairs (L/EN).

4. *Responsibility for investigation into environmental effects of all proposed actions.* Even where it is clear from the start that a proposed action will not require an environmental impact statement, the consideration of possible environmental effects will still be made, and, as required by the act, the results of that investigation will be an integral part of the decisionmaking process.

5. *General procedure.* Unless excluded under section 3, actions of the Department which are covered by the act will require an environmental impact statement. The departures from normal procedure for filing and reviewing statements embodied in CEQ Guidelines described herein reflect the peculiar problems of carrying on international relations, especially when negotiations or discussions with foreign countries are involved.

(a) Draft statements will normally be forwarded to CEQ at the time authority under the Department's regulations for making treaties and other international agreements (Circular 175 authority) (11 FAM 720) is requested, or if a request for authority under Circular 175 procedure is not foreseen, at the time a U.S. position for discussions likely to lead to internationally agreed policies is established. The statements will reflect the research done, and will comply with the requirements of section 102(2)(C) of the act as to content, as set forth in CEQ Guideline No. 6, but subject to section 6 of these procedures.

(b) The draft statements will be distributed by the responsible bureau for comment to Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, as determined by CEQ in Appendix II of the CEQ Guidelines, and, where unclassified, made available to the public. Notice of the draft statements availability will be published in the FEDERAL REGISTER as a public notice. The responsible bureau shall arrange for this publication. Any comments received will be considered in final policy decisions and in the preparation of a final environmental impact statement.

Because the process of international negotiation may alter the action originally proposed, a final environmental statement may not be available in time for comment on that statement to be reflected in the decisionmaking process. To the extent that this is the case, the comments should be considered in future decisionmaking in similar areas of policy. In every case, however, where advice and consent to a proposed treaty will be sought or where substantial delay between negotiation and signature of a proposed executive agreement is envisioned, the final statement should be made available as soon as possible after the conclusion of an agreed text.

6. *Exceptions.* The nature of negotiations and relations at the international level may make it necessary to depart in some instances from the procedures in the CEQ Guidelines. CEQ foresaw the need for such departures in CEQ Guideline 10(d). Exceptions applicable to the Department are set forth below.

(a) The statements which are written to comply with the act should not normally include any classified material, nor should they normally include statements with respect to positions other than the first public position of the United States in any ensuing negotiation or discussion. Although environmental impact statements should, whenever possible, be unclassified and available to the public, there may be situations where such statements cannot adequately discuss environmental effects without disclosure of classified or otherwise restricted information which, if publicly disclosed could adversely affect the U.S. negotiating position. In these instances, the statement should be appropriately classified or otherwise restricted. Whenever possible, the classification or restriction should terminate on a specified date or upon the happening of a described event. Such statements, so long as they are classified, or restricted, will not be made available to the public.

(b) Since final statements may not be available until the conclusion of negotiations for an agreement or of a discussion, the 30-day time delay between submission of such a document and final Federal action set out in CEQ Guideline 10(b) will not apply to actions taken in these situations. Every attempt will be made to comply with the 90-day period which Guideline 10(b) requires between submission of the draft statement and final action. Where schedules of international conferences make this impossible, the Department will notify the Council on Environmental Quality as soon as possible of the circumstances, with the purpose of fulfilling the intent of the act insofar as possible.

(c) In certain instances, it may be necessary at times to reduce the 30-day period for agency comments set out in CEQ Guideline No. 7. When this is the case, all agencies to whom the draft statement has been sent will be informed by the responsible bureau of the reduced time period. The reduced time period will be announced in the public notice published in the FEDERAL REGISTER.

(d) Section 2(b) of Executive Order 11514 establishes requirements for providing public information on Federal actions and impact statements and envisions extensive use of public hearings. Public hearings will be employed by the Department only upon a determination by the Secretary that the requirements of carrying no international relations, including the constraints of time and the posture of the United States in negotiation, allow such hearings to be carried out without prejudice to the national interest.

All interested persons who desire to submit written comments or suggestions

FEB 16 72

for consideration concerning the proposed procedures should submit them in duplicate to the Assistant Legal Adviser for Environmental Affairs, Department of State, Room 6420T, 2201 C Street, NW., Washington, DC 20520, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: February 7, 1972.

For the Secretary of State.

[SEAL] WILLIAM B. MACOMBER, Jr.,
Deputy Under Secretary for Management.

[FR Doc.72-2277 Filed 2-15-72;8:48 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972-13]

SALES BY MILITARY COMMISSARIES

Cost of Living Council Ruling

Facts. A military commissary which operates with funds appropriated by Congress wishes to increase its prices.

Issue. Are sales by military commissaries sales of government property and therefore exempt under Economic Stabilization Regulations, 6 CFR 101.34 (f) (2), 37 F.R. 1241 (January 27, 1972).

Ruling. Yes. Sales by military commissaries which operate with appropriated funds are sales by the United States within the meaning of § 101.34(f) (2) of the regulations and are therefore exempt from the Economic Stabilization Program.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2335 Filed 2-15-72;8:46 am]

[Cost of Living Council Ruling 1972-14]

RECONDITIONED PROPERTY

Cost of Living Council Ruling

Facts. Corporation A is a dealer in heavy construction equipment. It sells and leases both new and used equipment. The used equipment is acquired as trade-ins on the sale of new equipment or when reacquired at the expiration of a lease. When used equipment is acquired, A reconditions it at a cost in excess of three months rental. The original cost of the equipment runs between $100,000 and $150,000. After reconditioning, the equipment is again sold or leased and is considered to be used equipment by the industry.

Issue. Whether the reconditioned equipment is exempted from the Economic Stabilization Regulations pursuant to § 101.34(e) as used property.

Ruling. Economic Stabilization Regulation § 101.34(e) (6 CFR 101.34(e), 37 F.R. 1241, January 27, 1972), exempts from economic controls only such used and damaged property which is not rebuilt. Property which has undergone extensive reconditioning is considered to be rebuilt and as such, any sale or lease affecting such property is not exempt from controls. On the above facts, this property is considered to be rebuilt because of the extensive reconditioning at a substantial cost.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2336 Filed 2-15-72;8:46 am]

[Cost of Living Council Ruling 1972-15]

USED PRODUCTS

Cost of Living Council Ruling

Facts. Firm A is in the business of buying and selling used cars. Firm B is in the business of buying and selling used furniture and appliances. Firm C is a junk dealer who buys used goods and sells some of them to consumers and the rest to a scrap dealer. Firm D is a scrap dealer who buys goods from Firms A, B, and C, the general public and scrap from manufacturing plants. Firm D bales the scrap and sells it to manufacturing plants to be used as raw material.

Issue. Which of these firms' transactions, if any, are exempt from economic control?

Ruling. Economic Stabilization Regulations, 6 CFR 101.34(e), 37 F.R. 1241 (January 27, 1972), exempts the sale of all damaged and used products other than products which have been rebuilt, repackaged, baled, reassembled or otherwise processed. The test to be applied in each transaction then is to determine the form of the products. If the product has been repackaged or processed in some way, its sale is not exempt from the price control, and any price charged above the base price must be determined according to the appropriate regulation. If the product is not repackaged or processed in some way, its sale is exempt from price control.

In the above fact situation Firms A, B, and C are exempt from the price regulations to the extent that they do not substantially improve goods by rebuilding them. The transactions in which Firm D purchases his scrap are likewise exempt. But when Firm D bales or otherwise processes the scrap, any sale of this material is not exempt from, but is controlled by, the Economic Stabilization Regulations.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2337 Filed 2-15-72;8:46 am]

[Pay Board Ruling 1972-6]

PAY ADJUSTMENTS AND APPROPRIATE EMPLOYEE UNITS

Pay Board Ruling

Facts. Corporation X is engaged in the manufacture of automobile seat covers. X employs 600 employees. X's present contract with its employees expired on November 27, 1971. Under this contract, X's employees earned an average of $3 per hour. In negotiating with the appropriate representatives of Y union (which is the recognized bargaining representative for X's employees), X accepted the following new contractual wage terms: 300 employees would receive a $0.15 per hour increase (i.e., a 5-percent increase); and the remaining 300 employees would receive a $0.18 per hour increase (i.e., a 6-percent increase).

Issue. 1. Whether the wage increases contained in X's new contract are pay adjustments that are subject to the general 5.5-percent general wage and salary standard?

2. Whether the 6-percent increase granted to 300 of X's employees violates the 5.5-percent general wage and salary standard?

Ruling. With respect to the first issue, X's wage increases for its employees are pay adjustments within the definition of "Pay Adjustments" provided by Economic Stabilization Regulations, 6 CFR 101.51, 36 F.R. 21790 (November 13, 1971). Thus, X's wage increases for its employees are subject to the 5.5-percent general wage and salary standard established in Economic Stabilization Regulations, 6 CFR 201.10, 36 F.R. 21790 (November 13, 1971).

With respect to the second issue, the 6-percent wage increase granted to 300 of X's employees is not the controlling percentile for determining whether the 5.5-percent general wage and salary standard has been exceeded. Instead, § 201.10 provides that the 5.5-percent general standard applies to the increase granted to an appropriate employee unit. Since all 600 of X's employees comprise the "appropriate employee unit" under the present facts (see Economic Stabilization Regulations, 6 CFR 201.3, 36 F.R. 25428 (December 31, 1971)), the wage increase granted to all of X's employees must be computed to determine whether the 5.5-percent general wage and salary standard has been exceeded. In the instant case, 300 employees received a 6-percent increase, and 300 employees received a 5-percent increase. Thus, since the increase to the appropriate employee unit was 5.5 percent, the standard has not been exceeded.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 9, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 9, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2338 Filed 2-15-72;8:46 am]

[Price Commission Ruling 1972-48]

LIMITATION ON NONINSTITUTIONAL PROVIDERS OF HEALTH SERVICES

Price Commission Ruling

Facts. Doctor A, a general medical practitioner and a noninstitutional provider of health services, charges different fees for the various services he performs. With respect to one of the services, routine physical examinations, his allowable costs have increased 5 percent. These physical examinations generally account for about 10 percent of doctor A's annual gross receipts. A price increase of 5 percent for this service would not increase doctor A's profit margin. Economic Stabilization Regulations, 6 CFR 300.19(c), 36 F.R. 25385 (December 30, 1971) provides that the aggregate price increases of a noninstitutional provider of health services may not exceed 2.5 percent a year.

Issue. Will the proposed 5-percent fee increase for routine physical examinations violate the 2.5-percent test of § 300.19(c)?

Ruling. The 2.5-percent figure in § 300.19(c) is applied to the annual revenues of the provider that would result from his charging his base price schedule for all services. The effect of all price adjustments (including reductions of prices) must not increase the provider's revenues more than 2.5 percent over what they would have been had the provider charged his base prices for all services throughout the year. Thus a price increase of more than 5 percent for a particular service may be allowable. Since the physical examinations produce only about 10 percent of doctor A's income, a 5-percent price increase for that service is within the 2.5-percent requirement of § 300.19(c).

This 5-percent price increase for physical examinations, however, must be considered in determining if subsequent price increases for other services exceed the 2.5-percent limitation.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2339 Filed 2-15-72;8:46 am]

[Price Commission Ruling 1972-49; Cost of Living Council Ruling 1972-16]

DETERMINATION OF BASE PRICE

Price Commission and Cost of Living Council Ruling

Facts. On August 16, 1971, a department store offered a large employee's association a 7-percent discount on all merchandise purchased by association members. The department store, a category III firm, wishes to reduce this discount to 5 percent. The department store's costs have not increased.

Issue. May the department store reduce the discount from 7 percent to 5 percent?

Ruling. Yes. Generally, a reduction in the discount given to a group of purchasers is a price increase. If, however, subsequent to August 15, 1971, a retailer who is not a category I firm for reporting purposes has reduced a price below the base price, he may now increase that price up to the base price without cost justification and without regard to the profit margin limitation. Since the 7-percent discount was not in effect prior to August 14, 1971, the department store's base prices for its merchandise are determined without regard to this discount. See Economic Stabilization Regulations, 6 CFR 300.402, 36 F.R. 23979 (December 16, 1971). Accordingly the department store may reduce the discount to 5 percent, because in doing so it is not charging prices in excess of its base prices.

If a retailer is a category I firm for reporting purposes, it does not have to request and receive Price Commission approval before it can make such a price adjustment because the adjustment is below the base price as determined under Subpart F of Chapter III of the regulations. Economic Stabilization Regulations, 6 CFR 101.16(b), 37 F.R. 1239 (January 27, 1972).

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approval: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2340 Filed 2-15-72;8:46 am]

[Price Commission Ruling 1972-50]

POSTING REQUIREMENTS OF COMBINED SERVICE AND RETAIL FIRMS

Price Commission Ruling

Facts. Restaurant operates a food service establishment including a retail delicatessen department. Tavern operates a food and beverage service establishment including a retail beverage carry out department. Ophthalmologist Associates operate an eye examination clinic which includes the sale of eyeglasses. Auto Garage operates an automobile repair shop which also includes a retail parts department. In all the above situations, the service-related sectors generate annual revenues of $200,000, but the retail sectors generate annual revenues of less than $200,000.

Issue. Is a person who is both a service organization and a retailer bound by the posting requirements when his retail business generates less than $200,000 annually?

Ruling. No. The Price Commission now requires a retailer with total annual sales of $200,000 and above to post certain base prices. This requirement applies only to the retail sales of the person rather than his total annual revenue. The persons in the above fact situations would not be required to post base prices since their retail business generates less than $200,000 in annual revenues.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2341 Filed 2-15-72;8:46 am]

[Price Commission Ruling 1972-51]

BASE PRICE

Price Commission Ruling

Facts. A chain wholesale corporation, C, which has offered a product for sale in city X, plans to introduce the product to city Y. C regards Y as a separate marketing area.

Issue. How should C determine the base price of the product in city Y?

Ruling. Section 300.405 of the Economic Stabilization Regulations provides that the base price for a product is the highest price charged by the seller to a specific class of purchasers in a substantial number of transactions involving that product during the freeze base period. 6 CFR 300.45, 36 F.R. 23979 (December 16, 1971). Where a product was offered for sale during the freeze base period, the base price is determined under section 300.405, even though the product is introduced in a new location and offered to new purchasers. Thus, the base price for the product in city Y is the highest price charged by C to the purchasers in city X in a substantial number

FEB 16 72
XUM

of transactions during the freeze base period.

The provisions of § 300.409 which are applicable to new products and new services do not apply under these facts because the product was offered for sale by the seller during the preceding year. 6 CFR 300.409, 36 F.R. 25386 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2342 Filed 2-15-72;8:46 am]

[Price Commission Ruling 1972-52]

CONTINUING RIGHT OF OCCUPANCY NOT A "TRANSACTION"

Price Commission Ruling

Facts. In February 1971, a lease was executed for the rental of a residence in a multiunit apartment complex for a term of 1 year commencing March 1, 1971. For purposes of executing a new lease with respect to the residence or the renewal of the existing lease, the lessor must determine "base rent" under the rent stabilization regulations governing rent charged after December 28, 1971. The lessor is desirous of charging a base rent determined by § 301.203(b), i.e., an "average transaction" rent calculated under § 301.206. He finds that a slight rental increase would be justified if an "average transaction" rent may be charged. The lessee, or prospective lessee, contends that § 301.202(b) is determinative of base rent, under which base rent would be the most recent monthly rent charged during the period beginning on May 16, 1971 and ending on August 14, 1971. If so, the base rent, in this particular case, would constitute the same monthly rent the lessee has been paying under the terms of the lease.

Issue. When a residence becomes occupied during the period prescribed by § 301.203(b) pursuant to the execution of a 1-year lease and no new transaction occurs with respect to the residence during the period prescribed by § 301.202(b) but the lessee continues to exercise his right of occupancy during the latter period, is base rent determined by § 301.203 (b) or § 301.202(b)?

Ruling. The regulations provide that a residence or other real property becomes occupied at the time a transaction involving the residence or property occurs. Economic Stabilization Regulations 6 CFR 301.8(b), 36 F.R. 25386 (Dec. 30, 1971), A "transaction", as defined by Economic Stabilization Regulations 6 CFR 301.2, 36 F.R. 25386 (Dec. 30, 1971), is considered to occur at the time and place a lease or covenant to lease is executed by the parties. The lease of the subject residence was executed during the period prescribed by § 301.203(b) of the regulations (the period before May 15, 1971), and therefore, the residence "became occupied" during the period of time. It did not again become occupied during the period prescribed by § 301.202(b) of the regulations (the period beginning on May 16, 1971, and ending on Aug. 14, 1971) since no new transaction occurred within that period. During the period beginning on May 16, 1971, and ending on August 14, 1971, the lessee simply continued to exercise his right of occupancy acquired by the transaction prior to May 15, 1971. The base rent of the residence, therefore, is the "average transaction" rent provided for in § 301.203(b). Had the residence "become occupied" during the period beginning on May 16, 1971, and ending on August 14, 1971, by virtue of a "transaction" having occurred within that period with respect to the residence, base rent would be determined pursuant to § 301.202(b) since that section would appear first in the sequence under which the residence qualifies. Section 301.201 (c) of the regulations provides that if a residence or other real property qualifies under more than one section of §§ 301.202 through 301.205, the section appearing first in the sequence under which the residence or other real property qualifies controls.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2343 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1971-53]

POLLUTION CONTROL EXPENDITURES ARE ALLOWABLE COSTS

Price Commission Ruling

Facts. Company A is a manufacturer. Recently promulgated regulations of the Federal, State, and local governments require Company A to undertake substantial capital expenditures to meet relevant clean water and clean air standards.

Issue. May pollution control expenditures be treated as allowable costs for the purpose of increasing prices under the Economic Stabilization Regulations?

Ruling. Yes. An allowable cost is defined by Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971) as any direct or indirect cost, unless disallowed by the Price Commission. A manufacturer may therefore charge a price in excess of the base price to reflect these costs, reduced to reflect any productivity gains, to the extent that the increased price does not result in an increase in its profit margin over that which prevailed during the base period.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2344 Filed 2-15-72; 8:47 am]

[Price Commission Ruling 1972-54]

MONTH-TO-MONTH TENANT HAS NEW TRANSACTION EACH MONTH

Price Commission Ruling

Facts. X owns an apartment building containing several residential units. On December 1, 1971, he leased one of these units to Y on a month-to-month basis. At that time X charged Y a base rent determined under 6 CFR Part 300 (Economic Stabilization Regulations, 6 CFR 300, 36 F.R. 23974 (December 16, 1971)) as the highest price charged with respect to substantially identical units during the period from July 16, 1971 through August 14, 1971 (the "freeze base period"). Y continued in possession of the unit on January 1, 1972, but contends that the monthly rental charged after December 28, 1971 exceeds 2.5 percent of the base rent computed under the rent stabilization regulations effective on December 29, 1971 (Economic Stabilization Regulations, 6 CFR Part 301, 36 F.R. 25386 (December 30, 1971)) consequently, the rent should be "rolled back" to conform to Part 301. X contends that Part 301 is not applicable in that Y's occupancy began before the effective date of that part and that his compliance with Part 301 would only be required when he enters into a new lease agreement with Y calling for a rental increase or leases the unit to a new occupant.

Issue. Does a month-to-month tenant's exercise of his right of occupancy for a new monthly term subsequent to December 28, 1971, constitute a "transaction" subject to the requirements of Part 301?

Ruling. Yes. While § 301.1 provides that Part 301 is applicable to "increases" in rents to be paid for any residence which occur after December 28, 1971, other provisions of those regulations make it clear that no person may charge a monthly rent exceeding base rent to be determined under Subpart C, with respect to any transaction after December 28, 1971, except as otherwise provided by that part (§§ 301.101 and 301.102). Further § 301.102(a) provides that when a residence becomes occupied after December 28, 1971, a monthly rent must conform to that section.

Under Part 301 a residence "becomes occupied" at the time when a transaction involving that residence or other real property occurs (§ 301.8(b), see Example 1 under that section). A "transaction" is considered to occur at the time and place a lease or covenant to lease is executed by the parties, created by implication, or when an implied contract of occupancy comes into being (§ 301.2). Because of Y's continued rental of the residence on January 1, 1972, under the prior lease agreement on month-to-month terms the residence "becomes occupied" under § 301.8 (a) and (b) since, on that date, a new covenant to lease is created by implication or by an implied contract of occupancy. This new covenant constitutes a "transaction" after December 28, 1971, which is governed by Part 301.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2345 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972-55]

ALLOCATION OF CAPITAL IMPROVEMENT COSTS

Price Commission Ruling

Facts. A lessor owns an apartment building containing 10 units. Five units have picture windows on the west side of the building and the remaining five units have picture windows on the east side of the building. After August 15, 1971, the lessor installs awnings on the west side picture windows which are particularly affected by the glare of the afternoon sun. Lessor seeks to allocate the cost of the improvement to all of the units under the capital improvement provisions of the new rent regulations.

Issue. May the lessor allocate the cost of a capital improvement of an apartment building or complex to all rental units of that apartment building or complex?

Ruling. A lessor may charge a monthly rent in excess of the base rent for a residence or other real property which has been benefited by a capital improvement made after August 15, 1971. Economic Stabilization Regulations 6 CFR 301.103 (a), 36 F.R. 25386 (Dec. 30, 1971). A "residence" is defined by the regulations as a "unit of housing normally occupied as a dwelling place." (Economic Stabilization Regulations 6 CFR 301.2, 36 F.R. 25386 (Dec. 30, 1971).) The apartment building, therefore, consists of 10 residences.

The allowability of the cost of a capital improvement to the monthly rent of a residence depends upon whether that residence benefited from the improvement. Since the awnings benefited only five of the residences in the apartment building, the cost of the improvement may be allocated only to the monthly rent of those units.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2346 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972-56]

CAPITAL IMPROVEMENTS BEFORE DECEMBER 29, 1971

Price Commission Ruling

Facts. After August 15, 1971, but before December 29, 1971, a lessor made certain capital improvements to a residence which was leased on month-to-month terms. The monthly rent prior to December 29, 1971, was not increased to reflect the cost of the improvements because they were not "substantial" under Economic Stabilization Regulations effective prior to December 29 (6 CFR 300.409 (d)); thus, an increase in rent based upon the cost of the improvements was not allowable under those regulations. The lessor proposes to increase the monthly rent for the residence based upon those improvements under the regulations effective after December 28, 1971 (6 CFR 301.103).

Issue. May the cost of a capital improvement made after August 15, 1971, but before December 29, 1971, justify an increase in monthly rent under § 301.103 of the regulations when such increase was not allowable under Economic Stabilization Regulations in effect at the time the improvement was made?

Ruling. The regulations provide that a monthly rent in excess of base rent may be charged for a residence or other real property benefited by a capital improvement made after August 15, 1971. Economic Stabilization Regulations 6 CFR 301.103(a), 36 F.R. 25386 (Dec. 30, 1971). That the increase reflecting the cost of the improvement may have been prohibited by regulations in effect at the time the improvement was made is immaterial. The allowable increase in monthly rent over base rent of 1½ percent of the cost of the improvement would not be allowable, however, if such increase would be less than $1 per month (except in those cases in which a substantial capital improvement has been made which directly benefits all residences in a building or complex taken as a whole). Economic Stabilization Regulations 6 CFR 301.103(b), 36 F.R. 25386 (Dec. 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2347 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972-57]

MOTEL UNITS AS RESIDENCES

Price Commission Ruling

Facts. X owns a motel containing 10 units. Three of the units are customarily rented by the month to students at a local college during the school year. Y, a student, rented one of the three units for $100 a month on August 20, 1971. Y spent school holidays and some weekends at his parents home which was 60 miles away, but lived in the motel unit while attending classes at the college. Upon returning to school after the Christmas holidays, Y was informed by X on January 3, 1972, that rent of the unit would be increased to $125 a month effective February 1, 1972.

Issue. Is the rate for the motel unit rented by Y subject to the provisions of the regulations which govern increases in rent to be paid for any "residence" which occur after December 28, 1971?

Ruling. A "residence" is defined in the regulations as "a unit of housing normally occupied as a dwelling place." A unit of housing need not be a principal residence to come within the term, and whether or not property is used as a residence depends upon the facts and circumstances of each case. A hotel or motel-type housing unit may be a "residence" if it is "the principal place of abode of nontransient occupants." Economic Stabilization Regulations 6 CFR 301.2, 36 F.R. 25836 (Dec. 30, 1971).

Y used the unit as his "principal place of abode," although he spent weekends and holidays with his parents at his principal residence 60 miles away. Since Y rented the unit by the month while attending a local college, he was not a transient occupant. Therefore, the increase in rent of the unit must conform to the requirements of Part 301.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2348 Filed 2-15-72;8:47 am]

V 37-32 FEB 16 72 XUM

[Price Commission Ruling 1972–58]

CAPITAL IMPROVEMENTS INSTALLED BUT NOT FUNCTIONAL BEFORE AUG. 15, 1971

Price Commission Ruling

Facts. Before August 15, 1971, a lessor purchased a central air-conditioner for his building. The air-conditioner was installed and operative after August 15, 1971. In a notification which conforms to the requirements of the rent regulations lessor proposes to increase the monthly rent of each residence benefited by the capital improvement by not more than 1½ percent of the cost of the capital improvement allocable to such residences.

Issue. Are the residences benefited by a capital improvement "made after August 15, 1971"?

Ruling. Although the central air-conditioner was purchased before August 15, 1971, it did not become operative or function before that date; i.e., the residences were not benefited by the capital improvement until after August 15, 1971. Under these facts the capital improvement is considered to have been made after August 15, 1971. Lessor may, therefore, increase the monthly rent of the benefited residences by not more than 1½ percent of the part of the cost of the improvement allocable to each such residence. Economic Stabilization Regulations 6 CFR 301.103, 36 F.R. 25386 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2349 Filed 2-15-72;8:47 am]

[Price Commisson Ruling 1972–59]

BASE RENT RATHER THAN CURRENT RENT TO BE USED FOR FUTURE INCREASES

Price Commission Ruling

Facts. X entered into an agreement with Y for the lease of X's unit of residential housing to Y commencing February 1, 1972. Y agreed to pay a monthly rent of $205 which included a base rent properly computed under Subpart C of Part 301 (Economic Stabilization Regulations, 6 CFR Part 301, 36 F.R. 25386 (December 30, 1971)), plus a 2½ percent allowable rent increase over the base rent for the 12-month period beginning on February 1 (§ 301.102(a)(1)). On January 1, 1973, X delivered to Y a notification of rental increase to $210.13 per month effective February 1, 1973, in the form and manner prescribed by § 301.502. The increase is based upon the allowable increase of 2½ percent with respect to the 12-month period beginning February 1, 1973; however, the amount of the proposed increase is 2½ percent of the total rent currently charged.

Issue. Whether an allowable rent increase under § 301.102(a)(1) is computed as 2½ percent of the current rent (where the current rent includes base rent plus an allowable increase of 2½ percent of base rent for a previous 12-month period) or whether an allowable increase under that section is computed as 2½ percent of base rent only.

Ruling. X may charge only $210 per month beginning February 1, 1973. An allowable rent increase under § 301.102(a)(1) is 2½ percent of the base rent for the residence or other real property with respect to each 12-month period beginning after December 28, 1971. The base rent of a residence or other real property, as determined by Subpart C of Part 301, is not subject to change but remains the same irrespective of allowable rent adjustments under Subpart B or changes in ownership or management (see § 301.201(a)). The 2½ percent increase allowed in 1973 rent is thus limited to 2½ percent of $200 (which is the base rent), or $5 per month, and may not be computed so as to include 2½ percent of increases previously allowed to be added to the base rent.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2350 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972–60]

POSTING ITEM PRICES

Price Commission Ruling

Facts. A drugstore has more than one price for particular items it sells. For instance, the 6-oz. bottle of X shampoo sells for 28 cents while the 12-oz. bottle of the same shampoo sells for 48 cents. Thus, a person who buys the 12-oz. size pays less per ounce.

Issue. Must the drugstore post its various quantity prices for the single product? Is each separate quantity price a separate item under 6 CFR 300.13(b), 36 F.R. 23974 (December 16, 1971)?

Ruling. A drugstore must post its base prices for the 40 items which had the largest dollar sales volume during that year, or those items which accounted for at least 50 percent of its total dollar sales during that year, whichever is less (§ 300.13(b)). Thus, if a retailer has more than one price for an item, he must post all such "prices". On the other hand, the regulation refers to the posting of 40 "item" prices and not 40 prices for items. It is clear, therefore, that all quantity prices must be posted by the drugstore for the 40 largest selling items during its base period.

This ruling has been approved by the General Counsel's Office of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2351 Filed 2-15-72;8:47 am]

[Price Commission Ruling 1972–61]

FUNERAL DIRECTORS AS SERVICE ORGANIZATIONS AND RETAILERS

Price Commission Ruling

Facts. A is a funeral director who provides various funeral services and related products to his customers. A customarily uses different methods in determining his prices, depending upon the type of service provided. If a customer chooses a "standard service", A provides a certain casket and other items plus his professional services and the use of his facilities for an established price. If customers wish to differ from the "standard service", those services or items which they prefer will be provided; such items and their prices are then separately itemized on A's bill. Since the costs of A's services are the dominant portion of this overall costs, he may be a "service organization" within the Economic Stabilization Regulations; however, since A also separately sells caskets and other burial items, he may also fit within the definition of a "retailer" provided by the regulations.

Issue. Is A a "service organization" or a "retailer" within the Economic Stabilization Regulations?

Ruling. A may be either a "service organization" or a "retailer" under the Economic Stabilization Regulations, depending upon the circumstances surrounding its transactions.

To the extent that A provides a package of specified merchandise and services at an established price, in which the merchandise comprises an insubstantial portion of A's costs and is sold incidentally to the performance of A's professional services, A will be considered a "service organization" under the definition provided by the Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971) and will thus be governed by § 300.14 of the Regulations in such transactions. Economic Stabilization Regulations 6 CFR 300.14 36 F.R. 23974 (December 16, 1971).

However, when the sale of one of more items of merchandise are separately negotiated upon between A and his customers, A is a "retailer" to the extent of such separately negotiated merchandise sales, and is thus regulated by § 300.13 of the regulations. Economic Stabilization Regulations 6 CFR 300.13, 36 F.R. 23974 (December 16, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2352 Filed 2-15-72;8:47 am]

Office of the Secretary

[T.D. 72–56]

INTERNATIONAL CARGO

Standards for Security

There are published below for information of the public recommended physical and procedural standards for the security of imported merchandise and merchandise for export.

Dated: February 4, 1972.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

STANDARDS FOR CARGO SECURITY

PHYSICAL SECURITY STANDARDS

All cargo handling and storage facilities should provide a physical barrier against unauthorized access to cargo. Usually this will require a covered structure with walls, and apertures which can be securely closed and locked. In addition, fencing may be needed:

1. To prevent unauthorized persons and vehicles from entering cargo storage and handling areas,

2. As sole protection for open storage of bulk cargo or large articles which cannot be easily pilfered or removed without mechanical handling equipment or which have their own inherent security (containers).

Buildings

General standard. All buildings used to house cargo and associated support buildings should be constructed of materials which resist unlawful entry. The integrity of the structure must be maintained by periodic inspection and repair. Security protection should be provided for all doors and windows.

Recommended specifications. 1. Equip all exterior doors and windows with locks.

2. Protect all windows through which entry can be made from ground level by safety glass, wire mesh, or bars.

3. Similarly safeguard all glassed-in areas where shipping documents are processed.

4. Construct all delivery and receiving doors of steel or other material that will prevent or deter unlawful entry and keep them closed and locked when not in use.

5. Where fencing is impractical or guards insufficient, equip the building with an intrusion detection or alarm system.

6. Inspections must insure particularly that there are no avenues for surreptitious entry through floors, roofs, or adjacent buildings.

Fencing

General standard. Where cargo security is dependent upon fencing, it should enclose an area around cargo and support buildings sufficient to provide maneuvering space for pickup and delivery vehicles and should be set off a sufficient distance on all sides from the building or exterior stored cargo. The fence line must be inspected regularly for integrity and any damage promptly repaired.

Recommended specifications. 1. Install chain link type fencing with at least 9 gauge, 2-inch mesh and at least 8 feet high (not including a barbed wire extension). If the level on which the fence is constructed is lower than the area outside the fence line, increase the height of the fence to provide an effective 8-foot fence at all points.

2. Top the fence with a 2-foot barbed wire extension, consisting of three strands of barbed wire, properly spaced and angled outward.

3. Place fence posts on the inside of the fence and secure them in a cement foundation at least 2 feet deep.

4. Insure that objects or persons cannot pass beneath the fencing by providing:

a. Cement aprons not less than 6 inches thick, or

b. Frame piping, or

c. U-shaped stakes driven approximately 2 feet into the ground.

5. Avoid any condition which compromises the fence line. Prohibit the placing of containers, dunnage, cargo, vehicles, or any other item that may facilitate unlawful entry adjacent to the fence line.

6. Where necessary, install bumpers or fence guards to prevent damage by vehicles.

Gates

General standard. The number of gates in fences should be the minimum necessary for access. All fence gates should be at least as substantial as the fence. Gates through which vehicles or personnel enter or exit should be manned or under observation by management or security personnel.

Recommended specifications. 1. Equip gates with a deadlocking bolt or a substantially equivalent lock which does not require use of a chain. All hardware connecting the lock to the gate should be strong enough to withstand constant use and attempts to defeat the locking device.

2. Construct swing-type gates so that they may be secured to the ground when closed.

3. Separate gates for personnel and vehicle traffic are desirable.

Gate Houses

General standard. Operators of facilities handling a substantial volume of cargo should maintain a manned gate house at all vehicle entrances and exits during business hours.

Recommended specifications. 1. Set the gate house back from the gate so that vehicles can be stopped and examined on terminal property.

2. Equip the gate house with a telephone or other communication system.

3. Clear the area around the gate house of any encumbrances that restrict the guard's line of vision.

4. Post prominently on the exterior of all gate houses signs advising drivers and visitors of the conditions of entry. Include in conditions of entry a notice that all vehicles and personnel entering the area are subject to search.

Parking

General standard. Private passenger vehicles should be prohibited from parking in cargo areas or immediately adjacent to cargo storage buildings. Access to employee parking areas should be subject to security controls.

Recommended specifications. 1. Locate parking areas outside of fenced operational areas, or at least a substantial distance from cargo handling and storage areas or buildings and support buildings.

2. Require employees exiting to the parking area from the cargo area to pass through an area under the supervision of management or security personnel. Require employees desiring to return to their private vehicles during hours of employment to notify management and/or security personnel.

3. Allow parking in employee parking areas by permit only. Maintain a record of each issued permit, listing the vehicle registration number, model, color, and year. The permit should consist of a numbered decal, tag, sticker, or sign placed in a uniform location on the vehicle.

4. Issue to vendors and other visitors temporary parking permits which allow parking in a designated area under security controls.

Lighting

General standard. Adequate lighting should be provided for the following areas:

1. Entrances, exits and around gate houses.

2. Cargo areas, including container, trailer, aircraft and rail-car holding areas.

3. Along fence lines and stringpieces.

4. Parking areas.

Recommended specifications. 1. The Society of Illuminating Engineers recommends the following light intensities measured at ground level:

a. Vehicle and pedestrian areas—2 foot-candles.

b. Vital structures and other sensitive areas—2 foot-candles.

c. Unattended outdoor parking areas—1 foot-candle.

2. Illuminate all vehicle and pedestrian gates, perimeter fence lines, and other outer areas with mercury vapor, sodium vapor, power quartz lamps, or substantially similar high-intensity lighting, employing a minimum of 400 watts per fixture. Locate lights 30 feet above ground level and properly spaced to provide the appropriate light intensity for the area to be illuminated.

3. Establish a system of planned maintenance.

4. Protect lighting subject to vandalism by wire screening or other substantially equivalent means.

Locks, Locking Devices, and Key Control

General standard. Locks or locking devices used on buildings, gates and equipment should be so constructed as to provide positive protection against unauthorized entry. The issuance of all locks and keys should be controlled by management or security personnel.

Recommended specifications. 1. Use only locks having (a) multiple pin tumblers, (b) dead-locking bolts, (c) interchangeable cores, and (d) serial numbers.

2. To facilitate detection of unauthorized locks, use only locks of standard manufacture displaying the owner's company name.

3. Number all keys and obtain a signature from the recipient when issued. Maintain a control file for all keys. Restrict the distribution of master keys to persons whose responsibilities require them to have one.

4. Safeguard all unissued or duplicate keys.

5. Remove and secure keys from cargo handling equipment and vehicles when not in actual use.

High-Risk Cargo

General standard. Adequate space capable of being locked, sealed, or otherwise secured for storage of high-value cargo and packages which have been broken prior to or during the course of unloading must be provided at each cargo handling building. When such cargo must be transported a substantial distance from the point of unloading to the special security area, vehicles capable of being locked or otherwise secured must be used.[1]

[1] The standards are required by Customs Regulation (19 CFR 4.30).

V37-32 FEB 16 72 XUM

Recommended specifications. 1. Construct special security rooms, cribs or vaults so as to resist forcible entry on all sides and from underneath and overhead.

2. Locate such special security areas, where possible, so that management and/or security personnel may keep them under continuous observation. Otherwise, install an alarm system or provide for inspection at frequent intervals.

3. Release merchandise from such an area only in the presence of authorized supervisors and/or security personnel.

4. Log all movements of merchandise in or out of a special security area, showing date, time, condition of cargo upon receipt, name of truckman and company making pickup and registration number of equipment used.

PROCEDURAL SECURITY STANDARDS.

Personnel Screening

General standard. Operators of cargo handling facilities should conduct employment screening of prospective employees.[2]

Recommended specifications. 1. Require all personnel, including maintenance and clerical personnel, who will have access to cargo areas to submit a detailed employment application which contains a photograph of the applicant and lists his residences and prior employment for the preceding 10 years.

2. Screen all such employment applicants for:

(a) verification of address and prior employment,

(b) credit record, and

(c) if possible, criminal record.

Security Personnel

General standard. Operators of cargo handling facilities should employ a Security Officer or assign a particular officer of the firm to be responsible for security. All operators handling a substantial volume of international cargo should provide guards to protect the cargo.

Recommended specifications. 1. Employ the number of guards required to provide adequate security for the size of each facility and the volume of cargo handled. Alarm systems, closed circuit television and other security devices may reduce the number of guards needed.

2. Train all company employee guard forces or insure that contract guard forces are trained in:

(a) Methods of patrolling terminals and warehouses.

(b) Use of firearms and other equipment that may be furnished.

(c) Report writing, log and recordkeeping.

(d) Identification of security problems and specific trouble areas.

3. Equip guard forces with uniforms which are complete, distinctive and authoritative in appearance.

4. Provide firearms, vehicles, communications systems, and other equipment deemed necessary for the successful performance of the guard function.

5. Insist on physical fitness as a prime consideration in selecting a guard force. Require guards to undergo self-defense training similar to that of police agencies. Require a physical examination at least once a year.

6. Furnish each guard a manual covering operating procedures and standards of conduct, and a clear statement of what management expects of him.

Communications

General standard. Adequate and reliable communications between elements of the terminal security force and from the security force to local police should be provided.

Recommended specifications. 1. Provide security personnel with a telephone at fixed posts or two-way radio, intercom, or other type of equipment providing voice communication capability within the company.

2. Arrange assured means (telephone, radio, or special alarm line) for summoning assistance from local police forces.

Identification System

General standard. All operators of facilities handling a substantial volume of cargo should employ an identification card system to identify personnel authorized to enter cargo and document processing areas.

Recommended specifications. 1. Include on the I.D. card: (a) A physical description or, preferably, a color photograph of the holder, (b) name and address, (c) social security number, (d) date of birth, (e) employer's Customs license number, if any, (f) signature of holder, and (g) reasonable expiration date.

2. Laminate all cards to prevent alterations and assign each card a control number.

3. Recover I.D. cards from terminated employees.

4. Require each employee to display his I.D. card to gain access to the facility, to cargo areas within the facility, and to areas where shipping documents are processed. Preferably, the I.D. card should be displayed so that it is visible at all times that the employee is within the facility.

Independent Contractors

General standard. The background and corporate structure of independent contractors providing janitorial service, refuse disposal, or other services should be verified. Access by independent contractors to the facility should be under security controls.

Recommended specifications. 1. Periodically examine independent contractor vehicles which are parked in or near cargo areas.

2. Permit independent contractor employees to enter only those areas necessary for their particular work; permit them access to cargo areas and areas where shipping documents are located only under the supervision of security and/or management personnel.

3. Require independent contractors to display identification similar to that required by the facility for its own employees.

Cargo Quantity Control

General standard. Cargo should be tallied at time of delivery to the consignee or his agent. In the event of any discrepancies at time of delivery, a U.S. Customs Form 5931 or a duplicate copy of the amended cargo manifest must be completed and submitted to Customs by the carrier or his agent.[3]

Recommended specifications. 1. To facilitate accurate delivery of cargo, terminal operators should maintain and continuously up-date a location chart or list of all cargo received.

2. Segregate imported cargo, cargo for export, and domestic cargo.

3. Carriers should arrange procedures with each terminal operator to insure that all overages and shortages are reported to Customs.

Delivery Procedures

General standard. Gate passes should be issued to truckmen and other onward carriers to control and identify those authorized to enter the facility. Verification of the identity and authority of the carrier requesting delivery of cargo should be made prior to the cargo's release.

Recommended specifications. 1. Require truckmen to submit proper personal identification (such as a driver's license or Customs I.D. card) and a vehicle registration certificate before being issued a gate pass and being permitted to enter the facility; require them to surrender the gate pass before leaving the facility.

2. Seal containers and trailers and note the seal number on the gate pass before delivery is effected. Verify the seal number when the gate pass is surrender at the gate.

3. Require the company name of all onward carriers to be clearly shown on all equipment. Do not accept temporary placards or cardboard signs as proper identification of equipment. Require carriers using leased equipment to submit the lease agreement for inspection and note the leasing company's name on the delivery order.

4. Release cargo only to the carrier specified in the delivery order unless a release authorizing delivery to another carrier, signed by the original carrier, is presented and verified. Accept only original copies of the delivery or pickup orders.

5. Personnel processing prelodged delivery or pickup orders should verify the identity of the truckman and the trucking company before releasing the pickup order. Limit access to areas where such documentation is processed or held to authorized personnel and rigorously safeguard all shipping documents from theft or unauthorized observation.

6. Conduct delivery and receiving operations at separate docks or doors, if feasible.

7. Tally salvage and accumulated unclaimed cargo at the time of delivery and have management representatives and/or security personnel verify that only properly released items are included. If a terminal has truck scales, weigh the vehicle used to remove bulk salvage cargo (bales and drums) when empty and loaded.

Containerized Shipments and Seals

General standard. All containers, trailers, rail cars and air cargo lockers entering or leaving a facility should be sealed. Mounted and high value containerized shipments should receive special security attention.

Recommended specifications. 1. Inspect seals whenever a sealed containerized shipment enters or leaves a facility. If the seals are not intact or there is evidence of tampering or the seal numbers are incorrect, notify security and/or management personnel and tally the cargo.

2. Seal unsealed containerized shipments at the point of entry to the facility and note the seal number on the shipping documents. Seal all containerized shipments leaving the facility and note the seal number on the shipping documents.

3. Release seals to as few persons as possible. Require all persons handling seals to maintain strict control of the seals assigned and to store them in a secure place.

4. Maintain a seal distribution log which indicates to whom seals have been released.

5. Where possible, secure containers by butting or "marrying" their door ends against each other. However, do not butt them against a perimeter fence or building wall if that will compromise the protection provided by the fence or wall. In stacking containers, place those containing high value merchandise on top.

6. Locate high value merchandise in mounted containers or trailers in a special security holding area where it can be observed by management and/or security personnel.

7. When containers are mounted on frames, secure the fifth-wheel by a pin-lock which meet the minimum standards for locks and is constructed to withstand normal abuse from equipment. Hold designated management and/or security personnel responsible for storage and control of pin-locks.

8. Restrict access to special security holding areas and permit the release of containers or trailers from such areas only in the presence of management representatives and/or security personnel.

9. Log movements of containers in or out of a special security holding area, showing: Date, time, seal number, name of truckman and company making pickup, and registration number of equipment used.

Security Education

General standards. Management should institute a security awareness program for all personnel.

Recommended specifications. 1. Conduct a program of periodic security seminars for all employees involved in cargo handling and documentation processing, stressing the importance of:

(a) Maintaining legible and accurate cargo tallies,

(b) Processing only legible documents,

(c) Writing only in ink or ball point pen,

(d) Completing all information required by shipping documents,

(e) Obtaining clearly written signatures,

(f) Safeguarding the confidentiality of shipping and entry documents, and

(g) Maintaining good cargo security generally.

2. Include in the security awareness program posters, stickers, payroll stuffers, monetary incentives, and properly worded reward signs. (Appropriate signs can be obtained from the Bureau of Customs field offices.)

[FR Doc.72-2328 Filed 2-15-72;8:53 am]

[2] Customs regulations already require international carriers, proprietors of bonded warehouses, and customhouse brokers to submit employee lists upon request from the District Director of Customs. Such lists must contain the name, address, social security number, and date and place of birth of each employee and be kept up to date (Customs regulations, 19 CFR 4.30(m), 19.3, and 111.28).

[3] All international carriers are required by Customs regulations to make discrepancy reports (19 CFR 4.12(a), 6.7(h), 15.8, 18.2(b), 18.6 (b), (c), 123.9).

DEPARTMENT OF THE INTERIOR

Geological Survey

[Alaska 6]

ALASKA

Coal Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; U.S.C. 31), and as delegated to me by Departmental Order 2563, May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

UMIAT PRINCIPAL MERIDIAN, ALASKA

COAL LANDS

T. 5 S., R. 51 W., unsurveyed,
Sec. 13, SE¼SE¼;
Sec. 23, NE¼SE¼, S½SE¼;
Sec. 24, NE¼, SE¼NW¼, S½;
Secs. 25 and 26;
Sec. 27, S½NE¼, S½;
Sec. 28, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 31, SE¼SE¼;
Sec. 32, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Secs. 33 to 36, inclusive.

T. 6 S., R. 51 W.,
Sec. 1, N½, N½SW¼;
Sec. 2, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 3 to 5, inclusive;
Sec. 6, NE¼, SE¼NW¼, S½;
Sec. 7;
Sec. 8, N½, N½SE¼, N½SW¼;
Sec. 9, N½, N½SW¼;
Sec. 10, N½NE¼, N½NW¼, SW¼NW¼.

The area described aggregates 9,886 acres, more or less, all of which are classified as coal lands.

Dated: February 8, 1972.

W. A. RADLINSKI,
Acting Director.

[FR Doc.72-2355 Filed 2-15-72;8:52 am]

National Park Service

[DES 72-33]

MASTER PLAN FOR PADRE ISLAND NATIONAL SEASHORE

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the master plan for Padre Island National Seashore located within Kenedy, Kleberg, and Willacy Counties, Tex. Written comments on the statement are invited and will be accepted for 30 days from the date of this notice except where time extensions are granted upon request in accordance with Council on Environmental Quality guidelines of April 23, 1971. Comments should be addressed to the Superintendent, Padre Island National Seashore, shown below.

The master plan provides in a conceptual manner for the overall management and development of the seashore and relates to considerations given to the study of potential wilderness land designation within the seashore. A public hearing on the wilderness study was announced in the FEDERAL REGISTER of January 22, 1972, and information packets were made available at that time. This environmental statement should be considered in light of the material in those information packets.

Copies of this environmental statement are available from or for inspection at the following locations: Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501; and from Padre Island National Seashore, Post Office Box 8560, Corpus Christi, TX 78412.

Dated: February 8, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-2304 Filed 2-15-72;8:52 am]

Office of the Secretary

C. L. BRADEEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 31, 1972.

Dated: January 31, 1972.

C. L. BRADEEN.

[FR Doc.72-2305 Filed 2-15-72;8:49 am]

WALTER M. CREITZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Resigned as Vice President and Director of York County Industrial Corp.
(2) Metropolitan Edison Co. (Preferred Stock).
(3) No change.
(4) No change.

This statement is made as of December 20, 1971.

Dated: December 20, 1971.

WALTER M. CREITZ.

[FR Doc.72-2306 Filed 2-15-72;8:50 am]

HARLEY L. COLLINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 20, 1971.

Dated: December 20, 1971.

HARLEY L. COLLINS.

[FR Doc.72-2307 Filed 2-15-72;8:50 am]

RAY F. DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

V37-32 FEB 16 72 XUM

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1971.

Dated: December 28, 1971.

RAY F. DAVIS.

[FR Doc.72-2308 Filed 2-15-72;8:50 am]

B. M. GUTHRIE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 20, 1971.

Dated: December 20, 1971.

B. M. GUTHRIE.

[FR Doc.72-2309 Filed 2-15-72;8:50 am]

B. C. HULSEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1971.

Dated: December 31, 1971.

B. C. HULSEY.

[FR Doc. 72-2310 Filed 2-15-72;8:50 am]

ANDREW P. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1971.

Dated: December 20, 1971.

ANDREW P. JONES.

[FR Doc.72-2311 Filed 2-15-72;8:50 am]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 21, 1971.

Dated: December 21, 1971.

CARLOS O. LOVE.

[FR Doc.72-2312 Filed 2-15-72;8:50 am]

ROBERT J. MARCHETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 23, 1971.

Dated: December 23, 1971.

ROBERT J. MARCHETTI.

[FR Doc.72-2313 Filed 2-15-72;8:50 am]

SAMUEL RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1971.

Dated: December 20, 1971.

RIGGS SHEPPERD.

[FR Doc.72-2314 Filed 2-15-72;8:50 am]

FRED M. TREFFINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 21, 1971.

Dated: December 21, 1971.

F. M. TREFFINGER.

[FR Doc.72-2315 Filed 2-15-72;8:50 am]

C. N. WHITMIRE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1972.

Dated: January 1, 1972.

C. N. WHITMIRE.

[FR Doc.72-2316 Filed 2-15-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SIX RIVERS NATIONAL FOREST

Transfer of Certain Lands

In compliance with section 6 of the Act of October 2, 1968, Public Law 90-545, notice is hereby given that pursuant to the authority vested in the Secretary of Agriculture, the following lands are hereby transferred from the administrative jurisdiction of the Forest Service, U.S. Department of Agriculture, to the administrative jurisdiction of the National Park Service, U.S. Department of the Interior.

Those certain lands now administered as a part of the Six Rivers National Forest or the Northern Redwood Purchase Unit, and being more particularly described as follows:

HUMBOLDT MERIDIAN, CALIFORNIA

T. 13 N., R. 1 E.,
Sec. 9, N½SW¼;
Sec. 15, NW¼ excepting: 1) that portion lying northerly of the southerly right-of-way line of the old U.S. Highway 101, 2) that portion lying easterly of the easterly right-of-way line of Klamath Beach Road, and 3) that portion lying southerly of the northern boundary and the easterly prolongation of the northern boundary of Lots 2A and B;
Sec. 16, NW¼NW¼, S½NW¼, N½SW¼, NW¼SE¼, excepting therefrom lot A.
T. 16 N., R. 1 E.,
Sec. 21, NE¼;
Sec. 22, N½, SE¼;
Sec. 23, W½NW¼, SE¼NW¼, N½SW¼, W½SE¼, S½SW¼;
Sec. 26, NW¼NE¼;
Sec. 27, NE¼NE¼.

The areas described aggregate 1,370.50 acres.

Effective date. This notice shall become effective on the date of its publication in the FEDERAL REGISTER (2-16-72).

EARL L. BUTZ,
Secretary of Agriculture.

FEBRUARY 9, 1972.

[FR Doc. 72-2326 Filed 2-15-72;8:51 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-533]

EDWARD B. DAVIS

Notice of Loan Application

FEBRUARY 9, 1972.

Edward B. Davis, Box 201, Port Clyde, ME 04855, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new wood vessel, about 36-foot in length, to engage in the fishery for lobsters, shrimp, and scallops.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-2290 Filed 2-15-72;8:48 am]

Office of the Secretary

[Dept. Organization Order 10-2]

ASSISTANT SECRETARY FOR ECONOMIC AFFAIRS

Authority, Duties and Responsibilities

The following order was issued by the Secretary of Commerce effective January 1, 1972. This material supersedes the material appearing at 35 F.R. 8754 of June 5, 1970.

SECTION 1. *Purpose.* This order prescribes the scope of authority and functions of the Assistant Secretary for Economic Affairs.

SEC. 2. *Administrative designation.* The position of Assistant Secretary of Commerce heretofore designated as the Assistant Secretary for Economic Affairs shall continue to be so designated. The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

SEC. 3. *Authority and functions.* .01 The Assistant Secretary for Economic Affairs shall serve as the principal economic adviser to the Secretary and as the Chief Economist of the Department. He shall serve as adviser to other Commerce officials with respect to economic matters, review economic policy positions and recommendations, and serve as the Department's liaison with the Council of Economic Advisers and with other high-level economic officials of the Government.

.02 The Assistant Secretary for Economic Affairs shall also serve as the Administrator, Social and Economic Statistics Administration, with the authorities and functions specified in Department Organization Order 35-4A.

SEC. 4. *Deputy Assistant Secretaries for Economic Affairs.* In carrying out the functions in paragraph 3.01 above, the Assistant Secretary shall be assisted by Deputy Assistant Secretaries as follows:

a. The Deputy Assistant Secretary for Economic Affairs shall be the principal assistant to the Assistant Secretary and shall assume the latter's full duties during his absence.

b. The Deputy Assistant Secretary for Economic Policy Review shall assist in the formulation, review, and coordination of economic policy matters of the Department.

c. The Deputy Assistant Secretary for Industry Economics shall serve as Executive Director, National Industrial Pollution Control Council and shall perform such other duties as are assigned.

Effective date: January 1, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2278 Filed 2-15-72;8:48 am]

[Dept. Organization Order 15-6]

FEDERAL COCHAIRMEN OF REGIONAL COMMISSIONS

Functions and Responsibilities

The following order was issued by the Secretary of Commerce on December 23, 1971. This material supersedes the material appearing at 35 F.R. 12421 of August 4, 1970.

SECTION 1. *Purpose.* This order sets forth the functions and responsibilities of Federal Cochairmen of Regional Commissions.

SEC. 2. *General.* .01 The Federal Cochairmen of Regional Commissions were established by title V of the Public Works and Economic Development Act of 1965, as amended (the "PWED Act"), and, in the case of one Federal Cochairman, by the Appalachian Regional Development Act of 1965, as amended. These acts and Executive Order 11386 of December 28, 1967, as amended by Executive Order 11608 of July 19, 1971, vest certain functions and responsibilities in the Federal Cochairmen relating to activities of the Regional Commission, the Secretary of Commerce and other Federal agencies.

.02 Section 601(a) of the PWED Act provides that the Secretary shall "coordinate the Federal Cochairmen appointed heretofore and subsequent to this Act." Executive Order 11386 assigns certain functions to the Secretary involving activities of the Regional Commissions and activities of the Federal Government relating to regional economic development. With respect to the Federal Cochairmen, the Executive order includes the provisions that the Secretary shall:

"Provide guidance and policy direction to the Federal Cochairmen with respect to their Federal functions,"

"Advise the Federal Cochairmen of the Federal policy with respect to those (regional economic development) matters," and

"Resolve any questions of policy which may arise between a Federal Cochairman and a Federal department or agency in the implementation of regional development programs."

SEC. 3. *Functions.* .01 The President prescribed (section 5 of Executive Order 11386) that:

"The Federal Cochairmen, as appropriate, shall:

"(a) Maintain continuing liaison with the Secretary of Commerce with respect to the activities of the Regional Commissions.

"(b) Adhere to general Federal policies affecting regional economic development that are established by the Secretary of Commerce.

"(c) Inform the appropriate Federal departments and agencies of programs and projects to be considered by the Regional Commissions, and attempt to obtain a consensus within the Federal Government through consultation with appropriate Federal agency representatives before casting a vote on any such matter.

V 37 32 FEB 16 72 XUM

"(d) Represent the participating Federal departments and agencies in connection with the Regional Commissions.

"(e) Submit to the Secretary of Commerce regional economic development plans and programs of the Regional Commissions, budgetary recommendations, legislative recommendations, and progress reports, as requested by the Secretary of Commerce, on the activities of the Regional Commissions.

"(f) Submit reports required by section 304 of the Appalachian Regional Development Act of 1965, as amended, and by section 510 of the PWED Act to the Secretary of Commerce for review prior to transmittal to the President or the Congress."

.02 By Executive Order 11386, the Federal Cochairmen also are members of the Federal Advisory Council on Regional Economic Development (the "Council"), which was established by that order to assist the Secretary of Commerce in carrying out his functions under that order, which include the development of basic policies and priorities with respect to Federal programs relating to regional economic development. The Secretary of Commerce, as Chairman of the Council, established regional Federal councils for each of the economic development regions designated under the PWED Act and appointed each Federal Cochairman as the Chairman of the Council covering his region. The Federal regional councils were established to assist the Council in accomplishing its responsibilities for improving interagency cooperation and coordination for regional economic development.

.03 In further respect to the authorities of the Secretary of Commerce referred to in paragraph 2.02 above, and in accord with the responsibilities of the Federal Cochairman enumerated above, the Federal Cochairmen of Regional Commissions established under title V of the PWED Act:

a. Are hereby delegated authority, for funds allotted to them from appropriations authorized by title V of the PWED Act, to make final commitments for development facility grants and supplements approved by their respective Regional Commissions, for technical assistance, planning assistance and administrative grants to their respective Regional Commissions, and for administrative expenses of their respective offices; provided, that such commitments are in accord with financial plans approved by the Secretary, and are in accord with guidelines and other instructions issued or approved by the Secretary.

b. Shall submit for the Secretary's approval annual financial plans of their respective Regional Commissions.

c. Shall advise the Secretary on national policies affecting regional economic development and on economic development matters involving their regional areas.

d. Shall cooperate with the Special Assistant for Regional Economic Coordination (see DOO 15-5) in developing for the Secretary guidelines for use of funds appropriated under title V of the PWED Act, including standards for meeting the requirements of section 604 of said Act for proper and efficient management of funds.

e. Together with the Special Assistant for Regional Economic Coordination, shall obtain a coordinated review within the Federal Government of plans (including comprehensive long-range economic development plans), programs, proposals and recommendations submitted by their respective Regional Commission.

f. In collaboration with the Special Assistant for Regional Economic Coordination, shall develop proposed agreements or memoranda of understanding with Federal agencies when required for the conduct of their respective Regional Commission programs.

g. Shall review the plans of the Economic Development Administration for specific grants and loans for economic development assistance within their regional area boundaries, such review to be for the purpose of advising the Economic Development Administration whether such plans are compatible with the approved plans of their respective Regional Commissions.

h. Shall consult with the Special Assistant for Regional Economic Coordination on research plans related to the objectives of title V of the PWED Act of 1965, which are to be carried out under the direction of the Special Assistant.

Effective date: December 23, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2281 Filed 2-15-72;8:48 am]

[Dept. Organization Order 40-10]

NATIONAL BUSINESS COUNCIL FOR CONSUMER AFFAIRS STAFF

Organizations and Functions

The following order was issued by the Secretary of Commerce on December 16, 1971.

SECTION 1. *Purpose.* This order prescribes the organizational status and functions of the National Business Council for Consumer Affairs Staff.

SEC. 2. *Status and line of authority.* .01 The National Business Council for Consumer Affairs Staff (the "NBCCA Staff") is designated as a constituent operating unit of the Department of Commerce.

.02 The NBCCA Staff shall be headed by the Executive Director of the National Business Council for Consumer Affairs, who shall be responsible to the Assistant Secretary for Domestic and International Business in the direction and management of the NBCCA Staff.

SEC. 3. *Functions.* The NBCCA Staff shall provide the following support services for the National Business Council for Consumer Affairs (the "Council"), established by E.O. 11614, dated August 5, 1971:

a. Assist the Council in identifying and examining current and potential consumer related problem areas;

b. Assist the Council in its efforts to identify for, recommend to, and encourage through the Secretary action by the business community to meet legitimate consumer grievances;

c. Assist in preparing Council reports to the Secretary and through the Secretary to other Government officials or agencies; and

d. Provide or arrange for such other services, including technical support to the Council, as may be required.

SEC. 4. *Administrative and related services.* The Assistant Secretary for Domestic and International Business shall arrange for the provision of personnel, budget, general and other administrative support required by the NBCCA Staff.

Effective date: December 16, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2283 Filed 2-15-72;8:48 am]

[Dept. Organization Order 15-5]

OFFICE OF REGIONAL ECONOMIC COORDINATION

Establishment and Functions

The following order was issued by the Secretary of Commerce effective on December 23, 1971. This material supersedes the material appearing at 35 F.R. 5971 of April 10, 1970.

SECTION 1. *Purpose.* This order prescribes the functions of the Office of Regional Economic Coordination.

SEC. 2. *General.* The Office of Regional Economic Coordination (the "Office") is hereby continued as a Departmental office. The Office shall be headed by the Special Assistant to the Secretary for Regional Economic Coordination (the "Special Assistant") who shall report and be responsible to the Secretary.

SEC. 3. *Functions.* The Office of Regional Economic Coordination is responsible for assisting the Secretary with respect to his responsibilities relating to Regional Action Planning Commission, and the Appalachian Regional Commission (collectively, the "Regional Commissions"), and to those aspects of his responsibility for promoting effective coordination of the activities of the Federal Government relating to regional economic development that bear on economic development regions. These responsibilities relate to title V and section 601(a) of the Public Works and Economic Development Act of 1965, as amended (the "Act") (42 U.S.C. 3121), and Executive Order 11386 as amended by Executive Order 11608.

In performing these functions, the Special Assistant shall, where necessary, assist the Federal Cochairmen, and in dealings with the Regional Commissions shall work through the Federal Cochairmen.

Specifically, the Office shall:

a. Propose or review proposals for the designation of economic development regions and the establishment of Regional Commissions, and, as requested, study for the Secretary the advisability of altering the geographic area of a designated region.

b. Assist the Federal Cochairmen in providing effective and continuing liaison for the Secretary between the Federal Government and each Regional Commission.

c. Develop for the Secretary, in cooperation with the Federal Cochairmen, guidelines for the use of funds appropriated under title V of the Act, including standards for meeting the requirements of section 604 for proper and efficient management of projects; and review for the Secretary's action proposed budgets and subsequent financial plans submitted by the Federal Cochairmen on behalf of the Regional Commissions.

d. Be responsible for issuance of instructions (in accord with subparagraph 7.02a of the Department of Commerce Handbook of Accounting Principles and Standards) to establish and administer a system of fund control over funds appropriated for Regional Development Programs, as authorized by title V of the Act. The instructions shall include provisions to assure that Federal Cochairmen, in accord with financial plans and amounts approved by the Secretary, will have final authority to commit such funds for Federal grants and supplements approved by the Regional Commissions and for technical, planning assistance, and administrative grants to the Regional Commissions.

e. Assist the Secretary in communicating to the Federal Cochairmen such general policies affecting regional economic development and such other forms of program guidance and policy direction with respect to their Federal functions as the Secretary may establish.

f. Recommend actions to assure coordination between the Regional Commissions (acting through the Federal Cochairmen) and the Economic Development Administration and between the Regional Commissions and other Commerce organizations, such coordination being with respect to the planning, development, and execution of economic development activities, including individual projects; and initiate, as may be necessary, steps to implement approved coordination measures.

g. Assist the Secretary in achieving effective coordination of the activities of the Federal Government relating to economic development regions.

h. Together with the Federal Cochairmen obtain a coordinated review within the Federal Government of plans (including comprehensive long-range economic development plans), programs, proposals, and recommendations submitted by the Regional Commissions; based on such coordinated review, comment on and present such matters to the Secretary for appropriate action.

i. Serve as Executive Secretary of the Federal Advisory Council on Regional Economic Development (the "Council") established by Executive Order 11386, and provide staff support to the Council in its performance of review, policy development, and recommendatory functions set forth in the Executive order and as may be requested by the Secretary.

j. Perform or sponsor for the Secretary research related to objectives of title V of the Act, coordinating such research plans with the Federal Cochairmen.

k. Develop, in collaboration with the Federal Cochairmen, proposed agreements or memoranda of understanding between the Federal Cochairmen and other Federal agencies when required for the conduct of Regional Commission programs; attempt to resolve by mutual agreement any questions of policy that may arise between a Federal Cochairman and a Federal department or agency, and, as necessary, propose action to the Secretary for resolving such questions.

l. Review and advise the Secretary on the proposed annual reports to be transmitted to the Congress by each Regional Commission as required by section 510 of the Act and section 304 of the Appalachian Regional Development Act.

m. As requested by the Secretary, review the effectiveness of programs of Regional Commissions in achieving legislative objectives, and submit recommendations thereon to the Secretary, and, when appropriate, to the Federal Cochairmen.

n. Perform such other duties as may be necessary to assist the Secretary and the Federal Cochairmen, including the development of policies and legislative proposals relating to economic development regions.

o. Provide budgetary services to the Federal Cochairmen, and arrange for the provision of other support services by units of the Office of the Secretary directly to the Federal Cochairmen as may be required.

Effective date: December 23, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2279 Filed 2-15-72;8:48 am]

[Dept. Organization Order 35-4A]

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Establishment and Functions

The following order was issued by the Secretary of Commerce effective January 1, 1972. This material supersedes the material appearing at 34 F.R. 6703 of April 19, 1969, and 36 F.R. 13852 of July 27, 1971.

SECTION 1. *Purpose.* This order establishes the Social and Economic Statistics Administration, and transfers to it the Bureau of the Census and the Office of Business Economics.

SEC. 2. *Establishment and Transfers.* .01 Purusant to the authority vested in the Secretary of Commerce by law, including Reorganization Plan No. 5 of 1950 and 15 U.S.C. 1516, the Social and Economic Statistics Administration ("SESA") is hereby established as a primary operating unit, and the Bureau of the Census and the Office of Business Economics, together with their respective functions, personnel, funds, property and records, are transferred to it. The Office of Business Economics is renamed the Bureau of Economic Analysis.

.02a. The following additional functions and associated personnel, funds, property and records shall be transferred to SESA.

(1) The recurring industrial surveys performed by the Bureau of Domestic Commerce, and

(2) The statistical compilation work performed by the Bureau of International Commerce on Export-Import Indexes and on Reports on U.S. Trade.

b. The Assistant Secretary for Administration shall establish the effective date of these transfers and determine the amount of funds and the positions and/or personnel to be transferred.

.03 SESA shall be headed by an Administrator who shall report and be responsible to the Secretary of Commerce. As provided in Department Organization Order 10-2 of this same date, the Assistant Secretary for Economic Affairs shall serve as the Administrator. The Administrator shall determine objectives for SESA, establish policies and programs for achieving those objectives, and exercise overall direction of SESA's activities. The Administrator shall be assisted by a Deputy Administrator for Management, who shall perform the functions of the Administrator during the latter's absence.

.04 The Bureau of the Census, established by the Act of March 6, 1902, and continued as an agency within and under the jurisdiction of the Department of Commerce (13 U.S.C. 2), shall be a main line component of SESA and shall be headed by the Director of the Census (13 U.S.C. 21) who shall report and be responsible to the Administrator.

.05 The Bureau of Economic Analysis, established by administrative action of the Secretary of Commerce, shall be a main line component of SESA and shall be headed by a Director, who shall report and be responsible to the Administrator.

.06 In addition to the main line components provided above, SESA shall be comprised of such other organizational elements as may be specified in a secondary organization order issued by the Administrator subject to the approval of the Assistant Secretary for Administration.

SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce, the Administrator is hereby delegated authority to perform the following functions vested in the Secretary of Commerce under:

a. Title 13, United States Code;

b. Section 1516 of Title 15, United States Code, which relates to gathering and distributing statistical information, as applicable to the functions assigned herein;

c. Chapter 5 of Title 15, United States Code, which relates to the authorities and functions of the former Bureau of Foreign and Domestic Commerce, as applicable to the functions assigned herein;

V 37 32 FEB 16 72 XUM

d. Executive Order 10033 of February 8, 1949, which relates to the provision of statistical information to intergovernmental organizations, as applicable to the functions assigned herein; and

e. Section 8 of Executive Order 10999, which directs the Secretary to provide, as required for emergency planning purposes, for the collection and reporting of census information on the status of human and economic resources including population, housing, agriculture, manufacture, mineral industries, business, transportation, foreign trade, construction, and government.

.02 The Administrator may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Administrator may delegate his authority to any employee of SESA subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* SESA shall serve as a center for collecting, compiling, and publishing a broad range of general purpose statistics dealing with economic, social, and demographic data; shall be responsible for the preparation, interpretation, and projection of measures of aggregate economic activity; and, as requested, shall analyze the significance and meaning of changes in social statistics. In carrying out these responsibilities, SESA shall:

a. In cooperation with business and industry, Government and other public or private organizations conduct censuses and surveys and otherwise collect, process and analyze statistical data relating to the social and economic activities and characteristics of the population and enterprises of the United States or other areas prescribed by law, and publish and disseminate the resulting statistics for use by business, Government agencies and the public;

b. Maintain and improve the economic accounts of the United States, including the national income and product, wealth, input-output, balance of payments, and regional accounts; and analyze the economic situation and outlook, publish reports thereon, and brief Federal officials and public and private groups on the present and projected state of the economy;

c. Serve as the central economic research organization of the Department on the functioning of the economy, maintain and improve econometric and other research techniques for analyzing the economic situation and short- and long-term outlook and collaborate with other primary operating units and private and public research organizations which require or can contribute to this research.

d. Provide special analyses to officials of the Government, as may be requested, on the economic impact of alternative economic policies;

e. Conduct special statistical studies on domestic and foreign trade, business services, industry, transportation, construction, agriculture, population and housing, and on Federal, State, and local governments; and, based thereon, issue reports, special tabulations and monographs;

f. Conduct statistical and other research and development activities directed toward improving quality and lowering costs of censuses and surveys; and achieving more effective censuses and surveys; and

g. Develop and maintain a statistical directory of establishments engaged in economic activity in the United States for use by and for Federal agencies for statistical purposes, taking care to preserve the confidentiality of information obtained for the directory from other Federal agencies, as may be deemed appriate or as required by law.

Saving provision. All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, and other actions issued, undertaken, or entered into by or for organizations heretofore charged with the authorities and functions now placed in SESA shall remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

Effective date: January 1, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72 2280 Filed 2-15-72;8:48 am]

[Dept. Organization Order 35-4B]

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Organizations and Functions

The following order was issued by the Secretary of Commerce on January 1, 1972. This material supersedes the material appearing at 36 F.R. 13852 of July 27, 1971, and 36 F.R. 17517 of September 1, 1971.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Social and Economic Statistics Administration (SESA).

SEC. 2. *Organization structure.* The principal organization structure and lines of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the Office of the Federal Register.

SEC. 3. *Office of the Administrator.* .01 The Administrator determines objectives for SESA, establishes policies and programs for achieving those objectives, and exercises overall direction of SESA's activities.

.02 The Deputy Administrator for Management shall assist the Administrator as relates to the management of operations of SESA. He performs the functions of the Administrator during the latter's absence.

SEC. 4. *Assistant Administrator for Administration.* The Assistant Administrator for Administration shall provide administrative management services to components of SESA and advise the Administrator on administrative management. To carry out his responsibilities, the Assistant Administrator shall have and direct the following units.

.01 The Administrative Services Division shall provide the following services: property, space and facilities management, procurement control, library, communications, correspondence, records disposition, files, and mail and forms management.

.02 The Budget and Finance Division shall perform financial analysis, budget and fiscal functions which shall include preparation of official budget estimates and justifications, allocation and control of all funds, maintenance of financial accounts, coordination of payroll and leave audits, preparation of financial reports.

.03 The Management and Organization Division shall conduct studies and perform related activities concerned with improving organization structure and management systems and practices; provide technical support for work measurement programs; perform directives and reports management functions; provide computer programing and systems services for the processing of administrative and management data; and prepare special analytic reports on management matters.

.04 The Personnel Division shall provide personnel management services, which shall include position classification and pay administration, recruitment and employment, employee training, employee relations and services, labor relations and related personnel operations.

.05 The Publications Services Division shall provide publication, printing and graphic art services, including publications design and distribution planning and control.

SEC. 5. *Assistant Administrator for Program Review.* The Assistant Administrator for Program Review shall assist the Administrator in the overall planning, review, and evaluation of SESA's programs. In particular, the Assistant Administrator shall, in consultation with the Director of the Bureau of Census and the Director of the Bureau of Economic Analysis, develop overall program plans for SESA and coordinate the related work programs of each bureau as will best achieve SESA's program goals; review and evaluate program accomplishments in relation to plans; serve as the focal point for determining and assessing goals and long range plans for SESA as a whole. The Assistant Administrator shall also be responsible for performing Departmental review and clearance of proposals of any organization of the Department for requesting information from the public that requires the approval of the Office of Management and Budget. The Assistant Administrator shall be assisted in his responsibility by a Program Review Staff of which he shall be the head.

SEC. 6. *Bureau of Economic Analysis.* .01 Office of the Director:

a. The Director shall develop policies and plans for and direct and manage all operations of the Bureau of Economic Analysis.

b. The Deputy Director shall assist the Director in all aspects of the management of the Bureau, and perform the duties of the Director during the latter's absence.

c. Three Associate Directors shall be the principal advisers to the Director in the broad economic areas indicated by their respective titles, as follows:

Associate Director for National Economic Analysis.
Associate Director for Regional Economic Analysis.
Associate Director for International Economic Analysis.

The Associate Directors shall be responsible for analyzing major economic developments and problems in their respective areas, and for preparing reports and oral briefings on such matters. As requested, the Associate Directors shall brief the Secretary, Assistant Secretary for Economic Affairs, other officials of the Department, officials of other Federal agencies, and public and private groups. The Associate Directors shall participate in planning the economic research and analyses carried out by the divisions, and may request, direct and coordinate special studies by the divisions.

d. The Assistant Director for Statistics shall monitor and improve the data sources and estimating techniques used in the work of the Bureau, and coordinate the planning of requirements of data to be provided by the Bureau of the Census.

e. The Assistant Director for Economic Accounts shall monitor and improve the economic accounting system maintained by the Bureau, including the national income and product, wealth, input-output, balance of payments, and regional accounts. He shall be the focal person within the Federal Government responsible for the development of the system of economic accounts.

f. The Assistant Director for Econometrics shall monitor and improve the econometric techniques used in the Bureau, including the development of econometric models of the U.S. economy and the preparation of econometric forecasts.

.02 Program divisions:

a. The Balance of Payments Division shall maintain, improve, and interpret the balance of payments accounts of the United States and their current and capital components, including detail by foreign geographic area, from the standpoint of throwing light on the effects of the balance of payments on the U.S. economy, and on the role of the United States in the world economy; conduct designated surveys to obtain basic data necessary to construct the balance of payments accounts, including surveys of the foreign transactions of Government agencies; do research in the techniques required to interpret the balance of payments accounts; and prepare forecasts of the balance of payments of the United States in cooperation with other agencies.

b. The Business Outlook Division shall maintain, improve, and interpret data on past, current, and prospective domestic business investment in new plant, equipment, and inventories; conduct designated surveys required to collect this information; maintain and interpret data on business sales and inventories and manufacturers' new and unfilled orders; and maintain and improve an econometric model designed to forecast short-term changes in economic activity, and to assess the likely impact on economic activity of alternative fiscal, monetary, and other Government economic policies.

c. The Current Business Analysis Division shall edit the "Survey of Current Business;" conduct a continuing study of current business activity; prepare and publish in the "Survey" regular interpretations of the business situation; conduct research required for assembling, for publication in the "Survey" and its "Business Statistics Supplement," a detailed and comprehensive set of data produced by the Bureau and other agencies for use in evaluating the business situation; and be responsible for the press releases of the Bureau.

d. The Economic Growth Division shall study problems relating to the Nation's economic growth; maintain and improve a long-term econometric model of the United States economy and other tools for studying economic growth; make long-term projections of the national economy; and coordinate the work of the Bureau which relates to the overall effort of the Government to study the problems of economic growth.

e. The Foreign Demographic Analysis Division shall conduct specialized studies of the population, manpower, economics, and social systems of foreign countries, involving the compilation and evaluation of relevant data; prepare estimates and projections; and prepare special analytical and interpretive reports and monographs.

f. The Government Division shall maintain, improve, and interpret the Federal and State and local government accounts of the United States within the economic accounting framework; cooperate in the translation of the unified budget into economic accounting terms for publication in the Budget of the United States and the Economic Report of the President; prepare forecasts of Government receipts and expenditures for use in the Bureau's analyses of the economic outlook; and conduct research in the quantitative study of public finance.

g. The Interindustry Economics Division shall maintain, improve, and interpret (1) the input-output accounts of the United States which show the flows of goods and services from each industry to other industries and to final markets in the economy, and the gross national product originating in each industry for given years, and (2) time series of the gross national product originating in each of the industries of the Nation; conduct research in input-output techniques, including regional input-output techniques; and prepare special studies of the economic repercussions of changes in consumer, investment, foreign, and Government markets on the outputs of the Nation's industries and the incomes originating in them.

h. The International Investment Division shall maintain, improve, and interpret data on United States direct investments abroad, foreign direct investments in the United States, and income flows associated with such investments, including the transactions of foreign affiliates; conduct designated surveys required to obtain this information; do research in the techniques required to interpret international investment; and maintain and develop a data system on U.S. direct investments.

i. The National Income and Wealth Division shall maintain, improve, and interpret the national income and product wealth accounts of the United States, including national income by type of income, industrial source, and legal form, gross national product and its components, personal income and its disposition, the size distribution of personal income, the sources and uses of saving, and national wealth by type of asset and ownership; and do research in the techniques required to interpret the national income, product, and wealth accounts.

j. The Regional Economics Division shall maintain, develop, and interpret the regional economic accounts of the United States including measures of personal income, by type of income and industrial source, received in each of the States, metropolitan areas, and counties of the Nation; conduct research in regional economics, including the factors determining the levels and rates of growth of regional economic activity, the techniques for preparing projections of regional economic growth and the techniques for assessing the costs and benefits of regional economic programs; prepare regional economic projections and cost-benefit analyses; and service other Government agencies and private groups requiring regional economic measures and their interpretation.

k. The Statistical Indicators Division shall conduct, develop, and publish reports such as "Business Conditions Digest, Defense Indicators," and "Long Term Economic Growth;" conduct research into methods and applications of seasonal and other time series adjustments; conduct analysis for other Government agencies relating to the behavior and development of economic indicators series; conduct analysis and research on measures of social change; provide seasonal adjustment services for recipients within and outside the Federal Government; and conduct selected studies of current economic conditions.

.03 Support divisions:

a. The Management Services Division shall provide budget and management analysis assistance to the Director; and arrange for, and facilitate the provision of, administrative management services by the staff of the Assistant Administrator for Administration and, for certain services, by the Office of the Secretary and directly provide such administrative services to the Bureau as cannot practically be provided by the latter groups.

b. The Computer Services Division shall maintain, coordinate, and improve the use of automatic data processing

V37-32
FEB 16 72
XUM

equipment by the Bureau, including the conduct of feasibility studies; prepare automatic data processing systems and programs; and provide data processing services for the Bureau.

SEC. 7. Bureau of the Census—.01 Office of the Director:

a. The Director shall develop policies and plans for and direct and manage all operations of the Bureau of the Census.

b. The Deputy Director shall assist the Director in all aspects of the management of the Bureau and perform the duties of the Director during the latter's absence.

.02 Staff elements

a. The Public Information Office shall, under the policy guidance of the Departmental Office of Public Affairs, develop public information programs, coordinate the release and distribution of information disseminated by the Bureau for public use; and provide information to the public.

b. The Scheduling and Control Office shall manage a system for overall work scheduling and progress reporting; schedule and coordinate the assignment of manual and ADP processing resources in headquarters and decentralized processing locations; and review and monitor project plans and scheduled activities to assure effective work performance.

c. The Data User Services Office shall devise, test, and apply techniques for improving access and extending uses of Census data; research new techniques for improving services to data users; serve as the focal point for coordinating requests for data tapes, published and unpublished data, maps and other Census products; prepare general-purpose statistical compendia such as the Statistical Abstract of the United States and its supplements; coordinate and prepare technical reports that cross subject-matter lines or concern the Bureau as as a whole; and assist in the program of providing technical aid to State and local government officials.

.03 The Associate Director for Demographic Fields shall plan and direct the social and demographic statistical programs and advise the Director in these fields. The Associate Director shall be assisted by a Deputy Associate Director, and shall have and direct the following units.

a. The Demographic Census Staff shall provide overall direction for program planning of demographic censuses; develop overall budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; develop plans for publication and other data dissemination programs; develop census methodology, including processing procedures, instructions and controls, computer programing, and organize and conduct pretest research programs.

b. The Demographic Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction for the development of statistical data collected in current and special surveys; plan and develop systems and prepare computer programs for the processing of applicable data on electronic data processing equipment; perform nonmechanical processing for specified current and special surveys; and conduct surveys and methodology studies for other agencies.

c. The Housing Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from censuses and from special and current surveys relating to general housing characteristics; plan and develop systems and prepare computer programs for processing housing information on electronic data processing equipment; and conduct research for and prepare special analytical reports, monographs, and special studies.

d. The International Statistical Programs Division shall plan and conduct the Bureau's foreign consultation and training programs and represent the Bureau in international statistical activities; conduct research on international statistical problems of methodology and content and coordinate other research of similar nature in the Bureau; assemble, through foreign publications, exchange data for use by the Government and the public and provide statistical information to foreign governments and international organizations; and prepare analytical studies of information available for inclusion in an international demographic data system and provide consultative services on matters relating to information contained in the system.

e. The Population Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses; prepare estimates and projections of the population; plan and develop systems and prepare computer programs for the processing of population data on electronic data processing equipment; and conduct special studies and publish analytical reports and monographs.

f. The Statistical Methods Division shall develop and coordinate the application of mathematical statistical techniques in the design and conduct of statistical programs in the demographic fields.

.04 The Associate Director for Economic Fields shall plan and direct the economic statistical programs and advise the Director in these fields. The Associate Director shall be assisted by a Deputy Associate Director, and shall have and direct the following units.

a. The Economic Census Staff shall provide overall direction for program planning of economic censuses; develop overall census budget requirements and time schedules; maintain liaison with other divisions for data needs and associated information and materials; and develop plans for publication and other data dissemination programs.

b. The Agriculture Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to agriculture, agricultural activities and products, equipment and facilities, irrigation and drainage enterprises, and cotton ginning; plan and develop systems and prepare computer programs for the processing of agricultural data on electronic data processing equipment; and conduct research and prepare analytical reports, monographs, and special studies.

c. The Business Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to business enterprises engaged primarily in the distribution of goods and services; plan and develop systems and prepare computer programs for the processing of business data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare analytical reports, monographs, and special studies.

d. The Construction Statistics Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from current surveys and studies relating to construction activity and from construction industry censuses and surveys relating to the characteristics and operations of firms in the construction industry; plan and develop systems and prepare computer programs for the processing of construction data on electronic data processing equipment; perform nonmechanical processing for current Division programs; and conduct research and prepare special analytical reports, monographs, and studies.

e. The Economic Statistics and Surveys Division shall plan and develop specifications, survey design and methodology for, and provide technical direction over, the processing of statistical data collected in assigned current and special surveys relating to firms engaged in a variety of economic activities; develop classification manuals and systems for the coding and identification of industries and commodities for use in the Bureau's statistical programs, conduct research into broader application and use of administrative records in lieu of new data collections, including development of a current directory of establishments; and plan and develop systems and prepare computer programs for the processing of economic data on electronic data processing equipment.

f. The Foreign Trade Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data relating to various aspects of the export and import trade of the United States and foreign trade shipping; plan and develop systems and prepare computer programs for the processing of foreign trade data on electronic data processing equipment; perform nonmechanical processing for current Division programs; conduct research on problems of international comparability of statistics; and prepare special reports, monographs and studies.

g. The Governments Division shall formulate and develop overall plans and programs for the collection of statistical data from special and current surveys and censuses relating to State and local governments; plan and develop systems and prepare computer programs for the processing of Government data on electronic data processing equipment; conduct research on governmental operations and finances; and prepare special analytical reports, monographs, and special studies.

h. The Industry Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from special and current surveys and censuses relating to manufacturing, mineral, and related industries; plan and develop systems and prepare computer programs for the processing of industry data on electronic data processing equipment; and conduct research and prepare special analytical reports, monographs, and special studies.

i. The Transportation Division shall formulate and develop overall plans and programs for the collection, processing, and dissemination of statistical data from surveys or censuses relating to the transportation industry and various segments thereof, and collaborate, as appropriate, with public and private agencies in the field of transportation on the development and presentation of these data; and plan and develop systems and prepare computer programs for processing transportation data on electronic processing equipment.

.05 The Associate Director for Statistical Standards and Methodology shall plan and direct programs relating the statistical adequacy of proposed collections and the application of appropriate statistical methodology and techniques and advise the Director in these fields. The Associate Director shall have and direct the following units.

a. The Research Center for Measurement Methods shall provide research facilities oriented toward long-range studies in methods of measurement with a view toward obtaining a deeper understanding of the basic problems of social and economic phenomena.

b. The Statistical Research Division shall develop and promote effective use of mathematical, statistical, and psychological methods and techniques in the work of the Bureau; conduct research in these areas; and provide guidance to theoretical and applied statisticians and subject-matter specialists in the Bureau and other agencies on all aspects of mathematical, statistical, and research problems.

.06 The Associate Director for Data Collection and Processing shall plan and direct programs of field data collection, geographical services, and noncomputer processing operations, and advise the Director in these matters. The Associate Director shall have and direct the following units.

a. The Data Preparation Division, located in Jeffersonville, Ind., shall carry out noncomputer statistical processing operations for assigned current and special surveys or censuses; provide related administrative and logistics services for assigned programs; and exercise such authority in personnel and other management areas as is specifically delegated and administer through the Pittsburg, Kans., field office a personal census service to provide individuals or their authorized representatives information about themselves as reflected by Census records.

b. The Field Division shall plan, organize, coordinate, and carry out the Bureau's field data collection program; maintain and administer a flexible field organization through the Data Collection Centers and temporary district and other branch or area offices; and provide for the effective deployment of field personnel to assure the efficient conduct of data collection at the local level.

c. The Geography Division shall plan, coordinate, and administer those geographic services needed to facilitate the Bureau's data collection program; develop computer programs, systems, methods, and procedures for the cartographic and geographic operations; develop and implement a nationwide program to maintain and update geographic base files; conduct research into geographic concepts and methods, develop plans for the establishment of geographic statistical areas of the United States; and prepare density and other specialized maps and geographic reports for publication.

.07 The Associate Director for Electronic Data Processing shall plan and direct programs related to electronic data processing operations and techniques, and advise the Director in these matters. The Associate Director shall have and direct the following units.

a. The Computer Services Division shall operate and manage the electronic digital computer and mechanical tabulating facilities of the Bureau; plan and perform associated coordination, scheduling of computer processing, staging and tape library services; and plan and perform mechanical and electronic engineering services in the development, maintenance, and manufacture of special purpose equipment used in data processing by the Bureau.

b. The Computer Systems Development Division shall design tests to measure relevant significant factors of programs during their developmental stages and evaluate the results therefrom; modify existing executive systems to improve efficiency; develop general purpose programs; research new programing languages and techniques; provide support for computer related training; and conduct research and development concerned with new equipment needs, conceptual methods, and systems designs for the various programs of the Bureau.

.08 Data Collection Centers:

a. The principal field structure of the Bureau of the Census shall consist of 12 Data Collection Centers, each headed by a Field Director who shall report to the Chief of the Field Division in the Office of the Associate Director for Data Collection and Processing. The location and geographic area covered by each Data Collection Center shall be as shown in Exhibit 2. A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.

b. Each Data Collection Center shall carry out assigned field data collection programs, including recurring and special sample surveys of varying sizes and complexity, periodic censuses, and special censuses and surveys.

c. As may be required for a specific census or special survey, temporary district or other subordinate offices shall be established under the Data Collection Centers.

d. The Seattle Data Collection Center shall have an Area Office in San Francisco, and the St. Paul Data Collection Center shall have an Area Office in Kansas City, Mo., which shall carry out assigned field data collection programs.

Effective date: January 1, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-2282 Filed 2-15-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (35 F.R. 8714, June 4, 1970), is hereby amended with regard to section 5–B, Organization and Functions, for the purpose of reorganizing the Office of the Associate Administrator for Field Operations. Section 5–B of the statement is hereby amended as follows:

Associate Administrator for Field Operations and Cuban Refugee Program are superseded by the following:

OFFICE OF FIELD OPERATIONS

The Office of Field Operations, headed by the Associate Administrator for Field Operations, is responsible for the direction, management, and program coordination of the field activities of the Social and Rehabilitation Service. Serves as the focal point for identifying trends, patterns, and problems in the field. Assists the Administrator and the Regional Commissioners in developing program operating plans in consonance with Social and Rehabilitation Service priority objectives. Monitors program implementation at the Regional level to assure program execution is in accord with national goals and policy. Provides Regional offices with management advice and support on matters requiring central office coordination. Provides headquarters representation of Regional interests. Directs and coordinates the activities of

V37-32
FEB 16 72
XUM

the Director, Cuban Refugee Program and the Regional Commissioners. The Office of Field Operations consists of the Office of the Associate Administrator and the following elements:

CUBAN REFUGEE PROGRAM

Administers the Cuban Refugee Program including: Financial assistance, resettlement services, emergency health services, assistance to public schools in impacted areas, loans to refugee students and protective care of minors. These programs are carried out through the Federal Cuban Refugee Emergency Center, voluntary resettlement agencies, and other Federal, State, and local agencies.

DIVISION OF REGIONAL OPERATIONS

Provides leadership and assistance to SRS Regional Commissioners in developing, strengthening, and evaluating Regional office activities and assuring that Regional operations are consistent with the SRS mission and meet defined standards of operation. Provides guidance and assistance to SRS Regional Commissioners on SRS program management and allied matters, including program interrelationships, improvement in program coverage, intergovernmental operations, Federal-State-local relationships, and the DHEW/SRS operational planning system. Resolves or assists Regional offices in resolving day-to-day program and administrative problems. Develops and maintains a coordinated system for monitoring and evaluating Field Operations. Develops, maintains and coordinates the system for compliance enforcement between headquarters and Regional offices. Monitors the settlement of HEW Audit Agency reports. Maintains close liaison and working relationships with Program Bureaus to insure reflection of Regional interests in program matters and conversely assure that Regions are aware of and responsive to Program Bureau concerns and priorities. Determines which ad hoc or special tasks originating in all units of SRS headquarters involving the commitment of Regional Office resources will be undertaken by Regional staffs.

DIVISION OF ADMINISTRATIVE MANAGEMENT

Provides overall leadership, guidance, and advice to regional offices on management and communication systems and all administrative processes. At the request of the Regional Operations Representatives provides direct assistance on specific management problems. Provides or arranges for management analysis and related services. Responsible for development and execution of the Salaries and Expenses budget for Office of Field Operations and the Regional offices. Establishes and applies methods for distributing manpower to Regional offices. Develops staffing plans and standardized position descriptions for the various elements of SRS Regional offices. Insures reflection of Regional interests in proposed policies, procedures, instructions, etc., affecting Regional offices and also assures input by headquarters program bureaus into major Regional administrative matters.

Dated: February 8, 1972.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.72-2299 Filed 2-15-72;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplement to Environmental Report—Maine Yankee Atomic Power Company" has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and has been sent to the Wiscasset Public Library Association, High Street, Wiscasset, Maine. The report is also being made available at the State Planning Office, Executive Department, State of Maine, 189 State Street, Augusta, ME 04330.

This report discusses environmental considerations related to the proposed operation of the Maine Yankee Atomic Power Station located in Lincoln County, Maine. This report supersedes the environmental report submitted on November 4, 1970, in its entirety.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 8th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2285 Filed 2-15-72;8:51 am]

[Docket No. 50-59]

TEXAS A&M UNIVERSITY

Notice of Issuance of Facility License Amendment

No request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on February 20, 1971 (36 F.R. 3278), the Atomic Energy Commission ("the Commission") has issued Amendment No. 9 to Facility License No. R-23 to the Texas A&M University as proposed in that notice. The amendment authorizes the University to operate its AGN-201 nuclear reactor in the new location in the Engineering Center Building on its campus at College Station, Tex., at its previously licensed power level of 100 milliwatts (thermal) in accordance with the University's application dated November 3, 1970.

The facility has been inspected by Commission representatives who have concluded that relocation and reconstruction of the facility has been completed in accordance with the provisions of Construction Permit No. CPRR-112 and the application.

The Commission has found that the application, as amended, for the amendment to the facility license complies with the requirements of the Atomic Energy Act of 1954 ("the Act"), as amended, and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations, which are set forth in the license amendment, and has concluded that the issuance of the license amendment will not be inimical to the common defense and security or to the health and safety of the public.

A copy of the license amendment is available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 4th day of February 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-2287 Filed 2-15-72;8:51 am]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplement No. 1 to Applicant's Environmental Report—Operating Licensing Stage," submitted by the Virginia Electric and Power Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Swim Library, College of William and Mary, Williamsburg, Va. 23185. The report is also being made available to the public at the Virginia Division of Planning and Community Affairs, 1010 James Madison Building, Richmond, Va. 23219 and at the Crater Planning District Commission, 2825 South Crater Road, Post Office Box 1808, Petersburg, VA 23803.

This report discusses environmental considerations related to the proposed operation of the Surry Power Station, Units 1 and 2 located in Surry County, Va.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The Summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 9th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2288 Filed 2-15-72;8:52 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Reconstitution of Board

In the matter of Wisconsin Electric Power Co. and Wisconsin Michigan Power Co. (Point Beach Nuclear Plant, Unit 2), Docket No. 50-301.

Mr. Nathaniel H. Goodrich was Chairman of the Atomic Safety and Licensing Board established to consider the above application. Mr. Goodrich is unable to continue in his duties as Chairman of this Board.

Accordingly, the Commission has designated Mr. Robert M. Lazo, a member qualified in the conduct of administrative proceedings, as Chairman of the Board. Reconstitution of the Board in this manner is in accordance with § 2.704 (d) of the rules of practice.

Dated at Washington, D.C., this 10th day of February 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-2289 Filed 2-15-72;8:52 am]

[Dockets Nos. 50-250, 50-251]

FLORIDA POWER & LIGHT CO.

Notice of Availability of Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR Part 50 Appendix D, notice is hereby given that a draft detailed statement on the environmental considerations related to the proposed issuance of operating licenses for the Turkey Point Plant Units 3 and 4 located on the company's site at Turkey Point, Dade County, approximately 25 miles south of Miami, Fla., has been prepared and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Lily Lawrence Row Public Library, 212 Northwest First Avenue, Homestead, FL 33030. The draft detailed statement is also being made available to the public at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, FL 32304, and at the Metropolitan Dade County Planning Department, 702 Justice Building, 1351 Northwest 12th Street, Miami, FL 33125.

A notice was published in the FEDERAL REGISTER on January 6, 1972 (37 F.R. 151), concerning the availability of Florida Power & Light Co.'s Environmental Report Supplement dated November 8, 1971. That report has been analyzed by the Commission's Division of Radiological and Environmental Protection in the preparation of the draft detailed statement.

Copies of the Commission's draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Pursuant to sections A.6, A.7, and D of Appendix D to 10 CFR Part 50, interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the draft detailed statement. Federal and State agencies are being provided with copies of the draft detailed statement (local agencies may obtain this document on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 11th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2480 Filed 2-15-72;11:06 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24215; Order 72-2-36]

AIRLIFT INTERNATIONAL, INC.

Order of Investigation and Suspension Regarding Blocked-Space Multi-Container General Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of February 1972.

By tariff bearing a posting date of January 10, and marked to become effective February 24, 1972, Airlift International, Inc. (Airlift), proposes to establish blocked-space multicontainer general commodity rates from New York to Los Angeles and San Francisco. The proposed rates are marked to expire with January 1, 1973. Under the proposed tariff a shipper would sign a contract guaranteeing to the carrier, for a period of 90 days, the tender of one to 22 containers[1] per day, 5 days a week.[2]

Airlift's proposal is essentially the same, except for the charges for 19 to 22 containers, as blocked-space multicontainer rates that it previously proposed, which the Board suspended by Order 71-11-50. Airlift, as in its previous filing, proposes a schedule of (1) basic charges per container, for each of the number of containers to be tendered 5 days a week, as noted above; (2) pivot weights (maximum weight covered by the above charge) applicable to each container; and (3) rates for weight in containers exceeding the applicable pivot weight. As the number of containers to be tendered rises, the basic charge per container falls, the pivot weight increases, and the rate for excess pounds falls. Charges for shipments of 19 or more containers would be increased by $18.[3]

[1] The tariff provides that the containers to be used under the proposed rates would have capacities ranging from 426 to 450 cubic feet with the dimensions and configurations of the standard service Type A "igloo" container.

[2] A week is defined in the tariff as the 6-day period Monday through Saturday.

[3] Another difference adverted to by the complainants is a proposed removal of provisions in Rule 15(G) requiring that all containers moving on a single day comprise one shipment. The carrier, however, has pointed out in its answer that this was an error and has filed a special tariff permission application to revise the instant filing to add provisions in Rule 15(G) identical to those previously proposed.

V 37 ■ 32 FEB 16 72 XUM

Complaints against the proposed rates have been filed by The Flying Tiger Line Inc., and United Air Lines, Inc.

The complaints assert, inter alia, that (1) the proposed rates are essentially the same as those suspended by the Board; (2) the minor adjustments proposed by Airlift do not correct the major deficiencies of the proposal; (3) the proposed rates would, like the previously proposed rates, discriminate against bulk shippers, single container shippers, and among multicontainer shippers of different volumes, without cost justification; (4) the proposal would dilute revenues and Airlift has failed to make any estimate of stimulation or generation of traffic which would be realized; and (5) the proposal is only an attempt to circumvent the expected results in Docket 23287, "Charters by Air Freight Forwarders," EDR–198, thus, in effect, continuing cargo chartering by the forwarders.

In answer to the complaints and in justification of its proposal, Airlift states, inter alia, that (1) the factual findings and policy consideration relied upon by the Board to suspend its previous filing have been substantially obviated by the instant filing; (2) $18 would be added to the charge per container for containers in excess of 18, under contracts involving 19 to 22 containers per day, in order to cover the costs of unloading such containers and reloading the traffic in the belly compartment as required by aircraft limitations; (3) that the proposed charges are based on cost savings resulting from the effects of volume on capacity costs rather than differences in ground handling costs on which container discounts are based and which Airlift assumes to be constant; (4) the lowest rates to be offered are based on full cost and return for planeload operations plus an additional amount which represents a contribution to other scheduled services; (5) the proposed rates will accelerate the rate of diversion from surface and that the certainty of such diversion is more than ample promotional justification; and (6) the Board is urged to give volume cargo movements the same careful consideration heretofore accorded bulk passenger movements as most recently exemplified in EDR–216, Docket 23055.

Upon consideration of the complaints and all other relevant factors, the Board finds that Airlift's proposed charges and rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudical, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed charges and rates should be suspended pending investigation.

The Board has previously found in a formal investigation that discounts for 10 or more containers were unjustly discriminatory where not justified by cost of service, value of service or promotional considerations, and has suspended a prior Airlift proposal, as well as a filing by American Airlines, Inc., where discounts in container rates were dependent upon the number of containers tendered.[4] The Board cannot find that the limited modifications proposed in the instant filing are sufficient to meet the deficiencies which led to the suspension of Airlift's earlier filing.

Airlift again has not shown any cost savings attributable to a multicontainer shipment which may be differentiated from cost savings from a single container shipment. In this regard, the carrier candidly admits that it is unable to substantiate such cost differences, and thus the discrimination issue, which was a basis for our prior suspension, is again before the Board.

While Airlift asserts that the low rates for 22-container shipments are compensatory and justified on promotional considerations, such contention does not justify the discrimination problem arising out of the differentials in the rates created by the increasing discounts for tendering an increasing number of containers. The Board has noted Airlift's contention that the Board should find similar consideration to reduced rates for volume shippers as has been accorded bulk passenger movements. The Board is not persuaded that the criteria applied to group or bulk passenger fares supports the discrimination to cargo shippers which is inherent in the instant proposal.[5] This is a matter for exploration in the investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates, charges and provisions in Airlift International, Inc.'s CAB No. 7, and rules, regulations, and practices affecting such rates, charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges and provisions, and rules, regulations, or practices affecting such rates, charges and provisions;

2. Pending hearing and decision by the Board, Airlift International, Inc.'s CAB No. 7 is suspended and its use deferred to and including May 23, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints filed by The Flying Tiger Line Inc., in Docket 24172, and United Air Lines, Inc., in Docket 24173, are dismissed except to the extent granted herein;

4. The proceeding herein designated Docket 24215 be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariff and served upon Airlift International, Inc., The Flying Tiger Line Inc., and United Air Lines, Inc., which are hereby made parties to Docket 24215.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–2375 Filed 2–15–72;8:56 am]

[4] "Container Rates for B–747 Aircraft Proposed by Continental Air Lines, Inc.," Order 71–7–156 dated July 27, 1971; blocked-space general commodity multicontainer rates proposed by Airlift International, Inc., Order 71–11–50 dated Nov. 12, 1971; and blocked-space container rates and charges proopsed by American Airlines, Inc., Order 71–12–123.

[5] In "Danna et al. v. Air France et al.," S.D.N.Y. (Nov. 15, 1971), the court had occasion to note that "The difference between a shipper discriminated against and a passenger discriminated against is vast. The shipper is put at a competitive disadvantage, since freight charges are a component of cost, which may even result in putting him out of business. The passenger is in competition with no one." (No. 71 Civ. 3648).

[Docket No. 20993, etc.; Order 72–2–33]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare and Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of February 1972.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to passenger fare and cargo rate matters, Docket 20993,[1] Docket 22628,[2] Docket 23333,[3] Docket 23486.[4]

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, numerous agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). This order is addressed to agreements which have been assigned the referenced CAB agreement numbers, as well as to agreements not yet filed with the Board but which are contemplated for effectiveness on or before April 1, 1972.

The agreements presently on file include (1) rate matters outstanding from the Singapore worldwide cargo conference (see Orders 71–9–124, 71–9–125, and 71–10–49), (2) an agreement proposing revisions to North American proportional fares used in constructing through fares in services via the North Atlantic and via the North/Central Pacific and South Pacific, (3) various fare resolutions, including those intended for February 1, 1972, effectiveness on the North/Central Pacific (see Order 72–1–58 deferring action), stemming from the recent Miami worldwide passenger fare conference, and (4) the recently adopted North Atlantic fare agreement highlighted below.

In general terms, the transatlantic agreement proposes to alter the validity of present 17/28-day and 29/45-day individual excursion fares to 14/21 days and 22/45 days. The latter fare, as well as the normal economy fare, would be amended so as to incorporate a three-tier seasonal pattern (peak, shoulder, and winter) rather than the two-tier (peak and basic seasons) presently in effect.[6] The 22/45-day excursion fare levels would be available to youths between the ages of 12 and 21 under essentially the same conditions of travel, but without minimum/maximum-stay limitations. The agreement would also revalidate, for effectiveness throughout the 1-year period covered by the agreement, 7/8-day winter group inclusive tour (GIT) fares for 10 or more passengers recently approved by the Board (Order 72–1–17) and implemented on the expedited effectiveness date of January 15, 1972. Fare levels, present versus proposed (absent anticipated currency adjustments), are set forth in the attached table.[6]

Other conditions attached to the use of fares contemplated by the North Atlantic agreement include maintaining the weekend surcharge of $15 in each direction under promotional fare travel; however, rather than the current 3-day Friday through Sunday application, the charge would apply on Friday and Saturday eastbound and Saturday and Sunday westbound. Stopover privileges for the excursion fare with a new validity of 14/21 days are unchanged (two in each direction in addition to the point of turnaround); however, no stopovers would be permitted under conditions of the 22/45-day excursion fare, whereas its current counterpart allows one free stopover plus an additional stop for an added charge of $10. Free stopovers under traditional GIT fares would also be reduced from two in each direction to one in each direction plus point of turnaround, with one additional stopover in each direction permitted at an additional charge of $10 each. On the other hand, both the GIT and the 22/45-day excursion fares would newly permit "open-jaw" routings, and the resolutions governing individual short- and long-term excursion travel make allowance for inclusive tours based on such fares.

In passing upon these agreements, which include both increases and decreases in rates and fares, the Board must certify that the increases meet the criteria established by the Price Commission effective January 17, 1972,[7] in addition to making the findings required by section 412 of the Act. On February 1, 1972, the Board issued ER–723 which established a new subsection to Part 221 of our economic regulations[8] setting forth the information to be filed by certain carriers under prescribed circumstances to enable the Board to comply with the regulations of the Price Commission.

The purpose of this order is to specify that such information is to be provided by each U.S. member of IATA with reference to the passenger and cargo services performed by it, along with such other justification as each carrier desires to provide in support of the agreements to which it is a party. With reference to the traffic and financial forecasts required by § 221.165a(d), the data should be submitted separately for each customary rate-making entity, i.e., transatlantic, transpacific, and Latin American services. Separate forecasts should be prepared on the basis of the currently existing fare/rate structures, on the one hand, and the proposed fare/rate structures, on the other. The impact of both increases and decreases in rates and fares should be reflected. All assumptions and allocation procedures should be fully explained. In developing their forecasts the carriers should bear in mind the Board's decision in the "Domestic Passenger-Fare Investigation," Phase 6B, that fares should be based upon load factor levels reasonably attainable over an extended period of time, rather than on those anticipated in the period immediately ahead. In addition to these overall data, separate similar forecasts should be provided for each carrier's all-cargo services. Moreover, carrier submissions should show the extent of cost increases resulting from the currency revaluations, as well as the revenue increases in dollars anticipated to be generated by the proposed fare/rate adjustments.[9] It is the Board's intention to treat independently each of the three ratemaking areas, and to consider rate or fare increases and decreases within a given area on an aggregate or net basis, but to deal with passenger fares separately from cargo rates.

In view of the need for prompt disposition of these agreements, the above data and other justification material will be submitted by February 25, 1972. Comments and objections by interested persons with respect to these agreements shall also be submitted by that date. Answers shall be filed by March 6, 1972.

Accordingly, it is ordered, That:

1. All U.S. air carrier members of the International Air Transport Association shall file on or before February 25, 1972, full documentation and economic justification, in accordance with the terms of this order and Part 221 of the Board's Economic Regulations, for increases in fares, rates, and charges effected by new or amended provisions of resolutions embodied in the subject referenced agreements or any agreements subsequently filed with the Board and intended for implementation on or before April 1, 1972, in air transportation to/from the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

2. Comments and objections from interested persons and parties shall be submitted on or before February 25, 1972, with respect to North Atlantic fare resolutions and related matters incorporated in Agreement CAB 22663, R–144 through R–184.

3. Replies to justifications received in response to ordering paragraph 1 above and replies to comments received pursuant to ordering paragraph 2 above shall be submitted no later than March 6, 1972; and

4. This order will be served upon all U.S. certificated route and supplemental carriers, and also upon all U.S. indirect air carriers. Additional service will be made on other persons who have submitted comments in the above-captioned matter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–2376 Filed 2–15–72;8:55 am]

[1] Agreements CAB 22332, R–24; and CAB 22659.

[2] Agreements CAB 22628; CAB 22630, R–2; and CAB 22658, R–1 and R–2.

[3] Agreements CAB 22460; CAB 22689; CAB 22742; CAB 22854; and CAB 22900.

[4] Agreements CAB 22663; CAB 22823; CAB 22854; and CAB 22900.

[6] The peak season would remain unchanged (June, July, August, eastbound; and July, August, September, westbound). The shoulder season, however, would apply on both sides of the peak season before and after the November through March winter season. This three-tier pattern is currently in effect for affinity/incentive group fare travel.

[6] Table filed as part of the original document.

[7] CFR Title 6, Chapter III, § 300.16.

[8] Section 221.165a. We have taken under advisement the question of whether we should request the Price Commission to authorize an exemption from its requirements for international passenger and cargo rates comparable to the existing exemption for international ocean shipping rates. However, until and unless the Price Commission issues such an exemption, the Board has no authority to waive the requirements.

[9] We recognize that U.S. carrier experience in this regard may not be representative of the experience of foreign carriers by virtue of different proportions of receipts and expenditures in dollars versus other currencies. For this reason, the Board would be prepared to consider foreign carrier data either on an individual carrier or composite basis.

[Docket No. 24211]

PAKISTAN INTERNATIONAL AIRLINES CORP.

Notice of Prehearing Conference and Hearing Regarding Amendment of Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter regarding service between Pakistan, intermediate points, and New York, N.Y., is assigned to be held on February 25, 1972, at 10 a.m., local time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Edward T. Stodola.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 22, 1972.

Dated at Washington, D.C., February 10, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–2377 Filed 2–15–72;8:54 am]

V 37-32 FEB 16 72 XUM

[Docket No. 23073]

REA AIR FREIGHT FORWARDING, CONTROL, AND INTERLOCKING RELATIONSHIPS INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding will be held on March 20, 1972, at 10 a.m., e.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Ross I. Newmann.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report served on December 2, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 11, 1972.

[SEAL] ROSS I. NEWMANN,
Hearing Examiner.

[FR Doc.72-2378 Filed 2-15-72;8:54 am]

COMMISSION ON HIGHWAY BEAUTIFICATION

HIGHWAY BEAUTIFICATION

Change of Site of Public Hearing

FEBRUARY 11, 1972.

The Commission on Highway Beautification hereby gives notice that its public hearing in the Los Angeles area on February 28, 1972, is now scheduled for the Beverly Hilton Hotel, 9876 Wilshire Boulevard, Beverly Hills, CA, instead of the Federal Building, 11000 Wilshire Boulevard, Los Angles, CA. The hearing is still scheduled to start at 9:30 a.m.

The notice of public hearing was published in the FEDERAL REGISTER on February 5, 1972, at 37 F.R. 2803.

LEO A. BYRNES,
Staff Director and Counsel.

[FR Doc.72-2366 Filed 2-15-72;8:54 am]

ENVIRONMENTAL PROTECTION AGENCY

POTASSIUM AZIDE

Notice of Establishment of Temporary Tolerance

PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, submitted a petition (PP 1G1066) requesting a temporary tolerance for negligible residues of the herbicide potassium azide in or on the raw agricultural commodity rice at 0.1 part per million.

It has been determined that a temporary tolerance of 0.1 part per million for negligible residues of the herbicide potassium azide in or on rice is safe and will protect the public health. It is therefore established as requested on condition that the herbicide is used in accordance with the temporary permit issued concurrently by the Environmental Protection Agency and which provides for distribution under the PPG Industries, Inc., name.

This temporary tolerance expires February 10, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: February 10, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator, for Pesticides Programs.

[FR Doc.72-2291 Filed 2-15-72;8:52 am]

FEDERAL MARITIME COMMISSION

CENTRAL GULF STEAMSHIP CORP. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, LA., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. R. J. Finnan, Analyst Rates and Tariffs, Lykes Bros. Steamship Co., Inc., Post Office Box 53068, New Orleans, LA 70150.

Agreement No. 9980, between Central Gulf Steamship Corp., Combi Line (combined service of Hapag-Lloyd, A. G. and Holland America Line operating pursuant to approved Agreement No. 9929), and Lykes Bros. Steamship Co., Inc., establishes an arrangement for cooperation between these carriers to utilize or operate, directly or through another company or companies, common towing and/or tug services, fleeting areas, terminals, stevedores, maintenance and repair facilities, and exchange of and carriage of equipment of these carriers, related to or connected with their common carrier operations with LASH and SEABEE vessels, and barges in foreign trades, between Gulf ports of the United States and foreign countries, including ports and/or places or points on inland waterways tributary to said ocean ports and ranges.

Dated: February 10, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.72-2361 Filed 2-15-72;8:53 am]

CITY OF LOS ANGELES AND OVERSEAS SHIPPING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Nowland C. Hong, Assistant City Attorney, City of Los Angeles, Post Office Box 151, San Pedro, CA 90733.

Agreement No. T-2588, between the City of Los Angeles (City) and Overseas Shipping Company (Overseas), provides for the 5-year nonexclusive berth assignment by the City to Overseas of Berths 228 D, 228 E, 229, and 230 plus 24 acres of adjacent land area for operation as a marine terminal. The agreement also provides for a three-phase improvement of the wharf area by the City to create a modern facility for the handling of containerized cargo. As compensation, the City is to receive all tariff charges assessed pursuant to the Port of Los Angeles Tariff No. 3, subject to a minimum of $361,000 for the first year of the agreement escalating to $421,000 for the fifth year. Any revenues received by City from secondary or temporary use of the facility by others shall be applied against Overseas' minimum annual obligation.

Dated: February 10, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.72-2362 Filed 2-15-72;8:53 am]

MARYLAND PORT ADMINISTRATION AND TERMINAL SHIPPING CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Philip G. Kraemer, Director of Transportation, Maryland Port Administration, Pier 2, Pratt Street, Baltimore, MD 21202.

Agreement No. T-2586, between the Maryland Port Administration (MPA) and Terminal Shipping Company (Terminal), provides for the 1-year lease to Terminal of Pier 1, Clinton Street Marine Terminal, Baltimore, Md. The premises will be used solely as a waterfront cargo terminal and other uses as are incidental and related thereto. As compensation, MPA is to receive all dockage and wharfage fees collected at the facility, subject to a $50,000 advance payment each quarter. Dockage and wharfage will be assessed in accordance with the rates published in the Baltimore Marine Terminal Association Tariff.

Dated: February 10, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.72-2363 Filed 2-15-72;8:53 am]

PORT OF OAKLAND AND HARRY H. BLANCO CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Wilson F. Wendt, Deputy Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2587, between the Port of Oakland (Oakland) and Harry H. Blanco Co. (Blanco), doing business as Mid-Pacific Freight Forwarders, provides for the license to Blanco of certain office space, covered truck dock area, maintenance shop area, and open dock area for use as a container freight station and for other uses incidental thereto. As compensation, Oakland is to receive $3,846.75 monthly plus all commercial and other port charges. The agreement stipulates that 90 percent of Blanco's operations shall be concerned with the movement of goods over and through the Port's marine terminals.

Dated: February 10, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.72-2364 Filed 2-15-72;8:53 am]

FEDERAL POWER COMMISSION

[Docket No. CI67-248]

BEACON GASOLINE CO.

Notice of Petition To Amend

FEBRUARY 14, 1972.

Take notice that on February 8, 1972, Beacon Gasoline Co. (petitioner), Post Office Box 396, Minden, LA 71055, filed in Docket No. CI67-248 a petition to amend the order heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing petitioner to gather and transport natural gas produced by Pennzoil Production Co. in the Walker Creek Field, Columbia and Layafette Counties, Ark., for processing and delivery to the gas purchaser, United Gas Pipe Line Co., in Webster Parish, La., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it commenced deliveries to United Gas Pipe Line Co. on January 25, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). Pennzoil Pipeline Co. has filed an application for a certificate of public convenience and necessity in Docket No. CI72-491 authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Co. and the delivery of said gas to petitioner for transportation and processing. Pennzoil Pipeline Co. states in its certificate application that it commenced its sale and delivery on January 25, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act.

It is reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 22, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be

V 37-32 FEB 16 72 XUM

taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2435 Filed 2-15-72;8:55 am]

[Docket No. CI72-493]

E. RALPH DANIEL ET AL.

Notice of Application

FEBRUARY 14, 1972.

Take notice that on February 7, 1972, E. Ralph Daniel (Operator) et al. (applicant), 2108 Chamber of Commerce Building, Houston, Tex. 77002, filed in Docket No. CI72-493 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp. from the South Rayne Field, Acadia Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on January 20, 1972, within the contemplation of §157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Applicant proposes to sell approximately 102,000 Mcf of natural gas per month at 35 cents per Mcf at 15.025 p.s.i.a. It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2433 Filed 2-15-72;8:55 am]

FEDERAL RESERVE SYSTEM

BANQUE NATIONALE DE PARIS

Order Approving Formation of Bank Holding Company

Banque Nationale de Paris, Paris, France, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of French Bank of California, San Francisco, Calif. (Bank), a proposed new bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, wholly owned by the French government, is the largest bank in France and the second largest in the European Economic Community. It operates over 1,600 branches in France and, directly or through subsidiaries, has over 300 additional offices located in more than 50 foreign countries. Applicant and its subsidiaries control approximately $9.2 billion in deposits.[1] Applicant engages in banking activities in New York through French American Banking Corp. (FABC), its wholly owned subsidiary chartered as an "investment company" under Article XII of the New York State Banking Law. It also has an agency in San Francisco, Calif. The Board has previously ruled that FABC is not a "bank" within the meaning of section 2(c) of the Act.

French Bank of California proposes to be primarily a wholesale bank specializing in the financing of international trade. Applicant has one office in San Francisco, but that office is an agency and is not authorized to accept deposits. The proposed new bank is expected to compete principally with other foreign-owned banks and with the international departments of the larger California banks having international banking capabilities. Based on the record before it, the Board concludes that Bank's entry into the California market will have no adverse effects on existing or potential competition. Rather, the addition of Bank will provide increased facilities and competition.

The financial and managerial resources and prospects of applicant and Bank are regarded as satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval, as Bank would become the first commercial banking subsidiary of a European Economic Community member nation in California and could serve as a channel for additional French investment in the United States. It is the Board's judgment that the proposed formation would be in the public interest and that the application should be approved.

In connection with the present application, applicant also applied for the Board's permission to retain its ownership of FABC and certain investments held indirectly through FABC. Those investments include French American Capital Corp., New York City, a wholly owned subsidiary of FABC, and two minority investments of French American Capital Corp. in Locafrance-U.S. Corp. and Indumat Equipment Corp., each located in New York City. These matters were separately considered by the Board under section 4(c)(9) of the Act and are the subject of another order issued today by the Board.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order; and (c) French Bank of California, San Francisco, Calif., shall be opened for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[2] February 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2292 Filed 2-15-72;8:48 am]

[1] All banking data are as of May 31, 1971.

BANQUE NATIONALE DE PARIS

Order Approving Retention of Investment

Order approving retention of investment in French American Banking Corp., French American Capital Corp., and Locafrance-U.S. Corp. and disapproving retention of investment in Indumat Equipment Corp.

Banque Nationale de Paris (BNP), Paris, France, has applied for the Board's approval under section 4(c)(9) of the Bank Holding Company Act to retain all of the voting shares of French American Banking Corp. (FABC), New York City, and of FABC's wholly owned subsidiary, French American Capital Corp. (FACC), New York City, if BNP becomes a bank holding company.

BNP has received the Board's permission to become a bank holding company through the acquisition of all of the voting stock (less directors' qualifying shares) of a proposed new bank in San Francisco, Calif., to be named French Bank of California. If the proposed acquisition is consummated, BNP will be a foreign bank holding company within the meaning of § 225.4(g)(1)(iii) of Regulation Y.

FABC is an "investment company" chartered under Article XII of the New York State Banking Law. It is engaged in banking activities, including short- and medium-term lending, acceptances, remittance of funds, foreign exchange transactions, and related activities. FABC receives credit balances for the account of its customers in connection with transactions that it is legally authorized to perform, but does not accept deposits. Except for FABC's investment in the shares of its wholly owned subsidiary FACC, FABC does not directly own more than 5 percent of the shares of any company.

FACC is a corporation organized in 1970 under the laws of the State of Delaware that specializes in investing funds for its own account. It plans to expand its activities to provide investment advisory services and corporate financial services, including assistance in mergers and acquisitions. Most of FACC's funds have been placed in short-term investments, including purchase of participations in FABC's loans and investment in negotiable corporate and government notes. FACC has also made venture capital investments and has invested in securities listed on an exchange. Among its venture capital investments, FACC has acquired more than 5 percent of the voting shares of two U.S. subsidiaries of French corporations. It has a 15 percent interest in Locafrance-U.S. Corp., which is engaged in the business of leasing equipment, and a 15.8 percent interest in Indumat Equipment Corp., which sells and leases scaffolding systems. Both such corporations are located in New York City.

Section 4(c)(9) of the Act provides that the prohibitions of section 4 shall not apply to the investments or activities of foreign bank holding companies that conduct the greater part of their business outside the United States, if the Board by regulation or order determines that, under the circumstances and subject to the conditions set forth in the regulation or order, the exemption would not be substantially at variance with the purposes of the Act and would be in the public interest. In § 225.4(g)(2)(iv) of Regulation Y, the Board has determined that a foreign bank holding company may, with the Board's consent, own or control voting shares of any company principally engaged in the United States in financing or facilitating transactions in international or foreign commerce. From the information submitted by the applicant, it appears that the great majority of FABC's business is conducted with, or on behalf of, foreign customers and that FABC is principally engaged in international or foreign banking in competition with other financial institutions in New York City, including branches or agencies of foreign banks, the international banking departments of New York banks, and Edge Act subsidiaries of other banks. FABC is active in the domestic market for call loans to brokers, bankers' acceptances, and bankers' certificates of deposit; however, such business is small in proportion both to FABC's total business and to the markets for these types of assets in New York City.

In the Board's judgment, FABC's activities meet the conditions for exemption set forth in section 4(c)(9) of the Act and § 225.4(g)(2)(iv) of Regulation Y. In the Board's judgment, FACC's investment activities as described by applicant are consistent with the purposes of the Act and the public interest, except as noted below and subject to the condition that FACC not invest in more than 5 percent of the voting shares, or acquire control over the management or policies, of any issuer except with prior Board approval. FACC's proposed investment advisory services and its investment in Locafrance-U.S. Corp. are consistent with the scope of activities permitted to a domestic bank holding company under section 4(c)(8) of the Act and §§ 225.4(a)(5) and (6) of Regulation Y.

The term "corporate financial services" as used by applicant to describe a proposed new activity of FACC is not specifically defined in the application. The Board is of the view that FACC should be permitted to furnish financial services of a kind authorized by § 225.4(a)(5) of Regulation Y. The Board has not determined that assistance in mergers and acquisitions is included among such services.

FACC's investment in Indumat Equipment Corp. is an investment that would not be permissible to a domestic bank holding company, since Indumat is engaged in the business of selling goods in the United States. The Board believes that such an investment is inappropriate for a foreign bank holding company, and no sound reasons have been advanced by applicant in support of a contrary conclusion.

Competition in international or foreign banking in the New York market will be promoted if BNP is permitted to retain its investments in FABC and FACC. FABC is a small competitor in this market, and it is in the public interest that such competition be preserved to the extent consistent in other respects with the purposes of the Act.

Based upon the foregoing and other considerations reflected in the record, and based upon the assumption that BNP will become a bank holding company through the acquisition of voting shares of French Bank of California in accordance with its application approved by the Board, the Board has made the following determinations:

1. Pursuant to section 4(c)(9) of the Act and § 225.4(g)(2)(iv) of Regulation Y, the Board consents to the continued ownership by BNP of all of FABC's voting shares.

2. Pursuant to section 4(c)(9) of the Act and § 225.4(g)(3) of Regulation Y, the Board approves the continued indirect ownership by BNP of all of FACC's voting shares, subject to the following conditions:

(a) That FACC limit its corporate financial services to the kind of services authorized by § 225.4(a)(5) of Regulation Y,

(b) That BNP dispose of its indirect 15 percent interest in Indumat Equipment Corp. within 2 years from the date as of which it becomes a bank holding company.

3. Pursuant to section 4(c)(9) of the Act and § 225.4(g)(3) of Regulation Y, the Board approves the continued indirect ownership by BNP of 15 percent of the voting shares of Locafrance-U.S. Corp., New York City: *Provided*, That Locafrance confines its activities to leasing of personal property and equipment in accordance with § 225.4(a)(6) of Regulation Y.

The foregoing determinations are subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries; to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof; and to revocation by the Board if the facts upon which it is based change in any material respect.

By order of the Board of Governors,[1] February 7, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2293 Filed 2-15-72;8:48 am]

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

L & L HOLDING CO.

Formation of Bank Holding Company and Proposed Acquisition of W & W Insurance Agency

L & L Holding Co., Fort Collins, Colo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 16,875 or more of the voting shares of Rocky Mountain Bank & Trust Co., Fort Collins, Colo. The factors that are considered in acting on

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

V 37 N 32
FEB 16 72
XUM

the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

L & L Holding Co. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire assets of W & W Insurance Agency, Fort Collins, Colo. Notice of the application was published on January 14, 1972, in the Fort Collins Coloradoan, a newspaper circulated in Fort Collins, Colo.

Applicant states that the proposed subsidiary would engage in the activities of selling credit life and disability insurance in connection with loans of its proposed subsidiary bank, Rocky Mountain Bank & Trust Co., Fort Collins, Colo. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal filed pursuant to section 4(c)(8) can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 9, 1972.

Board of Governors of the Federal Reserve System, February 9, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2294 Filed 2-15-72;8:49 am]

VALLEY BANCORPORATION

Acquisition of Bank

Valley Bancorporation, Appleton, Wis., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of Casco, Casco, Wis. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 10, 1972.

Board of Governors of the Federal Reserve System, February 10, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2295 Filed 2-15-72;8:49 am]

WESTERN BANCSHARES, INC.

Formation of Bank Holding Company and Proposed Retention of Woodston Agency

Western Bancshares, Inc., Stockton, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 89.5 percent or more of the voting shares of Rooks County State Bank, Woodston, Kans.

The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

In its application, applicant indicates that it has already made the acquisition. By order dated June 22, 1971, the Board has authorized any company which, between December 31, 1970, and June 22, 1971, has taken action requiring prior Board approval, without such approval, to apply to the Board for subsequent approval of that action if certain conditions are present. Whether these conditions are met in this case is currently under study.

Western Bancshares, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain certain assets of Woodston Agency, formerly the Jno. McCormick Insurance Agency, Woodston, Kans. Notice of the application was published on January 20, 1972, in the Rooks County Record, a newspaper circulated in Rooks County, Kans., which includes Woodston, Kans.

Applicant states that the proposed subsidiary engages in the activity of a general insurance agency in a community that has a population of less than 5,000. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal filed pursuant to section 4(c)(8) can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views on these applications or request for hearing on the section 4(c)(8) matter should be submitted in writing and received by the Secretary, Board of Governors of the Federal Restrve System, Washington, D.C. 20551, not later than March 10, 1972.

Board of Governors of the Federal Reserve System, February 10, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2296 Filed 2-15-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3882]

APPLIED DEVICES CORP.

Order Suspending Trading

FEBRUARY 10, 1972.

The common stock $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, and otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 13, 1972, through February 22, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2321 Filed 2-15-72;8:51 am]

[812-3031]

BUTCHER & SHERRERD

Notice of Filing of Amended Application for Exemption

FEBRUARY 10, 1972.

Notice is hereby given that Butcher and Sherrerd (Applicant), 1500 Walnut Street, Philadelphia, PA 19102, a Pennsylvania limited partnership and a prospective representative with Wheat, First Securities, Inc., and Reinholdt & Gardner of a group of underwriters to be formed in connection with a proposed public offering of shares of Federated Income and Private Placement Fund (Company), a registered closed-end investment company, has filed an amended application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant and its counderwriters from the provisions of section 30(f) of the Act to the extent that section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act) with respect to their transactions incidental to the distribution of Fund shares. Such amended application was filed after publication of notice of the filing of the original application (Investment Company Act Release No. 6813) and requests a more extensive exemptive order than that requested in the original application and described in Release No. 6813.

All interested persons are referred to the amended application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Shares of the Company are to be purchased by the underwriters pursuant to an underwriting agreement to be entered into between the representatives of the underwriters and the Company, Income Research Corp., the Company's investment adviser, and Federated Research Corp., the Company's subadviser.

It is also contemplated that one or more dealers will offer and sell certain of the shares and will enter into selected dealer agreements in connection therewith. It is intended that the several underwriters will make a public offering of all the Company shares which such underwriters are to purchase under the underwriting agreement upon the terms therein specified, as soon on or after the effective date of the Company's registration statement under the Securities Act of 1933 as the representatives of the underwriters deem advisable, and such shares are initially to be offered to the public in accordance with the terms set forth in the prospectus at the time the registration statement becomes effective under the Securities Act of 1933. Although 2,500,000 shares have been included in the registration statement, the actual number of shares which may be the subject of the proposed public offering may be increased or decreased by the representatives and the Company shortly before the proposed public offering.

Section 30(f) of the Act, in pertinent part, provides that every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of outstanding securities of which a registered closed-end company is the issuer shall in respect of his transactions in the securities of such company be subject to the same duties and liabilities as those imposed by section 16 of the Exchange Act upon certain beneficial owners in respect of transactions in certain equity securities. Section 16(b) provides, in pertinent part, that for the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner by reason of his relationship to the issuer, any profit realized by him from any purchase and sale, or sale and purchase, of any equity security of such issuer within any period of less than 6 months shall inure to and be recoverable by the issuer.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. One requirement, stated in Rule 16b-2(a)(3), is that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) by Rule 16b-2.

Although it is anticipated that the requirements of Rules 16b-2(a)(1) and (2) will be met, one or more of the underwriters, through their participation in the distribution of the shares, may not be entitled to rely upon Rule 16b-2 to exempt them from section 16(b) of the Exchange Act. For example, the requirement stated in Rule 16b-2(a)(3) to the effect that the aggregate participation of underwriters not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of underwriters exempted therefrom under Rule 16b-2, may not be met because it is possible that one or more of the underwriters may be obligated through the underwriting agreement to purchase more than 10 percent of the aggregate number of shares of the Company's Capital Stock to be outstanding after the closing, and such underwriters may, as underwriters and as selected dealers, distribute more than 50 percent of the aggregate number of shares being offered. Moreover, one or more underwriters, even though they are obligated through the underwriting agreement to purchase 10 percent or less of the aggregate number of shares of the Company's Capital Stock to be outstanding upon completion of the initial public offering, may, as a consequence of defaults by other underwriters who do not purchase their respective underwriting commitments, become obligated to purchase on the closing date more than 10 percent of the aggregate number of shares of the Company's Capital Stock to be outstanding after the closing, and such underwriters may, either alone or in combination with underwriters obligated under the underwriting agreement to purchase more than 10 percent, distribute more than 50 percent of the shares being offered. Such arrangements might be characterized as not meeting the requirement of Rule 16b-2(a)(3) that other persons be participating in the distribution to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) of the Exchange Act by Rule 16b-2.

In addition to purchases from the Company and sales to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states there is no inside information in existence since the Company, prior to the initial distribution of its shares, will have no assets (other than cash) or business of any sort, and all material information will be set forth in the prospectus. Therefore, the underwriters will not be privy to "inside information." Applicant states that the purpose of the purchase of the shares by the underwriters will be for resale in connection with the initial distribution of the shares, and submits that those purchases and sales will therefore be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2.

Applicant requests an order exempting the proposed transactions in the securities of the Company, as described in the application, from the provisions of section 30(f) of the Act on the ground that such exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot lend themselves to the practices which section 16(b) of the Exchange Act and section 30(f) of the Act is intended to prevent.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 28, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall

V37-32 FEB 16 72 XUM

be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2322 Filed 2-15-72;8:51 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

FEBRUARY 10, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 13, 1972, through February 22, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2323 Filed 2-15-72;8:51 am]

TARIFF COMMISSION

[337-28]

LIGHTWEIGHT LUGGAGE

Notice of Findings and Recommendations

Upon completion of its investigation (337-28) under section 337 of the Tariff Act of 1930, in response to a complaint of Atlantic Products Corp., the Commission finds violation of section 337(a) of the Tariff Act of 1930 by unfair methods of competition and unfair acts in the importation and sale of certain lightweight luggage manufactured in accordance with the claims of U.S. Patent Nos. 3,298,480 and Re. 26,443 owned by the complainant, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Accordingly, the Commission recommends that, in accordance with section 337(e) of the Tariff Act of 1930, the President direct the Secretary of the Treasury to instruct customs officers to exclude from entry into the United States certain lightweight luggage manufactured in accordance with the claims of U.S. Patent Nos. 3,298,480 and Re. 26,443 through January 16, 1984 and August 15, 1983, the respective dates of expiration of complainant's patents.

Under the statute (19 U.S.C. 1337(c)) a rehearing before the Commission may be requested. In accordance with § 201.14 of the Commission's rules of practice and procedure (19 CFR 201.14) a motion for a rehearing may be granted for good cause shown. Any such motion for a rehearing must be in writing and filed with the Secretary of the U.S. Tariff Commission, Washington, D.C. 20436, within twenty (20) days after publication of this notice. The motion must state clearly the grounds which are relied upon for the granting of a rehearing and must be accompanied by 19 true copies.

Issued: February 11, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-2386 Filed 2-15-72;8:55 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 F.R. 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued, for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

A & R Food Stores, Inc., foodstores; 930 Oxmoor Road, Birmingham, AL.; 11-15-72.

Aland's, Inc., apparel stores: 2226 Bessemer Road, Birmingham, AL, 11-2-71 to 7-31-72; 7732 Eastwood Mall, Birmingham, AL 10-5-71 to 7-31-72.

Albuquerque Drumstick Restaurant, Inc., restaurant; 2225 Wyoming Northeast, Albuquerque, NM; 9-30-72.

Annes Department Store, variety-department store; 4810-4820 North Michigan Avenue, Chicago, IL; 10-28-72.

Armand's Restaurant & Motel, restaurant; 1207 North Redbud Trail, Buchanan, MI; 10-31-72.

Autry Greer & Sons, Inc., foodstores, 10-4-71 to 9-6-72; Bay Minette, Ala.; Citronelle, Ala.; Fairhope, Ala.; Foley, Ala.; Jackson, Ala.; 2216 Dauphin Island Parkway, Mobile, AL; 3311 Dauphin Island Parkway, Mobile, AL; Six South McGregor Avenue, Mobile, AL; Monroeville, Ala.; Saraland, Ala.; Lucedale, Miss.

Banner Food Stores, foodstore; No. 23, Jacksonville, Fla.; 11-8-71 to 9-28-72.

The Bargain Center, Inc., variety-department store; 2 Washington Street, Quincy, MA; 11-23-72.

The Barr Co., variety-department store; 116 South Main Street, Celina, Ohio; 9-25-72.

Bass Memorial Baptist Hospital, hospital; Enid, Okla.; 11-11-72.

Beatrice Super Market, Inc., foodstore; 808 Court Street, Beatrice, NE; 10-15-71 to 10-13-72.

Ben Franklin Store, variety-department stores: No. 5640, Tucson, Ariz., 10-31-72; Highway 76 and Gapway Street, Mullins, S.C., 9-23-72.

Big T. Foods, foodstore; U.S. Highway 54, Peotone, Ill.; 9-30-72.

The Blyth & Fargo Co., variety-department store; Evanston, Wyo.; 10-19-72.

Bornemann's Nursing Home, nursing home; 1853 Mills Street, Green Bay, WI; 10-20-72.

Buck's Supermarket, foodstore; 504 Elm Street, Marked Tree, AR; 10-27-72.

Butler's Department Store, variety-department store; 54 Main Street, Waterville, ME; 11-7-72.

Byrd's, Inc., foodstore; 304 East Main Street, Carrboro, NC; 10-2-72.

Casa Moore Furniture Co., variety-department store; 708 Kentucky Street, Bakersfield, CA; 10-31-72.

Chatham Drug Co., Inc., drugstore; Park Shopping Center, Siler City, NC; 10-4-71 to 9-21-72.

Clifton's Grocery, foodstore; 201 South A Street, McAlester, OK; 10-6-72.

Community Memorial Hospital, hospitals, 10-14-71 to 10-4-72: Park Street, Sheldon, Iowa; Hettinger, N. Dak.

Concord Manor, Inc., nursing home; 1375 Division Street, Garner, IA; 11-8-71 to 10-26-72.

Conley's AG Supermarket, foodstore; Hazen, Ark.; 11-17-72.

Crest Stores Co., variety-department stores, 9-30-72, except as otherwise indicated: Boone, N.C.; Villa Park Shopping Center, Conover, N.C. (11-9-72); Tarboro Shopping Center, Tarboro, N.C.

Culter's Drugs, drugstores, 9-20-72; Nos. 2, 5, and 6, Columbus, Ohio.

Daulphin's, foodstore; Highway 29, East Brewton, Ala.; 10-7-71 to 7-31-72.

Dave Bloom & Sons, apparel store; El Con Center, Tucson, Ariz.; 10-4-71 to 9-30-72.

Davis Super Market, Inc., foodstore; 730 East Pittsburgh Street, Greensburg, PA; 10-6-72.

Dillon Companies, Inc., foodstore; No. 109, Pryor, Okla.; 10-31-72.

Discount Food Market, foodstore; 845 Broad Street, Camden, SC; 9-30-72.

The Dixie Store, variety-department store; 415-417 Chickasha Avenue, Chickasha, OK; 9-20-72.

Duckwall Stores Co., variety-department stores: No. 4, Clay Center, Kans., 11-9-72; No. 26, Council Grove, Kans., 11-5-71 to 10-28-72; No. 43, Scott City, Kans., 11-12-72; No. 58, Topeka, Kans., 11-5-71 to 11-2-72.

Duke & Ayres, Inc., variety-department store; No. 10, Clarksville, Tex.; 11-2-72.

Eagle Stores Co., Inc., variety-department stores: No. 40, Glen Burnie, Md., 10-9-72; No. 6, Sylva, N.C., 10-16-72.

Edward's, Inc., variety-department store; 1739 Maybank Highway, Charleston, SC; 12-1-72.

Elliotts Stores, Inc., apparel stores, 10-15-72: 118 Front Street, Beaver Dam, WI; 4 South Main Street, Janesville, WI; 5614 Sixth Avenue, Kenosha, WI; 200 Main Street, Watertown, WI.

Erdman Supermarkets, Inc., foodstore; Highway 65 South, Owatonna, Minn.; 11-16-72.

Exira Super Valu, foodstore; Exira, Iowa; 11-19-72.

Ezell's Department Store, Inc., variety-department store; 604 West Main Street, Leesburg, FL; 11-27-72.

Family Department Store, variety-department store; No. 84, Phoenix, Ariz.; 9-30-72.

Fandel Co., variety-department store; 602 St. Germain Street, St. Cloud, MN; 11-3-72.

Farmers Investment Co., agriculture, 10-31-72: Aquila, Picacho, and Santa Cruz Valley Farms, Sahuarita, Ariz.

M. H. Fishman Co., Inc., variety-department store; 88-90 Merchants Row, Rutland, VT; 11-20-72.

Food Fair, Inc., foodstore; London, Ky.; 9-30-72.

Frank's I.G.A., foodstore; 1402 Main, Rock Valley, IA; 10-14-72.

Gee Bee, variety-department store; Route 22, Monroeville, Pa.; 9-20-72.

George's Market, Inc., foodstore; No. 2, Morristown, Tenn.; 10-31-72.

Gindlers Department Store, variety-department store; 419 St. George, Gonzales, TX; 11-16-72.

Goldblatt Bros., Inc., variety-department store; 1505 King Street West, Decatur, IL; 9-26-72.

W. T. Grant Co., variety-department stores: No. 579, Milford, Del., 10-8-72; No. 1062, Jacksonville, Fla., 9-25-72; No. 243, Galesburg, Ill., 10-27-72; No. 33, Peoria, Ill., 9-28-72; No. 174, Mishawaka, Ind., 11-16-72; No. 1100, Cedar Falls, Iowa, 11-5-71 to 10-23-72; No. 663, Somerville, N.J., 12-13-72; No. 945, Union, N.J., 10-26-72; No. 828, Wyckoff, N.J., 9-30-72; No. 572, Cleveland, Ohio, 10-10-72; No. 926, Cleveland, Ohio, 11-1-72; No. 254, Steubenville, Ohio, 10-19-72; No. 575, Milton, Pa., 9-24-72; No. 458, Pittsburgh, Pa., 10-6-72; No. 235, Shamokin Dam, Pa., 11-15-72; No. 848, State College, Pa., 9-26-72; No. 484, Cayce, S.C., 12-4-72; No. 61, El Paso, Tex., 10-26-72.

Haines Super Market, foodstores: 551 State Street, Clairton, PA, 10-28-72; Route 51, Pleasant Hills, Pittsburgh, Pa., 11-1-72.

Hales Super Market, foodstores, 10-20-72: Highway 13, Gallatin, Mo.; Hamilton, Mo.

Handy Andy, Inc., foodstores, 11-2-72; except as otherwise indicated: Nos. 28 and 29, San Antonio, Tex.; No. 31, San Antonio, Tex. (10-31-72).

Hart's Department Store, variety-department store; 955 Fourth Avenue, New Kensington, PA; 10-24-72.

Harvey's Dime Store, Inc., variety-department store; 108 North Broad, Griffith, IN 10-28-72.

IGA Foodliner, foodstore; Highway 63 South, Macon, Mo.; 10-17-72.

Jenny Lee Bakery, bakery; Fort Couch and Washington Road, Pittsburgh, PA; 11-18-71 to 11-1-72.

Jewish Home for Aged, nursing home; 158 North Street, Portland, ME; 11-2-72.

John P. Robilio & Co., foodstore; 910 Vance Avenue, Memphis, TN; 10-9-72.

Johnny's IGA Market, variety-department store; 6190 Madison Pike, Independence, KY; 9-21-72.

John's Self Service Market, foodstore; Catawba Avenue, Old Fort, N.C.; 10-29-72.

Kientz IGA, foodstore; 1016 West Sixth, Junction City, KS; 11-17-72.

Klister-Collister Co., apparel store; 1100 San Mateo Northeast, Albuquerque, NM; 11-11-72.

S. S. Kresge Co., variety department stores: No. 4279, Lauderhill, Fla., 11-13-72; Nos. 730 and 786, Miami, Fla., 10-29-72; No. 4298, Miami, Fla., 11-30-72; No. 4245, Tampa, Fla., 10-30-72; No. 4230, Atlanta, Ga., 11-15-72; No. 4265, Atlanta, Ga., 11-15-71 to 10-19-72; No. 4135, Augusta, Ga., 11-19-72; No. 4242, Macon, Ga., 11-21-72; No. 4071, Mariette, Ga., 10-10-72; No. 4189, Savannah, Ga., 10-26-72; No. 4337, Addison, Ill., 10-28-72; No. 81, Aurora, Ill., 9-22-72; No. 88, Belleville, Ill., 10-31-72; No. 4381, Bridgeview, Ill., 10-31-72; No. 253, Chicago, Ill., 9-26-72; No. 305, Chicago, Ill., 9-28-72; No. 480, Chicago, Ill., 10-4-71 to 9-2-72; No. 301, Chicago Heights, Ill., 10-10-72; No. 4030, Danville, Ill., 10-25-72; No. 4097, Elgin, Ill., 10-31-72; No. 207, Harrisburg, Ill., 11-7-72; No. 4095, Joliet, Ill., 10-12-72; No. 4322, Kankakee, Ill., 10-28-72; No. 554, Moline, Ill., 9-28-72; No. 502, Mount Prospect, Ill., 9-21-72; No. 463, Oak Lawn, Ill., 9-20-72; No. 187, Palatine, Ill., 9-20-72; No. 4107, Peoria, Ill., 10-23-72; No. 455, Springfield, Ill., 9-20-72; No. 4048, Springfield, Ill., 10-20-72; No. 4035, Anderson, Ind., 10-30-72; No. 4377, Bloomington, Ind., 11-11-72; No. 4249, Elkhart, Ind., 10-6-72; Nos. 4196 and 4203, Indianapolis, Ind., 10-7-72; No. 4336, Indianapolis, Ind., 10-9-72; No. 167, Logansport, Ind., 10-1-72; No. 101, South Bend, Ind., 10-23-72; No. 312, Speedway, Ind., 10-8-72; No. 4124, Terre Haute, Ind., 11-6-72; No. 4289, Cedar Rapids, Iowa, 11-8-71 to 10-31-72; No. 154, Council Bluffs, Iowa, 10-13-71 to 9-30-72; No. 4315, Iowa City, Iowa, 11-4-71 to 10-29-72; No. 4565, Topeka, Kans., 10-14-71 to 10-8-72; No. 4232, Lexington, Ky., 10-18-72; No. 285, Baltimore, Md., 9-28-72; No. 209, Dundalk, Md., 9-22-72; No. 698, Glen Burnie, Md., 9-22-72; No. 264, Lutherville-Timonium, Md., 9-22-72; No. 4105, Ann Arbor, Mich., 11-8-72; No. 4065, Battle Creek, Mich., 11-10-72; No. 6, Bay City, Mich., 10-21-72; No. 4091, Bay City, Mich., 9-30-72; No. 681, Birmingham, Mich., 9-28-72; No. 453, Clawson, Mich., 10-23-72; No. 409, Dearborn, Mich., 10-24-72; No. 362, Detroit, Mich., 10-7-72; No. 582, Detroit, Mich., 10-7-71 to 8-12-72; No. 4134, East Lansing, Mich., 10-21-72; No. 696, Farmington, Mich., 10-27-72; No. 4118, Grand Rapids, Mich., 11-1-72; No. 405, Inkster, Mich., 9-22-72; No. 4256, Lansing, Mich., 10-21-72; No. 4382, Lansing, Mich., 10-31-72; No. 423, Livonia, Mich., 9-23-72; No. 4238, Melvindale, Mich., 10-9-72; No. 4098, Monroe, Mich., 11-1-72; No. 4145, Mount Clemens, Mich., 11-8-72; No. 4099, Mount Morris, Mich., 11-1-72; No. 4535, Owosso, Mich., 11-7-72; No. 404, Pontiac, Mich., 9-25-72; No. 4096, Saginaw, Mich., 11-1-72; No. 501, Southfield, Mich., 10-16-72; No. 4069, Taylor, Mich., 11-14-72; No. 115, Troy, Mich., 11-5-72; No. 4106, Ypsilanti, Mich., 10-30-72; No. 4570, Austin, Minn., 10-10-72; No. 135, Minneapolis, Minn., 11-18-72; No. 4137, Charlotte, N.C., 11-30-72; No. 4251, Charlotte, N.C., 10-20-71 to 9-24-72; No. 4310, Fayetteville, N.C., 11-9-72; No. 4335, Kannapolis, N.C., 10-26-71 to 9-29-72; No. 581, Chillicothe, Ohio, 10-6-72; No. 4173, Cincinnati, Ohio, 10-19-72; No. 240, Cleveland, Ohio, 9-20-72; No. 276, Cleveland, Ohio, 9-27-72; No. 29, Columbus, Ohio, 10-7-71 to 9-3-72; No. 640, Columbus, Ohio, 10-9-72; No. 644, Dayton, Ohio, 9-20-72; No. 4190, Dayton, Ohio, 10-19-72; No. 150, Portsmouth, Ohio, 11-1-71 to 9-29-72; No. 618, Harrisburg, Pa., 9-26-72; 5600 Carlisle Pike, Mechanicsburg, Pa., 11-15-72; No. 438, Philadelphia, Pa., 10-1-72; No. 528, Philadelphia, Pa., 9-28-72; No. 97, Pittsburgh, Pa., 9-29-72; No. 4009, Washington, Pa., 9-30-72; No. 4043, Columbia, S.C., 9-23-72; No. 4016, Greenville, S.C., 10-18-72; No. 671, Rapid City, S. Dak., 10-14-71 to 9-2-72; No. 738, Chattanooga, Tenn., 9-30-72; No. 723, Cleveland, Tenn., 10-7-72; No. 4241, East Ridge, Tenn., 10-31-72; No. 4401, Abilene, Tex, 10-31-72; No. 4195, Beaumont, Tex., 9-21-72; No. 4307, Corpus Christi, Tex., 9-28-72; No. 4259, Fort Worth, Tex., 9-20-72; No. 4287, Groves, Tex., 10-14-72; No. 4267, Hurst, Tex., 10-30-72; No. 4186, Texarkana, Tex., 11-18-72; No. 4025, Tyler, Tex., 10-20-72; No. 4042, Fredericksburg, Va., 9-30-72; No. 547, Springfield, Va., 9-30-72; No. 4385, Greenfield, Wis., 10-31-72; No. 4255, Janesville, Wis., 10-31-72; No. 4517, Janesville, Wis., 10-9-72; No. 4579, Kenosha, Wis., 9-26-72; No. 4254, Oshkosh, Wis., 10-13-72; No. 4380, Wauwatosa, Wis., 10-31-72.

Lalonde's Super Market, foodstore; Port Sulphur, La.; 10-25-72.

La Parisienne, Inc., apparel store; 810 Jefferson Street, Lafayette, LA; 10-4-71 to 7-31-72.

Larson's Big Star, foodstore; No. 60, Oxford, Miss.; 9-17-72.

The Leach Home, nursing home; 714 North Fourth Street, Wahpeton, ND; 10-13-71 to 9-27-72.

Lebensraum, Inc., nursing home; 114-118 South Ingalls, Grand Island, NE; 9-21-71 to 9-8-72

Lerner Shops, apparel stores, 11-4-72, except as otherwise indicated: No. 139, Daytona Beach, Fla.; No. 197, Gainesville, Fla. (11-8-72); No. 180, Jacksonville, Fla.; Nos. 66, 102, and 183, Miami, Fla.; No. 136, Pensacola, Fla.; No. 146, Sarasota, Fla.; Nos. 54, 62, and 106, Tampa, Fla. (11-8-72); No. 193, Tampa, Fla. (11-1-71 to 9-23-72); No. 199, Titusville, Fla. (11-10-72); No 196, West Palm Beach, Fla. (10-18-72); No. 114, Savannah, Ga.; No. 280, Michigan City, Ind. (10-18-72); No. 330, Houston, Tex. (9-29-72); No. 331, Houston, Tex. (10-20-72).

Marion & Dean's AG Market, foodstore; Delta, Utah; 10-14-71 to 10-2-72.

Masons Department Store, variety-department store; 102-112 East Ward Street, Douglas, Ga.; 11-8-72.

Max Adler Co., apparel store; 2524 Miracle Lane, Mishawaka, IN; 10-26-71 to 10-16-72

McCrory-McLellan-Green Stores, variety-department stores: No. 660, Flagstaff, Ariz., 10-31-72; No. 274, Danbury, Conn., 10-7-72; No. 1033, Milford, Conn., 10-14-72; No. 1009, Norwalk, Conn., 10-14-72; No. 7504, Casselberry, Fla., 10-6-72; No. 256, Clearwater, Fla., 10-1-71 to 9-6-72; No. 73, Daytona Beach, Fla., 9-22-72; No. 371, Fort Lauderdale, Fla., 10-1-71 to 8-3-72; No. 311, Key West, Fla., 11-21-72; No. 388, Live Oak, Fla., 10-20-72; No. 204, Merritt Island, Fla., 10-18-72; Nos. 319 and 7502, Orlando, Fla., 10-6-72; No. 366, Pensacola, Fla., 9-26-72; No. 356, Plant City, Fla., 10-7-71 to 10-2-72; No. 310, St. Petersburg, Fla., 9-20-72; No. 340, Tarpon Springs, Fla., 9-30-71 to 9-22-72; No. 262, Titusville, Fla., 10-7-71 to 9-30-72; No. 329, Titusville, Fla., 9-30-71 to 9-17-72; No. 432, Athens, Ga., 9-20-72; No. 226, Monroe, Ga., 10-7-71 to 9-24-72; No. 392, North Riverside, Ill., 11-3-71 to 11-1-72; No. 1204, Lexington, Ky., 10-3-72; No. 1201, Baltimore, Md., 9-28-72; No. 345, Ellicott City, Md., 10-8-72; No. 382, Fall River, Mass., 10-22-72; No. 374, Framingham, Mass., 11-8-72; No. 641, Greenfield, Mass., 10-8-72; No. 253, Grand Rapids,

V 37 I 32 FEB 16 72 XUM

Mich., 10–21–72; No. 692, Ionia, Mich., 11–8–72; No. 238, Menominee, Mich., 11–8–72; No. 393, Southgate, Mich., 10–21–72; No. 506, Ypsilanti, Mich., 10–12–71 to 9–23–72; No. 174, Natchez, Miss., 10–21–72; No. 313, Natchez, Miss., 10–21–72; No. 1306, Bricktown, N.J., 11–3–72; No. 377, Stirling, N.J., 10–2–72; No. 1073, Trenton, N.J., 9–23–72; No. 708, Grants, N. Mex., 10–24–72; No. 576, Raleigh, N.C., 11–9–72; No. 1040, Columbus, Ohio, 9–21–72; No. 257, Norwood, Ohio, 10–22–72; No. 210, Piqua, Ohio, 9–24–72; No. 8, Allentown, Pa., 9–30–72; No. 116, Chester, Pa., 10–7–72; No. 147, Ebensburg, Pa., 10–7–72; No. 224, Hazelton, Pa., 11–15–72; No. 1122, Hollidaysburg, Pa., 10–6–72; No. 109, Monongahela, Pa., 10–26–72; No. 381, Philadelphia, Pa., 11–15–72; No. 167, Pottstown, Pa., 9–20–72; No. 334, Reading, Pa., 9–23–72; No. 364, Scranton, Pa., 9–22–72; No. 332, Shavertown, Pa., 11–14–72; No. 85, Waynesboro, Pa., 9–20–72; No. 333, Wyoming, Pa., 9–24–72; No. 317, York, Pa., 10–5–72; No. 1048, Anderson, S.C., 10–26–72; No. 1120, Memphis, Tenn., 10–7–72; No. 165, Dallas, Tex., 11–19–72; No. 322, Dallas, Tex., 10–22–72; No. 1020, Fort Worth, Tex., 10–26–72; No. 1208, Houston, Tex., 10–26–72; No. 177, Waco, Tex., 10–25–72; No. 138, Charlottesville, Va., 9–30–72; No. 1069, Falls Church, Va., 10–13–72; No. 149, Fairmont, W. Va., 10–31–72; No. 144, Madison, Wis., 11–3–71 to 10–25–72.

McDonald's Hamburgers, restaurants: 1110 Camp Jackson Road, Cahokia, IL, 11–8–72; 12499 Natural Bridge Road, Bridgeton, MO, 10–18–72; 3594 North Lindbergh Boulevard, St. Ann, Mo.; 10–15–71 to 10–13–72.

McKee's Mid-State District, variety-department store; 124 South Pennsylvania Avenue, Greensburg, PA; 10–28–72.

Memorial Hospital, hospital; 300 East 23d Street, Cheyenne, WY; 10–14–71 to 10–5–72.

Middletown Merchandise Mart, variety-department store; 3751 East Harrisburg Pike, Middletown, PA; 10–28–72.

Millners, Inc., variety-department stores, 9–24–72: Gainesville, Ga.; Broad Street, Monroe, Ga.

H. Minkovitz & Sons, Inc., variety-department store; 1 South Main Street, Statesboro, GA 10–4–72.

Mr. H's Village Kitchen, foodstore; 13925 West Capitol Drive, Brookfield, WI; 9–30–72.

Morgan & Lindsey, variety-department stores, 10–31–72, except as otherwise indicated: No. 3065, Baton Rouge, La. (10–20–71 to 10–15–72); No. 3123, Monroe, La. (11–11–72); No. 3129, Natchitoches, La. (11–18–72); No. 3114, Long Beach, Miss.; No. 3059, Conroe, Tex.

M. E. Moses Co., variety-department stores: No. 29, Dallas, Tex., 10–29–72; No. 22, Mesquite, Tex., 11–15–72.

G. C. Murphy Co., variety-department stores: No. 82, Atlanta, Ga., 10–3–72; No. 326, Decatur, Ind., 10–14–72; No. 313, Indianapolis, Ind., 10–2–72; No. 329, Ashland, Ky., 10–27–72; No. 317, Bel Air, Md., 10–3–72; No. 324, Okemos, Mich., 9–29–72; No. 332, Minneapolis, Minn., 10–4–72; No. 463, Delphos, Ohio, 10–14–72; No. 327, Indiana, Pa., 11–2–72; No. 323, Annandale, Va., 10–9–72; No. 320, Hampton, Va., 10–14–72.

Neisner Bros., variety-department stores: No. 190, Cape Coral, Fla., 10–17–72; No. 95, Englewood, Fla., 10–9–72; No. 7, Homestead, Fla., 12–1–72; No. 136, Miami, Fla., 11–2–72; No. 5, Palatka, Fla., 10–13–72; No. 41, Tampa, Fla., 11–22–72.

J. J. Newberry Co., variety-department stores: No. 425, Atlanta, Ga., 10–1–71 to 9–22–72; Westgate Shopping Center, Macon, Ga., 10–31–72; No. 197, Somerset, Ky., 9–21–72; No. 411, Richmond Heights, Mo., 11–9–72; No. 732, Sidney, Nebr., 10–15–71 to 9–2–72; No. 303, Hackettstown, N.J., 10–10–72; No. 17, New Brunswick, N.J., 10–24–72; No. 13, Newport, Pa., 11–1–72; No. 95, Northampton, Pa., 9–24–72; No. 169, Fredericksburg, Va., 10–22–72.

Old Fort Supermarket, foodstore; Old Fort, N.C.; 10–29–72.

Olin B. Kirven, Sr. & Jr. Farm, agriculture; Route 3, Hartsville, SC; 9–21–72.

Park View Manor, nursing home; Park Avenue, Sac City, Iowa; 11–8–71 to 9–2–72.

Parsons, Inc., variety-department store; Duluth, Ga.; 11–20–72.

Patterson's Dixie Dandy, Inc., foodstore; Junction City, Ark.; 10–18–72.

Peace Haven Association, nursing home; Walnut, Iowa; 10–13–71 to 10–8–72.

Pecan Shop, foodstore; U.S. Highway 66, Lexington, Ill.; 9–27–72.

Pence Food Center, foodstore; 122 South Sixth Street, Osage City, KS; 11–8–71 to 10–27–72.

Piggly Wiggly, foodstores, 10–14–71 to 9–11–72; Nos. 1 and 2, Fort Smith, Ark.

Pleezing Food Store, foodstore; No. 2, Pensacola, Fla.; 10–1–71 to 9–30–72.

R & R Farms, Inc., agriculture; Carthage, Miss.; 9–27–72.

Radcliff Department Store, Inc., variety-department store; 374 North Dixie Boulevard, Radcliff, KY; 10–21–72.

Rayless Department Store, variety-department store; 217 Broad Avenue, Albany, GA; 10–29–72.

Ream's Food Bargain Warehouse, foodstore; 1350 North Second West, Provo, UT; 11–5–71 to 10–27–72.

Robison Development Corp., restaurant; 2177 West 12th Street, Erie, PA; 11–1–72.

Ron Davidson Chevrolet, car dealer; 222 East High Street, Ebensburg, PA; 10–6–72.

Ronk's Variety Store, Inc., variety-department store; Covington, Tenn.; 11–12–72.

Rose's Stores, Inc., variety-department stores, 10–15–71 to 9–2–72, except as otherwise indicated: No. 93, Belhaven, N.C. (9–20–72); No. 3, Louisburg, N.C. (11–18–72); No. 45, Lumberton, N.C.; No. 2, Oxford, N.C. (12–3–72); No. 150, Columbia, S.C.

Roth's Department Store, variety-department store; Third and Locust Street, Boonville, IN; 9–22–72.

Royal's, Inc., variety-department store; 400 Southwest Avenue A, Belle Glade, FL; 10–27–72.

Rusty's Food Centers, Inc., foodstore; 23d and Louisiana, Lawrence, KS; 10–13–71 to 9–22–72.

St. Mary's Home & Geriatric Hospital, nursing home; 607 East 26th Street, Erie, PA; 10–3–72.

Samuel Schlesinger, Inc., apparel store; 5716 Bergenline Avenue, West New York, NJ; 10–17–72.

Schaper's IGA Foodliner, foodstore; 526 West Main, Jackson, MO; 11–9–71 to 11–5–72.

Schensul's Cafeteria, restaurant; East Grand River Avenue, Okemos, Mich.; 10–28–71 to 9–30–72.

Schradzki Co., variety-department stores, 11–9–72: 213–215 Southwest Adams, Peoria, IL; 4125 Sheridan Road, Peoria, IL.

Scott Store, variety-department stores, 9–30–72; except as otherwise indicated: No. 9263, Aurora, Ill.; No. 9321, Alma, Mich. (10–25–72); No. 9145, Christiansburg, Va.

Scurlock's, Inc., foodstore; 725 North Sunshine Strip, Harlingen, TX; 11–7–72.

Shelton Supermarket, foodstore; 206 West Main, Stigler, OK; 10–2–72.

Skippers Table, Inc., restaurant; No. 2, Livonia, Mich.; 10–14–72.

Spee-D-Foods, Inc., foodstores, 11–1–72; except as otherwise indicated: 2502 11th Street Southwest, Canton, OH (11–18–72); 1207 12th Street Northwest, Canton, OH; 118 East Nassau, East Canton, OH (11–18–72); 2110 East Main Street, Louisville, OH (11–18–72); 6304 North Market, North Canton, OH; 4075 Portage Road, North Canton, OH; 4730 Cleveland Avenue South, North Industry, OH.

Spurgeon's, variety-department stores: 113 First Street, Dixon, IL, 11–7–72; 604 Broadway, Lincoln, IL, 11–14–72; 723 Washington Street, Mendota, IL, 11–7–72; 227 South Main Street, Monmouth, IL, 11–14–72; 519 South Main, Princeton, IL, 11–5–72; 516 North Adams, Carroll, IA, 10–13–71 to 10–6–72; 310 North 12th Street, Centerville, IA, 11–8–71 to 10–26–72; 202 East Robinson Street, Knoxville, IA, 10–13–71 to 9–30–72; 1104 Second Street, Perry, IA, 11–8–71 to 10–25–72; 131 West Broadway, Owatonna, MN, 10–17–72; 929 Main Street, Stevens Point, WI, 10–1–72.

Sterling Stores Co., variety-department store; 1119 South Bellevue at McLemore, Memphis, TN, 10–31–72.

The Stern & Mann Co., apparel store; 4355 Belden Mall, Canton, OH; 10–20–72.

The Strouss-Hirshberg Co., variety-department store; 20 West Federal Street, Youngstown, OH; 10–18–72.

Super Drive-Ins, foodstore; No. 8, Nashville, Tenn.; 11–14–72.

T. G. & Y. Stores Co., variety-department stores: No. 1603, Florence, Ala., 10–15–72; No. 1503, Tempe, Ariz., 9–30–72; No. 652, Blythe, Calif., 9–30–72; No. 581, Chino, Calif., 10–16–71 to 9–30–72; No. 1804, Durango, Colo., 10–13–71 to 10–4–72; No. 730, Clearwater, Fla., 12–17–72; No. 1306, Fort Walton Beach, Fla., 10–14–72; No. 766, Jacksonville, Fla., 12–17–72; No. 729, Port Orange, Fla., 10–28–72; No. 9231, Iola, Kans., 10–13–71 to 10–4–72; No. 127, Kansas City, Kans., 11–6–72; No. 308, Lafayette, La., 11–1–71 to 6–31–72; No. 123, Kansas City, Mo., 10–12–71 to 9–20–72; No. 176, Santa Fe, N. Mex., 9–22–72; No. 2300, Roxboro, N.C., 9–29–72; No. 459, Claremore, Okla., 9–26–72; No. 1001, Del City, Okla., 10–13–72; No. 37, Midwest City, Okla., 10–15–72; No. 88, Oklahoma City, Okla., 10–31–72; No. 21, Shawnee, Okla., 11–13–72; Nos. 467 and 469, Tulsa, Okla., 11–7–72; No. 1705, Columbia, S.C., 11–3–71 to 10–14–72; No. 1771, Taylors, S.C., 12–11–72; No. 851, El Paso, Tex., 9–30–72; No. 340, Houston, Tex., 11–13–72; No. 806, Houston, Tex., 10–5–72; Nos. 811 and 838, Houston, Tex., 10–9–72; No. 779, Nederland, Tex., 11–13–72.

Thornberry's Super Valu Market, Inc., foodstore; Winchester, Ky.; 10–6–72.

Thriftown, foodstore; 1875 Perry Boulevard Northwest, Atlanta, GA; 10–19–72.

Tomlinson Stores, Inc., variety-department store; 806 Front Street, Georgetown, SC; 10–16–72.

Town & Country Market, Inc., foodstore; 2020 10th Street, Sidney, NE; 9–26–72.

Town & Country Supermarket, foodstore; 818 North Elm, Hoisington, KS; 11–9–71 to 10–26–72.

Tradewell Super Market, foodstore; 911 Eighth Street, Huntington, WV; 9–30–72.

Van Arsdell's Inc., variety-department store; 37 Signal Hills, West St. Paul, MN; 11–3–71 to 10–21–72.

Vonada's Store, foodstore; Aaronsburg, Pa.; 10–6–72.

Walters Red & White, Inc., foodstore; 304 South Parler Avenue, St. George, SC; 10–31–72.

The Webber Co., Inc., variety-department store; 39 North Perry Street, Montgomery, AL; 10–24–72.

White's Stores, Inc., variety-department store; 601–607 Dickinson Avenue, Greenville, NC; 11–4–71 to 10–19–72.

Whittaker, Inc., foodstore; No. 2, Harrah, Okla.; 9–28–72.

William & Mary, Inc., variety-department store; Fletcher, NC; 10–17–72.

Wilson's Market, Inc., foodstore; 3600 Seventh Street, Parkersburg, WV; 9–27–72.

Wolf Super Market, foodstore; Main Street, Yorktown, Tex.; 11–8–72.

Wood's 5 & 10c Stores, Inc., variety-department stores, 11–5–72, except as otherwise indicated: East Gate Shopping Center, Chapel Hill, N.C. (10–31–72); Biggs Park Shopping Center, Lumberton, N.C.; Conway Shopping Center, Conway, S.C.

Worth's, apparel stores: 95 Bank Street, Waterbury, CT, 11–17–72; 920–975 Wolcott Road, Waterbury, CT, 11–23–72.

Younker Brothers, Inc., variety-department stores: 901 East 27th Street, Cedar Falls, IA, 11–14–72; The Kennedy Mall, Dubuque, Iowa, 10–17–72.

H. Zimmerman & Sons, Inc., apparel store; 118 West Third Street, Marion, IN, 11–9–72.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Aland's, Inc., apparel store; Western Hills Mall, Fairfield, Ala.; cashier, wrapper, ticket writer, salesclerk, office clerk; 3 to 8 percent; 11–30–72.

Andrews Nursing Home, Inc., nursing home; 12 Market Square, South Paris, ME; nurse's aide, kitchen helper; 6 to 7 percent; 9–29–72.

Applegate Inn, Inc., nursing home; 515 East Euclid Avenue, Monmouth, IL; nurse's aide; 5 percent; 11–30–72.

Applegate Manor, Inc., nursing home; 515 East Euclid Avenue, Monmouth, IL; nurse's aide; 6 to 9 percent; 11–30–72.

A. J. Bayless Markets, Inc., foodstore; No. 61, Apache Junction, Ariz.; package clerk; 31 to 41 percent; 10–31–72.

Big John, foodstore; No. 10, Olney, Ill.; sacker, stock clerk; 10 percent; 11–30–72.

The Blue Bird, apparel store; 2506 13th Street, Columbus, NE; office clerk, salesclerk, stock clerk, maintenance; 7 to 21 percent; 11–30–72.

Carson's IGA, Inc., foodstore; 227 South 16th, Ord, NE; stock clerk, salesclerk; 7 to 22 percent; 11–30–72.

Colonial Manor of Albany, nursing home; Highway 136 East, Albany, Mo.; housekeeping aide; 1 to 2 percent; 10–20–72.

Duckwall Stores Co., variety-department store; No. 81, Roswell, N. Mex.; salesclerk, stock clerk; 2 to 48 percent; 10–31–72.

Family Department Store, variety-department store; No. 81, Phoenix, Ariz.; salesclerk, stock clerk; 6 to 18 percent; 9–30–72.

Family Host, Inc., restaurant; Pleasant Valley Boulevard, Altoona, Pa.; general restaurant worker; 40 to 50 percent; 9–30–72.

Farmer's, foodstore; West Columbia, Tex.; stock clerk, carryout, cleanup; 10 percent; 10–14–72.

Gail's Fashions, apparel store; East Hills Shopping Center, St. Joseph, Mo.; salesclerk, office clerk, stock clerk, porter; 7 to 21 percent; 11–30–72.

George Lindsey Steak House, restaurant; No. 3, Memphis, Tenn.; bus boy (girl), waitress (waiter), dish washer, cook, cashier; 14 to 17 percent; 10–31–72.

Geri's Hamburgers, restaurants, 22 to 47 percent: 1320 North State Street, Belvidere, IL, salesclerk, bagger, shake maker, maintenance, 9–29–72; 2709 West State Street, Rockford, IL, general restaurant worker, 11–14–72.

W. T. Grant Co., variety-department store; No. 1156, Downers Grove, Ill.; salesclerk, stock clerk, office clerk, cashier; 2 to 16 percent; 10–6–71 to 3–31–72.

Grubbs Food Store, foodstore; 543 North Broad, Fremont, NE; cashier, stock clerk; 19 to 20 percent; 11–7–72.

Harvard Supermarket, foodstore; 123 West Harvard Avenue, College Park, GA; stock clerk, sacker, carryout; 18 to 20 percent; 9–30–72.

"K" Center Pharmacy, Inc., drugstore; 9377 Krewstown Road, Philadelphia, PA; salesclerk; 8 percent; 11–14–72.

Kenlay, Inc., restaurant; 2921 Brady Street, Davenport, IA; general restaurant worker; 27 to 61 percent; 11–30–72.

Kentucky Fried Chicken, restaurant; Route 31 West, Somerset, Pa.; general restaurant worker; 12 to 32 percent; 11–30–72.

S. S. Kresge Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, checker-cashier, 7 to 27 percent, 9–30–72, except as otherwise indicated: No. 4451, Atlanta, Ga. (salesclerk, checker, 11 to 22 percent, 11–14–72); No. 4456, Rome, Ga. (salesclerk, checker, 11 to 22 percent, 10–31–72); No. 4386, Arlington Heights, Ill. (12 to 20 percent); No. 4368, Carol Stream, Ill. (12 to 20 percent); No. 4454, Hanover Park, Ill. (12 to 20 percent); No. 4433, Quincy, Ill. (14 to 24 percent); No. 4345, Tinley Park, Ill. (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, 12 to 20 percent); No. 4067, Fort Wayne, Ind. (stock clerk, maintenance, office clerk, food preparation, salesclerk, register operation, counter filling, customer service, 5 to 10 percent, 11–8–72); No. 4437, Topeka, Kans. (13 to 20 percent, 10–14–72); No. 616, Baltimore, Md. (salesclerk, stock clerk, maintenance, 15 to 30 percent, 9–28–72); No. 4625, Bladensburg, Md. (salesclerk, stock clerk, maintenance, 9 to 18 percent, 10–21–72); No. 414, Essex, Md. (salesclerk, 19 to 27 percent, 9–29–71 to 9–27–72); No. 4481, Plymouth, Mich. (salesclerk, maintenance, office clerk, stock clerk, checker-cashier, customer service, food preparation, 4 to 10 percent, 10–14–72); No. 4323, Pontiac Township, Mich. (salesclerk, maintenance, stock clerk, office clerk, food preparation, 10 percent, 10–31–72); No. 4326, Sterling Heights, Mich. (salesclerk, maintenance, stock clerk, office clerk, food preparation, 10 percent, 10–31–72); No. 4351, Rochester, Minn. (3 to 13 percent); No. 4450, Raleigh, N.C. (salesclerk, checker, 11 to 22 percent, 10–31–72); No. 4272, Bismarck, N. Dak. (13 to 22 percent); No. 4422, Chesapeake, Ohio (salesclerk, stock clerk, office clerk, maintenance, checker-cashier, customer service, counter filling, 7 to 22 percent, 10–14–72); No. 4370, Arlington, Tex. (salesclerk, 7 to 27 percent, 10–31–72); Nos. 4365 and 4388, Austin, Tex. (salesclerk, 7 to 27 percent, 10–14–72); No. 4389, McAllen, Tex. (salesclerk, 7 to 27 percent, 10–31–72); No. 4029, San Angelo, Tex. (salesclerk, 7 to 24 percent, 10–27–72); No. 4012, Waco, Tex. (salesclerk, 7 to 27 percent, 11–15–72); No. 4486, Milwaukee, Wis. (11 to 29 percent).

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk, 10–31–72: No. 346, Hialeah, Fla., 13 to 27 percent; No. 348, Hollywood, Fla., 9 to 19 percent; No. 344, Pensacola, Fla., 2 to 19 percent; No. 341, Tallahassee, Fla., 8 to 24 percent; No. 347, Winter Haven, Fla., 8 to 28 percent.

Lo Mark, variety-department store; 1013 South Fayetteville Street, Asheboro, NC; stock clerk, bagger, carryout, cashier, janitorial; 18 percent; 9–30–72.

Magic Mart-Baseline, Inc., variety-department store; 5919 Baseline Road, Little Rock, AR; salesclerk, stock clerk, janitorial; 6 to 17 percent; 10–31–72.

Main at Locust Pharmacy, drugstore; 129 West Locust Street, Davenport, IA; salesclerk, stock clerk; 14 to 18 percent; 9–30–72.

M. Marraccini & Co., Inc., foodstores, for the occupations of stock clerk, cashier, produce wrapper, bakery goods wrapper, meat wrapper, bakery counter, 10 percent, 11–14–72: Seventh and Worthington, Clairton, Pa.; Third and Market Streets, Elizabeth, Pa.; Route 48-Lincoln Way, McKeesport, Pa.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 10–14–72, except as otherwise indicated: No. 52, Englewood, Fla., 10 to 32 percent (salesclerk, stock clerk, office clerk, porter); No. 129, Tallahassee, Fla., 8 to 24 percent (salesclerk, stock clerk, office clerk, porter, 11–14–72); No. 120, Winter Haven, Fla., 10 to 30 percent (salesclerk, stock clerk); No. 72, Atlanta, Ga., 2 to 18 percent; No. 56, Worcester, Mass., 3 to 12 percent (11–30–72); No. 76, Pittston, Pa., 0 to 20 percent (salesclerk, stock clerk, porter, 11–30–72); No. 140, Wilkes-Barre, Pa., 0 to 20 percent (salesclerk, stock clerk, porter, 11–30–72); No. 59, Goodlettsville, Tenn., 4 to 17 percent; No. 106, Irving, Tex., 18 to 39 percent; No. 54, Madison, Wis., 10 to 26 percent (11–14–72).

Minimax, foodstore; 1201 Strawberry Road, Pasadena, TX; bagger, stock clerk, janitorial, carryout; 9 to 11 percent; 10–18–72.

Mr. J's Quality Discount Foods, foodstore; 3559 Market Street, Salt Lake City, UT; bagger, checker, stock clerk, general worker; 36 to 54 percent; 10–31–72.

Mr. Joe's Super Market, foodstore; 2830 West Drexel, Tucson, AZ; carryout, stock clerk, cleanup; 13 to 24 percent; 10–31–72.

G. C. Murphy Co., variety-department stores, for the occupations of stock clerk, salesclerk, office clerk, janitorial, 10–31–72: No. 345, Effingham, Ill., 5 to 13 percent; No. 141, Durham, N.C., 9 to 17 percent; No. 399, Bluefield, W. Va., 4 to 23 percent.

J. J. Newberry Co., variety-department store; No. 226, Kennett Square, Pa.; office clerk, salesclerk, stock clerk; 3 to 30 percent; 9–20–72.

R & C Distributors, Inc., variety-department store; 2101 North Topeka Boulevard, Topeka, KS; sacker, checker, stock clerk; 15 to 20 percent; 11–30–72.

Rayless Department Stores, Inc., variety-department store; East Brainerd Road, Chattanooga, Tenn.; salesclerk, stock clerk, office clerk, marking clerk, janitorial; 13 to 34 percent; 9–21–72.

Robison Investment Corp., restaurant; 1920 East Lake Road, Erie, Pa.; general restaurant worker; 2 to 56 percent; 11–14–72.

Rose's Stores, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, checker, window trimmer, merchandise marker, order writer, 13 to 32 percent, 9–30–72, except as otherwise indicated: No. 209, Athens, Ala.; No. 204, McComb, Miss.; No. 214, Marion, S.C. (salesclerk, stock clerk, office clerk, checker, 10 to 50 percent).

Royal Chef Cafeteria, restaurant; 5064 West Main Street, Kalamazoo, MI; general restaurant worker; 12 to 25 percent; 10–14–72.

Schneithurst Livpak Seafoods, Inc., restaurant; 2110 Hampton Avenue, St. Louis, MO; general restaurant worker; 19 to 58 percent; 11–14–72.

Scott Stores Co., variety-department store: No. 9122, Hickory Hills, Ill.; salesclerk, stock clerk, office clerk; 23 to 37 percent; 9–30–72.

Scurlock's, Inc., foodstore; 105 South Seventh, Raymondville, TX; stock clerk, carryout, janitorial, bagger; 18 to 27 percent; 11–14–72.

Style Shop, apparel store; 316 Norfolk Avenue, Norfolk, NE; salesclerk, stock clerk, office clerk, maintenance; 7 to 21 percent; 11–30–72.

V37 N32 FEB 16 72 XUM

T. G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, 10-31-72, except as otherwise indicated: No. 1006, Birmingham, Ala., 15 to 30 percent; No. 2103, Little Rock, Ark., 10 to 21 percent (11-30-72); No. 577, Industry, Calif., 16 to 30 percent (9-30-72); No. 1015, Oklahoma City, Okla., 22 to 30 percent.

Tasty World, restaurants, for the occupations of dishwasher, bus boy (girl), gas dispenser, food server, 15 to 25 percent, 11-21-72: No. 34, Byron, Ga.; No. 31, Forsyth, Ga.; No. 33, McDonough, Ga.; No. 32, Unadilla, Ga.

Toy House, Inc., toy store; 400 North Mechanic Street, Jackson, MI; salesclerk, stock clerk, display clerk, carryout; 13 to 16 percent; 10-3-72.

Valley Market, foodstore; 322 South Meridian, Valley Center, KS; stock clerk, carryout; 10 to 18 percent; 10-14-72.

A. Weitzenkorn's Sons, Inc., apparel store; 145 High Street, Pottstown, PA; salesclerk, stock clerk; 6 to 10 percent; 10-20-72.

Wilbert Bakery Corp., foodstore; 3628 West Villard Avenue, Milwaukee, WI; salesclerk, pan washer, janitorial; 11 to 15 percent; 10-31-72.

Wild Willies, Inc., variety-department store; 3401 South Topeka Boulevard, Topeka, KS; sacker, checker, stock clerk; 15 to 20 percent; 11-30-72.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 8th day of February 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72-2318 Filed 2-15-72;8:51 am]

INTERSTATE COMMERCE COMMISSION

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), part III, Executive Order 10647 (20 F.R. 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published in (30 F.R. 8809; 31 F.R. 930; 31 F.R. 13405; 32 F.R. 769; 32 F.R. 10786; 33 F.R. 522; 33 F.R. 10544; 33 F.R. 20067; 34 F.R. 11341; 35 F.R. 131; 35 F.R. 12175; 36 F.R. 1235, and 36 F.R. 14359) for the 6 months' period ended January 3, 1972.

No change since last statement dated July 23, 1971.

Dated: February 7, 1972.

R. R. MANION.

[FR Doc.72-2300 Filed 2-15-72;8:49 am]

ASSIGNMENT OF HEARINGS

FEBRUARY 11, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115491 Sub 122, Commercial Carrier Corp., now being assigned hearing March 27, 1972, at Tampa, Fla., in a hearing room to be designated later.

MC 51146 Sub 210, Schneider Transport & storage, now assigned February 28, 1972, at Washington, D.C., is postponed indefinitely.

MC 19227 Sub 152, Leonard Bros. Trucking Co., Inc., assigned March 2, 1972, and MC 106644 Sub 118, Superior Trucking Co., assigned March 2, 1972, at New Orleans, La., will be at the National Labor Relations Board, Room T-6024, Federal Office Building, 701 Loyola Avenue, New Orleans, LA.

MC 121533 Sub 6, Western Hauling, Inc., assigned March 6, 1972, at Seattle, Wash., will be in Room 508, Lenora Building, Sixth and Lenora Streets.

MC 115162 Sub 210, Poole Truck Line, Inc., application dismissed.

MC 15770 Sub 3, Calore Freight System, now assigned February 18, 1972, at New York, N.Y., is postponed indefinitely.

MC 124174 Sub 87, Momsen Trucking Co., now assigned February 15, 1972, at Chicago, Ill., postponed to February 16, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107583 Sub 50, Salem Transportation Co., Inc., assigned March 6, 1972, at Philadelphia, Pa., is postponed to March 13, 1972, at Philadelphia, Pa., in a hearing room to be later designated.

I & S 8692 Sub 1, Citrus Fruits, Arizona and California to Eastern States, assigned February 14, 1972, at Washington, D.C., is postponed to February 16, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 86913 Sub 33, Eastern Motor Lines, Inc., now assigned March 6, 1972, at Washington, D.C., is postponed to March 20, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 126276 Sub 53, Fast Motor Service, Inc., heard February 9, through February 10, 1972, at Chicago, Ill., and continued to March 27, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2379 Filed 2-15-72;8:54 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 11, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42350—*Manufactured iron and steel articles to points in official territory.* Filed by Western Trunk Line Committee, agent (No. A-2654), for interested rail carriers. Rates on manufactured iron and steel articles, in carloads, as described in the application, between Hennepin and Sterling, Ill., Manominee, Mich., Manitowoc, Marinette, and Milwaukee, Wis., on the one hand, and points in official territory, on the other.

Grounds for relief—Motor competition.

Tariffs—Supplement 117 to Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-677, and other schedules named in the application. Rates are published to become effective on March 18, 1972.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2380 Filed 2-15-72;8:54 am]

[Notice 5]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 11, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-13300 (Deviation No. 25) (Cancels Deviation No. 13) CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, NC 27602, filed January 21, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 13 and combined Delaware Highways 41-141, near Wilmington Manor, Del., over combined Delaware Highways 41-141 to junction Interstate Highway 95 thence over Interstate Highway 95 to Chester, Pa., thence over city streets of Chester, Pa., to junction Pennsylvania Highway 291, thence over Pennsylvania Highway 291 to Philadelphia, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Norfolk, Va., over U.S. Highway 13 via Bayview, Va., and Salisbury, Md., to Philadelphia, Pa., and return over the same route.

No. MC-29910 (Deviation No. 15), ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901, filed January 28, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Arkansas Highways 1 and 135 at or near Paragould, Ark., thence over Arkansas Highway 135 to junction U.S. Highway 62 approximately 4 miles east of Corning, Ark., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From the Missouri-Arkansas State line, over U.S. Highway 62 to Corning, Ark., and (2) from Pine City, Mo., over city streets and connecting highways to the Missouri-Arkansas State line, thence over Arkansas Highway 1 to Paragould, Ark., and return over the same routes, subject to the conditions that no service is authorized on traffic originating at Jonesboro and Paragould, Ark., and Pine City, Mo., destined to St. Louis, Mo., or originating at St. Louis, Mo., and destined to Jonesboro and Paragould, Ark., and Pine City, Mo.; and no service is authorized for traffic moving between Paragould, Ark., and Pine City, Mo.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-2383 Filed 2-15-72;8:54 am]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 11, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-110683 (Deviation No. 5), SMITH'S TRANSFER CORPORATION, Post Office Box 1000, Staunton, VA 24401, filed January 28, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Bristol, Va.-Tenn., over Interstate Highway 81 to junction Interstate Highway 381, thence over Interstate Highway 381 to junction U.S. Highway 11E, thence over U.S. Highway 11E to junction U.S. Highway 23, thence over U.S. Highway 23 to junction U.S. Highway 25, thence over U.S. Highway 25 to junction Interstate Highway 85, thence over Interstate Highway 85 to Atlanta, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Knoxville, Tenn., over U.S. Highway 11W to Bristol, Tenn., (2) from Knoxville, Tenn., over U.S. Highway 11 to Cleveland, Tenn., thence over Tennessee Highway 60 to the Tennessee-Georgia State line, thence over Georgia Highway 71 to Dalton, Ga., thence over U.S. Highway 41 to Cartersville, Ga., thence over Georgia Highway 293 via Ackworth, Ga., to Marietta, Ga., thence over Georgia Highway 3 via Smyrna, Ga., to Atlanta, Ga., and (3) from Knoxville, Tenn., over U.S. Highway 129 to Maryville, Tenn., thence over U.S. Highway 411 to Cartersville, Ga., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2384 Filed 2-15-72;8:54 am]

[Notice 11]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 11, 1972.

The following publications are governed by the new § 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 30319 (Sub-No. 133) (Partial Republication), filed July 21, 1967, published in the FEDERAL REGISTER issues of November 23, 1967, and February 29, 1968, under applicant's former corporate name, and republished in part, this issue under applicant's new corporate name. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY OF TEXAS AND LOUISIANA, a Corporation, 600 South Central Expressway Street, Dallas, TX 75216. Applicant's representative: Edwin N. Bell, 1600 Esperson Building, Houston, Tex. 77002. A decision and order of the Commission, Division 1, dated January 19, 1972, and served February 2, 1972; upon consideration of the application and the record in the proceeding, including the report and recommended order of the examiner, finds, that in addition to service over the 114 routes granted applicant pursuant to the application, as amended, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in operations over a regular route No. 115, as follows: Between New Iberia and Lake Charles, La., over Louisiana Highway 114, serving all intermediate points, restricted against the transportation of traffic (1) originating at or destined to New Orleans, La., or points in its commercial zone; and (2) delivered to or received from connecting carriers at El Paso, Tex., or its commercial zone (except originating at or destined to Castroville, Tex., or applicant's authorized points or service west of Castroville).

Conditions: (1) All contractual arrangements between Southern Pacific Transport Co. of Texas and Louisiana and Southern Pacific Transportation Co. or its corporate affiliates shall be reported to the Commission and shall be

V37-32 FEB 16 72 XUM

subject to such revision as the Commission may find to be necessary in order that such arrangements shall be fair and equitable to the parties; (2) at the close of each full year after the date of the issuance of the certificate herein, and for 5 consecutive years thereafter, applicant shall file with the Commission's Bureau of Economics a "Performance Report" with respect to the operations conducted under the certificate issued herein; and that this Performance Report shall, among other things (a) identify and describe the shipments handled under such certificate that moved between points in the authority granted herein; and (b) identify the locations at which applicant maintained terminals or agency stations during the preceding year and indicate any changes made during the year in the locations at which terminals or agency stations are maintained; (3) the Commission may in the future impose such further terms, conditions, and limitations as it may deem necessary (a) to preserve intermodel competition; (b) to insure that applicant's operations conform to the type of service the supporting shippers are shown to require on this record; and (c) to insure that applicant's dual operations remain consistent with the public interest and the national transportation policy within the meaning of section 210 of the Interstate Commerce Act; (4) to the extent this grant of authority duplicates any other authority held by applicant, it shall be construed as conferring only a single operating right. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of Route 11 described in the appendix to the order, a notice of that route will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition seeking leave to intervene in this proceeding showing in specific detail the manner in which it has been materially adversely affected by the grant of this portion of the authority.

No. MC 135579 (Republication), filed May 3, 1971, published in the FEDERAL REGISTER, issue of May 27, 1971, and republished this issue. Applicant "H" MOVING AND STORAGE, INC., 5207½ East Highway 190, Killeen, TX 76541. Applicant's representative: Harwell Henderson (same address as above). An order of the Commission, Operating Rights Board, dated December 20, 1971, and served February 2, 1971, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods between Killeen, Tex., on the one hand, and, on the other, points in Bell, San Saba, McCulloch, Hamilton, Mills, Coryell, Bosque, McLennan, Hill, Limestone, Falls, Burnet, Llano, Mason, Lampasas, Milam, Burleson, Washington, Waller, and Harris Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic; That since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 21866 Subs 42, 49, 54, 56, and 64 (Notice of Filing of Petition (1) for Waiver of Rule 101(e) of the Rules of Practice to Permit the Filing of Reconsideration Petition, and (2) for Reconsideration of Applications and Modification of Commodity Description in Certificates), filed January 25, 1972. Petitioner: WEST MOTOR FREIGHT, INC., Boyertown, Pa. Petitioner's representative: Alan Kahn, 2 Penn Center Plaza, Philadelphia, PA 19102. As herein pertinent in connection with the instant petition, Petitioner states it holds authority in the above certificates as follows: *Certificate No. MC–21866 Sub 42 issued March 17, 1960: "Metal articles,* except buildings, complete, knocked down, or in sections, and except tractors, agricultural machinery, and parts and attachments therefor, from the plantsite of Aetna Steel Products Corp. at Pottsville, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein may not be tacked or joined, directly or indirectly, with any other authority contained in carrier's existing certificates." *Certificate No. MC–21866 Sub 49 issued May 1, 1963: "Metal articles,* except those which because of size or weight require special equipment, from Pottsville, Pa., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, and Tennessee, with no transportation for compensation on return except as otherwise authorized." *Certificate No. MC–21866 Sub 54 issued November 10, 1965: "Metal articles* (except machinery and those which because of size or weight require special equipment), from the plantsite of Aetna Steel Products Corp. at Pottsville, Pa., to points in Alabama, Arkansas, Louisiana, and Mississippi, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein shall not be tacked with any other authority held by carrier." *Certificate No. MC–21866 Sub 56 issued June 15, 1966: "Metal articles,* from Leesport and Trappe, Pa., to Pottsville, Pa., with no transportation for compensation on return except as otherwise authorized.

Certificate No. MC–21866 Sub 64 issued May 18, 1971: "Metal articles, except those which because of size or weight require special equipment, from Boyertown, Oaks, Norristown, Collegeville, Pottstown, Stowe, and Bally, Pa., to points in Colorado, Iowa, Kansas, Missouri, Minnesota, and Tennessee, with no transportation for compensation on return except as otherwise authorized. *Metal articles,* except buildings, complete, knocked down, or in sections, and except tractors, agricultural machinery, and parts and attachments therefor, from Boyertown, Oaks, Norristown, Collegeville, Pottstown, Stowe, and Bally, Pa., to points in Illinois, Indiana, Michigan, and Wisconsin, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein may not be combined with any other authority presently held by carrier for the purpose of performing a through service to or from other points. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right." The operating rights listed under certificate No. MC–21866 Sub 64 above are only a oprtion of the rights issued in that certificate. The remaining operating rights embrace the transportation of *"metal building materials,"* and are not involved in this petition. Petitioner further states that only recently it became aware of prior formal decisions by the Commission which seemingly interpreted *"metal articles,"* and a somewhat related commodity description, *"iron and steel articles,"* to exclude the right to transport various products made basically of metal and having their own independent identity as finished articles. By the instant petition, Petitioner states that in particular, it is requesting modification of the operating rights described above so that (subject to the unrelated restrictions named therein) the commodity description of each will be changed to read: *"Metal articles and commodities* produced primarily from metal but having their own independent identity as finished products." Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 74321 (Sub-No. 34) (Notice of Filing of Petition for Waiver of Rule 101 (e) and for Reconsideration and Modification of Certificate of Public Convenience and Necessary No. MC 74321 (Sub-No. 34), filed January 26, 1972. Petitioner: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Petitioner's representatives: Jerry C. Prestige and Mike Cotten, Post Office Box 1148, Austin, TX 78767. Petitioner holds authority as a motor carrier in its certificate No. MC 74321 (Sub-No. 34) issued December 30, 1969, authorizing operations over irregular routes, as follows: *"Heavy machinery and machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Kansas, Colorado, Nebraska, Oklahoma, and Texas. *Machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Kansas, Colorado, Nebraska, Oklahoma, and Texas. "Any duplication of authority granted herein or to the extent that such authority duplicates ahy heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right."

Petitioner states as herein pertinent, that as grounds for reconsideration and modification of said certificate that pursuant to the proceeding in MC–F 10070, and a related finance proceeding, the Commission approved the purchase by Petitioner of the interstate and intrastate operating rights of Jess Edwards, Inc. As a result of this finance transaction, Petitioner acquired the operating rights which are now contained in its certificate No. MC 74321 (Sub-No. 34). Jess Edwards, Inc., owned certificate of public convenience and necessity No. MC 56887 (Sub-No. 2) which authorized the transportation of "heavy machinery" and Mercer commodities between points in Kansas, Colorado, Nebraska, Oklahome, and Texas. Jess Edwards, Inc., acquired its Sub 2 certificate from E. L. Hickerson and T. L. Hickerson, a partnership, doing business as Hickerson Brothers, pursuant to the order of the Commission approving such acquisition in MC–FC–57368, dated September 23, 1954. The certificate owned by Hickerson Brothers at that time and acquired by Jess Edwards, Inc., was certificate No. MC 59823 (Sub-No. 3) issued October 8, 1941. Petitioner further states that based on the proposal of the applicant in MC 59823 Sub 3 and witnesses in support of that application, the Examiner found that the present and future public convenience and necessity require the operation by applicant in said MC 59823 Sub 3 in the transportation of "'heavy machinery, requiring special equipment * * *'" and the certificate was granted in those terms.

By the instant petition, Petitioner seeks waiver of Rule 101(e) of the General Rules of Practice, and for reconsideration and modification of its certificate No. MC 74321 (Sub-No. 34) of the authority contained therein authorizing the transportation of "heavy machinery" between points in Kansas, Colorado, Nebraska, Oklahoma, and Texas, so as to authorize Petitioner to perform a complete heavy-hauling service in that field of transportation, and as modified, that certificate MC 74321 Sub 34 will authorize the transportation of the following commodities: "Commodities, the transportation of which because of size or weight requires the use of special equipment, and of related machinery parts and related contractors' materials and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment," between points in Kansas, Colorado, Nebraska, Oklahoma, and Texas; and that the commodity authority in MC 74321 Sub 34, authorizing the transportion of Mercer commodities, remain as it is. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

Nos. MC 119750, MC 48399, and MC 48399 (Sub-No. 1) (Notice of Filing of Petition for Waiver of Rule 101(e), Reopening, Reconsideration, and Modification of Certificate), filed January 26, 1972. Petitioner: D. B. FORD, INC., 51 Lowry Avenue, Minneapolis, MN 55411. Petitioner's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Petitioner, as herein pertinent, states it holds authority in certificate No. MC 119750 authorizing operations as a motor common carrier, over irregular routes, in the transportation of: "Tanks, towers, incinerators, heavy machinery, and building contractors' tools and supplies, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin." This authority was originally contained in a contract-carrier permit issued to Petitioner's predecessor, Dail B. Ford, in a "grandfather" proceeding in No. MC–48399. It was subsequently transferred to Petitioner and was converted to common-carrier authority in a proceeding under section 212(c) of the Act in No. MC–48399 (Sub-No. 1). No. MC–119750 was assigned to the certificate issued as a result of that conversion proceeding. It is here requested that all of these related proceedings be reopened only for the purpose of considering the commodity authorization intended by the Commission therein and the commodity description which is necessary to give effect to that intention.

Petitioner further states that the "grandfather" application which led to Petitioner's authority was filed and heard, and the authority was issued at a time when the commodity description granted to Petitioner's predecessor authorized a heavy-hauling operation under the then prevailing principle of *Classification of Motor Carriers of Property,* 2 M.C.C. 703 (1937), and that Petitioner's predecessor had no way of knowing then that the commodity description employed would later take on a different and more restricted meaning; and that accordingly, the injustices which are sought to be corrected could not reasonably have been foreseen at the time of the original proceeding, and Rule 101(e) of the rules of practice should be waived to permit its reopening: Petitioner herein seeks here to have the above-quoted commodity description modified so as to reflect the intention of the Commission in granting its authority and to conform its authority to the commodity description now in use for the type of service authorized. It is requested that the description be modified to authorize, within the same territory, the transportation of, *"Tanks, towers, incinerators, building contractors' tools and supplies, commodities,* the transportation of which because of size or weight requires the use of special equipment, and related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, and *self-propelled articles* each weighing 15,000 lb. or more restricted to commodities which are transported on trailer." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128133 (Sub-No. 3) (Notice of Filing of Petition To Remove Restriction), filed January 24, 1972. Petitioner: H. H. OMPS, INC., Post Office Box 368, Route 5, Winchester, VA 22601. Petitioner's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Petitioner states it is a motor common carrier of limited commodities including the holder of a certificate of public convenience and necessity issued by the Interstate Commerce Commission authorizing the transportation of agricultural lime, limestone and fertilizer in bulk via irregular routes from Alexandria, Va., and points in Clarke, Frederick, Loudoun, and Warren Counties, Va., and Frederick County, Md., to points in Maryland (except Baltimore City and points in Harford County), points in Adams, Franklin, and Fulton Counties, Pa., and points in Clarke, Fairfax, Frederick, Fauquier, Prince William, Loudoun, Shenandoah, and Warren Counties, Va., and points in Grant, Berkeley, Hampshire, Hardy, Jefferson, Mineral, and Morgan Counties, W. Va., with no transportation for compensation on return except as otherwise authorized. Petitioner further states that marketing conditions require the distribution of agricultural lime, limestone and fertilizer in bags and require the elimination of the current restriction in petitioner's certificate describing the method in authorized transportation. Petitioner has

V 37 ■ 32 FEB 16 72 XUM

been requested by members of the public for whom transportation facilities are presently being provided to transport petitioner's authorized commodities in bags and/or other types of containers. By the instant petition, petitioner seeks to have the restriction "in bulk" eliminated from the above-described authority. NOTE: (1) The authority which is the subject of the instant petition, and described above is currently embraced in petitioner's certificate No. MC 128133 (Sub-No. 2) issued September 10, 1971, pursuant to MC–FC–72736, and accordingly, the certificate in MC 128133 (Sub-No. 3) was superseded and canceled by the certificate in MC 128133 (Sub-No. 2); (2) any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135056 (Notice of Filing of Petition for Modification of Existing Permit by Adding Thereto an Additional Shipper), filed January 18, 1972. Petitioner: MJR ENTERPRISES, 12500 Inglewood Avenue, Hawthorne, CA 90250. Petitioner holds permit No. MC 135056, which, among other things, authorizes it to engage in transportation in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes. Such merchandise as is usually dealt in by chain retail furniture stores; (1) Between points in California; (2) between points in California, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, Oregon, Utah, and Washington; (3) from Salt Lake City and Ogden, Utah, to points in Idaho, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with McMahon Furniture Co. of Los Angeles, Calif. By the instant petition, petitioner seeks to add to its permit the following shipper: Consolidated Food Corp., Gem Furniture Division, North Hollywood (Los Angeles), Calif. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 136343, filed January 11, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared food products*, from Milton, Pa., to points in New York, New Jersey, Maryland, Delaware, Ohio, Virginia, West Virginia, and the District of Columbia, within 350 miles of Milton; and, (2) *such merchandise*, as is dealt in by food canning and processing plants, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, from points in the above-specified States within 350 miles of Milton, Pa., to Milton; (3) *salt*, in containers; (a) from the facilities of Morton Salt Co. at Rittman and Morton, Ohio, to Philadelphia and Scranton, Pa.; (b) from the facilities of Morton Salt Co. at Rittman and Morton, Ohio, to points in New Jersey and points in that part of Pennsylvania, on, east, and south of U.S. Highway 220 (except Philadelphia and Scranton, Pa.); (4) *salt*, from the facilities of Morton Salt Co. at Silver Springs, N.Y., to points in Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, and Wyoming Counties, Pa.;

(5) *Salt*, in bulk, from the facilities of Morton Salt Co. at Rittman and Morton, Ohio, to points in New Jersey and points in that part of Pennsylvania, east of and including points in McKean, Elk, Clearfield, Cambria, and Somerset Counties; (6) *pepper*, in packages in mixed shipments with salt; (a) from the facilities of Morton Salt Co. at Silver Springs, N.Y., to points in Bradford, Cameron, Carbon, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Monroe, Montour, Northumberland, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Union, Wayne, and Wyoming Counties, Pa.; (b) from Rittman, Ohio, to points in New Jersey, and points in that part of Pennsylvania, on, east and south of U.S. Highway 220 (except Philadelphia and Scranton, Pa); (7) *tapioca flour*, from Philadelphia, Pa., to Lock Haven, Castaniea, and Johnsonburg, Pa.; (8) *petroleum and petroleum products and asphalt*, all in containers, from Claymont, Del., to Bellefonte, Bloomsburg, Lock Haven, Lewistown, Milton, Sunbury, and Williamsport, Pa.; (9) *petroleum and petroleum products, antifreeze, and asphalt*, all in containers, from Bayonne, N.J., to Bellefonte, Bloomsburg, Lewistown, Lock Haven, Milton, Sunbury, and Williamsport, Pa.; (10) *empty containers*, from the next above-specified commodities, from the next above-specified destination points to Bayonne, N.J.; (11) *composition and prepared roofing, asphalt shingles, and roofing materials*, from Edge Moor, Del., to Bellefonte, Bloomsburg, Huntington, Lock Haven, Lewistown, Milton, Tyrone, State College, Sunbury, Williamsport, and Clearfield, Pa.; (12) *printing paper*, from the facilities of St. Regis Paper Co. at Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania; (13) *gummed paper sealing tape*, from the facilities of St. Regis Paper Co. at Troy, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania; (14) *printing paper* (other than newsprint not printed or imprinted), *and wrapping paper* (other than oiled, waxed, or vegetable parchment, printed or imprinted, or not printed or imprinted), from the plantsite of Hammermill Paper Co., at Lock Haven (Clinton County), Pa., to points in New York (except Rochester and Buffalo, N.Y.), New Jersey, and Connecticut;

(15) *Paper scrap or waste* (not sensitized), *woodpulp*, not powdered, *cores, chocks, and canvas covers, machinery and machinery parts, papermill rolls, flour* (cassava, sago, or tapioca), except in bulk, in tank vehicles, *oil and grease*, except in bulk, in tank vehicles, and *chemicals, chemical products, and constituents* used in the manufacture of woodpulp and paper or the processing thereof (except in bulk, in tank vehicles), from the points in New York, New Jersey, and Connecticut, to manufacturing plants of Penntech Papers, Inc., at Johnsonburg, Pa., and Hammermill Paper Co. at Lock Haven, Pa. Restriction: The service authorized immediately above is subject to the following conditions: Said operations are restricted against the transportation of commodities which, because of size, or weight, require the use of special equipment to load, unload, or transport the same; (16) *chemicals, chemical products, and constituents* used in the manufacture or processing of paper and paper products, from Marcus Hook, Pa., and Claymont, Del., to Lock Haven, Castanea, and Johnsonburg, Pa.; (17) *printing paper*, from the facilities of St. Regis Paper Co. at Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania; (18) *gummed paper sealing tape*, from the facilities of St. Regis Paper Co. at Troy, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania; (19) *printing paper*, except newsprint, from the facilities of Hammermill Paper Co. at Lock Haven, Pa., to points in Ohio, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Indiana, Illinois, Michigan, Maryland, Virginia, and the District of Columbia; (20) *printing paper, gummed paper, and paper with aluminum foil*, from the facilities of St. Regis Paper Co. at Troy, Ohio, to points in Pennsylvania, New York, New Jersey, and Connecticut;

(21) *Paper and paper products*, from the facilities of Penntech Papers, Inc., at Johnsonburg, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (22) *machinery, equipment, materials, and supplies* used in the operation of paper mills (except commodities in bulk and commodities the transportation of which because of size or weight requires the use of special equipment), from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, to the facilities of Penntech Papers, Inc., at Johnsonburg, Pa.; (23) *salt* (except in bulk), from the facilities of Diamond Crystal Salt Co., at Akron, Ohio, to points

in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia (except points in that part of West Virginia on and north of U.S. Highway 50); (24) *salt*, from the facilities of the Morton Salt Co., Division of Morton International, Inc., at Milo, N.Y., to points in Virginia, Pennsylvania, Delaware, Maryland, New Jersey, and the District of Columbia; (25) *containers and container closures*, from the facilities of Continental Can Co., Inc., at Milton, Pa., to points in La Porte and South Bend, Ind.; (26) *paper*, from the facilities of St. Regis Paper Co. at Stamford, Conn., to Urbana, Ohio;

(27) *Foodstuffs* (except in bulk), from the facilities of American Home Foods, Division of American Home Products Corp., at Milton, Pa., to points in Ohio, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia; and (28) *paper products and materials, equipment, and supplies* used or useful in the manufacture and sales of paper products, between the facilities of Hammermill Paper Co., Lock Haven, Pa., on the one hand, and, on the other, points in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Delaware, Virginia, Tennessee, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Michigan, New York, New Jersey, Connecticut, and the District of Columbia; (29) *spheres, highway marking strip glass, ballotini, and glass*, crushed, ground, and powdered, from the facilities of Potters Industries, Inc., Apex, N.C., to points in Maryland, Pennsylvania, New Jersey, and New York; (30) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles) from the destination territory above, to the facilities of Potters Industries, Inc., Apex, N.C.; (31) *spheres, highway marking strip glass, ballotini, and glass*, crushed, ground, and powdered, from the facilities of Potters Industries, Inc., Cleveland, Ohio, to points in Maryland, Pennsylvania, New York, Illinois, Indiana, and Michigan; (32) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles) from the destination territory above to the facilities of Potters Industries, Inc., Cleveland, Ohio;

(33) *Spheres, highway marking strip glass, ballotini, and glass*, crushed, ground, and powdered, from the facilities of Potters Industries, Inc., Carlstadt, N.J., to points in Maryland, Pennsylvania, Connecticut, Delaware, Massachusetts, New Hampshire, Rhode Island, Vermont, and North Carolina; (34) *materials and supplies* used in the manufacture and sale of glass spheres (except in bulk, in tank vehicles) from the destination territory above to the facilities of Potters Industries, Inc., Carlstadt, N.J.; (35) *chemicals* (except in bulk) for the account of Avis Chemical Co., Avis, Pa., from North Claymont, Del.; Brooklyn, Niagara Falls, and Solvay, N.Y.; Midland, Mich.; Barberton, Ohio; Belle, Charleston, and Nitro, W. Va.; to points in McKean, Elk, Cameron, Potter, Clinton, Clearfield, Center, Union, Snyder, Lycoming, Tioga, Bradford, Sullivan, Montour, Northumberland, Columbia, Wyoming, Lackawanna, Luzerne, and Susquehanna Counties, Pa.; (36) *foodstuffs, confectioneries* (except in bulk); (a) from the facilities of Beech-Nut, Inc., at Canajoharie, N.Y., to points in Pennsylvania, Maryland, Ohio, Indiana, and Michigan; (b) from the facilities of Beech-Nut, Inc., at Holland, Mich. to the facilities of Beech-Nut, Inc., at Canajoharie, N.Y.; (37) *paper and paper products*, from the facilities of Finch Pruyn & Co., Inc., at Glens Falls, N.Y., to points in Pennsylvania, Ohio, Indiana, Illinois, Michigan, Maryland, and the District of Columbia; (38) *such commodities* as are sold, used, or dealt in by mail order business houses, between the facilities of Bevis Industries, Inc., and its subsidiaries at Baltic, Conn., Webster, Mass., and White Plains, N.Y., on the one hand, and, on the other, points in Ohio, Illinois, Indiana, Michigan, Wisconsin, Georgia, and Texas;

(39) *Scrap paper*, from points in Rhode Island, to the plantsite of National Gypsum Co., near New Columbia, Pa.; (40) *foodstuffs*, canned or preserved, not cold packed or frozen; (a) from plantsites and storage facilities of Comstock Foods, Borden, Inc., Division, and from Waterloo, Rushville, Egypt, Fairport, Red Creek, Newark, Lyons, and Syracuse, N.Y., to points in Pennsylvania, Ohio, Indiana, Michigan, Maryland, District of Columbia, and Delaware, by trailers equipped with pallets; (b) from the plantsites and storage facilities of Comstock Foods, Borden, Inc., Division, in Crosswell, Edmore, Lexington, and Saginaw, Mich., to points in Pennsylvania, New York, New Jersey, Ohio, Maryland, District of Columbia, and Delaware, by trailers equipped with pallets; (41) *paper, paper bags, and plastic bags*, between the facilities of Duro Paper Bag Manufacturing Co. and its subsidiaries at Covington, Ky., and Ludlow, Ky., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Ohio, Virginia, and the District of Columbia. NOTE: Common control may be involved. The instant application is a matter directly related to MC–F–11436 published in the FEDERAL REGISTER issue of January 26, 1972, wherein applicant seeks to convert all contract carrier of the authority now issued and that before the Commission in Milton Transportation, Inc., MC 96098 and Milton Trucking Inc., MC 134776 to common carrier. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIER PASSENGERS

No. MC–F–11456. Authority sought for control by (1) A. B. ALLEN, 213 13th Street, Post Office Box 15707, Sacramento, CA 95813 and (2) WARREN K. MILLER, 7360 Pebble Beach Drive, El Cerrito, CA 94530, of UNION PACIFIC STAGE COMPANY, 1416 Dodge Street, Omaha, NE 68102. Applicants' attorneys: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94105, and Bertram S. Silver, 140 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be controlled: Passengers and their baggage, and baggage of passengers, in the same vehicle with passengers or in separate vehicles, as a common carrier over regular routes, between points in California; passengers and their baggage, in the same vehicle with passengers or in separate vehicles, between Anaheim and Orange, Calif., serving no intermediate points. (1) A. B. ALLEN holds no authority from this Commission. However, he is affiliated with AMADOR STAGE LINES, INC., Post Office Box 2190, Sacramento, CA 95810, which is authorized to operate as a *common carrier* in California and Nevada; and (2) WARREN K. MILLER holds no authority from this Commission and is not affiliated with a record carrier. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11458. Authority sought for purchase by DOMENICO BUS SERVICE, INC., 75 New Hook Access Road, Bayonne, NJ 07002, of a portion of the operating rights of THE HUDSON BUS TRANSPORTATION CO., INC., 437 Tonnelle Avenue, Jersey City, NJ 07306, and for acquisition by G. THOMAS DOMENICO, LOUISE DOMENICO, and ANTHONY DOMENICO, all of 75 New Hook Access Road, Bayonne, NJ 07002, of control of such rights through the purchase. Applicants' attorneys: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102, and William C. Mitchell, Jr., 370 Lexington Avenue, New York, NY 10037. Operating rights sought to be transferred: Passengers and their baggage, as a common carrier over regular routes, between Staten Island, N.Y., and Keansburg, N.J., between Perth Amboy, N.J., and New York, N.Y., serving all intermediate points, between Bayonne, N.J., and New York, N.Y., serving all intermediate points, over one alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11427. (Correction) (RIO GRANDE MOTOR WAY, INC.—Merger—ZIP, INC.), published in the January 19, 1972 issue of the FEDERAL REGISTER on pages 833 and 834. Prior notice should be modified to read, between Salt Lake City and Ogden, Utah, serving no intermediate points, with restriction.

FEB 16 72

No. MC–F–11446. (Correction) (INTERNATIONAL UTILITIES OF THE U.S., INC.—Control—PACIFIC INTERMOUNTAIN EXPRESS CO., published in the February 2, 1972, issue of the FEDERAL REGISTER on pages 2548–2549. Prior notice should be modified to delete the statement that applicant controls Chemical Leaman Tank Lines, Inc., the stock of Chemical Leaman Tank Lines, Inc., owned by applicant is held by Bankers Trust Co., of New York, N.Y., under a voting trust agreement.

No. MC–F–11455. Authority sought for purchase by EASTERN MOTOR TRANSPORT, INCORPORATED, 508 Gordon Avenue, Richmond, VA 23204, of a portion of the operating rights of COASTAL TANK LINES, INCORPORATED, 215 East Waterloo Road, Akron, OH 44306, and for acquisition by ASHBY T. ATKINSON AND FREDA L. ATKINSON, both of 8122 Brown Road, Richmond, VA 23235, of control of such rights through the purchase. Applicants' attorney: Harold G. Hernly, 510 The Circle Building, 2030 North Adams Street, Arlington, VA 22201. Operating rights sought to be transferred: *Petroleum products* (except petro acids and chemicals and asphalt and asphalt products) in bulk, in tank vehicles, as a *common carrier* over irregular routes, from terminals off the Colonial Pipeline at or near Montvale, Va., to points in that part of West Virginia, in south and west of Pendleton, Tucker, Randolph, Upshur, Webster, Nicholas, Clay, Kanawha, Lincoln, and Mingo Counties, W. Va. Vendee is authorized to operate as a *common carrier* in Virginia and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11457. Authority sought for merger into ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, of the operating rights and property of ROADWAY EXPRESS, INC., OF MISS., of Akron, Ohio 44309, and for acquisition by GALEN J. ROUSH, of Akron, Ohio 44309, of control of such rights and property through the transaction. Applicants' attorneys: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036, and Douglas W. Faris, 1077 Gorge Boulevard, Akron, OH 44309. Operating rights sought to be merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Alabama, Colorado, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, Illinois, Iowa, and Texas, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–3009 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. ROADWAY EXPRESS, INC., is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Missouri, Indiana, Pennsylvania, Kansas, Michigan, Illinois, Tennessee, Kentucky, Alabama, Georgia, North Carolina, South Carolina, New Jersey, New York, Maryland, West Virginia, Virginia, Wisconsin, Mississippi, Louisiana, Massachusetts, Connecticut, Rhode Island, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: Pursuant to order dated June 26, 1969, and served July 8, 1969, in Docket No. MC–F–10178, transferee acquired control of transferor.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–2385 Filed 2–15–72;8:54 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 11, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Michigan Docket No. C 239 Case No. 10 filed December 27, 1971, certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *empty equipment* only over the following routes, (1) between Flint and Lansing via M–78; (2) between Lansing and Jackson via U.S. 127; and (3) between junction of I–96 and M–59 (near Howell) and junction of M–59 with U.S. 23, via M–59. Both intrastate and interstate authority sought.

HEARING: March 22, 1972, 9:30 a.m., Seven Story Office Building, 525 West Ottawa Street, Lansing, MI. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Michigan Department of Commerce, Public Service, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC–4470 (Sub-No. 8), filed December 6, 1971. Applicant: POTTER FREIGHT LINES, INC., Post Office Box 428, Sparta, TN 38583. Applicant's representative: Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, excluding used household goods and commodities in bulk. Route description: (1) Between Knoxville and Bristol, Tenn., via U.S. Highway 11–W, serving all intermediate points between Church Hill and Bristol, including Church Hill; (2) between Knoxville and Bristol, Tenn., via U.S. Highway 11–E, serving all intermediate points between Johnson City and Bristol, including Johnson City; (3) between Knoxville and Bristol, Tenn., via Interstate Highway 81; (4) between Kingsport and Erwin via U.S. Highway 23, serving all intermediate points; (5) between Elizabethton and Bristol via U.S. Highway 19–E and U.S. Highway 19, serving all intermediate points; and (6) between Elizabethton and Johnson City via U.S. Highway 321, serving all intermediate points. The foregoing includes authority to tack or join any of the aforesaid routes, or portions thereof at any intersection between any of them, and also authority, with closed doors, over any convenient streets and highways between any point on Interstate Highway 81 and any point at which service is otherwise authorized. All of the foregoing routes and authority are to be used in conjunction with all of applicant's existing authority, by tacking or joinder. The authority will include, but is not limited to, service between points on the above routes and Nashville and Memphis; applicant will, in addition to other evidence, present evidence pertaining to traffic between the above points and points reached through the Nashville and Memphis gateways, both intrastate and interstate.

HEARING: June 5, 1972, 9:30 a.m., at C–1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4610 (Sub-No. 4), filed December 28, 1971. Applicant: HUMBOLT EXPRESS, INC., Faydur Court, Nashville, Tenn. 37211. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, classes A and B explosives, household goods, commodities in bulk and commodities requiring special equipment, (1) between Nashville and Bristol, Tenn., from Nashville via Interstate Highway 40 to its junction with Interstate Highway 81, thence via Interstate Highway 81 to Bristol, Tenn., and return serving all intermediate points on and east of U.S. Highway 25–E; (2) between Greeneville and Rogersville, Tenn., via Tennessee Highway 70, serving all intermediate points; (3) between Greeneville and Kingsport, Tenn., via Tennessee Highway 93, serving all intermediate points; (4) between Greeneville and Bristol, Tenn., via U.S. Highway 11–E, serving all intermediate points; (5) between Johnson City and Elizabethton, Tenn., via U.S. Highway 67, serving all intermediate points; (6) between Erwin and Kingsport, Tenn., via U.S. Highway 23, serving all intermediate points; (7) between Rogersville and Bristol, Tenn., via U.S. Highway 11–W, serving all intermediate points; (8) between Erwin and junction of Tennessee Highway 81 and Tennessee Highway 93 via Tennessee Highway 81, serving all intermediate points;

(9) Between Nashville and Greenville, Tenn., from Nashville via Interstate Highway 40 to its junction with unnumbered road at or near Ozone, Tenn., thence via unnumbered road to its junction with U.S. Highway 70, approximately 5 miles west of Rockwood, thence via U.S. Highway 70 to its junction with U.S. Highway 27, thence via U.S. Highway 27 to its junction with Interstate Highway 40, approximately 8 miles northeast of Rockwood, thence via Interstate Highway 40 to its junction with U.S. Highway 411 at or near Newport, Tenn., thence via U.S. Highway 411 to Greenville, Tenn., serving Newport, Tenn., and all intermediate points between Newport and Greenville, and serving Knoxville for joinder only; (10) between Knoxville and Greenville, Tenn., via U.S. Highway 11–E, serving Morristown and all intermediate points between Morristown and Greenville, and serving Knoxville for joinder only; and (11) between Morristown and Newport, Tenn., via U.S. Highway 25–E, serving all intermediate points. All of said routes to be used in conjunction with applicant's present authority, and in conjunction with each other. If and when Interstate Highway 40 is opened all the way between Nashville and Knoxville, that portion of Route 9 between Nashville and Knoxville may be canceled, with Knoxville then being served for joinder only. Both intrastate and interstate authority sought.

HEARING: June 26, 1972, 9:30 a.m., C–1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

New York Docket No. Case T–9052 filed December 13, 1971. Applicant: L. P. FINN HORSE TRANSPORTATION, INC., 620 Main Street, Northport, NY 11768. Applicant's representative: Samuel B. Zinder, Esq., Station Plaza East, Great Neck, N.Y. 11201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *horses*, between all points in the State of New York. Both intrastate and interstate authority sought.

HEARING: Date, time, and place to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12226, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–2382 Filed 2–15–72;8:54 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATIONS:	
2032 (see PLO 5158)	3058
2372 (see PLO 5158)	3058
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3967 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
4105	2831
4106	2921
4107	3165
EXECUTIVE ORDERS:	
January 27, 1913 (partially revoked by PLO 5159)	3184
5237 (partially revoked by PLO 5155)	2840
5327 (see PLO 5157)	3057
7295 (see PLO 5162)	3185
8592 (see PLO 5162)	3185
11248 (amended by EO 11641)	2421
11345 (amended by EO 11646)	2925
11568 (see EO 11642)	2565
11641	2421
11642	2565
11643	2875
11644	2877
11645	2923
11646	2925
11647	3167
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567

5 CFR

	Page
213	2423, 2491, 2841, 2842, 2879, 3049
532	3409
550	3355
PROPOSED RULES:	
900	2589

6 CFR

	Page
101	2491, 2678
102	2478
200	2479
201	3357
300	2842, 3410
311	2480

7 CFR

	Page
7	3349
51	2745
53	2745
501	2423
502	2424
701	2833
706	2491
722	3171, 3420
724	2745, 3422
726	2496
729	2645, 2765
795	3049
811	2659
905	2660
906	2765, 3049
907	2569, 2927
910	2426, 2766, 2834, 3171
928	2927
993	3349
1001	2928
1002	2929
1004	2929
1006	2930
1007	2930
1011	2930
1012	2930
1013	2931
1015	2931
1030	2931
1032	2932
1033	2932
1036	2932
1040	2932
1043	2933
1044	2933
1046	2933
1049	2933
1050	2934
1060	2934
1061	2934
1063	2934
1064	2935
1065	2497, 2935
1068	2935
1069	2935
1070	2936
1071	2936
1073	2936
1075	2936
1076	2937
1078	2937
1079	2937
1090	2937
1094	2938, 2944
1096	2938
1097	2938
1098	2938
1099	2939
1101	2939
1102	2939

FEB 16 72 XUM

7 CFR—Continued Page

1103 2939
1104 2940
1106 2940
1108 2940
1120 2940
1124 2940
1125 2941
1126 2941
1127 2941
1128 2941
1129 2942
1130 2942
1131 2942
1132 2942
1133 2943
1134 2943
1136 2943
1137 2943
1138 2944
1806 2879
1823 2879, 3172
1871 2569
1890 3174
1890i 3172

PROPOSED RULES:

29 3362
51 3363
59 2775, 3187
81 2778
225 3440
724 3438
726 2773
729 2774
909 3366
945 2844
966 2845
982 2515
987 2890, 3439
991 3440
993 2515
1001 3187
1002 3187
1046 2969
1421 2844
1434 2775
1446 2844
1464 3439
1481 2890
1701 2846

8 CFR

214 2766
238 2766
332 2767
332d 2767
334 2767
334a 2767
339 2767
341 2767
342 2767

9 CFR

11 2426
73 2945
82 2429, 2498, 3050
97 2430, 3410
113 2430
301 2661
311 2661
315 2661

PROPOSED RULES:

316 2779
317 2779

10 CFR

140 3423

12 CFR Page

701 2946, 3174

PROPOSED RULES:

529 2447
750 2594

13 CFR

120 2569
123 2947

14 CFR

39 2498, 2570, 2662, 2835, 2880, 3409
71 2570–2572, 2835–2837, 2952, 2953, 3050, 3349, 3409
73 2499, 2837
75 2499, 2500, 2572, 2767
93 2953
95 2573
97 2662, 3174
121 2500
221 2664
241 2501

PROPOSED RULES:

61 2523
67 2523
71 2524, 2587, 2682, 2683, 3059, 3367, 3341–3443
73 2847
103 2587, 2588
121 2523, 2684
127 2523
159 3059
183 2523

15 CFR

377 2430
386 3175

PROPOSED RULES:

7 2846

16 CFR

13 2575, 2576, 2578–2581, 2953

PROPOSED RULES:

302 3443
425 2848
432 2454, 2849

17 CFR

241 3050

PROPOSED RULES:

230 2596, 2598
239 2596, 2598
240 3059, 3446

18 CFR

2 2502, 2954

PROPOSED RULES:

101 2451
104 2451
105 2451
141 2451
260 2451, 3193

19 CFR

12 2430, 2665
21 3423
24 3425

PROPOSED RULES:

1 2443
11 2509
134 2509

20 CFR Page

404 3425
614 2434
617 2434

PROPOSED RULES:

405 3492
620 2684

21 CFR

1 3175
3 2503, 3175
8 3177
121 2437, 2958–2960, 3177
135 2961, 3053, 3426
135b 3053
135c 3178, 3426
135e 2960, 2961
141c 2665
141d 3178
144 2960
146a 2665, 3178, 3426
146c 2665
146d 3178
146e 2665, 3179, 3426
148i 3179
148n 2665
149a 2438
295 3427

PROPOSED RULES:

15 3189
17 3189
121 3060, 3366
130 2969
135 2444

22 CFR

41 2439, 3053

24 CFR

110 3429
275 3185
600 2665
1710 2768
1911 3350
1914 2505, 2881
1915 2505, 2882

25 CFR

221 2506

PROPOSED RULES:

43h 2679
221 3060

26 CFR

1 2506
301 2481, 2506

PROPOSED RULES:

1 2773

28 CFR

0 3180
9 2768
45 2769

29 CFR

511 3430
727 3180
1904 2439
1910 3053, 3431
1928 3431

PROPOSED RULES:

460 2443
1926 2443

30 CFR Page

PROPOSED RULES:

80 2968

31 CFR

316 2554

32 CFR

1452 3181
1801 2672
1808 2673

PROPOSED RULES:

1499 2849

32A CFR

Ch. X:
OI Reg. 1 2439

33 CFR

3 3350
117 2838
199 3433

PROPOSED RULES:

110 2446, 2447, 2587, 2890
117 2521, 2522

36 CFR

6 3350

PROPOSED RULES:

7 3438

37 CFR

2 2880
202 3055

PROPOSED RULES:

1 2520

38 CFR

0 3435
1 2676
8 3352

39 CFR

Ch. I 2423
273 3352
619 3056

40 CFR

52 2581
85 2432
106 2433
180 2676, 2839, 2883, 3181, 3352

40 CFR—Continued Page

PROPOSED RULES:

6 3367
164 3060

41 CFR

1–2 2769
1–7 2769
1–12 2769
1–16 2771
3–1 3353
3–2 3353
5A–1 3182
5A–2 3182
5A–8 2507
5A–72 3183
5A–73 2441, 3183
8–14 2508
8–74 2508
9–1 3435
9–5 3435
9–7 3435
9–59 3436
101–11 2962
101–27 2771

PROPOSED RULES:

14–10 2680
60–7 2847

42 CFR

PROPOSED RULES:

51b 2970
54 2970

43 CFR

2 2677
25 3183

PUBLIC LAND ORDERS:

1272 (modified by PLO 5161) 3185
2732 (amended by PLO 5160) 3184
4522 (amended by PLO 5157) 3057
5154 2677
5155 2840
5156 3056
5157 3057
5158 3058
5159 3184
5160 3184
5161 3185
5162 3185

45 CFR

102 2882
170 2882
1015 2640

45 CFR—Continued Page

PROPOSED RULES:

118 2779
143 2779
220 2445
222 2445
415 2986

46 CFR

308 3436

PROPOSED RULES:

12 3190
66 2681
193 2682

47 CFR

1 3277
2 2771, 3437
15 3277
21 2583, 3277, 3354
74 3278
76 3278
78 3292
83 2884
91 3297
211 2771

PROPOSED RULES:

73 2524, 2790, 2891
76 3190, 3192
81 2524

49 CFR

173 2885
174 2886
177 2886
178 2886
179 3058
571 3185
1033 2677, 3354
1211 2841
1311 3354

PROPOSED RULES:

173 2588
178 2588
1056 3446
1322 3446

50 CFR

28 2964, 3436
33 2441, 2502, 2841, 2964, 2987, 3437
280 2516

PROPOSED RULES:

17 2589
280 2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date	Pages	Date	Pages	Date
2411–2482	Feb. 1	2739–2823	Feb. 5	3043–3157	Feb. 11
2483–2557	2	2825–2867	8	3159–3341	12
2559–2636	3	2869–2913	9	3343–3401	15
2637–2737	4	2915–3041	10	3403–3500	16

FEB 16 72 XUM

federal register

WEDNESDAY, FEBRUARY 16, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 32

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

Federal Health Insurance for the Aged

Proposed Conditions for Coverage of Services of Independent Laboratories

FEB 16 72
XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Proposed Conditions for Coverage of Services of Independent Laboratories

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. For an independent laboratory to qualify for reimbursement under the supplementary medical insurance part of the health insurance program for the aged, the independent laboratory must meet certain statutory requirements of section 1861(s) of the Social Security Act and conditions established by regulations in the interest of health and safety. The proposed amendments to the regulations clarify and expand the conditions by providing:

(1) Procedures for recertification of laboratories whose coverage has been withdrawn or whose specialty approval has been revoked on the basis of unsatisfactory performance in proficiency testing;

(2) Additional reasons for finding a laboratory not in compliance, or no longer in compliance, with the requirements;

(3) One particular section for definitions of terms;

(4) An indefinite extension of the time during which individuals meeting alternative requirements may continue to qualify as directors under Medicare;

(5) Consistency between Medicare regulations and those promulgated by the Center for Disease Control under the Clinical Laboratories Improvement Act of 1967 (Public Law 90–174, section 353) for laboratories engaged in interstate commerce;

(6) An additional requirement that all laboratories successfully participate in an acceptable proficiency testing program;

(7) A modification permitting routine and repetitive tests in clinical laboratories to be performed by a technician trainee provided that there is direct supervision by qualified personnel; and

(8) Greater emphasis on internal quality control by making it a condition for coverage of services of independent laboratories rather than a factor of laboratory management.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written documents received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed regulations are to be issued under the authority contained in sections 1102, 1861(s), 1863, 1864, and 1871, 49 Stat. 647, as amended, 79 Stat. 314–316, 79 Stat. 320, 79 Stat. 325–326, 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.

Dated: December 27, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: February 8, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Subpart M of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart M—Conditions for Coverage of Services of Independent Laboratories

§ 405.1301 Conditions for coverage of services of independent laboratories; general.

(a) *Introduction.* The conditions for coverage of services of independent laboratories and related policies set forth in this Subpart M, state the specific requirements that must be met by an independent laboratory in order for its services to qualify for reimbursement under the supplementary medical insurance part of the Health Insurance for the Aged Program. The services of a qualified independent laboratory for which reimbursement may be made under the supplementary medical insurance program relate only to diagnostic tests performed in an independent laboratory as defined in § 405.1311(a). Diagnostic laboratory tests, for purposes of section 1861(s) (10) and (11) of the Act and for purposes of this Subpart M, shall include only those clinical and anatomical pathology diagnostic tests and procedures defined in § 405.1311(b). Diagnostic tests furnished by out-of-hospital physicians whose primary practice is directly attending patients and/or consultation as defined in § 405.1311(f), even though conducted partly through diagnostic procedures, are considered physicians' services rather than clinical laboratory services. As such, the office in which these services are provided is exempt from these conditions.

(b) *General.* Section 1861(s) of the Act, which includes the provision for the coverage in the medical insurance program of diagnostic tests performed in an independent laboratory, provides that, as a condition for coverage of such tests, an independent laboratory, in any State in which State or local law provides for licensing laboratories, be licensed pursuant to such law or be approved by the agency of the State or locality responsible for such licensure as meeting the standards established for licensing. As a further condition, the statute requires that the independent laboratory meet such standards as the Secretary finds necessary to assure the health and safety of individuals with respect to whom these tests are performed.

(c) *State agency certification.* The law makes provision for the designation of State health agencies, or other State agencies, to assist the Secretary in determining whether there is compliance with the conditions for coverage of services of independent laboratories. The designated State agencies will certify to the Secretary those laboratories which they find meet the conditions and the specialties and subspecialties for which the laboratory is recommended for certification. Services provided in a laboratory that is determined by the Secretary to be in substantial compliance with the conditions relating to health and safety and which meet the statutory licensure requirement are reimbursable under the medical insurance program.

(d) *Certifications and determinations.* Certifications and determinations as to whether an independent laboratory is in substantial compliance with the conditions are made upon the filing by the laboratory of an application on a form prescribed by the Secretary.

§ 405.1302 Conditions for coverage of services; general.

Services of an independent laboratory are reimbursable under the program only if the laboratory meets the statutory requirement of section 1861(s)(10) of the Act and the Secretary has determined that the laboratory is in substantial compliance with all the other conditions set forth in this Subpart M. These additional conditions (established in the interest of health and safety) are essential to the maintenance of quality of care and the adequacy of the services and facilities which the laboratory provides. Variation in the type and size of laboratories and the nature and scope of services offered will be reflected in differences in the details of organization, staffing, and facilities. However, the test is whether there is substantial compliance with each of the conditions.

§ 405.1303 Standards; general.

A series of standards, almost all interpreted by explanatory factors, is set forth in this Subpart M with respect to each condition for coverage of services. Reference to these standards will enable the State agency surveying a facility to document the activities of the laboratory, to determine the appropriate laboratory specialties or subspecialties set out in § 405.1314(b) for which the laboratory is qualified to receive reimbursement under the Supplementary Medical Insurance Benefits part of the Health Insurance for the Aged program, to establish the nature and extent of its deficiencies, if any,

and to assess the facility's need for improvement in relation to the prescribed condition. In substance, the application of the standards, together with the explanatory factors, will indicate the extent and degree to which an independent laboratory is complying with each condition.

§ 405.1304 State agencies.

As provided by title XVIII of the Social Security Act, State agencies, operating under agreements with the Secretary, are used in determining whether independent laboratories meet the conditions. Pursuant to such an agreement, a State agency certifies to the Secretary findings as to whether independent laboratories are in substantial compliance with the conditions. Such certifications include findings as to whether each of the conditions is substantially met for those specialties or subspecialties in which the laboratory performs tests or has the capability to perform such tests as defined in § 405.1314. The Secretary, on the basis of such certification from the State agency, determines whether or not the level of facilities and services of the laboratory represent the required achievements of substantial compliance with the conditions and transmits to the laboratory a written notice of the determination.

§ 405.1305 Substantial compliance—Principles for evaluation.

(a) Independent laboratories are considered in substantial compliance with the conditions for coverage of their services upon acceptance by the Secretary of findings, adequately documented and certified to by the State agency, showing that:

(1) The laboratory meets the specific statutory requirement of section 1861(s)(10) of the Act and is found to be operating in accordance with all the conditions with no significant deficiencies; or

(2) The laboratory meets the specific statutory requirement of section 1861(s)(10) of the Act but is found to have deficiencies with respect to one or more conditions, but

(i) It is making reasonable plans and efforts to correct the deficiencies, and as evidence of such plans and efforts to correct, provides for each deficiency a written plan of and schedule for correction, and

(ii) Notwithstanding the deficiencies it is rendering adequate service without hazard to the health or safety of individuals being served, taking into account special procedures or precautionary measures which have been or are being instituted; or

(3) The laboratory meets the specific statutory requirement of section 1861(s)(10) of the Act but is found to have deficiencies with respect to one or more conditions, but

(i) Successfully participates in such quality assurance procedures (see § 405.1314) by which it demonstrates acceptable and proficient performance, and

(ii) Notwithstanding the deficiencies it is rendering adequate service without hazard to the health and safety of individuals being served.

(b) Independent laboratories previously found in substantial compliance, but which have had their approval revoked in total or in a specialty or subspecialty because of unsatisfactory performance in proficiency testing, may subsequently be certified by the State agency and determined by the Secretary to be in substantial compliance with the conditions where:

(1) The laboratory is in substantial compliance under the provisions of paragraph (a) of this section, and

(2) (i) After a 6-month period, an appraisal of the laboratory's performance in a proficiency testing program as defined in § 405.1311(c) reflects satisfactory test results on at least two sets of specimens, or

(ii) After a 3-month period, the State agency's assessment of the laboratory's performance in examining proficiency test samples, analyzed during at least two State agency onsite visits, establishes the laboratory's competency.

§ 405.1306 Time limitations on certification of substantial compliance.

(a) All initial certifications by the State agency that an independent laboratory is in substantial compliance with the conditions will be effective for a period of 1 year, beginning with July 1, 1966, or, if later, with the date on which the laboratory is first found to be in substantial compliance with the conditions. The Secretary's determination that the laboratory is in substantial compliance with the conditions remains in effect until such time as notice of revision or withdrawal of approval is given. State agencies may visit or resurvey laboratories where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State may, at any time, find and certify to the Secretary that a laboratory is no longer in compliance.

(b) If a laboratory is certified by the State agency and determined by the Secretary to be in substantial compliance under the provisions of § 405.1305(a), the following information will be incorporated into the finding and into the notice to the laboratory of the determination of coverage of its services under the medical insurance program:

(1) A statement of the deficiencies which were found, and

(2) A description of progress which has been made and further action which is being taken to remove the deficiencies, and

(3) A scheduled time for a resurvey of the laboratory to be conducted not later than the 12th month (or earlier, depending on the nature of the deficiencies) of the period of certification.

§ 405.1307 Certification of noncompliance.

(a) The State agency will certify that the entire laboratory is not in compliance with the conditions or, where a determination of compliance has been made, that a laboratory is no longer in compliance where:

(1) The laboratory is not in compliance with the statutory requirement of section 1861(s)(10) of the Act; or

(2) The laboratory has deficiencies of such character as to seriously limit the capacity of the laboratory to render adequate service or as to place health and safety of individuals in jeopardy, and the State agency concludes after discussion with the laboratory that there is no early prospect of such significant improvement as to establish substantial compliance; or

(3) After a previous period or part thereof for which the laboratory was certified with a finding of significant deficiencies, there is a lack of progress toward a removal of deficiencies which the State agency finds are adverse to the health and safety of individuals being served; or

(4) The laboratory demonstrates unsatisfactory performance in a proficiency testing program as described in § 405.1314 in all specialties or subspecialties for which it is approved to perform tests; or

(5) The laboratory refuses to participate in proficiency testing programs as described in § 405.1314 in all specialties or subspecialties for which it is requesting approval; or

(6) The laboratory has significant deficiencies with respect to one or more conditions and fails to demonstrate satisfactory performance in the quality assurance procedures as established by the Secretary under the provisions of § 405.1305(a)(3); or

(7) The laboratory refuses to permit a designated State agency to conduct an onsite visit or resurvey; or

(8) The laboratory fails to give notice of any change in ownership within 30 days of such change; or

(9) The laboratory fails to give notice of any change in directors or supervisors within 30 days of the date of such change.

(b) After a previous period or part thereof in which a laboratory was certified, the State agency will certify that certain specialties or subspecialties are no longer approved when the State agency finds that the laboratory has deficiencies including those enumerated in factors in subparagraphs (3), (4), (5), (6), and (7) of paragraph (a) of this section in those specialties and subspecialties of such magnitude as to significantly affect its competency.

§ 405.1308 State agency findings for determining substantial compliance.

Findings made by a State agency as to whether an independent laboratory is in substantial compliance with the conditions require a thorough evaluation of the laboratory. The State evaluation will take into consideration:

(a) The degree to which each standard, as well as the total set of standards relating to a condition, is met;

(b) When there is a deficiency, whether the deficiency creates a serious hazard to health and safety; and

(c) Whether the laboratory is making reasonable plans and efforts to correct the deficiency within a reasonable period.

V37-32 FEB 16 72 XUM

Exception. Notwithstanding the rules for determining substantial compliance set forth in this section, a finding of substantial compliance shall not be applicable with respect to the education and experience qualification requirements for laboratory personnel prescribed in this Subpart M. The education and experience qualification requirements for laboratory personnel must be met in all respects. However, technical personnel not meeting the training and experience requirements defined in this Subpart M but who successfully participate in proficiency and/or equivalency examinations when these examinations are available and approved by the Secretary will be deemed to meet these requirements.

§ 405.1309 Conditions—Documentation of findings.

The findings of the State agency with respect to each of the conditions shall be adequately documented. To evaluate such findings, information regarding scope and volume of services provided in those specialties in which the laboratory is requesting certification shall be obtained, where appropriate. Where the State agency certifies to the Secretary that a laboratory is not in compliance with the conditions, the documentation shall include a report of any discussions with the staff of the laboratory concerning the deficiencies, a report of the laboratory's responses with respect to such discussions, and the State agency's assessment of the prospects for such improvements as to enable the laboratory to achieve substantial compliance with the conditions.

§ 405.1310 Conditions—Compliance with State and local laws.

The laboratory shall conform with all applicable State and local laws.

(a) *Standard; licensure.* Any laboratory located in any State in which State or applicable local law provides for the licensing of laboratories is (1) licensed pursuant to such law, or (2) approved, by the agency of the State or locality responsible for licensing laboratories, as meeting the standards established for such licensing.

(b) *Standard; licensed staff.* The director and the staff of the laboratory are licensed or registered in accordance with applicable laws.

(c) *Standard; fire and safety.* The laboratory is in conformity with laws relating to fire and safety, and to other relevant matters.

§ 405.1311 Definitions.

(a) *Independent laboratory.* An independent laboratory performing diagnostic tests is one which is independent both of the attending or consulting physician's office and of a hospital which meets at least the requirements specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act. A laboratory which: (1) Is located in a hospital which meets at least the requirements specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act or, if outside the hospital, is operated under the supervision of the hospital or its organized medical staff and (2) serves the hospital's patients, is not an independent laboratory. Services furnished by out-of-hospital laboratories under the direction of a physician, such as a pathologist, are considered to be subject to the conditions where the physician holds himself and the facilities of his office out to other physicians as being available for the performance of diagnostic tests. A laboratory maintained by a physician for performing diagnostic tests primarily for his own patients is exempt from the conditions, even though such laboratory does diagnostic tests on referral from other physicians.

(b) *Clinical laboratory tests.* A clinical laboratory test is a microbiological, serological, chemical, hematological, radiobioassay, cytological, biophysical, immunohematological or other pathological examination which is performed on materials derived from the human body, to provide information for the diagnosis, prevention, or treatment of a disease or assessment of a medical condition.

(c) *Proficiency testing program.* A proficiency testing program is one which (1) is either operated or approved by the State agency, or approved by the Secretary, and (2) meets at a minimum the requirements for a proficiency testing program as outlined by the Secretary.

(d) *Subsequent to graduation.* As used in §§ 405.1312 and 405.1313 the phrase "subsequent to graduation" refers to laboratory training and experience acquired after successful completion of the degree referred to in those sections. However, if the experience is gained prior to acquiring such degree, the length of experience required would be calculated on an equivalency basis of 1.5 years of predegree training and experience for every 1 year of postdegree training and experience. Furthermore, when part of the experience must be in one of the laboratory specialities, experience in the specialty must comprise at least half of the total required. However, with regard to § 405.1314, the required experience and training must be obtained after the acquisition of the lowest educational degree specified.

(e) *Director at the doctoral level.* As used throughout §§ 405.1312 and 405.1313 the term "director at the doctoral level" refers only to persons having the qualifications described in § 405.1312(b) (1), (2), (3), and (5) (i).

(f) *Consultation.* A "consultation" is a deliberation of two or more physicians with respect to the diagnosis or treatment in any particular case. Consultation, as distinguished from providing clinical laboratory services, includes history taking, examination of the patient, and transmitting to the attending physician an opinion concerning diagnosis and/or treatment.

(g) *Technician trainee.* A "technician trainee" is a high school graduate or equivalent who has not had the required 2 years of clinical laboratory experience to qualify as a technician.

(h) *Personal and direct supervision.* The phrase "personal and direct supervision" requires that a qualified supervisor technologist, or cytotechnologist be present at least in the immediate bench area when laboratory procedures are being performed in order to carry out those specific tasks which are evidence of his constant involvement in and supervision over the performance of the procedures.

(i) *Group practice.* The term "group practice" means an organized, cooperative practice between physicians representing different specialized fields of medicine, who share facilities, space, and responsibilty of patient care and who provide a substantially complete array of the services which might be necessary for the care of a patient's health.

(j) *Accredited.* As used in these regulations, the term "accredited" refers to the approval conferred upon schools, institutions, or programs where appropriate by a nationally recognized accrediting agency or association as determined by the U.S. Commissioner of Education.

§ 405.1312 Condition—Clinical laboratory; laboratory director.

The clinical laboratory is under the direction of a qualified person.

(a) *Standard; administration.* The laboratory has a director who administers the technical and scientific operation of the laboratory including the reporting of findings of laboratory tests. The factors explaining the standard are as follows:

(1) The director serves the laboratory full time, or on a regular part-time basis. If he serves on a regular part-time basis, (i) he does not individually serve as director of more than three laboratories (hospital or independent) or, (ii) he provides an associate, qualified under the standard in paragraph (b) of this section to serve as assistant director in each laboratory. Such assistant director does not serve more than three laboratories.

(2) Commensurate with the laboratory workload, the director spends an adequate amount of time in the laboratory to direct and supervise the technical performance of the staff and is readily available for personal or telephone consultation.

(3) The director is responsible for the proper performance of all tests made in the laboratory.

(4) The director is responsible for the employment of qualified laboratory personnel and their inservice training.

(5) If the director is to be continuously absent for more than 1 month, arrangements are made for a qualified substitute director.

(b) *Standard; laboratory director—qualification.* The laboratory director meets one of the following requirements:

(1) He is a physician certified in anatomical and/or clinical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for such certification (board eligible).

(2) He is a physician who (i) is certified by the American Board of Pathology or the American Osteopathic Board of Pathology in at least one of the laboratory specialties, or (ii) is certified by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, or other national accrediting board in one of the laboratory specialties, or (iii) is certified by the American Society of Cytology to practice cytopathology, or possesses qualifications which are equivalent to those required for such certification, or (iv) subsequent to graduation as defined in § 405.1311(d) has had 4 or more years of general laboratory training and experience of which at least 2 years were spent acquiring proficiency in one of the laboratory specialties in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, a health department, university, or medical research institution, in a laboratory approved under the supplementary medical insurance benefits program, or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

(3) He is a dentist who is certified by the American Board of Oral Pathology or possesses qualifications which are equivalent to those required for certification (board eligible).

(4) He holds an earned doctoral degree from an accredited institution with a chemical, physical, or biological science as his major subject and (i) is certified by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, or other national accrediting board acceptable to the Secretary in one of the laboratory specialties, or (ii) subsequent to graduation as defined in § 405.1311(d), has had 4 or more years of general clinical laboratory training and experience, of which at least 2 years were spent acquiring proficiency in one of the laboratory specialties in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, a health department, university, or medical research institution, in a laboratory approved under the supplementary medical insurance benefits program, or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

(5) He is a bioanalyst, accredited in bioanalysis by the American Board of Bioanalysis, or possesses qualifications which are equivalent to those for such accreditation (board eligible).

(6) If he first applied for certification of a laboratory as its director prior to July 1, 1971, he was responsible for the direction of a clinical laboratory for 12 months between July 1, 1961, and January 1, 1968, and, in addition, meets one of the following requirements:

(i) He is a physician and subsequent to graduation as defined is § 405.1311(d) has had at least 4 years of pertinent clinical experience;

(ii) He holds a master's degree from an accredited institution with a chemical, physical, or biological science as his major subject and subsequent to graduation has had at least 4 years of pertinent clinical laboratory experience;

(iii) He holds a bachelor's degree from an accredited institution with a chemical, physical, or biological science as his major subject and subsequent to graduation has had at least 6 years of pertinent clinical laboratory experience, or

(iv) He has achieved a satisfactory grade through an examination conducted by or under the sponsorship of the U.S. Public Health Service on or before July 1, 1970.

§ 405.1313 Condition—Clinical laboratory; supervision.

The clinical laboratory is supervised by qualified personnel.

(a) *Standard; supervision.* The laboratory has one or more supervisors who, under the general direction of the laboratory director, supervise technical personnel and reporting of findings, perform tests requiring special scientific skills, and, in the absence of the director, are held responsible for the proper performance of all laboratory procedures. A laboratory director who qualifies under § 405.1312(b) is also qualified as a general supervisor; therefore, depending upon the size and functions of the laboratory, the laboratory director may also serve as the laboratory supervisor. The factors explaining the standard are as follows:

(1) There are two categories of required supervisors. A general supervisor—one who meets the requirements of paragraph (b) of this section—is on the laboratory premises during all hours in which tests are being performed. A technical supervisor—one who meets the pertinent requirements of § 405.1314 (b)—spends an adequate amount of time in the laboratory to supervise the technical performance of the staff in his specialty and is readily available for personal or telephone consultation. A general supervisor may also be a technical supervisor in those specialties in which he meets the requirements of § 405.1314(b). A supervisor is not required to be on the premises during the performance of procedures received for emergency purposes; provided that the person performing tests is qualified to perform such tests and the supervisor, who is responsible for the results of his work reviews them during his next duty period, and a record is maintained to reflect the actual review.

(b) *Standard; supervisor—qualification.* The laboratory supervisor meets one of the following requirements:

(1) He (i) is a physician or has earned a doctoral degree from an accredited institution with a chemical, physical, or biological science as his major subject, and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 2 years' experience in one of the laboratory specialties in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, a health department, university or medical research institution; or in a laboratory approved under the supplementary medical insurance benefits program; or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State;

(2) He holds a master's degree from an accredited institution with a major in one of the chemical, physical, or biological sciences and subsequent to graduation as defined in § 405.1311(d) has had at least 4 years of pertinent laboratory experience of which not less than 2 years has been spent working in the designated laboratory specialty in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, a health department, university, or medical research institution, or in a laboratory approved under the supplementary medical insurance benefits program, or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State;

(3) He is qualified as a clinical laboratory technologist pursuant to the provisions of § 405.1315(b) (1), (2), (3), or (4), and has had at least 6 years of pertinent laboratory experience of which not less than 2 years has been spent working in the designated laboratory specialty in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, university, health department, or medical research institution; or in a laboratory approved under the supplementary medical insurance benefits program; or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State; or

(4) If he first qualified as a supervisor prior to July 1, 1971, he (i) has had at least 15 years of pertinent clinical laboratory experience prior to January 1, 1968: *Provided,* That a minimum of of 30 semester hours of credit toward a bachelor's degree with a chemical, physical, or biological science as his major subject or 30 semester hours in an approved school of medical technology shall reduce the required years of experience by 2 years, with any additional hours further reducing the required years of experience at the rate of 15 hours for 1 year; (ii) has performed the duties of a clinical laboratory supervisor at any time between July 1, 1961, and January 1, 1968; and (iii) has performed the duties of a supervisor for at least 2 years after July 1, 1966, or during the 15-year qualifying period specified in subdivision (i) of this subparagraph in a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, health department, university, or medical research institution; or in a laboratory approved under the supplementary medical insurance benefits program; or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

§ 405.1314 Condition—Clinical laboratory; tests performed.

Subject to the provision that the requirements of this section apply only to those tests and procedures performed for individuals enrolled under the supplementary medical insurance benefits program (see Subpart B of this Part 405), the clinical laboratory performs only those laboratory tests and procedures that are within the specialties in which the laboratory director or super-

V 37 ■ 32
FEB 16 72
XUM

visors are qualified. If a laboratory has a qualified director or supervisor in a given specialty, based on such individual having met the educational and experience requirements of paragraph (b) of this section and the laboratory has the necessary equipment, space, facilities, and personnel to perform tests in that specialty and can show successful participation in the specialty in a proficiency testing program, certification of approval in the specialty or subspecialty may be given notwithstanding the fact that the laboratory is not actually performing tests in that specialty.

(a) *Standard; proficiency testing.* All laboratories must successfully participate in a proficiency testing program as defined in § 405.1311(c) covering all clinical and anatomical laboratory specialties and subspecialties as made available in which the laboratory is approved to perform tests for individuals enrolled under the supplementary medical insurance benefits program (see Subpart B of this Part 405). Laboratories shall receive and examine and/or analyze specimens delivered by mail or messenger at such times as designated by the proficiency testing service; shall maintain records of all proficiency testing results in programs in which it is a participant and make such records, including results and interpretations, available to the Secretary upon request. Results reflecting unsatisfactory performance in an acceptable proficiency testing program constitutes a basis for revoking approval or limiting the laboratory in specialties or subspecialties it may perform. An exception to this requirement may be made where such programs as determined by the State are not readily available or are not open for enrollment at the time these regulations are published, or at the time a laboratory first applies for coverage under Subpart M of this program. For laboratories currently certified under these conditions for coverage of services at the time of publication of these regulations, this exception shall be in effect only until such programs become available or are open for enrollment, but in no event, beyond 1 year following publication of these regulations. For laboratories subsequently applying for certification, the exemption shall be in effect until such programs become available or are open for enrollment, but in no event beyond 1 year following receipt by the laboratory of its certification approval.

(b) *Standard; procedures and tests—competency.* The laboratory performs only those laboratory procedures and tests that are within the specialties or subspecialties in which the laboratory director or supervisors are qualified. The factors explaining the standards are as follows:

(1) If the laboratory director or supervisor is a physician certified in both anatomical and clinical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for certification (board eligible), the laboratory may perform anatomical and clinical laboratory procedures and tests in all specialties.

(2) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of microbiology, including the subspecialties of bacteriology, virology, mycology, and parasitology, the director or a supervisor, as defined previously, (i) holds an earned doctoral or master's degree in microbiology from an accredited institution or is a physician and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 4 years' experience in clinical microbiology.

(3) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of serology the director or a supervisor, as defined previously (i) holds an earned doctoral or master's degree in biology, chemistry, immunology, or microbiology from an accredited institution, or is a physician and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 4 years' experience in serology.

(4) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of hematology, including gross and microscopic examination of the blood, the director or a supervisor as defined previously, (i) holds a master's or a bachelor's degree in biology, immunology, or microbiology from an accredited institution and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 4 years' experience in hematology.

(5) If the factor in subparagraph (1) of this paragraph is not met and (i) the laboratory performs tests in the specialty of immunohematology, the director or a supervisor, as defined previously, is a physician with at least 2 years' experience in clinical hematology subsequent to graduation as defined in § 405.1311(d), or (ii) within the specialty of immunohematology, the laboratory performs tests in the subspecialties of blood grouping and Rh typing only, the director or a supervisor, as defined previously, holds a master's or bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation as defined in § 405.1311(d) has had at least 4 years' experience in immunohematology.

(6) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of clinical chemistry, the director or a supervisor, as defined previously, (i) holds an earned doctoral or master's degree in a chemical science or its equivalent from an accredited institution or is a physician, and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 4 years' experience in clinical chemistry.

(7) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of radiobioassay, the director or a supervisor, as defined previously (i) holds an earned doctoral, master's, or bachelor's degree in a chemical, physical, or biological science from an accredited institution or is a physician, and (ii) subsequent to graduation as defined in § 405.1311(d) has had at least 1 year of experience in radiobioassay.

(8) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of tissue pathology, the director or a supervisor, as defined previously is a physician who is certified in anatomical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for certification (board eligible).

(9) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of diagnostic cytology, the director or a supervisor, as defined previously, (i) is a physician who is certified by the American Board of Pathology, or the American Osteopathic Board of Pathology, or possesses qualifications which are equivalent to those required for certification, or (ii) is a physician who is certified by the American Society of Cytology to practice cytopathology, or possesses qualifications which are equivalent to those required for certification (board eligible) (under this provision the laboratory is qualified to perform such tests only on that anatomic site for which he is certified); or (iii) is an individual who, pursuant to a request to establish his qualifications filed prior to January 1, 1971, has demonstrated competency (*a*) through at least 7 years of accumulative experience in a position of diagnostic responsibility in the field of clinical cytology or through 5 years of full-time training in diagnostic clinical cytology with suitable endorsement by a physician who has been his supervisor in such activity; (*b*) by the publishing of treatises, texts, or other publications on the subject of diagnostic cytology which are generally acknowledged and recognized by the medical profession as authoritative in the field; (*c*) by his appointment to and service in pertinent teaching and research positions in recognized schools of medicine; (*d*) by his acceptance into or award of membership and office in professional societies in this field; and (*e*) by his receipt of other professional honors for excellence in the use of procedures in exfoliative cytology for the diagnosis of a pathological condition (under this provision the laboratory is qualified to perform such tests only on that anatomic site with respect to which such competency is so established). The Social Security Administration, after documentation of the individual's qualifications by the State agency, will, with appropriate professional advice from the Public Health Service, make all determinations with respect to the requirements set forth in this subdivision (iii). An individual who qualifies under this subdivision (iii) is deemed also to meet the requirements of § 405.1312(b)(2)(ii).

(10) If the factor in subparagraph (1) or (8) of this paragraph is not met and the laboratory performs tests in oral pathology, the director or supervisor is a dentist who is certified in oral pathology by the American Board of Oral Pathology or possesses qualifications which are equivalent to those required for certification (board eligible).

(11) A laboratory whose director qualifies under § 405.1312(b)(5) is qualified to perform tests in the laboratory specialties in which such director is qualified by training and experience, or in which he has achieved a satisfactory grade through an examination conducted by or under the sponsorship of the U.S. Public Health Service, as discussed in § 405.1312(b)(5). Under this provision the laboratory is qualified to perform tests in other specialties only if the supervisor meets the appropriate requirements of subparagraphs (1)–(10) of this paragraph. The laboratory he directs may perform tests in:

(i) Microbiology: If he has (*a*) a bachelor's degree in a science and subsequent to graduation has had at least 6 years of experience in microbiology; or (*b*) a master's degree in a biological science and 4 such years of experience.

(ii) Hematology: If he has (*a*) a bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation has had at least 6 years of clinical laboratory experience of which at least 4 years' experience are in hematology; or (*b*) a master's degree in one of the above sciences and 4 years' experience in hematology.

(iii) Serology: If he has (*a*) a bachelor's degree in biology, chemistry, immunology, or microbiology and subsequent to graduation has had at least 6 years of experience in serology; or (*b*) a master's degree in one of the above sciences and 4 years' experience in serology.

(iv) Radiobioassay: If he has (*a*) a bachelor's degree in chemical, physical, or biological science and has had at least 6 years of clinical laboratory experience at least 1 year of which is in radiobioassay; or (*b*) a master's degree in one of the above sciences and 4 years of clinical laboratory experience at least 1 year of which is in radiobioassay.

(v) Blood grouping and Rh typing: If he has (*a*) a bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation has had at least 6 years of clinical laboratory experience of which at least 4 years' experience are in hematology; or (*b*) a master's degree in one of the above sciences and 4 years' experience in hematology.

(vi) Clinical chemistry: If he has (*a*) a bachelor's degree in a chemical science or its equivalent and 6 years of experience in clinical chemistry; or, (*b*) a master's degree in a chemical science and 4 years' experience in clinical chemistry.

(vii) Any of the above specialties, if he has a bachelor's degree in medical technology and the designated experience in the specialty.

(12) A laboratory whose director qualifies under § 405.1312(b)(1), (2), (3), or (4) is qualified to perform tests in the laboratory specialties with respect to which such director or supervisor meets the pertinent requirements of subparagraphs (1) through (11) of this paragraph.

§ 405.1315 Condition—Clinical laboratory; technical personnel.

The clinical laboratory has a sufficient number of properly qualified technical personnel for the volume and diversity of tests performed.

(a) *Standard; technologist—duties.* The laboratory employs a sufficient number of clinical laboratory technologists to proficiently perform under general supervision the clinical laboratory tests which require the exercise of independent judgment. The factors explaining the standard are as follows:

(1) The clinical laboratory technologists perform tests requiring the exercise of independent judgment and responsibility, with minimal supervision by the director or supervisors, only in those specialties or subspecialties in which they are qualified by education, training, and experience.

(2) With respect to specialties in which the clinical laboratory technologist is not qualified by education, training, or experience, he functions only under the direct supervision of the laboratory supervisor or other qualified technologist.

(3) Clinical laboratory technologists are in sufficient number to adequately supervise the work of technicians and trainees.

(4) An individual qualified as a cytotechnologist solely under paragraph (b)(6) of this section, may supervise technicians and trainees only in the specialty of cytology.

(b) *Standard; technologists—qualifications.* Each clinical laboratory technologist possesses a current license as a clinical laboratory technologist issued by the State, if such licensing exists, and meets one of the following requirements:

(1) Has earned a bachelor's degree in medical technology from an accredited college or university; or

(2) Has successfully completed 3 academic years of study (a minimum of 90 semester hours or equivalent) in an accredited college or university, which met the specific requirements for entrance into, and has successfully completed a course of training of at least 12 months in, a school of medical technology approved by the Council on Medical Education of the American Medical Association; or

(3) Has earned a bachelor's degree in one of the chemical, physical, or biological sciences, and, in addition, at least 1 year of pertinent laboratory experience and/or training covering the specialty (ies) or subspecialty (ies) in which he performs tests; provided the combination has given him the equivalent in such specialty (ies) or subspecialty (ies) of the education and training described in subparagraph (1) or (2) of this paragraph; or

(4) Has successfully completed 3 years (90 semester hours or equivalent) in an accredited college or university with a distribution of courses as provided in subdivision (i) or (ii) of this subparagraph, and, in addition, has successfully completed experience and/or training covering several fields of medical laboratory work of at least 1 year and of such quality as to provide him with education and training in medical technology equivalent to that described in subparagraph (1) and (2) of this paragraph. Distribution of course work: (Where semester hours are stated, it is understood that the equivalent in quarter hours is equally acceptable. The specified courses must have included lecture and laboratory work. Survey courses are not acceptable.)

(i) For those whose training was completed prior to September 15, 1963: At least 24 semester hours in chemistry and biology courses of which (*a*) not less than 9 semester hours must have been in chemistry and must have included at least 6 semester hours in inorganic chemistry, and (*b*) not less than 12 semester hours must have been in biology courses pertinent to the medical sciences.

(ii) For those whose training was completed after September 14, 1963: (*a*) 16 semester hours in chemistry courses which included at least 6 semester hours in inorganic chemistry and are creditable toward a major in chemistry; (*b*) 16 semester hours in biology courses which are pertinent to the medical sciences and are acceptable toward a major in the biological sciences; and (*c*) 3 semester hours of mathematics; or

(5) With respect to individuals first qualifying prior to July 1, 1971, an exception to the requirements in subparagraph (1), (2), (3), or (4) of this paragraph is made if (i) the technologist was performing the duties of a clinical laboratory technologist at any time between July 1, 1961, and January 1, 1968, and (ii) the technologist (*a*) has had at least 10 years of pertinent clinical laboratory experience prior to January 1, 1968 (a minimum of 30 semester hours of credit toward a bachelor's degree from an accredited institution with a chemical, physical, or a biological science as his major subject or 30 semester hours in an approved school of medical technology shall reduce the required years of experience by 2 years, with any additional hours further reducing the required years of experience at the rate of 15 hours for 1 year), and (*b*) has performed the duties of a clinical laboratory technologist for at least 2 years after July 1, 1966, or during the qualifying 10 years in a clinical laboratory—with a director at the doctoral level, as defined in § 405.1311(e)—of a hospital, university, health department, or medical research institution; or in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State; or in a laboratory approved under the supplementary medical insurance benefits program; or

(6) Each cytotechnologist shall possess a current license as a cytotechnologist issued by the State, if such licensing exists, and (i) shall have successfully completed 2 years in an accredited college or university with at least 12 semester hours in science, 8 hours of which are in biology, and (*a*) has had 12 months

V 37 32 FEB 16 72 XUM

of training in a school of cytotechnology approved by the Council on Medical Education of the American Medical Association or (b) has received 6 months' formal training in a school of cytotechnology approved by the Council on Medical Education of the American Medical Association and 6 months of full-time experience in cytotechnology in a laboratory acceptable to the pathologist who directed such formal 6 months of training, or (ii) prior to January 1, 1969, shall have (a) been graduated from high school, (b) completed 6 months of training in cytotechnology in a laboratory directed by a pathologist or other physician recognized as a specialist in cytology, and (c) completed 2 years of full-time experience in cytotechnology.

(c) *Standard; technician—duties.* Clinical laboratory technicians are employed in sufficient number to meet the workload demands of the laboratory and they function only under direct supervision of a clinical laboratory technologist. The factors explaining the standard are as follows:

(1) Each clinical laboratory technician performs only those procedures which require a degree of technical skill commensurate with his education, training, and limited technical skill and responsibility and a minimal exercise of independent judgment.

(2) No clinical laboratory technician performs procedures in the absence of a qualified clinical laboratory technologist, supervisor or director.

(3) A technician trainee, as defined in § 405.1311(g), performs only repetitive procedures, which require a minimal exercise of independent judgment, and he may perform such procedures only under the personal and direct supervision of a technical supervisor as defined in § 405.1314(b) or a technologist as defined in paragraph (b) of this section.

(d) *Standard; technician—qualifications.* Each clinical laboratory technician possesses a current license as a clinical laboratory technician issued by the State, if such licensing exists, and meets one of the following requirements:

(1) He is a high school graduate and has completed at least 1 year in a technician training program in a school accredited by an accrediting agency approved by the Secretary; or

(2) He is a high school graduate and has served 2 years as a technician trainee in a clinical laboratory with a director at the doctoral level as defined in § 405.1311(e) or in a laboratory approved under the supplementary medical insurance benefits program or, in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State; or

(3) He is a high school graduate and has successfully completed an official military medical laboratory procedures course of at least 50 weeks' duration, and has held, at the journeyman's level, the military enlisted occupational specialty of Medical Laboratory Specialist (Laboratory Technician).

(4) With respect to individuals first qualifying prior to July 1, 1971, an exception to the requirements is subparagraphs (1), (2), or (3) of this paragraph is made if the technician (i) was performing the duties of a clinical laboratory technician any time between July 1, 1961, and January 1, 1968, and (ii) has had at least 5 years of pertinent clinical laboratory experience prior to January 1, 1968 (a minimum of 30 semester hours of credit toward a bachelor's degree from an accredited institution with a chemical, physical, or a biological science as his major subject or 30 semester hours in an approved school of medical technology shall reduce the required years of experience by 2 years, with any additional hours further reducing the required years of experience at the rate of 15 hours for 1 year) and has performed the duties of a clinical laboratory technician for at least 2 years after July 1, 1966, or during the qualifying 5 years in (a) a clinical laboratory—with a director at the doctoral level as defined in § 405.1311(e)—of a hospital, university, health department, or medical research institution; or (b) in a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State; or (c) in a laboratory approved under the supplementary medical insurance benefits program.

(e) *Standard; personnel policies.* There are written personnel policies, practices, and procedures that adequately support sound laboratory practice. The factors explaining the standard are as follows:

(1) Current employee records are maintained and include a résumé of each employee's training, experience, duties, and date or dates of employment.

(2) Files contain evidence of adequate health supervision of employees, such as results of preemployment and periodic physical examinations, including chest X-rays, immunization records, and records of all illnesses and accidents.

(3) Work assignments are consistent with qualifications.

(4) There is a program for employee orientation.

§ 405.1316 Condition—Clinical laboratory management.

The clinical laboratory maintains records and facilities which are adequate and appropriate for the services offered.

(a) *Standard; laboratory procedure manual.* A compilation of all methods for tests which are performed in or offered by the laboratory is kept and is available in the appropriate bench area in the laboratory in a card file, notebook, methods manual, procedural textbooks or set of flow charts. Each method must be completely described, including sources of reagents, media, standards, and calibration procedures. It includes pertinent references and should be dated. A record of changes in procedures, analytical methods and recalibration is maintained, dated, and approved in writing by the director or supervisor. Each procedure is reviewed and dated by the director or supervisor at least annually.

(b) *Standard; laboratory management.* Space and facilities are adequate to properly perform the services which are performed in or offered by the laboratory. The factors explaining the standard are as follows:

(1) Workbench space is ample, well-lighted and convenient to sink, water, gas, suction and electrical outlets as necessary.

(2) Work areas are arranged so as to minimize problems in transportation and communication.

(3) The laboratory is properly ventilated.

(4) Volatile chemicals and inflammable solvents are properly stored in areas unlikely to ignite same or restricted from open flame or heat.

(5) Temperature and humidity are controlled within limits required for proper performance of tests and operation of instruments affected by these variations.

(6) Adequate fire precautions are known, posted, and observed.

(c) *Standard; collection of specimens.* No person other than a licensed physician or one otherwise authorized by law, manipulates a patient for the collection of specimens except that qualified technical personnel of the laboratory may collect blood or remove stomach contents and collect material for smears and culture under the direction or upon the written request of a licensed physician.

(d) *Standard; sterilization.* Syringes, needles, lancets or other blood letting devices capable of transmitting infection from one person to another are not reused unless they are properly sterilized prior to each use after first having been wrapped or covered in a manner which will insure that they remain sterile until the next use. Appropriate sterilization and disinfection techniques are utilized as required for tests performed on potentially contaminated material and for the protection of laboratory personnel. Disposable syringes, needles, pipettes, Petri dishes, and other disposable items are appropriately discarded immediately after use. Each sterilizing cycle contains an indicator device which assures proper sterilization, or an adequate recording thermometer is used and records kept of temperature readings.

(e) *Standard; examination and reports.* The laboratory examines specimens only at the request of a licensed physician, dentist, or other person authorized by law to use the findings of laboratory examinations and reports only to those authorized by law to receive such results. The factors explaining the standard are as follows:

(1) If the patient is sent to the laboratory, a written request for the desired laboratory procedures is obtained from a person authorized by law to use findings of laboratory examinations.

(2) If only a specimen is sent, it is accompanied by a written request.

(3) If the laboratory receives reference specimens from another laboratory, it reports back to the laboratory submitting the specimens.

(f) *Standard; specimens—records.* The laboratory maintains a record indicating the daily accession of specimens each of which is numbered or otherwise appropriately identified. The factor explaining the standard is as follows:

Records contain the following information:

(1) The laboratory number or other identification of the specimen.

(2) The name and other identification of the person from whom the specimen was taken.

(3) The name of the licensed physician or other authorized person or clinical laboratory which submitted the specimen.

(4) The date the specimen was collected by the physician or other authorized person.

(5) The date the specimen was received in the laboratory.

(6) The condition of unsatisfactory specimens when received (e.g., broken, leaked, hemolyzed or turbid, etc.).

(7) The type of test performed.

(8) The date test was performed.

(9) The result of the laboratory test or cross-reference to results and the date of reporting.

(g) *Standard; laboratory report and record.* The laboratory report is sent promptly to the licensed physician or other authorized person who requested the test and a suitable record of each test result is preserved by the laboratory for a period of at least 2 years after the date of submittal of report or for a period of time required by State law for such records, whichever is longer. The factors explaining the standards are as follows:

(1) The laboratory director is responsible for the laboratory report.

(2) Duplicate copies or a suitable record of laboratory reports are filed in the laboratory in a manner which permits ready identification and accessibility.

(3) Tissue pathology reports utilize acceptable terminology of a recognized system of disease nomenclature.

(4) The results of laboratory tests or procedures or transcripts thereof are not sent to the patient concerned except with the written consent of the physician or other authorized person who requested the test.

(5) The report forms are designed to facilitate comparison with pertinent "normal" ranges as determined by the laboratory performing the tests.

(6) A list of analytical methods employed by the laboratory and a basis for the listed "normal" range is maintained in the laboratory. The list shall be made available to any physician ordering an examination upon request.

(7) If the laboratory refers specimens to another laboratory, the laboratory receiving the specimens meets the applicable conditions under the health insurance program. Each physician ordering an examination is notified that the specimen was referred to another laboratory. Such notice must show the name and address of the laboratory to which the specimen is referred.

§ 405.1317 Quality control.

There is an adequate quality control program in effect to assure the medical reliability of laboratory data.

(a) *Standard; equipment and reagents.* Equipment and reagents are adequate to properly perform the services offered by the laboratory. The factors explaining the standard are as follows:

(1) Performance of all instruments and equipment is evaluated sufficiently often to insure proper function at all times. An effective system includes a preventive maintenance program plus an appropriate periodic inspection or test for proper operation of equipment and instruments. All automated analytical devices are recalibrated and checked according to the directions of the manufacturer.

(2) Volumetric measuring equipment is of such quality and maintained in such condition to assure accuracy and precision of results.

(3) Temperature-controlled equipment including incubators, water baths, refrigerators, and drying ovens are checked at appropriate intervals to assure accurate operation. Continuous monitoring by recording thermograph is done when appropriate.

(4) A record is maintained for each piece of equipment showing the date of inspection, record of repairs or recalibrations, and dates equipment was out of service.

(5) All solid and liquid reagents, solutions, and standards are prepared, stored, standardized, dispensed, and periodically analyzed to assure accuracy and precision of results. All reagents and solutions are labeled to indicate identity, titer, strength, or concentration. The label includes such pertinent information as hazards involved in use, recommended storage and appropriate dating indicating preparation and expiration date. Monitoring systems for reagents and materials are such as to demonstrate satisfactory performance by parallel testing with preparations of known acceptable quality.

(b) *Standard; specimen stability.* Specimens shipped to laboratories through the mail and accepted by them for analysis are sufficiently stable to assure satisfactory clinical accuracy.

(1) The methods used for the collection of specimens (including, when applicable, patient preparation prior to specimen collection), proper identification, storage, and preservation are recorded and made available to physicians using the services of the laboratory.

(2) Only specimens which are sufficiently stable to provide accurate and precise results suitable for clinical interpretation are accepted for analysis.

(c) *Standard; quality control systems—methodologies.* Provision is made for a quality control program covering all types of analysis performed by the laboratory for verification and assessment of accuracy, measurement of precision and detection of error. The factors explaining the standard are as follows:

(1) *Clinical chemistry.* Each method in clinical chemistry is rechecked at least once on each day of use. For each method, automated or manual, data is available to document the routine precision and the schedule of recalibration. At least one standard and one reference sample (control) is included with each run of unknown specimens where such standards and reference samples are available. Control charts are maintained and displayed.

(2) *Hematology.* Instruments and other devices used in hematological examination of specimens are recalibrated or retested or reinspected, as may be appropriate, each day of use. Reference materials, such as hemoglobin pools and stabilized cells, are tested at least once each day of use to insure accuracy of results. The accuracy and precision of blood cell counts and hematocrit and hemoglobin measurements are tested each day of use.

(3) *Immunohematology. Blood grouping—RH typing only.* (i) ABO grouping shall be performed by testing unknown red cells with anti-A and anti-B grouping serums licensed under Part 73, Title 42, Code of Federal Regulations, using the technique for which the serum is specifically designed to be effective. For confirmation of ABO groupings, the unknown serum shall be tested with known A^1 and B red cells.

(ii) The potency and reliability of reagents shall be checked each day of use.

(iii) The $Rh_o(D)$ type shall be determined by testing unknown red cells with anti-Rh_o (anti-D) typing serum licensed under Part 73, Title 42, Code of Federal Regulations, or possessing equivalent potency, using the technique for which the serum is specifically designed to be effective. Anti-Rh_o' (CD), anti-Rh_o'' (DE), and anti-$Rh_o rh'rh''$ (CDE) serums licensed pursuant to Part 73, Title 42, Code of Federal Regulations, may be used for typing of donor blood. All Rh_o negative donor and patient cells shall be tested for the Rh_o variant (D^u). A control system of patient's cells suspended in his own serum or in albumin is employed when the test is performed in a protein medium.

(iv) $Rh_o(D)$ positive and negative control tests are used for each test system employed to check the reactivity of the anti-$Rh_o(D)$ serum each day of use. Reactivity of known cells used for antibody screening is tested each day of use with a suitable positive and negative control. The reactivity of antihuman globulin reagents (Coombs' serum) is tested each day of use and whenever a new lot of reagent is used.

(4) *Microbiology.* Chemical and biological solutions, reagents, and antisera are tested and inspected before or concurrently with use for reactivity and deterioration.

(i) *Bacteriology and mycology.* Staining materials are tested for intended reactivity by concurrent application to smears or micro-organisms with predictable staining characteristics. Each batch of medium is tested before or concurrently with use with selected organisms to confirm required growth characteristics, selectivity, enrichment, and biochemical response.

(ii) *Parasitology.* A reference collection of slides, photographs, or gross

V 37 32 FEB 16 72 XUM

specimens of identified parasites is available in the laboratory for appropriate comparison with diagnostic specimens. A calibrated ocular micrometer is used for determining the size of ova and parasites, if size is a critical factor.

(iii) *Virology.* Systems for the isolation of viruses and reagents for the identification of viruses is available to cover the entire range of viruses which are offered. Records are maintained which reflect the systems used and the reactions observed. In tests for the identification of viruses, controls are employed which will identify erroneous results. If serodiagnostic tests for virus diseases are performed, requirements for quality control as specified for serology are complied with.

(5) *Serology.* (i) Serologic tests on unknown specimens are run concurrently with a positive control serum of known titer or control of graded reactivity plus a negative control in order to detect variations in reactivity levels.

(ii) Each new lot of reagency is tested concurrently with one of known acceptable reactivity before the new reagent is placed in routine use.

(iii) Equipment, glassware, reagents, controls, and techniques for tests for syphilis conform to those recommended in the latest U.S. DHEW, PHS publication pertaining to the performance of tests for syphilis.[1]

(6) *Radiobioassay.* The counting equipment is checked for stability at least once on each day of use, with radioactive standards or reference sources. Reference samples with known activity and within expected levels of normal samples, are processed in replicate quarterly. For each method, records are maintained and are available to staff to document the routine precision and the recalibration schedule.

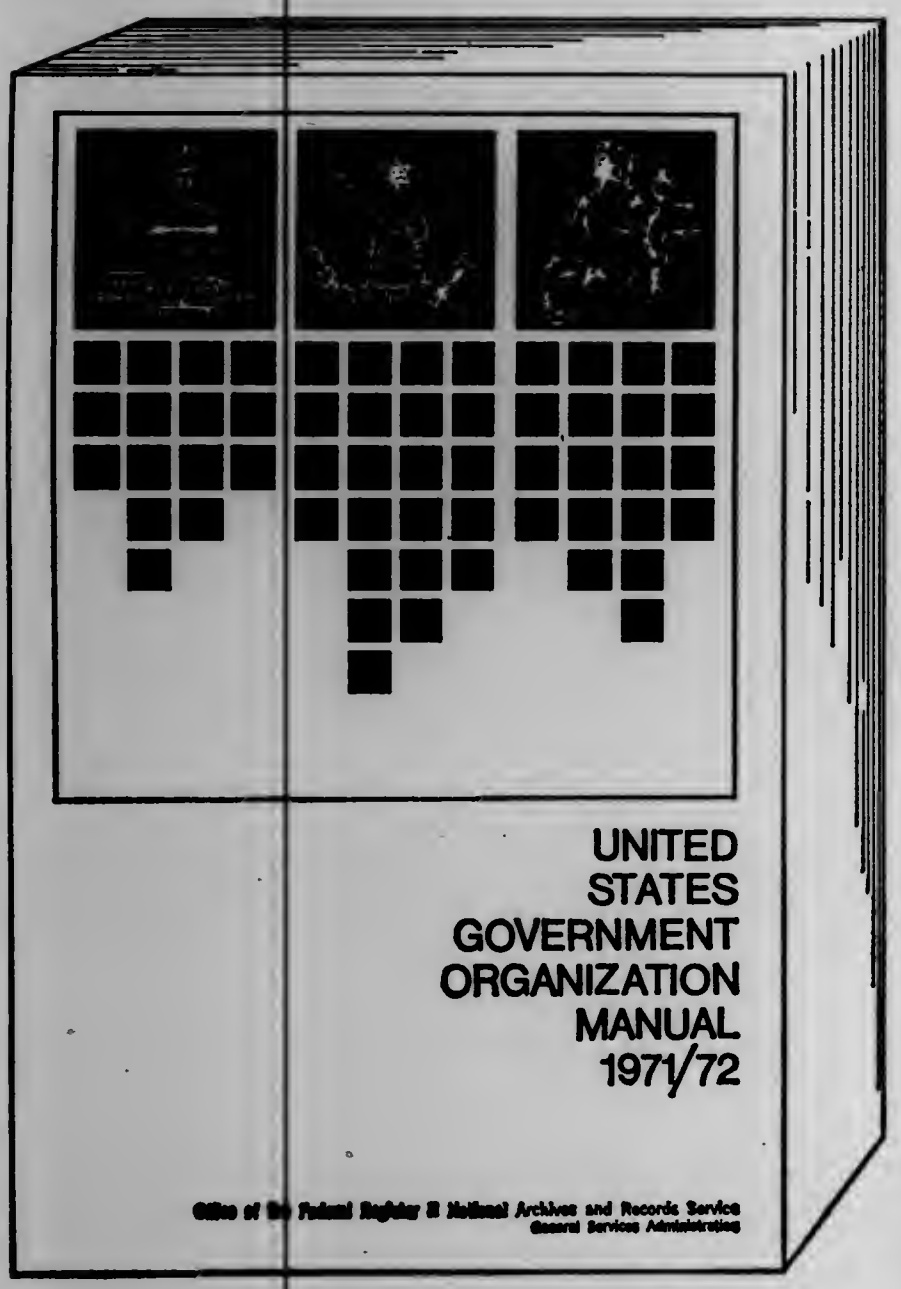
(7) *Diagnostic cytology; Histopathology; Oral pathology*—(i) *Diagnostic cytology.* The qualified physician director or supervisor rescreens for proper staining and correct interpretation at least a 10 percent random sample of gynecological smears which have been interpreted to be in one of the benign categories by cytotechnologists. All gynecological smears interpreted to be in the "suspicious" or positive categories by screeners are confirmed by the qualified physician supervisor, and the report is signed by a physician qualified in pathology or cytology. All nongynecological preparations, positive and negative, are reviewed. Nonmanual methods provide quality control similar to that provided in other nonmanual laboratory procedures. All smears are retained for not less than 2 years from date of examination.

(ii) *Histopathology and oral pathology.* All special stains are controlled for intended reactivity by use of positive slides. Stained slides are retained for intended reactivity by use of positive slides. Stained slides are retained for not less than 2 years from date of examination and blocks are retained for not less than 1 year from such date. Remnants of tissue specimens are retained in a fixative solution until those portions submitted for microscopy have been examined and a diagnosis made by a pathologist.

[1] Obtainable from U.S. Government Printing Office.

[FR Doc.72-2298 Filed 2-15-72;8:53 am]

V 37 ■ 32 FEB 16 72 XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

federal register

THURSDAY, FEBRUARY 17, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 33
Pages 3501–3606

PART I

(Part II begins on page 3599)

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

SHIPMENTS TO CHINA—Treasury Dept. amendments relaxing restrictions (2 documents)..... 3520

CHINESE EXPORTS—Commerce Dept. reduction of controls 3511

INCOME TAX—
IRS temporary rules on investment credit elections for public utility property..... 3511
IRS proposals concerning income averaging and investment tax credit for regulated companies (2 documents); comments by 3–20–72.. 3526

CONSTRUCTION SAFETY—Labor Dept. miscellaneous amendments..... 3512

MAILING OF BOOKS AND RECORDINGS—Postal Service rules permitting certain enclosures at special rates; effective 2–17–72..... 3521

FOOD STAMP AND DISTRIBUTION PROGRAMS—USDA proposal to coordinate operations at the State level; comments within 30 days..... 3545

RURAL ELECTRIFICATION—USDA proposed revision of borrower reporting requirements in compliance with the Civil Rights Act; comments within 30 days..... 3546

HOMEOWNERSHIP ASSISTANCE—HUD proposed rules for a system of payment suspensions and terminations; comments by 3–20–72..... 3546

(Continued inside)

V37-33 FEB 17 72 XUM

MICROFILM EDITION
FEDERAL REGISTER
35mm MICROFILM

Complete Set 1936–70, 189 Rolls $1,342

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	$7	13	1948	$28	25	1960	$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42			

Order Microfilm Edition from Publications Sales Branch
National Archives and Records Service
Washington, D.C. 20408

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

TELECOMMUNICATIONS—
FCC order granting a waiver of the prime time access rule to a Salt Lake City TV station 3567
FCC opinion and order concerning discrimination petitions filed against the Alabama Educational TV Commission 3556
FCC time extension to 3–24–72 for comments on proposed changes to the FM Table of Assignments 3548
FCC notice warning against the unauthorized use of FAA broadcasts 3567

FEDERAL SAVINGS AND LOAN SYSTEM—FHLBB proposal to permit satellite offices; comments by 3–17–72 3549

DOOR-TO-DOOR SALES—FTC proposed regulations providing for a cooling off period; comments by 3–20–72 3551

VA RULE MAKING PROCEDURES—VA proposal for more public participation; comments within 30 days 3552

ANTIDUMPING—Treasury Dept. notice of an inquiry into stainless steel wire rods from France 3553

INSECTICIDE—EPA notice setting a temporary tolerance for a chemical used on apples and pears 3556

DOMESTIC PUBLIC RADIO—FCC listing of applications accepted for filing 3570

CONSTRUCTION SAFETY—Labor Dept. notice of hearing on 2–23–72 to discuss overhead protection and access roadway proposals 3582

Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rules and Regulations

Procurement; small business concerns 3521

Notices

Director, Office of Procurement, et al.; redelegation of authority regarding contracting functions 3553

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Tobacco; allotment and marketing quota regulations; 1972–73 and subsequent marketing year; correction 3507

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Animal and Plant Health Service; Consumer and Marketing Service; Food and Nutrition Service; Rural Electrification Administration.

ANIMAL AND PLANT HEALTH SERVICE

Rules and Regulations

Cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis; leverage to obtain prompt identification and slaughter of reactors 3507
Hog cholera and other communicable swine diseases 3600

ASSISTANT SECRETARY FOR HOUSING MANAGEMENT OFFICE

Proposed Rule Making

Assistance payments—homes for lower income families 3546

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Proposed Rule Making

Assistance payments—homes for lower income families; cross reference 3548

ATOMIC ENERGY COMMISSION

Notices

Alabama Power Co.; schedule for hearing 3555
Availability of applicants' environmental reports:
Cincinnati Gas & Electric Co. et al 3556
South Carolina Electric & Gas Co 3556
Carolina Power and Light Co.; hearing on suspension of certain construction activities at Brunswick Steam Electric Plant pending completion of environmental review 3555

COMMERCE DEPARTMENT

See International Commerce Bureau; Maritime Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Navel oranges grown in Arizona and designated part of California; handling limitation 3507

(*Continued on next page*)

V 37-33
FEB 17 72
XUM

Proposed Rule Making

Milk:
- Eastern Colorado marketing area; suspension of certain provisions ---- 3545
- Minneapolis-St. Paul and southeastern Minnesota-northern Iowa (Dairyland) marketing areas; decision ---- 3536

CUSTOMS BUREAU

Notices

Stainless steel wire rods from France; antidumping proceeding notice ---- 3553

ENVIRONMENTAL PROTECTION AGENCY

Notices

4-(Methylthio)-3,5-xylyl methylcarbamate; establishment of temporary tolerances ---- 3556

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Airworthiness directives; Piper airplanes ---- 3508
Alterations:
- Control zone ---- 3509
- Transition areas (2 documents) ---- 3509

Area high route; designation ---- 3510
Standard instruction approach procedures; miscellaneous amendments ---- 3510

Proposed Rule Making

Transition areas; alterations (2 documents) ---- 3548

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

FM broadcast stations; table of assignments; certain cities in Iowa, West Virginia, and Florida ---- 3548

Notices

Common carrier services information; domestic public radio services applications accepted for filing ---- 3570
Federal Aviation Administration; unauthorized broadcast of communications by broadcast and other licensees ---- 3567
Hearings, etc.:
- Alabama Educational Television Commission ---- 3556
- Blue Ridge Broadcasting Co., Inc., et al ---- 3564
- Station KSL-TV, Salt Lake City, Utah ---- 3567
- Western Union of Hawaii, Inc ---- 3567

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Operations; deferred income with respect to mortgage loans; correction ---- 3508

Proposed Rule Making

Federal savings and loan system; offices of Federal savings and loan associations ---- 3549

FEDERAL POWER COMMISSION

Notices

National Gas Survey Supply-Technical Advisory Task Force; orders designating additional members:
- Liquefied natural gas ---- 3572
- Natural gas supply ---- 3572

Hearings, etc.:
- Algonquin Gas Transmission Co ---- 3572
- Appalachian Power Co ---- 3573
- Columbia Gas Transmission Corp ---- 3573
- Columbia Gulf Transmission Co ---- 3574
- Lawrenceburg Gas Transmission Corp ---- 3574
- Michigan Power Co. and Great Lakes Gas Transmission Co ---- 3575
- Tennessee Gas Pipeline Co ---- 3575
- Texas Eastern Transmission Corp ---- 3576
- Wisconsin Public Service Corp ---- 3577

FEDERAL RESERVE SYSTEM

Notices

Citizens Bank of Schoolfield; order approving merger of banks ---- 3577
First Virginia Bankshares Corp.; order approving acquisition of bank ---- 3577
Midland Mortgage Corp.; proposed continuation of mortgage company activities ---- 3576
United Jersey Banks; acquisition of bank ---- 3578

FEDERAL TRADE COMMISSION

Proposed Rule Making

Cooling off period for door-to-door sales; opportunity to submit data, views or arguments ---- 3551

FISH AND WILDLIFE SERVICE

Rules and Regulations

Hunting; White River National Wildlife Refuge, Ark ---- 3524

FOOD AND NUTRITION SERVICE

Proposed Rule Making

Food stamp program; requests by State agencies for simultaneous operation of food stamp and food distribution programs ---- 3545

FOREIGN ASSETS CONTROL OFFICE

Rules and Regulations

People's Republic of China:
- General license for offshore transactions to authorize certain shipments ---- 3520
- Relaxation of restriction on offshore shipments from certain countries; removal of restriction on offshore shipments of technical data ---- 3520

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Use standards for draperies ---- 3524

HAZARDOUS MATERIALS REGULATIONS BOARD

Rules and Regulations

Portable tank specifications; corrections (2 documents) ---- 3524

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Assistant Secretary for Housing Management Office; Assistant Secretary for Housing Production and Mortgage Credit Office.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE

Rules and Regulations

Income tax; investment credit; public utility property elections ---- 3511

Proposed Rule Making

Income tax:
- Income averaging ---- 3530
- Investment credit; public utility property ---- 3526

INTERNATIONAL COMMERCE BUREAU

Rules and Regulations

Export controls applicable to People's Republic of China ---- 3511

Notices

Kassar, Adnan, et al.; order terminating indefinite denial order ---- 3554
Kastner, George; order conditionally restoring export privileges ---- 3554

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ---- 3582
Fourth section application for relief ---- 3582
Motor carrier, broker, water carrier and freight forwarder applications ---- 3582
Motor carrier transfer proceedings ---- 3582

LABOR DEPARTMENT

See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Notices

Colorado; proposed withdrawal and reservation of lands ---- 3553
Idaho; filing of protraction diagrams ---- 3554

MARITIME ADMINISTRATION

Notices

Computation of foreign costs; notices of intent:
- Construction of LASH type vessels ---- 3555
- Conversion of single screw cargo ships to break bulk/containerships ---- 3555

NATIONAL CREDIT UNION ADMINISTRATION

Rules and Regulations

Organization and operation of Federal credit unions; correction ---- 3508

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules and Regulations

Safety and health standards for construction; miscellaneous amendments ---- 3512

Notices

Construction Safety Advisory Committee; meeting ---- 3582

POSTAL SERVICE

Rules and Regulations

Fourth class; books and sound recordings mailed at special postage rates; permissible enclosures ---- 3521

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rule Making

Compliance with Civil Rights Act; borrower reporting requirements under Title VI ---- 3546

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
- Coatings Unlimited, Inc ---- 3578
- Columbia Gas System, Inc ---- 3578
- Continental Vending Machine Corp ---- 3579
- International Utilities Overseas Capital Corp ---- 3579
- Ohio Edison Co ---- 3581

SMALL BUSINESS ADMINISTRATION

Notices

Kent Capital Corp.; surrender of license ---- 3581
Supervisory Loan Officer, Los Angeles District Office; delegation of authority to conduct program activities in the field offices ---- 3581

STATE DEPARTMENT

See Agency for International Development.

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; Hazardous Materials Regulations Board.

TREASURY DEPARTMENT

See Customs Bureau; Foreign Assets Control Office, Internal Revenue Service.

VETERANS ADMINISTRATION

Proposed Rule Making

Public participation in rule making; policy statement ---- 3552

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

7 CFR
- 724 ---- 3507
- 907 ---- 3507

PROPOSED RULES:
- 271 ---- 3545
- 1061 ---- 3536
- 1068 ---- 3536
- 1137 ---- 3545
- 1701 ---- 3546

9 CFR
- 51 ---- 3507
- 76 ---- 3600

12 CFR
- 563 ---- 3508
- 701 ---- 3508

PROPOSED RULES:
- 545 ---- 3549

14 CFR
- 39 ---- 3508
- 71 (3 documents) ---- 3509
- 75 ---- 3510
- 97 ---- 3510

PROPOSED RULES:
- 71 (2 documents) ---- 3548

15 CFR
- 390 ---- 3511

16 CFR

PROPOSED RULES:
- 429 ---- 3551

24 CFR

PROPOSED RULES:
- 235 ---- 3548
- 420 ---- 3546

26 CFR
- 12 ---- 3511

PROPOSED RULES:
- 1 (2 documents) ---- 3526, 3530
- 12 ---- 3526
- 301 ---- 3530

29 CFR
- 1910 ---- 3512
- 1926 ---- 3512

31 CFR
- 500 ---- 3520
- 505 ---- 3520

38 CFR

PROPOSED RULES:
- 1 ---- 3552

39 CFR
- 135 ---- 3521

41 CFR
- 7-1 ---- 3521
- 7-16 ---- 3521
- 101-25 ---- 3524

47 CFR

PROPOSED RULES:
- 73 ---- 3548

49 CFR
- 173 (2 documents) ---- 3524
- 174 ---- 3524
- 177 ---- 3524
- 178 ---- 3524

50 CFR
- 32 ---- 3524

V 37-33
FEB 17 72
XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1972–73 and Subsequent Marketing Years

Correction

In F.R. Doc. 72–1758 appearing at page 2745 in the issue for February 5, 1972, in the sixth line of § 724.95(h)(5)(i), the word "international" should read "intentional".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 256]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.556 Navel Orange Regulation 256.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 15, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 18, through February 24, 1972, are hereby fixed as follows:

(i) District 1: 913,000 cartons.

(ii) District 2: 187,000 cartons.

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 16, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–2575 Filed 2–16–72;11:20 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Leverage To Obtain Prompt Identification and Slaughter of Reactors

Pursuant to the provisions of sections 3, 4, 5, 11, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, section 3 of the Act of March 3, 1905, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b), Part 51, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. Section 51.6 is amended to read:

§ 51.6 Time limit for slaughter.

(a) *Tuberculosis and paratuberculosis.* Payment of indemnity will be made under this part for cattle destroyed because of tuberculosis or paratuberculosis only if the animals are slaughtered or die otherwise within 15 days after the date of appraisal.

(b) *Brucellosis.* Payment of indemnity will be made under this part for cattle destroyed because of brucellosis only if the animals are slaughtered or die otherwise within 15 days after date of marking for identification as required under the provisions of § 51.9(l). The appropriate Veterinarian in Charge may, for reasons satisfactory to him, extend the 15-day period provided for disposition of cattle identified for slaughter under this subsection.

2. In § 51.9, paragraph (l) is amended to read:

§ 51.9 Claims not allowed.

* * * * * *

(l) If the cattle were destroyed because of brucellosis, unless they were marked for identification within 15 days after being classified as reactors or of otherwise being condemned for brucellosis by branding the letter "B" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and inscription "U.S. Reactor" or a similar State reactor tag was suitably attached to the left ear of each animal. The appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the 15-day period for identification.

* * * * * *

V37-33
FEB 17 72
XUM

(Secs. 3, 4, 5, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693, sec. 11, 58 Stat. 734, as amended; sec. 3, 76 Stat. 130; 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 29 F.R. 16210, as amended, 36 F.R. 20707)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (2–17–72).

The purpose of the amendments is to provide added leverage to obtain prompt identification and slaughter of reactors.

The amendments should be made effective promptly in order to facilitate the Federal-State cooperative brucellosis eradication programs. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553 it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of February 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-2449 Filed 2-16-72;8:51 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 72-109]

PART 563—OPERATIONS

Deferred Income With Respect to Mortgage Loans; Correction

FEBRUARY 10, 1972.

Resolved that in F.R. Doc. No. 72-560, amending certain portions of § 563.23-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.23-1) relating to deferred income with respect to mortgage loans, published at pages 524 and 525 in the issue dated Thursday, January 13, 1972, the following corrections are hereby made in subparagraph (1) of paragraph (e) of said § 563.23-1: The word "shall" in the sixth line of said subparagraph is corrected to read "may"; and the last phrase of said subparagraph reading "and the profit or loss thereon shall be recognized as of such date or dates in 1971 or 1972 as the association may elect to use" is corrected to read "and, if so added or deducted, the profit or loss thereon shall be recognized as of December 31, 1971, or during calendar 1972 as the association may elect". As so corrected, said subparagraph (1) of paragraph (e) of § 563.23-1 shall read as follows:

§ 563.23-1 Premiums, charges, and credits with respect to mortgage loans; sale of real estate owned; and related items.

* * * * *

(e) *Sale or payoff of loans.* (1) If a loan has been sold or paid in full on or before December 31, 1971, any capitalized premium and/or any deferred acquisition credits or discount applicable to such loan as of December 31, 1971, may be added to or deducted from (as appropriate) the book value of such loan and, if so added or deducted, the profit or loss thereon shall be recognized as of December 31, 1971, or during calendar 1972 as the association may elect.

* * * * *

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-2455 Filed 2-16-72;8:51 am]

Chapter VII—National Credit Union Administration

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Revision of Organization of Federal Credit Union; Correction

On Pages 2946–2947 of the February 10, 1972, edition of the FEDERAL REGISTER, there was published an effective revision of 12 CFR 701.1. In § 701.1(a)(4)(ii), following the word "accomplished", there should have been and is now hereby inserted: "(if these tasks cannot be accomplished at the first meeting):".

HERMAN NICKERSON, Jr.,
Administrator.

FEBRUARY 11, 1972.

[FR Doc.72-2387 Filed 2-16-72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-SO-142, Amdt. 39-1394]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model 28-140 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring inspection or replacement of engine oil radiator hoses on Piper PA-28-140 series airplanes was published in 36 F.R. 21833.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One commenter was concerned that paragraphs (a) and (c) of the proposal were unclear regarding which hoses must be removed and which could be used as replacements. The Airworthiness Directive has been extensively revised for other reasons which also satisfy this comment.

The manufacturer feels that the hose failures are primarily due to poor maintenance procedures, and that the proposed action would discriminate against them and the owners and operators of PA-28-140 series airplanes. They have referred to the preamble to Part 39, Amendment 106, regarding the issuance of airworthiness directives as a substitute for enforcement of maintenance rules. The FAA has taken the position, as stated in the preamble to Amendment 106 of Part 39, that the Federal Aviation Act justifies regulatory action to make any unsafe condition, whether resulting from maintenance, design defect, or otherwise the proper subject of an airworthiness directive. As a result of additional discussions held in the regional offices (Flight Standards Division), the FAA considers that certain of the manufacturer's comments have merit and has accordingly provided for a 100-hour repetitive inspection after 1,000 hours' time in service in lieu of mandatory replacement of hoses. The replacement provision has been retained as an alternative to repetitive inspection.

In the past 13 months, the FAA has on record 14 in-flight oil hose failures on PA-28-140 airplanes, all of which have resulted in forced landings. Four of these forced landings have resulted in accidents. In view of the oil hose failure history on the Piper Model PA-28-140, it is concluded that an unsafe condition does exist on these airplanes and that an airworthiness directive is warranted.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Piper: Applies to all Piper PA-28-140 airplanes certificated in all categories which have flexible engine-to-oil radiator hoses installed, Serial Nos. 28-20000 through 28-7125471.

Unless already accomplished, for airplanes with flexible oil hose installations having 950 hours or more time in service, compliance with this airworthiness directive is required within the next 50 hours' time in service after the effective date of this airworthiness directive.

NOTE: Early production airplanes equipped with rigid oil lines between oil radiator and engine are exempt from this airworthiness directive.

To prevent possible rupture of oil hose assemblies 63794-16 or 61413-02, comply as follows:

(a) Inspect hose assemblies 63794-16 or 61413-02 whichever is installed as follows:

(1) Visually inspect the fire sleeve to insure that it does not contain oil due to hose leakage or has not been discolored to a brown or whitish color due to heat. There must be no evidence of localized deterioration resulting from intense heat or brittleness, or of oil seepage. If these conditions exist or it appears that they are developing, the hose must be replaced.

CAUTION

Do not bend the hose severely or attempt to straighten out or change the radius of a bend in a hose that has already taken a permanent set since this may shorten its service life substantially.

(2) If the hose and fire sleeve are judged to be in good condition by the above criteria, adjust the oil hoses to insure at least a minimum clearance of 1¾" between the oil hoses and the front exhaust stacks. Both oil lines must be tied firmly together where they pass below the exhaust stacks. As the hose is routed to the rear of the engine, it must pass underneath and behind the electrical ground cable in front of the lower of the two engine mount struts. The hose must be tied to the engine mount strut at this location so that a minimum clearance of at least 2 inches is maintained between the oil hose and exhaust stack.

(3) If the inspection in paragraph (a)(1) so indicates, hoses must be replaced with hose assembly Piper Part No. 63901-72 or equivalent hose assemblies approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

(4) Replacement hose assembly Part No. 63901-72 or approved equivalent is to be installed as outlined in paragraph (a)(2).

(5) After adjusting or reinstalling oil hoses, the engine should be run for a few minutes to insure that there are no oil leaks and that required clearance between oil hoses and the exhaust system will be maintained when the engine is warm.

(6) If hoses are not replaced, repeat the inspection required by paragraph (a)(1) and (a)(2) at intervals not to exceed 100 hours' time in service from the last inspection.

(b) Hoses may be replaced in accordance with paragraph (a)(4) and (a)(5) with no further mandatory inspection required.

(c) It is requested that notification, in writing, of all oil hoses replaced be forwarded to the Chief, Engineering and Manufacturing Branch, Southern Region, SO-210, Post Office Box 20636, Atlanta, GA 30320, stating condition of hoses, time in service of hoses, and airplane serial number (reporting approved by Bureau of the Budget under BOB No. 04-R0174).

(Piper Service Letter 604 covers this subject.)

NOTE: If hose assembly hours cannot be determined, airplane hours will be used.

This amendment becomes effective February 18, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 8, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-2398 Filed 2-16-72;8:46 am]

[Airspace Docket No. 71-GL-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On pages 22599 and 22600 of the FEDERAL REGISTER dated November 25, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Dayton, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. Two comments were received. The Air Transport Association concurred with the proposal. The Department of the Air Force advised that IFR operations to Wright Field have been canceled and that portion of the zone should be deleted. A review of the Patterson AFB approaches was conducted and application of criteria indicated that the proposed extensions were not required. The resultant area of the required control zone for Patterson AFB and Springfield Municipal Airport is less than proposed.

Accordingly, the proposed amendment is hereby adopted as set forth below.

This amendment shall be effective 0901 G.m.t., April 27, 1972.

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

DAYTON, OHIO (WRIGHT-PATTERSON AFB)

Within a 5-mile radius of Patterson AFB (latitude 39°49'26" N., longitude 84°02'55" W.); within a 6-mile radius of the Springfield Municipal Airport (latitude 39°50'22" N., longitude 83°50'21" W.); within 3 miles each side of the 055° bearing from the airport extending from the 6-mile-radius zone to 9 miles northeast and within 3 miles each side of the 243° bearing from the airport extending from the 6-mile-radius zone to 8.5 miles southwest.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 28, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.72-2405 Filed 2-16-72;8:47 am]

[Airspace Docket No. 71-GL-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 21415 and 21416 of the FEDERAL REGISTER dated November 9, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Eau Claire, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The last line of the Eau Claire, Wis., transition area description recited as "north by V-265." is changed to read "north by V-268."

This amendment shall be effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 28, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

EAU CLAIRE, WIS.

That airspace extending upward from 700 feet above the surface within a 11½-mile radius of Eau Claire Municipal Airport (latitude 44°51'54" N., longitude 91°29'02" W.); and within 2 miles each side of the 302° radial of the Eau Claire VORTAC extending from the 11½-mile-radius area to 14 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Eau Claire VORTAC; and within 9½ miles northwest and 4½ miles southeast of the 45° bearing from the Colburn LOM extending from the 20-mile-radius area to 18½ miles northeast of the Colburn LOM; and within 9½ miles east and 4½ miles west of the 203° radial of the Eau Claire VORTAC extending from the 20-mile-radius area to 24½ miles southwest of the VORTAC; and that airspace extending upward from 4,000 feet MSL southwest of Eau Claire bounded on the east by V-129, on the southwest by V-2N, and on the north by V-268.

[FR Doc.72-2404 Filed 2-16-72;8:47 am]

[Airspace Docket No. 71-RM-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 24005) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Pierre, S. Dak., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes:

Change the FEDERAL REGISTER citations for the transition area to read "§ 71.181 (37 F.R. 2143)".

Effective date. These amendments shall be effective 0901 G.m.t., April 27, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on February 10, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (37 F.R. 2143) the description of the Pierre, S. Dak., transition area is amended to read as follows:

PIERRE, S. DAK.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 2 miles each side of the Pierre VOR

V 37 33 FEB 17 72 XUM

086° radial, extending from the 8-mile-radius area to 12 miles east of the VOR; and within 2 miles each side of the Pierre VOR 266° radial, extending from the 8-mile-radius area to 20 miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Pierre VOR.

[FR Doc.72-2403 Filed 2-16-72;8:47 am]

[Airspace Docket No. 70-EA-113]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On August 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14764) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate two area high routes, J987R and J988R to be used between New York City and Montreal, Canada, as a part of the overall program to establish an area navigation route structure.

Both routes have now been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received to the two routes.

The last waypoint in J987R, "Empire," was relocated to make it coincident with "Empire" intersection on low altitude airway V-36. Also, J988R was terminated at Plattsburgh, N.Y., VOR/TAC for compatibility with certain military training operations. Both of these changes are minor in nature even though some route realignment is involved.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high routes are added:

J987R (MONTREAL, CANADA, TO J. F. KENNEDY INTERNATIONAL AIRPORT, N.Y.)

Waypoint name	Location North latitude/ West longitude	Reference facility
Frontier, N.Y....	44°57'38"/74°05'2[illegible]"	Plattsburgh, N.Y.
Loon Lake, N.Y..	44°25'18"/74°12'1[illegible]"	Do.
Countess, N.Y...	41°39'51"/73°49'3[illegible]"	Hancock, N.Y.
Empire, N.J.....	40°47'11"/74°02'3[illegible]"	Do.

J988R (J. F. KENNEDY INTERNATIONAL AIRPORT, N.Y., TO MONTREAL, CANADA)

Belle Terre, N.Y..	41°02'17"/73°08'5[illegible]"	Hampton, N.Y.
Cherry Plain, N.Y.	42°40'52"/73°18'1[illegible]"	Albany, N.Y.
Plattsburgh, N.Y.	44°48'18"/73°24'5[illegible]"	Massena, N.Y.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); and sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 11, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2401 Filed 2-16-72;8:47 am]

[Docket No. 11721, Amdt. 798]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective March 16, 1972:

Concord, Calif.—Buchanan Field; VOR Runway 19R, Amdt. 4; Revised.
Dublin, Va.—New River Valley Airport; VOR-A, Amdt. 4; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; VOR Runway 9L, Amdt. 12; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; VOR Runway 13, Amdt. 11; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; VOR Runway 27R, Amdt. 6; Revised.
Hillsboro, Oreg.—Portland-Hillsboro Airport; VOR-1, Amdt. 7; Canceled.
Hillsboro, Oreg.—Portland-Hillsboro Airport; VOR-A, Original; Established.
Los Angeles, Calif.—Van Nuys Airport; VOR-A, Amdt. 1; Revised.
Meridian, Miss.—Akin Airport; VOR Runway 4, Original; Established.
Palmdale, Calif.—Palmdale production Flight/Test Installation AF Plant NR 42 Airport; VOR-A, Amdt. 2; Revised.
Sacramento, Calif.—Sacramento Executive Airport; VOR Runway 2, Amdt. 3; Revised.
St. Petersburg, Fla.—Albert Whitted Airport; VOR Runway 18, Original; Established.
Wells, Nev.—Harriet Field; VOR-A, Amdt. 1; Revised.
Bend, Oreg.—Bend Municipal Airport; VOR/DME Runway 16, Amdt. 2; Revised.
Dublin, Va.—New River Valley Airport; VOR/DME Runway 5, Amdt. 2; Revised.
Indianola, Miss.—Indianola Legion 126 Field; VOR/DME-A, Amdt. 3; Revised.
Los Angeles, Calif.—Van Nuys Airport; VOR/DME-B, Amdt. 1; Revised.
Palmdale, Calif.—Palmdale Production Flight/Test Installation AF Plant No. 42 Airport; VORTAC Runway 25, Amdt. 2; Revised.
Sacramento, Calif.—Sacramento Executive Airport; VOR/DME Runway 20, Amdt. 2; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective March 16, 1972.

Dublin, Va.—New River Valley Airport; LOC Runway 5, Original; Established.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; LOC (BC) Runway 27R, Original; Established.
Sacramento, Calif.—Sacramento Executive Airport; LOC (BC) Runway 20, Amdt. 3; Revised.
Seattle, Wash.—Boeing Field International King County Airport; LOC (BC) Runway 31L, Amdt. 1; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective March 16, 1972.

Indianola, Miss.—Indianola Legion Field; NDB Runway 18, Amdt. 1; Revised.
Indianola, Miss.—Indianola Legion Field; NDB Runway 36, Amdt. 1; Revised.
Kelso, Wash.—Kelso-Longview Airport; NDB (ADF) Runway 12, Original; Canceled.
Kelso, Wash.—Kelso-Longview Airport; NDB-A, Original; Established.
Sacramento, Calif.—Sacramento Executive Airport; NDB Runway 2, Amdt. 3; Revised.
Seattle, Wash.—Boeing Field International King County Airport; NDB-A, Amdt. 1; Revised.
Seattle, Wash.—Boeing Field International King County Airport; NDB-B, Amdt. 1; Revised.
Statesboro, Ga.—Statesboro Municipal Airport; NDB Runway 13, Amdt. 1; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective March 16, 1972:

Erie, Pa.—Erie International Airport; ILS Runway 6, Amdt. 9; Revised.
Palmdale, Calif.—Palmdale Production Flight/Test Installation AF Plant No. 42 Airport; ILS Runway 25, Amdt. 4; Revised.
Sacramento, Calif.—Sacramento Executive Airport; ILS Runway 2, Amdt. 16; Revised.
Seattle, Wash.—Boeing Field International King County Airport; ILS Runway 13R, Amdt. 14; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective March 16, 1972:

Memphis, Tenn.—Memphis International Airport; Radar-1, Amdt. 22; Revised.
Seattle, Wash.—Boeing Field International King County Airport; Radar-1, Amdt. 3; Revised.
Sumter, S.C.—Sumter Municipal Airport; Radar-1, Amdt. 2; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective March 16, 1972:

Savannah, Ga.—Savannah Municipal Airport; RNAV Runway 18, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 10, 1972.

R. S. SLIFF,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-2272 Filed 2-16-72;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. Export Reg. (Amdt. 33)]

PART 390—GENERAL ORDERS

Export Controls Applicable to People's Republic of China

Part 390 is amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: February 15, 1972.

RAUER H. MEYER,
Director Office of Export Control.

For export control purposes, the People's Republic of China has been transferred from Country Group Z to Country Group Y. As a result, the lesser controls applicable to the Soviet Union and other Group Y countries are now applicable to the People's Republic of China. This action implements President Nixon's announcement of February 14, 1972. The following are the major revisions:

1. A greater number of commodities may now be exported in unlimited quantities to the People's Republic of China under the provisions of General License G-DEST, without the need of applying for, or obtaining, a validated export license. Therefore, any commodity on the Commodity Control List that does not include the code "Y" in the column headed "Validated License Required for Country Groups Shown Below" may now be exported to the People's Republic of China under the provisions of General License G-DEST.

2. General Licenses Gift, GTF-US, Crew, GLD, GLR, GTE, and GTDR now apply to the People's Republic of China to the same extent as they apply to Country Group Y.

3. Foreign-made products of U.S. technical data may now be exported to the People's Republic of China to the same extent that they may be exported to other destinations in Country Group Y.

4. Replacement parts may be exported or reexported to consignees in the People's Republic of China under the Service Supply License procedure.

Accordingly, a new § 390.6 is established in the Export Regulations to read as follows:

§ 390.6 Transfer of People's Republic of China from Country Group Z to Country Group Y.

Effective February 15, 1972, the People's Republic of China is transferred from Country Group Z to Country Group Y. Therefore, all export controls applicable to Country Group Y apply to the People's Republic of China.

[FR Doc.72-2491 Filed 2-16-72;8:52 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7161]

PART 12—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

Investment Credit, Public Utility Property Elections

The following temporary regulations are adopted in order to provide rules for making elections under section 46(e) of the Internal Revenue Code of 1954 as added by section 105 of the Revenue Act of 1971:

§ 12.3 Investment credit, public utility property elections.

(a) *Elections*—(1) *In general.* Under section 46(e), three elections may be made on or before March 9, 1972, with respect to section 46(e) property (as defined in subparagraph (3) of this paragraph). An election made under the provisions of section 46(e) shall be irrevocable.

(2) *Applicability of elections.* (i) Any election under section 46(e) shall be made with respect to all of the taxpayer's property eligible for the election whether or not the taxpayer is regulated by more than one regulatory body.

(ii) (a) Paragraph (1) of section 46(e) shall apply to all of the taxpayer's section 46(e) property in the absence of an election under paragraph (2) or (3) of section 46(e). If an election is made under paragraph (2) of section 46(e), paragraph (1) of such section shall not apply to any of the taxpayer's section 46(e) property.

(b) An election made under the last sentence of section 46(e)(1) shall apply to that portion of the taxpayer's section 46(e) property to which paragraph (1) of section 46(e) applies and which is short supply property within the meaning of § 1.46-5(b)(2) of this chapter (Income Tax Regulations) as set forth in a notice of proposed rule making published in 37 F.R. 3526 on February 17, 1971.

(iii) If a taxpayer makes an election under paragraph (2) of section 46(e), and makes no election under paragraph (3) of such section, the election under paragraph (2) of section 46(e) shall apply to all of its section 46(e) property.

(iv) If a taxpayer makes an election under paragraph (3) of section 46(e), such election shall apply to all of the taxpayer's section 46(e) property to which section 167(l)(2)(C) applies. Paragraph (1) or (2) of section 46(e) (as the case may be) shall apply to that portion of the taxpayer's section 46(e) property which is not property to which section 167(l)(2)(C) applies. Thus, for example, if a taxpayer makes an election under paragraph (2) of section 46(e), and also makes an election under paragraph (3) of section 46(e), paragraph (3) shall apply to all of the taxpayer's section 46(e) property to which section 167(l)(2)(C) applies and paragraph (2) shall apply to the remainder of the taxpayer's section 46(e) property.

(3) *Section 46(e) property.* "Section 46(e) property" is section 38 property which is both property described in section 50 and is—

(i) Public utility property within the meaning of section 46(c)(3)(B) (other than nonregulated communication property of the type described in the last sentence of section 46(c)(3)(B)), or

(ii) Property used predominantly in the trade or business of the furnishing or sale of (*a*) steam through a local distribution system or (*b*) the transportation of gas or steam by pipeline, if the rates for such furnishing or sale are established or approved by a governmental unit, agency, instrumentality, or commission described in section 46(c)(3)(B).

(b) *Method of making elections.* A taxpayer may make the elections described in section 46(e) by filing a statement, on or before March 9, 1972, with the district director or director of the internal revenue service center with whom the taxpayer ordinarily files its income tax return. For rules in the case of taxpayers filing consolidated returns, see § 1.1502-77(a) of this Chapter (Income Tax Regulations). Such statement shall contain the following information:

(1) The name, address, and taxpayer identification number of the taxpayer,

(2) The paragraph (or paragraphs) of section 46(e) under which the taxpayer is making the election,

(3) If an election is made under the last sentence of section 46(e)(1), the name and address of all regulatory bodies which have jurisdiction over the taxpayer with respect to the section 46(e) property covered by such election and a

V37I33 FEB 17 72 XUM

(Secs. 3, 4, 5, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 9, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 699, sec. 11, 58 Stat. 734, as amended; sec. 3, 76 Stat. 130; 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 29 F.R. 16210, as amended, 36 F.R. 20707)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (2–17–72).

The purpose of the amendments is to provide added leverage to obtain prompt identification and slaughter of reactors.

The amendments should be made effective promptly in order to facilitate the Federal-State cooperative brucellosis eradication programs. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of February 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72–2449 Filed 2–16–72;8:51 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 72–189]

PART 563—OPERATIONS

Deferred Income With Respect to Mortgage Loans; Correction

FEBRUARY 10, 1972.

Resolved that in F.R. Doc. No. 72–560, amending certain portions of § 563.23–1 of the rules and regulations for Insurance of Accounts (12 CFR 563.23–1) relating to deferred income with respect to mortgage loans, published at pages 524 and 525 in the issue dated Thursday, January 13, 1972, the following corrections are hereby made in subparagraph (1) of paragraph (e) of said § 563.23–1: The word "shall" in the sixth line of said subparagraph is corrected to read "may"; and the last phrase of said subparagraph reading "and the profit or loss thereon shall be recognized as of such date or dates in 1971 or 1972 as the association may elect to use" is corrected to read "and, if so added or deducted, the profit or loss thereon shall be recognized as of December 31, 1971, or during calendar 1972 as the association may elect". As so corrected, said subparagraph (1) of paragraph (e) of § 563.23–1 shall read as follows:

§ 563.23–1 Premiums, charges, and credits with respect to mortgage loans; sale of real estate owned; and related items.

* * * * *

(e) *Sale or payoff of loans.* (1) If a loan has been sold or paid in full on or before December 31, 1971, any capitalized premium and/or any deferred acquisition credits or discount applicable to such loan as of December 31, 1971, may be added to or deducted from (as appropriate) the book value of such loan and, if so added or deducted, the profit or loss thereon shall be recognized as of December 31, 1971, or during calendar 1972 as the association may elect.

* * * * *

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72–2455 Filed 2–16–72;8:51 am]

Chapter VII—National Credit Union Administration

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Revision of Organization of Federal Credit Union; Correction

On Pages 2946–2947 of the February 10, 1972, edition of the FEDERAL REGISTER, there was published an effective revision of 12 CFR 701.1. In § 701.1(a)(4)(ii), following the word "accomplished", there should have been and is now hereby inserted: "(if these tasks cannot be accomplished at the first meeting):".

HERMAN NICKERSON, JR.,
Administrator.

FEBRUARY 11, 1972.

[FR Doc.72–2387 Filed 2–16–72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–SO–142, Amdt. 39–1394]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model 28–140 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive requiring inspection or replacement of engine oil radiator hoses on Piper PA–28–140 series airplanes was published in 36 F.R. 21833.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One commenter was concerned that paragraphs (a) and (c) of the proposal were unclear regarding which hoses must be removed and which could be used as replacements. The Airworthiness Directive has been extensively revised for other reasons which also satisfy this comment.

The manufacturer feels that the hose failures are primarily due to poor maintenance procedures, and that the proposed action would discriminate against them and the owners and operators of PA–28–140 series airplanes. They have referred to the preamble to Part 39, Amendment 106, regarding the issuance of airworthiness directives as a substitute for enforcement of maintenance rules. The FAA has taken the position, as stated in the preamble to Amendment 106 of Part 39, that the Federal Aviation Act justifies regulatory action to make any unsafe condition, whether resulting from maintenance, design defect, or otherwise the proper subject of an airworthiness directive. As a result of additional discussions held in the regional offices (Flight Standards Division), the FAA considers that certain of the manufacturer's comments have merit and has accordingly provided for a 100-hour repetitive inspection after 1,000 hours' time in service in lieu of mandatory replacement of hoses. The replacement provision has been retained as an alternative to repetitive inspection.

In the past 13 months, the FAA has on record 14 in-flight oil hose failures on PA–28–140 airplanes, all of which have resulted in forced landings. Four of these forced landings have resulted in accidents. In view of the oil hose failure history on the Piper Model PA–28–140, it is concluded that an unsafe condition does exist on these airplanes and that an airworthiness directive is warranted.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Piper: Applies to all Piper PA–28–140 airplanes certificated in all categories which have flexible engine-to-oil radiator hoses installed, Serial Nos. 28–20000 through 28–7125471.

Unless already accomplished, for airplanes with flexible oil hose installations having 950 hours or more time in service, compliance with this airworthiness directive is required within the next 50 hours' time in service after the effective date of this airworthiness directive.

NOTE: Early production airplanes equipped with rigid oil lines between oil radiator and engine are exempt from this airworthiness directive.

To prevent possible rupture of oil hose assemblies 63794–16 or 61413–02, comply as follows:

(a) Inspect hose assemblies 63794–16 or 61413–02 whichever is installed as follows:

(1) Visually inspect the fire sleeve to insure that it does not contain oil due to hose leakage or has not been discolored to a brown or whitish color due to heat. There must be no evidence of localized deterioration resulting from intense heat or brittleness, or of oil seepage. If these conditions exist or it appears that they are developing, the hose must be replaced.

CAUTION

Do not bend the hose severely or attempt to straighten out or change the radius of a bend in a hose that has already taken a permanent set since this may shorten its service life substantially.

(2) If the hose and fire sleeve are judged to be in good condition by the above criteria, adjust the oil hoses to insure at least a minimum clearance of 1¾" between the oil hoses and the front exhaust stacks. Both oil lines must be tied firmly together where they pass below the exhaust stacks. As the hose is routed to the rear of the engine, it must pass underneath and behind the electrical ground cable in front of the lower of the two engine mount struts. The hose must be tied to the engine mount strut at this location so that a minimum clearance of at least 2 inches is maintained between the oil hose and exhaust stack.

(3) If the inspection in paragraph (a)(1) so indicates, hoses must be replaced with hose assembly Piper Part No. 63901–72 or equivalent hose assemblies approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

(4) Replacement hose assembly Part No. 63901–72 or approved equivalent is to be installed as outlined in paragraph (a)(2).

(5) After adjusting or reinstalling oil hoses, the engine should be run for a few minutes to insure that there are no oil leaks and that required clearance between oil hoses and the exhaust system will be maintained when the engine is warm.

(6) If hoses are not replaced, repeat the inspection required by paragraph (a)(1) and (a)(2) at intervals not to exceed 100 hours' time in service from the last inspection.

(b) Hoses may be replaced in accordance with paragraph (a)(4) and (a)(5) with no further mandatory inspection required.

(c) It is requested that notification, in writing, of all oil hoses replaced be forwarded to the Chief, Engineering and Manufacturing Branch, Southern Region, SO–210, Post Office Box 20636, Atlanta, GA 30320, stating condition of hoses, time in service of hoses, and airplane serial number (reporting approved by Bureau of the Budget under BOB No. 04–R0174).

(Piper Service Letter 604 covers this subject.)

NOTE: If hose assembly hours cannot be determined, airplane hours will be used.

This amendment becomes effective February 18, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on February 8, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72–2398 Filed 2–16–72;8:46 am]

[Airspace Docket No. 71–GL–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On pages 22599 and 22600 of the FEDERAL REGISTER dated November 25, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the control zone at Dayton, Ohio.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. Two comments were received. The Air Transport Association concurred with the proposal. The Department of the Air Force advised that IFR operations to Wright Field have been canceled and that portion of the zone should be deleted. A review of the Patterson AFB approaches was conducted and application of criteria indicated that the proposed extensions were not required. The resultant area of the required control zone for Patterson AFB and Springfield Municipal Airport is less than proposed.

Accordingly, the proposed amendment is hereby adopted as set forth below.

This amendment shall be effective 0901 G.m.t., April 27, 1972.

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

DAYTON, OHIO (WRIGHT-PATTERSON AFB)

Within a 5-mile radius of Patterson AFB (latitude 39°49'25" N., longitude 84°02'55" W.); within a 6-mile radius of the Springfield Municipal Airport (latitude 39°50'22" N., longitude 83°50'21" W.); within 3 miles each side of the 055° bearing from the airport extending from the 6-mile-radius zone to 9 miles northeast and within 3 miles each side of the 248° bearing from the airport extending from the 6-mile-radius zone to 8.5 miles southwest.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 28, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.72–2405 Filed 2–16–72;8:47 am]

[Airspace Docket No. 71–GL–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 21415 and 21416 of the FEDERAL REGISTER dated November 9, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Eau Claire, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The last line of the Eau Claire, Wis., transition area description recited as "north by V–265." is changed to read "north by V–268."

This amendment shall be effective 0901 G.m.t., March 30, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 28, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

EAU CLAIRE, WIS.

That airspace extending upward from 700 feet above the surface within a 11½-mile radius of Eau Claire Municipal Airport (latitude 44°51'54" N., longitude 91°29'02" W.); and within 2 miles each side of the 202° radial of the Eau Claire VORTAC extending from the 11½-mile-radius area to 14 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Eau Claire VORTAC; and within 9½ miles northwest and 4½ miles southeast of the 45° bearing from the Colburn LOM extending from the 20-mile-radius area to 18½ miles northeast of the Colburn LOM; and within 9½ miles east and 4½ miles west of the 202° radial of the Eau Claire VORTAC extending from the 20-mile-radius area to 24½ miles southwest of the VORTAC; and that airspace extending upward from 4,000 feet MSL southwest of Eau Claire bounded on the east by V–129, on the southwest by V–2N, and on the north by V–268.

[FR Doc.72–2404 Filed 2–16–72;8:47 am]

[Airspace Docket No. 71–RM–30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 24005) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Pierre, S. Dak., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following changes:

Change the FEDERAL REGISTER citations for the transition area to read "§ 71.181 (37 F.R. 2143)".

Effective date. These amendments shall be effective 0901 G.m.t., April 27, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on February 10, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (37 F.R. 2143) the description of the Pierre, S. Dak., transition area is amended to read as follows:

PIERRE, S. DAK.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Pierre Municipal Airport (latitude 44°22'50" N., longitude 100°17'15" W.); within 2 miles each side of the Pierre VOR

FEB 17 72

066° radial, extending from the 8-mile-radius area to 12 miles east of the VOR; and within 2 miles each side of the Pierre VOR 266° radial, extending from the 8-mile-radius area to 20 miles west of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of the Pierre VOR.

[FR Doc.72-2403 Filed 2-16-72;8:47 am]

[Airspace Docket No. 70-EA-113]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On August 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 14764) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate two area high routes, J987R and J988R to be used between New York City and Montreal, Canada, as a part of the overall program to establish an area navigation route structure.

Both routes have now been successfully flight inspected and are being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received to the two routes.

The last waypoint in J987R, "Empire," was relocated to make it coincident with "Empire" intersection on low altitude airway V-36. Also, J988R was terminated at Plattsburgh, N.Y., VORTAC for compatibility with certain military training operations. Both of these changes are minor in nature even though some route realignment is involved.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high routes are added:

J987R (MONTREAL, CANADA, TO J. F. KENNEDY INTERNATIONAL AIRPORT, N.Y.)

Waypoint name	Location North latitude/ West longitude	Reference facility
Frontier, N.Y....	44°57'38"/74°05'24"	Plattsburgh, N.Y.
Loon Lake, N.Y..	44°28'18"/74°12'10"	Do.
Countess, N.Y...	41°39'51"/73°49'20"	Hancock, N.Y.
Empire, N.J.....	40°47'11"/74°02'36"	Do.

J988R (J. F. KENNEDY INTERNATIONAL AIRPORT, N.Y., TO MONTREAL, CANADA)

Belle Terre, N.Y.	41°02'17"/73°08'51"	Hampton, N.Y.
Cherry Plain, N.Y.	42°40'52"/73°18'11"	Albany, N.Y.
Plattsburgh, N.Y.	44°48'12"/73°24'54"	Massena, N.Y.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); and sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 11, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2401 Filed 2-16-72;8:47 am]

[Docket No. 11721, Amdt. 796]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's effective March 16, 1972:

Concord, Calif.—Buchanan Field; VOR Runway 19R, Amdt. 4; Revised.
Dublin, Va.—New River Valley Airport; VOR-A, Amdt. 4; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; VOR Runway 9L, Amdt. 12; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; VOR Runway 13, Amdt. 11; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; VOR Runway 27R, Amdt. 6; Revised.
Hillsboro, Oreg.—Portland-Hillsboro Airport; VOR-1, Amdt. 7; Canceled.
Hillsboro, Oreg.—Portland-Hillsboro Airport; VOR-A, Original; Established.
Los Angeles, Calif.—Van Nuys Airport; VOR-A, Amdt. 1; Revised.
Meridian, Miss.—Akin Airport; VOR Runway 4, Original; Established.
Palmdale, Calif.—Palmdale production Flight/Test Installation AF Plant NR 42 Airport; VOR-A, Amdt. 2; Revised.
Sacramento, Calif.—Sacramento Executive Airport; VOR Runway 2, Amdt. 3; Revised.
St. Petersburg, Fla.—Albert Whitted Airport; VOR Runway 18, Original; Established.
Wells, Nev.—Harriet Field; VOR-A, Amdt. 1; Revised.
Bend, Oreg.—Bend Municipal Airport; VOR/DME Runway 16, Amdt. 2; Revised.
Dublin, Va.—New River Valley Airport; VOR/DME Runway 5, Amdt. 2; Revised.
Indianola, Miss.—Indianola Legion 126 Field; VOR/DME-A, Amdt. 3; Revised.
Los Angeles, Calif.—Van Nuys Airport; VOR/DME-B, Amdt. 1; Revised.
Palmdale, Calif.—Palmdale Production Flight/Test Installation AF Plant No. 42 Airport; VORTAC Runway 25, Amdt. 2; Revised.
Sacramento, Calif.—Sacramento Executive Airport; VOR/DME Runway 20, Amdt. 2; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective March 16, 1972.

Dublin, Va.—New River Valley Airport; LOC Runway 5, Original; Established.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; LOC (BC) Runway 27R, Original; Established.
Sacramento, Calif.—Sacramento Executive Airport; LOC (BC) Runway 20, Amdt. 3; Revised.
Seattle, Wash.—Boeing Field International King County Airport; LOC (BC) Runway 31L, Amdt. 1; Revised.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective March 16, 1972.

Indianola, Miss.—Indianola Legion Field; NDB Runway 18, Amdt. 1; Revised.
Indianola, Miss.—Indianola Legion Field; NDB Runway 36, Amdt. 1; Revised.
Kelso, Wash.—Kelso-Longview Airport; NDB (ADF) Runway 12, Original; Canceled.
Kelso, Wash.—Kelso-Longview Airport; NDB-A, Original; Established.
Sacramento, Calif.—Sacramento Executive Airport; NDB Runway 2, Amdt. 3; Revised.
Seattle, Wash.—Boeing Field International King County Airport; NDB-A, Amdt. 1; Revised.
Seattle, Wash.—Boeing Field International King County Airport; NDB-B, Amdt. 1; Revised.
Statesboro, Ga.—Statesboro Municipal Airport; NDB Runway 13, Amdt. 1; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective March 16, 1972:

Erie, Pa.—Erie International Airport; ILS Runway 6, Amdt. 9; Revised.
Palmdale, Calif.—Palmdale Production Flight/Test Installation AF Plant No. 42 Airport; ILS Runway 25, Amdt. 4; Revised.
Sacramento, Calif.—Sacramento Executive Airport; ILS Runway 2, Amdt. 16; Revised.
Seattle, Wash.—Boeing Field International King County Airport; ILS Runway 13R, Amdt. 14; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective March 16, 1972:

Memphis, Tenn.—Memphis International Airport; Radar-1, Amdt. 22; Revised.
Seattle, Wash.—Boeing Field International King County Airport; Radar-1, Amdt. 3; Revised.
Sumter, S.C.—Sumter Municipal Airport; Radar-1, Amdt. 2; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective March 16, 1972:

Savannah, Ga.—Savannah Municipal Airport; RNAV Runway 18, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 10, 1972.

R. S. SLIFF,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-2372 Filed 2-16-72;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. Export Reg. (Amdt. 33)]

PART 390—GENERAL ORDERS

Export Controls Applicable to People's Republic of China

Part 390 is amended to read as set forth below.

(Secs. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: February 15, 1972.

RAUER H. MEYER,
Director Office of Export Control.

For export control purposes, the People's Republic of China has been transferred from Country Group Z to Country Group Y. As a result, the lesser controls applicable to the Soviet Union and other Group Y countries are now applicable to the People's Republic of China. This action implements President Nixon's announcement of February 14, 1972. The following are the major revisions:

1. A greater number of commodities may now be exported in unlimited quantities to the People's Republic of China under the provisions of General License G-DEST, without the need of applying for, or obtaining, a validated export license. Therefore, any commodity on the Commodity Control List that does not include the code "Y" in the column headed "Validated License Required for Country Groups Shown Below" may now be exported to the People's Republic of China under the provisions of General License G-DEST.

2. General Licenses Gift, GTF-US, Crew, GLD, GLR, GTE, and GTDR now apply to the People's Republic of China to the same extent as they apply to Country Group Y.

3. Foreign-made products of U.S. technical data may now be exported to the People's Republic of China to the same extent that they may be exported to other destinations in Country Group Y.

4. Replacement parts may be exported or reexported to consignees in the People's Republic of China under the Service Supply License procedure.

Accordingly, a new § 390.6 is established in the Export Regulations to read as follows:

§ 390.6 Transfer of People's Republic of China from Country Group Z to Country Group Y.

Effective February 15, 1972, the People's Republic of China is transferred from Country Group Z to Country Group Y. Therefore, all export controls applicable to Country Group Y apply to the People's Republic of China.

[FR Doc.72-2491 Filed 2-16-72;8:52 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7161]

PART 12—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

Investment Credit, Public Utility Property Elections

The following temporary regulations are adopted in order to provide rules for making elections under section 46(e) of the Internal Revenue Code of 1954 as added by section 105 of the Revenue Act of 1971:

§ 12.3 Investment credit, public utility property elections.

(a) *Elections*—(1) *In general.* Under section 46(e), three elections may be made on or before March 9, 1972, with respect to section 46(e) property (as defined in subparagraph (3) of this paragraph). An election made under the provisions of section 46(e) shall be irrevocable.

(2) *Applicability of elections.* (i) Any election under section 46(e) shall be made with respect to all of the taxpayer's property eligible for the election whether or not the taxpayer is regulated by more than one regulatory body.

(ii) (a) Paragraph (1) of section 46(e) shall apply to all of the taxpayer's section 46(e) property in the absence of an election under paragraph (2) or (3) of section 46(e). If an election is made under paragraph (2) of section 46(e), paragraph (1) of such section shall not apply to any of the taxpayer's section 46(e) property.

(b) An election made under the last sentence of section 46(e)(1) shall apply to that portion of the taxpayer's section 46(e) property to which paragraph (1) of section 46(e) applies and which is short supply property within the meaning of § 1.46-5(b)(2) of this chapter (Income Tax Regulations) as set forth in a notice of proposed rule making published in 37 F.R. 3526 on February 17, 1971.

(iii) If a taxpayer makes an election under paragraph (2) of section 46(e), and makes no election under paragraph (3) of such section, the election under paragraph (2) of section 46(e) shall apply to all of its section 46(e) property.

(iv) If a taxpayer makes an election under paragraph (3) of section 46(e), such election shall apply to all of the taxpayer's section 46(e) property to which section 167(l)(2)(C) applies. Paragraph (1) or (2) of section 46(e) (as the case may be) shall apply to that portion of the taxpayer's section 46(e) property which is not property to which section 167(l)(2)(C) applies. Thus, for example, if a taxpayer makes an election under paragraph (2) of section 46(e), and also makes an election under paragraph (3) of section 46(e), paragraph (3) shall apply to all of the taxpayer's section 46(e) property to which section 167(l)(2)(C) applies and paragraph (2) shall apply to the remainder of the taxpayer's section 46(e) property.

(3) *Section 46(e) property.* "Section 46(e) property" is section 38 property which is both property described in section 50 and is—

(i) Public utility property within the meaning of section 46(c)(3)(B) (other than nonregulated communication property of the type described in the last sentence of section 46(c)(3)(B)), or

(ii) Property used predominantly in the trade or business of the furnishing or sale of (*a*) steam through a local distribution system or (*b*) the transportation of gas or steam by pipeline, if the rates for such furnishing or sale are established or approved by a governmental unit, agency, instrumentality, or commission described in section 46(c)(3)(B).

(b) *Method of making elections.* A taxpayer may make the elections described in section 46(e) by filing a statement, on or before March 9, 1972, with the district director or director of the internal revenue service center with whom the taxpayer ordinarily files its income tax return. For rules in the case of taxpayers filing consolidated returns, see § 1.1502-77(a) of this Chapter (Income Tax Regulations). Such statement shall contain the following information:

(1) The name, address, and taxpayer identification number of the taxpayer,

(2) The paragraph (or paragraphs) of section 46(e) under which the taxpayer is making the election,

(3) If an election is made under the last sentence of section 46(e)(1), the name and address of all regulatory bodies which have jurisdiction over the taxpayer with respect to the section 46(e) property covered by such election and a

statement setting forth the type of the public utility activity described in section 46(e)(5)(B) in which the taxpayer engages, and

(4) If an election is made under paragraph (3) of section 46(e), a statement indicating whether an election has been made by the taxpayer under section 167 (l)(4)(A).

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 46(e), 7805, Internal Revenue Code of 1954, 85 Stat. 508, 68A Stat. 917; 26 U.S.C. 46, 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: February 11, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.72-2502 Filed 2-16-72;8:52 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Miscellaneous Amendments

Background. By notice published in the FEDERAL REGISTER on April 17, 1971 (36 F.R. 7410), interested persons were invited to petition for modification of the safety and health standards as they relate to light residential construction. Recommendations received from interested persons and proposals prepared by the Occupational Safety and Health Administration were submitted to the Advisory Committee on Construction Safety and Health for its review and recommendations.

This proceeding was commenced by a notice of proposed rule making which was published in the FEDERAL REGISTER on September 28, 1971 (36 F.R. 19083–19089). The notice set forth 41 proposed amendments to the safety and health regulations for construction. The proposed amendments largely reflected the recommendations of the Advisory Committee. Supplemental notice published October 1, 1971 (36 F.R. 19266), stated that the proposed amendments did not relate only to light residential construction, but would have general application. Opportunities were afforded for written and oral comments on the proposed amendments.

The regulations to which amendments were proposed have application under the Construction Safety Act (40 U.S.C. 333) and the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 650, et seq.).

The notice of proposed rule making invited interested persons to submit data, views, and arguments concerning the proposed changes, both orally and in writing. Written data, views, and arguments were received by the Office of Safety and Health Standards, Occupational Safety and Health Administration, Department of Labor.

Oral data, views, and arguments were received by Hearing Examiner Rhea M. Burrow during an informal hearing held on November 10 and 11, 1971.

The certified record of the proceeding, including the written comments received from interested persons, as well as staff suggestions, were submitted to the Advisory Committee on Construction Safety and Health for its review and advice pursuant to 29 CFR 1911.18. The Advisory Committee has considered the proposed revisions and has submitted its recommendations to the Assistant Secretary of Labor for Occupational Safety and Health for decision.

The Advisory Committee recommended, among other things, that the record be kept open to receive additional comments on the proposed amendments to § 1518.550(a)(3) concerning the use of boom-angle indicators, load indicators, weight-moment devices and overload protection devices on cranes and derricks, particularly on the matter of the feasibility of the proposals in light of field testing and field experience. The record was opened for this purpose for a short period to receive additional comments. Subsequently, the record was again opened to receive comments on this issue upon the advice of the Advisory Committee and will remain open until May 1, 1972.

I have considered carefully all written and oral comments contained in the record and I have consulted with the Advisory Committee, the members of which were appointed upon the basis of their professional and technical experience in the construction safety and health field. (See section 107(e) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) concerning the statutory qualifications of members of the Advisory Committee.) Where substantive changes from the proposals have been made, they have been in response to comments which were regarded as persuasive. Where substantive changes from the proposals have been requested but have not been made, the decision is based in large part on the contrary recommendations of the Advisory Committee, on contrary recommendations of the Office of Safety and Health Standards, and on the intrinsic appropriateness of the adopted standards to assure a safe place of employment.

In some cases, minor changes in wording have been made to state a matter in a more precise and understandable manner. For example, in § 1926.602(a)(9)(i) and (ii), the requirement that horns and alarms be "audible above" the surrounding noise level was changed to "distinguishable from" the surrounding noise level. In other instances, provisions have been added to clarify questions of interpretation raised in the hearings or the comments. In §1926.152(b)(1) covering indoor storage of flammable and combustible liquids, the intent of that section is clarified by adding a cross reference to § 1926.153 which covers storage of liquid petroleum. Certain changes, such as that in § 1926.450(a)(7) on ladders, merely simplify the text. Other proposed sections and parts thereof have been rearranged so as to order their provisions in a more logical manner. See, for example, § 1926.652.

The major areas of concern to interested persons are discussed below.

Medical services and first aid. Comments concerning the proposed § 1518.50(c) stressing the difficulty in assuring that an injured employee can be transported to a hospital, clinic, or infirmary within 15 minutes show that the standard as proposed is too rigid. While it is clear that promptly rendered first-aid treatment often spells the difference between life and death after an accident, in some instances, such as where there is uncontrolled bleeding or stoppage of breathing, even 15 minutes may be too long to wait for first aid. Recognizing the importance of quick treatment, the standard is better phrased in terms of requiring the worksite presence of a person or person qualified to render first aid, in the absence of an infirmary, clinic, hospital or physician that is reasonably accessible to the worksite in terms of time and distance.

Further, certain persons, such as military medics, who may not have the prescribed Red Cross or Bureau of Mines certification may, on the basis of their previous training, be well equipped to render on-the-site first aid. The proposal is, therefore, modified to the extent indicated above.

Safety belts, lifelines, and lanyards. Many objections have been raised to the proposed § 1518.104, that lifelines, safety belts, and lanyards be removed from service after being exposed to in-service loading.

Suggested alternatives such as visual inspection are not acceptable as in most instances it is not possible to ascertain whether the belt, lifeline, or lanyard has become critically weakened or fatigued as a result of the in-service loading, and therefore incapable of further effective use as a lifeline. I find that this provision is necessary to assure continued employee safeguarding because there is no practical way to measure how much strength such article loses after in-service loading as a result of fatigue. Therefore, the standard, as proposed, is adopted.

Safety nets. The proposed § 1518.105(c) would have required safety nets to be rigged no more than 10 feet below the work surface where no other method could be used to protect a worker from falling. Persuasive evidence was submitted to show that, in some situations, such as bridge construction, it would not be feasible to rig a net 10 feet below a work surface. Accordingly, the standard

is modified to allow for such circumstances while at the same time limiting the distance an employee can fall before being stopped by the net. In addition, several minor changes are deemed necessary to provide clarification of the intent of the standard.

Fenders; mud flaps. Evidence concerning the proposed § 1518.601(b)(13) indicates that flying objects that may be propelled from the unprotected wheels of motor vehicle equipment present a hazard to employees working nearby. The proposal sought to eliminate this hazard by requiring all rubber-tired motor vehicle equipment to have fenders. The record indicates that certain rubber-tired vehicles are not designed for fenders. Therefore, it is appropriate to allow mud flaps to be used in lieu of fenders on such equipment to eliminate the above-described hazard. In addition, changes have been made in the dates contained in the proposal in order to provide adequate time for employers to familiarize themselves with the new requirement and arrange for the installation of the required equipment.

Temporary heating devices. On the basis of the presentations at the hearing, as well as the written comments submitted concerning § 1518.154(c)(3), it appears that space heaters that are properly maintained in good working order and that contain integral fuel tanks with capacities more than 5 gallons do not present a significant safety hazard. The presentations pointed out, among other things, the safety features common to such heaters, the fact that the fuel for such heaters has a relatively high flash-point (between 100° and 140° F.), and the danger of spillage resulting from too frequent refueling of such heaters. In view of the above, limitation on the tank capacity of such heaters is removed.

The proposed change in § 1518.154(d) would continue to prohibit the use of solid fuel heaters in buildings and on scaffolds while removing the prohibition on the use of oil-fired salamanders. Solid fuel heaters present a substantially greater hazard than oil-fired salamanders because of the possibility of conflagration in case of an accident.

Tools—switches. In the standards, as originally promulgated, all hand-held power tools were required to be equipped with constant pressure switches. (See § 1518.300, 36 F.R. 7366, April 17, 1971.) As a result of numerous comments on the subject, the requirement was restudied and reconsidered in full. The proposed § 1518.300(d) separates the tools into categories based on the functions of the tools, and prescribes the type of safety devices that would be most appropriate to the functions and most appropriately protect the workers. Certain minor changes consistent with this rationale have been made and an explanatory note has been added to indicate clearly the classes of tools to which the standard was not intended to apply. Accordingly, the effective date of this standard is delayed until July 15, 1972, in order to afford adequate time to equip those power tools now in use with the prescribed switches. The evidence contained in the record as a whole convinces me that it is not feasible to implement this standard in a shorter period.

Rigging equipment. Petitions concerning the apparent blanket prohibition of the use of certain hooks and lifting accessories contained in § 1518.251(b)(3) (36 F.R. 7358, April 17, 1971) indicated that the standard should be reconsidered in view of current technology and field practice in the assembly of modular and prefabricated units. Thus, the objective of the proposed § 1518.251(b)(6) was to insure the safety of construction employees and at the same time allow the continued use of certain construction techniques which are safe. This standard, with minor typographical changes, is adopted as proposed.

Excavation. Some comments on § 1518.651 (36 F.R. 7389, April 17, 1971), dealing with the location of underground installations when excavating considered the standard too rigid to allow alternative safer methods to locate underground installations. The proposed § 1518.651(a) (36 F.R. 19088, September 28, 1971) was drafted to allow any safe method of locating underground installations to be used in excavation. Comments on the proposed amendment raised a question as to whether underground telephone lines were covered by this standard. To clarify the intent of this proposal and to avoid accidental employee exposure to the hazards caused by broken or severed underground utility installations, telephones have been added to the enumerated list of possible underground hazards to be avoided.

Amendments were proposed in § 1518.651(h) in order to allow more flexibility in storing and retaining excavated materials adjacent to an excavation, while at the same time insuring the safety of those employees working in the excavation site. Comments indicated that the proposals were still too rigid to allow employers digging shallow trenches (less than 5 feet in depth) with narrow rights-of-way to meet the requirement. Alternative methods of storing and retaining such material were suggested which would provide equivalent employee protection. As a result, the language of the proposals has been altered to permit all appropriate alternative methods which will protect employees working in excavations from the hazards of falling materials.

Specific trenching requirements. Generally, the shoring and sloping requirements in § 1518.652 were prescribed for trenches 4 feet or more in depth. The 4-foot rule is found to be more stringent than necessary to provide adequate employee protection where ground conditions are stable. Therefore, the proposal has been changed to permit the shoring and trenching requirements to begin at 5 feet. It is recognized, however, that where ground conditions are unstable, there may be substantial danger even in working in very shallow trenches. Therefore, to insure adequate protection for employees in every situation, language has been added to clarify the intent that where shallow trenches (less than 5 feet in depth) may be hazardous due to potential cave-ins caused by unstable ground conditions, they must be shored or sloped as required in all trenches deeper than 5 feet.

Further, § 1518.652 as initially issued (36 F.R. 7389, April 17, 1971) apparently caused some uncertainty as to whether portable trench boxes or sliding trench shields could be used in lieu of the prescribed shoring and sloping systems. The proposal clarifies the intent of this section and allows portable trench boxes or sliding trench shields to be used in lieu of sloping or shoring where such equipment provides equal or greater protection.

In view of the foregoing, I hereby adopt the following amendments to Parts 1910 and 1926 of Title 29, Code of Federal Regulations.

A. Amendments to Part 1910 of Title 29, Code of Federal Regulations:

1. Section 1910.12 is amended by revising paragraph (a) and adding thereto a new paragraph (c). As amended, § 1910.12 reads as follows:

§ 1910.12 Construction work.

(a) *Standards.* The standards prescribed in Part 1926 of this chapter are adopted as occupational safety and health standards under section 6 of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in construction work. Each employer shall protect the employment and places of employment of each of his employees engaged in construction work by complying with the appropriate standards prescribed in this paragraph.

. . . . . .

(c) *Construction Safety Act distinguished.* This section adopts as occupational safety and health standards under section 6 of the Act the standards which are prescribed in Part 1926 of this chapter. Thus, the standards (substantive rules) published in Subpart C and the following subparts of Part 1926 of this chapter are applied. This section does not incorporate Subparts A and B of Part 1926 of this chapter. Subparts A and B have pertinence only to the application of section 107 of the Contract Work Hours and Safety Standards Act (the Construction Safety Act). For example, the interpretation of the term "subcontractor" in paragraph (c) of § 1926.13 of this chapter is significant in discerning the coverage of the Construction Safety Act and duties thereunder. However, the term "subcontractor" has no significance in the application of the Act, which was enacted under the Commerce Clause and which establishes duties for "employers" which are not dependent for their application upon any contractual relationship with the Federal Government or upon any form of Federal financial assistance.

2. Part 1910 is amended by adding to Subpart B thereof a new § 1910.18, reading as follows:

§ 1910.18 Changes in established Federal standards.

Whenever an occupational safety and health standard adopted and incorporated by reference in this Subpart B is changed pursuant to section 6(b) of the Act and the statute under which the standard was originally promulgated, and in accordance with Part 1911 of this chapter, the standard shall be deemed changed for purposes of that statute and this Subpart B, and shall apply under this Subpart B. For the purposes of this section, a change in a standard includes any amendment, addition, or repeal, in whole or in part, of any standard.

B. Amendments to Part 1926 (formerly Part 1518) of Title 29, Code of Federal Regulations:

1. Section 1926.13 is amended by revising paragraph (c) thereof to read:

§ 1926.13 Interpretation of statutory terms.

• • • • •

(c) The term "subcontractor" under section 107 is considered to mean a person who agrees to perform any part of the labor or material requirements of a contract for construction, alteration or repair. Cf. MacEvoy Co. v. United States, 322 U.S. 102, 108–9 (1944). A person who undertakes to perform a portion of a contract involving the furnishing of supplies or materials will be considered a "subcontractor" under this part and section 107 if the work in question involves the performance of construction work and is to be performed: (1) Directly on or near the construction site, or (2) by the employer for the specific project on a customized basis. Thus, a supplier of materials which will become an integral part of the construction is a "subcontractor" if the supplier fabricates or assembles the goods or materials in question specifically for the construction project and the work involved may be said to be construction activity. If the goods or materials in question are ordinarily sold to other customers from regular inventory, the supplier is not a "subcontractor." Generally, the furnishing of prestressed concrete beams and prestressed structural steel would be considered manufacturing; therefore a supplier of such materials would not be considered a "subcontractor." An example of material supplied "for the specific project on a customized basis" as that phrase is used in this section would be ventilating ducts, fabricated in a shop away from the construction jobsite and specifically cut for the project according to design specifications. On the other hand, if a contractor buys standard size nails from a foundry, the foundry would not be a covered "subcontractor." Ordinarily a contract for the supplying of construction equipment to a contractor would not, in and of itself, be considered a "subcontractor" for purposes of this part.

2. Section 1926.20 is amended by revising paragraph (b)(3) to read as follows:

§ 1926.20 General safety and health provisions.

• • • • •

(b) • • •

(3) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this part is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

• • • • •

3. Section 1926.21(b)(6) is amended by placing its present text in a new subdivision (i) and by adding thereto a new subdivision (ii) to read as follows:

§ 1926.21 Safety training and education.

• • • • •

(b) • • •

(6) (i) All employees required to enter into confined or enclosed spaces shall be instructed as to the nature of the hazards involved, the necessary precautions to be taken, and in the use of protective and emergency equipment required. The employer shall comply with any specific regulations that apply to work in dangerous or potentially dangerous areas.

(ii) For purposes of subdivision (i) of this subparagraph, "confined or enclosed space" means any space having a limited means of egress, which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, process vessels, bins, boilers, ventilation or exhaust ducts, sewers, underground utility vaults, tunnels, pipelines, and open top spaces more than 4 feet in depth such as pits, tubs, vaults, and vessels.

4. Section 1926.32 is amended by deleting the fourth sentence of paragraph (i) so that the paragraph reads as follows:

§ 1926.32 Definitions.

• • • • •

(i) "Employee" means every laborer or mechanic under the Act regardless of the contractual relationship which may be alleged to exist between the laborer and mechanic and the contractor or subcontractor who engaged him. "Laborer and mechanic" are not defined in the Act, but the identical terms are used in the Davis-Bacon Act (40 U.S.C. 276a), which provides for minimum wage protection on Federal and federally assisted construction contracts. The use of the same term in a statute which often applies concurrently with section 107 of the Act has considerable precedential value in ascertaining the meaning of "laborer and mechanic" as used in the Act. "Laborer" generally means one who performs manual labor or who labors at an occupation requiring physical strength; "mechanic" generally means a worker skilled with tools. See 18 Comp. Gen. 341.

• • • • •

5. Section 1926.50 is revised to read as follows:

§ 1926.50 Medical services and first aid.

(a) The employer shall insure the availability of medical personnel for advice and consultation on matters of occupational health.

(b) Provisions shall be made prior to commencement of the project for prompt medical attention in case of serious injury.

(c) In the absence of an infirmary, clinic, hospital, or physician that is reasonably accessible in terms of time and distance to the worksite which is available for the treatment of injured employees, a person who has a valid certificate in first-aid training from the U.S. Bureau of Mines, the American Red Cross, or equivalent training that can be verified by documentary evidence shall be available at the worksite to render first aid.

(d) (1) First-aid supplies approved by the consulting physician shall be easily accessible when required.

(2) The first-aid kit shall consist of materials approved by the consulting physician in a weatherproof container with individual sealed packages for each type of item. The contents of the first-aid kit shall be checked by the employer before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

(e) Proper equipment for prompt transportation of the injured person to a physician or hospital, or a communication system for contacting necessary ambulance service, shall be provided.

6. Section 1925.51 is amended by adding a heading to Table D–1 of paragraph (c)(1), by revising paragraph (f), and by revoking paragraph (g) thereof to read as follows:

§ 1926.51 Sanitation.

• • • • •

(c) *Toilets at construction jobsites.* (1) Toilets shall be provided for employees according to the following table:

TABLE D–1

Number of employees	*Minimum number of facilities*
20 or less...	1.
20 or more..	1 toilet seat and 1 urinal per 40 workers.
200 or more.	1 toilet seat and 1 urinal per 50 workers.

• • • • •

(f) *Washing facilities.* The employer shall provide adequate washing facilities for employees engaged in the application of paints, coating, herbicides, or insecticides, or in other operations where contaminants may be harmful to the employees. Such facilities shall be in near proximity to the worksite and shall be so equipped as to enable employees to remove such substances.

(g) [Revoked]

7. Section 1926.52 is amended by revising paragraph (d)(2) to read as follows:

§ 1926.52 Occupational noise exposure.

• • • • •

(d) • • •

(2) (i) When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. Exposure to different levels for various periods of time shall be computed according to the formula set forth in subdivision (ii) of this subparagraph.

(ii)

$$F_e = \frac{T_1}{L_1} + \frac{T_2}{L_2} + \cdots + \frac{T_n}{L_n}$$

where:

F_e = The equivalent noise exposure factor.
T = The period of noise exposure at any essentially constant level.
L = The duration of the permissible noise exposure at the constant level (from Table D–2).

If the value of F_e exceeds unity (1) the exposure exceeds permissible levels.

(iii) A sample computation showing an application of the formula in subdivision (ii) of this paragraph is as follows. An employee is exposed at these levels for these periods:

110 dbA ¼ hour.
100 dbA ½ hour.
90 dbA 1½ hours.

$$F_e = \frac{\frac{1}{4}}{\frac{1}{2}} + \frac{\frac{1}{2}}{2} + \frac{1\frac{1}{2}}{8}$$

$F_e = 0.500 + 0.25 + 0.188$
$F_e = 0.938$

Since the value of F_e does not exceed unity, the exposure is within permissible limits.

• • • • •

8. Section 1926.55 is amended by revising paragraph (b) thereof to read as follows:

§ 1926.55 Gases, vapors, fumes, dusts, and mists.

• • • • •

(b) To achieve compliance with paragraph (a) of this section, administrative or engineering controls must first be implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in this section. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with § 1926.103.

9. Section 1926.57 is amended by revising paragraph (a) thereof to read as follows:

§ 1926.57 Ventilation.

(a) *General.* Whenever hazardous substances such as dusts, fumes, mists, vapors, or gases exist or are produced in the course of construction work, their concentrations shall not exceed the limits specified in § 1926.55(a). When ventilation is used as an engineering control method, the system shall be installed and operated according to the requirements of this section.

• • • • •

§ 1926.58 [Revoked]

10. Section 1926.58 is revoked.

11. Section 1926.100 is amended by revising paragraph (a) thereof to read as follows:

§ 1926.100 Head protection.

(a) Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets.

• • • • •

12. Section 1926.104 is amended by revising paragraph (a) thereof to read as follows:

§ 1926.104 Safety belts, lifelines, and lanyards.

(a) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt, or lanyard actually subjected to in-service loading, as distinguished from static load testing, shall be immediately removed from service and shall not be used again for employee safeguarding.

• • • • •

13. Section 1926.105 is amended by revising paragraphs (c) and (d) thereof to read as follows:

§ 1926.105 Safety nets.

• • • • •

(c) (1) Nets shall extend 8 feet beyond the edge of the work surface where employees are exposed and shall be installed as close under the work surface as practical but in no case more than 25 feet below such work surface. Nets shall be hung with sufficient clearance to prevent user's contact with the surfaces or structures below. Such clearances shall be determined by impact load testing.

(2) It is intended that only one level of nets be required for bridge construction.

(d) The mesh size of nets shall not exceed 6 inches by 6 inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

• • • • •

14. Section 1926.150 is amended by revising paragraphs (c)(1) and (d) (1) and (2) thereof to read as follows:

§ 1926.150 Fire protection.

• • • • •

(c) *Portable firefighting equipment*—(1) *Fire extinguishers and small hose lines.* (i) A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet of the protected building area, or major fraction thereof. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed 100 feet.

(ii) One 55-gallon open drum of water with two fire pails may be substituted for a fire extinguisher having a 2A rating.

(iii) A ½-inch diameter garden-type hose line, not to exceed 100 feet in length and equipped with a nozzle, may be substituted for a 2A-rated fire extinguisher, provided it is capable of discharging a minimum of 5 gallons per minute with a minimum hose stream range of 30 feet horizontally. The garden-type hose lines shall be mounted on conventional racks or reels. The number and location of hose racks or reels shall be such that at least one hose stream can be applied to all points in the area.

(iv) One or more fire extinguishers, rated not less than 2A, shall be provided on each floor. In multistory buildings, at least one fire extinguisher shall be located adjacent to stairway.

(v) Extinguishers and water drums, subject to freezing, shall be protected from freezing.

(vi) A fire extinguisher, rated not less than 10B, shall be provided within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas are being used on the jobsite. This requirement does not apply to the integral fuel tanks of motor vehicles.

(vii) Carbon tetrachloride and other toxic vaporizing liquid fire extinguishers are prohibited.

(viii) Portable fire extinguishers shall be inspected periodically and maintained in accordance with Maintenance and Use of Portable Fire Extinguishers, NFPA No. 10A–1970.

(ix) Fire extinguishers which have been listed or approved by a nationally recognized testing laboratory, shall be used to meet the requirements of this subpart.

(x) Table F–1 may be used as a guide for selecting the appropriate portable fire extinguishers.

• • • • •

(d) *Fixed firefighting equipment*—(1) *Sprinkler protection.* (i) If the facility being constructed includes the installation of automatic sprinkler protection, the installation shall closely follow the construction and be placed in service as soon as applicable laws permit following completion of each story.

(ii) During demolition or alterations, existing automatic sprinkler installations shall be retained in service as long as reasonable. The operation of sprinkler control valves shall be permitted only by properly authorized persons. Modification of sprinkler systems to permit alterations or additional demolition should be expedited so that the automatic protection may be returned to service as quickly as possible. Sprinkler control valves shall be checked daily at close of work to ascertain that the protection is in service.

(2) *Standpipes.* In all structures in which standpipes are required, or where standpipes exist in structures being altered, they shall be brought up as soon as applicable laws permit, and shall be

maintained as construction progresses in such a manner that they are always ready for fire protection use. The standpipes shall be provided with Siamese fire department connections on the outside of the structure, at the street level, which shall be conspicuously marked. There shall be at least one standard hose outlet at each floor.

• • • • • •

15. Section 1926.152 is amended by amending subparagraphs (1) and (2) of paragraph (b) thereof as follows:

§ 1926.152 Flammable and combustible liquids.

• • • • • •

(b) *Indoor storage of flammable and combustible liquids.* (1) No more than 25 gallons of flammable or combustible liquids shall be stored in a room outside of an approved storage cabinet. For storage of liquid petroleum gas, see § 1926.153.

(2) Quantities of flammable and combustible liquid in excess of 25 gallons shall be stored in an acceptable or approved cabinet meeting the following requirements:

• • • • • •

16. Section 1926.154 is amended by revising paragraph (d) and revoking (e) (3) thereof, as follows:

§ 1926.154 Temporary heating devices.

• • • • • •

(d) *Solid fuel salamanders.* Solid fuel salamanders are prohibited in buildings and on scaffolds.

(e) • • •

(3) [Revoked]

• • • • • •

17. Section 1926.200 is amended by revising paragraph (i) thereof to read as follows:

§ 1926.200 Accident prevention signs and tags.

• • • • • •

(i) *Additional rules.* American National Standards Institute (ANSI) Z35.1–1968, Specifications for Accident Prevention Signs, and Z35.2–1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with ANSI Z35.1–1968 and Z35.2–1968 with respect to rules not specifically prescribed in this subpart.

18. Section 1926.251 is amended by adding to paragraph (a) thereof a new subparagraph (4) to read as follows:

§ 1926.251 Rigging equipment for material handling.

(a) • • •

(4) Special custom design grabs, hooks, clamps, or other lifting accessories, for such units as modular panels, prefabricated structures and similar materials, shall be marked to indicate the safe working loads and shall be proof-tested prior to use to 125 percent of their rated load.

• • • • • •

19. Section 1926.252 is amended by revising paragraph (a) thereof to read as follows:

§ 1926.252 Disposal of waste materials.

(a) Whenever materials are dropped more than 20 feet to any point lying outside the exterior walls of the building, an enclosed chute of wood, or equivalent material, shall be used. For the purpose of this paragraph, an enclosed chute is a slide, closed in on all sides, through which material is moved from a high place to a lower one.

• • • • • •

20. Section 1926.300 is amended by revising paragraph (d) thereof to read as follows:

§ 1926.300 General requirements.

• • • • • •

(d) *Switches.* (1) All hand-held powered platen sanders, grinders with wheels 2-inch diameter or less, routers, planers, laminate trimmers, nibblers, shears, scroll saws, and jigsaws with blade shanks one-fourth of an inch wide or less may be equipped with only a positive "on-off" control.

(2) All hand-held powered drills, tappers, fastener drivers, horizontal, vertical, and angle grinders with wheels greater than 2 inches in diameter, disc sanders, belt sanders, reciprocating saws, saber saws, and other similar operating powered tools shall be equipped with a momentary contact "on-off" control and may have a lock-on control provided that turnoff can be accomplished by a single motion of the same finger or fingers that turn it on.

(3) All other hand-held powered tools, such as circular saws, chain saws, and percussion tools without positive accessory holding means, shall be equipped with a constant pressure switch that will shut off the power when the pressure is released.

(4) The requirements of this paragraph shall become effective on July 15, 1972.

(5) Exception: This paragraph does not apply to concrete vibrators, concrete breakers, powered tampers, jack hammers, rock drills, and similar hand operated power tools.

21. Section 1926.303 is amended by revising paragraphs (b) and (d) thereof to read as follows:

§ 1926.303 Abrasive wheels and tools.

• • • • • •

(b) *Grinding.* Grinding machines shall be equipped with safety guards in conformance with the requirements of American National Standards Institute, B7.1–1970, Safety Code for the Use, Care and Protection of Abrasive Wheels, and paragraph (d) of this section.

• • • • • •

(d) *Other requirements.* All abrasive wheels and tools used by employees shall meet other applicable requirements of American National Standards Institute, B7.1–1970, Safety Code for the Use, Care and Protection of Abrasive Wheels.

22. Section 1926.351 is amended by revising paragraph (b)(4) to read as follows:

§ 1926.351 Arc welding and cutting.

• • • • • •

(b) • • •

(4) Cables in need of repair shall not be used. When a cable, other than the cable lead referred to in subparagraph (2) of this paragraph, becomes worn to the extent of exposing bare conductors, the portion thus exposed shall be protected by means of rubber and friction tape or other equivalent insulation.

23. Section 1926.401 is amended by amending paragraphs (h), (i), and (j) (3) thereof as follows:

§ 1926.401 Grounding and bonding.

• • • • • •

(h) *Temporary wiring.* All temporary wiring shall be effectively grounded in accordance with the National Electrical Code, NFPA No. 70–1968 (see Articles 200 and 250).

(i) *Construction site.* Precautions shall be taken to make any necessary open wiring inaccessible to unauthorized personnel.

(j) • • •

(3) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a hazard to employees.

• • • • • •

24. Section 1926.402 is amended by revising paragraph (d) thereof to read as follows:

§ 1926.402 Equipment installation and maintenance.

• • • • • •

(d) *Transformers.* (1) Energized transformers and other related electrically energized equipment over 150 volts to ground shall be protected so as to prevent accidental contact with any person. Protection shall be provided by individual integrated housing or by an enclosure, such as an electrical substation fence, which accommodates a group of such equipment. Metallic enclosures shall be grounded.

(2) Access to energized equipment covered by subparagraph (1) of this paragraph shall be secured by lock or other fasteners requiring the use of tools to open them.

(3) Signs indicating danger and prohibiting unauthorized access shall be conspicuously displayed on the housing or other enclosure around the equipment.

(4) Transformers mounted on utility poles at a height of more than 12 feet from the ground are exempt from the requirements of this paragraph.

• • • • • •

25. Section 1926.404 is amended by revising paragraph (b) thereof to read as follows:

§ 1926.404 Hazardous locations.

• • • • • •

(b) Diversion ditches, dikes, or other equipment used in a hazardous location shall be chosen from among those listed by a nationally recognized testing laboratory, such as Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp., except custom-made components and utilization equipment.

• • • • • •

26. Section 1926.450 is amended by revising paragraph (a)(7) thereof to read as follows:

§ 1926.450 Ladders.

(a) • • •

(7) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

• • • • • •

27. Section 1926.451 is amended by revising paragraphs (a)(10), (b)(16), (h)(13), (m)(4), and (r)(3)(ii) to read as follows:

§ 1926.451 Scaffolding.

(a) • • •

(10) All planking shall be Scaffold Grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in the following:

• • • • • •

(b) • • •

(16) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables L–4 to 10. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and it shall be constructed and erected in accordance with such design.

• • • • • •

(h) • • •

(13) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

• • • • • •

(m) • • •

(4) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

• • • • • •

(r) • • •

(3) • • •

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

• • • • • •

28. Section 1926.500 is amended by revising subparagraph (4) of paragraph (b) and subparagraph (2) of paragraph (d) thereof to read as follows:

§ 1926.500 Guardrails, handrails, and covers.

• • • • • •

(b) • • •

(4) Wherever there is danger of falling through a skylight opening, it shall be guarded by a fixed standard railing on all exposed sides or a cover capable of sustaining the weight of a 200-pound person.

• • • • • •

(d) • • •

(2) Runways shall be guarded by a standard railing, or the equivalent, as specified in paragraph (f) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

• • • • • •

29. Section 1926.502 is amended by adding thereto a new paragraph (o), reading as follows:

§ 1926.502 Definitions applicable to this subpart.

• • • • • •

(o) "Wall opening"—An opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall, such as a yard-arm doorway or chute opening.

30. Section 1926.550 is amended by revising paragraph (a)(16) and paragraph (e) thereof to read as follows:

§ 1926.550 Cranes and derricks.

(a) • • •

(16) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without the manufacturer's written approval. If such modifications or changes are made, the capacity, operation, and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

• • • • • •

(e) *Derricks.* All derricks in use shall meet the applicable requirements for design, construction, installation, inspection, testing, maintenance, and operation as prescribed in American National Standards Institute B30.6–1969, Safety Code for Derricks.

• • • • • •

31. Section 1926.552 is amended by revising paragraph (c)(16) thereof to read as follows:

§ 1926.552 Material hoists, personnel hoists, and elevators.

• • • • • •

(c) • • •

(16) All personnel hoists used by employees shall be constructed of materials and components which meet the specifications for materials, construction, safety devices, assembly, and structural integrity as stated in the American National Standard A10.4–1963, Safety Requirements for Workmen's Hoists. The requirements of this subparagraph (16) do not apply to cantilever type personnel hoists.

• • • • • •

32. Section 1926.600 is amended by revising paragraph (a)(3)(ii) thereof to read as follows.

§ 1926.600 Equipment.

(a) • • •

(3) • • •

(ii) Whenever the equipment is parked, the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set.

• • • • • •

33. Section 1926.601 is amended by revising paragraph (b)(13) thereof as follows:

§ 1926.601 Motor vehicles.

• • • • • •

(b) • • •

(13) (i) All rubber-tired motor vehicle equipment manufactured on or after May 1, 1972, shall be equipped with fenders. All rubber-tired motor vehicle equipment manufactured before May 1, 1972, shall be equipped with fenders not later than May 1, 1973.

(ii) Mud flaps may be used in lieu of fenders whenever motor vehicle equipment is not designed for fenders.

• • • • • •

34. Section 1926.602 is amended by adding new subparagraphs (9) and (10) to paragraph (a) of this section, to read as follows:

§ 1926.602 Material handling equipment.

(a) • • •

(9) *Audible alarms.* (i) All bidirectional machines, such as rollers, compacters, front-end loaders, bulldozers, and similar equipment, shall be equipped with a horn, distinguishable from the surrounding noise level, which shall be operated as needed when the machine is moving in either direction. The horn shall be maintained in an operative condition.

(ii) No employer shall permit earth-moving or compacting equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level or an employee signals that it is safe to do so.

(10) *Scissor points.* Scissor points on all front-end loaders, which constitute a hazard to the operator during normal operation, shall be guarded.

• • • • • •

35. Section 1926.651 is amended by changing the section heading thereof; by redesignating the present paragraphs (c) through (x) as paragraphs (d) through (y) respectively; by adding a new paragraph (c); and by revising paragraph (a) and the redesignated paragraph (i). As revised, § 1926.651 reads as follows:

§ 1926.651 Specific excavation requirements.

(a) Prior to opening an excavation, effort shall be made to determine whether underground installations; i.e., sewer, telephone, water, fuel, electric lines, etc., will be encountered, and if so, where such underground installations are located. When the excavation approaches the estimated location of such an installation, the exact location shall be determined and when it is uncovered,

proper supports shall be provided for the existing installation. Utility companies shall be contacted and advised of proposed work prior to the start of actual excavation.

(b) Trees, boulders, and other surface encumbrances, located so as to create a hazard to employees involved in excavation work or in the vicinity thereof at any time during operations, shall be removed or made safe before excavating is begun.

(c) The walls and faces of all excavations in which employees are exposed to danger from moving ground shall be guarded by a shoring system, sloping of the ground, or some other equivalent means.

(d) Excavations shall be inspected by a competent person after every rainstorm or other hazard-increasing occurrence, and the protection against slides and cave-ins shall be increased if necessary.

(e) The determination of the angle of repose and design of the supporting system shall be based on careful evaluation of pertinent factors such as: Depth of cut; possible variation in water content of the material while the excavation is open; anticipated changes in materials from exposure to air, sun, water, or freezing; loading imposed by structures, equipment, overlying material, or stored material; and vibration from equipment, blasting, traffic, or other sources.

(f) Supporting systems; i.e., piling, cribbing, shoring, etc., shall be designed by a qualified person and meet accepted engineering requirements. When tie rods are used to restrain the top of sheeting or other retaining systems, the rods shall be securely anchored well back of the angle of repose. When tight sheeting or sheet piling is used, full loading due to ground water table shall be assumed, unless prevented by weep holes or drains or other means. Additional stringers, ties, and bracing shall be provided to allow for any necessary temporary removal of individual supports.

(g) All slopes shall be excavated to at least the angle of repose except for areas where solid rock allows for line drilling or presplitting.

(h) The angle of repose shall be flattened when an excavation has water conditions, silty materials, loose boulders, and areas where erosion, deep frost action, and slide planes appear.

(i) (1) In excavations which employees may be required to enter, excavated or other material shall be effectively stored and retained at least 2-feet or more from the edge of the excavation.

(2) As an alternative to the clearance prescribed in subparagraph (1) of this paragraph, the employer may use effective barriers or other effective retaining devices in lieu thereof in order to prevent excavated or other materials from falling into the excavation.

(j) Sides, slopes, and faces of all excavations shall meet accepted engineering requirements by scaling, benching, barricading, rock bolting, wire meshing, or other equally effective means. Special attention shall be given to slopes which may be adversely affected by weather or moisture content.

(k) Support systems shall be planned and designed by a qualified person when excavation is in excess of 20 feet in depth, adjacent to structures or improvements, or subject to vibration or ground water.

(l) Materials used for sheeting, sheet piling, cribbing, bracing, shoring, and underpinning shall be in good serviceable condition, and timbers shall be sound, free from large or loose knots, and of proper dimensions.

(m) Special precautions shall be taken in sloping or shoring the sides of excavations adjacent to a previously backfilled excavation or a fill, particularly when the separation is less than the depth of the excavation. Particular attention also shall be paid to joints and seams of material comprising a face and the slope of such seams and joints.

(n) Except in hard rock, excavations below the level of the base of footing of any foundation or retaining wall shall not be permitted, unless the wall is underpinned and all other precautions taken to insure the stability of the adjacent walls for the protection of employees involved in excavation work or in the vicinity thereof.

(o) If the stability of adjoining buildings or walls is endangered by excavations, shoring, bracing, or underpinning shall be provided as necessary to insure their safety. Such shoring, bracing, or underpinning shall be inspected daily or more often, as conditions warrant, by a competent person and the protection effectively maintained.

(p) Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation and to provide adequate drainage of the area adjacent to the excavation. Water shall not be allowed to accumulate in an excavation.

(q) If it is necessary to place or operate power shovels, derricks, trucks, materials, or other heavy objects on a level above and near an excavation, the side of the excavation shall be sheet-piled, shored, and braced as necessary to resist the extra pressure due to such superimposed loads.

(r) Blasting and the use of explosives shall be performed in accordance with Subpart U of this part.

(s) When mobile equipment is utilized or allowed adjacent to excavations, substantial stop logs, or barricades shall be installed. If possible, the grade should be away from the excavation.

(t) Adequate barrier physical protection shall be provided at all remotely located excavations. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

(u) If possible, dust conditions shall be kept to a minimum by the use of water, salt, calcium chloride, oil, or other means.

(v) In locations where oxygen deficiency or gaseous conditions are possible, air in the excavation shall be tested. Controls; as set forth in Subparts D and E of this part, shall be established to assure acceptable atmospheric conditions. When flammable gases are present, adequate ventilation shall be provided or sources of ignition shall be eliminated. Attended emergency rescue equipment, such as breathing apparatus, a safety harness and line, basket stretcher, etc., shall be available where adverse atmospheric conditions may exist or develop in an excavation.

(w) Where employees or equipment are required or permitted to cross over excavations, walkways or bridges with standard guardrails shall be provided.

(x) Where ramps are used for employees or equipment, they shall be designed and constructed by qualified persons in accordance with accepted engineering requirements.

(y) All ladders used on excavation operations shall be in accordance with the requirements of Subpart L of this part.

36. Section 1926.652 is revised to read as follows:

§ 1926.652 Specific trenching requirements.

(a) Banks more than 5 feet high shall be shored, laid back to a stable slope, or some other equivalent means of protection shall be provided where employees may be exposed to moving ground or cave-ins. Refer to Table P–1 as a guide in sloping of banks. Trenches less than 5 feet in depth shall also be effectively protected when examination of the ground indicates hazardous ground movement may be expected.

(b) Sides of trenches in unstable or soft material, 5 feet or more in depth, shall be shored, sheeted, braced, sloped, or otherwise supported by means of sufficient strength to protect the employees working within them. See Tables P–1, P–2 [following paragraph (g) of this section].

(c) Sides of trenches in hard or compact soil, including embankments, shall be shored or otherwise supported when the trench is more than 5 feet in depth and 8 feet or more in length. In lieu of shoring, the sides of the trench above the 5-foot level may be sloped to preclude collapse, but shall not be steeper than a 1-foot rise to each ½-foot horizontal. When the outside diameter of a pipe is greater than 6 feet, a bench of 4-foot minimum shall be provided at the toe of the sloped portion.

(d) Materials used for sheeting and sheet piling, bracing, shoring, and underpinning, shall be in good serviceable condition, and timbers used shall be sound and free from large or loose knots, and shall be designed and installed so as to be effective to the bottom of the excavation.

(e) Additional precautions by way of shoring and bracing shall be taken to prevent slides or cave-ins when excavations or trenches are made in locations adjacent to backfilled excavations, or where excavations are subjected to vibrations from railroad or highway traffic, the operation of machinery, or any other source.

(f) Employees entering bell-bottom pier holes shall be protected by the installation of a removeable-type casing of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of each pier hole which is above the bell. A lifeline, suitable for instant rescue and securely fastened to a shoulder harness, shall be worn by each employee entering the shafts. This lifeline shall be individually manned and separate from any line used to remove materials excavated from the bell footing.

(g) (1) Minimum requirements for trench timbering shall be in accordance with Table P–2.

(2) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of values given by the following formula:

$$S = 1300 - \frac{20L}{D}$$

$$\text{Maximum ratio } \frac{L}{D} = 50$$

Where:
L = Length, unsupported, in inches.
D = Least side of the timber in inches.
S = Allowable stress in pounds per square inch of cross-section.

Table P - 1

APPROXIMATE ANGLE OF REPOSE
FOR SLOPING OF SIDES OF EXCAVATIONS

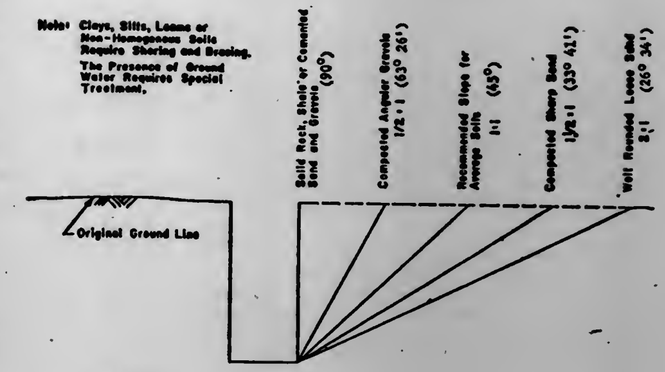


TABLE P–2

TRENCH SHORING—MINIMUM REQUIREMENTS

Depth of trench	Kind or condition of earth	Size and spacing of members										
		Uprights		Stringers		Cross braces[1]				Maximum spacing		
						Width of trench						
		Minimum dimension	Maximum spacing	Minimum dimension	Maximum spacing	Up to 3 feet	3 to 6 feet	6 to 9 feet	9 to 12 feet	12 to 15 feet	Vertical	Horizontal
Feet		Inches	Feet	Inches	Feet	Inches	Inches	Inches	Inches	Inches	Feet	Feet
5 to 10	Hard, compact	3 x 4 or 2 x 6	6			2 x 6	4 x 4	4 x 6	6 x 6	6 x 8	4	6
	Likely to crack	3 x 4 or 2 x 6	3	4 x 6	4	2 x 6	4 x 4	4 x 6	6 x 6	6 x 8	4	6
	Soft, sandy, or filled	3 x 4 or 2 x 6	Close sheeting	4 x 6	4	4 x 4	4 x 6	6 x 6	6 x 8	8 x 8	4	6
	Hydrostatic pressure	3 x 4 or 2 x 6	Close sheeting	6 x 8	4	4 x 4	4 x 6	6 x 6	6 x 8	8 x 8	4	6
10 to 15	Hard	3 x 4 or 2 x 6	4	4 x 6	4	4 x 4	4 x 6	6 x 6	6 x 8	8 x 8	4	6
	Likely to crack	3 x 4 or 2 x 6	2	4 x 6	4	4 x 4	4 x 6	6 x 6	6 x 8	6 x 8		6
	Soft, sandy, or filled	3 x 4 or 2 x 6	Close sheeting	4 x 6	4	4 x 6	6 x 6	6 x 8	8 x 8	8 x 10	4	6
	Hydrostatic pressure	3 x 6	Close sheeting	8 x 10	4	4 x 6	6 x 8	6 x 8	8 x 8	8 x 10	4	6
15 to 20	All kinds or conditions	3 x 6	Close sheeting	4 x 12	4	4 x 12	6 x 8	8 x 8	8 x 10	10 x 10	4	6
Over 20	All kinds or conditions	3 x 6	Close sheeting	6 x 8	4	4 x 12	8 x 8	8 x 10	10 x 10	10 x 12	4	6

[1] Trench jacks may be used in lieu of, or in combination with, cross braces.
Shoring is not required in solid rock, hard shale, or hard slag.
Where desirable, steel sheet piling and bracing of equal strength may be substituted for wood.

(h) Where employees are required to be in trenches 3 feet deep or more, ladders, extending from the floor of the trench excavation to at least 3 feet above the top of the excavation, shall be provided and so located as to provide means of exit without more than 25 feet of lateral travel.

(i) Bracing or shoring of trenches shall be carried along with the excavation.

(j) Cross braces or trench jacks shall be placed in true horizontal position, be spaced vertically, and be secured to prevent sliding, falling, or kickouts.

(k) Portable trench boxes or sliding trench shields may be used for the protection of personnel in lieu of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than the sheeting or shoring required for the trench.

(l) Backfilling and removal of trench supports shall progress together from the bottom of the trench. Jacks or braces shall be released slowly and, in unstable soil, ropes shall be used to pull out the jacks or braces from above after employees have cleared the trench.

37. Section 1926.700 is amended by amending paragraphs (b) (1) and (d) (3) thereof to read as follows:

§ 1926.700 General provisions.

• • • • • •

(b) *Reinforcing steel.* (1) Employees working more than 6 feet above any adjacent working surfaces, placing and tying reinforcing steel in walls, piers, columns, etc., shall be provided with a safety belt, or equivalent device, in accordance with Subpart E of this part.

• • • • • •

(d) • • •

(3) *Bull floats.* Handles on bull floats, used where they may contact energized electrical conductors, shall be constructed of nonconductive material, or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

• • • • • •

38. Section 1926.750 is amended by amending paragraphs (b)(1)(i) and (c)(2) thereof to read as follows:

§ 1926.750 Flooring requirements.

• • • • • •

(b) *Temporary flooring—skeleton steel construction in tiered buildings.* (1) (i) The derrick or erection floor shall be solidly planked or decked over its entire surface except for access openings. Planking or decking of equivalent strength, shall be of proper thickness to carry the working load. Planking shall be not less than 2 inches thick full size undressed, and shall be laid tight and secured to prevent movement.

• • • • • •

(c) • • •

(2) For single wood floor or other flooring systems, the floor immediately below the story where the floor joists are being installed shall be kept planked or decked over.

39. Section 1926.800 is amended by revising paragraph (a)(4) thereof to read as follows:

§ 1926.800 Tunnels and shafts.

(a) • • •

(4) Access to unattended underground openings shall be restricted by gates or doors. Unused chutes, manways, or other openings shall be tightly covered, bulkheaded, or fenced off, and posted. Conduits, trenches, and manholes shall meet the requirements of Subparts M and P of this part.

• • • • • •

40. Section 1926.859 is amended by revising paragraph (e) thereof to read as follows:

§ 1926.859 Mechanical demolition.

• • • • • •

(e) When pulling over walls or portions thereof, all steel members affected shall have been previously cut free.

• • • • • •

Effective date. These amendments shall become effective 30 days from the publication of this decision in the FEDERAL REGISTER.

(Sec. 1, 83 Stat. 96, adding sec. 107 to Public Law 87-581, 76 Stat. 347, 40 U.S.C. 333; Sec. Order No. 12-71, 36 F.R. 8754)

Signed at Washington, D.C., this 8th day of February 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-2160 Filed 2-16-72;8:45 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Relaxation of Restriction on Offshore Shipments From Certain Countries to PRC; Removal of Restriction on Offshore Shipments of Technical Data to PRC

Section 500.541 is being amended to authorize American-controlled firms located abroad to ship strategic merchandise to the People's Republic of China when the shipment has been authorized by certain host countries, and to remove the restriction on American-controlled firms located abroad shipping technical data from any foreign country to the People's Republic of China.

Section 500.543 is being deleted as unnecessary in view of the amendment of § 500.541.

As amended, § 500.541 reads:

§ 500.541 Certain transactions by persons in foreign countries.

(a) Except as provided in paragraphs (b), (c), (e), and (f) of this section, all transactions incident to the conduct of business activities abroad engaged in by any individual ordinarily resident in a foreign country in the authorized trade territory, or by any partnership, association, corporation, or other organization which is organized and doing business under the laws of any foreign country in the authorized trade territory, are hereby authorized.

(b) This section does not authorize any transaction involving property subject to the jurisdiction of the United States as of May 6, 1971, in which there existed, or had existed at any time on or since the effective date, any direct or indirect interest of China or nationals thereof.

(c) This section does not authorize any transaction involving the purchase or sale or other transfer of:

(1) Merchandise or technical data of U.S. origin unless it is in compliance with § 500.533; and,

(2) Merchandise, regardless of origin, of a type included in the Commodity Control List of the U.S. Department of Commerce set forth in 15 CFR Part 399 and followed on that list by the letter "A" in the column headed "Special Provisions List", or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10, unless the transaction is in compliance with § 505.31 of this chapter.

(d) [Deleted]

(e) This section does not authorize the supply of petroleum products to any vessel bound to or from North Korea, North Viet Nam, or Cuba.

(f) This section does not authorize any transaction involving North Korea or North Viet Nam or their nationals, or merchandise the country of origin of which is North Korea or North Viet Nam.

§ 500.543 [Deleted]

Section 500.543 is deleted.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[FR Doc.72-2537 Filed 2-16-72;8:52 am]

PART 505—REGULATIONS PROHIBITING TRANSACTIONS INVOLVING THE SHIPMENT OF CERTAIN MERCHANDISE BETWEEN FOREIGN COUNTRIES

General License for Offshore Transactions To Authorize Certain Shipments to People's Republic of China

Section 505.31 of the Transaction Control Regulations is being amended to authorize shipments of certain strategic goods to the People's Republic of China.

As amended, § 505.31 reads as follows:

§ 505.31 General license for offshore transactions from certain countries.

(a) Except as provided in paragraph (b) of this section, transactions prohibited by § 500.201 of this chapter are authorized to the extent they comply with § 500.541 of this chapter and this section, and all other transactions prohibited by § 505.10 are hereby authorized provided:

(1) Shipment is to a country listed in the schedule of § 505.10, other than North Korea or North Viet Nam; and,

(2) Shipment is made from and licensed by one of the following foreign countries: Belgium, Canada, Denmark, Federal Republic of Germany, France, Greece, Italy, Japan, Luxembourg, The Netherlands, Norway, Portugal, Turkey, or the United Kingdom.

(b) This section does not authorize any transaction prohibited by Part 515 or Part 530 of this chapter.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[FR Doc.72-2538 Filed 2-16-72;8:52 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 135—FOURTH CLASS

Books and Sound Recordings Mailed at Special Postage Rates; Permissible Enclosures

In the daily issue of December 18, 1971 (36 F.R. 24075), the Postal Service, complying voluntarily with the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553), published proposed regulations affecting § 135.6(b)(1) and (2) of Title 39, Code of Federal Regulations. Regulations there codified deal with permissible enclosures in mailings of books and sound recordings at the special fourth-class and library rates of postage. It was proposed to restate those regulations for purposes of clarification, and to emphasize that incidental announcements mailed with books and recordings must relate exclusively to books and recordings.

Interested members of the public were given 30 days within which to submit written data, views, and arguments concerning the proposed regulations. After full consideration of all comments received, the Postal Service has determined to adopt the regulations, with changes. As changed the regulations permit the enclosure, with mailings of books or recordings, of announcements that describe the conditions and methods of ordering books or recordings, such as through membership in book or record clubs. Changes for purposes of clarification were also made.

Accordingly, the following amendments to the regulations of the Postal Service are hereby made, to be effective upon publication in the FEDERAL REGISTER (2-17-72).

In § 135.6 *Enclosures with items mailed at catalog, special fourth-class, and library rate,* amend subparagraphs (1) and (2) of paragraph (b), *Special fourth-class and library rate,* to read as follows:

§ 135.6 Enclosures with items mailed at catalog, special fourth-class, and library rate.

• • • • • •

(b) • • •

(1) *Books.* The following items only are permissible enclosures with books mailed at the postage rates shown in § 135.1 (c) and (d):

(i) An invoice. (See § 135.5(b)(2).)

(ii) Either one envelope or one addressed post card. (If also serving as an order form, the envelope or card may be in addition to the order form listed in subdivision (iii) of this subparagraph.)

(iii) One order form. (If also serving as an envelope or post card, the order form may be in addition to the envelope or card listed in subdivision (ii) of this subparagraph.)

(iv) Announcements of books, appearing in book pages or as loose enclosures. These announcements of books must be incidental, and must be exclusively devoted to books. They may not contain extraneous advertising of book related materials or services, except that announcements may fully describe the conditions and methods of ordering books, such as through membership in book clubs, and may contain ordering instructions for use with the single order form permitted in subdivision (iii) of this subparagraph.

(2) *Sound recordings.* The following items only are permissible enclosures with sound recordings mailed at the postage rates shown in § 135.1 (c) and (d):

(i) An invoice. (See § 135.5(b)(2).)

(ii) Either one envelope or one addressed post card. (If also serving as an order form, the envelope or card may be in addition to the order form listed in subdivision (iii) of this subparagraph.)

(iii) One order form. (If also serving as an envelope or post card, the order form may be in addition to the envelope or card listed in subdivision (ii) of this subparagraph.)

(iv) Guides or scripts prepared solely for use with such recordings.

(v) Announcements of sound recordings appearing on title labels, on protective sleeves, on the carton or wrapper, or on loose enclosures. These announcements of sound recordings must be incidental, and must be exclusively devoted to sound recordings. They may not contain extraneous advertising of sound-recording related materials or services, except that announcements may fully describe the conditions and methods of ordering sound recordings, such as through membership in sound recording clubs, and may contain ordering instructions for use with the single order form permitted in subdivision (iii) of this subparagraph.

(39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

[FR Doc.72-2396 Filed 2-16-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 7—Agency for International Development, Department of State

PART 7-1—GENERAL

PART 7-16—PROCUREMENT FORMS

Small Business Concerns

To: Heads of AID Procuring Activities.

Subject: AIDPR Notice No. 72-1, Revision of Subpart 7-1.7 and amendment to Part 7-16 of the AID Procurement Regulations (41 CFR Part 7).

1. In keeping with the Agency's desire to increase the participation of small business, including small minority business enterprises, in the Foreign Aid Program, Subpart 7-1.7 (Small Business Concerns) and Part 7-16 (Procurement Forms) of the Agency for International Development Procurement Regulations (AIDPR) have been revised and amended, respectively. Accordingly, AID procuring activities are to comply with the new policy and procedures contained in paragraphs 2, 3, and 4 of this notice, in lieu of those currently appearing in the AIDPR (41 CFR 7).

2. Subpart 7-1.7 of Chapter 7 is revised to read as follows:

Subpart 7-1.7—Small Business Concerns

Sec.
7-1.702 Small business policies.
7-1.704 Agency program direction and operation.
7-1.704-1 General.
7-1.704-2 The AID Special Assistant for Small Business (hereinafter referred to as the Small Business Advisor).
7-1.704-3 AID Contracting Officers.
7-1.704-4 Heads of Procuring Activities.
7-1.704-5 Program/Project Officers.
7-1.704-6 Small Business screening procedure.
7-1.704-7 Reports on procurement actions that are exempted from screening.

AUTHORITY: The provisions of this Subpart 7-1.7 issued under sec. 621, 75 Stat. 445, as amended; 22 U.S.C. 2381.

§ 7-1.702 Small business policies.

(a) In keeping with section 602 of the Foreign Assistance Act of 1961 (22 U.S.C. 2352), as amended, AID shall, insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of said Act, assist U.S. small business to participate equitably in the furnishing of supplies and services for Foreign Assistance activities.

(b) It is the policy of AID to:

(1) Fully endorse and carry out the Government's small business program for placing a fair proportion of its purchases and contracts for supplies, construction (including maintenance and repair), research and development, and services (including personal, professional, and technical services) with small business, including minority small business, concerns; and

(2) Increase their participation in AID procurement.

(c) In furtherance of this policy:

(1) Program/project officers shall make positive efforts (see § 7-1.704-5) to identify potentially qualified small and minority business firms during precontract development of programs/projects and shall, with the responsible contracting officers, assure that such firms are given full opportunity to participate equitably;

(2) Small business set-asides shall be made for all AID/Washington executed contracts which qualify for small business set-aside action under Subpart 1-1.7 of Chapter 1 of this title; and

(3) Consideration shall be given in appropriate cases to the award of the contract to the Small Business Administration for subcontracting to small business firms pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(d) This program shall be implemented by all AID/Washington procuring activities in order to attain these policy objectives. In accordance with § 7-1.704, all AID/Washington direct-procurement requirements which exceed $2,500 shall be

screened for small business opportunities by the Special Assistant for Small Business, except those:

(1) Set-aside unilaterally or by class set-aside;

(2) Where the Contracting Officer certifies in writing that the public exigency will not permit the delay incident to screening;

(3) That will result in an institution building contract (see § 7–1.704–6(a)(3)), with an educational or nonprofit institution; or

(4) Involving PIO/P's and PIO/T's for the payment of tuition and fees covering participant training at academic institutions.

(e) Where practicable and desirable, small business and minority business enterprise award goals will be established for the respective AID/Washington procuring activities to provide incentive for contracting personnel to increase awards to small firms. The goals will be set by the Special Assistant for Small Business after consultation with the respective Head of the Procuring Activity (see § 7–1.206).

(f) In the event of a disagreement between the Special Assistant for Small Business and the Contracting Officer concerning (1) a recommended set-aside, or (2) a request for modification or withdrawal of a class or individual set-aside, complete documentation of the case including the reasons for disagreement shall be transmitted within 5 working days to the Head of the Procuring Activity (see § 7–7.704–6(e) of this chapter) for a decision. Procurement action shall be suspended pending a decision.

(g) The above suspension shall not apply where the Contracting Officer:

(1) Certifies in writing, with supporting information, that in order to protect the public interest award must be made without delay;

(2) Promptly provides a copy of said certification to the Special Assistant for Small Business; and

(3) Includes a copy of the certification in the contract file.

(h) The Special Assistant for Small Business shall be the Small Business Advisor and Minority Business Procurement Policy Manager for all AID/Washington procuring activities.

(i) The details on the Agency's direction and operation of the small business program are set forth in § 7–1.704.

(j) No decision rendered, or action taken, under the coverage set forth in § 7–1.704 shall preclude the Small Business Administration from appealing directly to the AID Administrator as provided for in Subpart 1–1.7 of Chapter 1 of this title.

(k) The Special Assistant for Small Business may delegate the responsibilities set forth in § 7–1.704–2(b) (8), (9), and (17) to the Director, Office of Administrative Services with the power to redelegate. The delegation shall cover only supplies and services authorized to be procured by the Contracts and Procurement Division (AS/CP). Responsibilities not delegated are reserved to the Special Assistant for Small Business.

§ 7–1.704 Agency program direction and operation.

§ 7–1.704–1 General.

The purpose of this section is to prescribe responsibilities and procedures for carrying out the small business program policy set forth in § 1–1.702 of Chapter 1 of this title and § 7–1.702. Small minority business enterprises (see the definition in § 1–1.1310–2 of Chapter 1 of this title) are included in the term "small business" when used in this subpart. Specific reference to minority business enterprises is for added emphasis.

§ 7–1.704–2 The AID Special Assistant for Small Business (hereinafter referred to as the Small Business Advisor).

(a) The Small Business Advisor is responsible for administering, implementing, and coordinating the Agency's small business (including minority business enterprises) program.

(b) The AID Office of Small Business, which is headed by the Small Business Advisor, shall be specifically responsible for:

(1) Developing policies, plans, and procedures for a coordinated Agency-wide small business and minority business enterprise procurement program;

(2) Advising and consulting regularly with AID/Washington procuring activities on all phases of their small business program, including, where practicable and desirable, the establishment of small business and minority business enterprise award goals;

(3) Collaborating with officials of the Small Business Administration (SBA), other Government agencies, and private organizations on matters affecting the Agency's small business program;

(4) Developing and maintaining a Contractor's Index of bidders/offerors (annotated to identify small business and minority business enterprise firms) capable of furnishing services for use by the AID procuring activities;

(5) Cooperating with contracting officers in administering the performance of contractors subject to the Small Business and Minority Business Enterprises Subcontracting Program clauses (see §§ 1–1.710–3(b) and 1–1.1310–2(b) of Chapter 1 of this title);

(6) Developing a plan of operation designed to increase the share of contracts awarded to small business concerns, including small minority business enterprises;

(7) Establishing small business class set-asides for types and classes of items or services where appropriate;

(8) Reviewing each procurement requisition (PIO/T, PIO/C, or other requisitioning document) to make certain individual or class set-asides are initiated on all suitable AID/Washington proposed contract actions in excess of $2,500 which are subject to screening (see § 7–1.704–6);

(9) Maintaining a program designed to:

(i) Locate capable small business sources for current and future procurements through SBA and other methods,

(ii) Utilize every source available to determine if an item is obtainable from small business, and

(iii) Develop adequate small business competition on all appropriate procurements;

(10) Taking action to assure that unnecessary qualifications, restrictive specifications, or other features (such as inadequate procurement leadtime) of the programing or procurement process, which may prevent small business participation in the competitive process, are modified to permit such participation where an adequate product or service can be obtained;

(11) Recommending that portions of large planned procurements or suitable components of end items or services be purchased separately so small firms may compete;

(12) On proposed noncompetitive procurements, recommending to the Contracting Officer that the procurement be made competitive when, in the opinion of the Small Business Advisor, there are small businesses or minority business enterprises believed competent to furnish the required goods or services, and supplying the Contracting Officer a list of such firms;

(13) Assisting small business concerns with individual problems;

(14) Promoting increased awareness by the technical staff of the availability of small business firms;

(15) Making available to SBA copies of solicitations when so requested;

(16) Counseling nonresponsive or nonresponsible small business bidders to help qualify them for future awards; and

(17) Examining bidders lists to make certain that small business firms are appropriately identified and adequately represented for both negotiated and advertised procurements.

§ 7–1.704–3 AID Contracting Officers.

With respect to procurement activities within their jurisdiction, Contracting Officers are responsible for:

(a) Being thoroughly familiar with Subpart 1–1.7 of Chapter 1 of this title and this subpart dealing with the small business program;

(b) Screening abstracts of bids and other award data to determine set-aside potential for future procurements;

(c) Assuring that small business concerns and minority business enterprises are appropriately identified on source lists and abstracts of bids or proposals by an "S" and "M", respectively, or other appropriate symbol;

(d) Reviewing types and classes of items and services to determine where small business set-asides can be applied;

(e) Recommending that portions of large planned procurements or suitable components of end items or services be purchased separately so small firms may compete;

(f) Making a unilateral determination for total or partial small business set-asides in accordance with § 1–1.706 of Chapter 1 of this title;

(g) Submitting proposed procurement actions (PIO/T's, PIO/C's or other requisitioning documents) for AID/Washington contracts to the Small Business Advisor for screening (see § 7–1.704–6);

(h) Taking action to assure that unnecessary qualifications, restrictive specifications, or other features (such as inadequate procurement leadtime) of the programing or procurement process which may prevent small business participation in the competitive process are modified to permit such participation where an adequate product or service can be obtained;

(i) Prior to rendering a final decision on a proposed noncompetitive procurement action, and as part of his findings and determination, the Contracting Officer shall consider the recommendations, if any, of the Small Business Advisor together with the latter's list of additional sources;

(j) As appropriate, referring small business concerns, including small minority business enterprises, to the Small Business Advisor for information and advice;

(k) Promoting increased awareness by the technical staff of the availability of small business concerns;

(l) Making available to the Small Business Advisor copies of solicitations when requested;

(m) Assisting the Small Business Advisor in counseling nonresponsive or nonresponsible small business bidders/offerors to help them to participate more effectively in future solicitations; and

(n) Including the Small Business and Minority Business Enterprises Subcontracting Program clauses in all contracts which meet the conditions prescribed in §§ 1–1.710–3(b) and 1–1.1310–2(b) of Chapter 1 of this title.

§ 7–1.704–4 Heads of Procuring Activities.

In order for the Agency small business program to be effective, the active support of top management is required. The Heads of the Procuring Activities (HPA's) shall be responsible for:

(a) Rendering decisions in cases resulting from nonacceptances by their Contracting Officers of set-aside recommendations made by the Small Business Advisor;

(b) Consulting with the Small Business Advisor in establishing small business and minority business enterprise award goals, where practicable and desirable; and

(c) Assuring that program/project officers discharge their responsibilities set forth in § 7–1.704–5.

§ 7–1.704–5 Program/Project Officers.

Since the procurement process starts with the establishment of a program/project requirement, the actions of the program/project officers can affect the opportunity of small business to participate equitably; therefore, each program/project officer shall, during the formulation of programs/projects which will require contractual implementation:

(a) Consult with the Small Business Advisor on the availability and capabilities of small business firms to permit making a tentative set-aside determination where appropriate; and

(b) Provide sufficient procurement leadtime in the program/project implementation schedule to allow potential small business participation.

§ 7–1.704–6 Small Business screening procedure.

(a) General: All AID/Washington proposed contract actions (PIO/T's, PIO/C's, or other requisitioning documents) in excess of $2,500 shall be screened by the Small Business Advisor, with the exception of:

(1) Class set-asides and those unilaterally set-aside by Contracting Officers (§ 7–1.704–3(f));

(2) Those where the Contracting Officer certifies in writing that the public exigency will not permit the delay incident to screening (§ 7–1.704–7(b));

(3) Contracts with educational or nonprofit institutions, the object of which is "institution building", i.e., the development of a counterpart capability in the host country by the educational or nonprofit institution; and

(4) Those involving the payment of tuition and fees for participant training at academic institutions.

(b) Preparation of AID Form 1410–14 (see §§ 7–16.801 and 7–16.960 of this chapter):

(1) The Contracting Officer shall prepare the subject form in an original and three copies and forward the original and two copies to the Small Business Advisor within 1 working day of receipt by his procuring activity of a procurement requisition (PIO/T, PIO/C, or other requisitioning document).

NOTE: An approved Noncapital Project Paper (PROP) may be substituted for the PIO/T or PIO/C if required by the urgency of the procurement.

(2) The Contracting Officer will attach to his transmittal a complete copy of the procurement request and a copy of the recommended source list as furnished by the technical office and supplemented by him.

(3) The Contracting Officer shall complete Blocks 2, 3, 4, 5, 9, and 10 (when appropriate) prior to submittal to the Small Business Advisor.

(c) Screening of AID Form 1410–14 by the Small Business Advisor:

(1) The Small Business Advisor will screen the Contracting Officer's recommendations on set-aside potential, small business subcontracting opportunities, and section 8(a) subcontracting, and furnish him with either a written concurrence in his recommendations or written counter recommendations on the original and duplicate copy within 5 working days from receipt of the form from the Contracting Officer.

(2) The Small Business Advisor will complete Blocks 1, 6, 7, 8, 11, and 12 (when appropriate) prior to returning the screened form to the Contracting Officer.

(d) Concurrence or rejection procedure:

(1) The Contracting Officer shall complete Block 13 upon receipt of the original and duplicate copy of the screened form from the Small Business Advisor.

(2) If the Contracting Officer rejects a Small Business Advisor counter-recommendation, he shall return the original and duplicate forms with his written reasons for rejection to the Small Business Advisor within 2 working days.

(3) Upon receipt of the Contracting Officer's rejection, the Small Business Advisor may (i) accept, or (ii) appeal, the rejection. In the case of acceptance of the Contracting Officer's rejection, the Small Business Advisor shall annotate Block 14 when he renders a decision and return the original form to the Contracting Officer within 2 working days.

(e) Appeal procedure:

(1) When informal efforts fail to resolve the set-aside disagreement between the Contracting Officer and the Small Business Advisor, the latter official may appeal the Contracting Officer's decision to the Head of the Procuring Activity. Such an appeal will be made within 5 working days after receipt of the Contracting Officer's rejection.

(2) In the case of an appeal, the Small Business Advisor will send the original and duplicate form, with the appeal noted in Block 14, directly to the Head of the Procuring Activity with his written reasons for appealing. The Contracting Officer will be notified of the Small Business Advisor's appeal by means of a copy of the written reasons for appealing.

(3) The Head of the Procuring Activity shall render a decision on the appeal (complete Block 15) within 3 working days after receipt of same and return the original to the Small Business Advisor and the duplicate to the Contracting Officer.

§ 7–1.704–7 Reports on procurement actions that are exempted from screening.

(a) *Unilateral and class set-asides.* The Contracting Officer shall prepare AID Form 1410–14 as stated in § 7–1.704–6, but forward only the duplicate copy with the documentation required by Block 5 of the form to the Small Business Advisor. The original will be filed in the contract file.

(1) If, upon review of the material submitted under this paragraph (a), the Small Business Advisor concludes that it would be practicable to accomplish all or a portion of the procurement involved under section 8(a) subcontracting, he shall so advise the Contracting Officer in writing within 5 days after receipt of such material.

(2) Such advice shall be considered a counter-recommendation and shall be processed in accordance with § 7–1.704–6 (d) and (e).

(b) *Public exigency exemption.* The Contracting Officer shall prepare AID Form 1410–14 as stated in § 7–1.704–6, but forward only the duplicate copy with

the documentation required by Block 5 of the form to the Small Business Advisor. In addition to the documentation called for in § 7–1.704–6, the Contracting Officer shall furnish a copy of his written determination exempting the procurement from screening. The determination shall cite the pertinent facts which led to his decision. This exemption is not intended to be used as a substitute for good procurement planning and lead time; the Small Business Advisor will report abuses of this exemption to the Head of the Procuring Activity for appropriate action in accordance with § 7–1.704–4(c).

(c) *Institution Building Contract (IBC) Exemption.* The Contracting Officer shall prepare AID Form 1410–14 as stated in § 7–1.704–6, but forward only the duplicate copy with the documentation required by Block 5 of the form to the Small Business Advisor.

3. Subpart 7–16.8 of Chapter 7 is revised to read as follows:

Subpart 7–16.8—Miscellaneous Forms

Sec.
7–16.800 Scope of subpart.
7–16.801 Small Business/Minority Business Enterprise Procurement Review Form.

AUTHORITY: The provisions of Subpart 7–16.8 issued under sec. 621, 75 Stat. 445, as amended; 22 U.S.C. 2381.

§ 7–16.800 Scope of subpart.

This subpart prescribes miscellaneous forms, other than procurement contract forms, for use in connection with the procurement of supplies and services. Illustrations of these forms are contained in Subpart 7–16.9.

§ 7–16.801 Small Business/Minority Business Enterprise Procurement Review Form.

AID Form 1410–14 (Small/Business Minority Business Enterprise Procurement Review Form) is prescribed for use in accordance with § 7–1.704–6 of this chapter.

4. Subpart 7–16.9, Illustrations of Forms, Chapter 7, is amended to add a new form (attached)[1] as follows:

§ 7–16.960 AID Form 1410–14 (Small Business/Minority Business Enterprise Procurement Review Form).

(Sec. 621, 75 Stat. 445, as amended, 22 U.S.C. 2381)

5. This notice should be filed with the current Subpart 7–1.7, which is supersedes.

6. *Authority.* AIDPR Notice No. 72–1 is an interim procurement instruction and is issued pursuant to AIDPR 7–1.104–4 (41 CFR Part 7–1).

7. *Effective date.* The notice shall be effective 15 days after publication in the FEDERAL REGISTER. It will be canceled and superseded upon publication of its contents in an amendment to the AIDPR (41 CFR Part 7).

JAMES F. CAMPBELL,
Assistant Administrator for Program and Management Services.

FEBRUARY 8, 1972.

[FR Doc.72–2397 Filed 2–16–72;8:46 am]

[1] Filed as part of the original document.

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–25—GENERAL

Use Standards for Draperies

Use standards are established for determining the areas for which draperies may be justified.

The table of contents for Part 101–25 is amended by the addition of the following new entry:

Sec.
101–25.302–7 Draperies.

Subpart 101–25.3—Use Standards

Section 101–25.302 is amended by adding § 101–25.302–7 as follows:

§ 101–25.302–7 Draperies.

Draperies are authorized for use where justified over other types of window coverings on the basis of cost, insulation, acoustical control, or to maintain an environment commensurate with the purpose for which the space is allocated, as when executive or unitized office furniture is authorized in § 101–25.302–1. Authorized draperies shall be of noncombustible or flame-retardant material. (See § 101–19.109–5.) Determining whether the use of draperies is justified is a responsibility of the agency occupying the building or space involved after consultation with the agency operating or managing the building.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (2–17–72).

Dated: February 10, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72–2407 Filed 2–16–72;8:47 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM–68, Amdts. 173–60, 174–13, 177–20, 178–24]

PART 173—SHIPPERS

Portable Tank Specifications; Correction

On February 9, 1972, Docket No. HM–69; Amendments Nos. 173–60, 174–13, 177–20, 178–24 was published in the FEDERAL REGISTER (37 F.R. 2885). Footnote 1, referenced in §§ 173.128 (a)(3), 173.132(a)(2), and 173.239a, conflicts with the limitation set forth in § 173.32(d) and should read as follows:

[1] Use of existing tanks authorized. Construction not authorized after May 31, 1972.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.72–2453 Filed 2–16–72;8:51 am]

[Docket No. HM–68, Amdts. 173–60, etc.]

PART 173—SHIPPERS

PART 174—CARRIERS BY RAIL FREIGHT

PART 177—SHIPMENT MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Portable Tank Specifications

Correction

In F.R. Doc. 72–1824, appearing at page 2685 of the issue for Wednesday, February 9, 1972, the following changes should be made at the end of the document:

1. The title for Mac E. Rogers should read "*Board Member, for the Federal Railroad Administration.*"

2. The title for James F. Rudolph should read "*Board Member, for the Federal Aviation Administration.*"

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

White River National Wildlife Refuge, Ark.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (2–17–72).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ARKANSAS

WHITE RIVER NATIONAL WILDLIFE REFUGE

Public hunting of wild turkey on the White River National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. These open areas are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Four separate 2-day hunts will be held as follows: April 11–12, 13–14, 17–18, and 20–21. Permits are required. Permits are nontransferable.

(2) The bag limit per hunter for each 2-day hunt is a total of one gobbler. No other game may be taken.

(3) Hunting hours are daylight until 12 noon. Firearms are not allowed in the woods after 12 noon. Hunters may not return to the woods with firearms after their turkey is bagged.

(4) Shotguns only will be used.

(5) All turkeys must be checked out at official check stations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1972.

JACK E. HEMPHILL,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 7, 1972.

[FR Doc.72–2416 Filed 2–16–72;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 12]

INCOME TAX

Investment Credit; Public Utility Property

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably six copies to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 20, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 20, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 46(e) and 7805 of the Internal Revenue Code of 1954 (85 Stat. 503, 68A Stat. 917; 26 U.S.C. 46, 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

The following regulations are prescribed in order to conform the Income Tax Regulations (26 CFR Part 1) to certain amendments made by section 105 of the Revenue Act of 1971 (85 Stat. 503) relating to investment credit for regulated companies. Section 1.46-5 of the regulations hereby adopted supersedes the provisions of § 12.3 of this chapter which were prescribed by T.D. 7161, approved February 11, 1972 (37 F.R. 3511).

PARAGRAPH 1. Section 1.46 is amended by revising paragraph (3) of subsection (c), by adding a new subsection (e), and by revising the historical note. These revised and added provisions read as follows:

§ 1.46 Statutory provisions; amount of credit.

SEC. 46. *Amount of credit*—• • •

(c) *Qualified investment*—• • •

(3) *Public utility property.* (A) In the case of section 38 property which is public utility property, the amount of the qualified investment shall be 4/7 of the amount determined under paragraph (1).

(B) For purposes of subparagraph (A), the term "public utility property" means property used predominantly in the trade or business of the furnishing or sale of—

(i) Electrical energy, water, or sewage disposal services,

(ii) Gas through a local distribution system, or

(iii) Telephone service, telegraph service by means of domestic telegraph operations (as defined in section 222(a)(5) of the Communications Act of 1934, as amended; 47 U.S.C., sec. 222(a)(5)), or other communication services (other than international telegraph service),

if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof, by an agency or instrumentality of the United States, or by a public service or public utility commission or other similar body of any State or political subdivision thereof. Such term also means communication property of the type used by persons engaged in providing telephone or microwave communication services to which clause (iii) applies, if such property is used predominantly for communication purposes.

(C) In the case of any interest in a submarine cable circuit used to furnish telegraph service between the United States and a point outside the United States of a taxpayer engaged in furnishing international telegraph service (if the rates for such furnishing have been established or approved by a governmental unit, agency, instrumentality, commission, or similar body described in subparagraph (B)), the qualified investment shall not exceed the qualified investment attributable to so much of the interest of the taxpayer in the circuit as does not exceed 50 percent of all interests in the circuit.

• • • • •

(e) *Limitation in case of certain regulated companies*—(1) *General rule.*—Except as otherwise provided in this subsection, no credit shall be allowed by section 38 with respect to any property described in section 50 which is public utility property (as defined in paragraph (5)) of the taxpayer—

(A) *Cost of service reduction.*—If the taxpayer's cost of service for ratemaking purposes is reduced by reason of any portion of the credit allowable by section 38 (determined without regard to this subsection); or

(B) *Rate base reduction.*—If the base to which the taxpayer's rate of return for ratemaking purposes is applied is reduced by reason of any portion of the credit allowable by section 38 (determined without regard to this subsection).

Subparagraph (B) shall not apply if the reduction in the rate base is restored not less rapidly than ratably. If the taxpayer makes an election under this sentence within 90 days after the date of the enactment of this paragraph in the manner prescribed by the Secretary or his delegate, the immediately preceding sentence shall not apply to property described in paragraph (5)(B) if any agency or instrumentality of the United States having jurisdiction for ratemaking purposes with respect to such taxpayer's trade or business referred to in paragraph (5)(B) determines that the natural domestic supply of the product furnished by the taxpayer in the course of such trade or business is insufficient to meet the present and future requirements of the domestic economy.

(2) *Special rule for ratable flow-through.*—If the taxpayer makes an election under this paragraph within 90 days after the date of the enactment of this paragraph in the manner prescribed by the Secretary or his delegate, paragraph (1) shall not apply, but no credit shall be allowed by section 38 with respect to any property described in section 50 which is public utility property (as defined in paragraph (5)) of the taxpayer—

(A) *Cost of service reduction.*—If the taxpayer's cost of service for ratemaking purposes or in its regulated books of account is reduced by more than a ratable portion of the credit allowable by section 38 (determined without regard to this subsection), or

(B) *Rate base reduction.*—If the base to which the taxpayer's rate of return for ratemaking purposes is applied is reduced by reason of any portion of the credit allowable by section 38 (determined without regard to this subsection).

(3) *Special rule for immediate flow-through in certain cases.*—In the case of property to which section 167(l)(2)(C) applies, if the taxpayer makes an election under this paragraph within 90 days after the date of the enactment of this paragraph in the manner prescribed by the Secretary or his delegate, paragraphs (1) and (2) shall not apply to such property.

(4) *Limitation*—(A) *In general.*—The requirements of paragraphs (1) and (2) regarding cost of service and rate base adjustments shall not be applied to public utility property of the taxpayer to disallow the credit with respect to such property before the first final determination which is inconsistent with paragraph (1) or (2) (as the case may be) is put into effect with respect to public utility property (to which this subsection applies) of the taxpayer. Thereupon, paragraph (1) or (2) shall apply to disallow the credit with respect to public utility property (to which this subsection applies) placed in service by the taxpayer—

(i) Before the date that the first final determination or a subsequent determination, which is inconsistent with paragraph (1) or (2) (as the case may be) is put into effect, and

(ii) On or after the date that a determination referred to in clause (i) is put into effect and before the date that a subsequent determination thereafter which is consistent with paragraph (1) or (2) (as the case may be) is put into effect.

(B) *Determinations.*—For purposes of this paragraph, a determination is a determination made with respect to public utility property (to which this subsection applies) by a governmental unit, agency, instrumentality, or commission or similar body described in subsection (c)(3)(B) which determines the effect of the credit allowed by section 38 (determined without regard to this subsection)—

(i) On the taxpayer's cost of service or rate base for ratemaking purposes, or

(ii) In the case of a taxpayer which made an election under paragraph (2), on the taxpayer's cost of service for ratemaking purposes or in its regulated books of account or rate base for ratemaking purposes.

(C) *Special rules.*—For purposes of this paragraph—

(i) A determination is final if all rights to appeal or to request a review, a rehearing, or a redetermination, have been exhausted or have lapsed,

(ii) The first final determination is the first final determination made after the date of the enactment of this subsection, and

(iii) A subsequent determination is a determination subsequent to a final determination.

(5) *Public utility property.*—For purposes of this subsection, the term "public utility property" means—

(A) Property which is public utility property within the meaning of subsection (c)(3)(B), and

(B) Property used predominantly in the trade or business of the furnishing or sale of (i) steam through a local distribution system or (ii) the transportation of gas or steam by pipeline, if the rates for such furnishing or sale are established or approved by a governmental unit, agency, instrumentality, or commission described in subsection (c)(3)(B).

(6) *Ratable portion.*—For purposes of determining ratable restorations to base under paragraph (1) and for purposes of determining ratable portions under paragraph (2)(A), the period of time used in computing depreciation expense for purposes of reflecting operating results in the taxpayer's regulated books of account shall be used.

(7) *Reorganizations, assets acquisitions, etc.*—If by reason of a corporate reorganization, by reason of any other acquisition of the assets of one taxpayer by another taxpayer, by reason of the fact that any trade or business of the taxpayer is subject to ratemaking by more than one body, or by reason of other circumstances, the application of any provisions of this subsection to any public utility property does not carry out the purposes of this subsection, the Secretary or his delegate shall provide by regulations for the application of such provisions in a manner consistent with the purposes of this subsection.

[Sec. 46 as added by sec. 2(b), Rev. Act 1962 (76 Stat. 963); as amended by sec. 201(d)(4), Rev. Act 1964 (78 Stat. 32); sec. 3, Act of Nov. 8, 1966 (Public Law 89-800, 80 Stat. 1514); sec. 2(a), Act of Dec. 27, 1967 (Public Law 90-225, 81 Stat. 731); sec. 105, Rev. Act 1971 (85 Stat. 503)]

PAR. 2. Section 1.46-3 is amended by revising paragraphs (g) (1) and (2) to read as follows:

§ 1.46-3 Qualified investment.

• • • • •

(g) *Public utility property*—(1) *In general.* In the case of section 38 property which is public utility property and which is described in section 50, the amount of the qualified investment with respect to such property shall be 4/7 of the amount otherwise determined under this section with respect to such property. In the case of all other section 38 property which is public utility property, the amount of the qualified investment with respect to such property shall be 3/7 of the amount otherwise determined under this section with respect to such property.

(2) *Definition.* (i) The term "public utility property" means property used predominantly in the trade or business of the furnishing or sale of—

(a) Electrical energy, water, or sewage disposal services,

(b) Gas through a local distribution system, or

(c) Telephone service, telegraph service by means of domestic telegraph operations (as defined in section 222(a)(5) of the Communications Act of 1934, as amended; 47 U.S.C., sec. 222(a)(5)), or, in the case of property described in section 50, other communication services (other than international telegraph service),

if the rates for such furnishing or sale, as the case may be, are regulated, i.e., have been established or approved by a regulatory body described in section 46(c)(3)(B). The term "regulatory body described in section 46(c)(3)(B)" means a State (including the District of Columbia) or political subdivision thereof, an agency or instrumentality of the United States, or a public service or public utility commission or other body of any State or political subdivision thereof similar to such a commission. The term "established or approved" includes the filing of a schedule of rates with a regulatory body which has the power to approve such rates, even though such body has taken no action on the filed schedule or generally leaves undisturbed rates filed by the taxpayer involved.

(ii)(a) In the case of property described in section 50, the term "public utility property" also means nonregulated communication property which is used predominantly for communication purposes, if it is clearly of the type ordinarily used to provide regulated telephone or microwave communication services to which subdivision (i)(c) of this subparagraph applies: The determination whether nonregulated communication property is clearly of such type must be made on the basis of the facts and circumstances of each particular case including, for example, the state of technology and pattern of ratemaking by regulatory bodies in the communications industry.

(b) Examples of nonregulated communication property which qualifies as public utility property under (a) of this subdivision are microwave transmission equipment, private communication equipment (other than land mobile radio equipment for which the operator must obtain a license from the Federal Communications Commission), private switchboard (PBX) equipment, communications terminal equipment connected to telephone networks, data transmission equipment, and communications satellites. Examples of nonregulated communications property which does not so qualify during 1972 are computer terminals or fascimile reproduction equipment which is connected to telephone lines to transmit data. For purposes of this subdivision (ii), the term communication property does not include office furniture, stands for communication property, tools, repair vehicles, and similar property even if exclusively used in providing nonregulated telephone or microwave communications services.

(iii) For purposes of this paragraph, the term "public utility activity" means any activity described in subdivision (i) of this subparagraph, which is regulated in a manner described in such subdivision, and any activity described in subdivision (ii) of this subparagraph, but only if the property used in such activity is considered "public utility property" under such subdivision. If property is used by a taxpayer both in a public utility activity and in another activity, the characterization of such property shall be based on the predominant use of such property during the taxable year in which it is placed in service.

• • • • •

PAR. 3. The following new section is added immediately after § 1.46-4:

§ 1.46-5 Limitation in case of certain regulated companies.

(a) *In general*—(1) *Disallowance.* Under section 46(e), no credit shall be allowed by section 38 in certain cases with respect to certain regulated public utility property referred to as "section 46(e) property". For purposes of this section, the term "section 46(e) property" is defined in paragraph (b)(1) of this section. Section 46(e)(4) and paragraph (f) of this section refer to circumstances under which a regulatory body may put into effect a determination which will result in the disallowance of the credit otherwise allowable under section 38. Such a determination will result in a disallowance of the credit otherwise allowable under section 38 only if paragraph (1) or (2) of section 46(e) applies to such property and such determination affects the taxpayer's cost of service or rate base in a manner which is inconsistent with paragraph (1) or (2) (whichever is applicable) of section 46(e). Under the provisions of paragraph (1) of section 46(e), in general, the credit allowable by section 38 may not be flowed through to income but in certain circumstances may be used to reduce rate base (provided that such reduction is restored not less rapidly than ratably). If an election is made under paragraph (2) of section 46(e), in general, such credit may be flowed through to income (but not more rapidly than ratably) and there shall not be any reduction in rate base. If an election is made under paragraph (3) of section 46(e), none of the limitations of paragraph (1) or (2) of that section apply to certain section 46(e) property of the taxpayer. For rules as to the manner of making on or before March 9, 1972, the 3 elections enumerated in section 46(e), see paragraph (h) of this section. For rules with respect to the treatment of corporate reorganizations, asset acquisitions, and taxpayers subject to the jurisdiction of more than one regulatory body, etc., see paragraph (j) of this section.

(2) *Nonapplication of prior law.* Under section 105(e) of the Revenue Act of 1971, section 203(e) of the Revenue Act of 1964, 78 Stat. 35, shall not apply to section 46(e) property.

(b) *Definitions*—(1) *Section 46(e) property.* "Section 46(e) property" is section 38 property which is both property described in section 50 and is—

(i) Public utility property within the meaning of section 46(c)(3)(b) (other than nonregulated communication property of the type described in paragraph (g)(2)(ii) of § 1.46–3), or

(ii) Property used predominantly in the trade or business of the furnishing or sale of (*a*) steam through a local distribution system or (*b*) the transportation of gas or steam by pipeline, if the rates for such furnishing or sale are established or approved by a regulatory body described in section 46(c)(3)(B).

For purposes of determining whether property is used predominantly in the trade or busines of transportation of gas by pipeline (or of transportation of gas by pipeline and of furnishing or sale of gas through a local distribution system), the rules prescribed in paragraph (g)(4) of § 1.46–3 apply except that accounts 365 through 371, inclusive (Transmission Plant), shall be added to the accounts enumerated in subdivision (i) of such paragraph (g)(4).

(2) *Cost of service.* (i) In determining whether or to what extent a credit allowable under section 38 (determined without regard to section 46(e)) reduces cost of service, reference shall be made to any accounting treatment that can affect cost of service. Examples of such treatment are reducing by all or a portion of such credit the amount of Federal income tax taken into account in computing the taxpayer's cost of service, reducing the depreciable bases of property by such credit for ratemaking purposes, and (for purposes of paragraph (2) of section 46(e)) requiring either such treatment on the taxpayer's regulated books of account.

(ii) For purposes of this section, a reduction in the taxpayer's rate base will be deemed not to result in a reduction in such taxpayer's cost of service for ratemaking purposes even though as a technical ratemaking term "cost of service" may include the cost of common stock investment, that is, the cost of capital rate assigned to such investment, multiplied by the amount of the investment.

(3) *Rate base.* For purposes of this section, the term "rate base" means the base to which the taxpayer's rate of return for ratemaking purposes is applied (i.e., the monetary amount which is used as the divisor in calculating rate of return or the amount which is multiplied by the fair rate of return to determine the allowable return in the fixing of rate levels). In determining whether or to what extent a credit allowed under section 38 (determined without regard to section 46(e)) reduces the rate base, reference shall be made to any accounting treatment of such credit that can affect the taxpayer's permitted profit on investment. Thus, for example, assigning a "cost of capital" rate to the amount of such credit which is less than the permissible overall rate of return (determined without regard to the credit) would be treated as, in effect, a rate base adjustment. What is the overall rate of return depends upon the practice of the regulatory body. Thus, for example, an overall rate of return may be a rate determined on the basis of an average or weighted average of allowable rates of return on investments by common stockholders, preferred stockholders, and creditors.

(c) *General rule*—(1) *In general.* Paragraph (1) of section 46(e) shall apply to all of the taxpayer's section 46(e) property except as otherwise provided in this section in cases where the taxpayer has made an election under paragraph (2) or (3) of section 46(e) in the manner prescribed in paragraph (h) of this section. Under paragraph (1) of section 46(e), the credit allowable by section 38 (determined without regard to section 46(e)) shall not be allowed with respect to the taxpayer's section 46(e) property if—

(i) Its cost of service for ratemaking purposes is reduced by reason of any portion of such credit, or

(ii) (*a*) Its rate base is reduced by reason of any portion of the credit and (*b*) such reduction in rate base is not restored or is restored less rapidly than ratably within the meaning of paragraph (g) of this section.

(2) *Insufficient natural domestic supply.* (i) The provisions of subparagraph (1)(ii)(*b*) of this paragraph shall not apply with respect to the taxpayer's "short supply property" if the taxpayer makes an election under the last sentence of paragraph (1) of section 46(e) on or before March 9, 1972, in the manner prescribed in paragraph (h) of this section. For purposes of this section, the term "short supply property" means section 46(e) property if—

(*a*) Such property is used by the taxpayer predominantly in the trade or business of the furnishing or sale of steam through a local distribution system or transportation of gas or steam by pipeline,

(*b*) Such gas or steam is a natural domestic product,

(c) The regulatory body described in section 46(c)(3)(B) having jurisdiction for ratemaking purposes with respect to such trade or business is an agency or instrumentality of the United States, and

(d) Such agency or instrumentality of the United States publishes in the FEDERAL REGISTER a determination that the natural domestic supply of gas or steam is insufficient to meet the present and future requirements of the domestic economy and such determination is in effect (within the meaning of subdivision (ii) of this subparagraph) on the date that such property is placed in service.

(ii) If a determination described in (*d*) of subdivision (i) of this subparagraph is made—

(*a*) On or before (90 days after publication in the FEDERAL REGISTER of permanent regulations under section 46(e)), such determination shall be considered to be in effect with respect to section 46(e) property placed in service at any time prior to the date that a revocation of such determination is published in the FEDERAL REGISTER, or

(*b*) After (90 days after publication in the FEDERAL REGISTER of permanent regulations under section 46(e)), such determination shall be considered to be in effect for a period beginning on the date that such determination is published in the FEDERAL REGISTER and ending on the date that a revocation of such determination is published in the FEDERAL REGISTER.

Thus, for example, if on or before (90 days after the date of publication in the FEDERAL REGISTER of permanent regulations under section 46(e)) the Federal Power Commission publishes such a determination with respect to the natural domestic supply of gas, and if the taxpayer properly made an election under the last sentence of paragraph (1) of section 46(e), then, with respect to the taxpayer's short-supply property placed in service on or before (such 90th day), no credit will be allowable under section 38 if the Federal Power Commission requires the taxpayer to reduce its rate base by any portion of the credit allowable by section 38 (determined without regard to section 46(e)) with respect to section 46(e) property used predominantly in the taxpayer's business of furnishing or selling the transportation by pipeline of gas which is a natural domestic product whether or not there is a restoration to rate base.

(d) *Special rule for ratable flow-through.* If an election is made under paragraph (2) of section 46(e) on or before March 9, 1972, in the manner prescribed in paragraph (h) of this section, such paragraph (2) shall apply to all of the taxpayer's section 46(e) property except as otherwise provided in paragraph (h) of this section with respect to an election under paragraph (3) of section 46(e). Under paragraph (2) of section 46(e), the credit allowable by section 38 (determined without regard to section 46(e)) shall not be allowed with respect to the taxpayer's section 46(e) property if—

(1) Its cost of service for ratemaking purposes or in its regulated books of account is reduced by more than a ratable portion of such credit, or

(2) The taxpayer's rate base is reduced by reason of any portion of such credit.

(e) *Flow-through property.* If a taxpayer makes an election under paragraph (3) of section 46(e) on or before March 9, 1972, in the manner prescribed by paragraph (h) of this section, paragraphs (1) and (2) of section 46(e) shall not apply to the taxpayer's section 46(e) property to which section 167(l)(2)(C) applies. Under such election, the credit is allowable under section 38 notwithstanding any determination by a regulatory body having jurisdiction over such taxpayer requiring that such credit be taken into account by adjusting in any manner the taxpayer's cost of service or rate base. In general, section 167(l)(2)(C) applies to property referred to as "post-1969 public utility property" with respect to which a "flow-through method of accounting" within the meaning of section 167(l)(3)(H) is used to take into account the allowance for depreciation under section 167(a). For example, section 167(l)(2)(C) does not apply to property with respect to which an election under section 167(l)(4)(A) applies. Thus, such property does not qualify for an election under paragraph (3) of section 46(e).

(f) *Limitations*—(1) *Disallowance postponed.* There shall be no disallowance of the credit otherwise allowable by section 38 until the first final determination inconsistent with paragraph (1) or (2) (as the case may be) of section 46(e) is put into effect with respect to the taxpayer's section 46(e) property.

(2) *Conditions for disallowance.* Paragraph (1) or (2) (as the case may be) of section 46(e) shall apply to disallow the credit with respect to section 46(e) property placed in service (within the meaning of paragraph (d) of § 1.46–3) by the taxpayer—

(i) Before the date that the first final inconsistent determination, or a subsequent inconsistent determination (whether or not final), is put into effect, and

(ii) On or after such date and before the date that a subsequent determination consistent with paragraph (1) or (2) (as the case may be) of section 46(e) (whether or not final) is thereafter put into effect.

No amount of credit for a taxable year shall be disallowed under this subparagraph if for such year assessment of a deficiency is barred by any law or rule of law.

(3) *Notification and other requirements.* The taxpayer shall notify the district director of a disallowance of a credit under subparagraph (2) of this paragraph within 30 days of the date that the applicable determination is put into effect. In the case of such a disallowance, the taxpayer shall recompute its tax liability for any affected taxable year and such recomputation shall be made in the form of an amended return where necessary.

(4) *Credit.* As used in this paragraph, the term "credit" refers to a credit allowable by section 38 (determined without regard to section 46(e)).

(5) *Determination.* For purposes of this paragraph, the term "determination" refers to determination made with respect to section 46(e) property (other than property to which an election under paragraph (3) of section 46(e) applies) by a regulatory body described in section 46(c)(3)(B) which determines the effect of the credit—

(i) For purposes of paragraph (1) of section 46(e), on the taxpayer's cost of service or rate base for ratemaking purposes, or

(ii) In the case of a taxpayer which made an election under paragraph (2) of section 46(e), (*a*) on its cost of service for ratemaking purposes or in its regulated books of account or (*b*) on its rate base for ratemaking purposes.

(6) *Types of determinations.* For purposes of this paragraph, the term—

(i) "Inconsistent" in reference to a determination refers to a determination which is inconsistent with paragraph (1) or (2) (as the case may be) of section 46(e). Thus, for example, a determination to reduce the taxpayer's cost of service by more than a ratable portion of the credit would be a determination which is inconsistent with such paragraph (1). For a further example, such a determination would also be inconsistent if such paragraph (2) applied because in such case no reduction in cost of service is permitted.

(ii) "Consistent" in reference to a determination refers to a determination which is consistent with such paragraph (1) or (2) (as the case may be).

(iii) "Final determination" means a determination with respect to which all rights to appeal or request a review, a rehearing, or a redetermination, have been exhausted or have lapsed.

(iv) "First final determination" means the first final determination put into effect after December 10, 1971.

(v) "Subsequent determination" is any determination put into effect after a first final determination.

(7) *Put into effect.* A determination is put into effect on the later of—

(i) The date it is issued (or, if a first final determination, the date it becomes final) or

(ii) The date it becomes operative.

(8) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). Corporation X, a calendar-year taxpayer engaged in a public utility activity is subject to the jurisdiction of regulatory body A. On September 15, 1971, X purchases section 46(e) property and places it in service on that date. For 1971, X takes the credit allowable by section 38 with respect to such property. X does not make any election permitted by section 46(e). On October 9, 1972, A makes a determination that X must account for the credit allowable by section 38 in a manner inconsistent with section 46(e)(1). The determination, which was the first determination by A after December 10, 1971, becomes final on January 1, 1973, and holds that X must retroactively adjust the manner in which it accounted for the credit allowable by section 38 starting with its taxable year which began on January 1, 1973. Since, under the provisions of subparagraph (7) of this paragraph, the determination by A is put into effect on January 1, 1973 (the date it becomes final), the credit allowable by section 38 (determined without regard to section 46(e)) will be retroactively disallowed with respect to any of X's section 46(e) property placed in service prior to January 1, 1973, on any date which occurs during a taxable year with respect to which an assessment of a deficiency has not been barred by any law or rule of law. In addition, the credit will be disallowed with respect to X's section 46(e) property placed in service on or after January 1, 1973, and before the date that a subsequent determination by A, which as to X is consistent with section 46(e)(1), is put into effect. Thus, X must amend its income tax return for 1971 to reflect the retroactive disallowance of the credit allowable by section 38 (determined without regard to section 46(e)) with respect to the section 46(e) property placed in service on September 15, 1971.

Example (2). The facts are the same as in example (1), except that the first inconsistent determination by A becomes final on April 5, 1972, and requires X to account for the credit allowable by section 38 for all taxable years beginning on or after January 1, 1973, in a manner inconsistent with section 46(e)(1). Under the provisions of subparagraph (7) of this paragraph, the determination was put into effect on January 1, 1973 (the date it became operative). The result is the same as in example (1).

Example (3). The facts are the same as in example (1), except that on June 1, 1975, A issues a determination that X shall retroactively account for the credit allowable by section 38 in a manner consistent with the provisions of section 46(e)(1) for taxable years beginning on or after January 1, 1971. The determination becomes final on January 5, 1976, in the same form as originally issued. The result is the same as in example (1) with respect to property X places in service before June 1, 1975. The credit will be allowed with respect to property X places in service on or after June 1, 1975 (the date that the consistent determination is put into effect) and before a subsequent inconsistent determination is put into effect.

(g) *Ratable methods*—(1) *In general.* Under this paragraph, rules are prescribed for purposes of determining (i) whether or not under paragraph (1) of section 46(e) a reduction in the taxpayer's rate base with respect to the credit allowed by section 38 (determined without regard to section 46(e)) is restored less rapidly than ratably or (ii) whether or not under paragraph (2) of section 46(e) the taxpayer's cost of service for rate making purposes is reduced by more than a ratable portion of such credit. Whether a restoration or a reduction is ratable depends upon the factors in subparagraph (2) of this paragraph.

(2) *Regulated depreciation expense.* For purposes of subparagraph (1) of this paragraph, what is "ratable" shall be determined with reference to the period of time actually used by the taxpayer in computing its regulated depreciation expense beginning with the year which includes the date the section 46(e) property was placed in service for purposes of computing such expense. For purposes of this paragraph, the term "regulated depreciation expense" means the depreciation expense computed pursuant to the rules (if any) prescribed or required by the regulatory body having jurisdiction over the taxpayer for purposes of reflecting operating results in the taxpayer's regulated books of account: Such period of time shall be expressed in units of years (or shorter periods), of production, or of machine hours, and shall be determined in accordance with the individual useful life system or composite (or other group asset) account system actually used by the taxpayer in computing its regulated depreciation expense. A method of restoring, or reducing, is ratable if the amount to be restored to rate base or to reduce cost of service (as the case may be) is allocated ratably in proportion to the number of such units. Thus, for example, assume that the regulated depreciation expense is computed under the straight line method by applying a composite annual percentage rate to "original cost" (as defined for purposes of computing regulated depreciation expense). See, for example, 47 CFR 31.02–80 (relating

to uniform system of accounts for Class A and Class B telephone companies). If, with respect to an item of section 46(e) property the amount to be restored annually to rate base is computed by applying such percentage to the amount by which the rate base was reduced, then the restoration is ratable. Similarly, if cost of service is reduced annually by an amount computed by applying the same percentage to the amount of the credit allowed under section 38 (determined without regard to section 46(e)), cost of service is reduced by a ratable portion. If such percentage were revised for purposes of computing regulated depreciation expense beginning with a particular accounting period, the computation of ratable restoration or ratable portion (as the case may be) must also be revised beginning with such period.

(h) *Elections*—(1) *In general.* Under section 46(e), three elections may be made on or before March 9, 1972, with respect to section 46(e) property. An election made under the provisions of section 46(e) shall be irrevocable.

(2) *Applicability of elections.* (i) Any election under section 46(e) shall be made with respect to all of the taxpayer's property eligible for the election whether or not the taxpayer is regulated by more than one regulatory body.

(ii) (a) Paragraph (1) of section 46(e) shall apply to all of the taxpayer's section 46(e) property in the absence of an election under paragraph (2) or (3) of section 46(e). If an election is made under paragraph (2) of section 46(e), paragraph (1) of such section shall not apply to any of the taxpayer's section 46(e) property.

(b) An election made under the last sentence of section 46(e)(1) shall apply to that portion of the taxpayer's section 46(e) property to which paragraph (1) of section 46(e) applies and which is short supply property within the meaning of paragraph (e)(2) of this section.

(iii) If a taxpayer makes an election under paragraph (2) of section 46(e) and makes no election under paragraph (3) of such section, the election under paragraph (2) of section 46(e) shall apply to all of its section 46(e) property.

(iv) If a taxpayer makes an election under paragraph (3) of section 46(e), such election shall apply to all of the taxpayer's section 46(e) property to which section 167(l)(2)(C) applies. Paragraph (1) or (2) of section 46(e) (as the case may be) shall apply to that portion of the taxpayer's section 46(e) property which is not property to which section 167(l)(2)(C) applies. Thus, for example, if a taxpayer makes an election under paragraph (2) of section 46(e) and also makes an election under paragraph (3) of section 46(e), paragraph (3) shall apply to all of the taxpayer's section 46(e) property to which section 167(l)(2)(C) applies and paragraph (2) shall apply to the remainder of the taxpayer's section 46(e) property.

(3) *Method of making elections.* A taxpayer may make the elections described in section 46(e) by filing a statement, on or before March 9, 1972, with the district director or director of the internal revenue service center with whom the taxpayer ordinarily files its income tax return. For rules with respect to taxpayers filing consolidated returns see, § 1.1502-77(a). Such statement shall contain the following information:

(i) The name, address, and taxpayer identification number of the taxpayer,

(ii) The paragraph (or paragraphs) of section 46(e) under which the taxpayer is making the election,

(iii) If an election is made under the last sentence of section 46(e)(1), the name and address of all regulatory bodies which have jurisdiction over the taxpayer with respect to the section 46(e) property covered by such election and a statement setting forth the type of the public utility activity described in section 46(e)(5)(B) in which the taxpayer engages, and

(iv) If an election is made under paragraph (3) of section 46(e), a statement indicating whether an election has been made by the taxpayer under section 167(l)(4)(A).

(i) [Reserved]

(j) *Reorganizations, asset acquisitions, multiple regulation, etc*—(1) *Taxpayers not entirely subject to jurisdiction of one regulatory body.* (i) If a taxpayer is required by a regulatory body having jurisdiction over less than all of its property to account for the credit allowable by section 38 (determined without regard to section 46(e)) under a determination which is inconsistent with paragraph (1) or (2) (as the case may be) of section 46(e), such credit shall be disallowed only with respect to property subject to the jurisdiction of such regulatory body.

(ii) For purposes of this paragraph, a regulatory body is considered to have jurisdiction over property of a taxpayer if the property is included in the rate base for which the regulatory body determines an allowable rate of return for ratemaking purposes or if expenses with respect to the property are included in cost of service as determined by the regulatory body for ratemaking purposes. For example, if regulatory body A, having jurisdiction over 60 percent of an item of X corporation's section 46(e) property, makes a determination which is inconsistent with section 46(e), and if regulatory body B, having jurisdiction over the remaining 40 percent of such item of property, makes a consistent determination (or if the remaining 40 percent is not subject to the jurisdiction of any regulatory body), then 60 percent of the credit allowable by section 38 (determined without regard to section 46(e)) with respect to such item will be disallowed. For a further example, if regulatory body A, having jurisdiction over 60 percent of X's section 46(e) property, has jurisdiction over 100 percent of a particular generator, 100 percent of the credit allowable by section 38 (determined without regard to section 46(e)) with respect to such generator will be disallowed.

(iii) For rules which provide that the 3 elections under section 46(e) may not be made with respect to less than all of the taxpayer's property eligible for the election, see paragraph (h)(2)(i) of this section.

(2) [Reserved]

[FR Doc.72-2508 Filed 2-16-72;8:52 am]

[26 CFR Parts 1, 301]

INCOME TAX

Income Averaging

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing preferably six copies, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 20, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 20, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 1301, 1302, 1303, 1304, and 6511(d)(2)(B), of the Internal Revenue Code of 1954 to section 311 of the Tax Reform Act of 1969 (83 Stat. 586), and to otherwise clarify such regulations, such regulations are amended as follows. The Income Tax Regulations under section 6511(d)(2)(B) of such Code are also amended to conform to section 232(d) of the Revenue Act of 1964 (78 Stat. 111).

PARAGRAPH 1. Section 1.1301 is amended by revising such section and the historical note to read as follows:

§ 1.1301 Statutory provisions; limitation on tax.

SEC. 1301. *Limitation on tax.* If an eligible individual has averagable income for the computation year, and if the amount of such income exceeds $3,000, then the tax imposed by section 1 for the computation year which is attributable to averagable income shall be 5 times the increase in tax under such section which would result from adding 20 percent of such income to 120 percent of average base period income.

(Sec. 1301 as amended by sec. 232(a), Rev. Act 1964 (78 Stat. 105); sec. 311(a), Tax Reform Act 1969 (83 Stat. 586))

PAR. 2. There is inserted immediately after § 1.1301 the following new section:

§ 1.1301-0 Taxable years affected.

The provisions of § 1.1301 through § 1.1305 apply to computation years beginning after December 31, 1969, and to base period years applicable thereto. See section 1302(c)(1) and § 1.1302-3(a) for the definition of "computation year". See section 1302(c)(3) and § 1.1302-3(c) for the definition of "base period year". See 26 CFR § 1.1301 through § 1.1305 (rev. as of Jan. 1, 1971) for the provisions applying to computation years beginning before January 1, 1970, and to base period years applicable thereto.

PAR. 3. Section 1.1301-1 is amended to read as follows:

§ 1.1301-1 Limitation on tax.

If, for a computation year beginning after December 31, 1969, an eligible individual has averagable income for such computation year, and if the amount of his averagable income for such year exceeds $3,000, then such individual may choose (pursuant to the provisions of section 1304(a) and § 1.1304-1) to compute the tax attributable to his averagable income under section 1301. The tax imposed by section 1 which is attributable to an individual's averagable income for the computation year is the amount of the tax equal to five times the increase in tax under section 1 which would result from adding 20 percent of such income to 120 percent of average base period income. See section 1303 and § 1.1303-1 for the definition of "eligible individual". See section 1302(a) and § 1.1302-1 for the definition of "averagable income." See section 1302(b) and § 1.1302-3(a) for the definition of "average base period income."

PAR. 4. Section 1.1302 is amended by revising section 1302 and the historical note to read as follows:

§ 1.1302 Statutory provisions; definition of averagable income; related definitions.

SEC. 1302. *Definition of averagable income; related definitions*—(a) *Averagable income*—(1) *In general.* For purposes of this part, the term "averagable income" means the amount by which taxable income for the computation year (reduced as provided in paragraph (2)) exceeds 120 percent of average base period income.

(2) *Reductions.* The taxable income for the computation year shall be reduced by—

(A) the amount (if any) to which section 72(m)(5) applies, and

(B) the amounts included in the income of a beneficiary of a trust under section 668(a).

(b) *Average base period income.* For purposes of this part—

(1) *In general.* The term "average base period income" means one-fourth of the sum of the base period incomes for the base period.

(2) *Base period income.* The base period income for any taxable year is the taxable income for such year—

(A) increased by an amount equal to the excess of—

(i) the amount excluded from gross income under section 911 (relating to earned income from sources without the United States) and subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States), over

(ii) the deductions which would have been properly allocable to or chargeable against such amount but for the exclusion of such amount from gross income; and

(B) decreased by the amounts included in the income of a beneficiary of a trust under section 668(a).

(c) *Other related definitions.* For purposes of this part—

(1) *Computation year.* The term "computation year" means the taxable year for which the taxpayer chooses the benefits of this part.

(2) *Base period.* The term "base period" means the 4 taxable years immediately preceding the computation year.

(3) *Base period year.* The term "base period year" means any of the 4 taxable years immediately preceding the computation year.

(4) *Joint return.* The term "joint return" means the return of a husband and wife made under section 6013.

(Sec. 1302 as amended by sec. 232(a), Rev. Act 1964 (78 Stat. 105); sec. 311(b), Tax Reform Act 1969 (83 Stat. 586))

PAR. 5. Section 1.1302-1 is amended to read as follows:

§ 1.1302-1 Definition of averagable income.

(a) *In general.* The term "averagable income" means the amount (if any) by which taxable income for the computation year as modified in accordance with section 1302(a)(2) and section 1304(c)(3)(B) exceeds 120 percent of average base period income (as defined in section 1302(b) and § 1.1302-3(a)).

(b) *Modifications.* For purposes of paragraph (a) of this section, taxable income for the computation year shall be reduced by—

(1) Any amount described in section 72(m)(5)(A), to which a penalty under section 72(m)(5) and § 1.72-17(e) is applicable,

(2) Any amount which is included in the income of a beneficiary of a trust under section 668(a), and

(3) The excess (if any) of amounts includible in a separate return made by a married taxpayer for the computation year which constitutes earned income (within the meaning of section 911(b)) and is community income under community property laws over the amount of such income which would have been includible if such earned income did not constitute community income.

(c) *Example.* Paragraph (b)(3) of this section may be illustrated by the following example:

Example. The total income of a husband and wife for the computation year consists of $60,000 of community income attributable to personal services, $40,000 of which is earned by H. W makes a separate return for such year and reports gross income of $30,000, her share of the community income. W chooses the benefits of income averaging for such year. In determining her averageable taxable income for such year, W's taxable income must be reduced by $10,000, the excess of the community income attributable to personal services includible in her return ($30,000) over the amount of such income from personal services which would have been reportable by her if such income did not constitute community income ($20,000). The additional $10,000 of W's income for such year (which results from the application of local community property laws) is not subject to income averaging. For tax on such amounts, see paragraph (a)(3) and example 3 of § 1.1304-5(c).

§ 1.1302-2 [Deleted]

PAR. 6. Section 1.1302-2 is deleted.

PAR. 7. Section 1.1302-3 is redesignated as § 1.1302-2, and such redesignated section is amended by revising paragraph (b)(1) and (2) and paragraph (c) to read as follows:

§ 1.1302-2 Average base period income.

* * * * *

(b) *Base period income*—(1) *Definition.* Except as otherwise provided in subparagraph (3) of this paragraph, the term "base period income" means taxable income for any base period year first increased in accordance with section 1302(b)(2)(A) and paragraph (c)(1) of this section, and then decreased in accordance with section 1302(b)(2)(B) and paragraph (c)(2) of this section. Base period income for any taxable year may never be less than zero.

(2) *Base period income with respect to a computation year.* Base period income for each base period year must be determined in a manner consistent with the return for the computation year. The base period income with respect to a computation year for which an individual makes a separate return is the separate base period income of such individual. The base period income with respect to a computation year for which a husband and wife make a joint return is the sum of the base period incomes of both the husband and wife. Thus, if A and B, who are not married for the taxable years 1967–70 and made separate returns for such years, marry in 1971 and make a joint return for the computation year 1971, their base period income for each of the taxable years 1967–70 is the sum of the base period incomes for each such year of A (computed on the basis of his taxable income for each such year) and of B (similarly computed). If, however, they were married and made joint returns with each other for any of the base period years, their base period income for any such year may be computed on the basis of their aggregate taxable income. The base period income with respect to a computation year for which an individual makes a return as a surviving spouse (as defined in section 2(a) and § 1.2-2) is the sum of the base period incomes of the surviving spouse and the decedent with respect to whom such return is made.

* * * * *

FEDERAL REGISTER, VOL. 37, NO. 33—THURSDAY, FEBRUARY 17, 1972

(c) *Adjustments to taxable income*—(1) *Foreign and possessions income.* In determining base-period income for any taxable year, taxable income for such year shall be increased by an amount equal to the excess of the amount of income which was excluded from gross income under section 911 (relating to earned income from sources without the United States) and subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States) over the deductions which would have been properly allocable to or chargeable against such amount but for the exclusion of such amount from gross income.

(2) *Certain trust income.* In determining base-period income for any taxable year, taxable income for such year shall be decreased by any amount which is included in the income of a beneficiary of a trust under section 668(a).

• • • • •

§ 1.1302–4 [Deleted]

PAR. 8. Section 1.1302–4 is deleted.

PAR. 9. Section 1.1302–5 is redesignated as § 1.1302–3, and such redesignated section is amended by revising paragraph (b) to read as follows:

§ 1.1302–3 Other related definitions.

• • • • •

(b) *Base period.* See paragraph (a) of § 1.1302–2 for definition of the term "base period".

• • • • •

PAR. 10. Section 1.1303 is amended by revising section 1303(c)(2)(B) and the historical note to read as follows:

§ 1.1303 Statutory provisions; eligible individual.

• • • • •

(c) *Individuals receiving support from others*—• • •

(2) *Exemptions.* • • •

(B) More than one-half of the individual's taxable income for the computation year is attributable to work performed by him in substantial part during two or more of the base period years, or

• • • • •

[Sec. 1303 as amended by sec. 232(a), Rev. Act 1964 (78 Stat. 105); sec. 311(d), Tax Reform Act 1969 (83 Stat. 587)]

PAR. 11. Section 1.1303–1 is amended by revising paragraph (b), and paragraph (c) (1), (3), and (4)(i) to read as follows

§ 1.1303–1 Eligible individuals.

• • • • •

(b) *Nonresident alien individuals.* An individual is not an eligible individual for the computation year if, at any time during such year or his base period, he was a nonresident alien. The determination that an individual is a nonresident alien is made in accordance with § 1.871–2 through § 1.871–4. For example, if H, a U.S. citizen living abroad, married W, an alien, during 1967 and returned with her to live in the United States on December 31, 1969, they may not choose the benefits of income averaging if they file a joint return for the taxable year 1971 since W was a nonresident alien for 3-base-period years (1967–69). H, however, may make a separate return and may, if he is otherwise qualified, choose the benefits of income averaging.

(c) *Individuals receiving support from others*—(1) *Self-support rule.* Except as provided in section 1303(c)(2) and subparagraphs (2), (3), and (4) of this paragraph, to be an eligible individual for the computation year under this paragraph, an individual must, together with his spouse, have furnished 50 percent or more of his support during each of his 4-base-period years. For example, H and W are married for the computation year and the 4-base-period years. If H and W have provided more than 50 percent of their support during each of the 4-base-period years, both H and W are eligible individuals for the computation year.

• • • • •

(3) *Major accomplishment rule.* Notwithstanding the general rule contained in section 1303(c)(1) and subparagraph (1) of this paragraph, an individual may be an eligible individual for a computation year if more than 50 percent of his taxable income for the computation year is attributable to work performed by him in substantial part during two or more of his 4-base-period years. It is not necessary that the individual perform any of the work in his computation year.

(4) *Spouse supported by others.* (i) Notwithstanding the general rule contained in section 1303(c)(1) and subparagraph (1) of this paragraph, an individual may be an eligible individual for a computation year if—

(*a*) Such individual makes a joint return under section 6013 for such year, and

(*b*) Not more than 25 percent of the aggregate adjusted gross income of such individual and his spouse for such year is attributable to such individual.

For example, H and W, who are United States citizens and calendar year taxpayers, were married in August 1970. H supported himself from 1967 to 1971. W's parents furnished more than 50 percent of her support for each year prior to her marriage. For the taxable year 1971, H and W filed a joint return showing an aggregate adjusted gross income of $10,000, all of which is attributable to H. If H and W are otherwise qualified, they may choose the benefits of income averaging for 1971.

• • • • •

PAR. 12. Section 1.1304 is amended by revising such section and the historical note to read as follows:

§ 1.1304 Statutory provisions; special rules.

SEC. 1304. *Special rules*—(a) *Taxpayer must choose benefits.* This part shall apply to the taxable year only if the taxpayer chooses to have the benefits of this part for such taxable year. Such choice may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year.

(b) *Certain provisions inapplicable.* If the taxpayer chooses the benefits of this part for the taxable year, the following provisions shall not apply to him for such year:

(1) Section 3 (relating to optional tax),

(2) Section 72(n)(2) (relating to limitation of tax in case of total distribution),

(3) Section 911 (relating to earned income from sources without the United States),

(4) Subpart D of part III of subchapter N (sec. 931, and following, relating to income from sources within possessions of the United States),

(5) Section 1201(b) (relating to alternative capital gains tax), and

(6) Section 1348 (relating to 50-percent maximum rate on earned income).

(c) *Failure of certain married individuals to make joint return, etc.*—(1) *Application of subsection.* Paragraphs (2) and (3) of this subsection shall apply in the case of any individual who was married for any base period year or the computation year; except that —

(A) such paragraphs shall not apply in respect of a base period year if—

(*i*) Such individual and his spouse make a joint return, or such individual makes a return as a surviving spouse (as defined in section 2(b)), for the computation year, and

(*ii*) Such individual was not married to any other spouse for such base period year, and

(B) Paragraph (3) shall not apply in respect of the computation year if the individual and his spouse make a joint return for such year.

(2) *Minimum base period income.* For purposes of this part, the base period income of an individual for any base period year shall not be less than 50 percent of the base period income which would result from combining his income and deductions for such year—

(A) With the income and deductions for such year of the individual who is his spouse for the computation year, or

(B) If greater, with the income and deductions for such year of the individual who was his spouse for such base period year.

(3) *Community income attributable to services.* In the case of amounts which constitute earned income (within the meaning of section 911(b)) and are community income under community property laws applicable to such income—

(A) The amount taken into account for any base period year for purposes of determining base period income shall not be less than the amount which would be taken into account if such amounts did not constitute community income, and

(B) The amount taken into account for purposes of determining taxable income for the computation year shall not exceed the amount which would be taken into account if such amounts did not constitute community income.

(4) *Marital status.* For purposes of this subsection, section 143(a) shall apply in determining whether an individual is married for any taxable year.

(d) *Dollar limitations in case of joint returns.* In the case of a joint return, the $3,000 figure contained in section 1301 shall be applied to the aggregate averagable income.

(e) *Treatment of certain other items*—

(1) *Section 72(m)(5).* Section 72(m)(5) (relating to penalties applicable to certain amounts received by owner-employees) shall be applied as if this part had not been enacted.

(2) *Other items.* Except as otherwise provided in this part, the order and manner in which items of income or limitations on tax shall be taken into account in computing the tax imposed by this chapter on the income of any eligible individual to whom section 1301 applies for any computation year shall be determined under regulations prescribed by the Secretary or his delegate.

(f) *Short taxable years.* In the case of any computation year or base period year which is a short taxable year, this part shall be applied in the manner provided in regulations prescribed by the Secretary or his delegate.

[Sec. 1304 as amended by sec. 232(a), Rev. Act 1964 (78 Stat. 105); sec. 311 (c) and (d), Tax Reform Act 1969 (83 Stat. 587)]

PAR. 13. Paragraphs (b) and (c) of § 1.1304–1 are amended to read as follows:

§ 1.1304–1 Choice of income averaging by taxpayer.

• • • • •

(b) *Subsequent qualification.* A taxpayer who was not qualified to choose the benefits of income averaging for a taxable year may subsequently become qualified for such taxable year. For example, if a taxpayer was not qualified to choose the benefits of income averaging for 1971 incurs a net operating loss in 1972, and the carryback of such loss reduces his income for 1969 and 1970 so that he is no longer ineligible under section 1301 to choose the benefits of income averaging for 1971, the taxpayer may recompute the tax imposed by chapter 1 of the Code on his income for 1971 as if he had originally chosen the benefits of income averaging.

(c) *Subsequent disqualification.* A taxpayer who has chosen the benefits of income averaging for a taxable year may subsequently become disqualified for such benefits for such taxable year. For example, if a taxpayer who chose the benefits of income averaging for 1971 incurs a net operating loss for 1972 and the carryback of such loss reduces his income for 1971 so that he is no longer qualified under section 1301 to choose the benefits of income averaging for that year, the taxpayer must recompute the tax imposed by chapter 1 of the Code on his income for 1971 as if he had not originally chosen the benefits of income averaging.

PAR. 14. Section 1.1304–2 is amended by adding at the end of paragraph (a)(4) the following new subparagraphs:

§ 1.1304–2 Provisions inapplicable if income averaging is chosen.

(a) *Provisions inapplicable.* • • •

(5) Section 1201(b) (relating to alternative capital gains tax). A taxpayer may not, therefore, make use of the alternative tax imposed by section 1201(b) for any taxable year after December 31, 1969, for which he chooses the benefits of income averaging.

(6) Section 1348 (relating to 50 percent maximum rate on earned income). A taxpayer may not, therefore, make use of the 50 percent maximum rate of tax contained in section 1348 for any taxable year for which he chooses the benefits of income averaging.

• • • • •

PAR. 15. Section 1.1304–3 is amended by revising paragraphs (b), (c)(1), (d), and (e), by deleting paragraph (f) and by redesignating paragraph (g) as paragraph (f). Such revised and redesignated paragraphs shall read as follows:

§ 1.1304–3 Special rules for computing base period income.

• • • • •

(b) *Minimum separate base period income.* In any case in which section 1304(c) and this section apply, the separate base period income of an individual for a base period year is the greatest of the following amounts:

(1) The individual's separate income and deductions (increased in accordance with section 1304(c)(3)(A), relating to community income) adjusted in accordance with § 1.1302–2(c);

(2) 50 percent of the base period income resulting from adjusting, in accordance with § 1.1302–2(c), the sum of the individual's separate income and deductions for the base period year (increased in accordance with section 1304(c)(3)(A), relating to community income) and the separate income and deductions for such years of the individual who is his spouse for the computation year; or

(3) 50 percent of the base period income resulting from adjusting, in accordance with § 1.1302–2(c), the sum of the individual's separate income and deductions for the base period year and the separate income and deductions of the individual who is his spouse for such base period year.

However, subparagraph (2) of this paragraph shall not apply in respect of a base period year if an individual and his spouse make a joint return for the computation year.

(c) *Separate income and deductions*—(1) *Definition.* The term "separate income and deductions" for a base period year means the excess of an individual's gross income over his allowable separate deductions. The separate income and deductions of an individual may never be less than zero.

• • • • •

(d) *Community income attributable to services.* Under section 1304(c)(3)(A), in any case in which paragraph (b)(2) or (3) of this section applies, an individual's separate income and deductions (as defined in paragraph (c)), shall be increased to take into account, in the case of amounts which constitute earned income (within the meaning of section 911(b)) and are community income under community property laws applicable to such income, not less than the net amount of such earned income which would be taken into account if such amounts of earned income did not constitute community income.

(e) *Example.* The provisions of this section may be illustrated by the following example.

Example. H and W are calendar year taxpayers who were married, residents of a common law State, and otherwise eligible to choose the benefits of income averaging for the taxable year 1970. They made a joint return for 1970. W, however, was married to and made a joint return with A for the taxable year 1966. H was unmarried for 1966. H, A, and W had taxable income for 1966 indicated in the table below. H and W compute their base period income for 1966 in the following manner:

	A	W	A and W joint return	H
Salary	$11,800	$2,000	$14,500	$2,000
Dividends	800	1,000	1,500	1,000
Adjusted gross income	12,000	4,000	16,000	4,000
Total deductions allowable in computing taxable income			4,000	1,500
Amount of total deductions allowable in computing separate income and deductions	3,000	1,000	.....	1,500
Net of separate income and deductions	9,000	3,000	12,000	2,500
Foreign income excluded under section 911	10,000	.....	.....	.....
Separate base period income in accordance with paragraph (b)(1)	19,000	3,000	.....	2,500

Separate base period income in accordance with paragraph (b):

(1) Net of W's separate income and deductions under paragraph (b)(1) $3,000

(2) Net of W's separate base period income under paragraph (b)(3):

(a) W and A's taxable income for 1966 ..... $12,000

(b) Adjustment under § 1.1302–2 (e) 10,000

22,000

(c) 50 percent of combined base period income 11,000

W must take $11,000 into account as her separate base period income for 1966. Since H made a joint return with W in the computation year and was not married to another spouse in 1966, section 1304(c) and § 1.1304–3 do not apply to him for 1966. Therefore, his separate base period income for 1966 is $2,500. H and W's base period income, on a joint return basis, for 1966 is $13,500.

(f) *Marital status.* For purposes of section 1304(c) and this section, the rules of section 143 (relating to determination of marital status) and the regulations thereunder apply in determining whether an individual is married for any taxable year.

PAR. 16. Section 1.1304–4 is amended by revising such section to read as follows:

§ 1.1304–4 Dollar limitations in case of joint returns.

Under section 1301 an eligible individual may choose the benefits of income averaging only if his averagable income for the computation year exceeds $3,000. In the case of a joint return, the $3,000 limitation applies to the aggregate averagable income of the husband and wife making the joint return.

PAR. 17. Section 1.1304–5 is amended by revising paragraphs (a), (b), and (d) to read as follows:

§ 1.1304–5 Determination of total tax for the computation year.

(a) *Total tax.* The total amount of tax imposed by section 1 for the computation year on the income of an individual who chooses the benefits of income averaging for that year is the sum of the following amounts of tax:

(1) The tax imposed on the amount of income equal to 120 percent of average base period income,

(2) Five times the increase in tax resulting from adding 20 percent of averageable income to 120 percent of average base period income,

(3) The increase in tax resulting from adding the amount (if any) described in § 1.1302–1(b)(3) (relating to community income with respect to services) to the sum of 120 percent of average base period income plus 20 percent of averageable income,

(4) The partial tax (if any) provided by section 668(a) (2) and (3) on certain accumulation distributions from a trust, and

(5) The tax on the amount (if any) of income to which section 72(m)(5), relating to certain distributions to owner-employees which are subject to penalties, applies, computed in accordance with the rules of paragraph (b) of this paragraph.

(b) *Treatment of certain amounts received by owner-employees.* The amount of tax imposed by section 1 for the computation year attributable to amounts described in section 72(m)(5)(A), to which a penalty is applicable under section 72(m)(5) and paragraph (e) of § 1.72–17, is computed by determining the increase in tax which results under section 1 from the inclusion of such amounts in income without the use of the income averaging provisions.

(c) *Examples.* The application of the rules described in this section may be illustrated by the following examples:

Example (1). A, an eligible individual who was not married for the taxable years 1967 through 1971, has taxable income for those years as indicated in the table below. For the taxable years 1967 through 1970 all of his taxable income is from salary and capital gain. A's qualification to choose the benefits of income averaging and the amount of his averageable income for 1971 are determined in the following manner:

Year:	*Taxable income*
1967	$2,000
1968	1,500
1969	3,500
1970	2,500
1971	40,000
(1) Average base period income for years 1967–70 (the base period years):	
(a) 1967	$2,000
1968	1,500
1969	3,500
1970	2,500
Total	10,000
(b) Average base period income ($12,000÷4)	2,500

(2) Averagable income for 1971:

(a) Taxable income	41,000
Less:	
(b) 120 percent of average base period income (120% × $3,000)	3,600
(c) Averagable income	37,400

Since A's averagable income exceeds $3,000, the entire amount ($37,400) of his averagable income is subject to averaging.

Computation of tax due for computation year (1971) (rounded to nearest dollar):

(1) Tax on 120 percent of average base period income:	
(a) 120 percent of the average base period income	3,600
(b) Tax on $3,600	614
(2) Tax attributable to averagable income:	
(a) 120 percent of the average base period income	3,600
(b) 20 percent of the averagable income (20% of $37,400)	7,480
(c) Total	11,080
(d) Tax on $3,600	614
(e) Tax on $11,080 ($3,600+$7,480)	2,382
(f) Increase in tax ($2,382−$614)	1,768
(g) Tax attributable to averagable income (5×$1,768)	8,840
(3) Total tax for 1971:	
(a) Tax on 120 percent of the average base period income (line (1) (b) above	614
(b) Tax attributable to averagable income (line (2)(g) above)	8,840
Total tax	9,454

Example (2). A, an eligible individual who was not married for the taxable years 1967 through 1971, has taxable income for those years as indicated in the table below. For the taxable year 1971, A's income includes $10,000 of income as a beneficiary of a trust which results in an additional tax of $866 under section 668(a). A's qualification to choose benefits of income averaging and the amount of his averagable income for 1971 are determined in the following manner:

Year	Salary and ½ of net long-term capital gain	Section 668(a) income	Total
1967	$4,500	----------	$4,500
1968	3,000	$5,000	8,000
1969	3,500	----------	3,500
1970	5,000	----------	5,000
1971	20,000	10,000	30,000

(1) Average base period income for years 1967–70 (the base period years):	
(a) 1967	$4,500
1968	3,000
1969	3,500
1970	5,000
	16,000
(b) Average base period income ($16,000÷4)	4,000
(2) Averagable income for 1971:	
(a) Taxable income reduced by amount included in income under section 668(a)	20,000
Less:	
(b) 120 percent of average base period income (120% × $4,000)	4,800
(c) Averagable income	15,200

Since A's averagable income exceeds $3,000, the entire amount ($15,200) of his averagable income is subject to averaging.

Computation of tax due for computation year (1971) (rounded to the nearest dollar):

(1) Tax on 120 percent of average base period income:	
(a) 120 percent of average base period income	$4,800
(b) Tax on $4,800	858
(2) Tax attributable to averagable income:	
(a) 120 percent of average base period income	4,800
(b) 20 percent of averagable income (20% × $15,200)	3,040
(c) Total	7,840
(d) Tax on $4,800	858
(e) Tax on $7,840	1,552
(f) Increase in tax ($1,552—$858)	694
(g) Tax attributable to averagable income (5×$694)	3,470
(3) Partial tax on amount included in income under section 668(a)(2)	866
(4) Total tax for 1971:	
(a) Tax on 120 percent of average base period income (line (1)(b) above)	858
(b) Tax attributable to averagable income (line (2)(g) above)	3,470
(c) Partial tax on amount included in income under section 668(a)(2)	866
Total tax	5,194

Example (3). H and W were married during 1971, are calendar year taxpayers, and reside in a community property state for the taxable year 1971. The total income of H and W for the computation year consists of $60,000 of community income attributable to personal services, $40,000 of which is earned by H. W was not married to any other spouse for taxable years 1967 through 1970, and elects to choose the benefits of income averaging for taxable year 1971. W elects to file a separate return. Even though under the applicable State community property laws $30,000, one-half of the total community income, belongs to W, only $20,000 of W's $30,000 of taxable income for 1971 is subject to averaging under § 1.1302–1(b) and the remaining $10,000 is not. See § 1.1302–1(c). W's qualification to choose the benefits of income averaging and the amount of her averagable income for 1971 are determined in the following manner:

Year:	*Taxable income*
1967	$2,000
1968	1,500
1969	3,800
1970	2,700
1971	30,000
(1) Average base period income for years 1967 through 1970 (the base period years):	
(a) 1967	$2,000
1968	1,500
1969	3,800
1970	2,700
	10,000
(b) Average base period income ($10,000÷4)	2,500
(2) Averagable income for 1971:	
(a) Taxable income subject to averaging	20,000
Less:	
(b) 120 percent of average base period income (120% × $2,500)	3,000
(c) Averagable income	17,000

Since W's averagable income exceeds $3,000, the entire amount ($17,000) of her averagable income is subject to averaging.

Computation of tax due for computation year (1971) (rounded to nearest dollar):

(1) Tax on 120 percent of average base period income:	
(a) 120 percent of the average base period income	$3,000
(b) Tax on $3,000	500
(2) Tax attributable to averagable income:	
(a) 120 percent of the average base period income	3,000
(b) 20 percent of the averagable income (20% × $17,000)	3,400
(c) Total	6,400
(d) Tax on $3,000	500
(e) Tax on $6,400 ($3,000+$3,400)	1,230
(f) Increase in tax ($1,230−$500)	730
(g) Tax attributable to averagable income (5×$730)	3,650
(3) Tax on community income not subject to averaging:	
(a) Sum of 120 percent of average base period income and 20 percent of averagable income	6,400
(b) Community income not subject to averaging	10,000
(c) Total	16,400
(d) Tax on $6,400	1,230
(e) Tax on $16,400 ($6,400+$10,000)	4,498
(f) Increase in tax $4,498−$1,230)	3,268
(4) Total tax for 1971:	
(a) Tax on 120 percent of base period income (line (1)(b) above)	500
(b) Tax attributable to averagable income (line (2)(g) above)	3,650
(c) Tax on community income not subject to averaging	3,268
Total tax	7,418

§ 1.1304–6 [Deleted]

Par. 18. Section 1.1304–6 is deleted.

Par. 19. Section 1.1304–7 is redesignated as § 1.1304–6 and such redesignated section is amended by revising subparagraph (4) of paragraph (a) to read as follows:

§ 1.1304–6 Short taxable years.

(a) *Change of annual accounting period.* • • •

(4) The application of the rules described in subparagraph (1) of this paragraph may be illustrated by the following example:

Example. A, an unmarried, eligible individual who had been a calendar year taxpayer, was allowed in 1971 to change his annual accounting period to a taxable year beginning on April 1, 1971. A made a return for the short period from January 1 to March 31, 1971. His taxable income for the taxable years 1967 to 1971 is as indicated in the table below. For the taxable years 1967 through 1970, all of A's income is ordinary income from salary. A's eligibility to choose the benefits of income averaging and the amount of his averagable income for 1971 are determined in the following manner:

Year:	*Taxable income*
1967	$12,000
1968	14,000
1969	17,500
1970	16,500
1971 (3 months)	15,000
(1) Taxable income for 1971 on annual basis (($15,000×12)÷3)	60,000
(2) Average base period income for years (1967–70) (the base period years):	
(a) 1967	12,000
1968	14,000
1969	17,500
1970	16,500
	60,000
(b) Average base period income ($60,000÷4)	15,000
(3) Averagable income for 1971:	
(a) Taxable income	60,000
Less:	
(b) 120 percent of average base period income (120% × $15,000)	18,000
(c) Averagable income	42,000

Since A's averagable income exceeds $3,000, the entire amount ($42,000) of his averagable income is subject to averaging.

Computation of total tax due for computation year (1971) (rounded to the nearest dollar):

(1) Tax on 120 percent of the average base period income on annual basis:	
(a) 120 percent of the average base period income	$18,000
(b) Tax on $18,000	4,510
(2) Tax attributable to averagable income on annual basis:	
(a) 120 percent of average base period income	18,000
(b) 20 percent of the averagable income (20% × $42,000)	8,400
(c) Total	26,400
(d) Tax on $18,000	4,510
(e) Tax on $26,400 ($18,000+$8,400)	7,770
(f) Increase in tax ($7,770—$4,510)	3,260
(g) Tax attributable to averagable income (5×$3,260)	16,300
(3) Total tax for 1971:	
(a) Tax on 120 percent of the average base period income (line (1)(b) above)	4,510
(b) Tax attributable to averagable income (line (2)(g) above)	16,300
(c) Tax on annualized income	20,810
Total tax due (3/12×$20,810)	5,203

§§ 1.1301A—1.1307A–3 [Deleted]

Par. 20. Sections 1.1301A through 1.1307A–3 are deleted.

Par. 21. Section 301.6511(d)–2 is amended by revising paragraph (b) to read as follows:

§ 301.6511(d)–2 Overpayment of income tax on account of net operating loss carryback.

• • • • • •

(b) *Barred overpayments.* (1) If the allowance of a credit or refund of an over-payment of tax attributable to a net operating loss carryback is otherwise prevented by the operation of any law or rule of law (other than section 7122, relating to compromises), such credit or refund may be allowed or made under the provisions of section 6511(d)(2)(B) if a claim therefor is filed within the period provided by section 6511(d)(2)(A) and paragraph (a) of this section for filing a claim for credit or refund of an overpayment attributable to a carryback. Similarly, if the allowance of an application, credit, or refund of a decrease in tax determined under section 6411(b) is otherwise prevented by the operation of any law or rule of law (other than section 7122), such application, credit, or refund may be allowed or made if an application for a tentative carryback adjustment is filed within the period provided in section 6411(a). Thus, for example, even though the tax liability (not including the net operating loss deduction or the effect of such deduction) for a given taxable year has previously been litigated before the Tax Court, credit or refund of an overpayment may be allowed or made despite the provisions of section 6512(a), if claim for such credit or refund is filed within the period provided in section 6511(d)(2)(A) and paragraph (a) of this section. In the case of a claim for credit or refund of an overpayment attributable to a carryback, or in the case of an application for a tentative carryback adjustment, the determination of any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction, and the effect of such deduction, to the extent that such deduction is affected by a carryback which was not in issue in such proceeding.

(2) For purposes of the special period of limitation for filing a claim for credit or refund of an overpayment of tax with respect to a computation year (as defined in section 1302(c)(1)) by an individual who has chosen to compute his tax under sections 1301 through 1305 (relating to income averaging), such claim is determined to relate to an overpayment attributable to a net operating loss carryback when such carryback relates to any base period year (as defined in section 1302(c)(3)). Thus, if (i) an individual has a net operating loss for a taxable year subsequent to a taxable year for which he had chosen the benefits of income averaging, and (ii) such net operating loss carryback is wholly utilized in any one or more of his base period years (which would result in an increased amount of averagable income for such computation year), the special period of limitation with respect to such individual's computation year applies and a timely claim for credit or refund with respect to the computation year may be filed.

[FR Doc.72–2458 Filed 2–16–72;8:51 am]

§ 1.1304–5 Determination of total tax for the computation year.

(a) *Total tax.* The total amount of tax imposed by section 1 for the computation year on the income of an individual who chooses the benefits of income averaging for that year is the sum of the following amounts of tax:

(1) The tax imposed on the amount of income equal to 120 percent of average base period income,

(2) Five times the increase in tax resulting from adding 20 percent of averageable income to 120 percent of average base period income,

(3) The increase in tax resulting from adding the amount (if any) described in § 1.1302–1(b)(3) (relating to community income with respect to services) to the sum of 120 percent of average base period income plus 20 percent of averageable income,

(4) The partial tax (if any) provided by section 668(a) (2) and (3) on certain accumulation distributions from a trust, and

(5) The tax on the amount (if any) of income to which section 72(m)(5), relating to certain distributions to owner-employees which are subject to penalties, applies, computed in accordance with the rules of paragraph (b) of this paragraph.

(b) *Treatment of certain amounts received by owner-employees.* The amount of tax imposed by section 1 for the computation year attributable to amounts described in section 72(m)(5)(A), to which a penalty is applicable under section 72(m)(5) and paragraph (e) of § 1.72–17, is computed by determining the increase in tax which results under section 1 from the inclusion of such amounts in income without the use of the income averaging provisions.

(c) *Examples.* The application of the rules described in this section may be illustrated by the following examples:

Example (1). A, an eligible individual who was not married for the taxable years 1967 through 1971, has taxable income for those years as indicated in the table below. For the taxable years 1967 through 1970 all of his taxable income is from salary and capital gain. A's qualification to choose the benefits of income averaging and the amount of his averagable income for 1971 are determined in the following manner:

Year:	*Taxable income*
1967	$2,000
1968	4,000
1969	3,500
1970	2,500
1971	41,000
(1) Average base period income for years 1967–70 (the base period years):	
(a) 1967	$2,000
1968	4,000
1969	3,500
1970	2,500
Total	12,000
(b) Average base period income ($12,000÷4)	3,000
(2) Averagable income for 1971:	
(a) Taxable income	
Less	
(b) 120 percent of average base period income (120% × $3,000)	3,600
(c) Averagable income	37,400

Since A's averagable income exceeds $3,000, the entire amount ($37,400) of his averagable income is subject to averaging.

Computation of tax due for computation year (1971) (rounded to nearest dollar)

(1) Tax on 120 percent of average base period income	
(a) 120 percent of the average base period income	3,600
(b) Tax on $3,600	614
(2) Tax attributable to averagable income:	
(a) 120 percent of the average base period income	3,600
(b) 20 percent of the averagable income (20% of $37,400)	7,480
(c) Total	11,080
(d) Tax on $3,600	614
(e) Tax on $11,080 ($3,600+$7,480)	2,382
(f) Increase in tax ($2,382−$614)	1,768
(g) Tax attributable to averagable income (5×$1,768)	8,840
(3) Total tax for 1971:	
(a) Tax on 120 percent of the average base period income (line (1) (b) above	614
(b) Tax attributable to averagable income (line (2)(g) above)	8,840
Total tax	9,454

Example (2). A, an eligible individual who was not married for the taxable years 1967 through 1971, has taxable income for those years as indicated in the table below. For the taxable year 1971, A's income includes $10,000 of income as a beneficiary of a trust which results in an additional tax of $866 under section 668(a). A's qualification to choose benefits of income averaging and the amount of his averagable income for 1971 are determined in the following manner:

Year	Salary and ½ of net long-term capital gain	Section 668(a) income	Total
1967	$4,500		$4,500
1968	3,000	$5,000	8,000
1969	3,500		3,500
1970	5,000		5,000
1971	20,000	10,000	30,000

(1) Average base period income for years 1967–70 (the base period years):	
(a) 1967	$4,500
1968	3,000
1969	3,500
1970	5,000
	16,000
(b) Average base period income ($16,000÷4)	4,000
(2) Averagable income for 1971:	
(a) Taxable income reduced by amount included in income under section 668(a)	20,000
Less:	
(b) 120 percent of average base period income (120%×$4,000)	4,800
(c) Averagable income	15,200

Since A's averagable income exceeds $3,000, the entire amount ($15,200) of his averagable income is subject to averaging.

Computation of tax due for computation year (1971) (rounded to the nearest dollar)

(1) Tax on 120 percent of average base period income	
(a) 120 percent of average base period income	$4,800
(b) Tax on $4,800	858
(2) Tax attributable to averagable income	
(a) 120 percent of average base period income	4,800
(b) 20 percent of averagable income (20%×$15,200)	3,040
(c) Total	7,840
(d) Tax on $4,800	858
(e) Tax on $7,840	1,552
(f) Increase in tax ($1,552—$858)	694
(g) Tax attributable to averagable income (5×$694)	3,470
(3) Partial tax on amount included in income under section 668(a)(2)	866
(4) Total tax for 1971:	
(a) Tax on 120 percent of average base period income (line (1)(b) above)	858
(b) Tax attributable to averagable income (line (2)(g) above)	3,470
(c) Partial tax on amount included in income under section 668(a)(2)	866
Total tax	5,194

Example (3). H and W were married during 1971, are calendar year taxpayers, and reside in a community property state for the taxable year 1971. The total income of H and W for the computation year consists of $60,000 of community income attributable to personal services, $40,000 of which is earned by H. W was not married to any other spouse for taxable years 1967 through 1970, and elects to choose the benefits of income averaging for taxable year 1971. W elects to file a separate return. Even though under the applicable State community property laws $30,000, one-half of the total community income, belongs to W, only $20,000 of W's $30,000 of taxable income for 1971 is subject to averaging under § 1.1302–1(b) and the remaining $10,000 is not. See § 1.1302–1(c). W's qualification to choose the benefits of income averaging and the amount of her averagable income for 1971 are determined in the following manner:

Year:	*Taxable income*
1967	$2,000
1968	1,500
1969	3,800
1970	2,700
1971	30,000
(1) Average base period income for years 1967 through 1970 (the base period years):	
(a) 1967	$2,000
1968	1,500
1969	3,800
1970	2,700
	10,000
(b) Average base period income ($10,000÷4)	2,500
(2) Averagable income for 1971:	
(a) Taxable income subject to averaging	20,000
Less:	
(b) 120 percent of average base period income (120%×$2,500)	3,000
(c) Averagable income	17,000

Since W's averagable income exceeds $3,000 the entire amount ($17,000) of her averagable income is subject to averaging

Computation of tax due for computation year (1971) (rounded to nearest dollar)

(1) Tax on 120 percent of average base period income	
(a) 120 percent of the average base period income	$3,000
(b) Tax on $3,000	500
(2) Tax attributable to averagable income	
(a) 120 percent of the average base period income	3,000
(b) 20 percent of the averagable income (20% of $17,000)	3,400
(c) Total	6,400
(d) Tax on $3,000	500
(e) Tax on $6,400 ($3,000+$3,400)	1,230
(f) Increase in tax ($1,230—$500)	730
(g) Tax attributable to averagable income (5×$730)	3,650
(3) Tax on community income not subject to averaging:	
(a) Sum of 120 percent of average base period income and 20 percent of averagable income	6,400
(b) Community income not subject to averaging	10,000
(c) Total	16,400
(d) Tax on $6,400	1,230
(e) Tax on $16,400 ($6,400+$10,000)	4,498
(f) Increase in tax $4,498−$1,230	3,268
(4) Total tax for 1971:	
(a) Tax on 120 percent of base period income (line (1)(b) above)	500
(b) Tax attributable to averagable income (line (2)(g) above)	3,650
(c) Tax on community income not subject to averaging	3,268
Total tax	7,418

§ 1.1304–6 [Deleted]

Par. 18. Section 1.1304–6 is deleted.

Par. 19. Section 1.1304–7 is redesignated as § 1.1304–6 and such redesignated section is amended by revising subparagraph (4) of paragraph (a) to read as follows:

§ 1.1304–6 Short taxable years.

(a) *Change of annual accounting period.* * * *

(4) The application of the rules described in subparagraph (1) of this paragraph may be illustrated by the following example:

Example. A, an unmarried, eligible individual who had been a calendar year taxpayer, was allowed in 1971 to change his annual accounting period to a taxable year beginning on April 1, 1971. A made a return for the short period from January 1 to March 31, 1971. His taxable income for the taxable years 1967 to 1971 is as indicated in the table below. For the taxable years 1967 through 1970, all of A's income is ordinary income from salary. A's eligibility to choose the benefits of income averaging and the amount of his averagable income for 1971 are determined in the following manner:

Year:	*Taxable income*
1967	$12,000
1968	14,000
1969	17,500
1970	16,500
1971 (3 months)	15,000
(1) Taxable income for 1971 on annual basis ($15,000 · 12) 3	60,000
(2) Average base period income for years (1967 70) (the base period years)	
(a) 1967	12,000
1968	14,000
1969	17,500
1970	16,500
	60,000
(b) Average base period income ($60,000 ÷ 4)	15,000
(3) Averagable income for 1971:	
(a) Taxable income	60,000
Less:	
(b) 120 percent of average base period income (120% × $15,000)	18,000
(c) Averagable income	42,000

Since A's averagable income exceeds $3,000, the entire amount ($42,000) of his averagable income is subject to averaging.

Computation of total tax due for computation year (1971) (rounded to the nearest dollar):

(1) Tax on 120 percent of the average base period income on annual basis:	
(a) 120 percent of the average base period income	$18,000
(b) Tax on $18,000	4,510
(2) Tax attributable to averagable income on annual basis:	
(a) 120 percent of average base period income	18,000
(b) 20 percent of the averagable income (20% × $42,000)	8,400
(c) Total	26,400
(d) Tax on $18,000	4,510
(e) Tax on $26,400 ($18,000+$8,400)	7,770
(f) Increase in tax ($7,770−$4,510)	3,260
(g) Tax attributable to averagable income (5 × $3,260)	16,300
(3) Total tax for 1971:	
(a) Tax on 120 percent of the average base period income (line (1)(b) above)	4,510
(b) Tax attributable to averagable income (line (2)(g) above)	16,300
(c) Tax on annualized income	20,810
Total tax due ($\frac{3}{12}$×$20,810)	5,203

§§ 1.1301A—1.1307A–3 [Deleted]

PAR. 20. Sections 1.1301A through 1.1307A–3 are deleted.

PAR. 21. Section 301.6511(d)–2 is amended by revising paragraph (b) to read as follows:

§ 301.6511(d)–2 Overpayment of income tax on account of net operating loss carryback.

* * * * * *

(b) *Barred overpayments.* (1) If the allowance of a credit or refund of an over-payment of tax attributable to a net operating loss carryback is otherwise prevented by the operation of any law or rule of law (other than section 7122, relating to compromises), such credit or refund may be allowed or made under the provisions of section 6511(d)(2)(B) if a claim therefor is filed within the period provided by section 6511(d)(2)(A) and paragraph (a) of this section for filing a claim for credit or refund of an overpayment attributable to a carryback. Similarly, if the allowance of an application, credit, or refund of a decrease in tax determined under section 6411(b) is otherwise prevented by the operation of any law or rule of law (other than section 7122), such application, credit, or refund may be allowed or made if an application for a tentative carryback adjustment is filed within the period provided in section 6411(a). Thus, for example, even though the tax liability (not including the net operating loss deduction or the effect of such deduction) for a given taxable year has previously been litigated before the Tax Court, credit or refund of an overpayment may be allowed or made despite the provisions of section 6512,a), if claim for such credit or refund is filed within the period provided in section 6511(d)(2)(A) and paragraph (a) of this section. In the case of a claim for credit or refund of an overpayment attributable to a carryback, or in the case of an application for a tentative carryback adjustment, the determination of any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction, and the effect of such deduction, to the extent that such deduction is affected by a carryback which was not in issue in such proceeding.

(2) For purposes of the special period of limitation for filing a claim for credit or refund of an overpayment of tax with respect to a computation year (as defined in section 1302(c)(1)) by an individual who has chosen to compute his tax under sections 1301 through 1305 (relating to income averaging), such claim is determined to relate to an overpayment attributable to a net operating loss carryback when such carryback relates to any base period year (as defined in section 1302(c)(3)). Thus, if (i) an individual has a net operating loss for a taxable year subsequent to a taxable year for which he had chosen the benefits of income averaging, and (ii) such net operating loss carryback is wholly utilized in any one or more of his base period years (which would result in an increased amount of averagable income for such computation year), the special period of limitation with respect to such individual's computation year applies and a timely claim for credit or refund with respect to the computation year may be filed.

[FR Doc.72–2458 Filed 2–16–72;8:51 am]

V 37 N 33 FEB 17 72 XUM

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1061, 1068]

[Dockets Nos. AO–367–A4, AO–178–A27]

MILK IN MINNEAPOLIS-ST. PAUL AND SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa (Dairyland) Marketing Areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Bloomington, Minn., August 17–18, 1971, pursuant to notice thereof issued on August 2, 1971 (36 F.R. 14476).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on January 20, 1972 (37 F.R. 1050), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein with the following modifications:

1. The discussion with respect to issue No. 6 is revised.

The material issues on the record relate to:

Issues concerning Order 68 (Minneapolis-St. Paul). 1. Charges on overdue accounts.

2. Provisions for pooling supply plants.

3. The need for emergency action on Issue No. 2.

4. Diversion of producer milk.

5. Mileage limitation on classification of transfers to nonpool plants.

6. Location adjustments.

7. Miscellaneous, administrative, and conforming changes.

Issues concerning Order 61 (Southeastern Minnesota-Northern Iowa (Dairyland)). 8. Distributing plant pooling standard.

9. Supply plant pooling standard.

10. Computation of supply plant pooling qualification.

The decision deals with all the issues listed above, except issues No. 2 and 3 for the Minneapolis-St. Paul order. These two issues were considered previously in an emergency final decision issued by the Assistant Secretary on September 10, 1971 (36 F.R. 18474).

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Charges on overdue accounts.* The rate charged on overdue accounts under the Minneapolis-St. Paul order should be raised from four-tenths of 1 percent to three-fourths of 1 percent per month.

A group of cooperatives, representing a majority of the producers, proposed the increase. A witness for the association testified that the current rate of four-tenths of 1 percent per month is unrealistic when compared with present-day commercial rates for borrowing money. Proponent stated that the increase to three-fourths of 1 percent would reflect more closely the current level of rates charged on commercial borrowings in the Minneapolis-St. Paul area for similar transactions. There was no opposition to the proposal either at the hearing or in briefs filed by interested parties.

A charge on overdue accounts was adopted in the order to encourage prompt payment of handler obligations. It is essential that all handler payments to the producer-settlement fund be made promptly in order that the market administrator will be able to make required payments from the producer-settlement fund. The charge applied to overdue accounts is not a substitute, however, for prompt payment as required by the order.

Proponent cited varying interest rates associated with credit transactions in the Minneapolis-St. Paul area, stating that most area department stores charge at the rate of 1½ percent per month (18 percent on an annual basis). Area banks charge their prime customers at the rate of about 6 percent annually. Bank loans at the prime rate are not general. When they are made such loans are secured. Accordingly, the rate charged on overdue accounts under the order that are already past due and are not secured should be somewhat higher than the prime rate.

The current order rate of 4.8 percent on an annual basis is below the prime rate and is not effective in insuring prompt payment. It permits a handler to use monies owed producers at an interest cost lower than the handler would have to pay if he obtained the funds through conventional money channels.

Handlers who pay late are, in effect, borrowing from producers through the producer-settlement fund. While the principal purpose of the interest charge is to discourage late payment, if a handler does obtain operating capital in this way, producers should be compensated in an amount consistent with what the handler would have to pay to borrow through conventional money channels.

Failure of a handler to pay his producer-settlement fund obligation promptly places a possible burden on other handlers who are entitled to draw money from such fund for their producers. Payments from the producer-settlement fund would have to be reduced pro rata until the overdue pool obligation is paid. If such receiving handler must borrow money to pay his producers in order to retain his milk supply, it is evident that he will pay a higher rate to obtain such funds than the delinquent handler currently is charged on the overdue account under the order.

The main thrust of proponent's case for raising the charge was the obvious opportunity for handlers to take advantage of the disparity between the rate charged on overdue accounts under the order and the interest rate charged on money borrowed from conventional sources.

Proponent stated, on the other hand, that late payments by handlers are not a serious problem in the market currently. However, a situation that occurred following the expansion of the marketing area about 2 years ago was cited. A handler who became fully regulated by the order at that time refused to pay his producer-settlement fund obligation. Before final settlement, almost 2 years later, this obligation involved a substantial amount of money and was subject only to the low rate on overdue accounts. During the 2 years there was significant disparity between the rate charged under the order and the rate charged on short term commercial credit transactions. Short term interest rates rose significantly during the 2-year period.

The order should continue to provide a carrying charge on overdue obligations of fully regulated handlers to the producer-settlement fund, including any adjustment resulting from audit by the market administrator of a handler's receipts and utilization. The charge should apply also to overdue obligations of partially regulated handlers, including audit adjustments. There should be no opportunity for financial advantage through delay in payments of obligations to the market administrator. Increasing the rate on overdue obligations as adopted herein will tend to preclude such situations from occurring.

A charge of three-fourths of 1 percent per month (9 percent on an annual basis) is a reasonable rate to encourage prompt settlement of accounts when due. It is in line with the prevailing rate on short-term commercial borrowings in this area.

This charge would continue to be applied to an obligation on the day following the date on which payment is due. Prompt application of the charge is necessary to discourage delays. In case a handler refuses or fails to file a report from which his obligation to the producer-settlement fund is computed, a charge should be applied to the payment due the market administrator as though the report had been filed when due. Otherwise, some handlers might find it advantageous to be delinquent in filing their reports.

The charge presently is applied to overdue handler obligations payable to individual producers and cooperative associations as well as to payments due the producer-settlement fund. However, the date payment actually is made to producers or cooperatives by handlers may not be available when the pool is computed. This can be particularly complicated if there are other transactions between the two parties involving monies owed one by the other, and the terms and allocation of payments among various

debt accounts are not known to the market administrator on a current basis. In fact, this information may not be ascertainable for several months. Moreover, verification of the actual date of payment, and the computation and collection of small increments of carrying charges for individual producers, would unduly burden order administration. Therefore, the application of the carrying charge to these types of obligations should not be continued.

The current order does not provide for a carrying charge on overdue handler obligations for marketing services or order administration. No change was proposed regarding the application of the carrying charge to these types of obligations, and therefore no revision is made at this time.

4. *Diversion of producer milk.* The Minneapolis-St. Paul order should be amended to provide for certain diversions of producer milk directly to nonpool plants without losing its eligibility for pooling as "producer milk" under the order.

The current order does not provide for diversions of milk to nonpool plants for Class II purposes. The order does provide that milk may be moved directly from farms to nonpool plants for Class I use. In this connection, the proposed diversion provision adopted herein would eliminate the need for §§ 1068.11(b) and 1068.44(c) of the current order, under which a cooperative, as a handler, may move milk directly from producers' farms to nonpool plants for Class I purposes. This change will enable the cooperative to divert within the specific limits, to a nonpool plant for use in either class.

Except for the above situation, all milk must be received at a pool plant to be eligible for pricing and pooling, as producer milk, under the present order. However, when milk is not needed in the market for Class I purposes, the movement of such milk to a nonpool plant for manufacturing purposes should be further facilitated.

Requiring all milk to be received at a pool plant to qualify as producer milk can result in uneconomic milk movements. In this circumstance, when milk is not needed at the pool plant, it must be reloaded and hauled to a nonpool plant for manufacturing. This can be a costly procedure. The order should be amended to eliminate to the extent possible the necessity for uneconomic handling of the market's production in excess of fluid needs.

A group of cooperatives proposed amending the order to accommodate diversions of producer milk to nonpool manufacturing plants. Proponents contended that this would meet the current needs of the market. There was no opposition to the proposal presented at the hearing or in briefs.

The diversion provisions provided herein basically follow those proposed. The association's proposal included a provision to allow a cooperative association, as a handler, to divert 10 percent of its total receipts of member milk during September–November and 25 percent of such receipts in the other months.

Proponent testified that the marketing situation with respect to handling the market's reserve supply has changed significantly in the past 2 years. Cooperatives supplying the market's fluid needs have assumed primary responsibility for disposal of the market's surplus. Two years ago the largest cooperative in the market did not operate a nonpool plant. Today most of the nonpool manufacturing outlets being used for this purpose are owned and operated by cooperatives supplying milk to the market. Many of these plants are located a considerable distance from the main consumption centers.

Because of the day-to-day and seasonal variation in both production and sales, a producer's milk may not always be needed at a pool plant each day. The day-to-day sales variation is influenced primarily by bottling plant operations that are conducted on a 5-day week. Milk purchases by consumers tend to be greater on the weekend than during the week. Therefore, daily bottling schedules at processing plants vary also.

Distributing plants tend to associate a supply of milk sufficient to meet their needs on peak bottling days. This leaves substantial quantities of milk produced on other than the peak bottling days, weekends and holidays, that must be moved to manufacturing outlets. Diversion provisions are provided to enable handlers operating pool plants and cooperative associations to divert producer milk on such occasions when the milk is not needed in the market for Class I purposes.

Prior to expansion of the marketing area in May 1969, the surplus handling problem was not so acute. Since the market utilization was considerably higher at that time and the available reserve could be processed in pool plants, lack of the diversion privilege for manufacturing use did not create significant problems for handlers.

Production has increased considerably since the marketing area expansion in May 1969. In June 1969, 167 million pounds of producer milk were pooled under the Minneapolis-St. Paul order. Of this total 35 percent was utilized in Class I. During June 1971, 193 million pounds of producer milk were pooled and only 33 percent was used in Class I. The increase in producer milk and a decrease in the portion used in Class I has resulted in a greater amount of surplus to be disposed of, and has required the use of distant nonpool plants for the manufacture of some of this surplus.

Also, the milk supply area for the market is gradually moving farther away from the central market of Minneapolis-St. Paul. Land near the city used for dairy farms in the past now is being used for suburban residential housing. As the milkshed moves farther away from the city, it becomes more efficient to ship milk in excess of fluid needs directly to a nearby nonpool plant than to require it to be received at a pool plant, reloaded and hauled back to a nonpool plant located nearer the producers' farms.

While it is appropriate to provide for diversions for Class II use, it is necessary also to provide limitations on the amount of milk that may be diverted in order that only milk genuinely associated with the market will be eligible for diversion, and that diversion will occur only to accommodate regular supplies when not needed in the market for Class I purposes. The "producer milk" definition is rewritten accordingly.

Diversion of producer milk by a cooperative association to a nonpool plant should be limited to 10 percent of the milk received from its producer-members at pool plants (including both the milk actually received at pool plants and diverted therefrom) during any month of September through November. Similarly, a pool plant operator other than a cooperative association should be in position to divert for his account up to 10 percent of the producer milk received from producers at his plant (including both the milk actually received at the pool plant and diverted from the plant) during any month of September through November. The pool plant operator may divert producers who are not members of a cooperative association diverting from such plant. As proposed, the percentage limits would be 25 percent during the December–August period.

The proposal provided that a cooperative be allowed to divert 10 percent of its total member milk during September through November and 25 percent in other months. Some of the cooperatives supplying the market also supply milk to other Federal order markets. Based on the market's present need to divert milk to nonpool plants for manufacturing the proposal to base diversion on total member milk is unnecessarily liberal. The market's diversion need for Class II purposes can be served adequately by providing a more limited provision that will still assure orderly marketing. Accordingly, the percentage adopted should be related only to the amount of member producer milk that a cooperative associates with the Minneapolis-St. Paul market.

Under the proposal, only a cooperative association could be the handler on diverted producer milk. It is deemed appropriate, however, that a pool plant operator should be afforded the same opportunity as a cooperative association to divert milk in excess of fluid needs to nonpool plants for Class II use. Accordingly, a pool plant operator may divert milk of producers who are not members of a cooperative association, subject to the same monthly limitations as the cooperative association.

Only milk genuinely associated with the market and available to the market on a continuing basis should be eligible to be diverted to nonpool plants. Therefore, it should be provided, in addition, that at least 6 days' production of the producer must be received at a pool plant during the month to qualify any of his production for diversion in the

FEB 17 72
XUM

same month within the limits described above. A producer shipping on an every-other-day basis thus would be required to deliver his milk to pool plants 3 days each month. The requirement herein adopted is sufficient to establish a producer's continuing association with the fluid market and still permit the necessary flexibility in diverting milk not needed for fluid use.

Milk diverted to nonpool plants in excess of the limitations provided would not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on any excess quantity. In such instances, the diverting handler would specify the milk that is ineligible as producer milk. If the handler fails to make such designation, thereby making it infeasible for the market administrator specifically to determine which milk was overdiverted, all milk diverted to nonpool plants by such handler would be ineligible as producer milk.

As proposed, diverted producer milk should be priced at the location of the plant to which diverted rather than the location of the pool plant to which it is customarily delivered. If such milk were priced at the pool plant from which diverted, producers regularly supplying the market could be placed in the position of "subsidizing" those producers whose milk is diverted to manufacturing plants. This would be particularly disadvantageous when the diverted milk both originates and is diverted at a great distance from the market center. A producer who does not incur the cost of transporting milk from his farm to the market center should not receive the f.o.b. market price as if he had incurred such cost, as do producers who actually pay to have their milk delivered to the main consumption center.

To carry out the intent of the diversion provisions provided herein, the "producer" definition needs to be revised. Since the present order does not provide for all types of diversions, the "producer" definition is silent concerning the producer status of a dairy farmer whose milk is diverted to a nonpool plant that is a pool plant under another order. As proposed herein, a dairy farmer will not be a producer under this order if his milk is moved directly from the farm to a pool plant regulated by another order. Such milk will be producer milk under the order where the milk is actually received. Otherwise the result might be that such dairy farmer would be a producer under both orders for the same milk.

In cases where milk may be diverted from pool plants under another order (such as the Dairyland order) to a Minneapolis-St. Paul pool plant, Order 68 should provide that the dairy farmer whose milk was so diverted would not obtain producer status under the Minneapolis-St. Paul order if both handlers request a Class II utilization on their reports of receipts and utilization filed with their respective market administrator, and the other order provides for such diversion of producer milk to other order plants. If the other order does not provide for such diversion of producer milk to other order plants, the dairy farmer whose milk is delivered directly from the farm to pool plants regulated by this order would be a producer under the Minneapolis-St. Paul order.

In addition, the definition of "handler" should be amended by adding a new paragraph to make a cooperative associaion the handler on milk diverted to a nonpool plant for the account of the association. Since cooperatives have assumed the primary responsibility for the market's surplus disposal, the order should provide that the cooperative may be the handler on diverted producer milk.

5. *Mileage limitation on classification of transfers to nonpool plants.* The mileage basis for classifying certain transfers to nonpool plants as Class I should be removed from the Minneapolis-St. Paul order.

The order now provides that milk transferred to any nonpool plant located more than 150 miles from the Minnesota Transfer Viaduct at University Avenue in St. Paul, Minn., shall be classified in Class I irrespective of the actual use of such milk at the nonpool plant.

The proponent, a group of cooperatives, testified that the mandatory Class I classification of transfers over 150 miles is unnecessary and inappropriate under today's marketing conditions. There was no opposition to the proposal at the hearing or in briefs.

When this provision was placed in the order, milk markets, including the Minneapolis-St. Paul market, tended to be smaller and more localized, and much of the milk supply moved in cans. Compared with manufactured dairy products, fluid milk is costly to transport because of its bulky, perishable nature. There were ample facilities in the Minneapolis-St. Paul milkshed for manufacturing reserve supplies. Accordingly, milk moved more than 150 miles from the market at that time was intended primarily for fluid use and it was classified as Class I milk.

As indicated by proponent, the milk marketing situation is different today. Milk has become increasingly more mobile. Milk travels in bulk tank trucks, and it is not unusual for milk to move from producers' farms to distant plants regularly not only for fluid use but also for manufacturing.

Proponent indicated that important outlets for surplus milk may be located beyond the 150-mile limit within which milk may be moved and classified as Class II under the present provisions. Proponent stated, as an example, there are times during the year when the cooperative would like to transfer surplus milk from its supply plant at Milaca, Minn., to a nonpool manufacturing plant located at Perham, Minn., to produce butter and nonfat dry milk or to a nonpool plant located at Hibbing, Minn., to be used in ice cream or cottage cheese. However, both Perham and Hibbing, Minn., are located beyond the 150-mile radius and all such transfers must be classified in Class I regardless of the end use of the milk.

In addition, milk handling facilities are being consolidated into fewer but larger units. These larger units may do business in several different market areas. The more widespread organizations become the more important it is to have uniform order provisions regarding classification. The change adopted herein will implement this procedure.

In earlier years, limiting distant movements of milk to Class I classification was appropriate not only in terms of the milk handling costs and practices of the period but also in terms of a saving in administrative cost. The costs involved in verifying utilization at distant plants is not a problem today, however, because the Federal milk order program is extensive. The 62 Federal milk orders operate in most of the larger cities and arrangements for checking utilization at distant nonpool plants are readily made through the cooperative efforts of the market administrators.

Removal of the automatic Class I classification for milk moved to nonpool plants located more than 150 miles from St. Paul will result in handlers accounting to the producer-settlement fund on the basis of use at the nonpool plant to which the milk is transferred or diverted. If a handler claims Class II utilization in his monthly report of receipts and utilization filed with the market administrator, the operator of the nonpool plant will be required to maintain records that must be made available to the market administrator upon request.

6. *Location adjustments.* The location adjustment provisions of the Minneapolis-St. Paul order should be amended to (a) expand to a radius of 35 miles from the St. Paul basing point the area within which no adjustment applies, and (b) revise the rate schedule.

The order now provides no price adjustment on milk received at plants located less than 15 miles in any direction from the basing point in St. Paul. The order also provides for reducing the Class I and uniform prices 3 cents for milk received at plants at least 15 miles but less than 20 miles from the basing point. Such prices are reduced further at the rate of 3 cents for each 10 miles or fraction thereof for milk received at plants located at least 20 but less than 50 miles from the St. Paul basing point. In addition, for distances 50 miles and over the prices are reduced in increments of 1 cent for each 10 miles or fraction thereof.

The purpose of location adjustments is to reflect the value of milk at the point of receipt at a plant. If a producer delivers his milk to a plant located in the zero zone, he bears the cost of hauling the milk all the way to the market, or consuming area, and should be compensated for such cost by receiving the zero zone price. Contrarily, if the producer delivers his milk to a plant located nearer his farm, the pay price to such a producer should not reflect the cost of moving the milk to the market center, since it is not he but the plant operator who must bear the cost of transporting the milk to the market.

The changes to expand the "no adjustment zone" and to revise the rate were proposed by a cooperative association representing a majority of producers on the market. At the hearing, the proponent contended that the 15-mile radius is no longer appropriate, stating that since the consuming area, and the area of competition among fluid milk handlers, have expanded substantially, the area where no location adjustment would apply should be expanded also.

In recent years, suburbs have expanded around the cities of Minneapolis and St. Paul. While these areas are outside the city limits of Minneapolis and St. Paul, they represent an extension of the market center, thereby changing the makeup of the total consuming area.

The population in a nine-county area surrounding the Twin-Cities has increased significantly over the past 10 years. Population increases in this nine-county area ranged from 12 percent in one county to 80 percent in another of the nine between 1960 and 1970. In 1960 about 1.6 million persons were residing in the nine-county area, while in 1970 the population was almost 2 million. During this same 10-year period the population for the State of Minnesota rose about 10 percent, while in the nine counties, the rate of population increase was more than double that rate, at 23 percent.

Under the order's present location adjustment provisions, plants located at least 15 miles but less than 40 miles from the basing point receive location adjustments ranging from minus 3 to minus 9 cents to cover the cost of transporting the milk into the consuming center. However, with the extension of the market center, it is not always necessary to move all milk to Minneapolis or St. Paul, because the distributing plants located at outlying points from such major cities are now serving these areas. Distributing plants located less than 15 miles from St. Paul, now receiving no location adjustment, are in strong competition in a common sales area with plants located up to 35 miles from the basing point that receive price adjustments ranging from minus 3 to minus 9 cents.

In addition, areas of milk procurement have moved somewhat farther away from the city as suburban areas have developed. Some land used for dairy farms in the past is now used for homes and shopping centers for an expanded population.

The changed circumstances in distribution resulting from population shifts, and changes in areas of milk procurement, warrant an extension of the base zone within which no location adjustment should apply. The recommended decision provided an expansion of the base zone to a radius of 40 miles. A corollary change recommended that mileage under the adjustment schedule be computed on the basis of nearest hard-surfaced road miles.

Producer groups excepted to changing the basis of computing the mileage to highway miles from the "straight line" method now used. They stated that the shortest hard-surfaced highway is not always available for use by milk trucks because of certain load, width, height, or other limitations. Since this point was not explored fully at the hearing, it is appropriate to defer, at this time, the proposed change in the method of computing mileage. For the purpose of establishing location adjustments, mileage distances between the basing point in St. Paul and various plant locations are those as determined by the market administrator. Current mileage determinations are made in terms of straight line distance between points. This procedure should be continued.

The proposed rate of 1.5 cents for each 10 miles is an appropriate measure of the cost of transporting bulk milk in this market. It is the same rate that has been widely accepted as a reasonable measure of the cost of transporting bulk milk, and is used as a standard in applying location adjustments in most Federal orders at the present time. No exception was taken to the use of this rate.

Establishing the base zone radius at 35 miles, in conjunction with the straight line computation of mileage, results in a location pricing schedule approximating that provided by the recommended decision on the basis of highway miles. Regulated plants located less than 35 miles from the St. Paul basing point would not be subject to location adjustments. The applicable Class I and uniform prices for milk received at plants located at least 35 but less than 45 miles from the St. Paul basing point would be reduced 6 cents. Further adjustments, at the rate of 1.5 cents for each 10 miles, or fraction thereof, would apply at plants located 45 miles or more from the St. Paul basing point.

7. *Miscellaneous, administrative, and conforming changes.* Three changes in the Minneapolis-St. Paul order were proposed for administrative improvement. A witness for the cooperatives testified on each of the proposals.

The first change deals with the requirement that a handler must have paid producers or cooperative associations for the prior month to have his report of receipts and utilization included in the next computation of the uniform price. This prerequisite should be eliminated.

The order now excludes from the computation of the uniform price the receipts and utilization of a handler: (1) who has not filed his report of receipts and utilization for the month; (2) who has not paid his producer-settlement fund obligation for the preceding month; and (3) who has not paid producers or cooperative associations for the preceding month.

Obviously, if a handler does not file a report of his receipts and utilization such data cannot be included in the current uniform price computation. Federal orders generally exclude a handler's utilization from the uniform price computation for the additional reason that the handler has failed to pay his previous month's obligation to the producer-settlement furid. If the handler reports, but has failed to pay his producer-settlement fund obligation for the preceding month, this fact is known to the market administrator prior to the time for computing a uniform price in the following month.

Except for a "de minimus" situation, it is reasonable to require that payment to the producer-settlement fund for the preceding month also be a prerequisite for including the handler's receipts and uses in the current pool. Failure to pay in the preceding month provides strong indication of the handler's intention for the current month, which could affect moneys available for payments out of the pool.

Excluding a handler's utilization from the computation of the uniform price, if he has not also paid producers or cooperative associations, presents obvious administrative difficulties. At the time the uniform price is computed, the market administrator may not know whether a handler has paid producers or cooperative associations for the prior month. Audit of such payments for the preceding month normally has not been made by the date of the current uniform price computation. Whether such payments have been made could involve disputed questions of fact or arrangements between producers or cooperative associations, and handlers. The market administrator may not know, prior to the next computation of the pool, the complete facts concerning a particular incident of payment. It may not be feasible to have such questions cleared up prior to the date on which the uniform price must be computed. For this reason, the order should be amended to eliminate payments to producers and cooperatives as a prerequisite to pooling in the current month.

The prompt and timely payment of producers and cooperative associations is essential, and these requirements will continue to be enforced. However, experience in a substantial number of markets demonstrates that it is not necessary to use such nonpayment for the preceding month as a criterion for excluding a handler's utilization from the uniform price computation the next month.

As a second administrative change, the order should be amended to eliminate the possibility of double charges on milk moving from a regulated plant to an unregulated plant and thence to a regulated plant.

More and more, plants are tending to specialize in the processing of certain products, or in the packaging of products in particular types of containers. It is not uncommon for milk to be transferred from a pool plant to a nonpool plant for special processing and the finished products to be moved back to a regulated plant. When the milk is initially priced at the Class I price, the market price structure is in no way undermined if this milk, or its equivalent, is disposed of by the nonpool plant in the regulated market.

The order should provide that the pool plant operator will have no obligation to the pool on such other source Class I milk. This is achieved through a revision of the allocation provisions and the procedure for computing the pool obligation

V 37 N 33
FEB 17 72
XUM

of the pool plant operator. Receipts of packaged fluid milk products at a pool plant from an unregulated supply plant would be allocated to the pool plant's Class I utilization to the extent that an equivalent amount of skim milk or butterfat disposed of to the unregulated plant by handlers fully regulated under any Federal order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order. This allocation would be made prior to any other allocation of receipts to the plant's Class I utilization, and no order obligation would apply to the milk so allocated to Class I. In the case of fluid milk products received at a pool plant from an unregulated supply plant in bulk form, the provisions setting forth a handler's pool obligation would specify that no payment would apply to any such milk allocated to Class I if, as just described for packaged milk, an equivalent amount of milk received at the unregulated plant had been priced as Class I milk under some order.

The provisions prescribing the obligation of a partially regulated distributing plant should be changed also in this regard. When such plant's obligation is computed as though it were a pool plant, proper recognition must be given to any transfers from the plant to a regulated plant that already have been priced as Class I milk under another Federal order. Also, in computing such a plant's pool obligation on route sales in the marketing area, recognition should be given to any receipt of milk at such plant from an unregulated plant if an equivalent amount of milk received at the latter plant already has been priced as Class I milk under another order.

The order now imposes a handler assessment for administering the order on all other source Class I milk, except that received in fluid form from a pool plant or an other order plant. This may include milk that already has been priced as Class I milk under some Federal order as described above. With the removal of a "double" Class I charge on such milk the order should be changed to remove any assessment on such milk for administrative expenses when such milk is subject to an administrative assessment under the order that initially priced the milk.

The third change would correct a cross-reference in paragraph (a)(6) of the allocation section (§ 1068.46) of the order. Also, in the proviso of paragraph (c) of the "pool plant" section (§ 1068.9) August 1 should be changed to September 1. These changes are needed for clarification purposes.

Another change made herein is a corollary change to carry out the objective of better coordinating the pooling provisions among the orders in this region, and particularly between the Southeastern Minnesota-Northern Iowa order and the Minneapolis-St. Paul order. Changing the pool plant performance standards was an issue for each market at the hearing.

The corollary change would amend the provision for determining under which order a plant should be regulated when it qualifies as a pool plant under more than one order. The Minneapolis-St. Paul order would be changed so that the determination would be based on marketing area route disposition and on disposition to pool distributing plants in the respective markets.

ISSUES CONCERNING ORDER 61 SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND)

8. *Distributing plant pooling standard.* The proportion of a distributing plant's receipts of Grade A fluid milk products that must be disposed of as Class I milk on routes should be increased in the Southeastern Minnesota-Northern Iowa order as a basis for pooling qualification.

The order now provides that during the months of February–August distributing plants must dispose of at least 15 percent of such Grade A receipts as Class I milk either on routes or in the form of packaged fluid milk products moved to other plants in order to qualify for pool plant status. During the months of September–January the applicable percentage is 20 percent.

A cooperative association, representing a majority of producers supplying the market, proposed increasing the minimum standard for pooling distributing plants to 30 percent during the months of February–August, and 40 percent in the other months. The proposal is supported by five other cooperatives.

No change was proposed in the 10 percent minimum in-area sales performance standard for distributing plants.

The minimum Class I disposition performance standard for qualifying distributing plants regulated under this order is lower than the similar pooling standards included in nearby contiguous orders.

Under the Minneapolis-St. Paul order distributing plants must dispose of 30 percent of their Grade A receipts as Class I milk during the months of January–June, and 50 percent during July–December, to qualify for pooling. To qualify under the Chicago Regional order, distributing plants must dispose of 45 percent of their Grade A receipts as packaged fluid milk products on routes or moved to other plants. Under the Eastern South Dakota and Nebraska-Western Iowa orders, distributing plants must dispose of 35 percent of their Grade A receipts on routes as Class I milk to qualify as a pool plant. These compare with a performance standard of only 15–20 percent, as described earlier in this decision, for distributing plants regulated under this order.

The minimum pooling standard should be increased, as proposed, to coordinate more effectively the performance standard of this order with the performance standards provided in surrounding Federal order markets. Coordinating the pooling standards to the extent possible will promote a more uniform and orderly method for pooling distributing plants located in this region under the various regulatory programs.

At the present time, the Dairyland order provides that a distributing plant may obtain pool status when a specified proportion of its receipts of milk is disposed of on routes or moved as packaged fluid milk products to other plants. Better coordination, particularly with the Minneapolis-St. Paul order, can be achieved by limiting this standard to route disposition. This corollary change will insure that the pool distributing plant standard for each market will provide pooling for such plants on approximately the same basis in each market.

Increasing the minimum percentage standard to 30–40 percent, as proposed, would not affect the pool plant status of any distributing plant currently serving the market, because distributing plants regulated by the order are demonstrating a higher Class I utilization than that proposed.

9. *Supply plant pooling standard.* The minimum performance standard for pooling supply plants under the Southeastern Minnesota-Northern Iowa order should be changed.

The order now provides that a supply plant must deliver at least 15 percent of its Grade A receipts from dairy farmers to pool distributing plants to qualify for pool plant status. A cooperative, representing a majority of producers on the market, proposed increasing the shipping percentage to 30 percent. The proposal is supported by five other cooperatives. The witness for the proponent cooperative testified that undue quantities of milk have been attached to this market since the order was promulgated because of the low minimum performance standard.

During May 1969 there were 704 dairy farmers delivering producer milk to this market. In May 1970 the number increased to 909 and during May 1971 there were 1,109 producers. This represents an increase of 405 producers, or almost 60 percent.

In August 1970 a hearing was held to consider a proposal to increase the shipping percentage for supply plants. At that time only one supply plant was qualifying as a pool plant. The proposed increase was denied because it would have made ineligible for pooling, without adequate supporting reasons, the milk of a substantial number of producers who had been shipping to the market since the inception of the order.

Since the hearing in August 1970, four supply plants have been added to the market. At the time of the most recent hearing (August 1971) five supply plants were being pooled. Four of these plants came on the market during September 1970. Such plants could qualify easily under the relatively low performance standard provided in this order, even though the milk were not needed for fluid use, and certainly more easily than in other markets in this region with marketwide pooling provisions.

It is appropriate that the performance standard for pooling supply plants in this market be consonant with the standards in nearby Federal order markets. Some supply plants pooled under this order are so situated that they could become pool supply plants under the

Minneapolis-St. Paul order or the Chicago Regional order. Similarly, some supply plants regulated under such nearby orders readily could become pool plants under this order.

The monthly shipping standards for pooling supply plants in each of the surrounding markets are: 30 percent under the Minneapolis-St. Paul order; 40 percent during September–November and 30 percent in the other months under the Chicago Regional order; 35 percent under the Eastern South Dakota order; and 50 percent under the Nebraska-Western Iowa order. These compare with a shipping standard of 15 percent under this order.

Obviously, the shipping standard of this order is substantially lower than for the nearby markets. Such difference could cause any additional milk supply in the area that is attempting to find a market to gravitate in undue proportion to this market. This would result in a lower Class I utilization in this market, depressing the blend price for all producers serving the market as compared to the other markets drawing milk from the same general area.

Increasing the shipping standard to 30 percent, as proposed, will better coordinate the performance standards for qualifying supply plants with those of surrounding markets, and more specifically with the recently amended shipping standard for the Minneapolis-St. Paul order.

When markets draw milk from a common supply area, as is the case in this region, the respective markets should have substantially the same opportunity to draw supplies on the basis of relative prices and need. Under these circumstances, similar pooling standards will facilitate the opportunity for milk to gravitate toward the market that has the need. Relative blend prices are an efficient way to draw the milk to such market.

Two producer organizations opposed the proposal in their brief. They proposed increasing the shipping percentage in two steps, an increase to 20 percent for the 1972 qualifying period, and consideration of an increase to 30 percent at some future time. All supply plants that qualified during the September–November 1971 period have automatic pool status until September 1972. Supply plant operators consequently are afforded adequate time to reprogram their operations to accommodate the increase in the shipping percentage.

10. *Computation of supply plant pooling qualification.* The proposal to determine a supply plant's qualification under the Southeastern Minnesota-Northern Iowa order based on its "net" shipments to pool distributing plants should not be adopted.

The order now provides that a supply plant must deliver 15 percent of its Grade A receipts from dairy farmers to pool distributing plants to qualify as a pool plant. This decision changes the shipping performance standard to 30 percent of such receipts.

The change in the computational method used to determine whether a supply plant has met the shipping percentage was proposed by the same cooperative that proposed the increase in the shipping percentage. Five other cooperative associations supported the change.

Under the proposal, only the net amount of milk received at pool distributing plants would be counted toward meeting the minimum shipping percentage for qualifying a supply plant. Transfers and diversions of milk from the distributing plant for manufacturing purposes on the day of any receipt from a supply plant would be subtracted from the distributing plant's receipts from the supply plant in arriving at the "net" shipments from such plant.

Several examples of practices that could circumvent the intent of the shipping standard of an order were cited by proponent at the hearing. In some instances, shipments of milk from a supply plant to distributing plants might be made only for the purpose of qualifying the supply plant without relation to the utility of the milk in serving the Class I market. Also, a supply plant might make the necessary shipments to meet the minimum shipping percentage during the qualifying period only to get automatic pool status in the other months without making any shipments.

Further, a supply plant operator might make specific prearrangements with distributing plants that receive his milk to transfer an equivalent amount back to the supply plant or to a nonpool manufacturing plant for processing into manufactured products (Class II). Also, a supply plant operator might be willing to pay handling charges in various amounts to operators of distributing plants to pool his milk in this manner. These payments and the added hauling cost incurred could be offset by the benefits of pooling the milk, since the supply plant operator would account for the milk at the Class II price and be credited at the higher uniform price for payment to his producers.

Proponent indicated that the pooling practices described above are not a problem in this market at the present time, but that the proposed change is needed to insure the intent of the performance standard. Concern was expressed that some supply plants regulated under the Chicago order may attempt to become associated with this market. At this time, no such development has occurred and the problem is one of apprehension on the part of producers. Accordingly, we may not conclude that the proposed change is necessary at this time to maintain orderly marketing.

While it was pointed out that the Chicago Regional order provides for pooling a supply plant on the basis of its "net" shipments to distributing plants, the supply conditions of the Chicago market are quite different from those in this market. In the Chicago market, country supply plants and reload points are regularly used to assemble distant milk supplies for transshipment to the city to meet a large proportion of the fluid needs of the market. In the Southeastern Minnesota-Northern Iowa market there is an adequate supply of nearby milk available that may be moved directly from producers' farms to city plants to meet such needs.

RULING ON OBJECTION

Prior to taking testimony on proposed amendments to Order No. 61 (Southeastern Minnesota-Northern Iowa), an attorney for a cooperative objected to this part of the proceeding on the ground that interested parties were not given an opportunity to submit additional proposals. The Hearing Examiner stated that reasonable time was provided between the publication of the hearing notice and the hearing date to enable interested parties to submit additional proposals or to request other action. Since no action was taken during this time period, he overruled the objection. The ruling of the Hearing Examiner is affirmed.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determination hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as.

FEB 17 72

and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are documents, namely, a Marketing Agreement regulating the handling of milk in each of the specified orders, and an Order amending the orders regulating the handling of milk in the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa (Dairyland) marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreements are identical with those contained in the respective orders as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

November 1971 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa (Dairyland) marketing areas are approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the respective marketing areas.

Signed at Washington, D.C., on February 11, 1972.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] Amending the Orders, Regulating the Handling of Milk in the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa (Dairyland) Marketing Areas

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa (Dairyland) marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Minneapolis-St. Paul and Southeastern Minnesota-Northern Iowa (Dairyland) marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending each of the specified orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on January 20, 1972, and published in the FEDERAL REGISTER on January 22, 1972 (37 F.R. 1050), shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein subject to the modifications made in §§ 1068.55 and 1068.82.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

In § 1061.11, paragraph (a) (1) and (2) and the introductory text of paragraph (b) are revised as follows:

§ 1061.11 Pool plant.

* * * * *

(a) * * *

(1) Not less than 10 percent of such receipts is disposed of from such plant as Class I milk in the marketing area as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants; and

(2) Not less than 30 percent during the months of February–August and 40 percent during the months of September–January of such receipts is disposed of as Class I milk as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant from which not less than 30 percent of its total Grade A milk receipts from dairy farmers during the month is delivered as fluid milk products to pool plants pursuant to paragraph (a) of this section subject to subparagraphs (1) and (2) of this paragraph:

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA MARKETING AREA

1. In § 1068.9, paragraph (c) is revised as follows:

§ 1068.9 Pool plant.

* * * * *

(c) Upon written request by the handler to the market administrator, received or postmarked on or before the last day of any month, any plant qualified as a pool plant pursuant to paragraph (b) of this section may be withdrawn from pool plant status beginning with the next month. Any such plant withdrawn from automatic pool plant status may not regain such status prior to the next September 1 and then only by meeting the requirements set forth in the first proviso of paragraph (b) of this section in the same manner as a plant qualifying for pool plant status for the first time.

2. Section 1068.11 is revised as follows:

§ 1068.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is received at a pool plant as producer milk directly from the farm; or diverted from a pool plant to a nonpool plant subject to the rules in § 1068.12. "Producer" shall not include the milk of any person produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler diverting such milk and the operator of the pool plant have each requested Class II classification on the reports filed with their respective market administrators. Neither shall it include the milk of any person produced by him which is diverted to an other order plant if such person is designated as a producer with respect to such milk under the other order.

3. Section 1068.12 is revised as follows:

§ 1068.12 Producer milk.

"Producer milk" means the skim milk and butterfat in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer; and

(b) Diverted from a pool plant to a nonpool plant (except a producer handler plant or an other order plant) subject to the following conditions:

(1) Such milk shall be priced at the location of the nonpool plant to which diverted;

(2) In any month that less than 6 days' production of a producer is delivered to pool plants the quantity of milk of the producer diverted during the month that exceeds that delivered to pool plants shall not be producer milk;

(3) During the months of September through November, a cooperative association handler may divert for his account the milk of any member producer. The total quantity of producer milk diverted by such handler in excess of 10 percent of the milk received from member producers at pool plants during the month shall not be producer milk;

(4) During the months of December through August, a cooperative association handler may divert for his account the milk of any member producer. The total quantity of producer milk diverted by such handler in excess of 25 percent of the milk received from member producers at pool plants during the month shall not be producer milk;

(5) During the months of September through November, the operator of a pool plant, other than a cooperative association, may divert for his account the milk of any producer other than a member of a cooperative association. The total quantity of producer milk diverted by such handler in excess of 10 percent of the milk received at such pool plant during the month from producers who are not members of a cooperative association shall not be producer milk;

(6) During the months of December through August, the operator of a pool plant, other than a cooperative association, may divert for his account the milk of any producer other than a member of a cooperative association. The total quantity of producer milk diverted by such handler in excess of 25 percent of the milk received at such pool plant during the month from producers who are not members of a cooperative association shall not be producer milk; and

(7) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (3), (4), (5), and (6) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

4. In § 1068.13, a new paragraph (a–1) is added as follows:

§ 1068.13 Handler.

* * * * *

(a–1) Any cooperative association with respect to milk of its members diverted for its account from a pool plant to a nonpool plant subject to the provisions of § 1068.12.

* * * * *

5. In § 1068.30, paragraph (a) (1) is revised and a new paragraph (d) is added as follows:

§ 1068.30 Monthly reports of receipts and utilization.

(a) * * *

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including diverted milk, and such handler's own production) producer-handlers' and other pool plants.

* * * * *

(d) On or before the 10th day of each month and in detail as prescribed by the market administrator each handler specified in § 1068.13(a–1) shall report to the market administrator for the preceding month the utilization of all skim milk and butterfat in diverted producer milk pursuant to § 1068.12.

6. In paragraph (b) (5) of § 1068.41, a new subdivision (vii) is added as follows.

§ 1068.41 Classes of utilization.

* * * * *

(b) * * *

(5) * * *

(vii) 1.5 percent of producer milk diverted to a nonpool plant pursuant to § 1068.12 except that if the operator of the nonpool plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent; and

* * * * *

7. Section 1068.44 is revised as follows:

§ 1068.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1068.46(a)(7) and the corresponding step of § 1068.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1068.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1068.46(a)(6) or (7) and the corresponding steps of § 1068.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph.

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1068.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular sources of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or

FEB 17 72
XUM

diverted shall be classified as Class II milk;

(d) As follows, if transferred to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1068.41.

8. In § 1068.46(a), subparagraphs (1), (4), (5), and (6) are revised as follows:

§ 1068.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II milk pursuant to § 1068.41(b)(5);

* * * * *

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (1)(i) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association as a handler pursuant to the proviso of § 1068.13(a), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (1)(i) or (4)(i) of this paragraph;

* * * * *

9. Section 1068.55 is revised as follows:

§ 1068.55 Location adjustments to handlers.

The Class I price for producer milk and other source milk (for which a location adjustment is applicable) received at a plant located at least 35 miles (as determined by the market administrator) from the Minnesota Transfer Viaduct at University Avenue in St. Paul, Minn., shall be reduced by an amount indicated below.

Plant location (miles)	*Amount of deduction (cents)*
Less than 35	0
35 but less than 45	6

For distances of 45 miles or more, an additional 1.5 cents for each 10 miles or fraction thereof beyond 45 miles.

9a. In § 1068.62, paragraph (a) is revised as follows:

§ 1068.62 Milk under more than one Federal order.

* * * * *

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either on routes or to pool plants qualified on the basis of route disposition than is disposed of from such plant in the Minneapolis-St. Paul marketing area either on routes or to pool plants qualified on the basis of route disposition.

* * * * *

10. In § 1068.64, subdivision (i) of paragraph (a)(1) and paragraph (b)(2) are revised as follows:

§ 1068.64 Obligations of handlers operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1068.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. No obligation shall apply to Class I milk transferred to a pool plant or an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which such milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1068.70(d) and a credit in the amount specified in § 1068.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

11. In § 1068.70, paragraph (d) is revised as follows:

§ 1068.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received of the skim milk and butterfat subtracted from Class I pursuant to § 1068.46(a)(6) and the corresponding step of § 1068.46(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order.

12. In § 1068.71, paragraph (a) is revised as follows:

§ 1068.71 Computation of uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1068.70 for all handlers who filed reports pursuant to § 1068.30 for the month and who made the payments pursuant to § 1068.84 for the preceding month;

* * * * *

13. Section 1068.82 is revised as follows:

§ 1068.82 Location adjustments to producers and on nonpool milk.

(a) In making payments pursuant to § 1068.80 (b) and (c) for milk received at a pool plant located 35 miles or more from the Minnesota Transfer Viaduct at University Avenue in St. Paul, Minn., each handler shall deduct from the applicable price payable to such producers an amount in accordance with the location of the plant based on the rates set forth in § 1068.55; and

(b) For the purpose of computations pursuant to §§ 1068.84 and 1068.85, the uniform price shall be adjusted at the rates set forth in § 1068.55 applicable at the location of the nonpool plant from which the milk was received, except that the uniform price shall not be less than the Class II price.

14. Section 1068.90 is revised as follows:

§ 1068.90 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production); (b) other source milk allocated to Class I pursuant to § 1068.46(a)(3) and (6) and the corresponding steps of § 1068.46(b) except such other source milk on which no handler obligation applies pursuant to § 1068.70(d); and (c) Class I route disposition in the marketing area by partially regulated distributing plants that exceeds the Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order pursuant to the Act; and

(2) Specified in § 1068.64(b)(2)(ii).

15. Section 1068.92 is revised as follows:

§ 1068.92 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1068.64, and 1068.84, and 1068.86(a), for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased three-fourths of 1 percent for each month and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and for the purpose of this section any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

[FR Doc.72-2409 Filed 2-16-72;8:47 am]

[7 CFR Part 1137]

MILK IN EASTERN COLORADO MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered for the period February through May 1972.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In the first sentence of paragraph (a) of § 1137.10, the provision, "from whom at least three deliveries of milk are received during the month at a distributing pool plant"; and

2. In the second sentence of paragraph (a) of § 1137.10, the provision "distributing".

The proposed suspension would remove the provision that three deliveries of producer milk be received at a distributing pool plant during the month to qualify producer milk for diversion to a nonpool plant. Also, the proposed suspension would remove the provision that a cooperative association may divert milk only from a distributing pool plant.

The suspension was requested by a cooperative association supplying the market. The basis for the request is that current marketing conditions require the association to handle an increasing quantity of the reserve supply of milk for the market. Without the proposed suspension, the association claims it would be forced to make uneconomic shipments of producer milk to qualify it for pooling.

Signed at Washington, D.C., on February 15, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-2539 Filed 2-16-72;9:16 am]

Food and Nutrition Service

[7 CFR Part 271]

FOOD STAMP PROGRAM

Requests by State Agencies for Simultaneous Operation of Food Stamp and Food Distribution Programs

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011-2025), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, proposes to amend the regulations governing the Food Stamp Program (7 CFR Part 271) to prescribe the procedure to be used by State agencies in submitting requests for the concurrent operation of the Food Stamp Program and the Food Distribution Program (7 CFR Part 250) in the same area, and to provide guidelines which will be used by the Department in passing upon such requests. The proposed Food Stamp Program amendment is set forth below. Upon final publication of the amendment, the Food and Nutrition Service will publish a counterpart amendment to the Food Distribution Program Regulations.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to James H. Kocher, Acting Director, Food Stamp Division, FNS, U.S. Department of Agriculture, Washington, D.C. 20250, so as to be received not later than the 30th day following date of publication of this notice in the FEDERAL REGISTER. Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the office of the Acting Director during regular business hours (8:30 a.m.-5 p.m.).

1. In § 271.1, paragraph (a)(3) is revised to read as follows:

§ 271.1 General terms and conditions for State agencies.

(a) *Federally donated foods.* * * *

(3) On request of the State agency, under the following conditions:

(i) Factual information showing the need for concurrent operation of both programs in the same area is submitted by the State agency to the Secretary of Agriculture together with proposed amendments to the State agency's plan of operation which shall set forth, among other things, that:

(*a*) No funds received from this Department will be used in carrying out the administrative responsibilities of the

FEB 17 72
XUM

State agency in the handling and issuing of federally donated foods;

(b) The household eligibility requirements and certification procedures prescribed in this subchapter will be applied by the State agency in determining the eligibility of all applicant households whether for the Food Stamp Program or for federally donated foods.

(c) The State agency will establish controls which will prevent any household from participating in the program and also simultaneously receiving household distribution of federally donated foods; and

(ii) The Secretary determines that conditions in the area are such that the concurrent operation of both programs is needed in order to effectively provide food assistance to low income households in the area, and that the proposals of the State agency for local administration will meet this need and otherwise satisfy the requirements of this subparagraph (3). Such determination will be based upon all relevant information available, including that provided by the State agency as well as information obtained by the Department from other sources.

The State agency will be informed in writing of the Secretary's decision and the reasons therefor.

* * * * * *

(76 Stat. 703, as amended; 7 U.S.C. 2011–2025)

Dated: February 9, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–2451 Filed 2–16–72;8:51 am]

Rural Electrification Administration

[7 CFR Part 1701]

COMPLIANCE WITH CIVIL RIGHTS ACT

Borrower Reporting Requirements Under Title VI

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901, et seq.), REA proposed to issue a supplement to REA Bulletin 20–19 (Electric): 320–19 (Telephone) amending REA reporting requirements for its borrowers under Title VI of the Civil Rights Act of 1964.

Persons interested in this amendment to REA Bulletin 20–19:320–19 may submit written data, views, or comments to the Civil Rights Coordinator, Rural Electrification Administration, Room 4123, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Civil Rights Coordinator.

A copy of the proposed supplement to REA Bulletin 20–19:320–19 and the related forms and instructions may be secured in person or by written request to the Civil Rights Coordinator.

The text of the proposed supplement to the bulletin is as follows:

SUBJECT: Revision of Title VI Reporting Requirements.

To: Electric and Telephone Borrowers.

REA Form 268 has been revised in order to obtain additional information with respect to compliance by REA borrowers with the Civil Rights Act of 1964 and the rules and regulations of the Department of Agriculture. This form is now designated "Report of Compliance and Participation." The reports to be submitted on this revised form will show more definitive information by ethnic groups with respect to new services connected, unserved areas, composition of boards of directors and the participation of members in annual meetings of members of cooperative type borrowers.

The methods to be used by borrowers in obtaining minority group data for the reports are not prescribed by REA. However, each borrower in determining the methods it will utilize, should attempt to obtain accurate data.

One method you may wish to use in obtaining the "Approximate Percentage of Persons From Minority Groups" of your existing patrons is by utilizing the sampling procedure given in the attachment to this memorandum. Individual identification of all your patrons in order to obtain this information is not necessary.

With respect to annual meetings, item 5c, REA Form 268, a "visual survey" will provide an acceptable estimate of the extent to which members from minority groups are in attendance.

With reference to new consumers or subscribers, item 6, REA Form 268, "new services connected," a "visual survey" of the applicants could be made by designated employees at the time an application is received or when service is connected in order to determine the ethnic group of each new patron. After the service has been connected, the application could be coded, if this was not previously done, in order that the actual count by ethnic groups can be determined at the time the annual report is compiled.

The following provides additional information concerning the manner of furnishing the Statement of Nondiscrimination as required by paragraph IV, B, of the Bulletin.

Paragraph IV, B, 1, a, requires borrowers to furnish the Statement to each patron upon first becoming subject to Title VI which is when a borrower received its first advance of loan funds after January 3, 1965. Most borrowers complied with this provision which was included in Appendix A to the original Bulletin issued in July 1965. A borrower which has complied with this provision in the past is not required to again furnish the Statement to its patrons. A borrower which has not furnished the Statement and new borrowers are required to publish the Statement within 60 days afer becoming subject to Title VI. (See paragraph IV, C, of the Bulletin.) This is a one-time endeavor and no revision has been made in this requirement.

Paragraph IV, B, 1, b, requires that each employee be furnished a copy of the Statement. This should be interpreted to include future new employees.

Paragraph IV, B, 2, now requires that once each calendar year the borrower publish its statement of nondiscrimination in a newspaper with wide circulation in each county in which the borrower operates facilities. The purpose of this requirement is to keep the general public, including new and potential patrons, informed of the borrower's civil rights commitment under Title VI. The publication, for this purpose, should generally be an individual notice by each borrower. The use of a statewide publication which is limited in its distribution to consumers or subscribers would not satisfy this requirement. There may be isolated cases where more than one borrower serves in a county. In this instance a joint statement could be published in that area. In such a case, the first line of the statement should be changed to read "The undersigned have each filed with the Federal Government * * *". The Statement should then be followed by the name and address of each borrower making the Statement.

The borrower's records on Title VI matters should include copies of the reports and of the statement of nondiscrimination, and should show the methods used for obtaining minority group data and the manner of furnishing and publishing the Statement.

The date "July 31," appearing in paragraph V, A, 2, of the Bulletin, is changed to "January 31." Reporting will now be on a calendar year basis.

The revised REA Form 268, "Report of Compliance and Participation," will be furnished to borrowers for reporting in January 1973, covering the calendar year 1972.

Your full cooperation in arranging for obtaining the information requested, and supplying it to us with your year-end reports, will be greatly appreciated.

Dated: February 11, 1972.

DAVID A. HAMIL,
Administrator.

[FR Doc.72–2452 Filed 2–16–72;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[24 CFR Part 420]

[Docket No. R–72–166]

ASSISTANCE PAYMENTS—HOMES FOR LOWER INCOME FAMILIES

Notice of Proposed Rule Making

The Department of Housing and Urban Development proposes to amend Title 24 of the Code of Federal Regulations to include a new Part 420 "Assistance Payments—Homes for Lower Income Families."

The proposed part changes recertification from a biennial event to an annual event. It introduces the requirement that each mortgagor beneficiary of assistance payments shall immediately report certain significant changes in family employment. The rule provides for a system of suspensions and terminations. Thus, payments are suspended to beneficiaries whose income rises above the prescribed limits, but during the next 3 years the rule provides for resumption of payments in the event the income again falls below the limits. If reinstatement does not occur within the 3-year period, the payment contract is terminated. Sections 420.2, 420.3, 420.4, 420.5, 420.6, and 420.7 appearing in this proposed part would revise requirements currently set forth in §§ 235.350, 235.355, 235.360, 235.365, 235.370, and 235.375 of this title. When Part 420 is made effective, Part 235 will be amended to revoke these superseded sections and reflect other conforming changes.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements. Communications should be identified by the above docket number and title, and should be filed in triplicate with the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material received on or before March 20, 1972, will be considered before adoption of the final rule. Copies of comments submitted will be available for examination during business hours at the above address.

The proposed new part would read as follows:

PART 420—ASSISTANCE PAYMENTS—HOMES FOR LOWER INCOME FAMILIES

Sec.
420.1 Purpose and definitions.
420.2 Mortgagor's required recertification.
420.3 Mortgagor's optional recertification.
420.4 Adjustments in assistance payments.
420.5 Mortgagee records.
420.6 Effect of assignment of mortgage with an assistance payment contract.
420.7 Termination, suspension or reinstatement of the assistance payments contract.
420.8 Effect of amendments.

AUTHORITY: The provisions of this Part 420 issued under sec. 211, 52 Stat. 23, as amended, sec. 235, 82 Stat. 477, as amended; 12 U.S.C. 1715b, 1715z.

§ 420.1 Purpose and definitions.

(a) It is the purpose of this part to set forth the requirements for recertification of occupancy, employment, income and family composition by mortgagors or cooperative members receiving assistance payments pursuant to section 235 of the National Housing Act, and to set forth the procedures for termination, suspension and reinstatement of the assistance payment contract.

(b) The definitions contained in § 235.5 of this title shall apply to this part. In addition, the term "assistance payment" means that portion of a homeowner's or cooperative member's monthly mortgage payment which HUD becomes obligated to pay under an assistance-payment contract.

§ 420.2 Mortgagor's required recertification.

The mortgagee shall obtain from the homeowner (or from the cooperative association on behalf of the cooperative member), on a form prescribed by the Assistant Secretary for Housing Management (hereinafter referred to as the Assistant Secretary), a recertification as to occupancy, employment, income, and family composition whenever one of the following events takes place:

(a) Annually, no earlier than 60 days before and no later than 30 days after the anniversary date of the mortgage or at such other anniversary date as set by the Assistant Secretary;

(b) No more than 30 days after the mortgagee is notified by the mortgagor or learns from any source, that the mortgagor or any adult (21 years or older) member of the family residing in the household changes or begins employment which results in an increase in the family income reported in the original application for assistance or the most recent recertification;

(c) At such other times as the Assistant Secretary may require.

§ 420.3 Mortgagor's optional recertification.

Upon request of the mortgagor or cooperative member, the mortgagee shall accept recertification whenever the mortgagor, his or her spouse or an adult (21 years or older) member of the family changes or loses employment which results in a decrease in the family income reported in the most recent certification or recertification. This recertification shall be on a form prescribed by the Assistant Secretary.

§ 420.4 Adjustment in assistance payments.

The mortgagee shall make appropriate adjustments in the amount of the requested assistance payments to reflect changes in family income reported in any required or optional recertification of the homeowner or cooperative member. The adjustment shall not be retroactive except at the discretion of the Assistant Secretary. The adjustment shall apply only to assistance payments beginning with the payment due no earlier than the first day of the month following and no later than the first day of the second month following the date the mortgagor's recertification is received by the mortgagee.

§ 420.5 Mortgagee records.

The mortgagee shall maintain such records as the Assistant Secretary may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Assistant Secretary, and the annual recertifications of financial status from the homeowner or mortgagor. Such records shall be kept on file for a period of time and in a manner prescribed by the Assistant Secretary and shall be available, when requested, for review and inspection by the Assistant Secretary or the Comptroller General of the United States.

§ 420.6 Effect of assignment of mortgage with an assistance payments contract.

Where a mortgage covered by an assistance payment contract is sold to another approved mortgagee, the buyer shall succeed to all the rights and become bound by all the obligations of the seller under such a contract.

§ 420.7 Termination, suspension, or reinstatement of the assistance payments contract.

(a) *Termination.* The assistance payments contract shall be terminated when any of the following events occur:

(1) The contract of mortgage insurance is terminated, except when the mortgage has been assigned to the Secretary.

(2) The property is purchased by a homeowner not qualified to receive assistance payments.

(3) The cooperative member transfers his membership and occupancy rights to a new cooperative member not qualified to receive assistance payments.

(4) When the assistance payments contract has been suspended for a period of 3 years without reinstatement.

(b) *Suspension.* The assistance payments contract shall be suspended when any one of the following events occurs:

(1) The homeowner, or cooperative member ceases to occupy the property, except in the following instances:

(i) The property is purchased by a homeowner who immediately assumes the mortgage obligation with respect to which assistance payments have been made on behalf of the previous owner, and who meets the income and asset requirements prescribed by the Secretary.

(ii) The cooperative member transfers his membership and occupancy rights to a new member who meets the income and asset requirements prescribed by the Secretary.

(2) The mortgagee determines that the mortgagor or cooperative member ceases to qualify for the benefits of assistance payments by reason of his income increasing to an amount enabling him to pay the full monthly mortgage payment by using 20 percent of the family income.

(3) Foreclosure is instituted.

(4) The mortgage is unable to obtain from the homeowner (or from the cooperative association on behalf of the cooperative member) a required recertification of occupancy, employment, income, and family composition as prescribed in § 420.2.

(5) At such other times as the Assistant Secretary may require.

(c) *Effect of termination or suspension.* Upon termination or suspension of the assistance payments contract, the payment due on the first day of the month in which the termination or suspension occurs shall be the last payment to which the mortgagee shall be entitled; except that, in the case of a suspended contract, payment may be resumed after the contract is reinstated pursuant to paragraph (e) of this section.

(d) *Noneffect on mortgage insurance contract.* The termination or suspension of the assistance payments contract, where the mortgage insurance contract is not simultaneously terminated, shall have no effect on the mortgage insurance contract.

(e) *Reinstatement.* Where the assistance payments contract is suspended, it may be reinstated by the Assistant Secretary at his discretion and on such conditions as he may prescribe.

§ 420.8 Effect of amendments.

The regulations in this part may be amended by the Assistant Secretary at

FEB 17 72
XUM

any time from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee under an existing contract for assistance payments.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.72-2395 Filed 2-16-72;8:46 am]

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[24 CFR Part 235]

ASSISTANCE PAYMENTS—HOMES FOR LOWER INCOME FAMILIES

Notice of Proposed Rule Making

CROSS REFERENCE: For a document relating to assistance payments for homes for lower income families, see F.R. Doc. 72-2395, Department of Housing and Urban Development, Office of Assistant Secretary for Housing Management, *supra*.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-GL-2]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Milwaukee, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Room 18, 3158 Des Plaines Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed and the other approach procedures have been revised for Horlick-Racine Airport, Milwaukee, Wis. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by altering the transition area at Milwaukee, Wis. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2056) the transition area at Milwaukee, Wis., is amended as follows: Delete, "within a 5½-mile radius of Horlick-Racine Airport (latitude 42°-45'45" N., longitude 87°49'00" W.); within 3 miles each size of the 027° bearing from Horlick-Racine Airport extending from the 5½-mile radius to 8 miles northeast of the airport" and insert in place "within a 7-mile radius of the Horlick-Racine Airport (latitude 42°45'-45" N., longitude 87°49'00" W.); within 3 miles each side of the 031° bearing from the airport extending from the 7-mile radius to 8 miles northeast of the airport".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on January 28, 1972.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.72-2400 Filed 2-16-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-4]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Lawrenceville, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

Two public instrument approach procedures have been revised for the Lawrenceville/Vincennes Municipal Airport, Lawrenceville, Ill. In addition, the criteria for designation of transition areas have been revised. Accordingly, it is necessary to alter the Lawrenceville transition area to adequately protect the aircraft executing the revised approach procedures and to comply with the revised transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

LAWRENCEVILLE, ILL.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Lawrenceville/Vincennes Municipal Airport (latitude 38°45'35" N., longitude 87°36'-27" W.) within 3 miles each side of the 189° bearing from the Lawrenceville/Vincennes Airport, extending from the 7-mile radius to 8 miles south; and 3 miles each side of the 355° bearing from the Lawrenceville/Vincennes Airport, extending from the 7-mile radius to 8 miles north; and within a 5.5-mile radius of O'Neal Airport (latitude 38°-41'28" N., longitude 87°33'12" W.) and within 3 miles each side of the 258° bearing from O'Neal Airport, extending from the 7-mile and 5½-mile radii to 8 miles west of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on January 28, 1972.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.72-2399 Filed 2-16-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19401; FCC 72-130]

TABLE OF FM ASSIGNMENTS IN CERTAIN CITIES IN IOWA, WEST VIRGINIA, AND FLORIDA

Further Notice of Proposed Rule Making

In the matter of amendment of § 73.-202(b), *Table of Assignments*, FM Broadcast Stations. (Hampton, Pella, Cedar Rapids, and Charles City, Iowa; Keyser, W. Va.; Crystal River and Gainesville, Fla.), Docket No. 19401, RM-1750, RM-1756, RM-1757, RM-1777, RM-1790, RM-1829.

1. Further notice of proposed rule making is hereby given concerning the amendment of § 73.202(b) of the Commission's rules, the Table of FM Assignments. In the above-entitled proceeding, the Commission has under consideration, among others, a proposal to assign FM channels to Crystal River and Gainesville, Fla. In view of the proximity of the two communities, Channel 253 cannot be assigned to both communities, and the fact that a Class C channel is requested for Crystal River, where a Class A channel would be normally assigned, we instituted a rule making tentatively proposing to assign either Channel 224A or Channel 253 to Crystal River, and either Channel 253 or Channel 269A to Gainesville, Fla.

2. At the time the notice of proposed rule making in this proceeding was issued, we were not aware that a petition for rule making requesting assignment of Channel 224A at Ocala, Fla., had been submitted. This request conflicts with our tentative proposal to assign Channel 224A to Crystal River. However, this problem could be resolved by changing the proposed channel assignment to Crystal River from Channel 224A to Channel 237A. Channel 237A could be as utilized at Crystal River without affecting the channels listed in the present Table of Assignments. Thus, we now propose to assign tentatively either Channel 237A or Channel 253 to Crystal River, Fla.

3. In view of the foregoing, the proposed amendment to the Table of FM Assignments listed in paragraph 20 of the notice of proposed rule making, FCC 72-45, is amended, in so far as it relates to Crystal River, Fla., only, to read as follows:

City	Channel No.	
	Present	Proposed
Crystal River, Fla.		237A or 253

4. Since the above change in the proposed assignments would affect filing of comments and reply comments, the dates for filing appropriate pleadings would be extended only to those parties affected by this change. *Accordingly, it is ordered,* That the time for filing comments in the above docket, RM-1757, RM-1777, and RM-1790, is extended to and including March 24, 1972, and for the filing of reply comments to and including April 5, 1972. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

Adopted: February 9, 1972.

Released: February 14, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2419 Filed 2-16-72;8:49 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 72-181]

FEDERAL SAVINGS AND LOAN SYSTEM

Offices of Federal Savings and Loan Associations

FEBRUARY 10, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) relating to operations of Federal savings and loan associations for the purpose of providing for the establishment and operation by Federal savings and loan associations of an additional type of office facility to increase the viability of such associations in promoting thrift and housing financing. Accordingly, the Federal Home Loan Bank Board proposes to amend said Part 545 by adding a new § 545.14-5 immediately following present § 545.14-4 to read as follows:

§ 545.14-5 Satellite offices.

(a) *Nature of a satellite office.* An office of a Federal association which is not its home office or a branch office approved pursuant to § 545.14 shall be deemed to be a satellite office if it meets the requirements of a satellite office as described in this section and if it is a satellite of the association's home office or a branch office in that it is located in the same savings service area as such home office or branch office. Any business of a Federal association, as authorized by the association's board of directors, may be transacted at a satellite office.

(b) *General provisions.* A Federal association shall not establish a satellite office without prior approval by the Board or its Supervisory Agent, as provided in this section. All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent. As used in this section, the term "Supervisory Agent'" means the President of the Federal Home Loan Bank of the district in which the applicant association is located or any other officer or employee of such bank designated by the Board as agent as provided in § 501.10 or § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with applications for permission to establish a satellite office shall be deemed to be privileged and confidential and subject to the provisions of § 506.6 of this

(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(1) Except for a satellite office which meets the requirements of paragraph (i) of this section, a satellite office may be opened and operated only in association with another operation (hereinafter called "principal operation") which, in the opinion of the Board, or of the Supervisory Agent if approved by him pursuant to paragraph (g) of this section, is not inappropriate to the operation of a savings and loan activity in the same location. A principal operation may include, but is not limited to, a department store, discount store, or supermarket. The following requirements shall apply to the initial and continuing relationship between a principal operation and the operation of a satellite office:

(i) A satellite office shall not occupy more than one-third of the total floor space of the principal operation;

(ii) Any outside sign or other display or window display on behalf of the satellite office shall be subordinate to other signs and displays; and

(iii) Provision shall not be made for more than four teller stations of the satellite office.

(2) The operating Federal association may terminate the operation of a satellite office in its discretion and, if so terminated, such satellite office may not be reopened except upon a new application pursuant to this section.

(3) The operation of a satellite office may not be changed to a new location (other than a change of location within the same quarters of the principal operation) except upon a new application pursuant to this section.

(4) The operation of a satellite office shall not be continued for a period of longer than 3 years (or such shorter period as may be specified by the Board in its approval) from its initial opening except upon approval of a new application pursuant to this section. Paragraph (f) of this section, however, shall not be applicable to a renewal. The Board reserves the right to disapprove any such renewal application if in its opinion the continued operation of the satellite office is not in the public interest. A renewal application may be approved by the Board without a time limit on the future operation of the satellite office or with such time limit as the Board may determine.

[1] Commissioner Bartley, H. Rex Lee and Wiley absent.

FEB 17 72

(5) A Federal association may not establish or operate more than one satellite office of its home office and one satellite office of each of its branch offices, but in no event to exceed a total of five satellite offices.

(6) A satellite office may not be located more than 2 miles from the Federal association's home office or a branch office.

(d) *Application form; supporting information.* An application for permission to establish a satellite office shall be in form prescribed by the Board and may be obtained from the Supervisory Agent. Information shall be furnished in support of the application designed to show that the operation of a satellite office at its proposed location (1) will be located in the same savings service area as an existing branch or as the home office of the applicant association, and (2) will not cause undue injury to properly conducted existing local thrift and home-financing institutions.

(e) *Supervisory objection.* No application for permission to establish a satellite office shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(f) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to establish a satellite office is complete, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the satellite office at its proposed location, a notice of the filing of the application in the following form:

NOTICE OF FILING APPLICATION FOR PERMISSION TO ESTABLISH A SATELLITE OFFICE

Notice is hereby given that, pursuant to the provisions of § 545.14–5 of the rules and regulations for the Federal Savings and Loan System, the ---------- Federal Savings and Loan Association, ----------, ----------,
(City) (State)
has filed an application for permission to establish a satellite office at or in the immediate vicinity of, ----------,
(Street address)
---------- ---------- The application
(City) (State)
has been delivered to the Office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of ----------,
(City)
---------- ---------- Any person may
(Street address) (City)
file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communications should be filed. The application and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid Office of the Supervisory Agent.

---------- FEDERAL SAVINGS AND LOAN ASSOCIATION ----------

(2) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or may waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(g) *Approval by Supervisory Agent.* The Supervisory Agent is authorized to approve, on behalf of the Board, an application for permission to establish a satellite office if the following conditions have been met:

(1) No protests have been made to the approval of the application;

(2) The Supervisory Agent is of the opinion that the satellite office will be located in the same savings service area as an existing branch or as the home office of the applicant association;

(3) The Supervisory Agent is of the opinion that the operation of the satellite office at its proposed location will not cause undue injury to properly conducted existing local thrift and home-financing institutions;

(4) The principal operation, in the opinion of the Supervisory Agent, is not inappropriate to the operation of a savings and loan activity in the same location;

(5) Operation of the satellite office will not cause the limitation in paragraph (c) of this section on the number of such offices to be exceeded; and

(6) There is no supervisory objection to approval of the application.

The Supervisory Agent shall disapprove any application which does not meet the requirements of subparagraph (5) of this paragraph, but shall forward to the Board for its consideration, together with his recommendation, any application which does not meet the other requirements of this paragraph. In addition, the Supervisory Agent shall forward to the Board an application which, in his opinion, should be approved for a shorter period than the 3-year limit specified in paragraph (c) of this section, together with his recommendation as to the shorter period for which the application should be approved. The Supervisory Agent is not required, in approving an application under this section, to obtain assurance that the requirements of subdivisions (ii) and (iii) of paragraph (c)(1) of this section will be met, since such requirements are continuing requirements to be observed by the Federal association.

(h) *Oral argument*—(1) *General provisions.* Oral argument on the merits of any application filed pursuant to this section shall be heard upon the written request of an applicant or of any person who has filed a communication in protest of an application within the time specified in subparagraph (3) of paragraph (f) of this section, if such request is received by the Supervisory Agent within 10 days after the expiration of the time specified in said subparagraph for filing communications in protest of an application. Such oral argument shall also be heard if the Supervisory Agent, after review of the application and all pertinent information, considers it desirable. When oral argument is to be held, the Supervisory Agent shall mail a notice, fixing the time and place thereof, to the applicant and to all persons who have filed a communication in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of the notice.

(2) *Procedure.* The Supervisory Agent, or any other person designated by the Board, shall have authority to hear oral argument and determine all matters relating to the conduct of such argument. The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application. A reasonable time shall be allowed for oral argument, but, unless waived, not less than 1 hour shall be allowed for all oral argument against an application and not less than 1 hour shall be allowed for all oral argument in favor of an application. A transcript shall be made of any oral argument and shall be included in the application file.

(i) *Fully automated satellite office.* If a satellite office is fully automated in that it is to be operated wholly by machines and without tellers or other personnel to handle transactions with the public, the requirement in paragraph (c)(1) of this section of association with a principal operation and the requirements in subdivisions (i) and (ii) of paragraph (c)(1) of this section shall not be applicable.

(j) *Reports.* Each Federal association shall furnish such reports to the Board with respect to the operation of each satellite office as the Board may require, including a report on procurement of marketing data from account holders.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that the Board also proposes to amend its statement of policy in § 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5) to apply such statement to the satellite offices provided for in the proposal herein.

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by March 17, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN, *Assistant Secretary.*

[FR Doc.72–2456 Filed 2–16–72;8:51 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 429]

COOLING OFF PERIOD FOR DOOR-TO-DOOR SALES

Notice of Opportunity To Submit Data, Views, or Arguments Regarding Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 et sq., and the provisions of procedures and rules of practice, 16 CFR 1.11 et seq., having previously initiated proceedings for the promulgation of a trade regulation rule concerning a cooling off period for door-to-door sales, received written comments and information, conducted public hearings in both Washington, D.C. (March 8–11, 1971), and Chicago, Ill. (March 22–24, 1971), and considered the record thereby produced, now provides opportunity for interested persons to submit data, views and arguments regarding the following as a revision of the proposed rule on the subject:

§ 429.1 The Rule.

In connection with any door-to-door sale, it constitutes an unfair and deceptive act or practice for any seller to:

(a) Fail to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt and in boldface type of a minimum size of 10 points, a statement in substantially the following form:

You, the Buyer, May Cancel This Transaction at Any Time Prior to Midnight of the Third Business Day After the Date of This Transaction. See the Attached Notice of Cancellation Form for an Explanation of This Right.

(b) Fail to furnish each buyer, at the time he signs the door-to-door sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of Cancellation," which shall be attached to the contract or receipt and easily detachable, and which shall contain in 10-point boldface type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

(Enter date of transaction)

---------- (Date)

You May Cancel This Transaction, Without any Penalty or Obligation, Within Three Business Days From the Above Date.

If You Cancel, any Property Traded in, any Payments Made by You Under the Contract or Sale, and any Negotiable Instrument Executed by You Will be Returned Within 10 Business Days Following Receipt by the Seller of Your Cancellation Notice, and any Security Interest Arising out of the Transaction Will Be Canceled.

If You Cancel, You Must Make Available to the Seller at the Place of Delivery, in Substantially as Good Condition as When Received, any Goods Delivered to You Under This Contract or Sale; or You May, if You Wish, Comply With the Instructions of the Seller Regarding the Return Shipment of the Goods at the Seller's Expense and Risk.

If You do not Return the Goods to the Seller or if the Seller does not Pick Them up Within 20 Days of the Date of Your Notice of Cancellation, You May Retain or Dispose of the Goods without Any Further Obligation.

To Cancel This Transaction, Mail or Deliver a Signed and Dated Copy of This Cancellation Notice or any Other Written Notice, or Send a Telegram, to ----------, at
(Name of seller)
---------- not
(Address of seller's place of business)
Later Than Midnight of ----------
(Date)
I Hereby Cancel This Transaction.
---------- ----------
(Date) (Buyer's signature)

(c) Fail, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

(d) Include in any door-to-door contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this section including specifically his right to cancel the sale in accordance with the provisions of this section.

(e) Fail to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

(f) Misrepresent in any manner the buyer's right to cancel.

(g) Fail or refuse to honor any valid notice of cancellation by a buyer and within 10 business days after the receipt of such notice, (1) to refund all payments made under the contract or sale; (2) to return any goods or property traded in, in substantially as good condition as when received by the seller; (3) to cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and to take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

(h) Negotiate, transfer, sell, or assign any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

(i) Fail, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

NOTE 1: *Definitions.* For the purposes of this section the following definitions shall apply:

(a) *Door-to-door sale.* A sale, lease, or rental of consumer goods or services with a purchase price of $25 or more, whether under single or multiple contracts, in which the seller or his representative personally solicits the sale, including those in response to or following an invitation by the buyer, and the buyer's agreement or offer to purchase is made at a place other than the place of business of the seller. The term "door-to-door sale" does not include a transaction:

(1) Made pursuant to prior negotiations in the course of a visit by the buyer to a retail business establishment having a fixed permanent location where the goods are exhibited or the services are offered for sale on a continuing basis; or

(2) In which the consumer is accorded the right of recission by the provisions of the Consumer Credit Protection Act (15 U.S.C. 1671–77) or regulations issued pursuant thereto; or

(3) In which the buyer has initiated the contact and the goods or services are needed to meet a bona fide immediate personal emergency of the buyer, and the buyer furnishes the seller with a separate dated and signed personal statement in the buyer's handwriting describing the situation requiring immediate remedy and expressly acknowledging and waiving the right to cancel the sale within 3 business days; or

(4) Conducted and consumated entirely by mail or telephone; and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services.

(b) *Consumer goods or services.* Goods or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses of instruction or

FEB 17 72

training regardless of the purpose for which they are taken.

(c) *Seller.* Any person, partnership, corporation, or association engaged in the door-to-door sale of consumer goods or services.

(d) *Place of business.* The main or permanent branch office or local address of a seller.

(e) *Purchase price.* The total price paid or to be paid for the consumer goods or services, including all interest and service charges.

(f) *Business day.* Any calendar day except Saturday, Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

NOTE 2: *Effect on State laws and municipal ordinances.* (a) The Commission is cognizant of the significant burden imposed upon door-to-door sellers by the various and often inconsistent State laws which provide the buyer with the right to cancel door-to-door sales transactions. However, it does not believe that this constitutes sufficient justification for preempting all of the provisions of such laws or of the ordinances of the political subdivisions of the various States. The record in the proceeding supports the view that the joint and coordinated efforts of both the Commission and State and local officials are required to insure that a consumer who has purchased from a door-to-door seller something he does not want, does not need, or cannot afford, is accorded a unilateral right to rescind, without penalty, his agreement to purchase the goods or services.

(b) This section will not be construed to annul, or exempt any seller from complying with, the laws of any State, or of the ordinances of political subdivision thereof, regulating door-to-door sales, except to the extent that such laws or ordinances, if they permit door-to-door selling, are directly inconsistent with the provisions of this section. Such laws or ordinances which do not accord the buyer, with respect to the particular transaction, a right to cancel a door-to-door sale which is substantially the same or greater than that provided in this section, or which permit the imposition of any fee or penalty on the buyer for the exercise of such right, or which do not provide for giving the buyer notice of his right to cancel the transaction in substantially the same form and manner provided for in this section, are among those which will be considered directly inconsistent.

All interested persons, including consumers and other members of the public, are hereby notified that they may file written data, views, or arguments concerning the revised proposed rule with the Assistant Director for Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, DC 20580, not later than March 20, 1972. Such persons are urged to express approval or disapproval or to recommend further modifications giving the reasons therefor. Industry members and persons knowledgeable on the subject are specifically invited to provide information relative to the length of time the Commission should allow industry members to make the necessary arrangements to comply with the rule following its promulgation in final form.

All persons, firms, corporations, or others engaged in door-to-door sales, in commerce, as "commerce" is defined in the Federal Trade Commission Act, will be subject to the requirements of any trade regulation rule promulgated in the course of this proceeding.

All statements filed in this proceeding will be available for public inspection in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C. All such statements filed not later than March 20, 1972, will be considered by the Commission in determining the proper disposition of this matter.

Issued: February 17, 1972.

By Direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-2353 Filed 2-16-72;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

PUBLIC PARTICIPATION IN RULE MAKING

Proposed Policy Statement

Notice is hereby given that the Veterans Administration will use notice of proposed rule making procedures in certain cases even though not required by law. Generally, before rules and regulations are issued by Government agencies, the Administrative Procedure Act (APA) provides that notice of the proposed rule making must be published in the FEDERAL REGISTER and interested persons must be given an opportunity to participate in the rule making through submission of written data, views, or arguments (5 U.S.C. 553).

The APA exempts from this requirement matters relating to public property, loans, grants, benefits, or contracts. The Administrative Conference of the United States has recommended, however, that Government agencies seek public participation in accordance with the APA provisions when formulating rules in the five exempt categories listed above (1969 Conference Recommendation No. 16). Our implementation of the Conference's recommendation should result in greater participation by the public in the formulation of the rules and regulations of the Veterans Administration. The public benefit from such participation should outweigh any administrative inconvenience or delay which may result from use of the public participation procedures in the five exempt categories.

The Veterans Administration proposes, therefore, to direct the use in general of the public participation procedures of the APA when issuing rules and regulations relating to public property, loans, grants, benefits, or contracts. Although the APA permits exceptions from these procedures when an agency for good cause finds that such procedures would be impracticable, unnecessary or contrary to the public interest, such exceptions would be used sparingly, as for example in emergencies and in instances where public participation would be useless or wasteful because proposed amendments to regulations cover minor technical or editorial matters.

Interested persons are invited to submit written comments, suggestions, or objections regarding these proposals to the Administrator of Veterans Affairs (232H), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered. All comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make this regulation, when adopted, effective upon publication in the FEDERAL REGISTER.

It is proposed to amend Chapter I, Part 1 of Title 38, of the Code of Federal Regulations, to add material as follows:

§ 1.12 Public participation in rule making.

It is the policy of the Veterans Administration to afford the public general notice, published in the FEDERAL REGISTER, of proposed rule making, and an opportunity to participate in the rule making in accordance with the provisions of the Administrative Procedure Act (APA). All written comments received will be available for public inspection. Exceptions to the policy of permitting public participation in the rule making may be authorized by the Administrator or one of his Deputies if adequately justified and concurred in by the General Counsel. Such exceptions, unless public comment is required by statute, may be recommended when (a) the proposed regulations consist of interpretative rules, general statements of policy, or rules of Veterans Administration organization procedure or practice, or (b) when the Veterans Administration for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. (5 U.S.C. 553)

Approved: February 11, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-2437 Filed 2-16-72;8:50 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

DIRECTOR, OFFICE OF PROCUREMENT, ET AL.

Redelegation of Authority Regarding Contracting Functions

A. Pursuant to the authority delegated to me by Delegation of Authority No. 17, as amended (34 F.R. 6446), from the Administrator of the Agency for International Development, I hereby redelegate the following authority to certain officers of the Office of Procurement with respect to the rehabilitation by a contractor listed in the General Services Administration regional term contract price schedules of property acquired by the Agency for International Development pursuant to section 608 of the Foreign Assistance Act of 1961, as amended:

1. *To the Director and the Deputy Director, Office of Procurement, and the Chief, Government Property Resources Division.* To approve the issuance of purchase orders for services and supplies direct to the contractor for rehabilitation and spare parts support required in relation to the item being rehabilitated.

2. *To the Director and the Deputy Director, Office of Procurement, the Chief, Government Property Resources Division, and the Chiefs, domestic A.I.D. Field Offices.* a. To negotiate with the contractor to establish the estimated manhours of labor and the spare parts support required for rehabilitation of each item by the contractor.

b. To inspect and accept each item completed by the Contractor.

3. *To the Director and the Deputy Director, Office of Procurement, the Chief, Government Property Resources Division, and the Chief, Logistics Service Branch.* a. To approve the estimated man-hours of labor and the spare parts support required for rehabilitation of each item by the contractor.

b. To issue purchase orders approved by the Director or the Deputy Director, Office of Procurement, or the Chief, Government Property Resources Division for services and supplies direct to the contractor for rehabilitation and spare parts support required in relation to the item being rehabilitated.

c. To approve the contractor's invoices for direct payment to the contractor.

B. The authorities herein redelegated to the officers named above may not be redelegated further by those officers, but may be exercised by persons authorized by them to perform the functions of their office in an acting capacity.

C. The authorities herein redelegated are to be exercised in accordance with the Federal Property Management Regulations promulgated by the General Services Administration and with the policies, regulations, and procedures promulgated within the Agency for International Development.

D. This redelegation of authority supersedes Redelegation of Authority to the Director, Office of Government Property Resources et al., June 3, 1970 (35 F.R. 11272) and shall be effective immediately.

Dated: February 8, 1972.

JAMES F. CAMPBELL,
Assistant Administrator for Program and Management Services.

[FR Doc.72-2432 Filed 2-16-72;8:49 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

STAINLESS STEEL WIRE RODS FROM FRANCE

Antidumping Proceeding Notice

On December 9, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that stainless steel wire rods from France are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 11, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2410 Filed 2-16-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 14974]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 10, 1972.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-14974, for the withdrawal of the lands described below, from prospecting, location and entry under the General Mining Laws only, subject to valid existing rights.

The applicant desires the lands for public recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SAN ISABEL NATIONAL FOREST
SIXTH PRINCIPAL MERIDIAN
Ponderosa Campground

T. 23 S., R. 68 W.,
Sec. 27, W½SW¼, SE¼SW¼;
Sec. 34, N½NE¼NW¼.

FEB 17 72
XUM

Aspen Meadows Campground

T. 24 S., R. 68 W.,
Sec. 8, SW¼NE¼, W½W½SE¼NE¼, N½NW¼SE¼, SW¼NW¼SE¼.

Little St. Charles Picnic Ground

T. 24 S., R. 68 W.,
Sec. 8, SW¼SE¼.

Porcupine Campground

T. 24 S., R. 68 W.,
Sec. 8, SE¼NE¼NE¼, E½SW¼NE¼NE¼, E½W½SE¼NE¼, E½SE¼NE¼;
Sec. 9, SW¼NW¼NW¼, W½SW¼NW¼.

North Hardscrabble Picnic Ground

T. 21 S., R. 69 W.,
Sec. 31, lot 4, W½W½SE¼SW¼.
T. 21 S., R. 70 W.,
Sec. 36, lot 16.
T. 22 S., R. 70 W.,
Sec. 1, lot 1.

Scraggy Peaks Campground

T. 22 S., R. 69 W.,
Sec. 24, SW¼SE¼;
Sec. 25, W½NE¼.

Squirrel Creek Campground

T. 23 S., R. 69 W.,
Sec. 10, S½SE¼SE¼;
Sec. 11, S. 10 chs. of lot 13;
Sec. 14, N. 5 chs. of lot 3, N. 10 chs. of lot 4.

Marion Lake Picnic Ground

T. 23 S., R. 69 W.,
Sec. 33, E½W½SW¼SE¼, E½SW¼SE¼, W½W½SE¼SE¼.

Willis Creek Picnic Ground

T. 23 S., R. 69 W.,
Sec. 36, S. 10 chs. of lot 3, lot 5, N. 5 chs. of lot 8, NW¼SE¼, N½N½SW¼SE¼.

Amethyst Creek Picnic Ground Addition

T. 24 S., R. 69 W.,
Sec. 10, S½SW¼NE¼, E½NE¼NE¼SW¼, N½NW¼SE¼, N½SW¼NW¼SE¼.

Halfmoon Campground Addition

T. 10 S., R. 81 W. (unsurveyed)—Protraction Diagram No. 10, accepted May 10, 1965,
Sec. 24, N½N½SE¼SW¼, E½SE¼SW¼SW¼;
Sec. 25, E½NE¼NW¼NW¼, N½NE¼NW¼.

Elbert Creek Camp and Picnic Ground Addition

T. 10 S., R. 81 W. (unsurveyed)—Protraction Diagram No. 10, accepted May 10, 1965,
Sec. 26, S½NW¼NE¼, S½NE¼NW¼, NE¼SW¼NW¼, N½SE¼NW¼.

Twin Peaks and Smith Gulch Campgrounds

T. 11 S., R. 81 W.,
Sec. 26, W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, NW¼SE¼NW¼;
Sec. 27, NE¼NE¼.
Except portions of mineral patents estimated to be 6.0 acres.

Rockdale Campground

T. 12 S., R. 81 W.,
A parcel of land lying in Secs. 23 and 24, described by metes and bounds, as follows:
Beginning at a point, from which point the junction of Sheep Gulch and Clear Creek bears E., 25 chs.; thence N., 20 chs.; W., 20 chs.; S., 20 chs.; E., 20 chs. to the point of beginning.

Independence Pass Observation Site

T. 11 S., R. 82 W.,
A parcel of land lying in Sec. 9, described by metes and bounds, as follows:
From a rock constructed Continental Divide marker beside State Highway No. 82, go due west 3.79 chains, to the point of beginning:
Thence due south 13.5 chains, thence due east 16.5 chains, thence due north 15.0 chains, thence due west 16.5 chains, thence due south 1.5 chains to point of beginning.

The areas described aggregate approximately 1,156.20 acres.

J. ELLIOTT HALL,
Chief, Division of Technical Services.

[FR Doc.72-2406 Filed 2-16-72;8:47 am]

IDAHO

Notice of Filing of Idaho Protraction Diagrams

Notice is hereby given that effective at and after 10 a.m. on March 16, 1972, the following protraction diagrams are officially filed of record in the Idaho State Office, Bureau of Land Management, Room 390, Federal Building, 550 West Fort Street, Boise, ID 83702. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized uses. Until this date and time, the diagrams have been placed in open files and are available to the public for information only.

IDAHO PROTRACTION DIAGRAMS

Nos. 54, 65, 69, 71, 81 and 101 (revised)

BOISE MERIDIAN

Approved December 21, 1971

No. 54

Ts. 19 and 20 N., Rs. 11, 12, and 13 E.

No. 65

T. 14 N., Rs. 25 and 26 E.; T. 15 N., R. 25 E.

No. 69

T. 12 N., Rs. 36, 37, and 38 E.; T. 13 N., Rs. 37 and 38 E.

No. 71

T. 12 N., Rs 26 and 27 E.; T. 13 N., Rs. 25, 26, and 27 E.

No. 81

T. 10 N., Rs. 14, 15, and 16 E.; T. 11 N., R. 15 E.

No. 101

Ts. 14 and 15 S., R. 41 E.

Copies of these diagrams are for sale at two dollars ($2.00) each at the office indicated above.

EUGENE E. BABIN,
Chief, Branch of Records and Data Management.

[FR Doc.72-2436 Filed 2-16-72;8:49 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Files 23-412, 23-510]

ADNAN KASSAR, ET AL.

Order Terminating Indefinite Denial Order

In the matter of Adnan Kassar, Adel Kassar, Middle East Cotton Co., Maarad Street, Kassar Building, Post Office Box 1531, Beirut, Lebanon, Respondent, Files 23-412; 23-510.

On April 15, 1957 (22 F.R. 2717), an order was entered against the above respondents denying them, for an indefinite period, all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States. This order was issued in accordance with § 388.15 of the Export Control Regulations (formerly § 382.15 of the export regulations) because respondents failed to answer interrogatories without showing adequate reason for such failure.

The respondents have now furnished essential information relating to the transaction in 1956 which was the subject of the interrogatories. It is found that there is adequate reason for failure to respond in detail to the interrogatories at this time.

Accordingly, the above-mentioned indefinite denial order of April 15, 1957, is hereby terminated.

Dated: February 14, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-2426 Filed 2-16-72;8:49 am]

[Case 336]

GEORGE KASTNER

Order Conditionally Restoring Export Privileges

In the matter of George Kastner, Rossauer Lande 25, Vienna IX, Austria, Respondent, Case No. 336.

By order dated December 3, 1964 (29 F.R. 17123), the above-named George Kastner, and also Ludwig Kastner were denied all U.S. export privileges for the duration of export controls. The order included a provision to the effect that 5 years after the date thereof the respondents might apply for modification of the denial order. The respondents filed such applications in February 1970 and by order dated March 16, 1970 (35 F.R. 5833), the export privileges of Ludwig Kastner were restored conditionally and he was placed on probation for the duration of export controls. The application of George Kastner was denied at that time.

The respondent George Kastner has again applied for modification of the denial order against him. The application was referred to the Compliance Commissioner and considered by him. He has reported that it appears from said respondent's representations and otherwise from information in possession of the Compliance Division, Office of Export Control, that conditional restoration of said respondent's export privileges is consistent with the purposes of the export control program. The Compliance Commissioner has recommended that an order be entered conditionally restoring export privileges to said respondent.

The undersigned has considered the record herein and concurs with the Compliance Commissioner that conditional restoration of George Kastner's export privileges is consistent with the purposes of the U.S. Export Administration Act of 1969 and regulations.

Accordingly, it is hereby ordered, That the export privileges of George Kastner be and hereby are restored conditionally, and the said respondent is placed on probation for the duration of export controls. The conditions of probation are that the said respondent: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969, and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Control, or a representative of the U.S. Government acting on its behalf, promptly disclose fully the details of his participation in any and all transactions involving U.S.-origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data, and on such request shall also furnish all records and documents relating to such matters. Further, on such request, said respondent shall promptly disclose the names and addresses of his partners, agents, representatives, employees, and other persons associated with him in trade or commerce.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said respondent has failed to comply with any of the conditions of probation, said official, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent and deny to him all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as may be warranted.

Dated: February 9, 1972.

This order shall become effective forthwith.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-2408 Filed 2-16-72;8:47 am]

Maritime Administration

CONSTRUCTION OF LASH TYPE VESSELS

Computation of Foreign Cost; Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign cost of the construction of LASH type vessels (identified as MA Design C9-S-81d), pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm, or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on February 29, 1972, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Dated: February 15, 1972.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-2530 Filed 2-16-72;8:52 am]

CONVERSION OF SINGLE SCREW CARGO SHIPS TO BREAK BULK/CONTAINERSHIPS

Computation of Foreign Cost; Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board to compute the estimated foreign cost of conversion of single screw cargo ships to break bulk/containerships, pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on February 29, 1972, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Dated: February 15, 1972.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-2531 Filed 2-16-72;8:52 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-348, 50-364]

ALABAMA POWER CO.

Order Concerning Hearing Schedule

In the matter of Alabama Power Co. (Joseph M. Farley Nuclear Plant, Units 1 and 2), Dockets Nos. 50-348, 50-364.

The public hearing in the above matter will commence on Tuesday, February 29, 1972, at 10 a.m., local time, in the Fourth Floor Courtroom, Houston County Courthouse, Main and Oak Streets, Dothan, Ala. 36301.

The agenda for this evidentiary hearing will concern radiological health and safety matters. Environmental matters will be covered at a subsequent session of the hearing which will be scheduled at a later date.

Dated at Washington, D.C., this 14th day of February 1972.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.72-2430 Filed 2-16-72;8:49 am]

[Dockets Nos. 50-324, 50-325]

CAROLINA POWER AND LIGHT CO.

Order Designating Time and Place for Hearing on Suspension of Certain Construction Activities Pending Completion of Environmental Review

In the matter of the Carolina Power and Light Co. (Brunswick Steam Electric Plant, Units 1 and 2), Dockets Nos. 50-324 and 50-325.

An order to show cause, dated November 18, 1971, was issued by the Director of Regulation of the Atomic Energy Commission which referred to the determination of the Director of Regulation that construction activities involving the offsite portion of the discharge canal and the offsite transmission lines at the Brunswick Steam Electric Plant, should be suspended pending completion of a review of the environmental impact of the construction of the discharge canal and the transmission lines under the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), 10 CFR Part 50, Appendix D, and ordered the Carolina Power and Light Co. to show cause why such construction activities at the Brunswick Steam Electric Plant should not be suspended pending completion of those portions of the NEPA environmental review. The order provided that the Carolina Power and Light Co. might file an answer and demand a hearing as provided in 10 CFR 2.202 within thirty (30) days after the date of the order.

Pursuant to 10 CFR 2.202(b), the Carolina Power and Light Co. on December 16, 1971, filed a timely answer requesting withdrawal or modification of the order to show cause, and demanding a hearing in the event that the requested relief was not granted.

In view of the foregoing, and pursuant to 10 CFR 2.202(c): *It is hereby ordered,* That a hearing to consider the issues specified in the order to show cause dated November 18, 1971, will be held at 10 a.m., local time, on March 14, 1972, in Room 115 of the Lafayette Building, 811 Vermont Avenue NW., Washington, DC. The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. J. V. Leeds, Jr., Houston, Tex.; Dr. M. Stanley Livingston, Santa Fe, N. Mex.; and Charles A. Haskins, Esq., Bluemont, Va., Chairman. Dr. Paul W. Purdom, Philadelphia, Pa., has been designated as a technically qualified alternate, and James R. Yore,

FEB 17 72 XUM

Esq., Washington, D.C., has been designated as an alternate qualified in the conduct of administrative proceedings.

Dated at Germantown, Md., this 10th day of February 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.72-2388 Filed 2-16-72;8:45 am]

[Docket No. 50-358]

CINCINNATI GAS & ELECTRIC CO. ET AL.

Notice of Availability of Applicants' Supplemental Environmental Reports

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that reports entitled "Supplements No. 1, No. 2, and No. 3" to the "Applicants' Environmental Report—Construction Permit Stage—Wm. H. Zimmer Nuclear Power Station" submitted by The Cincinnati Gas & Electric Co., on behalf of itself, and as agent for Columbus and Southern Ohio Electric Co. and the Dayton Power and Light Co. are being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Clermont County Library, Third and Broadway Streets, Batavia, Ohio 45103. The reports are also being made available to the public at the Office of the Governor, Planning and Development Clearinghouse, Box 1001, Columbus, OH 43215 and at the Ohio-Kentucky-Indiana (OKI) Regional Planning Authority, 222 East Central Parkway, Cincinnati, OH 45202.

These reports discuss environmental considerations related to the proposed construction of the Wm. H. Zimmer Nuclear Power Station Unit 1 located on the eastern shore of the Ohio River, just north of Moscow and about 24 miles southeast of Cincinnati in Washington Township, Clermont County, Ohio.

Notice of the availability of the applicants' environmental report dated January 15, 1971, and the Commission's draft detailed statement on environmental considerations dated June 28, 1971, was published in the FEDERAL REGISTER on July 24, 1971 (36 F.R. 13805).

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. This statement will supersede the Commission's June 28, 1971, draft detailed statement. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft detailed statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 10th day of February 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2389 Filed 2-16-72;8:45 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Availability of Applicant's Environmental Report and Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the "Environmental Report" and the "Supplement to the Environmental Report," for the Virgil C. Summer Nuclear Station, Unit No. 1, submitted by the South Carolina Electric & Gas Co., have been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Fairfield County Library, Van Horst Street, Winnsboro, S.C. 29180. The reports are also being made available at the Office of the Governor, State Planning and Grants Division, Wade Hampton Office Building, Columbia, S.C. 29201, and at the Central Midlands Regional Planning Council, 1125 Blanding Street, Columbia, SC 29201.

These reports discuss environmental considerations related to the proposed construction of the Virgil C. Summer Nuclear Station, Unit No. 1, located in Fairfield County, S.C.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 9th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2411 Filed 2-16-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

4-(METHYLTHIO)-3,5-XYLYL METHYLCARBAMATE

Notice of Establishment of Temporary Tolerances

Chemagro Corp., Post Office Box 4913, Hawthorn Road, Kansas City, MO 64120, submitted a petition (PP 1G1030) requesting temporary tolerances for residues of the insecticide 4-(methylthio)-3,5-xylyl methylcarbamate in or on the raw agricultural commodities apples and pears at 7 parts per million and milk at 0.01 part per million (negligible residue).

The Fish and Wildlife Service, U.S. Department of the Interior, advised that they have no objection to the temporary tolerances.

It has been determined that temporary tolerances for residues of the insecticide in or on apples and pears at 7 parts per million and in milk at 0.01 part per million (negligible residue) are safe and will protect the public health.

These temporary tolerances are therefore established as requested on condition that the insecticide be used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Chemagro Corp. name.

These temporary tolerances expire February 9, 1973.

This section is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: February 9, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-2427 Filed 2-16-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19422-19430; FCC 72-124]

ALABAMA EDUCATIONAL TELEVISION COMMISSION

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of the Alabama Educational Television Commission for renewal of licenses for: Station WAIQ (ED-TV), Montgomery, Ala., Docket No. 19422, File No. BRET-69; Station WBIQ (ED-TV), Birmingham, Ala., Docket No. 19423, File No. BRET-5; Station WCIQ (ED-TV), Cheaha State Park, Ala., Docket No. 19424, File No. BRET-7; Station WDIQ(ED-TV), Dozier, Ala., Docket No. 19425, File No. BRET-14; Station WEIQ(ED-TV), Mobile, Ala., Docket No. 19426, File No. BRET-87; Station WFIQ (ED-TV), Florence, Ala., Docket No. 19427, File No. BRET-130; Station WGIQ(ED-TV), Louisville, Ala., Docket No. 19428, File No. BRET-147; Station WHIQ(ED-TV), Huntsville, Ala., Docket No. 19429, File No. BRET-109; and for license to cover construction permit for Station WIIQ(ED-TV), Demopolis, Ala., Docket No. 19430, File No. BRET-267.

1. The Commission has before it for consideration (1) the above-captioned license renewal applications filed by the Alabama Educational Television Commission (hereinafter referred to as the AETC); (2) the Commission's action of June 24, 1970, released June 29, 1970, granting the above-captioned license renewal applications and dismissing several complaints against the AETC; (3) two petitions seeking reconsideration of the Commission's action, one of which was filed July 28, 1970, by Rev. Eugene Farrell, Linda Edwards, and Steven Suitts (hereinafter referred to as the Edwards petition), and the other of which was filed July 28, 1970, by Anthony Brown, in his individual capacity and as representative for the National Association of Black Media Producers, and William D. Wright, in his individual capacity and as representative for Black Efforts for Soul in Television (hereinafter referred to as the Brown petition); (4) AETC's opposition to the Edwards and Brown petitions, filed September 14, 1970; (5) replies to AETC's opposition pleading filed on October 9, 1970, by the Edwards and Brown petitioners; (6) a document dated April 27, 1971, received by the Commission on May 27, 1971, submitted by the AETC to the Department of Health, Education, and Welfare (HEW) setting forth its proposals for meeting the educational television needs of Alabama's black community; (7) comments on AETC's proposal filed June 25, 1971, by the Edwards and Brown petitioners; (8) supplemental information regarding its proposal filed by the AETC on August 2, 1971; and (9) comments on AETC's supplemental information and a request for an immediate ruling, filed August 16, 1971, by the Edwards petitioners.

2. In order to place the questions before the Commission in proper perspective, it is first necessary to summarize the events occurring both before and after the filing of the instant petitions. Initially, it is noted that the AETC is an affiliate of the National Educational Television Network (NET). Prior to July 1, 1969, the AETC delegated responsibility for the network's NET affiliation agreement to its University of Alabama program origination center. However, effective July 1, 1969, the AETC assumed full control over the NET affiliation agreement. This action resulted in the filing of several informal, letter complaints with the Commission.

3. The first letter, dated January 14, 1970, from the Chairman of the Faculty Senate, College of Arts and Sciences, University of Alabama, complained that the Program Board had never exercised any decision making power and that the AETC had discontinued the "Black Journal" series and preempted several other programs. Complainant requested the Commission to require the AETC to vest programing and policy in the Program Board, which he claimed was constituted for that purpose. The second letter, dated January 28, 1970, was received from Mrs. Judith A. Austin, a former employee of the AETC, to which there was attached a petition signed by 60 persons, including Steven Suitts. Mrs. Austin complained that the AETC engaged in racial discrimination by censoring several black oriented NET programs, including "Black Journal," "Soul," and "On Being Black."

4. In accordance with usual procedures when complaints of a general nature are received, the Commission forwarded the Faculty Senate and Austin letters to the AETC for its comments. In response, the AETC submitted two letters, both dated February 25, 1970, one of which was directed to the Faculty Senate letter and the other of which was directed to the Austin letter. In substance, the AETC denied charges of racial bias, explained why it had assumed control over the network's affiliation agreement, and why it had deleted certain net programs from its schedule. Thereafter, the Commission received a number of additional complaints regarding the AETC, including a letter from Linda Edwards dated March 9, 1970, and two letters from Reverend Eugene Farrell, one of which was dated March 12, 1970, and the other dated June 8, 1970. Miss Edwards, who identified herself as a black freshman at the University of Alabama, stated that the AETC "has prevented all liberal or black-oriented programs from being seen by Alabamians" by censoring programs such as "On Being Black," "Black Journal," and the "Denver Black Panther Trial." Miss Edwards also stated that "[i]t is not fair for a select group of racist politicians to command what shows be presented to the public according to their own bigoted views." Reverend Farrell's first letter was a copy of a letter he sent to Vice President Spiro T. Agnew, complaining of the AETC's censorship and asserting that "ETV in Alabama is surely becoming the media for White Supremacy." He further stated: "I have yet to see a black face on ETV," although he admits that he "cannot watch ETV all day long." Reverend Farrell's letter of June 8, 1970, to the Commission reiterated his complaint to the Vice President. The AETC in specific reference to Reverend Farrell's complaint, submitted to the Commission a list of integrated programing which had been broadcast over the network from September 1, 1969, through March 27, 1970. In this connection, the AETC noted that it had broadcast 257 integrated programs for a total of 217 hours of broadcast time during the period mentioned, namely: Christmas Special (one program, 1½ hr.); Stepping Into Rhythm (60 programs, 15 hr.); On Campus (30 programs, 15 hr.); Focus (six programs, 3 hr.); Huntsville Magazine (31 programs, 15½ hr.); Earning Through Learning (six programs, 3 hr.); Music Specials (three programs, 1½ hr.); Dialogue on Education (two programs, 1 hr.); Sportsmanlike Driving (one program, ½ hr.); Know Your News (10 programs, 5 hr.); Headliners (one program, ½ hr.); Medical Center (one program, ½ hr.); and Sesame Street (155 programs, 155 hr.).

5. The Commission, by letter dated June 29, 1970, dismissed the above-noted complaints and granted the AETC's above-captioned license renewal applications for the period ending April 1, 1973, stating:

> The Commission has reviewed the overall operations of the eight Alabama educational stations and the allegations raised by the complainants to determine if the public interest would be served by a grant of the applications. With respect to the issues of program selection and control, the Commission, barring certain exceptions, is not concerned with matters essentially of license taste or judgment. Cf. "Palmetto Broadcasting Co." 33 FCC 250, 257 (1962). The licensee necessarily and properly has wide discretion in choosing the programing to meet the needs and interests of the community. The Commission regards the maintenance of control over programing as a most fundamental obligation of the licensee. Here we are dealing with a few programs which in the licensee's opinion contain certain offensive material.
>
> In view of the foregoing, there is no substantial problem warranting further inquiry, and the Commission has directed that the applications for renewal of license filed by the AETC be granted.[1]

6. Thereafter, as previously indicated, on July 28, 1970, the Edwards and Brown petitioners requested the Commission to reconsider its decision and order a hearing to determine whether a grant of the renewal applications would serve the public interest. Briefly, petitioners assert that AETC's license renewal applications should be designated for hearing on the grounds that licensee has (1) failed to ascertain and meet the needs and interests of Alabama's black community; (2) discriminated against Alabama's blacks in its employment practices; (3) violated the freedom of speech of Alabama's black community; and (4) failed to obtain authorization to assume control of the network's programing operations in violation of the terms of its license and section 310(b) of the Communications Act. The AETC filed an opposition to both petitions and petitioners filed replies to the opposition.

7. On the same date that these petitions were filed with the Commission, copies were sent to various other Government agencies and officials, including T. H. Bell, Acting U.S. Commissioner of Education, Department of Health, Education, and Welfare. In a letter to the Commission dated September 2, 1970, Mr.

[1] The Commission's decision was made on June 24, 1970, and released on June 29, 1970, with Commissioners Cox, Johnson, and H. Rex Lee dissenting and issuing statements. 25 FCC 2d 342.

Bell noted that the AETC was then receiving Federal financial assistance in the amount of $1 million, and had 10 applications pending for an additional $2,761,213. Mr. Bell also noted that the petitions raised a question whether the AETC was complying with the requirements of title VI of the Civil Rights Act of 1964, which prohibits discrimination on the ground of race, color, creed, or national origin in the operation of any federally assisted program. Mr. Bell also stated that the Office of Education was instituting an investigation into the operation of the AETC. As a result of a meeting between the AETC and officials of the Office of Civil Rights, Department of Health, Education, and Welfare, the AETC submitted a proposal, dated April 27, 1971, which included plans for ascertaining the needs of the Alabama black community, for production of specific programs to meet those needs, for a training program for a black engineer, and for an advisory committee "to reflect the community ETV needs and act as a sounding board to the AETC programing." Thereafter, on June 3 and September 12, 1971, HEW approved grants for the AETC in the amounts of $89,621 and $340,000, respectively.

8. On June 10 and 11, 1971, Commission representatives met separately with petitioners and the AETC in an effort to clarify the positions of the parties. The AETC's proposal to HEW formed a basis of those discussions. The substance of the matters discussed is contained in the subsequent submissions by the petitioners and the AETC to the Commission. That is, on June 25, 1971, the Edwards petitioners submitted their comments on the AETC's proposal to HEW. By letter dated July 16, 1971, the AETC informed the Commission of the progress it had made on its proposals. This letter, in turn, evoked comments from the Edwards petitioners and a request for an immediate ruling in this case.

BROWN-WRIGHT PETITION

9. Anthony Brown and William D. Wright did not avail themselves of the opportunity to file a pregrant petition to deny (47 U.S.C. 309(d)(1); 47 CFR 1.580(i)), or informal objection (47 CFR 1.587). They now seek reconsideration of the Commission's action on the grounds that they "• • • believe that the Commission's decision of June 29, 1970, • • • will frustrate the goals to which they and their organizations are devoted"; and, moreover, that "• • • the decision, if left standing, will impede the participation of blacks in both commercial and noncommercial broadcasting throughout the country." The Brown petitioners also state that, "• • • as black men and organizations composed of blacks, they have a clear interest in the plight of their brethren in Alabama." The Brown petitioners state further that they "• • • have not come forward before this (time) because they believed that the facts that had already been called to the attention of the Commission were sufficient to bar the Commission's action of June 29, 1970."

10. In its opposition pleading, the AETC asserts that the Brown-Wright petition for reconsideration must be dismissed in that,

> Neither was a party to the proceeding prior to grant; neither demonstrates any manner in which he could have aggrieved or adversely affected by the granting of the AETC's renewal applications; neither alleges any facts which were unknown (or which could not readily have been known) when the applications were under pregrant consideration; neither asserts any legally cognizable connection with the coverage areas of the AETC's stations; and neither has submitted any affidavit attesting to personal knowledge of any of the allegations made on their behalf.

The AETC asserts, therefore, that, "(i)n short, under any interpretation of § 1.106 (of the Commission's rules) the Brown and Wright petition should be dismissed without substantive consideration."

11. In their reply, the Brown petitioners state that "• • • as black men and as representatives of national black organizations, (they) believe that their relation to AETC is discernible." In this respect, the Brown petitioners state that they are not only taxpayers who support the AETC with Federal grants but, more importantly, "• • • their respective organizations are directly concerned with efforts in the communications field to meet black educational and cultural needs throughout the Nation." The Brown petitioners also state that, "(g)iven the fact that it is supported by Federal funds, the AETC cannot deny the interdependence of the levels of government or the impact which the Commission's decision in this matter may have in other states." Additionally, the Brown petitioners state that, "(a)t the time of the Commission's decision, petitioners were not aware of the Federal grants received by AETC and did not have access to other information • • •"; that "petitioners did not believe then that such information was necessary, since the facts of the initial complaints were believed to be sufficient to warrant denial of AETC's renewal applications," and, that "(b)ecause of information newly acquired, and because the Commission did renew AETC's license, petitioners now feel compelled to submit the new information and present a perspective on this matter which was heretofore lacking—the perspective of black men involved in the communications field and directly concerned with the treatment of black educational needs by noncommercial licensees.

12. The Brown petitioners, in their reply, also state that they realize that "• • • under different circumstances their failure to register pregrant complaints with the Commission may have warranted dismissal of their petition for reconsideration." The Brown petitioners assert, however, that they are not parties "with a potential financial interest in the particular license" but, rather, "• • • public intervenors who are concerned with the performance of a noncommercial educational licensee." The Brown petitioners assert further that dismissal of their petition "• • • will not make it unnecessary for the Commission to proceed further in this matter" since there is another petition for reconsideration also pending before the Commission concerning the AETC's license renewal grants. The Brown petitioners conclude, therefore, that the only effect of a dismissal of their petition "• • • will be to foreclose information and analyses relating to a matter the Commission will consider in any event."

13. The Brown-Wright petition for reconsideration will be dismissed. Section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, as implemented by § 1.106 of the Commission's rules, 47 CFR 1.106, permits the filing of a petition for reconsideration by (1) any party to the proceeding and (2) any other person aggrieved or whose interests are adversely affected by the Commission's action. Section 1.106(b) of the Commission's rules requires a person who was not a party to the proceeding and who seeks reconsideration to "• • • show good reason why it was not possible for him to participate in the earlier stages of the proceeding." The Brown petitioners could have participated in the earlier stages of this proceeding by filing either a petition to deny or informal complaint against AETC's license renewal applications. As previously indicated, however, the Brown petitioners did not come forward at the time the Commission had the AETC's license renewal applications under consideration because, in their opinion, the facts already called to the Commission's attention were sufficient to bar a grant of the renewals and designate the applications for hearing. Without ruling on the question whether Brown and Wright would have had standing to protest the AETC's license renewal applications, if an individual has a right to participate in a proceeding before this Commission he cannot delay exercising that right until after the Commission has acted and then expect to be allowed to participate by filing a postgrant pleading. "Springfield Television Broadcasting Corporation v. Federal Communications Commission," 117 U.S. App. D.C. 214, 328 F. 2d 186 (1964); "Valley Telecasting Company, Inc. v. Federal Communications Commission," 118 U.S. App. D.C. 410, 336 F. 2d 914 (1964). As stated in "KIRO, Inc. v. Federal Communications Commission," 438 F. 2d 141 (1970), "we do not find in statute or case law any ground for accepting the premise that proceedings before administrative agencies are to be constituted as endurance contests modeled after relay races in which the baton of proceeding is passed on successively from one legally exhausted contestant to a newly arriving stranger." Accordingly, we find that the Brown-Wright petitioners have not met the more exacting standard which is required of a petitioner who comes in for the first time with a postgrant pleading and, therefore, their petition for reconsideration will be dismissed. We note, however, that contentions substantially similar to those advanced by the Brown-Wright petitioners have been raised by the Edwards petitioners.

EDWARDS PETITION

14. The Edwards petitioners acknowledge that, "[t]o date, the Commission has not required that noncommercial educational stations ascertain the community's needs in the same manner as commercial stations (Edwards Petition, p. 3). The Edwards' petitions maintain however that noncommercial broadcasters must, "at some point • • •, make a positive effort to understand the needs of the community and how those needs may be most appropriately satisfied." (Edwards Petition, p. 9.) The Edwards petitioners allege that the AETC has made no showing of an effort to understand or satisfy the needs of its community. The Edwards petitioners conclude that this failure to consult blacks about programing constitutes a violation of the AETC's responsibilities as a licensee.

15. The Edwards petitioners also contend that the AETC's program service is "inadequate to meet the educational and cultural needs of Alabama's blacks." (Edwards Petition, p. 11.) Thus, it is alleged that less than 10 percent of the broadcast time during the period between September 1, 1969, and March 27, 1970, was integrated. Moreover, the Edwards petitioners assert that of the 217½ hours of integrated programing telecast, 155 hours were occupied by "Sesame Street"; and 15 hours by "Stepping Into Rhythm," both children's programs. Thus, the Edwards petitioners state that only 47½ hours or less than 3 percent of AETC's broadcast time involved black adults and none of this time was "specifically related to blacks in general or to the black community in Alabama in particular." (Edwards Petition, p. 12.) The Edwards petitioners also allege that "of 937½ hours of instructional television during the period in question, only 15½ hours were integrated." (Edwards Petition, p. 13.) It is asserted that the AETC's refusal to carry program origination outside Alabama which are specifically intended for blacks raises serious questions in view of the AETC's own inadequate efforts to meet the needs of the black community. The Edwards petitioners conclude that, "when the licensee of a noncommercial educational station consciously or unconsciously discriminates against blacks and demonstrates by a comprehensive and systematic exclusion of relevant programing a lack of any intention or desire to understand or to satisfy the educational or cultural needs of 30 percent of its viewing audience, a substantial or material question of fact as to whether renewal would serve the public interest is raised." (Edwards Petition, p. 18.)

16. In the area of employment practices the Edwards petitioners allege that the AETC has discriminated against blacks since there are no blacks on the staff of forty nor is there any indication that the AETC "has established and maintained a continuing program to insure equal opportunities for blacks to be employed by the AETC." (Edward Petition, p. 20.) Thus, in this regard, it is alleged that the AETC has violated the provisions of § 73.680(a) of the Commission's rules, 47 CFR 73.680(a).

17. The Edwards petitioners further allege that the AETC has violated the freedom of speech of blacks by censoring programs of specific interest to blacks. Petitioners recognize the right of a licensee to select programing, and that refusal to carry a particular program does not, by itself, constitute evidence of censorship. However, the Edwards petitioners submit that "when that unwillingness attaches systematically to every adult program specifically related to blacks, the conclusion is inescapable that not only has the AETC discriminated, but it has also censored those programs even though many do not contain objectionable language or scenes • • •"

18. Finally, the Edwards petitioners submit that the Commission's decision to issue the AETC's original license was predicated upon the existence of a Program Board composed of educators from the State of Alabama. Petitioners contend that until July 1969, "(t)he Programing Board functioned under the direction of various educators associated with the University of Alabama." (Edwards Petition, p. 25.) However, petitioners assert, "on July 1, 1969, AETC suddenly stripped the persons of their program directing authority and transferred the authority to its own offices in Birmingham." (Edwards Petition, p. 25.) Petitioners conclude, therefore, that this assumption of programing control is "in violation of the conditions imposed • • • by the Commission." (Edwards Petition, p. 25.) Moreover, petitioners submit that this assumption of programing control was accomplished without notice to the Commission in violation of section 310(b) of the Communications Act. Petitioners also conclude "that the differing factual contentions in this matter must be resolved by the Commission in an evidentiary hearing." (Edwards Petition, p. 27.)

19. In opposition, the AETC asserts that "the allegations in both petitions boil down to one basic argument: A claim that the AETC improperly discriminated against Alabama blacks by virtue of its noncarriage of some or all four NET program offerings: 'Or Being Black,' 'Black Journal,' 'Soul,' and the 'Denver Black Panther Trial.'" (Opposition, p. 18.) The AETC states that it is particularly vulnerable to the type of complaint being made since it is unable to carry all NET programs as a result of its heavy schedule of locally originated programs. With regard to the programs, "On Being Black" and "Soul," the AETC asserts that they conflicted with its established schedule in addition to presenting problems from the standpoints of taste and overall worth. With regard to its selection of programs, the AETC refers to its program policy which states, in part, the controversial public affairs progams "• • • will have no vituperation, slander or personal attacks, but present only dignified discussion of issues." (Opposition, p. 21.) Also, the AETC asserts that its NET affiliation agreement imposes a "take it or leave it" policy in that an NET program must be broadcast in its entirety without any deletions. Thus, when the AETC finds certain material offensive, it must delete the entire program. The AETC concludes, with regard to program selection, "• • • that any licensee, knowing his area of service, has an obligation to determine whether a particular program will meet the needs of the public it serves. In every sense of the word, minority needs must be considered and met as well as majority needs. The decision, however, properly lies with the licensee and not with the FCC." (Opposition, pp. 22–23.)

20. The AETC states there has been no censorship or denial of anyone's freedom of speech. It also denies suppressing the expression of certain viewpoints. The AETC emphasizes that "when time is available NET programing such as 'Black Journal' is considered carefully by the AETC," but first priority is given to Alabama-oriented programing. (Opposition, p. 23.) The AETC notes that it now has a policy of taping "Black Journal," reviewing the tape, and then broadcasting it 1 week later if it is found acceptable.

21. With regard to its employment practices, the AETC asserts that the petitioners have no basis for their allegations. The AETC contends that, out of a total of about 50 employees, the AETC now employs five blacks including: One custodian, one secretary, one engineer, one production department assistant, and one program producer. Moreover, the AETC notes that it has recently arranged with the Jefferson County Committee for Economic Opportunity for a program to train black engineers. Finally, the AETC notes that it does not control the hiring practices of its production centers, since they are agencies under contract to the AETC.

22. The AETC asserts that its assumption of the NET affiliation was proper and, in fact, was in conformity with AETC's operational needs and realities. The University of Alabama had been the NET affiliate prior to July 1969. This arrangement was due, in part, to "an early lack of funds for the AETC." (Opposition, p. 4.) AETC states that the assumption of the NET affiliation was preceded by two developments. "First, NET began to provide its service by means of longlines • • •"; and, "Second, more and more of its programing came to be produced in color." (Opposition, p. 5.) Since "the microwave facilities between the University of Alabama production center at Tuscaloosa and the AETC's Birmingham switching point were (and are) technically inadequate for color transmission," AETC "became the NET affiliate, and began to receive NET programing at the key Birmingham switching point." (Opposition, p. 5.) This arrangement did not alter the ultimate control of programing which, the AETC submits, had always been in its hands.

23. The Edwards petitioners, in their reply, state that contrary to the implication by the AETC, petitioners do not "seek to have the Commission dictate to

FEB 17 72
XUM

AETC what programs must be broadcast." (Edwards Reply, p. 15.) Rather, "one of petitioners' essential contentions is that the AETC has discriminated against blacks and consequently has failed to meet the educational needs of the black community in Alabama." (Edwards Reply, p. 15.) It is noted that AETC has failed to explain the lack of locally produced black-oriented programing. With regard to AETC's reference to the "take it or leave it policy" contained in the NET affiliation agreement, the Edwards petitioners note that the agreement also has a provision for omitting objectionable material if prior consent is obtained from NET. Yet, petitioners note, "AETC makes no showing that it even once sought such permission from NET." (Edwards Reply, p. 17.) As to the prescreening procedure adopted for "Black Journal", the Edwards petitioners state "It defies credulity to assert that AETC could not have thought up such a simple procedure prior to the complaint were it motivated by a concern for the educational needs of blacks rather than by discriminatory predilections." (Edwards Reply, pp. 18–19.) The Edwards petitioners also state that the "take it or leave it" policy of NET does not explain why the AETC rejected a whole series of programs based upon objectionable material in one program. While recognizing the right of AETC to exercise its discretion in the selection of programing, the Edwards petitioners note that the AETC has not cited "a single instance where it has exercised its discretion to bar a NET program other than one relating to blacks." In this connection, the Edwards petitioners state that, "if this discretion were exercised on an impartial basis, there must be some instances where other programs were rejected" (footnote omitted) (Edwards Reply, p. 20.) Petitioner also noted that the AETC program policy contains no prohibition on refusing to accept programs on the basis of race.

24. The Edwards petitioners assert that AETC's compliance with the Commission's equal employment rules is still in doubt. Petitioners submit that it is inconsistent with AETC's public trust to contend that it has no right or obligation to insure compliance with the Commission's employment regulations by its program origination centers. Finally, the Edwards petitioners state their support for AETC's recent increase in black employees. The Edwards petitioners assert, however, that the Commission has a duty, in view of AETC's past failures, to investigate AETC's employment structure and practices.

25. In reiterating their assertions that AETC has infringed on constitutionally protected speech, the Edwards petitioners refer to AETC's opposition Exhibit 14. Included in the listing of profanities and vulgarities contained in a particular "Black Journal" program not carried by the AETC were the following: "Nixon is trying to strangle the second reconstruction" and "Malcolm X was a dissenter and they (the Establishment) killed him." Petitioners submit, "Omitting a program because of these passages is censorship of political speech—the cornerstone of the First Amendment and the public interest—and not an exercise of discretion based on bad taste or alleged indecency." (Edwards Reply, p. 25.)

26. Finally, petitioners contend "The precise function of the Program Board remains in dispute." (Edwards Reply, p. 26.) In this regard petitioners state, "Whether AETC effected a transfer of certain rights under its license by becoming the NET affiliate and by assuming certain legal and de facto rights with respect to programing decisions can only be resolved in a factual hearing where the testimony of those who were parties to the original license proceeding of AETC can be examined under oath. (Edwards Reply, pp. 27–28.)

27. As previously mentioned, the Commission also has before it for consideration the AETC's H.E.W. proposal for meeting the educational television needs of Alabama's black community; the Edwards petitioners' comments thereon; the AETC's progress report on its proposal; and the Edwards petitioners' comments on the progress report. The AETC proposal consists of several parts. First, a black assistant to the program director "will design and assist in conducting a personal interview-direct mail survey to be utilized in the determination of specific minority needs in programing." (AETC Proposal, p. 1.) The survey, which is intended to reach at least 500 black Alabamians, will be conducted by black college students from five geographical areas throughout the State. After analysis of the survey data, the AETC plans to "establish specific program or series priorities based on the results of the survey analysis." (AETC Proposal, p. 2.) Then each production studio will "be committed and responsible to the (AETC) for a program or series dealing with black needs * * *" (AETC Proposal, p. 2.) Provisions will be made for those who participated in the survey to preview the programs and make comments and suggestions. Last minute changes would then be made if necessary. Once an airdate has been selected for a particular program, promotion of the program will commence. The AETC citizens advisory committee will be asked for their evaluation of the programs broadcast. The broadcast time of these programs will be determined from the survey. Second, the AETC has made arrangements in cooperation with the Alabama Center for Higher Education (a consortium of black universities and colleges) by which these institutions will develop a series of programs "* * * which will reflect subject matter and treatment as they (the schools of the consortium) determine." (AETC Proposal, p. 4.) Third, the AETC has made contractual arrangements for on-the-job training of black electronic engineering personnel. There is presently one trainee who, after obtaining a first class license, will be given the first vacancy on the AETC engineering staff. Fourth, the relationship between the AETC and the Alabama State Department of Education is explained. Since that department is by law responsible for instruction programing in the public schools, the AETC defers to it in matters of instructional programing content, criteria and subject selection. Finally, the AETC states that the Citizens Advisory Committee has been reorganized. This committee will act as a sounding board for the community to the AETC programing. It presently consists of 19 members, six of whom are black.

28. The Edwards petitioners in their comments assert that the AETC proposal "is in fact designed as a means of prying loose an HEW grant." (Edwards Comments, p. 3.) They state, in this connection, that, "* * * whatever its merits in satisfying HEW, the Proposal is not adequate to discharge AETC's responsibilities as a Commission licensee." (Footnote omitted) (Edwards Comments, p. 4.) Although petitioners set forth numerous criticisms of the AETC proposal, they assert that their criticisms are not exhaustive. "Petitioners are merely attempting to focus the Commission's attention on the vapidness of the Proposal and its failure to reflect black input at any level." (Edwards Comments, p. 7.) It is asserted that the black AETC Assistant Program Director occupies no policy position. The Edwards petitioners also assert that this individual is expected to perform duties "* * * requiring no less than two and possibly three persons * * *" (Edwards Comments, p. 8.) Petitioners note that the questionnaire is to be developed with the assistance of Samford University, a predominantly white school. In this regard, petitioners question why the AETC couldn't have found a black university of equal competence. Petitioners state that there is a "total failure to provide for any black input in analysis of the survey returns." (Edwards Comments, p. 10.) Thus, according to petitioners, by the time blacks are introduced into the process of program production, it is too late to compensate for the white bias which has preceded. Petitioners also question the practicality of the proposal for having black individuals preview the newly designed programs in view of the desire of blacks to remain anonymous and the difficulty of taking time to travel to the AETC studios to watch the preview. Further, petitioners note "there are still no blacks making decisions with respect to the airing of nationally distributed programs of relevance, concern and/or interest to blacks' educational and cultural needs." (Edwards Comments, p. 15.) While commending the association with the consortium of black institutions, petitioners urge that "* * * a production contract should be arranged with one of the black colleges." (Edwards Comments, p. 16.) Petitioners further complain that the "* * * AETC has done nothing to assure adequate black employment at its production centers." (Edwards Comments, p. 17.) With regard to the Citizens Advisory Committee, petitioners assert that it is hardly a "grassroots sounding board," since its members are "professionals and representatives of traditional civic organizations." (Edwards Comments, p. 18.) Petitioners also question how the Board will function. Finally, petitioners state, "The Proposal cannot, in any event, allow AETC to escape the consequences of its past actions. Belated upgrading or pledges of improved service cannot, in the face of a license challenge, aid the licensee." (Edwards Comments, p. 20.)

29. In the AETC's letter of July 16, 1971, it advised the Commission of the progress which has been made implementing its April 27th proposal. It also has amplified its relation to the State Board of Education and has submitted more details concerning the Citizens Advisory Board's function. Thus, AETC notes that its survey form has been designed and it is in the process of making the final selection of 12 black college students to conduct the survey. The AETC further notes that it has established Alabama Agricultural and Mechanical University, a predominantly black school in Normal, Ala., as a contract program production agency. With regard to its cooperation with the consortium of black institutions for creation of a series of programs developed and produced by blacks, the AETC states that it now has expended its original plan to include all eight schools of the consortium. Each school will develop four programs for a 32-program series. Finally, "in order to reenforce its sincerity and dedication to the commitment of minority involvement and programing * * *" the AETC has submitted an equal opportunity program (section VI of the Renewal Form).

30. On August 16, 1971, the Edwards petitioners submitted comments on the AETC updated proposal. In essence, they conclude that the updating is not responsive to their comments on the proposal and note that the updating "reflects the same built-in biases of which petitioners have already complained."

Conclusions

31. As may be seen from the foregoing, this case has been further complicated by the fact that the issues raised on reconsideration extend well beyond the issues set forth in the initial complaints. Pursuant to § 1.106(c) of the Commission's rules 47 CFR 1.106(c), a petition for reconsideration which relies on facts not previously submitted to the Commission will be granted only if the facts relied upon (i) relate to circumstances which have changed since the last opportunity to present such matters, or (ii) were unknown to the petitioner until after his last opportunity to present such matters and could not have been ascertained through the exercise of ordinary diligence. For the most part the facts now relied upon by the Edwards petitioners were not previously presented to the Commission. Further, it is clear that the facts presented on reconsideration could have been ascertained prior to the Commission's action of June 24, 1969, had the Edwards petitioners exercised the requisite diligence. However, so that there may be no question about our full consideration of all matters raised, we have decided to consider and rule on every issue regardless of the time it was presented. While we are hopeful that the approach will not encourage the injection of new issues on reconsideration in future cases, we are satisfied that full consideration is justified in this case.

32. The first issue raised is whether the AETC's license renewal applications for the above-captioned stations should be designated for hearing on the grounds that the licensee has made no efforts to conduct a survey to determine the needs and interests of black Alabamians. It is well established that commercial broadcasters must conduct surveys to determine the needs and interests of their service areas. However, the Commission has never required noncommercial educational broadcasters such as the AETC to conduct community surveys. In fact, the Commission has specifically exempted noncommercial educational broadcasters from all of the requirements of its "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971), wherein we stated that,

> [g]iven the reservation of channels for specialized kinds of programing, educational stations manifestly must be treated differently than commercial stations.[2]

33. Therefore, since we have not imposed ascertainment requirements on noncommercial educational broadcasters, we believe it would be inappropriate to designate the AETC's license renewal applications for hearing on a survey issue. Instead, the subject of requiring noncommercial educational broadcasters to conduct some type of survey would be more appropriate for exploration in an overall rulemaking proceeding. Furthermore, we note that the AETC is now in the process of conducting an extensive survey to determine the needs and interests of black Alabamians. Despite petitioners' criticisms of the AETC's survey, we believe that the licensee is making an honest and good faith effort to determine the particular needs and interests of black Alabamians and that the Alabama educational television network's programing service for the State's black population will only benefit as a result of the licensee's efforts. We conclude, therefore, that the relief requested on this issue is not now appropriate.

34. The next issue raised is whether the AETC's assumption of control over the Alabama educational television network's programing operations, including its NET affiliation agreement, constitutes a violation of the terms of its broadcast authorizations and section 310(b) of the Communications Act of 1934, as amended. The Commission's records show that the AETC was created in 1953 by Act 81 of the Alabama State Legislature. The AETC is composed of five members appointed by the Governor of Alabama for 10-year terms, the term of one member expiring every 2 years. As a supplement to the AETC there is a Program Board, which is a policy interpreting body and acts in an advisory capacity to the AETC. Further, the Program Board is appointed by the AETC. There is nothing in the Commission's files, however, which indicates that this agency ever predicated a grant of a broadcast license to the AETC on the condition that a Program Board or some other interorganizational entity exercise responsibility over the licensee's programing operations, including its NET affiliation agreement. Instead, when the AETC was granted its first broadcast license, overall responsibility for programing, engineering and policy was vested in the AETC—the licensee. The AETC, of course, in carrying out its functions as a licensee, may delegate certain responsibilities just as any other broadcaster or corporate entity. However, the AETC, as licensee, also has ultimate control over every aspect of its broadcast operations; consequently, although the AETC may have delegated certain program functions to its Program Board or program production centers, these facts do not alter the rights vested in the AETC to revoke such delegations and to exercise full responsibility over its programing operations. Such action does not constitute a violation of section 310(b) of the Communications Act. We also conclude, therefore, that the relief requested on this issue is not appropriate.

35. The next issue raised concerns the AETC's programing performance. In sum, the petitioners argue that the AETC has systematically excluded all NET programs specifically relevant to blacks; and, further, has failed to provide a sufficient amount of local programing to compensate for the failure to broadcast NET black oriented programing. The petitioners also argue that the AETC has violated the freedom of speech of black Alabamians by deleting from its program schedule certain NET programs because of alleged vulgarities.

36. The AETC, as previously indicated, was created in 1953 for the purpose of establishing and maintaining an educational television network in the State of Alabama. Since its creation, the AETC has become the licensee of eight noncommercial television stations, namely: WAIQ (Montgomery), WBIQ (Birmingham), WCIQ (Cheaha State Park), WDIQ (Dozier), WEIQ (Mobile), WFIQ (Florence), WGIQ (Louisville), and WHIQ (Huntsville). The AETC is presently operating a ninth station, WIIQ, Demopolis, under program test authority. Also fully operational are three translator stations located in Hamilton (W7OAN), Winfield (W7ZAN), and Guin (W7YA). Over 1,000 miles of microwave facilities interconnect these stations and all programing is simulcast over the AETC's television stations. With regard to the AETC's programing, the licensee

[2] It is noteworthy that FCC Form 342, the renewal application for noncommercial educational AM, FM, and TV stations, does not request any information concerning a noncommercial broadcasters' efforts to ascertain the needs and interests of their service areas, which, as in this case, often encompass more than a single service area. Compare section IV of FCC Form 303, the renewal application for commercial broadcasters.

FEB 17 72
XUM

has entered into contracts with the University of Alabama, Auburn University, Montevallo University, the State Board of Education, the Huntsville City Board of Education, the Birmingham Board of Education, the Mobile Board of School Commissioners, and Alabama Agricultural and Mechanical University, each of which supplies "approximately an equal share of the more than 40 hours weekly of Alabama-originated television programing."[3] The AETC has also entered into agreements with the NET and Public Broadcasting Service for nationally produced programing.

37. The licenses for AETC's various television stations have been regularly renewed since beginning their broadcast operations. The Commission, of course, when reviewing a license renewal application, is obligated to consider the broadcaster's overall performance—both favorable and unfavorable—in determining whether a renewal should be granted. AETC's pending renewal applications, which set forth the licensee's operations for the preceding license term, disclose that during a typical week the Alabama educational television network presents 20 hours (38 percent) of instructional programing, 11 hours and 45 minutes (15 percent) of general educational programing, 6 hours and 30 minutes (9 percent) of performing arts programing, 19 hours (25 percent) of public affairs programing, and 10 hours and 15 minutes (13 percent) of all other programing. Of this programing, 50 hours and 30 minutes (69 percent) is produced by AETC's various program production cent) is provided by networks, and 7 hours and 45 minutes (10 percent) is provided by other sources. These figures disclose that the AETC's major effort has been in the areas of instructional and educational programing, a noteworthy effort since Alabama has the lowest per pupil expenditure for education than that of any other State. In this respect, the AETC produces and telecasts a large number of in-school educational programing, which teachers throughout the State use to supplement their regular classroom instruction. By way of example, the AETC presents programs dealing with science, handwriting, mathematics, word study, speech improvement, reading, and many other subjects which serve as instructional aid in grades one through 12.

38. The record also shows that the AETC has broadcast a number of integrated programs. That is, from September 1, 1969, through March 27, 1970, the AETC presented 257 integrated programs constituting 217 hours of broadcast time. The record also discloses that, for the period extending from September 1969 through July 1970, the AETC presented 554 integrated programs constituting 443 hours of its total broadcast time. The AETC also submits that it broadcast 635 programs constituting approximately 299 hours of its total broadcast schedule from September 1969 through July 1970 which were occasionally integrated but for which it did not know the number of isolated shows because no records were kept.

39. With regard to NET programing the AETC acknowledges that it has refused to broadcast a number of such programs because, in its opinion, such programs contained what it deemed to be offensive language. Thus, in its letter of February 25, 1970, the AETC stated:

> It is interesting to note that the programs being insisted upon as part of the AETC schedule by the U of A Faculty Senate, College of Arts and Sciences, and an employee of the U of A Broadcasting Services in their complaints to the FCC are by name: "Black Journal," "Soul," "The Show," "On Being Black," and others. It should also be noted that the NET affiliate contract requires a NET program be run in full. No editing is permitted.
>
> For documentation there are here listed quotes from some of the audio portions of those productions in addition to several visual sequence descriptions:
>
> The Show: (Program No. 3, January 25, 1970) Mason Williams said, "• • • The black man has endured a lot of bullshit really from • • • Lyrics of song by Mason Williams included, "In our birthday suits we had a few toots and I sure ain't talking about beers • • • you're the best shot I've seen in years • • • I'll bet I can beat you to bed again • • •"
>
> Black Journal: (Program No. 17, October 24, 1969) Contained the phrases "Screw your brother • • • go to hell • • • damn • • • rats leaving crap in the corner • • •"
>
> Hospital: (NET Special, February 2, 1970) Discussion by a man who stated that he was a male prostitute and that he was on welfare. A pelvic exam was being performed on a female (draped). A vomiting man exclaiming "shit" several times during his 2-minute seisure. A bloodsoaked man kept on camera for 3 minutes. A posteranium performed and the brain removed during the sequence.
>
> Soul: (Program No. 6, March 11, 1970) A poem about drugs: "• • • Dope is shit • • • put shit in your arm • • • mama's tears • • • what difference do it make, stay high sucker chump."
>
> In the Company of Men: (NET Journal No. 264, February 9, 1970) Contained several "goddamns" "• • • get your black ass out of here • • •" A statement by one of the participants to the effect that his foreman required him to perform perverted acts or lose his job.
>
> Hemiskringla: (NET Playhouse No. 162, November 7, 1969) Male nude appeared on scene without any apparent motivation. Member of the DAR desecrating the U.S. flag. A group of virtually nude men and women in a pile biting the blood out of one another and licking the blood.
>
> On Being Black: ("Johnny Ghost," October 8, 1969) Had a nude male shower sequence, several profane expressions and a confrontation between the principal character and his wife because he wouldn't go to bed with her while in training.
>
> Soul: (Preview, January 26, 1970) Song containing "Proud songs of rebellion our fathers sang • • • whores • • • babies without fathers," Also, "If Wallace did not exist • • • If Agnew did not exist • • • beautiful, beautiful • • •" Then a poem, "• • • dine 'em, dance 'em, take 'em to bed • • •"

40. The NET affiliation agreement provides, in substance, that stations will broadcast its programs in full without any deletions, alterations, edits, or other changes. Here the AETC determined that a number of NET's programs were not suitable for broadcast, not because they pertained to blacks, but, instead, because in its judgment they were offensive. The AETC submits however that it has not systematically excluded all NET black oriented programing. As previously indicated, the AETC has adopted a preview procedure to determine whether NET programs are suitable for broadcast. Following this preview procedure, the Alabama Educational Television network has telecast at least three of NET's "Black Journal" programs and all of NET's "Black Frontier" series. These programs have been telecast since the AETC assumed full control over its NET affiliation agreement (i.e., after July 1, 1969).

41. In "Office Communication of United Church of Christ v. F.C.C.," 359 F. 2d 995 (1966), the court stated that the best criterion for determining whether a renewal should be granted is the licensee's past performance. The court stated further that the Commission could not make an affirmative public interest finding based on a "pious hope" for better performance because the licensee of WLBT–TV had neither promised or demonstrated any capacity or willingness to change. As to the need for a properly run station in Jackson, Miss., the court found that there was not sufficient evidence in the record to justify a "policy determination" that WLBT was needed in the community. However, licensing is also prospective in nature, in that it authorizes future operation. Accordingly, in "United Church of Christ, supra, the court indicated that the Commission had discretion to experiment and take calculated risks on renewal of broadcast licenses based on the applicant's proposals for the future. For the purposes of forecasting, of course, the Commission must review the applicant's background for evidence as to expectable performance. As previously noted, the record discloses that the AETC has broadcast a number of integrated programs. Clearly, this is a fact from which the Commission may draw inferences as to AETC's future probabilities.[4] Accordingly, we are of the opinion that it is entirely appropriate to examine the AETC's future proposals. This is especially true in a case such as this where one aspect of the licensee's programing performance has been questioned and the record discloses an 'otherwise outstanding service in the public interest; and, where, unlike the circumstances presented in "United Church of Christ, supra," we are concerned with a network of noncommercial educational television stations serving a statewide area and devoting a substantial amount of its broadcast time to instructional/educational programing (paragraphs 37–39, above).

42. As delineated in its proposal to HEW of April 1971 and amplified in its letter to the Commission of July 16, 1971, we note that the AETC is making a special effort to ascertain the needs and interests of Alabama's black population.

[3] See Opposition, p. 4.

[4] See, footnote 5 infra, paragraph 43.

We also note that the AETC has already made arrangements with eight predominately black colleges and universities to produce 32 programs concerned specifically with the needs of black Alabamians. In addition, the AETC has entered into a contractual arrangement with a predominately black university to provide an additional program origination center. Finally, we note that the AETC has undertaken efforts to open up additional channels of communications with the black community.

43. The Commission is thus faced with a difficult choice between two conflicting considerations. On the one hand, the AETC has established one of the best noncommercial educational television networks in the United States; and, further, produces and broadcasts a large number of educational/instructional programing designed to improve the quality of education for Alabamians. In this connection, we note that the AETC's in-school programs are received in 702 elementary schools and 309 high schools, and that the licensee's broadcasts are available to 10,025 teachers, 437,068 elementary students, and 471,295 high school students. The foregoing facts militate against a finding that AETC discriminated against blacks in its programing presentations. The record also discloses that the AETC is undertaking additional efforts to improve its service to meet the specific needs of Alabama's significant black population. On the other hand, however, there is a charge that the AETC has deliberately excluded a number of network programs on racial grounds and, also, has failed to compensate for its failure to broadcast network black-oriented programing. In short, it is claimed that AETC's programing performance has been wholly inadequate to meet the educational and cultural needs of Alabama's blacks. Although the record discloses that the AETC has broadcast some network offerings and rejected others, the facts available do not otherwise provide sufficient information for the Commission to decide this aspect of this proceeding on the bases of the pleadings. Accordingly, without a full record of facts and adversary views that an evidentiary hearing would provide, we believe that this aspect of this proceeding could best be resolved by having the AETC's above-captioned license renewal applications designated for hearing.[5]

44. Likewise, in view of the claim that the AETC has discriminated in its programing we believe that the questions raised regarding the AETC's compliance with § 73.680 of the Commission's rules could also best be resolved in an evidentiary hearing. In short, our rules regarding nondiscrimination in the employment practices of broadcast licensees have been designed to achieve equality of employment opportunities. Accordingly, issue 4 below is designed to explore whether the AETC has made reasonable and good faith efforts to comply with the provisions of § 73.680 of the Commission's rules. The issue set forth below however is not designed for the purpose of exploring whether the AETC is responsible for the employment policies and practices of its various program production centers. The record discloses that these centers are separate entities; e.g., the University of Alabama, Alabama Agricultural and Mechanical University, etc. There is, obviously, a close working relationship between the AETC and its progam production centers. However, since they are separate entities, petitioners' claim that the AETC is responsible for assuring that their production centers do not discriminate is not well founded. Clearly, the AETC cannot dictate to any independent organization, whether it be one of its program production centers, the NET, or some other separate entity, what their employment policies and practices should be. Also, our rules have no applicability whatsoever to the AETC's program production centers.

45. Our action here today, in effect, disposes of the Brown-Wright and Edwards petitions for reconsideration. The matters set forth in the Edwards petition and the relief sought have been considered in the issues we have adopted.

46. In view of the foregoing: *It is ordered*, That the petition for reconsideration filed by Anthony Brown and William D. Wright is dismissed.[6]

47. *It is further ordered*, That the petition for reconsideration filed by Reverend Eugene Farrell, Linda Edwards, and Steven Suitts, to the extent indicated above, is granted, and, in all other respects, is denied.

48. *It is further ordered*, That our action of June 24, 1970, granting the Alabama Educational Television Commission's license renewal applications for Stations WAIQ(ED–TV), WBIQ(ED–TV), WCIG(ED–TV), WDIQ(ED–TV), WEIQ(ED–TV), WFIQ(ED–TV), WGIQ (ED–TV), and WHIQ(ED–TV) is hereby rescinded.

49. *It is further ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the Alabama Educational Television Commission's above-captioned applications are designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the Alabama Educational Television Commission has followed a racially discriminatory policy in its overall programing practices.

(2) To determine whether the Alabama Educational Television Commission has broadcast programing serving the needs of Alabama's citizens.

(3) To determine the extent of efforts being undertaken by the Alabama Educational Television Commission to develop programing to serve the needs of Alabama's citizens.

(4) To determine whether the Alabama Educational Television Commission has made reasonable and good faith efforts to assure equal opportunities in its employment policies and practices in accordance with § 73.680 of the Commission's rules.

(5) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of the Alabama Educational Television Commission's above-captioned applications would serve the public interest, convenience, and necessity.

50. *It is further ordered*, That Reverend Eugene Farrell, Linda Edwards, and Steven Suitts are made parties to the hearing ordered herein.

51. *It is further ordered*, That, in accordance with section 309(e) of the Communications Act of 1934, as amended, the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the Alabama Educational Television Commission as to issues 1, 2, 3, and 4; and that the petitioners and then the Broadcast Bureau shall follow with any evidence in their possession relevant to those issues. Issue 5 is conclusionary.

52. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the Alabama Educational Television Commission and petitioners Reverend Eugene Farrell, Linda Edwards, and Steven Suitts, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance pursuant to § 1.221(e) stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

53. *It is further ordered*, That, pursuant to section 311(a)(2) of the Communications Act of 1934, and § 1.594 of the Commission's rules, the Alabama Educational Television Commission shall give notice of the hearing within the time and manner prescribed in § 1.594 and thereafter advise the Commission of the publication thereof as required by said rule.

Adopted: February 8, 1972.

Released: February 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION[7]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72–2423 Filed 2–16–72;8:48 am]

[5] As noted in paragraph 41, the Commission believes it is appropriate to explore what efforts are being undertaken by the AETC to develop programing to meet the needs of Alabama's citizens and, accordingly, an appropriate issue has been added. However, in light of the evidence adduced under Issues 1 and 2 herein, Issue 3 herein has been added without prejudice to the rights of the parties to argue, subsequently, what weight should be accorded the evidence adduced under Issue 3.

[6] See, however, 47 CFR 1.223 which provides, in substance, that any party in interest desiring to participate in any hearing may file a petition for leave to intervene. See, also, 47 CFR 1.225, which pertains to participation by nonparties.

[7] Chairman Burch concurring and issuing a statement in which Commissioner Reid joins; Commissioner Bartley dissenting and issuing a statement; Commissioner Johnson concurring in part and dissenting in part and issuing a statement; Commissioner H. Rex Lee absent; Commissioner Wiley abstaining from voting. Statements of Commissioners Johnson and Bartley filed as part of the original document.

[Dockets Nos. 19431–19433; FCC 72–126]

BLUE RIDGE BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Blue Ridge Broadcasting Co., Inc., Sanford, Fla., Requests: 1190 kc., 250 w., Day, Docket No. 19431, File No. BP–18077; Hymen Lake, Pine Castle-Sky Lake, Fla., Requests: 1190 kc., 250 w., Day, Docket No. 19432, File No. BP–18491; S & S Broadcasting Co., Titusville, Fla., Requests: 1190 kc., 5 kw., DA. Day, for construction permits, Docket No. 19433, File No. —.

1. The Commission has before it for consideration (i) the above captioned mutually exclusive applications; (ii) a petition to dismiss the application of Hymen Lake filed by S & S Broadcasting Co.; (iii) a petition to dismiss the application of S & S Broadcasting Co. filed by WRMF, Inc., licensee of station WRMF, Titusville, Fla.; (iv) an informal objection [1] to the application of Hymen Lake and S & S Broadcasting Co., filed by Blue Ridge Broadcasting Co., Inc.; and (v) pleadings in opposition and reply thereto.

2. Although WRMF, Inc., did not indicate its basis to challenge the S & S proposal for Titusville, standing will be presumed in this instance since petitioner is the licensee of station WRMF in Titusville and would compete for listeners and advertisers with the proposed new station. Therefore, it is a party in interest within the meaning of section 309(d) (1) of the Communications Act of 1934, as amended. "Federal Communications Commission v. Sanders Brothers Radio Station," 309 U.S. 470, 9 RR 2108 (1940).

3. The application of S & S Broadcasting Co. has not been accepted for filing because petitioner, WRMF, Inc., contends that the proposal would be in contravention of the acceptability criteria set out in § 73.37(a) of the Commission's rules. On the basis of the conductivity value indicated by Figure M–3 of the rules, the proposed 0.5 mv/m contour of S & S Broadcasting would receive overlap from the 0.025 mv/m contour of station WAVS, Ft. Lauderdale, Fla., in violation of § 73.37(a) of the rules. In an attempt to establish that a violation of § 73.37(a) is not involved, S & S has submitted field intensity measurement data made on a test transmitter installation located near its proposed site for the purpose of establishing the extent of its proposed 0.5 mv/m service area in the general direction of WAVS. In addition, the applicant submitted measurements made in September 1970, on WAVS on a direct path (347.8°) towards the S & S antenna site for the purpose of determining the extent of the WAVS 0.025 mv/m contour towards its proposed 0.5 mv/m contour. On the basis of this measured radial, it appears that the WAVS 0.025 mv/m contour would be virtually tangent with the proposed S & S 0.5 mv/m contour. Measurements were made also by the applicant on station WRBD, Pompano Beach, Fla. (located approximately 5.5 miles from WAVS), to indicate that the effective soil conductivity over several paths towards the S & S 0.5 mv/m contour is less than indicated by Figure M–3. In a petition to dismiss filed on July 16, 1969, and in supplements thereto, WRMF, Inc., contends that the S & S proposal would receive overlap from station WAVS in violation of the rules. WRMF submitted field intensity measurement data made on WAVS along the same radial (347.8°) as measured by S & S. The WAVS radial was measured by WRMF in September 1970, and again in April 1971, and both sets of measurement data indicate that the 0.025 mv/m contour of WAVS would not only overlap the S & S proposed 0.5 mv/m contour but would extend approximately 12 miles beyond the proposed antenna site. WRMF also submitted measurements made on WRBD in the direction of Titusville as well as measurements made on WQAM, Miami, Fla. The measured radial on WQAM passes through the site of WAVS on almost a direct line towards the proposed S & S antenna site. These measurements likewise indicate a conductivity value which would result in the 0.025 mv/m contour of WAVS overlapping the S & S 0.5 mv/m contour. We also note that in addition to the field intensity measurement data made by S & S and WRMF on station WAVS, measurements have been made by Blue Ridge Broadcasting Co., Inc., in support of its application. The data include a measured radial made on WAVS along the same bearing (347.8°) as measured by S & S and WRMF. The extent of the WAVS 0.025 mv/m contour, as determined by Blue Ridge, is in substantial agreement with that determined by the measurements submitted by WRMF and also indicate that the WAVS 0.025 mv/m contour would overlap the S & S 0.5 mv/m contour.

4. From the foregoing, it is apparent that extensive measurement data have been filed regarding the question of prohibited overlap. On the WAVS 347.8° radial alone, no less than four sets of measurement data have been made during the months of February, April, September, and November. The measurements were made by three different engineers and extend to a distance as great as 185.3 miles from the WAVS site. Three of the four sets of measurement data on this radial are in reasonable agreement and indicate that the 0.025 mv/m contour of WAVS extends to a distance greater than 180 miles on that azimuth and overlaps the S & S proposed 0.5 mv/m contour to a significant degree. The measurement data filed by S & S on this radial, however, are in great disagreement with the other three sets of data, especially at distances greater than 100 miles from the WAVS antenna, and indicate that the WAVS 0.025 mv/m contour extends only 159 miles. Since the inconsistencies in the measurement data are irreconcilable, an evidentiary hearing must be held to resolve the matter.[2] If evidence received in hearing establishes that the S & S proposal would involve overlap in violation of § 73.37(a) of the rules, the application will be dismissed. If on the other hand it is established that the S & S proposal would not violate that section the application will be accepted for filing, and in order that the application herein may proceed to hearing without further delay, we are designating it for hearing at this time. The Hearing Examiner shall hear issues number 10 and 11, pertaining to acceptability, and if he finds S & S Broadcasting Co. acceptable for filing, his finding will be determinative of that question and the hearing shall proceed on that basis. In such event, the Commission will issue a public notice announcing the acceptance of the application for filing and interested parties will have 30 days from that date to file petitions to deny.

5. The S & S Broadcasting proposal does not comply with § 1.569 of the Commission rules in that the proposed transmitter site is located outside the 500-mile extension of the 0.5 mv/m-50 percent nighttime contour of a class I-A station, KSL, Salt Lake City, Utah. This proposal, however, under § 1.569 is concerned only with the frozen channel 1160 kc., which is 30 kc. removed from the applicant's proposed frequency. In keeping with our general policy in such cases, we conclude that a finding of material prejudice to possible II–A assignments under these circumstances would be unrealistic. Accordingly, a waiver of § 1.569 will be granted. "Peter L. Pratt," 16 FCC 2d 967 (1969).

6. S & S Broadcasting proposes to use an antenna ground system consisting of 120 radials each 207 feet in length equally spaced around the base of each antenna tower. Examination, however, of Figure 2A of the applicant's engineering exhibit (antenna site plat) indicates that some of the radials will be much shorter than 207 feet due to property limitations. Accordingly, an issue regarding the antenna site will be included.

7. According to § 73.37(b) of the Commission rules, an application may be granted notwithstanding overlap of the proposed 0.5 mv/m contour and the 0.025 mv/m contour of another cochannel station, where the applicant would be the first standard broadcast facility in a community of any size wholly outside of an urbanized area or the first standard broadcast facility in a community of 25,000 or more population wholly or partly within an urbanized area. The Commission, by letter, informed Hymen Lake that on the basis of the measurement data on file the 0.025 mv/m contour of station WAVS, Fort Lauderdale, Fla., would overlap the proposed 0.5 mv/m contour in contravention of § 73.37(b). In response to the Commission inquiry, Hymen Lake acknowledges the overlap but claims that it does not render his application ineligible for a grant. He claims that his proposal is in conformity with the rule because he proposes a cocommunity of license that would provide the first standard broadcast facility for the community of Sky Lake, which lies wholly outside the Orlando urbanized area, and for the community of Pine Castle, which has a population in excess of 25,000 and lies within the Orlando urbanized area. In support of his argument, Hymen Lake states that the number of charitable and civic organizations in Sky Lake distinguish it as a community from Orlando and the Orlando urbanized area. In addition, he claims that the boundaries of Pine Castle are the same as the boundaries of the Pine Castle Fire and Flood Control District which, Hymen Lake maintains, is in the Orlando urbanized area and has a population in excess of 25,000 according to the Pine Castle Fire and Flood Control District Census.

8. In an engineering amendment attached to its informal objection, Blue Ridge Broadcasting, Inc., asserts that Hymen Lake does not comply with § 73.37(b) because Sky Lake, as shown in Hymen Lake's own amendment, is partly within the Orlando urbanized area, and Pine Castle is part of the Pine Castle Civil Division with a total population of 12,136 according to the preliminary 1970 U.S. census. In defense of his position, Hymen Lake states that the Commission should utilize the latest census data available at the time the application was filed, and not the preliminary 1970 map of the Orlando urbanized area. Moreover, he claims that if the 1970 figures incorporate Sky Lake into the Orlando urbanized area it would be inequitable to use the 1970 census data and reject Sky Lake as a community of license. With respect to Pine Castle, he states that depicting the boundaries of the Pine Castle Fire and Flood Control District as the boundaries of the Pine Castle community is a more reasonable designation than the Pine Castle Division shown on the preliminary 1970 U.S. census map of the Orlando urbanized area.

9. In light of the conflicting claims over the population, location, and character of the communities of Pine Castle and Sky Lake, and the Commission's recent ruling [3] upholding the use of the most recent and reasonable population figures available, the matter will be decided in hearing. Accordingly, a § 73.37(b) issue will be specified, and if evidence received in hearing establishes that the proposal would violate § 73.37(b) of the rules, the application will be dismissed.[4]

10. In its petition to dismiss Hymen Lake, S & S Broadcasting asserts that neither Pine Castle nor Sky Lake is a recognized community for allocation purposes.[5] In an affidavit attached to the petition, S & S Broadcasting states that neither community has a municipal form of government, that there are no road signs or telephone listings indicating the existence of Sky Lake as a distinct community or any public agencies in Pine Castle. In opposition, Hymen Lake claims that the mere fact that the communities are unincorporated does not mean that they are not recognized communities. Lake further contends that an allocation to Pine Castle-Sky Lake would be consistent with a number of Commission decisions on the question.

11. In the absence of an evidentiary hearing, a determination cannot be made that either Pine Castle or Sky Lake qualifies as a community for allocation purposes under § 73.30(a) of the rules, and an appropriate issue will be included. Risner Broadcasting, Inc., 13 FCC 2d 781, 13 RR 2d 912 (1968). In addition, an applicant must make certain showings in accordance with § 73.30(b) of the rules in order for a station to be licensed to serve more than one community. The Hymen Lake application is within the purview of this section and must demonstrate its ability to meet these requirements. Accordingly, a § 73.30(b) issue will also be added.

12. S & S Broadcasting argues also that the Hymen Lake proposal would not place a 25 mv/m signal over the entire business district of Pine Castle as required by § 73.188(b)(1) of the rules. In opposition, the applicant questions the accuracy of the 25 mv/m contour as drawn by the petitioner and concludes that the required signal would cover almost all of the business district. In view of this discrepancy, a coverage issue will be specified.

13. S & S Broadcasting submitted engineering data showing that the proposed 5 mv/m contour of Hymen Lake would penetrate the city of Orlando, Fla., which has a population of 99,006 according to the 1970 census. Petitioner claims that the total population of Pine Castle and Sky Lake is approximately 20,000, and the presumption arises, therefore, that the applicant intends realistically to serve the city of Orlando rather than its designated communities. "Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities," 2 FCC 2d 190, 6 RR 2d 1901 (1965).

14. In opposition, Hymen Lake states that the area penetrated by the 5 mv/m contour consists of 1.4 square miles and 6,169 people, or 7 percent of the total area and population of Orlando, and the proposal is not the type that the Policy Statement is designed to discourage. In addition, the applicant's engineer claims that to eliminate the penetration of Orlando would adversely affect the proposal. He states that the requested power is the minimum permitted by a class II facility; that the transmitter site is ideally situated for service to the main business areas of Pine Castle-Sky Lake and that a change in site would either increase the 5 mv/m envelopment of Orlando, reduce or eliminate the 25 mv/m coverage of Pine Castle or Sky Lake, or increase the interference received from Fort Lauderdale.

15. Since the Hymen Lake proposed 5 mv/m contour penetrates the city of Orlando, a presumption that the applicant is realistically proposing to serve the larger community is raised under the Commission's Policy Statement. Although the applicant's engineer states, in effect, that the 5 mv/m penetration of Orlando is unavoidable, Hymen Lake has not attempted to make a detailed showing in rebuttal of the presumption. Accordingly, a 5 mv/m-suburban issue will be included.

16. Blue Ridge Broadcasting Co., Inc., has failed to submit an exhibit showing the location of the principal business district of Sanford and its relation to the proposed 25 mv/m contour. Since an applicant must provide for a minimum field intensity of 25 mv/m over the business area of its city of designation in accordance with § 73.188(b)(1) of the rules, an appropriate issue will be included.

17. Examination of the financial plans of Blue Ridge Broadcasting Inc., indicates that $67,640 will be needed to construct and operate the proposed facility for 1 year, consisting of: Down payment on equipment, $6,260; first-year payments with interest, $7,380; miscellaneous costs, $6,000; and first-year operating expenses, $48,000. To meet construction and operation costs, the applicant relies on $36,800 available cash, and $25,000 notes receivable, for a total of $63,800. In addition to not meeting its requirements by approximately $4,000, the applicant's reliance on notes receivable is misplaced since they are not sufficiently liquid. Accordingly, a financial issue will be included.

18. Financial data on file with the Hymen Lake proposal reveals that $85,400 will be needed to meet first-year construction and operation costs, consisting of down payment on equipment, $4,950; first-year equipment payments with interest, $5,450; building costs, $20,000; miscellaneous costs, $5,000; and first-year operating expenses, $50,000. The applicant plans to meet construction and operation costs with available cash, $28,000, and his share of cash available in another corporation, $62,000, for a total of $90,000. The applicant's financial data, however, is not current and an issue will be added to determine the applicant's present financial position.

19. An analysis of the financial section of the S & S Broadcasting proposal discloses that it will require $131,400 to meet first-year construction and operation costs, consisting of down payment on equipment, $12,375; first-year equipment payments with interest, $13,525; building, $2,500; miscellaneous costs, $5,000; loan payments with interest,

[1] Hymen Lake contends that the objections raised in a letter filed by Blue Ridge Broadcasting Co., Inc., constitute a petition to deny and is unacceptable since it was not timely filed. The Commission, however, will accept the letter as an informal objection according to § 1.587 of the Commission rules.

[2] "Harvest Radio Corporation," 22 FCC 2d 820, 19 RR 2d 12 (1970).

[3] "Albert L. Crain, et al.," 28 FCC 2d 381 at 384, 21 RR 2d 607 at 611 (1971).

[4] Hymen Lake has stated that if it is found that he does not comply with § 73.37(b), an issue should be added to determine whether a waiver is justified. The applicant, however, has not provided a sufficient basis to support its request, and, consistent with Commission policy, the application will be dismissed if it violates § 73.37(b).

[5] Section 73.30(a)(1) states that • • • "each standard broadcast station will be licensed to serve primarily a particular city, town, political subdivision, or community which will be specified in the station license • • •"

$13,000; and first-year working capital, $85,000. To meet these costs, the applicant intends to rely on available cash, $62,000, and a bank loan, $100,000, for a total of $162,000. The bank loan commitment letter states that the applicant's majority shareholder will endorse the loan, but there is no statement by the shareholder that he is willing to assume this obligation. Thus, a financial issue will also be specified as to this applicant.

20. The programing plans submitted by two of the applicants fail to meet the criteria of the "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1507 (1971). The principals of Blue Ridge Broadcasting, Inc., contacted approximately 103 community spokesmen, but failed to supply sufficient data to enable us to determine whether those individuals contacted represented a cross-section of the minority, racial or ethnic groups in Sanford. Since S & S Broadcasting failed to provide reliable data on the composition of the proposed community of license, a Suburban[4] issue will be specified as to both the applications of Blue Ridge Broadcasting, Inc., and S & S Broadcasting.

21. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

22. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

(2) To determine whether the proposal of Hymen Lake would serve primarily a particular city, town, or other political subdivision as contemplated by § 73.30(a) of the Commission rules and, if not, whether circumstances exist which would warrant a waiver of said section.

(3) To determine whether the proposal of Hymen Lake is consistent with the requirements of § 73.30(b) of the Commission rules, to warrant an authorization for dual-city operation.

(4) To determine whether the proposal of Hymen Lake will realistically provide a local transmission facility for its specified station location or for another larger community, in light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of the specified station location are being met by existing aural broadcast stations;

(c) The extent to which the applicant's program proposal will meet the specific unsatisfied programing needs of its specified station location; and

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

(5) To determine, in the event that it is concluded pursuant to the foregoing issue that the proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service, namely Orlando, Fla.

(6) To determine whether the antenna site proposed by S & S Broadcasting Co. will accommodate the proposed antenna ground system and, if not, whether this will adversely affect operation of the proposed directional antenna system.

(7) To determine whether the proposal of Blue Ridge Broadcasting, Inc., would provide coverage of the city sought to be served, as required by § 73.188(b)(1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

(8) To determine whether the proposal of Hymen Lake would provide coverage of the city sought to be served, as required by § 73.188(b)(1) of the Commission rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

(9) To determine whether overlap would occur between the proposed 0.5 mv/m contour of Hymen Lake and the 0.025 mv/m contour of station WAVS, Fort Lauderdale, Fla., in contravention of § 73.37 of the Commission rules.

(10) To determine whether overlap would occur between the proposed 0.5 mv/m contour of S & S Broadcasting Co. and the 0.025 mv/m contour of station WAVS, Fort Lauderdale, Fla., in contravention of § 73.37 of the Commission rules.

(11) To determine, in light of the evidence adduced pursuant to 10, above, whether the application of S & S Broadcasting Co. is acceptable for filing.

(12) To determine with respect to the application of Blue Ridge Broadcasting Co., Inc.:

(a) Whether the notes receivable are sufficiently liquid to be relied upon to meet first-year construction and operation costs;

(b) Whether there are sufficient additional funds available to the applicant to construct and operate its proposal; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b), above, Blue Ridge Broadcasting Co., Inc., is financially qualified.

(13) To determine with respect to the application of Hymen Lake:

(a) The present availability of funds to meet construction costs and operating expenses;

(b) Whether, in light of the evidence adduced pursuant to (a), above, Hymen Lake is financially qualified.

(14) To determine with respect to the application of S & S Broadcasting Co.:

(a) Whether Charles F. Sebastian is willing to assume his obligation under the terms of the bank loan commitment letter;

(b) Whether, in light of the evidence adduced pursuant to the foregoing (a), above, the applicant is financially qualified.

(15) To determine the efforts made by Blue Ridge Broadcasting Co., Inc., and S & S Broadcasting Co. to ascertain the community needs and interests of the areas to be served and the means by which they propose to meet those needs and interests.

(16) To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

(17) To determine in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

23. *It is further ordered,* That the petition to deny the application of S & S Broadcasting Co., filed by WRMF, Inc., licensee of station WRMF, Titusville, Fla., is granted to the extent indicated above and is denied in all other respects.

24. *It is further ordered,* That WRMF, Inc., licensee of station WRMF, Titusville, Fla., is made a party to the proceeding.

25. *It is further ordered,* That the petition to deny the application of Hymen Lake filed by S & S Broadcasting Co. is granted to the extent indicated above and is denied in all other respects.

26. *It is further ordered,* That the informal objections to the applications of Hymen Lake and S & S Broadcasting Co. filed by Blue Ridge Broadcasting Co., Inc., is granted to the extent indicated above and is denied in all other respects.

27. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

28. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission rules, give notice of the hearing, either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 9, 1972.

Released: February 14, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2424 Filed 2-16-72;8:46 am]

[4] Suburban Broadcasters, 30 FCC 1021, 20 RR 951 (1961).

[FCC 72-105]

FEDERAL AVIATION ADMINISTRATION

Unauthorized Broadcast of Communications by Broadcasters and Other Federal Communications Commission Licensees

FEBRUARY 2, 1972.

The Commission has been notified by the Federal Aviation Administration in connection with recent aircraft hijackings that some broadcasters and other Federal Communications Commission licensees have engaged in monitoring of Federal Aviation Administration air-to-ground communications and divulging their content to the public, in some instances by broadcasting live or taped reproduction of such conversations. The Federal Aviation Administration has not authorized such activities and has reported that the widespread public dissemination of these radio transmissions could seriously hinder law enforcement activities during an actual aircraft hijacking and therefore jeopardize the lives of passengers and crew. Moreover, such radio transmissions serve to alert potential hijackers to the modus operandi of law enforcement and provide blueprints for future hijackings with increased danger to the public.

The Commission recognizes that there is a strong public interest in the free gathering and dissemination of news and does not wish to discourage broadcast stations or other news media in their proper efforts to serve such public interest. However, it must also be recognized that there is a strong public interest in public safety, and that the divulgence of public safety communications in news bulletins or other use of such intercepted communications is contrary to law unless authorized.

Section 605 of the Communications Act, with limited and specified exceptions, prohibits any person, not authorized by the sender, from intercepting and divulging or using radio communications of this character. This prohibition is applicable to the practice of monitoring such Federal Aviation Administration communications for the purpose of obtaining information as to events worthy of on-the-spot news coverage, to making other beneficial use of such interceptions, and to the divulgence of the content of such transmissions either in verbatim form or in news bulletins.

Federal Aviation Administration officials are of course desirous of cooperating with the news media to the extent consistent with public safety and the discharge of law enforcement responsibilities. Therefore, licensees should contact the officials of the Federal Aviation Administration who are authorized to grant the necessary authority for the interception and divulgence of Federal Aviation Administration air-ground communications, and ascertain the conditions under which monitoring and divulgence would be appropriate. Licensees must give all due consideration to the conditions imposed.

Broadcasters and other licensees are advised that unauthorized use or divulgence of Federal Aviation Administration air-ground communications is a violation of section 605 of the Communications Act and could subject licensees and others involved to criminal prosecutions or other sanctions under the Communications Act of 1934, as amended.

Action by the Commission February 2, 1972.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2420 Filed 2-16-72;8:49 am]

[FCC 72-79]

STATION KSL-TV, SALT LAKE CITY, UTAH

Order Regarding "Prime Time Rule" Waiver

In the matter of request for waiver of the "Prime Time Access Rule," § 73.658(k), filed by Station KSL-TV, Salt Lake City, Utah.

1. The Commission here considers a request filed February 3, 1972, by KSL, Inc. (KSL), licensee of Station KSL-TV, Salt Lake City, Utah, for "one-time" waiver of the prime time access rule, § 73.658(k) of the Commission's rules. The waiver is sought for Thursday, February 10, 1972, and is occasioned by the fact that on that evening the CBS movie, normally 2 hours, will run 2½ hours, 9 to 11:30 p.m., e.t. In the rest of the United States other than the mountain zone, this "overrun" beyond the usual 2 hours will occur after prime time ends, and no problem is created; but KSL-TV carries this program normally from 8 to 10 p.m., m.t., so that the half-hour "overrun" will occur during prime time in its case. With an earlier hour of CBS prime time network material from 7 to 8 p.m., m.t. (the "Sonny and Cher" program), this would mean 3½ hours during prime time on this particular evening. Thus, the situation reflects the problem common to mountain zone stations where they have not chosen to redesignate their "prime hours" as 6 to 10 instead of 7 to 11—the need to present during prime hours network material which in the rest of the United States occurs after prime time ends. The three Salt Lake City stations are in this situation, not having chosen to redesignate their hours.

2. Last summer KSL opposed the efforts of some other mountain zone stations to change the "prime hours" in that zone from 7–11 to 6–10, m.t., and, as indicated, neither it nor the other two Salt Lake City stations have chosen to take advantage of the permission given last October to mountian zone stations to do this. KSL has not previously requested any waivers of the rule, although two other Salt Lake City stations, with which it competes, have done so and received waivers (KCPX in connection with an ABC football game plus news last fall, and KUTV in connection with two NBC "specials" on one evening and again for two evenings of NBC Winter Olympic coverage this month).[2] KSL asserts in support of its request both the unique mountain zone scheduling problems mentioned above, and the competitive disadvantage which has affected it because of grant of the waivers to the two competing stations.

3. Under all of the above-mentioned circumstances, we consider that waiver is warranted, and are granting it as requested. It is to be noted that we have the whole subject of possible rule modification to deal with these unique mountain zone stations under consideration, and a more general statement may be forthcoming shortly.

4. In view of the foregoing: *It is ordered,* That waiver of § 73.658(k) of the Commission's rules, the "prime time access rule," is granted to Station KSL-TV, Salt Lake City, Utah, to present up to 3½ hours of CBS network programs during prime hours on Thursday, February 10, 1972.

Adopted and released: February 10, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2422 Filed 2-16-72;8:47 am]

[FCC 72-98]

WESTERN UNION OF HAWAII, INC.

Memorandum Opinion and Order Regarding Declaratory Ruling

In the matter of Western Union of Hawaii, Inc., request for declaratory ruling concerning the applicability of section 222 of the Communications Act.

1. The Commission has under consideration a request filed by Western Union of Hawaii (W.U.-Hawaii),[4] seeking a

[1] Commissioners Bartley, H. Rex Lee, and Wiley absent.

[2] Commissioners Burch (Chairman), Bartley, Robert E. Lee, Reid, and Wiley, with Commissioner Johnson concurring.

[2] KUTV has also recently filed requests, now under consideration, for six dates in February and March 1972, to accommodate six NBC Saturday night movie overruns.

[3] Commissioners Bartley and H. Rex Lee absent; Commissioner Johnson dissenting.

[4] W.U.-Hawaii was incorporated in the State of Hawaii on Jan. 26, 1971. Both W.U.-Hawaii and Western Union Telegraph Co. (WUTC) are wholly owned subsidaries of Western Union Corp. (WUC).

declaratory ruling pursuant to 5 U.S.C. 554(e) and § 1.2 of the Commission's rules, as to whether its proposed intrastate communications service in the State of Hawaii is precluded by prohibitions contained in section 222 of the Communications Act of 1934. W.U.-Hawaii now has pending before the Hawaii Public Utility Commission (Hawaii PUC) an application to be declared a public utility under Hawaiian State law. W.U.-Hawaii proposes a Switched Data Exchange Service which will enable subscribers to exchange printed communications within the State of Hawaii, as well as to transmit and receive such communications to and from points beyond Hawaii through interconnection with overseas carriers.

2. Western Union International Inc. (WUI),[1] RCA Global Communications Inc. (RCA Globcom), and Hawaiian Telephone Co. (HTC) were granted permission to intervene in the proceedings before the Hawaii PUC. WUI and HTC raised the question of whether Western Union Corp., through a wholly owned subsidiary (W.U.-Hawaii), is precluded by section 222 from providing intrastate record communications service in Hawaii, and this question was argued and briefed for the Hawaii PUC. Matters of State law are also in issue before that body, but have no bearing on the question presented to this Commission.

3. While the matter was pending before the Hawaii PUC, W.U.-Hawaii submitted a request to the Commission to issue a declaratory opinion concerning the applicability of section 222 to its proposed service.[2] W.U.-Hawaii, by its request, is not seeking authorization from this Commission to commence operations under the Communications Act. The reason for submiting the request was the realization that an interpretation of federal law was involved and that any determination reached by the Hawaii PUC with respect to intrastate operations of W.U.-Hawaii would not be binding on this Commission in any action it may wish to take under section 222 vis-a-vis W.U.-Hawaii.

4. By letter dated September 10, 1971, the communication carriers who had intervened before the Hawaii PUC, as well as all other carriers who might be affected by a decision as to the applicability of section 222, were notified as to W.U.-Hawaii's request for a declaratory ruling and given the opportunity to file briefs and comments regarding this question. WUI, HTC, and RCA Globcom responded by filing briefs which they had submitted to the Hawaii PUC and supplemental comments.

5. The carriers in their supplemental comments raised a number of issues. WUI asked that the Commission first act on its application (File No. T-C-2236) to extend its service between the islands of Oahu and Hawaii. RCA Globcom and WUI both asked the Commission not to confine its opinion solely to the section 222 issue, but rather to determine whether it would be in the public interest to permit W.U.-Hawaii, rather than some other carrier, provide the service. Lastly, RCA Globcom in particular was concerned as to the possibility of W.U.-Hawaii engaging in discriminatory interconnection practices in Hawaii with the international carriers which provide service between Hawaii and points outside Hawaii.

6. In considering these issues raised by the carriers in their comments, we wish to stress the limits of the question presented. We deem it appropriate under the present circumstances to render a declaratory ruling on whether section 222, or any other section of the Communications Act, bars W.U.-Hawaii from providing telegraph service within the State of Hawaii. This is the sole question now before us. W.U.-Hawaii is not seeking authority from this Commission to operate within the State of Hawaii and, absent any bar under the Communications Act, it is for the Hawaii PUC to determine whether it would be consistent with Hawaiian law and in the public interest for W.U.-Hawaii to operate within that State. Moreover, the question of possible discrimination by W.U.-Hawaii in interconnecting with the international carriers operating out of Hawaii is not before us. It is sufficient to note that if W.U.-Hawaii is granted authority to operate within the State of Hawaii, this Commission will have ample authority with respect to any interconnection, including the question of whether its interconnection practices are discriminatory. See, e.g., sections 201 and 202 of the Communications Act. Finally, we can see no reason why our declaratory ruling, limited solely to the legal question as to the applicability of section 222, must await action on WUI's pending application concerning the extension of its interstate and foreign service from the Island of Oahu to the Island of Hawaii.

7. We next consider the argument of W.U.-Hawaii that section 2(b)(2) of the Act exempts its proposed service from the prohibitions contained in section 222. Even assuming, arguendo, that W.U.-Hawaii would be a section 2(b)(2) carrier, we are unable to accept this argument.

Section 2(b)(2) exempts from Commission jurisdiction "any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or common control with such carrier." [4] However, we are not dealing here with a question of Commission jurisdiction, but rather with the applicability of certain prohibitions governing the operations of the merged domestic telegraph carrier. The merged carrier, W.U.-Hawaii's parent, cannot escape any prohibitions which section 222 may impose simply by forming a subsidiary.[5] However, as indicated below, we believe that section 2(b) is relevant to determining whether section 222 bars W.U.-Hawaii's proposed intrastate service, to the extent section 2(b) embodies the principle of leaving regulation of intrastate communications to State regulatory bodies to the maximum extent.

8. We turn then to consider section 222, which WUI and HTC contend bars W.U.-Hawaii from offering telegraph service within the State of Hawaii.[6] The key to such consideration is an analysis of the background and purposes of section 222. In our report and order "In the Matter of Amendment of the Communications Act of 1934, As Amended, Relating to Telegraph Service" to Hawaii, 28 F.C.C. 599 (1960), which dealt solely with the question of the carriage of telegraph traffic by WUTC between Hawaii and the mainland, we set forth, in extenso, the background and purposes of section 222. We there stated (28 F.C.C. at 602–604):

PURPOSE OF SECTION 222

* * * * *

11. Prior to 1943, Western Union and Postal Telegraph, Inc., were the two principal telegraph carriers providing service, by means of landlines, between points on the U.S. mainland, and between such points and points in other countries in North America. Western Union also provided telegraph service between the U.S. mainland and oversea points by means of its ocean-cable system. It carried on this oversea service in competition with a number of other telegraph carriers which were primarily engaged in such oversea service.[8] Since these latter carriers had only limited facilities for the collection of traffic from, and delivery of traffic to, the public on the U.S. mainland, they were dependent on and had contractural arrangements with either Western Union or Postal Telegraph for the collection and delivery of their traffic at places they did not serve.

12. Section 222 was added to the act to permit Western Union to acquire Postal Telegraph. At the time such legislation was being considered, Congress was concerned, among other things, that after such merger, with the resultant disappearance of Postal Telegraph competition for the mainland handling of the oversea telegraph traffic of these other carriers, Western Union would be able to favor either its own cable system or a particular oversea carrier, to the detriment of others, with respect to pickup and delivery at mainland points not served by the limited facilities of such carriers.

13. To prevent this, Congress determined that Western Union should divest itself of its oversea telegraph operations (that is, in which it competed with these carriers), and further determined that Western Union should distribute equitably among these oversea carriers such traffic as was filed with it for delivery at points they served outside the U.S. mainland.

14. Congress was unable to attain the purposes it sought by use of the concepts of interstate communication and foreign communication which were defined in section 3 of the act, since these concepts did not distinguish telegraph service between points in North America from telegraph service between points in North America and oversea points, whether such oversea points were United States or foreign. Thus, subsection 3(e) defines interstate communication, in essence, as being between points in the United States, including its Territories and possessions,[7] and subsection 3(f) defines foreign communication, in essence, as being between the United States, as above, and a foreign country.

15. As can be seen, the section 3 definitions distinguished interstate communication from foreign communication by a political criterion, that is, whether the communication was solely between U.S. points, or whether it was between a U.S. point and a foreign point. It was immaterial to these section 3 definitions whether or not the communication involved oversea transmission or whether the U.S. point was a State, Territory, or possession. Political affiliation with the United States rather than geographic location determined whether the service was interstate or foreign.

16. But whether communications involved an oversea transmission, i.e., the geographic location of the point rather than the political affiliation, was the very thing that Congress considered determinative of those telegraph operations which Western Union must divest on merger, and those telegraph operations that it could retain after merger. It therefore was unable to use the section 3 definitions for the purpose of section 222, but found it necessary to create, on a geographic basis, two new concepts—domestic telegraph operations and international telegraph operations—under which telegraph operations are distinguished by the test of whether they involve an oversea transmission regardless of the political control exercised over the oversea point.

17. The definitions of domestic telegraph operations and international telegraph operations are essential to section 222. The former, insofar as is relevant hereto, encompassed the telegraph operations carried on over the landline facilities of Western Union and included service taking place entirely within the area composed of the "continental United States, Alaska, Canada, St. Pierre-Miquelon, Mexico, [and] Newfoundland." [9] The latter, on the other hand, so far as is revelant hereto, are those operations taking place between the above area and points outside it.[9] The "continental United States" is defined as the "several States and the District of Columbia." [10]

18. As can be seen, these definitions separated telegraph operations conducted by landlines on the North American Continent from telegraph operations which involved an oversea transmission to points outside the North American Continent.[11]

19. The absence of any political basis in distinguishing the definition of domestic telegraph operations from the definition of international telegraph operations is strikingly apparent. Thus, service between the mainland United States and the points in Canada, Newfoundland, St. Pierre-Miquelon, and Mexico, all foreign points, is defined as a domestic operation. On the other hand, service between the U.S. mainland and Hawaii, Puerto Rico, the Virgin Islands, or any other U.S. possession, is defined as an international telegraph operation, although service with Alaska is a domestic telegraph operation. The two definitions distinguish, without regard to the political status of points, landline operations on North America from oversea operations.

* * * * *

21. The definitions of domestic telegraph operations and international telegraph operations underlie the entire legislative scheme of section 222. Thus, they are used to distinguish the telegraph carriers, i.e., domestic, who may merge under the section from those who cannot, i.e., international; [12] the properties, facilities, and operations that such a merged carrier may acquire from a carrier not primarily a telegraph carrier or from an international telegraph carrier; [13] the operations that the consolidated or merged carrier must divest; [14] and the carriers among whom the consolidated or merged carrier must distribute traffic destined to points outside the continental United States.[15]

22. We must conclude therefore that in section 222 Congress intended that, as a condition to its merger with Postal Telegraph, Western Union, as a domestic telegraph carrier, must withdraw from competition with the international telegraph carriers to oversea points, whether they be foreign points or interstate points under section 3.

9. In its 1960 decision, the Commission went on to conclude that service between the State of Hawaii and the mainland of North America must be considered to be an international telegraph service under the provisions of section 222 (28 F.C.C. at 608). However, that conclusion is not dispositive of the question presently before us, which solely concerns intrastate telegraph service within the State of Hawaii. As indicated in the above-recited background and purpose of section 222, Congress was concerned that a merged domestic telegraph carrier not be in a position to compete unfairly with the international telegraph carriers, and thus moved to bar any merged domestic carrier from those areas where it would be competing with the international carriers. To effectuate this goal Congress adopted, for purposes of section 222, special definitions of "domestic" and "international" telegraph operations based on geographic rather than political principles. Thus, it included under "international" all service between the mainland and overseas points, regardless of whether the latter might be politically part of the United States, because the international carriers served such points.

10. We find no Congressional intent or purpose, however, to address itself to purely intrastate telegraph operations which would not involve competition with the international carriers. Further, the legislative history of the 1960 amendment to section 222(a)(10)[17] buttresses the conclusion that it was not the purpose and intent of Congress to address itself to the status of telegraphic traffic within the State of Hawaii, but rather to insure that, with the advent of Hawaiian statehood, mainland-Hawaii telegraph service continued to be classified as "international" for the purposes of that section. Thus, the Congressional Committee reports state that the amendment to section 222(a)(10) was intended to provide "for maintenance * * * of the treatment of telegraphic operations between the mainland and Hawaii as international rather than domestic in character * * *" [18]

11. Absent a clear congressional mandate that the merged telegraph carrier be foreclosed from providing intrastate service in Hawaii or any other State, we are of the view that section 222 should not be construed as foreclosing the State of Hawaii from authorizing Western Union to provide telegraph service within that State, should the Hawaii PUC determine that such authorization is otherwise consistent with State law and would serve the public interest. We deem this conclusion to be consistent with the general scheme of the Communications Act to leave intrastate common carrier regulation to the States where such regulation will not interfere or be inconsistent with the Act.[19] Moreover, the conclusion is particularly applicable to the State of Hawaii. Thus, the Act of March 18, 1959, providing for Hawaiian statehood, states: "the State of Hawaii is hereby declared to be a State of the United States of America, is declared admitted to the Union, on an equal footing with the other States in all respects whatever * * *." [20] The legislative history of the 1960 amendment to section 222(a)(10), which

---

[1] WUI is an independent company which in 1963 acquired the overseas operations of the Western Union Telegraph Co. on their divestment pursuant to section 222(c)(2) of the Communications Act.

[2] W.U.-Hawaii on Sept. 13, 1971, filed a motion with the Hawaii PUC requesting it to defer further action on its application pending a ruling by the FCC. On Sept. 29, 1971, the Hawaii PUC granted the motion and deferred action pending a ruling by this Commission.

[4] Except for sections 201–205 and 301 of the Act. However, W.U.-Hawaii has not established that it can qualify as a section 2(b)(2) carrier—in view of the relationship to WUC and WUTC.

[5] Section 222(a)(2) defines the term "domestic telegraph carrier" to include "a corporation owning or controlling any such common carrier."

[6] Section 222 was added to the Act by Public Law No. 4, 78th Cong., first session (1943).

[8] It is to be noted, however, that Western Union did not serve Hawaii via its own facilities, but turned over Hawaiian traffic to the other telegraph carriers in the United States in the same fashion as it turned over traffic destined to all oversea and foreign points which it did not serve.

[7] Except the Canal Zone.

[9] Subsection 222(a)(5).

[9] Subsection 222(a)(6).

[10] Subsection 222(a)(10). (This section was subsequently amended. See paragraph 10 infra.)

[11] As set forth below (see par. 23), Western Union contends that Hawaii now is one of the States comprising the continental United States so that telegraph service between it and North America is a domestic telegraph operation. There is no doubt that under section 222 such service was an international telegraph operation while Hawaii was a territory.

[12] Subsection 222(b)(1) makes it lawful, after approval of this Commission, for "two or more domestic telegraph carriers" to consolidate or merge. Subsection 222(a)(2) defines such a carrier as one "the major portion of whose traffic and revenues is derived from domestic telegraph operations." Subsection 222(a)(3) defines an international telegraph carrier as one "the major portion of whose traffic and revenues is derived from international telegraph operations." Subsection 222(b)(1) prohibits consolidation or merger between an international telegraph carrier and a domestic telegraph carrier.

[13] Subsection 222(b)(1) and (2).

[14] Subsection 222(c)(2).

[15] Subsection 222(e)(1).

[17] Section 222(a)(10) originally read: "The term 'continental United States' means the several States and the District of Columbia." Public Law 86-624 (1960), amended the provision to read: "The term 'Continental United States' means the District of Columbia and the States of the Union, except Hawaii".

[18] Sen. Rep. No. 1681, 86th Cong., second session, p. 5; H. Rep. No. 1564, 86th Cong., second session, p. 3. See, also, Sen. Rep. No. 1681, pp. 18–19 and H. Rep. No. 1564, pp. 17–18.

[19] See section 2(b) of the Act.

[20] Public Law No. 86-3 (1959).

FEB 17 72

excluded Hawaii from the definition of "Continental United States", makes clear that it is an exception to the "equal footing" doctrine." We believe that the exception should be construed narrowly, so as to accomplish the stated congressional purpose, i.e., maintain mainland to Hawaii telegraph service as international, while at the same time avoiding any unnecessary circumscription of the State of Hawaii's authority over its intrastate telegraphic service. Accordingly, we conclude that neither section 222 nor any other section of the Act bars WU-Hawaii from providing telegraph service between points in the State of Hawaii.

12. Finally, we wish to stress again the narrow scope of this declaratory ruling. It is addressed solely to the applicability of section 222 to the proposed intrastate telegraphic operations of W.U.-Hawaii in the State of Hawaii. We are not determining whether W.U.-Hawaii should, in fact, be authorized to provide the proposed service and we are not, of course, making any ruling on the far different question, raised in some of the pleadings, of whether section 222 would bar W.U.-Hawaii from itself providing telegraphic service from Hawaii to points outside Hawaii (other than the continental United States). Authority for such extension of service would be required from the Commission. Similarly, we are not ruling on the question of whether W.U.-Hawaii may interconnect at Hawaii with a carrier providing service between Hawaii and the mainland or other points outside Hawaii, a matter also subject to the jurisdiction of this Commission.

13. In view of the foregoing, the request of W.U.-Hawaii for a declaratory ruling is granted as indicated above.

Adopted: February 2, 1972.

Released: February 4, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2425 Filed 2-16-72;8:48 am]

[Report 582]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

FEBRUARY 7, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4370-C2-ML-72—Thomaston Telephone Co. (KIR201), change the base frequency to 152.75 MHz, located atop Brooks Mountain, 5 miles west-northwest of Thomaston, Ga.

4677-C2-P-(2)-72—The Pacific Telephone & Telegraph Co. (KMA400), change the antenna system operating on 454.575 and 454.625 MHz at location No. 4: 420 South Grand Avenue, Los Angeles, CA.

4686-C2-P-(3)-72—Two-Way Radio of Carolina, Inc. (KUA277), relocate facilities operating on 152.12 MHz to Dunn Mountain, 3 miles southeast of Salisbury, N.C.; change the antenna system for same; add repeater facilities to operate on 459.30 MHz and add control facilities at a new location described as location No. 2: Baugh Building, 112 South Tryon Street, Charlotte, NC, to operate on 452.30 MHz.

4687-C2-P-(5)-72—Two-Way Radio of Carolina, Inc. (KIY754), change frequencies to 152.15 MHz for the base and 72.96 MHz for repeater; change the antenna system for same and relocate facilities at location No. 1 to: 1,500 feet northeast of Highway No. 211, 7 miles southeast of Aberdeen, N.C.; change the antenna system and relocate the control facilities operating on 452.05 MHz at location No. 2 to: 135 West Hampshire Avenue, Southern Pines, NC, and add control facilities to operate on 75.98 MHz at a new location to be described as location No. 3: Baugh Building, 112 Tyron Street, Charlotte, NC.

4688-C2-P-72—Ten-Four Communications (New), for a new two-way station to be located at 719 Peachtree Road, Mesquite, TX, to operate on 454.350 MHz.

4749-C2-P-72—Westcol Radio Dispatch (New), for a new one-way station to be located at 241 South 14th Street, Grand Junction, CO, to operate on 152.24 MHz.

4750-C2-TC-72—Mobile Telephone Company of New Jersey, consent to transfer of control from Mobile Telephone Co., Transferor, to Robert L. Starer, Transferee. Station: KRS620, Philadelphia, Pa.

4751-C2-P-(2)-72—RAM Broadcasting of Missouri, Inc. (New), for a new one-way station to be located at 7777 Bonhomme Street, Clayton, MO, to operate on 43.22 and 43.58 MHz.

4844-C2-P-(2)-72—RCA Alaska Communications, Inc. (New), for a new two-way station to be located at Tatalina AFS Radome 13 miles, 260° Tn from McGrath, Alaska, to operate on 152.51 and 152.60 MHz.

4850-C2-P-72—Telephone Answering Exchange (KGC404), for additional facilities to operate on 152.06 MHz, located Bald Mountain, WNEP-TV, Scranton, Pa.

4851-C2-P-72—TRI-Cities Answering Service, Inc. (KEK296), change the antenna system operating on 158.70 MHz and relocate to 0.26 mile north of Pierce Hill Road, on Country Road, Binghamton, N.Y.

4852-C2-P-72—ComEx, Inc. (New), for a new two-way station to be located at Steele Hill, Sanbornton, N.H., to operate on 454.075 MHz.

4853-C2-TC-72—Philadelphia Mobile Telephone Co., consent to transfer of control from Mobile Telephone Co., Transferor, to Robert L. Starer, Transferee. Station: KGI775, Philadelphia, Pa.

RURAL RADIO SERVICE

4689-C1-P/L-72—Henry Bonham (New), for a new rural subscriber station to be located at 6.4 miles north-northwest of Appleton, Wash., to operate on 157.89 MHz.

4845-C1-P-72—RCA Alaska Communications, Inc. (New), for a new rural subscriber station to be located at the Post Office Building, Nikolai, Alaska, to operate on 157.77 and 157.86 MHz.

4846-C1-P-72—RCA Alaska Communications, Inc. (New), for a new rural subscriber station to be located at approximately 16 miles west (258° magnetic heading) of McGrath, Takotna, Alaska, to operate on 157.77 and 157.86 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4679-C1-P-72—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located 1.75 miles northwest of Cat Spring, Tex. Latitude 29°51'52" N., longitude 96°20'39" W. Frequency 4130V MHz toward Pattison "R", Tex.

4680-C1-P-72—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located 8.6 miles north of Pattison, Tex. Latitude 29°56'51" N., longitude 96°00'36" W. Frequency 4150H MHz toward Independence "R", Tex.

4681-C1-P-72—Southwestern Bell Telephone Co: (New), C.P. for a new station to be located 1.9 miles east of Independence, Tex. Latitude 30°19'05" N., longitude 96°18'55" W. Frequency 4110V MHz toward College Station KAMU-TV, Tex.

[12] Sen. Rep. No. 1661, 86th Cong., second session, p. 5; H. Rep. No. 1964, 86th Cong., second session, p. 3.

[12] Commissioner H. Rex Lee absent.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

New York

New Scotland:
Eastern Microwave, Inc. (New), File No. 3087-C1-P-72.
Schenectady Cablevision Inc. (New), File No. 4763-C1-P-72.

Alabama

Red Mountain:
Western Tele-Communications, Inc. (New), File No. 4167-C1-P-72.
Newhouse Alabama Microwave Inc. (New), File No. 4847-C1-P-72.

Major Amendments

INFORMATIVE: Nebraska Consolidated Communications Corp. is amending 26 of its previously filed applications proposing specialized common carrier service in mid-United States with service to Minneapolis, Omaha, Lincoln, Kansas City, St. Louis, Dallas, Austin, Houston, and San Antonio. The applications were filed Apr. 14, 1970, and appeared on Public Notice Apr. 20, 1970, FCC Report No. 488. Subsequent amendments appeared on public notice Aug. 30, 1971, FCC Report No. 559.

6190-C1-P-70—Nebraska Consolidated Communications Corp., Sherburn, Minn., Site No. 6. correct coordinates to latitude 43°39'50" N., longitude 94°44'45" W.; delete frequency 6345.5H MHz toward Spirit Lake, Minn.; change frequency to 6345.5H MHz toward Winnebago: correct azimuth toward Spirit Lake to 242°17' and toward Winnebago to 74°47'.

6197-C1-P-70—Nebraska Consolidated Communications Corp., Sioux City, Iowa, Site No. 13. change frequency toward Wakefield to 5960.0H MHz and toward Vermillion to 5989.7H MHz and delete frequencies 6093.5H and 6093.5V MHz.

6201-C1-P-70—Nebraska Consolidated Communications Corp., Columbus, Nebr., Site No. 17, change frequencies toward Rogers to 6167.6H MHz and delete frequencies 6093.5H and 6093.5V MHz.

6204-C1-P-70—Nebraska Consolidated Communications Corp., Gretna, Nebr., Site No. 20, change frequencies toward Greenwood to 11,345V MHz; toward Omaha to 11,385H MHz; toward Fremont to 6212.0V MHz; and delete frequencies 11,115V, 10,915H, and 6345.5V MHz; correct azimuths toward Greenwood to 208°18'; toward Omaha to 61°00'; toward Fremont to 316°40'; and toward Avoca to 187°46'.

6212-C1-P-70—Nebraska Consolidated Communications Corp., Malcolm, Iowa, Site No. 28, delete frequencies 6345.5H and 6345.5V and correct azimuth toward Williamsburg, Iowa, to 101°51'.

6213-C1-P-70—Nebraska Consolidated Communications Corp., Williamsburg, Iowa, Site No. 29, correct coordinates to latitude 41°39'20" N., longitude 92°05'14" W.; delete frequencies 6093.5V and 6093.5H; correct azimuths toward Malcolm to 282°10' and toward Iowa City to 67°35'.

6214-C1-P-70—Nebraska Consolidated Communications Corp., Iowa City, Iowa, Site No. 30, correct coordinates to latitude 41°40'24" N., longitude 91°28'31" W.; delete frequencies 6345.5V and 6345.5H MHz; correct azimuths toward Williamsburg to 267°59' and toward Muscatine to 120°59'.

6215-C1-P-70—Nebraska Consolidated Communications Corp., Muscatine, Iowa, Site No. 31, change frequency toward Davenport to 5974.8V MHz and delete frequencies 6093.5V and 6093.5H MHz; correct azimuth to 301°18'.

6220-C1-P-70—Nebraska Consolidated Communications Corp., De Kalb, Ill., Site No. 36, change frequency toward Oregon to 6197.2V MHz and delete frequencies 6345.5V and 6345.5H MHz; correct azimuths toward Oregon to 293°20' and toward Elgin to 68°46'.

6221-C1-P-70—Nebraska Consolidated Communications Corp., Elgin, Ill., Site No. 37, change frequency toward De Kalb to 6137.8V MHz and delete frequency 6093.5V and 6093.5H MHz; correct azimuth toward De Kalb to 249°08' and toward Glendale to 137°48'.

6245-C1-P-70—Nebraska Consolidated Communications Corp., Troy, Kans., Site No. 61, delete frequencies 6345.5V and 6345.5H MHz; correct azimuth toward Falls City to 317°18'.

6247-C1-P-70—Nebraska Consolidated Communications Corp., Kansas City, Mo., Site No. 63, correct coordinates to latitude 39°04'57" N., longitude 94°28'46" W.; change frequencies toward Dearborne to 6226.9V MHz and delete frequencies 6345.5V and 6345.5H MHz; correct azimuths toward Hillsdale to 210°54' and toward Dearborne to 330°23'.

6250-C1-P-70—Nebraska Consolidated Communications Corp., Fort Scott, Kans., Site No. 66, change frequencies toward Lamar to 5974.8V MHz and toward Pleasanton to 5974.8H MHz and delete frequencies 6093.5V and 6093.5H MHz; correct azimuth toward Lamar to 133°30'.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4662-C1-P-72—American Telephone & Telegraph Co. (KAK78), 3 miles southeast of Zimmerman, Minn. Latitude 45°24'59" N., longitude 93°32'42" W. C.P. to add frequencies 3760H, 3830H, 3910H, 3950H, 4030H, 4150H, and 4190H MHz toward Cambridge, Minn.

4663-C1-P-72—American Telephone & Telegraph Co. (New), C.P. for a new station to be located 0.5 mile southeast of Cambridge, Minn. Latitude 45°33'31" N., longitude 93°12'34" W. Frequencies 3710H, 3790H, 3870H, 3950H, 4030H, 4110H, and 4190H MHz toward Zimmerman, Minn., and 3710H, 3790H, 3870H, 3950H, 4030H, 4110H, and 4190H MHz toward Wyoming, Minn.

4684-C1-P-72—American Telephone & Telegraph Co. (KAK48), 2 miles northeast of Wyoming, Minn. Latitude 45°21'54" N., longitude 92°59'26" W. Frequencies 3760H, 3830H, 3910H, 3990H, 4070H, 4160H, and 4190H MHz toward Cambridge, Minn.

4685-C1-P-72—First Television Corp. (KGN77), 5 miles northwest of Salisbury, Md., at latitude 38°24'13" N., longitude 75°37'28" W. C.P. to add frequency 6167.6V MHz on azimuth 91°09' toward Berlin, Md. Applicant requests waiver of 21.701(i) of the Commission's rules. Applicant proposes to provide the television signal of Station WBFF(TV) to Eastern Shore CATV, operator of the CATV system in Berlin, Md.

4754-C1-P-72—General Telephone Co. of Florida (KIN60), Cleveland Avenue and Bettis Lane, Clearwater, Fla. C.P. to add frequency 3910.0H MHz toward Odessa, Fla.

4755-C1-P-72—General Telephone Co. of Florida (KYJ43), two blocks west of intersection of Gunn Highway and Florida Highway 54, Odessa, Fla. C.P. to add frequency 3870H MHz toward Clearwater, Fla., and 3870H MHz toward Zephyrhills, Fla.

4756-C1-P-72—General Telephone Co. of Florida (KYJ44), 201 South Gall Boulevard, Zephyrhills, FL. C.P. to add frequencies 3910H MHz toward Odessa, Fla., and 6083.8H MHz toward Eva, Fla.

4757-C1-P-72—General Telephone Co. of Florida (KGF53), on Florida Highway 33, 2.3 miles south of Eva, Fla. C.P. to add frequency 6315.84H MHz toward Zephyrhills, Fla.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

4678-C1-P-72—Microband Corp. of America (New), First National Tower Building, 106 South Main Street, Akron, OH. Latitude 41°04'50" N., longitude 81°31'07" W. Frequencies 2162.325 (visual) and 2150.20 (aural) toward various receiving points of system and 2158.50 (visual) and 2154.00 (aural) toward various receiving points within system.

4752-C1-P-72—Electro-Media Multipoint Service, Inc. (New), Kennecott Building, South Temple and Main Streets, Latitude 40°46'07" N., longitude 111°53'28" W. Frequencies 2162.325 (visual) 2150.20 (aural) toward various receiving points of system.

4753-C1-P-72—Schenectady Cablevision Inc. (New), no number Beaver Dam Road, New Scotland, N.Y. Latitude 42°38'12" N., longitude 73°59'45" W. Frequencies 2162.325 (visual) 2150.20 (aural) toward various receiving points of system and 2158.50 (visual) 2154.00 (aural) toward various receiving points of system.

4847-C1-P-72—Newhouse Alabama Microwave Inc. (New), Radio Park, Red Mountain, Ala. Latitude 33°20'28" N. longitude 86°47'47" W. Frequencies: 2150.20 (aural) 2162.325 (visual) toward various receiving points within the system and 2154.00 (aural) 2168.50 (visual) toward various receiving points within the system.

4946-C1-P/ML-72—New York Telephone Co. (KEH96), operating at any temporary fixed location within the territory of the grantee. C.P. and modification of license to replace transmitters and increase output power for frequency band 5925-6425 MHz. All other terms same as Developmental License File No. 1852-C1-P/ML-72.

4854-C1-P-72—American Telephone & Telegraph Co. (KQF42), 2 miles northeast of Atlas, Mich. C.P. to add frequency 3930H MHz toward Dryden, Mich., on azimuth 90°19'.

4855-C1-P-72—American Telephone & Telegraph Co. (KQO62), 1.4 miles west of Dryden, Mich. C.P. to add frequencies 3970H MHz toward Atlas, Mich., on azimuth 270°33' and 3990H MHz toward Lamb, Mich., on azimuth 94°48'.

4856-C1-P-72—American Telephone & Telegraph Co. (KQO63), 2.75 miles southeast of Lamb, Mich. C.P. to add frequencies 4010H MHz toward Dryden, Mich., on azimuth 275°06' and 3930H MHz toward Wallaceburg, Ontario, on azimuth 135°24".

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

FEB 17 72
XUM

Major Amendments—Continued

6288–C1–P–70—Nebraska Consolidated Communications Corp., Claremore, Okla., Site No. 104, correct coordinates to latitude 36°17'18" N., longitude 95°34'15" W.; change frequencies toward Sand Springs to 6226.9H MHz and toward Vinita to 6226.9V MHz and delete frequencies 6345.5V and 6345.5H MHz; correct azimuth toward Vinita to 40°06'.

6293–C1–P–70—Nebraska Consolidated Communications Corp., Oklahoma City, Okla., Site No. 109. Correct coordinates to latitude 35°30'58" N., longitude 97°25'43" W.; change frequency toward Blanchard to 5989.7H MHz and delete frequencies 6093.5H and 6093.5V MHz; correct azimuth to 58°11'.

6300–C1–P–70—Nebraska Consolidated Communications Corp., Dallas, Tex., Site No. 116, change frequency toward Alvarado to 6219.5H MHz and toward Aubrey to 6226.9H MHz and delete frequency 6338.1V and 6360.3H MHz; correct azimuth toward Alvarado to 215°49' and toward Aubrey to 340°00'.

6301–C1–P–70—Nebraska Consolidated Communications Corp., Alvarado, Tex., Site No. 117, correct coordinates to latitude 32°25'07" N., longitude 97°10'49" W.; change frequency toward Hillsboro to 5982.3H MHz and delete frequencies 6093.5V and 6093.5H MHz; correct azimuths toward Hillsboro to 168°40' and toward Dallas to 35°37'.

6302–C1–P–70—Nebraska Consolidated Communications Corp., Hillsboro, Tex., Site 118, correct coordinates to latitude 31°59'05" N., longitude 97°04'42" W.; change frequencies toward Waco to 6226.9H MHz and toward Alvarado to 6234.3H MHz and delete frequencies 6345.5V and 6345.5H MHz; correct azimuth toward Waco to 212°03' and toward Alvarado to 12°44'.

6303–C1–P–70—Nebraska Consolidated Communications Corp., Waco, Tex., Site No. 119, correct coordinates to latitude 31°32'56" N., longitude 97°23'48" W.; change frequencies toward Temple to 5982.3V MHz and toward Hillsboro to 5967.4H and delete frequencies 6093.5V and 6093.5H MHz; correct azimuths toward Temple to 169°23' and toward Hillsbord to 31°53'.

6304–C1–P–70—Nebraska Consolidated Communications Corp., Temple, Tex., Site No. 120, correct coordinates to latitude 31°08'08" N., longitude 97°18'24" W.; change frequency toward Theon to 6234.3H MHz and delete frequencies 6345.5V and 6345.5H MHz; correct azimuths toward Theon to 216°32' and toward Waco to 349°26'.

6305–C1–P–70—Nebraska Consolidated Communications Corp., Theon, Tex., Site No. 121, correct coordinates to latitude 30°45'24" N., longitude 97°37'53" W.; change frequencies toward Austin to 5982.3H MHz and toward Temple to 6004.5H MHz and delete frequencies 6093.5V and 6093.5H MHz; correct azimuths toward Austin to 198°35' and toward Temple to 36°22'.

6307–C1–P–70—Nebraska Consolidated Communications Corp., Bastrop, Tex., Site No. 123, correct coordinates to latitude 30°07'30" N., longitude 97°18'09" W.; change frequency toward La Grange to 5974.8H MHz and delete frequencies 6093.5V and 6093.5H MHz; correct azimuths toward La Grange to 123°28' and toward Austin to 291°51'.

6308–C1–P–70—Nebraska Consolidated Communications Corp., La Grange, Tex., Site No. 124, correct coordinates to latitude 29°52'45" N., longitude 96°52'37" W.; change frequency toward Cat Springs to 6226.9H MHz and delete frequencies 6345.5V and 6345.5H MHz; correct azimuths toward Cat Springs to 98°27' and toward Bastrop to 303°41'.

6309–C1–P–70—Nebraska Consolidated Communications Corp., Cat Springs, Tex., Site No. 125, correct coordinates to latitude 29°48'24" N., longitude 96°19'34" W.; delete frequencies 6093.5V and 6093.5H MHz; correct azimuths toward Katy to 92°05' and toward La Grange to 278°43'.

6310–C1–P–70—Nebraska Consolidated Communications Corp., Katy, Tex., Site No. 126, correct coordinates to latitude 29°49'23" N., longitude 95°49'18" W.; delete frequencies 6345.5V and 6345.5H MHz; correct azimuths toward Houston to 99°05' and toward Cat Springs to 272°20'.

6312–C1–P–70—Nebraska Consolidated Communications Corp., San Marcos, Tex., Site No. 128, correct coordinates to latitude 29°54'24" N., longitude 98°00'07" W.; change frequency toward Austin to 5945.2V MHz and delete frequencies 6093.5H and 6093.5V MHz; correct azimuths toward New Braunfels to 226°28' and toward Austin to 23°07'.

2714–C1–P–71—United Video, Inc. (New), 0.2 mile northeast of Mount Pleasant, Iowa: Application amended (a) to change station location to latitude 40°58'34" N., longitude 91°32'27" W.; (b) to delete 11,345H MHz (KPLR–TV) toward Fairfield, Iowa; and (c) to change azimuth to 278°39' toward Fairfield, Iowa.

2715–C1–P–71—United Video, Inc. (New), 2 miles northeast of Fairfield, Iowa: Application amended (a) to change designation of proposed station at Ottumwa, Iowa, from drop/relay to drop; and (b) to delete 11,135V MHz (KPLR–TV) toward Ottumwa, Iowa.

[FR Doc.72–2246 Filed 2–16–72;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS SUPPLY

Order Designating an Additional Member

FEBRUARY 11, 1972.

The Federal Power Commission by order issued December 21, 1971 established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. Membership. An additional member to the Supply-Technical Advisory Task Force-Natural Gas Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. Morris A. Adelman, Professor of Economics, Massachusetts Institute of Technology.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–2447 Filed 2–16–72;8:50 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE—LIQUEFIED NATURAL GAS (LNG)

Order Designating Additional Members

FEBRUARY 11, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. Membership. Additional members to the Supply-Technical Advisory Task Force—Liquefied Natural Gas (LNG), as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Amanullah R. Khan, Senior Advisor, Institute of Gas Technology.
Clayton Norris, Senior Project Officer, Export-Import Bank of the United States.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–2448 Filed 2–16–72;8:50 am]

[Docket No. RP70–30 etc.]

ALGONQUIN GAS TRANSMISSION CO.

Order Accepting Tracking Increase for Filing, Allowing Proposed Revised Tariff Sheets to Become Effective Subject to Further Orders and Consolidating Proceedings

FEBRUARY 8, 1972.

On December 23, 1971, Algonquin Gas Transmission Co. (Algonquin) filed an increase in its charges for jurisdictional sales and services of $115,242 annually. The filing tracks the increase filed by Texas Eastern Transmission Corp. on December 23, 1971, pursuant to the stipulation and agreement approved by Commission order issued March 24, 1971, in Docket No. RP70–29 et al. Algonquin requests waiver of the 30 day notice provisions of the Commission's regulations to permit the revised tariff sheets[1] to become effective on January 22, 1972, or such other date as the increased rates proposed by Texas Eastern become effective.

In support of its filing, Algonquin refers to the data which it submitted in support of its tracking increase in Docket No. RP72–70 and states that there has been no material change in facilities, sales volumes, or cost of service other than cost of gas since its filing in Docket No. RP72–70.

[1] Original Volume No. 1, 24th Revised Sheet No. 5; 24th Revised Sheet No. 10; 25th Revised Sheet No. 11–A; 25th Revised Sheet No. 12; 24th Revised Sheet No. 14; 21st Revised Sheet No. 15–J. Original Volume No. 2, 25th Revised Sheet No. 4; 22nd Revised Sheet No. 57.

In view of the fact that the purpose of Algonquin's filing is to track its supplier's rate increase we will accept Algonquin's revised tariff sheets for filing to become effective January 22, 1972, or such later date as the proposed increased rates tendered by Texas Eastern on December 23, 1971, become effective, and consolidate Docket No. RP72–93 with Docket No. RP70–30 et al.

The Commission finds:

(1) It is appropriate and in the public interest for the proceedings in Dockets Nos. RP70–30 et al., and RP72–93 to be consolidated for decision.

(2) It is necessary and proper in the public interest to permit Algonquin to track the filed increase in cost of purchased gas.

(3) Good cause exists to waive the notice provisions of § 154.22 of the Commission's regulations under the Natural Gas Act.

The Commission orders:

(A) The proceedings in Dockets Nos. RP70–30 et al., and RP72–93 are consolidated.

(B) Algonquin is permitted to place into effect the above revised tariff sheets on January 22, 1972, or such other date as the increased rates proposed by Texas Eastern become effective, subject to flow-through of its supplier's refunds and rate reductions and to orders issued in Docket No. RP70–30, et al.

(C) Good cause exists to waive the notice requirements of § 154.22 of the Commission's regulations under the natural Gas Act to permit the tendered sheets to become effective January 22, 1972, or on such other date as the increased rates proposed by Texas Eastern become effective.

The rate increase allowed to become effective by this order merely passes on an increase from Algonquin's gas supplier and is an incremental increase over and above the level of rates of which the justness and reasonableness has not yet been determined by the Commission. Therefore the Commission at this time is unable to make the appropriate certification with regard to this increase under § 300.16(e) of the Price Commission's regulations.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.72–2438 Filed 2–16–72;8:50 am]

[Project 2514, Virginia]

APPALACHIAN POWER CO.

Notice of Availability of Environmental Statement for Inspection

FEBRUARY 14, 1972.

Notice is hereby given that on September 21, 1971, an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed by Appalachian Power Co. for the Byllesby and Buck Project No. 2514, pursuant to the Federal Power Act. This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project is located on the New River in the region of Galax and Austinville, Carroll County, Va. The Byllesby Development consists of: (1) A concrete dam approximately 47 feet high and 528 feet long composed of a spillway section, two trash sluice sections, and an integral dam and powerhouse section; (2) a side channel spillway, extending approximately 180 feet upstream, connected to the integral dam and powerhouse; (3) a reservoir of approximately 260 acres in size and having a volume of about 2,060 acre-feet; (4) an integral powerhouse containing four generating units each rated at 5,400 kw.

The Buck Development consists of: (1) A concrete dam approximately 44.4 feet high and about 352 feet long composed of trash sluices and an integral dam and powerhouse; (2) a separate spillway composed of tainter gate sections and flashboard sections; (3) a reservoir of approximately 70 acres in size and having a volume of about 640 acre-feet; (4) an integral powerhouse containing three generating units each rated at 2,835 kw.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors innumerated in § 2.80 of Order 415–B. Written statements by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from February 17, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–2434 Filed 2–16–72;8:49 am]

[Docket No. CP72–190]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

FEBRUARY 11, 1972.

Take notice that on January 26, 1972, Columbia Gas Transmission Corp. (applicant), 20 Montchanin Road, Wilmington, DE 19807, filed in Docket No. CP72–190 an application pursuant to section 7 (c) and (b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities and for permission for and approval of the abandonment of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate the following facilities to replace and supplement unsafe, obsolete, or inadequate facilities and to assure continued operating flexibility:

1. Approximately 1.7 miles of 12-inch gas transmission pipeline to replace an existing 8-inch pipeline in Sandusky County, Ohio;

2. Approximately 1.2 miles of 20-inch gas transmission pipeline to replace an existing 12-inch pipeline in Richland County, Ohio;

3. Approximately 2 miles of 16-inch gas transmission pipeline to replace in three separate sections an existing 12-inch pipeline in Ashland, Wayne, and Medina Counties, Ohio;

4. Approximately 0.5 mile of 8-inch gas transmission pipeline to replace an existing 4-inch pipeline in Athens County, Ohio;

5. Approximately 5.7 miles of 20-inch gas transmission pipeline to replace an existing 16-inch pipeline in Beaver County, Pa.;

6. Approximately 1.6 miles of 20-inch gas transmission pipeline to replace an existing 14-inch pipeline in Pike County, Pa.;

7. One additional 2,000 horsepower gas engine driven compressor unit at Pavonia Compressor Station, Richland County, Ohio; and

8. Approximately 19.5 miles of 8-inch and 10-inch gas transmission pipeline in Pike County, Ky., and Buchanan County, Va.

Applicant also seeks authorization to abandon the following facilities which it states are no longer used or useful in its operations:

1. Approximately 1.1 miles of 10-inch gas transmission pipeline in Greene County, Pa.;

2. Approximately 6.4 miles of 8-inch gas transmission pipeline in Washington County, Pa.;

3. Approximately 10.9 miles of 16-inch gas transmission pipeline in Beaver County, Pa.;

4. Approximately 0.4 mile of 6-inch gas transmission in Barbout County, W. Va.; and

5. Approximately 32.2 miles of 6-, 8-, and 16-inch gas transmission pipeline in Somerset, Bedford, and Adams Counties, Pa.

Applicant estimates the total cost of the proposed project at $4,207,200 which it plans to finance with internally generated funds.

Applicant states that the purpose of the proposed project is to maintain maximum daily firm deliveries of natural gas to existing customers at the level presently authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure

FEB 17 72

(18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2439 Filed 2-16-72;8:50 am]

[Docket No. CP72-189]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

FEBRUARY 8, 1972.

Take notice that on January 25, 1972, Columbia Gulf Transmission Co. (applicant), Post Office Box 683, Houston, Tex. 77001, filed in Docket No. CP72-189 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation of natural gas for Consolidated Gas Supply Corp. (Consolidated), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport for 20 years up to a maximum of 65,000 Mcf of natural gas per day for Consolidated from points in Block 227, Eugene Island Area, and Block 248, Vermilion Area, offshore Louisiana, to a point of delivery near Egan, La., through applicant's capacity entitlement in the Offshore Header and Western Shore Line of the Blue Water Project facilities; to transport up to 20,000 Mcf of the 65,000 Mcf per day from Eugene Island Block 250 to the Offshore Header in Eugene Island Block 227 through applicant's existing pipeline; and to construct and operate a metering station near Egan, La., for use after October 31, 1972. Applicant proposes to deliver the gas through October 31, 1972, to Transcontinental Gas Pipeline Corp. for Consolidated in Acadia and Evangeline Parishes, La., and after October 31, 1972, to deliver the gas to Consolidated at a new metering station to be constructed near Egan, La. Applicant proposes to charge Consolidated a demand rate of 12 cents per month for each Mcf transported from Block 250 to the Offshore Header in the Eugene Island Area and a demand rate of $1.40 per month for each Mcf transported through the Blue Water Project facilities.

Applicant estimates the total cost of the measuring facilities to be installed near Egan, La., for use after October 31, 1972, at $130,000 which it plans to finance through the use of current funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2416 Filed 2-16-72;8:48 am]

[Docket No. RP70-6, etc.]

LAWRENCEBURG GAS TRANSMISSION CORP.

Order Accepting Tracking Increase for Filing, Allowing Proposed Revised Tariff Sheets To Become Effective Subject to Further Orders and Consolidating Proceedings

FEBRUARY 8, 1972.

Lawrenceburg Gas Transmission Corp., Dockets Nos. RP70-6, RP70-26, RP70-44, RP71-95, RP71-113, RP72-48, RP72-92.

Lawrenceburg Gas Transmission Corp. (Lawrenceburg), on December 22, 1971, tendered for filing in Docket No. RP72-92 proposed changes in its FPC Gas Tariff, Original Volume No. 1,[1] designed solely to track the rate increase filed by its supplier, Texas Gas Transmission Corp. (Texas Gas), to become effective January 22, 1972, but requests that if its filing is suspended, such suspension not extend beyond the date on which Texas Gas' rate filing becomes effective. Lawrenceburg's proposed rate changes would increase charges under its two jurisdictional rate schedules, CDS-1 and EX-1, by approximately $16,923 annually based on volumes for the 12 months ended June 30, 1969.

Lawrenceburg requests waiver of § 154.66(b) of the Commission's regulations under the Natural Gas Act in order to file a change in its tariff which is under suspension in Docket No. RP72-48 and waiver of the Commission's 30 day notice requirements to permit the proposed increased rates to become effective on January 22, 1972.

In support of its filing, Lawrenceburg submitted cost of service and other data substantially identical to that which it submitted in support of its rate increase filings in the above-captioned dockets.

In view of the fact that the purpose of Lawrenceburg's filing is to track its supplier's rate increase we will accept Lawrenceburg's revised tariff sheets for filing and allow them to become effective January 22, 1972, or such later date as Texas Gas' filing becomes effective, subject to further orders of the Commission in Docket No. RP70-6 et al., as consolidated herein.

The cost and related data relied upon by Lawrenceburg in support of its filing in Docket No. RP72-92 and in each of the other above-captioned dockets are substantially the same and issues of law and fact are common to each proceeding. Under these circumstances, it is appropriate that Docket No. RP72-92 be consolidated with the latter proceedings for purposes of hearing and decision.

The Commission finds:

(1) It is reasonable and appropriate that Lawrenceburg's requested waiver of the Commission's regulations be granted and the proposed revised tariff sheets contained in footnote 1, above, be accepted for filing and allowed to become effective January 22, 1972, or such later date as Texas Gas' filing becomes effective.

(2) In view of all the facts and circumstances in this case, the Commission's action herein is consistent with the Economic Stabilization Act of 1970, as amended, and regulations existing thereunder.

The Commission orders:

(A) The Commission's 30 day notice requirements, as contained in § 154.22 of the Commission's regulations, and the provisions of § 154.66(b) of the regulations are waived and Substitute Ninth Revised Sheets Nos. 4 and 12 of Lawrenceburg's FPC Gas Tariff, Original Volume No. 1, are accepted for filing, to become effective January 22, 1972, or such later date as Texas Gas' filing becomes effective, subject to further orders of the Commission as may be issued in the proceedings in Docket No. RP70-6 et al., as consolidated herein.

(B) The proceedings in Dockets Nos. RP72-92 and RP70-6, et al., are hereby consolidated.

The rate increase allowed to become effective by this order merely passes on an increase from Lawrenceburg's gas supplier and is an incremental increase over and above the level of rates of which the justness and reasonableness has not yet been determined by the Commission. Therefore the Commission at this time is unable to make the appropriate certification with regard to this increase under § 300.16(e) of the Price Commission's regulations.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.72-2440 Filed 2-16-72;8:50 am]

[Docket No. CP72-68]

MICHIGAN POWER CO. AND GREAT LAKES GAS TRANSMISSION CO.

Order Granting Petition To Intervene, Setting Date for Filing Case-in-Chief, and Setting Dates for Prehearing Conference and Hearing

FEBRUARY 14, 1972.

On September 20, 1971, Michigan Power Co. (Michigan Power) filed in Docket No. CP72-68 an application pursuant to section 7(a) of the Natural Gas Act[1] for an order of the Commission directing Great Lakes Gas Transmission Co. (Great Lakes) to establish physical connection of its natural gas transmission facilities with the facilities to be constructed by Michigan Power, and to sell and deliver up to 3,000 Mcf of natural gas per day to Michigan Power, all as more fully set forth in the application. On October 21, 1971, Great Lakes filed an answer in opposition to Michigan Power's application, citing as its reason for opposition the unavailability of the necessary natural gas.

Notice of Michigan Power's application was issued by the Commission September 29, 1971, and published in the FEDERAL REGISTER on October 7, 1971 (36 F.R. 19534). The notice set October 19, 1971, as the date by which any protests or petitions to intervene were to be filed.

An untimely notice of intervention was filed by the Michigan Public Service Commission on October 26, 1971. An untimely petition to intervene on behalf of Michigan Power was filed by the city of Manistique (Manistique) on November 12, 1971. In its petition to intervene Manistique cites the recent appointment of its city attorney as the reason for its late filing.

The Commission finds:

(1) Good cause exists to permit the filing of the untimely notice of intervention by the Michigan Public Service Commission.

(2) Good cause exists to permit the late intervention of the city of Manistique in this proceeding in order that it may establish the facts and the law from which the nature and validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The above-named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the provisions of § 2.62(c) of the Commission's rules of practice and procedure, the applicant shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to Part 156 of the regulations of the Natural Gas Act.

(C) Michigan Power Co. shall file with the Commission and serve on all parties and the Commission staff, on or before February 29, 1972, its case-in-chief including the exhibits and prepared testimony upon which it relies in support of its application.

(D) Great Lakes Gas Transmission Co. shall file with the Commission and serve on all parties and the Commission staff, on or before March 14, 1972, its case-in-chief including the exhibits and prepared testimony upon which it relies in opposition to the application of Michigan Power Co.

(E) Any intervener that proposes to offer prepared testimony and exhibits shall file such testimony and exhibits with the Commission and serve them on all parties and the Commission staff on or before March 14, 1972.

(F) Pursuant to the provisions of Section 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated Presiding Examiner shall commence at 10 a.m., e.s.t., on April 4, 1972, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426 for the purpose of effectuating the expeditious disposition of this proceeding. The purpose of such conference shall be to consider all matters at issue in the above docket and to consider any and all matters which might contribute to an expeditious disposition of this proceeding. The applicant, the respondent, the Commission staff, and all persons who have been permitted to intervene by the Commission shall be entitled to participate in that conference.

(G) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held immediately following the conclusion of the aforeordered prehearing conference in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the matters involved in and the issues presented by Michigan Power Co.'s application.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2441 Filed 2-16-72;8:50 am]

[Docket No. CP72-196]

TENNESSEE GAS PIPELINE CO.

Notice of Application

FEBRUARY 11, 1972.

Take notice that on January 31, 1972, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP72-196 an application pursuant to section 7 (c) and (b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities and for permission for and approval of the abandonment of certain natural gas pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to abandon in place approximately 22.4 miles of 24-inch pipeline in Putman County, W. Va., on its Line No. 2 between Main Line Valves No. 117 and 119 and to construct and operate approximately 12.7 miles of pipeline in Putnam County, W. Va., as an extension of its Line No. 3 from Main Line Valve 118 to 119 and as a replacement for the pipeline to be abandoned. Applicant states that the route of the 24-inch pipeline to be abandoned is highly congested with residences, schools and commercial buildings and if it is to remain operative at its design capacity, it would be necessary to carry out an extensive rehabilitation program on this section of pipeline in order to meet Federal safety regulations. Applicant estimates that if it undertook such a rehabilitation program, its cost would exceed the cost of building a new pipeline and there would be a 7- or 8-day interruption of service. Applicant estimates the cost of the proposed replacement line at $4,412,700 which it plans to finance from general company funds and from its revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6,

[1] The proposed revised tariff sheets are Second Substitute Ninth Revised Sheets Nos. 4 and 12.

[1] 52 Stat. 824 (1938); U.S.C. section 717f (a).

FEB 17 72
XUM

1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2443 Filed 2-16-72;8:50 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Suspension of Proposed Increased Pipeline Rates

FEBRUARY 11, 1972.

Order accepting tariff sheets containing purchased gas adjustment provision, suspending such sheets, rejecting certain other sheets, providing for hearing, and granting petitions to intervene.

On January 14, 1972, Texas Eastern Transmission Corp. (Texas Eastern) tendered for filing two sets of its FPC Gas Tariff, Third Revised Volume No. 1, and four revised tariff sheets[1] to its Original Volume No. 2. The Company proposes an increase in rates which would add $32.8 million annually to its jurisdictional revenues or approximately 6.4 percent based on operations for the 12-month period ended September 30, 1971, as adjusted.[2] One set of tariff sheets includes a purchased gas adjustment provision; the second, or alternative set excludes such a provision. Texas Eastern request waiver of § 154.38(d)(3) of the Commission's regulations to permit the submitted tariff sheets containing the purchased gas adjustment provision to become effective as of February 13, 1972. In event the waiver is not granted, Texas Eastern requests that the alternative set be permitted to become effective as of that date.

Texas Eastern bases its increased rates on increases in the cost of labor, supplies, expenses, and construction, and an increase in the rate of return to 8½ percent together with the increase in associated income taxes. Also reflected are several changes in the provisions of its presently effective tariff including (1) a definition of "Curtailed Maximum Daily Quantity"; (2) a section which provides that whenever Texas Eastern, due to compliance with directives of governmental agencies, must curtail deliveries to its customers, Texas Eastern shall not be obligated to reduce charges otherwise payable; and (3) an increase in the interest rate for the late payment of bills from 5 percent to 7 percent.

The reasonableness of including a purchased gas adjustment provision in a pipelines' tariff is before us in rule making Docket No. R-406. Under these circumstances, we deem it appropriate and proper at this time to waive § 154.38(d)(3) of our regulations to permit the filing of tariff sheets containing such a provision at this time, subject to such future modification as may be required to conform such provision with § 154.38(d)(4)(vi) of the Commission's proposed regulations, or any substitution or modification thereof, should be adopted by the Commission in said rule making Docket No. R-406.

Review of the rate filing indicates that the issues therein raised require development in evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

Notices and petitions to intervene were filed by the persons listed below.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Texas Eastern's FPC Gas Tariff, as proposed to be amended in Docket No. RP72-98, and that the alternative set of tariff sheets which contain a purchased gas adjustment provision be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedures set forth below.

(3) The participation of the named petitioners below may be in the public interest.

The Commission orders:

(A) Section 154.38(d)(3) of the Commission's regulations is hereby waived to permit the filing of Texas Eastern's tariff sheets containing the purchased gas adjustment provision.

(B) Texas Eastern's tariff sheets as filed on January 14, 1972, containing the purchased gas adjustment provision are hereby accepted for filing subject to the provisions of this order, and those tariff sheets excluding the purchased gas adjustment provision are hereby rejected.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the Regulations Under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing with a prehearing conference on June 20, 1972, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Texas Eastern's FPC Gas Tariff, as proposed to be revised herein.

(D) Pending hearing and decision thereon, Texas Eastern's tariff sheets filed on January 14, 1972, containing said purchased gas adjustment provision are hereby suspended and the use thereof deferred until July 14, 1972, and such further time as such may be made effective in the manner prescribed by the Natural Gas Act.

(E) The tariff sheets accepted herein shall be subject to such modification as may be required to conform with § 154.38(d)(4)(vi) of the Commission's proposed regulations or any substitution or modification thereof, should such be adopted by the Commission in Docket No. R-406.

(F) At the prehearing conference on June 20, 1972, Texas Eastern's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference fully prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure, including a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(G) On or before June 2, 1972, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before June 16, 1972. Any rebuttal evidence by Texas Eastern shall be served on or befor June 30, 1972. Cross-examination on the evidence filed will commence on July 11, 1972.

(H) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(I) The petitioners named in Appendix A are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

TEXAS EASTERN TRANSMISSION CORP.

[Docket No. RP72-98]

Petitions to Intervene or Notices of Intervention filed by:

New Jersey Natural Gas Co.
Public Service Electric and Gas Co.
Columbia Gas of Ohio, Inc.
Memphis Light, Gas and Water Division, city of Memphis, Tenn.
Indiana Gas Co., Inc.
Consolidated Edison Company of New York, Inc.
United Cities Gas Co.
Columbia Gas Transmission Corp.
The Brooklyn Union Gas Co.
The Public Service Commission for State of New York.
Transcontinental Gas Pipe Line Corp.
Providence Gas Co.
Rochester Gas & Electric Corp.
Central Illinois Public Service Co.
Tennessee Public Service Commission.
Central Hudson Gas & Electric Corp.
Philadelphia Electric Co.
General Services Administration.
Municipal Defense Group (Chambersburg, Pa.; Huntingburg, Ind.; and Franklin, Smyrna, Lebanon, and Pulaski, Tenn.).
Philadelphia Gas Works of UGI.
Consolidated Gas Supply Corp.
United Natural Gas Co.
Orange and Rockland Utilities, Inc.
Equitable Gas Co.
Texas Gas Transmission Corp.
Algonquin Gas Transmission Co.
Elizabethtown Gas Co.
Missouri Utilities Co.
Mississippi Valley Gas Co.
Arkansas-Missouri Power Co., and Associated Natural Gas Co. (jointly).
The Dayton Power and Light Co.
New England Group: (Boston Gas Co.; Bristol and Warren Gas Co.; Brockton Taunton Gas Co.; Buzzards Bay Gas Co.; Commonwealth Gas Co.; The Connecticut Gas Co.; Connecticut Natural Gas Corp.; Fall River Gas Co.; The Hartford Electric Light Co.; town of Middleborough, Municipal Gas and Electric Department; New Bedford Gas and Edison Light Co.; The Newport Gas Light Co.; North Attleboro Gas Co.; city of Norwich, Department of Public Utilities; Pequot Gas Co.; South County Gas Co.; The Southern Connecticut Gas Co.; and Tiverton Gas Co., jointly).

[FR Doc.72-2444 Filed 2-16-72;8:50 am]

[1] Fourth Revised Sheet No. 241, Eighth Revised Sheets Nos. 232 and 235, and Ninth Revised Sheet No. 322.

[2] Pursuant to outstanding orders in Docket No. RP70-29, Texas Eastern is authorized to track approximately $20 million of additional costs prior to the end of the suspension period herein provided.

[Project 1989]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for New License for Constructed Project

FEBRUARY 9, 1972.

Public notice is hereby given that application for new minor license has been filed under the Federal Power Act (17 U.S.C. 791a–825r) by Wisconsin Public Service Corp. (correspondence to Mr. C. A. McKenna, Secretary, Wisconsin Public Service Corp., 1029 North Marshall Street, Milwaukee, WI 53201), for its constructed Merrill Project No. 1989, located in Lincoln County, Wis., within the city of Merrill, on the Wisconsin River. The project affects navigable waters of the United States.

The existing Merrill Project consists of: (1) A concrete dam about 400 feet long and about 18 feet high with twenty-six 12-foot wide and 7-foot high steel lift gates, (2) a reservoir of about 373 acres, extending approximately 3½ miles upstream, (3) a headrace 305 feet long and 115 feet wide at the North end of the dam, (4) a powerhouse containing two generators with total capacity of 840 kw., and (5) all other facilities and interests appurtenant to operation of the project.

According to the application: (1) The estimated net investment is $103,000, which is less than its estimate of fair value, (2) the estimated severance damages in the event of "takeover" are $55,000, and (3) the annual taxes paid to State and local governments are estimated to be about $4,000.

Because the Merrill Project is located within the city limits of Merrill, Wis., some recreational activities are limited or prohibited. The city of Merrill has developed two parks, one within and one adjacent to the project boundaries. Both have access to the reservoir, each has a play ground area and a picnic area, and one park has a bathing area. A constant level is maintained on the pond to encourage boating and fishing. The land owned in fee is not posted, but hunting is limited due to the shortage of game and because it is prohibited by city ordinance. There is a State park adjacent to the west boundary of the project. No further recreational development is proposed or contemplated by the State or local agencies or the applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.72-2445 Filed 2-16-72;8:50 am]

FEDERAL RESERVE SYSTEM

CITIZENS BANK OF SCHOOLFIELD

Order Approving Merger of Banks

Citizens Bank of Schoolfield, Danville, Va., a proposed member State bank of the Federal Reserve System, has applied pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), for the Board's prior approval to merge with Schoolfield Bank & Trust Co., Danville, Va., under the charter of the former and the name of the latter.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date relating to the application of First Virginia Bankshares Corp., Arlington, Va., to acquire voting shares of the successor by merger to Schoolfield Bank and Trust Co., Danville, Va. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] February 11, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2412 Filed 2-16-72;8:48 am]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Acquisition of Bank

First Virginia Bankshares Corp., Arlington, Va., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Schoolfield Bank & Trust Co., Danville, Va. (Bank).

The bank into which Bank is to be merged has no significance except as a means of acquiring the voting shares of

[1] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Mitchell and Maisel.

Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated as the proposed acquisition of the shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the sixth largest banking organization in Virginia, controls 19 banks with aggregate deposits of $540.8 million, representing 6.1 percent of total commercial bank deposits in the State.[1] The acquisition of Bank ($14.2 million deposits) would not represent an appreciable increase in applicant's control of deposits in the State or change its present classification.

Bank controls 8.9 percent of total deposits among the 9 banks and 20 banking offices operating in the relevant market, which approximates the southern half of Pittsylvania County.[2] Bank operates its two offices in the city of Danville, where it ranks as fourth largest of the seven city banks. The nearest of applicant's subsidiaries to Bank is located 150 miles from Danville. No significant present competition exists between Bank and any office of applicant, and it appears that consummation of the proposal would not foreclose the development of potential competition because of the distances involved and Virginia's restrictive branching laws.

The financial and managerial resources of applicant and Bank are satisfactory and prospects for each appear favorable. Banking factors lend some support for approval since applicant will assist Bank in securing replacements for the recent loss of two officers of Bank. Convenience and needs considerations also lend weight toward approval because of new and expanded services planned by applicant, which will improve Bank's ability to compete with representatives of the larger banking organizations in the area. Applicant's planned new services would include an overdraft checking service for Bank and trust services; assistance would also be provided Bank in its staff training program, investment portfolio management, and data processing service. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[3] February 11, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2413 Filed 2-16-72;8:48 am]

[1] Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through Dec. 31, 1971.

[2] Includes Chatham and the independent city of Danville.

[3] Voting for this action: Vice Chairman Robertson and Governors Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governors Mitchell and Maisel.

MIDLAND MORTGAGE CORP.

Proposed Continuation of Mortgage Company Activities

Midland Mortgage Corp., Detroit, Mich., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in the activities of a mortgage company. Notice of the application was published on January 13, 1972, in the Detroit Free Press, a newspaper circulated in Detroit, Mich.

Applicant states that it would continue to engage in the following activities: the making or acquiring, for its own account or for the account of others, of real estate mortgage loans and the servicing of real estate mortgage loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 13, 1972.

Board of Governors of the Federal Reserve System, February 11, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2414 Filed 2-16-72;8:48 am]

UNITED JERSEY BANKS

Acquisition of Bank

United Jersey Banks, Hackensack, N.J., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent of the voting shares of Madison State Bank, Madison Township, N.J. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 13, 1972.

Board of Governors of the Federal Reserve System, February 11, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2415 Filed 2-16-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

COATINGS UNLIMITED, INC.

Order Suspending Trading

FEBRUARY 10, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Coatings Unlimited, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 15, 1972, through February 24, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2390 Filed 2-16-72;8:45 am]

[70-5140]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Debentures at Competition Bidding

FEBRUARY 11, 1972.

Notice is hereby given that the Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, DE 19807, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50 million principal amount of ------ percent Debentures, Series due March 1997. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Columbia (which shall be not less than 98½ percent nor more than 101½ percent of the principal amount thereof), will be determined by the competitive bidding. The debentures will be issued under an Indenture between Columbia and Morgan Guaranty Trust Company of New York, Trustee, dated as of June 1, 1961, as heretofore supplemented by various indentures and as to be further supplemented by an 18th Supplemental Indenture to be dated as of March 1, 1972. Columbia will not have the right to redeem many of the debentures prior to March 1, 1977, directly or indirectly, with borrowed funds, or in anticipation of funds to be borrowed, having an effective annual interest cost to Columbia of less than the effective annual interest cost of the debentures to Columbia.

The net proceeds from the sale of the debentures will be added to the general funds of Columbia and, together with funds then available and funds to be generated from operations, will be used by Columbia to finance, among other things, part of the cost of its subsidiary companies' 1972 construction program, estimated at $250 million.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees, commissions, and expenses related to the proposed transaction is to be filed by amendment.

Notice is further given that any interested person may, not later than March 6, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2391 Filed 2-16-72;8:46 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 10, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being trading otherwise on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 15, 1972, through February 24, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2392 Filed 2-16-72;8:46 am]

[812-3121]

INTERNATIONAL UTILITIES OVERSEAS CAPITAL CORP.

Notice of Filing of Application of the Act for Order Exempting Company From All Provisions of the Act

FEBRUARY 11, 1972.

Notice is hereby given that International Utilities Overseas Capital Corp. (Applicant), 3219 Philadelphia Pike, Claymont, DE 19703, a Delaware corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant was incorporated on February 16, 1966, in the State of Delaware. Applicant has paid-in capital of $300,000 represented by 3,000 shares of authorized and outstanding capital stock, par value $100 per share, all of which are held by International Utilities Corporation (International).

Applicant now proposes to issue up to $25 million aggregate principal amount of 15-year bonds (the "1972 Series Bonds"), to be guaranteed by Gotaas-Larsen Shipping Corp. (Gotaas-Larsen), a Delaware corporation or, alternatively, by International. Like Applicant, Gotaas-Larsen is a wholly owned subsidiary of International.

The payment of the principal of and interest and premium, if any, on the 1972 Series Bonds will be fully and unconditionally guaranteed by Gotaas-Larsen, and its guarantee will be in turn secured by mortgage upon vessels owned by subsidiaries of Gotaas-Larsen, or by pledge of stock of such subsidiaries or by assignments of the rights of such subsidiaries under charter of vessels owned by them or by a combination of such forms of collateral security. Provision will be made for termination of the liability of Gotaas-Larsen as guarantor and for the release of the collateral security for its guarantee upon the substitution of International's guarantee of payment of the 1972 Series Bonds, which in turn may be supplanted by the reinstatement of Gotaas-Larsen's guarantee with the requisite security, all at the option of Applicant.

In connection with the distribution of the 1972 Series Bonds steps will be taken to assure that the Bonds will not be distributed within the United States or its territories or possessions or to nationals or residents thereof. Applicant is advised by counsel that U.S. persons will be required to report and to pay interest equalization tax with respect to the acquisition of the 1972 Series Bond, except where a specific statutory exemption is available.

Applicant contends that the proposed issue of Applicant's 1972 Series Bonds is consistent with the conditions set forth in Rule 6c-1 in all respects, except that the Bonds will initially be guaranteed by, and may throughout their life continue to be guaranteed by, Gotaas-Larsen, rather than by International, which is the "parent company" of Applicant, as defined by the rule.

Applicant represents that the purpose of the proposed issue of its 1972 Series Bonds is to finance the operations of the Gotaas-Larsen group of companies, and that the Bonds are to be guaranteed by Gotaas-Larsen rather than by International because of a fixed corporate policy of International of requiring its subsidiary companies, where they are able to do so, to meet their capital requirements on their own without reliance on or involvement of International's credit. This, Applicant further contends, Gotaas-Larsen is fully able to do so. Provision will be made for the substitution of International's guarantee of the 1972 Series Bonds for that of Gotaas-Larsen, enabling International thus to free the Gotaas-Larsen, guarantee when and if the future financing requirements of

Gotaas-Larsen and the prevailing market conditions make it significantly advantageous to do so.

Applicant further represents that International organized it to enable International to pursue the objective of developing and expanding its foreign operations through substantial investments in foreign companies, while complying with the regulations of the Office of Foreign Direct Investments of the Department of Commerce and the voluntary balance of payments program which preceded those regulations. Except for balance-of-payments considerations, International could carry out this program itself or through subsidiaries such as Gotaas-Larsen without any necessity of registering under the Investment Company Act of 1940. Such direct investments by International or Gotaas-Larsen in its foreign operations would, applicant contends, present no question of registration under the Act.

Applicant represents that the existing equity investment of international in Applicant has been used by Applicant to finance expansions of International's foreign operations, and that the additional equity investment to be made by International in connection with the proposed financing, as well as the net proceeds of the 1972 Series Bonds, will be used by Applicant primarily to finance further projected expansion of such foreign operations through the lending thereof to foreign subsidiaries of Gotaas-Larsen to finance further ship construction and for general corporate purposes.

Applicant contends that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting the Applicant from each and every provision of the Act because (i) the chief purpose of the Applicant is to assist in improving the balance-of-payments program of the United States and to achieve compliance with the Foreign Direct Investment Regulations of the Department of Commerce by obtaining funds for foreign operations in foreign countries; (ii) the payment of the Applicant's Bonds does not depend on the operation or investment policy of Applicant, for the bondholders may ultimately look to the business enterprise of International or Gotaas-Larsen, as guarantors; (iii) none of the securities of the Applicant, other than debt securities, will be held by any person other than International or a wholly owned subsidiary of International, and any additional debt securities of the Applicant issued to or held by the public will be properly guaranteed; (iv) Applicant will not deal or trade in any securities; (v) the Bonds of the Applicant have been and will be sold only to foreign nationals, and the burden of the interest equalization tax will discourage resale to any U.S. national or resident; and (vi) Applicant is qualified in all respects for exemption from all the provisions of the Investment Company Act under the provisions of Rule 6c-1 except for the fact that its proposed 1972 Series Bonds are to be guaranteed by Gotaas-Larsen, rather than by International, a departure from the literal requirement of the rule which does not conflict with the intent and purpose of the rule.

The Applicant requests an exemption from each and every provision of the Act pursuant to section 6(c) thereof, subject to the conditions that:

(1) Any public offering of the securities of Applicant is made pursuant to underwriting or distribution agreements, the terms of which prohibit the offer or sale thereunder of such securities to nationals or residents of the United States or its territories or possessions;

(2) Any securities of Applicant which are convertible or exchangeable shall only be convertible or exchangeable for securities of International and such conversion or exchange shall not take place prior to 6 months from the date of issuance or such shorter period of time as the Secretary of the Treasury or his delegate may approve in writing to Applicant or International;

(3) Upon completion of the long-term investment program of Applicant, at least 80 percent of its assets, exclusive of U.S. Government securities and cash items, will consist of investments in or loans to foreign companies (or domestic companies, substantially all the business of which is conducted outside the United States);

(4) At least 90 percent of the assets of Applicant, exclusive of U.S. Government securities and cash items and short-term investments in foreign government and commercial paper, will be invested in or loaned to companies at least 10 percent of the equity securities of which are, or at the completion of the investment will be, owned, directly or indirectly, by International, and any assets of Applicant not invested in such companies will only be invested in or loaned to companies which are customers or suppliers of International or a subsidiary of International; and any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly owned subsidiaries of International;

(5) Applicant will not deal or trade in securities;

(6) At the time of their issuance, the securities issued by Applicant (except to International or to a subsidiary of International which is not an investment company) would, if purchased by nationals or residents of the United States, its territories or possessions, be subject to the Interest Equalization Tax or another tax providing a comparable deterrent to the purchase of Applicant's securities by U.S. nationals or residents in the event that the U.S. Interest Equalization Tax expires, is repealed or the rate thereof is reduced to zero, and such fact will be prominently indicated on such securities;

(7) Applicant will not issue, without an order of the Commission, any securities (except to International or to a subsidiary of International which is not an investment company) in the event the U.S. Interest Equalization Tax expires, is repealed or the rate thereof is reduced to zero and such tax is not replaced by another comparable tax; and

(8) Applicant will not issue in a public distribution, without an order of the Commission, any debt securities not guaranteed by International or Gotaas-Larsen as to payment of principal, interest and premium, if any, or any preferred stock not unconditionally guaranteed by International or Gotaas-Larsen as to payment of dividends, payment of the liquidation preference in the event of liquidation, and sinking fund payments, if any.

Section 6(c) of the Act, as here pertinent, authorizes the Commission, by order upon application, conditionally or unconditionally to exempt any person or any class or classes of persons from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 22, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of any attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2393 Filed 2-16-72;8:46 am]

[70-5136]

OHIO EDISON CO.

Notice of Proposed Issue and Sale of 363,700 Shares of Preferred Stock at Competitive Bidding, Issue of Bonds for Sinking Fund Purposes, Proposed Charter Amendment and Solicitation of Proxies in Connection Therewith

FEBRUARY 11, 1972.

Notice is hereby given that Ohio Edison Co. (Ohio Edison), 47 North Main Street, Akron, OH 44308, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rules 50 and 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 363,700 shares of its ——— percent Series Preferred Stock, $100 par value per share. The dividend rate of the preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued interest, to be paid to Ohio Edison (which will not be less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The terms will include a prohibition until March 1, 1977, against refunding the issue, directly or indirectly, with the proceeds of funds derived from the issuance of debt securities at a lower effective interest cost or of other preferred stock at a lower effective dividend cost.

The proceeds from the sale of the preferred stock will be used for the acquisition of property, the construction, completion, extension, renewal, or improvement of Ohio Edison's facilities or for the improvement of its service, including advances in connection with the development of a new coal mine, or for repayment of unsecured short-term debt, estimated to be outstanding at the time of issue in the amount of $25 million, or for the reimbursement of its treasury for expenditures made for such purposes.

Ohio Edison also proposes, on or about May 1 and November 1, 1972, to issue $7,066,000 principal amount of its First Mortgage Bonds 3¼ percent Series of 1955 due 1985, under the provisions of its 12th Supplemental Indenture dated as of May 1, 1955, and to surrender such bonds to the Trustee in accordance with the sinking fund provisions. The bonds are to be indentical with those authorized by the Commission on June 1, 1971 (Holding Company Act Release No. 17145), and are to be issued on the basis of unfunded property additions. Ohio Edison estimates that, after giving effect to the issuance of the sinking fund bonds, unfunded net property additions will amount to approximately $170 million as of December 31, 1971.

Ohio Edison also proposes to amend its corporate charter in order to increase the number of shares of cumulative preferred stock, par value $100 per share, which it is authorized to issue from its present authorization of 1 million shares (of which 636,300 shares are now outstanding) to 1,800,000 shares. It is stated that the increase in the number of shares is being sought in order that Ohio Edison will be in a position to issue and sell, from time to time, additional series of cumulative preferred stock to facilitate the financing of its construction program. The present estimated cost of Ohio Edison's construction program is approximately $121,720,000 for 1972. Ohio Edison anticipates that if the proposed charter amendment is approved, the 800,000 shares of preferred stock will be substantially utilized not later than December 31, 1975.

The declaration states that the proposed increase in the authorized cumulative preferred stock of Ohio Edison will require the favorable vote of the holders of at least two-thirds of the total number of outstanding shares of common stock.

It is stated that the issue and use of the sinking fund bonds and the issue and sale of the preferred stock are subject to the jurisdiction of the Public Utilities Commission of Ohio and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the sinking fund bonds are estimated at $1,600, including counsel fees of $500. The fees and expenses to be paid in connection with the increase in the number of shares of authorized preferred stock are estimated at $9,515, including counsel fees of $4,000. The fees and expenses to be paid in connection with the issuance and sale of the preferred stock will be filed by amendment.

Notice is further given that any interested person may, not later than March 3, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2394 Filed 2-16-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Licensee No. 02/02-0251]

KENT CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that Kent Capital Corp., 530 Morgan Avenue, Brooklyn, NY 11222, incorporated under the laws of the State of New York on May 6, 1964, has surrendered its License No. 02/02-0251, issued by the Small Business Administration (SBA) on June 26, 1964.

Kent Capital Corp. has complied with all conditions set forth by SBA for surrender of its license.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Kent Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: February 10, 1972.

A. H. SINGER, *Associate Administrator for Investment.*

[FR Doc.72-2428 Filed 2-16-72;8:49 am]

[Delegation of Authority No. 30 (Revision 13) Amdt. 10]

SUPERVISORY LOAN OFFICER, LOS ANGELES DISTRICT OFFICE

Delegation of Authority To Conduct Program Activities in Field Offices

Delegation of Authority No. 30 (Revision 13) (36 F.R. 5881), as amended (36 F.R. 7625, 36 F.R. 11129, 36 F.R. 13713, 36 F.R. 14712, 36 F.R. 15769, 36 F.R. 22876, 36 F.R. 23421, 36 F.R. 25194, and 37 F.R. 2615) is further amended by revising Part 1, Section A, paragraph 2, as follows:

2. Economic Opportunity (EO) Loans. To approve or decline economic opportunity loans not exceeding $25,000 (SBA share): All officials as shown in subparagraphs. a. through m. of Paragraph 1, of this Section A.

Effective date: January 3, 1972.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.72-2429 Filed 2-16-72;8:49 am]

FEB 17 72

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

CONSTRUCTION SAFETY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health established under section 107 of the Contract Work Hours and Safety Standards Act (86 Stat. 96; 40 U.S.C. 433), commonly known as the Construction Safety Act, will meet at 9 a.m., on February 23, 1972, in Conference Room 216 A, B, C, and D, of U.S. Department of Labor Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting is open to the public.

The Advisory Committee will take up (1) the request of the Assistant Secretary of Labor for Occupational Safety and Health for advice on the record of the proceeding now pending with regard to proposed rules requiring roll-over protective structures and overhead protection on certain construction equipment (36 F.R. 20772, October 29, 1971) and (2) the request of the Assistant Secretary for advice on a proposed rule on access roadways and grades in the same proceeding. The Advisory Committee will also take up such other matters as the Assistant Secretary may wish to bring before it.

Signed at Washington, D.C., this 16th day of February 1972.

GEORGE C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-2547 Filed 2-15-72;10:35 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 14, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 111545 Sub 160, Home Transportation Co., Inc., continued to March 21, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134062 Sub 6, K. H. Transport, Inc., MC 42261 Sub 111, Langer Transport Corp., MC 116073 Sub 185, Barrett Mobile Home Transport, MC 133327 Sub 2, Melburn Truck Lines Co., Ltd., now being assigned May 1, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 56679 Sub 48, Brown Transport Corp., assigned for hearing March 20, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 128273 Sub 94, Midwestern Express, Inc., assigned February 17, 1972, at Chicago, Ill., is canceled and the application is dismissed.

FD 25896, Bush Terminal Railroad Co., Entire Line Abandonment in Kings County, N.Y., and Hudson County, N.J. is now being assigned February 28, 1972, in Room No. 4, U.S. Customs Court, 1 Federal Plaza, New York, NY.

MC 126433 Sub 12, F-B Truck Line, Application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2459 Filed 2-16-72;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 14, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42351—*Grain and related articles from points in southwestern, Texas-Louisiana and WTL Territories.* Filed by Southwestern Freight Bureau, agent (No. B-291), for interested rail carriers. Rates on grain, alfalfa meal or pellets and soybeans, in bulk, in carloads, as described in the application, from points in southwestern, Texas-Louisiana and western trunkline territories, to West Lake Charles, La., and Steeltown, Tex.

Grounds for relief—Rate relationship.

Tariffs—Supplement 4 to the Atchison, Topeka, and Santa Fe Railway Co. tariff ICC 15044, and 9 other schedules named in the application. Rates are published to become effective on March 15, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2460 Filed 2-16-72;8:51 am]

[Notice 16]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 14, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73413. By order of February 8, 1972, the Motor Carrier Board approved the transfer to Davis Moving Service, Inc., Middletown, R.I., of certificate No. MC-18921 issued July 18, 1968, to Board's Moving and Storage Co., a corporation, Phila., Pa., authorizing the transportation of: Household goods, between Philadelphia, Pa., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, New York, New Jersey, and the District of Columbia, Edwin L. Scherlis, attorney, 15th and Locusts Street, Lewis Tower, Phila., PA 19102

No. MC-FC-73438. By order of February 7, 1972, the Motor Carrier Board approved the transfer to Tipton Moving, Inc., Belmont, Mass., of a portion of certificate No. MC-108199 issued December 14, 1948 to Roger W. Brown, Inc., Woburn, Mass., authorizing transportation of: Household goods, between Brockton, Mass., and 25 miles thereof, on the one hand, and, on the other, points in Massachusetts, Rhode Island, New Hampshire, Vermont, New York, and Connecticut, Fran J. Weiner, attorney, 6 Beacon Street, Boston, Mass. 02108.

No. MC-FC-73442. By order of February 10, 1972, the Motor Carrier Board approved the transfer to Morley Transfer Co., a corporation, Forest Lake, Minn., of certificate of registration No. MC-120217 (Sub-No. 1) issued September 1, 1964, to Malcolm M. Morley and John M. Morley, a partnership, doing business as Morley Transfer, Forest Lake, Minn., evidencing a right to engage in transportation in interstate or foreign commerce, of: Freight, between specified points solely within the State of Minnesota, John H. LeMay, attorney, 525 Osborn Building, Wabasha at Fifth, St. Paul, Minn. 55102.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2461 Filed 2-16-72;8:51 am]

[Notice 12]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 11, 1972.

The following applications are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington D.C. 20423.

No. MC 111 (Sub-No. 13), filed January 17, 1972. Applicant: VIGEANT MOTOR FREIGHT, INC., Post Office Box 157, Castleton-on-Hudson, NY 12033. Applicant's representative: Wilmot E. James, Post Office Box 1319, Albany, NY 12201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany or New York, N.Y.

No. MC 1184 (Sub-No. 20), filed January 10, 1972. Applicant: GEORGE F. BURNETT COMPANY, INC., 902 West Ireland Road, Post Office Box 2538, Station A, South Bend, IN 46613. Applicant's representative: Harold G. Hernly, 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses, bus chassis, and parts thereof*, in driveaway and truckaway service, from points in St. Joseph County, Ind., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 2421 (Sub-No. 11), filed January 11, 1972. Applicant: NEWTON TRANSPORTATION COMPANY, INC., Post Office Box 678, Greer Street, Lenoir, NC 28645. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneer*, from Dubuque, Iowa, to points in North Carolina on and west of U.S. Highway 29. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2900 (Sub-No. 219), filed January 20, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2508, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Monsanto Co. located in Marshall County, Ala., as an off-route point in connection with applicant's regular route authority to and from Huntsville, Ala. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Birmingham, Ala., or Washington, D.C.

No. MC 5470 (Sub-No. 66), filed January 11, 1972. Applicant: TAJON, INC., Rural Delivery 5, Box 146, Mercer, PA 16137. Applicant's representative: Donald Cross, Munsey Building, 1329 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and ores*, in dump vehicles, between Birdsboro, Pa., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, Rhode Island, New Hampshire, and Massachusetts. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 8964 (Sub-No. 28), filed January 7, 1972. Applicant: WITTE TRANSPORTATION COMPANY, a corporation, 2481 Cleveland Avenue North, St. Paul, MN 55113. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between Kansas City, Mo., and Albert Lea, Austin, and Spring Valley, Minn.: (a) From Kansas City, Mo., over Interstate Highway 35 to Albert Lea, Minn., thence over Interstate Highway 90 to Austin, Minn.; thence over Interstate Highway 90 to the junction with U.S. Highway 16, thence over U.S. Highway 16 to Spring Valley, Minn., and return over the same route, serving no intermediate points, (b) from Kansas City, Mo., over U.S. Highway 69 to Albert Lea, Minn., thence over U.S. Highway 16 to Austin, Minn., thence over U.S. Highway 16 to Spring Valley, Minn., and return over the same route, serving no intermediate points, and (c) from Kansas City, Mo., over Interstate Highway 35 or U.S. Highway 69 to Des Moines, Iowa; thence over Interstate Highway 80 or U.S. Highway 6 to the junction with U.S. Highway 63, thence over U.S. Highway 63 to Spring Valley, Minn., and return over the same route, serving no intermediate points, restricted against the traffic originating at or destined to Minneapolis-St. Paul, Minn. NOTE: Applicant states it intends to tack at Austin, Albert Lea, and Spring Valley, Minn., to provide a through service between Kansas City and all points within applicant's existing service territory, except the Twin Cities. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at La Crosse, Wis., Minneapolis, Austin, and Albert Lea, Minn., and Kansas City, Mo

No. MC 25869 (Sub-No. 111), filed January 18, 1972. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Post Office Box 7184, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Hampton, Iowa, to points in Colorado, Illinois, Indiana, Iowa, Nebraska, Kansas, Michigan, Missouri, Ohio, Utah, Wisconsin, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

VOL 37 NO 33 FEB 17 72 XUM

No. MC 28307 (Sub-No. 48), filed January 10, 1972. Applicant: FREDERICKSON MOTOR EXPRESS CORPORATION, 3400 North Graham Street, Post Office Box 21098, Charlotte, NC 28206. Applicant's representative: J. Ruffin Bailey, Post Office Box 2246, Raleigh, NC 27602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those requiring special vehicles or special equipment for hauling, loading, or unloading or any special or unusual service in connection therewith) (1) between Marion and Rutherfordton, N.C.: From Marion over U.S. Highway 221 to Rutherfordton, N.C., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between Mount Airy and Winston-Salem, N.C.: From Mount Airy over U.S. Highway 52 to Winston-Salem, N.C., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (3) between U.S. Highway 29 and Interstate Highway 85 over County Road 1305; from intersection of County Road 1305 and U.S. Highway 29 near Concord, N.C., over County Road 1305 to the intersection of County Road 1305 and County Road 1394 at Interstate Highway 85, and return over the same route, serving all intermediate points; and (4) between Lincolnton and Gastonia, N.C.: From Lincolnton over U.S. Highway 321 to Gastonia, N.C., and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 30837 (Sub-No. 449), filed January 19, 1972. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, WI 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile derricks*, in initial moves, in driveaway service, from Olathe, Kans., to points in the United States including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority connot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 30844 (Sub-No. 387), filed January 12, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50412. Applicant's representative: Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, from Hartford, Braum, and Bailey, Mich., to Cheyenne, Wyo., restricted to shipments originating at the plantsites and warehouse facilities of Duffy Mott Corp.; (2) *cocoa and cocoa powder* from New York City, N.Y., and points in the commercial zone thereof, to Momence, Ill., Humboldt, Tenn., and New Orleans, La., restricted to shipments originating at the facilities of De Zaan, Inc., and destined to the above named points; (3) *materials, and supplies* used and produced by the food processing industry from the plantsites and facilities of Welch Food Processors at Springdale, Ark., to points in Oklahoma, Colorado, North Carolina, South Carolina, Georgia, Florida, Alabama, and Louisiana, restricted to shipments originated by Welch Food Processors; and (4) *canned and preserved foodstuffs* from Hamlin, Holley, and Williamstown, N.Y., to points in Alabama, Florida, Georgia, Tennessee, Mississippi, and Virginia, and from Aspers, Pa., to the above named States restricted to shipments originating at the plantsites and warehouse facilities of Duffy Mott Corp. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 33953 (Sub-No. 8), filed January 23, 1972. Applicant: RED LINE TRANSFER CO., INC., 829 North 29th Street, Philadelphia, PA 19130. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and New Jersey (except Camden and Bridgeton, N.J.). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 35807 (Sub-No. 23) (Correction), filed November 18, 1971, published in the FEDERAL REGISTER, issue of December 23, 1971, and republished in part, as corrected this issue. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 210 Baker Street NW., Atlanta, GA 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. NOTE: The sole purpose of this partial republication is to show that applicant is seeking *contract carrier* authority in lieu of *common carrier* authority shown erroneously in previous publication. The rest of the application remains the same.

No. MC 51146 (Sub-No. 252), filed January 20, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand, viz, chrome sand and zircon sand;* also *foundry sand additives* consisting of clay, or various mixtures of clay, ground coal, wood flour, or other binding or treating ingredients, (1) from Albion, Mich., to points in Illinois and Michigan; (2) from Granite City, Ill., to points in Kentucky, Missouri, Iowa, Wisconsin, Michigan, Indiana, and Kansas; and (3) from Columbus, Ohio, to points in Indiana, Michigan, Kentucky, West Virginia, Virginia, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Tennessee, and North Carolina. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and it will tack with its MC 51146 where feasible. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 253), filed January 20, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Lockport, N.Y., to South Bend, Ind. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59457 (Sub-No. 24), filed January 11, 1972. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., Old Amity Road, Bethany, Conn. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 61592 (Sub-No. 258), filed January 11, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials*, from Salt Lake City, Woods Cross, and North Ogden, Utah, to points in Montana and those points in Idaho south of Idaho County, Idaho. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 84212 (Sub-No. 33), filed December 29, 1971. Applicant: DORN'S TRANSPORTATION INC., Railroad Avenue Extension (Colonie), Albany, N.Y. 12205. Applicant's representative: Irving Klein, 280 Broadway, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Harrisburg, Pa., and Buffalo, N.Y.: From Harrisburg, Pa., over U.S. Highway 15 to junction of U.S. Highway 15 with New York Highway 63, thence over New York Highway 63 to its junction with New York Highway 5 at or near Batavia, N.Y., thence over New York Highway 5 to Buffalo (or over New York Highway 63 to junction with U.S. Highway 20, thence over New York Highway 20 to Buffalo) and return over the same routes, serving no intermediate points and serving Harrisburg for purposes of joinder only; (2) between Harrisburg, Pa., and Rochester, N.Y.: From Harrisburg, Pa., over U.S. Highway 15 to its junction with U.S. Highway 15–A, thence over U.S. Highway 15A to Rochester, N.Y., and return over the same routes, serving no intermediate points and serving Harrisburg, Pa., for purposes of joinder only; (3) between Harrisburg, Pa., and Du Bois, Pa.: From Harrisburg, Pa., over U.S. Highway 15 to its junction with Interstate Highway 80, thence over Interstate Highway 80 to Du Bois, Pa., and return over the same route, serving no intermediate points and serving Harrisburg and Du Bois, Pa., for the purpose of joinder only;

(4) Between Philadelphia, Pa., and Du Bois, Pa.: From Philadelphia, Pa., over the northeast extension of the Pennsylvania Turnpike to its junction with Interstate Highway 80, thence over Interstate Highway 80 to Du Bois, Pa., and return over the same route, serving no intermediate points and serving Du Bois, Pa., for the purpose of joinder only; (5) between New York, N.Y., and Du Bois, Pa.: From New York, N.Y., via the Lincoln Tunnel, thence over New Jersey Highway 3 to its junction with New Jersey Highway 17, thence over New Jersey Highway 17 to its junction with Interstate Highway 80, thence over Interstate Highway 80 to its junction with the northeast extension of the Pennsylvania Turnpike, thence over Interstate Highway 80 to Du Bois, Pa., and return over the same route, serving no intermediate points, serving the off-route points of Passaic, Kearney, Newark, and Jersey City, N.J., serving the junction of Interstate Highway 80 and the northeast extension of the Pennsylvania Turnpike and Du Bois, Pa., for the purposes of joinder only; (6) between Salamanca, N.Y., and Hamburg, N.Y.: From Salamanca, N.Y., over U.S. Highway 219 to Hamburg, N.Y., and return over the same route, serving no intermediate points; (7) between Philadelphia, Pa., and Syracuse, N.Y.: From Philadelphia, Pa., over the northeast extension of the Pennsylvania Turnpike to Scranton, Pa., thence over Interstate Highway 81 to Syracuse, N.Y., and return over the same route, serving no intermediate points, as alternate routes for operating convenience only; and (8) between Hartford, Conn., and Springfield, Mass.: From Hartford over Interstate Highway 91 to Springfield, Mass., and return over the same route. NOTE: Applicant states the authority above sought under item (8) involves a conversion from irregular route authority between the same points. Applicant presently holds authority to operate between Hartford, Conn., and Springfield, Mass., over irregular routes but because of the conduct of regular service over that route, applicant seeks a conversion thereof to a regular route. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 87966 (Sub-No. 15), filed January 19, 1972. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 4020 West 24th Street, Chicago, IL 60623. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, upholstered, from the plantsite and warehouse of LA-Z-BOY Chair Co., at Monroe, Mich., and Neosha, Mo., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 89723 (Sub-No. 63), filed December 16, 1971. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103. Applicant's representative: Robt. S. Davis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Memphis, Tenn., and points in Arkansas as presently authorized in applicant's certificate MC 89723 (Sub-No. 14), in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co. NOTE: The instant application seeks authority solely to eliminate Memphis, Tenn., as a key point in said certificate but remaining auxiliary to and supplemental of rail service and subject to remaining key points and all other restrictions in said certificate. No new routes or points are sought to be served. Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 95490 (Sub-No. 32), filed January 11, 1972. Applicant: UNION CARTAGE COMPANY, a corporation, 9A Southwest Cutoff, Worcester, Mass. 01604. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in containers from points in Middlesex County, Mass., to points in Maine. NOTE: Applicant states it will join at Middlesex County, Mass., to serve points in Maine. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 95540 (Sub-No. 831), filed January 13, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Charleston, S.C., to points in Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its Sub 768 via Doraville, Ga., to perform a through service to points in Arkansas, Colorado, Kansas, Oklahoma, and Texas. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 95540 (Sub-No. 832), filed January 13, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery and advertising equipment, premiums, materials and supplies* when shipped therewith (except in bulk), from points in Reading and Berks County, Pa., to points in Washington, Oregon, Utah, Idaho, Montana, Colorado, and Nevada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 833), filed January 13, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and storage facilities utilized by Swift & Co., at Clovis, N. Mex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia, restricted to shipments originating at plantsite of Swift & Co., Clovis, N. Mex., and destined to the above named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

V 37 33 FEB 17 72 XUM

No. MC 104654 (Sub-No. 148), filed January 21, 1972. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, IL 62222. Applicant's representative: Lee K. Mathews, 418 Olive Street, Suite 1000, St. Louis, MO 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Missouri Portland Cement Co. at or near St. Louis, Mo., to points in Iowa, Kansas, Nebraska, and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 107012 (Sub-No. 139), filed January 24, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis, Post Office Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sardis, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107012 (Sub-No. 140), filed January 24, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, and *new commercial and institutional fixtures*, uncrated, from points in Arizona to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority in Arizona to provide a through service from California and Nevada to points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 107012 (Sub-No. 141), filed January 13, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Voting machines*, uncrated, *and accessories*, between points in Marion County, S.C., on the one hand, and, on the other, points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority at Tulsa, Okla., to serve points in Kansas. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107012 (Sub-No. 142), filed January 13, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New pianos, and new piano benches and accessories*, uncrated, from the plant and warehouse facilities of Grand Piano Co., Inc., at or near Morganton, N.C., to points in the United States (except Alaska and Hawaii), and *damaged, rejected and return shipments*, on return. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 580) (Amendment), filed November 15, 1971, published in the FEDERAL REGISTER issue of December 23, 1971, and republished as amended this issue. Applicant: PRE-FAB TRANSIT, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (other than iron and steel) and *fittings and accessories* therefor, from Calhoun County, Ark., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicating authority sought. The purpose of this republication is to reflect a change in the origin point as Calhoun County, Ark., in lieu of Ouachita County, Ark. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 107460 (Sub-No. 32), filed January 24, 1972. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles* (except commodities in bulk), from the plantsite and warehouses of the Georgia-Pacific Corp. located in West Hempfield Township, Lancaster County, Pa., to points in Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Georgia-Pacific Corp. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107460 (Sub-No. 33), filed January 25, 1972. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal roofing and siding and fabricated metal products* (except commodities in bulk), between the plantsite of Howmet Corp. in East Hempfield Township, Lancaster County, Pa., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, under contract with Howmet Corp. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107460 (Sub-No. 34), filed January 25, 1972. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, PA 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from the plantsites of the Georgia-Pacific Corp. located at Kalamazoo and Portage, Mich., to the plantsite of the Georgia-Pacific Corp. located in West Hempfield Township, Lancaster County, Pa., under contract with Georgia-Pacific Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107882 (Sub-No. 25), filed January 11, 1972. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins*, between Coral Gables, Fla., on the one hand, and, on the other, Boston, Mass.; West Point and Buffalo, N.Y.;

Philadelphia, Pa.; Cleveland and Cincinnati, Ohio; Pittsburgh, Pa.; Baltimore, Md.; Culpeper and Richmond, Va.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; New Orleans, La.; Chicago, Ill.; Detroit, Mich.; St. Louis, Mo.; Little Rock, Ark.; Louisville and Fort Knox, Ky.; Nashville and Memphis, Tenn.; Minneapolis, Minn.; Helena, Mont.; Kansas City, Mo.; Denver, Colo.; Oklahoma City, Okla.; Omaha, Nebr.; Dallas, El Paso, San Antonio, and Houston, Tex.; San Francisco and Los Angeles, Calif.; Portland, Oreg.; Salt Lake City, Utah; Seattle, Wash., and the District of Columbia, under a contract with General Services Administration. NOTE: Applicant holds common carrier authority under MC 125729, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 108449 (Sub-No. 338), filed January 21, 1972. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Marshall, Mich., as an off-route point in connection with carrier's regular-route operations authorized in its (Sub-No. 292) from and to Coldwater, Mich., restricted to traffic originating at and destined to a point other than Marshall, Mich. NOTE: Applicant states that the purpose of instant application is to allow Indianhead to interline shipments with other carriers at Marshall, Mich., as an off-route point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109365 (Sub-No. 37), filed January 21, 1972. Applicant: RONALD A. PATTERSON, doing business as ANTHONY & PATTERSON TRUCK LINE, Post Office Box No. 5, Ashdown, AR 71822. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Cass County, Tex., to points in Arkansas, Kansas, Louisiana, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 110525 (Sub-No. 1024), filed January 21, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from the site of Bulk Distribution Centers, Inc., at or near Chattanooga, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic which originates at the above-indicated origin point and destined to the described destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 111812 (Sub-No. 466), filed January 3, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and related items*, from Elizabethtown, Pa., to points in Arizona, California, Colorado, Missouri, Oregon, Utah, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 112750 (Sub-No. 284), filed January 18, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, (1) between Freeport, Ill., on the one hand, and, on the other, points in Dane, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Racine, Rock, Walworth, and Waukesha Counties, Wis.; and (2) between Robinson, Ill.; on the one hand, and, on the other, points in Clay, Crawford, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Orange, Owen, Perry, Pike, Posey, Putnam, Spencer, Sullivan, Vanderburgh, Vermillion, Vigo, and Warrick Counties, Ind., under contract with various banks and banking institutions. NOTE: Applicant holds common carrier authority under MC 111729 and subs thereunder, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 112822 (Sub-No. 223), filed January 19, 1972. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oils*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 112822 (Sub-No. 224), filed January 26, 1972. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities utilized by Kitchens of Sara Lee at or near New Hampton, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 225), filed January 26, 1972. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities utilized by Kitchens of Sara Lee at or near New Hampton, Iowa, to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states there are tacking possibilities; however, none are intended at this time. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 113460 (Sub-No. 5), filed January 11, 1972. Applicant: CARL P. BLACKFORD, 3909 East 29th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newark, N.J., to points in Iowa; and (2) from South Bend, Ind., and Detroit, Mich., to Des Moines, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

V 37 I 33
FEB 17 72
XUM

No. MC 113678 (Sub-No. 442) (Amendment), filed October 27, 1971, published in the FEDERAL REGISTER, issue of December 2, 1971, and republished as amended, this issue. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Denver, Colo.

No. MC 113678 (Sub-No. 448), filed January 10, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane Acklie and Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, in bulk, in tank vehicles), from Hawarden, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 113678 (Sub-No. 449), filed January 10, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, advertising materials, supplies, display materials, and premiums*, when moving at the same time and in the same vehicle with the commodities described herein above, from Hackettstown, N.J., to points in Colorado, Indiana, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 114211 (Sub-No. 167), filed January 19, 1972. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bus bodies*, and (2) *parts, attachments and accessories* for bus bodies, between points in St. Joseph County, Ind., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at Noyse, Minn., and Sault Ste. Marie, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114457 (Sub-No. 123), filed January 10, 1972. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant and warehouse facilities of Kitchens of Sara Lee, Inc., located at or near New Hampton, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. Restriction: The authority sought is restricted to the transportation of shipments originating at the above-described origin points and destined to the above-described destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115162 (Sub-No. 242) (Correction), filed December 29, 1971, published FEDERAL REGISTER issue of February 10, 1972, corrected and republished as corrected this issue. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and moldings*, from the plantsite of, and the facilities utilized by U.S. Plywood-Champion Papers Inc., at Charleston and Orangeburg, S.C., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, Tennessee, and Texas, and (2) *Plywood*, from the plantsites of, and the facilities utilized by U.S. Plywood-Champion Papers Inc., at Charleston and Orangeburg, S.C., to points in Arkansas, Missouri, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to add "plywood" to the commodity description, which was inadvertently omitted from the previous publication. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 115311 (Sub-No. 130), filed January 24, 1972. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing slabs*, (1) from Brunswick, Ga., to points in South Carolina, Alabama, Mississippi, Florida, Tennessee, Arkansas, and Louisiana, and (2) from Terry, Miss., to points in Louisiana, Arkansas, Florida, Tennessee, Alabama, Georgia, and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 116628 (Sub-No. 16), filed January 11, 1972. Applicant: SUBURBAN TRANSFER SERVICE, INC., Post Office Box 168, Rutherford, NJ 07070. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk and articles requiring special equipment, between points in New York, New Jersey, Florida, Michigan, Illinois, Colorado, and California, limited to a transportation service to be performed under a continuing contract or contracts with Abercrombie and Fitch of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116859 (Sub-No. 11), filed January 24, 1972. Applicant: CLARK TRANSFER, INC., 629 North 29th Street, Philadelphia, PA 19130. Applicant's representative: V. Baker Smith, 123 North Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and New Jersey (except Camden and Bridgeton, N.J.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117686 (Sub-No. 129), filed December 20, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from New Hampton, Iowa, to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi,

North Carolina, South Carolina, Oklahoma, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 117765 (Sub-No. 142), filed January 10, 1972. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonfrozen foodstuffs*, in containers, (1) from Arlington and Plainview, Minn., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; and (2) from Ortonville, Minn., to points in Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117799 (Sub-No. 24), filed January 21, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, and soap and soap products*, from Turbotville, Pa., to Auburn, Wash.; Albuquerque, N. Mex.; Bell, Calif.; Clearfield, Utah; Denver, Colo.; Duluth, Ga.; Chicago Ill.; Fort Worth, Tex.; Hingham, Mass.; Kansas City, Mo.; Norfolk, Va.; Shelby, Ohio; Stockton, Calif., and Government installations at or near the above-named points. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 117799 (Sub-No. 25), filed January 24, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs;* and (2) *agricultural commodities and commodities* the transportation of which falls within the partial exemption of section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with commodities specified in (1) above, from points in Pennsylvania, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 117940 (Sub-No. 66) (Amendment), filed July 26, 1971, published in the FEDERAL REGISTER, issue of September 10, 1971, and republished as amended this issue. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Envelopes, advertising materials, circulars, paper bags, periodical inserts and business forms, newsprint and newspaper supplements* which are otherwise exempt from economic regulations in mixed loads with regulated commodities which are otherwise authorized, from Metuchen, N.J., to points in California, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 114789 and subs thereunder, therefore dual operations may be involved. The purpose of this republication is to clarify the commodity description by adding newspaper supplements and to amend the territory involved, by deleting the States of Georgia, Maryland, New York, North Carolina, Ohio, Pennsylvania, and Texas. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118253 (Sub-No. 5), filed January 3, 1972. Applicant: S. F. DOUGLAS, doing business as S. F. DOUGLAS TRUCK LINE, 587 Southwest First Street, New Brighton, MN 55112. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plantsite of Green Giant Co. at Glencoe, Minn., to points in North Dakota, South Dakota, Montana, Wisconsin, and Upper Peninsula, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 118989 (Sub-No. 69), filed January 10, 1972. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, WI 53211. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and incidental parts of containers*, between Ripon, Milwaukee, Racine, and Waupun, Wis., on the one hand, and, on the other, Niles, Mich., restricted to the transportation of traffic originating at or destined to the plant and storage facilities utilized by the Green Giant Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 119774 (Sub-No. 39), filed January 24, 1972. Applicant: MARY ELLEN STIDHAM, N. M. STIDHAM, A. E. MANKINS (INEZ MANKINS, EXECUTRIX) AND JAMES E. MANKINS, SR., doing business as EAGLE TRUCKING COMPANY, Post Office Box 471, Kilgore, TX 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, tubing, conduit, valves, fittings, compounds, joint sealer, bonding cement, primer coating, thinner and hand tools*, used in the installation of such products (except commodities in bulk, in tank vehicles), from New Orleans and Slidell, La., to points in the United States (except Alaska and Hawaii), and (2) *material, equipment, supplies, and fittings* used in the manufacture and installation of such products, from points in the United States (except Alaska and Hawaii), to New Orleans and Slidell, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, Shreveport, or Baton Rouge, La.

No. MC 123048 (Sub-No. 205), filed January 19, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bus bodies*, and (2) *parts, attachments, and accessories* for bus bodies, between points in St. Joseph County, Ind., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at Noyes, Minn., and Sault Ste. Marie, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124111 (Sub-No. 38), filed January 10, 1972. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Act when transported in mixed loads with bananas, from Baltimore, Md., and its commercial zone to points in Connecticut, Pennsylvania, New Jersey, New York, Ohio, Indiana, Illinois, Michigan, Wisconsin, West

FEB 17 72

Virginia, Louisville, Ky., and its commercial zone and St. Louis, Mo., and its commercial zone. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests to be held at Washington, D.C., or New York City, N.Y.

No. MC 124111 (Sub-No. 39), filed January 21, 1972. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* and *bakery products*, from Detroit and Livonia, Mich., and their commercial zones, to points in Connecticut, District of Columbia, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 124151 (Sub-No. 4), filed January 11, 1972. Applicant: VANGUARD TRANSPORTATION INCORPORATED, Post Office Box 157, Avenel, NJ 07001. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorocarbons*, in bulk, from Hillside, N.J., to points in Massachusetts, Rhode Island, Connecticut, Pennsylvania, and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 126305 (Sub-No. 38), filed January 19, 1972. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, moulding, trim, advertising, display materials, paint, stains, varnishes, nails, and equipment materials and supplies* used or useful in the installation and sale of the foregoing commodities, between points in Jackson County, Miss., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or New Orleans, La.

No. MC 127042 (Sub-No. 92), filed January 21, 1972. Applicant: HAGEN, INC., 4120 Floyd Building, Post Office 98-Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Fort Madison, Iowa, to points in Oregon, Washington, Colorado, Nevada, Utah, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127834 (Sub-No. 69), filed January 24, 1972. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum articles*, from points in Carroll County, Ky., to points in the United States (except Alaska and Hawaii), and (2) *material, equipment and supplies* (except commodities in bulk), used in connection with the manufacturing of the commodities named in (1) above, from points in the United States (except Alaska and Hawaii) to points in Carroll County, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128116 (Sub-No. 1), filed January 11, 1972. Applicant: RANCH AND FARM, M & M TRUCKING, INC., Box 451, Williston, ND 58801. Applicant's representative: Ray H. Walton, Post Office Box 726, Williston, ND 58801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, pop, and ale with empties, malt beverages, soft drinks, articles normally handled by beverage distributors* (tomato juice, rock spring water, advertising material, coolers, new bottles, etc.), from St. Paul, Minn.; Milwaukee, Wis.; St. Louis, Mo.; La Crosse, Wis.; Belleview, Alton, and Sterling, Ill.; and Sapulpa, Okla., to Williston, Crosby, and Dickinson, N. Dak., under contract with Powers Creameries, Crighton Distributors Inc., Coca Cola Bottling Co., Dickinson, N. Dak., and Coca Cola Bottling Co., Williston, N. Dak. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bismarck and Fargo, N. Dak., St. Paul, Minn., and Chicago, Ill.

No. MC 128616 (Sub-No. 7) (Correction), filed November 12, 1971, published in the FEDERAL REGISTER issue of December 23, 1971, and republished as corrected this issue. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, 127 North Dearborn Street, Suite 1133, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Commercial papers, documents and written instruments* (except coins, currency and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between St. Joseph, Mo., on the one hand, and, on the other, points in Kansas, under contract with various banks. NOTE: Applicant holds common carrier authority under MC 114533 and subs thereunder, therefore, dual operations may be involved. The purpose of this republication is to reflect applicant's representative new address and to show that applicant is under contract with various banks. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo., or Chicago, Ill.

No. MC 128886 (Sub-No. 32), filed January 18, 1972. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, 1815 H Street NW., No. 512, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil and sheet*, from the plantsite of Consolidated Aluminum Corp., and Jackson, Tenn., to the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., and (2) *scrap aluminum, defective or damaged aluminum foil and sheet, skids, pallets, and aluminum cores*, from the plantsites of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsite of Consolidated Aluminum Corp., Jackson, Miss., under contract with Penny Plate, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 129631 (Sub-No. 25) (Correction), filed December 7, 1971, published in the FEDERAL REGISTER issue of January 13, 1972, and republished as corrected this issue. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT 84117. Applicant's representative: Max D. Eliason, Post Office Box 2602, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber mill products and wood products*, from points in Washington, points in Baker County, Oreg., Wyoming, and Utah; (2) *fencing materials*, from points in Baker County, Oreg., to points in Oregon and Washington, and (3) *fencing materials*, from Idaho Falls, Idaho, to points in Montana and Washington. NOTE: Applicant presently holds contract carrier authority under MC 101741. Applicant states it will tack the authority in (1) and (2) above with its presently held authority in MC 129631 Sub 18 wherein it conducts operations in the transportation of building materials, between Baker, Oreg., on the one hand, and, on the other, points in Idaho. Applicant also indicates in (3) above there are tacking possibilities with its base certificate at Idaho Falls, Idaho. The purpose of this republication is to (1) include the tacking information, and (2) to delete the words "The purpose of the instant application is to convert said contract carrier authority to that of common". If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133106 (Sub-No. 12), filed January 11, 1972. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Pipe fittings and connections and pipe hangers* from the plants, warehouses, and storage facilities used by Grinnell Corp. at or near Atlanta, Ga., to points in Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, and Arizona, (b) *Iron and steel pipe* from the plants, warehouses, and storage facilities used by Grinnell Corp. at or near Kernersville, N.C., to points in the above named destination States, and (c) *pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves with or without operating appa-ratus, castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads and automatic fire protection, and prevention systems* (except those commodities which because of size or weight, require the use of special equipment), from the plants and warehouses, and storage facilities used by Grinnell Corp. at or near Cleveland, N.C., to points in the named destination States in (a) above, under continuing contract with Grinnell Corp. and its parent corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133106 (Sub-No. 13), filed January 11, 1972. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe fittings and connections, pipe hangers, indicator posts, hydrants, pipe, bars and rods, valves with or without operating apparatus, castings, water motor alarms, pipe cement, joint compound, automatic sprinkler heads, automatic fire protection and prevention systems, and air heaters, blowers, and parts* (except those commodities which, because of size and weight, require the use of special equipment), from the plants, warehouses, and storage facilities utilized by Grinnell Corp. at or near Cranston and West Kingston, R.I., Elmira, N.Y., Columbia and Wrightsville, Pa., to points in Montana, Wyoming, Utah, Arizona, Idaho, Nevada, Washington, Oregon, California, North Dakota, and South Dakota, under continuing contract with Grinnell Corp. and its parent corporation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 133397 (Sub-No. 2), filed January 10, 1972. Applicant: GEORGE JENKINS, Brickyard Road, Post Office Box 873, Phenix, City, AL 36867. Applicant's representative: Richard Y. Bradley, Fifth Floor, The Ralston Center, Post Office Box 2707, Columbus, GA 31902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, tile, ceramic, and related products*, (1) between points in Russell and Jefferson Counties, Ala., and Cobb County, Ga., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, Tennessee, and those points in Florida in and west of Hamilton, Suwannee, Lafayette, and Dixie Counties, Fla.; and (2) between points in Escambia County, Fla., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, and Tennessee, under contract with Bickerstaff Clay Products Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 133480 (Sub-No. 1) (Amendment), filed January 3, 1972, published in the FEDERAL REGISTER issue of February 10, 1972, amended and republished as amended, this issue. Applicant: A. VIZZI, 17 Crescent Street, Keansburg, NJ 07734. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing cement, rust prevention coating, asphalt emulsion, acoustical coatings, plasticizer, corking or glazing compounds, paint, weather strip, floor covering compounds, adhesive, sewer pipe joint compounds, washers or gaskets, and packing devices*, from Perth Amboy, N.J., to points in New York, N.Y. commercial zone, Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., Albany, N.Y., Hartford, Conn., Norfolk, Va., and points in Pennsylvania. Restriction: The operations authorized are limited to a transportation service to be performed under a continuing contract or contracts with Mortell Co., Perth Amboy, N.J. NOTE: The purpose of this republication is to broaden the scope of authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133937 (Sub-No. 11), filed January 21, 1972. Applicant: CAROLINA CARTAGE COMPANY, INC., 424 Airport Road, Post Office Box 1075, Greenville, SC 29602. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts* (excluding motor vehicles), between Ford Parts Depot at or near Atlanta, Ga., and the Ford Parts Depot at or near Charlotte, N.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Atlanta, Ga.

No. MC 135177 (Sub-No. 1), filed January 11, 1972. Applicant: SECURITY STORAGE & VAN LINES, INC., 2100 East Market Street, Charlottesville, VA 22902. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in city of Charlottesville, counties of Albermarle, Allegheny, Amherst, Appomattox, Augusta, Bath Buckingham, Culpeper, Cumberland, Farquier, Fluvanna, Goochland, Greene, Highland, Loudon, Louisa, Madison, Nelson, Orange, Rappahannock, Rockbridge, and Rockingham, Va., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points named above, and to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135763 (Sub-No. 3), filed January 21, 1972. Applicant: ARKANSAS-LOUISIANA LIMESTONE CORPORATION, Post Office Box 70, Foreman, AR 71836. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer ingredients*, in bulk, from the warehouse and distribution facilities of Arkla Chemical Corp. at or near Paris, Tex., to points in Arkansas, Louisiana, and Oklahoma, under a continuing contract with

V37-33
FEB 17 72
XUM

Arkla Chemical Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 135811, filed December 29, 1971. Applicant: GARDNER TRUCKING CO., INC., 320 Woodlawn, Waterboro, S.C. 29488. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Welding rods and welding wire*, (2) *electric welders and parts, materials and supplies* used in connection therewith, from Hanover, Pa., Monticello, Ind., and Charlottesville, Va., to points in Texas, Arizona, California, Washington, and Oregon, restricted to service under contract with Chemetron Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135996, filed August 18, 1971. Applicant: STRESS FREE SAFETY TRANSFER CO., Post Office Box 2722 AMF, Miami, FL 33159. Applicant's representative: Jack Funakoshi (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular homes, mobile homes, boats, and general commodities, in containers*, between points in the United States including Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fort Lauderdale, or Palm Beach, Fla.

No. MC 136012, filed January 5, 1972. Applicant: UNITED STATES TRANSPORTATION, INC., 8345 Clough Pike, Cincinnati, OH 45244. Applicant's representative: Frank B. Hand, Jr., The Union Trust Building, 740 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Midland, Ohio, to points in Kentucky and Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 136038 (Sub-No. 1), filed January 11, 1972. Applicant: ALASKA SEAVAN, INC., 18800 South Center Parkway, Seattle, WA 98168. Applicant's representative: Alan F. Wholstetter, 1600 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in King, Pierce, Snohomish, Skagit, and Whatcom Counties, Wash., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant intends to interline Alaska traffic at Seattle, Wash. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136056, filed January 10, 1972. Applicant: JACKIE L. PERRY, doing business as J. L. PERRY TRUCKING COMPANY, Post Office Box 301, Linton, IN 47441. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the brewery and distribution facilities of Theodore Hamm Co., St. Paul, Minn., to points in Indiana on and south of Indiana Highway 28, except points in Marion County, Ind., used malt beverages containers, from the above destinations to the above origin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 136156 (Sub-No. 1), filed January 11, 1972. Applicant: TODD NORTH AMERICAN, INC., 9 Derwood Circle, Rockville, MD 20850. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage, and personal effects*, between points in the District of Columbia; Anne Arundel, Charles, Montgomery, and Prince Georges Counties, Md.; Alexandria and Falls Church, Va.; and Arlington, Fairfax, Loudoun, and Prince William Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136158 (Sub-No. 1), filed January 11, 1972. Applicant: COLEMAN TRANSFER & STORAGE, INC., 2804 North 13th Street, Omaha, NE 68101. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage, and personal effects*, between points in Harrison, Pottawattamie, Mills, Freemont, Crawford, Shelby, Montgomery, Page, Audubon, Cass, Adams, and Taylor Counties, Iowa, and Polk, York, Fillmore, Thayer, Colfax, Butler, Seward, Saline, Jefferson, Dodge, Saunders, Lancaster, Gage, Washington, Douglas, Sarpy, Cass, and Otoe Counties, Nebr., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Omaha, Nebr.

No. MC 136212 (Sub-No. 1), filed January 24, 1972. Applicant: JENSEN TRUCKING COMPANY, INC., 213 South Washington Street, Post Office Box 37, Papillion, NE 68046. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of American Beef Packers or its subsidiaries located at or near (1) Fort Morgan, Colo., and Harlan, Iowa, to points in Nebraska, Iowa, Illinois, Indiana, Ohio, Michigan, Pennsylvania, Minnesota, Kansas, and Missouri; (2) from Omaha, Nebr., to points in Iowa, Nebraska, Illinois (except Chicago and its commercial zone), Indiana, Ohio, Michigan, Minnesota, Kansas, and Missouri; and (3) from Oakland, Iowa, to points in Nebraska, Ohio, Michigan, Minnesota, Kansas, and Missouri. NOTE: if a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 136246 (Sub-No. 1), filed January 24, 1972. Applicant: GEORGE BROS., INC., Post Office Box 492, Sutton, NE 68979. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the terminals and storage facilities located on the Gulf Central Pipeline Co. at or near Murphy, Nebr., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136270 (Sub-No. 1) (Amendment), filed November 19, 1971, published FEDERAL REGISTER, issues of December 23, 1971, and January 20, 1972, and republished as amended this issue. Applicant: DONALD E. HIRTLE TRANSPORT, LIMITED, Post Office Box 88, Blockhouse, Lunenburg County, NS Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Bananas*, when moving in the same vehicle with commodities declared to be exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, from Chelsea, Mass., to ports of entry on the international boundary line between the United States and Canada located at or near Calais and Houlton, Maine, and to Bar Harbor and Portland, Maine, restricted to traffic moving in foreign commerce; (b) *fresh and processed fish*, when moving in the same vehicle with commodities declared to be exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, from ports of entry on the international boundary line between the United States and Canada located at or near Calais and Houlton, Maine, and from Bar Harbor and Portland, Maine, to Boston and Glouchester, Mass., Jersey City, N.J., and Philadelphia and Pittsburgh, Pa., and points in New York, restricted to traffic moving in foreign commerce, and (c) *bananas*, from Albany, N.Y., and points in the New York, N.Y. commercial zone to ports of entry on the international boundary line between the United States and Canada located at or near Calais and Houlton, Maine, and to Bar Harbor and Portland, Maine, restricted to traffic moving in foreign commerce. NOTE: Applicant states authority sought to and from Bar Harbor and Portland, Maine, to cover service by ferry. The purpose of this republication is to amend the application to include the request for additional authority as stated under item (c) and to reflect under item (b) points in New York as destinations in lieu of New York, N.Y., as previously shown. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Portland, Maine.

No. MC 136297 (Sub-No. 1), filed January 5, 1972. Applicant: CHARLES F. CAMPBELL, 612 North Walnut, Champaign, IL 61820. Applicant's representative: George B. Gillespie, 217 South Seventh Street, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk) on traffic having a prior or subsequent movement by air, between Champaign-Urbana, Ill., and O'Hare International Airport, Chicago, Ill., and within a 10-mile radius thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 136301, filed December 16, 1971. Applicant: MER-LOU TRANSPORTATION, INC., East Edison Avenue at State Farmers Market, Fort Myers, Fla. 33902. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, FL 33134. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Pickled products vegetables*, in jars and containers, other than frozen; from Millsboro, Del., to all States lying east of the Mississippi River, including Washington, D.C., and points in Louisiana and Missouri, but excluding points in Minnesota; *empty glass jars and containers and cans and related items* such as caps and corks and any other ingredients necessary to effect the processing of pickled products, on return; (b) *pickled products and vegetables*, in jars and containers, other than frozen, from the processing plants at Imlay City, Bridgeport, Memphis, and Carson City, Mich., to the plantsite in Millsboro, Del., and (c) *pickled products*, in brine in specialized containers, from points in all States lying east of the Mississippi River including the District of Columbia and points in Louisiana and Missouri but excluding points in Minnesota, to the processing plants located in Imlay City, Bridgeport, Memphis, and Carson City, Mich., and Millsboro, Del., under contract with Vlasic Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Miami, Fla.

No. MC 136312 (Sub-No. 1), filed January 10, 1972. Applicant: HASKELL FOODS COMPANY OF OKLAHOMA, INC., Haskell, Okla. 74436. Applicant's representative: James B. Blair, 111 Holcomb Street, Springdale, AR 72764. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and beverages*, from the warehouse site of R. J. R. Foods, Inc., in Haskell, Okla., to points in Arkansas, Kansas, Mississippi, Missouri, New Mexico, Oklahoma, and Texas, under contract with R. J. R. Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., Kansas City, Mo., or Dallas, Tex.

No. MC 136319 (Sub-No. 1), filed January 26, 1972. Applicant: CUSTOM TRANSIT, INC., 2406 Glenbrook South, Garland, TX 75040. Applicant's representative: Glen M. White, 3100 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, automobile or boat, cut to shape; *mineral wool; and mineral wool conduits or pipe*, from Dallas, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas, under contract with PPG Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 136354, filed January 7, 1972. Applicant: LIZZA TRUCKING CO., a corporation, Route 30 East, 1085 East Pittsburgh Street, Greensburg, PA 15601. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, toilet articles and premiums, cosmetics, drugs, cleaning compounds, buffing or polishing compounds, disinfectants and household products* (except commodities in bulk); and (2) *materials and supplies* used in the manufacture or sales and distribution of the commodities named in (1) above (except commodities in bulk), between Fort Madison, Iowa, Danville, Ill., and Jackson, Miss., on the one hand, and, on the other, points in Minnesota, Wisconsin, Nebraska, Illinois, Indiana, Michigan, Ohio, Missouri, Tennessee, Iowa, Arkansas, Kansas, Kentucky, Mississippi, Texas, Oklahoma, Louisiana, Georgia, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136358, filed January 10, 1972. Applicant: JOHN S. BADGER, JR., doing business as ECONOMY MOVERS, Post Office Box 7001, Colorado Springs, CO 80907. Applicant's representative: Henry V. Ellwood, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in El Paso County, Colo., restricted to the transportation of traffic having a prior or subsequent movement in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136359, filed January 12, 1972. Applicant: EASTERN OIL TRANSPORT, INC., Post Office Box 996, Wilmington, NC 28402. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Asphalt, asphalt cutback, No. 2 fuel oil, No. 5 oil and No. 6 oil*, in bulk, from Wilmington, N.C., to points in Williamsburg, Horry, Marion, Florence, Darlington, Chesterfield, Lancaster, Marlboro, Dillon, and Georgetown Counties, S.C.; and (b) *asphalt products*, in bulk, from Savannah, Ga., to Wilmington, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

MOTOR CARRIER OF PASSENGERS

No. MC 2835 (Sub-No. 37), field January 11, 1972. Applicant: ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, NY 12401. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between the junction of New Jersey Highway 17 and Interstate Highway 80 and the junction of New Jersey Highway 3 and Interstate Highway 95 as follows: From the junction of New Jersey Highway 17 and Interstate Highway 80 over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction New Jersey Highway 3 and return over the same route, as an alternate route for operating conveniences only in connection with applicant's regular-route operations, and serving no intermediate points: NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 31422 (Sub-No. 6), filed January 4, 1972. Applicant: BESSEMER HILLSVILLE BUS COMPANY, INC., 310 East Liberty Street, Lowellville, OH 44436. Applicant's representative: Frank Robb (same address as above). Authority sought to operate as a *common*

FEB 17 72

carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special round trip, sightseeing tours and pleasure tours, beginning and ending at points in Mahoning County, Ohio, and Lawrence County, Pa., and extending to points in the United States (including Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Youngstown, Ohio, or Pittsburgh, Pa.

No. MC 112699 (Sub-No. 2), filed January 10, 1972. Applicant: TRIANGLE TRANSPORTATION CO., INC., 1531 De Mers Avenue, East Grand Forks, MN 56721. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express, mail and newspapers* in the same vehicle with passengers, between Grand Forks and Langdon, N. Dak., serving all intermediate points: From Grand Forks over U.S. Highway 81 to Hamilton, N. Dak., and junction North Dakota Highway 5, thence over North Dakota Highway 5 to Langdon, and return over the same route. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn.

APPLICATION OF FILING BROKERAGE LICENSE

No MC 130162, filed January 5, 1972. Applicant: PAULINE B. CHAPUT AND ARVILLA V. SMITH, a partnership, doing business as GEM TOURS, 7681 Padova Drive, Goleta, CA 93017. For a license (BMC-5) to engage in operations as a broker at Goleta, Calif., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, as individuals and groups, in charter operations, beginning and ending at points in California and extending to points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 173), filed January 19, 1972. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Chicago, Ill., and the junction of U.S. Highway 66 and Interstate Highway 55 near Burr Ridge, Ill., serving all intermediate points and for purposes of joinder with applicant's authorized service route: From Chicago over Interstate Highway 55 to junction U.S. Highway 66 at Burr Ridge, Ill., and return over the same route. In connection with (1) above, authority is sought to abandon U.S. Highway 66 between Chicago and the junction of U.S. Highway 66 and Interstate Highway 55 at Burr Ridge, Ill. This authority is found in MC 1515, Sub 6, Route 1. Applicant requests that this abandonment be effective simultaneously with the granting of the authority sought in (1) above; (2) between the junction of U.S. Highway 5 and Worthington Ridge Road near Berlin and New Britain, Conn., serving all intermediate points: From the junction of U.S. Highway 5 and Worthington Ridge Road near Berlin, Conn., over U.S. Highway 5 to interchange with Connecticut Highway 72, thence over Connecticut Highway 72 to New Britain, Conn., and return over the same route. In connection with (2) above, authority is sought to abandon old U.S. Highway 72 (now designated Connecticut Highway 572) and Worthington Ridge Road (former U.S. Highway 5) between the junction of Worthington Ridge Road and U.S. Highway 5 near Berlin, Conn., over Worthington Ridge Road to junction Connecticut Highway 572, thence over Connecticut Highway 572 to New Britian, Conn. This authority is found in MC 1515, Sub 56, Sheet No. 4, the last paragraph and has been redesignated per letter notice of redesignation of highway September 1968 filed with the Commission. Applicant requests that this abandonment be effective simultaneously with the granting of the authority sought in (2) above:

(3) Between the junction of Virginia Highway 30 with U.S. Highway 1 at or near Doswell, Va., and the junction of Virginia Highway 30 with U.S. Highway 60 west of Williamsburg over the following routes: From the junction of Virginia Highway 30 with U.S. Highway 1 over Virginia Highway 30 to West Point, thence over Virginia Highway 33 to its junction with Virginia Highway 168, thence over Virginia Highway 168 to Barhamsville, thence over Virginia Highway 30 to its junction with U.S. Highway 60. Restriction: No passenger or parcel will be picked up at West Point or at any point within 5 miles of West Point to be discharged or delivered at Richmond and no passenger or parcel will be picked up at Richmond to be discharged or delivered at West Point or at any point within 5 miles of West Point; (4) between the junction of U.S. Highway 41 and Alternate U.S. Highway 41 approximately 2 miles south of Nortonville, Ky., and the junction of Interstate Highway 65 and U.S. Highway 62 just northeast of Elizabethtown, Ky., serving no intermediate points except the junction of the Western Kentucky Parkway and U.S. Highway 41 just southeast of Elizabethtown, Ky., for the purpose of joinder with applicant's authorized service route, and subject to the further restriction shown below, as follows: From the junction of U.S. Highway 41 and Alternate U.S. Highway 41 approximately 2 miles south of Nortonville, Ky., over U.S. Highway 41 to its junction with the Western Kentucky Parkway, thence over the Western Kentucky Parkway to its junction with Interstate Highway 65, thence over Interstate Highway 65 to its junction with the Kentucky Turnpike and U.S. Highway 62 just northeast of Elizabethtown, Ky., and return over the same routes.

Restriction: No traffic may be transported under this authority which originates at or is destined to Nortonville or Elizabethtown, Ky., and (5) between New Philadelphia, Ohio, and the junction of U.S. Highway 250 and Ohio Highway 259 (former U.S. Highway 250) near Midvale, Ohio, serving all intermediate points: From New Philadelphia (South Broadway Interchange) over U.S. Highway 250 to junction Ohio Highway 259 near Midvale, Ohio, and return over the same route. In connection with (5) above, authority is sought to abandon Ohio Highway 259 (former U.S. Highway 250) from New Philadelphia to its junction with U.S. Highway 250 near Midvale, Ohio. This authority is found in MC 1515, Sub 6, Sheet No. 17, Route No. 64. Applicant requests that this abandonment be effective simultaneously with the granting of the authority sought in (5) above. NOTE: Common control may be involved.

No. MC 35628 (Sub-No. 326), filed January 10, 1972. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Worcester, Mass., and points in Essex, Middlesex, Suffolk, and Norfolk Counties, Mass. NOTE: Applicant states that tacking is intended at Worcester, Mass., with service to and from all points presently authorized. Applicant further states the purpose of instant application is to use Worcester as a gateway in addition to present authority to and from points in said counties via Somersworth, N.H.

No. MC 125562 (Sub-No. 6), filed January 6, 1972. Applicant: EDWIN S. LEHMAN AND DENNIS D. LEHMAN, a partnership, doing business as LEHMAN TRUCKING CO., Box 103, Kidron, OH 44636. Applicant's representative: Sheldon M. Gisser, 340 Terminal Tower, Cleveland, Ohio 44113. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum truck body kits*, knocked down, and *cabs and fabricated parts for construction machinery*, in shipper owned trailers, from Kidron, Ohio, to points in Kansas and South Dakota, and *damaged or defective shipments and materials and supplies* used in the manufacture of the commodities described above from points in Kansas and South Dakota to Kidron, Ohio, under contract with Kidron Body Co.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-2372 Filed 2-16-72;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATIONS:	
2032 (see PLO 5158)	3058
2372 (see PLO 5158)	3058
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3967 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
4105	2831
4106	2921
4107	3165
EXECUTIVE ORDERS:	
January 27, 1913 (partially revoked by PLO 5159)	3184
5237 (partially revoked by PLO 5155)	2840
5327 (see PLO 5157)	3057
7295 (see PLO 5162)	3185
8592 (see PLO 5162)	3185
11248 (amended by EO 11641)	2421
11345 (amended by EO 11646)	2925
11568 (see EO 11642)	2565
11641	2421
11642	2565
11643	2875
11644	2877
11645	2923
11646	2925
11647	3167
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567

5 CFR

	Page
213	2423, 2491, 2841, 2842, 2879, 3049
532	3409
550	3355
PROPOSED RULES:	
900	2589

6 CFR

	Page
101	2491, 2678
102	2478
200	2479
201	3357
300	2842, 3410
311	2480

7 CFR

	Page
7	3349
51	2745
53	2745
501	2423
502	2424
701	2833
706	2491
722	3171, 3420
724	2745, 3422, 3507
726	2496
729	2645, 2765
795	3049
811	2659
905	2660
906	2765, 3049
907	2569, 2927, 3507
910	2426, 2766, 2834, 3171
928	2927
993	3349
1001	2928
1002	2929
1004	2929
1006	2930
1007	2930
1011	2930
1012	2930
1013	2931
1015	2931
1030	2931
1032	2932
1033	2932
1036	2932
1040	2932
1043	2933
1044	2933
1046	2933
1049	2933
1050	2934
1060	2934
1061	2934
1063	2934
1064	2935
1065	2497, 2935
1068	2935
1069	2935
1070	2936
1071	2936
1073	2936
1075	2936
1076	2937
1078	2937
1079	2937
1090	2937
1094	2938, 2944
1096	2938
1097	2938
1098	2938
1099	2939
1101	2939
1102	2939
1103	2939
1104	2940
1106	2940
1108	2940
1120	2940
1124	2940
1125	2941
1126	2941
1127	2941
1128	2941
1129	2942
1130	2942
1131	2942
1132	2942
1133	2943
1134	2943
1136	2943
1137	2943
1138	2944
1806	2879
1823	2879, 3172
1871	2569
1890	3174
1890i	3172

7 CFR—Continued

	Page
PROPOSED RULES:	
29	3362
51	3363
59	2775, 3187
81	2778
225	3440
271	3545
724	3438
726	2773
729	2774
909	3366
945	2844
966	2845
982	2515
987	2890, 3439
991	3440
993	2515
1001	3187
1002	3187
1046	2969
1061	3536
1068	3536
1137	3545
1421	2844
1434	2775
1446	2844
1464	3439
1481	2820
1701	2846, 3546

8 CFR

	Page
214	2766
238	2766
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

	Page
11	2426
51	3507
73	2945
76	3600
82	2429, 2498, 3050
97	2430, 3410
113	2430
301	2661
311	2661
315	2661
PROPOSED RULES:	
316	2779
317	2779

10 CFR

	Page
140	3423

12 CFR

	Page
563	3508
701	2946, 3174, 3508
PROPOSED RULES:	
529	2447
545	3549
750	2594

13 CFR

	Page
120	2569
123	2947

FEB 17 72 XUM

14 CFR

	Page
39	2498, 2570, 2662, 2835, 2880, 3409, 3508
71	2570–2572, 2835–2837, 2952, 2953, 3050, 3349, 3409, 3509
73	2499, 2837
75	2499, 2500, 2572, 2767, 3510
93	2953
95	2573
97	2662, 3174, 3510
121	2500
221	2661
241	2501
PROPOSED RULES:	
61	2523
67	2523
71	2524, 2587, 2682, 2683, 3059, 3167, 3341–3443, 3548
73	2847
103	2587, 2588
121	2523, 2684
127	2523
159	3059
183	2523

15 CFR

377	2430
386	3175
390	3511
PROPOSED RULES:	
7	2846

16 CFR

13	2575, 2576, 2578–2581, 2953
PROPOSED RULES:	
302	3443
425	2848
429	3551
432	2454, 2849

17 CFR

241	3050
PROPOSED RULES:	
230	2596, 2598
239	2596, 2598
240	3059, 3446

18 CFR

2	2502, 2954
PROPOSED RULES:	
101	2451
104	2451
105	2451
141	2451
260	2451, 3193

19 CFR

12	2430, 2665
21	3423
24	3425
PROPOSED RULES:	
1	2443
11	2509
134	2509

20 CFR

404	3425
614	2434
617	2434
PROPOSED RULES:	
405	3492
620	2684

21 CFR

	Page
1	3175
3	2503, 3175
8	3177
121	2437, 2958–2960, 3177
135	2961, 3053, 3426
135b	3053
135c	3178, 3426
135e	2960, 2961
141c	2665
141d	3178
144	2960
146a	2665, 3178, 3426
146c	2665
146d	3178
146e	2665, 3179, 3426
148l	3179
148n	2665
149a	2438
295	3427
PROPOSED RULES:	
15	3189
17	3189
121	3060, 3366
130	2969
135	2444

22 CFR

41	2439, 3053

24 CFR

110	3429
275	3185
600	2665
1710	2768
1911	3350
1914	2505, 2881
1915	2505, 2882
PROPOSED RULES:	
235	3548
420	3546

25 CFR

221	2506
PROPOSED RULES:	
43h	2679
221	3060

26 CFR

1	2506
12	3511
301	2481, 2506
PROPOSED RULES:	
1	2773, 3526, 3530
12	3526
301	3530

28 CFR

0	3180
9	2768
45	2769

29 CFR

511	3430
727	3180
1904	2439
1910	3053, 3431, 3512
1926	3431, 3512
PROPOSED RULES:	
460	2443
1926	2443

30 CFR

PROPOSED RULES:	
80	2968

31 CFR

	Page
316	2554
500	3520
505	3520

32 CFR

1452	3181
1801	2672
1808	2673
PROPOSED RULES:	
1499	2849

32A CFR

Ch. X:	
OI Reg. 1	2439

33 CFR

3	3350
117	2838
199	3433
PROPOSED RULES:	
110	2446, 2447, 2587, 2890
117	2521, 2522

36 CFR

6	3350
PROPOSED RULES:	
7	3438

37 CFR

2	2880
202	3055
PROPOSED RULES:	
1	2520

38 CFR

0	3435
1	2676
8	3352
PROPOSED RULES:	
1	3552

39 CFR

Ch. I	2423
135	3521
273	3352
619	3056

40 CFR

52	2581
85	2432
106	2433
180	2676, 2839, 2883, 3181, 3352
PROPOSED RULES:	
6	3367
164	3060

41 CFR

1–2	2769
1–7	2769
1–12	2769
1–16	2771
3–1	3353
3–2	3353
5A–1	3182
5A–2	3182
5A–8	2597
5A–72	3183
5A–73	2441, 3183
7–1	3521
7–16	3521
8–14	2508
8–74	2508
9–1	3435

41 CFR—Continued

	Page
9–5	3435
9–7	3435
9–59	3436
101–11	2962
101–25	3524
101–27	2771
PROPOSED RULES:	
14–10	2680
60–7	2847

42 CFR

PROPOSED RULES:	
51b	2970
54	2970

43 CFR

2	2677
25	3183
PUBLIC LAND ORDERS:	
1272 (modified by PLO 5161)	3185
2732 (amended by PLO 5160)	3184
4522 (amended by PLO 5157)	3057
5154	2677
5155	2840
5156	3056
5157	3057
5158	3058
5159	3184
5160	3184
5161	3185
5162	3185

45 CFR

	Page
102	2882
170	2882
1015	2840
PROPOSED RULES:	
118	2779
143	2779
220	2445
222	2445
415	2986

46 CFR

308	3436
PROPOSED RULES:	
12	3190
66	2681
193	2682

47 CFR

1	3277
2	2771, 3437
15	3277
21	2583, 3277, 3354
74	3278
76	3278
78	3292
83	2884
91	3297
211	2771

47 CFR—Continued

	Page
PROPOSED RULES:	
73	2524, 2790, 2891, 3513
76	3190, 3192
81	2524

49 CFR

173	2885, 3521
174	2886, 3524
177	2886, 3521
178	2886, 3524
179	3058
571	3185
1033	2677, 3351
1211	2841
1311	3351
PROPOSED RULES:	
173	2588
178	2588
1056	3446
1322	3446

50 CFR

28	2964, 3436
32	3524
33	2441, 2502, 2841, 2964, 2967, 3437
280	2516
PROPOSED RULES:	
17	2589
280	2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	3
2637–2737	4
2739–2823	Feb. 5
2825–2867	8
2869–2913	9
2915–3041	10
3043–3157	11
3159–3341	Feb. 12
3343–3401	15
3403–3500	16
3501–3606	17

FEB 17 72

federal register

THURSDAY, FEBRUARY 17, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 33

PART II

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Service

■

Hog Cholera and Other Communicable Swine Diseases

No. 33—Pt. II——1

V 33 3
FEB 17 72
XUM

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service,[1] Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

On November 11, 1971, there was published in the FEDERAL REGISTER (36 F.R. 21652–21658) a notice of proposed rule making with respect to a proposed revision of the Hog Cholera Regulations as contained in Part 76, Title 9, Code of Federal Regulations. After due consideration of all relevant material, including that submitted in connection with such notice, and pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), said Part 76 is hereby revised to read as follows:

GENERAL PROVISIONS

Sec.

76.1 Definitions.
76.2 Notice relating to existence of the contagion of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; Eradication States; Free States.
76.3 General restrictions.
76.4 Interstate movement of hog cholera virus prohibited, except as provided.
76.5 Interstate movement of swine affected with or exposed to hog cholera.
76.6 Interstate movement of certain swine not affected with or exposed to hog cholera.
76.7 Interstate movement of vaccinated swine.
76.8 Interstate movement of swine from a quarantined area.
76.9 Interstate movement of swine products from a quarantined area.
76.10 Movement of swine and swine products from a quarantined area to a nonquarantined area of the same State.
76.11 Movement of swine and swine products through quarantined areas.
76.12 Schedules of restrictions and conditions.
76.13 Interstate movement of specially processed swine products.
76.14 Special processing of swine products.
76.15 Special requirements for interstate movement of swine fed raw garbage and products from swine fed raw garbage.
76.16 Authorization of other movements.
76.17 Serum prophylaxis treatment of swine.
76.18 Approval of livestock markets.
76.30 Cleaning and disinfecting of means of conveyance.
76.31 Cleaning and disinfecting livestock markets and other facilities.
76.32 Disinfectants to be used.

AUTHORITY: The provisions of this Part 76 issued under the Act of May 29, 1884, as amended; the Act of February 2, 1903, as amended; the Act of March 3, 1905, as amended; the Act of September 6, 1961; and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a, 114g, 115, 117, 120, 121, 123–126, 134b, 134f).

GENERAL PROVISIONS

§ 76.1 Definitions.

For purposes of this part, the following terms shall have the meanings set forth in this section.

(a) *Administrator.* The Administrator of the Animal and Plant Health Service, U.S. Department of Agriculture, or any other official of such Service to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Deputy Administrator.* The Deputy Administrator, Veterinary Services, Animal and Plant Health Service, or any other Veterinary Services official to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Veterinary services.* Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture.

(d) *Hog cholera.* The contagious, infectious and communicable disease of swine commonly known as hog cholera.

(e) *Exposed swine.* Any swine that have been in contact with animals known to be or suspected of being affected with hog cholera; any swine which have been inoculated with modified live virus vaccine after Janary 1, 1970; any swine which have been inoculated with any other virulent hog cholera virus at any time; any swine which have been inoculated with killed or inactivated hog cholera virus vaccine other than as provided in paragraph (w) of this section; or any swine which have been in contact with such vaccinates.

(f) *Virulent hog cholera virus.* The living agent capable of causing hog cholera found:

(1) In the clear serum, plasma, defibrinated blood, whole blood or other tissue derived from pigs affected with hog cholera; or

(2) In any material used as a medium for perpetuating such living agent; or

(3) In living hog cholera virus vaccine commonly known as modified live virus vaccine.

(g) *Modified live virus vaccine.* A living hog cholera virus vaccine produced from a modified or attenuated strain of hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to Subchapter E of this chapter.

(h) *Killed or inactivated hog cholera virus vaccine.* A vaccine produced from killed or inactivated hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to Subchapter E of this chapter.

(i) *Garbage.* Waste consisting in whole or in part of animal waste, including any waste animal carcasses or the offal from such carcasses, or parts thereof, but excluding waste from ordinary household operations which is fed directly to swine on the same premises where such household is located.

(j) *Raw garbage.* Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method approved in specific cases by the Deputy Administrator[1] as adequate to prevent the spread of hog cholera.

(k) *Food waste.* Edible waste (for animal use) derived from garbage that has been heated throughout to boiling or equivalent temperature (usually 212° F. at sea level) for 30 minutes, or heated according to a method approved in specific cases by the Deputy Administrator[1] as adequate to prevent the spread of hog cholera.

(l) *State.* Any State, Puerto Rico, or the District of Columbia.

(m) *Interstate.* From any State into or through any other State.

(n) *Quarantined area.* A State, or portion of a State, quarantined under § 76.2 (e) because of hog cholera or other contagious, infectious, or communicable disease of swine.

(o) *Nonquarantined area.* Any State, or portion of a State, not quarantined under this part.

(p) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity.

(q) *Moved.* Shipped, transported, or otherwise moved, or delivered or received for movement, by any person, by land, water, or air.

(r) *Approved livestock market.* A stockyard, livestock market, buying station, concentration point or any other premises, under State or Federal veterinary supervision where swine are assembled for sale or sale purposes, and which has been approved by the Deputy Administrator under § 76.16.

(s) *Nonapproved livestock market.* A stockyard, livestock market, buying station, concentration point or any other premises, other than an approved livestock market, where swine are assembled for sale or sale purposes.

(t) *Recognized slaughtering establishment.* A slaughtering establishment where State or Federal meat inspection is available.

(u) *Swine product.* Any carcass, part or offal of swine, or product thereof.

(v) *Special processing.* Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.14.

(w) *Official vaccinates.* Swine which are permanently identified as official vaccinates; were reported at the time of vaccination to the appropriate State or Federal agency; have never received official serum prophylaxis; and were vaccinated against hog cholera prior to July 1, 1969, with a modified live virus hog cholera vaccine approved under this part prior to July 1, 1969, administered in accordance with the recommendations on the vaccine label, or were vaccinated prior to January 1, 1970, with a killed or inactivated hog cholera virus vaccine administered in accordance with the recommendations on the vaccine label.

(x) *Official serum prophylaxis.* The inoculation of swine with anti-hog-cholera serum or hog cholera antibody concentrate, as prescribed in § 76.17, under the supervision of a Federal or State veterinary official, with permanent identification of such swine as having been so inoculated.

(y) *Farm of origin.* A farm where the swine to be shipped interstate were born and which has not been used within the 6 months prior to such shipment to assemble, buy, or sell swine brought in from other sources.

(z) *Slaughter market.* An approved livestock market in a quarantined area, the approval of which has been suspended as provided in § 76.18(c), or an approved livestock market not located within a quarantined area at which swine for sale and shipment for slaughter are handled only on days when no swine are handled for sale and shipment for feeding or breeding purposes, and which is cleaned and disinfected in accordance with the requirements of this part before any swine for feeding or breeding purposes are handled thereat.[2]

(aa) *Eradication State.* Any State listed in § 76.2(f).

(bb) *Free State.* Any State listed in § 76.2(g).

(cc) *Veterinary services inspector.* A veterinarian or livestock inspector employed by Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture, in animal health activities, who is authorized to perform the function involved.

(dd) *State inspector.* A veterinarian or livestock inspector regularly employed in animal health activities by a State or a political subdivision thereof, authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the United States Department of Agriculture.

(ee) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this Chapter.

(ff) *State animal health official.* The State animal health official responsible for livestock and poultry disease control and eradication programs.

(gg) *Veterinarian in charge.* The veterinary official of Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture, who is assigned by the Deputy Administrator to supervise and perform the official animal health work of the Animal and Plant Health Service in the State concerned.

§ 76.2 Notice relating to existence of the contagion of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; Eradication States; Free States.

(a) Notice is hereby given that the contagion of hog cholera exists in each area specified in paragraph (e) of this section and that the contagion of hog cholera and other communicable diseases of swine may exist in each State.

(b) Notice is hereby given that the Administrator has determined that the prohibition of the interstate movement of any hog cholera virus, except as specified in § 76.4, is necessary in order to effectuate the eradication of hog cholera.

(c) Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, swine erysipelas, trichinosis, tuberculosis, and other contagious, infectious, or communicable diseases of swine is disseminated. Further, there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, the regulations in this part with respect to raw garbage are deemed necessary in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries.

(d) Notice is hereby given that in order to effectually suppress and extirpate hog cholera and other contagious, infectious, and communicable diseases of swine, to prevent the spread and dissemination of the contagion thereof and to protect the livestock of the United States, the regulations in this part are promulgated to govern the interstate movement of swine and swine products.

(e) *Notice of quarantine.* Notice is hereby given that because of the existence of the contagion of hog cholera and the nature and extent of such contagion, the following areas are quarantined:

(1) *Texas.* That portion of the State of Texas comprised of Atascosa, Bee, Bexar, Cameron, De Witt, Duval, Goliad, Gonzales, Hidalgo, Jackson, Karnes, Starr, Victoria, Webb, Willacy, and Wilson Counties.

(2) *The Commonwealth of Puerto Rico.* Entire Commonwealth.

(f) Notice is hereby given that systematic procedures have been in effect for at least 3 months in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 3 months has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Eradication States. Once designated as a hog cholera Eradication State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated, or until such State is listed in paragraph (g) of this section. Any State which is removed from listing in paragraph (f) because of this secondary spread of the contagion of hog cholera within such State may requalify for such listing when systematic procedures to detect and eradicate the disease have been in effect for 3 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected within such State. The following States are classified as Eradication States:

Arkansas.	North Carolina.
Illinois.	Ohio.
Indiana.	Oklahoma.
Massachusetts.	Rhode Island.
Minnesota.	Virginia.
Mississippi.	Commonwealth of Puerto Rico.
Missouri.	
New Jersey.	

(g) Notice is hereby given that systematic procedures have been in effect for at least 1 year in the States listed below to detect and eradicate the disease of hog cholera; that a period of more than 1 year has passed since there has been clinical evidence that the contagion of the disease exists within such States; and that such States are hereby designated as hog cholera Free States. Once designated as a hog cholera Free State, the State will retain such status so long as there is no clinical evidence that the contagion of hog cholera exists within such State, other than in primary unrelated instances where the infected herd is promptly depopulated. A State removed from listing in this paragraph because of secondary spread of the contagion of hog cholera within such State may requalify for listing when systematic procedures to detect and eradicate the disease have been in effect for 6 consecutive months following herd depopulation of the last positive case, and no clinical evidence of the contagion of the disease has been detected. The following States are hereby classified as hog cholera Free States:

Alabama.	Nebraska.
Alaska.	Nevada.
Arizona.	New Hampshire.
California.	New Mexico.
Colorado.	New York.
Connecticut.	North Dakota.
Delaware.	Oregon.
Florida.	Pennsylvania.
Georgia.	South Carolina.
Hawaii.	South Dakota.
Idaho.	Tennessee.
Iowa.	Utah.
Kansas.	Vermont.
Kentucky.	Washington.
Louisiana.	West Virginia.
Maine.	Wisconsin.
Maryland.	Wyoming.
Michigan.	District of Columbia.
Montana.	

[1] The functions prescribed in Part 76 of Chapter I, 9 CFR, have been transferred from the Agricultural Research Service, U.S. Department of Agriculture, to the Animal and Plant Health Service of the Department (36 F.R. 20707).

[1] Requests for approval of other methods may be made to the Veterinarian in Charge, Animal Health Programs, Animal and Plant Health Service, U.S. Department of Agriculture, for the State in question.

[2] Information concerning slaughter markets can be obtained from the Veterinarian in Charge, Animal Health Programs, Animal and Plant Health Service, U.S. Department of Agriculture, for the State in question.

FEB 17 72
XUM

§ 76.3 General restrictions.

Swine or swine products referred to in this part shall not be moved interstate except in accordance with the regulations in this part.

§ 76.4 Interstate movement of hog cholera virus prohibited, except as provided.

Virulent hog cholera virus shall not be moved interstate, except that: In specific cases and under such conditions as he may impose to prevent the interstate spread of hog cholera and to effectuate the hog cholera eradication program, the Deputy Administrator may authorize the interstate movement of stated quantities of virulent hog cholera virus for research, diagnostic, biologics production, or export purposes if he determines that such movement will not endanger swine or impair the hog cholera eradication program. When so moved for purposes other than export, such virus shall be accompanied by a permit from the appropriate official of the State of destination and shall in all cases, including export, be accompanied by a certificate issued by the Deputy Administrator specifying any conditions imposed regarding the specific shipment.

§ 76.5 Interstate movement of swine affected with or exposed to hog cholera.

(a) Swine affected with hog cholera may not be moved interstate for any purpose.

(b) Exposed swine (as defined in § 76.1(e)) may be moved interstate from any point in any State to a recognized slaughtering establishment for immediate slaughter and special processing in accordance with Schedule A of § 76.12.

§ 76.6 Interstate movement of certain swine not affected with or exposed to hog cholera.

(a) Swine not known to be affected with or exposed to hog cholera may be moved interstate from any point in any nonquarantined area to a recognized slaughtering establishment for immediate slaughter, or to an approved livestock market for sale for immediate slaughter without further restriction under this part.

(b) Swine not known to be affected with or exposed to hog cholera may be moved interstate from any nonquarantined area for feeding and breeding purposes as provided in this paragraph (b):

(1) From an approved livestock market in any State:

(i) To an approved livestock market in accordance with Schedule B of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule B of § 76.12.

(2) From a farm of origin in any State:

(i) To an approved livestock market in accordance with Schedule C of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule C of § 76.12.

(3) From any premises in any State, other than a farm of origin or an approved or nonapproved livestock market:

(i) To an approved livestock market in accordance with Schedule D of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule D of § 76.12.

(4) From an approved livestock market in an Eradication or Free State which receives swine only from Eradication or Free States:

(i) To an approved livestock market in accordance with Schedule E of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule E of § 76.12.

(5) From a farm of origin in an Eradication or Free State:

(i) To an approved livestock market in accordance with Schedule F of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule F of § 76.12.

(6) From any premises in an Eradication or Free State, other than a farm of origin, or an approved or nonapproved livestock market:

(i) To an approved livestock market in accordance with Schedule G of § 76.12.

(ii) To any point other than a nonapproved livestock market in accordance with Schedule G of § 76.12.

(c) Swine not known to be affected with or exposed to hog cholera may be moved interstate from any nonquarantined area for exhibition purposes as provided in paragraph (b) of this section.

§ 76.7 Interstate movement of vaccinated swine.

(a) Official vaccinates may be moved interstate in accordance with the same restrictions and conditions which apply to nonvaccinated swine under the provisions of this part.

(b) Notwithstanding any other provisions of this part, swine treated with approved modified live virus vaccine after July 1, 1969, but prior to January 1, 1970, or treated with other virulent hog cholera virus prior to April 1, 1966, may be moved interstate only from a nonquarantined area and if they are not known to be affected with or otherwise exposed to hog cholera and are consigned to a recognized slaughtering establishment for immediate slaughter.

§ 76.8 Interstate movement of swine from a quarantined area.

Swine may be moved interstate from a quarantined area in accordance with the provisions of this section.

(a) Exposed swine (as defined in § 76.1(e)) may be moved interstate as provided in § 76.5(b).

(b) Swine not known to be affected with or exposed to hog cholera may be moved interstate from a quarantined area as provided in this paragraph only for immediate slaughter or for sale and shipment for immediate slaughter. Such swine may be so moved interstate:

(1) From any point other than an approved or nonapproved livestock market:

(i) To a recognized slaughtering establishment in accordance with Schedule H of § 76.12.

(ii) To a slaughter market (as defined in § 76.1(z)) in accordance with Schedule H of § 76.12.

(2) From a slaughter market (as defined in § 76.1(z)) to a recognized slaughtering establishment in accordance with Schedule H of § 76.12.

(c) *Quarantine of swine or detention of swine products moving interstate in violation of regulations.* The Deputy Administrator may order the quarantine of swine or the detention of swine products found to be moving interstate in violation of regulations contained in this part. Release from quarantine or other disposition of such quarantined swine or release of swine products detained to prevent the spread of disease will be subject to the requirement of special processing in accordance with § 76.14 or any other conditions which may be specified by the Deputy Administrator as necessary to prevent the spread of hog cholera or other communicable diseases of livestock. Except for supervision, no expense incurred in quarantining or otherwise disposing of quarantined swine or in detaining or disposing of detained swine products will be borne by the Department of Agriculture.

§ 76.9 Interstate movement of swine products from a quarantined area.

Swine products not derived from swine affected with or exposed to hog cholera may be moved interstate from a quarantined area if they were produced in a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.).

§ 76.10 Movement of swine and swine products from a quarantined area to a nonquarantined area of the same State.

Swine and swine products moved from the quarantined area of a State to a nonquarantined area of the same State may be moved interstate only as specified in §§ 76.8 and 76.9.

§ 76.11 Interstate movement of swine and swine products through quarantined areas.

Swine and swine products may be moved interstate from nonquarantined areas through quarantined areas without compliance with §§ 76.8 and 76.9 if (a) such movement is continuous and direct and such swine and swine products are not unloaded in the quarantined areas; or (b) if all facilities used in connection with the unloading have been approved for such purpose by a Veterinary Services inspector as having been cleaned and disinfected before such use, as prescribed in §§ 76.30–76.32, under the supervision of a person authorized for the purpose by the inspector.

§ 76.12 Schedules of restrictions and conditions.[3]

SCHEDULE A

Schedule A applies to the interstate movement of swine for immediate slaughter and special processing as provided in §§ 76.5(b) and 76.15 and requires that:

[3] In each instance the regulations of the State of destination should be consulted.

1. The swine must be moved to a recognized slaughtering establishment for immediate slaughter and special processing.

2. The recognized slaughtering establishment must be designated by the Deputy Administrator to slaughter specific shipments of exposed swine.

3. The means of conveyance must be sealed during transit with Department seals or accompanied by a representative of Veterinary Services or a person specifically authorized for the purpose by the Deputy Administrator.

4. The seals must not be removed or broken except by a meat inspector employed by the Consumer and Marketing Service of the U.S. Department of Agriculture or other persons specifically authorized for this purpose by the Deputy Administrator.

5. The swine must be accompanied by a certificate of a Veterinary Services inspector showing that the establishment to which the animals are consigned has been specifically approved by the Deputy Administrator, that the inspector has inspected all swine on the premises of origin within 48 hours of shipment interstate, and that the swine are apparently free of hog cholera and other contagious, infectious, or communicable diseases.

SCHEDULE B

Schedule B applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b)(1) and requires that:

1. The swine must be permanently identified to the premises of origin by individual ear tag, ear notch, tattoo or similar individual identification.

2. The swine must be inspected by a Veterinary Services or State inspector or an accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment, and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

3. The swine must be accompanied by an inspection certificate issued by the Veterinary Services or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) Record of official vaccination or official serum prophylaxis, when applicable.

(d) The permanent and individual identification of the swine to the premises of origin.

(e) That the swine have been inspected by the Veterinary Services or State inspector or accredited veterinarian and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

4. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

5. The interstate movement must be to a State of destination which provides for the segregation or quarantine of imported feeder and breeder swine for not less than 21 days.[4]

6. Swine moved from an approved livestock market must be transported, in a means of conveyance which has been cleaned and disinfected as provided in §§ 76.30 and 76.32; *Provided, however,* That if the means of conveyance is not regularly used to transport livestock, disinfection is not required.

7. The owner and shipper must maintain for 1 year after the interstate movement a record of the origin, destination, and identification of all such swine and shall afford access to such records at any reasonable time to Veterinary Services and State inspectors designated by the Deputy Administrator.

[4] Information as to the rules of States of destination can be obtained from the Veterinarian in Charge, Animal Health Programs, Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture, for such State.

SCHEDULE C

Schedule C applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b)(2) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The interstate movement must be to a State of destination which provides for the segregation or quarantine of imported feeder or breeder swine for not less than 21 days.[4]

4. The swine must be permanently identified to the farm of origin by individual ear tag, ear notch, tattoo, or similar individual identification.

5. The swine must be inspected by a Veterinary Services or State inspector or an accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment, and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

6. The swine must be accompanied by an inspection certificate issued by the Veterinary Services or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) Record of official vaccination or official serum prophylaxis, when applicable.

(d) The permanent and individual identification of the swine to the farm of origin.

(e) That the swine have been inspected by the Veterinary Services or State inspector or accredited veterinarian, and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

(f) That the swine are being moved interstate from the farm where they were born and such farm has not been used within the past 6 months to buy, sell or assemble swine brought in from other sources; and that all swine on the farm of origin at the time of shipment have been located there for not less than 21 days.

7. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

SCHEDULE D

Schedule D applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b)(3) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The interstate movement must be to a State of destination which provides for the segregation or quarantine of imported feeder or breeder swine for not less than 21 days.[4]

4. The swine must be permanently identified to the premises of origin by individual ear tag, ear notch, tattoo, or similar individual identification.

5. The swine must be inspected by a Veterinary Services or State inspector or an accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment and found to be apparently[4] free of hog cholera and other contagious, infectious, or communicable diseases.

6. The swine must be accompanied by an inspection certificate issued by the Veterinary Services or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) Record of official vaccination or official serum prophylaxis, when applicable.

(d) The permanent and individual identification of the swine to the premises of origin.

(e) That the swine have been inspected by a Veterinary Services or State inspector or accredited veterinarian and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

7. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

8. The owner and shipper must maintain for 1 year after the interstate movement a record of the origin, destination, and identification of all such swine and shall afford access to such records at any reasonable time to Veterinary Services and State inspectors designated by the Deputy Administrator.

SCHEDULE E

Schedule E applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b)(4) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The swine must be inspected by a Veterinary Services or State inspector or an accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment, and found to be apparently free of hog cholera and other contagious, infectious, or communicable diseases.

4. The swine must be accompanied by an inspection certificate issued by the Veterinary Services or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) Record of official vaccination or official serum prophylaxis, when applicable.

(d) That the swine have been inspected by the Veterinary Services or State inspector or accredited veterinarian, and are apparently free of hog cholera and other contagious, infectious, or communicable diseases.

5. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

6. The approved livestock market from which the shipment originates must handle swine only from Eradication or Free States.

7. The swine must not be brought into contact with swine from non-Eradication or non-Free States.

8. Swine moved from an approved livestock market must be transported in a vehicle cleaned and disinfected as provided in §§ 76.30 and 76.32; *Provided, however,* That if the vehicle is not regularly used to transport livestock, disinfection is not required.

SCHEDULE F

Schedule F applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b)(5) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The swine must not be brought into contact with swine from non-Eradication or non-Free States.

SCHEDULE G

Schedule G applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b)(6) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The swine must be inspected by a Veterinary Services or State inspector or accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment and found to be apparently free of hog cholera and other contagious, infectious or communicable diseases.

FEB 17 72

4. The swine must not be brought into contact with swine from non-Eradication or non-Free States.

5. The premises of origin must not have been used in the 21 days preceding the interstate movement to receive, buy or sell swine from a non-Eradication or non-Free State.

6. The swine must be accompanied by an inspection certificate issued by the Veterinary Services or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) Record of official vaccination or official serum prophylaxis, when applicable.

(d) That the swine have been inspected by the Veterinary Services or State inspector or accredited veterinarian and are apparently free from hog cholera and other contagious, infectious or communicable diseases.

7. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

SCHEDULE H

Schedule H applies to the movement of swine from a quarantined area for slaughter purposes as provided in § 76.8(b) and requires that:

1. A permit for the movement must be obtained from the appropriate Animal Health official of the State of destination.

2. (a) The swine must be identified by an individual ear tag to the premises of origin or by a red mark at least 4" x ½" above the shoulder on the back of each animal or (b) the means of conveyance in which the swine are moved interstate must be sealed with Department seals.

3. If the means of conveyance is sealed, the seals must not be removed or broken except by a meat inspector employed by the Consumer and Marketing Service of the U.S. Department of Agriculture or by other persons authorized for this purpose by the Deputy Administrator.

4. All swine on the premises of origin, including the swine to be moved interstate, must be inspected on the premises of origin by a Veterinary Services or State inspector or an accredited veterinarian within 24 hours prior to the time the interstate movement is to begin and all swine on the premises must be found to be apparently free of hog cholera and other contagious, infectious and communicable diseases, and known exposure thereto.

5. The swine must be moved for immediate slaughter directly to a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter; or to a slaughter market (as defined in § 76.1(z) for sale and shipment for immediate slaughter; they must be moved without contact at any point with feeding or breeding swine; they shall not be unloaded en route; and they shall not be diverted.

6. The swine must be accompanied by an inspection certificate issued by a Veterinary Services or State inspector or an accredited veterinarian showing:

(a) That all swine on the premises of origin, including those covered by the certificate, were inspected by him as prescribed in paragraph 4 of this Schedule H and found to be apparently free from hog cholera and other contagious diseases and from known exposure thereto.

(b) Consignee and consignor.

(c) Number of swine covered by the certificate.

(d) The individual eartag identification numbers of the swine or the existence of the red color mark on each animal covered by the certificate as prescribed in paragraph 2 of this Schedule H.

(e) That the swine covered by the certificate must be moved directly to the federally or State inspected slaughtering establishment or slaughter market specified on the certificate.

(f) That the swine must be moved without contact at any point with feeding or breeding swine and shall not be unloaded or diverted enroute.

7. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

8. The means of conveyance used to transport the swine interstate must be placarded by affixing conspicuously thereto a durable placard not less than 5 x 8 inches in size on which are printed in block bold faced letters not less than 1½ inches in height, the words "Swine For Slaughter Only."

9. The means of conveyance must be cleaned and disinfected in accordance with §§ 76.30 and 76.32 under supervision by a Veterinary Services or State inspector immediately following unloading, except that the Deputy Administrator may, in specific cases, approve other points for such cleaning and disinfection when he finds that such procedure will not hamper the hog cholera eradication program.

§ 76.13 Movement of specially processed swine products.

Except as provided in §§ 76.9, 76.10, 76.11, and 76.15, swine products which have been specially processed may be moved interstate without restriction under this part.

§ 76.14 Special processing of swine products.

All swine products required under the regulations of this part to be specially processed shall be heated to an internal temperature of at leasts 156° F. for 30 minutes or to an internal temperature of 177° F. for 3 minutes.

§ 76.15 Special requirements for interstate movement of swine fed raw garbage and products from swine fed raw garbage.

(a) *Movement of swine.* Swine which have been fed any raw garbage may be moved interstate under this part only in accordance with Schedule A of § 76.12 to a slaughtering establishment specifically approved for the purpose by the Deputy Administrator in each case, for immediate slaughter and special processing at such establishment in a manner approved by the Deputy Administrator as adequate to prevent the spread of communicable livestsock diseases.

(b) *Movement of swine products.* (1) Swine products produced at an establishment operating under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), which handles products of swine fed raw garbage but specially processes all such products separate and apart from other swine products, keeps the products properly identified and otherwise handles the products in a manner approved by the Deputy Administrator as adequate to prevent the spread of communicable livestock diseases, may be moved interstate without further restriction under this section, but in accordance with the other provisions of this part.

(2) Swine products produced at an establishment operating under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), which handles any products of swine fed any raw garbage and does not handle all such products as specified in subparagraph (1) of this paragraph, may be moved interstate only if accompanied by a certificate signed by a meat inspector of the Consumer and Marketing Service, U.S. Department of Agriculture (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, the particular products were derived from swine which had not been fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that the particular products have been handled as specified in subparagraph (1) of this paragraph.

§ 76.16 Authorization of other movements.

The Deputy Administrator, in specific cases, may authorize the interstate movement of swine or swine products not otherwise authorized under this part, under such conditions as he may prescribe to prevent the spread of hog cholera or other contagious, infectious, or communicable diseases, and when so moved, the swine or swine products must be accompanied by a permit from the appropriate Animal Health official of the State of destination and a permit from Veterinary Services specifying any conditions imposed regarding such movement.

§ 76.17 Serum prophylaxis treatment of swine.

Although there is no requirement under this part that swine be treated with anti-hog-cholera serum or hog cholera antibody concentrate prior to interstate movement, if swine do receive serum prophylaxis prior to interstate movement they shall be inoculated with anti-hog-cholera serum or hog cholera antibody concentrate prepared under license from the Secretary of Agriculture issued pursuant to Subchapter E of this chapter; they shall meet all other applicable provisions of this part; and the permitted dosage of anti-hog-cholera serum or hog cholera antibody concentrate shall be as follows:

Weight of swine (pounds)	Minimum dose of serum (cubic centimeters)	Minimum dose of antibody concentrate (cubic centimeters)
Under 20	20	10
20 to 40	30	15
40+ to 90	35	18
90+ to 120	45	23
120+ to 150	55	28
150+ to 180	65	33
Over 180	75	38

NOTE: Except for swine under 30 pounds in weight, the dosage of serum should not exceed 1 cc. per pound body weight, or one-half cc. per pound body weight if antibody concentrate is used.

§ 76.18 Approval of livestock markets.

(a) Notices containing lists of livestock markets approved for the purposes of the regulations in this part will be published in the FEDERAL REGISTER. Information with respect to those livestock markets may also be obtained from Veterinary Services.

(b) The Deputy Administrator is authorized to approve any livestock market for the purposes of the regulations in this part when he determines that the operator of such livestock market has executed an appropriate agreement as set forth in subparagraph (1) or (2) of this paragraph and that the livestock market meets the standards specified in such agreement. Request for such approval may be made to the Veterinarian in Charge, Animal Health Programs, Animal and Plant Health Service, U.S. Department of Agriculture, for the State in which the livestock market is located, and the executed agreement shall be filed with said Veterinarian in Charge. The Deputy Administrator is authorized to promulgate notices listing approved livestock markets in accordance with paragraph (a) of this section. The Deputy Administrator may withdraw approval and remove any livestock market from such list when he determines that such livestock market no longer complies with the requirements of the agreement applicable to its operations, or that the operator has terminated such agreement.[6]

(1)

AGREEMENT FOR APPROVAL TO HANDLE INTERSTATE SHIPMENTS OF ANY CLASS OF SWINE

To: Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture:

The undersigned operator of the livestock market known as _____ (Name) located at _____ (Address), hereby requests approval to handle interstate shipments of feeder or breeder and/or slaughter swine in accordance with the regulations in 9 CFR Part 76, (from any State) (from hog cholera Eradication States currently listed in § 76.2(f) or Free States currently listed in § 76.2(g) of the regulations).[6] Said operator agrees to:

1. Provide Veterinary Services with a schedule of sale days and cooperate with Veterinary Services in obtaining compliance by livestock shippers with applicable State and Federal regulations.

2. Provide well-constructed and well-lighted imperviously surfaced pens, alleys, and sales rings for holding, inspecting and otherwise handling swine, and keep all swine handling facilities clean and in good repair.

3. Require all swine received at the livestock market to be given an inspection by a Veterinary Services or State inspector or an accredited veterinarian, and refuse to sell any swine that show any signs of any infectious, contagious, or communicable disease upon such inspection except as authorized by a Veterinary Services or State inspector or an accredited veterinarian.

4. Separate from the other swine all swine found upon inspection to be, or suspected of being, affected with any contagious, infectious, or communicable disease and immediately notify a Veterinary Services or State inspector, or an accredited veterinarian, of the presence of such swine at the livestock market.

5. Maintain feeder and breeder swine separately from slaughter swine; and if these two classes of swine are yarded in adjoining pens, separate the classes by solid partitions with no drainage from the slaughter swine pens into the feeder and breeder swine pens.[7]

6. Sell feeder and breeder swine before the sales ring is used for slaughter swine if the sales ring is used for both purposes on the same day.[7]

7. Permit no feeder or breeder swine to remain in the livestock market for more than 72 hours and permit no slaughter swine to remain in the livestock market for more than 120 hours.

8. Issue no release for removal of feeder and breeder swine from the livestock market until the swine are identified[7] in accordance with applicable requirements of Federal or State regulations and have been inspected by a Veterinary Services or State inspector, or an accredited veterinarian, and certified in accordance with applicable Federal or State regulations.

9. Issue no release for removal of slaughter swine from the livestock market unless consigned for immediate slaughter and identify the consignee on the release document.

10. Clean pens, alleys, sales rings, docks, and scales before each day's sale of feeder or breeder swine and disinfect such facilities when required under §§ 71.4 or 76.31, with a disinfectant specified in § 76.32.[7]

11. Provide facilities and services for cleaning and disinfecting means of conveyance as prescribed in §§ 76.30 and 76.32.

12. Permit no swine to be inoculated at the livestock market with any modified live virus hog cholera vaccine or any other virulent hog cholera virus.

13. Maintain, for one year after the transaction involved, a record of the origin and destination of all swine, and also of the identification[7] of all swine other than slaughter swine, handled through the livestock market and afford Veterinary Services and State inspectors access to such records at all reasonable times.

_____ (Name of operator of livestock market)

_____ (Address)

_____ (Signature and title)

_____ (Date)

The Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture, has approved this application effective _____ (Date)

_____ (Veterinarian in charge)

_____ (Address)

_____ (Date)

[7] The requirements of paragraphs 5, 6, and 10 and the identification requirements of paragraphs 8 and 13 do not apply to livestock markets that are located in a hog cholera Eradication or Free State and that receive swine only from Eradication or Free States. If any livestock market is approved to handle swine under the lesser requirements provided by this footnote on the basis of being located in, and handling only swine from a hog cholera Eradication or Free State and if any such State involved loses its status as an Eradication or Free State, all of the requirements of this agreement shall apply to such livestock market until the State regains its status as an Eradication or Free State.

[6] The standards contained in these agreements are minimal and agreements within individual States may be adjusted to conform to more restrictive State laws or regulations.

[6] Delete inapplicable term.

(2) See the following example:

AGREEMENT FOR APPROVAL TO HANDLE INTERSTATE SHIPMENTS OF SLAUGHTER SWINE

To: Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture:

The undersigned operator of the livestock market known as _____ (Name) located at _____ (Address), hereby requests approval to handle interstate shipments of slaughter swine only, in accordance with the regulations in 9 CFR, Part 76. Said operator agrees to:

1. Provide Veterinary Services with a schedule of sale days and cooperate with Veterinary Services in obtaining compliance by livestock shippers with applicable State and Federal regulations.

2. Separate from other swine all swine suspected of being affected with any contagious, infectious, or communicable disease and immediately notify a Veterinary Services or State inspector, or an accredited veterinarian, of the presence of such swine at the livestock market.

3. Issue no releases for removal of any swine from the livestock market unless consigned for immediate slaughter and identify the consignee on the release document.

4. Permit no swine to be inoculated at the livestock market with any modified live virus hog cholera vaccine or any other virulent hog cholera virus.

5. Maintain, for one year after the transaction involved, a record of the origin and destination of all swine handled through the livestock market and afford Veterinary Services and State inspectors access to such records at all reasonable times.

_____ (Name of operator of livestock market)

_____ (Address)

_____ (Signature and title)

_____ (Date)

The Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture, has approved this application effective _____ (Date)

_____ (Veterinarian in charge)

_____ (Address)

_____ (Date)

(c) *Approval of livestock markets in a quarantined area.* The approved status of all livestock markets approved for the purposes of the regulations in this part under this section which are located in an area placed under quarantine because of hog cholera, shall be suspended (only for purposes of this part) when such area is placed under quarantine and shall be restored when such area is released from quarantine only upon compliance with all provisions of this section: *Provided*, That such livestock markets which qualify under § 76.1(z) may operate as slaughter markets for the purpose of receiving interstate shipments of slaughter swine and releasing slaughter swine for interstate shipment, in accordance with § 76.8, directly to a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), or to

FEB 17 72
XUM

a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter.

§ 76.30 Cleaning and disinfecting of means of conveyance.

(a) All means of conveyance and their associated equipment used for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering, and resting swine, in connection with the interstate movement of swine, shall be kept clean.

(b) Any means of conveyance and its associated equipment which has been used to move swine interstate which are affected with any contagious, infectious, or communicable disease, shall be cleaned and disinfected under the supervision of a Veterinary Services or State inspector or an accredited veterinarian as follows: Remove all litter, feed, and manure from all portions of each means of conveyance, including all ledges and framework inside and outside, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of such vehicle or other means of conveyance and its associated equipment; and saturate the entire interior surface, including all doors, endgates, portable chutes, and similar equipment with a disinfectant prescribed in § 76.32.

(c) The Deputy Administrator may, in specific cases, require the thorough cleaning and disinfecting, under the supervision of a Veterinary Services or State inspector or an accredited veterinarian in the manner provided in paragraph (b) of this section, of any means of conveyance which has been used to move interstate any swine which have been fed any raw garbage, or any swine products derived from such swine, or swine exposed to hog cholera or other contagious, infectious or communicable livestock disease, or which the Deputy Administrator has reason to believe may have been otherwise infected with or exposed to such a disease, when he determines that such cleaning and disinfecting is necessary to guard against the spread of any such disease.

(d) The carrier shall be responsible for cleaning and disinfecting all means of conveyance and associated equipment as required by this section and such cleaning and disinfecting shall be done without expense to the Department of Agriculture.

(e) Such cleaning and disinfecting shall be done before the means of conveyance is moved from the place where the swine or swine products are unloaded, unless the Deputy Administrator, in specific cases, authorizes its movement to another location and cleaning and disinfecting is carried out at such location in accordance with this section.

§ 76.31 Cleaning and disinfecting livestock markets and other facilities.

(a) All livestock markets and other facilities, including facilities for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering, and resting swine, used in connection with the interstate movement of swine shall be kept clean.

(b) All livestock markets and other facilities, or any portion thereof, which have been used in connection with the interstate movement of swine which are affected with any contagious, infectious, or communicable disease, shall be cleaned and disinfected under the supervision of a Veterinary Services or State inspector or an accredited veterinarian as follows: Empty all troughs and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; and saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with a disinfectant as prescribed in § 76.32.

(c) The Deputy Administrator, in specific cases, may require the thorough cleaning and disinfecting, under the supervision of a Veterinary Services or State inspector or an accredited veterinarian, in the manner provided in paragraph (b) of this section, of any livestock market and other facility, or any portion thereof, which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine exposed to hog cholera or other contagious, infectious, or communicable disease, or which the Deputy Administrator has reason to believe may have been otherwise infected with or exposed to such a disease, when he determines that such cleaning and disinfecting is necessary to guard against the spread of any such disease.

(d) The owner of such livestock markets and other facilities shall be responsible for cleaning and disinfecting as required under this section, and the cleaning and disinfecting shall be done without expense to the Department of Agriculture.

(e) All livestock markets or other facilities, or any portion thereof, required to be cleaned and disinfected under this section shall not be used for handling swine until after the cleaning and disinfecting has been done.

§ 76.32 Disinfectants to be used.

Disinfection required under the regulations in this part shall be performed with one of the following:

(a) A permitted brand of sodium orthophenylphenate used in a proportion of at least 1 pound to 12 gallons of water, as prescribed in § 71.12 of this chapter.

(b) A permitted cresylic disinfectant in the proportion of at least 4 fluid ounces to 1 gallon of water, as prescribed under §§ 71.10(b) and 71.11 of this chapter.

(c) A permitted general disinfectant (which meets the specifications of § 71.10(a)(5) of this chapter) and which has been shown to be virucidal against the virus of hog cholera, as determined by the Deputy Administrator,[1] may be used at the dilution and otherwise in accordance with directions for use as shown on the label of such disinfectant.

The foregoing revision clarifies, strengthens, and updates the regulations in 9 CFR Part 76. The regulations as set forth herein are substantially the same as those proposed in the notice of rule making with the exception of certain changes in text and format made for purposes of clarification and to reflect authority for seizure, and disposal of swine and swine products moving interstate in violation of the regulations in this part as provided in the Act of July 6, 1962.

The revision incorporates requirements deemed necessary to prevent the interstate spread of hog cholera and should be made effective as soon as possible in order to afford maximum protection to the swine industry of the United States. Therefore, under the administrative procedure provision of 5 U.S.C. 553 it is found upon good cause that further notice and other public procedure with respect to the revision are unnecessary, and good cause is found for making it effective less than 30 days after its publication in the FEDERAL REGISTER.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

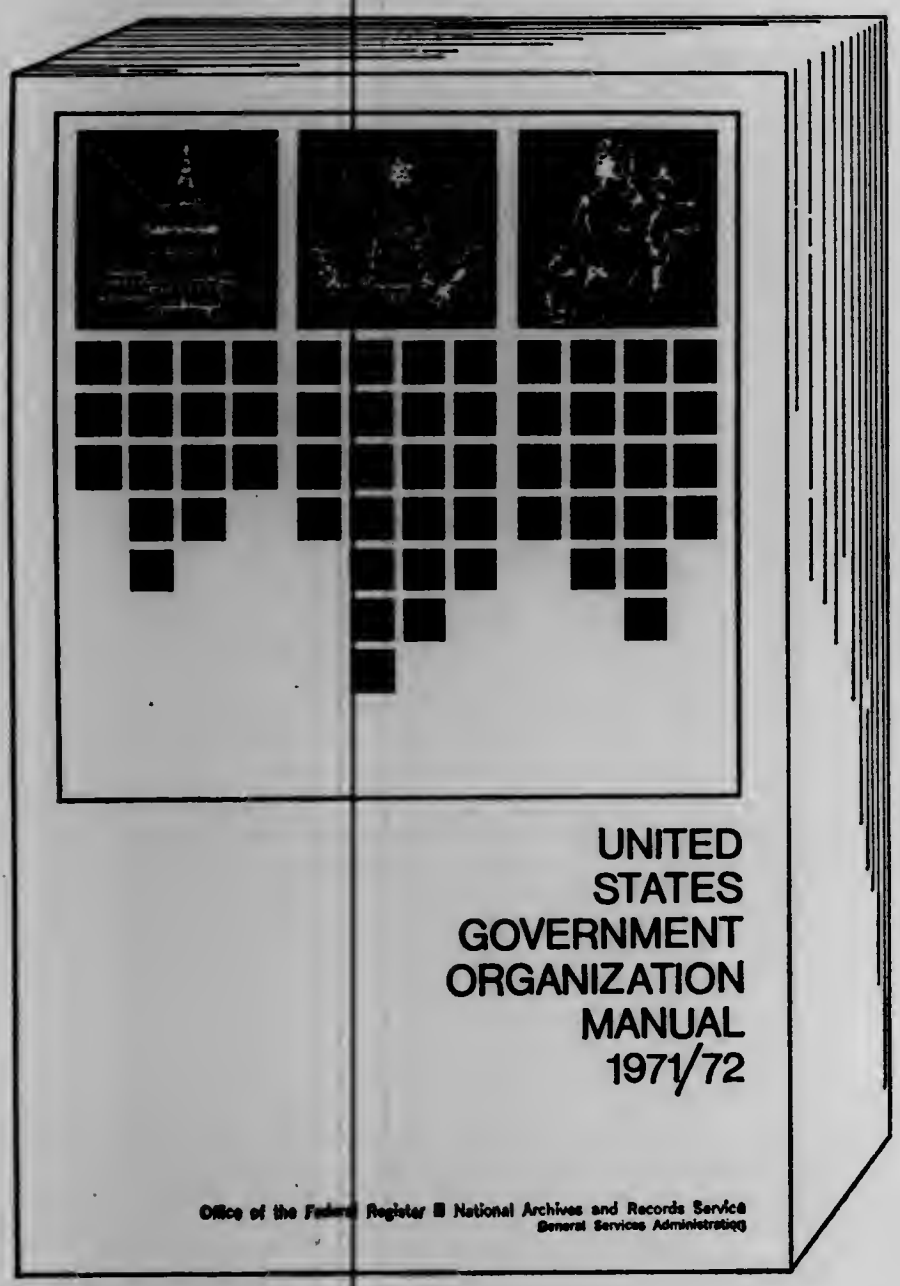
Effective date. The amendments shall become effective upon publication in the FEDERAL REGISTER (2–17–72).

Done at Washington, D.C., this 11th day of February 1972.

F. J. MULHERN,
Administrator, Animal and Plant Health Service.

[FR Doc.72–2367 Filed 2–16–72;8:45 am]

[1] Information as to the names of such disinfectants may be obtained from the Veterinarian in Charge or a Veterinary Services inspector.



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C1

federal register

FRIDAY, FEBRUARY 18, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 34
Pages 3607–3732

PART I

(Part II begins on page 3725)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

PRESIDENTIAL PROCLAMATIONS—
National Beta Club Week 3619
National Day of Prayer 3621
National Poison Prevention Week, 1972 3615
Red Cross Month, March 1972 3617
Save Your Vision Week, 1972 3613

PRESIDENTIAL EXECUTIVE ORDERS—
Amendments concerning Commission on White House Fellowships 3623
Regulations on the use of the seals of the President and the Vice President 3625

PAKISTAN ASSISTANCE—Presidential memorandum to Secretary of State authorizing report to Congress 3627

NATIONAL DEFENSE—DoD rule on the employment of military resources in the event of civil disturbances 3637

SUGAR—USDA determination and allocation of quota deficits for Puerto Rico; effective 2–17–72 .. 3629

NEW ANIMAL DRUGS—FDA approval of revised labeling for drug used in cattle feeds; effective 2–18–72 3633

RELOCATION ASSISTANCE—HUD uniform criteria and procedures; effective 2–18–72 3633

CARGO PREFERENCE—Commerce Dept. provision for informal grievance procedure; effective 3–1–72 3641

(Continued inside)

VOL 37 NO 34 FEB 18 72 XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1972)

Title 21—Food and Drugs (Part 300–End) ..... $ .60
Title 26—Internal Revenue Part 1 (§§ 1.401–1.500) 1.50
Title 49—Transportation (Parts 1–99) ..... .60

[*A Cumulative checklist of CFR issuances for 1972 appears in the first issue of the Federal Register each month under Title 1*]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

ASPARAGUS FOR CANNING OR FREEZING—USDA proposed revised standards; comments by 3–15–72 3642

TRADE ADJUSTMENT ASSISTANCE—Commerce Dept. proposed regulations; comments within 30 days 3725

MOTOR VEHICLE SAFETY—
DoT notice on effective date of roof crush resistance standard 3662
DoT policy statement concerning petitions for reconsideration; effective 3–1–72 3632

COAL MINE SAFETY—Interior Dept. notice on request for modification of methane monitoring procedure; comments within 30 days 3650

MULTIUNIT COMPANIES—Census Bur. notice on proposed survey; comments within 30 days 3651

ENVIRONMENT—AEC notice of availability of report 3661

NUCLEAR REACTOR EFFLUENTS—AEC notice on change of hearing location 3646

HAZARDOUS SUBSTANCES—FDA proposal on banning of asbestos-containing garments for general use; comments within 60 days 3645

FOOD STANDARDS—FDA notice of filing of petition on soda water; comments within 60 days 3644

Contents

THE PRESIDENT

PROCLAMATIONS

National Beta Club Week 3619
National Day of Prayer 3621
National Poison Prevention Week, 1972 3615
Red Cross Month, March 1972 3617
Save Your Vision Week, 1972 3613

EXECUTIVE ORDERS

Amendment of Executive Order No. 11183 which established the President's Commission on White House Fellowships 3623
Regulations governing the seals of the President and the Vice President of the United States 3625

MEMORANDUM

Report to the Congress under section 620(w) of the Foreign Assistance Act of 1961, as amended 3627

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Continental sugar; requirements, quotas and quota deficits for 1972 3629
Peanuts; acreage allotments and marketing quotas for 1972 and subsequent crops; correction 3629

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service; Packers and Stockyards Administration.

ARMY DEPARTMENT

See Civil Defense Office.

ATOMIC ENERGY COMMISSION

Proposed Rule Making

Licensing of production and utilization facilities; change in location of hearing on effluents from light water-cooled nuclear power reactors 3646

Notices

Consolidated Edison Company of New York, Inc.; order extending completion date 3661
Metropolitan Edison Co. and Jersey Central Power & Light Co.; availability of applicants' revised environmental report 3661

CENSUS BUREAU

Notices

Number of employees, taxable wages, geographic location and kind of business establishments of multiunit companies; consideration of surveys 3651

CIVIL DEFENSE OFFICE

Rules and Regulations

Labor standards for Federally assisted contracts; contract provisions 3640

COMMERCE DEPARTMENT

See Census Bureau; Domestic Commerce Bureau; Import Programs Office; Maritime Administration; Trade Adjustment Assistance Office.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Filberts grown in Oregon and Washington; transfer of excess restricted credits 3630
Milk in St. Louis-Ozarks marketing area; order amending orders; correction 3631

Proposed Rule Making

Dried prunes produced in Calif.; disposition of reserves 3644
Green asparagus for canning or freezing; revised standards for grades 3642
Oranges and grapefruit grown in lower Rio Grande Valley in Texas; proposed container, pack, and container marking regulations 3643

DEFENSE DEPARTMENT

See also Civil Defense Office.

Rules and Regulations

Employment of military resources in event of civil disturbances; establishment of uniform policies, assignment of responsibility, and guidance 3637

(Continued on next page)

V 37-34
FEB 18 72
XUM

Notices

Assistant Secretary of Defense (Intelligence); responsibilities, functions, and authorities 3647
Assistant Secretary of Defense (Telecommunications); responsibilities, functions, and authorities 3647
Defense Mapping Agency; establishment, organization, and functions 3649

DOMESTIC COMMERCE BUREAU

Proposed Rule Making

Trade adjustment assistance; cross reference 3644

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally assisted construction; modifications and/or supersedeas decisions to area determination decisions in certain localities (2 documents) 3662, 3663

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Certain Cessna model airplanes; airworthiness directives; correction 3631
Federal Airway segments; alteration (2 documents) 3631
Transition areas; alteration (3 documents) 3632

Proposed Rule Making

Transition areas; alteration (2 documents) 3645

FEDERAL COMMUNICATIONS COMMISSION

Notices

Common carrier services information; domestic public radio services applications accepted for filing 3707

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Phillips Petroleum Co. et al 3710
Tenneco Oil Co. et al 3712

FEDERAL RESERVE SYSTEM

Notices

Acquisitions of banks; applications:
American General Insurance Co. 3714
Charter Bankshares Corp 3715
Texas Commerce Bancshares, Inc. 3715
Acquisition of banks; approvals:
Bancohio Corp 3714
First Tulsa Bancorporation, Inc. 3715

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Coumaphos; revision of labeling requirements for new animal drug used in feeds 3633

Proposed Rule Making

Asbestos-containing garments for general use; classification as banned hazardous substance 3645
Nonalcoholic beverages; soda water standard of identity amendment 3644

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HEARINGS AND APPEALS OFFICE

Notices

Kaiser Steel Corp.; petition for modification of mandatory safety standard 3650

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Rules and Regulations

Relocation assistance; uniform criteria and procedures 3633

IMPORT PROGRAMS OFFICE

Notices

Duty-free entry of scientific articles; applications and decisions on applications (21 documents) 3651–3660

INTERIOR DEPARTMENT

See Hearings and Appeals Office; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings 3717
Motor carrier temporary authority applications (2 documents) 3717, 3718

LABOR DEPARTMENT

See Employment Standards Administration.

LAND MANAGEMENT BUREAU

Notices

California; order providing for opening of public lands; correction 3650

MARITIME ADMINISTRATION

Rules and Regulations

Cargo preference for U.S. flag vessels; informal grievance procedure 3641

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules and Regulations

Motor vehicle safety standards; statement of policy regarding action on petitions for reconsideration 3632

Notices

Roof crush resistance; petition for reconsideration of motor vehicle safety standard 3662

PACKERS AND STOCKYARDS ADMINISTRATION

Rules and Regulations

Public information; exempt records 3631

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Sybron Corp 3716
Value Line Leveraged Growth Fund, Inc 3716

STATE DEPARTMENT

Rules and Regulations

Public contracts and property management; procedure for handling procurement documents and administration of contracts leasing wire service circuits 3640

TRADE ADJUSTMENT ASSISTANCE OFFICE

Proposed Rule Making

Adjustment assistance; clarification and amplification of substantive and procedural requirements 3726

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; National Highway Traffic Safety Administration.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR

PROCLAMATIONS:
4106 3613
4109 3615
4110 3617
4111 3619
4112 3621

EXECUTIVE ORDERS:
11163 (amended by EO 11648) 3623
11410 (see EO 11648) 3623
11648 3623
11649 3625

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of February 9, 1972 3627

7 CFR

729 3629
811 3629
982 3630
1062 3631

PROPOSED RULES:
51 3642
906 3643
993 3644

9 CFR

204 3631

10 CFR

PROPOSED RULES:
50 3646

14 CFR

39 3631
71 (5 documents) 3631, 3632

PROPOSED RULES:
71 (2 documents) 3645

15 CFR

PROPOSED RULES:
500 3726
610 3644

21 CFR

135e 3633

PROPOSED RULES:
31 3644
191 3645

24 CFR

43 3633

32 CFR

215 3637
1808 3640

41 CFR

6–1 3640

46 CFR

381 3641

49 CFR

553 3632

VOL 37 NO 34 FEB 18 72 XUM

Presidential Documents

Title 3—The President

PROCLAMATION 4108

Save Your Vision Week, 1972

By the President of the United States of America

A Proclamation

Vision is among man's most precious possessions, and one of the most fragile.

The many ways in which it can be lost or impaired summon us to develop the best possible means for its protection. It is never too early, but often may be too late, to take action to preserve our vision.

Preventative efforts, of course, are the key—we should take all possible steps to prevent eye injuries at home, in the school, at play or on the job. And regular professional eye examinations for all members of the family are an important part of any effort to preserve sight.

The early detection of vision problems will prevent many common kinds of blindness and visual disability. For example, children can be spared a lifetime of visual loss from amblyopia or "lazy eye" simply by having their eyes examined before the age of six. And vision threatened by glaucoma can be saved by early diagnosis and treatment.

Where prevention of disorders is not possible, sight often can be restored by skilled professional treatment. Many thousands of older Americans are needlessly blind from cataracts because they fear surgery. Yet the virtually painless operation to remove cataracts is among the most successful of all surgical procedures. And research efforts have made corneal transplantations highly successful.

Continued research will improve the prevention, diagnosis, and treatment of visual disorders. Such research is strongly supported by the Federal Government through the National Eye Institute of the Department of Health, Education, and Welfare.

In recognition of the importance of preserving sight, the Congress, by a joint resolution approved December 30, 1963 (77 Stat. 629), requested the President to proclaim the first week in March of each year as Save Your Vision Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week of March 5, 1972, as Save Your Vision Week. I urge all Americans to learn more about their eyes and the symptoms of vision problems, and to take the

V 37 34
FEB 18 72
XUM

steps necessary to assure for themselves and their families a lifetime of useful vision.

I also urge ophthalmologists, optometrists, and government and private agencies concerned with vision, to cooperate in the observance of this week by providing helpful information on saving vision and by other appropriate activities.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-2592 Filed 2-16-72; 2:58 pm]

PROCLAMATION 4109

National Poison Prevention Week, 1972

By the President of the United States of America

A Proclamation

Despite substantial educational and labeling efforts, the problem of accidental poisoning—particularly among children—still remains a matter of public concern.

Efforts by private and public groups, and voluntary actions on the part of manufacturers, have contributed to a continuing and encouraging decrease in accidental poisoning tragedies.

Our progress should intensify with the special packaging required under the provisions of the Poison Prevention Packaging Act of 1970.

But, as of today, the incidents of accidental poisonings are still higher than any advanced society should permit. The natural curiosity of children, and their inclination to taste whatever they can reach, is not easily circumvented by safety measures.

The general dangers involved were recognized by a joint resolution approved September 26, 1961 (75 Stat. 681), in which the Congress requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning March 19, 1972 as National Poison Prevention Week.

I direct all appropriate agencies of the Federal Government to participate actively on programs designed to promote maximum protection of our people against accidental poisonings, particularly our children. Further, I invite all State and local governments and private organizations and individuals to share in this national effort.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc. 72-2594 Filed 2-16-72; 2:59 pm]

V 37 34 FEB 18 72 XUM

PROCLAMATION 4110

Red Cross Month, March 1972

By the President of the United States of America

A Proclamation

Born in war and raised in adversity, the American Red Cross has evolved many traditions in its universal quest to ease human suffering, but none have served it so durably as its tradition of flexibility.

Since well before the turn of the 20th century, through times that tested the very soul of our humanitarian instincts, the Red Cross has proven equal to the challenges of each era with unfailing resourcefulness, zeal and compassion. Red Cross programs and services we have long taken for granted—from disaster relief and blood banks to nurse training and aid to military personnel—grew out of its pioneering approach in meeting generations of unprecedented crises.

This tradition has carried forward into the 1970s with undiminished vigor, and the Red Cross emblem may be found on banners flying over inner-city child care centers and drug abuse clinics. It is stamped on publications and continuing education materials dealing with ecological concerns, race relations, the advancement of the arts, and rural development.

And as a member of the global society, the Red Cross continues to fulfill its international enterprise of mercy, but again with a flexibility that makes its mission as vital and viable as at anytime in its history.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March, 1972, as Red Cross Month, a month when every citizen is asked to join, serve, and contribute in the same example of unselfish spirit that has characterized the Red Cross since its founding.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-2645 Filed 2-17-72; 11:54 am]

V 37 34 FEB 18 72 XUM

PROCLAMATION 4111

National Beta Club Week

By the President of the United States of America

A Proclamation

Honorable character, good mentality, creditable achievement, and commendable attitude—these are the qualifications of more than one-hundred thousand Beta Club members who are in junior and senior high school now learning the first lessons of leadership for tomorrow.

To call attention to the achievements of the Beta Club, the Congress, by Senate Joint Resolution 153, has requested the President to issue a proclamation designating the week which begins on the first Sunday in March 1972 as National Beta Club Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning Sunday, March 5, 1972, as National Beta Club Week, and I call upon all our citizens to encourage the Beta Club in its efforts to promote the ideals of honesty, service, and leadership among the junior and senior high school students of America.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-2646 Filed 2-17-72; 11:55 am]

V 37 34 FEB 18 72 XUM

PROCLAMATION 4112

National Day of Prayer

By the President of the United States of America

A Proclamation

In times of national need, this Nation has turned always to God. The earliest memories of our national experience include a vision of George Washington kneeling on a frozen hill at Valley Forge; they include the stirring words of Benjamin Franklin as he asked the Continental Congress to begin its daily work with a prayer for, as Franklin asked "if a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid?"

From those beginnings, throughout our history, we have turned to God in need, in challenge, and in gratitude. We remember at the most recent days of our history when this Nation and the world listened in a moment of human triumph as a small space vehicle circled the moon and Frank Borman read from Genesis: "In the beginning God created the heaven and the earth. . . ."

Today America is moving toward the objective we have pursued throughout our history, toward a dream as old as man, toward a world at peace with itself. We have no false illusions about the possibilities of achieving such a world. But history will not forgive us if we fail to try, nor will posterity.

All nations must share in the creation of such a peace. Each nation must seek the source of strength upon which its faith in the future is founded, and upon which its hope for peace is anchored. Let this Nation turn again to God. Let this Nation turn again to prayer as the world strives to move from a time of war to a time of peace forever.

As America stretches forth the hand that holds the olive branch, we know that other hands must reach out to take it. But until the deed is done and the peace is won, we must be patient and strong. Therefore, let each man, woman and child in this land recall the ancient wisdom of the scriptures: "Our help is in the name of the Lord, Who made heaven and earth." Let us seek that help in prayer.

We remember that our enterprise must find favor in the eyes of God, for the scriptures tell us that "Except the Lord build the house, they labor in vain that build it. . . ." As we pursue peace, let this people pray our search will find favor in the eyes of God and that we labor not in vain.

In recognition of the desire for peace among nations that the American people share with all the peoples of the world, the Congress by a concurrent resolution approved February 16, 1972, has requested that the

V 37 34 FEB 18 72 XUM

President designate Sunday, February 20, 1972 as a National Day of Prayer for the cause of world peace.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Sunday, February 20, 1972, as a National Day of Prayer.

I invite all Americans to join in the quest for peace, both by uniting in their places of worship, and by pursuing privately the purposes of peace through prayer.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of February, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-2647 Filed 2-17-72; 11:55 am]

EXECUTIVE ORDER 11648

Amendment of Executive Order No. 11183 Which Established the President's Commission on White House Fellowships

By virtue of the authority vested in me as President of the United States, Executive Order No. 11183 [1] of October 3, 1964, as amended by Executive Order No. 11410 of May 6, 1968, is hereby further amended as follows:

1. Section 2(a) is amended to read:

"SEC. 2. *Functions of the Commission.* (a) The Commission shall prescribe such standards and procedures as may be necessary to enable it to recommend annually a group of outstanding young persons from among whom the President may select White House Fellows. Following publication of these standards and procedures, the Commission may accept (1) applications from individuals, including regular members of the Armed Forces of the United States, and (2) nominations from sponsoring individuals or organizations for consideration in its recommendations."

2. Section 2(b) is amended by striking the word "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting "; and" in lieu thereof, and by adding at the end of that section a new paragraph (5) as follows:

"(5) Are not employees as defined in section 2105 of title 5 of the United States Code on the closing date for receipt of applications."

3. Section 3 is amended to read:

"SEC. 3. *White House Fellows.* White House Fellows will be appointed to serve for 12 months on the White House staff, in the Executive Office of the President, in the Office of the Vice President, or in the offices of members of the Cabinet, as they may be assigned, beginning on September 1 of the year in which they are selected."

4. Section 4 is amended to read:

"SEC. 4. *Executive Agencies.* (a) Each executive agency as defined in section 105 of title 5 of the United States Code shall extend fullest cooperation to the White House Fellows Program and attempt to maximize the Program's benefits to the individual Fellow, the Department or Agency, and the Federal Government.

"(b) The United States Civil Service Commission shall provide the Commission with administrative services, staff support, and travel expenses as authorized by law."

Richard Nixon

THE WHITE HOUSE,
February 16, 1972.

[FR Doc.72-2590 Filed 2-16-72; 2:58 pm]

[1] 3 CFR, 1964-1965 Comp., p. 256; 29 F.R. 13633.

V 37 34 FEB 18 72 XUM

EXECUTIVE ORDER 11649

Regulations Governing the Seals of the President and the Vice President of the United States

By virtue of the authority vested in me by section 713(b) of title 18, United States Code, I hereby prescribe the following regulations governing the use of the Seals of the President and the Vice President of the United States:

SECTION 1. Except as otherwise provided by law, the knowing manufacture, reproduction, sale, or purchase for resale of the Seals or Coats of Arms of the President or the Vice President of the United States, or any likeness or substantial part thereof, shall be permitted only for the following uses:

(a) Use by the President or Vice President of the United States;

(b) Use in encyclopedias, dictionaries, books, journals, pamphlets, periodicals, or magazines incident to a description or history of seals, coats of arms, heraldry, or the Presidency or Vice Presidency. Such use shall be limited exclusively to the text, and any use of the Presidential or Vice Presidential Seal or Coat of Arms or any likeness or substantial part thereof on the cover of the above items is prohibited;

(c) Use in libraries, museums, or educational facilities incident to descriptions or exhibits relating to seals, coats of arms, heraldry, or the Presidency or Vice Presidency;

(d) Use as an architectural embellishment in libraries, museums, or archives established to house the papers or effects of former Presidents or Vice Presidents;

(e) Use on a monument to a former President or Vice President;

(f) Use by way of photographic or electronic visual reproduction in pictures, moving pictures, or telecasts of bona fide news content;

(g) Such other uses for exceptional historical, educational, or newsworthy purposes as may be authorized in writing by the Counsel to the President.

SEC. 2. The manufacture, reproduction, sale, or purchase for resale, either separately or appended to any article manufactured or sold, of the Seals of the President or Vice President, or any likeness or substantial part thereof, except as provided in this Order or as otherwise provided by law, is prohibited.

Richard Nixon

THE WHITE HOUSE,
February 16, 1972.

[FR Doc.72-2591 Filed 2-16-72; 2:58 pm]

V 37 34 FEB 18 72 XUM

MEMORANDUM OF FEBRUARY 9, 1972

Report to the Congress Under Section 620(w) of the Foreign Assistance Act of 1961, as Amended

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, February 9, 1972.

In accordance with the recommendation of your memorandum of February 5, 1972, I hereby find that the objectives of paragraph (2) of Section 620(w) of the Foreign Assistance Act, as amended, are being achieved.

As a result of the hostilities between India and Pakistan in November and December 1971, the Government of Pakistan effectively lost control of its East Wing. The Government of Pakistan is, therefore, not in a position to play the role envisaged in paragraph (2) of Section 620(w). It has, however, taken affirmative steps within its power toward the establishment of stability in its former East Wing, i.e., the release of Sheikh Mujibur Rahman and its expressed willingness to negotiate a political settlement of differences. Since the Government of Pakistan no longer exercises physical control over its East Wing, it is in no position to take any part in the repatriation of refugees. However, the refugees are returning to their homes and there is no effort by nor intent of the Government of Pakistan to disrupt this process. It is for these reasons that I have made the above finding.

You are therefore requested on my behalf to make this report to the Congress under Section 620(w) of the Foreign Assistance Act of 1961, as amended. Upon transmittal of this Report to the Congress, the restriction imposed by subsection 620(w)(1) shall cease to apply by operation of the law.

This memorandum shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.72-2629 Filed 2-17-72; 10:21 am]

V 3 7 3 4 FEB 18 72 XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1972 and Subsequent Crops of Peanuts

Correction

In F.R. Doc. 72-1661 appearing at page 2645 in the issue for Friday, February 4, 1972, the word "marked" in the 11th line of § 729.8 should read "marketed".

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 6]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1972

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811, as amended, is to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall as often as facts are ascertainable by him but in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether, any area or country will not market the quota for such area or country. On the basis of the quota established for Puerto Rico for the calendar year 1972 a finding was heretofore made (36 F.R. 21871) that Puerto Rico will be unable to market its quota by 550,000 short tons, raw value, and accordingly a quota deficit was determined for Puerto Rico for 550,000 tons. On the basis of the latest information on sugar production from the current Puerto Rican crop it is herein found that Puerto Rico will be unable to fill its sugar quota by an additional 100,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1972 quota for Puerto Rico of 650,000 short tons, raw value. Accordingly, the additional quota deficit of 100,000 short tons, raw value, for Puerto Rico is herein determined and is allocated and prorated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

Of the additional deficit declared, an amount equal to 30,080 short tons, raw value, will be allocated to the Republic of the Philippines according to section 204(a) of the Act. The balance of the deficit amounting to 69,920 short tons, raw value, is prorated and allocated to Western Hemisphere countries by prorating 25,748 tons to such countries listed in section 202(c)(3)(A) of the Act, on the basis of quotas determined pursuant to section 202 of the Act and by allocating the remainder of the deficit amounting to 44,172 short tons, raw value, to Costa Rica, Guatemala, and Honduras pursuant to the following determination by the President.

THE WHITE HOUSE

WASHINGTON

JANUARY 31, 1972.

Memorandum for the Secretary of Agriculture.

Subject: Finding pursuant to section 204(a) of the Sugar Act of 1948, as amended by the Sugar Act Amendments of 1971.

In accordance with the recommendation of the Conference Report on the Sugar Act Amendments of 1971, that the President either in 1971 or 1972 use his authority to assign deficits to provide additional quotas for Costa Rica, Guatemala and Honduras to compensate those countries for quotas that would have been assigned to them pursuant to the Department of Agriculture's emergency request of August 12, 1971 had that request not been rescinded on August 18 and pursuant to section 204(a) of the Sugar Act Amendments of 1948, as amended, I hereby determine that it would be in the national interest to give special allocations to Costa Rica, Guatemala and Honduras equal to the quantities applied for an actually delivered to the United States, whether or not all of the quantities would have qualified for increased quotas, had the emergency action not been rescinded.

You are directed to take the necessary steps to allocate deficits in accordance with this finding.

RICHARD NIXON

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.11, 811.12, and 811.13 as follows:

1. Section 811.11 is amended by amending paragraph (a)(2) to read as follows:

§ 811.11 Quotas for domestic areas.

(a)(1) • • •

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1972 the Domestic Beet Sugar Area and Puerto Rico will be unable by 239,667 and 650,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

• • • • • •

2. Section 811.12 is amended to read as follows:

§ 811.12 Proration and allocation of deficits in quotas.

(a) Of the domestic deficits determined in § 811.11(a)(2), totaling 889,667 short tons, raw value, a quantity of 789,667 tons representing deficits in the quotas of the Domestic Beet Sugar Area and Puerto Rico of 239,667 and 550,000 tons, respectively, were previously determined, allocated and prorated in this Part 811. An additional deficit is herein determined in the quota for Puerto Rico of 100,000 short tons, raw value, and is herein prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 30,08 short tons, raw value, to the Republic of the Philippines, by allocating 21,807, 17,950, and 4,415 short tons, raw value, of the deficit to Costa Rica, Guatemala, and Honduras, respectively, in accordance with a Presidential Memorandum dated January 31, 1972, and by prorating the remainder of the deficit totaling 25,748 short tons, raw value, to Western Hemisphere countries named in section 202(c)(3)(A) of the Act on the basis of quotas determined pursuant to section 202 of the Act.

(b) In establishing deficit prorations herein for Western Hemisphere countries consideration has been given to the purchase of U.S. agricultural commodities by such countries, by determining that the value of U.S. agricultural exports to each such country exceeded the total net receipts f.a.s. port of shipment derived from the sale of sugar from deficit prorations imported from each such country during the most recent 12-month period for which data are available. Each foreign country which is unable to fill its quota including its deficit proration has the responsibility to notify the Secretary the extent of and reasons for such shortfall.

3. Section 811.13 is amended by amending paragraphs (b) and (c) to read as follows:

VOL 37 34 FEB 18 72 XUM

§ 811.13 Quotas for foreign countries.

• • • • •

(b) For the calendar year 1972, the quota for the Republic of the Philippines is 1,393,632 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 267,612 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1972, the prorations to individual foreign countries after than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation 811.13 are shown in column (3). New deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to section 202(d)[1]	Previous deficit porations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	Short tons, raw value				
Dominican Republic	426,189	143,832	116,182	5,418	691,621
Mexico	376,911	127,202	102,748	4,791	611,652
Brazil	307,888	124,055	100,207	4,673	596,823
Peru	263,038	98,771	71,705	3,344	426,859
West Indies	137,179	46,296	37,396	1,744	222,615
Ecuador	54,272	18,316	14,795	690	88,073
Argentina	50,943	17,192	13,887	648	82,670
Costa Rica	44,948	15,507	12,526	22,301	96,372
Colombia	45,263	15,282	12,344	576	73,465
Panama	28,302	9,551	7,715	360	45,928
Nicaragua	42,952	14,495	11,709	546	69,702
Venezuela	40,954	13,821	11,164	521	66,460
Guatemala	39,289	13,259	10,710	18,449	81,707
El Salvador	28,535	9,634	7,806	364	46,469
British Honduras	22,541	7,541	6,172	288	36,742
Haiti	20,644	6,967	5,628	262	33,501
Bahamas	17,980	6,068	4,902	228	29,178
Honduras	7,991	2,697	2,178	4,617	17,383
Bolivia	4,328	1,461	1,180	55	7,024
Paraguay	4,328	1,461	1,180	55	7,024
Australia	167,146	42,002			209,148
Republic of China	69,589	17,487			87,076
India	66,925	16,818			83,743
South Africa	47,280	11,881			59,161
Fiji Islands	36,625	9,204			45,829
Mauritius	24,630	6,191			30,830
Swaziland	24,630	6,191			30,830
Thailand	15,316	3,849			19,165
Uganda	12,319	3,096			15,415
Malagasy Republic	9,980	2,510			12,491
Ireland	5,351				5,359
Total	2,505,213	802,767	552,135	69,920	3,930,035

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

• • • • •

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action determines an additional deficit in quotas of 100,000 tons and prorates and allocates such deficit to the Philippines and Western Hemisphere quota countries In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on February 11, 1972.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-2450 Filed 2-17-72;8:45 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Subpart—Administrative Rules and Regulations

TRANSFER OF EXCESS RESTRICTED CREDITS

Notice was published in the February 2, 1972, issue of the FEDERAL REGISTER (37 F.R. 2515) regarding a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471) operative pursuant to the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982; 37 F.R. 588), regulating the handling of filberts grown in Oregon and Washington (hereinafter referred to collectively as the "order"). The order is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Recent amendment of the order added a new paragraph (d) to § 982.52 which provides, in part, that handlers who dispose of a quantity of merchantable filberts, in restricted outlets, in excess of their restricted obligation, may transfer such excess credits to another handler or handlers. This amendment would include a new § 982.460 in the administrative rules and regulations which would prescribe rules and regulations for such transfer.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Control Board, and other available information, it is found that this action is necessary to prescribe rules and regulations applicable to the transfer of excess restricted credits in order to enable handlers to utilize the benefits of this provision, and this amendment, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, Subpart—Administrative Rules and Regulations is amended as follows:

A new § 982.460 is added to Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471) to read:

§ 982.460 Transfer of excess restricted credits.

(a) *Notification.* Each handler having excess restricted credits who wants to transfer all or a portion thereof to another handler or handlers, may notify the Board accordingly. The Board shall make available to all handlers such information on a weekly basis.

(b) *Application.* Each handler who has excess restricted credits which he desires to transfer to another handler may submit such a request to the Board on FCB Form 10. This form shall include: (1) The name and signature of the handler requesting the transfer; (2) the name and signature of the designated handler to whom the transfer is to be made; (3) the amount of excess restricted credits to be transferred; and (4) such other information as may be needed by the Board to enable the Board to effect the requested transfer of the excess restricted credits.

(c) *Transfer.* The Board shall transfer the requested amount of the excess restricted credits from one handler to a designated handler upon receipt of a completed FCB Form 10 together with such information as may be required by this section.

It is found that good cause exists for not postponing the effective time of the action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) Most of the in-shell filberts have been marketed and handlers must either export or shell filberts to meet their restricted obligations, and handlers should be able to avail themselves promptly of these procedures as some handlers have limited export and shelling facilities and could meet their restricted obligation by transfer of excess restricted credits; (2) handlers are aware of this action and need no additional time to prepare for it; (3) no additional

regulations are being imposed since handlers will now have another method of meeting their restricted obligation; and (4) no useful purpose would be served by postponing the effective time of this action later than publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated February 15, 1972, to become effective upon publication in the FEDERAL REGISTER (2–18–72).

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2525 Filed 2-17-72;8:51 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Docket No. AO–14–A50 etc.]

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

Order Amending Orders

Correction

In F.R. Doc. 72–1930 appearing at page 2927 in the issue of Thursday, February 10, 1972, the following amendments to Part 1062 were inadvertently omitted:

1. In § 1062.22, paragraph (i) is revised as follows:

§ 1062.22 Additional duties of the market administrator.

• • • • •

(i) Publicly announce on or before:

(1) The fifth day of each month:

(i) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(ii) The Class I butterfat differential for the current month; and

(iii) The Class II price and Class II butterfat differential, both for the preceding month; and

(2) The 10th day of each month, the uniform price and the producer butterfat differential, both for the preceding month;

• • • • •

2. Section 1062.50 is revised as follows:

§ 1062.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

3. In § 1062.51, paragraph (a) is revised as follows:

§ 1062.51 Class prices.

• • • • •

(a) *Class I price.* The Class I price at plants located in Zone I shall be the basic formula price for the second preceding month plus $1.60.

• • • • •

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Packers and Stockyards Administration, Department of Agriculture

PART 204—ORGANIZATION AND FUNCTIONS

Public Information

Effective upon the date of publication in the FEDERAL REGISTER (2–18–72), paragraph (b) of § 204.9 of Title 9, Code of Federal Regulations, is amended to read as follows:

§ 204.9 Exempt records.

• • • • •

(b) Matters that are specifically exempted from disclosure by statute (15 U.S.C. 50; 7 U.S.C. 222, 218c).

• • • • •

This amendment changes the citation in 9 CFR 204.9(b) in order to cite the correct statutory provision, i.e., 7 U.S.C. 218c instead of 7 U.S.C. 218b. The amendment does not affect the rights or obligations of any person. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure in connection with this amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication thereof in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of February 1972.

GLENN G. BIERMAN,
Acting Administrator, Packers and Stockyards Administration.

[FR Doc.72-2526 Filed 2-17-72;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72–CE–2–AD, Amdt. 39–1385]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models A150, 150, 172, 177, 182, 205, 206, 207, and 210 Airplanes; Correction

In F.R. Doc. 72–1255 appearing on pages 1357 and 1358 in the issue of Friday, January 28, 1972, line 2 of the serial numbers in the applicability statement should be corrected to read "F15000001 thru F15000738."

Issued in Kansas City, Mo., on February 9, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-2472 Filed 2-17-72;8:46 am]

[Airspace Docket No. 71–SW–61]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

On December 10, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23577) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 114 segment between the Knapp, La., intersection and Baton Rouge, La.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.123 (37 F.R. 2009) V–114 is amended by deleting "Baton Rouge, La.;" and substituting "INT Baton Rouge, La., 307° and Lafayette, La., 042° radials; 7 miles wide (3 miles north and 4 miles south of centerline) Baton Rouge;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 14, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2477 Filed 2-17-72;8:46 am]

[Airspace Docket No. 71–RM–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

On December 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23633) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the segment of VOR Federal airway No. 231 between Missoula, Mont., and Kalispell, Mont.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

FEB 18 72

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.123 (37 F.R. 2009) V–231 is amended to read:

V–231 From Missoula, Mont., to Kalispell, Mont.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 14, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–2476 Filed 2–17–72;8:46 am]

[Airspace Docket No. 72–GL–6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Detroit Lakes, Minn., transition area.

The Detroit Lakes Municipal Airport has been renamed Detroit Lakes Airport. Therefore, it is necessary to alter the Detroit Lakes, Minn., transition area which presently refers to the airport as Detroit Lakes Municipal Airport to reflect the airport change of name. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended as follows:

DETROIT LAKES, MINN.

In the description, delete "Detroit Lakes Municipal Airport" where used and insert in place "Detroit Lakes Airport".

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on January 28, 1972.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.72–2473 Filed 2–17–72;8:46 am]

[Airspace Docket No. 71–NW–23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

On December 15, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23829), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Boise, Idaho, transition area.

Interested persons were given 30 days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., April 27, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on February 8, 1972.

C. B. WALK, JR.,
Director.

In § 71.181 (37 F.R. 2143) the description of the Boise, Idaho, transition area is amended as follows:

Add "• • • that airspace northeast of Boise extending upward from 11,500 feet MSL, bounded on the northeast by the southwest edge of V–283, on the south by the north edge of V–500, on the southwest by the 25-mile-radius area and on the west by the east edge of V–253."

[FR Doc.72–2474 Filed 2–17–72;8:46 am]

[Airspace Docket No. 71–RM–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On December 16, 1971 a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23930) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the description of the Delta, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change:

Change the FEDERAL REGISTER citations for the transition area to read "§ 71.181 (37 F.R. 2143)".

Effective date. This amendment shall be effective 0901 G.m.t., April 27, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Aurora, Colo., on February 10, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.181 (37 F.R. 2143) the description of the Delta, Utah, transition area is amended to read as follows:

DELTA, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Delta Municipal Airport (latitude 39°23'00" N., longitude 112°30'35" W.), and that airspace extending upward from 1,200 feet above the surface within 9 miles southeast and 13.5 miles northwest of the Delta VOR 203° and 023° radials extending from 12 miles northeast to 25.5 miles southwest of the VOR.

[FR Doc.72–2475 Filed 2–17–72;8:46 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 553—RULE-MAKING PROCEDURES: MOTOR VEHICLE SAFETY STANDARDS

Statement of Policy Regarding Action on Petitions for Reconsideration

The Center for Auto Safety has submitted a petition for rule making requesting that the NHTSA amend 49 CFR Part 553, rule making procedures, to provide that NHTSA must respond to petitions for reconsideration within 60 days of the date the rule in question is published in the FEDERAL REGISTER. The Center cited the interval of 5 months and 19 days that elapsed before issuance of the recent action on petitions concerning Standard No. 208, Occupant Crash Protection, as an illustration of the need for such a rule.

The NHTSA does not agree that the elapsed interval in that case, in view of the complexity of the issues raised and the hundreds of pages of highly technical material submitted in the petitions, was unjustified. This agency does, however, recognize that the period of reconsideration is one of considerable uncertainty to interested parties, since the rule in question has been issued, the effective date is approaching, and active preparation for compliance presumably is underway.

It has been determined, therefore, that a statement of policy on this subject will be appropriate, for the guidance of all parties concerned. A period of 90 days from issuance of the rule will be the normal period for action on reconsideration. This period will allow only 60 days for agency action, which is considered the shortest practicable period for the necessary steps: detailed review of the petitions, gathering of supplementary information as necessary, making basic technical and policy decisions, drafting of the action document, and review by responsible officials. Where that period is found insufficient, a FEDERAL REGISTER notice will be issued stating the date by which action is expected to be completed.

Accordingly, an appendix is hereby added to 49 CFR Part 553, reading as follows:

APPENDIX

STATEMENT OF POLICY: ACTION ON PETITIONS FOR RECONSIDERATION

It is the policy of the National Highway Traffic Safety Administration to issue notice of the action taken on a petition for reconsideration within 90 days after the date on which the rule in question is published in the FEDERAL REGISTER, unless it is found impracticable to take action within that time. In cases where it is so found and the delay beyond that period is expected to be substantial, notice of that fact, and the date by which it is expected that action will be taken, will be published in the FEDERAL REGISTER.

Effective date: March 1, 1972. This statement is issued in the interest of orderly administration and public information. It shall not affect the validity of any rules hereafter issued by the National Highway Traffic Administration, or the legal rights, duties, or liabilities of any persons pursuant to those rules.

(Sec. 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1407, delegation of authority at 49 CFR 1.51)

Issued on February 14, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72–2499 Filed 2–17–72;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Coumaphos

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (42–116V and 42–117V) filed by Ralston-Purina Co., Checkerboard Square, St. Louis, Mo. 63199, proposing revised labeling regarding premix levels for coumaphos when the drug is administered as a 6-day treatment in the feed of beef and dairy cattle. The supplemental applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), paragraph (b) of § 135e.39 is amended as follows:

§ 135e.39 Coumaphos.

• • • • •

(b) *Approvals.* (1) Premix levels 1.12, 2.0, 11.2, and 50 percent have been granted; for sponsor see code No. 007 in § 135.501(c) of this chapter.

(2) Premix levels 1.12 and 11.2 percent have been granted for use in accordance with item 2 of the table; for sponsor see code No. 047 in § 135.501(c) of this chapter.

• • • • •

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2–18–72).

Dated: February 4, 1972.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.72–2466 Filed 2–17–72;8:47 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

[Docket No. R–72–148]

PART 43—LAST RESORT HOUSING REPLACEMENT BY DISPLACING AGENCY UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

The purpose of these criteria and procedures is to prescribe, for all Federal and State agencies that cause residential displacement in the administration of direct Federal or federally assisted projects, the criteria and procedures for the implementation of section 206(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

On October 28, 1971 (36 F.R. 20700), the Department first published these criteria for public comment as a notice of proposed rule making. The Department has now considered all comments received and promulgates these final criteria and procedures to be effective upon publication in the FEDERAL REGISTER. Principal changes and the Department's response to significant comments are set forth below.

Several comments stated that section 206(a) vests primary decision-making authority in the case of federally assisted projects, as well as direct Federal projects, in the Federal funding agency rather than the displacing agency. The Department does not agree with this interpretation. The scheme of the Act and several explicit statements in House Report 91–1656 (91st Cong., Second session, December 2, 1970) indicate an intent of the Congress that in the case of federally assisted projects the references to "Federal agency" in section 206(a) should be read as "State agency" (see, e.g., pp. 16 and 18).

Nevertheless, Federal agencies are not without necessary authority to assure that the intent of the Act is followed by State displacing agencies. Federal agencies may not approve applications for assistance unless satisfied that the State agency has provided satisfactory assurances as required by section 210 of the Act. Moreover, if at any time during execution of a project the Federal funding agency determines that comparable replacement housing is not available as required by the Act (see, e.g., sections 205(c)(3) and 206(b)), it may take appropriate action to assure protection of the rights of all persons displaced or scheduled to be displaced.

Several comments urged that the invocation of section 206(a) be mandatory, because persons might otherwise be displaced even though no replacement housing was available. Such comments misunderstand the nature of section 206(a), which, though not by its terms mandatory, must be read in the context of other sections of the Act. Adequate protection to displaced persons is provided under sections 205(c)(3) (comparable replacement housing must be available to displaced persons a reasonable time prior to displacement), 210 (no federally assisted project may be approved without adequate assurances, inter alia, that the State agency will meet the requirements of section 205(c)(3)), and 206(b) (no displacement permitted unless replacement housing is available). None of these sections is discretionary. Whenever the necessary relocation housing is unavailable, and cannot be made available by other means, including the use of section 215 loans, there are generally only three options available: (1) Stop, reject, or abandon the project; (2) revise the project to reduce displacement; or (3) use project funds under section 206(a) to provide the needed housing.

It was decided not to expand the requirement for inventories of relocation needs and resources. The Act's abovecited protections of persons to be displaced, particularly section 206(b), compel displacing agencies to be sensitive to the need for additional relocation housing. In this regard, the Office of Management and Budget Guidelines require that no agency may proceed with any phase of a project without a current survey and analysis of available replacement housing by the displacing agency which takes into account competing demands for such housing. Under these criteria implementing section 206(a), if at any time it appears that such housing may not be available to satisfy the requirements of the Act the inventory of needs and resources becomes mandatory. Such an inventory could also be required prior to project approval, and agencies such as HUD do have such a requirement. But this is more appropriately left to each Federal agency's overall relocation regulations, rather than imposed under these criteria and procedures for section 206(a).

The provisions concerning membership of the Advisory Committee (§ 43.7 (b)) have been revised to urge inclusion of representatives of affected residents to be displaced, as well as to make clear that representatives of groups knowledgeable concerning problems of housing discrimination should also be included. Such membership could, of course, be made mandatory at the option of each Federal agency implementing these criteria and procedures.

Several comments found the applicability of Federal equal opportunity provisions either unclear or inadequate. The fullest applicability was intended. Changes have been made in §§ 43.5, 43.7, 43.8, 43.9, and 43.16 to make it clear that equal opportunity requirements apply throughout the implementation of these criteria and procedures. Agencies and persons seeking guidance concerning affirmative action to meet fair housing requirements may consult HUD's Affirmative Fair Housing Marketing Regulations, 24 CFR Part 200, 37 F.R. 75 (January 5, 1972) to become effective February 25, 1972.

References to the National Environmental Policy Act of 1969 have been

FEB 18 72

added to §§ 43.5, 43.7, and 43.8 to clarify the applicability of this new and important law.

A sentence has been added to § 43.7 encouraging the employment of project area residents, and the use of small and minority businesses, and firms located in or near the project area. Executive Order 11625 prescribes arrangements for developing and coordinating National programs for minority business enterprises. With respect to projects receiving HUD assistance, of course, such a provision is mandatory under section 3 of the Housing and Urban Development Act of 1968, as amended. Proposed regulations on Employment Opportunities for Lower Income Persons in Connection with Assisted Projects, implementing section 3, were published in the FEDERAL REGISTER for comment on June 18, 1971 (24 CFR Part 76, 36 F.R. 11744). The effective regulations are currently being prepared for final publication in the FEDERAL REGISTER.

A number of comments urged inclusion of a requirement for coordination among all Federal and State agencies competing for replacement housing resources, or at least a provision for deciding what specific relocation housing resources each agency may use. This is a legitimate concern, but it was the opinion of the Office of Management and Budget and the agencies consulted during the development of the procedures not to go further than the requirement in § 43.5 (c). It is expected that the revised OMB guidelines will provide for coordination of planned relocation activities at the Federal and local level, in recognition of the fact that coordination is imperative for any meaningful implementation of the Act. This Department's implementing procedures will require that its program participants take competing demands into consideration.

Additional changes were made to clarify that: (1) In the case of federally assisted projects, funds used under section 206(a) are subject to section 211 of the Act (§ 43.6); (2) the Replacement Housing Plan pursuant to section 206(a) shall specify the location of the housing to be provided (§ 43.7); (3) for the purposes of § 43.7, displacing agencies may not divide their total need for last resort housing into packages of 25 units or less (§ 43.8(d)); (4) if time permits, an amended or modified housing plan should be resubmitted for review and comment (§ 43.8); and (5) necessary relocation housing may be provided by rehabilitation, as well as new construction (§ 43.11).

Where appropriate, citations have been made to HUD and other standards, procedures and requirements. Information on minimum property standards, HUD project selection criteria, and HUD regulations and procedures implementing Civil Rights and other Acts and Executive orders cited in § 43.16, are available from each HUD Area or Insuring Office. A list of the Area and Insuring Offices is appended to these regulations.

The Secretary has determined that in view of the urgency for these criteria to implement section 206(a) of the Act, good cause exists for making this Part 43 effective upon publication in the FEDERAL REGISTER without delay.

Accordingly, 24 CFR, Subtitle A, is amended by adding a new Part 43 as follows:

Sec.
- 43.1 Purpose.
- 43.2 Legislative authority.
- 43.3 Applicability.
- 43.4 Definitions.
- 43.5 Determination that section 206(a) may be utilized.
- 43.6 Determination to use project funds under section 206(a).
- 43.7 Development of replacement housing plan.
- 43.8 Submission of replacement housing plan for comment.
- 43.9 Determination by displacing agency of feasibility and compliance.
- 43.10 Approval of plan by Federal agency.
- 43.11 Implementation of the replacement housing plan.
- 43.12 Housing production.
- 43.13 Advice and technical assistance by HUD and other Federal agencies.
- 43.14 Aggregate housing under jointly financed programs.
- 43.15 Displaced person not required to accept replacement dwelling in lieu of acquisition payments and supplemental payment.
- 43.16 Conformity with the Act and other statutes, policies, and procedures.

AUTHORITY: The provisions of this Part 43 issued under sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

§ 43.1 Purpose.

It is the purpose of this part to set forth uniform criteria and procedures for the implementation of section 206 (a), which shall be applied and administered to promote the purposes and policies of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

§ 43.2 Legislative authority.

The legislative authority is pursuant to section 206(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894).

§ 43.3 Applicability.

Pursuant to paragraph 4 of the President's memorandum of January 4, 1971, to the heads of departments and agencies concerning the Uniform Relocation and Real Property Acquisition Policies Act of 1970, these criteria and procedures are applicable to all Federal and State agencies administering Federal projects causing residential displacement.

§ 43.4 Definitions.

For purposes of this part the following definitions shall apply:

(a) "Federal agency" means any department, agency or instrumentality in the executive branch of the U.S. Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency) and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

(b) "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, or any political subdivision thereof.

(c) "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(d) "Federal financial assistance" means a grant, loan or contribution provided by the United States, except any Federal guarantee or insurance, and any annual payment or capital loan to the District of Columbia.

(e) "Displacing agency" means a Federal agency in the case of a direct Federal project causing displacement, and a State agency in the case of a project receiving Federal financial assistance and causing displacement.

(f) "Federal project" means any direct Federal project or any project receiving Federal financial assistance.

(g) "HUD" means the Area Office (or, where none exists, the Regional Office of the Department of Housing and Urban Development).

§ 43.5 Determination that section 206(a) may be utilized.

The Act requires: That displacing agencies provide assurance that within a reasonable period of time prior to displacement adequate replacement housing will be available for those to be displaced; that they provide current and continuing information on the availability, prices, and rentals of comparable replacement housing; and that no person may be displaced unless adequate replacement housing is available to such person. Whenever in connection with the planning, development, or execution of a Federal or federally assisted project, it appears to the head of the displacing agency that adequate replacement housing may not be available to satisfy the requirements of the Act, or that such housing is not available on a nondiscriminatory basis, the head of the displacing agency shall undertake the following, using existing data and supplementing them where necessary, to ascertain more precisely the need to utilize section 206(a) to provide such housing.

(a) *Inventory of household relocation needs.* Prepare an inventory of the characteristics and relocation needs of the families and individuals to be displaced.

(b) *Inventory of available housing.* Prepare (1) an inventory of currently available comparable replacement sale and rental housing, and (2) an inventory of housing planned to be constructed or rehabilitated and which will be available as comparable replacement housing. In preparing such inventories, the displacing agency shall consult Federal, State, or local agencies which may be able to provide such housing or are knowledgeable with respect to housing programs.

(c) *Inventory of other displacement projects.* In order to avoid reliance by more than one displacing agency on the same replacement housing resources, the displacing agency shall coordinate with the other displacing agencies with respect to the utilization and allocation of these resources.

(d) *Analysis of inventories.* Correlate and analyze the information contained in the above inventories.

§ 43.6 Determination to use project funds under section 206(a).

If the analysis undertaken in accordance with § 43.5 indicates that adequate replacement housing is not or will not be available to satisfy the requirements of the Act, the head of the displacing agency may make a determination to use project funds under section 206(a) to provide such necessary replacement housing. In the case of a federally assisted project, the displacing agency shall secure prior approval for such use of project funds under section 206(a) from the Federal agency providing financial assistance for the project. In the case of a federally assisted project, the funds used to provide housing under section 206(a) shall be treated in the same manner as other costs of relocation payments and assistance and shall be subject to the provisions of section 211 of the Act with respect to Federal-local cost sharing.

§ 43.7 Development of replacement housing plan.

(a) *General.* Following determination pursuant to § 43.6, the head of the displacing agency, in accordance with paragraph (b) of this section or this paragraph (a), shall develop or cause to be developed a replacement housing plan to produce adequate replacement housing. The plan shall specify how, when and where the housing will be provided, how it will be financed and the amount of project funds to be diverted to such housing, the prices at which it will be rented or sold to the families and individuals to be displaced, the arrangements for housing management and social services, as appropriate, the environmental suitability of the location and environmental impact of the proposed housing, the arrangements for maintaining rent levels appropriate for the persons to be rehoused, and the disposition of proceeds from rental, sale, or resale of such housing. In the development of the plan, innovative approaches and methods for the provision of suitable replacement housing are encouraged. The use of small and minority firms and firms located in or near the project area, and the employment of residents of the project area, are also encouraged. If 25 units or less of replacement housing need to be provided, the head of the displacing agency may proceed under paragraph (d) of this section.

(b) *Replacement housing plan developed by displacing agency.* If the head of the displacing agency elects to develop the replacement housing plan, he shall appoint an advisory committee which shall consult with and provide advice and assistance to the displacing agency in the development of the plan. The advisory committee shall include representatives of the following: The displacing agency; the chief executive officer of the jurisdiction in which displacement will occur; and State and local agencies knowledgeable regarding housing in the area, including but not limited to the local housing authority, the local redevelopment agency and the centralized relocation agency, if any. In addition, the committee should include representatives of other appropirate public (e.g., local and areawide planning agencies), and private groups knowledgeable regarding housing and the problems of housing discrimination, as well as representatives of affected residents to be displaced. The failure of any person to particiapte on the committee shall not preclude the committee from satisfying the requirements of this section.

(c) *Replacement housing plan developed by an agency other than displacing agency.* If the head of the displacing agency elects not to develop a replacement housing plan under paragraph (b) of this section, he shall engage a State or local housing agency, or other agency or organization having experience in the administration or conduct of housing programs to develop the replacement housing plan. In such case, the head of the displacing agency shall appoint an advisory committee to work with the agency or organization so engaged. The advisory committee shall be constituted and shall function as under the provisions of paragraph (b) of this section.

(d) *Provision of housing by head of displacing agency—25 units or less.* If the total need for replacement housing to be provided under section 206(a) by a single project (or in the case of joint development under § 43.14, by several projects), is for 25 units or less, the head of the displacing agency may plan and provide such housing without the assistance of an advisory committee or a housing or other agency pursuant to paragraph (b) or paragraph (c) of this section. The head of the displacing agency undertaking such activities shall be guided by the HUD project selection criteria (24 CFR Part 200, 36 F.R. 203, January 7, 1972) and minimum property standards for comparable Federal housing programs and shall comply with the policies, requirements and procedures specified in § 43.16.

(e) *Consultation.* From the inception of the replacement housing plan and continuing during the course of its development in accordance with this part, the agency developing the plan shall consult with HUD (or the Farmers Home Administration, where appropriate) and with the residents to be displaced or their representatives.

(f) *Use of section 215 for planning and other preliminary expenses.* Consideration should be given to the opportunities for stimulating the development of the required supply of housing through the use of seed money loans for planning and other preliminary expenses under section 215 of the Act (84 Stat. 1901).

§ 43.8 Submission of replacement housing plan for comment.

The head of the displacing agency shall submit any replacement housing plan developed in accordance with § 43.7 (b) or (c) to HUD (or the Farmers Home Administration, where appropriate) and the Regional and State Clearinghouse designated pursuant to OMB Circular A-95. HUD (or the Farmers Home Administration, where appropriate) shall review and comment on the plan with respect to plan feasibility, project selection, minimum property standards, environmental standards and impact, compatibility with local and areawide housing plans (provided that such plans are in compliance with the authorities cited in § 43.16) and compliance with the Civil Rights Acts and Executive orders specified in § 43.16. The Regional and State Clearinghouse shall review and comment on the plan with respect to its compatibility with the areawide housing plan or strategy developed or being developed by the Regional Planning Agency. HUD (or the Farmers Home Administration, where appropriate) and the Regional and State Clearinghouse shall review the plan and submit their comments to the displacing agency within 30 calendar days after receipt of the plan.

§ 43.9 Determination by displacing agency of feasibility and compliance.

Upon receipt and consideration of the comments on the plan, or passage of the 30-day review period provided in § 43.8, without receiving any comments, the displacing agency shall determine: (a) Whether the plan is feasible; (b) whether it complies with (1) Federal standards and regulations with respect to HUD project selection criteria (except criteria six, seven and eight) (24 CFR Part 200, 36 F.R. 203, January 7, 1972) and minimum property standards, (2) environmental standards and procedures, and (3) the dwelling and relocation standards, Civil Rights Acts and Executive orders specified in § 43.16; and (c) whether the plan is compatible with local housing plans and the areawide housing plan or strategy (provided such plans and strategies are in compliance with the authorities cited in § 43.16). If any of the above determinations by the displacing agency is negative, the displacing agency (taking into consideration any comments received in connection with the reviews provided in § 43.8) shall revise the plan as necessary. Unless time does not permit, any substantial modifications in the plan, except those made in accord with such comments, should be submitted for review and comment as provided in § 43.8. If necessary for the timely implementation of the plan or execution of the project, the head of the displacing agency may shorten the time allowed for review and comment to some reasonable period less than that provided in § 43.8.

FEB 18 72

Whenever an amended plan is resubmitted for review and comment, a copy may also be provided to the advisory committee for simultaneous review.

§ 43.10 Approval of plan by Federal agency.

In the case of a federally assisted project, the head of the displacing agency shall secure approval of the replacement housing plan from the Federal agency providing financial assistance for the project, before proceeding with the implementation of the plan.

§ 43.11 Implementation of the replacement housing plan.

Upon making the determinations required by § 43.9, and securing approval where required by § 43.10, the head of the displacing agency may expend project funds and take such other actions as necessary to provide, rehabilitate, or construct replacement housing pursuant to the approved replacement housing plan through methods including but not limited to the following:

(a) Transfer of project funds to State and local housing agencies;

(b) Transfer of project funds to HUD or the Farmers Home Administration;

(c) Contract with nonprofit or for-profit organizations experienced in the development of housing;

(d) Interest subsidy payments;

(e) Direct construction by the displacing agency.

Whenever practicable, the head of the displacing agency shall utilize the services of Federal, State, or local housing agencies, or other agencies having experience in the administration or conduct of similar housing programs.

§ 43.12 Housing production.

The head of the displacing agency shall monitor the production of the replacement housing to assure that it is in accordance with the replacement housing plan and in compliance with Federal standards and regulations with respect to project selection, minimum property standards and with the Civil Rights Acts and Executive orders specified in § 43.16.

§ 43.13 Advice and technical assistance by HUD and other Federal agencies.

Throughout the entire planning, development, and implementation process, the HUD Area or Insuring Office Director shall provide the displacing agency with advice, technical assistance, and general information as needed. HUD shall also review pending applications for housing subsidy assistance or mortgage insurance to determine the effect on any estimated replacement housing deficit and keep the displacing agency advised as applications are received or commitments are made that are likely to affect any estimated deficit. Where appropriate, the Farmers Home Administration shall provide the displacing agency with similar assistance.

§ 43.14 Aggregate housing under jointly financed programs.

Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought out for joint development and financing in order to aggregate their resources to provide replacement housing in sufficient quantity to satisfy the aggregate needs of such programs.

§ 43.15 Displaced person not required to accept replacement dwelling in lieu of acquisition payment and supplemental payment.

No agency may require a displaced person, without his written consent, to accept a dwelling provided by such agency under section 206(a) in lieu of his acquisition payment, if any, for the real property from which he is displaced or the supplemental payment for which he may be eligible under sections 203 and 204 of the Act (84 Stat. 1896 and 1897).

§ 43.16 Conformity with the Act and other statutes, policies and procedures.

(a) *Civil Rights and other Acts and Executive orders.* The administration of this part shall be in conformity with the provisions of section 1 of the Civil Rights Act of 1866 (42 U.S.C. 1982), title VI of the Civil Rights Act of 1964, title VIII of the Civil Rights Act of 1968, the National Environmental Policy Act of 1969, Executive Orders 11063, 11246, and 11625, and regulations issued pursuant thereto.

(b) *Dwelling and relocation standards.* Determinations made pursuant to § 43.5 and any plan developed and implemented for providing replacement housing under section 206(a) and all such housing provided thereunder shall be in conformity with all relocation regulations, standards, and guidelines of the Federal agency providing the project funds. Final determination of conformity with such regulations, standards, and guidelines shall be made by the head of the Federal agency providing project funds.

Effective date. This Part 43 shall be effective upon publication in the FEDERAL REGISTER (2-18-72).

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

REGION I

AREA OFFICES

HUD Area Office, 999 Asylum Avenue, Hartford, CT 06105.
Bulfinch Building, 15 New Chardon Street, Boston, MA 02114.
Davison Building, 1230 Elm Street, Manchester, NH 03101.

REGION II

AREA OFFICES

The Parkade Building, 519 Federal Street, Camden, NJ 08103.
Gateway 1 Building, Raymond Plaza, Newark, NJ 07102.
Grant Building, 560 Main Street, Buffalo, NY 14202.
120 Church Street, New York, NY 10007.
Post Office Box 3869 GPO, San Juan, PR 00936.

REGION III

AREA OFFICES

Universal North Building, 1875 Connecticut Avenue NW., Washington, DC 20009.
Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, MD 21201.
Curtis Building, 625 Walnut Street, Philadelphia, PA 19106.
1000 Liberty Avenue, Federal Building, Pittsburgh, PA 15222.
701 East Franklin Street, Post Office Box 10011, Richmond, VA 23240.

REGION IV

AREA OFFICES

Daniel Building, 15 South 20th Street, Birmingham, AL 35233.
Peninsular Plaza, 661 Riverside Avenue, Jacksonville, FL 32204.
1100 Peachtree Center Building, 230 Peachtree Street NW., Atlanta, GA 30303.
Children's Hospital Foundation Building, 601 South Floyd Street, Louisville, KY 40202.
101-C Third Floor Jackson Mall, 300 Woodrow Wilson Avenue West, Jackson, MS 39213.
2309 West Cone Boulevard, Northwest Plaza, Greensboro, NC 27408.
1801 Main Street, Jefferson Square, Columbia, SC 29201.
One Northshore Building, 1111 Northshore Drive, Knoxville, TN 37919.

REGION V

AREA OFFICES

17 North Dearborn Street, Chicago, IL 60602.
Willowbrook 5 Building, 4720 Kingsway Drive, Indianapolis, IN 46205.
Fifth Floor, First National Building, 660 Woodward Avenue, Detroit, MI 48226.
Griggs-Midway Building, 1821 University Avenue, St. Paul, MN 55104.
60 East Main Street, Columbus, OH 43215.
744 North Fourth Street, Milwaukee, WI 53203.

REGION VI

AREA OFFICES

Union National Bank Building, 1 Union National Plaza, Little Rock, AR 72201.
Plaza Tower, 1001 Howard Avenue, New Orleans, LA 70113.
301 North Hudson Street, Oklahoma City, OK 73102.
Room 14-A-18, New Dallas Federal Building, 1100 Commerce Street, Dallas, TX 75202.
Kallison Building, 410 South Main Avenue, Post Office Box 9163, San Antonio, TX 78285.

REGION VII

AREA OFFICES

One Gateway Center, Fifth and State Streets, Post Office Box 1339, Kansas City, KS 66117.
210 North 12th Street, St. Louis, MO 63101.
Univac Building, 7100 West Center Road, Omaha, NE 68106.

REGION IX

AREA OFFICES

2500 Wilshire Boulevard, Los Angeles, CA 90057.
1 Embarcadero Center, Suite 1600, San Francisco, CA 94111.

REGION X

AREA OFFICES

520 Southwest Sixth Avenue, Portland, OR 97204.
Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101.

INSURING OFFICES, HUD

REGION I

HUD Insuring Office, U.S. Federal Building and Post Office, 202 Harlow Street, Bangor, ME 04401.
300 Post Office Annex, Providence, RI 02903.
630 Federal Building, Elmwood Avenue, Burlington, VT 05402.

REGION II

30 Russell Road, Westgate North, Albany, NY 12206.
175 Fulton Avenue, Hempstead, NY 11550.

REGION III

Post Office Box 2948 (New Federal Building, 500 Quarrier Street), Charleston, WV 25330.
536 Wilmington Trust Building, Wilmington, DE 19801.

REGION IV

3001 Ponce de Leon Boulevard, Coral Gables, FL 33134.
4224-28 Henderson Boulevard, Post Office Box 18165, Tampa, FL 33609.
447 Federal Office Building, 167 North Main Street, Memphis, TN 38103.
1717 West End Building, Nashville, TN 37203.

REGION V

Lincoln Tower Plaza, 524 South Second Street, Post Office Box 1628, Springfield, IL 62705.
921 North Division Avenue, Grand Rapids, MI 49503.
9009 Federal Office Building, 550 Main Street, Cincinnati, OH 45202.
907 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

REGION VI

Ricou-Brewster Building, 425 Milam Street, Shreveport, LA 71101.
625 Truman Street NE., Albuquerque, NM 87110.
1706 Utica Square, Post Office Box 4054, Tulsa, OK 74152.
819 Taylor Street, Room 9A35, Federal Building, Fort Worth, TX 76102.
Room 7419, Federal Building, 515 Rusk Avenue, Houston, TX 77002.
514 Courthouse and Federal Office Building, 1205 Texas Avenue, Lubbock, TX 79401.

REGION VII

210 Walnut Street, Room 259, Federal Building, Des Moines, IA 50309.
700 Kansas Avenue, Topeka, KS 66603.

REGION VIII

Fourth Floor, Title Building, 909 17th Street, Denver, CO 80202.
616 Helena Avenue, Helena, MT 59601.
Federal Building, 653 Second Avenue North, Post Office Box 2483, Fargo, ND 58102.
119 Federal Building, U.S. Courthouse, 400 South Phillips Avenue, Sioux Falls, SD 57102.
125 South State Street, Salt Lake City, UT 84111.
Federal Office Building, 100 East B Street, Casper, WY 82601.

REGION IX

244 West Osborn Road, Post Office Box 13468, Phoenix, AZ 85002.
801 I Street, Post Office Box 1978, Sacramento, CA 95809.
Post Office Box 2648, San Diego, Calif. 92112, 110 West C Street, San Diego, CA 92101.
1440 East First Street, Santa Ana, CA 92701.
1000 Bishop Street, 10th Floor (Street Zip 96813), Post Office Box 3377, Honolulu, HI 96801.
70 Linden Street, Post Office Box 4700, Reno, NV 89505.

REGION X

228 Federal Building, Post Office Box 480, Anchorage, AK 99501.
331 Idaho Street, Boise, ID 83701.
West 920 Riverside Avenue, Spokane, WA 99201.

[FR Doc.72-2524 Filed 2-17-72;8:51 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 215—EMPLOYMENT OF MILITARY RESOURCES IN THE EVENT OF CIVIL DISTURBANCES

The Deputy Secretary of Defense approved the following:

Sec.
215.1 Purpose and scope.
215.2 Applicability.
215.3 Definitions.
215.4 Legal considerations.
215.5 Policies.
215.6 Responsibilities.
215.7 Command relationships.
215.8 Organization and administration.
215.9 Providing military resources to civil authorities.
215.10 Funding.

AUTHORITY: The provisions of this Part 215 issued under chapter 15 of title 10 of the United States Code (10 U.S.C. 331 et seq.).

§ 215.1 Purpose and scope.

This part establishes uniform Department of Defense policies, assigns responsibilities, and furnishes general guidance for utilizing DOD military and civilian personnel, facilities, equipment or supplies:

(a) In support of civil authorities during civil disturbances within the 50 States, District of Columbia, Commonwealth of Puerto Rico, U.S. possessions and territories, or any political subdivision thereof.

(b) In other related instances where military resources may be used to protect life or Federal property or to prevent disruption of Federal functions.

§ 215.2 Applicability.

This part is applicable to all components of the Department of Defense (the Military Departments, Organization of the Joint Chiefs of Staff, Defense Agencies, and the unified and specified commands) having cognizance over military resources which may be utilized in accordance with the policies set forth herein.

§ 215.3 Definitions.

(a) Civil disturbances are group acts of violence and disorders prejudicial to public law and order within the 50 States, District of Columbia, Commonwealth of Puerto Rico, U.S. possessions and territories, or any political subdivision thereof. The term civil disturbance includes all domestic conditions requiring the use of Federal armed forces pursuant to the provisions of chapter 15 of title 10, United States Code.

(b) Federal property is that property which is owned, leased, possessed, or occupied by the Federal Government.

(c) Military resources include military and civilian personnel, facilities, equipment, and supplies under the control of a DOD component.

(d) A Federal function is any function, operation, or action carried out under the laws of the United States by any department, agency, or instrumentality of the United States or by an officer or employee thereof.

§ 215.4 Legal considerations.

(a) Under the Constitution and laws of the United States, the protection of life and property and the maintenance of public order are primarily the responsibilities of State and local governments, which have the necessary authority to enforce the laws. The Federal Government may assume this responsibility and this authority only in certain limited instances.

(b) Aside from the constitutional limitations of the power of the Federal Government at the local level, there are additional legal limits upon the use of military forces within the United States. The most important of these from a civil disturbance standpoint is the Posse Comitatus Act (18 U.S.C. 1385), which prohibits the use of any part of the Army or the Air Force to execute or enforce the laws, except as authorized by the Constitution or Act of Congress.

(c) The Constitution and Acts of Congress establish six exceptions, generally applicable within the entire territory of the United States, to which the Posse Comitatus Act prohibition does not apply.

(1) The constitutional exceptions are two in number and are based upon the inherent legal right of the U.S. Government—a soverign national entity under the Federal Constitution—to insure the preservation of public order and the carrying out of governmental operations within its territorial limits, by force if necessary.

(i) *The emergency authority.* Authorities prompt and vigorous Federal action, including use of military forces, to prevent loss of life or wanton destruction of property and to restore governmental functioning and public order when sudden and unexpected civil disturbances, disasters, or calamities seriously endanger life and property and disrupt normal governmental functions to such an extent that duly constituted local authorities are unable to control the situations.

(ii) *Protection of Federal property and functions.* Authorizes Federal action, including the use of military forces, to protect Federal property and Federal governmental functions when the need for protection exists and duly constituted local authorities are unable or decline to provide adequate protection.

(2) There are four exceptions to the Posse Comitatus Act based on Acts of Congress.

(i) In the cases of each of the first three of those described, (*a*), (*b*), and (*c*) of this subdivision, personal Presidential action, including the issuance of a proclamation calling upon insurgents to disperse and retire peaceably within a limited time, is a prerequisite.

(*a*) *10 U.S.C. 331.* Authorizes use of the militia and Armed Forces when a State is unable to control domestic violence, and a request for Federal assistance has been made by the State

legislature or governor to the President. Implements Article IV, section 4, of the Constitution.

(b) *10 U.S.C. 332.* Authorizes use of the militia and Armed Forces to enforce Federal law when unlawful obstructions or rebellion against the authority of the United States renders ordinary enforcement means unworkable. Implements Article II, section 3, of the Constitution.

(c) *10 U.S.C. 333.* Authorizes use of the militia and Armed Forces when domestic violence or conspiracy hinders execution of State or Federal law, and a State cannot or will not protect the constitutional rights of the citizens. Implements Article II, section 3, and the 14th Amendment of the Constitution.

(d) *House Joint Resolution 1292, June 6, 1968.*[1] Directs all departments of the Government, upon the request of the Secret Service, to assist that Service in carrying out its statutory duties to protect Government officials and major political candidates from physical harm. Assistance to the Secret Service is governed by DOD Directive 3025.13, "Employment of Department of Defense Resources in Support of the United States Secret Service," July 15, 1968.[2]

(ii) It should be noted that none of the above authorities, in and of itself, provides sufficient legal basis to order members of the Reserve components to active Federal service.

§ 215.5 Policies.

(a) The employment of DOD military resources for assistance to civil authorities in controlling civil disturbances will normally be predicated upon the issuance of a Presidential Executive order or Presidential directive authorizing and directing the Secretary of Defense to provide for the restoration of law and order in a specific State or locality. Exceptions to this condition will be limited to:

(1) Cases of sudden and unexpected emergencies as described in § 215.4(c)(1)(i), which require that immediate military action be taken.

(2) Providing military resources to civil authorities as prescribed in § 215.9 of this part.

(b) The Attorney General of the United States has been designated to receive and coordinate preliminary requests from States for Federal military assistance authorized by 10 U.S.C. 331 (§ 215.4(c)(2)(i)(a)). Formal requests from States for such aid will be made to the President, who will determine what Federal action will be taken.

(c) The Secretary of the Army is delegated any and all of the authority of the President under chapter 15 of title 10, U.S.C. (§ 215.4(c)(2)(i)(a), (b), and (c)) which has been or may be hereafter delegated by the President to the Secretary of Defense.

(d) The Secretary of the Navy and the Secretary of the Air Force are delegated all that authority which has been or may be hereafter delegated by the President to the Secretary of Defense to order to active duty, units and members of the Reserve Components under their respective jurisdictions, except National Guard units and members, for use pursuant to chapter 15 of title 10, U.S.C. (§ 215.4(c)(2)(i)(a), (b), and (c)).

(e) DOD components and their subordinate activities will coordinate with local civil authorities or local military commanders as appropriate, to assure mutual understanding of the policies and procedures to be adhered to in an actual or anticipated civil disturbance situation.

(f) DOD civilian employees generally should not be used to assist civil authorities in connection with civil disturbances, except as provided for in § 215.9(b)(3).

(g) The prepositioning of more than a battalion-sized unit, as authorized in § 215.6(a)(6), will be undertaken only with the approval of the President. Requests for the prepositioning of forces will be addressed to the Attorney General.

§ 215.6 Responsibilities.

(a) The Secretary of the Army is designated as the Executive Agent for the Department of Defense in all matters pertaining to the planning for, and the deployment and employment of military resources in the event of civil disturbances. As DOD Executive Agent, the Secretary of the Army (or the Under Secretary of the Army, as his designee) is responsible for:

(1) Providing policy and direction concerning plans, procedures, and requirements to all DOD components having cognisance over military resources which may be employed under the provisions of this part.

(2) Improving and evaluating the capabilities of the National Guard to deal with civil disturbances.

(3) Establishing DOD policies and procedures for: (i) Calling the National Guard to active Federal service and ordering the National Guard and other Reserve components to active duty; and (ii) the employment of such forces that may be required to carry out the purposes of this part.

(4) Calling to active Federal service:

(i) The Army National Guard units or members required to carry out the provisions of the Presidential Executive order or other appropriate authority.

(ii) The Air National Guard units or members required to carry out the provisions of the Presidential Executive order or other appropriate authority, subject to the provisions of paragraph (c)(1)(i) of this section.

(5) Providing military resources of the U.S. Army, consistent with defense priorities to include:

(i) The military resources of the Army National Guard called to active Federal service under the provisions of subparagraph (4)(i) of this paragraph.

(ii) The military resources of the Army Reserve (other than Army National Guard) ordered to active duty to carry out the purposes of this part.

(6) Exercising through designated military commanders the direction of military resources committed or assigned for employment in the event of actual or potential civil disturbances. When circumstances warrant, such direction will include: (i) Alerting, and, if necessary, prepositioning predesignated ground forces; and (ii) directing the Secretary of the Air Force to alert and provide the necessary airlift resources (see § 215.5(g)).

(7) Devising command, control, and communications arrangements to insure effective coordination and responsiveness among Defense agencies, military departments, the Joint Chiefs of Staff, and Commanders-in-Chief (CINCs) of unified and specified commands, under conditions of prepositioning, deployment, or employment of military resources. Maximum utilization will be made of existing reports of the Joint Reporting Structure (JRS), as prescribed in JCS Pub 6.[3] Arrangements and reports affecting commanders of unified and specified commands will be coordinated with the JCS.

(8) Promulgating in implementation of DOD Directive 5200.27, "Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense," March 1, 1971,[1] strict policy guidelines designed to restrict to the maximum extent consistent with the effective conduct of actual civil disturbance operations the collection and maintenance of intelligence data in support of military civil disturbance planning and operations within the Department of Defense.

(9) Keeping the Secretary of Defense informed of unusual military resource requirements (actual or potential) and other significant developments in connection with civil disturbance planning and operations.

(10) Establishing procedures for the review and coordination of all DOD components' directives, instructions, and plans affecting civil disturbance planning and operations to assure conformity with DOD policies stated herein and DOD Executive Agent policies.

(11) Providing for the establishment of a DOD Civil Disturbance Steering Committee and a Directorate of Military Support (see § 215.8).

(12) Providing the necessary facilities, equipment, and personnel as required by the Assistant Secretary of Defense (Public Affairs) in the accomplishment of his public affairs responsibilities set forth in paragraph (f) of this section.

(13) Within the restrictions established by DOD Directive 5200.27, "Acquisition of Information Concerning Persons and Organizations not Affiliated with the Department of Defense," March 1, 1971,[1] and the implementing guidelines referred to in subparagraph (8) of this paragraph, providing essential planning, operational, and intelligence data to the National Military Command Center (NMCC) and the military service command centers on a timely basis to insure that the National Command Authorities and appropriate military service command authorities are adequately informed.

(b) The Joint Chiefs of Staff are responsible for:

(1) Establishing procedures that will promptly transfer military resources that are assigned to unified and specified commands (i) to the military departments for civil disturbance operations in the Continental United States (CONUS) or (ii) to unified commands for such operations outside the CONUS, as directed by the DOD Executive Agent and consistent with defense priorities.

(2) Maintaining an appropriate strategic reserve for worldwide employment and contingency operations.

(3) Insuring that directives concerning civil disturbances are issued to the commanders of unified commands, for the employment of military resources outside the CONUS, in accordance with direction and guidance provided by the DOD Executive Agent.

(c) The Secretary of the Air Force is responsible for:

(1) Providing military resources of the U.S. Air Force, as required by the DOD Executive Agent and consistent with defense priorities, to include:

(i) Designating and providing the specific units or members of the Air National Guard to be called to active Federal service under the provisions of paragraph (a)(4)(ii) of this section.

(ii) Designating and providing the military resources of the Air Force Reserve (other than Air National Guard) order to active duty to carry out the purposes of this part.

(2) Exercising for the DOD Executive Agent, through designated military commanders, coordinating authority over and direction of DOD provided military and commercial obligated airlift resources used to fulfill civil disturbance airlift requirements.

(3) Providing airlift to deploy and redeploy civil disturbance forces and for supply, resupply, and aeromedical evacuation.

(d) The Secretary of the Navy is responsible for:

(1) Designating and providing military resources of the U.S. Navy and the U.S. Marine Corps, as required by the DOD Executive Agent and consistent with defense priorities, to include ordering to active duty and utilizing the resources of the Naval Reserve and the Marine Corps Reserve required to carry out the purposes of this directive.

(2) Insuring that Navy and Marine forces committed in connection with civil disturbances are trained and equipped in accordance with criteria established by the DOD Executive Agent.

(3) Making airlift resources available to the Secretary of the Air Force, consistent with defense priorities, as requested by him in the accomplishment of his airlift responsibilities set forth in paragraph (c) of this section.

(e) The Defense agencies are responsible for providing military resources as required, and advice and assistance on matters within their spheres of responsibility, to the DOD Executive Agent and to the Secretaries of the military departments and to the Joint Chiefs of Staff in the discharge of their responsibilities.

(f) The Assistant Secretary of Defense (Public Affairs) is responsible for all DOD public affairs matters related to civil disturbances. To assure efficiency and responsiveness in keeping the public fully informed, he will:

(1) Provide direction and guidance to the DOD Executive Agent on all aspects of public release of information relating to civil disturbances.

(2) Assign Public Affairs representatives, of appropriate rank, to the Directorate of Military Support during civil disturbance operations.

(3) Designate as required on-site DOD Public Affairs Chiefs who will furnish appropriate advice and guidance to task force commanders and, upon request or by direction of appropriate authorities, to other representatives of the Federal Government. The on-site Public Affairs Chief is responsible for releasing all military information to the public in the affected area(s). He will be responsible for such other public affairs functions as directed by competent authority. In the event of a disagreement concerning the releasing of military information to the public between a task force commander and the on-site Public Affairs Chief, the issue will be resolved by the ASD(PA) who will coordinate with the DOD Executive Agent to the extent feasible.

§ 215.7 Command relationships.

(a) In the event of civil disturbances within the CONUS:

(1) Military resources of the unified or specified commands will be transferred by the JCS to their respective military departments, when directed by the DOD Executive Agent. (Such resources will revert to the unified or specified commands when directed by the DOD Executive Agent.)

(2) The DOD Executive Agent is delegated the authority to exercise, through the Chief of Staff, U.S. Army, the direction of those forces assigned or committed to him by the military departments.

(b) In the event of civil disturbances outside of CONUS, the DOD Executive Agent is delegated the authority to exercise the direction of those forces assigned or committed to the commanders of unified or specified commands through the Chief of Staff, U.S. Army, and Task Force Commanders designated by JCS.

(c) At objective areas, designated task force commanders will exercise operational control over all military forces assigned for employment in the event of civil disturbances.

§ 215.8 Organization and administration.

(a) A DOD Civil Disturbance Steering Committee will be established to provide advice and assistance to the DOD Executive Agent concerning civil disturbance matters. The Committee Chairman will be the Under Secretary of the Army. Members will include:

Deputy Attorney General of the United States.
Assistant Secretaries of Defense (Comptroller) and (Public Affairs).
General Counsel of the DOD.
Under Secretaries of the Navy and Air Force.
Vice Chiefs of Staff of the Army and Air Force.
Vice Chief of Naval Operations and Assistant Commandant of the Marine Corps.
Representative of the JCS.

(b) A Directorate of Military Support (DOMs) will be established by the DOD Executive Agent with a joint service staff under the Chief of Staff, U.S. Army. The Department of the Army will provide the Director and the Department of the Air Force will provide the Deputy Director. The DOMs will plan, coordinate, and direct civil disturbance operations.

§ 215.9 Providing military resources to civil authorities.

This section provides general guidance for the handling of requests for DOD facilities, personnel, equipment, or supplies, received from officials of the 50 States, District of Columbia, Commonwealth of Puerto Rico, U.S. possessions and territories, or any political subdivision thereof, for use in connection with civil disturbances.

(a) *Loan policy.* Civil authorities, National Guard, and Federal agencies will be encouraged to provide sufficient resources of their own, so as to minimize the need to rely on DOD assistance.

(1) *Classification of resources.* Military resources will be classified into three groups, as follows:

(i) *Group One.* Personnel, arms, ammunition, tank-automotive equipment, and aircraft.

(ii) *Group Two.* Riot control agents, concertina wire, and other like military equipment to be employed in control of civil disturbances which is not included in Group One.

(iii) *Group Three.* Firefighting resources (to include operating personnel); equipment of a protective nature (such as masks, helmets, body armor vests) and other equipment not included in Group One or Two (such as clothing, communications equipment, searchlights); and the use of DOD facilities.

(2) Requests for personnel to be used in a direct law enforcement role are not within the purview of this part and must be made by the legislature or governor of a State in accordance with 10 U.S.C. 331. Pursuant to the Posse Comitatus Act, DOD operating personnel employed in connection with loaned equipment may not be used in a direct law enforcement role.

(3) Repair parts and POL items are classified according to the group of the equipment for which the parts or POL are intended.

(b) *Approval of requests.* (1) Requests for Group One military resources may be granted only with the personal approval of the DOD Executive Agent or, when

---

[1] Although this resolution has been placed in the Statutes at Large as Public Law 70-331, 82 Stat. 170, it has not been codified; it is set out in the notes to 18 U.S.C. 3056.

[2] Filed as part of original copies available from U.S. Naval Publications and Forms Center, 5801 Taber Avenue, Philadelphia, PA 19120, Code: 300.

[3] Not available to the public. Copies have been distributed to appropriate military commanders.

V 37 I 34 FEB 18 72 XUM

designated by him for that purpose, the Under Secretary of the Army.

(2) Requests for Group Two military resources may be granted only with the personal approval of the DOD Executive Agent, or the following individuals when designated by him for that purpose: (i) The Under Secretary of the Army; (ii) the Director and Deputy Director of Military Support; or (iii) a Task Force Commander employed at an objective area during a civil disturbance.

(3) Requests for Group Three resources may be granted by Secretaries of the military departments, CINCs of unified and specified commands outside CONUS; or commanders of military installations or organizations who have been delegated such authority by the appropriate Service Secretary or CINC.

(i) Installation commanders are authorized to provide emergency explosive ordnance disposal service in accordance with applicable regulations of respective military departments.

(ii) The Director, Defense Supply Agency, is authorized to approve requests from subordinate agencies for firefighting assistance in connection with civil disturbances. Where installation fire departments have mutual aid agreements with nearby civil communities, the installation commander is authorized to provide emergency civilian or mixed civilian/military firefighting assistance. In the absence of a mutual aid agreement and when it is in the best interest of the United States, a commander with Group Three approval authority is authorized to provide emergency civilian or mixed civilian/military assistance in extinguishing fires and in preserving life or property from fire, within the vicinity of an installation. In either case, civilian firefighters may be used provided:

(*a*) In civil disturbance situations where there is significant danger of physical harm to firefighters, the civilian employees volunteer for the assignment. (DOD civilian employees acting in this volunteer capacity are acting as Federal employees.)

(b) Firefighting equipment will not be used for riot control.

(c) Civil authorities recognize that prior to the commitment of Federal forces to assist in restoring law and order, the protection of firefighting crews and equipment is the responsibility, in ascending order, of municipal, county, and State officials. Failure on the part of such authorities to recognize this responsibility and/or to provide adequate protection will be grounds for refusal to commit installation resources or for withdrawal of resources already committed.

(4) Requests for Groups One, Two, or Three resources, and for renewal of outstanding loans, may be denied at any level in the chain of command down to and including commanders delegated Group Three approval authority.

(c) *Processing of requests.* (1) All requests will be promptly submitted through channels to the appropriate approving authorities using the format established by the DOD Executive Agent.

(2) Requests will be forwarded and processed in keeping with the degree of urgency dictated by the situation.

(3) Requests received by personnel of Defense agencies will be referred to local military commanders for processing, except that DSA subordinate agencies will forward requests for firefighting assistance to DSA.

(4) Request from civil law enforcement agencies for training assistance related to the control of civil disturbances will not be approved at the local level. Such requests should be referred to the nearest U.S. attorney, Department of Justice.

(d) *Reporting of requests.* (1) Reports of all requests for military resources (approved, denied, or pending) will be prepared by all appropriate approving authorities, using the format established by the DOD Executive Agent, and forwarded through channels as follows:

(i) To the military department headquarters, in the case of requests received in the CONUS by the four Services.

(ii) To the DOD Executive Agent, in the case of requests for firefighting assistance received by the Defense Supply Agency.

(iii) To the JCS, in the case of requests received by organizations or installations over which the commanders of the unified and specified commands exercise command authority.

(2) Reports received by the military department headquarters and JCS will be transmitted to the DOD Executive Agent, who, in turn, will transmit information copies of all approved requests for Groups One and Two military resources to the General Counsel of the DOD and the Deputy Attorney General of the United States.

(3) In addition, a weekly summary report of all requests will be compiled by the DOD Executive Agent, showing action taken (approved, denied, or pending) and submitted to the General Counsel of the DOD, the Assistant Secretary of Defense (Installations and Logistics), and the Deputy Attorney General of the United States. Negative summary reports are required.

(4) The reporting requirements prescribed herein are assigned Report Control Symbol DD–A(AR)1112.

§ 215.10 Funding.

(a) Reporting requirements to provide for financing costs associated with civil disturbance operations, to include reimbursement of military department expenditures, will be in accordance with DOD Instruction 7200.9, "Financing and Reporting Costs of Military Resources Used in Civil Disturbances," January 26, 1970,[1] and DOD Executive Agent implementing instructions.

(b) Military assistance (Groups One, Two, and Three military resources) provided to civil authorities, under the provisions of § 215.9, will be on a reimbursable or reclaimable basis as appropriate.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.72-2483 Filed 2-17-72;8:47 am]

[1] Although this resolution has been placed in the Statutes at Large as Public Law 70–331, 82 Stat. 170, it has not been codified; it is set out in the notes to 18 U.S.C. 3056.

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1808—LABOR STANDARDS FOR FEDERALLY ASSISTED CONTRACTS

Contract Provisions

Part 1808 of Chapter XVIII of Title 32 of the Code of Federal Regulations is amended as follows:

(1) Paragraph (a)(5)(ii) of § 1808.4 is amended by substituting "29 CFR 5.5(a)(1)(iv)" in place of "20 CFR 5.5(a)(1)(iv)."

(2) Paragraph (a)(6)(ii) of § 1808.4 is amended by substituting "29 CFR Part 5a" in place of "Part 5a of this subtitle."

(64 Stat. 1250, 1255, 50 U.S.C. App. 2281; 2253; Reorg. Plan No. 1 of 1958 as amended, 72 Stat. 1799–1801, 23 F.R. 4991 E.O. 10952, as amended, 26 F.R. 6577; Delegation of Authority Regarding Civil Defense Functions and Establishment of the Office of Civil Defense, Apr. 10, 1964, 29 F.R. 5017)

Effective date. These amendments are effective immediately.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.72-2464 Filed 2-17-72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 6—Department of State

[Dept. Reg. 108.654]

PART 6–1—GENERAL

Procedures for Handling Procurement Documents and Contract Administration for Wire Service Circuits Leasing

Part 6–1, Chapter 6 of Title 41 of the Code of Federal Regulations, is amended to provide new instructions regarding the numbering and distribution of procurement documents, and to reflect organizational changes within the Department of State.

1. In Subpart 6–1.3, §§ 6–1.351–1, 6–1.351–2, 6–1.351–3, and 6–1.352 are revised to read as follows:

§ 6–1.351 Numbering procurement documents.

§ 6–1.351–1 Policy.

Procurement documents required to be numbered are:

(a) Formally advertised contracts.

(b) Negotiated contracts.

(c) Purchase orders.

§ 6–1.351–2 Procedure.

All procurement documents shall be numbered in accordance with the Department's worldwide standardized numbering system. This system consists of a set of four digits followed by a hyphen and a second set of six digits. The first set of four digits always will identify the specific allotment/operating allowance to be charged. The second set of six digits will identify the obligation number of the transaction, the first digit of which is reserved to indicate the fiscal year during which the transaction takes place. Procurement documents prepared for other Federal agencies may be numbered in accordance with their requests.

§ 6–1.351–3 Numbering modifications and amendments.

Each modification and/or amendment to a procurement document shall be alphabetized in successive order. This alphabetic letter shall be preceded by a hyphen and appear as a suffix to the original procurement document number.

§ 6–1.352 Distribution of numbered contracts.

(a) *Post series.* The signed original together with the original Standard Form 1036 shall be retained at the post in the contract file and shall, upon request, be available for audit. A signed copy of the contract shall be furnished the contractor.

(b) *FBO series.* A signed copy of both the contract and Standard Form 1036 shall be forwarded to the Department with an operations memorandum, Subject: Buildings. The memorandum shall specify the appropriation against which the contract will be paid and shall refer to the Department authority, if any, under which the contract was consummated. The signed original of the contract with a Standard Form 1036 shall be placed in the contract file and shall, upon request, be available for audit. A signed copy of the contract shall be furnished the contractor.

(c) *Department's Washington series.* The signed original, together with the original Standard Form 1036, if required, shall be forwarded to Financial Services. One signed copy shall be retained in the contract file, and upon request, be available for audit. A signed copy of the contract shall be furnished the contractor.

2. In Subpart 6–1.4, in § 6–1.404–2, paragraph (c)(7) is revised to read as follows:

§ 6–1.404–2 Designation.

* * * * * * *

(c) * * *

(7) *Office of Communications.* The authority to enter into and administer contracts (except grants) for leasing wire service circuits is delegated to the Executive Officer and the Chief, Programs Staff.

* * * * * * *

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER (2–18–72).

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 4, 63 Stat. 111; 22 U.S.C. 2658)

JOSEPH F. DONELAN, Jr.,
Assistant Secretary for Administration.

FEBRUARY 4, 1972.

[FR Doc.72-2500 Filed 2-17-72;8:48 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER J—MISCELLANEOUS

[General Order 103, Amdt. 3]

PART 381—CARGO PREFERENCE—U.S.–FLAG VESSELS

Informal Grievance Procedure

In F.R. Doc. 71–15157 appearing in the FEDERAL REGISTER issue of October 16, 1971 (36 F.R. 20164), notice was given that, pursuant to section 27 of the Merchant Marine Act of 1970, Public Law 91–469, the Assistant Secretary of Commerce for Maritime Affairs had under consideration the promulgation of regulations to be followed by all departments and agencies having responsibility under the Cargo Preference Act of 1954, section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), in the administration of their programs with respect to the Act. The notice set forth a proposed rule that would establish an informal procedure under which persons having a problem arising in connection with the administration of the Cargo Preference Act of 1954 may promptly obtain advice and assistance.

Interested persons were given an opportunity to participate in the proposed rule making through the submission of comments. Pursuant to the notice, comments have been received from interested persons, and due consideration has been given to all relevant material presented.

All comments expressed agreement with the purpose of the proposed regulation. One recommended that a paragraph designated "(d)" should be added at the end of the proposed rule making the decision of the Assistant Secretary of Commerce for Maritime Affairs or his representative final, except in cases arising after the execution of a contract of affreightment or charter which provided a procedure for settling disputes. This suggestion has merit, but it was not incorporated in the rule because of the desire to keep the proceedings informal and of an advisory nature.

In consideration of the foregoing, Part 381, Title 46, Chapter II, Code of Federal Regulations (36 F.R. 6894, 10739, 19367, and 19253), is hereby amended by adding a new section reading as follows:

§ 381.6 Informal grievance procedure.

(a) Whenever any person has a question, problem, complaint, grievance, or controversy pertaining to the terms and conditions of any tenders, charter party terms, or other matter involving the administration of the Cargo Preference Act of 1954, such person may request the Maritime Administration to afford him an opportunity to discuss the matter informally with representatives of the Maritime Administration and, if other U.S. Government agencies or foreign missions, embassies, or agencies acting on behalf of a foreign government are involved with them or persons authorized to speak for them.

(b) In such cases, a request may be made by telephone or letter to the Chief, Office of Market Development, Maritime Administration, Washington, D.C. 20235, Area Code 202, phone 967–3325. When such a request has been received, the Assistant Secretary of Commerce for Maritime Affairs or his designated representative will promptly consider the matter on its merits and provide assistance if possible. If the matter cannot be resolved satisfactorily by the Maritime Administration, the Assistant Secretary of Commerce for Maritime Affairs or his designated representative will then arrange for a meeting at a time and place satisfactory to all interested parties so that the matter may be freely discussed and resolved.

(c) At such meetings, the Assistant Secretary of Commerce for Maritime Affairs or his designated representative may request any U.S. Government agency, foreign mission, embassy, or agency acting on behalf of a foreign government, or others having an interest in the matter to attend such a conference, or to send representatives authorized to speak for them. All such meetings and conferences will be conducted in an informal manner.

Effective date. This regulation shall become effective as of March 1, 1972.

(Sec. 204, 49 Stat. 1987, as amended, 46 U.S.C. 1114)

Dated: February 14, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.72-2482 Filed 2-17-72;8:51 am]

VOL 37 NO 34 FEB 18 72 XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

GREEN ASPARAGUS FOR CANNING OR FREEZING [1]

Proposed Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Grades of Green Asparagus for Canning or Freezing (7 CFR 51.4075–51.4085). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than March 15, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed revision of the grade standards. The U.S. Standards for Grades of Green Asparagus for Canning or Freezing have been in effect since December 22, 1937. They were published in the FEDERAL REGISTER in June 1967 for the purpose of codification.

These standards are seldom used by the asparagus processing industry, which prefers contract specifications that may be quickly changed to meet specific conditions. However, they are used to some extent by exporters of asparagus to be used for processing purposes. Neither the U.S. No. 1 nor the U.S. No. 2 grade provides tolerances for defects or off-size. In the customary application of these standards to determine the percentages of U.S. No. 1, U.S. No. 2, culls and butts in a lot, there is no need for tolerances. However, when a lot of asparagus must meet the requirements of one specified grade, tolerances for defects are necessary. Without tolerances, a shipment would have to be 100 percent free from scorable defects to meet the requirements of a specified grade. Tolerances should be incorporated as proposed if these standards are to be practical for use in the certification of shipments of asparagus that must meet the requirements of a single grade, whether exported for processing or sold to a domestic user.

In August 1971 USDA's Consumer and Marketing Service prepared and submitted to the asparagus industry a draft for study to consider revision of the standards for asparagus for canning or freezing, outlining the proposed changes. Comments from asparagus processors in response to this study draft were chiefly concerned with maintaining adequate requirements for diameter and length of spears and amount of green color. The only proposed change relating to these factors would provide a green color requirement in the U.S. No. 2 grade.

In addition to the proposed provision for tolerances for defects and off-size, the proposed revision would include the following changes:

(1) The title would be changed from U.S. Standards for Grades of Green Asparagus for Canning or Freezing to U.S. Standards for Grades of Green Asparagus for Processing.

(2) The format of the standards would be changed and other changes in arrangement and wording would be made in the interest of clarity and readability.

(3) A requirement would be added to the U.S. No. 2 grade providing that unless otherwise specified each spear shall have green color extending at least 3 inches below the tip.

(4) Definitions would be added for serious damage by broken tips, spreading tips, and beetle eggs.

The proposed standards, as revised, are as follows:

Subpart—U.S. Standards for Grades of Green Asparagus for Canning or Freezing

GRADES

Sec.
51.4075 U.S. No. 1.
51.4076 U.S. No. 2.

CULLS

51.4077 Culls.

BUTT

51.4078 Butt.

APPLICATION OF STANDARDS

51.4079 Application of standards.

DIAMETER CLASSIFICATION

51.4080 Diameter classification.

DEFINITIONS

51.4081 Fresh.
51.4082 Fairly well formed.
51.4083 Damage.
51.4084 Green color.
51.4085 Serious damage.

METRIC CONVERSION TABLE

51.4086 Metric Conversion Table.

GRADES

§ 51.4075 U.S. No. 1.

"U.S. No. 1" consists of spears of asparagus which meet the following requirements:

(a) Basic requirements:
(1) Fresh; and,
(2) Fairly well formed.
(b) Free from:
(1) Decay; and,
(2) Broken tips.
(c) Free from damage caused by:
(1) Doubles;
(2) Spreading tips;
(3) Knife cuts;
(4) Broken butts;
(5) Hail;
(6) Freezing;
(7) Dirt;
(8) Disease;
(9) Beetles or other insects; or,
(10) Mechanical, or other means.
(d) Size: Unless otherwise specified, each spear shall meet the following requirements:
(1) *For diameter.* Not less than one-fourth inch.
(2) *For length.* Not more than 7½ inches.
(e) Color: Unless otherwise specified, the spear shall have green color extending at least 4½ inches below the tip. There shall be no restrictions regarding the amount of white color permitted on a spear unless agreed upon by the processor and grower. (See § 51.4078.)
(f) For tolerances see "Application of Standards" § 51.4079.

§ 51.4076 U.S. No. 2.

"U.S. No. 2" consists of spears of asparagus which meet the following requirements:

(a) Basic requirements:
(1) Fresh.
(b) Free from:
(1) Decay.
(c) Free from damage caused by:
(1) Dirt.
(d) Free from serious damage caused by:
(1) Disease;
(2) Beetles or other insects; or,
(3) Mechanical, or other means.
(e) Size. Unless otherwise specified, each spear shall be not more than 7½ inches in length.
(f) Color. Unless otherwise specified, the spear shall have green color extending at least 3 inches below the tip. There shall be no restrictions regarding the amount of white color permitted on a spear unless agreed upon by the processor and grower. (See § 51.4078.)
(g) For tolerances see "Application of Standards" § 51.4079.

CULLS

§ 51.4077 Culls.

"Culls" are spears of asparagus which do not meet the requirements of either of the foregoing grades. Length of spear in excess of that specified in the lowest grade upon which a contract is based and any amount of white in excess of that which may be specified for that grade shall be considered as a "Butt".

BUTT

§ 51.4078 Butt.

That part of a spear that is in excess of the maximum length specified shall be classed as a butt; and if a contract between canner and grower restricts the amount of white on a spear, the white in excess of the amount specified shall also be classified as a butt; and in either case the remaining portion of the spear shall be considered as meeting the grade requirements in regard to these factors.

APPLICATION OF STANDARDS

§ 51.4079 Application of standards.

In the application of these standards to determine the percentage of U.S. No. 1 and U.S. No. 2 quality, culls, butts, and off-size in a lot, tolerances shall not apply.

(a) *Tolerances.* When lot of asparagus is required to meet a specified grade, the following tolerances, by weight, shall apply:
(1) *For defects.* 10 percent for spears in any lot which fail to meet the requirements of the grade other than for butts and off-size: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for spears affected by decay.
(2) *For butts.* 5 percent.
(3) *For off-size.* 10 percent, including not more than 5 percent for spears smaller than any specified minimum diameter.

DIAMETER CLASSIFICATION

§ 51.4080 Diameter classification.

(a) The following terms are provided for describing the diameter of the spears:
(1) *Small.* One-fourth inch to less than three-eighths inch in diameter.
(2) *Medium.* Three-eighths inch to less than five-eighths inch in diameter.
(3) *Large.* Five-eighths inch or larger in diameter.

(b) The diameter shall be the greatest thickness of the spear measured at a point 5 inches from the tip, except that spears which are less than 5 inches in length shall be measured at the base of the spear.

DEFINITIONS

§ 51.4081 Fresh.

"Fresh" means not wilted, limp or flabby.

§ 51.4082 Fairly well formed.

"Fairly well formed" means the spear is not badly flattened, crooked, or otherwise so badly deformed that its processing quality is materially affected.

§ 51.4083 Damage.

"Damage" means any defect which detracts from the processing quality of the portion of the spear that extends a distance of 4½ inches from the tip, or which materially detracts from the canning or freezing quality of the remaining portion of the spear exclusive of the butt. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Doubles which detract from the appearance of that portion of the spear that extends a distance of 4½ inches from the tip. Doubles which occur on the remaining portion of the spear shall not be regarded as damage.

(b) Spreading tips, when the tips are so spread or branched that the appearance is appreciably injured. Tips which have a "seedy" appearance shall be considered damaged.

(c) Dirt or sand which is so imbedded in the tip that it cannot be removed in the ordinary process of washing.

(d) Beetle eggs or holes which affect the portion of the spear that extends a distance of 4½ inches from the tip, or which materially detract from the processing quality of the remaining portion of the spear exclusive of the butt.

§ 51.4084 Green color.

"Green color" means any shade or tinge of green color or purple color which will blanch green. The amount of green color shall be determined by measuring the distance from the extreme tip to the lowest point at which any shade of green color completely encircles the spear.

§ 51.4085 Serious damage.

"Serious damage" means any defect which seriously detracts from the processing quality of that part of the spear not classed as a butt. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Broken tips when three or more segments are missing from the tip or when the extreme tip is missing and the broken end is not at least fairly well concealed by lower scales.

(b) Spreading tips when the tip branches are more than three-quarter inch in length or when extending out from the spear.

(c) Beetle eggs when more than six eggs are present on the spear providing that not more than three eggs are present within a distance of 4½ inches below the tip.

METRIC CONVERSION TABLE

§ 51.4086 Metric Conversion Table.

Inches:	*Millimeters (mm.)*
⅛ equals	3.2
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
⅝ equals	15.9
¾ equals	19.1
1 equals	25.4
2 equals	50.8
3 equals	76.2
4 equals	101.6
4½ equals	114.3
5 equals	127.0
7½ equals	190.5
10 equals	254.0

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

Dated: February 14, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-2481 Filed 2-17-72;8:47 am]

[7 CFR Part 906]

ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Container, Pack, and Container Marking Regulations

Consideration is being given to the following proposal, applicable to § 906.340 Container, pack, and container marking regulations (7 CFR 906.340; 36 F.R. 143; 5962; 7049; 14253; 20029; 37 F.R. 2765), recommended by the Texas Valley Citrus Committee, established pursuant to the marketing agreement; as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would continue in effect certain requirements with respect to the packing of Navel oranges and Valencia and similar late type oranges, that have been in effect since February 7, 1972, under Amendment 10 to § 906.340. Such requirements, which unless extended beyond such date would expire March 6, 1972, expand by two-sixteenths inch, the diameter limits for fruit in each of the pack sizes for such oranges; establishes limits in the variation in size, from the smallest to the largest fruit, for each pack size for fruit in individual containers for such oranges; and provides diameter limits for the fruit for pack sizes not included in the pack requirements specified in paragraph (a)(2)(i) of § 906.340 for such oranges prior to February 7, 1972. The expansion of the diameter limits for the fruit in each pack size, by lowering the minimum diameter for each pack size by two-sixteenths inch, is intended to allow greater flexibility and prevent overfilling of containers, in the packing of Navel oranges and Valencia and similar late type oranges, especially for fruit which is slightly elongated. The establishment of limits in the variation in size, from the smallest to the largest fruit for each pack size for fruit in individual containers is designed to maintain uniformity of size, of the fruit, within each container. The listing of diameter limits for the fruit for those pack sizes, in addition to those specified in paragraph (a)(2)(i) of

V 37 I 34
FEB 18 72
XUM

§ 906.340 for such oranges prior to February 7, 1972, is for the purpose of permitting the handling of larger size oranges packed in accordance with the standard pack requirements but of larger pack sizes than set forth in the U.S. Standards. The larger size oranges are too big to be packed according to one of the smaller pack sizes, without damage to the fruit.

The proposal is that the provisions of paragraph (a)(2)(i) of § 906.340 (7 CFR 906.340; 36 F.R. 143; 5961; 7049; 14253; 20029; 37 F.R. 2765) be amended by adding 2 provisos to subdivision (i) *Oranges*, of subparagraph (2) *Pack regulations*, to read as follows:

§ 906.340 Container, pack, and container marking regulations.

(a) * * *

(2) * * *

(i) * * *: *Provided*, That on and after March 7, 1972, Navel oranges and Valencia and similar late type oranges when place packed in any box or carton shall be sized in accordance with the sizes set forth in the following table and otherwise meet the requirements of standard pack; and when in containers not packed according to a definite pattern shall be sized in accordance with the sizes set forth in the following table and otherwise meet the requirements of standard sizing:

TABLE

Pack sizes	Diameter limits in inches	
	Minimum	Maximum
46	4 6/16	5
54	4	4 13/16
64	3 15/16	4 5/16
70 or 72	3 13/16	4 2/16
80	3 9/16	4 2/16
100	3 4/16	3 15/16
112	3 2/16	3 11/16
125	3 0/16	3 9/16
163	2 13/16	3 4/16
200	2 9/16	3 1/16
252	2 6/16	2 13/16
288	2 5/16	2 9/16
324	2 4/16	2 5/16

Provided further, That on and after March 7, 1972, the variation from the smallest to the largest fruit in any container is not more than the following applicable amount:

(a) 46, 54, 64, 70, or 72, or 80 sizes—not more than eight-sixteenths inch in diameter;

(b) 100, 112, or 125 sizes—not more than six-sixteenths inch in diameter;

(c) 163 or 200 sizes—not more than five-sixteenths inch in diameter; and

(d) 252, 288, or 324 sizes—not more than four-sixteenths inch in diameter.

* * * * *

Dated: February 15, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2626 Filed 2-17-72;8:51 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Disposition of Reserve Prunes

Notice is hereby given of a proposal to amend § 993.165(c) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 993.101–993.174; 36 F.R. 15039). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Prune Administrative Committee.

The amendment would permit reserve prunes to be sold for dicing to be used in the manufacture of chocolate coated prune pieces. Currently, diced prunes for use in the manufacture of chocolate coated prune pieces are excluded from the definition of noncompetitive outlets (for reserve prunes) in § 993.165(c).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 993.165(c)(4) of Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174; 36 F.R. 15039) by deleting therefrom "chocolate coated prune pieces". As so amended, § 993.165(c) would read as follows:

§ 993.165 Disposition of reserve prunes.

* * * * *

(c) *Noncompetitive outlets.* "Noncompetitive outlets" means (1) the U.S. Government or any agency thereof and any State or local government, except when such outlets are normally serviced through regular commercial trade channels, (2) any foreign government or any agency thereof, except any which normally is serviced through regular commercial trade channels, (3) any foreign country with an average of annual commercial imports of California prunes of less than 5 tons, based on imports during the most recent 5 years, (4) diced prunes for use as an ingredient in, or the manufacture of, food products for human consumption, other than for use in the manufacture of prune juice, prune concentrate, baby food, puree, butter, jam, and low moisture nuggets, granules, and powder, (5) charities, (6) research or educational activities, and (7) animal feed, distillation, and other salvage use.

Dated: February 15, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2527 Filed 2-17-72;8:51 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

[15 CFR Part 610]

ADJUSTMENT ASSISTANCE

Notice of Proposed Rule Making

CROSS REFERENCE: For a document relating to trade adjustment assistance [15 CFR Part 500], see F.R. Doc. 72-2462, Department of Commerce, Office of Trade Adjustment Assistance, *infra*.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 31]

NONALCOHOLIC BEVERAGES

Proposed Amendment to Soda Water Standard of Identity

Notice is given that a petition has been filed by the Aromatics International Manufacturing Co., Inc., Atlanta, Ga. 30331, proposing that the standard of identity for soda water (21 CFR 31.1) be amended to provide for the use of edible vegetable oils as optional ingredients in clouding agents and as carriers for flavoring ingredients used in soda water.

Grounds given in support of the petition are (1) That there is a need for a safe substitute for brominated vegetable oils which are no longer permitted to be used in soda water in quantity sufficient to produce the clouding effect desired and (2) that there is a need for an additional safe, edible, relatively flavorless carrier for flavoring.

Accordingly, it is proposed that § 31.1 (21 CFR 31.1) be amended to provide for the optional use of edible vegetable oils as emulsifying, stabilizing, or viscosity-producing agents and as carriers for flavoring ingredients used in soda water.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 3, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-2467 Filed 2-17-72;8:47 am]

[21 CFR Part 191]

ASBESTOS-CONTAINING GARMENTS FOR GENERAL USE

Proposed Classification as Banned Hazardous Substance

Inhalation of asbestos fibers for as little as 3 months has been reported as causing lung cancer, mesothelioma, and lung fibrosis. To provide an emergency standard dealing with the exposure of employees to asbestos dust, the Occupational Safety and Health Administration of the Department of Labor promulgated 29 CFR 1910.93a in the FEDERAL REGISTER of December 7, 1971 (36 F.R. 23208), which reads in part. "The 8-hour time-weighted average airborne concentration of asbestos dust to which employees are exposed shall not exceed 5 fibers per milliliter greater than 5 microns in length, as determined by the membrane filter method at 400–450 × magnification (4 millimeter objective) phase contrast illumination."

Said promulgation was based on recent studies by the National Institute for Occupational Safety and Health, recommendations by the American Conference of Governmental Industrial Hygienists, and other relevant material.

On the basis of reports and investigations, the Commissioner of Food and Drugs learned that certain garments made from an imported fabric containing 8 percent of asbestos have been marketed. An ad hoc committee of five experts in the field of asbestos toxicity was appointed to evaluate the health significance of asbestos in such garments. The committee concluded that the use of asbestos in garments for the general public was inappropriate and presented an unwarranted hazard of toxicity.

Accordingly, the Commissioner finds that asbestos-containing garments marketed for general use, other than those having a bona fide application for firefighting, are hazardous substances, that cautionary labeling is inadequate to protect the public health and safety, and therefore, that such articles should be kept from interstate commerce.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended 80 Stat. 1304–5; 15 U.S.C. 1261) and of the Federal Food, Drug and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph (6) be added to § 191.9(a), as follows:

§ 191.9 Banned hazardous substances.

(a) Under the authority of section 2(q)(1)(B) of the act, the Commissioner declares as banned hazardous substances the following articles because they possess such a degree or nature of hazard that adequate cautionary labeling cannot be written and the public health and safety can be served only by keeping such articles out of interstate commerce:

* * * * *

(6) General-use garments containing asbestos (other than such garments having a bona fide application for firefighting purposes).

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 12, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-2457 Filed 2-17-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Johnson City, Tex., 700-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Johnson City, Tex., transition area is amended to read:

JOHNSON CITY, TEX.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Johnson City RBN (latitude 30°12'32" N., longitude 98°37'05" W.) and within 2.5 miles each side of the 175° bearing (166° magnetic) from the RBN extending from the 10.5-mile radius area to 11.5 miles south of the RBN.

In addition to providing controlled airspace for the instrument approach procedure serving Johnson City Airport, this proposed alteration will also accommodate an approach procedure for Shepherd Farm Airport, Stonewall, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 10, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-2478 Filed 2-17-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-52]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fortuna, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW.,

VOL 37 NO 34 FEB 18 72 XUM

Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would alter the Fortuna, Calif., transition area to read as follows:

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Fortuna VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC; within 2.5 miles southwest and 3.5 miles northeast of the 129° and 309° bearings from the Rohnerville Airport (lat. 40° 33'15" N., long. 124°07'53" W.), extending from 7.5 miles northwest to 3 miles southeast of the airport and within 2 miles each side of the Fortuna VORTAC 034° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southeast and 10 miles northwest of the Fortuna VORTAC 229° radial, extending from the VORTAC to 18.5 miles southwest of the VORTAC.

The proposed alteration of the transition area is needed to provide controlled airspace for a procedure turn and final approach course for a new instrument approach procedure to Murray Field, Eureka, Calif.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 14, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2479 Filed 2-17-72;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

[Docket No. RM-50-2]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Change in Location of Hearing on Effluents From Light Water-Cooled Nuclear Power Reactors

Notice is hereby given that the hearing scheduled to be resumed at 10 a.m., on February 23, 1972, in accordance with this Board's order of January 13, 1972 (37 F.R. 1410, January 28, 1972), will be held in the auditorium of the Atomic Energy Commission in Germantown, Md. 20545. This change in the location is necessary because the Woodmont Building will not be available.

Dated this 16th day of February 1972, at Washington, D.C.

ALGIE A. WELLS,
Chairman.

[FR Doc.72-2595 Filed 2-17-72;8:51 am]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ASSISTANT SECRETARY OF DEFENSE (INTELLIGENCE)

Responsibilities, Functions, and Authorities

The Secretary of Defense approved the following on January 18, 1972:

References:

(a) DOD Directive 5100.30, "World-Wide Military Command and Control System (WWMCCS)," dated December 2, 1971.

(b) DOD Directive 5105.39, "Director of Net Assessment," dated December 6, 1971.

(c) DOD Directive 5000.19, "Policies for the Management and Control of DOD Information Requirements," dated June 2, 1971.

I. *General.* Pursuant to the authority vested in the Secretary of Defense under the provisions of title 10, United States Code, one of the authorized positions of Assistant Secretary of Defense is hereby designated Assistant Secretary of Defense (Intelligence) with responsibilities, functions, and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Intelligence) is the principal staff advisor and assistant to the Secretary of Defense for the management of intelligence resources, programs, and activities, including those for intelligence, warning, reconnaissance, and other related areas which may be designated by the Secretary of Defense. His responsibility specifically includes equipment, systems, and activities in the above areas which are organic to military forces or units. He is also responsible for staff supervision of the intelligence aspects of command and control, as provided for in Reference (a).[1]

III. *Functions.* Under the direction, authority, and control of the Secretary of Defense, the Assistant Secretary of Defense (Intelligence) shall perform the following functions in his assigned field of responsibility.

A. Recommend objectives, priorities, plans, and planning guidance for intelligence resources.

B. Review proposed intelligence resource programs and recommend resource allocations to those programs.

C. Monitor approved intelligence resource programs and supervise their implementation.

D. In conjunction with the Assistant Secretary of Defense (Comptroller), formulate budget estimates for the intelligence portion of the DOD budget.

E. Establish requirements for intelligence support of all research and development programs of the Military Departments and Defense Agencies.

F. Ensure that R&D project managers are provided intelligence information needed for effective direction of R&D programs.

G. Review the RDT&E intelligence programs of DOD; recommend funding levels and sources of funds for such programs.

H. Recommend to the Secretary of Defense RDT&E requirements and priorities for systems whose primary mission is intelligence and also for those systems for which intelligence should be a secondary mission.

I. Recommend policies for the management of intelligence operations, including operational requirements and priorities.

J. Coordinate intelligence activities within DOD and coordinate, as appropriate, intelligence programs for the DOD with other U.S. Government entities.

K. Provide for DOD representation for international and interdepartmental intelligence organizations and activities.

L. Recommend appropriate steps (including the transfer, reassignment, abolition, and consolidation of intelligence functions) which will provide in the Department of Defense for more effective, efficient, and economical management of intelligence resources, eliminate unnecessary duplication, and contribute to improved military preparedness. Monitor and evaluate approved actions in these areas.

M. Recommend to the Secretary of Defense requirements and priorities for net threat assessments of United States versus opposing foreign weapons systems. Provide for the development of terms of reference and the preparation of net threat assessments insuring the best available intelligence information is used by DOD Components in the process. Inform the Director of Net Assessment (Reference (b))[1] of the analyses and conclusions derived from such assessments.

N. Perform other functions as the Secretary of Defense assigns.

IV. *Relationships.* The Assistant Secretary of Defense (Intelligence) shall advise and develop recommendations for approval of the Secretary of Defense, or, as directed, act for the Secretary of Defense in the performance of the functions which are assigned herein or which may be otherwise assigned. In the performance of these functions, he shall:

A. Coordinate actions, as appropriate, with DOD Components having collateral or related functions.

B. Make full use of established facilities in the Office of the Secretary of Defense and other DOD Components rather than unnecessarily duplicating such facilities.

C. Maintain active liaison for the exchange of information and advice with DOD Components as appropriate.

V. *Authorities.* The Assistant Secretary of Defense (Intelligence), in the course of exercising staff functions, is hereby specifically delegated authority to:

A. Issue instructions and one-time direction-type memoranda, in writing, appropriate for carrying out approved policies and for establishing management procedures for his assigned fields of responsibilities in accordance with DOD Directive 5025.1.[1] Instructions to the Military Departments will be issued through the Secretaries of the departments or their designees.

B. Obtain such reports, information, and assistance from the Military Departments and other DOD Components, subject to the provisions of Reference (c),[1] as may be necessary for the performance of his assigned responsibilities and functions.

C. Communicate directly with the Secretaries of the Military Departments, the Joint Chiefs of Staff, Commanders of Unified and Specified Commands, and the Directors of Defense Agencies. Keep the Joint Chiefs of Staff informed of all communications with the Commanders of Unified and Specified Commands which have strategic or military operational implications.

D. Arrange for DOD participation in those international and interdepartmental intelligence programs for which he has been assigned primary staff cognizance.

E. Communicate directly with all government agencies participating with DOD in those interdepartmental programs for which he has been assigned primary staff cognizance.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.72-2485 Filed 2-17-72;8:47 am]

ASSISTANT SECRETARY OF DEFENSE (TELECOMMUNICATIONS)

Responsibilities, Functions, and Authorities

The Secretary of Defense approved the following on January 11, 1972:

Reference: (a) DOD Directive 5100.30, "World-Wide Military Command and Control System (WWMCCS)," December 2, 1971.

I. *General.* Pursuant to the authority vested in the Secretary of Defense under the provisions of Title 10, United States Code, one of the authorized positions of Assistant Secretary of Defense is hereby designated Assistant Secretary of Defense (Telecommunications) with

[1] Filed as part of original. Extra copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

V 37 N 34 FEB 18 72 XUM

responsibilities, functions, and authorities as prescribed herein. The purpose of this position is to help insure reliable, survivable, secure, cost-effective telecommunications for the Department of Defense and the National Communications System.

II. *Responsibilities.* The Assistant Secretary of Defense (Telecommunications) is the principal staff assistant to the Secretary of Defense on telecommunications matters. He is the principal assistant to the Secretary of Defense for the National Communications System. He will also have primary staff responsibility in the Office of the Secretary of Defense for the World-Wide Military Command and Control System (WWMCCS), National Military Command System (NMCS), and WWMCCS-related systems as provided for in Reference (a),[1] including membership on the WWMCCS Council.

III. *Functions.* Under the direction, authority, and control of the Secretary of Defense, the Assistant Secretary of Defense (Telecommunications) shall perform the following functions:

A. *General.* 1. Serve as principal staff assistant to the Secretary of Defense for telecommunications matters.

2. Act as DOD coordinator in the area of telecommunications, including telecommunications for command and control.

3. Review Military Department, Joint Chiefs of Staff, and other DOD Component validated telecommunications requirements to affirm the need thereof, including priorities for their fulfillment. Recommend alternatives as appropriate.

4. Act as the DOD coordinator for those special telecommunications of a sensitive nature, e.g., those related to the support of intelligence functions.

5. Act as the DOD coordinator for general purpose radio navigation matters.

6. Monitor noncommunications actions with respect to their impact upon telecommunications plans and programs.

7. Serve as the DOD central point of contact on telecommunications matters for organizations external to DOD.

8. Perform such other functions as the Secretary of Defense may assign.

B. *National Communications System (NCS).* 1. Serve as the principal assistant to the Secretary of Defense in his role as Executive Agent, NCS.

2. Coordinate as necessary with all agencies participating in the NCS.

3. Review progress in fulfilling NCS responsibilities and recommend to the Executive Agent for the NCS, as appropriate, measures for improving the NCS and for securing efficiency, effectiveness, and economy.

4. Provide for the receipt and processing of requests from any agency having requirements for service from the NCS to include determining feasibility, developing alternative methods of implementation, and recommending appropriate priorities.

5. Recommend NCS related tasks to be assigned to the Manager, NCS, or to other governmental agencies as appropriate.

C. *Policy and planning.* 1. Develop, coordinate, and recommend DOD telecommunications policy.

2. Develop implementing directives to support approved telecommunications policy and to provide processes for telecommunications planning.

3. Join the Defense System Acquisition Review Council when telecommunications matters are discussed.

4. Coordinate efforts within the Office of the Secretary of Defense to insure that adequate mechanisms exist for:

a. The development and procurement of integrated secure means of telecommunications.

b. Achievement of compatibility between telecommunications systems and their related cryptomaterials.

c. The necessary interchange of technical information between interested agencies.

5. Serve as a central point for coordination and review of telecommunications plans and programs of the NCS, Services and DOD agencies.

D. *Programing and budgeting.* 1. Coordinate and provide recommendations on program/budget policies and procedures as they relate to telecommunications.

2. Coordinate and provide recommendations on telecommunications programs, budgets, financial plans, and related financial management activity.

3. Serve as principal DOD witness before committees of the Congress on telecommunications programs/budgets.

4. Review NSA submissions on telecommunications security equipment and decisions with respect thereto for consistency with other telecommunications programs.

IV. *Scope.* The scope of telecommunications for which the Assistant Secretary of Defense (Telecommunications) has responsibility is delineated below:

A. *Categories of telecommunications.* 1. The Defense Communications System as defined in DOD Directive 5105.19 (32 F.R. 14781 and 33 F.R. 2721) including transportable contingency assets for extension or restoral of the DCS.

2. Camp, post, base, and station telecommunications.

3. Fixed and/or transportable non-DCS telecommunications facilities which are not included in telecommunications equipment/systems considered to be organic to military forces/units.

4. Telecommunications equipment/systems considered to be organic to military forces/units.

5. DOD elements of the National Communications System (to the extent this category is not included in the DCS).

6. Those special telecommunications of a sensitive nature, e.g., those related to the support of intelligence functions.

7. Telecommunications security (COMSEC) equipment insofar as reviewing such matters for consistency with other telecommunications matters.

8. Telecommunications for command and control, including directly coupled displays, consoles, processors, and other terminals whose primary function is telecommunications, and special subsystems such as Minimum Essential Emergency Communications Network (MEECN).

9. Areas indicated below are specifically excluded except to the extent necessary to establish interface and radio frequency compatibility with other systems.

a. Sensors for inteligence, warning and surveillance; electronic warfare systems except for those affecting telecommunications; satellite telemetry and command systems except those affecting telecommunications vulnerability.

b. Telecommunications integral to weapons systems designed for and usually delivered with and as a part of the airplane, missile complex, ship, tank, etc., whose costs are normally included in the cost of the weapons system.

B. The responsibilities for management and operational direction of telecommunications resources will remain with the Services and the Defense Agencies.

V. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Telecommunications) shall:

1. Coordinate actions, as appropriate, with DOD Components having collateral or related functions.

2. Make full use of established facilities in the Office of the Secretary of Defense and other DOD Components rather than unnecessarily duplicating such facilities.

3. Maintain active liaison for the exchange of information and advice with DOD Components as appropriate.

B. The heads of all Department of Defense Components and their staffs shall cooperate fully with the Assistant Secretary of Defense (Telecommunications) and his staff in a continuous effort to achieve efficient administration of the DOD and to carry out effectively the direction, authority, and control of the Secretary of Defense.

VI. *Authorities.* The Assistant Secretary of Defense (Telecommunications) in the course of exercising staff functions, is hereby specifically delegated authority to:

A. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DOD Directive 5025.1.[1] Instructions to the Military Departments will be issued through the Secretaries of the Departments or their designees.

B. Obtain such reports, information, and assistance from the Military Departments and other DOD Components as may be necessary to the performance of his assigned functions.

C. Communicate directly with the Secretaries of the Military Departments, the Joint Chiefs of Staff, the Directors of the Defense Agencies and the Director, National Security Agency.

D. Establish arrangements for DOD participation in those nondefense governmental programs for which he has been assigned primary staff cognizance.

E. Communicate directly with all governmental agencies participating with DOD in those nondefense governmental programs for which he has been assigned primary staff cognizance.

F. Establish procedural arrangements for the discharge of overall responsibilities of the Executive Agent for the NCS.

G. Request such reports, information, and assistance from governmental agencies participating in the NCS as may be necessary.

H. Communicate directly with all governmental agencies participating in the NCS and, after appropriate clearance, with representatives of other nations on NCS matters.

VII. *Effective date.* This Directive is effective upon publication. In the event of conflict between this Directive and previous directives and instructions, the provisions of this Directive will govern. All DOD Components will review their existing directives, instructions, and regulations for conformance with this Directive; advise the Secretary of Defense of the results of this review within 30 days and implement any necessary changes within 90 days of publication of this Directive.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.72-2484 Filed 2-17-72;8:47 am]

[1] Filed as part of original. Extra copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

DEFENSE MAPPING AGENCY

Organization, Responsibilities, and Functions

The Secretary of Defense approved the following on January 1, 1972:

I. *General.* Pursuant to the authority vested in the Secretary of Defense, the Defense Mapping Agency (DMA) is hereby established as an Agency of the Department of Defense under the direction, authority, and control of the Secretary of Defense and subject to DOD policies, directives and instructions.

II. *Mission and scope.* The mission of DMA is to provide support to the Secretary of Defense, the Military Departments, the Joint Chiefs of Staff, and other DOD Components, as appropriate, on matters concerning mapping, charting and geodesy (MC&G).

III. *Organization.* A. The DMA shall consist of:

1. A Director, a Deputy Director, a headquarters establishment, and such subordinate elements and facilities as are specifically assigned to the Agency by the Secretary of Defense.

2. Subordinate organizations as are established by the Director, DMA for the accomplishment of DMA's mission.

B. The chain of command shall run from the Secretary of Defense, through the Joint Chiefs of Staff, to the Director, DMA.

IV. *Responsibilities and functions.* A. The Director, DMA shall:

1. Organize, direct, and manage the the DMA and its field organizations.

2. Serve as Program Manager and coordinator of all DOD MC&G resources and activities. This includes review of the execution of all DOD plans, programs, and policies for MC&G activities not assigned to DMA.

3. Provide staff advice and assistance on MC&G matters to the Secretary of Defense, the Military Departments, the Joint Chiefs of Staff, other DOD Components, and other Government agencies as appropriate.

4. Develop a Consolidated Mapping, Charting, and Geodesy Program for review by the JCS and approval by the Secretary of Defense.

5. In support of the Joint Chiefs of Staff, review and validate MC&G requirements and priorities; develop a consolidated statement of MC&G requirements and priorities.

6. Insure responsive support to the MC&G requirements of the Military Departments and the Unified and Specified Commands.

7. Establish policies and provide DOD participation in national and international MC&G activities in coordination with the ASD (International Security Affairs); execute DOD responsibilities under interagency and international MC&G agreements.

8. Establish DOD MC&G data collection requirements; collect or task other DOD Components to collect and provide necessary data.

9. Establish DOD MC&G RDT&E requirements in coordination with the Director, Defense Research and Engineering; task other DOD Components or private contractors to accomplish such requirements.

10. Carry out the statutory responsibilities assigned under U.S.C. Title 10, chapter 639, sections 7391, 7392, 7393, 7394 for providing nautical charts and marine navigation data for the use of all vessels of the United States and of navigators generally.

B. The Secretaries of the Military Departments and the Commanders of Unified and Specified Commands shall:

1. Develop and submit to DMA their MC&G requirements and priorities.

2. Provide support, within their respective fields of responsibilities, to the Director, DMA, as required to carry out the assigned mission of the Agency.

3. Assess the responsiveness of the DMA to their operational needs.

C. The Joint Chiefs of Staff shall:

1. Advise the Secretary of Defense on MC&G requirements and priorities.

2. Provide guidance to the DMA and the Unified and Specified Commands which will serve as the basis for interrelationships between these organizations.

3. Obtain the advice and recommendations from the Director, DMA on matters within his areas of responsibility.

D. The Assistant Secretary of Defense (Comptroller) shall provide primary staff supervision and financial management of the DOD MC&G program on behalf of the Secretary of Defense.

V. *Authority.* The Director, DMA is specifically delegated authority to:

A. Command the Defense Mapping Agency.

B. Task DOD Components directly to accomplish MC&G RDT&E and data collection requirements as established by DMA.

C. Have access to direct communications with DOD Components and, after appropriate coordination, with other organizations.

D. Exercise the administrative authorities set forth below. To the extent that any law or executive order specifically limits the exercise of such authority to persons at the Secretarial level, such authority shall be exercised by the ASD (Comptroller).

VI. *Relationships.* A. In the performance of his functions, the Director, DMA shall:

1. Maintain appropriate liaison with other Components of the DOD and other agencies for the exchange of information in his field of assigned responsibilities.

2. Make use of existing DOD facilities and services wherever practicable to achieve maximum efficiency and economy.

3. Ensure that the Joint Chiefs of Staff, the Military Departments, and appropriate OSD staff elements are kept fully informed concerning DMA activities of substantive concern to them.

B. The Military Departments and other DOD Components shall:

1. Provide assistance within their respective fields of responsibility to the Director, DMA.

2. Coordinate with DMA all programs and activities which include or are related to MC&G.

VII. *Administration.* A. The Director, DMA will be a lieutenant general or vice admiral appointed by the Secretary of Defense, upon recommendation of the Joint Chiefs of Staff.

B. The Deputy Director will be appointed by the Secretary of Defense. If military, the Deputy Director will be recommended by the Joint Chiefs of Staff and will normally be selected from a Service different from that of the Director. If civilian, the Deputy Director will be recommended by the ASD (Comptroller).

C. DMA will be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary.

D. The Military Departments will assign military personnel to DMA in accordance with approved Joint Manpower Program authorizations. Procedures for such assignments will be as agreed upon between the Director, DMA, and the individual Military Departments.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, the Director, DMA, or in the absence of the Director, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with

VOL 37 NO 34
FEB 18 72
XUM

DOD policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of DMA to:

1. Exercise the powers vested in the Secretary of Defense by section 3101 of title 5, U.S.C. and section 302 of title 5, U.S.C. pertaining to the employment, direction and general administration of DMA civilian personnel.

2. Fix rates of pay for wage board employees exempted from the Classification Act by 5 U.S.C. 5102(c)(7) on the basis of rates established under the Coordinated Federal Wage System. DMA, in fixing such rates, shall follow the wage schedules established by DOD Wage Fixing Authority.

3. Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of DMA functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 3109(b), and the Agreement between the DOD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

4. Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943, as amended, 5 U.S.C. 2903(b) and designate in writing, as may be necessary, officers and employees of DMA to perform this function.

5. Establish a DMA Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, and other personal efforts, including special acts of services, benefits or affect DMA or its subordinate activities in accordance with the provisions of the Act of September 1, 1954, as amended, 5 U.S.C. 4503 and Civil Service Regulations.

6. In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 7532); Executive Order 10450, dated April 27, 1953, as amended; and Part 156:

a. Designate any position in DMA as a "sensitive" position;

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Agency for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

c. Authorize the suspension, but not terminate the services of an employee in the interest of national security in positions within DMA.

7. Clear DMA personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DOD Directive 5210.8,[1] dated February 15, 1962 (as revised), "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information," and of Executive Order 10501, dated November 5, 1953, as amended.

8. Act as agent for the collection and payment of employment taxes imposed by chapter 21 of the Internal Revenue Code of 1954 and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 26 U.S.C. 3122 and section 205(p) (1) and (2) of the Social Security Act, as amended, 42 U.S.C. 405(p) (1) and (2) with respect to DMA employees.

[1] Filed as part of original. Extra copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

9. Authorize and approve overtime work for DMA civilian officers and employees in accordance with the provisions of section 550.111 of the Civil Service Regulations.

10. Authorize and approve:

a. Travel for DMA civilian officers and employees in accordance with Joint Travel Regulations, Volume 2, Department of Defense Civilian Personnel, dated July 1, 1965, as amended.

b. Temporary duty travel only for military personnel assigned or detailed to DMA in accordance with Joint Travel Regulations, Volume I, for members of the Uniformed Services, dated November 1969, as amended.

c. Invitational travel to persons serving without compensation whose consultive, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with DMA activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 5703).

11. Approve the expenditure of funds available for travel by military personnel assigned or detailed to DMA for expenses incident to attendance at meetings of technical, scientific, professional or similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (37 U.S.C. 412). This authority cannot be redelegated.

12. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950, 44 U.S.C. 3102.

13. Establish and use Imprest Funds for making small purchases of material and services other than personal for DMA when it is determined more advantageous and consistent with the best interests of the government, in accordance with the provisions of DOD Instruction 7280.1,[1] dated August 24, 1970, and the Joint Regulation of the General Services Administration—Treasury Department—General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

14. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of DMA (44 U.S.C. 3702).

15. a. Establish and maintain appropriate Property Accounts for DMA.

b. Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DMA property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

16. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, DMA, pursuant to paragraph III.A and V.B of DOD Directive 5200.8, dated August 20, 1954 (19 F.R. 5446).

17. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DOD Directive 5025.1, dated March 7, 1961.

18. Enter into support and service agreements with the Military Departments, other DOD Agencies, or other government agencies as required for the effective performance of responsibilities and functions assigned to DMA.

19. Exercise the authority delegated to the Secretary of Defense by the Administrator of the General Services Administration with respect to the disposal of surplus personal property.

20. Sell maps, charts, and related products to the public as governed by the provisions of OMB Circular A-25 and U.S.C. title 10, chapter 639, section 7394.

21. Enter into and administer contracts, directly or through a Military Department, a DOD contract administration services component, or other Government department or agency, as appropriate, for supplies, equipment and services required to accomplish the mission of the DMA. To the extent that any law or executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority will be exercised by the Assistant Secretary of Defense (Installations and Logistics).

22. Authorize the release of classified DOD MC&G products to foreign nationals within DOD disclosure policies.

The Director, DMA, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

[FR Doc.72-2486 Filed 2-17-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Order Providing for Opening of Public Lands; Correction

FEBRUARY 11, 1972.

In F.R. Doc. 72-1272 appearing on page 1412, January 28, 1972, in the land description for S 3799, in sec. 2, third line now reading S½SE¼ should read N½ SE¼.

JESSE H. JOHNSON,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-2469 Filed 2-17-72;8:45 am]

Office of Hearings and Appeals

[Docket No. M72-26]

KAISER STEEL CORP.

Notice of Petition for Modification of Mandatory Safety Standard

In regard petition of Kaiser Steel Corp., for modification of mandatory safety standard (30 CFR 77.201-1), Docket No. M72-26.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (1970)), notice is given that Kaiser Steel Corp. has filed a petition to modify the application of 30 CFR 77.201-1 to petitioner's preparation plant which serves three of its mines located in Sunnyside, Carbon County, Utah.

30 CFR 77.201-1, 36 F.R. 9367, reads as follows:

Tests for methane; qualified person; use of approved device.

Tests for methane in structures, enclosures, or other facilities, in which coal is handled or stored shall be conducted by a qualified person with a device approved by the Secretary at least once during each operating shift, and immediately prior to any repair work in which welding or an open flame is used, or a spark may be produced.

Petitioner asks that it be allowed to install a methane monitor or gas watcher in the preparation plant and storage bins. The sensor heads would be located at the top of the plant and bins, and the monitor would be located where the plant operator could see it at all times. Petitioner believes that this system would be safer than having a man check for methane once each shift as required by the standard.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

FEBRUARY 9, 1972.

[FR Doc.72-2468 Filed 2-17-72;8:47 am]

DEPARTMENT OF COMMERCE

Bureau of the Census

NUMBER OF EMPLOYEES, TAXABLE WAGES, GEOGRAPHIC LOCATION AND KIND OF BUSINESS FOR ESTABLISHMENTS OF MULTIUNIT COMPANIES

Notice of Consideration for Surveys

Notice is hereby given that the Bureau of the Census is considering a proposal under the provisions of title 13, United States Code, sections 181, 224, and 225, to conduct a First Quarter 1972 Survey of Selected Multiunit Companies. This survey is similar to those conducted for previous County Business Patterns Reports. It is designed to collect information for the 1972 Report on the number of employees, taxable wages, geographic location, and kind of business for the establishments of selected multiunit companies which did not report on Treasury Form 941, Schedule A in sufficient detail for County Business Patterns purposes. The data will have significant application to the needs of the public and to governmental agencies and are not publicly available from nongovernmental or governmental sources.

The survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Copies of the proposed form are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted to the Director in writing within 30 days after the date of this publication will receive consideration.

GEORGE H. BROWN,
Director, Bureau of the Census.

[FR Doc.72-2482 Filed 2-17-72;8:47 am]

Office of Import Programs

GEORGETOWN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 70-00703-01-77040. Applicant: Georgetown University, Department of Chemistry, 37th and O Streets NW., Washington, DC 20007. Article: Mass spectrometer, Model MS-1201.

Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for studies on isotope ratios; for spectra studies of organic compounds and; volatile inorganics; for rapid magnetic scan spectra of both known compounds and compounds whose structure must be determined; and for spectra on "fractionated" mixtures, to attempt identification of complex mixtures such as hair, skin, and body fluids for crime detection, and macerated tissues for the trace analyses of volatile drugs. Besides undergraduate and graduate students use, in chemistry courses, the article will be in operation in the Institute for Advanced Analytical Chemistry.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (March 22, 1967).

Reasons: The captioned application is a resubmission of Docket No. 68-00106-01-77040 which was denied without prejudice to resubmission on May 6, 1968, for informational deficiencies. In the captioned application, the applicant alleged that the foreign article has the following pertinent specifications: (1) Fast scan characteristics of 2 seconds/decade with a resolution of 700 or voltage scan at one second/decade with a resolution of 500; (2) maximum resolution of 2,500 at 10 percent valley definition; (3) high mass/charge (M/E) applications requiring 1000 to 1 M/E; (4) conversion to a high resolution instrument, i.e., single focusing to double focusing; (5) inlet system containing four separate ports for inlet system attachments and a 350° all glass inlet system, heated direct probe with temperature control, and a water cooled source; (6) delivery time of 3 months; and (7) appearance of the foreign article. The applicant again compared the foreign AEI Model MS-1201 to the domestic Nuclide Model 12-90-G, as in the initial application. A comparison of the pertinent specifications of the domestic instrument with those of the foreign article at the time the foreign article was ordered (March 22, 1967) discloses—

(1) Fast scan characteristics: Nuclide would provide a scan speed of 1 second per decade, with a resolution of 600. (See 12-90-G specifications dated January 1967.) The National Bureau of Standards (NBS) and the Department of Health, Education, and Welfare (HEW) in a joint memorandum dated March 23, 1971, advises that "A very careful review of the actual requirements of the applicant * * * indicates that the applicant's needs can actually be met with a resolution of 700. The domestic Nuclide 12-90-G with a 2 kHz amplifier would provide a resolution of 800 with a scan speed of 0.96 sec/decade * * *. It is noted that both the foreign and domestic manufacturer originally quoted the identical recording system (Honeywell Model 1508) and that various amplifiers for this system are sold as separate items and are directly interchangeable."

(2) Maximum resolution: Nuclide could provide a guaranteed resolution of 3,000 at 10 percent valley definition. (See 12-90-G specifications dated January 1967.)

(3) High mass/charge (M/E) applications: Nuclide could provide a 1-1300 M/E at 5 kilovolts (kv), 1-2600 M/E at 2.5 kv, and 1-6500 at 1 kv. (See 12-90-G specifications dated January 1967.)

(4) Conversion to a high resolution instrument: The applicant states in materials attached to the application that "* * *, the mass spectrometer must be convertible into a high resolution instrument (double focusing with a resolution of 20,000) at a later date." Section 602.-2(b)(4)(ii) of the regulations, however, provides in pertinent part: "The planned conversion of the article at some unspecified future time, for programs that may be undertaken in some unspecified future period shall not be considered in the comparison [of the article and the most closely comparable domestic instrument]." The capability for conversion to a high resolution instrument, therefore, cannot be considered.

(5) Inlet system: In the 12-90-G, four inlets can be connected to the MG85 molecular source for simultaneous use. This provision for the simultaneous connection of a wide variety of inlet systems to the ion source permits such operations as switching between modes of sample introduction and provides such features as a convenient means of simultaneously introducing a calibrating gas with a gas-liquid chromatography sample for mass determinations and/or sensitivity calibrations. In addition, samples can be introduced without breaking the vacuum. Inlet systems offered include the Model 150S single or 150D dual inlet systems for the quantitative and qualitative analysis of gases, liquids and volatile solids with continuously variable temperature from

FEB 18 72

ambient to 150° C.; the all glass Model 350G high temperature inlet system for the quantitative analysis of low volatility liquids or solids; the Model CP–2 direct insertion crucible probe for the study of highly viscous liquids or low volatility solids with continuously variable temperature control to 500° C. and the Model GLC–N2 chromatograph inlet and detection system. All of these systems can be modified to increase capabilities by the addition of optional features and accessories, e.g., the variable temperature range of the crucible probe system can be extended to 1000° C. Nuclide could provide a low temperature source on special order. (Catalog received from Nuclide April 11, 1966);

(6) Delivery time: Section 602.1(g) of the regulations provides that "Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument * * * of equivalent scientific value * * * if the delay in obtaining such domestic instrument * * * will seriously impair the accomplishment of the purposes." The applicant states in materials attached to the application that the quoted delivery time for the Nuclide 12–90–G was "a minimum of 9 months" and the delivery time for the foreign article was "3 months." The applicant does not show how the difference in delivery time will seriously impair the accomplishment of the purposes. We are advised by NBS in its memorandum dated November 18, 1970, that the difference in delivery dates is not pertinent for the applicant's purposes.

(7) Appearance: Section 602.1(b)(7) of the regulations defines the pertinent specifications of an instrument, apparatus or accessory as "those structural, operational, performance, and other characteristics * * * that are necessary for the accomplishment of the purposes described by the applicant in reply to Question 7 * * *" The appearance of the article is purely a matter of individual taste and as such is not pertinent to the purposes for which the article is intended to be used.

We are also advised in the joint memorandum cited above that NBS and HEW "both find the available domestic Nuclide 12–90–G to be scientifically equivalent to the foreign article for all of the applicant's intended purposes."

For these reasons, we find that Nuclide Model 12–90–G was of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, at the time the foreign article was ordered by the applicant.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2504 Filed 2–17–72;8:49 am]

GEORGETOWN UNIVERSITY MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00018–33–46500. Applicant: Georgetown University Medical School, Department of Obstetrics-Gynecology, 3800 Reservoir Road NW., Washington, DC 20007. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used for a study of the physiologic and pathologic changes in the spiral arteries, maternal and festal parts of the placenta in an attempt to clarify the relationship between complicated pregnancy and the placental changes. The article will also be in the theory and practice of electron microscopy and training of post doctoral fellows and Ph. D. degree candidates on electron microscopic techniques.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 30, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–2521 Filed 2–17–72;8:50 am]

HARVARD UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00596–33–46500. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street Cambridge, MA 02138. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke A.G., Austria. Intended use of article: The article will be used to provide thin sections of material to be examined in the electron microscope in the following investigations: (a) An investigation of the polar organization of the spindle apparatus in dividing sperm mother cells of *Marsilea Vestita;* (b) an examination of microtubule fine structure and organization in the spindle apparatus of dividing endosperm cells of *Haemanthus;* and (c) a quantitative determination of the distribution of microtubules in dividing root tip cells of *Allium cepa.* The article will also be used as a teaching instrument by undergraduate and graduate students learning the technique of thin sectioning.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of October 22, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the purposes for which the foreign article is intended to be used, which includes ultrathin serial sectioning of single cells for ultrastructural studies including the centrosome and spindle apparatus cross-bridges between tubules.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–2523 Filed 2–17–72;8:51 am]

INSTITUTE OF LOGOPEDIC, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the Regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00455–99–01200. Applicant: Institute of Logopedic, Inc., 2400 Jardine Drive, Wichita, KS 67219. Article: Pulsatone analyzers. Manufacturer: Dr. Guy Perdoncini, France. Intended use of article: The article is intended for use in the training and education of deaf and severely hard-of-hearing children. The instrument procedures specified pure tones at variable intensity levels, and has provision for visual monitoring of speech.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The article provides unique controlling and display features for helping to educate the deaf according to a specific method. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 9, 1971, that the features cited above are pertinent to the applicant's intended purposes. HEW further advises that it knows of no comparable domestic system which matches the pertinent features of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLAKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–2510 Filed 2–17–72;8:49 am]

JOHNS HOPKINS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00590–80–30050. Applicant: The Johns Hopkins University, Purchasing Department, Charles and 34th Streets, Baltimore, MD 21218. Article: Two miniflo flow velocity kits. Manufacturer: Kent Lea Instruments, Ltd., United Kingdom. Intended use of article: The article will be used in hydraulic model studies of momentum jet entrainment in heated effluents discharged horizontally into transverse currents.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article consists of uniquely small sensors designed primarily for use in small scale hydraulic models. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 8, 1971, that physically small flow velocity sensors are pertinent to the intended uses of the article. NBS further advises that it knows of no comparable domestic instrument providing an equivalent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–2513 Filed 2–17–72;8:50 am]

NEW YORK HOSPITAL, CORNELL MEDICAL CENTER, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72–00224–33–46500. Applicant: New York Hospital, Cornell Medical Center, 1300 York Avenue, New

FEB 18 72

York, NY 10021. Article: Ultramicrotome, Model "Om U3". Manufacturer: C. Reichert Optische Werke A.G., West Germany. Intended use of article: The article is intended to be used for serial sections of the arachnoid granulations and villi of experimental animals for examination with the electron microscope. The fine structures and architecture of the endothelium will be studied. Application received by Commissioner of Customs: November 9, 1971.

Docket No. 72-00225-33-74200. Applicant: University of Iowa, Iowa City, Iowa 52240. Article: Quantimet 720 image analysing system. Manufacturer: Image Analysing Computers Ltd., United Kingdom. Intended use of article: The article is intended to be used in the three dimensional reconstruction of brain cells. The results of the research will be utilized in teaching medical students, graduate students in physiology and advanced courses in neurobiology. Application received by Commissioner of Customs: November 9, 1971.

Docket No. 72-00226-01-77030. Applicant: Albert Einstein College of Medicine of Yeshiva University, 1300 Morris Park Avenue, Bronx, NY 10461. Article: NMR spectrometer, Model PS-100. Manufacturer: JEOLCO, Japan. Intended use of article: The article will be used to investigate biological phenomena at the molecular level by observing the nuclear magnetic resonance of various nuclei in the following:

1. Iron transport by iron binding proteins.
2. Chemistry of metal chelates and metalloproteins using ^{19}F as a probe.
3. Drug—Receptor interactions.
4. Mechanism of ion transport by antibiotic ionophorous agents.
5. Structure and chemistry of heme proteins.
6. Conformation changes in oligosaccharide—hapten—antibody interactions using ^{19}F as a probe, and
7. Enzyme mechanisms.

Application received by Commissioner of Customs: November 9, 1971.

Docket No. 72-00227-01-56000. Applicant: Masonic Medical Research Laboratory, Bleecker Street, Utica, N.Y. 13501. Article: Osmometer. Manufacturer: Dr. -Ing. Herbert Knauer & Co., G.m.b.H., West Germany. Intended use of article: The article is intended to be used in testing of potential blood plasma expanders of low molecular weight in order to find a suitable plasma expander mixture made up of several physiologically acceptable materials. The experiments will be performed on a thermodynamic basis. Once this has been accomplished, the work can be extended to include osmotic pressure techniques and hemorheolgical studies. In addition the article will be used in the course Research Methods Chem. 185. Application received by Commissioner of Customs: November 9, 1971.

Docket No. 72-00228-00-77000. Applicant: University of Georgia, Department of Chemistry, Athens, Ga. 30601. Article: Computer interface No. DS-100. Manufacturer: AEI, Ltd., United Kingdom. Intended use of article: The article is an accessory for an existing electron spectrometer. Application received by Commissioner of Customs: November 12, 1971.

Docket No. 72-00229-01-77000. Applicant: Virginia Polytechnic Institute and State University, Chemistry Department, Blacksburg, Va. 24061. Article: Electron spectrometer. Manufacturer: AEI, Ltd., United Kingdom. Intended use of article: The article is intended to be used in various research projects such as studies of radiation damage, inorganic fluorine and rare earth oxides, organometallic compounds, valence binding energies and phase changes. The article will also be used in a course on instrumental methods of analysis. Application received by Commissioner of Customs: November 12, 1971.

Docket No. 72-00230-33-46500. Applicant: Wesleyan University, Department of Biology, Hall-Atwater Laboratories, Law Avenue, Middletown, Conn. 06457. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is intended to be used in sectioning ovarian nurse cells from several species of moths, germinal and sensory tissues from Drosophila melanogaster, membrane-chromosome complex of micro-organisms, colleterial glands of silkmoths, and secretory granules in terminal nerve endings. These sections will be used in experiments to determine the ultrastructure of the tissues and to discern ultrastructural changes induced by a variety of substances. Application received by Commissioner of Customs: November 12, 1971.

Docket No. 72-00231-33-46500. Applicant: University of California, Davis, Davis, Calif. 95616. Article: Ultramicrotome, Model "Om U3". Manufacturer: C. Reichert Optische Werke A.G., West Germany. Intended use of article: The article is intended to be used to make ultrathin sections of portions of infundibular and uterovaginal junctions of oviducts of domestic fowl, turkeys, pheasants, quail, and possibly other avian species containing sperm-host glands and of blastodiscs of just ovulated ova, partially formed and laid eggs from the same species. These ultrathin sections will in turn be used in the study of the intimate mechanisms of embryogenesis in birds. The article will also be used by graduate students for training in the use of the equipment as one essential part of research training in investigations involving ultramicromorphology. Application received by Commissioner of Customs: November 12, 1971.

Docket No. 72-00232-33-46040. Applicant: Veterans Administration Hospital, 150 South Huntington Avenue, Boston, MA 02130. Article: Electron microscope, EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in two research projects, one dealing with the fine structural analysis of the nervous system in normal and disease states and the other dealing with arthritis research. The materials to be studied include:

1. Central and peripheral nervous system tissue from both patients and experimental animals.
2. Muscles from both patients and experimental animals.
3. Tissue and cell cultures prepared from human patients and hyperimmunized animals, and
4. Cells and tissue of both patients and animals with connective tissue disorders in particular arthritis.

Application received by Commissioner of Customs: November 12, 1971.

Docket No. 72-00233-33-03400. Applicant: University of Tennessee, Purchasing Department, Knoxville, Tenn. 37916. Article: Audio training unit, Model Suvag 73. Manufacturer: Mecanique Generale France. Intended use of article: The article is intended to be used in a program to habilitate and rehabilitate deaf children and adults. Application received by Commissioner of Customs: November 12, 1971.

Docket No. 72-00234-88-80045. Applicant: New York State Department of Transportation, 1220 Washington Avenue, Albany, NY 12226. Article: Television borehole telescope. Manufacturer: Eastman International Co., G.m.b.H., West Germany. Intended use of article: The article is intended to be used in geological investigation of boreholes, water engineering, tunnel and gallery work, and general geological exploration to determine additude of planes of weakness in rock. Application received by Commissioner of Customs: November 12, 1971.

Docket No. 72-00235-33-46500. Applicant: Shriners Hospitals for Crippled Children, Burns Institute—Cincinnati Unit, 202 Goodman Street, Cincinnati, Ohio 45219. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke A.G., West Germany. Intended use of article: The article is intended for serial sectioning of tissues for uniform thickness about 50 angstroms for study under the electron microscope in research dealing with transplantation, burns and other physiological conditions in human and animal tissues. Application received by Commissioner of Customs: November 12, 1971.

Docket No. 72-00236-90-28500. Applicant: Thomas S. Clarkson Memorial College of Technology, Potsdam, N.Y. 13676. Article: Particle electrophoresis apparatus. Manufacturer: Rank Bros., United Kingdom. Intended use of article: The article is to be used for the measurements of electrophoretic mobilities of a variety of dispersed systems. The article will also be used in undergraduate/graduate courses in "Experimental Techniques in Colloid and Surface Science." Application received by Commissioner of Customs: November 12, 1971.

Docket No. 72-00237-65-86300. Applicant: University of Cincinnati, Cincinnati, Ohio 45221. Article: Viscoelastometer, Model DDV-2-B. Manufacturer: Toyo Measuring Instruments Co., Japan. Intended use of article: The article is intended to be used for studies of semimicro samples of thin films and fibers of the general class of polymeric materials in both glassy and leathery states. In addition the article will be used to teach students aspects of the physical, mechanical, and processing behavior of high polymers from a molecular viewpoint. Application received by Commissioner of Customs: November 16, 1971.

Docket No. 72-00238-33-46040. Applicant: Veterans Administration Hospital, 4801 Linden Boulevard, Kansas City, MO 64128. Article: Electron microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments NVD., The Netherlands. Intended use of article: The article is intended to be used for ultrastructural characterization of a wide variety of pathological human tissue with emphasis on liver, kidney, hematologic and neoplastic pathology. Many of these objects of study will require differentiation and cellular interrelationships of fibrillar protein such as collagen, myosin, fibrin and amyloid. Application received by Commissioner of Customs: November 16, 1971.

Docket No. 72-00239-33-46500. Applicant: University of Pennsylvania, Department of Neurology, 3400 Spruce Street, Philadelphia, PA 19104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is intended to be used to study biological tissues, mainly mammalian tissues derived from humans, and exhibit both normal and pathologic structure to determine at the ultrastructural level the pattern of assembly of muscle, the ultrastructural localization of enzymes in muscle and the etiology and pathogenesis of human muscle disorders. Application received by Commission of Customs: November 16, 1971.

Docket No. 72-00240-33-46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Electron microscope Model JEM-100B. Manufacturer: JEOLCO, Ltd., Japan. Intended use of article: The article is intended to be used as a key instrument in a wide variety of investigations such as growth and development of tumor viruses, the growth of malignant human cells, and the genetic control of virus structure. Application received by Commissioner of Customs: November 16, 1971.

Docket No. 72-00241—01-46040. Applicant: Cornell University, Department of Applied Physics, Clark Hall, Ithaca, N.Y. 14850. Article: Electron microscope, Model JEM-100B and accessories. Manufacturer: JEOLCO, Ltd., Japan. Intended use of article: The article is intended to be used to study the 3-D structure of biomacromolecules particularly the quaternary structure of enzymes and the location of their active sites. In addition structure of other biomolecular configurations, such as fibrinogen and ribosomes are to be investigated. Application received by Commissioner of Customs: November 16, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-2517 Filed 2-17-72;8:50 am]

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00008-37-46500. Applicant: Ohio Agricultural Research and Development Center, Wooster, Ohio 44691.

Article: Ultramicrotome, Model LKB 8800A.

Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used to prepare ultrathin sections of various tissues in projects ranging from the investigation of plant virus pathology of soybean, corn, and wheat involving local lesion formation mechanisms, virus location within the tissue and general ultrastructural phenomena resulting from the infection, to pathological conditions in animals such as TGE virus in swine.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00977-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of December 30, 1971 that cutting speeds in excess of 4 mm./sec. are pertinent for the purposes for which the foreign article is to be used.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-2522 Filed 2-17-72;8:50 am]

RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at

FEB 18 72

the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72–00243–33–46500. Applicant: Research Foundation of State University of New York, Downstate Medical Center-Pathology Department, 450 Clarkson Avenue, Brooklyn, N.Y. 11203.

Article: Ultramicrotome, Model LKB 8800A.

Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article will be used for experimental medical research by the Department of Pathology for the following purposes:

1. Experiments designed to determine morphologic changes induced in animals by administration of a variety of agents.
2. Study of the mechanisms of control of embryonic differentiation.
3. Study of ionic localization of calcium to organelles of blood platelets.
4. Study of the molecular changes of myosin and its component parts during stages of muscle contraction relative to gaining experimental evidence in support of a modification of the sliding filament theory of contraction.
5. Study of ionic localization as related to insulin secretion from isolated islets of langerhans in the pancreas of mice and rabbits.
6. Study of the inhibitory effects of aspariginase on ascites tumor cells in mice.
7. Study of human biopsy tissue obtained from surgery.
8. Study of morphologic changes in experimentally induced cancer in mouse lung.

Application received by Commissioner of Customs: November 12, 1971.

Docket No. 72–00244–33–46500. Applicant: Stanford University, 820 Quarry Road, Palo Alto, CA 94304. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to investigate the ultrastructural features of malignant tissues and human tumor cell cultures in order to improve methods for tumor cell characterization studies and the determination of virus particles in human tumor cell populations. Application received by Commissioner of Customs: November 22, 1971.

Docket No. 72–00248–33–46040. Applicant: University of Massachusetts Medical School, 419 Belmont Street, Worcester, MA 01604. Article: Electron microscope, Model EM 300. Manufacturer: Philips NVD, Electronic Instruments, The Netherlands. Intended use of article: The article will be used in the Department of Pathology for diagnostic studies of human material by second year medical students and research studies at the tissue, cellular and macromolecular level of experimental animal tissues, involving in vivo and in vitro uptake of metals by cells and tissues taken from normal and from experimentally diseased animals. Application received by Commissioner of Customs: November 23, 1971.

Docket No. 72–00249–00–46040. Applicant: Indiana University Medical Center, 630 West New York Street, Indianapolis, IN 46202. Article: Anticontamination device. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to be used with an existing Elmiskop I electron microscope used for research purposes. Application received by Commissioner of Customs: November 23, 1971.

Docket No. 72–00250–01–07730. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Searle X-ray camera. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom. Intended use of article: The article will be used in studies on nucleic acids and nucopolysaccharides by the methods of X-ray diffraction analysis. The experiments to be conducted will involve the recording of the fiber diffraction on photographic plates; measurement of the intensities and their spatial distribution and the computation therefrom of the geometrical parameters of the molecules and molecular assemblies that would produce such a pattern. Application received by Commissioner of Customs: November 23, 1971.

Docket No. 72–00251–33–29900. Applicant: Cold Spring Harbor Laboratory, Post Office Box 100, Cold Spring Harbor, NY 11724. Article: Filter apparatus. Manufacturer: Yeda Co., Israel. Intended use of article: The article is intended to be used to collect radioactive samples in cancer research. Application received by Commissioner of Customs: November 23, 1971.

Docket No. 72–00252–33–19000. Applicant: Duke University Medical Center, Department of Biochemistry, Durham, N.C. 27710. Article: Digital Precision Density Meter, DMA, 02 C. Manufacturer: Anton Paar, Austria. Intended use of article: The article will be used for a project entitled "Protein Interactions and Biological Function" to measure the densities of solutions containing proteins of biomedical importance, and from this information the effective density of the protein itself (partial specific volume) will be calculated. Application received by Commissioner of Customs: November 23, 1971.

Docket No. 72–00253–33–46040. Applicant: Temple University Health Sciences Center, Skin and Cancer Hospital, 3322 North Broad Street, Philadelphia, PA 19140. Article: Electron microscope, Model Corinth 275. Manufacturer: AEI Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine ultrathin sections and surface replications of biological material. The research program involves a study of the role of plasma membrane specializations in regulating normal cell behavior. Application received by Commissioner of Customs: November 29, 1971.

Docket No. 72–00254–01–77095. Applicant: Louisiana State University, Department of Chemistry, Baton Rouge, La. 70803. Article: Spectrophotometer, Model JRS–S1. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies of the following materials:

a. Pure solid, liquid and gaseous organic compounds.

b. Solid ionic and covalent inorganic and organometallic compounds.

c. Transition metal organometallic and coordination complexes.

d. Gaseous molecular compounds (e.g. PF_5), and

e. Aqueous solutions of ionic salts.

Experiments to be conducted involve routine spectral analysis, temperature variation of band intensities, pressure broadening in gaseous samples, solvent-solute interactions and depolarization measurements. The article will also be utilized to teach undergraduates the use of analytical instruments and the design of sophisticated analytical experiments. Application received by Commissioner of Customs: November 29, 1971.

Docket No. 72–00255–33–46040. Applicant: Texas Tech University School of Medicine, Department of Anatomy, Post Office Box 4569, Lubbock, TX 79409. Article: Electron microscope, EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in studies of steroid producing organs, their structure, function and developmental aspects and studies of bone structure, bone healing, fluid movement in bone and vascular-lymphatic aspects of bone biodynamics. The article will also be used to train medical students, residents and other medical personnel in the basic aspects of the clinical applications of electron microscopy. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00256–98–41700. Applicant: Purdue University, Lafayette, Ind. 47097. Article: Carbon dioxide TEA Laser System. Manufacturer: Gen Tec. Inc., Canada. Intended use of article: The article is intended to be used to study spontaneous and stimulated Raman scattering by free charge carriers, multiphoton excitation process, harmonic generation, and frequency mixing of the following materials: InSb, PbTe, InAs, PbSnTe, and various narrow gap semiconductors. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00257–33–78900. Applicant: University of Colorado, Purchasing Services Department, Regent Hall, Room 122, Boulder, Colo. 80302. Article: Stereotaxic Apparatus. Manufacturer: Narishige Scientific Instrument Laboratory, Ltd., Japan. Intended use of article: The article is intended to be used to orient a cat's head according to standard Hansley-Clarke coordinates in experiments geared toward an understanding of the way in which the individual nerve cells of the vertebrate visual system receive and process information. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00258–01–77030. Applicant: State University College at Brockport, Department of Chemistry, Brockport, N.Y. 14420. Article: NMR spectrometer, Model R–20B. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for NMR spectroscopy in various courses in basic organic chemistry, and intermediate biological, analytical, and physical chemistry as well as independent study projects, honors projects, and senior research. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00259–33–02300. Applicant: Idaho State University, Department of Biology, Pocatello, Idaho 83201. Article: Mammal Traps. Manufacturer: Longworth Scientific Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used to capture rodents for analysis in studies of population ecology of microfine rodents in semidesert habitat. Capture and release of these rodents allows assessment of population size, survival rates, dilution rates, growth rates, reproductive changes on a seasonal basis and movement and home-range patterns. Application received by Commissioner of Customs: November 30, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2501 Filed 2–17–72;8:49 am]

TEXAS AGRICULTURAL EXPERIMENT STATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00249–01–77030. Applicant: Texas Agricultural Experiment Station, Department of Soil and Crop Sciences, College Station, Tex. 77843. Articles: Six anemometers, Type R/AMC–6, and 10-yard multistrand cable fitted with one eight-pin cable socket and plug.

Manufacturer: Rauchfuss Instruments and Staff Pty., Australia. Intended use of article: The equipment is to be used for the measurement of wind profiles at a number of heights to calculate the intensity of atmospheric mixing above a crop.

Comments: No comments were received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article consists of lightweight anemometers with low rotor mass and a low stalling or starting speed. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 12, 1972, that the features of the article described above are pertinent to the purposes for which the article is intended to be used. NBS further advises that it knows of no comparable domestically manufactured instrument which provides all of the pertinent features of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–2511 Filed 2–17–72;8:49 am]

TEXAS A. & M. UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00570–60–70000. Applicant: Texas A. & M. University Agricultural Research and Extension Center, Post Office Box 537, Weslaco, TX 78596. Article: Miniature net radiometers, quantity four, and accessories. Manufacturer: Middleton & Pty., Ltd., Australia. Intended use of article: The articles will be used during citrus frost protection research (nighttime) to measure alternately and accurately the net resultant longwave radiation flux and the unidirectional flux of radiant energy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a heating ring for dew dissipation and provides about 40 langleys sensitivity for measurement of radiant flux, both net and unidirectional. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 17, 1971, that the characteristics of the foreign article described above are pertinent to the purposes for which the article is intended to be used. HEW further advised that the domestically produced Thornthwaite Model 605 and Science Associates Model 621 provides only 3.5 langleys sensitivity. We, therefore, find that neither the Model 605 nor the Model 621 is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72–2512 Filed 2–17–72;8:49 am]

UNIVERSITY OF ARIZONA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00292–01–07520. Applicant: University of Arizona Department of Chemistry, Tucson, Ariz. 85721. Article: Microcalorimeter, Model LKB–10700–2B. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to examine the heat of association of insulin; the heat of small changes in protein conformation, associated with enzymic processes (activation of zymogens and that induced by binding of substrate to lysozyme); and the heat of reaction small, weakly bound ligands of lysozyme.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a batch-type microcalorimeter which provides maximum sensitivity. We are advised by the National Bureau of Standards that the features in the foreign article noted above are pertinent to the intended uses of the article. (Memorandum dated November 15, 1971.) NBS further advises us that it knows of no comparable domestic instrument providing an equivalent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

FEB 18 72
XUM

is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-2505 Filed 2-17-72;8:49 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00062-75-44500. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Metallograph, Model MM-5RT. Manufacturer: Ernst Leitz GMBH, West Germany. Intended use of article: The article will be used in the study of radiation effects, mechanical stress, the microstructural properties and parameters of materials, and their relationship to temperature and other factors.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides remote controlled, gas-tight, inert atmosphere metallography. We are advised by the National Bureau of Standards (NBS) in its memorandum dated January 4, 1972, that the characteristics described above are pertinent to the purposes for which the article is intended to be used. NBS further advises that it knows of no comparable domestic instrument providing an equivalent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-2506 Filed 2-17-72;8:49 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00560-75-40600. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Negative ion source system, Model DX-SO-15. Manufacturer: Dr. E. Heinecke, West Germany. Intended use of article: The article will provide a large variety of both heavy and light ions to be injected into and accelerated by the existing FM Tandem Van de Graff Accelerator. Heavy ions will be used in a large variety of fundamental experiments designed to explore the nature of nuclear forces and the details of nuclear structure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an intense source of negative ions for injection into and acceleration by the applicant institution's FN Tandem Van de Graaff Accelerator. We are advised by the National Bureau of Standards (NBS) in its memorandum of December 8, 1971, that the applicant's stated requirements for an intense source of negative ions of many species is pertinent to the intended use of the foreign article. NBS further advises that it knows of no comparable domestic instrument providing an equivalent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-2507 Filed 2-17-72;8:49 am]

UNIVERSITY OF KANSAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00369-98-07000. Applicant: University of Miami, Post Office Box 8184, Coral Gables, FL 33124. Article: Special low inductance cable. Manufacturer: Sterling Cable Co., Ltd., United Kingdom. Intended use of article: The article will be used in studying the containment of a thermalnuclear plasma. The research could lead to a potential power source of unequal utility combined with a minimum amount of contamination of the environment. Research physicists will be trained in plasma physics and magneto-hydrodynamics courses.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article consists of 4,000 feet of a maximum 10-nanohenry pulse cable whose inner conductor and outer conductor have a resistance of 240×10^{-6} ohms per foot at 20° centigrade. The availability of this cable is pertinent to the applicant's intended purposes. We are advised by the National Bureau of Standards in its memorandum dated October 22, 1971, that it knows of no domestic manufacturer who is willing and able to meet all of the applicant's requirements. NBS also advised that it knows of no regular suppliers of this type of cable.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-2509 Filed 2-17-72;8:49 am]

UNIVERSITY OF MINNESOTA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00612-33-46500. Applicant: University of Minnesota, Minneapolis, Minn. 55455. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in experiments designed to study the ultrastructure of globoid cells from cats with globoid leukodystrophy. It is also planned to characterize them from analytical and enzymatic viewpoints to find out if this is another enzymatically authentic animal model of human globoid leukodystrophy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultra microtome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry on an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of November 19, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-2518 Filed 2-17-72;8:50 am]

UNIVERSITY OF TENNESSEE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00039-99-03400. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: Mini Suvag hearing aids. Manufacturer: Societe Sedi, France. Intended use of article: The articles will be used in training preschool deaf children.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides extended low-frequency response suitable for a bone vibrating transducer. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 14, 1972, that characteristics of the article described above are pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no comparable domestic instrument which provides pertinent characteristics of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-2515 Filed 2-17-72;8:50 am]

UNIVERSITY OF TENNESSEE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00038-99-03400. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: Vibrators, Suvag Model 73. Manufacturer: Mecanique Generale, France. Intended use of article: The articles will be used to transmit acoustic energy to preschool

deaf children on an experimental project in teaching preschool children.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capacity for extended low frequency response. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 14, 1972, that this characteristic is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no comparable domestic instrument with this pertinent characteristic of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-2516 Filed 2-17-72;8:50 am]

UNIVERSITY OF WISCONSIN

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00030-33-46040. Applicant: University of Wisconsin, 750 University Avenue, Madison, WI 53706. Article: Electron miscroscope, Model EM 7. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom. Intended use of article: The article will be used exclusively in biomedical research to extend the application of electron microscopy, specifically in three dimensional analysis of complex cell structure; construction of environmental undehydrated biological specimens which brings electron microscopic analysis closer to the living state; providing decreased interaction of electrons with the atoms of the specimens; and selected area electron diffraction at higher accelerating voltages on smaller structures only a couple hundred angstrom units in diameter.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an accelerating voltage of 1,000 kilovolts. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 30, 1971, that the capability described above provides extended penetration into the applicant's specimens which is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no instrument or apparatus being manufactured in the United States which possesses the pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-2514 Filed 2-17-72;8:50 am]

VETERANS ADMINISTRATION HOSPITAL, ALBANY, N.Y.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00251-33-46500. Applicant: Veterans Administration Hospital, 113 Holland Avenue, Albany, NY 12208. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. Investigations concern the response of arterial disease to mechanical and hemodynamic injury.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of February 12, 1971, that cutting speeds in excess of 4 mm./sec. are pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-2520 Filed 2-17-72;8:50 am]

VETERANS ADMINISTRATION HOSPITAL, LITTLE ROCK, ARK.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00026-33-46500. Applicant: Veterans Administration Hospital, 300 East Roosevelt Road, Little Rock, AR 72206. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in the investigation of the alterations of ultrastructural changes in biopsy and experimental materials which have been induced by alterations of metabolic process.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge conditon and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 14, 1972, that cutting speeds in excess of 4 mm./sec. are pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.72-2519 Filed 2-17-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Extending Completion Date

Consolidated Edison Company of New York, Inc., has filed a request dated January 25, 1972, for an extension of the latest completion date granted by Atomic Energy Commission letter dated November 17, 1971, specified in Provisional Construction Permit No. CPPR-21, as amended, for construction of a 2758 megawatt (thermal) pressurized water nuclear reactor, designated as the Indian Point Nuclear Generating Unit No. 2, at the applicant's site on the Hudson River in the village of Buchanan, Westchester County, N.Y. Good cause having been shown for extension of said date pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered that the latest completion date is extended from March 1, 1972 to July 1, 1972.

Date of issuance: February 14, 1972.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2490 Filed 2-17-72;8:48 am]

[Dockets Nos. 50-289, 50-320]

METROPOLITAN EDISON CO. AND JERSEY CENTRAL POWER & LIGHT CO.

Notice of Availability of Applicants' Revised Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a revised report entitled "Metropolitan Edison Co., Jersey Central Power & Light Co. Environmental Report Operating License Stage Three Mile Island Nuclear Station Unit 1 and Unit 2 ("the revised report"), submitted by the Metropolitan Edison Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. 17126. The revised report supersedes in its entirety the previous, now obsolete report dated October 1, 1970, and erratum thereto dated October 7, 1970. The revised report is also being made available to the public at the Pennsylvania State Planning Board, 503 Finance Building, State Capitol, Harrisburg, Pa. 17120, and at the Tri-County Regional Planning Commission, 341 South Cameron Street, Harrisburg, PA 17101.

The report discusses environmental considerations related to the proposed operation of the Three Mile Island Nuclear Station, Units 1 and 2 located on the Company's site on Three Mile Island in the Susquehanna River, Dauphin County, Pa.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 11th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2463 Filed 2-17-72;8:46 am]

V 37 34 FEB 18 72 XUM

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. 2-6; Notice 6]

MOTOR VEHICLE SAFETY STANDARDS

Roof Crush Resistance; Petition for Reconsideration

The purpose of this notice is to respond to a petition for reconsideration of Motor Vehicle Safety Standard No. 216, Roof Crush Resistance, in § 571.216 of Title 49, Code of Federal Regulations.

The standard as issued on December 3, 1971 (36 F.R. 23299) established August 15, 1973, as the effective date. A single petitioner, American Motors Corp., has requested that the date be delayed until January 1, 1974, in order to allow it additional leadtime.

Standard 216 is intended to provide an alternative to conformity with the roll-over test of Standard No. 208, Occupant Crash Protection, and the effective date of Standard 216 is set at August 15, 1973, in order to coincide with the effective date of one of the phases of Standard 208. Upon review of the data provided in the petition, the information concerning the rulemaking submitted by other manufacturers, and all other available information, the NHTSA has concluded that the effective date is no unreasonable. The petition of American Motors Corp. is therefore denied.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, delegation of authority at 49 CFR 1.51)

Issued on February 14, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-2496 Filed 2-17-72;8:48 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification to Area Determination Decision for Specified Locality in North Dakota

Area wage determination decision published in the FEDERAL REGISTER on the following date:

Decision No.	*Date*
AM-2,509	Aug. 27, 1971

is hereby modified as set forth below.

This modification is based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since this determination was issued.

The determination of prevailing rates and fringe benefits made in this modification has been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decision as hereby modified, shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the locality described therein.

The modification effective from the date of publication in the FEDERAL REGISTER until the end of the period for which the determination being modified was issued and is to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. No. 553 is set forth in the document being modified.

The modification to the area wage determination decision listed above is set forth below.

Signed at Washington, D.C., this 15th day of February 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

MODIFICATION

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacations	App. Tr.	Other
WD No. AM-2,509—36 F.R. 17133, Statewide North Dakota, Modification No. 2						
Change:						
Power equipment operators:						
Cableway operator; crane operator with over 135' boom; derrick (guy and stiff leg) (power) (skids and stationary); front end loader over 10 cu. yd.; gantry crane operator; mole operator, including power supply or tunnel mucking machine; power shovel and/or other equipment with shovel type controls 3½ cu. yd	$5.60	$0.25	$0.25			
Concrete mixer stationary plant operator over 34E; dredge operator or engineer, dredge operator (power) and engineer; elevator grader operator; locomotive, crane operator; master mechanic; mixer (paving) concrete paving operator, road; power shovels and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yd.; scraper tandem; tandem pusher Quad 9 or similar; tractor operator (pipeline) side boom; truck crane operator	5.45	.25	.25			
Dope machine operator (pipeline); drill rigs; heavy duty rotary or churn or cable drill; front end loader operator, 6 cu. yd. and over; locomotive, all types; pipeline wrapping, cleaning and bending machine operator; power actuated horizontal boring machine over 6" operator (pipeline); pumpcrete operator; refrigeration plant engineer; slip form operator (power driven) (paving); tandem scraper-twin engine, 50 cu. yd. struck and over	5.30	.25	.25			
Asphalt paving machine operator; asphalt plant operator and console board operator; CMI grading operator; crushing plant operator (gravel and stone or gravel washing, crushing and screening plant operator); front end loader operator, 1 cu. yd. up to 6 cu. yd.; grader or motor patrol, finishing earth work and bituminous; mechanic or welder (heavy duty); rubber tired dozer Napco or similar and over; rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); scraper operator; tractor type dozer D-6 and over; trenching machine operator, sewer and water (except Ditch Witch or similar use trailer rate); Turnapull operator (or similar type)	5.25	.25	.25			

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacations	App. Tr.	Other
Change—Continued						
Power equipment operators—Continued						
Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator, finishing machine longitudinal float operator, float machine operator and spray operator; concrete mixer operator on jobsite 16S or over; paving breaker or tamping machine operator including machine with power shovel attachments (power driven); power actuated augers and boring machine operator; power actuated jacks operator; power plant engineer, 100 kw.-hr. and over; push tractor; self-propelled traveling soil stabilizer; soil cement stabilizer	5.05	.25	.25			
Concrete saw operator (multiple blade) (power operated); fine grade operator; roller, steel, and self-propelled rubber, on hot mix asphalt paving; rubber tired dozer under Napco or similar; tractor type dozer under D-6; truck mechanic	4.82	.25	.25			
Brakeman or switchman; concrete batch plant operator (cement, rock, and sand) electronics; concrete mixer operator on jobsite under 16S; crane truck oiler; distributor operator; grader operator (motor patrol) (haul road); gravel screening plant operator (portable not crushing or washing); greaser (truck or tractor); Gunite operator gunall; hoist engineer (power); hydro crane operator launchman (tankerman or pilot license); pickup sweeper, 1 yd. and over hopper capacity; shouldering machine operator (power) (Apsco or similar type) including self-propelled sand chip spreader Flaherty or similar	3.94	.25	.25			
Crawler type tractor pulling compaction or aerating equipment; farm type rubber-tired tractor with backhoe attachment; self-propelled vibrating packer operator pad type (35 hp. and over); sheepsfoot roller or compactor (self-propelled); off-road self-propelled watering equipment	3.79	.25	.25			
Bituminous spreader and bituminous finishing operator (helper) (power); boom truck operator; concrete batch operator (cement, rock and sand) (manual); fireman or tank car heater operator; form trench digger (power); front end loader operator, up to 1 cu. yd.; Hyster carrier; leverman; loader operator (Barber Greene or similar type); mechanics' helper; oiler (power shovel, crane, dragline); pugmill operator; pump operator (well points); roller, steel and self-propelled rubber, on other than hot mix asphalt paving; self-propelled broom	3.69	.25	.25			
Conveyor operator; curb machine operator; dredge deck hand; farm tractors, rubber tired for compacting and aerating; front end loader operator (farm type rubber-tired tractor); stump chipper operator; tie tamper and ballast machine operator	3.35	.25	.25			

[FR Doc.72-2487 Filed 2-17-72;8:47 am]

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and/or Supersedeas Decisions to Area Wage Determination Decisions for Specified Localities in Certain States

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Arkansas, Florida, Illinois, Michigan, Mississippi, New Mexico, Ohio, Oklahoma, Oregon, Texas, and Wisconsin.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM-331, AM-332, AM-333, AM-336	Aug. 13, 1971
AM-373, AM-374, AM-375, AM-376, AM-377, AM-378, AM-379, AM-380, AM-381, AM-382, AM-383, AM-384, AM-385, AM-386, AM-387, AM-388, AM-389, AM-390, AM-391, AM-392, AM-393, AM-394, AM-404, AM-405, AM-407, AM-408, AM-409, AM-410, AM-411, AM-412, AM-414, AM-415, AM-416, AM-417, AM-423, AM-424, AM-425, AM-426, AM-427, AM-428, AM-429, AM-430 (8584,) AM-431, AM-432, AM-433 (8585), AM-434 (8586), AM-435 (8587)	Aug. 18, 1971
AM-453, AM-455, AM-461, AM-489, AM-490, AM-493	Aug. 20, 1971
AM-3555, AM-3573, AM-3601, AM-3602, AM-3613	Aug. 25, 1971

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modifications and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, PROCEDURE FOR PREDETERMINATION OF WAGE RATES, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR, Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 is set forth in the document being modified.

The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 11th day of February 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

V 37-34 FEB 18 72 XUM

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-373—36 F.R. 16783, Pulaski County, Ark., Modification No. 3						
CHANGE:						
Bricklayers:	$6.15	$0.15			$0.02	
Bricklayers; stonemasons; cleaners; pointers; caulkers						
Carpenters:	5.35	.25	$0.15		.01	
Carpenters, floor men	5.60	.25	.15		.01	
Millwrights—piledrivers	5.45	.15				
Cement masons	6.85		1%		¼%	
Electricians:	6.975		1%		¼%	
Electricians	5.41				$0.01	
Cable splicers						
Glaziers	6.18	.25	$0.25		.02	
Ironworkers:						
Structural; ornamental; reinforcing	3.65	.10	.20			
Laborers:						
Construction laborer, carpenter helper, concrete laborer	3.90	.10	.20			
Mechanical tool operator, motorized Georgia buggy, tenders (plasterers, brick mason, cement and stone), mortar mixer, sanitary tile layer, asphalt raker	4.55	.10	.20			
Powderman	6.05		.10	$0.25	.01	
Lathers	4.85		.20			
Painters:	5.10		.20			
Brush	5.45		.20			
Structural steel	6.09				.02	
Spray	7.30				.02	
Plasterers	7.60				.02	
Plumbers—pipefitters	5.05					
Plumbers—pipefitters:	6.40	.20	.20	.40	c	
(Outside 10-mile radius of Pulaski County Courthouse)						
Roofers:						
Roofers						
Sheet metal workers						

Footnote: c. Apprenticeship fund shall be $0.50 per month per journeyman and apprentice employed.

WD No. AM-453-36 F.R. 16373, Dade County, Fla., Modification No. 7

CHANGE:						
Ironworkers:	8.30	.30	.33			
Structural and ornamental	8.30	.30	.33			
Reinforcing						

WD No. AM-455-36 F.R. 16381, Hillsborough County, Fla., Modification No. 6

CHANGE:						
Ironworkers:	7.65	.35	.30		$0.05	
Structural	7.65	.35	.30		.05	
Ornamental	7.65	.35	.30		.05	
Reinforcing	7.65	.35	.30		.05	
Sheeters						

WD No. AM-461-36 F.R. 16401, Pinellas County, Fla., Modification No. 4

CHANGE:						
Ironworkers:	7.65	.35	.30		.05	
Structural and ornamental	7.65	.35	.30		.05	
Reinforcing						

WD No. AM-331—36 F.R. 15161, DuPage County, Ill., Modification No. 6

CHANGE:						
Line construction:	7.65	.15	1%		¼%	
Linemen, digger operator	5.00	.15	1%		¼%	
Groundmen	5.20	.15	1%		¼%	
Groundmen, equipment operator, tractor operator						

WD No. AM-332-36 F.R. 15166, Kane County, Ill., Modification No. 7

CHANGE:						
Bricklayers and stonemasons	8.50	.30	$0.61			
Electricians and line construction:						
(Northern half of county):	8.30	3%	4%	4%	½ of 1%	
Electricians	7.65	$0.15	1%		0.25%	
Linemen, digger operator	5.00	.15	1%		.25%	
Groundmen	5.20	.15	1%		.25%	
Groundmen, equipment operator, and tractor operator						
(Southern half of county):	7.65	.15	1%		.25%	
Linemen, digger operator	5.00	.15	1%		.25%	
Groundmen	5.20	.15	1%		.25%	
Groundmen, equipment operator, and tractor operator						

WD No. AM-333-36 F.R. 15170, Lake County, Ill., Modification No. 4

CHANGE:						
Line construction:	7.65	.15	1%		¼%	
Linemen	5.00	.15	1%		¼%	
Groundmen						

WD No. AM-336-36 F.R. 15188, Rock Island County, Ill., Modification No. 3

CHANGE:						
Electricians	7.58	.25	1%		0.1%	
Cable splicers	7.83	.25	1%		.1%	
Line construction:	7.10	.15	1%			
Linemen	7.23	.15	1%			
Cable splicers	4.91	.15	1%			
Groundmen—truck or tractor drivers without winch	5.09	.15	1%			
Groundmen—truck or tractor drivers with winch	4.91	.15	1%			
Groundmen (over 6 months)						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-375—36 F.R. 15777, Allegan County, Mich., Modification No. 7						
CHANGE:						
Michigan SPEOH:						
Underground Construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	$8.74	.40	$0.45		$0.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller) dozer (less than 9' blade), side boom tractor (smaller than D-4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum ½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
12—Mich. 3-7:						
Highway, bridge, airport (exclusive of buildings) and sewer construction:	$6.76	.15	.10			
Cement masons (Saginaw and Livingston Counties)	6.51	.15	.10			
Cement masons (remainder of counties)						
Laborers:	6.03	.30	.20	.40		
Line—form setter for curb or pavement	5.80	.30	.20	.40		
Pipelayers	5.89	.30	.20	.40		
Asphalt raker	5.70	.30	.20	.40		
Asphalt tamper and asphalt raker helper						
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill and air trace operators, curb and side rail setters' helpers, diamond and core drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.48	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.42	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters' helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck, jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender or manholes headwalls	5.34	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd., capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over ½ yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with ¾ yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
Truck drivers (remainder of county):	6.54	a	b		$0.15	
Trucks, less than 8 cu. yd	6.64	a	b		.15	
Trucks, over 8 cu. yd	6.69	a	b		.15	
Trucks, Euclid type equipment						
Truck drivers (Lapeer, St. Clair, Livingston & Lenawee Counties):	6.64	a	b		.15	
Trucks less than 8 cu. yd	6.74	a	b		.15	
Trucks, over 8 cu. yd	6.89	a	b		.15	
Trucks, Euclid type equipment						

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

V 37-34 FEB 18 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD AM-574—36 F.R. 15782, Alpena County, Mich., Modification No. 4						
CHANGE:						
Michigan 8 PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type, or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2-drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.) air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31 7.31	.40 .40	.45 .45		.05	
Oiler and firemen						
CHANGE:						
14–Michigan–3–1:						
Highway, bridge, and airport (exclusive of buildings) and sewer construction:	6.44	.15	.10			
Cement masons	5.67	.30	.20	.40		
Laborers:						
Line form setter curb or pavement	5.37	.30	.20	.40		
Pipelayers	5.65	.30	.20	.40		
Asphalt raker	5.47	.30	.20			
Asphalt tamper and asphalt raker helper						
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel, etc.), concrete paddler, power chain saw operator, saving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.12 5.02	.30 .30	.20 .20	.40 .40		
Cement handler or dockman, top man, asphalt dust handler						
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters helper, subgrade labor (hand tools), yard men, guard fence, builders helper, dumper (wagon, truck, etc.), jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (helper), sprinkler labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.97	.30	.20	.40		
Power equipment operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloader (1 yd. capacity, and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered, or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoes (with over ¾ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall and similar type machines, asphalt planer (self-propelled), batch plant (concrete), slurry machine (asphalt), pile drivers, rollers (asphalt), bladeg raders	6.49	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoe (with ¾ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm type with attachments)	5.81	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleft-planes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40. hp or over), power bins, plant driers (asphalt), vibratory compaction equipment (8' wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.88	.40	.45	10%	.02	
Truck drivers	6.48	a	b		$0.15	
Truck drivers, less than 8 cu. yd., capacity	6.58	a	b		.15	
Truck drivers, 8 cu. yd., and over (including tandem axle trucks, tandem axle water trucks, transit mix and semis)	6.73	a	b		.15	
Drivers and Euclid type equipment (including double bottoms and lowboys)						

FOOTNOTES:
a. $14.50 per week, per employee.
b. $12.00 per week, per employee.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-575—36 F.R. 15787, Berrien County, Mich. Modification No. 6						
CHANGE:						
Michigan 8 PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, and loader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade) side boom tractor (smaller than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31 7.31	.40 .40	.45 .45		.05	
Oiler and firemen						
CHANGE:						
12–Mich. 3–Z:						
Highway, bridge, airport (exclusive of buildings) and sewer construction:	6.76	.15	.10			
Cement masons (Saginaw and Livingston counties)	6.51	.15	.10			
Cement masons (remainder of counties)						
Laborers:	6.03	.30	.20	.40		
Line—form setter for curb or pavement	5.80	.30	.20	.40		
Pipelayers	5.89	.30	.20	.40		
Asphalt raker	6.70	.30	.20	.40		
Asphalt tamper and asphalt raker helper						
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill and air trace operators, curb and side rail setters' helpers, diamond and core drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.48 5.42	.30 .30	.20 .20	.40 .40		
Cement handler or dockman, top man, asphalt dust handler						
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builders's helper, dumper (wagon, truck, jetting labor, joint filling labor, miscellaneous, unskilled labcr, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	6.34	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), autograders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over ¾ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with ¾ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (two or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleft-planes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
Truck Drivers: (remainder of county)	6.54	a	b	.15		
Trucks, less than 8 cu. yds.	6.64	a	b	.15		
Trucks, over 8 cu. yds.	6.69	a	b	.15		
Trucks, Euclid type equipment						
Truck Drivers:						
(Lapeer, St. Clair, Livingston and Lenawee Counties)	6.64	a	b	.15		
Trucks less than 8 cu. yds.	6.74	a	b	.15		
Trucks over 8 cu. yds.	6.89	a	b	.15		
Trucks, Euclid type equipment						

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

FEB 18 72
XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-376—36 F.R. 15791, Calhoun County, Mich., Modification No. 7						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, cranes (crawler, truck type, or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumperete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
12—Mich. 3-Z:						
Highway, bridge, airport (exclusive of buildings), and sewer construction:						
Cement masons (Saginaw and Livingston Counties)	6.76	.15	.10			
Cement masons (remainder of counties)	6.51	.15	.10			
Laborers:						
Line—form setter for curb or pavement	6.03	.30	.20	.40		
Pipelayers	5.80	.30	.20	.40		
Asphalt raker	5.89	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.70	.30	.20	.40		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill and air trace operators, curb and side rail setters' helpers, diamond and core drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jack-hammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.48 5.42	.30 .30	.20 .20	.40 .40		
Cement handler or dockman, top man, asphalt dust handler						
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters' helper, subgrade labor (hand tools), yard men, guard fence builder, helper, dumper (wagon, truck), jetting labor, joint filling labor, miscellaneous unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	5.34	.30	.20	.40		
Power equipment, operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over ⅜ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type and similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with ⅜ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6' in. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
Truck drivers (remainder of County):						
Trucks, less than 8 cu. yd	6.54	a	b	$0.15		
Trucks, over 8 cu. yd	6.64	a	b	.15		
Trucks, Euclid type equipment	6.69	a	b	.15		
Truck drivers (Lapeer, St. Clair, Livingston and Lenawee Counties):						
Trucks, less than 8 cu. yd	6.64	a	b	.15		
Trucks, over 8 cu. yd	6.74	a	b	.15		
Trucks, Euclid type equipment	6.89	a	b	.15		

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-377—36 F.R. 15795, Charlevoix County, Mich., Modification No. 6						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller) dozer (less than 9' blade), side boom tractor (smaller) than D–4 or equivalent, pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumperete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
14-Michigan-3-1:						
Highway, bridge, and airport (exclusive of buildings) and sewer construction:						
Cement masons	6.44	.15	.10			
Laborers:						
Line form setter curb or pavement	5.67	.30	.20	.40		
Pipelayers	5.37	.30	.20	.40		
Asphalt raker	5.65	.30	.20	.40		
Asphalt temper and asphalt raker helper	5.47	.30	.20	.40		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer etc.), spreader, boxman (asphalt, stone, gravel, etc., concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.12 5.02	.30 .30	.20 .20	.40 .40		
Cement handler or dockman, top man, asphalt dust handler						
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters helper, subgrade labor (hand tools), yard men, guard fence, builders helper, dumper (wagon, truck, etc.) jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (halper), sprinkler labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.97	.30	.20	.40		
Power equipment operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloader (1 yd. capacity and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoes (with over ⅜ yd. bucket), side boom tractor (type D–4 or equivalent or larger, tube finisher (slip form paving), concrete spreader (slip form paving), gradall and similar type machines, asphalt planer (self-propelled), batch plant (concrete) slurry machine (asphalt) pile drivers, rollers (asphalt), blade graders	6.49	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoe (with ⅜ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (two or more—less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm type with attachments)	5.81	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.58	.40	.45	10%	.02	
Truck drivers:						
Truck drivers, less than 8 cu. yd. capacity	6.48	a	b	$0.15		
Truck drivers, 8 cu. yd., and over (including tandem axle trucks, tandem axle water trucks, transit mix and semis)	6.58	a	b	.15		
Drivers and Euclid type equipment (including double bottoms and bowboys)	6.73	a	b	.15		

Footnote:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

FEB 18 72

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-378—36 F.R. 15890, Chippewa and Mackinac Counties, Mich., Modification No. 5						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8′ digging capacity), mechanic, endloader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9′ blade and over), concrete paver (1 drum or larger), side boom tractor (type D-4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05	
Trencher (8′ digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9′ blade), side boom tractor (smaller than D-4 or equivalent), pump (1 or more 6″ discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4″ up to 6″ discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4″ discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6′ wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
13—Mich. 3-T:						
Highway, bridge, and airport (exclusive of buildings) and sewer construction:						
Cement masons	6.44	.15	.10			
Laborers:						
Line—form setters for curb or pavement	5.67	.30	.20	.40		
Pipe layers	5.37	.30	.20	.40		
Asphalt raker	5.65	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.47	.30	.20	.40		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill and air track operators, curb and side rail setters' helper, diamond and core drills	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.12	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.02	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous axe man, batch bin (no power), burlap man, carpenters' helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor, miscellaneous unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), masons' tender, bricklayers tender on manholes, headwalls	4.97	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd., capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6″ discharge or over, gas diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over ⅜ yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.49	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, washing plants, crushers, backhoes (with ⅜ yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.) wagon drills, concrete breaker, tractors (farm type with attachments)	5.81	.40	.45	10%	.02	
Boiler fireman, oiler, fireman, mechanic's helper trencher (service) flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6′ wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.58	.40	.45	10%	.02	
Truck drivers:						
Trucks, less than 8 cu. yd	6.48	a	b		$0.15	
Trucks, over 8 cu. yd	6.58	a	b		.15	
Trucks, Euclid type equipment	6.73	a	b		.15	

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-379—36 F.R. 15891, Emmet County, Mich., Modification No. 5						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type, or pile driving), dragline, backhoe, clamshell, trencher (over 8′ digging capacity), mechanic, end loader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9′ blade and over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent and larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05	
Trencher (8′ digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9′ blade), side boom tractor (smaller than D-4 or equivalent), pump (1 or more 6″ discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4″ up to 6″ discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4″ discharge if used 3 hrs. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6′ wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
14-Michigan-3-1:						
Highway, bridge and airport (exclusive of buildings) and sewer construction:						
Cement masons	6.44	.15	.10			
Laborers:						
Line form setter curb or pavement	5.67	.30	.20	.40		
Pipelayers	5.37	.30	.20	.40		
Asphalt raker	5.65	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.47	.30	.20	.40		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel, etc., concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker, and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.12	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.02	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters helper, subgrade labor (hand tools), yard men, guard fence, builders helper, dumper (wagon, truck, etc.), jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (helper), sprinkler labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.97	.30	.20	.40		
Power equipment operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloader (1 yd. capacity, and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanics, pumps (6″ discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), backhoes (with over ⅜-yd. bucket), side boom tractor (type D-4 or equilavent or larger, tube finisher (slip form paving), concrete spreader (slip form paving), Gradall and similar type machines, asphalt planer (self-propelled), batch plant (concrete), slurry machine (asphalt), pile drivers, rollers (asphalt), blade graders	6.49	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoe (with ⅜ yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (two or more—less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm type with attachments)	5.81	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6′ wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.58	.40	.45	10%	.02	
Truck drivers:						
Truck drivers, less than 8 cu. yd. capacity	6.48	a	b		$0.15	
Truck drivers, 8 cu. yd., and over (including tandem axle trucks, tandem axle water trucks, transit mix, and semis)	6.58	a	b		.15	
Drivers and Euclid type equipment (including double bottoms and lowboys)	6.73	a	b		.15	

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

FEB 18 72

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-580—36 F.R. 15809, Genesee County, Mich. Modification No. 5						
CHANGE:						
Michigan 8 PEOH:						
Underground Construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	0.40	0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D–4 or equivalent, pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumperete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.06	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boller, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.06	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
11-Mich.-3:						
Highway, bridge, airport (exclusive of buildings) and sewer construction:						
Cement masons	6.76	.15	.10			
Laborers:						
Line—form setters for curb or pavement	6.55	.30	.20	.40		
Pipe layers	6.33	.30	.20	.40		
Asphalt raker	6.20	.30	.20	.40		
Asphalt tamper and asphalt raker helper	6.01	.30	.20	.40		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill and air track operators, curb and side rail setters' helper, diamond and core drills	6.12	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphaltscreed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	6.01	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.95	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor miscellaneous, unskilled labor, form setting labor pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayers tender on manholes, headwalls	5.92	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over ¾ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.65	.40	.45	10%	.02	
Sweeper (Wayne type and similar equip.), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoes (with ⅜ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.43	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.97	.40	.45	10%	.02	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.84	.40	.45	10%	.02	
Truck drivers:						
Trucks, less than 6 cu. yds	6.64	a	b	$0.15		
Trucks, over 8 cu. yds	6.74	a	b	.15		
Trucks, Euclid type equipment	6.89	a	b	.15		

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-581—36 F.R. 15813, Gogebic County, Mich., Modification No. 6						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	.40	.45		.06	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.06	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumperete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.06	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boller, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.06	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
13—Mich. 3-T:						
Highway, bridge, and airport (exclusive of buildings) and sewer construction:						
Cement masons	6.44	.15	.10			
LABORERS:						
Line—form setters for curb or pavement	5.67	.30	.20	.40		
Pipe layers	5.37	.30	.20	.40		
Asphalt raker	5.65	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.47	.30	.20	.40		
Tunnel miner (highway work only) finishers tender, guard fence builder, bottom man, powder man, wagon drill and air track operators, curb and side rail setters' helper, diamond and core drills	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.12	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.02	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor (hand tools), yard men, guard fence butilder's helper, dumper (wagon, truck), jetting labor, joint filling labor, miscellaneous unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), masons' tender, bricklayers tender on manholes, headwalls	4.97	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd., capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over ¾ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.49	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoes (with ⅜-yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.81	.40	.45	10%	.02	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service) flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment opers. (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.58	.40	.45	10%	.02	
Truck drivers:						
Trucks, less than 8 cu. yd	6.48	a	b	$0.15		
Trucks, over 8 cu. yd	6.58	a	b	.15		
Trucks, Euclid type equipment	6.73	a	b	.15		

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

FEB 18 72
XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM–388—36 F.R. 15817, Grand Traverse and Leelanau Counties, Mich., Modification No. 5						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic and loader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller) than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressor (2 or more—less than 600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
14—Michigan–3–1:						
Highway, bridge and airport (exclusive of buildings), and sewer construction:						
Cement masons	6.44	.15	.10			
Laborers:						
Line form setter curb or pavement	5.67	.30	.20	.40		
Pipelayers	5.37	.30	.20	.40		
Asphalt raker	5.65	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.47	.30	.20	.40		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer etc.), spreader, boxman (asphalt, stone, gravel, etc.), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.12	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.02	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant misc,. axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence, builders helper, dumper (wagon, truck, etc.), jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (helper), sprinkler labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.97	.30	.20	.40		
Power equipment operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slipform paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloader (1 yd. capacity and over), bulldozer, hoisting engineer, tractors, finishing machines (ashphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), backhoes (with over ¾ yd. bucket), side boom tractor (type D–4 or equivalent or larger, tube finisher (slip form paving), concrete spreader (slip form paving), gradall and similar type machines, asphalt planer (self-propelled), batch plant (concrete), slurry machine (asphalt)	6.49	.40	.45	10%	.02	
Pile drivers, rollers (asphalt), blade graders	6.31	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoe (with ⅜ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	5.81	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm type with attachments)	5.58	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), guard post drivers (power drivan) all mulching equipment, stump remover	6.48	a	b	$0.15		
Truck drivers:						
Truck drivers, less than 8 cu. yd. capacity	6.58	a	b	.15		
Truck drivers, 8 cu. yd. and over (including tandem axle trucks, tandem axle water trucks, transit mix, and semis)	6.73	a	b	.15		
Drivers and Euclid type equipment (including double bottoms and lowboys)						

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM–36 F.R. 15822, Huron County Mich. Modification No. 6						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
12—Mich. 3–Z:						
Highway, bridge, airport (exclusive of buildings) and sewer construction:						
Cement masons (Saginaw and Livingston Counties)	6.76	.15	.10			
Cement masons (remainder of counties)	6.51	.15	.10			
Laborers:						
Line—form setter for curb or pavement	6.03	.30	.20	.40		
Pipelayers	5.80	.30	.20	.40		
Asphalt raker	5.89	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.70	.30	.20	.40		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill and air trace operators, curb and side rail setters' helpers, diamond and core drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.48	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.42	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	5.34	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd., capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over ¾ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with ⅜ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
Truck drivers (remainder of county):						
Trucks, less than 8 cu. yd	6.54	a	b	$0.15		
Trucks, over 8 cu. yd	6.64	a	b	.15		
Trucks, Euclid type equipment	6.69	a	b	.15		
Truck drivers (Lapeer, St. Clair, Livingston & Lenawee Cos.):						
Trucks, less than 8 cu. yd	6.64	a	b	.15		
Trucks, over 8 cu. yd	6.74	a	b	.15		
Trucks, Euclid type equipment	6.89	a	b	.15		

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

VOL 37 NO 34 FEB 18 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-384—36 F.R. 16828, Ingham County, Mich. Modification No. 6						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, cranes (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic tired, other than backhoe or front endloader), crusher	8.51	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.) air compressors (600 c.f.m. or larger), pumperete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45		.05	
CHANGE:						
12—Mich. 3–Z:						
Highway, bridge, airport (exclusive of buildings) and sewer construction:						
Cement masons (Saginaw and Livingston Counties)	6.76	.15	.10			
Cement masons (remainder of counties)	6.51	.15	.10			
Laborers:						
Line—form setter for curb or pavement	6.03	.30	.20	.40		
Pipelayers	5.80	.30	.20	.40		
Asphalt raker	5.89	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.70	.30	.20	.40		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill and air trace operators, curb and side rail setters' helpers, diamond and core drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.48	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.42	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon), truck, jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	5.34	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd., capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over ⅜ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving) Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type & similar equip.), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with ⅜ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 cu. ft. per min. or more), air compressors (two or more—less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators. (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
Truck Drivers: (remainder of county)	6.54	a	b		$0.15	
Trucks, less than 8 cu. yds	6.64	a	b		.15	
Trucks, over 8 cu. yds	6.69	a	b		.15	
Trucks, Euclid type equipment						
Truck Drivers: (Lapeer, St. Clair, Livingston and Lenawee Counties.)	6.64	a	b		.15	
Trucks less than 8 cu. yds	6.74	a	b		.15	
Trucks over 8 cu. yds	6.89	a	b		.15	
Trucks, Euclid type equipment						

Footnotes:
a. $14.80 per week, per employee
b. $12 per week, per employee

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-385—36 F.R. 16833, Kalamazoo County, Mich. Modification No. 7						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truch type, or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1½ cu yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	0.40	0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.51	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day—gas or diesel power—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
12—Mich. 3–Z:						
Highway, bridge, airport (exclusive of buildings) and sewer construction:						
Cement masons (Saginaw and Livingston Counties)	6.76	.15	.10			
Cement masons (remainder of counties)	6.51	.15	.10			
Laborers:						
Line—form setter for curb or pavement	6.03	.30	.20	.40		
Pipelayers	5.80	.30	.20	.40		
Asphalt raker	5.89	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.70	.30	.20	.40		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill and air trace operators, curb and side rail setters' helpers, diamond and core drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.48	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.42	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck, jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	5.34	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered, or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over ⅜ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with ⅜ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
Truck drivers (remainder of county):						
Trucks, less than 8 cu. yd	6.54	a	b		$0.15	
Trucks, over 8 cu. yd	6.64	a	b		.15	
Trucks, Euclid type equipment	6.69	a	b		.15	
Truck drivers (Lapeer, St. Clair, Livingston and Lenawee Counties):						
Trucks, less than 8 cu. yd	6.64	a	b		.15	
Trucks, over 8 cu. yd	6.74	a	b		.15	
Trucks, Euclid type equipment	6.89	a	b		.15	

Footnotes:
a. $14.80 per week, per employee.
b. $12 per week, per employee.

FEB 18 72

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-386—36 F.R. 15837, Kent County, Mich. Modification No. 6						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	$8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.) air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
13—Mich. 3–Z:						
Highway, bridge, airport (exclusive of buildings) and sewer construction:						
Cement masons (Saginaw and Livingston Counties)	6.76	.15	.10			
Cement masons (remainder of counties)	6.51	.15	.10			
Laborers:						
Line—form setter for curb or pavement	6.03	.30	.20	.40		
Pipelayers	5.80	.30	.20	.40		
Asphalt raker	5.89	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.70	.30	.20	.40		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill and air trace operators, curb and side rail setters' helpers, diamond and core drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), borman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.48	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.42	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	5.34	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1-yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over ¾-yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with ⅝ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6' wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
Truck drivers (remainder of county):						
Trucks, less than 8 cu. yd	6.54	a	b	$0.15		
Trucks, over 8 cu. yd	6.64	a	b	.15		
Trucks, Euclid type equipment	6.69	a	b	.15		
Truck drivers (Lapeer, St. Clair, Livingston, and Lenawee Counties):						
Trucks less than 8 cu. yd	6.64	a	b	.15		
Trucks over 8 cu. yd	6.74	a	b	.15		
Trucks, Euclid type equipment	6.89	a	b	.15		

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-387—36 F.R. 15842, Keweenaw, Houghton, Ontonagon, and Baraga Counties, Mich., Modification No. 6						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	$8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
13—Mich. 3–T:						
Highway, bridge and airport (exclusive of buildings), and sewer construction:						
Cement masons	6.44	.15	.10			
Laborers:						
Line—form setters for curb or pavement	5.67	.30	.20	.40		
Pipe layers	5.37	.30	.20	.40		
Asphalt raker	5.65	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.47	.30	.20	.40		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, and air track operators, curb and side rail setters' helper, diamond and core drills	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.12	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.02	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters' helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), masons' tender, bricklayers tender on manholes, headwalls	4.97	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over ¾-yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.49	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoes (with ⅝ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.81	.40	.45	10%	.02	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1-yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6' wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.58	.40	.45	10%	.02	
Trucks, less than 8 cu. yd	6.48	a	b	$0.15		
Trucks, over 8 cu. yd	6.58	a	b	.15		
Truck drivers:						
Trucks, less than 8 cu. yd	6.48	a	b	$0.15		
Trucks, over 8 cu. yd	6.58	a	b	.15		
Trucks, Euclid type equipment	6.73	a	b	.15		

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

VOL 37 NO 34 FEB 18 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-388—86 F.R. 15848, Marquette County, Mich. Modification No. 6						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, cranes (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D-4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.06	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
13—Mich. 3-T:						
Highway, bridge, and airport (exclusive of buildings) and sewer construction:						
Cement masons	6.44	.15	.10			
LABORERS:						
Line—form setters for curb or pavement	5.67	.30	.20	.40		
Pipe layers	5.37	.30	.20	.40		
Asphalt raker	5.65	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.47	.30	.20	.40		
Tunnel miner (highway work only) finishers tender, guard fence builder, bottom man, powder man, wagon drill and air track operators, curb and side rail setters' helper, diamond and core drills	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.12	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.02	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters's helper, subgrade labor (hand tools), yard man, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), masons' tender, bricklayers tender on manholes, headwalls	4.97	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (ashpalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1-yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over ¾-yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.49	.40	.45	10%	.02	
Sweeper (Wayne type and similar equip.), asphalt paver (self-propelled), screening plants, washing plants, crushers, back-hoes (with ¾-yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.) wagon drills, concrete breaker, tractors (farm type with attachments)	6.81	.40	.45	10%	.02	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service) flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.58	.40	.45	10%	.02	
Truck drivers:						
Trucks, less than 8 cu. yd	6.48	a	b		$0.15	
Trucks, over 8 cu. yd	6.58	a	b		.15	
Trucks, Euclid type equipment	6.73	a	b		.15	

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-389—36 F.R. 15850, Mason County, Mich., Modification No. 6						
CHANGE:						
Michigan 8PEOH:						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type, or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity) mechanic, end loader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	$8.74	$0.40	$0.45		.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D-4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05	
Oiler and firemen	7.31	.40	.45			
CHANGE:						
14—Michigan-3-1:						
Highway, bridge and airport (exclusive of buildings), and sewer construction:						
Cement masons	6.44	.15	.10			
Laborers:						
Line form setter curb or pavement	5.67	.30	.20	.40		
Pipelayers	5.37	.30	.20	.40		
Asphalt raker	5.65	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.47	.30	.20	.40		
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer etc.), spreader, boxman (asphalt, stone, gravel, etc.), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker, and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.12	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.02	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous axe man, batch bin (no power), burlap man, carpenters helper, subgrade labor (hand tools), yard men, guard fence, builders helper, dumper (wagon, truck, etc.) jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (helper), sprinkler labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.97	.30	.20	.40		
Power equipment operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloader (1-yd. capacity, and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered, or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoes (with over ¾-yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall and similar type machines, asphalt planer (self-propelled), batch plant (concrete), slurry machine (asphalt), pile drivers, rollers (asphalt), blade graders	6.49	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoe (with ¾-yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm type with attachments)	5.81	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1-yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.58	.40	.45	10%	.02	
Truck drivers:						
Truck drivers, less than 8 cu. yd. capacity	6.48	a	b		$0.15	
Truck drivers, 8 cu. yd. and over (including tandem axle trucks, tandem axle water trucks, transit mix, and semis)	6.58	a	b		.15	
Drivers and Euclid type equipment (including double bottoms and lowboys)	6.73	a	b		.15	

Footnote:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

FEB 18 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-390—36 F.R. 15855, Muskegon and Oceana Counties, Mich., Modification No. 6						
CHANGE:						
Michigan 8PEOH						
Underground construction:						
Power equipment operators:						
Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 7' digging capacity), mechanic, endloader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drums or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.06	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller) than D–4 or equivalent), pump (1 or more 8" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.06	
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumperete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.06	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31 7.31	.40 .40	.45 .45		.06	
Oiler and firemen						
Muskegon County						
CHANGE:						
12—Mich. 3–Z:						
Highway, bridge, airport (exclusive of buildings) and sewer construction:	6.76	.15	.10			
Cement masons (Saginaw and Livingston Counties)	6.51	.15	.10			
Cement masons (remainder of counties)						
Laborers:						
Line—form setter for curb or pavement	6.03	.30	.20	.40		
Pipelayers	5.80	.30	.20	.40		
Asphalt raker	5.89	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.70	.30	.20	.40		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill and air trace opers., curb and side rail setters' helpers, diamond and cors drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 h.p.)	5.48 5.42	.30 .30	.20 .20	.40 .40		
Cement handler or checkman, top man, asphalt dust handler						
Asphalt shoveler or loader, asphalt plant miscellaneous axe man, batch bin (no power), burlap man, carpenters' helper, subgrade labor (hand tools), yard men, guard fence builders' helper, dumper (wagon, truck, jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	5.34	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1-yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over ⅜-yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with ⅜ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 cu. ft. per min. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6' wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
Truck drivers (remainder of county):						
Trucks, less than 8 cu. yd	6.54	a	b		$0.15	
Trucks, over 8 cu. yd	6.64	a	b		.15	
Trucks, Euclid type equipment	6.69	a	b		.15	
Truck drivers (Lapeer, St. Clair, Livingston and Lenawee Counties):						
Trucks less than 8 cu. yd	6.64	a	b		.15	
Trucks over 8 cu. yd	6.74	a	b		.15	
Trucks, Euclid type equipment	6.89	a	b		.15	

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Oceana County						
CHANGE:						
14—Michigan–3–1:						
Highway, bridge, and airport (exclusive of buildings) and sewer construction:	6.44	.15	.10			
Cement masons	5.67	.30	.20	.40		
Laborers:						
Line form setter curb or pavement	5.37	.30	.20	.40		
Pipelayers	5.65	.30	.20	.40		
Asphalt raker	5.47	.30	.20	.40		
Asphalt tamper and asphalt raker helper						
Tunnel miner (highway work only), finishers tender, guard fence builder, bottom man, powder man, wagon drill, air track operators, curb and side rail setters' helper, diamond and core drills	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel, etc., concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.12 5.02	.30 .30	.20 .20	.40 .40		
Cement handler or dockman, top man, asphalt dust handler						
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters helper, subgrade labor (hand tools), yard men, guard fence, builders helper, dumper (wagon, truck, etc.) jetting labor, joint filling labor, miscellaneous unskilled labor, powder monkey (helper), sprinkler labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), masons or bricklayer's tender on manholes and headwalls	4.97	.30	.20	.40		
Power equipment operators:						
Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders trenching machines (ladder or wheel type), autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloader (1 yd. capacity and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoes (with over ⅜-yd. bucket), side boom tractor (type D–4 or equivalent or larger, tube finisher (slip form paving), concrete spreader (slip form paving), Gradall and similar type machines, asphalt planer (self-propelled), batch plant (concrete), slurry machine (asphalt), pile drivers, rollers (asphalt), blade graders	6.49	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoe (with ⅜ yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm type with attachments)	5.81	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6' wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.58	.40	.45	10%	.02	
Truck drivers:						
Truck drivers, less than 8 cu. yd. capacity	6.48	a	b		$0.15	
Truck drivers, 8 cu. yd., and over (including tandem axle trucks, tandem axle water trucks, transit mix and semis)	6.58	a	b		.15	
Drivers and Euclid type equipment (including double bottoms and lowboys)	6.73	a	b		.15	

Footnote:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

WD No. AM-391—36 F.R. 15861, Saginaw County, Mich., Modification No. 6

CHANGE:
Michigan 8PEOH:
Underground construction:

Power equipment operators:						
Power shovels, crane (crawler, truck type, or pile driving), dragline, backhoe, clamshell trencher (over 8' digging capacity), mechanic, and loader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	0.40	0.45		.06	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller) than D–4 or equivalent), pump (1 or more 8" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.06	
Air compressors (2 or more—less than 600 c.f.m.) air compressors (600 c.f.m. or larger), pumperete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45		.06	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31 7.31	.40 .40	.45 .45		.06	
Oiler and firemen						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
12—Mich. 3-Z						
Highway, bridge, airport (exclusive of buildings), and sewer construction:						
Cement masons (Saginaw and Livingston Counties)	6.76	.15	.10			
Cement masons (remainder of counties)	6.51	.15	.10			
Laborers:						
Line—form setter for curb or pavement	6.03	.30	.20	.40		
Pipelayers	5.80	.30	.20	.40		
Asphalt raker	5.80	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.70	.30	.20	.40		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill, and air trace operators, curb and side rail setters' helpers, diamond and core drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.48	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.42	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters' helper, subgrade labor (hand tools) yard men, guard fence builders' helper, dumper (wagon, truck, jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes headwalls	5.34	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1-yd. capacity, and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over ¾-yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type and aimilar equipment), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with ⅞-yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trenche. (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1-yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
Truck drivers (remainder of county):						
Trucks, less than 8 cu. yd	6.54	a	b	$0.15		
Trucks, over 8 cu. yd	6.64	a	b	.15		
Trucks, Euclid type equipment	6.89	a	b	.15		
Truck drivers (Lapeer, St. Clair, Livingston and Lenawee Counties):						
Trucks less than 8 cu. yd	6.64	a	b	.15		
Trucks over 8 cu. yd	6.74	a	b	.15		
Trucks, Euclid type equipment	6.89	a	b	.15		

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

WD No. AM-393—36 F.R. 15867, St. Clair County, Mich., Modification No. 7

CHANGE:
Michigan 8PEOH:
Underground construction:
Power equipment operators:

Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end loader (over 1½ cu. yd. capacity), grader, scraper (self propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side doom tractor (type D-4 or equivalent and larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05
Trencher (8' digging capacity and smaller); endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D-4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05
Air compressors (1 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumperete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.86	.40	.45		.05
Hydraulic pipe pushing machine pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05
Oiler and firemen	7.31	.40	.45		

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
12—Mich. 3-Z:						
Highway, bridge, airport (exclusive of buildings) and sewer construction:						
Cement masons (Saginaw and Livingston Counties)	6.76	.15	.10			
Cement masons (remainder of counties)	6.51	.15	.10			
Laborers:						
Line—form setter for curb or pavement	6.03	.30	.20	.40		
Pipelayers	5.80	.30	.20	.40		
Asphalt raker	5.80	.30	.20	.40		
Asphalt tamper and asphalt raker helper	5.70	.30	.20	.40		
Tunnel miner (highway work only), finishers' tender, guard fence builder, bottom man, powder man, wagon drill and air trace operators, curb and side rail setters' helpers, diamond and core drills	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	5.48	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.42	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenters' helper, subgrade labor (hand tools), yard men, guard fence builders' helper, dumper (wagon, truck, jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor, pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls	5.34	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1 yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled) back hoe (with over ¾ yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.57	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, washing plants crushers, backhoes (with ⅞ yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)	6.31	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.85	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.60	.40	.45	10%	.02	
Truck drivers (remainder of county):						
Trucks, less than 8 cu. yd	6.54	a	b	$0.15		
Trucks, over 8 cu. yd	6.64	a	b	.15		
Trucks, Euclid type equipment	6.89	a	b	.15		
Truck drivers (Lapeer, St. Clair, Livingston, and Lenawee Counties):						
Trucks less than 8 cu. yd	6.64	a	b	.15		
Trucks over 8 cu. yd	6.74	a	b	.15		
Trucks, Euclid type equipment	6.89	a	b	.15		

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

WD No. AM-394—36 F.R. 15877, Oakland, Wayne, and Macomb Counties, Mich. Modification No. 6

CHANGE:
Michigan 8PEOH:
Underground construction:
Power equipment operators:

Power shovels, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent and larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	$0.40	$0.45		.05
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D-4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45		.05
Air compressors (2 or more—less than 600 c.f.m.), air compressors (600 c.f.m. or larger), pumperete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.86	.40	.45		.05
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hrs. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45		.05
Oiler and firemen	7.31	.40	.45		

V 37-34 FEB 18 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
11–Mich.–S:						
Highway, bridge, airport (exclusive of buildings) and sewer construction:						
Cement masons	6.76	.15	.10			
Laborers:						
Line—form setters for curb or pavement	6.55	.30	.20	.40		
Pipe layers	6.33	.30	.20	.40		
Asphalt raker	6.20	.30	.20	.40		
Asphalt tamper and asphalt raker helper	6.01	.30	.20	.40		
Tunnel miner (highway work only) finishers tender, guard fence builder, bottom man, powder man, wagon drill and air track operators, curb and side rail setters' helper, diamond and core drills	6.12	.30	20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	6.01	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.95	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor, misc., unskilled labor, form setting labor pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayers tender on manholes, headwalls	5.92	.30	.20	40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1-yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over ¾ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.65	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoes (with ⅜-yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.43	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.97	.40	.45	10%	.02	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service) flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.84	.40	.45	10%	.02	
Truck drivers:						
Trucks, less than 8 cu. yds	6.64	a	b	$0.15		
Trucks, over 8 cu. yds	6.74	a	b	.15		
Trucks, Euclid type equipment	6.89	a	b	.15		

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

WD No. AM-393—36 F.R. 15872, Washtenaw County, Mich., Modification No. 6

CHANGE:
Michigan SPECIII:
Underground construction
Power equipment operators:

Power shovels, cranes (crawler, truck type, or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, endloader (over 1½ cu. yd. capacity), grader, scraper (self-propelled or tractor drawn), dozer (9' blade and over), concrete paver (2 drum or larger), side boom tractor (type D–4 or equivalent and larger), elevating grader, roller (asphalt), Gradall (and similar type machine), batch plant operator (concrete), backfiller tamper, well drilling slip form paver, slope paver, conveyor loader (Euclid type)	8.74	.40	.45	.05	
Trencher (8' digging capacity and smaller), endloader (1½ cu. yd. capacity and smaller), dozer (less than 9' blade), side boom tractor (smaller than D–4 or equivalent), pump (1 or more 6" discharge or larger—gas or diesel powered or powered by generator of 300 a. or more—inclusive of generator), hoist, boom truck (power swing type boom), tractor (pneumatic-tired, other than backhoe or front endloader), crusher	8.61	.40	.45	.05	
Air compressors (2 or more—less than 600 c.f.m.) air compressors (600 c.f.m. or larger), pumpcrete machine (and similar equipment), mechanic helper, maintenance man, boom truck (nonswinging, nonpowered type boom), welding machine or generator (2 or more—300 a. or larger gas or diesel powered), pump (2 or more—4" up to 6" discharge—gas or diesel powered—excluding submersible pumps), concrete paver (1 drum—1½ yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck-mounted—includes compressor)	7.88	.40	.45	.05	
Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hr. or more a day—gas or diesel powered—excluding submersible pumps), trencher (service), boiler, vibrating compaction equipment, self-propelled (6' wide or over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt), curing machine (self-propelled), concrete saw (40 hp. or over)	7.31	.40	.45	.05	
Oiler and firemen	7.31	.40	.45		

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE:						
11—Mich.–S:						
Highway, bridge, airport (exclusive of buildings), and sewer construction:						
Cement masons	6.76	.15	.10			
Laborers:						
Line—form setters for curb or pavement	6.55	.30	.20	.40		
Pipe layers	6.33	.30	.20	.40		
Asphalt raker	6.20	.30	.20	.40		
Asphalt tamper and asphalt raker helper	6.01	.30	.20	.40		
Tunnel miner (highway work only) finishers tender, guard fence builder, bottom man, powder man, wagon drill and air track operators, curb and side rail setters' helper, diamond and core drills	6.12	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker and tunnel mucker (highway work only), concrete saw (under 40 hp.)	6.01	.30	.20	.40		
Cement handler or dockman, top man, asphalt dust handler	5.95	.30	.20	.40		
Asphalt shoveler or loader, asphalt plant miscellaneous, axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck), jetting labor, joint filling labor, miscellaneous, unskilled labor, form setting labor pavement reinforcing, handling and placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayers tender on manholes, headwalls	5.92	.30	.20	.40		
Power equipment operators:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloaders (1-yd. capacity and over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 a. or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over ¾ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), Gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt)	6.65	.40	.45	10%	.02	
Sweeper (Wayne type and similar equipment), asphalt paver (self-propelled), screening plants, washing plants, crushers, backhoes (with ⅜-yd. bucket or less), side boom tractor (smaller than D–4 type or equivalent)	6.43	.40	.45	10%	.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breaker, tractors (farm type with attachments)	5.97	.40	.45	10%	.02	
Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1-yd. capacity), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 hp. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment operators (6" wide or over), guard post drivers (power driven), all mulching equipment, stump remover	5.84	.40	.45	10%	.02	
Truck drivers:						
Trucks, less than 8 n cu. yds	6.64	a	b	$0.15		
Trucks, over 8 cu. yds	6.74	a	b	.15		
Trucks, Euclid type equipment	6.89	a	b	.15		

Footnotes:
a. $14.50 per week, per employee.
b. $12 per week, per employee.

WD No. AM-489—36 F.R. 16461, Harrison and Pearl River Counties, Miss., Modification No. 5

CHANGE:

Carpenters	5.90				
Millwrights	6.22				
Soft floor layers	5.90				

WD No. AM-490—36 F.R. 16464, Hinds County, Miss., Modification No. 5

CHANGE:

Plasterers	5.55	$0.15			

WD No. AM-493—36 F.R. 16468, Claiborne, Copiah, Hinds, Holmes, Humphreys, Issaquena, Madison, Rankin, Sharkey, Simpson, Warren, and Yazoo Counties, Miss., Modification No. 2

ADD:

Pipelayer	2.25				
Tractor operator (wheel type)	1.60				

WD No. AM-3613—36 F.R. 16744, Bernalillo County, N. Mex., Modification No. 4

ADD:

General building and heavy engineering construction:					
Plasterers	5.44	.24		.02	

WD No. AM-404—36 F.R. 15897, Butler County, Ohio, Modification No. 4

CHANGE:

Asbestos workers:					
Balance of county	9.36	.25	$0.30	.02	
Bricklayers	9.335	.25			
Glaziers:					
Middletown and vicinity	8.58				
Ironworkers, structural, ornamental, and reinforcing:					
Middletown and northeastern part of county	8.60	.40	.65	.02	
Oxford, Hamilton, and balance of county:					
Structural and ornamental	8.545	.40	.55	.015	
Reinforcing	8.445	.40	.65	.02	
Laborers (building construction):					
Common laborers	6.35	.35	.15		
Asphalt rakers, tamper, smoother, hand air pump, hand air tamper, chisel, vibrator power tamper operator	6.45	.35	.15		
Gunite operators, sandblasters, concrete pumps and hose men	6.70	.35	.15		
Mason tenders, mortar mixers and scaffold builders	6.66	.35	.15		
Lathers	6.04		.20	.01	
Marble setters	8.85	.35			
Marble setters' helpers	8.035				
Sheet metal workers	8.64	.25	.40	.10	
Soft floor layers:					
Northeast corner of county	7.35	.40	.40	.05	
Stonemasons	9.335	.25			
Terrazzo workers	8.85				
Terrazzo workers' helpers	7.965				
Tile setters	8.85	.25			
Tile setters' helpers	7.935				

V 37 N 34 F EB 18 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Carpenters and piledrivermen:						
Northeast corner of county	8.70	.30	.40		.025	
Millwrights	9.29	.30			.05	
Electricians	8.45	.30	1%+.30		½ of 1%	
Cable splicers	8.95	.30	1%+.30		½ of 1%	
Plumbers and steamfitters:						
North ½ of county	9.09	.20	$0.50		$0.05	
WD No. AM-405—36 F.R. 15902, Clark County, Ohio, Modification No. 4						
CHANGE:						
Bricklayers and stonemasons	8.05	.15				
Carpenters	7.90	.30	.35		.01	
Millwrights and piledrivermen	8.15	.30	.35		.01	
Cement masons (building)	8.05	.15				
Glaziers	8.58				.01	
Ironworkers, structural, ornamental, and reinforcing	8.45	.40	.65		.02	
Marble setters	8.05	.15				
Sheet metal workers	8.64	.25	.40		.10	
Soft floor layers	7.90	.30	.35		.01	
Terrazzo workers	8.05	.15				
Tile setters	8.05	.15				
WD No. AM-407—36 F.R. 15911, Franklin and Pickaway Counties, Ohio, Modification No. 5						
CHANGE:						
Painters:						
Brush, paperhanger, wall washer, and rollers	7.20	.15	.15			
Structural steel and swing stage	7.50	.15	.15			
Spray	7.70	.15	.15			
Sandblast and steam clean, bridges, heavy and highway	7.90	.15	.15			
Dry wall taper and finishers	7.60	.15	.15			
WD No. AM-408—36 F.R. 15915, Green and Montgomery Counties, Ohio, Modification No. 6						
CHANGE:						
Millwrights	8.72	.32	.10			
Glaziers	8.58				.01	
Ironworkers (within 15 mi. of Dayton):						
Structural, ornamental, and reinforcing	8.45	.40	.65		.02	
Ironworkers (beyond 15 mi. of Dayton):						
Structural, ornamental, and reinforcing	8.60	.40	.65		.02	
Lathers	8.04		.20		.01	
Plumbers and steamfitters:						
Remainder of Green County and all of Montgomery County	8.85	.25	.45		.05	
Sheet metal workers	8.64	.25	.40		.10	
Soft floor layers—resilient floor layer	7.81	.12	.10			
WD No. AM-409—36 F.R. 15920, Hamilton County, Ohio, Modification No. 4						
CHANGE:						
Abestos workers	9.36	.25	.30		.02	
Bricklayers	9.345	.25				
Ironworkers, structural and ornamental	8.545	.40	.65		.015	
Ironworkers, reinforcing	8.445	.40	.65		.02	
Marble setters' helpers	8.035					
Plumbers and gas fitters	9.255	.28	.26		.03	
Sheet metal workers	7.805	.25	.55		.02	
Resilient floor layers	7.35	.40	.40		.05	
Terrazzo workers' helpers and grinders	7.985					
Terrazzo base grinder	8.405					
Tile setters' helpers	7.935					
Carpenters and piledrivermen	8.70	.30	.40		.025	
Millwrights	9.29	.30			.05	
Marble setters	9.085					
WD No. AM-410—36 F.R. 15925, Licking County, Ohio, Modification No. 7						
CHANGE:						
Bricklayers and stonemasons	8.10	.30	.25		.02	
Laborers:						
Laborers	5.20	.30	.15	.15		
Air tool operator (jackhammer, vibrator)	5.40	.30	.15	.15		
Mason tender, hod carriers, scaffold builders	5.40	.30	.15	.15		
Mortar mixers, and mortar mixer operator	5.40	.30	.15	.15		
Pipelayers	5.40	.30	.15	.15		
Plasterers' tenders	5.40	.30	.15	.15		
Power driven tool and power buggy	5.40	.30	.15	.15		
Tile setters	8.10	.30	.25		.02	
WD No. AM-411—36 F.R. 15929, Lucas County, Ohio, Modification No. 7						
CHANGE:						
Ohio—29—LAB R:						
Laborers:						
Unskilled laborers	$7.61	.25	.10		.01	
Mason tenders	7.74	.25	.10		.01	
Gunite pot men, mortar mixers	7.81	.25	.10		.01	
Concrete pump nozzle man, all power driven tools and power buggies, burners and torchmen	7.765	.25	.10		.01	
Pipe layers, bellman and bottom man for fire brick work only	7.865	.25	.10		.01	
Nozzle operators for Gunite work	8.32	.25	.10		.01	
Caisson, cofferdam, tunnel, cylinder, shaft sewer, water, conduit, gas, oil, and pipelines except main lines:						
Pipe layers, bottom men (over 6'); shoring and cribbing	7.865	.25	.10		.01	
Mason tenders, winch operators	7.74	.25	.10		.01	
Mortar mixers	7.81	.25	.10		.01	
Caisson (over 25')	8.07	.25	.10		.01	
Miners (without pressure)	8.32	.25	.10		.01	
Muckers (without pressure)	8.06	.25	.10		.01	
Car pushers	7.95	.25	.10		.01	
Unskilled laborers	7.61	.25	.10		.01	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-413—36 F.R. 15934, Mahoning County, Ohio, Modification No. 5						
CHANGE:						
Roofers	$7.125	.35	.40		.01	
Roofers' helpers	65% JR	.35	.40		.01	
WD No. AM-414—36 F.R. 15943, Portage County, Ohio, Modification No. 5						
CHANGE:						
Lathers	$8.06	.30	.15		.01	
Roofers	8.34	.40	.30		.02	
WD No. AM-415—36 F.R. 15948, Stark County, Ohio, Modification No. 6						
CHANGE:						
Roofers	8.34	.40	.30		.02	
WD No. AM-416—36 F.R. 15953, Summit County, Ohio, Modification No. 5						
CHANGE:						
Lathers (southern portion of county)	8.06	.30	.15		.01	
Roofers	8.34	.40	.30		.02	
WD No. AM-417—36 F.R. 15958, Trumbull County, Ohio, Modification No. 3						
CHANGE:						
Roofers	7.125	.35	.40		.01	
Roofers' helpers	65% JR	.35	.40		.01	
WD No. AM-3601—36 F.R. 16755, Oklahoma County, Okla., Modification No. 3						
CHANGE:						
Carpenters	$5.90	.30			.02	
Millwrights	6.15	.30			.02	
Piledrivermen and power saw operator	6.15	.30			.02	
Soft floor layers:						
Resilient floor layers	5.35	.15				
Carpet layers	5.35	.15				
WD No. AM-3602—36 F.R. 16768, Tulsa County, Okla., Modification No. 6						
CHANGE:						
Bricklayers; stonemasons	6.64	.30	.35	.32	.06	
Carpenters	6.41	.15			.03	
Millwrights	6.71	.15			.03	
Piledrivermen	6.71	.15			.03	
Pipefitters	7.11	.35	.40		.05	
Plumbers	7.11	.35	.40		.05	
Soft floor layers	5.12		.15	.18	.05	
WD No. AM-3,555—36 F.R. 16773, Bexar County, Tex., Modification No. 7						
CHANGE:						
Building Construction:						
Electricians:						
Electricians	6.78	.20	1%		1%	
Cable splicers	7.03	.20	1%		1½%	
Power equipment operators:						
All foundation drilling rigs; all rollers (5 tons or over); backfiller; backhoe; blade graders (self-propelled); bull clam; bull-dozers; cableway; clamshell operator; crane (power-operated, all types); derricks (power operated, all types); draglines; DW-10 Caterpillar and similar tractors; elevating graders (self-propelled); Euclid; fork lift used on construction; gasoline or diesel-driven welding machines (7 to 12); Gradall; heavy duty mechanic; high lifts; hoist (two drums or more); locomotives; mixer (14 cu. ft. or over); mixmobile; paving mixers (all sizes); piledriver; pumpcrete machine operator; rock crusher operator on job; scoopmobile; scrapers; shovel (power operated); Turnapuils; trenching machines (all sizes); winch truck; all other equipment of similar nature, coming within the heavy equipment class, when power operated	6.15	.30	$0.20			
Air compressor (any time there are 3 or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); blade graders (towed); building elevator used on construction; flex planes; form graders; hoist (single drum); mixer (less than 14 cu. ft.); pneumatic roller; pulsometers; pump (2½ or larger shall require a light equipment operator); 3 to 6 welding machines or any 3 pieces of equipment of equal or similar nature, coming within the light equipment class when power operated; roller (under 5 tons); truck crane drivers	5.53	.30	.20			
Fireman	4.68	.30	.20			
Oiler	4.50	.30	.20			
WD No. AM-7,714—36 F.R. 22149, Travis County, Tex., Modification No. 4						
CHANGE:						
BUILDING CONSTRUCTION:						
Ironworkers:						
Structural; ornamental; reinforcing	6.015	.25	.40		$0.02	
WD No. AM-7,716—36 F.R. 22123, Lubbock County, Tex., Modification No. 5						
CHANGE:						
Building construction:						
Cement masons	4.75					
WD No. AM-11,401—37 F.R. 2722, Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller and Wharton Counties, Tex., Modification No. 1						
OMIT:						
Power equipment operators:						
Mixer 16 cu. yd. and less	3.55					
ADD:						
Power equipment operators:						
Mixer 16 cu. ft. and less	3.55					

VOL 37 NO 34 FEB 18 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-428—36 F.R. 15966, Brown County, Wis., Modification No. 5						
CHANGE:						
Building construction:						
Electricians	7.40	.23	.1%	3%	¼ of 1%	
Ironworkers:						
Structural, ornamental, reinforcing	7.71	.40	$0.50	$0.50		
Painters:						
Brush	6.00	.35				
Structural	6.35	.35				
Spray	6.38	.35				
Swing stage	6.38	.35				
Wisc 5—LAB—2-3 H:						
Heavy and highway construction:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strikeoff man; demolition and wrecking laborer; bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	$5.75	.25	.15		$0.02	
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer	5.80	.25	.15		.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D:						
Demolition burning torch laborer; bituminous worker: raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E:						
Powderman, blaster	5.95	.25	.15		.02	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
WD No. AM-424—36 F.R. 15970, Dane County, Wis., Modification No. 4						
CHANGE:						
Building construction:						
Asbestos workers	7.68	.35	.50	.50		
Carpenters	6.95	.25	.15			
Ironworkers:						
Structural, ornamental, reinforcing	7.42	.25	.25		.03	
Lathers	7.06	.20	.20		.01	
Millwrights	7.10	.25	.15			
Piledrivermen	7.10	.25	.15			
Soft floor layers	6.95	.25	.15			
WD No. AM-425—36 F.R. 15973, Eau Claire County, Wis., Modification No. 6						
OMIT:						
Building construction:						
Soft floor layers	6.15	.25	.25	.40	.03	
Footnote: d. Includes $0.10 holiday pay.						
CHANGE:						
Building construction:						
Carpenters	7.00	.25	.25		.03	
Laborers:						
Laborers, common	5.40	.25	.15			
Mason tender	5.40	.25	.15			
Mortar mixer and plaster laborer, air, gas, electric equipment, and vibrator operator, kettlemen, dumpmen and pitmen, burner on wrecking, scaffold builder and washing walls on swinging scaffold	5.55	.25	.15			
Gunnite man and nozzle men, puddlers (when concrete pumps and when working behind paving machine), cement dumper, scaffold builder, kettlemen, burner on wrecking, dumpmen and pitmen	5.55	.25	.15			
Jackhammer	5.65	.25	.15			
Millwrights	7.40	.25	.25		.03	
Piledrivermen	7.40	.25	.25		.03	
Wisc 5—LAB—2-3 H:						
Heavy and highway construction:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike-off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer	5.80	.25	.15		.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D:						
Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E:						
Powderman, blaster	5.95	.25	.15		.02	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-426—36 F.R. 15976, Juneau County, Wis., Modification No. 5						
CHANGE:						
Building construction:						
Asbestos workers	7.68	.35	.50	.50		
Carpenters:						
South of Highway No. 21 and east of county trunk No. 80:						
Carpenters	6.95	.25	.15			
Millwrights	7.10	.25	.15			
Piledrivermen	7.10	.25	.15			
Soft floor layers	6.95	.25	.15			
Ironworkers	7.42	.25	.25		.03	
Lathers	7.05	.20	.20		.01	
Wisc 5—LAB—2-3 H:						
Heavy and highway construction:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike-off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B:						
Formsetter (curb, walk and pavement); tree trimmer	5.80	.25	.15		.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D:						
Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E:						
Powderman, blaster	5.95	.25	.15		.02	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
WD No. AM-427—36 F.R. 15979, Kenosha County, Wis., Modification No. 6						
CHANGE:						
Building construction:						
Asbestos workers	7.68	.35	.50	.50		
Ironworkers	7.71	.40	.50	.50		
WD No. AM-428—36 F.R. 15984, La Crosse County, Wis., Modification No. 5						
OMIT:						
Building construction:						
Ironworkers, structural	7.85	.30	.25			
Ironworkers, ornamental	7.85	.30	.25			
Ironworkers, reinforcing	7.85	.30	.25			
ADD:						
Ironworkers (all but northwest corner of county) structural, ornamental, reinforcing	7.42	.25	.25		.03	
CHANGE:						
Building construction:						
Asbestos workers	7.68	.35	.50	.50		
Wisc 5—LAB—2-3 H:						
Heavy and highway construction:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike-off man; demolition and wrecking laborer; bituminous worker: Dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer	5.80	.25	.15		.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D:						
Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E:						
Powderman, blaster	5.95	.25	.15		.02	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
WD No. AM-429—36 F.R. 15988, Marathon County, Wis., Modification No. 5						
ADD:						
Building construction:						
Cable splicers	7.53	.25	1%	3%		
CHANGE:						
Building construction:						
Carpenters	6.33	.15	$0.10			
Millwrights	6.93	.15	.10			
Piledrivermen	6.83	.15	.10			
Electricians	7.03	.25	1%	3%		
Ironworkers	7.42	.25	$0.25		.03	

V37-34 FEB 18 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Wis. 5—LAB—2-3 H:						
Heavy and highway construction:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike-off man; demolition and wrecking laborer; bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer	5.80	.25	.15		.02	
Group C:						
Vibrator tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D:						
Demolition burning torch laborer; bituminous worker: Raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E:						
Powderman, blaster	5.95	.25	.15		.02	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	

WD No. AM-431—36 F.R. 15997, Polk County, Wis., Modification No. 4

OMIT:						
Building construction:						
Carpenters:						
Western half of county:						
Carpenters, millwrights, and pile-drivermen	7.13	.40	.15	$0.50	.02	
Soft floor layers	7.65	1				
Eastern half of county:						
Carpenters and soft floor layers	6.15	$0.25	.25	$0.40+f	.03	
Millwrights and piledrivermen	6.55	.25	.25	.40+f	.03	
Footnotes:						
1. Includes 0.10 holiday pay.						
1. Employer contributes $25 per month to H&W fund.						
1. With at least 1,700 hours of service during the current year, 1 week vacation after 1 year, 2 weeks after 3 years, 3 weeks after 15 years.						
ADD:						
Building construction:						
Carpenters	7.00	.25	.25		.03	
Millwrights	7.40	.25	.25		.03	
Piledrivermen	7.40	.25	.25		.03	
CHANGE:						
Wis. 5—LAB—2-3 H:						
Heavy and highway construction:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B:						
Formsetter (curb, walk, and pavement); tree trimmer	5.80	.25	.15		.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D:						
Demolition burning torch laborer; bituminous worker: raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E:						
Powderman, blaster	5.95	.25	.15		.02	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	

WD No. AM-432—36 F.R. 16000, Racine County, Wis., Modification No. 6

CHANGE:						
Building construction:						
Asbestos workers	7.68	.35	.50	$0.50		
Electricians (balance of county)	7.65	.27	1%	.7%	.78%	
Ironworkers, structural, and ornamental	7.71	.40	$0.50	$0.50		
Ironworkers, reinforcing	7.71	.40	.50	.50		
Wis. 17—LAB—2-3 L:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; tree trimmer; stone handler; reinforcing steel setter (pavement); guard rail builder; demolition and wrecking laborer; bituminous worker: shoveler, loader, utility man	6.23	.35	.20	.20	$0.20	
Group B:						
Puddler (concrete paving); batch truck dumper or cement handler; bituminous worker: Dumper, ironer, smoother, tamper	6.33	.35	.20	.20	.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); joint sawer or filler (pavement); demolition burning torch laborer; chain saw operator	6.38	.35	.20	.20	.02	
Group D:						
Air tool operator (hand operated)	6.43	.35	.20	.20	.02	
Group E:						
Strike-off man; formsetter (curb, walk and pavement)	6.48	.35	.20	.20	.02	
Group F:						
Bituminous worker; raker, luteman	6.53	.35	.20	.20	.02	
Group G:						
Powderman, blaster	6.88	.35	.20	.20	.02	
Group H:						
Sewer or water crew:						
Pipelayer	6.98	.35	.20	.20	.02	
Bottomman	6.58	.35	.20	.20	.02	
Topman	6.38	.35	.20	.20	.02	

SUPERSEDEAS DECISIONS

State: Oregon; Counties: Statewide.
Decision No. AM-6,703: Date of decision: Feb. 18, 1972.
Supersedes Decision No. AM-2,475, dated Aug. 27, 1971, in 36 F.R. 17217.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction, and dredging.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.35	$0.35	$0.60		$0.05	
Boilermakers	6.70	.30	.70	$0.45	.02	
Boilermakers' helpers	6.40	.30	.70	.45	.02	
Bricklayers; stonemasons:						
Clackamas, Clatsop, Columbia, Gilliam, Hood River North ½ of Lincoln, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the city of Maupin), Washington, and Yamhill Counties	7.10	.35	.35		.02	
Baker, North ½ of Malheur, Union, and Wallowa Counties	6.91	.15				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, South ½ of Lincoln, Linn, South ½ of Malheur, Wasco (including the city of Maupin and south thereof), and Wheeler Counties	6.75	.35	.35		.02	
Carpenters:						
Acoustical and drywall applicators; automatic nailing machine; carpenters; form strippers; manhole builders	6.38	.40	.35	.30	.03	
Piledrivermen, bridge, dock and wharf builders	6.48	.40	.35	.30	.03	
Floor layers and finishers; stationary power saw operators	6.50	.40	.35	.30	.03	
Boom men	6.58	.40	.35	.30	.03	
Millwrights and machine erectors	6.63	.40	.35	.30	.03	
Cement masons:						
Cement masons	5.91	.30	.25		.09	
Mastic worker; composition workers; gunite man; power machinery operator	6.035	.30	.25		.09	
Drywall tapers	5.85	.25		.50	.01	
Electricians:						
Malheur County:						
Electricians	6.52	.22	1%		2/10%	
Cable splicers	7.18	.22	1%		2/10%	
Baker, Gilliam, Grant, Morrow, Umatilla, Union, Wallowa, and Wheeler Counties:						
Electricians	7.12	.25	1%		$0.02	
Cable splicers	7.87	.25	1%		.02	
Coos, Curry, Lincoln, and those portions of Douglas and Lane Counties lying west of a line north and south from the northeast corner of Coos County to the southeast corner of Lincoln County:						
Electricians	7.14	.15	1%			
Cable splicers	7.85	.15	1%			
Clatsop and Tillamook Counties:						
Electricians	7.10	.15	1%+.30			
Cable splicers	7.60	.15	1%+.30			
Benton, Crook, Deschutes, Jefferson, Lane (except coast portion), Linn, Marion, Polk Counties, and S½ of Yamhill County:						
Electricians	6.80	.15	1%		.02	
Cable splicers	7.15	.15	1%		.02	
Clackamas, Columbia, Hood River, Multnomah, Sherman, Wasco, Washington Counties, and N½ of Yamhill County:						
Electricians	7.10	.15	1%+.30		.02	
Cable splicers	7.60	.15	1%+.30		.02	
Harney, Jackson, Josephine, Klamath, Lake Counties and that portion of Douglas lying east of a line running north and south from the corner of Coos County to the southeast corner of Lincoln County:						
Electricians	7.42	.15	1%		.02	
Cable splicers	7.87	.15	1%		.02	
Elevator constructors	6.84	.185	$0.20	2%+a		
Elevator constructors' helpers	70%JR	.185	.20	2%+a		
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	$6.22	.16	.20	4%	.01	
Ironworkers:						
Reinforcing	7.38	.43	.40		.03	
Fence erectors; ornamental; riggers; signal men; structural	7.38	.43	.40		.03	
Lathers:						
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, and Yamhill Counties	6.60	.15			.01	
Marble setters:						
Clackamas, Clatsop, Columbia, Gilliam, Hood River, North ½ of Lincoln, Marion, Multnomah, Morrow, Polk, Sherman, Tillamook, Wasco (north of the city of Maupin), Washington, and Yamhill Counties	6.80	.25	.35		.01	
Baker, North ½ of Malheur, Union, and Wallowa Counties	6.91	.15				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, South ½ of Lincoln, Linn, South ½ of Malheur, Wasco (including the city of Maupin and south thereof), and Wheeler Counties	6.55	.25	.25		.02	
Painters:						
Brush	6.30	.25	.15	$0.10	.015	
Spray	6.55	.25	.15	.10	.015	
High work over 100'	6.80	.25	.15	.10	.015	
High towers, ground to 100'	6.45	.25	.15	.10	.015	
High towers, ground to 300'	6.80	.25	.15	.10	.015	
High towers, ground to over 300'	7.30	.25	.15	.10	.015	
Plasterers	6.45	.25	.35		.01	
Plumbers; steamfitters:						
Baker, Harney (except northwest portion), and Malheur Counties	6.58	.28	.30		.05	
Grant (except southwest corner), Morrow, Umatilla, Wallowa, and Union Counties	7.15	.25	.45	.44	.06	
N½ of Benton, Lincoln, and Linn Counties, Marion, Polk, S½ of Tillamook, and Yamhill Counties	6.63	.35	.50	.75	.08	
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, N½ of Tillamook, Wasco, Wheeler, Washington Counties and N½ of Yamhill County	6.74	.40	.30		.06	
Coos, Curry, coast portion of Douglas County, Lane (city of Florence)	6.71	.35	.40		.0175	
Lane (except for city of Florence), Douglas (except coast portion), Crook, Deschutes, northwest portion of Harney, northern portions of Klamath and Lake Counties, S½ of Lincoln, Linn, Benton, and Jefferson Counties, and southwest corner of Grant County	7.20	.21	.30		.02	
Remainder of Klamath and Lake Counties	7.06	.25	.45	.50		
Jackson and Josephine Counties	6.85	.25	.15	.43	.02	
Roofers:						
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Tillamook, and Wasco Counties.						
Roofers	6.65	.45	.35			
Coal tar	7.15	.45	.35			
Coal tar in confined areas	7.40	.45	.35			
Wallowa County	6.25					
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Lane, and Malheur Counties	6.20	.25				

V37-34 FEB 18 72 XUM

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Sheet metal workers:						
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler, and Yamhill Counties	6.05	.20	.24	.24	.02	
	6.43	.22	.20	.40		
Malheur County	6.50	.22	.30			
Baker, Umatilla, Union, and Wallowa Counties	6.68	.22	.24			
Coos, Curry, Douglas, and Lane Counties	6.03	.22	.30			
Jackson, and Josephine	6.15	.25	.30	b	.05	
Soft floor layers	7.95	.20	.30		.05	
Sprinkler fitters						
Tile setters and terrazzo workers:						
Clatsop, Clackamas, Columbia, Gilliam, Harney, Hood River, N ½ of Lincoln, Marion, Morrow, Multnomah, Polk, Sherman, Wasco (north of the city of Maupin), Washington, Tillamook, and Yamhill Counties	6.55	.25	.24			
	6.91	.15				
Baker, North ½ of Malheur, Union, and Wallowa Counties	6.95	.25				
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, South ½ of Lincoln, Linn, South ½ of Malheur, Wasco (including the city of Maupin and south thereof), and Wheeler Counties	5.74	.25				
Tile setters' helpers						
Welders; riggers: Receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F. b. 4% of all gross wages to be placed to the credit of employees with less than 1 year of service. 6% to employees with more than 1 year of service.						
Laborers:						
Group I: Asphalt plant laborers; asphalt spreaders; batch weighman; broomers; brush burners and cutters; car and truck loaders; carpenter tender; change-house man or dry shack men; choker setters; clean up laborers; concrete laborers; crusher feeders; culvert, hand labor; curing, concrete; demolition, wrecking, and moving laborers; driller helpers; dumpers, road oiling crew; dumpmen (for grading crew); elevator feeders; fence builder (including guard rail, median rail, reference post, guide post, right-of-way marker); fine graders; form strippers (not swinging stages); general laborers; landscaping or planting laborers; leverman on aggregate spreader (Flaherty and similar types); loading spotters; material yard man (including electrical); Pittsburgh chipper operator or similar types; powderman helper; railroad track laborers; ribbon setters (including steel forms); rip rap man (hand placed); road pump tender; sewer labor; skipmen; signalman; sloopers; sprayemen; stake chaser—stake setter—grade checker; stockpiler; timber faller and bucker (hand labor); toolroom man (at job site) tunnel bull gang (above ground); weighman-crusher aggregate (when used)	5.25	.40	.45	$0.20	.02	
Group II: Applicator (including pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; burners; choker splicer; Clary power spreader and similar types; clean-up man; gunite nozzleman; greencutter (concrete rock, etc.); concrete power buggyman; demolition and wrecking charred materials; Gunite nozzleman tender; Gunite or sand blasting pot tender; handlers or mixers of all materials of an irritating nature including cement and lime); manhole builder; powertool operator includes but not limited to: chipping guns, jackhammer, paving breakers, post hole digger, air, gas, or electric, tampers, vibrating screed, vibrators (less than 4" in diameter); ribbon setter, head; rip rap man (head), hand placed; sand blasting (wet); sewer timbermen; timber buckers and fallers, brush cutters (power saw); tunnel-muckers, brakemen, concrete crew, bull gang (underground)	5.40	.40	.45	.20	.02	
Group III: Asphalt rakers; bid grinder; concrete saw operator; drill doctor; drill operator, air tracks, cat drills wagon drills, rubber-mounted drills, and other similar types; Gunite nozzleman; high scalers, strippers and drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); powdermen; power saw operators (bucking and falling merchantable logs); pumpcrete nozzlemen; sand blasting (dry); sewer pipe layers; track liners, anchor machines, ballast regulators, multiple tamper, power jacks; tugger operator; tunnel—chuck tenders, nippers, and timbermen; vibrators (4" and larger); water blaster	5.55	.40	.45	.20	.02	
Group IV: Tunnel miners; tunnel powderman	5.70	.40	.45	.20	.02	
Power equipment operators:						
Group I: Assistant conveyor; oiler, including plant and crusher; crusher feederman; deckhand; self-propelled scaffolding; guard rail punch oiler; pump under 4" brakeman; switchman; parts man (tool room)	6.10	.40	.50	.20		
Group II: Blade, pulled type; truck crane oiler-driver, 25-ton capacity or over; fireman, all equipment; A-frame truck, single drum; tugger or coffin type hoist, any power; drill helper; auger oiler; boatman; forklift or lumber stacker; temporary heating plant; grade oiler, required to check grade; grade checker; tar pot fireman; tar pot fireman (power agitated); H.D. repairman helper; Welder's helper; fireman helicopter radio-man (ground); roller, rock	6.24	.40	.50	.20		
Group III: Plant fireman; pugmill truck mounted asphalt spreader, with screed; compressor, any power, under 1,000 cu. ft. total capacity; mixer box concrete plant; concrete conveyor; cement hog; concrete saw, self-propelled unit; wire mat machine or booming machine; concrete curing machine, self-propelled; bucket elevator loader, Barber Greene and similar type; hydraulic pipe press; pump any power, 4" and over; hydrostatic pump; motorman; ballast jack tamper; bell boy, phones, etc.; tamping machine, mechanical self-propelled; hydrographic seeder machine, straw, pump or seed; broom operator, self-propelled; air filtration equipment; welding machine	6.34	.40	.50	.20		
Group IV: Screed; compactor, including vibratory; compressor, over 1,000 cu. ft. total capacity; concrete mixer, single drum, under 5-bag capacity; concrete cooling machine; combination mixer and compressor, gunite work; helicopter hoist; forklift, over 5 tons; Lull Hi-Lift or similar type, 20 ft. or over; service oiler (greaser); Hydra Hammer or similar types; pavement breaker; pump, more than 3, any size; locomotive, under 40 tons; roller, oiling, CTB	6.50	.40	.50	.20		
Group V: Curb machine, mechanical berm, curb and/or curb and gutter; Wagner Factor or similar type (without blade); batch plant material control; power jumbo, setting slip forms, etc. in tunnels; slip form pumps, power driven hydraulic lifting device for concrete forms; hoist, single drum; elevator, diesel, gas, engineer; chip spreading machine; lime spreading sweeper (Wayne type) self-propelled; tractor, rubber-tired 80 hp. flywheel and under; trenching machine, maximum digging capacity 3 ft. depth	6.52	.40	.50	.20		
Group VI: Asphalt plant; asphalt paver; Maginnis, internal full slab vibrator; concrete finishing machine, Clary, Johnson, Bidwell, Burgess, bridge deck or similar type; curb machine, mechanical berm, curb and/or curb and gutter; concrete joint machine; concrete planer; cast in place pipe laying machine; concrete paving machine; concrete spreader; loaders, rubber-tired type, 2½ cu. yd. and under; rock spreader, self-propelled	6.60	.40	.50	.20		

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Power equipment operators—Continued						
Group VII: Roller, asphalt; concrete mixer, single drum, 5-bag capacity and over; beltcrete; pumperete; cement pump, Fuller-Kenyon and similar; grouting machine; concrete pump; tower mobile; A-frame truck, double drums; boom truck; churn drill and earth boring machine; hydraulic backhoe, wheel type ¾ cu. yd. and under with or without front end attachments 2½ cu. yd. and under (Ford, John Deere, Case type); elevating grader, tractor and towed requiring operator or grader; pot rammer; ballast regulator; ballast tamper multi-purpose; track liner; tie spacer; shuttle car; locomotive, 40 tons and over	6.66	.40	.50	.20		
Group VIII: Diesel-electric engineer, plant or floating; batch plant and/or wet mix, 1 and 2 drums; generator; diesel-electric engineer; belt loaders, Kolman and Ko Cal types	6.76	.40	.50	.20		
Group IX: Bulldozer; drill cat; side-boom cat; compactor, with blade; Chicago boom and similar types; lift slab machine; boom type lifting device, 5 tons capacity or less; cherry picker or similar type crane-hoist 5-ton capacity or less; grizzley; crusher plant; boring machine; surface heater and planer; hydraulic backhoe, truck type ½ cu. yd. loader, front end and overhead 2½ cu. yd. and under 4 cu. yd.; pipe cleaning machine; pipe doping machine; pipe bending machine; pipe wrapping machine; bolt threading machine; drill doctor; including bit grinder; H.D. mechanic; H.D. welder; machine tool operator; Stationary drag scraper; tractor rubber-tired over 80 hp. flywheel; tractor, rubber-tired with boom attachments; trenching machine maximum digging capacity over 3 ft. depth	6.82	.40	.50	.20		
Group X: Bulldozer, twin-engine (TC 12 and similar type); cable-plow; compactor, multi-engine; driller—percussion, diamond, core, cable, rotary, and similar types; jack operator elevating barges; barge operator, self-unloading; combination H.D. mechanic-welder; welder—certified; rubber-tired dozers and pushers (Michigan, Cat, Hough type)	6.88	.40	.50	.20		
Group XI: Mixer mobile; crane, 25 tons and under; shovel, dragline, clamshell, hoe, etc., under 1 cu. yd.; Gradall, under 1 cu. yd.; mucking machine	6.90	.40	.50	.20		
Group XII: Blade; batch plant and/or wet mix, 3 units or more; hoist, 2-drum; hoist, 3 or more drums; elevating loader, Athey and similar types; piledriver (not crane type); rubber-tired scraper, single engine, single scraper; scraper—self-loading, paddle wheel ladder type; rubber-tired scraper, twin engine; rubber-tired scraper, with push-pull attachments; blade mounted spreaders, Ulrich and similar types; shield operator	6.96	.40	.50	.20		
Group XIII: Blade, finish (working with either red or blue tops); blade, electronically controlled by wire or laser beams; blade, multi-engine; concrete paving and road mixer; bridge crane, locomotive, gantry, overhead; derrick, under 100 tons; hoist, stiffleg, guy derrick or similar type 50 tons and over; cableway, up to 25 tons; crane, over 25 tons and including 40 tons; tower crane; piledriver (not crane type); floating clamshell, etc., under 3 cu. yd.; floating crane (derrick barge), less than 30 tons; hydraulic backhoe, truck type over ¾ cu. yds. elevating grader, operated by tractor, Sierra, Euclid, or similar types; back-filling machine; shovel, etc., 1 cu. yd. but less than 3 cu. yd.; Gradall, 1 cu. yd. and over; back filling machine	7.04	.40	.50	.20		
Group XIV: Rubber-tired scraper with tandem scraper	7.20	.40	.50	.20		
Group XV: Rock hound; leader, 4 cu. yd. but less than 6 cu. yd	7.36	.40	.50	.20		
Group XVI: Auto grader (i.e. CMD) or trimmer; tandem bulldozer, quad-nine and similar type; automatic concrete slip form paver; concrete canal liner; cableway, 25 tons and over; crane, over 40 tons and including 100 tons; whirley, 80 tons and under; floating clamshell, etc., 3 cu. yd. and over; floating crane (derrick barge), 30 tons but less than 80 tons; loader, 6 cu. yd., but less than 8 cu. yd., loader 8 cu. yd., but less than 12 cu. yd.; rubber-tired scraper, with tandem scrapers, multi-engine; shovel, etc. 3 cu. yd. but less than 5 cu. yd.; wheel excavator, under 750 cu. yd. per hour	7.54	.40	.50	.20		
Group XVII: Crane, over 100 tons and including 200 tons; whirley over 80 tons and including 150 tons; floating crane (derrick barge), 80 tons but less than 150 tons; loader, 12 cu. yd. and over; shovel, etc., 5 cu. yd. and over; canal trimmer	7.68	.40	.50	.20		
Group XVIII: Crane, over 200 tons; whirley, 150 tons and over; floating crane 150 tons but less than 250 tons; wheel excavator, over 750 cu. yd. per hour; band wagons, in conjunction with wheel excavator	7.80	.40	.50	.20		
Group XIX: Helicopter; when used in erecting work; floating crane 250 tons and over; remote controlled earth moving equipment (no one operator shall operate more than two pieces of moving equipment at one time); underwater equipment, remote or otherwise	8.00	.40	.50	.20		
Truck drivers: Battery rebuilder; bus or man-haul driver; concrete buggies (power operated); dump trucks, side, and and bottom dumps, including semi-trucks and trains or combinations thereof: 5 cu. yd. and under; lift jitneys, fork lifts (all sizes used in loading, unloading and transporting material on job site); loader and/or leverman on concrete dry batch plant (manually operated); pilot car; solo flat bed and miscellaneous body trucks, 0–10 tons; truck helper; truck mechanic helper; warehouseman (warehouse parts, tool man and parts chaser, checker and receivers); water wagons (rated capacity), up to 1,600 gal	5.93	.35	.40	.15		
"A" frame or hydra-lift truck w/load bearing surface; lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combination; team drivers	5.98	.35	.40	.15		
Dump trucks, side, end and bottom dumps, including semi-trucks and trains or combination thereof: over 6 cu. yd. including 10 cu. yd.; slurry truck driver or leverman; transit mix and dry or wet trucks: 5 cu. yd. and under; tireman (full-time basis); water wagons (rated capacity): 1,600 to 3,000 gal	6.03	.35	.40	.15		
Flaherty spreader driver or leverman; low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; lumber carrier driver—straddle carrier (used in loading, unloading and transporting of materials on job site); oil distributor driver or leverman; water wagons (rated capacity): 3,000 to 5,000 gal	6.08	.35	.40	.15		
Dumpster or similar equipment, all sizes; transit mix and wet or dry mix trucks; over 5 cu. yd. and including 7 cu. yd	6.13	.35	.40	.15		
Dump trucks, side end, and bottom dumps, including semi-trucks and trains or combinations thereof: over 10 cu. yd. and including 20 cu. yd.; transit mix and dry or wet mix trucks: over 7 cu. yd. and including 9 cu. yd.; truck mechanic—welder—body repairman; water wagons (rated capacity): 5,000 to 7,000 gal	6.28	.35	.40	.15		
Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combination thereof: over 20 cu. yd. and including 30 cu. yd.; transit mix and wet or dry mix trucks: over 9 cu. yd. and including 11 cu. yd.; water wagons (rated capacity); over 7,000 gal. to 10,000 gal	6.33	.35	.40	.15		
Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combination thereof: over 30 cu. yd. and including 40 cu. yd.; transit mix and wet or dry mix trucks: over 11 cu. yd. and including 13 cu. yd.; water wagons (rated capacity): over 10,000 gal. to 15,000 gal	6.43	.35	.40	.15		
Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combination thereof: over 40 cu. yd. and including 50 cu. yd.; transit mix and wet or dry mix trucks: over 13 cu. yd. and including 15 cu. yd	6.53	.35	.40	.15		
Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combination thereof: over 50 cu. yd. and including 60 cu. yd	6.70	.35	.40	.15		
Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combination thereof: over 60 cu. yd. and including 70 cu. yd	6.90	.35	.40	.15		

V 37 34 FEB 18 72 XUM

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Truck drivers—Continued						
Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combination thereof: over 70 cu. yd. and including 80 cu. yd	6.90	.35	.40	.15		
Dump trucks, side, end, and bottom dump, including semi-trucks and trains or combination thereof: over 80 cu. yd. and including 90 cu. yd	7.00	.35	.40	.15		
Dump trucks, side, end, and bottom dump, including semi-trucks and trains or combination thereof: over 90 cu. yd. and including 100 cu. yd	7.10	.35	.40	.15		
Drivers and helpers (handling sacked cement add $0.15 per hour).						
Winch truck—takes classification of truck on which winch is mounted.						
Dredging:						
Dipper leverman:						
(a) 5 yards and under	7.59	.40	.50	.20		
(b) Over 5 yards	8.14	.40	.50	.20		
Leverman, hydraulic	7.20	.40	.35	.20		
Assistant engineer (electric generator operator for primary pump; power barge or dredge)	6.88	.40	.50	.20		
Assistant engineer (electric, diesel, steam or booster pump); mates and boatmen	6.78	.40	.50	.20		
Engineer welder; craneman	6.83	.40	.50	.20		
Fireman; oiler	6.44	.40	.50	.20		
Assistant mate (deckhand)	6.34	.40	.50	.20		
Line Construction—Oregon e (1):						
Cable splicers; leadman pole sprayer	8.02	.15	1%			½%
Lineman; pole sprayer; heavy line equipment man; certified lineman welder	7.24	.15	1%			½%
Tree trimmer	6.54	.15	1%			½%
Line equipment man	6.34	.15	1%			½%
Head groundman (chipper); head groundman; powderman; jackhammer man	5.46	.15	1%			½%
Groundman: tree trimmer helper	5.15	.15	1%			½%
Hole digger	4.93	.15	1%			½%
State: Wisconsin County: Milwaukee.						
Decision No. AM-8584; Date of decision: Feb. 18, 1972.						
Supersedes Decision No. AM-430 dated Aug. 18, 1971, in 36 F.R. 15991.						
Description of work: Building, heavy and highway construction, including residential construction and dredging.						
Asbestos workers	$7.68	$0.35	$0.50	$0.50		
Boilermakers	7.80	.30	.85		$0.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers:						
Bricklayers	7.59	.50	.50	.55		
Carpenters	7.11	.40	.50	.50		
Millwrights	7.41	.40	.50	.50+a		
Piledrivermen	7.34	.40	.50	.50		
Leaderman	7.74	.40	.50	.50		
Welder-burner	7.34	.40	.50	.50		
Loftman	7.44	.40	.50	.50		
Cement masons	6.85	.40	.50	.50		
Electricians	7.76	.37	1%+0.20	7%	25%	
Elevator constructors	6.94	.17	$0.185	2%+a&h	$0.005	
Elevator constructos' helpers	70% J R	.17	.185	2%+a&h	.005	
Elevator constructos' helpers (prob)	50% J R					
Glaziers	$5.10	.35	.40	$0.50		
Ironworkers, structural and ornamental	7.71	.40	.50	.50		
Ironworkers, reinforcing	7.71	.40	.50	.50		
Lathers	6.72	.40	.50	.65	.03	
Leadburners	6.35	.25		c	.01	
Line construction:						
Linemen	6.15	.15	1%+.10	7%	0.8%	
Equipment operator class A	4.95	.15	1%+.10	7%	.8%	
Equipment operator class B	4.70	.15	1%+.10	7%	.8%	
Groundmen—experienced	4.43	.15	1%+.10	7%	.8%	
Marble setters	6.97	.50	$0.50	$0.55		
Marble setters' helpers	6.07	.30	.50	.50		
Painters:						
Brush	6.66	.40	.25	.50		
Swing stage, up to 80 ft	6.81	.40	.25	.50		
Structural steel	7.01	.40	.25	.50		
Spray and sandblasting	7.01	.40	.25	.50		
Swing stage, 80 ft. and over	6.91	.40	.25	.50		
Plasterers	6.72	.40	.50	.65	$0.01	
Plumbers and gasfitters	7.57	.40	.50	.50	.03	
Roofers:						
Mastic work:						
Spreaders	7.12	.40	.50	.50		
Rubbers and Kettlemen	6.92	.40	.50	.50		
Additional help	6.67	.40	.50	.50		
Tower work:						
Without swings	7.07	.40	.50	.50		
With swing seat or bos'n chair	7.37	.40	.50	.50		
Slate, tile and transite work:						
Roofers	7.07	.40	.50	.50		
Steepy and siding work:						
Composition, damp and waterproof roofers	6.92	.40	.50	.50		
Sheet metal workers	6.56	.20	.25	.50		
Soft floor layers	6.91	.40	.50	.50+a		
Sprinkler fitters	8.35	.25	.40		.02	
Steam fitters	7.62	.35	.50	.50	.02	
Stone masons	7.59	.50	.50	.55		
Terrazzo workers	6.22	.30	.30	.22		
Terrazzo workers' helpers	5.40	.30	.25	d		
Terrazzo base machine operator	5.60	.30	.25	d		
Tile setters	6.85	.20	.50	$0.45		
Tile setters' helpers	6.07	.30	.50	.50		

Welders—receive rate prescribed for craft performing operation to which welding is incidental.

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Holidays: A through F.
b. Empolyer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.
d. Additional payment of 4 hours per month plus $0.08 per hour weekly for employee who has worked less than 5 years—5½ hours per month for employee who has worked 5 years or more.

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Wisc. 13-Lab. F:						
Laborers (building construction):						
General laborers, form stripper, concrete worker, mason tender	6.18	.35	.50	.50		
Scaffold builder, pitman or dumpman, building wrecker, hod carrier, mortar mixer, vibrator operator, kettleman, air spade operator	6.29	.35	.50	.50		
Barco tamper, jackhammer operator, sheeting driver, gunite man, concrete buster	6.40	.35	.50	.50		
Topman on chimney (up to 50')	6.29	.35	.50	.50		
Nozzleman	6.69	.35	.50	.50		
Plasterer laborer	6.39	.35	.50	.50		
Topman (every additional 50 ft.)	6.54	.35	.50	.50		
Caisson work	6.84	.35	.50	.50		
Caisson worker—top man	6.49	.35	.50	.50		
Bridge, road and railway construction:						
General laborer	6.23	.35	.50	.50		
Vibrator, pitman, and dumpman	6.29	.35	.50	.50		
Bullfloat, strikeoff man, puddler, cement dumper	6.34	.35	.50	.50		
Formsetter	6.51	.35	.50	.50		
Wisc. 1 PEO Z:						
Building and heavy construction:						
Power equipment operators:						
Tower crane	8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver and skid rigs	8.04	.25	.25		.05	
Concrete paver (over 27E), concrete spreader and distributor	7.89	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 hp.), bulldozer (over 40 hp.), forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and power operator, roller (over 5 tons)	7.79	.25	.25		.05	
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 hp.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames and winch trucks, concrete auto breaker, hydrohammer (small), brooms and sweepers	7.39	.25	.25		.05	
Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman—asphalt plants	7.10	.25	.25		.05	
Generators over 150 kw., air compressors over 300 cu. ft., and pumps over 3", augers (vertical and horizontal)	7.06	.25	.25		.05	
Combination small equipment operators: Air, electric, hydraulic jacks (slip form); compressors (under 300 c.f.m.); welding machine; heaters (mechanical); prestress machine; bobcats; generators (under 150 kw.); pumps (3" and under); winches (small electric); oiler and greaser	6.94	.25	.25		.05	
Forklift (12' and under)	6.75	.25	.25		.05	
Endloader (over 40 hp.)	7.79	.25	.25		.05	
Wis. 6-TD m:						
Building construction:						
Truck drivers:						
Excavating, paving, batch work, gas, pipe, sewer and tunnel work, asphalt blacktop snow removal, ashes:						
Two-axle trucks	5.095	a10.50	a10.00		b	
Three-axle trucks and semitrailer	5.145	a10.50	a10.00		b	
Ready mix concrete truck	5.395	a10.50	a10.00		b	
Cinders, sand, gravel, stone and gravel pit stripping:						
Two-axle trucks	5.045	a10.50	a10.00		b	
Three-axle trucks and semitrailers	5.095	a10.50	a10.00		b	
Building materials:						
Two-axle trucks	5.095	a10.50	a10.00		b	
Three-axle trucks	5.145	a10.50	a10.00		b	
Helpers	4.985	a10.50	a10.00		b	
Warehousemen	5.035	a10.50	a10.00		b	

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Per week for each employee.
b. Six paid holidays: A through F.

Wis-9-Lab (S & T) L:						
Sewer, water, and tunnel construction:						
Laborers:						
Tunnel (free air):						
Blaster	6.77	.35	.50	$0.50		
Concrete manhole builder, concrete buster, jackhammer operator & rock driller, caisson worker and pipe layer, caulker, joint man and pipe yarner, bracerman, nozzle man on Gunite, and timber man—concrete brusher	6.61	.35	.50	.50		
Topman and sawman	6.05	.35	.50	.50		
Muckers, mucking machine and dinkey	6.22	.35	.50	.50		
Form strippers and car pushers	6.22	.35	.50	.50		
Tower man and general labor on surface	6.00	.35	.50	.50		
Miner, mining machine and welder	6.71	.35	.50	.50		
Tunnel (compressed air):						
Miner, mining machine and welder	7.06	.35	.50	.50		
Lock tender in tunnel, concrete buster, jackhammer operator and rock driller, caisson worker and pipe layer, caulker joint man and pipe yarner, bracerman, nozzleman on Gunite, timber man, concrete brusher	6.99	.35	.50	.50		
Mucker	6.82	.35	.50	.50		
Form stripper and car pusher	6.72	.35	.50	.50		
Lock tender on surface	6.63	.35	.50	.50		
Open cut:						
Concrete manhole builder, caisson worker and miner, pipe layer, caulker, joint man and pipe yarner, timber man and concrete brusher, bracer in trench behind machine, bracer in tight sheeting, concrete formsetter and shoveler, concrete buster, jackhammer operator and rock driller	6.61	.35	.50	.50		
Blaster	6.77	.35	.50	.50		
Mucker, form stripper, bottom digger and miscellaneous bottom man	6.23	.35	.50	.50		
Gunite man on top and scaffold man, mud mixer	6.05	.35	.50	.50		

V37-34 FEB 18 72 XUM

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Wisc 6—LAB-2-3 S:						
Heavy and highway construction:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; tree trimmer; stone handler; reinforcing steel setter (pavement); guard rail builder; demolition and wrecking laborer; bituminous worker: Shoveler, loader, utility man	6.23	.35	.25	.25	.02	
Group B:						
Puddler (concrete paving); batch truck dumper or cement handler; bituminous worker: Dumper, ironer, smoother, tamper	6.33	.35	.25	.25	.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); joint sawer or filler (pavement); demolition burning torch laborer; chain saw operator	6.38	.35	.25	.25	.02	
Group D:						
Air tool operator (hand operated)	6.43	.35	.25	.25	.02	
Group E:						
Strike off man; form setter (curb, walk and pavement)	6.48	.35	.25	.25	.02	
Group F:						
Bituminous worker; raker, luteman	6.53	.35	.25	.25	.02	
Group G:						
Powderman, blaster	6.88	.35	.25	.25	.02	
Wisconsin 7-LAB-3 J:						
Laborers (asphalt paving):						
Rakers and luteman	4.99	.30	.15	.20		
Ironer	4.74	.30	.15	.20		
Dumper	4.74	.30	.15	.20		
Asphalt laborers	4.47	.30	.15	.20		
Shovelers	4.47	.30	.15	.20		
Wisc. 6 PEO T & S G:						
Sewer, tunnel, water and utilities:						
Power equipment operators:						
Air compressor	5.52	.20	.15			
Caisson excavators	5.97	.20	.15			
Fireman	5.41	.20	.15			
Helper and oiler	5.52	.20	.15			
Pump	5.47	.20	.15			
Well point pump operator	5.58	.20	.15			
Hoist No. 1 (no swinging)	5.97	.20	.15			
Loading and unloading device	5.69	.20	.15			
Pumps concrete	5.97	.20	.15			
Backfiller (sewer, water and tunnel)	5.97	.20	.15			
Clamshell and orange peel	5.97	.20	.15			
Crane	5.97	.20	.15			
Derrick	5.97	.20	.15			
Dragline	5.97	.20	.15			
Elevator on tunnel	5.61	.20	.15			
Tractor or bulldozer (40 hp. or less)	5.80	.20	.15			
Tractor or bulldozer (over 40 hp.)	5.97	.20	.15			
Hoe	5.97	.20	.15			
Horizontal drill (large not manually handled)	5.97	.20	.15			
Locomotive crane	5.97	.20	.15			
Pile driver	6.97	.20	.15			
Mixer	5.80	.20	.15			
Power shovel	5.97	.20	.15			
Skimmer scoop	5.97	.20	.15			
Trench machine	5.97	.20	.15			
Tractor wagon	5.80	.20	.15			
Turnapull	5.86	.20	.15			
End loader	5.80	.20	.15			
Straddle carrier	5.80	.20	.15			
Scraper	5.97	.20	.15			
Side-boom tractor (large)	5.80	.20	.15			
Side-boom tractor (small)	5.58	.2p	.15			
Stump cutting equipment	5.30	.20	.15			
Mechanic helper	5.58	.20	.15			
Mechanic and/or welder						
Tunnel classification:						
Mucking machine:						
Free air	5.81	.20	.15			
Compressed air	6.19	.20	.15			
Dinkey locomotive:						
Free air	5.81	.20	.15			
Compressed air	6.19	.20	.15			
Wisc.—4—PEO-3-K:						
Highway construction:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete) batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatmen; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydro. back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy duty, equip.; mixer or paver (21 cu. ft. or over), pile driver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Belting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; fork lift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical heavy); generators; greaser, heavy equipment, lead-man; mudjacks; stump chipper; tankcar heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic tired roller farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 inches); surge bin operator	6.86	.25	.25		.05	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WISCONSIN-1-TD O:						
Heavy and highway construction:						
Truck drivers:						
Two-axle truck	5.73	a	b	.35+c		
Three or more axle truck	5.88	a	b	.35+c		
Euclids or dumpster type hauling units	5.88	a	b	.35+c		
Truck mechanic	5.88	a	b	.35+c		
Truck mechanics' helpers	5.73	a	b	.35+c		
Footnotes:						
a. $12.50 per week for employee who has been on payroll 30 days or longer.						
b. $10 per week.						
c. Includes $0.10 contribution to holiday fund.						
DREDGING: 5 Great Lakes X:						
Dipper and hydraulic dredging:						
Chief engineer	7.5850	.25	.15		a	
Operators	7.52875	.25	.15		a	
Assistant engineers	7.25125	.25	.15		a	
Firemen, oilers	6.44875	b 3.00	.25		a	
Welder	7.17125	.25	.15		a	
Deckhands	6.40375	b 3.00	.25		a	
Scowman—Chicago and South Chicago	6.425	b 3.00	.25		a	
Scowman—other ports	6.40375	b 3.00	.25		a	
Pipeline men	6.40375	b 3.00	.25		a	
Cranemen—dipper dredging	7.17125	.25	.15		a	
Spill barge operator—hydraulic dredging	7.17125	.25	.15		a	
Drill boats:						
Engineers	7.1575	.25	.15		c	
Blasters	7.2575	.25	.15		c	
Firemen	6.88	.25	.15		c	
Drillers, welders, or machinists	7.15875	.25	.15		c	
Oilers and helpers	6.73875	.25	.15		c	
Tug engineers and operators	6.94125		.40		a	
Tug firemen, linemen, and oilers:						
Chicago and South Chicago	6.54	b 3.00	.40		a	
(Michigan City, Ind., to Waukegan, Ill., both included) all other parts	6.505	b 3.00	.25		a	
Floating equipment (clamshell, dragline and marine construction):						
Engineer and operator	8.55f				d & e	
Equipment operator	7.86f				d & e	
Firemen	7.47f				d & e	
Oilers	7.18f				d & e	
Engineer helpers, rangermen, rodemen sweepers:						
Engineer helpers, rangermen, rodemen, or sweepmen	5.10	b 3.00			a	
Service truck drivers	4.73	b 3.00			a	

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, 1 additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in 1 calendar year. Employee not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.
b. Per day, per employee.
c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, 1 additional day of vacation with pay for each additional 21⅔ days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.
d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.
e. ½ day vacation for each full 12 days employment in 1 calendar year.
f. Plus $0.80 in fringe benefits.

State: Wisconsin; County: Rock.
Decision No.: AM-8585; Date of decision: Feb. 18, 1972.
Supersedes Decision No. AM-433 dated Aug. 18, 1971, in 36 F.R. 16005.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy, and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building construction:						
Asbestos workers	$7.68	$0.35	$0.50	$0.50		
Boilermakers	7.80	.30	.85		$0.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers and stonemasons	7.54					
Carpenters	7.15	.20	.15		.02	
Millwrights	7.65	.20	.15		.02	
Piledrivermen	7.30	.20	.15		.02	
Soft floor layers	7.15	.20	.15		.02	
Cement masons	6.60	.15	.20			
Electricians	7.12	.25	1%	6.5%+d	.25%	
Cable splicers	7.62	.25	1%	6.5%+d	.25%	
Elevator constructors:						
Southern portion of county	6.57	.17	$0.185	2%+b&c	$0.005	
Northern portion of county	6.75	.17	.185	2%+a&b	.005	
Elevator constructors' helpers:						
Southern portion of county	70% J R	.17	.185	2%+b&c	.005	
Northern portion of county	70% J R	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% J R					
Glaziers:						
Northern two-thirds of county	$06.50	.25	.20			
Southern one-third of county	4.55	.14	.10	3%		
Ironworkers (all):						
Vicinity of Edgerton, Milton, Poolville, and Evansville	7.42	.25	.25		.03	
Vicinity of Janesville, Beloit, Oxfordville, Shopiers and Clinton	8.00	.175	.125			
Lathers:						
Eastern one-half	7.35		.35		.01	
Southwestern portion	5.74	.15	.10		.01	
Remainder of county	6.75	.20	.20		.01	
Lead burners	6.35	.25		o	.01	

V37-34 FEB 18 72 XUM

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building construction—Continued						
Line construction:						
Linemen and digger operator	7.13	.15	1%		.28%	
Groundmen	4.65	.15	1%		.28%	
Equipment operators	4.85	.15	1%		.28%	
Painters:						
Brush	6.53	.30	$0.30		$0.01	
Structural steel (brush)	6.68	.30	.30		.01	
Spray	7.28	.30	.30		.01	
Swing stage	6.78	.30	.30		.01	
Plasterers	7.20	.15	.20			
Plumbers	6.85	.18		$0.17		
Roofers:						
Composition	4.85	.15	.40			
Slate slab work, tile and asbestos	5.20	.15	.40			
Helpers	3.80	.15	.40			
Sheet metal workers	7.45	.22	.20	.18		
Sprinkler fitters	8.00	.25	.40		.06	
Steamfitters	6.85	.18		.17		
Terrazzo workers	7.54					
Terrazzo workers' helpers:						
Northern one-half of county	5.40	.30	.20	e		
Reminder of county	5.15	.10				
Tile setters	7.54					
Tile setters' helpers:						
Northern one-half of county	6.07	.30	.50	$0.50		
Reminder of county	5.15	.10				
Truck drivers	4.92	.15		.10+a		

Welders receive rate prescribed for craft performing operation to which welding is incidental.

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Holidays: A through F.

b. Employer contribntes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 2% of rate for employee who has worked less than 5 years.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Includes 1.5% holiday pay.

e. Additional payment of 4 hours per month and $0.03 per hour weekly for employee who has worked less than 5 years. 6½ hours per month for 5 years or more.

WISC. 10—Lab. S & T F:

Laborers building, sewer, and tunnel construction:

Building construction:					
General laborers, concrete laborers building wrecker, form strippers concrete saw and power buggy operator	5.50	.20	.15		
Mortar mixer, power rammer, vibrator operator, air chisel operator (over 18 lbs.), chipping hammer operator (over 18 lbs.), fork lift operator, railroad tampler, plaster mixer and concrete pumup hose operator (1 man)	5.65	.20	.15		
Mason tender	5.50	.20	.15		
Pneumatic hammer (60 lbs. or over manufacturer specifications)	5.75	.20	.15		
Sewer, tunnel, shafts, waterman, and natural gas laborers:					
General laborer, watchman	5.50	.20	.15		
Pipelayer, manhole nulller cement	5.80	.20	.15		
Caulker and bottom man	5.70	.20	.15		
Bracer	5.60	.20	.15		
Augerman on mechanical auger or pipe pusher	5.65	.20	.15		
Bituminous paving laborers:					
General laborer	5.50	.20	.15		
Raker and Luteman	5.60	.20	.15		

Wisc. 5—TD K:

Heavy and highway construction:

Truck drivers:					
Two-axle trucks	5.65	a	b	.35 + c	
Three or more axles	5.80	a	b	.35 + c	
Euclids or dumptor type hauling units	5.80	a	b	.35 + c	
Mechanic, truck	5.80	a	b	.35 + c	
Mechanic's helpers, truck	5.65	a	b	.35 + c	

Footnotes:

a. $54.17 per month for employee who has been on payroll 30 days or longer.

b. $10 per week.

c. Includes $0.10 employer contribution to holiday fund.

Wisc. 1 PEO Z:

Building and heavy construction:

Power equipment operators:					
Tower crane	8.29	.25	.25		.05
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver and skid rigs	8.04	.25	.25		.05
Concrete paver (over 27E), concrete spreader and distributor	7.89	.25	.25		.05
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 hp.), bulldozer (over 40 hp.), forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and power operator, roller (over 5 tons)	7.79	.25	.25		.05
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	7.59	.25	.25		.05
Roller (rubber tire)	7.54	.25	.25		.05
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 hp.), pumps (well points)	7.49	.25	.25		.05
Roller (under 5 tons)	7.44	.25	.25		.05
Hoists (automatic) forklift (12' to 25'), tampers-compactors (riding type), "A" frames and wineh trucks, concrete auto breaker, hydrohammer (small), brooms and sweepers	7.39	.25	.25		.05
Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment	7.18	.25	.25		.05
Fireman—asphalt plants	7.10	.25	.25		.05
Generators over 150 kw., air compressors over 300 cu. ft., and pumps over 3", augers (vertical and horizontal)	7.06	.25	.25		.05
Combination small equip. operators:					
Air, electric, hydraulic jacks (slip form); compressors (under 300 c.f.m.); welding machine; heater (mechanical); prestress machine; bobcats; generators (under 150 kw.); pumps (3" and under); winches (small electric); oiler and greaser	6.94	.25	.25		.05
Forklift (12' and under)	6.75	.25	.25		.05
Endloader (over 40 hp.)	7.79	.25	.25		.05

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Wisc. 5—LAB—2-3 H:						
Heavy and highway construction:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B:						
Formsetter (curb, walk and pavement); tree trimmer	5.80	.25	.15		.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D:						
Demolition burning torch laborer; bituminous worker: raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E:						
Powderman, blaster	5.95	.25	.15		.02	
Group F:						
Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
Wisc.—4—PEO-3-K:						
Highway construction:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer, portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydro. back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy duty, equip.; mixer or paver (21 cu. ft. or over), pile driver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Belting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; fork lift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, lead-man; mndjacks; stump chipper; tankcar heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic tired roller farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 inches); surge bin operator	6.86	.25	.25		.05	

State: Wisconsin; County: Waukesha.

Decision No. AM-8586; Date of decision: Feb. 18, 1972.

Supersedes Decision No. AM-434 dated Aug. 18, 1971, in 36 F.R. 16008.

Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building construction:						
Asbestos workers	$7.68	$0.35	$0.50	$0.50		
Boilermakers	7.80	.30	.85		$0.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	7.59	.50	.50	.55		
Carpenters	7.11	.40	.50	.50		
Millwrights	7.41	.40	.50	.50+a		
Piledrivermen	7.34	.40	.50	.50		
Leaderman	7.74	.40	.50	.50		
Welder-burner	7.34	.40	.50	.50		
Loftman	7.44	.40	.50	.50		
Cement masons	6.85	.40	.50	.50		
Electricians	7.76	.37	1%+.20	7%	0.25%	
Elevator constructors	6.94	.17	$0.185	2%+a&b	$0.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	$5.10	.35	.40	$0.50		
Ironworkers, structural and ornamental	7.71	.40	.50	.50		
Ironworkers, reinforcing	7.71	.40	.50	.50		
Lathers	6.72	.40	.50	.65	.03	
Leadburners	6.35	.25		c	.01	
Line construction:						
Linemen	6.15	.15	1%+.10	7%	0.5%	
Equipment operators Class A	4.95	.15	1%+.10	7%	.5%	
Equipment operators Class B	4.70	.15	1%+.10	7%	.5%	
Groundman—experienced	4.43	.15	1%+.10	7%	.5%	
Marble setters	6.97	.50	$0.50	$0.55		
Marble setters' helpers	6.07	.30	.50	.50		
Painters:						
Brush	6.66	.40	.25	.50		
Swing stage, up to 80 ft	6.81	.40	.25	.50		
Structural steel	7.01	.40	.25	.50		
Spray and sandblasting	7.01	.40	.25	.50		
Swing stage, 80 ft. and over	6.91	.40	.25	.50		
Plasterers	6.72	.40	.50	.65	$0.01	
Plumbers and gasfitters	7.57	.40	.50	.50	.03	
Roofers:						
Mastic work:						
Spreaders	7.12	.40	.50	.50		
Rubbers and kettlemen	6.92	.40	.50	.50		
Roofers' helpers' spreaders	6.92	.40	.50	.50		
Additional help	6.67	.40	.50	.50		

V 37 • 34 FEB 18 72 XUM

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building construction—Continued						
Tower work:						
Without swings	7.07	.40	.50	.50		
With swing seat or bos'n chair	7.37	.40	.50	.50		
Slate, tile and transite work:						
Roofers	7.07	.40	.50	.50		
Steepy and siding work:						
Composition, damp and waterproof roofers	6.92	.40	.50	.50		
Sheet metal workers	6.56	.20	.25	.50		
Soft floor layers—resilient floor layers	6.91	.40	.50	.50+a		
Sprinkler fitters (Milwaukee area)	8.35	.25	.40		.02	
Sprinkler fitters (remainder of county)	8.00	.25	.40		.05	
Steamfitters	7.62	.35	.50	.50	.02	
Stonemasons	7.59	.50	.50	.55		
Terrazzo workers	6.22	.30	.30	.22		
Terrazzo workers' helpers	5.40	.30	.25	d		
Tile setters	6.85	.30	.50	$0.45		
Tile setters' helpers	6.07	.30	.50	.50		

Welders—receive rate prescribed for craft performing operation to which welding is incidental.

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 2% for employee who has worked less than 5 years.

c. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Additional payment of 4 hours per month, plus $0.03 per hour weekly for employee who has worked less than 5 years. 6% hours per month for employee who has worked 5 years or more.

Wisc. 13—Lab. F:					
Laborers (building construction):					
General laborers, form stripper, concrete worker, mason tender	6.18	.35	.50	.50	
Scaffold builder, pitman or dumpman, building wrecker, hod carrier, mortar mixer, vibrator operator, kettlemen, all spade operator	6.29	.35	.50	.50	
Barco tamper, jackhammer operator, sheeting driver, Gunite man, concrete buster	6.40	.35	.50	.50	
Topman on chimney (up to 50')	6.29	.35	.50	.50	
Nozzleman	6.69	.35	.50	.50	
Plasterer laborer	6.39	.35	.50	.50	
Topman (every additional 50 ft.)	6.54	.35	.50	.50	
Caisson work	6.84	.35	.50	.50	
Caisson worker—top man	6.49	.35	.50	.50	
Bridge, road, and railway construction:					
General laborer	6.23	.35	.50	.50	
Vibrator, pitman and dumpman	6.29	.35	.50	.50	
Bullfloat, strikeoff man, puddler, cement dumper	6.34	.35	.50	.50	
Formsetter	6.51	.35	.50	.50	
Wisc. 1 PEO Z:					
Building and heavy construction:					
Power equipment operators:					
Tower crane	8.29	.25	.25	.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver and skid rigs	8.04	.25	.25	.05	
Concrete paver (over 27E), concrete spreader and distributor	7.89	.25	.25	.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 hp.), bulldozer (over 40 hp.), forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and power operator, roller (over 5 tons)	7.79	.25	.25	.05	
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	7.59	.25	.25	.05	
Roller (rubber tire)	7.54	.25	.25	.05	
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 hp.), pumps (well points)	7.49	.25	.25	.05	
Roller (under 5 tons)	7.44	.25	.25	.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), "A" frames and winch trucks, concrete auto breaker, hydrohammer (small), brooms and sweepers	7.39	.25	.25	.05	
Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment	7.18	.25	.25	.05	
Fireman—asphalt plants	7.10	.25	.25	.05	
Generators over 150 kw., air compressors over 300 cu. ft., and pumps over 3", augers (vertical and horizontal)	7.06	.25	.25	.05	
Combination small equipment operators:					
Air, electric, hydraulic jacks (slip form); compressors (under 300 c.f.m.); welding machine; heaters (mechanical); prestress machine; bobcats; generators (under 150 kw.); pumps (3" and under); winches (small electric); oiler and greaser	6.94	.25	.25	.05	
Forklift (12' and under)	6.75	.25	.25	.05	
Endloader (over 40 hp.)	7.79	.25	.25	.05	
Wis. 6—TD m:					
Building construction:					
Truck drivers:					
Excavating, paving, batch work, gas, pipe, sewer and tunnel work, asphalt blacktop snow removal, axles:					
2-axle trucks	5.095	a10.50	a10.00	b	
3-axle trucks and semitrailer	5.145	a10.50	a10.00	b	
Ready mix concrete truck	5.395	a10.50	a10.00	b	
Cinders, sand, gravel, stone, and gravel pit stripping:					
2-axle trucks	5.045	a10.50	a10.00	b	
3-axle trucks and semitrailers	5.095	a10.50	a10.00	b	
Building materials:					
2-axle trucks	5.095	a10.50	a10.00	b	
3-axle trucks	5.145	a10.50	a10.00	b	
Helpers	4.985	a10.50	a10.00	b	
Warehousemen	5.035	a10.50	a10.00	b	

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Per week for each employee.

b. 6 paid holidays: A through F.

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Wisc. 1—LAB—2-3 L:						
Heavy and highway construction:						
Laborers:						
Group A:						
Laborer, miscellaneous, unskilled; tree trimmer; stone handler; reinforcing steel setter (pavement); guard rail builder; demolition and wrecking laborer; bituminous worker: Shoveler, loader, utility man	6.23	.35	.25	$0.25	.02	
Group B:						
Puddler (concrete paving); batch truck dumper or cement handler; bituminous worker: Dumper, ironer, smoother, tamper	6.33	.35	.25	.25	.02	
Group C:						
Vibrator or tamper operator, mechanical (hand operated); joint sawer or filler (pavement); demolition burning torch laborer; chain saw operator	6.38	.35	.25	.25	.02	
Group D:						
Air tool operator (hand operated)	6.43	.35	.25	.25	.02	
Group E:						
Strikeoff man; formsetter (curb, walk, and pavement)	6.48	.35	.25	.25	.02	
Group F:						
Bituminous worker; raker, luteman	6.53	.35	.25	.25	.02	
Group G:						
Powderman, blaster	6.88	.35	.25	.25	.02	
Wis—8—Lab (S & T) L:						
Sewer, water, and tunnel construction:						
Laborers:						
Tunnel (free air):						
Blaster	6.77	.35	.50	.50		
Concrete manhole builder, concrete buster, jackhammer operator and rock driller, caisson worker and pipe layer caulker joint man and pipe yarner, bracerman, nozzle man on Gunite, and timber man—Concrete brusher	6.61	.35	.50	.50		
Topman and sawman	6.05	.35	.50	.50		
Muckers, mucking machine and dinkey	6.32	.35	.50	.50		
Form strippers and car pushers	6.22	.35	.50	.50		
Tower man and general labor on surface	6.00	.35	.50	.50		
Miner, mining machine and welder	6.71	.35	.50	.50		
Tunnel (compressed air):						
Miner, mining machine and welder	7.09	.35	.50	.50		
Lock tender in tunnel, concrete buster jackhammer operator and rock driller, caisson worker and pipe layer, caulker joint man and pipe yarner, bracerman, nozzleman on Gunite, timber man, concrete brusher	6.99	.35	.50	.50		
Mucker	6.82	.35	.50	.50		
Form stripper and car pusher	6.72	.35	.50	.50		
Lock tender on surface	6.63	.35	.50	.50		
Open cut:						
Concrete manhole builder, caisson worker and miner, pipe layer, caulker, joint man and pipe yarner, timber man and concrete brusher, bracer in trench behind machine, bracer in tight sheeting, concrete formsetter and shoveler, concrete buster, jackhammer operator and rock driller	6.61	.35	.50	.50		
Blaster	6.77	.35	.50	.50		
Mucker, form stripper, bottom digger and miscellaneous bottom man	6.22	.35	.50	.50		
Gunite man on top and scaffold man, mud mixer	6.05	.35	.50	.50		
Wis. 6 PEO T & S G:						
Sewer, tunnel, water, and utilities:						
Power equipment operators:						
Air compressor	5.52	.20	.15			
Caisson excavators	5.97	.20	.15			
Fireman	5.41	.20	.15			
Helper and oiler	5.52	.20	.15			
Pump	5.47	.20	.15			
Well point pump operator	5.58	.20	.15			
Hoist No. 1 (no swinging)	5.97	.20	.15			
Loading and unloading device	5.60	.20	.15			
Pumps concrete	5.97	.20	.15			
Backfiller (sewer, water, and tunnel)	5.97	.20	.15			
Clamshell and orange peel	5.97	.20	.15			
Crane	5.97	.20	.15			
Derrick	5.97	.20	.15			
Dragline	5.97	.20	.15			
Elevator on tunnel	5.97	.20	.15			
Tractor or bulldozer (40 h.p. or less)	5.64	.20	.15			
Tractor or bulldozer (over 40 h.p.)	5.80	.20	.15			
Hoe	5.97	.20	.15			
Horizontal drill (large not manually handled)	5.97	.20	.15			
Locomotive crane	5.97	.20	.15			
Pile driver	5.97	.20	.15			
Mixer	5.80	.20	.15			
Power shovel	5.97	.20	.15			
Skimmer scoop	5.97	.20	.15			
Trench machine	5.97	.20	.15			
Tractor wagon	5.80	.20	.15			
Turnapull	5.86	.20	.15			
End loader	5.80	.20	.15			
Straddle carrier	5.80	.20	.15			
Scraper	5.80	.20	.15			
Side-boom tractor (large)	5.97	.20	.15			
Side-boom tractor (small)	5.80	.20	.15			
Stump cutting equipment	5.58	.20	.15			
Mechanic helper	5.30	.20	.15			
Mechanic and/or welder	5.58	.20	.15			
Tunnel classification:						
Mucking machine:						
Free air	5.81	.20	.15			
Compressed air	6.19	.20	.15			
Dinkey locomotive:						
Free air	5.81	.20	.15			
Compressed air	6.19	.20	.15			

VOL 37 NO 34
FEB 18 72
XUM

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Wisc. 4—PEO-3-K:						
Highway construction:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer, auto slipform concrete placer; auto subgrader (concrete); batch mixer portable, batch plant engineer (concrete); bituminous paver or plant; boatman; bump cutter and grooving machine; caisson rigs; central mixer concrete, central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; endloader; grader or motor patrol; hydraulic back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy duty, equipment; mixer or paver (21 cu. ft. or over), pile driver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy), trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.06	
Belting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; fork lift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic-tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, endloader (rubber-tired, light)	7.19 7.11	.25 .25	.25 .25		.05 .06	
Fireman	7.07	.25	.25		.06	
Air compressor; curb machine; drilling or boring machine (mechanical heavy); generators; greaser, heavy equipment, lead-man; mudjacks; stump chipper; tank car heater operator	6.98	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic-tired roller farm tractor towed; pug mill operator	6.86	.25	.25		.05	
Oiler; pump (over 3 in.); surge bin operator						
Wisconsin—1-TD O:						
Heavy and highway construction:						
Truck drivers:						
2-axle truck	5.73	a	b	.35+c		
3 or more axle truck	5.88	a	b	.35+c		
Euclids or dumpster type hauling units	5.88	a	b	.35+c		
Truck mechanic	5.88	a	b	.35+c		
Truck mechanics' helpers	5.73	a	b	.35+c		

Footnotes:
a. $12.50 per week for employee who has been on payroll 30 days or longer.
b. $10 per week.
c. Includes $0.10 contribution to holiday fund.

Wisc. LC Area II a:						
Line construction:						
Linemen	6.11	$0.15	1%		0.5%	
Cable splicer	6.68	.15	1%		.5%	
Groundman equipment operator (digging machine, tractor operator and "H" frame setting rigs)	5.07	.15	1%		.5%	
Groundman—truck driver (truck with boom or digger or tractor)	4.23	.15	1%		.5%	
Groundman—truck driver	4.03	.15	1%		.5%	
Groundman:						
Experienced	3.82	.15	1%		.5%	
1st 6 mo.	3.36	.15	1%		.5%	

State: Wisconsin; County: Winnebago.
Decision No. AM-8587; Date of decision: Feb. 18, 1972.
Supersedes Decision No. AM-435 dated Aug. 18, 1971, in 36 F.R. 16013.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy, and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$6.40	$0.30	$0.10	$0.45+e		
Boilermakers	7.80	.30	.85		$0.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers and stonemasons	6.07	.15	.15	.15		
Carpenters	6.66	.25	.15		.02	
Cement masons:						
North half of county	5.93	.15	.15	.30		
South half of county	5.50	.15	.15	.15		
Electricians	7.25	.30	1%			
Elevator constructors	6.94	.17	$0.185	2%+b&c	.005	
Elevator constructors' helpers	70% J R	.17	.185	2%+b&c	.005	
Elevator constructors' helpers (prob.)	50% J R					
Glaziers	$4.56	.35	.40	$0.50		
Ironworkers:						
Extreme eastern part of county, including Lake Winnebago, Menasha, and Neenah:						
Structural, ornamental, reinforcing	7.71	.40	.50	.50		
Remainder of county:						
Structural, ornamental, reinforcing	7.42	.25	.25	.50	.03	
Lathers	6.08			f	.01	
Leadburners	6.35	.25				
Marble setters	6.07	.15	.15	$0.15		
Marble setters' helpers	5.67	.30	.50	.50		
Millwrights	6.90	.25	.15		.02	
Painters:						
Brush	5.95	.30	.10			
Paperhanging	5.95	.30	.10			
Spray	6.45	.30	.10			
Sandblasting	6.45	.30	.10			
Piledrivermen	6.90	.25	.15		.02	
Plasterers:						
North half of county	6.50	.15	.15	.30		
South half of county	6.07	.15	.15	.15		
Plumbers and steamfitters:						
Townships of Menasha and Neenah	5.78	.25	.35	.60+g	.04	
Remainder of county	6.53	.30	.55			
Roofers	5.39	.36	.20	f		
Roofers' helpers	4.79	.36	.20	f		
Sheet metal workers:						
Oshkosh, south of county Road G	5.78	.20	.15	$0.42+k		
Remainder of county	6.75	.25	.15	.53+h		
Soft floor layers	6.65	.25	.15		.02	
Sprinkler fitters	8.00	.25	.40		.06	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Terrazzo workers	6.07	.15	.15	.15		
Terrazzo workers' helpers	5.40	.30	.25	f		
Terrazzo base machine operator	5.60	.30	.25	f		
Tile setters	6.07	.15	.15	$0.15		
Tile setters' helpers	5.67	.30	.50	.50		
Truck drivers:						
Regular	5.27	a	d			
Semi and tandem	5.35	a	d	j		

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Employer contributes $27.71 per month.
b. Holidays: A through F.
c. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 2% of regular rate for employee who has worked less than 5 years.
d. $10 per week.
e. Includes $0.05 holiday pay.
f. Holidays, A through F plus Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.
g. Includes $0.30 holiday pay.
h. Includes $0.18 holiday pay.
i. One week vacation after 1 year, 2 weeks after 7 years.
j. Additional payment of 4 hours per month plus $0.03 per hour weekly for employee who has worked less than 5 years. 6¾ hours per month for employee who has worked 5 years or more.
k. Includes $0.16 holiday pay.

Wis.—15—Lab M:						
Building construction:						
Laborers:						
Construction laborers, form stripper, form oiler, form cleaner, dumpmen, pitmen, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pump and nozzle man, bituminous worker	5.35	$0.25	$0.15			
Plasterer tender, hod carrier, dry cement handler, kettlemen, vibrator operator, slacking line, tile setter helper, core drill operator	5.40	.25	.15			
Jackhammer operator, driller, Gunite men, burner on wrecking, air operated concrete breaker, sheeting driver, power tamper, fork lift operator, jamping jack, terrazzo grinder, mortar and plaster mixer, creosote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector, bituminous raker and tuteman	5.55	.25	.15			
Wis. 1 PEO Z:						
Building and heavy construction:						
Power equipment operators:						
Tower crane	8.29	.25	.25		.05	
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver and skid rigs	8.04	.25	.25		.05	
Concrete paver (over 27E), concrete spreader and distributor	7.80	.25	.25		.05	
Material hoists, stack hoists, tractor or truck mounted hydraulic crane (5 tons or under), man hoist, tractor (over 40 hp.), bulldozer (over 40 hp.), forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and power operator, roller (over 5 tons)	7.79	.25	.25		.05	
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	7.59	.25	.25		.05	
Roller (rubber tire)	7.54	.25	.25		.05	
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over), screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 hp.), pumps (well points)	7.49	.25	.25		.05	
Roller (under 5 tons)	7.44	.25	.25		.05	
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type), A-frames and winch trucks, concrete auto breaker, hydrohammer (small), brooms and sweepers	7.30	.25	.25		.05	
Shouldering machine operator, screed operator, farm or industrial tractor mounted equipment	7.18	.25	.25		.05	
Fireman—asphalt plants	7.10	.25	.25		.05	
Generators over 150 kw., air compressors over 300 cu. ft., and pumps over 3", augers (vertical and horizontal)	7.06	.25	.25		.05	
Combination small equip. operators:						
Air, electric, hydraulic jacks (slip form); compressors (under 300 c.f.m.); welding machine; heaters (mechanical); prestress machine; bobcats; generators (under 150 kw.); pumps (3" and under); winches (small electric); oiler and greaser	6.94	.25	.25		.05	
Forklift (12' and under)	6.75	.25	.25		.05	
Endloader (over 40 hp.)	7.79	.25	.25		.05	
Wisc. 12-Lab-L:						
Sewer and tunnel:						
Laborers:						
Open cut:						
General labor, all surface, kettlemen top men, top men behind machine, pipe layer tender on top, mud mixer, scaffold man, guniteman	5.05	.15				
Bottom men and bracers	5.15	.15				
Air tool, jackhammer, concrete buster and water auger	5.25	.15				
Pipe layer, caulker joint men and pipe yarner, miners, manhole builder and pipelayer plumber	5.53	.15				
Tunnel:						
Miner, pipe layer, caulker jointmen and pipe yarner, nozzle on gunite	5.78	.15				
All air tool and caisson workers	5.68	.15				
Concrete shovelmen, form stripper and mucker	5.58	.15				
Top men, car pusher, general labor on surface	5.18	.15				
Gas and Oil Pipe Line Work:						
Powderman, blasterers and shooters	5.55	.15				
Water auger	5.25	.15				
Jackhammerman, drillers	5.25	.15				
Dopepot firemen and paper latcher	5.15	.15				
General labor, welder helpers, swamper, skidman pipe handler and unloaders	5.05	.15				

FEB 18 72
XUM

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Wisc. 5—LAB—2–9 H:						
Heavy and highway construction:						
Laborers:						
Group A: Laborer, miscelleneous unskilled; stone handler; joint sawer or filler (pavement); reinforcing steel setter (pavement); guard rail builder; puddler (concrete paving); strike off man; demolition and wrecking laborer; bituminous worker: dumper, ironer, smoother, tamper, shoveler, loader, utility man	5.75	.25	.15		.02	
Group B: Formsetter (curb, walk and pavement); tree trimmer	5.80	.25	.15		.02	
Group C: Vibrator or tamper operator, mechanical (hand operated); batch truck dumper or cement handler; air tool operator (hand operated)	5.85	.25	.15		.02	
Group D: Demolition burning torch laborer; bituminous worker: raker, lutemen; chain saw operators	5.90	.25	.15		.02	
Group E: Powderman, blaster	5.95	.25	.15		.02	
Group F: Pipelayer crew (sewer, water):						
Pipelayer	6.20	.25	.15		.02	
Bottom man	6.00	.25	.15		.02	
Topman	5.85	.25	.15		.02	
Wisc.—4—PEO–3–K:						
Highway construction:						
Power equipment operators:						
Asphalt plant engineer; asphalt heater and planer; auto slipform concrete placer; auto subgrader (concrete); batch mixer portable; batch plant engineer (concrete); bituminous paver or plant; boatmen; bump cutter and grooving machine; caisson rigs; central mixer concrete; central mix plant concrete; concrete breaker, truck mounted (heavy); concrete pavement spreader, heavy duty (rubber-tired); cranes, derrick, draglines; dredge, dredge engineer; end loader; grader or motor patrol; hydro, back hoe; loading machine (conveyor); material hoist; mechanic or welder, heavy duty, equipment; mixer or paver (21 cu. ft. or over); pile driver, power shovel, roller steel (over 5 tons), shoulder widener; stabilizing mixer (self-propelled); tractor, side boom (heavy); trenching machine; tugger, winch and A-frame operator	7.62	.25	.25		.05	
Mixer, concrete (less than 21 cu. ft.); pump, concrete; roller steel (5 tons or less)	7.36	.25	.25		.05	
Screed (bituminous paver); self-propelled chip spreader; shouldering machine	7.27	.25	.25		.05	
Belting machine; burlap machine; concrete breaker and tamper (light); concrete spreader, finishing machine, mechanical float, curing machine or power subgrader; fork lift; jeep digger; joint sawer (multiple blade); launch; mulcher; roller (pneumatic tired self-propelled); texturing machine; tractor (mounted or towed compactors and light equipment); tractor, end loader (rubber-tired, light)	7.19	.25	.25		.05	
Fireman	7.11	.25	.25		.05	
Air compressor; curb machine; drilling or boring machine (mechanical, heavy); generators; greaser, heavy equipment, lead-man; mudjacks; stump chipper; tankear heater operator	7.07	.25	.25		.05	
Auto belt conveyor and surge bin; crusher or screen plant; pneumatic tired roller farm tractor towed; pug mill operator	6.98	.25	.25		.05	
Oiler; pump (over 3 in.) surge bin operator	6.86	.25	.25		.05	
Wisc. 5–TD K:						
Heavy and highway construction:						
Truck drivers:						
2-axle trucks	5.65	a	b	.35+c		
3 or more axles	5.80	a	b	.35+c		
Euclids or dumpter type hauling units	5.80	a	b	.35+c		
Mechanic, truck	5.80	a	b	.35+c		
Mechanic's helpers, truck	5.65	a	b	.35+c		
Footnotes:						
a. $54.17 per month for employee who has been on payroll 30 days or longer.						
b. $10 per week.						
c. Includes $0.10 employer contribution to holiday fund.						
Wisc. LC Area II n:						
Line construction:						
Linemen	6.11	$0.15	1%		.5%	
Cable splicer	6.68	.15	1%		.5%	
Groundman equipment operator (digging machine, tractor operator and II frame setting rigs)	5.07	.15	1%		.5%	
Groundman—truck driver (truck with boom or digger or tractor)	4.23	.15	1%		.5%	
Groundman—truck driver	4.03	.15	1%		.5%	
Groundman:	3.82	.15	1%		.5%	
Experienced	3.36	.15	1%		.5%	
1st 6 months						

[FR Doc.72-2365 Filed 2-17-72;8:45 am]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

4971-C2-P-72—Lake Area Paging Co. (New), for a new one-way station to be located at the above site to operate on 152.70 MHz.

4972-C2-P-72—Telpage, Inc. (New), for a new one-way station to be located near 2715 Skyland Boulevard, approximately 4 miles southeast of Tuscaloosa County Courthouse, Tuscaloosa, Ala., to operate on 152.24 MHz.

4998-C2-P-72—The Chesapeake & Potomac Telephone Co. of Virginia (KIB529), change the antenna system operating on 152.51, 152.63, and 152.81 MHz at location No. 1: 703 East Grace Street, Richmond, VA.

4999-C2-P-72—Southern Bell Telephone & Telegraph Co. (KIG394), change the antenna system operating on 152.51 MHz, located at 937 Green Street, Augusta, GA.

5000-C2-P-72—Delta Communications, Inc. (New), for a new one-way station to be located at 505 Tallahatchie, Greenwood, MS, to operate on 152.24 MHz.

5052-C2-MP-(5)-72—Michigan Bell Telephone Co. (KRS714) (one-way), change transmitter type and output power at location No. 1: 1365 Cass Avenue, Detroit, MI, and location No. 2: 882 Oakman Boulevard, Detroit, MI; change transmitter type, output power and relocate facilities at locations No. 3, No. 4 and No. 5 as follows: location No. 3 to: 7460 East Ten Mile, Centerline, MI, location No. 4 to: 23850 Wick Road, Taylor, MI, and location No. 5 to: 17151 Lahser, Detroit, MI, and delete facilities at locations No. 6, No. 7, No. 8, No. 9, No. 10, No. 11, No. 12 and No. 13 as follows:

Location No. 6: 25189 Lahser Road, Southfield, MI.
Location No. 7: 17045 Mack Avenue, Detroit, MI.
Location No. 8: 13635 Greiner, Detroit, MI.
Location No. 9: 15371 Grand River Avenue, Detroit, MI.
Location No. 10: 25195 Glendale, Redford Township, MI.
Location No. 11: 23460 Michigan Avenue, Dearborn, MI.
Location No. 12: 13905 Ford Road, Dearborn, MI.
Location No. 13: 1580 Southfield Road, Lincoln Park, MI.

The assigned frequency for all locations is 158.100 MHz.

5053-C2-P-72—Electrodyne, Inc. (New), for a new two-way station to be located at 0.5 mile on Old Montgomery Road, west of Conroe, Tex., to operate on 152.180 MHz.

5054-C2-AL-72—Terre Haute Mobile Radio Service, consent to assignment of license from Terre Haute Mobile Radio Service, Assignor, to William F. P. Cockrell, doing business as Tex-Com Assignee. Station: KSB655, Terre Haute, Ind.

5055-C2-P-72—Colgan-Communications, Inc. (New), for a new one-way station to be located on Oak Street, 0.4 mile north of Route No. 6, Barnstable, Mass., to operate on 43.58 MHz.

5065-C2-AL-(2)-72—Santa Cruz Telephone & Radio Service, consent to assignment of license from William R. Fox, doing business as Santa Cruz Telephone & Radio Service, Assignor, to Verle D. Bogue, doing business as Santa Cruz Telephone Answering & Radio Service, Assignee. Stations: KMD668 (two-way) and KMP497 (one-way). Santa Cruz, Calif.

Evans Telephone Answering Service (KIY760) and (KSV869), renewal of license expiring Apr. 1, 1972. Terms: Apr. 1, 1972 to Apr. 1, 1974.

Major Amendment

3063-C2-P-69—Area-Wide Paging System, Inc. (New), amend to read: Location: 2156 Lee Road, Cleveland Heights, OH. See public notice dated Dec. 2, 1968, Report No. 416.

7470-C2-P-71—F & L Telephone Secretarial Service (KCC480), amended to change frequency to 454.025 MHz. See public notice dated July 6, 1971, Report No. 551.

RURAL RADIO SERVICE

4940-C1-P-72—Lafourche Telephone Co. (New), for a new rural subscriber station to be located at approximately 24 miles southeast of Larose Telephone Office, Louisiana, to operate on 157.92 MHz, communicating with Station KKM260, Larose, La.

4953-C1-P-72—RCA Alaska Communications, Inc. (New), for a new rural subscriber station to be located at Ouzinkie, Community Building, approximately 10 miles north-northwest of Kodiak, Alaska, to operate on 157.80 and 157.89 MHz.

4954-C1-P-72—RCA Alaska Communications, Inc. (New), for a new rural subscriber station to be located at Cape Pole, Alaska, to operate on 157.80 and 157.89 MHz.

FEDERAL COMMUNICATIONS COMMISSION

[Report 583]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

FEBRUARY 14, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

4939-C2-P-72—Mobilfone of Kansas (New), for a new two-way station to be located on U.S. Highway No. 183, 2.9 miles north of Hays, Kans., to operate on 152.15 MHz.

4945-C2-P-(2)-72—RCA Alaska Communications, Inc. (New), for a new two-way station to be located at Kuhneahin Creek, Alaska, to operate on 152.54 and 152.63 MHz.

4949-C2-P-(2)-72—RCA Alaska Communications, Inc. (New), same as above, except the station is to be located at Pillar Mountain (WACS), Pillar Mountain Road, Kodiak, Alaska.

4950-C2-P-(10)-72—Mt. Shasta Radiotelephone Co. (New), for a new two-way station to be located on Woodland Park Drive, 1.7 miles northwest of Mount Shasta City, Calif., to operate on 152.03 MHz.

4951-C2-P-(2)-72—Airsignal International, Inc. (KIF861), for additional facilities to operate on 35.58 MHz at location No. 1: 305 South Andrews Avenue, Fort Lauderdale, Fla., and location No. 2: 3471 North Federal Highway, Fort Lauderdale, Fla.

4952-C2-P-72—Mountain States Telephone & Telegraph Co. (KON920), to rearrange the antenna system operating on 152.66 and 152.72 MHz, located at 12.5 miles west of Carlyle, Mont.

4969-C2-MP-72—Edisto Telephone Co., Inc. (KSV901), change the antenna system operating on 152.57 MHz, located at 0.7 mile west-southwest of north South Carolina.

4970-C2-P-72—Lake Area Paging Co. (New), for a new two-way station to be located at 0.25 mile east of U.S. Highway No. 81 and 2 miles south of U.S. Highway No. 212, Watertown, S. Dak., to operate on 152.03 MHz.

FEB 18 72
XUM

RURAL RADIO SERVICE—continued

5025–C1–P–72—Continental Telephone Co. of California (New), for a new rural subscriber station to be located at the Flying "M" Cattle Co. Ranch, 32 miles south-southeast of Yerington, Nev., to operate on 157.83 MHz, communicating with Station KOP243, Yerington, Nev.

5065–C1–AL–72—Santa Cruz Telephone & Radio Service, consent to assignment of license from William R. Fox, doing business as Santa Cruz Telephone & Radio Service, Assignor, to Verle D. Bogue, doing business as Santa Cruz Telephone Answering & Radio Service, Assignee. Station: KNE69, Temp-Fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE

4937–C1–P–72—Southern Bell Telephone & Telegraph Co. (KJAT1), 1209 Broad Street, Camden, SC. C.P. to change frequencies from 6011.9H, 6041.6V, and 6160.2V MHz to 6034.2H, 6152.8H, 6093.5H MHz toward Pleasant Hill, S.C., and replace transmitters to Western Electric, TH–3.

4945–C1–P–72—Continental Telephone Co. of Virginia (WAY63), off Highway 58 near Pleasant Shade, 8 miles west-northwest of Emporia, Va. C.P. to change frequencies 5982.3V, and 6100.9V MHz to 6234.3V and 6352.9V MHz toward Emporia, Va., and 6204.7H and 6323.3H MHz to 6212.0H and 6330.7H MHz toward Stony Creek, Va.

4946–C1–ML–72—Continental Telephone Co. of Virginia (WAY61), 107 Valley Street, Emporia, VA. Modification of license to change frequencies 6234.3 and 6352.9 MHz to 5982.3V and 6100.9V MHz toward Pleasant Shade, Va.

4947–C1–ML–72—Continental Telephone Co. of Virginia (WAY62), Lee Avenue, Stony Creek, Va. Modification of license to change frequencies 5952.6H and 6071.2H MHz to 5960.0H and 6078.6H MHz toward Pleasant Shade, Va.

4959–C1–P–72—American Telephone & Telegraph Co. (KYO63), 900 South Walter Reed Drive, Arlington, VA. C.P. to add frequencies 4070V and 4150V MHz toward Waldorf, Md.

4960–C1–P–72—American Telephone & Telegraph Co. (KGH26), 1.1 miles south-southeast of Waldorf, Md. C.P. to add frequencies 4030V and 4110V MHz toward Arlington 2, Va.

4961–C1–P–72—American Telephone & Telegraph Co. (KEB39), New Albany, 1 mile south of Bridgeboro, N.J. C.P. to add frequency 4030H MHz toward Trenton, N.J.

4962–C1–P–72—American Telephone & Telegraph Co. (KRS93), 5 miles east-southeast of Dahlonega, Ga. C.P. to add frequency 3870V MHz toward Nelson, Ga.

4963–C1–P–72—American Telephone & Telegraph Co. (WHT84), 5.5 miles east of Nelson, Ga. C.P. to add frequency 3910V MHz toward Dahlonega and Waleska, Ga.

4964–C1–P–72—American Telephone & Telegraph Co. (KIT26), 4 miles northwest of Waleska, Ga. C.P. to add frequency 3870V MHz toward Nelson, Ga.

4965–C1–P–72—Central Telephone Co. (KPZ46), approximately 21.5 miles southwest of Las Vegas, Mount Potosi, Nev. C.P. to add frequency 2128H MHz toward Jean, Nev.

4966–C1–P–72—Central Telephone Co. (New), 1/10 mile southeast of Jean, Nev. Latitude 35°-46'37" N., longitude 115°19'02" W. Frequency 2178H MHz toward Mount Potosi, Nev.

4967–C1–P–72—American Telephone & Telegraph Co. (KSN65), 4.6 miles east of Odell, Ill. C.P. to add frequency 4110V MHz toward Norway, Ill.

4968–C1–P–72—American Telephone & Telegraph Co. (KSO70), 6.5 miles west of Manteno, Ill. C.P. to add frequency 3930V MHz toward Grant Park, Ill.

4877–C1–P–72—The Mountain States Telephone & Telegraph Co. (KOV59), 285 Second Avenue, Yuma, AZ. C.P. to add frequency 5989.7H MHz toward Telegraph Pass, Ariz.

4978–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPN83), Telegraph Pass, 12 miles west of Wellton, Ariz. C.P. to add frequency 6241.7H MHz toward Mohawk Pass, Ariz., and 6241.7V MHz toward Yuma, Ariz.

4979–C1–P–72—The Mountain States Telephone & Telegraph Co. (New), Mohawk Pass, 11 miles east-northeast of Tacna, Ariz. C.P. to add frequencies 5989.7H MHz toward Oatman Mountain, Ariz., and 5989.7V MHz toward Telegraph Pass, Ariz. Latitude 32°46'41" N., longitude 113°47'52" W.

4980–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPN84), Oatman Mountain, 5 miles east-southeast of Montezuma, Ariz. C.P. to add frequency 6241.7V MHz toward Mohawk Pass, Ariz., and add transmitter.

4981–C1–P–72—Carolina Telephone & Telegraph Co. (New), 544 Roanoke Avenue, Roanoke Rapids, NC. Latitude 36°27'46" N., longitude 77°39'13" W. C.P. to add frequencies 6004.5V and 6123.1V MHz toward Aurelian Springs, N.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4982–C1–P–72—Carolina Telephone & Telegraph Co. (KIY57), 8.8 miles southwest of Roanoke Rapids, Aurelian Springs, N.C. C.P. to add frequencies 6286.2V and 6404.8V MHz toward Roanoke Rapids, N.C., and change frequencies 6249.1 and 6387.7 MHz to 6212.0H and 6330.7H MHz toward Rocky Mount, N.C.

4983–C1–P–72—Carolina Telephone & Telegraph Co. (KIR33), 1.8 miles southeast of Rocky Mount, N.C. C.P. to change frequencies 6086.0 and 5967.4 to 6123.1H and 6004.5H MHz toward Nashville, N.C., and add 6019.3H and 6137.9H MHz toward Aurelian Springs, N.C., and 6063.8V and 5945.2V MHz toward Tarboro, N.C., and change frequency 5975 to 5974.8H MHz toward Tarboro, N.C.

4984–C1–P–72—Carolina Telephone & Telegraph Co. (KIA42), 6.5 miles north-northwest of Nashville, N.C. C.P. to change frequencies 6256.5V, 6308.4H, and 6375.2V MHz to 6286.2H and 6404.8H MHz toward Rocky Mount, N.C., and 6162.9V and 6218.0V MHz toward New Hope, N.C., and 6236.9H and 6345.5H MHz toward New Hope, N.C., and replace transmitter.

4985–C1–P–72—Carolina Telephone & Telegraph Co. (KIA45), 2.1 miles west of New Hope, N.C. C.P. to change frequencies 5967.4H, 6034.2V, and 6152.8V MHz to 6004.5H and 6123.1H MHz toward Raleigh, N.C., and 5974.8V, 6093.5V, 5945.2H, and 6063.8H MHz toward Nashville, N.C., and replace transmitter.

4986–C1–P–72—Carolina Telephone & Telegraph Co. (KJG33), 401 West Fifth Street, Greenville, NC. C.P. to change frequency 6034.2H and 6152.8H MHz to 6004.5V and 6123.1V MHz toward Tarboro, N.C., and replace transmitter.

4987–C1–P–72—Carolina Telephone & Telegraph Co. (KJE48), 7 miles east of Tarboro, N.C. C.P. to change frequencies 6286.2H and 6404.8H MHz to 6236.9V and 6345.5V MHz toward Rocky Mount, N.C., and 6286.2V and 6404.8V MHz on azimuth 174°24' toward Greenville, N.C., and 6315.9H MHz on azimuth 174°24' toward Greenville, N.C., and replace transmitter.

4988–C1–P–72—American Telephone & Telegraph Co. (KKO38), 12 miles southeast of Vega, Tex. C.P. to add frequencies 6034.2V and 6063.8H MHz toward Ady, Tex., and add transmitter.

4989–C1–P–72—American Telephone & Telegraph Co. (KZI66), 8.5 miles south-southeast of Ady, Tex. C.P. to add frequencies 6315.9V and 6404.8H MHz toward Vega, Tex., and 6286.2V and 6315.9V MHz toward Borger, Tex.

4990–C1–P–72—American Telephone & Telegraph Co. (KKU89), 16 miles southwest of Borger, Tex. C.P. to add frequencies 6063.8V and 6152.8H MHz toward Ady, Tex., and 6034.2H and 6063.8V MHz toward Pringle, Tex.

4991–C1–P–72—American Telephone & Telegraph Co. (KKU90), 2 miles north of Pringle, Tex. C.P. to add frequencies 6315.9H and 6404.8V MHz toward Borger, Tex., and 6286.2V and 6315.9H MHz toward Gruver, Tex.

4992–C1–P–72—American Telephone & Telegraph Co. (KKU91), 9 miles northeast of Gruver, Tex. C.P. to add frequencies 6063.8V and 6152.8H MHz toward Pringle, Tex., and 6034.2V and 6063.8H MHz toward Hooker, Okla.

4993–C1–P–72—American Telephone & Telegraph Co. (KKU92), 12 miles southeast of Hooker, Okla. C.P. to add 6315.9V and 6404.8H MHz toward Gruver, Tex., and 6286.2V and 6404.8V MHz toward Liberal, Kans.

4994–C1–P–72—American Telephone & Telegraph Co. (KAM44), 5 miles north of Liberal, Kans. C.P. to add frequencies 6034.2H and 6152.8H MHz toward Hooker, Okla., and 6034.2V and 6152.8V MHz toward Sublette, Kans.

4995–C1–P–72—American Telephone & Telegraph Co. (KAM45), 1 mile southwest of Sublette, Kans. C.P. to add frequencies 6286.2H and 6152.8H MHz toward Sublette, Kans., and 6034.2H and 6152.8H MHz toward Montezuma, Kans.

4996–C1–P–72—American Telephone & Telegraph Co. (KAM46), 2.5 miles northwest of Montezuma, Kans. C.P. to add frequencies 6034.2H and 6152.8H MHz toward Sublette, Kans., and Dodge City Junction, Kans.

4997–C1–P–72—American Telephone & Telegraph Co. (KAM47), 0.5 mile northwest of Dodge City, Kans. C.P. to add frequencies 6286.2V and 6404.8V MHz toward Montezuma, Kans.

5001–C1–ML–72—Illinois Bell Telephone Co. (KSC95), 2.1 miles east-southeast of Lake Fork, Ill. Modification of license to change polarization to 4030H and 4110H MHz toward Delavan, Ill., and 3710H and 3790H MHz toward Springfield, Ill.

5002–C1–P–72—American Telephone & Telegraph Co. (KEE60), 2.5 miles northwest of Colesville, N.J. C.P. to add frequency 3910H MHz toward Campbell Hall, N.Y., and add transmitter.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

5003–C1–P–72—American Telephone & Telegraph Co. (KTQ68), 2 miles east of Campbell Hall, N.Y. C.P. to add frequency 3870H MHz toward Colesville, N.J., and Putnam Valley, N.J., and add transmitter.

5004–C1–P–72—American Telephone & Telegraph Co. (KTQ67), Putnam Valley, 3.9 miles east of Cold Spring, N.Y. C.P. to add frequencies 3910H MHz toward Campbell Hall, N.Y., and 4070H and 4150H MHz toward New Fairfield, Conn., and add transmitter.

5005–C1–P–72—American Telephone & Telegraph Co. (KTQ66), 1.9 miles southwest of New Fairfield, Conn. C.P. to add frequencies 4030H and 4110H MHz toward Putnam Valley, N.Y., and 4030V and 4110V MHz toward Bethany, Conn., and add transmitter.

5006–C1–P–72—American Telephone & Telegraph Co. (KTQ65), 1.2 miles south of Bethany, Conn. C.P. to add frequencies 4070V and 4150V MHz toward New Fairfield and Durham, Conn., and add transmitter.

5007–C1–P–72—American Telephone & Telegraph Co. (KCD68), 3.4 miles northeast of Durham, Conn. C.P. to add frequencies 4030V and 4110V MHz toward Bethany, Conn., and add transmitter.

Modification of 11, Modifications of C.P. to construct a pair of plant maintenance channels for hot standby operation utilizing Farinon Electric Co. equipment. These channels will be used in conjunction with a pair of channels previously authorized under (226–236–C1–P–71).

5010–C1–MP–72—American Telephone & Telegraph Co. (KOY67), 2.2 miles north of Tekoa, Wash. Frequency 4190V MHz toward Coeur D'Alene, Idaho.

5011–C1–MP–72—American Telephone & Telegraph Co. (KOY66), Coeur D'Alene, 4 miles northwest of Rosedale, Idaho. Frequency 4198V MHz toward Tekoa, Wash.

5012–C1–MP–72—American Telephone & Telegraph Co. (KAC61), Buckhorn Mountain, 8 miles west of Bellvue, Colo. Frequency 4198V MHz toward Cheyenne Junction, Wyo.

5013–C1–MP–72—American Telephone & Telegraph Co. (KOU87), Cheyenne Junction, 7 miles southwest of Cheyenne, Wyo. Frequency 4190V MHz toward Buckhorn, Mountain, Colo.

5014–C1–MP–72—American Telephone & Telegraph Co. (KAC30), 4.5 miles southeast of Julesburg, Colo. Frequency 4198H MHz toward Peetz, Colo.

5015–C1–MP–72—American Telephone & Telegraph Co. (KAB29), 10 miles east of Peetz, Colo. Frequency 4190H MHz toward Julesburg and Atwood, Colo.

5016–C1–MP–72—American Telephone & Telegraph Co. (KAB28), 5.5 miles southeast of Atwood, Colo. Frequency 4198H MHz toward Peetz and Fort Morgan, Colo.

5017–C1–MP–72—American Telephone & Telegraph Co. (KAB27), Fort Morgan, 6.5 miles northwest of Snyder, Colo. Frequency 4190H MHz toward Atwood and Prospect Valley, Colo.

5018–C1–MP–72—American Telephone & Telegraph Co. (KAB26), 6.5 miles east of Prospect Valley, Colo. Frequency 4198H MHz toward Fort Morgan, Colo.

5019–C1–MP–72—American Telephone & Telegraph Co. (KOB25), Stansbury Island, 7 miles east of Timpie, Utah. Frequency 2179H MHz toward Cedar Mountain, Utah.

5020–C1–MP–72—American Telephone & Telegraph Co. (KOB24), Cedar Mountain, 5 miles northeast of Low, Utah. Frequency 4030H MHz toward Stansbury Island and Barro, Utah.

5026–C1–P–72—Continental Telephone Co. of California (KNG52), 1814 Blossom, Dos Palos, CA. C.P. to change frequency 5945.2H to 2161.0V MHz toward Dos Banos, Calif.

5027–C1–P–72—Continental Telephone Co. of California (KNG53), Panoche Peak, near F.A.A. Vortac site, Calif. C.P. to change frequency 6185.2H MHz to 2111.0V MHz toward KNG52 and correct azimuth to 24°23' and replace transmitter.

5043–C1–P–72—West Texas Microwave Co. (New), ABC Bank, Odessa, Tex. C.P. to add frequencies 10,995.0H and 11,155.0H MHz toward Goldsmith, Tex., latitude 31°51'00" N., longitude 102°22'13" W.

5044–C1–P–72—West Texas Microwave Co. (New), KMOM–TV Transmitting Tower, Goldsmith, Tex., at latitude 31°59'17" N., longitude 102°51'59" W. C.P. for a new station. Frequency 11,525V and 11,685V MHz on azimuths 184°21' and 235°06'. Applicant proposes to provide the television signals of stations KTVT of Fort Worth and KERA–TV of Dallas to Communicable of Texas, Inc., in Kermit and Monahans, Tex.

5045–C1–P–72—Wisconsin Telephone Co. (KSP44), 45 North Stevens Street, Rhinelander, WI. C.P. to add frequency 6123.1H MHz toward Clear Lake, Wis., on azimuth of 331°03'.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

4973–C1–P–72—Century Cable Communications, Inc. (New), Del Webb Townhouse Building, 2220 Tulare Street, Fresno, CA. Latitude 36°44'07" N., longitude 119°47'10" W. Frequencies 2152.325 (visual), 2150.20 (aural) toward various receiving points of system and 2158.50 (visual), 2154.00 (aural) toward various receiving points of system.

4974–C1–P–72—United Video, Inc. (New), 2.3 miles northeast of Berlin, Md. Latitude 38°-20'50" N., longitude 75°11'16" W. Frequencies 2152.325 (visual), 2150.2 (aural) toward various receiving points and 2158.5 (visual), 2154.0 (aural) toward various receiving points.

4975–C1–P–72—Tekkom (New), new station at temporary fixed locations Las Vegas, Nev. Frequencies: 2150.200 (aural), 2152.325 (visual) toward various directional receivers associated with this station and 2154.000 (aural), 2158.500 (visual) toward various directional receivers associated with this station.

4976–C1–P–72—Tekkom, Inc. (New), new station at temporary fixed locations in Salt Lake City, Utah. Frequencies: 2150.200 (aural), 2152.325 (visual) toward various directional receivers associated with this station and 2154.000 (aural), 2158.500 (visual) toward various directional receivers associated with this station.

5008–C1–P–72—Century Cable Communications, Inc. (New), Tucson Federal Savings Building, 32 North Stone Avenue, Tucson, AZ. Latitude 32°13'20" N., longitude 110°58'14" W. Frequencies: 2152.325 (visual), 21520.20 (aural) toward various receiving points of system and 2158.30 (visual), 2154.00 (aural) toward various receiving points of system.

5047–C1–P–72—Midwest Corp. (New), Baugh Building, 112 South Tryon Street, Charlotte, NC. Latitude 36°13'07" N., longitude 80°50'39" W. Frequencies: 2152.325 (visual), 2150.20 (aural) toward various receiving points of the system and 2158.50 (visual), 2154.00 (aural) toward various receiving points of system.

5048–C1–P–72—Midwest Corp. (New), Guilford Building, 300 South Elm Street, Greensboro, NC. Latitude 36°04'11" N., longitude 79°47'26" W. Frequencies: 2152.325 (visual), 2150.20 (aural) toward various receiving points of the system and 2158.50 (visual), 2154.00 (aural) toward various receiving points of the system.

5049–C1–P–72—Midwest Corp. (New), Wachovia Building, Main Street, between Third and Fourth, Winston-Salem, NC. Latitude 36°05'53" N., longitude 80°14'38" W. Frequencies 2152.325 (visual), 2150.20 (aural) toward various receiving points of the system and 2158.50 (visual), 2154.00 (aural) toward various receiving points of the system.

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programed" television service.

5050–C1–P–72—Midwest Corp. (New), Central Carolina Bank Building, Corcoran and Main Streets, Durham, N.C. Latitude 35°59'46" N., longitude 78°54'08" W. Frequencies 2152.325 (visual), 2150.20 (aural) toward various receiving points of the system and 2158.50 (visual), 2154.00 (aural) toward various receiving points of the system.
Streets, Durham, N.C. Latitude 35°59'46" N., longitude 78°54'08" W. Frequencies 2152.325
Raleigh, NC. Latitude 35°46'32" N., longitude 78°38'17" W. Frequencies: 2152.325 (visual), 2150.20 (aural) toward various receiving points of the system and 2158.50 (visual), 2154.00 (aural) toward various receiving points of the system.

5064–C1–P–72—United Video, Inc. (New), 67th East Avenue and 14th Place, Tulsa, OK. Latitude 36°09'27" N., longitude 95°55'26" W. Frequencies 2152.325 (visual), 2150.2 (aural) toward various receiving points and 2158.5 (visual) 2154.0 (aural) toward various receiving points.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Maryland

Berlin:
United Video, Inc. (New), File No. 4974–C1–P–72.
American Communications & Electronics Corp. (New), 4974–C1–P–72.

Utah

Salt Lake City:
Tekkom, Inc. (New), File No. 4976–C1–P–72.
Electro-Media Multipoint Service, Inc. (New), File No. 4752–C1–P–72.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

North Carolina

Charlotte:
Two-Way Radio of Carolina, Inc. (New), File No. 4639–C1–P–72.
Midwest Corp. (New), File No. 5047–C1–P–72.

Major Amendments

2986–C1–P–70—Data Transmission Co. (New), 2 miles south-southwest of Cedar Hill, Tex. Change frequency toward Bristol, Tex., to 5974.8H MHz on azimuth 109°39'.

2988–C1–P–70—Data Transmission Co. (New), change station location to 2 miles southwest of Bristol, Tex. Latitude 32°26'31" N., longitude 96°35'03" W. Change frequency toward Cedar Hill to 6230.9H MHz on azimuth 289°52'. Change frequency toward Stockard to 6404.8V MHz on azimuth 105°01'.

2989–C1–P–70—Data Transmission Co. (New), station location: 2.5 miles northeast of Stockard, Tex. Change frequency toward Bristol to 6152.8V MHz on azimuth 285°23'. Change frequency toward Montalba to 6152.8H MHz on azimuth 155°40'.

2990–C1–P–70—Data Transmission Co. (New), change station location to 1.9 miles northeast of Montalba, Tex. Latitude 31°53'45" N., longitude 95°42'40" W. Change frequency toward Stockard to 6404.8H MHz on azimuth 335°47'. Delete point of communication at Russell, Tex., and change frequency to 6404.8V MHz on azimuth 195°01' toward new point of communication at Centerville, Tex.

2991–C1–P–70—Data Transmission Co. (New), change station location to 6.8 miles northeast of Centerville, Tex. Latitude 31°19'17" N., longitude 95°53'26" W. Change frequency toward Montalba, Tex., to 6152.8V MHz on azimuth 14°55'. Change frequency toward Mossy Grove to 6152.8H MHz on azimuth 162°28'.

2992–C1–P–70—Data Transmission Co. (New), 4 miles southeast of Mossy Grove, Tex. Change frequency to 6404.8V MHz on azimuth 178°21' toward Keenan, Tex. Delete point of communication at Russell, Tex., and change frequency to 6404.8H MHz on azimuth 343°34' toward new point of communicatioin at Centerville, Tex.

2993–C1–P–70—Data Transmission Co. (New), change station location to 2.7 miles west-northwest of Keenan, Tex. Latitude 30°20'06" N., longitude 95°41'17" W. Change frequency toward Mossy Grove, Tex., to 6152.8V MHz on azimuth 358°21'. Change frequency toward Spring, Tex., to 6152.8V MHz on azimuth 146°50'.

2994–C1–P–70—Data Transmission Co. (New), change station location to 6 miles west of Spring, Tex. Latitude 30°05'42" N., longitude 95°30'28" W. Change frequency toward Keenan to 6404.8V MHz on azimuth 326°55'. Change frequency toward Houston to 6404.8H MHz on azimuth 160°10'.

2995–C1–P–70—Data Transmission Co. (New), 1200 Travis, Houston, Tex. Change frequency toward Spring, Tex., to 6152.8H MHz on azimuth 340°14'.

7083–C1–P–71—The Pacific Telephone & Telegraph Co. (KME71), change frequencies from 10,835 and 10,915 MHz to 1875H and 11,115H MHz toward San Luis Obispo, Calif.

7084–C1–P–71—The Pacific Telephone & Telegraph Co. (KME72), change frequencies from 11,285H and 11,365H MHz to 11,405V and 11,645V MHz toward Tassajero, Calif.

All other particulars the same as reported in public notice, Report No. 548, dated June 14, 1971.

Corrections

3870–C1–P–71—The Bell Telephone Co. of Pennsylvania (KYJ37), Manad, 2.7 miles northwest of Grantville, Pa. Change type of transmitters to Farinon Electric, SS11000–01 with an output power of 2 watts and delete frequency 10,835H MHz toward Harrisburg. Change type of transmitters to Farinon Electric, SS6000–2Y with an output of 2.5 watts and delete frequency 11,015H MHz toward Bethel.

3871–C1–P–71—The Bell Telephone Co. of Pennsylvania (New), 3.8 miles north-northwest of Bethel, Pa. Change type of transmitters to Farinon Electric, SS6000–2Y with an output of 2.5 watts and delete frequency 11,425 MHz toward Manaia. Change type of transmitter of Farinon Electric SS11000–01 with an output of 2 watts and delete frequency 11,645H MHz toward Pottsville via a double passive reflector on Sharp Mountain, Pa.

3872–C1–P–72—The Bell Telephone Co. of Pennsylvania (New), change type of transmitters to Farinon Electric SS11000–01 with an output of 2 watts and delete frequency 10,715H MHz toward Bethel via a double passive reflector on Sharp Mountain, Pa.

All other particulars same as reported on Public Notice No. 578 dated Jan. 10, 1972.

Corrections—Continued

4141–C1–P–72—South Central Bell Telephone Co. (KJK51), 216 South Fourth Street, Danville, KY. Latitude 37°38'38" N., longitude 84°46'25" W. C.P. to add frequencies: 10,915H and 11,155V MHz toward Mount Vernon, Ky. All other particulars same as reported on Public Notice No. 579 dated Jan. 17, 1972.

4262–C1–P–72—Bell Telephone Co. of Nevada (KPY31), Murry Summit, 1.4 miles west of Ely, Nev. C.P. to relocate and replace antenna; replace transmitters and change frequencies 6256.5 and 6875.2 MHz to 10,985H and 11,135V MHz toward Ely, Nev. All other particulars same as reported on Public Notice 579.

4753–C1–P–72—Electro Media Multipoint Service, Inc. (New), Kennecott Building, South Temple and Main Streets, Salt Lake City, UT. Latitude 40°46'07" N., longitude 111°-53'38" W. All other particulars same as reported on Public Notice No. 582 dated Feb. 7, 1972.

LOCAL TELEVISION TRANSMISSION SERVICE

5009–C1–P/L–72—Midwestern Relay Co. (New), at any temporary fixed location a C.P. and license to operate 10 units within the frequency of 11,700–12,200 MHz within the States of Illinois, Iowa, Michigan, Minnesota, and Wisconsin toward receivers operated by applicant.

[FR Doc.72–2421 Filed 2–17–72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G–2629 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 8, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G–2629, G–8324 and G–9724 C 12–16–71	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Northern Natural Gas Co., Spraberry, Benedum, and Andrews Plants, Permian Basin Area, Midland, Upton, and Andrews Counties, Tex.	[1] 26.5	14.65
G–4623 D 1–10–72	Amoco Production Co. (Operator) et al., Post Office Box 3092, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Travis Peak Sand Area, Panola County, Tex.	[2]	----
G–7430 12–16–71 [3]	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Jake Hamon (Rhodes) Field, McMullen County, Tex.	[4] 16.6	14.65
CI71–219 C 1–31–72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Florida Gas Transmission Co., Jay and Little Escambia Creek Fields, Santa Rosa and Escambia Counties, Fla., and Escambia County, Ala.	[5] 32.5	14.65
CI72–364 12–14–71	Petroleum, Inc. (Operator) et al., 300 West Douglas, Wichita, KS 67202.	Arkansas-Louisiana Gas Co., Northeast Carlton Field, Blaine County, Okla.	[6] 17.284335	14.65
CI72–370 A 12–21–71	Union Texas Petroleum, a division of Allied Chemical Corp., Post Office Box 2120, Houston, TX 77001.	Cities Service Gas Co., Hillsdale Northwest Area, Grant County, Okla.	20.3	14.65
CI72–387 12–29–71	Anadarko Production Co., Post Office Box 295, Liberal, KS 67901.	Northern Natural Gas Co., Hainline, Nilson, et al., Gas Units, Hugoton Field, Haskell County, Kans.	[7] 11.0	14.65
CI72–407 1–10–72	do	Panhandle Eastern Pipe Line Co., Bergner, Haar et al., Gas Units, Hugoton Field, Morton and Stevens Counties, Kans.	[8] 12.0	14.65
CI72–422 1–13–7	do	Northern Natural Gas Co., Taylor, Bass et al., Gas Units, Southwest Camp Creek Field, Beaver County, Okla.	[9] 17.0	14.65
CI72–457 1–24–72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	Depleted	----
CI72–458 B 1–19–72	Shell Oil Co., 1 Shell Plaza, Post Office Box 2463, Houston, TX 77001.	Atlantic Richfield Co., East Texas Field, Gregg County, Tex.	[10]	----
CI72–459 B 1–21–72	Big Injun Oil & Gas Co., Inc., 4000 Cathedral Ave. NW., Washington, DC 20016.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	[11]	----
CI72–460 B 1–21–72	do	do	[11]	----
CI72–461 (G–6352) F 1–24–72	Duer Wagner & Co. (successor to Continental Oil Co. et al.), 909 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	United Gas Pipe Line Co., South Cabeza Creek Field, Goliad County, Tex.	19.0	14.65
CI72–462 A 1–6–72	TransOcean Oil, Inc., 2100 First City National Bank Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Block 171, West Cameron Area, Offshore Louisiana.	[12] 26.0	15.025
CI72–463 B 1–26–72	Clinton Oil Co., 217 North Water, Wichita, KS 67202.	H. L. Hutton, Tonkawa Chat Field, Kay County, Okla.	Depleted	----

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession:
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI72–465 1–26–72 [13]	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, TX 76107.	Texas Eastern Transmission Corp., Greenwood-Waskom Field, Caddo Parish, La.	[14] 15.0256	15.025
CI72–466 A 1–27–72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Arkansas Louisiana Gas Co., Calhoun Field, Quachita, Lincoln and Jackson Parishes, La.	[14] 25.0	15.025
CI72–469 A 1–27–72	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Texas Gas Transmission Corp., Ramos Field, St. Mary Parish, La.	[14] 23.75	15.025
CI72–470 1–27–72 [15]	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Phillips Petroleum Co., McElroy and Dune Fields, Crane and Upton Counties, Tex.	20.98	14.65
CI72–471 B 1–31–72	Clark Fuel Producing Co., 727 Houston Club Bldg., Houston, Tex.	South Texas Natural Gas Gathering Co., Sam Fordyce Field, Hidalgo County, Tex.	Uneconomical	---- [2]
CI72–472 A 1–31–72	Carl E. Smith, Inc., Post Office Box 4, Sandyville, WV 25275.	Columbia Gas Transmission Corp., Belpre Township, Washington County, Ohio.	27.33	15.025
CI72–473 B 2–1–72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Rock Island Field, Colorado County, Tex.	[15]	---- [2]
CI72–474 B 2–1–72	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Rock Island Field, Colorado County, Tex.	[15]	---- [2]
CI72–475 A 2–1–72	Excelsior Oil Corp., Hastings, Nebr. 68901.	Kansas-Nebraska Natural Gas Co., Inc., North Buffalo Wallow—Lower Morrow Field and East Hobart Ranch Areas, Hemphill County, Tex.	[16] 20.50 [17] 20.5	14.65 ---- [2]

[1] Includes 1.9875 cents per Mcf upward B.t.u. adjustment for Spraberry Plant, 1.3250 cents per Mcf upward Btu. adjustment for Benedum Plant and 3.1270 cents per Mcf upward B.t.u. adjustment for Andrews Plant.
[2] Acreage is nonproductive.
[3] Applicant proposes to continue the sale of natural gas to cover its interests formerly covered by Jake L. Hamon (Operator) et al., FPC Gas Rate Schedule No. 3.
[4] Plus 0.06143 cent per Mcf tax reimbursement.
[5] Includes 11.05 cents per Mcf upward B.t.u. adjustment.
[6] Application previously noticed Jan. 20, 1972 in G–5236 et al., at a rate of 15.2 cents per Mcf which includes 0.2 cent per Mcf tax reimbursement and subject to upward and downward B.t.u. adjustment. By letter filed Jan. 10, 1972, applicant amended its application to reflect a rate of 17.284335 cents per Mcf which includes 2.028900 cents per Mcf upward B.t.u. adjustment and 0.255435 cent per Mcf tax reimbursement.
[7] Application previously noticed Jan. 20, 1972 in G–5236 et al., at a rate of 12.5 cents per Mcf. By letter filed Jan. 14, 1972, applicant amended its application to reflect a rate of 11 cents per Mcf.
[8] Application previously noticed Jan. 27, 1972 in G–3711 et al., at a rate of 12.5 cents per Mcf. By letter filed Jan. 21, 1972, applicant amended its application to reflect a rate of 12 cents per Mcf.
[9] Application previously noticed Jan. 27, 1972 in G–3711 et al., at a rate of 16 cents per Mcf, adjusted for B.t.u. By letter filed Jan. 25, 1972, applicant amended its application to reflect a rate of 17 cents per Mcf, adjusted for B.t.u., plus 0.01 cent per Mcf for 1967 Oklahoma tax reimbursement; however, the contract price is 18 cents per Mcf.
[10] Expiration of casinghead contract.
[11] Low production.
[12] Applicant is willing to accept a certificate at a rate of 26 cents per Mcf; however, the contract price is 32 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[13] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G–11003 to be made pursuant to W. C. Feazel Estate (Operator) et al., FPC Gas Rate Schedule No. 3.
[14] Plus 1.75 cents per Mcf tax reimbursement.
[15] Applicant is willing to accept a certificate at a rate of 25 cents per Mcf pursuant to Opinion No. 598; however, the contract price is 28 cents per Mcf.
[16] Includes 1.75 cents per Mcf tax reimbursement.
[17] Applicant proposes to continue deliveries made under percentage sales contracts all of which have been terminated effective Aug. 1, 1971.
[18] Expiration of leases.
[19] Minus 2.85 cents per Mcf downward B.t.u. adjustment—North Buffalo Wallow Field.
[20] Plus 1.19 cents per Mcf upward B.t.u. adjustment—Hobart Ranch Area.

[FR Doc.72–2417 Filed 2–17–72;8:45 am]

XUM

[Docket No. G–10670 etc.]

TENNECO OIL CO. ET AL.

Findings and Order After Statutory Hearing

FEBRUARY 11, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, canceling FPC gas rate schedules, redesignating proceedings, accepting rate schedules for filing, dismissing application in part, and canceling docket number.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Walker Oil & Gas Co., applicant in Docket No. CI61–852, proposes to continue in toto the sale of natural gas heretofore authorized in said docket to be made pursuant to Sunset International Petroleum Corp. et al., FPC Gas Rate Schedule No. 41. The effective rate under Sunset's rate schedule at the time of the transfer of the producing properties was in effect subject to refund in Dockets Nos. RI68–683 and RI70–993. Therefore, applicant will be made a co-respondent in said proceedings and the proceedings will be redesignated accordingly.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Comission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on February 2, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefore, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Walker Oil & Gas Co., should be made a co-respondent in the proceedings pending in Dockets Nos. RI68–683 and RI70–993 and that said proceedings should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(11) The certificate action pending in Docket No. CI64–465 insofar as it pertains to the acreage being deleted herein is moot.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G–10670, G–13308, G–16368, G–18394, G–19036, CI63–150, CI63–1300, CI64–465, and CI70–342 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The orders issuing certificates of public convenience and necessity in Dockets Nos. CI61–852, CI67–78, and CI69–614 are amended by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(F) Applicant in Docket No. CI70–342 shall charge and collect 17.62 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment, as provided by Opinion No. 468, as modified, for the acreage added herein.

(G) Within 90 days from the date of initial delivery, applicant in Docket No. CI70–342 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 468.

(H) In the event that applicant in Docket No. CI70–342 decides to exercise its option to process the natural gas under Article II, section 2, of the subject contract, it shall submit to the Commission for acceptance not less than 30 days prior to the commencement of such processing, a rate schedule supplement setting forth the conditions and details of the contemplated action.

(I) The certificate authorization granted in Docket No. CI70–342 is subject to any determination which may be made by the Commission in Docket No. R–338 with respect to the transportation of liquids and liquefiable hydrocarbons.

(J) Applicant in Docket No. CI71–624 shall charge and collect 20.3 cents per Mcf at 14.65 p.s.i.a. subject to upward and downward B.t.u. adjustment.

(K) Walker Oil & Gas Co. is made a co-respondent in the proceedings pending in Dockets Nos. RI68–683 and RI70–993 and said proceedings are redesignated accordingly. Walker shall comply with the refunding procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(L) The certificate application pending in Docket No. CI64–465 is dismissed insofar as it pertains to the acreage being deleted herein and the temporary certificate issued in said docket is terminated insofar as it pertains to the acreage being deleted herein.

(M) Docket No. CI71–10 is canceled.

(N) The certificates granted in Dockets Nos. CI61–852 and CI71–624 are subject to the Commission's findings and order accompanying Opinion No. 586, if the quality of the gas deviates at any time from the quality standards set forth in

(O) Within 90 days from the date of this order, applicant in Docket No. CI 61–852 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 586.

(P) The certificates issued in Dockets Nos. CI71–696 and CI71–697 are terminated and the related rate schedules are canceled since the service authorized therein will be continued by Nomoc Oil Co., a small producer certificate holder in Docket No. CS71–235.

(Q) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and the tabulation herein, are granted.

(R) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

(S) The certificates of public convenience and necessity issued in Dockets Nos. CI60–81, CI64–1021, and CI65–735 are terminated and the related rate schedules are canceled.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC Gas Rate Schedule [1] Description and date of document	No.	Supp.
G–10670 [2] D 7–1–71 [3]	Tenneco Oil Co. (Operator) et al.	Cities Service Gas Co., Eureka Field, Grant and Alfalfa Counties, Okla.	Notice of partial cancellation undated.[3] (Effective date: Date of this order)	181	6
G–13308 [2] D 6–3–71	Shell Oil Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Notice of partial cancellation 6–1–71. (Effective date: Date of this order).	181	18
G–16368 [2] D 3–10–71 D 5–14–71 [3]	Mobile Oil Corp. (Operator) et al.	Transwestern Pipeline Co., West Shattuck Field, Ellis County, Okla.	Notice of partial cancellation 5–4–71.[3] Notice of partial cancellation 6–4–71.[3] (Effective date: Date of this order).	240 240	15 16
G–18494 [2] D 5–24–71	Hunt Oil Co. (Operator) et al.	Northern Natural Gas Co., East Camrick Area, Beaver County, Okla.	Notice of partial cancellation 5–21–71.[3] (Effective date: Date of this order).	40	5
G–19036 [2] D 7–9–71	Atlantic Richfield Co.	Northern Natural Gas Co., East Camrick Field, Beaver County, Okla.	Notice of partial cancellation 6–30–71.[3] (Effective date: Date of this order).	424	6
CI63–150 [2] D	Sun Oil Co.	Northern Natural Gas Co., Various Fields, Beaver and Harper Counties, Okla.	Notice of succession undated. Assignment [4] 5–1–70 Assignment [4] 9–22–70 Assignment [4] 9–23–70 (Effective date: 5–22–70)	1 1 1 404	14 15 16 9
CI63–1300 [2] D 3–26–71	Mobil Oil Corp. (Operator) et al.	Natural Gas Pipeline Co. of America, West Crane and Putnam Fields, Ward and Pecos Counties, Okla.	Notice of partial cancellation 2–25–71.[3] (Effective date: Date of this order).	230	21
CI64–456 [2] D 4–23–71	General American Oil Co. of Texas (Operator) et al.	Texas Gas Transmission Corp., North Hayes Field, Jefferson Davis and Calcasieu Parishes, La.	Notice of partial cancellation 4–16–71.[3] (Effective date: Date of this order).	75	3
CI67–78 [2] E 6–4–71	Miles Kimball Co.	Arkansas Louisiana Gas Co., Hodge Field, Jackson Parish, La.	Machin Oil Ltd., FPC Gas Rate Schedule No. 1 and Supplement No. 1 thereto. Notice of succession undated. Assignment 11–9–70 [5] (Effective date: 11–1–70)	6 6	1 2

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

V371-34 FEB 18 72 XUM

FPC Gas Rate Schedule [1]

Docket No. and date filed	Applicant	Purchaser and location	Description and date of document	No.	Supp.
CI69-614 [11] D 6-4-71	....do....	Arkansas Louisiana Gas Co., North Lansing Field, Harrison County, Tex.	Art Machin & Associates Inc., FPC Gas Rate Schedule No. 2 and Supplement No. 1 thereto. Notice of sucession 5-31-71. Assignment (11-9-70) [12] [13] (Effective date: 11-1-70)	7 7	1 2
CI69-643 C 6-10-71	Quail Oil Corp.	Transwestern Pipeline Co., Eureka Field, Eddy County, N. Mex.	Letter agreement. (Effective date: Date of initial delivery).	412	3
CI71-668 [14] D 3-22-71	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., South Cement Field, Caddo County, Okla.	Notice of Cancellation [15] 2-25-71. (Effective date: Date of this order).	397	10
CI71-697 [16] D 3-22-71	....do....	....do....	Notice of cancellation [15] 3-23-71. (Effective date: Date of this order).	398	9
CI71-824 A 6-18-71	Helmerich & Payne, Inc.	Michigan-Wisconsin Pipe Line Co., North Woodward Pool, Woodward County, Okla.	Compliance [18] 6-21-71. (Effective date: Date of initial delivery).	30	1
CI71-874 [19] B 6-14-71	Mobil Oil Corp.	Cities Service Gas Co., Northeast Woodward County, Okla.	Notice of cancellation [3 20] (Effective date: Date of last/order).	219	8
CI72-3 [21] B 7-1-71	Tenneco Oil Co. (Operator), et al.	Cities Service Gas Co., Eureka Field, Grant County, Okla.	Notice of cancellation [4] Undated. (Effective date: Date of this order).	64	4
CI72-7 [22] B-7-6-71	William V. Montin	El Paso Natural Gas Co., Dako Formation, San Juan County, N. Mex.	Notice of Cancellation [3] 7-2-71. (Effective date: Date of this order).	1	1
CI72-29 [23] B 6-22-71	Ralph E. Fair	Tennessee Gas Pipeline Co., Gaffney Field Victoria County, Tex.	Notice of cancellation [3] (Effective date: Date of this order).	3	9

[1] Where no effective date is shown, the rate schedule filing has heretofore been accepted.
[2] Application for permission to abandon, in part, the sale heretofore authorized in Docket No. G-13038.
[3] Includes buyer's concurrence.
[4] Applicant proposes to abandon, in part, the sale heretofore authorized in Docket No. G-13038.
[5] Application to amend certificate in Docket No. G-16508, to delete acreage assigned to C. W. Inc., holder of a small producer certificate in Docket No. CS71-235.
[6] Includes Assignment dated Feb. 10, 1971, conveying interest to C. W. Inc.
[7] Application for small producer certificate to delete released, expired or leases.
[8] Application for permission to abandon, in part, the sale heretofore authorized in Docket No. G-18404.
[9] Docket No. CI72-10 was erroneously assigned to this application.
[10] Applicant proposes to abandon, in part, the sale heretofore authorized in Docket No. G-19036.
[11] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI61-852 pursuant to Sunset International Petroleum Corp. et al., FPC Gas Rate Schedule No. 41.
[12] Previous assignment executed May 1, 1970, not delivered prior to Sunset's entering reorganization proceedings.
Assignment delivered by Trustees.
[13] From Clayton E. Lee to applicant.
[14] No abandonment application filed or necessary. 18 CFR 2.54.
[15] Conveys interest to Cities Service Gas Co. which was issued a small producer certificate in Docket No. CS71-7.
[16] Conveys interest to Nomoco Oil Co., holder of a small producer certificate in Docket No. CS71-235.
[17] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI69-614 pursuant to Art Machin Oil, Ltd., FPC Gas Rate Schedule No. 1.
[18] From Machin Oil, Ltd., to applicant.
[19] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI69-614 pursuant to Art Machin & Associates, Inc., FPC Gas Rate Schedule No. 2.
[20] Art Machin & Associates, Inc., was operator of properties and general partner of Machin Oil, Ltd.
[21] By letter dated July 9, 1971, applicant agreed to accept a permanent certificate conditioned to the outcome of the proceeding in Docket No. R-389.

BANCOHIO CORP.

Order Approving Acquisition of Bank

BancOhio Corp., Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Ohio Savings & Trust Co., New Philadelphia, Ohio (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the largest bank holding company and second largest banking organization in Ohio, has 30 subsidiary banks controlling deposits of approximately $1.6 billion, representing 7.3 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved by the Board through January 31, 1972.) Consummation of the proposal herein would increase the percentage of total State deposits controlled by applicant slightly to 7.4 percent and applicant would remain the State's second largest banking organization.

Bank with deposits of $21 million controls 13 percent of deposits within Tuscarawas County which approximates the relevant market within which the competitive aspects of the proposal are to be considered. Bank is the third largest of eight banks in the market. The two larger banks, one of which is affiliated with the State's fifth largest holding company, hold 43 and 25 percent, respectively, of market deposits and are the only banks providing significant competition to Bank in its primary service area. Approval of the application should stimulate competition in the New Philadelphia-Dover area and may eventually diminish the percentage of deposits held by the two larger banks.

Applicant's closest subsidiary to Bank is located 30 miles away. There is, therefore, no meaningful existing competition between Bank and any of Applicant's subsidiaries. Due to size, distance, and the presence of intervening banks, it is considered unlikely that future competition will develop between them. Consummation of this proposal would thus foreclose neither existing nor potential competition between Bank and any bank subsidiary of applicant. Affiliation with applicant is likely to enable Bank to compete more effectively in the market while not having a detrimental effect on smaller banks within the market. Accordingly, the Board concludes that competitive considerations are consistent with approval.

The financial and mangerial resources and future prospects of applicant and its subsidiaries are regarded as satisfactory. Bank's present management is faced with resolving loan and capital problems. Applicant proposes to utilize its personnel to strengthen loan administration; and applicant has committed itself to raise Bank's capital to a level acceptable to its supervisory authorities within 18 months through dividend restrictions and the injection of new capital if necessary. Accordingly, considerations related to financial and managerial resources favor approval of the proposed acquisition.

Applicant proposes to provide Bank with expertise which would permit Bank to offer directly FHA and VA insured loans and to expand other banking services. Thus, considerations related to convenience and needs of the communities involved are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] February 14, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2495 Filed 2-17-72;8:48 am]

CHARTER BANKSHARES CORP.

Acquisition of Bank

Charter Bankshares Corp., Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First State Bank in St. Petersburg, St. Petersburg, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 14, 1972.

Board of Governors of the Federal Reserve System, February 14, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2496 Filed 2-17-72;8:48 am]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Banks

Texas Commerce Bancshares, Inc., Houston, Tex., has applied, in two separate applications as set forth below, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire 100 percent of the voting shares (less directors' qualifying shares) of Reagan State Bank of Houston, Houston, Tex.; and

(2) To acquire 100 percent of the voting shares (less directors' qualifying shares) of Airline Bank, Houston, Tex. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 14, 1972.

Board of Governors of the Federal Reserve System, February 14, 1972.

TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2497 Filed 2-17-72;8:48 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Chairman Burns.

FIRST TULSA BANCORPORATION

Order Approving Acquisition of Bank Stock

First Tulsa Bancorporation, Inc., Tulsa, Okla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 14.5 percent of the voting shares of Southeastern State Bank, Tulsa, Okla. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the largest bank holding company and the third largest banking organization in Oklahoma, controls one bank, The First National Bank and Trust Company of Tulsa, with deposits of $407.7 million, representing 7 percent of the total commercial bank deposits in the State and maintains close relationships with two suburban Tulsa banks, Admiral State Bank and Community State Bank. Both suburban banks are controlled by majority shareholders of applicant and together hold 3.2 percent of the commerical bank deposits in the Tulsa banking market (approximated by Tulsa County and portions of Creek and Rogers Counties). (All banking data are as of June 30, 1971.) Upon consummation of the proposal herein, applicant's share of deposits in the State would increase only slightly, and its position relative to the State's other banking organizations would remain unchanged.

Bank ($8.2 million deposits), one of the smaller banks in the Tulsa banking market, is the smallest of 9 banks in its primary service area, which is approximated by a 30 square mile area in southeast Tulsa. Neither Admiral State Bank, nor Community State Bank compete in the service area of Bank. Applicant's lead bank, the largest bank in Tulsa, is located downtown, 8 miles from Bank, and its service area fully encompasses that of Bank. However, there is no meaningful competition between Bank and applicant's subsidiary bank because shareholders owning 55 percent of applicant's stock control approximately 71.3 percent of Bank's stock. This close relationship has existed since Bank's organization in 1968, and it appears that the relationship would continue to exist regardless of the Board's action on the present application. On the basis of the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

Considerations relating to financial and managerial resources and prospects as they relate to applicant, its subsidiaries, and Bank are satisfactory and consistent with approval of the application although the major banking needs

V 37 I 34 FEB 18 72 XUM

of Bank's service area are presently being met. Applicant will continue to assist Bank in its credit analysis, investment policies, data processing services, and loan participations. Thus, considerations relating to the convenience and needs are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[1] The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] February 11, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2465 Filed 2-17-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Files Nos. 2-31965 (22-5428)]

SYBRON CORP.

Notice of Application and Opportunity for Hearing

FEBRUARY 14, 1972.

Notice is hereby given that Sybron Corp. (the Company) has filed an application under clause (ii) of section 310 (b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of the Morgan Guaranty Trust Company of New York (the Bank) under an indenture dated as of April 15, 1969, and heretofore qualified under the Act, and a new indenture, which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under both indentures.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor.

However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

1. It has outstanding $25 million principal amount of 7½ percent Sinking Fund Debentures due April 15, 1994 which were issued under an indenture dated as of April 15, 1969 entered into between the Company and the Bank, as trustee, which has been qualified under the Act.

2. Sybron Overseas Capital N. V., (Overseas), a Netherland Antilles Corp., and a wholly owned subsidiary of the Company, proposes to issue and sell outside the United States in a transaction which will be exempt from registration under the Securities Act of 1933 (1933 Act) $15,000,000 principal amount of ------ percent Guaranteed Sinking Fund Debentures due 1987 (new debentures) to be issued under an indenture between Overseas, the Company and the Bank (new indenture).

3. The new debentures are to be guaranteed as to payment of principal, interest, premium, if any, and sinking fund, by the Company. The new indenture will not be qualified under the Act.

4. The indenture dated as of April 15, 1969 is, and the new indenture will be, wholly unsecured. The Company is not in default under the indenture dated as of April 15, 1969.

5. The obligations of the Company under the indenture dated as of April 15, 1969, and the guarantees of the new debentures by the Company will rank on a parity with each other, all being unsecured senior obligations of the Company.

6. The differences in the provisions of the two indentures are not so likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under both indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under the rules and practices of the Commission with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street, Washington, DC 20549.

Notice is further given that any interested person may, not later than March 2, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2470 Filed 2-17-72;8:46 am]

[811-1807]

VALUE LINE LEVERAGED GROWTH FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 14, 1972.

Notice is hereby given that The Value Line Leveraged Growth Fund, Inc. (Applicant), 5 East 44th Street, New York, NY 10017, registered as a management open-end diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act on February 5, 1969 by filing a notification of registration on Form N-8A. Applicant represents that it has no assets, that it has not issued or made any public offering or sale of its securities, and that a proposed public offering will be made by Applicant's successor, Value Line Leveraged Growth Investors, Inc., a Maryland corporation.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 8, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2471 Filed 2-17-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 15, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 56679 Sub 41, Brown Transport Corp., assigned for hearing March 20, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 56679 Sub 50, Brown Transport Corp., assigned for hearing March 20, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 115495 Sub 20, United Parcel Service, Inc., now being assigned April 17, 1972, at Hotel Utah, South Temple and Main Streets, Salt Lake City, UT.

MC-C-7405, William E. Hesselgrave, doing business as Puget Sound Tours, and George V. Hesselgrave, doing business as Bellingham-Ferndale Stages—Investigation of Operations, now being assigned April 25, 1972, at Seattle, Wash., in a hearing room to be later designated.

MC 135987 Sub 1, Carbol Trailways, Ltd., now being assigned April 24, 1972, at Seattle, Wash., in a hearing room to be later designated.

MC-F-11250, Piedmont Movers, Inc.—Purchase—Carpenter Van Lines, now being assigned hearing April 5, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-11310, Tower Lines—Purchase—Draper Trucking Co., now being assigned hearing April 3, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

Finance Docket No. 26737, Katy Industries—Control—Cenac Towing, now being assigned hearing April 17, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 210, Schneider Transport & Storage, now being assigned hearing April 17, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 61592 Sub 231, Jenkins Truck Line, now being assigned hearing April 18, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-11141, Brown Transport Corp.—Control and Merger—Pool Freight Lines, Inc., and MC 56679 Sub 52, Brown Transport Corp., assigned for hearing March 20, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC 115322 Sub 79, Redwing Refrigerated, Inc., MC 116763 Sub 208, Carl Subler Trucking, Inc., MC 126276 Sub 58, Fast Motor Service, Inc., MC 133095 Sub 13, Texas Continental Express, Inc., now being assigned April 19, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 129600 Sub 5, Polar Transport, Inc., MC 133095 Sub 8, Texas Continental Express, Inc., now being assigned April 20, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. M-25459, General Increase—Rocky Mountain Territories, now being assigned hearing March 27, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-11345, Brown Transport Corp.—Investigation of Control—Pool Freight Lines, Inc., assigned for hearing March 20, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

I & S No. M-25435, Joint Motor Water Rates, Jacksonville, Fla., to Puerto Rico, now being assigned hearing February 23, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

I & S No. M-25475, General Increase—Central States Territory, now being assigned hearing April 17, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

I & S No. M-254771, I & S No. M-25477 Sub 1, General Increase East, South Territory, now being assigned hearing April 24, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

I & S No. 8698, Wine, Pacific Coast to the East, now being assigned hearing March 28, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

No. 35474, Pacific Paper Products, Inc., v. Garrett Freightlines, Inc., et al., now being assigned hearing April 26, 1972, at Seattle, Wash., in a hearing room to be designated later.

MC 64808 Sub 11, W. S. Thomas Transfer, Inc., assigned for hearing May 10, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107515 Sub 771, Refrigerated Transport Co., Inc., assigned for hearing May 10, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 109397 Sub 261, Tri-State Motor Transit Co., assigned for hearing May 8, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117940 Sub 61, Nationwide Carriers, Inc., assigned for hearing May 8, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117940 Sub 62, Nationwide Carriers, Inc., assigned for hearing May 9, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 1515 (Sub-No. 171 TA) (Amendment), filed January 11, 1972, published FEDERAL REGISTER issue January 28, 1972, amended and republished in part as amended this issue. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113, Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: J. E. Adkins (same address as above). NOTE: The purpose of this partial republication is to show correct name and address of where to send protests to: Transportation Specialist A. V. Baylor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025, in lieu of District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199. The rest of the notice remains the same.

No. MC 127372 (Sub-No. 5 TA) (Amendment), filed November 29, 1971, published FEDERAL REGISTER issue December 10, 1971, amended and republished in part as amended this issue. Applicant: SIDNEY A. AHL, 1921 Bexley Street, North Charleston, SC 29406. Applicant's representative: Frank D. Hall, 3384 Peachtree Road NE., Suite 713, Atlanta, GA 30326. NOTE: The purpose of this partial republication is to add to the destination points Jasper, Hampton, Dorchester, Colleton, Charleston, Berkeley, Beaufort, Horry, Bamberg, Williamsburg, and Georgetown Counties, S.C., which were inadvertently omitted in previous publication. The rest of the application remains the same.

[Notice 22]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 10, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the pro-

[1] Dissenting Statement of Governors Robertson and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Chairman Burns, and Governors Daane, Maisel, and Sheehan. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governor Mitchell.

V 37-34
FEB 18 72
XUM

tests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

MC 51146 Sub 217, Schneider Transport & Storage, heard February 8, 1972, at Chicago, Ill., and continued to March 14, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128879 Sub 16 and 18, C–B Truck Lines, Inc., heard January 31, 1972, through February 3, 1972, at Amarillo, Tex., is continued to March 27, at Albuquerque, N. Mex., in a hearing room to be later designated.

MC–C–7276, Manhattan Transit Company v. National Ski Tours, Inc., et al., assigned for continued hearing May 8, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–2536 Filed 2–17–72;8:51 am]

No. MC 136137 (Sub-No. 1 TA) (Amendment), filed December 9, 1971, published FEDERAL REGISTER issue December 22, 1971, amended and republished as amended this issue. Applicant: JAMES D. JOHNSON, doing business as JOHNSON MOVING & STORAGE, No. 2 Maysville Avenue, Mount Sterling, KY 40353. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Montgomery County, Ky., on the one hand, and, on the other, points in Bath, Bracken, Breathitt, Clay, Fleming, Floyd, Grant, Jackson, Johnson, Knott, Laurel, Lee, Leslie, Lincoln, Magoffin, Mason, Menifee, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pulaski, Robertson, Rockcastle, Rowan, and Wolfe Counties, Ky. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Office, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, KY 40505. NOTE: The purpose of this republication is to redescribe the authority sought.

No. MC 136342 (Sub-No. 1 TA), filed January 26, 1972. Applicant: JACKSON AND JOHNSON, INC., West Church, Box 7, Savannah, NY 13146. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* distributed by the Statler Tissue Corp., Sugarman Bros. Division, from Hartford, Conn., and Medford, Mass., to Syracuse, N.Y., for 180 days. Supporting shipper: Jerome L. Goodman, Vice President, Statler Industries Corp., Sugarman Bros. Division, 330 Middlesex Avenue, Medford, MA 02155. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

MOTOR CARRIERS OF PASSENGERS

No. MC 136281 (Sub-No. 1 TA), filed January 27, 1972. Applicant: RONNIE JACK FREEMAN, doing business as ROAN MTN. BUS LINE, Route 2, Box 312, Roan Mountain, TN 37686. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, between Roan Mountain, Tenn., and points on U.S. Highway 19E between Roan Mountain, Tenn., and the Tennessee-North Carolina State line and points on Tennessee Highway 143 between Roan Mountain, Tenn., and Burbank, Tenn., including Burbank, Tenn., on the one hand, and, on the other, the plantsite of Hanes Corp. located on North Carolina Highway 181 at or near Pineola, N.C., and return, for 180 days. Supported by: There are approximately 24 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–2534 Filed 2–17–72;8:51 am]

[Notice 23]

AUTHORITY APPLICATIONS MOTOR CARRIER TEMPORARY

FEBRUARY 14, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2765 (Sub-No. 30 TA), filed February 1, 1972. Applicant: SQUARE DEAL CARTAGE COMPANY, 13401 Eldon Avenue, Detroit, MI 48234. Applicant's representative: Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, from Detroit and Warren, Mich., to Milwaukee, Wis., truckaway service, in initial movements, for 180 days. Supporting shipper: Chrysler Corp., Post Office Box 1976, Detroit, MI 48231. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, MI 48226.

No. MC 103993 (Sub-No. 688 TA), filed February 1, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Columbia County, N.Y., to points in the United States east of the Mississippi River, Minnesota and Louisiana, for 180 days. Supporting shipper: Skyline Corp., 2520 Bypass Road, Elkhart IN 46514 (Richard D. Jenks, Transportation Manager). Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107403 (Sub-No. 830 TA), filed January 31, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adiponitrile*, in bulk, in tank vehicles, from La Place, La., to Orange, Tex., for 150 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 107515 (Sub-No. 790 TA), filed January 26, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road, SE., Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nondairy vegetable oil compound*, from the plantsite of Royal Food Products Co., Indianapolis, Ind., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Louisiana, and Tennessee, for 150 days. Supporting shipper: Royal Food Products Co., 2243 Bethel Avenue, Indianapolis, IN 46203. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 107544 (Sub-No. 105 TA) (Correction), filed January 25, 1972, published in the FEDERAL REGISTER issue of February 10, 1972, and republished in part as corrected this issue. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. NOTE: The purpose of this partial republication is to show the origin territory as being "from points in Richmond County, Ga.," which was inadvertently shown as Richmond County, Va., in the previous publication. The rest of the application remains as previously published.

No. MC 109435 (Sub-No. 68 TA), filed February 1, 1972. Applicant: CHEMICAL EXPRESS CARRIERS OF OKLAHOMA, INC., 1200 Simmons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, in bulk, and in bags, from the Tulsa of Catoosa in Oklahoma to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103; Olin Corp., Agricultural Division, Post Office Box 991, Little Rock, AR 72203. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 110525 (Sub-No. 1025 TA), filed February 1, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrazine solution*, in bulk, in tank vehicles, from Lake Charles, La., to Marinette, Wis., for 180 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111467 (Sub-No. 30 TA), filed January 31, 1972. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, 1080 East 12th Street, Dubuque, IA 52001. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, from Dubuque, Iowa, to points in Illinois and Milwaukee, Wis., for 150 days. Supporting shipper: Sitzman Crating & Box Co., Post Office Box 1176, Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114848 (Sub-No. 51 TA), filed January 28, 1972. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Post Office Box 13068, Riverside Station, Memphis, TN 38113. Applicant's representative: Terry T. Wharton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated aluminum*, in bulk, from points in Badin, Stanly County, N.C., to New Johnsonville, Tenn., for 180 days. Supporting shipper: Aluminum Co. of America, 1501 Alcoa Building, Pittsburgh, Pa. 15219. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 933 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

No. MC 114965 (Sub-No. 47 TA), filed February 1, 1972. Applicant: CYRUS TRUCK LINE, INC., Post Office Box 327, R.F.D. No. 1, Iola, KS 66749. Applicant's representative: Charles H. Apt, 104 South Washington Avenue, Iola, KS 66749. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from the Midwest Terminal Warehouse, Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma, for 180 days. Supporting shippers: Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103; Olin, Post Office Box 991, Little Rock, AR 72203. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 115311 (Sub-No. 131 TA), filed January 24, 1972. Applicant: J & M TRANSPORTATION CO., INC., Post Office Box 488, Milledgeville, GA 31061. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and roofing slabs*, from the plantsite of Concrete Products, Inc., at Brunswick, Ga., to points in Florida, for 150 days. Supporting shipper: Concrete Products, Inc., Post Office Box 130, Brunswick, GA 31502. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 117799 (Sub-No. 27 TA), filed January 31, 1972. Applicant: BEST WAY FROZEN EXPRESS, INC., Room 205, 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representative: K. O. Petrick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Styropar* (in drums) from Kobuta (Beaver County), Pa., to Nixa, Mo., for 180 days. Supporting shipper: Diversified Plastics Corp., Nixa, Mo. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 118851 (Sub-No. 6 TA), filed January 31, 1972. Applicant: KEY EXPRESS, INC., Post Office Box 401, Niagara Falls, ON, Canada. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points in New York State, on and west of Route 11, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 124154 (Sub-No. 49 TA), filed January 31, 1972. Applicant: WINGATE TRUCKING COMPANY, INC., Post Office Box 645, 1004 21st Avenue, Albany, GA 31702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank vehicles, from Pelham, Ga., to points in Alabama, Florida, and South Carolina, for 180 days. Supporting shipper: Stoller Chemical Co., Inc., 2211 South Whittier Avenue, Springfield, IL 62704. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 125770 (Sub-No. 7 TA), filed January 31, 1972. Applicant: SPIEGEL TRUCKING, INC., 504 Essex Street, Harrison, NJ 07029. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel office furniture and equipment*, for the account of Hillside Metal Products, Inc., from Newark, N.J.,

V 37 N 34 FEB 18 72 XUM

to Fort Lee and Fort Eustis, Va.; Fort Knox, Ky.; Fort Leonard Wood and Kansas City, Mo.; Fort Riley, Kans.; Fort Hood and Fort Worth, Tex.; Fort Polk, La.; Fort Sill, Okla.; Fort Carson, Colo.; and Auburn, Wash.; and Stockton, Bell, and Fort Ord, Calif., for 180 days. Supporting shipper: Hillside Metal Products, Inc., 300 Passaic Street, Newark, NJ 07104. Send protests to: District Supervisor, R. E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 128383 (Sub-No. 12 TA), filed January 28, 1972. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, PA 19079. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, between J. F. Kennedy International Airport and LaGuardia Airport, New York, N.Y.; Newark Airport, Newark, N.J.; Philadelphia International Airport, Philadelphia, Pa.; Friendship International Airport, Anne Arundel County, Md.; Dulles International Airport, Fairfax and Loudoun Counties, Va.; Washington National Airport, Gravelly Point, Va.; Greater Buffalo International Airport, Erie County, N.Y.; Rochester-Monroe County Airport, Monroe County, N.Y.; Oneida County Airport, Oneida County, N.Y.; Clarence E. Hancock Airport, Onondaga County, N.Y.; Albany County Airport, Albany County, N.Y.; Broome County Airport, Broome County, N.Y.; Chemung County Airport, Chemung County, N.Y.; Jamestown Municipal Airport, Chautauqua County, N.Y.; Schenectady County Airport, Schenectady County, N.Y.; Logan International Airport, Boston, Mass.; Bowles Agawam Airport, Hampden County, Mass.; Tweed New Haven Airport, New Haven County, Conn.; Bradley International Airport, Hartford County, Conn.; Youngstown Municipal Airport, Trumbull County, Ohio; Akron-Canton Airport, Summit County, Ohio; Cleveland-Hopkins Airport, Cuyahoga County, Ohio, for 180 days. Supporting shippers: There are approximately 11 statements of support attached to the application which may be examined here at the Interstate Commerce Commission, Washington, D.C., or copies thereof which may be examined at the Field Office named below. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 133014 (Sub-No. 4 TA), filed January 31, 1972. Applicant: WOODCREST L & S CO., 1301 West 22d Street, Oak Brook, Suite 509, Oakbrook, IL 60521. Applicant's representative: Arnold L. Burke, Suite 1133, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold by retail mail-order houses, between Chicago, Ill., on the one hand, and, on the other, points in Tennessee, Kentucky, and North Carolina, under a continuing contract or contracts with Spiegel, Inc., for 180 days. Supporting shipper: Arthur Comeau, Director of Transportation, Spiegel, Inc., 2511 West 23d Street, Chicago, IL. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 133977 (Sub-No. 8 TA), filed January 26, 1972. Applicant: GENE'S INC., 302 Maple Lane, Arcanum, OH 45304. Applicant's representative: Gene Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and pesticides*, in bags, from Wadsworth, Ohio, to points in Indiana, Kentucky, and Michigan, for 180 days. Supporting shipper: Swift Agricultural Chemical Co., 2 North Riverside Plaza, Chicago, IL 60606. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 134337 (Sub-No. 4 TA), filed January 19, 1972. Applicant: TRANSPORT AMEDEE CAYER, INC., Post Office Box 470, C. P. (Kamouraska) County, La Pocatiere, PQ Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor bicycles and motor bicycle parts*, from ports of entry on the United States-Canada boundary line to Yarmouth, Maine; Suffield, Conn.; Belvidere, N.J.; Syracuse and Rochester, N.Y.; Erie, Pa.; Detroit, Mich.; Forest Lake, Minn.; Davenport, Iowa; Walhalla, N. Dak.; Denver, Colo.; Great Falls, Mont.; Newport, Wash.; and Anchorage, Alaska; and (2) *snowmobiles and snowmobile parts*, from ports of entry on the United States-Canada boundary line to Suffield, Conn.; Syracuse and Rochester, N.Y.; Davenport, Iowa; Walhalla, N. Dak.; Great Falls, Mont.; Newport, Wash.; and Anchorage, Alaska. Restriction: The authority granted herein is restricted to traffic originating to points in Kamouraska County, Province of Quebec, Canada, for 180 days. Supporting shipper: Moto-Ski Ltd., Suite 424, 1440 Ouest rue Ste-Catherine Street, West Montreal 107, PQ Canada. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 424 Federal Building, Concord, NH 03301.

No. MC 134405 (Sub-No. 5 TA), filed February 1, 1972. Applicant: BACON TRANSPORT COMPANY, Post Office Box 1134, Ardmore, OK 73401. Applicant's representative: O. G. Bacon III (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from the Tulsa Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri, Texas, and Oklahoma, for 180 days. Supporting shipper: Willchemco, Inc., J. J. Stefanec, National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 134599 (Sub-No. 35 TA), filed February 2, 1972. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Post Office Box 748, Office: 265 West 27th South, 84115, Salt Lake City, UT 84110. Applicant's representative: Richard A. Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber, rubber products, plastics and chemicals, and equipment, materials, and supplies* used in the manufacturing and production thereof (except in bulk, in tank vehicles); (1) from Naugatuck, Conn., to Detroit, Mich., Indianapolis, Ind., Opelika, Ala., Los Angeles, Calif., Eau Claire, Wis., and Chicopee Falls, Mass.; (2) from Detroit, Mich., to Opelika, Ala., Los Angeles, Calif., and Chicopee Falls, Mass.; (3) from Scottsville, Va., to Detroit, Mich., Shelbyville, Tenn., Opelika, Ala., and Chicopee Falls, Mass.; (4) from Shelbyville, Tenn., to Detroit, Mich., Scottsville, Va., Winnsboro, S.C., Opelika, Ala., and Chicopee Falls, Mass.; (5) from Winnsboro, S.C., to Detroit, Mich., Scottsville, Va., Shelbyville, Tenn., Opelika, Ala., and Chicopee Falls, Mass.; (6) from Opelika, Ala., to Detroit, Mich., Los Angeles, Calif., Eau Claire, Wis., and Chicopee Falls, Mass.; (7) from Los Angeles, Calif., to Detroit, Mich., Opelika, Ala., Eau Claire, Wis., and Chicopee Falls, Mass.; (8) from Eau Claire, Wis., to Opelika, Ala., Los Angeles, Calif., and Chicopee Falls, Mass.; and (9) from Chicopee Falls, Mass., to Detroit, Mich., Opelika, Ala., Los Angeles, Calif., and Eau Claire, Wis., under continuous contract with Uniroyal, Inc., for 180 days. Supporting shipper: Uniroyal Inc., Oxford Management & Research Center, Middlebury, Conn. 06749 (John C. Taylor, Traffic Manager, Operations). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 134610 (Sub-No. 4 TA), filed December 27, 1971. Applicant: JACK R. CLARK, doing business as CLARK TRUCKING SERVICE, Post Office Box 118, Niota, TN 37826. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Newsprint and groundwood paper*, from the site of Bowaters Southern Paper Corp. at Calhoun, Tenn., to points in Alabama south of U.S. Highway 80; Florida on and north of Florida Highway 50; Georgia south of a line extending along U.S. Highway 280 from the Georgia-Alabama State line to junction U.S. Highway 80 at or near Blitchton, Ga., along U.S. Highway 80 to Savannah Beach, Ga., North Carolina east of U.S. Highway 1; South Carolina east of U.S. Highway 1; points in the District of Columbia, Mississippi, and Virginia; (2) *used newsprint and groundwood cores*, from Alabama south of U.S. Highway 80; Florida on and north of Florida Highway 50; North Carolina east of U.S. Highway 1; Georgia south of a line extending along U.S. Highway 280 from the Georgia-Alabama State line to junction U.S. Highway 80 at or near Blitchton, Ga., and along U.S. Highway 80 to Savannah Beach, Ga., South Carolina east of U.S. Highway 1; the District of Columbia, Mississippi, and Virginia to the plantsite of Bowater Southern Paper Corp. at Calhoun, Tenn.; and (3) *pulpboard*, from West Point, Va., to the plantsite of Bowater Southern Paper Corp. at Calhoun, Tenn., for 180 days. Supporting shipper: Bowater Southern Paper Corp., Calhoun, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-2535 Filed 2-17-72;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATIONS:	
2032 (see PLO 5158)	3058
2372 (see PLO 5158)	3058
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3967 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
4105	2831
4106	2921
4107	3165
4108	3613
4109	3615
4110	3617
4111	3619
4112	3621
EXECUTIVE ORDERS:	
January 27, 1913 (partially revoked by PLO 5159)	3184
5237 (partially revoked by PLO 5155)	2840
5327 (see PLO 5157)	3057
7295 (see PLO 5162)	3185
8592 (see PLO 5162)	3185
11183 (amended by EO 11648)	3623
11248 (amended by EO 11641)	2421
11345 (amended by EO 11646)	2925
11410 (see EO 11648)	3623
11568 (see EO 11642)	2565
11641	2421
11642	2565
11643	2875
11644	2877
11645	2923
11646	2925
11647	3167
11648	3623
11649	3625
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567
Memorandum of February 9, 1972	3627

5 CFR

	Page
213	2423, 2491, 2841, 2842, 2879, 3049
532	3409
550	3355
PROPOSED RULES:	
900	2589

6 CFR

	Page
101	2491, 2678
102	2478
200	2479
201	3357
300	2842, 3410
311	2480

7 CFR

	Page
7	3349
51	2745
53	2745
501	2423
502	2424
701	2833
706	2491
722	3171, 3420
724	2745, 3422, 3507
726	2496
729	2645, 2765, 3629
795	3049
811	2659, 3629
905	2660
906	2765, 3049
907	2569, 2927, 3507
910	2426, 2766, 2834, 3171
928	2927
982	3630
993	3349
1001	2928
1002	2929
1004	2929
1006	2930
1007	2930
1011	2930
1012	2930
1013	2931
1015	2931
1030	2931
1032	2932
1033	2932
1036	2932
1040	2932
1043	2933
1044	2933
1046	2933
1049	2933
1050	2934
1060	2934
1061	2934
1062	3631
1063	2934
1064	2935
1065	2497, 2935
1068	2935
1069	2935
1070	2936
1071	2936

7 CFR—Continued

	Page
1073	2936
1075	2936
1076	2937
1078	2937
1079	2937
1090	2937
1094	2938, 2944
1096	2938
1097	2938
1098	2938
1099	2939
1101	2939
1102	2939
1103	2939
1104	2940
1106	2940
1108	2940
1120	2940
1124	2940
1125	2941
1126	2941
1127	2941
1128	2941
1129	2942
1130	2942
1131	2942
1132	2942
1133	2943
1134	2943
1136	2943
1137	2943
1138	2944
1806	2879
1823	2879, 3172
1871	2569
1890	3174
1890i	3172
PROPOSED RULES:	
29	3362
51	3363, 3642
59	2775, 3187
81	2778
225	3440
271	3545
724	3438
726	2773
729	2774
906	3643
909	3366
945	2844
966	2845
982	2515
987	2890, 3439
991	3440
993	2515, 3644
1001	3187
1002	3187

V 37 N 34 FEB 18 72 XUM

7 CFR—Continued Page

PROPOSED RULES—Continued
1046 2969
1061 3536
1068 3536
1137 3545
1421 2844
1434 2775
1446 2844
1464 3439
1481 2890
1701 2846, 3546

8 CFR
214 2766
238 2766
332 2767
332d 2767
334 2767
334a 2767
339 2767
341 2767
342 2767

9 CFR
11 2426
51 3507
73 2945
76 3600
82 2429, 2498, 3050
97 2430, 3410
113 2430
204 3631
301 2661
311 2661
315 2661

PROPOSED RULES:
316 2779
317 2779

10 CFR
140 3423

PROPOSED RULES:
50 3646

12 CFR
563 3508
701 2946, 3174, 3508

PROPOSED RULES:
529 2447
545 3549
750 2594

13 CFR
120 2569
123 2947

14 CFR
39 2498, 2570, 2662, 2835, 2880, 3409, 3508, 3631
71 2570–2572, 2835–2837, 2952, 2953, 3050, 3349, 3409, 3509, 3631, 3632
73 2499, 2837
75 2499, 2500, 2572, 2767, 3510
93 2953
95 2573
97 2662, 3174, 3510
121 2500
221 2664
241 2501

14 CFR—Continued Page

PROPOSED RULES:
61 2523
67 2523
71 2524, 2587, 2682, 2683, 3059, 3367, 3341–3443, 3548, 3645
73 2847
103 2587, 2588
121 2523, 2684
127 2523
159 3059
183 2523

15 CFR
377 2430
386 3175
390 3511

PROPOSED RULES:
7 2846
500 3726
610 3644

16 CFR
13 2575, 2576, 2578–2581, 2953

PROPOSED RULES:
302 3443
425 2848
429 3551
432 2454, 2849

17 CFR
241 3050

PROPOSED RULES:
230 2596, 2598
239 2596, 2598
240 3059, 3446

18 CFR
2 2502, 2954

PROPOSED RULES:
101 2451
104 2451
105 2451
141 2451
260 2451, 3193

19 CFR
12 2430, 2665
21 3423
24 3425

PROPOSED RULES:
1 2443
11 2509
134 2509

20 CFR
404 3425
614 2434
617 2434

PROPOSED RULES:
405 3492
620 2684

21 CFR
1 3175
3 2503, 3175
8 3177
121 2437, 2958–2960, 3177

21 CFR—Continued Page
135 2961, 3053, 3426
135b 3053
135c 3178, 3426
135e 2960, 2961, 3633
141c 2665
141d 3178
144 2960
146a 2665, 3178, 3426
146c 2665
146d 3178
146e 2665, 3179, 3426
148i 3179
148n 2665
149a 2438
295 3427

PROPOSED RULES:
15 3189
17 3189
31 3644
121 3060, 3366
130 2969
135 2444
191 3645

22 CFR
41 2439, 3053

24 CFR
43 3633
110 3429
275 3185
600 2665
1710 2768
1911 3350
1914 2505, 2881
1915 2505, 2882

PROPOSED RULES:
235 3548
420 3546

25 CFR
221 2506

PROPOSED RULES:
43h 2679
221 3060

26 CFR
1 2506
12 3511
301 2481, 2506

PROPOSED RULES:
1 2773, 3526, 3530
12 3526
301 3530

28 CFR
0 3180
9 2768
45 2769

29 CFR
511 3430
727 3180
1904 2439
1910 3053, 3431, 3512
1926 3431, 3512

PROPOSED RULES:
460 2443
1926 2443

30 CFR Page

PROPOSED RULES:
80 2968

31 CFR
316 2554
500 3520
505 3520

32 CFR
215 3637
1452 3181
1801 2672
1808 2673, 3640

PROPOSED RULES:
1499 2849

32A CFR
Ch. X:
OI Reg. 1 2439

33 CFR
3 3350
117 2838
199 3433

PROPOSED RULES:
110 2446, 2447, 2587, 2890
117 2521, 2522

36 CFR
6 3350

PROPOSED RULES:
7 3438

37 CFR
2 2880
202 3055

PROPOSED RULES:
1 2520

38 CFR
0 3435
1 2676
8 3352

PROPOSED RULES:
1 3552

39 CFR
Ch. I 2423
135 3521
273 3352
619 3056

40 CFR
52 2581
85 2432
106 2433
180 2676, 2839, 2883, 3181, 3352

40 CFR—Continued Page

PROPOSED RULES:
6 3367
164 3060

41 CFR
1–2 2769
1–7 2769
1–12 2769
1–16 2771
3–1 3353
3–2 3353
5A–1 3182
5A–2 3182
5A–8 2507
5A–72 3183
5A–73 2441, 3183
6–1 3640
7–1 3521
7–16 3521
8–14 2508
8–74 2508
9–1 3435
9–5 3435
9–7 3435
9–59 3436
101–11 2962
101–25 3524
101–27 2771

PROPOSED RULES:
14–10 2680
60–7 2847

42 CFR
PROPOSED RULES:
51b 2970
54 2970

43 CFR
2 2677
25 3183

PUBLIC LAND ORDERS:
1272 (modified by PLO 5161) 3185
2732 (amended by PLO 5160) 3184
4522 (amended by PLO 5157) 3057
5154 2677
5155 2840
5156 3056
5157 3057
5158 3058
5159 3184
5160 3184
5161 3185
5162 3185

45 CFR
102 2882
170 2882
1015 2840

45 CFR—Continued Page

PROPOSED RULES:
118 2779
143 2779
220 2445
222 2445
415 2986

46 CFR
308 3436
381 3641

PROPOSED RULES:
12 3190
66 2681
193 2682

47 CFR
1 3277
2 2771, 3437
15 3277
21 2583, 3277, 3354
74 3278
76 3278
78 3292
83 2884
91 3297
211 2771

PROPOSED RULES:
73 2524, 2790, 2891, 3548
76 3190, 3192
81 2524

49 CFR
173 2885, 3524
174 2886, 3524
177 2886, 3524
178 2886, 3524
179 3058
553 3632
571 3185
1033 2677, 3354
1211 2841
1311 3354

PROPOSED RULES:
173 2588
178 2588
1056 3446
1322 3446

50 CFR
28 2964, 3436
32 3524
33 2441, 2502, 2841, 2964, 2967, 3437
280 2516

PROPOSED RULES:
17 2589
280 2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	3
2637–2737	4
2739–2823	Feb. 5
2825–2867	8
2869–2913	9
2915–3041	10
3043–3157	11
3159–3341	Feb. 12
3343–3401	15
3403–3500	16
3501–3606	17
3607–3732	18

V 37 34 FEB 18 72 XUM

federal register

FRIDAY, FEBRUARY 18, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 34

PART II

DEPARTMENT OF COMMERCE

Office of Trade Adjustment Assistance

■

Adjustment Assistance

Notice of Proposed Rule Making

V37-34 FEB 18 72 XUM

DEPARTMENT OF COMMERCE

Office of Trade Adjustment Assistance

[15 CFR Part 500]

ADJUSTMENT ASSISTANCE

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Commerce proposes to revoke in its entirety, present part 610, Chapter VI, of Title 15, Code of Federal Regulations, and to substitute in lieu thereof, a new Chapter V of Title 15, Code of Federal Regulations, set forth below.

Both the present Part 610 of Chapter VI, and the proposed new Chapter V, Title 15, Code of Federal Regulations, relate to adjustment assistance to firms, implementing Chapters 1 and 2, of Title III, Trade Expansion Act of 1962, and section 7 of Executive Order 11075, as amended by Executive Order 11106. In substance these provisions of law provide that a firm may qualify for adjustment assistance following a finding by the Tariff Commission that such firm, or the industry of which it is a part, is seriously injured, or threatened with serious injury by increased imports of a like or directly competitive article that has been the subject of a trade agreement concession.

The changes embodied in the proposed new regulations reflect clarification and amplification of substantive and procedural requirements regarding adjustment assistance to firms, as well as establishment of an Office of Trade Adjustment Assistance within the Bureau of Domestic Commerce, Department of Commerce, to facilitate administration of the responsibilities vested by law in the Secretary of Commerce with respect to such assistance.

The principal additions are as follows:

- Provision of accelerated procedure for certification of eligibility to apply for adjustment assistance following a Tariff Commission finding of serious injury or threat thereof to an individual firm.
- Requirement for disclosure of material changes in economic conditions affecting the firm both prior to and after certification of eligibility to apply for assistance and after certification of an adjustment proposal.
- Provision for revocation in certain circumstances of a firm's certification of eligibility to apply for adjustment assistance or certification of the adjustment proposal.
- Explanation of the standards to be applied in meeting the three criteria for acceptable adjustment proposals under section 311(b) of the Act.
- Explanation of the limitations on financial assistance and the purposes for which such assistance will not be granted.
- Provision for reconsideration and appeal of administrative actions.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Deputy General Counsel, U.S. Department of Commerce, Washington, D.C. 20230, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All written submissions made pursuant to this notice will be available for public inspection at the Central Reference and Records Inspection Facility, Room 7043, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230 (cf. 15 CFR 4.5 (a)(6) and (d)).

Dated: February 14, 1972.

MAURICE H. STANS,
Secretary of Commerce.

PART 500—ADJUSTMENT ASSISTANCE REGULATIONS

Subpart A—General

Sec.
500.10 Scope and purpose.
500.11 Definitions.

Subpart B—Eligibility of Firms To Apply for Adjustment Assistance

500.20 General.
500.21 Statutory criteria.
500.22 Certification of eligibility to apply under section 302(b)(1) of the Act.
500.23 Certification of eligibility to apply under section 302(c) of the Act.
500.24 Material change in conditions; denial or revocation of eligibility certification.

Subpart C—Adjustment Proposal

500.30 Application for adjustment assistance.
500.31 Adjustment proposal.
500.32 Certification of adjustment proposal.
500.33 Material change in conditions.
500.34 Modification of a certified adjustment proposal; revocation of certification.

Subpart D—Adjustment Assistance

500.40 Referral of certified adjustment proposals; providing adjustment assistance.
500.41 Technical assistance.
500.42 Financial assistance.
500.43 Tax assistance.

Subpart E—Records and Reports

500.50 Records.
500.51 Reports.

Subpart F—Procedures

500.60 Forms.
500.61 Submissions.
500.62 Reconsideration and appeals.
500.63 Public access to information.

Subpart G—Investigation and Audit; Penalties

500.70 Investigation and audit.
500.71 Penalties.
500.72 Effect on lenders.

AUTHORITY: The provisions of this Part 500 issued under sec. 401, 76 Stat. 902, 19 U.S.C. 1802; E.O. 11075, 28 F.R. 473; and E.O. 11106, 28 F.R. 3911.

Subpart A—General

§ 500.10 Scope and purpose.

This part, which replaces in its entirety Part 610 of Chapter VI, Title 15, Code of Federal Regulations, sets forth regulations implementing responsibilities of the Secretary of Commerce under chapters 1 and 2 of title III, Trade Expansion Act of 1962, and section 7 of Executive Order 11075, as amended by Executive Order 11106, with respect to adjustment assistance for firms.

§ 500.11 Definitions.

(a) "Act" means the Trade Expansion Act of 1962, 76 Stat. 872, 19 U.S.C. 1801 et seq.

(b) "Secretary" means the Secretary of Commerce or his delegate.

(c) "Department" means the Department of Commerce.

(d) "OTAA" means the Office of Trade Adjustment Assistance, Bureau of Domestic Commerce, Department of Commerce.

(e) "Director" means the Director of OTAA.

(f) "Agency" includes any agency, department, board, wholly or partly owned corporation, instrumentality, commission or establishment of the United States.

(g) "Firm" includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustees in bankruptcy, and receivers under decree of any court. Where determined necessary by the Secretary to prevent unjustifiable benefits, a firm, together with any predecessor, successor or affiliated firm controlled or substantially beneficially owned by substantially the same person or persons may be considered a single firm.

(h) "Person" means an individual, firm, trust or estate.

(i) "Adjustment proposal" means a proposal for economic adjustment of a firm filed under Subpart C of this part.

Subpart B—Eligibility of Firms To Apply for Adjustment Assistance

§ 500.20 General.

No firm may apply for adjustment assistance unless first certified by the Director as eligible to apply pursuant to the requirements of section 302(b)(1) or 302(c) of the Act and of this subpart.

§ 500.21 Statutory criteria.

A firm may seek certification of eligibility to apply for adjustment assistance only if:

(a)(1) The Tariff Commission has made an affirmative finding pursuant to section 301(b)(1) of the Act that, as a result in major part of concessions granted under trade agreements, an article is being imported into the United States in such increased quantities as to cause or threaten to cause serious injury to the domestic industry producing an article that is like or directly competitive with the imported article, (2) the President has provided, pursuant to section 302(a)(2) or (4) of the Act, that firms in such industry may request the Secretary for such certification of eligibility, and (3) the applicant firm (as defined in § 500.11(g)) is a part of such industry;

(b) The Tariff Commission has made an affirmative finding pursuant to section 301(c)(1) of the Act that, as a result in major part of concessions granted under trade agreements, an article like or directly competitive with an article produced by the firm is being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm; or

(c)(1) One half of the Tariff Commissioners voting in a case under section 301(b)(1) or 301(c)(1) of the Act have made an affirmative finding and (2) the President has decided to accept the finding of those Commissioners voting in the affirmative as the finding of the Commission: *Provided*, That in a case arising under section 301(b)(1) of the Act the President shall also have provided, pursuant to section 302(a)(2) or (4) of the Act, that firms in the industry may request the Secretary for certification of eligibility, and the applicant firm (as defined in § 500.11(g)) is a part of such industry.

§ 500.22 Certification of eligibility to apply under section 302(b)(1) of the Act.

(a) Following an affirmative finding with respect to an industry by the Tariff Commission pursuant to section 301(b)(1) of the Act (or by the President in cases involving an affirmative finding by one half of the Commissioners voting) and provision by the President pursuant to section 302(a)(2) or (4) of the Act that firms in such industry may request the Secretary for certification of eligibility to apply for adjustment assistance, any firm in such industry may apply for such assistance by completing and filing an application as specified in paragraph (b) of this section. Such application must be filed within 1 year of the date of the President's action under section 302(a)(2) or (4) of the Act, or such other period of time as the President may specify at the time of such action: *Provided*, That the Director may grant an extension of time for filing an application under this section upon a showing to his satisfaction that timely submission of an application could not reasonably have been made: *And provided further*, That any request for extension of time hereunder must be made prior to expiration of the time within which such application would otherwise be required to be filed.

(b) An application for certification of eligibility to apply for adjustment assistance under this section must be made in accordance with the provisions of the Act, this part and instructions on the appropriate OTAA form (see § 500.60), and must be accurate and complete. In making such applications, a firm should accurately set forth all facts and conditions that are material to its claim for such assistance, including the extent to which the affirmative finding of the Tariff Commission (with respect to the industry of which the firm is a part) applies to the firm and the extent of the firm's injury (or threatened injury) resulting from increased imports of the product that was the subject of the Tariff Commission's investigation. If insufficient or inconsistent information is submitted in support of such application, the firm will be required to provide additional information or otherwise correct its submission. However, every effort will be made by OTAA to proceed with processing of the application to the extent feasible in the interim.

(c) The Director will certify a firm that has made a timely application under this section as eligible to apply for adjustment assistance upon a finding that:

(1) The article like or directly competitive with the imported article that was the subject of the Tariff Commission's investigation is or was a significant part of the applicant firm's line of production; and

(2) The serious injury or threat thereof found by the Tariff Commission to exist with respect to the industry in question is likewise applicable to the applicant firm.

(d) In making the finding called for in paragraph (c) of this section the Director will, among other pertinent considerations, give due regard to the following factors which applicants should document in detail

(1) *Economic factors.* In determining whether increased imports of the article in question have caused serious injury or threat thereof to such firm, economic factors that are considered relevant include: (i) Idling of the firm's productive facilities capable of producing the like or directly competitive article, (ii) inability of the firm to operate at a level of reasonable profit, (iii) unemployment or underemployment in the firm, and (iv) competitive position of such firm in relation to other firms in the industry.

(2) *Injury or threat thereof.* For the purpose of this section, (i) "serious injury" to a firm means a major adverse impact on its economic condition from which it cannot reasonably be expected to recover without adjustment assistance provided under this part, and (ii) "threat of serious injury" means that an economic trend has been established that can reasonably be expected to continue and to result in serious injury to the firm in the foreseeable future. A long-range possibility of serious injury is not sufficient to demonstrate a threat thereof.

(3) *Causation.* Increased imports of the article in question shall be considered to have caused serious injury, or threat thereof, to the applicant firm if the Director finds that such imports have been the major factor in causing such injury or threat thereof.

(e) While OTAA will provide all practicable counsel and assistance in the preparation of applications under this section for certification of eligibility to apply for adjustment assistance, the burden is on each firm to establish its own case.

§ 500.23 Certification of eligibility to apply under section 302(c) of the Act.

(a) Following an affirmative finding with respect to a firm by the Tariff Commission pursuant to section 301(c)(1) of the Act (or by the President in cases involving an affirmative finding by one half of the Commissioners voting), such firm may apply for certification of eligibility to apply for adjustment assistance by filing with the Director a sworn statement, subscribed by the owners, partners or officers of such firm that no material facts were omitted from, and there has occurred no significant change in economic circumstances affecting the firm since, presentation of the firm's case to the Tariff Commission. Following receipt of such statement, the Director ordinarily will certify promptly that such firm is eligible to apply for adjustment assistance.

§ 500.24 Material change in conditions; denial or revocation of eligibility certification.

(a) A firm that has applied for certification of eligibility to apply for adjustment assistance under § 500.22 or § 500.23 must promptly inform the Director in writing of any material change in economic conditions affecting such firm, including any change in the principal ownership of such firm and any change that has occurred in the facts contained in or underlying the representations set forth in the petition that was filed with the Tariff Commission under section 301(b)(1) or (c)(1) of the Act or in its application to the Director under § 500.22 or § 500.23 for certification of eligibility (and any amendments thereto).

(b)(1) At any time, prior to certification of an adjustment proposal, the Director may deny or revoke certification of a firm as eligible to apply for adjustment assistance under § 500.22 or § 500.23 upon a finding that: (i) As a result of a material change in economic conditions affecting such firm following the date of the Tariff Commission's finding, adjustment assistance under this part is not required by such firm to achieve economic recovery from the serious injury or threat thereof found by the Tariff Commission to exist with respect to the firm or the industry of which it is a part; (ii) such firm has willfully or negligently failed promptly to inform the Director in writing of a material change in economic conditions affecting such firm, as required under paragraph (a) of this section or (iii) such firm or its agent has made false or misleading representations or statements or has falsified or concealed any material fact in connection with the application for such certification.

Subpart C—Adjustment Proposal

§ 500.30 Application for adjustment assistance.

Application for adjustment assistance by any firm certified under § 500.22 or § 500.60). An application for tax assistance under this section will also satisfy after the date of such certification, by

VOL 37 NO 34 FEB 18 72 XUM

completing and filing with the Secretary the appropriate OTAA form (see § 500.60). An application for tax assistance under this section will also satisfy the requirements of § 500.43(a): *Provided*, That for purposes of determining the taxable years for which net operating losses may be carried back pursuant to certification by the Secretary of the firm's eligibility for tax assistance under § 500.43(c), the filing date of such application for purposes of sections 317(a) of the Act and § 500.43(a) shall be the date of the Secretary's certification of the firm's adjustment proposal pursuant to § 500.32.

§ 500.31 Adjustment proposal.

(a) *Filing.* Within a reasonable time after filing an application for adjustment assistance under § 500.30, a firm shall file with OTAA an adjustment proposal, including a detailed description of the firm's plan for its economic recovery, the type and extent of adjustment assistance requested to carry out such plan and all available information bearing on what impact, if any, implementation of such plan would have on the quality of the human environment.[1]

(b) *Preliminary proposal.* A firm that has applied for adjustment assistance under § 500.30 is encouraged to consult informally with OTAA regarding the preparation of its adjustment proposal. The firm may submit a preliminary proposal to OTAA in order to determine whether the adjustment assistance being sought may be provided under the Act and whether the firm's plan for its economic recovery is likely to satisfy criteria for certification of a proposal.

(c) *Technical assistance.* During informal consultation with OTAA or after submitting a preliminary proposal, a firm may request, and the Secretary may at his discretion authorize, technical assistance in the preparation of a sound adjustment proposal. To the maximum extent practicable, technical assistance under this section shall be provided through existing agencies and otherwise through private individuals or institutions. A firm receiving technical assistance under this section may be required by the Secretary to bear a portion of the cost thereof as determined to be appropriate.

(d) *Environmental impact.* Upon submission of a preliminary adjustment proposal (or, if none is submitted, upon filing an adjustment proposal) pursuant to this section, and at all stages of proposal development thereafter, OTAA will undertake to establish what impact, if any, the firm's plan for economic recovery may have on the quality of the human environment. Should the Director consider that an adjustment proposal could, if implemented as initially submitted, significantly affect the quality of the human environment, OTAA will cooperate with the applicant in exploring reasonable alternatives to achieve economic recovery of the firm in a manner that will minimize adverse impact on the environment. In the event data required by OTAA to evaluate such impact are not readily available to the applicant firm, technical assistance may be provided by the Secretary to facilitate collection and evaluation of such data.

(e) *Content of proposal.* An adjustment proposal should be as complete and detailed as possible and should reflect the full extent of adjustment assistance required. OTAA should be consulted regarding preparation and scope of a particular proposal, since only one proposal of a firm will ordinarily be certified.

(f) *Withdrawal of adjustment proposal prior to certification.* At the discretion of the Secretary, a firm may be permitted to withdraw its adjustment proposal at any time prior to certification without prejudice: *Provided*, That any new or revised proposal by such firm must be filed within 2 years of the date that the firm was originally certified under § 500.22 or § 500.23 as eligible to apply for adjustment assistance.

§ 500.32 Certification of adjustment proposal.

Adjustment assistance (other than technical assistance furnished under § 500.31 (c) or (d)) will not be provided to a firm under this part until the Secretary has certified that its adjustment proposal: Is reasonably calculated materially to contribute to the economic adjustment of such firm; gives adequate consideration to the interests of the workers of such firm adversely affected by actions taken in carrying out trade agreements, and demonstrates that such firm will make all reasonable efforts to use its own resources for economic development. Except in unusual circumstances, financial assistance will not be furnished if the purpose or use of such assistance would be: To pay the major creditors of a firm who would not otherwise be paid in the absence of such financial assistance, to provide funds for distribution or payment to the owners, partners or shareholders of the firm, to replenish funds used for such purposes, or to effect a change in ownership of the firm, unless such change is necessary to preserve the existence of the firm and facilitate its economic adjustment.

(a) *Material contribution to economic adjustment.* An adjustment proposal must demonstrate that the assistance sought therein will be a constructive aid to the firm in establishing a competitive position in the same or a new industry where there is sufficient demand to employ the efficient capacity of existing competitive enterprises.

(b) *Consideration to the interests of workers.* An adjustment proposal must give adequate consideration to the interests of the workers of such firm adversely affected as the result of the serious injury or threat thereof to such firm. Among reasonable alternatives, adjustment proposals that provide for the rehiring of such workers who have been laid off due to the increased imports, are preferred. Efforts by the firm to find new employment for such laid-off workers or assistance rendered to such workers under other Government programs will also be taken into account in evaluating a proposal.

(c) *Reasonable efforts by the firm to use its own resources.* An adjustment proposal must demonstrate that the firm will make maximum use of its own resources and that any funds requested are not otherwise available to the firm, from sources other than the United States, on reasonable terms. In determining whether such funds are not otherwise available to the firm, the Secretary may require satisfactory evidence that the firm has been refused the required credit from banks or other sources, or that the funds do not appear to be obtainable on reasonable terms through a public offering or private placement of securities of the firm or through the sale at a fair price of assets of the firm that are not reasonably required in connection with its economic adjustment.

(d) *Terms and conditions.* Certification of an adjustment proposal may be made subject to any terms and conditions that the Secretary, in his discretion, deems necessary or appropriate to ensure compliance with the requirements for adjustment assistance prescribed under the Act or this part. Such terms and conditions may include, but are not limited to, a requirement that owners, partners, or principal shareholders of a firm (or other creditors) shall subordinate, consolidate, or reduce their claims against the firm or shall reduce their ownership interest in the firm as part of a reorganization of its capital and debt structure; or a requirement that owners, partners, or principal shareholders of a firm shall make equity contributions or loans to the firm or shall guarantee loans to the firm.

(e) *Action on adjustment proposal.* A firm will be informed in writing when its adjustment proposal has been certified or denied by the Secretary. Promptly thereafter, a firm seeking tax assistance under § 500.43 shall notify the Director in writing of the closing date of the taxable year or years for which a net operating loss carryback is sought pursuant to section 317 of the Act.

§ 500.33 Material change in conditions.

After an adjustment proposal of a firm has been certified by the Secretary, such firm must promptly inform the Director in writing of any material change in economic conditions affecting such firm, including any change in the principal ownership of such firm and any material change that has occurred in the facts contained in or underlying the representations set forth in the petition that was filed with the Tariff Commission under section 301 (b)(1) or (c)(1) of the Act, in its application to the Director under § 500.22 or § 500.23 for certification of eligibility to apply for adjustment assistance, in its application under this Subpart C for adjustment assistance or in the certified adjustment proposal.

[1] See, National Environmental Policy Act of 1969, 42 U.S.C. section 4321 et seq.; Council on Environmental Quality Guidelines, 36 F.R. 7724, Apr. 23, 1971.

§ 500.34 Modification of a certified adjustment proposal; revocation of certification.

(a) (1) *Modification.* Requests for modification of an adjustment proposal that has been certified under § 500.32 will not be considered if such modifications would require a major increase in the amount of adjustment assistance to be provided pursuant to this part. Other requests for modification of a certified adjustment proposal that would have the effect of increasing the amount of adjustment assistance required, or would significantly alter either the adjustment proposal or the terms and conditions of its certification, may be granted in the discretion of the Secretary if such request (i) is based upon a material change in the firm's economic condition, not reasonably foreseeable at the time the adjustment proposal was certified, and (ii) clearly demonstrates that such modification would contribute materially to the firm's economic adjustment. Upon receipt of written notification that the Secretary has granted a request for modification of a certified adjustment proposal pursuant to this section, the firm shall promptly sumit to the Director a modified adjustment proposal, which shall be filed and processed in accordance with the provisions of this Supart C and, if filed within a reasonable time, shall be deemed to have been timely filed for purposes of § 500.31(a).

(b) (1) *Revocation.* The Secretary may revoke the certification of a firm's adjustment proposal if, within a reasonable period of time following such certification, agreement is not reached concerning appropriate terms and conditions for adjustment assistance pursuant to § 500.40(b)(1), or upon a finding that (i) as a result of a material change in economic conditions affecting such firm, adjustment assistance is no longer reasonably required by the firm to achieve economic recovery, (ii) the firm has experienced a material change in economic conditions that adversely affects the economic viability of the certified adjustment proposal, (iii) such firm has willfully or negligently failed promptly to inform the Director in writing of a material change in economic conditions affecting such firm, as required under § 500.33, or (iv) such firm or its agent has made false or misleading representations or statements or has falsified or concealed any material fact.

Subpart D—Adjustment Assistance

§ 500.40 Referral of certified adjustment proposals; providing adjustment assistance.

(a) *Referral of proposals.* The Secretary will refer each adjustment proposal certified under § 500.32 to such agency or agencies (including any agency of the Department of Commerce) as he determines to be appropriate to furnish the technical and financial assistance necessary to carry out such proposal.

(b) *Providing adjustment assistance.* The Secretary may, if he determines that such assistance is necessary to carry out the adjustment proposal of the firm and that it will materially contribute to its economic adjustment, furnish adjustment assistance under §§ 500.41 and 500.42 to such firm. If the Secretary determines that there are no appropriate government agencies to which a certified adjustment proposal may be referred or whenever, and to the extent that, any agency to which an adjustment proposal of a firm has been referred under paragraph (a) of this section has notified the Secretary of its determination not to furnish technical or financial assistance.

(1) *Authorization.* If the Secretary determines to furnish adjustment assistance to a firm, a written authorization will be issued setting forth appropriate terms and conditions for such assistance, including any conditions that must be satisfied by the firm before assistance will be provided. Assistance that is furnished by the Secretary shall also be subject to the terms and conditions of the firm's certified adjustment proposal.

(2) *Failure to satisfy conditions.* The Secretary may withhold disbursement of funds in connection with any adjustment assistance under this part, if he determines that the firm has not satisfied the terms and conditions of the certified adjustment proposal or of the authorization issued pursuant to § 500.40(b)(1).

(3) *Certification of representative of the firm.* Adjustment assistance will not be provided to a firm unless the owners, partners or officers of such firm shall certify to the Secretary (i) the names of any attorneys, agents and other persons engaged by or on behalf of such firm in connection with any application, proposal or other submission or representation under this part, and (ii) the fees or other consideration paid or to be paid to any such persons for such services.

(4) *Compliance with the Civil Rights Act of 1964.* Adjustment assistance will not be provided to any firm unless the owners, partners, or officers of such firm provide satisfactory evidence that the requirements of title VI of the Civil Rights Act of 1964 will be complied with, and an undertaking to such effect is incorporated into the adjustment proposal.

§ 500.41 Technical assistance.

(a) *Purpose of assistance.* After a determination under § 500.40(b) that technical assistance is necessary to carry out the adjustment proposal of a firm, the Secretary may provide such technical assistance to the firm as in his judgment will materially contribute to the economic adjustment of the firm. Technical assistance includes market and other economic research, feasibility studies, managerial advice and counseling, operation, and engineering assistance, training, and assistance in research and development.

(b) (1) *Forms of assistance.* To the maximum extent practicable, technical assistance will be furnished through existing agencies, and otherwise through private individuals, firms, or institutions working under contracts with the Department. Under special circumstances, a technical assistance grant may be made directly to the firm, subject to the condition that the Director must approve (i) all plans of the firm for spending grant funds and (ii) the qualifications of technical assistance personnel, consultants, and contractors.

(c) *Cost sharing.* A firm receiving technical assistance under this section shall be required to bear an appropriate portion of the cost thereof. In determining the firm's share of such cost, consideration will be given to all contributions by the firm, including space, equipment and services, and to the firm's need to conserve funds for working capital purposes.

§ 500.42 Financial assistance.

(a) *Forms of assistance.* After a determination under § 500.40(b) that financial assistance is necessary to carry out the adjustment proposal of a firm, the Secretary may provide such financial assistance to the firm as in his judgment will materially contribute to the economic adjustment of the firm. Financial assistance includes direct loans, guarantees of loans made by financial institutions, and agreements for deferred participation in or purchase upon demand of loans made by financial institutions. Guarantees and agreements for deferred participation are preferred over direct loans, and the Department may subordinate its lien position in order to encourage financial institutions to make loans to a firm. To the maximum extent practicable, financial assistance will be provided through agencies empowered under other law to furnish such assistance.

(b) *Purpose of financial assistance.* Financial assistance provided under this section shall be for the purpose of making funds available to a firm for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities or machinery, or in exceptional cases only, for working capital.

(1) *Working capital loans.* For purposes of this section, a working capital loan is defined as a loan for the purpose of providing liquidity needed by the firm for minimum cash flow requirements in connection with the conduct of current business operations.

(2) *Exceptional cases.* A finding by the Secretary that a case is exceptional will be made only if: (i) A working capital loan is essential to the adjustment of a firm, and (ii) such funds are not otherwise reasonably available.

(c) *Conditions for financial assistance*—(1) *Limitation on guarantees or participations.* A loan guarantee or agreement for deferred participation will not be made in an amount greater than 90 percent of that portion of the loan made for the purposes specified in this section.

(2) *Minimum interest rate.* Any loan or deferred participation provided by the Secretary under this section shall bear interest at a rate not less than the greater of (i) 4 percent per annum or (ii) the rate determined by the Secretary of the Treasury under section 315(b)(2) of the Act for the year in which the loan is made

VOL 37 NO 34 FEB 18 72 XUM

or the agreement for such deferred participation is entered into.

(3) *Maximum interest rate.* A guarantee or agreement for deferred participation will be made only with respect to a loan bearing interest at a rate determined to be reasonable in comparison with normal terms for equivalent loans from private sources. In no event will the guaranteed or deferred participation portion of any loan bear interest at a rate more than one percent per annum in excess of the rate determined by the Secretary of the Treasury under section 315(b)(2) of the Act for the year in which the guarantee is made or the agreement for deferred participation is entered into, unless the Secretary finds that special circumstances justify a higher rate not more than 2 percent per annum in excess of the rate determined by the Secretary of the Treasury under section 315(b)(2) of the Act.

(4) *Maturity.* Except for working capital loans, which shall have an original maturity not in excess of 6 years, the maturity of loans made or guaranteed, or with respect to which a deferred participation agreement will be entered into, under this section shall not exceed 25 years, including renewals and extensions: *Provided*, That such limitation on maturities shall not apply in the case of (i) securities or obligations received by the Secretary as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon insolvency of the obligor, or (ii) loans with respect to which the Secretary has determined that an extension or renewal for an additional period not exceeding 10 years is reasonably necessary for orderly liquidation.

(5) *Service fee.* The Secretary may impose on a private lender a guarantee or deferred participation service fee of one-half of 1 percent per annum on the unpaid balance of the guaranteed or deferred portion of the loan.

(6) *Reasonable assurance of repayment.* Financial assistance will not be provided under this section unless there is reasonable assurance that a loan will be repaid pursuant to its terms. The test of reasonable assurance of repayment will be met only if the loan is sufficiently secured or if the future earnings prospects of the firm indicate ability to repay the loan out of income from the business. In determining the ability of the firm to repay the loan from income, the Secretary will consider all factors that he deems relevant, including the firm's total fixed obligations, the adequacy of its working capital, including its cash flow projection, and the ratio between its debts and net worth.

(7) *Agreement not to employ certain persons.* Financial assistance will not be provided to any firm unless the owners, partners or officers shall execute an agreement binding them and the firm, for a period of 2 years after financial assistance is provided, to refrain from employing, tendering any office or employment to, or retaining for professional services any person who, on the date such assistance or any part thereof was provided, or within 1 year prior thereto, shall have served as an officer, attorney, agent, or employee occupying a position or engaging in activities which the Secretary shall have determined involve discretion with respect to the provision of such financial assistance.

(8) *Security provisions.* In providing financial assistance, the Secretary may require such security and other protective devices as he deems appropriate, including (i) mortgages, (ii) security interests, (iii) pledge or hypothecation of inventories and receivables, (iv) personal guarantees of principal shareholders, (v) subordination, reduction, and consolidation of claims of existing creditors, (vi) provision for expediting repayments based on favorable earnings, and (vii) restrictions on disbursements and dividends.

(9) *Default provisions.* In providing financial assistance, the Secretary may require in any loans or evidences of indebtedness such provisions regarding default and acceleration upon default as he deems appropriate.

(10) *Termination of assistance and recovery of funds in the event of revocation.* Financial assistance provided by the Secretary to implement a certified adjustment proposal shall be subject to his right to terminate such assistance and to recover any funds disbursed thereunder, in the event of revocation of the certification pursuant to § 500.34(b): *Provided*, That recovery of funds disbursed will only be sought in cases where such recovery is deemed appropriate by the Secretary and where revocation was made pursuant to subdivision (iii) or (iv) of said § 500.34(b).

(d) *Administration of financial assistance.* (1) The Secretary will exercise all such powers and take all such action as may be necessary or incidental to the administration of financial assistance under this part, including, but not limited to the following:

(i) Assignment or sale at public or private sale, or other disposition of, any evidence of debt, contract, claim, personal property or security assigned to or held by him in connection with such financial assistance, upon such terms and conditions and for such consideration as he shall determine to be reasonable;

(ii) Collection, compromise and deficiency judgments with respect to all obligations assigned to or held by him in connection with such financial assistance until such time as such obligations may be referred to the Attorney General for suit or collection;

(iii) Renovation, improvement, modernization, completion, protection by insurance, rental, sale or other dealing with any real or personal property conveyed to or otherwise acquired by him in connection with such financial assistance, upon such terms and conditions and for such consideration as he shall determine to be reasonable; and

(iv) Acquisition, holding, transfer, release or conveyance of any real or personal property or any interest therein whenever deemed necessary or appropriate, and execution of all legal documents for such purposes.

(2) Any mortgage acquired as security under paragraph (c)(8) of this section shall be recorded under applicable State law.

(3) A financial institution that has made a loan in connection with which there has been a guarantee, or with respect to which there is a deferred participation agreement, under this section shall hold the note and all security and other agreements obtained by it in connection with such loan, and shall receive all payments of principal and interest on such loan until such time as the Secretary may purchase the guaranteed or deferred participation share thereof: *Provided*, That except as authorized in writing by the Secretary, such financial institution shall not (i) make or consent to any alteration in the terms of the note or related agreements, (ii) make or consent to any release, substitution or exchange of collateral, (iii) accelerate the maturity of the note, (iv) sell, assign or transfer the note or related agreements, (v) sue upon the note or related agreements, (vi) waive or agree to waive any claim against the borrower or any guarantor, standby creditor or other obligor in connection with the loan, (vii) charge or receive any bonus, fee, commission or expense in any form, directly or indirectly, in connection with the loan, except charges or expenses incurred or earned for services rendered, or (viii) increase the amount due on a prior lien. Such financial institution shall assign and deliver to the Secretary the note and related agreements with respect to such portion of the loan as may be purchased pursuant to the guarantee or deferred participation agreement.

§ 500.43 Tax assistance.

(a) *General.* Upon certification of a proposal for adjustment assistance under § 500.32, a firm may apply for tax assistance with respect to a net operating loss alleged to have been sustained by such firm in a taxable year that closed not more than 24 months prior to the date of such application. Such assistance will permit the firm to carry back a net operating loss to each of the 5 taxable years preceding the year of the loss, rather than the normal 3-year carryback provided in the Internal Revenue Code of 1954, as amended. Tax refunds received by a firm pursuant to a tax assistance certification must be used by such firm in accord with the terms of its certified adjustment proposal.

(b) *Application.* An application for tax assistance filed pursuant to § 500.30 shall satisfy the application requirement of paragraph (a) of this section, but the effective date of filing for purposes of section 317(a) of the Act and of this section shall be the date on which the firm's adjstment proposal is certified by the Secretary pursuant to section 500.32 of this part.

(c) *Certification.* Following receipt from the firm of the written notice required by § 500.32(e), eligibility for tax assistance will be certified by the Secretary if he determines that (1) the net operating loss alleged to have been sustained by the firm in a taxable year that closed not more than 24 months prior to the date of its application under this section arose predominantly out of the carrying on of a trade or business which was seriously injured during such year by the increased imports found by the Tariff Commission to have resulted from concessions granted under trade agreements, and (2) tax assistance under this section will materially contribute to the economic adjustment of the firm. A certification under this section shall not constitute a determination of the existence or amount of any net operating loss for purposes of section 172 of the Internal Revenue Code of 1954, as amended.

(d) *Notice to Internal Revenue Service.* At such time and in such manner as may be prescribed pursuant to section 172(b)(3)(A)(i) of the Internal Revenue Code of 1954, as amended, and regulations issued thereunder, the firm or other taxpayers involved must file with the Secretary of the Treasury or his delegate a notice that it has applied for tax assistance and, if such assistance is approved, a copy of the certification of eligibility therefor, issued pursuant to paragraph (c) of this section.

(e) *Revocation.* A tax assistance certification may be revoked by the Secretary at any time upon a finding that the tax refunds made to the firm pursuant to such certification are not being used in accord with the terms of the firm's certified adjustment proposal.

Subpart E—Records and Reports

§ 500.50 Records.

(a) Each firm receiving adjustment assistance under this part shall make or cause to be made by any person under the control or direction of such firm, original or facsimile records, receipts or documents with respect to all transactions relating to the receipt, disbursement and utilization of proceeds or other forms of such assistance as are received that will fully disclose their amount and disposition. Such records, receipts or documents shall be in such form and detail as will facilitate effective audit.

(b) In any undertaking to provide adjustment assistance, the Secretary may require the firm to keep, or cause to be kept, such additional records, receipts or documents as he may deem appropriate.

(c) Any records, receipts or documents required to be kept pursuant to this section shall be retained for a period of at least 3 years following completion of the adjustment assistance proposal certified by the Secretary pursuant to Subpart C or until any loans called for therein have been repaid, whichever date is later.

(d) The records, receipts and documents referred to in this section shall include, but not by way of limitation, source materials, journals or other books of original entry, ledgers, financial statements, work papers regardless of by whom prepared, and minute books.

§ 500.51 Reports.

(a) Each firm receiving adjustment assistance under this part, and any person under the control or direction of such firm, shall furnish under oath, in the form of reports or otherwise as required by the Secretary, complete information relative to any matter involving or pertinent to the adjustment assistance proposal certified pursuant to Subpart C of this part, and information otherwise reasonably related to such proposal or the purposes of the Act or of this part. The Secretary may require that such reports include the production of any books of account, contracts, letters, or other papers relevant to adjustment assistance received by the firm or transactions related thereto in the custody or control of the firm or person required to make such reports.

Subpart F—Procedures

§ 500.60 Forms.

(a) For the convenience and guidance of interested persons, the following printed forms are available for use in connection with submissions under this part in connection with adjustment assistance to firms:

(1) OTA-1, Application for Certification of Eligibility To Apply for Adjustment Assistance (under section 302(b)(1) of the Act).

(2) OTA-2, Certificate of Eligibility To Apply for Adjustment Assistance.

(3) OTA-3, Application for Adjustment Assistance.

(4) OTA-4, Adjustment Proposal.

(5) OTA-5, Certification of Adjustment Proposal.

(6) OTA-6, Certification of Eligibility for Tax Assistance.

(b) Copies of all necessary forms, and instructions for their preparation and filing, may be obtained upon request from the Office of Trade Adjustment Assistance, Department of Commerce, Washington, D.C. 20230, or from any Field Office of the Department.

§ 500.61 Submissions.

(a) *Applications.* Forms and related material, including communications, with respect thereto, in connection with (1) applications for certification of eligibility to apply for adjustment assistance, (2) applications for adjustment assistance and (3) adjustment proposals under this part, should be submitted, in triplicate, to the Director, Office of Trade Adjustment Assistance, Department of Commerce, Washington, D.C. 20230.

(b) *Petitions for reconsideration and appeals.* See § 500.62(b)(2) and (c)(4), respectively.

(c) *Other communications.* In order to expedite attention to inquiries or other correspondence concerning matters relevant to or arising in connection with the provisions of this part, persons initiating such communications are urged to direct them in the first instance to OTAA.

(d) *Due date.* (1) Applications for certification of eligibility to apply for adjustment assistance under section 302(b)(1) of the Act, and applications for adjustment assistance under section 311 of the Act are subject to statutory filing deadlines. The Secretary may, in appropriate circumstances, condition acceptance of other submissions upon timely filing on or before a specified date. (2) Except as provided in §§ 500.43(b) and 500.62(a)(3), submissions received by mail are deemed filed on the date postmarked on the envelope in which they are mailed. Submissions delivered directly are deemed filed when received.

(e) *Extensions of time.* With respect to any submission, other than a petition for reconsideration or an appeal under § 500.62, concerning which a date has been established for receipt by the Secretary or his delegate and submission on or before such date is a condition precedent to its acceptance as timely filed, application for extension of time may be made to OTAA. Such application must be received by OTAA prior to the time such submission is due, and must contain a statement of reason for inability to comply with the required filing date. An extension of time will be given for good cause shown.

§ 500.62 Reconsideration and appeals.

This section sets forth the procedures applicable to: Petitions for reconsideration of administrative actions and appeals to the Secretary from certain delegated administrative actions and from decisions on petitions for reconsideration.

(a) *General provisions.* (1) The term "administrative action" means with respect to any person, (i) a decision with respect to certification of eligibility to apply for adjustment assistance, or (ii) a decision upon an application for adjustment assistance, or (iii) any action taken specifically with respect to such person pursuant to the exercise of a discretionary power by the Secretary or his delegate in accordance with any provision of this part. The term "administrative action" does not include an opinion or ruling interpreting these regulations, or a decision upon a petition for reconsideration or upon an appeal.

(2) Notice of an administrative action or of a decision upon a petition for reconsideration or upon an appeal shall be deemed to have been given on the date when mailed or delivered to the petitioner or appellant: *Provided*, That notice of an administrative action taken prior to the effective date of this section shall be deemed to have been given on such effective date.

(3) A petition for reconsideration or an appeal shall be deemed filed on the date received by the addressee.

(4) Any person may withdraw a petition for reconsideration or an appeal at any time prior to the date a decision is rendered thereon.

(b) *Petition for reconsideration.* Any person may petition the official who has taken an administrative action under this part with respect to such person for reconsideration of such action unless such person has previously appealed the same or a related administrative action to the Secretary and such appeal is then pending or a decision has been rendered

FEB 18 72

thereon. The filing of a petition for reconsideration shall not suspend or stay the effect of the administrative action of which reconsideration is sought unless the Secretary, in his discretion, so orders.

(1) *Form of petitions.* An original and five copies of the petition for reconsideration and all supporting documents shall be submitted. The petition shall enclose a copy of the administrative action of which reconsideration is asked, and shall state the grounds upon which the petition is based and the relief requested. All facts and argument in support of the petition shall be separately identified and set forth in detail.

(2) *Filing.* A petition for reconsideration of an administrative action shall be filed not later than 20 days after notice of the administrative action is given to the petitioner. It shall be addressed to the official who took the action of which reconsideration is sought, in care of the U.S. Department of Commerce, Washington, D.C. 20230. If a petition is withdrawn, the time which has elapsed since notice of the administrative action was given to the petitioner shall not be counted as part of the time allowed for appeal. Requests for extension of time within which to file petitions for reconsideration may be granted in the discretion of the official who took the action of which reconsideration is to be sought.

(3) *Decisions.* The official who took the action of which reconsideration is sought may dismiss the petition or may grant or deny the petition in whole or in part, or may modify all or part of the administrative action under reconsideration. Written notice of the decision shall be given to the petitioner.

(c) *Appeals.* (1) Any person may appeal in writing to the Secretary with respect to a decision by another official of the Department on the ground that the administrative action (including a decision on a petition for reconsideration) with respect to such person was based on legal or factual error or was arbitrary. An appeal may not be filed if such person has previously filed a petition for reconsideration respecting the same or a related administrative action and no decision has been rendered thereon or the petition has not been withdrawn. The filing of an appeal shall not suspend or stay the effect of the administrative action or decision on the petition for reconsideration under appeal unless the Secretary, in his discretion, so orders.

(2) Form of appeals: An original and three copies of the appeal and all supporting documents shall be submitted. If the submission of three copies of all accompanying documents or exhibits would place an undue burden on the petitioner, waiver of this rule may be requested at the time the appeal is filed. The appeal shall enclose a copy of the administrative action or decision on the petition for reconsideration from which appeal is made, and shall state the particulars upon which the appeal is based and the relief requested. All facts and arguments in support of the appeal shall be separately identified and set forth in detail. The appellant may request the Director, in writing, to transmit to the Secretary the documentation originally submitted to OTAA.

(3) Oral presentations: The Secretary may, in his discretion, request an appellant to make an oral presentation at a time and place designated.

(4) Filing: Appeals shall be filed with the Secretary not later than 30 days after notice of the administrative action or decision on the petition for reconsideration has been given to the appellant. Requests for extensions of time within which to file appeals may be granted in the discretion of the Secretary. Appeals shall be addressed to the Secretary, U.S. Department of Commerce, Washington, D.C. 20230.

(5) Decisions: The Secretary may dismiss, grant or deny the appeal in whole or in part or modify all or part of the administrative action or decision on the petition for reconsideration under appeal. Written notice of the Secretary's decision shall be furnished to the appellant and shall constitute final Departmental action.

§ 500.63 Public access to information.

Completed Forms OTA–1, OTA–3, OTA–4, or any other completed forms filed with OTAA, applications and requests from applicants, petitions for reconsideration, appeals, materials submitted therewith, and decisions thereon are considered to be matters covered by 5 U.S.C. 552(b). Other information, records, and material in the possession of OTAA, if required by 5 U.S.C. 552 to be made available to the public, shall be available in accordance with the provisions of Part 4 of this title.

Subpart G—Investigation and Audit; Penalties

§ 500.70 Investigation and Audit.

(a) The Secretary may, through any person or agency, investigate any matter relevant to or any violation of the provisions of this part, regardless of whether any report has been required or filed in connection therewith.

(b) The Secretary, through any person or agency, shall have access for the purpose of audit and examination to any records, receipts and documents (as defined in § 500.50(d)) in the possession of a firm that is receiving or has received adjustment assistance under this part, or in the possession of any person under such firm's control or direction, pertaining to or relevant to such adjustment assistance.

§ 500.71 Penalties.

(a) Attention is directed to 19 U.S.C. section 1919, which provides in connection with adjustment assistance to firms that:

> Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Secretary of Commerce * * *, or for the purpose of obtaining money, property, or anything of value * * *, shall be fined not more than $5,000 or imprisoned for not more than 2 years, or both.

(b) Attention is also directed to 18 U.S.C. section 1001, which provides that:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious, or fraudulent statements, or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

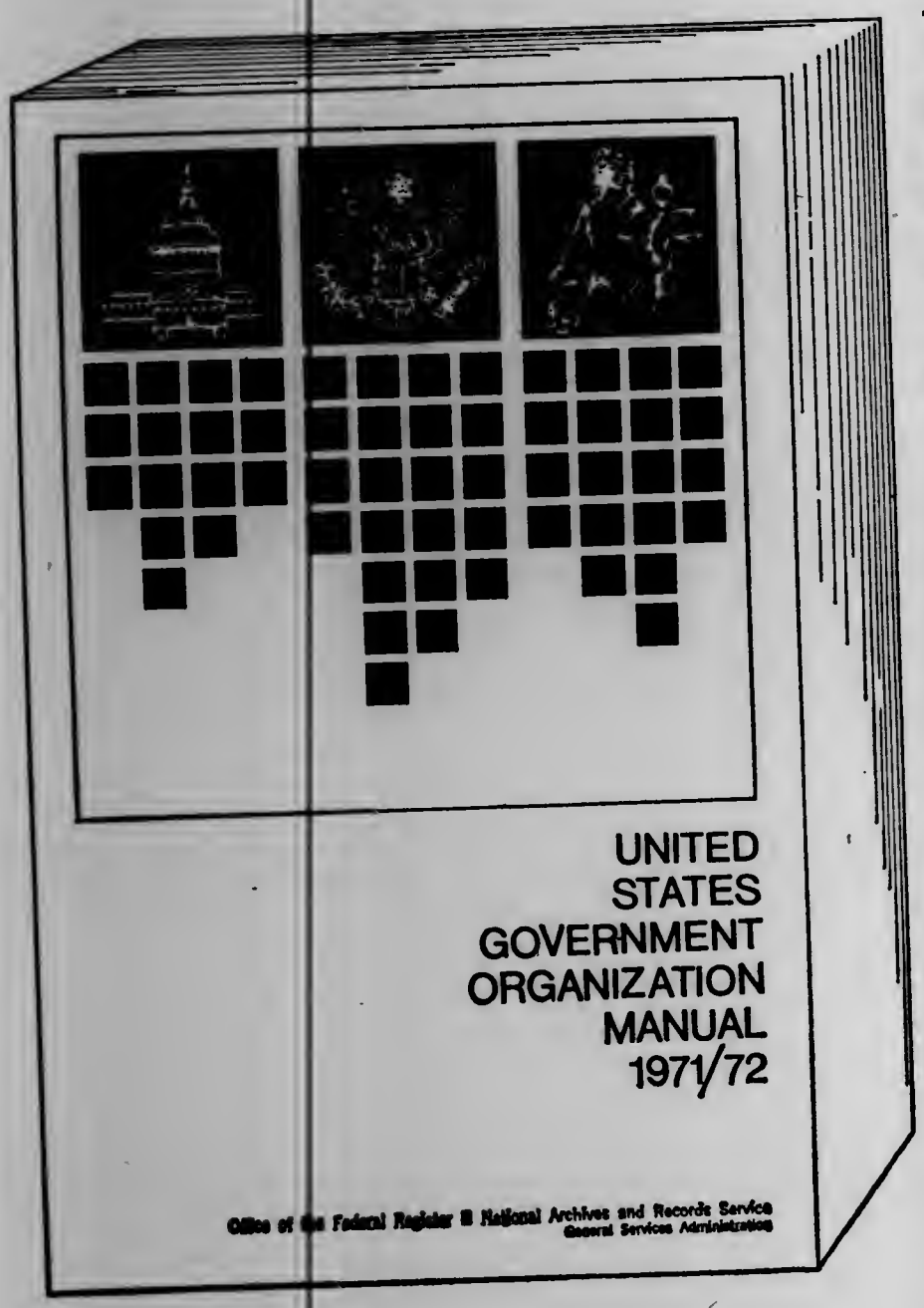
(c) Failure by a firm to maintain or cause to be maintained records or make reports required under Subpart E of this Part shall be grounds for suspension or termination of adjustment assistance. This provision shall constitute an integral part of any certification by the Secretary of an adjustment proposal, whether or not expressly incorporated therein.

§ 500.72 Effect on Lenders.

Any person who in good faith lends money or extends credit to a firm that is receiving or has received adjustment assistance under this part and who does not have actual knowledge, when such loan is made or credit extended (or when a commitment is given to make the loan or extend the credit), that the use of the proceeds thereof, the repayment thereof or any other transaction in connection therewith will involve or constitute a violation by the firm of any provision of this part or of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the authorization or direction of the Secretary pursuant to this part or otherwise under § 500.71, may receive payment thereof (together with all interest and other fees and charges) and may otherwise participate in any other transaction in connection therewith, and such person's rights against the firm in connection with such loan or extension of credit shall not in any way be affected or impaired by reasons of the provisions of this part.

[FR Doc.72–2462 Filed 2–17–72;8:45 am]

FEB 18 72
XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

C1

federal register

SATURDAY, FEBRUARY 19, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 35
Pages 3733–3795

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

TAX INSPECTION—Presidential Executive order opening certain returns to certain State and Federal Government officials 3739

WAGE STABILIZATION—Pay Board delegations of authority to its Executive Director, its Chairman and the Secretary of the Treasury (3 documents) .. 3791, 3792

INCOME TAXES—IRS amendment clarifying the term "return" 3746

COTTON—USDA revision of specifications for jute bagging and ties under the loan program 3742

FOOD ADDITIVE—FDA amendment authorizing the use of a certain clarifying agent in wine; effective 2–19–72 3746

FLOOD INSURANCE—HUD additions to the lists of eligible communities and hazard areas (2 documents) 3748, 3749

GOVERNMENT CONTRACTS—Renegotiation Board rule covering accessories to commercial articles 3747

RICE—USDA proposed changes in the loan and purchase program; comments within 30 days 3753

NEWARK PLAN—Labor Dept. program of minority employment in Federal construction 3753

PUBLIC HEALTH GRANTS TO STATES—HEW proposed revision implementing the simplified plan review system; comments within 30 days 3759

WATER POLLUTION PREVENTION—Coast Guard notices extending time to 4–21–72 for comments on proposed equipment requirements (2 documents) 3763

(Continued inside)

FEB 19 72
XUM

Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements; and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. It includes an Index of Contents and a system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist of White House releases, and a digest of other White House announcements.

This systematic publication of Presidential items provides users with up-to-date information and a permanent reference source concerning Presidential policies and pronouncements.

Subscription Price: $9.00 per year

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from: Superintendent of Documents
U.S. Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER
Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

SMALL BUSINESS—
SBA proposal to redefine size standards for applicants with affiliates in other industries; comments within 15 days 3768
SBA postponement to 3–2–72 of a hearing on proposed new size standards for the fluid milk industry 3768

ANTIDUMPING—Treasury Dept. notice of an inquiry into evidence on roller chains from Japan .. 3770

PRICE STABILIZATION—
IRS notice of a Cost of Living Council ruling on "used products" sales 3770
IRS notices of Price Commission rulings on parking lot fees and taxi company rate increases (2 documents) 3771

ANIMAL DRUGS—FDA notice withdrawing approval of drugs containing sulfathiazole 3778

RENT STABILIZATION—IRS notices of Price Commission rulings explaining the relationship between the "base price" and rate increases (3 documents) 3770, 3771

MILITARY SERVICE—DOD interpretation of laws on physical disability separations 3772

DRUGS—FDA evaluations of Hasamal Tablets, injectable adrenal hormones, a malaria suppressant, and an ophthalmic solution (4 documents) .. 3775, 3779

CHILD PROTECTION—FDA notice requesting data by 4–7–72 from manufacturers of metal-containing paints 3780

CIVIL RIGHTS—Commission notice of a hearing on 3–23–72 to collect information on violations in Illinois 3785

Contents

THE PRESIDENT

EXECUTIVE ORDER

Inspection by certain classes of persons and State and Federal Government establishments of returns made in respect of certain taxes imposed by the Internal Revenue Code of 1954 3739

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Commodity Credit Corporation; Consumer and Marketing Service; Packers and Stockyards Administration.

ARMY DEPARTMENT

See Engineers Corps.

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Rules and Regulations

Mortgage insurance and assistance payments for home ownership and project rehabilitation; sellers' reimbursement agreement .. 3747

ATOMIC ENERGY COMMISSION

Notices

Babcock & Wilcox Co.; order authorizing dismantling of cility 3781
Florida Power Corp.:
Availability of applicant's environmental report; operating license stage 3781
Receipt of Attorney General's advice and time for filing of petitions to intervene on antitrust matters 3782
Wisconsin Electric Power Co. and Wisconsin Michigan Power Co.; availability of applicant's environmental report and AEC draft detailed statement on environmental considerations 3783

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Compania Mexicana de Aviacion, S.A. (CMA) 3784
Kar-Air oy 3784
Texas International Airlines, Inc 3784
United Air Lines, Inc 3784

CIVIL RIGHTS COMMISSION

Notices

Illinois; notice of hearing 3785

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
Department of Health, Education, and Welfare 3741
Occupational Safety and Health Review Commission 3741
Selective Service System 3741

Notices

Grant funds; notice of date after which funds will be available for reallocation 3785

COAST GUARD

Proposed Rule Making

Pollution prevention; extension of time for comments:
Inspection of vessels and deck and engineer officers licenses .. 3763
Vessel and oil transfer facilities .. 3763

Notices

Equipment, construction, and materials; approval notice 3780
New London Harbor; security zone 3781

COMMODITY CREDIT CORPORATION

Rules and Regulations

Cotton; bagging and bale tie specifications 3742

Proposed Rule Making

Rice; loan and purchase program; 1970 and subsequent crops 3753

(Continued on next page)

FEB 19 72
XUM

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Handling limitations; fruit grown in California and Arizona:
Lemons ... 3742
Navel oranges ... 3742

CUSTOMS BUREAU
Notices
Roller chain, other than bicycle, from Japan; antidumping proceeding ... 3770

DEFENSE DEPARTMENT
See also Engineers Corps.
Notices
Assistant Secretary of Defense (Health and Environment); responsibilities, functions, and authorities ... 3772

DELAWARE RIVER BASIN COMMISSION
Notices
Comprehensive Plan; public hearing ... 3785

ENGINEERS CORPS
Rules and Regulations
Navigation regulations; Columbia and Snake Rivers, Wash.-Oreg ... 3750

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rule Making
Patents, data, and copyrights; patents and inventions ... 3764

FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
Alterations:
Control zones and transition areas (2 documents) ... 3745
Federal airway segment ... 3745
Transition areas ... 3746
Proposed Rule Making
Alterations:
Control zones and transition areas (2 documents) ... 3763, 3764
Transition area ... 3763

FEDERAL CONTRACT COMPLIANCE OFFICE
Proposed Rule Making
Newark plan ... 3753

FEDERAL INSURANCE ADMINISTRATION
Rules and Regulations
Flood insurance program:
Areas eligible for sale of insurance ... 3748
Identification of special hazard areas ... 3749

FEDERAL MARITIME COMMISSION
Notices
Continental North Atlantic Westbound Freight Conference; agreement filed ... 3785

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
City of Cleveland, Ohio, and Cleveland Electric Illuminating Co ... 3786
Niagara Mohawk Power Corp ... 3786
Pacific Power & Light Co ... 3786
Southern Natural Gas Co ... 3787
United Gas Pipe Line Co ... 3787

FEDERAL RESERVE SYSTEM
Notices
First Florida Bancorporation; order approving acquisition of bank ... 3788

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Dimethylsulfoxide (DMSO); policy or interpretation ... 3746
Food additives; polyvinylpyrrolidone ... 3746
Notices
Dr. Mayfield Laboratories et al; sulfathiazole; withdrawal of approval of new animal drug applications ... 3778
Drugs for human use; efficacy study implementations:
Combination drug containing phenobarbital, acetaminophen, phenacetin, atropine sulfate, scopolamine hydrobromide, and hyoscyamine hydrobromide ... 3775
Cortisone; dexamethasone; hydrocortisone; methylprednisolone; prednisolone; and triamcinolone for parenteral use ... 3775
Glycobiarsol with chloroquine phosphate ... 3779
Ophthalmic preparation containing phenylephrine hydrochloride, sodium sulfacetamide, prednisolone acetate, and antipyrine ... 3779
Paints and other surface-coatings containing heavy metals; request for data ... 3780

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration; Public Health Service.

HEARINGS AND APPEALS OFFICE
Notices
North American Coal Corp.; petitions for modification of mandatory safety standards (2 documents) ... 3773

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See also Assistant Secretary for Housing Production and Mortgage Credit Office; Federal Insurance Administration.
Notices
Area directors and deputy area directors; redelegation of authority with respect to requisitions for third party contracts ... 3780

IMMIGRATION AND NATURALIZATION SERVICE
Rules and Regulations
Entry and transportation of aliens; miscellaneous amendments ... 3744

INTERIOR DEPARTMENT
See also Hearings and Appeals Office; National Park Service.
Notices
Lyman-Torrington 115-kv. transmission line and Torrington Substation; availability of draft environmental statement ... 3774
Proposed dust abatement at Canyon Ferry Lake, Montana; availability of final environmental statement ... 3774

INTERNAL REVENUE SERVICE
Rules and Regulations
Economic stabilization matters; inspection of Internal Revenue records ... 3741
Procedure; inspection of returns by certain classes of persons and State and Federal Government establishments ... 3746
Notices
Cost of Living Council ruling; unsold newspapers and magazines sold as used products ... 3770
Price Commission rulings:
Landlord's records as to base prices ... 3770
Parking under commercial agreement ... 3771
Substantial number of transactions ... 3771
Taxi rate reporting requirements ... 3771
Two and one-half percent increase from prior period ... 3770

INTERSTATE COMMERCE COMMISSION
Notices
Assignment of hearings ... 3788
Fourth section applications for relief ... 3788
Motor carrier temporary authority applications ... 3789

JUSTICE DEPARTMENT
See Immigration and Naturalization Service.

LABOR DEPARTMENT
See also Federal Contract Compliance Office; Labor-Management and Welfare-Pension Reports Office.
Proposed Rule Making
Mandatory listing of job vacancies with Federal-State employment service system; obligations attached to listings ... 3759

LABOR–MANAGEMENT AND WELFARE–PENSION REPORTS OFFICE
Proposed Rule Making
Description of employee welfare or pension benefit plans; additional reporting requirements; correction ... 3759

NATIONAL PARK SERVICE
Notices
Grand Teton National Park; notice of intention to issue concession permit ... 3772

PACKERS AND STOCKYARDS ADMINISTRATION
Notices
Carmen Livestock Exchange et al.; deposting of stockyards ... 3774

PAY BOARD
Notices
Delegations of authority:
Chairman ... 3791
Executive Director ... 3792
Secretary of the Treasury ... 3792

PUBLIC HEALTH SERVICE
Proposed Rule Making
Grants to States for public health services ... 3759

RENEGOTIATION BOARD
Rules and Regulations
Mandatory exemption of contracts and subcontracts for standard commercial articles or services; modifications of an article ... 3747

SMALL BUSINESS ADMINISTRATION
Proposed Rule Making
Fluid milk; change in date of hearing and extension of time for comment ... 3768
Small business size standards; definition ... 3768

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration.

TREASURY DEPARTMENT
See Customs Bureau; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

3 CFR
EXECUTIVE ORDER:
11650 ... 3739

5 CFR
213 (3 documents) ... 3741

6 CFR
401 ... 3741

7 CFR
907 ... 3742
910 ... 3742
1427 ... 3742
PROPOSED RULES:
1421 ... 3753

8 CFR
100 ... 3744
238 ... 3744

13 CFR
PROPOSED RULES:
121 (2 documents) ... 3768

14 CFR
71 (4 documents) ... 3745, 3746
PROPOSED RULES:
71 (3 documents) ... 3763, 3764

21 CFR
3 ... 3746
121 ... 3746

24 CFR
235 ... 3747
1914 ... 3748
1915 ... 3749

26 CFR
301 ... 3746

29 CFR
PROPOSED RULES:
460 ... 3759

32 CFR
1467 ... 3747

33 CFR
207 ... 3750
PROPOSED RULES:
154 ... 3763
155 ... 3763
156 ... 3763

41 CFR
PROPOSED RULES:
15–9 ... 3764
50–250 ... 3759
60–9 ... 3753

42 CFR
PROPOSED RULES:
51 ... 3759

46 CFR
PROPOSED RULES:
10 ... 3763
12 ... 3763
31 ... 3763
71 ... 3763
91 ... 3763
176 ... 3763
187 ... 3763
189 ... 3763

V 37 ■ 35
FEB 19 72
XUM

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11650

Inspection by Certain Classes of Persons and State and Federal Government Establishments of Returns Made in Respect of Certain Taxes Imposed by the Internal Revenue Code of 1954

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), it is hereby ordered that returns made in respect of the taxes imposed by chapters 1, 2, 3, 5, 6, 11, 12, and 32, subchapters B and C of chapter 33, subchapter B of chapter 37, and chapter 41 of such Code shall be open to inspection by certain classes of persons and State and Federal Government establishments in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury decision 6543, relating to inspection and use of returns by such classes of persons and State and Federal Government establishments, approved by the President on January 17, 1961, the amendments thereto approved by the President on April 4, 1963, and March 18, 1965, and the amendment thereto approved by me this date.

Richard Nixon

THE WHITE HOUSE,
February 16, 1972.

[FR Doc.72-2592 Filed 2-16-72; 2:58 pm]

V 37 ■ 35 F FEB 19 72 XUM

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Deputy Assistant Secretary for Legislation (Congressional Liaison) is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–19–72), subparagraph (12) is added to paragraph (f) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * * *

(f) *Office of the Assistant Secretary for Legislation.* * * *

(12) One Deputy Assistant Secretary for Legislation (Congressional Liaison).

* * * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2596 Filed 2–18–72;8:49 am]

PART 213—EXCEPTED SERVICE

Occupational Safety and Health Review Commission

Section 213.3344 of Schedule C is amended to reflect the following title change: From Confidential Assistant to the Chairman to Special Assistant to the Chairman.

Effective on publication in the FEDERAL REGISTER (2–19–72), paragraph (a) of § 213.3344 is amended as set out below.

§ 213.3344 Occupational Safety and Health Review Commission.

(a) One Special Assistant to the Chairman.

* * * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 72–2597 Filed 2–18–72; 8:49 am]

PART 213—EXCEPTED SERVICE

Selective Service System

Section 213.3346 is amended to show that the position of Chief, Management Evaluation Group, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–19–72), paragraph (e) is added to § 213.3346 as set out below.

§ 213.3346 Selective Service System.

* * * * * *

(e) Chief, Management Evaluation Group.

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executvie Assistant to the Commissioners.

[FR Doc.72–2598 Filed 2–18–72;8:49 am]

Title 6—ECONOMIC STABILIZATION

Chapter IV—Internal Revenue Service

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Inspection of Internal Revenue Economic Stabilization Records

Part 401—Procedural Rules relating to Economic Stabilization matters is amended by adding a new Subpart K.

Subpart K, as set forth below, authorizes officers and employees of the Department of the Treasury (including the Internal Revenue Service and Office of the Chief Counsel for the Internal Revenue Service) and the Department of Justice to inspect the records of the Internal Revenue Service relating to economic stabilization matters and establishes procedures to be followed for such inspection.

Since the procedures set forth are essential to the immediate implementation of Executive Order No. 11640 and the amendment made by the Economic Stabilization Act amendments of 1971 (85 Stat. 743), the Revenue Service finds that their publication in accordance with usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days.

Subpart K shall become effective upon its filing for publication in the FEDERAL REGISTER.

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

A new Subpart K is added to 6 CFR Part 401 to read as follows:

Subpart K—Inspection of Internal Revenue Economic Stabilization Records

§ 401.1001 Inspection of Internal Revenue Service stabilization records by Department of the Treasury and Department of Justice.

(a) *In general.* Pursuant to the provisions of section 205 of the Economic Stabilization Act of 1970 (Public Law 91–379, 84 Stat. 799), as amended by the Economic Stabilization Act Amendment of 1971 (Public Law 92–210, 85 Stat. 747), officers and employees of the Department of the Treasury (including the Internal Revenue Service and the Office of the Chief Counsel for the Internal Revenue Service) and the Department of Justice whose official duties require inspection of returns made in respect of any tax described in paragraph (a)(2) of § 301.6103(a)–1 of 26 CFR Part 301, or include the administration or enforcement of the provisions of the Economic Stabilization Act of 1970, as amended, may inspect the stabilization records of the Internal Revenue Service without making written application therefor. If the head of a bureau or office in the Department of the Treasury (not a part of the Internal Revenue Service or the Office of Chief Counsel for the Internal Revenue Service), or the Department of Justice, desires to inspect, or to have an employee of his bureau or office inspect, any such records in connection with some matter officially before him for reasons other than tax administration purposes or the administration or enforcement of the provisions of the Economic Stabilization Act of 1970, as amended, the inspection may, in the discretion of the Secretary of the Treasury or the Commissioner of Internal Revenue or the delegate of either, be permitted upon written application by the head of the bureau or office desiring the inspection. The application shall be made to the Commissioner of Internal Revenue, Washington, D.C. 20224, and shall show the name and address of the person about whom records are to be inspected and the reason why inspection is desired. The information obtained from inspection pursuant to this paragraph may be used as evidence in any proceeding, conducted by or before any department or establishment of the United States, or to which the United States is a party.

(b) *Definitions of terms.*—(1) *Stabilization records.* For purposes of this section, the term "stabilization records" includes—

(i) All schedules, lists, written statements, or other written documents filed

V 37-35 FEB 1972 XUM

by or on behalf of any person with the Internal Revenue Service, and

(ii) All other reports, information received orally or in writing, factual data, documents, papers, abstracts, memoranda, or evidence taken, or any portion thereof, relating to any person and held by the Internal Revenue Service,

to the extent any such item is with respect to the administration or enforcement of any provision of the Economic Stabilization Act of 1970, as amended, and is not part of a return (as defined in § 301.6103(a)-1(a)(3)(i) of 26 CFR Part 301).

(2) *Person.* For purposes of this section, the term "person" has the meaning given to such term under section 7701(a)(1) of the Internal Revenue Code of 1954 (68A Stat. 911; 26 U.S.C. 7701(a)(1)).

(Sec. 205, Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; as amended by Economic Stabilization Act Amendment, 1971, Public Law 92-210, 85 Stat. 747)

[FR Doc.72-2583 Filed 2-18-72;8:46 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Regulation 255, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i), and (ii) of § 907.555 (Navel Orange Regulation 255, 37 F.R. 2027) during the period February 11, 1972, through February 17, 1972, are hereby fixed as follows:

§ 907.555 Navel Orange Regulation 255.

* * * * * * *

(b) *Order.* (1) * * *

(i) District 1: 996,000 cartons;

(ii) District 2: 204,000 cartons.

* * * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 15, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2576 Filed 2-18-72;8:48 am]

[Lemon Reg. 521]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.821 Lemon Regulation 521.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 15, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 20, through February 26, 1972, is hereby fixed at 215,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 16, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2641 Filed 2-18-72;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Bagging and Bale Tie Specifications

On page 19411 of the FEDERAL REGISTER of October 5, 1971, there was published a notice that the specifications for jute bagging and ties used in wrapping cotton tendered to Commodity Credit Corporation (hereinafter referred to as "CCC") under its cotton loan program (34 F.R. 7388, 36 F.R. 13804) were being reviewed to determine whether, beginning with the 1972 crop, they should be continued, modified, or rescinded. Notice thereof was published to give interested persons an opportunity to submit written data, views, and recommendations regarding the specifications. One hundred and sixteen responses were received from members of the cotton industry and other interested parties. While there was considerable variation in views, most responses recommended retention of the current specifications and expansion of the specifications to include other types of bagging and bale ties, based upon recommendations of the Joint Industry Bale Packaging Committee. After consideration of all responses and the recommendations of the Joint Committee, it has been determined that detailed specifications should be continued for the 1972 crop of cotton and augmented to include other types of bagging and bale ties recommended by the Joint Committee. Accordingly, the specifications appearing in 34 F.R. 7388, as amended, are hereby rescinded and replaced by the regulations now being issued.

The regulations issued by CCC, published in 36 F.R. 13981 as the Cotton Loan Program Regulations, and containing the terms and conditions with respect to the Cotton Loan Program, as amended, are supplemented as follows:

Subpart—Bagging and Bale Tie Specifications

Sec.
1427.1901 Purpose.
1427.1902 Specifications for bale ties and buckles.
1427.1903 Specifications for bagging.
1427.1904 Test methods.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 (b) and (c); 7 U.S.C. 1441, 1444, 1421.

§ 1427.1901 Purpose.

This subpart is for the purpose of announcing the bagging and bale tie specifications applicable to wrapping 1972 and subsequent crop cotton tendered to CCC for loans, unless otherwise approved by the Executive Vice President, CCC or his designee: *Provided, however,* That all bales of cotton packaged and identified with the testing program of the Joint Industry Experimental Bale Packaging Committee sponsored by the National Cotton Council will be exempt from the provisions of this subpart.

§ 1427.1902 Specifications for bale ties and buckles.

(a) *Conventional hot rolled steel ties and buckles.* The total weight of bale ties and buckles to tie each bale of cotton shall be not less than 8½ pounds. Each bale of cotton must have not less than (1) six ties for flat bales (bales having densities less than 23 pounds per cubic foot), (2) eight ties for standard density bales (bales having densities of at least 23 but less than 27 pounds per cubic foot), or (3) eight ties for universal density bales (bales having densities of 27 through 31 pounds per cubic foot).

(b) *Cold rolled high tensile steel strapping*—(1) *For use on flat bales.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.025 inch with zero tolerance, minimum weight of 1 pound per 15.7 linear feet of strapping or 4 pounds per bale of cotton, minimum breaking strength of 2,400 pounds, minimum joint efficiency of 85 percent or 2,040 pounds, minimum of six ties per bale, and the supplier's name or trademark must be printed or embossed on every 36 inches of strapping. This strapping is approved for use on flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia.

(2) *For use on gin standard density and gin universal density bales.* The strapping shall have a minimum width of three-fourths of an inch and minimum thickness of 0.031 inch with zero tolerance, minimum weight of 1 pound per 12.7 linear feet of strapping or 5 pounds per bale of cotton, minimum breaking strength of 3,200 pounds with minimum joint efficiency of 85 percent or 2,720 pounds for gin standard density bales or 4,000 pounds with minimum joint efficiency of 85 percent or 3,400 pounds for gin universal density bales, minimum of eight ties per bale, and the supplier's name or trademark must be printed or embossed on every 36 inches of strapping.

(c) *Wire ties*—(1) *For use on flat bales.* The ties shall be 9 gauge or 0.148 inch diameter wire with a plus or minus tolerance of 1 percent. The minimum breaking strength, including joint, must not be less than 2,100 pounds. There shall be a minimum of six ties per bale and a minimum weight of 4 pounds per bale. These ties are approved for use on flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia.

(2) *For use on gin standard density and gin universal density bales.* The ties shall be 9 gauge or 0.148 inch diameter wire with a plus or minus tolerance of 1 percent. The minimum breaking strength of the wire must not be less than 3,400 pounds with the joint placed on top of the bale. If the joint is placed on the side of the bale, the minimum breaking strength of the wire must not be less than 3,400 pounds with a joint efficiency of not less than 90 percent or 3,200 pounds with a joint efficiency of not less than 95 percent. There must be a minimum of eight ties per bale and a minimum weight of 4 pounds per bale.

§ 1427.1903 Specifications for bagging.

Each bale must be wrapped with a pattern of bagging consisting of two pieces (panels) of bagging material. All bagging material must be clean, in sound condition and of sufficient strength to adequately protect the cotton. The material must not have salt or other corrosive material added and must not contain sisal or other hard fiber or any other material which will contaminate or adversely affect cotton as determined by the President or Executive Vice President, Commodity Credit Corporation.

(a) *New jute bagging used to wrap flat bales.* Each one-half pattern (panel) of new jute bagging used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must not be less than 47 inches or more than 56 inches in width. The bagging must contain not less than 41 warp yarns per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns and must contain not less than 25 weft (filling) yarns per 12 inches of bagging. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(b) *New jute bagging used to wrap gin standard density and gin universal density bales.* Each one-half pattern (panel) of new jute bagging used to wrap gin standard density or gin universal density bales must not be less than 96 inches or more than 102 inches in length and must not be less than 40 inches or more than 48 inches in width. The bagging must contain not less than 150 warp yarns per 40 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 25 weft (filling) yarns per 12 inches of bagging, and must weigh not less than 7½ and not more than 8¾ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain): *Provided,* That new jute bagging material meeting the warp and weft requirements for jute bagging used on flat bales and weighing not less than 8¾ and not more than 11¼ pounds per pattern at 13.75 percent moisture content (not moisture regain) may be used to wrap gin standard density and gin universal density bales.

(c) *Salvage jute (burlap) bagging used to wrap flat bales.* (1) Each one-half pattern (panel) of salvage jute bagging used to wrap flat bales must not be less than 108 inches or more than 115 inches in length and must be not less than 47 inches or more than 56 inches in width. The bagging must be processed specifically for cotton bale coverings from once-used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. The bagging must weigh not less than 11¼ and not more than 13¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

(2) Each one-half pattern must be composed of not more than three pieces of used bag cloth of the same construction and weight. There must not be more than two crosswise sewn seams and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be with strong thread with not larger than ⅜-inch stitching.

(d) *Salvage jute (burlap) bagging used to wrap gin standard density and gin universal density bales.* (1) Each one-half pattern (panel) of salvage jute bagging used to wrap gin standard density or gin universal density bales must not be less than 40 inches or more than 48 inches in width and must be not less than 96 inches or more than 102 inches in length. The bagging must be processed specifically for cotton bale coverings from once-used good quality closely woven heavy jute bags previously used for sugar, coffee, cocoa, or other products approved by the President or Executive Vice President, CCC. The bagging must weigh not less than 7½ and not more than 11¼ pounds per pattern (two panels) at 13.75 percent moisture content (not moisture regain).

V 37-35 FEB 19 72 XUM

(2) Each one-half pattern must be composed of not more than two pieces of used bag cloth of the same construction and width. There must not be more than one crosswise sewn seam and no lengthwise sewn seams in any one-half pattern. (Seams, hems, and necessary patches in the original bags from which the bagging is made will not be considered sewn seams.) Overlap at seams and patches must not be greater than 3½ inches. Overlaps, patches, and hems sewn into bagging to increase the weight of lightweight material will not be permitted. Sewn seams must be such that the edges of the joined pieces coincide to make a symmetrical one-half pattern without appreciable displacement of the edge of one piece of bagging relative to the edge of the adjoining piece in the seam. Sewing must be made with strong thread with not larger than ⅜-inch stitching.

(e) *Cotton bagging used to wrap flat bales.* Cotton bagging may be used to wrap flat bales stored only in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. Each one-half pattern of cotton bagging must not be less than 108 inches or more than 112 inches in length and must not be less than 45 inches or more than 48 inches in width. The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging and must weigh not less than 2½ pounds per pattern at 13.75 percent moisture content (not moisture regain).

(f) *Cotton bagging used to wrap gin standard density or gin universal density bales.* Each one-half pattern of cotton bagging used to wrap gin standard density or gin universal density bales must not be less than 100 inches or more than 104 inches in length and must not be less than 45 inches or more than 48 inches in width. The bagging must contain not less than 120 warp yarns (plied or single) per 12 inches of bagging of a size equal to or larger than the weft (filling) yarns, must contain not less than 78 weft (filling) yarns (plied or single) per 12 inches of bagging, and must weigh not less than 2¾ pounds per pattern (two panels) at 13.75 moisture content (not moisture regain).

§ 1427.1904 Test methods.

The following testing methods will be used by CCC in determining whether bagging and bale ties and buckles or fasteners used to package cotton tendered for CCC loans beginning with the 1972 crop of cotton meets the above specifications. Each sample of bagging selected for testing will consist of one-half pattern.

(a) *Length.* The length of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device. The sample will be laid out flat on a smooth horizontal surface and the length of both selvages measured. The length of the sample will be the average of the two selvage measurements rounded to the nearest inch. Measurement will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776–62T.

(b) *Width.* The width of the sample will be measured directly using a measuring stick, steel tape, or other suitably graduated device and will include the selvages. The sample will be laid out flat on a smooth horizontal surface and the measurements made perpendicular to the selvages. Three width measurements will be taken on each sample. One measurement will be made at the center of the sample and two other measurements will be made approximately 12 inches in from each end of the sample. The average of the three measurements, rounded to the nearest inch, will be the width. Measurements will be made on the sample in equilibrium with standard atmospheric conditions as specified in A.S.T.M. D 1776–62T.

(c) *Warp yarn count.*[1] For new jute and cotton bagging, the number of warp ends in the width of the sample, including the selvages, will be counted at each end of the sample. The average of the two counts will be divided by the width, as determined above. This figure will be multiplied by 12 to determine warp yarns per 12 inches of bagging or by 40 to determine warp yarns per 40 inches of bagging.

(d) *Weft yarn count.*[1] The number of weft (filling) yarns over a measured length of 36 inches on each sample of new jute and cotton bagging will be counted. The number counted divided by 3 will be the weft yarn count per 12 inches.

(e) *Weight of bagging.* The weight of bagging will be determined by weighing on suitable accurate scales and the weight per pattern determined to the nearest one-quarter pound. Several patterns (or bales of bagging patterns) may be weighed simultaneously and the weight averaged. The weight will be calculated on the basis of 13.75 percent moisture content (not moisture regain).

(f) *Weight and strength of bale ties and buckles.* The bale ties and buckles will be weighed on suitable accurate scales and the weight determined to the nearest one-half pound. A bundle or package of ties and buckles may be weighed and averaged to determine the weight of ties and buckles necessary to package a bale of cotton. For high tensile steel strapping, a given number of feet of strapping will be weighed to determine the number of feet of strapping per pound. Breaking strength and joint efficiency tests will be made only when determined to be necessary.

Effective date. This subpart is effective for all loans made on 1972 and subsequent crops cotton.

Signed at Washington, D.C., on February 14, 1972.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-2586 Filed 2-18-72;8:49 am]

[1] Not applicable to jute bagging manufactured from salvage jute (burlap) bags.

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 100—STATEMENT OF ORGANIZATION

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. District No. 24—Cleveland, Ohio, of subparagraph (3) *Ports of entry for alien arriving by aircraft* of paragraph (c) *Suboffices* of § 100.4 *Field service* is amended by deleting therefrom: "Put In Bay, Ohio, Put In Bay Airport."

2. In § 100.4, paragraph (d) is amended in the following respects: Sector No. 6 is amended by deleting therefrom "Minot, N. Dak."; Sector No. 7 is amended by deleting therefrom "Sweetgrass, Mont." and by adding thereto in alphabetical sequence "Twin Falls, Idaho"; Sector No. 11 is amended by deleting therefrom "Oceanside, Calif." and by adding thereto in alphabetical sequence "San Clemente, Calif."; Sector No. 15 is amended by adding thereto in alphabetical sequence "Truth or Consequences, N. Mex."; Sector No. 16 is amended by adding thereto in alphabetical sequence "Van Horn, Tex."; Sector No. 21 is amended by deleting therefrom "Texarkana, Ark." and by adding thereto in alphabetical sequence "Little Rock, Ark." and "Miami, Okla."; and Sector No. 22 is amended by adding thereto in alphabetical sequence "Orlando, Fla." As amended, § 100.4(d) reads as follows:

(d) *Border Patrol sectors.* Border Patrol sector headquarters and stations are situated at the following locations:

* * * * *

SECTOR NO. 6—GRAND FORKS, N. DAK.

Bottineau, N. Dak.
Grand Forks, N. Dak.
Gran Marais, Minn.
International Falls, Minn.
Pembina, N. Dak.
Portal, N. Dak.
Warroad, Minn.

SECTOR NO. 7—HAVRE, MONT.

Browning, Mont.
Havre, Mont.
Malta, Mont.
Shelby, Mont.
Twin Falls, Idaho
Wolf Point, Mont.

* * * * *

SECTOR NO. 11—CHULA VISTA, CALIF.

Campo, Calif.
Chula Vista, Calif.
El Cajon, Calif.
Oxnard, Calif.
San Clemente, Calif.
San Luis Obispo, Calif.
Temecula, Calif.

* * * * *

SECTOR NO. 15—EL PASO, TEX.

Alamogordo, N. Mex.
Carlsbad, N. Mex.
Columbus, N. Mex.

El Paso, Tex.
Fabens, Tex.
Fort Hancock, Tex.
Las Cruces, N. Mex.
Lordsburg, N. Mex.
Sierra Blanca, Tex.
Truth or Consequences, N. Mex.

SECTOR NO. 16—MARFA, TEX.

Alpine, Tex.
Amarillo, Tex.
Big Spring, Tex.
Fort Stockton, Tex.
Lubbock, Tex.
Marfa, Tex.
Pecos, Tex.
Presidio, Tex.
Sanderson, Tex.
Van Horn, Tex.

* * * * *

SECTOR NO. 21—NEW ORLEANS, LA.

Baton Rouge, La.
Gulfport, Miss.
Lake Charles, La.
Little Rock, Ark.
Miami, Okla.
Mobile, Ala.
New Orleans, La.
Pensacola, Fla.

SECTOR NO. 22—MIAMI, FLA.

Jacksonville, Fla.
Miami, Fla.
Orlando, Fla.
Tampa, Fla.
West Palm Beach, Fla.

* * * * *

1. The listing of transportation lines in subparagraph (1) *Canada* of paragraph (b) *Agreements with transportation lines* of § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands* is amended by adding the following transportation line in alphabetical sequence: "Japan Air Lines Company, Ltd."

2. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Murray Hill Limousine Service Ltd."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (2–19–72) except with regard to the amendment to § 100.4(c)(3) which shall become effective on February 24, 1972. Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 100.4(d) relates to agency management; and the amendments to §§ 238.2(b)(1) and 238.3(b) each add a transportation line to the listings. With regard to the amendment to § 100.4(c)(3) which shall become effective February 24, 1972, notice of proposed rule making and delayed effective date is unnecessary because the amendment relates to agency management.

Dated: February 15, 1972.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[FR Doc.72-2488 Filed 2-18-72;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–SO–165]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

On December 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23398) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airway No. 7, west alternate segment between Birmingham, Ala., and Muscle Shoals, Ala.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.123 (37 F.R. 2009) V–7 is amended by deleting "INT Birmingham 313°" and substituting "INT Birmingham 298°" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 14, 1972.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.72-2568 Filed 2-18-72;8:48 am]

[Airspace Docket No. 71–WE–59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On January 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 21) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Thermal, Calif., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted subject to the following changes.

Change the FEDERAL REGISTER citations of the control zone and transition area to read "§ 71.171 (37 F.R. 2056)" and "§ 71.181 (37 F.R. 2143)" respectively. In the text of the transition area delete "R–2501" and substitute "R–2521" therefor.

Effective date. These amendments shall be effective 0901 G.m.t., April 27, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.171 (37 F.R. 2056) the following control zone is added:

THERMAL, CALIF.

Within a 5-mile radius of Thermal Airport (latitude 33°37'40" N., longitude 116°09'45" W.)

In § 71.181 (37 F.R. 2143) the following transition area is added:

THERMAL, CALIF.

That airspace extending upward from 700 feet above the surface within 3.5 miles each side of the Thermal VORTAC 140° radial, extending from the VORTAC to 6 miles southeast of the VORTAC, within 3.5 miles southwest of and parallel to the Thermal VORTAC 155° radial, extending from the VORTAC to 6.5 miles southeast of the VORTAC and within 3 miles each side of the Thermal VORTAC 324° radial, extending from the VORTAC to 16 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Thermal VORTAC 140° radial extending from the VORTAC to 20 miles southeast of the VORTAC, excluding the portion within R–2521.

[FR Doc.72-2569 Filed 2-18-72;8:48 am]

[Airspace Docket No. 71–WE–60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

On February 3, 1972, F.R. Doc. 72–1574 was published in the FEDERAL REGISTER (37 F.R. 2572). This document altered the descriptions of the Bakersfield, Calif.,

V37-35 FEB 19 72 XUM

control zone and transition area. A review of the description of the transition area revealed that the latitude in the geographical coordinates of Meadows Field was incorrect. Action is taken herein to affect this change.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing in F.R. Doc. 72-1574 (37 F.R. 2572) is amended by deleting "• • • (latitude 39°25'40" N., • • •)" in the description of the Bakersfield, Calif., transition area and substituting "• • • (latitude 35°25'40" N., • • •)" therefor.

Effective date. The effective date of the original document may be retained (0901 G.m.t., March 30, 1972).

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-2570 Filed 2-18-72;8:48 am]

[Airspace Docket No. 71-WE-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 21) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Marysville, Calif., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

Change the FEDERAL REGISTER citation to read "In § 71.181 (37 F.R. 2143) • • •"

Effective date. This amendment shall be effective 0901 G.m.t., April 27, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.181 (37 F.R. 2143) the description of the Marysville, Calif., transition area is amended as follows:

In the third line of the text delete the numeral "• • • 8 • • •" and substitute "• • • 9 • • •" therefor. In the fourth line of the text delete "• • • 6.5 • • •" and substitute "• • • 17 • • •" therefor.

[FR Doc.72-2571 Filed 2-18-72;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Dimethylsulfoxide (DMSO)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-51; 21 U.S.C. 360b, 371(a)) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) § 3.52 is amended as follows:

1. In paragraph (d) (1) by adding the words "§ 130.3a(a) and" after the words "in accord with."

2. By deleting subparagraph (d)(3).

Since these changes are editorial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-19-72).

(Sec. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-51; 21 U.S.C. 360b, 371(a))

Dated: February 10, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2548 Filed 2-18-72;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYVINYLPYRROLIDONE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1A2673) filed by GAF Corp., 140 West 51st Street, New York, N.Y. 10020, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of polyvinylpyrrolidone as a clarifying agent in wine.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1139(b) is amended by adding alphabetically to the list of foods a new item as follows:

§ 121.1139 Polyvinylpyrrolidone.

• • • • • •

(b) The additive is used or intended for use in foods as follows:

Food	*Limitations*
• • •	• • •
Wine	As a clarifying agent, at a residual level not to exceed 60 parts per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2-19-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 10, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2549 Filed 2-18-72;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7162]

PART 301—PROCEDURE AND ADMINISTRATION

Inspection of Returns by Certain Classes of Persons and State and Federal Government Establishments

In order to clarify the definition of the term "return" under section 6103 of the Internal Revenue Code of 1954, the Regulations on Procedure and Administration (26 CFR Part 301) under such section are amended as follows:

Section 301.6103(a)-1 is amended by revising subparagraph (3)(i) of paragraph (a). The amended provision reads as follows:

§ 301.6103(a)-1 Inspection of returns by certain classes of persons and State and Federal Government establishments pursuant to Executive order.

(a) *In general.* • • •

(3) *Terms used*—(i) *Return.* For purposes of section 6103(a), the term "return" includes—

(*a*) Information returns, schedules, lists, and other written statements filed by or on behalf of the taxpayer with the Internal Revenue Service which are designed to be supplemental to or become a part of the return, and

(*b*) Other records, reports, information received orally or in writing, factual data, documents, papers, abstracts, memoranda, or evidence taken, or any portion thereof, relating to the items included under (*a*) of this subdivision.

The items listed in (*b*) of this subdivision may be open to inspection in any case where inspection of the return is authorized by section 6103(a) and these regulations only in the discretion of the Secretary or the Commissioner or the delegate of either. The above rules and procedures also apply to any reproductions or recordings by whatever means made of any such documents or portion thereof. A notice of acquisition filed under section 4917 is a return for purposes of section 6103. An application for exemption from income tax under section 501(a) filed by an organization described in section 501 (c) or (d) in order to establish its exemption is not a return for purposes of section 6103. For provisions opening to public inspection exemption applications with respect to which a determination has been made that the organization is entitled to exemption from income tax under section 501(a), see section 6104(a) and § 301.6104-1.

• • • • •

Because this Treasury decision constitutes a general statement of policy and establishes rules of departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

CHARLS E. WALKER,
Acting Secretary of the Treasury.

Approved: February 16, 1972.

RICHARD NIXON,
The White House.

[FR Doc.72-2662 Filed 2-18-72;8:51 am]

Title 32—NATIONAL DEFENSE

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Modifications of an Article

The Renegotiation Board hereby adopts, without change, the proposed amendment published on January 5, 1972 (37 F.R. 99). Such regulation, as adopted, reads as set forth below.

Dated: February 16, 1972.

RICHARD T. BURRESS,
Chairman.

In § 1467.47 the term "article" is amended by adding at the end thereof a new paragraph (c) to read as follows:

§ 1467.47 The term "article."

• • • • • •

(c) *Modifications of an article*—(1) *Definitions.* For the purposes of this paragraph, the term "modification" means any accessory, change, or addition to an article; and the term "modified article" means an article containing one or more modifications.

(2) *Separate consideration of article and modifications.* If, notwithstanding the modifications of an article, the article and the modified article are articles of the same kind within the meaning of § 1467.51(d), a sale of the modified article will, for the purposes of section 106(e) of the Act, be deemed to consist of a sale of the article and a sale of each modification, and each such item will be considered a separate article, without regard to whether the consideration for each item is separately stated in the contract or invoice. Accordingly, the provisions of section 106(e) of the Act will be applied separately to each part of the price of the modified article, to wit, the part attributable to the article and the parts attributable to the respective modifications.

(3) *Example.* (i) A machine having both commercial and military uses is commonly sold with differing accessories, changes, and additions. The contractor's catalog or price schedule quotes separate prices for the basic machine and each such modification. The Navy buys a quantity of the basic machines plus certain of the available accessories. In addition, the position of a certain component of the machine must be slightly altered by the contractor to serve a particular Navy need.

(ii) For exemption purposes, the basic machine will be considered a separate article and the subject of a separate sale to the Government or to a commercial customer, as the case may be. Accordingly, if the statutory requirements are otherwise met, exemption may be claimed for the related portion of the contract price, either by self-application under § 1467.48 or by application on a class basis under § 1467.51, as the facts may warrant. Each accessory will likewise be considered a separate article and the subject of a separate sale and eligible for exemption in the same manner. The repositioning of the machine component does not involve the sale of an article, or the performance of a service as defined in § 1467.52, hence the portion of the contract price attributable to such work does not qualify for exemption.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. sec. 1219)

[FR Doc.72-2607 Filed 2-18-72;8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[Docket No. R-72-167]

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart A—Eligibility Requirements for Lower Income Families

SELLERS' REIMBURSEMENT AGREEMENT

Pursuant to sections 211 and 235 of the National Housing Act (12 U.S.C. 1715b, 1715z) and the Secretary's delegation of authority (36 F.R. 5006), Part 235 of the regulations is amended by adding a section authorizing insurance of a section 235 mortgage for experimental purposes in the San Francisco area office without the execution of a Sellers' Reimbursement Agreement, which is presently required by regulation in all such mortgage insurance cases.

This regulation shall become effective upon publication as the Secretary has determined that advance publication and notice and public procedure are unnecessary because immediate effectiveness of the regulation will not adversely affect any group.

The amendment is set out in full below.

§ 235.13 Exception to reimbursement agreement requirement.

The requirement for the Sellers' Reimbursement Agreement referred to in § 235.12 may be waived in the San Francisco area for experimental purposes.

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (2-19-72).

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.72-2612 Filed 2-18-72;8:51 am]

V37-35 FEB 19 72 XUM

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Contra Costa	San Pablo				Feb. 18, 1972.
Do.	San Mateo	Woodside				Do.
Colorado	Boulder	Broomfield				Do.
Connecticut	Hartford	Bloomfield				Do.
Do.	New London	Groton				Do.
Do.	Litchfield	Woodbury				Do.
Florida	Broward	Deerfield				Do.
Massachusetts	Essex	Andover				Do.
Do.	Berkshire	Williamstown				Do.
Minnesota	Clay	Moorhead	I 27 027 4880 01 I 27 027 4880 02	Minnesota Conservation Department, Division of Waters, Soils, and Minerals, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of the City Engineer, Box 779, Moorhead, MN 56560.	Do.
Do.	Washington	Lake St. Croix Beach Village.	I 27 163 3976 01	do	Office of the Village Clerk, 482 Maple St., Lake St. Croix Beach, MN 55001.	Do.
New Jersey	Burlington	Mount Laurel Township.				Do.
Ohio	Lucas	Sylvania				Do.
Oregon	Grant	Unincorporated areas.				Do.
Pennsylvania	Chester	Thornbury Township.				Do.
Do.	Bucks	Warwick Township.				Do.
Texas	Brazoria	Alvin	I 48 039 0130 06 I 48 039 0130 07	Texas Water Development Board, Post Office Box 12386, Capital Station, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Post Office Box 1407, Alvin TX 77511.	Do.
Do.	Denton	Denton				Do.
Do.	Bowie	Texarkana				Do.
Vermont	Orleans	Barton				Do.
Washington	Whatcom	Unincorporated areas.				Do.
Wisconsin	Grant	Cassville	I 55 043 0890 01	Dept. of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the Village Clerk, Village of Cassville, Cassville, WI 53806.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 9, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-2492 Filed 2-18-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Contra Costa	San Pablo				Feb. 18, 1972.
Do.	San Mateo	Woodside				Do.
Colorado	Boulder	Broomfield				Do.
Connecticut	Hartford	Bloomfield				Do.
Do.	New London	Groton				Do.
Do.	Litchfield	Woodbury				Do.
Florida	Broward	Deerfield				Do.
Massachusetts	Essex	Andover				Do.
Do.	Berkshire	Williamstown				Do.
Minnesota	Clay	Moorhead	H 27 027 4880 01 H 27 027 4880 02	Minnesota Conservation Department, Division of Waters, Soils, and Minerals, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of the City Engineer, Box 779, Moorhead, MN 56560.	Mar. 24, 1971.
Do.	Washington	Lake St. Croix Beach Village.	H 27 163 3976 01	do	Office of the Village Clerk, 482 Maple St., Lake St. Croix Beach, MN 55001.	Do.
New Jersey	Burlington	Mount Laurel Township.				Feb. 18, 1972.
Ohio	Lucas	Sylvania				Do.
Oregon	Grant	Unincorporated areas.				Do.
Pennsylvania	Chester	Thornbury Township.				Do.
Do.	Bucks	Warwick Township.				Do.
Texas	Brazoria	Alvin	H 48 039 0130 06 H 48 039 0130 07	Texas Water Development Board, Post Office Box 12386, Capital Station, Austin, TX 78701. Texas Insurance Department, 1110 San Jacinto St., Austin, TX 78701.	Office of the City Secretary, Post Office Box 1407, Alvin, TX 77511.	Feb. 23, 1971.
Do.	Denton	Denton				Feb. 18, 1972.
Do.	Bowie	Texarkana				Do.
Vermont	Orleans	Barton				Do.
Washington	Whatcom	Unincorporated areas.				Do.
Wisconsin	Grant	Cassville	H 55 043 0890 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the Village Clerk, Village of Cassville, Cassville, Wis. 53806.	Apr. 27, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 9, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-2493 Filed 2-18-72;8:45 am]

V37-35 FEB 19 72 XUM

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Columbia and Snake Rivers, Wash. and Oreg.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) §§ 207.700 *Bonneville Dam*, 207.705 *The Dalles Dam*, 207.706 *John Day Dam*, 207.715 *McNary Dam*, 207.716 *Ice Harbor Dam*, 207.717 *Lower Monumental Dam Navigations Locks and Approach Channels* are hereby revoked and § 207.718 is hereby prescribed governing the use, administration, and navigation of the Bonneville, The Dalles, John Day, McNary, Ice Harbor, Lower Monumental, and Little Goose Dams Navigation Locks and Approach Channels, Columbia and Snake Rivers, Oreg. and Wash., effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 207.700 Bonneville Dam Navigation Lock and Approach Channels, Columbia River, Oreg. and Wash.; use, administration, and navigation. [Revoked]

§ 207.705 The Dalles Dam Navigation Lock and Approach Channels, Columbia River, Wash.; use, administration, and navigation. [Revoked]

§ 207.706 John Day Dam Navigation Lock and Approach Channels, Columbia River, Wash. and Oreg.; use, administration, and navigation. [Revoked]

§ 207.715 McNary Dam Navigation Lock and Approach Channels, Columbia River, Wash.; use, administration, and navigation. [Revoked]

§ 207.716 Ice Harbor Dam Navigation Lock and Approach Channels, Snake River, Wash.; use, administration, and navigation. [Revoked]

§ 207.717 Lower Monumental Dam Navigation Lock and Approach Channels, Snake River, Wash.; use, administration, and navigation. [Revoked]

§ 207.718 Navigation locks and approach channels, Columbia and Snake Rivers, Oreg. and Wash.; use, administration, and navigation.

(a) *General.* The lock and its approach channels, and all its appurtenances, shall be under the jurisdiction of the District Engineer, Corps of Engineers, U.S. Army, in charge of the locality. His representative at the dams shall be the Project Engineer, who shall customarily give orders and instructions to the lock master and assistant lock masters in charge of the lock. Hereinafter, the term "lock master" shall be used to designate the project operator in immediate charge of the lock at any given time. The lock master is not in continuous attendance at the lock and must be dispatched out of the powerhouse control room to operate the lock for each lockage request. In case of emergency and on all routine work in connection with the operation of the lock, the lock master shall have authority to take such steps as may be immediately necessary without waiting for instructions from the Project Engineer.

(b) *Immediate control.* The lock master shall be charged with the immediate control and management of the lock, and of the area set aside as the lock area, including the lock approach channels. He shall see that all laws, rules, and regulations for the use of the lock and lock area are duly complied with. He is authorized to give all necessary orders and directions, both to employees of the Government and to any and every person within the limits of the lock or lock area, whether navigating the lock or not.

(c) *Authority of lock master.* No one shall cause any movement of any vessel, boat, or other floating object in the lock or approaches except by or under the direction of the lock master or his assistants.

(d) *Signals*—(1) *Radio.* These locks are equipped with two-way FM radio operating on frequencies of 156.8000 MHz and 156.6500 MHz. Vessels equipped with two-way radio desiring a lockage shall call WUJ 312 Bonneville, WUJ 337 The Dalles, WUJ 42 John Day, WUJ 40 McNary, WUJ 41 Ice Harbor, WUJ 415 Lower Monumental, and WUJ 417 Little Goose at least one-half hour in advance of arrival so that a lock master can be dispatched and the lockage made without delay.

NOTE: For vessels not equipped with two-way radio, see lockage of small boats, paragraph (j) of this section.

(2) *Signal stations.* Pull-cord signal or intercom stations marked by large instructional signs are located near the end of the upstream and downstream lock entrance walls. Small boat operators desiring lockage may pull the cord to signal the lock master or speak directly to the control room for instructions depending on facilities provided.

(3) *Entering and exit signals.* Visual signal lights are located outside each lock gate. When the green light is on, the lock is ready for entrance and vessels may enter under full control. When the red light is on, the lock is not ready for entrance and the vessel shall stand clear. At Bonneville Dam, an amber light is also used which signals that only log rafts may enter—log rafts will not enter on green. In addition to the above visual signals, the lock master will signal that the lock is ready for entrance by sounding one long blast on the lock air horn. The lock master will signal that the lock is ready for exit by sounding one short blast on the air horn.

(e) *Permissible dimensions of boats.* Except for Bonneville lock, maximum dimensions of vessels or tows allowed in the lock chamber are 84 feet wide by 650 feet in length. Depth of water over lock gate sills depends upon reservoir elevations and may vary from day to day. Normally, the depth of water over the sills will exceed 15 feet. Except for Bonneville, staff gauges for indicating water elevations above m.s.l. are located outside and inside the lock chamber near each lock gate. At Bonneville lock, there is one staff gauge located inside the lock chamber on the south wall near the downstream mooring bit. The following table shows elevations of lock gate sills and pool elevations above m.s.l. Vessel operators shall calculate the depth of water over the gate sills before entering the lock chamber.

GATE SILL AND POOL ELEVATIONS MEASURED IN FEET ABOVE MEAN SEA LEVEL

Project	Downstream gate sill	Upstream gate sill	Minimum pool elevation	Maximum pool elevation
Bonneville	16.0	40.0	70.0	82.5
The Dalles	54.5	140.0	155.0	160.0
John Day	140.0	242.0	257.0	268.0
McNary	236.0	320.0	335.0	340.0
Ice Harbor	321.0	422.0	437.0	440.0
Lower Monumental	422.0	521.0	537.0	540.0
Little Goose	522.0	618.0	633.0	638.0

A vessel must not enter the lock if beam or length is greater than the above maximum dimensions, or if the vessel exceeds the calculated depth over the sills with adequate allowances for safe clearance. At Bonneville, the lock chamber is 76 feet wide by 500 feet long in the clear. Single tows of lesser dimensions will be permitted to lock through without disassembly. If desired, a tow of dimensions greater than 76 feet by 500 feet may be rearranged to less than clear lock dimensions prior to entering the lock, and be passed through the lock in one lockage. Such rearrangements may be done at the moorage in the downstream lock approach channel or along the upstream guide wall if it will not interfere with other river traffic. If other river traffic will be hindered, upstream rearrangements should be done above the guide wall. During periods when other river traffic will not be held up, and, if in the opinion of the lock master vehicular and pedestrian traffic over the swing bridge or other Bonneville Project functions will not be appreciably affected, rearrangement of craft within the lock chamber will be permitted provided that arrangement maneuvers will not result in barges or tugs wedging against or striking the miter gates in their recesses. Maneuvering of craft in the lock chamber will be permitted only when both miter gates at the open end of the lock are in their recesses in the lock walls. Tows wider than 50 feet will not be permitted to enter the lock during extreme high water when tailwater at the lock is higher than 35 feet above m.s.l. since the downstream guide wall will be inundated at that stage and will offer no guidance.

(f) *Precedence at lock.* Ordinarily the boat arriving before all others at the lock will be locked through first; however, depending upon whether the lock is full or empty, this precedence may be modified at the discretion of the lock master if boats are approaching from the opposite direction and are within reasonable distance of the lock at the time of the approach by the first boat. When several boats are to pass, precedence shall be given as follows:

First. Boats and craft owned by the United States and engaged upon river and harbor improvement work.
Second. Freight and tow boats.
Third. Log rafts.
Fourth. Passenger boats.
Fifth. Small vessels and pleasure craft.

(g) *Loss of turn.* Boats that fail to enter the lock with reasonable promptness, after being authorized to do so, shall lose their turn.

(h) *Multiple lockage.* The lock master shall decide whether one or more vessels may be locked through at the same time.

(i) *Speed.* Vessels shall not be raced or crowded along side another in the approach channels. When entering the lock, speed shall be reduced to a minimum consistent with safe navigation. As a general rule, when a number of vessels are entering the lock, the following vessel shall remain at least 200 feet astern of the vessel ahead.

(j) *Lockage of small boats.* The lockage of pleasure boats, skiffs, fishing boats, and other small craft will be coordinated with the lockage of commercial craft, other than barges handling petroleum products or highly hazardous materials. If no commercial craft is scheduled to be locked through within a reasonable time not to exceed 1 hour after the arrival of the small craft at the lock, separate lockage will be made for such small craft.

(k) *Mooring in lock.* All boats, rafts, and other craft when in the locks shall be moored to the floating mooring bits and lines shall not be released until the signal is given for the vessel to leave the lock.

(l) *Mooring in approaches prohibited.* The mooring or anchoring of boats or other craft in the approaches to the lock where such mooring will interfere with navigation through the lock is prohibited. Rafts to be passed through the lock shall be moored so as not to interfere with navigation through lock or its approaches, and, if the raft is to be divided into sections for locking, the sections shall be brought into the lock as directed by the lock master. After passing through the lock, the sections shall be reassembled at such a distance from the entrance so as not to obstruct or interfere with navigation through the lock and approaches.

(m) *Waiting for lockage.* Except at Bonneville, boats and tows waiting for lockage shall wait in the clear outside of the lock approach channel, or contingent upon permission by the lock master, may at their own risk, lie inside the approach channel at a place specified by the lock master. At Bonneville, boats and tows waiting downstream of the dam for lockage shall wait in the clear downstream of the navigation lock approach channel, or contingent upon prior radio clearance of the lock master, may at their own risk, lie at the downstream moorage facility on the south shore downstream from the guide wall, provided that a 100-foot-wide open channel is maintained. Vessels waiting upstream of the dam for lockage may lay to against the guide wall, at their own risk, provided they remain not less than 400 feet upstream of the upstream lock gate; or contingent upon prior radio clearance by the lock master they may, at their own risk, tie to the upstream guide wall.

(n) *Delay in lock.* Boats or barges must not obstruct navigation by unnecessary delay in entering or leaving the lock.

(o) *Damage to lock or other structures.* The regulations in this section shall not relieve the liability of the owners and operators of vessels for any damage caused by their operations to the lock or other structures. They must use great care not to strike any part of the lock, any gate or appurtenance thereto, or machinery for operating the gates, or the walls protecting the banks of the approach channels. All boats with metal nosings or projecting irons, or rough surfaces which may damage the gates or lock walls, will not be permitted to enter the lock unless provided with suitable buffers and fenders.

(p) *Tows.* Persons in charge of vessel towing a second vessel or barge by lines shall take the second vessel or barge along side at a distance of at least 300 feet from the lock gate toward which the vessel is approaching and keep it along side until at least 300 feet clear of the gate at the end from which it is departing, except the distance at Bonneville should be 500 feet.

(q) *Crew to move craft.* The masters in charge of tows and the persons in charge of rafts and other craft must provide a sufficient number of men to move barges, rafts, and other craft into and out of the lock promptly and safely.

(r) *Handling valves, gates, bridges, and machinery.* No person, unless authorized by the lock master, shall open or close any bridge, gate, valve, or operate any machinery in connection with the lock. However, the lock master may call for assistance from the master of any boat using the lock, should such aid be necessary, and when rendering such assistance, the men so employed shall be strictly under the orders of the lock master. Masters of boats refusing to give such assistance when it is requested of them may be denied the use of the lock by the lock master.

(s) *Landing of freight.* No one shall land freight or baggage on or over the walls of the lock so as in any way to delay or interfere with navigation or the operations of the lock. Freight and baggage consigned to one of the dams shall be landed only at such places as are designated by the lock master or his assistants.

(t) *Refuse in locks.* No material of any kind shall be thrown or discharged into the lock, and no material of any kind shall be deposited in the lock area.

(u) *Statistics.* On each passage through the lock, masters or pursers of vessels shall furnish to the lock master a written statement of passengers, freight, and registered tonnage and other information as are indicated on forms furnished such masters or pursers by the lock master.

(v) *Persistent violation of regulations.* If the owner or master of any boat persistently violates the regulations in this section after due notice of the same, the boat or master may be refused lockage by the lock master at the time of violation or subsequent thereto if deemed necessary in the opinion of the lock master to protect Government property and works in the vicinity of the lock.

(w) *Hazardous areas.* At McNary, Ice Harbor, Lower Monumental, and Little Goose Dams, all water upstream to the face of the dam from a line straight across the river at the downstream end of the lock is considered hazardous and boaters may enter at their own risk.

(x) *Restricted areas.* No vessel or other floating craft shall enter or remain in any restricted area at any time without first obtaining permission from the District Engineer, U.S. Army Engineer Corps of Engineers, or his duly authorized representative.

(1) *At Bonneville Dam.* The waters restricted to only Government boats are described as all waters of the Columbia River and Bradford Slough within 1,000 feet above and 2,000 feet below the spillway dam and 500 feet above and 600 feet below the powerhouse. The restricted areas will be designated by signs posted in conspicuous and appropriate places.

(2) *At The Dalles Dam.* The waters restricted to only Government boats are described as all downstream waters other than those of the navigation lock downstream approach channel which lie between the Wasco County Bridge and the project axis including those waters between the powerhouse and the Oregon shore and all upstream waters other than those of the navigation lock upstream approach channel which lie between the project axis and a line projected from the upstream end of the navigation lock guide wall to the junction of the concrete structure with the earth fill section of the dam near the upstream end of the powerhouse.

(3) *At John Day Dam.* The waters restricted to only Government boats are described as all of the waters within a distance of 1,000 yards downstream of the dam except the lock approach channel and all waters within a distance of about 1,000 yards above the dam lying south of the navigation channel leading to the lock and bounded by a line commencing at the upstream end of the guard wall, and running in a direction 54°01'37" true for a distance of 771 yards, thence 144°01'37" true across the river to the south shoreline. The downstream limit is marked by orange and white striped monuments on the north and south shores.

(4) *At McNary Dam.* The waters restricted to only Government boats are described as all waters within a distance of about 1,000 yards above the dam lying south of the guard wall and bounded by a line commencing at the upstream end

V 37-35 FEB 19 72 XUM

of the guard wall and running in a direction 93°30′ true for a distance of 495 yards, thence 175°15′ true for 707 yards, thence 179°00′ true for 441 yards, thence 235°00′ true for 585 yards, thence 268°00′ true for 146 yards to the head of the fishladder.

(5) *At Ice Harbor Dam.* The waters restricted to only Government boats are described as the waters within a distance of about 800 yards above the dam lying south of the navigation channel leading to the lock and bounded by a line commencing at the upstream end of the guard wall, and running in a direction 83°00′ true for a distance of 600 yards, thence 175°00′ true across the river to the south shore.

(6) *At Lower Monumental Dam.* The waters restricted to only Government boats are described as the waters bounded by a line commencing at the upstream end of the fixed guard wall and running in a direction of 48°00′ true for a distance of 340 yards, thence 326°16′ true for a distance of 366 yards, thence 270°00′ true for a distance of about 320 yards to the north shoreline.

(7) *At Little Goose Dam.* The waters restricted to only Government boats are described as those within a distance of 800 yards above the dam lying north of the guard wall and bounded by a line commencing at the upstream end of the guard wall and running in a direction 64°13′ true for a distance of 567 yards, thence 349°03′ true for a distance of 610 yards to the north shoreline.

[Regs. Feb. 3, 1972, DAEN–CWO–N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72–2541 Filed 2–18–72;8:45 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1421]

RICE

Loan and Purchase Program, 1970 and Subsequent Crops

Pursuant to the authority contained in sections 4 and 5, 62 Stat. 1070, as amended; sections 101, 401, and 408, 62 Stat. 1051, as amended; 15 U.S.C. 714b and 714c; 7 U.S.C. 1421, 1441, and 1428, the Commodity Credit Corporation proposes to amend §§ 1421.303 and 1421.307 (c) of its 1970 and subsequent crops rice loan and purchase program operating regulations.

Interested persons may submit written comments, suggestions, or objections related to the proposed amendments to Edward D. Hews, Director, Commodity Loan and Service Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration all submissions must be received not later than 30 days following the publication of this notice in the FEDERAL REGISTER. The comments, suggestions, or objections will be open to public inspection at the office of the Director from 8:15 a.m. to 4:45 p.m., local time, of each business day (7 CFR 1.27(b)).

1. The amendment of § 1421.303 is proposed to delete the cross-compliance eligibility requirements for multiple farm producers and provide for determination of the eligibility for price support for rice on an individual farm basis. As amended, § 1421.303 will read as follows:

§ 1421.303 Compliance requirements.

An eligible producer shall be a producer on whose farm the rice acreage allotment established for the farm under the provisions of the Rice Acreage Allotment Regulations of Part 730 of this title has not been knowingly exceeded. If such rice was produced on a farm for which a certification is furnished under Part 718 of this title, Determination of Acreage and Compliance, and subsequent measurement of the rice acreage on such farm indicates that the acreage planted does not exceed the rice acreage allotment established for the farm by more than the larger of 0.5 acre, or 5 percent of the farm rice acreage allotment but not to exceed 15 acres, the farm rice acreage allotment will not be considered to have been knowingly exceeded.

2. The proposed amendment of paragraph (c) of § 1421.307 is made to provide that the receiving and loading out charges payable may not exceed those paid by Commodity Credit Corporation under its Uniform Rice Storage Agreement. The immediate effect of this amendment is to increase the maximum amount payable for such services from eight (8) cents to twelve (12) cents. As amended, paragraph (c) will read as follows:

§ 1421.307 Warehouse charges.

• • • • •

(c) *Refund of prepaid handling charges.* The receiving or the receiving and loading out charges on the rice referred to in paragraph (a) of this section and § 1421.23(i) shall be at the rate paid by the producer but not in excess of the rate for such services under the Uniform Rice Storage Agreement.

Signed at Washington, D.C., on February 14, 1972.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.72–2585 Filed 2–18–72;8:49 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance, Equal Employment Opportunity

[41 CFR Part 60–9]

NEWARK PLAN

Notice of Proposed Rule Making

Notice is hereby given that pursuant to Executive Order 11246 (30 F.R. 12319), as amended by Executive Order 11375 (32 F.R. 14303), the Department of Labor proposes to add to the Code of Federal Regulations a new Part 60–9 to read as set forth below.

This proposed rule making concerns matters relating to public contracts. While public participation in this rule making is not required by 5 U.S.C. 553, the Department wishes to invite written comments, suggestions, or objections regarding this proposed part. Accordingly, interested persons are invited to submit written comments regarding the proposed amendment to John L. Wilks, Deputy Assistant Secretary for Employment Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, within 30 days of publication of this notice in the FEDERAL REGISTER.

Therefore, and pursuant to Executive Order 11246 (30 F.R. 12319, 3 CFR 1964–65, Comp., p. 406) and §§ 60–1.1 and 60–1.40 of Title 41 of the Code of Federal Regulations, Chapter 60 of the Code of Federal Regulations is to be hereby amended by adding a new Part 60–9 to read as set forth below.

PART 60–9—NEWARK PLAN

Subpart A—Purpose; Applicability; Background

Sec.
60–9.1 Purpose.
60–9.2 Applicability.
60–9.3 Background.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

60–9.10 General findings.
60–9.11 Minority participation in the specified trades.
60–9.12 Availability of minority group persons for employment.
60–9.13 Need for training.
60–9.14 The impact of the Plan upon the existing labor force.
60–9.15 Conclusion of findings.

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

60–9.20 Nondiscriminatory purpose of the Plan.
60–9.21 Requirements.
60–9.22 Exemptions.
60–9.23 Effective date.

Subpart D—Appendix A

60–9.30 Appendix A.

AUTHORITY: The provisions of this Part 60–9 issued under secs. 201, 202, 205, 211, 301, 302, and 303 of Executive Order 11246 (30 F.R. 12319, 3 CFR 1964–65 Comp., p. 406) and §§ 60–1.1 and 60–1.40 of Title 41 of the Code of Federal Regulations.

Subpart A—Purpose; Applicability; Background

§ 60–9.1 Purpose.

(a) The purpose of the regulations in this part is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and federally assisted construction contractors and subcontractors in the Newark, N.J., Standard Metropolitan Statistical Area.

(b) The regulations in this part are not intended to supersede, alter or in any way abridge the requirements imposed by the State of New Jersey pursuant to its affirmative action plan governing equal employment opportunity by contractors performing on the New Jersey State College of Medicine and Dentistry Project.

§ 60–9.2 Applicability.

While a contractor or subcontractor is performing on federally involved (Federal or federally assisted) construction contracts for projects, in the three-county Newark, N.J., Standard Metropolitan Statistical Area of Essex, Union, and Morris (hereinafter referred to as the Newark area), the estimated cost of which exceeds $500,000, all construction

V 37 7-35 FEB 19 72 XUM

activities (including all activities on nonfederally involved work) of such a contractor or subcontractor within the Newark area shall be subject to the requirements of the regulations in this part: *Provided, however*, That if an area-wide agreement is developed for any trade covered by the regulations in this part or any such trade is covered by a multitrade agreement and such an agreement is among contractors, unions, and the minority community, then the Office of Federal Contract Compliance (OFCC) may, in its complete discretion, accept such program in lieu of any or all of the requirements of the regulations in this part, subject to such terms and conditions as OFCC may specify.

§ 60–9.3 Background.

Public hearings were conducted by representatives of the Department of Labor in Newark, N.J., on March 18 and 20, 1970, to determine what action should be taken to insure equal employment opportunity in the construction industry in the Newark, N.J., area. Testimony was heard and data received on the following:

(a) The current extent of minority group participation in the construction trades as journeymen, apprentices, trainees, and helpers;

(b) The effectiveness of present employee recruitment methods;

(c) The availability of qualified and qualifiable minority group persons for employment in each construction trade, including where they are now working, how they may be brought into the trades;

(d) The effectiveness of existing training programs in the area, including the number of minorities and others recruited into the programs, the number who complete training, the length and extent of training, employer experience with trainees, the need for additional or expanded training programs;

(e) The number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade, projected employee turnover;

(f) The availability and utilization of minority contractors on federally involved contracts;

(g) The desirability and extent, including the geographical scope, of possible Federal action to insure equal employment opportunity in the construction trades;

(h) Recommendations of governmental compliance agencies active in the Newark, N.J., area.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

§ 60–9.10 General findings.

(a) As a result of the material presented at the public hearings in Newark and other investigations conducted by representatives of the State of New Jersey and the U.S. Department of Labor, the State of New Jersey issued an affirmative action plan requiring goals and timetables of minority manpower utilization by all contractors performing on the New Jersey State College of Medicine and Dentistry Project in Newark, N.J. That Plan which has been successfully defended in litigation requires that contractors and subcontractors subject to its requirements meet goals of minority manpower utilization which are substantially higher than those required by the regulations in this part. This is due to the fact that the State Plan embraces one project only, having only minimal effect on the trades affected and having its situs the inner city area of Newark, N.J., including a model cities area with a substantially higher minority population and labor force than that of the Newark SMSA which is the target area of the regulations in this part which cover all of a contractor's activities on both Federal and nonfederally involved work in the Newark SMSA.

(b) The Department has taken notice of the progress made in the employment of minorities under the State Plan but continued analysis of data since obtained by the Department of Labor, reveals that minority workers (Negroes, Spanish-surnamed Americans, Orientals, and American Indians) continue to be denied full participation in certain construction trades, necessitating action on a broader scale than that taken by the State of New Jersey. This underutilization of minorities is due in substantial measure to the unique nature of employment practices in the construction industry where contractors and subcontractors rely on construction craft unions as their prime or sole labor source. Collective bargaining agreements and/or established custom and usage between construction contractors and subcontractors and labor organizations frequently provide for, or result in, exclusive hiring halls. Even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter most people working in these classifications are referred to the jobs by such labor organizations. As a result, referral by the labor organization is a virtual necessity for obtaining meaningful employment in union construction projects. Minorities often have not gained admittance into membership of certain unions and into certain apprenticeship program, and, consequently, for these and other reasons, have not been referred for employment.

§ 60–9.11 Minority participation in the specified trades.

(a) The overall nonwhite minority population in the Newark SMSA is approximately 20 percent, 362,768 of 1,856,556 persons while that of the Newark City area is approximately 58 percent. Both of these figures are, however, conservative in that the census data, upon which these figures are based tend to include Spanish surnamed persons as white rather than minority without indicating the number of persons so classified. It is generally known that the Newark area contains a substantial Spanish surnamed population. Minority representation among journeymen employees in the Newark area construction industry is approximately 11.5 percent. However, very few of these minorities have obtained union membership in certain "skilled" trades.

(b) Statistical data:

(1) The most reliable data developed at the hearings reveal the following as the current minority representation as journeymen in unions in selected trades, for the Newark area:

	Percent
Bricklayers	14.2
Carpenters	7.8
Electricians	1.6
Glaziers	1.5
Ironworkers	0.0
Lathers	14.2
Painters	13.9
Plumbers/pipefitters/steamfitters	0.4
Roofers	2.8
Sheet metal workers	0.2

(2) It is apparent from the foregoing that certain trades evidence a significant underutilization of minority employees. Several of the above designated trades and others, however, as supported by findings of fact in that regard, do not appear to be engaged in the underutilization of minorities and accordingly will not be included under the requirements of the regulations in this part at this time. These excluded trades are the bricklayers, laborers, lathers, plasterers, and painters. Therefore, the requirements of these regulations shall apply only to the trades of asbestos workers, carpenters, electricians, elevator constructors, operating engineers, glaziers, ironworkers, plumbers, pipefitters and steamfitters, roofers, and the sheet metal workers.

§ 60–9.12 Availability of minority group persons for employment.

(a) *Population.* (1) The April 1970 population estimate of the Newark area as found by the U.S. Census Bureau was 1,856,556 and is disbursed among the three counties of Essex, Union, and Morris, and includes a minority constituency of 362,768 or approximately 20 percent.

(2) The total labor force in the Newark area is approximately 800,000 persons, of whom in excess of 150,000 or 20 percent are minorities.

(3) However, minorities represent over 14,000 or 42 percent of the unemployed in that area. Moreover, it has been found that approximately 28,900 minorities residing in the SMSA are presently underemployed.

Minorities employed part-time	6,000
Minorities employed full-time with family incomes at or below the established poverty level	12,000
Minorities absent from the work force due to employment barriers	10,900
Total	28,900

(b) *Training programs—showing of interest.* (1) Although the Hearing Panel found that minorities have been and continue to be statistically underrepresented in certain construction trades and trade unions, this is not due to any lack of available qualified or qualifiable Negro and other minority applicants in the Newark area.

(2) Rather, the Panel's analysis of all availble data reveals that existing contractor and union recruitment efforts fall far short of the type of affirmative action which would bring substantial numbers of available minorities into the construction trades.

(3) Potentially available minorities currently registered with local employment offices for employment in the construction trades total 1,031. This figure includes 489 skilled workers and 541 laborers and helpers. The specific figures for five selected trades are:

Structural metal	15
Electricians	13
Plumbers/pipefitters/steamfitters	40
Roofers	22
Carpenters	94
Total	184

Additionally, there are presently 125 minorities registered with the Apprenticeship Information Center, for training in the construction trades, including:

Electrical	61
Plumbing	2
Sheet metal	13
Structural metal	28
Total	104

Vocational schools serving the Newark SMSA have a current enrollment of 66 minorities receiving training in the specified trades:

Carpentry	23
Electrical	35
Pipefitting/plumbing	4
Sheet metal	4
Total	66

Further, the Newark Concentrated Employment Program (CEP) presently has 50 minorities registered for training in the construction trades. By trade, minority participation is as follows:

Carpentry	19
Ironwork	1
Sheet metal	1
Electrical	1
Plumbing/pipefitting	2
Roofing	1
Total	25

Thus, total minority registration and/or participation in currently operational training programs totals 1,272 for all trades, 369 for the specified trades.

(4) Also available for employment and upgrading in the specified trades are the following minority workers, currently members of referral unions.

Bricklayers	291
Glaziers	2
Lathers	43
Painters	157
Laborers	4,739
Total	5,232

(5) Additionally, non-union minorities currently employed in the specified trades in construction and non-construction employment, include:

Electricians	130
Plumbers/pipefitters	57
Sheet metal workers	37
Structural metal	30
Total	254

Therefore, it has been found and determined that 6,767 minority group persons are currently available for immediate employment and/or training in the specified trades.

(c) *Community involvement.* Testimony presented at the hearings revealed that the effectiveness of efforts to recruit minority trainees and workers in the Newark area depends in large measure upon the active involvement of minority organizations in the community. Various representatives of minority organizations indicated that they would have little, if any, difficulty in recruiting minority workers for training and jobs in sufficient numbers to meet the manpower needs of the Newark area construction industry.

(d) *Minority subcontractors.* Information gained at the hearing indicated, and it is found, that a number of minority subcontractors are operating effectively within the Newark area. Utilization of these subcontractors, particularly by nonminority contractors, could significantly expand the participation of minority craftsmen on projects of federally involved construction contractors.

§ 60–9.13 Need for training.

(a) *Existing programs.* A readily available source of minority manpower most of whom could be utilized in the skilled trades with skills refinement training only may be found in the number of minority laborers currently in labor unions having jurisdiction in the Newark area. This figure is currently placed at 1,549.

(b) *Trainable persons.* It is found and determined that a substantial number of minority persons can receive training annually in the Newark area through existing programs with additional funding. The Manpower Administration of the Department of Labor is committed to make available such funds as may be necessary to carry out reasonable and effective training programs in furtherance of the objectives of the regulations in this part and consistent with the policies and standards of the Manpower Administration as amplified in the President's statement of March 17, 1970, directing a 50 percent increase in construction skills training over the next 5 years.

§ 60–9.14 The impact of the program upon the existing labor force.

(a) *Contractors' commitments.* It has been found and determined, that a contractor covered by the regulations in this part, could commit himself to minority hiring at least up to the annual rate of job vacancies in his respective trade, without adversely affecting the existing labor force or displacing any incumbents. Data presented at the hearings revealed that the total additional manpower requirements of the primary construction trades for the 5-year period 1970–75, are conservatively estimated at approximately 2,300 new jobs, and replacement job opportunities for a yearly average in excess of 450. The annual percentage of new job openings per craft for selected trades is as follows:

Trade	*Annual percentage of job openings*
Electricians	5.7
Roofers	12.0
Sheet metal	7.4
Structural metal	8.9
Carpenters	2.6
Plumbers/pipefitters/steamfitters	6.4
Glaziers	3.0

These projections are not inconsistent with conservative national statistics which reveal that approximately 7.5 percent of construction trade workers are replaced each year due to death, retirement, disability and outmigration.

(b) *Timetable.* In an effort to provide an affirmative action program and practical ranges for utilization of minority manpower which can be met by employers in hiring productive, trained minority craftsmen, the regulations in this part should be developed to cover an extended period of time. Testimony at the hearing indicated that a 4-year duration for the plan is proper as the greatest need for additional manpower in the industry will take place during the first part of the decade. Therefore, it is found and determined that in order for the regulations in this part to effect equal employment to the fullest extent, the standards of minority utilization should be determined for the next 4 years.

§ 60–9.15 Conclusions of findings.

(a) *Current minority participation.* It is found in the Newark area work force data submitted at the public hearings, that minority representation in the construction industry in general is approximately 11.5 percent while certain skilled trades in the same area and industry have an even lower minority representation, e.g., electricians, 1.6 percent, sheet metal workers, 0.2 percent, etc. Thus, it appears that the most skilled and most remunerative trades have a level of minority representation far below that which should have resulted from meaningful past participation in the industry without regard to race, color, or national origin. Therefore, it is determined that the regulations in this part are necessary to provide for minority participation in the following trades:

Asbestos workers.
Carpenters.
Electricians.
Elevator constructors.
Glaziers.
Ironworkers.
Operating engineers.
Plumbers/pipefitters/steamfitters.
Sheet metal workers.
Roofers.

(b) *Effect of plan.* A construction contractor working in the Newark area could increase the minority participation in his trade significantly by hiring only minorities to fill new job openings (attrition plus growth). However, to do so would inevitably result in the exclusion of qualified nonminorities from such job opportunities. Based upon the fact that the minority population in the Newark area is approximately 20 percent of the total population, upon the fact that the minority unemployment rate in

V 37 N 35 FEB 19 72 XUM

the Newark area is substantially greater than that of nonminority unemployment, upon the fact that there exists substantial minority underemployment in the area and upon the further fact that significant and effective training programs now exist, it may be reasonably expected that in the filling of new and vacant jobs, effective affirmative action efforts should produce at least one minority applicant for each nonminority applicant for effective construction employment.

(c) *Increased minority participation.* If new and vacated positions in only the trades covered by the regulations in this part totaling approximately 2,300 through 1975 were filled by one minority worker for each nonminority worker, the resultant increased minority participation in those trades alone through June 1975 would be approximately 1,150 workers. On the basis of the findings indicated above, it is estimated that in excess of 6,000 minority persons may presently be considered available to fill such jobs, many of whom possess some degree of training. With the anticipated increase in those who should be available over the next 4 years, it appears that more than sufficient numbers of minority workers will be available to effectively fill new and vacated construction trade positions.

(d) *Purpose of ranges.* By establishing ranges which anticipate good faith efforts by construction contractors to fill new and vacated jobs on at least a 1 to 1 minority-to-nonminority basis through June 1975, contractors may recruit from available minority manpower without displacing any existing craftsmen and without discriminating against any nonminority applicant for employment.

(e) *Evaluation and advisory recommendations.* The Department recognizes that the contractors, unions, and minority community, who must operate on a day-to-day basis under the requirements of the regulations in this part, are in the best positions to evaluate the effectiveness of the regulations in this part. Therefore, the Department shall make every effort to encourage and develop a voluntary committee representing these three groups, which committee shall periodically review the effectiveness of the regulations in this part and make advisory recommendations to the Department in this regard.

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

§ 60–9.20 Non-discriminatory purpose of the plan.

The purpose of the contractor's commitment to specific goals is to meet the contractor's affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee.

§ 60–9.21 Requirements.

After full consideration and in view of the foregoing, it is determined that:

(a) No contracts or subcontracts shall be awarded for Federal and federally assisted construction in the Newark, N.J., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, the document identified as Appendix A, Notice of Requirement for Submission of Affirmative Action Plan to Insure Equal Employment Opportunity or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all of his work (both Federal and non-Federal) within the Newark, N.J., area, during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established in Appendix A to the regulations in this part. Such appendix is for all purposes a part of the regulations in this part and shall be deemed a part of all contracts executed pursuant to the regulations in this part. Minority manpower means, for the purposes of the regulations in this part, Negroes, Spanish-surnamed Americans, Orientals, and American Indians. The trades utilizing the following classifications of employees are covered by the regulations in this part:

Asbestos workers.
Carpenters.
Electricians.
Elevator constructors.
Glaziers.
Ironworkers.
Operating engineers.
Plumbers/pipefitters/steamfitters.
Roofers.
Sheet metal workers.

(b) Each Federal agency shall include, or require the applicant to include, in the invitation for bids, or other solicitation used for a federally involved (Federal or federally assisted) construction contract, when the estimated total cost of the construction project exceeds $500,000, a notice stating that to be eligible for award, each bidder will be required to comply with Appendix A for the hereinbefore designated trades to be used during the term of the performance of the contract—whether or not the work is subcontracted. The form of such notice shall be substantially similar to such Appendix A.

§ 60–9.22 Exemptions.

Requests for exemptions from the regulations in this part must be in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

§ 60–9.23 Effective date.

The provisions of this part will be effective with respect to transactions for which the invitations for bids or other solicitations for bids, or additions or amendments thereto, are sent on or after the publication of the regulations in this part.

Subpart D—Appendix A

§ 60–9.30 Appendix A.

For inclusion in the invitation or other solicitation for bids for a federally involved construction contract in the Newark, N.J., area, when the estimated total cost of the construction project exceeds $500,000.

NOTICE OF REQUIREMENT FOR SUBMISSION OF AFFIRMATIVE ACTION PLAN TO INSURE EQUAL EMPLOYMENT OPPORTUNITY

NOTICE

To Be Eligible for Award of the Contract, Each Bidder Must Fully Comply With the Requirements, Terms, and Conditions of this Appendix A

The following are hereby submitted by the undersigned bidder as its goals for minority manpower utilization ("minority" being Negro, Spanish-surnamed American, Oriental, and American Indian) to be achieved on all work of the bidder within the Newark, N.J., area, during the terms of his performance of this contract in the trades specified below in conformity with the requirements, terms, and conditions of this Appendix A as hereinafter set forth:

Trade:	*Total number of manhours to be worked by minority persons on all bidder's projects within the Newark area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked until June 30, 1972*
Asbestos workers	
Carpenters	
Electricians	
Elevator constructors	
Glaziers	
Ironworkers	
Operating engineers	
Plumbers/pipefitters/steamfitters	
Roofers	
Sheet metal workers	

Trade:	*Total number of manhours to be worked by minority persons on all bidder's projects within the Newark area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1972 until June 30, 1973*
Asbestos workers	
Carpenters	
Electricians	
Elevator constructors	
Glaziers	
Ironworkers	
Operating engineers	
Plumbers/pipefitters/steamfitters	
Roofers	
Sheet metal workers	

Trade:	*Total number of manhours to be worked by minority persons on all bidder's projects within the Newark area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1973 until June 30, 1974*
Asbestos workers	
Carpenters	
Electricians	
Elevator constructors	
Glaziers	
Ironworkers	
Operating engineers	
Plumbers/pipefitters/steamfitters	
Roofers	
Sheet metal workers	

Trade:	*Total number of manhours to be worked by minority persons on all bidder's projects within the Newark area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1974, until June 30, 1975*
Asbestos workers	
Carpenters	
Electricians	
Elevator constructors	
Glaziers	
Ironworkers	
Operating engineers	
Plumbers/pipefitters/steamfitters	
Roofers	
Sheet metal workers	

REQUIREMENTS, TERMS, AND CONDITIONS

1. No contracts or subcontracts shall be awarded for Federal or federally assisted construction in the Newark, N.J., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work (both Federal and non-Federal) within the Newark, N.J., area during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this appendix in section 2 thereof. Minority manpower means, for the purposes of this appendix, Negroes, Spanish surnamed Americans, Orientals, and American Indians. The trades utilizing the following classifications of employees are covered by this appendix:

Asbestos workers.
Carpenters.
Electricians.
Elevator constructors.
Glaziers.
Ironworkers.
Operating Engineers.
Plumbers/pipefitters/steamfitters.
Roofers.
Sheet metal workers.

A bidder who fails or refuses to complete or submit such goals shall not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need be submitted only for those trades which the contractor contemplates to be used in the performance of the federally involved contract. In no case shall there be any negotiations over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

2. The following ranges, constituting acceptable minimums within which a prospective contractor or subcontractor must establish his goals are hereby established as the standards for minority manpower utilization for each of the designated trades in the Newark, New Jersey area for the next 4 years:

Trade	*Range of minority group employment until June 30, 1972*
Asbestos workers	3.3%– 6.6%
Carpenters	9.1%–10.4%
Electricians	4.3%– 7.0%
Elevator constructors	3.3%– 6.6%
Glaziers	2.7%– 4.2%
Ironworkers	4.5%– 9.0%
Operating engineers	3.3%– 6.6%
Plumbers/pipefitters/steamfitters	3.6%– 5.8%
Roofers	8.8%–14.8%
Sheet metal workers	3.9%– 7.6%

Trade	*Range of minority group employment from July 1, 1972, until June 30, 1973*
Asbestos workers	6.6%– 9.9%
Carpenters	10.4%–11.5%
Electricians	7.0%– 9.7%
Elevator constructors	6.6%– 9.9%
Glaziers	4.2%– 5.7%
Ironworkers	9.0%–13.5%
Operating engineers	6.6%– 9.9%
Plumbers/pipefitters/steamfitters	5.8%– 9.0%
Roofers	14.8%–20.8%
Sheet metal workers	7.6%–11.3%

Trade	*Range of minority group employment from July 1, 1973, until June 30, 1974*
Asbestos workers	9.9%–13.2%
Carpenters	11.5%–12.6%
Electricians	9.7%–12.4%
Elevator constructors	9.9%–13.2%
Glaziers	5.7%– 7.2%
Ironworkers	13.5%–18.0%
Operating engineers	9.9%–13.2%
Plumbers/pipefitters/steamfitters	9.0%–12.2%
Roofers	20.8%–26.8%
Sheet metal workers	11.3%–15.0%

Trade	*Range of minority group employment from July 1, 1974, until June 30, 1975*
Asbestos workers	13.2%–15.5%
Carpenters	12.6%–13.7%
Electricians	12.4%–15.1%
Elevator constructors	13.2%–15.5%
Glaziers	7.2%– 9.7%
Ironworkers	18.0%–22.5%
Operating engineers	13.2%–15.5%
Plumbers/pipefitters/steamfitters	12.2%–15.4%
Roofers	26.8%–32.8%
Sheet metal workers	15.0%–18.7%

After the first year of the program, the standards (trades and ranges) set forth herein shall be reviewed to determine whether the projections on which these standards are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in federally involved construction shall be specifically reviewed from time to time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased or trades be added for the contracts after bids have been received.

The contractor's or subcontractor's goals established within the above ranges shall express the contractor's or subcontractor's commitment of the percentage of minority personnel who will be working in each specified craft on each of his projects (whether federally involved or otherwise) within the Newark, N.J., area during the term of the covered contract.

The man hours for minority workers must be substantially uniform throughout the entire length of the contract for each of the designated trades, to the effect that the percentage of minority workers in the designated trades must be working throughout the length of work on each project in each trade. The contractor or subcontractor shall be deemed to have met his commitment to specific goals for minority manpower utilization:

(a) If the minority manpower utilization rate of the contractor or subcontractor itself meets the goals on the total of all of the contractor's or subcontractor's facilities within the Newark area: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(b) If the contractor or subcontractor can establish that it is a member of a contractor's association or other employer organization or association, which has as one of its purposes the expanded utilization of minority manpower and the total utilization rate of minority craftsman by all member contractors and subcontractors of such an association or organization on all projects in which they are involved within the Newark area meets the contractor's or subcontractor's commitments: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(c) If the contractor or subcontractor can establish that it has a collective bargaining agreement with a labor organization, that it utilizes such organization as its source for over 80 percent of its manpower needs and (i) that the percentage total of minority membership of such organization and the total percentage of minorities referred for employment on all projects within the Newark area meets the contractor's or subcontractor's commitments, or (ii) that such labor organization has made good faith efforts as described in 5 below in the referral of minorities for employment and the admission of minorities to membership: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix.

3. Whenever a contractor or subcontractor uses trades covered by this appendix which were not contemplated at the time of his bid and he therefore does not submit goals for such trades, he shall be deemed to be committed to the minority group employment goal of the minimum percentage range for that trade for the appropriate year.

In the event that under a contract subject to this appendix any work by a trade covered by this appendix is performed after June 30, 1975, the determined ranges of minority group employment for the year ending

V37135 FEB 19 72 XUM

June 30, 1975, shall be applicable to such work.

4. The contractor's and subcontractor's commitment to specific goals is to meet affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's or contractor's attention that the goals are being used in a discriminatory manner, he shall immediately report that fact to the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate proceedings may be instituted.

5. The contractor's or subcontractor's (collectively hereinafter referred to as "contractor") commitment to specific goals for minority manpower utilization as required by this Appendix A shall constitute a commitment that it or the labor organization described in 2(c) above, will make every good faith effort to meet such goals. If the contractor has failed to meet his goals, a determination of "good faith" will be based upon his efforts or those of such labor union to broaden its recruitment base which efforts shall include but not be limited to the following as applicable:

(a) Notification to the community organizations that the contractor or union has employment opportunities available and maintenance of records regarding the organizations' response.

(b) Maintenance of a file of the names and addresses of each minority worker referred by the union or to the contractor and what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not referred by the union or not employed by the contractor, the file should document this and the reasons therefor.

(c) The contractor shall promptly notify the OFCC Area Coordinator when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

(d) Participation in training programs in the area, especially those funded by the Department of Labor.

(e) Dissemination of the contractor's or union's EEO policy within the respective organizations as applicable, by including it in any policy manual; by publicizing it in company or union newspapers, annual report, etc.; by conducting meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority employees or members.

(f) Dissemination of its EEO policy externally by informing and discussing it with all recruitment sources: by advertising in news media, specifically including minority news media; and by notifying and discussing it with all contractors and subcontractors.

(g) Specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations, and minority training organizations, within the contractor's or union's recruitment area.

(h) Specific efforts to encourage present minority employees or members to recruit their friends and relatives.

(i) Validation of all man specifications, selection requirements, tests, etc.

(j) Making every effort to provide after school, summer, and vacation employment to minority youths.

(k) Where reasonable, the development of on-the-job training opportunities and participation and assistance in any association or group training programs relevant to the contractor's or union's needs.

(l) Continuing inventory and evaluation of all minority personnel or members for promotional opportunities and encouragement of minority employees or members to seek such opportunities.

(m) Assuring that seniority practices, job classifications, etc., do not have a discriminatory effect.

(n) Assuring that all facilities and activities are nonsegregated.

(o) Continual monitoring of all personnel activities to insure that its EEO policy is being carried out.

(p) The contractor shall solicit bids for subcontracts from available minority subcontractors with the trades covered by this appendix, including circulation of minority contractor associations.

6. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the contractor and subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it has made every good faith effort to meet those goals, the contractor shall be presumed to be in compliance with Executive Order 11246, the implementing regulations and its obligations under this appendix and no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor or subcontractor is not providing equal employment opportunities. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its appendix, the agency shall take such action and impose such sanctions as may be appropriate under the Executive order and the regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of this appendix, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that either he or his union, described in 2(c) above, has made every "good faith" effort (as described in 5 above) to meet such goals. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

7. Except as provided herein, it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and title VII of the Civil Rights Act of 1964. It is the long-standing uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization which does not meet the criteria prescribed in 5 above and they are, thus, prevented from meeting the obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations, and orders.

8. All prime contractors and subcontractors shall include in all bid invitations or other prebid communications, written or otherwise, with respect to their prospective subcontractors, the goals, as applicable, which are required under this appendix. Whenever a prime contractor or subcontractor subcontracts a portion of the work in any trade designated herein, he shall include in such subcontract his commitment made under this appendix, as applicable, which shall be adopted by his subcontractor, who shall be bound thereby and by this appendix to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to fulfill his requirements. However, the prime contractor or subcontractor shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor and the contracting agency of any refusal or failure of any subcontractor to fulfill his obligations under this appendix. Failure of compliance by any subcontractor will be treated in the same manner as such failure by the prime contractor.

9. Contractors and subcontractors must keep such records and file such reports relating to the provisions of this appendix as shall be required by the contracting or administering agency.

10. Nothing in this appendix shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors or subcontractors pursuant to Executive Order 11246 for those trades and those contracts not covered by this appendix.

11. The procedures set forth in this appendix shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedures is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

12. Nothing in this appendix shall be interpreted to diminish the present contract compliance review and complaint programs.

13. Requests for exemptions from this appendix must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

14. This appendix shall be signed in the space provided below.

(Bidder)

By:
(Date)

Signed at Washington, D.C., this 11th day of February 1972.

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[FR Doc.72-2601 Filed 2-18-72;8:51 am]

Office of Labor-Management and Welfare-Pension Reports

[29 CFR Part 460]

DESCRIPTION OF EMPLOYEE WELFARE OR PENSION BENEFIT PLANS

Additional Reporting Requirements; Correction

On February 1, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 2443), adding additional reporting requirements under the Welfare and Pension Plans Disclosure Act. The notice, in proposing additional material to 29 CFR 460.2, contained an incorrect designation of a paragraph. The corrections to be effected are set out as follows:

1. The item numbered 3 on page 2444 incorrectly stated that § 460.2 is amended by designating the existing section as paragraph (a) and adding a new paragraph (b). As corrected there is to be no change in § 460.2 except that a new paragraph (a–1) is to be added. The additional material identified as paragraph (b) of § 460.2 should be redesignated as paragraph (a–1) of § 460.2.

2. Under item 4 on page 2444, the proposed paragraph (c) of §460.5 contains references in three places to "paragraph (b) of § 460.2." Where this reference occurs there should be substituted "paragraph (a–1) of § 460.2."

Signed at Washington, D.C., this 11th day of February 1972.

W. J. USERY, JR.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.72-2565 Filed 2-18-72;8:48 am]

Office of the Secretary

[41 CFR Part 50–250]

MANDATORY LISTING OF JOB VACANCIES WITH FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

Obligations Attached to Listings

Pursuant to the authority contained in Executive Order No. 11598 (36 F.R. 11711), notice is hereby given that I propose to revise § 50–250.7 of Title 41, Code of Federal Regulations (36 F.R. 18399), to read as follows:

§ 50–250.7 Obligations attached to listings.

Listing of employment openings with the employment service system pursuant to the provisions of this part shall be made concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order. These regulations do not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve a contractor or subcontractor covered by these regulations from any requirements in any Executive order, or regulations regarding nondiscrimination in employment.

Interested persons may submit written statements, data, views, or argument in regard to this proposal by mailing them to the Manpower Administrator, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, within 20 days after this notice is published in the FEDERAL REGISTER.

Signed in Washington, D.C., this 10th day of February 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-2566 Filed 2-18-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 51]

GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

Notice of Proposed Rule Making

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Subpart B of Part 51 of Title 42, CFR, governing grants to States for public health services under section 314(d) of the Public Health Service Act (42 U.S.C. 246(d)), as set out below.

The principal purpose of the revision is to implement, with respect to this program, the Health Services and Mental Health Administration simplified State plan review system. Under that system, documents which are required to be included in State plans and which currently must be submitted to Health Services and Mental Health Administration headquarters for review will instead be incorporated by reference in the State plans, retained in the States, and there reviewed by staff of the regional offices.

In addition, the revised regulations would implement recent amendments to section 314(d) of the Public Health Service Act, including (1) that made by section 250(b) of Public Law 91–515 (84 Stat. 1305), requiring that the State plan be compatible with the total health program of the State; (2) that made by section 3(b) of Public Law 91–513 (84 Stat. 1241), requiring that the plan provide for services for the prevention and treatment of drug abuse and drug dependence; and (3) that made by section 331 of Public Law 91–616 (84 Stat. 1853), requiring that the plan provide for services for the prevention and treatment of alcohol abuse and alcoholism.

A number of technical and conforming changes are also included.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision of 42 CFR Part 51, Subpart B, to the Community Health Service, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection at Room 7–05, Parklawn Building, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

It is therefore proposed to amend Chapter I of Title 42 in the manner set forth below.

Dated: November 24, 1971.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: February 12, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Subpart B of Part 51 is revised to read as follows:

Subpart B—Grants to States for Public Health Services

Sec.
51.101 Applicability.
51.102 Definitions.
51.103 Submission of State plans.
51.104 State plan requirements.
51.105 State allotments.
51.106 Allocation of allotments for mental health.
51.107 Allocation of allotments to support services in communities.
51.108 Expenditures and payments.
51.109 Equipment, supplies or personnel in lieu of cash.
51.110 Nondiscrimination.

AUTHORITY: The provisions of this Subpart B issued under secs. 215, 314 of the Public Health Service Act as amended; 58 Stat. 690, 80 Stat. 1180; 42 U.S.C. 216, 246.

§ 51.101 Applicability.

The regulations of this subpart apply to grants to State health and mental health authorities to assist the States, including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in establishing and maintaining adequate public health services, including the training of personnel for State and local health work, as authorized by section 314(d) of the Public Health Service Act, as amended.

§ 51.102 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this subpart:

(a) "Act" means section 314 of the Public Health Service Act, as amended (42 U.S.C. 246).

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) "State plan" refers to the information, proposals, and assurances submitted by the State authority pursuant to section 314(d) of the Act and the

V37#35 FEB 19 72 XUM

regulations of this subpart for public health activities of the State and political subdivisions, and of other public and private nonprofit agencies to whom Federal or State funds are made available.

(d) "State authority" means the State health, or with respect to mental health, the State mental health authority.

§ 51.103 Submission of State plans.

In order to receive funds from an allotment under this subpart, a State must submit to and have approved by the Secretary a State plan which contains or, as required by these regulations, incorporates by reference the information and meets the requirements specified in the Act and in the regulations of this subpart. Such plan shall be submitted by the State health authority, or in the case of mental health, by the State mental health authority, after reasonable opportunity has been provided to the Governor of the State for his review and comment. Documents incorporated by reference become a part of the State plan as though fully set forth therein. Such documents must be (a) clearly identified as to subject, date, and location, (b) officially adopted and disseminated in accordance with applicable procedures, and (c) made available to the Secretary and to the public for inspection.

§ 51.104 State plan requirements.

(a) *Responsibility of State authority.* The plan must incorporate by reference documents describing the methods by which the State authority will either administer or supervise the administration of the activities to be carried out under the State plan. In providing funds to any activity which it does not administer, the State authority shall apply criteria and require conformance to standards which would assure no lower quality for services to be supported than maintained for activities which it undertakes to conduct directly.

(b) *Evaluation of activities.* The plan must incorporate by reference documents setting forth methods of evaluating the performance of activities being carried out under the plan to assure that they meet the standards set forth in the plan and those prescribed in the regulations of this subpart.

(c) *Providing and strengthening public health services.* The plan must—

(1) Incorporate by reference written policies and procedures by which other governmental and nonprofit private agencies, institutions, and organizations will be made aware of the availability of Federal and State funds for the conduct of public health activities, including those locally initiated or sponsored, under the State plan, and by which requests for commitment of such funds will be evaluated and approved; and

(2) Contain or be supported by an assurance that the funds paid to the State for the activities to be carried out under it will be used to provide and strengthen public health services in the various political subdivisions in order to improve the health of the people of the State. The plan must incorporate by reference written policies and procedures under which the State will consider, in expending such funds, (i) the extent to which services provided under the State plan are made available to all people in all areas of the State, and (ii) the extent to which such funds and services represent a strengthening of public health services in such areas, including expansion or improved alignment of services.

(d) *Participation by local, regional, metropolitan, and other public or private nonprofit agencies.* (1) The State plan shall contain or be supported by assurances that:

(i) In accordance with the standards and criteria required in paragraph (a) of this section, funds will be made available by the State authority to other public or nonprofit private agencies, institutions and organizations initiating, sponsoring, or providing public health services which qualify for inclusion in and support under the State plan;

(ii) Such agencies, institutions, and organizations to which funds are made available are required to participate in the costs of such services;

(iii) In determining to which agencies, institutions, and organizations funds are to be made available, and the amount of funds which are to be made available to each, the State authority will consider the extent to which the services to be provided will be directed to public health programs of high priority, will be of high quality, and will reach the people in local communities in greatest need of such services;

(iv) In its evaluation of requests for such funds the State authority will provide a period for review and will consider any comments relating to such requests of the regional, metropolitan, or local area comprehensive health planning agency serving the area, if such agency exists.

(2) The State plan must incorporate by reference written identification of local, regional, metropolitan, and other public or private nonprofit agencies receiving funds under the State plan, identified as public or private nonprofit agencies.

(e) *Federal funds to supplement non-Federal funds otherwise available.* The State plan must contain or be supported by assurances that Federal funds will not supplant non-Federal funds otherwise available for providing the services and carrying out the activities under the plan and that such funds will, to the extent practical, be used to increase the level of funds otherwise available for such services and activities. Substantial compliance with such assurances will be deemed to have been met if the Secretary finds that:

(1) The level of State funds available to and spent by the State authority for those public health services under the approved State plan (including State funds allocated to other public or nonprofit private agencies, institutions and organizations) is at least no lower for any fiscal year than it was for the immediately preceding fiscal year, except that the Secretary may also take into consideration the extent to which the level of such funds for any fiscal year may have included funds for an activity of a nonrecurring nature, and the extent to which reductions in population or per capita income may affect the availability of such non-Federal funds. In any case no State shall be required to share in the approved State plan in excess of the minimum requirement as determined in accordance with subsections 314(d) (5) and (6) of the Act.

(2) The aggregate level of non-Federal funds (other than State funds allocated by the State authority) available to and spent by other public or nonprofit private agencies, institutions, and organizations to which Federal grant funds are made available under the State plan from the State's allotment is no lower for any fiscal year than it was for the immediately preceding fiscal year.

(f) *Accord with comprehensive planning.* (1) Where a State comprehensive health planning agency has been designated pursuant to section 314(a) of the Act, and where such agency has adopted planning recommendations pertaining to services to be provided under the State plan for public health services, the State plan must contain an assurance that such services will be furnished in accordance with such recommendations.

(2) If the State comprehensive health planning agency has not adopted or incorporated into its planning recommendations State mental health plans, the State plan must contain an assurance that mental health services under the approved plan for this part will be consistent with such other current statewide plans for mental health planning in the State as have been adopted by the State mental health authority.

(g) *Compatability with total health program of State.* The plan shall contain or be supported by an assurance that the services to be provided under the plan are compatible with the total health program of the State.

(h) *Drug abuse and drug dependence, and alcohol abuse and alcoholism.* The State plan shall incorporate by reference written descriptions of services to be provided under the plan for the prevention and treatment of (1) drug abuse and drug dependence and (2) alcohol abuse and alcoholism, in accordance with the plans described in paragraph (f) of this section. In addition, such alcohol abuse and alcoholism services shall be consistent with the State plan for alcohol abuse and alcoholism developed pursuant to section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (84 Stat. 1850; 42 U.S.C. 4573). In evaluating such plans for drug abuse and drug dependence and alcohol abuse and alcoholism services, the Secretary shall consider the extent to which the services to be provided under the plans are commensurate with the relative extent of the drug abuse and drug dependence problem and the alcohol abuse and alcoholism problem, respectively, in the State when compared to the general need for public health services in such State.

(i) *Scope and quality of services.* The following standards shall be applicable to services furnished under the plan:

(1) The plan must incorporate by reference documents showing that preventive, diagnostic, treatment, and rehabilitative programs will include special attention to the health needs of high risk population groups in terms of age, economic status, geographic location, or other relevant factors. In addition, preventive services shall be based on sound epidemiologic principles.

(2) The plan must incorporate by reference documents showing (i) the anticipated impact on the health of the people in terms of the specific objectives toward which the activities are directed and (ii) the methods by which such services will be evaluated to determine whether such specific objectives have been achieved.

(3) Services under the plan must be provided by or supervised by qualified personnel, such qualification to be determined by reference to merit system occupational standards, State and local licensing laws and specialty Board requirements for health professionals, which standards, laws and requirements shall be incorporated by reference in the plan.

(j) *Methods of personnel administration.* The State plan shall provide for the establishment and maintenance of personnel standards on a merit basis for persons employed by the State authority, and by official local health and mental health departments, to provide or supervise the provision of public health services under the approved State plan, and of State agency supervision of compliance with such standards by official local health and mental health departments. Conformity with Standards for a Merit System of Personnel Administration, 45 CFR Part 70, issued by the Secretary of Health, Education, and Welfare, including any amendments thereto, and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 (Public Law 91–648; 84 Stat. 1915) modifying or superseding such Standards, will be deemed to meet this requirement as determined by said Commission. Laws, rules, regulations and policy statements, and amendments thereto, effectuating such methods of personnel administration and State agency supervision shall be incorporated by reference in the State plan;

(k) *Professional consultation.* The State plan must contain an assurance that the State authority will provide professional consultation as appropriate to agencies, institutions, or organizations other than the State authority providing services under the State plan; and

(l) *Location of services.* The State plan must incorporate by reference written procedures for informing the general public in the State of the kinds and locations of services which are available under the State plan.

(m) *Review and modification.* The State plan must contain an assurance that the State authority will review and evaluate its approved plan at least once annually and submit appropriate modifications thereof to the Secretary. As a minimum, the State authority shall make annual modifications of the plan which will (1) reflect budgetary and expenditure requirements for the new fiscal year and (2) update any assurances or other informational requirements included in the State plan.

(n) *Reports and records.* The State plan must contain an assurance that in addition to any other reports or records required by the regulations of this subpart or which may reasonably be required by the Secretary under the Act:

(1) The State authority shall maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State plan.

(2) The State authority shall make annual expenditure reports.

(3) All records required by the Act and the regulations of this subpart shall be retained for 3 years after the close of the fiscal year in which the grant was made. Such records may be destroyed at the end of such 3-year period if the State authority has been notified of the completion of the Federal audit by such time. If the State authority has not been so notified by the end of such 3-year period, such records shall be retained (i) for 5 years after the close of the fiscal year in which the grant was made or (ii) until the State authority is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(4) The State authority will afford access to the records maintained by it to the Comptroller General of the United States and the Secretary of Health, Education, and Welfare, or their authorized representatives, for purposes of audit and examination.

(o) *Accounting procedures.* The State plan shall incorporate by reference such written fiscal control and fund accounting procedures as are necessary to assure the proper disbursement of and accounting for funds paid to the State under this subpart. Such procedures shall provide for an accurate and timely recording of receipts of Federal funds paid to the State for expenditures incurred or to be incurred under the approved plan, of the amounts and purposes of expenditures made in carrying out such plan and of any unearned balances of Federal funds paid to the State. In addition, such procedures must:

(1) Provide for the determination of allowability and the allocation of costs in accordance with Chapter 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual;[1]

(2) Provide for the separation of allowable expenditures as between the State plan for public health services and the State plan for mental health services and for the separation of allowable expenditures under each State plan between those which are for the provision of health services in communities of the State and those which are for other purposes;

(3) Provide adequate information to show exclusion from expenditures claimed for Federal participation of those costs for which payments have been received or are due under other Federal grants or contracts or which are required or used to match other Federal funds;

(4) Provide for maintaining an adequate record of refunds, proceeds from the sale of equipment, fees, and other similar adjustments received, which must be deducted from gross expenditures in computing expenditures available for Federal participation under the approved State plan;

(5) Provide for the maintenance of payroll and inventory records in accordance with Chapters 1–71 and 1–410, respectively, of the Department of Health, Education, and Welfare Grants Administration Manual.

§ 51.105 State allotments.

The allotments for Federal fiscal years 1971, 1972, and 1973 shall be determined in the following manner:

(a) On the basis of population (as determined from the latest available estimate from the Department of Commerce), $3 per person up to a maximum of 100,000 persons, plus;

(b) Fifty percent of the remainder of the amount available on the basis of population (as determined for purposes of paragraph (a) of this section) and 50 percent on the basis of population weighted by financial need (as determined by the latest available estimates of per capita personal income from the Department of Commerce), adjusted so that the total allotment to any State under paragraph (a) of this section plus this paragraph (b) will not be less than the total of the amounts allotted to it under formula grants for cancer control, plus other allotments under section 314 of the Public Health Service Act prior to its amendment by Public Law 89–749, for the fiscal year ending June 30, 1967.

(c) For the purposes of these computations, American Samoa and the Trust Territory of the Pacific Islands shall each be considered to have had total allotments for fiscal year 1967 equal to the lowest total allotments of any other State for that year.

§ 51.106 Allocation of allotments for mental health.

(a) *General.* The Secretary shall allocate 15 percent of each State's allotment for each fiscal year to the State mental health authority and 85 percent to the State health authority, except that when, in any case, 15 percent of the State's allotment is less than the amount of that State's fiscal year 1967 allotment for mental health services, the percentage allocated to the mental health authority of such State shall be increased to that percentage which will provide

[1] The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 804–523.

V 37 N 35 FEB 19 72 XUM

that such allocation for the year will equal the fiscal year 1967 allotment to that State for mental health services, and the percentage allocation for the year to the State health authority of such State shall be correspondingly reduced.

(b) *Exception.* If recommended concurrently by the State health authority and the State mental health authority, or by the Governor, for any fiscal year, the Secretary may allocate a higher percentage to the State mental health authority and a correspondingly lower percentage to the State health authority.

§ 51.107 Allocation of allotments to support services in communities.

For each fiscal year, an amount equal to at least 70 percent of the funds allotted to the State health authority and to the State mental health authority, respectively, under section 314(d) of the Act shall be available only for the provision of health services in communities of the State. Such services in communities shall include all eligible activities conducted under the State plan which, in the judgment of the Secretary or his delegate, are directly involved in the provision of services to people, in the training of personnel for community services, and in the prevention or alleviation of health, mental health, or environmental health problems in communities, whether such activities are provided by State or local agencies, but shall not include such activities as administration, planning, consultation, and data collection and analysis activities conducted by the State agency for statewide planning and administrative purposes not directly involved in the provision of services to people. The cost of data collection and analysis activities conducted by the State agency which are an integral part of services provided directly to people may be included as a part of the allotment available only for the provision of health services in communities.

§ 51.108 Expenditures and payments.

(a) *Federal share.* Each State for which a State plan for public health services has been approved shall be paid from its allotment for the fiscal year an amount which equals its "Federal share" (as defined and computed within the limits of the allotment in accordance with subsection 314(d) (5) and (6) of the Act) of the expenditures incurred by such State or a political subdivision thereof during such fiscal year under its approved State plan. The Secretary shall make such adjustments in amounts of payments as may be necessary to correct under or over payments previously made (including expenditures which are disallowed on the basis of audit findings). A State shall not be entitled to payments from any fiscal year allotment for expenditures incurred in a prior or subsequent year. Payments will be made where practicable through a letter of credit system or, when such system is not practicable, on the basis of payment requests from the State to meet its current needs.

(b) *Eligible costs.* Federal participation in providing "Public Health Services" under a State plan may include the costs of any physical, mental, or environmental health service which the State authority is authorized to undertake or support, or the costs of training, including in-service and specialized or short-term training of personnel for State and local health work, except that the following costs of services and training shall not be included:

(1) The provision of air pollution control activities to the extent such costs are precluded by the Clean Air Act (42 U.S.C. 1857 et seq.) as amended;

(2) The provision of inpatient care in hospitals or other institutions, except where the Secretary determines that such care during a limited period of time is necessary for effective evaluation, demonstration, or extension of new or improved public health procedures;

(3) Research activities, other than those which are a part of health service programs or demonstrations, or of health surveys, epidemiologic studies, or case findings;

(4) The acquisition of land or construction or acquisition of buildings;

(5) Such other costs as the Secretary may find to be inconsistent with the Act or the regulations of this subpart.

(c) *Expenditures by nonprofit private agencies.* For the purposes of determining the Federal share for any State, expenditures made by nonprofit private agencies, organizations, and groups shall be regarded as expenditures by such State or political subdivision thereof, subject to the following conditions and limitations:

(1) Such expenditures may be included only when made by such an agency, institution, or organization to which the State authority has made available funds from Federal or State sources for carrying out services to be provided under the approved State plan for the fiscal year;

(2) The amount of expenditures by such nonprofit agency which may be included for any fiscal year does not exceed the amount of the funds made available to such agency by the State under the plan plus not more than an equal amount of expenditure by such agency from nongovernmental funds;

(3) The records of the expenditures by a nonprofit private agency, in carrying out the State plan, shall be maintained and be available for inspection and audit for the period specified in § 51.104(l)(3).

(d) *Equipment.* When equipment purchased from funds spent in carrying out the approved State plan is sold, a proportionate share of any receipts realized from the sale of such equipment shall be deducted from the gross expenditures claimed for Federal participation for the year in which the receipts were received. Such share will be in the same proportion as participation of the Federal funds was in the expenditures under the State plan in the year in which the equipment was purchased. In addition, when any equipment purchased from funds spent in carrying out the approved State plan is transferred or otherwise disposed of to an activity which would not be eligible for support under this subpart, its then market value shall be deducted (in the same proportion as above) from the gross expenditures claimed for Federal participation for the year in which the transfer is made.

§ 51.109 Equipment, supplies, or personnel in lieu of cash.

At the request of and for the convenience of a State authority, the Secretary may, in lieu of cash payments, furnish to such authority equipment or supplies or detail officers or employees of the Public Health Service when he finds that such equipment, supplies, or personnel would be used in carrying out the approved State plan for public health services. In such cases, the Secretary shall reduce the payments to which such State authority would otherwise be entitled from its allotment for the fiscal year by an amount which equals the fair market value of the equipment or supplies furnished and by the amount of the pay, allowances, traveling expenses, and other costs in connection with such detail of officers or employees. For purposes of determining the amount of the expenditures for any fiscal year made in carrying out the approved State plan and the Federal share of such expenditures, the costs incurred by the Secretary in furnishing such equipment or supplies and in detailing such personnel to the State agency during the fiscal year shall be considered as expenditures made by and funds paid to the State.

§ 51.110 Nondiscrimination.

(a) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d; 78 Stat. 252), which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Such regulation is applicable to services and programs provided under approved State plans for public health services receiving Federal assistance under section 314(d) of the Act, and requires receipt and acceptance by the Secretary of the applicable documentation set forth therein.

(b) All services provided under the State plan shall be made available without discrimination on the grounds of sex, creed, marital status, or duration of residence.

[FR Doc.72-2469 Filed 2-18-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 154, 155, 156]

[CGFR 72-33]

POLLUTION PREVENTION

Vessel and Oil Transfer Facilities; Extension of Time for Comments

The Coast Guard published a notice of proposed rule making, CGFR 71-160, in the FEDERAL REGISTER of Friday, December 24, 1971 (36 F.R. 24960), that proposed amendments to the pollution regulations.

Written requests for extension of time to comment on that notice have been received. In addition, several oral requests for extension of time to submit written comments were made at the public hearing which was held on February 15, 1972, in Washington, D.C.

Extension of time is considered reasonable to allow all interested parties adequate opportunity to submit written data, views, arguments, and comments.

In consideration of the foregoing, the time for submitting written data, views, arguments, and comments on the amendments proposed in CGFR 71-160 is extended to April 21, 1972.

(Sec. 11(J)(1)(C) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91); 33 U.S.C. 1161(J)(1)(C); E.O. 11548, 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46(m))

Dated: February 17, 1972.

W. L. MORRISON,
Rear Admiral, Chairman,
Marine Safety Council.

[FR Doc.72-2671 Filed 2-18-72;8:51 am]

[46 CFR Parts 10, 12, 31, 71, 91, 176, 187, 189]

[CGFR 72-32]

POLLUTION PREVENTION

Inspection of Vessels and Deck and Engineer Officers Licenses; Extension of Time for Comments

The Coast Guard published a notice of proposed rule making, CGFR 71-161, in the FEDERAL REGISTER of Friday, December 24, 1971 (36 F.R. 24970), that proposed amendments to Chapter I of Title 46, Code of Federal Regulations.

Written requests for extension of time to comment on that notice have been received. In addition, several oral requests for extension of time to submit written comments were made at the public hearing which was held on February 15, 1972, in Washington, D.C.

Extension of time is considered reasonable to allow all interested parties adequate opportunity to submit written data, views, arguments, and comments.

In consideration of the foregoing, the time for submitting written data, views, arguments, and comments on the amendments proposed in CGFR 71-161 is extended to April 21, 1972.

(R.S. 4405, as amended, R.S. 4462, as amended, section 11(J)(1) (C) and (D) of the Water Pollution Control Act of 1956, added by the Water Quality Improvement Act of 1970 (84 Stat. 91), National Environmental Policy Act of 1969 (83 Stat. 852), sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 416, 33 U.S.C. 1161(J)(1) (C) and (D), 42 U.S.C. 4321 et seq., 49 U.S.C. 1655(b)(1); E.O. 11548; 3 CFR, 1971 Supp., p. 545; 49 CFR 1.46 (b) and (m))

Dated: February 17, 1972.

W. L. MORRISON,
Rear Admiral, Chairman,
Marine Safety Council.

[FR Doc.72-2670 Filed 2-18-72;8:51 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-WE-5]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Ely, Nev., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The 700-foot portion of the transition area is required to encompass the revised dimensions for the procedure turn area. The 1,200-foot portion described on the 007°/187° T (350°/170° M) radials is required to provide controlled airspace protection for aircraft executing the prescribed holding procedures north of Ely VOR.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the description of the Ely, Nev., transition area is amended to read as follows:

ELY, NEV.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ely, Nev., VOR, within 5 miles northeast and 9.5 miles southwest of the Ely VOR 303° radial, extending from the VOR to 18.5 miles northwest of the VOR; that airspace extending upward from 1,200 feet above the surface within 6 miles east and 9.5 miles west of the Ely VOR 007° and 187° radials extending from 17 miles north to 2 miles south of the VOR and within 5 miles each side of the Ely VOR 167° radial, extending from the VOR to 21 miles of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-2572 Filed 2-18-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-7]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Winslow, Ariz., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The airspace requirements for Winslow Municipal Airport, Ariz., have been

V 37-35
FEB 19 72
XUM

reviewed in accordance with criteria contained in the U.S. Standards for Terminal Instrument Procedures. The review revealed that the descriptions of the control zone and transition area require amending to provide sufficient controlled airspace protection for aircraft executing prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (37 F.R. 2056) the description of the Winslow, Ariz., control zone is amended to read as follows:

WINSLOW, ARIZ.

Within a 5-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and that airspace within an arc of an 8.5-mile-radius circle centered on Winslow VORTAC, extending clockwise from a line 3.5 miles south of and parallel to the Winslow 277° radial to a line 3.5 miles north of and parallel to the Winslow 292° radial.

In § 71.181 (37 F.R. 2843) the description of the Winslow, Ariz., transition area is amended to read as follows:

WINSLOW, ARIZ.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and that airspace within an arc of a 16-mile-radius circle centered on Winslow VORTAC extending clockwise from a line 4 miles south of and parallel to the Winslow 277° radial to a line 4 miles north of and parallel to the Winslow 292° radial; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 16.5 miles south of the Winslow 112° and 292° radials, extending from 15.5 miles east to 19 miles west of the VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-2573 Filed 2-18-72;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-8]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Prescott, Ariz., control zone and transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The airspace requirements for Prescott Municipal Airport, Ariz., have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPs). The review revealed that the descriptions of the Prescott, Ariz., control zone and transition area must be amended to provide controlled airspace protection for aircraft executing prescribed instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace actions.

In § 71.171 (37 F.R. 2056) the description of the Prescott, Ariz., control zone is amended to read as follows:

PRESCOTT, ARIZ.

Within a 6-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 122°25'15" W.).

In § 71.181 (37 F.R. 2143) the description of the Prescott, Ariz., transition area is amended to read as follows:

PRESCOTT, ARIZ.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 122°25'15" W.); that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Prescott VORTAC extending clockwise from a line 5 miles south of and parallel to the Prescott VORTAC 252° radial to a line 5 miles west of and parallel to the Prescott VORTAC 159° radial and within a 14-mile radius of Prescott VORTAC, extending clockwise from a line 5 miles west of and parallel to the Prescott VORTAC 159° radial to a line 5 miles south of and parallel to the Prescott 252° radial.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on February 10, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-2574 Filed 2-18-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

[41 CFR Part 15-9]

PATENTS, DATA, AND COPYRIGHTS

Patents and Inventions

Notice is hereby given that the Environmental Protection Agency proposes a new procurement regulation concerning Patents and Inventions (41 CFR Part 15-9) to read as set forth below.

Interested parties are invited to submit comments. Communications should be submitted in triplicate to the Environmental Protection Agency, Contracts Management Division, Washington, D.C. 20460. All comments received within thirty (30) days from the date of publication in the FEDERAL REGISTER will be considered prior to adoption of the final regulation. A copy of each communication will be placed on file for public inspection in the Contracts Management Division, Waterside Mall, Room 3220, Fourth and M Streets SW., Washington, DC 20460.

Dated: February 16, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

PART 15-9—PATENTS, DATA, AND COPYRIGHTS

Subpart 15-9.5—Patents and Inventions

Sec.

15-9.500 Scope of subpart.
15-9.501 Definitions.
15-9.502 General.
15-9.503 Required patent provision.
15-9.504 Request for rights to identified inventions.
15-9.505 Deviations.
Appendix A.

AUTHORITY: The provisions of this Subpart 15-9.5 issued under 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15-9.500 Scope of subpart.

This subpart sets forth (a) policy and procedures regarding patents and inventions under EPA contracts involving experimental, developmental or research work, and (b) the contract clauses and regulations which define and implement said policy.

§ 15-9.501 Definitions.

Definitions applicable to this subpart are set forth in Appendix A to this subpart.

§ 15-9.502 General.

It is the policy of EPA to allocate rights to inventions that result from federally supported contracts that involve, or are likely to involve, research, developmental, or experimental work, in accordance with the guidance and criteria set forth in the Statement of Government Patent Policy by the President of the United States on August 23, 1971 (36 F.R. 16,887) (hereinafter referred to as "Statement"). The Statement sets forth in section 1 thereof three major categories 1(a), 1(b), and 1(c) of contract or grant objectives, and prescribes the manner for allocation of rights to inventions that result from a contract which falls within the particular category.

(a) Under section 1(a) of the Statement, the United States, at the time of contracting, normally acquires or reserves the right to acquire the principal or exclusive rights to any invention made under the contract. Generally, this is implemented by the United States taking all domestic rights to such invention. However, section 1(a) permits that in exceptional circumstances, the contractor may acquire greater rights than a nonexclusive license at the time of contracting where the head of the agency certifies that such action will best serve the public interest. Section 1(a) also prescribes circumstances under which the contractor may acquire such greater rights after an invention is identified.

(b) Under section 1(b) of the Statement the contractor normally acquires principal rights at the time of contracting.

(c) Section 1(c) applies to contracts that are not covered by section 1(a) or 1(b), and provides that allocation of rights is deferred until after inventions have been identified.

§ 15-9.503 Required patent provision.

Every EPA contract involving or likely to involve, research, developmental, or experimental work shall be deemed subject to section 1(a) of the Statement and shall include the patent provisions set forth in Appendix A to this subpart.

§ 15-9.504 Request for rights to identified inventions.

A contractor may address a request for rights to a reported invention to the Contracting Officer pursuant to any of the terms of the patent provisions (Appendix A).

§ 15-9.505 Deviations.

Any request for deviation from the patent provisions in Appendix A must be submitted in writing to the Contracting Officer no later than at the time of submission of a contract proposal. Consideration of any such request submitted after submission of the proposal will be at the discretion of the Contracting Officer.

APPENDIX A

ENVIRONMENTAL PROTECTION AGENCY PATENTS AND INVENTIONS CLAUSE

A. *Definitions.* (1) "Background Patent" means a foreign or domestic patent (regardless of its date of issue relative to the date of this contract):

(i) Which the Contractor, but not the Government, has the right to license to others, and

(ii) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(2) "Commercial Item" means—

(i) Any machine, manufacture or composition of matter which, at the time of a request for a license pursuant to paragraph D of this clause, has been sold, offered for sale or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances, and

(ii) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(3) "Specified Work Object" means the specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, or research work performed under this contract.

(4) "Contract" means any contract, agreement, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(5) "Contractor" means any individual, partnership, public or private corporation, association, institution, or other entity which is a party to this contract and includes entities controlled by the contractor. The term "controlled" means the direct or indirect ownership or more than 50 percent of the outstanding stock entitled to vote for the election of directors, or a directing influence over such stock: *Provided, however,* That foreign entities not wholly owned by the contractor shall not be considered as "controlled" for purposes of this patent clause.

(6) "Subcontract" means any agreement made or purchase order at any tier executed by a Contractor or Subcontractor where the supplies or services covered by such agreement or purchase order are being obtained for use in the performance of this contract and a purpose of the subcontract is the conduct of experimental, developmental, or research work.

(7) "Subcontractor" means any person holding a subcontract under this contract or any lower tier subcontract under this contract.

(8) "Domestic" and "foreign" refer, respectively, (1) to the United States of America, including its territories and possessions, Puerto Rico and the District of Columbia, and (2) to countries other than the United States of America.

(9) "Government" means the Federal Government of the United States of America.

(10) "Subject Invention" means any invention, discovery, improvement, or development (whether or not patentable) made in the course of or under this contract or any subcontract (at any tier) thereunder.

(11) "Made," when used in connection with any invention, means the conception or first actual reduction to practice of such invention.

(12) To "practice an invention or patent" means the right of a licensee on his own behalf to make, have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture, or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(13) The term "to bring to the point of practical application" means to manufacture in the case of composition or product, to use, in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(14) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized delegee.

(15) "General Counsel" means the General Counsel of the Environmental Protection Agency or his authorized delegee.

(16) "Statement" means the President's Patent Policy Statement of August 23, 1971, 36 F.R. 16, 887.

B. *Domestic patent rights in Subject Inventions.* (1) The Contractor agrees that he will promptly disclose to the Contracting Officer in writing each Subject Invention in a manner sufficiently complete as to technical details to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation and, as the case may be, the physical, chemical, biological, or electrical characteristics of the invention. However, if any Subject Invention is obviously unpatentable under the patent laws of the United States, such disclosure need not be made thereon. On request of the Contracting Officer, the Contractor shall comment respecting the differences or similarities between the invention and the closest prior art drawn to his attention.

(2) Except in the instances of a determination, pursuant to subparagraph (3) of this paragraph, by the Administrator to leave to the Contractor, rights greater than the nonexclusive license reserved in this paragraph, the Contractor agrees to grant and does hereby grant to the Government the full and entire domestic right, title, and interest in the Subject Invention. The Government, may upon written request, grant to the Contractor a revocable or irrevocable, as deemed appropriate, royalty-free and nonexclusive license to practice the Subject Invention. Any such license granted shall extend to any existing and future companies, controlled by, controlling or under common control with the Contractor and shall be assignable to the successor of the part of the Contractor's business to which such invention pertains.

(3) Not later than three (3) months after the disclosure of a Subject Invention pursuant to subparagraph (1) of this paragraph, and without regard to whether the invention is a primary object of this contract, the Contractor may submit a request in writing to the Contracting Officer for a determination by the Administrator leaving the Contractor greater rights than that reserved to the Contractor in subparagraph (2) of this paragraph. Such request should set forth information and facts which in the Contractor's opinion, justify a determination that:

(i) In the case of a Subject Invention which is clearly a primary object of this contract, the acquisition of such greater rights by the Contractor is both consistent with the intent of section 1(a) of the Statement and is either, a necessary incentive to call forth private risk capital and expense to bring the invention to the point of practical application or is justified because the Government's contribution to such invention is small compared to that of the Contractor; or that

(ii) The Subject Invention is not a primary object of this contract, and that the acquisition of such greater rights will serve the public interest as expressed in the Statement, particularly when taking into account the scope and nature of the Contractor's stated intentions to bring the invention to the point of commercial application and the guidelines of section 1(a) of the Statement.

The Administrator will review the Contractor's request for greater rights and will make a determination, either granting the request in whole or in part, or denying the request in its entirety. The Contractor will be notified of the Administrator's determination.

(4) In the event greater rights in any Subject Invention are vested in or granted to the Contractor pursuant to subparagraph (3) of this paragraph:

(i) The Contractor's rights in such inventions shall, as a minimum, be subject to a nonexclusive, nontransferable, paid-up license to the Government to practice the invention throughout the world by or on behalf of the Government (including any Government agency) and the States and domestic municipal governments, unless the

V 37 35 FEB 19 72 XUM

Administrator determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments; and said license shall include the right to sublicense any foreign government pursuant to any existing or future treaty or agreement if the Administrator determines it would be in the national interest to acquire this right; and

(ii) The Contractor further agrees to and does hereby grant to the Government the right to require the granting of a license to a responsible applicant(s) under any such invention:

(a) On a nonexclusive or exclusive basis on terms that are reasonable under the circumstances, unless the Contractor, its licensees, or its assignees demonstrate to the Government, at the Government's request, that effective steps have been taken within three (3) years after a patent issued on any such invention to bring it to the point of practical application or that it has been made available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why the time period should be extended or

(b) On a nonexclusive or exclusive basis on terms that are reasonable in the circumstances to the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill health or safety needs or for such other public purposes as are stipulated in this contract and

(iii) The Contractor shall file in due form and within six (6) months of the granting of such greater rights a United States patent application claiming the Subject Invention and shall furnish, as soon as practicable, the information and materials required under subparagraph (2) of paragraph F. As to each Subject Invention in which the Contractor has given greater rights, the Contractor shall notify the Contracting Officer at the end of six (6) months period if he has failed to file or caused to be filed a patent application covering such invention. If the Contractor has filed or caused to be filed such an application within the six (6) month period but elects not to continue prosecution of such application, he shall so notify the Contracting Officer not less than sixty (60) days before the expiration of the response period. In either of the situations covered by the two immediately preceding sentences, the Government shall be entitled to all right, title, and interest in such Subject Inventions subject to the reservation to the Contractor of a royalty-free, nonexclusive license therein;

(iv) The Contractor shall, if requested by the Government, either before or after final closeout of this Contract, furnish written reports at reasonable intervals, as to:

(a) The commercial use that is being made or is intended to be made of such invention;

(b) The steps taken by the Contractor to bring such invention to the point of practical application, or to make the invention available for licensing.

C. *Foreign rights and obligations.* (1) Subject to the waiver provisions of subparagraph (2) of this paragraph, it is agreed that the entire foreign right, title, and interest in any subject invention shall be in the Government, as represented for this purpose by the Administrator. The Government agrees to grant and does hereby grant to the Contractor, a royalty-free nonexclusive license to practice the invention under any patent obtained on such subject invention in any foreign country. The license shall extend to existing and any future companies controlled by, controlling or under common control with the contractor, and shall be assignable to the successor of the part of the Contractor's business to which such invention pertains.

(2) The Contractor may request the foreign rights to a Subject Invention at any time subsequent to the reporting of such invention. The response to such request and notification thereof to the Contractor will not be unreasonably delayed. The Government will waive title to the Contractor to such Subject Invention in foreign countries in which the Government will not file an application for a patent for such invention, or otherwise secure protection therefor. Whenever the Contractor is authorized to file in any foreign country the Government will not thereafter proceed with filing in such country except on the written agreement of the Contractor, unless such authorization has been revoked pursuant to subparagraph (3) of this paragraph.

(3) In the event the Contractor is authorized to file a foreign patent application on a Subject Invention, the Government agrees that it will use its best efforts not to publish a description of such invention until a United States or foreign application on such invention is filed, whichever is earlier, but neither the Government, its officers, agents, or employees shall be liable for an inadvertent publication thereof. If the Contractor is authorized to file in any foreign country, he shall, on request of the Contracting Officer, furnish to the Government a patent specification in English within six (6) months after such authorization is granted, prior to any foreign filing and without additional compensation. The Contracting Officer may revoke such authorization on failure on the part of the Contractor to file any such foreign application within nine (9) months after such authorization has been granted.

(4) If the Contractor files patent applications in foreign countries pursuant to authorization granted under paragraph (2) of this section, the Contractor agrees to grant to the Government an irrevocable nonexclusive, paid-up license to practice by or on its behalf the invention under any patents which may be issued thereon in any foreign country. Such license shall include the right to issue sublicenses pursuant to any existing or future treaties or agreements between the Government and a foreign government for uses of such foreign government, provided the Administrator determines that it is in the national interest to acquire such right to sublicense. The Contractor further agrees to grant under such foreign patents a nonexclusive royalty-free license (i) to sell and to use, but not to make, any composition of matter, article of manufacture, apparatus or system, made under a license granted by the Government to practice the Subject Invention in the United States, and (ii), to practice any process comprising the Subject Invention. Said licensees must be U.S. citizens or U.S. corporations in which 75 percent of the voting stock is owned by U.S. citizens.

(5) In the event the Government or the Contractor elects not to continue prosecuting any foreign application or to maintain any foreign patent on a Subject Invention, the other party shall be notified no less than sixty (60) days before the expiration of the response period or maintenance tax due date, and upon written request, shall execute such instruments (prepared by the party wishing to continue the prosecution or to maintain such patent) as are necessary to enable such party to carry out its wishes in this regard.

D. *Licenses under Background Patents.* (1) Contractor agrees that he will make its Background Patents available for use in conjunction with a Subject Invention or Specified Work Object for use in the specific field of technology in which the purpose of this contract or the work called for or required thereunder falls. This may be done (i) by making available, in quality, quantity and price all of which are reasonable in the circumstances, an embodiment of the Subject Invention or Specified Work Object, which incorporates the invention covered by such Background Patent, as a Commercial Item, or (ii), by the sale of an embodiment of such Background Patent as a Commercial Item in a form which can be employed in the practice of a Subject Invention or Specified Work Object or can be so employed with relatively minor modifications, or (iii), by the licensing of the domestic Background Patent(s) at reasonable royalty to responsible applicants on their request.

(2) If the Administrator determines after a hearing that the quality, quantity, or price of embodiments of the Subject Invention or Specified Work Object said or otherwise made available commercially as set forth in paragraph D(1)(i) is unreasonable in the circumstances, he may require the Contractor to license such domestic Background Patent to a responsible applicant at reasonable terms, including a reasonable royalty, for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and for use in connection with (i) a Specified Work Object, or (ii) a Subject Invention.

(3) (i) When a license to practice a domestic Background Patent in conjunction with a Subject Invention or Specified Work Object is requested, in writing by a responsible applicant, for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and such background patent is not available as set forth in paragraph D(1) (i) or (ii), the Contractor shall have six (6) months from the date of his receipt of such request to decide whether to make such Background Patent so available. The Contractor shall promptly notify the Contracting Office of any request in writing for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the Contractor or his exclusive licensee wish to attempt to make available as set forth in paragraph D(1) (i) or (ii).

(ii) If the Contractor decides to make such domestic Background Patent so available either by himself or by an exclusive licensee, he shall so notify the Administrator within the said six (6) months, whereupon the Administrator shall then designate the reasonable time within which the Contractor must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the Contractor or his exclusive licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Administrator, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty, in conjunction with (a) a Specified Work Object, or (b) a Subject Invention, and may be limited to the specific field of technology in which the purpose of this contract or the work called for thereunder falls.

(iii) The Contractor agrees to grant or have granted to a designated applicant, upon the written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for practice by or on the behalf of such foreign government, if an embodiment of the Background Patent is not commercially available in that country, provided however that no such license will be required unless the Administrator determines that issuance of such license is in the national interest. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with a Subject Invention or a Specified Work Object and for use in only the specific field of technology in

which the purpose of this contract or the work called for thereunder falls.

(iv) The Contractor agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, or where the Contractor has made available a Commercial Item as set out in paragraph D(1) (i) or (ii).

(4) For use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in conjunction with a Subject Invention or a Specified Work Object, the Contractor agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free and world wide to practice such patent which is not available as a Commercial Item as specified in paragraph D(1)(ii) for use of the Federal Government in connection with pilot plants, test beds, and test modules. For all other Government uses, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object shall be additionally limited to employment of the Background Patent under conditions and parameters stood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, or where the Contractor has made available a Commercial Item as set out in paragraph D(1) (i) or (ii).

(4) For use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in conjunction with a Subject Invention or a Specified Work Object, the Contractor agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free and world wide to practice such Patent which is not available as a Commercial Item as specified in paragraph D(1)(ii) for use of the Federal Government in connection with pilot plants, test beds, and test modules. For all other Government uses, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object shall be additionally limited to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under this contract.

(6) It is understood and agreed that the Contractor's obligation to grant licenses under Background Patents shall be limited to the extent of the Contractor's right to grant the same without breaching any unexpired contract it had entered into prior to this contract or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensation, the Contractor's obligation to license his Background Patent shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the Contractor under said obligation to another.

(7) On the request of the Contracting Officer the Contractor shall identify and describe any license agreement which would limit his right to grant licenses under any Background Patent.

(8) In the event the Contractor has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the Contractor, but which is not available as a Commercial Item as specified in paragraph D(1) (i) or (ii), and a qualified applicant requests a license under such patent for use in the specific field of technology in which the purpose of this contract or the work called for thereunder falls, and in connection with the use of a Subject Invention or Specified Work Object, the Contractor shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license. For the purpose of this subparagraph, (i) a parent company is one which owns or controls, through direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity and, (ii) affiliated companies are companies or other entities owned or controlled by the same parent company.

E. *Related inventions.* (1) The Contractor shall submit to the Contracting Officer within six (6) months after the submission of the final report required by paragraph F(6), written information concerning the conception or actual reduction to practice, or both, as may be applicable, of every invention made by the Contractor pertaining to the work called for in this contract which was conceived or first actually reduced to practice within the period of three (3) months prior, during, or three (3) months subsequent to the term of this contract, which invention would be a Subject Invention if made under this contract, but which the Contractor believes was made outside the performance of work required under this contract. The Contracting Officer may require additional information to be furnished in confidence by the Contractor. At the request of the Contracting Officer made during or subsequent to the term of this contract, including any extensions for additional research and development work, the Contractor shall furnish information concerning any other invention which appears to the Contracting Officer to reasonably have the possibility of being a Subject Invention.

(2) All information supplied by the Contractor hereunder shall be of such nature and character as to enable the Contracting Officer reasonably to ascertain whether or not the invention concerned is a Subject Invention. Failure to furnish such information called for herein shall, in any subsequent proceeding, place on the Contractor the burden of going forward with the evidence to establish that such invention is not a Subject Invention. If such evidence is not then presented the invention shall be deemed to be a Subject Invention. After receipt of information furnished pursuant hereto, the Contracting Officer shall not unduly delay rendering his opinion on the matter. In the case of a contract, the Contracting Officer's decision shall be subject to the Disputes Clause of such contract. The Contractor may furnish the information required under this paragraph E of this clause as Contractor confidential information, which shall be identified as such.

F. *General provisions.* (1) The Contractor shall obtain the execution of and deliver to the Contracting Officer any document relating to Subject Inventions as the Contracting Officer may require under the terms hereof to enable the Government to file and prosecute patent applications therefor in any country and to evidence and preserve its rights. Each party hereto agrees to execute and deliver to the other party on its request suitable documents to evidence and preserve license rights derived from this clause.

(2) The Government and the Contractor shall promptly notify each other of the filing of a patent application on a Subject Invention any any country, identifying the country or countries in which such filing occurs and the date and serial number of the application, and on request shall furnish a copy of such application to the other party and a copy of any action on such patent application by any Patent Office and the responses thereto. Any applications or responses furnished shall be kept confidential.

(3) Any other provisions of this clause notwithstanding, the Contracting Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this Contract, have the right to examine in confidence any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to the compliance by the Contractor with the requirements of this clause.

(4) Notwithstanding the grant of a license under any patents to the Government pursuant to any provisions of this clause, the Government shall not be prevented from contesting the validity, enforceability, scope, or title of such licensed patent.

(5) The Contractor shall furnish to the Contracting Officer interim reports every twelve (12) months, or earlier as may be required in this contract, the initial period of which shall commence with the date of this contract. Each report shall list all Subject Inventions required to be disclosed which were made during the interim reporting period or certify that there are no such unreported Inventions.

(6) The Contractor shall submit a final report under this contract listing all Subject Inventions required to be disclosed which were made in the course of the work performed under this contract, and all subcontracts entered into containing a patent rights clause. If to the best of the Contractor's knowledge and belief, no Subject Inventions have resulted from this contract, the Contractor shall so certify to the Contracting Officer. If there are no such subcontracts, a negative report is required.

(7) The interim and final reports required under paragraph F (5) and (6) and Subject Invention disclosures required under paragraph B(1) shall be submitted on Agency forms which will be furnished by the Contracting Officer on request. Any equivalent form approved by the Contracting Officer may be used in lieu of Agency forms. Such reports and disclosures shall be submitted in triplicate.

(8) Any action required by or of the Government under this patent clause shall be undertaken by the Contracting Officer as its

V 37 35 FEB 19 72 XUM

duly authorized representative unless otherwise stated.

(9) The Government may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the Contractor pursuant to this clause without additional compensation.

(10) The Contractor shall furnish to the Contracting Officer, in writing, and as soon as practicable, information as to the date and identity of any first public use, sale, or publication of any Subject Invention made by or known to the Contractor, or of any contemplated publication of the Contractor.

(11) The Administrator shall determine the responsibility of an applicant for a license under any provision of this patent clause when this matter is in dispute and his determination thereof shall be final and binding.

(12) The Contractor shall furnish promptly to the Contracting Officer on request an irrevocable power to inspect and make copies of each U.S. patent application filed by or on behalf of the Contractor covering any Subject Invention.

(13) The Contractor shall include in the first paragraph in any U.S. patent application which it may file on a Subject Invention the following statement:

"This invention resulted from work done under Contract No. ------ with the Environmental Protection Agency and is subject to the terms and provisions of said contract."

(14) Any action by the Contracting Officer affecting the disposition of rights to patents or inventions pursuant to this Clause shall be taken only after review by the Office of General Counsel.

(15) All information furnished in confidence pursuant to this patent clause shall be clearly identified by an appropriate written legend. Such information shall be subject to the provisions of the Freedom of Information Act 5 U.S.C. 552 and shall in any event cease to be confidential if it is or becomes generally available to the public, or has been made or becomes available to the Government (i) from other sources, or (ii) by the Contractor without limitation as to use, or was already known to the Government when furnished to it.

G. *Withholding of payment.* This section does apply to a no-fee contract with an educational institution.

(1) If the Contractor fails to deliver to the Contracting Officer the interim reports required by paragraph G(5) or fails to furnish the written disclosures for all Subject Inventions required by paragraph B(1), shown to be due in accordance with any interim report delivered under paragraph G(5) or otherwise known to be unreported, there shall be withheld from payment until the Contractor shall have corrected such failure either ten percent (10%) of the amount of this contract, as from time to time amended, or ten thousand dollars ($10,000), whichever is less. After payment of eighty percent (80%) of the amount of the contract, as from time to time amended, payment shall be withheld until a reserve of either ten percent (10%) of the amount of this contract or ten thousand dollars ($10,000), whichever is less, shall have been set aside. Final payment under this Contract shall not be made before the Contractor delivers to the Contracting Officer:

(i) The final report required by paragraph G(6); and

(ii) Written disclosures for all inventions required by paragraph B(1) which are shown to be due in accordance with interim reports delivered under paragraph G(5) or in accordance with such final report, or are otherwise known to be unreported; and

(iii) The information as to subcontracts required by paragraph I(2).

No amount shall be withheld under this section when the amount specified by this section is being withheld under other provisions of this contract. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this Contract. This subparagraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract. In cost-type contracts, "amount of this contract" shall mean "estimated cost of this contract."

H. *Warranties.* (1) The Contractor warrants that whenever he has divested himself of the right to license any Background Patent (or any invention owned by the Contractor which could become the subject of a Background Patent) prior to the date of this contract, such divestment was not done to avoid the licensing requirements set forth in paragraph D of this patent clause. After a Background Patent, or invention which could become the subject of a Background Patent, is identified, the Contractor shall take no action which shall impair the performance of his obligation to issue Background Patent Licenses pursuant to this contract.

(2) The Contractor warrants that he will take no action which will impair his obligation to assign to the Government any invention first actually reduced to practice in the course of or under this contract.

(3) The Contractor warrants that he has full authority to make obligations of this clause effective, by reason of agreements with all of the personnel, including consultants (other than subcontractor personnel and consultants) who might reasonably be expected to make inventions, and who will be employed in work on the project contemplated by this contract, to assign to the Contractor all discoveries and inventions made within the scope of their employment.

I. *Subcontracts.* (1) The Contractor, shall, unless otherwise authorized or directed by the Contracting Officer, include a patent clause containing provisions that correspond to those of this clause, except for the "withholding of payment" provision, in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental or research work. In the event of refusal by a subcontractor to accept this clause, the Contractor:

(i) Shall promptly submit a written report to the Contracting Officer setting forth the subcontractor's reasons for such refusal or the reasons the Contractor is of the opinion that the inclusion of this clause is inappropriate, and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not execute the subcontract without the written authorization of the Contracting Officer.

The Contractor shall not in any subcontract, or by using such subcontract as consideration therefor, acquire any rights to Subject Inventions for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Government in the performance of this contract). Reports, instruments and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of a patent clause in a subcontract hereunder may, upon mutual consent of the Contractor and the subcontractor (or by direction of the Contracting Officer) be furnished to the Contractor for transmission to the Contracting Officer.

(2) The Contractor, at the earliest practicable date, shall also notify the Contracting Officer in writing of any subcontract containing a patent clause, furnish him a copy of such clause and notify him when such subcontract is completed. The Contractor hereby assigns to the Government all rights of the Contractor to enforce a subcontractor's obligations with respect to Subject Inventions, Background Patents, and pursuant to section E of this clause. The Contractor shall cooperate with the Government at the Government's request and expense in any legal action to secure the Government's rights.

[FR Doc.72-2589 Filed 2-18-72;8:49 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

FLUID MILK

Change in Date of Public Hearing and Extension of Time for Comment

On December 28, 1971, there was published in the FEDERAL REGISTER (36 F.R. 25052) a notice that the Small Business Administration would hold a public hearing on February 24, 1972, on its proposal to lower the size standard for the purpose of bidding on Government procurements of fluid milk (Census Classification Code 2026), from 750 employees to 500 employees.

The date for the hearing has been rescheduled for March 2, 1972, at 10 a.m., e.s.t., in Room 214 of the offices of the Small Business Administration, 1441 L Street NW., Washington, DC.

The time for submission of written comment also is hereby extended to March 2, 1972.

Dated: February 16, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-2630 Filed 2-18-72;8:51 am]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the Small Business Administration hereby proposes to amend the definition of a small business for SBA loans.

Under the currently effective regulation if an applicant for an SBA loan has one or more affiliates primarily engaged in industries different than that of the applicant, the applicant's size status is determined by computing the percentage that the applicant's size is of the size standard for the industry in which it is primarily engaged and adding to it the percentage that the size of each of its affiliates is of the size standard for the industry in which each affiliate is primarily engaged. In order for the applicant to be eligible the total of such percentages must not exceed one hundred percent (100%).

It has come to the attention of the SBA that there are concerns that have

affiliates which are engaged in other industries but which primarily sell to members of the affiliated group and therefore are not in competition in the open market, and that the size of such a concern together with its affiliates might be within the size standard for the industry in which the applicant is primarily engaged, and yet such concern be ineligible due to application of the percentage rule.

Under such circumstances it is proposed to amend § 121.3-10 of Part 121, Chapter 1, Title 13 of the Code of Federal Regulations by revising the fourth and sixth sentences thereof to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * * If an applicant for an SBA loan has external-operating affiliates (i.e. affiliates which are primarily engaged in selling to the general public or to concerns other than the applicant concern or an affiliate thereof) and such external-operating affiliates are engaged in industries subject to size standards different than that of the applicant concern, the applicant concern's size status shall be determined by computing the percentage that the size of the applicant concern including any internal-operating affiliates (i.e. affiliates primarily engaged in selling to the applicant or an affiliate thereof) is of the size standard for the industry in which the applicant together with its internal-operating affiliates is primarily engaged; and adding to it the percentage that the size of each of its external-operating affiliates is of the size standard for the industry in which each such external-operating affiliate is primarily engaged. * * * If a concern, including its internal-operating affiliates if any, is engaged in more than one industry, the applicable size standard shall be that for its primary industry. In determining which of the industries is the primary industry, consideration shall be given to these criteria among others: distribution among such industries of receipts, employment and cost of doing business. * * *

Interested parties may file with the Small Business Administration within 15 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Acting Director, Size Standards Staff, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: February 16, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-2631 Filed 2-18-72;8:51 am]

V37-35 FEB 19 72 XUM

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

ROLLER CHAIN, OTHER THAN BICYCLE, FROM JAPAN

Antidumping Proceeding Notice

On December 27, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that roller chain, other than bicycle, from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 14, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2584 Filed 2-18-72;8:49 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972-19]

UNSOLD NEWSPAPERS AND MAGAZINES SOLD AS USED PRODUCTS

Cost of Living Council Ruling

Facts. Company A purchases unsold newspapers and magazines from publishers. It sorts these materials as to color and texture and bundles them into commercial lots for sale to paper companies for recycling. It now wants to raise its prices for the sorted materials.

Issue. Are sales of unsold materials, sorted and bundled into commercial lots exempt from the Economic Stabilization Regulations as sales of "used products"?

Ruling. Sales of these materials are not exempt as "used products" under the Economic Stabilization Regulations, 6 CFR 101.34(e), 37 F.R. 1237 (January 27, 1972). When a person carries on the trade or business of making, fabricating or assembling a product by manual labor or machinery for sale to other persons he is a "manufacturer" within the definition provided by the Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), and his prices are governed by 6 CFR 300.12, 36 F.R. 23974 (December 16, 1971).

To the extent that the company has taken unsold newspapers and magazines and sorted them as to color and texture and bundled the sorted materials, the company has altered that product so as to make a distinctly separate product (i.e., bundles of sorted newspapers and magazines as to color and texture). The company therefore fits the definiton of a manufacturer and all such transactions are governed by the Regulations. Accordingly, the sale of the newspapers and magazines as described in the facts do not qualify as used products.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 16, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 16, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2577 Filed 2-18-72;8:46 am]

[Price Commission Ruling 1972-62]

LANDLORD'S RECORDS AS TO BASE PRICES

Price Commission Ruling

Facts. A landlord has notified a tenant that his rent will be increased when his lease expires.

Issue. How can the tenant determine what the landlord may charge under the Economic Stabilization regulations?

Ruling. A landlord may charge no more than the "base price" for a rental unit. Economic Stabilization Regulations 6 CFR 300.11, 36 F.R. 21792 (November 13, 1971). Generally, the base price is the rental stipulated for the unit or a substantially identical unit at least 10 percent of the leases executed during the period July 16–August 14, 1971. Economic Stabilization Regulations 6 CFR 300.507 (b), 36 F.R. 21792 (November 13, 1971). A landlord must keep records and make them available at the request of any tenant, or representative of the Price Commission (including the Internal Revenue Service). Economic Stabilization Regulations 6 CFR 300.15, 36 F.R. 23974 (December 16, 1971). Upon the request of any tenant, or prospective tenant, the landlord must make available records which reflect:

(1) The base price for each rental unit; and,

(2) The reason for any difference between the base price and the maximum rental the landlord was allowed to charge for the unit during the 90-day freeze; and

(3) The reason for any difference between the base price and the price allowable on or after November 14, 1971.

This ruling is not applicable to transactions occuring after December 28, 1971, or requests for information concerning those transactions. New regulations have been issued which govern those transactions. See Economic Stabilization Regulations, 6 CFR 301.501, 36 F.R. 25386 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 14, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2578 Filed 2-18-72;8:46 am]

[Price Commission Ruling 1972-63]

2½ PERCENT INCREASE FROM PRIOR PERIOD

Price Commission Ruling

Facts. On December 30, 1971, a lease was executed by X and Y calling for a 1-year lease of X's unit of residential housing by Y commencing January 1, 1972. Under the terms of the lease, Y agreed to pay a monthly rent which included a base rent properly computed under Subpart C of Part 301 of the Economic Stabilization Regulations, 6 CFR 301, 36 F.R. 25386 (December 30, 1971), and allowable costs occurring after December 28, 1971, allocable to the residence and attributable to an increase in costs for municipal services under Economic Stabilization Regulations, 6 CFR 301.102(b)(ii), 36 F.R. 25386 (December 30, 1971). The monthly rent charged did not include an increase of 2½ percent of base rent allowable under the Economic Stabilization Regulations, 6 CFR 301.102(a)(1), 36 F.R. 25386 (December 30, 1971). Under the terms of the lease, on December 1, 1972, X delivered to Y a notification of rental increase, effective January 1, 1973, in the form and manner prescribed by the regulations. However, the proposed increase is 5 percent of base rent which is based upon an allowable 2½-percent increase for the 12-month period beginning January 1, 1973, and an additional 2½ percent of base rent for the previous 12-month period which X neglected to charge under the present lease.

Issue. May a lessor charge, offer to charge, or give notice of intent to charge a rent reflecting an increase of 2½ percent of base rent for a prior 12-month period (but one which commenced after December 28, 1971) which he failed to charge during such prior period?

Ruling. Under the Economic Stabilization Regulations, 6 CFR 301.102(a)(1), 36 F.R. 25386 (December 30, 1971), a monthly rent for a residence which becomes occupied after December 28, 1971, may reflect 2½ percent of the base rent with respect to each 12-month period beginning after that date. The parenthetical statement within paragraph (a)(1) makes it clear that only a 2½-percent increase is allowable during any 12-month period beginning after December 28, 1971, i.e., the 2½ percent may not be accumulated from one period to another, and the rent may not be increased by more than 2½ percent of base rent under § 301.102(a)(1) for any such 12-month period. Therefore, X may not increase the rent currently charged by 5 percent of base rent on January 1, 1973, but he may increase the rent currently charged by 2½ percent of base rent.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 14, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 14, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2579 Filed 2-18-72;8:46 am]

[Price Commission Ruling 1972-64]

PARKING UNDER COMMERCIAL AGREEMENT

Price Commission Ruling

Facts. X had an agreement with Y under which X parked his car on a specified spot on Y's downtown parking lot at a specified monthly rate, subject to rules posted by Y. Under the agreement, X could lock his car and retain the key. The agreement has lapsed, and both parties seek to adopt another similar agreement.

Issue. Is the monthly rate in the new agreement considered as rent or as fees to a service organization for purposes of the regulations?

Ruling. Amounts paid for parking on a commercial parking lot under the above facts are fees for parking, and not rents. This is because X was entitled only to park his car on the specified spot, and only in accordance with the rules posted by the operator under the proposed agreement. His rights under the contract thus arose under Y's possessory interest. Since X did not have an interest in the property giving him a right to exclusive possession which could be asserted against the whole world, including Y, the agreement can not be deemed a "lease"; see C.J.S. Landlord & Tenant section 202(6). Therefore the payments under the agreement are not rent, but payments for the service of granting a license to park on Y's property and the provisions of § 300.14 of the Economic Stabilization Regulations apply to increases in the fees.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 15, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 15, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2580 Filed 2-18-72;8:46 am]

[Price Commission Ruling 1972-65]

SUBSTANTIAL NUMBER OF TRANSACTIONS

Price Commission Ruling

Facts. A owns 100 apartment units of comparable size and location. During the period beginning July 16, 1971, and ending August 14, 1971, he entered into leases on all 100 units. The rentals on five of the units were $100 per month; another five were rented at the rate of $90 per month; 10 were rented at the rate of $80 per month, and the remainder were rented at $75 per month.

Issue. What is A's "base price" for purposes of the Economic Stabilization Regulations?

Ruling. A's "base price" is $90 per month. Section 300.507(b)(1) of the Economic Stabilization Regulations 6 CFR 300.507, 36 F.R. 23974 (December 16, 1971), provides that the base price for a lease of an interest in real property is the highest price charged by the person with respect to the same or substantially identical rental units in a substantial number of transactions during the freeze base period. As defined in the Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), "freeze base period" means the period from July 16 to August 14, 1971. The highest price charged in a "substantial number of transactions" is the highest price at or above which 10 percent of the units were priced in transactions during the freeze base period under § 300.505(c) of the Economic Stabilization Regulations, 6 CFR 300.505, 36 F.R. 21792 (November 13, 1971).

Since, on these facts, five units were rented at the rate of $100 per month and five more units were rented at $90 per month in transactions occurring during the freeze base period, 10 apartments, or 10 percent of the apartments rented during the freeze base period, were rented at $90 per month or more. Therefore, $90 per month is the highest price at or above which 10 percent of the units were priced in transactions during the freeze base period, and is the base price.

This ruling is not applicable to transactions occurring after December 28, 1971. New regulations, effective December 29, 1971, control such transactions. See Economic Stabilization Regulations 6 CFR 301.1 et seq., 36 F.R. 25386 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 15, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 15, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2581 Filed 2-18-72;8:46 am]

[Price Commission Ruling 1972-66]

TAXI RATE REPORTING REQUIREMENTS

Price Commission Ruling

Facts. Taxi Cab Company, a regulated public utility as defined by Economic Stabilization Regulations, 6 CFR 300.16, 37 F.R. 652 (January 14, 1972), owns and operates a fleet of taxis in a metropolitan area. Its annual revenues are less than $100 million. Its rates and rate increases are regulated by a local agency.

Issue. Is Taxi Cab Company required to report any rate increases to the Price Commission?

Ruling. No. The regulation covering reporting firms, Economic Stabilization Regulations, 6 CFR 300.52(c), 37 F.R. 426 (January 11, 1972), does not apply to public utilities covered by § 300.16. Section 300.16 contains the reporting requirements applicable to public utilities. These requirements only apply to firms with annual revenues of $100 million or more, prenotification firms. While public utilities with less revenue are not required to report under this section, the Price Commission does retain full authority to disapprove a rate increase and/or require the public utility to furnish additional information, but must exercise this authority within 10 days after the public utility has received final approval from the regulatory agency for the price increase or within 10 days, after the price increase has been placed into effect, whichever is earlier. (§ 300.16 (l) and (m).)

Taxi Cab Company must, however, obtain from its regulatory agency a certification for each rate increase it receives or, if necessary, self-certify for each rate increase, as provided in § 300.16 (e) and (f).

V 37 35 FEB 19 72 XUM

This ruling has been approved by the General of the Price Commission.

Dated: February 15, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 15, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2582 Filed 2-18-72;8:48 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

ASSISTANT SECRETARY OF DEFENSE (HEALTH AND ENVIRONMENT)

Responsibilities, Functions, and Authorities

The Secretary of Defense approved the following:

I. *General.* Pursuant to the authority vested in the Secretary of Defense and the provisions of title 10, United States Code, section 136(b) as amended, one of the positions of Assistant Secretary authorized by law is hereby designated the Assistant Secretary of Defense (Health and Environment) with responsibilities, functions and authorities as prescribed herein.

II. *Responsibilities.* The Assistant Secretary of Defense (Health and Environment) is the principal staff adviser and coordinator for the Secretary of Defense for health and sanitation matters, including care and treatment of patients, preventive medicine, clinical investigations, hospitals and related health facilities, medical materiel, nutrition, drug and alcohol abuse control, and health personnel and the procurement, education and training, and retention of such personnel. He is also the principal adviser and coordinator for the Secretary of Defense for environmental quality matters.

III. *Functions.* Under the direction, authority and control of the Secretary of Defense, the Assistant Secretary of Defense (Health and Environment) shall perform the following functions within his assigned responsibilities:

A. Recommend policies and guidance governing DOD planning and program development.

B. Develop systems and standards for the administration and management of approved plans and programs.

C. Review and evaluate programs of DOD components for carrying out approved policies and standards.

D. Establish requirements for DOD research and development programs in relevant fields to be carried out by the Director of Defense Research and Engineering, and keep abreast of technical developments to provide their orderly transition to operational status.

E. Recommend appropriate steps which will provide for more effective, efficient and economical administration, and operation in the Department of Defense including the elimination, transfer, reassignment, and consolidation of functions.

F. Promote close cooperation and mutual understanding between the Department of Defense, other Federal agencies, and the civil health and medical professions.

G. Provide specific policy and guidance for the procurement, professional development, and retention of medical and dental personnel, as well as such other personnel as may be required to discharge DOD health and environmental quality responsibilities.

H. Provide policy guidance, management control, and coordination for the DOD Drug Abuse Control Program and the DOD Alcohol Abuse Control Program. These programs include educational and informational materials on the dangers of illegal or improper drug and alcohol use.

I. Insure the identification of environmental quality problems associated with the development, production, and use of new materials and provide for their abatement and control. Where inadequate data exists concerning the effects and control of these materials, conduct studies to develop environmental control policy in consultation with appropriate heads of other agencies.

J. Consult with responsible officials in other Federal agencies at the earliest feasible stage in the planning of new activities to ensure that insofar as practical, the latest antipollution techniques and methods are used in the protection and enhancement of the environment.

K. Such other functions as the Secretary of Defense assigns.

IV. *Relationships.* A. In the performance of his functions, the Assistant Secretary of Defense (Health and Environment) shall:

1. Coordinate actions, as appropriate, with DOD components having collateral or related functions.

2. Maintain active liaison for the exchange of information and advice with DOD components, other Federal agencies, and professional groups (e.g., American Hospital Association and American Medical Association).

3. Make full use of established facilities in the Office of the Secretary of Defense, and other elements of the DOD rather than unnecessarily duplicating such facilities.

B. The heads of DOD components and their staffs shall fully cooperate with the Assistant Secretary of Defense (Health and Environment) and his staff in a continuous effort to achieve efficient administration of the Department of Defense and to carry out effectively the direction, authority and control of the Secretary of Defense.

V. *Authorities.* A. The Assistant Secretary of Defense (Health and Environment), in the course of exercising full staff functions, is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memoranda, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned fields of responsibilities in accordance with DOD Directive 5025.1.[1] Instructions to the military departments will be issued through the Secretaries of those departments or the designees. Instructions to unified and specified commands will be issued through the Joint Chiefs of Staff.

2. Obtain and provide such information, advice and assistance from DOD components as he deems necessary.

3. Communicate directly with heads of DOD components, including the Secretaries of the military departments, the Joint Chiefs of Staff, the Directors of Defense Agencies, and the commanders of the unified and specified commands. Communications of the Assistant Secretary of Defense (Health and Environment) to the commanders of unified and specified commands shall be coordinated with the Joint Chiefs of Staff.

4. Communicate with other government agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

B. Other authorities specifically delegated by the Secretary of Defense to the Assistant Secretary of Defense (Health and Environment) will be referenced in an enclosure to this Directive.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, the Assistant Secretary of Defense (Health and Environment) has been delegated, subject to the direction, authority, and control of the Secretary of Defense, authority to:

1. Make determinations with respect to the uniform implementation of laws relating to separation from the military departments by reason of physical disability as prescribed in DoD Directive 1332.18,[1] dated September 9, 1968.

[FR Doc.72-2588 Filed 2-18-72;8:49 am]

DEPARTMENT OF THE INTERIOR

National Park Service

GRAND TETON NATIONAL PARK

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Grand Teton National Park, proposes to issue a concession permit to Lee D. Hughs authorizing him to provide concession facilities and services for the public at Fontenelle Reservoir, an area administered by the Superintendent, Grand Teton National Park, Wyo., for a period of 5 years from January 1, 1972, through December 31, 1976.

The foregoing concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice. Interested parties should contact the Superintendent, Grand Teton National Park, Post Office Box 67, Moose, Wyo. 83012, for information as to the requirements of the proposed permit.

Dated: January 4, 1972.

GARY E. EVERHARDT,
Superintendent,
Grand Teton National Park.

[FR Doc.72-2559 Filed 2-18-72;8:47 am]

[1] Filed as part of original. Extra copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

Office of Hearings and Appeals

[Docket No. M72-24]

NORTH AMERICAN COAL CORP.

Notice of Petition for Modification of Mandatory Safety Standard

In regard petition of the North American Coal Corp. for modification of mandatory safety standard (section 308(d)), Docket No. M72-24.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (1970)), notice is given that the North American Coal Corp., Ohio Division, has filed a petition to modify the application of 30 CFR 75.803 to its No. 1 Mine located in York Township, Belmont County, Ohio.

30 CFR 75.803 is a repetition of section 308(d) of the Act, 30 U.S.C. section 868(d) (1970), which reads as follows:

(d) Six months after the operative date of this title, high-voltage, resistance grounded systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of 12 months, may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available.

Petitioner requests an exception from this standard only for the D North circuit and describes the circumstances as follows: The No. 1 mine is operating on a 4.16-kv. underground distribution system. Three substations are maintained at the three portal areas, two of which serve the actual mine load. A fan, rectifier, and miscellaneous outside load is served from one oil circuit breaker. The second breaker feeds a 4.16-kv. circuit to the 37 South borehole. This 37 South circuit is ground monitored and in compliance with § 75.803. Immediately outside the station this 37 South circuit is tapped and taken approximately 10,000 feet to the D North borehole.

The borehole enters the mine on the main motor road. The roof and borehole casing height is approximately 11 feet above the rail. Disconnect switches are located 20 feet away from the borehole. After crossing the motor road, the cable is taken through a hole drilled in the pillar, then out into a crosscut and finally to the rectifier room.

The cable is then terminated on switches mounted on an old rotary converter board. After going through an oil switch, the high voltage is taken to a small room where it feeds three transformers. The secondary of the transformers in turn feeds a diode bridge.

The No. 1 Mine operates on a track haulage system and the D North set is a main link in the future development of the mine. Being isolated, D North is visited only for maintenance and inspection purposes.

The 4.16-kv. line to D North is constructed over a rugged and hilly terrain. A 4/0 copper static wire is run on the pole tops with three 4/0 phase conductors on timbers below. There are numerous long spans of around 1,000 feet supported on two-pole structures.

To provide adequate grounding that will pose no hazard to the miners, the No. 1 Mine has established a ground bed on the surface around the borehole. This ground bed has then been connected to the borehole casing at both top and bottom. It has also been connected to the overhead static wire and to the ground conductors in the borehole cable. Inside the mine this ground has been connected to the switch-gear and transformer frames. The ground side of the lightning arresters has been taken to a separate ground bed no less than 25 feet from the nearest ground rod used to establish the borehole ground bed.

Petitioner is confident that a safe system is provided by maintaining low resistance ground beds at the substation, lightning arresters and borehole.

Inasmuch as this circuit serves a single stationary load and inasmuch as the circuit is located in an isolated part of the mine and offers no hazard such as cable handling, petitioner requests permission to retain this 4,160-volt circuit which extends 150 feet into No. 1 Mine at D North without installing a ground check circuit along the 10,000-foot length of above surface line.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

FEBRUARY 11, 1972.

[FR Doc.72-2555 Filed 2-18-72;8:47 am]

[Docket No. M72-25]

NORTH AMERICAN COAL CORP.

Notice of Petition for Modification of Mandatory Safety Standard

In regard petition of the North American Coal Corp. for modification of mandatory safety standard (section 308(d)), Docket No. M72-25.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. section 861(c) (1970)), notice is given that the North American Coal Corp., Ohio Division, has filed a petition to modify the application of 30 CFR 75.803 to its No. 3 Mine located in Mead Township, Belmont County, Ohio.

30 CFR 75.803 is a repetition of section 308(d) of the Act, 30 U.S.C. section 868(d) (1970), which reads as follows:

(d) Six months after the operative date of this title, high-voltage, resistance grounded systems shall include a fail safe ground check circuit to monitor continuously the grounding circuit to assure continuity and the fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken, or other no less effective device approved by the Secretary or his authorized representative to assure such continuity, except that an extension of time, not in excess of 12 months may be permitted by the Secretary on a mine-by-mine basis if he determines that such equipment is not available.

Petitioner requests an exception from this standard only for the 24 South circuit and describes the circumstances as follows: The No. 3 Mine is operating on a 4.16-kv. underground distribution system. Two substations are presently operated, one just recently erected and scheduled to serve a fan and a borehole, the other serving a fan and three boreholes. The two mine feeder circuits to 31 South and 33 South boreholes are ground monitored and in compliance with § 75.802. The 24 South circuit on the other hand is a 14,000-foot line without a ground wire and a pilot wire.

The primary load being served is a 500-kw. diode converted rectifier. In the same room two 300-kw. motor generator units are set up as a source of standby d.c. power. The switching is done through 400-a. solid blade, single phase disconnects mounted on a rack.

The borehole is accessible through a posted walkway of approximately 4 feet high by 4 feet wide. This entry is used

VOL 37 NO 35 FEB 19 72 XUM

only by electrical personnel and fire bosses. The cable is visible and suspended on insulated hangers its entire length.

The No. 3 Mine operates on a track haulage system transporting coal no less than 40,000 feet to a rotary dump. 24 South is virtually not visited except for maintenance and inspection purposes, and this d.c. source is a major link of the track haulage system.

The 4.16-kv. circuit feeding the 24 South borehole is constructed over hilly terrain. There are four long spans between 900 and 1,000 feet and two spans around 600 feet. There are approximately 50 single poles supporting spans of about 150 feet.

In many places, the phase conductor ground clearance is only 20 feet, so it would not be possible to drop the cross arms to install a static wire above. Bayonets would have to be installed to support the static wire on all the single poles. However, the two-pole dead ends on the long spans would have to be replaced since the weight of the static wire could not be supported on bayonets. This would require that the line be deenergized for the installation of this static wire and that would leave the No. 3 Mine without d.c. power on that section of track.

To provide adequate grounding that will pose no hazard to the miners, the No. 3 Mine has established a ground bed on the surface around the borehole. This ground bed has then been connected to the ground conductors in the borehole cable which in turn has been fastened to the frames of the switchgear, rectifier, and motor generator sets. The ground side of the lightning arresters has been taken to a separate ground rod driven no less than 25 feet from the nearest ground rod used to establish the borehole ground bed.

Petitioner is confident that a safe system is provided by maintaining low resistance ground beds at the substation, lightning arresters and borehole.

Inasmuch as this circuit serves a single stationary load and inasmuch as the circuit is located in an isolated part of the mine and offers no hazard such as handling cable, petitioner requests permission to retain this 4,160-volt circuit which extends 400 feet into the No. 3 Mine at 24 South without installing a ground check circuit along the 14,000-foot length of above surface lines.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

FEBRUARY 11, 1972.

[FR Doc.72-2556 Filed 2-18-72;8:47 am]

Office of the Secretary

[INT FES 72-2]

PROPOSED DUST ABATEMENT AT CANYON FERRY LAKE, MONT.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental statement for the authorized program for dust abatement at Canyon Ferry Lake, Canyon Ferry Unit, Pick-Sloan Missouri Basin Program, Mont. The environmental statement concerns the plan for dust abatement which involves construction of dikes at the upper end of Canyon Ferry Lake to form subimpoundments to cover exposed areas, dredging of fine material from the lakeside into the subimpoundments, and flooding the subimpoundments for development of wildlife habitat.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo., Telephone (303) 234-3007.
Office of the Regional Director, Bureau of Reclamation, Post Office Box 2553, Billings, MT., Telephone (406) 245-6711.
Upper Missouri Projects Office, Bureau of Reclamation, Post Office Box 1620, Great Falls, MT. 59401, Telephone (406) 452-6455.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: February 14, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-2557 Filed 2-18-72;8:47 am]

[INT DES 72-34]

LYMAN-TORRINGTON 115-KV. TRANSMISSION LINE AND TORRINGTON SUBSTATION

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for construction of the Lyman-Torrington 115-kv. transmission line and Torrington Substation, an authorized feature of the Pick-Sloan Missouri Basin Program. This statement concerns the construction of the 13.3-mile transmission line from the existing Lyman Substation to the proposed Torrington Substation site and the construction of the Torrington Substation. The principal function of the project is to provide adequate additional power to improve the reliability of the existing 34.5-kv. system presently serving the city of Torrington (population 4,237) and other municipal and rural loads in the area.

Copies are available from:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, E&R Center, Technical Service Branch, Building 67, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-3007.
Office of Regional Director, Bureau of Reclamation, Building 20, Denver Federal Center, Denver, Colo., Telephone (303) 234-4441.

Single copies of the draft environmental statement may be obtained on request to the above offices. In addition, copies are available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the statement number above.

Dated: February 14, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-2558 Filed 2-18-72;8:47 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

CARMEN LIVESTOCK EXCHANGE ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, location of stockyard, and date of posting

OK-112, Carmen Livestock Exchange, Carmen, Okla., Apr. 29, 1959.
OK-123, Duncan Livestock Auction, Duncan, Okla., Nov. 15, 1949.
OK-128, Osage County Livestock Auction, Fairfax, Okla., July 18, 1967.
OK-156, Farmers Livestock Exchange, Pauls Valley, Okla., Nov. 4, 1959.
OK-161, Poteau Livestock Commission Co., Inc., Poteau, Okla., Oct. 19, 1966.
TX-163, Delta Sales Yard, Elsa, Tex., Mar. 6, 1959.
TX-200, Kerens Auction Barn, Kerens, Tex., Jan. 22, 1960.
TX-201, Kerrville Auction Company, Kerrville, Tex., June 14, 1957.
TX-223, Memphis Live Stock Auction Company, Inc., Memphis, Tex., Mar. 6, 1961.
TX-226, Mesquite Livestock Commission Co., Mesquite, Tex., Jan. 21, 1959.
TX-235, Havard's Horse Sale, Nacogdoches, Tex., Feb. 7, 1967.
TX-239, Palestine Commission Company, Palestine, Tex., June 5, 1967.
TX-260, Sonora Livestock Exchange Company, Sonora, Tex., Sept. 15, 1965.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (2-19-72).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 10th day of February 1972.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.72-2529 Filed 2-18-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 2354]

COMBINATION DRUG CONTAINING PHENOBARBITAL, ACETAMINOPHEN, PHENACETIN, ATROPINE SULFATE, SCOPOLAMINE HYDROBROMIDE, AND HYOSCYAMINE HYDROBROMIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Hasamal tablets containing phenobarbital, acetaminophen, phenacetin, atropine sulfate, scopolamine hydrobromide, and hyoscyamine hydrobromide; Charles C. Haskell Division, Arnar-Stone Laboratories, Inc., 601 East Kensington Road, Mount Prospect, Ill. 60056 (NDA 2-354).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that the drug:

1. Is possibly effective for relief of pain in headache or toothache, and for symptomatic relief of primary dysmenorrhea.

2. Lacks substantial evidence of effectiveness as a fixed combination for relief of fever.

3. Lacks substantial evidence of effectiveness for relief of cough associated with upper respiratory infection.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for which the drug is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 2354, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72-2550 Filed 2-18-72;8:45 am]

[DESI 7110; Docket No. FDC-D-291; NDA 7-110, etc.]

CORTISONE; DEXAMETHASONE; HYDROCORTISONE; METHYLPREDNISOLONE; PREDNISOLONE; AND TRIAMCINOLONE FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following glucocorticoid drugs:

1. Aristocort Forte Suspension, containing triamcinolone diacetate; Lederle Laboratories, Division American Cyanamid Co., Pearl River, N.Y. 10965 (NDA 12-802).

2. Aristocort Intralesional Suspension, containing triamcinolone diacetate; Lederle Laboratories (NDA 11-685).

3. Cortef Acetate Sterile Injectable Suspension, containing hydrocortisone acetate; The Upjohn Co., 7171 Portage Road, Kalamazoo, Michigan 49002 (NDA 9-378).

4. Cortef Sterile Aqueous Suspension, containing hydrocortisone; The Upjohn Co. (NDA 9-864).

5. Cortef Sterile Solution, containing hydrocortisone; The Upjohn Co. (NDA 9-379).

6. Cortiphate Injection, containing hydrocortisone sodium phosphate; Travenol Laboratories, Inc., Division of Baxter Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, Illinois 60053 (NDA 12-784).

7. Cortisone Acetate Aqueous Suspension; Vitamix Pharmaceuticals, Inc., 2900 North 17th Street, Philadelphia, Pennsylvania 19132 (NDA 10-603).

8. Cortisone Acetate Sterile Aqueous Suspension; The Upjohn Co. (NDA 8-126).

9. Cortone Acetate Saline Suspension, containing cortisone acetate; Merck, Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486 (NDA 7-110).

10. Cortril Aqueous Suspension, containing hydrocortisone acetate; marketed by Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, New York 10017 (NDA 9-164).

11. Cortril Soluble Parenteral, containing hydrocortisone sodium succinate; Chas. Pfizer & Co. (NDA 10-291).

12. Decadron Phosphate Injection, containing dexamethasone sodium phosphate; Merck, Sharp & Dohme (NDA 12-071).

13. Deltacortril Aqueous Suspension, containing prednisolone acetate; Chas. Pfizer & Co. (NDA 11-158).

14. Depo-Medrol Aqueous Suspension, containing methylprednisolone acetate; The Upjohn Co. (NDA 11-757).

15. Hy-Cor Acetate Aqueous Suspension, containing hydrocortisone acetate; Gold Leaf Pharmacal Co., subsidiary of Ormont Drug & Chemical Co., Inc., 223 South Dean Street, Englewood, N.J. 07631 (NDA 9-786).

VOL 37 NO 35 FEB 19 72 XUM

16. Hydeltrasol Injection, containing prednisolone sodium phosphate; Merck, Sharp & Dohme (NDA 11–583).

17. Hydeltra-T.B.A. Suspension, containing prednisolone butylacetate; Merck, Sharp & Dohme (NDA 10–562).

18. Hydrocortisone Acetate Aqueous Suspension; Maurry Biological Co., Inc., 6109 South Western Avenue, Los Angeles, California 90047 (NDA 9–637).

19. Hydrocortisone Acetate Suspension; Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114 (NDA 10–058).

20. Hydrocortisone Acetate Suspension; Vitamix Pharmaceuticals, Inc. (NDA 10–650).

21. Hydrocortone Acetate Saline Suspension, containing hydrocortisone acetate; Merck, Sharp & Dohme (NDA 8–228).

22. Hydrocortone Phosphate Injection, containing hydrocortisone sodium phosphate; Merck, Sharp & Dohme (NDA 12–052).

23. Hydrocortone-T.B.A. Suspension, containing hydrocortisone butylacetate; Merck, Sharp & Dohme (NDA 9–465).

24. Kenalog Parenteral Aqueous Suspension, containing triamcinolone acetonide; E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, New Jersey 08903 (NDA 12–041).

25. Meticortelone Aqueous Suspension, containing prednisolone acetate; Schering Corp., 60 Orange Street, Bloomfield, N.J. 07003 (NDA 10–255).

26. Meticortelone Soluble, containing prednisolone sodium succinate; Schering Corp. (NDA 11–061).

27. Prednisolone Acetate Suspension; Philadelphia Laboratories, Inc. (NDA 11–896).

28. Solu-Cortef Mix-O-Vial, containing hydrocortisone sodium succinate; The Upjohn Co. (NDA 9–866).

29. Solu-Medrol Mix-O-Vial, containing methylprednisolone sodium succinate; The Upjohn Co. (NDA 11–856).

30. Sterane Aqueous Suspension, containing prednisolone acetate; Chas. Pfizer and Co., Inc. (NDA 11–446)

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required from any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described in this anouncement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These preparations for parenteral use are effective or probably effective by the appropriate route of administration for the indications listed in the "Indications" section of this announcement. The probably effective indications are those relating to use in angioedema, urticaria, diffuse interstitial pulmonary fibrosis (Hamman-Rich Syndrome), intractable sprue, severe trichinosis, dental postoperative inflammatory reactions, ganglia, rectal administration in ulcerative colitis, and use in anaphylaxis.

2. These preparations lack substantial evidence of effectiveness for their recommended use in gout; chronic gouty arthritis; chronic bursitis, synovitis; myositis; fibrositis; plantar fasciitis; intermittent hydrarthrosis; collagen diseases; inflammatory or allergic dermatoses; various other dermatoses; nummular eczema and dermatitis; insect bites or reactions to insect bites; allergy; respiratory allergies; various eye disorders; gastrointestinal diseases; malignant diseases; certain metastatic carcinomas; secondary glaucoma; as rapid diagnostic agents to distinguish between adrenocortical hyperplasia and tumor; osteochondritis; whiplash injuries; hyperextension neck injury; acute torticollis; muscle trauma (avulsion, contusion, hemorrhage); various strains and sprains; lumbago; coccydynia; tensor fascia lata syndrome; hallux rigidus and limitus; trigger points (localized painful areas in muscles); exostosis; calcaneal spur; rheumatoid nodules; neurofibroma; radiculitis; acute dermatoses; surgical infections; retinitis centralis; Rh incompatibilities; "incurable diseases"; sebaceous cyst; acne; alopecia totalis; and pruritis ani.

3. Except as noted above these preparations are possibly effective for their other labeled indications.

B. *Form of drug.* These glucocorticoid preparations are in aqueous solution or supension, or sterile powder form suitable for parenteral administration.

C. *Labeling conditions.* 1. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

2. The drug is labeled to comply with all requirements of the Act and regulations promulgated thereunder, and those parts of its labeling indicated below are substantially as follows: (Optional additional information, applicabe to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below).

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Naturally occurring glucocorticoids (hydrocortisone), which also have salt-retaining properties, are used as replacement therapy in adrenocortical deficiency states. Their synthetic analogs are primarily used for their potent anti-inflammatory effects in disorders of many organ systems.

Glucocorticoids cause profound and varied metabolic effects. In addition, they modify the body's immune responses to diverse stimuli.

INDICATIONS

A. When oral therapy is not feasible and the strength, dosage form, and route of administration of the drug reasonably lend the preparation to the treatment of the condition, those products labeled for intravenous or intramuscular use are indicated as follows:

1. *Endocrine disorders.*

Primary or secondary adrenocortical insufficiency (hydrocortisone or cortisone is the drug of choice; synthetic analogs may be used in conjunction with mineralocorticoids where applicable; in infancy, mineralocorticoid supplementation is of particular importance).
Acute adrenocortical insufficiency (hydrocortisone or cortisone is the drug of choice; mineralocorticoid supplementation may be necessary, particularly when synthetic analogs are used).
Preoperatively and in the event of serious trauma or illness, in patients with known adrenal insufficiency or when adrenocortical reserve is doubtful.
Shock unresponsive to conventional therapy if adrenocortical insufficiency exists or is suspected.
Congenital adrenal hyperplasia.
Nonsuppurative thyroiditis.

2. *Rheumatic disorders.* As adjunctive therapy for short-term administration (to tide the patient over an acute episode or exacerbation) in:

Post-traumatic osteoarthritis.
Synovitis of osteoarthritis.
Rheumatoid arthritis.
Acute and subacute bursitis.
Epicondylitis.
Acute nonspecific tenosynovitis.
Acute gouty arthritis.
Psoriatic arthritis.
Ankylosing spondylitis.
Juvenile rheumatoid arthritis.

3. *Collagen diseases.* During an exacerbation or as maintenance therapy in selected cases of:

Systemic lupus erythematosus.
Acute rheumatic carditis.

4. *Dermatologic diseases.* Pemphigus.

Severe erythema multiforme (Stevens-Johnson syndrome).
Exfoliative dermatitis.
Bullous dermatitis herpetiformis.
Severe seborrheic dermatitis.
Severe psoriasis.

5. *Allergic states.* Control of severe or incapacitating allergic conditions intractable to adequate trials of convention treatment in:

Bronchial asthma.
Contact dermatitis.
Atopic dermatitis.
Serum sickness.
Seasonal or perennial allergic rhinitis.
Drug hypersensitivity reactions.
Urticarial transfusion reactions.
Acute noninfectious laryngeal edema (epinephrine is the drug of first choice).

6. *Ophthalmic diseases.* Severe acute and chronic allergic and inflammatory processes involving the eye, such as:

Herpes zoster ophthalmicus.
Iritis, irridocyclitis.
Chorioretinitis.
Diffuse posterior uveitis and chloroiditis.
Optic neuritis.
Sympathetic ophthalmia.
Anterior segment inflammation.

7. *Gastrointestinal diseases.* To tide the patient over a critical period of disease in:

Ulcerative colitis—(Systemic therapy).
Regional enteritis—(Systemic therapy).

8. *Respiratory diseases.*

Symptomatic sarcoidosis.
Berylliosis.
Fulminating or disseminated pulmonary tuberculosis when concurrently accompanied by appropriate antituberculous chemotherapy.
Aspiration pneumonitis.

9. *Hematologic disorders.*

Acquired (autoimmune) hemolytic anemia.
Idiopathic thrombocytopenic purpura in adults (I.V. only; I.M. administration is contraindicated).

10. *Neoplastic diseases.* For palliative management of:

Leukemias and lymphomas in adults.
Acute leukemia of childhood.

11. *Edematous state.* To induce diuresis or remission of proteinuria in the nephrotic syndrome, without uremia, of the idiopathic type or that due to lupus erythematosus.

12. *Miscellaneous.* Tuberculous meningitis with subarachnoid block or impending block when concurrently accompanied by appropriate antituberculous chemotherapy.

In addition to the above indications, those preparations containing "cortisone, hydrocortisone prednisolone, or methylprednisolone" are indicated for systemic dermatomyositis (polymyositis). Those containing "dexamethasone" are indicated for diagnostic testing of adrenocortical hyperfunction.

All of these drugs may also be useful in the following conditions:

To control severe or incapacitating allergic conditions intractable to adequate trials of convention treatment in angioedema and urticaria and as an adjunct to epinephrine in anaphylaxis; as an enema or drip in selected cases to tide the patient over a critical period of disease in ulcerative colitis, to tide the patient over in a critical period of intractable sprue; in diffuse interstitial pulmonary fibrosis (Hamman-Rich Syndrome); severe trichinosis; and to control dental postoperative inflammatory reactions.

B. When the strength and dosage form of the drug lend the preparation to the treatment of the condition, those products labeled for "intra-articular or soft tissue administration" are indicated:

As adjunctive therapy for short-term administration (to tide the patient over an acute episode or exacerbation) in:

Synovitis of osteoarthritis.
Rheumatoid arthritis.
Acute and subacute bursitis.
Acute gouty arthritis.
Epicondylitis.
Acute nonspecific tenosynovitis.
Posttraumatic osteoarthritis.

C. When the strength and dosage form of the drug lend the preparation to the treatment of the condition, those products labeled for "intralesional" administration are indicated for:

Keloids.
Localized hypertrophic, infiltrated, inflammatory lesions of: lichen planus, psoriatic plaques, granuloma annulare and lichen simplex chronicus (neurodermatitis).
Discoid lupus erythematosus.
Necrobiosis lipoidica diabeticorum.
Alopecia areata.

They may also be useful in cystic tumors of an aponeurosis or tendon (ganglia).

CONTRAINDICATIONS

Systemic fungal infections.

WARNINGS

In patients on corticosteroid therapy subjected to any unusual stress, increased dosage of rapidly acting corticosteroids before, during, and after the stressful situation is indicated.

Corticosteroids may mask some signs of infection, and new infections may appear during their use. There may be decreased resistance and inability to localize infection when corticosteroids are used.

Prolonged use of corticosteroids may produce posterior subcapsular cataracts, glaucoma with possible damage to the optic nerves, and may enhance the establishment of secondary ocular infections due to fungi or viruses.

Usage in pregnancy. Since adequate human reproduction studies have not been done with corticosteroids, the use of these drugs in pregnancy, nursing mothers, or women of childbearing potential requires that the possible benefits of the drug be weighed against the potential hazards to the mother and embryo or fetus. Infants born of mothers who have received substantial doses of corticosteroids during pregnancy should be carefully observed for signs of hypoadrenalism.

Average and large doses of cortisone or hydrocortisone can cause elevation of blood pressure, salt and water retention, and increased excretion of potassium. These effects are less likely to occur with the synthetic derivatives except when used in large doses. Dietary salt restriction and potassium supplementation may be necessary. All corticosteroids increase calcium excretion.

While on Corticosteroid Therapy Patients Should Not Be Vaccinated Against Smallpox. Other Immunization Procedures Should Not Be Undertaken in Patients Who Are on Corticosteroids, Especially in High Doses, Because of Possible Hazards of Neurological Complications and Lack of Antibody Response.

The use of (name of drug) in active tuberculosis should be restricted to those cases of fulminating or disseminated tuberculosis in which the corticosteroid is used for the management of the disease in conjunction with appropriate antituberculous regimen.

If corticosteroids are indicated in patients with latent tuberculosis or tuberculin reactivity, close observation is necessary as reactivation of the disease may occur. During prolonged corticosteroid therapy, these patients should receive chemcprophylaxis.

Because rare instances of anaphylactoid reactions have occurred in patients receiving parenteral corticosteroid therapy, appropriate precautionary measures should be taken prior to administration, especially when the patient has a history of allergy to any drug.

PRECAUTIONS

Drug-induced secondary adrenocortical insufficiency may be minimized by gradual reduction of dosage. This type of relative insufficiency may persist for months after discontinuation of therapy; therefore, in any situation of stress occurring during that period, hormone therapy should be reinstituted. Since mineralocorticoid secretion may be impaired, salt and/or a mineralocorticoid should be administered concurrently.

There is an enhanced effect of corticosteroids in patients with hypothyroidism and in those with cirrhosis.

Corticosteroids should be used cautiously in patients with ocular herpes simplex for fear of corneal perforation.

The lowest possible dose of corticosteroid should be used to control the condition under treatment, and when reduction in dosage is possible, the reduction must be gradual.

Psychic derangements may appear when corticosteroids are used, ranging from euphoria, insomnia, mood swings, personality changes, and severe depression to frank psychotic manifestations. Also, existing emotional instability or psychotic tendencies may be aggravated by corticosteroids.

Aspirin should be used cautiously in conjunction with corticosteroids in hypoprothrombinemia.

Steroids should be used with caution in nonspecific ulcerative colitis, if there is a probability of impending perforation, abscess or other pyogenic infection, also in diverticulitis, fresh intestinal anastomoses, active or latent peptic ulcer, renal insufficiency, hypertension, osteoporosis, and myasthenia gravis.

Growth and development of infants and children on prolonged corticosteroid therapy should be carefully followed.

The following additional precautions apply for parenteral corticosteroids. Intra-articular injection of a corticosteroid may produce systemic as well as local effects.

Appropriate examination of any joint fluid present is necessary to exclude a septic process.

A marked increase in pain accompanied by local swelling, further restriction of joint motion, fever, and malaise are suggestive of septic arthritis. If this complication occurs and the diagnosis of sepsis is confirmed, appropriate antimicrobial therapy should be instituted.

Local injection of a steroid into a previously infected joint is to be avoided.

Corticosteroids should not be injected into unstable joints.

The slower rate of absorption by intramuscular administration should be recognized.

ADVERSE REACTIONS

Fluid and electrolyte disturbances:

Sodium retention.
Fluid retention.
Congestive heart failure in susceptible patients.
Potassium loss.
Hypokalemic alkalosis.
Hypertension.

Musculoskeletal:

Muscle weakness.
Steroid myopathy.
Loss of muscle mass.
Osteoporosis.
Vertebral compression fractures.
Aseptic necrosis of femoral and humeral heads.
Pathologic fracture of long bones.

Gastrointestinal:

Peptic ulcer with possible subsequent perforation and hemorrhage.
Pancreatitis.
Abdominal distention.
Ulcerative esophagitis.

Dermatologic:

Impaired wound healing.
Thin fragile skin.
Petechiae and ecchymoses.
Facial erythema.
Increased sweating.
May suppress reactions to skin tests.

Neurological:

Convulsions.
Increased intracranial pressure with papilledema (pseudotumor cerebri) usually after treatment.
Vertigo.
Headache.

Endocrine:

Menstrual irregularities.
Development of Cushingoid state.
Suppression of growth in children.
Secondary adrenocortical and pituitary unresponsiveness, particularly in times of stress, as in trauma, surgery, or illness.
Decreased carbohydrate tolerance.
Manifestations of latent diabetes mellitus.
Increased requirements for insulin or oral hypoglycemic agents in diabetics.

Ophthalmic:

Posterior subcapsular cataracts.
Increased intraocular pressure.
Glaucoma.
Exophthalmos.

Metabolic:

Negative nitrogen balance due to protein catabolism.

The following *additional* adverse reactions are related to parenteral corticosteroid therapy:

V 37 N 35
FEB 19 72
XUM

Rare instances of blindness associated with intralesional therapy around the face and head.

Hyperpigmentation or hypopigmentation.

Subcutaneous and cutaneous atrophy.

Sterile abscess.

Postinjection flare, following intra-articular use).

Charcot-like arthropathy.

DOSAGE AND ADMINISTRATION

The initial dosage of (name) may vary from (insert amount) to (insert amount) mg. per day depending on the specific disease entity being treated. In situations of less severity, lower doses will generally suffice while in selected patients higher initial doses may be required. Usually the parenteral dosage ranges are one-third to one-half the oral dose given every 12 hours. However, in certain overwhelming, acute, life-threatening situations, administration in dosages exceeding the usual dosages may be justified and may be in multiples of the oral dosages.

The initial dosage should be maintained or adjusted until a satisfactory response is noted. If after a reasonable period of time there is a lack of satisfactory clinical response (name) should be discontinued and the patient transferred to other appropriate sponse (name) should be discontinued and therapy. *It Should Be Emphasized That Dosage Requirements Are Variable and Must Be Individualized on the Basis of the Disease Under Treatment and the Response of the Patient.* After a favorable response is noted, the proper maintenance dosage should be determined by decreasing the initial drug dosage in small increments at appropriate time intervals until the lowest dosage which will maintain an adequate clinical response is reached. It should be kept in mind that constant monitoring is needed in regard to drug dosage. Included in the situations which may make dosage adjustments necessary are changes in clinical status secondary to remissions or exacerbations in the disease process, the patient's individual drug responsiveness, and the effect of patient exposure to stressful situations not directly related to the disease entity under treatment; in this latter situation it may be necessary to increase the dosage of (name) for a period of time consistent with the patient's condition. If after long-term therapy the drug is to be stopped, it is recommended that it be withdrawn gradually rather than abruptly.

Usual initial parenteral corticosteroid dosages:

	Milligrams per day
Cortisone	50–300
Dexamethasone	0.50–9.0
Hydrocortisone	5–240
Methylprednisolone	3–48
Prednisolone	4–60
Triamcinolone	3–48

D. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

1. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1)(i), (ii), and (iii) of the notice of July 14, 1970. Biologic availability data for a drug administered by the intravenous route is not required.

2. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice. Biologic availability data for a drug administered by the intravenous route is not required.

3. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

4. For indications for which the drug has been classified as probably effective (included in the "Indications" section above) and possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (c), (d), (e), and (f) of that notice.

E. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new-drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.2 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new-drug application, offered for the indications for which substantial evidence of effectiveness is lacking may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well-organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

Representatives of the Administration are willing to meet with any interested person who desires to have a conference concerning proposed changes in the labeling set forth herein. Requests for such meetings should be made to the Office of Scientific Evaluation (BD–100), at the address given below, within 30 days after the publication of this notice in the FEDERAL REGISTER.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 7110, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Request for hearing (identify with docket number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–88, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2551 Filed 2–18–72;8:46 am]

[Docket No. FDC–D–373; NADA No. 5–951V etc.]

DR. MAYFIELD LABORATORIES ET AL.

Certain Products Containing Sulfathiazole; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of October 7, 1971 (36 F.R. 19521), proposing to withdraw approval of the following new animal drug applications covering drugs containing sulfathiazole:

1. Dr. Mayfield Calf Scour Tablets; NADA (new animal drug application) No. 5–951V; Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616;

2. Dr. Mayfield Poultry Sulfa Tablets; NADA No. 5–951V; Dr. Mayfield Laboratories;

3. Dr. Mayfield Poultry Sulfa; NADA No. 5–951V; Dr. Mayfield Laboratories;

4. Sulfathiazole Tablets; NADA No. 4–971V; Haver-Lockhart Laboratories, Post Office Box 676, Kansas City, Mo. 66141;

5. Duatok Sulfathiazole Sodium N.F. Soluble Powder; NADA No. 5–273V; American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, N.J. 08540; and

6. Sulfathiazole Solution Veterinary; NADA No. 7–100V; Fleming Specialty Co., Post Office Box 2613, Charlotte, N.C. 28201.

Dr. Mayfield Laboratories and American Cyanamid Co. both requested that the Commissioner of Food and Drugs enter a final order withdrawing approval of their new animal drug applications. Neither Fleming Specialty Co. nor Haver-Lockhart Laboratories filed a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firms not to avail themselves of the opportunity for a hearing.

Based on the ground set forth in said notice and response to said notice, the Commissioner concludes that approval of the above listed new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA 5–951V, NADA 4–971V, NADA 5–273V, and NADA 7–100V, including all amendments and supplements thereto is hereby withdrawn effective on the date of publication of this document.

Dated: February 10, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2554 Filed 2–18–72;8:46 am]

[DESI 8089]

GLYCOBIARSOL WITH CHLOROQUINE PHOSPHATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Milibis with Aralen Phosphate Tablets containing glycobiarsol with chloroquine phosphate; formerly marketed by Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 8–089).

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that there is a lack of substantial evidence within the meaning of the Federal Food, Drug, and Cosmetic Act, that this drug is effective as a fixed-dose combination for uses prescribed, recommended, or suggested in its labeling, i.e., for treatment of and prophylaxis against amebiasis and for suppression of malaria, and that each component in this formulation contributes to the total effects claimed for such combination drug.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new drug application.

Prior to initiating such action, however, the Commissioner invites the holder of the new drug application for this drug and any interested person who might be adversely affected by its removal from the market to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the proposed action and implementation of the NAS–NRC report for this drug is made to give notice to persons who might be adversely affected by the withdrawal of this drug from the market. Any related drug for human use, not the subject of an approved new drug application, may be affected by the proposed action.

The above-named holder of the new drug application for this drug has been furnished a copy of the NAS–NRC report.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8089 and be directed to the attention of appropriate office listed below and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 27, 1972.

R. E. DUGGAN,
Acting Associate Commissioner for Compliance.

[FR Doc.72–2552 Filed 2–18–72;8:46 am]

[DESI 12813]

OPHTHALMIC PREPARATION CONTAINING PHENYLEPHRINE HYDROCHLORIDE, SODIUM SULFACETAMIDE, PREDNISOLONE ACETATE, AND ANTIPYRINE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Blephamide Liquifilm Ophthalmic Suspension containing phenylephrine hydrochloride, sodium sulfacetamide, prednisolone acetate, and antipyrine; Allergan Pharmaceuticals, Inc., 1000 South Grand Avenue, Santa Ana, Calif. 92705 (NDA 12–813).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that the combination drug is possibly effective for the treatment of nonpurulent blepharitis and blepharoconjunctivitis (seborrheal, staphylococcal, allergic) and nonpurulent conjunctivitis (allergic and bacterial).

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 12813, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

V 37 I 35 F FEB 19 72 XUM

Requests for the Academy's report: Drug Efficacy Study Information Control (ED-67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (ED-69), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2563 Filed 2-18-72;8:46 am]

PAINTS AND OTHER SURFACE-COATINGS CONTAINING HEAVY METALS

Request for Data

In the FEDERAL REGISTER of November 2, 1971 (36 F.R. 20985), the Commissioner of Food and Drugs proposed that certain paints and other surface-coatings containing heavy metals be declared hazardous substances that require special labeling for child protection. In the same issue of the FEDERAL REGISTER (36 F.R. 20986), the Commissioner published a petition submitted by Joseph A. Page et al., proposing to classify as banned hazardous substances paints which are for household use and contain more than minute traces of lead. Interested persons were allowed 60 days to file written comments regarding these proposals.

By a letter dated February 2, 1972, petitioners requested that the Commissioner ask paint companies to submit certified analyses of their product lines "[in] order to assist in resolution of the argument of technical incapacity that the paint industry is making * * *." In consideration of this request and in view of the numerous conflicting and apparently irreconcilable comments received in response to the above proposals, the Commissioner concludes that such data would be of value in preparing the final order.

Therefore, the Commissioner hereby requests that all manufacturers of paint and/or other surface-coatings submit the following information for their interior and general purpose exterior paints and for those paints and coatings which are supplied to industry for use on toys and other children's articles as well as furniture and other household articles which may be accessible to children:

1. The total amount of each of the heavy metals lead, antimony, arsenic, barium, cadmium, mercury, and selenium (all calculated as the metal) present in the contained solids or dried paint film together with identification of the quantitative method used for such determination;

2. If barium is present, the percentage of the total barium which is water soluble barium (calculated as the metal);

3. The amount, if any, of each of the above heavy metals that was intentionally added to the product together with the reason for such addition; and

4. A current label for each analyzed product.

Products should be tested for the specified heavy metals by any generally accepted quantitative method having a sensitivity of at least 0.01 percent of the metal in the contained solids or dried paint film and a reproducibility of plus or minus 10 percent of the particular metal.

The requested data should be submitted by April 7, 1972, to the Bureau of Product Safety, 5401 Westbard Avenue, Bethesda, Maryland 20016.

Dated: February 17, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-2648 Filed 2-18-72;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-148]

AREA DIRECTORS AND DEPUTY AREA DIRECTORS

Redelegation of Authority With Respect to Requisitions for Third Party Contracts

The Assistant Secretary for Community Planning and Management is amending the redelegations of authority to Area Directors and Deputy Area Directors (35 F.R. 15408, October 2, 1970) to include under the powers set forth in section A.IV.2 the authority to approve requisitions for third party contracts.

Accordingly, the redelegations of authority published at 35 F.R. 15408 are amended to add before the period at the end of section A.IV.2 the following phrase: "* * * and third party contracts".

(Secretary's delegation of authority to the Assistant Secretary for Community Planning and Management, 36 F.R. 5004, Mar. 16, 1971)

Effective date. The effective date of this redelegation is February 22, 1972.

SAMUEL C. JACKSON,
Assistant Secretary for Community Planning and Management.

[FR Doc.72-2611 Filed 2-18-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 72-29]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 28, 1971, to January 3, 1972 (List No. 1-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire.

Approval No. 160.052/411/0, Type I, Model AP, adult unicellular plastic foam buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.052, dwg. No. 052-4 dated December 27, 1971, and dwg. No. 052-1 dated December 27, 1971, manufactured by Farber Bros., 821-841 Linden Avenue, Memphis, TN 38101, effective December 28, 1971.

Approval No. 160.052/412/0, Type I, Model CPM, child medium unicellular plastic foam buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.052, dwg. No. 052-3 dated December 27, 1971, and dwg. No. 052-1 dated December 27, 1971, manufactured by Farber Bros., 821-841 Linden Avenue, Memphis, TN 38101, effective December 28, 1971.

Approval No. 160:052/413/0, Type I, Model CPS, child small unicellular plastic foam buoyant vest manufactured in accordance with U.S.C.G. Specification Subpart 160.052, dwg. No. 052-2 dated December 27, 1971, and dwg. No. 052-1 dated December 27, 1971, manufactured by Farber Bros., 821-841 Linden Avenue, Memphis, TN 38101, effective December 28, 1971.

HYDRAULIC AND MANUAL RELEASES FOR LIFESAVING EQUIPMENT

Approval No. 160.062/3/0, Model S-880 hydraulic and manual release for lifesaving equipment, for buoyant loads of 200 to 3,750 pounds; identified by assembly drawing S-880, revision A dated November 1971 and drawing list dated December 28, 1971, to be used in accordance with installation and pretensioning details shown on gripe and release installation drawing SPC-LRC-1044 dated August 1971, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, NJ 08607, effective December 29, 1971.

PROTECTING COVER FOR LIFEBOATS

Approval No. 160.065/6/0, "Robertson's Anti-Exposure Cover," Type I, protecting cover for the occupants of all types of aluminum, steel and fibrous glass reinforced plastic (FRP) lifeboats, for lengths of 16' to 37' lifeboats, identified by general arrangement dwg. No. A-13325 Sheet 1 of 2 dated July 8, 1966, modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts, manufactured by A. L. Robertson, Inc., 325 South Kresson Street, Baltimore, MD 21224, effective January 3, 1972. (It is an extension of Approval No. 160.065/6/0 dated March 20, 1967.)

Approval No. 160.065/7/0, "MASECO," Type MARK II, protecting cover for the occupants of all types of aluminum, steel and fibrous glass reinforced plastic (FRP) lifeboats, for lengths of 16' through 37' lifeboats, identified by master drawing, dwg No. PC 85-24A, Rev. A dated March 9, 1967, modifications to the cover and supports may be necessary in the case of some motor-propelled lifeboats equipped with vertical (dry) exhaust lines, radio cabins and antenna masts, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective January 3, 1972. (It is an extension of Approval No. 160.065/7/0 dated March 23, 1967, and change of address of manufacturer.)

Dated: February 15, 1972.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.72-2587 Filed 2-18-72;8:49 am]

[CGFR 72-31]

NEW LONDON HARBOR

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), section 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46 (b) and the redelegation of authority to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters as contained in the FEDERAL REGISTER of September 30, 1971 (36 F.R. 19160), I hereby affirm for publication in the FEDERAL REGISTER the order of B. E. Engel, Rear Admiral, U.S. Coast Guard, Commander, Third Coast Guard District, who has exercised authority as Commander, Third Coast Guard District, such order reading as follows:

NEW LONDON HARBOR

SECURITY ZONE

Under the present authority of section 1 of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, Executive Order 10173, as amended, and 14 U.S.C. 91, I declare that from 11:30 a.m., e.s.t., on Saturday, February 19, 1972, until U.S.S. *Cavalla* is secured to the wet dock at Electric Boat Division, General Dynamics Corp., the following area is a security zone and I order it be closed to any person or vessel due to launching of the U.S.S. *Cavalla*.

The waters of New London Harbor, New London, Conn., between the latitudes 41°20' 32" North and 41°21'03" North.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port.

The Captain of the Port, New London, Conn., shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any state or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: February 17, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72-2663 Filed 2-18-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-200]

BABCOCK & WILCOX CO.

Order Authorizing Dismantling of Facility

By application dated October 12, 1971, and supplements dated January 21 and February 1, 1972, the Babcock & Wilcox Co. requested authority to dismantle the Babcock & Wilcox Test Reactor (BAWTR) in accordance with the dismantling plan attached to the application. Operation of the BAWTR was discontinued on December 22, 1971.

We have reviewed the application in accordance with the provisions of the Commission's regulations and have found that the dismantling and disposal will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered that Babcock & Wilcox may proceed with the dismantling of the deactivated BAWTR covered by Provisional Operating License No. TR-4, as amended, in accordance with the application of October 12, 1971, as amended, and the decommissioning plan.

After completion of the dismantling and the decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility areas meet the values defined in the decommissioning plan, an inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Provisional Operating License No. TR-4.

Dated at Bethesda, Md., this 4th day of February 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director, Division of Reactor Licensing.

[FR Doc.72-2561 Filed 2-18-72;8:47 am]

[Docket No. 50-302]

FLORIDA POWER CORP.

Notice of Availability of Applicant's Environmental Report; Operating License Stage

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a new report entitled "Crystal River Unit 3 Applicant's Environmental Report Operating License Stage," dated January 4, 1972 (the new report) for the Crystal River Nuclear Generating Plant Unit 3 submitted by the Florida Power Corp. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Crystal River Public Library, Crystal River, Fla. 32629. The new report supersedes in its entirety the previous, now obsolete report dated February 1971. The new report is also being made available to the public at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, FL 32304 and at the Tampa Bay Regional Planning Council, 3151 Third Avenue North, St. Petersburg, FL 33713.

The new report discusses environmental considerations related to the proposed operation of the Crystal River Nuclear Generating Plant Unit 3, located on the corporation's site on the Gulf of Mexico,

V37-35 FEB 19 72 XUM

70 miles north of Tampa, Fla., and 7½ miles northwest of Crystal River, Citrus County, Fla.

After the new report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement.

The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 11th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2562 Filed 2-18-72;8:47 am]

[Docket No. 50-302A]

FLORIDA POWER CORP.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated February 11, 1972, a copy of which is attached below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

Lyall Johnson,
Director, Division of State and Licensee Relations.

FLORIDA POWER CORPORATION

Crystal River Nuclear Generating Plant, Unit 3, AEC Docket No. 50-302 Department of Justice File 60-415-38

FEBRUARY 11, 1972.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as recently amended by Public Law 91-560 (December 19, 1970), in regard to the above-cited application.

Introduction. The Crystal River No. 3 unit, an 825-mw. nuclear unit, will be applicant's first nuclear generating unit. It is to be located at Florida Power Corp.'s Crystal River Generating Station located in western Citrus County, Fla., where it presently has two fossil fuel units. A hearing on its application for operating license was requested on June 2, 1971, by the Gainesville Utilities Department pursuant to the provisions of section 105c(3) of the Atomic Energy Act of 1954, as amended.

Applicant. Applicant is one of three major independent vertically integrated electric utilities in Florida; the other two are the Florida Power and Light Co. serving in southern and east coast Florida, and the Tampa Electric Co. serving in metropolitan Tampa and the surrounding area. Applicant serves central and west coast areas of Florida, in St. Petersburg and to the north, having a total service area in excess of 20,000 square miles. Other major systems in Florida include the Gulf Power Co. serving the Florida Panhandle (a subsidiary of the Southern Co. system which extends over Georgia and portions of Alabama and Mississippi) and the large municipal systems in the cities of Jacksonville and Orlando.

Applicant's 1970 peak load was approximately 2 million kilowatts. Applicant's total assets as of 1970 exceeded $676 million; its electric operating revenues for 1970 were $158,145,000.

Its eight major steam generating stations with a total capability in excess of 2 million kilowatts and its gas turbine stations with a total of 239,000 kilowatts are integrated into a generating system by over 3,300 circuit miles of high voltage transmission, including 696 miles of 230-kv. transmission, over a thousand miles of 115-kv. transmission, and almost 1,500 miles of 69-kv. transmission. The foregoing transmission is virtually all the high voltage transmission in its area.

The population in the retail territory served by Applicant is approximately 2,140,000 which it serves through approximately 13,000 pole miles of distribution facilities. Its bulk power supply system is interconnected with and coordinated with bulk power supply facilities of the Southern System, the Tampa Electric Co., Florida Power and Light Co., and the city of Orlando, through high voltage interconnections. It also has or will soon have interconnections with the city of Gainesville, the city of Sebring, the city of Tallahassee, and the city of Wauchula. It supplies electric power in bulk to a number of municipal and cooperative retail distribution systems operating in its general area.

Competition. Florida law does not require electric utilities to restrict their retail or wholesale service areas. Bills which would restrict service areas have been proposed from time to time in the Florida legislature but have failed to pass. The Florida Public Service Commission has approved a number of voluntary territorial agreements reached by Applicant with several adjacent systems.

Some of the foregoing territorial agreements purported to cover the provision of power in bulk. However, these provisions were the subject of a complaint filed under section 1 of the Sherman Act in a District Court in Florida by the Department and in a consent decree entered August 19, 1971, in U.S. v. Florida Power Corp., et al., 68-297, Civ. T., 1971 Trade Cases ¶ 73, 637, Applicant agreed to remove any such agreements with other electric utilities so far as the provision of electric power in bulk was concerned, including coordinating power and energy.

There is a small amount of hydroelectric power marketed from a Federal hydroelectric project on the Florida-Georgia boundary. Some of the larger municipals in the area generate all or part of their bulk power supply but the economic feasibility of obtaining a competitive bulk supply is dependent in large measure on their obtaining the economies of scale available from access to coordination over which Applicant has control.

Market power. Applicant owns and controls all the high voltage transmission in its general area which gives it the ability to integrate its generation and load into a large system and through its interconnections with other utilities (and consequent access to major regional systems) to obtain the economies of scale and the ability to install large generating units such as the captioned unit. It has engaged and is now engaging in the sale in bulk of the full electric power supply requirements of a number of distribution systems operating in its service area but it is alleged that it has at other times refused to engage in such sale. It has from time to time interconnected its bulk power supply system through high voltage interconnections for the purpose of sharing reserves and coordinating the development of its system with that of adjacent systems, and engaging in other varieties of coordination. It has been alleged that it has from time to time refused to coordinate its generation with that of some of the smaller systems in its area or has sought to condition such coordination on the execution of a territorial allocation. Pursuant to an order of the Federal Power Commission, the city of Gainesville was granted relief from Florida Power Corp.'s refusal to interconnect and coordinate installed reserves and other varieties of operating coordination. 40 FPC 1227 affd in part 425 F. 2d 1196 (CA 5, 1970) affd wholly, Gainesville Utilities Dept., et al. v. Florida Power Corp., 402 U.S. 515 (1971). However, the Federal Power Commission is limited in the varieties of coordination it may compel by a proviso in section 202b of its Act which limits compulsory coordination to that which can be effected without compelling the jurisdictional utility to increase its generating capacity. The Applicant has voluntarily engaged in some transactions of coordinated development with major and small utilities in its area by purchasing "unit power." It has been alleged that from time to time it has refused to engage in such transactions.

An alternative for small systems in Florida to engage in coordinated development is by transactions with other small systems. However, such arrangements would be economically feasible only if such systems could wheel power over transmission lines of the Applicant. The Federal Power Commission lacks authority to compel Applicant to enter into wheeling arrangements which might permit smaller systems in Applicant's area to achieve a feasible program of coordinated development among themselves. Although Applicant now wheels power over its system between the Southeastern Power Administration's Jim Woodruff project and a number of independent systems in its area, it has been alleged that Applicant has at other times refused to engage in wheeling transactions.

Discussion. Applicant's strategic dominance over high voltage transmission in a major area in Florida may give it control over its competitors' access to a competitive bulk power supply. Such control of bulk power supply may also impair competition at the retail level. U.S. v. Otter Tail Power Co., 1971 Trade Cases ¶ 73, 692 (D. Minn. Sept. 9, 1971). Thus, Applicant's policies regarding whether or not it will sell power in bulk to independent distribution systems and whether or not it will interconnect and the extent to which it will coordinate with smaller systems maintaining independent generating facilities could lead to unlawful monopolization of the electric power business in a major area of Florida, if the market power Applicant holds by virtue of its ownership of transmission were to be abused. Small systems in this area have represented to the Department that the past course of conduct pursued by the Applicant has had this effect.

When these matters were raised with representatives of the Applicant, they denied that its actions were made with the intent to monopolize or with such effect. However, Applicant has agreed to pursue henceforth a course of action which should preclude such problems arising in the future. Applicant has agreed to undertake commitments to interconnect and coordinate reserves with any entity in its area having a bulk power supply, to purchase and sell bulk power to any other such entity and to coordinate in the planning of new generation and transmission, and to wheel power over Applicants' system between entities with which it is interconnected. These commitments, set forth in the attached letter of Applicant to the Department of Justice dated December 6, 1971, collectively state a policy which should tend to eliminate abuses possible from Applicant's unregulated monopoly control over transmission.

The commitments in the attachment were explored fully with Applicant to determine whether they would provide a satisfactory basis for recommending issuance of a license conditioned by such commitments, without necessity for hearing. In the course of these discussions, Applicant stated that its commitment to:

> • • • interconnect with and coordinate reserves by means of the sale and exchange of emergency bulk power with any entity or entities in its service area engaging in or proposing to engage in electric bulk power supply on terms that will provide for Applicant's costs (including a reasonable return) in connection therewith and allow the other participant(s) full access to the benefits of reserve coordination (Letter, paragraph no. 1).

includes interconnection at the highest transmission voltage available from installed facilities in the area where such arrangement was economically feasible, and that it contemplates an arrangement similar to that of the "Gainesville" interconnection in which the smaller system's reserve responsibility is not tied to its largest unit size, and in which emergency power supply is not limited to a fixed amount, but would be supplied to the fullest extent available where such supply does not impair service to Applicant's customers.

Applicant also clarified its commitment to:

> • • • facilitate the exchange of bulk power by transmission over its system between or among two or more entities with which it is interconnected on terms which will fully compensate it for the use of its system to the extent that subject arrangements reasonably can be accommodated from a functional and technical standpoint (Letter, paragraph no. 3).

as not being limited to systems to which it is interconnected at the time of its commitment, but as also including those with which it might, in the future, be interconnected, including those interconnections obtained by virtue of its commitments in paragraph No. 1 of its attached letter.[1]

Applicant declines to commit itself to sales of "unit power" or "deficiency power" at the cost of new power supply, or to engage in joint ventures which could have the same result.[2] It asserts that it has never made any such sales to any electric utility and has not engaged in joint ventures. However, Applicant assures us that it would engage in these transactions with smaller systems in its area if it entered into such transactions with any "wholesale customer." (In this context Applicant uses the term "wholesale customer" to include any other party to an interconnection arrangement.) Applicant is agreeable to this understanding being reflected in the conditions to the license which it seeks.

As noted above, Applicant apparently has not discriminated against smaller systems by engaging in "unit power sales" or sales of "deficiency power" to other entities at Applicant's costs of new power supply, or by engaging in joint ventures with any other entity. Also, the size and geographical distribution of smaller systems in Applicant's area of Florida is such that the commitments Applicant is now making and willing to have imposed as conditions to its license, particularly the commitment to wheel power contained in paragraph No. 3 of its letter of December 6, 1971, afford such smaller systems the opportunity to construct at least one alternative which would give them competitively reliable and competitively low cost bulk power. For example, independent smaller systems in the area could construct large units to supply their needs, protecting themselves against the risk of forced outage by typical industry reserve sharing arrangements with and through Applicant's system. Further, they could enter into coordinated development with any other independent system reached by Applicant's transmission lines. If experience under the license conditions which we now recommend shows that this result would not be obtained, this would be a factor for consideration in antitrust review of any subsequent license applications by this Applicant.

It appears that if Florida Power Corp.'s commitments were to be imposed as license conditions by the Commission, the question of accommodating antitrust policies with power needs in this case would be satisfactorily resolved. Accordingly, we recommend that the commitments proposed by Florida Power Corp. be imposed by the Commission as license conditions as agreed to by the Applicant. If this were done there would be no need for an antitrust hearing in this matter.

[FR Doc.72-2540 Filed 2-18-72;8:45 am]

[Dockets Nos. 50-266, 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Availability of Applicants' Environmental Report and AEC Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicants' Environmental Report—Operating License Stage, September 10, 1970," and "Applicants' Supplemental Environmental Report on the Point Beach Nuclear Plant, Units 1 and 2, November 8, 1971," (collectively "the report") submitted by Wisconsin Electric Co. and Wisconsin Michigan Co. are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, WI 54220. The report is also being made available to the public at the State Planning Bureau, Department of Administration, 1 West Wilson Street, State Office Building, Madison, WI 53701.

This report discusses environmental considerations related to the proposed issuance of an operating license for the Point Beach Nuclear Plant Unit No. 2 and the continued operation of the Point Beach Nuclear Plant Unit No. 1, located in Manitowoc County, Wis.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the proposed issuance of an operating license for the Point Beach Nuclear Plant, Unit 2, and the continued operation of the Point Beach Nuclear Plant, Unit 1, dated February 10, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's February 10, 1972, draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This statement supersedes the May 11, 1971, detailed statement for which a notice of availability was published in the FEDERAL REGISTER on May 25, 1971 (36 F.R. 9478).

Pursuant to sections A.7 and D.1 of Appendix D to 10 CFR Part 50, interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the report and the draft detailed statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 14th day of February 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2563 Filed 2-18-72;8:47 am]

[1] Filed as part of original document.

[2] Gainesville requested participation in the captioned unit as early as 1968.

V37#35 FEB 19 72 XUM

CIVIL AERONAUTICS BOARD

[Docket No. 24165]

COMPANIA MEXICANA DE AVIACION, S.A. (CMA)

Notice of Postponement of Prehearing Conference

Foreign air carrier permit; amendment to authorize service to St. Louis, Mo.; Chicago, Ill.; and Kansas City, Mo.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on February 29, 1972 (37 F.R. 1502, Jan. 29, 1972) is hereby postponed to March 9, 1972, at 10 a.m., e.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC. The postponement is at the request of the applicant.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 28, 1972.

Dated at Washington, D.C., February 15, 1972.

[SEAL] WILLIAM H. DAPPER,
Hearing Examiner.

[FR Doc.72-2603 Filed 2-18-72;8:50 am]

[Docket No. 24168]

KAR-AIR OY

Notice of Postponement of Prehearing Conference

Renewal and amendment of foreign air carrier permit authorizing charter flights serving any point or points in the United States.

Notice is hereby given that the prehearing conference in the above-entitled proceeding has been postponed from February 28, 1972 (37 F.R. 2536, Feb. 2, 1972), to March 1, 1972, at 11 a.m. (local time) in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., February 16, 1972.

[SEAL] JOHN E. FAULK,
Hearing Examiner.

[FR Doc.72-2604 Filed 2-18-72;8:50 am]

[Docket No. 24130, etc.]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Hearing Regarding Acquisition of Control by Jet Capital Corporation

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held on March 2, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Report of Prehearing Conference and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 15, 1972.

[SEAL] HYMAN GOLDBERG,
Hearing Examiner.

[FR Doc.72-2605 Filed 2-18-72;8:50 am]

[Docket No. 24191; Order 72-2-62]

UNITED AIR LINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of February 1972.

By tariff revisions [1] marked to be effective March 2, 1972, United Air Lines, Inc. (United), proposes to offer midweek round-trip excursion fares from 17 northern and midwestern points to Florida and return. The fares, which are to be effective through June 1, 1972, are generally common fared at $115.74 to Miami and $102.78 to Tampa with discounts ranging between 20 and 35 percent from normal fares. Application is limited to flights departing the point of origin or turnaround on Tuesdays, Wednesdays, and Thursdays and a 5- to 21-day stay is required.

United also proposes to advance the application of its existing off-peak GIT fares in the same markets to March 2, 1972, from April 15, 1972, on Tuesdays, Wednesdays, and Thursdays only for groups of 15, generally common fared at $106.48 to Miami and $97.22 to Tampa at discounts between 25 and 39 percent. The existing peak season GIT fares for groups of 20 or more reflect discounts between 5 and 10 percent. Return travel may not commence prior to the calendar week following departure and a $75 minimum ground add-on applies. Blackouts covering the Easter period are included under both the excursion and GIT fare proposals.

In support of its proposals, United states that the mid-week application of both fares is intended to encourage travel during the slack demand days of Tuesday, Wednesday, and Thursday. It contends that the fares are being proposed for short experimental periods and expects that there will be sufficient time to analyze their effectivenes. United has provided estimates of "contribution to profit" for both proposals; $96,000 for the 5- to 21-day excursion fares and $23,600 for the GIT's. The estimates assume 75-percent and 40-percent diversion factors, respectively, and reflect only "incremental" costs.

[1] United Air Lines, Inc., Tariffs CAB Nos. 319 and 330.

Eastern Air Lines, Inc. (Eastern), has complained against the excursion fare proposal requesting its suspension and investigation.[2] It contends that the use of discount fares during the peak season should be discouraged and that the proposed fares would cause substantial dilution and diversion while generating insufficient traffic to have justified their implementation.

Eastern claims that its experience has shown that traffic on the midweek days of Tuesday, Wednesday, and Thursday is not markedly different from that of the other days of the week as a percentage of total weekly traffic. This fact, it asserts, renders United's tendered purpose of combating the midweek slump invalid and that its statistics on generation and diversion are unreliable and entitled to no consideration. Both Eastern and Delta have filed defensively in competitive markets.

In answer to the complaint United has submitted data refuting Eastern's traffic data. United's data shows a traffic slump on midweek days during the peak month of March. United alleges that Eastern's traffic data is the result of a survey rather than actual passengers boarded and that even Eastern's chart suports its conclusion that there is a midweek slump. Further, United asserts that it is proposing an innovative experimental fare for a short period so that an analysis may be made to determine if sufficient new revenue is generated to warrant the discount fares. United contends that Eastern has failed to present facts warranting investigation and requests that the complaint be dismissed.

Upon consideration of the tariff filing, the complaint and answers thereto, and al revelant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposal and the request therefor and consequently the request for suspension will be denied and the complaint dismissed.

United has shown that it experiences a very severe days-of-the-week traffic peaking problem in the Florida markets. Moreover, the traffic exposed to diversion is quite limited since the fares are for the most part restricted to low density markets. While we believe that substantial fare discounts such as those herein proposed generally cannot be justified during peak travel periods, in view of the limited risk involved we will permit United's experiment which is designed to make use of unused capacity resulting from a marked peaking problem.

However, we will expect the carriers offering these fares to bear the risk of the experiment, and we will also expect the carriers to maintain records of traffic, revenues, and expenses sufficient for a full evaluation of profit impact. These reports should be submitted no later than July 1, 1972, for both the individual excursion fares (for the period through June 1972) and the GIT fares (for the period through April 14, 1972).

[2] Delta Air Lines, Inc. (Delta), filed an answer in support of Eastern's complaint.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof, *It is ordered*, That:

1. The complaint of Eastern Air Lines, Inc., in Docket 24191 is hereby dismissed; and

2. A copy of this order be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., and United Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-2502 Filed 2-18-72;8:50 am]

CIVIL SERVICE COMMISSION

GRANT FUNDS

Notice of Date After Which Grant Funds Will Be Available for Reallocation

Notice is hereby given that pursuant to section 506(b)(4) of the Intergovernmental Personnel Act of 1970, the Commission has established May 16, 1972, as the date after which any fiscal year 1972 formula grant funds not applied for will be available for reallocation.

The establishment of this date will enable the Commission to reallocate any unobligated fiscal year 1972 grant funds allocated under section 506(b)(1) of the Act to insure the most equitable and efficient use of funds.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2599 Filed 2-18-72;8:50 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on March 23, 1972, and that an executive session, if appropriate, will be convened on March 23, 1972, to be held at the U.S. District Court, U.S. Post Office and Courthouse, 1500 Washington Avenue, Cairo, IL. The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin and in the administration of justice which affect the employment opportunities, housing opportunities, educational opportunities, or economic security of persons residing in the city of Cairo, Ill., and in the State of Illinois; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin as these affect the employment opportunities, housing opportunities, educational opportunities, or economic security of persons in the above areas, and to disseminate information with respect to denials of equal protection of the laws, in the city of Cairo, Alexander County and the State of Illinois because of race, color, religion, or national origin in the fields of employment, housing, education, and in the administration of justice.

Dated at New York, N.Y., February 14, 1972.

THEODORE M. HESBURGH, C.S.C.,
Chairman.

[FR Doc.72-2673 Filed 2-18-72;8:51 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, February 23, 1972, in Room 603 of the City Hall Annex, Juniper and Filbert Streets in Philadelphia, beginning at 2 p.m. The subjects of the hearing are as follows:

I. Proposal to amend the Comprehensive Plan in accordance with Article 11 of the Delaware River Basin Compact so as to include the following projects:

(a) *Womelsdorf-Robesonia Reservoir Authority.* A water treatment plant to improve the quality of water supply sources used by the Womelsdorf-Robesonia Reservoir Authority. A 1-million-gallon-a-day filtration plant will be constructed in Heidelberg Township, Berks County, Pa. Water will continue to be drawn from the Furnace Creek Reservoir as in the past.

(b) *Ancient Oak Water Co.* A well water supply project to augment water supplies at the Ancient Oak West Subdivision in Lower Macungie Township, Lehigh County, Pa. Existing Well No. 3 and the new well, designated as Well No. 4, are each capable of supplying an average demand of 133,000 gallons per day. Well No. 4 will normally serve as a standby well.

II. Proposal to approve the following water pollution abatement schedule as submitted in accordance with section 3-4.2(2) of the Basin Regulations—Water Quality:

(a) *A-69-2 (second revision): City of Wilmington.* An allocation of 13,400 pounds per day of carbonaceous (first stage) oxygen demand has been made for this waste treatment facility located in Wilmington, Del., and discharging into Zone 5 of the Delaware Estuary. An abatement schedule for this facility was approved on January 15, 1969, revised September 29, 1970. It requires a minimum waste reduction of 87.5 percent and that treatment facilities to accomplish this reduction shall go into operation no later than December 1973. The proposed revision changes the interim dates of the abatement schedule but the completion date remains unchanged.

Documents relating to the items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL,
Secretary.

FEBRUARY 11, 1972.

[FR Doc.72-2560 Filed 2-18-72;8:47 am]

FEDERAL MARITIME COMMISSION

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq., Kurrus and Jacobi, 2000 K Street NW., Washington, DC 20006.

Agreement No. 8210-14 amends the basic agreement by deleting that part of Article 4b which allows cargo consigned from LeHavre or Bordeaux to be forwarded between these ports at the expense of the carrying line.

Dated: February 16, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2606 Filed 2-18-72;8:50 am]

V37-35 FEB 19 72 XUM

FEDERAL POWER COMMISSION

[Docketa Nos. E7631, E7633]

CITY OF CLEVELAND, OHIO, AND CLEVELAND ELECTRIC ILLUMINATING CO.

Order Granting Reconsideration and Referring Further Motions to Presiding Examiner

FEBRUARY 8, 1972.

Permanent interconnection; temporary interconnection; antitrust.

City of Cleveland, Ohio, versus Cleveland Electric Illuminating Co., Docket No. E-7631; Cleveland Electric Illuminating Co., Docket No. E-7633.

On January 26, 1972, the Cleveland Electric Illuminating Co. (Company) filed its application for rehearing and motion for stay of the Commission's order of January 26, 1972. That Commission order denied the Company's motion to extend the time for filing of its testimony beyond the date set in the Commission's order of December 16, 1971. The application requests that the Commission grant the rehearing of its order and further requests a stay of such order pending further action on this application for rehearing.[1]

Our order of December 16, 1971, provided that the Company and the city of Cleveland, Ohio (City), must file their cases-in-chief on January 26, 1972. Our order of January 26, 1972, again stated that their respective cases-in-chief should be filed on that date. However, we have reconsidered our orders concerning the filing date and believe that in the circumstances, the Company's suggestion that it and the City be granted a 30-day extension to file their respective cases-in-chief is appropriate. Accordingly, we now change the January 26, 1972, filing date established in our order of December 16, 1971, as affirmed by our orders of January 10, 1972 and January 26, 1972, to reflect a 30-day extension. The Company and the City will now file their respective cases-in-chief on February 25, 1972. We will alter the balance of the dates established in our order of December 16, 1971, accordingly.

A Presiding Examiner was designated on January 27, 1972, in this proceeding and all further motions shall be referred to him.

The Commission orders:

(A) The application for rehearing and stay filed in this consolidated docket on January 26, 1972, by the Cleveland Electric Illuminating Co. shall be considered as a motion for reconsideration.

(B) Our order of December 16, 1971, directing the city of Cleveland and the Cleveland Electric Illuminating Co. to file their respective cases-in-chief on January 26, 1972, is hereby superseded to the extent that the parties will file their respective cases-in-chief on February 25, 1972.

(C) The dates set in our order of December 16, 1971, to the extent that they were affirmed in our orders of January 10, 1972, and January 26, 1972, respectively, concerning the filing of testimony by the Commission staff any intervenors, rebuttal testimony, a prehearing conference, and commencement of cross examination are hereby superseded to the extent that: The Commission staff and any intervenors shall serve their respective prepared testimony and exhibits on or before April 5, 1972; any rebuttal testimony and exhibits by both the city of Cleveland and the Cleveland Electric Illuminating Co. shall be served on or before April 25, 1972; a prehearing conference before a duly assigned Presiding Examiner shall be held on May 8, 1972; at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426; and cross-examination of all of the evidence shall commence on May 22, 1972, commencing at 10 a.m., e.d.s.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

(D) All further Motions shall be referred to the Presiding Examiner in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-2545 Filed 2-18-72;8:45 am]

[1] The Commission's order of January 26, 1972, is interlocutory in nature and not subject to the filing of an application for rehearing. Therefore, the application shall be considered as a motion for reconsideration.

[Docket No. E-7702]

NIAGARA MOHAWK POWER CORP.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 16, 1972.

Take notice that on January 19, 1972, Niagara Mohawk Power Corp. (Niagara Mohawk) tendered for filing in Docket No. E-7702 proposed increases in its electric service rates to the villages of Holley, Brocton, Green Island, and Richmondville, N.Y. (Villages) as follows:

Village	Percentage of annual increases (percent)	Annual amount
Holley	13.5	$13,398.06
Brocton	13.4	10,331.61
Green Island	18.2	10,623.66
Richmondville	18.6	9,918.89

Niagara Mohawk also proposes inclusion of a fuel adjustment clause in its Rate Schedule R-1 which covers electric service to the Villages of Green Island and Richmondville only. The proposed effective date of the proposed changes is March 1, 1972.

Each of the Villages was sent copies of the applicable filing and accompanying documents.

Electric service comparable to that supplied to the Villages is supplied to the city of Jamestown, N.Y. With respect to Jamestown, the company says that "* * * it is anticipated that Niagara Mohawk will be supplanted by the Power Authority of the State of New York as a wholesale supplier to that municipality within the immediate future and prior to the proposed effective date of March 1, 1972."

In the letter of transmittal, Niagara Mohawk certified that (with respect to each of the proposed increases) "it will comply with the requirements of the Price Commission of the Cost of Living Council as set forth under Chapter III, § 300.16 of the rules and regulations issued November 12, 1971, and published in the FEDERAL REGISTER on November 13, 1971, as amended on November 17, 1971."

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The Company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-2613 Filed 2-18-72;8:51 am]

[Docket No. E-7703]

PACIFIC POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

FEBRUARY 16, 1972.

Take notice that on January 24, 1972, Pacific Power & Light Co. (Pacific Power) tendered for filing in Docket No. E-7703 proposed increases in its electric service rates to the city of Ashland, Oreg. The nature of the filing is contained in the transmittal letter as follows:

Service under this agreement is scheduled to commence on February 28, 1972.

A copy of this agreement is being filed with the Oregon Public Utility Commissioner.

This agreement provides for the sale by Pacific to the city of Ashland of all the city's electrical requirements at two 12,500-volt points of delivery, and, at the option of the city, at one of the two listed rates.

Service is presently provided to the city under Rate Schedule FPC No. 47, which has not been changed since its effective date of February 28, 1952. Pacific's rates to consumers in Oregon, Washington, and California have been increased several times during this period, the most recent increase having been authorized in 1970.

In terms of gross revenues, the new rate schedules provide for an increase after the sixth year of approximately 9.5 percent, and an average increase in gross revenues over the 10-year initial period of 7.45 percent.[1]

[1] The increase was taken in steps at the request of the city for budgetary reasons.

Order No. 70-664 by the Public Utility Commissioner of Oregon (October 5, 1970) authorized an increase in gross revenues in the rates subject to his jurisdiction of 9.3 percent, and that order with Decision No. 777419 of the Public Utilities Commission of California (September 23, 1970) and Cause No. U 9947 of the Washington Utilities and Transportation Commission (May 8, 1970) authorized an overall increase in gross revenues from rates subject to their jurisdiction of 10.45 percent.

The agreement provides for two alternate rates at the option of the city. Both rates were designed to produce approximately the same revenues at present load levels. Rate No. 1 includes a demand charge, was requested by the city, and was designed with smaller end-step energy charge to provide incentive for the city to increase its load factor. Rate No. 2 is the revision of the present rate in Rate Schedule FPC No. 47 and does not include a demand charge.

Enclosed are two copies of a statement comparing sales and services and revenues therefrom, by months and for the year, under both the rate schedule proposed to be superseded and the proposed changed rate schedule, each applied to transactions for the 12 months immediately preceding and succeeding the date on which the new rate schedule is to become effective.

Pacific does not supply similar wholesale for resale services within the States of Oregon, Washington, or California with which a comparison can be made.

The proposed estimated annual amounts of increased revenues are as follows:

Demand and energy levels	Rate No. 1	Rate No. 2
12 months ending February 1972.	$13,276.85	$18,585.96
12 months ending February 1973.	12,419.46	19,102.42

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 25, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-2614 Filed 2-18-72;8:51 am]

[Docket No. RP72-74]

SOUTHERN NATURAL GAS CO.

Order Denying Motion for Consolidation of Proceedings, Scheduling Formal Hearing, and Establishing Procedures

FEBRUARY 10, 1972.

The proceeding in Docket No. RP72-74 involves the reasonableness of the curtailment plan filed by Southern Natural Gas Co. (Southern) in response to the Commission's Order No. 431, which was issued April 15, 1971. By order issued December 23, 1971, Southern's curtailment plan was suspended for 1 day.

On December 15, 1971, Georgia Industrial Group (GIG)[1] filed a motion for consolidation of the proceedings in Dockets Nos. RP71-3 and RP72-74. In support of its motion, GIG states that the two proceedings are similar in certain respects and, consequently, consolidation would save administrative time and effort and would avoid duplication.

The proceeding in Docket No. RP71-3 is a complaint proceeding initiated by Carolina Pipeline Co. (Carolina) against Southern and is concerned with the question of properly allocating available gas volumes on Southern's system for direct and resale sales between steam electric generating plants and all other industries. Hearings on Carolina's complaint have been held, briefs have been filed, and the record is before the Examiner for his initial decision.

On December 27, 1971, Carolina filed an objection to GIG's motion stating that consolidation of the proceedings would unduly delay a determination in the complaint proceeding. We agree. While some of the issues may be similar in both proceedings, we believe that expedition and orderly administrative process requires denial of GIG's motion.

As found in our order of December 23, 1971, Southern's curtailment plan may be unlawful under the Natural Gas Act. Additionally, by our order of January 20, 1972, we permitted numerous parties to intervene many of whom have protested Southern's proposed curtailment plan. We will thus initiate a formal hearing to determine the justness and reasonableness of the proposed curtailment plan and will establish procedures to effectuate that determination.[2]

The Commission finds:

(1) Good cause exists to deny GIG's motion to consolidate the proceedings involved in Dockets Nos. RP71-3 and RP72-74.

(2) Good cause exists for formal hearings to be held in Docket No. RP72-74 and for the procedures hereinafter ordered.

The Commission orders:

(A) The motion for consolidation of the proceedings in Dockets Nos. RP71-3 and RP72-74 filed by GIG on December 15, 1971, is hereby denied.

(B) A formal hearing shall be convened in Docket No. RP72-74 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, on March 14, 1972, at 10 a.m. (e.s.t.), concerning the issues involved in testing the reasonableness of Southern's curtailment plan. The Chief Examiner will designate an appropriate officer of the Commission to preside at the formal hearing, pursuant to the Commission's rules of practice and procedure.

(C) Southern and any supporting interveners shall serve on all parties including the Presiding Examiner and our staff, its direct case in Docket No. RP72-74 on or before February 24, 1972, and the hearing ordered by paragraph (B) above shall commence with cross-examination of Southern's direct case and shall proceed, under procedures established by the Presiding Examiner including settlement conferences if deemed appropriate, to an expeditious conclusion and determination.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-2546 Filed 2-18-72;8:45 am]

[1] The Group consists of: American Industrial Clay of Sandersville, Anglo-American Clay Corp., Burgess Pigment Co., Chemical Products Corp., Cherokee Brick & Title Co., Englehard Minerals & Chemicals Corp., Georgia Kaolin Co., Glass Containers Corp., Griffin Pipe Products Co. (Amsted Industries, Inc), National Biscuit Co., Owens-Illinois, Inc., Southwire Co., Thiele Kaolin Co., and Thompson, Wienman & Co.

[2] We do not here dispose of the five pending applications for rehearing in this proceeding.

[Docket No. CP72-192]

UNITED GAS PIPE LINE CO.

Notice of Application

FEBRUARY 7, 1972.

Take notice that on January 28, 1972, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP72-192 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas by Applicant for Trunkline Gas Co. (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 5,000 Mcf of natural gas per day for Trunkline from applicant's purchase meter station in East Donner Field, Terrebonne Parish, La., to th tailgate of Humble Oil & Refining Co.'s Garden City Plant in St. Mary Parish, La. Applicant proposes to charge Trunkline the initial rate of 5 cents per Mcf for the transportation service. Applicant states that it has sufficient existing pipeline capacity to transport such gas for Trunkline and that no new facilities will be required to render such service.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 29, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

V37-35 FEB 19 72 XUM

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2544 Filed 2-18-72;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank

First Florida Bancorporation, Tampa, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Titusville, Titusville, Fla. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls 23 banks with total aggregate deposits of $445 million, representing 3 percent of commercial bank deposits in Florida and is the sixth largest banking organization in the State.[1] Acquisition of Bank (deposits of $16 million) would not change this ranking and would add only one-tenth percent to applicant's share of deposits in the State. There is no existing competition between any of applicant's subsidiaries or Bank, with the closest subsidiary about 35 miles away. Moreover, due to this distance, the large number of intervening banks and Florida's branching laws, there is little likelihood of substantial competition developing between this or any other of applicant's subsidiaries and Bank. Additionally, there is little probability of de novo entry by applicant into the Northern Brevard area in which Titusville is located since this area has become economically unattractive due to the cutbacks in the space program at nearby Cape Kennedy. Moreover, applicant's acquisition of Bank could have procompetitive effects since Bank is only the sixth largest of 10 banks—with less than 10 percent of the area deposits—and two of the larger area banks are affiliated with large holding companies. Applicant could enable Bank to more vigorously compete with these institutions. Considerations relating to competition are consistent with approval of the application.

The financial and managerial resources and prospects of applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval. Considerations relating to the convenience and needs of the communities are also consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] February 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2564 Filed 2-18-72;8:47 am]

[1] Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved by the Board through Dec. 31, 1971.

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 16, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 112822 Sub 211, Bray Lines, Inc., continued to May 2, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. M-25435, Joint Motor-Water Rates, Jacksonville, Fla., to Puerto Rico, now assigned February 23, 1972, at Washington, D.C., is canceled.

MC 108359 Sub 6, Western New York Motor Lines, Inc., assigned March 6, 1972, MC 135728, Richard J. Franks, assigned March 9, 1972, MC 116519 Sub 15, Frederick Transport Ltd., assigned March 15, 1972, MC 116519 Sub 13, Frederick Transport Ltd., assigned March 13, 1972, MC 135437 Sub 1, Tri-Northeastern Transport, Inc., assigned March 17, 1972, will be held in Room 913, Federal Building, 111 West Huron Street, Buffalo, NY.

MC 56679 Sub 63, Brown Transport Corp., assigned for hearing March 20, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA.

MC-C-7397, Paul V. Adams Trucking, Inc.—Investigation and Revocation of Certificates, and MC 9429 Sub 7, Paul V. Adams Trucking, Inc., transferred to Portland, Maine, on February 16, 1972, in Room 232, 156 Federal Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2610 Filed 2-18-72;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 16, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42352—*Iron and steel articles between points in Illinois Freight Association territory.* Filed by Illinois Freight Association, agent (No. 374), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from and to points in Illinois Freight Association territory, located on the Missouri Pacific Railroad Co., Chicago, Rock Island and Pacific Railroad Co. and Chicago, South Shore and South Bend Railroad Co.

Grounds for relief—Motor competition.

Tariff—Supplement 154 to Illinois Freight Association, agent, tariff ICC 1087. Rates are published to become effective on March 24, 1972.

FSA No. 42353—*Liquid caustic soda and chlorine to points in southern territory.* Filed by M. B. Hart, Jr., agent (No. A6297), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), and chlorine, in tank carloads, as described in the application, from Charleston, Tenn., and Nixon, Ga., to specified points in southern territory.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 75 and 339 to Southern Freight Association, agent, tariffs ICC S-938 and S-484, respectively. Rates are published to become effective on March 23, 1972.

[2] Voting for this action; Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Chairman Burns.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42354—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 653), for interested rail carriers. Rates on carbon dioxide, liquid, in tank car loads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 130 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998. Rates are published to become effective on March 17, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2609 Filed 2-18-72;8:50 am]

[Notice 24]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 15,1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR, Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2229 (Sub-No. 167 TA), filed February 2, 1972. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, TX 75247. Applicant's representative: Martin B. Turner, Post Office Box 47407, Dallas, TX 75247. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except those of unusual value, livestock, commodities in bulk, household goods as defined in practices of motor carriers of household goods, 17, MCC 476, and requiring special equipment, from De Ridder, La., over U.S. Highway 190 to the plantsite of Boise Southern Co. located approximately 6 miles west and 1 mile north of De Ridder, La., and return over the same route, serving no intermediate points, for 180 days. NOTE: Applicant states it intends to tack its authority with MC-2229 and subs thereunder. Supporting shipper: Boise Cascade Corp., Transportation and Distribution Department, Post Office Box 7747, Boise, ID 83707. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 2860 (Sub-No. 109 TA), filed January 31, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Addison Hand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container components and ends*, including the *return of pallets, packaging, and rejected materials*, from Baltimore, Md.; Paterson, Pennsauken, Hillside, N.J.; and Maspeth, N.Y.; to the plantsite and warehouse of Annheuser-Busch, Inc., located in James City County, Va., for 180 days. Supporting shippers: Continental Can Co., Inc., 633 Third Avenue, New York, NY 10017; American Can Co., American Lane, Greenwich, Conn. 06830. Send protests to: District Supervisor Richard M. Regan, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 76472 (Sub-No. 18 TA), filed January 31, 1972. Applicant: MATERIAL TRUCKING CO., 924 South Heald Street, Wilmington, DE 19801. Applicant's representative: William Salenni (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ilmenite ore*, in bulk, from points in Ocean County, N.J., to Edgemore, Del., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 78276 (Sub-No. 5 TA), filed January 31, 1972. Applicant: MAZZEO & SONS EXPRESS, a corporation, 311 South River Street, Hackensack, NJ 07601. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between the New York, N.Y., commercial zone, on the one hand, and, on the other, Hallendale, Hialeah, Jacksonville, Miami, and West Palm Beach, Fla., for 180 days. NOTE: Applicant states it desires to tack with present authority in the New York, N.J., commercial zone. Supporting shipper: BBC Agency, 1048 Northwest Third Street, Hallendale, Fla., and nine other shippers attached to this application. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 96098 (Sub-No. 57 TA), filed January 31, 1972. Applicant: MILTON TRANSPORTATION, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Under MC-96098 printing paper*, from Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under the commodity description next above are limited to a transportation service to be performed, under a continuing contract or contracts with St. Regis Paper Co. of New York, N.Y., and Howard Paper Mills, Inc., of Urbana, Ohio; *under MC-96098 Sub-No. 28, printing paper*, from Urbana, Franklin, and Dayton, Ohio, to points in New York, New Jersey, Connecticut, and Pennsylvania, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts with St. Regis Paper Co., of New York, N.Y., and Howard Paper Mills, Inc., Urbana, Ohio; *under MC-96098 Sub-No. 46, printing paper, gummed paper, gummed paper tape, and paper backed with aluminum foil*, from Troy, Dayton, Urbana, and Franklin, Ohio, to points in Massachusetts, Rhode Island, Maryland, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with St. Regis Paper Co., of New York, N.Y., and Howard Paper Mills, of Urbana, Ohio, for 150 days. NOTE: The permits presently held by the applicant contain a restriction limiting transportation service to be performed for St. Regis Paper Co. This application requests the addition of Howard Paper Mills, Inc., as a shipper since the properties at Urbana, Franklin, and Dayton, Ohio, have been purchased by it from St. Regis. Supporting shipper: Howard Paper Mills, Inc., Urbana, Ohio. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 107544 (Sub-No. 105 TA) (Correction), filed January 25, 1972, published FEDERAL REGISTER February 9, 1972, corrected and republished in part as corrected this issue. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, Post Office Box 580, Marion, VA 24354. NOTE: The purpose of this partial republication is to show the correct origin point as Richmond

V 37 ■ 35 FEB 19 72 XUM

County, Ga., in lieu of Richmond County, Va., shown erroneously in previous publication. The rest of the notice remains the same.

No. MC 114273 (Sub-No. 113 TA), filed February 2, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail sales stores, from Lawrence, Kans., to points in Iowa and points in Minnesota on and south of U.S. Highway 14 and Rock Island and Moline, Ill., restricted to the transportation of traffic originating at the above-specified origin and destined to the above-specified destinations, and restricted against the transportation of commodities in bulk, in tank vehicles, for 180 days. Supporting shipper: S. S. Kresge Co., 2727 Second Avenue, Detroit, MI 48201. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 124004 (Sub-No. 21 TA), filed December 23, 1971. Applicant: RICHARD DAH, INC., 620 West Mountain Road, Sparta, NJ 07871. Applicant's representative: George A. Olsen, Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry meat and bone scrap*, in bulk, in dump vehicles, from Jersey City, N.J., to Manchester, Conn., for 150 days. Supporting shipper: Paterson Tallow Co., Inc., Post Office Box 287, Jersey City, NJ 07306. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07108.

No. MC 124078 (Sub-No. 500 TA), filed February 2, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from the plantsite of Midwest Terminal Warehouse, Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma, for 180 days. Supporting shippers: Olin Corp., Agricultural Division, Post Office Box 991, Little Rock, AR 72203 (R. H. May, Supervisor, Rates and Analysis); Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103 (J. J. Stefanec, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 125535 (Sub-No. 4 TA), filed February 2, 1972. Applicant: JOHN SHARP TRUCKING COMPANY, INC., 346 Central Avenue, Woodbury, NJ 08097. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration and freezing units, machines, and equipment and parts and supplies connected therewith*, crated (except those which because of size or weight require the use of special equipment or handling), *and shelves, bins, containers, and checkout counters*, from the plantsite and storage facilities of Hussman Refrigerator Co., at or near Bellmawr, N.J., to points in Virginia, West Virginia, Maryland, Connecticut, Massachusetts, Pennsylvania, New York, Delaware, Rhode Island, and the District of Columbia, damaged and defective equipment described above, from the destination points specified above, to the plantsite and storage facilities of Hussman Refrigerator Co., at Cherry Hill, N.J., and at or near Bellmawr, N.J. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Hussman Refrigerator Co., for 180 days. NOTE: Applicant states it intends to tack with this authority. Supporting shipper: Hussman Refrigerator Co., 12999 St. Charles Rock Road, Bridgeton, MO 63044. Send protests to: District Supervisor Richard M. Regan, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 126473 (Sub-No. 20 TA), filed January 31, 1972. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Tama Meat Packing Corp. at Tama, Iowa, to points in California, Colorado, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, Nebraska, New Jersey, New York, North Dakota, Pennsylvania, South Dakota, Tennessee, and Texas; and (2) *hides*, from the plantsite of Tama Meat Packing Corp. at Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Tama Meat Packing Corp., Tama, Iowa 52339. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128490 (Sub-No. 7 TA), filed February 3, 1972. Applicant: ROBERT J. ERICKSON, doing business as BOB ERICKSON TRUCKING, Route 2, Rush City, Minn. 55069. Applicant's representative: A. R. Fiwler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fire protection sprinkler systems*, including *materials, equipment, and tools* used in the installation thereof, from Rush City, Minn., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; and *returned shipments of such merchandise* from above-specified destination points to Rush City, Minn., for 180 days. Supporting shipper: United Sprinkler, Minneapolis, Minn. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 129486 (Sub-No. 5 TA), filed February 3, 1972. Applicant: PAGE TRUCKING COMPANY, INC., Post Office Box 14, Hines, MN 56647. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale food and grocery business houses, from Iowa City, Iowa, to the facilities of L. B. Hartz Wholesale, Inc., at Thief River Falls, Minn., for 180 days. Supporting shipper: L. B. Hartz Wholesale, Inc., 120 South Arnold, Thief River Falls, MN 56701. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 133846 (Sub-No. 4 TA), filed February 3, 1972. Applicant: FLITE LINE SERVICE, INC., 1601 Wolf Street, Philadelphia, PA 19145. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Logan International Airport, Boston, Mass.; LaGuardia Airport and J. F. Kennedy International Airport, New York, N.Y.; Newark Airport, Newark, N.J.; Philadelphia International Airport, Philadelphia, Pa.; Friendship International Airport, Anne Arundel County, Md.; Dulles International Airport, Chatilly, Va.; and Washington National Airport, Arlington County, Va.; on the one hand, and, on the other, Norfolk Municipal Airport, Norfolk, Va.; Patrick Henry Airport, Newport News, Va.; Richard E. Byrd Flying Field, Richmond, Va.; Greensboro-Highpoint Airport, Guilford County, N.C.; Douglas Municipal Airport, Mecklenburg County, N.C.; Raleigh-Durham Airport, Wake County, N.C.; Greenville-Spartanburg Airport, Greenville County, S.C.; Columbia Airport, Lexington County, S.C.; Charleston AFB/Municipal Airport, Berkelee County, S.C.; Atlanta Airport, Atlanta, Ga.; Thomas Cole Imeson Airport, Jacksonville, Fla.; Herndon Airport, Orlando, Fla.; Tampa International Airport, Tampa, Fla.; and Miami International Airport, Miami, Fla. Restriction: Restricted to transportation of traffic having: (1) A prior or subsequent movement by air, or (2) tendered by a direct air carrier, for 180 days. Supporting shippers: Pan American World Airways, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; Seaboard World Airlines, Seaboard World Building, J. F. Kennedy International Airport, Jamaica, N.Y. 11430; Eastern Air Lines Inc., International Airport, Miami, Fla. 33148. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 133962 (Sub-No. 4 TA), filed February 2, 1972. Applicant: JAMES W. ALDRICH, 3420 Northeast Ninth Avenue, Ocala, FL 32670. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquets, vermiculite, and hickory chips*, in bags; and (2) *charcoal lighter fluid, and charcoal grills and accessories*, from the plantsites of Husky Industries, Inc., at Jacksonville, Ocala, and Romeo, Fla., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia, service to be performed under a continuing contract or contracts with Husky Industries, Inc., for 180 days. Supporting shipper: Husky Industries, Inc., Jacksonville, Fla. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135352 (Sub-No. 3 TA), filed February 3, 1972. Applicant: VANDER HART TRANSFER & STORAGE, INC., 1207 Franklin Street, Pella, IA 50219. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and furniture components; and plastic articles*, from Pella and Des Moines, Iowa, to St. Louis, Mo., for 180 days. Supporting shipper: Foam Molding Corp. of Iowa, 8000 University Avenue, Des Moines, IA 50311. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 136346 (Sub-No. 1 TA), filed January 27, 1972. Applicant: JAMES S. SMITH, Fairfax, Mo. 64446. Applicant's representative: Howard L. McFadden, Suite 200, 131 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, sand, gravel, and rock*, from points in Cass, Nemaha, Otoe, Richardson, and Sarpy Counties, Nebr., to points on and west of U.S. Highway 71 in Nodaway County, Mo., and points in Atchison and Holt Counties, Mo., for 150 days. Supporting shippers: Tri City Concrete Co., Tarkio, Mo.; Atchison County Court, Rock Port, Mo.; Herbert & Broomer Construction Co., St. Joseph, Mo.; Sly Lumber Co., Fairfax, Mo.; McIntire Lumber Co., Mound City, Mo. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136348 (Sub-No. 1 TA), filed February 2, 1972. Applicant: FRANCIS WHOLESALE COMPANY, 423 Westfield Street, Greenville, SC 29601. Applicant's representative: Harry A. Chapman, Jr., Post Office Box 10167 F.S., Greenville, SC 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail grocery stores and supermarkets including but not limited to fresh, frozen, and processed meats, between the warehouses and facilities of Pearce, Young, Angel, Inc., and its affiliates at Greenville, Charleston, and Columbia, S.C.; Charlotte, Asheville, and Raleigh, N.C.; Jacksonville, Fla.; and Peachtree City, Ga., for 180 days. Supporting shippers: Pearce, Young, and Angel, Greenville, S.C.; Greenville Freezer Storage, Inc., Greenville, S.C. (subsidiary of PYA). Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 136375 TA, filed February 2, 1972. Applicant: DONCO CARRIERS, INC., Post Office Box 75410, Oklahoma City, OK 73107. Applicant's representative: Wm. L. Peterson, Jr., Post Office Box 917, Oklahoma City, OK 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are used in the manufacture of products by the food, drug, and agricultural industries (a) from the plantsites of Hoffman-Taff, Inc., located at Springfield and Verona, Mo., and West Alexandria, Ohio, to points in the United States west of the western boundaries of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, and (b) from the warehouse of Hoffman-Taff, Inc., located at Dallas, Tex.; Roselle, N.J.; Des Moines, Iowa; Minneapolis, Minn.; Gainesville, Ga.; and Chattanooga, Tenn., to points in the United States west of the western boundaries of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas; and (2) *packaging supplies, and equipment and ingredients* used in the manufacture of the commodities described in (1) above, except commodities in bulk, from points in the United States west of the western boundaries of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas to the plantsites and warehouse location described in paragraphs (1) (a) and (b) above, for 180 days. Supporting shipper: A. C. Fletcher, General Traffic Manager, Hoffman-Taff, Inc., Post Office Box 1246 S.S.S., Springfield, MO 65805. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2606 Filed 2-18-72;8:50 am]

PAY BOARD

[Order 3]

CHAIRMAN

Delegation of Authority

Pursuant to the authority vested in the Pay Board by Executive Order No. 11640, and Cost of Living Council Order No. 3, as amended, it is hereby ordered as follows:

1. There is delegated to the Chairman of the Pay Board responsibility for all administrative functions, including, but not limited to, contracting, acquisition of supplies, financial certifications, allocation of funds, travel approval, personnel actions, and staff organization.

2. There is delegated to the Chairman authority to recommend litigation and to represent the Pay Board in litigation: *Provided, however*, That such litigation shall be only for the purpose of enforcing policies and regulations established by the Pay Board.

3. There is delegated to the Chairman authority to approve for publication "Questions and Answers" and rulings concerning the interpretation of (a) the Economic Stabilization Act of 1970, as amended, (b) Pay Board policy decisions, and (c) Pay Board regulations.

4. There is delegated to the Chairman authority to rule on the following cases:

a. Category I Pay Adjustments—The Chairman shall have authority to approve pay adjustments within the General Wage and Salary Standard or within the exceptions to such standard as established by the Board. All cases not within such guidelines must be decided by the Pay Board.

b. Category II Pay Adjustments—The Chairman shall have authority to approve or deny requests for exceptions; provided, however, at the request of the person aggrieved by decision of the Chairman, the Pay Board may review and act upon such decision of the Chairman.

c. Category III Pay Adjustments—The Chairman shall have authority to approve or deny requests for exceptions submitted to the Pay Board until such

V37I35 FEB1972 XUM

time as authority to rule on such requests is delegated to the Internal Revenue Service. Following such delegation, the Chairman shall have authority to rule on appeals from Internal Revenue Service determinations. In either case, any person aggrieved by a decision of the Chairman may request further review from the Pay Board. The Pay Board shall review and act upon such requests only if seven members of the Board or a majority of a designated subcommittee of the Board certify that such review should be considered.

5. There is delegated to the Chairman the authority to rule on appeals from Internal Revenue Service determinations made pursuant to paragraphs (d), (e), and (f) of § 201.13 of the Pay Board regulations. Any person aggrieved by a decision of the Chairman may request further review from the Pay Board. The Pay Board shall review and act upon such requests only if seven members of the Board or a majority of a designated subcommittee of the Board certify that such review should be considered.

6. There is delegated to the Chairman authority to rule on appeals from Internal Revenue Service determinations such as interpretations, rulings or opinions concerning the Economic Stabilization Act of 1970, as amended, and Pay Board regulations.

7. There is delegated to the Chairman the authority in certain cases of retroactive and deferred increases to request additional information pursuant to §§ 201.13(b)(4) (i)(b) and (ii) and 201.15(b)(1) of Pay Board regulations.

8. The Pay Board retains, and does not here delegate, authority to review challenged pay adjustments as to deferred increases under § 201.14 of Pay Board regulations.

9. The Chairman is hereby authorized to redelegate any authority delegated to him in paragraphs 1–7.

10. This delegation shall be effective as of January 21, 1972.

By the direction of the Pay Board.

GEORGE H. BOLDT,
Chairman, Pay Board.

[FR Doc. 72-2685 Filed 2-18-72;12:11 p.m.]

[Order 3A]

EXECUTIVE DIRECTOR

Delegation of Authority

Pursuant to the authority delegated to the Chairman of the Pay Board by section 9 of Pay Board Order No. 3, it is hereby ordered as follows:

1. There is redelegated to the Executive Director of the Pay Board the authorities delegated to the Chairman of the Pay Board by sections 1–7 of Pay Board Order No. 3.

2. The Executive Director of the Pay Board is authorized to redelegate any or all of the authorities set out in such order to such officers and employees of the Pay Board staff as he deems necessary for the orderly and efficient performance of Pay Board functions.

3. This delegation shall be effective as of January 21, 1972.

GEORGE H. BOLDT,
Chairman, Pay Board.

[FR Doc.72-2686 Filed 2-18-72;12:11 pm]

[Order 4]

SECRETARY OF THE TREASURY

Delegation of Authority Concerning Implementation of Stabilization of Wages and Salaries

In view of the changes made by the enactment of the Economic Stabilization Act Amendments of 1971 to the Economic Stabilization Act of 1970, as amended (hereinafter the Act), the Pay Board has determined that it would be appropriate to reaffirm and clarify the authority of the Secretary of the Treasury with respect to the implementation of stabilization of wages and salaries. Pursuant to the authority vested in the Pay Board by section 7 of Executive Order No. 11640, and by Cost of Living Council Order No. 3, as amended, it is hereby ordered as follows:

1. The delegation of authority to the Secretary of the Treasury contained in Pay Board Order No. 1 is hereby reaffirmed and continued. It has been determined that this order confers upon the Secretary of the Treasury the authority to perform functions which include, but are not limited to, the following:

(a) Determinations that certain proposed retroactive payments in all Pay Categories satisfy the criteria for such payments pursuant to 6 CFR 201.13 (d), (e), and (f): *Provided*, That in the event of an adverse ruling an appeal may be made to the Pay Board; and

(b) Processing challenges by parties at interest made in accordance with 6 CFR 201.14 to existing contracts or pay practices previously set forth, investigating such challenges, and reporting the positions of all parties at interest, including the forwarding of supporting documents, to the Pay Board for determination.

2. In addition to the authority delegated by Order No. 1 and continued by this order, the Secretary of the Treasury, or his duly authorized agent, shall have the authority to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Act, for any purpose related to the Act.

3. In addition to the authority delegated by Order No. 1 and continued by this order, the Secretary of the Treasury shall have, effective December 31, 1971, the authority to review reports of wage and salary increases allowed as self-executing exceptions pursuant to 6 CFR 201.11(c).

4. In addition to the authority delegated by Order No. 1 and continued by this order, the Secretary of the Treasury shall have, effective January 21, 1972, the authority to:

(a) Approve requests for exceptions concerning Category III pay adjustments which meet the conditions set forth in 6 CFR 201.11(a)(1) (tandem relationships); in 6 CFR 201.11(a)(2) (essential employees); or in such additional criteria for exceptions as may hereafter be established by the Pay Board, and

(b) Deny all requests for exceptions concerning Category III pay adjustments which do not meet the conditions of the criteria specified in section 4(a) of this order.

5. In addition to the authority delegated by Order No. 1 and continued by this order, the Secretary of the Treasury shall have, effective January 27, 1972, the authority to:

(a) Review certifications of retroactive pay adjustments made by Category II or Category III employers in accordance with 6 CFR 201.13(b)(4)(i)(a).

(b) Review certifications of retroactive pay adjustments or certain deferred increases made by Category II or Category III employers in accordance with 6 CFR 201.15(b)(2);

(c) Make determinations for parties at interest in accordance with 6 CFR 201.15(b)(3) as to whether the requirements for retroactive pay adjustments or certain deferred increases pursuant to 6 CFR 201.15 (a) and (c) have been met; and

(d) Make a determination or transmit to the Pay Board for determination any application by a party at interest in accordance with 6 CFR 201.15(b)(3) that claims that the requirements for a retroactive pay adjustment or a deferred increase pursuant to 6 CFR 201.15(a) have been met without meeting the requirements of 6 CFR 201.15(c).

6. Where references are made in this order to specific CFR sections, such delegated authority shall extend to any subsequent renumbering of such sections. Where substantive changes are made to said enumerated CFR sections, the authority delegated in this order shall extend to such changes unless expressly stated otherwise by the Pay Board in its regulations.

7. The Secretary of the Treasury may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may, in carrying out the functions delegated by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

8. Unless otherwise provided, this order shall be effective as of December 22, 1971.

By direction of the Board.

GEORGE H. BOLDT,
Chairman of the Pay Board.

[FR Doc.72-2687 Filed 2-18-72;12:11 pm]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATIONS:	
2032 (see PLO 5158)	3058
2372 (see PLO 5158)	3058
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3967 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
4105	2831
4106	2921
4107	3165
4108	3613
4109	3615
4110	3617
4111	3619
4112	3621
EXECUTIVE ORDERS:	
January 27, 1913 (partially revoked by PLO 5159)	3184
5237 (partially revoked by PLO 5155)	2840
5327 (see PLO 5157)	3057
7295 (see PLO 5162)	3185
8592 (see PLO 5162)	3185
11183 (amended by EO 11648)	3623
11248 (amended by EO 11641)	2421
11345 (amended by EO 11646)	2925
11410 (see EO 11648)	3623
11568 (see EO 11642)	2565
11641	2421
11642	2565
11643	2875
11644	2877
11645	2923
11646	2925
11647	3167
11648	3623
11649	3625
11650	3739
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567
Memorandum of February 9, 1972	3627

5 CFR

213	2423, 2491, 2841, 2842, 2879, 3049, 3741
532	3409
550	3355
PROPOSED RULES:	
900	2589

6 CFR

101	2491, 2678
102	2478
200	2479
201	3357
300	2842, 3410
311	2480
401	3741

7 CFR

7	3349
51	2745
53	2745
501	2423
502	2424
701	2833
706	2491
722	3171, 3420
724	2745, 3422, 3507
726	2496
729	2645, 2765, 3629
795	3049
811	2659, 3629
905	2660
906	2765, 3049
907	2569, 2927, 3507, 3742
910	2426, 2766, 2834, 3171, 3742
928	2927
982	3630
993	3349
1001	2928
1002	2929
1004	2929
1006	2930
1007	2930
1011	2930
1012	2930
1013	2931
1015	2931
1030	2931
1032	2932
1033	2932
1036	2932
1040	2932
1043	2933
1044	2933
1046	2933
1049	2933
1050	2934
1060	2934
1061	2934
1062	3631
1063	2934
1064	2935
1065	2497, 2935
1068	2935
1069	2935
1070	2936
1071	2936
1073	2936
1075	2936
1076	2937
1078	2937
1079	2937
1090	2937
1094	2938, 2944
1096	2938
1097	2938
1098	2938
1099	2939
1101	2939
1102	2939
1103	2939
1104	2940
1106	2940
1108	2940
1120	2940
1124	2940
1125	2941
1126	2941
1127	2941
1128	2941
1129	2942
1130	2942
1131	2942
1132	2942
1133	2943
1134	2943
1136	2943
1137	2943
1138	2944
1427	3742
1806	2879
1823	2879, 3172
1871	2569
1890	3174
18901	3172
PROPOSED RULES:	
29	3362
51	3363, 3642
59	2775, 3187
81	2776
225	3440
271	3545
724	3438
726	2773
729	2774
906	3643
909	3366
945	2844
966	2845
982	2515
987	2890, 3439
991	3440
993	2515, 3644
1001	3187
1002	3187
1046	2969
1061	3536
1068	3536
1137	3545
1421	2844, 3753
1434	2775
1446	2844
1464	3439
1481	2820
1701	2846, 3546

8 CFR

100	3744
214	2766
238	2766, 3744
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

11	2426
51	3507
73	2945
76	3600
82	2429, 2498, 3050
97	2430, 3410
113	2430
204	3631
301	2661
311	2661
315	2661
PROPOSED RULES:	
316	2779
317	2779

V37-35 FEB 19 72 XUM

10 CFR

Page
140 — 3423
PROPOSED RULES:
50 — 3646

12 CFR

563 — 3508
701 — 2946, 3174, 3508
PROPOSED RULES:
529 — 2447
545 — 3549
750 — 2594

13 CFR

120 — 2569
123 — 2947
PROPOSED RULES:
121 — 3768

14 CFR

39 — 2498, 2570, 2662, 2835, 2880, 3409, 3508, 3631
71 — 2570–2572, 2835–2837, 2952, 2953, 3050, 3349, 3409, 3509, 3631, 3632, 3745, 3746
73 — 2499, 2837
75 — 2499, 2500, 2572, 2767, 3510
93 — 2953
95 — 2573
97 — 2662, 3174, 3510
121 — 2500
221 — 2664
241 — 2501
PROPOSED RULES:
61 — 2523
67 — 2523
71 — 2524, 2587, 2682, 2683, 3059, 3367, 3341–3443, 3548, 3645, 3763, 3764
73 — 2847
103 — 2587, 2588
121 — 2523, 2684
127 — 2523
159 — 3059
183 — 2523

15 CFR

377 — 2430
386 — 3175
390 — 3511
PROPOSED RULES:
7 — 2846
500 — 3726
610 — 3644

16 CFR

13 — 2575, 2576, 2578–2581, 2953
PROPOSED RULES:
302 — 3443
425 — 2848
429 — 3551
432 — 2454, 2849

17 CFR

24[illegible] — 3050
OSED RULES:
230 — 2596, 2598
239 — 2596, 2598
240 — 3059, 3446

18 CFR

2 — 2502, 2954

18 CFR—Continued

Page
PROPOSED RULES:
101 — 2451
104 — 2451
105 — 2451
141 — 2451
260 — 2451, 3193

19 CFR

12 — 2430, 2665
21 — 3423
24 — 3425
PROPOSED RULES:
1 — 2443
11 — 2509
134 — 2509

20 CFR

404 — 3425
614 — 2434
617 — 2434
PROPOSED RULES:
405 — 3492
620 — 2684

21 CFR

1 — 3175
3 — 2503, 3175, 3746
8 — 3177
121 — 2437, 2958–2960, 3177, 3746
135 — 2961, 3053, 3426
135b — 3053
135c — 3178, 3426
135e — 2960, 2961, 3633
141c — 2665
141d — 3178
144 — 2960
146a — 2665, 3178, 3426
146c — 2665
146d — 3178
146e — 2665, 3179, 3426
148i — 3179
148n — 2665
149a — 2438
295 — 3427
PROPOSED RULES:
15 — 3189
17 — 3189
31 — 3644
121 — 3060, 3366
130 — 2969
135 — 2444
191 — 3645

22 CFR

41 — 2439, 3053

24 CFR

43 — 3633
110 — 3429
235 — 3747
275 — 3185
600 — 2665
1710 — 2768
1911 — 3350
1914 — 2505, 2881, 3748
1915 — 2505, 2882, 3749
PROPOSED RULES:
235 — 3548
420 — 3546

25 CFR

221 — 2506
PROPOSED RULES:
43h — 2679
221 — 3060

26 CFR

Page
1 — 2506
12 — 3511
301 — 2481, 2506, 3746
PROPOSED RULES:
1 — 2773, 3526, 3530
12 — 3526
301 — 3530

28 CFR

0 — 3180
9 — 2768
45 — 2769

29 CFR

511 — 3420
727 — 3180
1904 — 2439
1910 — 3053, 3431, 3512
1926 — 3431, 3512
PROPOSED RULES:
460 — 2443, 3759
1926 — 2443

30 CFR

PROPOSED RULES:
80 — 2968

31 CFR

316 — 2554
500 — 3520
505 — 3520

32 CFR

215 — 3637
1452 — 3181
1467 — 3747
1801 — 2672
1808 — 2673, 3640
PROPOSED RULES:
1499 — 2849

32A CFR

Ch. X:
OI Reg. 1 — 2439

33 CFR

3 — 3350
117 — 2838
199 — 3433
207 — 3750
PROPOSED RULES:
110 — 2446, 2447, 2587, 2890
117 — 2521, 2522
154 — 3763
155 — 3763
156 — 3763

36 CFR

6 — 3350
PROPOSED RULES:
7 — 3438

37 CFR

2 — 2880
202 — 3055
PROPOSED RULES:
1 — 2520

38 CFR

0 — 3435
1 — 2676
8 — 3352

38 CFR—Continued

Page
PROPOSED RULES:
1 — 3552

39 CFR

Ch. I — 2423
135 — 3521
273 — 3352
619 — 3056

40 CFR

52 — 2581
85 — 2432
106 — 2433
180 — 2676, 2839, 2883, 3181, 3352
PROPOSED RULES:
6 — 3367
164 — 3060

41 CFR

1–2 — 2769
1–7 — 2769
1–12 — 2769
1–16 — 2771
3–1 — 3353
3–2 — 3353
5A–1 — 3182
5A–2 — 3182
5A–8 — 2507
5A–72 — 3183
5A–73 — 2441, 3183
6–1 — 3640
7–1 — 3521
7–16 — 3521
8–14 — 2508
8–74 — 2508
9–1 — 3435
9–5 — 3435
9–7 — 3435
9–59 — 3436
101–11 — 2962
101–25 — 3524
101–27 — 2771
PROPOSED RULES:
14–10 — 2680
15–9 — 3764
50–250 — 3759
60–7 — 2847
60–9 — 3753

42 CFR

Page
PROPOSED RULES:
51 — 3759
51b — 2970
54 — 2970

43 CFR

2 — 2677
25 — 3183
PUBLIC LAND ORDERS:
1272 (modified by PLO 5161) — 3185
2732 (amended by PLO 5160) — 3184
4522 (amended by PLO 5157) — 3057
5154 — 2677
5155 — 2840
5156 — 3056
5157 — 3057
5158 — 3058
5159 — 3184
5160 — 3184
5161 — 3185
5162 — 3185

45 CFR

102 — 2882
170 — 2882
1015 — 2840
PROPOSED RULES:
118 — 2779
143 — 2779
220 — 2445
222 — 2445
415 — 2986

46 CFR

308 — 3436
381 — 3641
PROPOSED RULES:
10 — 3763
12 — 3190, 3763
31 — 3763
66 — 2681
71 — 3763
91 — 3763
176 — 3763

46 CFR—Continued

Page
PROPOSED RULES—Continued
187 — 3763
189 — 3763
193 — 2682

47 CFR

1 — 3277
2 — 2771, 3437
15 — 3277
21 — 2583, 3277, 3354
74 — 3278
76 — 3278
78 — 3292
83 — 2884
91 — 3297
211 — 2771
PROPOSED RULES:
73 — 2524, 2790, 2891, 3548
76 — 3190, 3192
81 — 2524

49 CFR

173 — 2885, 3524
174 — 2886, 3524
177 — 2886, 3524
178 — 2886, 3524
179 — 3058
553 — 3632
571 — 3185
1033 — 2677, 3354
1211 — 2841
1311 — 3354
PROPOSED RULES:
173 — 2588
178 — 2588
1056 — 3446
1322 — 3446

50 CFR

28 — 2964, 3436
32 — 3524
33 — 2441, 2502, 2841, 2964, 2967, 3437
280 — 2516
PROPOSED RULES:
17 — 2589
280 — 2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	3
2637–2737	4
2739–2823	5
2825–2867	Feb. 8
2869–2913	9
2915–3041	10
3043–3157	11
3159–3341	12
3343–3401	Feb. 15
3403–3500	16
3501–3606	17
3607–3732	18
3733–3795	19

V 37-35 FEB 19 72 XUM

Public Papers of the Presidents of the United States

Contents

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

Published by

Office of the Federal Register
National Archives and Records Service
General Services Administration

Order from

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Prior Volumes

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson, and the first year of President Nixon are available at varying prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Richard Nixon/1970

1305 Pages/Price: $15.75



C2

federal register

WEDNESDAY, FEBRUARY 23, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 36
Pages 3797–3884



PART I

(Part II begins on page 3869)
(Part III begins on page 3881)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ECONOMIC STABILIZATION—
Price Comm. rule on posting requirements for catalogue sales; effective 2–23–72 3827
Price Comm. procedures for determining base rents for decontrolled housing in New York State; effective 2–19–72 3828
Price Comm. notice regarding SEC certification of brokerage fees 3863
Price Comm. rent regulations regarding civil and criminal penalties; effective 2–23–72 3829
Price Comm. prohibitions regarding buyers of property and services; effective 2–23–72 3828

EMPLOYMENT ASSISTANCE—Labor Dept. notice of fund allocations to designated areas of high unemployment 3863

SELF-HELP HOUSING—FHA amendment to include community organizations as a source of applicants 3801

COMMODITY FUTURES—USDA rule on record-keeping 3802

PROCUREMENT—State Dept. miscellaneous amendments; effective 7–1–72 3802

EMPLOYEE-MANAGEMENT RELATIONS COMMISSION—Proposed procedural rules for organizations; comments within 30 days 3869

OCCUPATIONAL SAFETY—Labor Dept. proposal on containers for certain flammable liquids; comments within 30 days 3830

(Continued inside)

No. 36—Pt. I——1

V37-36 FEB 23 72 XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1972)

Title 16—Commercial Practices (Part 150–End)..... $2.00
Title 49—Transportation (Parts 1200–1299)..... 3.00

[*A Cumulative checklist of CFR issuances for 1972 appears in the first issue of the Federal Register each month under Title 1*]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

FUEL/FUEL ADDITIVES—EPA proposals on lead and phosphorus in motor vehicle gasolines; comments within 90 days..... 3881

COAL MINE SAFETY—HEW/Interior Dept. joint notice on respirable dust measurements..... 3832, 3833

FREDERICK DOUGLASS HOME—Interior Dept. establishment of Cedar Hill as part of National Capital park system..... 3832

AID AND SERVICES FOR HANDICAPPED CHILDREN—HEW notices of closing dates for applications (2 documents)..... 3833

Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT
Rules and Regulations
Miscellaneous amendments to chapter 3802

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Notices
Associate Administrator et al.; organization, functions, and delegations of authority..... 3845

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Commodity Exchange Authority; Consumer and Marketing Service; Farmers Home Administration.

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service:
Action 3801
Commerce Department..... 3801
Environmental Protection Agency 3801
General Services Administration 3801
Interior Department..... 3801
Treasury Department..... 3801

COMMODITY EXCHANGE AUTHORITY
Rules and Regulations
Commodity futures; recordkeeping 3802

CONSUMER AND MARKETING SERVICE
Proposed Rule Making
Milk in the Des Moines, Iowa marketing area; proposed suspension of certain provisions of the order..... 3830
Notices
Peanuts; incoming quality regulation for 1971 crop..... 3845
Warehouses and licensed warehousemen; revised list..... 3846

CUSTOMS BUREAU
Rules and Regulations
Countervailing duties; sugar content of certain articles from Australia 3802

EDUCATION OFFICE
Notices
Education for the handicapped; closing date for receipt of applications 3833
Receipt of applications for payments under P.L. 81-815; cutoff date for 1972 fiscal year..... 3833

EMPLOYEE-MANAGEMENT RELATIONS COMMISSION
Proposed Rule Making
Employee-management relations; procedural rules for organizations 3870

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rule Making
Regulation of fuels and fuel additives; lead and phosphorus additives in motor vehicle gasoline... 3882

FARMERS HOME ADMINISTRATION
Rules and Regulations
Rural housing loans and grants; processing applications and completing loan dockets..... 3801

FEDERAL POWER COMMISSION
Notices
Arkansas Louisiana Gas Co.; availability of final environmental statement..... 3835
Hearings, etc.:
Area rates for Rocky Mountain Area 3835
Atlantic Richfield Co. et al..... 3835
Cascade Natural Gas Corp..... 3836
Michigan Power Co. and Great Lakes Gas Transmission Co... 3837
Phillips Petroleum Co. et al..... 3837
Tennessee Gas Pipeline Co..... 3841
Texas Eastern Transmission Corp 3841
United Gas Pipe Line Co..... 3842
Warren Petroleum Co..... 3843
Wisconsin Public Service Corp... 3843

FEDERAL RESERVE SYSTEM
Notices
Acquisition of banks; applications:
First Virginia Bankshares Corp. 3832
Marshall & Ilsley Bank Stock Corp 3832
Acquisition of banks; approvals:
First City Bancorporation of Texas, Inc..... 3831
First at Orlando Corp..... 3831
Clearing Bancorporation, Inc.; approval of formation of bank holding company..... 3831
Hume Bancshares, Inc.; application for formation of bank holding company..... 3832

GENERAL SERVICES ADMINISTRATION
Rules and Regulations
Transportation and traffic management; master tariff files..... 3827

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office.
Notices
Coal mine health and safety; finding regarding single shift measurement of respirable dust..... 3833
Office of the Assistant Secretary, Comptroller, HEW Audit Agency; statement of organization, functions, and delegations of authority..... 3834

INTERIOR DEPARTMENT
See Land Management Bureau; Mines Bureau; National Park Service.

INTERSTATE COMMERCE COMMISSION
Notices
Assignment of hearings..... 3865
Fourth section application for relief 3865

LABOR DEPARTMENT
See Manpower Administration; Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU
Notices
Arizona; filing of plat of survey... 3832

MANPOWER ADMINISTRATION
Notices
Employment assistance; determinations and allocations..... 3863

MINES BUREAU
Notices
Coal mine health and safety; finding regarding single shift measurement of respirable dust; cross reference..... 3832

(*Continued on next page*)

V 37-36
FEB 23 72
XUM

NATIONAL PARK SERVICE

Rules and Regulations

Recreation fees; entrance and user fees; correction ---- 3827

Notices

Frederick Douglass Home, Washington, D.C.; establishment as part of National Capital park system ---- 3832

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Proposed Rule Making

Occupational safety and health standards; proposed increase in maximum allowable capacity of glass and plastic containers for certain flammable liquids ---- 3830

PRICE COMMISSION

Rules and Regulations

Buyers; applicable prohibitions ---- 3828
Decontrolled housing in New York State; base rents ---- 3828
Delegations and penalties ---- 3829
Retail catalogue sales; price posting requirements ---- 3827
Securities and Exchange Commission; certified brokerage fees ---- 3863

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Delmarva Power & Light Co ---- 3843
Equitable Life Assurance Society of the United States and Separate Account C of the Equitable Life Assurance Society of the United States ---- 3844
Meridian Fast Food Services, Inc ---- 3845

STATE DEPARTMENT

See Agency for International Development.

TREASURY DEPARTMENT

See Customs Bureau.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR
213 (6 documents) ---- 3801

6 CFR
300 (2 documents) ---- 3827, 3828
301 (2 documents) ---- 3828, 3829

7 CFR
1822 ---- 3801
PROPOSED RULES:
1079 ---- 3830

17 CFR
1 ---- 3802

19 CFR
16 ---- 3802

22 CFR
PROPOSED RULES:
Ch. VIII ---- 3870

29 CFR
PROPOSED RULES:
1910 ---- 3830

36 CFR
6 ---- 3827

40 CFR
PROPOSED RULES:
80 ---- 3882

41 CFR
7–4 ---- 3803
7–5 ---- 3803
7–7 ---- 3803
7–8 ---- 3823
7–16 ---- 3823
101–40 ---- 3827

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 of Schedule C is amended to reflect the following title change: From Deputy Special Assistant to the Secretary (Congressional Relations) to Legislative Liaison Officer.

Effective on publication in the FEDERAL REGISTER (2–23–72), subparagraph (33) of paragraph (a) of § 213.3305 is amended as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(33) One Legislative Liaison Officer.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

• • • • •

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2639 Filed 2–22–72;8:46 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Deputy Assistant Secretary for Applied Sciences, Office of the Assistant Secretary for Water Quality and Research, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–23–72), subparagraph (21) of paragraph (a) of § 213.3312 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2638 Filed 2–22–72;8:46 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Assistant Director, Bureau of Domestic Commerce, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–23–72), subparagraph (13) is added to paragraph (m) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

• • • • •

(m) *Office of the Assistant Secretary for Domestic and International Business.* • • •

(13) Assistant Director, Bureau of Domestic Commerce.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2635 Filed 2–22–72;8:46 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that the Office of the Assistant Administrator for Media Programs has been redesignated the Office of the Assistant Administrator for Air and Water Programs.

Effective on publication in the FEDERAL REGISTER (2–23–72), the headnote of paragraph (f) is amended, subparagraph (4) is added, and paragraph (l) is revoked as set out below.

§ 213.3318 Environmental Protection Agency.

• • • • •

(f) *Office of the Assistant Administrator for Air and Water Programs.* • • •

(4) One Special Assistant to the Assistant Administrator (Intergovernmental Relations).

• • • • •

(l) [Revoked]

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2636 Filed 2–22–72;8:46 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Special Assistant to the Commissioner, Property Management and Disposal Service, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–23–72), subparagraph (3) of paragraph (f) of § 213.3337 is amended as set out below.

§ 213.3337 General Services Administration.

• • • • •

(f) *Property Management and Disposal Service.* • • •

(3) Two Special Assistants to the Commissioner.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2637 Filed 2–22–72;8:46 am]

PART 213—EXCEPTED SERVICE

Action

Section 213.3359 is amended to show that one position of Deputy Associate Director for Older Americans Programs, Office of the Associate Director for Domestic and Anti-Poverty Operations, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–23–72), paragraph (e) is added to § 213.3359 as set out below.

§ 213.3359 Action.

• • • • •

(e) One Deputy Associate Director for Older American Programs.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2634 Filed 2–22–72;8:46 am]

Title 7—AGRICULTURE

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.10]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart I—Self-Help Technical Assistance

PROCESSING APPLICATIONS AND COMPLETING LOAN DOCKETS

Subpart I of Part 1822, Title 7, Code of Federal Regulations (35 F.R. 11226), § 1822.329(a)(3) is amended by revising subdivision (iii) to provide for using community organizations including local minority organizations as a possible source of names of people interested in self-help housing.

V 37-36 FEB 23 72 XUM

As revised, § 1822.329(a)(3), subdivision (iii) reads as follows:

§ 1822.329 Processing applications and completing loan dockets.

(a) *Application.* * * *

(3) * * *

(iii) The names and addresses of families who have been personally contacted by the applicant and are interested in participating in a self-help housing project. For example, Community organizations including local minority organizations may be used as a source of names of people interested in self-help housing.

* * * * *

(Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529)

Dated: February 16, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72-2669 Filed 2-22-72;8:49 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Recordkeeping

On September 28, 1971, there was published in the FEDERAL REGISTER (36 F.R. 19081) a notice of proposed amendment of § 1.35 of the general regulations under the Commodity Exchange Act, as amended (17 CFR 1.35), relating to recordkeeping.

Interested persons were given 30 days in which to submit written data, views, or arguments on the proposed revision. Pursuant to the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended, and after careful consideration of all written data, views, and arguments presented by interested persons, and of all other relevant facts and information available, § 1.35 of the general regulations under said act is hereby amended by inserting between paragraphs (a) and (b) new paragraph (a–1) to read as follows:

§ 1.35 Records of cash commodity and futures transactions.

* * * * *

(a–1) *Futures commission merchants and members of contract markets: Recording of customers' orders.*

(1) Each futures commission merchant receiving a customer's order shall immediately upon receipt thereof prepare a written record of such order, including the account identification and order number, and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received.

(2) Except as provided in subparagraph (3) of this paragraph, each member of a contract market who on the floor of such contract market receives a customer's order which is not in the form of a written record including the account identification, order number and the date and time, to the nearest minute, such order was transmitted or received on the floor of such contract market, shall immediately upon receipt thereof prepare a written record of such order, including the account identification and order number and shall record thereon, by time-stamp or other timing device, the date and time, to the nearest minute, the order is received.

(3) The requirements of subparagraph (2) of this paragraph shall not apply if such customer is another member of such contract market present on the floor thereof at the time the order is received, and the member receiving and executing such order immediately upon the execution thereof, notes on his trading card or other record maintained in accordance with the requirements of paragraph (d) of this section, the time of execution, to the nearest minute.

(4) Each member of a contract market reporting the execution of a customer's order from the floor of a contract market shall record on a written record of such order, including the account identification and order number, by time-stamp or other timing device, the date and time, to the nearest minute, such report of execution is made.

* * * * *

The foregoing amendment reflects a certain change in the proposal set forth in the notice of rule making published on September 28, 1971. This change was made by providing an exception in subparagraph (3) to the requirements of subparagraph (2) for the purpose of further liberalizing the requirements set forth in the proposal, and does not impose any new requirements in addition to what was set forth in the proposal. It does not appear that further notice and other public procedure with respect to this matter would make additional information available to the Department of Agriculture. Accordingly, it is found upon good cause that further notice and other public procedure is impracticable and unnecessary.

(Sec. 4g, 49 Stat. 1496, sec. 5, 42 Stat. 1000, as amended; 7 U.S.C. 6g, 7)

NOTE: The recordkeeping requirements herein have been approved by the Office of Management and Budget in accord with the Federal Reports Act of 1942 (44 U.S.C. Ch. 12).

This revision shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

Issued: February 16, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-2668 Filed 2-22-72;8:49 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-81]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the months of October, November, and December 1971, of approved fruit products and other approved products containing sugar amount to Australian $71.40, $63.50, and $62.30, respectively, per 2,240 pounds of sugar content.

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rates stated above. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 70–197, and (2) by adding a reference to this Treasury Decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
		70-225	New rate.
		71-276	Do.
		72-61	Do.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 8, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2660 Filed 2-22-72;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 7—Agency for International Development, Department of State

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 7 of Title 41 is amended as follows:

PART 7–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

1. The Contents of Part 7–4 are revised to delete "Motion pictures and film strips" and insert, in lieu thereof "Reserved" for § 7–4.5101.

Subpart 7–4.51—Mission Procurements Under Master Contracts

2. Section 7–4.5101 is deleted in its entirety and "§ 7–4.5101 Reserved" inserted in lieu thereof.

PART 7–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 7–5.50—Foreign Economic Assistance Procurements by, Through, and From Other Government Agencies

3. The last sentence in § 7–5.5001 is deleted in its entirety.

PART 7–7—CONTRACT CLAUSES

4. The Contents of Part 7–7 are deleted in their entirety and the following substituted therefor:

Sec.
7–7.000 Scope of part.
7–7.001 References to "Government".

Subpart 7–7.1—Fixed Price Supply Contracts

7–7.101 Clauses.
7–7.101–1 Definitions.
7–7.101–14 Buy American Act.
7–7.101–19 Officials not to benefit.
7–7.101–22 Federal, State, and local taxes.
7–7.101–34 Workmen's compensation insurance (Defense Base Act).

Subpart 7–7.6—Fixed Price Construction Contracts

7–7.602 Additional standardized clauses.
7–7.602–9 Workmen's compensation insurance (Defense Base Act).
7–7.602–10 Federal, State, and local taxes.

Subpart 7–7.50—Clauses for Cost Reimbursement Type Contracts

7–7.5000 Scope of subpart.
7–7.5001 Required clauses.
7–7.5001–1 Definitions.
7–7.5001–2 Changes.
7–7.5001–3 Biographical data.
7–7.5001–4 Leave and holidays.
7–7.5001–5 Travel and transportation expenses.
7–7.5001–6 Standards of work.
7–7.5001–7 Inspection.
7–7.5001–8 Limitation of cost.
7–7.5001–9 Allowable cost, fixed fee and payment.
7–7.5001–10 Negotiated overhead rates.
7–7.5001–11 Assignment of claims.
7–7.5001–12 Examination of records.
7–7.5001–13 Price reduction for defective cost or pricing data.
7–7.5001–14 Audit and records.
7–7.5001–15 Subcontractor cost and pricing data.
7–7.5001–16 Reports.
7–7.5001–17 Source requirements of procurement of equipment, vehicles, materials, and supplies.
7–7.5001–18 Subcontracts and purchase orders.
7–7.5001–19 Title to and care of property.
7–7.5001–20 Utilization of Small Business Concerns.
7–7.5001–21 Utilization of concerns in labor surplus areas.
7–7.5001–22 Insurance—liability to third persons.
7–7.5001–23 Termination for default or for convenience of the Government.
7–7.5001–24 Excusable delays.
7–7.5001–25 Stop work order.
7–7.5001–26 Disputes.
7–7.5001–27 Authorization and consent.
7–7.5001–28 Notice and assistance regarding patent and copyright infringement.
7–7.5001–29 Patent provisions and publication of results.
7–7.5001–30 Rights in data.
7–7.5001–31 Release of information.
7–7.5001–32 Equal opportunity.
7–7.5001–33 Convict labor.
7–7.5001–34 Walsh-Healey Public Contracts Act.
7–7.5001–35 Officials not to benefit.
7–7.5001–36 Covenant against contingent fees.
7–7.5001–37 Language, weights, and measures.
7–7.5001–38 Security requirements.
7–7.5001–39 Notices.
7–7.5002 Additional clauses.
7–7.5002–1 Definitions.
7–7.5002–2 Leave and holidays.
7–7.5002–3 Travel and transportation expenses.
7–7.5002–4 Title to and care of property.
7–7.5002–5 Marking.
7–7.5002–6 Personnel.
7–7.5002–7 Allowances.
7–7.5002–8 Conversion of U.S. dollars to local currency.
7–7.5002–9 Orientation and language training.
7–7.5002–10 Insurance—Workmen's compensation, private, automobile, marine and air cargo.
7–7.5002–11 Services provided to contractor.
7–7.5002–12 Miscellaneous.
7–7.5002–13 Contractor—mission relationships.
7–7.5002–14 Notice of changes in regulations.
7–7.5003 Clauses to be used when applicable.
7–7.5003–1 Alterations in contract.

Subpart 7–7.51—Clauses for Basic Ordering Agreement for Engineering Services

7–7.5100 Scope of subpart.
7–7.5101 Required clauses.
7–7.5101–1 Definitions.
7–7.5101–2 Biographical data.
7–7.5101–3 Personnel.
7–7.5101–4 Allowances.
7–7.5101–5 Travel and transportation.
7–7.5101–6 Notice of changes in regulations.
7–7.5101–7 Conversion of U.S. dollars to local currency.
7–7.5101–8 Orientation and language training.
7–7.5101–9 Services provided to contractor.
7–7.5101–10 Contractor—mission relationships.
7–7.5101–11 Source requirements of procurement of equipment, vehicles, materials, and supplies.
7–7.5101–12 Title to and care of property.
7–7.5101–13 Subcontracts and purchase orders.
7–7.5101–14 Excusable delays.
7–7.5101–15 Price adjustment for suspension, delays, or interruption of work.
7–7.5101–16 Changes.
7–7.5101–17 Standards of work.
7–7.5101–18 Inspection.
7–7.5101–19 Payment.
7–7.5101–20 Method of Payment.
7–7.5101–21 Most favored customer rate.
7–7.5101–22 Assignment of claims.
7–7.5101–23 Examination of records.
7–7.5101–24 Price reduction for defective cost or pricing data.
7–7.5101–25 Audit and records.
7–7.5101–26 Subcontractor cost and pricing data.
7–7.5101–27 Reports.
7–7.5101–28 Utilization of Small Business Concerns.
7–7.5101–29 Utilization of concerns in labor surplus areas.
7–7.5101–30 Insurance—workmen's compensation, private automobile, marine and air cargo.
7–7.5101–31 Insurance—liability to third persons.
7–7.5101–32 Termination for default or for convenience of the Government.
7–7.5101–33 Disputes.
7–7.5101–34 Authorization and consent.
7–7.5101–35 Notice and assistance regarding patent and copyright infringement.
7–7.5101–36 Patent provisions and publication of results.
7–7.5101–37 Rights in data.
7–7.5101–38 Release of information.
7–7.5101–39 Equal opportunity.
7–7.5101–40 Convict labor.
7–7.5101–41 Walsh-Healey Public Contracts Act.
7–7.5101–42 Officials not to benefit.
7–7.5101–43 Covenant against contingent fees.
7–7.5101–44 Language, weights, and measures.
7–7.5101–45 Inspection and acceptance.
7–7.5101–46 Security requirements.
7–7.5101–47 Marking.
7–7.5101–48 Notices.
7–7.5102 Clauses to be used when applicable.
7–7.5102–1 Alterations in contract.

Subpart 7–7.52—Clauses for Basic Ordering Agreement for Participant Training

7–7.5200 Scope of subpart.
7–7.5201 Required clauses.
7–7.5201–1 Definitions.
7–7.5201–2 Travel and transportation.
7–7.5201–3 Changes in tuition and fees.
7–7.5201–4 Conflicts between agreement and catalog.
7–7.5201–5 Transcripts.
7–7.5201–6 Withdrawal of students.
7–7.5201–7 Method of payment.
7–7.5201–8 Examination of records.
7–7.5201–9 Audit and records.
7–7.5201–10 Inspection
7–7.5201–11 Subcontracts.
7–7.5201–12 Modifications or amendment.
7–7.5201–13 Material change in conditions.
7–7.5201–14 Termination.
7–7.5201–15 Disputes.
7–7.5201–16 Assignment of claims.
7–7.5201–17 Convict labor.
7–7.5201–18 Officials not to benefit.
7–7.5201–19 Covenant against contingent fees.
7–7.5201–20 Equal opportunity.
7–7.5201–21 Utilization of concerns in labor surplus areas.
7–7.5201–22 Utilization of Small Business Concerns.
7–7.5201–23 Notices.
7–7.5202 Clauses to be used when applicable.
7–7.5202–1 Alterations in contract.

Subpart 7–7.53—Clauses for Contracts for Participant Training

7–7.5300 Scope of subpart.
7–7.5301 Required clauses.
7–7.5301–1 Definitions.
7–7.5301–2 Travel and transportation.

V 37-36
FEB 23 72
XUM

Sec.
7-7.5301-3 Changes in tuition and fees.
7-7.5301-4 Conflicts between agreement and catalog.
7-7.5301-5 Transcripts.
7-7.5301-6 Withdrawal of students.
7-7.5301-7 Method of payment.
7-7.5301-8 Examination of records.
7-7.5301-9 Audit and records.
7-7.5301-10 Inspection.
7-7.5301-11 Modification or amendment.
7-7.5301-12 Material change in conditions.
7-7.5301-13 Termination.
7-7.5301-14 Disputes.
7-7.5301-15 Assignment of claims.
7-7.5301-16 Convict labor.
7-7.5301-17 Officials not to benefit.
7-7.5301-18 Covenant against contingent fees.
7-7.5301-19 Equal opportunity.
7-7.5301-20 Utilization of concerns in labor surplus areas.
7-7.5301-21 Utilization of Small Business Concerns.
7-7.5301-22 Notices.
7-7.5302 Clauses to be used when applicable.
7-7.5302-1 Alterations in contract.

Subpart 7-7.54—Clauses for Fixed Price Type Contract for Technical Services

7-7.5400 Scope of subpart.
7-7.5401 Required clauses.
7-7.5401-1 Definitions.
7-7.5401-2 Biographical data.
7-7.5401-3 Changes.
7-7.5401-4 Inspection.
7-7.5401-5 Documentation for payment.
7-7.5041-6 Approvals.
7-7.5401-7 Procurement of equipment, vehicles, materials, and supplies.
7-7.5401-8 Subcontracts.
7-7.5401-9 Assignment of claims.
7-7.5401-10 Examination of records.
7-7.5401-11 Default.
7-7.5401-12 Disputes.
7-7.5401-13 Convict labor.
7-7.5401-14 Standards of work.
7-7.5401-15 Equal opportunity.
7-7.5401-16 Officials not to benefit.
7-7.5401-17 Covenant against contingent fees.
7-7.5401-18 Release of information.
7-7.5401-19 Utilization of Small Business Concerns.
7-7.5401-20 Utilization of concerns in labor surplus areas.
7-7.5401-21 Rights in data.
7-7.5401-22 Language, weights, and measures.
7-7.5401-23 Government property.
7-7.5401-24 Notice and assistance regarding patent and copyright infringement.
7-7.5401-25 Gratuities.
7-7.5401-26 Security requirements.
7-7.5401-27 Notices.
7-7.5401-28 Authorization and consent.
7-7.5401-29 Patent provisions and publication of results.
7-7.5402 Additional clauses.
7-7.5402-1 Definitions.
7-7.5402-2 Personnel.
7-7.5402-3 Conversion of U.S. dollars to local currency.
7-7.5402-4 Miscellaneous.
7-7.5402-5 Contractor—mission relationships.
7-7.5402-6 Marking.
7-7.5402-7 Insurance—workmen's compensation, private automobiles.
7-7.5402-8 U.S.-flag carriers.
7-7.5403 Clauses to be used when applicable.
7-7.5403-1 Alterations in contract.
7-7.5403-2 Termination for convenience.
7-7.5403-3 Price reduction for defective cost or pricing data.

AUTHORITY: The provisions of this Part 7-7 issued under sec. 621, 75 Stat. 445, as amended; 22 U.S.C. 2381.

5. New Subpart 7-7.50 is added as follows:

Subpart 7-7.50—Clauses for Cost Reimbursement Type Contracts

§ 7-7.5000 Scope of subpart.

This subpart sets forth contract clauses for use in cost reimbursement contracts with a contractor other than an educational institution.

§ 7-7.5001 Required clauses.

These clauses are mandatory for cost-plus-fixed-fee contracts and, with necessary modifications, for other types of cost reimbursement contracts.

§ 7-7.5001-1 Definitions.

DEFINITIONS (DECEMBER 1970)

(a) "Administrator" shall mean the Administrator or the Deputy Administrator of the Agency for International Development.

(b) "A.I.D." shall mean the Agency for International Development.

(c) "Consultant" shall mean any especially well qualified person who is engaged, on a temporary or intermittent basis to advise the Contractor and who is not an officer or employee of the Contractor who performs other duties for the Contractor.

(d) "Contracting officer" shall mean the person executing this contract on behalf of the United States Government, and any other government employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(e) "Contractor employee" shall mean an employee of the Contractor assigned to work under this contract.

(f) "Cooperating country or countries" shall mean the foreign country or countries in or for which services are to be rendered hereunder.

(g) "Cooperating Government" shall mean the government of the Cooperating Country.

(h) "Economy class" air travel (also known as jet economy, air coach, tourist-class, etc.) shall mean a class of air travel which is less than first class.

(i) "Federal Procurement Regulations" (FPR), when referred to herein shall include Agency for International Development Procurement Regulations (AIDPR).

(j) "Government" shall mean the United States Government.

(k) "Mission" shall mean the United States A.I.D. Mission to, or principal A.I.D. office in, the Cooperating Country.

(l) "Mission Director" shall mean the principal officer in the Mission in the Cooperating Country, or his designated representative.

§ 7-7.5001-2 Changes.

CHANGES (DECEMBER 1970)

(a) The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (1) Statement of work or services, (2) drawings, designs, or specifications, (3) method of shipment or packing, (4) place of inspection, delivery, or acceptance, and (5) the amount of logistic support and property of the United States or Cooperating Government to be furnished or made available to the Contractor for performance of this contract. If any such change causes an increase or decrease in the estimated cost of, or the time required for performance of this contract, or otherwise affects any other provision of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (1) in the estimated cost of delivery schedule, or both, (2) in the amount of any fee to be paid to the Contractor, and (3) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change: Provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(b) If this contract is executed by an A.I.D./Washington Contracting Officer, valid change orders may be issued only by an A.I.D./Washington Contracting Officer, or such other person as he may in writing designate for such purpose.

§ 7-7.5001-3 Biographical data.

BIOGRAPHICAL DATA (DECEMBER 1970)

(a) Contractor agrees to furnish to the Contracting Officer, on forms provided for that purpose, biographical information on the following individuals to be employed in the performance of the contract: (1) All individuals to be sent outside of the United States, (2) key personnel. Biographical data on the other individuals employed under the contract shall be available for review by A.I.D. at the Contractor's principal place of business.

§ 7-7.5001-4 Leave and holidays.

LEAVE AND HOLIDAYS (DECEMBER 1970)

Contractor employees shall be entitled to such leave and holidays while serving in the United States as are provided in accordance with the Contractor's established policy and practice, but in no event shall vacation leave be earned at a rate exceeding 26 working days per annum, or sick leave be earned at a rate exceeding 13 working days per annum.

§ 7-7.5001-5 Travel and transportation expenses.

TRAVEL AND TRANSPORTATION EXPENSES (DECEMBER 1970)

(a) *United States travel.* The Contractor shall be reimbursed for actual transportation costs and travel allowances of travelers in accordance with the established practice of the Contractor for travel within the United States directly referable to the contract and continuous with travel to and from the Cooperating Country. Such transportation costs shall not be reimbursed in an amount greater than the cost of, and time required for economy class commercial scheduled air travel by the most expeditious route unless economy air travel or economy air travel space are not available and the Contractor certifies to the facts in the voucher or other documents retained as part of his contract records to support his claim for post-audit. Such travel allowances shall be in accordance with the established practice of the Contractor for travel within the United States provided that it shall not exceed the rates and basis for computation of such rates as provided in the Standardized Government Travel Regulations, as from time to time amended.

(b) *Actual expense basis.* Travel on an actual expense basis may be authorized or approved by the Contractor's Chief Executive Officer, or equivalent official, when it is determined that unusual circumstances of the assignment will require expenditures greatly in excess of the maximum per diem allowance provided herein. Payment on an actual expense basis is limited to specific travel assignments and should be used only in exceptional cases and not merely to cover a small amount of costs in excess of per diem. Normally the authorization will be limited to cases where the cost of lodging (exclusive of meals) at available hotels absorbs practically all of the per diem allowance. In no event, however, shall the amount authorized exceed the applicable maximum amount allowable under section 6.12 of the Standardized Government Travel Regulations, as from time to time amended. Receipts covering all expenses claimed hereunder shall be filed by the traveler with his voucher and shall be retained as a part of the Contractor's records to support the Contractor's claim for reimbursement, or for post audit.

§ 7-7.5001-6 Standards of work.

STANDARDS OF WORK (DECEMBER 1970)

The Contractor agrees that the performance of work and services, pursuant to the requirements of this contract, shall conform to high professional standards.

§ 7-7.5001-7 Inspection.

INSPECTION (DECEMBER 1970)

The Government, through any authorized representatives, has the right at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require his subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

§ 7-7.5001-8 Limitation of cost.

LIMITATION OF COST (DECEMBER 1970)

(a) It is estimated that the total cost to the Government, exclusive of fixed fee, for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule, and all obligations under this contract within such estimated cost. If at any time the Contractor has reason to believe that the cost which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost then set forth in the Schedule or if at any time, the Contractor has reason to believe that the total cost to the Government, exclusive of any fixed fee, for the performance of this contract will be substantially greater or less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

§ 7-7.5001-9 Allowable cost, fixed fee and payment.

ALLOWABLE COST, FIXED FEE AND PAYMENT (DECEMBER 1970)

(a) For the performance of this contract, the Government shall pay to the Contractor:

(1) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with:

(i) Subpart 1-15.2 (Principles and Procedures for Use in Cost Reimbursement Type Supply and Research Contracts with Commercial Organizations) of the Federal Procurement Regulations as in effect on the date of this contract; and

(ii) The terms of this contract; and

(2) Such fixed fee, if any, as may be provided for the Schedule.

(b) Once each month (or at more frequent intervals, if approved by the paying office indicated on the Cover Page), the Contractor may submit to such office Voucher Form SF-1034 (original) and SF-1034(a) three copies, each voucher identified by the appropriate A.I.D. contract number properly executed, in the amount of dollar expenditures made during the period covered, which voucher forms shall be supported by:

(1) Original and two copies of a certified fiscal report rendered by the Contractor in the form and manner satisfactory to A.I.D. substantially as follows:

TOTAL EXPENDITURES

Category	Budget amount	To date	This period
Salaries and wages	[1] $XXX	[1] $XXX	[1] $XXX
Consultant fees	XXX	XXX	XXX
Allowances	XXX	XXX	XXX
Travel and transportation	XXX	XXX	XXX
Other direct costs	XXX	XXX	XXX
Overhead	[2] XXX	[2] XXX	[2] XXX
Equipment and materials	XXX	XXX	XXX
Grand total	XXX	XXX	XXX

[1] Including salaries overseas of $XXX.
[2] Including overhead overseas of $XXX.

(2) The fiscal report shall include a certification signed by an authorized representative of the Contractor as follows:

The undersigned hereby certifies: (1) That payment of the sum claimed under the cited contract is proper and due and that appropriate refund to A.I.D. will be made promptly upon request of A.I.D. in the event of nonperformance, in whole or in part, under the contract or for any breach of the terms of the contract, (2) that information on the fiscal report is correct and such detailed supporting information as A.I.D. may require will be furnished at the Contractor's home office or base office as appropriate promptly to A.I.D. on request and (3) that all requirements called for by the contract to the date of this certification have been met.

By _____
Title _____
Date _____

(3) In certain cases, the Contracting Officer may require the Contractor to submit, in lieu of the certified fiscal report required in subparagraph (b) (1) above, detailed documentation in support of Contractor requests for reimbursement. However, such detailed documentation shall be submitted in support of Contractor requests for reimbursement under all contracts in which the total contract amount is $50,000 or less, and may be required by the Contracting Officer under contracts in which the total contract amount is in excess of $50,000; provided, however, that if the Contractor has a contract in excess of $50,000 for which a fiscal report is required, then all contracts which he may have shall be supported in the same manner. The detailed documentation shall include the following:

(i) Copy of Contractor's payroll indicating names, pay rates and pay periods with regard to salaries, fees and any related allowances paid Contractor's employees and consultants.

(ii) Statement of itinerary and originals or copies of carriers' receipts for employee's and dependents' transportation costs. Travel allowances must be stated separately.

(iii) Receipted supplier's invoices for cost of commodities, equipment and supplies, insurance and other items. Invoices must show quantity, description and price (less applicable discounts and purchasing agents commission). Individual transactions under $100.00 may be supported by an itemized listing containing the numbers of the Contractor's checks used to make payment. Delivery of supplies and equipment to appropriate destination must be supported by copy or photostat of bill of lading, airways bill or parcel post receipt. Voucher SF-1034 or SF-1036, as appropriate, must state whether or not items procured by Contractor were procured through advertising.

(iv) Receipted invoice of transporter showing name of vessel, flag and transportation charge for transportation of supplies or equipment, plus copy or photostat of ocean or charter party bill of lading or airway bill if applicable. No invoice is required if the bill of lading contains all the required information.

(4) The Contractor shall submit a vendor's invoice or photostat covering each transaction for procurement of commodities, supplies or equipment totaling in excess of $2,500 appropriately detailed as to quantity, description and price for each individual item of equipment purchased.

(5) The Contractor shall submit a Supplier's Certificate, A.I.D. Form 282, in triplicate, executed by the vendor for each transaction in excess of $2,500.

(c) Promptly after receipt of each voucher and statement of dollar cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the paying office indicated on the Cover Page. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the Schedule; provided, however, that after payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee, or one hundred thousand dollars ($100,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related voucher which are found by the Contracting Officer on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding vouchers.

V 37-36 FEB 23 72 XUM

(e) On receipt and approval of the voucher designated by the Contractor as the "final voucher" (which is to be submitted on Form SF-1034 (original) and SF-1034(a) in three copies and supported by:

(1) Original and two copies of a certified fiscal report rendered by the Contractor as in (b) (1) and (2) above;

(2) Vendor's invoices as in (b)(3) or (b)(4) above;

(3) Supplier's Certificate as in (b)(5) above; and

(4) Refund check for the balance of funds if any remaining on hand and not obligated by the Contractor), and upon compliance by the Contractor with all provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f), (g) and (h) below), the Government shall promptly pay to the Contractor any balance of allowable dollar cost, and any part of the fixed fee, which has been withheld pursuant to (d) above or otherwise not paid to the Contractor. The completion voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one hundred and twenty (120) days (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(f) Documentation for mission. When submitting Voucher Form SF-1034 to the Paying Office listed on the Cover Page of this contract, the Contractor shall at the same time airmail to the Mission Controller one copy of vendor's invoices for all items of commodities, equipment and supplies (except magazines, pamphlets and newspapers) procured and shipped overseas and for which the cost is reimbursable under this contract. (For items shipped from Contractor's stocks where vendor's invoices are not available, a copy of the documents used for posting to Contractor's account shall be furnished.)

(g) The Contractor agrees that all approvals of the Mission Director and the Contracting Officer which are required by the provisions of this contract shall be preserved and made available as part of the Contractor's records which are required to be preserved and made available by the Clauses of this contract entitled "Examination of Records" and "Audit and Records".

(h) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; provided that such claims are not known to the Contractor on the date of the execution of the release; and provided further that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(i) Any dollar cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

§ 7-7.5001-10 Negotiated overhead rates.

NEGOTIATED OVERHEAD RATES (DECEMBER 1970)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties as specified below.

(b) The Contractor, as soon as possible but not later than ninety (90) days after the expiration of each period specified in the Schedule, shall submit to the Contracting Officer with a copy to the Office of the Controller of A.I.D., Washington, D.C., a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 1-15.2 (Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts with Commercial Organizations) of the Federal Procurement Regulations as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the Schedule or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in the Schedule shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

§ 7-7.5001-11 Assignment of claims.

ASSIGNMENT OF CLAIMS (DECEMBER 1970)

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for monies due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all dollar amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing.

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential" be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

§ 7-7.5001-12 Examination of records.

EXAMINATION OF RECORDS (DECEMBER 1970)

(a) (1) The Contractor agrees to maintain books, records, documents and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract.

(2) The Contractor agrees to make available at the office of the Contractor at all reasonable times during the period set forth in subparagraph (4) below any books, documents, papers, or records of the Contractor, that directly pertain to, and involve transactions relating to this contract or subcontracts hereunder for inspection, audit or reproduction by any authorized representative of the Comptroller General.

(3) In the event the Comptroller General or any of his duly authorized representatives determines that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the Contractor, the Contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within two years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through the Contracting Officer, such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall

preserve and make available his records (1) until expiration of three years after final payment under this contract or of the time periods specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier; and (II) for such longer period, if any, as is required by applicable statute, by any other clause of this contract, or by (I) or (II) below.

(I) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available until expiration of three years from the date of any resulting final settlement or of the time periods specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier.

(II) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) cost and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims, or exceptions have been disposed of.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in subparagraph (4)(II) above, the Contractor may in fulfillment of his obligation to retain his records as required by this clause substitute photographs, microphotographs, or other authentic reproductions of such records, after the expiration of two years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material or labor-hour basis.

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a)(6) above, a provision to the effect that the subcontractor agrees that the Comptroller General or any of his duly authorized representatives, shall, until the expiration of three years after final payment under the subcontract, or of the time periods specified in Part 1-20 of the Federal Procurement Regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any books, documents, papers, and records of such subcontractor that directly pertain to, and involve transactions relating to the subcontract. The term "subcontract" as used in this paragraph (b) only, excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

§7-7.5001-13 Price reduction for defective cost or pricing data.

Insert the clause set forth in FPR 1-3.814-1(a).

§ 7-7.5001-14 Audit and records.

Insert the clause set forth in FPR 1-3.814-2(c).

§ 7-7.5001-15 Subcontractor cost and pricing data.

Insert the clause set forth in FPR 1-3.814-3(a).

§ 7-7.5001-16 Reports.

REPORTS (DECEMBER 1971)

(a) Unless otherwise provided in the Schedule of this contract, the Contractor shall prepare and submit to the Contracting Officer three (3) copies of a semi-annual report which shall include the following:

(1) A substantive report covering the status of the work under the Contract, indicating progress made with respect thereto, setting forth plans for the ensuing period, including recommendations covering the current needs in the fields of activity covered under the terms of this contract.

(2) An administrative report covering expenditures and personnel employed under the contract.

(b) Contractor shall prepare and submit to the Contracting Officer such other report as may be specified in the Schedule.

(c) Unless otherwise provided in the schedule of this contract, at the conclusion of the work hereunder, the Contractor shall prepare and submit to the Contracting Officer three (3) copies of a final report which summarizes the accomplishments of the assignment, methods of work used and recommendations regarding unfinished work and/or program continuation. The final report shall be submitted within 45 days after completion of the work hereunder unless this period is extended in writing by the Contracting Officer.

(d) Contractor shall submit two copies of each report dealing with technical matters (e.g., progress and final reports) prepared pursuant to this clause, or a clause of the Schedule of this contract to the AID Reference Center (PPC/PTIS/ARC), Agency for International Development, Washington, D.C. 20523. The title page of all reports forwarded to the A.I.D. Reference Center pursuant to this paragraph (d) shall include the contract number, project number and project title as set forth in the schedule of this contract.

§ 7-7.5001-17 Source requirements of procurement of equipment, vehicles, materials, and supplies.

SOURCE REQUIREMENTS OF PROCUREMENT OF EQUIPMENT, VEHICLES, MATERIALS, SUPPLIES, AND SERVICES (DECEMBER 1971)

(a) Except as may be specifically approved or directed in advance by the Contracting Officer or as exempted in paragraph (d) below, the source of any procurement financed under this contract shall be the United States and it shall have been mined, grown, or through manufacturing, processing, or assembly, produced in the United States. The term "source" means the country from which a commodity is shipped to the Cooperating Country, or the Cooperating Country if the commodity is located therein at the time of purchase. If, however, a commodity is shipped from a free port or bonded warehouse in the form in which it is received therein, "source" means the country from which the commodity was shipped to the free port or bonded warehouse. In addition to the foregoing rule, a produced commodity will not be eligible for financing under this contract if:

(1) It contains any component from countries other than free world countries as described in A.I.D. Geographic Code 935; or

(2) It contains components which were imported into the country of production from such free world countries other than authorized source countries; and

(i) Such components were acquired by the producer in the form in which they were imported; and

(ii) The total cost of such components (delivered at the point of production) amounts to more than 50 percent, or such other percentage as A.I.D. may prescribe, of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by A.I.D.).

(b) If (i) the effective use of printed or audio-visual teaching materials depends upon their being in the local language, and (ii) such materials are intended for technical assistance projects or activities financed by A.I.D. in whole or in part, and (iii) other funds, including U.S.-owned or U.S.-controlled local currencies, are not readily available to finance the procurement of such materials, local language versions may be procured from the following sources, in order of preference:

Countries selected from Geographic Code (See AIDPR 7-6.5201-1):

(1) 000 United States, including the AID Regional Technical AID Centers.

(2) --- Cooperating Country, identified, when applicable, by specific reference to the name and corresponding AID geographic code.

(3) 901 Limited Free World.

(4) 899 Free World.

(c) The Contractor shall purchase all English language books, magazines and other periodicals from the current A.I.D. contractors providing purchasing services of such material at discount prices; Provided, however, that the Contractor may purchase books magazines, or periodicals from other sources if the terms, price, delivery and other factors considered, are as good as, or better than, those offered by the current A.I.D. contractors. The procedures to be followed, the name and address of the contractors, and pertinent provisions of the contracts are set forth in A.I.D. Manual Orders 1426.3 (books) and 1426.3.1 (subscriptions to magazines and periodicals).

(d) Procurements in the Cooperating Country which are less than $2,500.00, and are for materials (regularly available and normally sold on the local market) which are to be consumed or expended in the performance of this contract, are exempt from the conditions set forth above other than (a)(1). Such materials include but are not limited to, raw and processed materials, parts, components, assemblies, small tools and supplies.

§ 7-7.5001-18 Subcontracts and purchase orders.

SUBCONTRACTS AND PURCHASE ORDERS (DECEMBER 1971)

(a) Subcontractors and/or vendors shall be selected on a competitive basis to the maximum practicable extent consistent with the obligations and requirements of this contract. In no event shall any such subcontract or purchase order be on a cost-plus-a-percentage-of-cost basis.

(b) Unless authorized by the schedule of this contract, written approval by the Contracting Officer is required prior to the placement of any subcontract or purchase order which:

(1) Is for the purchase and/or lease of vehicles.

(2) Is for the purchase of any equipment, material or supplies in excess of $2,500.00.

(3) Is written on a cost-reimbursement, time and material or labor hour basis.

(4) Is for the furnishing of any of the work or services required by this contract. For the purpose of this subparagraph (4): purchase of materials, supplies, equipment and vehicles is not considered to be work or services required by this contract (reference subparagraphs (1) and (2) for approval requirements on vehicles, materials, equipment and supplies).

V 37 136
FEB 23 72
XUM

(c) The data to be furnished when submitting subcontracts or purchase orders for approval shall include as a minimum:

(1) A description of supplies or services being purchased.

(2) Identification of subcontractor or vendor and an explanation of how the proposed subcontractor was selected including the extent of competition obtained.

(3) Statement as to why the type of Contract (if other than firm fixed price) and the price/estimated cost are considered to be reasonable and in the best interest of the project.

(4) Subcontractor representations and certifications (i.e., Certificate of Cost or Pricing Data, etc.) as required by other provisions of this contract.

§ 7–7.5001–19 Title to and care of property.

Insert the clause as required by AIDPR 7–13.703.

§ 7–7.5001–20 Utilization of Small Business Concerns.

Insert the clause set forth in FPR 1–1.710–3(a) and the following paragraph (c).

(c) *Small Business Provision.* To permit A.I.D. in accordance with the Small Business Provisions of the Foreign Assistance Act, to give United States Small Business firms an opportunity to participate in supplying equipment supplies and services financed under this contract, the Contractor, shall to the maximum extent possible, provide the following information to the Office of Small Business, A.I.D., Washington, D.C. 20523, at least 45 days prior to placing any order in excess of Five Thousand Dollars ($5,000), except where a shorter time is requested of, and granted by the Office of Small Business:

(1) Brief general description and quantity of commodities or services;

(2) Closing date for receiving quotations or bids; and

(3) Address where invitations or specifications may be obtained.

§ 7–7.5001–21 Utilization of concerns in labor surplus areas.

Insert the clause set forth in FPR 1–1.805–3(a).

§ 7–7.5001–22 Insurance—liability to third persons.

INSURANCE—LIABILITY TO THIRD PERSONS (DECEMBER 1970)

(a) The Contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury) and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance under this contract, and such other insurance as the Contracting Officer may from time to time require with respect to performance under this contract; provided, that the Contractor may, with the approval of the Contracting Officer, maintain a self-insurance program, and provided further, that with respect to Workmen's Compensation the Contractor is qualified pursuant to statutory authority. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amounts, and for such periods of time, as the Contracting Officer may from time to time require or approve, and with insurers approved by the Contracting Officer.

(b) The Contractor agrees, to the extent and in the manner required by the Contracting Officer, to submit for the approval of the Contracting Officer any other insurance maintained by the Contractor in connection with the performance of this contract and for which the Contractor seeks reimbursement hereunder.

(c) The Contractor shall be reimbursed:

(1) For the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause; and

(2) For liabilities to third persons for loss of or damage to property (other than property:

(i) Owned, occupied or used by the Contractor or rented to the Contractor; or

(ii) In the care, custody, or control of the Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the Contractor, his agents, servants or employees, provided such liabilities are represented by final judgments or settlements approved in writing by the Government, and expenses incidental to such liabilities, except liabilities (I) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (II) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by the Contracting Officer, or (III) which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of (A) all or substantially all of the Contractor's business, or (B) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (C) a separate and complete major industrial operation in connection with the performance of this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of insurance maintained by the Contractor in connection with the performance of this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause, provided such cost would constitute Allowable Cost under the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment".

(d) The Contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the Contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the Contractor under the provisions of this contract and the risk of which is then uninsured or in which the amount claimed exceeds the amount of coverage. The Contractor shall furnish immediately to the Government copies of all pertinent papers received by the Contractor. If the amount of the liability claimed exceeds the amount of coverage, the Contractor shall authorize representatives of the Government to collaborate with counsel for the insurance carrier, if any, in settling or defending such claim. If the liability is not insured or covered by bond, the Contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the Contractor in or take charge of any litigation in connection therewith; provided, however, that the Contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or litigation.

§ 7–7.5001–23 Termination for default or for convenience of the Government.

Insert the clause set forth in FPR 1–8.702.

§ 7–7.5001–24 Excusable delays.

Insert the clause set forth in FPR 1–8.708.

§ 7–7.5001–25 Stop work order.

STOP WORK ORDER (DECEMBER 1970)

(a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the work called for by the contract for a period of ninety (90) days after the order is delivered to the Contractor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a Stop Work Order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90) days after a stop work order is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either—

(i) Cancel the stop work order; or

(ii) Terminate the work covered by such order as provided in the clause of this contract entitled "Termination for Default or for Convenience of the Government".

(b) If a stop work order issued under this clause is canceled or the period of the order or any extension thereof expires, the Contractor shall resume work. An equitable adjustment shall be made in the delivery schedule, the estimated cost, the fee, or a combination thereof, and in any other provisions of the contract that may be affected, and the contract shall be modified in writing accordingly, if:

(i) The stop work order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract; and

(ii) The Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage; provided that, if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) If a stop work order is not canceled and the work covered by such order is terminated for the convenience of the Government, the reasonable costs resulting from the stop work order shall be allowed in arriving at the termination settlement.

§ 7–7.5001–26 Disputes.

DISPUTES (DECEMBER 1970)

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless within thirty (30) days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Administrator, Agency for International Development, Washington, D.C. 20523. The decision of the Administrator or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above; provided that nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 7–7.5001–27 Authorization and consent.

AUTHORIZATION AND CONSENT (DECEMBER 1970)

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower tier subcontractor).

§ 7–7.5001–28 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in FPR 1–7.101–13 and the following paragraph (c):

(c) This clause shall be included in all subcontracts.

§ 7–7.5001–29 Patent provisions and publication of results.

PATENT PROVISIONS AND PUBLICATION OF RESULTS (DECEMBER 1970)

The public shall be granted all benefits of any patentable results of all research and investigations conducted and all information, data, and findings developed under this contract, through dedication, assignment to the Administrator, publication, or such other means as may be determined by the Contracting Officer.

(a) With respect to patentable results and in accordance with this clause the Contractor agrees:

(1) To cooperate in the preparation and prosecution of any domestic and foreign patent applications which the Agency may decide to undertake covering the subject matter above described;

(2) To execute all papers requisite in the prosecution of such patent application including assignment to the United States and dedications; and

(3) To secure the cooperation of any employee of the Contractor in the preparation and the execution of all such papers as may be required in the prosecution of such patent applications or in order to vest title in the subject matter involved in the United States, or to secure the right of free use in public. It is understood, however, that the making of prior art searches, the preparation, filing, and prosecution of patent applications, the determination of questions of novelty, patentability, and inventorship, as well as other functions of a patent attorney, are excluded from the duties of the Contractor.

(b) With respect to nonpatentable results of research and investigations and information concerning the contract work, which the Contracting Officer determines will not form a basis of a patent application, the Contractor agrees:

(1) In contracts with public organizations, that such results may be known to the public only in such a manner as the parties hereto may agree, or in case of failure to agree, the results may be made known to the public by either party after due notice and submission of the proposed manuscript to the other, with such credit or recognition as may be mutually agreed upon, provided that full responsibility is assumed by such party for any statements on which there is a difference of opinion, and provided further that no copyrights shall subsist in any such publication.

(2) In all other contracts, that such results may be made known to the public only at the discretion of the Contracting Officer or his designated representative, under such conditions as the Contracting Officer or his designated representative may prescribe and with such credit or recognition of collaboration as he may determine.

(3) In case of publication by the Contractor, that reprints shall be supplied to the Agency in accordance with the Plan of Work.

§ 7–7.5001–30 Rights in data.

RIGHTS IN DATA (DECEMBER 1970)

(a) The term "Subject Data" as used herein includes writings, sound recordings, pictorial reproductions, drawings or other graphical representations, and works of any similar nature (whether or not copyrighted) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) All Subject Data first produced in the performance of this contract shall be the sole property of the Government. The Contractor agrees not to assert any rights at common law or equity and not to establish any claim to statutory copyright in such Data. The Contractor shall not publish or reproduce such Data in whole or in part or in any manner or form, nor authorize others to do so, without the written consent of the Government until such time as the Government may have released such Data to the public.

(c) The Contractor agrees to grant and does hereby grant to the Government and to its officers, agents and employees acting within the scope of their official duties, a royalty-free, nonexclusive, and irrevocable license throughout the world (i) to publish, translate, reproduce, deliver, perform, use, and dispose of, in any manner, any and all Data not first produced or composed in the performance of this contract but which is incorporated in the work furnished under this contract; and (ii) to authorize others to do so.

(d) The Contractor shall indemnify and save and hold harmless the Government, its officers, agents and employees acting within the scope of their official duties against any liability including costs and expenses (i) for violation of proprietary rights, copyright or right of privacy, arising out of the publication, translation, reproduction, delivery, performance, use or disposition of any Data furnished under this contract; or (ii) based upon any libelous or other unlawful matter contained in such Data.

(e) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) Paragraphs (c) and (d) above are not applicable to material furnished to the Contractor by the Government and incorporated in the work furnished under the contract; provided, such incorporated material is identified by the Contractor at the time of delivery of such work.

§ 7–7.5001–31 Release of information.

RELEASE OF INFORMATION (DECEMBER 1970)

All information gathered under this contract by the Contractor and all reports and recommendations hereunder shall be treated as confidential by the Contractor and shall not, without the prior written approval of the Contracting Officer, be made available to any person, party or government other than A.I.D., except as otherwise expressly provided in this contract.

§ 7–7.5001–32 Equal opportunity.

Insert the clause set forth in FPR 1–12.803–2.

§ 7–7.5001–33 Convict labor.

Insert the clause set forth in FPR 1–12.203.

§ 7–7.5001–34 Walsh-Healey Public Contracts Act.

Insert the clause set forth in FPR 1–12.605.

§ 7–7.5001–35 Officials not to benefit.

Insert the clause set forth in FPR 1–7.101–19.

§ 7–7.5001–36 Covenant against contingent fees.

Insert the clause set forth in FPR 1–1.503.

§ 7–7.5001–37 Language, weights, and measures.

LANGUAGE, WEIGHTS, AND MEASURES (DECEMBER 1971)

The English language shall be used in all written communications between the parties under this contract with respect to services to be rendered and with respect to all documents prepared by the Contractor except as otherwise provided in the contract or as authorized by the Contracting Officer. Wherever weights and measures are required or authorized, all quantities and measures shall be made, computed and recorded in the metric system, unless specified otherwise in the schedule of the contract.

§ 7–7.5001–38 Security requirements.

SECURITY REQUIREMENTS (DECEMBER 1970)

(a) The provisions of the following paragraphs of this clause shall apply to the extent that this contract involves access to classified information ("Confidential," "Secret," or "Top Secret") or administratively designated information ("Limited Official Use").

(b) Whenever the Contracting Officer or his authorized representative has assigned a security classification ("Confidential," "Secret," or "Top Secret") or administrative designation ("Limited Official Use") to the Contract or any of the items handled under the Contract, the Contracting Officer or his authorized representative shall notify the Contractor (1) in writing of administrative designations and of any subsequent revisions in such designation, or (2) by use of "Security Requirements Check List" (Form DD 254) for classified information and any subsequent revisions in such classification.

(c) To the extent the Contracting Officer or his authorized representative has indicated as of the date of this Contract, or thereafter indicates security classification or administrative designation under this Contract, as provided in paragraph (b) above, the Contractor shall safeguard all classified and administratively designated items handled under this Contract and shall provide and maintain a system of security controls within his own organization. For classified information the system of security controls shall be in accordance with Department of Defense Security Agreement (DD Form 441), including the DOD Industrial Security Manual for Safeguarding Classified Information

V 37 136 FEB 23 72 XUM

(DOD 5220.22-M). Instructions for safeguarding of administratively designated information are provided in Uniform State/AID/USIA Regulations (Volume 5, Foreign Affairs Manual, Chapter 900), a copy of which will be furnished by the Contracting Officer or Mission Director.

(d) Representatives of the Department of Defense and/or AID having security cognizance over the facility shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this Contract. Should the Government, through these representatives determine that the Contractor is not complying with the security requirements of this Contract, the Contractor shall be informed in writing by the cognizant Security Office of the Department of Defense and/or AID of the proper action to be taken in order to effect compliance with such requirements. The Contractor shall not be entitled to an adjustment in contract price, delivery schedule or both for required changes to his security procedures, methods or facilities in order that such procedures, methods and facilities be in compliance with the contract security requirements.

(e) If, subsequent to the date of this Contract, the security classifications or security requirements under this Contract are changed by the Government as provided in this clause and the security costs or time required for delivery under this Contract are thereby increased or decreased, the contract price, delivery schedule, or both and any other provision of the Contract that may be affected shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any claim for adjustment under this clause must be asserted to the Contracting Officer within sixty (60) days from the date of receipt by the Contractor of the notification of change in security classification or security requirements unless extended in writing by the Contracting Officer.

(f) The Contractor shall not permit any alien access to classified or administratively controlled information.

(g) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified or administratively designated information, provisions which shall conform substantially to the language of this Clause, including this paragraph (g).

(h) The Contractor also agrees that he shall determine that any subcontractor proposed by him for the furnishing of supplies and services which will involve access to classified or administratively designated information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified or administratively designated information.

(i) The Contractor agrees to notify the Contracting Officer in writing after completion of the work under this Contract that (1) all classified or administratively designated information which was in his possession during the performance of the Contract has been disposed of in accordance with existing DOD and/or AID security requirements, or (2) no classified or administratively designated information came into his possession or any of his employees' possession during the performance of the Contract.

§ 7-7.5001-39 Notices.

NOTICES (DECEMBER 1970)

Any notice given by any of the parties hereunder shall be sufficient only if in writing and delivered in person or sent by telegraph, cable, or registered or regular mail as follows:

To A.I.D.: Administrator, Agency for International Development, Washington, D.C. 20523. Attention: Contracting Officer (the name of the cognizant Contracting Officer with a copy to the appropriate Mission Director).

To Contractor: At Contractor's address shown on the or to such other address as either of such parties shall designate by notice given as herein required. Notices hereunder shall be effective when delivered in accordance with this clause or on the effective date of the notice, whichever is later.

§ 7-7.5002 Additional clauses.

These additional clauses are mandatory for cost-plus-fixed-fee contracts and with necessary modifications, for other types of cost-reimbursement contracts which will be performed in whole or in part outside the United States. (These clauses are in addition to the clauses set forth in § 7-7.5001.)

§ 7-7.5002-1 Definitions.

DEFINITIONS (DECEMBER 1970)

(a) "Dependents" shall mean:

(1) Spouse.

(2) Children (including step and adopted children) who are unmarried and under 21 years of age or, regardless of age, are incapable of self support.

(3) Parents (including step and legally adoptive parents), of the employee or of the spouse, when such parents are at least 51 percent dependent on the employee for support.

(4) Sisters and brothers (including step or adoptive sisters or brothers) of the employee, or of the spouse, when such sisters and brothers are at least 51 percent dependant on the employee for support, unmarried and under 21 years of age, or regardless of age, are incapable of self support.

(b) "Local currency" shall mean the currency of the Cooperating Country.

(c) "Regular Employee" shall mean a Contractor employee appointed to serve one year or more in the Cooperating Country.

(d) "Short Term Employee" shall mean a Contractor employee appointed to serve less than one year in the Cooperating Country.

(e) "Traveler" shall mean Contractor's Regular Employees, Dependents of the Contractor's Regular Employees, the Contractor's Short Term Employees, Consultants and, as authorized by the Contracting Officer, the Contractor's Officers and Executives, or other persons.

§ 7-7.5002-2 Leave and holidays.

LEAVE AND HOLIDAYS (DECEMBER 1970)

(a) *Vacation leave.* Contractor may grant to personnel employed under this contract vacations of reasonable duration in accordance with Contractor's usual practice, but in no event shall vacation leave be earned at a rate exceeding 26 working days per annum. It is understood that vacation leave is provided under this contract primarily for the purposes of affording necessary rest and recreation to regular employees during their tours of duty in the Cooperating Country. The Contractor will use its best efforts to arrange that earned vacation leave will be used for the above stated purpose during the employee's tour of duty unless the interest of the project dictates otherwise. Lump sum payments for vacation leave earned but not taken shall be reimbursed in accordance with Subpart 1-15.2 of the Federal Procurement Regulations in effect on the date of this contract.

(b) *Sick leave.* Sick leave may be granted in accordance with the Contractor's usual practice but not to exceed 13 working days per annum. Additional sick leave after use of accrued vacation leave may be advanced in accordance with Contractor's usual practice if, in the judgment of the Contractor, and with the prior approval of the Contracting Officer, it is determined that such additional leave is in the best interest of the project. In no event shall such additional leave exceed 30 calendar days. Contractor agrees to reimburse A.I.D. for leave used in excess of the amount earned during the regular employee's assignment under this contract. Sick leave earned and unused at the end of a regular tour of duty may be carried over to a succeeding tour of duty. Unused sick leave is not reimbursable under this contract.

(c) *Home leave.* (1) For Contractor's regular employees who have served two years overseas (which period includes orientation in the United States) under this contract and have not taken more than thirty (30) days leave (vacation, sick or leave without pay) in the United States, home leave of up to thirty (30) calendar days in the United States will be allowed, provided that such regular employees agree to return overseas under an additional two year appointment, or for such shorter period of not less than one year of overseas service as the Contracting Officer may approve in advance, under the contract upon completion of home leave.

(2) Notwithstanding the requirement in subparagraph (1) immediately above, that Contractor's regular employee must have served two years overseas under this contract to be eligible for home leave. Contractor may grant advance home leave to such regular employees subject to all of the following conditions:

(i) Granting of advance home leave would in each case serve to advance the attainment of the objectives of this contract, and

(ii) The regular employee shall have served a minimum of 18 months in the Cooperating Country on his current tour of duty under this contract, and

(iii) The regular employee shall have agreed to return to the Cooperating Country to serve out the remainder of his current tour of duty and an additional two year appointment under this contract, or such other additional appointment of not less than one year of overseas service as the Contracting Officer may approve in advance, and

(iv) The Mission Director shall have given prior written approval in each case of such advance home leave.

(3) The period of service overseas required under paragraph (c) (1) or paragraph (c) (2) above shall include the actual days in orientation in the United States and the actual days overseas beginning on the date of departure from the United States port of embarkation on international travel and continuing, inclusive of authorized delays en route, to the date of arrival at the United States port of debarkation from international travel. Allowable vacation and sick leave taken, but not leave without pay, shall be included in the required period of service overseas, provided that any such vacation and sick leave was not taken within the United States or the territories of the United States.

(4) Salary during travel to and from the United States for home leave will be limited to the time required for travel by the most expeditious air route. The Contractor will be responsible for reimbursing A.I.D. for salary payments made during home leave, if in spite of the undertaking of the new appointment, the regular employee, except for reasons beyond his control as determined by the Contracting Officer does not return overseas and complete the additional required service. Unused home leave is not reimbursable under this contract.

(5) To the extent deemed necessary by Contractor, regular employees in the United States on home leave may be authorized to

spend not to exceed five (5) days in work status at the Contractor's principal place of business or at A.I.D./Washington for consultation before returning to their post of duty.

(d) *Military leave.* Military leave of not more than 15 calendar days in any calendar year may be granted in accordance with the Contractor's usual practice to each regular employee whose appointment is not limited to 1 year or less and who is a reservist of the Armed Forces, provided that such military leave has been approved in advance by the Contracting Officer.

(e) *Leave records.* Contractor shall maintain current leave records for all regular employees and short term employees, and the Contractor shall make semi-annual statements to the Contracting Officer of leave taken.

(f) *Holidays overseas.* Contractor employees while serving abroad shall be entitled to all holidays authorized by the Mission Director or A.I.D. Representative in the country of assignment.

§ 7-7.5002-3 Travel and transportation expenses.

TRAVEL AND TRANSPORTATION EXPENSES (DECEMBER 1970)

(a) *International travel.* The Contractor shall be reimbursed for actual transportation costs and travel allowances of travelers from normal place of residence in the United States (or other location as approved by the Contracting Officer) to post of duty in the Cooperating Country and return to normal place of residence in the United States (or other location as approved by the Contracting Officer) upon completion of services by the individual. Such transportation costs shall not be reimbursed in an amount greater than economy class commercial scheduled air travel by the most expeditious route, except as otherwise provided in paragraph (g) below and unless economy air travel or economy air travel space are not available and the Contractor certifies to the facts in the voucher or other documents retained as part of his contract records to support his claim or for post-audit. When travel is by economy class accommodations the Contractor will be reimbursed for transporting up to twenty-two (22) pounds of accompanied personal baggage per traveler in addition to that regularly allowed with the economy ticket. Travel allowances for such travelers shall be at the rate of $6.00 per day for persons eleven years of age or over, and $3.00 per day for persons under eleven years of age for not more than the travel time required by scheduled economy class commercial air carrier using the most expeditious route and computed in accordance with the Standardized Government Travel Regulations as from time to time amended. One stopover enroute for a period of not to exceed twenty-four (24) hours is allowable when the traveler uses economy class accommodations for a trip of fourteen (14) hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route. Per diem during such stopover shall be paid in accordance with the established practice of the Contractor, but not to exceed the amounts stated in the Standardized Government Travel Regulations, as from time to time amended.

(b) *Local travel.* The Contractor shall be reimbursed at the rates established by the Mission Director for transportation of travelers in the Cooperating Country in connection with duties directly referable to the contract. In the absence of such established rates, the Contractor shall be reimbursed for actual costs of transportation of travelers in the Cooperating Country if not provided by the Cooperating Government or the Mission in connection with duties directly referable to the contract, including travel allowances at rates prescribed by the Standardized Government Travel Regulations, as from time to time amended.

(c) *Travel for consultation.* The Contractor shall be reimbursed for the round trip of the Contractor's Chief Representative in the Cooperating Country or other designated Contractor's employee or consultant in the Cooperating Country performing services required under this contract, for travel from the Cooperating Country to the Contractor's principal place of business in the United States or to A.I.D./Washington for consultation and return on occasions deemed necessary by the Contractor and approved in advance in writing by the Contracting Officer or the cognizant Mission Director.

(d) *Special international travel and third country travel.* Upon the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall be reimbursed for (1) the costs of international transportation of travelers other than between the United States and the Cooperating Country and for local transportation within other countries and (2) travel allowance for travelers while in travel status and while performing services hereunder in such other countries at rates prescribed by the Standardized Government Travel Regulations, as amended, when such travel advances the purposes of this Contract and is not otherwise provided for by any of the Cooperating Countries.

(e) *Indirect travel for personal convenience.* When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of economy class air fare via the direct usually traveled route. If such costs include fares for air or ocean transportation by foreign flag carriers, approval for indirect travel by such foreign flag carriers must be obtained from the Contracting Officer or the Mission Director before such travel is undertaken, otherwise only that portion of travel accomplished by United States flag carriers will be reimbursable within the above limitation of allowable costs.

(f) *Limitation on travel by dependents.* Travel costs and allowances will be allowed only for dependents of regular employees and such costs shall be reimbursed for travel from place of abode in the United States to assigned station in the Cooperating Country and return only if dependent remains in the Cooperating Country for at least 9 months or one-half of the required tour of duty of the regular employee responsible for such dependent, whichever is the greater.

(g) *Delays en route.* The Contractor may grant to travelers under this contract reasonable delays en route, not circuitous in nature while in travel status, caused by events beyond the control of such traveler or Contractor, other than those caused by physical incapacitation. It is understood that if delay is caused by physical incapacitation, personnel shall be eligible for such sick leave as is provided under paragraph (b) of the Clause of this contract entitled "Leave and Holidays".

(h) *Travel by privately owned automobile.* The Contractor shall be reimbursed for the cost of travel performed by regular employees in their privately owned automobiles at the rate of twelve (12) cents per mile not to exceed the cost by the most direct economy air route between the points so traveled, provided the staff member is taking such automobile to or from the Cooperating Country as authorized under the contract. If any authorized dependents travel with the regular employee in such automobile no additional charge will be made by Contractor for their travel between such points.

(i) *Emergency and irregular travel and transportation.* Actual transportation costs and travel allowances while en route, as provided in this section will also be reimbursed under the following conditions:

(1) The costs of going from post of duty in the Cooperating Country to the United States or other approved location for Contractor employees and dependents, when the Mission Director determines that, because of reasons or conditions beyond the employee's control, the employee has not completed his required service in the Cooperating Country or the dependent must leave the Cooperating Country. The Mission Director may also authorize the return to the Cooperating Country of such employees and dependents.

(2) The reasons or conditions referred to in Paragraph (1), next above, include but are not necessarily limited to the following:

(i) Need for medical care beyond that available within the area to which the employee is assigned, or serious effect on physical or mental health if residence is continued at assigned post of duty, subject, in either case, to the limitations stated in the provisions of this contract entitled "Physical Fitness of Employees and Dependents."

(ii) Death, or serious illness or injury of a member of the immediate family of the employee or the immediate family of the employee's spouse. "Serious illness or injury" is defined as one in which death is imminent or likely to occur as based on competent medical opinion; or one in which the absence of the employee or dependent would result in great personal hardship. "Immediate family" is defined as the mother or father of the employee or spouse, including step-parents or adoptive parents, the spouse of the employee, or children of the employee and/or spouse including step-children or adoptive children, regardless of age.

Ordinarily, only one member of a family may travel at contract expense on emergency visitation travel. However, there may be exceptional circumstances, such as critical injury to a dependent child attending school outside the post of assignment which would require the presence of the employee and/or dependent(s). In such cases the limitations prescribed in this provision apply to each traveler; for example if more than one person travels, the deductible described below applies to each traveler.

An employee or dependent is limited to one round trip for each serious illness or injury of each immediate family member.

Reimbursement to the contractor for the cost of such travel shall be subject to a "deductible" (for each round trip) of 10 per cent of the total fare cost or $100, whichever is less, if the employee's annual salary is equivalent to that paid FSR-5, Step 5 Agency personnel or 25 per cent of the total fare cost of $200, whichever is less, if the employee's annual salary is more than the aforesaid rate.

The employee will prepare and sign, prior to his or any dependent's departure from post for emergency visitation travel, a statement explaining the emergency for which travel expense is to be authorized, including the name, address and relationship (to the employee or dependent) of the ailing or deceased family member. Requests for emergency travel may be granted at contract expense, less deductibles, only on the basis of a certification by a licensed physician that (a) the medical condition of the patient is of such nature that, by customary practice of the medical profession in the locale where the condition is diagnosed or treated, it is considered such as to warrant the placement of the patient on the "critical list", or (b)

V 37 136
FEB 23 72
XUM

the person has deceased. Where it is impracticable to forward a physician's statement with the request, tentative approval for the travel may be granted by the Mission Director subject to a later furnishing of such certification. If the approval of travel from the Mission Director is not received quickly enough, the contractor employee or dependent may travel at his expense and approval of travel for reimbursement will be considered after the fact. Requests for emergency travel shall be submitted through the Contractor's Chief of Party or his designated representative.

Time away from post by the employee on emergency visitation travel, including travel time, is charged to vaction leave or leave without pay, as appropriate. No per diem, excess baggage or unaccompanied baggage charges or other expenses, except the cost of transportation in conection with emergency travel, are authorized for reimbursement under the contract.

(iii) Emergency evacuation, including, subject to the Mission Director's approval, the transportation of household effects and automobile or storage thereof, and a per diem allowance for subsistence.

(j) *Rest and recuperation travel.* The Contractor shall be reimbursed for the cost of travel performed by regular employees and dependents for purposes of rest and recuperation on the same basis as authorized Mission employees, provided, however, that no reimbursement will be made unless written approval has been obtained from the Mission Director, prior to such travel.

(k) *Transportation of motor vehicles, personal effects and household goods.* Transportation, including packing and crating costs, will be paid for shipment from point of origin in the United States (or other location as approved by the Contracting Officer) to post of duty in the Cooperating Country and return to point of origin in the United States (or other location as approved by the Contracting Officer) (1) of one privately owned motor vehicle for each regular employee, (2) of personal effects of regular employees, and (3) of household goods of each regular employee not to exceed the following limitations:

	Basic household furniture not supplied (pounds net weight)	Basic household furniture supplied (pounds net weight)
Regular employee with dependents in cooperating country	7,000	2,800
Regular employee without dependents in cooperating country	4,000	1,500

NOTE: For the purpose of this clause, "net weight" and "gross weight" are defined and determined in accordance with the provisions of § 162.1 of the Uniform State/AID/USIA Foreign Service Travel Regulations.

The cost of transporting motor vehicles and household goods shall not exceed the cost of packing, crating and transportation by surface. In the event that the carrier does not require boxing or crating of motor vehicles for shipment to the Cooperating Country, the cost of boxing or crating is not reimbursable. The transportation of a privately-owned motor vehicle for a regular employee may be authorized by the Contractor, as a replacement of the last such motor vehicle shipped under this contract for such regular employee when the Mission Director or his designee determines, in advance and so notifies the Contractor in writing, that the replacement is necessary for reasons not due to the negligence or malfeasance of the regular employee. The determination shall be made under the same rules and regulations that apply to U.S. Citizens employed by the Mission.

UNACCOMPANIED BAGGAGE

In addition to the weight allowance shown above for household effects, each regular employee and each authorized dependent may ship the following amounts of unaccompanied personal effects:

(1) If air travel is used exclusively, a maximum of 300 pounds gross weight is authorized, of which 100 pounds gross weight may be shipped as air freight, the remainder being shipped as surface freight; or

(2) If surface travel is used exclusively, the free baggage allowance of the carrier must be utilized. If the carrier's free baggage allowance is less than 300 pounds, the difference between the free baggage allowance and 300 pounds is authorized for surface shipment as unaccompanied baggage; or

(3) If travel is by both air and surface means, a maximum of 300 pounds gross weight is authorized for shipment from origin to destination by surface means. Alternatively, up to 100 pounds gross weight of the 300 pounds maximum may be shipped as air freight between cities where travel is performed by air and the difference may be shipped by surface means from origin to destination.

To keep air shipments to a minimum and to permit the arrival of effects to coincide with the arrival of the regular employees and authorized dependents, consideration should be given to advance shipments of unaccompanied baggage by surface. The foregoing provisions concerning "Unaccompanied Baggage" are also applicable to "short-term employees", when these are authorized by the terms of this contract.

(l) *Storage of household effects.* The cost of storage charges (including packing, crating and drayage costs) in the United States of household goods of regular employees will be permitted, in lieu of transportation of all or any part of such goods to the Cooperating Country under paragraph (k) above, provided that the total amount of household goods shipped to the Cooperating Country and stored in the United States shall not exceed 4,500 pounds net for each regular employee without dependents in the Cooperating Country and 7,500 pounds net for each regular employee with dependents in the Cooperating Country.

(m) *Limitation on transportation*—(1) *International air transportation.* All international air travel under this contract shall be made on United States flag carriers. Exceptions to this rule will be allowed in the following situations provided that the Contractor certifies to the facts in the voucher or other documents detained as part of his contract records to support his claim for reimbursement and for post audit:

(i) Where a flight by a United States carrier is not scheduled to arrive in time for the conduct of official business;

(ii) Where a flight by a United States carrier is scheduled but does not have accommodations available when reservations are sought;

(iii) Where the departure time, routing, or other features of a United States carrier flight would interfere with or prevent the satisfactory performance of official business;

(iv) Where a scheduled flight by a United States carrier is delayed because of weather, mechanical or other conditions to such an extent that use of a non-United States carrier is in the Government's interest;

(v) Where the appropriate class of accommodations is available on both United States and non-United States carriers, but the use of the United States carrier will result in higher total United States dollar cost to the contract due to additional per diem or other expenses;

(vi) Where the appropriate class of accommodations is available only on a non-United States carrier and the cost of transportation and related per diem is less than the cost of available accommodations of another class on the United States carrier and related per diem;

(vii) Where payment for transportation can be made in excess foreign currencies, provided no U.S. air carriers adequately serving the points of travel will accept the currency. This preferential use of a foreign air carrier will also apply to near-excess foreign currencies.

All international air shipments under this contract shall be made on U.S. flag carriers, except as provided in paragraph (vii) above, unless shipment would, in the judgment of the Contractor, be delayed an unreasonable time awaiting a U.S. carrier either at point of origin or transshipment, provided that the Contractor certifies to the facts in the vouchers or other documents retained as part of the contract record to support his claim for reimbursement and for post audit by A.I.D.

(2) *International ocean transportation.* All international ocean transportation of persons and things which is to be reimbursed in United States dollars under this contract shall be by United States flag vessels to the extent they are available.

(i) *Transportation of things.* Where United States flag vessels are not available, or their use would result in a significant delay, the Contractor may obtain a release from this requirement from the Resources Transportation Division, Agency for International Development, Washington, D.C. 20523, for the Mission Director, as appropriate, giving the basis for the request.

(ii) *Transportation of persons.* Where United States flag vessels are not available, or their use would result in a significant delay, the Contractor may obtain a release from this requirement from the Contracting Officer or the Mission Director, as appropriate.

(3) *Transportation of foreign-made motor vehicles.* Unless otherwise authorized by the Contracting Officer or the Mission Director no reimbursement will be made for the costs of transportation of any foreign (non-United States) made motor vehicle between the United States and the Cooperating Country or any intermediate points. Authorization of the transportation of foreign-made motor vehicles will be granted by the Contracting Officer or Mission Director in accordance with the Uniform State/AID/USIA Foreign Service Travel Regulations, as from time to time amended.

(4) *Unauthorized travel.* The Contractor shall not be reimbursed for any costs for travel of his employees when such travel has not been authorized under the terms of this contract.

(n) *Reduced rates on U.S. flag carriers.* Reduced rates on United States flag carriers are in effect for shipments of household goods and personal effects of A.I.D. contract personnel between certain locations. These reduced rates are available provided the shipper furnishes to the carrier at the time of the issuance of the bill of lading documentary evidence that the shipment is for the account of A.I.D. The Contracting Officer will, on request, furnish to the Contractor current information concerning the availability of a reduced rate with respect to any proposed shipment. The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates which are available in accordance with the foregoing.

§ 7–7.5002–4 Title to and care of property.

In lieu of the clause required by AIDPR 7–7.5001–19, insert the clause set forth in AIDPR 7–13.706.

§ 7–7.5002–5 Marking.

MARKING (DECEMBER 1970)

All commodities and their shipping containers, furnished to the Contractor in any of the Cooperating Countries in which the Contractor is performing the services specified in this contract under A.I.D. financing (whether from the United States or other source country), must carry the official A.I.D. emblem designed for the purpose. This identification shall be affixed by metal plate, decalcomania, stencil, label, tag or other means, depending upon the type of commodity or shipping container and the nature of the surface to be marked. The emblems placed on the commodities must be approximately as durable as the trade mark or company or brand name affixed by the producer; the emblems on the shipping containers must be legible until they reach the consignee.

The size of the emblem may vary depending upon the size of the commodity, package or shipping container to be marked, but must be large enough to be clearly visible at a reasonable distance. In addition, the shipping container will indicate clearly the last set of digits of the A.I.D., RA, PIO or other authorization number in characters at least equal in height to the shipper's marks.

The emblem will appear in the colors shown on the samples available in the Office of Small Business, Agency for International Development, Washington, D.C. 20523, or in the offices of the Mission in the respective Cooperating Countries. Raw materials (including grain, coal, petroleum, oil, and lubricants) shipped in bulk, vegetable fibers packaged in bales, and semi-finished products which are not packaged in any way are, to the extent compliance is impracticable, excepted from the marking requirements of this section. However, the emblem will be prominently displayed on all ships during loading and unloading when their cargoes consist entirely of A.I.D.-financed goods. Instructions relating to display of the emblem by ships will be furnished by the charterers to the carriers with their charter parties.

If compliance with the provisions of this paragraph is found to be impracticable with respect to other commodities, the Cooperating Country or supplier will promptly request the Office of Small Business, Agency for International Development, Washington, D.C. 20523 for an exception from the requirements of this paragraph.

§ 7–7.5002–6 Personnel.

PERSONNEL (DECEMBER 1970)

(a) *Approval.* No individual shall be sent outside of the United States by the Contractor to perform work under the contract without the prior written approval of the Contracting Officer; or shall any individual be engaged outside the United States to perform work outside the United States without such approval unless otherwise provided in the Schedule or unless the Contracting Officer otherwise agrees in writing.

(b) *Duration of appointments.* (1) Regular employees normally will be appointed for a minimum of two years (including orientation) under the contract except:

(i) When the remaining period of this contract is less than two years and in the judgment of the Contractor it is deemed desirable to fill a vacancy, then appointment may be made for the remaining period of the contract provided the contract has one year or more to run, and provided further that if it is contemplated that the contract is to be extended, then the appointment will be for two years subject to the actual extension being made.

(ii) When a position to be filled does not require a two-year appointment, then an appointment may be made for less than two years but in no event less than one year. If services are required for less than one year a short-term staff appointment may be made in accordance with the applicable provisions of the contract.

(iii) When the normal tour of duty established for A.I.D. personnel at a particular post is less than two years, then a normal appointment under the contract may be of the same duration.

(2) Contractor may make appointments of regular employees under this contract for less than two years whenever Contractor is unable to make a full two-year appointment, provided that the Contracting Officer approves such appointment, and provided further that in no event shall such appointment be less than one year.

(c) *Dependent employees.* If any person who is employed for services overseas under this contract is also a dependent of any other overseas employee under this contract, such person shall continue to hold the status of a dependent and be entitled and subject to the contract provisions which apply to dependents except as an employee he or she shall be entitled to an approved salary for the time services are actually performed in the Cooperating Country, overseas salary differential and workmen's compensation as provided in the Clause of this contract entitled "Insurance—Workmen's Compensation, Private Automobiles, Marine and Air Cargo", but such person shall not be entitled to any other allowances which are granted to regular employees.

(d) *Physical fitness of employees and dependents*—(1) *Pre-departure.* (i) Contractor shall exercise reasonable precautions in assigning employees for work under this contract in the Cooperating Country to assure that such employees are physically fit for work and residence in the Cooperating Country. In carrying out this responsibility Contractor shall require all such employees (other than those hired in the Cooperating Country) and their dependents authorized to accompany such employees to be examined by a licensed doctor of medicine. Contractor shall require the doctor to certify that, in the doctor's opinion, the employee is physically qualified to engage in the type of activity for which he is employed and the employee and authorized dependents are physically qualified to reside in the country to which the employee is recommended for duty. If Contractor has no such medical certificate on file prior to the departure for the Cooperating Country of any employee or authorized dependent and such employee is unable to perform the type of activity for which he is employed and complete his tour of duty because of any physical disability (other than physical disability arising from an accident while employed under this contract) or such authorized dependent is unable to reside in the Cooperating Country for at least nine months or one-half the period, whichever is greater, of the related employee's initial tour of duty because of any physical disability (other than physical disability arising from an accident while a dependent under this contract) Contractor shall not be reimbursed for the return transportation costs of the physically disabled employee and his dependents and any other persons required to return because of such disability; and

(ii) Contractor shall require all employees and dependents who are returning to their post of assignment after a period of home leave to be examined by a licensed doctor of medicine as required in this paragraph (1).

(2) *End of tour.* Contractor is authorized to provide its regular employees and dependents with physical examinations upon completion of their regular tours of duty.

(e) *Conformity to laws and regulations of cooperating country.* Contractor agrees to use its best efforts to assure that its personnel, while in the Cooperating Country, will abide by all applicable laws and regulations of the Cooperating Country and political subdivisions thereof.

(f) *Sale of personal property or automobiles.* To the extent permitted by the Cooperating Country the purchase, sale, import or export of personal property or automobiles by Contractor employees and their dependents in the Cooperating Country shall be subject to the same limitations and prohibitions which apply to U.S. Nationals employed by the Mission.

(g) *Conflict of interest.* Other than work to be performed under this contract for which an employee or consultant is assigned by the Contractor, no regular or short term employee or consultant of the Contractor shall engage, directly or indirectly, either in his own name or in the name or through the agency of another person, in any business, profession or occupation in the Cooperating Country or other foreign countries to which he is assigned.

(h) *Right to recall.* On the written request of the Contracting Officer or of a cognizant Mission Director, the Contractor will terminate the assignment of any individual to any work under the contract and, as requested, will use its best efforts to cause the return to the United States of the individual from overseas or his departure from a foreign country or a particular foreign locale.

§ 7–7.5002–7 Allowances.

ALLOWANCES (DECEMBER 1970)

(a) *Post differential allowance.* In areas where post differentials are paid to A.I.D. employees, post differentials of the same percentage of salary as are provided such A.I.D. employees in accordance with the Standardized Regulations (Government Civilian, Foreign Areas), Chapter 500, Tables—Chapter 900, as from time to time amended, will be reimbursable hereunder for employees in respect to amounts earned during the time such employees actually spend overseas on work under this contract. Such post differential allowances shall be payable beginning on the date of arrival at the post of assignment and such payments shall continue, including periods away from post on official business, until the close of business on the day of departure from the post of assignment en routs to the United States. Sick leave taken and leave taken for vacation at or away from the post of assignment will not interrupt the continuity of the assignment or require a discontinuance of such post differential payments, provided such leave is not taken within the limits of the United States or the territories of the United States. Post differential will not be payable while the employee is away from his post of assignment for purposes of home leave. Short term employees shall not be entitled to post differential for the first forty-two (42) calendar days at post of assignment.

(b) *Living quarters allowance.* The Contractor will be reimbursed for payments made to employees for a living quarters allowance for rent and utilities if such facilities are not supplied. Such allowances shall be the same as paid A.I.D. employees of equivalent rank in the Cooperating Country, in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 130, as from time to time amended. Subject to the written approval of the Mission Director, short term employees may be paid per diem (in lieu of living quarters allowance) at rates authorized by the Mission Director, but not to exceed the rates prescribed by the Standardized Government

V 37-36 FEB 23 72 XUM

Travel Regulations as from time to time amended, during the time such short term employees spend at posts of duty in the Cooperating Country under this contract. In authorizing such per diem rates, the Mission Director shall consider the particular circumstances involved with respect to each such short term employee including the extent to which meals and/or lodging may be made available without charge or at nominal cost by an agency of the United States Government or of the Cooperating Country, and similar factors.

(c) *Temporary lodging allowance.* The Contractor will be reimbursed for payments made to employees and authorized dependents for a temporary lodging allowance, in lieu of living quarters allowance in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 120, as from time to time amended.

(d) *Post allowance.* The Contractor will be reimbursed for payments made to employees for post allowance not to exceed those paid A.I.D. employees in the Cooperating Country, in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 220, as from time to time amended.

(e) *Supplemental post allowance.* The Contractor will be reimbursed for payments made to employees for supplemental post allowance as approved by the Mission Director in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 230, as from time to time amended.

(f) *Educational allowances.* The Contractor will be reimbursed for payments made to regular employees, for educational allowances for their dependent children in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 270, as from time to time amended.

(g) *Educational travel.* The Contractor will be reimbursed for payments made to regular employees for educational travel for their dependent children in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 280, as from time to time amended. Educational travel shall not be authorized for employees whose assignment is less than 2 years.

(h) *Separate maintenance allowance.* The Contractor will be reimbursed for payments made to regular employees for a separate maintenance allowance on the same basis as made to A.I.D. employees in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 260, as from time to time amended.

(i) *Payments during evacuation.* If approved in advance by the Mission Director, the Contractor will be reimbursed for payments made to employees and authorized dependents evacuated from their post of assignment in accordance with the Standardized Regulations (Government Civilians, Foreign Areas), Chapter 600, and the U.S. Standardized Government Travel Regulations, as from time to time amended.

§ 7–7.5002–8 Conversion of U.S. dollars to local currency.

CONVERSION OF UNITED STATES DOLLARS TO LOCAL CURRENCY (DECEMBER 1970)

Upon arrival in the Cooperating Country, and from time to time as appropriate, the Contractor's Chief of Party shall consult with the Mission Director who shall provide, in writing, the procedure the Contractor and his employees shall follow in the conversion of United States dollars to local currency. This may include, but is not limited to, the conversion of said currency through the cognizant United States Disbursing Officer or Mission Controller, as appropriate.

§ 7–7.5002–9 Orientation and language training.

ORIENTATION AND LANGUAGE TRAINING (DECEMBER 1970)

(a) Regular employees shall receive a maximum of two weeks A.I.D. orientation before travel overseas. The dates of orientation shall be selected by the Contractor and approved by the Contracting Officer from the orientation schedule provided by A.I.D.

(b) As either set forth in the Contract Schedule, or provided in writing by the Contracting Officer, the following may be authorized taking into consideration specific job requirements, an employee's prior overseas experience, or unusual circumstances, in connection with orientation of individual Contractor employees:

(1) Modified orientation.

(2) Language training.

(3) Orientation for regular employee's dependents at Contract expense.

(4) Contractor-sponsored orientation program.

(5) Waiver or orientation for individual Contractor employees.

(c) Transportation costs and travel allowances not to exceed one round trip from regular employee's residence to place of orientation and return will be reimbursed, pursuant to the provisions of the clause of this Contract entitled "Travel and Transportation Expenses", if the orientation is more than 50 miles from the regular employee's residence. Allowable salary costs during the period of orientation are also reimbursable.

(d) Contractor employee participation in A.I.D. orientation does not in any way relieve the Contractor of his responsibility for assuring that the employee is properly oriented in all matters related to the administrative, logistical, and technical aspects of his movement to, and tour of duty in, the Cooperating Country as provided for elsewhere in this Contract.

§ 7–7.5002–10 Insurance — workmen's compensation, private automobiles, marine and air cargo.

INSURANCE—WORKMEN'S COMPENSATION, PRIVATE AUTOMOBILES, MARINE AND AIR CARGO (DECEMBER 1970)

(a) *Workmen's compensation insurance.* (1) The Contractor shall provide and thereafter maintain workmen's compensation insurance as required by United States Public Law 208, 77th. Congress, as amended (42 U.S.C. 1651 et seq.), with respect to and prior to the departure for overseas employment under this contract of all employees who are hired in the United States or who are American citizens or bona fide residents of the United States.

(2) The Contractor shall further provide for all employees who are nationals or permanent residents of the country in which services are being rendered, if the contract authorizes their employment, security for compensation benefits pursuant to the applicable law of such country or injury or death in the course of such employment, or in the absence of such law, employer's liability insurance. For all other authorized employees not hired in the United States or who are not American citizens or bona fide residents of the United States, Contractor shall provide the necessary employer's liability insurance.

(3) The Contractor agrees to insert the provisions of this Clause, including this paragraph (3), in all subcontracts or subordinate contracts exclusively for furnishing materials or supplies.

(4) The Contractor agrees, as evidence of compliance with (1), (2), and (3) above, to provide the Contracting Officer within a reasonable period of time after the effective date of this contract with a copy of the actual insurance policy indicating the coverage provided for employees assigned by the Contractor to overseas employment under this contract and the Contractor agrees to provide the Contracting Officer with a similar copy of the insurance policy within a reasonable time after each renewal of this coverage, so long as this contract remains in effect. All such insurance policies shall be subject to the written approval of the Contracting Officer prior to reimbursement by A.I.D. to the Contractor of the costs thereof.

(5) The Contractor further agrees to provide the Contracting Officer with three copies of Department of Labor Form BEC–239–1 or US–240 "Certificate That Employer Has Secured Payment of Compensation", herein identified as a "Certificate of Compliance". The Contractor can obtain this Certificate from the insurance carrier through the Deputy Commissioner, Bureau of Employees' Compensation, Department of Labor, for appropriate Compensation District.

(b) *Insurance on private automobiles.* If Contractor or any of its employees or their dependents transport or cause to be transported (whether or not at contract expense) privately owned automobiles to the Cooperating Country, or they or any of them purchase an automobile within the Cooperating Country, Contractor agrees to make certain that all such automobiles during such ownership within the Cooperating Country will be covered by a paid-up insurance policy issued by a reliable company providing the following minimum coverages, or such other minimum coverages as may be set by the Mission Director payable in United States dollars or its equivalent in the currency of the Cooperating Country: injury to persons, $10,000/$20,000; property damage, $5,000. Contractor further agrees to deliver or cause to be delivered to the Mission Director, the insurance policies required by this clause or satisfactory proof of the existence thereof, before such automobiles are operated within the Cooperating Country. The premium costs for such insurance shall not be a reimbursable cost under this contract.

(c) *Marine and air cargo insurance.* Contractor may obtain cargo insurance on equipment, materials, and supplies procured under this contract only after obtaining the prior written approval of the Contracting Officer.

§ 7–7.5002–11 Services provided to contractor.

SERVICES PROVIDED TO CONTRACTOR (DECEMBER 1970)

In the event the United States Government or Cooperating Government has furnished the Contractor free of charge with items or services which are covered herein as allowable costs, whether direct or indirect, reimbursement may not be claimed for such items or services.

§ 7–7.5002–12 Miscellaneous.

MISCELLANEOUS (DECEMBER 1970)

A.I.D. shall use its best efforts to provide Contractor's regular employees and dependents with medical care, APO, PX, commissary and Officers' Club privileges if made available to A.I.D. employees at the post of assignment.

§ 7–7.5002–13 Contractor—mission relationships.

CONTRACTOR—MISSION RELATIONSHIPS (DECEMBER 1970)

Contractor acknowledges that this contract is an important part of the United States Foreign Assistance Program and agrees that Contractor's operations and those of its employees in the Cooperating Country will be carried out in such a manner as to be fully commensurate with the responsibilities which this entails. The Mission Director is the chief representative of A.I.D. in the Cooperating Country. In this capacity, he has responsibility for the total A.I.D. program in the Cooperating Country including certain administrative responsibilities set forth in this contract and for advising A.I.D. regarding the performance of the work under the contract and its effect on the United States Foreign Assistance Program. Although the Contractor will be responsible for all professional and technical details of the work called for by the contract, he shall be under the general policy guidance of the Mission Director and shall keep the Mission Director currently informed of the progress of the work under the contract.

§ 7–7.5002–14 Notice of changes in regulations.

NOTICE OF CHANGES IN REGULATIONS (DECEMBER 1970)

Changes in allowances shall be effective 30 days after the effective date of such changes for A.I.D. direct-hire employees or on the date of notice, whichever is later. Notice of changes shall be sufficient as provided in the Clause of this contract entitled "Notices".

§ 7–7.5003 Clauses to be used when applicable.

§ 7–7.5003–1 Alterations in Contract.

ALTERATIONS IN CONTRACT (DECEMBER 1970)

The following alterations have been made in the provisions of this contract.

6. New Subpart 7–7.51 is added as follows:

Subpart 7–7.51—Clauses for Basic Ordering Agreement for Engineering Services

§ 7–7.5100 Scope of subpart.

This subpart sets forth contract clauses for use in basic ordering agreements for engineering services with a contractor other than an educational institution.

§ 7–7.5101 Required clauses.

These clauses are mandatory for basic ordering agreements that provide for pricing on a fixed rate plus reimbursement of specific identified costs, and with necessary modifications, for other pricing arrangements.

§ 7–7.5101–1 Definitions.

DEFINITIONS (DECEMBER 1970)

(a) "A.I.D." shall mean the Agency for International Development.

(b) "Administrator" shall mean the Administrator or the Deputy Administrator of the Agency for International Development.

(c) "Consultant" shall mean any especially well qualified person who is engaged on a temporary or intermittent basis to advise the Contractor and who is not an officer or employee of the Contractor who performs other duties for the Contractor.

(d) "Contract" includes each task order and the basic ordering agreement under which issued.

(e) "Contracting Officer" shall mean the person executing this contract on behalf of the United States Government and any other government employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(f) "Contractor Employee" shall mean an employee of the Contractor assigned to work under this contract.

(g) "Cooperating Country or Countries" shall mean the foreign country or countries in which services are to be rendered hereunder.

(h) "Cooperating Government" shall mean the government of the Cooperating Country.

(i) "Economy Class" air travel (also known as jet-economy, air coach, tourist-class, etc.) shall mean a class of air travel which is less than first class.

(j) "Federal Procurement Regulations (FPR)" when referred to herein shall include Agency for International Development Procurement Regulations (AIDPR).

(k) "Government" shall mean the United States Government.

(l) "Local currency" shall mean the currency of the Cooperating Country.

(m) "Mission" shall mean the United States A.I.D. Mission to, or principal A.I.D. office in, the Cooperating Country.

(n) "Mission Director" shall mean the principal officer in the Mission in the Cooperating Country.

(o) "Regular Employee" shall mean a Contractor employee appointed to serve one year or more in the Cooperating Country.

(p) "Short Term Employee" shall mean a Contractor employee appointed to serve less than one year in the Cooperating Country.

(q) "Traveler" shall mean the Contractor's Regular Employees, Dependents of the Contractor's Regular Employees, the Contractor's Short Term Employees, Consultants and, as authorized by the Contracting Officer, the Contractor's Officers and Executives, or other persons.

§ 7–7.5101–2 Biographical data.

Insert the clause set forth in AIDPR 7–7.5001–3.

§ 7–7.5101–3 Personnel.

PERSONNEL (DECEMBER 1970)

(a) *Approval.* No individual shall be sent outside of the United States by the Contractor to perform work under the contract without the prior written approval of the Contracting Officer; nor shall any individual be engaged outside the United States or assigned when outside the United States to perform work outside the United States under the contract without such approval unless otherwise provided in the contract or unless the Contracting Officer otherwise agrees in writing.

(b) *Physical fitness of employees.*—(1) *Predeparture.* Contractor shall exercise reasonable precautions in assigning employees for work under the contract in the Cooperating Country to assure that such employees are physically fit for work and residence in the Cooperating Country. In carrying out this responsibility Contractor shall require all such employees (other than those hired in the Cooperating Country) to be examined by a licensed doctor of medicine. Contractor shall require the doctor to certify that, in the doctor's opinion, the employee is physically qualified to engage in the type of activity for which he is employed and the employee is physically qualified to reside in the country to which the employee is recommended for duty. If Contractor has no such medical certificate on file prior to the departure for the Cooperating Country of any employee and such employee is unable to perform the type of activity for which he is employed and complete his tour of duty because of any physical disability (other than physical disability arising from an accident while employed under this contract), Contractor shall not be reimbursed for the return transportation costs of the physically disabled employee and his effects.

(c) *Conformity to laws and regulations of Cooperating Country.* Contractor agrees to use its best efforts to assure that its personnel, while in the Cooperating Country, will abide by all applicable laws and regulations of the Cooperating Country and political subdivisions thereof.

(d) *Sale of personal property or automobiles.* To the extent permitted by the Cooperating Country the purchase, sale, import, or export of personal property or automobiles by Contractor employees in the Cooperating Country shall be subject to the same limitations and prohibitions which apply to U.S. Nationals employed by the Mission.

(e) *Conflict of interest.* Other than work to be performed under the contract for which an employee or consultant is assigned by the Contractor, no regular or short term employee or consultant of the Contractor shall engage, directly or indirectly, either in his own name or in the name or through the agency of another person, in any business, profession, or occupation in the Cooperating Country or other foreign countries to which he is assigned, nor shall he make loans or investments to or in any business, profession or occupation in the Cooperating Country or other foreign countries to which he is assigned.

(f) *Right to recall.* On the written request of the Contracting Officer or of a cognizant Mission Director, the Contractor will terminate the assignment of any individual to any work under the contract and, as requested, will use its best efforts to cause the return to the United States of the individual from overseas or his departure from a foreign country or a particular foreign locale.

§ 7–7.5101–4 Allowances.

ALLOWANCES (DECEMBER 1970)

The Contractor will be reimbursed for the actual costs of subsistence (per diem) allowance paid to its authorized personnel performing services in a Cooperating Country under the contract. Such allowances shall not exceed the rates prescribed by the Standardized Government Travel Regulations, as from time to time amended.

§ 7–7.5101–5 Travel and transportation.

TRAVEL AND TRANSPORTATION (DECEMBER 1970)

(a) *United States travel and transportation.*—(1) *Necessary transportation costs.* The Contractor shall be reimbursed for actual transportation costs and travel allowances of travelers in accordance with the established practice of the Contractor for travel within the United States directly referable to the contract and not continuous with travel to and from the Cooperating Country. Such transportation costs shall not be reimbursed in an amount greater than the cost of, and time required for, economy class commercial scheduled air travel by the most expeditious route unless economy air travel or economy air travel space are not available and the Contractor certifies to the facts in the voucher or other documents retained as part of his contract records to support his claim on post-audit. Such travel allowances shall be in accordance with the established practices of the Contractor for travel within the United States provided that it shall not exceed the rates and basis for computation of such rates as provided in the Standardized Government Travel Regulations, as from time to time amended.

(2) *Actual expense basis.* Travel on an actual expense basis may be authorized or approved personally and in writing by the

V 37-36 FEB 23 72 XUM

Contractor's Chief Executive Officer, or equivalent official, when he determines that unusual circumstances of the assignment will require expenditures greatly in excess of the maximum per diem allowance provided herein. Payment on an actual expense basis is limited to specific travel assignments and should be used only in exceptional cases and not merely to cover a small amount of costs in excess of per diem. Normally the authorization will be limited to cases where the costs of lodging (exclusive of meals) at available hotels absorbs practically all of the per diem allowance. In no event, however, shall the amount authorized exceed the applicable maximum amount allowable under section 6.12 of the Standardized Government Travel Regulations, as from time to time amended. The required written authorization as approval and receipts covering all expenses claimed hereunder shall be filed by the traveler with his voucher and shall be retained as a part of the Contractor's records to support the Contractor's claim for reimbursement.

(b) *Overseas travel and transportation*—(1) *International travel.* The Contractor shall be reimbursed for actual transportation costs and travel allowances of travelers from normal place of residence in the United States (or other location as approved by the Contracting Officer), to post of duty in the Cooperating Country and return to normal place of residence in the United States (or other location as approved by the Contracting Officer) upon completion of services by the individual. Such transportation costs shall not be reimbursed in an amount greater than economy class commercial scheduled air travel by the most expeditious route, except as otherwise provided in paragraph (5) below and unless economy air travel or economy air travel space are not available and the Contractor certifies to the facts in the voucher or other documents retained as part of his contract records to support his claim or for post-audit. When travel to or from the Cooperating Country is by economy class accommodations the Contractor will be reimbursed for transporting up to fifty (50) pounds of accompanied personal baggage per traveler in addition to that regularly allowed with the economy ticket. Travel allowances for such travelers shall be at the rate of $6.00 per day for not more than the travel time required by scheduled economy class commercial air carrier using the most expeditious route and computed in accordance with the Standardized Government Travel Regulations as from time to time amended. One stopover enroute for a period of not to exceed twenty-four (24) hours is allowable when the traveler uses economy class accommodations for a trip of fourteen (14) hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route. Per diem during such stopover shall be paid in accordance with the established practice of the Contractor, but not to exceed the amounts in the Standardized Government Travel Regulations, as from time to time amended.

(2) *Local travel.* The Contractor shall be reimbursed at the rates established by the Mission Director for transportation of travelers in the Cooperating Country in connection with duties directly referable to work under this contract. In the absence of such established rates, the Contractor shall be reimbursed for actual costs of transportation of travelers in the Cooperating Country if not provided by the Cooperating Government or the Mission in connection with duties directly referable to work hereunder, including travel allowances at rates prescribed by the Standardized Government Travel Regulations, as from time to time amended.

(3) *Special international travel and third Country travel.* Upon the prior written approval of the Contracting Officer or the Mission Director, the Contractor shall be reimbursed for (1) the costs of international transportation of travelers other than between the United States and the Cooperating Country and for local transportation within other countries and (2) travel allowance for travelers while in travel status and while performing services under the contract in such other countries at rates prescribed by the Standardized Government Travel Regulations, as from time to time amended, when such travel advances the purposes of the contract and is not otherwise provided for by any of the Cooperating Countries.

(4) *Indirect travel for personal convenience.* When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on the basis of the cost of economy class air fare via the direct usually traveled route. If such costs include fares for air or ocean transportation by foreign flag carriers, approval for indirect travel by such foreign flag carriers must be obtained from A.I.D./Washington or the Mission before such travel is undertaken, otherwise only that portion of travel accomplished by United States flag carriers will be reimbursable within the above limitation of allowable costs.

(5) *Delays en route.* The Contractor may grant to travelers reasonable delays en route, not circuitous in nature while in travel status, caused by events beyond the control of such traveler or Contractor, other than those caused by physical incapacitation.

(6) *Travel by privately-owned automobile.* The Contractor shall be reimbursed for the cost of travel performed by regular employees in their privately-owned automobiles at the rate of twelve (12) cents per mile not to exceed the cost by the most direct economy air route between the points so traveled.

(7) *Emergency and irregular travel and transportation.* Actual transportation costs and travel allowances while en route, as provided in this section will also be reimbursed under the following conditions:

(i) The costs of going from post of duty in the Cooperating Country to the United States or other approved location for Contractor employees, when the Mission Director determines that, because of reasons or conditions beyond the employee's control, the employee has not completed his required service in the Cooperating Country or must leave the Cooperating Country. The Mission Director may also authorize the return to the Cooperating Country of such employees.

(ii) The reasons or conditions referred to in paragraph (i), next above, include but are not necessarily limited to the following:

(I) Need for medical care beyond that available within the area to which the employee is assigned, or serious effect on physical or mental health if residence is continued at assigned post of duty, subject, in either case, to the limitations stated in the provisions of this contract entitled "Physical Fitness of Employees."

(II) Death, or serious illness or injury of a member of the immediate family of the employee or the immediate family of the employee's spouse. "Serious illness or injury" is defined as one in which death is imminent or likely to occur as based on competent medical opinion; or one in which the absence of the employee would result in great personal hardship. "Immediate family" is defined as the mother or father of the employee or spouse, including step-parents or adoptive parents, the spouse of the employee, or children of the employee and/or spouse including step-children or adoptive children, regardless of age.

An employee is limited to one round trip for each serious illness or injury of each immediate family member.

Reimbursement to the contractor for the cost of such travel shall be subject to a "deductible" (for each round trip) of 10 percent of the total fare cost or $100, whichever is less, if the employee's annual salary is equivalent to that paid FSR-5, Step 5 Agency personnel or 25 percent of the total fare cost or $200, whichever is less, if the employee's annual salary is more than the aforesaid rate.

The employee will prepare and sign, prior to his departure from post for emergency visitation travel, a statement explaining the emergency for which travel expense is to be authorized, including the name, address and relationship (to the employee) of the ailing or deceased family member. Requests for emergency travel may be granted at contract expense, less deductibles, only on the basis of a certification by a licensed physician that (a) the medical condition of the patient is of such nature that, by customary practice of the medical profession in the locale where the condition is diagnosed or treated, it is considered such as to warrant the placement of the patient on the "critical list," or (b) the person has deceased. Where it is impracticable to forward a physician's statement with the request, tentative approval for the travel may be granted by the Mission Director subject to a later furnishing of such certification. If the approval of travel from the Mission Director is not received quickly enough, the contractor employee may travel at his expense and approval of travel for reimbursement will be considered after the fact. Requests for emergency travel shall be submitted through the Contractor's Chief of Party or his designated representative.

Time away from post by the employee on emergency visitation travel, including travel time, is charged to vacation leave or leave without pay, as appropriate. No per diem, excess baggage or unaccompanied baggage charges or other expenses, except the cost of transportation in connection with emergency travel, are authorized for reimbursement under the contract.

(iii) Emergency evacuation, including, subject to the Mission Director's approval, the transportation of household effects and automobile or storage thereof, and a per diem allowance for subsistence.

(8) *Limitation on transportation*—(i) *International air transportation.* All international travel shall be made on United States flag carriers. Exceptions to this rule will be allowed in the following situations provided the Contractor certifies to the facts in the voucher or other documents retained as part of his contract records to support his claim for reimbursement and for post audit by A.I.D.:

(I) Where a flight by a United States carrier is not scheduled to arrive in time for the conduct of official business;

(II) Where a flight by a United States carrier is scheduled but does not have accommodations available when reservations are sought;

(III) Where the departure time, routing, or other features of a United States carrier flight would interfere with or prevent the satisfactory performance of official business;

(IV) Where a scheduled flight by a United States carrier is delayed because of weather, mechanical or other conditions to such an extent that use of a non-United States carrier is in the Government's interest;

(V) Where the appropriate class of accommodations is available on both United States and non-U.S. carriers, but the use of the United States carrier will result in higher total United States dollar cost to the task order hereunder due to additional per diem or other expenses;

(VI) Where the appropriate class of accommodations is available only on a non-United States carrier and the cost of transportation and related per diem is less than the cost of available accommodations of another class on a United States carrier and related per diem; and

(VII) Where payment for transportation can be made in excess foreign currencies, provided no U.S. air carriers adequately serving the points of travel will accept the currency. This preferential use of a foreign air carrier will also apply to near-excess foreign currencies.

All international air shipments under this contract shall be made on U.S. flag carriers, except as provided in paragraph VII above, unless shipment would, in the judgment of the Contractor, be delayed an unreasonable time awaiting a U.S. carrier either at point of origin or transshipment, provided that the Contractor certifies to the facts in the vouchers or other documents retained as part of the contract record to support his claim for reimbursement and for post audit by A.I.D.

(ii) *International ocean transportation.* All international ocean transportation of persons and things which is to be reimbursed in United States dollars under this contract shall be by United States flag vessels to the extent they are available.

(I) *Transportation of things.* Where United States flag vessels are not available, or their use would result in a significant delay, the Contractor may obtain a release from this requirement from the Resources Transportation Division, Agency for International Development, Washington, D.C. 20523, or the Mission Director, as appropriate, giving the basis for the request.

(II) *Transportation of persons.* Where United States flag vessels are not available, or their use would result in a significant delay, the Contractor may obtain a release from this requirement from the Contracting Officer or the Mission Director, as appropriate.

(iii) *Transportation of foreign-made motor vehicles.* Unless otherwise authorized by the Contracting Officer or the Mission Director no reimbursement will be made for the costs of transportation of any foreign (non-United States) made motor vehicle between the United States and the Cooperating Country or any intermediate points. Authorization of the transportation of foreign-made motor vehicles will be granted by the Contracting Officer or Mission Director in accordance with the Uniform State/A.I.D./USIA Foreign Service Travel Regulations, as from time to time amended.

(iv) *Unauthorized travel.* The Contractor shall not be reimbursed for any costs of travel of his employees when such travel has not been authorized under the terms of this contract.

(9) *Reduced rates on U.S. flag carriers.* Reduced rates on United States Flag Carriers are in effect for shipments of household goods and personal effects of A.I.D. contract personnel between certain locations. These reduced rates are available provided the shipper furnishes to the carrier at the time of the issuance of the bill of lading documentary evidence that the shipment is for the account of A.I.D. The Contracting Officer will, on request, furnish to the Contractor current information concerning the availability of a reduced rate with respect to any proposed shipment. The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates which are available in accordance with the foregoing.

§ 7–7.5101–6 Notice of changes in regulations.

Insert the clause set forth in AIDPR 7.7.5002–14.

§ 7–7.5101–7 Conversion of U.S. dollars to local currency.

Insert the clause set forth in AIDPR 7–7.5002–8.

§ 7–7.5101–8 Orientation and language training.

Insert the clause set forth in AIDPR 7–7.5002–9.

§ 7–7.5101–9 Services provided to contractor.

Insert the clause set forth in AIDPR 7–7.5002–11.

§ 7–7.5101–10 Contractor—mission relationship.

Insert the clause set forth in AIDPR 7–7.5002–13.

§ 7–7.5101–11 Source requirements of procurement of equipment, vehicles, materials, and supplies.

Insert the clause set forth in AIDPR 7–7.5501–17.

§ 7–7.5101–12 Title to and care of property.

Insert the clause set forth in AIDPR 7–13.706.

§ 7–7.5101–13 Subcontracts and purchase orders.

Insert the clause set forth in AIDPR 7–7.5001–18.

§ 7–7.5101–14 Excusable delays.

EXCUSABLE DELAYS (DECEMBER 1970)

The Contractor shall not be in default by reason of any failure in performance of this contract in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include but are not restricted to: acts of God or of the public enemy; acts of the Government in either its sovereign or contractual capacity; fires; floods; epidemics; quarantine restrictions; strikes; and unusually severe weather; but in every case, the failure to perform must be beyond the control and without the fault or negligence of the Contractor. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he shall determine that any failure to perform was occasioned by any one or more of the said causes, the completion dates shall be revised accordingly subject to the rights of the Government under the clause of this contract entitled "Termination for Default or for Convenience of the Government."

§ 7–7.5101–15 Price adjustment for suspension, delays, or interruption of work.

PRICE ADJUSTMENT FOR SUSPENSION, DELAYS, OR INTERRUPTION OF WORK (DECEMBER 1970)

(a) The Contracting Officer may order the Contractor in writing to suspend all or any part of the work for such period of time as he may determine to be appropriate for the convenience of the Government.

(b) If, without the fault or negligence of the Contractor, the performance of all or any part of the work is for an unreasonable period of time, suspended, delayed, or interrupted by an act of the Contracting Officer in the administration of the contract, or by his failure to act within the time specified in the contract (or if no time is specified, within a reasonable time), an adjustment shall be made by the Contracting Officer for any increase in the cost of performance of the contract (excluding profit) necessarily caused by the unreasonable period of such suspension, delay, or interruption and the contract shall be modified in writing accordingly. No adjustment shall be made to the extent that performance by the Contractor would have been prevented by other causes even if the work had not been so suspended, delayed, or interrupted. No claim under this clause shall be allowed (i) for any costs incurred more than twenty days before the Contractor shall have notified the Contracting Officer in writing of the act or failure to act involved (but this requirement shall not apply where a suspension order has been issued), and (ii) unless the claim, in an amount stated, is asserted in writing as soon as practicable after the termination of such suspension, delay, or interruption but not later than the date of final payment under the contract. Any dispute concerning a question of fact arising under this clause shall be subject to the "Disputes" clause of this contract.

§ 7–7.5101–16 Changes.

CHANGES (DECEMBER 1970)

The Contracting Officer may at any time, by written order, and without notice to the sureties, make changes within the general scope of the contract in the work and service to be performed. If any such changes cause an increase or decrease in the Contractor's cost of, or the time required for, performance of this contract, an equitable adjustment shall be made and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted in writing within 30 days from the date of receipt by the Contractor of the notification of change unless the Contracting Officer grants a further period of time before the date of final payment under the contract. If the parties fail to agree upon the adjustment to be made, the dispute shall be determined as provided in the "Disputes" clause of this contract; but nothing provided in this clause shall excuse the Contractor from proceeding with the prosecution of the work as changed. Except as otherwise provided in this contract, no charge for any extra work or material will be allowed.

§ 7–7.5101–17 Standards of work.

Insert the clause set forth in AIDPR 7–7.5001–6.

§ 7–7.5101–18 Inspection.

Insert the clause set forth in AIDPR 7–7.5001–7.

§ 7–7.5101–19 Payment.

PAYMENT (DECEMBER 1970)

The Contractor shall be paid as follows upon the submission of invoices or vouchers approved by the Contracting Officer.

(a) *Daily rate.* (1) The amounts computed by multiplying the appropriate daily rate, or rates, set forth in the Schedule by the number of direct labor days performed, which rates shall include salaries, overhead, general and administrative expense and profit. Fractional parts of a day shall be payable on a prorated basis.

(2) Unless provisions of the Schedule hereof otherwise specify, the daily rate or rates set forth in the Schedule shall not be varied by virtue of the Contractor having performed work on an overtime basis.

V 37 N 36
FEB 23 72
XUM

(b) *Other direct costs.* (1) Allowable costs of direct materials, travel and transportation expenses, subsistence expenses, equipment expenses, miscellaneous expenses including report preparation and reproduction costs, telephone, telegram cable and postal charges, passport and visa fees, pre-departure medical examination costs and other costs specifically approved in the Schedule of the contract or in writing by the Contracting Officer shall be determined by the Contracting Officer in accordance with Subpart 1–15.2 of the Federal Procurement Regulations in effect on the date of this contract. The Contractor shall support all costs claimed by submitting paid invoices, or by other substantiation acceptable to the Contracting Officer. Direct materials, as referenced by this clause, are defined as those materials which are used or consumed directly in connection with the furnishing of the contract services.

(2) The cost of subcontracts which are authorized pursuant to the "Subcontracts and Purchase Orders" clause hereof shall be reimbursable costs hereunder, provided such costs are consistent with subparagraph (3) below. Reimbursable costs in connection with subcontracts shall be limited to the amounts actually required to be paid by the Contractor to the subcontractor and shall not include any costs arising from the letting, administration or supervision of performance of the subcontract, which costs are included in the daily rates or rates payable under (a) (1) above.

(3) The Contractor shall, to the extent of his ability, procure materials at the most advantageous prices available with due regard to securing prompt delivery of satisfactory materials, and take all cash and trade discounts, rebates, allowances, credits, salvage, commissions, and other benefits. When unable to take advantage of such benefits, it shall promptly notify the Contracting Officer to that effect, and give the reason therefor. Credit shall be given to the Government for cash and trade discounts, rebates, allowances, credits, salvage, commissions, and other amounts which have been accrued to the benefit of the Contractor, or would have so accrued except for the fault of the Contractor. Such benefits lost through no fault or neglect on the part of the Contractor, or lost through fault of the Government, shall not be deducted from gross costs.

(c) Payment to the Contractor will be made in accordance with the provisions of the Clause of these General Provisions entitled "Method of Payment".

(d) It is estimated that the total cost to the Government for the performance of this contract will not exceed the ceiling price set forth in the Schedule, and the Contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such ceiling price. If at any time the Contractor has reason to believe that the daily rate payments and other direct costs which will accrue in the performance of this contract in the next succeeding thirty (30) days, when added to all other payments and costs previously accrued, will exceed eighty-five percent (85%) of the ceiling price then set forth in the Schedule, the Contractor shall notify the Contracting Officer to that effect giving his revised estimate of the total price to the Government for the performance of this contract, together with supporting reasons and documentation. If at any time during the performance of this contract, the Contractor has reason to believe that the total price to the Government for the performance of this contract will be substantially greater or less than the stated ceiling price, the Contractor shall so notify the Contracting Officer, giving his revised estimate of the total price for the performance of this contract, together with supporting reasons and documentation. If at any time during the performance of this contract, the Government has reason to believe that the work to be required in the performance of this contract will be substantially greater or less than the stated ceiling price, the Contracting Officer will so advise the Contractor, giving the then revised estimate of the total amount of effort to be required under the contract.

(e) The Government shall not be obligated to pay the Contractor any amount in excess of the ceiling price set forth in the Schedule, and the Contractor shall not be obligated to continue performance if to do so would exceed the ceiling price set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such ceiling price has been increased and shall have specified in such notice a revised ceiling which shall thereupon constitute the ceiling price for performance under this contract. When and to the extent that the ceiling price set forth in the Schedule has been increased, any time expended and other direct costs incurred by the Contractor in excess of the ceiling price prior to the increase shall be allowable to the same extent as if such time expended and other direct costs had been incurred after such increase in the ceiling price.

§ 7–7.5101–20 Method of payment.

METHOD OF PAYMENT (DECEMBER 1970)

(a) Once each month (or at more frequent intervals, if approved by the Office of the Controller), the Contractor shall submit to the Office of Engineering Voucher Form SF–1034 (original) and SF–1034(a) three copies, each voucher identified by the appropriate A.I.D. contract and task order number properly executed, in the amount of dollar expenditures made during the period covered, which voucher forms shall be supported by:

(i) The following detailed information, with each document in the English language (or translation) containing such information identified by the number of this agreement and the task order:

(i) Contractor's detailed invoice, in original and three copies indicating fully for each amount claimed the paragraph of this agreement under which reimbursement is to be made, supported when applicable by:

(ii) Copy of Contractor's payroll applicable to the task order indicating names, position classification and grade, pay rates and pay periods with regard to salaries, fees and any related allowances paid Contractor's employees and consultants.

(iii) Statement of itinerary and originals or copies of carriers' receipts for employee's transportation costs. Travel allowances must be stated separately.

(iv) Receipted supplier's invoices for costs of commodities, equipment and supplies, insurance and other miscellaneous items. Invoices must show quantity, description and price (less applicable discounts and purchasing agents commission). Individual items under $100 may be supported by an itemized listing containing the numbers of the Contractor's checks used to make payment (for items supplied from Contractor's stocks where vendors' invoices are not available, a copy of the document used for posting to Contractor's account shall be furnished). Delivery of supplies and equipment to appropriate destination must be supported by copy or photostat of bill of lading, airway bill or parcel post receipt. Voucher SF–1034 must state whether or not items procured by Contractor were procured through advertising.

(v) Receipted invoice of transporter showing name of vessel, flag and transportation charge for transportation of supplies or equipment, plus copy or photostat of ocean or charter party bill of lading or airway bill if applicable. No invoice is required if the bill of lading contains all the required information.

(2) The Contractor shall submit a vendor's invoice or photostat covering each transaction for procurement of commodities, supplies or equipment totaling in excess of $2,500 appropriately detailed as to quantity, description and price for each individual item of equipment purchased.

(3) The Contractor shall submit a Supplier's Certificate, A.I.D. Form 281, in triplicate, executed by the vendor for each transaction in excess of $2,500.

(4) Contractor's invoice must have attached thereto or endorsed thereon, one copy of a Work Progress Certificate signed by the Contractor in the following form:

"The undersigned certifies that the costs reimbursable to the Contractor and the amount of the fixed rates for services payable to the Contractor in accordance with the terms of the Agreement, up to the date of this certificate, are not less than the total payments received or claimed by the Contractor under the Task Order (including the payment claimed under this invoice), and that the Contractor has fully complied with the terms and conditions of the Agreement and Task Order."

(b) Promptly after receipt of each voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (c) and (e) below, make payment thereon as approved by the paying office indicated on the cover page.

(c) Unless otherwise set forth in the Schedule, five percent (5%) of the amount due shall be withheld from each payment by the Government. Such amounts withheld shall be retained until the execution and delivery of a release by the Contractor as provided in paragraph (e) hereof.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related voucher which are found by the Contracting Officer on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding vouchers.

(e) On receipt and approval of the voucher designated by the Contractor as the "final voucher" submitted on Form SF–1034 (original) and SF–1034(a) three copies and supported by the same information required in subparagraph (a)(1) above, and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and the provisions of (f), (g), and (h) below), the Government shall promptly pay to the Contractor any balance of fixed rates and allowable costs which has been withheld pursuant to (c) above or otherwise not paid to the Contractor. The completion voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one hundred and twenty (120) days (or such longer period as the Contracting Officer may in his direction approve in writing) from the date of such completion.

(f) Documentation for mission. When submitting Voucher Form SF–1034 to A.I.D., the Contractor shall at the same time airmail to the Mission Controller one copy of SF–1034(a). The Mission Controller's copy shall be accompanied by one copy of vendor's invoices for all items of commodities, equipment and supplies (except magazines, pamphlets and newspapers) procured and shipped overseas and for which the cost is reimbursable under this contract. (For items shipped from Contractor's stocks where vendors' invoices are not available, a copy of the documents used for posting to Contractor's account shall be furnished.)

(g) The Contractor agrees that all approvals of the Mission Director and the Contracting Officer which are required by the provisions of this contract shall be preserved and made available as part of the Contractor's records which are required to be preserved and made available by the Clauses of this contract entitled "Examination of Records" and "Audit and Records."

(h) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been paid by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government, in form and substance, satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been paid by the Government under this contract;

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract; provided that such claims are not known to the Contractor on the date of the execution of the release; and provided further that the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release on the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs, including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(i) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable cost under the provisions of this contract shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

§ 7–7.5101–21 Most favored customer rate.

MOST FAVORED CUSTOMER RATE (DECEMBER 1970)

It is understood and agreed that the services rendered by the Contractor under the contract will be charged at prices not in excess of the Contractor's prices to the most favored of its customers for the same services in like quality and quantity.

§ 7–7.5101–22 Assignment of claims.

Insert the clause set forth in AIDPR 7–7.5001–11.

§ 7–7.5101–23 Examination of records.

Insert the clause set forth in AIDPR 7–7.5001–12.

§ 7–7.5101–24 Price reduction for defective cost or pricing data.

Insert the clause set forth in FPR 1–3.814–1(a).

§ 7–7.5101–25 Audit and records.

Insert the clause set forth in FPR 1–3.814–2(c).

§ 7–7.5101–26 Subcontractor cost and pricing data.

Insert the clause set forth in FPR 1–3.814–3(a).

§ 7–7.5101–27 Reports.

REPORTS (DECEMBER 1971)

Unless otherwise stated in the contract, the Contractor shall submit, in the number of copies and to the addressee specified in each task order, the English language reports required herein for each task order issued under this contract. All such reports and documentation shall bear this contract number and the task order number.

(a) Monthly progress report: Within five (5) calendar days after the end of each month of operations under the contract, the Contractor shall submit a progress report and progress schedule. Such reports shall be brief and in narrative and bar chart or EMP form. They will include, but are not necessarily limited to, the following: a qualitative description of over-all progress, and an indication of any problems which may impede performance together with proposed solution of such problems, a discussion of the work to be performed during the next reporting period, and appropriate graphical data of progress.

(b) Quarterly progress report: Within fifteen (15) calendar days after the end of each three months of operations under the contract, the Contractor shall submit a quarterly progress report. In addition to factual data, these reports shall include a separate analysis section which interprets the results obtained, indicates plans for the next quarterly period and relates occurrences to the ultimate objective of the contract.

(c) Final report: Within thirty (30) calendar days after completion of the field work required under the contract, the Contractor shall submit a final report which documents and summarizes the results of the entire work under the contract including the Contractor's conclusions and recommendations. This report shall include, when applicable, tables, graphs, diagrams, curves, sketches and photographs or drawings, in sufficient detail to comprehensively explain the results achieved under the contract.

(d) Contractor shall submit two copies of each report required by paragraphs (b) and (c) above or any other report of a technical nature required by the Schedule or a task order to the A.I.D. Reference Center (PPC/PTIS/ARC), Agency for International Development, Washington, D.C. 20523. The title page of all reports forwarded to the A.I.D. Reference Center pursuant to this paragraph (d) shall include the contract number, project number and project title as set forth in the schedule of this contract.

§ 7–7.5101–28 Utilization of Small Business Concerns.

Insert the clause set forth in FPR 1–1.710–3(a), and the paragraph (c) set forth in AIDPR 7–7.5001–20.

§ 7–7.5101–29 Utilization of concerns in labor surplus areas.

Insert the clause set forth in FPR 1–1.805–3(a).

§ 7–7.5101–30 Insurance — workmen's compensation, private automobiles, marine and air cargo.

Insert the clause set forth in AIDPR 7–7.5002–10.

§ 7–7.5101–31 Insurance — liability to third persons.

Insert the clause set forth in AIDPR 7–7.5001–22.

§ 7–7.5101–32 Termination for default or for convenience of the Government.

Insert the clause set forth in FPR 1–8.702.

§ 7–7.5101–33 Disputes.

Insert the clause set forth in AIDPR 7–7.5001–26.

§ 7–7.5101–34 Authorization and consent.

Insert the clause set forth in AIDPR 7–7.5001–27.

§ 7–7.5101–35 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in FPR 1–7.101–13 and the paragraph (c) set forth in AIDPR 7–7.5001–28.

§ 7–7.5101–36 Patent provisions and publication of results.

Insert the clause set forth in AIDPR 7–7.5001–29.

§ 7–7.5101–37 Rights in data.

Insert the clause set forth in AIDPR 7–7.5001–30.

§ 7–7.5101–38 Release of information.

Insert the clause set forth in AIDPR 7–7.5001–31.

§ 7–7.5101–39 Equal opportunity.

Insert the clause set forth in FPR 1–12.803–2.

§ 7–7.5101–40 Convict labor.

Insert the clause set forth in FPR 1–12.203.

§ 7–7.5101–41 Walsh-Healey Public Contracts Act.

Insert the clause set forth in FPR 1–12.605.

§ 7–7.5101–42 Officials not to benefit.

Insert the clause set forth in FPR 1–7.101–19.

§ 7–7.5101–43 Covenant against contingent fees.

Insert the clause set forth in FPR 1–1.503.

V37-36 FEB 23 72 XUM

§ 7–7.5104–44 Language, weights, and measures.

LANGUAGE, WEIGHTS, AND MEASURES (DECEMBER 1970)

The English language shall be used in all written communications between the parties under this contract with respect to services to be rendered and with respect to all documents prepared by the Contractor except as otherwise provided in any task order issued under this basic ordering agreement or as authorized by the Contracting Officer. Wherever weights and measures are required or authorized, all quantities and measures shall be made, computed and recorded in the Metric system, unless specified otherwise in the schedule of the contract.

§ 7–7.5101–45 Inspection and acceptance.

INSPECTION AND ACCEPTANCE (DECEMBER 1970)

Preliminary inspection, consisting of all necessary inspection except inspection for the purpose of acceptance shall be made at the location of performance of the contract by the Contracting Officer or the cognizant representative of the Office of Engineering.

Inspection for the purposes of acceptance of all reports, etc., required hereunder shall be made by the Director, Office of Engineering, A.I.D., or his authorized designee.

§ 7–7.5101–46 Security requirements.

Insert the clause set forth in AIDPR 7–7.5001–38.

§ 7–7.5101–47 Marking.

Insert the clause set forth in AIDPR 7–7.5002–5.

§ 7–7.5101–48 Notices.

Insert the clause set forth in AIDPR 7–7.5001–39.

§ 7–7.5102 Clauses to be used when applicable.

§ 7–7.5102–1 Alterations in contract.

Insert the clause set forth in AIDPR 7–7.5003–1.

Subpart 7–7.52—Basic Ordering Agreement for Participant Training

7a. Section 7–7.5201–8 *Examination of records* is deleted in its entirety and the following substituted therefor:

§ 7–7.5201–8 Examination of records.

Insert the clause set forth in AIDPR 7–7.5001–12.

b. Section 7–7.5201–9 *Audit and records* is deleted in its entirety and the following substituted therefor:

§ 7–7.5201–9 Audit and records.

Insert the clause set forth in FPR 1–3.814–2(c).

c. Section 7–7.5201–15 *Disputes* is deleted in its entirety and the following substituted therefor:

§ 7–7.5201–15 Disputes.

Insert the clause set forth in AIDPR 7–7.5001–26.

d. Section 7–7.5201–16 *Assignment of claims* is deleted in its entirety and the following substituted therefor:

§ 7–7.5201–16 Assignment of claims.

Insert the clause set forth in AIDPR 7–7.5001–11.

e. Section 7–7.5201–20 *Equal opportunity* is deleted in its entirety and the following substituted therefor:

§ 7–7.5201–20 Equal opportunity.

Insert the clause set forth in FPR 1–12.803–2.

f. Section 7–7.5202 is added as follows:

§ 7–7.5202 Clauses to be used when applicable.

g. Section 7–7.5202–1 is added as follows:

§ 7–7.5202–1 Alterations in contract.

Insert the clause set forth in AIDPR 7–7.5003–1.

Subpart 7–7.53—Contracts for Participant Training

8a. Section 7–7.5301–8 *Examination of records* is deleted in its entirety and the following substituted therefor:

§ 7–7.5301–8 Examination of records.

Insert the clause set forth in AIDPR 7–7.5001–12.

b. Section 7–7.5301–9 *Audit and records* is deleted in its entirety and the following substituted therefor:

§ 7–7.5301–9 Audit and records.

Insert the clause set forth in FPR 1–3.814–2(c).

c. Section 7–7.5301–14 *Disputes* is deleted in its entirety and the following substituted therefor:

§ 7–7.5301–14 Disputes.

Insert the clause set forth in AIDPR 7–7.5001–26.

d. Section 7–7.5301–15 *Assignment of claims* is deleted in its entirety and the following substituted therefor:

§ 7–7.5301–15 Assignment of claims.

Insert the clause set forth in AIDPR 7–7.5001–11.

e. Section 7–7.5301–19 *Equal Opportunity* is deleted in its entirety and the following substituted therefor:

§ 7–7.5301–19 Equal opportunity.

Insert the clause set forth in FPR 1–12.803–2.

f. Section 7–7.5302 is added as follows:

§ 7–7.5302 Clauses to be used when applicable.

g. Section 7–7.5302–1 is added as follows:

§ 7–7.5302–1 Alterations in contract.

Insert the clause set forth in AIDPR 7–7.5003–1.

9. New Subpart 7–7.54 is added as follows:

Subpart 7–7.54—Clauses for Fixed Price Type Contract for Technical Services

§ 7–7.5400 Scope of subpart.

This subpart sets forth contract clauses for use in fixed price technical service contracts with a contractor other than an educational institution.

§ 7–7.5401 Required clauses.

These clauses are mandatory for fixed price type contracts for technical service and, with necessary modifications, other types of fixed price contracts.

§ 7–7.5401–1 Definitions.

DEFINITIONS (DECEMBER 1970)

(a) "A.I.D." shall mean the Agency for International Development.

(b) "Administrator" shall mean the Administrator or the Deputy Administrator of the Agency for International Development.

(c) "Consultant" shall mean any especially well qualified person who is engaged on a temporary or intermittent basis to advise the Contractor and who is not an officer or employee of the Contractor who performs other duties for the Contractor.

(d) "Contracting Officer" shall mean the person executing this contract on behalf of the United States Government and any other government employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(e) "Contractor Employee" shall mean an employee of the Contractor assigned to work under the contract.

(f) "Cooperating Country or Countries" shall mean the foreign country or countries in which services are to be rendered hereunder.

(g) "Cooperating Government" shall mean the government of the Cooperating Country.

(h) "Federal Procurement Regulations" (FPR) when referred to herein, shall include the Agency for International Development Procurement Regulations (AIDPR).

(i) "Government" shall mean the United States Government.

(j) "Mission" shall mean the United States A.I.D. Mission to, or principal A.I.D. office in, the Cooperating Country.

(k) "Mission Director" shall mean the principal officer in the Mission in the Cooperating Country, or his designated representative.

(l) "Scope of Work" shall mean specifications.

(m) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

(n) "Work Statement" shall mean specifications.

§ 7–7.5401–2 Biographical data.

Insert the clause set forth in AIDPR 7–7.5001–3.

§ 7–7.5401–3 Changes.

CHANGES (DECEMBER 1970)

(a) The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, (ii) methods of shipment or packing, (iii) place of inspection, delivery, or acceptance, and when appropriate, (iv) the amount of logistic support and property of the United States or the Cooperating Government to be furnished or made available to the Contractor for performance of this contract. If any such change causes an increase or decrease in the price of, or the time required for performance of this contract, or otherwise affects any other provision of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (1) in the price or delivery schedule, or both and (2) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within sixty (60) days from the date of receipt by the Contractor of the notification of change: Provided, however, that the Contracting officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

(b) If this contract is executed by an A.I.D. Washington Contracting Officer, valid change orders may be issued only by an A.I.D. Washington Contracting Officer, or such other person as he may in writing designate for such purpose

§ 7–7.5401–4 Inspection.

Insert the clause set forth in AIDPR 7–7.5001–7.

§ 7–7.5401–5 Documentation for payment.

DOCUMENTATION FOR PAYMENT (DECEMBER 1970)

Claims for payment of the fixed amount (U.S. Dollars only) due under the contract shall be submitted to the paying office indicated on the cover page of the contract. These claims shall be submitted on Voucher Form SF–1034 (original) and SF–1034a (three copies). Each claim shall: (i) Identify the applicable A.I.D. contract number, (ii) be properly executed, (iii) be accompanied by an invoice (original and two (2) copies) indicating the period for which compensation is claimed, the paragraph of the contract under which payment is requested and, when appropriate, a fully itemized statement of costs, and (iv) such other supporting documentation and justification as the Contracting Officer may prescribe.

The invoice required in (iii) above shall include a certification signed by an authorized representative of the Contractor as follows:

"The undersigned hereby certifies: (1) That payment of the sum claimed under the cited contract is proper and due and that appropriate refund to A.I.D. will be made promptly upon request of A.I.D. in the event of nonperformance, in whole or in part, under the contract or for any breach of the terms of the contract, (2) that information on the invoice is correct and such detailed supporting information as A.I.D. may require will be furnished by the Contractor's home office or base office as appropriate promptly to A.I.D. on request and (3) that all requirements called for by the contract to the date of this certification have been met.

By ----------
Title ----------
Date ----------"

A final voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than 180 days (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion. Contractor's claim, which includes his final settlement of compensation, shall not be submitted until after receipt and written approval by A.I.D. of the final report required by the terms of this contract. Upon receipt and approval of the voucher designated by the Contractor as the "final voucher" submitted on Form SF 1034 (original) and SF 1034a (three copies), the Government shall promptly pay to the Contractor any amounts withheld and not previously paid to the Contractor, provided, however, that the Contractor shall furnish a release, in such form and with such exceptions as may be approved by the Contracting Officer, discharging the Government of the United States, its officers, agents and employees from all liabilities, obligations, and claims arising out of or under this contract; accompanied by a satisfactory accounting of all Government owned property, if any, for which the Contractor has custodial responsibility hereunder.

§ 7–7.5401–6 Approvals.

APPROVALS (DECEMBER 1970)

All approvals required to be given under the contract by the Contracting Officer or the Mission Director shall be in writing and, except when extraordinary circumstances make it impracticable, shall be requested by the Contractor sufficiently in advance of the contemplated action to permit approval, disapproval or other disposition prior to that action.

§ 7–7.5401–7 Procurement of equipment, vehicles, materials, and supplies.

PROCUREMENT OF EQUIPMENT, VEHICLES, MATERIALS, AND SUPPLIES (DECEMBER 1970)

(a) Except as may be specifically approved or directed in writing in advance by the Contracting Officer or as provided in paragraphs (d) and (e) below, the source of any commodity procured specifically for the performance of this contract shall be the United States and it shall have been mined, grown, or through manufacturing, processing, or assembly, produced in the United States. In addition to the foregoing rule, no produced commodity shall be procured specifically for performance of this contract if:

(1) It contains any component from countries other than Free World countries as listed in A.I.D. Geographic Code 935; or

(2) It contains components which were imported into the United States from such Free World Countries; and

(i) Such components were acquired by the producer in the form in which they were imported; and

(ii) The total cost of such components (delivered at the point of production) amounts to more than 50% or such other percentage as A.I.D. may prescribe, of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by A.I.D.).

(b) For each commodity procured specifically for the performance of this contract at a cost in excess of $2,500, the Contractor will obtain and retain a certificate executed by the vendor evidencing compliance with subparagraph (a) above. A.I.D. Form 282, Supplier's Certificate may be utilized for this purpose. Absence of such certificate or other satisfactory proof of compliance with subparagraph (a) above will be cause for a reduction in the contract price in the amount of such unsupported transaction.

(c) The term "source" means the country from which a commodity is shipped to the Cooperating Country or the Cooperating Country if the commodity is located therein at the time of purchase. If, however, a commodity is shipped from a free port or bonded warehouse in the form in which it is received therein, "source" means the country from which the commodity was shipped to the free port or bonded warehouse.

(d) If (i) the effective use of printed or audio-visual teaching materials depends upon their being in the local language, and (ii) such materials are intended for technical assistance projects or activities financed by A.I.D. in whole or in part, and (iii) other funds, including U.S.-owned or U.S.-controlled local currencies, are not readily available to finance the procurement of such materials, local language versions may be procured from the following sources, in order of preference: Countries selected from Geographic Code (See AIDPR 7–6.5201–2):

(1) 000 United States, including the A.I.D. Regional Technical A.I.D. Centers.

(2) ------- Cooperating Country, identified, when applicable, by specific reference to the name and corresponding A.I.D. geographic code.

(3) 901 Limited Free World.

(4) 899 Free World.

(e) Procurements in the Cooperating Country which are less than $2,500.00, and for materials which are regularly available and normally sold on the local market and which are to be consumed or expended in the performance of this contract, are exempt from the conditions set forth above other than (a)(1). Such materials include but are not limited to, raw and processed materials, parts, components, assemblies, small tools and supplies.

§ 7–7.5401–8 Subcontracts.

SUBCONTRACTS (DECEMBER 1970)

Except as provided in the Schedule or as placement is consented to in advance in writing by the Contracting Officer, the Contractor shall not subcontract any part of the work under this contract. In the event of a subcontract the Subcontractor's personnel shall be subject to the same approvals and clearances as the prime Contractor's personnel. This clause shall not be construed to require further authorization for the procurement of equipment, materials and supplies otherwise authorized under the contract and procured in accordance with the clause of this contract entitled "Procurement of Equipment, Vehicles, Materials and Supplies".

§ 7–7.5401–9 Assignment of claims.

Insert the clause set forth in AIDPR 7–7.5001–11.

§ 7–7.5401–10 Examination of records.

Insert the clause set forth in FPR 1–7.101–10.

§ 7–7.5401–11 Default.

Insert the clause set forth in FPR 1–8.710.

§ 7–7.5401–12 Disputes.

Insert the clause set forth in AIDPR 7–7.5001–26.

§ 7–7.5401–13 Convict labor.

Insert the clause set forth in FPR 1–12.203.

§ 7–7.5401–14 Standards of work.

Insert the clause set forth in AIDPR 7–7.5001–6.

§ 7–7.5401–15 Equal opportunity.

Insert the clause set forth in FPR 1–12.803–2.

§ 7–7.5401–16 Officials not to benefit.

Insert the clause set forth in FPR 1–7.101–19.

§ 7–7.5401–17 Covenant against contingent fees.

Insert the clause set forth in FPR 1–1.503.

§ 7–7.5401–18 Release of information.

Insert the clause set forth in AIDPR 7–7.5001–31.

V 37-36 FEB 23 72 XUM

§ 7–7.5401–19 Utilization of Small Business Concerns.

Insert the clause set forth in FPR 1–1.710–3(a) and the paragraph (c) set forth in AIDPR 7–7.5001–20.

§ 7–7.5401–20 Utilization of concerns in labor surplus areas.

Insert the clause set forth in FPR 1–1.805–3(a).

§ 7–7.5401–21 Rights in data.

Insert the clause set forth in AIDPR 7–7.5001–30.

§ 7–7.5401–22 Language, weights, and measures.

Insert the clause set forth in AIDPR 7–7.5001–37.

§ 7–7.5401–23 Government property.

Insert the clause set forth in AIDPR 7–13.702–1, AIDPR 7–13.702–2, or AIDPR 7–13.704 as appropriate.

§ 7–7.5401–24 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in FPR 71–7.101–13 and the paragraph (c) set forth in AIDPR 7–7.5001–28.

§ 7–7.5401–25 Gratuities.

GRATUITIES (DECEMBER 1970)

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Administrator or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract; provided, that the existence of the facts upon which the Administrator or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Administrator or his duly authorized representative) which shall be not less than three nor more than ten times the cost incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The right and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

§ 7–7.5401–26 Security requirements.

Insert the clause set forth in AIDPR 7–7.5001–38.

§ 7–7.5401–27 Notices.

Insert the clause set forth in AIDPR 7–7.5001–39.

§ 7–7.5401–28 Authorization and consent.

Insert the clause set forth in AIDPR 7–7.5001–27.

§ 7–7.5401–29 Patent provisions and publication of results.

Insert the clause set forth in AIDPR 7–7.5001–29.

§ 7–7.5402 Additional clauses.

These additional clauses are mandatory for fixed price type contracts for technical services and, with necessary modifications for other types of fixed price contracts, which will be performed in whole or in part outside the United States. (These clauses are in addition to the clauses set forth in § 7–7.5401.)

§ 7–7.5402–1 Definitions.

(a) "Dependents" shall mean:

(1) Spouse;

(2) Children (including step and adopted children) who are unmarried and under 21 years of age or, regardless of age, are incapable of self support;

(3) Parents (including step and legally adoptive parents), of the employee or of the spouse, when such parents are at least 51 percent dependent on the employee for support; and

(4) Sisters and brothers (including step or adoptive sisters or brothers) of the employee, or of the spouse, when such sisters and brothers are at least 51 percent dependent on the employee for support, unmarried and under 21 years of age, or regardless of age, are incapable of self support.

(b) "Local Currency" shall mean the currency of the Cooperating Country.

(c) "Regular Employee" shall mean a Contractor employee appointed to serve one year or more in the Cooperating Country.

(d) "Short Term Employee" shall mean a Contractor employee appointed to serve less than one year in the Cooperating Country.

(e) "Traveler" shall mean the Contractor's Regular Employees, Dependents of the Contractor's Regular Employees, the Contractor's Short Term Employees, Consultants and, as authorized by the Contracting Officer, the Contractor's Officers and Executives, or other persons.

§ 7–7.5402–2 Personnel.

PERSONNEL (DECEMBER 1970)

(a) *Cooperating country clearance.* The Contractor shall not send any individual outside the United States to perform work under the Contract without first obtaining written notification from the Contracting Officer of country clearance for the employee.

(b) *Individuals engaged or assigned when outside the United States.* No individual shall be engaged or assigned when outside the United States to perform work outside the United States unless authorized in the Schedule or otherwise approved by the Contracting Officer or Mission Director.

(c) *Physical fitness of employees.* Contractor shall exercise reasonable precautions in assigning employees for work under this contract in the Cooperating Country to assure that such employees are physically fit for work and residence in the Cooperating Country. In carrying out this responsibility Contractor shall require all such employees (other than those hired in the Cooperating Country) to be examined by a licensed doctor of medicine. Contractor shall require the doctor to certify that, in the doctor's opinion, the employee is physically qualified to engage in the type of activity for which he is employed and the employee is physically qualified to reside in the country to which he is assigned for duty. The employee's Medical Certification shall be retained by the Contractor and made available to A.I.D. if so required.

(d) *Conformity to laws and regulations of Cooperating Country.* Contractor agrees to use its best efforts to assure that its personnel, while in the Cooperating Country, will abide by all applicable laws and regulations of the Cooperating Country and political subdivisions thereof.

(e) *Sale of personal property or automobiles.* To the extent permitted by Cooperating Country laws, the importation and sale of personal property or automobiles by Contractor employees and their dependents in the Cooperating Country shall be subject to the same limitations and prohibitions which apply to U.S. nationals employed by the Mission.

(f) *Conflict of interest.* Other than work to be performed under this contract for which an employee or consultant is assigned by the Contractor, no such employee or consultant of the Contractor shall engage, directly or indirectly, either in his own name or in the name or through the agency of another person, in any business, profession or occupation in the Cooperating Country or other foreign countries to which he is assigned, nor shall he make loans or investments to or in any business, profession or occupation in the Cooperating Country or other foreign countries to which he is assigned.

(g) *Right to recall.* On the written request of the Contracting Officer or of a cognizant Mission Director, the Contractor will terminate the assignment of any individual to any work under the contract and, as requested, will use its best efforts to cause the return to the United States of the individual from overseas or, his departure from a foreign country or a particular foreign locale. Termination of each employee and placement of a substitute employee shall be at no cost to A.I.D.

§ 7–7.5402–3 Conversion of U.S. dollars to local currency.

Insert the clause set forth in AIDPR 7–7.5002–8.

§ 7–7.5402–4 Miscellaneous.

Insert the clause set forth in AIDPR 7–7.5002.12.

§ 7–7.5402–5 Contractor—mission relationships.

Insert the clause set forth in AIDPR 7–7.5002–13.

§ 7–7.5402–6 Marking.

Insert the clause set forth in AIDPR 7–7.5002–5.

§ 7–7.5402–7 Insurance — workmen's compensation, private automobiles.

INSURANCE—WORKMEN'S COMPENSATION, PRIVATE AUTOMOBILES (DECEMBER 1970)

(a) *Workmen's Compensation Insurance.* (1) The Contractor shall provide and thereafter maintain workmen's compensation insurance as required by United States Public Law 208, 77th Congress, as amended (42 U.S.C. 1651 et seq.), with respect to and prior to the departure for overseas employment under this contract of all employees who are hired in the United States or who are American citizens or bona fide residents of the United States.

(2) The Contractor shall further provide for all employees who are nationals of permanent residents of the country in which services are being rendered, if the contract authorized their employment, security for compensation benefits pursuant to the applicable law of such country for injury or death in the course of such employment, or in the absence of such law, employer's liability insurance. For all other authorized employees not hired in the United States or who are not American citizens or bona fide residents of the United States, Contractor shall provide the necessary employer's liability insurance.

(3) The Contractor agrees to insert the provisions of this or a similar Clause, including this paragraph (3), in all subcontracts or subordinate contracts hereunder, except subcontracts or subordinate contracts hereunder, except subcontracts or subordinate contracts exclusively for furnishing materials or supplies.

(4) The Contractor agrees, as evidence of compliance with (1), (2), and (3) above, to provide the Contracting Officer within a reasonable period of time after the effective date of this contract with a copy of the actual insurance policy indicating the coverage provided for employees assigned by the Contractor to overseas employment under this contract and the Contractor agrees to provide the Contracting Officer with a similar copy of the insurance policy within a reasonable time after each renewal of this coverage, so long as this contract remains in effect.

(5) The Contractor further agrees to provide the Contracting Officer with three copies of Department of Labor Form BEC–239–1 or US–240 "Certificate That Employer Has Secured Payment of Compensation", herein identified as a "Certificate of Compliance". The Contractor can obtain this Certificate from the insurance carrier through the Deputy Commissioner, Bureau of Employees' Compensation, Department of Labor, for the appropriate Compensation District.

(b) *Insurance on private automobiles.* If the Contractor or any of its employees or their dependents transport or cause to be transported (whether or not at contract expense) privately owned automobiles to the Cooperating Country, or they or any of them purchase an automobile within the Cooperating County the Contractor agrees to make certain that all such automobiles during such ownership within the Cooperating Country will be covered by a paid-up insurance policy issued by a reliable company providing the following minimum coverages, or such other minimum coverages as may be set by the Mission Director payable in United States dollars or its equivalent in the currency of the Cooperating Country; injury to persons, $10,000/$20,000; property damage, $5,000. The Contractor further agrees to deliver or cause to be delivered to the Mission Director or such other official as designated by the Mission Director, the insurance policies required by this clause or satisfactory proof of the existence thereof, before such automobiles are operated within the Cooperating Country.

§ 7–7.5402–8 U.S.-Flag Carriers.

UNITED STATES FLAG CARRIERS (DECEMBER 1970)

All international travel and transportation of persons and shipment of things (including commodities and equipment procured specifically for the performance of this Contract as well as employee's vehicles, personal effects and household goods, if any) shall be made on United States Flag Carriers. Where United States Flag Carriers are not available, or their use would result in significant delays, the Contractor may request a waiver from this requirement. Waivers for shipments of things shall be obtained from the Resources Transportation Division, A.I.D., Washington, D.C. 20523; waivers for transportation of persons from the Contracting Officer or Mission Director, as appropriate. If such a waiver is granted it shall be considered a change within the meaning of provision (ii) of the "Changes" clause of this contract.

§ 7–7.5403 Clauses to be used when applicable.

§ 7–7.5403–1 Alterations in contract.

Insert the clause set forth in AIDPR 7–7.5003–1.

§ 7–7.5403–2 Termination for convenience.

Insert the appropriate clause in accordance with the provisions of FPR 1–8.700–2(a) (1), (2), or (4).

§ 7–7.5403–3 Price reduction for defective cost or pricing data.

In accordance with the provisions of FPR 1–3.814 insert the appropriate clause set forth in FPR 1–3.814–1(a).

PART 7–8—TERMINATION OF CONTRACTS

10. "Subpart 7–8.7 Clauses" of the Contents of Part 7–8 is deleted in its entirety.

Subpart 7–8.7—Clauses

11. Subpart 7–8.7—Clauses is deleted in its entirety.

13. The Contents of Part 7–16 are deleted in their entirety and the following substituted therefor:

PART 7–16—PROCUREMENT FORMS

Subpart 7–16.2—Forms for Negotiated Supply Contracts

Sec.
7–16.200 Scope of subpart.
7–16.251 Form for Agency for International Development University Contract.
7–16.255 Offeror's analysis of cost proposal.

Subpart 7–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)

7–16.500 Scope of subpart.
7–16.550 Cover Page for Agency for International Development Cost Reimbursement Type Contract.
7–16.551 Cover Page for Agency for International Development Basic Ordering Agreement and Task Order Form for Engineering Services.
7–16.552 Cover Page for Basic Ordering Agreement (Participant Training).
7–16.553 Forms for Task Orders for Participant Training: Individual and Group.
7–16.554 Cover Page for Contracts for Participant Training: Individual and Group.
7–16.555 Cover Page for Agency for International Development Fixed Price Technical Services Contract.

Subpart 7–16.9—Illustration of Forms

7–16.900 Scope of subpart.
7–16.951 Form for Agency for International Development University Contract (May 1, 1965).
7–16.952 Cover Page for Agency for International Development Cost Reimbursement Type Contract.

Sec.
7–16.954–1 Cover Page for Agency for International Development Basic Ordering Agreement for Engineering Services.
7–16.954–2 Task Order Form for Engineering Services.
7–16.955 Form for Offeror's Analysis of Cost Proposal.
7–16.956–1 Cover Page for Basic Ordering Agreement (Participant Training).
7–16.956–2 Task Order for Participant Training (Individual).
7–16.956–3 Task Order for Participant Training (Group).
7–16.957–1 Cover Page for Contract for Participant Training (Individual).
7–16.957–2 Cover Page for Contract for Participant Training (Group).
7–16.958 Cover Page for Agency for International Development Fixed Price Technical Services Contract.

AUTHORITY: The provisions of this Part 7–16 issued under sec. 621, 75 Stat. 445, as amended; 22 U.S.C. 2381.

Subpart 7–16.2—Forms for Negotiated Supply Contracts

§ 7–16.252 [Deleted]

14. Section 7–16.252 is deleted in its entirety and "Reserved" substituted therefor.

§ 7–16.253 [Deleted]

15. Section 7–16.253 is deleted in its entirety and "Reserved" substituted therefor.

§ 7–16.254 [Deleted]

16. Section 7–16.254 is deleted in its entirety and "Reserved" substituted therefor.

Subpart 7–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)

17. New § 7–16.550 is added as follows:

§ 7–16.550 Cover Page for Agency for International Development Cost Reimbursement Type Contract.

This form is for use with the General Provisions for cost reimbursement type contracts with a contractor other than an educational institution. Use of the Cover Page is mandatory as are the General Provisions prescribed in AIDPR 7–7.50.

17b. New § 7–16.551 is added as follows:

§ 7–16.551 Cover Page for Agency for International Development Basic Ordering Agreement and Task Order Form for Engineering Services.

These forms are for use in procuring expert engineering services by means of a basic ordering agreement and task order from a contractor other than an educational institution. The basic ordering agreement is written by the A.I.D. Contract Services Division in Washington. Individual procurements will be made by task orders which are issued under the basic ordering agreement as provided in FPR 1–3.410–2. The General Provisions are prescribed in AIDPR 7–7.51.

V37-36 FEB 23 72 XUM

The block entitled "Project No." on the Cover Page will show a four-segment project number as prescribed in Manual Order 1095.2, "Coding of Program Implementation Documents".

17c. New § 7–16.555 is added as follows:

§ 7–16.555 Cover Page for Agency for International Development Fixed Price Technical Services Contract.

This form is for use with the General Provisions for a fixed price technical services type contract with a contractor other than an educational institution. Use of the Cover Page is mandatory as are the General Provisions prescribed in AIDPR 7–7.54.

Subpart 7–16.9—Illustration of Forms

18. Section 7–16.952 is deleted in its entirety and the following substituted in lieu thereof:

§ 7–16.952 Cover Page for Agency for International Development Cost Reimbursement Type Contract.

COST REIMBURSEMENT CONTRACT

AGENCY FOR INTERNATIONAL DEVELOPMENT NEGOTIATED CONTRACT NO.	CONTRACT TYPE
NEGOTIATED PURSUANT TO THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, AND EXECUTIVE ORDER 11223	AMOUNT
CONTRACT FOR:	Project No.
ISSUING OFFICE (Name and Address)	CONTRACTOR (Name and Address) NAME STREET ADDRESS CITY, STATE AND ZIP CODE
ADMINISTRATION BY	COGNIZANT SCIENTIFIC/TECHNICAL OFFICE
MAIL VOUCHERS (Original & 3 copies) TO:	ACCOUNTING AND APPROPRIATION DATA PIO/T NO. APPROPRIATION NO. ALLOTMENT NO.
EFFECTIVE DATE	ESTIMATED COMPLETION DATE

TYPES OF BUSINESS (CHECK APPROPRIATE BOX(ES))

	SOLE PROPRIETORSHIP		SMALL BUSINESS
	PARTNERSHIP		LABOR SURPLUS AREA
	JOINT VENTURE		
	CORPORATION, INCORPORATED IN THE STATE OF		

The United States of America, hereinafter called the Government, represented by the Contracting Officer executing this contract, and the Contractor agree that the Contractor shall perform all the services set forth in the attached Schedule, for the consideration stated therein. The rights and obligations of the parties to this contract shall be subject to and governed by the Schedule and the General Provisions. To the extent of any inconsistency between the Schedule or the General Provisions and any specifications or other provisions which are made a part of this contract, by reference or otherwise, the Schedule and the General Provisions shall control. To the extent of any inconsistency between the Schedule and the General Provisions, the Schedule shall control.

This Contract consists of this Cover Page, the Schedule of ____ Pages, including the Table of Contents and the General Provisions (for Cost Reimbursement Type Contract)

NAME OF CONTRACTOR	UNITED STATES OF AMERICA AGENCY FOR INTERNATIONAL DEVELOPMENT
BY (Signature of authorized individual)	BY (Signature of Contracting Officer)
TYPED OR PRINTED NAME	TYPED OR PRINTED NAME
TITLE	CONTRACTING OFFICER
DATE	DATE

§ 7–16.953 [Deleted]

18b. Section 7–16.953 is deleted in its entirety.

18c. Section 7–16.954 is deleted in its entirety and the following substituted in lieu thereof:

§ 7–16.954–1 Cover Page for Agency for International Development Basic Ordering Agreement for Engineering Services.

AGENCY FOR INTERNATIONAL DEVELOPMENT

BASIC ORDERING AGREEMENT FOR ENGINEERING SERVICES

No. AID/csd-____

AUTHORIZED ORDERING ACTIVITY Office of Procurement Contract Services Division Washington, D. C. 20523	CONTRACTOR (NAME & ADDRESS)
Cognizant Scientific/Technical Office	Mail Vouchers (original & three copies) TO: AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF ENGINEERING WASHINGTON, D. C. 20523
EFFECTIVE DATE	EXPIRATION DATE

This Basic Ordering Agreement consists of this Cover Page, Articles I through XI, on pages ____ through ____, and the General Provisions (. 30A/Engineering Services,), consisting of pages ____ through ____.

NAME OF CONTRACTOR	UNITED STATES OF AMERICA AGENCY FOR INTERNATIONAL DEVELOPMENT
BY (Signature of Authorized Individual)	BY (Signature of Contracting Officer)
TYPED OR PRINTED NAME	TYPED OR PRINTED NAME
TITLE	CONTRACTING OFFICER
DATE	DATE

V37-36 FEB 23 72 XUM

§ 7–16.954–2 Task Order Form for Engineering Services.

AGENCY FOR INTERNATIONAL DEVELOPMENT TASK ORDER UNDER BASIC ORDERING AGREEMENT FOR ENGINEERING SERVICES, 3–67	BASIC ORDERING AGREEMENT No. _____ TASK ORDER NO. _____ PROJECT NO. _____

NEGOTIATED PURSUANT TO THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, AND EXECUTIVE ORDER 11223

AUTHORIZED ORDERING ACTIVITY Office of Procurement Contract Services Division Washington, D. C. 20523	CONTRACTOR (NAME AND ADDRESS) Name Street Address City, State, Zip Code
Cognizant Scientific/Technical Office	
EFFECTIVE DATE	MAIL VOUCHERS (original and 3 copies) TO: Agency for International Development Office of Engineering Washington, D. C. 20523
EXPIRATION DATE	

ACCOUNTING AND APPROPRIATION DATA

Amount Obligated: _____

Appropriation No.: _____

Allotment No.: _____

PIO/T _____

The United States of America, hereinafter called the Government, represented by the Contracting Officer executing this Task Order, and the Contractor agree as follows: (1) That the Contractor shall perform all the services set forth in this task order; (2) That this task order is issued pursuant to the terms of Basic Ordering Agreement No. AID/csd-_____; and, (3) That the entire contract between the parties hereto consists of: (a) This task order including the Cover Page, the Schedule and Additional Provisions (if any); and (b) Basic Ordering Agreement No. AID/csd-_____.

NAME OF CONTRACTOR	UNITED STATES OF AMERICA AGENCY FOR INTERNATIONAL DEVELOPMENT
BY (Signature of Authorized Individual)	BY (Signature of Contracting Officer)
TYPED OR PRINTED NAME	TYPED OR PRINTED NAME
TITLE	CONTRACTING OFFICER
DATE	DATE

18d. New § 7–16.958 is added as follows:

§ 7–16.958 Cover Page for Agency for International Development Fixed Price Technical Services Contract.

FIXED PRICE TECHNICAL SERVICES CONTRACT

AGENCY FOR INTERNATIONAL DEVELOPMENT NEGOTIATED PURSUANT TO THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED, AND EXECUTIVE ORDER 11223	CONTRACT NO. FIXED PRICE
CONTRACT FOR: PROJECT NO:	
CONTRACTING OFFICE (NAME AND ADDRESS)	CONTRACTOR NAME NUMBER STREET CITY STATE ZIP CODE
TECHNICAL OFFICE	EFFECTIVE DATE:
MAIL VOUCHERS TO PAYING OFFICE Agency for International Development Office of the Controller Washington, D. C, 20523	ACCOUNTING AND APPROPRIATION DATA Amount Obligated: PIO/T NO. APPROPRIATION NO. ALLOTMENT NO.

	TYPES OF BUSINESS (CHECK APPROPRIATE BOX(ES))	
	SOLE PROPRIETORSHIP	SMALL BUSINESS
	PARTNERSHIP	LABOR SURPLUS AREA
	JOINT VENTURE	
	CORPORATION INCORPORATED IN THE STATE OF	

The United States of America, hereinafter called the Government, represented by the Contracting Officer executing this contract, and the Contractor agree that the Contractor shall perform all the services set forth in the attached Schedule, for the consideration stated therein. The rights and obligations of the parties to this contract shall be subject to and governed by the Schedule and the General Provisions. To the extent of any inconsistency between the Schedule or the General Provisions and any specifications or other provisions which are made a part of this contract, by reference or otherwise, the Schedule and the General Provisions shall control. To the extent of any inconsistency between the Schedule and the General Provisions, the Schedule shall control.

This Contract consists of this Cover Page, the Schedule of Pages, including the Table of Contents, the General Provisions (AID Form-GP/ FP/TS).

NAME OF CONTRACTOR	UNITED STATES OF AMERICA AGENCY FOR INTERNATIONAL DEVELOPMENT
BY (Signature of authorized individual)	BY (Signature of Contracting Officer)
TYPED OR PRINTED NAME	TYPED OR PRINTED NAME
TITLE	CONTRACTING OFFICER
DATE	DATE

Effective date. This amendment is effective on July 1, 1972, but may be observed earlier.

Dated: February 11, 1972.

WILLARD H. MEINECKE,
Deputy Assistant Administrator for Program and Management Services.

[FR Doc.72–2600 Filed 2–22–72;8:45 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 101–40.1—General Provisions

MASTER TARIFF FILES

Subpart 101–40.1 is amended to reflect the change in location of the General Services Administration master file of carrier tariffs for all modes of transportation.

Section 101–40.111(a) is revised to read as follows:

§ 101–40.111 Maintenance of tariff files.

(a) The General Services Administration Region 3, Transportation and Communications Service, Seventh and D Streets SW., Washington, DC 20407, will maintain the master file of carrier tariffs for all modes of transportation. The other nine GSA regional offices will maintain tariff files sufficient to meet the normal requirements of the agencies in their regions.

• • • • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (2–23–72).

Dated: February 15, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72–2655 Filed 2–22–72;8:48 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 6—MISCELLANEOUS FEES

Recreation Fees; Entrance and User Fees

Correction

In F.R. Doc. 72–2161 appearing at page 3350 in the issue of Tuesday, February 15, 1972, the following changes should be made in § 6.7:

1. In the third line of paragraph (d), the word "participants" should read "participate".

2. In the sixth line of paragraph (e)(5), the phrase "has designee" should read "his designee".

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Price Posting Requirements for Retail Catalogue Sales

The purpose of this amendment is to add a new § 300.13a to the regulations of the Price Commission, to set forth the requirements for price posting applicable to retail sales by catalogue. Current § 300.13 provides price posting requirements for retail establishments, but does not cover the providing of price information for sales through the medium of catalogues. The new section provides two methods for supplying this information to prospective purchasers, either of which may be used at the option of the retailer. In order to provide a reasonable period for the preparation of the material to be included in each catalogue as a result of this new requirement, it is made applicable only to catalogues printed after April 5, 1972.

Because the purpose of this amendment is to provide immediate guidance and information as to price stabilization rules for retail catalogue sales, it is

V 37 N 36 FEB 23 72 XUM

hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended by adding the following new section immediately after § 300.13, effective February 23, 1972.

Issued in Washington, D.C., on February 18, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

§ 300.13a Retail catalogue sales; price posting requirements.

(a) *General.* Each retailer who is engaged in the sale of products through a catalogue printed after April 5, 1972, shall comply, at its option, with either paragraph (b) or paragraph (c) of this section. For the purposes of this section, "catalogue" includes any catalogue, circular, or other printed material, containing at least 50 pages, offering products for sale through a mail order, telephone, or similar system, including sales through facilities involving direct customer contact, such as catalogue sales offices or catalogue desks.

(b) *First option.* Each retailer shall include in each of its catalogues at least one separate page providing the following base price information:

(1) A description of how its prices are controlled under the Price Stabilization Program.

(2) A statement as to how information regarding the lawful base price for any product in the catalogue may be obtained from the retailer.

(3) Conspicuous identification of each price that is in excess of the base price for the product concerned.

The retailer shall comply with paragraph (d) of § 300.13 with respect to each request for base price information that it receives pursuant to subparagraph (2) of this paragraph.

(c) *Second option.* Each retailer shall include in each of its catalogues the following information:

(1) The base prices of those 40 items which accounted for the greatest catalogue dollar sales volume in each catalogue department, in the previous fiscal year, or the base prices of those items which accounted for at least 50 percent of its total catalogue dollar sales in each catalogue department during that year, whichever is less.

(2) A description of how its prices are controlled under the Price Stabilization Program.

(3) A statement as to how information regarding the lawful base price for any product in the catalogue may be obtained. The retailer shall comply with paragraph (d) of § 300.13 with respect to each request for base price information that it receives pursuant to subparagraph (3) of this paragraph.

[FR Doc.72-2690 Filed 2-22-72;8:49 am]

PART 300—PRICE STABILIZATION

Prohibitions Applicable to Buyers

The purpose of this amendment is to provide that under certain conditions the payment of a price higher than the base price, or other price authorized under this part, for personal property or services will be a violation of the Price Commission regulations.

The regulations currently provide, in § 300.11, that it is a violation to charge a price for property or services which is higher than the base price, except as such higher price is justified under the regulations of the Commission. The Commission is aware of situations in which, due to shortages or other reasons, some persons may be willing to knowingly pay a price higher than the base price or other price authorized under Commission regulations or be forced by circumstances to pay such a higher price. Therefore, § 300.11 is being amended by the addition of a new paragraph (b) which would make it a violation for any person to knowingly pay a price above the base price or other price authorized under Commission regulations for an item of property or a service. The prohibition will apply only if the buyer entered into the transaction knowingly, and will apply only to property or services purchased for use in the buyer's trade or business. The prohibition will not apply in any case in which the buyer, because of circumstances of economic or other coercion and his need for the item purchased, had no reasonable alternative but to pay the illegal price, and reports the transaction to the Internal Revenue Service for investigation as soon as possible. Certain clarifying editorial changes have also been made which do not affect substance.

Because the purpose of this amendment is to provide immediate guidance and information as to the price stabilization rules in effect, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, § 300.11 of Part 300 of Title 6 of the Code of Federal Regulations is amended to read as follows, effective February 23, 1972:

§ 300.11 General rule.

(a) No person may charge a price with respect to any sale or lease of an item of property or a service after November 13, 1971, which exceeds the base price (or other price authorized under this part) for that item of property or that service.

(b) No person may knowingly pay a price with respect to any sale or lease of an item of property or a service for use in his trade or business which exceeds the base price (or other price authorized under this part) for that item of property or that service. However, this paragraph (b) does not apply to the sale or lease of an item of property or a service to any person under circumstances of economic or other coercion in which the buyer or lessee, because of his need for that property or service, had no reasonable alternative but to pay the illegal price, and he reports the sale or lease to the Internal Revenue Service for investigation as soon as is reasonably possible after it occurs.

Issued in Washington, D.C., on February 22, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.72-2776 Filed 2-22-72;11:17 am]

PART 301—RENT STABILIZATION

Base Rents for Decontrolled Housing in New York State

The purpose of this amendment is to provide a method for determining the base rent, for the purposes of Part 301, of rental units in the State of New York which become no longer subject to control under the laws and regulations of the city and State of New York by reason of becoming vacant.

Current § 301.106 provides for the continuation of rent control by governmental bodies, under certain conditions, in lieu of the controls provided under Part 301. However, under the rent control program in the State of New York, certain units become decontrolled under that program as they become vacant. These units then become subject to the general provisions of Part 301 and it is necessary to provide a method for the determination of the base rent of those units. The effect of the amendment is to allow the computation thereunder to be made as of the date of the unit become vacant, after August 14, 1971, but it does not authorize a landlord to collect any increased rent as a result thereof for any period prior to the effective date of the amendment.

Because the purpose of this amendment is to provide immediate guidance and information as to the rent stabilization rules, it is hereby found that notice and public procedure thereon is impractical and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 FR 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 FR 20202, Oct. 16, 1971)

In consideration of the foregoing, § 301.106 of Title 6 of the Code of Federal Regulations is amended by adding the following new paragraph at the end thereof, effective February 19, 1972.

§ 301.106 Rent controlled units.

* * * * *

(e) *Base rent of decontrolled units.* The base rent for a unit of rent controlled housing which became decontrolled as the result of a vacancy occurring after August 14, 1971 (the base rent of which unit, if computed under §§ 301.202 through 301.205, would be based in whole or in part upon a rent controlled by the laws and regulations of the city and State of New York under authorization provided by this section), is the average rent provided in transactions occurring between July 16, 1971, and August 14, 1971, inclusive, of substantially identical decontrolled units in the same building or complex. If such a substantially identical unit was not rented during that period of time, the base rent shall be the average rent of substantially identical units decontrolled during that period located in the nearest marketing area containing such a substantially identical unit. This paragraph does not authorize the collection of any increased rent for any unit for any period before the effective date of this paragraph.

Issued in Washington, D.C., on February 18, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.72-2691 Filed 2-22-72;8:49 am]

PART 301—RENT STABILIZATION

Delegations and Penalties

The purpose of these amendments is to add two new sections to the rent stabilization regulations.

A new § 301.611 is added to clarify the Price Commission's intent, when stating in this part that a specific function will be performed by the Internal Revenue Service, to effect a delegation to the Secretary of the Treasury and, through a standing delegation, from the Secretary to the Internal Revenue Service.

A new § 301.651 relating to criminal and civil penalties for violations of the regulations, and injunctive relief, is added to reflect sections 208 and 209 of the Economic Stabilization Act, as amended by the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743) and Executive Order 11640 (37 F.R. 1213).

Because the purpose of these amendments is to provide immediate guidance and information as to the rent stabilization program, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 301 of Title 6 of the Code of Federal Regulations is amended by adding the following new sections after § 301.604, effective February 23, 1972:

§ 301.611 Delegations to Internal Revenue Service.

It is the Price Commission's intent, whenever it states in this part that a function is to be performed by the Internal Revenue Service, to effect a delegation to the Secretary of the Treasury and, through a standing delegation by him, from the Secretary to the Internal Revenue Service.

§ 301.651 Penalties.

(a) *Criminal.* Any person who willfully violates any provision of this part or any order issued thereunder shall be subject to a fine of not more than $5,000 for each violation.

(b) *Civil penalties.* A person who violates any provision of this part or any order issued thereunder shall be subject to a civil penalty of not more than $2,500 for each violation.

(c) *Injunctions and other relief.* Whenever it appears to the Price Commission that any individual or organization has engaged, is engaged, or is about to engage in any act or practice constituting a violation of this part or any order issued thereunder, the Commission may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin that act or practice. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of moneys received in violation of any such order or regulation.

Issued in Washington, D.C., on February 22, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.72-2775 Filed 2-22-72;11:16 am]

V 37-36 FEB 23 72 XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1079]

MILK IN THE DES MOINES, IOWA, MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Des Moines, Iowa, marketing area is being considered for the months of March through August 1972.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

In § 1079.44, all of paragraph (c), and in paragraph (d) the provision "located not more than 150 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the Post Offices of Corydon, Creston, Des Moines, Grinnell, Jefferson, and Ottumwa."

STATEMENT OF CONSIDERATION

The proposed suspension would continue the effect of the present suspension making inoperative the automatic Class I classification of milk transferred or diverted from a pool plant to a nonpool plant located more than 150 miles from the nearest of the six basing points listed above.

Proponent, a cooperative association, has operated a pool supply plant at Caledonia, Minn., since September 1971. When milk received at the Caledonia plant is not needed at distributing plants it is transferred to a nonpool manufacturing plant, which is also located in Caledonia.

Caledonia is more than 150 miles from the nearest of the basing points. The provisions providing for automatic Class I classification of milk transferred to a nonpool plant so located were suspended for the period September 1971 through February 1972. The suspension permits classifying milk so disposed of on the basis of its actual use and, therefore, facilitates the economical disposition of reserve milk supplies at the Caledonia plant to a nearby manufacturing plant for Class II use.

A proposal by cooperatives to delete provisions providing mileage limitations on transfers of milk for Class II use was considered for 33 orders (including this order) at a hearing held in Atlanta, Ga., on October 18–20, 1971; in Dallas, Tex., on November 9–10, 1971; and in Bloomington, Minn., on November 16–18, 1971. There was no opposition to the proposal.

Proponent requests continued suspension of the mileage limit for another 6 months pending completion of amendment procedure based on the hearing.

Signed at Washington, D.C., on February 16, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72–2643 Filed 2–22–72;8:47 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Proposed Limit on Maximum Allowable Capacity of Glass and Plastic Containers for Certain Class IA and Class IB Flammable Liquids

Section 1910.106(d)(2)(iii) of Title 29 of the Code of Federal Regulations (36 F.R. 10537, May 29, 1971) would limit the maximum allowable capacity of glass and of approved plastic containers of Class IA flammable liquids to 1 pint, and of Class IB flammable liquids to 1 quart. Interested persons have represented that the limitations are unduly restrictive in cases where metal containers cannot be used, because the liquid must preserve high purity or is highly corrosive, and where the liquids are prepared for exportation, because containers of less than 1 gallon capacity are generally unacceptable. In addition, it is alleged that the disruption of current commercial practices and the restriction of exports are unnecessary because glass or approved plastic containers of Class IA or Class IB flammable liquids, of 1 gallon capacity, have no noticeable effect on the safety or health of employees dealing with the liquids.

It appears that the alleged consequences of the limitations in 29 CFR 1910.106(d)(2)(iii) would result, and that the limitations are neither necessary nor appropriate to provide safe or healthful employments in the limited special cases under consideration. Accordingly, pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655) and in 29 CFR 1910.4 it is proposed to revise 29 CFR 1910.106(d)(2)(iii) to read as set forth below.

Interested persons are invited to submit written data, views, and arguments concerning this proposal within 30 days after its publication in the FEDERAL REGISTER. The submissions may be mailed to the Office of Safety and Health Standards, Room 305, 400 First Street NW., Washington, DC 20210. Within 30 days after the publication of this proposal in the FEDERAL REGISTER, any interested person may also file with the Office of Safety and Health Standards written objections, stating the grounds therefor and requesting a public hearing on the objections. The request for a hearing must specify the part of the proposal to which objection is made, and must contain a concise summary of the evidence that would be adduced at the hearing in support of each objection made.

The limitations of 1 pint on the maximum allowable capacity of glass or approved plastic containers of Class IA flammable liquids, and of 1 quart on such containers of Class IB flammable liquids, presently § 1910.106(d)(2)(iii), are hereby stayed pending the conclusion of this rulemaking proceeding, but only with regard to liquids which are highly pure, or highly corrosive, or intended for export, which are the subjects of the proceeding.

Section 1910.106 of 29 CFR Part 1910 is proposed to be amended by revising paragraph (d)(2)(iii) to read as follows:

§ 1910.106 Flammable and combustible liquids.

* * * * *

(d) * * *

(2) * * *

(iii) *Size.* Flammable and combustible liquids packaged for sale or use shall conform to Table H–12, except that glass or approved plastic containers of no more than 1 gallon capacity may be used for a Class IA or IB flammable liquid if:

(*a*) Such liquid is of a reagent grade or higher purity and the liquid would be rendered unfit for its intended use by contact with metal; or

(*b*) Such liquid would corrode a metal container excessively, thereby creating a leakage hazard; or

(*c*) The containers are filled solely for direct export outside the United States.

* * * * *

(Sec. 6, 84 Stat. 1593; 29 U.S.C. 655, 29 CFR 1910.4)

Signed at Washington, D.C., this 15th day of February 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72–2656 Filed 2–22–72;8:48 am]

Notices

FEDERAL RESERVE SYSTEM

CLEARING BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company

Clearing Bancorporation, Inc., Chicago, Ill., has applied for the Board's approval, under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), for the formation of a bank holding company through acquisition of 89.9 percent or more of the voting shares of State Bank of Clearing, Chicago, Ill. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a nonoperating corporation formed for the express purpose of acquiring Bank which has aggregate deposits of approximately $48.9 million. (All banking data are as of June 30, 1971.) All shareholders of Bank are being accorded equal treatment. Since applicant has no present operations or subsidiaries, it appears that consummation of the proposal would not affect existing or potential competition, nor have an adverse effect on any other bank in the area.

The banking considerations are consistent with approval of the application. The financial and managerial resources of Bank and its prospects are regarded as generally satisfactory. Applicant has not commenced operations; thus, its financial condition, management and prospects are dependent upon those of Bank. Applicant's projected earnings appear to be sufficient to service the debt which it will incur upon consummation of the proposed transaction without adversely affecting Bank's capital structure. The proposed acquisition is not likely to have any significant immediate effect on the convenience and needs of the community. This aspect of the proposal is consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] February 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–2649 Filed 2–22–72;8:47 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Banks

First at Orlando Corp., Orlando, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 90 percent of the voting shares of The Commercial Bank & Trust Company of Ocala, Ocala, Fla. (Commercial Bank), and of Citizens Commercial Bank of Ocala, Ocala, Fla. (Citizens Bank), a proposed new bank.

Notice of receipt of the applications has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

On the basis of the record, the applications are approved for the reasons set forth in the Board's statement[1] of this date. The transactions shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order; and (c) Citizens Commercial Bank of Ocala, Ocala, Fla., shall be opened for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] February 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–2650 Filed 2–22–72;8:47 am]

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Chairman Burns.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Statement of Governors Maisel and Brimmer for approval of The Commercial Bank & Trust Company of Ocala, and, in effect, for denial of Citizens Commercial Bank of Ocala, and Dissenting Statement of Governor Robertson for denial of both applications filed as part of the original document and available upon request.

[2] Approval of acquisition of The Commercial Bank & Trust Company of Ocala.

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire the assets and assume the liabilities of Midland National Corp., Midland, which own 83.3 percent of the voting shares of The Midland National Bank, Midland (Midland Bank), and 24.5 percent of the voting shares of United Bank Shares, Inc., El Paso, a holding company owning 100 percent (less directors' qualifying shares) of the shares of Southwest National Bank of El Paso, El Paso (Southwest Bank), all in Texas.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the third largest banking organization in Texas, controls six banks with aggregate deposits of $1,186.3 million, which amounts to 4.5 percent of the total commercial bank deposits in Texas. Consummation of the proposal herein would increase applicant's share to 4.8 percent.[1]

Midland Bank ($78.7 million in deposits), the second largest of eight banks in the Midland-Odessa area, holds 19.2 percent of deposits there, while the largest bank in this area holds 42.1 percent of deposits in the area. Applicant's present subsidiaries are all located in or near the Houston SMSA, over 400 miles from Midland Bank. It appears that consummation of the proposal would not eliminate any existing competition and should strengthen Midland Bank's ability to compete with the area's largest bank.

Southwest Bank ($67.3 million in deposits) is the third largest banking organization in the El Paso area, and controls 11.9 percent of deposits in the area. Two El Paso chain-banking systems have section 3(a)(1) applications pending before

Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Voting against this action: Governor Robertson. Approval of acquisition of Citizens Commercial Bank of Ocala. Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sheehan. Voting against this action: Governors Robertson, Maisel, and Brimmer.

[1] Since applicant will indirectly control only 24.5 percent of the voting shares of Southwest Bank, the deposit totals for that bank have not been included in that figure.

V 37-36 FEB 23 72 XUM

the Board. These two systems are the largest and second largest banking organizations in the area and, combined, control 78.2 percent of deposits, and eight of the 13 banks in the area. Each of applicant's present subsidiaries is over 700 miles from Southwest Bank. It appears that consummation of the subject proposal would not eliminate any existing competition and may eventually lead to some deconcentration among banks in the El Paso area.

Although the banking needs of the Midland-Odessa and El Paso areas, respectively, are generally being served now, the customers of both Midland Bank and Southwest Bank should benefit from the proposed affiliations. Applicant could lend its expertise to both banks in making oil and petroleum loans, which should benefit the local petroleum-oriented economies. Southwest Bank could benefit from applicant's expertise with respect to commercial lending and trust activities. Considerations related to the convenience and needs of the communities to be served lend some weight toward approval.

The financial and managerial resources and future prospects of applicant and its present subsidiaries and of Midland Bank are regarded as generally satisfactory. Southwest Bank is in need of additional capital. Consummation of the proposal herein should assure Southwest Bank of an adequate source for capital funds as needed. Considerations related to the resources and future prospects of applicant and its present and proposed subsidiaries are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] February 14, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2651 Filed 2-22-72;8:47 am]

FIRST VIRGINIA BANKSHARES CORP.

Acquisition of Bank

First Virginia Bankshares Corp., Arlington, Va., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First Bank & Trust Co., Roanoke, Va. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than March 13, 1972.

Board of Governors of the Federal Reserve System, February 15, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2654 Filed 2-22-72;8:48 am]

HUME BANCSHARES, INC.

Formation of Bank Holding Company

Hume Bancshares, Inc., Hume, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 89.3 percent or more of the voting shares of Hume Banking Co., Hume, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 10, 1972.

Board of Governors of the Federal Reserve System, February 15, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2652 Filed 2-22-72;8:47 am]

MARSHALL & ILSLEY BANK STOCK CORP.

Acquisition of Bank

Marshall & Ilsley Bank Stock Corp., Milwaukee, Wis., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Bank of Watertown, Watertown, Wis. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 10, 1972.

Board of Governors of the Federal Reserve System, February 15, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2653 Filed 2-22-72;8:48 am]

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Chairman Burns.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Notice of Filing of Plat of Survey

FEBRUARY 15, 1972.

Plat of survey of the land described below will be officially filed in the Arizona State Office, Phoenix, Ariz., effective at 10 a.m., March 21, 1972.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 1 S., R. 16 E.,
Tract 37, containing 22.63 acres.

The survey was made at the request of the Department of Agriculture, Forest Service, to provide for the exchange of land within a National Forest under the Act of March 20, 1922 (42 Stat. 465), as amended (16 U.S.C., sec. 485).

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.72-2627 Filed 2-22-72;8:48 am]

Bureau of Mines

COAL MINE HEALTH AND SAFETY

Notice of Finding That a Single Shift Measurement of Respirable Dust Will Not Accurately Represent Atmospheric Conditions During Such Shift

CROSS REFERENCE: For a document issued jointly by the Department of Health, Education, and Welfare and the Department of the Interior regarding coal mine health and safety, see F.R. Doc. 72-2626, Department of Health, Education, and Welfare, Office of the Secretary, *infra*.

National Park Service

FREDERICK DOUGLASS HOME, WASHINGTON, D.C.

Establishment as Part of National Park System

The Act of September 5, 1962 (76 Stat. 435), authorizes the Secretary of the Interior to designate, for preservation as a part of the park system in the National Capital, the former home of Frederick Douglass known as Cedar Hill, together with such land, interests in land and improvements thereon as he deems necessary to accomplish the purposes of the act. The area so designated is limited to 14 acres and is required to be described by metes and bounds so as to exclude that portion of the land used for the Glen Garden as a housing development. When the properties within the area designated have been donated to the United States, establishment of the home as a part of the park system in the National Capital is to be effected by publication of notice in the FEDERAL REGISTER.

To implement the purposes of the aforesaid act the following area comprising Cedar Hill and land, interests in land and improvements thereon, consisting of 8.08096 acres, is herein designated for preservation as a part of the park system in the National Capital:

(1) Part of a tract of land called "Chichester," designated for taxation purposes as Parcel 225/6, described in accordance with a plat of computation recorded in Survey Book 162, page 340 of the Records of the Office of the Surveyor for the District of Columbia by metes and bounds as follows:

Beginning for the same on the southeasterly line of 14th Street Southeast, at a point distant south 13°03' W. 414.62 feet from the intersection of said line of 14th Street with the southwesterly line of W Street and running thence south 50°14'00" E. 268 feet to a point; thence south 10°23'40" E. 285.75 feet to a point; thence south 50°14' E. 190 feet to the northwesterly line of the parcel of land conveyed by Frederick Douglass and Helen Douglass to Mary W. Bryan by deed dated September 10, 1890, and recorded in Liber 1510 folio 453, among the Land Records of the District of Columbia; thence along said line of said conveyance, north 41°31' E. 37.50 feet to the southwesterly line of Butler Street; thence along said line of Butler Street and the easterly line of 15th Street closed; north 12°36' E. 849.75 feet to the south line of W Street; thence along the south line of said W Street; north 76°57' W. 534 feet to the southeasterly line of 14th Street; thence along said southeasterly line of 14th Street, south 13°03' W. 414.62 feet to the place of beginning. Containing approximately 7.91207 acres as computed from the above-mentioned plat recorded in Survey Book 162, page 340.

Subject to easements for sewer, water mains, and surface drainage as granted and shown on plat recorded in Liber 134, folio 8 of the said Surveyor's Office Records.

Also:

(2) Part of 15th Street SE. closed, in Square numbered Fifty-seven Hundred Ninety-seven (5797) and described in accordance with a plat recorded in Liber 120, page 139 of the Records of the Office of the Surveyor for the District of Columbia by metes and bounds as follows:

Beginning for the same at the intersection of the southerly line of Galen Street and the northwesterly line of 15th Street SE., running thence south 12°36' W. to the northerly line of Butler Street; running thence along said line of Butler Street to the center line of said 15th Street; thence along said center line of said street; north 12°36' E. to the southerly line of Galen Street; thence along the said line of Galen Street, 15 feet to the place of beginning. Containing approximately 0.16889 acres as computed from Plat of Survey prepared in the office of the Surveyor of the District of Columbia, Recorded in Survey Book 157, page 81.

The above-described land is designated on the Records of the Assessor for the District of Columbia for assessment and taxation purposes as Lot numbered Eight Hundred Three (803) in Square numbered Fifty-seven Hundred Ninety-seven (5797).

Since the Frederick Douglass home, the objects of historical significance therein and the land within the above-described boundary have been donated to the United States, the Frederick Douglass home is hereby established as a part of the park system in the National Capital.

Dated: February 14, 1972.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.72-2628 Filed 2-22-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EDUCATION FOR THE HANDICAPPED

Notice of Closing Date for Receipt of Applications

Pursuant to the authority contained in section 622 of the Education of the Handicapped Act (84 Stat. 175/182 20 U.S.C. 1422), notice is hereby given that the U.S. Commissioner of Education has established a final closing date for receipt of applications for Centers and Services for deaf-blind children. Such applications must be postmarked on or before the 30th day following the publication of this notice in the FEDERAL REGISTER, or on or before March 1, 1972, whichever is lated.

Regulations governing such applications and other programs and projects authorized under Part C of the Act are being developed, and will be published in the FEDERAL REGISTER as notice of proposed rule making, subject to public comment, as soon as they have been completed.

Dated: February 10, 1972.

S. P. MARLAND, Jr.,
U.S. Commissioner of Education.

[FR Doc.72-2624 Filed 2-22-72;8:47 am]

RECEIPT OF PUBLIC LAW 81-815 APPLICATIONS

Notice of Cutoff Date, Fiscal Year 1972

Pursuant to the authority vested in me by section 3 of Public Law 81-815 (20 U.S.C. 633) and 45 CFR 114.2, notice is hereby given of the cutoff date:

For the purpose of sections 3 and 14 of Public Law 81-815, June 30, 1972, is hereby set as the second cutoff date during Fiscal Year 1972 on or before which complete applications for payments to which an applicant may be entitled under the Act from such funds as may be available for such purposes shall be filed.

Dated: February 15, 1972.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

[FR Doc.72-2625 Filed 2-22-72;8:47 am]

Office of the Secretary

COAL MINE HEALTH AND SAFETY

Notice of Finding That a Single Shift Measurement of Respirable Dust Will Not Accurately Represent Atmospheric Conditions During Such Shift

Pursuant to section 202(f) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 842(f); 83 Stat. 762), and in accordance with section 101 of the Act, there was published in the FEDERAL REGISTER for July 17, 1971 (36 F.R. 13286), a proposed notice of finding by the Secretary of the Interior and the Secretary of Health, Education, and Welfare that single shift measurement of respirable dust will not, after applying valid statistical techniques to such measurement, accurately represent the atmospheric conditions to which the miner is continuously exposed. Interested persons were afforded a period of 30 days following publication of the proposed notice in the FEDERAL REGISTER within which to submit written comments, suggestions, or objections.

The major thrust of these comments, suggestions, and objections was: (1) To question the validity of the Bureau of Mines data and the statistical validity of the technique employed in analyzing such data in the proposed finding; and (2) to request a periodic review of the proposed finding as new technology becomes available. After careful consideration of all comments, suggestions, and objections, it is the conclusion of the Secretary of the Interior and the Secretary of Health, Education, and Welfare that a valid statistical technique was employed in the computer analysis of the data referred to in the proposed notice[1] and that the data utilized was accurate and supported the proposed finding. Both Departments also intend periodically to review this finding as new technology develops and as new dust sampling data becomes available.

The Departments intend to revise Part 70 of Title 30, Code of Federal Regulations, to improve dust measuring techniques in order to ascertain more precisely the dust exposure of miners. To complement the present system of averaging dust measurements, it is anticipated that the proposed revision would use a measurement over a single shift to determine compliance with respirable dust standards taking into account (1) the variation of dust and instrument conditions inherent in coal mining operations, (2) the quality control tolerance allowed in the manufacture of personal sampler capsules, and (3) the variation in weighing precision allowed in the Bureau of Mines laboratory in Pittsburgh.

[1] Crow, et al., Statistical Manual, Dover Publication, Inc., New York, New York, p. 48 (1960).

V 37 I 36 FEB 23 72 XUM

The proposed finding, as set forth at 36 F.R. 13286, that a measurement of respirable dust over a single shift only, will not, after applying valid statistical techniques to such measurement, accurately represent the atmospheric conditions to which the miner under consideration is continuously exposed, is hereby adopted without change.

Dated: February 15, 1972.

ROGERS C. B. MORTON,
Secretary of the Interior.

Dated: January 27, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

[FR Doc.72-2626 Filed 2-22-72;8:46 am]

OFFICE OF THE ASSISTANT SECRETARY, COMPTROLLER, HEW AUDIT AGENCY

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare is hereby amended to add a Statement of the HEW Audit Agency.

Section 1-W13.00 Mission. The HEW Audit Agency is responsible for the development and maintenance of a comprehensive audit program for the Department and its operating agencies. In brief, the Agency's mission is to determine whether the Department's operations are being conducted economically and efficiently, and to provide a reasonable degree of assurance that Federal funds are being expended properly and for the purpose for which they were appropriated. The HEW Audit Agency serves as principal advisor to the Secretary and top Department officials in this area.

Section 1-W13.10 Organization. A. The HEW Audit Agency is comprised of a staff of auditors and supporting administrative personnel under the supervision of a Director responsible to the Assistant Secretary, Comptroller. The Director shall have direct access to the Secretary, however, when he deems this necessary to the fulfillment of his responsibilities. The Agency consists of:

Division of State and Local Audits.
Division of University and Nonprofit Audits.
Division of Installation and Management Audits.
Division of Social Security Audits.
Division of Audit Coordination.
Regional Audit Directors, Washington Area Audit Director, and their staffs.

B. During the absence of the Director, the Deputy Director serves as Acting Director.

Section 1-W13.20 Functions. A. The HEW Audit Agency provides staff assistance to the Secretary, Assistant Secretaries, and operating agency officials in the development and conduct of comprehensive audits which include examinations of the Department and its grantees and contractors.

B. In the performance of its mission, the Audit Agency:

1. Develops policies, procedures, standards, and criteria relating to audit activities at all levels within the Department.

2. Develops general and special audit programs as may be necessary to provide appropriate audit and examination of programs and activities performed by the Department and its operating agencies.

3. Determines when audits and examinations can be most appropriately carried out by organizations outside of the HEW Audit Agency, including other agencies of Government, or by private organizations.

4. Evaluates the adequacy of audits performed for the Department by organizations outside the HEW Audit Agency to determine that such audits are being conducted in consonance with Department objectives.

5. Conducts comprehensive audits of all Department programs, activities, and functions including those carried out by and through the Department's grantees and contractors.

6. Prepares and disseminates reports of audits, examinations, and studies to the Secretary, operating agencies, and others who may be concerned in a particular audit or study.

7. Accumulates and provides operating agencies with data concerning audit reports and uncleared audit findings. This data serves as the basis for each operating agency's Stewardship Report to the Secretary. Evaluates the Stewardship Reports and provides the Secretary and other key Department officials with an analysis of the significant management decisions being made as a result of audit.

8. Conducts followups and special analyses to determine propriety of action taken on previous audit findings and recommendations.

C. Reviews legislative and program proposals for audit implications and evaluates their conformity and consistency with established audit policy.

D. As requested by the Department's operating agencies, performs special reviews of grant or contract proposals for the purpose of determining financial capabilities of grantees or contractors.

E. In the interest of economy and interdepartmental cooperation, performs audits of programs and activities administered by other Federal departments and agencies that involve participation by institutions of higher education and State and local governments.

F. Provides necessary Departmental liaison with the General Accounting Office and other Federal, State, and private auditing organizations on all matters pertaining to audits. With respect to General Accounting Office audits and investigations of Department Activities:

1. Reviews drafts and final reports covering Department activities and advises the Secretary and his staff of significant findings.

2. Reviews all replies to GAO reports prior to release and secures necessary clearance within the Office of the Secretary.

3. Performs followup reviews to determine propriety of action taken with respect to GAO recommendations.

4. Maintains liaison with representatives of the Office of Management and Budget and others regarding General Accounting Office reports.

G. Collaborates with and provides assistance to the Office of Grant Administration Policy in the execution of its responsibilities for the development of grant management and administration policy and indirect cost rates.

H. Functions of Audit Agency Divisions are as follows:

1. Divisions of Audit Coordination

a. Develops agencywide audit policies, procedures and instructions.

b. Develops agencywide work plans, audit schedules and audit priority adjustments for budgetary and operating purposes.

c. Coordinates processing of GAO reports and letters.

d. Maintains liaison with other Federal audit organizations in determining audit cognizance and arranging for cross-servicing.

2. Division of Social Security Audits

a. Develops technical standards and policies for audit of programs and activities of the Social Security Administration.

b. Develops audit programs to evaluate effectiveness of all aspects of the administration of Social Security programs.

c. Reviews issued audit reports and visits regional offices and audit sites to appraise technical adequacy of and provide technical assistance on Social Security audits.

d. Develops consolidated reports to top management based on audit findings on Social Security activities.

e. Maintains liaison with headquarters officials on Social Security audit matters.

3. Division of State and Local Audits, Division of University and Nonprofit Audits, Division of Installation and Management Audits.

Each of the above Divisions is responsible, in its assigned area, for:

a. Developing technical standards and policies for audits.

b. Developing audit programs to evaluate effectiveness of operations.

c. Reviewing issued audit reports and visiting regional offices and audit sites to appraise technical adequacy of audits and to provide technical assistance on audits.

d. Developing consolidated reports and other reports to top management based on audit findings.

e. Maintaining liaison with headquarters officials on audit matters.

Dated: February 15, 1972.

STEVEN D. KOHLERT,
Acting Deputy Assistant Secretary for Management.

[FR Doc.72-2666 Filed 2-22-72;8:49 am]

FEDERAL POWER COMMISSION

ARKANSAS LOUISIANA GAS CO.

Notice of Availability of Final Environmental Statement

FEBRUARY 18, 1972.

Take notice that a final environmental statement was issued February 18, 1972, by the Federal Power Commission in Opinion No. 612, Arkansas Louisiana Gas Co., Docket No. CP70-267. This statement is available for public inspection in the Office of Public Information of the Federal Power Commission, Room 2423, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2732 Filed 2-22-72;9:46 am]

[Docket No. R-425]

AREA RATES FOR ROCKY MOUNTAIN AREA

Order Denying Motions for Reconsideration

FEBRUARY 14, 1972.

On July 15, 1971, we issued a notice of proposed rule making and order prescribing procedure in this proceeding, 36 F.R. 13621, July 22, 1971, proposing to issue rules fixing the just and reasonable rates and otherwise regulating jurisdictional sales of natural gas made under contracts dated before October 1, 1968, in the Rocky Mountain Area, and to determine whether the initial rates established by our Order No. 435 [1] for said Area should apply to contracts dated after October 1, 1968, through June 17, 1970, for such sales.

Certain of the parties herein filed motions for reconsideration of the notice and order, which were granted in part and otherwise denied by orders of September 7, and October 20, 1971. Subsequently Amerada Hess et al. (Amerada) filed a motion for cross-examination which was denied by order of December 16, 1971. Applications for rehearing of that order were filed on January 14, 1972, by Amerada, and on January 17, 1972, by Amoco Production Co. (Amoco) and Mobil Oil Corp. (Mobil), respondents in this proceeding.[2]

We stated in our order of December 16, which respondents now ask us to reconsider, that the motion which Amerada had filed "* * * basically raises the same legal issues which we rejected in our order of September 7, 1971." Additionally, we noted that "* * * we would prefer to avoid repetition of the rationale for denial of Amerada's request for a full adjudicatory hearing * * *."

The legal bases for the proceeding which we have set forth in this proceeding are not unknown to respondents. Our course of action herein has been fully explained, and followed by us in establishing just and reasonable rates for other areas, and we considered and explained why each of the contentions that respondents make here, and have made before are without merit, Area Rates For The Appalachian And Illinois Basin Areas, Docket No. R-371 et al., Orders Nos. 411 and 411-B, 44 FPC 1112 and 1487; Chicago of Chicago et al. v. F.P.C., —— F. 2d —— (No. 23,740) (CADC, 12-2-71). We believe there is no need, or reason to iterate and reiterate the statutory authority, and judicial precedent under which we proceed herein.

The Commission finds:

The motions for reconsideration filed by Amerada Hess Corp., et al., on January 14, 1972, and by Amoco Production Co. and Mobil Oil Corp. on January 17, 1972, present no further facts or principles of law which were not fully considered by the Commission in its order of December 16, 1971, or which having now been considered warrant any change or modification of that order.

The Commission orders:

The above motions for reconsideration are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2618 Filed 2-22-72;8:45 am]

[1] Opinion and Order Establishing Initial Rates In The Rocky Mountain Area, Dockets Nos. R-389 and R-389A, Order No. 435, issued July 15, 1971.

[2] The applications seeking rehearing of a interlocutory procedural order in a rule-making proceeding, and accordingly shall be considered as applications for reconsideration under § 1.80(e) of the Commission's rules of practice and procedure.

[Dockets Nos. RI72-172—RI72-176]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 4, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

V 37-36 FEB 23 72 XUM

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-172..	Atlantic Richfield Co.	9	12	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex., Permian Basin).	$5,739	1-14-72		3-16-72	[2] [4] 14.0001	[2] [3] [10] 17.3678	
	do	482	9	do	16,838	1-14-72		3-16-72	[10] 12.90	[1] [3] [10] 17.57	
	do	523	6	do	3,643	1- 7-72		3- 9-72	[1] 14.2045	[1] [3] 17.9606	
	do	248	10	Northern Natural Gas Co. (Brunson Field, Lea County, N. Mex., Permian Basin).	8,191	1-14-72		3-16-72	[6] 14.5249	[2] [3] 18.0192	
	do	521	7	Northern Natural Gas Co. (Monument Field, Lea County, N. Mex., Permian Basin).	14,850	1-14-72		3-16-72	[10] 13.68	[1] [3] [10] 17.30	
	do	536	[7] 11	Northern Natural Gas Co. (Imperial Plant, Crane and Ward Counties, Tex., Permian Basin).	41,546	1-10-72		3-12-72	[10] 15.5291	[1] [10] 18.3544	RI69-165.
RI72-173..	R & G Drilling Co., Inc.	3	4	El Paso Natural Gas Co. (Blanco Pictured Cliffs Field, San Juan County, N. Mex., San Juan Basin).	41,650	1- 6-72		3- 8-72	13.0	21.33	
	do	1	7	El Paso Natural Gas Co. (West Kutz Pictured Cliffs Field, and Fruitland Wildcat Formations, San Juan County, N. Mex.) (San Juan Basin).	8,330	1-10-72		3-12-72	13.0	21.33	
RI72-174..	William C. Russell	1	7	El Paso Natural Gas Co. (Fulcher Kutz Pictured Cliffs, San Juan County, N. Mex.) (San Juan Basin).	2,409	1-10-72		3-12-72	13.0	21.33	
	do	2	[6] 13	El Paso Natural Gas Co. (Chacra Formation, San Juan County, N. Mex.) (San Juan Basin).	2,409	1-10-72		3-12-72	13.0	21.33	
RI72-175..	Atlantic Richfield Co.	582	3	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (Permian Basin).	761	1-10-72		3-12-72	[10] 16.5619	[10] 17.5656	RI70-666.
RI72-176..	Amoco Production Co.	363	[8] 31	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	855	1-12-72		3-14-72	13.0	14.0	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Increase based on increase in Bureau of Labor Statistics Wholesale Index for Industrial Commodities.
[2] Increase to 14.1120 cents suspended in docket No. RI69-508 but never put in effect.
[3] Subject to 0.5-cent compression charge by buyer.
[4] 13.6507 cents at 14.65 p.s.i.a.
[6] 14.1624 cents at 14.65 p.s.i.a.
[7] 13.85 cents at 14.65 p.s.i.a.
[8] Not applicable to acreage added by Supplement No. 9.
[9] For sales from Chacra formation under letter agreement of Jan. 8, 1968.
[10] Applies to acreage added by supplement No. 30.
[11] The pressure base is 14.65 p.s.i.a.

The proposed increases to 21.33 cents per Mcf were fractured to avoid a suspension period of longer than 1 day by R & G Drilling Co., Inc., and William C. Russell for sales to El Paso in San Juan Basin and are based on a favored-nations clause which was allegedly activated by Amoco Production Co.'s favored-nations increases which were suspended in Docket No. RI72-70 and became effective subject to refund on November 14, 1971.[1] El Paso Natural Gas Co. is expected to protest these favored-nation increases, as it has previous filings, on the basis that they are not contractually authorized. In view of the contractual problem presented, the hearing herein shall concern itself with the contractual basis for these favored-nation filings as well as the justness and reasonableness of the proposed increased rates. The proposed increases do not exceed the corresponding rate filing limitations imposed in Southern Louisiana and the producers have waived their right to file for any increases for 1 year, subject to the two exceptions permitted in the Commission's order issued December 17, 1971, in Amoco Production Co., Docket No. RI72-70. These filings therefore are suspended for 1 day.

The other producer increases involved here also do not exceed the corresponding rate filing limitations imposed in Southern Louisiana. As a result, these increases will be suspended for 1 day.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.72-2543 Filed 2-22-72;8:43 am]

[1] Amoco's increases were triggered by the Aztec Oil & Gas Co.'s unilateral increase which was suspended in Docket No. RI71-744.

[Docket No. CP72-195]

CASCADE NATURAL GAS CORP.

Notice of Application

FEBRUARY 14, 1972.

Take notice that on January 31, 1972, Cascade Natural Gas Corp. (applicant), 222 Fairview Avenue North, Seattle, WA 98109, filed in Docket No. CP72-195 an application pursuant to section 7(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate a 600 horsepower compressor station and related facilities in the Lower Horse Draw Area, Rio Blanco County, Colo., and to construct and operate a field gathering system in the Lower Horse Draw Area in Rio Blanco County. Applicant states that it has executed gas purchase contracts with producers in the Lower Horse Draw Area where there are seven existing wells which have been tested to have an aggregate initial deliverability of 7,638 Mcf per day and it expects a number of additional wells to be drilled in the immediate future in the subject area. Applicant estimates the cost of the compressor station and related facilities at $238,000 and the gathering system at $300,000. Applicant plans to finance the proposed projects from cash on hand and borrowings maturing no later than June 30, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-2619 Filed 2-22-72;8:45 am]

[Docket No. CP72-68]

MICHIGAN POWER CO. AND GREAT LAKES GAS TRANSMISSION CO.

Order Granting Petition To Intervene, Setting Date for Filing Case-in-Chief, and Setting Dates for Prehearing Conference and Hearing

FEBRUARY 14, 1972.

On September 20, 1971, Michigan Power Co. (Michigan Power) filed in Docket No. CP72-68 an application pursuant to section 7(a) of the Natural Gas Act[1] for an order of the Commission directing Great Lakes Gas Transmission Co. (Great Lakes) to establish physical connection of its natural gas transmission facilities with the facilities to be constructed by Michigan Power, and to sell and deliver up to 3,000 Mcf of natural gas per day to Michigan Power, all as more fully set forth in the application. On October 21, 1971, Great Lakes filed an answer in opposition to Michigan Power's application, citing as its reason for opposition the unavailability of the necessary natural gas.

Notice of Michigan Power's application was issued by the Commission September 29, 1971, and published in the FEDERAL REGISTER on October 7, 1971 (36 F.R. 19534). The notice set October 19, 1971, as the date by which any protests or petitions to intervene were to be filed.

An untimely notice of intervention was filed by the Michigan Public Service Commission on October 26, 1971. An untimely petition to intervene on behalf of Michigan Power was filed by the city of Manistique (Manistique) on November 12, 1971. In its petition to intervene Manistique cites the recent appointment of its city attorney as the reason for its late filing.

The Commission finds:

(1) Good cause exists to permit the filing of the untimely notice of intervention by the Michigan Public Service Commission.

(2) Good cause exists to permit the late intervention of the city of Manistique in this proceeding in order that it may establish the facts and the law from which the nature and validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The above-named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the provisions of § 2.62(c) of the Commission's rules of practice and procedure, the applicant shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to Part 156 of the regulations under the Natural Gas Act.

(C) Michigan Power Co. shall file with the Commission and serve on all parties and the Commission Staff, on or before February 29, 1972, its case-in-chief including the exhibits and prepared testimony upon which it relies in support of its application.

(D) Great Lakes Gas Transmission Co. shall file with the Commission and serve on all parties and the Commission staff, on or before March 14, 1972, its case-in-chief including the exhibits and prepared testimony upon which it relies in opposition to the application of Michigan Power Co.

(E) Any intervener that proposes to offer prepared testimony and exhibits shall file such testimony and exhibits with the Commission and serve them on all parties and the Commission staff on before March 14, 1972.

(F) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated Presiding Examiner shall commence at 10 a.m., e.s.t., on April 4, 1972, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, for the purpose of effectuating the expeditious disposition of this proceeding. The purpose of such conference shall be to consider all matters at issue in the above docket and to consider any and all matters which might contribute to an expeditious disposition of this proceeding. The applicant, the respondent, the Commission staff, and all persons who have been permitted to intervene by the Commission shall be entitled to participate in that conference.

(G) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held immediately following the conclusion of the aforeordered prehearing conference in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the matters involved in and the issues presented by Michigan Power Co.'s application.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-2620 Filed 2-22-72;8:45 am]

[1] 52 Stat. 824 (1938); U.S.C. sec. 717f(a).

[Docket No. G-3244 etc.]

PHILLIPS PETROLEUM CO. ET AL.

Findings and Order

FEBRUARY 10, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successors corespondent, redesignating proceedings, and accepting rate schedules for filing.

Each applicant herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

Humble Oil & Refining Co., applicant in Docket No. CI71-853, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI63-234 to be made pursuant to Mobil Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 333. The present rate under said rate schedule is in effect subject to refund in Dockets Nos. RI69-57 & RI71-1006. Therefore, applicant will be made corespondent in said proceedings and the proceedings will be redesignated accordingly.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on February 2, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each applicant herein is a "natural gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) The sales of natural gas hereinbefore described, as more fully described

V37-36 FEB 23 72 XUM

in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to sell natural gas from the subject acreage.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Humble Oil & Refining Co. should be made a co-respondent in the proceedings pending in Dockets Nos. RI69–57 and RI71–1006; and that said proceedings should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in pargraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The orders issuing certificates of public convenience and necessity in Dockets Nos. G–4986, G–7645, G–10665, G–11894, G–12005, G–12094, G–12868, G–18435, CI61–550, CI61–1285, CI62–458, CI65–369, CI68–692, and CI71–286 are amended by adding thereto or deleting therefrom authorization to sell natural gas as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) The orders issuing certificates of public convenience and necessity in Dockets Nos. G–11902 and G–16152 are amended by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(F) The orders issuing certificates of public convenience and necessity in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein or outstanding certificates are amended herein by authorizing the continuation of service from the subject acreage, and in all other respects said orders shall remain in full force and effect:

Amend to delete acreage	*New certificate and/or amendment to add acreage*
CI63–234	CI71–853
CI64–157	CI71–286
CI63–234	CI71–853

(G) The certificates of public convenience and necessity and certificate authorizations granted in Dockets Nos. G–11902, G–16152, CI71–286, and CI71–784 are subject to the Commission's findings and order accompanying Opinion No. 586. If the quality of the gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(H) Applicants in the dockets indicated shall charge and collect the following rates, subject to B.t.u. adjustment were applicable:

Docket No.	Rate (cents per Mcf)	Pressure base (p.s.i.a.)
CI71–784	20.0	14.65
CI71–865	15.0	14.65

(I) Within 90 days from the date of initial delivery, applicant in Docket No. CI71–865 shall file three copies of a rate schedule-quality statement in the form prescribed by the Commission. If the quality of gas deviates at any time from the quality standards set forth in § 154.106(d) of the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(J) The certificate of public convenience and necessity granted in Docket No. CI71–784 is subject to any determination which may be made by the Commission in Docket No. R–338 with respect to the transportation of liquids and liquefiable hydrocarbons.

(K) The orders issuing certificates of public convenience and necessity in Dockets Nos. G–3244 and CI60–604 are amended to reflect the new delivery point in Docket No. G–3244 and to include the interest of co-owner, Humble Oil & Refining Co., in CI60–604 as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(L) Humble Oil & Refining Co. is made co-respondent in the proceedings pending in Dockets Nos. RI69–57 and RI71–1006, and said proceedings are redesignated accordingly. Humble Oil & Refining Co. shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(M) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are granted.

(N) The certificates issued in Dockets Nos. G–3767, G–6199, G–10623, G–20123, CI61–922, CI63–712, CI64–688, CI64–736, CI66–29, CI66–874, CI66–1145, CI67–97, and CI70–105 are terminated and the related FPC gas rate schedules are canceled.

(O) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein. Applicants having date of initial delivery as the effective date for their respective rate schedules or rate schedule supplements shall advise the Commission in writing of such date within 10 days thereof.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule[1] No.	Supp.	Description and date of document
G–11902 ..... E 6–17–71	Getty Oil Co. (successor to Estate of James A. Chapman, et al.).	Arkansas Louisiana Gas Co., Numa-West Field, Grant County, Okla.	189		J. A. Chapman et al., FPC Gas Rate Schedule No. 1.
			189	1	Supplement No. 1.
			189		Notice of succession, 6–15–71.
			189	2	Assignment, 2–18–71 [14] (Effective date for the above filings: 2–1–71).
G–12005 ..... D 6–4–71	Mobil Oil Corp.	United Gas Pipe Line Co., Eugene Island Area, La.	66	30	Notice of partial cancellation, 2–1–71. (Effective date: date of order.)
G–12094 ..... D 6–14–71	do	Southern Natural Gas Co., Carville Field, Jefferson Davis County, Miss.	138	7	Notice of partial cancellation, 6–8–71.[1] (Effective date: date of order.)
G–12868 ..... D 6–25–71	Amoco Production Co. (Operator et al.).	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	233	10	Notice of partial cancellation, 2–24–71.[1] (Effective date: Date of order.)
G–16152 ..... E 6–17–71	Getty Oil Co. (successor to Estate of James A. Chapman et al.).	Arkansas Louisiana Gas Co., Numa-West Field, Grant County, Okla.	150		J. A. Chapman et al., FPC Gas Rate Schedule No. 2. Notice of succession, 6–15–71.
			150	1	Assignment, 2–18–71 [14] (Effective date for the above filings: 2–1–71.)
G–18435 ..... D 6–28–71	Amoco Production Co. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	275	20	Notice of partial cancellation, 2–24–71.[1] (Effective date: Date of order.)
CI60–604 ..... 6–7–71 [15]	Union Oil Co. of California (Operator) et al.	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	78	31	Assignment, 4–8–71 [14] (Effective date: 2–1–71.)
CI61–550 ..... D 6–14–71	Lario Oil & Gas Co.	Cities Service Gas Co., 113 Field, Barber County, Kans.	17	6	Notice of partial cancellation, 6–14–71.[1] (Effective date: Date of order.)
CI61–1285 ..... D 6–17–71	The California Co., a division of Chevron Oil Co. (Operator) et al.	United Fuel Gas Co., South Thornwell Field, Jefferson Parish, La.	28	9	Notice of partial cancellation, 4–14–71.[1] (Effective date: Date of order.)
CI62–458 ..... O 6–4–71	Cities Service Oil Co. (Operator) et al.	United Fuel Gas Co., Medford Dome District, Beaver County, W. Va.	261	4	Supplemental agreement, 6–30–66.
CI65–369 ..... D 6–17–71	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Red Oak Area, Pittsburg County, Okla.	333	43	Assignment, 4–7–71 [14] (Effective date: Initial delivery.)
			333	44	Assignment, 4–7–71 [14] (Effective date for the above filings: Date of order.)
CI65–580 ..... D 4–16–71	PetroDynamics, Inc. (Operator) et al.	Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans.	17	3	Release agreement, 2–1–71. (Effective date: Date of order.)
CI68–692 ..... D 3–31–71	Newmont Oil Co. (Operator) et al.	Transcontinental Gas Pipe Line Corp., West Lake Verret Field, Jefferson Davis Parish, La.	9	3	Notice of partial cancellation, 2–26–71.[1] (Effective date: Date of order.)
CI71–286 ..... F 6–4–71 [1]	LFO Corp. (successor to Shelly Oil Co.).	Kansas-Nebraska Natural Gas Co., Bradshaw Area, Hamilton County, Nebr.	27	6	Assignment, 4–16–71 [14] (Effective date: Date of order.)
CI71–412 ..... B 11–16–70 [2]	E. G. Rodman	Northern Natural Gas Co., Harmon Field, Woodward County, Okla.	7	1	Notice of cancellation, 11–10–70 (cancels FPC Gas Rate Schedule No. 7). (Effective date: Date of order.)

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule[1] No.	Supp.	Description and date of document
G–3244 [3] 6–14–71	Phillips Petroleum Co. (Operator).	El Paso Natural Gas Co., Winkler Field, Winkler County, Tex.	359	24	Amendatory agreement, 2–21–71.[1] (Effective date: Date of first delivery from Walton Plant delivery point.)
G–4986 ..... D 6–30–71	Humble Oil & Refining Co.	Lone Star Gas Co., Golden Trend Field, Garvin and Stephens Counties, Okla.	183	17	Release agreement, 2–1–71.[1] (Effective date: Date of order.)
G–7645 ..... D 3–22–71 [4]	Mobil Oil Corp. et al.	Cities Service Gas Co., Guymon-Hugoton (Shallow) Field, Texas County, Okla.	283	38	Release agreement, 1–1–48.
			283	39	Release agreement, 7–12–48.
			283	40	Release agreement, 8–12–48.
			283	41	Release agreement, 11–21–48.
			283	42	Release agreement, 2–10–47.[1]
			283	43	Release agreement, 2–10–47.[1]
			283	44	Release agreement, 2–26–47.
			283	45	Release agreement, 2–26–47.
			283	46	Release agreement, 7–2–47.
			283	47	Release agreement, 12–2–47. (Effective date for the above filings: No specific date.)
G–10665 ..... D 6–11–71	Champlin Petroleum Co. (Operator) et al.	Cities Service Gas Co., Hugoton Field, Grant County, Okla.	64	10	Notice of partial cancellation, 12–28–70.[1]
G–11894 ..... D 6–17–71	Mobil Oil Corp.	Kansas-Nebraska Natural Gas Co., Hugoton Field, Finney County, Kans.	15	13	Agreement, 6–13–53.
			15	14	Agreement, 6–13–53 [1]
			15	15	Agreement, 6–13–53 [1]
			15	16	Assignment, 6–13–53 [1]
			15	17	Agreement, 10–26–53 [1]
			15	18	Agreement, 10–26–53 [1]
			15	19	Assignment, 10–26–53 [1] (Effective date for the above filings: No specific date.)

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

V 37 I 36 FEB 23 72 XUM

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule[1] Description and date of document	No.	Supp.
C171-868, B6-1-71[44]	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., South Laverne Field, Beaver County, Okla.	Notice of cancellation, 6-27-71[45] (cancels FPC Gas Rate Schedule No. 313) (Effective date: Date of order.)	313	2
C171-865, A 6-7-71	do	Texas Eastern Transmission Corp., Carthage Field, Panola County, Tex.	Contract, 4-19-71 (Effective date: Initial delivery.)	426	----
C171-881, B 6-16-71[46]	Joseph F. Fritz Operating Co.	Texas Eastern Transmission Corp., White Castle Field, Wilkinson County, Miss.	Notice of cancellation, 4-20-71 (cancels FPC Gas Rate Schedule No. 2) (Effective date: Date of order.)	2	1
C171-912, B 6-28-71[46]	Gulf Oil Corp.	Lone Star Gas Co., Northeast Kinta Field, Garvin County, Okla.	Notice of cancellation, 6-24-71 (cancels FPC Gas Rate Schedule No. 330) (Effective date: Date of order.)	330	7

[1] Where no effective date is indicated, the rate schedule filing has heretofore been accepted.
[2] Applicant proposes to change the point of delivery to El Paso Natural Gas Co. from the Winkler Plant, Kermit Area, Winkler County, Tex., to a point on El Paso's pipeline in Winkler County near Cabot Corp.'s Walton Plant.
[3] Includes applicant and buyer's agreement dated Dec. 1, 1970, indicating buyer's concurrence.
[4] Between applicant and buyer, release of acreage from contract, dated Jan. 1, 1968.
[5] Acreage deleted prior to June 7, 1964. Filings inadvertently omitted at time of original filing.
[6] Between Republic Natural Gas Co. (applicant's predecessor) and buyer releasing acreage from contract, dated Feb. 28, 1946.
[7] Lease No. 1072.
[8] Lease No. 1069.
[9] Includes letter agreement, dated Dec. 1, 1970, indicating buyer's concurrence.
[10] Applies to E½ sec. 14, T. 25 S., R. 32 W., and N½ and SE¼ sec. 14, T. 25 S., R. 32 W.
[11] Applies to SW¼ sec. 15, and SW¼ sec. 14, T. 25 S., R. 32 W.
[12] Applies to N½ and SE¼ sec. 11, T. 25 S., R. 32 W., and N½ and SE¼ sec. 12, T. 25 S., R. 35 W.
[13] Applies to SW¼ sec. 11, and SW¼ sec. 13, T. 25 W., R. 32 W.
[14] Assigns interest from National Bank of Tulsa, Executor of the Estate of J. A. Chapman, to applicant; effective date of concurrence from buyer.
[15] Includes letter of concurrence from buyer, dated Jan. 25, 1971, between applicant and buyer releasing acreage from contract.
[16] Petition to amend certificate to include interest of coowner, Humble Oil & Refining Co.
[17] Assigns interest from applicant to Humble Oil & Refining Co.
[18] Includes letter agreement, dated May 24, 1971, indicating buyer's concurrence.
[19] Includes letter of concurrence from buyer and release of acreage.
[20] Conveys interest (SE¼ sec. 22, T. 8 N., R. 12 E.) from applicant to Humble Oil & Refining Co.
[21] Conveys interest (SE¼ sec. 22, T. 8 N., R. 12 E.) from applicant to Humble Oil & Refining Co.
[22] Between applicant and buyer releasing acreage (Morrow formation only) from contract.
[23] Includes letter agreement from buyer.
[24] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. C164-167.
[25] From Skelly Oil Co. to applicant.
[26] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. G-3767.
[27] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. C166-674.
[28] Includes letter agreement, dated Jan. 25, 1971, between applicant and buyer cancelling contract.
[29] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. G-2012.
[30] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. C166-675.
[31] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. G-3767.
[32] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. C164-736.
[33] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. C164-737.
[34] Includes agreement between applicant and buyer cancelling contract.
[35] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. G-3767.
[36] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. C166-712.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule[1] Description and date of document	No.	Supp.
C171-724, B 4-8-71[37]	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Mocane Laverne Field, Beaver County, Okla.	Notice of cancellation, 4-21-71[38] (cancels FPC Gas Rate Schedule No. 117) (Effective date: Date of order.)	117	2
C171-771, B 4-22-71[37]	General American Oil Co. of Texas.	Southern Natural Gas Co., Delacroix Area, Plaquemines Parish, La.	Notice of cancellation, 4-16-71 (cancels FPC Gas Rate Schedule No. 44) (Effective date: Date of order.)	44	7
C171-774, B 4-20-71[37]	J. C. Walter, Jr., and Lamar W. Davis, Jr.	United Gas Pipe Line Co., South Weeatache Field, Goliad County, Tex.	Notice of cancellation, 4-20-71 (cancels FPC Gas Rate Schedule No. 1) (Effective date: Date of order.)	1	8
C171-775, B 4-21-71[37]	T. L. James & Co., Inc., et al.	Mississippi River Transmission Corp., North Choudrant Field, Lincoln Parish, La.	Notice of cancellation, 4-16-71 (cancels FPC Gas Rate Schedule No. 4) (Effective date: Date of order.)	4	7
C171-779, B 4-20-71[37]	Southwest Petroleum Management Corp. (Operator).	Texas Eastern Transmission Corp., Gottschalt Field, Goliad County, Tex.	Notice of cancellation, 4-20-71 (cancels FPC Gas Rate Schedule No. 1) (Effective date: Date of order.)	1	2
C171-784, A 4-26-71	The Rodman Corp. (Operator) et al.	Cities Service Gas Co., Sooner Trend Field, Major County, Okla.	Contract, 3-10-71	4	1
C171-810, B 4-7-71[37]	Union Oil Co. of California (Operator) et al.	Michigan Wisconsin Pipe Line Co., Southeast Stockholm Field, Harper County, Okla.	Notice of cancellation, 4-16-71 (cancels FPC Gas Rate Schedule No. 156) (Effective date: Date of order.)	156	4
C171-818, B 4-21-71[37]	T. L. James & Co., Inc., et al.	Arkansas Louisiana Gas Co., East Haynesville Field, Claiborne Parish, La.	Notice of cancellation, 4-16-71 (cancels FPC Gas Rate Schedule No. 1) (Effective date: Date of order.)	1	7
C171-826, B 4-17-71[37]	Sohio Petroleum Co.	Michigan Wisconsin Pipe Line Co., Southeast Field, Beaver County, Okla.	Notice of cancellation, 4-16-71 (cancels FPC Gas Rate Schedule No. 86) (Effective date: Date of order.)	86	4
C171-834, B 4-26-71[37]	First National Bank in Dallas, Trustee (Operator) et al.	South Texas Natural Gas Gathering Co., Northeast Thompsonville Field, Jim Hogg County, Tex.	Notice of cancellation, 4-20-71 (cancels FPC Gas Rate Schedule No. 1) (Effective date: Date of order.)	1	3
C171-844, B 4-26-71[37]	Sohio Petroleum Co.	Panhandle Eastern Pipe Line Co., Light Field, Beaver County, Okla.	Notice of cancellation, 4-16-71 (cancels FPC Gas Rate Schedule No. 31) (Effective date: Date of order.)	31	7
C171-858, F 4-28-71[37]	Humble Oil & Refining Co. (Successor to Mobil Oil Corp. (Operator), et al.)	Arkansas Louisiana Gas Co., Patterson Area, Pittsburg County, Okla.	Contract, 6-13-62[39] ---- Amendment, 10-1-63 ---- Agreement, 1-6-65 ---- Assignment, 4-7-71[40] ---- Assignment, 4-7-71[41] ---- (Effective date for the above filings: 2-1-71.)	482 482 482 482 482 482	1 3 4 5

See footnotes at end of table.

[37] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. C161-922.
[38] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in G-10623.
[39] Includes agreement between applicant and buyer cancelling contract.
[40] Applicant proposes to continue in part the sale of natural gas authorized in Docket No. C163-234 pursuant to Mobil Oil Corp. (Operator) et al., FPC Gas Rate Schedule No. 333.
[41] Also on file as Mobil Oil Corp. FPC Gas Rate Schedule No. 333.
[42] Assigns interest from Mobil Oil Corp. to applicant.
[43] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. C166-1145.
[44] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. C170-105.
[45] Application for permission and approval to abandon the sale of natural gas commenced under a certificate issued in Docket No. G-6199.

[FR Doc.72-2542 Filed 2-22-72;8:45 am]

[Docket No. RP71-6 etc.]

TENNESSEE GAS PIPELINE CO.

Notice of Extension of Time and Postponement of Hearing

FEBRUARY 15, 1972.

Notice is hereby given that the procedural dates prescribed by the order issued December 23, 1971, and modified by notice issued January 13, 1972, are further modified, as follows:

1. The time within which parties shall serve their prepared direct testimony and exhibits is extended to and including March 9, 1972. The time within which any rebuttal evidence by Tennessee shall be served is extended to and including March 29, 1972.

2. Cross-examination of the evidence shall commence on April 11, 1972.

By direction of the Commission.[4]

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2621 Filed 2-22-72;8:45 am]

[Docket No. CP72-93]

TEXAS EASTERN TRANSMISSION CORP.

Importation of Liquefied Natural Gas

FEBRUARY 15, 1972.

Order authorizing the importation of two shiploads of liquefied natural gas, scheduling formal hearing, establishing procedures, and granting interventions.

Texas Eastern Transmission Corp. (Texas Eastern) filed on October 4, 1971, an application pursuant to section 3 of the Natural Gas Act[1] for authorization to import approximately 12 trillion British thermal units (B.t.u.)[2] of liquefied natural gas (LNG) from Libya. The LNG is to be purchased from Esso International, Inc. (Esso), and loaded at Marsa el Brega, Libya, in 12 cargo lots of approximately 1 trillion B.t.u. each.[3] LNG is to be delivered to Texas Eastern's LNG storage and gasification facilities at Staten Island, N.Y.[4] Deliveries are expected to commence approximately 27 days after appropriate government approvals are obtained and, pursuant to Texas Eastern's agreement with Esso, are to continue through September 1972.

Texas Eastern's letter agreement with Esso for the sale and delivery of LNG specifies a price equivalent to $0.75 per million B.t.u. calculated on quantities loaded at Marsa el Brega, or approximately $0.81 per million B.t.u. at Staten Island after an allowance of 7 percent for boiloff during transit and retained heat in the tanker. At 1,250 B.t.u. per cubic foot, Texas Eastern's cost of LNG will be equivalent to approximately $1.2323 per Mcf at a pressure base of 15.025 p.s.i.[5]

Texas Eastern estimates that the purchase of Libyan LNG will result in a 0.84 cent per Mcf increase in its average cost of purchased gas. Texas Eastern requests that such increase be treated as an "increase purchased gas cost" under the terms of Article III of the Stipulation and Agreement dated January 21, 1971, approved by Commission order issued March 24, 1971, in Docket No. RP70-29 et al., and that the cost of LNG be passed along to the customer pursuant to the "tracking provisions" of that agreement. We believe, however, that the propriety of that request should be an issue in the hearing hereinafter ordered and that all parties, who wish to be heard on this issue, may present evidence thereon.

Texas Eastern in its application states that it has an "urgent need" for supplemental gas supplies to meet commitments to its customers during the present heating season and thereafter. Texas Eastern contends that the "critical gas supply shortage" has for a number of years prevented Texas Eastern from purchasing sufficient new supplies to offset its annual system requirements. It considers imported LNG a "vital supplemental gas supply" necessary to forestall possible curtailments to its customers.[6] In order to alleviate the alleged imminent gas supply emergency, we will authorize the importation of two shiploads of LNG as proposed in Texas Eastern's application. The terms under which LNG may be sold, however, and Texas Eastern's proposal to import and sell up to 10 additional shiploads of LNG will be the subject of the hearing hereinafter ordered.

Petitions to intervene in this proceeding were filed by Algonquin Gas Transmission Co., Columbia Gas Transmission Corp., El Paso Algeria Corp., Esso International, Inc., Long Island Lighting Co., Mobil Oil Corp., Pennsylvania Gas and Water Co., Public Service Electric and Gas Co., Texas Gas Transmission Corp., the Brooklyn Union Gas Co., and the Philadelphia Gas Works Division of UGI Corp.[7] A notice of intervention was filed by the Public Service Commission for the State of New York.

None of those filing to intervene has requested that a formal hearing be convened in these proceedings.[8] Neither do they express opposition to the proposed importation of LNG by Texas Eastern. Additionally, the Departments of State and Defense have raised no objections to Texas Eastern's import proposal.[9]

Although not requested by any intervenor, we find the policy implications of this application to be so significant as to require formal hearings on limited issues. Because of the alleged time urgency of this application, we would limit the hearing to consideration of the availability of alternate domestic supplies which could be purchased by Texas Eastern on an emergency or other basis at a lower overall cost to its customers,[10] the propriety of Texas Eastern's request to pass through to its customers the increased cost of the LNG pursuant to the "tracking provisions" of the stipulation and agreement approved by the Commission in Docket No. RP70-29,[11] and the appropriate rate treatment of the costs for

[4] Chairman Nassikas and Commissioner Moody, dissenting, stated that no useful purpose can be served by further delay of these proceedings. Accordingly, they dissent from the issuance of this order.
[1] Notice of the application was published in the FEDERAL REGISTER on Oct. 22, 1971 (36 F.R. 20458).
[2] Vaporized LNG will have a heat content equivalent to approximately 1,250 B.t.u. per cubic foot at 14.73 p.s.i.
[3] Shipment of LNG is to be by Esso Brega Class vessel, or equivalent.
[4] The construction of certain appurtenant facilities which, together with dredging and other expenses are expected to cost $1,774,000, and are proposed to be constructed by Applicant to accommodate tanker deliveries of LNG at Texas Eastern's Staten Island terminal.
[5] The $1.2323 figure is based on a total cost of $10,786,000 for the proposed importation, including $9,000,000 for LNG, $1,774,000 for facilities, and $12,000 for vessel cool down. After shrinkage, at 1,250 B.t.u. per cubic foot, 6,752,743 Mcf equivalent are to be imported at 15.025 p.s.i.
[6] By letter to the Secretary dated Dec. 8, 1971, in this docket, Texas Eastern advises that due to an emergency gas supply shortage on its system, it began curtailing deliveries of gas to its customers on Dec. 1, 1971.
[7] All petitions to intervene were timely filed with the exceptions of that of Algonquin Gas Transmission Co., but, since no hearing sessions have been held, granting the late petition will not delay the hearing.
[8] The Public Service Commission for the State of New York withdrew its request for hearing by letter dated Oct. 22, 1971.
[9] Letters were received from the Department of State on Nov. 26, 1971, and from the Department of Defense on Dec. 3, 1971.
[10] The Commission has made provisions for such purchases under § 2.68 (Orders 402 and 402-A) and § 157.29 (Orders 193 and 418), under paragraph 12, Docket No. R-389 and R-389A, and under Order 431. We invite the late intervention and participation of any producers with supplies of natural gas which could be made available to Texas Eastern under any of the aforementioned provisions.
[11] Texas Eastern is advised that "each customer affected" by the proposed rate change is to be notified under §§ 154.16 and 154.22 of the Commission's regulations under the Natural Gas Act.

VOL 37 NO 36 FEB 23 72 XUM

constructing the facilities proposed in this application. We would urge the Examiner and all participants in these hearings to be mindful that the proposed project is limited in both time and size and is requested as an emergency relief to Texas Eastern's current supply situation. We do not intend these hearings to address the broader issues which are raised by the large volume and long term LNG import applications currently before the Commission. We would urge the most expeditious disposition of this case.

The Commission finds:

(1) Good cause exists for formal hearings to be held on Texas Eastern's application to import LNG under section 3 of the Natural Gas Act and for the procedures hereinafter ordered.

(2) The participation of the above-named persons, who filed petitions to intervene in this proceeding, may be in the public interest.

(3) The importation of two shiploads of LNG by Texas Eastern from Libya, as hereinbefore described and as set forth in the application in this proceeding, will not be inconsistent with the public interest within the meaning of section 3 of the Natural Gas Act: *Provided*, That said importation be on the terms and conditions hereinafter ordered.

(4) The construction and operation of the facilities proposed by Texas Eastern to accommodate the proposed import may be in the public interest and should be permitted under the conditions hereinafter ordered.

The Commission orders:

(A) Authorization is granted to applicant, Texas Eastern Transmission Corp., to import two shiploads of liquefied natural gas from Libya to the United States and to construct and operate facilities, as hereinbefore described and as set forth in the application in this proceeding, upon the conditions herein ordered and subject to the provisions of the Natural Gas Act and the Commission's regulations issued thereunder.

(B) The authorization granted by paragraph (A) above is conditioned as follows:

(i) The maximum amount of liquefied natural gas to be imported by applicant shall not exceed two shiploads at the Esso Brega class vessel or equivalent.

(ii) Applicant shall secure all necessary Federal, State, and local authorizations for the above grant.

(iii) Applicant shall comply with all the requirements of § 153.8 of the Commission's regulations under the Natural Gas Act before initiating the proposed importation.

(iv) Applicant shall file statements or reports with the Commission from time to time under oath and in such detail as the Commission may require with respect to the whole or any part of the above import authorization.

(v) Thirty days after the completion of the above authorization, applicant will submit a written report to the Commission stating the actual volumes delivered both in gallons and Mcf equivalent under standard conditions (60° F., 14.73 p.s.i.a. at 1,000 B.t.u. per cubic foot) and the cost thereof, including taxes, duties, demurrage, port charges, and any other costs incurred by applicant resulting from the above import authorization.

(vi) The import authorization herein granted is without prejudice to determination of any issue or issues involved in the formal hearing herein ordered on applicant's application filed in this proceeding.

(D) In the event that the applicant should abandon or permanently cease for any reason whatsoever all or any part of the instant operations described herein, applicant shall notify the Commission immediately of said fact and the reasons therefor.

(E) The authorization granted herein is not transferable and applicant shall not, during the term of the authorization granted by this order, materially change or alter its operations described herein, including but not restricted to changes in price and delivery pattern, without first obtaining the permission and approval of the Commission.

(F) The above-named petitioners are hereby permitted to become interveners in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene; *And provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) A formal hearing shall be convened in this proceeding in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, on March 14, 1972, at 10 a.m., e.s.t., concerning the issues involved in the application filed on October 4, 1971, by Texas Eastern under section 3 of the Natural Gas Act. The Chief Examiner will designate an appropriate officer of the Commission to preside at the formal hearing, pursuant to the Commission's rules of practice and procedure.

(H) The direct case of Texas Eastern and any other party in support of Texas Eastern's proposal shall be served on all parties, including the Commission's Staff and the Presiding Examiner, on March 1, 1972, and the hearing ordered by paragraph (G) above shall commence with cross-examination of Texas Eastern's direct case and shall proceed, under procedures established by the Presiding Examiner, to an expeditious conclusion and determination.

By the Commission.[12]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2617 Filed 2-22-72;8:45 am]

[12] Commissioner Carver dissenting filed a separate statement, filed as part of the original. Commissioner Brooke concurs in Commissioner Carver's dissent.

[Docket No. CP72-191]

UNITED GAS PIPE LINE CO.

Notice of Application

FEBRUARY 15, 1972.

Take notice that on January 26, 1972, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CP72-191 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas service and facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to abandon the following natural gas service and facilities:

1. Service to American Cyanamid Co. and related measuring and regulating facilities in Tarrant County, Tex.;

2. Service to American Manufacturing Co., related measuring and regulating facilities and 185 feet of 6-inch pipeline in Tarrant County, Tex.;

3. Service to Curt Temple, Inc., related measuring and regulating facilities, and 22 feet of 2⅜-inch pipeline and 10 feet of 4½-inch pipeline in Gulfport, Harrison County, Miss.;

4. Service to Lone Star Cement Corp., related measuring and regulating facilities and 0.2 mile of 8-inch pipeline in Dallas County, Tex.; and

5. Service to Murph Metals, Inc., and related measuring and regulating facilities in Dallas County, Tex.

Applicant states that the service through the subject facilities has been discontinued, that the facilities are no longer needed in applicant's operations, and that their abandonment will have no effect on its ability to serve any existing or prospective customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2622 Filed 2-22-72;8:46 am]

[Project 1968]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for New License for Constructed Project

FEBRUARY 15, 1972.

Public notice is hereby given that application for new minor license has been filed under the Federal Power Act (17 U.S.C. 791a–825r) by Wisconsin Public Service Corp. (correspondence to Mr. C. A. McKenna, Secretary, Wisconsin Public Service Corp., 1029 North Marshall Street, Milwaukee, WI 53201), for its constructed Hat Rapids Project No. 1968, located in Oneida County, Wis., near the cities of Rhinelander and Wausau, on the Wisconsin River. The project affects navigable rivers of the United States.

The existing Hat Rapids Project, operated as a run-of-the-river project, consists of (1) a dam about 22 feet high and 1,006 feet long, comprised of two powerhouse sections, one 60 feet long, the other 32 feet long, a 90-foot long spillway section containing four tainter gates 10 feet wide and 18 feet high and a tainter gate 8 feet wide and 18 feet high, and two flanking earth fill dikes 224 feet long on the west side and 600 feet long on the east side, (2) a reservoir which extends about 4½ miles upstream, (3) two powerhouses integral with the dam containing three generating units having an aggregate capacity of 1,440 kw., (4) an outdoor substation, and (5) all other facilities and interests appurtenant to operation of the project.

According to the application: (1) The estimated net investment is $116,000, which is less than its estimated fair value, (2) the estimated severance damages in the event of "takeover" are $50,000, and (3) the annual taxes paid to State and local governments are estimated to be about $5,000.

Applicant states that because the area near the project abounds in good lakes and streams, development of recreational facilities has been located elsewhere. However, one access area to the reservoir near the damsite has been provided, and project lands owned in fee are available for hiking and hunting. No further recreational development is proposed or contemplated by the State, local groups, or the applicant at this time.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 23, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2623 Filed 2-22-72;8:46 am]

[Docket No. CI72-502]

WARREN PETROLEUM CO.

Notice of Application

FEBRUARY 18, 1972.

Take notice that on February 11, 1972, Warren Petroleum Co., a division of Gulf Oil Corp. (applicant), Post Office Box 1589, Tulsa, OK 74102, filed in Docket No. CI72-502 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. at applicant's Eunice Gas Processing Plant in Lea County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that its contract provides for a base rate of 30 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward B.t.u. adjustment. Estimated upward B.t.u. adjustment is 1.17 cents per Mcf. Applicant states further that it is willing to accept a certificate conditioned to a rate of 27 cents per Mcf, subject to upward and downward B.t.u. adjustment.

Applicant states that it commenced the subject sale January 1, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before February 29, 1972, file with the Federal Power Commission, Washington, D.C. 24026, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2695 Filed 2-22-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5150]

DELMARVA POWER & LIGHT CO.

Proposed Amendment of Certificate of Incorporation To Eliminate Preemptive Rights of Holders of Common Stock and Solicitation of Proxies

FEBRUARY 16, 1972.

Notice is hereby given that Delmarva Power & Light Co. (Delmarva), 600 Market Street, Wilmington, DE 19899, a registered holding company and a public utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva, by vote of its common stockholders at the annual meeting of stockholders to be held on April 18, 1972, proposes to amend its certificate of incorporation to eliminate the preemptive rights of holders of shares of common stock upon issuance and sale of common stock for cash pursuant to (a) a public offering, or (b) an offering to or through underwriters, security dealers, or brokers who shall have agreed to make a public offering promptly thereof. The minimum preemptive rights subscription period permitted is 15 days. It is represented that the proposed amendment is to provide Delmarva greater flexibility in the timing of its financings and to decrease the cost thereof.

V 37 36 FEB 23 72 XUM

A favorable vote by the holders of at least a majority of the outstanding 11,180,405 shares of common stock is required for passage of the proposal. Delmarva proposes to solicit proxies from holders of the common stock.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions, and that no fees or commissions are to be paid in connection therewith.

Notice is further given that any interested person may, not later than March 6, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2657 Filed 2-23-72;8:48 am]

[812-3094]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES AND SEPARATE ACCOUNT C OF EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

Notice of Application for Exemption

FEBRUARY 15, 1972.

Notice is hereby given that the Equitable Life Assurance Society of the United States (Equitable), 1285 Avenue of the Americas, New York, NY 10019, a mutual life insurance company organized under the laws of the State of New York, and Separate Account C of the Equitable Life Assurance Society of the United States (Separate Account C) (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order of exemption to the extent noted below from the provisions of section 27(c)(2) of the Act. Equitable established Separate Account C on March 20, 1969, pursuant to the provisions of section 227 of the New York Insurance Law to afford a medium for equity investments for certain variable annuity contracts issued and administered by Equitable.

Variable annuity contracts which are purchased by a single payment and provide monthly annuity payments commencing 1 month from the date of purchase are currently being offered by the Applicants. In addition to these contracts, the Applicants propose to offer deferred variable annuity contracts (the "Contracts") under which payments may be made to Equitable annually or more frequently until the Contract retirement date, the date the Contract is surrendered for its cash value, or the annuitant's death, whichever first occurs. The Contracts may be deemed to be "periodic payment plans" and payments thereunder (other than for any disability provision) are subject to deductions for sales and administrative expenses, a collection charge and any applicable State premium tax. After such deductions, the net payment is invested in Separate Account C. At the Contract retirement date, if the annuitant is then living and another form of benefit has not been elected, the cash value of the Contract will be applied to provide a variable annuity funded through Separate Account C and payable monthly until the death of the annuitant or the end of 10 years, whichever is later. The assets of Separate Account C will, at most times, be invested primarily in common stocks. Interests in the Account are subject to the usual risks inherent in the ownership of a diversified portfolio of securities, the value of which varies up or down depending upon investment performance. Consequently, the cash value of the Contracts and the amount of any monthly variable annuity payments under the Contracts, will fluctuate in accordance with the investment performance of Separate Account C.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by section 26(a)(2) and (3) for trust indentures of a unit investment trust.

Applicants represent that the dangers against which sections 27(c)(2) and 26(a) are directed are not present here in view of the manner in which the Contracts will be administered. In addition, Equitable is subject to extensive supervision and regulation of the New York Insurance Department which conducts comprehensive periodic examinations of all aspects of Equitable's business, including the handling of policyholder's funds. Under the New York law, Equitable cannot abandon its obligations to contract owners or annuitants until they have been fully discharged. In this connection, although the terms of the Contracts will legally insulate the reserves and other contract liabilities with respect to Separate Account C from liabilities arising out of any other business Equitable may conduct, Equitable's considerable assets will be available to protect against any loss in the event of any misfeasance or mishandling of payments. Furthermore, Equitable maintains a general blanket bond of $1 million under which each of its officers, employees and commission agents is covered. The bond has a $50,000 deductible clause which in effect makes Equitable a self-insurer for the first $50,000 of any loss.

In the foregoing circumstances, it is submitted that compliance with the requirements of section 27(c)(2) is not necessary for the protection of investors and, therefore, the Applicants request that an exemption from section 27(c)(2) be granted.

Applicants have consented to the requested exemption being subject to the following conditions: (1) That the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) that the payment of sums and charges out of the assets in Separate Account C shall not be deemed to be exempted from regulation by the Commission by reason of this order; *Provided*, That the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets in Separate Account C other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than March 8, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing or the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2658 Filed 2-22-72;8:48 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

FEBRUARY 15, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from February 16, 1972, through February 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-2659 Filed 2-22-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 3]

ASSOCIATE ADMINISTRATOR ET AL.

Organization, Functions, and Delegations of Authority

The notice published in the FEDERAL REGISTER on December 30, 1970 (35 F.R. 19798, as amended by 36 F.R. 6907 and 37 F.R. 624), is amended by revising Part V-B, to read as follows:

V. Delegations of authority.

A. *Administrator.* • • •.

B. *Members of the Administrator's immediate staff.* Subject to any restrictions on redelegations of his authority, the Administrator hereby delegates to the Associate Administrator authority to act for him in his absence or inability to act, including the exercise of all powers and authorities which he himself holds; to the Deputy Administrator, State and County Operations, and to the Deputy Administrator, Commodity Operations, authority to establish and interpret program policies with respect to their assigned functions and responsibilities; to the Deputy Administrator, Management, authority to establish and interpret management policies; and to the Deputy Administrator, State and County Operations, the Deputy Administrator, Commodity Operations, and the Deputy Administrator, Management, authority to establish and interpret operations policies, institute activities and operations, execute documents, issue instructions and orders, and perform any other actions necessary to the performance of their assigned functions and responsibilities, as currently or hereafter assigned to them. Except when redelegation is specifically prohibited, this authority includes the power of redelegation. In the absence of the Administrator and the Associate Administrator, the Deputy Administrators shall serve as Acting Administrator in the following order of precedence: Deputy Administrator, State and County Operations; Deputy Administrator, Commodity Operations; Deputy Administrator, Management. In the absence of the Administrator, Associate Administrator, and all Deputy Administrators, the Executive Assistant to the Administrator shall serve as Acting Administrator.

Effective date: Upon publication in the FEDERAL REGISTER (2-23-72).

Done at Washington, D.C., this 15th day of February 1972.

CARROLL G. BRUNTHAVER, *Acting Administrator, Agricultural Stabilization and Conservation Service.*

[FR Doc.72-2644 Filed 2-22-72;8:47 am]

Consumer and Marketing Service

[Marketing Agreement 146]

PEANUTS; 1971 CROP

Incoming Quality Regulation

Pursuant to the provisions of sections 31 and 34 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 F.R. 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the amendment hereinafter set forth to the Incoming Quality Regulation (36 F.R. 12632) will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement.

Amendment of the Incoming Quality Regulation is necessary to allow any handler whose operations may include custom seed shelling, to receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements.

Therefore, the last two sentences of paragraph (e) of the Incoming Quality Regulations (36 F.R. 12632) are revised to read as follows:

"A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who may acquire seed peanut residuals from their custom seed shelling operation or from another seed sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals shall be disposed of by sale to the Commodity Credit Corporation, by sale for oil stock or by crushing."

The Peanut Administrative Committee has recommended that this amendment be issued as soon as possible so as to implement and effectuate the provisions of the marketing agreement dealing with Incoming Quality Regulations. Marketing of the 1971 peanut crop is underway and handlers who operate as custom seed shellers are preparing to custom shell farmers stock peanuts that are to be used for seed purposes, and such incoming quality regulations for actual operations under the agreement should therefore be modified and made effective as soon as possible, i.e., on the effective date specified herein. Handlers of peanuts who will be affected by such amendment have signed the marketing agreement authorizing the issuance of such regulations, they are represented on the Committee which recommended such amendment, this action relieves restrictions, and time does not permit prior notice of the proposed amendment to such handlers.

The foregoing amendment of the Incoming Quality Regulations is hereby approved, issued and is to become effective this 17th day of February 1972.

PAUL A. NICHOLSON, *Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.*

[FR Doc.72-2642 Filed 2-22-72;8:47 am]

FEB 23 1972

REVISED LIST OF WAREHOUSES AND WAREHOUSEMEN LICENSED UNDER THE U.S. WAREHOUSE ACT

Pursuant to section 28 of the United States Warehouse Act (7 U.S.C. 266), notice is hereby given as follows: As of December 31, 1971, the following warehouses and warehousemen were licensed and bonded under the United States Warehouse Act. This list of warehouses and warehousemen licensed and bonded under the United States Warehouse Act (7 U.S.C. 241 et seq.) supersedes the list published in the FEDERAL REGISTER of March 26, 1971 (36 F.R. 5715).

Cotton

A. For the storage of cotton:

ALABAMA

Town, Warehouse, and Warehouseman

Atmore; Farmers and Merchants Warehouse; Dan A. Currie, Jack A. Currie and J. Floyd Currie, copartners trading as Atmore Milling and Elevator Company.

Attalla; North Alabama Warehouse; North Alabama Warehouse Company.

Birmingham; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Centre; Floyd County Bonded Warehouse; Floyd County Bonded Warehouse, Inc.

Decatur; State Bonded Warehouse; State Bonded Warehouse & Storage Company.

Decatur; Union Compress Warehouse; Union Service Industries, Inc.

Geraldine; Geraldine Warehouse; Geraldine Warehouse and Storage Company, Inc.

Greenbrier; Elliott Bonded Warehouse; J. D. Elliott and George R. Elliott, copartners trading as J. D. Elliott and Son.

Haleyville; Haleyville Cotton Warehouse; Haleyville Mill and Gin Company.

Huntsville; Huntsville Warehouse; Huntsville Warehouse Company.

Huntsville; Madison Bonded Warehouse; Madison Bonded Warehouse, Inc.

Huntsville; Planters Warehouse; Planters Warehouse and Storage Company.

McCullough; McCullough Bonded Warehouse; Frank P. Currie.

Mobile; Alabama State Docks Bonded Warehouse; Alabama State Docks Department.

Montgomery; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Panola; Panola Bonded Warehouse; E. A. Parker, and Merle Walker Parker and W. O. Parker, Jr., Executrix and Executor of the Trust Estate of W. O. Parker, Deceased, Trading as Panola Bonded Warehouse.

Scottsboro; Gladish Bonded Warehouse; W. L. Gladish, Jr.

Selma; Dallas Bonded Warehouse; Dallas Compress Company.

Selma; Selma Compress Warehouse; Selma Compress Company.

Sylacauga; Sylacauga Bonded Warehouse; Parker Fertilizer Company, Incorporated.

ARIZONA

Phoenix; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Picacho; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Yuma; Federal Compress Warehouse; Federal Compress & Warehouse Company.

ARKANSAS

Arkadelphia; Golden Cotton Warehouse; Benton Taylor.

Batesville; Batesville Compress Warehouse; Southern Warehouse Co.

Blytheville; Blytheville Compress Warehouse; Blytheville Compress Company.

Blytheville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Bradley; Bradley Bonded Warehouse; Bradley Warehouse, Inc.

Brinkley; Southern Compress Warehouse; Southern Compress Company.

Clarendon; Clarendon Warehouse; Southern Compress Company.

Cotton Plant; Cotton Plant Warehouse; Cotton Plant Warehouse Company.

Dardanelle; Dardanelle Compress Warehouse; Planters Compress Company.

Dell; Dell Compress Warehouse; Dell Compress Company of Dell, Arkansas.

Dumas; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Earle; Federal Compress Warehouse; Federal Compress & Warehouse Company.

England; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Eudora; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Evadale (P.O. Wilson); Wilson Compress Warehouse; Memphis Compress & Storage Company.

Forrest City; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Fort Smith; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Helena; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Helena; Helena Compress Warehouse; Helena Compress Company.

Hope; Union Compress Warehouse; Union Service Industries, Inc.

Hughes; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Jonesboro; Jonesboro Compress Company's Warehouse; B. C. Land Company.

Leachville; Arkansas Compress Warehouse; Arkansas Compress Company, Inc.

Lepanto; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Lonoke; Lonoke Bonded Warehouse; Southern Compress Company.

Marianna; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Marked Tree; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Marked Tree; Rittco Cotton Warehouse; Rittco Cotton, A Division of E. Ritter & Company.

Marvell; Federal Compress Warehouse; Federal Compress & Warehouse Company.

McCrory; Federal Compress Warehouse; Federal Compress & Warehouse Company.

McGehee; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Newport; Federal Compress Warehouse; Federal Compress & Warehouse Co.

North Little Rock; Federal Compress Warehouse; Federal Compress & Warehouse Company.

North Little Rock; Southern Compress Warehouse; Southern Warehouse Co.

Osceola; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Pine Bluff; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Portland; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Sparkman; P. H. Taylor Cotton Warehouse; Benton Taylor.

Trumann; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Walnut Ridge; Federal Compress Warehouse; Federal Compress & Warehouse Company.

West Memphis; Federal Compress Warehouse; Federal Compress & Warehouse Company.

West Memphis; Planters Compress Warehouse; Planters Compress Company, Inc.

Wynne; Federal Compress Warehouse; Federal Compress & Warehouse Company.

CALIFORNIA

Bakersfield; San Joaquin Compress and Warehouse Company; Arizona Compress and Warehouse Company d.b.a. San Joaquin Compress and Warehouse Company.

Fresno; Allen Warehouse; Allen Warehouse Company of California.

Fresno; Fresno Warehouse; Bayside Warehouse Company (California Compress Division).

GEORGIA

Albany; Albany Warehouse; Albany Warehouse Company.

Arlington; Ward's Bonded Warehouse; Mrs. Carol Clements Ward.

Atlanta; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Augusta; S. M. Whitney Warehouse; S. M. Whitney Company, Incorporated.

Augusta; Georgia-Carolina Warehouse; Georgia-Carolina Warehouse & Compress Company.

Bartow; Bryant's Bonded Warehouse; Bryant's Incorporated.

Blakely; Farmers Warehouse; The Maddox Corporation.

Brooklet; Farmers' Bonded Warehouse; Farmers Bonded Warehouse, Inc.

Camilla; Camilla Cotton Oil Company Bonded Warehouse; Camilla Cotton Oil Company.

Camilla; Walker Gin Bonded Warehouse; Walkers, Inc.

Carrollton; Martin Bonded Warehouse; J. E. Martin & Son, Inc.

Cochran; Cochran Bonded Warehouse; William Carlton Lawson.

Columbus; W. C. Bradley Co. Warehouse; W. C. Bradley Co.

Cordele; Nesbitt Bonded Warehouse; Nesbitt Bonded Warehouse, Inc.

Cordele; McCay Bonded Warehouse; McCay Gin and Warehouse Company, Inc.

Cuthbert; Walker & Daniel Bonded Warehouse; N. M. Walker and G. W. Daniel, copartners, trading as Walker & Daniel.

Davisboro; Taylor Bonded Warehouse; Taylor Bonded Warehouse, Inc.

Dawson; Dawson Compress Bonded Warehouse; Dawson Compress and Storage Company.

Dawson; Terrell County Bonded Warehouse; Stevens Industries, Inc.

DeSoto; DeSoto Bonded Warehouse; DeSoto Gin and Peanut Co.

Dublin; Lovett and Brinson Bonded Warehouse; Lovett and Brinson, Incorporated.

Dudley; Farmers Warehouse; Mrs. Effie B. Chappell, Roy James Chappell and, John Warthen Chappell, Executors of the Last Will and Testament of Warthen T. Chappell, deceased, and The First National Bank and Trust Company in Macon, and Gladys Combs Hogan, as Executors of the Last Will and Testament of Rubert L. Hogan, deceased, partners, d.b.a. Chappell and Hogan.

Fitzgerald; Ben Hill Bonded Warehouse; Fitzgerald Oil & Fertilizer Company.

Fitzgerald; Planters Warehouse and Loan Company's Warehouse; Planters Warehouse and Loan Company.

Gay; Gay Bonded Warehouse; Arthur G. Estes, Jr.

Hawkinsville; Hawkinsville Bonded Warehouse; L. H. Blount.

Kingston; Kingston Bonded Warehouse; J. W. Martin.

Leslie; Sumter-Lee Warehouse; Leslie Peanut & Gin Co., Inc.

Louisville; Planters Bonded Warehouse; Hardeman Seed Co., Inc.

Lyons; Stanley and Pughsley Bonded Warehouse; Stanley & Pughsley Gin and Warehouse Company Incorporated.

Madison; Farmers Trading Company Bonded Warehouse; Farmers Trading Company, Madison, Georgia.

Madison; Godfrey Bonded Warehouse; Godfrey's Warehouse, Inc.

McDonough; The Planters Warehouse; The Planters Warehouse and Lumber Company.

Meigs; Meigs Bonded Warehouse; B & J Company, Inc.

Metter; Farmers Union Warehouse; Farmers Union Warehouse of Metter.

Midville; Midville Bonded Warehouse; Midville Cotton Warehouse Company.

Millen; Millen Warehouse; The Millen Warehouse Company, Inc.

Monroe; Launius Bonded Warehouse; J. William Dickinson and Dan M. Briscoe, copartners, trading as Launius Bonded Warehouse Co.

Moultrie; Taylor's Bonded Cotton Warehouse; Floyd M. Taylor, Jr., T. Elkin Taylor and Anna T. Brewer, copartners, trading as Taylor Gin and Warehouse.

Ocilla; Murray Bonded Warehouse; Guy Murray.

Parrott; W. M. Dunn's Warehouse; W. G. Dunn.

Pitts; Shell's Bonded Warehouse; A. C. Shell, Jr.

Plains; Carter's Bonded Warehouse; James Earl Carter, Jr., William A. Carter, II and Lillian G. Carter, d.b.a. Carter's Warehouse.

Portal; Planters Bonded Warehouse; Planters Cotton Warehouse Company.

Rome; Georgia and Alabama Warehouse; Georgia and Alabama Warehouse Company.

Rome; Floyd County Bonded Warehouse; Floyd County Bonded Warehouse, Inc.

Rome; Rome Warehouse; Ledbetter Trucks, Inc.

Rutledge; Hollis Bonded Warehouse; J. W. Hollis.

Sandersville; Tarbutton Bonded Warehouse; Ben J. Tarbutton, Jr. and Hugh M. Tarbutton, Trading as Tarbutton Bonded Warehouse.

Senoia; Daniel's Bonded Warehouse; Arthur G. Estes, Jr.

Senoia; The Brick, Bonded Warehouse; Paul R. McKnight, Sr. and Paul R. McKnight, Jr., copartners, trading as P. R. McKnight & Son.

Social Circle; Social Circle Bonded Warehouse; Duval and Co.

Social Circle; Malcom's Bonded Warehouse; B. A. Malcom.

Soperton; Waller's Bonded Warehouse; J. Treutlen Waller.

Statesboro; Planters Cotton Warehouse; Renfrow Cotton Company, Inc.

Statesboro; Farmers Union Warehouse; Smith Trading Co.

Sylvania; Farmers Bonded Warehouse; David W. Reed d.b.a. David W. Reed Company.

Sylvania; Sylvania Bonded Warehouse; Screven Oil Mill.

Sylvester; Houston Bonded Warehouse; Houston Gin & Warehouse Co.

Tennille; Planters Bonded Warehouse; W. B. Smith.

Tennille; Tennille Bonded Warehouse; Washington Ginning Company.

Twin City; Twin City Bonded Warehouse; Twin City Gin Company.

Vienna; J. A. Whitehead & Co. Bonded Warehouse; J. A. Whitehead.

Warrenton; Johnson Cotton Warehouse; W. D. Johnson, an individual, trading as Johnson Cotton Warehouse.

Waynesboro; Planters Warehouse; Planters Warehouse Company of Waynesboro.

Waynesboro; Neely Bonded Cotton Warehouse; Neely Bonded Cotton Warehouse, Inc.

Waynesboro; Burke County Bonded Warehouse; Burke County Gin & Fertilizer Company.

Winder; Smith Bonded Warehouse; Smith Bonded Warehouse, Inc.

Wrightsville; Union Warehouse; J. F. Jordan.

Wrightsville; Lovett's Bonded Warehouse; Lovett & Company, Incorporated.

Wrightsville; Rowland's Bonded Warehouse; Rowland's Gin and Bonded Warehouse of Wrightsville, Georgia, Inc.

Youth; Byrd Bonded Warehouse; J. T. Byrd.

LOUISIANA

Alexandria; American Compress Warehouse; Frost-Whited Company, Inc.

Bernice; Lindsey Bonded Warehouse; James D. Lindsey, Mrs. Rosalind Lindsey Albritton, et al., copartners, trading as Lindsey Bonded Warehouse Company.

Delhi; Union Compress Warehouse; Union Service Industries, Inc.

Ferriday; Union Compress Warehouse; Union Service Industries, Inc.

Haynesville; Haynesville Cotton Warehouse; Haynesville Cotton Warehouse Company, Incorporated.

Lake Providence; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Lake Providence; Hollybrook Warehouse; Hollybrook Warehouse, Inc.

Mansfield; Mansfield Bonded Warehouse; Aileen D. Morgan.

Mer Rouge; Louisiana Cotton Warehouses; Louisiana Cotton Warehouses Company, Inc.

Monroe; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Natchitoches; American Compress Warehouse; Frost-Whited Company, Inc.

New Orleans; Shippers Compress Warehouse; Meta Davis Atkinson, Clifford Atkinson, Jr., and Eugene Atkinson, Jr., trading as Atkinson & Company.

Oak Grove; Union Compress Warehouse; Union Service Industries, Inc.

Opelousas; American Compress Warehouse; Frost-Whited Company, Inc.

Rayville; Union Compress Warehouse; Union Service Industries, Inc.

Shreveport; American Compress Warehouse; Frost-Whited Company, Inc.

Tallulah; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Winnsboro; Union Compress Warehouse; Union Service Industries, Inc.

MISSISSIPPI

Aberdeen; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Batesville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Belzoni; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Booneville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Brookhaven; Brookhaven Compress Warehouse; MFC Services (A.A.L.).

Canton; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Carthage; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Clarksdale; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Clarksdale; North Delta Compress Warehouse; North Delta Compress & Warehouse Co.

Cleveland; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Columbia; Columbia Compress Warehouse; Hattiesburg Compress Company.

Columbus; Columbus Compress Warehouse; Columbus Compress & Warehouse Company.

Como; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Corinth; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Drew; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Drew; National Compress Warehouse; MFC Services (A.A.L.).

Flora (Kearney Park); Flora Compress Warehouse; Flora Compress and Warehouse Company, Inc.

Greenville; Delta Cooperative Compress Warehouse; Delta Cooperative Compress.

Greenville; Greenville Compress Warehouse; Greenville Compress Company.

Greenville; Paxton Bonded Warehouse; Paxton Bonded Warehouse, Inc.

Greenwood; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Greenwood; Stapleservice Compress Warehouse; Staple Cotton Services Association (A.A.L.).

Grenada; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Gulfport; Mississippi Gulfport Warehouses; Mississippi-Gulfport Compress & Warehouses, Inc.

Hattiesburg; Hattiesburg Compress Warehouse; Hattiesburg Compress Company.

Hollandale; Deer Creek Compress Warehouse; Deer Creek Compress Company.

Holly Springs; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Houston; Houston Compress Warehouse; Houston Compress Co., Inc.

Indianola; Sunflower Compress Warehouse; The Sunflower Compress Company.

Inverness; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Itta Bena; Itta Bena Cooperative Warehouse; Itta Bena Cooperative Compress Company.

Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Kosciusko; United Warehouse; United Warehouses, Inc.

Leland; Leland Compress Warehouse; Leland Compress Company.

Macon; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Magnolia; Magnolia Compress Warehouse; Hattiesburg Compress Company.

Marks; Federal Compress Warehouse; Federal Compress & Warehouse Company.

New Albany; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Okolona; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Philadelphia; The Philadelphia Compress Warehouse; Compress of Union.

Pontotoc; Pontotoc Compress Warehouse; Pontotoc Warehouse Company.

Prentiss; Prentiss Bonded Warehouse; MFC Services (A.A.L.).

Quitman; Quitman Bonded Warehouse; Daniel Marston Bonney.

Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Rolling Fork; Rolling Fork Compress Warehouse; Deer Creek Compress Company.

Rosedale; Union Compress Warehouse; Union Service Industries, Inc.

Ruleville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Shaw; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Shelby; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Shuqualak; Shuqualak Bonded Warehouse; A. T. Evans, Executor of the Estate of Harrison Evans.

Sledge; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Summit; Federal Champion Cotton Warehouse; Federal Champion Cotton Warehouse, Incorporated.

Tunica; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Tupelo; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Tutwiler; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Union; Union Bonded Warehouse; Compress of Union.

Vicksburg; Union Compress Warehouse; Union Service Industries, Inc.

Yazoo City; Federal Compress Warehouse; Federal Compress & Warehouse Company.

FEB 23 72
XUM

MISSOURI

Arbyrd; Arbyrd Compress Warehouse; John G. Hoyt, Jr.

Caruthersville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Charleston; National Compress Warehouse; National Compress & Warehouse Company.

Gideon; Gideon Compress Warehouse; Regenold & Earls Company

Hayti; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Kennett; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Company.

Lilbourn; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Malden; Dunklin County Compress Warehouse; Dunklin County Compress and Warehouse Company.

Portageville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Sikeston; Federal Compress Warehouse; Federal Compress & Warehouse Company.

NEW MEXICO

Artesia; Artesia Compress Warehouse; Alma Sanders Francis, Leslie Paul Francis, William Kavanaugh Francis and Christine Francis Jones, copartners, trading as Artesia Compress Company.

NORTH CAROLINA

Battleboro; Braswell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Charlotte; Charlotte Bonded Warehouse; Charlotte Bonded Warehouse Company.

Charlotte; Standard Warehouse; Standard Warehouse, Inc.

Charlotte; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Charlotte; Merchants Bonded Warehouse; Merchants Bonded Warehouse Company.

Charlotte; Standard Bonded Warehouse; Standard Bonded Warehouse Company.

Cherryville; Gaston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Clinton; Sampson Cotton Storage Warehouse; Warehouse Superintendent of the State of North Carolina.

Conway; Conway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Dunn; General Utility Company's Warehouse; Warehouse Superintendent of the State of North Carolina.

Durham; Central Carolina Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Edenton; Edenton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Elizabeth City; Elizabeth City Bonded Warehouse; Robinson Manufacturing Company.

Enfield; Enfield Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Fayetteville; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Gastonia; Avon Bonded Warehouse; Avon Bonded Warehouse, Incorporated.

Gastonia; Peoples Bonded Warehouse; Peoples Bonded Warehouse, Incorporated.

Gastonia; Broad Street Bonded Warehouse; Broad Street Bonded Warehouse, Inc.

Gastonia; Central Bonded Warehouse Division of Bayside Warehouse Company; Bayside Warehouse Company.

Gibson; Gibson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Henderson; Greenway Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Jackson; Northampton Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurinburg; Laurinburg Cotton Warehouse; Warehouse Superintendent of the State of North Carolina.

Laurinburg; Dickson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lincolnton; Lincoln Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Lumberton; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Mooresville; Iredell Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Morven; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Murfreesboro; Revelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Nashville; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Newton; Newton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Parkton; Parkton Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Pembroke; Pembroke Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Rueford; Hoke Cotton Warehouse and Storage Company's Warehouse; Warehouse Superintendent of the State of North Carolina.

Rich Square; Rich Square Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Roanoke Rapids; Farmers Warehouse of Roanoke Rapids; Warehouse Superintendent of the State of North Carolina.

Roanoke Rapids; Rosemary Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Rowland; Barrow Warehouse; Warehouse Superintendent of the State of North Carolina.

Salisbury; Salisbury Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Scotland Neck; Edwards Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Scotland Neck; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Seaboard; Seaboard Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Shelby; Planters and Merchants Warehouse; Planters and Merchants Warehouse Company.

Shelby; Shelby Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Smithfield; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Statesville; Statesville Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

St. Pauls; McColl Cotton Warehouses; Warehouse Superintendent of the State of North Carolina.

Tarboro; Edgecombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Wagram; Farmers Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Wake Forest; Wake Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Washington; Beaufort County Warehouse; Warehouse Superintendent of the State of North Carolina.

Weldon; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina.

Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Wilson; Wilson Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

Woodland; Woodland Cooperative Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

SOUTH CAROLINA

Anderson; The Standard Warehouse; Standard Corporation.

Bennettsville; Marlboro Warehouses; Marlboro Warehouse Company.

Bishopville; Cotton Growers Warehouses; Cotton Growers Warehouses, Inc.

Bishopville; Farmers Bonded Warehouse; Wiley B. King.

Bishopville; King and Jordan Bonded Warehouse; W. Brent King and B. P. Jordan, copartners trading as King and Jordan Bonded Warehouse.

Branchville; Judy-Moorer Bonded Warehouse; Judy-Moorer Warehouse, Inc.

Clio; Clio Bonded Warehouse; B. H. Martin.

Columbia; Palmetto Compress Warehouse; Palmetto Compress and Warehouse Company.

Columbia; The Standard Warehouse; Standard Corporation.

Denmark; Denmark Bonded Warehouse; J. W. Williamson, Jr., H. M. Williamson, J. A. Williamson and J. S. Williamson, copartners trading as J. W. Williamson Co.

Edgefield; Hart Bonded Warehouse; John Rainsford, Jr.

Greenville; Black Hawk Warehouse; The Black Hawk Corporation.

Greenville; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co.

Greenville; Commodity Warehouse; Commodity Warehouse Company, Inc.

Greenville; Industrial Storage Corporation Warehouse; Industrial Storage Corporation.

Greenwood; Textile Bonded Storage; Textile Bonded Storage, Inc.

Manning; United Bonded Warehouse; United Bonded Warehouse, Inc.

Newberry; Farmers Bonded Warehouse; Evelyn M. Brooks, d.b.a. Farmers Bonded Warehouse.

Newberry; The Standard Warehouse; Standard Corporation.

Norway; Norway Bonded Warehouse; J. W. Williamson, Jr., H. M. Williamson, J. A. Williamson and J. S. Williamson, copartners trading as J. W. Williamson Co.

Orangeburg; The Standard Warehouse; Standard Corporation.

Spartanburg; Spartanburg Bonded Warehouses; Spartanburg Bonded Warehouses, Incorporated.

St. Matthews; Buyck Cotton Warehouse; Buyck Cotton Company, Inc.

Summerton; Sumter Bonded Warehouse No. 2; Sumter Storage Company, Incorporated.

Sumter; Rowland Warehouse; Rowland Warehouse Company.

Turbeville; East Clarendon Bonded Warehouse; East Clarendon Storage Company.

Union; Union Bonded Warehouse; H. B. Richardson, Jr.

TENNESSEE

Brownsville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Chattanooga; The Cotton Warehouse; Alford Warehouse & Storage Co., Inc.

Covington; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Dyersburg; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Five Points; Hammond Bonded Warehouse; Laura Mae Hammond.

Henderson; Henderson Compress Warehouse; Henderson Compress Company, Inc.

Jackson; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Kingsport; Borden Warehouse; The Black Hawk Corporation.

Lawrenceburg; Gladish Bonded Warehouse; Martha E. Gladish.

Lawrenceburg; Augustin Bonded Warehouse; J. B. Augustin.

Memphis; Gulf Atlantic Warehouse (Tri-State Plant); Gulf Atlantic Warehouse Co.

Memphis; Memphis Compress Warehouse; Memphis Compress & Storage Company.

Memphis; Memphis Compress Warehouse (Dunavant Plant); Memphis Compress & Storage Company.

Memphis; Federal Compress Warehouse (Bodley Avenue Plant); Federal Compress & Warehouse Company.

Memphis; Federal Compress Warehouse (South Memphis Plant); Federal Compress & Warehouse Company.

Memphis; Federal Compress Warehouse (Riverside Plant); Federal Compress & Warehouse Company.

Milan; Milan Compress Warehouse; Milan Compress Company.

Ripley; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Tiptonville; Federal Compress Warehouse; Federal Compress & Warehouse Company.

TEXAS

Abilene; Abilene Cotton Warehouse; National-Western Compress & Warehouse Co.

Ballinger; Ballinger Compress Warehouse; Ballinger Compress & Warehouse Co.

Brownsville; Gulfside Warehouse; Bayside Warehouse Company.

Brownwood; Brownwood Compress Warehouse; Brownwood Compress & Warehouse Co.

Bryan; Bryan Compress Warehouse; Hearne Cotton Compress Company, Inc.

Cameron; Cameron Compress Warehouse; Central Texas Compress Company.

Corsicana; Corsicana Compress Warehouse; Exporters & Traders Compress & Warehouse Company.

Ennis; Ennis Compress & Warehouse Co.'s Warehouse; Ennis Compress & Warehouse Co.

Fort Stockton; Comanche Warehouse; Comanche Warehouse, Inc.

Hamlin; Hamlin Compress Warehouse; Hamlin Farmers Compress Co.

Hearne; Hearne Cotton Warehouse; Hearne Cotton Compress Company, Inc.

Hillsboro; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.

Houston; Ship Channel Compress Warehouse; Petty Terminal Corporation.

Hubbard; Hubbard Compress Warehouse; Exporters & Traders Compress & Warehouse Company.

Knox City; Knox City Cotton Warehouse; Farmers Compress Company.

Marlin; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.

Mexia; Mexia Cotton Warehouse; Exporters & Traders Compress & Warehouse Company.

Rosebud; Rosebud Cotton Warehouse; Central Texas Compress Company.

Rule; Rule Compress Warehouse; Farmers Compress Company.

San Angelo; Angelo Compress Warehouse; Ballinger Compress & Warehouse Co.

Snyder; Snyder Cotton Warehouse; National-Western Compress & Warehouse Company.

Sweetwater; Sweetwater Compress Warehouse; National-Western Compress & Warehouse Co.

Temple; Temple Compress Warehouse; Temple Compress Warehouse Co.

Tezarkana; Federal Compress Warehouse; Federal Compress & Warehouse Company.

Waco; Exporters & Traders Compress & Warehouse Company's Warehouse; Exporters & Traders Compress & Warehouse Company.

Waxahachie; Waxahachie Compress Warehouse; Waxahachie Compress Warehouse Co.

VIRGINIA

Brodnax; Dugger and Dugger Cotton Storage; Richmond H. Dugger, Jr., trading as Dugger and Dugger Cotton Storage.

Grain

B. For the storage of grain:

ALABAMA

Town, Warehouse, and Warehouseman

Decatur; AFC Grain Elevator; AFC Marketing Service, Inc.

Decatur; Conagra Elevator; Conagra, Inc.

Guntersville; Guntersville Plant; Allied Mills, Inc.

Guntersville; Cargill Guntersville Elevator; Cargill, Incorporated.

ARKANSAS

Altheimer; Altheimer Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Augusta; Lockhart-Thompson Elevator; Murray L. Lockhart, d.b.a. Murray L. Lockhart Warehouse Co.

Blytheville; Farmers Grain Elevator; Farmers Soybean Corporation.

Bradford; White County Grain Warehouse; Riceland Foods, Inc.

Brinkley; Brinkley Warehouse; Riviana Foods, Inc.

Carlisle; Carlisle Warehouse; Riviana Foods, Inc.

Corning; Corning Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Dardanelle; Keenan Grain Elevator; Robert Keenan, d.b.a. Keenan Grain Elevator.

Delaplaine; Delaplaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Des Arc; Des Arc Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

DeWitt; C & L Rice Mill Warehouse; C & L Rice Mill, Inc.

DeWitt; Farmers Coop. Elevator; The Farmers Co-operative Elevator Company.

DeWitt; Pioneer DeWitt Elevator; Pioneer Food Industries, Inc.

DeWitt; Growers Elevator; Growers Elevators, Inc.

DeWitt; Rollison Seed Company Elevator; O. G. Rollison and Robert C. Rollison copartners, trading as Rollison Seed Company.

DeWitt; Troy Mitchell Elevator; Troy Mitchell, d.b.a. Troy Mitchell Elevator.

Dumas; Dumas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Earle; Thomason Enterprises Warehouse; T. B. Thomason, Jr., trading as Thomason Enterprises.

Elaine; Elaine Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

England; Federal Drier; Federal Drier and Storage Company.

Eudora; Eudora Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Eudora; Pioneer Eudora Elevator; Pioneer Food Industries, Inc.

Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Company.

Fair Oaks; Fair Oaks Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Gibson Switch (P.O. Jonesboro); Craighead Rice Milling Company's Warehouse Crain Company.

Gillett; Gillett Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Hazen; Hazen Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Hazen; Bogard Seed Company Elevator; Bogard Seed Company.

Helena; Helena Cotton Oil Company's Warehouse; Helena Cotton Oil Company.

Helena; Helena Grain Warehouse; Riceland Foods, Inc.

Helena; Targca Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Hickory Ridge; Hickory Ridge Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Holly Grove; Holly Grove Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Indiana Switch (P.O. DeWitt); Dixie Dryer Elevator; Pioneer Food Industries, Inc.

Jonesboro; Jonesboro Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Jonesboro; Kiech Elevator; Earl C. Kiech Elevator Company.

Lonoke; Lonoke Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Marianna; Lee County Grain Warehouse; Riceland Foods, Inc.

Marked Tree; St. Francis Valley Grain Warehouse; St. Francis Valley Seed Company.

Marvell; Marvell Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

McGehee; McGehee Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Mellwood; Mellwood Grain Warehouse; The Arkansas Rice Growers Cooperative Association.

Morrilton; Stallings Brothers Elevator; Joe H. Stallings and Alan E. Stallings, copartners trading as Stallings Brothers Feed Mills.

Needham (P.O. Jonesboro); Kiech-Crafton Elevator; Kiech-Crafton Elevator Company.

North Little Rock; Bogard Seed Company Elevator; Bogard Seed Company.

Osceola; Osceola Products Warehouse; Osceola Products Company.

Parkin; East Arkansas Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Patterson; MAC Warehouse Company; G. L. Morris, trading as MAC Warehouse Company.

Penjur (P.O. Hughes); Hughes Granary Elevator; Hughes Grain Corporation.

Pine Bluff; Pioneer Pine Bluff Elevator; Pioneer Food Industries, Inc.

Proctor; Craft Elevator; Robert Craft & Son, Inc.

Rector; Graves Elevator; Graves Enterprises, Inc.

Stuttgart; Acme Warehouse; Riviana Foods, Inc.

Stuttgart; Bogard Elevator; Bogard Grain and Seed Company, Inc.

Stuttgart; Stuttgart Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Stuttgart; Stuttgart Grain Warehouse, Riceland Foods, Inc.

Stuttgart; Hartz Elevators; Jacob Hartz Seed Co., Inc.

Stuttgart; Producers Warehouse; Producers Rice Mill, Inc.

Tichnor; Tichnor Drier; Tichnor Drier and Storage, Inc.

Tuckerman; Tuckerman Rice Warehouse; The Arkansas Rice Growers Cooperative Association.

Van Buren; Van Buren Soybean Processing Plant; Farmland Industries, Inc.

Waldenburg; Waldenburg Warehouse; Riviana Foods Inc.

Weiner; Weiner Rice Warehouse; The Arkansas Rice Growers Cooperative Association

FEB 23 72
XUM

Wheatley; Wheatley Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Wilmot; Pioneer Wilmot Elevator; Pioneer Food Industries, Inc.
Wynne; Gibbs & Harris Rice Drier; Gibbs & Harris Rice Drier, Inc.

CALIFORNIA

Berenda; Valley Grain Drier Warehouse; Valley Grain Drier, Inc.
Colton; Producers Elevator; Producers Grain Corporation.
East Los Angeles; Pillsbury-Globe Elevator; The Pillsbury Company.
French Camp; Continental Elevator; Continental Grain Company.
Lemoore; Continental Elevator; Continental Grain Company.
Long Beach; Koppel Bulk Terminal; Koppel Bulk Terminal.
Saco Siding (P.O. Bakersfield); Continental Elevator; Continental Grain Company.
San Francisco; Port of San Francisco Grain Terminal; Stockton Elevators.
Stockton; Stockton Elevators; Stockton Elevators.
West Sacramento; Port of West Sacramento Grain Terminal; Cargill of California, Inc.
Williams; De Pue Warehouse; De Pue Warehouse Company.
Willows; Willows Rice Drier & Storage Company Warehouse; Pacific International Rice Mills, Inc.
Woodland; Sunset Rice Dryer Warehouse; Pacific International Rice Mills, Inc.

COLORADO

Akron; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-operative Company of Yuma, Colorado.
Amherst; Farmers Elevator; Amherst Co-operative Elevator, Inc.
Bristol; Bristol Elevator; South Eastern Colorado Coop.
Burlington; Equity Elevator; Equity Co-operative Exchange.
Burlington; Mueller Grain Co.; Iron Mueller, Inc.
Byers; Farmers Marketing Elevator; Farmers Marketing Association.
Campo; Stafford Elevator; Van Stafford.
Denver; Cargill Denver Elevator; Cargill, Incorporated.
Denver; Par-Mar-Co Denver Elevator; Par-Mar-Co, Inc.
Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.
Dove Creek; Romer Warehouse; David L. Corlett and Jean B. Corlett, copartners trading as Romer Mercantile and Grain Co.
Flagler; Flagler Equity Elevator; The Flagler Equity Co-Operative Company.
Greeley; Eisenman Grain Elevator; Eisenman Chemical Co.
Holly; Southeastern Colorado Co-op Elevator; South Eastern Colorado Coop.
Holyoke; Holyoke Cooperative Elevator; Holyoke Cooperative Association.
Hyde (P.O. Otis); Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Co. of Yuma, Colorado.
Lamar; Southeastern Colorado Co-op Elevator; South Eastern Colorado Coop.
Otis; Washington County Grain Company, Division Elevator; Rickel, Inc.
Peetz; Farmers Co-op. Elevators; The Peetz Farmers Co-operative Company.
Roggen; Roggen Farmer's Elevator; Roggen Farmer's Elevator Association.
Seibert; Co-op Elevator; The Seibert Equity Co-operative Association.
Stratton; Co-op Elevator; The Stratton Equity Cooperative Company.
Vilas; Vilas Elevator; Vilas Grain Company.
Watkins; Watkins Elevator; Watkins Elevator, Inc.
Wray; Farmers Union Elevator; The Farmers Union Cooperative Elevator Company.
Yuma; Farmers Elevator; The Yuma Farmers Milling-Mercantile Co-Operative Company of Yuma, Colorado.

DELAWARE

Seaford; Cargill Seaford Elevator; Cargill, Incorporated.

FLORIDA

Live Oak; Gold Kist Grain Elevator; Gold Kist, Inc.

GEORGIA

Gainesville; Cargill Gainesville Elevator; Cargill, Incorporated.

IDAHO

American Falls; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.
Bancroft; Grain Growers Warehouse; Bancroft Grain Growers, Inc.
Cottonwood; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Craigmont; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Downey; Grain Growers Warehouse; Farmers Grain Cooperative.
Drummond; Grain Growers Warehouse; Farmers Grain Cooperative.
Fairfield; Grain Growers Warehouse; Camas Prairie Grain Growers, Inc.
Grace; Grain Growers Warehouse; Farmers Grain Cooperative.
Grangeville; Union Warehouse & Supply Company's Warehouse; Union Warehouse & Supply Co.
Greer; Nesperce Rochdale Warehouse; Nesperce Rochdale Company.
Jerome; Marshall Warehouse; Marshall Warehouses, Inc.
Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Kennedy Ford; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Lamont; Grain Growers Warehouse; Farmers Grain Cooperative.
Lewiston; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
McCammon; Grain Growers Warehouse; Farmers Grain Cooperative.
Malad; Grain Growers Warehouse; Oneida County Grain Growers, Inc.
Michaud; Power County Grain Growers Warehouse; Power County Grain Growers, Inc.
Moreland; Shields of Blackfoot Warehouse; Shields of Blackfoot, Inc.
Moscow; Dumas Seed Company, Warehouse; Dumas Seed Company.
Moscow; Latah County Grain Growers Warehouse; Latah County Grain Growers, Inc.
Nezperce; Nesperce Rochdale Warehouse; Nesperce Rochdale Company.
Nesperce; Nesperce Storage Co.; Nesperce Storage Co.
Ririe; Grain Growers Warehouse; Ririe Grain and Feed Cooperative, Inc.
Soda Springs; Soda Springs Elevator; Soda Springs Elevator, Inc.
Soda Springs; Grain Growers Warehouse; Farmers Grain Cooperative.
Talmage; Grain Growers Warehouse; Farmers Grain Cooperative.
Tetonia; Grain Growers Warehouse; Farmers Grain Cooperative.
Weston; Grain Growers Warehouse; Farmers Grain Cooperative.
Worley; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.

ILLINOIS

Adrian; Adrian Elevator; Hancock Grain Company.
Albany; Bunge Corporation Albany Grain Terminal; Bunge Corporation.
Alhambra; Alhambra & Marine Elevators; Madison Service Company.
Alton; Terminal Operations; Peavey Company.
Alvin; Alvin Elevator; Jack Conard, trading as Conard Grain Company.
Amboy; Amboy Elevators; Lee FS Inc.
Anchor; Anchor Elevator; Anchor Grain Company.
Andres (P.O. Peotone); Andres Elevator; Andres & Wilton Farmers Grain & Supply Co.
Armington; Hittle Elevator; Atkinson Grain & Fertilizer, Inc.
Ashland; Ashland Elevator; Ashland Farmers Elevator Co.
Ashton; M. L. Ewing Grain Co.; M. L. Ewing, trading as M. L. Ewing Grain Co.
Assumption; Assumption Elevators; Assumption Cooperative Grain Company.
Atkinson; Atkinson Elevator; Atkinson Grain & Fertilizer, Inc.
Atlanta; Atlanta Elevator; F. L. Douglas & Co.
Atwood; Atwood Elevator; Atwood Grain and Supply Co.
Auburn; W. E. Shutt Elevator; Girard Elevator, Inc.
Barr Station (P.O. Athens); Amac Barr Elevator; Amac, Inc.
Bartonville; Allied Mills Peoria Elevator; Allied Mills, Inc.
Beardstown; Farmers Terminal Elevator; Farmers Terminal Grain Co.
Bellflower; Bellflower Elevator; Foosland Grain Co.
Bement; Farmers Elevator; Bement Grain Company.
Bethany; The Bethany Grain Company, Elevator; The Bethany Grain Company.
Bismarck; Bismarck Grain Co. Elevator; Bismarck Grain Co., Inc.
Blandinsville; King Feed Company Elevator; King Feed Company.
Bloomington; Hasenwinkle Elevator; Hasenwinkle Grain Co.
Bondville; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Bourbon; Ullrich Grain Co. Elevator; Harvey C. Ullrich, trading as Ullrich Grain Co.
Bradford; Bradford and Lombardville Elevators; Elmer D. Baer, trading as Bradford Bonded Grain Warehouse Co.
Brocton; Brocton Elevator; Agre Grain Company.
Broughton; L. S. Harper Grain Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Bushnell; Bushnell O. K. Elevator; O. K. Grain Company.
Cairo; Mikco Grain Co. Elevator; Bunge Corporation trading as Mikco Grain Co.
Camargo; Villa Grove Farmers Elevator; Villa Grove Farmers Elevator Company.
Campus; Hamilton Elevator; Hamilton Elevator Company.
Carthage; Hancock Pellets Elevator; Hancock Pellets, Inc.
Cayuga (R.R. No. 3, Pontiac); Cayuga Elevator; Jacobson Grain Co.
Centerville Township; Cargill E. St. Louis Elevator "R"; Cargill Incorporated.
Chebanse; Hansen Bros. Grain Elevator; Arthur L. Hansen, Orval Hansen, Louis V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, Copartners, trading as Clifton Grain Co. at Clifton, Illinois, and Hansen Bros. Grain Elevator at Chebanse, Illinois.

Chestnut; Chestnut Elevator; The Farmers Grain Company of Chestnut.
Chicago; Calumet Elevators; Dixie Portland Flour Mills, Inc.
Chicago; The Cargill Elevator; Cargill, Incorporated.
Chicago; Continental Elevator C; Continental Grain Company.
Chicago; Continental Elevators; Continental Grain Company.
Chicago; Garvey Elevator; Garvey Grain, Inc.
Chicago; Garvey Rock Island Elevator; Garvey Grain, Inc.
Chicago; Belt Elevator; Carey Grain Corporation.
Chicago; Gateway Elevator; Indiana Farm Bureau Cooperative Assbciation, Inc.
Chicago; Santa Fe Elevator; Garvey Grain, Inc.
Chrisman; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Cisco; Cisco Grain Elevator; Cisco Co-operative Grain Co.
Clifton; Clifton Grain Elevator; Arthur L. Hansen, Orval Hansen, Louie V. Hansen, Vincent Hansen, Laverne Hansen, and Virgil Hansen, copartners, trading as Clifton Grain Co. at Clifton, Illinois, and Hansen Bros. Grain Elevator at Chebanse, Illinois.
Compton; Torri Grain Company Elevator; A. J. Torri, Joseph A. Torri, and Q. J. Torri, copartners, trading as Torri Grain Company.
Creve Coeur; Illinois Grain Corporation. Creve Coeur Elevator; Illinois Grain Corporation.
Cruger (R.R. 1, Eureka); Farmers Elevators; Farmers Grain Cooperative of Eureka.
Culver Station (P.O. Athens); Culver Elevator; Culver-Fancy Prairie Cooperative Co.
Dalton City; Farmers Co-op Grain Co. Elevator; Farmers Co-operative Grain Company of Dalton City.
Danville; Lauhoff Elevator; Lauhoff Grain Company.
Darrow (P.O. Sheldon); Darrow Elevator; Darrow Farmers Co-operative Grain Company.
Deer Grove (R.R. No. 1); Hahnaman Station Elevator; Hahnaman Elevator, Inc.
DeLand; DeLand Farmer's Elevators; DeLand Farmer's Cooperative Grain Company.
Delavan; Delavan Elevator; Delavan Co-operative Elevator Co.
De Soto; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Dewey; Dewey Elevator; Fisher Farmers Grain and Coal Company.
Dorans (P.O. Mattoon); Dorans Elevator; Farmers Grain Company of Dorans.
Downs; Hasenwinkle Elevator; Hasenwinkle Grain Co.
Dwight; Jacobson Elevator; John E. Jacobson, trading as John Jacobson Grain.
Dwight Township (P.O. Dwight); Jacobson Terminal; Jacobson Seaway Grain Terminal Company.
Earlville; Earlville Farmers' Co-operative Elevator; Earlville Farmers' Co-operative Elevator Company.
East Hannibal (P.O. Hannibal, Missouri); Bunge Corporation East Hannibal Grain Terminal; Bunge Corporation.
East Peoria; East Peoria Elevator, Tabor & Co.; Tabor & Co.
East St. Louis; Continental Elevator; Continental Grain Company.
East St. Louis; National Oats Elevator; National Oats Company, Inc.
Edinburg; Rink & Scheib Elevator; Rink & Scheib, Inc.
Edwardsville; Edwardsville Elevator; Madison Service Company.
Edwardsville; Dippold Elevator; H. B. Stubbs, trading as Dippold Bros.
Effingham; Effingham Equity Elevator; Effingham Equity.
Eldorado; W. J. Meyer Elevator—Eldorado; B. C. Christopher & Company, A Limited Partnership. General partners are Hearne, Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William J. Evans, Jr., Donald F. George and Edward A. Connelly.
Elliott; Elliott Farmers Grain Company Elevator; Elliott Farmers Grain Company.
El Paso; El Paso Elevator; El Paso Grain & Equipment Inc.
Emery (P.O. Maroa); Emery Elevator; Dewein Grain Company.
Emington; Emington O. K. Elevator; O. K. Grain Company.
Enright (R.R. 1, El Paso); Enright Elevator; El Paso Grain & Equipment Inc.
Erie; Erie Elevator; Whiteside FS, Inc.
Esmond; Esmond Elevator; Farmers' Grain Company of Esmond.
Fairbury; Farmers Grain Elevator; Farmers Grain Co. of Fairbury.
Fancy Prairie; Fancy Prairie Elevator; Culver-Fancy Prairie Cooperative Co.
Farmer City; Mitsul Elevator; Pacific Grain Co.
Fisher; Fisher Elevator; Fisher Farmers Grain and Coal Company.
Fithian; Fithian Elevator; Kenneth W. Stotler, Howard A. Stotler and Ronald B. Izard, Copartners trading as Fithian Grain Company.
Foosland; Foosland Elevator; Foosland Grain Co.
Franklin Grove; Herbst Grain Co. Elevator; Herbst Grain Company.
Galva; Galva Elevator; Galva Co-operative Grain and Supply Company.
Georgetown; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William J. Evans, Jr., Donald F. George and Edward A. Connelly.
Gibson City; Farmers Elevator; The Farmers Grain Co. of Gibson City.
Gilman; Continental Elevator; Continental Grain Company.
Girard; Girard Elevator; Girard Elevator, Inc.
Gladstone; Gulfport River Terminal & Gladstone Warehouses; Gladstone Grain Co.
Grant Park; Grant Park Elevator; Grant Park Co-operative Grain Co.
Gridley; Gridley Elevator; Garvey Grain, Inc.
Griggsville; Pike King Elevator; Pike King Feed Company.
Hammond; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Hampshire; Hampshire Elevator; Gerstenberg and Tucker, Inc.
Hardin; Hardin Elevator; Jersey County Grain Company.
Harmon; Albrecht Elevator; Albrecht Grain Company.
Harpster (P.O. Foosland); Harpster Elevator; Harpster Grain Co.
Henkel (P.O. Mendota); Henkel Grain Co.; Henkel Grain Co., Inc.
Heyworth; Hasenwinkle Elevator; Hasenwinkle Grain Co.
Homer; Homer Elevators; Homer Grain Company.
Honegger (P.O. Fairbury); Fairbury Elevator; Honeggers' & Co., Inc.
Hudson; Hudson Elevator; Hudson Grain Company.
Illiopolis; Mansfield-Ford Illopolis Elevator; Mansfield-Ford Grain Company.
Illiopolis; Illiopolis Grain Co. Elevator; Illiopolis Grain Co.
Iroquois; Iroquois Farmers Elevator; Iroquois Farmers Elevator.
Ivesdale; Ivesdale Elevator; Ivesdale Co-op Grain Company.
Jamaica (R.R. 1, Fairmount); Farmers Elevator; Farmers Elevator Company of Jamaica, Illinois.
Jerseyville; Jerseyville Elevators; Jersey County Grain Company.
Kane; Kane Elevator; Jersey County Grain Company.
Kaneville; Kaneville Elevator; Kaneville Grain and Supply Company.
Kankakee; Kankakee Elevator; A. L. Book, trading as A. L. Book & Co.
Kansas; Bardin Elevator; Bardin Grain Company.
Kenney; Kenney Elevator; F. L. Douglas & Co.
Kerrick (R.F.D. 1 Normal); Kerrick Elevator; Kerrick Grain, Inc.
Ladd; Ladd Elevator; The Ladd Elevator Company.
Lanesville; Mansfield-Ford Lanesville Elevator; Mansfield-Ford Grain Company.
Leroy; Hasenwinkle Elevator; Hasenwinkle Grain Co.
Leverett (R.R. 4 Champaign); Leverett Elevator; Lewis P. Burtis, Kenneth W. Stotler, each individually, and Sue Stotler and Kenneth W. Stotler as trustees of the Estate of Howard A. Stotler, copartners, trading as Leverett Grain Company.
Lexington; Kemp Elevator; Kemp Grain Co.
Lisbon Center (P.O. Newark); Lisbon Center Elevator; Farmers Cooperative Grain & Supply Co. of Lisbon Center.
Loami; Loami Elevator; Loami Grain Company, Inc.
Lostant; Tabor Elevator; Tabor & Co.
Ludlow; Ludlow Elevators; Ludlow Cooperative Elevator Company.
Macon; Macon Elevator; Macon Grain Company.
Mahomet; James F. Parker Co. Elevator; James F. Parker Co.
Mansfield; Mansfield Grain Co.; Chester Kirk, trading as Mansfield Grain Co.
Manteno; Farmers Elevator; Farmers Elevator Company of Manteno.
Marengo; Central Grain Co. Elevator; Central Grain Co.
Maroa; Maroa Farmers Coop. Elevator; Maroa Farmers Cooperative Elevator Company.
Mason City; Tabor & Co. Mason City Elevator; Tabor & Co.
McNabb; McNabb Elevator; McNabb Grain Company.
McNults (P.O. Foosland); McNults Elevator; Foosland Grain Co.
Meadows; Meadows Elevator; Meadows Co-operative Company.
Mechanicsburg; Mechanicsburg Elevator; Mechanicsburg Farmers Grain Co.
Mendota; Fasco Elevator; Fasco Mills Company.
Meriden (P.O. Mendota); Meriden Elevator; Henkel Grain Co., Inc.
Metcalf; Metcalf Elevator; Agre Grain Company.
Milmine; Milmine Farmers Elevator; Milmine Grain Company.

Minier; Minier Cooperative Elevator; Minier Cooperative Grain Company.

Minooka; Minooka Elevator; The Minooka Grain, Lumber and Supply Company.

Monticello; Monticello Elevator; Monticello Grain Company.

Mulkeytown; Southern Grain Co.; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Murphysboro; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Myra Station (R.R. 3, Urbana); B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Mt. Auburn; Tabor & Co. Mt. Auburn Elevator; Tabor & Co.

Mt. Carroll; Johnston Feed Service; Johnston Feed Service, Inc.

Mt. Vernon; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Newman; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Niantic; Niantic Farmers Elevators; Niantic Farmers Grain Company.

Oakland; Miller Grain Co. Elevator; Miller Grain Co.

Ogden; Ogden Grain Co. Elevator; E. Z. Spread Fertilizer Company, trading as Ogden Grain Company.

Old Shawneetown (R.R. 1, Shawneetown); Bunge Corporation Shawneetown Grain Terminal; Bunge Corporation.

Olive Branch; B. C. Christopher & Company Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Omaha; W. J. Meyer Elevator—Omaha; B.C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Orleans (R.R. 1, Alexander); Orleans Farmers Elevators; Farmers Terminal Grain Co.

Paris; Adams Elevator; Adre Grain Company.

Paris; Paris Elevator; Illinois Cereal Mills, Inc.

Parnell (R.R. 2, Farmer City); Walsh Grain Elevator; Walsh Grain Elevator, Inc.

Peoria; Riverside Elevator; Riverside Elevator Co.

Perdueville (P.O. Paxton); Perdueville Elevator; Ludlow Cooperative Elevator Company.

Pesotum; Pesotum Elevator; Janet Horton Boyer, Fred G. Boyer and Mary Martha Meesmore copartners trading as Pesotum Grain Company.

Petersburg; Amac Petersburg Elevator; Amac, Inc.

Pittsfield; King Elevator; M. D. King Milling Company.

Pittwood (R.R. No. 4 Watseka); Gillespie Grain Co.; Clyde W. Gillespie, trading as Gillespie Grain Co.

Polo; Olsen Elevator; Axel Olsen, Jr. and Edward Olsen, copartners, trading as Olsen's Elevator and Feeds.

Pontiac; Pontiac Elevator; Jacobson Grain Co.

Poplar Grove; McLay Elevator; McLay Grain Company.

Redmon; English Elevator; Edward English, trading as English Grain Company.

Ridge Farm; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Roberts; Hicks Grain Terminals; Hicks Grain Terminals, Inc.

Rochelle (R.R. 1); Maplehurst Farms Elevator; L. D. Carmichael, trading as Maplehurst Farms.

Rowe (R.R. No. 3, Pontiac); Rowe-Cornell Elevator; Jacobson Grain Co.

Sadorus; Sadorus Co-op Elevators; Sadorus Co-operative Elevator Co.

St. Jacob; St. Jacob Elevator; Toberman Grain Company.

Saunemin; Saunemin O. K. Elevator; O. K. Grain Company.

Serena; Serena Elevator; La Salle County Farm Supply Company.

Shawneetown; T. Y. Williams Grain & Seed Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Sheldon; Sheldon Elevator; The Early and Daniel Company.

Shipman; Shipman Elevator; Shipman Elevator Company.

Sibley; Sibley Grain Company Elevator; The Sibley Grain Company.

Sibley; Sibley Complete Feed & Grain Service Elevator; The Sibley Farms Service Corporation.

Sidell; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Smithshire; Twomey Company; Twomey Company.

South Beloit; Elevator B; Beloit Grain Company.

State Line;[1] State Line Elevator; State Line Elevator, Inc.

Sterling; Sterling-Galt Elevators; Whiteside FS, Inc.

Steward; Steward Elevators; Lee FS Inc.

Stillman Valley; Griffith Lumber Co. Stillman Valley Elevator; Stanwood C. Griffith, trading as Griffith Lumber Co.

Stockland; Stockland Elevator; Stockland Grain Company, Inc.

Stonington; Stonington Cooperative Grain Company Elevator; Stonington Cooperative Grain Company.

[1] In Illinois and Indiana.

Strawn; Strawn Warehouses; Honeggers' & Co. Inc.

Sullivan; Sullivan Elevator; Sullivan Grain Company.

Symerton (P.O. Wilmington); Symerton Elevator; Will-DuPage Service Company.

Taylorville; Allied Mills Taylorville Elevator; Allied Mills, Inc.

Taylorville; Wayne Feed Supply Co. Elevator; Allied Mills, Inc.

Thomasville (P.O. Farmersville); Thomasville Elevator; Girard Elevator, Inc.

Tolono, R.R. 2; Apex Terminal Warehouses; Apex Terminal Warehouses Inc.

Tolono; Tolono Elevator; Savoy Grain Company.

Tomlinson (P.O. Rantoul); B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward C. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Trenton; Trenton Farmers Elevator; Trenton Cooperative Equity Exchange.

Union (P.O. Emden); Union Elevator; F. L. Douglas & Co.

Ursa; Ursa Elevator; Ursa Farmers Co-operative Company.

Villa Grove; Villa Grove Farmers Elevators; Villa Grove Farmers Elevator Company.

Voorhies (R.R. 1, Bemenet); Voorhies Elevator; Voorhies Cooperative Grain Company.

Waggoner; Waggoner Elevator; Girard Elevator, Inc.

Walton (R.R. 4, Dixon); Walton Elevator; Walton Elevator Company.

Wapella; Hasenwinkle Elevator; Hasenwinkle Grain Co.

Warsaw; Warsaw Elevator; Hancock Grain Company.

Watkins (P.O. Farmer City); Watkins, Elevator; Weedman Grain and Coal Company.

Weedman (R.R. 1, Farmer City); Weedman Elevator; Weedman Grain and Coal Company.

Weldon; Weldon Grain Co. Elevator; Weldon Co-operative Grain Company.

Wenona; Tabor & Co.—Wenona; Tabor & Co.

West Brooklyn; West Brooklyn Elevator; West Brooklyn Farmers Co-operative Co.

White Heath; B. C. Christopher & Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Wilton (P.O. Manhattan); Wilton Elevator; Andres & Wilton Farmers Grain & Supply Co.

Windsor; Neal-Cooper Grain Co. Elevator; Neal-Cooper Grain Co.

Winnebago; W. T. Berg Elevator; Beloit Grain Company.

Woodford (P.O. Minouk); Woodford Elevator; Garvey Grain, Inc.

Wyanet; Wyanet Elevator; Carl Lavern Barker, trading as Barker Milling and Grain Co.

INDIANA

Amboy; Amboy Elevator; Amboy Grain Co., Inc.

Brookston; Brookston Elevators; Donald G. Brouillette, trading as Brookston Grain Co.

Burlington; Star Elevator; Star Roller Mills Corporation.

Burnettsville; Burnettsville Elevator; Allison, Steinhart & Zook, Inc.

Camden; Camden Elevator; Allison, Steinhart & Zook, Inc.

Camden (R.R. No. 1); Triangle Feeds, Inc. Elevator; Triangle Feeds, Inc.

Carlisle; Sprinkle Elevator; Ralph Sprinkle trading as Sprinkle Elevator.

Dunn (R.R. No. 2 Fowler); Dunn Grain Elevator; Dunn Grain Elevators, Inc.

East Chicago (Indiana Harbor); The New York Central Elevator; Farmers Grain Dealers Association of Iowa (Cooperative).

Edinburg (R.R. No. 1); Durham Road Elevator; Community Grain, Inc.

Emporia (R.R. 1, Markleville); Emporia Elevator; Edwin O. Pasko and Elmer G. Pasko, copartners trading as Emporia Elevator Company.

Falmouth; Falmouth Elevator; Falmouth Farm Supply, Inc.

Flora; Flora Elevator; Allison, Steinhart & Zook, Inc.

Fowler (R.R. 1); Lochiel Elevator; Lochiel Elevator Co., Inc.

Franklin; R.R. 2; Norton Grain Elevator; Crystal Springs Grain Corporation.

Free (R.R. 2, Fowler); Free Grain Elevator; Watland Farms, Inc., trading as Free Grain Company.

Graham Siding (R.D. No. 1, Washington); Graham Elevator; Graham Brothers, Inc.

Hedrick; Hedrick Elevator; Jack Conard, trading as Conard Grain Company.

Indianapolis; Acme-Evans Elevator; General Grain, Inc.

Indianapolis; Beech Grove Elevator; The Early and Daniel Company.

Kirklin; Moore-Costlow Elevator; Moore-Costlow, Inc.

Kokomo; Kokomo Elevator; Kokomo Grain and Feed Co. Inc.

Ligonier; Lyon & Greenleaf Elevator; Lyon and Greenleaf Company, Incorporated.

Lyons; Sprinkle Elevator; Ralph Sprinkle, trading as Sprinkle Elevator.

Manilla; Manilla Grain Co. Elevator; Manilla Grain Co., Inc.

Marshfield; Marshfield Elevator; Jack Conard, trading as Conard Grain Company.

Morristown; Morristown Elevator; Morristown Elevator Co., Inc.

Mount Ayr; Grow Elevator; Grow Farms Grain Corporation.

New Market; Layne & Myers Elevator; Priscilla Opal Layne, Leland Eugene Layne, David L. Myers, and Lorinda Jane Myers, Copartners, trading as Layne & Myers Grain Co.

Noblesville; Noblesville Elevator; Hamilton County Farm Bureau Co-Operative Association, Inc.

Peru; Canal Elevator; Allison, Steinhart & Zook, Inc.

Pinola (R.R. #1 La Porte); Pinola Elevator; Pinola Elevator Co., Inc.

Portland; Haynes Soy Elevator; Haynes Milling Co., Inc.

Raub; Raub Elevator; Raub Grain, Inc.

Reynolds; Pillsbury Reynolds Elevator; The Pillsbury Company.

Schneider; Indiana Grain Exporters; Mid-West Land and Cattle Corporation.

Shideler (R.R. 1, Eaton); Shideler Grain Co. Elevator; Fritz G. Schnepf, Jr., trading as Shideler Grain Co.

State Line;[1] State Line Elevator; State Line Elevators, Inc.

Sullivan; Johnson Mill & Elevator; Sherell W. Johnson, Sr. and Sherell W. Johnson, Jr., copartners, trading as Johnson Feed & Supply Company.

Thorntown; Sugar Creek Elevator; Allison, Steinhart & Zook, Inc.

Vincennes; Baltic Mills, Inc. Elevator; Baltic Mills, Inc.

IOWA

Adair; Adair Elevator; Adair Feed and Grain Co.

Albert City; Farmers Elevators; Farmers Cooperative Elevator Company.

Albion; Albion Elevator; Haverhill Elevator, Inc.

Algona; Cargill Algona Elevator; Cargill, Incorporated.

[1] In Illinois and Indiana.

Alta; Alta Cooperative Elevator; Alta Cooperative Elevator.

Alton; Famers Cooperative Elevator; Farmers Mutual Cooperative Company.

Altoona; Farmers Elevator; Farmers Elevator Company.

Anita; Anita Elevator; Anita Feed Service, Inc.

Aurelia; Farmers Elevator; Farmers Cooperative Company.

Barnum; Barnum Elevator; Wieston Grain Company, Incorporated.

Blanchard; Farmers Coop Elevator; Farmers Cooperative Elevator Company.

Blencoe; Farmers Elevators; Blencoe Cooperative Company.

Blockton; MFA Exchange Elevator; Missouri Farmers Association, Inc.

Bondurant; Farmers Elevator "B"; Farmers Elevator Company.

Booneville; Booneville Coop.; Booneville Cooperative Elevator Co.

Boyden; Farmers Elevator; Farmers Cooperative Association.

Burlington; Burlington & Mississippi Elevator; ADM Grain Co.

California Junction (P.O. Missouri Valley); Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Carnes; Farmers Cooperative Elevator; Farmers Mutual Cooperative Company.

Carpenter; Northwood Co-op Elevator; Northwood Cooperative Elevator.

Cedar Rapids; Cargill Cedar Rapids Elevator; Cargill, Incorporated.

Cedar Rapids; Cargill Cedar Rapids East Elevator; Cargill, Incorporated.

Chariton; Chariton Feed and Grain Elevator; Chariton Feed and Grain, Inc.

Chariton; Farmers Elevator; Farmers Cooperative Association.

Cherokee; Farmers Elevator; Farmers Cooperative Company, of Cleghorn, Iowa.

Clarion; Farmers Elevators; Clarion Farmers Elevator Cooperative.

Clearfield; MFA Exchange Elevator; Missouri Farmers Association, Inc.

Cleghorn; Farmers Elevators; Farmers Cooperative Company, of Cleghorn, Iowa.

Coburg; Johnson Bros. Elevator; Johnson Bros. Mills, Inc.

Conroy; Farmers Coop Elevator; Farmers Cooperative Grain and Lumber Company.

Cooper; Milligan Elevators; Milligan Bros. Grain Co.

Council Bluffs; Scoular-Welsh Council Bluffs Elevator; Scoular-Welsh Grain Co.

Council Bluffs; Bartlett Elevator; Bartlett and Company Grain.

Council Bluffs; Cargill Council Bluffs Elevator; Cargill, Incorporated.

Council Bluffs; Pillsbury Company Elevator; The Pillsbury Company.

Council Bluffs; Omaha Elevator A; Hawkeye Elevator Company.

Creston; Farmers Coop Elevator; Farmers Cooperative Company.

Cushing; Continental Elevator; Continental Grain Company.

Dedham; Farmers Elevators; Dedham Cooperative Association.

Des Moines; F-G-D-A Des Moines Terminals; Farmers Grain Dealers Association of Iowa (Cooperative).

Des Moines; Cargill Des Moines Elevator; Cargill, Incorporated.

Dike; Farmers Cooperative Elevator; Farmers Cooperative Company.

Essex; Essex Elevator; Essex Elevator, Inc.

Everly; Farmers Elevator; Farmers Co-Operative Elevator Company of Everly, Iowa.

Farragut; Farragut Elevator; Farragut Elevator Co.

Farragut; Farmers Coop Elevator; Farmers Cooperative Company.

Fontanelle; Farmers Coop Co. Elevator; Farmers Cooperative Company.

Fort Dodge; Big 4 Elevator; Land O'Lakes, Inc.

Fort Dodge; Fort Dodge Elevator; Wieston Grain Company, Incorporated.

Gilman; Farmers Coop Warehouse; Farmers Cooperative.

Glidden; Farmers Elevator; Farmers Cooperative Company.

Granville; Granville Farmers Elevators; Farmers Cooperative Company.

Gray; Conklin Elevator; Edith Conklin, trading as Conklin Grain Co.

Greenfield; Farmers Elevator; Farmers Cooperative Company.

Greenfield; Feeders Service Warehouse; Feeders Service, Inc.

Grinnell; Farmers Exchange Elevator; Farmers Exchange Co.

Grinnell; Grinnell Feed & Grain Elevator; Farmers Exchange Co.

Hamburg; Reid Elevator; Reid Grain Co., Inc.

Harlan; Squealer Grain Elevator; Squealer Grain Company.

Hartley; Farmers Elevator; Farmers Co-Operative Elevator Company of Everly, Iowa.

Haverhill; Haverhill Elevator; Haverhill Elevator, Inc.

Hawarden; Scroggs Elevator; Scroggs Feed and Grain Co.

Hinton; Farmers Elevators; Farmers Cooperative Company.

Hospers; Van Iperen Elevator; Van Iperen Feed & Grain Co.

Ireton; Farmers Elevator; Farmers Cooperative Society.

Jefferson; Milligan Elevators; Milligan Bros. Grain Co.

Jefferson; Farmers Elevator; Farmers Cooperative Association.

Jordan (P.O. Boone); Peavey Producer Service Elevator; Peavey Company.

Kingsley; Farmers Elevators; The Farmers Elevator Company.

Lamoni; Farmers Co-op Grain & Seed Elevator; Farmers Cooperative Grain & Seed Company.

Lanesboro; Farmers Elevator; Farmers Cooperative Company.

Langdon; Farmers Elevator; Farmers Cooperative Elevator Company.

Larrabee; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company of Larrabee.

Laurel; Farmers Coop Warehouse; Farmers Cooperative.

Le Mars; Le Mars Elevator; Le Mars Hatchery and Feed, Incorporated.

Le Mars; Good Morning Elevators; Meis Seed & Feed Co.

Le Mars; West Le Mars Elevator; West Le Mars Feed and Grain, Inc.

Lenox; Country Boys Elevator; Robert L. Bentley and Andrew J. Ettleman, Copartners, trading as Country Boys Lumber and Concrete at Bedford and Mount Ayr, Iowa, and Country Boys Elevator and Lumber Co. at Lenox, Iowa.

Lidderdale; Farmers Elevator; Farmers Cooperative Company.

Lidderdale; Wenck Warehouse; Oliver L. Wenck, trading as Wenck Feeds.

Loveland; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Lynnville; Tice Feed & Grain; Roger L. Tice, trading as Tice Feed & Grain.

Lytton; Lytton Elevator; Lytton Cooperative Elevator Company.

V 37-36 FEB 23 72 XUM

Malcom; Malcom Farmers Cooperative Elevator; Malcolm Farmers Cooperative Elevator.

Manson; Farmers Co-Op Elevator; Farmers Cooperative Company.

Manson; Manson Elevator; Wieston Grain Company, Incorporated.

Marcus; Farmers Elevators; Farmers Co-operative Elevator.

Massena; Massena Elevator; Massena Co-operative Company.

Matlock; Farmers Elevators; Farmers Coop Elevator Association of Sheldon, Iowa.

McGregor; Mississippi River Terminal No. 2; Farmers Grain Dealers Association of Iowa (Cooperative).

McPaul (P. O. Thurman); Lincoln Grain Elevator; Lincoln Grain, Inc.

Meekers Landing (Rt. 2, Burlington); Mississippi River Terminal; Farmers Grain Dealers Association of Iowa (Cooperative).

Missouri Valley; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr.; Donald F. George and Edward A. Connelly.

Modale; Farmers Elevators; Modale Cooperative Association.

Modale; Loveland Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

Mondamin; Farmers Elevators; Farmers Co-operative Co.

Montezuma; Montezuma Feed and Grain; Montezuma Feed and Grain, Inc.

Moorhead; Moorhead Elevator; Moorhead Cooperative.

Mount Union; Mount Union Coop.; Mount Union Cooperative Elevator Co.

Muscatine; Mississippi River Terminal No. 3; Farmers Grain Dealers Association of Iowa (Cooperative).

Newburg; Farmers Coop Warehouse; Farmers Cooperative.

New Hartford; Farmers Cooperative Elevator; Farmers Cooperative Co.

New London; Farmers Coop Elevator; New London Farmers Cooperative.

Nora Springs; Nora Springs Elevator; Nora Springs Cooperative Company.

Northwood; Northwood Co-Op Elevator; Northwood Cooperative Elevator.

Oakville; Oakville Elevator; Oakville Feed & Grain, Inc.

Ocheyedan; Ocheyedan Elevator; Cooperative Elevator Association.

Odebolt; Odebolt Cooperative Elevator; Odebolt Cooperative Elevator Company.

Onawa; Farmers Coop Elevator; Farmers Cooperative Elevator Company.

Pacific Junction; Lincoln Grain Elevator; Lincoln Grain, Inc.

Palmer; Farmers Elevator; Farmers Co-operative Company.

Paullina; Paullina Farmers Elevators; Farmers Cooperative Company.

Pella; Farmers Co-operative Exchange Elevator; Farmers' Co-operative Exchange.

Peterson; Peterson Elevator; Peterson Co-operative Elevator Company.

Pierson; Farmers Elevators; Farmers Co-operative Elevator Company.

Polk City; Polk City Elevator; Polk City Grain Co.

Portsmouth; G & R Elevator; G & R Feed and Grain Co., Inc.

Primghar; Nicholson & Edwards Elevator; R. S. Nicholson, Clay Edwards and Wm. A. Edwards, copartners, trading as Nicholson & Edwards Grain Co.

Radcliffe; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.

Ralston; Farmers Elevators; Farmers Co-operative Association.

Redfield; Cargil Redfield Elevator; Cargill, Incorporated.

Red Oak; Farmers Mercantile Elevator; Farmers Mercantile Company, A Cooperative.

Remsen; Farmers Cooperative Elevator; Farmers Cooperative Company.

Remsen; Remsen Roller Mill; Remsen Roller Mill, Inc.

Riceville; Riceville Elevator; R. A. Nauman, Carl H. Smith and Keith K. Eastman, copartners, trading as Farmers Feed & Grain Company.

River Sioux; Farmers Elevator; Farmers Co-operative Co.

Rudd; Rudd Coop. Elev.; Farmers Cooperative Company.

Sexton; Cargill Sexton Elevator; Cargill, Incorporated.

Shelby; Shelby Elevator; Farmers Elevator.

Sheldon; Big 4 Elevator; Land O'Lakes, Inc.

Sheldon; Farmers Elevators; Farmers Co-operative Elevator Association of Sheldon, Iowa.

Shenandoah; Johnson Bros. Elevators; Johnson Bros. Mills, Inc.

Shenandoah; Van Buskirk Elevator; The Nishna Valley Grain Company.

Sherman (P.O. Hubbard); Farmers Co-operative Elevator; Farmers Cooperative Elevator Company.

Sibley; Farmers Elevator; Farmers Co-Op Elevator Co.

Sidney; Fremont Grain Elevator; Fremont Grain & Feed Co.

Sioux City; Bartlett Elevator; Bartlett and Company Grain.

Sioux City; Cargill Sioux City Elevator "A"; Cargill, Incorporated.

Sioux City; Elevator "B"; Harley G. Hall, trading as Hall Grain Company.

Sioux Center; Farmers Elevator; Farmers Cooperative Society.

Sioux City; Farmers Union Elevator; Farmers Union Grain Terminal Association.

Sioux City; Terminal Grain Corporation Elevator; Terminal Grain Corporation.

Sloan; Farmers Elevator; Farmers Cereal Company (Cooperative).

Spencer; Farmers Elevator; Farmers Co-operative Elevator Company.

Stuart; Stuart Elevator; Stuart Feed & Grain, Inc.

Superior; Superior Cooperative Elevator; Superior Cooperative Elevator Company.

Sutherland; Sutherland Elevator; Sutherland Farmers Cooperative Company.

Tabor; Tabor Feed Plant; Tabor Feed Plant, Inc.

Templeton; Farmers Elevator; Farmers Cooperative Company.

Ute; Ute Elevator; Occidental Petroleum Corporation.

Villisca; Villisca Elevator; Villisca Elevator, Inc.

Walnut; Continental Elevator; Continental Grain Company.

Washington; Cargill Washington Elevator; Cargill, Incorporated.

Westfield; Westfield Feed and Grain Co.; Westfield Feed and Grain Co.

Wieston (P.O. Manson); Wieston Elevator; Wieston Grain Company, Incorporated.

Wightman (P.O. Lohrville); Wightman Elevator; Joseph B. Kavanaugh, trading as Wightman Feed and Grain.

Williams; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.

Winfield; Farmers Coop Elevator; Farmers Cooperative Company.

KANSAS

Abbyville; Abbyville Coop Elevator; The Farmers Cooperative Grain Company.

Abilene; ADM Elevator; ADM Milling Co.

Akron (P.O. Rock); Akron Elevator; Quentin F. Waples, d.b.a. The Rock Grain Co.

Alamota; Alamota Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Albert; Pawnee Elevator; The Pawnee County Cooperative Association.

Amy; Amy Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Andale; Farmers Elevator; The Andale Farmers Cooperative Company.

Anthony; Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.

Argonia; Danville Coop Elevator; Danville Cooperative Association.

Arkansas City; Ark City Elevator; Dixie Portland Flour Mills, Inc.

Arkansas City; New Era Mill; The New Era Milling Company.

Atchison; Lincoln Grain, Inc. Elevator; Lincoln Grain, Inc.

Atlanta; Atlanta Co-op Elevator; The Atlanta Cooperative Association.

Atwood; Equity Elevator; The Atwood Equity Co-Operative Exchange.

Baileyville; Coop Elevator; The Nemaha County Co-operative Association.

Bavaria; Farmers Elevator; The Farmers Elevator Cooperative Company.

Bazine; Co-op Elevator; The Co-operative Grain & Supply Company.

Beaver; Beaver Grain Elevator; Beaver Grain Corporation, Inc.

Beeler; Beeler Coop; The Beeler Cooperative Exchange.

Bosse Siding (P.O. Jetmore); Bosse Elevator; Bosse Grains, Inc.

Brenham (P.O. Haviland); Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa Co., Kans.

Brewster; Reid Elevator; Reid Grain of Brewster, Inc.

Brewster; Coop Elevator; Farmers Co-operative Association.

Bucklin; Bucklin Grain Co.; Bucklin Grain Co., Inc.

Bucklin; The Bucklin Co-op Exchange Elevator; The Bucklin Cooperative Exchange.

Bunker Hill; Bunker Hill Elevator; Agco, Inc.

Cambridge; Holt Grain Company Elevator; E. H. Holt, d.b.a. Holt Grain Company.

Carlton; Carlton Elevator; Farm Co-op Association.

Castleton; Farmers Grain Co. Castleton Elevator; The Farmers Cooperative Grain Company.

Charleston (P.O. Ingalls); Farmers Elevators; The Garden City Co-Operative Equity Exchange.

Chase; Chase Co-operative Elevator; The Chase Co-operative Elevator, Mill and Mercantile Union.

Cheney; Cheney Co-op Elevator; The Cheney Co-operative Elevator Ass'n.

Cimarron; The Cimarron Co-operative Elevators; The Cimarron Co-operative Equity Exchange.

Cimarron; Irsik and Doll Elevator; Irsik & Doll Feed Services, Inc.

Claflin; Coop Elevator; The Claflin Cooperative Association.

Claudell; Kensington Coop Elevators; The Kensington Cooperative Association.

Clearwater; Clearwater Coop Elevator; Clearwater Cooperative Association.

Coffeyville; Coop Elevator; Farmland Industries, Inc.

Colby; Cooper Terminal; Cooper Grain, Inc.

Colby; Hi-Plains Co-op Elevator; The Hi-Plains Co-operative Association.

Colwich; Farmers Elevator; The Andale Farmers Cooperative Company.

Conway Springs; Conway Springs Elevator; Charles P. Garretson, trading as Garretson Grain Company.

Conway Springs; The Farmers Cooperative Grain Association Elevator; The Farmers Co-operative Grain Association.

Coolidge; Coolidge Co-op. Elevator; South Eastern Colorado Co-op.

Coolidge; Sullivan, Inc. Elevator; Sullivan, Inc.

Corning; Coop Elevator; The Nemaha County Co-operative Association.

Corwin; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.

Cullison (P.O. Pratt); Farmers Grain Elevator; The Farmers Grain and Merchantile Company.

Culver; Culver Coop Elevator; Cooperative Sales and Services, Incorporated.

Danville; Danville Coop Elevator; Danville Cooperative Association.

Deerfield; Farmers Elevators: The Garden City Co-operative Equity Exchange.

Delphos; Delphos Coop Elevator; The Delphos Cooperative Association.

Dighton; Farmers Elevator; The Farmers Cooperative Elevator and Merchantile Association.

Dillon (P.O. Hope); Dillon Elevator; Farm Co-op Association.

Dillwyn (P.O. Macksville); Coop Elevator; The Dillwyn Grain and Supply Company.

Dodge City; Dodge City Terminal Elevator; The Dodge City Terminal Elevator Company.

Dodge City; Grain Products Terminal Elevator; Grain Products, Inc.

Dorrance; Dorrance Elevator; Agco, Inc.

Douglass; Douglass Grain Co. Elevator; James L. Taylor, trading as Douglass Grain Company.

Edgerton; Coop Elevator in Edgerton; The Farmers Cooperative Association.

El Dorado; Taylor Elevators; James L. Taylor and Robert D. Haaga, copartners, trading as Taylor Grain Company.

Ellsworth; Salina Terminal Elevators; The Salina Terminal Elevator Company.

Emporia; Kansas Soya Products Co. Elevator; Archer-Daniels-Midland Company.

Feterita (P.O. Hugoton); Feterita Co-op Elevator; The Farmers Co-Operative Grain and Supply Company.

Florence; Coop Elevator; The Burns Farmers Co-operative Union.

Fowler; Fowler Equity Elevator "B"; The Fowler Equity Exchange.

Fredonia; ADM Elevator; Archer-Daniels-Midland Company.

Galva; Galva Grain Elevator; Western Grain, Inc.

Garden City; Farmer's Elevators; The Garden City Co-operative Equity Exchange.

Garden City; Lawrence Warehouse No. 8; Lawrence Systems, Inc.

Garden Plain; Farmers Cooperative Elevator; The Farmers Cooperative Elevator Company.

Garfield; Garfield Co-operative Elevator; The Garfield Co-operative Company.

Garnett; Garnett Elevator; Western Grain, Inc.

Goodland; Monfort Elevator; Monfort Feeds Lots, Inc.

Goodland; Reid Elevator; Reid Grain of Goodland, Inc.

Grainfield; Farmers Elevator; The Gove County Cooperative Association.

Great Bend; Great Bend Elevators; The Great Bend Cooperative Association.

Green; Lippert Elevator; Maxine Friederich, trading as Lippert Grain Co.

Greensburg; Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa Co., Kans.

Gypsum; Moore Elevator; Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.

Hamlin; Lincoln Grain, Inc., Elevator; Lincoln Grain, Inc.

Harper; Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.

Haven; Farmers Grain Co.; The Farmers Co-operative Grain Company.

Haselton; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.

Herington; Western Grain Elevator; Western Grain, Inc.

Hickok (P.O. Ulysses); Sullivan, Inc., Elevator; Sullivan, Inc.

Hickok (P.O. Ulysses); Co-op Elevator; The Ulysses Co-operative Oil and Supply Company.

Hoxie; Cooper Terminal; Cooper Grain, Inc.

Hugoton; Parker Elevator; Earl Bryan, trading as Parker Grain Co.

Hugoton; Hugoton Co-op Elevator; The Farmers Co-operative Grain and Supply Company.

Hutchinson; Kelly Elevator; The William Kelly Milling Company.

Hutchinson; Continental Elevator; Continental Grain Company.

Hutchinson; Grain Belt Elevator; The Salina Terminal Elevator Company.

Ingalls; Ingalls Grain Elevator; Ingalls Co-operative.

Inman; Chase Elevator; The Chase Grain Co., Inc.

Iuka; Iuka Coop; Iuka Cooperative Exchange.

Joy; Farmers Grain and Supply Elevator; The Farmers Grain and Supply Co. of Kiowa Co., Kans.

Junction City; Mid-Continent Elevator; Western Grain, Inc.

Kalvesta; Bosse Elevator; Bosse Grains, Inc.

Kanorado; Kanorado Co-op Elevator; The Kanorado Co-operative Association.

Kanorado; Reid Elevator; Reid Grain of Kanorado, Inc.

Kansas City; Turnpike Elevator; Seaboard Allied Milling Corporation.

Kansas City; Bunge Elevator; Bunge Corporation.

Kansas City; Far-Mar-Co Fairfax Elevator; Far-Mar-Co., Inc.

Kansas City; River-Rail Elevator; Bartlett and Company Grain.

Kellogg (Route 2, Winfield); Kellogg Coop Elevator; Kellogg Farmers Union Cooperative Association.

Kensington; Kensington Coop Elevators; The Kensington Cooperative Association.

Kiowa; O. K. Elevators; The O. K. Co-operative Grain & Merchantile Company.

Kismet; Equity Elevator; The Plains Equity Exchange and Co-operative Union.

LaCygne; Farmers Coop Elevator; The Linn County Farmers Cooperative Association.

Larned; Pawnee Elevators; The Pawnee County Cooperative Association.

Lawrence; Farmers Coop Elevator; The Farmers Cooperative Association.

Liberal; Perryton Equity Elevator; Perryton Equity Exchange.

Lowe (P.O. Holcomb); Farmers Elevators; The Garden City Co-operative Equity Exchange.

Lyons; Central Kansas Elevator; The Salina Terminal Elevator Company.

Lyons; Lyons Co-op Elevator; Lyons Co-operative Association.

Macksville; English Bros. Elevator; Robert H. English and William T. English, copartners, trading as English Grain Company.

Maize; Maize Mills Elevator; Maize Mills, Inc.

Marienthal; West Plains Elevator; West Plains Grain, Inc.

Mayfield; Farmers' Co-op Elevator; Farmers' Cooperative Grain Association of Wellington, Kansas.

McPherson; Chase Elevator; The Chase Grain Co., Inc.

Meade; The Co-operative Elevators; The Co-Operative Elevator and Supply Company.

Milepost (P.O. Ulysses); Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Company.

Morrowville; Continental Elevator; Continental Grain Company.

Moscow; Thurow Elevator; Carl M. Thurow, trading as Carl G. Thurow & Sons.

Moscow; Broilier's C & D Elevator; C & D Grain, Inc.

Moscow; Moscow Elevator; Moscow Elevator Company; E. L. Gaskill, Inc.

Moscow; Moscow Co-op Elevator; The Farmers Co-operative Grain and Supply Company.

Mullinville; Equity Exchange Elevator; The Equity Grain and General Merchandise Exchange.

Mulvane; Mulvane Co-op Elevator; The Mulvane Cooperative Union.

Nashville; Farmers Co-op Elevator; The Zenda Grain and Supply Company.

Neodesha; Neodesha Co-op Elevator; The Neodesha Cooperative Association.

Ness City; Co-op Elevator; The Right Co-operative Association.

Newton; Ross Elevator; Ross Industries, Inc.

Oberlin; Decatur Co-op Elevator; The Decatur Cooperative Association.

Ottawa; Ottawa Co-op Elevator; The Ottawa Cooperative Association.

Overbrook; Overbrook Farmers Co-Op Elevator; The Overbrook Farmer's Union Co-Operative Association.

Oxford; Parity Elevator; Parity Mills, Inc.

Park; Farmers Elevator; The Gove County Cooperative Association.

Peabody; Peabody Co-op Elevator; The Peabody Cooperative Equity Exchange.

Pierceville; Farmers Elevators; The Garden City Co-Operative Equity Exchange.

Pierceville; Christensen Elevator; Christensen Grain, Inc.

Plains; Equity Elevator; The Plains Equity Exchange and Co-operative Union.

Preston; Farmers Elevator; The Preston Cooperative Grain & Mercantile Company.

Protection; Farmers Elevator; The Protection Cooperative Supply Company.

Putnam (P.O. Sedgwick); Galmeister Elevators; Frank Galmeister, trading as Galmeister Grain & Elevator.

Reserve; Reserve Elevator; The White Cloud Grain Company, Inc.

Rock; Rock Elevator; Quentin F. Waples, d.b.a. The Rock Grain Co.

Rome (P.O. Wellington); Rome Elevator; McDaniel-Waples, Inc.

Rozbury; Moore Elevator; Kenneth Moore and Lorene Moore, copartners, trading as Moore Grain and Feed Co.

Russell; Russell Elevator; Agco, Inc.

Salina; C–G–F Salina Elevator; C–G–F Grain Company, Inc.

Salina; International Elevator; International Multifoods Corporation.

Satanta; Satanta Coop Elevator; The Satanta Cooperative Association.

Scott City; Coop Elevator; The Scott Cooperative Association.

Scott City; Scott City Elevator; The Scott City Grain Company, Inc.

Sedgwick; Farmers Elevator; The Andale Farmers Cooperative Company.

Sedgwick; The Sedgwick Alfalfa Mills; Sedgwick Alfalfa Mills, Inc.

Selkirk; Farmco Selkirk Elevator; Farmco, Inc.

Sharon; Farmers Co-operative Elevators; The Farmers Co-operative Business Association.

Shields; Shields Farmers Elevator; The Farmers Cooperative Elevator and Mercantile Association.

Shook (P.O. Anthony); Farmers Cooperative Elevator; Anthony Farmer's Cooperative Elevator Co.

South Haven; The Howell Elevator; Ray E. Howell, d.b.a. Howell Grain & Insurance.

V 37 N 36 FEB 23 72 XUM

St. Francis; Equity Elevator; The St. Francis Mercantile Equity Exchange.
St. John; Coop Elevator; The Dillwyn Grain and Supply Company.
Stafford; Stafford Coop; Stafford Coop.
Sterling; Farmers Elevator; The Farmers Cooperative Union.
Sublette; Haskell County Elevator; Haskell County Grain Company, Inc.
Sublette; Sublette Coop Elevator; The Cooperative Grain Dealers Union.
Syracuse; Jackson Elevator; Jackson Grain Co., Inc.
Tennis (P.O. Friend); Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Timken; Timken Coop Elevator; The Timken Cooperative Association.
Topeka; Far-Mar-Co Topeka Elevator; Far-Mar-Co., Inc.
Tribune; Farmco Tribune Elevator; Farmco, Inc.
Turon; Farmers Elevator; The Preston Cooperative Grain & Mercantile Company.
Ulysses; Co-Op Elevator; The Ulysses Co-Operative Oil and Supply Company.
Ulysses; Sullivan Inc. Elevator; Sullivan, Inc.
Valley Center; Valley Center Farmers Elevator, Inc.; Valley Center Farmers Elevator, Inc.
Wellington; Farmers' Cop-op Elevator; Farmers' Cooperative Grain Association of Wellington, Kansas.
Wellington; Hunter Elevators; Ross Industries, Inc.
White City; Mor-Kan Elevator; Western Grain, Inc.
White Cloud; White Cloud Elevator; The White Cloud Grain Company, Inc.
Whitewater; Whitewater Elevator; The Whitewater Flour Mills Company.
Wichita; Public Terminal Elevator; Sam P. Wallingford, Inc.
Wichita; Western Grain Elevator; Western Grain, Inc.
Wilroads; Co-op Elevator; The Right Cooperative Association.
Wilson; Kyner Elevator; Kyner Elevators, Inc.
Wilson; Soukup Elevator; Arthur C. Soukup, trading as Soukup Grain Company.
Wolf (P.O. Deerfield); Farmers Elevators; The Garden City Co-Operative Equity Exchange.
Wright; Co-op Elevators; The Right Cooperative Association.
Zenda; Farmers Co-op Elevator; The Zenda Grain and Supply Company.
Zenith; Farmers Elevator; Zenith Cooperative Grain Company.

KENTUCKY

Fulton;[1] Fulton Elevator; Browder Milling Company, Incorporated.
Hickman; Fulton County Grain Company Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Livermore; Bunge Corporation Livermore Grain Terminal; Bunge Corporation.
Louisville; Kentucky Public Elevator; The Early and Daniel Company.
Louisville; Cargill Louisville Elevator; Cargill, Incorporated.
Louisville; Distillers' Grain Company Elevator; Distillers' Grain Company, Inc.
Mayfield; Mayfield Milling Co. Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.

LOUISIANA

Abbeville; Planters Warehouse; Riviana Foods Inc.
Ama; Farmers Export Elevator; Farmers Export Co.
Crowley; Acadia Warehouse; Riviana Foods Inc.
Crowley; Farmers' Warehouse; MFC Services (A.A.L.).
Delhi; Terrick Elevator; Lake Providence Port Elevator, Inc.
Destrehan; St. Charles Grain Elevator; Archer-Daniels-Midland Company, a corporation, and Garnac Grain Co., Inc., a joint venture, trading and doing business under the firm name and style of The St. Charles Grain Elevator Company.
Egan; Egan Warehouse; Riviana Foods, Inc.
Gueydan; Gueydan Warehouse; Riviana Foods Inc.
Jennings; Northern Warehouse; Riviana Foods Inc.
Kaplan; Agnes Warehouse; Riviana Foods Inc.
Lake Charles; Lake Charles Warehouse; Riviana Foods Inc.
Lake Providence; Lake Providence Port Elevator; Lake Providence Port Elevator, Inc.
Myrtle Grove (P.O. Belle Chasse); Mississippi River Grain Elevator; Mississippi River Grain Elevator, Inc.
New Orleans; Public Grain Elevator of New Orleans; Public Grain Elevator of New Orleans, Inc.
Port Allen; Port of Baton Rouge Grain Elevator; Cargill, Incorporated.
Rayne; Rayne Warehouse; Riviana Foods, Inc.
Reserve; Bayside Elevator Co., a division of Bayside Warehouse Company; Bayside Warehouse Company.
St. Joseph; Tensas Port Elevator; Tensas Port Elevator Company, Inc.
Tallulah; Madison Grain Company; Russell G. Petersen, trading as Madison Grain Company.
Tallulah; Tallulah Port Elevator; Lake Providence Port Elevator, Inc.
Westwego; Continental Grain Elevator, Port of New Orleans; Continental Grain Company.

MARYLAND

Williamsburg; Whiteley Elevator; W. O. Whiteley & Son, Inc.

MICHIGAN

Adrian; Adrian Elevator; Adrian Grain Company.
Augusta; Knappen Elevator; Knappen Milling Company.
Dowagiac; Dowagiac Milling Company Elevator; The Dowagiac Milling Company.
Hillsdale; Stock Elevator; DCA Food Industries Inc.
Lowell; King Milling Company Elevator; King Milling Company.

MINNESOTA

Breckenridge; Cargill Elevator; Cargill, Incorporated.
Columbia Heights; Cargill Minneapolis Flax Plant; Cargill, Incorporated.
Crookston; Cargill Elevator; Cargill, Incorporated.
Duluth; Cargill Duluth Elevator; Cargill, Incorporated.
Duluth; Elevator A; General Mills, Inc.
Duluth; Capitol Elevator; International Multifoods Corporation.
Marshall; Cargill Elevator; Cargill, Incorporated.
Minneapolis; Elevator K; ADM Grain Co.
Minneapolis; Great Northern Elevator; Farmers Union Grain Terminal Association.
Minneapolis; Union Elevator; Farmers Union Grain Terminal Association.
Minneapolis; Searle Elevator; Searle Grain Company.
Minneapolis; Soo Elevator; ADM Grain Co.
Minneapolis; Pillsbury "A" Elevator; The Pillsbury Company.
Minneapolis; Pioneer Steel Elevator; Peavey Company.
Minneapolis; Washburn Elevator; General Mills, Inc.
Minneapolis; Consolidated A; North Star Barge & Warehouse Corporation.
Minneapolis; Calumet Elevator; North Star Barge & Warehouse Corporation.
Minneapolis; Elevator "R"; Victoria Elevator Compay of Minneapolis.
Minneapolis; Shoreham Elevator; The McMillan Company.
Minneapolis; The Continental Elevator; Continental Grain Company.
Minneapolis; Electric Steel Elevator; Peavey Company.
Minneapolis; Republic Elevator; Victoria Elevator Company of Minneapolis.
New Ulm; Burdick Elevator; Burdick Grain Company.
Port Cargill (P.O. Savage); Port Cargill Elevator C; Cargill, Incorporated.
Red Wing; Central Elevator; Central Soya of Minnesota, Inc.
Savage; Port Bunge; Bunge Corporation.
Savage; Port Cargill Elevator "A"; Cargill, Incorporated.
Savage; Port Continental Elevator; Continental Grain Company.
Shakopee; Peavey River Concrete Terminal; Peavey Company.
Sleepy Eye; Cargill Elevator; Cargill, Incorporated.
St. Louis Park; Belco Elevator; Burdick Grain Company.
St. Paul; Capital B Elevator; International Multifoods Corporation.
St. Paul; Farmers Union Elevator; Farmers Union Grain Terminal Association.
St. Paul; Walsh River Terminal; Walsh River Terminal Corporation.
St. Paul; Elevator D; ADM Grain Co.
Thief River Falls; The McMillan Elevator at Thief River Falls; The McMillan Company.
Wesota; (P.O. Gluek); Cargill Elevator; Cargill, Incorporated.
Winona; Elevator "P"; Victoria Elevator Company of Minneapolis.

MISSISSIPPI

Clarksdale; Delta Rice Warehouse; The Arkansas Rice Growers Cooperative Association.
Cleveland; Central Delta Warehousing Corporation Warehouse; Central Delta Warehousing Corporation.
Greenville; Greenville Warehouse; Riviana Foods Inc.
Greenville; Farmers Grain Warehouse; Farmers Grain Marketing Terminal (A.A.L.).
Hollandale; Staplservice Hollandale Elevator; Staple Cotton Services Association (A.A.L.).
Indianola; Grain Storage Company, Division of Archer-Daniels-Midland Company; Archer-Daniels-Midland Company.
Inverness; Staplservice Inverness Elevator; Staple Cotton Services Association (A.A.L.).
Marks; Riverside Industries Warehouse; Riverside Industries, Inc.
Natchez; Cargill Natchez Elevator; Cargill, Incorporated.
Pascagoula; Jackson County Terminal Elevator; Louis Dreyfus Corporation.
Webb; Staplservice Webb Elevator; Staple Cotton Services Association (A.A.L.).

MISSOURI

Advance; MFA Exchange Elevator; Missouri Farmers Association, Inc.

[1] In Kentucky and Tennessee.

Albany; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Armstrong; Coop Elevator; Mid-Missouri Farmers Cooperative.
Bernie; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Bethany; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Bethany; Bethany Elevator; Bethany Mill and Implement Company.
Boonville; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Brookfield; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Brunswick; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Butler; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Callao; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Carrollton; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Caruthersville; MFA Elevator; Missouri Farmers Association, Inc.
Center; Slater & Fowles Center Elevator; Slater and Fowles, Incorporated.
Centralia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Chillicothe; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Chillicothe; Reed Elevator; Reeds Seeds, Inc.
Clinton; Larabee Elevator; Archer-Daniels-Midland Company.
Columbia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Conception Junction; M.F.A. Elevator; Missouri Farmers Association, Inc.
Corning; Corning Elevator; Rickel, Inc.
Craig; Community Elevator; Rickel, Inc.
Dalton; Dalton Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Dearborn; Halferty Bros. Elevator; Halferty Bros., Inc.
Dudley; Dudley Grain Warehouse; The Arkansas Rice Growers Cooperative Association trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.
Elmo; M.F.A. Elevator; Missouri Farmers Association, Inc.
Elsberry; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Essex; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Fayette; Coop Elevator; Mid-Missouri Farmers Cooperative.
Forest City; Cargill Elevator; Cargill, Incorporated.
Fortescue; Fortescue Elevator; The White Cloud Grain Company, Inc.
Gallatin; Froman Elevator; K. C. Froman, trading as Farmers Grain and Fertilizer.
Gallatin; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Gower; G.F.S. Elevator; Frederick L. Schuster, trading as Gower Feeders Supply.
Grant City; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Gregory Landing (P.O. Canton); Gregory Elevator; Gabe Logsdon & Sons, Inc.
Hamilton; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Hannibal; Hannibal Terminal Elevator; Hannibal Grain Terminal, Inc.
Hardin; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Hayti; MFA Elevator; Missouri Farmers Association, Inc.
Higginsville; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Kansas City; Cargill Milwaukee Elevator; Cargill, Incorporated.
Kansas City; General Mills Elevator; General Mills, Inc.
Kansas City; Chouteau Elevator; Simonds-Shields-Theis Grain Co.
Kansas City; Boulevard Elevator; Seaboard Allied Milling Corporation.
Kansas City; K.C.T. Elevator; Kansas City Terminal Elevator Company.
Kansas City; Purina Soybean Elevator; Ralston Purina Company.
Kennett; Kennett Soybean Elevator; E. M. Regenold d.b.a. Kennett Soybean Co.
La Belle; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Laddonia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Laddonia; Slater & Fowles Laddonia Elevator; Slater and Fowles, Incorporated.
Lamar; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Langdon; Langdon Elevator; Mildred D. Bentley, trading as Bentley Grain Company.
Lexington; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Linneus; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Louisiana; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Macon; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Maitland; Rother Grain and Feed Co. Elevator; Irvin Rother and Helen Bammer, copartners, trading as Rother Grain and Feed Co.
Marshall; Fletcher Elevator; Fletcher Grain Company, Inc.
Marshall; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Marston; E. B. Gee Cotton & Grain Co. Warehouse; E. B. Gee Cotton & Grain Co., Inc.
Marthasville; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Martinsburg; Slater & Fowles Martinsburg Elevator; Slater and Fowles, Incorporated.
Maryville; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Mexico; M.F.A. Cooperative Elevator; Missouri Farmers Association, Inc.
Mexico; M-F-A Exchange Elevator; Missouri Farmers Association, Inc.
Moberly; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Napton; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Nelson; Nelson Elevator; Nelson Elevator, Inc.
New Franklin; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Norborne; B. F. Knipschild & Brothers Elevator; B. F. Knipschild, A. L. Knipschild, E. O. Knipschild and J. T. Knipschild, copartners, trading as B. F. Knipschild and Brothers.
Norborne; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
North Kansas City; Monarch Elevator; ADM Milling Co.
North Kansas City; Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.
North Kansas City; International Elevator; International Multifoods Corporation.
North Kansas City; NCM Elevator; ConAgra, Inc.
Odessa; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Orrick; Arnold Bros. Produce Warehouse; Paul Arnold and Wilbur Arnold, copartners, trading as Arnold Bros. Produce.
Orrick; Orrick Farm Service Elevator; Orrick Farm Service, Inc.
Palmyra; Farmers Coop Elevator; Farmers Cooperative Services, Inc. of Palmyra, Missouri.
Pattonsburg; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Perry; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Phelps City (P.O. Rock Port); Stanton Elevator; Stanton Grain Co.
Poplar Bluff; Butler County Grain Warehouse; The Arkansas Rice Growers Cooperative Association, trading as The Arkansas Rice Growers Cooperative Association, Inc., in the State of Missouri.
Ravenwood; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Rea; Rea Elevator; Rea Grain & Feed Co.
Richmond; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Bistine (P.O. New Madrid); Checkerboard Elevator; Ralston Purina Company, trading as Checkerboard Grain Company.
Salisbury; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Sedalia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Senath; Senath Grain Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald F. George and Edward A. Connelly.
Shelbina; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Sheridan; MFA Exchange Elevator; Missouri Farmers Association, Inc.
St. Joseph; Far-Mar-Co St. Joseph Elevator; Far-Mar-Co., Inc.
St. Joseph; Bartlett Elevator; Bartlett and Company Grain.
St. Joseph; Krause St. Joseph Elevator; Krause Milling Company.
St. Joseph; Mo-Kan Elevator; Mo-Kan Grain, Inc.
St. Joseph; Burlington Elevator; The Pillsbury Company.
St. Joseph; B & E Elevator; The B & E Grain Company.
St. Louis; Missouri Pacific Elevator; Jerry W. Fowles, Trading as Fowles Grain Company.
St. Louis; Pillsbury St. Louis Elevator; The Pillsbury Company.
St. Louis; St. Louis Grain Corporation Elevator; St. Louis Grain Corporation.
St. Marys; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Stanberry; Alldredge Grain & Storage Elevator; Alldredge Grain & Storage, Inc.
Sumner; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Tebbetts; Rootes Elevator; W. A. Rootes and Company.
Trenton; Hoffman & Reed Elevator; Hoffman and Reed, Inc.
Trenton; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Triplett; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Vandalia; Wasson Grain Elevator; Jack Wasson Grain Incorporated.
Vandalia; MFA Exchange Elevator; Missouri Farmers Association, Inc.
Wakenda; Ray-Carroll Elevator; Ray-Carroll County Grain Growers, Inc.
Walker; Producers Grain Co.; Producers Grain Company.
Watson; Stanton Elevator; Stanton Grain Co.
Wayland; Logsdon's Elevator; Gabe Logsdon & Sons, Inc.

NEBRASKA

Ashland; Kuhl-Reece Company's Elevator; Kuhl-Reece Company.
Aurora; Dowd Elevator; Dowd Grain Company, Inc.
Bancroft; Holmquist Elevator; The Holmquist Grain and Lumber Company.
Beatrice; Farmers Cooperative Elevator; Farmers Cooperative Elevator Company.
Besser Crossing; Farmers Elevators; Farmers Cooperative Company.
Bellwood; Farmers Elevator; Farmers Cooperative Grain Company.

V 33 7136
FEB 23 72
XUM

Benedict; Farmers Grain Association Elevator; Farmers Co-Operative Grain Association of Benedict, Nebraska.

Benkelman; Benkelman Elevators; Independent Elevators, Inc.

Beres (P.O. Alliance); Deaver Elevator; Deaver Grain Co., Inc.

Bertrand; Bertrand Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald P. George and Edward A. Connelly.

Bixby; Bixby Cooperative Elevator; Bixby Cooperative Company.

Blair; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Bloomfield; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Brownville; Continental Elevator; Continental Grain Company.

Cambridge; Urling Elevator; Miller Grain Company, Inc.

Central City; Levitt Elevator; Merrick County Grain Co.

Chappell; Farmers Elevators; Farmers Elevator Company, A Cooperative.

Coleridge; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Columbus; Farmers Grain Terminal; Foreman-Gammel Grain Co., Inc.

Cornlea; Continental Elevator; Continental Grain Company.

Craig; Farmers Union Elevator; Farmers Union Co-Operative Association.

Crete; Crete Mills Division Elevator; Lauhoff Grain Company.

Doane; Doane Elevators; Independent Elevators, Inc.

Dorchester; Farmers' Elevators; The Dorchester Farmers Cooperative Grain and Livestock Company.

Durant (P.O. Stromsburg); Richters Elevator; John W. Lamoreaux and Marc Lamoreaux, copartners, trading as Durant Grain Company.

Elmwood; Farmers Elevator; Farmers Cooperative Association of Elmwood, Nebraska.

Elsie; Kellogg Elevator; O. M. Kellogg Grain Company.

Enders; Farmers Elevator; Farmers Co-operative Exchange.

Fairbury; Farmers Union Co-op Elevator; Farmers Union Co-operative Association of Fairbury, Nebraska.

Farwell; Loup Valley Elevators; Scoular-Bishop Grain Company.

Fremont; Fremont Cake & Meal Elevator; Archer-Daniels-Midland Company.

Fremont; Conagra Elevator; Conagra, Inc.

Fremont; Far-Mar-Co., Fremont Elevator; Far-Mar-Co., Inc.

Friend; Friend Elevator; B. C. Christopher & Company, a limited partnership with Hearne Christopher, John H. Collett, Edward G. Mader, Lawrence P. Hogan, Lowell H. Listrom, Norman Supper, Ludwell G. Gaines III, Robert F. Wilson, Philipp Kuhn, William L. Evans, Jr., Donald P. George and Edward A. Connelly.

Geneva; Koehler Elevator; A. Koehler Company.

Gibbon; Fox Elevator; Scoular-Bishop Grain Company.

Grand Island; Conagra Elevator; Conagra, Inc.

Grand Island; Grand Island Grain Division Elevator; Eisenman Chemical Co.

Grant; Co-Operative Elevator; The Grant Co-Operative Exchange.

Grant; Perkins County Elevator; Scoular-Bishop Grain Company.

Hansen (P.O. Grand Island); Ecco Grain Elevator; Eisenman Chemical Co.

Hartington; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Hartington; Hartington Elevator; Hartington Elevator Company.

Harvard; Farmers Elevators; The Farmers Union Co-operative Elevator Company.

Hastings; Garvey Elevator; Garvey Elevators, Inc.

Hemingford; Farmers Co-Operative Elevator; Farmers Co-operative Elevator Company.

Herman; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Imperial; Farmers Elevator; Frenchman Valley Farmers Cooperative, Inc.

Indianola; Urling Elevator; Miller Grain Company, Inc.

Jacinto (P.O. Dix); The Wright-Lorenz Grain Co. Elevator; The Wright-Lorens Grain Co., Inc.

Laurel; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Lincoln; Lincoln Grain, Inc. Elevator; Lincoln Grain, Inc.

Lincoln; Far-Mar-Co Lincoln Elevator; Far-Mar-Co., Inc.

Lincoln; Gooch Mill Elevators; ADM Milling Co.

Lincoln; ADM Elevator; Archer-Daniels-Midland Company.

Lyons; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Maywood; Farmers Elevators; Maywood Cooperative Association.

Nebraska City; Bartlett Elevator; Bartlett and Company Grain.

North Bend; North Bend Elevator; North Bend Grain Company, Inc.

Oakland; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Ogallala; Cogil Elevators; Ogallala Grain, Inc.

Omaha; Allied Mills Elevator; Allied Mills, Inc.

Omaha; Conagra Elevators; Conagra, Inc.

Omaha; Far-Mar-Co Omaha Elevator; Far-Mar-Co., Inc.

Omaha; Illinois Central Elevator; ADM Grain Co.

Omaha; The Pillsbury Company Elevator "B"; The Pillsbury Company.

Omaha; Scoular-Welsh Omaha Elevator; Scoular-Welsh Grain Co.

O'Neill; Dowd Elevator; Dowd Grain Company, Inc.

Osceola; Farmers Grain Elevator; Farmers Cooperative Grain Co.

Osceola; Smith Elevator; Smith Grain Company.

Parks; Parks Elevator; Independent Elevators, Inc.

Potter; The Wright-Lorens Grain Co. Elevator; The Wright-Lorens Grain Co., Inc.

Potter; Farmers Elevators; Potter Cooperative Grain Company.

Ranch Spur (P.O. Herman); Ranch Spur Elevator; H. C. Pankhouser and V. R. Pankhouser, copartners trading as Pankhouser Bros.

Red Willow (P.O. McCook); Urling Elevator; Miller Grain Company, Inc.

Rock Bluff (P.O. Plattsmouth); Far-Mar-Co Rock Bluff Elevator; Far-Mar-Co., Inc.

Rogers; Golden West Grain Company's Rogers Elevator; Golden West Grain Company.

Rosalie; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Roscoe; Roscoe Elevator; John L. Gordon and Jeanette D. Gordon, copartners, d.b.a. Roscoe Grain Company.

Schuyler; Golden West Grain Company's Elevator; Golden West Grain Company.

Scribner; Farmers Elevator; Farmers Co-operative Mercantile Company, Non-Stock.

Scribner; Scribner Elevator; Scribner Grain & Lumber Company.

Seward; Allied Mills Elevator; Allied Mills, Inc.

Shelton; Continental Elevator; Continental Grain Company.

Silver Creek; Farmers Grain Elevators; Farmers Cooperative Grain Company.

St. Paul; Loup Valley Elevators; Scoular-Bishop Grain Company.

Stella; Stella Elevator; C–G–F Grain Company, Inc.

Strang; Strang Grain Elevator; Strang Lumber and Grain Company.

Stromsburg; Farmers Elevators; Farmers Cooperative Grain Association of Stromsburg.

Superior; Scoular-Bishop Elevator; Scoular-Bishop Grain Company.

Tekamah; Farmers Elevator; Farmers Non-Stock Cooperative Grain Association.

Tekamah; Holmquist Elevator; The Holmquist Grain and Lumber Co.

Thurston; Merry Elevator; Darrel Merry; trading as Merry Grain & Lumber Co.

Ulysses; Farmers Cooperative Elevators; Farmers Cooperative Grain & Supply Co.

Utica; Utica Co-operative Grain Company's Elevators; Utica Co-operative Grain Company.

Venango; Dudden Elevator; Dudden Elevator, Inc.

Venango; Farmers' Elevators; Farmers Union Cooperative Grain Co. of Venango, Nebraska.

Verdel; Allied Mills Elevator; Allied Mills, Inc.

Wallace; Kellogg Elevator; O. M. Kellogg Grain Company.

Weithill; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Wauneta; Farmers Elevator; Farmers Co-operative Exchange.

Winnebago; Holmquist Elevator; The Holmquist Grain and Lumber Company.

Winnebago; Merry Grain Company Elevator; Holmquist Elevator Company.

Winslow; Farmers Elevator; Farmers Co-operative Mercantile Company, Non-stock.

NEW MEXICO

Clovis; El Rancho Elevator; El Rancho Milling Co. (no stockholders' liability).

Clovis; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.

Clovis; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).

Clovis; Worley Mills Elevator; Worley Mills, Inc. (no stockholder's liability).

Grier; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.

Melrose; Farmers Cooperative Elevators; Farmers Cooperative Elevators, Inc.

Melrose; Melrose Elevator; Melrose Grain & Elevator Co., Inc.

Portales; Worley Mills Elevator; Worley Mills, Inc. (no stockholder's liability).

Texico; New Mexico Mill Elevator; New Mexico Mill & Elevator Co. (no stockholders' liability).

Texico; Sherley-Anderson Texico Elevator; Sherley-Anderson-Fitman, Inc.

Tucumcari; Worley Mills Elevator; Worley Mills, Inc. (no stockholder's liability).

NEW YORK

Albany; Port of Albany Elevator No. 1; Cargill, Incorporated.

Buffalo; Continental Concrete Central Elevator; Continental Grain Company.

Buffalo; Standard Elevator; Standard Milling Company, d.b.a. Standard Milling Company, Inc., in New York State.

NORTH CAROLINA

Battleboro; E–B Grain Co., Inc.; E–B Grain Company, Inc.

Camden; Wood Bonded Warehouse; F. P. Wood and Son, Inc.

Fayetteville; Cargill Fayetteville Elevator; Cargill, Incorporated.

Greenville; Fred Webb Elevator; James Fred Webb.

Monroe; Producers Feed Mill Warehouse; Producers Feed Mill, Inc.

Mooresville; Mooresville Grain Elevator; Mooresville Flour Mills, Incorporated.

Newton Grove; House Grain Elevator; Milton Sherrill Williams.

Selma; Gurley's Inc. Elevator; Gurley's, Inc.

Washington; Cargill Washington, NC Elevator; Cargill, Incorporated.

Wilson; Cargill Elevator; Cargill, Incorporated.

NORTH DAKOTA

Grand Forks; Garvey Elevator; Garvey Elevators, Inc.

Jamestown; Garvey Elevator; Garvey Elevators, Inc.

OHIO

Arcanum; Allied Mills Arcanum Elevator; Allied Mills, Inc.

Chillicothe; Standard Elevator; The Standard Elevator and Supply Company.

Cincinnati; Fairmount and Riverside Elevators; The Early and Daniel Company.

Columbus; Landmark Grain Terminal; Landmark, Inc.

Columbus: Continental Elevator; Continental Grain Company.

Columbus; Eshelman Grain Company Elevator; International Multifoods Corporation.

Coshocton; Coshocton Elevator; Coshocton Grain Co.

Elgin; Elgin Elevator; Elgin Grain Company.

Fletcher; Fletcher Elevator; Shepard Grain Company, Inc.

Fostoria; Fostoria Elevator; The Ohio Farmers' Grain Corporation.

Fostoria; Mennel Elevator; The Mennel Milling Company.

Glandorf; Glandorf Elevator; Glandorf Feed Company.

Green Camp; Green Camp Co-operative Elevator; The Green Camp Co-operative Elevator Company.

Harrison (Route 4); J. A. Cornelius Grain Elevator; J. A. Cornelius.

Hume (R.R. No. 4, Lima); Hume Elevator; The Weiker Grain Company.

Kileville (P.O. R.R. No. 3, Plain City); Kileville Elevator; The Ohio Grain Company.

Lima; Cargill Lima Elevator; Cargill, Incorporated.

Mansfield; General Grain Elevator; General Grain, Inc.

Marysville; Marysville Elevator; The Ohio Grain Company.

Maumee; Cargill Toledo Elevator; Cargill, Incorporated.

Mechanicsburg; Mechanicsburg Elevator; The Ohio Grain Company.

Pitsburg; Pitsburg Grain Elevator; Pitsburg Feed and Grain, Inc.

Shelby; Shelby Equity Elevator; The Shelby Equity Exchange Company.

Spencerville; Farmers Union Company Elevator; The Spencerville Farmers Union Company.

Thackery; Thackery Elevator; Shepard Grain Company, Inc.

Toledo; Cargill East Side Elevator; Cargill, Incorporated.

Troy; Troy Elevator; The Early and Daniel Company.

Van Wert; Weiker Elevator; The Weiker Grain Company.

OKLAHOMA

Afton; Afton Co-op Elevator; Afton Co-operative Association.

Apache; Apache Farmers Co-operative; Apache Farmers Co-operative.

Beaver; Perryton Equity Elevator; Perryton Equity Exchange.

Bison; Farmers Elevator; Bison Cooperative Association.

Blackwell; Blackwell Co-op Elevator; Blackwell Co-operative Elevator Association.

Boise City; Consumers Elevator; Boise City Farmers Cooperative.

Braman; Braman Co-op Elevator; Blackwell Co-operative Elevator Association.

Broken Arrow; Farmers Co-op Elevator; Farmers Cooperative.

Buffalo; Buffalo Farmers Elevator; The Buffalo Farmers' Co-operative Elevator Company.

Cashion; Farmers Exchange Elevator; Farmers Exchange of Cashion.

Cherokee; Farmers Elevator; Farmers Co-operative Elevator Association.

Clinton; Farmers Elevator; Farmers Co-operative Association.

Clyde; Clyde Elevator; Clyde Co-operative Association.

Cordell; Farmers Elevator; Farmers Co-operative Association.

Crescent; Crescent Cooperative Elevator; Crescent Cooperative Association.

Custer City; Farmers Elevator; Custer City Farmers Cooperative Exchange.

Deer Creek; Deer Creek Elevator; Clyde Co-operative Association.

Douglas; Farmers Elevators; Farmers Co-Operative Elevator Company of Douglas.

Enid; Continental Elevator; Continental Grain Company.

Enid; Union Equity Co-operative Exchange Elevator; Union Equity Co-operative Exchange.

Enid; Enid Terminal Elevators; Interstate Grain Corporation.

Fairview; Sooner Co-op Elevator; Sooner Cooperative, Incorporated.

Fargo; Farmers Elevator; Farmers Co-operative Association.

Garber; Cooperative Elevator; Garber Co-operative Association.

Goodwell; Farmers Elevator; Farmers Elevator of Goodwell, Oklahoma, Inc.

Grandfield; Union Equity Elevator; Union Equity Co-operative Exchange.

Guymon; Knutson Elevator; Knutson Elevators, Inc.

Hardesty; Perryton Equity Elevator; Perryton Equity Exchange.

Helena; Farmers Elevator; Farmers Cooperative Association.

Hennessey; Farmers Co-operative Elevator; Farmers Elevator and Co-operative Association.

Hooker; Equity Exchange Elevator; The Hooker Equity Exchange.

Hough (P.O. Guymon); Hough Elevator; Knutson Elevator, Inc.

Hunter; Hunter Farmers Elevator; Farmers Grain Company.

Hydro; Farmers Elevator; Hydro Cooperative Association.

Imo; Imo Farmers Elevators; Farmers Cooperative Elevator Company.

Keys; Perryton Equity Elevator; Perryton Equity Exchange.

Kingfisher; Kingfisher Cooperative Elevator; Kingfisher Cooperative Elevator Association.

Knowles; Perryton Equity Elevator; Perryton Equity Exchange.

Kremlin; Farmers Elevator; Farmers Grain Company.

Lamont; Lamont Elevator; Clyde Co-operative Association.

Lawton; Cooperative Elevator A; Lawton Cooperative Association.

Marshall; United Co-op Elevator; United Cooperative, Inc.

May; May Elevator; Woodward Cooperative Elevator Association.

Medford; Medford Elevator; Clyde Co-operative Association.

Miami; Miami Co-op Elevator; The Miami Cooperative Association.

Midway (P.O. Hooker); Midway Elevator; Knutson Elevators, Inc.

Mooreland; Farmers Co-Op Elevator; Farmers Co-operative Trading Company.

Nardin; Cooperative Elevator; Clyde Cooperative Association.

Okeene; Sooner Co-op Elevator; Sooner Cooperative, Incorporated.

Oklahoma City; Garrison Elevator; Garrison Milling Company, Inc.

Perry; Farmers Cooperative Elevator; Farmers Cooperative Exchange.

Pond Creek; Farmers Elevator; Farmers Grain Company.

Ranch Drive (P.O. Ponca City); Ranch Drive Elevator; Farmers Cooperative Association.

Red Rock; Farmers Co-Op. Elevator; Red Rock Farmers Co-Operative.

Renfrow; Renfrow Elevator; Clyde Co-operative Association.

Saltfork (P.O. Hunter); Saltfork Elevator; Clyde Co-operative Association.

Selman; Selman Farmers Elevator; The Buffalo Farmers' Co-Operative Elevator Company.

Shawnee; Shawnee Elevator; Shawnee Milling Company.

Tonkawa; Tonkawa Elevator; Farmers Co-operative Association.

Tuttle; MFC Elevator; Mid-Continent Farmers Co-op.

Vici; Farmer's Co-op. Ass'n Elevator; Farmers Cooperative Association of Vici.

Wakita; Farmers Co-operative Elevators; Farmers Co-operative Elevator Company of Wakita.

Weatherford; Co-Op. Elevator; Farmers Co-operative Exchange.

Woodward; Woodward Elevator; Woodward Cooperative Elevator Association.

Yukon; MFC Elevator; Mid-Continent Farmers Co-op.

OREGON

Athena; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.

Biggs (P.O. Wasco); Sherman Co-operative Grain Growers Warehouse; Sherman Co-operative Grain Growers.

Biggs; Moro Grain Growers Warehouse; Moro Grain Growers Association.

Condon; Condon Grain Growers Warehouse; Condon Grain Growers, Inc.

Dufur; Dufur Elevator; Dufur Elevator Company.

Eakin's Siding; Eakin Elevator; Eakin Co-operative Grain Growers.

Echo; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.

Elgin; The Elgin Flouring Mill Warehouse; The Elgin Flouring Mill Co.

Enterprise; Wallowa County Grain Growers Warehouse; Wallowa County Grain Growers.

Grass Valley; Grass Valley Grain Growers Warehouse; Grass Valley Grain Growers, Inc.

Haines; Haines Elevator; Haines Grain and Feed Company, Inc.

Heliz; Farmers Mutual Warehouse Co-op; Farmers Mutual Warehouse Cooperative.

Heppner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.

Hogue-Warner; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.

Holdman; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.

Imbler; Grande Ronde Grain Warehouse; Grande Ronde Grain Co.

Ione; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.

Island City; Pioneer Flouring Mill Warehouse; Pioneer Flouring Mill Co.

Jordan; Jordan Elevator Company's Warehouse; Jordan Elevator Company.

LaGrande; LaGrande Milling Warehouse; LaGrande Milling Company.

V 37-36
FEB 23 72
XUM

Lakeview; Lakeview Ag Center Elevator; Lakeview Ag Center, Inc.
Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Maupin; Maupin Elevator Co., Maupin Elevator Co.
McNab; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Milton-Freewater; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Morgan; Morgan Elevator; John Eubanks.
Moro; Moro Grain Growers Warehouse; Moro Grain Growers Association.
North Lexington; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
North Powder; North Powder Milling and Mercantile Company's Warehouse; North Powder Milling and Mercantile Company.
Pendleton; Pendleton Grain Growers Warehouse No. 2; Pendleton Grain Growers, Inc.
Portland; Blue Line Exchange Warehouse; Blue Line Exchange.
Rugg; Morrow County Grain Growers Warehouse; Morrow County Grain Growers, Inc.
Umatilla; Pendleton Grain Growers Warehouse; Pendleton Grain Growers, Inc.
Union; The Union Flouring Mill Warehouse; The Union Flouring Mill Company.

PENNSYLVANIA

Erie; Continental Erie Elevator; Continental Grain Company.
High Spire; Highspire Flour Mills Elevator; Standard Milling Company.
Philadelphia; Girard Point Elevator; Tidewater Grain Company.
Pittsburgh; Expanded Grain Products, Inc., Pittsburgh Grain Elevator; Expanded Grain Products, Inc.

SOUTH DAKOTA

Aberdeen; Cargill Elevator; Cargill, Incorporated.
Beardsley; Terminal Grain Elevator; Terminal Grain Corporation.
Centerville; Centerville Grain Elevator; McMaster Grain Company
Colome; Colome Elevator—Dallas Branch; Farmers Co-operative Association of Dallas, South Dakota.
Cresbard; Eichinger Elevator, Cresbard Grain Company.
Dallas; Farmers Elevators; Farmers Co-operative Association of Dallas, South Dakota.
Marion; Terminal Grain Elevator; Terminal Grain Corporation.
Milbank; Cargill Elevator; Cargill, Incorporated.
Monroe; Terminal Grain Elevator; Terminal Grain Corporation.
Onida; Oahe Elevator; Oahe Grain Corporation.
Parker; Terminal Grain Elevator; Terminal Grain Corporation.
Roscoe; Roscoe Grain and Feed Company Elevator; Roscoe Grain and Feed Company, Inc.
Trent; Cargill Elevator; Cargill, Incorporated.
Vermillion; Terminal Farm Service Elevator; Terminal Grain Corporation.
Wagner; Terminal Grain Elevator; Terminal Grain Corporation.
Winner; Deaver-Meyer Elevator; Deaver-Meyer Grain Company.

TENNESSEE

Chattanooga; Cargill Chattanooga Elevator; Cargill, Incorporated.
Memphis; ADM Elevator; ADM Grain Co.
Memphis; Riverside Elevator No. 1; Cook Industries, Inc.
Memphis; Port of Memphis Grain Elevator; Cargill, Incorporated.
Memphis; Cargill President Island Oil Plant; Cargill, Incorporated.
Memphis; Continental Memphis Elevator; Continental Grain Company.
South Fulton;[1] Fulton Elevator; Browder Milling Company, Incorporated.
Trenton; Boyd Price Grain Co., Warehouse; Boyd Price, trading as Boyd Price Grain Co.
Union City; Farmers Grain Elevator; Farmers Grain & Fertilizer Company, Inc.
Union City; Warterfield Elevator; Warterfield Grain Company.

TEXAS

Adrian; Wheat Growers Elevator; Adrian Wheat Growers, Inc.
Amarillo; Interstate Grain Co. Warehouse; The Kearns Grain & Seed Co., Inc.
Amarillo; Producers Elevator; Producers Grain Corporation.
Anna; Sherley Elevator; Norman E. Jones, trading as N. E. Jones Grain.
Beaumont; Beaumont Elevator; Continental Grain Company.
Black; Black Grain Co. Elevator; Friona Feed Yard, Inc.
Black; Tri-County Elevator; Tri-County Elevator Company, Inc.
Booker; Booker Equity Elevator; Booker Equity Union Exchange.
Bovina; Wheat Growers Elevator; Bovina Wheat Growers, Inc.
Bovina; Sherley Elevator; Sherley Grain Company.
Brownfield; Goodpasture, Inc.-Brownfield Elevator; Goodpasture, Inc.
Canadian; Co-op Elevator; Canadian Grain Co-op.
Capps Switch (P.O. Sunray); Continental Elevator; Continental Grain Company.
Channelview; Cargill Houston Elevator; Cargill, Incorporated.
Conlen; Conlen Grain & Mercantile Warehouse; Conlen Grain & Mercantile Co.
Comyn (P.O. Dublin); Harvest Queen Elevators; L. R. Stringer.
Conway; Coop Elevator; Conway Wheat Growers Inc.
Dalhart; Consumers Elevator; Dalhart Consumers Fuel Association, Inc.
Dalhart; Welch Elevator; T. I. Welch and Thompson Irwin Welch, copartners, trading as Welch Grain Company.
Darrouzett; Farmers Elevators; Darrouzett Cooperative Association.
Dawn; Dawn Co-op Elevator; Dawn Co-op.
Deer Park; Union Equity Export Elevator; Union Equity Co-operative Exchange.
Dimmitt; Farmers Elevator; Dimmitt Agri Industries, Inc.
Dumas; Co-op Elevator; Dumas Co-op.
Etter (P.O. Dumas); Continental Elevator; Continental Grain Company.
Etter (P.O. Dumas); Etter Grain Company Elevator; Etter Grain Company, Inc.
Farnsworth; Batman Elevator; Batman Grain, Inc.
Farnsworth; Perryton Equity Elevator; Perryton Equity Exchange.
Farwell; Sherley-Anderson-Pitman Elevator; Sherley-Anderson-Pitman, Inc.
Farwell; Worley Mills Elevator; Worley Mills, Inc. (No Stockholder's Liability).
Follett; Farmers Grain & Suppy Co. Elevator; Farmers Grain and Supply Company of Follett.
Fort Worth; Katy Elevator; Bunge Corporation.
Fort Worth; Producers Elevator Section B; Producers Grain Corporation.
Friona; Farmers Cooperative Elevator; Friona Wheat Growers, Inc.
Galena Park; Goodpasture Elevator; Goodpasture, Inc.
Galveston; Galveston "B" Elevator; Galveston Elevator Company, Inc.
Groom; Wheat Growers Elevator; Groom Wheat Growers, Inc.
Groom; Wheeler-Evans Elevator; Wheeler-Evans Elevator Company.
Gruver; Continental Elevator; Continental Grain Company.
Hamlin; Moore Elevator; Moore Elevator, Inc.
Hart; Farmers Grain Elevator; The Farmers Grain Company of Hart, Texas.
Hartley; Farmers Supply Company Elevators; Farmers Supply Company of Hartley, Texas.
Happy; Wheat Growers Elevator; Happy Wheat Growers, Inc.
Hereford; Farmers Co-op Elevator; Hereford Grain Corp.
Hereford; Hereford Elevator; Continental Grain Company.
Hereford; Pitman-Easley Elevator; Pitman-Easley Industries, Inc.
Higgins; Wheat Growers Elevator; Higgins Wheat Growers, Inc.
Holden Spur (P.O. Mexia); Harvest Queen Elevators; L. R. Stringer.
Huntoon; Perryton Equity Elevator; Perryton Equity Exchange.
Kress; Kress Farmers Elevator; Kress Farmers Elevator Co. of Kress, Texas.
Kress; Hipp Elevator; Geo D. Hipp, Joe F. Hipp, Harold D. Hipp; James P. Hipp, Hipp Brothers Grain Company, Incorporated, and The Star Grain Company of Tulia, Texas, copartners, trading as Hipp Grain Company.
Lariat; Sherley-Anderson Elevator; Sherley-Anderson Grain Company.
Lockney; Patterson Elevator; Patterson Grain Company, Inc.
Lockney; Lockney Co-op Elevator; Lockney Cooperative Gin.
Lubbock; Goodpasture, Inc.-Lubbock Elevator; Goodpasture, Inc.
Lubbock; Producers Elevator; Producers Grain Corporation.
Mathis; Mathis Elevator; Mathis Grain & Elevator Corp.
McKibben (P.O. Spearman); Perryton Equity Elevator; Perryton Equity Exchange.
Morse; Perryton Equity Elevator; Perryton Equity Exchange.
Muleshoe; Farmers Cooperative Elevator; Farmers Cooperative Elevator of Muleshoe, Texas.
Muleshoe; Muleshoe Elevator; The Kearns Grain & Seed Co. Inc.
O'Donnell; Farmers Co-op Elevator; Farmers Co-operative Association of O'Donnell, Texas.
Pampa; Wheeler-Evans Elevator; Wheeler-Evans Elevator Company.
Perryton; Perryton Equity Elevators; Perryton Equity Exchange.
Plainview; Harvest Queen Elevator; L. R. Stringer.
Plainview; Plainsman Elevator; Plainsman Elevators, Inc.
Plainview; Producers Elevator; Producers Grain Corporation.
Plainview; Southwestern Grain Elevator; Southwestern Grain, Inc.
Port Arthur; Cargill Port Arthur Elevator; Cargill, Incorporated.
Pringle; Perryton Equity Elevator; Perryton Equity Exchange.
Saginaw; Continental Elevator; Continental Grain Company.
Saginaw; Union Equity Ft. Worth Elevator; Union Equity Co-operative Exchange.
Silverton; Silverton Elevator; Silverton Elevators, Inc.
Spearman; Perryton Equity Elevator; Perryton Equity Exchange.
Sudan; Feeders Elevator; Feeders Grain, Inc.
Suman Switch (P.O. Hearne); Harvest Queen Elevators; L. R. Stringer.
Sunray; Sunray Co-Op Elevator; Sunray Co-Op.
Sunray; Continental Elevator; Continental Grain Company.
Texarkana; Pioneer of Texarkana Elevator; Pioneer Food Industries, Inc.

[1] In Kentucky and Tennessee.

Texhoma; Wheat Growers Elevator; Texhoma Wheat Growers, Inc.
Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc.
Tulia; Wheat Growers Elevator; Tulia Wheat Growers, Inc.
Tulia; Prairie Elevator; Prairie Cattle and Grain Co.
Tulia; Star Grain Co. Elevator; The Star Grain Company of Tulia, Tex.
Twitchell; Perryton Equity Elevator; Perryton Equity Exchange.
Vega; Wheat Growers Elevator; Vega Wheat Growers, Inc.
Waka; Perryton Equity Elevator; Perryton Equity Exchange.
White Deer; Wheeler-Evans Elevator; Wheeler-Evans Elevator Company.
Wichita Falls; Berend Bros. Elevator, Berend Brothers Feed Stores, Incorporated.
Wildorado; Wildorado Producers Elevator; Wildorado Producers Ass'n.

UTAH

Cache Junction; West Cache Growers Warehouse; West Cache Growers, Inc.
Murray; Brookfield Elevator; Brookfield Products, Inc.
Richmond; Gilt Edge Flour Mills Warehouse; Gilt Edge Flour Mills, Inc.

VIRGINIA

Chesapeake; Cargill Norfolk Elevator; Cargill, Incorporated.
Norfolk; N. & W. Grain Elevator; Continental Grain Company.
Roanoke; City Mills Elevator; Roanoke City Mills, Incorporated.

WASHINGTON

Albion; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Asotin; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Centerville; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.
Colfax; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Connell; Connell Grain Growers Warehouse; Connell Grain Growers, Inc.
Dayton; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Endicott; Wheat Growers of Endicott Warehouse; Wheat Growers of Endicott, Inc.
Fallon; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Goldendale; Grain Growers Warehouse; Klickitat Valley Grain Growers, Inc.
Huntsville; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Johnson (P.O. Star Route, Pullman); Johnson Union Warehouse; Johnson Union Warehouse Company.
Kahlotus; Kahlotus Cooperative Elevator; Kahlotus Cooperative Elevator Company.
McKay; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Mockonema; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Oakesdale; Oakesdale Grain Growers Warehouse; Oakesdale Grain Growers, Inc.
Pomeroy; Pomeroy Grain Growers Warehouse; Pomeroy Grain Growers, Inc.
Prescott; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.
Pullman; Dumas Seed Company Warehouse; Dumas Seed Company.
Pullman; Pullman Grain Growers Warehouse; Pullman Grain Growers, Inc.
Rockford; Rockford Grain Growers Warehouse; Rockford Grain Growers, Inc.
Roosevelt; Farmers Warehouse & Commission Co.; Farmers Warehouse and Commission Company.
Starbuck; Columbia County Grain Growers Warehouse; Columbia County Grain Growers, Inc.
Thornton; Colfax Grain Growers Warehouse; Colfax Grain Growers, Inc.
Uniontown; Uniontown Co-Operative Warehouse; Uniontown Co-Operative Association.
Waitsburg; The Touchet Valley Grain Growers Warehouse; The Touchet Valley Grain Growers, Inc.

WISCONSIN

Green Bay; Strid Grain Company Elevator; T. A. Strid and Roland G. Strid, copartners trading as Strid Grain Company.
La Crosse; Cargill La Crosse Elevator; Cargill, Incorporated.
Superior; Great Northern Elevators S–X; ADM Grain Co.
Superior; Continental Elevator, Superior; Continental Grain Company.
Superior; Farmers Union Elevator; Farmers Union Grain Terminal Association.
Superior; M & O Elevators; M & O Elevators, Inc.

WYOMING

Egbert; Point of Rocks Elevator; Point of Rocks Elevators, Inc.

Beans

C. For the storage of beans:

COLORADO

Town, Warehouse, and Warehouseman

Dove Creek; Romer Warehouse; David L. Corlett and Jean R. Corlett, copartners, trading as Romer Mercantile and Grain Co.
Dove Creek; Dove Creek Bean & Elevator Co. Warehouse; Dove Creek Bean & Elevator Co.
Eaton; Co-Op Bean Warehouse; Agland Incorporated.
Fowler; Fowler Warehouse; Fowler Cooperative Association.
Olathe; Co-op Warehouse; The Olathe Potato Growers' Cooperative Association.
Roggen; Roggen Farmers Bean Warehouse; Roggen Farmer's Elevator Association.
Stratton; Co-op Elevator; The Stratton Equity Cooperative Company.

IDAHO

Filer; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.
Hansen; L. W. Moore Warehouse; L. W. Moore.
Jerome; Marshall Warehouse; Marshall Warehouses, Inc.
Kendrick; Lewiston Grain Growers Warehouse; Lewiston Grain Growers, Inc.
Twin Falls; Idaho Bean and Elevator Warehouse; Idaho Bean & Elevator Co. of Twin Falls.

KANSAS

Lecti; Western Seed & Supply Warehouse; Charles R. Whitham, trading as Western Seed & Supply.
Marienthal; Webster Warehouse; Webster Seed and Supply Inc.
Ruleton (P.O. Goodland); Western Seed & Supply Warehouse; Charles R. Whitham, trading as Western Seed & Supply.

TEXAS

Texline; Texline Elevator; The Kearns Grain & Seed Co., Inc.

Sirup

D. For the storage of sirup:

CALIFORNIA

Town, Warehouse, and Warehouseman

Anaheim; Anaheim Warehouse; Sioux Honey Association, Cooperative.
Stockton; Valley Honey Warehouse; Valley Honey Cooperative.

FLORIDA

Umatilla; Umatilla Warehouse; Sioux Honey Association, Cooperative.

GEORGIA

Waycross; Waycross Warehouse; Sioux Honey Association, Cooperative.

IDAHO

Wendell; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

IOWA

Sioux City; Sioux Honey Association Warehouse; Sioux Honey Association, Cooperative.

TEXAS

Temple; Temple Honey Warehouse; Sioux Honey Association, Cooperative.

Wool

E. For the storage of wool:

Town, Warehouse, and Warehouseman

MISSOURI

North Kansas City; Midwest Wool Warehouse; Midwest Wool Marketing Cooperative.

OHIO

Columbus; Ohio Wool Warehouse; The Ohio Wool Growers Cooperative Association.

SOUTH CAROLINA

Greenville; Black Hawk Warehouse; The Black Hawk Corporation.

Cottonseed

F. For the storage of cottonseed:

Town, Warehouse, and Warehouseman

ALABAMA

Decatur; Tennessee Valley Cotton Oil Mills; Tennessee Valley Cotton Oil Mill.

ARKANSAS

Evadale (P.O. Wilson); Delta Products Warehouse; Delta Products Company.
Forrest City; Forrest City Cotton Oil Mill Warehouse; Forrest City Cotton Oil Mill, Inc.
Helena; Helena Cotton Oil Company's Warehouse; Helena Cotton Oil Company, Inc.
Osceola; Osceola Products Warehouse; Osceola Products Company.

LOUISIANA

West Monroe; Union Oil Mill Warehouse; The Union Oil Mill, Inc.

MISSISSIPPI

Crenshaw; Riverside Industries Warehouse; Riverside Industries, Inc.
Marks; Riverside Industries Warehouse; Riverside Industries, Inc.

Nuts

G. For the storage of nuts:

NORTH CAROLINA

Town, Warehouse, and Warehouseman

Lewiston; Lewiston Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Murfreesboro; Bavelle Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Tarboro; Edgecombe Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.
Williamston; Martin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina.

V 37-36 FEB 23 72 XUM

List of Warehouses Canceled or Terminated Since December 31, 1970

Cotton

A. For the storage of cotton:

ARIZONA

Phoenix; Arizona Compress and Warehouse Company; Arizona Compress and Warehouse Company. Request of warehouseman.

ARKANSAS

Searcy; Federal Compress Warehouse; Federal Compress & Warehouse Company. Request of warehouseman.

Waldo; Waldo Bonded Warehouse; Waldo Bonded Warehouse Company. Warehouseman elected not to furnish bond.

GEORGIA

Athens; Gulf Atlantic Warehouse; Gulf Atlantic Warehouse Co. Request of warehouseman.

Atlanta; Palmer and Gibbons Bonded Warehouse; Erma W. Palmer and Mary P. Gibbons, copartners, trading as Palmer and Gibbons Bonded Warehouse Company. Request of warehouseman.

Augusta; Wienges & Company Warehouse; Wienges & Company. Warehouseman elected not to furnish bond.

Augusta; Lyon & Lyon Cotton Warehouse; Lyon, Lyon & Company, Inc. Request of warehouseman.

Cedartown; Cedartown Bonded Warehouse; Cedartown Cotton Warehouse Company. Request of warehouseman.

Donalsonville; Planters Products Company's Warehouse; Planters Products Company. Request of warehouseman.

Dublin; Dublin Bonded Warehouse; Cecil E. Carroll. Request of warehouseman.

Glennville; Tattnall Bonded Warehouse; Tattnall Bonded Warehouse, Inc. Request of warehouseman.

Moultrie; C. O. Smith Warehouse; Columbia Nitrogen Corporation. Warehouseman elected not to furnish bond.

Pineview; Pineview Bonded Warehouse; C. R. McLeod and Sons, Inc. Request of warehouseman.

Plains; Carter's Bonded Warehouse; James E. Carter, Jr. and Mrs. Lillian G. Carter, copartners, trading as Carter's Warehouse. Request of warehouseman.

Sandersville; Tarbutton Bonded Warehouse; Tarbutton Realty Company, Inc. Request of warehouseman.

Statesboro; Planters Cotton Warehouse; Planters Bonded Cotton Warehouse, Inc. Request of warehouseman.

Sylvania; Farmers Bonded Warehouse; J. P. Evans, David W. Reed, and H. A. Williams, Jr., copartners trading as Evans, Reed & Williams. Request of warehouseman.

Warrenton; Warrenton Bonded Warehouse; H. D. O'Neal. Warehouseman elected not to furnish bond.

Wrightsville; City Warehouse; T. L. Lovett and L. L. Lovett, Executors of the Estate of Mrs. E. A. Lovett, deceased, and Mrs. H. G. Hatcher, W. H. Lovett, W. E. Lovett and L. L. Lovett, partners d.b.a. City Warehouse. Warehouseman elected not to furnish bond.

LOUISIANA

Franklinton; Pearl River Warehouse; Willie S. Pettit. Request of warehouseman.

MISSISSIPPI

Magee; Cooperative Cotton Warehouse; Magee Cooperative (AAL). Request of warehouseman.

Newton; Newton Bonded Warehouse; Compress of Union. Request of warehouseman.

Shuqualak; Shuqualak Bonded Warehouse; Harrison Evans, an individual trading as E. F. Nunn & Company. Death of warehouseman.

Tylertown; Tylertown Compress Warehouse; The Kramertown Company Inc. Request of warehouseman.

West Point; Federal Compress Warehouse; Federal Compress & Warehouse Company. Request of warehouseman.

MISSOURI

Arbyrd; Arbyrd Compress Warehouse; Arbyrd Compress Company. Request of warehouseman.

NORTH CAROLINA

Butner; Hancock Bonded Warehouse, Butner Unit; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Candor; Candor Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Enfield; Halifax Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Gastonia; Gastonia Bonded Warehouse; Chavis Enterprises, Inc. Request of warehouseman.

Goldsboro; Cotton Growers Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Laurel Hill; Laurel Hill Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Lumberton; National Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Pinetops; Pinetops Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Selma; Price Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Severn; Meherrin Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

Weldon; Jenkins Warehouse; Warehouse Superintendent of the State of North Carolina. Request of warehouseman.

SOUTH CAROLINA

Greenville; Merchants Cotton Warehouse; W. A. Austin. Warehouseman elected not to furnish bond.

Greenwood; Alliance Warehouse; Alliance Warehouse Co., Inc. Warehouseman elected not to furnish bond.

Hartsville; Hartsville Bonded Warehouse; G. S. Jones. Request of warehouseman.

North Charleston; Oakdene Compress Warehouse; Oakdene Compress and Warehouse Company. Request of warehouseman.

TEXAS

Brady; Brady Cotton Warehouse; Central Texas Compress Company. Request of warehouseman.

Grain

B. For the storage of grain:

ARKANSAS

North Little Rock; North Little Rock Rice Warehouse; The Arkansas Rice Growers Cooperative Association. Lease not renewed.

COLORADO

Burlington; Mueller-Reid Grain Elevator; Mueller-Reid Grain Co., Inc. Lease not renewed.

Stratton; Co-op Elevator; The Stratton Equity Cooperative Company. Warehouseman's request.

IDAHO

Buhl; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, doing business as "Shields." Death of partner.

Twin Falls; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, doing business as "Shields." Death of partner.

ILLINOIS

Argenta; Dewein Grain Company Argenta Elevator; Dewein Grain Company. Warehouse sold.

Atlanta; Atlanta Elevator; Forrest L. Douglas, trading as Douglas Co. Warehouseman's request.

Ballard Station; Ballard Elevator; Leonard Grain Co., Inc. Failed to furnish bond.

Chatsworth; Chatsworth and Stoddard Siding Warehouses; The Livingston of Chatsworth, Inc. Failed to furnish bond.

Chenoa; Chenoa Elevator; Leonard Grain Co., Inc. Failed to furnish bond.

Chicago; Calumet Elevators; ADM Grain Co. Warehouse sold.

Fithian; Fithian Elevator; Harold P. Izard, Kenneth W. Stotler and Howard A. Stotler, copartners, trading as Fithian Grain Company. Change of partnership.

Kenney; Kenney Elevator; Forrest L. Douglas, trading as Douglas Co. Warehouseman's request.

Lee; Schaefer Elevator; H. R. Schaefer Grain Co., Inc. Failed to furnish bond.

Mt. Auburn; Mt. Auburn Elevator; Blue Mound Grain and Fertilizer Co., Inc. Leased out warehouse.

Moweaqua; Moweaqua Elevator; Elocay, Inc. Discontinued business.

Paris; Paris Grain Warehouses; Paris Warehouses, Inc. Failed to furnish bond.

Savoy; Savoy Elevator; Savoy Grain Company. Relicensed as part of Savoy Grain Company, Tolono, Illinois.

Seymour; Farmers Grain Co. Elevator; Farmers Grain Co., of Seymour, Illinois. Warehouse sold.

Sheldon; Sheldon Export Elevator; Tidewater International Corporation Ltd. Leased out warehouse.

Sterling; Galt Site Elevator; Sterling-Rock Falls Co-operative Marketing Association. Warehouse sold.

Strawn; Strawn Warehouses; The Livingston of Chatsworth, Inc. Failed to furnish bond.

Union (P.O. Emden); Union Elevator; Forrest L. Douglas, trading as Douglas Co. Warehouseman's request.

Ware (R.R. # 2, Jonesboro); Ware Elevator; B. C. Christopher & Company, a limited partnership. Lease not renewed.

INDIANA

Boswell; Boswell Grain Elevator; Boswell Grain Elevator, Inc. Failed to furnish bond.

Brookston; Brookston Elevators; Brookston Elevators, Inc. Failed to furnish bond.

Noblesville; General Grain Elevator; General Grain, Inc. Warehouse sold.

Orleans; Orleans Grain Elevator; Orleans Grain, Inc. Failed to furnish bond.

Reynolds; Reynolds Elevator; National Grain Storage Inc. Leased out warehouse.

IOWA

Council Bluffs; Peavey Elevator; Peavey Company. Warehouse sold.

Fort Dodge; Cargill Fort Dodge Elevator; Cargill, Incorporated. Warehouse sold.

Osceola; Farmers Cooperative Association; Farmers Cooperative Association of Osceola. Failed to furnish bond.

Wightman (P.O. Lohrville); Farmers Elevator; Farmers Cooperative Company. Warehouse sold.

KANSAS

Alden; Alden Elevator; The Farmers Cooperative Union. Relicensed as part of The Farmers Cooperative Union, Sterling, Kansas.

Cimarron; Southwestern Grain Elevator; Southwestern Grain, Inc. Warehouse sold.

Coldwater; Farmers Elevator; The Protection Cooperative Supply Company. Relicensed as part of The Protection Cooperative Supply Company, Protection, Kansas.

Dodge City; Casterline Elevator; Casterline Grain & Seed, Inc. Warehouse sold.

Hardtner; O. K. Elevators; The O. K. Cooperative Grain & Mercantile Company. Relicensed as part of The O. K. Co-operative Grain & Mercantile Company, Kiowa, Kansas.

Macksville; Farmers Co-op Assn. Elevator; Farmers Co-operative Association. Warehouseman's request.

LOUISIANA

Destrehan; Bunge Corporation Elevator; Bunge Corporation. Destroyed by explosion.

Tallulah; Omega Grain Co.; Omega River Export Terminal, Inc. Discontinued business.

MISSISSIPPI

Clarksdale; Clarksdale Grain Elevator; MFC Services (A.A.L.). Failed to furnish bond.

MISSOURI

Langdon; Langdon Elevator; Mildred Duval Bentley, Executrix of the Estate of Jay Temple Bentley, deceased, trading as Bentley Grain Company. Estate settled.

Osage City; Osage City Elevator; W. A. Rootes and Company. Warehouseman's request.

NEBRASKA

Cambridge; Urling Elevator; B. C. Christopher & Company, a limited partnership. Lease not renewed.

Durant; Richters Elevator; Elmer H. Richters, trading as Durant Grain Company. Warehouse sold.

Indianola; Urling Elevator; B. C. Christopher & Company, a limited partnership. Lease not renewed.

Jacinto (P.O. Dix); Point of Rocks Elevator; Point of Rocks Elevators, Inc. Warehouse sold.

Lincoln; Fairchild Division Elevator; Honeggers' & Co., Inc. Warehouse sold.

Potter; Point of Rocks Elevator; Point of Rocks Elevators, Inc. Warehouse sold.

Red Willow (P.O. McCook); Urling Elevator; B. C. Christopher & Company, a limited partnership. Lease not renewed.

Staplehurst; Continental Elevator; Continental Grain Company. Warehouse sold.

Winnetoon; Allied Mills Elevator; Allied Mills, Inc. Warehouse closed.

NEW MEXICO

Texico; State Line Elevator; State Line Grain, Inc. Warehouse sold.

NORTH CAROLINA

Battleboro; E-B Grain Company, Inc., Warehouse Superintendent of the State of North Carolina. Warehouseman's request.

Camden; Wood Bonded Warehouse; Warehouse Superintendent of the State of North Carolina. Warehouseman's request.

Monroe; Producers Feed Mill Warehouse; Warehouse Superintendent of the State of North Carolina, Warehouseman's request.

Mooresville; Mooresville Grain Elevator; Warehouse Superintendent of the State of North Carolina. Warehouseman's request.

Newton Grove, R.F.D. 2; House Grain Elevators; Warehouse Superintendent of the State of North Carolina. Warehouseman's request.

Selma; Gurley Milling Co., Grain Elevator; Warehouse Superintendent of the State of North Carolina. Warehouseman's request.

OHIO

Arcanum; Continental Elevators; Continental Grain Company. Leased out warehouse.

OKLAHOMA

Homestead; Sooner Co-op Elevator; Sooner Cooperative, Incorporated. Relicensed as part of Sooner Cooperative, Incorporated, Okeene, Oklahoma.

OREGON

Lakeview; Interstate Cooperative Elevator; Interstate Cooperative. Warehouse sold.

Maupin; Blue Line Exchange Warehouse; Blue Line Exchange. Warehouse sold.

TEXAS

Bushland; Neely Elevator; H. T. Neely and Wm. K. Irwin, copartners, doing business as Neely Elevator. Warehouse sold.

Bushland; Neely Elevator; Wm. K. Irwin, DBA, Neely Elevator. Warehouse sold.

Farwell; Worley Grain Company Elevator; Worley Grain Co. (No Stockholder's Liability). Merger of corporations.

Friona; Santa Fe Elevator; Continental Grain Company. Lease not renewed.

Frisco; Frisco Elevator; Continental Grain Company. Lease not renewed.

Groom; Wheeler-Evans Elevator; Wheeler-Evans Grain, Inc. Merger of Corporations.

Plainview; Cargill Plainview Elevator; Cargill, Incorporated. Warehouse sold.

Tulia; Harvest Queen Elevators; L. R. Stringer. Lease not renewed.

WASHINGTON

Washtucna; Washtucna Grain Growers Warehouse; Washtucna Grain Growers, Inc. Failed to furnish bond.

Wool

C. For the storage of wool:

IDAHO

Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, doing business as "Shields". Death of partner.

Beans

D. For the storage of beans:

IDAHO

Buhl; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, doing business as "Shields." Death of partner.

Nampa; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, doing business as "Shields." Death of partner.

Twin Falls; Shields Warehouse; James H. Shields, Jr., James T. Shields and Jane Shields Redman, doing business as "Shields." Death of partner.

Sirup

E. For the storage of sirup:

FLORIDA

Sunset Harbor (P.O. Summerfield); Sunset Harbor Warehouse; Sioux Honey Association, Cooperative. Warehouse sold.

Done at Washington, D.C., February 17, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-2667 Filed 2-22-72;8:49 am]

PRICE COMMISSION

BROKERAGE FEES

Fees Certified by Securities and Exchange Commission

Cost of Living Council regulations 6 CFR 101.34(1) exempts fees charged for the trading of securities on a securities exchange subject to the jurisdiction of the Securities and Exchange Commission, if the Securities and Exchange Commission has certified that the fees are consistent with the objectives of the Economic Stabilization Program. The Securities and Exchange Commission has made such a certification, and the Price Commission has determined that the certification is sufficient.

The Price Commission is informed that it is not feasible for firms which trade securities to charge fees when securities are traded over-the-counter that differ from those charged when securities are traded on a securities exchange. The new fee schedule which the Securities and Exchange Commission has certified is designed to produce less revenues than did the fee schedule it will replace. Taking this into account, and having examined the new fee schedule proposed and the certification accompanying it, the Price Commission determines that fees charged for over-the-counter trading which do not exceed the fees which would be charged on the same kind of transaction on a securities exchange are in compliance with the Economic Stabilization Program.

Issued in Washington, D.C., on February 22, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.72-2774 Filed 2-22-72;11:16 am]

DEPARTMENT OF LABOR

Manpower Administration

EMERGENCY EMPLOYMENT ASSISTANCE

Notice of Determinations and Allocations

Listed below as required by section 6(d) of the Emergency Employment Act are the additional amounts which the Secretary of Labor has allocated pursuant to section 6 of the Act for the employment of eligible residents of the designated areas.

These funds are made available to Program Agents to provide jobs for residents of areas which have had unemployment rates of 6 percent or more for 3 consecutive months. Those Program Agents whose areas have unemployment of 6 percent or more are allocated funds for suballocation in accordance with standards set forth in 29 CFR 55.33, published in the FEDERAL REGISTER on October 5, 1971, 36 F.R. 19364. In the case of Program Agents for areas with less than 6 percent unemployment, the funds are allocated specifically to areas of high unemployment designated by the Secretary within the jurisdiction of the Program Agent.

These funds supplement allocations published in the FEDERAL REGISTER on October 8, 1971 (36 F.R. 19655–19658), and on January 13, 1972 (37 F.R. 560–561). They are in two groups, the first of which, consisting of $4.8 million is to 28 Program Agents for expenditure in areas not previously identified as having 6 percent or more unemployment for 3 recent consecutive months. That allocation follows:

V 37 7136
FEB 23 72
XUM

State, program agent, and subarea	Amount allocated (in thousands) Sub-areas	Program agents
Arkansas		$111.7
Balance of Arkansas (parts)		111.7
Lee County	$66.4	
Pope County	45.3	
California		661.9
Riverside County [1]		[2] 222.7
San Bernardino County		[2] 248.2
Tulare County		191.0
Delaware		109.0
New Castle County (parts) [1]		109.0
De La Warr	79.5	
Middletown-Odessa section	29.5	
Florida		743.2
Brevard County		186.0
Hialeah		115.8
Jacksonville (part)		85.0
Poverty neighborhood	85.0	
Miami		[2] 355.5
Georgia		141.8
Atlanta (parts)		141.8
Poverty Area 1	112.6	
Poverty Area 2	29.2	
Hawaii		195.6
Honolulu (parts)		195.6
Aiea-Waimalu	31.6	
Kaneohe-Kalama-Waimanalo	70.0	
Northern Oahu	53.6	
Section of Waikiki	40.4	
Illinois		29.0
Balance of Illinois (part)		29.0
Saline County	29.0	
Indiana		720.4
Hammond		263.4
Lake County [1]		457.0
Kentucky		92.7
Louisville (part)		25.6
Head wood	25.6	
Balance of Kentucky (part)		67.1
Boyd County		67.1
New Mexico		48.9
Albuquerque (part)		[2] 48.9
Valley area	[2] 48.9	
New York		611.3
Erie County [1]		611.3
North Carolina		25.5
Balance of North Carolina (part)		25.5
Macon County	25.5	
Ohio		504.2
Columbiana County (part)		32.4
East Liverpool	32.4	
Lake County (part)		27.2
Mentor	27.2	
Mahoning County [1]		[2] 191.5
Trumbull County		[2] 253.1
Pennsylvania		60.1
Allegheny County (parts)		60.1
Clairton-Glassport section	30.6	
Brackenridge-Tarentum section	29.5	
South Carolina		48.4
Charleston County (part)		48.4
Nolsette Creek	48.4	
Texas		632.8
Arlington		110.0
Forth Worth		[2] 522.8
Wisconsin		70.0
Madison (part)		70.0
East Side	70.0	
U.S. Total		4,306.5

[1] Balance of county excluding program agent cities.
[2] Supplemental amount. Previous allocation for section of area only.

The second allocation in an amount totaling $31 million was distributed as follows:

State and Program Agent	Allocation (in thousands)
Alabama	$100
Huntsville (part)	100
Alaska	1,000
Greater Anchorage Area Burrough	400
Balance of Alaska	600
Arkansas	300
Sebastian County (part)	100
Balance of Arkansas (parts)	200
Colorado	300
Denver (part)	300
Connecticut	1,900
Bridgeport	600
Hartford	300
New Britain	150
New Haven	200
Norwalk	100
Stamford	100
Waterbury	150
Balance of Connecticut	300
Delaware	500
Wilmington	500
District of Columbia	300
Washington	300
Florida	200
Brevard County	100
Dade County (parts) [1]	100
Georgia	400
Columbus	400
Idaho	100
Balance of Idaho (parts)	100
Indiana	500
Gary	500
Iowa	100
Waterloo	100
Kansas	700
Wichita	700
Kentucky	400
Louisville (parts)	300
Balance of Kentucky (parts):	
Bell County	50
Pike County	50
Louisiana	300
Lake Charles	300
Maine	300
Balance of Maine	300
Maryland	300
Baltimore	200
Washington County	100
Massachusetts	1,700
Fall River	100
Lowell	300
Lynn	200
New Bedford	200
Quincy	100
Springfield	400
Balance of Massachusetts	400
Mississippi	300
Balance of Mississippi (parts)	300
Missouri	300
St. Louis	300
Montana	300
Balance of Montana	300
Nebraska	300
Omaha (parts)	300
Nevada	200
Clark County [1]	200
New Hampshire	200
Manchester (part)	100
Balance of New Hampshire (part)	100
New Mexico	100
Albuquerque (parts)	100
New York	2,950
Rochester	1,500
Oneida County [1]	570
Utica	460
Suffolk County [1]	200
Balance of New York (parts)	220
North Carolina	300
Balance of North Carolina (parts)	300
Ohio	5,900
Cincinnati	1,500
Cleveland	3,400
Youngstown	648
Mahoning County (parts) [1]	281
Trumbull County (parts)	71
Oklahoma	500
Balance of Oklahoma (parts)	500
Oregon	300
Balance of Oregon	300
Pennsylvania	3,950
Philadelphia	3,450
Pittsburgh (part)	300
Scranton	200
Rhode Island	300
Providence (part)	300
Tennessee	300
Chattanooga (part)	300
Texas	1,100
Houston (part)	1,000
Jefferson County (parts) [1]	100
Utah	200
Utah County	200
Vermont	300
Balance of Vermont	300
Virginia	200
Norfolk (part)	200
Washington	2,850
Seattle	650
King County [1]	670
Spokane	65
Spokane County [1]	50
Tacoma	110
Pierce County [1]	160
Clark County	55
Kitsap County	70
Snohomish County	340
Thurston County	50
Whatcom County	60
Yakima County	120
Balance of Washington	450
West Virginia	200
Cabell County	100
Wood County	100
Wisconsin	400
Green Bay	100
Milwaukee	300
Wyoming	100
Balance of State (part)	100
U.S. total	30,950

Signed at Washington, D.C., this 11th day of February 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary of Labor for Manpower.

[FR Doc.72-2567 Filed 2-22-72;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 17, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 61592 Sub 239, Jenkins Truck Line, Inc., assigned for hearing May 1, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 116763 Sub 204, Carl Subler Trucking, Inc., assigned for hearing May 2, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 119531 Sub 152, Dieckbrader Express, Inc., assigned for hearing May 3, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 123639 Sub 144, J. B. Montgomery, now assigned March 2, 1972, at Omaha, Nebr., is postponed indefinitely.

FD 26706, Chicago, Kalamazoo and Saginaw Railway Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of the Penn Central Transportation Co., Debtor, Abandonment Between Parchment and Richland Junction, Kalamazoo County, Mich., and FD 26706 Sub 1, Chicago, Kalamazoo and Saginaw Railway Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees of the Property of the Penn Central Transportation Co., Debtor, Abandonment Between Richland and Doster, Kalamazoo and Barry Counties, Mich., assigned for hearing May 4, 1972, at Kalamazoo, Mich., in a hearing room to be later designated.

FD 26859, Michigan Central Railroad Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz Trustees of the Property of Penn Central Transportation Co., Debtor, Abandonment Between Caro and Bach in Tuscola and Huron Counties, Mich., assigned for hearing May 11, 1972 at Bay City, Mich., in a hearing room to be later designated.

FD 26885, Chesapeake & Ohio Railway Co. Abandonment Between Village of Edmore and Village of Lakeview, in Montcalm County, Mich., assigned for hearing May 8, 1972, at Lakeview, Mich., in a hearing room to be later designated.

MC 105881 Subs 11, 19, 21, 23, 25, 26, 30, 32, 35, 40, 41, and 42, M.R. & R. Trucking, heard January 24, through February 4, 1972, at Tallahassee, Fla., has been continued to March 2, 1972, in the Downtown Holiday Inn, Panama City, Fla.

MC 115162 Sub 223, Poole Truck Line, Inc., now assigned February 22, 1972, at Boston, Mass., canceled and application dismissed.

MC 124174 Sub 88, Momsen Trucking Co., now assigned March 2, 1972, at Columbus, Ohio, postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2664 Filed 2-22-72;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 17, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42355—*LCL class rates within western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2656), for interested rail carriers. Rates on property moving on class rates in less-than-carload shipments weighing 10,000 pounds and under, between points in western trunkline territory.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 57 to Western Trunk Line Committee, agent, tariff ICC A-4680. Rates are published to become effective on March 24, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2665 Filed 2-22-72;8:48 am]

V 37 I 36 FEB 23 72 XUM

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

Page

PROCLAMATIONS:
2032 (see PLO 5158) 3058
2372 (see PLO 5158) 3058
2761A (see Proc. 4102) 2417
2929 (see Proc. 4102) 2417
3140 (see Proc. 4102) 2417
3967 (see Proc. 4102) 2417
4102 2417
4103 2489
4104 2643
4105 2831
4106 2921
4107 3165
4108 3613
4109 3615
4110 3617
4111 3619
4112 3621

EXECUTIVE ORDERS:
January 27, 1913 (partially revoked by PLO 5159) 3184
5237 (partially revoked by PLO 5155) 2840
5327 (see PLO 5157) 3057
7295 (see PLO 5162) 3185
8592 (see PLO 5162) 3185
11183 (amended by EO 11648) 3623
11248 (amended by EO 11641) 2421
11345 (amended by EO 11646) 2925
11410 (see EO 11648) 3623
11568 (see EO 11642) 2565
11641 2421
11642 2565
11643 2875
11644 2877
11645 2923
11646 2925
11647 3167
11648 3623
11649 3625
11650 3739

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of January 27, 1972 2567
Memorandum of February 9, 1972 3627

5 CFR

213 2423, 2491, 2841, 2842, 2879, 3049, 3741, 3801
532 3409
550 3355

PROPOSED RULES:
900 2589

6 CFR

101 2491, 2678
102 2478
200 2479
201 3357
300 2842, 3419, 3827, 3828
301 3828, 3829
311 2480
401 3741

7 CFR

Page
7 3349
51 2745
53 2745
501 2423
502 2424
701 2833
706 2491
722 3171, 3420
724 2745, 3422, 3507
726 2496
729 2645, 2765, 3629
795 3049
811 2659, 3629
905 2660
906 2765, 3049
907 2569, 2927, 3507, 3742
910 2426, 2766, 2834, 3171, 3742
928 2927
982 3630
993 3349
1001 2928
1002 2929
1004 2929
1006 2930
1007 2930
1011 2930
1012 2930
1013 2931
1015 2931
1030 2931
1032 2932
1033 2932
1036 2932
1040 2932
1043 2933
1044 2933
1046 2933
1049 2933
1050 2934
1060 2934
1061 2934
1062 3631
1063 2934
1064 2935
1065 2497, 2935
1068 2935
1069 2935
1070 2936
1071 2936
1073 2936
1075 2936
1076 2937
1078 2937
1079 2937
1090 2937
1094 2938, 2944
1096 2938
1097 2938
1098 2938
1099 2939
1101 2939
1102 2939
1103 2939
1104 2940
1106 2940
1108 2940
1120 2940
1124 2940
1125 2941
1126 2941
1127 2941
1128 2941

7 CFR—Continued

Page
1129 2942
1130 2942
1131 2942
1132 2942
1133 2943
1134 2943
1136 2943
1137 2943
1138 2944
1427 3742
1806 2879
1822 3801
1823 2879, 3172
1871 2569
1890 3174
1890i 3172

PROPOSED RULES:
29 3362
51 3363, 3642
59 2775, 3187
81 2778
225 3440
271 3545
724 3438
726 2773
729 2774
906 3643
909 3366
945 2844
966 2845
982 2515
987 2890, 3439
991 3440
993 2515, 3644
1001 3187
1002 3187
1046 2969
1061 3536
1068 3536
1079 3830
1137 3545
1421 2844, 3753
1434 2775
1446 2844
1464 3439
1481 2890
1701 2846, 3546

8 CFR

100 3744
214 2766
238 2766, 3744
332 2767
332d 2767
334 2767
334a 2767
339 2767
341 2767
342 2767

9 CFR

11 2426
51 3507
73 2945
76 3600
82 2429, 2498, 3050
97 2430, 3410
113 2430
204 3631
301 2661
311 2661
315 2661

9 CFR—Continued

Page

PROPOSED RULES:
316 2779
317 2779

10 CFR

140 3423

PROPOSED RULES:
50 3646

12 CFR

563 3508
701 2946, 3174, 3508

PROPOSED RULES:
529 2447
545 3549
750 2594

13 CFR

120 2569
123 2947

PROPOSED RULES:
121 3768

14 CFR

39 2498, 2570, 2662, 2835, 2880, 3409, 3508, 3631
71 2570–2572, 2835–2837, 2952, 2953, 3050, 3349, 3409, 3509, 3631, 3632, 3745, 3746
73 2499, 2837
75 2499, 2500, 2572, 2767, 3510
93 2953
95 2573
97 2662, 3174, 3510
121 2500
221 2664
241 2501

PROPOSED RULES:
61 2523
67 2523
71 2524, 2587, 2682, 2683, 3059, 3367, 3341–3443, 3548, 3645, 3763, 3764
73 2847
103 2587, 2588
121 2523, 2684
127 2523
159 3059
183 2523

15 CFR

377 2430
386 3175
390 3511

PROPOSED RULES:
7 2846
500 3726
610 3644

16 CFR

13 2575, 2576, 2578–2581, 2953

PROPOSED RULES:
302 3443
425 2848
429 3551
432 2454, 2849

17 CFR

1 3802
241 3050

17 CFR—Continued

Page

PROPOSED RULES:
230 2596, 2598
239 2596, 2598
240 3059, 3446

18 CFR

2 2502, 2954

PROPOSED RULES:
101 2451
104 2451
105 2451
141 2451
260 2451, 3193

19 CFR

12 2430, 2665
16 3802
21 3423
24 3425

PROPOSED RULES:
1 2443
11 2509
134 2509

20 CFR

404 3425
614 2434
617 2434

PROPOSED RULES:
405 3492
620 2684

21 CFR

1 3175
3 2503, 3175, 3746
8 3177
121 2437, 2958–2960, 3177, 3746
135 2961, 3053, 3426
135b 3053
135c 3178, 3426
135e 2960, 2961, 3633
141c 2665
141d 3178
144 2960
146a 2665, 3178, 3426
146c 2665
146d 3178
146e 2665, 3179, 3426
148i 3179
148n 2665
149a 2438
295 3427

PROPOSED RULES:
15 3189
17 3189
31 3644
121 3060, 3366
130 2969
135 2444
191 3645

22 CFR

41 2439, 3053

PROPOSED RULES:
Ch. VIII 3870

24 CFR

Page
1914 2505, 2681, 3748
1915 2505, 2682, 3749

PROPOSED RULES:
235 3548
420 3546

25 CFR

221 2506

PROPOSED RULES:
43h 2679
221 3060

26 CFR

1 2506
12 3511
301 2481, 2506, 3746

PROPOSED RULES:
1 2773, 3526, 3530
12 3526
301 3530

28 CFR

0 3180
9 2768
45 2769

29 CFR

511 3430
727 3180
1904 2439
1910 3053, 3431, 3512
1926 3431, 3512

PROPOSED RULES:
460 2443, 3759
1910 3830
1926 2443

30 CFR

PROPOSED RULES:
80 2968

31 CFR

316 2554
500 3520
505 3520

32 CFR

215 3637
1452 3181
1467 3747
1801 2672
1808 2673, 3640

PROPOSED RULES:
1499 2849

32A CFR

Ch. X:
OI Reg. 1 2439

33 CFR

3 3350
117 2838
199 3433
207 3750

PROPOSED RULES:
110 2446, 2447, 2587, 2890
117 2521, 2522
154 3763
155 3763
156 3763

V 37 36 FEB 23 72 XUM

36 CFR — Page

6 ... 3350, 3827
PROPOSED RULES:
7 ... 3438

37 CFR

2 ... 2880
202 ... 3055
PROPOSED RULES:
1 ... 2520

38 CFR

0 ... 3435
1 ... 2676
8 ... 3352
PROPOSED RULES:
1 ... 3552

39 CFR

Ch. I ... 2423
135 ... 3521
273 ... 3352
619 ... 3056

40 CFR

52 ... 2581
85 ... 2432
106 ... 2433
180 ... 2676, 2839, 2863, 3181, 3352
PROPOSED RULES:
6 ... 3367
80 ... 3882
164 ... 3060

41 CFR

1-2 ... 2769
1-7 ... 2769
1-12 ... 2769
1-16 ... 2771
3-1 ... 3353
3-2 ... 3353
5A-1 ... 3182
5A-2 ... 3182
5A-8 ... 2507
5A-72 ... 3183
5A-73 ... 2441, 3183
6-1 ... 3640
7-1 ... 3521
7-4 ... 3803
7-5 ... 3803
7-7 ... 3803

41 CFR—Continued — Page

7-8 ... 3823
7-16 ... 3521, 3823
8-14 ... 2508
8-74 ... 2508
9-1 ... 3435
9-5 ... 3435
9-7 ... 3435
9-59 ... 3436
101-11 ... 2962
101-25 ... 3524
101-27 ... 2771
101-40 ... 3827
PROPOSED RULES:
14-10 ... 2680
15-9 ... 3764
50-250 ... 3759
60-7 ... 2847
60-9 ... 3753

42 CFR — Page

PROPOSED RULES:
51 ... 3759
51b ... 2970
54 ... 2970

43 CFR

2 ... 2677
25 ... 3183
PUBLIC LAND ORDERS:
1272 (modified by PLO 5161) ... 3185
2732 (amended by PLO 5160) ... 3184
4522 (amended by PLO 5157) ... 3057
5154 ... 2677
5155 ... 2840
5156 ... 3056
5157 ... 3057
5158 ... 3058
5159 ... 3184
5160 ... 3184
5161 ... 3185
5162 ... 3185

45 CFR

102 ... 2882
170 ... 2882
1015 ... 2840
PROPOSED RULES:
118 ... 2779
143 ... 2779
220 ... 2445
222 ... 2445
415 ... 2986

46 CFR

308 ... 3436
381 ... 3641

46 CFR—Continued — Page

PROPOSED RULES:
10 ... 3763
12 ... 3190, 3763
31 ... 3763
66 ... 2681
71 ... 3763
91 ... 3763
176 ... 3763
187 ... 3763
189 ... 3763
193 ... 2682

47 CFR

1 ... 3277
2 ... 2771, 3437
15 ... 3277
21 ... 2583, 3277, 3354
74 ... 3278
76 ... 3278
78 ... 3292
83 ... 2884
91 ... 3297
211 ... 2771
PROPOSED RULES:
73 ... 2524, 2790, 2891, 3548
76 ... 3190, 3192
81 ... 2524

49 CFR

173 ... 2885, 3524
174 ... 2886, 3524
177 ... 2888, 3524
178 ... 2886, 3524
179 ... 3058
553 ... 3632
571 ... 3185
1033 ... 2677, 3354
1211 ... 2841
1311 ... 3354
PROPOSED RULES:
173 ... 2588
178 ... 2588
1056 ... 3446
1322 ... 3446

50 CFR

28 ... 2964, 3436
32 ... 3524
33 ... 2441, 2502, 2841, 2964, 2967, 3437
280 ... 2516
PROPOSED RULES:
17 ... 2589
280 ... 2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date	Pages	Date	Pages	Date
2411-2482	Feb. 1	2825-2867	Feb. 8	3343-3401	Feb. 15
2483-2557	2	2869-2913	9	3403-3500	16
2559-2636	3	2915-3041	10	3501-3606	17
2637-2737	4	3043-3157	11	3607-3732	18
2739-2823	5	3159-3341	12	3733-3795	19
				3797-3884	23

federal register

WEDNESDAY, FEBRUARY 23, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 36

PART II

EMPLOYEE-MANAGEMENT RELATIONS COMMISSION

■

Employee-Management Relations

Notice of Proposed Rule Making

FEB 23 72 XUM

EMPLOYEE-MANAGEMENT RELATIONS COMMISSION

[22 CFR Ch. VIII]

[Docket No. SD-109]

EMPLOYEE-MANAGEMENT RELATIONS

Notice of Proposed Rule Making

Pursuant to sections 5(d) and 12(b) of Executive Order 11636 (36 F.R. 24901), notice is hereby given that the Employee-Management Relations Commission proposes to amend Title 22 of the Code of Federal Regulations by adding a new chapter as set forth below, in order to implement the duties delegated to the Employee-Management Relations Commission under the order. This chapter prescribes substance and procedures relating to unfair practices, representational matters, consultation matters, and standards of conduct for organizations.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rule making to the Employee-Management Relations Commission, Board of the Foreign Service, Washington, D.C. 20520, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. All written materials or suggestions submitted in response to this notice of proposed rule making will be available for public inspection at the public reading room, Department of State, 2201 C Street NW., Washington, DC, during regular business hours.

Chapter VIII—Employee-Management Relations Commission

1. The table of contents of Chapter VIII would read as follows:

Part
801 General.
802 Representation proceedings.
803 Unfair practice proceedings.
804 Standards of conduct.
805 Consultation proceedings.
806 Miscellaneous.

PART 801—GENERAL

Subpart A—Purpose and Scope

Sec.
801.1 Purpose and scope.

Subpart B—Meanings of Terms as Used in This Chapter

801.10 Order.
801.11 Employee.
801.12 Foreign affairs agency, organization, Board, Secretary, Commission.
801.13 Recognition, unfair practices.
801.14 Standards of conduct for organizations.
801.15 Director.
801.16 Hearing Officer.
801.17 Hearing Examiner.
801.18 Chief Hearing Examiner.
801.19 Party.
801.20 Intervenor.
801.21 Certification.
801.22 Secret ballot.
801.23 Showing of interest.

AUTHORITY: The provisions of this Part 801 issued under secs. 5, 12, E.O. 11636, 36 F.R. 24901.

Subpart A—Purpose and Scope

§ 801.1 Purpose and scope.

The regulations contained in this chapter prescribe procedures and basic principles which the Employee-Management Relations Commission shall utilize in:

(a) Deciding questions relating to the eligibility of organizations for recognition under the order;

(b) Supervising elections to determine whether an organization is the choice of a majority of the eligible voters in a foreign affairs agency as their exclusive representative, and certifying the results;

(c) Effectuating the standards of conduct required for organizations by section 12 of the order;

(d) Deciding complaints of alleged unfair practices, and alleged violations of the standards of conduct for organizations;

(e) Deciding questions of whether an obligation to consult exists under section 8 of the order with respect to particular issues.

Subpart B—Meanings of Terms as Used in This Chapter

§ 801.10 Order.

"Order" means Executive Order 11636, entitled "Employee Management Relations in the Foreign Service of the United States."

§ 801.11 Employee.

"Employee" has the meaning set forth in section 2 of the order, but does not include any management official or confidential employee as defined in section 2 of the order, unless otherwise specified.

§ 801.12 Foreign affairs agency, organization, Board, Secretary, Commission.

"Foreign affairs agency," "organization," "Board," "Secretary," and "Commission" have the meanings set forth in section 2 of the order.

§ 801.13 Recognition, unfair practices.

"Recognition" and "unfair practices" have the meanings as set forth in sections 7 and 13, respectively, of the order.

§ 801.14 Standards of conduct for organizations.

"Standards of conduct for organizations" shall have the meaning as set forth in section 12 of the order, as amplified in Part 804 of this chapter.

§ 801.15 Director.

"Director" means the Director of the Office of Labor-Management and Welfare-Pension Reports.

§ 801.16 Hearing Officer.

"Hearing Officer" means the individual designated by the Commission to conduct a hearing involving a question concerning representation matters as may be assigned.

§ 801.17 Hearing Examiner.

"Hearing Examiner" means the Chief Hearing Examiner or an individual designated by the Chief Hearing Examiner to conduct a hearing in cases under sections 12 and 13 of the order and such other matters as may be assigned.

§ 801.18 Chief Hearing Examiner.

"Chief Hearing Examiner" means the Chief Hearing Examiner, Department of Labor, Washington, D.C. 20210.

§ 801.19 Party.

"Party" means any person, employee, group of employees, organization, or foreign affairs agency: (a) Filing a complaint, petition, request, or application; (b) named in a complaint, petition, request or application; or (c) whose intervention in a proceeding has been permitted or directed by the Commission, Director, Hearing Officer, Chief Hearing Examiner, or Hearing Examiner, as the case may be.

§ 801.20 Intervenor.

"Intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Commission, Director, Hearing Officer, Chief Hearing Examiner, or Hearing Examiner, as the case may be.

§ 801.21 Certification.

"Certification" means the determination by the Commission, of the results of an election held under the order and the regulations in this chapter.

§ 801.22 Secret ballot.

"Secret ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened or where a unanimous ballot discloses the intent of all voters.

§ 801.23 Showing of interest.

"Showing of interest" means employees' signed and dated authorization cards or petitions authorizing an organization to represent them for purposes of exclusive recognition; executed allotment of dues forms; current certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified organization or other evidence approved by the Commission.

PART 802—REPRESENTATION PROCEEDINGS

Sec.
802.1 Who may file petitions.
802.2 Contents of petition; filing and service of petition; challenges to petition.
802.3 Timeliness of petition.
802.4 Effect of certification.
802.5 Investigation and notice of petition.
802.6 Intervention.
802.7 Withdrawal, dismissal, or deferral of petitions; consolidation of cases; denial of intervention.
802.8 Agreement for consent election.
802.9 Notice of hearing.
802.10 Conduct of hearing.
802.11 Motions.
802.12 Rights of the parties.
802.13 Duties and powers of the Hearing Officer.
802.14 Objections to conduct of hearing.
802.15 Filing of briefs.
802.16 Transfer of case to Commission; contents of record.
802.17 Decision.
802.18 Election procedure.
802.19 Challenged ballots.
802.20 Tally of ballots.
802.21 Certifications; objections to election; determination on objections and challenged ballots.
802.22 Runoff elections.
802.23 Inconclusive elections.

AUTHORITY: The provisions of this Part 802 issued under sec. 5, E.O. 11636, 36 F.R. 24901.

§ 802.1 Who may file petitions.

(a) A petition for exclusive recognition may be filed by an organization requesting an election to determine whether it should be recognized as the exclusive representative of employees of a foreign affairs agency or should replace another organization as the exclusive representative of such employees.

(b) A petition for an election to determine if an organization should cease to be the exclusive representative because it does not represent a majority of employees of a foreign affairs agency may be filed by a foreign affairs agency or by any employee(s) or any individual acting on their behalf.

§ 802.2 Contents of petition, filing and service of petition; challenges to petition.

(a) *Petition for exclusive recognition.* A petition by an organization for exclusive recognition shall contain the following:

(1) The name of the foreign affairs agency, its address, and the person to contact, title, and telephone number, if known.

(2) Name, address, and telephone number of the certified representative, if any, and the date of its certification, if known to the petitioner;

(3) Names, addresses, and telephone numbers of any other interested organizations, if known to the petitioner;

(4) Name and affiliation, if any, of the petitioner and its address and telephone number;

(5) A statement that the petitioner has submitted to the Commission a current roster of its officers and representatives, a copy of its constitution and bylaws and a statement of its objectives;

(6) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001) that its contents are true and correct to the best of his knowledge and belief;

(7) The signature of the petitioner's representative, including title and telephone number;

(8) The petition shall be accompanied by a showing of interest of not less than twenty-five (25) percent of the employees of a foreign affairs agency and an alphabetical list of names constituting such showing;

(9) A statement that the petitioner is in full compliance with the requirements of the order and the regulations under this chapter.

(b) *Petition for an election to determine if an organization should cease to be the exclusive representative.* (1) A petition by a foreign affairs agency shall contain the information set forth in paragraph (a) of this section, except paragraph (a) (5), (8), and (9) of this section, and a statement that the foreign affairs agency has a good faith doubt that the currently certified organization represents a majority of its employees. Such a statement must contain a detailed explanation of the reasons supporting the good faith doubt;

(2) A petition by employees or an individual acting on behalf of employees shall contain the information set forth in paragraph (a) of this section, except paragraph (a) (5), (8), and (9) of this section, and it shall be accompanied by a showing of interest of not less than twenty-five (25) percent of the employees indicating that the employees of the foreign affairs agency no longer desire to be represented for the purpose of exclusive recognition by the currently certified organization and an alphabetical list of names constituting such showing.

(c) *Filing and service of petition and copies.* (1) An original and four copies of a petition shall be filed with the Commission.

(2) The petitioner shall supply with its petition two (2) copies of a statement of any other relevant facts and of all correspondence relating to the question concerning representation.

(3) Simultaneously with the filing of a petition, copies of the petition together with the attachments referred to in subparagraph (2) of this paragraph shall be served by the petitioner on all known interested parties, and a written statement of such services shall be filed with the Commission. The showing of interest submitted with the petition shall not be furnished to the foreign affairs agency or to any of the organizations listed in the petition.

(d) *Adequacy and validity of showing of interest.* The Commission shall determine the adequacy of the showing of interest administratively, and such decision shall be final and not subject to collateral attack at a representation hearing. Any party challenging the validity of showing of interest of the petitioner or of an intervenor must file its challenge with the Commission, with respect to the petitioner, within fifteen (15) days after the initial date of posting and dispatch of the notice of petition as provided in § 802.5(b) and with respect to any intervenor, within fifteen (15) days of service of a copy of the request for intervention, and support the challenge with evidence including signed statements of employees and any other written evidence. The Commission shall investigate the challenge and take such action as it deems appropriate.

(e) *Challenge to status of an organization.* Any party challenging the status of an organization under the order must file its challenge with the Commission and support the challenge with evidence. With respect to the petitioner, such a challenge must be filed within fifteen (15) days after the initial date of posting and despatch of the notice of petition as provided in § 802.5(b) and with respect to an intervenor within fifteen (15) days of service of a copy of the request for intervention. The Commission shall investigate the challenge and take such action as it deems appropriate.

§ 802.3 Timeliness of petition.

(a) When there is no certified exclusive representative of the employees, a petition will be considered timely filed provided the petition is not for a foreign affairs agency in which a valid election has been held within the preceding twelve (12) month period.

(b) A petition for exclusive recognition or other election petition will not be considered timely if filed within two (2) years after a valid certification has come into effect unless unusual circumstances exist which will substantially affect the voting unit or the majority representation.

(c) A petitioner who withdraws a petition after the issuance of a notice of hearing and before the close of the hearing, or after the approval of an agreement for a consent election, shall be barred from filing another petition for six (6) months, unless a withdrawal request has been received by the Commission not later than three (3) days before the date of the hearing.

§ 802.4 Effect of certification.

When a secret ballot election has resulted in the certification of an exclusive representative for the eligible employees in a foreign affairs agency, such certification shall remain valid for a period of not less than 2 years, unless such certification is earlier revoked for proper cause by the Commission. After the expiration of 2 years following the effective date of a certification, such certification shall remain in effect until (a) successfully challenged by a timely petition and election, or (b) revoked for proper cause by the Commission.

§ 802.5 Investigation and notice of petition.

(a) Upon the filing of a petition the Commission shall make such investigation as it deems necessary.

(b) Upon the request of the Commission, after the filing of a petition, the foreign affairs agency shall post at its headquarters copies of a notice to all employees in places where notices are normally posted affecting the employees of the agency. In addition, the foreign affairs agency shall, simultaneously with the date of posting, despatch telegraphic notice of the petition to Foreign Service posts abroad for the information of the agency's employees at such posts.

(c) Such notice shall set forth: (1) The name of the petitioner and (2) a statement that all interested parties are to advise the Commission in writing of their interest within fifteen (15) days from the date of initial posting and dispatch of such notice.

FEB 23 72
XUM

(d) The posted notice shall remain posted for a period of fifteen (15) days. The notice shall be posted conspicuously and shall not be covered by other material, altered, or defaced.

(e) The foreign affairs agency shall furnish the Commission and all known interested parties with the following: (1) Name, address, and telephone number of any organization known to represent the employees; (2) a copy of all relevant correspondence; (3) a copy of a current certification, if any, covering the employees of the foreign affairs agency; (4) a current alphabetized list of employees, their rank and positions of assignment; and (5) a separate, current alphabetized list of management officials and confidential employees, their rank and positions of assignment.

(f) Within twenty (20) days following the receipt of a copy of the petition, unless an extension of time has been granted by the Commission, the foreign affairs agency shall file a response thereto with the Commission raising any matter which is relevant to the petition. A copy of such response shall be served simultaneously on the parties and a statement of such service shall be filed with the Commission.

(g) The Commission shall take appropriate measures which, among other things, may consist of one of the following: (1) The approval of a withdrawal request; (2) the dismissal of the petition; (3) direction of an election; or (4) the issuance of a notice of hearing.

§ 802.6 Intervention.

(a) Subject to the provisions of paragraph (b) of this section and § 802.7(b), an organization will be permitted to intervene as a matter of right in any proceeding pursuant to this part if it has submitted a showing of interest of five (5) percent or more of the employees of the foreign affairs agency together with an alphabetical list of names constituting such showing. Intervention by any other party which does not submit such a showing of interest shall be at the discretion of the Commission.

(b) No organization may participate in any representation proceeding unless it has notified the Commission in writing, accompanied by its showing of interest as specified in paragraph (a) of this section of its desire to intervene within fifteen (15) days after the initial posting and despatch of the notice of petition as provided in § 802.5 (b) unless good cause is shown for extending the period. Simultaneously with the filing of a request for intervention, copies of such request, excluding the showing of interest, shall be served on all known interested parties, and a written statement of such service shall be filed with the Commission.

(c) Any organization intervening must supply a statement to the Commission that it is in full compliance with the order and these regulations and that it has submitted to the foreign affairs agency a current roster of its officers and representatives, a copy of its constitution and bylaws and a statement of its objectives.

§ 802.7 Withdrawal, dismissal, or deferral of petitions; consolidation of cases; denial of intervention.

(a) If the Commission determines after an investigation that the petition has not been filed timely, the petitioner has not made a sufficient showing of interest, the petition is not otherwise actionable, or an intervention is not appropriate, it may request the petitioner or intervenor to withdraw the petition or the intervention or, in the absence of such withdrawal within a reasonable period of time, it may dismiss the petition or deny the request for intervention.

(b) If the Commission determines, after investigation, that a valid issue has been raised by a challenge under § 802.2 (d) or (e), it may take such action as it deems appropriate including a request to the petitioner to withdraw the petition, dismissal of the petition, denial of the request for intervention, deferral of action upon the petition or request for intervention until such time as those issues have been resolved pursuant to this part, or consolidation of such issues with the representation matter for resolution of all issues.

(c) If the Commission dismisses the petition or denies the request for intervention, it shall furnish the petitioner or the party requesting intervention with a written statement of the grounds for the dismissal or the denial, sending a copy of such statement to the foreign affairs agency, and to any other parties as appropriate.

§ 802.8 Agreement for consent election.

(a) Subsequent to the filing of a petition and after expiration of the fifteen (15) day posting period of the notice of petition as provided in § 802.5(d), the foreign affairs agency, petitioner and any intervenors who have complied with the requirements set forth in § 802.6, and paragraph (d) of this section may agree that a secret ballot election shall be conducted and such agreement in a form approved by the Commission, shall be filed with the Commission. Any qualified intervenor who refuses to sign an agreement for a consent election may express his objections to the agreement in writing to the Commission. The Commission, after careful consideration of the agreement and of such objections, if any, may approve the agreement or take such other action as it deems appropriate. If the Commission approves the agreement, the election shall be conducted by the foreign affairs agency, under the supervision of the Commission in accordance with § 802.18 to determine whether the employees desire to be represented for purposes of exclusive recognition by any or none of the organizations involved.

(b) The parties shall agree on the eligibility period for employee participation in the election, the dates of the election, the designations on the ballot and other related election procedures.

(c) In the event that the parties cannot agree on the matters contained in paragraph (b) of this section, the Commission shall decide these matters.

(d) All parties desiring to participate in an election being conducted pursuant to this section, or § 802.17, including intervening organizations which have met the requirements of § 802.6, must sign an agreement providing for such an election in a form prescribed by the Commission.

§ 802.9 Notice of hearing.

The Commission may issue a notice of hearing to resolve any questions relating to the representation matter. A notice of hearing providing for at least ten (10) days notice, except in unusual circumstances, shall be served on all interested parties and shall include:

(a) A statement of the time, place, and nature of the hearing;

(b) The name of the foreign affairs agency, petitioner and intervenors, if any;

(c) A statement of the authority and jurisdiction under which the hearing is to be held.

§ 802.10 Conduct of hearing.

(a) The Commission, in its sole discretion and on its own motion, may sit en banc and conduct the hearing. Where the Commission hears the case sitting en banc, it will issue a decision on the record in the case after the close of the hearing. The Commission in such cases will have all the powers of a Hearing Officer and will advise the parties (notwithstanding § 802.15) whether briefs will be permitted. If the Commission does not elect to sit en banc, it shall designate a Hearing Officer.

(b) Hearings shall be open to the public unless otherwise ordered by the Hearing Officer for good cause, stated in writing, and made a part of the record. When requested to do so by the head of the foreign affairs agency, the Commission shall direct that the hearing be conducted as a closed hearing, in whole or in part, in order to prevent the disclosure of information that would be injurious to the national security or foreign policy. At any time another Hearing Officer may be substituted for the Hearing Officer previously presiding. It shall be the duty of the Hearing Officer to inquire fully into all matters in issue and the Hearing Officer shall obtain a full and complete record upon which the Commission can make an appropriate decision.

(c) An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or arrangements may be made with the Commission to examine the transcript during normal working hours.

(d) Hearings under this section are considered investigatory and not adversary. Their purpose is to develop a full and complete factual record. The rules of relevancy and materiality are paramount; there are no burdens of proof and the technical rules of evidence do not apply.

§ 802.11 Motions.

(a) All motions shall be in writing, or, if made at the hearing may be stated orally on the record and shall state briefly the order or relief sought and the grounds for such motion. An original and two copies of written motions shall be filed and a copy thereof simultaneously shall be served on the other parties to the proceedings. Motions made prior to the hearing shall be filed with the Commission, and motions made during the hearing shall be filed with the Hearing Officer. After the transfer of the case to the Commission, except as otherwise provided, all motions shall be filed with the Commission. Other parties may file responses to such motions within five (5) days of service. The Commission may rule upon all motions filed with it causing a copy of said ruling to be served on the parties, or it may refer the motion to the Hearing Officer. The Hearing Officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that all motions to dismiss petitions shall be referred for appropriate action at such time as the record is considered by the Commission.

(b) Motions to intervene will not be entertained by the Hearing Officer.

(c) All motions, rulings and orders shall become a part of the record. Rulings by the Hearing Officer shall be considered by the Commission when the case is transferred to it for decision.

(d) The right to make motions or to make objections to rulings on motions shall not be deemed waived by participation in the proceeding.

§ 802.12 Rights of the parties.

(a) Any party shall have the right to appear at any hearing in person, by counsel, or by other representative, and any party shall have power to examine and cross-examine witnesses and to introduce into the record documentary and other evidence. Two (2) copies of documentary evidence shall be submitted and a copy furnished simultaneously to the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

(b) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing.

§ 802.13 Duties and powers of the Hearing Officer.

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matters presented. With respect to cases assigned to the Hearing Officer between the time he or she is designated and the transfer of the case to the Commission, the Hearing Officer shall have the authority to:

(a) Grant requests for appearance of witnesses or production of records;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are immaterial, irrelevant, customarily privileged, or unduly repetitious;

(e) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in misconduct;

(f) Strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(g) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his or her own motion;

(h) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the Hearing Officer by the Commission and motions to amend petitions;

(i) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(j) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(k) Continue the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(l) Correct or approve proposed corrections of the official transcript, when deemed necessary;

(m) Take any other action necessary under the foregoing and not prohibited by these regulations.

§ 802.14 Objections to conduct of hearing.

Any objection to the introduction of evidence may be stated orally or in writing and shall be accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Automatic exception will be allowed to all adverse rulings.

§ 802.15 Filing of briefs.

(a) Any party desiring to file a brief with the Commission shall file the original and two (2) copies within fourteen (14) days after the close of the hearing: *Provided, however*, That prior to the close of the hearing and for good cause, the Hearing Officer may allow time not to exceed fourteen (14) additional days for the filing of briefs with the Commission. Copies thereof shall be served simultaneously on all other parties to the proceeding. No reply brief may be filed except by special permission of the Commission.

(b) Requests for additional time in which to file a brief under authority of this section not addressed to the Hearing Officer during the hearing shall be made to the Commission in writing, and copies thereof shall be served simultaneously on the other parties, and a statement of such service shall be filed with the Commission. Requests for extension of time under this subsection shall be in writing and received not later than three (3) days before the date such briefs are due.

§ 802.16 Transfer of case to the Commission; contents of record.

Upon the close of the hearing the case is transferred automatically to the Commission. The record of the proceeding shall include the petition, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing with any corrections thereto, stipulations, objections, depositions, exhibits, documentary evidence, and any briefs or other documents submitted by the parties.

§ 802.17 Decision.

The Commission will issue a decision directing an election or dismissing the petition, or making other disposition of the matters before it.

§ 802.18 Election procedure.

This section governs all elections conducted under the supervision of the Commission, pursuant to § 802.8 or § 802.17.

(a) Appropriate notices of election shall be posted by the foreign affairs agency. Such notices shall set forth the details and procedures for the election, the eligibility period, the date(s) of the election, and shall contain a sample ballot.

(b) The reproduction of any document purporting to be a copy of the official ballot, other than one completely unaltered in form and content and clearly marked "sample" on its face, which suggests either directly or indirectly to employees that the Commission endorses a particular choice, may constitute grounds for setting aside an election upon objections properly filed.

(c) All elections shall be by secret ballot. An exclusive representative shall be chosen by a majority of the valid ballots cast.

(d) Whenever two or more organizations are included as choices in an election, any intervening organization may request, in writing, the Commission to remove its name from the ballot. The request must be received not later than ten (10) days after the decision and direction of the election or the Commission's notification of approval of agreement for an election. Such request shall be subject to the approval of the Commission, whose decision shall be final: *Provided, however*, That in a proceeding involving a petition filed under § 802.2 (b) an organization currently certified may not have its name removed from the ballot without giving the aforementioned notice in writing to all parties and the Commission, disclaiming any representation interest among the employees.

§ 802.19 Challenged ballots.

A representative of any organization on the ballot, of the foreign affairs agency, or of the Commission may challenge, for good cause, the eligibility of any person to vote in the election. The ballots of such challenged persons shall be impounded.

§ 802.20 Tally of ballots.

Upon the conclusion of the election, the Commission shall furnish to the parties a tally of ballots.

FEB 23 1972

§ 802.21 Certifications; objections to election; determination on objections and challenged ballots.

(a) The Commission shall issue to the parties a certification of the results of the election, or a certification of representative, where appropriate: *Provided,* That no objections are filed within the time limit set forth below; the challenged ballots are insufficient in number to affect the results of the election; and no runoff or rerun election is to be held.

(b) Within five (5) days after the tally of ballots has been furnished, or proffered when service has been refused, any party may file with the Commission an original and four (4) copies of objections to the procedural conduct of the election, or to conduct which may have improperly affected the results of the election, supported by a clear and concise statement of the reason therefor. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Within ten (10) days of the filing of the objections, unless an extension of time has been granted by the Commission, the objecting party shall furnish the Commission with evidence, which may include but shall not be limited to signed statements, documentary evidence, and other materials supporting the objections. The objecting party shall bear the burden of proof at all stages of the proceedings, regarding all matters alleged in its objections. Simultaneously with the filing of such objections, together with the evidence in support thereof, copies of such objections and of the supporting evidence shall be served on the other parties by the party filing them, and a statement of such service shall be filed with the Commission.

(c) If objections are filed, or if the challenged ballots are sufficient in number to affect the results of the election, the Commission shall cause to be investigated the objections or challenges, or both.

(d) When the Commission determines that no relevant issue of fact exists, it (1) shall find whether improper conduct occurred of such a nature as to warrant the setting aside of the election and, if so, shall set aside the election, or (2) shall rule on determinative challenges to ballots, if any, or both. The Commission shall serve simultaneously any such findings upon all parties to the proceeding and shall state therein any additional pertinent matters such as its decision to rerun the election or count ballots at a specified date, time, and place, and shall issue a revised tally of ballots.

(e) Where it appears to the Commission that the objections or challenged ballots raise any relevant question of fact which may have affected the results of the election, the Commission shall issue a notice of hearing specifying either that it will conduct the hearing in accordance with § 803.10(a) of this chapter or that a Hearing Examiner, designated by the Chief Hearing Examiner, will take evidence, make factual findings and recommendations with respect to the objections and/or challenged ballots, and report these findings and recommendations to the Commission and the parties. Such proceedings shall be conducted in accordance with §§ 803.10 through 803.24 of this chapter.

(f) The Commission shall decide whether to adopt or modify the Hearing Examiner's recommendations. In accord with the Commission's final determinations, it shall issue a certification of the results of the election, certification of representative, or a decision setting aside the election or directing the opening and counting of challenged ballots, whichever is appropriate.

§ 802.22 Runoff elections.

(a) The foreign affairs agency shall conduct a runoff election under supervision of the Commission when an election in which the ballot provided for not less than three (3) choices (i.e., at least two representatives and "neither" or "none") results in no choice receiving a majority of the valid ballots cast, and any objections which had been filed have been disposed of, and any challenged ballots have been disposed of or are not sufficient in number to affect the results of the election, as provided herein. Only one runoff election shall be held pursuant to this section.

(b) Employees who were eligible to vote in the original election and who also are in an eligible category on the date of the runoff election shall be eligible to vote in the runoff election.

(c) The ballot in the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

§ 802.23 Inconclusive elections.

(a) An inconclusive election is one in which none of the choices on the ballot has received a majority of the valid ballots cast and § 803.22 of this chapter is not applicable. If there are no challenged ballots that would affect the results of the election, the Commission may declare the election a nullity and may order another election, providing for a selection from among the choices afforded in the previous ballot in the following situations:

(1) The ballot provided for a choice among two or more representatives and "neither" or "none," and the votes are equally divided among the several choices;

(2) The number of ballots cast for one choice in an election is equal to the number cast for another choice but less than the number cast for the third choice; or

(3) The runoff ballot provides for a choice between two representatives and the votes are equally divided.

(b) Only one further election pursuant to this section may be held.

PART 803—UNFAIR PRACTICE PROCEEDINGS

Sec.
803.1 Who may file complaints.
803.2 Action to be taken before filing a complaint with the Commission.
803.3 Contents of the complaint and supporting documents.
803.4 Filing and service of copies.
803.5 Investigation of the complaint; stipulation of facts.
803.6 Preliminary action by the Commission.
803.7 Withdrawal or dismissal of complaint.
803.8 Notice of hearing.
803.9 Contents of the notice of hearing; attachments.
803.10 Conduct of hearing.
803.11 Intervention.
803.12 Rights of parties.
803.13 Rules of evidence.
803.14 Burden of proof.
803.15 Duties and powers of the Hearing Examiner.
803.16 Unavailability of Hearing Examiners.
803.17 Objection to conduct of hearing.
803.18 Motions before or after a hearing.
803.19 Waiver of objections.
803.20 Oral argument at the hearing.
803.21 Filing of brief.
803.22 Submission of the Hearing Examiner's report and recommendations to the Commission; exceptions.
803.23 Contents of exceptions to Hearing Examiner's report and recommendations.
803.24 Briefs in support of exceptions.
803.25 Action by the Commission.
803.26 Compliance with decisions and orders of the Commission.

AUTHORITY: The provisions of this Part 803 issued under sec. 5 E.O. 11636, 36 F.R. 24901.

§ 803.1 Who may file complaints.

A complaint that a foreign affairs agency or an organization has engaged in any act prohibited under section 13 of the order or has failed to take any action required by the order, may be filed by an employee, a foreign affairs agency, or an organization.

§ 803.2 Action to be taken before filing a complaint with the Commission.

(a) Any charge of an alleged unfair practice must be in writing and shall be filed directly with the party or parties against whom the charge is directed, hereinafter referred to as the respondent(s), within six (6) months of the occurrence of the alleged unfair practice, except as otherwise provided in § 805.12 of this chapter. The charge shall contain a clear and concise statement of the facts constituting the alleged unfair practice, including the time and place of occurrence of the particular acts. The alleged unfair practice shall be investigated by the parties involved and informal attempts to resolve the matter shall be made by the parties. If informal attempts are unsuccessful in disposing of the matter within thirty (30) days, a party may file a complaint requesting the Commission to issue a decision in the matter: *Provided, however,* That if a final decision by the respondent is served on the charging party, the charging party may file a complaint immediately thereafter but in no event later than sixty (60) days from the date of service of the respondent's written final decision on the charging party: *Provided, further,* That to be considered timely a complaint to the Commission shall be filed within nine (9) months of the occurrence of the alleged unfair practice or within sixty (60) days of the service of the written final decision on the charging party, whichever is the shorter period of time.

(b) The thirty (30) day charge period as required under paragraph (a) of this section shall not be applicable to allegations of violations of section 13(b)(4) of the order. In such a situation, a complaint may be filed immediately with the Commission.

(c) In complaints alleging violations of section 13(b)(4), the Commission shall conduct a priority investigation.

§ 803.3 Contents of the complaint and supporting documents.

(a) A complaint alleging a violation of section 13 of the order shall contain the following:

(1) The name, address, and telephone number of the employee, foreign affairs agency, or organization making the complaint (hereinafter referred to as the complainant);

(2) The name, address, and telephone number of the foreign affairs agency or organization against whom the complaint is made;

(3) A clear and concise statement of the facts constituting the alleged unfair practice, including the time and place of occurrence of the particular acts, the names and addresses of the individuals involved, and a statement of the section and subsection of the order alleged to have been violated;

(4) A statement of any other procedure invoked involving the subject matter of the complaint and the results, if any;

(5) A declaration by the person signing the complaint, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of his or her knowledge and belief.

(b) The entire report of investigation by the complainant, pursuant to § 803.2, including, among other things, the precomplaint charge, copies of relevant correspondence, other written materials, statements of witnesses, summaries of meetings and discussions, offers of settlement by the respondent and settlement proposals advanced by the complainant, shall be filed with the complaint.

§ 803.4 Filing and service of copies.

(a) An original and four copies of a complaint and two (2) copies of the entire report of investigation shall be filed with the Commission.

(b) Simultaneously with the filing of a complaint and the complainant's report of investigation, copies of each shall be served by the complainant on the respondent, and a written statement of such service shall be filed with the Commission.

§ 803.5 Investigation of the complaint; stipulation of facts.

(a) Within fifteen (15) days following the service of a copy of the complaint, unless an extension of time has been granted by the Commission, the respondent shall file a response thereto, including the entire report of its investigation, raising any matter which is relevant to the complaint. The response shall be filed with the Commission and copies thereof shall be served simultaneously on the other parties. Upon the filing of a complaint the Commission shall cause such additional investigation to be made as it deems necessary.

(b) The parties may submit to the Commission a stipulation of facts and their request for a decision by the Commission without a hearing.

(c) The complainant shall bear the burden of proof at all stages of the proceedings regarding matters alleged in its complaint.

§ 803.6 Preliminary action by the Commission.

(a) The Commission shall take appropriate measures which may consist of the approval of a withdrawal request or dismissal of the complaint, approval of a satisfactory offer of settlement made any time prior to the close of a hearing, if any, approval of a stipulation of facts pursuant to § 803.5(b), or the issuance of a notice of hearing.

(b) In cases involving complaints alleging a violation of section 13(b)(4) of the order, if the Commission determines, based upon the evidence adduced, that a reasonable basis for a complaint exists and no satisfactory offer of settlement has been made, it shall issue an expedited notice of hearing. The complainant shall bear the burden of proof at the hearing.

(c) Cases involving complaints alleging violations of section 13(a)(2) of the order shall be given priority over all other unfair practice cases except cases of like character and cases under paragraph (b) of this section.

§ 803.7 Withdrawal or dismissal of complaint.

(a) If the Commission determines that the complaint has not been timely filed, that a reasonable basis for the complaint has not been established, that a satisfactory offer of settlement has been made, or for other appropriate reasons, it may request the complainant to withdraw the complaint and in the absence of such withdrawal within a reasonable time, it may dismiss the complaint.

(b) If the Commission dismisses the complaint, it shall furnish the complainant with a written statement of the grounds for dismissal, sending a copy of the statement to the respondent. If the dismissal is based on approval of an offer of settlement which is satisfactory to the Commission, such statement shall set forth the terms of settlement and the implementation thereof.

§ 803.8 Notice of hearing.

The Commission may cause a notice of hearing to be issued if, after the filing of a complaint, it finds, based on the allegations and the reports of investigation by the parties and any additional investigation, that there is a reasonable basis for the complaint and that no satisfactory offer of settlement has been made.

§ 803.9 Contents of the notice of hearing; attachments.

(a) The notice of hearing shall include:

(1) A statement of time and place of the hearing which shall be not less than ten (10) days after service of the notice of hearing, except in extraordinary circumstances;

(2) A statement of the nature of hearing;

(3) A statement of the authority and jurisdiction under which the hearing is to be held;

(4) A reference to the particular sections of the order and regulations involved.

(b) Attached to the notice of hearing shall be a copy of the complaint and the respondent's answer.

(c) The reports of investigation by the parties referred to in § 803.8 shall be furnished to the Hearing Examiner; however, the reports of investigation will not be deemed as evidence, and any party wishing to rely upon anything contained therein must make an appropriate submission at the hearing.

§ 803.10 Conduct of hearing.

(a) The Commission in its sole discretion and on its own motion, may sit en banc and conduct the hearing. Where the Commission hears the case sitting en banc, it will issue a decision on the record in the case after the close of the hearing. The Commission in such cases will have all the powers of a Hearing Examiner and will advise the parties (notwithstanding § 808.21) whether briefs will be permitted. Where the Commission has decided to hear the case en banc the rules concerning the filing of exceptions to Hearing Examiners' reports and recommendations do not apply to its decisions. If the Commission does not elect to sit en banc, it shall inform the Chief Hearing Examiner, who will designate a Hearing Examiner to conduct the hearing.

(b) Hearings shall be open to the public unless otherwise ordered by the Hearing Examiner for good cause, stated in writing and made a part of the record. When requested to do so by the head of the foreign affairs agency, the Commission shall direct that the hearing be conducted, in whole or in part, as a closed hearing, in order to prevent the disclosure of information that would be injurious to the national security or foreign policy.

(c) An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or arrangements may be made with the Commission to examine the transcript during normal working hours.

§ 803.11 Intervention.

Any person desiring to intervene in any proceeding shall file a motion in writing with the Chief Hearing Examiner or the designated Hearing Examiner, or, if made at the hearing, may move orally on the record, stating the

FEB 23 72 XUM

grounds upon which such person claims an interest. Prior to the hearing, such a motion shall be filed with the Commission; during the hearing such motion shall be made to the Hearing Examiner. An original and two copies of written motions shall be filed. Simultaneously upon filing such motion, the moving party shall serve a copy thereof on the other parties. The Commission shall rule upon all such motions filed prior to the hearing, and shall cause a copy of such rulings to be furnished to the other parties, or may refer the motion to the Hearing Examiner for ruling. The Hearing Examiner shall rule upon all such motions made at the hearing or referred to the Hearing Examiner by the Commission. When the Hearing Examiner rules, before the hearing, on a motion referred to the Hearing Examiner by the Commission, he shall furnish copies of such ruling to the parties. The Commission or Hearing Examiner, as the case may be, may permit intervention in person or by counsel or other representative to such extent and upon such terms as may be deemed proper.

§ 803.12 Rights of parties.

Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent prescribed by the Hearing Examiner. Two copies of documentary evidence shall be submitted and a copy furnished to each of the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

§ 803.13 Rules of evidence.

The technical rules of evidence do not apply. Any evidence may be received, except that a Hearing Examiner may exclude any evidence or offer of proof which is immaterial, irrelevant, unduly repetitious, or customarily privileged. Every party shall have a right to present its case by oral and documentary evidence and to submit rebuttal evidence.

§ 803.14 Burden of proof.

A complainant in asserting a violation of the Order shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

§ 803.15 Duties and powers of the Hearing Examiner.

It shall be the duty of the Hearing Examiner to inquire fully into the facts as they relate to the matter before him or her. Upon assignment to the Hearing Examiner and before transfer of the case to the Commission, the Hearing Examiner shall have the authority to:

(a) Grant requests for appearance of witnesses or production of documents;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take or cause deposition to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are immaterial, irrelevant, customarily privileged, or unduly repetitious;

(e) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in misconduct and strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his or her own motion and, where appropriate, transmit to the Commission offers of settlement by a party or parties;

(g) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the Chief Hearing Examiner or to the designated Hearing Examiner by the Commission and motions to amend pleadings, also to recommend dismissal of cases or portions thereof, and to order hearings reopened prior to issuance of the Hearing Examiner's report and recommendations;

(h) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(i) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(j) Continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(k) Prepare, serve, and submit his or her report and recommendations pursuant to § 803.22;

(l) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial or official notice: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the Hearing Examiner's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary;

(m) Correct or approve proposed corrections of the official transcript when deemed necessary;

(n) Take any other action necessary under the foregoing and not prohibited by these regulations.

§ 803.16 Unavailability of Hearing Examiners.

In the event of the Hearing Examiner designated to conduct the hearing becomes unavailable, the Chief Hearing Examiner shall designate another Hearing Examiner for the purpose of further hearing or issuance of a report and recommendations on the record as made, or both.

§ 803.17 Objection to conduct of hearing.

(a) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Such objection shall not stay the conduct of the hearing.

(b) Automatic exceptions will be allowed to all adverse rulings. Rulings by the Hearing Examiner shall not be appealed prior to the transfer of the case to the Commission, but shall be considered by the Commission only upon the filing of exceptions to the Hearing Examiner's report and recommendations in accordance with § 803.22

§ 803.18 Motions before or after a hearing.

(a) All motions made before a hearing shall be made in writing to the Commission. All motions made after the hearing but prior to the transfer of the case to the Commission shall be filed with the Hearing Examiner. All motions made after the transfer of the case to the Commission, except motions to correct the record under § 803.15(m) shall be made in writing to the Commission. The moving party shall serve simultaneously a copy of all motion papers on all other parties. A statement of service shall accompany the motion. Answering affidavits, if any, must be served on all parties and the originals thereof, together with two (2) copies and a statement of service, shall be filed with the Commission before the hearing, with the Hearing Examiner after the hearing begins and before transfer of the case to the Commission and with the Commission after transfer of the case to it; within five (5) days after service of the moving papers unless it is otherwise directed.

(b) The Commission may rule upon all motions filed with it before the hearing, causing a copy of such ruling to be served on the parties, or it may refer such motions to the Chief Hearing Examiner or to the Hearing Examiner if one has been designated by the Chief Hearing Examiner. The Hearing Examiner may rule upon all motions referred to him or her prior to the hearing by the Commission or by the Chief Hearing Examiner and may rule upon all motions filed after the beginning of the hearing and before transfer of the case to the Commission. Such motions may be ruled upon by the Chief Hearing Examiner in the absence of the Hearing Examiner.

§ 803.19 Waiver of objections.

Any objection not made before a Hearing Examiner shall be deemed waived.

§ 803.20 Oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.

§ 803.21 Filing of brief.

Any party desiring to submit a brief to the Hearing Examiner shall file the original and two (2) copies within fourteen (14) days after the close of the hearing: *Provided, however*, That prior to the close of the hearing and for good cause, the Hearing Examiner may grant a reasonable extension of time. Copies thereof shall be served simultaneously on all other parties to the proceeding, and a statement of such service shall be filed with the Hearing Examiner. Requests for additional time in which to file a brief under authority of this section not addressed to the Hearing Examiner during the hearing shall be made to the Chief Hearing Examiner, in writing at least three (3) days before the briefs are due and copies shall be served simultaneously on the other parties. A statement of such service shall be furnished. No reply brief may be filed except by special permission of the Hearing Examiner.

§ 803.22 Submission of the Hearing Examiner's report and recommendations to the Commission; exceptions.

(a) After the close of the hearing, and the receipt of briefs, if any, the Hearing Examiner shall prepare a report and recommendations expeditiously. The report and recommendations shall contain findings of fact, conclusions, and the reasons or basis therefor including credibility determinations, and recommendations as to the disposition of the case including, where appropriate, the remedial action to be taken and notices to be posted.

(b) The Hearing Examiner shall cause the report and recommendations to be served promptly on all parties to the proceeding. Thereafter, the Hearing Examiner shall transfer the case to the Commission, including the report and recommendations and the record. The record shall include the complaint, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing, stipulations, objections, depositions, exhibits, documentary evidence, and any briefs or other documents submitted by the parties.

(c) An original and two (2) copies of any exceptions to the Hearing Examiners' report and recommendations may be filed by any party with the Commission within ten (10) days after service of the report and recommendations: *Provided, however*, That the Commission may for good cause shown extend the time for filing such exceptions. Requests for additional time in which to file exceptions shall be in writing; copies thereof shall be served simultaneously on the other parties and a statement of such service shall be furnished to the Commission. Requests for extension of time must be received no later than three (3) days before the date the exceptions are due. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such service shall be furnished to the Commission.

§ 803.23 Contents of exceptions to Hearing Examiner's report and recommendations.

(a) Exceptions to a Hearing Examiner's report and recommendations shall:

(1) Set forth specifically the questions upon which exceptions are taken;

(2) Identify that part of the Hearing Examiner's report and recommendations to which objection is made;

(3) Designate by precise citation of page the portions of the record relied on, state the grounds for the exceptions, and include the citation of authorities unless set forth in a supporting brief.

(b) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

§ 803.24 Briefs in support of exceptions.

(a) Any brief in support of exceptions shall contain only matters included within the scope of the exceptions and shall contain, in the order indicated, the following:

(1) A concise statement of the case containing all that is material to the consideration of the questions presented;

(2) A specification of the questions involved and to be argued;

(3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

(b) Answering briefs to the exceptions and cross-exceptions and supporting briefs may be filed at the discretion of the Commission.

§ 803.25 Action by the Commission.

(a) After considering the Hearing Examiner's report and recommendations, the record, and any exceptions filed, the Commission shall issue its decision affirming or reversing the Hearing Examiner, in whole or in part, or making such other disposition of the matter as it deems appropriate: *Provided, however*, That unless exceptions are filed which are timely and in accordance with § 803.23, the Commission may, at its discretion, adopt without discussion the report and recommendations of the Hearing Examiner, in which event the findings, conclusions, and recommendations of the Hearing Examiner, as contained in his report and recommendations shall, upon appropriate notice to the parties, automatically become the decision of the Commission.

(b) Upon finding a violation of the order the Commission may order the respondent to cease and desist from conduct violative of the order and may require the respondent to take such affirmative corrective action as it deems appropriate to effectuate the policies of the order.

(c) Upon finding no violation of the order, the Commission shall dismiss the complaint.

§ 803.26 Compliance with decisions and orders of the Commission.

When remedial action is ordered, the respondent shall report to the Commission within a specified period that the required remedial action has been effected. When the Commission finds that the required remedial action has not been effected, it may take such action as it deems appropriate including referring the matter to the Board of the Foreign Service.

PART 804—STANDARDS OF CONDUCT

Sec.
804.1 Substantive requirements concerning standards of conduct.
804.2 Proceedings for enforcing standards of conduct.

AUTHORITY: The provisions of this Part 804 issued under secs. 5 and 12, E.O. 11636, 36 F.R. 24901.

§ 804.1 Substantive requirements concerning standards of conduct.

(a) The provisions of Subpart A of 29 CFR Part 204 "Substantive Requirements Concerning Standards of Conduct" are hereby incorporated by reference and shall be applicable to all organizations, members thereof, and other persons subject to the order, except that all duties, responsibilities, and authority directly allocated to the Assistant Secretary for Labor-Management Relations shall under the regulations in this part be assumed by the Commission.

(b) The reference to Executive Order 11491 in § 204.2(a) (5) (b) of Title 29 shall be deemed to read Executive Order 11636.

§ 804.2 Proceedings for enforcing standards of conduct.

(a) The provisions of Subpart B of 29 CFR Part 204 "Proceedings for Enforcing Standards of Conduct" are hereby incorporated by reference and shall be applicable to all organizations, members thereof, and other persons subject to the order, with the following exceptions: (1) Those portions of Subpart B which provide for reports by the Area Administrator to the Regional Administrator or by the Regional Administrator to the Director shall not be applicable; (2) all functions which in Subpart B are performed by an Area Administrator or Regional Administrator shall be performed by the Director or his agents; (3) 29 CFR 204.85 is amended to substitute a comma for the period at the end thereof, and to add the phrase "or if held outside of such geographic jurisdiction at an appropriate location by arrangement with the Commission"; (4) the reference to Executive Order 11491 in 29 CFR 204.64 shall be deemed to read Executive Order 11636; (5) 29 CFR 203.25(c) and 204.91(c) shall be deleted and all other references to the Council shall not be applicable; (6) the duties, responsibilities, and authority allocated to the Assistant Secretary under Subpart B shall under these regulations be assumed by the Commission; and (7) 29 CFR 204.93 shall be deleted.

PART 805—CONSULTATION PROCEEDINGS

Sec.
805.1 Priority of consideration.
805.2 Who may file an application.
805.3 Action to be taken before filing an application with the Commission.
805.4 Contents of application and attachments.
805.5 Filing and service of copies.

FEB 23 72

Sec.
805.6 Investigation of the application.
805.7 Action by the Commission.
805.8 Notice of hearing.
805.9 Contents of notice of hearing; attachments.
805.10 Hearing and posthearing procedures.
805.11 Compliance with a decision of the Commission.
805.12 Subsequent unfair practice charges.

AUTHORITY: The provisions of this Part 805 issued under sec. 5, E.O. 11636, 36 F.R. 24901.

§ 805.1 Priority of consideration.

Because of their importance to the effectuation of the purposes of the order, proceedings to determine whether an obligation to consult exists with respect to particular issues will ordinarily be given priority over all other matters before the Commission. Decisions in such cases will be rendered as expeditiously as the orderly conduct of proceedings will permit.

§ 805.2 Who may file an application.

An application for a decision by the Commission concerning a question as to whether or not an obligation to consult exists under the order with respect to particular issues may be filed by a foreign affairs agency or a certified organization.

§ 805.3 Action to be taken before filing an application with the Commission.

Any application for a decision by the Commission as to whether or not an obligation to consult exists under the order with respect to particular issues, must be filed with the Commission by the party seeking consultation within thirty (30) days after an alleged denial of an obligation to consult by the other party.

§ 805.4 Contents of application and attachments.

(a) An application filed under this section shall contain the following:

(1) The name of the foreign affairs agency involved, its address, telephone number, and the person to contact and title, if known;

(2) The name, address, and telephone number of the certified organization;

(3) A clear and concise statement of the issues in dispute;

(4) A statement of any other procedures invoked involving the subject matter of the dispute and the results, if any;

(5) A declaration by the person signing the application, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief, and the signature of the applicant or the applicant's representative, including title, address, and telephone number.

(b) The applicant shall furnish with the application, two (2) copies of the following: (1) A statement of any other relevant facts; and (2) all correspondence between the parties relating to the disputed issue(s), and may, in addition, file a memorandum or brief in support of its position.

§ 805.5 Filing and service of copies.

(a) An original and four (4) copies of an application, including two (2) copies of all attachments, shall be filed with the Commission.

(b) Simultaneously with the filing of an application, a copy of the application and all materials submitted therewith shall be served on the other party, and a written statement of such service shall be filed with the Commission.

§ 805.6 Investigation of the application.

(a) After the application has been filed, the other party shall file two (2) copies of a response with the Commission within fifteen (15) days following the service of a copy of the application, unless an extension of time has been granted by the Commission. The other party may file with its response a memorandum or brief in support of its position.

(b) The response shall cover any matter which is relevant to the application and shall include any supporting evidence on the issue(s) raised by the application and the attachments thereto. A copy of such response and all material submitted therewith shall be served simultaneously on the other party and a written statement of such service shall be filed with the Commission.

(c) Upon the filing of an application, the Commission shall cause such additional investigation to be made as it deems necessary.

(d) The parties shall, whenever possible, submit to the Commission a stipulation of facts together with their request for a decision by the Commission without a hearing.

§ 805.7 Action by the Commission.

(a) The Commission shall take appropriate measures which may consist of:

(1) Approval of a request for withdrawal of the application; or

(2) Dismissal of the application if it determines that the application has not been timely filed or otherwise is not actionable; or

(3) Issuance of a report and findings on the questions involved, on the basis of the material before it, including information obtained from oral argument, if requested by the Commission.

(b) The Commission may, in addition to, or in lieu of, the actions described in paragraph (a) of this section, issue a notice of hearing as provided by § 805.8.

§ 805.8 Notice of hearing.

The Commission may cause a notice of hearing to be issued providing for a hearing before a Hearing Examiner if, at any time after the filing of an application, it finds that the issues cannot otherwise be resolved.

§ 805.9 Contents of notice of hearing; attachments.

(a) The notice of hearing shall include:

(1) A statement of the time and place of the hearing, which shall be not less than ten (10) days after service of the notice of hearing, except in extraordinary circumstances;

(2) A statement of the nature of the hearing;

(3) A statement of the authority and jurisdiction under which the hearing is to be held;

(4) A reference to the particular sections of the order and regulations involved.

(b) Attached to the notice of hearing shall be a copy of the application and attachments and the response(s) thereto.

(c) The attachments to the application referred to in § 805.4(b) and the responses thereto shall be furnished to the Hearing Examiner, but will not be deemed as evidence, and any party wishing to rely upon anything contained therein must make an appropriate submission at the hearing.

§ 805.10 Hearing and posthearing procedures.

Hearing procedures shall be in accordance with §§ 803.10 through 803.20 with the exception of § 803.14 of this chapter. There shall be no burden of proof in hearings conducted under this part. The procedures after the close of the hearing shall be in accordance with §§ 803.18 through 803.24 with the exception of §§ 803.19 and 803.20 of this chapter. After considering the Hearing Examiner's report and recommendations and the record and any exceptions filed thereto; the Commission shall issue its decision affirming or reversing the Hearing Examiner, in whole or in part, or make any other disposition of the matter it deems appropriate.

§ 805.11 Compliance with a decision of the Commission.

(a) When a decision is made that an obligation to consult exists with respect to a particular issue or issues, the parties shall report to the Commission, within a specified period, that the required consultation is being undertaken.

(b) When the Commission finds that the consultation required pursuant to a decision of the Commission has not been effected, the Commission may refer the matter to the Board of the Foreign Service, or take such other action as appropriate.

§ 805.12 Subsequent unfair practice charges.

(a) Notwithstanding the time limitation provisions of § 803.2 of this chapter, an applicant who has received a final decision on his application from the Commission may file a charge of an alleged unfair practice under section 13 of the order which is based on the same factual situation which gave rise to the application. Any such charge must be filed within thirty (30) days of the issuance of the final decision referred to above.

(b) The procedures of Part 803 of this chapter shall apply to a charge filed following the issuance of the final decision referred to in paragraph (a) of this section, except that the charging party must file any complaint within sixty (60) days from the date of service of the respondent's written final decision on the charging party, or within ninety (90) days of the date the charge was filed, whichever is the shorter period of time.

PART 806—MISCELLANEOUS

Sec.
806.1 Computation of time for filing papers.
806.2 Additional time after service by mail.
806.3 Documents in a proceeding.
806.4 Service of pleading and other papers under this chapter.
806.5 Consolidation of cases.
806.6 Request for appearance of witnesses and production of documents at hearing.
806.7 Rules to be construed liberally.
806.8 Petitions for amendment of regulations.

AUTHORITY: The provisions of this part 806 issued under secs. 5, 12, E.O. 11636, 36 F.R. 24901.

§ 806.1 Computation of time for filing papers.

In computing any period of time prescribed by or allowed by these regulations, the date of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or a Federal legal holiday. When the period of time prescribed, or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computations. When these regulations require the filing of any paper, such document must be received by the Commission or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted.

§ 806.2 Additional time after service by mail.

Whenever a party has the right or is required to do some act pursuant to these regulations within a prescribed period after required service of a notice or other paper upon him and the notice or paper is served on him by mail, three (3) days shall be added to the prescribed period: *Provided, however,* That three (3) days shall not be added if any extension of time may have been granted.

§ 806.3 Documents in a proceeding.

(a) *Title.* Documents in any proceeding under these regulations including correspondence shall show the title of the proceeding and the case number, if any.

(b) *Number of copies; form.* Except as provided in these regulations any documents or papers shall be filed with four (4) copies in addition to the original. All matters filed shall be printed, typed, or otherwise legibly duplicated; carbon copies of typewritten matter will be accepted if they are clearly legible.

(c) *Signature.* The original of each document required to be filed under these regulations shall be signed by the party or by an attorney or representative of record for the party, or by an officer of the party, and shall contain the address and telephone number of the person signing it.

§ 806.4 Service of pleading and other papers under this chapter.

(a) *Method of service.* Notices of hearing, decisions, orders, and other papers may be served personally or by registered or certified mail or by telegraph.

(b) *Upon whom served.* All papers, except as herein otherwise provided, shall be served upon all counsel of record and upon parties not represented by counsel or by their agents designated by them or by law and upon the Commission, or its designated officer, or agent or examiner, where appropriate. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) *Statement of service.* The party or person serving the papers or process shall submit simultaneously to the Commission or other designated representative, or to the individual conducting the proceeding, a written statement of such service; failure to file a statement of service shall not affect the validity of the service. Proof of service shall be required only if subsequent to the receipt of a statement of service a question is raised with respect to proper service.

§ 806.5 Consolidation of cases.

In any matter arising pursuant to these regulations, whenever it appears necessary in order to effectuate the purposes of the order or to avoid unnecessary costs or delays, the Commission may consolidate cases.

§ 806.6 Request for appearance of witnesses and production of documents at hearing.

(a) The Commission, Hearing Officers, or Hearing Examiners, as appropriate, upon their own motion, or upon motion of any parties to a proceeding, may issue a request for appearance of witnesses or request for production of documents at a hearing held pursuant to Parts 802, 803, and 805 of this chapter. When it is impracticable for a witness to appear personally at a hearing, the Commission, Hearing Officer, or Hearing Examiner, as appropriate, may provide for the taking of testimony by deposition in response to written or oral interrogatories.

(b) A party's motion to the Commission shall be in writing and filed with the Commission prior to the opening of a hearing or with a Hearing Officer or Hearing Examiner during the hearing, and shall name and identify the witness(es) or document(s) sought, or both, and state the reasons therefor. Simultaneously with the filing of a request with the Commission, copies shall be served on the other parties and a written statement of such service shall be filed with the Commission.

(c) Within five (5) days after service of the motion, a party may file its objection to the motion with the Commission and state its reasons therefor. Simultaneously with the filing of the objection with the Commission, copies shall be served on the other parties and a written statement of such service shall be filed with the Commission. The Commission may rule upon the motion or refer it to the Hearing Officer or Hearing Examiner for an appropriate ruling.

(d) Objections to a motion referred to or filed with a Hearing Officer or Hearing Examiner may be stated orally on the record.

(e) A motion shall be granted by the Commission, Hearing Officer, or Hearing Examiner, after careful consideration of any objections and upon determination that the testimony or documents appear(s) to be necessary to the matters under investigation and describe(s) with sufficient particularity the documents sought. Service of an approved request for appearance of witnesses or request for production of documents is the responsibility of the requesting party. Upon the failure of any party, or officer, or official, of any party to comply with such request(s), the Commission, Hearing Officer, or the Hearing Examiner, may disregard all related evidence offered by the party failing to comply or take such other action as may be appropriate.

(f) A denial of a motion shall be explained fully and it shall become a part of the hearing record.

§ 806.7 Rules to be construed liberally.

(a) The regulations in this chapter may be construed liberally to effectuate the purposes and provisions of the order.

(b) When an act is required or allowed to be done at or within a specified time, the Commission may at any time order the period altered where it shall be manifest that strict adherence will work surprise or injustice or interfere with the proper effectuation of the order.

§ 806.8 Petitions for amendment of regulations.

Any interested person may petition the Commission in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

Dated at Washington, D.C., this 15th day of February 1972.

DAVID P. TAYLOR,
Chairman, Employee-Management Relations Commission.

[FR Doc.72-2640 Filed 2-22-72;8:45 am]

FEB 23 72
XUM

federal register

WEDNESDAY, FEBRUARY 23, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 36

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

REGULATION OF FUELS AND FUEL ADDITIVES

Notice of Proposed Rule Making

FEB 23 72
XUM

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 80]

REGULATION OF FUELS AND FUEL ADDITIVES

Lead and Phosphorus Additives in Motor Vehicle Gasoline

On January 30, 1971, advance notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1486) to inform the public that the Agency, in accordance with the requirements of section 211 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), was considering available relevant scientific, medical, economic, and technological data concerning the use of lead additives in motor vehicle gasolines, with the intention of proposing controls or prohibitions on the use of those additives on the earliest date possible.

After considering available scientific and economic data, including a cost-benefit analysis comparing motor vehicle emission control devices or systems which are or will be in general use and require control or prohibition of lead additives in gasolines with emission control devices or systems which are or will be in general use and do not require such control or prohibition of those additives, the Administrator has determined that emission products of lead additives will impair to a significant degree the performance of emission control systems that include catalytic converters which motor vehicle manufacturers are developing to meet 1975–76 motor vehicle emission standards and are likely to be in general use if lead additives are controlled or prohibited for use in certain motor vehicle gasolines. The same considerations were given, and the same determination was made regarding the use of phosphorus-containing additives in motor vehicle gasolines.

Therefore, it is proposed to provide for general availability by July 1, 1974, of essentially lead-free and phosphorus-free gasolines of an octane quality suitable for 1975 and subsequent model year light-duty vehicles. Copies of the cost-benefit analysis referred to above, entitled Aerospace Report, PB–205–981, are available for $4.50 each from National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22151.

Based on the available evidence, the Administrator has concluded that airborne lead levels exceeding 2 micrograms per cubic meter, averaged over a period of 3 months or longer, are associated with a sufficient risk of adverse physiologic effects to constitute endangerment of public health. Since airborne lead levels in many major urban areas currently range from 2 to somewhat over 5 micrograms, and since motor vehicles are the predominant source of airborne lead in such areas, attainment of a 2-microgram level will require a 60 to 65 percent reduction in lead emissions from motor vehicles. The Administrator proposes to regulate the lead content of "regular" and "premium" leaded gasolines by providing for the reduction of lead over a 4-year period, beginning January 1, 1974. It is the Agency's judgment that these reductions, together with the introduction of one grade of lead-free gasoline, as proposed herein, will provide for the protection of health in major urban areas within the shortest time reasonably possible. Copies of a summary and analysis of evidence on health hazards of airborne lead, entitled "Health Hazards of Lead," are available from the Publications Section, Environmental Protection Agency, 5600 Fishers Lane, Room 18B–08, Rockville, MD 20852.

The Administrator has considered whether it would be more economically and technologically feasible to provide for the protection of public health by means of a new motor vehicle emission standard for lead particles than by means of the proposed reduction of gasoline lead content. It is considered unlikely, however, that new motor vehicles could be equipped with lead emission control devices prior to the 1975 model year, it is anticipated that new vehicles will be equipped with emission control systems requiring the use of lead-free gasoline; thus, imposing a lead emission standard would produce no benefit, in terms of lead emissions. Furthermore, the Administrator does not have authority to prescribe a lead emission standard applicable to other-than-new vehicles. Accordingly, the Administrator has determined that providing for the protection of public health by means of a new motor vehicle emission standard for lead is not feasible.

The Administrator finds that prohibition of the use of lead additives and phosphorus-containing additives and the reduction of gasoline lead content will not cause the use of any other fuel or fuel additive that will produce emissions which will endanger the public health or welfare to the same or greater degree. The bases for this finding are set forth in a paper entitled "Effects of Reduced Use of Lead in Gasoline on Vehicle Emissions and Photochemical Reactivity," copies of which are available from the Publications Section, Environmental Protection Agency, 5600 Fishers Lane, Room 18B–08, Rockville, MD 20852.

The Administrator is also considering the need for limiting the sulfur content of gasoline because sulfur may have an adverse effect on the performance of catalytic emission control systems. Accordingly, the Administrator invites comments concerning the effect of various levels of sulfur concentrations in lead-free and phosphorus-free gasoline on such emission control systems; the maximum level of sulfur which can be tolerated if the catalyst is to function properly; the impact of a sulfur limitation on the petroleum industry; and the impact of a sulfur limitation on motor vehicle performance and the cost of gasoline to the consumer.

The Administrator specifically invites all interested parties to submit information reflecting their interpretation of the significance of airborne lead as a health hazard. Additionally, comments are requested on the regulatory approach proposed herein and on possible alternatives which would achieve the same result. Comments on any such alternative should be accompanied by information on its cost-benefits and other effects.

Among other things, these regulations set forth certain labeling requirements applicable to gasoline retailers. It is the Administrator's intent to coordinate such requirements with the Federal Trade Commission.

Interested persons may submit written comments on the proposed regulations, in triplicate, to the Deputy Assistant Administrator for Air Programs, Environmental Protection Agency, 5600 Fishers Lane, Room 17–59, Rockville, MD 20852. All relevant comments postmarked not later than 90 days after publication of this notice will be considered. Comments received will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Office of Public Affairs, Waterside Mall, 401 M Street SW., Room 3241, Washington, DC 20460.

The Act provides that if a manufacturer of motor vehicles, motor vehicle engines, fuels, or fuel additives submits a written request for a public hearing to the Administrator within 10 days of the publication of this notice, the Administrator will call a public hearing and subsequently will publish findings with respect to the matters he is required to consider under section 211(c)(2)(B) of the Act. However, because of the significance of the proposed regulations, the Administrator has decided to call the public hearings. The particulars concerning the hearings will be announced in the FEDERAL REGISTER at a later date.

This notice of proposed rule making is issued under the authority of section 211 of the Clean Air Act as amended (42 U.S.C. 1857f–6c, section 9, Public Law 91–604; 84 Stat. 1968).

Dated: February 17, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

A new Part 80 would be added to Chapter I, Title 40 of the Code of Federal Regulations, as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Subpart A—General Provisions

Sec.
80.1 Scope.
80.2 Definitions.
80.3 Test methods.
80.4 Right of entry; tests and inspections.
80.5 Penalties.

Subpart B—Controls and Prohibitions

80.20 Controls applicable to gasoline refiners.
80.21 Controls applicable to gasoline distributors.
80.22 Controls applicable to gasoline retailers.
80.23 Liability for violations.
80.24 Controls applicable to motor vehicle manufacturers.

Subpart A—General Provisions

§ 80.1 Scope.

This part prescribes regulations for the control and/or prohibition of fuels and additives for use in motor vehicles and motor vehicle engines. These regulations are based upon (a) a determination by the Administrator of the Environmental Protection Agency that the emission product of a fuel or additive will endanger the public health or welfare, or will impair to a significant degree the performance of a motor vehicle emission control device in general use or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulations to be promulgated; and (b) certain other findings specified by the Act.

§ 80.2 Definitions.

As used in this part:

(a) "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by the Public Law 91–604; 84 Stat. 1676).

(b) "Administrator" means the Administrator of the Environmental Protection Agency.

(c) "Gasoline" means any fuel sold for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.

(d) "Research octane number" means a measurement of a gasoline's knock characteristics which is determined by American Society for Testing and Materials analytical method designated D–2699.

(e) "Lead additive" means any substance containing lead or lead compounds.

(f) "Leaded gasoline" means gasoline which is produced with the use of any lead additive.

(g) "Lead-free" means containing not more than 0.05 grams of lead per gallon.

(h) "Phosphorus additive" means any substance containing phosphorus or phosphorus compounds.

(i) "Phosphorus-free" means containing no more than 0.01 grams of phosphorus per gallon.

(j) "Retailer" means a person selling, or offering for sale, gasoline to the public.

(k) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public.

(l) "Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refinery and any retailer outlet.

§ 80.3 Test methods.

The lead and phosphorus content of gasoline shall be determined in accordance with test methods to be prescribed by the Administrator.

§ 80.4 Right of entry; tests and inspections.

The Administrator or his authorized representative upon presentation of appropriate credentials shall have a right to enter upon or through any gasoline refiner, retail outlet, or the premises or property of any distributor and shall have the right to make inspections, take samples, and conduct tests to determine compliance with this part and the Act.

§ 80.5 Penalties.

Any person who violates these regulations shall forfeit and pay to the United States a civil penalty of $10,000 for each and every day of the continuance of such violation, which shall accrue to the United States and be recovered in a civil suit in the name of the United States, brought in the district where such person has his principal office or in any district in which he does business. The Administrator may, upon application by the person against whom any such penalty has been assessed, remit or mitigate any such forfeiture. The Administrator shall have authority to determine the facts upon all such applications.

Subpart B—Controls and Prohibitions

§ 80.20 Controls applicable to gasoline refiners.

(a) No gasoline refiner shall offer for sale or sell any gasoline which contains more than—

(1) 2.0 grams of lead per gallon, after January 1, 1974;

(2) 1.7 grams of lead per gallon, after January 1, 1975;

(3) 1.5 grams of lead per gallon, after January 1, 1976;

(4) 1.25 grams of lead per gallon, after January 1, 1977.

(b) (1) After July 1, 1974, no gasoline refiner shall sell or offer for sale gasoline of 91 Research Octane Number or less which has been produced with the use of any lead additive or which contains more than 0.05 grams of lead per gallon.

(2) After July 1, 1974, no gasoline refiner shall sell or offer for sale gasoline of 91 Research Octane Number or less which has been produced with the use of any phosphorus additive or which contains more than 0.01 grams of phosphorus per gallon.

(c) (1) After July 1, 1974, no gasoline refiner shall sell or offer for sale any lead-free or phosphorus-free gasoline which has been dyed any color.

(2) After July 1, 1974, no gasoline refiner shall sell or offer for sale any gasoline which is not lead-free and phosphorus-free unless such gasoline is conspicuously colored.

§ 80.21 Controls applicable to gasoline distributors.

(a) No distributor shall sell or offer for sale any gasoline which contains more than—

(1) 2.0 grams of lead per gallon, after January 1, 1974;

(2) 1.7 grams of lead per gallon, after January 1, 1975;

(3) 1.5 grams of lead per gallon, after January 1, 1976;

(4) 1.25 grams of lead per gallon, after January 1, 1977.

(b) After July 1, 1974, no distributor shall sell to any distributor or retailer any gasoline which he represents is lead-free and phosphorus-free unless such gasoline is, in fact, lead-free and phosphorus-free.

§ 80.22 Controls applicable to gasoline retailers.

(a) No retailer shall sell or offer for sale any gasoline which contains more than—

(1) 2.0 grams of lead per gallon, after January 1, 1974;

(2) 1.7 grams of lead per gallon, after January 1, 1975;

(3) 1.5 grams of lead per gallon, after January 1, 1976;

(4) 1.25 grams of lead per gallon, after January 1, 1977.

(b) After July 1, 1974, no retailer or his employee or agent shall introduce, or cause or allow the introduction of gasoline which is not lead-free and phosphorus-free, into any motor vehicle which is labeled "LEAD-FREE, PHOSPHORUS-FREE GAS ONLY," or which is equipped with a gasoline tank filler inlet designed for the introduction of lead-free and phosphorus-free gasoline.

(c) After July 1, 1974, every owner or operator of a retail outlet at which 200,000 or more gallons of gasoline was sold during any calendar year beginning with the year 1971 shall offer for sale at least one grade of lead-free and phosphorus-free gasoline of not less than 91 Research Octane Number.

(d) After July 1, 1974, every owner or operator of six or more retail outlets shall offer for sale at least one grade of lead-free and phosphorus-free gasoline of not less than 91 Research Octane Number at no fewer than 60 percent of such outlets.

(e) After July 1, 1974, every retailer shall prominently and conspicuously display, in the immediate area of each gasoline pump, the following notice:

Federal law prohibits the introduction of any gasoline containing lead or phosphorus into any motor vehicle labeled "LEAD-FREE, PHOSPHORUS-FREE GAS ONLY."

Such notice shall be no smaller than 36-point bold type, and shall be located so as to be readily visible to the retailer's employees and customers.

(f) After July 1, 1974, each retailer shall affix to each gasoline pump a permanent legible label as follows:

(1) For gasoline pumps used to introduce lead-free and phosphorus-free gasoline into motor vehicles, the label shall state: "Lead-free and phosphorus-free gasoline."

(2) For gasoline pumps used to introduce gasoline which is not lead-free and phosphorus-free into motor vehicles, the label shall state: "Contains lead anti-knock compounds."

(3) For gasoline pumps used to introduce gasoline which is lead-free but not phosphorus-free, the label shall state: "Contains phosphorus compounds."

Any label required under this paragraph shall be located so as to be readily visible to the retailer's employees and customers.

(g) After July 1, 1974, every owner or operator of a retail outlet shall equip all gasoline pumps as follows:

FEB 23 72
XUM

(1) Each pump from which gasoline is sold that is not lead-free and phosphorus-free shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 0.930 inch (2.362 centimeters).

(2) Each pump from which lead-free and phosphorus-free gasoline is sold shall be equipped with a nozzle spout which meets the following specifications:

(i) The outside diameter of the terminal end shall not be greater than 0.850 inch (2.159 centimeters);

(ii) The terminal end shall have a straight section of at least 3.0 inches (7.620 centimeters) in length;

(iii) The retaining spring shall terminate 4.0 inches (10.160 centimeters) from the terminal end.

§ 80.23 Liability for violations.

Liability for violations of paragraph (a) or (b) of § 80.22 shall be determined as follows:

(a) (1) Where the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries appears on the pump or is displayed at the retail outlet from which the gasoline was sold, the retailer and such gasoline refiner shall be jointly liable.

(2) Where the corporate, trade, or brand name of a gasoline refiner or any of its marketing subsidiaries does not appear on the pump or is not displayed at the retail outlet from which the gasoline was sold, the retailer and any distributor who sold the retailer gasoline contained in the retail outlet storage tank which supplied that pump at the time of violation shall be jointly liable.

(b) (1) In any case in which a retailer and any gasoline refiner or distributor would be jointly liable under paragraph (a)(1) of this section the retailer shall not be liable if the retailer can demonstrate that the violation was not caused by him or his employee or agent.

(2) In any case in which a gasoline refiner is found liable under paragraph (a)(1) of this section, such refiner shall be strictly liable except as provided in paragraph (c) of this section.

(3) In any case under paragraph (a)(2) of this section in which two or more distributors have sold the retailer gasoline contained in the retail outlet storage tank which supplied the pump from which the gasoline was sold, any of such distributors who can demonstrate that the violation was not caused by him or his employee or agent shall not be liable.

(c) In any case in which a retailer or his employee or agent introduced gasoline which is not lead-free and phosphorus-free, from a pump from which leaded gasoline is sold, into a motor vehicle which is equipped with a gasoline tank filler inlet designed for the introduction of lead-free and phosphorus-free gasoline, only the retailer shall be liable.

§ 80.24 Controls applicable to motor vehicle manufacturers.

The manufacturer of any motor vehicle equipped with an emission control device which the Administrator has determined would be significantly impaired by the use of gasoline which is not lead-free and phosphorus-free shall:

(a) Affix two permanent, legible labels reading "LEAD-FREE, PHOSPHORUS-FREE GAS ONLY" to such vehicle at the time of its manufacture, as follows:

(1) One label shall be located on the instrument panel so as to be readily visible to the operator of the vehicle: *Provided, however,* That the required statement may be incorporated into the design of the instrument panel rather than provided on a separate label; and

(2) One label shall be located immediately adjacent to the gasoline tank filler inlet, outside of any filler inlet compartment, and shall be located so as to be readily visible to any person introducing gasoline to such filler inlet.

Such labels shall be in the English language in block letters which shall be of a color that contrasts with their background.

(b) Manufacture such vehicle with a gasoline tank filler inlet having a restriction with an inside diameter not greater than 0.900 inches (2.286 centimeters), which prevents the insertion of a nozzle with a spout larger than prescribed in § 80.22(g)(2)(i). Such filler inlet shall be designed so as to immediately activate any automatic shutoff device on any nozzle subject to § 80.22(g)(1) when the introduction of gasoline into such filler inlet from such a nozzle is attempted.

[FR Doc.72-2672 Filed 2-22-72;8:49 am]

C1

federal register

THURSDAY, FEBRUARY 24, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 37
Pages 3885–3976

3885-3901
5 cys.



PART I

(Part II begins on page 3949)
(Part III begins on page 3963)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ECONOMIC STABILIZATION—
IRS notices on Cost of Living Council rulings for tractor-trailer operating permits and salted cattle hides (2 documents) 3922, 3923
Cost of Living Council miscellaneous amendments regarding economic units; effective 2–23–72 3913
Price Comm. miscellaneous amendments regarding base price determinations, new property and services, and other matters (2 documents); effective 2–24–72 ..... 3913, 3915

MOTOR VEHICLE SAFETY—
DoT revision of air brake requirements; effective 10–1–74 3905
DoT amendment on option for seat belt systems with ignition interlocks 3911

TRANSPORT AIRCRAFT—FAA amendments on crashworthiness and passenger evacuation standards; effective 5–1–72 3963

COLOR ADDITIVES—FDA notice of postponement of closing date for provisional listing; effective 1–1–72 3896

TRADEMARKS—Commerce Dept. miscellaneous amendments; effective 3–17–72 3897

FLUE-CURED TOBACCO—USDA clarification of regulations on fraudulent allotment and quota transfers; effective 2–23–72 3891

(Continued inside)

V 37-37
FEB 24 72
XUM

Would you like to know WHAT CHANGES HAVE BEEN MADE IN CERTAIN TITLES OF THE CODE OF FEDERAL REGULATIONS without reading the Federal Register every day? If so, you may wish to subscribe to the "List of CFR Sections Affected." ?

List of CFR Sections Affected $5.00 per year

The "List of CFR Sections Affected" is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register, and is issued monthly in cumulative form. Entries indicate the nature of the changes.

Also available on a subscription basis . . .

The Federal Register Subject Index $3.00 per year

Subject Indexes covering the contents of the daily Federal Register are issued monthly, quarterly, and annually. Entries are carried primarily under the names of the issuing agencies, with the most significant subjects additionally carried in appropriate alphabetical position.

A finding aid is included at the end of each publication which lists Federal Register page numbers with the date of publication in the Federal Register.

Order from: Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Note to FR Subscribers: FR Subject Indexes and the "List of CFR Sections Affected" will continue to be mailed free of charge to regular FR subscribers.

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

SMALL BUSINESS INVESTMENT COMPANIES—SBA rules on 6-month financial report and other matters; effective 2–24–72 3949

COAL MINE HEALTH—HEW rule for awarding grants for the advancement of health of workers in the coal mining industry; effective 2–24–72 3901

PATENT WAIVER REGULATIONS—NASA proposed revision; comments within 30 days 3918

AIR FARES—CAB notices on certain group flights to Hawaii (2 documents) 3925, 3926

TELECOMMUNICATIONS—FCC amendments to Table of Canadian TV channel allocations 3926

VACCINES—HEW proposed revision of neurovirulence safety test for live measles, mumps, and rubella vaccines; comments within 30 days 3916

ANTIDUMPING—
Tariff Comm. determination of injury regarding diamond tips for phonograph needles from the United Kingdom 3932
Customs Bur. institutes inquiries of Canadian sulphur and certain Japanese impression fabric (2 documents) 3922

RAILROADS—ICC notice on temporary restraining order regarding amended abandonment procedures 3932

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Flue-cured tobacco; farm marketing quotas and acreage allotments; 1970–71 and subsequent marketing years 3891

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

Babcock & Wilcox Co.; license termination order 3927

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
China Airlines, Ltd. 3925
Continental Air Lines, Inc. (2 documents) 3925, 3926
Golden West Airlines and Los Angeles Airways, Inc. 3925

COAST GUARD

Rules and Regulations

Richardson Bay Channel, Mill Valley, California; drawbridge operation 3897

COMMERCE DEPARTMENT

See Domestic Commerce Bureau; Import Programs Office; National Oceanic and Atmospheric Administration; Patent Office.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Handling limitations on fruit grown in Arizona and designated part of California:
Navel oranges 3891
Valencia oranges 3892

COST OF LIVING COUNCIL

Rules and Regulations

Coverage; exemptions and classification of economic units; miscellaneous amendments 3913

CUSTOMS BUREAU

Rules and Regulations

Educational and scientific institutions; scientific instruments and apparatus; duty free entry 3896

Notices

Antidumping proceedings:
Impression fabric of man-made fiber from Japan 3922
Sulphur from Canada 3922

DOMESTIC COMMERCE BUREAU

Rules and Regulations

Educational and scientific institutions; instruments and apparatus; cross reference 3892

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

Statement of organization and general information 3898

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Transport category airplanes; crashworthiness and passenger evacuation standards 3964

FEDERAL COMMUNICATIONS COMMISSION

Notices

Canadian television; channel allocations 3926
Pulley, Melvin and Waseca-Owatonna Broadcasting Co.; construction permits; order designating applications for consolidated hearing 3926

FEDERAL HIGHWAY ADMINISTRATION

Rules and Regulations

Motor carrier safety proceedings; incorporation of mandatory orders in settlement agreements; delegation of authority 3905

Notices

Advisory Committee for Promotion of Compliance with Motor Carrier Safety and Hazardous Materials Regulations; termination 3924

FEDERAL MARITIME COMMISSION

Notices

J. R. Willever, Inc., and Barnett/Freeslate International Corp.; revocation of license 3927
Pierce and Byron et al.; independent ocean freight forwarder licenses 3927

(Continued on next page)

V 37 N 37 FEB 24 72 XUM

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Alabama Power Co. ---- 3927
- Amoco Production Co. ---- 3928
- City of Seattle, Wash. ---- 3928
- Kaiser, Herman Geo., et al. ---- 3928
- Marache, Nancie A., et al. ---- 3929

FEDERAL RESERVE SYSTEM

Notices

First State Banking Corp.; formation of bank holding company ---- 3930

FISCAL SERVICE

Notices

ELAC Insurance Co., Ltd., and Employers Commercial Union Insurance Co.; surety companies acceptable on Federal bonds ---- 3922

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Color additives; postponement of closing date for provisional listing ---- 3896

GENERAL SERVICES ADMINISTRATION

Notices

Federal Supply Service; solicitation for offers ---- 3930

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Public Health Service.

Notices

Social and Rehabilitation Service; statement of organization, functions and delegations of authority ---- 3924

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Notices

Acting Regional Administrator, Region IX; designations (2 documents) ---- 3924

IMPORT PROGRAMS OFFICE

Rules and Regulations

Educational and scientific institutions; instruments and apparatus ---- 3892

INTERIOR DEPARTMENT

Notices

Authorized Cascade Irrigation District Rehabilitation & Betterment Program, Yakima Project, Wash.; availability of draft environmental statement ---- 3923
Wall, E. E.; statement of changes in financial interests ---- 3923

INTERNAL REVENUE SERVICE

Notices

Cost of Living Council rulings:
- Green salted cattle hides ---- 3923
- State fees for tractor-trailer operating permits ---- 3922

INTERSTATE COMMERCE COMMISSION

Notices

Abandonment of railroad lines ---- 3932
Assignment of hearings ---- 3932
Fourth sections application for relief ---- 3933
Motor carriers:
- Alternate route deviation notices (2 documents) ---- 3933, 3934
- Applications and certain other proceedings ---- 3934
- Intrastate applications ---- 3942
- Temporary authority applications (2 documents) ---- 3937, 3939
- Transfer proceedings (2 documents) ---- 3942, 3944

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Proposed Rule Making

Patent waiver regulations; general procedures ---- 3918

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules and Regulations

Federal motor vehicle safety standards:
- Air brake systems ---- 3905
- Occupant crash protection ---- 3911

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Loan applications:
- Hotch, Joseph ---- 3923
- Nelson, Norval H. ---- 3923

PATENT OFFICE

Rules and Regulations

Trademark cases; miscellaneous amendments ---- 3897

PRICE COMMISSION

Rules and Regulations

Price stabilization; miscellaneous amendments ---- 3913
Procedural regulations; miscellaneous amendments ---- 3915

PUBLIC HEALTH SERVICE

Rules and Regulations

Grants for advancement of health in coal mining ---- 3901

Proposed Rule Making

Live measles, mumps and rubella vaccine; revision of neurovirulence safety tests ---- 3916

SMALL BUSINESS ADMINISTRATION

Rules and Regulations

Small business investment companies; miscellaneous amendments ---- 3950

Notices

American Indian Investment Opportunities, Inc.; issuance of license to operate as minority enterprise small business investment company ---- 3930
Associated Business Investment Corp.; application for license as small business investment company ---- 3930
Goodwin Small Business Investment Co.; filing of application for exemption with respect to conflict-of-interest transaction ---- 3931
Massachusetts; declaration of disaster loan area ---- 3931
Merchants Capital Corp.; surrender of license of small business investment company ---- 3931
Washington Capital Corp.; approval of application for transfer of control of licensed small business investment company ---- 3931

TARIFF COMMISSION

Notices

Diamond tips from the United Kingdom; determination of injury ---- 3932

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Highway Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Customs Bureau; Fiscal Service; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

6 CFR
101 ---- 3913
300 ---- 3913
305 ---- 3915

7 CFR
725 ---- 3891
907 ---- 3891
908 ---- 3892

13 CFR
107 ---- 3950

14 CFR
25 ---- 3969
37 ---- 3973
121 ---- 3974
PROPOSED RULES:
1245 ---- 3918

15 CFR
602 ---- 3892
701 ---- 3892

19 CFR
10 ---- 3896

21 CFR
8 ---- 3896

33 CFR
117 ---- 3897

37 CFR
2 ---- 3897

40 CFR
1 ---- 3898

42 CFR
55 ---- 3901
PROPOSED RULES:
73 ---- 3916

49 CFR
386 ---- 3905
571 (2 documents) ---- 3905, 3911

V 37-37 FEB 24 72 XUM

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-cured Tobacco, 1970–71 and Subsequent Marketing Years

On page 793 of the FEDERAL REGISTER of January 19, 1972, there was published a notice of determination to be made with respect to regulations pertaining to farm acreage allotments and farm marketing quotas for flue-cured tobacco for 1970–71 and subsequent marketing years. The notice stated that it was proposed to amend the regulations to clarify the provisions of § 725.72(p)(1) of the regulations to state with particularity the farm against which overmarketings would be charged in any case where a lease of allotment and quota is canceled because of fraud on the part of the owner or operator of the transferring farm but without fault on the part of the owner or operator of the receiving farm.

Interested persons were given 15 days after publication of this notice in which to submit written data, views, or recommendations with respect to the proposed regulations. No data, views, or recommendations were submitted pursuant to such notice.

The proposed amendment to the regulations is adopted.

Section 725.72(p)(1) is revised to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

* * * * *

(p) *Cancellation, dissolution, or revision of transfer*—(1) *Cancellation.* Any transfer of allotment and quota under this section which was approved by the county committee in error or on the basis of incorrect information furnished by the parties to the agreement shall be canceled by the county committee.

(i) Except as provided in subdivision (ii) of this subparagraph (1), such cancellation shall be effective as of the date of approval for purposes of determining overmarketings and undermarketings from the farms, and for purposes of determining eligibility for price support and marketing quota penalties except that such cancellation shall not be effective for the current marketing year for price support and marketing quota penalty purposes if: (*a*) The transfer approval was made in error or on the basis of incorrect information unknowingly furnished by the parties to the leasing agreement; and, (*b*) The parties to the leasing agreement were not notified of the cancellation before the tobacco was planted.

(ii) Where a lease of allotment and quota is canceled because of fraud on the part of the owner or operator of the transferring farm but without fault on the part of the owner or operator of the receiving farm, such cancellation shall be effective as of the date of approval except for purposes of determining eligibility of price support and marketing quota penalties for the receiving farm. In such case the overmarketings shall be charged against the farm from which the transfer of allotment and quota was made if such farm, after any such reconstitution as may be necessary as a result of the fraud, is assigned an allotment and quota against which the overmarketings could be charged; otherwise, the overmarketings shall be charged against any other farm involved in the fraud having an allotment and quota after any reconstitution required by such fraud: *Provided*, That any overmarketings on the receiving farm which is in excess of the amount of quota involved in the canceled lease shall be charged against the receiving farm.

* * * * *

(Secs. 316, 75 Stat. 469, as amended, 375, 52 Stat. 66, as amended; 7 U.S.C. 1314b, 1375.)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on February 16, 1972.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 72-2683 Filed 2-23-72;8:46 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 257]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.557 Navel Orange Regulation 257.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 22, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 25, through March 2, 1972, are hereby fixed as follows:

(i) District 1: 954,000 cartons;

(ii) District 2: 196,000 cartons;

(iii) District 3: Unlimited;

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

V 37 ■ 37 FEB 24 72 XUM

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 23, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2890 Filed 2-23-72;11:27 am]

[Valencia Orange Reg. 376]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.676 Valencia Orange Regulation 376.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 22, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period February 25 through March 2, 1972, are hereby fixed as follows:

(i) District 1: Unlimited;
(ii) District 2: Unlimited;
(iii) District 3: 49,132 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 23, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2891 Filed 2-23-72;11:27 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter VI—Bureau of Domestic Commerce, Department of Commerce

PART 602—INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

CROSS REFERENCE: For a document issued jointly by the Deputy Assistant Secretary for Resources, Department of Commerce, the Assistant Secretary for Domestic and International Business, Department of Commerce, and the Assistant Secretary of the Treasury regarding the carrying out of the functions and responsibilities of the Deputy Assistant Secretary for Resources of the Department of Commerce relating to the Office of Export Programs, see F.R. Doc. 72-2709, Office of Import Programs, Department of Commerce, Part 701, *infra*.

Chapter VII—Office of Import Programs, Department of Commerce

PART 701—INSTRUMENTS AND APPARATUS FOR EDUCATIONAL AND SCIENTIFIC INSTITUTIONS

A new Chapter VII is added to Title 15 of the Code of Federal Regulations to provide for carrying out the functions and responsibilities of the Deputy Assistant Secretary for Resources of the Department of Commerce relating to the Office of Import Programs. Part 701 is added to Chapter VII of Title 15 of the Code of Federal Regulations to provide for rules and regulations relating to duty-free entry of instruments and apparatus for educational and scientific institutions. Regulations formerly found in Part 602 of Chapter VI of Title 15 of the Code of Federal Regulations are revised as set forth below and redesignated as Part 701 of Chapter VII of Title 15.

The notice, public rule making procedure and effective date requirements contained in 5 U.S.C. 553 are omitted as unnecessary because the changes are procedural and editorial in nature. Accordingly, this revision shall become effective on the date of its publication in the FEDERAL REGISTER (2–24–72).

Sec.
701.1 General provisions.
701.2 Definitions.
701.3 Application for duty-free entry.
701.4 Description of article.
701.5 Intended purposes.
701.6 Justification for duty-free entry.
701.7 Availability of domestic instrument.
701.8 Denial without prejudice to resubmission.
701.9 Public notice and opportunity to present views.
701.10 Additions to the record.
701.11 Review and findings of the Department of Commerce.
701.12 Appeal.

AUTHORITY: The provisions of this Part 701 issued under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (80 Stat. 897; 19 U.S.C. 1202), and Department of Commerce Organization Order 10–3 of February 14, 1971 (36 F.R. 4553).

§ 701.1 General provisions.

(a) The purpose of this part is to set forth regulations relating to the responsibilities vested in the Secretary of Commerce under the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897; see particularly section 6(c) thereof and headnote 6(f) to part 4 of Schedule 8, Tariff Schedules of the United States, 19 U.S.C. 1202 as added by said section 6(c)). The Act provides, inter alia, that any nonprofit institution (whether public or private) established for educational or scientific purposes may obtain duty-free treatment of certain instruments and apparatus entered for its use, if the Secretary of Commerce determines that no instrument or apparatus of equivalent scientific value to such article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States. The responsibilities of the Secretary of Commerce under the Act have been delegated to the Assistant Secretary for Domestic and International Business of the Department of Commerce, with power of redelegation, by Department of Commerce Organization Order 10–3 of February 14, 1971.

(b) All references in this part to items, headnotes, schedules or parts, unless otherwise indicated, are references to items, headnotes, schedules or parts of the Tariff Schedules of the United States (19 U.S.C. 1202).

(c) Applications for duty-free entry of foreign instruments, and comments submitted in accordance with § 701.9, shall be written, typed or printed, in the English language and shall be legible. Copies of relevant documents, such as manufacturers' specifications, advertisements for bids, correspondence relating to availability of instruments or apparatus or the like, should be made a part of an application or comments, and be fully identified. Each copy should be permanent and legible, and shall be attached as part of the response to the question to which it relates. A document in a foreign language shall be accompanied by an accurate translation.

(d) The Educational, Scientific, and Cultural Materials Importation Act of 1966 vests certain responsibilities in the Secretary of the Treasury in connection with the duty-free entry of scientific instruments and apparatus. Regulations of the Bureau of Customs pertaining to receipt and processing of applications, exclusion of certain articles from duty-free entry, procedures for entry and liquidation, disposition of articles entered duty-free, and other relevant matters are set forth in 19 CFR 10.114–10.119.

§ 701.2 Definitions.

For the purposes of the regulations in this part and the forms issued to implement them:

(a) "Deputy Assistant Secretary" means the Deputy Assistant Secretary for Resources of the Department of Commerce, or such official as may be designated by him to act in his behalf.

(b) "Instruments and apparatus" embraces only instruments and apparatus classifiable under the tariff items specified in headnote 6(a) of part 4 of Schedule 8. A combination of a basic instrument or apparatus and additional components shall be treated as a single instrument or apparatus provided that, under normal commercial practice, such combination is considered to be a single instrument or apparatus and provided further that the applicant has ordered or, upon favorable action on its application, firmly intends to order the combination as a unit.

(c) "Accessory" has the meaning which it has under normal commercial usage. An accessory for which duty-free entry is sought under item 851.60 shall be the subject of a separate application when it is not an accompanying accessory.

(d) "Accompanying accessory" means an accessory for a foreign instrument that is listed as an item in the same purchase order and that is necessary for accomplishment of the purposes for which the foreign instrument is intended to be used.

(e) "Article" means a foreign instrument and its accompanying accessories, unless context indicates otherwise.

(f) "Foreign instrument" means an instrument, apparatus, or accessory for which duty-free entry is sought under item 851.60. However, "foreign instrument" does not include repair components, which enter under item 851.65.

(g) "Domestic instrument" means an instrument, apparatus, or accessory which is manufactured in the United States.

(h) "United States" includes only the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(i) "Produced for stock" means an instrument, apparatus, or accessory which is manufactured, on sale and available from a stock.

(j) "Produced on order" means an instrument, apparatus, or accessory which a manufacturer lists in a current catalog and is able and willing to produce and have available without unreasonably delay to the applicant.

(k) "Custom-made" means an instrument, apparatus or accessory, which a manufacturer makes to purchaser's specifications.

(l) "Same general category" means the category in which an instrument, apparatus or accessory is customarily classified in trade directories and product-source lists, e.g., electron microscopes, mass spectrometers, light microscopes, X-ray spectrometers, and the like.

(m) "Most closely comparable instrument" means the domestic instrument that most closely fulfills the applicant's technical requirement described in response to question 7 of the application form, without regard to differences in cost, design or structural characteristics.

(n) "Pertinent specifications" of an instrument, apparatus, or accessory means those structural, operational, performance, and other characteristics specified for the instrument, apparatus, or accessory that are necessary for the accomplishment of the purposes described by the applicant in response to question 7 of the application form, excluding from consideration those purposes excluded by headnotes 1 or 6(a) to Part 4 of Schedule 8. The term does not extend to such characteristics as size, durability, complexity, ease of operation, ease of maintenance and versatility, unless the applicant can demonstrate that they are necessary for accomplishing the purposes for which the article is intended to be used. The term does not include cost differences between the domestic and foreign instrument, apparatus or accessory.

(o) "Guaranteed specifications" means those pertinent specifications for the foreign article and comparable domestic instruments, whereby the respective manufacturers define as an explicit part of the contractual agreement with the purchaser, for each related capability, the minimum performance level that the user may routinely expect to achieve as well as the conditions under which the specified minimum level was established by the manufacturer.

§ 701.3 Application for duty-free entry.

(a) Any public or private nonprofit institution established for educational or scientific purposes desiring to obtain duty-free entry of an instrument or apparatus under item 851.60 shall file an application in seven copies on Form OIPF–768, "Request for duty-free entry of scientific instrument or apparatus." Applications and attachments shall comply with the language requirement and other provisions of § 701.1(c). Application forms may be obtained from the Deputy Assistant Secretary, from field offices of the U.S. Department of Commerce, or from U.S. Customs ports. For a period of 60 days from date of publication of this revision in the FEDERAL REGISTER, Form BDSAF–768, "Request for duty-free entry of scientific instruments and apparatus," may be used if Form OIPF–768 is not yet available.

(b) The applicant should answer all applicable questions appearing on Form OIPF–768 in accordance with the instructions set forth on the form and in this part. Unless otherwise indicated from context, terms used in the form have the meanings defined in § 701.2. Questions 5, 7, 8, and 9, together with the certification on the reverse of the form, shall be completed by the person in the applicant institution under whose direction and control the foreign instrument will be used and who is thoroughly familiar with the specific program requiring an instrument, apparatus or accessory having the pertinent specifications of the foreign instrument. Two of such forms shall be executed in original by the aforementioned person, and five shall be true copies. The seven completed copies of the form, with the attachments required to complete the form fully, should be mailed or delivered to:

Bureau of Customs, Attention: Tariff Classification Rulings, Washington, D.C. 20226.

(c) Only one application shall be required for a foreign instrument and its accompanying accessories. A single application may be submitted for any quantity of the same type or model of the foreign instrument, apparatus or accessory, provided that all of that quantity are intended to be used for all of the purposes described in the response to question 7. If the purchase order includes different types or models of the same general category of the foreign instrument, and its accompanying accessories, a separate application shall be submitted for each type or model although all may be intended for the same purposes.

§ 701.4 Description of article.

The specifications provided by the manufacturer of the foreign instrument or facsimile thereof shall be included in the response to question 5 of the application form. These specifications shall be in a form that permits comparison with the specifications for comparable domestic instruments, apparatus, or accessories. If the technical nature of the foreign instrument, apparatus, or accessory is such that the specifications for a performance capability may vary according to variations in test procedures, sample material, sample size, and other parameters, the specifications for the article shall identify the relevant parameters. In the case of produced on order or custom-made instruments, apparatus, or accessories, the response to question 5 shall include a statement from the manufacturer of the foreign instrument attesting to the degree of compliance with purchaser's specifications.

§ 701.5 Intended purposes.

The response to question 7 of the application form shall describe the intended purposes of the article in sufficient detail to permit identifying each specification of the article that is alleged

V 37-37 FEB 24 72 XUM

to be pertinent with the particular purpose(s) and the related objective(s) for the accomplishment of which the specification is claimed to be necessary. If the article is intended to be used in both research and educational programs, the purposes and relevant objectives of each program shall be described separately. Programs that may be undertaken in some unspecified future period shall not be considered in the comparison.

§ 701.6 Justification for duty-free entry.

In response to question 8 of the application form, the applicant shall justify the request for duty-free entry of the article and accompanying accessories on the basis of either scientific equivalency or excessive delivery time.

(a) *Scientific equivalency.* (1) The justification shall include a statement than an instrument, apparatus, or accessory of the same general category as the article is or is not being manufactured in the United States. If any instrument, apparatus, or accessory of the same general category is being manufactured in the United States, without regard to the degree of comparability with the article, the applicant shall justify the nonequivalency of such instrument, apparatus, or accessory.

(2) The applicant shall further justify that no instrument, apparatus, or accessory being manufactured in the United States, whether or not of the same general category, is of equivalent scientific value to the article for such purposes as described in response to question 7.

(3) In justifying nonequivalency, the comparison of the alleged pertinent specifications of the article shall be made with similar specifications of the most closely comparable instrument being manufactured in the United States. In making the comparison only the article and accompanying accessories described in response to question 5 and the purposes described in response to question 7 shall be considered. The planned purchase of additional accessories or the planned conversion of the article at some unspecified future time, for programs that may be undertaken in some unspecified future period, shall not be considered in the comparison.

(b) *Excessive delivery time, without regard to the scientific equivalency of an available domestic instrument.* The applicant should set forth the shortest delivery times quoted by the manufacturer of the foreign article and the manufacturer(s) of the equivalent domestic instrument or apparatus from the place of shipment to the site where the instrument or apparatus is to be delivered. The applicant should also state how the difference in such delivery times will seriously impair the purposes described in response to question 7.

§ 701.7 Availability of domestic instrument.

The response to question 9 of the application form should indicate the efforts made by the applicant to ascertain whether there was being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value to the foreign article for the purposes described in response to question 7, as well as the reasons for the applicant's selection of the particular type or model for comparison with the article in response to question 8c when more than one type or model of the same manufacturer was available. If one or more manufacturers of domestic instruments were afforded an opportunity to bid, the response to question 9 should indicate the manner in which such opportunity was offered, such as a formal invitation to bid that included a description of applicant's technical requirements. Copies of any correspondence between the applicant and domestic manufacturers (including invitations to bid and replies thereto should be attached to the application form.

§ 701.8 Denial without prejudice to resubmission.

The Deputy Assistant Secretary may, at any stage in the processing of an application, deny an application without prejudice to its resubmission, if the application contains a deficiency which, in his opinion, prevents its consideration on its merits. The Deputy Assistant Secretary shall state the deficiencies of the application in writing when making such a denial. A copy of the notice of such denial shall be transmitted to the Secretary of Health, Education, and Welfare and the Commissioner of Customs. A copy shall also be transmitted to the district director of Customs for the port of entry concerned, if the information requested in question 10 of the application form has been furnished by the applicant by the time the notice of denial without prejudice to resubmission was being prepared. The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period. The resubmitted application shall indicate in the space provided the docket number of the original application. If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11. In such a case, the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant. At the same time, he shall make a copy of the record available for public review.

§ 701.9 Public notice and opportunity to present views.

(a) *Publication of notice.* Upon receipt from the Commissioner of Customs of an application that has been found by him to be in accordance with applicable regulations, the Deputy Assistant Secretary shall assign it a docket number and, unless application is denied without prejudice to resubmission under § 701.8, cause an appropriate notice to be published in the FEDERAL REGISTER to afford reasonable opportunity for presentation of views with respect to the question "whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States." (Headnote 6(c) to part 4 of schedule 8.) The complete notice shall include the date on which the Commissioner of Customs received the application, the docket number and applicant's answer to questions 1, 2, 5, and 7 of the application form. The date of the last day of the period for comment shall be 20 days after the date on which the notice of the application is published unless a later date for such last day is published in the notice. As soon as the notice of an application is filed with the FEDERAL REGISTER, the Deputy Assistant Secretary shall make a copy of the application available for public review during ordinary business hours.

(b) *Additional requirements applicable to comments.* Persons who are authorized by headnote 6(e) to part 4 of schedule 8 to appeal an adverse finding upon a question or questions of law to the U.S. Court of Customs and Patent Appeals (hereinafter called "parties") and who wish to comment must submit their views and comments in one of the formats stated in paragraph (c) of this section. Views and comments from other interested persons and Government agencies will be received in any written form complying with § 701.1(c); however, one of the formats of paragraph (c) of this section should be used if feasible. Any comment, to be placed upon the record, must be submitted in three copies and must state the name and address of the person submitting the comment and the docket number of the application to which the comment applies. Since each application file must be complete in itself, a separate set of copies of a comment must be furnished for each application to which the comment pertains, even though the sets of copies pertaining to two or more applications may be identical. Comments should be addressed to the Deputy Assistant Secretary.

(c) *Format for comments.* Comments favoring the granting of an application should be in the form of supplementary answers to the applicable questions on the application form, and should avoid duplication on the content of the application insofar as is practicable. Comments opposing the granting of an application should be in the following form:

(1) State name and address of the party commenting.

(2) State the docket number of the application to which the comment applies.

(3) List instruments or apparatus considered by the party to be scientifically equivalent to the foreign instrument and its accompanying accessory(ies). Provide pertinent specifications for instruments or apparatus manufactured by the party.

(4) Direct the comments to the applicant's response to question 8 and, with respect to each specification of the article listed as pertinent therein, demonstrate—

(i) That the specification can be equaled or exceeded with the instrument or apparatus described in subparagraph (3) of this paragraph; or

(ii) That although the instrument or apparatus differs in design from the article, it is nonetheless scientifically equivalent because it is as capable as or better than the article in fulfilling the purpose(s) relevant to the specification; or

(iii) The specification is not pertinent because it does not relate to one or more purposes described by the applicant in response to question 7, being rather a convenience or representing personal preferences, cost factors and the like.

(5) Where the comments regarding subparagraph (4) (i) or (ii) of this paragraph relate to a particular accessory or optional device offered by the domestic manufacturer, cite the type, model, or other catalog designation of the accessory or device and include the specifications therefor in the comments.

(6) Where the justification for duty-free entry is based on excessive delivery time, show whether—

(i) Such instrument or apparatus are as a general rule either produced for stock, produced on order, or are custom-made; and

(ii) An instrument or apparatus of equivalent scientific value to the article, for the purposes described in response to question 7 could have been produced and delivered to the applicant within a reasonable time following the receipt of the order.

(7) Indicate whether the applicant afforded the domestic manufacturer an opportunity to furnish an instrument or apparatus of equivalent scientific value to the article for the purposes described in response to question 7 and, if such be the case, whether the applicant submitted a formal invitation to bid that included the technical requirements of the applicant.

§ 701.10 Additions to the record.

(a) The Deputy Assistant Secretary shall assemble the application, and those comments meeting the requirements of § 701.9 into a record. After the period for comment (§ 701.9(a)) has ended, he shall not place explanations, arguments, or recommendations, other than those obtained from any selected Federal agency(ies) pursuant to paragraph (b) of this section, in the record in any form. He shall treat written comments received after the period for comment has ended as offers to provide additional information (see paragraph (c) of this section) to the extent that they contain factual information, as contrasted with arguments, explanations or recommendations.

(b) The Deputy Assistant Secretary may add to the record such additional written factual information available within the executive branch of the Government, and such printed information generally available to the public, as he deems appropriate and pertinent. He may also obtain for the record an opinion on any issue before him and reasons therefor from any agency of the Government which he regards as having particular competency in the field in question.

(c) If it appears to the Deputy Assistant Secretary that the information in the record is not sufficient to enable him to render a decision, if the action of denial without prejudice to resubmission appears to be inappropriate, and if it further appears that certain additional factual information will cure the insufficiency of the record, the Deputy Assistant Secretary, in his discretion, may request and place in the record such additional factual information as he feels will enable him to render a decision from the party or those parties that appear best suited to provided the information. The Deputy Assistant Secretary may attach appropriate conditions and time limitations upon the provision of such information, and may draw appropriate inferences from the failure of a party to provide the information requested from him. The Deputy Assistant Secretary shall not, under this procedure, place arguments, explanations or recommendations upon the record. The Deputy Assistant Secretary may also, in his discretion, request from any party or parties to a proceeding hereunder, and place in the record, such additional affirmations as he deems necessary to enable him to render a decision.

§ 701.11 Review and findings of the Department of Commerce.

(a) *Scientific equivalency.* The determination of scientific equivalency shall be based on a comparison of the pertinent specifications of the foreign instrument with similar pertinent specifications of the most closely comparable domestic instrument. The guaranteed specifications for the foreign article will be considered in the comparison, including any amendments to the guaranteed specifications which have been inserted in the record. Similarly, the guaranteed specifications for the most closely comparable domestic instrument will be considered, including any amendments to the guaranteed specifications which have been inserted in the record. In the comparison, the Deputy Assistant Secretary may consider any reasonable combination of domestic instruments and accessories as being comparable to a foreign instrument that combines two or more functions in an integrated unit, if the combination of domestic instruments and accessories is capable of accomplishing the purposes for which the foreign instrument is intended to be used. If the Deputy Assistant Secretary finds that at least one domestic instrument or reasonable combination of domestic instruments does possess all the pertinent specifications of the foreign article, he shall find that there is being manufactured in the United States an instrument of equivalent scientific value to the foreign instrument for such purposes as described in the response to question 7 of the application form. Otherwise, he shall find to the contrary.

(b) *Manufactured in the United States.* An instrument, apparatus, or accessory shall be considered as being manufactured in the United States if it is customarily produced for stock, produced on order, or custom-made within the United States. In determining whether a U.S. manufacturer is able and willing to produce a produced on order, or custom-made instrument, apparatus, or accessory and have it available without unreasonable delay to the applicant the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category. For example, in determining whether a domestic manufacturer is able to produce a custom-made instrument, apparatus, or accessory the Deputy Assistant Secretary may take into account the production experiences of the domestic manufacturer with respect to the types and complexity of products, the extent of the technological gap between the instrument, apparatus, or accessory to which the application relates and the manufacturer's customary products, and the availability of the professional and technical skills, as well as manufacturing experience, essential to bridging the gap and the time required by the domestic manufacturer to produce an instrument, apparatus, or accessory to purchaser's specifications.

(c) *Excessive delivery time.* Duty-free entry of the article shall be considered justified without regard to whether there is being manufactured in the United States an instrument, apparatus, or accessory of equivalent scientific value for the purposes described in response to question 7 of the application form, if the delay in obtaining such domestic instrument, apparatus, or accessory (as indicated by the difference between the delivery times quoted by domestic manufacturer and foreign manufacturer) will seriously impair the accomplishment of the purposes. In determining whether the difference in delivery times is excessive, the Deputy Assistant Secretary shall take into account the relevancy of the applicant's program to other research programs with respect to timing, the applicant's need to have such instrument, apparatus, or accessory available at the scheduled time for the course(s) in which the article is intended to be used, and other relevant circumstances.

(d) *Decision on the application.* The Deputy Assistant Secretary shall prepare a written decision granting or

V 37 ■ 37
FEB 24 72
XUM

denying the application in whole or in part. The decision shall be in the form of one or more findings stating whether an instrument or apparatus of equivalent scientific value to the article for which duty-free entry is sought, for the purposes for which it is intended to be used, is or is not being manufactured in the United States, and it shall include a statement of his reasons for the finding(s). He shall transmit the decision to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant. At the same time, he shall make a copy of the record available for public review. (Copies of materials received pursuant to paragraphs (a) and (c) of § 701.10 which were not entered in the record pursuant to § 701.10 shall also be made available for public review. The Deputy Assistant Secretary may dispose of such materials at any time after final disposition of the application.) Pursuant to 19 CFR 10.117, the Deputy Assistant Secretary shall notify the district director of customs for the district in which entry of the merchandise in question was made, or the Commissioner of Customs if the district of entry is not known to the Deputy Assistant Secretary, of the final disposition of each application. If the Deputy Assistant Secretary thereafter receives notice from the applicant in accordance with 19 CFR 10.116(c), he shall then notify said district director of the final disposition of the application. For purposes of this paragraph, disposition of an application shall be deemed final (1) when 20 days have elapsed after publication of the decision in the FEDERAL REGISTER and no appeal has been taken pursuant to § 701.12, or (2) if such appeal has been taken, when final judgment is made and entered by the U.S. Court of Customs and Patent Appeals.

(e) *Consolidated decision.* The Deputy Assistant Secretary may on his own initiative, consolidate two or more applications under a single notice of consolidated decision whenever he deems such consolidation to be appropriate. An appeal from any decision published in such notice of consolidated decision which is taken in accordance with headnote 6(e) to part 4 of Schedule 8, shall affect only that application(s) to which the specified decision and appeal relates.

§ 701.12 Appeal.

An appeal from any decision made pursuant to § 701.11 may be taken, in accordance with headnote 6(e) to part 4 of Schedule 8, only to the U.S. Court of Customs and Patent Appeals and only on a question or questions of law, within 20 days after publication of the decision in the FEDERAL REGISTER. If at any time while its application is under consideration by the Deputy Assistant Secretary or by the Court of Customs and Patent Appeals on an appeal from a finding by him, an institution cancels an order for the instrument or apparatus to which the application relates or ceases to have a firm intention to order such instrument or apparatus, the institution shall promptly notify the Deputy Assistant Secretary or such court, as the case may be.

Dated: October 27, 1971.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources, Department of Commerce.

Dated: October 28, 1971.

HAROLD B. SCOTT,
Assistant Secretary for Domestic and International Business, Department of Commerce.

Dated: February 11, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2709 Filed 2-23-72;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-64]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Instruments and Apparatus for Educational and Scientific Institutions

The Business and Defense Services Administration (BDSA) of the Department of Commerce has been reorganized as the Office of Import Programs (OIP) necessitating amendments of that office's regulations regarding the determination of scientific equivalency for instruments and apparatus sought to be entered free of duty under the provision of item 851.60, Tariff Schedules of the United States. These changes in the OIP regulations make necessary certain editorial changes in the Customs Regulations. The changes are to cross references, form numbers, and "administrator" to "official".

In order to effect these changes the following sections of Part 10 of the Customs Regulations are amended as set forth below:

§ 10.114 [Amended]

In § 10.114, paragraph (a) is amended by substituting "15 CFR 701.9" for "15 CFR 602.4", "15 CFR 701.8" for "15 CFR 602.5(e)", and "15 CFR 701.11" for "15 CFR 602.5" where they appear.

In paragraph (d) of § 10.114, subparagraph (1) is amended by substituting "Form OIPF 768" for "Form BDSAF-768".

In paragraph (d) of § 10.114, subparagraphs (2) and (3) are amended by substituting "Form OIPF 768" for "Form BDSAF-768" and "official" for "Administrator".

Section 10.115 is amended to read as set forth below:

§ 10.115 Application for duty-free entry of foreign instruments.

Form OIPF 768, "Request for duty-free entry of scientific instruments and apparatus" (copies may be obtained from the Deputy Assistant Secretary for Resources, Department of Commerce, field offices, or Customs ports), shall be used in the preparation of an application. This form shall be completed and filed in accordance with 15 CFR 701.3 and the instructions appearing on the form.

(77A Stat. 14, 419, as amended; 19 U.S.C. 1202 (Gen. hdnte. 11, sch. 8, part 4, hdnotes. 1, 6))

§ 10.116 [Amended]

Section 10.116 is amended by substituting "Form OIPF 768" for "Form BDSAF-768" and "official" for "administrator" wherever they appear.

§ 10.117 [Amended]

Section 10.117 is amended by substituting "official" for "administrator" wherever it appears.

In paragraph (a) of § 10.118, subparagraph 4 is amended to read as follows:

§ 10.118 Disposition of articles entered under item 851.60, TSUS.

(a) * * *

(4) The description of the article required by question 5 of Form OIPF 768.

* * * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Because these amendments conform the Customs Regulations with changes in the regulations of the Department of Commerce and are merely editorial changes, notice and public procedure thereon are unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. These amendments shall be effective upon publication in the FEDERAL REGISTER (2-24-72).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 11, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2706 Filed 2-23-72;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

Pursuant to the provisions of Title II of the Color Additive Amendments of 1960 (sec. 203(a)(2), Public Law 86-618, 74 Stat. 404; 21 U.S.C. 376, note) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs is authorized to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person.

He is also authorized to promulgate and keep current a list or lists of the color additives and of the particular uses thereof, and to provide for the termination of a provisional listing of a color additive or particular use thereof, whenever in his judgment such action is necessary to protect the public health.

In a notice published in the FEDERAL REGISTER on September 11, 1971 (36 F.R. 18336), it was announced that, for those uses of color additives listed in paragraphs (a) and (b) of § 8.501 of the color additive regulations which involved ingestion because of use in products such as food, drugs for internal use and cosmetic lipsticks, petitions for regulations under section 706 of the Federal Food, Drug, and Cosmetic Act (sec. 706, 74 Stat. 399-403; 21 U.S.C. 376) shall include reports of studies for teratological potential and reports of multigeneration reproduction studies in animals.

Requests have been received to postpone the closing dates of provisional listings of a number of color additives including those involving ingestion, for which certain scientific investigations necessary for listing these color additives under section 706 of the act, have not been completed, or for which certain stability data are to be submitted. The requests with respect to ingested colors also meet the requirements for extension of provisional listing prescribed by the FEDERAL REGISTER notice of September 11, 1971, referred to above. The status of the provisional listing of FD&C Red No. 2 will be considered in a future notice in the FEDERAL REGISTER.

The closing date of the provisional listing for the color additive, fustic, for use in surgical sutures, is not postponed; its provisional listing is therefore terminated as of December 31, 1971. This color additive had been provisionally listed on the basis that scientific investigations were underway, preparatory to submission of a petition for its listing. The sponsor of these investigations has decided that he no longer has a commercial interest in this color additive and the Food and Drug Administration knows of no other investigations in progress.

The Commissioner finds that postponement of the closing dates of the provisional listings of the color additives included in this order is consistent with the protection of the public health, and with the objective of carrying to completion the scientific investigations, and regulatory review thereof, necessary for making a determination as to the listing of such color additives, or specified uses thereof, under section 706 of the act.

These extensions are granted on condition that, where applicable, progress reports shall be received on or before June 30, 1972, and final reports of the respective studies for teratological potential shall be received on or before October 1, 1972, by FDA. All future requests for postponement of the closing dates of provisionally listed color additives must be received by FDA no later than 30 days preceding the then-current closing date.

Therefore, pursuant to authority of the Federal Food, Drug, and Cosmetic Act (secs. 203(a)(2), (d)(1)(E), Public Law 86-618; 74 Stat. 404-405; 21 U.S.C. 376, note) and under authority delegated to the Commissioner (21 CFR 2.120), Part 8 is amended by revising § 8.501 as follows:

1. In the provisional listing of color additives in paragraph (f) by deleting the color additive "fustic."

2. In the provisional listings in paragraphs (a), (b), (c), (e), (f), and (g) by changing the closing dates for all of the color additives listed to read "December 31, 1972," except for the color additives FD&C Red No. 2 and fustic.

Notice and public procedure and delayed effective date are not prerequisites to the promulgation of this order, since section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order became effective as of January 1, 1972.

(Sec. 203(a)(2), (d)(1)(E), Public Law 86-618, 74 Stat. 404-405; 21 U.S.C. 376, note)

Dated: February 15, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2689 Filed 2-23-72;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 72-30]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Richardson Bay Channel, Mill Valley, Calif.

This amendment adds regulations for the floating work span used in modification of the U.S. 101 bridge to require at least 2 hours notice from 8 a.m. to 5 p.m., Monday through Friday from February 14, 1972 through September 1, 1972, for openings of the draw. The purpose of this amendment is to allow this modification to be made to the U.S. 101 bridge.

This rule is issued without notice of proposed rule making and is effective in less than 30 days. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interests to delay this modification.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a subparagraph (g) to § 117.712 to read as follows:

§ 117.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(g) *Work Bridge contiguous to U.S. 101 Bridge, Richardson Bay, Mill Valley, Calif.* The draw of this span shall open on signal from 8 a.m. to 5 p.m., from February 14, 1972 through September 1, 1972, if at least 2 hours' notice has been given. At all other times the draw shall be left in the open position.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision is effective from February 14 through September 1, 1972.

Dated: February 15, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-2705 Filed 2-23-72;8:47 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Miscellaneous Amendments

A proposal was published at 36 F.R. 19315 to revise §§ 2.54, 2.87, 2.87, 2.88, and 2.187. Pursuant to this notice, comments have been received from interested persons. Full consideration has been given to all matter presented and changes in the text of the original proposal have been made in view thereof.

Section 2.54 is being revised to permit the Patent Office to accept substitute drawings in appropriate situations.

The revision of § 2.67 clarifies the situations in which an examiner may suspend action on an application.

Sections 2.87 and 2.88 are being revised to state that both goods and services may be the subject of a single application or certificate of registration in accordance with section 30 of the Trademark Act of 1946. Additionally, § 2.87 requires five specimens be submitted for each class.

The revision to § 2.187 insures that the certificate of registration issues to the current owner of the mark.

Effective date. This revision shall become effective March 17, 1972.

In consideration of the foregoing and pursuant to the authority contained in section 41 of the Act of July 5, 1946 (60 Stat. 440; 15 U.S.C. 1123) and section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Part 2 of Chapter I of Title 37 of the Code of Federal Regulations is hereby amended as follows:

1. Section 2.54 is revised to read as follows:

§ 2.54 Informal drawings.

A drawing not in conformity with §§ 2.51 to 2.53 may be accepted for purpose of examination, but the drawing must be corrected or a new one furnished, as required, before the mark can be published or the application allowed. The necessary corrections will be made by the Patent Office upon applicant's request and at his expense.

V 37 37 FEB 24 72 XUM

2. Section 2.67 is revised to read as follows:

§ 2.67 Suspension of action by the Patent Office.

Action by the Patent Office may be suspended for a reasonable time for good and sufficient cause. The fact that a proceeding is pending before the Patent Office or a court which is relevant to the issue of registrability of the applicant's mark, or the fact that the basis for registration is, under the provisions of section 44(e) of the Act, registration of the mark in a foreign country and the foreign application is still pending, will be considered prima facie good and sufficient cause. An applicant's request for a suspension of action under this section filed within the 6-month response period (see § 2.62) may be considered responsive to the previous office action. The first suspension is within the discretion of the Examiner of Trademarks and any subsequent suspension must be approved by the Commissioner.

3. Section 2.87 is revised to read as follows:

§ 2.87 Combined applications.

An application also may be filed to register the same mark for any or all of the goods and/or services upon or in connection with which the mark is actually used and which fall within a plurality of classes. However, dates of use for each class, five specimens for each class, and a fee equaling the sum of the fees for filing an application in each class are required. A single certificate of registration for the mark may be issued.

4. Section 2.88 is revised to read as follows:

§ 2.88 Applications may be combined.

(a) When several applications have been filed by the same applicant for registration on the same register of a mark shown in identical form on the drawings for goods and/or services in different classes and each of the applications has been allowed, a single certificate based on such applications may be issued. A request for the issuance of a consolidated certificate must be made of record in each of the applications involved prior to the allowance of any of the applications.

(b) The issuance of any original certificate may be suspended upon request of the applicant, for a period not exceeding 6 months, to permit such consolidation.

5. Section 2.187 is revised to read as follows:

§ 2.187 Certificate of registration may issue to assignee.

The certificate of registration may be issued to the assignee of the applicant provided the assignment is recorded in the Patent Office at least 10 days before the application is allowed, and written notice of the recording of the assignment and the address of the assignee is made of record in the application file by the applicant or assignee.

Dated: February 14, 1972.

ROBERT GOTTSCHALK,
Commissioner of Patents.

Approved:

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc. 72-2684 Filed 2-23-72;8:46 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER A—GENERAL

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

A new Part 1 is added to Subchapter A, to read as follows:

Subpart A—Introduction

Sec.
1.1 Creation and authority.
1.3 Purpose and functions.
1.5 Organization and general information.
1.7 Location of principal offices.

Subpart B—EPA Headquarters

1.21 General.
1.23 Office of the Administrator.
1.25 Staff offices.
1.27 Office of the Assistant Administrator for Air and Water Programs.
1.29 Office of the Assistant Administrator for Categorical Programs.
1.31 Office of the Assistant Administrator for Enforcement and General Counsel.
1.33 Office of the Assistant Administrator for Planning and Management.
1.35 Office of the Assistant Administrator for Research and Monitoring.

Subpart C—EPA Field Installations

1.41 Regional offices.
1.43 National Environmental Research Centers and the Western Environmental Research Laboratory.

AUTHORITY: The provisions of this Part 1 issued pursuant to 5 U.S.C. 552.

Subpart A—Introduction

§ 1.1 Creation and authority.

The Environmental Protection Agency (EPA) was established in the executive branch as an independent agency pursuant to Reorganization Plan 3 of 1970, effective December 2, 1970.

§ 1.3 Purpose and functions.

The Environmental Protection Agency was created to permit coordinated and effective governmental action to assure the protection of the environment by abating and controlling pollution on a systematic basis. Reorganization Plan 3 of 1970 transferred to EPA a variety of research, monitoring, standard setting, and enforcement activities related to pollution abatement and control which, when properly integrated, will provide for the treatment of the environment as a single interrelated system. Complementary to these activities is the Agency's coordination and support of research and antipollution activities carried out by State and local governments, private and public groups, individuals, and educational institutions. EPA will also reinforce efforts among other Federal agencies with respect to the impact of their operations on the environment.

§ 1.5 Organization and general information.

(a) The Environmental Protection Agency's basic organization consists of (1) Headquarters; (2) ten regional offices; (3) three National Environmental Research Centers and their "satellite" laboratories and the Western Environmental Research Laboratory; and (4) a small number of field installations carrying out specialized environmental activities. Overall planning, coordination, and control of EPA programs is vested in EPA Headquarters located in Washington, D.C. The regional offices are headed by Regional Administrators who are responsible for the execution of the regional programs of the Agency within the boundaries of their regions. National or basic research programs are carried out at the National Environmental Research Centers and their satellite laboratories.

(b) Definitive statements of EPA's organization, policies, procedures, assignments of responsibility, and delegations of authority are contained in the EPA Management Directives System. Copies are made available for public inspection and copying at the Office of Public Affairs, Fourth and M Streets SW., Washington, DC. Information may also be obtained from the Division of Public Affairs at a regional office.

(c) Procurement by the EPA is conducted pursuant to the Federal Property and Administrative Services Act and implementing EPA regulations.

§ 1.7 Location of principal offices.

(a) The EPA Headquarters is located in Washington, D.C. The mailing address is Fourth and M Streets SW., Washington, DC 20460.

(b) The addresses of and the States served by the EPA regional offices (see § 1.41) are:

(1) Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203. (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont).

(2) Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007. (New Jersey, New York, Puerto Rico, and the Virgin Islands).

(3) Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106. (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia).

(4) Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309. (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

(5) Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606. (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin).

(6) Region VI, Environmental Protection Agency, Room 1125, 1600 Patterson Street, Dallas, TX 75201. (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas).

(7) Region VII, Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, MO 64108. (Iowa, Kansas, Missouri, and Nebraska).

(8) Region VIII, Environmental Protection Agency, Lincoln Tower, 1860 Lincoln Street, Denver, CO 80203. (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming).

(9) Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94111. (Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, and Wake Island).

(10) Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101. (Alaska, Idaho, Oregon, and Washington).

(c) The addresses of the National Environmental Research Centers, the location of their principal laboratories, and the address of the Western Environmental Research Laboratory (see section 7.43) are:

(1) National Environmental Research Center, Environmental Protection Agency, Cincinnati, Ohio 45268.

(2) National Environmental Research Center, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

(i) Eastern Environmental Radiation Laboratory, Montgomery, Ala.

(ii) Twinbrook Research Laboratory, Rockville, Md.

(iii) Perrine Primate Laboratory, Perrine, Fla.

(iv) Chamblee Toxicology Laboratory, Chamblee, Ga.

(3) National Environmental Research Center, Environmental Protection Agency, 200 SW. 35th Street, Corvallis, OR 97330.

(i) Alaska Water Laboratory, College, Alaska.

(ii) Grosse Ile Field Station, Grosse Ile, Mich.

(iii) Gulf Breeze Laboratory, Gulf Breeze, Fla.

(iv) National Marine Water Quality Laboratory, West Kingston, R.I.

(v) National Water Quality Laboratory, Duluth, Minn.

(vi) Robert S. Kerr Water Research Center, Ada, Okla.

(vii) Southeast Water Laboratory, Athens, Ga.

(4) Western Environmental Research Laboratory, Environmental Protection Agency, Post Office Box 15027, Las Vegas, NV 89114.

Subpart B—Headquarters

§ 1.21 General.

EPA Headquarters is comprised of (a) the Office of the Administrator; (b) five staff offices which advise the Administrator on EPA activities and programs with respect to their assigned areas of responsibilities; and (c) five operational offices, each headed by an Assistant Administrator and responsible for a major EPA functional or program area.

§ 1.23 Office of the Administrator.

The Environmental Protection Agency is headed by an Administrator who is appointed from civilian life by the President by and with the consent of the Senate. The Administrator is responsible to the President for providing overall supervision to the Agency. He is assisted by a Deputy Administrator who is appointed from civilian life by the President by and with the consent of the Senate. The Deputy Administrator shall assist the Administrator in the discharge of his duties and responsibilities and shall serve as Acting Administrator in the absence of the Administrator.

§ 1.25 Staff offices.

(a) *Office of Civil Rights and Urban Affairs.* The Office of Civil Rights and Urban Affairs, under the supervision of a Director, serves as the principal adviser to the Administrator with respect to equal opportunity and civil rights programs and policies, minority economic development, and the impact of Agency programs on urban core areas. The Office directs activities to carry out the Agency's responsibilities as required by Civil Rights Acts and applicable Executive orders to assure equal opportunity employment in EPA, prohibit discrimination in employment in EPA, prohibit discrimination in employment on projects receiving EPA financial assistance, and prohibit discrimination in employment by EPA contractors.

(b) *Office of Federal Activities.* The Office of Federal Activities, under the supervision of a Director, develops and recommends policies and procedures for national programs dealing with environmental problems arising from Federal facilities and federally supported or authorized activities. The Office develops internal policies and strategies for carrying out EPA's responsibilities for controlling environmental pollution from Federal facilities and from federally authorized or supported activities. It develops policies and procedures for the processing of environmental impact statements submitted to EPA by other Federal agencies and for the preparation of impact statements on EPA activities. It provides a clearinghouse mechanism for receiving inquiries or requests from Federal agencies for consultation and technical assistance. It reviews other Federal agencies' policies and procedures for correcting environmental problems at Federal facilities and recommends changes where appropriate. The Office collaborates with the Office of the Assistant Administrator for Enforcement and General Counsel and the regional offices in obtaining compliance by Federal installations with applicable environmental standards.

(c) *Office of International Affairs.* The Office of International Affairs, under the supervision of an Associate Administrator, provides leadership to and collaborates with Agency planning and resources management officials and with program managers in the development of international programs and activities designed to further the overall mission of the Environmental Protection Agency, subject to U.S. foreign policy objectives established by the President and the Secretary of State. The Office develops policies, procedures, and agreements for the conduct of international activities, and coordinates the conduct of all Agency international activities, assuring that adequate program, scientific, and technical inputs are provided.

(d) *Office of Legislation.* The Office of Legislation, under the supervision of a Director, serves as the principal point of Congressional contact with the Agency. The Office reviews and advises the Administrator and other Agency officials on all legislative proposals originating within or affecting the Agency. It prepares, reviews, and obtains clearance of proposed legislation and reports on legislation; performs legislative drafting services; coordinates preparation of testimony; and reviews transcripts of hearings. The Office maintains an effective liaison with the Congress on Agency actions of interest to the Congress, and, as necessary, maintains liaison with Agency regional and field officials, other government agencies, and public and private groups having an interest in legislative matters affecting the Agency. It assures the prompt response to the Congress on all inquiries relating to activities of the Agency.

(e) *Office of Public Affairs.* The Office of Public Affairs, under the supervision of a Director, is responsible for providing newsworthy information to the various communications media regarding actions taken or planned by the Agency. It is responsible for providing direction to the Agency's community relations, public participation, and environmental education programs. The Office develops and produces publications and other materials necessary to inform the general public, State, and local governments, and concerned groups about the Agency's mission. It supports, encourages, and promotes public participation in the development, revision, and enforcement of environmental quality standards related to the Agency's program responsibilities.

§ 1.27 Office of the Assistant Administrator for Air and Water Programs.

The Assistant Administrator for Air and Water Programs is responsible for the air and water programs of the Agency, including program policy development and evaluation; air and water quality standards development; technical direction, support, and evaluation of regional air and water activities; development of programs for technical assistance and technology transfer; and selected demonstration programs. Within

V 37 ■ 37 FEB 24 72 XUM

the Office of the Assistant Administrator for Air and Water Programs, the Office of Air Programs is responsible for the conduct of Agency air quality programs and the Office of Water Programs is responsible for the conduct of Agency water quality programs.

(a) *Office of Air Programs.* The Office of Air Programs, under the supervision of the Deputy Assistant Administrator for Air Programs, is responsible to the Assistant Administrator for air program activities of the Agency, including program policy development and evaluation; development of air quality and source emission standards; technical direction, support, and evaluation of regional air activities; development of programs for technical assistance and technology transfer; and selected demonstration programs. The Deputy Assistant Administrator for Air Programs exercises program direction to the Divisions of the Office of Air Programs through two intermediate officials—the Director, Stationary Source Pollution Control Programs, and the Director, Mobile Source Pollution Control Programs. These officials provide direct supervision to the Divisions and staffs assigned to them.

(b) *Office of Water Programs.* The Office of Water Programs, under the supervision of the Deputy Assistant Administrator for Water Programs, is responsible to the Assistant Administrator for the water program activities of the Agency, including program policy development and evaluation; development of water quality and effluent guidelines or requirements; technical direction, support, and evaluation of regional water activities; development of programs for technical assistance and technology transfer; and selected demonstration programs. The Deputy Assistant Administrator for Water Programs exercises program direction to the Divisions of the Office of Water Programs through two intermediate officials—the Director, Pollution Source Control Programs, and the Director, Standards Development and Implementation Programs. These officials provide direct supervision to the Divisions and staffs assigned to them.

§ 1.29 Office of the Assistant Administrator for Categorical Programs.

The Assistant Administrator for Categorical Programs is responsible for the pesticides programs, radiation programs, and solid waste management programs of the Agency, including environmental and pollution source standards development; pesticides registration; selected demonstration programs; and selected technical assessment and assistance programs. The program activities of the Assistant Administrator's Office are performed by Offices of Pesticides Programs, Radiation Programs, and Solid Waste Management Programs.

(a) *Office of Pesticides Programs.* The Office of Pesticides Programs, under the supervision of the Deputy Assistant Administrator for Pesticides Programs, is responsible to the Assistant Administrator for the pesticides activities of the Agency, including establishment of tolerance levels for pesticide residues which occur in or on food and the registration of pesticides; monitoring of pesticides residue levels in foods, humans, nontarget fish and wildlife, and their environments; review of pesticides formulations and relevant data for efficacy and hazard; establishment of sale or use restrictions; investigation of pesticide incidents; establishment of guidelines and standards for product examination; provision of program policy direction to technical and manpower training activities in the pesticides area; development of research requirements for pesticides programs; and review of impact statements dealing with pesticides.

(b) *Office of Radiation Programs.* The Office of Radiation Programs, under the supervision of the Deputy Assistant Administrator for Radiation Programs, is responsible to the Assistant Administrator for the radiation activities of the Agency, including development of radiation protection criteria, standards, and policies; development of methodology for measuring and controlling radiation exposure; development of research requirements for radiation programs; provision of technical assistance to States and other agencies having radiation protection programs; establishment and direction of a national surveillance and inspection program for measuring radiation levels in the environment; evaluation and assessment of the impact of new and developing radiation technology on man and the environment; assistance in the training of personnel for radiation protection programs in the States and for other purposes; and maintenance of liaison with other public and private organizations interested in environmental radiation.

(c) *Office of Solid Waste Management Programs.* The Office of Solid Waste Management Programs, under the supervision of the Deputy Assistant Administrator for Solid Waste Management Programs, is responsible to the Assistant Administrator for the solid waste management activities of the Agency. The Office provides program policy direction to and evaluation of such activities throughout the Agency. It establishes research requirements for solid waste management programs. The Office reviews impact statements pertaining to solid wastes.

§ 1.31 Office of the Assistant Administrator for Enforcement and General Counsel.

The Assistant Administrator for Enforcement and General Counsel is the Agency's chief law officer and principal adviser to the Administrator in matters pertaining to the enforcement of standards for environmental quality. He is responsible for the conduct for enforcement activities on an agencywide basis. The Office of Water Enforcement and the Office of General Enforcement are responsible for the conduct of Agency activities for enforcement of environmental quality standards, including the gathering and preparation of evidential data and conduct of enforcement proceedings. The Office of General Counsel is responsible for providing legal services to the Agency.

(a) *Office of General Counsel.* The Office of General Counsel, under the supervision of the Deputy General Counsel, is responsible to the Assistant Administrator for Enforcement and General Counsel for providing legal services to all organizational elements of the Agency with respect to the programs and activities of the Agency; providing legal opinions and legal counsel; assisting in the formulation and administration of the Agency's policies and programs as legal adviser; and supervision of the functions of the offices of regional counsel.

(b) *Office of General Enforcement.* The Office of General Enforcement, under the supervision of the Deputy Assistant Administrator for General Enforcement, provides program policy direction to Agency enforcement activities in the air, noise, radiation, pesticides, and solid waste program areas.

(c) *Office of Water Enforcement.* The Office of Water Enforcement, under the supervision of the Deputy Assistant Administrator for Water Enforcement, provides program policy direction to the water and water hygiene enforcement activities of the Agency, including direct supervision of those enforcement activities reporting directly to the Office of Water Enforcement and technical program direction to the regional water enforcement activities. The Office also develops Agencywide objectives and programs for water enforcement activities including the development of procedures, regulatory material, guidelines, criteria, and policy statements designed to bring about actions by individuals, private enterprise, and governmental bodies to improve the quality of the water.

§ 1.33 Office of the Assistant Administrator for Planning and Management.

The Assistant Administrator for Planning and Management is responsible on an agencywide basis for planning overall program activities; managing the Agency's resources; developing and conducting a comprehensive audit program; developing and conducting administrative programs and systems; and representing the Administrator in dealings with other Federal agencies in areas of Government fiscal, management, and administrative activities. The functions and activities of the Office of the Assistant Administrator are performed by Deputy Assistant Administrators for Administration, Planning and Evaluation, Resources Management, and a Director, Office of Audit.

(a) *Office of Administration.* The Office of Administration, under the supervision of the Deputy Assistant Administrator for Administration, is responsible for development and conduct of programs for organization and management systems, control, and services; personnel policies, procedures, and operations; personnel, physical, and document security and inspections; emergency preparedness and disaster coordination functions; management information systems, automatic data processing management and operations; facilities and space management; Agency safety program; contracting and procurement services; grants

policies and procedures; general administrative and support services; and other areas of administrative management, including records management, committee management, directives systems, and an Agency library system.

(b) *Office of Planning and Evaluation.* The Office of Planning and Evaluation, under the supervision of the Deputy Assistant Administrator for Planning and Evaluation, is responsible for development and conduct of programs for long-range and strategic planning; compiling reports to the Congress and the President on Agency programs and activities; systems analysis of Agency program activities, including the development, initiation, and monitoring of new and redirected Agency programs and goals; coordinating the Agency's environmental standards and regulations development process; economic and industrial analysis of the impact of abatement regulations and programs on firms, industries, and functional and geographic sectors; policy coordination, including analytic input to the budgetary, legislative, and policy development processes; program progress measurement; and planning, policy direction, needs assessment, program review, and evaluation of Agency manpower development programs.

(c) *Office of Resources Management.* The Office of Resources Management, under the supervision of the Deputy Assistant Administrator for Resources Management, is responsible for resources management, including developing and administering a program-planning-budgeting system in accordance with Office of Management and Budget directives; budget formulation, preparation, and execution, including funding allotments and allocations; and financial management and services, including developing and maintaining accounting systems, fiscal controls, and systems for payroll and disbursements.

(d) *Office of Audit.* The Office of Audit, under the supervision of a Director, is responsible for development and conduct of a comprehensive audit program for the Agency, including the conduct of internal and external audits of Agency programs and the provision of an independent appraisal for the Administrator and other Agency officials of the program, financial, and administrative operations of the Agency.

§ 1.35 Office of the Assistant Administrator for Research and Monitoring.

The Assistant Administrator for Research and Monitoring is the principal science adviser to the Administrator. He is responsible for the development, direction, and conduct of a national research program in pollution control technology. The Assistant Administrator for Research and Monitoring provides direct supervision to the activities of Agency laboratories engaged in national or basic research. Technical policy direction to those Agency laboratories engaged in operations in support of the responsibilities of the Agency Regional Administrators is provided from this office. The Assistant Administrator for Research and Monitoring has the planning responsibility for Agency environmental quality monitoring programs and for selected demonstration programs. The functions and activities of the Office of the Assistant Administrator for Research and Monitoring are performed by Deputy Assistant Administrators for Monitoring, Program Operations, and Research.

(a) *Office of Monitoring.* The Office of Monitoring, under the supervision of the Deputy Assistant Administrator for Monitoring, is responsible for planning, developing, coordinating, and evaluating Agency environmental quality monitoring programs to provide effective support to the Agency's regulatory responsibilities and other program operations and activities. The Office coordinates Agency monitoring efforts with those of Federal agencies, the States, and other public bodies. It devises an overall monitoring strategy to assure the existence of an effective Agency monitoring capability and assures timely incorporation of newly developed monitoring techniques and equipment into monitoring networks. The Office establishes baselines in order that environmental trends may be determined and standards for compliance established. It analyzes and presents monitoring data in an effective manner for use by Agency officials.

(b) *Office of Program Operations.* The Office of Program Operations, under the supervision of the Deputy Assistant Administrator for Program Operations, is responsible for the internal programing operations of the Office of the Assistant Administrator. The Office develops, implements, and coordinates the Agency laboratory operations program, in fulfillment of research requirements established by the Deputy Assistant Administrator for Research, the Deputy Assistant Administrator for Monitoring, other Assistant Administrators, and the Regional Administrators. The Office provides management assistance to and surveillance of the national environmental research centers and field research laboratories. It manages the research information program of the Office. It provides operating control of the research grants review program.

(c) *Office of Research.* The Office of Research, under the supervision of the Deputy Assistant Administrator for Research, is responsible for planning, developing, implementing, coordinating, and evaluating a comprehensive Agency research program, utilizing both internal and extramural capabilities, to serve as a basis for achieving maximum effectiveness in environmental protection and to provide a sound scientific basis for the Agency's program operations. The Office assures that research goals and relative priorities are appropriately identified and pursued. The Office establishes specific research requirements for the overall in-house, grant, and contract programs responsive to the needs of Agency operating programs and activities. It provides technical direction of Agency laboratory staffs in their conduct of research projects. It assists the program operating offices in assuring that research results are translated into operational solutions to environmental problems. The Office coordinates the Agency research program with environmental research programs of other governmental agencies, industry, universities, and other private and public institutions, and provides for international research programs and coordination.

Subpart C—Field Installations

§ 1.41 Regional offices.

Regional offices are headed by Regional Administrators who are responsible to the Administrator for the execution of the regional programs of the Agency within the boundaries of their regions. The Regional Administrators serve as the Administrator's principal representatives in the regions in contacts and relationships with Federal, State, interstate and local agencies, industry, academic institutions, and other public and private groups. They are responsible for accomplishing national program objectives within their regions as established by the Administrator, Deputy Administrator, Assistant Administrators, and heads of Headquarters staff offices. They develop, propose, and implement an approved regional program for comprehensive and integrated environmental protection activities.

§ 1.43 National Environmental Research Centers and the Western Environmental Research Laboratory.

National Environmental Research Centers and their "satellite" laboratories and the Western Environmental Research Laboratories are under the supervision of the Assistant Administrator for Research and Monitoring. These installations and their primary areas of responsibilities are as follows:

(a) National Environmental Research Center—Research Triangle Park, N.C. (health effects research);

(b) National Environmental Research Center—Cincinnati, Ohio (pollution control technology and engineering research);

(c) National Environmental Research Center—Corvallis, Oreg. (ecological systems research); and

(d) The Western Environmental Research Laboratory at Las Vegas, Nev. (radiation effects research).

Dated: February 17, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-2678 Filed 2-23-72;8:45 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 55—GRANTS FOR ADVANCEMENT OF HEALTH IN COAL MINING

On March 5, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4421) to add a

V 37 • 37 FEB 24 72 XUM

new Part 55 to Title 42, Code of Federal Regulations. As proposed, the part set forth the conditions and procedures for awarding grants pursuant to section 501 of the Federal Coal Mine Health and Safety Act (30 U.S.C. 951) for the advancement of the health of workers in the coal mining industry. Interested persons were afforded the opportunity to participate in the rule making through the submission of comments. A number of comments were received and due consideration has been given to all material presented.

In light of the comments and subsequent review, a number of revisions and editorial changes have been made principally with respect to Subpart G, "Grantee Accountability".

In accordance with the reference to the effective date specified in the notice of proposed rule making, the regulations as set forth below are hereby adopted effective on the date of their publication in the FEDERAL REGISTER (2-24-72).

Dated: February 2, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: February 16, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Subpart A—General

Sec.
55.1 Applicability.
55.2 Definitions.
55.3 Nature and purpose.
55.4 Application for grant.
55.5 Compliance with the Civil Rights Act.

Subpart B—Evaluation and Disposition of Applications

Sec.
55.10 Evaluation.
55.11 Disposition.

Subpart C—Grant Awards, Payments, Termination

55.20 Grant awards and payments.
55.21 Supplemental and continuation grants.
55.22 Termination.

Subpart D—Grant Conditions: Obligation of Grantee

55.30 Use of funds, changes.
55.31 Project director.
55.32 Inventions and discoveries.
55.33 Other conditions.

Subpart E—Reports, Records and Inspections

55.40 Reports and records.
55.41 Inspections and audits.

Subpart F—Expenditures

55.50 Allocation of costs.
55.51 Particular direct costs.

Subpart G—Grantee Accountability

55.60 Accounting for grant award payments.
55.61 Accounting for equipment.
55.62 Accounting for grant related income.
55.63 Final settlement.

AUTHORITY: The provisions of this Part 55 issued under sec. 508, 83 Stat. 803; 30 U.S.C. 957.

Subpart A—General

§ 55.1 Applicability.

The regulations of this part apply to to project grants for studies, research, experiments, demonstrations, and other activities relating to coal mine health as set forth in § 55.3.

§ 55.2 Definitions.

Any term defined in the Act and not defined below has the meaning given it in the Act. As used in this part—

(a) "Act" means the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et. seq.)

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(c) "Fiscal year" means the 12-month period beginning July 1 and ending on June 30 following.

(d) "Project Period" means the period of time, not exceeding 5 years, which the Secretary finds is reasonably required to initiate and conduct a project meriting support of one or more project grants within the scope of § 55.3, except that such period may be extended by the Secretary beyond 5 years when, in the judgment of the Secretary, such an extension is necessary to carry out the objectives of the Act.

(e) "Applicant" means any public or nonprofit agency or institution which files an application for a grant under section 501 of the Act.

(f) "Project Director" means a single individual designated by the grantee in the grant application and approved by the Secretary, who is responsible for the scientific and technical direction of the project.

(g) "Nonprofit" as applied to an agency or institution, means that no part of the net earnings of such agency or institution inures or may lawfully inure to the benefit of any shareholder or individual.

§ 55.3 Purpose of project grant.

The Secretary is authorized under section 501 of the Act (30 U.S.C. 951) to make grants for studies, research, experiments, and demonstration, (a) to improve working conditions and practices in coal mines affecting health and to prevent occupational diseases originating in the coal mining industry, (b) to develop and revise improved mandatory health standards for the protection of life and the prevention of occupational diseases of miners, (c) to protect life and prevent diseases in persons who, although not miners, work with and around the products of coal mines in areas outside mines and under conditions which may adversely affect the health and well-being of such persons, (d) to develop new or improved means and methods of reducing concentrations of respirable dust in the mine atmosphere of active workings of the coal mine, (e) to develop epidemiological information, (f) to develop techniques for the prevention and control of occupational disease of miners, including tests for hypersusceptibility and early detection, (g) to evaluate the effect on bodily impairment and occupational disability of miners afflicted with an occupational disease, (h) to develop effective respiratory equipment, (i) to prepare and publish from time to time reports on all significant aspects of occupational diseases of miners, (j) to study the relationship between coal mine environments and occupational diseases of miners, and (k) for such other purposes as the Secretary deems necessary to carry out the purposes of the Act.

§ 55.4 Application for grants.

(a) An application for a grant shall be submitted on such forms and in such manner as the Secretary may prescribe.

(b) The application shall be executed by an individual authorized to act for the institution or other applicant, and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this part.

(c) In addition to any other pertinent information which the Secretary may require, each applicant shall submit as part of the application a description of the project in sufficient detail to indicate the nature, duration, purpose, justification, and proposed method of conduct of the project; the qualifications of the principal staff members to be responsible for the project; the total facilities and resources that will be available, and a justification of the amount of funds requested.

§ 55.5 Compliance with the Civil Rights Act.

The applicant shall comply with the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits, or be subjected to discrimination under any program or activity receiving Federal financial assistance (section 601), and to the implementing regulation issued by the Secretary with the approval of the President (45 CFR Part 80).

Subpart B—Evaluation and Disposition of Applications

§ 55.10 Evaluation.

(a) All applications filed in accordance with this part shall be evaluated by the Secretary through such officers and employees and such experts or consultants engaged for this purpose as he determines are specially qualified in the area involved.

(b) The Secretary's evaluation shall take into account, among other pertinent factors, the scientific merit and significance of the project, the competency of the proposed staff in relation to the type and scope of the project involved, the feasibility of the project, the likelihood of its producing meaningful results, the proposed project period, and the adequacy of the applicant's resources available for the project and the amount of grant funds necessary for completion, and where appropriate, the recommendations of the Advisory Council on Coal Mine Health Research.

§ 55.11 Disposition.

On the basis of his evaluation of an application, pursuant to § 55.10, the Secretary shall either (a) approve, (b) defer because of lack of funds or a need for further evaluation, or (c) disapprove support of the proposed project in whole or in part. With respect to approved projects, the Secretary shall determine the project period during which the project may be supported. Applicants shall be advised of the reason an application has been deferred and upon request the reason it has been disapproved. Any deferral or disapproval of an application shall not preclude its reconsideration or a reapplication.

Subpart C—Grant Awards, Payments, Termination

§ 55.20 Grant awards and payments.

(a) Within the limits of funds available for approved projects, the Secretary shall award a grant to those applicants whose approved projects will in his judgment best promote the purposes of § 55.3. All grant awards shall be in writing and shall set forth the amount of funds granted.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs subject to upward (within the limit of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary. In determining the grantee's share of project costs, costs for which Federal grants from other sources have been or may be claimed or received or costs used to match other Federal grants except as may be otherwise provided by law, or costs to be met from the Federal share of grant related income (except as may be permitted by chapter 1-420 of the Department of Health, Education, and Welfare Grants Administration Manual[1]) may not be included.

(c) Except as may otherwise be provided by the regulations of this part, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in chapters 1-76, 2-65, 2-66, and 5-60 of the Department of Health, Education, and Welfare Grants Administration Manual.

(d) A grant award shall be made by the Secretary for either the project period or for such lesser period as he may prescribe in making the award.

(e) Neither the approval of any project nor a grant award shall commit or obligate the United States in any way to make any additional, supplemental or continuation award with respect to any approved project or portion thereof.

(f) Payments with respect to an approved project shall be made periodically, either in advance or by way of reimbursement, as the Secretary may determine, based on the estimated requirements or actual expenditures, respectively, for such period.

(g) No payment shall be paid for any period so long as the applicant fails to comply substantially as determined by the Secretary with any requirement or condition imposed by or pursuant to these regulations.

§ 55.21 Supplemental and continuation grants.

The Secretary may from time to time within the project period, on the basis of an application therefor, make additional grant awards with respect to any approved project where he finds on the basis of such progress, fiscal or other reports as he may require that (a) the amount of any prior award was less than the amount necessary to carry out the approved project within the period with respect to which the prior award was made (a supplemental grant), or (b) the progress made within the period with respect to which any prior awards were made justifies support for an additional specified portion of the project period (a continuation grant).

§ 55.22 Termination.

(a) Whenever, in the judgment of the Secretary, and the grantee continuation of an approved project would produce results of insufficient value in furthering the purposes of § 55.3, grant support may be terminated.

(b) Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act, the regulations of this part or any of the assurances thereunder, or the terms of the grant, he may, after affording the grantee reasonable notice in writing and an opportunity to present its views and evidence, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations.

(1) The views and evidence of the grantee shall be presented in writing unless the Secretary determines that an oral presentation is desirable.

(2) Such views and evidence shall be confined to matters relevant to whether the grantee has failed in a material respect to comply with the Act, the regulations of this part or any assurances thereunder or the terms of the grant.

(c) Upon termination pursuant to this section, the grantee shall render an accounting and final statement as provided in this part. The Secretary may allow credit for the amount required to settle at minimum costs obligations of the grantee properly incurred prior to receipt of notice of termination.

Subpart D—Grant Conditions: Obligations of Grantee

§ 55.30 Use of funds, changes.

(a) Any funds granted pursuant to § 55.20 shall be expended by the grantee solely for carrying out the approved project in accordance with regulations of this part. The grantee may not, in whole or in part, delegate or transfer this responsibility for the use of such funds to any other person.

(b) Changes in project: Permissible changes by the project director in the approved project shall be limited to changes in methodology, approach, or other aspect of the project that would expedite achievement of the project objectives. Whenever the grantee or the project director is uncertain as to whether a change complies with the provisions, the question should be referred to the Secretary for a final determination. Other changes in the approved project may be made only with the approval of the Secretary.

(c) Changes in project period: The project period may be extended by the Secretary, with or without additional funds, for such an additional period as he determines may be required to complete the objectives of the project provided that the total period as extended does not exceed 7 years.

§ 55.31 Project Director.

The project director shall be responsible for the conduct of the project for the duration of the project period. Should he become unavailable to discharge his responsibility, the grant shall be terminated unless the grantee replaces the project director with another person found by the Secretary to be qualified to direct and conduct the project.

§ 55.32 Inventions and discoveries.

Any grant award pursuant to this part shall be subject to the regulations of the

[1] The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 894-523.

V 37 I 37 FEB 24 72 XUM

Department of Health, Education, and Welfare as set forth in Title 45 CFR, Parts 6 and 8, as amended, relating to inventions and patents. Such regulations shall apply to any activity for which grant funds are used. Appropriate measures shall be taken by the grantee and the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into, and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data, and information pertaining to inventions or discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Department regulations.

§ 55.33 Other conditions.

The Secretary may impose additional conditions prior to, or at the time of any award when in his judgment such conditions are necessary to assure project advancement, the interest of the public health, or the conservation of grant funds.

Subpart E—Reports, Records and Inspections

§ 55.40 Reports and records.

Each grant award pursuant to § 55.20 shall be subject to the condition that the grantee shall maintain such progress and fiscal records, and file with the Secretary such progress and fiscal reports relating to the conduct and results of the approved project and the use of grant funds as the Secretary may prescribe. Such records shall be retained, as follows:

(a) Records may be destroyed 3 years after the end of the budget period if audit by or on behalf of the Department of Health, Education, and Welfare has occurred by that time.

(b) If audit by or on behalf of the Department of Health, Education, and Welfare has not occurred by that time, the records must be retained until audit or until 5 years following the end of the budget period, whichever is earlier.

(c) In all cases an overriding requirement exists to retain records until resolution of any audit questions relating to individual grants.

§ 55.41 Inspection and audit.

An application for a grant award shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Secretary, of the facilities, equipment, records, and other resources of the applicant and to interviews with principal staff members. The acceptance of the grant award shall constitute the consent of the grantee to inspections and fiscal audit by persons assigned by the Secretary, of the supported activity and of progress and fiscal records relating to the approved project.

Subpart F—Expenditures

§ 55.50 Allocation of costs.

(a) Funds granted for the direct costs of an approved project may be expended for personal services, rental of space, materials and supplies, and other cost items as shown on the award statement to the extent that such services, materials, supplies and other items are required to carry out the approved project.

(b) Indirect costs: The amount of any award for indirect costs shall be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the approved project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the approved project when there are reasonable assurances that the use of such percentages will not exceed the approximate actual indirect costs.

§ 55.51 Particular direct costs.

Funds granted for the direct costs of an approved project may be expended by the grantee as follows:

(a) *Personal services.* The costs of personal services are payable from grant funds substantially in proportion to the time or effort the individual devotes to carrying out the approved project. Such costs may include all direct costs incident to such services, such as salary during vacations, retirement, workmen's compensation charges, in accordance with the policies and accounting practices consistently applied by the grantee to all its activities.

(b) *Equipment and materials.* The cost of materials or fixed movable equipment not available to the grantee but required for execution of the approved project may be charged to a grant as a direct cost. Such acquisition may be by lease or by outright purchase, subject to accounting as provided in § 55.61. Such costs may include those incurred for delivery, installation, and maintenance services.

(c) *Travel costs.* Costs of travel of individuals are payable as a direct cost where required to carry out the project. To the extent that the grantee has not established rules or policies which uniformly apply regardless of source of funds in determining the amounts and types of reimbursable travel expenses, the Standardized Government Travel Regulations shall be applied in determining the amount of grant funds chargeable for travel expenses.

(d) *Alterations and renovations.* The costs of altering and renovating buildings or other structures (see chapter 1–44 of the Department of Health, Education, and Welfare Grants Administration Manual) in which an approved project is to be conducted may be charged to the grant to the extent that such alterations and renovations are essential to the accomplishment of the specific objective of the project. Such costs may not include enlarging or adding to such structures or the erection of new structures.

(e) *Publication costs.* Costs required to assure effective publication or other distribution of the project results may be charged as a direct cost.

Subpart G—Grantee Accountability

§ 55.60 Accounting for grant award payments.

In addition to such other accounting as the Secretary may require, a grantee shall render, with respect to each grant awarded to it, a full account as of the termination date by presenting or otherwise making available vouchers or any other evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred. The termination date shall be either (a) the end of the project period as determined pursuant to § 55.11 or its extension as provided in § 55.30(c), or (b) the date of any termination of grant support as provided in § 55.22 whichever first occurs.

§ 55.61 Accounting for equipment.

As used in this section the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1–410 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and accounted for, or accountability waived, by one or a combination of the following methods, as determined by the Secretary:

(a) *Waiver of equipment accountability.* Where the grantee is an organization within the terms of the Act of September 6, 1958 (72 Stat. 1793; Public Law 85–934), the obligation to account for the value of any equipment may be waived by the Secretary as provided by such Act.

(b) *Retention of equipment for other health research projects.* Equipment may be used without adjustment of accounts, on other grant-supported projects (whether or not federally supported) within the scope of the Act and no other accounting for such equipment shall be required: *Provided, however,* (1) That during such period of use no charge for depreciation, amortization or for other use of the equipment shall be made against any existing or future Federal grant or contract and (2) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(c) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(d) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1–410–50B of the Department of Health, Education, and Welfare Grants Administration Manual may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

§ 55.62 Accounting for grant related income.

(a) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

(b) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in paragraph (c) of this section.

(c) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in chapter 1–420 of the Grants Administration Manual as determined by the Secretary in the grant award.

§ 55.63 Final settlement.

There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(a) Any amount not accounted for pursuant to § 55.60;

(b) Any credits for equipment on hand as provided in § 55.61;

(c) Any credits for earned interest pursuant to § 55.62(a); and

(d) Any other settlements required pursuant to § 55.62 (b) and (c).

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

[FR Doc.72-2707 Filed 2-23-72;8:48 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

PART 386—RULES OF PRACTICE FOR MOTOR CARRIER SAFETY PROCEEDINGS UNDER SECTION 204(c) OF THE INTERSTATE COMMERCE ACT

Incorporation of Mandatory Orders in Settlement Agreements; Delegation of Authority

The Federal Highway Administrator is amending the rules of practice governing cease-and-desist proceedings under section 204(c) of the Interstate Commerce Act (49 U.S.C. 304(c)) to authorize the Director of the Bureau of Motor Carrier Safety to execute orders compelling compliance with the statutes and regulations pertaining to motor carrier safety, when those orders are incorporated into agreements compromising civil forfeiture claims under section 222(h) of the Interstate Commerce Act (49 U.S.C. 322(h)).

Since this amendment relates to procedure and practice before the Federal Highway Administration, notice and public procedure are unnecessary, and it is effective on the date of issuance set forth below.

In consideration of the foregoing, Part 386 in Chapter III of Title 49 CFR is amended by adding a new § 386.45 at the end of the part, reading as follows:

§ 386.45 Incorporation of order in settlement agreement.

(a) In a proceeding under Part 385 of this chapter, the Director of the Bureau of Motor Carrier Safety is authorized to negotiate for the incorporation of, and, with the consent of the respondent, to incorporate, an order compelling respondent's compliance with Part II of the Interstate Commerce Act, 18 U.S.C. 831–835, or any regulation issued thereunder in a settlement agreement compromising a claim for forfeiture under section 222 (h) of the Interstate Commerce Act.

(b) The Director of the Bureau of Motor Carrier Safety is authorized to execute an order incorporated in a settlement agreement as prescribed in paragraph (a) of this section. When it is incorporated into a fully executed settlement agreement, such an order has the same force and effect as an order issued pursuant to the rules in this part.

(Secs. 204, 220, 222, Interstate Commerce Act, as amended, 49 U.S.C. 204, 320, 322, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, The Federal Claims Collection Act, 31 U.S.C. 951–953, and delegations of authority by the Secretary of Transportation at 49 CFR 1.48 and 49 CFR Part 89)

Issued on February 14, 1972.

F. C. TURNER,
Federal Highway Administrator.

[FR Doc.72-2682 Filed 2-23-72;8:46 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Dockets Nos. 70–16, 70–17; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

The purpose of this notice is to respond to petitions requesting reconsideration of Motor Vehicle Safety Standard No. 121, *Air Brake Systems*, § 571.121 of Title 49, Code of Federal Regulations. After issuance of the standard on February 19, 1971 (36 F.R. 3817, February 27, 1971), petitions for reconsideration were filed pursuant to 49 CFR 535.35 by a number of vehicle and equipment manufacturers. This notice grants some of the requests by amending the standard, and denies other requests.

1. *Service brake system.* The service brake system requirements have been reorganized for reasons of clarity and have been amended with respect to the order of testing and the number of tests to be conducted. The dynamometer tests have been separated from the road tests and placed in section S5.4. The road test section has been amended to specify the order in which the stopping tests are to be run. The section is further amended to provide that a truck or bus will be stopped six times for each combination of loading, speed and road conditions and that it will be considered to meet the requirement if one stop is made in the required distance with the required stability and freedom from wheel lockup. This amendment has been adopted to ease the problems arising from a test driver's unfamiliarity with a vehicle's behavior. To accommodate antilock systems that permit some wheels to lock for longer periods than others, the reference to "momentary" lockup in S5.3.1 and S5.3.2 has been amended to refer to "controlled" lockup.

S5.3.2. *Stopping Capability, Trailers,* has been amended in minor respects, to make it clear that the 90 p.s.i. pressure level is systemwide and not confined to the brake control lines, and to provide that the trailer is to stop the combination of vehicles without benefit of the towing vehicle's brakes.

The brake power requirements of S5.4.2 and the dynamometer test conditions of S6.2 are each amended to refer to the drum "or disc" to avoid the possibility that the sections would be misconstrued as requiring drum brakes. The brake recovery requirements of S5.4.3 are amended by lowering the minimum air pressure requirement to 20 p.s.i.

V 37 N 37 FEB 24 72 XUM

from 40 p.s.i. This amendment is based on a reassessment of the problems associated with over-recovery that has led the NHTSA to conclude that 20 p.s.i. is a reasonable level.

The requirements concerning antilock system failure and the provision of power for antilock systems on trailers have been separated from the other service brake requirements and placed in S5.5.

2. *Service brake retardation force.* The standard as adopted in February 1971 required the brakes on each axle to produce specified retardation forces at each of several brake chamber air pressures. As indicated in the issuance of the standard, the primary goal of the retardation force requirement was to insure brake compatibility between vehicles used in combination. On review of petitions requesting exemption of vehicles that do not tow other vehicles from the retardation force requirements, the NHTSA has determined that for these vehicles the requirements are not necessary. Accordingly, S5.4.1 is amended to apply only to vehicles that are intended to tow or to be towed by another vehicle equipped with air brakes.

In response to petitions objecting to axle by axle force calculations, the retardation force requirements are further amended to provide that the retardation force for all axles shall be added together and divided by the sum of gross axle ratings to arrive at the values shown in Table III. The effect of the amendment is to allow greater flexibility in the allocation of braking force between axles.

The overall braking force required of the vehicle's brakes, however, remains the same as before. The NHTSA has considered and rejected the requests for different retardation values and for substitution of SAE J992a for the dynamometer tests of S5.4.1. The present retardation force requirements in Table III are considered to be a reasonable accommodation between the need for compatibility with existing vehicles and the need to establish a uniform pattern of brake response over the range of operating pressures. The dynamometer procedures of S5.4.1.1, which permit measurement of brake forces on an individual vehicle, are more suited to the regulatory purpose of this standard than are the procedures of SAE J992a, which provides for road testing of vehicles in combination. The agency recognizes that the availability of dynamometers of sufficient capacity is a concern to many petitioners, but available evidence indicates that dynamometer access will not be a major long-term problem. The petitions to delete dynamometer testing are therefore denied.

3. *Parking brake system.* The parking brake system required by S5.4 of the standard had several features that were widely objected to by the petitioners. In particular, petitioners objected to the requirement for automatic application of the parking brakes in the event of pressure loss. Although the standard specified a maximum retardation force level of 0.40 to reduce the possibility of lock-up during automatic application, many petitioners stated that automatic application of the brakes would surprise the driver and adversely affect his handling of the vehicle.

The NHTSA remains convinced that automatic application of the parking brake is a satisfactory means of providing braking in the event of service brake failure. The low pressure warning signal required by S5.1.5 is considered adequate to warn a driver of impending application of the parking brake to avoid most of the effects of surprise. However, review of the petitions has persuaded the agency that automatic application of the parking brake need not be mandatory. Accordingly, the standard is amended to provide for an alternative parking brake system that is manually, and not automatically applied.

To accommodate the new alternative, the parking brake requirements have been reorganized into two main sections: S5.6, which specifies requirements for parking brakes generally, and S5.7, which sets out the emergency braking capabilities for automatic systems (S5.7.1) and manual systems (S5.7.2) on trucks and buses. A third section (S5.8) deals with the emergency braking of trailers.

The general requirements of S5.6 are derived from S5.4 of the original standard, with some additions and amendments. The braking force generated by the parking brakes is measured, at the manufacturer's option, either by a static draw bar test, which must produce a force level of 0.28, or by a holding test on a 20 percent grade. The tests are to be conducted in both forward and rearward directions. As provided in the original standard, the parking brakes must be applied by an energy source that is independent of the air pressure in the service brake system.

Additional changes have been made in S5.6 with respect to the requirements for the parking brake control. The standard as published in February 1971 specified the shape and color of the parking brake control, as well as its location, and provided that manual operation and release after automatic application should be accomplished by movement of a single control. After review of the petitions, it has been decided to allow greater flexibility in the design and operation of the control. Efforts are now underway within the industry to standardize controls, and it may be that a consensus will be reached upon which a more standardized control can be based. In the meantime, the standard's specifications have been reduced to requiring the control to be separate from the service brake control, operable from the normal driving position, and identifiable as to its method of operation. The shape, color, and number of controls, and the method of operation, are left to the judgment of the manufacturer.

The major difference between the emergency braking performance required of a vehicle with a manual system and the performance required of a vehicle with an automatic system is that a vehicle with a manual parking brake is required by S5.7.2.3 to meet a stopping distance test with an air pressure failure in the service brake system. Although a manufacturer may elect to use the parking brakes to provide this emergency stopping capacity, he may use other components to supplement the parking brakes or he may use a system entirely independent of the parking brakes.

A vehicle with an automatic parking brake may, at the manufacturer's option, either meet the stopping distance test of S5.7.2.3, or have a maximum static retardation force not greater than 0.40, measured in accordance with S5.6.1. Several petitioners requested deletion of the maximum retardation force levels for automatic brakes. Although the agency remains concerned about the effects on a vehicle's stability of automatic brake application, it has determined that a vehicle capable of meeting specified stopping distance requirements when the brakes are automatically applied should not be held to the maximum force level requirement.

With respect to both automatic and manual brakes, provision is made for control of the parking brakes of the towed vehicle. It was noted by some petitioners that automatic application of a towing vehicle's brakes, without simultaneous application of a towed vehicle's brakes, could lead to unstable braking and possibly to jackknifing. To lessen the risk of such instability, the automatic brake requirements are amended to require the venting of the towed vehicle's supply line so that its brakes will apply upon application of the towing vehicle's brakes.

4. *Other provisions amended.* In S4 the definition of "antilock system" has been amended to refer to "rotational wheel slip" to distinguish the phenomenon controlled by the antilock systems from other types of wheel slip. The definitions of "gross axle weight rating," "gross vehicle weight rating," and "unloaded vehicle weight" have been omitted, since they have been incorporated in the general definitions section of Part 571, 49 CFR 571.3(b).

The equipment requirements have been amended in a number of minor respects. S5.1.1 has been amended to include supply reservoir capacities. The reservoir capacity required has not been changed, but the requirement is clarified by striking the words "greater than" in S5.1.2.1 and in S5.2.1.1. The requirement for a towing vehicle protection valve (S5.1.3) has been amended by the use of the broader term "system" in place of "valve."

The pressure gauge requirement (S5.-1.4) has been amended to require a gauge in each service brake system, rather than to require a gauge directly on the service reservoir. The warning signal requirement (S5.1.6) is amended in response to petitions to provide that warning must be by means other than the pressure gauge indicator. The antilock warning signal requirement (S5.1.6), has been amended to limit the warning to the event

of electrical failure, pending investigation of other types of failure for which a warning may be practicable.

5. *Petitions denied.* Several requests for amendment of the equipment requirements have been denied. A request that the service reservoirs be connected in series has been rejected as unnecessary and design restrictive. Requests for reduction in minimum reservoir capacity are also denied. The present requirement of 12 times the combined volume of service brake chambers has been applied by the SAE to intracity buses and school buses for some time and is considered a reasonable requirement for other vehicles, particularly in the light of additional demands made on air capacity by antilock systems.

Several petitions requested amendment of the vehicle weights specified in S5.3 for the service brake tests. Requests were made for additional weight on the vehicle in its unloaded condition to allow for the weight of the completed body and for safety equipment such as roll bars used during testing. Since the vehicles tested by the NHTSA will be completed vehicles, however, it is not appropriate to specify an additional weight. If an incomplete vehicle manufacturer wishes to ascertain the performance of this vehicle in one or more of its completed variations, he may do so by placing weights on the incomplete vehicle, by actually mounting a body on it, or by any other means that are reasonably calculated to evaluate the braking performance of the completed vehicle. With respect to safety equipment, the NHTSA regards the problem of weight associated with safety devices as easily surmountable. Each of the petitions requesting changes in the weights specified in S5.3 is accordingly denied.

A number of petitions requested increases in the stopping distance required by S5.3.1. The distances specified are considered reasonable and well within the state of the art. Greater distances would increase the disparity between trucks and cars and be contrary to the interests of safety. The petitions are denied. Similarly, the petitions for an increase in the skid number of the dry surface from 75 to 80 are denied. The 75 number is representative of road surfaces, and has been a part of the consumer information requirements long enough that the availability of skid pads should not be a problem. Similarly, the requests that 30 skid number tests be run on dry pavement or that they be abandoned are denied. Braking in wet weather is an evident problem with vehicles of all types, and the NHTSA regards the wet-track test as an essential part of the standard.

The stopping capability requirement for trailers (S5.3.2) was the subject of petitions requesting deletion of the 90-p.s.i. pressure level requirement and objecting to the uncertainty involved in determining whether the tractor or the trailer is responsible if the trailer leaves the 12-foot-wide lane. The NHTSA regards a uniform service line pressure specification as an appropriate means of insuring uniformity in trailer response, even though some tractors may be designed to modulate air pressure in the lines. Since only the trailer is to be braked, the cause of deviation from the lane will be the trailers' brakes, not the tractor's. The petitions are denied.

The actuation and release requirements of S5.3.3 and S5.3.4 were subject to a variety of objections. One petitioner requested deletion of both requirements, while others requested elimination of the 50-cubic-inch test reservoir for trailers that tow other trailers. On review, the NHTSA has decided to deny the petitions. Although the stopping distance test of S5.3.1 necessarily limits the actuation time that a manufacturer can allow, the additional constraint placed on timing by S5.3.3 has the important effect of producing full braking at a very early point during the braking maneuver where the speed is greatest and the effects of a reduction in speed most significant from the standpoint of the forces involved in a crash. The brake release time has an important bearing on the maneuverability and directional stability of vehicles in emergency situations. It can sometimes be as important for the brakes to come off quickly and evenly as for them to be applied quickly.

The 50-cubic-inch test reservoir has been employed for some time in the SAE brake testing. It has therefore been retained. Other suggestions in the petitions for service reservoir timing and for additional test component specifications are not adopted at this time but may be appropriate subjects for future amendment.

With respect to the loading conditions specified in S6.1.1, a number of petitioners stated that the front-rear brake balance needed to achieve conforming performance on a truck-tractor loaded to GVWR in its bob-tail configuration would not be the best balance for that tractor when towing a trailer. This appears to be a valid objection, but the most obvious alternative—testing with a trailer in tow—involves complexities that have not been fully discussed in the petitions. A notice is therefore being prepared to propose that a truck tractor be tested with a trailer during the stopping distance tests.

Effective date: September 1, 1974. Review of the numerous petitions for extension of the effective date from January 1, 1973, has led to the conclusion that an effective date of September 1, 1974, would permit a longer period of fleet testing to evaluate the durability of the new systems and that the resulting production systems are likely to be substantially improved by the additional time allowed. An effective date later than 1 year from the date of issuance is therefore found, for good cause shown, to be in the public interest.

In consideration of the above, Motor Vehicle Safety Standard No. 121, Air Brake Systems, in § 571.121 of Title 49, Code of Federal Regulations, is amended to read as set forth below. This amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority by the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51.

Issued on February 16, 1972.

DOUGLAS W. TOMS,
Administrator.

§ 571.121 Standard No. 121; Air Brake Systems (Effective Sept. 1, 1974).

S1. *Scope.* This standard establishes performance and equipment requirements for braking systems on vehicles equipped with air brake systems.

S2. *Purpose.* The purpose of this standard is to insure safe braking performance under normal and emergency conditions.

S3. *Application.* This standard applies to trucks, buses, and trailers equipped with air brake systems.

S4. *Definitions.*

"Air brake system" means a system that uses air as a medium for transmitting pressure or force from the driver control to the service brake, but does not include a system that uses compressed air or vacuum only to assist the driver in applying muscular force to.hydraulic or mechanical components.

"Antilock system" means a portion of a service brake system that automatically controls the degree of rotational wheel slip at one or more road wheels of the vehicle during braking.

"Skid number" means the frictional resistance of a pavement measured in accordance with American Society for Testing and Materials Method E-274-65T at 40 m.p.h., omitting water delivery as specified in paragraph 7.1 of that method.

S5. *Requirements.* Each vehicle shall meet the following requirements under the conditions specified in S6.

S5.1 *Required equipment—trucks and buses.* Each truck and bus shall have the following equipment:

S5.1.1 *Air compressor.* An air compressor of sufficient capacity to increase air pressure in the supply and service reservoirs from 85 pounds per square inch (p.s.i.) to 100 p.s.i. when the engine is operating at the vehicle manufacturer's maximum recommended r.p.m. within a time, in seconds, determined by the quotient

$$\frac{\text{Actual reservoir capacity} \times 25}{\text{Required reservoir capacity}}.$$

S5.1.2 *Reservoirs.* One or more service reservoir systems, from which air is delivered to the brake chambers, and either an automatic condensate drain valve for each service reservoir or a supply reservoir between the service reservoir system and the source of air pressure.

S5.1.2.1 The combined volume of all service reservoirs and supply reservoirs shall be at least 12 times the combined volume of all service brake chambers at maximum travel of the pistons or diaphragms.

S5.1.2.2 Each reservoir shall be capable of withstanding an internal hydrostatic pressure of five times the compressor cutout pressure or 500 p.s.i., whichever is greater, for 10 minutes.

V 37 N 37
FEB 24 72
XUM

S5.1.2.3 Each service reservoir system shall be protected against loss of air pressure due to failure or leakage in the system between the service reservoir and the source of air pressure, by check valves or equivalent devices whose proper functioning can be checked without disconnecting any air line or fitting.

S5.1.2.4 Each reservoir shall have a condensate drain valve that can be manually operated.

S5.1.3 *Towing vehicle protection system.* If the vehicle is intended to tow another vehicle equipped with air brakes, a system to protect the air pressure in the towing vehicle from the effects of a loss of air pressure in the towed vehicle.

S5.1.4 *Pressure gauge.* A pressure gauge in each service brake system, readily visible to a person seated in the normal driving position, that indicates the service reservoir system air pressure. The accuracy of the gauge shall be within plus or minus 7 percent of the compressor cut-out pressure.

S5.1.5 *Warning signal.* A signal, other than a pressure gauge, that gives a continuous warning to a person in the normal driving position when the ignition is in the "on" position and the air pressure in the service reservoir system is below 60 p.s.i. The signal shall be either visible within the driver's forward field of view, or both audible and visible.

S5.1.6 *Antilock warning signal.* A signal on each vehicle equipped with an antilock system that gives a person seated in the normal driving position an audible warning of at least 10 seconds duration and a continuous visible warning when the ignition is in the "on" position in the event of a total electrical failure of the antilock system. The signal shall operate in the specified manner each time the ignition is returned to the "on" position.

S5.1.7 *Service brake stop lamp switch.* A switch that lights the stop lamps when the service brake control is statistically depressed to a point that produces a pressure of 6 p.s.i. or less in the service brake chambers.

S5.2 *Required equipment—trailers.* Each trailer shall have the following equipment:

S5.2.1 *Reservoirs.* One or more reservoirs to which the air is delivered from the towing vehicle.

S5.2.1.1 A reservoir shall be provided that is capable of releasing the vehicle's parking brakes at least once and that is unaffected by a loss of air pressure in the service brake system.

S5.2.1.2 Total reservoir volume shall be at least eight times the combined volume of all service brake chambers at maximum travel of the pistons or diaphragms.

S5.2.1.3 Each reservoir shall be capable of withstanding an internal hydrostatic pressure of 500 p.s.i. for 10 minutes.

S5.2.1.4 Each reservoir shall have a condensate drain valve that can be manually operated.

S5.2.1.5 Each service reservoir shall be protected against loss of air pressure due to failure or leakage in the system between the service reservoir and its source of air pressure by check valves or equivalent devices.

S5.3 *Service brakes—road tests.* The service brake system on each truck and bus shall, under the conditions of S6.1, meet the requirements of S5.3.1, S5.3.3, and S5.3.4 when tested without adjustments other than those specified in this standard. The service brake system on each trailer shall, under the conditions of S6.1, meet the requirements of S5.3.2, S5.3.3, and S5.3.4 when tested without adjustments other than those specified in this standard.

S5.3.1 *Stopping distance—trucks and buses.* When stopped six times for each combination of weight, speed, and road condition specified in S5.3.1.1, in the sequence specified in Table I, the vehicle shall stop at least once in not more than the distance specified in Table II, measured from the point at which movement of the service brake control begins, without any part of the vehicle leaving the roadway and without lockup of any wheel at speeds above 10 m.p.h. except for controlled lockup of wheels allowed by an antilock system and except for lockup of wheels on nonsteerable axles other than the two rearmost nonsteerable axles.

S5.3.1.1 Stop the vehicle from 60 m.p.h. and 20 m.p.h. on a surface with a skid number of 75, and from 20 m.p.h. on a wet surface with a skid number of 30, with the vehicle (a) loaded to its gross vehicle weight rating, and (b) at its unloaded vehicle weight plus 500 pounds (including driver and instrumentation). If the speed attaintable in 2 miles is less than 60 m.p.h., the vehicle shall stop from a speed in Table II that is 4 to 8 m.p.h. less than the speed attainable in 2 miles.

S5.3.2 *Stopping capability—trailers.* When tested at each combination of weight, speed, and road conditions specified in S5.3.2.1, in the sequence specified in Table I, with air pressure of 90 p.s.i. in the control line and service reservoir system and with no application of the towing vehicle's brakes, a trailer shall stop without any part of the trailer leaving the roadway and without lockup of any wheel at speeds above 10 m.p.h., except for controlled lockup of wheels allowed by an antilock system and except for lockup of wheels on nonsteerable axles other than the two rearmost nonsteerable axles.

S5.3.2.1 Stop the vehicle from 60 m.p.h. and 20 m.p.h. on a surface with skid number of 75, and from 20 m.p.h. on a wet surface with a skid number of 30, with the vehicle (a) loaded to its gross vehicle weight rating, and (b) at its unloaded vehicle weight plus 500 pounds (including instrumentation).

S5.3.3 *Brake actuation time.* With an initial service reservoir system air pressure of 100 p.s.i., the air pressure in each brake chamber shall reach 60 p.s.i. in not more than 0.25 second measured from the first movement of the service brake control. A vehicle designed to tow a vehicle equipped with air brakes shall be capable of meeting the above actuation time requirement with a 50-cubic-inch test reservoir connected to the control line coupling. A trailer shall meet the above actuation time requirement with its brake system connected to the test rig shown in Figure 1.

S5.3.4 *Brake release time.* With an initial brake chamber air pressure of 95 p.s.i., the air pressure in each brake chamber shall fall to 5 p.s.i. in not more than 0.50 second measured from the first movement of the service brake control. A vehicle designed to tow another vehicle equipped with air brakes shall be capable of meeting the above release time requirement with a 50-cubic-inch test reservoir connected to the control line coupling. A trailer shall meet the above release time requirement with its brake system connected to the test rig shown in Figure 1.

S5.4 *Service brake system—dynamometer tests.* Under the conditions of S6.2, each brake assembly shall meet the requirements of S5.4.1, S5.4.2, and S5.4.3 when tested in sequence and without adjustments other than those specified in this standard. A brake assembly that has undergone a road test pursuant to S5.3 need not conform to the requirements of this section. For purposes of the requirements of S5.4.1, S5.4.2, and S5.4.3, an average deceleration rate is the change in velocity divided by the deceleration time measured from the onset of deceleration.

S5.4.1 *Brake retardation force.* The sum of the retardation forces exerted by the barkes on each vehicle designed to tow or to be towed by another vehicle equipped with air brakes shall be such that the quotient

$$\frac{\text{Sum of brake retardation forces}}{\text{Sum of GAWR's}}$$

relative to brake chamber air pressure, shall have values not less than those shown in Table III. Retardation force shall be determined as follows:

S5.4.1.1 After burnishing the brake pursuant to S6.2.6, retain the brake assembly on the inertia dynamometer. With an initial brake temperature between 125° F. and 200° F., conduct a stop from 50 m.p.h., maintaining brake chamber air pressure at a constant 20 p.s.i. Measure the average torque exerted by the brake from the time the specified air pressure is reached until the brake stops and divide by the static loaded tire radius specified by the tire manufacturer to determine the retardation force. Repeat the procedure six times, increasing the brake drum or disc until the temper- p.s.i. each time. After each stop, rotate the brake drum or disc until the temperature of the brake falls to between 125° F. and 200° F.

S5.4.2 *Brake power.* When mounted on an inertia dynamometer, each brake shall be capable of making 10 consecutive decelerations at an average rate of 9 f.p.s.p.s. from 50 m.p.h. to 15 m.p.h., at equal intervals of 72 seconds, and shall be capable of decelerating to a stop from 20 m.p.h. at an average deceleration rate of 14 f.p.s.p.s. 1 minute after the 10th deceleration. The series of decelerations shall be conducted as follows:

S5.4.2.1 With an initial brake temperature between 150° F. and 200° F. for

the first brake application, and the drum or disc rotating at a speed equivalent to 50 m.p.h., apply the brake and decelerate at an average deceleration rate of 9 f.p.s.p.s. to 15 m.p.h. Upon reaching 15 m.p.h., accelerate to 50 m.p.h. and apply the brake for a second time 72 seconds after the start of the first application. Repeat the cycle until 10 decelerations have been made. The service line air pressure shall not exceed 90 p.s.i. during any deceleration.

S5.4.2.2 One minute after the end of the last deceleration required by S5.4.2.1 and with the drum or disc rotating at a speed of 20 m.p.h., decelerate to a stop at an average deceleration rate of 14 f.p.s.p.s. The service brake line air pressure shall not exceed 108 p.s.i.

S5.4.3 *Brake recovery.* Starting two minutes after completing the tests required by S5.4.2, the brake shall be capable of making 20 consecutive stops from 30 m.p.h. at an average deceleration rate of 12 f.p.s.p.s., at equal intervals of 1 minute measured from the start of each brake application. The service line air pressure needed to attain a rate of 12 f.p.s.p.s. shall not be less than 20 p.s.i. nor more than 75 p.s.i.

S5.5 *Antilock system.*

S5.5.1 *Antilock system failure.* On a vehicle equipped with an antilock system, electrical failure of any part of the antilock system shall not increase the actuation and release times of the service brakes.

S5.5.2 *Antilock system power—trailers.* On a trailer equipped with an antilock system that requires electrical power for operation, the power shall be obtained from the stop lamp circuit. Additional circuits may also be used to obtain redundant sources of electrical power.

S5.6 *Parking brake system.* Each vehicle shall have a parking brake system that under the conditions of S6.1 meets the requirements of S5.6.1 or S5.6.2, at the manufacturer's option, and the requirements of S5.6.3 and S5.6.4.

S5.6.1 *Static retardation force.* With all other brakes rendered inoperative, the static retardation force produced by the application of the parking brakes on an axle other than a steerable front axle during a static drawbar pull in a forward or rearward direction shall be such that the quotient

$$\frac{\text{Static retardation force}}{\text{GAWR}}$$

is not less than 0.28.

S5.6.2 *Grade holding.* With all parking brakes applied, the vehicle shall remain stationary facing uphill and facing downhill on a smooth, dry portland cement concrete roadway with a 20-percent grade, both (a) when loaded to its gross vehicle weight rating, and (b) at its unloaded vehicle weight plus 500 pounds (including driver and instrumentation).

S5.6.3 *Application and holding.* The parking brakes shall be applied by an energy source that is not affected by loss of air pressure or brake fluid pressure in the service brake system. Once applied, the parking brakes shall be held in the applied position solely by mechanical means.

S5.6.4 *Parking brake control—trucks and buses.* The parking brake control shall be separate from the service brake control. It shall be operable by a person seated in the normal driving position. The control shall be identified in a manner that specifies the method of control operation. The parking brake control shall control the parking brakes of the vehicle and of any air braked vehicle that it is designed to tow.

S5.7 *Emergency braking capability—trucks and buses.* Each truck and bus shall have a braking system with emergency braking capability that meets the requirements of S5.7.1, or, at the manufacturer's option, the requirements of S5.7.2.

S5.7.1 *Parking brake system with automatic application.* Each vehicle shall have a parking brake system acting on each axle, except steerable front axles, that conforms to S5.6 and that meets the following requirements:

S5.7.1.1 *Automatic application.* The parking brakes shall be automatically applied and the supply line to any towed vehicle vented to atmospheric pressure when the air pressure in all service reservoirs is less that the automatic application pressure level. The automatic application pressure level shall be between 20 and 45 p.s.i.

S5.7.1.2 *Automatic braking performance.* With the parking brake automatically applied, a vehicle shall either be capable of meeting the requirements of S5.7.2.3, with distances measured from the point of automatic application, or shall have a static retardation force not greater than 0.40 for any axle, determined in accordance with S5.6.1.

S5.7.1.3 *Release after automatic application.* After automatic application, the parking brakes shall be releasable at least once by means of a parking brake control. The parking brakes shall be releasable only if they can be automatically reapplied and exert the force required by S5.6 immediately after release.

S5.7.1.4 *Manual operation.* The parking brakes shall be manually operable and releasable when the air pressure in any service reservoir is greater than the automatic application pressure.

S5.7.2 *Modulated emergency braking system.* Each vehicle that does not have a parking brake system that is automatically applied in the event of air pressure loss shall have a parking brake system conforming to S5.6 that is capable of manual application at any reservoir system pressure level, and shall have an emergency braking system that meets the following requirements.

S5.7.2.1 *Emergency braking control.* The emergency braking system shall be controlled by the service brake control or the parking brake control. The control for the emergency braking system shall control the brakes on any towed vehicle equipped with air brakes.

S5.7.2.2 *Emergency braking system failure.* In the event of a failure of a valve, manifold, brake fluid housing, or brake chamber housing that is common to the service brake and emergency braking systems, loss of air shall not cause the parking brake to be inoperable.

S5.7.2.3 *Emergency braking stopping distance.* When stopped six times for each combination of weight and speed specified in S5.3.1.1 on a road surface with a skid number of 75, with a single failure in the service brake system of a part designed to contain compressed air or brake fluid (except failure of a common valve, manifold, brake fluid housing, or brake chamber housing) the vehicle shall stop at least once in not more than the distance specified in Table II, measured from the point at which movement of the brake control begins, without any part of the vehicle leaving the roadway.

S5.8 *Emergency braking capability—trailers.* Each trailer shall have a parking brake system that conforms to S5.6 and that applies with the force specified in S5.6.1 or S5.6.2 when the air pressure in the supply line is at atmospheric pressure.

S6. *Conditions.* The requirements of S5 shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S6.1 *Road test conditions.*

S6.1.1 Except as specified in S5.3 and S5.6.2, the vehicle is loaded to its gross vehicle weight rating, distributed proportionally to its gross axle weight ratings.

S6.1.2 The inflation pressure is as specified by the vehicle manufacturer for the gross vehicle weight rating.

S6.1.3 Unless otherwise specified, the transmission selector control is in neutral or the clutch is disengaged during all decelerations and during static parking brake tests.

S6.1.4 All vehicle openings (doors, windows, hood, trunk, cargo doors, etc.) are in a closed position except as required for instrumentation purposes.

S6.1.5 The ambient temperature is between 32° F. and 100° F.

S6.1.6 The wind velocity is zero.

S6.1.7 Stopping tests are conducted on a 12-foot wide level roadway having a skid number of 75, unless otherwise specified. The vehicle is alined in the center of the roadway at the beginning of a stop.

S6.1.8 Brakes are burnished before testing as follows: With the transmission in the highest gear approximately for 40 m.p.h., make 400 brake applications from 40 m.p.h. to 20 m.p.h. at 10 f.p.s.p.s. After each brake application accelerate to 40 m.p.h. and maintain that speed until making the next application at a point 1.5 miles from the point of the previous brake application. After burnishing, adjust the brakes as recommended by the vehicle manufacturer.

S6.1.9 Static parking brake tests for a semitrailer are conducted with the front-end supported by an unbraked dolly. The weight of the dolly is included as part of the trailer load.

S6.2 *Dynamometer test conditions.*

S6.2.1 The dynamometer inertia for each wheel is equivalent to the load on the wheel with the axle loaded to its gross axle weight rating.

S6.2.2 The ambient temperature is between 75° F. and 100° F.

S6.2.3 Air at ambient temperature is directed uniformly and continuously over

FEB 24 72
XUM

the brake drum or disc at a velocity of 2,200 feet per minute.

S6.2.4 The temperature of each brake is measured by a single plug-type thermocouple installed in the center of the lining surface of the most heavily loaded shoe or pad as shown in Figure II. The thermocouple is outside any center groove.

S6.2.5 The rate of brake drum or disc rotation on a dynamometer corresponding to the rate of rotation on a vehicle at a given speed is calculated by assuming a tire radius equal to the static loaded radius specified by the tire manufacturer.

S6.2.6 Brakes are burnished before testing as follows: Place the brake assembly on an inertia dynamometer and adjust the brake as recommended by the brake manufacturer. Make 200 stops from 40 m.p.h. at a deceleration of 10 f.p.s.p.s., with an initial brake temperature on each stop of not less than 315° F. and not more than 365° F. Make 200 additional stops from 40 m.p.h. at a deceleration of 10 f.p.s.p.s. with an initial brake temperature on each stop of not less than 450° F. and not more than 550° F. After burnishing, the brakes are adjusted as recommended by the brake manufacturer.

S6.2.7 The brake temperature is increased to a specified level by conducting one or more stops from 40 m.p.h. at a deceleration of 10 f.p.s.p.s. The brake temperature is decreased to a specified level by rotating the drum or disc at a constant 30 m.p.h.

TABLE I—STOPPING SEQUENCE

1. Burnish.
2. Stops with vehicle at GVWR:
   (a) 20 m.p.h. on skid number of 75.
   (b) 60 m.p.h. on skid number of 75.
   (c) 20 m.p.h. on skid number of 30.
3. Stops with vehicle at unloaded weight plus 500 pounds:
   (a) 20 m.p.h. on skid number of 75.
   (b) 60 m.p.h. on skid number of 75.
   (c) 20 m.p.h. on skid number of 30.
4. Emergency system stops with vehicle at unloaded weight plus 500 pounds (for vehicles required to conform to S5.7.2.3). Same sequence as 3 above ((a) and (b) only).
5. Emergency system stops with vehicle at GVWR (for vehicles required to conform to S5.7.2.3). Same sequence as 2 above ((a) and (b) only).

TABLE II—STOPPING DISTANCE IN FEET

Vehicle speed (m.p.h.)	Service brakes		Emergency brakes
	Skid No. 75	Skid No. 30	Skid No. 75
20	33	54	83
25	49	86	123
30	68	90	170
35	115	143	225
40	143	208	288
45	174	265	358
50	215	328	435
55	245	395	520
60	285	465	613

TABLE III—BRAKE RETARDATION FORCE

Brake retardation force GAWR:	*Brake chamber pressure, p.s.i.*
0.100	20
0.175	30
0.250	40
0.325	50
0.400	60
0.475	70
0.550	80

FIGURE 1

TRAILER TEST RIG

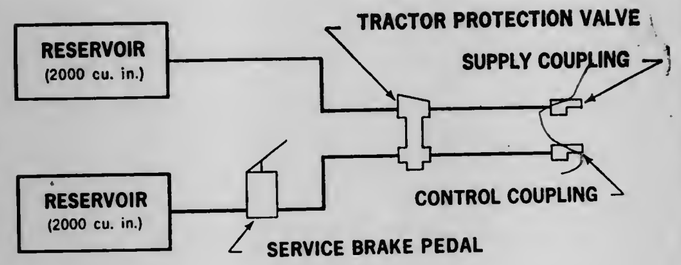
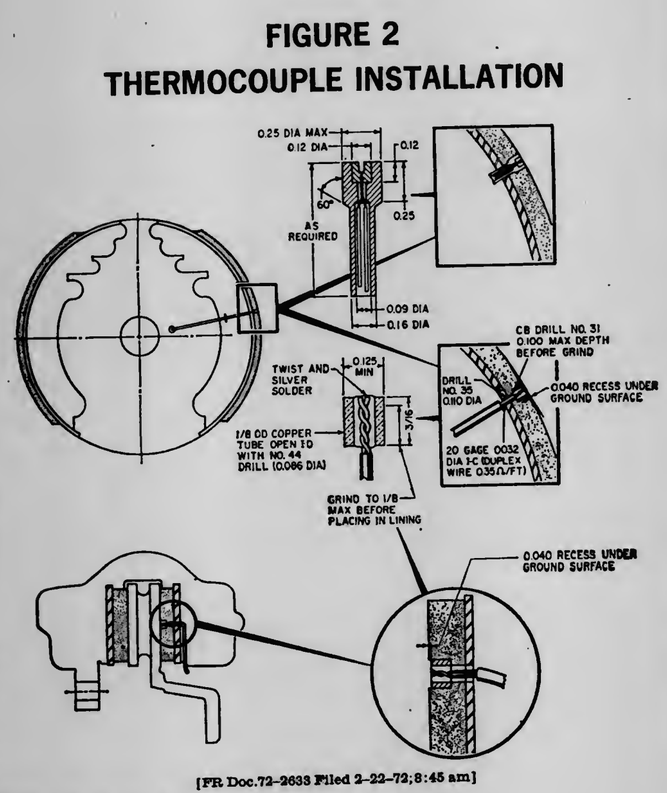


FIGURE 2

THERMOCOUPLE INSTALLATION



[FR Doc.72-2633 Filed 2-22-72;8:45 am]

[Docket 69-7; Notice 16]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection

The purpose of this notice is to amend Standard No. 208, Occupant Crash Protection, as proposed September 29, 1971 (36 F.R. 19266, October 1, 1971) with respect to the occupant protection options available between August 15, 1973, and August 15, 1975. The amendments proposed on September 29 are adopted essentially as proposed, with minor modifications.

The notice proposed a third occupant protection option (S4.1.2.3) for passenger cars manufactured between August 15, 1973, and August 15, 1975. The salient feature of the new option was the use of seat belts equipped with an ignition interlock system that would prevent the engine from starting if any front seat occupant did not have his belt fastened. The belts at the front outboard positions would have to meet the injury criteria of the standard in a 30-m.p.h. frontal barrier crash, and any lap belt in the center position would have to remain intact in the same crash. If shoulder belts were provided at the front positions, they would have to be nondetachable and have emergency locking retractors. Additional features of the interlock system as specified in S7.3.5 included an antidefeat measure that would require the belt to be fastened after the occupant is seated, a requirement that unfastening the belt would not stop the engine, and a provision for seat belt warning system operation when the ignition is in the "start" position and a belt is unfastened at an occupied front seat position. With minor exceptions noted in the following discussion, the option is adopted as proposed.

Several comments approved of the interlock option. Mr. Ralph Nader and the Center for Auto Safety raised procedural objections concerning the issue of placing intragovernmental communications in the docket. This issue is presently the subject of litigation in the Federal courts, and would not be appropriate for discussion herein. The Center also objected that both the interlock option, to begin August 15, 1973, and the passive restraint requirement, beginning August 15, 1975, should be instituted one year earlier. The option that includes the interlock system also requires emergency-locking shoulder belt retractors, however, and the agency has determined that the 1974 model year is the earliest practicable time by which the option can be effectuated. As for the passive restraint requirement to become effective on August 15, 1975, the reasons for setting that effective date were discussed at length in Notice 12 (36 F.R. 19254, October 1, 1971), and need not be restated here.

There were differences of opinion among the comments on the desirability of various other aspects of S4.1.2.3. The requirement of greatest concern appears to be S4.1.2.3(b), which requires the injury criteria to be met at the front outboard positions in a 30-m.p.h. frontal barrier crash with the test dummy restrained by the seat belt. It was the intent of the proposal to allow another means of providing the requisite level of occupant protection, not to lower the level of protection. Present information indicates that systems meeting the injury criteria are available using current seat belt technology, and the agency therefore adopts the requirement as proposed.

To allow greater diversity in belt system development, it has been decided to accept the suggestion made in a number of comments that conformity to Standard No. 209 should not be required of belt systems that meet the injury criteria. Accordingly, those options that require a seat belt to meet the injury criteria (S4.1.1.2, S4.1.2.2, and S4.1.2.3) are amended by limiting the application of Standard No. 209 to belts other than those meeting the injury criteria. A belt provided at a center front position is not required to meet the injury criteria and is therefore required to conform to Standard No. 209.

Related requests for exemption from the anchorage requirements of Standard No. 210 have not been adopted in that they appear to be unnecessary. An amendment to permit anchorages that absorb energy by elongating under force is not necessary, since Standard No. 210 expressly permits deformation so long as the maximum force is sustained. In the absence of other data indicating a need to amend Standard No. 210, no change is proposed in that standard.

Chrysler's suggestion that a shoulder belt shaped as an inverted Y could be used in lieu of a nondetachable upper torso belt has not been adopted, primarily because of the likelihood that it would often go unused. There is nothing to prevent a manufacturer from installing such a belt along with the lap belt, so long as the lap belt alone is capable of meeting the injury criteria.

The interlock requirements were the subject of diverse comments. Some generally endorsed the requirement for interlock at all front positions, some stated that it should not be required at any position, while others suggested that it should be installed only at the outboard seats or only at the driver's seat. Several comments indicated doubts as to the system's reliability and expressed concern about its possible interference with vehicle operation.

Upon review of the comments, the NHTSA has decided to adopt the interlock system as an option applying to all front seating positions. The 1973 options, whether active or passive, are intended to set minimum protection requirements for all front seating positions. If the third option is to give protection better than that of present belt systems, belt usage must be increased. The interlock system has the potential to increase belt usage and is therefore adopted as part of the third option. Exemption of the center front seat, as proposed by several comments, could result in increased occupancy of the center seat as an easy means of avoiding the effects of the interlock system. The effect of such avoidance would be to substantially lessen the protection afforded occupants, and the requests for center seat exemption are therefore denied. However, in consideration of some technical problems arising from the placement of sensors in the center seats, it has been decided to change the preconditions for warning system and interlock system operation. It was pointed out that the center seat cushion may be depressed far enough to activate the warning signal by the weight of two large men in the outboard positions. To alleviate this problem, S7.3.1(c), S7.3.5.2(b), and S7.4.1(b) are changed to provide for activation by the weight of a child in the front nondriver positions only when a 50th percentile adult male is seated in the driver's position.

Other problems of convenience arising from the interlock system are dealt with by the addition of two new subsections to S7.4. As a convenience in situations such as parking garages or vehicles stalled in traffic, a new S7.4.3 has been adopted, permitting restarting of the engine within 3 minutes of shutoff without interference by the interlock system. To facilitate repair and maintenance work, a new S7.4.4 is adopted to permit the interlock to be overridden by a switch that is actuated after opening the cover of the engine compartment. To reduce the possibility that the engine compartment switch will be misused, S7.4.4 provides that the switch will not defeat the interlock unless it is operated after each period of engine operation.

The requirements of S7.3.3 and S7.3.4 have been amended by adding engine operation as a necessary condition for mandatory warning system shutoff. This limits the situation in which the system must not operate; it may now operate when the ignition is in the "start" position, as requested by General Motors.

The relationship of the "start" position to system operation is also affected by the interlock system requirements. S7.3.5.4 requires the warning system to operate when the ignition is in the start position to tell the driver of a vehicle with unbelted front seat occupants why the engine fails to start.

One additional feature of the belts used in interlock systems attracted considerable comment. The amendment to S7.1.1 that would require shoulder belts provided under S4.1.2.3 to have emergency-locking retractors has been adopted as proposed. The NHTSA regards the convenience of an emergency locking retractor as a significant incentive for belt usage. In response to comments requesting an interpretation as to the number of retractors required, the standard permits a system with a single emergency-locking retractor acting on both lap and shoulder belts. In response to requests for allowance of auxiliary manual adjustment devices, such devices are permissible if they cannot be adjusted so as to cause the belt to fail the automatic

FEB 24 72
XUM

adjustment requirements of Standard No. 208.

General Motors raised a question concerning the number of test devices to be used in the frontal barrier crash test specified in S5.1. The NHTSA has interpreted the section as requiring test devices only in those seating positions for which a barrier crash test is specified by S4. The question is of general interest and is considered significant enough to warrant a clarifying amendment to S5.1 at this time.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 208, Occupant Crash Protection, § 571.208 of Title 49, Code of Federal Regulations is amended as set forth below. The standard is hereby amended upon publication of this notice in the FEDERAL REGISTER; effective dates are as stated in the text of the standard.

1. S4.1.1.2 is amended to read as follows:

S4.1.1.2 *Second option—lap belt protection system with belt warning.* The vehicle shall—

(a) At each designated seating position have a Type 1 seatbelt assembly or a Type 2 seatbelt assembly with a detachable upper torso portion that conforms to S7.1 and S7.2 of this standard.

* * * * *

2. S4.1.2 is amended to read as follows:

S4.1.2 *Passenger cars manufactured from August 15, 1973, to August 14, 1975.* Passenger cars manufactured from August 15, 1973, to August 14, 1975, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3. A protection system that meets the requirements of S4.1.2.1 or S4.1.2.2 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.2.3.

3. S4.1.2.2 is amended to read as follows:

S4.1.2.2 *Second option—head-on passive protection system.* The vehicle shall—

(a) At each designated seating position have a Type 1 seat belt assembly or a Type 2 seat belt assembly with a detachable upper torso portion that conforms to S7.1 and S7.2 of this standard.

* * * * *

4. A new section S4.1.2.3 is added, reading as follows:

S4.1.2.3 *Third option—lap and shoulder belt protection system with ignition interlock and belt warning.*

S4.1.2.3.1 Except for convertibles and open-body vehicles, the vehicle shall—

(a) At each front outboard designated seating position have a Type 1 seat belt assembly or a Type 2 seat belt assembly with a nondetachable upper torso portion that conforms to S7.1 and S7.2 of this standard, a seat belt warning system that conforms to S7.3, and a belt interlock system that conforms to S7.4;

(b) At any center front designated seating position, have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and to S7.1 and S7.2 of this standard, a seat belt warning system that conforms to S7.3, and a belt interlock system that conforms to S7.4;

(c) At each other designated seating position, have a Type 1 or Type 2 seat belt assembly that conforms to Standard No. 209 and S7.1 and S7.2 of this standard;

(d) At each front outboard designated seating position, meet the frontal crash protection requirements of S5.1, in a perpendicular impact, with the test device restrained by a Type 1 seat belt assembly or a Type 2 seat belt assembly with a nondetachable upper torso portion; and

(e) When it perpendicularly impacts a fixed collision barrier, while moving longitudinally forward at any speed up to and including 30 m.p.h., under the test conditions of S8.1, with an anthropomorphic test device at any front center seating position restrained by a Type 1 or Type 2 seatbelt assembly, experience no complete separation of any load-bearing element of the seatbelt assembly or anchorage.

S4.1.2.3.2 Convertibles and open-body type vehicles shall at each designated seating position have a Type 1 or Type 2 seatbelt assembly that conforms to Standard No. 209 and to S7.1 and S7.2 of this standard, and at each front designated seating position have a seatbelt warning system that conforms to S7.3, and a belt interlock system that conforms to S7.4.

5. S5.1 is amended to read as follows:

S5.1 *Frontal barrier crash.* When the vehicle, traveling longitudinally forward at any speed up to and including 30 m.p.h., impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, under the applicable conditions of S8, with anthropomorphic test devices at each designated seating position for which a barrier crash test is required under S4, it shall meet the injury criteria of S6.

6. The following sentence is added at the end of S7.1.1:

S7.1.1 * * * However, an upper torso restraint furnished in accordance with S4.1.2.3.1(a) shall adjust by means of an emergency-locking retractor that conforms to Standard No. 209.

7. S7.3 is amended, and a new S7.4 added, to read as follows:

S7.3 *Seat belt warning system.* The following provisions shall apply to all seat belt assemblies furnished in accordance with S4.1.1 or S4.1.2, except as provided by S7.3.5 with respect to belt interlock systems furnished in accordance with S4.1.2.3.

S7.3.1 * * *

(b) The driver's lap belt is not in use, as determined, at the manufacturer's option, either by the belt latch mechanism being fastened or by the belt being extended at least 4 inches from its stowed position.

(c) A person of at least the weight of a 50th percentile adult male is seated with the belt fastened at the driver's position, and a person of at least the weight of a 50th percentile 6-year-old child is seated in the right front designated seating position and the lap belt for that position is not in use, as determined, at the manufacturer's option, either by the belt latch mechanism being fastened or by the belt being extended at least 4 inches from its stowed position.

* * * * *

S7.3.3 The warning systems shall not activate if the vehicle has an automatic transmission, the engine is operating, and the gear selector is in the "Park" position.

S7.3.4 Notwithstanding the provisions of S7.3.1 and S7.3.5.2, when the engine of a vehicle with a manual transmission is operating, the warning system shall either—

(a) Not activate when the transmission is in neutral; or

(b) Not activate when the parking brake is engaged.

S7.3.5 The above provisions of S7.3 shall apply to seat belt assemblies with interlock systems furnished in accordance with S4.1.2.3, with the following exceptions.

S7.3.5.1 The warning system shall also be provided for the center front seating position, if any.

S7.3.5.2 In addition to the conditions specified in S7.3.1, the warning system shall activate if—

(a) The vehicle's engine is operating and the transmission gear selector is in any forward position, and

(b) A person of at least the weight of a 50th percentile adult male is seated with the belt fastened at the driver's position, and a person of at least the weight of a 50th percentile 6-year-old child is seated in a center front designated seating position and the lap belt for the center front position is not in use, as determined, at the manufacturer's option, either by the belt latch mechanism being fastened or by the belt being extended at least 4 inches from its stowed position.

S7.3.5.3 The provisions of S7.3.2 shall apply to all front seating positions.

S7.3.5.4 Notwithstanding the other provisions of S7.3, the warning system shall activate whenever the ignition switch is in the "start" position and the operation of the seatbelt systems required by S7.4.1 to start the engine has not been performed.

S7.4 *Belt interlock system.*

S7.4.1 Except as otherwise provided in S7.4.3 and S7.4.4, the engine starting system of a passenger car manufactured in accordance with S4.1.2.3 shall not be operable when either condition (a) or (b) exists, unless the belt system at each occupied position is operated after the occupant is seated. At each seating position, the operation that allows the starting of the engine shall be, at the manufacturer's option, either the extension of the belt assembly at least 4 inches from its stowed position, or the fastening of the belt latch mechanism.

(a) A person of at least the weight of a 5th percentile adult female is seated at the driver's seating position.

(b) A person of at least the weight of a 50th percentile adult male is seated at the driver's seating position and a person of at least the weight of a 50th percentile 6-year-old child is seated at any other front designated seating position.

S7.4.2 A belt interlock system furnished in accordance with S7.4.1 shall not affect the operation of the vehicle when the engine is running.

S7.4.3 Notwithstanding the provisions of S7.4.1, an engine starting system may operate without interference from a belt interlock system within a period of not more than 3 minutes after the engine has been stopped.

S7.4.4 Notwithstanding the provisions of S7.4.1, an engine starting system may be operable if, after each period of engine operation, a manual switch is operated within the engine compartment.

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority by the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on February 17, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-2674 Filed 2-18-72;9:23 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTIONS AND CLASSIFICATION OF ECONOMIC UNITS

Miscellaneous Amendments

Part 101—Coverage, Exemptions and Classification of Economic Units was added to a new Title 6 and a new Chapter I of the Code of Federal Regulations on November 13, 1971 (36 F.R. 21788). Part 101 was amended and republished on January 27, 1972 (37 F.R. 1237) and further amended on February 4, 1972 (37 F.R. 2678).

The purpose of the amendment in § 101.1(e) of Subpart A is to make clear that the previous exemption of Puerto Rico does not cover the sale of goods and services by firms in the United States and the District of Columbia to firms in the Commonwealth of Puerto Rico. In § 101.2 a definition of "Real estate with improvements" has been added to refer only to land upon which there is a structure, dwelling or other building.

Section 101.33(a)(2)(i) of Subpart D was intended to exempt all nonresidential property which may not be properly classified as farm, industrial or commercial. Accordingly, this section has been rearranged. Section 101.34(j) of Subpart D has been revised to state expressly that it applies only to price adjustments. Section 101.104 of Subpart F has been amended to make express the intent that the exemption applies only so long as the individual's wages are less than $1.90 per hour.

Because the purpose of this regulation is to amend and modify Part 101, to provide immediate guidance and information as to Cost of Living Council decisions, the Cost of Living Council finds that its publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days.

This amendment shall become effective when filed with the Office of the Federal Register.

DONALD RUMSFELD,
Director, Cost of Living Council.

Part 101 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart A is revised and amended in § 101.1(e) to read as follows:

§ 101.1 Purpose and scope.

* * * * *

(e) This part applies to:

(1) Economic units and transactions in the several States and the District of Columbia; and

(2) Sales of goods and services by firms in the several States and the District of Columbia to firms in the Commonwealth of Puerto Rico.

2. Subpart A is further amended in § 101.2 to add a definition for "Real estate with improvements", after the definition of "Price Commission", to read as follows:

§ 101.2 Definitions.

* * * * *

"Real estate with improvements" means land upon which there is a structure, dwelling, or other building. It does not mean land on which roads, water, sewer, or drainage facilities have been constructed.

3. Subpart D is amended by revising §§ 101.33(a)(2)(i) and 101.34(j), to read as follows:

§ 101.33 Real estate and insurance premiums.

(a) * * *

(2) *Rentals.* (i) All nonresidential property, including property leased for industrial, farm, or commercial purposes.

* * * * *

§ 101.34 Certain price adjustments.

* * * * *

(j) *Retail firms, including restaurants.* Price adjustments of retail firms, including restaurants, with annual sales or revenues of less than $100,000.

4. Subpart F is amended by revising § 101.104, to read as follows:

§ 101.104 Pay adjustments to those individuals earning less than $1.90 per hour.

Notwithstanding the provisions of this title, this title shall be implemented in such a manner that pay adjustments to any individual who is paid at a rate of less than $1.90 per hour shall not be limited in any manner until such time as the earnings of such individuals are no longer less than $1.90 per hour.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640)

[FR Doc.72-2843 Filed 2-23-72;9:45 am]

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Miscellaneous Amendments

The purpose of these amendments is to make several changes of a clarifying or perfecting nature in Part 300.

In § 300.5, the definition of the term "Profit margin" is revised to reflect the opinion of the Commission, as set forth in the forms printed in Appendix II to Part 300, that "operating income" is a better measure of profits for its purposes than "net profits" and that the use of the words "net sales" rather than "gross sales" would be more consistent with business practices as the basis for calculating profit ratios. The definition of "Retailer" is revised to insert the phrase "without substantially changing the form of that property" to more clearly distinguish retailers from manufacturers. The definition of "Wholesaler" is revised to include a person who resells property to industrial, commercial, institutional, and professional business users, to conform to other Federal definitions that classify such sales as a wholesaling activity and to conform to business practices in the distribution trade.

Paragraph (h) of § 300.20, relating to quarterly reports by insurers, is amended to limit the regular quarterly reporting requirement thereunder to rate increases during that quarter that affect $250,000 or more in aggregate annualized premiums under the existing rate. It is also amended by adding a new sentence requiring each insurer that had annual revenues of $50 million or more during the calendar year 1971 to file a report of each rate increase made by it during the last quarter of that year.

A new § 300.21 is added to prescribe the limitations on fees charged by brokers for trading securities over-the-counter. The new section is based on information to the Commission that it is not feasible for firms which trade securities to charge fees when securities are traded over the counter that differ from those charged when securities are traded on a securities exchange. (See Price Commission notice published on February 23, 1972, 37 F.R. 3863.)

To reflect a decision made by the Commission in prescribing reporting forms under Appendix II to this part, §§ 300.51(e) and 300.52(a) are amended to conform to the requirements applicable to those forms that reports under those sections be filed within 45 days after the end of each fiscal quarter, except for the quarter ending a firm's fiscal year.

Section 300.405 is amended to make it clear that the base price determination under that section is determined by

FEB 24 72
XUM

the highest price specified in contracts, and not necessarily the highest price "charged." For various reasons, the seller may not have been able to "change" the price specified in a contract and should not be penalized therefor.

Section 300.409, which relates to "new property" and "new services" is unclear as to whether it applies to new models and as to the status of a property or service offered for sale or lease after a hiatus of more than 1 year. To reflect the Price Commission's intent in both regards, paragraphs (a) and (b) are revised to make it clear that property or services being offered for sale or lease by a person after a hiatus of more than 1 year do not have to meet the test of the first three sentences of paragraph (b) of the section to qualify as a new product or service, and to make it clear that other products or services do have to meet the test of the first three sentences of paragraph (b). Therefore, changes that constitute only a "new model" of a product or service are not considered to be a new product or service. In addition, paragraph (a) as presently written can be construed to discriminate, in the making of determinations regarding new property or services, between the purchaser of an unincorporated firm which is not a "legal person" and the purchaser of an incorporated firm which is a "legal person." The purchaser of an incorporated retail business would not be able, for example, to determine the base price for the purchased business because the "person" (i.e. the corporation) offering property for sale is the same. A new sentence has been added to the revised paragraph (a) to eliminate the distinction.

A new § 300.511 is added to clarify the Price Commission's intent, when stating in this part that a specific function will be performed by the Internal Revenue Service, to effect a delegation to the Secretary of the Treasury and, through a standing delegation, from the Secretary to the Internal Revenue Service.

Section 300.551, relating to criminal and civil penalties for violations of the regulations, and injunctive relief, is added to reflect sections 208 and 209 of the Economic Stabilization Act, as amended by the Economic Stabilization Act Amendments of 1971 (Public Law 92-210, 85 Stat. 743) and Executive Order 11640 (37 F.R. 1213).

Because the purpose of these amendments is to provide immediate guidance and information as to the price stabilization program, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective February 24, 1972.

Issued in Washington, D.C., on February 23, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

1. The definitions of "Profit margin," "Retailer," and "Wholesaler" in § 300.5 are revised to read as follows:

§ 300.5 Definitions.

* * * * *

"Profit margin" means the ratio that operating income (net sales less cost of sales and less normal and generally recurring costs of business operations, determined before nonoperating items, extraordinary items, and income taxes) bears to net sales as reported on the person's financial statement prepared in accordance with generally accepted accounting principles consistently applied.

* * * * *

"Retailer" means a person who carries on the trade or business of purchasing property and, without substantially changing the form of that property, reselling it to ultimate consumers, and, whenever the Price Commission considers it appropriate, includes any retailing subsidiary, division, affiliate, or similar entity that is a part of, or is directly or indirectly controlled by, another person.

* * * * *

"Wholesaler" means a person who carries on the trade or business of purchasing property and, without substantially changing the form of that property, reselling it to retailers for resale or to industrial, commercial, institutional, or professional business users. It also includes, whenever the Price Commission considers it appropriate, any wholesaling subsidiary, division, affiliate, or similar entity that is a part of, or is directly or indirectly controlled by, another person.

2. Paragraph (h) of § 300.20 is revised to read as follows:

§ 300.20 Insurers.

* * * * *

(h) *Reporting.* Each insurer that had annual revenues of $50 million or more during the calendar year preceding any rate increase proposed by it shall file a quarterly report with the Price Commission, at the time it normally releases its quarterly reports, but in any event not more than 45 days after the end of the quarter, of each rate increase by it during that quarter that affects $250,000 or more in aggregate annualized premiums under the existing rate. In addition, each insurer that had annual revenues of $50 million or more during the calendar year 1971 shall, not more than 90 days after the end of its last fiscal quarter ending before January 1, 1972, file a report with the Price Commission of each rate increase made by it during that quarter. Each report under this section shall be made on a form prescribed by the Commission and shall contain the information required by that form.

3. The following new section is inserted after § 300.20:

§ 300.21 Securities traded over-the-counter.

No person may charge a brokerage fee for the over-the-counter trading of any security that exceeds the fee which would be charged on a similar transaction on a securities exchange, under a fee schedule which has been certified by the Securities and Exchange Commission as being consistent with the Economic Stabilization Program.

§ 300.51 [Amended]

4. Paragraph (e) of § 300.51 is amended by deleting therefrom the words "at the time it normally releases its quarterly report, but".

§ 300.52 [Amended]

5. Paragraph (a) of § 300.52 is amended by deleting therefore the words "at the time it normally releases its quarterly report, but in any event".

§ 300.405 [Amended]

6. Paragraph (a) of § 300.405 is amended by striking out the words "highest price charged by the seller to" and inserting the words "highest price specified by the seller in contracts with" in place thereof.

7. Paragraph (b) of § 300.405 is amended by striking out the words "highest price charged to" and inserting the words "highest price specified by the seller in contracts with" in place thereof.

8. Paragraphs (a) and (b) of § 300.409 are revised to read as follows:

§ 300.409 New property and new services.

(a) *Definition.* For the purposes of this section, "new property" or "new services" means any personal property or any service which—

(1) Meets the requirements of the first three sentences of paragraph (b) of this section and was not offered for sale or lease by the person at any time during the 1-year period immediately preceding the date on which he is offering the property or service for sale or lease; or

(2) Without regard to the first three sentences of (b) of this section, was previously offered for sale or lease by the person in the same or substantially similar form, but was not offered for sale or lease by that person at any time during the 1-year period immediately preceding the date on which he is offering the property or service for sale or lease. For the purposes of this section, the fact that the person offering the new property or services is incorporated, does not exclude it from the coverage of this section.

(b) *Personal property or services.* To be considered as new personal property or new services under paragraph (a) (1) of this section, a property or service must be substantially different from other property or services in purpose, function, quality, or technology, or the use of that property or service must effect a substantially different result. Property or services that differ from other property or services only in appearance, arrangement, or combination is not to be considered to be new. A change in fashion, style, form, or packaging is not ordinarily considered to create a new property or service. A property, or part thereof, which undergoes a substantial capital improvement is treated as new property for purposes of a lease. For the purposes of this paragraph, "substantial capital improvement" means a permanent improvement or betterment made to increase the value of the property or to restore the property, the cost of which equals or exceeds at least 3 months' rent and which exceeds $100.

* * * * *

9. The following new section is added after § 300.506:

§ 300.511 Delegations to Internal Revenue Service.

It is the Price Commission's intent, whenever it states in this part that a function is to be performed by the Internal Revenue Service, to effect a delegation to the Secretary of the Treasury and, through a standing delegation by him, from the Secretary to the Internal Revenue Service.

10. Section 300.551 is revised to read as follows:

§ 300.551 Penalties.

(a) *Criminal.* Any person who willfully violates any provision of this part or any order issued thereunder shall be subject to a fine of not more than $5,000 for each violation.

(b) *Civil penalties.* A person who violates any provision of this part or any order issued thereunder shall be subject to a civil penalty of not more than $2,500 for each violation.

(c) *Injunctions and other relief.* Whenever it appears to the Price Commission that any individual or organization has engaged, is engaged, or is about to engage in any act or practice constituting a violation of this part or any order issued thereunder, the Commission may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin that act or practice. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of moneys received in violation of any such order or regulations.

[FR Doc.72-2895 Filed 2-23-72;11:42 am]

PART 305—PRICE COMMISSION PROCEDURAL REGULATIONS

Miscellaneous Amendments

The purpose of these amendments is to make certain corrections in Part 305 and to require applications for exceptions filed by prenotification firms to be filed with the Price Commission.

In § 305.1(c), the reference to "§ 102.2 of this title" is deleted and a reference is inserted to section 204(a) of the Economic Stabilization Act Amendments of 1971, with respect to small business concerns. The word "sentence" which erroneously appears in § 305.27(a) is deleted and the word "instance" is inserted in its place. In § 305.27(c), the word "applicant" is deleted and the word "appellant" is inserted in its place. In § 305.50(b), the reference to "5 U.S.C. 533" is changed to "5 U.S.C. 553."

Pursuant to a decision of the Price Commission, requests for exceptions by Tier I (prenotification) firms will be filed directly with the Price Commission. Section 305.30(a) is therefore being amended to reflect this decision.

Because the purpose of these amendments is to make corrections and clarifications and to provide immediate guidance and information as to the price stabilization program, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, January 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 305 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective February 24, 1972.

Issued in Washington, D.C., on February 23, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

§ 305.1 [Amended]

1. Paragraph (c) of § 305.1 is amended by striking out the words "§ 102.2 of this title" and inserting the words "section 204(a) of the Economic Stabilization Act Amendments of 1971" in place thereof.

§ 305.27 [Amended]

2. Paragraph (a) of § 305.27 is amended by striking out the word "sentence" and inserting the word "instance in place thereof.

3. Paragraph (c) of § 305.27 is amended by striking out the word "applicant" and inserting the word "appellant" in place thereof.

4. Paragraph (a) of § 305.30 is revised to read as follows:

§ 305.30 Purpose and scope.

(a) Except for those filed by prenotification firms (as defined in § 300.5 of this chapter) which shall be filed directly with the Price Commission, requests for exceptions are initiated pursuant to Subpart D of Part 401 of this title.

* * * * *

§ 305.50 [Amended]

5. Paragraph (b) of § 305.50 is amended by striking out the reference to "5 U.S.C. 533" and inserting a reference to "5 U.S.C. 553" in place thereof.

[FR Doc.72-2894 Filed 2-23-72;11:42 am]

FEB 24 72

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Neurovirulence Safety Tests for Live Measles, Mumps, and Rubella Vaccine

Notice is hereby given that the Director, National Institutes of Health, proposes to amend Part 73 of the Public Health Service regulations by (1) deleting the neurovirulence safety test in monkeys for neurotropic agents presently required on each lot of Measles Virus Vaccine, Live, Attenuated; Mumps Virus Vaccine, Live and Rubella Virus Vaccine, Live and (2) revising the neurovirulence safety test on the virus seed strain of these three vaccines. It is the conclusion of the Division of Biologics Standards that the safety, purity and potency of these vaccines will not be affected by such amendments.

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, 900 Rockville Pike, Bethesda, MD 20014. All comments received in response to this notice will be available for public inspection and copying in the Office of the Assistant to the Director, Division of Biologics Standards, Room 122, Building 29, National Institutes of Health, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

It is therefore proposed to amend Part 73 as set forth below.

Dated: February 15, 1972.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

1. Amend § 73.1060 by revising paragraph (c) to read as follows:

§ 73.1060 The product.

* * * * *

(c) *Neurovirulence safety test of the virus seed strain in monkeys*—(1) *The test.* A demonstration shall be made in monkeys of the lack of neurotropic properties of the seed strain of attenuated measles virus used in manufacture of measles virus vaccine. For this purpose, vaccine from each of the five consecutive lots (§ 73.1065) used by the manufacturer to establish consistency of manufacture of the vaccine shall be tested separately in the following manner:

(i) Samples of each of the five lots of vaccine shall be tested in measles susceptible monkeys. Immediately prior to initiation of a test each monkey shall have been shown to be serologically negative for neutralizing antibodies by means of a tissue culture neutralization test with undiluted serum from each monkey tested at approximately 100 $TCID_{50}$ of Edmonston strain measles virus, or negative for measles virus antibodies as demonstrated by tests of equal sensitivity.

(ii) A test sample of vaccine removed after clarification but before final dilution for standardization of virus content shall be used for the test.

(iii) Vaccine shall be injected by combined intracerebral, intraspinal, and intramuscular routes into not less than 20 Macaca or Cercopithecus monkeys or a species found by the Director, Division of Biologics Standards, to be equally suitable for the purpose. The animals shall be in overt good health and injected under deep barbiturate anesthesia. The intramuscular injection shall consist of 1.0 milliliter of test sample into the right leg muscles. At the same time, 200 milligrams of cortisone acetate shall be injected into the left leg muscles, and 1.0 milliliter of procaine penicillin (300,000 units) into the right arm muscles. The intracerebral injection shall consist of 0.5 milliliter of test sample into each thalamic region of each hemisphere. The intraspinal injection shall consist of 0.5 milliliter of test sample into the lumbar spinal cord enlargement.

(iv) The monkeys shall be observed for 17–21 days and symptoms of paralysis as well as other neurologic disorders shall be recorded.

(v) At least 90 percent of the test animals must survive the test period without significant weight loss, except that, if at least 70 percent of the test animals survive the first 48 hours after injection, those animals which do not survive this 48-hour test period may be replaced by an equal number of qualified test animals which are tested pursuant to subdivisions (i) through (iv) of this subparagraph. At least 80 percent of the animals used must show gross or microscopic evidence of inoculation trauma in the thalamic area and microscopic evidence of inoculation trauma in the lumbar region of the spinal cord. If less than 70 percent of the test animals survive the first 48 hours, or if less than 80 percent of the animals meet the inoculation criteria prescribed in this paragraph, the test must be repeated.

(vi) At the end of the observation period, each surviving monkey shall (*a*) be bled and the serum tested for evidence of serum antibody conversion to measles virus and (*b*) be autopsied and samples of cerebral cortex and of cervical and lumbar spinal cord enlargements shall be taken for virus recovery and identification if needed pursuant to subdivision (vii) of this subparagraph. Histological sections shall be prepared from both spinal cord enlargements and appropriate sections of the brain and examined.

(vii) Doubtful histopathological findings necessitate (*a*) examination of a sample of sections from several regions of the brain in question, and (*b*) attempts at virus recovery from the nervous tissues previously removed from the animal.

(viii) The lot is satisfactory if the histological and other studies demonstrate no evidence of changes in the central nervous system attributable to unusual neurotropism of the seed virus or of the presence of extraneous neurotropic agents.

(2) *Wild virus controls.* As a check against the inadvertent introduction of wild measles virus, at least four uninoculated measles susceptible control monkeys shall be maintained as either cage mates to, or within the same immediate area of, the 20 inoculated test animals for each lot of vaccine for the entire period of observation (17–21 days) and an additional 10 days. Serum samples from these control contact monkeys drawn at the time of seed virus inoculation of the test animals, and again after completion of the test, shall be shown to be free of measles neutralizing antibodies.

(3) *Test results.* (i) For each lot of vaccine under test, at least 80 percent of the monkeys must show measles antibody serological conversion (1:4 or greater) and the control contact monkeys must demonstrate no immunological response indicative of measles virus infection.

(ii) The measles virus seed has acceptable neurovirulence properties for use in vaccine manufacture only if for each of the five lots (*a*) 90 percent of the monkeys survive the observation period, (*b*) the histological and other studies produce no evidence of changes in the central nervous system attributable to unusual neurotropism of the seed virus and (*c*) there is no evidence of the presence of extraneous neutropic agents.

(4) *Need for additional neurovirulence safety testing.* A neurovirulence safety test as prescribed in this paragraph shall be performed on vaccine from five consecutive lots whenever a new production seed lot is introduced or whenever the source of cell culture substrate must be reestablished and recertified as prescribed in § 73.1061 (a), (b), and (c).

§ 73.1062 [Amended]

2. Amend § 73.1062 by deleting paragraph (d).

3. Amend § 73.1100 by revising paragraph (c) to read as follows:

§ 73.1100 The product.

* * * * *

(c) *Neurovirulence safety test of the virus seed strain in monkeys*—(1) *The test.* A demonstration shall be made in monkeys of the lack of neurotropic properties of the seed strain of attenuated mumps virus used in the manufacture of mumps vaccine. For this purpose, vaccine from each of the five consecutive lots (§ 73.1105) used by the manufacturer to establish consistency of manufacture of the vaccine shall be tested separately in monkeys shown to be serologically negative for mumps virus antibodies in the following manner:

(i) A test sample of vaccine removed after clarification but before final dilution for standardization of virus content shall be used for the test.

(ii) Vaccine shall be injected by combined intracerebral, intraspinal, and intramuscular routes into not less than 20 Macaca or Cercopithecus monkeys or a species found by the Director, Division of Biologics Standards, to be equally suitable for the purpose. The animals shall be in overt good health and injected under deep barbiturate anesthesia. The intramuscular injection shall consist of 1.0 milliliter of test sample into the right leg muscles. At the same time, 200 milligrams of cortisone acetate shall be injected into the left leg muscles, and 1.0 milliliter of procaine penicillin (300,000 units) into the right arm muscles. The intracerebral injection shall consist of 0.5 milliliter of test sample into each thalamic region of each hemisphere. The intraspinal injection shall consist of 0.5 milliliter of test sample into the lumbar spinal cord enlargement.

(iii) The monkeys shall be observed for 17–21 days and symptoms of paralysis as well as other neurologic disorders shall be recorded.

(iv) At least 90 percent of the test animals must survive the test period without significant weight loss, except that, if at least 70 percent of the test animals survive the first 48 hours after injection, those animals which do not survive this 48-hour test period may be replaced by an equal number of qualified test animals which are tested pursuant to subdivisions (i) through (iii) of this subparagraph. At least 80 percent of the animals used must show gross or microscopic evidence of inoculation trauma in the thalamic area and microscopic evidence of inoculation trauma in the lumbar region of the spinal cord. If less than 70 percent of the test animals survive the first 48 hours, or if less than 80 percent of the animals fail to meet the inoculation criteria prescribed in this paragraph, the test must be repeated.

(v) At the end of the observation period, each surviving animal shall be autopsied and samples of cerebral cortex and of cervical and lumbar spinal cord enlargements shall be taken for virus recovery and identification if needed pursuant to subdivision (vi) of this subparagraph. Histological sections shall be prepared from both spinal cord enlargements and appropriate sections of the brain and examined.

(vi) Doubtful histopathological findings necessitate (*a*) examination of a sample of sections from several regions of the brain in question, and (*b*) attempts at virus recovery from the nervous tissues previously removed from the animals.

(vii) The lot is satisfactory if the histological and other studies demonstrate no evidence of changes in the central nervous system attributable to unusual neurotropism of the seed virus or of the presence of extraneous neurotropic agents.

(2) *Test results.* The mumps virus seed has acceptable neurovirulence properties for use in vaccine manufacture only if for each of the five lots (i) 90 percent of the monkeys survive the observation period, (ii) the histological and other studies produce no evidence of changes in the central nervous system attributable to unusual neurotropism or replication of the seed virus and (iii) there is no evidence of the presence of extraneous neurotropic agents.

(3) *Need for additional neurovirulence safety testing.* A neurovirulence safety test as prescribed in this paragraph shall be performed on vaccine from five consecutive lots whenever a new production seed lot is introduced or whenever the source of cell culture substrate must be reestablished and recertified as prescribed in § 73.1101(a).

§ 73.1102 [Amended]

4. Amend § 73.1102 by deleting paragraph (c).

5. Amend § 73.1120 by revising paragraph (e) to read as follows:

§ 73.1120 The product.

* * * * *

(e) *Neurovirulence safety test of the virus seed strain in monkeys*—(1) *The test.* A demonstration shall be made in monkeys of the lack of neurotropic properties of the seed strain of attenuated rubella virus used in the manufacture of rubella vaccine. For this purpose, vaccine from each of the five consecutive lots (§ 73.1125) used by the manufacturer to establish consistency of manufacture of the vaccine shall be tested separately in monkeys shown to be serologically negative for rubella virus antibodies in the following manner:

(i) A test sample of vaccine removed after clarification but before final dilution for standardization of virus content shall be used for the test.

(ii) Vaccine shall be injected by combined intracerebral, intraspinal, and intramuscular routes into not less than 20 Macaca or Cerocopithecus monkeys or a species found by the Director, Division of Biologics Standards, to be equally suitable for the purpose. The animals shall be in overt good health and injected under deep barbiturate anesthesia. The intramuscular injection shall consist of 1.0 milliliter of test sample into the right leg muscles. At the same time, 200 milligrams of cortisone acetate shall be injected into the left leg muscles, and 1.0 milliliter of procaine penicillin (300,000 units) into the right arm muscles. The intracerebral injection shall consist of 0.5 milliliter of test sample into each thalamic region of each hemisphere. The intraspinal injection shall consist of 0.5 milliliter of test sample into the lumbar spinal cord enlargement.

(iii) The monkeys shall be observed for 17–21 days and symptoms of paralysis as well as other neurologic disorders shall be recorded.

(iv) At least 90 percent of the test animals must survive the test period without significant weight loss, except that, if at least 70 percent of the test animals survive the first 48 hours after injection, those animals which do not survive this 48-hour test period may be replaced by an equal number of qualified test animals which are tested pursuant to subdivisions (i) through (iii) of this subparagraph. At least 80 percent of the animals used must show gross or microscopic evidence of inoculation trauma in the thalamic area and microscopic evidence of inoculation trauma in the lumbar region of the spinal cord. If less than 70 percent of the test animals survive the first 48 hours, or if less than 80 percent of the animals fail to meet the inoculation criteria prescribed in this paragraph, the test must be repeated.

(v) At the end of the observation period, each surviving animal shall be autopsied and samples of cerebral cortex and of cervical and lumbar spinal cord enlargements shall be taken for virus recovery and identification if needed pursuant to subdivision (vi) of this subparagraph. Histological sections shall be prepared from both spinal cord enlargements and appropriate sections of the brain and examined.

(vi) Doubtful histopathological findings necessitate (*a*) examination of a sample of sections from several regions of the brain in question, and (*b*) attempts at virus recovery from the nervous tissues previously removed from the animal.

(vii) The lot is satisfactory if the histological and other studies demonstrate no evidence of changes in the central nervous system attributable to the presence of unusual neurotropism of the seed virus or of the presence of extraneous neurotropic agents.

(2) *Test results.* The rubella virus seed has acceptable neurovirulence properties for use in vaccine manufacture only if for each of the five lots: (i) 90 percent of the monkeys survive the observation period, (ii) the histological and other studies produce no evidence of changes in the central nervous system attributable to the presence of unusual neurotropism or replication of the seed virus and (iii) there is no evidence of the presence of extraneous neurotropic agents.

(3) *Need for additional neurovirulence safety testing.* A neurovirulence safety test as prescribed in this paragraph shall be performed on vaccine from five consecutive lots whenever a new production seed lot is introduced or whenever the source of cell culture

FEB 24 72
XUM

substrate must be reestablished and recertified as prescribed in § 73.1121 (a), (b), (c), and (c–1).

§ 73.1122 [Amended]

6. Amend § 73.1122 by deleting paragraph (d).

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262)

[FR Doc.72-2712 Filed 2-23-72;8:48 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1245]

PATENT WAIVER REGULATIONS

Proposed General Procedures

Notice is hereby given that all persons desiring to submit written comments or suggestions respecting the proposed revisions to NASA patent Waiver Regulations (Title 14, Chapter V, Part 1245, Subpart 1: 31 F.R. 7677–7679, May 28, 1966) hereinafter set forth may do so by filing them with the General Counsel, National Aeronautics and Space Administration, Washington, D.C. 20546, not later than the 30th day following date of publication of this notice in the FEDERAL REGISTER.

Subpart 1 is revised in its entirety as follows:

Sec.
1245.100 Scope.
1245.101 Applicability.
1245.102 Definitions and terms.
1245.103 Policy.
1245.104 Advance waivers.
1245.105 Waiver after reporting inventions.
1245.106 Waiver of foreign rights.
1245.107 Reservations.
1245.108 License to contractor.
1245.109 Voidability of waivers.
1245.110 Content of petitions.
1245.111 Submission of petitions.
1245.112 Notice of proposed Board action and reconsideration.
1245.113 Hearing procedure.
1245.114 Findings and recommendation of the Board.
1245.115 Action by the Administrator, NASA.
1245.116 Filing of patent applications.
1245.117 Publication.

AUTHORITY: The provisions of this Subpart 1 issued under 42 U.S.C. 2457.

§ 1245.100 Scope.

This Subpart 1 prescribes regulations for the waiver of rights of the United States to inventions made under NASA contract.

§ 1245.101 Applicability.

The provisions of this subpart apply to all inventions made or which may be made under conditions enabling the Administrator to determine the rights therein reside in the United States pursuant to section 305(a) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457(a)).

§ 1245.102 Definitions and terms.

As used in this subpart:

(a) "Contract" means any actual or proposed contract, agreement, understanding, or other arrangement with the National Aeronautics and Space Administration (NASA) or another Government agency on NASA's behalf, including any assignment, substitution of parties or subcontract executed or entered into thereunder, and including NASA grants awarded under the authority of 42 U.S.C. 1891–1893.

(b) "Contractor" means any party who has undertaken to perform work under a contract.

(c) "Invention" is any new and useful process, machine, manufacture, design, composition of matter, any new and useful improvement thereof, or any variety of new plant, which is or may be patentable under the laws of the United States (35 U.S.C. 101, 161 and 171) or any foreign country, and which is made in the manner specified in paragraph (1) or (2) of section 305(a) of the National Aeronautics and Space Act of 1968, as amended (42 U.S.C. 2457(a)) in the performance of work under a contract.

(d) "Made," when used in relation to any invention, means the conception or first actual reduction to practice of each invention.

(e) "Board" means the NASA Inventions and Contributions Board established by the Administrator of NASA within the Adminstration under section 305(f) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457(f)).

(f) "To bring to the point of practical or commercial application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine, and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(g) "Petitioner" means a party who requests that the Administrator waive rights in an invention or class of inventions made or which may be made, under a NASA contract. In the case of an identified invention, the petitioner may be the inventor(s).

(h) "Government agency" includes any executive department, independent commission, board, office, agency, administration, authority, Government corporation, or other Government establishment of the executive branch of the Government of the United States of America.

(i) "States" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific Islands.

§ 1245.103 Policy.

(a) In implementing the provisions of section 305(f) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457(f)) and in determining when the interests of the United States would be served by waiver of rights in inventions made in the performance of work under NASA contracts, the Administrator, NASA, will be guided by the objectives set forth in the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451–2477) and by the basic policy of the revised Presidential Memorandum and Statement of Government Patent Policy issued August 23, 1971 (36 F.R. 16887–16892). Among the most important goals thereof are to provide incentives to foster inventiveness and encourage reporting of inventions made under NASA contracts, to provide for the widest practicable dissemination of new technology resulting from NASA's programs, and to encourage the expeditious development and adoption of this new technology for commercial purposes.

(b) Several different situations when waiver of domestic rights may be requested are prescribed in §§ 1245.104–1245.106. Under § 1245.104, advance waiver of rights to any or all of the inventions which may be made under a contract may be requested prior to the execution of the contract, or within 30 days after execution of the contract. Waiver of rights to an identified invention made and reported under a contract may be requested under § 1245.105. Waiver of rights may be requested under any of these provisions even though a request under a different provision was not made, or if made, was not granted. Waiver of foreign rights under § 1245.106 may be requested concurrently with domestic rights or independently thereof.

§ 1245.104 Advance waivers.

(a) The provisions of this § 1245.104 apply to petitions for waiver of domestic rights to any or all of the inventions which may be made under a contract. Such petitions may be submitted by the contractor prior to his execution of the contract or within 30 days thereafter.

(b)(1) The Board shall recommend to the Administrator, NASA, that waiver of domestic rights to any or all of the inventions which may be made under the NASA contract involved be granted when the Board makes each of the findings of paragraphs (c) and (d) of this section.

(2) Where the Board is unable to make one or more of the findings of paragraph (c) of this section as to the contract, but nevertheless finds that exceptional circumstances exist so that the public interest would best be served by a waiver of rights to any or all of the inventions which may be made under the contract, the Board shall recommend to the Administrator, NASA, that waiver be granted (conditions of paragraph (d) of this section are not relevant to the Board's findings under this subparagraph). A finding of exceptional circumstances shall be accompanied by a discussion of the rationale therefor. Examples of exceptional circumstances would include: A contract where participation of the contractor may only be secured through the grant of waiver and such contractor is deemed essential to a NASA program; a contract having as a principal objective the application of aerospace related technology to other uses in accordance with an established NASA technology application program and where the grant of waiver would materially advance this objective; or, a cooperative endeavor where the contract calls for a significant contribution of funds by the contractor to the work to be performed. In the case of an individual invention which is identified prior to execution of the contract, exceptional circumstances may also be found where the contractor has established substantial equities at his own expense in the development of the invention; or, where the grant of waiver will significantly advance the availability of the invention to the general public.

(c) (1) It is not a principal purpose of the contract to create, develop or improve products, processes, or methods which are intended for commercial use (or which are otherwise intended to be made available for use) by the general public at home or abroad, or which will be required for such use by governmental regulations.

(2) It is not a principal purpose of the contract to explore into fields which directly concern the public health, public safety, or public welfare.

(3) The contract is not in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and with respect to which the acquisition of exclusive rights at the time of contracting might confer on the petitioner a preferred or dominant position.

(4) The contract is not for services of the petitioner for (i) the operation of a Government-owned research or production facility; or (ii) coordinating and directing the work of others.

(d) (1) The purpose of the contract is to build upon existing knowledge or technology, to develop information, products, processes, or methods for use by the Government.

(2) The work called for by the contract is in a field of technology in which the petitioner has acquired technical competence (demonstrated by factors such as know-how, experience, and patent position), and either (i) the work is directly related to an area in which the petitioner has an established nongovernmental commercial position; or (ii) the commercial position of the petitioner is not sufficiently established, but a special situation exists such that the public interest in the availability of inventions would best be served by a waiver of rights to the petitioner. Such special situations include, but are not limited to the following:

(*a*) A newly formed company having a definite program for establishing a nongovernmental commercial position in the field of the contract or in an area directly related thereto.

(*b*) An established company lacking an established nongovernmental commercial position in the field of the contract or a directly related field, but having established plans and programs for achieving such a position.

(c) An education or nonprofit institution having a promulgated policy and an effective program for acquiring rights to inventions and for acting by itself or through others to bring the results of such inventions to commercial application.

(e) When a petition for waiver is submitted pursuant to paragraph (a) of this section, prior to contract execution, it will be processed expeditiously so that a decision on the petition may be reached prior to execution of the contract. However, if there is insufficient time or insufficient information is presented to allow the Board to make its findings and recommendations to the Administrator, NASA, without unduly delaying execution of the contract, the Board will inform the contracting officer that such findings and recommendations have not been made. The contracting officer will then notify the petitioner of the Board's action.

(f) After notification by the contracting officer under paragraph (e) of this section, the petitioner may, upon his execution of the contract, or within 30 days thereof, request the Board to reconsider the matter under paragraph (b) of this section either on the record or with any additional statements submitted in support of the original petition.

(g) A waiver granted pursuant to a petition submitted under this § 1245.104 shall apply only to inventions reported during the term of the applicable contract and which are designated at the time of reporting as being an invention on which the petitioner intends to file or has filed a U.S. patent application.

(h) A waiver granted pursuant to a petition submitted under this § 1245.104 shall extend to any contract changes, modifications, or supplemental agreements, so long as the purpose of the contract or the scope of work to be performed is not substantially changed.

§ 1245.105 Waiver after reporting inventions.

(a) The provisions of this § 1245.105 apply to petitions for waiver of domestic rights to identified inventions which have been reported to NASA and to which a waiver of rights has not been granted pursuant to § 1245.104.

(b) The Board shall recommend to the Administrator, NASA, that waiver of domestic rights to an identified invention be granted where the Board makes all of the findings below:

(1) The invention is not directly related to a governmental program for creating, developing, or improving products, processes, or methods for use by the general public at home or abroad.

(2) The invention is not likely to be required by governmental regulations for use by the general public at home or abroad.

(3) The invention does not directly concern the public health, public safety, or public welfare.

(4) The invention is not in a field of science or technology in which there has been little significant experience outside of work funded by the Government, or where the Government has been the principal developer of the field, and with respect to which the acquisition of exclusive rights in the invention would not likely confer on the petitioner a preferred or dominant position: *Provided*, That the Board also finds that in view of the petitioner's plans and intentions to bring the invention to the point of practical or commercial application and the known plans of others, the incentives provided by waiver will increase the likelihood that the benefits of the invention would be readily available to the public at an early date.

(c) If the Board is unable to make one of the findings set forth in paragraph (b) (1) through (4) of this section, the Board may nevertheless recommend a waiver of domestic rights be granted by the Administrator, NASA, if the Board finds that such waiver is a necessary incentive to call forth risk capital and expense to bring the invention to the point of practical or commercial application, or that the Government's contribution to the invention is small compared to that of the contractor.

§ 1245.106 Waiver of foreign rights.

(a) The Board will consider the waiver of domestic and foreign rights concurrently when so requested by the petitioner in accordance with § 1245.110 (d). Where the Board makes the findings necessary to support a waiver of domestic rights, the petitioner will normally be granted the right to secure patents in any country in which he elects to file. The Board may also recommend the grant of only foreign rights, in accordance with the guidelines of paragraph (b) of this section, when the interests of the United States will best be served thereby.

(b) The Board will also consider a separate request for the waiver of the right to secure a patent in any country in which the petitioner elects to file as to an identified invention when so requested by the petitioner in accordance with § 1245.110(b). Waiver of such foreign rights will normally be granted in countries in which the Administrator, NASA, does not desire to file an application for patent.

§ 1245.107 Reservations.

(a) With respect to any particular invention, each waiver of domestic or foreign rights granted shall be subject to the reservation of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of the invention throughout the world by or on behalf of the U.S. Government or any agency thereof, any foreign government pursuant to any existing or future treaty or agreement with the United States, or any State, or domestic municipal government unless the Administrator, NASA, determines, based upon a recommendation of the Board, that it would not be in the public interest to acquire the license for the States and municipal governments.

FEB 24 72
XUM

(b) With respect to any particular invention, each waiver of domestic rights granted shall be subject to the reservation by the Administrator, NASA, of the right to require the granting of a nonexclusive or exclusive license for the practice of the invention to any responsible applicant upon terms that are reasonable under the circumstances, including the right to require the granting of such a license royalty-free:

(1) Unless the waiver recipient, his licensees, or assigns have taken effective steps within 3 years after a U.S. patent issues on the invention to bring the invention to the point of practical or commercial application and thereafter continue to work the invention and make its benefits reasonably accessible to the public; or

(2) Unless within 3 years after a U.S. patent issues on the invention, the waiver recipient, or his assigns have taken effective steps to make such patent available for licensing to responsible applicants, royalty-free or on terms that are reasonable in the circumstances; or

(3) As may be appropriate to satisfy the requirements which may be made by governmental regulations for public use of the invention or as may be necessary to fulfill health or safety needs, or for other public purposes stipulated in the contract.

(c) With respect to any particular invention, each waiver granted for domestic or foreign rights shall be subject to any other reservations called for by the Administrator of NASA upon the grant of the petition.

(d) The waiver recipient shall be given an opportunity to show cause before the Board why he should not be required to grant a license under paragraph (b) of this section or why he should otherwise retain the full benefits of waiver for a further period of time.

§ 1245.108 License to contractor.

Each contractor reporting an invention is granted a license upon the terms and conditions specified in § 1245.203(d) (36 F.R. 21063 and 21070).

§ 1245.109 Voidability of waivers.

(a) With respect to any particular invention, each waiver of domestic rights shall be voidable at the option of the Administrator, NASA, unless:

(1) Within 8 months from the date of reporting an invention under a contract, subject to a waiver granted pursuant to § 1245.104, or 8 months from the date of the granting by the Administrator of a waiver pursuant to § 1245.105, the waiver recipient causes an application for U.S. Letters Patent to be filed disclosing and claiming the invention and includes within the first paragraph of the specification following the abstract, the statement:

> The invention described herein was made in the performance of work under a NASA contract and is subject to the provisions of section 305 of the National Aeronautics and Space Act of 1958 (72 Stat. 435; 42 U.S.C. 2457).

(2) The waiver recipient promptly furnishes to the Chairman of the Board a copy of the U.S. patent application filed on such invention, together with identifying serial number and filing date promptly upon receipt thereof; and, promptly furnishes to the Chairman of the Board properly executed instruments fully confirmatory of the rights herein reserved by the Government.

(3) The waiver recipient, in the event he elects not to continue prosecution of any application filed on such invention, notifies the Chairman of the Board and delivers to the Chairman the documents necessary to inspect said application in the U.S. Patent Office within sufficient time to allow assumption of prosecution by the Government, and delivers to the Chairman such duly executed instruments as are necessary to vest title in the Administrator, including an instrument of assignment to such patent application.

(4) The waiver recipient grants any license which the Administrator may require pursuant to § 1245.107.

(5) The waiver recipient files a utilization report with the Board by September 1 of the second year following the grant of the waiver and thereafter upon NASA's written request, which request shall not be made more often than annually. Such reports shall set forth in detail the progress, development, application, and commercial use being made and that is intended to be made of the waived invention.

(b) With respect to any particular invention, each waiver granted shall be voidable at the option of the Administrator, NASA, if a patent claiming such invention is held, in a final determination, to have been used in violation of the antitrust laws in any suit, action, or proceeding brought before a properly constituted authority authorized to hear such matters.

(c) With respect to any particular invention, waiver of foreign rights as to any foreign country shall be voidable at the option of the Administrator, NASA, unless:

(1) A patent application is filed in the country within nine months from the date a corresponding U.S. application is filed, or 6 months from the date permission is granted to file foreign applications where such filing has been prohibited for security reasons, or such longer periods as may be expressly approved by the Administrator;

(2) The waiver recipient furnishes to the Chairman of the Board the identifying serial number and filing date of each foreign patent application filed promptly upon receipt thereof; and, upon request, a copy of the foreign patents or applications;

(3) The waiver recipient executes and furnishes to the Chairman of the Board instruments fully confirmatory of the rights herein reserved by the Government; and

(4) The waiver recipient, in the event he elects not to continue prosecution of any foreign application filed on such invention or if he intends to abandon a foreign patent by the nonpayment of a maintenance tax, notifies the Chairman of the Board within sufficient time to allow assumption of prosecution by the Government, or payment of the maintenance tax, respectively, and delivers to the Chairman of the Board such duly executed instruments as are necessary to vest in the Administrator title thereto, including an instrument of assignment.

§ 1245.110 Content of petitions.

(a) *General contents and forms.* Forms which may be used in petitioning for waiver and for filing utilization reports are available from the NASA Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, D.C. 20546. Each request for waiver of foreign or domestic rights under § 1245.104, § 1245.105, or § 1245.106 shall be by petition to the Administrator, NASA, and shall include:

(1) An identification of the petitioner, his place of business and address, and if the petitioner is represented by counsel, his name and address;

(2) An identification by number and date of the pertinent NASA contract or proposed contract;

(3) A specification of the kind of waiver requested and a citation to section under which the petition is submitted; and

(4) The signature of the petitioner or his authorized representative, and date of signature.

(b) *Petitions for advance waiver under § 1245.104.* In addition to the information specified in paragraph (a) of this section, each petition for waiver under § 1245.104 shall include:

(1) A copy of the statement of work of the pertinent NASA contract or proposed contract;

(2) A full and detailed statement of facts sufficient to enable the Board to make the findings regarding the contract and the petitioner as specified in § 1245.-104 or, if applicable, whether the exceptional circumstances of § 1245.104(b) are present; and

(3) The date of contractor's execution of the contract, if the petition is filed subsequent to contract execution.

(c) *Petitions for waiver for identified inventions under § 1245.105.* A separate petition shall be submitted for each identified invention. In addition to the information specified in paragraph (a) of this section, such petition shall include:

(1) The full names of all inventors;

(2) A statement whether a patent application has been filed on the invention, together with a copy of such application if filed; or, if not filed, a complete description of the invention;

(3) If a patent application has not been filed, any information which may indicate a potential statutory bar to the filing of a patent application under 35 U.S.C. 102 or a statement that no bar is known to petitioner to exist;

(4) A full and detailed statement of facts sufficient to enable the Board to make the findings regarding the invention as specified in § 1245.105 (b) or (c); and

(5) Where the petitioner(s) is the inventor(s), a statement in writing from the contractor that the contractor has conveyed sufficient rights so that the petitioner(s) may carry out the obligations of the waiver.

(d) *Petitions for waiver of foreign rights under § 1245.106.* A petition for waiver of foreign rights may accompany and be a part of a petition for waiver of domestic rights under either § 1245.104 or § 1245.105, or a petition for foreign rights may be submitted independently of any request for domestic rights. In addition to the information specified in paragraph (a) of this section, petition for waiver of foreign rights shall include, where feasible, a denomination of the foreign countries in which petitioner elects to secure or intends to file patent applications.

§ 1245.111 Submission of petitions.

Petitions for advance waiver of domestic rights under § 1245.104 or advance waiver of foreign rights under § 1245.106 presented prior to contract execution must be submitted through the contracting officer to the Inventions and Contributions Board, National Aeronautics and Space Administration, Washington, D.C. 20546. All other petitions shall be submitted directly to the Board.

§ 1245.112 Notice of proposed Board action and reconsideration.

(a) *Notice.* When sufficient time and complete information is presented with respect to petitions for the advanced waiver of rights under § 1245.104 or § 1245.106 or when complete information is presented as to all other petitions for waiver the Board will notify the petitioner:

(1) Whether it proposes to recommend to the Administrator, NASA, that the petition be:

(i) Granted in the extent requested;

(ii) Granted in an extent different from that requested; or,

(iii) Denied.

(2) Of the reasons for any recommended action adverse to or different from the waiver of rights requested by the petitioner.

(b) *Request for reconsideration and statements required.* (1) If, pursuant to paragraph (a) of this section, the Board notifies the petitioner that the Board proposes to recommend action adverse to or different from the waiver requested, the petitioner may, within such period as the Board may set, but not less than 15 days, request reconsideration by the Board.

(2) If reconsideration has been requested within the prescribed time limit, the petitioner shall, within 30 days from his request for reconsideration, or within such other time as the Board may set, file a statement setting forth the points, authorities, arguments, and any additional material on which he relies.

(3) Upon filing of the reconsideration statement by the petitioner, the petition will be assigned for reconsideration by the Board upon the contents of the petition, the record, and the reconsideration statement submitted by the petitioner.

(4) The Board, after reconsideration of the petition, will notify the petitioner of its proposed recommendations to the Administrator, NASA. If the Board's proposed action is adverse to, or different from, the waiver requested, the petitioner may request an oral hearing within such time as the Board has set.

§ 1245.113 Hearing procedure.

(a) If the petitioner requests an oral hearing within the time set, pursuant to § 1245.112(b)(4), the Board shall set the time and place for such hearing and shall so notify the petitioner.

(b) Oral hearings held by the Board shall be open to the public and shall be held in accordance with the following procedures:

(1) Oral hearings shall be conducted in an informal manner, with the objective of providing the petitioner with a full opportunity to present facts and arguments in support of the petition. Evidence may be presented through means of such witnesses, exhibits, visual aids as are arranged for by the petitioner. Petitioners may be represented by any authorized person including an attorney. While proceedings will be ex parte, members of the Board and its counsel may address questions to witnesses called by the petitioner, and the Board may, at its option, enlist the aid of technical advisors or expert witnesses. Any person present at the hearing may make a statement for the record.

(2) A transcript of the proceeding shall be arranged for by the Board. The petitioner shall submit for the record a copy of any exhibit or visual aid utilized during the hearing.

§ 1245.114 Findings and recommendations of the Board.

(a) *Findings of the Board.* The Board shall consider the petition, the NASA contract, if relevant, the goals cited in § 1245.103(a), the effect of the waiver on the objectives of the related NASA programs, and any other available facts and information presented to the Board by an interested party. The Board shall then determine and make, if applicable, each of the specific findings of fact required by § 1245.104, § 1245.105, or § 1245.106 under which the petition was submitted. The Board shall document all their findings.

(b) *Recommendation of Board.* (1) After making the findings of fact, the Board shall formulate its proposed recommendation to the Administrator, NASA, as to the grant of waiver as requested, the grant of waiver upon terms other than as requested, or denial of waiver.

(2) If the Board proposes to recommend, initially or upon reconsideration, that the petition be granted in the extent requested or, in other cases, if the petitioner does not request reconsideration or a hearing during the period set for such action, or informs the Board that such action will not be requested, or fails to file the required statements within the prescribed time limit, the Board shall transmit the petition, its findings of fact with respect thereto, and its recommendation to the Administrator, NASA.

(3) After a hearing, as provided in § 1245.113, the Board shall consider the entire record and shall transmit its recommendations and findings to the Administrator, NASA, along with the petition, and a summary record of the proceedings.

§ 1245.115 Action by the Administrator, NASA.

(a) After receiving the transmittal from the Board, the Administrator shall determine, in accordance with § 1245.103, whether or not to grant any waiver of rights to the petitioner. A waiver pursuant to § 1245.104(b)(2) will be granted only when the Board so recommends.

(b) In the event of denial of the petition by the Administrator, NASA, a written notice of such denial will be promptly transmitted by the Board to the petitioner. The written notice will be accompanied with a statement of the grounds for denial.

(c) If the Administrator, NASA, decides to grant the waiver, the petitioner shall be sent an instrument of waiver confirmatory of the conditions and reservations of the waiver grant for his execution and prompt return to the Board.

§ 1245.116 Filing of patent applications.

(a) In order to protect the interests of the Government and of petitioners in inventions, petitioners are encouraged to file patent applications prior to the final disposition of their petitions for waiver.

(b) If a petitioner files a U.S. patent application on an identified invention during the pendency of the petition, or within 60 days prior to the receipt thereof by NASA, NASA will reimburse the petitioner for the reasonable costs of filing said U.S. patent application and such patent prosecution as may have ensued, provided:

(1) Similar patent filing and prosecution costs are not normally reimbursed to the petitioner as direct or indirect costs chargeable to Government contracts;

(2) The petition is ultimately denied with respect to domestic rights, or with respect to foreign and domestic rights, if both are so requested; and

(3) Prior to reimbursement, the petitioner assigns the application to the United States as represented by the Administrator of the National Aeronautics and Space Administration.

§ 1245.117 Publication.

The findings and recommendations by the Board with respect to each petition for waiver shall be made available to the public by the Board. In addition, selected findings and recommendations of the Board shall be published annually.

JAMES C. FLETCHER,
Administrator.

[FR Doc. 72-2698 Filed 2-23-72;8:47 am]

FEB 24 72

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

IMPRESSION FABRIC OF MANMADE FIBER FROM JAPAN

Antidumping Proceeding Notice

On January 5, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that impression fabric of manmade fiber from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 17, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2645 Filed 2-23-72;10:00 am]

SULPHUR FROM CANADA

Antidumping Proceeding Notice

On January 21, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that sulphur, including elemental sulphur and nonelemental sulphur, from Canada, is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption or the cost of production.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 17, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2844 Filed 2-23-72;9:59 am]

Fiscal Service

[Dept. Circ. 570, 1971 Rev., Supp. 10]

ELAC INSURANCE COMPANY LIMITED, UNITED STATES BRANCH, AND EMPLOYERS COMMERCIAL UNION INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

Termination as acceptable reinsuring company only on Federal bonds, domestication, and merger, change in underwriting limitation.

The United States Branch of ELAC Insurance Company Limited, London, England (U.S. Office, Boston, Massachusetts) which holds a Certificate of Authority as acceptable reinsuring company only on Federal bonds pursuant to Treasury Department Circular 297 (31 CFR Part 223), was domesticated and merged into Employers Commercial Union Insurance Company, Boston, Massachusetts, the surviving corporation, effective 12:00 midnight December 31, 1971. Confirmation of this action has been received and filed in the Treasury. Accordingly, the Certificate of Authority held by ELAC Insurance Company Limited (U.S. Office, Boston, Massachusetts) is hereby terminated effective December 31, 1971.

The surviving corporation, Employers Commercial Union Insurance Company, which holds a Certificate of Authority as an acceptable surety on Federal bonds under 6 U.S.C. 6–13, has assumed the assets and liabilities of the merged corporation (ELAC), which has ceased to exist. Accordingly, the Treasury underwriting limitation awarded to the surviving corporation, Employers Commercial Union Insurance Company under its Certificate of Authority (36 FR 12953, July 9, 1971) is hereby revised to $19,865,000 effective January 1, 1972.

In view of the foregoing, no action need be taken by bond-approving officers by reason of the domestication and merger of ELAC Insurance Company Limited (U.S. Office, Boston, Massachusetts) with respect to any bond or other obligation in favor of the United States, or in which the United States has an interest, direct or indirect, reinsured or issued prior to January 1, 1972 by ELAC Insurance Company Limited (U.S. Office, Boston, Massachusetts) pursuant to its Certificate of Authority issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: February 17, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-2696 Filed 2-23-72;8:46 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972-17]

STATE FEES FOR TRACTOR-TRAILER OPERATING PERMITS

Cost of Living Council Ruling

Facts. Under State law, operators of tractor-trailers are required to obtain permits to operate them on State roads. The law requires a specified sum to be paid at the time the application for the permit is submitted. The amount specified is unrelated to and well in excess of the administrative costs of filing and processing applications, and the proceeds are earmarked for the construction and repair of highways. The State legislature is seeking to increase the amount of the payment.

Issue. Is an increase in the statutory payment subject to the Economic Stabilization Regulations?

Ruling. Economic transactions which are not prices, rents, wages, or salaries are not subject to the Economic Stabilization Act of 1970, as amended, nor to the regulations promulgated thereunder. Economic Stabilization Regulations 6 CFR 101.1(c), 36 F.R. 21788 (November 13, 1971), republished as 6 CFR 101.1 (c), 37 F.R. 1237 (January 27, 1972).

The amount and mandatory character of the charge, and the use to which the resulting revenues are put, clearly indicate that the required payment is in the nature of a tax. As such, it is exempt from the provisions of the Economic Stabilization Regulations under § 101.1 (c).

Effective January 26, 1972, price adjustments by State and local governments for services, permits and licenses generally are exempt from price controls pursuant to Economic Stabilization Regulations 6 CFR 101.34(a)(2), 37 F.R. 1237 (January 27, 1972).

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 16, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 16, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2822 Filed 2-23-72;8:49 am]

[Cost of Living Council Ruling 1972-18]

GREEN SALTED CATTLE HIDES

Cost of Living Council Ruling

Facts. A is a meat packer who slaughters cattle. Among the items derived from his operations are cattle hides, which A preserves in salts for sale to a domestic tannery.

Issue. Are salted cattle hides exempt from the Regulations as a "raw agricultural product"?

Ruling. Salted cattle hides are not a "raw agricultural product" and are therefore not exempt from the Economic Stabilization Regulations.

Section 101.32(a) of the regulations, which exempts "raw agricultural products", defines such products as "agricultural products which retain their original physical form and have not been processed. Processed agricultural products are products which have been canned, frozen, slaughtered, milled, or otherwise changed in their physical form." Economic Stabilization Regulations 6 CFR 101.32(a), 37 F.R. 1237 (January 27, 1972).

Since the above facts indicate clearly that cattle hides are derived from the slaughter of cattle, which is specifically listed as a "process" under § 101.32(a), cattle hides are not within the definition of a "raw agricultural product," and are therefore not exempt.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: February 16, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel, Internal Revenue Service.

Approved: February 16, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-2823 Filed 2-23-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Int; Des 72-35]

AUTHORIZED CASCADE IRRIGATION DISTRICT REHABILITATION AND BETTERMENT PROGRAM, YAKIMA PROJECT, WASH.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed rehabilitation and betterment project for the purpose of ensuring an adequate supply of irrigation water to the Cascade Irrigation District in central Washington.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone: (202) 343–4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, Telephone: (303) 234–3007.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 8008, Boise, ID 83702, Telephone: (208) 342–2711, Extension 2109.

Yakima Project Office, Bureau of Reclamation, Post Office Box 1377, Yakima, WA 98901, Telephone: (509) 248–4810, Extension 316.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: February 15, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-2713 Filed 2-23-72;8:48 am]

E. E. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.

(2) September 1, 1971, American Housing Partners, 30 shares purchased. January 25, 1972, Eastman Kodak, 200 share sold. January 28, 1972, Johns Manville, 300 shares sold.

(3) None.

(4) None.

This statement is made as of February 7, 1972.

Dated: February 8, 1972.

E. E. WALL.

[FR Doc.72-2714 Filed 2-23-72;8:48 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. A-588]

JOSEPH HOTCH

Notice of Loan Application

FEBRUARY 16, 1972.

Joseph Hotch, Box 525, Haines, AK 99827, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 33 feet in length, to engage in the fishery for salmon and halibut.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-2679 Filed 2-23-72;8:45 am]

[Docket No. A-584]

NORVAL H. NELSON

Notice of Loan Application

FEBRUARY 16, 1972.

Norval H. Nelson, Box 1385, Juneau, AK 99801, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 50 feet in length, to engage in the fishery for halibut, sablefish, rockfishes, crabs, and shrimp.

FEB 24 72
XUM

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc. 72-2680 Filed 2-23-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 F.R. 1279, January 25, 1969, as amended), is hereby further amended to reflect the transfer of legislation functions to the Office of the Associate Administrator for Planning, Research, and Training. For such purposes section 5-B is amended as follows:

1. Delete the heading "Office of Legislative Affairs" and all that follows thereunder.

2. Delete the paragraph under the heading "Associate Administrator for Planning, Research, and Training" and insert in lieu therof the following:

ASSOCIATE ADMINISTRATOR FOR PLANNING, RESEARCH, AND TRAINING

Provides leadership and coordination for legislation, program planning and evaluation, research and demonstration, and external manpower development and training activities of the Social and Rehabilitation Service. Serves as the advisor to the Administrator in these areas. Directs and coordinates the activities of the Assistant Administrators in the Office of Legislation, the Office of Program Planning and Evaluation, the Office of Research and Demonstrations, and the Office of Manpower Development and Training.

3. After the paragraph headed "Associate Administrator for Planning, Research, and Training" add the following:

OFFICE OF LEGISLATION

Coordinates, plans, and participates in the development of new legislation; coordinates the development of testimony, cost estimates and other materials related to legislative proposals; coordinates the preparation of Congressional and other reports on all bills. Reviews and obtains approvals on correspondence with members of Congress and the public on legislative proposals. Keeps the Associate Administrator and affected organizations informed regarding legislation and coordinates all recommendations for new legislation. Coordinates all Congressional relations and functions of the various SRS components. Furnishes technical assistance to Congressional committees, committee staffs, individual members of Congress, and public and private organizations in relation to proposals or bills. Serves as the SRS contact point with the Office of the Assistant Secretary for Legislation and the Assistant General Counsel, Legislation Division. Maintains liaison with legislative offices of other agencies of the Department and of other Departments of the Executive Branch. Develops legislative histories of significant laws and prepares other summaries of the status of legislation and reports of hearings.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (2-24-72).

Dated: February 17, 1972.

STEVEN D. KOHLERT,
Acting Deputy Assistant Secretary for Management.

[FR Doc.72-2708 Filed 2-23-72;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-149]

ACTING REGIONAL ADMINISTRATOR, REGION IX (SAN FRANCISCO)

Designation

The officers appointed to the positions and the named person listed below in the San Francisco Regional Office are hereby designated to serve as Acting Regional Administrator during the absence of the Regional Administrator with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers who precede him in this designation are unable to act by reason of absence or a vacancy in the position:

1. Deputy Regional Administrator.
2. Andrew J. Bell, III.
3. Assistant Regional Administrator for Renewal Assistance.
4. Assistant Regional Administrator for Federal Housing Administration.
5. Regional Counsel.
6. Assistant Regional Administrator for Administration.

(Delegation effective May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, January 21, 1966)

This designation supersedes the designation effective as of November 1, 1969 (34 F.R. 19151, December 3, 1969).

Effective as of the 21st day of July, 1970.

ROBERT H. BAIDA,
Regional Administrator.

[FR Doc.72-2730 Filed 2-24-72;8:48 am]

[Docket No. D-72-150]

ACTING REGIONAL ADMINISTRATOR, REGION IX (SAN FRANCISCO)

Designation

The officers appointed to the following listed positions in Region IX (San Francisco) are hereby designated to serve as Acting Regional Administrator, Region IX (San Francisco), during the absence of the Regional Administrator with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Administration.
3. Assistant Regional Administrator for Community Planning and Management.
4. Regional Counsel.
5. Assistant Regional Administrator for Community Development.
6. Assistant Regional Administrator for Housing Production and Mortgage Credit.

This designation supersedes the designation effective July 21, 1970 (published concurrently).

(Delegation effective May 4, 1962, 27 F.R. 4319; Interim Order II, 31 F.R. 815, January 21, 1966)

Effective as of the 8th day of August 1971.

ROBERT H. BAIDA,
Regional Administrator.

[FR Doc.72-2731 Filed 2-24-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ADVISORY COMMITTEE FOR PROMOTION OF COMPLIANCE WITH MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS REGULATIONS

Termination

On June 14, 1967, the Federal Highway Administrator created the Advisory Committee for Promotion of Compliance with Motor Carrier Safety Regulations and Hazardous Materials regulations (32 F.R. 8777). The purpose of the Committee was to cooperate with and advise the Bureau of Motor Carrier Safety and the Office of Hazardous Materials on matters relating to motor carrier safety of transportation of hazardous materials by motor vehicle and to make recommendations with a view towards achieving greater compliance with the two sets of regulations by the industry in general and the private carrier segment of the industry in particular.

The Committee met on a number of occasions during the early days of Department of Transportation responsibility for motor carrier safety. Its work was helpful in building initial momentum for the Department's programs. In recent years, however, the Committee has become dormant. There appears to be no reason for continuing its existence, inasmuch as the operating personnel in the Bureau of Motor Carrier Safety and the Office of Hazardous Materials have developed alternative means of achieving the objectives for which the Committee was established.

In consideration of the foregoing, the Advisory Committee for Promotion of Compliance with Motor Carrier Safety and Hazardous Materials regulations is terminated, effective on the date this notice is issued.

Issued on February 14, 1972.

F. C. TURNER,
Federal Highway Administrator.

[FR Doc.72-2681 Filed 2-23-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24114]

CHINA AIRLINES, LTD.

Notice of Postponement of Prehearing Conference and Hearing

Renewal and amendment of foreign air carrier permit authorizing service between points in China, intermediate points, and Honolulu, Hawaii; Los Angeles and San Francisco, Calif.

Notice is hereby given that the prehearing conference in the above-entitled matter is hereby postponed from February 29, 1972 (37 F.R. 2466, Feb. 1, 1972), to March 23, 1972, at 10 a.m., local time, in Room 805, Universal Building, 1825 Connecticut Avenue, NW., Washington, DC, before the undersigned examiner.

The postponement of the prehearing conference and hearing in this matter was requested by China Airlines.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 9, 1972.

Dated at Washington, D.C., February 16, 1972.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.72-2715 Filed 2-23-72;8:48 am]

[Docket No. 23652]

GOLDEN WEST AIRLINES AND LOS ANGELES AIRWAYS, INC.

Notice of Postponement of Hearing Regarding Acquisition Agreement

The hearing in this proceeding currently scheduled for March 7, 1972 (37 F.R. 892) is hereby postponed until further notice (1) by reason of the voluminous requests and replies filed on February 10, 15, and 16, 1972, with regard to information and evidence requests, the attendance of witnesses at hearing, and related matters; (2) because of the fact that the Examiner has been advised by the representative of three of the parties that their rebuttal exhibits due to be received February 22, 1972, cannot be mailed in time to reach out of town counsel until after that date; and (3) to afford reasonable opportunity for reply to and decision on the petition for reconsideration received by the Examiner from Bureau Counsel on February 17, 1972.

[SEAL] HARRY H. SCHNEIDER,
Hearing Examiner.

FEBRUARY 18, 1972.

[FR Doc.72-2716 Filed 2-23-72;8:48 am]

[Docket No. 24200; Order 72-2-72]

CONTINENTAL AIR LINES, INC.

Order Dismissing Complaint Regarding Consolidation Type GIT Fares to Hawaii

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of February 1972.

By tariff revisions[1] marked to become effective February 20, 1972, Continental Air Lines, Inc. (Continental) proposes to establish all-year round-trip group tour basing fares to Hawaii from 10 southern and southwestern points[2] and Chicago. Application of these fares would permit consolidation into the minimum group size of 154 passengers at the west coast gateways of Los Angeles, Portland, or Seattle by passengers who originate at the 11 interior points. The group must travel together between the west coast consolidation points and Hawaii on the return trip as well as the outbound trip. Conditions of travel include a minimum ground package price of $75 and stay requirements of 6 to 12 days. The fares would apply at all times and tickets must be purchased at least 21 days prior to scheduled departure date.

Braniff Airways, Inc. (Braniff) has complained against the proposed fares, requesting suspension and investigation. Braniff alleges that because of the density of the California-Hawaii local market the fundamental requirement that there shall be a group of 154 passengers moving beyond the consolidation point will not be difficult to meet; that by reason of the multiple ticketing, multiple reservations, and individual handling requirements for consolidation fares there is no economic justification for such fares at the same level as fares for single originating groups; that the present Chicago-Hawaii consolidation fare is an aberration in that unlike other consolidation type fares, it is priced at the same level as fares for single originating groups; that Continental has not submitted economic justification in compliance with the Board's economic regulations since the fares are not being filed to meet competition as alleged; that Continental is underselling its own present joint fares; and that Braniff would be forced either to lose all its traffic, or reduce its individual tour fares by approximately 20 percent.

Continental has answered Braniff's complaint noting that there is nothing new about the concept of consolidation fares and alleges that Braniff itself is presently utilizing the concept in many of its Hawaiian markets. Continental asserts that contrary to Braniff's allegations, traffic to interior points cannot be consolidated with local West Coast-Hawaii traffic since Continental has no such fares available off the west coast; that except at Chicago, its proposed consolidation fares are not priced at the same level as fares for single originating groups; that while Braniff may consider the present Chicago consolidation fare to be an aberration, it has been in effect for many months and Continental is entitled to charge that same price out of Chicago as well as out of other points affected by intermediate application of the Chicago fare; and that its fares match present fares or are intermediate points priced at the same level.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant investigation of the proposal and the request therefor, and consequently the request for suspension will be denied and the complaint dismissed.

The fares appear to be reasonably related to present fares in the respective markets. Except at Chicago, where Continental is meeting the present fare of other carriers, the fares are $21 to $35 higher than present fares for single originating groups, which should more than cover any extra costs attributable to multiple ticketing and reservations. Moreover, the complainants' fear of massive diversion appears to be based to a great extent on an incorrect interpretation that the tariff permits consolidation of traffic from the 11 interior points with local West Coast-Hawaii traffic. While some diversion may occur, we have no basis on which to conclude that the potential for diversion is such as to warrant action upon the complaint in the circumstances before us.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaint of Braniff Airways, Inc., in Docket 24200 is hereby dismissed; and

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 136 and 142.

[2] Amarillo, Austin, Dallas, Houston, Lubbock, New Orleans, Oklahoma City, San Antonio, Tulsa, and Wichita.

FEB 24 72 XUM

2. A copy of this order be served upon Braniff Airways, Inc., and Continental Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-2717 Filed 2-23-72;8:48 am]

[Docket No. 24203; Order 72-2-70]

CONTINENTAL AIR LINES, INC.

Order Dismissing Complaint Regarding Establishment of Expiration Date on West Coast-Hawaii GIT Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of February 1972.

By tariff revisions marked to become effective February 20, 1972,[1] Continental Air Lines, Inc. (Continental) proposes to place an expiration date of December 10, 1972 on its existing GIT fares for groups of 40 or more passengers applicable between Los Angeles, Portland, Seattle, and Hawaii.

Western Air Lines, Inc. (Western) has filed a complaint requesting suspension and investigation of the December 10 expiration date and an investigation of the fares to which the expiration date applies. Western alleges that Continental's proposal is but the latest phase in the fare war that began in the West Coast-Hawaii markets in October 1971, and that the step-by-step escalation that has taken place has had catastrophic results on all carriers. It alleges that the group fares established last year resulted in large-scale diversion of full-fare passengers, and a concomitant lower yield. Western believes that the instant filing may well precipitate counter-filings by other carriers to extend the present expiration date of September 30, 1972.

In answer to the complaint Continental alleges that it selected a December expiration date rather than an end of summer date solely because the fares are being used for package tour promotions which are normally established, and run, on a calendar-year basis. It further alleges that if Western is successful in its quest to eliminate the fares before September 30, then the December 10 date becomes meaningless as the fares will already have been ordered canceled. Moreover, if Western is successful in preventing addition of the December 10 date to Continental's tariff, but is not able to obtain cancellation of the fares through investigation, its effort here would be directly contrary to its expressed interest.

Western has provided no data or other information to substantiate the general allegations it has made concerning adverse economic results of the GIT fares in question. Moreover, the fare levels are consistent with the minimums established in the GIT Fares to Hawaii Case, Docket 20580, and the GIT group of 40 tariffs of all carriers in this market are marked to expire this year. The fact that other carriers may elect to match Continental and extend their GIT fares an additional 2½ months does not warrant the institution of an investigation. Having found no basis to warrant investigation, there are no grounds for suspension, nor would such action terminate the effectiveness of the present fares, as apparently Western desires.

Under these circumstances, the Board finds that the complaint does not set forth facts sufficient to warrant investigation. The request therefor, and consequently the request for suspension, will be denied, and the complaint dismissed.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaint of Western Air Lines, Inc., in Docket 24203 is dismissed; and

2. A copy of this order be served upon Continental Air Lines, Inc., and Western Air Lines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-2718 Filed 2-24-72;8:48 am]

---

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 136.

FEDERAL COMMUNICATIONS COMMISSION

[TIAS-2594; Supp. 1]

CANADIAN TELEVISION CHANNEL ALLOCATIONS

Amendment of Table A of Canada-U.S.A. TV Agreement

FEBRUARY 11, 1972.

Amendment of Table A of the Canada-U.S.A. TV agreement of 1952 (TIAS-2594), Supplement No. 1 (to the table of Canadian Television Channel Allocations within 250 miles of the Canada-U.S.A. border, dated August 25, 1971, as revised to August 15, 1971).

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canadian-U.S.A. Television Agreement has been amended as follows:

City	Channel No.	
	Delete	Add
Belleville, Ontario	6—L[2]	6—
Elliot Lake, Ontario		7—[3]
Toronto, Ontario	6+	5[7]
Normandin, Quebec		10—

[2] Limitation to protect CFCL-TV-6 Chapleau, Ontario; CBFST Sturgeon Falls, Ontario, and a co-channel limited allocation at Timmins, Ontario.
[3] Limitation to protect WHEN-TV, Syracuse, N.Y.

Further amendments to Table A will be issued as public notices in the form of numbered supplements or recapitulated lists.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-2693 Filed 2-23-72;8:47 am]

[Dockets Nos. 19420-19421]

MELVIN PULLEY AND WASECA-OWATONNA BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Melvin Pulley, Waseca, Minn., requests: Channel 221; 3 kw.(H); 3 kw.(V); 289 feet, Docket No. 19420, File No. BPH-7538; Edwin B. Darby and Richard H. Darby, doing business as the Waseca-Owatonna Broadcasting Co., Waseca, Minn., requests: Channel 221; 3 kw.(H); 3 kw.(V); 300 feet, Docket No. 19421, File No. BPH-7604; for construction permits.

1. The Commission; by the Chief of the Broadcast Bureau, acting under delegated authority, has under consideration the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore, a comparative hearing must be held.

2. Data submitted by the applicants indicate that there would be a significant disparity in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mv/m or greater intensity, together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Melvin Pulley proposes independent programing, while the Waseca-Owatonna Broadcasting Co. proposes to duplicate the programing of AM station KOWO, which is also owned by Edwin B. and Richard H. Darby, during the daytime hours. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry, "Jones T. Sudbury," 8 FCC 2d 360, 10 RR 2d 114 (1967).

4. The applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below:

5. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications for a construction permit should be granted:

6. *It is further ordered*, That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

7. *It is further ordered*, That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

Adopted: February 10, 1972.

Released: February 14, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-2694 Filed 2-23-72;8:46 am]

FEDERAL MARITIME COMMISSION

PIERCE AND BYRON ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Pierce and Byron, 371 Bourse Building, 21 South Fifth Street, Philadelphia, PA 19106.
Partnership:
Howard J. Byron.
Dennis R. Pierce.

All Americas Forwarding Co., Post Office Box 913, Miami, FL 33148.
Officers:
Jorge A. Soberon, President.
Rolando Napoles, Secretary/Treasurer.

Dated: February 16, 1972.

By the Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2678 Filed 2-23-72;8:45 am]

[Independent Ocean Freight Forwarder License 540]

J. R. WILLEVER, INC. AND BARNETT/FREESLATE INTERNATIONAL CORP.

Order of Revocation

By order dated November 1, 1971, the Federal Maritime Commission approved FMC Agreement No. FF 71-8 concerning a merger between J. R. Willever, Inc. (Independent Ocean Freight Forwarder License No. 540) and Barnett/Freeslate International Corp. (Independent Ocean Freight Forwarder License No. 865). The surviving corporation is Barnett/Freeslate International Corp.

Pursuant to a request by the Commission that License No. 540 issued to J. R. Willever, Inc., be returned to the Commission for cancellation, Charles E. Glanzer, Secretary of J. R. Willever, Inc., submitted an affidavit in lieu of FMC License No. 540 which cannot be located.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 7.04(f) (dated September 29, 1970);

It is ordered, That the Independent Ocean Freight Forwarder License No. 540 of J. R. Willever, Inc., be and is hereby revoked effective November 1, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon J. R. Willever, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.72-2677 Filed 2-23-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

BABCOCK & WILCOX CO.

License Termination Order

The Atomic Energy Commission (the Commission) has found that the Babcock & Wilcox Co.'s (BAW) Split Table Critical Experiments (STCE) Facility located at Lynchburg, Va., has been dismantled and decontaminated, and that satisfactory disposition has been made of the component parts, fuel and other special nuclear material (pursuant to the Commission's order dated May 25, 1971), in accordance with the Commission's regulations in 10 CFR Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public. Therefore, pursuant to the application by BAW dated April 2, 1971, as supplemented April 20, 1971, and Commission regulations, Facility License No. CX-12 is hereby terminated as of the date of this order.

Dated at Bethesda, Md., this 14th day of February 1972.

For the Atomic Energy Commission.

FRANK SCHROEDER,
Acting Director,
Division of Reactor Licensing.

[FR Doc.72-2692 Filed 2-23-72;8:46 am]

FEDERAL POWER COMMISSION

[Project No. 2628—Alabama]

ALABAMA POWER CO.

Notice of Availability of Environmental Statement for Inspection

FEBRUARY 22, 1972.

Notice is hereby given that on February 9, 1972, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed by Alabama Power Co. for the proposed Crooked Creek Project, pursuant to the Federal Power Act.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project would be located in the counties of Clay and Randolph in Alabama on the Tallapoosa River.

The project would consist of: (1) A concrete dam about 140 feet high and 956 feet long, including a gated spillway section and a nonoverflow section containing the headworks for the powerhouse; (2) an earth and rock fill dike section extending from each abutment of the concrete dam; (3) a 10,661-acre, 24-mile long reservoir having a normal operating range between elevations 793 feet and 785 feet (USC&GS datum); (4) a powerhouse, integral with the dam, containing two generators each rated at 67,500 kw.; (5) recreational development; and (6) appurtenant facilities.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B.

FEB 24 72

Written statements by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before April 9, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2733 Filed 2-23-72;8:48 am]

[Project No. 553—Washington (Skagit River)]

CITY OF SEATTLE, WASH.

Notice of Availability of Environmental Statement for Inspection

FEBRUARY 22, 1972.

Notice is hereby given that on February 12, 1971, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for amendment of license which would permit the applicant to raise the height of Ross Dam by about 121 feet and to raise the normal full pool elevation of Ross Reservoir to elevation 1,725 feet m.s.l., which would increase the reservoir area from 11,680 acres to 20,000 acres.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The raising of Ross Reservoir to an elevation of 1,725 feet m.s.l. represents the final stage in development of this dam as part of the Skagit River Project as contemplated when the original license was issued in 1927 and would provide the applicant an additional 33 megawatts of firm capacity and 272 megawatts of peaking power.

At the new reservoir level, approximately 5,200 acres of Canadian lands within the Province of British Columbia would be flooded. The 1,725 feet m.s.l. elevation on Ross Reservoir as authorized by the International Joint Commission on January 27, 1942, subject to a compensatory indemnification agreement between the city of Seattle and the Province of British Columbia. Said agreement was reached in January of 1967 for a term of 99 years. Applicant now seeks Commission approval as required by License Article No. 6.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the Environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from February 29, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2734 Filed 2-23-72;8:48 am]

[Docket No. CI72-510]

AMOCO PRODUCTION CO.

Notice of Application

FEBRUARY 22, 1972.

Take notice that on February 14, 1972, Amoco Production Co. (applicant), Post Office Box 591, Tulsa, OK 74102, filed in Docket No. CI72–510 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Co. from the Ramsey Field, Colorado County, Tex., and the New Taiton Field, Wharton County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell an estimated daily quantity of 12,500 Mcf of gas at 35 cents per Mcf at 14.65 p.s.i.a. for 1 year from the date of initial delivery within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2792 Filed 2-23-72;8:49 am]

[Docket No. CS71–179]

HERMAN GEO. KAISER ET AL.

Notice of Petition for Waiver of Regulations

FEBRUARY 15, 1972.

Take notice that on January 27, 1972, Herman Geo. Kaiser (Operator) et al. (petitioner), 4120 East 51st Street, Tulsa, OK 74135, filed in Docket No. CS71–179 a petition for waiver in part of § 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under the small producer certificate issued in Docket No. CS71–179 from properties acquired from Amerada-Hess Corp. (Amerada), all as more fully set forth in the petition for waiver which is on file with the Commission and open to public inspection.

Petitioner states that effective November 1, 1971, Amerada assigned to Kaiser-Francis Special Account A [1] of Tulsa, Okla., its interest in the following producing properties from which sales are authorized to be made in interstate commerce:

Amerada-Hess Corp. FPC gas rate schedule No.	Location	Purchaser
23	Light B Gas Unit, Greenwood Field, Morton County, Kans.	Colorado Interstate Gas Co.
23	Santa Fe B Gas Unit, Greenwood Field, Morton County, Kans.	Do.
23	Smith P Gas Unit, Greenwood Field, Morton County, Kans.	Do.
42	Mohler Unit, Greenwood Field, Morton County, Kans.	Do.
42	USA Boice Unit, Greenwood Field, Morton County, Kans.	Do.
42	USA Brown Unit, Greenwood Field, Morton County, Kans.	Do.
42	Addington A Unit, Greenwood Field, Morton County, Kans.	Do.
42	Allen B Unit, Greenwood Field, Morton County, Kans.	Do.
42	Hayward E Gas Unit, Greenwood Field, Morton County, Kans.	Do.
42	Santa Fe D Gas Unit, Greenwood Field, Morton County, Kans.	Do.
42	Williams 28 Gas Unit, Greenwood Field, Morton County, Kans.	Do.
42	Schweizer-Newman Unit, Greenwood Field, Baca County, Colo.	Do.
42	Watkins-Frink-Homsher Unit, Greenwood Field, Baca County, Colo.	Do.
42	Shanline-Henderson-Treon Unit, Greenwood Field, Baca County, Colo.	Do.
92	Newlin Unit, South Dacoma Field, Alfalfa County, Okla.	Michigan-Wisconsin Pipeline Co.
92	L. W. Lamm Unit A, Mutual Field, Woodward County, Wyo.	Do.
93	Ferguson F Unit, Southwest Camp Creek Field, Beaver County, Okla.	Colorado Interstate Gas Co.
102	Houts Unit, Southwest Hardtner Field, Woods County, Okla.	Cities Service Gas Co.
103	Thomas Unit, East Kremlin Field, Garfield County, Okla.	Arkansas-Louisiana Gas Co.
103	F. W. Zaloudek Unit, East Kremlin Field, Garfield County, Kans.	Do.
107	Whipple Gas Unit, Northeast Waynoka Field, Woods County, Okla.	Cities Service Gas Co.
108	McClung Unit, Laverne Field, Ellis County, Okla.	Michigan-Wisconsin Pipeline Co.
111	Catesby Unit No. 2, Wells Nos. 2, 3, and 4, Northeast Catesby Field, Ellis County, Okla.	Transwestern Pipeline Co.
112	Goodwin Area Unit, Goodwin Field (W. A. Meier and Anna Ruf Units), Ellis County, Okla.	Do.
113	White-B Unit, Northeast Catesby Field, Ellis County, Okla.	Do.
114	Owens Unit, Northeast Catesby Field, Ellis County, Okla.	Do.
116	Clarence E. Fox Unit, Northeast Ivanhoe Field, Beaver County, Okla.	Do.
119	Ehrlich Unit B, Northeast Catesby Field, Ellis County, Okla.	Northern Natural Gas Co.
119	Shattuck Unit—Tract 1, Well 2, Shattuck Unit—Tract 1, Well 3, North Lanscott Field, Ellis County, Okla.	Do.
130	R.H. Pride Unit, Midway Field, Baca County, Colo.	Baca Gas Gathering System.
130	Cogburn Unit, Midway Field, Baca County, Colo.	Do.
130	Neodemus Unit, Midway Field, Baca County, Colo.	Do.
134	Mace Unit, Northeast Catesby Field, Ellis County, Okla.	Northern Natural Gas Co.
139	Beard Estate Northeast, Waynoka Field, Woods County, Okla.	Panhandle Eastern Pipe Line Co.
159	Elsie Varnum A North, Avard Field, Woods County, Okla.	Do.
43	Rush Springs Unit I, Rush Springs Area, Grady County, Okla.	Lone Star Gas Co.
97	Cash Unit	Lone Star Gas Co.
	Daily Unit	Do.
	Devine Unit	Do.
	Hallett Unit, Stage Stand Field, Stephens County, Okla.	Do.

[1] A joint venture composed of Herman Geo. Kaiser, Rose Schlanger, Mildred Sanditen, Renee Neuwald, individuals; Francis Oil & Gas, Inc., a corporation; and Fell and Wolf Oil Co., a partnership.

Petitioner states further that effective November 1, 1971, Amerada assigned to Herman Geo. Kaiser, Francis Oil & Gas, Inc., and Fell and Wolfe Oil Co. its interest in the following property from which sales are authorized to be made in interstate commerce:

Amerada-Hess Corp. FPC gas rate schedule No.	Location	Purchaser
97	Cash Unit	Lone Star Gas Co.
	Daily Unit	Do.
	Devine Unit	Do.
	Hallett Unit, Stage Stand Field, Stephens County, Okla.	Do.

Section 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner states that due to the number of leases involved where the majority are non-operated with interests down to less than two percent, including some salvage properties, one cannot justify the time, paper work, and expense required to make separate certificate succession filings and any required subsequent filings with the Commission. Petitioner states further that should the waiver be denied, he and the other interest holders would sustain economic hardship. Petitioner states that the other parties have consented to have sales from their interests in the subject properties made under his small producer certificate and that he is willing to accept authorization conditioned to the applicable area ceiling rates.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than March 9, 1972, views and comments in writing concerning the petition for waiver. An original and 14 conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before acting on the petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2616 Filed 2-23-72;8:45 am]

[Docket No. CS72–650 etc.]

NANCIE A. MARACHE ET AL.

Notice of Applications for "Small Producer" Certificates [1]

FEBRUARY 14, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

FEB 24 72

Docket No.	Date filed	Name of applicant
CS72-650...	1-28-72	Nancie A. Marsche, Deer Park, Greenwich, Conn. 06830.
CS72-651...	1-28-72	Martha K. Scholp, 726 South Ruton Ave., Wichita, KS 67218.
CS72-652...	1-28-72	The Peoples National Bank and Sol Eastman, trustees for Shelley A. Brown and Carey H. Marks, Post Office Box 2001, Tyler, TX 75701.
CS72-653...	1-28-72	U.S Trust Co. of N.Y. and John T. Connor, cotrustees for Kathleen O'Boyle, Trust No. 2, 45 Wall St., New York, NY 10005.
CS72-654...	1-28-72	Marjorie Hall Lyons, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-655...	1-28-72	Mrs. Herma Pate Watson, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-656...	1-28-72	Timothy Edward Abendroth, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-657...	1-28-72	Eugene L. Hilliard III, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-658...	1-28-72	Martha Sibley Hilliard, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-659...	1-28-72	Blythe Ann Lyons Trust, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-660...	1-28-72	The C. H. and Marjorie Lyons Trust for Troy Dominic Lyons, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-661...	1-28-72	The C. H. and Marjorie Lyons Trust for Cheryl Sue Lyons, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-662...	1-28-72	The C. H. and Marjorie Lyons Trust for Culver Hall, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-663...	1-28-72	The C. H. and Marjorie Lyons Trust for Marian Lyons, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-664...	1-28-72	The C. H. and Marjorie Lyons Trust for Laurie Wilkinson Lyons, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-665...	1-28-72	The C. H. and Marjorie Lyons Trust for Marjorie Scott Lyons Yarbrough, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-666...	1-28-72	The C. H. and Marjorie Lyons Trust for Sally Scott Lyons Wood, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-667...	1-28-72	The C. H. and Marjorie Lyons Trust for Charlton Havard Lyons III, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-668...	1-28-72	The C. H. and Marjorie Lyons Trust for Stafford Lyons Foss, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-669...	1-28-72	The C. H. and Marjorie Lyons Trust for Shaybelle Lyons Gossiee, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-670...	1-28-72	The C. H. and Marjorie Lyons Trust for Michael Glen Lyons, 1500 Beck Bldg., Shreveport, La. 71101.
CS72-671...	1-31-72	Whitestone Corp., 2100 First City National Bank Bldg., Houston, TX 77002.
CS72-672...	1-31-72	Lucie L. Ray, Post Office Box 519, Shreveport, LA 71101.
CS72-673...	1-31-72	Mrs. Thais Ray Soes, Post Office Box 519, Shreveport, LA 71101.
CS72-674...	1-31-72	North American Production Co., 1124 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS72-675...	1-31-72	Sag Ventures Corp., Campbell Pl., Camden, N.J. 08101.
CS72-676...	1-31-72	Sag Ventures Penna. Co., Campbell Pl., Camden, N.J. 08101.
CS72-677...	1-31-72	Midwest Drilling Venture, 1100 Hamilton Bldg., Wichita Falls, Tex. 76301.
CS72-678...	1-31-72	McNeil Street Drilling Venture, 1100 Hamilton Bldg., Wichita Falls, Tex. 76301.
CS72-679...	1-31-72	Norma S. Gould, 740 Vandyke Ave., Detroit, MI 48214.
CS72-680...	1-31-72	F. E. Gould, 740 Vandyke Ave., Detroit, MI 48214.
CS72-681...	1-31-72	Carl Ott & Gas, Inc., 1700 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.

Docket No.	Date filed	Name of applicant
CS72-682...	1-31-72	T. W. McGuire & Associates, Inc., 1608 Beck Bldg., Shreveport, La. 71101.
CS72-683...	2-1-72	The Stone Oil Co., 3100 Fountain Square Plaza, Cincinnati, OH 45202.
CS72-684...	2-1-72	Worldwide Energy Corp., 506 8th Ave. SW., Suite 406, Calgary 2, AB, Canada.
CS72-685...	2-1-72	J & J Oilfield Service, d.b.a. Mesa Oil Co., Drawer R, Jal, NM 88252.

[FR Doc.72-2615 Filed 2-23-72;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST STATE BANKING CORP.

Formation of Bank Holding Company

First State Banking Corp., Miami, Fla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First State Bank of Miami, Miami; Hialeah-Miami Springs First State Bank, Hialeah; Airport First State Bank, Miami; North Hialeah First State Bank, Hialeah; and Miami Lakes First State Bank, Miami, all in the State of Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 17, 1972.

Board of Governors of the Federal Reserve System, February 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2711 Filed 2-23-72;8:48 am]

GENERAL SERVICES ADMINISTRATION

FEDERAL SUPPLY SERVICE

Notice Concerning Solicitation for Offers

In the interest of cost reduction, interim procedures have been adopted by the Federal Supply Service to (1) eliminate nonessential material from solicitations, and (2) mail only one copy of solicitation to addressees on our mailing lists except that complete bidding sets will continue to be mailed to known active bidders.

(A copy of the referenced interim procedures may be obtained from General Services Administration (FPP), Washington, D.C. 20406.)

Dated: February 14, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.72-2697 Filed 2-23-72;8:46 am]

SMALL BUSINESS ADMINISTRATION

[License 06/10-5156]

AMERICAN INDIAN INVESTMENT OPPORTUNITIES, INC.

Notice of Issuance of License to Operate as a Minority Enterprise Small Business Investment Company

On March 20, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 5388) stating that American Indian Investment Opportunities, Inc., had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the SBA rules and regulations governing Small Business Investment Companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business March 30, 1971, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/10-5156 to American Indian Investment Opportunities, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: February 15, 1972.

A. H. SINGER,
Associate Administrator
for Investment.

[FR Doc.72-2701 Filed 2-23-72;8:47 am]

[License 04/05-0101]

ASSOCIATED BUSINESS INVESTMENT CORP.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1971)), under the name of Associated Business Investment Corp., Suite 735, Bank for Savings Building, Birmingham, Ala. 35203, for a license to operate in the State of Alabama as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.).

The applicant's officers and directors are as follows:

George Little, 3532 Belle Meade Way, Birmingham, AL 35233, President and Director,
Bobby Gene Purvis, 2404 Sceptor Lane, Birmingham, AL 35226, Vice President and Director (General Manager).
Macon Gravlee, Box 310, Fayette, AL 35555, Director, Secretary-Treasurer.
Donald Davis, Post Office Box 5866, Birmingham, AL 35209, Director.
Mark Fred Ferlisi, 2110 Eighth Avenue North, Birmingham, AL 35203, Director.
Inos Allen Heard, 3165 Cahaba Heights Plaza, Birmingham, AL 35243, Director.
Dewey Hershel Thorton, Post Office Box 9570, Birmingham, AL 35215, Director.
Luther Thurman Henninger III, Post Office Box 11044, Birmingham, AL 35202, Director.

The applicant's stock is beneficially owned by 79 holders. No person or corporation owns as much as 10 percent of the stock. All of the officers, directors, and stockholders of the applicant are affiliated with Associated Grocers of Alabama, Inc., which is in the business of cooperative purchasing for its shareholders who are all owners of retail grocery stores.

The applicant plans to begin operations with capitalization of $272,949.40. It will not concentrate its investments in any particular industry.

The company intends to offer management consulting services to borrowers and other small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed company. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Birmingham, Ala.

Dated: February 14, 1972.

A. H. SINGER,
Associate Administrator
for Investment.

[FR Doc.72-2703 Filed 2-23-72;8:47 am]

GOODWIN SMALL BUSINESS INVESTMENT CO.

Notice of Filing of an Application for Exemption With Respect to Conflict-of-Interest Transaction

Notice is hereby given that Goodwin Small Business Investment Co. (Goodwin), 1200 First National Bank Building, Fifth and B Streets, San Diego, CA 92101, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 09/14-0012, has filed an application pursuant to § 107.1004 of the Small Business Administration rules and regulations (13 CFR 107.1004 (1971)) for an exemption with respect to a conflict-of-interest transaction covered by section 312 of the Act.

Goodwin, on July 7, 1971, loaned Little Ol' Cobbler (LOC) $25,000 due June 1, 1978, with an option to purchase 2,500 shares of its common stock at $10 per share. The conflict-of-interest arises from the fact that Mr. Michael Ehrenfeld is both an employee of the Percy H. Goodwin Co. (which is a major stockholder of Goodwin) and a director of LOC.

The application represents the following:

1. Mr. Ehrenfeld was not instrumental in arranging the negotiations.

2. Mr. Ehrenfeld receives no remuneration from LOC for his director duties and has no stock or stock options or other contemplated monetary benefits from LOC.

3. Mr. Ehrenfeld does not serve the Percy H. Goodwin Co. in a management capacity, possesses no stock or stock options in the Percy H. Goodwin Co. or any subsidiary, and holds the sole position of insurance salesman for the Percy H. Goodwin Co.

4. Mr. Ehrenfeld abstained from voting as an LOC director on the question of whether LOC should accept Goodwin's loan commitment to it.

5. Goodwin has supplied only a minor portion of funds required by LOC.

6. There is no pattern of transactions existing between Goodwin, Mr. Ehrenfeld, and small business concerns.

7. The terms of the transactions between Goodwin and LOC were fair and reasonable with respect to the shareholders of Goodwin, the shareholders of LOC, and the SBA creditors interest.

8. LOC in no way controls Goodwin.

9. Mr. Ehrenfeld, in his role as director of LOC, can continue to render valuable assistance to LOC.

Notice is further given that any interested person may, not later than 15 days from the publication of this notice submit to SBA, in writing, relevant comments on this transaction. Any such comments should be addressed to the Associate Administrator for investment, 1441 L Street NW., Washington, DC 20416. After the aforementioned 15-day period, SBA may, under the Regulations, dispose of the application on the basis of the information stated in said application and other relevant data.

Dated: February 11, 1972.

A. H. SINGER,
Associate Administrator
for Investment.

[FR Doc.72-2704 Filed 2-23-72;8:47 am]

MERCHANTS CAPITAL CORP.

Notice of Surrender of License of Small Business Investment Company

Notice is hereby given that Merchants Capital Corp. (Merchants), 1515 North Senate Avenue, Indianapolis, IN 46202, has, pursuant to § 107.105 of the regulations governing Small Business Investment Companies (13 CFR 107.105 (1971)), surrendered its license to operate as a small business investment company.

Merchants was incorporated July 16, 1962, under the laws of the State of Indiana and issued License No. 07-0056 by the Small Business Administration on October 5, 1962.

Merchants was licensed to operate solely under the Small Business Investment Act of 1958, as amended (15 U.S.C. section 661 et seq.).

Under the authority vested by the Small Business Investment Act of 1958, as amended, and the regulations promulgated thereunder, the surrender of the license was accepted on February 10, 1972. Accordingly, Merchants is no longer licensed to operate as a small business investment company.

Dated: February 14, 1972.

A. H. SINGER,
Associate Administrator
for Investment.

[FR Doc.72-2702 Filed 2-23-72;8:47 am]

WASHINGTON CAPITAL CORP.

Notice of Approval of Application for Transfer of Control of a Licensed Small Business Investment Company

Pursuant to the provisions of § 107.701 of the Small Business Administration rules and regulations (13 CFR 107.701 (1971)), a notice of filing of an application for transfer of control of Washington Capital Corp., 1417 Fourth Avenue, Seattle, WA 98111, was published in the FEDERAL REGISTER on January 15, 1972 (37 F.R. 689).

Interested persons were invited to send their written comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Washington Capital Corp.

Dated: February 15, 1972.

A. H. SINGER,
Associate Administrator
for Investment.

[FR Doc.72-2699 Filed 2-23-72;8:47 am]

[Declaration of Disaster Loan Area 876; Class B]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, It has been reported that during the month of February 1972, because of the effects of a certain disaster, damage resulted to business property located in Wakefield, Mass.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

FEB 24 72 XUM

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in Wakefield, Mass., suffered damage or destruction resulting from a fire occurring on February 5, 1972.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

2. A temporary office will be established in the Chamber of Commerce Building, 6 Foster Street, Wakefield, MA.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1972.

Dated: February 8, 1972.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.72-2700 Filed 2-23-72;8:47 am]

TARIFF COMMISSION

[AA1921-84]

DIAMOND TIPS FROM THE UNITED KINGDOM

Determination of Injury

The Treasury Department advised the Tariff Commission on November 18, 1971, that diamond tips for phonograph needles from the United Kingdom are being, and are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-84 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on January 11, 1972. Notice of the investigation and hearing was published in the FEDERAL REGISTER of November 25, 1971 (36 F.R. 22653).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission determined unanimously that an industry in the United States is being injured by reason of the importation of diamond tips for phonograph needles from the United Kingdom sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

In the Commission's judgment, an industry in the United States is being injured by reason of the importation from the United Kingdom of diamond tips for phonograph needles, which are being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

The diamond tips for phonograph needles being imported from the United Kingdom consist individually of an almost microscopic chip of diamond bonded to steel and shaped to fit into the grooves of a phonograph record. These tips, sometimes referred to as welded diamond tips, are used in the manufacture of phonograph needles, principally for the crystal and ceramic cartridges in mass marketed phonographs.

The industry. In making our determination, we have considered the injured industry to consist of those facilities in the United States involved in the production of welded diamond tips for phonograph needles of the type being imported from the United Kingdom. Currently such diamond tips are being produced by three domestic firms.

Market penetration and lost sales. Information obtained by the Commission in the course of its investigation indicates that by utilizing the price advantage afforded by sales of welded diamond tips at LTFV, the United Kingdom exporters achieved a substantial penetration of the U.S. Market. During the period covered by the Treasury Department's investigation (July 1970 through August 1971), nearly all imports from the United Kingdom were sold at LTFV. Total United Kingdom imports of diamond tips from the United Kingdom increased from about 20 percent of U.S. apparent consumption in 1970 to about 30 percent in 1971.

The Commission's investigation revealed that the LTFV imports were sold in the United States, for the most part, at prices below those of the comparable domestic product, and that price cutting was initiated in a number of instances by suppliers of the LTFV imports. These practices aggravated an already declining price structure for welded diamond tips in the United States.

Price depression. The dumping margin (amount by which the price of the tips sold for export to the United States was less than the price of tips sold in the United Kingdom), as calculated by the Treasury Department, was considerably greater than the differential by which the LTFV imported tips undersold comparable domestic tips. Thus, because of the LTFV sales, it was possible for United Kingdom exports to undersell U.S. produced tips in the U.S. market. In the market for welded diamond tips, where the product is so rigidly specified as to be virtually interchangeable as to source, and where competition is largely on the basis of price (quoted prices frequently differ by less than one percent), the underselling and offers to undersell by the LTFV suppliers were used by the buyers as a means of inducing others to lower their prices. The overall effect of such pricing was either to take away sales from domestic producers or to cause the domestic producers to lower their prices.

Conclusion. In our judgment, imports of welded diamond tips from the United Kingdom sold at less than fair value have contributed substantially to both a decline in prices of such tips in the U.S. market, and a loss of sales by the U.S. producers. Accordingly, we have unanimously determined that an industry in the United States is being injured by reason of LTFV imports.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-2688 Filed 2-23-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 274; Sub-No. 1]

ABANDONMENT OF RAILROAD LINES

FEBRUARY 18, 1972.

A court action, entitled as shown below, was instituted on February 10, 1972, involving the above-entitled proceeding. On February 16, 1972, the Honorable Michael H. Sheridan, entered a temporary restraining order which ordered that "The operation of the order of the Interstate Commerce Commission in its Ex Parte No. 274 (Sub-No. 1), dated January 14, 1972 (served January 18, 1972), insofar as such order becomes effective upon publication in the FEDERAL REGISTER, be and it is hereby restrained pending hearing and determination of plaintiffs' application for an interlocutory injunction or until the proceedings contemplated in the notice of the Interstate Commerce Commission, served February 4, 1972, are concluded, whichever sooner occurs."

[Civil Action No. 72-63]

COMMONWEALTH OF PENNSYLVANIA, PENNSYLVANIA PUBLIC UTILITY COMMISSION, and CONGRESS OF RAILWAY UNIONS

v.

UNITED STATES OF AMERICA and INTERSTATE COMMERCE COMMISSION

before the U.S. District Court for the Middle District of Pennsylvania.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2837 Filed 2-22-72;4:15 pm]

ASSIGNMENT OF HEARINGS

FEBRUARY 18, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106644 Sub 134, Superior Trucking, now being assigned hearing March 13, 1972, in Room 8212, Federal Building, 515 Rusk Street, Houston, TX.

MC 107576 Sub 20, Silver Wheel Freightlines, Inc., assigned for continued hearing March 21, 1972, at the Davenport Hotel, Hall of Doges, Spokane, Wash., and March 27, 1972, at the Airtel Motel, Conference Room A, 6221 Northeast 82d Avenue, Portland, OR.

FD 26764, Gulf Mobile and Ohio Railroad Co. Abandonment Between Dwight, Livingston County, and Washington, Tazewell County, Ill., assigned for hearing March 20, 1972, at the Village Hall, 102 North Davenport on the Square, Metamore, IL.

MC 107515 Sub-784, Refrigerated Transport Co., now being assigned hearing April 24, 1972, at Tallahassee, Fla., in a hearing room to be designated later.

MC 106451 Sub 9, Cook Motor Lines, now being assigned hearing April 24, 1972, at Columbus, Ohio, in a hearing room to be designated later.

FD 26693, Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Abandonment Between Beulah and Elkader, in Clayton County, Iowa, assigned for hearing May 3, 1972, at Elkader, Iowa, in a hearing room to be later designated.

MC 107496 Sub 824, Ruan Transport Corp., assigned for hearing May 1, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 110616 Sub 4, Charter Coaches, Inc., assigned for hearing May 8, 1972, at Cedar Rapids, Iowa, in a hearing room to be later designated.

FD 26767, Atchison, Topeka and Santa Fe Railway Co. Abandonment Between Crews and Palmer Lake, El Paso County, Colo., and FD 26768, Denver and Rio Grande Western Railroad Co. Abandonment Between Kelker and Skinners, El Paso County, Colo., assigned for hearing April 17, 1972, at Colorado Springs, Colo., in a hearing room to be later designated.

FD 26924, Great Western Railway Co. Abandonment Between Officer and Eaton, in Weld and Larimer Counties, Colo., assigned for hearing April 24, 1972, at Fort Collins, Colo., in a hearing room to be later designated.

MC 95540 Sub 825, Watkins Motor Lines, Inc., assigned for hearing April 20, 1972, at Denver, Colo., in a hearing room to be later designated.

MC 115826 Sub 228, W. J. Digby, Inc., assigned for hearing April 19, 1972, at Denver, Colo., in a hearing room to be later designated.

MC-F-10788, Eastern Freight Ways, Inc.—Control—E. J. Scannell, Inc., and Central States Transportation, FD 26128, Eastern Freight Ways, Assumption of Obligation and Liability, now being assigned hearing April 25, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 60014 Sub 29, Aero Trucking, MC 110563 Sub 72, Coldway Express, now being assigned hearing April 24, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 114211 Sub 162, Warren Transport, MC 117574 Sub 209, Daily Express, now being assigned hearing April 27, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC 126373 Sub 3, James A. Bonham, doing business as Bonham's Special Delivery, now being assigned hearing April 26, 1972, at the Offices of Interstate Commerce Commission, Washington, D.C.

MC-F-11247, T.I.M.E.-DC, Inc.—Purchase—Ascot Trucking Corp., and MC 35320 Sub 126, T.I.M.E.-DC, Inc., assigned March 15, 1972, MC-F-11249, Roadway Express, Inc.—Purchase (Portion)—Chippewa Motor Freight, Inc., assigned March 8, 1972, MC-F-11312, Montgomery Tank Lines, Inc.—Purchase (portion)—Milk Transport, Inc., assigned March 13, 1972, MC 51146 Sub 227, Schneider Transport and Storage, assigned March 7, 1972, and MC 60014 Sub 28, Aero Trucking, Inc., assigned March 6, 1972, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 119619 Sub 59, Distributors Service, now assigned February 28, 1972, at Chicago, Ill., is postponed indefinitely.

MC 107299 Sub 8, Roberts Cartage Co., assigned for hearing May 15, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 129350 Sub 16, Charles E. Wolfe, doing business as Evergreen Express, assigned for hearing May 1, 1972, at Billings, Mont., in a hearing room to be later designated.

MC 135206 Sub 1, Norman Kruckenberg, doing business as N. K. Trucking, assigned for hearing May 3, 1972, at Billings, Mont., in a hearing room to be later designated.

MC 135248 Sub 3, William H. Dees, doing business as Dees Transportation, assigned for hearing May 8, 1972, at Billings, Mont., in a hearing room to be later designated.

FD 26725, Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Abandonment Between Grass Range and Winnett, Fergus, and Petroleum Counties, Mont., assigned for hearing May 10, 1972, at Roundup, Mont., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2728 Filed 2-23-72;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 18, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42356—*Clay, kaolin or pyrophyllite to Willmar, Minn.* Filed by M. B. Hart, Jr., agent (No. A6298), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, as described in the application, from specified points in Florida and Georgia, also Langley, S.C., to Willmar, Minn.

Grounds for relief—Rate relationship.

Tariff—Supplement 144 to Southern Freight Association, agent, tariff ICC S-751. Rates are published to become effective on March 23, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2729 Filed 2-23-72;8:48 am]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 18, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 607) (Cancels Deviation No. 435), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed February 7, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 50 and Interstate Highway 580 (Altamont Speedway Junction), over Interstate Highway 580 to junction Interstate Highway 5, thence over Interstate Highway 5 to junction California Highway 99 (Maricopa Junction); and (2) from junction U.S. Highway 50 and Interstate Highway 580 (Altamont Speedway Junction), over Interstate Highway 580 to junction California Highway 132 (West Vernalis Junction), thence over California Highway 132 to junction California Highway 33 (Vernalis Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From San Francisco, Calif., over the San Francisco-Oakland Bay Bridge to Oakland, thence over unnumbered highway via San Leandro and Hayward to junction Interstate Highway 580, northeast of Hayward (Hayward Junction), thence over Interstate Highway 580 to junction U.S. Highway 50 (Chrisman Road Junction), thence over U.S. Highway 50 via Tracy to junction California Highway 120 (San Joaquin Bridge), thence over California Highway 120 to Manteca, thence over unnumbered highway to junction California Highway 99 south of Manteca (South Manteca), thence over California Highway 99 to junction unnumbered highway (north Modesta Junction), thence over unnumbered highway to junction California Highway 99 (South Modesto Junction), thence over California Highway 99 to junction unnumbered highway (North Merced Junction), thence over unnumbered highway to junction California Highway 99 (South Merced Junction),

FEB 24 72 XUM

thence over California Highway 99 to Fresno, thence over unnumbered highway to junction California Highway 99 (South Kingsburg Junction), thence over California Highway 99 to junction unnumbered highway (North Bakersfield Junction), thence over unnumbered highway to junction California Highway 99 (South Bakersfield Junction), thence over California Highway 99 to junction Interstate Highway 5 (Maricopa Junction), thence over Interstate Highway 5 to junction unnumbered highway (San Fernando Junction), thence over unnumbered highway to junction unnumbered highway (Colorado Boulevard Junction), thence over unnumbered highway to Los Angeles, Calif.; and (2) from junction U.S. Highway 50 and California Highway 33 east of Tracy (Westside Junction), over California Highway 33 to junction California Highway 132 (Vernalis Junction), thence over California Highway 132 to Modesto, Calif., and return over the same routes.

No. MC–1515 (Deviation No. 608), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed February 10, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Bland, Va., over U.S. Highway 21 (access road) to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Virginia Highway 610 (access road), thence over Virginia Highway 610 to Wytheville, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Bland, Va., and Wytheville, Va., over U.S. Highway 21.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2721 Filed 2-23-72;8:48 am]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 18, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–59583 (Deviation No. 42), THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Kingsport, TN 37662, filed February 10, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Atlanta, Ga., U.S. Highway 78 (also Interstate Highway 20) to junction Alabama Highway 21, thence over Alabama Highway 21 to junction U.S. Highway 431, thence over U.S. Highway 431 to junction U.S. Highway 278, thence over U.S. Highway 278 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alternate U.S. Highway 72, thence over Alternate U.S. Highway 72 to junction U.S. Highway 72, thence over U.S. Highway 72 to junction U.S. Highway 45, thence over U.S. Highway 45 to Jackson, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 41 to junction Georgia Highway 293, thence over Georgia Highway 293 to junction unnumbered highway near Emerson, Ga., thence over unnumbered highway to Cartersville, Ga., thence over U.S. Highway 41 to Nashville, Tenn., thence over Tennessee Highway 100 via Linden, Tenn., to junction Tennessee Highway 20, thence over Tennessee Highway 20 via Lexington, Tenn., to junction U.S. Highway 70, thence over U.S. Highway 70 to Jackson, Tenn., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2722 Filed 2-23-72;8:48 am]

[Notice 13]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 18, 1972.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 56679 (Sub-No. 63), filed January 21, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: R. J. Reynolds III, 604–09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Athens, and Elberton, Ga., from Athens, Ga., to Elberton, Ga., over Georgia Highway 72, and return over the same route, serving all intermediate points; and (2) between Elberton, Ga., and Greenville, S.C., from Elberton, Ga., over Georgia Highway 77 to Hartwell, Ga., thence over U.S. Highway 29 via Anderson, S.C., to Greenville, S.C. (also over Interstate Highway 85 between junction of U.S. Highway 29 with Interstate Highway 85 and Greenville, S.C.), and return over the same route, serving all intermediate points on the routes described above between Anderson and Greenville, S.C., including Anderson, and serving the termini, of Elberton, Ga., and Greenville, S.C. NOTE (A) At each point which applicant proposes to serve as either a terminal or intermediate point applicant requests authority to provide full and complete regular route service without any restriction as to applicant's ability (1) to pick up, deliver, or interchange shipments at such points or (2) to tack or join the authority requested at such points with other authority held by applicant to serve such points.

NOTE (B) At points located on the proposed route between Athens and Elberton, Ga., including those two points, applicant proposes to join and tack the proposed route to other regular and irregular route authority held by applicant. Through such joinder and tacking, Brown proposes to provide service (as such service may be limited by existing authority according to the type of commodities authorized or the character of service permitted—regular or irregular), between all proposed points, on the one hand, and, on the other, all points otherwise served by Brown. NOTE (C) The service which applicant proposes to provide by this application is the same as that proposed in applicant's MC–56679 (Sub-No. 48). The difference between this application and Sub 48 involves the highways to be used in crossing the Savannah River between Georgia and South Carolina. After Sub 48 was filed and corresponding temporary operations were commenced, pursuant to authority granted in Docket MC–56679 Sub 45TA, applicant discovered that the bridge across the Savannah River on Georgia Highway 368 (formerly Georgia Highway 82) and South Carolina Highway 184 would not accommodate applicant's loaded tractor-trailer units Accordingly, it is now necessary to seek a new route across the Savannah River. The routes specified in the new application are those which most nearly parallel the routes requested by Sub 48 via the nearest available and sufficient bridge over the river. By framing the request for intermediate point authority as specified above applicant has confined the instant application to points sought by Sub 48. Applicant does not seek any duplicating authority and desires to proceed to hearing on the basis of this revised and substituted application instead of Sub 48. Sub 48 has not yet been assigned for hearing. Applicant requests that further action on Sub 48 be held in suspense or abeyance pending final action on this revised and substituted application. When this revised and substituted application is finally determined, applicant requests that Sub 48 be dismissed. Hearing: March 20, 1972 in Room 305, 1252 West Peachtree Street NW., Atlanta, GA, before Joint Board No. 131, and if the Joint Board fails to participate, before an examiner to be later designated.

No. MC 116763 (Sub-No. 190) (Amendment), filed March 3, 1971, published in the FEDERAL REGISTER issue of April 8, 1971, and republished as amended, this issue. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 43580. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food and foodstuffs; citrus products; fruits, juices, drinks, drink bases, beverages, beverage preparations, and concentrates;* (2) *citrus byproducts; animal feeds; turpine; and d'limonene;* (3) *bottles; containers and cartons and parts thereof;* and (4) *commodities*, in mixed shipments, the transportation of which is partially exempt from economic regulations under section 203(b)(6) of the Act when transported in mixed shipment with the commodities described in (1), (2), and (3) above, from Bradenton, Fla., to points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Oklahoma, and Texas (except Florida). Restriction: Restricted to traffic originating at the facilities of Tropicana Products Sales, Inc., and its subsidiaries, at Bradenton, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority, Applicant further states that no duplicating authority is sought. Hearing: Remains assigned for continued hearing March 20, 1972, Washington, D.C.

No. MC 94201 (Sub-No. 56) (Republication), filed July 12, 1965, published in the FEDERAL REGISTER issue of August 19, 1965, and republished this issue. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 2188, East Gadsden, AL. Applicant's representative: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. A report and order of the Commission, Division 1, decided December 30, 1971, and served January 24, 1972, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, of general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); (1) between Mobile, Ala., and Houston, Tex.: From Mobile over U.S. Highway 90 to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, La., thence over U.S. Highway 190 to Kinder, La., thence over U.S. Highway 165 to junction U.S. Highway 90 (also Interstate Highway 10), thence over U.S. Highway 90 (also over Interstate Highway 10) to Houston, and return over the same route, serving the intermediate points of Pascagoula, Miss.; New Orleans, Baton Rouge, and Lake Charles, La.; and Orange and Beaumont, Tex.; and the off-route points of Grand Isle, Lockport, and Golden Meadow, La.; and Port Arthur, Baytown, and Texas City, Tex.; (2) between Tuscaloosa, Ala., and New Orleans, La.: From Tuscaloosa over U.S. Highway 11 (also over Interstate Highway 59) to New Orleans, and return over the same route, serving the intermediate points of Meridian, Laurel, and Hattiesburg, Miss., and serving the junction of U.S. Highways 11 and 80 and Interstate Highway 59 at or near Toomsuba, Miss., for the purposes of joinder only;

(3) Between Poplarville, Miss., and Baton Rouge, La.: From Poplarville over Mississippi Highway 26 to the Mississippi-Louisiana State Line, thence over Louisiana Highway 10 to Bogalusa, La., thence over Louisiana Highway 21 to Covington, La., thence over U.S. Highway 190 to Baton Rouge and return over the same route, serving no intermediate points, serving Poplarville for the purposes of joinder only, as an alternate route for operating convenience only; (4) between Montgomery, Ala., and the junction of U.S. Highways 11 and 80 and Interstate Highway 59: From Montgomery over U.S. Highway 80 to junction U.S. 11 and Interstate Highway 59, and return over the same route, serving all intermediate points in Alabama; (5) between Meridian, Miss., and Fort Worth, Tex.: From Meridian over U.S. Highway 80 (also over Interstate Highway 20) to Fort Worth, and return over the same route, serving the intermediate points of Jackson and Vicksburg, Miss.; Monroe, Ruston, and Shreveport, La.; and Marshall, Gladewater, Longview, and Dallas, Tex.; (6) between Tuscaloosa, Ala., and Fort Worth, Tex.: From Tuscaloosa over U.S. Highway 82 to Texarkana, Tex.-Texarkana, Ark., thence over U.S. Highway 67 (also over Interstate Highway 30) to Dallas, Tex., thence over U.S. Highway 80 to Fort Worth, and return over the same route, serving the intermediate points of Columbus, Greenwood, and Greenville, Miss.; El Dorado and Crosset, Ark.; Texarkana, Tex.-Texarkana, Ark.; and Greenville and Dallas, Tex.; and the off-route points of Plano and Garland, Tex., and Camden, Ark.;

(7) Between Memphis, Tenn., and Topeka, Kans.: From Memphis over U.S. Highway 70 to junction U.S. Highway 63 (also Interstate Highway 55), thence over U.S. Highway 63 to junction U.S. Highway 60 at Cabool, Mo., thence over U.S. Highway 60 to Springfield, Mo., thence over U.S. Highway 66 to Carthage, Mo., thence over U.S. Highway 71 to Kansas City, Mo., thence over Interstate Highway 70 to Topeka, and return over the same route, serving the intermediate points of Jonesboro and West Memphis, Ark.; Springfield and Carthage, Mo.; and Kansas City, Mo.-Kansas City, Kans.; (8) between Memphis, Tenn., and Little Rock, Ark.: From Memphis over U.S. Highway 70 to West Memphis, Ark., thence over Interstate Highway 40 to Little Rock, and return over the same route, serving no intermediate points; (9) between West Memphis, Ark., and Little Rock, Ark.: From West Memphis over U.S. Highway 70 (also over Interstate Highway 40) to Little Rock, Ark., and return over the same route, serving no intermediate points; (10) between Little Rock, Ark., and Greenville, Miss.: From Little Rock over U.S. Highway 65 to junction U.S. Highway 82 near Lake Village, Ark., thence over U.S. Highway 82 to Greenville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (11) between Houston, Tex., and Dallas, Tex.: From Houston over U.S. Highway 75 (also over Interstate Highway 45) to Dallas, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (12) between Little Rock, Ark., and Texarkana, Tex.: From Little Rock over Interstate Highway 30 (also over U.S. Highway 67) to Texarkana, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only;

Restrictions: (1) Restricted to the transportation of traffic moving from, to, or through Birmingham, Montgomery, and Mobile, Ala., Pensacola, Fla., or Memphis, Tenn.; (2) with service at New Orleans restricted to traffic originating at or destined to points in Tennessee and those points in Alabama on and north of U.S. Highway 78; and (3) restricted against the transportation of (a) traffic originating at or received from connecting carriers at Memphis, Tenn., and points in its commercial zone and destined to points west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada; or (b) traffic originating at points west of the line described in (3)(a) above and destined to or delivered to connecting carriers at Memphis, Tenn., and points in its commercial zone. Because it is possible that other persons who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the

FEB 24 72

findings in this order, a notice of the authority actually granted to applicant will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 115162 (Sub-No. 230) (Republication), filed May 24, 1971, published in the FEDERAL REGISTER issues of June 17, 1971, and January 5, 1972, republished this issue. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). A corrected order of the Commission, Operating Rights Board, dated November 29, 1971, and served February 9, 1972, finds; that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a comular routes of urethane, urethane products, roofing, and roofing materials, insulating materials, composition board, and gypsum products and materials used in the installation thereof except (a) chemicals and (b) commodities, in bulk, from the plantsite and storage facilities of The Celotex Corp., at Charleston, Ill., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to the transportation of traffic originating at the plantsite and storage facilities of the Celotex Corp. at Charleston, Ill. Since it is possible that other parties who have relied upon the notices in the FEDERAL REGISTER of the application as previously published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 116077 (Sub-No. 303) (Partial Republication), filed August 17, 1970, published in the FEDERAL REGISTER issue of September 24, 1970, and republished in part, this issue. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston TX 77001. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, Tex. 78701. A decision and order of the Commission, Review Board No. 2, dated January 10, 1972, and served January 19, 1972; upon consideration of the application, as amended, and the record in the proceeding, including the report and recommended order of the examiner, finds, that in addition to the service authorized applicant in parts (1) through (5) of the application, as amended, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicles, over irregular routes, of (6) aluminum powder, in bulk, in tank vehicles, from points in Milam County, Tex., to points in the United States except Alaska and Hawaii, restricted to the transportation of traffic originating at and destined to the origin and destination points specified, and subject to the further condition that any authority granted herein to the extent that it duplicates any other authority held by applicant, shall be construed as conferring no more than a single operating right. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of part (6) described in the order, a notice of that part will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition seeking leave to intervene in this proceeding showing in specific detail the manner in which it has been materially adversely affected by the grant of this portion of the authority.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11438. (Correction) (NEEDHAM'S MOTOR SERVICE, INC.—Control—ELKTON TRUCKING COMPANY), published in the January 26, 1972, issue of the FEDERAL REGISTER on pages 1199–1200. Prior notice should be modified to show authority to transport general commodities between Baltimore, Md., and Washington, D.C., including intermediate and off-route points.

No. MC-F-11459. Authority sought for consolidation into DAVIS BROS. DIST., INC., Post Office Box 962, Missoula, MT 59801, of the operating rights and property of (1) A & M HAULING, INC., 245 Davis Street, Missoula, MT 59801, (2) GLENN DAVIS AND DON R. DAVIS, doing business as DAVIS BROS., Post Office Box 962, Missoula, MT 59801, and for acquisition by GLENN DAVIS AND DON R. DAVIS, both of Missoula, Mont., of control of such rights through the transaction. Applicants' attorney: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Operating rights sought to be consolidated: (1) *Lumber*, as a *common carrier* over irregular routes, between points in Montana, on the one hand, and, on the other, points in Oregon and Washington; (2) *animal and poultry feed and supplements thereof* (except meats and meat products), from Denver, Colo., to Helena, Mont., and points in that part of Montana west of the Continental Divide, with restriction; and as a *contract carrier, lumber*, from points in Montana to points in Colorado and a described area of eastern Wyoming, with restrictions, from points in Idaho, Oregon, Utah, Washington, Wyoming, and points in a defined area of northern California to points in Colorado and a described area of eastern Wyoming; *stone, refractories, brick and tile, and related masonry supplies* when moving in mixed loads with brick and tile, from points in Colorado, to points in Montana; *stone, brick tile* (except clay sewer tile and fittings therefor), *lime, and manufactured concrete building products*, from points in Utah, to points in Montana; stone and sand, from points in Idaho, to points in Montana; wood products, from points in Montana, to points in Colorado and a described area of eastern Wyoming, with restriction. DAVIS BROS. DIST., INC., is a noncarrier. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11460. Authority sought for purchase by STEVENS VAN LINES, INC., 121 South Niagara Street, Saginaw, MI 48602, of the operating rights of HAMMEL MOVING & STORAGE, INC., 5415 Conner Avenue, Detroit, MI 48213, and for acquisition by ARCHIBALD H. STEVENS, SR., also of Sagninaw, Mich., of control of such rights through the purchase. Applicants' attorneys: Ramon S. Regan, 2255 Penobscot Building, Detroit, Mich. 48226, and Norman Hyman, 2290 First National Building, Detroit, Mich. 48226. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Michigan, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, between Detroit, Mich., and points within two miles of Detroit, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Pennsylvania, and New York. Vendee is authorized to operate as a *common carrier* in Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, Wisconsin, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11461. Authority sought for purchase by CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232, of a portion of the operating rights of McDOWELL TRUCK LINE, INC., Post Office Box 89, Hamilton, OH 45012, and for acquisition by KATHRYN ANDERSON, individually and as Executrix of the Estate of OLIVER C. ANDERSON, also of Caseyville, Ill., of control of such rights through the purchase. Applicants' attorney: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Operating rights sought to be transferred: *Paper and paper products*, as a *common carrier* over irregular routes, from Hamilton, Ohio, to points in that part of Illinois on and north of U.S. Highway 40, east of U.S. Highway 67 and south of U.S. Highway 36, and St. Louis, Mo.; *steel strapping, paper and paper products, and materials and supplies* used in the manufacture and shipping of paper and paper products, from points in that part of Illinois on and north of U.S. Highway 40, east of U.S. Highway 67 and south of U.S. Highway 36, and St. Louis, Mo., to Hamilton, Ohio. Vendee is authorized to operate as a *common carrier* in all of the States in the United States. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11462. Authority sought for control by DISTRIBUTION SYSTEMS, INC., a noncarrier, 1918 Park Street, Alameda, CA 94501, of IDA-CAL FREIGHT LINES, INC., Post Office Box 422, Twin Falls, ID 83301, and for acquisition by DEL MONTE CORPORATION, 215 Fremont Street, San Francisco, CA 94119, of control of IDA-CAL FREIGHT LINES, INC., through the acquisition by DISTRIBUTION SYSTEMS, INC. Applicants' attorneys: R. Frederic Fisher and Thomas E. Kimball, both of 311 California Street, San Francisco, CA 94104. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives and household goods, as a *common carrier* over regular routes, between Butte, Mont., and Idaho Falls, Idaho, serving all intermediate points; *general commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities which by reason of size and weight require special equipment and special handling over irregular routes, between points in Idaho within a 50-mile radius of Twin Falls, Idaho, and between points in Idaho within a 50-mile radius of Twin Falls, Idaho, on the one hand, and, on the other, points in Idaho on and south of the southern boundaries of Adams, Valley, and Lemhi Counties, Idaho; *agricultural products*, from points in Twin Falls, Jerome, and Cassia Counties, Idaho, to Los Angeles, Calif.; *soap and soap products*, from Long Beach and Berkeley, Calif., to Twin Falls and Pocatello, Idaho; *dairy products*, from Jerome and Twin Falls, Idaho, to Los Angeles, Calif.; *burlap bags*, from Los Angeles, Calif., to Twin Falls, American Falls, Pocatello, and Idaho Falls, Idaho; *such merchandise as dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, when moving to, from, or between such establishments, from certain specified points in California to Twin Falls and Pocatello, Idaho;

Fresh meat, from Caldwell, Idaho, to San Francisco, San Jose, and Santa Clara, Calif.; *meat, meat products, etc.*, from Caldwell, Idaho, and Great Falls, Mont., to Reno, Nev., and a defined area of California, from the plantsite of Salmon Valley Packing Co., approximately 3.5 miles south of Salmon, Idaho, to points in Nevada and California, from the plantsite of Magic Valley Packing Co., approximately 5 miles east of Gooding, Idaho, to points in Nevada; and *hides*, from Gooding and Roberts, Idaho, to points in a defined area of California; *frozen fruits and frozen vegetables*, from Caldwell, Idaho, Salt Lake City and Ogden, Utah, and points in California, Washington, and Oregon, to points in Montana, also holds temporary authority under section 210a(a). DISTRIBUTION SYSTEM, INC., holds no authority from this Commission. However, it is affiliated with (1) SHIPERS-ENCINAL EXPRESS, INC., Post Office Box 5790, San Jose, CA 95150 (MC–99127); (2) WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728 (MC–117119); (3) FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington Avenue, Yakima, WA 98901 (MC–33919 and MC–127361); and (4) FRITZ-WAY MESSENGER SERVICE, INC., 9561 Berwyn, Rosemont, IL 60018 (MC–134433 TA), which are authorized to operate as a *common carrier* in (1) California; (2) all of the States in the United States except Alaska and Hawaii; (3) Washington, Oregon, Idaho, and California, and as a *contract carrier* in (3) Oregon and Washington; (4) Indiana, Michigan, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11463. Authority sought for purchase by DuBOIS TRUCKING, INC., Post Office Box 502, Montpelier, VT 05602, of a portion of the operating rights of NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, NY 12828, and for acquisition by WARREN SHANGRAW, also of Montpelier, Vt. 05602, of control of such rights through the purchase. Applicants' attorney: John P. Monte, 61 Summer Street, Barre, VT 05641. Operating rights sought to be transferred: *Talc*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Johnson, Vt., to Groveton, N.H. Vendee is authorized to operate as a *common carrier* in Vermont, Maine, New Hampshire, Virginia, Massachusetts, Connecticut, Rhode Island, and New York, and as a *contract carrier* in Maine and Vermont. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2723 Filed 2-23-72;8:48 am]

[Notice 25]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 16, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107064 (Sub-No. 86 TA), filed February 3, 1972. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmount Street, Dallas, TX 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar syrups*, from New Orleans, La., to Farmington, N. Mex., for 180 days. NOTE: Applicant states it does not intend to tack authority. Supporting shipper: Y & S Candies, Inc., Bridge and John Streets, Brooklyn, NY 11201. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 119110 (Sub-No. 4 TA), filed February 2, 1972. Applicant: KELLY TRUCK LINES, INC., 905 South Gladstone, Columbus, IN 47201. Applicant's representative: David L. Kelly (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coil steel*, from Allenport, Pa., and North Steubenville, Ohio, to Columbus, Ind., for 180 days. Supporting shipper: Cosco Household Products, Inc., Columbus, Ind. 47201. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 123905 (Sub-No. 12 TA) (Correction), filed January 24, 1972, published in the FEDERAL REGISTER issue of

V 37 N 37 FEB 24 72 XUM

February 10, 1972, corrected and republished in part as corrected this issue. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, MS 39350. Applicant's representative: Donald B. Morrison, Post Office Box 22628, Jackson, MS 39205. NOTE: The purpose of this partial republication is to redescribe the commodity description involved, a portion of which was inadvertently omitted in the previous publication. Said commodity description should read as follows: "*Animal and poultry feed and animal and poultry health products* in containers, and *feeders and advertising matter and premiums*, when moving in the same vehicle with the previous commodities." The rest of the application remains the same.

No. MC 124078 (Sub-No. 508 TA), filed February 2, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Marquette Cement Manufacturing Co. at or near Catskill, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: Marquette Cement Manufacturing Co., 20 North Wacker Drive, Chicago, IL 60606 (Herman A. Sommerfeld, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124711 (Sub-No. 14 TA) (Amendment), filed January 21, 1972, published in the FEDERAL REGISTER issue of February 8, 1972, amended and republished in part as amended this issue. Applicant: BECKER AND SONS, INC., 2643 West Central, Post Office Box 1050, El Dorado, KS 67042. Applicant's representative: Erle W. Francis, Suite 719, Capitol Federal Building, Topeka, Kans. 66603. NOTE: The purpose of this partial republication is to include an additional shipper, Olin, Post Office Box 991, Little Rock, Ark. The rest of the notice remains the same.

No. MC 127418 (Sub-No. 4 TA), filed February 4, 1972. Applicant: TROPARCTIC REFRIGERATED SERVICE, INC., Post Office Box 1271, Gainesville, GA 30501. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, rugs, tufted textile products, and yarn*, from points in Bartown County, Ga., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Kansas, and Wyoming; and (2) *jute or burlap*, from Los Angeles, Oakland, San Diego, and San Francisco, Calif.; Portland, Oreg.; and Seattle, Wash.; to points in Bartown County, Ga., for 180 days. Supporting shippers: Philadelphia Carpet Co., Sabre Carpet, Star Finishing Co., Division of Shaw Industries, Inc., Cartersville, Ga.; Eagle Carpet Mills, Inc., Cartersville, Ga.; Esquire Carpet Mills, Cartersville, Ga.; Majestic Carpet Mills, Cartersville, Ga.; Imperial Carpet Mills, Cartersville, Ga.; Flamingo Carpet, Inc., Cartersville, Ga.; D & M Carpets, Inc., Cartersville, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 128273 (Sub-No. 11 TA) (Correction), filed December 7, 1971, published in the FEDERAL REGISTER issue of December 21, 1971, corrected and republished in part as corrected this issue. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. NOTE: The purpose of this partial republication is to add the State of Michigan as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 134262 (Sub-No. 1 TA), filed February 4, 1972. Applicant: FARMERS FEED & SUPPLY TRANSPORTATION, INC., Boyden, Iowa 51234. Applicant's representative: J. Max Harding, 300 NSEA Building, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Honey bee feed ingredients*, from Chalmette, La., to Hopkins, Minn.; (2) *honey bee feed*, from Chalmette, La., and Hopkins, Minn., to Paris, Mavasota, and Hutto, Tex.; Vicksburg, Miss.; Stafford, Theodore, and Birmingham, Ala.; Summerfield, Umatilla, and Tampa, Fla.; Hahira, Waycross, and Jesup, Ga.; Watertown, Wis.; Grand Rapids, Mich.; Sioux City, Iowa; and Hamilton, Ill.; and (3) *honey bee feed*, from Hopkins, Minn., to Bunkile, Donaldsonville, Maringouin, Breaux Bridge, Baton Rouge, and New Orleans, La., all for the account of Farmers Feed & Supply, Inc., of Boyden, Iowa, for 180 days. Supporting shipper: Farmers Feed & Supply, Inc., Boyden, Iowa 51234. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 134954 (Sub-No. 4 TA), filed February 1, 1972. Applicant: INTERNATIONAL PRODUCTS CORP., 427 Michigan Avenue, Chickasha, OK 73018. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, OK 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk or in packages, from points on the Arkansas and Verdigris Rivers in Oklahoma to points in Oklahoma, Kansas, Missouri, and Arkansas, for 180 days. Supporting shipper: Olin, Post Office Box 991, Little Rock, AR 72208. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 135702 (Sub-No. 1 TA), filed February 1, 1972. Applicant: CHARLES R. ELLSWORTH TRUCKING INC., Post Office Box 385, Stroud, OK 74079. Applicant's representative: Charles R. Ellsworth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Tulsa Port of Catoosa, Okla., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas, for 180 days. Supporting shipper: Willchemco, Inc., J. J. Stefanec, Traffic Manager, National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 135903 (Sub-No. 1 TA), filed February 7, 1972. Applicant: MID NEBRASKA TRUCKING, INC., Cornlea, Nebr. 68630. Applicant's representative: Charles J. Kimball, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and machinery and related parts, equipment, materials and supplies*, from facilities of Mark's Implement, Inc., at Cornlea, Nebr., to points in Idaho, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Ohio, and Alabama, and from points in Texas, New Mexico, Missouri, Iowa, South Dakota, Kansas, Illinois, Wisconsin, Florida, Oklahoma, Idaho, and Louisiana to the facilities of Marks Implement, Inc., at Cornlea, Nebr., for 180 days. Supporting shipper: Mark Noonan, Mark's Implement, Inc., Cornlea, Nebr. 68630. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 136196 (Sub-No. 2 TA), filed January 31, 1972. Applicant: T. E. QUINN TRUCK LINES LIMITED, Post Office Box 401, Niagara Falls, ON Canada. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to Port of entry on the international boundary line between Canada and the United States, at points in New York State, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 136269 (Sub-No. 1 TA) (Correction), filed January 6, 1971, published in the FEDERAL REGISTER issue of February 1, 1972, corrected and republished in part as corrected this issue. Applicant: ELECTRONIC MOVING AND STORAGE COMPANY, 2095 General Truman Street NW., Atlanta, GA 30318. Applicant's representative: Virgil H. Smith, Suite 431, Title Building, Atlanta, Ga. 30303. NOTE: The purpose of this partial republication is to show the correct origin point as Charlotte, N.C., in lieu of Charleston, N.C., shown erroneously in previous publication. The rest of the application remains the same.

No. MC 136272 (Sub-No. 1 TA), filed January 31, 1972. Applicant: WILLIAM WALSH AND WILLIAM ANSON, doing business as B & B TRUCK LEASING & STORAGE CO., 190 16th Avenue, Paterson, NJ 07501. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, between Paterson, N.J., and New York, N.Y., for 180 days. Supporting shipper: Coral Dyeing & Finishing Corp., 555 East 31st Street, Post Office Box 2067, Paterson, NJ 07513. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136335 (Sub-No. 1 TA), filed January 31, 1972. Applicant: RAYMOND R. HAWLEY, doing business as ASSOCIATES DELIVERY SERVICE, 69 Taft Avenue, Poughkeepsie, NY 12603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Computation and development work*, including machine record cards, magnetic recording tapes, engineering records, blueprints, and informational material, between East Fishkill, N.Y., on the one hand, and, on the other, New York, N.Y.; Stewart Airport, Orange County, N.Y.; Newark Airport, N.J.; Port Newark, N.J.; Port Elizabeth, N.J.; and between points within Dutchess County, N.Y., for 180 days. Supporting shipper: IBM World Trade Corp., East Fishkill Facility, Route 52, Hopewell Junction, N.Y. 12533. Send protests to: Robert A. Radler, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y.

No. MC 136337 (Sub-No. 1 TA), filed February 1, 1972. Applicant: RICHARD D. PEASE, doing business as R. P. TRUCKING, Box 16, Mather, WI 54641. Applicant's representative: Gerald W. Laabs, 1 North Second Street, Black River Falls, WI 54615. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated utility poles and cross arms*, from points in Florida, Alabama, Kentucky, and Tennessee, to points in Wisconsin, for 180 days. Supporting shipper: Wisconsin Electric Cooperative, 1810 South Park Street, Madison, WI 53713. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 136370 (Sub-No. 1 TA), filed January 31, 1972. Applicant: SHORE FRUIT, INC., 6 Eggers Street, East Brunswick, NJ 08816. Applicant's representative: George Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, pineapples, and melons*, from the facilities of the United Fruit Co., at Albany, N.Y., and Baltimore, Md., to Hunts Point (Bronx), N.Y., under contract with Striks & Schwartz, Inc., for 150 days. Supporting shipper: Striks & Schwartz, Inc., N.Y.C. Terminal Market, Hunts Point East Bay Avenues, Row D 415–416, Bronx, N.Y. 10474. Send protests to: S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136394 TA, filed February 7, 1972. Applicant: FOREST TRUCKING, INC., 1055 West Fifth, Azusa, CA 91702. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and forest products* (except wood chips), such as *plywood and plywood mill products, boards and sheets, particle board, hardboard, prefinished and hardboard paneling*, from mills and storage areas in Jackson, Josephine, Douglas, Coos, Lane, Linn, Marion, Clackamas, Washington, Multnomah, Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Union, and Benton Counties, Oreg., and Clark, Cowlitz, and Lewis Counties, Wash., to points in California, south of a line formed by the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, for 180 days. Supporting shipper: West Coast Plywood Manufacturing, Ltd., doing business as Forest Fabricators, 10055 West Fifth Street, Azusa, CA 91702. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–2726 Filed 2–23–72;8:48 am]

[Notice 26]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 17, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 48441 (Sub-No. 10 TA), filed February 2, 1972. Applicant: CITY EXPRESS, INC., Post Office Box 418, 2006 North Bloomington Street, Streator, IL 61364. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, sheet iron or steel*, liquid capacity not exceeding 1 gallon, from Danville, Ill., to Franklin, Ky., for 150 days. Supporting shipper: Norman R. Meyers, Central Region Traffic Manager, Continental Can Co., Inc., 150 South Wacker Drive, Chicago, IL 60606. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 61979 (Sub-No. 14 TA), filed January 31, 1972. Applicant: Y. & T. TRUCKING, INC., 48 Pollock Avenue, Jersey City, NJ 07305. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsite of Philadelphia Quartz Co., at Butler, N.J., to points in Michigan, Illinois, and Ohio, for 180 days. Supporting shipper: Philadelphia Quartz Co., Public Ledger Building, Independence Square, Philadelphia, Pa. 19106. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 104896 (Sub-No. 38 TA), filed February 7, 1972. Applicant: WOMELDORF, INC., Post Office Box 232, Lewistown, PA 17044. Jefferson Avenue Extension, Wash, Pa. 15301. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glass products* (except glass containers) from the plantsite of PPG Industries,

FEB 24 72

Inc., at or near Mount Holly Springs, Pa., to points in New York, New Jersey, Maryland, West Virginia, Virginia, Delaware, Kentucky, North Carolina, Michigan, New Hampshire, Maine, Vermont, Connecticut, Massachusetts, Rhode Island, Ohio, Indiana, Pennsylvania, and the District of Columbia, for 180 days. Supporting shipper: PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 109821 (Sub-No. 30 TA), filed February 4, 1972. Applicant: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellesboro, PA 16901. Applicant's representative: Dewey Whitford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin cans*, from Newark, N.Y., to Allentown, Pa., for 180 days. Supporting shipper: Borden Foods, Division of Borden Inc., Cole Road, Lyons, N.Y. 14489. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 111170 (Sub-No. 183 TA), filed February 4, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compound*, in bulk, from Jacksonville, Ark., to Kansas City, Kans., for 180 days. Supporting shipper: Transvaal, Inc., Post Office Box 69, Jacksonville, AR 72076. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 111401 (Sub-No. 361 TA), filed February 7, 1972. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Victor R. Constock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, and in bags, from the Midwest Terminal Warehouse, Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma, for 180 days. Supporting shipper: J. J. Stefanec, Traffic Manager, Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 114106 (Sub-No. 93 TA), filed February 7, 1972. Applicant: MAYBELLE TRANSPORT COMPANY, Box 849, 1820 South Main Street, Lexington, NC 27292. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, dry, in bulk, in tank or dump vehicles, from Lexington, N.C., to Chattanooga, Tenn., for 150 days. Supporting shipper: Diamond Crystal Salt Co., St. Clair, Mich. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417, Charlotte, NC 28202.

No. MC 114897 (Sub-No. 94 TA), filed February 7, 1972. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Road, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats*, in bulk, in tank vehicles, from Booker, Tex., to Tucumcari, N. Mex., for 150 days. Supporting shipper: 7A Land & Feed, Inc., Post Office Box 699, Tucumcari, NM. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, TX 79101.

No. MC 115162 (Sub-No. 243 TA), filed February 4, 1972. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood chips, and wood shavings*, from points in Stone County, Miss., to Mobile, Ala., for 180 days. Supporting shipper: International Paper Co., Post Office Box 2328, Mobile, AL 36601. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, AL 35203.

No. MC 115491 (Sub-No. 123 TA), filed February 7, 1972. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal and poultry feed or animal and poultry feed supplements*, from Plant City, Fla., to Jacksonville, Fla. (restricted to shipments having a subsequent movement by water), for 180 days. Supporting shipper: Agricultural Products Group, Chemical Division, Borden, Inc., 50 West Broad Street, Columbus, OH 43215. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 123508 (Sub-No. 3 TA), filed February 2, 1972. Applicant: M. AND W. CORPORATION, Post Office Box 86, 522 West Commercial, Lowell, IN 46356. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon*, from Schneider, Ind., to points in Illinois, for 180 days. Supporting shipper: Carb-Rite Co., Lake County, Ind. (Edward Barnhart, District Manager). Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 124344 (Sub-No. 4 TA), filed February 7, 1972. Applicant: HINER TRANSPORT, INC., 1317 South Jefferson Street, Huntington, IN 46750. Applicant's representative: Robert W. Loser II, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used or useful in the maintenance and operation of printing houses (except commodities in bulk, in tank vehicles), between the plantsite and printing facilities of Our Sunday Visitor, Inc., Huntington, Ind., on the one hand, and, on the other, points in Illinois, Kentucky, Ohio, Michigan, New York, Pennsylvania, Louisiana, and Texas. Restriction: The operations proposed to be performed herein are limited to a transportation service to be performed under a continuing contract or contracts with Our Sunday Visitor, Inc., for 180 days. Supporting shipper: Our Sunday Visitor, Inc., Noll Plaza, Post Office Box 920, Huntington, IN 46750. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 124711 (Sub-No. 15 TA), filed February 3, 1972. Applicant: BECKER AND SONS, INC., 2643 West Central, Post Office Box 1050, El Dorado, KS 67042. Applicant's representative: Erle W. Francis, 719 Capitol Federal Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from the plantsite of Mid-West Terminal Warehouse, Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma, for 180 days. Supporting shippers: Olin Agricultural Division, Post Office Box 991, Little Rock, AR 72203.; Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 133221 (Sub-No. 8 TA), filed February 4, 1972. Applicant: OVERLAND CO., INC., Route 1, Box 406A, Lawrenceville, GA 30245. Applicant's representative: Allan E. Serby, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene products*, from Rico Rivera, Calif., to points in Arizona, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Texas, for 150 days. Supporting shipper: Dolco Packaging Corp., 10850 Riverside Drive, North Hollywood, CA 91602. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 133760 (Sub-No. 1 TA), filed February 7, 1972. Applicant: LANE TRANSFER CO. INC., Brandy Station, Va. 22714. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Custom designed and constructed concrete products*, from the plantsite of Smith Cattleguard Co. in Midland, Va., to points in Maryland, and North Carolina and the District of Columbia, under a continuing contract with Smith Cattleguard Co., for 150 days. Supporting shipper: Smith Cattleguard Co., Midland, Va. 22728. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 134068 (Sub-No. 11 TA), filed February 4, 1972. Applicant: KODIAK REFRIGERATED LINES, INC., 4510 Seville Avenue, Vernon, CA 90058. Applicant's representative: Z. W. Hastings (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, in boxes, in straight shipment and/or mixed shipment of foodstuffs and canned goods, from the facilities of Hunt-Wesson Foods, Inc., at Davis, Fullerton, Hayward, and Oakdale, Calif., to points in Colorado, Georgia, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, and Wyoming, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA. 90012.

No. MC 135118 (Sub-No. 3 TA), filed February 7, 1972. Applicant: MACKLIN MOVING & STORAGE, INC., 844 Champion Street, Lempore, CA 93245. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, subject to the "Kingpak" restrictions, between points in Fresno, Kings, and Tulare Counties, Calif. Supporting shipper: Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, WA 98109. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136234 (Sub-No. 2 TA), filed December 27, 1971. Applicant: BURKHART ENTERPRISES, INC., Post Office Box 6131, Route 8, Asbury Road, Knoxville, TN 37914. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates and agricultural lime and limestone*, from New Market, Mascot, and Jefferson City, Tenn., to river barge loading dock on French Broad River, Knoxville, Tenn., in bulk, in opentop dump truck and trailers, having subsequent movement by river barge, for 180 days. Supporting shippers: American Smelting & Refining Co., New York, N.Y.; United States Steel Corporation, Jefferson City, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 136350 (Sub-No. 1 TA), filed January 31, 1972. Applicant: ASC TRANSPORT, INC., North 800 Fancher Way, Spokane, WA 99211. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and tubing, together with irrigation pumps, movers, wheels, fittings, and couplers with related accessories;* (a) between ASC Tubing, Inc., plant locations at Spokane, Wash.; Visalia, Calif.; and Grand Island, Nebr.; (b) from Spokane, Wash., to points in Washington, Oregon, California, Nevada, Arizona, Idaho, Utah., New Mexico, Montana, North Dakota, South Dakota, Wyoming, Colorado, Nebraska, Minnesota, and Wisconsin; and (c) from Visalia, Calif., to points in Washington, Oregon, California, Nevada, Arizona, Idaho, New Mexico, Utah, Nebraska, Montana, Wyoming, Colorado, and Texas, restricted to service under a continuing contract with ASC Tubing, Inc.; (2) *aluminum coil;* (a) between ASC Tubing, Inc., plant locations at Spokane, Wash.; Visalia, Calif.; and Grand Island, Nebr.; (b) from points in California to Spokane, Wash., and Grand Island, Nebr., restricted to service under a continuing contract with ASC Tubing, Inc.; (3) *pipe, tubing and hose, plastic, together with irrigation couplers, gaskets, cements, solvents, primers, and fittings with related accessories; pipe, steel, plastic coated, and resins, waxes, and chemicals used in the manufacture of the pipe, tubing, or hose;* (a) between ASC Plastics, Inc., plant locations at Spokane, Wash.; Visalia, Calif.; and Grand Island, Nebr.; (b) from Spokane, Wash., to points in Washington, Oregon, California, Nevada, Arizona, Idaho, Utah, New Mexico, Montana, North Dakota, South Dakota, Wyoming, Colorado, Nebraska, Minnesota, and Wisconsin; and (c) from Visalia, Calif., to points in Washington, Oregon, Colorado, Nevada, Arizona, Idaho, New Mexico, Utah, Nebraska, Montana, Wyoming, California, and Texas, restricted to service under a continuing contract with ASC Plastics, Inc.; (4) *Resins, waxes, chemicals, and steel pipe;* (a) between ASC Tubing, Inc., plant locations at Spokane, Wash.; Visalia, Calif.; and Grand Island, Nebr.; and (b) from points in California to Spokane, Wash., and Grand Island, Nebr., restricted to service under a continuing contract with ASC Plastics, Inc.; (5) *building materials consisting of decking, roofing, siding, panels, ridges, gables, corners, nails, mastic, flashing, and trim together with related accessories*, from Spokane and Tacoma, Wash., to points in Washington, Oregon, California, Nevada, Utah, Arizona, Idaho, Montana, New Mexico, Wyoming, Colorado, North Dakota, South Dakota, and Minnesota, restricted to service under continuing contracts with ASC Building Products, Inc., and ASC-Pacific, Inc.; (6) *aluminum and steel coil*, from Seattle and Tacoma, Wash.; Portland, Oreg.; Fontana and Pittsburg, Calif.; and Provo, Utah; to Spokane and Tacoma, Wash., restricted to service under continuing contracts with ASC Building Products, Inc., and ASC-Pacific, Inc.; (7) *machinery and machines, roll forming and metal working, and equipment for roll forming or coil handling, together with related parts and accessories*, from Spokane, Wash., to points in Washington, Oregon, California, Nevada, Arizona, Idaho, New Mexico, Utah, Montana, Wyoming, Colorado, and Texas, restricted to service under a continuing contract with ASC Machine Tools, Inc.; and (8) *machine components for metal working machinery, consisting of electric motors and switchboards, panels, castings, and related parts*, from points in California, Oregon, and Washington to Spokane, Wash., restricted to service under a continuing contract with ASC Machine Tools, Inc., for 180 days. Supporting shippers: ASC Industries, Inc., and its subsidiaries; ASC Tubing, Inc.; ASC Building Products, Inc.; ASC Machine Tools, Inc.; ASC-Pacific, Inc.; and ASC Plastics, Inc. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136389 TA, filed February 3, 1972. Applicant: WRIGHT'S MOVING AND STORAGE, INC., 1115 Vincennes Street, New Albany, IN 47150. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, from New Albany, Ind., to points in the counties of Brown, Bartholomew, Jackson, and Jennings, Ohio; Switzerland, Jefferson, Washington, Scott, Crawford, Harrison, Floyd, and Clark Counties, Ind., and return, for 180 days. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Office, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

VOL 37 NO 37
FEB 24 72
XUM

No. MC 136390 TA, filed February 4, 1972. Applicant: JOHN E. RUSLING, Box 225, Stephen, MN 56757. Applicant's representative: Arthur A. Drenckhahn, Box 159, Warren, MN 56762. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel bins, steel building, commercial building, and motors, augers, aeration equipment, and other equipment* related to and a part of these buildings, from Columbus, Nebr., to points in Minnesota on and west of Minnesota Highway No. 89 and on and north of U.S. No. 2, for 180 days. Supporting shipper: N. W. Steel, Inc., Donaldson, Minn. 56720. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

MOTOR CARRIER OF PASSENGERS

No. MC 110373 (Sub-No. 14 TA), filed February 1, 1972. Applicant: NORTHEAST COACH LINES, 419 Anderson Avenue, Fairview, NJ 07022. Applicant's representatives: Bowes & Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and newspapers and express* in the same vehicle with passengers, (1) Between Denville, N.J., and New York, N.Y., from Denville, N.J., over Interstate Highway 80 to junction Interstate Highway 95 at the Teaneck, N.J., and Ridgefield Park, N.J., boundary line, then over Interstate Highway 95 to Secaucus, N.J., Interstate Highway 95 being known as the New Jersey Turnpike between Ridgefield Park, N.J., and Secaucus, N.J., then over Interstate Highway 95 exit road to junction Interstate 495, in North Bergen, N.J., then over Interstate Highway 495, to New York, N.Y., through the Lincoln Tunnel, and return over the same routes using Interstate Highway 95 (New Jersey Turnpike) access road in North Bergen, N.J., for operating convenience only, serving no intermediate points. NOTE: The applicant has existing authority in MC 110373 (Sub-No. 9) to operate over Interstate Highway 80 to Denville, N.J., in connection with an existing route between Sparta and Wayne, N.J., serving no intermediate points. Applicant requests that such existing restriction be amended to permit joinder of the proposed route to applicant's existing route in MC 110373 (Sub-No. 9), for purpose of joinder only, (2) between Wayne Township, N.J., and New York, N.Y., from junction of New Jersey Highway 23 and Interstate Highway 80 in Wayne, N.J., over Interstate Highway 80 to junction Interstate Highway 95, at the Teaneck, N.J., and Ridgefield Park, N.J., boundary line, then over Interstate Highway 95 to Secaucus, N.J., Interstate Highway 95 being known as the New Jersey Turnpike between Ridgefield Park, N.J., and Secaucus, N.J., then over Interstate Highway 95 exit road to junction Interstate Highway 495 in North Bergen, N.J., and return over the same routes using Interstate Highway 95 (New Jersey Turnpike) access road in North Bergen, N.J., for operating convenience only, serving no intermediate points. The applicant proposes to join the above-described proposed route to all of its existing routes in Docket MC 110373 and sub numbers thereunder in order to provide service between all points on its existing routes in New Jersey and New York, N.Y., via such existing routes and the proposed routes, for 180 days. Supporting shippers: R. C. Giordano, 72 Main Street, Sparta, NJ, and 43 other passengers whose names are on file at the Newark, N.J., field office. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2727 Filed 2-23-72;8:48 am]

[Notice 19]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 18, 1972.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73347. By order of February 15, 1972, the Motor Carrier Board approved the transfer to Okey Clayton Sheets and Jerry Wayne Sheets, a partnership, doing business as Sheets Transfer and Storage, Mount Airy, N.C., of certificate No. MC-104684, issued December 28, 1966, to John Leon Worth, doing business as Haynes Transfer, Mount Airy, N.C., authorizing the transportation of: Household goods as defined by the Commission, between Mount Airy, N.C., and points within 10 miles thereof, on the one hand, and, on the other, points in Virginia and South Carolina. John Leon Worth, 600 West Pine Street, Mount Airy, NC 27030, representative for applicants.

No. MC-FC-73449. By order of February 15, 1972, the Motor Carrier Board approved the transfer to Salka & Sons, Inc., Meriden, Conn., of the operating rights set forth in certificate No. MC-104664, issued March 3, 1970, to Kenneth C. Salka, doing business as Salka & Sons, Meriden, Conn., authorizing the transportation of household goods, as defined by the Commission, between Meriden, Conn., and points within 10 miles of Meriden, on the one hand, and, on the other, points in Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Sidney L. Goldstein, 109 Church Street, New Haven, CT 06510, attorney for applicants.

No. MC-FC-73465. By order of February 15, 1972, the Motor Carrier Board approved the transfer to Best-Way Motor Express, Inc., Rockford, Ill., of certificate No. MC-4575, issued March 3, 1971, to John E. Bruner and John P. Bruner, doing business as Bruner Transfer, Beloit, Wis., and acquired by transferor herein, Bruner Transfer, Inc., pursuant to approval and consummation of No. MC-FC-73201 on November 25, 1971, covering the transportation of: General commodities, usual exceptions, from specified points in Wisconsin to designated points in Illinois, namely, from Beloit, Wis., to points in Illinois within 25 miles thereof, and from three named points in Illinois to Beloit, Wis. Robert M. Kaske, Practitioner, 2017 Wisteria Road, Rockford, IL 61107.

No. MC-FC-73470. By order of February 15, 1972, the Motor Carrier Board approved the transfer to Porter Truck Lines, Inc., La Fayette, Oreg., of certificates Nos. MC-34167 and MC-34167 (Sub-No. 2), issued October 7, 1943, and February 27, 1958, to Laurance Porter, doing business as Porter Truck Line, La Fayette, Oreg., authorizing the transportation of: General commodities, usual exceptions, between specified points and areas in Oregon. Lawrence V. Smart, Jr., attorney, 419 Northwest 23d Avenue, Portland, OR 97222.

No. MC-FC-73476. By order of February 15, 1972, the Motor Carrier Board approved the transfer to Cargo Contract Carrier Corp., Sioux City, Iowa, of the operating rights in permits Nos. MC-59694 (Sub-No. 1), MC-59694 (Sub-No. 2), MC-59694 (Sub-No. 3), MC-59694 (Sub-No. 4), and MC-59694 (Sub-No. 5) issued December 23, 1969, December 23, 1969, March 6, 1968, April 30, 1969, and March 14, 1969, respectively to Missouri Valley Express, Inc., Omaha, Nebr., authorizing the transportation of various commodities from specified points in Iowa, Minnesota, and Nebraska to specified points in Illinois and New York. William J. Hanlon, 4423 South 67th Street, Omaha, NE 68117, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2724 Filed 2-23-72;8:48 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 18, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Montana docket number unknown, filed October 15, 1971. Applicant: CLARK FORK VALLEY EXPRESS CO., INC., 655 Helena Avenue, Helena, MT 59601. Applicant's representative: David L. Jackson, 20 East Sixth Avenue, Helena, MT 59601. Certificate of public convenience and necessity sought to operate as a common carrier as follows: Transportation of *persons, baggage and express*, between Missoula, Mont., and Helena, Mont., via U.S. Highway 10 (I-90) and U.S. Highway No. 12, serving the intermediate points of Drummond, Garrison, Elliston, and Avon. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Board of Railroad Commissioners, State of Montana, Helena, Mont. 59601 and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2395, filed February 11, 1972. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast Third Street, Amarillo, TX. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, from Shamrock, Tex., via U.S. Highway 66 (Interstate 40), approximately 6 miles east to the intersection of Texas FM 1802, and then approximately 1 mile south to the plantsite at Norrick, Tex., and return over the same route. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Capitol Station, Post Office Drawer 12967, Austin, TX 78711 and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 4354, filed January 5, 1972. Applicant: ALLISON-LOGAN FREIGHT LINE, INC., 106 West High Street, Post Office Box 724, Terrell, TX 75160. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those in bulk, excluding explosives, automobiles, livestock, frozen products and produce; (1) between Dallas, Tex., and Sulphur Springs, Tex., as follows: From Dallas to Sulphur Springs, over Interstate Highway 30 and return over the same route, serving the termini and all intermediate points; (2) between the junction of Interstate Highway 30 and Texas Highway 19, near Sulphur Springs, Tex., to the junction of U.S. Highway 80 and Texas Highway 19, connecting with existing operations, via U.S. Highway 80 to Mineola, Tex., thence U.S. Highway 69 to Tyler, Tex., serving the termini and all intermediate points, returning over the same route; (3) between Sulphur Springs, Tex., and Tyler, Tex., as follows: From the junction of Interstate Highway 30 and Texas Highway 154, near Sulphur Springs, Tex., over Texas Highway 154 to the junction of Texas Highway 154 and Texas Highway 37 at Quitman, Tex., to connect with existing operating authority over Texas Highway 37 to Mineola, Tex., thence U.S. Highway 69, to Tyler, Tex., and return over the same route, serving the termini and all intermediate points; (4) between the junction of Interstate Highway 30 and Texas Highway 11, near Sulphur Springs, Tex., to Winnsboro, Tex., via Texas Highway 11, thence from the junction of Texas Highway 11 and Texas Highway 37, thence Texas Highway 37 to Quitman, Tex., to connect with existing authorized service, for continuation via Texas Highway 37, thence U.S. Highway 69 to Tyler, Tex., and return over the same route, serving the termini and all intermediate points not served at the present time; (5) from Dallas, Tex., to Tyler, Tex., as follows: Interstate Highway 20, to the junction of U.S. Highway 69, thence U.S. Highway 69, to Tyler, Tex., returning over the same route, serving the termini and all intermediate points;

(6) Between the junction of Interstate Highway 30 and Texas Highway 19, near Sulphur Springs, Tex., to the junction of Interstate 20 and Texas Highway 19, thence Interstate Highway 20, to the junction of Interstate Highway 20 and U.S. Highway 69, thence U.S. Highway 69, to Tyler, Tex., returning over the same route, serving the termini and all intermediate points; (7) between the junction of Texas Highway 19 and Interstate Highway 30, near Sulphur Springs, Tex., to the junction of U.S. Highway 19 and U.S. Highway 80, to connect with existing operating authority over U.S. Highway 80 to Tyler, Tex., via U.S. Highway 80 to Mineola, Tex., thence U.S. Highway 69 to Tyler, Tex., on the one hand, and, via U.S. Highway 80 to Terrell, Tex., on the other, returning over the same route and serving all intermediate points not now being served; (8) between the junction of U.S. Highway 80 and Texas Highway 64, to the junction of Interstate Highway 20 and Texas Highway 64, thence to the junction of Interstate Highway 20 and U.S. Highway 69, thence U.S. Highway 69 to Tyler, Tex., returning over the same route, serving the termini and all intermediate points; (9) to connect existing service from the junction of Farm/Ranch Road 47 and U.S. Highway 80, near Wills Point, Tex., to the junction of Farms/Ranch Road 47 and Interstate 20, thence on Interstate 20, to the junction of U.S. Highway 69 and Interstate 20, thence U.S. Highway 69, to Tyler, Tex., serving the termini and all intermediate points, returning over the same route; (10) between existing authorized point at Grand Saline, Tex., on U.S. Highway 80, to Tyler, Tex., via Texas Highway 110, and return over the same route, serving the termini and all intermediate points; (11) between Terrell, Tex., on Texas Highway 34, to the junction of Interstate Highway 30 and U.S. Highway 69, near Greenville, Tex., thence on U.S. Highway 39 to Lone Oak, Tex., to connect with existing authorized operating rights on U.S. Highway 69, returning over the same route, serving all intermediate points;

(12) Between Loan Oak, Tex., and Sulphur Springs, Tex., as follows: From Loan Oak, Tex., on U.S. Highway 69, to the junction of U.S. Highway 69 and Interstate Highway 30, near Greenville, Tex., thence on Interstate Highway 30, to the junction of Interstate Highway 30 and Texas Highway 19, near Sulphur Springs, Tex., returning over the same route, serving the termini and all intermediate points; (13) between Loan Oak, Tex., and Sulphur Springs, Tex., as follows: From the junction of U.S. Highway 69 and Farm/Ranch Road 513, to the junction of Interstate Highway 30 and Farm/Ranch Road 513, at Campbell, Tex., thence Interstate Highway 30, to the junction of Interstate Highway 30 and Texas Highway 19, near Sulphur Springs, Tex., returning over the same route, serving all intermediate points, including the off-route point of Cumby; (14) between Point, Tex., and Winnsboro, Tex., as follows: From the junction of U.S. Highway 69 and Farm/Ranch Road 514, to the junction of Texas Highway 154 and Farm/Ranch Road 514, thence Texas Highway 154, to the junction of Texas Highway 154 and Farm/Ranch Road 515, thence Farm/Ranch Road 515 to the junction of Farm/Ranch Road 515 and U.S. Highway 11, near Winnsboro, Tex., returning over the same route, serving the termini and all intermediate points; (15) from the junction of U.S. Highway 69 and Farm/Ranch Road 514, near Point, Tex., to the junction of Farm/Ranch Road 514 and Farm/Ranch Road 275, thence to the junction of Farm/Ranch Road 2653 and Farm/Ranch Road 275, to the junction of Interstate Highway 30 and Farm/Ranch Road 2653 on the one hand, and, on the other, from the junction of Farm/Ranch Road 514 and 275, to the junction of Farm/Ranch Road 275 and Interstate Highway 30, thence Interstate Highway 30 and Texas Highway 19, near Sulphur Springs, Tex., serving the termini and all intermediate points returning over the same route;

(16) Between Alba, Tex., at the junction of U.S. Highway 69 and Texas Highway 182, to Quitman, Tex., near the junction of Texas Highway 182 and Texas Highway 152, thence Texas Highway 37 to Mineola, Tex., to connect to existing authorized route, returning over the same route, serving all intermediate points; (17) between Dallas, Tex., on Texas Highway 66 to Greenville, Tex.,

FEB 24 72
XUM

thence to Texas Highway 24, from Greenville, Tex., to the junction of Texas Highway 24 and Texas Highway 19, then to Paris, Tex., on Texas Highways 24 and 19, then returning over the same route, serving the termini and all intermediate points; (18) between Dallas, Tex., on Interstate Highway 30, to the junction of Texas Highway 19 and Interstate Highway 30, then Texas Highway 19, to the junction where Texas Highways 19 and 24 combine, thence to Paris, Tex., returning over the same route, serving the termini, and all intermediate points; (19) between Sulphur Springs, Tex., over Interstate Highway 30, to the junction of Interstate Highway 30 and Texas Highway 37, thence Texas Highway 37 to Winnsboro, Tex., thence continuing on Texas Highway 37 to connect with existing authorized operating rights at Mineola, Tex., returning over the same route, serving all intermediate points; (20) between junction of U.S. Highway 80 and Texas Highway 205, near Terrell, Tex., to the junction of Interstate Highway 30 and Texas Highway 205, returning over the same route, serving all intermediate points and (21) between the junction of Interstate Highway 30 and Texas Highway 276, to Quinlan, Tex., on Texas Highway 276, thence Farm/Ranch Road 35, near Quinlan, Tex., to the junction of Farm/Ranch Roads 35 and 47, to connect with existing authority to Point, Tex., and Lone Oak, Tex., returning over the same route, serving all intermediate points. Both intrastate and interstate authority sought.

HEARING: Approximately 30 days after being published in the FEDERAL REGISTER, time and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Railroad Commission of Texas, Capitol Station, Post Office Drawer 12967, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 24953 (Sub-No. 2), filed October 29, 1971. Applicant: BRUCE BROWN, doing business as BROWN FREIGHT LINES, 2119 Dublin Road, Oklahoma City, OK. Applicant's representative: William L. Anderson, 4700 North Thompson, Oklahoma City, OK. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Freight*, from Oklahoma City, via State Highway 74, to its intersection of State Highway 15 and U.S. Highway 64, thence to Enid, thence via U.S. Highway 81 to Waukomis, serving the off-route points of Cashion, Lovell, Douglas, and Fairmont. This authority to be in both directions, serving all points and places along the routes described, and to include the right to serve any customers near the towns or the routes described, where they are within the normal and reasonable delivery limits, and which can be served by the carrier without going through any town to which he does not have authority, and is to be linked with all presently held authority and authority that might be granted in pending applications. Both intrastate and interstate authority sought.

HEARING: March 20, 1972, at 9 a.m., at the Oklahoma Corporation Commission, 340 Jim Thorpe Building, Oklahoma City, Okla. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Corporation Commission of Oklahoma, 340 Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 72056-CCB, filed February 1, 1972. Applicant: CITIES TRANSIT INC. OF FLORIDA, 415 South Ingraham Avenue, Post Office Box 1553, Lakeland, FL 33802. Applicant's representative: M. Craig Massey, 202 East Walnut Street, Post Office Drawer J, Lakeland, FL 33802. Certificate of public convenience and necessity sought to operate as a common carrier of *Passengers and baggage* over the following routes: Route 12 from Lakeland via Florida Highway 37 to Mulberry, thence Florida Highway 60 to Bartow, thence U.S. Highway 98 to Lakeland and return, serving all intermediate points. Route 13 from Lakeland via U.S. Highway 92 to Auburndale, thence Florida Highway 544 to Winter Haven, thence Florida Highway 540 through Cypress Gardens to its intersection with U.S. Highway 27, thence U.S. Highway 27 to Haines City, thence U.S. Highway 17-92 to Davenport, thence Florida Highway 547 to U.S. Highway 27, thence on U.S. Highway 27 to Interstate Highway No. 4, thence to U.S. Highway 192 and/or Florida Highway 535 to Disney World and return, serving all intermediate points. Route 14 from Sarasota to Bradenton and Palmetto using U.S. Highway 41, thence U.S. Highway 301 to Florida Highway 674, thence Florida Highway 674 to Florida Highway 37, thence Florida Highway 37 to Lakeland, thence Florida Highway 33 to Interstate Highway 4, thence Interstate Highway 4 to U.S. Highway 192 and/or Florida Highway 535 to Disney World and return, serving all intermediate points. Route 15 between Sarasota and Venice via Siesta and Casey Keys. Leave Sarasota from First Street and Central Avenue via First Street to Orange Avenue to Main Street to U.S. 41 to Siesta Drive to Florida 789 to Florida 789A to 789 to Florida 72 to U.S. 41 to Florida 789 (Blackburn Road) to Casey Key, thence Florida 789 (Albee Road) to U.S. 41 to Ridgewood Avenue to Venetian Parkway to Venice Avenue to Esplanade Avenue to Tarpon Center Drive to the Venice Yacht Club and return the same route. NOTE: Charter authority is also being sought from points on the foregoing routes to points within the State of Florida. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2720 Filed 2-23-72;8:48 am]

[Notice 18]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 15, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73296. By order of February 11, 1972, the Motor Carrier Board approved the transfer to Willamette Valley Transfer Co., a corporation, Portland, Oreg., of a portion of the operating rights in certificate No. MC-258 issued November 27, 1964, to Blue Bird Transfer, Inc., Vancouver, Wash., authorizing the transportation of general commodities, with exceptions, between Vancouver, Wash., and Portland, Oreg. Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201, attorney for applicants.

No. MC-FC-73385. By order of February 14, 1972, the Motor Carrier Board approved the transfer to California Delivery Service, Los Angeles, Calif., of the operating rights set forth in certificate No. MC-31689, issued July 25, 1967, to LTL Delivery, Joel Mithers, Trustee in Bankruptcy, Los Angeles, Calif., authorizing the transportation of general commodities between Los Angeles, Calif., on the one hand, and, on the other, Los Angeles Harbor and Long Beach, Calif., and chemicals, chemical byproducts, antifreeze liquids, and alcohol, between Anaheim, Calif., on the one hand, and, on the other, Long Beach and Los Angeles Harbor, Calif., and the operating rights set forth in certificate of registration No. MC-31689 (Sub-No. 2), issued July 25, 1967, as corrected, evidencing a right to engage in transportation in interstate commerce corresponding in scope to certificate of public convenience and necessity granted by Decision No. 61235, dated December 20, 1960, as amended by Decision No. 63060 and transferred pursuant to Decision No. 71274, dated September 13, 1966, issued by the Public Utilities Commission of the State of California. Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, CA 90057, attorney for applicants.

No. MC-FC-73386. By order of February 14, 1972, the Motor Carrier Board approved the transfer to Robert Reeder Trucking, a corporation, Los Angeles, Calif., of certificate of registration No. MC-99578 (Sub-No. 1), issued August 25, 1971, to California Delivery Service, a corporation, Los Angeles, Calif., evidencing a right to engage in transportation in interstate commerce corresponding in scope to certificate of public convenience and necessity granted by Decision No. 51718, dated July 18, 1955, as amended, and transferred by Decisions Nos. 70673 and 78443, dated May 10, 1966, and March 23, 1971, respectively, issued by the Public Utilities Commission of the State of California. Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027, representative for transferee, and Milton W. Flack, Suite 400, 1813 Wilshire Boulevard, Los Angeles, CA 90057, attorney for transferor.

No. MC-FC-73410. By order of February 14, 1972, the Motor Carrier Board approved the transfer to V. Van Dyke, doing business as Van Dyke Truck Lines, Seattle, Wash., of the operating rights in certificate No. MC-114730 issued November 15, 1956 to Hall Heavy Hauling Co., a corporation, Eugene, Oreg., authorizing the transportation of various commodities between points in Douglass and Lane Counties, Oreg., on the one hand, and, on the other, specified areas in California. John Ranquet, 817 Arctic Building, Seattle, Wash. 98104, attorney for applicants.

No. MC-73432. By order of February 14, 1972, the Motor Carrier Board approved the transfer to Werlin Corp., Cincinnati, Ohio, of permits Nos. MC-123540 and MC-123540 (Sub-No. 2), issued November 22, 1961, and April 6, 1965, respectively, to Elgin Church, Bethel, Ky., authorizing the transportation of dry fertilizer, in bulk and in bags, from the plantsite of the Armour Agricultural Chemical Co., of St. Bernard, Ohio, to points in 16 specified Kentucky counties, and fertilizer, from St. Bernard and Cincinnati, Ohio, to points in Indiana, Kentucky, and 12 specified counties in West Virginia. Roland C. Lindsey, 3415 Southside Avenue, Cincinnati, OH 45204, representative for applicants.

No. MC-FC-73473. By order of February 11, 1972, the Motor Carrier Board approved the transfer to Elliott, Inc., Bluefield, W. Va., of the operating rights in certificates Nos. MC-119798 and MC-119798 (Sub-No. 1) issued July 25, 1960, and April 5, 1968, respectively to City Warehouse, Inc., Bluefield, W. Va., authorizing the transportation of various commodities from, to, and between specified points and areas in Virginia and West Virginia. LeRoy Katz, Post Office Box 727, Bluefield, WV 24701, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2533 Filed 2-17-72;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

3 CFR

	Page
PROCLAMATIONS:	
2032 (see PLO 5158)	3058
2372 (see PLO 5158)	3058
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3967 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
4105	2831
4106	2921
4107	3165
4108	3613
4109	3615
4110	3617
4111	3619
4112	3621
EXECUTIVE ORDERS:	
January 27, 1913 (partially revoked by PLO 5159)	3184
5237 (partially revoked by PLO 5155)	2840
5327 (see PLO 5157)	3057
7295 (see PLO 5162)	3185
8592 (see PLO 5162)	3185
11183 (amended by EO 11648)	3623
11248 (amended by EO 11641)	2421
11345 (amended by EO 11646)	2925
11410 (see EO 11648)	3623
11568 (see EO 11642)	2565
11641	2421
11642	2565
11643	2875
11644	2877
11645	2923
11646	2925
11647	3167
11648	3623
11649	3625
11650	3739

3 CFR—Continued

	Page
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567
Memorandum of February 9, 1972	3627

5 CFR

213	2423, 2491, 2841, 2842, 2879, 3049, 3741, 3801
532	3409
550	3355
PROPOSED RULES:	
900	2589

6 CFR

101	2491, 2678, 3913
102	2478
200	2479
201	3357
300	2842, 3410, 3827, 3828, 3913
301	3828, 3829
305	3915
311	2480
401	3741

7 CFR

7	3349
51	2745
53	2745
501	2423
502	2424
701	2833
706	2491
722	3171, 3420
724	2745, 3422, 3507
725	3891

7 CFR—Continued

	Page
726	2496
729	2645, 2765, 3629
795	3049
811	2659, 3629
905	2660
906	2765, 3049
907	2569, 2927, 3507, 3742, 3891
908	3892
910	2426, 2766, 2834, 3171, 3742
928	2927
982	3630
993	3349
1001	2928
1002	2929
1004	2929
1006	2930
1007	2930
1011	2930
1012	2930
1013	2931
1015	2931
1030	2931
1032	2932
1033	2932
1036	2932
1040	2932
1043	2933
1044	2933
1046	2933
1049	2933
1050	2934
1060	2934
1061	2934
1062	3631
1063	2934
1064	2935
1065	2497, 2935
1068	2935
1069	2935
1070	2936
1071	2936
1073	2936
1075	2936

FEB 24 72
XUM

7 CFR—Continued

	Page
1076	2937
1078	2937
1079	2937
1090	2937
1094	2938, 2944
1096	2938
1097	2938
1098	2938
1099	2939
1101	2939
1102	2939
1103	2939
1104	2940
1106	2940
1108	2940
1120	2940
1124	2940
1125	2941
1126	2941
1127	2941
1128	2941
1129	2942
1130	2942
1131	2942
1132	2942
1133	2943
1134	2943
1136	2943
1137	2943
1138	2944
1427	3742
1806	2879
1822	3801
1823	2879, 3172
1871	2569
1890	3174
1890i	3172
PROPOSED RULES:	
29	3362
51	3363, 3642
59	2775, 3187
81	2778
225	3440
271	3545
724	3438
726	2773
729	2774
906	3643
909	3366
945	2844
966	2845
982	2515
987	2890, 3439
991	3440
993	2515, 3644
1001	3187
1002	3187
1046	2969
1061	3536
1088	3536
1079	3830
1137	3545
1421	2844, 3753
1434	2775
1446	2844
1464	3439
1481	2890
1701	2846, 3546

8 CFR

	Page
100	3744
214	2766
238	2766, 3744
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

	Page
11	2426
51	3507
73	2945
76	3600
82	2429, 2498, 3050
97	2430, 3410
113	2430
204	3631
301	2661
311	2661
315	2661
PROPOSED RULES:	
316	2779
317	2779

10 CFR

	Page
140	3423
PROPOSED RULES:	
50	3646

12 CFR

	Page
563	3508
701	2946, 3174, 3508
PROPOSED RULES:	
529	2447
545	3549
750	2594

13 CFR

	Page
107	3950
120	2569
123	2947
PROPOSED RULES:	
121	3768

14 CFR

	Page
25	3969
37	3973
39	2498, 2570, 2662, 2835, 2880, 3409, 3508, 3631
71	2570–2572, 2835–2837, 2952, 2953, 3050, 3349, 3409, 3509, 3631, 3632, 3745, 3746
73	2499, 2837
75	2499, 2500, 2572, 2767, 3510
93	2953
95	2573
97	2662, 3174, 3510
121	2500, 3974
221	2664
241	2501
PROPOSED RULES:	
61	2523
67	2523
71	2524, 2587, 2682, 2683, 3059, 3367, 3441–3443, 3548, 3645, 3763, 3764
73	2847
103	2587, 2588
121	2523, 2684
127	2523
159	3059
183	2523
1245	3918

15 CFR

	Page
377	2430
386	3175
390	3511
602	3892
701	3892
PROPOSED RULES:	
7	2846
500	3726
610	3644

16 CFR

	Page
13	2575, 2576, 2578–2581, 2953
PROPOSED RULES:	
302	3443
425	2848
429	3551
432	2454, 2849

17 CFR

	Page
1	3802
241	3050
PROPOSED RULES:	
230	2596, 2598
239	2596, 2598
240	3059, 3446

18 CFR

	Page
2	2502, 2954
PROPOSED RULES:	
101	2451
104	2451
105	2451
141	2451
260	2451, 3193

19 CFR

	Page
10	3896
12	2430, 2665
16	3802
21	3423
24	3425
PROPOSED RULES:	
1	2443
11	2509
134	2509

20 CFR

	Page
404	3425
614	2434
617	2434
PROPOSED RULES:	
405	3492
620	2684

21 CFR

	Page
1	3175
3	2503, 3175, 3746
8	3177, 3896
121	2437, 2958–2960, 3177, 3746
135	2961, 3053, 3426
135b	3053
135c	3178, 3426
135e	2960, 2961, 3633
141c	2665
141d	3178
144	2960
146a	2665, 3178, 3426
146c	2665
146d	3178
146e	2665, 3179, 3426
148i	3179
148n	2665
149a	2438
295	3427

21 CFR—Continued

	Page
PROPOSED RULES:	
15	3189
17	3189
31	3644
121	3060, 3366
130	2969
135	2444
191	3645

22 CFR

	Page
41	2439, 3053
PROPOSED RULES:	
Ch. VIII	3870

24 CFR

	Page
43	3633
110	3429
235	3747
275	3185
600	2665
1710	2768
1911	3350
1914	2505, 2881, 3748
1915	2505, 2882, 3749
PROPOSED RULES:	
235	3548
420	3546

25 CFR

	Page
221	2506
PROPOSED RULES:	
43h	2679
221	3060

26 CFR

	Page
1	2506
12	3511
301	2481, 2506, 3746
PROPOSED RULES:	
1	2773, 3526, 3530
12	3526
301	3530

28 CFR

	Page
0	3180
9	2768
45	2769

29 CFR

	Page
511	3430
727	3180
1904	2439
1910	3053, 3431, 3512
1926	3431, 3512
PROPOSED RULES:	
460	2443, 3759
1910	3830
1926	2443

30 CFR

	Page
PROPOSED RULES:	
80	2968

31 CFR

	Page
316	2554
500	3520
505	3520
215	3637
1452	3181
1467	3747
1801	2672
1808	2673, 3640
PROPOSED RULES:	
1499	2849

32A CFR

	Page
Ch. X:	
OI Reg. 1	2439

33 CFR

	Page
3	3350
117	2838, 3897
199	3433
207	3750
PROPOSED RULES:	
110	2446, 2447, 2587, 2890
117	2521, 2522
154	3763
155	3763
156	3763

36 CFR

	Page
6	3350, 3827
PROPOSED RULES:	
7	3438

37 CFR

	Page
2	2880, 3897
202	3055
PROPOSED RULES:	
1	2520

38 CFR

	Page
0	3435
1	2676
8	3352
PROPOSED RULES:	
1	3552

39 CFR

	Page
Ch. I	2423
135	3521
273	3352
619	3056

40 CFR

	Page
1	3898
52	2581
85	2432
106	2433
180	2676, 2839, 2883, 3181, 3352
PROPOSED RULES:	
6	3367
80	3882
164	3060

41 CFR

	Page
5A–1	3182
5A–2	3182
5A–8	2507
5A–72	3183
5A–73	2441, 3183
6–1	3640
7–1	3521
7–4	3803
7–5	3803
7–7	3803
7–8	3823
7–16	3521, 3823
8–14	2508
8–74	2508
9–1	3435
9–5	3435
9–7	3435
9–59	3436
101–11	2962
101–25	3524
101–27	2771
101–40	3827
PROPOSED RULES:	
14–10	2680
15–9	3764
50–250	3759
60–7	2847
60–9	3753

42 CFR

	Page
55	3901
PROPOSED RULES:	
51	3759
51b	2970
54	2970
73	3916

43 CFR

	Page
2	2677
25	3183
PUBLIC LAND ORDERS:	
1272 (modified by PLO 5161)	3185
2732 (amended by PLO 5160)	3184
4522 (amended by PLO 5157)	3057
5154	2677
5155	2840
5156	3056
5157	3057
5158	3058
5159	3184
5160	3184
5161	3185
5162	3185

45 CFR

	Page
102	2882
170	2882
1015	2840
PROPOSED RULES:	
118	2779
143	2779
220	2445
222	2445
415	2986

46 CFR

	Page
308	3436
381	3641
PROPOSED RULES:	
10	3763
12	3190, 3763
31	3763

46 CFR—Continued

PROPOSED RULES—Continued

	Page
66	2681
71	3763
91	3763
176	3763
187	3763
189	3763
193	2682

47 CFR

	Page
1	3277
2	2771, 3437
15	3277
21	2583, 3277, 3354
74	3278
76	3278
78	3292
83	2884

47 CFR—Continued

	Page
91	3297
211	2771

PROPOSED RULES:

	Page
73	2524, 2790, 2891, 3548
76	3190, 3192
81	2524

49 CFR

	Page
173	2885, 3524
174	2886, 3524
177	2886, 3524
178	2886, 3524
179	3058
386	3905
553	3632
571	3185, 3905, 3911
1033	2677, 3354

49 CFR—Continued

	Page
1211	2841
1311	3354

PROPOSED RULES:

	Page
173	2588
178	2588
1056	3446
1322	3446

50 CFR

	Page
28	2964, 3436
32	3524
33	2441, 2502, 2841, 2964, 2967, 3437
280	2516

PROPOSED RULES:

	Page
17	2589
280	2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	3
2637–2737	4
2739–2823	5
2825–2867	8
2869–2913	Feb. 9
2915–3041	10
3043–3157	11
3159–3341	12
3343–3401	15
3403–3500	16
3501–3606	Feb. 17
3607–3732	18
3733–3795	19
3797–3884	23
3885–3976	24

federal register

THURSDAY, FEBRUARY 24, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 37

PART II

SMALL BUSINESS ADMINISTRATION

■

SMALL BUSINESS INVESTMENT COMPANIES

V 37 N 37 FEB 24 72 XUM

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 8, Rev. 4]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Miscellaneous Amendments

On December 14, 1971, notice of proposed rule making regarding amendments to the regulations governing small business investment companies (13 CFR Part 107) was published in the FEDERAL REGISTER (36 F.R. 23772) which would amend Appendices 1 and 2 and make certain conforming amendments. After consideration of all such relevant matter as was presented by interested persons, the amendments as so proposed are hereby adopted, subject to the following changes:

A. Paragraph (f)(1) of § 107.1102 *Records and reports* is changed by inserting at the beginning of the paragraph the words "Except as hereinafter otherwise provided" and by inserting after the last sentence of the paragraph the words "SBA may require a program evaluation report in such form as prescribed by SBA from selected Licensees. These selected Licensees will be notified by SBA of their selection and upon filing such special program evaluation reports shall be exempt from filing SBA Form 684 for that period."

INFORMATION: The changes to paragraph (f)(1) of § 107.1102 are made for clarification of the reporting requirement in the event a program evaluation report other than SBA Form 684 is prescribed.

B. Changes in Appendix 1—*Audit and Examination Guide for Small Business Investment Companies* under the main heading *Report of Audit (Financial Examination)*:

1. In the first paragraph of the section headed *General* after the word "operations" add the words "and changes in financial position."

2. In the first paragraph of the section headed *Accountant's Report (Certificate)* after the word "operations" add the words "and changes in financial position."

INFORMATION: Changes 1 and 2 are necessary because of the addition of a "Statement of Changes in Financial Position" to the "Financial Report" SBA Form 468.

3. In the second paragraph of the section headed *Accountant's Report (Certificate)* change the word "Procedure" to the word "Procedural."

INFORMATION: Correction of a typographical error.

4. The first paragraph of the section headed *Internal Control* is changed to read as set forth below.

INFORMATION: Change 4 removes the implication that the auditor is required to express an opinion on the overall effectiveness of the internal control.

5. Delete the last sentence of the section headed *Organization Costs* and in its place add the following sentence "At the first audit, the components of this asset should be disclosed in SBA Form 468 or the footnotes thereto."

INFORMATION: Change 5 places the requirement upon the Licensee to disclose the components of organization expense in SBA Form 468 or the footnotes thereto at the first audit only.

C. Changes in Appendix 2—*Instructions for Preparation of the Financial Report, SBA Form 468.*

1. Item 7 in the section headed *Statement of Changes in Financial Position* delete the words "Explain such transaction in detail" and in its place add the words "Attach explanation sheet."

2. Item 29 in the section headed *Statement of Changes in Financial Position* after the last word add the words "Attach explanation sheet."

INFORMATION: Changes 1 and 2 are self explanatory.

The text of the finalized amendments set forth below, reflects the above changes to the proposed amendments published December 14, 1971.

Effective date. In view of the determination made that it is in the public interest that these amendments be applied promptly to the Small Business Investment Program, they shall become effective on the date of their publication in the FEDERAL REGISTER (2-24-72).

Dated: February 14, 1972.

THOMAS S. KLEPPE,
Administrator.

1. Paragraphs (d) (1) and (2) and (f) (1) of § 107.1102 are amended to read as follows:

§ 107.1102 Records and reports.

* * * * *

(d) Financial reports to SBA:

(1) Each Licensee shall submit to SBA, at the end of each fiscal year a report containing financial statements for the fiscal year; and, when requested by SBA, interim financial reports.

(2) The report as of the end of each fiscal year shall contain, or be accompanied by an independent public accountant's opinion on the financial statements for the fiscal year included therein. Such opinion shall be based on an audit of the accounts of the Licensee conducted in accordance with generally accepted auditing standards, and in accordance with the Audit and Examination Guide for Small Business Investment Companies prescribed by SBA, by an independent certified public accountant or an independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States who has been approved by SBA. Effective December 31, 1975, only a certified public accountant may be considered qualified to render an opinion as an independent public accountant on behalf of an SBIC except that those licensed public accountants who have received their licenses on or before December 31, 1971, will also be considered similarly qualified.

* * * * *

(f) Program evaluation reports:

(1) Except as hereinafter otherwise provided the Program Evaluation Report, SBA Form 684, shall be prepared by each Licensee as of March 31 of every calendar year and filed in triplicate with SBA not later than June 30 of such year, to reflect all transactions involving Licensee's debt or equity financing of small business concerns which were outstanding at any time during the preceding 12-month period ending March 31, The report shall be prepared in accordance with Instructions for Preparation of the Program Evaluation Report, SBA Form 684, which are printed in Appendix 3 as part of the regulations of this part. Copies of SBA Form 684 and of the Instructions may be obtained from SBA. SBA may require a program evaluation report in such form as prescribed by SBA from selected Licensees. These selected Licensees will be notified by SBA of their selection and upon filing such special program evaluation reports shall be exempt from filing SBA Form 684 for that period.

* * * * *

2. Paragraphs (a) and (b) of § 107.1104 are amended to read as follows, and paragraph (c) is deleted.

§ 107.1104 Fidelity insurance.

(a) Each Licensee shall maintain a fidelity bond in the form and amount set forth in Addendum I (Fidelity Bond) to SBA's Audit and Examination Guide for Small Business Investment Companies.

(b) The Audit and Examination Guide for Small Business Investment Companies is printed in Appendix 1 as part of the regulations of this part.

(c) [Deleted]

3. Appendices 1 and 2 are revised as set forth below.

APPENDIX 1—AUDIT AND EXAMINATION GUIDE FOR SMALL BUSINESS INVESTMENT COMPANIES

FOREWORD

The Small Business Investment Act of 1958, as amended, expresses the declared policy of the Congress and purpose of the Act to improve and stimulate the national economy, and particularly the small business segment thereof, by establishing a program to stimulate and add to the flow of private equity capital and long-term loan funds which small business concerns need to finance their operations and assist in their growth, expansion, and modernization, and which are not available in the amounts required: "Provided; however, that this policy shall be carried out in such manner as to insure the maximum participation of private financing sources."

The Small Business Administration, in carrying out this policy, requests the cooperation of independent public accountants engaged in the practice of public accounting to participate in their own localities in the audit (financial examination) program for small business investment companies. It is desired that the audits of such companies performed by independent public accountants selected by the individual companies will be conducted with the uniformly high degree of competency which the profession has so long striven to maintain. Through the efficient, thorough, and economical performance of the audits, the best interests of the Licensee, the Small Business Administration, and the accounting profession will be served.

This Audit and Examination Guide for Small Business Investment Companies was initially prepared by the Small Business Administration with the advice of a committee of independent certified public accountants. It has been revised primarily to take account of amendments of the Small Business Investment Act and of the regulations governing small business investment companies. Any inquiries or comments relating to the examination of financial statements of small business investment companies, or to the auditing and reporting procedure as set forth in this Audit and Examination Guide should be directed to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

GENERAL CONSIDERATIONS

The Small Business Administration, under authority granted by the Small Business Investment Act of 1958, as amended, requires small business investment companies licensed by SBA under the Act to have an audit (financial examination) made of their accounts and records annually by independent public accountants selected or approved by SBA. SBA requires that the engagement cover a "financial examination" type of audit described hereinafter. The annual audit shall be performed as of the close of each Licensee's fiscal year. Three copies of the annual audit report should be submitted to SBA as soon as practicable after completion and no later than the last day of the third month following the close of the period covered by the audit.

Any public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, who is independent and who is duly authorized to practice as a public accountant, and is in good standing under the laws of the State or other comparable authority in which so authorized, may be considered qualified to render an opinion as an independent public accountant on behalf of an SBIC whose principal office is located in such State or authority. Effective December 31, 1975, only a certified public accountant may be considered qualified to render an opinion as an independent public accountant on behalf of an SBIC except that those licensed public accountants who have received their licenses on or before December 31, 1971, will also be considered similarly qualified.

The Small Business Administration will not recognize any public accountant as independent who is not in fact independent. For example an accountant will be considered not independent with respect to any small business investment company with which he has, or had during the period covered by the audit (financial examination), any direct financial interest or any material indirect financial interest; or with which he is, or was during such period connected as a promoter, underwriter, voting trustee, investment adviser, director, officer, or employee or in the capacity of rendering bookkeeping services. In determining whether an accountant may in fact be not independent with respect to a particular SBIC, SBA will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and such SBIC or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with this Agency.

The responsibility for the selection of the independent public accountant by the SBIC is vested in the board of directors. Any accountant qualifying as an independent public accountant, as explained above, may be considered as having SBA approval to perform the annual audit (financial examination) upon selection by the board, and the filing with SBA by such accountant of an executed IPA Statement. CO Form 112 (4-70), certifying as to his qualification and independence, unless otherwise advised by SBA. It is strongly recommended that the board give thorough consideration each year to the matter of selecting the public accountant to perform that year's audit. The board under this policy selects an accountant with whom it agrees as to the engagement and basis of compensation. The SBIC then furnishes notification of the board's selection to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street NW., Washington, DC 20416. Notification to SBA is not necessary when the same accountant or accountants are retained for successive years.

This guide has been prepared, and made a part of the regulations, to inform Licensees under the Small Business Investment Act of 1958, as amended, and independent public accountants engaged by them as to SBA's minimum requirements concerning fidelity bonds, valuation of portfolio assets, and audits (financial examinations) of SBICs. It is not intended to be a complete manual of audit (financial examination) procedure, nor is it intended to supplant the accountant's judgment as to any additional work required to meet generally accepted auditing standards and to render adequate and appropriate reports. Through use of this guide by independent public accountants the Administration expects audits (financial examinations) of uniformly high quality to be made of all small business investment companies licensed by SBA.

The procedures set forth herein apply generally to a type of audit technically termed a "financial examination."

A financial examination is to be made in accordance with generally accepted auditing standards. The auditing procedures employed should include: (1) Review of the system of internal control and of the accounting principles followed; (2) independent sampling (through inspection, correspondence, etc.) to ascertain the existence of assets; (3) application of audit tests to determine that liabilities are reflected in the balance sheet; (4) review and testing of the income and expense accounts; (5) review of the accounting records, with application of appropriate testing procedures, to determine the authenticity and general reliability of the financial statements prepared from the accounts; and (6) such other auditing procedures as the independent public accountant considers necessary in the circumstances.

SBA has prescribed a system of account classifications which is required to be used by licensed small business investment companies. The Agency requires uniform reporting and contemplates that generally accepted auditing standards will be maintained. The attainment of accounting and reporting uniformity and the maintenance of auditing standards will provide reliable information for use by SBIC management and SBA. Accountants engaged by SBICs should become familiar with:

Small Business Investment Act of 1958, as amended.

Regulations governing small business investment companies issued pursuant to the Small Business Investment Act of 1958, as amended.

System of Account Classifications for Small Business Investment Companies (Part 111, SBA Rules and Regulations).

Financial Report, SBA Form 468.

REPORT OF AUDIT (FINANCIAL EXAMINATION)

General

The financial statements referred to in this guide are those constituting the Financial Report, SBA Form 468,[1] and should be prepared on such form. The accountant's examination should be directed toward the expression of an opinion as to whether the statements of (a) financial condition, (b) surplus reconciliations, (c) income and expense, (d) realized gains and losses on investments, and (e) changes in financial position, present fairly the financial position of the SBIC as of the audit date and the results of its operations and changes in financial position for the period then ended in conformity with generally accepted accounting principles applied on a basis consistent with the preceding year. The schedules of SBA Form 468 should be subject to the audit procedures applied in the accountant's examination of the basic financial statements to enable him to express an opinion as to whether these schedules are fairly stated in all material respects in relation to the basic financial statements.

It is contemplated that a long-form audit report shall be rendered including the Financial Report, SBA Form 468 the accountant's opinion thereon and narrative comments relating to significant accounts and matters.

The accountant should, when possible, provide an unqualified opinion. In cases in which he considers it necessary to qualify or disclaim an opinion, the accountant should cite, when applicable the specific loans, investments or other items causing such qualification or disclaimer, and also state the specific factors involved which led to the qualification or disclaimer.

It is expected that all audit adjustments will be recorded in the SBIC's records before completion of the audit report, so that financial statements included in the audit report will agree with the books as adjusted to the balance sheet date, giving consideration to reclassifications of account balances for report purposes. If the adjustments are not on the books of the SBIC a statement should be made to this effect.

The accountant's comments should be concise and meaningful. Comments stereotyped as to expression on the basis of previous reports are to be avoided.

The agreement between the SBIC and the accountant with respect to the audit (financial examination) should provide that any information in the accountant's working papers will be made available upon request to the SBIC or to SBA.

Three copies of the audit report, with SBA Form 468, properly executed by the appropriate officers of the SBIC shall be submitted to SBA.

A copy of all adjusting journal entries recommended by the accountant should be attached to the inside of the back cover of each copy of the audit report submitted to SBA. Also attached to the inside of the back cover of each copy of the audit report should be a copy of any transmittal letter, special report, or similar communication furnished to the SBIC.

All SBIC audit reports submitted to SBA should be sent to: Investment Division, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

[1] Filed as part of the original.

VOL 37 NO 37 FEB 24 72 XUM

Accountant's Report (Certificate)

The accountant's report shall be dated, signed, and shall identify without detailed enumeration the financial statements covered by the report. The accountant's report shall state whether the audit was made in accordance with generally accepted auditing standards; and shall designate any auditing procedures generally recognized as acceptable or deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Nothing herein shall be construed to imply authority for the omission of any procedures which independent public accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinion required as stated hereinafter. The accountant's report shall (a) state clearly the opinion of the accountant as to the fairness with which the financial statements present the financial position of the Licensee at the audit date, the results of its operations and changes in financial position for the period then ended in conformity with generally accepted accounting principles; (b) state whether the supplemental data contained in the schedules of SBA Form 468 have been subjected to the audit procedures applied in the examination of the basic financial statements and whether, in the accountant's opinion, these data are fairly stated in all material respects in relation to the basic financial statements; and (c) make reference to the consistent application of such principles or to any material changes in accounting principles or practices or method of applying the accounting principles or practices, which affect comparability of such financial statements with those of prior and future periods. Any matter to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

The independent public accountant is expected to satisfy himself as to the reasonableness of the bases used by SBIC's Board of Directors in determining the valuation of loans and investments as presented under the pertinent headings of this guide. The independent public accountant should determine and report in the narrative comments of his long-term report, whether the SBIC appears to have followed the valuation techniques and standards set forth in SBA Policy and Procedural Release No. 2006 dated December 31, 1965, in making the valuation. Except insofar as the valuations may affect the carrying values of investments shown on the financial statements, it shall be understood that the accountant's opinion on the financial statements contained in SBA Form 468 does not extend to the valuation of loans and investments given in the memorandum item after the end of the Statement of Financial Condition and in the memorandum columns of the applicable schedules.

Procedure for Reporting Irregularities

To meet its responsibilities SBA requires that the Investment Division be notified immediately in the event any apparent defalcation or other apparent criminal violation is disclosed. The examining accountant should determine that this has been done in every applicable case.

AUDIT OF ACCOUNTS AND REPORT OF AUDIT PROCEDURES AND FINDINGS

The audit (financial examination) referred to herein shall be conducted in accordance with generally accepted auditing standards and therefore shall include such tests of the accounting records and such other procedures as deemed necessary to enable the independent public accountant to render an opinion on the statements reported upon. Among the procedures to which particular attention should be given are the following:

Internal Control

It is expected that the independent public accountant will review the company's procedures and form an opinion on the effectiveness of the internal control. In determining the extent and nature of the testing and checking of certain accounts consideration should be given to existing internal control. The independent public accountant may if he considers it more appropriate, report on internal control in a supplementary letter report rather than commenting thereon in the general comment section on this report.

Each Licensee is required to establish and maintain effective control arrangements covering its porfolio of investment securities, funds, and equipment. Dual control over disbursements of funds and withdrawals of securities from safekeeping, and the segregation of duties of employees represent key features of such arrangements.

Fidelity Bond

The independent public accountant should check the provisions of the SBIC's fidelity bond against the requirements of SBA as stated in Addendum I of this guide, and should comment in his report regarding the conformity of the bond to such requirements.

Minutes

The accountant should review the minutes, and determine that items of a financial nature have been adequately reflected in the financial statements, schedules and notes thereto. Where, in the accountant's opinion, material actions of the SBIC are not adequately covered by the minutes and items covered in the minutes are not reflected in the financial statements, appropriate disclosure should be made in the accountant's report.

Cash

Cash on hand should be counted. Cash in banks should be reconciled with book balances and confirmed by correspondence. In addition to bank statements at balance sheet date of the audit, the independent public accountant should request and utilize cut-off statements as of a subsequent date to permit determination of the disposition of outstanding checks, deposits in transit, and other reconciling items.

U.S. Government Obligations, Insured Savings, and Time Deposits

Temporary investments made from the company's general cash funds in direct and/or fully guaranteed U.S. Government obligations should be verified by inspection or, when applicable, by confirmation from custodians. Verification should include ascertainment that proper interest coupons are attached to bearer bonds. The recorded cost or, in the case of U.S. bonds, the current redemption value should be verified. The accountant should ascertain that registered bonds are in the name of the SBIC or endorsed so as to be transferable to the company, or are accompanied by powers of attorney.

Temporary investments of the company's general cash funds in savings institutions should be reconciled with book balances and confirmed by correspondence. Time certificates of deposits should be examined to verify the SBIC's ownership of time deposits and to ascertain correctness of the balances per books.

Notes and Accounts Receivable, and Allowance for Uncollectibles

Miscellaneous notes on hand should be examined and the details compared with the company's records. A representative number should be confirmed by correspondence with the makers.

Accounts receivable for services rendered participating companies, for commitment fees, for declared dividends and sharings in income, and for management consulting, investigation, appraisal, and related services rendered, as shown by subsidiary records, should be reconciled to control accounts. The same should be done with respect to receivables representing participating companies' portions of principal and accrued interest receivable from financed small business concerns.

The collectibility of notes and accounts receivable should be considered on the basis of the most reliable information the auditor can obtain. Such amounts due should be discussed with the executive officers of the company. Any contractual delinquency in payments to date should be given due consideration. Items considered uncollectible should be recommended for writeoff, and those of doubtful collectibility should be adequately provided for in the allowance for uncollectible notes and accounts receivable. If considered desirable, an adjusting entry to the allowance account should be recommended by the accountant for adoption by the SBIC. Comments concerning the adequacy of the allowance account should be included in the audit report.

Accrued Interest Receivable and Allowance for Uncollectibles

Determination should be made that interest receivable is currently and correctly accrued on the SBIC's records. This involves interest accrued on U.S. Government obligations, loans to and debt securities of small business concerns, notes receivable, sales contracts, and other interest-bearing amounts due from debtors.

Comments concerning the adequacy of the allowance for uncollectible interest receivable should be included in the audit report.

Due From Directors, Officers, and Employees

Advances made to directors, officers, and employees should be reviewed for proper authorization and recording, and should be commented on if not authorized or has been outstanding more than 6 months.

Funds in Escrow and Other Current Assets

Funds in escrow pending closing of financing for small business concerns should be confirmed. Miscellaneous current assets should be reviewed for authenticity and appropriateness of classification.

Loans, Debt Securities, Loans and Debt Securities, Securities Sold With Recourse, Allowances for Uncollectibles and Losses, and Unearned Discount, Fees, and Other Charges

The independent public accountant should review notes, mortgages, and other obligation documents evidencing loans granted under section 305 of the Small Business Investment Act, as amended, and should confirm directly with the makers the amount of the unpaid balances. Debt securities of small business concerns, purchased by the SBIC under provisions of section 304 of the Act, as amended, should be subjected to a similar review and confirmation. Either type of financing instruments obtained from other SBIC's through purchase or through exchange of portfolio securities should likewise be examined and confirmed with the issuers. All obligation documents should be checked for signing by authorized parties, including proper witnessing and acknowledgment, and for stated interest rate and term. Loans and debt securities pledged should be confirmed by correspondence with the holders. Determine if securities pledged are subject to SBA earmarking or nonhypothecation requirements and if so, that SBA has furnished written approval.

The System of Account Classifications provides for carrying loans and debt securities at their unpaid principal balances, including any related uncollected discounts, fees, or other charges. In the case of any such financings in which participations are sold to others, only the portion retained by the selling company is shown in the seller's books. Loans and debt securities are to be reported in the Statement of Financial Condition of SBA Form 468 on the same basis as recorded in the accounts.

Determination should be made that mortgages required to be recorded bear proper notation of such recording. The accountant should ascertain from such sources as the loan and debt security ledger cards or sheets, the collateral register, document files, minutes of board of directors' meetings, and statements of executive officers, what collateral documents should be on hand evidencing security for loans and debt securities, and should check for the presence of such collateral documents.

The accountant should inspect each participation agreement under which the company has purchased a participation interest in a loan or debt security, should inspect the documents evidencing such participation and should request confirmation from seller to the extent considered necessary. Similarly, amounts reflected in subsidiary records as participations of others in loans and debt securities of the company under audit should be reviewed in relation to the pertinent participation agreements and confirmed with the purchasers to the extent warranted.

The amounts of loans and debt securities sold with recourse should be checked to the records of such sales and to the advices received from the purchasers as to payments made by the financed small business concerns.

The independent public accountant should review the current financial statements of the concerns which are financed by the SBIC and provide comments when considered significant relative to the financial position of the concern financed. When such financial statements of the concerns are not available the accountant shall so state in his report.

The board of directors of the SBIC has the responsibility of determining in good faith a realistic valuation for each specific loan and debt security, which shall be arrived at after consideration of all pertinent factors. Valuation techniques and standards for guidance of the board are set forth in SBA Policy and Procedural Release No. 2006. The independent public accountant should satisfy himself as to the reasonableness of the bases employed by the board of directors in making determinations of the value of loans and debt securities. No appreciation in value of debt securities is to be recorded in the books of account. The valuations as determined by the board of directors are to be shown in the memorandum column of the applicable schedule of the Financial Report, SBA Form 468.

The accountant should discuss all marginal loans and debt securities with the executive officers of the SBIC. Writeoffs should be recommended in instances in which the unpaid balances of loans and debt securities are considered uncollectible. The allowance for uncollectible loans and the allowance for losses on debt securities should be reviewed as to adequacy and commented upon in the report. If considered desirable, adjusting entries to the allowance accounts should be recommended by the accountant for adoption by the SBIC.

Special attention should be given by the accountant to verification of all amounts of unearned discount, fees, and other charges shown as deducted from the unpaid balances of loans and debt securities.

Capital Stock of Small Business Concerns; Warrants, Options, and Other Stock Rights Acquired from SBCs; and Allowances for Losses

All capital stock of small business concerns in the possession of the SBIC should be verified by inspection of the stock certificates. Similar capital stock on the books which is not in the possession of the company should be confirmed by direct correspondence with those having possession thereof. Capital stock of small business concerns is to be recorded on the books of the SBIC at cost. In the case of any such financings in which participations are sold to others, only the portion retained by the selling company is shown in the seller's books.

The independent public accountant should review the cost determinations made with respect to warrants, options, or other stock rights carried on the books at a monetary value. Only the selling company's portion of such stock rights is shown in its books when participations in the stock rights are sold to others.

The accountant should inspect the agreement and other documents evidencing each participation purchased, and should request confirmation from sellers to the extent considered necessary. Similarly, amounts reflected in subsidiary records as participations of others in capital stock and warrants, options, or other stock rights acquired by the company under audit should be reviewed in relation to the pertinent participation agreements and confirmed with the purchasers to the extent warranted.

It is the responsibility of the SBIC's board of directors to determine in good faith a realistic valuation for each capital stock investment and for warrants, options, or other stock rights for which a separate cost has been determined. This valuation shall be arrived at after consideration of all pertinent factors. Valuation techniques and standards for guidance of the board are set forth in SBA Policy and Procedural Release No. 2006. The independent public accountant should satisfy himself as to the reasonableness of the bases employed by the board of directors in making the value determinations. No appreciation in the value of capital stock or stock rights investments is to be recorded in the books of account. The valuations of the stock and stock rights as determined by the board of directors are to be shown in the memorandum column of the applicable schedule of the Financial Report, SBA Form 468.

The financial position and earnings of the financed small business concerns are important factors in the board of director's determination of the real value of the stock and stock rights issued by such concerns. The independent public accountants should review the current financial statements of the concerns which are financed by the SBIC and provide comments when considered significant relative to the financial position of the concern financed. When financial statements of the concerns are not available the accountant shall so state in his report. Any material decrease in value of capital stock or stock rights, as determined by the board of directors, that is not obviously of a transitory nature should be compensated for by an increase in the allowance for losses on capital stock of small business concerns, or in the allowance for losses on their warrants, options, and other stock rights, as appropriate. These allowance accounts should be reviewed as to adequacy by the accountant and commented upon in his report. An adjusting entry to effect any necessary increase should be recommended by the accountant for adoption by the company. Likewise, entries should be recommended to write off any established loss on capital stock of small business concerns or on stock rights of such concerns.

Venture Capital

Under the Small Business Investment Act of 1958, as amended, SBICs are entitled to borrow additional funds from SBA if they have a qualifying amount of combined paid-in capital and paid-in surplus and maintain a minimum percentage of total funds available for investment in small business concerns invested or committed in "venture capital," as defined in § 107.3 of the regulations. The independent public accountant, referring to the official definition of venture capital and reviewing the lending instruments and related documents, should determine that the total amount of venture capital as indicated in the Financial Report, SBA Form 468, is substantially correct.

Assets Acquired in Liquidation of Loans and Debt Securities, Accumulated Depreciation, Mortgages Payable, and Allowance for Losses

These assets may include a wide variety of things of value, as, for example, collateral notes receivable, accounts receivable, judgments, sheriffs' certificates, and various types of real and personal property. Property taken in liquidation should be recorded at an amount determined by the board of directors on the basis of bid-in-price, agreed consideration, or fair appraised value, as deemed most suitable: *Provided*, That the net amount recorded shall not exceed the total amount of the related loan or equity security indebtedness involved. In the case of mortgaged real property acquired in liquidation of loans and debt securities, the property should be recorded at gross value as determined by the board of directors, reduced as necessary to bring the net recorded value within the above-stated limitation. The amount of the existing mortgage or mortgages on such property should be shown as a deduction from the property acquired in liquidation on the asset side of the balance sheet. The accountant should verify each asset through application of procedures generally accepted for audit of the particular class of assets involved. Board authorization for recording these assets at the amounts shown should be ascertained. The amount recorded will correctly represent only the selling company's portion of any such assets in which participants are sold to others.

It is the board of directors' responsibility to determine in good faith a realistic valuation for each security or other item of property comprising assets acquired through liquidation of loans and debt securities. Such valuation shall be arrived at after consideration of all pertinent factors. Valuation techniques and standards for guidance of the board are set forth in SBA Policy and Procedural Release No. 2006. The independent public accountant should satisfy himself as to the reasonableness of the bases employed by the board in determining the values. No appreciation in the original recorded value of assets acquired in liquidation of loans and debt securities is to be recorded in the books of account. The valuations as determined by the board of directors are to be shown in the memorandum column of the applicable schedule of the Financial Report, SBA Form 468.

The accumulated depreciation on assets acquired in liquidation of loans and debt

V 37 N 37 FEB 24 72 XUM

securities should be reviewed by the accountant to assure that it is not less in amount than a conservative estimate of the expired service life of such property while owned by the SBIC. Insurance coverage should be reviewed.

Such acquired assets should be discussed with the executive officers of the company. Writeoff should be recommended for items considered worthless. The allowance for losses on assets acquired in liquidation of loans and debt securities should be reviewed as to adequacy and commented upon in the report. If considered desirable, adjusting entries to the allowance account should be recommended by the accountant for adoption by the SBIC.

Amounts Due From Debtors on Sale of Assets Acquired in Liquidation of Loans and Debt Securities, Participation by Others, and Allowance for Uncollectibles

Accounts and notes receivable, sales contracts, mortgages, and similar evidences of indebtedness to the SBIC arising from the sale of assets acquired in liquidation of loans and debt securities, as shown by subsidiary records, should be reconciled to the control account. Current and past-due accounts receivable should be confirmed as the independent public accountant may deem appropriate, considering the relative significance of such accounts in the financial statements. The accountant should check all notes, sales contracts, mortgages, and other documents evidencing amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities, and should confirm directly with the makers the unpaid balances of such of these obligations as he considers necessary. Sales contracts and mortgages should be examined to ascertain that such documents required to be recorded bear proper notation of recording.

The collectibility of the amounts due should be estimated on the basis of the most reliable information the auditor can obtain. Such amounts due should be discussed with the executive officers of the company. Any contractual delinquency in payments to date should be given due consideration. Items considered uncollectible should be recommended for write-off, and those of doubtful collectibility should be adequately provided for in the allowance for uncollectible amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities. If considered desirable, an adjusting entry to the allowance account should be recommended by the accountant for adoption by the SBIC. Comments concerning the adequacy of the allowance account should be included in the audit report.

Corporate Premises Owned, Furniture and Equipment, and Accumulated Depreciation

The independent public accountant, during the first audit of the SBIC, should examine the documents showing title to the property owned as corporate premises. It should be ascertained that the land is carried at acquisition cost, plus the cost of subsequent benefit assessments and improvements (other than buildings and improvements related thereto), and that the charging of such additional costs to the land account has been proper. The building owned as a part of the corporate premises should be recorded at acquisition cost plus cost of subsequent improvements thereto. Improvements to leased property used as the company's office quarters should be recorded at cost. The basis for recorded cost should be verified and capital additions should be checked to ascertain that only properly capitalizable items have been added to book cost. Vouchers and invoices covering such additions should be examined. Retirements and sales should be reviewed to see that all transactions have been properly reflected in the accounts. Insurance coverage should be reviewed.

The accumulated depreciation on the building and related improvements owned as a part of the corporate premises should be reviewed to assure that it is not less in amount than a conservative estimate of the expired service life of such building and improvements. The basis for amortization of leasehold improvements should be examined for appropriateness.

On occasion, an SBIC may be found operating in the same or communicating office or building with a bank or other financial institution. Sometimes both institutions are managed by the same individuals and the same facilities may be used for transacting business. The accountant should satisfy himself that safeguards are maintained which effectively segregate the books, records, and assets of the separate institutions at all times.

The accountant should ascertain that furniture and equipment, including automobiles, are recorded on the books at cost. Documents showing ownership of automobiles by the company should be inspected and invoices for all major additions to furniture and equipment during the audit period should be examined. Sales and trade-ins of furniture and equipment should be tested to determine that they have been appropriately recorded. Insurance coverage should be reviewed.

The accumulated depreciation on furniture and equipment, including automobiles, should be reviewed for adequacy.

The report should contain comments concerning unusual conditions, if any, found with respect to these assets.

Organization Costs

Legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other charges which may comprise organization costs on the books should be audited for propriety as capital charges pending amortization or writeoff to the organization expense account. Following the first audit, the review of organization costs will ordinarily be concerned chiefly with a determination and evaluation of the basis for amortization and the consistency with which the planned elimination of this balance sheet item is being accomplished. At the first audit, the components of this asset should be disclosed in SBA Form 468 or the footnotes thereto.

Other

Insurance prepayments, and other prepayments and deferred items should be reviewed. All significant items should be examined for propriety, for applicability to future periods, and for appropriateness of the basis for write-off. Particular note should be taken of any amounts deferred as the result of improper accounting or failure to identify the correct purposes of the charges.

The audit report should contain adequate description of prepayments and deferred charges and should contain comments concerning any large or unusual amounts.

Miscellaneous assets of the company not included under other captions should be shown here. Miscellaneous assets should be reviewed for validity and for propriety of their retention on the books.

Accounts Payable

Accounts payable for participating companies' portions of principal and accrued interest receivable from financed small business concerns, compensation for services rendered on participations purchased, for commitment fees on deferred participations by others, and for other values received, as shown by subsidiary records, should be verified and reconciled to control accounts. The accruals of compensation payable and commitment fees payable should be reviewed with reference to the related participation agreements. Unusually large amounts and a reasonable proportion of other amounts due on open account should be confirmed by correspondence with the creditors.

Other Current and Accrued Liabilities

Subsidiary records on other current and accrued liabilities, including those for interest, salaries, taxes, dividends, unapplied receipts, trust receipts, amounts due directors, officers, and employees (other than salaries), and other deferred credits, should be checked and reconciled with the control accounts. A certificate, signed by an executive officer of the company, should be obtained stating that all actual liabilities have been entered in the books and that all existing contingent liabilities have been reported to the auditor. The accountant should communicate with the SBIC's attorney to determine the existence of any claims in litigation or pending against the company for the purpose of reporting any contingent liability.

The accountant should (following upon the fact) state in the report that certificates were received from the executive officer and the attorney concerning the recording of actual liabilities and the existence of any claims in litigation or pending against the company.

The report should also present pertinent information concerning unusual current and accrued liabilities. Special attention and comment should be directed to any amounts due directors, officers, and employees, and to any contingent liabilities, including commitments and guarantees.

Funds Borrowed and Other Liabilities

Indebtedness to SBA should be reconciled to the current statements from the Small Business Administration. Direct confirmation from SBA is required and should be requested on the basis of a statement, submitted in triplicate to the Director, Office of Budget and Finance, Small Business Administration, 1441 L Street NW., Washington, DC 20416, showing the unpaid balances of principal and interest at the balance sheet date of the audit. Adequate identification of each obligation, using execution date and SBA loan symbols, should be given.

Debt to others than SBA for funds borrowed likewise should be confirmed by correspondence. Loan agreements, contracts and mortgages, and minutes of board meetings pertaining thereto should be examined in relation to SBA financing and loans from others to determine whether there has been compliance with such of their terms as have direct bearing on the financial position as represented in the audited statements.

The other liabilities and deferred credits should be checked for validity. If these items are material in amount, appropriate comments thereon should be included in the report. Special attention and comment should be directed to any amounts due directors, officers, and employees, and to any contingent, liabilities, including commitments and guarantees.

The independent public accountant should ascertain that the appropriate schedule of the Financial Report, SBA Form 468, reflects all commitments, guaranteed obligations, and other contingent liabilities, and that the total of all contingent liabilities is shown as a footnote at the bottom of page 2 of SBA Form 468.

Capital Stock and Surplus

Verification of capital stock should be carried out by examination of the stock records and the stock certificate books, or by direct confirmation from the registrar and transfer agent, if applicable. Cash records or other records showing the consideration received for capital stock should be reviewed in connection with capital stock transactions during the period. Authorizations of the board of directors and also the charter and bylaws should be referred to. Determination should be made as to the existence of stock options, warrants, rights, conversion privileges, sales of stock on special terms, or reservations of shares of stock for sale to particular groups or for options and other rights. It should also be determined that all such transactions have been appropriately recorded and set forth in the statement of financial condition, notes thereto, or schedules as applicable. The independent public accountant should look for and disclose the existence of any arrearages in the payments on capital stock subscribed or in the payment of dividends on outstanding capital stock. Treasury stock transactions should be analyzed and determination made that appropriate accounting has been effected.

The audit report should contain thoroughly informative comments regarding capital stock transactions during the period.

Changes in the surplus accounts during the period should be reviewed for propriety of the accounting entries effecting the changes. Although all earnings for the year are ultimately transferred to a single retained earnings account, it should be determined that appropriate distinction has been made in classifying items in the Profit and Loss Summary and the Realized Gain and Loss Summary accounts as between (1) income and expense from operations and (2) realized gains and losses on investments. Paid-in surplus debits and credits must also be checked for appropriateness of classification.

Loans and Investments at Market or Fair Value

Review should be made of the valuation of loans and investments. The independent public accountant should determine whether the SBIC has followed the instructions for the memorandum item following the Statement of Financial Condition in SBA Form 468 in making the valuation.

Income and Expense and Gain and Loss Accounts

Appropriate tests should be made of income and expense and gain and loss accounts for the period under review. The test should be sufficient, when combined with information obtained in other phases of the audit, to satisfy the accountant that transactions summarized in these accounts are genuine and have been properly authorized and accurately recorded.

The verification procedures applied to income and expense and gain and loss accounts should be based on the same test-check principles as are applied to the balance sheet accounts. After examining representative transactions for the period or periods he has selected for testing, the accountant should scan the accounts and examine any entries which appear unusual. Special attention should be given to transactions contributing to the recorded gain or loss realized on sale of investments. In this connection, reference should be made to SBA requirements concerning the realization and use of income and gains, as set forth in Addendum II of this guide. A note to financial statements should include information as to the latest year through which Federal income tax returns of the SBIC have been audited by the Internal Revenue Service.

ADDENDUM I—FIDELITY BOND

1. NEED FOR BOND

Each Licensee shall obtain and maintain a fidelity bond which must be executed by a surety holding a certificate of authority from the Secretary of the Treasury pursuant to sections 6–13 of title 6 of the United States Code as an acceptable surety on Federal bonds. Each officer and employee who has control over or access to cash, securities or other property of the Licensee shall be covered by such fidelity bond. The form of bond must meet the provisions of paragraphs 2 through 5 below.

2. TYPE OF BOND

The fidelity bond may be issued on a "Discovery" or "Loss Sustained" basis. Each bond shall contain minimum coverage equivalent to insuring agreements (A) Fidelity, (B) On Premises and (C) In Transit provided in Finance Companies Blanket Bond Standard Form 15 or Stockbrokers Blanket Bond Standard Form 14 both revised to September 1970. It should be clearly understood that eligible fidelity bonds are not restricted to Standard Forms 15 and 14. Equivalent insurance coverage as previously stated, constitutes satisfactory coverage. Insuring Agreements (D) Forgery or Alteration, (E) Securities and (F) Counterfeit Currency, misplacement coverage and Electronic Data Processing Coverage are not required. The bond shall also contain a rider or endorsement providing that the surety will notify SBA of its intent to cancel the fidelity bond at least 30 days in advance of the effective date of the cancellation. At the option of the Licensee a loss deductible clause not to exceed $1,000 will be permissible under all of the insuring agreements.

A Licensee, including a bank-owned or controlled Licensee, may be covered as a joint insured under a Fidelity Bond if the coverage meets the above requirements.

3. CANCELLATIONS AND CLAIMS BY THE LICENSEE

Each Licensee, at least 30 days prior to making any request to the surety to terminate or cancel such bond, shall notify SBA in writing of its intent to terminate or cancel the bond. Each Licensee shall notify SBA immediately in writing of any claim for loss filed under the bond with the surety. Such notifications to SBA shall be by certified mail addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

4. AMOUNTS

The minimum amount of fidelity bond for each Licensee acceptable to SBA shall be based upon the total amount of the assets of the Licensee plus the unpaid balance of loans and investments which the Licensee has contracted to service for others, as follows:

Assets plus loans and investments serviced for others:

	Minimum coverage
Up to $400,000	$25,000
$400,001 to $500,000	30,000
$500,001 to $750,000	40,000
$750,001 to $1,000,000	50,000
$1,000,001 to $2,000,000	75,000
$2,000,001 to $3,000,000	100,000
$3,000,001 to $4,000,000	125,000
$4,000,001 to $5,000,000	150,000
$5,000,001 to $7,500,000	175,000
$7,500,001 to $10,000,000	200,000
$10,000,001 and over	(1)

[1] $200,000 plus $10,000 for each $1 million or fraction thereof over $10 million, except that no Licensee shall be required to provide and maintain a fidelity bond in an amount greater than $1 million.

5. BANK CUSTODIAN

Notwithstanding the provisions of paragraph 4 above, if a Licensee's portfolio securities are held by a commercial bank, which is a member of the Federal Deposit Insurance Corporation, as custodian under a custodianship agreement, such commercial bank's fidelity bond may be construed as furnishing the Licensee with adequate surety protection for securities and funds in its custody: *Provided*, That the amount of assets, as defined in paragraph 4, in the possession of the Licensee at any one time, or $400,000, whichever is greater, is covered by a prescribed fidelity bond.

ADDENDUM II—REALIZATION AND USE OF INCOME AND GAINS

1. PURPOSE

This addendum provides guidance to SBICs for the determination of the realization of operating income and gains on investments and the use of such profits for various corporate purposes.

2. RECOGNITION OF PROFIT

a. *Income from operations.* Licensees may, provided the collection of such income is reasonably assured:

(1) Treat income from dividends and fees as realized when a transaction is effected in the ordinary course of business, and

(2) Treat commitment income and interest income as realized when a transaction is effected, or through the passage of time.

b. *Gains from sales of assets.* Assets here considered include portfolio securities assets acquired in liquidation of loans and debt securities (including successor assets to those originally acquired in such liquidation), and those classified as other assets.

(1) Gain on the sale of assets when the sale represents a final transaction may be recognized as realized gain immediately when received by a Licensee in cash (money, checks, or negotiable money orders), demand certificates of deposit issued by banks which are members of the Federal Deposit Insurance Corporation, and/or negotiable direct obligations of the U.S. Government.

(2) That portion of cash installment payments representing gain may also be recognized as realized gain immediately as such payments are received when the installment feature is all that prevents characterization of the transaction as final.

(3) Any transaction with recourse upon the Licensee or involving any understanding, agreement, option, privilege, or other rights to repurchase by and/or resell to the Licensee shall not be considered a final transaction.

(4) Any reacquisition of the assets by the Licensee, whether or not the result of prior agreement or rights, shall be construed by SBA as a nullification of the finality of the original sale transaction.

(5) Any gain on sale of assets which does not qualify as realized gain in accordance with the foregoing shall be deferred pending such realization.

3. USE OF PROFITS

a. Only profits realized in accordance with the foregoing may be:

(1) Used for obtaining loan funds from SBA,

(2) Used for payment of dividends, or

(3) Treated as realized profits for improvement of bargaining position in mergers.

b. Profits realized as above may be used also for correcting capital impairment. In addition, noncash gain on the sale of assets to a bona fide purchaser, which gain has been deferred, may be recognized by SBA for the purpose of correcting capital impairment. This recognition will not be granted if uncertainty as to the ultimate realization of profit is so great that business prudence,

VOL 37-37
FEB 24 72
XUM

as well as generally accepted accounting principles, would preclude such recognition of gain. Circumstances such as any of the following would raise a serious question as to the propriety of the current recognition of any gain:

(1) Consideration received in exchange for assets disposed of consists of capital stock having no quoted market value, or other noncash real or personal property which cannot be reasonably evaluated.

(2) Evidence of financial weakness of the purchaser.

(3) Substantial uncertainty as to the amount of costs and expenses to be incurred.

(4) Substantial uncertainty as to the amount of proceeds to be realized because of form of consideration or method of settlement; for example, nonrecourse notes, non-interest-bearing notes, purchaser's stock, and notes with optional settlement provisions, all of interminable value.

(5) Amount and/or time of payment indeterminate, being dependent upon future sales or other action.

(6) Retention of effective control of the asset by the Licensee.

(7) Limitations and restrictions on the purchaser's profit and on development or disposition of the asset.

(8) Simultaneous sale and repurchase by the same or affiliated interest.

(9) Concurrent loan to or other financing of the purchaser.

(10) Small, or no down payment.

(11) Simultaneous sale and leaseback of asset

4. PROCEDURE FOR OBTAINING SBA RECOGNITION OF NONCASH GAIN FOR THE PURPOSE OF CORRECTING CAPITAL IMPAIRMENT

The Licensee should submit to SBA, in triplicate, a summary statement identifying each sale transaction involved, giving the following particulars:

a. Portfolio securities, acquired (or successor) assets, or other assets parted with and their cost less allowance for losses, proceeds obtained, and net gain or loss.

b. Name of purchaser and affiliation (if any) with Licensee.

c. Description and value of consideration received, including terms and collateral (if any) of any debt instruments, and

d. Provisions of any rights or privileges obtained or granted by the Licensee.

5. ACCOUNTING REQUIREMENTS

a. *Income from operations.* Restrictions on the classification of income as realized and procedures to be followed when such amounts are not to be considered as realized are found in the notes to income accounts Nos. 500, 512, 516, 532, in the System of Account Classifications for Small Business Investment Companies (Part 111 of the regulations).

b. *Gains from sales of assets.* (1) Any profit on the sale of assets which does not qualify as realized gain in accordance with section 2.b of this addendum should be credited to account No. 383, Other Deferred Credits, pending such realization.

(2) SBA recognition of noncash gain on sales of assets shall not constitute approval to transfer the amount involved from account No. 383 to the appropriate gain accounts, as such action shall remain dependent on meeting the qualifications in section 2.b of this addendum.

APPENDIX 2—INSTRUCTIONS FOR PREPARATION OF THE FINANCIAL REPORT, SBA FORM 468

GENERAL

There are set forth herein the instructions for preparation of the Financial Report, SBA Form 468, which report is required by Small Business Administration regulations to be filed wtih SBA by each licensed small business investment company at the end of each fiscal year, and at such other times as SBA may request. The Financial Report filed by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with these instructions. The accounts referred to by account number in these instructions are those prescribed by SBA in the System of Account Classifications for Small Business Investment Companies as set forth in Part 111 of this chapter.

The Financial Report, SBA Form 468, shall be filed in triplicate with the Investment Division, Small Business Administration, 1441 L Street NW., Washington, DC 20416, on or before the last day of the third month following the close of the period covered by the report (in the case of an audited report).

Licensees which are registered investment companies should refer to the rules promulgated by the Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549, for the official requirements as to financial reports to be filed with SEC and the time allowed for filing.

The Financial Report, SBA Form 468, requires a statement of financial condition, statement of surplus reconciliations, statement of income and expense, statement of realized gain or loss on investments, statement of changes in financial position and supporting schedules. If any statement or schedule is not applicable, it is still required to be filed but should be marked "N/A" or "Not Applicable."

When the Licensee has a wholly owned subsidiary organized solely for the purpose of rendering management consulting services, financial reports submitted to SBA by the parent Licensee shall reflect consolidated figures covering the activities of both the parent Licensee and its subsidiary corporation.

When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a combination of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules shall be expressed in whole dollars. Appropriate adjustments of individual amounts shall be made for the fractional part of a dollar so that the items will add to the totals shown.

HEADING

Set forth in the appropriate spaces the information called for representing the identification and the principal-office address of the Licensee. As the employer identification number, enter the number assigned to the Licensee by the U.S. Treasury Department. If such number has not yet been assigned, an Application for Employer Identification Number, Form SS–4, shall be submitted to the U.S. Director of Internal Revenue for the area in which the Licensee's principal office is located.

STATEMENT OF FINANCIAL CONDITION

Assets

Items:

1. *Cash.* State the total of the balances contained in accounts Nos. 100 through 120.

2. *U.S. Government obligations, insured savings, and time certificates of deposit.* State the total of the balances contained in accounts Nos. 130 through 137.

3. *Notes receivable.* State the balance contained in account No. 140.

4. *Accounts receivable.* State the balance contained in account No. 150.

(a) *Less: Allowance for uncollectibles* (applicable to items 3 and 4). State the balance contained in account No. 151.

5. *Accrued interest receivable.* State the balance contained in account No. 160.

(a) *Less: Allowance for uncollectibles.* State the balance contained in account No. 161.

6. *Due from directors, officers, and employees.* State the balance contained in account No. 255.

7. *Funds in escrow and other current assets.* State the balance contained in account No. 179 and the current portion of account No. 220.

8. *Total short-term assets.* Enter the total of the appropriate amounts opposite items 1, 2, 4(a), 5(a), 6, and 7.

9. *Loans (section 305).* State the balance contained in account No. 170.

(a) *Less: Amount sold with recourse.* State the balance contained in account No. 310.

(b) *Less: Allowance for uncollectibles.* State the balance contained in account No. 171.

(c) *Less: Unearned discount, fees, etc.* State the balance contained in account No. 173.

10. *Debt securities of SBCs (section 304).* State the total of the balances contained in accounts Nos. 180 and 184.

(a) *Less: Amount sold with recourse.* State the total of the balances contained in accounts Nos. 312 and 314.

(b) *Less: Allowance for losses.* State the balance contained in account No. 185.

(c) *Unearned discount, fees, etc.* State the balance contained in account No. 187.

11. *Capital stock of SBCs (section 304).* State the total of the balances contained in accounts Nos. 190 and 192.

(a) *Less: Allowance for losses.* State the balance contained in account No. 193.

12. *Warrants, options and other stock rights, acquired from SBCs (section 304).* State the balance contained in account No. 196.

(a) *Less: Allowance for losses.* State the balance contained in account No. 197.

13. *Assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 200.

(a) *Less: Accumulated depreciation.* State the balance contained in account No. 203.

(b) *Less: Mortgages payable.* State the balance contained in account No. 318.

(c) *Less: Allowance for losses.* State the balance contained in account No. 201.

14. *Amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 210.

(a) *Less: Allowance for uncollectibles.* State the balance contained in account No. 211.

15. *Total loans and investments.* Enter the total of the appropriate amounts opposite items 9(c), 10(c), 11(a), 12(a), 13(c), and 14(a).

16. *Corporate premises owned and furniture and equipment.* State the total of the balances contained in accounts Nos. 230, 240, and 242.

(a) *Less: Accumulated depreciation.* State the total of the balances contained in accounts Nos. 231 and 241.

17. *Organization costs.* State the balance contained in account No. 256.

18. *Other.* State the total of the balances contained in accounts Nos. 140, 220 (noncurrent portions), and 257.

19. *Total other assets.* Enter the total of the appropriate amounts opposite items 16(a), 17, and 18.

20. *Total.* Enter the total of items 8, 15, and 19.

Liabilities, Capital Stock, and Surplus

21. *Accounts payable.* State the balance contained in account No. 340.

22. *Accrued interest payable.* State the balance contained in account No. 350.

23. *Accrued taxes on income.* State the total of the balances contained in accounts Nos. 354.1, 354.2, etc.

24. *Other accrued expenses.* State the balance contained in account No. 358.

25. *Dividends payable.* State the total of the balances contained in accounts Nos. 360 through 364.

26. *Employee taxes withheld.* State the balance contained in account No. 370.

27. *Unapplied receipts and trust receipts.* State the total of the balances contained in accounts Nos. 374 and 378.

28. *Other.* State the total of the balances contained in accounts Nos. 320, 381, and 383 (portions applicable).

29. *Total short-term liabilities.* Enter the total of items 21 through 28.

30. *Notes payable to SBA.* State the balance contained in account No. 300.

31. *Notes payable to other than SBA, guaranteed by SBA.* State the balance contained in account No. 315.

32. *Notes payable to other than SBA, not guaranteed by SBA.* State the balance contained in account No. 316.

33. *Mortgages payable for funds borrowed.* State the balance contained in account No. 317.

34. *Other.* State the total of the balances contained in accounts Nos. 320, 381, and 383 (portions applicable).

35. *Debentures payable issued to SBA.* State the balance contained in account No. 301.

36. *Total liabilities.* Enter the total of the appropriate amounts opposite items 29, 30, 33, 34, and 35.

37. *Capital stock.* State the total of the balances contained in accounts Nos. 400 through 404 minus the balances contained in accounts Nos. 405 through 409.

38. *Paid-in surplus.* State the balance contained in account No. 420.

39. *Less: ------ shares of treasury stock at cost.* State the total of the balances contained in accounts Nos. 415 through 419.

40. *Total.* Enter the total of items 37 and 38 minus item 39.

41. *Capital stock subscribed.* State the total of the balances contained in accounts Nos. 410 and 411.

(a) *Less: Subscriptions receivable.* State the total of the balances contained in accounts Nos. 413 and 414.

42. *Total stockholders' paid-in capital and paid-in surplus.* Enter the total of the appropriate amounts opposite items 40 and 41(a).

43. *Retained earnings.* State the balance contained in the account No. 425.

44. *Appropriated retained earnings.* State the balance contained in account No. 427.

45. *Total capital stock and surplus.* Enter the total of the appropriate amounts opposite items 42 and 44.

46. *Total.* Enter the total of items 36 and 45.

Memorandum footnote. Show in the space provided the market or fair value of loans and investments (shown at cost less allowance for losses in item 15 of the Statement of Financial Condition). In determining the market or fair value of portfolio securities (including securities which may be readily acquired through exercise of rights), securities for which market quotations are readily available shall be valued at the market bid price, provided the securities are registered, or readily registrable, and salable, and further provided that, in the opinion of the board of directors, the bid price could be realized on immediate liquidation of the investment.

Securities other than those referred to above shall be at cost less allowance for probable losses unless, because of steady progress in the affairs of the portfolio company, an increase above cost to the small business investment company is clearly indicated in the SBIC's equity in the book value of the portfolio company's securities as shown on the portfolio company's books. In the latter case the securities may be valued at fair value as determined in good faith by the board of directors.

The value of loans and investments determined in accordance with the foregoing shall be reduced for purposes of this report by the amount of what would be an appropriate provision for taxes in respect of the unrealized appreciation included in the determined value.

In column (10) of Schedules 1 through 4, and column (8) of Schedule 7, identify with an asterisk each security which was valued above cost in arriving at the amount shown as market or fair value of loans and investments.

Footnote on contingent liabilities. Complete the footnote on page 2, at the end of the Statement of Financial Condition, which indicates the total amount of all contingent liabilities of the company. This amount shall be the same as the grand total of Schedule 12 of the report.

STATEMENT OF SURPLUS RECONCILIATIONS

Set forth in this statement all activities in accounts for paid-in surplus, retained earnings, and appropriated retained earnings during the fiscal year to date, showing opening balances, additions and deductions, and balances at close of the period. State separately the various additions and deductions, describing clearly the nature of the transactions out of which the items arose. Net income or loss from page 3 should be labeled "from net income, or (loss)" and realized gain or loss on investments from page 4 should be labeled "from net realized gain or (loss) on investments."

STATEMENT OF INCOME AND EXPENSE FOR THE FISCAL YEAR TO DATE

Income

Item

1. *Commitment income.* State the balance contained in account No. 500.

2. *Interest on loans.* State the balance contained in account No. 512.

3. *Interest on debt securities.* State the balance contained in account No. 516.

4. *Interest on invested idle funds.* State the balance contained in account No. 510.

5. *Interest income—other.* State the balance contained in account No. 520.

6. *Management consulting service fees.* State the balance contained in account No. 532.

7. *Investigation and service fees charged other lenders.* State the balance contained in account No. 534.

8. *Application and appraisal fees.* State the balance contained in account No. 536.

9. *Dividends on capital stock of SBCs.* State the balance contained in account No. 540.

10. *Sharings in income or revenue of SBCs.* State the balance contained in account No. 541.

11. *Income less expense of $------- from assets acquired in liquidation of loans and debt securities.* State the balance in account No. 582 minus the balance in account No. 710. Show the balance contained in account No. 710 as a separate item in the space provided for the expense.

12. *Other income.* State the balance contained in account No. 584.

13. *Total income.* Enter the total of the appropriate amounts opposite items 1, 5, 8, 10, and 12.

Expenses

14. *Commitment expense.* State the balance contained in account No. 600.

15. *Interest on obligations payable to SBA.* State the balance contained in account No. 610.

16. *Interest on obligations payable to other than SBA.* State the balance contained in account No. 622.

17. *Stock record and other financial expenses.* State the balance contained in account No. 642.

18. *Total financial expenses.* Enter the total of items 14 through 17.

19. *Advertising and promotional costs.* State the balance contained in account No. 650.

20. *Appraisal and investigation costs.* State the balance contained in account No. 651.

21. *Auditing and examination costs.* State the balance contained in account No. 652.

22. *Communications.* State the balance contained in account No. 653.

23. *Cost of space occupied.* State the balance contained in account No. 654.

24. *Depreciation of corporate premises owned, furniture, and equipment.* State the balance contained in account No. 655.

25. *Directors' and stockholders' meetings costs.* State the balance contained in account No. 657.

26. *Insurance.* State the balance contained in account No. 658.

27. *Investment adviser costs.* State the balance contained in account No. 660.

28. *Legal services.* State the balance contained in account No. 661.

29. *Salaries of officers.* State the balance contained in account No. 663.1.

30. *Salaries of employees.* State the balance contained in account No. 663.2.

31. *Taxes, excluding income taxes.* State the balance contained in account No. 664.

32. *Travel.* State the balance contained in account No. 665.

33. *Employee benefits expense.* State the balance contained in account No. 670.

34. *Organization expense.* State the balance contained in account No. 672.

35. *Miscellaneous operating expenses.* State the balance contained in account No. 679.

36. through 39. (For unclassified items.)

40. *Total operating expenses.* Enter the total of items 19 through 39.

41. *Other expenses.* State the balance contained in account No. 715.

42. *Total expenses.* Enter the total of items 18, 40 and 41.

43. *Net operating income before provision for probable losses and income taxes.* Enter the balance resulting from the deduction of item 42 from item 13.

44. *Provision for probable losses on receivables.* State the balance contained in account No. 680.

45. *Provision for probable losses on portfolio securities.* State the balance contained in account No. 682.

46. *Provision for probable losses on assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 684.

47. *Provision for probable losses on amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities.* State the balance contained in account No. 686.

48. *Net operating income before provision for income taxes.* Enter the balance resulting from the deduction of the appropriate amount opposite item 47 from item 43.

49. *Provision for Federal income taxes—Net income.* State the balance contained in account No. 720.1.

50. *Provision for State and other income taxes.* State the balance contained in account No. 720.2.

51. *Net income (loss) from operations.* Enter the balance resulting from the deduction of the appropriate amount opposite item 50 from item 48.

V 37 N 37 FEB 24 72 XUM

NOTE: The Statement of Income and Expense provides only for income and expenses from operations.

Extraordinary Income or Loss from transactions not in the ordinary course of operations shall be credited directly to retained earnings.

STATEMENT OF REALIZED GAIN OR LOSS ON INVESTMENTS

1. *U.S. Government securities.* Show the aggregate cost, aggregate net proceeds, and net gain or net loss on the sale or other disposition of U.S. Government obligations, direct and fully guaranteed.

2. *Debt securities of SBCs.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of debt securities of small business concerns.

3. *Capital stock of SBCs.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of capital stock of small business concerns.

4. *Warrants, options, and other stock rights acquired from SBCs.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of warrants, options, and other stock rights acquired by the company from small business concerns.

5. *Assets acquired in liquidation of loans and debt securities.* Show the aggregate cost less allowance for losses and mortgages payable, aggregate net proceeds, and net gain or loss on the sale or other disposition of assets acquired in liquidation of loans and debt securities of small business concerns. The aggregate cost shown for this item shall be the same as that recorded in the books of account on the basis determined by the board of directors from among (1) bid-in price of the property, (2) agreed consideration for the property, and (3) fair appraised value of the property, but not to exceed the total amount of the related loan or debt security involved.

6. *Other.* Show the aggregate cost less allowance for losses, aggregate net proceeds, and net gain or loss on the sale or other disposition of any investments not included in items 1 through 5.

7. *Net gain and/or loss on investments.* Enter the net total of items 1 through 6.

8. *Combined net gain (loss) on investments.* Enter the balance resulting from the deduction of item 7, column (5) from item 7, column (4).

9. *Add realized gain for current year from prior sales of investments (deferred credits).* State the amount of deferred gain of prior years transferred to gain accounts in the current year.

10. *Less portion of gain not realized in cash, demand certificates of deposit issued by FDIC-member banks, and/or negotiable direct obligations of the U.S. Government.* State the amount of the above gain represented by proceeds other than cash, demand certificates of deposit issued by FDIC-member banks, and/or negotiable direct obligations of the U.S. Government.

11. *Net realized gain (loss) on investments before provision for income taxes.* Enter the balance resulting from the addition of item 9 and deduction of item 10 from item 8.

12. *Federal income taxes—Net realized gain on investments.* State the amount of estimated Federal income taxes applicable to net realized gain on investments for the fiscal year to date.

13. *State and other income taxes—Net realized gain on investments.* Show the amount of estimated State and other non-Federal income taxes applicable to net realized gain on investments for the fiscal year to date.

14. *Total provision for income taxes.* Enter the total of items 12 and 13.

15. *Net realized gain (loss) on investments.* Enter the balance resulting from the deduction of item 14 from item 11.

NOTE: Describe the transactions in this statement in accordance with the instructions set forth in the note at bottom of the form.

STATEMENT OF CHANGES IN FINANCIAL POSITION

Part 1—Source of Funds

Item

1. *Net income (loss) from operations.* Enter the amount of Item 51 shown in the Statement of Income and Expense.

2. *Net realized gain (loss) on investments.* Enter the amount of Item 15 shown on the Statement of Realized Gain or Loss on Investments (page 4 of SBA Form 468).

3. *Total net income.* Enter the total of Items 1 and 2.

4. *Provision for probable losses.* Enter the total amount of Items 45, 46, and 47 shown in the Statement of Income and Expense. (Excludes Item 44—Provision for Probable Losses on Receivables.)

5. *Depreciation and amortization.* Enter the amount of Item 24 and any other amounts of depreciation or amortization contained in the Statement of Income and Expense.

6. *Total funds provided by net income.* Enter the total of Items 3, 4, and 5 of this statement.

7. *Extraordinary income.* Enter amount of income from transactions not in the ordinary course of operations. Attach explanation sheet.

8. *From repayments and sales of loans.* Enter the total of column 7 (cash deductions) of Schedule 1.

9. *From repayments and sales of debt securities.* Enter the total of column 7 (cash deductions) of Schedule 2.

10. *From repayments and sales of capital stock.* Enter the total of column 7 (cash deductions) of Schedule 3.

11. *From repayments and sales of warrants, options and other stock rights.* Enter the total of column 7 (cash deductions) of Schedule 4.

12. *From repayments and sales of assets acquired in liquidation and amounts due from debtors on sale of assets acquired in liquidation.* Enter the total principal reduction for the period resulting from repayments and sales.

13. *From sale of licensees capital stock.* Enter the capital stock increase for the period resulting from sales for cash and capital stock subscriptions paid for in cash.

14. *Paid-in surplus.* Enter the increase for the period resulting from cash donations.

15. *Funds borrowed from SBA.* Enter the amount borrowed during the period.

16. *Funds borrowed from banks.* Enter the amount borrowed during the period. Do not include any borrowings reflected in Short-Term Liabilities—Items numbered 21 through 28 in SBA Form 468 Page 2.

17. *Other funds borrowed.* Identify and enter the amount borrowed during the period on mortgages and other long term borrowings not accounted for elsewhere.

18. *Total source of funds.* Enter the total of Items 6 through 17.

19. *Funds disbursed for loans.* Enter the total of column 5 (cash additions) of Schedule 1.

20. *Funds disbursed for debt securities.* Enter the total of column 5 (cash additions) of Schedule 2.

21. *Funds disbursed for capital stock of SBCs.* Enter the total of column 5 (cash additions) of Schedule 3.

22. *Funds disbursed for warrants, options and other stock rights.* Enter the total of column 5 (cash additions) of Schedule 4.

23. *Funds disbursed for other asset acquisitions.* Identify and enter the total increase in other asset acquisitions for the period involving cash transactions.

24. *Repayment of borrowed funds to SBA.* Enter the total principal paid during the period.

25. *Repayment of borrowed funds to banks.* Enter the total principal paid during the period.

26. *Repayment of borrowed funds to others.* Enter the total principal paid during the period on mortgages and other long-term debts.

27. *Funds disbursed for redemption of licensee's stock.* Enter the total paid during the period.

28. *Payment of dividends.* Enter the total paid for dividends during the period.

29. *Extraordinary expenses.* Identify and enter the amount of expenses paid from transactions not in the ordinary course of operations. Attach explanation sheet.

30. *Total disposition of funds.* Enter the total of Items 19 through 29.

31. *Net increase or (decrease) in funds available.* Enter the difference between Item 18 and Item 30.

32. *Funds available—At beginning of period.* Enter the total short-term assets (SBA Form 468, Page 1, Item No. 8) for the immediate prior year less total Short-Term Liabilities (SBA Form 468 Page 2 Item No. 29) for the same date.

33. *Funds available—At end of period.* Enter the total of Items 31 and 32.

Part 2—Changes in Financial Position From Noncash Transaction

Transactions not involving an outlay of cash contained in Balance Sheet Items numbered 9 through 46 on pages 1 and 2 of SBA Form 468 must be fully described in general journal entry form indicating the classification of accounts affected and the dollar amounts recorded.

SCHEDULE 1—LOANS (SECTION 305)

The items to be listed in this schedule shall include all loans held, made, or otherwise obtained, or disposed of by the company during the fiscal year to date setting forth the pertinent data indicated by the column heading. The reporting company's portion of participation in loans shall be included.

List each loan by employer identification number; owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos and Aleuts; (6) Undetermined and (7) Others—including whites; financing number; interest rate; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date and maturity date; principal balance at beginning of period; cash additions during period; noncash additions during period (include refinancing); cash deductions during period; noncash deductions during period; and principal balance at close of period. The total in column (9) shall agree with Item 9 of the Statement of Financial Condition.

Show in column (10) the market value, or fair value as determined by the board of directors, of each loan which is determined to be worth less than the cost amount shown for it in column (9) minus any allowance for losses established for it. Any loan for which an allowance for losses has been established shall not be listed in column (10) at any value higher than cost less such allowance.

An explanatory notation or footnote shall be entered in the schedule with respect to any loan (or any interest therein) obtained from another Licensee.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all loan financing on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number, it should obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue for the area in which the concern is located. Insert the appropriate owner group code number, in parentheses, following the employer identification number of each small business concern.

Enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Bureau of the Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern (cumulative beginning with March 31, 1966, outstanding balances), each such similar financing should be assigned a financing number (1-2-3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary porfolio. Show the total of all venture capital amounts on the last sheet of this schedule immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital".

SCHEDULE 2—DEBT SECURITIES (SECTION 304, (§ 107.303(B) (2) OF REGULATIONS)

The items to be listed shall include all debt securities held, acquired, converted, or disposed of during the fiscal year to date, setting forth the pertinent data indicated by the column headings. The reporting company's portion of participation in debt securities shall be included.

List each debt security by employer identification number; owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos and Aleuts; (6) Undetermined and (7) Others—including whites; financing number; interest rate; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date and maturity date; principal balance at beginning of period; cash additions during period; noncash other additions during period; cash deductions during period; noncash deduction during period; and principal balance at close of period. The total in column (9) shall agree with Item 10 of the Statement of Financial Condition.

Show in column (10) the market value, or fair value as determined by the board of directors, of each debt security which is determined to be worth more than the cost amount shown for it in column (9) and each debt security which is determined to be worth less than the cost amount shown for it in column (9), minus any allowance for losses established for it. Any debt security for which an allowance for losses has been established shall not be listed in column (10) at any value higher than cost less such allowance.

Show in column (11) opposite each debt security financing the percentage of the financed small business concern's voting securities which has been and/or can be obtained by the Licensee through exercise of conversion privileges and/or stock purchase warrants or options received in connection with the specific financing. This percentage shall be computed without giving consideration to the possibility of simultaneous exercise of stock rights by other investment interests. Wherever a Licensee considers it important to disclose that its percentage of actual and potential ownership is affected by the probable action of others in exercising their stock rights, a footnote should be appended to the percentage figure arrived at by consideration of only the Licensee's action. In such footnote the percentage of actual and potential ownership giving consideration to the probable action of others should be set forth, together with an explanation including the names of the other investors who are likely to exercise their rights, the percentages of actual and potential ownership they hold, and the general terms of their stock rights.

An explanatory notation or footnote shall be entered in the schedule with respect to any debt security (or any interest therein) obtained from another Licensee.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all debt security financing on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number, it should obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue for the area in which the concern is located.

Insert the appropriate owner group code number, in parentheses, following the employer identification number of each small business concern.

Enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Bureau of the Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern (cumulative beginning with March 31, 1966, outstanding balances), each such similar financing should be assigned a financing number (1-2-3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary portfolio. Show the total of all venture capital amounts on the last sheet of this schedule immediately under the "Totals" line at the foot of column (9). SHow the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital".

SCHEDULE 3—CAPITAL STOCK OF SBC's

Furnish in this schedule a summary of all capital stock of small business concerns setting forth the pertinent data indicated by the column headings. The items to be listed shall include all capital stock of small business concerns held, acquired, converted, or disposed of during the fiscal year to date setting forth the pertinent data indicated by the column headings. The reporting company's portion of participation in investments shall be included.

List each investment by employer identification number; Owner Group Code number; financing number; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date acquired, type and class, number of shares, etc.; balance at cost at beginning of period; cash additions during period; noncash additions during period at cost; cash deductions during period; noncash deductions during period at cost; and balance at cost at close of period.

The total in column (9) for capital stock of SBCs shall agree with Item 11 of the Statement of Financial Condition.

Show in column (10) the market value, or fair value as determined by the board of directors, of each investment which is determined to be worth more than the cost amount shown for it in column (9) and each investment which is determined to be worth less than the cost amount shown for it in column (9), minus any allowance for losses established for it, Any investment for which an allowance for losses has been established shall not be listed in column (10) at any value higher than cost less such allowance. Show in column (11) the percentage of ownership in the small business concern.

An explanatory notation or footnote shall be entered in the schedule with respect to any investment (or any interest therein) obtained from another Licensee.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all capital stock on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number, it should obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue for the area in which the concern is located. Enter the appropriate Owner Group Code number in parentheses.

Enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Bureau of the Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern (cumulative beginning with March 31, 1966, outstanding balances), each such similar financing should be assigned a financing number (1-2-3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary portfolio. Show the total of all venture capital amounts

V 37 N 37 FEB 24 72 XUM

immediately under the "Totals" line at the foot of column (9) on the last sheet of this schedule. Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital".

SCHEDULE 4—WARRANTS, OPTIONS AND OTHER STOCK RIGHTS ACQUIRED FROM SBCs

The items to be listed shall include all warrants, options and other stock rights acquired from SBCs (for which a cost has been determined separate from that of the financing instruments which they accompanied and/or for which there exists a market value, or a fair value as determined by the board of directors) which were held, obtained, surrendered, expired or sold during such period setting forth the pertinent data indicated by the column headings. If no separate cost, market value, or fair value has been determined, the warrants, options and other stock rights shall be listed with no value assigned. The reporting company's portion of participation in investments shall be included.

List each investment by employer identification number; Owner Group Code number; financing number; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date acquired, type and class, etc.; balance at cost at beginning of period; cash additions during period; noncash additions during period at cost; cash deductions during period; noncash deductions during period at cost; and balance at cost at close of period.

The total in column (9) shall agree with Item 12 of the Statement of Financial Condition. Show in column (10) the market value, or fair value as determined by the board of directors, of each investment which is determined to be worth more than the cost amount shown for it in column (9) and each investment which is determined to be worth less than the cost amount shown for it in column (9), minus any allowance for losses established for it. Any investment for which an allowance for losses has been established shall not be listed in column (10) at any value higher than cost less such allowance.

Show in column (11) opposite each financing item the percentage of the financed small business concern's voting securities which has been and/or can be obtained by the Licensee through exercise of conversion privileges and/or stock purchase warrants or options received in connection with the specific financing, or which is represented by the financing item itself. This percentage shall be computed without giving consideration to the possibility of simultaneous exercise of stock rights by other investment interests. Whenever a Licensee considers it important to disclose that its percentage of actual and potential ownership is affected by the probable action of others in exercising their stock rights, a footnote should be appended to the percentage figure arrived at by consideration of only the Licensee's action. In such footnote the percentage of actual and potential ownership giving consideration to the probable action of others should be set forth, together with an explanation including the names of the other investors who are likely to exercise their rights, the percentages of actual and potential ownership they hold, and the general terms of their stock rights.

An explanatory notation or footnote shall be entered in the schedule with respect to any investment (or any interest therein) obtained from another Licensee.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all, warrants, options, and other stock rights financing on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern; if a concern does not have such number, it should obtain one by filing Form SS-4 with the U.S. Director of Internal Revenue for the area in which the concern is located.

Insert the appropriate owner group code number, in parentheses, following the employee identification number of each small business concern. In column enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Bureau of the Budget.

If the Licensee has had more than one financing in the same category outstanding to the same small business concern (cumulative beginning with March 31, 1966, outstanding balances), each such similar financing should be assigned a financing number (1–2–3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

(d) In column (12) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations special discretionary portfolio. Show the total of all venture capital amounts immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital."

SCHEDULE 5—DETAILS OF CERTAIN LOANS (SECTION 305) AND INVESTMENTS (SECTION 305) LISTED IN SCHEDULES 1 THROUGH 4

Enter in this schedule all loans and debt securities shown in Schedules 1 and 2 and all investments shown in Schedules 3 and 4 concerning which any one or more of the following conditions exist:

1. New or additional financing has been furnished during the fiscal year to date, as shown in column (5) and (6) of Schedules 1 through 4.

2. The terms of existing financing have been amended and/or the related collateral has been changed during the fiscal year to date.

3. Any rescheduling, refinancing, or refunding of principal and/or the interest has occurred, or conversion of a delinquent item has taken place, during the fiscal year to date. (Full details on such events are to be furnished in column (6) or on an attached sheet.)

5. There is an outstanding SBA loan, SBA guarantee or a bank loan or other private loan, or SBA participation in such a private loan to the Licensee's portfolio concern.

List the items by employer identification number in column (1) and identify them by name of small business concern, type of financing, and financing number in columns (2), (3), and (4). In column (5) show the original principal amount or other cost. Details of the amortization plan and other significant provisions of the financing instruments, including a precise description of capital stock of SBCs, shall be set forth in column (6). The outstanding balance of any SBA direct loan, SBA participation loan, or SBA guaranteed loan to the Licensee's portfolio concern is to be shown in column (7). The Licensee is requested to obtain this information from the portfolio small business concern, if it is not already available in the Licensee's office. The value and description of collateral are to be set forth in column (8). Information as to the portion of such collateral assigned as security for the financing granted by the Licensee is required to be presented in column (8).

If any loans or debt securities earmarked or pledged to SBA are in default as to payment of principal or interest, or with respect to any other covenants of the financing agreements, the repayment delinquencies will, of course, be included in Schedule 6. Any other defaults are to be described in column (6) of Schedule 5. Such earmarked or pledged loans and debt securities shall be identified in the schedule by the letter (E) or (P), as appropriate. If no earmarked loans or debt securities are in default as to principal or interest payments, or as to any other covenants in the financing agreements, a statement to that effect shall be placed on Schedule 5.

SCHEDULE 6—ALLOWANCE FOR LOSSES ON PORTFOLIO SECURITIES—DELINQUENT LOANS AND DEBT SECURITIES

List in this schedule all loans and investments for which an allowance for losses has been established or allocated on a specific item basis and/or which (if loans or debt securities) are delinquent to the extent of having installment payments past due more than 1 month. Identify each item in column (1) by the employer identification number and name of the financed small business concern; indicate by appropriate letter in column (2) the type of financing (loan, debt security, stock, warrants, and options); and record the financing number in column (3) if there has been more than one financing of the same type with respect to the same small business concern.

In columns (4) through (8), show the opening balance of the allowance for losses on each security, the additions and deductions pertaining to such allowance, and the closing balance, all relating to the fiscal year to date. If there exists an overall allowance for losses, established on a percentage or other basis and not allocated to individual securities, the beginning and ending balances thereof, together with changes during the period, shall be shown appropriately on the "General Allowance" line at the bottom of the schedule. The grand total of column (8) shall equal the sum of items 9(b), 10(b), 11(a), and 12(a) in the Statement of Financial Condition.

Show in column (9) the principal balance or other cost, as of the close of the period, of each security listed on the schedule. In columns (10) and (11) show all installments of principal and/or interest past due more than one month on loans and debt securities. Such portfolio items shall be identified and classified in columns (1), (2), and (3), and any allowances for losses related thereto shall be included appropriately in the columns provided therefor. Any loans or debt securities earmarked or pledged to SBA shall be identified in the schedule by the letter (E) or (P), as appropriate. Show the totals of columns (10) and (11).

SCHEDULE 7—ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR LOSSES

List and describe in this schedule, by former debtors (small business concerns), all assets carried during the fiscal year to date in the account for assets acquired in liquidation of loans (section 305) and debt securities (section 304 and § 107.302(b)(2) of the regulations). This will correctly represent only the reporting company's portion of such assets. The balance at the beginning

of the reporting period, additions and deductions during the period, and balance at the close of the period shall be shown in columns (3), (4), (5), and (6). The allowance for losses established for the reporting company's portion of the assets held with reference to each small business concern shall be recorded in column (7). Current market value, or fair value as determined by the board of directors at the close of the period shall be shown in column (8). The totals of column (6) and (7) shall agree with Items 13 and 13(c), respectively, of the Statement of Financial Condition.

SCHEDULE 8—AMOUNTS DUE FROM DEBTORS ON SALE OF ASSETS ACQUIRED IN LIQUIDATION OF LOANS AND DEBT SECURITIES—ALLOWANCE FOR UNCOLLECTIBLES

Show in this schedule, by debtors, all accounts receivable, notes receivable, sales contracts, purchase money mortgages, etc., carried during the period in the account for amounts due from debtors on sale of assets acquired in liquidation of loans (section 305) and debt securities (section 304). The interest rate and other terms shall be given. The balances at the beginning and close of the period shall be shown, together with additions and deductions during such reporting period. Allowances for uncollectibles based upon an evaluation of the reporting company's portion of individual amounts due shall be recorded in column (9) opposite the name of the debtor. If a general allowance is utilized instead of individual allowances, it shall appear only at the bottom of column (9). The totals of columns (8) and (9) shall agree with Items 14 and 14(a), respectively, of the Statement of Financial Condition. Under column (2) identify the asset or assets originally acquired in liquidation to which the amount due relates.

SCHEDULE 9—PARTICIPATIONS AND JOINT FINANCING

Show in this schedule all financings in which the reporting company participated and all financings made jointly by the reporting company and one or more other lenders or investors during the fiscal year to date, or which were outstanding at any time during such period. Identify each item in column (1) by the employer identification number and name of the financed small business concern; indicate by appropriate letter in column (2) the type of financing (loan, debt security, stock, warrants, and options); and enter the financing number in column (3) if there has been more than one financing of the same type by the reporting company to the same small business concern.

In column (4) show the original total amount contributed by all parties in the participation or joint financing. The names of such participating or joint financing entities (including the name of the reporting company) shall be shown in column (5) with appropriate indication as to which is the initiating (sponsoring) entity.

Show in column (6), (7), or (8), as appropriate, the reporting company's outstanding principal balance, or other cost, of participation purchased, participation sold, or joint financing, as of the close of the period covered in the report. Enter in column (9) a description of collateral pertaining to each financing, together with information as to the percentage applicable to each party and as to any preferences agreed upon.

SCHEDULE 10—CASH, U.S. GOVERNMENT OBLIGATIONS, INSURED SAVINGS, AND TIME CERTIFICATES OF DEPOSIT

Show in Schedule 10a all cash on hand and in general funds demand deposits; funds in imprest bank accounts. Demand deposits are balances subject to withdrawal without notice and shall be in commercial banks which are members of the Federal Deposit Insurance Corporation. Cash items in process of collection represent those cash items which have been placed with banks for collection. Petty cash shall represent the full amount of the petty cash imprest fund.

List in Schedule 10b(1) all securities owned which have been issued or guaranteed by the U.S. Government, showing the name of the issuer and the title of each issue. Other required data, such as interest rate, call date, maturity date, and principal amount at par of bonds and notes, may be obtained by inspection of the securities or from records of securities pledged. The cost of the securities shall be shown in column (6) and the current market value thereof in column (7).

Show in Schedule 10b(2) all funds invested in insured savings accounts and all funds on time deposit evidenced by time certificates of deposit. Savings accounts shall be institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Time deposits shall include all time certificates of deposit held by the company in commercial banks which are members of the Federal Deposit Insurance Corporation.

SCHEDULE 11—DUE FROM DIRECTORS, OFFICERS, AND EMPLOYEES

Show in this schedule amounts due from directors, officers, and employees for advances made to them (listing name and title of debtor in column (1)). The unpaid balance of each amount due at the beginning of the fiscal year shall be shown in column (2); additions, writeoffs, and collections during the fiscal year to date shall be set out in columns (3), (4), and (5); and the balance at the close of the period shall be shown in column (6). The total of column (6) shall agree with Item 6 in the Statement of Financial Condition. An explanation shall be

cial Condition. An explanation shall be furnished for any amount written off or for any collection other than in cash.

SCHEDULE 12—COMMITMENTS, GUARANTEES, AND OTHER CONTINGENT LIABILITIES

Furnish in Schedule 12a, (1) commitments to small business concerns for equity financing under section 304 of the Act, as amended, (2) commitments to small business concerns for loans under section 305 of the Act, as amended, and (3) commitments to banks or other lenders for deferred participations in loans or commitments to small business concerns. Show the total amount of all commitments outstanding. Show the total of all venture capital commitments outstanding immediately under "Total commitments outstanding". Enter license number in the space allotted and enter owner group code number in parentheses alongside name of small business concern.

Furnish in Schedule 12b all obligations of portfolio concerns guaranteed by the company, showing (1) date of guarantee, (2) name of debtor small business concern, (3) name of lender, owner group code number, and (4) outstanding amount of guarantee. Show the total outstanding amount of all guarantees.

Set forth separately in schedule 12c with total, all other contingent liabilities.

SCHEDULE 13—OBLIGATIONS PAYABLE

Show in this schedule, by creditors, all obligations payable representing (1) debentures payable to SBA, (2) SBA direct loans, (3) guaranteed loans purchased by SBA, (4) loans guaranteed by SBA, (5) loans not guaranteed by SBA, (6) mortgages payable for funds borrowed, and (7) mortgages payable on assets acquired in liquidation of loans and debt securities. Such liabilities shall be grouped by the foregoing categories, and described in column (2), but subtotals are not required. Guaranteed loans purchased by SBA represent loans, originally financed by banks, which have been transferred to SBA through reassignment, transfer and delivery of the notes to SBA.

The interest rate and other terms of each obligation shall be recorded in columns (3) and (4); the unpaid balance at the beginning of the fiscal year and additions and deductions during the fiscal year to date shall be shown in columns (5), (6), and (7); and the balance payable at the close of the period, segregated between (a) amounts owed to SBA for funds borrowed and (b) amounts owed to others for funds borrowed and/or amounts representing mortgages payable on assets acquired in liquidation of loans and debt securities, shall be reflected in columns (8) and (9).

The total of column (8) shall agree with the total of Items 30 and 35 of the Statement of Financial Condition, and the total of column (9) shall agree with the total of Items 13(b), 31, and 32, and the appropriate amount opposite Item 33 of such statement.

SCHEDULE 14—CAPITAL STOCK OF LICENSEE

Furnish in this schedule a complete description of the company's capital stock authorized, capital stock issued and outstanding, and data relating to special transactions involving capital stock.

In column (1) shall be described the type and class of each issue, such as common—$5 par, preferred (7 percent Series of 1969), etc. The par value or, for no-par stock, the stated value shall also be reported in column (1).

The number of shares authorized, whether issued or not, shall be reported in column (2).

The number of shares and amount, at par or stated value, of stock issued and not retired or canceled shall be reported in columns (3) and (4). The total of column (4) shall agree with Item 37 of the Statement of Financial Condition. The number of shares held as treasury stock shall be shown in column (5). Column (6) will represent the difference between column (3) and column (5).

Column (7) shall be the amount at par or stated value representing the number of shares outstanding as shown in column (6). The total of column (8) shall represent the amount of capital stock subscribed at the subscription price and shall agree with Item 41 of the Statement of Financial Condition.

In column (9) shall be reported the amount of subscriptions receivable, which shall agree in total with Item 41(a) of the Statement of Financial Condition.

Column (10) shall show the number of shares (other than those under option reserved for purchase by officers and employees, and column (11) shall show the number of shares reserved to cover options and other rights.

SCHEDULE 15—OPTIONS ON LICENSEE'S CAPITAL STOCK

Furnish in this schedule full information concerning outstanding capital stock options which have been granted by the company.

The holder of each option shall be identified in column (1). The number of shares optioned shall be shown in column (2). In column (3) shall be described the type and class of stock called for by the option, such as common—$5 par, preferred (7 percent Series of 1969), etc.

Column (4) shall show the grant and expiration dates of each option and column (5) shall set forth the price or prices at which each option is exercisable, together

V 37 N 37 FEB 24 72 XUM

with the period during which each price applies.

Column (6) shall show the fair market value, per share, of stock called for by each option, at the date the option was granted. The price at which the option is exercisable as a percentage of fair market value, per share, of the optioned stock at date of granting shall be shown in column (7). Column (8) shall set forth the provisions made with respect to each option in the event of the optionee's death or retirement, or other circumstances.

The fair market value, per share, of stock called for at date the option was granted, if not ascertainable on the basis of actual market, shall be as determined by the board of directors.

SCHEDULE 16—SHAREHOLDERS, OFFICERS, AND DIRECTORS OF THE LICENSEE

Furnish in this schedule the information as required by the form regarding equity securities issued by the Licensee and regarding the Licensee's officers, directors, and manager.

In column (1) list: (a) Each person or company directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting securities of the company.

(b) Each person or company owning of record or being known to own beneficially more than 10 percent of any other class of equity securities of the company.

(c) Each officer, director, or manager of the SBIC. (List and identify all officers and directors, and manager regardless of whether or not they own any equity securities of the company.)

Show in column (2) whether each natural person listed in column (1) is an officer, director, manager of the Licensee or specific combination of any of the three and the total remuneration for the period received by each from the Licensee. Indicate in column (3) the type of business in which each listed person or company is engaged. Column (4) shall show the title of each class of stock owned by any person or company and column (5) shall indicate whether the securities of the specific class are owned both of record and beneficially, of record only, or beneficially only.

In columns (6), (7), and (8), respectively, show the number of shares of each class owned by each listed person or company, the total par or stated value of such shares, and the percentage of the total number of shares of this class outstanding which is represented by the shares owned by the particular person or company.

Summarize the foregoing information by class of equity security at the bottom of the schedule.

SCHEDULE 17—SUNDRY ASSETS

Show and explain in this schedule, by appropriate classification, the amounts of all sundry assets. Such assets will include: (1) Notes receivable; (2) accounts receivable, including dividends receivable; (3) accrued interest receivable; (4) funds in escrow pending closing of financing, and prepayments or deferred charges; and (5) unamortized organization costs.

Identify each item and describe the transaction out of which it arose, giving names of debtors and terms of debt instruments.

SCHEDULE 18—LOANS AND INVESTMENTS AND ACTUAL LOSS EXPERIENCE

Furnish in this schedule by categories shown, the total principal of all loans and investments disbursed (add back discount and fees, etc.) during the fiscal year and the total actual principal on all loans and investments lost (written off as uncollectible) during the fiscal year.

VERIFICATION OF THE FINANCIAL REPORT, SBA FORM 468

The verification of the Financial Report, SBA Form 468, shall bear the signature of the chief financial officer of the Licensee, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. A secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the board of directors show that the Financial Report, SBA Form 468, has been reviewed and approved by the board of directors. The date on which each signature is affixed shall be shown. All signatures on all copies of the Financial Report, SBA Form 468, submitted to SBA shall be original signatures in ink.

VERIFICATION OF LICENSEE'S STATEMENT ON IMPLEMENTATION OF PLAN FOR DIVESTITURE OF CONTROL OF SMALL BUSINESS CONCERNS

The verification of the Licensee's statement concerning prospects for divestiture of control, which is required by § 107.901(e) of the regulations to be furnished to SBA in triplicate with the annual financial report (SBA Form 468), shall bear the signature of a secretarial officer of the Licensee attesting to the fact that the minutes of a meeting of the board of directors show that such statement has been reviewed and approved by the board of directors. The date on which such signature is affixed shall be shown. The secretarial officer's signature on all copies of the Licensee's statement concerning prospects for divestiture of control submitted to SBA shall be an original signature in ink.

[FR Doc.72-2661 Filed 2-23-72;8:45 am]

FEB 24 72

federal register

THURSDAY, FEBRUARY 24, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 37

PART III

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

TRANSPORT CATEGORY AIRPLANES

Crashworthiness and Passenger Evacuation Standards

FEB 24 72
XUM

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9605, Amdt. Nos. 25–32; 37–32; 121–84]

CRASHWORTHINESS AND PASSENGER EVACUATION STANDARDS, TRANSPORT CATEGORY AIRPLANES

The purpose of these amendments is to improve the crashworthiness and the emergency evacuation equipment requirements and operating procedures for transport category airplanes.

These amendments are based on a notice of proposed rule making (34 F.R. 13036, August 12, 1969) circulated as Notice 69–33, dated August 6, 1969.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matters presented in the numerous comments received in response to Notice 69–33. Based upon those comments and upon further review within the FAA, a number of substantive and editorial changes have been made to the proposed rules. However, in view of the number of comments received only the most pertinent ones are discussed hereinafter. Except as modified by the following discussion, the reasons for the amendments are those contained in the notice.

In Notice 69–33 it was proposed to make certain of the requirements applicable to airplanes for which applications for type certificates have been filed, but the type certificates would not be issued until after the effective date of the proposed amendments. Several comments were received objecting to this proposal because the requirements need to be considered in the initial design stages of an airplane, which is several years prior to the issuance of the type certificate, and to impose them on airplanes nearing type certification might require a substantial redesign of the airplane and would necessitate production-line type design changes thereby dislocating production. Commentators point out that any safety benefit that might result from complying with the proposed requirement would not be commensurate with the unreasonably heavy penalty at this late stage in the certification process. In addition, several comments contended that a number of the proposed requirements are inappropriate and others are unnecessarily severe for airplanes that have a low passenger seating capacity. The FAA's purpose in proposing to make the requirements retroactive was to assure that the new generation of large jumbo jets for which applications for type certificates had been filed, would meet crashworthiness and passenger evacuation requirements that were consistent with the state-of-the-art. However, the type certification basis of those airplanes have now been established and the proposed requirements were considered in determining the airworthiness standards applicable to those airplanes. Therefore, it is no longer necessary to make the proposed requirements retroactive for these airplanes. Furthermore, the proposed retroactive requirements were not developed with the smaller transport category airplanes in mind. The crashworthiness and passenger evacuation problems increase as the size and passenger capacity of the airplane increases. Most of the proposed requirements are related to the design requirements of the larger transport category airplanes and the need to provide rapid egress for a large number of passengers in an emergency with minimum confusion. Any attainable safety benefit that might result by applying the proposed requirements retroactively to the smaller transport category airplanes that have low seating capacities, smaller cabin areas, and less complex designs would not be commensurate with the heavy burden that such a retroactive requirement would impose. Accordingly, proposed § 25.3 and the proposed amendment to § 21.17 have been withdrawn, and the proposed retroactive requirements of §§ 121.310 and 121.312 have been deleted. In addition, the "September 30, 1969" dates specified in present § 121.310 (a) and (h) have been editorially revised for consistency with the dates specified in this amendment. No substantive change has been made in the present requirement by this date change since the Part 25 requirements referenced in these sections have remained unchanged from September 30, 1969, to the date of this amendment.

In addition, the FAA has determined that certain of the requirements in proposed §§ 25.562, 25.721, 25.787, 25.807, and 25.812 are inappropriate and unnecessary, or are unnecessarily severe, for transport category airplanes that have maximum passenger seating configurations, excluding pilots seats, of nine seats or less. In those instances, the proposed requirements have been revised to provide exceptions and to include requirements for such airplanes that provide a level of safety for such airplanes equivalent to that for airplanes with larger passenger seating configurations. Insofar as the requirements are stated in terms of airplane passenger seating "configuration" whereas the present rules refer to passenger "capacity" no substantive change has been made by these revisions and none is intended. It should be noted that the foregoing classification is consistent with Amendment 23–10, adopted subsequent to the issuance of Notice 69–33, which limited the applicability of Part 23 to small airplanes that have a passenger seating configuration, excluding pilots seats, of nine seats or less.

Several comments objected to the proposed amendment of § 25.561 increasing the ultimate inertia forces in the upward and sideward direction and adding an aft load requirement. The commentators contended that the proposed changes to the present requirement are unnecessary, that the proposed side load and upward load factors are not realistic, that the aft load criterion is not appropriate, and that the costs associated with the increase in airplane weight that would result from compliance with the proposed amendment imposes an unreasonable burden. In view of the comments received, the FAA believes that further study of this proposal is necessary. Therefore, the proposal and the related change in proposed § 121.310(f)(6) have been withdrawn for further study and consideration in subsequent rulemaking.

In notice 69–33 it was proposed to add a new § 25.562 containing various requirements dealing with fuel containment. There were a number of comments indicating that the proposal was too severe and too detailed. It was also pointed out that the proposal implies a structural design requirement for a condition well beyond initial structural failure and for which technical analysis would not be reliable. There was also an indication that the reference to injury to occupants is inappropriate in connection with a proposal dealing with design requirements for fuel containment. Finally, it was pointed out that there is no practical way to ensure, with absolute certainty, that an airplane would comply with this proposal in a wheels-up landing. The FAA agrees with these comments and the proposed new § 25.562 has been withdrawn. Instead, the substance of paragraph (a) of proposed § 25.562 has been added as paragraph (b) of § 25.721 taking into account the comments noted above.

Subsequent to the issuance of Notice 69–33, § 25.721 was substantially amended and proposed paragraph (d) is now paragraph (a). Moreover, in response to a comment, the parenthetical expression in the proposed amendment has been changed to make it clear that the regulation is based on the assumption that the overloads act in the upward and aft directions.

Concerning the proposed amendment to § 25.787, several commentators recommended that the proposal be changed to require restraints for each stowage compartment in the passenger cabin rather than requiring that such compartments be completely enclosed. The FAA does not agree. The intent of the proposal is to provide more protection than that provided by restraint devices, such as tie-down straps or webbing. The conventional webbing, nets, or tie-down straps are effective provided that someone makes the necessary connections and adjustments.

Several comments stated that the term "item of mass" in proposed § 25.789 should be defined. One commentator indicated that § 25.789 should be made applicable only to galley equipment, service carts, and crew baggage. The FAA does not agree. A complete enumeration of all the possible items of mass that could be in a passenger or crew compartment would not be practicable. Part 25 contains the type certification requirements for transport category airplanes and § 25.789 is applicable only to items of mass that are included in the type design of the airplane. Section 25.789 is intended to provide protection from each

such "item of mass" located in the passenger or crew compartments, such as galley equipment, fire extinguishers and other safety equipment, and the proposal has been revised to clearly state the requirement.

In response to comments received, § 25.791 has been revised to make it clear that only one sign notifying when smoking is prohibited and one sign notifying when safety belts should be fastened must, when illuminated, be legible to each person seated in the passenger cabin under all probable conditions of cabin illumination. In addition, consistent with past practice, the proposal has been revised to make it clear that signs may use either letters or symbols, and that the standards apply only when passenger information signs are installed to comply with applicable operating rules.

The FAA received several recommendations with respect to § 25.803. In this connection, it was recommended that only "initial" reflectance and "initial" contrast should be specified for the escape route as they are the only ones under the manufacturer's control. The FAA does not agree. Reflectance and contrast do not inherently deteriorate, as do radioactive signs, and if the markings are chipped or scuffed, they can be restored to their original level by ordinary maintenance. The FAA does not agree with one commentator that the requirement for a minimum width for the escape route in § 25.803(e) should be deleted. Without a minimum requirement, the escape route could be defined by a strip so narrow that it would not provide proper identification of the escape route and would tend to slow down the flow of passengers evacuating the airplane. However, the proposed requirement has been revised to specify an escape route width of 42 inches at Type A exits since this is the minimum width permitted for those exits. In addition, the proposal has been revised in response to several comments to specify an escape route width, a reflectance, and a surface-to-marking contrast requirement for those escape routes only that do not have a means, such as side rails or guards, for channeling the flow of evacuees. Such channel devices must be designed to accommodate the needs of the particular exit and escape route and provide a rapid and effective means for passenger evacuation.

Several comments were received concerning the proposed change to the requirements for a Type III exit stating that it would be difficult for the average person to exit thorugh a 20 x 36 exit (when this exit is not over the wing) with a step up of 20 inches from the cabin floor and enter an inflatable slide. It was recommended that the present definition of a Type III exit be retained. The FAA does not believe that the Type III exit need be restricted to overwing locations. A Type III exit with a 20-inch step up to a slide should not present any more difficulty to the average person than a Type III exit located over the wing having a 20-inch step up inside the airplane and a 27-inch step down outside the airplane to the wing. It should be noted that one of the considerations in permitting Type III exits to be used in other than over-the-wing locations is the fact that over-the-wing exits may not be the most desirable exits in a ditching situation. Damage assessment of airplanes in ditchings shows that the wing flaps may be severely damaged and both the leading and trailing edge of the wings may have torn-metal projections. These may damage life rafts launched and loaded from the wing. In such circumstances, it would be preferable to launch and load rafts from nonoverwing locations.

Several comments recommended that the Type IV exit be retained for the smaller transport category airplanes, particularly those having a low passenger seating capacity, on the ground that the installation of Type III exits instead of Type IV exits would significantly increase the structural weight of the airplane, and that this weight penalty is an unreasonable burden inasmuch as any benefit that might be afforded by a Type III exit would have little effect on airplane evacuation. The FAA agrees with the comments to the extent that they apply to small transport category airplanes that have a passenger seating configuration, excluding pilot seats, of nine seats or less. Accordingly, the present definition of a Type IV exit has been retained in § 25.807(a), and proposed § 25.807(c)(1) has been revised to permit the use of Type IV exits (one on each side of the fuselage) on such airplanes. In addition, the provisions of present § 25.807 (c)(7) and (d) and § 25.813 that pertain to Type IV exits have been retained.

Several comments were received recommending that other provisions of current § 25.807(c) also be changed. One comment recommended the deletion of the requirement that where more than one floor level exit per side is prescribed, at least one such exit must be located near each end of the cabin. In another instance, it was recommended that applicants should be able to select the values in either the table in paragraph (c)(1) or (2). The FAA does not agree with either of these suggestions. The change to § 25.807(c) proposed in Notice 69–33 concerned only the deletion of the reference to, and the values for, Type IV exits. Both of the foregoing recommendations are outside the scope of the notice. Finally, a request was made to change the values for a Type A exit from 100 passenger seats to 115 passenger seats. The FAA does not agree. There has not been sufficient service experience with the Type A exit to date to justify the requested change. While the request may have merit, it will require further study by the FAA.

Several comments noted that the requirements of present § 25.809(b) do not include consideration of fuselage deformation, which is covered in other rules, and that it should be made clear that the proposed addition to the present rule does not include consideration of such deformation. The FAA agrees and the proposed amendment to § 25.809(b) has been revised to clearly state the intent of the requirement. In addition, proposed subparagraph (b)(1) has been revised to make it clear that the requirement applies to the airplane when it is in the normal ground attitude as well as in the attitudes corresponding to the collapse of one or more legs of the landing gear.

A comment was also received recommending that proposed § 25.809 (b)(2) and (f)(1)(ii) be changed to require the total time from exit actuation to full slide deployment to be not more than 10 seconds. This suggestion is beyond the scope of the notice and requires further study. The FAA intends to consider it in connection with future rulemaking. However, § 25.809(f)(1)(i) has been revised to clearly state that deployment must begin during the exit opening cycle.

In response to a comment, proposed paragraph (g) of § 25.809 has been revised to allow the showing required by that paragraph to be made by tests alone or by a combination of analysis and tests.

One comment recommended that the requirement in § 25.809(h) be revised to prescribe that means must be provided to assist evacuees to reach the ground from overwing exits if the place on the airplane structure at which the escape route terminates is more than 6 feet above the ground with the airplane on the ground and the critical landing gear collapsed. Under the current requirement the 6 feet is measured with the airplane on the ground and all landing gear extended. The FAA intends to consider this recommendation, which is beyond the scope of the notice, in subsequent rulemaking.

Comments received concerning proposed § 25.809(i) indicated that the objective of this proposal had been misunderstood. The intent of the proposal is to prevent the installation of a powered exit system, the failure of which would render more than one exit totally inoperative. If a single power-boost or single power-operated exit-opening system is the primary system for operating more than one exit in an emergency, each exit must be capable of meeting the requirements of § 25.809(b)(1) in the event of failure of the primary system. The proposed requirement has been revised to make this clear.

A comment was received recommending that the exit locator signs required in § 25.811(d) not be required in airplanes having a seating capacity of 21 or less if the exit marking sign is plainly visible from any point in the cabin. The comment stated that this should be done because under the proposal the overhead locator signs would be within a few feet of the exit marking signs. The purpose of the exit locator sign is to aid in locating emergency exits and it is anticipated that regardless of the size of an airplane or its seating capacity, the exit locator signs will be near the emergency exit. This is the intent of the regulation. Another comment recommended that the proposal should require that the exit locator sign indicating the location of the nearest exit must be visible to each seated passenger. The FAA has found

FEB 24 72
XUM

that these signs provide for effective evacuation performance. The primary need to see exit locating signs occurs when the passenger reaches the aisle during emergency evacuation. As a practical matter, in existing airplanes, the exit locating signs are generally visible to passengers in their seats.

In response to a comment, the proposed requirement in § 25.812(f) that emergency lighting must be provided at each overwing exit for, among other things, a minimum width of 4 feet for a Type A exit has been changed to specify a minimum width of 42 inches. The minimum width of a Type A exit is 42 inches and the illuminated area need not be more than 42 inches wide.

One comment stated that the state-of-the-art permits each light to have its own independent power supply. The comment indicates that there is no reason to permit any light to be inoperative except those directly damaged by the fuselage separation and suggested that § 25.-812(k) be changed accordingly. The FAA does not agree. This matter was considered in Amendment 25–15, adopted September 15, 1967. At that time, the FAA stated that it is not necessary to require that all lights except those directly damaged by the fuselage breakup remain operative after any single vertical separation of the fuselage during crash landing. The FAA considers that the present requirement which permits up to 25 percent of certain of the emergency lights, in addition to those directly damaged by the fuselage breakup, to be rendered inoperative is all that is required in the interest of safety. However, it should be noted that under current requirements certain important interior and exterior lights must still remain operative.

A recommendation was made to change the lead-in statement in § 25.853 to refer to "typical" decorative surfaces and to define such surfaces as "paint finishes and decorative textured laminates applied to the materials." The FAA does not believe that this change is necessary. Under this proposal repetitive testing would not be required for finishes and decorative surfaces that are found to be "typical", with respect to their burn characteristics, of finishes and decorative surfaces already tested.

In response to comments received, § 25.853(a) has been revised to make it clear that the requirement does not apply to compartments for the stowage of small items, such as maps and magazines. However, the FAA does not agree with the recommendation that synthetic materials should be tested by a method other than a vertical test. While it is recognized that the test procedures referenced in § 25.853 could be made more stringent in various ways, the FAA has no reason to believe that materials (whether synthetic or other) meeting the prescribed tests do not have adequate burn characteristics.

One commentator stated that proposed § 28.812(b) should be revised to require a supplementary self-illuminated sign that would remain lighted at all times to make passengers aware of the exit location. The FAA does not consider that such a requirement is necessary. The purpose of the proposal is to make passengers aware of the location of the exits during the confusion attending an emergency. The FAA does not consider the passenger locating signs need be illuminated during normal operation; the general cabin lighting system normally provides sufficient illumination for the unlighted locator signs.

In response to a comment, the proposed requirements of § 25.812(b)(1) have been revised to provide some tolerance in the letter height to stroke-width ratio for emergency exit locator signs. The final rule allows a letter height to stroke-width ratio of not more than 7:1 nor less than 6:1.

One comment objected to the requirement in § 25.812(d) that the floor of the passageway leading to each floor-level passenger emergency exit must be provided with illumination that is not less than 0.02 foot-candle. The commentator stated that 0.01 foot-candle is all that is necessary in evacuation systems, and that, because eye adaption is more difficult at higher illumination levels, 0.02 foot-candles might be detrimental. The FAA considers the illumination of the passageway leading to an emergency exit to be very important and critical to safety. Evacuees must have assurance of adequate illumination for rapid and uninterrupted movement to the exit as well as for movement through the exit. While the FAA is aware of the lighting preadoption problem, it nevertheless considers that 0.02 foot-candle illumination is essential for passageway lighting.

Subsequent to the issuance of Notice 69–33, the lead-in sentences of § 25.812 (e) and (g) (2) were amended by Amendment 25–28, and the proposed changes to these paragraphs have been revised to include the later amendments, as revised for consistency with the requirements being adopted by this amendment.

One comment concerning the proposed requirement for a crew warning light in § 25.812(e)(2) indicated that a light burning continuously would result in power depletion. The flight crew warning light provides positive indication when the emergency lighting control device is neither armed nor turned on. The current drain is very small when related to the total electrical system demand and is outweighed by the gain in safety.

A comment recommended that instead of requiring the operating handle for Type III exists to be self-illuminated, the rule should permit lighting from the emergency lighting system as an acceptable alternative. The FAA does not agree. Adequate illumination of Type III emergency exit operating handles in an emergency situation can only be provided through self-illumination. Persons crowding the exit are likely to block off light from any source other than from the handle itself. It was also recommended that the operating instructions for opening emergency exits should be readable from the aisle rather than a distance of 30 inches. The FAA disagrees. The instructions need only be readable by the persons at or near the exit who are in a position to open the exit. The 30-inch requirement has been in the regulation for many years and there is no evidence that it is not adequate. However, since paragraph (e) of § 25.811 applies only to operation of an exit from the inside, it has been revised to make this clear. It was also recommended that self-illuminated handles be required on all passenger emergency exits instead of limiting them to Type III exits. All Type A and Type I exits and all Type II exits not located overwing, are floor level exits and the rules now require general illumination for passageways leading to such exits. This general illumination provides adequate illumination for operating handles and instructions. However, the comment may have merit with respect to Type II and Type IV overwing exits and the FAA plans to consider it in subsequent rule-making action with respect to such exits.

It was also recomemnded that each sign use the words "emergency exit" to eliminate the possibility that passengers might attempt to open emergency exits in other than emergency conditions. The FAA does not consider that such a change is necessary. All exits are "emergency" exits and the FAA considers that the word "exit" is more appropriate.

In response to comments received, proposed paragraph (a) of § 25.812 has been revised for the purpose of clarifying the requirement. No substantive change has been made by this revision.

One commentator stated that test evidence suggests that a reduction in the flame resistant standards of sidewall materials up to the top of the window line can be made with no loss of overall safety compared with the standard above this height, having regard to the lesser tendency for flame to spread at the lower level. The FAA does not agree. While the FAA is aware of higher potential temperature and flame spread at the upper sidewalls and ceiling, it is also aware that wall panels and partitions normally are continuous to floor level. Furthermore, there is no certainty that the cabin ceiling and upper sidewalls will remain uppermost after a crash landing.

One comment concerning § 25.853 suggested that "covering of upholstery" be deleted from the requirements of paragraph (b). The FAA agrees. The term "upholstery" includes the material used to stuff and to permanently cover furniture. It was also suggested that cargo compartment liners, insulation blankets, and cargo covers be deleted from § 25.853 and that all cargo compartment requirements be placed in § 25.855. The FAA does not agree that this is necessary. However, the provisions have been revised to clearly set forth the distinction between the fire protection requirement of §§ 25.853 and 25.855. In this case, the final rule makes it clear that § 25.853 covers, in addition to other materials, materials used in convertible passenger/crew cargo compartments. On the other hand, § 25.855 covers cargo and baggage compartments not occupied by passenger or crew.

A number of comments suggested that certain of the items listed in proposed § 25.853(b) could be constructed with

elastomeric materials and that the rule should not require this material to be listed to the standards of paragraph (b). The FAA agrees and the proposal has been revised to allow those items, if constructed of elastomeric materials, to be tested under the requirements of paragraph (b-2).

With respect to proposed § 25.853(c), there was a comment recommending that the words "instrument assemblies" be changed to read "instrument panels." The FAA does not agree. Under the current rules, "edge light instrument panels" made of specified materials were exempt from the requirements of paragraph (a) of § 25.853 applicable to all wall and ceiling panels. Notice 69–33 proposed to remove that exemption since there are materials that can be used in edge light instrument panels that are available and that meet the self-extinguishing requirements of paragraph (a). The proposed requirement concerning "edge lighted instrument assemblies" is not related to edge lighted instrument panels. The edge lighted instrument assembly requirement applies to one or more instruments situated in a common housing. Such assemblies may be installed in edge lighted instrument panels.

A comment was also received requesting that proposed § 25.853(d) be changed so that "small parts" need not be tested. The commentator contends that it is impractical to test each small part and that the chemistry of materials is sufficiently well known to prevent the use of rapid burning materials. The FAA does not agree that all small parts need not be tested. However, the requirement has been revised to provide that small parts which the Administrator finds would not contribute significantly to the propogation of a fire, need not be tested. Another comment stated that the 4 in./min. burn rate is unnecessarily lenient for all small parts and recommended a 2.5 in./min. burn rate. The FAA does not agree. The availability of materials that would meet the 2.5 in./min. burn rate is limited. Moreover, the quantities of materials involved in this recommendation is not sufficient to warrant the more stringent burn capability.

Various comments also requested clarification regarding the applicability of proposed § 25.853(d) to motion picture film. The motion picture film that is used aboard aircraft now is safety film. In response to these comments and after further consideration, the FAA has determined that motion picture film need not meet the proposed requirements, but must meet the specifications for safety film set forth in Standard Specifications for Safety Photographic Film PHI.25. The proposal has been revised accordingly. Moreover, the ducts through which the motion picture film travels during operation in flight must meet the requirements of § 25.853(b) which apply to other ducts on the airplane.

The purpose of the proposed amendment to §§ 25.855 and 25.857 was to delete the requirement for a liner in cargo compartments from § 25.857 and put it in § 25.855. However, it appears that the proposed change to § 25.855, while establishing certain characteristics for liners, does not expressly require a liner. Therefore, proposed § 25.855(a) has been revised to require a liner in Class B through E cargo and baggage compartments. Moreover, it has been brought to the FAA's attention that the proposed amendment could be interpreted as prohibiting "a pinhole or translucent resin area through which light can be seen but flame does not penetrate." This was not intended and the appropriate change has been made to clarify the proposal.

In a comment on § 25.1359(d), it was recommended that this requirement should apply to electrical wire and cable insulation in a "pressurized zone" rather than in the entire fuselage. The FAA does not agree. With respect to wire and cable insulation, the FAA is equally concerned about all areas of the fuselage. Burning wire insulation could cause the spread of a fire from a nonpressurized zone to a pressurized zone. Another comment recommended that wire insulation must be self-extinguishing when tested at an angle of 60°, that a burn length requirement not to exceed 3 inches should be added, and that the dripping requirement should be changed to an average of 3 seconds. It was also recommended that the proposal should refer to "coaxial cable" rather than "cable" and should specify a burn rate of 2.5 in./min. for that cable. The test procedure specified in Appendix F for wire and cable is a 60° test. Therefore, it is appropriate to refer to the 60° test in § 25.1359(d). Moreover, through oversight, the proposal did not contain a burn length requirement which is essential in determining that any material is self-extinguishing. Therefore, the proposal has been changed to specify a 3-inch burn length. However, the FAA does not agree that the proposal should be changed to refer to coaxial cables and to specify a 2.5 in./min. burn rate. The FAA considers that all electrical cable insulation must meet the proposed fire protection requirement, including coaxial. Since the regulation now contains a burn length requirement as the criterion for self-extinguishing properties, there is no need for a burn rate requirement.

A comment recommended that the proposal be revised to require a single wire vertical test with a 2-second extinguishing time and a 10-wire bundle test with a 5-second extinguishing time. The FAA does not believe that these tests are necessary to insure that electrical wire and cable insulations have adequate self-extinguishing characteristics. The proposed requirement covers both burn length and extinguishing time and also permits persons to use any approved equivalent method for determining that the insulation is self-extinguishing. The test methods recommended could be used if they are equivalent to the method stated in the appendix.

In response to a comment, paragraph (a) of Appendix F has been changed to add a limitation of 24 hours as an alternative to reaching moisture equilibrium. The FAA believes that this revision would not significantly affect the outcome of the tests. In addition, the proposed paragraph (b) has been revised to permit testing material of the actual size used in the airplane if it is smaller than the specified 2 inches wide and 12 inches long.

In response to comments, the Federal Standard referenced in paragraph (c) of Appendix F has been revised to reflect the correct designation and paragraph (f) has been revised to specify that the flame must contact the center of the material.

In response to comment, the proposal covering burn length has been revised to make it clear that the burn length excludes areas where material has melted away from the heat source. Finally, in response to comments a number of clarifying changes have been made to the proposal for the 60 degree test applicable to wire and cable. In this connection, the rule now requires the testing of a minimum of three specimens in place of the statistical determination. It also allows the upper end of the specimens to be passed over a rod or pulley and the use of a Tirrill burner as well as a Bunsen burner. The requirement for a ¼-inch inlet and the centigrade reference for the burner have been deleted for consistency with other test requirements.

The proposed changes to §§ 37.132, 37.136, and 37.178 have been incorporated into the appropriate provisions under those TSO's to make it clear that the new requirements apply only to new models of equipment manufactured on or after the effective date of the new requirements.

In Notice 69–33, it was proposed to amend § 121.215 to cover only the requirement for ash trays and to require placarding when smoking is not allowed. This amendment was proposed on the grounds that all the other fire protection requirements currently contained in § 121.215 concerning cabin interiors are now covered under other provisions in Part 121. While this statement is appropriate insofar as the later aircraft are concerned, it is not appropriate with respect to all of the older aircraft covered under Subpart J. Thus, until such time as there is a major overhaul of a cabin or a refurbishing of a cabin interior on those aircraft as provided in § 121.312, the fire protection requirements of § 121.215 are still necessary. The current provisions of § 121.215 have been retained with an appropriate reference to § 121.312.

It was also proposed to amend § 121.285 to require that cargo bins in passenger compartments meet the current requirements of § 25.853(b) upon adoption of these amendments. However, as indicated in one of the comments, such a proposed change would be inconsistent with current § 121.312 which only requires compliance with current § 25.853 for such cargo bins upon refurbishing or major overhaul of cabin compartment. The proposed change to § 121.285 has therefore been withdrawn.

While there was no change to § 121.291 proposed in Notice 69–33, the FAA is

FEB 24 72
XUM

aware that some confusion exists concerning the application of § 121.291 to an airplane that is the same, from an emergency evacuation point of view, as another airplane in which the certificate holder has successfully demonstrated emergency evacuation. The FAA does not believe that in such a situation a repeat of the demonstration is necessary. Therefore, § 121.291 has been revised to make this clear.

While not covered in Notice 69–33 in any detail, the FAA considers it appropriate at this time to make certain editorial revisions to § 121.310. The many substantive changes being made to § 121.310 make these editorial changes desirable. In this connection all of the expired compliance dates in the section have been deleted and the various paragraphs have been appropriately rearranged to accommodate these deletions. No substantive changes have been made by these editorial revisions and none is intended. These editorial revisions affect paragraphs (a), (g), (h), (i), and (j).

A clarifying change has been made to § 121.310(a) to make it consistent with the corresponding requirement in § 25.812(a).

The proposed amendment to § 121.310 (b)(2) has been revised to remove the inconsistency between the lead-in paragraph and the referenced provisions of § 25.812(b). The lead-in paragraph, as proposed in Notice 69–33, inadvertently retained the requirement that interior emergency exit marking and locator signs must have white letters 1 inch high on a red background 2 inches high. While this is appropriate for airplanes that are type certificated prior to the effective date of this amendment, it is inconsistent with the interior emergency exit marking requirements for airplanes that are type certificated after that date. In addition, the requirements set forth in subdivision (iii) of this proposal have been incorporated into subdivision (i) since they are not related to the new requirements set forth in subdivision (ii).

In answer to one commentator, a "transverse vertical separation" in § 121.310(d) is a vertical separation of the airplane that is approximately 90° to the longitudinal axis. The addition of the word "transverse" makes § 121.310(d) consistent with § 25.812(e)(3).

It was proposed to amend § 121.310(d) further by adding a new subparagraph (3) requiring a flight crew warning light. In response to a comment, and after further consideration, the FAA believes that it would be unreasonably burdensome to apply this requirement to airplanes already in service. However, airplanes newly certificated under § 25.812(e)(2) of this amendment will be equipped with a flight crew warning light, thereby providing an orderly transition to an improved level of safety.

The proposed amendment requiring that each exit emergency light provide the required level of illumination for at least 10 minutes at the critical ambient conditions after emergency landing has been removed from subdivision (iii) of subparagraph (2) of § 121.310(d) and placed in a new subparagraph (3). It has been determined by the FAA that the operators will need additional time in order to make the modifications necessary to meet this requirement. Therefore, this new requirement has been placed in subparagraph (3) with a compliance date 2 years after the effective date of this amendment.

Several comments were received concerning proposed § 121.312. All of these comments cited difficulties with the requirement that cabin interior material must be replaced upon the first "major overhaul" or upon "refurbishing" of the cabin interior. The comments noted that cabin interiors are being maintained on an "on condition" basis and suggested that the rule should be so clarified. The incorporation of an "on condition" requirement in proposed § 121.312 would require a complete revision to that section and would be outside the scope of the notice. However, it appears that a clarification of that regulation may be necessary and the FAA is currently studying this proposal with a view to initiating appropriate rulemaking.

Concerning the proposed change to § 121.317, it has come to the attention of the FAA that on some airplanes, the seat belt and no smoking signs are not visible to some seated passengers. In these instances, an announcement is made over the public address system that the signs have been turned on. In the final rule, operators of such airplanes have been given 2 years to procure and install the additional signs required to comply with the new rule. In the meantime, the operators must continue to meet the current requirements.

Section 121.391(d) has been revised to make it clear that: (1) This paragraph applies only to flight attendants required by § 121.391; and (2) the flight attendants need only be located at the required floor level exits. It was not intended that flight attendants be seated at the additional floor level exits because such exits do not, in general, meet all of the standards applicable to required emergency exits. The FAA believes that in the interest of safety, flight attendants must be located at the most effective floor level exits.

Several comments indicated that the requirement in § 121.571, that passengers be briefed to keep their safety belts "loosely and comfortably fastened while seated", would not be appropriate. After such a briefing, passengers might not have the belt fastened tight enough to provide the necessary restraint in the event of unexpected turbulence. The FAA agrees and the rule requires only that passengers be told that they should keep their seat belts fastened while seated.

In addition, one commentator noted that a pretakeoff briefing is not the appropriate place for the announcement that when the seat belt sign is off passengers should keep their seat belts fastened. The commentator believes that this briefing should be made after takeoff when turning the seat belt sign off. The FAA agrees, and the proposal has been changed accordingly.

Several comments were received concerning proposed § 121.577. These comments recommended that the proposal permit certain beverages and foods to be located at a passenger seat during takeoff or landing of an airplane. One commentator indicated that beverages in small paper or plastic cups or a breakfast roll would not constitute a danger to passengers in the event of an accident. As the FAA stated in Notice 69–33, in an emergency situation requiring evacuation, the litter from food service of any kind (including coffee or rolls) can be hazardous. Therefore, the proposal has not been changed as recommended. However, proposed § 121.577(b) has been revised to make it clear that during takeoff and landing passenger food and beverage trays and serving carts must be secured in their stowed positions, i.e., correctly positioned in their storage compartment and their restraint means, if any, fastened.

Numerous comments were received on the proposal concerning carry-on baggage (§ 121.589). Several comments pointed out that the restraint requirement should not be made mandatory for all seats. The FAA agrees that it is only when baggage is permitted to be stowed under a seat that the seat need be fitted with a means to prevent articles of baggage stowed under it from sliding forward. The proposal has been revised accordingly. Two comments objected to any requirement that carry-on baggage be stowed under a seat. The inconvenience of having to check baggage with no corresponding gain in safety was cited as reason for their objection. The FAA does not agree. Carry-on baggage must be secured to prevent injury to passengers, and to prevent interference with passenger evacuation, in a crash situation. The increase in safety realized from such a requirement far outweighs the inconvenience of checking the baggage. Another comment recommended that the rule permit stowage of carry-on baggage in front of passengers seated facing a bulkhead provided the bulkhead meets the crash impact requirements of paragraph (c) of § 121.589. Section 121.285 already provides for the carriage of cargo, including carry-on baggage, forward of the foremost seated passenger. However, insofar as the recommendation would required the imposition of crash impact loads on bulkheads, it would constitute a substantive change in the existing requirements. Such a change is outside the scope of Notice 69–33. On the other hand, the recommendation appears to have merit and may be the subject of a future rule-making action.

There was also a comment recommending that the carry-on baggage should be restrained in the sideward direction as well as in the forward direction. Such a requirement was not proposed in Notice 69–33 and the FAA believes that most seats provide side restraint. However, since there may be seats that do not, the FAA is looking into the matter and will initiate rule making as needed.

In consideration of the foregoing, Parts 25, 37, and 121 of the Federal Aviation Regulations are amended, effective May 1, 1972, as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. Section 25.721 is amended to read as follows:

§ 25.721 General.

(a) The main landing gear system must be designed so that if it fails due to overloads during takeoff and landing (assuming the overloads to act in the upward and aft directions), the failure mode is not likely to cause—

(1) For airplanes that have a passenger seating configuration, excluding pilots seats, of nine seats or less, the spillage of enough fuel from any fuel system in the fuselage to constitute a fire hazard; and

(2) For airplanes that have a passenger seating configuration, excluding pilots seats, of 10 seats or more, the spillage of enough fuel from any part of the fuel system to constitute a fire hazard.

(b) Each airplane that has a passenger seating configuration excluding pilots seats, of 10 seats or more must be designed so that with the airplane under control it can be landed on a paved runway with any one or more landing gear legs not extended without sustaining a structural component failure that is like to cause the spillage of enough fuel to constitute a fire hazard.

(c) Compliance with the provisions of this section may be shown by analysis or tests, or both.

2. Section 25.785(c) is amended by amending the second sentence of the lead-in paragraph and subparagraphs (1), (2), and (3) to read as follows:

§ 25.785 Seats, berths, safety belts, and harnesses.

* * * * * * *

(c) * * * Each occupant of any other seat must be protected from head injury by a safety belt and, as appropriate to the type, location, and angle of facing of each seat, by one or more of the following:

(1) A shoulder harness that will prevent the head from contacting any injurious object.

(2) The elimination of any injurious object within striking radius of the head.

(3) An energy absorbing rest that will support the arms, shoulders, head, and spine.

* * * * * * *

3. Section 25.787 is amended by striking out paragraph (c) and by changing the title of the section and amending paragraph (a) to read as follows:

§ 25.787 Stowage compartments.

(a) Each compartment for the stowage of cargo, baggage, carry-on articles, and equipment (such as life rafts), and any other stowage compartment must be designed for its placarded maximum weight of contents and for the critical load distribution at the appropriate maximum load factors corresponding to the specified flight and ground load conditions, and to the emergency landing conditions of § 25.561(b), except that the forces specified in the emergency landing conditions need not be applied to compartments located below, or forward, of all occupants in the airplane. If the airplane has a passenger seating configuration, excluding pilots seats, of 10 seats or more, each stowage compartment in the passenger cabin, except for underseat and overhead compartments for passenger convenience, must be completely enclosed.

* * * * * * *

(c) [Deleted]

4. A new § 25.789 is added to read as follows:

§ 25.789 Retention of items of mass in passenger and crew compartments.

Means must be provided to prevent each item of mass (that is part of the airplane type design) in a passenger or crew compartment from becoming a hazard by shifting under the appropriate maximum load factors corresponding to the specified flight and ground load conditions, and to the emergency landing conditions of § 25.561(b).

5. A new § 25.791 is added to read as follows:

§ 25.791 Passenger information signs.

When passenger information signs are installed to comply with the operating rules of this chapter, at least one sign (using either letters or symbols) notifying when smoking is prohibited and one sign (using either letters or symbols) notifying when safety belts should be fastened must, when illuminated, be legible to each person seated in the passenger cabin under all probable conditions of cabin illumination. Signs which notify when safety belts should be fastened and when smoking is prohibited must be so constructed that the crew can turn them on and off.

6. Paragraph (e) of § 25.803 is amended to read as follows:

§ 25.803 Emergency evacuation.

* * * * * * *

(e) An escape route must be established from each overwing emergency exit, and (except for flap surfaces suitable as slides) covered with a slip resistant surface. Except where a means for channeling the flow of evacuees is provided—

(1) The escape route must be at least 42 inches wide at Type A passenger emergency exits and must be at least 2 feet wide at all other passenger emergency exits, and

(2) The escape route surface must have a reflectance of at least 80 percent, and must be defined by markings with a surface-to-marking contrast ratio of at least 5.1.

7. Section 25.807 *Passenger emergency exits*, is amended as follows:

A. By amending paragraph (a)(3) to read as follows:

B. By amending paragraphs (c) and (d) to read as follows:

§ 25.807 Passenger emergency exits.

(a) * * *

(3) *Type III.* This type must have a rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than one-third the width of the exit, and with a step-up inside the airplane of not more than 20 inches. If the exit is located over the wing the step-down outside the airplane may not exceed 27 inches.

* * * * * * *

(c) *Passenger emergency exits.* The prescribed exits need not be diametrically opposite each other nor identical in size and location on both sides. They must be distributed as uniformly as practicable taking into account passenger distribution. If only one floor level exit per side is prescribed, and the airplane does not have a tail cone or ventral emergency exit, the floor level exits must be in the rearward part of the passenger compartment, unless another location affords a more effective means of passenger evacuation. Where more than one floor level exit per side is prescribed, at least one floor level exit per side must be located near each end of the cabin, except that this provision does not apply to combination cargo/passenger configurations. Exits must be provided as follows:

(1) Except as provided in subparagraphs (2) through (6) of this paragraph, the number and type of passenger emergency exits must be in accordance with the following table:

Passenger seating configuration (crewmember seats not included)	Emergency exits for each side of the fuselage			
	Type I	Type II	Type III	Type IV
1 through 9				1
10 through 19			1	
20 through 39		1	1	
40 through 79	1		1	
80 through 109	1		2	
110 through 139	2		1	
140 through 179	2		2	

(2) An increase in the passenger seating configuration above the maximum permitted under subparagraph (1) of this paragraph but not to exceed a total of 299 seats may be allowed in accordance with the following table for each additional pair of emergency exits in excess of the minimum number prescribed in subparagraph (1) of this paragraph for 179 passenger seats:

Additional emergency exits (each side of fuselage):	*Increase in passenger seating configuration allowed*
Type A	100
Type I	45
Type II	40
Type III	35

FEB 24 72
XUM

(3) For passenger seating configurations in excess of 299 seats, each emergency exit in the side of the fuselage must be either a Type A or Type I. A passenger seating configuration of 100 seats is allowed for each pair of Type A exits and a passenger seating configuration of 45 seats is allowed for each pair of Type I exits.

(4) If a passenger ventral or tail cone exit is installed and can be shown to allow a rate of egress at least equivalent to that of a Type III exit with the airplane in the most adverse exit opening condition because of the collapse of one or more legs of the landing gear, an increase in the passenger seating configuration beyond the limits specified in subparagraph (1), (2), or (3) of this paragraph may be allowed as follows:

(i) For a ventral exit, 12 additional passenger seats.

(ii) For a tail cone exit incorporating a floor level opening of not less than 20 inches wide by 60 inches high, with corner radii not greater than one-third the width of the exit, in the pressure shell and incorporating an approved assist means in accordance with § 25.809(f)(1), 25 additional passenger seats.

(iii) For a tail cone exit incorporating an opening in the pressure shell which is at least equivalent to a Type III emergency exit with respect to dimensions, step-up and step-down distance, and with the top of the opening not less than 56 inches from the passenger compartment floor, 15 additional passenger seats.

(5) For airplanes on which the vertical location of the wing does not allow the installation of overwing exits, an exit of at least the dimensions of a Type III exit must be installed instead of each Type IV exit required by subparagraph (1) of this paragraph.

(6) Each emergency exit in the passenger compartment in excess of the minimum number of required emergency exits must meet the applicable requirements of §§ 25.809 through 25.812, and must be readily accessible.

(d) *Ditching emergency exits for passengers.* Ditching emergency exits must be provided in accordance with the following requirements, unless the emergency exits required by paragraph (c) of this section already meet them:

(1) For airplanes that have a passenger seating configuration, excluding pilots seats, of nine seats or less, one exit above the waterline in each side of the airplane, meeting at least the dimensions of a Type IV exit.

(2) For airplanes that have a passenger seating configuration, excluding pilots seats, of 10 seats or more, one exit above the waterline in a side of the airplane, meeting at least the dimensions of a Type III exit, for each unit (or part of a unit) of 35 passenger seats, but no less than two such exits in the passenger cabin, with one on each side of the airplane. However, where it has been shown through analysis, ditching demonstrations, or any other tests found necessary by the Administrator, that the evacuation capability of the airplane during ditching is improved by the use of larger exits, or by other means, the passenger seat/exit ratio may be increased.

(3) If side exits cannot be above the waterline, the side exits must be replaced by an equal number of readily accessible overhead hatches of not less than the dimensions of a Type III exit except that, for airplanes with a passenger configuration, excluding pilots seats, of 35 seats or less, the two required Type III side exits need be replaced by only one overhead hatch.

8. Section 25.809 *Emergency exit arrangement*, is amended as follows:

A. By amending paragraph (b) to read as set forth below.

B. By amending paragraph (f)(1) to read as set forth below.

C. By amending paragraph (g) to read as set forth below.

D. By amending paragraph (h) and by adding a new paragraph (i) to read as set forth below.

§ 25.809 Emergency exit arrangement.

* * * * *

(b) * * * Each emergency exit must be capable of being opened, when there is no fuselage deformation—

(1) With the airplane in the normal ground attitude and in each of the attitudes corresponding to collapse of one or more legs of the landing gear; and

(2) Within 10 seconds measured from the time when the opening means is actuated to the time when the exit is fully opened.

* * * * *

(f) * * * (1) The assisting means for each passanger emergency exit must be a self-supporting slide or equivalent, and must be designed to meet the following requirements:

(i) It must be automatically deployed and deployment must begin during the interval between the time the exit opening means is actuated from inside the airplane and the time the exit is fully opened. However, each passenger emergency exit which is also a passenger entrance door or a service door must be provided with means to prevent deployment of the assisting means when it is opened from either the inside or the outside under non-emergency conditions for normal use.

(ii) It must be automatically erected within 10 seconds after deployment is begun.

(iii) It must be of such length that the lower end is self-supporting on the ground after collapse of one or more legs of the landing gear.

(g) Each emergency exit must be shown by tests, or by a combination of analysis and tests, to meet the requirements of paragraphs (b) and (c) of this section.

(h) If the place on the airplane structure at which the escape route required in § 25.803(e) terminates is more than 6 feet from the ground with the airplane on the ground and the landing gear extended, means must be provided to assist evacuees (who have used the overwing exits) to reach the ground. If the escape route is over a flap, the height of the terminal edge must be measured with the flap in the takeoff or landing position, whichever is higher from the ground. The assisting means must be of such length that the lower end is self-supporting on the ground after collapse of any one or more landing gear legs.

(i) If a single power-boost or single power-operated system is the primary system for operating more than one exit in an emergency, each exit must be capable of meeting the requirements of paragraph (b) of this section in the event of failure of the primary system. Manual operation of the exit (after failure of the primary system) is acceptable.

9. Section 25.811 *Emergency exit marking*, is amended as follows:

A. By amending paragraph (d) to read as set forth below.

B. By amending the lead-in sentence and subparagraph (1) of paragraph (e) to read as set forth below.

C. By amending subparagraph (2) of paragraph (e) by inserting the words "Type A", between the word "each" and the words "Type I".

D. By amending paragraph (g) to read as set forth below.

§ 25.811 Emergency exit marking.

* * * * *

(d) The location of each passenger emergency exit must be indicated by a sign visible to occupants approaching along the main passenger aisle (or aisles). There must be—

(1) A passenger emergency exit locator sign above the aisle (or aisles) near each passenger emergency exit, or at another overhead location if it is more practical because of low headroom, except that one sign may serve more than one exit if each exit can be seen readily from the sign;

(2) A passenger emergency exit marking sign next to each passenger emergency exit, except that one sign may serve two such exits if they both can be seen readily from the sign; and

(3) A sign on each bulkhead or divider that prevents fore and aft vision along the passenger cabin to indicate emergency exits beyond and obscured by the bulkhead or divider, except that if this is not possible the sign may be placed at another appropriate location.

(e) The location of the operating handle and instructions for opening the exit from the inside must be shown as follows:

(1) For each passenger emergency exit, by a marking on or near the exit that is readable from a distance of 30 inches. In addition, the operating handle for each Type III passenger emergency exit must be self-illuminated with an initial brightness of at least 160 microlamberts. If the operating handle is covered, self-illuminated cover removal instructions having an initial brightness of at least 160 microlamberts must also be provided.

* * * * *

(g) Each sign required by paragraph (d) of this section may use the word "exit" in its legend in place of the term "emergency exit".

10. Section 25.812 *Emergency lighting*, is amended as follows:

A. By amending the lead-in statement of paragraph (a) to read as set forth below.

B. By amending paragraphs (b), (c), (d), (e), (f), and (g) to read as set forth below.

C. By amending paragraph (k) by inserting the word "transverse" between the words "single" and "vertical" in the lead-in statement and by striking out the word "exit" in subparagraph (3).

§ 25.812 Emergency lighting.

(a) An emergency lighting system, independent of the main lighting system, must be installed. However, the sources of general cabin illumination may be common to both the emergency and the main lighting systems if the power supply to the emergency lighting system is independent of the power supply to the main lighting system. The emergency lighting system must include:

* * * * *

(b) Emergency exit signs—

(1) For airplanes that have a passenger seating configuration, excluding pilot seats, of 10 seats or more must meet the following requirements:

(i) Each passenger emergency exit locator sign required by § 25.811(d)(1) and each passenger emergency exit marking sign required by § 25.811(d)(2) must have red letters at least 1½ inches high on an illuminated white background, and must have an area of at least 21 square inches excluding the letters. The lighted background-to-letter contrast must be at least 10:1. The letter height to stroke-width ratio may not be more than 7:1 nor less than 6:1. These signs must be internally electrically illuminated with a background brightness of at least 25 foot-lamberts and a high-to-low background contrast no greater than 3:1.

(ii) Each passenger emergency exit sign required by § 25.811(d)(3) must have red letters at least 1½ inches high on a white background having an area of at least 21 square inches excluding the letters. These signs must be internally electrically illuminated or self-illuminated by other than electrical means and must have an initial brightness of at least 400 microlamberts. The colors may be reversed in the case of a sign that is self-illuminated by other than electrical means.

(2) For airplanes that have a passenger seating configuration, excluding pilot seats, of nine seats or less, that are required by § 25.811(d)(1), (2), and (3) must have red letters at least 1 inch high on a white background at least 2 inches high. These signs may be internally electrically illuminated, or self-illuminated by other than electrical means, with an initial brightness of at least 160 microlamberts. The colors may be reversed in the case of a sign that is self-illuminated by other than electrical means.

(c) General illumination in the passenger cabin must be provided so that when measured along the centerline of main passenger aisle(s), and cross aisle(s) between main aisles, at seat armrest height and at 40-inch intervals, the average illumination is not less than 0.05 foot-candle and the illumination at each 40-inch interval is not les than 0.01 foot-candle. A main passenger aisle(s) is considered to extend along the fuselage from the most forward passenger emergency exit or cabin occupant seat, whichever is farther forward, to the most rearward passenger emergency exit or cabin occupant seat, whichever is farther aft.

(d) The floor of the passageway leading to each floor-level passenger emergency exit, between the main aisles and the exit openings, must be provided with illumination that is not less than 0.02 foot-candle measured along a line that is within 6 inches of and parallel to the floor and is centered on the passenger evacuation path.

(e) Except for subsystems provided in accordance with paragraph (g) of this section that serve no more than one assist means, are independent of the airplane's main emergency lighting system, and are automatically activated when the assist means is erected, the emergency lighting system must be designed as follows.

(1) The lights must be operable manually from the flight crew station and (if required by the operating rules of this chapter) from a point in the passenger compartment that is readily accessible to a normal flight attendant seat.

(2) There must be a flight crew warning light which illuminates when power is on in the airplane and emergency lighting control device is neither armed nor turned on.

(3) When armed or turned on, the lights must remain lighted or become lighted upon interruption (except an interruption caused by a transverse vertical separation of the fuselage during crash landing) of the airplane's normal electric power. There must be means to safeguard against inadvertent operation of the control device from the "armed" or "on" position.

(f) Exterior emergency lighting must be provided as follows:

(1) At each overwing emergency exit the illumination must be—

(i) Not less than 0.03 foot-candle (measured normal to the direction of the incident light) on a 2-square-foot area where an evacuee is likely to make his first step outside the cabin;

(ii) Not less than 0.05 foot-candle (measured normal to the direction of the incident light) for a minimum width of 42 inches for a Type A overwing emergency exit and of 2 feet for all other overwing emergency exits along the 30 percent of the slip-resistant portion of the escape route required in § 25.803(e) that is farthest from the exit; and

(iii) Not less than 0.03 foot-candle on the ground surface with the landing gear extended (measured normal to the direction of the incident light) where an evacuee using the established escape route would normally make first contact with the ground.

(2) At each non-overwing emergency exit not required by § 25.809(f) to have descent assist means the illumination must be not less than 0.03 foot-candle (measured normal to the direction of the incident light) on the ground surface with the landing gear extended where an evacuee is likely to make his first contact with the ground outside the cabin.

(g) The means required in § 25.809(f)(1) and (h) to assist the occupants in descending to the ground must be illuminated so that the erected assist means is visible from the airplane.

(1) If the assist means is illuminated by exterior emergency lighting, it must provide illumination of not less than 0.03 foot-candle (measured normal to the direction of the incident light) at the ground end of the erected assist means where an evacuee using the established escape route would normally make first contact with the ground, with the airplane in each of the attitudes corresponding to the collapse of one or more legs of the landing gear.

(2) If the emergency lighting subsystem illuminating the assist means serves no other assist means, is independent of the airplane's main emergency lighting system, and is automatically activated when the assist means is erected, the lighting provisions—

(i) May not be adversely affected by stowage; and

(ii) Must provide illumination of not less than 0.03 foot-candle (measured normal to the direction of incident light) at the ground and of the erected assist means where an evacuee would normally make first contact with the ground, with the airplane in each of the attitudes corresponding to the collapse of one or more legs of the landing gear.

* * * * *

11. Section 25.813(c) is amended to read as follows:

§ 25.813 Emergency exit access.

* * * * *

(c) There must be access from each aisle to each Type III or Type IV exit, and—

(1) For airplanes that have a passenger seating configuration, excluding pilot seats, of 20 or more, the projected opening of the exit provided must not be obstructed by seats, berths, or other protrusions (including seatbacks in any position) for a distance from that exit not less than the width of the narrowest passenger seat installed on the airplane;

(2) For airplanes that have a passenger seating configuration, excluding pilots seats, of 19 or less, there may be minor obstructions in this region, if there are compensating factors to maintain the effectiveness of the exit.

* * * * *

12. Section 25.853 is amended by amending the lead-in statement and paragraphs (a) and (b) and by adding new paragraphs (b–1), (b–2), and (b–3) to read as follows:

§ 25.853 Compartment interiors.

Materials (including finishes or decorative surfaces applied to the materials) used in each compartment occupied by

FEB 24 72
XUM

the crew or passengers must meet the following test criteria as applicable:

(a) Interior ceiling panels, interior wall panels, partitions, galley structure, large cabinet walls, structural flooring, and materials used in the construction of stowage compartments (other than underseat stowage compartments and compartments for stowing small items such as magazines and maps) must be self-extinguishing when tested vertically in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods. The average burn length may not exceed 8 inches and the average flame time after removal of the flame source may not exceed 15 seconds. Drippings from the test specimen may not continue to flame for more than an average of 3 seconds after falling.

(b) Floor covering, textiles (including draperies and upholstery), seat cushions, padding, decorative and nondecorative coated fabrics, leather, trays and gallery furnishings, electrical conduit, thermal and acoustical insulation and insulation covering, air ducting, joint and edge covering, cargo compartment liners, insulation blankets, cargo covers, and transparencies, molded and thermoformed parts, air ducting joints, and trim strips (decorative and chafing), that are constructed of materials not covered in paragraph (b–2) of this section, must be self extinguishing when tested vertically in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods. The average burn length may not exceed 8 inches and the average flame time after removal of the flame source may not exceed 15 seconds. Drippings from the test specimen may not continue to flame for more than an average of 5 seconds after falling.

(b–1) Motion picture film must be safety film meeting the Standard Specifications for Safety Photographic Film PH 1.25 (available from the United States of America Standards Institute, 10 East 40th Street, New York, NY 10018), or an FAA-approved equivalent. If the film travels through ducts, the ducts must meet the requirements of paragraph (b) of this section.

(b–2) Acrylic windows and signs, parts constructed in whole or in part of elastomeric materials, edge lighted instrument assemblies consisting of two or more instruments in a common housing, seat belts, shoulder harnesses, and cargo and baggage tiedown equipment, including containers, bins, pallets, etc., used in passenger or crew compartments, may not have an average burn rate greater than 2.5 inches per minute when tested horizontally in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods.

(b–3) Except for electrical wire and cable insulation, and for small parts (such as knobs, handles, rollers, fasteners, clips, grommets, rub strips, pulleys, and small electrical parts) that the Administrator finds would not contribute significantly to the propagation of a fire, materials in items not specified in paragraphs (a), (b), (b–1), or (b–2) of this section may not have a burn rate greater than 4 inches per minute when tested horizontally in accordance with the applicable portions of Appendix F of this part or other approved equivalent methods.

* * * * *

13. Section 25.855 is amended by amending paragraph (a) and by adding new paragraphs (a–1) and (a–2) to read as follows:

§ 25.855 Cargo and baggage compartments.

(a) Thermal and acoustic insulation (including coverings) and liners, used in each cargo and baggage compartment not occupied by passengers or crew, must be constructed of materials that at least meet the requirements set forth in § 25.853(b).

(a–1) Class B through Class E cargo or baggage compartments as defined in § 25.857, must have a liner and the liner must be constructed of materials that at least meet the requirements set forth in § 25.853(b), must be separate from (but may be attached to) the airplane structure, and must be tested at a 45° angle in accordance with the applicable portions of Appendix F of this part or other approved equivalent methods. In the course of the 45° angle test, the flame may not penetrate (pass through) the material during application of the flame or subsequent to its removal, the average flame time after removal of the flame source may not exceed 15 seconds, and the average glow time may not exceed 10 seconds.

(a–2) Insulation blankets and cargo covers used to protect cargo in compartments not occupied by passengers or crew must be constructed of materials that at least meet the requirements of § 25.853(b), and tiedown equipment (including containers, bins, and pallets) used in each cargo and baggage compartment not occupied by passengers or crew must be constructed of materials that at least meet the requirements set forth in § 25.853(b–3).

* * * * *

§ 25.857 [Amended]

14. Section 25.857 is amended by striking out subparagraph (4) of paragraph (b), subparagraph (5) of paragraph (c), subparagraph (4) of paragraph (d), and subparagraph (1) of paragraph (e) and by designating them "reserved".

15. Section 25.1359 is amended by adding a new paragraph (d) to read as follows:

§ 25.1359 Electrical system fire and smoke protection.

* * * * *

(d) Insulation on electrical wire and electrical cable installed in any area of the fuselage must be self-extinguishing when tested at an angle of 60° in accordance with the applicable portions of Appendix F of this part, or other approved equivalent methods. The average burn length may not exceed 3 inches and the average flame time after removal of the flame source may not exceed 30 seconds. Drippings from the test specimen may not continue to flame for more than an average of 3 seconds after falling.

§ 25.141 [Amended]

16. Section 25.1411(c) is amended by striking out the reference to "§ 25.807 (c)(4)" and inserting reference to "§ 25.809(f)" in place thereof.

17. Paragraph (a) of § 25.1557 is amended to read as follows:

§ 25.1557 Miscellaneous markings and placards.

(a) *Baggage and cargo compartments and ballast location.* Each baggage and cargo compartment, and each ballast location must have a placard stating any limitations on contents, including weight, that are necessary under the loading requirements. However, underseat compartments designed for the storage of carry-on articles weighing not more than 20 pounds need not have a loading limitation placard.

* * * * *

18. Appendix F is amended to read as follows:

Appendix F

An acceptable Test Procedure for showing compliance with §§ 25.853, 25.855, and 25.1359.

(a) *Conditioning.* Specimens must be conditioned to 70° F, plus or minus 5° and at 50 percent plus or minus 5 percent relative humidity until moisture equilibrium is reached or for 24 hours. Only one specimen at a time may be removed from the conditioning environment immediately before subjecting it to the flame.

(b) *Specimen configuration.* Except as provided for materials used in electrical wire and cable insulation and in small parts, materials must be tested either as a section cut from a fabricated part as installed in the airplane or as a specimen simulating a cut section, such as: A specimen cut from a flat sheet of the material or a model of the fabricated part. The specimen may be cut from any location in a fabricated part; however, fabricated units, such as sandwich panels, may not be separated for test. The specimen thickness must be no thicker than the minimum thickness to be qualified for use in the airplane, except that: (1) Thick foam parts, such as seat cushions, must be tested in ½-inch thickness; (2) when showing compliance with § 25.853(b–3) for materials used in small parts that must be tested, the materials must be tested in no more than ½-inch thickness; (3) when showing compliance with § 25.1359(d) for materials used in electrical wire and cable insulation, the wire and cable specimens must be the same size as used in the airplane. In the case of fabrics, both the warp and fill direction of the weave must be tested to determine the most critical flammability conditions: When performing the tests prescribed in paragraphs (d) through (e) of this appendix, the specimen must be mounted in a metal frame so that; (1) in the vertical tests of paragraph (d), the two long edges and the upper edge are held securely; (2) in the horizontal test of paragraph (e), the two long edges and the edge away from the flame are held securely; (3) the exposed area of the specimen is at least 2 inches wide and 12 inches long, unless the actual size used in the airplane is smaller; and (4) the edge to which the burner flame is applied must not consist of the finished or protected edge of the specimen but must be representative of the actual cross-section of the material or part installed in the airplane. When performing the test prescribed in paragraph (f) of this appendix, the specimen must be mounted in a metal frame so that all four edges are held securely and the exposed area of the specimen is at least 8 inches by 8 inches.

(c) *Apparatus.* Except as provided in paragraph (h) of this appendix, tests must be conducted in a draft-free cabinet in accordance with Federal Test method Standard 191 Method 5903 (revised Method 5902) for the vertical test, or Method 5906 for horizontal test (available from the General Services Administration, Business Service Center, Region 3, Seventh and D Streets SW., Washington, DC 20407) or other approved equivalent methods. Specimens which are too large for the cabinet must be tested in similar draft-free conditions.

(d) *Vertical test, in compliance with § 25.853 (a) and (b).* A minimum of three specimens must be tested and the results averaged. For fabrics, the direction of weave corresponding to the most critical flammability conditions must be parallel to the longest dimension. Each specimen must be supported vertically. The specimen must be exposed to a Bunsen or Tirrill burner with a nominal ¾-inch I.D. tube adjusted to give a flame of 1½ inches in height. The minimum flame measured by a calibrated thermocouple pyrometer in the center of the flame must be 1,550° F. The lower edge of the specimen must be three-fourths inch above the top edge of the burner. The flame must be applied to the center line of the lower edge of the specimen. For materials covered by § 25.853 (a), the flame must be applied for 60 seconds and then removed. For materials covered by § 25.853(b), the flame must be applied for 12 seconds and then removed. Flame time, burn length, and flaming time of drippings, if any, must be recorded. The burn length determined in accordance with paragraph (g) of this appendix must be measured to the nearest one-tenth inch.

(e) *Horizontal test in compliance with §25.853 (b–2) and (b–3).* A minimum of three specimens must be tested and the results averaged. Each specimen must be supported horizontally. The exposed surface when installed in the aircraft must be face down for the test. The specimen must be exposed to a Bunsen burner or Tirrill burner with a nominal ¾-inch I.D. tube adjusted to give a flame of 1½ inches in height. The minimum flame temperature measured by a calibrated thermocouple pyrometer in the center of the flame must be 1,550° F. The specimen must be positioned so that the edge being tested is three-fourths of an inch above the top of, and on the center line of, the burner. The flame must be applied for 15 seconds and then removed. A minimum of 10 inches of the specimen must be used for timing purposes, approximately 1½ inches must burn before the burning front reaches the timing zone, and the average burn rate must be recorded.

(f) *Forty-five-degree test, in compliance with § 25.855(a–1).* A minimum of three specimens must be tested and the results averaged. The specimens must be supported at an angle of 45° to a horizontal surface. The exposed surface when installed in the aircraft must be face down for the test. The specimens must be exposed to a Bunsen or Tirrill burner with a nominal ¾-inch I.D. tube adjusted to give a flame of 1½ inches in height. The minimum flame temperature measured by a calibrated thermocouple pyrometer in the center of the flame must be 1,550° F. Suitable precautions must be taken to avoid drafts. One-third of the flame must contact the material at the center of the specimen and must be applied for 30 seconds and then removed. Flame time, glow time, and whether the flame penetrates (passes through) the specimen must be recorded.

(g) *Sixty-degree test in compliance with § 25.1359(d).* A minimum of three specimens of each wire specification (make and size) must be tested. The specimen of wire or cable (including insulation) must be placed at an angle of 60° with the horizontal in the cabinet specified in paragraph (c) of this appendix with the cabinet door open during the test or must be placed within a chamber approximately 2 feet high x 1 foot x 1 foot, open at the top and at one vertical side (front), and which allows sufficient flow of air for complete combustion, but which is free from drafts. The specimen must be parallel to and approximately 6 inches from the front of the chamber. The lower end of the specimen must be held rigidly clamped. The upper end of the specimen must pass over a pulley or rod and must have an appropriate weight attached to it so that the specimen is held tautly throughout the flammability test. The test specimen span between lower clamp and upper pulley or rod must be 24 inches and must be marked 8 inches from the lower end to indicate the central point for flame application. A flame from a Bunsen or Tirrill burner must be applied for 30 seconds at the test mark. The burner must be mounted underneath the test mark on the specimen, perpendicular to the specimen and at an angle of 30° to the vertical plane of the specimen. The burner must have a nominal bore of three-eighths inch, and must be adjusted to provide a 3-inch-high flame with an inner cone approximately one-third of the flame height. The minimum temperature of the hottest portion of the flame, as measured with a calibrated thermocouple pyrometer, may not be less than 1,750° F. The burner must be positioned so that the hottest portion of the flame is applied to the test mark on the wire. Flame time, burn length, and flaming time of drippings, if any, must be recorded. The burn length determined in accordance with paragraph (g) of this appendix must be measured to the nearest one-tenth inch. Breaking of the wire specimens is not considered a failure.

(h) *Burn length.* Burn length is the distance from the original edge to the farthest evidence of damage to the test specimen due to flame impingement, including areas of partial or complete consumption, charring, or embrittlement, but not including areas sooted, stained, warped, or discolored, nor areas where material has shrunk or melted away from the heat source.

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

1. Section 37.132 is amended by changing the section heading, by amending paragraph (a)(1), and by adding a new subdivision (vi) to paragraph (a)(2) to read as follows:

§ 37.132 Safety Belts—TSO–C22f.

(a) *Applicability*—(1) *Minimum performance standards.* This technical standard order prescribes the minimum performance standards that safety belts must meet in order to be identified with the applicable TSO marking. New models of safety belts that are to be so identified and that are manufactured on or after May 1, 1972, must meet the standards set forth in National Aircraft Standards (NAS) Specification 802 revised May 15, 1950, with the exceptions covered in subparagraph (2) of this paragraph. NAS 802 is incorporated by reference herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 and is available as indicated in § 37.23. Additionally, NAS 802 may be examined at any FAA regional office of the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), and may be obtained from the National Standards Association, 1321 14th Street NW., Washington, DC 20005, at a cost of three (3) dollars. Belts approved under prior issuances of this section may continue to be manufactured under the earlier provisions.

(2) *Exceptions.* * * *

(vi) In lieu of compliance with paragraphs 1.1.1, 3.1.4, and 4.3.1.1 of NAS 802, the webbing and all other materials used in the belt assembly must comply with the fire protection provisions of § 25.853 (b–2) of this chapter.

* * * * *

2. Section 37.136 is amended to read as follows:

§ 37.136 Aircraft seats and berths—TSO–C39a.

(a) *Applicability*—(1) *Minimum performance standards.* (i) This technical standard order prescribes the minimum performance standards that aircraft seats and berths of the following types must meet in order to be identified with the applicable TSO marking:

Type I—Transport (9g forward load).
Type II—Normal and utility.
Type III—Acrobatic.
Type IV—Rotorcraft.

(ii) New models of seats and berths that are to be so identified, and that are manufactured on or after May 1, 1972, must meet the standards set forth in National Aircraft Standard (NAS) Specification 809, dated January 1, 1956, with the exceptions covered in subparagraph (2) of this paragraph. NAS 809 is incorporated by reference herein in accordance with 5 U.S.C. 552(a)(1) and § 37.23 and is available as indicated in § 37.23. Additionally, NAS 809 may be examined at any FAA regional office of the Chief, Engineering and Manufacturing Branch (or in the case of the Western Region, the Chief, Aircraft Engineering Division), and may be obtained from the National Standards Association, 1321 14th Street NW., Washington, DC 20005, at a cost of three (3) dollars.

(2) *Exceptions.* (i) The sideward loads as specified in 4.1.2. Table I need not exceed the requirements of the applicable Federal Aviation Regulations.

(ii) In lieu of compliance with paragraphs 2.1, 3.12, and 4.32 of NAS 809, materials in Type I seats and berths must comply with the fire protection provisions of § 25.853(b) of this chapter.

(b) *Marking.* The weight required in § 37.7 need not be included.

(c) *Previous approval.* Seats and berths approved prior to May 1, 1972, may continue to be manufactured under the provisions of their original approval.

3. Section 37.178 is amended as follows:

FEB 24 72
XUM

A. The section heading is changed and paragraph (a) is amended to read as set forth below.

B. Paragraphs 4.0.4 and 7.0.3 of Federal Aviation Administration Standard, Individual Flotation Devices, are amended to read as set forth below.

§ 37.178 Individual flotation devices—TSO–C72b.

(a) *Applicability.* This technical standard order (TSO) prescribes the minimum performance standards that individual flotation devices must meet in order to be identified with the applicable TSO marking. New models of the devices that are to be so identified, and that are manufactured on or after May 1, 1972, must meet the requirements of the "Federal Aviation Administration Standard, Individual Flotation Devices", amended effective May 1, 1972, set forth at the end of this section.

* * * * *

4.0.4 *Fire protection.* If the device is not used as part of a seat or berth, materials used in the device, including any covering, must meet paragraph 6.0.2 of this standard. If the device is to be used as part of a seat or berth, all materials used in the device must meet paragraph 7.0.3 of this standard.

* * * * *

7.0.3 *Test for fire protection of materials.* Materials used in flotation devices that are to be used as part of an aircraft seat or berth must comply with the self-extinguishing fire protection provisions of § 25.853(b) of Part 25 of this chapter. In all other applications, the materials in the flotation device must be tested in accordance with paragraph 6.0.2 of this standard to substantiate adequate flame resistant properties.

* * * * *

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. Paragraph (a) of § 121.215 is amended to read as follows:

§ 121.215 Cabin interiors.

(a) Except as provided in § 121.312, each compartment used by the crew or passengers must meet the requirements of this section.

* * * * *

2. Paragraph (a) of § 121.291 is amended to read as follows:

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Each certificate holder must show, by actual demonstration conducted in accordance with paragraph (a) of Appendix D to this part, that the emergency evacuation procedures for each type and model of airplane with a seating capacity of more than 44 passengers, that is used in its passenger-carrying operations, allow the evacuation of the full seating capacity, including crewmembers, in 90 seconds or less, in each of the following circumstances:

(1) A demonstration must be conducted upon the initial introduction of a type and model of airplane into passenger-carrying operations. However, the demonstration need not be repeated for any airplane type or model that has the same number and type of exits, the same cabin configuration, and the same emergency equipment, as any other airplane used by the certificate holder in successfully demonstrating emergency evacuation in compliance with this paragraph.

(2) A demonstration must be conducted—

(i) Upon increasing by more than 5 percent the passenger seating capacity for which successful demonstration has been conducted; or

(ii) Upon a major change in the passenger cabin interior configuration that will affect the emergency evacuation of passengers.

* * * * *

3. Section 121.310 is amended as follows:

A. Paragraphs (a), (b)(2), and (c) are amended to read as set forth below.

B. Paragraph (d) of § 121.310 is amended by amending the flush paragraph at the end by inserting the word "transverse" between the word "a" and the word "vertical", and by adding a new subparagraph (3) to read as set forth below.

C. Paragraph (e) of § 121.310 is amended by amending the last sentence

D. Paragraph (f) of § 121.310 is amended by amending the last sentence of subparagraph (3) to read as set forth below.

E. Paragraphs (g), (h), (i), and (j) are amended to read as set forth below.

As amended, § 121.310 will read as follows:

§ 121.310 Additional emergency equipment.

(a) *Means for emergency evacuation.* Each passenger-carrying landplane emergency exit (other than over-the-wing) that is more than 6 feet from the ground with the airplane on the ground and the landing gear extended, must have an approved means to assist the occupants in descending to the ground. The assisting means for a floor-level emergency exit must meet the requirements of § 25.809(f)(1) of this chapter in effect on April 30, 1972, except that, for any airplane for which the application for the type certificate was filed after that date, it must meet the requirements under which the airplane was type certificated. An assisting means that deploys automatically must be armed during taxiing, takeoffs, and landings. However, if the Administrator finds that the design of the exit makes compliance impractical, he may grant a deviation from the requirement of automatic deployment if the assisting means automatically erects upon deployment and, with respect to required emergency exits, if an emergency evacuation demonstration is conducted in accordance with § 121.291(a). This paragraph does not apply to the rear window emergency exit of DC–3 airplanes operated with less than 36 occupants, including crewmembers and less than five exits authorized for passenger use.

(b) *Interior emergency exit markings.* * * *

(2) Each passenger emergency exit marking and each locating sign must meet the following:

(i) For an airplane for which the application for the type certificate was filed prior to May 1, 1972, each passenger emergency exit marking and each locating sign must be manufactured to meet the requirements of § 25.812(b) of this chapter in effect on April 30, 1972. On these airplanes, no sign may continue to be used if its luminescence (brightness) decreases to below 100 microlamberts. The colors may be reversed if it increases the emergency illumination of the passenger compartment. However, the Administrator may authorize deviation from the 2-inch background requirements if he finds that special circumstances exist that make compliance impractical and that the proposed deviation provides an equivalent level of safety.

(ii) For an airplane for which the application for the type certificate was filed on or after May 1, 1972, each passenger emergency exit marking and each locating sign must be manufactured to meet the interior emergency exit marking requirements under which the airplane was type certificated. On these airplanes, no sign may continue to be used if its luminescence (brightness) decreases to below 250 microlamberts.

(c) *Lighting for interior emergency exit markings.* Each passenger-carrying airplane must have an emergency lighting system, independent of the main lighting system. However, sources of general cabin illumination may be common to both the emergency and the main lighting systems if the power supply to the emergency lighting system is independent of the power supply to the main lighting system. The emergency lighting system must—

(1) Illuminate each passenger exit marking and locating sign; and

(2) Provide enough general lighting in the passenger cabin so that the average illumination, when measured at 40-inch intervals at seat armrest height, on the centerline of the main passenger aisle, is at least 0.05 foot-candles.

(d) *Emergency light operation.* * * *

(3) After May 1, 1974, each light must provide the required level of illumination for at least 10 minutes at the critical ambient conditions after emergency landing.

(e) *Emergency exit operating handles.* (1) For a passenger-carrying airplane for which the application for the type certificate was filed prior to May 1, 1972, the location of each passenger emergency exit operating handle, and instructions for opening the exit, must be shown by a marking on or near the exit that is readable from a distance of 30 inches. In addition, for each Type I and Type II emergency exit with a locking mechanism released by rotary motion of the handle, the instructions for opening must be shown by—

(i) A red arrow with a shaft at least three-fourths inch wide and a head twice the width of the shaft, extending along at least 70° of arc at a radius approximately equal to three-fourths of the handle length; and

(ii) The word "open" in red letters 1 inch high placed horizontally near the head of the arrow.

(2) For a passenger-carrying airplane for which the application for the type certificate was filed on or after May 1, 1972, the location of each passenger emergency exit operating handle and instructions for opening the exit must be shown in accordance with the requirements under which the airplane was type certificated. On these airplanes, no operating handle or operating handle cover may continue to be used if its luminescence (brightness) decreases to below 100 microlamberts.

(f) *Emergency exit access.* * * *

(3) * * * In addition—

(i) For an airplane for which the application for the type certificate was filed prior to May 1, 1972, the access must meet the requirements of § 25.813(c) of this chapter in effect on April 30, 1972; and

(ii) For an airplane for which the application for the type certificate was filed on or after May 1, 1972, the access must meet the emergency exit access requirements under which the airplane was type certificated.

* * * * *

(g) *Exterior exit markings.* Each passenger emergency exit and the means of opening that exit from the outside must be marked on the outside of the airplane. There must be a 2-inch colored band outlining each passenger emergency exit on the side of the fuselage. Each outside marking, including the band, must be readily distinguishable from the surrounding fuselage area by contrast in color. The markings must comply with the following:

(1) If the reflectance of the darker color is 15 percent or less, the reflectance of the lighter color must be at least 45 percent.

(2) If the reflectance of the darker color is greater than 15 percent, at least a 30 percent difference between its reflectance and the reflectance of the lighter color must be provided.

(3) Exits that are not in the side of the fuselage must have the external means of opening and applicable instructions marked conspicuously in red or, if red is inconspicuous against the background color, in bright chrome yellow and, when the opening means for such an exit is located on only one side of the fuselage, a conspicuous marking to that effect must be provided on the other side. "Reflectance" is the ratio of the luminous flux reflected by a body to the luminous flux it receives.

(h) *Exterior emergency lighting and escape route.* (1) Each passenger-carrying airplane must be equipped with exterior lighting that meets the following requirements:

(i) For an airplane for which the application for the type certificate was filed prior to May 1, 1972, the requirements of § 25.812 (f) and (g) of this chapter in effect on April 30, 1972.

(ii) For an airplane for which the application for the type certificate was filed on or after May 1, 1972, the exterior emergency lighting requirements under which the airplane was type certificated.

(2) Each passenger-carrying airplane must be equipped with a slip-resistant escape route that meets the following requirements:

(i) For an airplane for which the application for the type certificate was filed prior to May 1, 1972, the requirements of § 25.803(e) of this chapter in effect on April 30, 1972.

(ii) For an airplane for which the application for the type certificate was filed on or after May 1, 1972, the slip-resistant escape route requirements under which the airplane was type certificated.

(i) *Floor level exits.* Each floor level door or exit in the side of the fuselage (other than those leading into a cargo or baggage compartment that is not accessible from the passenger cabin) that is 44 or more inches high and 20 or more inches wide, but not wider than 46 inches, each passenger ventral exit (except the ventral exits on M–404 and CV–240 airplanes), and each tail cone exit, must meet the requirements of this section for floor level emergency exits. However, the Administrator may grant a deviation from this paragraph if he finds that circumstances make full compliance impractical and that an acceptable level of safety has been achieved.

(j) *Additional emergency exits.* Approved emergency exits in the passenger compartments that are in excess of the minimum number of required emergency exits must meet all of the applicable provisions of this section except paragraph (f) (1), (2), and (3) of this section and must be readily accessible.

4. Section 121.311 is amended by adding a new paragraph (e) to read as follows:

§ 121.311 Seat and safety belts.

* * * * *

(e) Each occupant of a seat equipped with a shoulder harness must fasten the shoulder harness during takeoff and landing, except that, in the case of crewmembers, the should harness need not be fastened if the crewmember cannot perform his required duties with the shoulder harness fastened.

5. Section 121.312 is amended to read as follows:

§ 121.312 Materials for compartment interiors.

Upon the first major overhaul of an airplane cabin or refurbishing of the cabin interior all materials in each compartment used by the crew or passengers that do not meet the following requirements must be replaced with materials that meet these requirements:

(a) For an airplane for which the application for the type certificate was filed prior to May 1, 1972, § 25.853 of this chapter in effect on April 30, 1972.

(b) For an airplane for which the application for the type certificate was filed on or after May 1, 1972, the materials requirement under which the airplane was type certificated.

6. Paragraph (a) of § 121.317 is amended to read as follows:

§ 121.317 Passenger information.

(a) Until May 1, 1974, no person may operate an airplane unless it is equipped with signs that are visible to passengers and cabin attendants to notify them when smoking is prohibited and when safety belts should be fastened. After May 1, 1974, no person may operate an airplane unless it is equipped with passenger information signs that meet the requirements of § 25.791 of this chapter. The signs must be constructed so that the crew can turn them on and off. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

* * * * *

7. Section 121.391 is amended by inserting the words "required by this section" between the word "attendants" and the word "shall", and by inserting the word "required" between the word "to" and the word "floor", in paragraph (d) and by amending paragraph (c) to read as follows:

§ 121.391 Flight attendants.

* * * * *

(c) The number of flight attendants approved under paragraphs (a) and (b) of this section are set forth in the certificate holder's operations specifications.

* * * * *

8. Paragraph (a) of § 121.571 is amended to read as follows:

§ 121.571 Briefing passengers before takeoff.

(a) Each certificate holder operating a passenger-carrying airplane shall insure that all passengers are orally briefed by the appropriate crewmember as follows:

(1) Before each takeoff, on each of the following:

(i) Smoking.

(ii) The location of emergency exits.

(iii) The use of seat belts.

(2) After each takeoff, immediately before or immediately after turning the seat belt sign off, an announcement shall be made that passengers should keep their seat belts fastened, while seated, even when the seat belt sign is off.

* * * * *

9. A new § 121.576 is added to read as follows:

§ 121.576 Retention of items of mass in passenger and crew compartments.

After May 1, 1974, means must be provided to prevent each item of galley equipment and each serving cart, when not in use, and each item of crew baggage, which is carried in a passenger or crew compartment from becoming a hazard by shifting under the appropriate load factors corresponding to the emergency landing conditions under which the airplane was type certificated.

10. A new § 121.577 is added to read as follows:

§ 121.577 Food and beverage service equipment during takeoff and landing.

(a) No certificate holder may take off or land an airplane when any food, beverage, or tableware, furnished by the certificate holder is located at any passenger seat.

(b) No certificate holder may take off or land an airplane unless each passenger's food and beverage tray and each serving cart is secured in its stowed position.

(c) Each passenger shall comply with instructions given by a crewmember in compliance with this section.

11. Section 121.589 is amended to read as follows:

§ 121.589 Carry-on baggage.

(a) No certificate holder may permit an airplane to take off or land unless each article of baggage carried aboard by passengers is stowed—

(1) In a suitable baggage or cargo stowage compartment;

(2) As provided in paragraph (c) of § 121.285; or

(3) Under a passenger seat.

(b) Each passenger shall comply with instructions given by crewmembers regarding compliance with paragraph (a) of this section.

(c) Each passenger seat under which baggage is permitted to be stowed shall be fitted with a means to prevent articles of baggage stowed under it from sliding forward under crash impacts severe enough to induce the ultimate inertia forces specified in § 25.561(b)(3) of this chapter or in the emergency landing condition regulations under which the aircraft was type certificated.

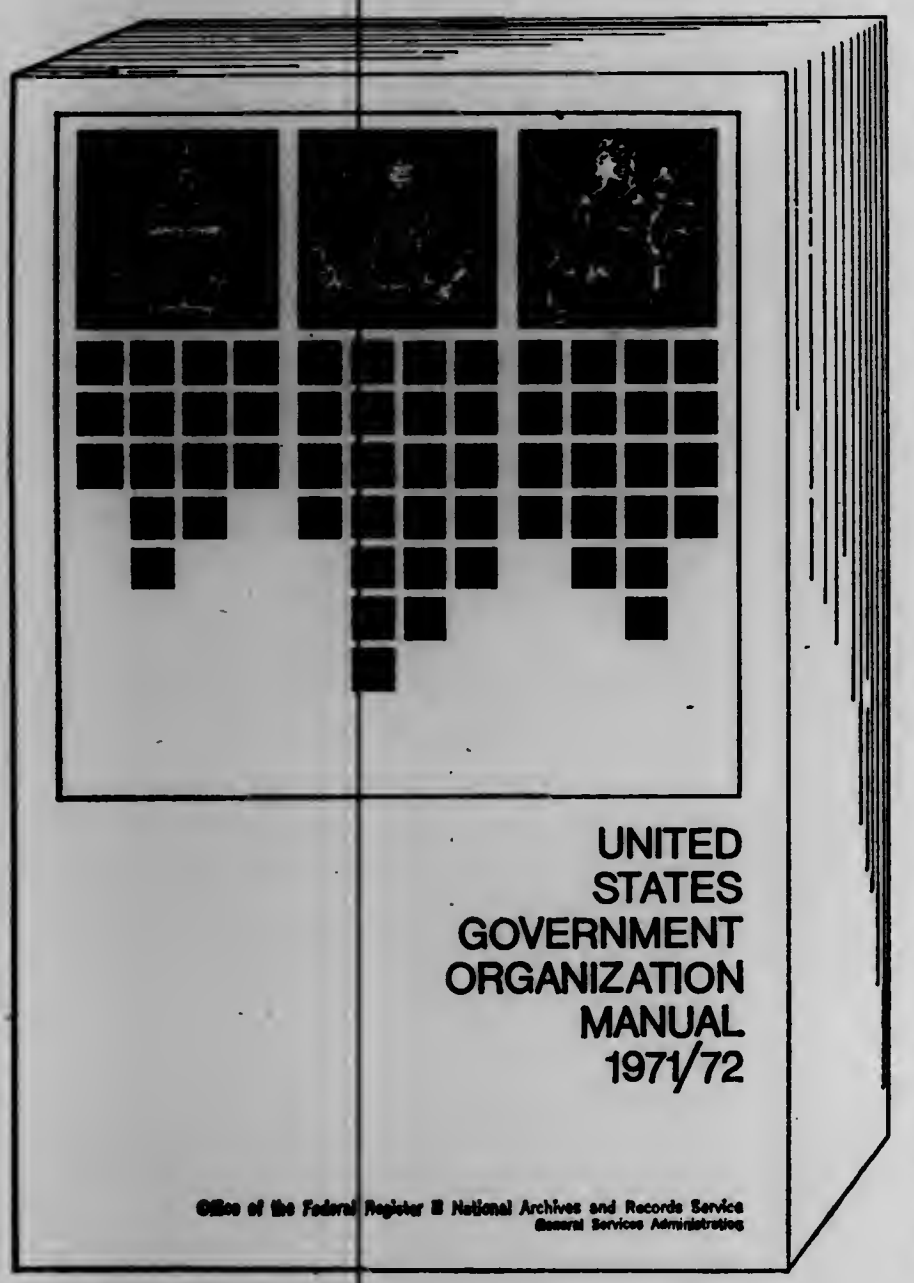
(Secs. 313(a), 601, 603, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, 1424, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 15, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc. 72-2675 Filed 2-23-72;8:45 am]

FEB 24 72
XUM



Know your Government...

The Manual describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches.

Most agency statements include new "Sources of Information" listings which tell you what offices to contact for information on such matters as:

- Consumer activities
- Environmental programs
- Government contracts
- Employment
- Services to small businesses
- Availability of speakers and films for educational and civic groups

This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government.

Order from
SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

$3.00 per copy.
Paperbound, with charts

federal register

FRIDAY, FEBRUARY 25, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 38
Pages 3977–4061

LAW BRANCH
THE ARMY LIBRARY

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

ECONOMIC STABILIZATION—
IRS notices of Pay Board rulings including decisions to permit 7% competitive pay hikes for key employees and to exempt bona fide promotions from post-freeze strictures (5 documents) 3994, 3995
IRS notices of Price Commission rulings including decisions on the citizens role in finding violations and on the status of advance sports tickets (8 documents) 3996–3998

SHIPPERS OF RADIOACTIVE MATERIAL—AEC amendments imposing safety regulations on licensees 3985

FEDERAL SAVINGS AND LOAN SYSTEM—FHLBB policy change regarding branch offices 3987

FOOD ADDITIVES—
FDA amendments to standards for safe silicone release agents; effective 2–25–72 3987
FDA notices of petitions proposing food contact uses for a certain salt and a synthetic petroleum wax (2 documents) 4004

PESTICIDES—
EPA amendment setting tolerances for a bird repellent used on corn grain and insecticides used on wheat, barley, peas and cottonseed (3 documents); effective 2–25–72 ..... 3988, 3989
EPA notices of tolerance petitions for fungicides used on apples and other commodities (3 documents) 4007
EPA notice proposing to exempt a sugar beet insecticide from the tolerance requirement 4007

(Continued inside)

V37 N38
FEB 25 72
XUM

Current White House Releases

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS

This unique service makes available transcripts of the President's news conferences; messages to Congress; public speeches, remarks, and statements; and other Presidential materials released by the White House.

The Weekly Compilation carries a Monday dateline and covers materials released during the preceding week. It includes an Index of Contents and a system of cumulative indexes. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, a checklist of White House releases, and a digest of other White House announcements.

This systematic publication of Presidential items provides users with up-to-date information and a permanent reference source concerning Presidential policies and pronouncements.

Subscription Price: $9.00 per year

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from: Superintendent of Documents
U.S. Government Printing Office,
Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

RESALE OF TV TIME—
FCC amendment freeing barter or trade out arrangements from the contract filing obligation; effective 3–31–72 3991
FCC notice calling for money value estimations of trade-outs in annual financial reports 4009

ASBESTOS DUST AND CANCER—Labor Dept. announces the availability of a report from the National Institute of Occupational Safety and Health 3992

SECURITIES FINANCIAL REPORTS—
SEC proposal to require names and addresses of members of reporting associations; comments by 4–10–71 3992
SEC notice approving New York Stock Exchange plan to review the reports of its members 4041

GOVERNMENT PROPERTY BUYERS—SBA proposal to lower size standards; comments within 30 days 3993

ENVIRONMENT—AEC notice of 3–24–72 hearing on Colorado gas project; comments within 15 days 4006

WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEM—DoD guidelines for design and operation 3998

ANIMAL DRUGS—FDA notices withdrawing approval of certain solutions (2 documents) 4003, 4004

DRUGS—
HEW redelegation of authority and memorandum to coordinate the public protection functions of FDA and NIH 4004
FDA notice proposing to withdraw approval of Suvren Tablets; hearing requests within 30 days 4003
FDA evaluations of a list of coronary vasodilator drugs 4001

BRANIFF AIRWAYS—CAB notice of a prehearing conference on first class excursion fares between U.S. mainland and Hawaii 4033

MINIMUM WAGES IN FEDERAL CONSTRUCTION—Labor Dept. determinations for specified areas 4015

TOTAL GAS SUPPLY—FPC notice postponing conference to 3–21–72 3992

Contents

AGRICULTURE DEPARTMENT
See also Consumer and Marketing Service.
Notices
Administrator, Economic Research Service; delegation of authority 4033
Economic Research Service and Foreign Economic Development Service; merger of functions and authorities 4033

ATOMIC ENERGY COMMISSION
Rules and Regulations
Shippers of radioactive material; safety regulations on licensees 3985
Notices
Alabama Power Co.; determination not to suspend construction activities pending completion of environmental review 4005
Damon Tract Site; revocation of trespass notice 4005
Rio Blanco Gas Stimulation Project, Colo.; draft environmental statement 4006
Washington Public Power Supply System; availability of applicant's supplemental environmental report 4006

CIVIL AERONAUTICS BOARD
Notices
Braniff Airways, Inc.; notice of prehearing conference regarding first-class excursion fares between U.S. mainland and Hawaii 4033

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Almonds grown in California; order regulating handling 3983

DEFENSE DEPARTMENT
Notices
World-wide military command and control system; guidelines for design and operation 3998

EMERGENCY PREPAREDNESS OFFICE
Notices
Washington; amendment of major disaster notice 4015

EMPLOYMENT STANDARDS ADMINISTRATION
Notices
Minimum wages for Federal and federally assisted construction; modifications and/or supersedeas decisions to area wage determinations for specific localities 4015

ENVIRONMENTAL PROTECTION AGENCY
Rules and Regulations
Code of conduct 3989
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions from tolerances:
Ethion 3988
4-aminopyridine 3989
S-2,3,3-trichloroallyl diisopropylthiocarbamate 3988
Notices
Food additives; petitions:
E. I. du Pont de Nemours & Co., Inc 4007
Merck Sharp & Dohme 4007
Pesticide chemicals; petitions:
Diamond Shamrock Chemical Co 4007
Wellgro, Inc 4007

(Continued on next page)

V 37-38 FEB 25 72 XUM

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Enstrom Models F-28 and F-28A helicopters; airworthiness directive ---- 3986

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

FM broadcast stations; table of assignments ---- 3991
Radio broadcast services; remote control operation; correction ---- 3991
Sale of broadcast time for resale; filing of contracts ---- 3991

Notices

"Trade Outs" reporting; broadcast financial reports ---- 4009
Hearings, etc.:
Corvallis Broadcasting Corp. et al ---- 4007
Salem Broadcasting Co., Inc., et al ---- 4008

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Branch offices of Federal savings and loan associations; policy change ---- 3987

FEDERAL MARITIME COMMISSION

Notices

Casualty and/or performance certificates of financial responsibility; issuance:
Carnival Cruise Lines Ltd. and Carnival Cruise Lines, Inc. (2 documents) ---- 4009
United Overseas Export Lines, Inc. and/or Chinese Maritime Trust, Ltd. (2 documents) ---- 4010
Scanlake Line rate agreement; agreement filed ---- 4010

FEDERAL POWER COMMISSION

Proposed Rule Making

Natural gas companies; uniform systems of accounts; comment time extended ---- 3992
Natural Gas pipeline companies; postponement of conference on Annual Report FPC Form No. 15 ---- 3992

Notices

Wisconsin Michigan Power Co.; availability of environmental statement for inspection ---- 4015
Hearings, etc.:
Commercial Pipeline Co., Inc. ---- 4010
Horne, Ransom, Jr., et al ---- 4011
Louisiana Power & Light Co ---- 4011
Mississippi Power & Light Co ---- 4011
Northern Natural Gas Co ---- 4012
Sea Robin Pipeline Co. et al ---- 4012
Southwest Gas Corp ---- 4012
Transcontinental Gas Pipe Line Corp ---- 4013
Western Massachusetts Electric Co. et al ---- 4014

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE

Rules and Regulations

List of acts requiring publication in the FEDERAL REGISTER; 1971 additions ---- 3983

FEDERAL RESERVE SYSTEM

Notices

Charter New York Corp.; acquisition of bank approval ---- 4033
First National Financial Corp.; formation of bank holding company approval ---- 4034
Milton Hershey School and School Trust; approval of exemption of nonbanking activities of bank holding company ---- 4034
Newport Savings and Loan Association; approval of formation of bank holding company and continuation of activities of a thrift institution ---- 4035

FISCAL SERVICE

Notices

Surety companies acceptable on Federal bonds:
Cotton States Mutual Insurance Co ---- 3994
National-Ben Franklin Insurance Company of Illinois ---- 3994

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; resinous and polymeric coatings ---- 3987

Notices

Ayerst Laboratories; opportunity for hearing on proposal to withdraw approval of new drug application ---- 4003
Certain organic nitrates containing drugs; drugs for human use; drug efficacy study implementation ---- 4001
Food additives; petitions:
E. I. du Pont de Nemours & Co ---- 4004
Petrolite Corp ---- 4004
Human drugs which are biological products; redelegation of authority to administer certain provisions of the Federal Food, Drug, and Cosmetic Act; cross reference ---- 4004
New animal drug applications; withdrawals of approval:
Armour Pharmaceutical Co ---- 4003
Haver-Lockhart Laboratories ---- 4004

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; National Institutes of Health; Public Health Service.

Notices

Human drugs which are biological products; redelegation of authority to administer certain provisions of the Federal Food, Drug, and Cosmetic Act ---- 4004

INTERIOR DEPARTMENT

See also Land Management Bureau; National Park Service.

Rules and Regulations

Public contracts and property management; miscellaneous amendments ---- 3990

INTERNAL REVENUE SERVICE

Notices

Economic stabilization; Pay Board and Price Commission rulings (13 documents) ---- 3994–3998

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings ---- 4041
Fourth section applications for relief ---- 4042
Motor carrier, broker, water carrier and freight forwarder applications ---- 4046
Motor carriers:
Temporary authority applications ---- 4042
Transfer proceedings ---- 4045
Port of New Orleans and interior points; investigation into railroad freight rate structure ---- 4042

LABOR DEPARTMENT

See Employment Standards Administration; Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU

Notices

Arizona; opening of public lands ---- 4000
Reservation of lands; proposed withdrawals:
Idaho ---- 4000
Oregon ---- 4000

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Final environmental impact statement; availability ---- 4035

NATIONAL INSTITUTES OF HEALTH

Notices

Human drugs which are biological products; redelegation of authority to administer certain provisions of the Federal Food, Drug, and Cosmetic Act; cross reference ---- 4004

NATIONAL PARK SERVICE

Notices

Directors of National Park Service regions; delegation of authority ---- 4001

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules and Regulations

Safety and health for construction; hazardous locations; correction ---- 3989

Proposed Rule Making

Asbestos dust; standard for exposure ---- 3992

PUBLIC HEALTH SERVICE

Notices

Human drugs which are biological products; redelegation of authority to administer certain provisions of the Federal Food, Drug, and Cosmetic Act; cross reference ---- 4005

SECURITIES AND EXCHANGE COMMISSION

Proposed Rule Making

New York Stock Exchange Plan; report of income and expenses ---- 3992

Notices

New York Stock Exchange plan; action declaring plan effective ---- 4041
Hearings, etc.:
A. M. Capital Corp ---- 4037
Aetna Life Variable Account A and Aetna Life Insurance Co. ---- 4036
Appalachian Power Co ---- 4036
Gulf Power Co ---- 4037
Investment Partnership Fund, Inc. ---- 4038
Pan American Sulphur Co ---- 4038
Paul Revere Life Insurance Co. and Paul Revere Investors, Inc ---- 4039
Public Service Company of Oklahoma and Central and South West Corp ---- 4040
Topper Corp ---- 4041

SMALL BUSINESS ADMINISTRATION

Proposed Rule Making

Sales of Government property; definition of small business ---- 3993

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Fiscal Service; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

1 CFR
Appendix B ---- 3983

7 CFR
981 ---- 3983

10 CFR
20 ---- 3985
30 ---- 3985
40 ---- 3985
70 ---- 3985
71 ---- 3985

12 CFR
556 ---- 3987

13 CFR
PROPOSED RULES:
121 ---- 3993

14 CFR
39 ---- 3986

17 CFR
PROPOSED RULES:
240 ---- 3992
249 ---- 3992

18 CFR
PROPOSED RULES:
201 ---- 3992
204 ---- 3992
205 ---- 3992
260 (2 documents) ---- 3992

21 CFR
121 ---- 3987

29 CFR
1926 ---- 3989
PROPOSED RULES:
1910 ---- 3992

40 CFR
180 (3 documents) ---- 3988, 3989

41 CFR
15–1 ---- 3989
114–32 ---- 3990
114–38 ---- 3990
114–45 ---- 3990

47 CFR
1 ---- 3991
73 (2 documents) ---- 3991

V 37-38
FEB 25 72
XUM

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

APPENDIX B—LISTS OF ACTS REQUIRING PUBLICATION IN THE FEDERAL REGISTER

Appendix B is amended by adding thereto the list of acts enacted in 1971 requiring or authorizing the publication of documents in the FEDERAL REGISTER, as follows:

1971

Description of Act	*Citation*
Pay Comparability of Federal Employees	84 Stat. 1949; 5 U.S.C. 5308.
Financial Assistance to Railroads	84 Stat. 1975; 45 U.S.C. 662.
Purchase of Blind Made Products	85 Stat. 80; 41 U.S.C. 46 note.
Emergency Employment	85 Stat. 148, 149, 152; 42 U.S.C. 4174, 4875, 4878.
Desalting Program Expansion	85 Stat. 161; 42 U.S.C. 1959d.
Sugar Acreage Allocation	85 Stat. 387, 388; 7 U.S.C. 1132(h), (3), 1132(c).
Presidential and Vice-Presidential Campaign Funds	85 Stat. 569; 26 U.S.C. 9006.
Shoshone Tribe Judgment Payment	85 Stat. 738; 25 U.S.C. 585.
National Effort Against Cancer	85 Stat. 785; 42 U.S.C. 286a note.
Social Security Act Amended	85 Stat. 812; 26 U.S.C. 3304 note.

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 981—ALMONDS GROWN IN CALIFORNIA

Order Amending the Order, as Amended, Regulating Handling

It is hereby ordered that on and after the effective date hereof all handling of almonds grown in California shall be in conformity to, and in compliance with, the Order Regulating the Handling of Almonds Grown in California, as amended (Order No. 981, as amended; 7 CFR Part 981) and as further amended by the "Order Amending the Order, as Amended, Regulating the Handling of Almonds Grown in California" which was annexed to and made a part of the decision of the Secretary of Agriculture, issued January 10, 1972 (F.R. Doc. 72-557; 37 F.R. 617) with respect to proposed amendment of the marketing agreement, as amended, and order, as amended, regulating the handling of such almonds. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and the same hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein. It is hereby further ordered that, for convenient reference, there be set forth hereinafter the aforesaid amendatory order, together with the aforesaid findings and determinations as herein supplemented.

§ 981.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition to the findings and determinations made in connection with the issuance of the order and the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 15 F.R. 4993; 22 F.R. 3781; 22 F.R. 8485; 23 F.R. 903; 35 F.R. 11372.)

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Sacramento, Calif., on March 17–23, 1971, on a proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of almonds grown in California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) There are no differences in the production and marketing of almonds in the production area covered by the order, as amended, and as hereby further amended, which require different terms applicable to different parts of such area;

(4) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of almonds grown in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(c) *Additional findings.* It is hereby further found, for the reasons hereinafter set forth, that good cause exists for making the provisions of this amendatory order effective on the date hereinafter specified rather than postponing the effective date thereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553). The amendatory order permits the Control Board, with the approval of the Secretary, to establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising. The Control Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. The crediting concept is new to the almond order. Hence, the Control Board must make extensive preparations before recommending administrative rules and regulations. An effective advertising program by the industry should tend to maximize the industry's opportunity to effectuate the declared policy of the act, and the almond industry should be afforded opportunity to engage in such activity as soon as practicable. No advance preparation by handlers will be necessary to comply with the amended order. Hence, to permit compliance with, and maximum benefit from, the new or revised provisions, it is necessary that the amendatory order become effective as hereinafter specified.

(d) *Determinations.* It is hereby determined that: (1) The "Marketing Agreement, as Amended, Regulating the Handling of Almonds Grown in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping almonds covered by the said order, as amended and as hereby further amended) who during the period July 1, 1970, through June 30, 1971, handled not less than 50 percent of the volume of

V37-38
FEB 25 72
XUM

such almonds covered by the said order, as amended and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period July 1, 1970, through June 30, 1971 (which has been determined to be a representative period), have been engaged, within the State of California, in the production for market of almonds, such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

It is therefore ordered, That on and after the effective date hereof all handling of almonds grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 981.16 [Amended]

1. Section 981.16 is amended by deleting the words "continental," "Alaska," and "Hawaii".

§ 981.21 [Amended]

2. Section 981.21 is amended by deleting the word "continental," and substituting therefor the word "the" and deleting the words "Alaska" and "Hawaii".

3. A new paragraph (e) is added to § 981.40 to read:

§ 981.40 Procedure.

* * * * *

(e) *Additional voting requirements.* Adoption of recommendations by the Control Board with respect to projects pursuant to § 981.41 involving production research, marketing research and development projects, and marketing promotion including paid advertising and crediting the pro rata expense assessment obligation of handlers with such portion of their direct expenditures for marketing promotion including paid advertising, shall require at least seven affirmative votes.

4. Section 981.41 is revised to read:

§ 981.41 Research and development.

(a) *General.* The Control Board, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development projects, and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption or efficient production of almonds. The Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. The expenses of such projects shall be paid from funds collected pursuant to § 981.81(a) or credited pursuant to paragraph (c) of this section.

(b) *Authorization.* If, on the basis of a Control Board recommendation pursuant to § 981.40(e) with respect to projects pursuant to this section, and appertaining rules and regulations established by the Secretary on recommendation of the Control Board, and other available information, the Secretary concurs that such activities should be permitted, he shall authorize such activities.

(c) *Creditable expenditures.* The Control Board, with the approval of the Secretary, may provide for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sale of almonds, almond products or their uses. No handler shall receive credit for any allowable direct expenditures that would exceed the total of his assessment obligation which is attributable to that portion of his assessment designated for marketing promotion including paid advertising. Such expenditures may include, but are not limited to, money spent for advertising space or time in newspaper, magazines, radio, television, transit, and outdoor media, including the actual standard agency commission costs not to exceed 15 percent: *Provided*, That, with respect to paid advertising, advertising production costs, preparation expenses, travel allowances, and other expenses not directly connected with paid space or time, and costs relating to pretesting of advertising, test marketing, directory advertising, point of sales materials, premiums, and trade promotion allowances shall not be eligible for credit against a handler's assessment obligation.

(d) *Promotion guidelines.* All marketing promotion activity engaged in by the Control Board, including paid advertising, shall be subject to the following terms and conditions:

(1) No marketing promotion, including paid advertising shall refer to any private brand, private trademark or private trade name;

(2) No promotion or advertising shall disparage the quality, use, value, or sale of like or any other agricultural commodity or product, and no false or unwarranted claims shall be made in connection with the product;

(3) No promotion or advertising shall be undertaken without reason to believe that returns to producers will be improved by such activity; and

(4) Upon conclusion of each activity, but at least annually, the Control Board shall summarize and report the results of such activity to its members and to the Secretary.

(e) *Rules and regulations.* Before any project involving marketing promotion, including paid advertising and the crediting of the pro rata expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary, after recommendation by the Board, shall prescribe appropriate rules and regulations as are necessary to effectively regulate such activity.

§ 981.66 [Amended]

5. Paragraph (b) of § 981.66 is amended by deleting the words "continental," "Alaska," and "Hawaii".

6. Paragraph (c) of § 981.66 is amended by deleting the words "Alaska" and "Hawaii".

§ 981.70 [Amended]

7. Section 981.70 is amended by inserting in the first sentence after the word "disposition" the words "advertising and promotion activities".

§ 981.80 [Amended]

8. Section 981.80 is amended by inserting in the first sentence after the words "maintenance and functioning of the Control Board" the words, "including the accumulation and maintenance of an operating reserve fund", and in the second sentence after the word "expenses" the words "and size of the operating reserve fund".

§ 981.81 [Amended]

9. Paragraph (a) of § 981.81 is amended by inserting in the first sentence after the words "such sums" the words "less any amounts credited pursuant to § 981.41" and by inserting after the words "to meet the authorized Board expenses" the words "and the operating reserve requirements," and by adding a new sentence, after the last sentence, to read as follows: "The payment of assessments for the maintenance and functioning of the Board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative".

10. Paragraph (b) of § 981.81 is revised to read:

(b) *Refunds.* Any money collected as assessments during any crop year and not expended at the end of the crop year's operations shall be used by the Control Board during the period of 4 months subsequent to such crop year in paying the expenses of the Control Board incurred in connection with the new crop year, refunded by the Control Board in accordance with the provisions of this part, or be retained in an operating reserve fund as provided in paragraph (c) of this section. Assessments collected in excess of Board expenses and not retained in the reserve shall be refunded to handlers. The Control Board shall from funds on hand, including assessments collected during the new crop year, or from funds in the reserve, distribute or make available within 5 months after the beginning of the new crop year, such excess to the handlers from whom it was collected or credited. Each handler's share of such funds shall be the amount of assessment he paid to the Board plus any assessment credited pursuant to § 981.41, in excess of his pro rata share of actual expenses of the Board including amounts credited to handlers for paid advertising pursuant to § 981.41 and the addition, if any, to the operating reserve fund.

11. Paragraph (c) of § 981.81 is designated (d), and a new paragraph (c) is added to read:

(c) *Reserve.* The Board, with the approval of the Secretary, may establish and maintain during one or more crop years an operating reserve fund for marketing promotion including paid advertising, and for the maintenance and functioning and other authorized activities of the Board. For the foregoing respective activities, the amount applicable to these purposes shall not exceed approximately 1 crop year's budgeted expenses for such activities. Upon approval of the Secretary, funds accumulated in the reserve fund may be used by the Board for authorized activities.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated February 18, 1972, to become effective upon publication in the FEDERAL REGISTER (2–25–72).

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–2779 Filed 2–24–72;8:48 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

On April 6, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 6521) proposed amendments to 10 CFR Parts 20, 30, 40, 70, and 71 of its regulations. The proposed amendments would impose on AEC licensees safety regulations applicable to shippers and carriers of radioactive material not regulated by the Department of Transportation (DOT), the U.S. Postal Service (formerly the Post Office Department), or an Agreement State. Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

After consideration of the comments received and other factors involved, the Commission has adopted the amendments published for comment with certain modifications of the requirements for opening instructions in §§ 20.205, 71.51, and 71.55, and certain editorial changes. The amendments which follow impose on AEC licensees: (1) Packaging requirements for shipments of licensed material not presently subject to Part 71 and DOT regulations; (2) package marking and labeling requirements for all shipments of licensed material not subject to DOT regulations; (3) requirements to provide consignees with any special opening instruction needed to safely open packages delivered to a carrier for transport and to have procedures for opening and closing packages; and (4) all applicable requirements of the regulations of DOT when transporting licensed material as a carrier not subject to DOT regulations.

Amendments to §§ 30.13, 40.12, and 70.12 add freight forwarders and warehousemen to the present exemptions from licensing requirements for common and contract carriers to the extent that they transport or store byproduct, source, or special nuclear material for another. An amendment to Part 71, § 71.7, exempts physicians from the requirements of Part 71 to the extent that they transport, or direct an employee to transport, in a vehicle under the physician's control, licensed radioactive material for use in the practice of medicine.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Parts 20, 30, 40, 70, and 71, are published as a document subject to codification to become effective 30 days after publication in the FEDERAL REGISTER.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. A new § 20.205 is added to Part 20 to read as follows:

§ 20.205 Procedures for opening packages.

Each licensee shall establish and maintain procedures for safely opening packages in which licensed material is received, and shall assure that such procedures are followed and due consideration is given to special instructions for the type of package being opened.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BY-PRODUCT MATERIAL

2. Section 30.13 of Part 30 is revised to read as follows:

§ 30.13 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part and Parts 31–36 of this chapter and the requirements for a license set forth in section 81 of the Act to the extent that they transport or store byproduct material in the regular course of carriage for another or storage incident thereto.

3. Paragraph 30.34(c) of Part 30 is amended by adding the following sentence:

§ 30.34 Terms and conditions of licenses.

* * * * *

(c) * * * Preparation for shipment and transport of byproduct material shall be in accordance with the provisions of Part 71 of this chapter.

* * * * *

PART 40—LICENSING OF SOURCE MATERIAL

4. Section 40.12 of Part 40 is revised to read as follows:

§ 40.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part and the requirements for a license set forth in section 62 of the Act to the extent that they transport or store source material in the regular course of carriage for another or storage incident thereto.

5. Paragraph 40.41(c) of Part 40 is amended by adding the following sentence:

§ 40.41 Terms and conditions of licenses.

* * * * *

(c) * * * Preparation for shipment and transport of source material shall be in accordance with the provisions of Part 71 of this chapter.

* * * * *

PART 70—SPECIAL NUCLEAR MATERIAL

6. Section 70.12 of Part 70 is revised to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto.

7. Paragraph 70.41(a) of Part 70 is amended by adding the following sentence:

§ 70.41 Authorized use of special nuclear material.

(a) * * * Preparation for shipment and transport of special nuclear material shall be in accordance with the provisions of Part 71 of this chapter.

* * * * *

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT

8. The title of 10 CFR Part 71 is amended to read as follows:

PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

9. Section 71.1 of Part 71 is revised to read as follows:

§ 71.1 Purpose.

(a) This part establishes requirements for transport and for preparation for shipment of licensed material and prescribes procedures and standards for approval by the Atomic Energy Commission of packaging and shipping procedures for fissile material (uranium-233, uranium-235, plutonium-238, plutonium-239, and plutonium-241) and for large quantities of licensed materials, as defined in § 71.4(f).

(b) The packaging and transport of these materials are also subject to other

V37-138
FEB 25 72
XUM

parts of this chapter and to the regulations of other agencies having jurisdiction over means of transport. The requirements of this part are in addition to, and not in substitution for, other requirements.

10. Section 71.2 of Part 71 is revised to read as follows:

§ 71.2 Scope.

The regulations in this part apply to each person authorized by specific license issued by the Commission to receive, possess, use, or transfer licensed materials, if he delivers such materials to a carrier for transport or transports such material outside the confines of his plant or other place of use.

11. Section 71.3 of Part 71 is revised to read as follows:

§ 71.3 Requirement for license.

No licensee subject to the regulations in this part shall (a) deliver any licensed materials to a carrier for transport or (b) transport licensed material except as authorized in a general license or specific license issued by the Commission, or as exempted in this part.

12. Section 71.5 of Part 71 is redesignated § 71.6 and §§ 71.6 through 71.14 are redesignated §§ 71.8 through 71.16.

13. A new § 71.5 is added to Part 71 to read as follows:

§ 71.5 Transportation of licensed material.

(a) No licensee shall transport any licensed material outside of the confines of his plant or other place of use, or deliver any licensed material to a carrier for transport, unless the licensee complies with the applicable requirements of the regulations appropriate to the mode of transport, of the Department of Transportation in 49 CFR Parts 170–189, 14 CFR Part 103 and 46 Part 146, and the U.S. Postal Service in 39 CFR Parts 14 and 15 insofar as such regulations relate to the packaging of byproduct, source, or special nuclear material, marking and labeling of the packages, loading and storage of packages, placarding of the transportation vehicle, monitoring requirements and accident reporting.

(b) When Department of Transportation regulations are not applicable to shipments of licensed material by rail, highway, or water because the shipment or the transportation of the shipment is not in interstate or foreign commerce, or to shipments of licensed material by air because the shipment is not transported in civil aircraft, the licensee shall conform to the standards and requirements of the Department of Transportation specified in paragraph (a) of this section, to the same extent as if the shipment or transportation were in interstate or foreign commerce or in civil aircraft. Any requests for modifications, waivers, or exemptions from those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

(c) Paragraph (a) of this section shall not apply to the transportation of licensed material, or to the delivery of licensed material to a carrier for transport, where such transportation is subject to the regulations of the Department of Transportation or the U.S. Postal Service.

14. An undesignated center head "Exemptions" is added to Part 71 preceding § 71.6.

15. In redesignated § 71.6 of Part 71, paragraph (a), and the introductory language of paragraph (b) preceding paragraph (b)(1) are revised to read as follows:

§ 71.6 Exemptions for certain shipments.

A licensee is exempt from all the requirements of this part to the extent that he delivers to a carrier for transport:

(a) Packages each of which contains no licensed material having a specific activity in excess of 0.002 microcurie/gram; or

(b) Shipments subject to the regulations of the Department of Transportation in 49 CFR Parts 170–189, 14 CFR Part 103, or 46 CFR Part 146 or the U.S. Postal Service in 39 CFR Parts 14 and 15 of packages each of which contains less than a large quantity of radioactive material, as defined in § 71.4(f), which may include one of the following:

* * * * *

16. A new § 71.7 is added to Part 71 to read as follows:

§ 71.7 Exemption of physicians.

Physicians, as defined in § 35.3(b) of this chapter, are exempt from the regulations in this part to the extent that they transport licensed material for use in the practice of medicine.

17. Redesignated § 71.16 of Part 71, is amended by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 71.16 Amendment of existing licenses.

(a) AEC licenses issued pursuant to this part and in effect on October 4, 1968, which authorize Fissile Class II packages are hereby amended by increasing the minimum number of units specified for each Fissile Class II package by a factor of 1.25. The new number shall be rounded up to the first decimal. In addition, the term "radiation units" is changed to "transport index" wherever used in the license.

(b) The reference to § 71.7(b) in AEC licenses issued pursuant to this part prior to (the effective date of this amendment) is changed to § 71.9(b).

18. Section 71.24 is revised to read as follows:

§ 71.24 Procedural controls.

The applicant shall describe the regular and periodic inspection procedures proposed to comply with § 71.51(c).

19. Section 71.51 of Part 71 is revised by amending paragraphs (a) and (b), redesignating paragraph (b) as paragraph (c), and adding a new paragraph (b) to read as follows:

§ 71.51 Establishment and maintenance of procedures.

The licensee shall establish and maintain:

(a) Operating procedures adequate to assure that the determinations and controls required by this chapter are accomplished;

(b) Procedures for opening and closing packages in which licensed material is transported to provide safety and to assure that, prior to delivery to a carrier for transport, each package is properly closed for transport; and

(c) Regular and periodic inspection procedures adequate to assure that the procedures required by paragraphs (a) and (b) of this section are followed.

20. A new § 71.55 is added to Part 71 to read as follows:

§ 71.55 Opening instructions.

Prior to delivery of a package to a carrier for transport, the licensee shall assure that any special instruction needed to safely open the package are sent to or have been made available to the consignee.

(Secs. 53, 62, 81, 161; 68 Stat. 930, 932, 935, 948, as amended; 42 U.S.C. 2073, 2092, 2111, 2201)

Dated at Germantown, Md., this 18th day of February 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.72-2735 Filed 2-24-72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-7-AD, Amdt. 39-1395]

PART 39—AIRWORTHINESS DIRECTIVES

Enstrom Models F-28 and F-28A Helicopters

There have been failures of the horizontal stabilizer center spar on Enstrom Model F-28 and F-28A helicopters. These failures are caused by a combination of fatigue and overload due to improper ground handling of the helicopters. Failure of the spar can result in loss of the horizontal stabilizer and possible interference with the tail rotor. Since the conditions described herein may exist or develop in other helicopters of the same type design, an Airworthiness Directive is being issued requiring repetitive visual and penetrant inspections of the horizontal stabilizer spar attachments on Enstrom Models F-28 and F-28A helicopters for evidence of cracks and the replacement of defective parts discovered during said inspections.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new AD.

ENSTROM. Applies to Models F-28 and F-28A helicopters.

Compliance: Required as indicated, unless already accomplished.

To detect cracks in the horizontal stabilizer attachments within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, accomplish the following:

(A) Remove the left and right stabilizer assemblies (P/N 28-20100) from the center spar (P/N 28-11222) and remove the center spar from the tail cone.

(B) Visually and by use of a penetrant method or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region, inspect the center spar around the area of all drilled holes and the two stabilizer trailing edge attachment clips (P/N 28-20106) for cracks.

(C) If a crack is found during inspections required by Paragraph B, prior to further flight, replace the affected part with an airworthy part.

Enstrom Service Note No. 0010 dated February 8, 1972, or later revision, refers to this subject.

This amendment becomes effective February 25, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 14, 1972.

John M. Cyrocki,
Director, Central Region.

[FR Doc.72-2846 Filed 2-24-72;8:49 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[72-182]

PART 556—STATEMENTS OF POLICY

Board's Policy Regarding Branch Offices of Federal Savings and Loan Associations

FEBRUARY 10, 1972.

Resolved that the Federal Home Loan Bank considers it advisable to amend § 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5) for the purpose of stating a change in the Board's policy regarding branch offices of Federal savings and loan associations in States other than the States in which such Federal associations have their home offices. Accordingly, on the basis of such consideration and for such purpose, the Board hereby amends said § 556.5 by revising subparagraphs (2) and (3) of paragraph (b) thereof to read as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.* * * *

(2) It is the Board's general policy not to approve the establishment of a branch office or a mobile facility by such an association in a State other than that in which the home office of the association is located. However, as to a Federal association which has converted (or is in the process of converting) from a State-chartered association, this policy does not apply to the upgrading, with the prior approval of the Board, of an office facility, which such association (i) operated while under State charter and (ii) has operated continuously since becoming a Federal association (if conversion has been completed), to the status of a branch office to be located at or in the same vicinity as such existing office facility is located.

(3) It is the Board's general policy to consider an application by such an association for permission to establish or maintain a branch office or a mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office unless (i) the association's home office is located in Alaska, Hawaii, or Puerto Rico, (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition, or (iii) such application is by a Federal association which has converted (or is in the process of converting) from a State-chartered association for permission to upgrade an office facility, which is located outside the State in which the applicant's home office is located but inside the applicant's regular lending area as prescribed is § 545.6-6 of this subchapter, to the status of a branch office located at or in the same vicinity as such existing office facility is located. However, if the Board determines that a State permits its State-chartered savings and loan associations, savings banks, or similar institutions to establish branch offices or mobile facilities beyond 100 miles from their home offices, the Board may permit consideration of applications for permission to establish branch offices or mobile facilities in such State without regard to the 100-mile geographical limitation contained in the preceding sentence.

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] Eugene M. Herrin,
Assistant Secretary.

[FR Doc.72-2821 Filed 2-24-72;8:52 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

A notice was published in the FEDERAL REGISTER of June 5, 1971 (36 F.R. 10983), proposing that § 121.2514 (21 CFR 121.2514) be amended to provide for silicone release agents of not less than 100 centistokes viscosity for use only on metal substrates; this amendment was proposed in accordance with a petition (FAP 8B2295) filed (and subsequently revised) by E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del. 19898. In addition the Commissioner proposed that § 121.2514(b)(3) be amended to reflect the identity of the silicone release agents that have been shown to be toxicologically safe and to clarify the identity of the related item "Silicones, as the basic polymers, and their curing catalysts."

Thirty days were allowed for comments by interested persons. No comments were received, and it is concluded that the amendments should be adopted as proposed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) and (d), 72 Stat. 1786–87 as amended; 21 U.S.C. 348 (c) and (d)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514 (b)(3) is amended in subdivision (xxv) by revising the existing entry on silicones and adding a new entry on silicones, and by revising subdivision (xxviii) as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * * *

(b) * * *

(3) * * *

(xxv) * * *

Silicones (not less than 300 centistokes viscosity):	Dimethylpolysiloxanes and/or methylphenylpolysiloxanes. The methylphenylpolysiloxanes contain not more than 2.0 percent by weight of cyclosiloxanes having up to and including 4 siloxy units.
Silicones (not less than 100 centistokes viscosity):	Dimethylpolysiloxanes and/or methylphenylpolysiloxanes limited to use only on metal substrates. The methylphenylpolysiloxanes contain not more than 2.0 percent by weight of cyclosiloxanes having up to and including 4 siloxy units.

* * * * * *

(xxviii) Silicones and their curing catalysts:

(*a*) Silicones as the basic polymer:

Siloxane resins	originating from methyl hydrogen polysiloxane, dimethyl polysiloxane, and methylphenyl polysiloxane.

V 37 I 38 FEB 25 72 XUM

(b) Curing (cross-linking) catalysts for silicones (the maximum amount of tin catalyst used shall be that required to effect optimum cure but shall not exceed 1 part of tin per 100 parts of siloxane resins solids):

Dibutyltin dilaurate.
Stannous oleate.
Tetrabutyl titanate.

* * * * *

(Sec. 409 (c) and (d), 72 Stat. 1786–87 as amended; 21 U.S.C. 348 (c) and (d))

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Recevied objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–25–72).

Dated: February 17, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2786 Filed 2–24–72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ethion

A petition (PP 0F0920) was filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the insecticide ethion (*O,O,O',O'*-tetraethyl *S,S'*-methylene bisphosphorodithioate) in or on the raw agricultural commodity cottonseed at 0.5 part per million.

The petitioner subsequently amended the petition by requesting tolerances for ethion including its oxygen analog (*S*-[[(diethoxyphosphinothioyl)thio]methyl] *O,O*-diethyl phosphorothioate) in or on cottonseed and in milk fat (reflecting negligible residues in milk) at 0.5 part per million and in eggs and in meat, fat, and meat byproducts of goats, hogs, horses, poultry, and sheep at 0.2 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. Established and proposed tolerances for residues in eggs, meat, milk, and poultry are adequate to cover residues resulting from the established and proposed uses. The uses are in the category specified in § 180.6(a)(1).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), § 180.173 is amended by revising the paragraph "0.5 part per million * * *"; by inserting three new paragraphs "0.5 part per million in milk fat * * *", "0.2 part per million in eggs," and "0.2 part per million in meat, * * *"; and by deleting the paragraph "Zero in milk," as follows:

§ 180.173 Ethion; tolerances for residues.

* * * * *

0.5 part per million in or on cottonseed, cucumbers, and summer squash.

0.5 part per million in milk fat (reflecting negligible residues in milk).

0.2 part per million in eggs.

0.2 part per million in meat, fat, and meat byproducts of goats, hogs, horses, poultry, and sheep.

* * * * *

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–25–72).

Dated: February 16, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–2813 Filed 2–24–72;8:49 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-2,3,3-Trichloroallyl Diisopropylthiocarbamate

A petition (PP 0F0944) was filed by Monsanto Co., North Lindbergh Boulevard, St. Louis, Mo. 63166, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide *S*-2,3,3-trichloroallyl diisopropylthiocarbamate in or on the raw agricultural commodities grain, forage and straw of barley and wheat; peas and pea forage and hay; and lentils and lentil forage and hay at 0.05 part per million.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerances on the forages of barley and wheat.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide is useful for the purpose for which tolerances are being established and the Fish and Wildlife Service, Department of the Interior, advised that it has no objection.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), Part 180 is amended by adding the following new section:

§ 180.314 *S*-2,3,3-Trichloroallyl diisopropylthiocarbamate; tolerances for residues.

A tolerance of 0.05 part per million is established for negligible residues of the herbicide *S*-2,3,3-trichloroallyl diisopropylthiocarbamate in or on the raw agricultural commodities grain and straw of barley and wheat, lentils and lentil forage and hay, and peas and pea forage and hay.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–25–72).

Dated: February 16, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc. 72–2814 Filed 2–24–72;8:49 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

4-Aminopyridine

A petition (PP 1F1013) was filed by Phillips Petroleum Co., Bartlesville, Okla. 74004, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain and corn fodder and forage at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which the tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to the tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry.

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), the following new section is added to Part 180, Subpart C, as follows:

§ 180.312 4-Aminopyridine; tolerances for residues.

A tolerance of 0.1 part per million is established for residues of the bird repellent 4-aminopyridine in or on the raw agricultural commodities corn grain and corn fodder and forage.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–25–72).

Dated: February 18, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–2741 Filed 2–24–72;8:45 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Hazardous Locations

Correction

In F.R. Doc. 72–2160 appearing at page 3512 in the issue for Thursday, February 17, 1972, paragraph (b) of § 1926.404 should read as follows:

(b) All components and utilization equipment used in a hazardous location shall be chosen from among those listed by a nationally recognized testing laboratory, such as Underwriters' Laboratories, Inc., or Factory Mutual Engineering Corp., except custom-made components and utilization equipment.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 15—Environmental Protection Agency

PART 15–1—GENERAL

Subpart 15–1.53—Code of Conduct

Code of conduct, Subpart 15–1.53, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations.

Effective date. This regulation will become effective on its date of publication in the FEDERAL REGISTER (2–25–72).

Dated: February 16, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart 15–1.53—Code of Conduct

Sec.
15–1.5300 Code of conduct.
15–1.5301 Organizational conflicts of interest.

AUTHORITY: The provisions of this Subpart 15–1.53 issued under 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15–1.5300 Code of conduct.

(a) *Government personnel.* (1) A number of Federal statutes prohibit certain acts by Government personnel and special Government employees as defined in 18 U.S.C. 202 in relation to procurement activities for the Government. Among these statutes are the following: (i) 18 U.S.C. 201 relating to bribes in order to secure a Government contract; (ii) 18 U.S.C. 203 relating to compensation for services rendered in connection with any proceeding or claim in which the United States has an interest; (iii) 18 U.S.C. 205 relating to acting as an agent or attorney for prosecuting any

VOL 37 NO 38 FEB 25 72 XUM

claim against the United States; (iv) 18 U.S.C. 208 relating to transacting business as an officer or agent of the United States with firms of which such officer or agent, his spouse, minor child, or partner is an official or in which he has a pecuniary interest; and (v) 18 U.S.C. 200 relating to compensation from non-Government sources in connection with Government services EPA regulations on Employee Responsibilities and Conduct are contained in 40 CFR 3.735–101 et seq. All personnel involved in procurement actions shall become familiar with these statutory prohibitions. Any questions concerning them shall be referred to the Assistant General Counsel for Grants and Procurement. In addition to criminal penalties the statutes provide that transactions entered into in violation of these prohibitions are voidable (18 U.S.C. 218).

(2) Aside from such statutory prohibitions, as set forth above, procurement personnel shall maintain the highest standards of conduct in connection with dealings on behalf of the Government. Such conduct must at all times be beyond reproach and must be such that each individual involved in EPA procurement activities would have no reticence in making a full public disclosure of all actions taken in connection with such activities.

§ 15–1.5301 Organizational conflicts of interest.

(a) It is EPA policy to avoid situations in the procurement process where, by virtue of work or services performed for EPA, or as the result of data acquired from EPA or from industry, a particular company:

(1) Is given an unfair competitive advantage over other companies in respect to future EPA business;

(2) Is placed in a position to affect Government actions under circumstances in which there is danger that the company's judgment may be biased; or

(3) Otherwise finds that a conflict exists between the performance of work or services for the Government in an impartial manner and the company's own self-interest.

(b) It has been EPA's experience that conflicts of this type occur most frequently in circumstances where contractors provide services involving either (1) the preparation of specifications or statements of work to be incorporated into a solicitation of bids or proposals on subsequent procurements, or (2) access to the proprietary data of other companies. In such circumstances, the following clause shall be used in both the solicitation and the ensuing contract:

LIMITATION ON FUTURE CONTRACTING

(a) It is agreed by the parties to this contract that the Contractor will be restricted in its future contracting with EPA in the manner described below. Except as specifically provided in this clause, the Contractor shall be free to compete for EPA contracts on an equal basis with other companies.

(b) If the Contractor, under the terms of this contract, or through the performance of tasks pursuant to this contract, is required to develop specifications or statements of work and such specifications or statements of work are incorporated into a solicitation, the Contractor shall be ineligible to perform the work described in that solicitation as a prime or first tier subcontractor under an ensuing EPA contract. Such restriction shall remain in effect for three years following the date of the initial solicitation. It is further agreed that EPA will not unilaterally require the Contractor to prepare specifications or statements of work under this contract.

(c) To the extent that the work under this contract requires access to proprietary or confidential business or financial data of other companies, and as long as such data remains proprietary or confidential, the Contractor shall protect such data from unauthorized use and disclosure and agrees not to use it to compete with such companies.

(d) The restrictions of paragraph (b) above may be waived by the contracting officer if it is determined that such restrictions would be detrimental to the EPA program.

The waiver provision in paragraph (d) of the clause may be exercised by the contracting officer only after receiving written approval from the Director, Contracts Management Division, EPA. Unless the circumstances of paragraph (b) or (c) of the clause are present, the fact that a contractor will perform research and development work under a support service contract is not reason for inclusion of the clause: *Provided*, That if the circumstances of paragraph (b) or (c) of the clause are introduced by a task order which is to be issued under a contract whose general scope would not have otherwise required the clause, the clause will be incorporated in the basic contract prior to issuance of the task order.

(c) In those cases where the contracting officer determines that a potential organizational conflict of interest exists which is not covered by the clause set out in paragraph (b) of this section, he shall prepare a written analysis of the facts of the case, clearly indicating the area of concern and the nature of the potential conflict. The written analysis shall be forwarded to the Director, Contracts Management Division, who after obtaining the advice of counsel, shall prepare an appropriate clause for use in the solicitation and/or the contract, or take other appropriate action.

[FR Doc.72–2740 Filed 2–24–72;8:45 am]

Chapter 114—Department of the Interior

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

These amendments shall become effective on the date of publication in the FEDERAL REGISTER (2–25–72).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

FEBRUARY 17, 1972.

PART 114–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subpart 114–32.4 is deleted in its entirety.

PART 114–38—MOTOR EQUIPMENT MANAGEMENT

Subpart 114–38.3—Official Government Tags

The title of Subpart 114–38.3, erroneously numbered Subpart 101–38.3 in the FEDERAL REGISTER of January 8, 1970, is amended to read: "Subpart 114–38.3—Official Government Tags".

Section 114–38.5001(b) is amended to read:

§ 114–38.5001 Statutory requirement.

* * * * *

(b) *Approval of authorizations.* The head of a bureau or office may approve the use of a Government-owned or leased vehicle between an employee's domicile and place of employment or he may redelegate this authority to officials not below the Chief Administrative Officer of the Bureau pursuant to Delegation found in 205 DM 9. Except as provided in IPMR 114–38.5002 and 114–38.5003, the approving official must determine that the nature of the field duties of the employee involved make such transportation necessary before granting such approval. Approvals must be in writing and are not transferable.

* * * * *

PART 114–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

The title of Subpart 114–45.8, erroneously numbered "Subpart 144–45.8" in the FEDERAL REGISTER of January 8, 1970, is amended to read: "Subpart 114–45.8—Mistakes in Bids".

Section 114–45.803(a) is amended to read:

§ 114–45.803 Other mistakes disclosed before award.

(a) The Director, Office of Survey and Review, is authorized to make the determinations contemplated by FPMR 101–45.803. This authority may not be redelegated.

* * * * *

Section 114–45.804(a) is amended to read:

§ 114–45.804 Mistakes disclosed after award.

(a) The Director, Office of Survey and Review, is authorized to make the determinations contemplated by FPMR 101–45.804. This authority may not be redelegated.

* * * * *

[FR Doc.72–2784 Filed 2–24–72;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72–167]

PART 1—PRACTICE AND PROCEDURE

Filing of Contracts

Order. In the matter of clarifying paragraph (c) of § 1.613, concerning the filing of agreements involving the sale of broadcast time for resale.

1. The Commission here considers a clarifying amendment of § 1.613(c) of the Commission's rules and regulations. Since it is interpretative in nature, prior notice of proposed rule making is not necessary. 5 U.S.C. 553 (b)(A) and (d)(2).

2. Section 1.613 requires broadcast licensees to file with the Commission various kinds of documents pertaining to the ownership and operation of their stations. Paragraph (c) of that section imposes this requirement as to "Contracts relating to the sale of broadcast time to 'time brokers' for resale." Our notice of apparent liability to "Rand Broadcasting Company," FCC 71–621, 22 RR 2d 155 (June 1971), applied this requirement to "trade-out" arrangements where the licensee gave other parties the right to sell spot announcements on the station in return for providing goods or services to the licensee. However, when the Commission first adopted the requirement that time brokerage contracts be filed, it was primarily concerned with situations in which stations sold time brokers substantial segments of their programing schedule raising questions as to whether the licensee thereby relinquished or diminished control over programing. In the light of this fact, we have given further consideration to barter arrangements such as those in the "Rand" case as well as those where rights to broadcast a syndicated program, sports event, etc., are given to the licensee in return for the right on the part of the owner of the program to sell a certain number of spot announcements. These involve the sale of broadcast time for resale, but it is also clear that they are not "time brokerage" agreements in the historic sense of that term, arrangements under which an outside party is sold substantial blocks of a station's daily or weekly program time.[1]

3. That any extensive time brokering in the latter sense may be contrary to the public interest is well settled. "Metropolitan Broadcasting Corp., et al.," 8 FCC 557 (1941). Because of the lessening of licensee control involved, a requirement for filing such agreements was first adopted in 1945 along with other filing requirements (Docket No. 6756).[2] Our concern is with the broadcaster maintaining his programing responsibility. "United Broadcasting Co. of New York, Inc.," 4 R.R. 2d 167 (1965); see also "In the Matter of Liability of WGOK," 2 F.C.C. 2d 245 (1965); "In the Matter of Radio Station KAYE," 7 R.R. 2d 313 (1966); "In regard Continental Broadcasting, Inc.," 15 F.C.C. 2d 120 (1968), affirmed on reconsideration, 17 F.C.C. 2d 485 (1969), affirmed on appeal, "Continental Broadcasting, Inc. v. FCC," 439 F. 2d 580 (C.A.D.C., 1971).

4. In a large number of situations, including many of those mentioned in the Rand case and covered in contracts which have recently been filed, this ground for concern is absent. These are where—in return for consideration of various types, such as cash, merchandise for use by the station as gifts or contest prizes, air travel or hotel accommodations, equipment or station construction, etc.—the other party to the contract gets the right to sell a certain number of spot announcements on the station. These, sometimes called "barter" or "tradeout" arrangements, do not give sufficient grounds for Commission concern to warrant a requirement that they be filed, as long as the station retains under the contract the right to reject, without contractual liability, the particular advertiser to whom the time is resold or the commercial continuity to be used in the spot resold. Therefore, we are amending § 1.613(c).

5. In another type of situation, part or all of the consideration passing to the station is program material, for example, where the party furnishing the material reserves the right to resell a certain number of the spot availabilities in it or adjacent to it. In these situations the other party is furnishing part of the material to be used in such programing. Nevertheless, there is no reason to believe that the degree of licensee control is lessened in such situations any more than it is whenever a program or program series is purchased in a conventional matter. Accordingly, the amendment of § 1.613(c) is designed to exempt such situations also.

6. In all of these cases, a more important cause for Commission concern is that the consideration received is properly reported as revenue, with offsetting expenses where appropriate. This was also mentioned in the Rand letter. Another public notice adopted today discusses this question.

7. In the circumstances, we have decided to revise paragraph (c) of § 1.613 as set forth below, to clarify its meaning. Authority for such amendment may be found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended:

8. *It is ordered*, That this amendment shall be effective March 31, 1972.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 16, 1972.

Released: February 22, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

Section 1.613 of the Commission's rules and regulations is revised to read as follows:

§ 1.613 Filing of contracts.

* * * * *

(c) Contracts relating to the sale of broadcast time to "time brokers" for resale. This paragraph shall not apply to or require the filing of agreements, including "barter" or "trade-out" agreements, under which the party furnishing the consideration acquires only the right to re-sell time for spot announcements.

* * * * *

[FR Doc.72–2800 Filed 2–24–72;8:52 am]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in South Lake Tahoe, Calif.

Order. In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations. (South Lake Tahoe, Calif.).

1. In the first report and order in Docket No. 18883, we assigned Channel 261A to "South Lake Tahoe, California," and included Channel 276A previously allocated to "Tahoe Valley" because Tahoe Valley was included as part of South Lake Tahoe when incorporated in 1965, 27 F.C.C. 2d 844, 848–849 (1971). In the circumstances, the entry for Tahoe Valley, Calif., in § 73.202(b) is deleted.

2. Authority for this action is taken pursuant to section 5(d) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations. Since this change is entirely editorial in nature, the "notice" and "effective date" provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. This amendment shall become effective February 18, 1972.

Adopted and released: February 16, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

[FR Doc.72–2801 Filed 2–24–72;8:52 am]

[Docket No. 18425; RM–1340]

PART 73—RADIO BROADCAST SERVICES

Remote Control Operation

Correction

In F.R. Doc. 71–19134 appearing at page 25413 in the issue of Friday, December 31, 1971, a line of five asterisks should be added between the two notes under § 73.676.

[1] The traditional "time brokerage" arrangement, which has been particularly prevalent in the area of foreign-language programing, has usually involved the sale by the station to the "time broker" of a number of hours each day or week. However, "time brokers" may exist with respect to much smaller amounts, for example, 10 minutes per week on a TV station ("Eller Telecasting Company," 19 FCC 2d 913 (1969)).

[2] The rule was amended into its present form in Docket No. 10409 (1953). See 9 R.R. 1547, 1553–54. The reference to "time brokers" was included in the rule in line with a suggestion by NBC that otherwise the meaning would be much too broad in relation to what was meant.

[3] Commissioners Johnson and H. Rex Lee absent.

V37-38
FEB 25 72
XUM

Proposed Rule Making

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARD FOR EXPOSURE TO ASBESTOS DUST

Supplement to Notice of Proposed Rule Making

On January 12, 1972, notice of proposed rule making was published in the FEDERAL REGISTER at page 466 concerning proposed occupational standards dealing with exposure of employees to asebstos dust. The notice is supplemented as follows.

The National Institute for Occupational Safety and Health has filed with the Secretary of Labor "Criteria for a Recommended Standard on Occupational Exposure to Asbestos." The above-captioned document will be submitted for inclusion in the record of the proceeding. Copies of the document are available for public inspection and copying during normal business hours in the national office of the Occupational Safety and Health Administration, Office of Standards, Room 305, 400 First Street NW., Washington, DC 20210, and also in the various regional offices of the Administration.

Signed at Washington, D.C., this 22d day of February 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-2810 Filed 2-24-72;8:49 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 201, 204, 205, and 260]

[Docket No. R-435]

NET REALIZABLE VALUE OF HYDROCARBON RESERVES

Uniform System of Accounts; Notice of Extension of Time

FEBRUARY 18, 1972.

Revisions in Uniform Systems of Accounts for Natural Gas Companies (Classes A, B, C, and D) and Annual Report Form No. 2 to provide that the determination of natural gas reserves on acreage acquired after October 7, 1969, shall be made and attested to by independent appraisers, to disclose the net realizable value and related costs of hydrocarbon reserves, and to eliminate an allowance for equity funds on exploration and development expenditures incurred on or related to acreage acquired after October 7, 1969.

On February 15, 1972, the Independent Natural Gas Association of America filed a request for an extension of time to and including March 21, 1972, within which to file comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including March 21, 1972, within which any interested person may submit data, views, comments or suggestions concerning the notice of proposed rule making issued on January 5, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2794 Filed 2-24-72;8:51 am]

[18 CFR Part 260]

[Docket No. R-308]

GAS PIPELINES COMPANIES

Total Gas Supply; Notice of Postponement of Conference Regarding Annual Report FPC Form No. 15

FEBRUARY 18, 1972.

On February 11, 1972, the American Gas Association filed a request for a postponement of the conference scheduled for March 14, 1972, by notice issued February 7, 1972, in the above-designated matter.

Upon consideration, notice is hereby given that the conference in the above-designated matter is postponed to March 21, 1972, at 10 a.m., in a hearing room (to be posted) of the Federal Power Commission, 441 G Street NW., Washington, DC.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2796 Filed 2-24-72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release 34-9496; File No. S7-428]

NEW YORK STOCK EXCHANGE PLAN

Report of Income and Expenses

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 17a-10 (17 CFR 240.17a-10) under the Securities Exchange Act of 1934 (the Act). The action would be taken under the provisions of the Act, and particularly sections 17(a) and 23(a) thereof.

Rule 17a-10 requires every member of a national securities exchange and every broker or dealer registered pursuant to section 15 of the Act to file each year with the Commission a report of his income and expenses and related financial and other information on Form X-17A-10 (17 CFR 249.618).

Paragraph (b) of Rule 17a-10 presently provides that a national securities exchange or a registered national securities association may submit to the Commission a plan providing for reports from its members on forms consistent with Form X-17A-10, and for the transmission to the Commission of copies of such reports. Such a plan may also provide that, in transmitting copies of such records to the Commission, the names and addresses of members whose information is transmitted may be omitted. The Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act. Upon Commission approval of such a plan, the members of the exchange or association which submitted the plan are to file their reports directly with the association or exchange in accordance with the plan and not with the Commission. The National Association of Securities Dealers, Inc. and the American, Midwest, New York and Philadelphia-Baltimore-Washington Stock Exchanges have qualified plans pursuant to paragraph (b).

Since the adoption of that rule in June 1968, many important developments (such as the Commission's hearings relating to commission rates and other matters, the operations and back office crisis of 1968, the failure of numerous broker-dealers because of financial difficulties, the adoption of the Securities Investor Protection Act of 1970 and the "Study on Unsafe and Unsound Practices of Brokers and Dealers" submitted to Congress on December 28, 1971) have taken place. In light of these developments and the experience accumulated by the Commission during that period, the Commission believes that it should receive Form X-17A-10 reports from organizations that have qualified a plan pursuant to paragraph (b) of Rule 17a-10 on an identified basis so that it can more effectively carry out its regulatory responsibilities in the future. Accordingly, the Commission proposes to amend paragraph (b) of Rule 17a-10 by deleting the wording in that paragraph which permits a plan to provide that in transmitting copies of Form X-17A-10 reports to the Commission, a self-regulatory organization may omit the names and addresses of members as to whom such information is transmitted. If this proposal is adopted, it will be necessary for all self-regulatory organizations that have qualified plans with the Commission pursuant to paragraph (b) of Rule 17a-10 to amend their respective plans to delete the provisions of this nature.[1]

TEXT OF PROPOSED AMENDMENT

The Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, and more particularly sections 17(a) and 23(a) proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by amending § 240.17a-10(b) to read as folows:

§ 240.17a-10 Report of income and expenses.

* * * * *

(b) The provisions of paragraph (a) of this section shall not apply to a member of a national securities exchange or a registered national securities association which maintains records containing the information required by Form X-17A-10 as to each of its members, and which transmits to the Commission a copy of the record as to each such member, pursuant to a plan the procedures and provisions of which have been submitted to and declared effective by the Commission. Any such plan filed by a national securities exchange or a registered national securities association may provide that [in transmitting copies of such records to the Commission, the names and addresses of members as to whom such information is transmitted may be omitted, and may further provide that] when a member is also a member of one or more national securities exchanges, or of one or more national securities exchanges and a registered national securities association, the information required to be submitted with respect to any such member may be transmitted by only one specified national securities exchange or registered national securities association. For the purpose of this section a plan filed with the Commission by a national securities exchange or a registered national securities association shall not become effective unless the Commission, having due regard for the public interest, for the protection of investors, and for the fulfillment of the Commission's functions under the provisions of the Act, declares the plan to be effective. Further, the Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act.

* * * * *

(Sec. 17(a), 48 Stat. 897, as amended, 49 Stat. 1379, Sec. 4, 52 Stat. 1076, sec. 5, 15 U.S.C. 78q.; Sec. 23(a), 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8., 15 U.S.C. 78w)

All interested persons may submit their views and comments on the above proposals in writing to the Securities and Exchange Commission, Washington, D.C. 20549 on or before April 10, 1972. All communications with respect to the proposed amendment should refer to File No. S7-428 and all such communications will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

FEBRUARY 15, 1972.

[FR Doc.72-2762 Filed 2-24-72;8:49 am]

[1] While the Commission is not at this time proposing to amend other provisions of Rule 17a-10, including paragraph (c) relating to nonpublic treatment of individual Form X-17A-10 reports, it has pending certain rule proposals concerning financial disclosures to customers of securities firms. See Securities Exchange Act of 1934 Release No. 9404 (December 3, 1971) and the FEDERAL REGISTER of December 30, 1971, 36 F.R. 25238.

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposed Definition for Sales of Government Property

Notice is hereby given that the Administrator of the Small Business Administration hereby proposes to amend the definition of a small business for the purpose of sales to other than manufacturers and stockpile purchasers, of Government-owned personal property.

It has been suggested that the currently effective $5 million annual receipts small business size standard applicable to nonmanufacturers other than stockpile purchasers for the purpose of bidding on sales of Government-owned personal property includes substantially all of the concerns that normally would buy such property. Government data indicates that ninety-five percent (95%) of such concerns generate annual sales of less than $1 million.

In order to provide a more reasonable basis for small business set-aside sales of Government-owned personal property, it is proposed to revise § 121.3-9 (a)(2) of Part 121, Chapter I, Title 13 of the Code of Federal Regulations to read as follows:

§ 121.3-9 Definition of small business for sales of Government property.

* * * * *

(a) * * *

(2) *Other than manufacturers.* Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

* * * * *

The exception in the proposed rule refers to stockpile purchasers. Interested parties may file with the Small Business Administration within 30 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Acting Director, Size Standards Staff, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: February 16, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-2785 Filed 2-24-72;8:49 am]

V 37-38 FEB 25 72 XUM

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1971 Rev., No. 11]

COTTON STATES MUTUAL INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $420,000.00 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated:

Cotton States Mutual Insurance Company

Atlanta, Georgia

Georgia

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: February 18, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc. 72-2780 Filed 2-24-72;8:48 am]

[Dept. Cir. 570, 1971 Rev., No. 12]

NATIONAL-BEN FRANKLIN INSURANCE COMPANY OF ILLINOIS

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $1,943,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

National-Ben Franklin Insurance Company of Illinois

New York, New York

Illinois

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: February 18, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-2781 Filed 2-24-72;8:48 am]

Internal Revenue Service

[Pay Board Ruling 1972-7]

COMPETITIVE WAGE AND SALARY INCREASES TO RETAIN KEY EMPLOYEES

Pay Board Ruling

Facts. Employer A has had difficulty retaining his key employees or attracting replacements because his salary scale is below that of his competitors. He refrained from increasing salaries and wages during the freeze period; now, however, he would like to increase his wage scale so as to become more competitive.

Issue. May Employer A increase his wage rate to a competitive level without regard to the 5.5 percent general wage and salary standard?

Ruling. In Economic Stabilization Regulations, 6 CFR 201.11(a)(2), 36 F.R. 25427 (December 31, 1971), the Pay Board has attempted to permit an employer to become more competitive in his wage rate so that he might attract or retain employees essential to an efficient operation of his firm. An employer will be permitted to increase his wage rate by as much as 7 percent, if he can demonstrate to the Board:

(1) That he has experienced a significant proportion of vacancies in an employee unit, despite intensive recruiting activity over a period of at least 3 months,

(2) That there has been no significant deterioration or reduction in other conditions of employment, and

(3) That there is a reasonable expectation that higher wages will be effective in recruiting and maintaining a supply of qualified employees.

Within these limitations, the employer may disregard the general wage and salary standard, thereby increasing his wage rate by a maximum of 7 percent. However, if he fails to satisfy the specific criteria as set forth by the Pay Board, the employer will be subject to the 5.5-percent limitation. Furthermore, the employer must notify the Board and receive its approval before the increase permitted under this exception my be implemented.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18 ,1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2824 Filed 2-24-72;8:50 am]

[Pay Board Ruling 1972-8]

INCORPORATION OF AN EXISTING BUSINESS

Pay Board Ruling

Facts. A grocer with four employees was operating his store as a sole-proprietorship on November 13, 1971. Sometime after that date, he incorporated his business.

Issue. Whether a business in existence before November 13, 1971, which is incorporated after November 13, 1971, will be treated as an existing business or as a new business under the stabilization regulations.

Ruling. In cases where an existing business is incorporated after November 13, 1971, the appropriate employee units, the wage and salary bases of these units, and the wage years of these units of the existing business organization shall be carried over into the newly incorporated business. The wages and salaries for the positions in the new corporation would thus be subject to the same standards and criteria as would have been the lawful rates for the same or comparable jobs in the business organization had it not incorporated.

A determination of the appropriate employee unit of the grocer himself would take into account the contractual or historical wage and salary relationships within the business organization. If treated as such in the old business, the employer-as-employee of the newly incorporated grocery store may be treated as a separate, appropriate employee unit, which would be distinguished from the unit (or units) formed by the other employees of the store.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2825 Filed 2-24-72;8:50 am]

[Pay Board Ruling 1972-9]

INCLUSION OF VACATION AND HOLIDAY BENEFITS IN TOTAL COMPENSATION PACKAGE

Pay Board Ruling

Facts. X corporation has 1,500 production workers, all represented by one bargaining representative. X's present contract with these employees was entered into on November 30, 1970, and expires November 30, 1974. The contract provides (i) that these employees will receive an average wage increase of 5 percent commencing on November 30, 1971, and (ii) that X's employees generally will receive additional vacation and holiday benefits beginning November 30, 1971. The average value of the increase in incidental benefits is 1 percent of the employee's total remuneration.

Issue. 1. Are pay adjustments that result from existing contracts and pay practices subject to the 5.5 percent general wage and salary standard?

2. Is the 1 percent general increase in the incidental benefits accorded to X's employees included in determining whether the 5.5 percent general wage and salary standard has been exceeded?

Ruling. With respect to the first issue, Economic Stabilization Regulations 6 CFR 201.14, 36 F.R. 21791 (November 13, 1971) provides that pay adjustments under contracts and pay practices existing prior to November 14, 1971, will be permitted to operate according to their terms, except that, if such pay adjustments are challenged by five members of the Pay Board or by a party at interest, the pay adjustments are subject to review by the Pay Board to determine if they are unreasonably inconsistent with criteria established by the Pay Board. (Since X's pay adjustments apply to or affect more than 1,000 employees, the pay adjustments must be reported to the Pay Board. Pay adjustments in the building and construction trades, regardless of the number of employees affected and regardless of when agreed upon, must be prenotified to and approved by the Construction Industry Stabilization Committee under criteria established by the Board.)

With respect to the second issue, Economic Stabilization Regulations, 6 CFR 101.51, 36 F.R. 21790 (November 13, 1971) provides that the increased vacation and holiday benefits which are subject to being reasonably valued, must be considered in calculating the total compensation package granted to X's employees. Accordingly, X's combined wage and benefits increase will be considered in calculating the total compensation package granted to X's employees. Accordingly, X's combined wage and benefits increase will be considered by the Pay Board (assuming that X's pay adjustments are challenged) in determining whether the increase is unreasonably inconsistent with the criteria established by the Pay Board. It must be noted, however, that section 203(g) of the Economic Stabilization Act of 1970, as amended, exempts from the term "wages and salaries" employer contributions to the following fringe benefits: (1) Pension, profit sharing, and annuity and savings plans meeting the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954; (2) group insurance plans; and (3) disability and health plans to the extent that employer contributions to such plans are not unreasonably inconsistent with the wage and salary standard. The Pay Board will develop regulations governing what constitutes permissible employer contributions to such plans.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2826 Filed 2-24-72;8:50 am]

[Pay Board Ruling 1972-10]

MEASURING COST OF LIVING INCREASES

Pay Board Ruling

Facts. A local union has negotiated with Employer X a labor contract whereby he has agreed to grant cost-of-living increases to his employees on a semiannual basis. That is, a 2 percent cost of living increase at the end of the third month of the 12-month period, commencing with the contract date, and a 6 percent increase at the end of the ninth month. The employer asserts that he is unable to grant the increases, the first of which is due April 1, because the total increase, 8 percent, would exceed the 5.5 percent general wage and salary standard.

Issue. May cost of living increases be made without regard to the general wage and salary standard?

Ruling. Economic Stabilization Regulations, 6 CFR 201.11(a)(4), 36 F.R. 25427 (December 31, 1971), provides that:

> If a wage and salary increase in a new contract or pay practice is composed of two parts, wages and salaries other than cost of living adjustments and cost of living adjustments pursuant to and justified by a generally accepted escalator formula, the wage and salary part shall be calculated by the sum of the percentage increases method, and the cost of living part shall be calculated by multiplying each cost of living adjustment by a fraction, the numerator of which shall be the number of months within the appropriate 12-month period such cost of living adjustment is in effect, and the denominator of which shall be 12. These two parts shall be added together to determine the maximum permissible annual aggregate wage and salary increase.

That is, the cost-of-living increase for a portion of a 12-month year would be averaged over the 12 months, thus reducing the percentage increase. If the employer provided a 2 percent cost of living increase at the end of the third month of the year and a 6 percent increase at the end of the ninth month and the "sum of the percentages" method were used the total increase would be computed as 8 percent, far in excess of the General Wage and Salary Standard. However, using the formula applicable to cost-of-living adjustments, the 2 percent increase for the 9-month period would be averaged over 12 months, producing a 1½ percent annual increase and the 6 percent increase for the 3-month period, averaged over 12 months, would produce only a 1½ percent annual increase.

Therefore, the total annual cost-of-living increase would be 3 percent, determined by combining the averaged percentage for both cost-of-living increases; this could be combined with a 2½ percent increase in other "wages and salaries" and still be within the General Wage and Salary Standard. The appropriate 12-month period means the 12-month period beginning on the date that the wage and salary increases became effective.

However, such a benefit is available only if the cost-of-living increase is pursuant to a "generally accepted escalator formula"; it cannot be subject merely to the whim of the employer. Moreover, such an exemption would be subject to the prenotification requirements for Category I wage and salary increases, as defined in the Economic Stabilization Regulations, 6 CFR 101.21, 36 F.R. 21768 (November 13, 1971), and as set forth in regulations, 6 CFR 202.10, 36 F.R. 25429 (December 31, 1971), or the reporting requirements for Category II wage and salary increases, as defined in regulations 6 CFR 101.23, 36 F.R. 101.23, 36 F.R. 21788 (November 13, 1971), and set forth in regulations 6 CFR 202.20, 36 F.R. 25429 (December 31, 1971).

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2827 Filed 2-24-72;8:50 am]

[Pay Board Ruling 1972-11]

RETROACTIVE BONA FIDE PROMOTIONS

Pay Board Ruling

Facts. Employee A receives a bona fide promotion in June 1971, but does not automatically receive the increased salary for the new job. The Board of Directors for the employer passes a resolution in late November 1971, directing that the employee be paid the salary designated for the position to which he has been promoted granting the salary increase.

FEB 25 72

Issue. Can the employer now pay the employee a retroactive pay increase, effective June 1971, to reflect the promotion on that date?

Ruling. Bona fide promotions have never been the subject of regulation under the Economic Stabilization Program. During the initial freeze period, the Cost of Living Council announced that bona fide promotions which constituted an advancement to an established job with greater responsibilities would be permitted.

For the purposes of Phase II of the Economic Stabilization Program, bona fide promotions are excluded from the 5.5 percent general wage and salary standard because the remuneration goes with the job, not the man. That is, they can be made without regard to the Stabilization Program guidelines.

Therefore, since the bona fide promotions are not limited by the Economic Stabilization Program, the timing of the actual promotions or pay increases which accompany them would likewise not be subject to regulation. This would mean that the employer can grant the increased salary without regard to the Economic Stabilization Regulations controlling retroactivity, back to the actual effective date of the promotion, June 1971.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2828 Filed 2-24-72;8:50 am]

[Price Commission Ruling 1972-67]

MUNICIPALITIES—FEES FOR SERVICES

Price Commission Ruling

Facts. Federal authorities required City A to make water and sewage system improvements. In making these improvements City A incurred costs in October 1971, including construction of sewage treatment facilities and hiring of additional personnel, which will continue in effect for months to come.

Issue. May City A, (1) increase its water and sewage fees effective November 14, 1971, to pass on to the property owners and users increased costs in effect on or after that date and (2) bill the owners and users additional charges for the month of October 1971, to recover the increased expenditures made in October.

Ruling. State and local fees and charges (including those for water and sewage) are prices within the meaning of the Economic Stabilization Act of 1970, as amended, and any increase must conform to Price Commission regulations. The charge for service after November 13, 1971, may be increased to reflect cost increases in effect on or after November 14, 1971, reduced to reflect productivity gains provided the price increase does not increase the profit margin. Economic Stabilization Regulations 6 CFR 300.14, 36 F.R. 23976 (December 16, 1971). The increased charges, however, may not be applied retroactively, to pre-November 14, 1971 charges, even if "cost-justified" by pre-November 14, 1971, costs. This ruling is effective only from November 14, 1971, to January 26, 1972. As of the latter date Cost of Living Council regulations became effective exempting price adjustments for water and sewage services by State and local governments. See Economic Stabilization Regulations, 6 CFR 101.34(a)(2), 37 F.R. 1241 (January 27, 1972).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2830 Filed 2-24-72;8:50 am]

[Price Commission Ruling 1972-68]

MUNICIPALITIES—ALLOWABLE COSTS

Price Commission Ruling

Facts. City A furnishes sewage services. On December 1, 1971, it issues 5-percent bonds to raise funds for the operation of its sewage departments and enters into a contract with a bank by which the bank will receive interest coupons when due and will disburse the interest payments.

Issue. May City A, in determining whether it may increase its service charges for its sewage service after November 13, 1971, take into account increased cost attributable to the interest and service fees incurred in connection with the bond issue?

Ruling. City A, in determining under Economic Stabilization Regulations, 6 CFR 300.14, 36 F.R. 23976 (December 16, 1971), whether it may increase its sewage service charges, may consider the interest costs and fees paid in connection with the bond issue as "allowable costs."

This ruling is effective only from November 14, 1971, to January 26, 1972. As of the latter date Cost of Living Council regulations became effective exempting price adjustments for sewage disposal services by State and local governments. See Economic Stabilization Regulations, 6 CFR 101.34(a)(2), 37 F.R. 1241 (January 27, 1972).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2831 Filed 2-24-72;8:50 am]

[Price Commission Ruling 1972-69]

RETAIL PRICE INCREASES—DETERMINING VIOLATIONS

Price Commission Ruling

Facts. X is a regular customer of Y department store. Y has posted its base period price for the article X is interested in purchasing. The current asking price is about 20 percent more than the base price. X has heard that a store may increase its selling price for a product to the extent its cost of the product has increased.

Issue. Is X's understanding correct that prices may be increased to reflect increased product costs? How can X determine whether Y is complying with the stabilization regulations?

Ruling. X's understanding is correct. A retailer or wholesaler is allowed to maintain the "customary initial percentage markup" that prevailed during its base period on current sales, so long as the price changes do not, in the aggregate, increase its profit margin over that in its base period. (6 CFR 300.13(a), 36 F.R. 23974 (December 16, 1971)). This means that if, during the freeze base period, Y sold a particular product at 150 percent of the product's cost to it, it may now sell the same product at 150 percent of its current cost to it. Y may not, however, increase its prices to fully reflect its customary markup if to do so would increase its profitability (expressed as a percent of sales) over that of its base period.

In an effort to encourage retailers to comply with the above requirements, the Price Regulations require the posting of base period prices for many articles sold (6 CFR 300.13(b)) so that the consumer would be alerted to any price increases which appear to be unreasonable.

Since X does not have access to Y's actual costs during the base period and currently, he is not able to compute for himself the business's customary markup then and now. The Internal Revenue Service has been given the task of enforcing the regulations and investigating complaints. Thus, if X believes that a price increase is unreasonable and Y cannot adequately explain (or refuses to explain) the reason for the increase, he should file a complaint with the appropriate District Director of the Internal Revenue Service and the matter will be investigated in accordance with established procedures.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2832 Filed 2-24-72;8:50 am]

[Price Commission Ruling 1972-70]

FORMULA RENTAL PAYMENTS

Price Commission Ruling

Facts. A owns a building with three apartment units. He has a lease with B under the terms of which the monthly rental is determined in part by reference to increases in the assessed value of the property. The assessed value has increased; and under the formula in B's lease, B's monthly rental would be increased. A also has a lease with C providing for an automatic increase in the rent of C's apartment to take effect at December 1, 1971. The leases were both executed January 1, 1971.

Issue. May the rent under either B's lease or C's lease be increased after November 13, 1971?

Ruling. B may be required to make increased payments to take into account the increase in the assessed value for which provision was made in the formula in the lease. Economic Stabilization Regulations 6 CFR 300.204, 36 F.R. 21794 (November 13, 1971) provides that leases of real property entered into prior to August 15, 1971, in which the periodic rental price is determined by means of a formula specified in the lease agreement may continue with such formula in effect. However, any increases in the periodic rental price due to the passage of time shall not be allowed, and therefore, A may not increase C's rent.

This ruling is effective only from November 14, 1971 to December 29, 1971. As of the latter date new rent regulations became effective. See Economic Stabilization Regulations, 6 CFR 301.104, 36 F.R. 25390 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2829 Filed 2-24-72;8:50 am]

[Price Commission Ruling 1972-71]

RENT—10-PERCENT RULE

Price Commission Ruling

Facts. A landlord of a 100-unit apartment building requires a 1-year lease from tenants. All leases expiring after January 1, 1971, have been renewed for another term at a 10 percent increase. Five leases expired between July 20 and August 14, 1971, were for the same amount, and all were renewed prior to August 14, 1971, with a 10 percent increase in rent. All units in the building are substantially identical.

Issue. May the landlord after November 13, 1971, demand a 10 percent increase in rent for leases expiring after this date?

Ruling. The landlord may renew leases expiring after November 13, 1971, at a 10 percent increase over the rate of the expiring leases. The base price for a lease of an interest in real property is the highest price charged by the lessor with respect to the same or substantially identical rental units in a substantial number of transactions during the freeze base period. Economic Stabilization Regulations 6 CFR 300.407, 36 F.R. 23979 (December 16, 1971). Since all leases that expired during the freeze base period (beginning July 16 and ending August 14, 1971), were continued at an increased rate of 10 percent over the rate of the previous leases, the base price for the new leases executed after November 13, 1971, is the increased lease amount. This ruling is not applicable to transactions occurring after December 28, 1971, or requests for information concerning those transactions. New regulations have been issued covering transactions after December 28, 1971. See Economic Stabilization Regulations, 6 CFR 301.1 et seq., 36 F.R. 25386 (December 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2833 Filed 2-24-72;8:50 am]

[Price Commission Ruling 1972-72]

DETERMINATION OF BASE PRICE WHERE THERE ARE BRANCH STORES

Price Commission Ruling

Facts. Stores E, F, and G are owned by Firm Y and are located in the same county. Firm Y establishes maximum prices but gives the store managers wide discretion in establishing special prices to attract customers. The manager of Store E has maintained a lower price on one item than the other stores for several years. Store F is in a competitive area and has generally had lower prices than either E or G.

Issue. Whether the base price for all the stores is the highest price permitted to be charged by Firm Y or alternatively, whether the base price must be established by actual prices charged during the base period.

Ruling. The base price determination under the Economic Stabilization Regulations, Subpart F, is to be made on actual prices charged and not on prices which may have been charged. Retailers under § 300.5, Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), are those selling to ultimate consumers. For purposes of determining the base price for sales of personal property § 300.405, Economic Stabilization Regulations, 6 CFR 300.405, 36 F.R. 23974 (December 16, 1971), indicates the base price will be determined by sales to a specific class of purchasers during the base period. One store is not considered as selling to the same specific class of purchasers as another and each store must determine a base price for each item it sells.

Thus ruling has been approved by the General Counsel of the Price Commission.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2834 Filed 2-24-72;8:51 am]

[Price Commission Ruling 1972-73]

DETERMINATION OF BASE PRICE OF ADVANCE TICKET SALES

Price Commission Ruling

Facts. A professional athletic team begins to solicit advance season ticket sales in July, 1971, for the 1971–72 season. The price of each seat has been raised 50 cents over the price last year. A substantial number of the solicitations are accepted by persons during the period July 16, 1971, to August 14, 1971.

Issue. Under the postfreeze stabilization program is the transaction, for determining a base price, consider to occur at the time the season tickets are purchased or at the time the events are scheduled to take place or in fact do take place.

Ruling. Under § 300.5, Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), a transaction is considered to occur at the time and place a binding contract is entered into. In the particular case of advance ticket sales the transaction occurs at the time the tickets are sold, because the team is bound to supply the tickets to the

V 37 N 38 FEB 25 72 XUM

given event and there has been consideration. There need be no guarantee that the event occurs and the subscriber does not have to have the right to compel such occurrence. It is enough that the team be bound to supply the agreed number of tickets upon receipt of the subscribers remittance. This definition of transaction is different from the definition of transaction in effect during the freeze which looked to the time goods were shipped or services were performed (OEP Economic Stabilization Regulation No. 1, Circular No. 101, section 302(1), 36 F.R. 18739, September 21, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2835 Filed 2-24-72;8:51 am]

[Price Commission Ruling 1972-74]

F.O.B. PRICES WHICH ANTICIPATE TRANSPORTATION COST REDUCTIONS

Price Commission Ruling

Facts. A is a manufacturer, such as a brewer, distiller, paint manufacturer, etc., which customarily establishes its prices f.o.b. the factory so that the f.o.b. factory price, plus transportation costs according to published tariff schedules and an anticipated profit margin for the wholesaler, will result in a price that is competitive in each wholesaler's marketing area. It has in this fashion effectively created a "delivered price" although it does not pay the transportation costs because this is forbidden by State law in many of the States in which it does business. A has built a new factory which is geographically closer to several wholesalers. Transportation costs for its product delivered to these wholesalers will be substantially lower than the costs of transportation from the current source factory. A has announced that it will increase its price f.o.b. the factory to these wholesalers so as to offset the amount by which the transportation costs have been reduced, although the total cost to the wholesaler will in no case be higher than that which he was paying previously.

Issue. Is A's pricing from his new factory allowable under the Economic Stabilization Regulations?

Ruling. A's pricing from his new factory is in violation of the Economic Stabilization Regulations to the extent that the increase in the f.o.b. factory price it will charge is not justified by increased costs or to the extent that it will increase A's profit margin over that which prevailed during the base period. Economic Stabilization Regulations 6 CFR 300.12, 36 F.R. 23974 (December 16, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2836 Filed 2-24-72;8:51 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

WORLD-WIDE MILITARY COMMAND AND CONTROL SYSTEM

Guidelines for Design and Operation

The Deputy Secretary of Defense approved the following:

I. *Purpose.* The purpose of this directive is to define the functional, organizational, and operational relationships between all elements of the World-Wide Military Command and Control System (WWMCCS) and to provide policy guidance and establish responsibilities for the management, development, acquisition, and operation of the WWMCCS.

II. *Applicability and scope.* This directive applies to the Military Departments, Joint Chiefs of Staff, Office of the Secretary of Defense, Unified and Specified Commands, and Department of Defense Agencies (hereinafter referred to as DOD Components) involved in the development, acquisition, and operation and support of the WWMCCS.

III. *Definitions*—A. *National Command Authorities (NCA).* The NCA consists only of the President and the Secretary of Defense or their duly deputized alternates or successors. The chain of command runs from the President to the Secretary of Defense and through the Joint Chiefs of Staff to the commanders of Unified and Specified Commands. The channel of communication for execution of the Single Integrated Operational Plan (SIOP) and other time-sensitive operations shall be from the NCA through the Chairman of the Joint Chiefs of Staff, representing the Joint Chiefs of Staff, to the executing commanders.[1]

B. *Command and Control.* For purposes of this directive, command and control is the exercise of authority and direction by duly designated authorities. These functions are performed through an arrangement of personnel, equipment, communications, facilities, and procedures, which are employed in planning, directing, coordinating, and controlling operational activities of U.S. Military Forces.

C. *World-Wide Military Command and Control System (WWMCCS).* The WWMCCS is the worldwide command and control system that provides the means for operational direction and technical administrative support involved in the function of command and control of U.S. Military Forces.

D. *National Military Command System (NMCS).* The NMCS is the priority component of the WWMCCS designed to support the National Command Authorities in the exercise of their responsibilities. It also supports the Joint Chiefs of Staff in the exercise of their responsibilities.

IV. *General concepts.* A. The WWMCCS serves two functions, listed below in their order of priority and emphasis:

1. Support of the NCA is the primary mission. The NMCS provides the means by which the President and the Secretary of Defense can: Receive warning and intelligence upon which accurate and timely decisions can be made; apply the resources of the Military Departments; and assign military missions and provide direction to the Unified and Specified Commands. The NMCS must be capable of providing information so that appropriate and timely responses may be selected and directed by the NCA and implemented. In addition, the NMCS supports the Joint Chiefs of Staff in carrying out their responsibilities.

2. Support of the command and control systems of the Unified and Specified Commands and the WWMCCS related management/information systems of other DOD Components is the second mission. This function will be supported by the WWMCCS subordinate to and on the basis of noninterference with the primary mission.

B. *Guidelines for Design and Operation of the WWMCCS.* 1. Both the communication of warning and intelligence from all sources and the communication of decisions and commands to the Military Forces require that the NMCS be the most responsive, reliable, and survivable system that can be provided with the resources available. This requires that the command and control systems of all other DOD Components be configured and operated for effective support of the NMCS as well as their specific missions. Interfaces must be compatible, communication links must provide direct connection or real time relay wherever necessary, computerized data formats must be common and all details of system configuration and operation must be as efficient as possible in terms of both effectiveness and in utilization of resources.

2. The WWMCCS will be exercised frequently under the most realistic conditions possible in order to insure readiness and to identify deficiencies. Exercises will be used to evaluate the effectiveness of standard operating procedures, changes to these procedures, the effectiveness of installed and deployed command and control equipment, equipment changes, and to assist in validating the need for and characteristics of hardware and software proposed to correct identified deficiencies.

3. These guidelines apply to all DOD Components and to the utilization of all other Department of Defense resources in support of the WWMCCS and its prime mission.

4. The effective operation of the WWMCCS rests upon the understanding of its concepts and objectives and its innovative support by those charged with its design and operation. Every effort must be made to assure this understanding and encourage this support.

V. *Composition of the WWMCCS.* A. National Military Command System (NMCS):

1. Since survival of the command and control capability of NMCS is fundamental to continuity of operations, a composite command structure with survivable communications is required. This includes the National Military Command (NMCC), the Alternate National Military Command Center (ANMCC), the National Emergency Airborne Command Post (NEACP), and such other command centers as may be designated by the Secretary of Defense. These centers must be linked by reliable communications, supported by warning and intelligence systems, and continuously manned and ready for use. Special capabilities must be provided for communication with strategic offensive and defensive forces and for other forces which may be required for quick reaction in crises. In this case, the communications will be designated and operated to assure minimum elapsed time for the transmission of orders to the operating units of these forces. The NMCS also includes communications connecting its facilities with primary and alternate command facilities of the:

a. Headquarters of the Unified and Specified Commands.

b. Service headquarters of the Military Departments.

c. Other designated DOD Components which provide support through the WWMCCS.

2. Support of the NMCS will be the priority function of all primary and alternate command facilities.

B. Command and Control Systems of the Unified and Specified Commands:

1. The command and control systems of the Unified and Specified Commands provide the means through which Unified/Specified Commanders receive information and exercise operational command of assigned forces.

2. The command and control system of a unified command includes the command and control systems of subordinate unified commands and joint task forces when such organizations are established and assigned. Further, the Unified/Specified Commander must provide guidance to his Component Commands to assure interoperability of the command-wide command, control, and intelligence support systems necessary to his operational functions.

C. WWMCCS-Related Management/Information Systems of the Headquarters of the Military Departments: This consists of the facilities, equipment, communications, procedures, and personnel which provide the means through which the headquarters of the Military Departments carry out their assigned functions in support of the WWMCCS.

D. Command and Control Systems of the Headquarters of the Service Component Commands: These systems provide the means through which the commanders send and receive information and exercise command over their forces.

E. Command and Control Support Systems of Department of Defense Agencies: These systems provide the means through which the Directors accomplish the missions of their Agencies in support of the command and control function.

F. "Command and Control Systems" described in paragraphs B, C, D, and E will be configured and operated generally to meet the requirements of the commands being served. However, the priority requirement will be as defined in subparagraph IV.A.1. All communications facilities of these commands will be designed not only to interface with main NMCS communications, but for information to flow through and to and from points within each command as may be appropriate.

G. *Non-Department of Defense Systems.* 1. Effective coordination and liaison must be established and maintained with those activities of the U.S. Government outside the Department of Defense which have functions associated with the NMCS, e.g., White House Situation Room, State Department Operations Center, Central Intelligence Agency Indications Office, U.S. Intelligence Board National Indications Center, U.N. Military Mission, Office of Emergency Preparedness National Warning Center, the U.S. Coast Guard Operations Center, the FAA Executive Communications Control Center, and such other agencies, activities, or centers as may be designated.

2. Appropriate military information will be provided to these associated systems through the NMCS, utilizing timely, secure, and reliable communications systems. Conversely, political, intelligence, diplomatic, and economic information input to the NMCS will be provided by these same systems. The WWMCCS may also be required to interface with such multinational elements as NATO. In addition, the NMCS should provide communications and space to support representatives of the White House and other Government activities who may use the NMCS in a politico-military situation concerning strategic direction of U.S. Military Forces. The Joint Chiefs of Staff will provide for lateral coordination with U.S. Government activities external to the Department of Defense to insure necessary interchange of data to and from the NMCS.

VI. *Responsibilities.* A. Subject to the authority and direction of the President and the Secretary of Defense, the Joint Chiefs of Staff have the responsibility:

1. To prepare strategic plans and provide for the strategic direction of the Armed Forces, including the direction of operations conducted by Commanders of Unified and Specified Commands and the discharge of any other function of command for such commands directed by the Secretary of Defense.

2. To serve as advisers and as military staff in the chain of operational command with respect to Unified and Specified Commands, to provide a channel of communications from the President and Secretary of Defense to Unified and Specified Commands, and to coordinate all communications in matters of joint interest addressed to the Commanders of the Unified or Specified Commands by other authority.

3. To advise on the effectiveness of the WWMCCS.

B. Under the direction of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff will:

1. Operate, for the Secretary of Defense, the NMCS to meet the needs of the NCA. He will establish operational policies and procedures for all components of the NMCS and assure their implementation.

2. Define the scope and components of the NMCS.

3. Develop and validate requirements for the NMCS, make recommendations on the design, development, and procurement of systems and prepare, with appropriate DOD Component assistance, appropriate planning, programing, and budgeting documents for the NMCS.

4. Maintain cognizance of all WWMCCS programs and capabilities. Validated WWMCCS requirements of the Unified/Specified Commanders. Develop an overall WWMCCS Objectives Plan.

5. Make recommendations to the Secretary of Defense to insure responsiveness, functional interoperability, and standardization of the WWMCCS. Make recommendations for changes to the WWMCCS that will increase the effectiveness of the NMCS.

6. Implement decisions of the Secretary of Defense concerning requisite capabilities of the NMCS pertaining to subparagraph V.F.

C. The Assistant Secretary of Defense (Telecommunications) will have primary staff responsibility in the Office of the Secretary of Defense for the WWMCCS, NMCS, and WWMCCS-related systems. This responsibility includes review and advice to the Secretary of Defense on all matters, except those assigned in paragraphs VI.D and VI.E, below, relating to the design, development, procurement, and performance of equipment, systems, and technical procedures involved in the WWMCCS, including recommendations made by or through the Chairman, Joint Chiefs of Staff.

D. The Assistant Secretary of Defense (Intelligence) will have primary staff

[1] The expression, "Chairman of the Joint Chiefs of Staff", as used in this directive includes the officer appointed to this position and the officer serving in this position in the appointee's absence.

VOL 37 NO 38
FEB 25 72
XUM

responsibility in the Office of the Secretary of Defense for intelligence collection and reporting systems. This responsibility includes review and advice to the Secretary of Defense on all matters involving warning and intelligence relating to the design, development, procurement (other than ADP procurement), and performance of equipment, systems and technical procedures involved in the WWMCCS, including recommendations made by or through the Chairman, Joint Chiefs of Staff.

E. The Assistant Secretary of Defense (Comptroller) will maintain central focal point cognizance of ADP procurement, reporting, and reutilization.

F. Non-NMCS elements of the WWMCCS will continue to be administered by their responsible DOD Components.

VII. *World-Wide Military Command and Control System (WWMCCS) Council.* There is hereby established a WWMCCS Council, which will be chaired by the Deputy Secretary of Defense and will have as additional members the Chairman of the Joint Chiefs of Staff, the Assistant Secretary of Defense (Intelligence), and the Assistant Secretary of Defense (Telecommunications). The Council will provide policy guidance for the development and operation of the WWMCCS and evaluate its overall performance. In particular, it will review and evaluate for the Secretary of Defense the exercises specified under IV.B. It will also review and make recommendations to the Secretary of Defense on the planning, programing, and budgeting of the WWMCCS.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.72-2782 Filed 2-24-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona A 6721; Power Site Classification 438; Cancellation 311]

ARIZONA

Order Providing for Opening of Public Lands

By published notice (37 F.R. 24, Jan. 4, 1972) the U.S. Geological Survey canceled Power Site Classification No. 438 of November 16, 1956, as to the lands described therein.

The purpose of this order is to restore to the operation of applicable public land laws the unreserved public lands involved in that notice.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered as follows:

1. The following described lands are hereby restored to disposition under applicable public land laws, subject to valid existing rights:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 7 S., R. 16 E.,
Sec. 1, SW¼;
Sec. 2, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 10, lot 7, and SE¼SE¼;
Sec. 11, S½S½;
Sec. 12, S½SW¼;
Sec. 13, W½SW¼ and NW¼NW¼;
Sec. 14, N½N½, W½SW¼NW¼, W½SW¼, SE¼SW¼, S½SE¼, and E½NE¼SE¼;
Sec. 15, lots 10 and 12, and NE¼NE¼;
Sec. 23, E½, E½NW¼, and NW¼NW¼;
Sec. 24, W½W½, SE¼NW¼, and NE¼SW¼;
Sec. 25, W½ and SW¼SE¼;
Sec. 26, E½NE¼, NW¼NE¼, and NE¼SE¼.
T. 8 S., R. 16 E.,
Sec. 1, lot 1;
Sec. 12, E½NW¼.
T. 7 S., R. 17 E.,
Sec. 6, W½SE¼.
T. 8 S., R. 17 E.,
Sec. 6, lot 6;
Sec. 7, lot 1.

The areas described aggregate 3,159.88 acres in Pinal County.

GLENDON E. COLLINS,
Acting State Director.

FEBRUARY 15, 1972.

[FR Doc.72-2760 Filed 2-24-72;8:46 am]

[OR 8920]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

FEBRUARY 15, 1972.

The Bureau of Land Management, Department of the Interior, has filed an application, Serial No. OR 8920, for the withdrawal of public land described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires to have the area withdrawn for the "Little Sink Natural Area" to protect the land, with its associated biotic community, which is valuable for scientific, educational, and research purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street (Post Office Box 2965), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources.

After receipt of comments from interested parties, he will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLAMETTE MERIDIAN

T. 8 S., R. 6 W.,
Sec. 33, W½NW¼.

The area described contains 80 acres in Polk County.

IRVING W. ANDERSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-2817 Filed 2-24-72;8:52 am]

[Serial No. Idaho-4799]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 17, 1972.

The Department of Agriculture has filed an application, Serial No. I-4799, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as scenic and recreation areas around 21 high mountain lakes in the St. Joe and Clearwater National Forests.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398, Federal Building, 550 West Fort Street, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

ST. JOE NATIONAL FOREST

HIGH MOUNTAIN LAKES, MALLARD-LARKINS AREA—BOISE MERIDIAN

Devil's Lake

T. 42 N., R. 6 E.,
Sec. 25, E½SW¼NE¼, W½SE¼NE¼, NW¼NE¼SE¼, and NE¼NW¼SE¼.

Total area—60 acres.

Fawn Lake

T. 42 N., R. 7 E.,
Sec. 25, S½SW¼NE¼NE¼, S½SE¼NW¼NE¼, E½SW¼NE¼, E½W½SW¼NE¼, and SE¼NE¼.

Total area—80 acres.

Skyland Lake

T. 42 N., R. 7 E.,
Sec. 25, S½SW¼NW¼SW¼ and W½SW¼SW¼;
Sec. 26, SE¼NE¼SE¼ and SE¼SE¼;
Sec. 35, NE¼NE¼NE¼, and N½NW¼NE¼NE¼;
Sec. 36, N½NW¼NW¼NW¼.

Total area—95 acres.

Northbound Lake

T. 42 N., R. 7 E.,
Sec. 34, SE¼SW¼NW¼, SW¼SE¼NW¼, W½SE¼SE¼NW¼, W½NE¼NE¼SW¼, NW¼NE¼SW¼, N½SW¼NE¼SW¼, E½NW¼SW¼, and E½NW¼NW¼SW¼.

Total area—70 acres.

Hero Lake and Gnat Lake

T. 42 N., R. 7 E.,
Sec. 21, S½S½SW¼NW¼ and W½SW¼;
Sec. 28, N½NE¼NW¼NW¼ and NW¼NW¼NW¼.

Total area—105 acres.

Craig Lake

T. 42 N., R. 7 E.,
Sec. 26, S½NE¼SW¼SW¼, E½SW¼SW¼SW¼, SE¼SW¼SW¼, and SW¼SE¼SW¼;
Sec. 33, NW¼NE¼NW¼ and N½NW¼NW¼.

Total area—60 acres.

Heart Lake

T. 42 N., R. 7 E.,
Sec. 33, SW¼NE¼, S½NW¼SE¼NE¼, SW¼SE¼NE¼, E½SE¼NW¼, SW¼SE¼NW¼, NE¼NE¼SW¼, N½SE¼NE¼SW¼, W½NW¼NE¼SE¼, and NW¼SE¼.

Total area—145 acres.

Mudd Lake

T. 42 N., R. 7 E.,
Sec. 29, S½SW¼NW¼NE¼, N½SW¼NE¼, SW¼SW¼NE¼, N½SE¼SW¼NE¼, E½NE¼SE¼NW¼, and NE¼SE¼SE¼NW¼.

Total area—47.50 acres.

Larkins Lake

T. 42 N., R. 7 E.,
Sec. 29, SW¼NE¼SW¼, SW¼SE¼NE¼SW¼, SE¼NW¼SW¼, NE¼SW¼SW¼, NE¼SE¼SW¼SW¼, and SE¼SW¼.

Total area—75 acres.

Bacon Lake

T. 42 N., R. 9 E.,
Sec. 24, SW¼SW¼NE¼, SW¼SE¼SW¼NE¼, SE¼SE¼NW¼, E½NE¼SW¼, N½NW¼SE¼, SW¼NW¼SE¼, and NW¼SE¼NW¼SE¼.

Total area—75 acres.

Forage Lake

T. 42 N., R. 9 E.,
Sec. 13, NE¼SW¼SW¼, N½SE¼SW¼SW¼, SE¼SE¼SW¼SW¼, SE¼SW¼, SW¼NW¼SW¼SE¼, and W½SW¼SW¼SE¼.

Total area—65 acres.

Halo Lake

T. 42 N., R. 9 E.,
Sec. 13, S½NE¼SE¼SE¼, SE¼NW¼SE¼SE¼, and S½SE¼SE¼;
Sec. 24, N½NE¼NE¼.
T. 42 N., R. 10 E.,
Sec. 18, SW¼NW¼ of lot 4 and SW¼ of lot 4;
Sec. 19, NW¼ of lot 1.

Total area—69.10 acres.

The above areas aggregate 946.60 acres more or less within Shoshone County, Idaho.

CLEARWATER NATIONAL FOREST

HIGH MOUNTAIN LAKES, MALLARD-LARKINS AREA—BOISE MERIDIAN

T. 41 N., R. 7 E.,
Sec. 23, E½E½SW¼SW¼, W½SE¼SW¼, and W½E½SE¼SW¼.
T. 42 N., R. 7 E.,
Sec. 34, E½NE¼SE¼SW¼, NE¼SE¼SE¼SW¼, NW¼SW¼SE¼, and N½SW¼SW¼SE¼;
Sec. 36, S½SW¼SE¼NE¼, SW¼SE¼SE¼NE¼, NW¼NE¼SE¼, and W½NE¼NE¼SE¼.
T. 41 N., R. 8 E., Unsurveyed, but which when surveyed will be:
Sec. 19, W½E½NE¼SE¼, W½NE¼SE¼, NE¼SW¼SE¼, and E½SE¼SE¼SE¼;
Sec. 20, W½SW¼SW¼SW¼;
Sec. 29, SW¼NE¼NW½SW¼, S½NW¼NW¼SW¼, SW¼NW¼SW¼, SW¼SW¼SW¼SW¼, and W½SE¼NW¼SW¼;
Sec. 30, S½SE¼SE¼SE¼;
Sec. 31, NE¼NE¼NE¼ and N½SE¼NE¼NE¼;
Sec. 32, W½NW¼NW¼NW¼.

The above areas aggregate approximately 185 acres located in Shoshone and Clearwater Counties, Idaho.

RICHARD H. PETRIE,
Chief, Division of Technical Services.

[FR Doc.72-2761 Filed 2-24-72;8:46 am]

National Park Service

[Order No. 66, Amdt. No. 1]

CHIEF, DIVISION OF PROPERTY MANAGEMENT AND GENERAL SERVICES ET AL.

Limitations on Redelegation of Authority

Order No. 66, Revised, approved October 29, 1971, and published in the FEDERAL REGISTER of November 4, 1971 (36 F.R. 21218) set forth in section 2 the limitations on redelegations of authority.

Section 2 is hereby amended to read as follows:

SEC. 2. *Redelegation.* Subject to the following exceptions; the Directors of the Regions may, in writing redelegate to their officers and employees, the authority delegated in this order and may authorize written redelegations of such authority:

(1) Master Plan approval authority may not be redelegated.

(2) In the Regional Offices, procurement and contracting authority in excess of $2,000 may only be redelegated to the Chief, Division of Property Management and General Services and the Chief, Office of Finance and Control. Authority to contract for supplies, equipment and services may be redelegated by the Directors to Superintendents as follows: Superintendents, Grade GS–12 and below not to exceed $2,000; Superintendents, Grade GS–13 not to exceed $50,000; Superintendents, Grade GS–14 not to exceed $100,000; Superintendents, Grade GS–15 not to exceed $200,000. The limitations in this subsection (2) of section 2 apply only to open market or nonmandatory sources of supply. Employees and officers who are otherwise authorized may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding $2,000.

(3) Authority to approve land acquisition priorities may not be redelegated. Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto, may be redelegated only to the Chief land acquisition officer in the Regional Office and field land acquisition officers.

Each redelegation shall be published in the FEDERAL REGISTER.

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950)

Dated: February 16, 1972.

GEORGE P. HARTZOG, Jr.,
Director, National Park Service.

[FR Doc.72-2783 Filed 2-24-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 1786]

CERTAIN DRUGS FOR HUMAN USE CONTAINING ORGANIC NITRATES

Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following "coronary vasodilator" drug:

1. Metamine Tablets containing trolnitrate phosphate; Charles Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 8–294).

2. Metamine Sustained Tablets containing trolnitrate phosphate; Charles Pfizer & Co., Inc (NDA 10–131).

3. Nitretamine and Nitretamine-10 Tablets containing trolnitrate phosphate; E. R. Squibb & Sons, Inc., Georges

FEB 25 72

Road, New Brunswick, N.Y. 08903 (NDA 9–196).

4. Metamine with Butabarbital Tablets containing trolnitrate phosphate and butabarbital; Charles Pfizer & Co., Inc. (NDA 8–798).

5. Metamine with Butabarbital Sustained Tablets containing trolnitrate phosphate and butabarbital; Charles Pfizer & Co. (NDA 11–420).

6. Penta-Erythritol Tetranitrate Nyscaps containing pentaery-thritol tetranitrate; Nysco Laboratories, Inc., 34–24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 12–317).

7. Timed Pentryate Stronger Capsules containing pentaerythritol tetranitrate; Fellows-Testagar, Division Fellows Medical Manufacutring Co., Inc., 12741 Capital Avenue, Oak Park, Mich. 48237 (NDA 12–646).

8. Pentestan-80 Stancaps containing pentaerythritol tetranitrate; Standex Laboratories, Inc., 585 West Second Avenue, Columbus, Ohio 43215 (NDA 12–488).

9. Pentritol Tempules containing pentaerythritol tetranitrate; Armour Pharmaceutical Co., Box 511, Kankakee, Ill. 60901 (NDA 12–311).

10. Duotrate 45 Plateau Caps containing pentaerythritol tetranitrate; Marion Laboratories, Inc., 10236 Bunker Ridge Road, Kansas City, Mo. 64137 (NDA 12–748).

11. Petritrate SA Tablets containing pentaerythritol tetranitrate; Warner-Chilcott Laboratories, Division Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 11–109).

12. Peritrate Tablets containing pentaerythritol tetranitrate; Warner-Chilcott Laboratories (NDA 8–072).

13. Metranil Duracap containing pentaerythritol tetranitrate; Meyer Laboratories, Inc., 22601 Mack Avenue, St. Clair Shores, Mich. 48080 (NDA 12–529).

14. Tetrasule-80 Timesules containing pentaerythritol tetranitrate; Storck Pharmaceuticals, Inc., Division Arnar-Stone Laboratories, Inc., 601 East Kensington Road, Mount Prospect, Ill. 60056 (NDA 12–450).

15. Duotrate 45 with Phenobarbital Plateau Caps containing pentaerythritol tetranitrate and phenobarbital; Marion Laboratories, Inc. (NDA 12–749).

16. Pentaerythritol tetranitrate and phenobarbital; Nysco Laboratories, Inc. (NDA 12–538).

17. Peritrate with Phenobarbital SA Tablets containing pentaerythritol tetranitrate and phenobarbital; Warner-Chilcott Laboratories (NDA 12–266).

18a. Pencard and Pencard No. 2 Tablets containing pentaerythritol tetranitrate;

b. Pencard with Phenobarbital and Pencard No. 2 with Phenobarbital Tablets containing pentaerythritol tetranitrate and phenobarbital; and

c. Pencard-A Capsules containing pentaerythritol tetranitrate and theophylline; Cole Pharmacal Co., Inc., 3721 Laclede Avenue, St. Louis, Mo. 63108 (NDA 8–852).

19. Pentraline Tablets containing pentaerythritol tetranitrate, sodium butabarbital, and reserpine; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa. 19034 (NDA 10–972).

20. Maxitate Tablets containing mannitol hexanitrate; Strasenburgh Prescription Products Division, Pennwalt Corp., 755 Jefferson Road, Rochester, N.Y. 14623 (NDA 1–786).

21. Nitranitol Tablets containing mannitol hexanitrate; The Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 3–193).

22. Mannitol Hexanitrate Tablets; S. F. Durst & Co., Inc., 5317 North Third Street, Philadelphia, Pa. 19120 (NDA 4–730).

23. Nitranitol with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital; the Wm. S. Merrell Co. (NDA 4–353).

24. Maxitrate with Phenobarbital Tablets containing mannitol hexanitrate and phenobarbital; Strasenburgh Prescription Products (NDA 2–779).

25. Nitroglyn Sustained Action Tablets containing nitroglycerin; Key Pharmaceuticals, Inc., 50 Northwest 176th Street, Post Office Box 3670, Norland Beach, Miami, Fla. 33169 (NDA 9–599).

26. Isordil Tablets containing isosorbide dinitrate; Ives Laboratories, Inc., 685 Third Avenue, New York, N.Y. 10017 (NDA 12–093).

27. Isordil Tembids containing isosorbide dinitrate; Ives Laboratories, Inc. (NDA 12–882).

28. Isordil Sublingual Tablets containing isosorbide dinitrate; Ives Laboratories, Inc. (NDA 12–940).

29. Isordil with Phenobarbital Tablets containing isosorbide dinitrate and phenobarbital; Ives Laboratories, Inc. (NDA 12–093).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

On April 19, 1966, a statement of policy (21 CFR 3.21) was published by the Food and Drug Administration concerning the status of these drugs and seven other drugs (amyl nitrite, erythrityl tetranitrate, potassium nitrite, sodium nitrite, inositol hexanitrate, octyl nitrite, and nitroglycerine) offered for use as "coronary vasodilators." This DESI notice preempts that statement insofar as any inconsistency may exist between the two. The statement of policy, § 3.21, remains in effect otherwise. The effectiveness of the other drugs named therein is under review.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Sublingual tablets of isosorbide dinitrate are (a) probably effective for the treatment of an angina pectoris attack and for prophylaxis in situations likely to provoke such attacks when they are administered by the sublingual route; and (b) possibly effective for these same indications when administered orally, i.e., swallowed.

2. Conventional or extended action oral dosage forms of trolnitrate phosphate, pentaerythritol tetranitrate, mannitol hexanitrate, and isosorbide dinitrate, alone or in combination, are possibly effective for their labeled indications relating to the management, prophylaxis, or treatment of anginal attacks.

3. Sustained action tablets of nitroglycerin are possibly effective for indications relating to the management, prophylaxis, or treatment of anginal attacks.

B. *Marketing status of drugs for which the highest classification is possibly effective.* Marketing of such drugs with labeling which recommends or suggests their use for indications for which they have been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

C. *Marketing status of the drug for which the highest classification is probably effective.* 1. Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as probably effective or possibly effective may be continued for 12 months, or 6 months, respectively, as described in paragraphs (c), (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

2. Within 60 days from publication hereof in the FEDERAL REGISTER, the holder of any approved new drug application for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug; is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74); and recommends use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

Isosorbide dinitrate (sublingual tablets). When taken by the sublingual route, isosorbide dinitrate is indicated for the treatment of acute anginal attack and for prophylaxis in situations likely to provoke such attacks.

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

3. After 60 days following publication hereof in the FEDERAL REGISTER, any such drug on the market without an approved new drug application and shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act should be labeled in accord with this notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 1786, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 22, 1972.

JAMES D. GRANT,
Deputy Commissioner of Food and Drugs.

[FR Doc.72–2798 Filed 2–24–72;8:51 am]

[Docket No. FDC–D–274; NADA No. 9–664V]

ARMOUR PHARMACEUTICAL CO.

Dynafac; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8065). Said notice gave the named holders of various NADA's (new animal drug applications) 30 days in which to request an opportunity for a hearing.

Armour Pharmaceutical Co., Box 3113, Omaha, Nebr. 68103 the holder of NADA No. 9–644V for the product Dynafac, filed a written appearance requesting an opportunity for a hearing. However, said written appearance was not supported by a well-organized and full-factual analysis of clinical and other investigational data to support their opposition to the grounds for said notice. Therefore, the firm's request for a hearing is denied.

The Commissioner of Food and Drugs, based on his evaluation of information before him with respect to said drug, finds that there is a lack of substantial evidence that the drug will have the effect it purports and is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling. Accordingly, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9–664V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: February 16, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2787 Filed 2–24–72;8:49 am]

[Docket No. FDC–D–433; NDA No. 10–891]

AYERST LABORATORIES

Captodiame Hydrochloride; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

In a notice (DESI 10891) published in the FEDERAL REGISTER of September 1, 1970 (35 F.R. 13853), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below, stating that the drug was regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drug has been submitted within the period provided.

NDA 10–891; Suvren Tablets containing captodiame hydrochloride; Ayerst Laboratories, 685 Third Avenue, New York, N.Y. 10017.

Therefore, notice is given to Ayerst Laboratories, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application and all amendments and supplements thereto on the grounds that new information before him with respect to the drug, evaluated together with the evidence available to him when the application was approved, shows there is a lack of substantial evidence that the drug will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug application should not be withdrawn. Any related drug for human use not the subject of an approved new drug application, may be affected by this action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug application. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the applications and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence. (35 F.R. 7250, May 8, 1970; 35 F.R. 18631, Oct. 27, 1970)

Received requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 17, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2788 Filed 2–24–72;8:49 am]

FEB 25 72
XUM

E. I. DU PONT DE NEMOURS & CO.

Notice of Amended Filing of Petition for Food Additives

Notice was given in the FEDERAL REGISTER of August 20, 1970 (35 F.R. 13323), that a petition (FAP 1B2571) had been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing that § 121.2526 *Components of paper and paper-board in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended in paragraph (a)(5) in the table by revising the "Limitations" for the substance "Diethanolamine salts of mono- and bis (1*H*, 1*H*, 2*H*, 2*H*,-perfluoroalkyl) phosphates, * * *" as follows:

1. To expand the permitted conditions of food-contact use to include conditions of use C and D as described in table 2 of paragraph (c) of that section.

2. To reduce the upper level of use from 0.17 pound (0.09 pound of fluorine) per 1,000 square feet of treated paper or paperboard to 0.14 pound (0.075 pound of fluorine) when such paper or paperboard is used in contact with nonalcoholic foods under the conditions of use C, D, E, F, and G described in table 2 of paragraph (c) of that section.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)) notice is given that it has been further proposed that said petition be amended to permit conditions of food-contact use described in No. 1 above to include conditions of use B and H as described in table 2 of paragraph (c) of § 121.2526 and to delete the proposed reduction of use level described in No. 2 above.

Dated: February 16, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-2789 Filed 2-24-72;8:49 am]

[Docket No. FDC-D-274; NADA No. 2-803V]

HAVER-LOCKHART LABORATORIES

Phenothiazine; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing proposing to withdraw approval of NADA (new animal drug application) No. 2-803V for the drug Phenothiazine was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8065). Haver-Lockhart Laboratories, Box 390, Shawnee Mission, Kansas 66201, holder of said NADA, did not file a written appearance of election regarding whether or not they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for such filing in said notice. This is construed as an election by said firm not to avail themselves of the opportunity for a hearing.

Based on the grounds set forth in said notice and the response to said notice, the Commissioner of Food and Drugs concludes that approval of said NADA should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 2-803V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: February 16, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2790 Filed 2-24-72;8:51 am]

PETROLITE CORP.

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2754) has been filed by Petrolite Corp., Bareco Division, Post Office Drawer K, Tulsa, Okla. 74115 proposing that the food additive regulations be amended to provide for additional safe uses for synthetic petroleum wax as a component of articles intended to contact food.

Dated: February 17, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-2791 Filed 2-24-72;8:51 am]

HUMAN DRUGS WHICH ARE BIOLOGICAL PRODUCTS

Redelegation of Authority To Administer Certain Provisions of the Federal Food, Drug, and Cosmetic Act

CROSS REFERENCE: For a document issued jointly by the Food and Drug Administration, the National Institutes of Health, and the Public Health Service, regarding authority to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products, see F.R. Doc. 72-2759, Department of Health, Education, and Welfare, Office of the Secretary, *infra*.

National Institutes of Health

HUMAN DRUGS WHICH ARE BIOLOGICAL PRODUCTS

Redelegation of Authority To Administer Certain Provisions of the Federal Food, Drug, and Cosmetic Act

CROSS REFERENCE: For a document issued jointly by the Food and Drug Administration, the National Institutes of Health, and the Public Health Service, regarding authority to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products, see F.R. Doc. 72-2759, Department of Health, Education, and Welfare, *infra*.

Office of the Secretary

HUMAN DRUGS WHICH ARE BIOLOGICAL PRODUCTS

Redelegation of Authority To Administer Certain Provisions of the Federal Food, Drug, and Cosmetic Act

The following authority delegated to the Assistant Secretary for Health and Scientific Affairs by the Secretary of Health, Education, and Welfare under section 6 of Reorganization Plan No. 1 of 1953 and section 2 of Reorganization Plan No. 3 of 1966 is hereby redelegated to the Commissioner of Food and Drugs and the Director, National Institutes of Health, as follows:

1. Effective this date, each of you is hereby concurrently redelegated the authority vested in me to administer, enforce, and apply all applicable provisions of the Federal Food, Drug and Cosmetic Act, as amended, with respect to those human drugs that are biological products as defined in, and subject to licensing under, section 351 of the Public Health Service Act, as amended (42 U.S.C. 262) and the regulations thereunder, 42 CFR Part 73.

2. This authority shall be exercised in accordance with the attached Memorandum of Understanding between the Commissioner of Food and Drugs, and the Director, National Institutes of Health, which memorandum sets forth with particularity the functions to be undertaken by each agency.

3. Any prior delegation, statement of organization, functions and delegations of authority, or chapter of the Department of Health, Education, and Welfare Organization Manual inconsistent with this delegation or the attached Memorandum of Understanding is hereby superseded to the extent of such inconsistency.

4. The authority delegated in paragraph 1, other than the authority to promulgate regulations, may be redelegated as, in the judgment of the Commissioner of Food and Drugs or the Director, National Institutes of Health, may be necessary or advisable for the effective administration of such authority by them.

Effective date. This redelegation of authority shall be effective immediately.

Dated: February 18, 1972.

MERLIN K. DUVAL,
Assistant Secretary for Health and Scientific Affairs.

Memorandum of understanding between the Food and Drug Administration and the National Institutes of Health concerning authority to enforce applicable provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products.

Background. Every virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product applicable to the prevention, treatment, or cure of diseases or injuries of man (henceforth referred to as biological products) is subject to the licensing provisions of section 351 of the Public Health Service Act enforced by the Division of Biologics Standards (henceforth referred to as DBS) of the National Institutes of Health. These biological products are also human "drugs" as that word is defined under the Federal Food, Drug, and Cosmetic Act enforced by the Food and Drug Administration (henceforth referred to as FDA). Section 351 of the Public Health Service Act contains a statement indicating that "nothing contained in this Act shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of the Federal Food, Drug, and Cosmetic Act." Section 902(c) of the Federal Food, Drug, and Cosmetic Act contains a comparable statement with respect to its effect on the Public Health Service Act. Biological products and the manufacturers of such products are therefore subject to both section 351 of the Public Health Service Act and the human drug provisions of the Federal Food, Drug, and Cosmetic Act.

Responsibility for the enforcement of these statutory provisions is vested by law in the Secretary of Health, Education, and Welfare. With respect to section 351 of the Public Health Service Act, this authority, except for the revocation of licenses, has been delegated to the Assistant Secretary for Health and Scientific Affairs, who in turn has made a delegation to the Director, National Institutes of Health. The Secretary's authority over biological products pursuant to the Federal Food, Drug, and Cosmetic Act has contemporaneously with this memorandum been delegated concurrently to the Commissioner of Food and Drugs and to the Director, National Institutes of Health.

Purpose. The purpose of this Memorandum of Understanding is to establish the Department's policy to be followed by FDA and DBS concerning authority to enforce provisions of the Federal Food, Drug, and Cosmetic Act with respect to biological products which will foster the utmost public protection.

Agreement. It is agreed by both agencies that:

1. DBS, in addition to establishing standards designed to insure the continued safety, purity and potency of biological products pursuant to section 351 of the Public Health Service Act, has primary responsibility for enforcing all applicable provisions of the Federal Food, Drug, and Cosmetic Act with respect to a biological product, except for sections 302 and 304 of that Act.

2. In emergency situations involving protection of the public against a biological product which may be dangerous to life or health that cannot adequately be handled through section 351, DBS will request FDA to take appropriate enforcement action to remove the product from the market.

3. FDA will not enforce any provisions of the Federal Food, Drug and Cosmetic Act with respect to a biological product unless requested to do so by DBS.

4. If either agency, through inspection or otherwise, becomes aware of any information which indicates that a drug subject to the jurisdiction of the other agency may be in violation of the law, it will report that information to the other agency.

5. Any complaints or reports received by either agency with respect to a drug subject to the jurisdiction of the other agency will be reported to that agency.

6. All regulations promulgated by FDA under the provisions of the Federal Food, Drug, and Cosmetic Act with respect to all human drugs will be applicable to biological products. Regulations issued under the authority of the Federal Food, Drug and Cosmetic Act pertaining only to human drugs which are biological products will be promulgated by DBS after approval of FDA.

7. DBS and FDA will each appoint one liaison representative and one alternate to facilitate carrying out the above provisions.

Dated: February 18, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

Dated: February 18, 1972.

ROBERT Q. MARSTON,
Director, National Institutes of Health.

[FR Doc.72-2759 Filed 2-24-72;8:49 am]

Public Health Service

HUMAN DRUGS WHICH ARE BIOLOGICAL PRODUCTS

Redelegation of Authority To Administer Certain Provisions of the Federal Food, Drug, and Cosmetic Act

CROSS REFERENCE: For a document issued jointly by the Food and Drug Administration, the National Institutes of Health, and the Public Health Service, regarding authority to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act with respect to human drugs which are biological products, see F.R. Doc. 72-2759, Department of Health, Education, and Welfare, Office of the Secretary, *supra*.

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-348, 50-364]

ALABAMA POWER CO.

Determination Not To Suspend Construction Activities Pending Completion of Environmental Review

Alabama Power Co. (the applicant) is the holder of a construction exemption issued by the Atomic Energy Commission on April 12, 1971. The construction exemption authorizes the applicant to construct below-ground portions of the Unit 1 containment and the Unit 1 and 2 auxiliary building prior to issuance of construction permits for the Joseph M. Farley Nuclear Plant to be located at the applicant's site on the west side of the Chattahoochee River, 5 miles south of Columbia, Ala., in Houston County. Each facility is designed for initial operation at approximately 2,660 megawatts (thermal).

The applicant has furnished to the Commission a written statement, with supplementary letters, of reasons, with supporting factual submission, why the construction exemption should not be suspended, in whole or in part, pending completion of the NEPA environmental review.

The Director of Regulation has considered the applicant's submission in light of the criteria set out in proposed revisions to the Commission's regulations, § 50.12 of 10 CFR Part 50, and has determined, after considering and balancing the criteria in the proposed revisions to § 50.12, that construction activities at the Joseph M. Farley Nuclear Plant authorized by the construction exemption and the Commission's regulations should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Activities for the Joseph M. Farley Nuclear Plant Units 1 and 2, AEC Dockets Nos. 50-348 and 50-364, February 7, 1972."

Pending completion of the full NEPA review, the applicant proceeds with construction at its own risk. The determination herein and the discussion and findings referred to above do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying or terminating the construction exemption to protect environmental values.

The applicant's statement of reasons, with supplementary letters, furnished pursuant to the order from the Atomic Safety and Licensing Board, as to why the construction exemption should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Activities for the Joseph M. Farley Nuclear Plant, Units 1 and 2, AEC Dockets Nos. 50-348 and 50-364, February 7, 1972," are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the George S. Houston Memorial Library, 212 West Vurdeshaw Street, Dothan, AL 36301. Copies of the "Discussion and Findings" document may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 15th day of February 1972.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.72-2737 Filed 2-24-72;8:45 am]

DAMON TRACT SITE

Trespassing on Commission Property; Revocation of Notice

The notice with respect to the Damon Tract Site of the Atomic Energy Commission dated June 5, 1968, appearing at page 8611 of the FEDERAL REGISTER of June 12, 1968 (F.R. Doc. 68-6868), is hereby revoked.

Dated at Germantown, Md., this 18th day of February 1972.

R. E. HOLLINGSWORTH,
General Manager.

[FR Doc.72-2736 Filed 2-24-72;8:45 am]

FEB 25 72 XUM

[Docket No. 50-397]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, as revised September 9, 1971, notice is hereby given that a report entitled "Environmental Report, Amendment 1" submitted by the Washington Public Power Supply System is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Richland Public Library, Swift and Northgate Streets, Richland, Wash. 99352. The report is also being made available at the Office of the Governor, State Planning and Community Assistance Division, 100 Insurance Building, Olympia, Wash. 98501. This report updates and provides supplemental information to the Environmental Report for the proposed Hanford Number 2 Nuclear Power Plant to be located in Benton County, Wash. Notice of availability of the applicant's report entitled "Applicant's Environmental Report—Construction Stage," dated August 19, 1971, was published in the FEDERAL REGISTER on December 7, 1971 (36 F.R. 23266).

After the supplemental report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 16th day of February 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2738 Filed 2-24-72;8:45 am]

RIO BLANCO GAS STIMULATION PROJECT, COLORADO

Public Hearings Concerning Draft Environmental Statement

On Friday, January 21, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 F.R. 942) a notice of the availability of a document entitled "Draft Environmental Statement—Rio Blanco Gas Stimulation Project, Colo.," issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(c) of the National Environmental Policy Act of 1969. Copies of such statement are available for public inspection at the following locations:

Mesa County Public Library, Grand Junction, Colo.
Meeker Public Library, Meeker, Colo.
U.S. Bureau of Mines, Office of Mineral Resource Evaluation Library, Building 20, Denver Federal Center, Denver, Colo. 80225.
USAEC Public Document Room, 1717 H Street NW., Washington, DC 20545.
Nevada Operations Office, U.S. Atomic Energy Commission, 2753 South Highland Drive, Las Vegas, NV 89114.
U.S. Bureau of Mines, Bartlesville Petroleum Research Center, Virginia and Cudahy, Bartlesville, Okla. 74003.

As soon as they become available to the Commission, copies of the draft Rio Blanco Project Definition Report and of Federal and State agency comments on the Draft Environmental Statement will also be made available at the above-specified locations.

Notice is hereby given that public hearings concerning the draft environmental statement will be held on March 24, 1972 at 10 a.m. in the Meeker Public High School Auditorium, Meeker, Colo., and on March 27, 1972 at 10 a.m. in the Denver Federal Center Auditorium, Denver, Colo., before a Presiding Board consisting of William Mitchell, Chairman, Dr. R. Lee Aamodt, and Dr. Max Romaine Zelle.

The purpose of the hearings is to afford further opportunity for public comment regarding the draft environmental statement and the Rio Blanco Gas Stimulation Project and for the furnishing of any additional information which will assist the Commission in determining whether to authorize the project. The Commission has decided as a matter of discretion to hold these hearings, there being no requirement for Commission hearings on the project under the National Environmental Policy Act of 1969 or other law.

Any person who wishes to become a participant in the proceeding must file with the Secretary of the Commission not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, an original and 5 conformed copies of a request to become a participant. The request must set forth: (1) His technical or other qualification to make a contribution to the hearing; (2) his position with regard to the draft environmental statement and to the Rio Blanco Gas Stimulation Project; and (3) a description of the matter he seeks to present or elicit at the hearing. Participants may, but need not be represented by counsel. The presiding board may, in its discretion, at the commencement of each session of the hearings, admit persons as participants on good cause shown as to why they did not seek advance qualification as participants.

Any person who wishes to make an oral or written statement at the hearings, but does not desire to become a participant as specified hereinabove, is encouraged to make a limited appearance. Such an appearance will be permitted in the discretion of the Chairman of the presiding board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission not later than 15 days from the date of publication of the notice in the FEDERAL REGISTER. A person permitted to make a limited appearance may state his position on the draft environmental statement and the Rio Blanco Gas Stimulation Project.

Participants and persons making limited appearances may submit written questions relevant to the purpose of the hearings to the presiding board, which will, in its discretion, make provision for the answering of such questions as appropriate.

Procedures that will be followed in the scheduled hearings are as follows:

1. Two members of the presiding board will constitute a quorum, if one of those members is the Chairman.

2. All persons admitted as participants will present their testimony under oath. Consistent with the full and true disclosure of the facts, duplicative, redundant or nonproductive testimony will not be permitted and the presiding board will impose suitable restrictions to that end.

3. The AEC will make available appropriate witnesses to explain the background and purpose of the Rio Blanco Gas Stimulation Project and the contents of the draft environmental statement. Participants may request specified witnesses, and if such a request is made, the presiding board, upon determining that the request is relevant, nonduplicating and meritorious, will encourage such witness to testify. No subpoenas requiring the testimony of witnesses will be issued by the presiding board.

4. Participants will reference and produce on request the documents on which they rely. Requests for interrogatories, depositions or formal discovery will not be entertained.

5. The presiding board will set appropriate, reasonable time limits on the statements and testimony.

6. The presiding board is authorized to take appropriate action to control the course of the hearing, including the authority to maintain order; to administer oaths and affirmations; rule on offers of, and receive, evidence; regulate the course of the hearing and the conduct of the participants; provide for consolidation of presentations as appropriate; dispose of procedural requests or similar matters; examine witnesses; and hold conferences before or during the hearing.

The hearings will be conducted as expeditiously as practicable, consistent with affording participants and those making limited appearances a reasonable opportunity to present their positions, as determined by the presiding board. A transcript of the hearings will be made, and a copy of the transcript, together with copies of all documents presented at the hearings, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the other locations specified in the first paragraph of this notice, where they will be available for inspection by members of the public.

After the conclusion of the hearings, the presiding board, without rendering any decision or making any recommendation, will forward the transcript of the hearings to the Commission together with its identification of issues raised at the hearings.

Dated at Germantown, Md., this 23d day of February 1972.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-2942 Filed 2-24-72;8:53 am]

ENVIRONMENTAL PROTECTION AGENCY

DIAMOND SHAMROCK CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1230) has been filed by the Diamond Shamrock Chemical Co., 300 Union Commerce Building, Cleveland, Ohio 44115, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the fungicide chlorothalonil (2,4,5,6-tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the raw agricultural commodities lima and snap bean vines at 50 parts per million; peanut vine hay, sugarbeet tops, and sweet corn forage at 20 parts per million; lima beans at 15 parts per million; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep, and milk and sugarbeets at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a microcoulometric gas chromatographic procedure.

Dated: February 16, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-2815 Filed 2-24-72;8:49 am]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2H5009) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the fungicide benomyl (methyl 1-butylcarbamoyl)-2-benzimidazolecarbamate) in dried apple pomace at 70 parts per million from application of the fungicide to the raw agricultural commodity apples.

Dated: February 18, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-2742 Filed 2-24-72;8:45 am]

MERCK SHARP & DOHME

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2H5008) has been filed by Merck Sharp & Dohme, Division of Merck & Co., Inc., Rahway, N.J. 07065, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) in dried apple pomace at 33 parts per million resulting from postharvest application of the fungicide to the raw agricultural commodity apples.

Dated: February 18, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-2743 Filed 2-24-72;8:46 am]

WELLGRO, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1208) has been filed by Wellgro, Inc., Post Office Box 173, Greeley, CO 80631, proposing establishment of an exemption from the requirement of a tolerance (40 CFR Part 180) for paraformaldehyde when applied to the soil as an insecticide, in accordance with good agricultural practice, in the production of sugar beets.

The analytical method proposed in the petition for determining residues of paraformaldehyde is a modification of the colorimetric method 20.052–20.054, "Official Methods of Analysis of the Association of Official Analytical Chemists", 11th Edition, 1970.

Dated: February 18, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-2744 Filed 2-24-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19439-19444; FCC 72-159]

CORVALLIS BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Corvallis Broadcasting Corp., Corvallis, Oreg., Requests: 1240 kHz, 250 w., 1 kw.–LS, U, and 101.5 MHz, No. 268; 28 kw.; 100 feet, Docket No. 19439, File No. BP–18942, Docket No. 19440, File No. BPH–7392; Ted A. Jackson, Corvallis, Oreg., Requests: 1240 kHz, 250 w., 1 kw.–LS, U, and 101.5 MHz, No. 268; 28 kw.; 100 feet, Docket No. 19441, File No. BP–18966, Docket No. 19442, File No. BPH–7390; Western Radio Corp., Corvallis, Oreg., Requests: 1240 kHz, 250 w., 1 kw.–LS, U, and 101.5 MHz, No. 268; 28 kw.; 100 feet, Docket No. 19443, File No. BP–18967, Docket No. 19444, File No. BPH–7391; for construction permits.

1. The Commission has before it the above mutually exclusive applications for construction permits to use the facilities formerly authorized to stations KFLY AM and FM.

2. In a decision released on May 26, 1970, the Commission revoked the license of station KFLY (AM) and denied the application for a license to cover the previously authorized construction permit of KFLY–FM, "Radio Broadcasters, Inc.", 23 FCC 2d 209, 19 RR 2d 213. On September 2, 1970, the Commission announced that it would entertain applications for interim and fulltime operation of the facilities to be vacated pursuant to the Commission's previous order, "Radio Broadcasters, Inc.", 25 FCC 2d 450, 20 RR 2d 164. On December 18, 1970, the Commission released a notice establishing January 29, 1971, as the cutoff date for applications for the KFLY (AM) frequency.

3. In response to the Commission's announcement and public notice, the above-captioned applicants filed for both the AM and FM facilities. Subsequently, on March 3, 1971, the three applicants were authorized to operate the facilities under a joint venture agreement on an interim basis pending the termination of the hearing which is required on the applications for regular authority.

4. According to its application, Western Radio Corp. (Western Radio) would require $149,000 to modify, improve and lease equipment and to operate the proposed stations for 1 year without reliance on expected revenues. To meet this requirement, Western Radio relies on 11 stock subscriptions totaling $50,000 and bank loans totaling $150,000. The Commission requires all persons or entities,

FEB 25 72

except financial institutions, who have agreed to furnish funds or purchase stock from an applicant and who have not already done so, to submit balance sheets showing sufficient liquid assets to meet their current liabilities as well as to comply with the terms of their agreements. Western Radio has failed to submit balance sheets for any of the subscribers to its stock. In addition, when a bank loan is expressly conditioned upon the personal guarantee of a particular guarantor, the Commission requires that the guarantor of the bank loan submit a written statement showing his willingness to guarantee the loan. Western Radio relies on two bank loans of $25,000 each and one bank loan of $100,000. Each of these loans is expressly conditioned upon the personal guarantee of an individual who has not submitted a written agreement or promised to be a guarantor. Thus, Western Radio has failed to show the availability of either its stock subscriptions or its bank loans. Accordingly, a financial issue will be specified as to this applicant.

5. Except as indicated by the issues specified below, the applicants are qualified to operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *Accordingly, it is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine with respect to the application of Western Radio Corp.:

(a) Whether the stock subscribers have sufficient net liquid assets to meet their respective commitments to purchase stock;

(b) Whether Fred G. Meyer, John S. Brandis, Jr., and Charles S. Wilson are willing to guarantee the bank loans; and

(c) Whether, in light of the evidence adduced under the above issues, the applicant is financially qualified.

(2) To determine which of the proposals would, on a comparative basis, best serve the public interest.

(3) To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permits should be granted.

7. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 16, 1972.

Released: February 22, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2803 Filed 2-24-72;8:52 am]

[Dockets Nos. 19434-19436; FCC 72-136]

SALEM BROADCASTING CO., INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Salem Broadcasting Co., Inc., Salem, N.H., Requests; 1110 kc., 5 kw., DA, Day, Docket No. 19434, File No. BP-18325; New Hampshire Broadcasting Corp., Salem N.H., Requests: 1110 kc., 5 kw., DA, Day, Docket No. 19435, File No. BP-18479; Spacetown Broadcasting Corp., West Derry, N.H., Requests: 1110 kc., 1 kw., DA, Day, Docket No. 19436, File No. BP-18492; for construction permits.

1. The Commission has before it for consideration the above-captioned mutually exclusive applications.

2. Examination of the applications of Salem Broadcasting Co., Inc., and New Hampshire Broadcasting Corp. indicates that the proposed 5 mv/m contour of each of the proposals penetrates the geographical limits of Lawrence, Mass. The population (1970 census) of Lawrence (66,919) is more than twice that of Salem, N.H. (20,142). Therefore, a presumption that these applicants realistically propose to serve the larger city is raised under the Commission's "Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities," 2 FCC 2d 190, 6 RR 2d 1901.

3. According to the applicants' data, the area covered by the 5 mv/m contour in Lawrence is less than 0.25 square mile, and the population affected is less than 400 persons. It is also noted that the applicants' choice of transmitter sites, the shape and orientation of the proposed directional antenna system, and the power proposed have been selected to provide the required coverage for Salem and the necessary protection to other existing and proposed facilities. Neither of the applicants' proposed radiation patterns is directed toward Lawrence. Moreover, a Commission study indicates that an operation utilizing one kilowatt power would not provide adequate service to Salem. Thus, while the slight penetration noted as to both applicants is technically sufficient to bring the 307(b) suburban policy statement presumption into play, the Commission finds that the presumption has been effectively rebutted and that each of the applications should be considered proposing local transmission for Salem.

4. The applications of Salem Broadcasting Co., Inc., and New Hampshire Corporation further indicate that neither applicant complies with § 73.188(b)(2) of the Commission's rules requiring a minimum field intensity of 5 mv/m over the most distant residential area of Salem, N.H. As to both proposals, the area outside the 5 mv/m contour is less than 0.2 square mile of Salem and is unpopulated. The Commission finds that these factors are sufficient to demonstrate that both applicants are in substantial compliance with § 73.188(b)(2) of the rules. "Andy Valley Broadcasting System, Inc.," 12 FCC 2d 3, 12 RR 2d 691 (1968).

5. A principal of Salem Broadcasting Co., Inc., Edward F. Perry, Jr., is also a stockholder of Natick Broadcasting Associates, Inc., which is currently in hearing (Docket No. 18641) to determine, along with other matters, the character qualifications of Edward F. Perry, Jr., and the other principals of Natick. The proceeding seeks to determine whether Perry or any Natick principal misrepresented or concealed material facts, or lacked candor in their dealings with the Commission. The findings with respect to Perry in Docket No. 18641 shall be res judicata as to this proceeding. Accordingly, in the event Salem Broadcasting Co., Inc., is favored in the forthcoming comparative hearing, final action will be withheld pending resolution of the issues in Docket 18641 and a condition with respect to this matter will be included.

6. An examination of the financial section of the Salem Broadcasting Co.'s application reveals the applicant has failed to establish its financial qualifications. The bank commitment made by the Arlington Trust Co. is defective in that it fails to provide the terms of repayment, collateral or security required, rate of interest to be charged, or any special requirements imposed, and therefore cannot be accepted by the Commission. In light of this deficiency, a hearing issue as to Salem Broadcasting Co.'s financial qualifications is required.

7. A "Suburban"[1] issue is required with respect to Spacetown Broadcasting Corp. While the most current survey submitted by the applicant shows it has contacted additional community leaders and members of the general public, the community survey continues to fall short of the "Primer's"[2] requirements that the applicant provide a description of the programs it proposes to broadcast to meet the community's needs, and identify the anticipated time segment the programs will be aired. Thus, the applicant has not fulfilled the Primer's requirements, and a "Suburban" issue is included.

8. The respective proposals would serve substantial areas in common. Consequently, in addition to the section 307(b) determination, a contingent comparative issue will also be specified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations, and the availability of other primary aural (1 mv/m or greater in the case of FM) service to such areas and populations.

(2) To determine the efforts made by Spacetown Broadcasting Corp. to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

(3) To determine, with respect to the application of Salem Broadcasting Co.:

(a) Whether the Arlington Trust Co., or any other banking institution, is willing to loan the applicant the amount it proposes to use for first-year construction and operation expense;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(4) To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(5) To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would, on a comparative basis, better serve the public interest.

(6) To determine in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

11. *It is further ordered*, That, in the event that the application of Salem Broadcasting Co., Inc., is favored, final action will be withheld pending resolution of the issues with respect to the qualifications of Edward F. Perry, Jr., in Docket No. 18641:

12. *It is further ordered*, That, in the event of a grant of the application of Spacetown Broadcasting Corp., the permittee shall submit equipment performance measurements made in accordance with § 73.47 of the Commission's rules with the application for license:

13. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order:

14. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 9, 1972.

Released: February 15, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2804 Filed 2-24-72;8:52 am]

[FCC 72-139]

FCC BROADCAST FINANCIAL REPORTS

Reporting "Trade Outs"

FEBRUARY 17, 1972.

The Commission has received inquiries concerning the reporting of trade outs or barter transactions in the broadcast stations' Annual Financial Report (FCC Form 324). These are exchanges of a station's broadcast time for goods, programs, other media, or other services (in lieu of money).

These transactions may be made directly with the advertiser or with "third party agencies" acting in behalf of an advertiser. It often is the practice in the industry for stations to place considerably reduced values on the time which is to be provided the advertiser under a trade or barter agreement. This is true because the time may otherwise remain unsold.

Trade outs or barter transactions have value and should be reported in the Annual Financial Report (FCC Form 324). Spots exchanged for program material should be estimated at a fair value consistent with purchases of other program material of similar quality and quantity. Spots exchanged for fixed assets (such as furniture, automobiles, studio equipment etc.), to which the station takes title or ownership for use in conducting business should be estimated as the amount of cash which would have been paid for the asset, if the trade out was not available.

Spots exchanged for merchandise (such as radio sets, television sets, sporting equipment, theater tickets, novelty items, items to be used as prizes, gifts, or give-aways), for advertisements in other media (such as newspapers, radio, television, transit ads, billboard, etc.), for services (such as hotels, travel, auto rentals, restaurants, etc.) are more difficult to value, but must be estimated for purposes of the financial report. Again, the amount of cash the station would have paid for the merchandise or service provides a reasonable basis for estimating the value.

In the Annual Financial Report, the value of traded time should be included as time sales when the spots are broadcast. The corresponding cost (estimated value) of the goods or services received should be treated in the report in the same manner as similar purchases for cash, i.e., amortized or expensed out.

Action by the Commission February 16, 1972. Commissioners Burch (Chairman), Bartley, Robert E. Lee, Reid, and Wiley.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 72-2802 Filed 2-24-72;8:52 am]

FEDERAL MARITIME COMMISSION

CARNIVAL CRUISE LINES, LTD. AND CARNIVAL CRUISE LINES, INC.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Carnival Cruise Lines, Ltd., and Carnival Cruise Lines, Inc., c/o Carnival Cruise Lines, Inc., 820 Biscayne Boulevard, Miami, FL.

Dated: February 18, 1972.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2806 Filed 2-24-72;8:52 am]

CARNIVAL CRUISE LINES, LTD. AND CARNIVAL CRUISE LINES, INC.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

---

[1] Commissioners Johnson and H. Rex Lee absent.

[1] "Suburban Broadcasters", 20 RR 951 (1961).

[2] "Primer on Ascertainment of Community Problems by Broadcast Applicants", 36 F.R. 4092, 27 FCC 2d 650 (1970).

[2] Commissioners Bartley, H. Rex Lee and Wiley absent.

FEB 25 72

Carnival Cruise Lines, Ltd., and Carnival Cruise Lines, Inc., c/o Carnival Cruise Lines, Inc., 820 Biscayne Boulevard, Miami, FL.

Dated: February 18, 1972.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2807 Filed 2-23-72;8:52 am]

SCANLAKE LINE RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. H. S. Heyerdahl, Scanlake Line, Post Office Box 1653, Oslo 1, Norway.

Agreement No. 9691-2 modifies the basic agreement to provide for the change in membership and update the rate agreement in accordance with the terms and conditions set forth therein.

Dated: February 17, 1972.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2805 Filed 2-24-72;8:51 am]

UNITED OVERSEAS EXPORT LINES, INC. AND/OR CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

United Overseas Export Lines, Inc., and/or Chinese Maritime Trust, Ltd. (Orient Overseas Line), c/o Orient Overseas Services, Inc., 311 California Street, San Francisco, CA 94104.

Dated: February 17, 1972.

JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2808 Filed 2-24-72;8:52 am]

UNITED OVERSEAS EXPORT LINES, INC. AND/OR CHINESE MARITIME TRUST, LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

United Overseas Export Lines, Inc., and/or Chinese Maritime Trust, Ltd. (Orient Overseas Line), c/o Orient Overseas Services, Inc., 311 California Street, San Francisco, CA 94104.

Dated: February 17, 1972.

JOSEPH C POLKING,
Assistant to the Secretary.

[FR Doc.72-2809 Filed 2-24-72;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-105]

COMMERCIAL PIPELINE CO., INC.

Notice of Application for Increase in Resale Rates

FEBRUARY 17, 1972.

Take notice that on February 1, 1972, Commercial Pipeline Co., Inc. filed in Docket No. RP72-105 an application for an increase in its resale rates. The company's letter of transmittal is as follows:

Pursuant to the requirements of Part 154 of the Commission's regulations under the Natural Gas Act, there are submitted herewith for filing ten (10) copies of Third Revised Sheet No. 4 to Commercial Pipeline Co., Inc. FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet incorporates a proposed tracking increase in the baseload and excess rates applicable to Commercial's Rate Schedule F-1 for firm service.

It is requested that the Commission waive the notice requirements of § 154.22 of its regulations to permit the foregoing tariff sheet to become effective on February 1, 1972.

Inasmuch as the rate increase incorporated in the revised tariff sheet filed herewith is designed solely to track the rate increase contained in the settlement filed by Cities Service Gas Co. in Dockets Nos. RP71-106 and RP71-129 on November 9, 1971 and presently pending before the Commission, it is further requested that the Commission waive the requirements of § 154.63 of the Commission with regard to additional cost supporting data. In support of this request, reference is made to the rate increase filing tendered by Commerical on March 22, 1971 in Docket No. RP71-96 which include full cost support. The rates proposed therein by Commercial were approved by the Commission and permitted to become effective on May 19, 1971 without suspension. The cost data supporting those rates included purchased gas cost adjusted to reflect the prices being charged by Cities Service Gas Co. as of December 31, 1970. Cities Service Gas Co. is Commercial's sole supplier of natural gas. On April 22, 1971, while Commercial's rate increase application in Docket No. RP71-96 was pending before the Commission, Cities Service filed increased rates in Docket No. RP71-106. Cities Service's rates were suspended and are now the subject of the settlement agreement filed by Cities Service with its letter of November 9, 1971.

Schedule N-5A of the data filed by Commercial in support of its rate increase at Docket No. RP71-96 sets out the purchased gas cost included in such data. That purchased gas cost, as adjusted, amounted to $181,487. At the rates proposed by Cities Service in its settlement the test period cost of purchased gas for Commercial would be increased to $194,469 as set out below:

Base 223,138 MCF×30¢/MCF	$68,414
Excess 294,039 MCF×42.67¢/MCF	126,055
Total	194,469

This is an increase of $12,982 above the purchased gas cost included in the cost of service supporting the rates approved by the Commission in Docket No. RP71-96.

Based upon the data set forth on Schedule N-9 filed by Commercial in Docket No. RP71-96, 76.42 percent of the increased purchased gas cost is attributable to jurisdictional business. Thus the tracking adjustment attributable to jurisdictional business is $9,921. This is equivalent to 3.45 cents per Mcf for jurisdictional sales. Accordingly the increased rates filed herewith reflect 3.45 cents per Mcf above those rates approved by the Commission in Docket No. RP71-96.

There is included herewith as Appendix A, a schedule setting forth a comparison of revenues under the present and proposed rates based upon sales during the 12 months ended December 31, 1971.

Inasmuch as the Cities Service settlement in Dockets Nos. RP71-106 and RP71-129 provides for Cities Service to file tracking rate changes from time to time, it is requested that the Commission, in accepting this rate increase filing, authorize Commercial to make concurrent tracking rate changes whenever Cities Service Gas Co. files a tracking change under the provisions of the Stipulation and Agreement dated November 5, 1971 in Dockets Nos. RP71-106 and RP71-129.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The Company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[Fr Doc.72-2754 Filed 2-24-72;8:47 am]

[Docket No. CS72-702, etc.]

RANSOM HORNE, JR., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

FEBRUARY 17, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 15, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-702...	2-7-72	Ransom Horne, Jr., Box 8110, Fort Worth, TX 76112.
CS72-703...	2-7-72	Joe Ballanfonte, Sr., 901 International Life Bldg., Austin, Tex. 78701.
CS72-704...	2-9-72	Bracken Oil Co., 111 East Elm St., Tyler, TX 75701.
CS72-705...	2-9-72	Harry C. Winslow, Post Office Box 1178, San Antonio, TX 78294.
CS72-706...	2-9-72	W. I. Spencer, 399 Park Ave., New York, NY 10022.
CS72-707...	2-9-72	G. J. Holloway, 830 South 55th West Ave., Tulsa, OK 74127.
CS72-708...	2-9-72	Paul E. Holloway, 1183 North Sandusky, Tulsa, OK 74115.
CS72-709...	2-9-72	Alvis S. Holloway, 423 South 59th West Ave., Tulsa, OK 74127.
CS72-710...	2-9-72	National Gas Gathering Co., 1 Elizabethtown Plaza, Elizabeth, NJ 07207.

[FR Doc.72-2753 Filed 2-24-72;8:47 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. E-7695]

LOUISIANA POWER & LIGHT CO.

Notice of Rate Schedule Changes

FEBRUARY 17, 1972.

Take notice that on October 27, 1971, and December 6, 1971, Louisiana Power & Light Co. (Company) filed application to reinstitute a portion of FPC Rate Schedule No. 44 (Emergency Assistance Agreement) which filing would amount to a rate schedule change.

Pursuant to the Emergency Assistance Agreement, effective June 15, 1971, Company is to provide emergency assistance service to the city of Plaquemine, La. (City). The agreement provided that City maintain generating capacity equal to its maximum demand plus a reserve equal to one-half its largest generating unit, and an $18 per kilowatt per year charge for additional reserve generating capacity.

It was intended that the service and charge, if any, be placed into effect contemporaneous to bringing the City's new 20,000 kw. generating unit on the line. However, the facility was not completed and Company, by letter filed June 9, 1971, agreed to waive the $18 deficiency charge until such time as the 20,000 kw. unit was on the line or November 1, 1971, whichever was earlier.

By Commission letter of July 7, 1971, FPC Rate Schedule 44, as supplemented, was accepted for filing with the proviso that any subsequent charge of the $18 deficiency charge would constitute a change in the filed rate and should be preceded by a timely filing.

Company, by letters of October 27 and December 6, 1971, seeks to reinstate that charge within FPC Rate Schedule 44, as supplemented. Company has requested waiver of Commission's Notice requirement to provide an effective date of November 1, 1971.

Any person desiring to be heard or to make any protest with any reference to said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 6, 1972. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons wishing to become parties or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Company's application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2755 Filed 2-24-72;8:48 am]

[Docket No. E-7707]

MISSISSIPPI POWER & LIGHT CO.

Notice of Application

FEBRUARY 16, 1972.

Take notice that on January 28, 1972, Mississippi Power & Light Co. (applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing it to acquire certain electric transmission facilities from South Mississippi Electric Power Association (Association).

Applicant is incorporated under the laws of the State of Mississippi with its principal business office at Jackson, Mississippi and is engaged in the electric utility business in parts of 45 of the 82 counties in the State.

The Association is an electric power association organized under the laws of Mississippi and owns and operates other facilities for the generation, transmission, and sale of electric energy.

Pursuant to an agreement for the construction and lease of a transmission line, dated April 22, 1971, applicant proposes to lease from the Association and operate and maintain approximately 13 miles of 115 kv. transmission line to be located in Franklin County, Miss. The purpose of acquiring the line is to effectuate an agreement for purchase of power, dated April 22, 1971, between applicant and Magnolia Electric Power Association (Magnolia) whereby applicant will deliver service to Magnolia over the line owned by Association.

Association will bear the cost of construction and applicant will pay a monthly lease rental equal to 0.6333 percent of the original cost of the line. The term of the lease is 35 years unless terminated earlier by Company's purchase of said line. Should Magnolia terminate purchase of power delivered over said line Company may terminate the lease without further liability.

FEB 25 72

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2756 Filed 2-24-72;8:48 am]

[Docket No. CP72-194]

NORTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 16, 1972.

Take notice that on January 31, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE. 68102, filed in Docket No. CP72-194 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas facilities in Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to abandon and remove for salvage its Lakeville TBS No. 1 metering station, to abandon and transfer to its Peoples Division approximately 19,062 feet of 2-inch Lakeville Branchline, and to abandon in place the remaining 2,480 feet of said branchline for use as yard piping, all located in Dakota County, Minn. Applicant states that since the construction of its new Lakeville TBS No. 1A metering station, its 2-inch Lakeville Branchline in Dakota County, Minn., is no longer utilized to deliver gas to the Lakeville area except for seven tap customers, who are now served by its Peoples Division by backflowing gas through the portion of the branchline proposed to be abandoned and transferred to Peoples. Applicant estimates the cost of removing the Lakeville TBS No. 1 to be $450.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 6, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2757 Filed 2-24-72;8:48 am]

[Docket No. CP72-193]

SEA ROBIN PIPELINE CO. ET AL.

Notice of Joint Application

FEBRUARY 14, 1972.

Take notice that on January 28, 1972, Sea Robin Pipeline Co. (Sea Robin), Post Office Box 1407, Shreveport, LA 71158, United Gas Pipe Line Co. (United), 1500 Southwest Tower, Houston, Tex. 77002, and Southern Natural Gas Co. (Southern), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP72-193 a joint application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas among applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization for a three-way exchange of natural gas whereby Southern will deliver to Texas Eastern Transmission Corp. for the account of Gulf Oil Corp. (Gulf) a daily quantity of gas at the tailgate of Gulf's Venice Gas Processing Plant in Plaquemines Parish equal to that which Sea Robin will transport for Gulf from Eugene Island Area, offshore Louisiana, which Sea Robin will deliver to United near Erath, La., and which United will deliver to Southern near Southern's Shadyside Compressor Station in St. Mary Parish, La. Sea Robin has filed in Docket No. CP72-120 an application seeking authorization to transport the subject gas for Gulf to a point onshore near Erath, Vermilion Parish, La.

Applicants state that the purpose of the proposed exchange is to fulfill the terms of an interrelated gas purchase contract and a transportation agreement between Gulf and Sea Robin whereby Sea Robin will purchase 50 percent of the gas produced from Gulf's production in Blocks 237, 238, 252, and 253 in Eugene Island Area, which United and Southern ultimately acquire, and will transport for Gulf its 50 percent retained volume of gas to Gulf's Venice Processing Plant, onshore Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 3, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2758 Filed 2-24-72;8:48 am]

[Dockets Nos. RP72-100, RP72-71]

SOUTHWEST GAS CORP.

Order Permitting Tracking Increase To Become Effective, Granting Tracking Authority Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Consolidating Proceedings

FEBRUARY 17, 1972.

Southwest Gas Corp. (Southwest) on January 18, 1972, tendered for filing proposed changes in its FPC Gas Tariff Original Volume No. 1. Two of the revised tariff sheets[1] reflect an increase of 0.03 cent per therm in its jurisdictional rates. This proposed increase amounts to $20,512 annually, and tracks an increase in Southwest's cost of purchased gas resulting from the increase of its supplier, El Paso Natural Gas Co. (El Paso), which became effective February 1, 1972. Southwest has requested an effective date of February 1, 1972, to coincide with the effective date of El Paso's filing. Two tariff sheets[2] reflect an increase of 0.054 cent per therm over and above the level of the rates proposed to become effective February 1, 1972. This additional increase would increase jurisdictional revenues in the amount of $36,511 annually and has a proposed effective date of February 18, 1972.

Southwest states that the principal reasons for this proposed increase (footnote 2) are increases in virtually all items of cost such as capital, labor, material and supplies, and taxes and the need for an 8.8-percent rate of return on its jurisdictional operations. In addition to the changes in rate level, Southwest is proposing the following two changes in its Rate Schedule I-3: (1) Eliminate the minimum charge; and (2) eliminate from section 2, "Applicability and Character of Service" provision (ii) which requires utilization of at least 2,500 therms per month of interruptible gas.

In its filing Southwest requests that the Commission allow it the right to track future filings which El Paso may make from time to time through December 31, 1972. Southwest points out that the Commission's order of July 30, 1971, in Docket No. RP71-137, allows El Paso authority to track increases in gas costs on its Northwest Division through December 31, 1972.

In view of the fact that the purpose of Southwest's revised tariff sheets contained in Footnote 1 above is to track its supplier's rate increase we will accept those sheets for filing and allow them to become effective February 1, 1972, or such later date as may be authorized by the Price Commission, subject to refund and further orders of the Commission in Docket No. RP72-100. By order issued December 17, 1971, in Docket No. RP72-71 the Commission allowed Southwest to track the increased purchased gas costs incurred as a result of El Paso's rate increase filing in Docket No. RP71-137 and suspended the filing for 1 day to December 20, 1971, at which time it became effective subject to refund. The fact that the issues of law and fact are substantially the same in Dockets Nos. RP72-71 and RP72-100 makes it appropriate that RP72-71 be consolidated with the latter proceedings for purposes of hearing and decision.

It appears reasonable and appropriate to grant Southwest's request for permission to track rate increases of El Paso through December 31, 1972.

Review of the filing proposed to become effective on February 18, 1972, indicates that certain issues are raised which require development in evidentiary proceedings. The proposed rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(a) The proposed revised tariff sheets described in footnote 1 be accepted for filing and allowed to become effective February 1, 1972, or such later date as may be authorized by the Price Commission, as hereinafter ordered and conditioned and that the notice requirements be waived pursuant to § 154.51 of the Commission's regulations under the Natural Gas Act so that the tariff sheets can go into effect on such date.

(b) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Southwest's FPC gas tariff, as proposed to be amended by the tariff sheets contained in footnote 2 above, and these tariff sheets be suspended and the use thereof be deferred as herein provided.

(c) The disposition of this proceeding be expedited in accordance with the provisions set forth below.

The Commission orders:

(A) The tariff sheets described in footnote 1 above are hereby accepted effective February 1, 1972, or such later date as may be authorized by the Price Commission, subject to refund and further orders in this proceeding and the notice requirements are hereby waived pursuant to § 154.51 of the Commission's regulations under the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing commencing with a prehearing conference shall be held on April 25, 1972, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Southwest's FPC gas tariff, as proposed to be amended herein.

(C) Pending such hearing and decision thereon, Southwest's proposed revised tariff sheets in footnote 2 above are hereby suspended and the use thereof is deferred until July 18, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) At the hearing on April 25, 1972, Southwest's prepared testimony (Statement P), filed and served on February 2, 1972, together with its entire rate filing as submitted and served on January 18, 1972, be admitted to the record as Southwest's complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any by parties to the proceedings.

(E) Following the admission of Southwest's complete case-in-chief, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure and of this order, as set forth above.

(F) On or before April 18, 1972, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before May 2, 1972. Any rebuttal evidence by Southwest shall be served on or before May 23, 1972. Cross-examination of the evidence shall commence on June 6, 1972.

(G) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) The proceedings in Dockets Nos. RP72-71 and RP72-100 are hereby consolidated.

(I) Southwest's proposed tracking through December 31, 1972, of El Paso's increases under its tracking authority in Docket No. RP71-137 is granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-2795 Filed 2-24-72;8:49 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Providing for Hearing and Suspending Proposed Revised Tariff Sheets

FEBRUARY 16, 1972.

On January 17, 1972, Transcontinental Gas Pipe Line Corp. (Transco) submitted for filing revised tariff sheets[1] to its presently effective FPC Gas Tariff, Original Volume No. 1 constituting its permanent curtailment plan pursuant to the Commission's order of November 15, 1971, approving Transco's interim curtailment plan in Docket No. RP71-118. Transco requests its tendered sheets to become effective March 1, 1972; however, since its presently effective interim curtailment plan terminates on November 15, 1972, Transco requests the Commission to suspend the effectiveness of the tariff sheets for the full statutory period of 5 months. Further, Transco represents that it will not move to make such tariff sheets effective prior to November 16, 1972.

In summary Transco's proposed permanent curtailment plan provides:

(1) During the winter period, November 16, through April 15, a mandatory curtailment on a ratable basis will be effected on Transco's system. During this time, a customer may obtain partial or complete exemption if it curtails all of its interruptible service, except for certain minor exceptions;

[1] Fifth Revised Sheets Nos. 4 and 10A.

[2] Sixth Revised Sheets Nos. 4 and 10A.

[1] The tariff sheets submitted by Transco listed in Appendix A to this order are filed as part of the original document.

V 37 38
FEB 25 72
XUM

(2) Any customer receiving an exemption during such winter period shall make up exempted volumes as soon as practicable by reducing its takes to a level below that to which it would otherwise be entitled;

(3) Any customer receiving an exemption during the winter period shall not, except in emergency situations make any deliveries to its interruptible customers until such exempted volumes are made up;

(4) Any customer that has not made up the exempted volumes by the end of the winter period will curtail its purchases during the succeeding summer period of April 16, through November 15, so that the weighted average curtailment percentage over the entire year, shall be the same for every customer affected by curtailment;

(5) In the event Transco is unable to meet the firm requirements of all its customers an end-use curtailment program will be instituted;

(6) A demand charge adjustment to customers under certain rate schedules will be made for curtailments due to system gas supply deficiency;

(7) At the end of the winter period, on April 15, Transco will determine the net curtailment volumes for each customer affected by curtailment, as well as a systemwide weighted average curtailment percentage. Any customer whose curtailment exceeds the systemwide weighted average curtailment during the winter period will receive a credit of 25 cents per Mcf for the volumes curtailed in excess of the systemwide weighted average curtailment;

(8) Transco will seek reimbursement for the credits to be granted by it in its billings to its customers for curtailments, in accordance with the provisions of section 20 of the general terms and conditions of its FPC gas tariff.

(9) ACQ customers will be exempt from all curtailments.

Transco states that the above-described permanent curtailment plan was formulated for the purpose of protecting the firm requirements of Transco's customers.

Transco's permanent curtailment plan is on file with the Commission and is available for public inspection.

Transco states that copies of its filing have been mailed to its customers and interested State commissions. Additionally, Transco states that copies of this filing are available for public inspection during regular business hours in its office in Houston, Tex.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed tariff sheets listed in Appendix A and that such tariff sheets be suspended and the use thereof be deferred as herein provided.

The Commission orders:

(A) Pending hearing and decision on the issues raised by Transco's filing in Docket No. RP72-99, the proposed tariff sheets listed in Appendix A of this order are hereby suspended and the use thereof is deferred until July 17, 1972, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Any person desiring to be heard or make any protest with respect to said filing should on or before March 17, 1972, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-2752 Filed 2-24-72;8:47 am]

[Projects 1889, 2485]

WESTERN MASSACHUSETTS ELECTRIC CO. ET AL.

Notice of Applications for Approval of Exhibits K

FEBRUARY 17, 1972.

Public notice is hereby given that applications have been filed under the Federal Power Act (16 U.S.C. 791a–825r) by The Connecticut Light and Power Co., The Hartford Electric Light Co. and Western Massachusetts Electric Co. (correspondence to: E. L. Johnson, Vice President, The Connecticut Light and Power Co., Post Office Box 2010, Hartford, CT 06101; A. G. Baer, Vice President, The Hartford Electric Light Co., Post Office Box 2370, Hartford, CT 06101; Leon E. Megathlin, Jr., Vice President, Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, MA 01089) for Commission approval of revised and supplemental Exhibits K showing lands to be included within the project boundaries of Project No. 1889, known as the Turners Falls Project on the Connecticut River, and of Project No. 2485, known as the Northfield Mountain Pumped Storage Project on the Connecticut River, Briggs Brook and Four Mile Brook in Franklin County, Mass., Cheshire County, N.H., and Windham County, Vt. The two applications are described separately below.

For Project No. 1889 the Exhibit K filed by the licensee, Western Massachusetts Electric Co., would include within the project boundary such lands (in fee or flowage rights) in the reservoir area as are expected to be affected by the operation of the Turners Falls reservoir of Project No. 1889 including its use as the lower pool for the Northfield Mountain Pumped Storage Project No. 2485. The application offers justification for acquisition of land or land rights in certain parcels beyond 200 feet horizontally from the high water level of the Turners Falls reservoir.

The application also notes that the land here proposed to be included within the project boundary does not include all land which may be devoted to recreation. Inclusion of such land will be the subject of subsequent filings with the Commission.

For Project No. 2485 the Exhibit K filed by the joint licensees, The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., would include within the project boundary of Project No. 2485 flowage rights on all land affected by the operation of the Turners Falls reservoir of Project No. 1889 (including its use as the lower pool for Project No. 2485), except that this filing does not show in the project boundary of Project No. 2485, in the general tailrace area of the Northfield Mountain Project, approximately 12.55 acres of land owned in fee by the licensees for the two projects; inclusion of this land or rights thereon awaits Commission action on a previous request for permission by the licensees for the two projects to transfer certain of such lands between the licensees for the two projects. The application offers justification for acquisition of land or land rights in certain parcels beyond 200 feet horizontally from the high water level of the Turners Falls reservoir.

Inclusion within the project boundary of Northfield Mountain Pumped Storage Project No. 2485 of the proposed flowage rights on Turners Falls reservoir is indicated to be in accord with Article 44 of the project license, which authorizes the licensees for Project No. 2485 to utilize such reservoir as the lower pool for the operation of Project No. 2485.

The application also notes that the land here proposed to be included within the project boundary does not include all land which may be devoted to recreation. Inclusion of such land will be the subject of subsequent filings with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 29, 1972 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and available for public inspection. In addition, arrangements have been made to furnish to the following towns copies of the filed Exhibit K maps and of the supplements to the Exhibit K (presenting justification for inclusion of land extending more than 200 feet from high water level of the Turners Falls reservoir) and to request that copies of such filings be made available for public inspection at the following places: Each town hall for the towns of Erving, Montague, and Northfield in Franklin County, Mass., the town of Hinsdale in Cheshire County, N.H., the town of Vernon in Windham County, Vt.; the Public Library in the town of Gill in Franklin County, Mass.; and the Western Massachusetts Electric Co.'s Service Center, 215 Shelburne Road, Greenfield, MA.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-2797 Filed 2-24-72;8:49 am]

[Project 1759]

WISCONSIN MICHIGAN POWER CO.

Notice of Availability of Environmental Statement for Inspection

FEBRUARY 24, 1972.

Notice is hereby given that on August 24, 1970, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for a new license for the constructed Way Dam, Peavy Falls, and Twin Falls Project No. 1759, located on Michigamme and Menominee Rivers, in Iron and Dickson Counties, Mich., and Florence County, Wis.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The major facilities of the Michigamme Project No. 1759 consist of three hydroelectric developments, Way Dam and Reservoir, Peavy Falls and Twin Falls, constructed during the period 1913 to 1949. Each of the developments consists of a dam, reservoir, powerhouse and related facilities. The reservoirs of the three developments have a total surface area of 11,280 acres and 152 miles of shoreline and provide recreational features common to all including hunting, fishing, boating, canoe water trails, and wilderness camping. The power plants have an aggregate installed capacity of 19,944 kw.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors innumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from February 24, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-2954 Filed 2-24-72;10:13 am]

OFFICE OF EMERGENCY PREPAREDNESS

WASHINGTON

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Washington dated February 3, 1972, and published February 8, 1972 (37 F.R. 2859), is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 1, 1972:

The Counties of:
Pacific.
Wahkiakum.

Dated: February 18, 1972.

G. A. LINCOLN, *Director, Office of Emergency Preparedness.*

[FR Doc.72-2739 Filed 2-24-72;8:45 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and/or Supersedeas Decisions to Area Wage Determination Decisions for Certain Specified Localities

Modification and/or Supersedeas Decisions to area wage determination decisions for specified localities in Arkansas, Connecticut, Illinois, Maryland, New Mexico, New York, North Dakota, Pennsylvania, and Texas.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM–1589, AM–1590, AM–1591, AM–1592, AM–1593, AM–1594, AM–1595, AM–1596	Aug. 6, 1971
AM–1728, AM–1735	Aug. 11, 1971
AM–330, AM–331, AM–333, AM–341, AM–342, AM–345	Aug. 13, 1971
AM–1845 (AM–9680), AM–1852, AM–1860 (AM–9681), AM–1862	Aug. 20, 1971
AM–3573, AM–3614	Aug. 25, 1971
AM–2510, AM–2511, AM–2512, AM–2513	Aug. 27, 1971
AM–7480	Nov. 12, 1971
AM–7715, AM–7717	Nov. 19, 1971

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modifications and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule making procedures prescribed in 5 U.S.C. sec. 553 is set forth in the document being modified.

The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 18th day of February 1972.

HORACE E. MENASCO, *Administrator, Employment Standards Administration.*

V 37 138 FEB 25 72 XUM

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-3,573—36 F.R. 16733, Pulaski County, Ark., Modification No. 4						
CHANGE:						
Sheet metal workers	$6.40	$0.20	$0.20			e
Footnote: c. Apprenticeship fund shall be $0.50 per month per journeyman and apprentice employed.						
WD No. AM-1,589—36 F.R. 14543, Fairfield County, Conn., Modification No. 2						
CHANGE:						
SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a		b	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a		b	
Maintenance engineer	7.30	.20	.15+a		b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd)	7.15	.20	.15+a		b	
Asphalt spreader	7.15	.20	.15+a		b	
Bulldozer	7.05	.20	.15+a		b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a		b	
Combination hoe and loader	6.95	.20	.15+a		b	
Concrete mixer (5 bags or over), front end loader (under 3 yd), power stone spreader	6.90	.20	.15+a		b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a		b	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a		b	
Roller operators	6.75	.20	.15+a		b	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a		b	
Oiler	6.30	.20	.15+a		b	
Crane with boom, 150 ft., additional $0.25 per hour.						
Crane with boom, 200 ft., additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a		b	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.44	.20	.15+a		b	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.00	.20	.15+a		b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a		b	
Well point system, combination hoe and loader	6.88	.20	.15+a		b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a		b	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a		b	
Compressor, pump	6.52	.20	.15+a		b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a		b	
Crane with 150-ft. boom, additional $0.25 per hour.						
Crane with 200-ft. boom, additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
WD No. AM-1,590—36 F.R. 14548, Hartford County, Conn., Modification No. 1						
CHANGE:						
SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a		b	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a		b	
Maintenance engineer	7.30	.20	.15+a		b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.15	.20	.15+a		b	
Bulldozer	7.05	.20	.15+a		b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a		b	
Combination hoe and loader	6.95	.20	.15+a		b	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a		b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a		b	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a		b	
Roller operators	6.75	.20	.15+a		b	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a		b	
Oiler	6.30	.20	.15+a		b	
Crane with boom, 150 ft., additional $0.25 per hour.						
Crane with boom, 200 ft., additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a		b	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.44	.20	.15+a		b	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.00	.20	.15+a		b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a		b	
Well point system, combination hoe and loader	6.88	.20	.15+a		b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a		b	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a		b	
Compressor, pump	6.52	.20	.15+a		b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a		b	
Crane with 150-ft. boom, additional $0.25 per hour.						
Crane with 200-ft. boom, additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
WD No. AM-1,591—36 F.R. 14552, Litchfield County, Conn., Modification No. 1						
CHANGE:						
SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a		b	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a		b	
Maintenance engineer	7.30	.20	.15+a		b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.15	.20	.15+a		b	
Bulldozer	7.05	.20	.15+a		b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a		b	
Combination hoe and loader	6.95	.20	.15+a		b	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a		b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a		b	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a		b	
Roller operators	6.75	.20	.15+a		b	
Dinky machine operator, firemen (high pressure), power pavement breaker	6.60	.20	.15+a		b	
Oiler	6.30	.20	.15+a		b	
Crane with boom, 150 ft., additional $0.25 per hour						
Crane with boom, 200 ft., additional $0.50 per hour						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a		b	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.44	.20	.15+a		b	
Drill (Joy heavy weight champion or equivalent) side boom, loader (Enclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.00	.20	.15+a		b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a		b	
Well point system, combination hoe and loader	6.88	.20	.15+a		b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a		b	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a		b	
Compressor, pump	6.52	.20	.15+a		b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a		b	
Crane with 150-ft. boom, additional $0.25 per hour						
Crane with 200-ft. boom, additional $0.50 per hour						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						

V 37-38
FEB 25 72
XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,598—36 F.R. 14556, Middlesex County, Conn., Modification No. 1						
CHANGE:						
SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg, and guy derrick	7.50	.20	.15+a		b	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a		b	
Maintenance engineer	7.30	.20	.15+a		b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3–7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.15	.20	.15+a		b	
Bulldozer	7.05	.20	.15+a		b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a		b	
Combination hoe and loader	6.95	.20	.15+a		b	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a		b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a		b	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a		b	
Roller operators	6.75	.20	.15+a		b	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a		b	
Oiler	6.30	.20	.15+a		b	
Crane with boom 150 ft., additional $0.25 per hour.						
Crane with boom 200 ft., additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a		b	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.44	.20	.15+a		b	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.00	.20	.15+a		b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a		b	
Well point system, combination hoe and loader	6.88	.20	.15+a		b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a		b	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a		b	
Compressor, pump	6.52	.20	.15+a		b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a		b	
Crane with 150-ft. boom, additional $0.25 per hour.						
Crane with 200-ft. boom, additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day: F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
WD No. AM-1,599—36 F.R. 14560, New Haven County, Conn., Modification No 2						
CHANGE:						
SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a		b	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a		b	
Maintenance engineer	7.30	.20	.15+a		b	
Boiler (portable—high pressure), hammer (vibratory), front end loader (3–7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.15	.20	.15+a		b	
Bulldozer	7.05	.20	.15+a		b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a		b	
Combination hoe and loader	6.95	.20	.15+a		b	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a		b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a		b	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a		b	
Roller operators	6.75	.20	.15+a		b	
Dinky machine operator, firemen (high pressure), power pavement breaker	6.60	.20	.15+a		b	
Oiler	6.30	.20	.15+a		b	
Crane with boom 150 ft., additional $0.25 per hour.						
Crane with boom 200 ft., additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a		b	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.44	.20	.15+a		b	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.00	.20	.15+a		b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a		b	
Well point system, combination hoe and loader	6.88	.20	.15+a		b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a		b	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a		b	
Compressor, pump	6.52	.20	.15+a		b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a		b	
Crane with 150-ft. boom, additional $0.25 per hour.						
Crane with 200-ft. boom, additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
WD No. AM-1,594—36 F.R. 14564, New London County, Conn., Modification No. 1						
CHANGE:						
SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg, and guy derrick	7.50	.20	.15+a		b	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a		b	
Maintenance engineer	7.30	.20	.15+a		b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3–7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.15	.20	.15+a		b	
Bulldozer	7.05	.20	.15+a		b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a		b	
Combination hoe and loader	6.95	.20	.15+a		b	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a		b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a		b	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a		b	
Roller operators	6.75	.20	.15+a		b	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a		b	
Oiler	6.30	.20	.15+a		b	
Crane with boom, 150 ft., additional $0.25 per hour.						
Crane with boom, 200 ft., additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a		b	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.44	.20	.15+a		b	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.00	.20	.15+a		b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a		b	
Well point system, combination hoe and loader	6.88	.20	.15+a		b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a		b	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a		b	
Compressor, pump	6.52	.20	.15+a		b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a		b	
Crane with 150-ft. boom, additional $0.25 per hour.						
Crane with 200-ft. boom, additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						

V 37-38 FEB 25 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,[illegible]—36 F.R. 14568, Tolland County Conn., Modification No. 1						
CHANGE:						
SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a		b	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a		b	
Maintenance engineer	7.30	.20	.15+a		b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.15	.20	.15+a		b	
Bulldozer	7.05	.20	.15+a		b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a		b	
Combination hoe and loader	6.95	.20	.15+a		b	
Concrete mixer (8 bags or over), front end loader (under 3 yd.), power stone spreader	6.90	.20	.15+a		b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a		b	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a		b	
Roller operators	6.75	.20	.15+a		b	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a		b	
Oiler	6.30	.20	.15+a		b	
Crane with boom 150 ft., additional $0.25 per hour.						
Crane with boom 200 ft., additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a		b	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.44	.20	.15+a		b	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.00	.20	.15+a		b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a		b	
Well point system, combination hoe and loader	6.88	.20	.15+a		b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a		b	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a		b	
Compressor, pump	6.52	.20	.15+a		b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a		b	
Crane with 150-ft. boom, additional $0.25 per hour.						
Crane with 200-ft. boom, additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
WD No. AM-1,[illegible]—36 F.R. 14571, Windham County, Conn., Modification No. 1						
CHANGE:						
SW-CONN-1-P:						
Power equipment operators, building construction:						
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg, and guy derrick	7.50	.20	.15+a		b	
Tower crane, dragline, Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) fork lift (over 4-ft. lift)	7.40	.20	.15+a		b	
Maintenance engineer	7.30	.20	.15+a		b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.15	.20	.15+a		b	
Bulldozer	7.05	.20	.15+a		b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a		b	
Combination hoe and loader	6.95	.20	.15+a		b	
Concrete mixer (8 bags or over), front end loader (under 3 yd.), powerstone spreader	6.90	.20	.15+a		b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a		b	
Steam jenny, fork lift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a		b	
Roller operators	6.75	.20	.15+a		b	
Dinky machine operator, firemen (high pressure) power pavement breaker	6.60	.20	.15+a		b	
Oiler	6.30	.20	.15+a		b	
Crane with boom 150 ft., additional $0.25 per hour.						
Crane with boom 200 ft., additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
SW-CONN-2-3-T:						
Power equipment operators—heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a		b	
Front end loader (7 yd. or over), pile driver, crane, shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.44	.20	.15+a		b	
Drill (Joy—heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine, post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a		b	
Asphalt spreader	7.00	.20	.15+a		b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a		b	
Well point system, combination hoe and loader	6.88	.20	.15+a		b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a		b	
Front end loader (under 3 yd.), roller, power chipper, fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a		b	
Compressor, pump	6.52	.20	.15+a		b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a		b	
Crane with 150-ft. boom, additional $0.25 per hour.						
Crane with 200-ft. boom, additional $0.50 per hour.						
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Employer contributes $0.15 to supplemental unemployment fund.						
b. Seven paid holidays: A and C through F and Decoration Day and Good Friday.						
WD No. AM-330—36 F.R. 15155, Cook County, Ill., Modification No. 6						
CHANGE:						
Pipefitters	8.55	.37	.30		$0.02	
WD No. AM-331—36 F.R. 15161, DuPage County, Ill., Modification No. 7						
CHANGE:						
Pipefitters	8.55	.37	.30		.02	
WD No. AM-333—36 F.R. 15170, Lake County, Ill., Modification No. 5						
CHANGE:						
Pipefitters	8.55	.37	.30		.02	
WD No. AM-341—36 F.R. 15213, Will County, Ill., Modification No. 7						
CHANGE:						
Plumbers and pipefitters (within the city limits of Joliet)	8.55	.37	.30		.02	
Pipefitters (remainder of county)	8.55	.37	.30		.02	
WD No. AM-342—36 F.R. 15218, Winnebago County, Ill., Modification No. 7						
ADD:						
Bricklayers and stonemasons	7.00	.20	.40	$0.45		
Marble, tile, and terrazzo workers	6.80	.15		.25		
Marble, tile, and terrazzo workers' helpers	5.15	.10				
WD No. AM-345—36 F.R. 15243, Fulton, Hancock, Henderson, Knox, McDonough, Mercer, Peoria, Stark, Tazewell, and Warren Counties, Ill., Modification No. 1						
CHANGE:						
Cement masons:						
Knox and Warren Counties	6.85	.15	.15			
WD No. AM-3,614—36 F.R. 16749, Los Atmos County, N. Mex., Modification No. 4						
ADD:						
Line construction—New Mexico (B):						
Cable splicers	6.92	.25	1%		1½%	
Linemen	6.44	.25	1%		1½%	
Technicians	6.44	.25	1%		1½%	
Equipment operators	6.12	.25	1%		1½%	
Equipment mechanics	5.60	.25	1%		1½%	
Powdermen	5.60	.25	1%		1½%	
Groundmen and Jackhammer operators:					1½%	
1st 6 months	3.39	.25	1%		1½%	
2d 6 months	3.86	.25	1%		1½%	
Experienced	4.51	.25	1%		1½%	
WD No. AM-1,7[illegible]—36 F.R. 14945, Nassau County, N.Y., Modification No. 4						
CHANGE:						
Laborers, building:						
Laborers, building	7.15	.50	$0.70	.51		
Masons tenders	7.15	.50	.70	.51		
WD No. AM-1,735—36 F.R. 14980, Suffolk County, N.Y., Modification No. 2						
CHANGE:						
Laborers, building:						
Laborers, building	7.15	.50	.70	.51		
Mason tenders	7.15	.50	.70	.51		
Mortar mixers	7.15	.50	.70	.51		
Plumbers	8.45	.42	.41+f	1.10	$0.20	
Sheet metal workers, remainder of county	9.05	3%+0.10	4%+0.40	3%+0.55	½ of 1%	

V 37 I 38 FEB 25 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,510—36 F.R. 17119, Burleigh and Morton Counties, N. Dak., Modification No. 2						
CHANGE:						
Building construction:						
Power equipment operators:						
Group I:						
Hoist; greaser; concrete mixer operator; boom truck; fireman; tractor, 75 hp. and under; front end loader, 1½ cu. yd. and under; air compressor, 300 and under; forklift	4.40		.25			
Group II:						
Brakeman; any air compressed operations over 300; well points; front end loader over 1½ cu. yd.; power plant engineer; straddle carrier; oiler; mechanic and welder; batch plant drill rig; tractor over 75 hp	5.25		.25			
Group III:						
Cranes; tower and overhead; derrick; cherry picker	5.85		.25			
Site preparation, excavation and incidental paving:						
Power equipment operators:						
Cableway operator; crane operator with over 135' boom; derrick (guy and stiff leg) (power) (skids and stationary); front end loader over 10 cu. yd.; gantry crane operator; mole operator, including power supply or tunnel mucking machine; power shovel and/or other equipment with shovel type controls 3½ cu. yd	5.60	.25	.25			
Concrete mixer stationary plant operator over 34E; dredge operator or engineer, dredge operator (power) and engineer; elevator grader operator; locomotive, crane operator; master mechanic; mixer (paving) concrete paving operator, road; power shovels and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yd.; scraper tandem; tandem pusher Quad 9 or similar; tractor operator (pipeline) side boom; truck crane operator	5.45	.25	.25			
Dope machine operator (pipeline); drill rigs, heavy duty rotary or churn or cable drill; front end loader operator, 6 cu. yd. and over; locomotive, all types; pipeline wrapping, cleaning and bending machine operator; power actuated horizontal boring machine over 6" operator (pipeline); pump-crete operator; refrigeration plant engineer; slip form operator (power driven) (paving); tandem scraper—twin engine, 50 cu. yd. struck and over	5.30	.25	.25			
Asphalt paving machine operator; asphalt plant operator and console board operator; CMI grading operator; crushing plant operator (gravel and stone or gravel washing, crushing and screening plant operator); front end loader operator, 1 cu. yd. up to 6 cu. yd.; grader or Motor Patrol, finishing earth work and bituminous; mechanic or welder (heavy duty); rubber tired dozer Napco or similar and over; rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); scraper operator; tractor type dozer D-6 and over; trenching machine operator, sewer and water (except Ditch Witch or similar use oiler rate); Turnapull operator (or similar type)	5.25	.25	.25			
Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator, finishing machine longitudinal float operator, Ft. machine operator and spray operator; concrete mixer operator on job site 16S or over; paving breaker or tamping machine operator including machine with power shovel attachments (power driven); power actuated augers and boring machine operator; power actuated jacks operator; power plant engineer, 100 kw.-hr. and over; push tractor; self-propelled traveling soil stabilizer; soil cement stabilizer	5.05	.25	.25			
Concrete saw operator (multiple blade) (power operated); fine grade operator; roller, steel, and self-propelled rubber, on hot mix asphalt paving; rubber tired dozer under Napco or similar; tractor type dozer under D-6; truck mechanic	4.82	.25	.25			
Brakeman or switchman; concrete batch plant operator (cement, rock, and sand) electronic; concrete mixer operator on job site under 16S; crane truck oiler; distributor operator; grader operator (motor patrol) (haul road); gravel screening plant operator (portable not crushing or washing); greaser (truck or tractor); Gunite operator gunall; hoist engineer (power); hydro crane operator launchman (tankerman or pilot license); pick-up sweeper, 1 yd. and over hopper capacity; shouldering machine operator (power) (Apsco or similar type) including self-propelled sand chip spreader Flaherty or Similar	3.94	.25	.25			
Crawler type tractor pulling compaction or aerating equipment; farm type rubber tired tractor with backhoe attachment; self-propelled vibrating packer operator pad type (35 hp. and over); sheepsfoot roller or compactor (self-propelled); off road self-propelled watering equipment	3.79	.25	.25			
Bituminous spreader and bituminous finishing operator (helper) (power); boom truck operator; concrete batch operator (cement, rock and sand) (manual); fireman or tank car heater operator; farm trench digger (power); front end loader operator, up to 1 cu. yd.; Hyster carrier; leverman; loader operator (Barber Greene or similar type); Mechanics' helper; oiler (power shovel, crane, dragline); pugmill operator; pump operator (well points); roller, steel and self-propelled rubber, on other than hot mix asphalt paving; self-propelled broom	3.69	.25	.25			
Conveyor operator; curb machine operator; dredge deck hand; farm tractors, rubber tired for compacting and aerating; front end loader operator (farm type rubber tired tractor); stump chipper operator; tie tamper and ballast machine operator	3.35	.25	.25			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,511—36 F.R. 17122, Cass and Richland Counties, N. Dak., Modification No. 2						
CHANGE:						
Building construction:						
Power equipment operator:						
Group I:						
Hoist; greaser; concrete mixer operator; boom truck; fireman; tractor, 75 hp and under; front end loader, 1½ cu. yd. and under; air compressor, 300 and under; forklift	4.40		.25			
Group II:						
Brakeman; any air compressed operations over 300; well points; front end loader over 1½ cu. yd.; power plant engineer; straddle carrier; oiler; mechanic and welder; batch plant drill rig; tractor over 75 hp	5.25		.25			
Group III:						
Cranes; tower and overhead; derrick; cherry picker	5.85		.25			
Site preparation, excavation, and incidental paving:						
Power equipment operators:						
Cableway operator; crane operator with over 135' boom; derrick (guy and stiff leg) (power) (skids and stationary); front end loader over 10 cu. yd.; gantry crane operator; mole operator, including power supply or tunnel mucking machine; power shovel and/or other equipment with shovel type controls 3½ cu. yd	5.60	.25	.25			
Concrete mixer stationary plant operator over 34E; dredge operator or engineer, dredge operator (power) and engineer; elevator grader operator; locomotive, crane operator; master mechanic; mixer (paving) concrete paving operator, road; power shovels and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yd.; scraper tandem; tandem pusher Quad 9 or similar; tractor operator (pipeline) side boom; truck crane operator	5.45	.25	.25			
Dope machine operator (pipeline); drill rigs, heavy duty rotary or churn or cable drill; front end loader operator, 6 cu. yd. and over; locomotive, all types; pipeline wrapping, cleaning and bending machine operator; power actuated horizontal boring machine over 6" operator (pipeline); pumperete operator; refrigeration plant engineer; slip form operator (power driven) (paving); tandem scraper-twin engine; 50 cu. yd. struck and over	5.30	.25	.25			
Asphalt paving machine operator; asphalt plant operator and console board operator; CMI grading operator; crushing plant operator (gravel and stone or gravel washing, crushing and screening plant operator); front end loader operator, 1 cu. yd. up to 6 cu. yd.; grader or Motor Patrol, finishing earth work and bituminous; mechanic or welder (heavy duty); rubber tired dozer Napco or similar and over; rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); scraper operator; tractor type dozer D-6 and over; trenching machine operator, sewer and water (except Ditch Witch or similar use oiler rate); Turnapull operator (or similar type)	5.25	.25	.25			
Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator, finishing machine longitudinal float operator, Ft. machine operator and spray operator; concrete mixer operator on job site 16S or over; paving breaker or tamping machine operator including machine with power shovel attachments (power driven); power actuated augers and boring machine operator; power actuated jacks operator; power plant engineer, 100 kw.-hr. and over; push tractor; self-propelled traveling soil stabilizer; soil cement stabilizer	5.05	.25	.25			
Concrete saw operator (multiple blade) (power operated); fine grade operator; roller, steel, and self-propelled rubber, on hot mix asphalt paving; rubber tired dozer under Napco or similar; tractor type dozer under D-6; truck mechanic	4.82	.25	.25			
Brakeman or switchman; concrete batch plant operator (cement, rock, and sand) electronic; concrete mixer operator on jobsite under 16S; crane truck oiler; distributor operator; grader operator (Motor Patrol) (haul road); gravel screening plant operator (portable not crushing or washing); greaser (truck or tractor); Gunite operator gunall; hoist engineer (power); hydro crane operator launchman (tankerman or pilot license); pickup sweeper, 1 yd. and over hopper capacity; shouldering machine operator (power) (Apsco or similar type) including self-propelled sand chip spreader Flaherty or similar	3.94	.25	.25			
Crawler type tractor pulling compaction or aerating equipment; farm type rubber tired tractor with backhoe attachment; self-propelled vibrating packer operator pad type (35 hp. and over); sheepsfoot roller or compactor (self-propelled); off-road self-propelled watering equipment	3.79	.25	.25			
Bituminous spreader and bituminous finishing operator (helper) (power); boom truck operator; concrete batch operator (cement, rock and sand) (manual); fireman or tankcar heater operator; form trench digger (power); front end loader operator, up to 1 cu. yd.; hyster carrier; leverman; loader operator (Barber Greene or similar type); mechanics' helper; oiler (power shovel, crane, dragline); pugmill operator; pump operator (well points); roller, steel and self-propelled rubber, on other than hot mix asphalt paving; self-propelled broom	3.69	.25	.25			
Conveyor operator; curb machine operator; dredge deck hand; farm tractors, rubber tired for compacting and aerating; front end loader operator (farm type rubber tired tractor); stump chipper operator; tie tamper and ballast machine operator	3.35	.25	.25			

VOL 37 NO 38 FEB 25 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,512—36 F.R. 17186, Grand Forks, Steele, and Walsh Counties, N. Dak., Modification No. 2						
CHANGE:						
Building construction:						
Carpenters (Grand Forks, N½ Steele, and Walsh):	6.05				.02	
Carpenters	6.28				.02	
Piledrivermen	6.66				.02	
Millwrights						
Power equipment operators:						
Group I:						
Hoist; greaser; concrete mixer operator; boom truck; fireman; tractor, 75 hp. and under; front end loader, 1½ cu. yd. and under; air compressor, 300 and under; forklift	4.40		.25			
Group II:						
Brakeman; any air compressed operations over 300; well points; front end loader over 1½ cu. yd.; power plant engineer; straddle carrier; oiler; mechanic and welder; batch plant drill rig; tractor over 75 hp	5.25		.25			
Group III:						
Cranes; tower and overhead; derrick; cherry picker						
Site preparation, excavation, and incidental paving:						
Power equipment operators:						
Cableway operator; crane operator with over 135' boom; derrick (guy and stiff leg) (power) (skids and stationary); front end loader over 10 cu. yd.; gantry crane operator; mole operator, including power supply or tunnel mucking machine; power shovel and/or other equipment with shovel type controls 3½ cu. yd.	5.60	.25	.25			
Concrete mixer stationary plant operator over 34E; dredge operator or engineer, dredge operator (power) and engineer; elevator grader operator; locomotive, crane operator; master mechanic; mixer (paving) concrete paving operator, road; power shovels and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yd.; scraper tandem; tandem pusher Quad 9 or similar; tractor operator (pipeline) side boom; truck crane operator	5.45	.25	.25			
Dope machine operator (pipeline); drill rigs; heavy duty rotary or churn or cable drill; front end loader operator, 6 cu. yd. and over; locomotive, all types; pipeline wrapping, cleaning and bending machine operator; power actuated horizontal boring machine over 6" operator (pipeline); pumperete operator; refrigeration plant engineer; slip form operator (power driven) (paving); tandem scraper—twin engine, 50 cu. yd. struck and over	5.30	.25	.25			
Asphalt paving machine operator; asphalt plant operator and console board operator; CMI grading operator; crushing plant operator (gravel and stone or gravel washing, crushing and screening plant operator); front end loader operator, 1 cu. yd. up to 6 cu. yd.; grader or Motor Patrol, finishing earth work and bituminous; mechanic or welder (heavy duty); rubber tired dozer Napco or similar and over; rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); scraper operator; tractor type dozer D-6 and over; trenching machine operator, sewer and water (except Ditch Witch or similar use oiler rate); Turnapull operator (or similar type)	5.25	.25	.25			
Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator, finishing machine longitudinal float operator, ft. machine operator and spray operator; concrete mixer operator on job site 16S or over; paving breaker or tamping machine operator including machine with power shovel attachments (power driven); power actuated augers and boring machine operator; power actuated jacks operator; power plant engineer, 100 kw.-hr. and over; push tractor; self-propelled traveling soil stabilizer; soil cement stabilizer	5.05	.25	.25			
Concrete saw operator (multiple blade) (power operated); fine grade operator; roller, steel, and self-propelled rubber, on hot mix asphalt paving; rubber tired dozer under Napco or similar; tractor type dozer under D-6; truck mechanic	4.82	.25	.25			
Brakeman or switchman; concrete batch plant operator (cement, rock, and sand) electronic; concrete mixer operator on job site under 16S; crane truck oiler; distributor operator; grader operator (Motor Patrol) (haul road); gravel screening plant operator (portable not crushing or washing); greaser (truck or tractor); Gunite operator gunall; hoist engineer (power); hydro crane operator launchman (tankerman or pilot license); pick-up sweeper, 1 yd. and over hopper capacity; shouldering machine operator (power) (Apsco or similar type) including self-propelled sand chip spreader Flaherty or similar	3.94	.25	.25			
Crawler type tractor pulling compaction or aerating equipment; farm type rubber tired tractor with backhoe attachment; self-propelled vibrating packer operator pad type (35 hp. and over); sheepsfoot roller or compactor (self-propelled); off road self-propelled watering equipment	3.79	.25	.25			
Bituminous spreader and bituminous finishing operator (helper) (power); boom truck operator; concrete batch operator (cement, rock and sand) (manual); fireman or tank car heater operator; form trench digger (power); front end loader operator, up to 1 cu. yd.; Hyster carrier; leverman; loader operator (Barber Greene or similar type); mechanics' helper; oiler (power shovel, crane, dragline); pugmill operator; pump operator (well points); roller, steel and self-propelled rubber, on other than hot mix asphalt paving; self-propelled broom	3.69	.25	.25			
Conveyor operator; curb machine operator; dredge deck hand; farm tractors, rubber tired for compacting and aerating; front end loader operator (farm type rubber tired tractor); stump chipper operator; tie tamper and ballast machine operator	3.35	.25	.25			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,513—36 F.R. 17120, Ward County, N. Dak., Modification No. 2						
CHANGE:						
Building construction:						
Laborers:						
Laborers	4.19					
Jackhammer; vibrator and air tool; mortar mixers; snaker; yarner	4.20					
Open ditch work	4.35					
Laying of main sewer pipes in streets and laying of nonmetallic pipe for drainage only; sandblaster	4.43					
Hod carriers	4.82					
Underpinning	4.67					
Plumbers; steamfitters	6.93		.25		.02	
Power equipment operators:						
Group I:						
Hoist; greaser; concrete mixer operator; boom truck; fireman; tractor, 75 hp. and under; front end loader, 1½ cu. yd. and under; air compressor, 300 and under; forklift	4.40		.25			
Group II:						
Brakeman; any air compressed operations over 300; well points; front end loader over 1½ cu. yd.; power plant engineer; straddle carrier; oiler; mechanic and welder; batch plant drill rig; tractor over 75 hp	5.25		.25			
Group III:						
Cranes; tower and overhead; derrick; cherry picker	5.85		.25			
Site preparation, excavation, and incidental paving:						
Power equipment operators:						
Cableway operator; crane operator with over 135' boom; derrick (guy and stiff leg) (power) (skids and stationary); front end loader over 10 cu. yd.; gantry crane operator; mole operator, including power supply or tunnel mucking machine; power shovel and/or other equipment with shovel type controls 3½ cu. yd.	5.60	.25	.25			
Concrete mixer stationary plant operator over 34E; dredge operator or engineer, dredge operator (power) and engineer; elevator grader operator; locomotive, crane operator; master mechanic; mixer (paving) concrete paving operator, road; power shovels and/or other equipment with shovels and/or other equipment with shovel type controls up to 3½ cu. yd.; scraper tandem; tandem pusher Quad 9 or similar; tractor operator (pipeline) side boom; truck crane operator	5.45	.25	.25			
Dope machine operator (pipeline); drill rigs; heavy duty rotary or churn or cable drill; front end loader operator, 6 cu. yd. and over; locomotive, all types; pipeline wrapping, cleaning and bending machine operator; power actuated horizontal boring machine over 6" operator (pipeline); pumperete operator; refrigeration plant engineer; slip form operator (power driven) (paving); tandem scraper, twin engine, 50 cu. yd. struck and over	5.30	.25	.25			
Asphalt paving machine operator; asphalt plant operator and console board operator; CMI grading operator; crushing plant operator (gravel and stone or gravel washing, crushing and screening plant operator); front end loader operator, 1 cu. yd. up to 6 cu. yd.; grader or Motor Patrol, finishing earth work and bituminous; mechanic or welder (heavy duty); rubber tired dozer Napco or similar and over; rubber tired industrial tractor with backhoe attachment (water main sanitary sewer and storm sewer, trunk line construction); scraper operator; tractor type dozer D-6 and over; trenching machine operator, sewer and water (except Ditch Witch or similar use oiler rate); Turnapull operator (or similar type)	5.25	.25	.25			
Bituminous spreader and bituminous finishing operator (power); concrete distributor and spreader operator, finishing machine longitudinal float operator, Ft. machine operator and spray operator; concrete mixer operator on jobsite 16S or over; paving breaker or tamping machine operator including machine with power shovel attachments (power driven); power actuated augers and boring machine operator; power actuated jacks operator; power plant engineer, 100 k.w.-hr. and over; push tractor; self-propelled traveling soil stabilizer; soil cement stabilizer	5.05	.25	.25			
Concrete saw operator (multiple blade) (power operated); fine grade operator; roller, steel, and self-propelled rubber, on hot mix asphalt paving; rubber tired dozer under Napco or similar; tractor type dozer under D-6; truck mechanic	4.82	.25	.25			
Brakeman or switchman; concrete batch plant operator (cement, rock and sand) electronic; concrete mixer operator on jobsite under 16S; crane truck oiler; distributor operator; grader operator (Motor Patrol) (haul road); gravel screening plant operator (portable not crushing or washing); greaser (truck or tractor); gunite operator gunall; hoist engineer (power); hydro crane operator launchman (tankerman or pilot license); pick-up sweeper, 1 yd. and over hopper capacity; shouldering machine operator (power) (Apsco or similar type) including self-propelled sand chip spreader Flaherty or similar	3.94	.25	.25			
Crawler type tractor pulling compaction or aerating equipment; farm type rubber tired tractor with back hoe attachment; self-propelled vibrating packer operator, pad type (35 hp. and over); sheepsfoot roller or compactor (self-propelled); off-road self-propelled watering equipment	3.79	.25	.25			
Bituminous spreader and bituminous finishing operator (helper) (power); boom truck operator; concrete batch operator (cement, rock, and sand) (manual); fireman or tankcar heater operator; form trench digger (power); front end loader operator, up to 1 cu. yd.; Hyster carrier; leverman; loader operator (Barber Greene or similar type); mechanics' helper; oiler (power shovel, crane, dragline); pugmill operator; pump operator (well points); roller, steel and self-propelled rubber, on other than hot mix asphalt paving; self-propelled broom	3.69	.25	.25			
Conveyor operator; curb machine operator; dredge deck hand; farm tractors, rubber tired for compacting and aerating; front end loader operator (farm type rubber tired tractor); stump chipper operator; tie tamper and ballast machine operator	3.35	.25	.25			

VOL 37-38 FEB 25 72 XUM

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1852—36 F.R. 16226, Delaware County, Pa., Modification No. 5						
CHANGE:						
PA-51-PEO-1-2:						
Power equipment operators, building and heavy construction:						
Wage group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above	8.96	4.6%	5.2%	a	0.7%	
Wage group II:						
Engineers working with dock builders and pile drivers						
All types of cranes						
All of types of backhoes; cableways; draglines; keystones; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; Gradalls; front-end loaders over 3 cu. yd., boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (Drillmaster type); forklift (20 ft. and over), Motor Patrols (fine grade), batch plant with mixer; machines similar to the above	8.72	4.6%	5.2%	a	.7%	
Wage group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and Tournapulls, asphalt plant engineers, roller (high grade finishing); Caterpillar-type tractors with frontend overhead loaders and rubber-tired loaders 2 cu. yd. up to and including 3 cu. yd						
Maintenance engineers with tools; spreaders, high or low pressure boilers, concrete pumps, well drillers, forklift trucks of all types; buildozers D-7 or equivalent and over; Ditch Witch type trencher, Motor Patrol; machines similar to the above	7.93	4.6%	5.2%	a	.7%	
Wage group IV:						
Concrete breaking machines						
Rollers						
Machines similar to the above	7.73	4.6%	5.2%	a	.7%	
Wage group V:						
All bulldozers under D-7						
Tractors including rubber-tired type with front and overhead loaders under 2 cu. yd						
Seaman pulverizing mixer						
Welders and maintenance engineers						
Tireman on power equipment						
Maintenance engineer (power boat)						
Machines similar to the above	7.46	4.6%	5.2%	a	.7%	
Wage group VI:						
Conveyors (building)						
Welding machines						
Heaters						
Wellpoints						
Compressors						
Farm tractors	7.29	4.6%	5.2%	a	.7%	
Form line graders						
Road finishing machines						
Pumps						
Power broom (self-contained)						
Seed spreader						
Machines similar to the above						
Wage group VII:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage group VIII:						
Oilers and deck hand (personnel boats)	6.14	4.6%	5.2%	a	.7%	

Footnote: a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the empoyee works the day before and after holiday.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,868—36 F. R. 16314, Philadelphia County, Pa., Modification No. 6.						
CHANGE:						
PA-51-PEO-1-2:						
Power equipment operators, building and heavy construction:						
Wage group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above	8.96	4.6%	5.2%	a	.7%	
Wage group II:						
Engineers working with dock builders and pile drivers						
All types of cranes						
All types of backhoes; cableways; draglines; keystones; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; Gradalls; front-end loaders over 3 cu. yd., boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (Drillmaster type); forklift (20 ft. and over), Motor Patrols (fine grade), batch plant with mixer; machines similar to the above	8.72	4.6%	5.2%	a	.7%	
Wage group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and Tournapulls, asphalt plant engineers, roller (high grade finishing); Caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cu. yd. up to and including 3 cu. yd						
Maintenance engineers with tools; spreaders, high or low pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D-7 or equivalent and over; Ditch Witch type trencher, Motor Patrol; machines similar to the above	7.93	4.6%	5.2%	a	.7%	
Wage group IV:						
Concrete breaking machines						
Rollers						
Machines similar to the above	7.73	4.6%	5.2%	a	.7%	
Wage group V:						
All bulldozers under D-7						
Tractors including rubber-tired type with front and overhead loaders under 2 cu. yd						
Seaman pulverizing mixer						
Welders and maintenance engineers						
Tireman on power equipment						
Maintenance engineer (power boat)						
Machines similar to the above	7.46	4.6%	5.2%	a	.7%	
Wage group VI:						
Conveyors (building)						
Welding machines						
Heaters						
Wellpoints						
Compressors						
Farm tractors						
Form line graders	7.29	4.6%	5.2%	a	.7%	
Road finishing machines						
Pumps						
Power broom (self-contained)						
Seed spreader						
Machines similar to the above						
Wage group VII:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage group VIII:						
Oilers and deck hand (personnel boats)	6.14	4.6%	5.2%	a	.7%	

Footnote: a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

WD No. AM-7,489—36 F.R. 21737, Harris County, Tex., Modification No. 7

CHANGE:						
Building construction:						
Carpenters:						
Millwrights	6.52	$0.48	$0.22		$0.05	
OMIT:						
Incidental paving and utilities:						
Concrete finisher helper	2.75					
ADD:						
Incidental paving and utilities:						
Concrete finisher helper (paving)	2.75					

WD No. AM-7,715—36 F.R. 22121, Galveston County, Tex., Modification No. 5

CHANGE:						
Building construction:						
Carpenters:						
Millwrights	6.52	.48	.22		.06	

WD No. AM-7,717—36 F,R, 22124, Jefferson and Orange Counties, Tex., Modification No. 4

CHANGE:						
Line construction:						
Linemen	7.62	.17	1%		1½%	
Groundmen	75%J R	.17	1%		1½%	

V 37-38 FEB 25 72 XUM

SUPERSEDEAS DECISIONS

State: Maryland; County: Baltimore City and County.
Decision No.: AM-9,860; Date of decision: Feb. 25, 1972.
Supersedes Decision No. AM-1,945 dated Aug. 20, 1971.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy construction (excluding sewer and water line construction), Highway construction, and dredging.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building and heavy construction:						
Asbestos workers	$7.25	$0.50	$0.30		$0.02	
Boilermakers-blacksmiths	7.65	.30	.70	$0.20	.01	
Bricklayers	8.15	.40	.40		.12	
Carpenters	7.49	.29	.35		.05	
Cement masons	7.795	.125	.30			
Electricians	7.65	.30	1%+0.10		½%	
Elevator constructors	7.92	.195	$0.20	½%+a+b	$0.005	
Elevator constructors' helpers	5.54	.195	.20	½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.96					
Graziers:						
Glaziers	6.85	.15	.10			
Swinging scaffold or bosun's chair	7.05	.15	.10			
Ironworkers:						
Finishers, precast and prestress erectors	7.51	.45	.60		.01	
Sheeters	7.76	.45	.60		.01	
Rodmen	7.51	.45	.60		.01	
Laborers:						
Laborers	5.00	.20	.175		.025	
Hod carriers	5.40	.20	.175		.025	
Plasterers' laborers	5.15	.20	.175		.025	
Power tool operator	5.10	.20	.175		.025	
Pipelayers (concrete and clay)	5.20	.20	.175		.025	
Wagon drill operator	5.25	.20	.175		.025	
Lathers	7.29		.25		.01	
Lead burners	6.35	.25		c	.01	
Line construction:	7.40	.15	1%		¼%	
Linemen, cable splicer	4.90	.15	1%		¼%	
Groundman (experienced)	7.49	.29	$0.35		$0.05	
Millwrights	8.15	.40	.40		.12	
Marble setters						
Painters:	5.62	.45	.20	$0.20		
Brush	6.12	.45	.20	.20		
Structural steel, spray (steel), steam cleaning	6.12	.45	.20	.20		
Sandblasting	5.77	.45	.20	.20		
Spackling, taping and wall coverings	5.87	.45	.20	.20		
Spray (except steel)	7.49	.29	.35		.05	
Piledrivermen	7.35	.25	.30			
Plasterers	7.83	.35	.35		.04	
Plumbers						
Roofers:	5.55	.35	.15			
Roofers, damp and water proof workers	6.00	.35	.15			
Mopmen, slate and tile, asbestos and asphalt	6.35	.35	.15			
Sheeter, precast and wood block	7.87	.55	.20		.05	
Sheet metal workers	5.675	.125	.20			
Marble, tile and terrazzo workers' helpers	6.94	.24	.25		.05	
Soft floor layers—resilient floor layers						
Sprinkler fitters:	8.00	.25	.40		.05	
Baltimore City	8.00	.25	.40		.05	
Excluding Baltimore City	7.46	.45	.60		.06	
Steamfitters	8.15	.40	.40		.12	
Stonemasons	6.49	.125	.40		.04	
Tile and Terrazzo workers						
Truck drivers:	6.75	d	e	f+g		
Goose-neck, drop frame trailers	6.55	d	e	f+g		
All A-frames, winch trucks, fork lift and trailers	6.10	d	e	f+g		
Flat-beds and pickups	5.80	d	e	f+g		
Helpers	4.60	d	e	f+g		
Mixer trucks with agitator of 12-yd. capacity	5.00	d	e	f+g		
Mixer trucks with agitator over 12-yd. capacity	5.20	d	e	f+g		
Euclid wagons and dumpsters	4.92	d	e	f+g		
Dump trucks						
Truck drivers:	4.92	d	e	f+g		
Excavation:	5.20	d	e	f+g		
Dump truck	5.10	d	e	f+g		
Euclid wagon and dumpster	4.75	d	e	f+g		
Drop-frame, goose-neck and trailer	4.80	d	e	f+g		
Pickup						
Helpers						

Welders—receive rates prescribed for craft performing operation to which welding is incidental.

Paid holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Holidays: A through F.
b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. Holidays: A through F; plus Washington's Birthday and Good Friday (provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday).
d. Employer contributes $0.25 per hour not to exceed 40 hours per week.
e. Employer contributes $0.20 per hour not to exceed 40 hours per week.
f. 1 week paid vacation after employee has worked 125 days in the contract year.
g. Holidays: A through F; plus the employee's birthday; Day after Thanksgiving Day and Christmas Eve (provided the employee has worked 1 day and has been available for work during holiday week).

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
S-MD-PEO-1-C:						
Building and heavy construction power equipment operators:						
Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, elevating grader, excavating scoop (25 yd., and over), hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Eimco type overhead loader, Whirley rig, welder, concrete paver, double concrete pump, front end loader (1¾ yd., and over), multiple conveyor, Mighty Midget with compressor, repair mechanic, twin engine scraper, Gradall	6.57	$0.25	$0.30	a	.05	
Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system	6.47	.25	.30	a	.05	
Tractor with attachment (2 or more), autopatrol type grader	6.17	.25	.30	a	.05	
Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift fork lift	5.87	.25	.30	a	.05	
Front end tractor loader (under 1¾ yd.), bulldozer	5.92	.25	.30	a	.05	
Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor	5.77	.25	.30	a	.05	
Excavating scoop (under 25 yd.), Caterpillar type tractor	5.72	.25	.30	a	.05	
Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader	5.57	.25	.30	a	.05	
Fireman, truck crane oiler, grease truck, fuel truck	5.47	.25	.30	a	.06	
Wheel tractor	5.27	.25	.30	a	.05	
Oiler- deck hand, mechanic's helper	5.17	.25	.30	a	.05	
Holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnote: a. Holidays: A through F.						
S-MD-3-J:						
Highway construction:						
Bricklayers	6.15					
Carpenters	4.50					
Cement masons	4.78					
Electricians	7.15	.30	1%+0.10		½ of 1%	
Form setters	3.39					
Ironworkers, structural	6.91					
Ironworkers, reinforcing	3.90					
Linemen	7.40	.15	1%		¼%	
Groundmen	4.90	.15	1%		¼%	
Laborers:						
Mason tenders	3.25					
Air tool	2.91					
Asphalt raker spreader	3.08					
Concrete saw	3.70					
Fence erectors	3.24					
Mortar mixer	2.95					
Unskilled	2.91					
Painters, structural steel and bridge	5.50					
Piledrivermen	4.79					
Power equipment operators:						
Aggregate spreader operator	4.27					
Backhoes	4.845					
Bulldozers	4.50					
Concrete batching plant	4.00					
Concrete finishing machine	3.50					
Concrete paving machine	5.50					
Concrete spreader machine	4.32					
Cranes, derricks, draglines	5.17					
Gradalls	4.60					
Loaders	4.49					
Mechanics	5.495					
Mechanic's helpers	3.75					
Mixers	5.00					
Motor patrols	5.00					
Oilers—greasers	4.73					
Piledrivers	6.40					
Rollers, base	3.00					
Rollers, finish	4.05					
Scrapers, pans, scoops	4.50					
Shovels	4.37					
Subgraders	4.00					
Tractors, wheel with attachments	3.375					
Tractor, wheel	3.10					
Trenching machines	3.20					
Truck drivers	3.45					
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						
DREDGE 1-ATLANTIC-U:						
Dipper and clamshell dredges:						
Operators	6.02	.25	.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic dredges:						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		

V 37 138 FEB 25 72 XUM

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
DREDGE 1–ATLANTIC–U—Continued						
Drill boats:						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, welder, machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thansgiving Day; F—Christmas Day.
Footnotes:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.
b. Holidays: A through F; Washington's Birthday and Veteran's Day (6½) days of vacation with pay for 104 days of service; 1 additional day of vacation with pay for each additional 21¾ days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in t calendar year.

State: Pennsylvania; County: Montgomery.
Decision No. AM–9681; Date of decision: Feb. 25, 1972.
Supersedes Decision No. AM–1864, dated Aug. 20, 1971, in 36 F.R. 16305.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
46–PA–1–M:						
Building, heavy and highway construction:						
Asbestos workers	$7.45	$0.30	$0.30			
Boilermakers	7.80	.40	.70		$0.01	
Bricklayers:						
Lower Marion, Abington, Upper Moreland, and Cheltenham	7.85	.32	.25			
Remainder of county	8.09	.57	.35		½%	
Carpenters, building	8.07	.105	.35		$0.07	
Carpenters, heavy and highway	8.52	.105	.35	a	.07	
Cement masons:						
Pennsburg and Pottstown	7.55					
Remainder of county	5.50	.55	.27			
Electricians:						
Upper Hanover	8.025	.20	1%			
Pottsgrove, Upper Pottsgrove, Douglas, and Pottstown	7.60	.18	1%		.03	
Springfield, Glenside, and Jenkintown Townships	8.325	2½%	3½%		1½%	
Remainder of county	8.375	2.4%		1%+1.6%	1%	
Elevator constructors	7.92	$0.17	$0.185	2%+b+c	$0.005	
Elevator constructors' helpers	5.54	.17	.185	2%+b+c	.005	
Elevator constructors' helpers (prob.)	3.96					
Glaziers:						
Pottstown, Lower Pottsgrove, Upper Pottsgrove, Lhnrick, Lower Dreder ick, Upper Salford, Saunderton, Greenland, Upper Hanover, New Hanover, Douglas, and Marlboro Townships	6.82	.25	.10		.01	
Remainder of county	8.13	.245	.15			
Ironworkers:						
Structural and ornamental	7.67	.235	.665		.04	
Reinforcing	7.70	.235	.665		.01	
Lathers	6.06	.275	.15			
Leadburners	6.00	.15		d	.01	
Line construction:						
Linemen	9.73	.15	1%		1%	
Cable splicer	9.73	.15	1%		1%	
Groundmen	5.84	.15	1%		1%	
Winch truck operator	6.81	.15	1%		1%	
Marble setters	5.925	.25				
Marble setters' helpers	5.175	.20				
Millwrights, building	8.57	1.05	.35		$0.07	
Painters:						
Pottstown, Pottsgrove, New Hanover, and Douglas:						
Brush	5.50	.35	.20			
Steel and spray	6.55	.35	.20			
Roller	5.50	.35	.20			
Cheltenham, Abington, Upper and Lower Moreland, Springfield, Whitemarsh, Plymouth, Upper Dubling, Horsham, Whitpain, Upper and Lower Gwynodd, Lower Marion, Upper Southampton, Lower Southampton:						
Brush	5.215	.225	.15	$0.10	.02	
Roller	5.365	.225	.15	.10	.02	
Spray, steel and swing	5.365	.225	.15	.10	.02	
Remainder of county:						
Brush	7.10	.45	.20			
Steel, roller, sandblasting	7.10	.45	.20			
Piledrivermen	8.62	1.05	.35		.07	
Pointers, caulker and cleaners	5.75	.35				
Plasterers:						
Pennsburg	7.675				.01	
Remainder of county	6.185	.35				
Plumbers:						
Lower Marion, Horsham, Upper Dublin, Moreland, Lower Moreland, Abington, Springfield, and Cheltenham	9.00	.35	.45		.04	
Remainder of county	8.50	.485	.82		.035	
Roofers:						
Composition	8.225	.65	.40	e		
Helpers	4.60	.65	.40	e		
Slate, tile asbestos roofers	6.875	.50	.50			
Slate, tile asbestos helpers	4.575	.50	.50			
Asphalt shingle	6.325	.50	.50			
Helpers	4.575	.50	.50			
Sheet metal workers	9.40	.30	.25		.01	
Soft floor layers	6.73	.35	.35			
Sprinkler fitters	8.00	.25	.40		.05	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
46–PA–1–M—Continued						
Building, heavy and highway construction—Continued						
Steamfitters:						
Lower Marion, Springfield, Moreland, Horsham, Upper Dublin, and Abington Townships	8.99	.35	.45		.05	
Remainder of county	8.50	.485	.82		.035	
Stone masons	7.85	.32	.25			
Terrazzo workers	6.25					
Terrazzo workers' helpers	5.31	.15				
Tile setters	6.825	.40	.20			
Tile setters' helpers	5.125	.20				
Truck building, heavy and highway:						
Truck drivers	4.12	.2375	.25	f+g		
Euclids	4.32	.2375	.25	f+g		
Helpers	4.02	.2375	.25	f+g		
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Paid holiday "D".
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as vacation pay credit.
c. 6 paid holidays: A through F.
d. Holidays: A through F, Washington's Birthday and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.
e. Election Day—paid holiday.
f. Employee who has been on the employer's seniority list for a period of 1 year from date of hire; and who shall have worked a minimum of 130 days in the year previous to his anniversary date, shall be eligible for 1 week's vacation.
g. Paid holidays: Memorial Day; Independence Day and Labor Day for employee who has worked a minimum of 30 days, and is on the employer's seniority list, provided he works the scheduled work days before and after the said holidays.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
PA–51–LAB–1–T:						
Building construction:						
Laborers:						
Stripping and dismantling concrete form work, loading, unloading, carrying and handling of all reinforced steel and steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers and all other pneumatic tools, building scaffolds, raking, shoveling and tamping of asphalt, spading and concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying nonmetallic pipe and caulking, all other types of laborers	5.61	.44	.20			
Mason tender, power buggies, burners on demolition	5.71	.44	.20			
Wagon drill operator (single)	5.72	.44	.20			
Powdermen, wagon drill operator (multiple)	5.91	.44	.20			
Circular caissons excavation:						
Caisson groundmen	5.91	.44	.20			
Caisson bottom man	6.01	.44	.20			
Underpinning excavation:						
Laborers, working at depth of 8 ft. or under	5.91	.44	.20			
Yard workers	5.55	.44	.20			

FEB 25 72

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
PA-51-PEO-1-2-C:						
Power equipment operators, building and heavy construction						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machines handling machinery; cable spinning machine; helicopters; machines similar to the above	8.96	4.6%	5.2%	a	.7%	
Wage group II:						
Engineers working with dock builders and pile drivers						
All types of cranes						
All types of backhoes; cableways; draglines; keystones; all types of shovels; derricks; trench shovels; trenching machines; Pippin type backhoes; hoist with two towers; pavers 21E and over; all types overhead cranes; building hoists—double drum (unless used as single drum); mucking machines in tunnel; Gradalls; front-end loaders over 3 cu. yd., boat captain; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (Drillmaster type); forklift (20-ft. and over), Motor Patrols (fine grade), batch plant with mixer; machines similar to the above	8.72	4.6%	5.2%	a	.7%	
Wage Group III:						
Conveyors (except building conveyors), building hoists (single drum), scrapers and Tournapulls, asphalt plant engineers, roller (high grade finishing); Caterpillar-type tractors with front-end overhead loaders and rubber-tired loaders 2 cu. yd. up to and including 3 cu. yd.						
Maintenance engineers with tools; spreaders, high or low pressure boilers, concrete pumps, well drillers, forklift trucks of all types; bulldozers D–7 or equivalent and over; Ditch Witch type trencher, Motor Patrol; machines similar to the above	7.93	4.6%	5.2%	a	.7%	
Wage Group IV:						
Concrete breaking machines						
Rollers						
Machines similar to the above	7.73	4.6%	5.2%	a	.7%	
Wage Group V:						
All bulldozers under D–7						
Tractors including rubber-tired type with front and overhead loaders under 2 cu. yd						
Seaman pulverizing mixer						
Welders and maintenance engineers						
Tireman on power equipment						
Maintenance engineer (power boat)						
Machines similar to the above	7.46	4.6%	5.2%	a	.7%	
Wage Group VI:						
Conveyors (building)						
Welding machines						
Heaters						
Wellpoints						
Compressors						
Farm tractors	7.29	4.6%	5.2%	a	.7%	
Form line graders						
Road finishing machines						
Pumps						
Power broom (self-contained)						
Seed spreader						
Machines similar to the above						
Wage Group VII:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage Group VIII:						
Oilers and deck hand (personnel boats)	6.14	4.6%	5.2%	a	.7%	

Footnote: a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

PA-51-LAB-2-3-F:						
Heavy and highway construction laborers:						
Powdermen, multiple wagon drill operator	5.85	0.45	0.20			
Finished surface asphalt rakers, operators, pipelayers, caulkers, conduct and duct layers	5.65	.45	.20			
Other pneumatic tool operators, laborers stripping concrete forms, carrying or handling lumber, steel and steel mesh and other concrete materials, form pinners, tool room men, mortar mixers, concrete pitmen and spaders, grade men, asphalt shovelers, men working in sheeting, men working in shoring, men working in lagging, laborers assisting in the setting of cut stone, granite or artificial stone, hod carriers, scaffold builders	5.55	.45	.20			
	5.70	.45	.20			
Wagon drill operators						
Yard workers:						
Laborers, scale mixermen, burnermen, dustmen, feeders	5.45	.45	.20			
Free air tunnels:						
Miners, miners bore driver, blasters, drillers, pneumatic shield operators, welders and burners	6.10	.45	.20			
Miners' helpers, form setters	6.95	.45	.20			
Trackmen, brakemen, groutmen, bottom shaft men, all others in free air tunnels	5.80	.45	.20			
Circular caisson excavation bottom men	5.95	.45	.20			
Underpinning excavation bottom men	5.85	.45	.20			
All other laborers on construction work, with the exception of workers in compressed air	5.55	.45	.20			

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
SI-PEO-3-B:						
Power equipment operators, highway construction:						
Wage Group I:						
Handling steel and stone in connection with erection; cranes doing hook work; any machine handling machinery; helicopters; machines similar to the above	8.73	4.6%	5.2%	a	.7%	
Wage Group II:						
Engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; cableways; draglines; keystones; all types of shovels; pavers 21E and over; trenching machines; Gradalls; front end loaders over 3 cu. yd.; boat captain; Pippin type backhoes; tandem scrapers; tower type crane operation, erecting, dismantling, jumping or jacking; drills self-contained (Drill-master type); forklift (20 ft. and over); Motor Patrols (fine grade); batch plant with mixer; machines similar to the above	8.53	4.6%	5.2%	a	.7%	
Wage Group III:						
Carryalls, scrapers, Tournapulls, asphalt plant engineers; roller (high grade finishing); Caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cu. yd. up to and including 3 cu. yd.; spreaders (asphalt); concrete pumps; well drillers; bulldozers D–7 or equivalent and over; Ditch Witch (small trencher); Motor Patrols; maintenance engineers with tools; machines similar to the above	7.95	4.6%	5.2%	a	.7%	
Wage Group IV:						
Conveyor loader; bulldozer under D–7 rating, tractors including rubber-tired type and front end, under 2 cu. yd. overhead loaders; Seaman pulverizer; ten-ton roller (grade fill stone base) welders and maintenance engineers; concrete breaking machines; machines similar to the above	7.48	4.6%	5.2%	a	.7%	
Wage Group V:						
Form line grader; fine grade machines; farm tractors; road finishing concrete spreaders; compressors; power broom, self-contained; seed spreader; pumps; well point pumps; welding machines; tireman, power equipment maintenance engineers (power boats); machines similar to the above	7.15	4.6%	5.2%	a	.7%	
Wage Group VI:						
Fireman	6.82	4.6%	5.2%	a	.7%	
Wage Group VII:						
Oilers and deck hands (personnel boats)	5.14	4.6%	5.2%	a	.7%	

Footnote: a. Paid holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

[FR Doc.72–2710 Filed 2–24–72;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ECONOMIC RESEARCH SERVICE AND FOREIGN ECONOMIC DEVELOPMENT SERVICE

Merger of Functions and Authorities

On January 26, 1972, 37 F.R. 1181, the Department gave notice of a proposal to merge the functions and authorities of the Foreign Economic Development Service with those of the Economic Research Service.

This public notice invited comments from interested persons and groups. No comments were received.

Therefore, in accordance with the proposal and pursuant to the authority contained in 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, the Director of Agricultural Economics, who continues to have the responsibility for such functions and authorities, is hereby authorized to delegate them to the Administrator of the Economic Research Service. The Foreign Economic Development Service is hereby abolished.

The above shall be effective as of February 6, 1972.

Done in Washington, D.C., this 18th day of February 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72–2778 Filed 2–24–72;8:48 am]

ADMINISTRATOR, ECONOMIC RESEARCH SERVICE

Delegation of Authority

On February 25, 1972, 37 F.R. 4033, The Secretary of Agriculture gave public notice that the functions and authorities of the Foreign Economic Development Services were vested in me with the additional authority, effective February 6, 1972, to delegate them to the Administrator of the Economic Research Service.

Under that authority I now announce that, effective February 6, 1972, all functions and authorities of the Foreign Economic Development Service are delegated to the Administrator of the Economic Research Service.

Done in Washington, D.C., this 18th day of February 1972.

DON PAARLBERG,
Director of Agricultural Economics.

[FR Doc.72–2777 Filed 2–24–72;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24112]

BRANIFF AIRWAYS, INC.

Notice of Prehearing Conference Regarding U.S. Mainland-Hawaii First-Class Excursion Fares

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 17, 1972, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

In order to facilitate the conduct of the conference parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before March 6, 1972, and the other parties on or before March 13, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., February 18, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–2820 Filed 2–24–72;8:52 am]

FEDERAL RESERVE SYSTEM

CHARTER NEW YORK CORP.

Order Approving Acquisition of Bank

Charter New York Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Bank of Babylon, Babylon, N.Y. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the ninth largest banking organization in New York, controls nine banks with total domestic deposits of $4.7 billion, representing approximately 4.9 percent of the State's total commercial deposits. (Unless otherwise noted, banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions through December 30, 1971.) Upon acquisition of

V 37-38 FEB 25 72 XUM

Bank (deposits of $57.4 million), applicant would not increase its present ranking nor significantly enlarge its share of State deposits.

Bank operates seven offices in the Babylon-Islip banking market where it is the third largest of 13 banks, controlling 12.2 percent of market deposits.[1] Applicant's closest subsidiary bank is located 50 miles from Bank in New York City. None of applicant's subsidiary banks may branch into Bank's market until 1976 when statewide branching will become effective. Applicant's subsidiary banks derive only minimal banking business from Bank's market and, therefore, there is only nominal existing competition. Consummation of the proposal would not eliminate any significant existing competition and would not adversely affect any competing bank in any relevant area.

Some potential competition between applicant and Bank would be foreclosed upon consummation of the proposal since applicant could enter Bank's market de novo or through acquisition of a smaller bank. However, applicant does not seem to be a likely de novo entrant and only two banks smaller than Bank appear available for acquisition. Competitive considerations related to acquisition of those two banks do not differ materially from the acquisition of Bank. Further, approval of the proposal would remove home office protection from the village of Babylon and have the procompetitive effect of enabling other banking institutions to branch into the area. Therefore, consummation of the proposal would have no significant adverse effect on potential competition and may have procompetitive impact.

The financial and managerial resources of applicant and Bank are generally satisfactory and consistent with approval. Applicant proposes to expand Bank's services, thereby providing another competitive alternative for specialized banking services. Accordingly, considerations relating to convenience and needs of the community lend some weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] February 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2745 Filed 2-24-72;8:46 am]

[1] Banking data related to market position are as of June 30, 1970.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

FIRST NATIONAL FINANCIAL CORP.

Order Approving Formation of Bank Holding Company

First National Financial Corp., Kalamazoo, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank and Trust Company of Michigan, Kalamazoo, Mich. (Kalamazoo Bank); The Merchants & Miners Bank, Calumet, Mich. (Calumet Bank); and The Deerfield State Bank, Deerfield, Mich. (Deerfield Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, a newly organized corporation, was formed by the present management of the Kalamazoo Bank for the purpose of becoming a bank holding company. Upon consummation of the proposal herein, applicant would control three subsidiary banks with total deposits of approximately $282 million, representing about 1.3 percent of the total commercial bank deposits in Michigan, and would be the eleventh largest banking organization in the State. (All banking data are as of June 30, 1971.)

Kalamazoo Bank ($258.2 million deposits), located in southwestern Michigan, operates 26 offices in and around the city of Kalamazoo, and is the largest of 20 banks operating within its service area, which is approximated by all of Kalamazoo County and portions of the five counties adjacent thereto. Calumet Bank ($17.3 million deposits), located in the Upper Peninsula of Michigan, operates three offices, and is the second largest of the five banks operating within its service area, which is approximated by all the Keeweenaw County and the greater portion of Houghton County. Deerfield Bank ($6.5 million deposits), located in southeastern Michigan, operates one office, and is the smallest of the 18 banks operating within its service area, which is approximated by portions of Lenawee and Monroe Counties. The record discloses that there is no significant existing competition among the proposed subsidiary banks, primarily due to the distances separating the banks (520 miles and 90 miles separate Calumet Bank and Deerfield Bank, respectively, from the closest offices of the Kalamazoo Bank; and the Deerfield Bank is located about 600 miles from the closest office of Calumet Bank). Moreover, in light of the restrictive Michigan branching law, it does not appear that any significant potential competition would be foreclosed as a result of consummation of applicant's proposal. It appears that the overall effect of the proposal on competition would be favorable, since the Deerfield Bank and Calumet Bank should be able to compete more effectively in their respective markets as subsidiaries of applicant.

The financial and managerial resources of applicant appear to be satisfactory, and its prospects, which are dependent upon those of its subsidiary banks, appear to be favorable. The financial and managerial resources and propects of Deerfield Bank and Calumet Bank are satisfactory and consistent with approval of the application. The Board notes that the capital position of the Kalamazoo Bank is somewhat lower than desirable and should be augmented. Although the maintenance of adequate capital positions at subsidiary banks of the holding company is a matter of serious concern to the Board, the circumstances of this case do not indicate that the situation warrants denial of the application. The holding company structure should offer better prospects for improving the capital position of the Kalamazoo Bank. Other considerations relating to the financial and managerial resources and prospects of Kalamazoo Bank are satisfactory and consistent with approval of the application.

The considerations relating to convenience and needs of the communities to be served lend weight toward approval of the application. As a subsidiary of a holding company, Kalamazoo Bank would be in a better position to serve the growing needs of its service area. Furthermore, applicant proposes to assist Deerfield Bank and Calumet Bank in expanding their services to include consumer loans, agricultural loans, economic development, and computer services. Applicant will also be able to assist its subsidiary banks by providing a source of qualified management personnel. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] February 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2746 Filed 2-24-72;8:46 am]

MILTON HERSHEY SCHOOL AND SCHOOL TRUST

Order Approving Exemption of Nonbanking Activities of Bank Holding Company

Milton Hershey School and School Trust, Hershey, Pa., a bank holding company by virtue of 56 percent ownership of The Hershey National Bank, Hershey, Pa. (Bank), has applied to the Board of Governors, pursuant to section 4(d) of the Bank Holding Company Act (12 U.S.C. 1843(d)), for an exemption from the prohibitions of section 4 (relating to nonbanking activities and acquisitions).

Notice of receipt of the application has been given in accordance with section 4 of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 4(d) of the Act and finds that:

Milton Hershey School was established in 1909 by Milton and Catherine Hershey. In 1930, Milton Hershey transferred his controlling interest in The Hershey National Bank, founded in 1925, to the Milton Hershey School Trust, with the Hershey School as beneficiary. Upon Milton Hershey's death in 1945, Milton Hershey School and School Trust held a controlling interest in Hershey Foods Corp. and other nonbanking interests in and around the town of Hershey, Pa. Bank ($40 million in deposits as of June 30, 1971) was established to provide banking facilities for the employees of the predecessor to the Hershey Foods Corp. Over the years, the majority of the bank's customers have been employees of Hershey Foods Corp. Furthermore, over 90 percent of Bank's loans are to individuals or small businesses in the Hershey community or its immediate area. The present ownership ties have existed for over 40 years, a period of affiliation within the terms of section 4(d)(1). Bank is well managed and in sound financial condition and applicant has not abused its relationship with the Bank. There is no reason to believe that permitting this relationship to continue indefinitely will adversely affect either the Bank or the community of Hershey.

At the present time, over 80 percent of Bank's stock is owned either by applicant or residents of the Hershey community and its environs. Forced sale would probably result in a loss of this kind of local control. Bank has historically maintained an investment in home, farm, and commercial mortgages of the maximum amount permitted by Federal law, and over 80 percent of these loans were conventional home mortgages. Approximately 37 percent of the Bank's loans are commercial loans to small businesses in Hershey or installment loans on automobiles. Bank also makes education loans to individual students. With higher rates of return available on other types of investments, a new owner of Bank would be quite likely to change its investment policy substantially. Because of the nature of the Hershey community and the nature of Bank under present ownership, it is the Board's view that forced sale of Bank would result in control by interests not similarly representative of the Hershey community.

Exemption under 4(d)(3) is contingent upon a finding of a bank's small size in relation to the holding company's total interests. The type of holding company for which such analysis was envisaged is an operating industrial company. Applicant's assets consist of a portfolio of stock investments which are not subject to the type of analysis contemplated under this provision of the Act.

The legislative history of section 4(d) indicates that Congress clearly intended applicant to be one of the companies entitled to an exemption (House Report No. 91-1747, 91st Cong., second session, p. 24 and 116 Cong. Rec., H. 11790 and S. 20653). After a review of the entire record, the Board concludes that the granting of an exemption pursuant to section 4(d) of the Act would not be substantially at variance with the purposes of the Act.

On the basis of the record, the application is approved for the reasons summarized above; *Provided, however,* That this determination is subject to revocation by the Board if the facts upon which it is based change in any material respect.

By order of the Board of Governors,[1] February 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2747 Filed 2-24-72;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

NEWPORT SAVINGS AND LOAN ASSOCIATION

Order Approving Formation of Bank Holding Company and Continuation of the Activities of a Thrift Institution

Newport Savings and Loan Association, Newport, R.I., has applied for the Board's approval under section 3(a)(1) and section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) and 1843(a)(8)) to become a bank holding company through acquisition of 100 percent of the voting shares of The Island Trust Co., Newport, R.I., a proposed new bank, and to continue thereafter to engage in the activities of a thrift institution.

Pursuant to section 3(b) of the Act, the Board gave written notice of receipt of the application to become a bank holding company to the Bank Commissioner for the State of Rhode Island and requested his views and recommendation. The Commissioner recommended that the application be favorably considered. Subsequently, the Director of the Department of Business Regulation for the State of Rhode Island (whose jurisdiction encompasses the office of the Bank Commissioner) recommended that the application be approved.

Notice of receipt of the application to become a bank holding company was published in the FEDERAL REGISTER on June 19, 1971 (36 F.R. 11832), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. Several letters of comment objected to Newport Savings and Loan Association becoming a bank holding company and continuing thereafter to engage in the activities of a thrift institution.

In view of the issues raised, the Board published notice of a hearing on the matter (36 F.R. 21708). The hearing was held before available members of the Board on November 29, 1971. All persons desiring to give testimony, present evidence or otherwise participate in the hearing were permitted to do so. Time for filing additional comments and views has expired; all those received and the entire record of the hearing have been considered by the Board.

On the basis of the record and other relevant material, the applications are approved for the reasons set forth in the Board's Statement of this date:[1] *Provided,* That the proposed acquisition shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order; and that (c) The Island Trust Co. shall be opened for business not later than 6 months after the date of this order, unless the times specified in (b) and (c) are extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,[2] February 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2748 Filed 2-24-72;8:46 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-3]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Jet Propulsion Laboratory operated for the National Aeronautics and Space Administration under contract with the California Institute of Technology.

Comments on the draft Environmental Statement for the Jet Propulsion Laboratory were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of March 18, 1971.

Copies of the draft statement were sent to the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency.

Copies of the final statement will be furnished to the Office of Management and Budget and the Council on Environmental Quality.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

VA 3138
FEB 25 72
XUM

Copies of the final statement may be purchased (price $1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 18th day of February 1972.

By direction of the Administrator.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.72-2812 Filed 2-24-72;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5144]

APPALACHIAN POWER CO. AND SOUTHERN APPALACHIAN COAL CO.

Notice of Proposed Issue and Sale of Common Stock by a Newly Created Subsidiary Company and Acquisition Thereof by Parent Utility Company

FEBRUARY 18, 1972.

Notice is hereby given that Appalachian Power Co. (Appalachian), an electric utility subsidiary company of American Electric Power Co., Inc. (AEP), 40 Franklin Road, Roanoke, VA 24009, a registered holding company, and Southern Appalachian Coal Company (Appalachian Coal), 301 Virginia Street, Charleston, WV 25327, a newly created corporation, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9, and 10 of the Act as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Appalachian Coal, a West Virginia corporation, was incorporated on January 31, 1972, to, among other things, develop, mine, transport, and sell coal. Appalachian Coal has 50,000 shares of common stock (par value $1) authorized, none of which have been issued to date.

Appalachian has two new 800,000 kilowatt coal-fired steam electric generating units, which will require in aggregate over 4 million tons of coal per year. In order to assure a reliable supply of coal for these generating facilities, a financing program for Appalachian Coal is proposed to permit it to develop and mine various reserves of coal owned or controlled by Appalachian in West Virginia. Appalachian Coal proposes to issue and sell, on or before December 31, 1974, 10,000 shares of its common stock, and Appalachian proposes to acquire such stock for a consideration of $2,000 per share ($20 million).

It is stated that the most significant coal reserves to be developed and mined by Appalachian Coal are located south of Charleston, W. Va., and have an estimated 145 million tons of recoverable coal. All of these coal reserves must be "deep mined". None of the coal to be mined by Appalachian Coal will be sold to anyone other than public utility companies in the AEP system.

It is estimated that the development of such coal reserves will require capital expenditures of approximately $20 million through 1974. Additional financing requirements will be the subject of future applications. The charges for coal by Appalachian Coal will be based on an amount equal to its actual cost to develop the reserve and mine such coal, including all appropriate overheads and interest charges and including a reasonable rate of return on Appalachian's equity investment in Appalachian Coal. Such rate of return will be no greater than the return then being earned by Appalachian on equity invested in electric plant as determined pursuant to the then effective Uniform System of Accounts prescribed by the Federal Power Commission for electric utility companies.

It is stated that no fees or commissions will be paid in connection with the proposed transactions with the exception of miscellaneous expenses estimated not to exceed $2,500. It is further stated that the Virginia State Corporation Commission has jurisdiction over the proposed transactions and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 15, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2764 Filed 2-24-72;8:46 am]

[811-1941]

AETNA LIFE VARIABLE ACCOUNT A AND AETNA LIFE INSURANCE CO.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 18, 1972.

Notice is hereby given that Aetna Life Variable Account A (Account A), a registered unit investment trust under the Investment Company Act of 1940 (Act), and Aetna Life Insurance Co. (Aetna), 151 Farmington Avenue, Hartford, CT 06115, have filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Account A has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Account A was established by Aetna on September 4, 1968, as a separate account for variable annuity contracts in accordance with section 38-154a of the Connecticut General Statutes. Aetna is a stock life insurance company incorporated under authority of a charter from the Connecticut legislature. On September 9, 1969, Account A was registered as a unit investment trust under the Act, and on that date a registration statement on Form S-6 was filed pursuant to the Securities Act of 1933 for registration of variable annuity contracts with a proposed maximum aggregate offering price of $10 million.

Subsequent to the filing of said registration statement, Aetna determined not to proceed with the proposed offering of variable annuity contracts. On November 9, 1971, upon request of the registrant, the Commission issued an order consenting to withdrawal of the registration statement.

The application states that no variable annuity contracts participating in Account A have been issued, and no amounts have otherwise been allocated to it. Account A thus has neither any assets nor any liabilities. In addition, Aetna does not propose to have Account A engage in any business or other operations in the future.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 9, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Account A at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2765 Filed 2-24-72;8:46 am]

[811-1062]

A. M. CAPITAL CORP.

Notice of Filing of Application for Order of the Act Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 16, 1972.

Notice is hereby given that A. M. Capital Fund Corp. (Applicant), 22 East 40th Street, New York, NY, a Delaware corporation registered as a closed-end, nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act on May 24, 1961, by filing a notification of registration on Form N-8A. Applicant represents that it has authorized 500,000 shares of common stock of which 99,312 shares are outstanding. Applicant further represents that as of December 23, 1971, there were 95 beneficial owners of said common stock and that no company owns more than 10 percent of its outstanding shares. Applicant states that no public offering of its securities is presently being made nor is any such offering presently proposed for the future.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 8, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2766 Filed 2-24-72;8:47 am]

[70-5145]

GULF POWER CO.

Notice of Proposed Amendment of Charter and By-laws and Solicitation of Proxies

FEBRUARY 17, 1972.

Notice is hereby given that Gulf Power Co. (Gulf), 75 North Pace Boulevard, Pensacola, FL 32502, an electric-utility subsidiary company of The Southern Co. (Southern), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Gulf proposes to amend its charter to increase the authorized number of shares of its cumulative preferred stock, par value $100 per share, from 251,626 shares to 401,626 shares and to transfer to the articles of incorporation provisions now in the bylaws which set forth the relative rights, preferences and limitations of the shares of Gulf's preferred and common stocks. Gulf states that the increase in the authorized number of shares of preferred stock is necessary to enable Gulf to finance a portion of its construction requirements through the issuance of the proposed additional shares of preferred stock.

It is further proposed that Gulf solicit proxies from holders of its outstanding preferred stock in connection with the special meeting of stockholders, which is to be held on April 27, 1972, to take action upon the foregoing proposals. Southern, the owner of all the outstanding 992,717 shares of Gulf common stock, proposes to vote all such shares for the adoption of the above proposal. In addition, the affirmative vote of a majority of the outstanding 251,626 shares of preferred stock is needed for the adoption of the proposal. Such solicitation may be made personally, or by telephone, telegraph or mail by employees of the company. Gulf may employ professional proxy solicitors.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated to be $19,850, including legal fees of $8,000 and fees for soliciting proxies of $4,000.

V 37 N 38 FEB 25 72 XUM

Notice is further given that any interested person may, not later than March 13, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2767 Filed 2-24-72;8:47 am]

[811-1904]

INVESTMENT PARTNERSHIP FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

FEBRUARY 18, 1972.

Notice is hereby given that Investment Partnership Fund, Inc. (Applicant), Suite 812, 110 Sutter Street, San Francisco, CA 94104, registered under the Investment Company Act of 1940 (Act) as a closed-end diversified investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act on July 29, 1969. Subsequently its Board of Directors determined that Applicant should not commence doing business. The application states that Applicant has issued no shares of stock or any other securities, has no assets and has not engaged in any business transactions other than the act of incorporating. Its registration statement on Form S-4 under the Securities Act of 1933 has been withdrawn.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 9, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2768 Filed 2-24-72;8:47 am]

[812-3086]

PAN AMERICAN SULPHUR CO.

Notice of Filing of Application for Order Determining Certain Companies Not To Be Controlled

FEBRUARY 16, 1972.

Notice is hereby given that Pan American Sulphur Co. (Applicant), 2038 Bank of Southwest Building, Houston, Tex. 77002, a Delaware Corporation registered as a closed-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 2(a)(9) of the Act for an order of the Commission determining that Applicant does not control certain corporations in which it has direct or indirect equity interests. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Azufrera Panamericana, S.A. (Azufrera), is incorporated in Mexico. Its principal business is the exploration for, and the development and production of, sulphur in Mexico. Applicant formerly owned all of the outstanding shares of Azufrera, but on June 30, 1967, Applicant sold 66 percent of the outstanding Azufrera shares to Mexican interests, including an instrumentality of the Mexican Government, National Financiera S.A., which acquired 43 percent of the outstanding Azufrera shares. The shares held by Mexican interests are now classified as Class A shares and cannot be acquired by non-Mexicans. The remaining shares are freely transferable and are classified as Class B shares.

The Class A shares and the Class B shares are empowered to elect, respectively, six and three Directors. Accordingly, of the nine Directors of Azufrera only three are associated with Applicant. The Executive Committee of Azufrera has six members, only one of whom is associated with Applicant. The Chairman of the Board of Applicant (who is not its chief executive officer) is Vice Chairman of the Board and Chief Executive Officer of Azufrera but none of the other six officers of Azufrera is associated with Applicant.

Azufrera and four of its subsidiaries entered into a Management Assistance agreement with Applicant in 1967 in connection with the above sale of 66 percent of the outstanding Azufrera shares to Mexican nationals. The Management Assistance Agreement was designed to protect the shareholders of Azufrera from a sudden change in operating personnel and policies. Over the years Applicant's activities under the Management Assistance Agreement have gradually decreased and are now minimal. This substantial disengagement from the operations of Azufrera and its subsidiaries is the principal reason for Applicant's decision to register as an investment company under the Act. Azufrera owns various subsidiaries which engage in transactions among themselves and with Azufrera.

Applicant also owns 33 percent of the outstanding shares of Minera Santa Leticia S.A. de C.V., an inactive Mexican corporation which was engaged in exploration for copper deposits in Mexico. It has seven directors only one of whom is associated with Applicant. None of its six officers is associated with Applicant.

Applicant asserts that the above corporations in which PASCO has direct and indirect equity interests are not in fact operated by Applicant, and Applicant could not, because of the stock ownership of controlling blocks by Mexican interests and because of the policy of the Mexican government elect a majority of the Board of Directors of any of such corporations.

By reason of Applicant's direct and indirect equity interests in such corporations, each of them is an "affiliated person" of Applicant within the definition of that term in section 2(a)(3) of the Act. If they should also be considered to be controlled by Applicant within the definition of section 2(a)(9) of the Act because Applicant owns beneficially more than 25 percent of their voting securities, Applicant alleges they would be seriously hampered in their business relationships with each other by reason of section 17 of the Act. Sections 17 (a), (d), and (e) of the Act make unlawful certain transactions involving affiliated persons of a registered investment company on the one hand and registered investment companies and companies controlled by such registered investment companies on the other hand.

Applicant desires to prevent its registration under the Act from disrupting business relationships between the above corporations in which it has direct or indirect interests. Section 2(a)(9) of the Act provides that the presumption of control arising through beneficial ownership of more than 25 percent of a company's voting securities may be rebutted through a determination to the contrary by the Commission upon application by an interested party.

If the Commission determines that Applicant does not control Azufrera or any subsidiary of Azufrera, or Minera Santa Leticia, S.A. de C.V. the prohibitions set forth in sections 17 (a), (d), and (e) of the Act against certain transactions involving affiliated persons of a registered investment company on one hand and companies controlled by a registered investment company on the other hand would not apply to those transactions involving only Applicant's Mexican subsidiaries. The prohibitions set forth in sections 17 (a), (d), and (e) against certain transactions involving affiliated persons of a registered investment company on the one hand and such registered investment company on the other hand would, however, still apply. Applicant on January 31, 1972, filed an application for exemption from section 17 (a) and (d) for certain transactions involving Applicant and its above mentioned Mexican subsidiaries. (File No. 812-3118.)

In view of the foregoing, Applicant has requested that an order be entered by the Commission under section 2(a)(9) of the Act determining that Applicant does not control Azufrera or any subsidiary of Azufrera or Minera Santa Leticia, S.A. de C.V., in which it has direct or indirect equity interests.

Notice is further given that any interested person may, not later than March 8, 1972, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2769 Filed 2-24-72;8:47 am]

[812-2978]

PAUL REVERE LIFE INSURANCE CO. AND PAUL REVERE INVESTORS, INC.

Notice of Filing of Application for Order

FEBRUARY 18, 1972.

Notice is hereby given that the Paul Revere Life Insurance Co. (Paul Revere Life) and Paul Revere Investors, Inc. (the "Fund"), 18 Chestnut Street, Worcester, MA, a registered closed-end nondiversified management investment company (collectively "Applicants") have filed an application pursuant to sections 17(b) and 17(d) of the Investment Company Act of 1940 (Act) and Rule 17d-1 thereunder for an order permitting Paul Revere Life to sell to the Fund approximately 50 percent of securities recently purchased in Goodman Equipment Corp. (Goodman). All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

The Fund is designed to acquire direct placement investments of the kind currently being acquired for the general account of Paul Revere Life. The Paul Revere Equity Management Co. (Equity Management), a wholly owned subsidiary of Paul Revere Life is employed as investment adviser to the Fund. The Fund's investment objective is to generate increasing dollar amounts of income "over the long term" for distribution to its shareholders. The principal investments of the Fund will be long-term obligations and, occasionally, preferred stocks, where possible with equity features, purchased directly from the issuers. The equity features associated with these investments will ordinarily be shares of common stock of the issuer or an affiliate of the issuer, warrants or rights which are exercisable for such shares or the right to convert the debt securities into such shares. On September 30, 1971, the Commission granted an order to Paul Revere Life and the Fund pursuant to section 17(d) of the Act and Rule 17d-1 thereunder (Investment Company Act Release No. 6753) permitting Paul Revere Life to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement and to exercise warrants, conversion privileges and other rights at the same time and in the same amount subject to several conditions. The proposed purchase by the Fund of Goodman's securities does not fall within the previous order and is subject to section 17(a) as well as section 17(d) and Rule 17d-1.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, from selling any security to or purchasing any security from such registered investment company. The Commission, upon application pursuant to section 17(b) of the Act, may grant an exemption from the provisions of 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which any such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order." It is also provided that in passing upon such application, the Commission will consider whether the participation of such registered company in such joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The application states that Paul Revere Life purchased certain debt securities, common stock and a contingent right from Goodman on September 17, 1971, prior to the Commission order permitting joint transactions between the Fund and Paul Revere Life. Applicants represent that the transaction was consummated prior to the order since Goodman and another institutional investor (whose investment in Goodman equals that of Paul Revere Life) desired to complete the transaction as soon as possible. Paul Revere Life proposes to sell at its cost, plus accrued and upaid interest on the bonds and subordinated note to be sold and transferred, the following securities to the Fund representing approximately 50 percent of its investment in Goodman:

(1) $500,000 face amount of 10 percent first mortgage bonds of Goodman dated September 17, 1971, and due June 30,

FEB 25 72
XUM

1988 (cost to Paul Revere Life—$500,000);

(2) $250,000 face amount of 10 percent subordinated notes of Goodman dated September 17, 1971 and due June 30, 1983 (cost to Paul Revere Life $250,000);

(3) 4,688 shares of Class B common stock of Goodman par value 1 cent per share (cost to Paul Revere $46.88); and

(4) A contingent right to an option to purchase 938 shares of Class A common stock of Goodman at 1 cent per share, which option becomes effective only if Goodman's net pre tax income is less than projected earnings over certain specified periods.

The application states that the terms under which Paul Revere Life acquired the securities to be sold and transferred to the Fund were established in arms length bargaining between Goodman as issuer and Paul Revere Life and another institutional investor as investors and that prior to the investment no affiliations existed between Goodman and the investors. It further states that since such a short period of time has elapsed since Paul Revere Life's investment, its cost is the best evidence of the value of the securities to be transferred. It is also represented that in addition to an excellent interest rate on the subordinated notes and first mortgage bonds, the latter, representing approximately two-thirds of the investment, is secured by property, plant and equipment having an independent appraisal value of $13,300,000 on a going business basis. Value on an auction basis was estimated to be more than twice the amount of the mortgage.

Applicants allege that the investment officers of Paul Revere Life and of Equity Management in their continuing review of the financial condition and prospects of Goodman have discovered nothing since Paul Revere Life's purchase which would change their opinion that the price then paid was reasonable and fair. They say that although indications are that Goodman will show a net loss before tax of $135,000 (due to a coal miners strike) for the quarter ended December 31, 1971, as compared to a gain of $177,000 for the previous quarter, the basic worth of the investment has not changed and the longer range prospects remain favorable.

Applicants state that the investment is consistent with the investment policies and objectives of the Fund. The application further states that the terms of the proposed transaction, including the consideration to be paid or received are reasonable and fair and do not involve overreaching on the part of any person concerned, and that such transaction is consistent with the provisions, policies and purposes of the Act and will not be on a basis less advantageous to the Fund than that of Paul Revere Life.

Notice is further given that any interested person may, not later than March 9, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person of mailing served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time later than said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–2771 Filed 2–24–72;8:47 am]

[70–5141]

PUBLIC SERVICE COMPANY OF OKLAHOMA AND CENTRAL AND SOUTH WEST CORP.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding, and Issue and Sale and Acquisition of Shares of Common Stock

FEBRUARY 16, 1972.

Notice is hereby given that Central and South West Corp. (Central), 300 Delaware Avenue, Wilmington, DE 19899, a registered holding company, and its public-utility subsidiary company, Public Service Company of Oklahoma (Public Service), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 9, 10, and 12(f) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Public Service proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $30 million aggregate principal amount of first mortgage bonds, Series L, ------ percent, due March 1, 2002. The bonds will be issued under an indenture dated as of July 1, 1945, between Public Service and The First National Bank and Trust Company of Tulsa, as trustee, as heretofore amended and as to be further amended by a supplemental indenture to be dated as of March 1, 1972, and which includes a prohibition until March 1, 1977, against refunding the issue with the proceeds of funds borrowed at a lower interest cost. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall not be less than 99 percent nor more than 102.75 percent of the principal amount thereof), will be determined by competitive bidding.

Public Service proposes to issue and sell 415,000 shares of its common stock, $12 par value per share, to Central, and Central proposes to acquire such shares at the aggregate par value thereof, $4,980,000.

The net proceeds to be derived from the issue and sale of the bonds and common stock will be used by Public Service to finance a part of its construction expenditures, including the payment or prepayment of its borrowings from Central for that purpose. Such loans from Central aggregated about $8,027,000 at November 30, 1971. The proposed construction expenditures of Public Service for the calendar year 1972 are presently estimated at about $59,560,000.

The fees and expenses to be paid by Public Service in connection with the issue and sale of the bonds are estimated at $63,000, including counsel fees of $15,000 and accountants' fees of $5,000. The expenses in connection with the proposed issue and sale of common stock are estimated at $400. The fees and expenses of counsel for the bond underwriters, estimated at $9,500 and $800, respectively, are to be paid by the successful bidders.

It is stated that no State commission other than the Corporation Commission of the State of Oklahoma has jurisdiction over the proposed transactions and that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 6, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–2770 Filed 2–24–72;8:47 am]

[File No. 500–1]

TOPPER CORP.

Order Suspending Trading

FEBRUARY 17, 1972.

The common stock, $1 par value, of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 19, 1972, through February 28, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–2772 Filed 2–24–72;8:47 am]

[Release 34–9495]

NEW YORK STOCK EXCHANGE PLAN

Action Declaring Plan Effective

The Securities and Exchange Commission has announced that it has declared effective a plan filed by the New York Stock Exchange (NYSE) pursuant to the provisions of Rule 17a–10(b) (17 CFR 240.17a–10(b)) under the Securities Exchange Act of 1934 (the Act).

Rule 17a–10 presently requires every member of a national securities exchange and every broker or dealer registered pursuant to section 15 of the Act to file each year with the Commission a report of his income and expenses and related financial and other information on Form X–17A–10 (17 CFR 249.618). Paragraph (b) of the rule provides that a national securities exchange or a registered national securities association may submit to the Commission a plan providing for reports from its members on forms consistent with Form X–17A–10, and for the transmission to the Commission of copies of such reports. Such a plan may also provide that, in transmitting copies of such records to the Commission, the names and addresses of members whose information is transmitted may be omitted. The Commission, in declaring any such plan effective, may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as may be deemed necessary or appropriate in the public interest, for the protection of investors, or to carry out the Commission's duties under the Act. Upon Commission approval of such a plan, the members of the exchange or association which submitted the plan are to file their reports directly with the association or exchange in accordance with the plan and not with the Commission.

The NYSE plan provides that each individual member not affiliated with any member organization of the exchange will be required to file a report with the exchange. In summary, the plan provides that the NYSE (1) will adopt and implement appropriate internal procedures for review of the reports submitted by members and member organizations, (2) will review all reports filed for reasonableness and accuracy, (3) will submit edited reports to the Commission (excluding the names and addresses of the respective firms), (4) will maintain and preserve a copy of all information furnished it by any member or member organization and of related correspondence, memoranda, etc., for a period of 6 years, and (5) will undertake certain other obligations. A copy of the NYSE plan is available for inspection at the Commission's main office in Washington, D.C.

The Commission wishes to point out that it today published for public comment a proposed amendment to paragraph (b) of Rule 17a–10. That amendment would delete the wording in paragraph (b) which permits a plan to provide that, in transmitting copies of the Form X–17A–10 reports to the Commission, the names and addresses of members whose information is transmitted may be omitted. (See Securities Exchange Act of 1934 Release No. 9496 also released February 15, 1972.) If the Commission adopts the proposal it will be necessary for the NYSE as well as the other self-regulatory organizations that have qualified Rule 17a–10 plans to amend their respective plans to delete those provisions which provide for the reporting of information to the Commission on an unidentified basis.

COMMISSION ACTION

The text of the Commission action declaring effective the NYSE plan filed pursuant to paragraph (b) of section 17a–10 is as follows:

The Securities and Exchange Commission acting pursuant to the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof and § 240.17a–10(b) thereunder, deeming it necessary for the exercise of the functions vested in it, and having due regard for the public interest and for the protection of investors, hereby declares effective February 9, 1972, the plan filed by the New York Stock Exchange (NYSE) with the Commission pursuant to paragraph (b) of § 240.17a–10 on November 22, 1971, on the condition that if at any time it appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of such plan by sending at least 60 days written notice to the NYSE. The Commission finds that notice and subsequent procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553) are unnecessary with respect to this action.

(Sec. 17(a), 48 Stat. 897, as amended, 49 Stat. 1379, Sec. 4, 53 Stat. 1076, sec. 5, 15 U.S.C. 78q.; Sec. 23(a), 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8, 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

FEBRUARY 15, 1972.

[FR Doc.72–2763 Filed 2–24–72;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 22, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC–F–11122, Duff Truck Line, Inc.—Purchase—Vernon R. Doering, doing business as Michigan Ohio Motor Freight, assigned March 13, 1972, and MC 135524 Sub 2, G. F. Trucking, Inc., assigned March 6, 1972, at Columbus, Ohio, will be in Room 2 State Office Building, 65 Front Street.

MC 2900 Sub 215, Ryder Truck Lines, Inc., assigned March 7, 1972, and MC 124221 Sub 34, Howard Baer, assigned March 9, 1972, at Columbus, Ohio, will be held in Room 4 State Office Building, 65 Front Street.

FD 26615, City of Wheeling, W. Va., Abandonment Baltimore & Ohio Railroad Tracks, Wheeling, Ohio County, W. Va., FD 26674, city of Wheeling, W. Va., Abandonment of Operations Penn Central Transportation Co. tracks, Wheeling, W. Va., now being assigned for hearing on April 24, 1972, at Wheeling, W. Va., in a hearing room to be designated later.

FD 26983, The Baltimore & Ohio Railroad Co. Abandonment-Fairmont Branch Between Board Tree and Moundsville, In Marshall County, W. Va., now being assigned hearing on May 1, 1972, at Moundsville, W. Va., in a hearing room to be designated later.

V 37 N 38 FEB 25 72 XUM

MC 63390 Sub 16, Carl R. Bieber, Inc., assigned for hearing April 24, 1972, at Reading, Pa., in a hearing room to be later designated.

No. 35524, Little Audrey's Transportation Co., Inc., Armour & Co., Dubuque Packing Co., Inc., The Rath Packing Co., and Oscar Mayer & Co.—Investigation of Operations and Practices, now assigned March 15, 1972, at Chicago, Ill., will be held in Room 1430, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-C-7603, STEEL HAULER, Investigation & Revocation of Certificates now assigned March 6, 1972, at Kansas City, Mo., is postponed indefinitely.

MC 29886 Sub 272, Dallas & Mavis Forwarding, now assigned March 12, 1972, at Washington, D.C., is postponed indefinitely.

FF-359, Auto Trip-USA, Inc., Freight Forwarder Application, MC-C-7287, Asacon Auto Transport, Inc.—Investigation & Revocation of Certificate, and MC-C-7267 Sub 1, Asacon Auto Transport, Inc., Petition for Declaratory Order, assigned for continued hearing March 6, 1972, in Room E-2222, 26 Federal Plaza, New York, NY.

MC-C-7406, Klipsch Hauling—Investigation & Revocation of Certificates, now being assigned hearing May 4, 1972, at St. Louis, Mo., in a hearing room to be designated later.

MC-C-7209, Estacada-Mollala Stages, Inc., Revocation of Certificates MC-FC-73168, School Bus Services, Inc., Transferee, Estacada-Mollala Stages, Inc., Transferor, assigned for hearing May 1, 1972, at Salem, Oreg., in a hearing room to be later designated.

MC-C-7632, Hanson Transfer—Investigation & Revocation of Certificate, now being assigned hearing May 1, 1972, at Bismarck, N. Dak., in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2838 Filed 2-24-72;8:52 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 22, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42357—*Iron and steel articles to points in WTL Territory.* Filed by Western Trunk Line Committee, agent (No. A-2657), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Fort Collins and Minnequa, Colo., to points in various states.

Grounds for relief—Market competition.

Tariff—Supplement 133 to Western Trunk Line Committee, agent, tariff ICC A-4663. Rates are published to become effective on March 19, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2839 Filed 2-24-72;8:52 am]

[35475 (Sub 3)]

PORT OF NEW ORLEANS AND INTERIOR POINTS

Investigation Into Railroad Freight Rate Structure

FEBRUARY 7, 1972.

Notice is hereby given that on December 6, 1971, the New Orleans Traffic and Transportation Bureau filed a petition requesting this Commission, on its own motion, to institute an investigation into the railroad freight rates for trailer-on-flatcar (TOFC) and container-on-flatcar (COFC) ramp-to-ramp (Plans II 1/2 and III) service, on traffic having a prior or subsequent movement by water, (1) between interior points within Southern Ports Foreign Freight Committee territory, on the one hand, and the Port of New Orleans and other Gulf ports, the South Atlantic ports, and the North Atlantic ports, on the other hand, and (2) between interior points within Southern and Southwestern territories and the Port of New Orleans, on the one hand, and between those interior points and other Gulf ports and South Atlantic ports, on the other hand.

A letter dated December 13, 1971, was submitted by the Greenville (Miss.) Port Commission on behalf of Greenville and inland river ports opposing the petition and requesting that it be held in abeyance until a determination has been made in Ex Parte No. 270 (Sub-No. 1), Investigation of Railroad Freight Rate Structure, Export-Import Rates and Charges.

In support of the request, the petitioner avers that the railroads generally apply their domestic rates for the inland movement of TOFC and COFC import and export traffic; that those rates are predicated on a distance formula to meet the competition of motor carriers; that this rate structure creates rate advantages to the ports nearest the inland points and disadvantages to the Port of New Orleans. The petitioner claims that for many years the railroads serving the Port of New Orleans participated in the export-import rate structure approved by the Interstate Commerce Commission in Export And Import Rates To And From Southern Ports, 205 ICC 511, whereby rates on conventional rail traffic applied generally on an equal basis to and from the Gulf Ports, with established differentials to and from the South Atlantic ports; and that generally the ocean steamship rates from and to New Orleans, the Gulf, and the Atlantic ports are equalized from and to foreign countries. Petitioner urges that the railroads are providing ramp-to-ramp service at rates which may be unlawful in violation of specified sections of the Interstate Commerce Act.

Petitioner prays that the Commission, after full investigation, find that the present domestic rail TOFC and COFC rates as applied to ramp-to-ramp movements of export-import traffic are unlawful as claimed.

General public notification of the filing of the petition and of the letter in opposition will be given by publication of this notice in the FEDERAL REGISTER.

Any persons interested in the matters involved may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file a statement indicating merely whether they support or oppose the determination sought. An original and 15 copies of such replies must be filed with the Commission, and must show service of two copies thereof upon petitioner's representative, Louis A. Schwartz, General Manager, New Orleans Traffic and Transportation Bureau, 2926 International Trade Mart, No. 2 Canal Street, New Orleans, LA 70130, and M. Barschdorf, Port Director, Greenville Port Commission, Post Office Box 446, Greenville, MS 38701.

Copies of this notice are being sent to the petitioner and to the Greenville Port Commission. Copies of all future releases herein will be served only on the petitioner, the Greenville Port Commission, and those responding to this notice. Thereafter, a determination will be made whether to institute an investigation, and if so, the nature of further proceedings will be fixed.

Written material submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Washington, D.C., during regular business hours.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2840 Filed 2-24-72;8:52 am]

[Notice 27]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 18, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7832 (Sub-No. 15 TA), filed February 4, 1972. Applicant: Sam Lowenstein and Stanley Lowenstein, doing business as SUPER M FOODS DELIVERY, 411A North Wood Avenue, Linden, NJ 07036. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household cleaning products*, except in bulk, under contract with J. L. Prescott Co., from Passaic, N.J., to Charlestown, Somerville, Norton, Weymouth, Readville, and Boston, Mass.; Cumberland and Providence, R.I.; Hartford, Conn.; Syracuse, Brentwood, and Central Islip, N.Y., for 180 days. Supporting shipper: J. L. Prescott Co., Household Products Division, 27 Eighth Street, Passaic, NJ 07055. Send protests to: Robert E. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 30844 (Sub-No. 389 TA), filed February 8, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Footwear, department store findings, and footwear display cabinets*, from the plantsite and facilities of Meldisco Shoe, Division of Melville Shoe Corp. at Brockton, Mass., to points in Arkansas, Illinois (except Chicago and commercial zone), Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, and Wisconsin, for 180 days. Supporting shipper, Meldisco Shoe, Division of Melville Shoe Corp., 401 Hackensack Avenue, Hackensack, NJ 07601. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 61825 (Sub-No. 48 TA) (Correction), filed January 24, 1972, published FEDERAL REGISTER issue of February 10, 1972, corrected and republished in part as corrected this issue. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. NOTE: The purpose of this partial republication is to add the State of South Carolina as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains as previously published.

No. MC 61955 (Sub-No. 15 TA), filed February 7, 1972. Applicant: CENTROPOLIS TRANSFER CO., INC., 6700 Wilson Avenue, Kansas City, MO 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Midwest Terminal Warehouse in Kansas City, Mo., to points in Iowa, Kansas, Nebraska, and Oklahoma, for 150 days. Supporting shippers: Willchemco, Inc., Tulsa, Okla.; and Olin Corp., Little Rock, Ark. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City MO 64106.

No. MC 65802 (Sub-No. 51 TA), filed February 7, 1972. Applicant: LYNDEN TRANSPORT, INC., Post Office Box 433, Lynden, WA 98264. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* (excluding bulk liquid commodities), from Issaquah and Seattle, Wash., to San Jose and Sacramento, Calif.; (2) *salt and salt products*, from Newark, Calif., to Chehalis and Issaquah, Wash.; (3) *paper cartons, lids, tops, and packaging materials*, from Modesto, Calif., to Seattle and Issaquah, Wash.; and (4) *empty containers or such other incidental facilities* used in transporting the commodities specified and returned and rejected shipments and dairy products returned for salvage on return, for 180 days. Supporting shipper: Consolidated Dairy Products, 635 Elliott Avenue West, Seattle, WA 98119. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 81814 (Sub-No. 4 TA), filed February 9, 1972. Applicant: LOMPOC TRUCK COMPANY, Post Office Box 565, Lompoc, CA 93436. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper bags*, from Los Angeles, Calif., to Lompoc and White Hills, Calif., Harbor Commercial Zone, for 180 days. Supporting shipper: Johns-Manville Products Corp., Celite Division, 2500 Miguelito Road, Lompoc, CA 93436. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 106603 (Sub-No. 117 TA), filed February 9, 1972. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain SW., Grand Rapids, MI 49508. Applicant's representative: Louis E. Cain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glazed structural masonry products and materials and supplies* used in the installation thereof, from Lansing, Mich., to points in Iowa and Wisconsin, for 180 days. Supporting shipper: Kenneth E. Long, Vice President and General Manager, United Glazed Products (Michigan), Inc., 4500 Aurelius Road, Lansing, MI 48910.

No. MC 111170 (Sub-No. 184 TA), filed February 8, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl Bromide*, in bulk, from Bromet, Ark., to Charleston, S.C., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindberg Boulevard, St. Louis, MO 63166. Send protests to: District Supervisor, William H. Land, Jr., 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 114533, filed December 27, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, isotopes, and related products*, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas and Missouri. Restricted, however, to shipments having a prior or subsequent movement by air, for 150 days. Supporting shipper: Mr. Harold T. Raven, Transportation Manager, E. R. Squibb & Sons, Inc., Georges Road, New Brunswick, N.Y. 08903. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 115841 (Sub-No. 424 TA), filed February 7, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 10327, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), *animal and pet foods* (except in bulk), *and agricultural commodities the transportation of which is exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities named above*, from Wilkesboro, N.C., to points in the United States (except Alaska, Hawaii, Nebraska, Iowa, Illinois, Indiana, Kansas, Missouri, Michigan, Wisconsin, Ohio, and North Carolina), for 180 days. Supporting shipper: Holly Farms Poultry Industries, Inc., Transportation Division, Box 245, Wilkesboro, NC 28697. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 117686 (Sub-No. 130 TA), filed February 9, 1972. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from

FEB 25 72

Morehead City, N.C., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, Fla. 33101. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 118535 (Sub-No. 51 TA), filed February 8, 1972. Applicant: JIM TIONA, JR., 111 South Prospect, Butler, MO 64730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* (dry), from Springfield, Mo., to points in Arkansas, Kansas, and Oklahoma, for 180 days. Supporting shipper: Wilchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 123392 (Sub-No. 35 TA), filed February 7, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenically liquefied argon gas*, in bulk, from the United States-Canadian boundary located at Detroit, Mich., and Niagara Falls, N.Y., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Virginia, Tennessee, North Carolina, South Carolina, Georgia, and Alabama, for 150 days. Supporting shipper: R. E. Bryant, Manager, Distribution, American Cryogenics Division of Liquid Air, Inc., 1 Embarcadero Center, San Francisco, CA 94111. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 128190 (Sub-No. 8 TA), filed February 9, 1972. Applicant: FREMONT CONTRACT CARRIERS, INC., 1520 East Railroad Street, Post Office Box 489, Fremont, NE 68025. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles or jars and honey* when in mixed shipments with glass bottles or jars, from the plantsite or storage facilities of Kerr Glass Co., at Plainfield, Ill., to the plantsite or storage facilities of Sioux Honey Association at or near Waycross, Ga., and Temple, Tex., for 180 days. Supporting shipper: Sioux Honey Association, Post Office Box 1107, Sioux City, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 133095 (Sub-No. 23 TA), filed February 9, 1972. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, 2603 West Eules Boulevard, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages* having a prior movement in interstate or foreign commerce, from Roma, Houston, Brownsville, and Laredo, Tex., to Del Rio, El Paso, and Presidio, Tex., for 180 days. Supporting shipper: Terk Distributing Co., Inc., 1002 East Second Street, Odessa, TX. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 133684 (Sub-No. 3 TA), filed February 8, 1972. Applicant: GORDON FAST FREIGHT, INC., 605 41st Avenue NE., Puyallup, WA 98372. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Vancouver, Wash., to Spokane, Wash., and points in the State of Oregon, for 180 days. Supporting shipper: Lucky Breweries, Inc., 2601 Newhall Street, San Francisco, Calif. 94124. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 133755 (Sub-No. 13 TA), filed February 8, 1972. Applicant: MILLIS BROS. TRANSFER, INC., Post Office Box 112, Black River Falls, WI 54615. Applicant's representative: Eric F. Stutz, 104 Main Street, Black River Falls, WI 54615. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from St. Paul, Minn., to Merrill, Wis., for 180 days. Supporting shipper: Ament & Sons, Inc., 601 South Alexander, Merrill, WI 54452. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 134145 (Sub-No. 17 TA), filed February 9, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheet or slabs*, cellular or expanded, from Addison, Ill., to Moorhead, Minn., for 180 days. Supporting shipper: Arctic Enterprises, Inc., Thief River Falls, Minn. 56701. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 134838 (Sub-No. 2 TA), filed February 4, 1972. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2561 Plant Atkinson Road NW., Post Office Box 6 Bolton Station 30318, Atlanta, GA 30080. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses or building sections and component parts thereof*, including: appliances, furnishings, electrical and plumbing fixtures, heating and air conditioning, floor coverings and cabinets: Set up, from Arabi, Ga., to points in Tennessee, Florida, North Carolina, South Carolina, and Alabama, *the return to origin of damaged or unsuitable houses or components*, for 180 days. Supporting shipper: Boise Cascade Corp., Transportation and Distribution Department, Post Office Box 7747, Boise, ID 83707. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 134922 (Sub-No. 25 TA), filed February 8, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned chicken*, in vehicles equipped with mechanical refrigeration, from the storage facilities of Hope Food Corp. in Hope, Ark., and the plantsite of Hope Food Corp. located approximately 4 miles north of Hope, Ark., to points in Texas, Louisiana, Iowa, Illinois, Minnesota, and California; and (2) *metal containers and container ends*, from Elwood, Ind., to the origin points listed in (1) above, for 180 days. Supporting shipper: Hope Food Corp., Post Office Box 99, Hope, AR 71801. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135760 (Sub-No. 3 TA), filed February 10, 1972. Applicant: COAST REFRIGERATED TRUCKING CO. INC., Post Office Box 188, Holly Ridge, NC 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork products*, in vehicles equipped with mechanical refrigeration, between Castle Haynes and Holly Ridge, N.C., on the one hand, and, on the other, points in Michigan, Ohio, West Virginia, Maryland, Virginia, Tennessee, and Kentucky, for 180 days. Supporting shipper: Carolina Meat Processors, Inc., Post Office Box 294, Wilmington, NC 28401. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 136263 (Sub-No. 1 TA), filed February 8, 1972. Applicant: DEL TRANSPORT LIMITED, 385 Richelieu Avenue, McMasterville, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Explosives classes A and B, blasting supplies and materials and component parts thereof, and material and supplies incidental thereto*, from the international boundary line between Canada and the United States, located at or near Champlain, Trout River, and Herdman, N.Y., to Kenvil, N.J., Ellenburg, N.Y., and Plattsburg, N.Y., for 180 days. Supporting shipper: Canadian Industries Ltd., Quebec Sales Office, Box 10, Montreal 101, PQ Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, Vt. 05602.

No. MC 136276 TA (Correction), filed December 27, 1971, published in the FEDERAL REGISTER issue of January 11, 1972, corrected and republished as corrected, this issue. Applicant: TRIPLE T TRANSPORTATION, INC., Route No. 1, Vincennes, IN 47591. Applicant's representative: Thomas F. Quinn, Suite 715–716 First Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia, liquid, nitrogen fertilizer solutions, liquid, and fertilizer materials* dry, in bulk, in tank vehicles, (a) From West Henderson, Ky., to points in Illinois and Indiana, (b) from U.S. Industrial Chemical Co., plant near Tuscola, Ill., to points in Indiana and Kentucky, and (c) from the Agrico Chemical Co. plant near Mount Vernon, Ind., to points in Illinois and Kentucky; and (2) *anhydrous ammonia*, liquid, in bulk, in tank vehicles, from the Central Nitrogen plant in Vigo County, Ind., to points in Illinois and Kentucky, for 180 days. Supporting shippers: Wilchemco, Ind., The National Bank of Tulsa Building, Tulsa, Okla., Cominco American, Inc., 818 West Riverside Avenue, Spokane, WA. NOTE: The purpose of this republication is to include part (a) above, which was inadvertently omitted from previous publication. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, 36 South Pennsylvania Street, Room 802 Century Building, Indianapolis, IN 46204.

No. MC 136367 (Sub-No. 1 TA), filed February 9, 1972. Applicant: GOESON MOVING & STORAGE, INC., 2004 Sixth Avenue South, Post Office Box 1592, Grand Forks, ND 58201. Applicant's representative: Robert O. Wefald, Post Office Box 1, Bismarck, ND 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crate and pack household goods, unaccompanied baggage and personal effects* and to provide drayage service for the same prior to and subsequent to movement in interstate and foreign commerce, between points in the North Dakota counties of Pembina, Cavalier, Ramsey, Walsh, Nelson, Grand Forks, Eddy, Foster, Steele, Traill, and Griggs and in the Minnesota counties of Kittson, Roseau, Marshall, Pennington, Polk, Red Lake, and Clearwater, for 180 days. Supporting shipper: Military Traffic Management and Terminal Service, Department of Defense, Washington, D.C. 20315. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 136368 (Sub-No. 1 TA), filed February 9, 1972. Applicant: BOB'S TRANSFER, INC., 1421 23d Street South, Moorhead, MN 56560. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in Barnes, Stutsman, Cass, LaMoure, Ransom, Richland, Sargent, and Dickey Counties, N. Dak., Norman, Mahnomen, Clay, Becker, Wilkin, and Otter Tail Counties, Minn. Restriction: Restricted to traffic having a prior or subsequent movement in containers and further restricted to the performance of pickup and delivery services in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Military Traffic Management and Terminal Service, Department of Defense, Washington, D.C. 20315. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 136400 TA, filed February 8, 1972. Applicant: GRAIN TRANSPORT, INC., Post Office Box 4131, Port Wentworth, GA 31407. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, feedstuffs and feed ingredients, and pet food and supplies*, from Birmingham, Ala., to points in Georgia, South Carolina, Louisiana, Missouri, Illinois, Indiana, Oklahoma, Tennessee, Virginia, Mississippi, Kentucky, Texas, Iowa, North Carolina, Florida, and Arkansas, under continuing contract with The Jim Dandy Co., for 180 days. Supporting shipper: The Jim Dandy Co., Birmingham, Ala. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 136401 TA, filed February 9, 1972. Applicant: ROBIN EXPRESS, INC., 20–02 Steinway Street, Long Island City, NY 11105. Applicant's representative: John P. Tynan, 69–20 Fresh Pond Road, Ridgewood, NY 11227. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber tires, tubes, patches, flaps, gaskets, valves, road maps, calenders and materials, equipment and supplies* incidental to the business of a tire manufacturer, wholesaler, or distributor in cargo containers or trailers, from points in the New York, N.Y., commercial zone, Hoboken, Port Elizabeth, and Port Newark, N.J., to Lake Success, New Hyde Park, N.Y., for 180 days. Supporting shipper: Michelin Tire Corp., 2500 Marcus Avenue, Lake Success, New Hyde Park, NY 11040. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 136402 TA, filed February 10, 1972. Applicant: TOMMY A. McCARTY, doing business as McCARTY TRUCKING, 2A–Bob-O-Link Drive, Mount Sterling, KY 40353. Applicant's representative: James S. Wilson, Post Office Box 151, Paris, KY 40361. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles* in truckaway service, from Cincinnati, Franklin, Middletown, Miamisburg, Xenia, Fairborn, Springfield, Wilmington, Columbus, and Peebles, Ohio; from Gary and Indianapolis, Ind., and from Ann Arbor and Brighton, Mich., to Mount Sterling, Ky., for 180 days. Supported by: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, KY 40505.

No. MC 136403 TA, filed February 10, 1972. Applicant: B C & W TRUCKING CO., INC., 416 West Lamar Street, Americus, GA 31709. Applicant's representative: John R. Parks, 206 North Prince Street, Americus, GA 31709. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Ground rock phosphate, granular mixed fertilizer, mixed liquid fertilizer and direct application nitrogen solution*, between points in Georgia and Cleburne, Randolph, Clay, Tallapoosa, Chambers, Clarke, and Geneva Counties, Ga., and Hamilton County, Fla., under continuing contract or contracts with International Minerals & Chemical Corp., for 180 days. Supporting shipper: International Mineral & Chemical Corp., Post Office Box 607, Americus, GA 31709. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-2842 Filed 2-24-72;8:53 am]

[Notice 20]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 22, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce

FEB 25 72
XUM

Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73423. By order of February 18, 1972, the Motor Carrier Board approved the transfer to Ira Holliday Logging, Inc., Eagar, Ariz., of that portion of the operating rights in certificate No. MC–116457 (Sub-No. 2), issued April 21, 1970, to General Transportation, Inc., Springerville, Ariz., authorizing the transportation of wood chips, from points in New Mexico to points in Navajo County, Ariz. Donald E. Fernaays, 4114A North 20th Street, Phoenix, AZ 85016, registered practitioner for applicants.

No. MC–FC–73439. By order of February 17, 1972, the Motor Carrier Board approved the transfer to Cornell Motor Lines, Inc., Paterson, N.J., of the operating rights in certificate No. MC–27964 issued July 11, 1957, to Anthony Randazzise, Max Dresner, and Reuben Cohen, a partnership, doing business as Cornell Motor Lines, Paterson, N.J., authorizing the transportation of piece goods, and dry goods, salts, and dyestuffs used in the manufacture of piece goods, between Little Ferry, N.J., and points in Bergen, Passaic, and Hudson Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Putnam, Dutchess, Orange, and Rockland Counties, N.Y., and brewers yeast and yeast products, from Passaic, N.J., to New York, N.Y. George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, registered practitioner for applicants.

No. MC–FC–73461. By order of February 17, 1972, the Motor Carrier Board approved the transfer to S T X, Inc., doing business as Spotswood Trail Express, Redbone Road, Chester Springs, Pa. 19425, of certificate No. MC–111402 and subs thereunder, issued February 2, 1950, to Fawley Motor Lines, Inc., Broadway, Va. 22815, authorizing the transportation of: General commodities, and various commodities of a general commodity nature, but, with certain exceptions, between specified points in Virginia, Florida, West Virginia, Pennsylvania, Ohio, New York, North Carolina, Tennessee, Kentucky, Delaware, New Jersey, Maryland, and the District of Columbia.

No. MC–FC–73469. By order of February 18, 1972, the Motor Carrier Board approved the transfer to Motor Cargo Transport Corp., Vineland, N.J., of that portion of the operating rights set forth in certificate No. MC–95540 (Sub-No. 663), issued August 6, 1970, to Watkins Motor Lines, Inc., Lakeland, Fla., authorizing the transportation of glassware, glass containers, rejected or returned shipments of glassware and glass containers, used pallets, used platforms, used skids, and damaged glassware and glass containers, from and to specified points in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Virginia, Maine, New Hampshire, and the District of Columbia. John F. Watkins, 1120 West Griffin Road, Lakeland, FL 33801, representative for transferor and Alexander Markowitz, 1180 Karin Street, Post Office Box 793, Vineland, NJ 08360, representative for transferee.

No. MC–FC–73475. By order of February 18, 1972, the Motor Carrier Board approved the transfer to Palmer Moving & Storage, Inc., Bedford Heights, Ohio, of certificate No. MC–47861 issued December 8, 1969, to Stephen's Moving Co., Inc., Berea, Ohio, authorizing the transportation of: Household goods, as defined by the Commission, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, Pennsylvania, and West Virginia. Robert E. Fleck, Attorney, 731 Leader Building, Cleveland, Ohio 44114.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–2841 Filed 2–24–72;8:52 am]

[Notice 14]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 18, 1972.

The following applications are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 531 (Sub-No. 276), filed January 12, 1972. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antifreeze preparations, glycols, glycol ethers, jet fuel anti-icing agents and motor fuel antiknock compound*, in bulk, in tank vehicles, from the plantsite of Houston Chemical Co. near Beaumont, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at Houston Chemical Co.'s platsite and destined to the States involved. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 732 (Sub-No. 6), filed January 17, 1972. Applicant: ALBINA TRANSFER COMPANY, INC., 714 North Fremont Street, Portland, OR 97227. Applicant's representative: Thomas G. Karter, 4410 Northeast Fremont, Portland, OR 97213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and building trusses*, between points in Tillamook, Washington, Multnomah, Clackamas, Linn, Lane, Douglas, and Deschutes Counties, Oreg., on the one hand, and, on the other, points in Whatcom, Skagit, Snohomish, King, Pierce, Thurston, Lewis, Cowlitz, Clark, and Klickitat Counties, Wash. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 868 (Sub-No. 9), filed January 24, 1972. Applicant: SIGNAL TRUCKING SERVICE, LTD., 3770 East 26th Street, Post Office Box 93483, Vernon, CA 90023. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, iron and steel articles*, including, but not confined to, those which are described in appendix V to the Commission's report in *Descriptions in Motor Certificates*, Ex Parte No. MC 45, 61 M.C.C. 209, at pages 277–279; (2) *commodities*, which by reason of size or weight, require special handling or the use of special equipment, and commodities which do not require special handling or the use of special equipment, when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (3) *self-propelled articles and related equipment, machinery, tools, parts, and supplies* when moving in connection therewith; (4) *pipe*, other than iron or steel, together with fittings; and (5) *construction materials, supplies, and equipment*, between points in Arizona, California, Nevada, Oregon, Utah, and Washington. NOTE: Applicant states it proposes to join the authority described herein (a) with each and every portion of that proposed authority, (b) with each and every portion of applicant's present authority which is disclosed in MC 868, and with any authority which may be issued to applicant in MC 868 (Sub-No. 8). Such joinder to be at all common points and will enable applicant to conduct operations from, to, and between substantially all of the points included in applicant's present and proposed scopes of operations. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 19227 (Sub-No. 169), filed January 28, 1972. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, particle board, plywood, lumber, and lumber products*, from points in Angelina and Sabine Counties Tex., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 783), filed January 31, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: E. T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the terminal site of Consolidated Freightways Corp. of Delaware in Stroud Township, Monroe County, Pa., on the one hand, and, on the other, Ackermanville, Bangor, Bath, Bartonsville, Belfast, Cresco, Delaware Water Gap, East Stroudsburg, Mountainhome, Mount Bethel, Mount Pocono, Nazareth, Pen Argyl, Portland, Roseto, Saylorsburg, Sciota, Slateford, Snydersville, Stockertown, Stroudsburg, Swiftwater, Tatamy, and Wind Gap, Pa.; and (2) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the terminal site of Consolidated Freightways Corp. of Delaware in Stroud Township, Monroe County, Pa., on the one hand, and, on the other, points in New Jersey and Pennsylvania within 25 miles of Allentown. NOTE: Applicant states it presently has irregular route authority under its Docket No. MC 42487 Sub 578 between Allentown, Pa., on the one hand, and, on the other, the points and mileage radius specified above. Applicant presently serves the involved area through its Allentown, Pa., terminal. The purpose of this application is to obtain authority to permit applicant to serve the involved area through its new terminal in Stroud Township, Monroe County, Pa. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 42487 (Sub-No. 784), filed January 31, 1972. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a corporation, 175 Linfield Drive, Menlo Park, CA 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, IL 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, green hides, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Bradford, McKean County, Pa., as an off-route point in connection with applicant's presently authorized regular routes. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., Harrisburg, Pa., or Washington, D.C.

No. MC 59264 (Sub-No. 53), filed January 28, 1972. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. 08903. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic bottles*, in containers from the plantsite of Graham Engineering at York, Pa., to the plantsite of the Clorox Co. at Jersey City, N.J. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 63417 (Sub-No. 40), filed January 26, 1972. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 814 Hollins Road NE. Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite of PPG Industries, Inc., at or near Mount Holly Springs, Pa., to points in Georgia, North Carolina, South Carolina, Virginia, and points in Tennessee on and east of U.S. Highway 231. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 74321 (Sub-No. 54), filed January 28, 1972. Applicant: B. F. WALKER, INC., 650, 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquets, charcoal, fireplace logs, and accessory items associated with the charcoal industry*, from the plantsides of Husky Industries, Dickinson, N. Dak., Ocala, Jacksonville, and Romeo, Fla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 82841 (Sub-No. 91), filed January 29, 1972. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flakeboard, particleboard, and hardboard*, from points in Oregon to points in Iowa and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FEB 25 72

deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 95540 (Sub-No. 824), filed January 13, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs group*, such as, fruit, fresh, cold-pack (frozen fresh fruit, either sweetened or not sweetened), vegetables, fresh or green, cold-pack (frozen fresh or green vegetable either sweetened or not sweetened), potatoes, fresh frozen or cooked frozen, with or without meat ingredients, from the warehouse facilities of Stokely-Van Camp, Inc., at Indianapolis, Ind., to points in Alabama, Florida, Kentucky, North Carolina, Virginia, and West Virginia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 95920 (Sub-No. 25), filed January 24, 1972. Applicant: SANTRY TRUCKING COMPANY, a corporation, 11552 Southwest Pacific Highway, Portland, OR 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformer tanks*, from Salem, Oreg., to Waukesha, Wis., under contract with RTE Corp. NOTE: Applicant now holds common carrier authority under its No. MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 97394 (Sub-No. 11), filed January 24, 1972. Applicant: BOWLING GREEN EXPRESS, INC., Post Office Box 1111, Plum Springs Road, Bowling Green, KY 42101. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment); (1) between Bowling Green and Munfordville, Ky., from Bowling Green over U.S. Highway 31W to Munfordville and return over the same route, serving all intermediate points; (2) between junction U.S. Highway 31W with U.S. Highway 68 and Smiths Grove, Ky., from junction of U.S. Highway 31W with U.S. Highway 68, approximately 7 miles northeast of Bowling Green, Ky., over U.S. Highway 68 to its junction with Kentucky Highway 101, thence over Kentucky Highway 101 to Smiths Grove, Ky. and return over the same route, serving all intermediate points; (3) between Cave City, Ky., and Mammoth Cave National Park; (a) from Cave City, Ky., over Kentucky Highway 70 to the entrance to Mammoth Cave National Park, thence over park roads to facilities of Mammoth Cave National Park and return over the same route, serving all intermediate points; and (b) from Park City, Ky., over Kentucky Highway 255 to Mammoth Cave National Park and return over the same route, serving all intermediate points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Bowling Green, Ky.

No. MC 100623 (Sub-No. 32), filed January 24, 1972. Applicant: HOURLY MESSENGERS, INC., a corporation, doing business as H. M. PACKAGE DELIVERY SERVICE, 20th and Indiana Avenue, Philadelphia, PA 19132. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers and distributors of *greeting cards, party supplies, and related commodities*, from Philadelphia, Pa., to points in Maryland; Virginia; the counties of Berks, Bucks, Carbon, Chester, Delaware, Dauphin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Schuylkill, and York, Pa.; the counties of Atlantic, Ocean, Cape May, Burlington, Camden, Cumberland, Gloucester, Hunterdon, Mercer, Salem, and Warren, N.J.; the county of New Castle, Del.; and points in the District of Columbia. Restriction: The service sought herein is subject to the following conditions: (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; (b) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one day; and (c) service is limited to shipments which have a prior movement from out of State by motor common carrier. NOTE: Applicant now holds contract carrier authority in its No. MC 102799, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 106398 (Sub-No. 585), filed January 28, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements and *buildings*, in sections, mounted on wheeled undercarriages, from Noble County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 106398 (Sub-No. 586), filed January 28, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Christian County, Ky., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 106920 (Sub-No. 42) (Correction), filed January 4, 1972, published in the FEDERAL REGISTER issue of February 3, 1972, and republished in part, as corrected this issue. Applicant: RIGGS FOOD EXPRESS, INC., Post Office Box 26, West Monroe Street, New Bremen, OH 48569. Applicant's representative: Carroll V. Lewis, 122 East North Street, Sidney, OH 45365. NOTE: The sole purpose of this partial republication is to reflect applicant's correct name as Riggs Food Express, Inc., in lieu of Riggs Road Express, Inc., shown in error in previous publication. The rest of the application remains the same.

No. MC 107496 (Sub-No. 837), filed January 31, 1972. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, Post Office Box 855, Des Moines, IA 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk, in tank vehicles, from Winona, Minn., to points in Minnesota, Wisconsin, and Iowa; (2) *flour*, from Hastings and Minneapolis, Minn., to Fargo, Grand Forks, and Bismark, N. Dak.; (3) *anhydrous ammonia*, in bulk, in tank vehicles, from facilities of Gulf Pipeline Co., at or near Algona and Iowa Falls, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming; (4) *feed and feed ingredients*, in bulk, between points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming; (5) *cotton seed oil*, in bulk, from Denver, Colo., to Gallup, N. Mex.; (6) *silica sand and silica flour*, from points in Washington County, Minn., to points in Montana, Nebraska, North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan; (7) *tallow*, in bulk, from Minneapolis-St. Paul, Minn., to points in North Dakota; and (8) *liquid synthetic resin*, in bulk, in tank vehicles, from Minneapolis, Minn., to Lenoir, N.C. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108382 (Sub-No. 14), filed January 3, 1972. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Post Office Box 357, Bay City, MI 48706. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Applicant holds authority in No. MC 108382 (Sub-No. 6), containing the following restriction: "Restriction: The authority granted herein is restricted against the transportation of shipments of steel or steel products moving between the United States-Canada boundary line at Sault Ste. Marie, Mich., on the one hand, and, on the other, points in Michigan." By the instant application it seeks to remove the said restriction so as to enable transportation of shipments of steel or steel products moving between the United States-Canada boundary line at Sault Ste. Marie, Mich., on the one hand, and, on the other, points in Michigan it is authorized to serve. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108676 (Sub-No. 39) (Amendment), filed April 6, 1971, published in the FEDERAL REGISTER issue of April 29, 1971, and republished as amended this issue. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, TN 37917. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, and materials, parts and accessories*, used in air, water, and sewage systems and installations; (2) *asphalt making machinery, storage systems, storage silos, surge systems, control centers, heaters and equipment, parts, materials, and supplies* used in the construction and installation thereof; and (3) *fabricated steel tanks, dye machines, steamers, incinerators, furnaces, and parts and accessories* used in the installation thereof, from points in Anderson, Knox, Bradley, and Hamilton Counties, Tenn., to points in the United States (except Hawaii). Restriction: Restricted against the handling of commodities in bulk and restricted to traffic originating at and destined to the named origins and destinations. The purpose of this republication is to redescribe the scope of authority sought. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn.

No. MC 109136 (Sub-No. 39), filed January 31, 1972. Applicant: ORIOLE CHEMICAL CARRIERS, INC., Heaver Plaza, 1301 York Road, Lutherville, MD 21093. Applicant's representative: Maxwell A. Howell, 1120 Investment Building, 1511 G Street NW., Washington, DC. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicates and soda ash*, from Edgewater, Jersey City, and Kearny, N.J., to points in Connecticut, Delaware, New Jersey, those in that part of New York on, east, south, and west of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 34 to Waverly, N.Y., thence along New York Highway 17 to Binghamton, N.Y., thence along New York Highway 7 to and including Troy, N.Y., thence along U.S. Highway 4 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction U.S. Highway 6, thence along U.S. Highway 6 to New York-Connecticut State line, and those in that part of Pennsylvania on and east of U.S. Highway 220. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Diamond Shamrock Chemical Co., a division of Diamond Shamrock Corp. Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109891 (Sub-No. 21), filed January 21, 1972. Applicant: INFINGER TRANSPORTATION COMPANY, INC., 2811 Carner Avenue, Post Office Box 7398, Charleston Heights, SC 29405. Applicant's representative: Frank B. Hand, Jr., 740 15th Street NW., Union Trust, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk (except asphalt in bulk), from Birmingham, Ala., to points in Georgia and South Carolina. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 111045 (Sub-No. 89), filed January 28, 1972. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representative: J. Douglas Harris, Jr., 1110 Union Bank Building, Montgomery, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Escambia and Santa Rosa Counties, Fla., and Escambia County, Ala., to points in Alabama and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Washington, D.C.

No. MC 111729 (Sub-No. 336), filed January 20, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds, and advertising material* moving therewith, and *cardiac pacemakers and related accessories, instruction booklets, specification sheets, and identification charts;* (a) between New Orleans, La., on the one hand, and, on the other, points in Florida on and west of U.S. Highway 231, and points in Alabama and Mississippi; (b) between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas, having an immediately prior or subsequent movement by air; (c) between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Tennessee, and Mississippi, having an immediately prior or subsequent movement by air; (d) between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, having an immediately prior or subsequent movement by air; (e) between Birmingham, Ala., on the one hand, and, on the other, points in Alabama, having an immediately prior or subsequent movement by air; (f) between Jackson, Miss., on the one hand, and, on the other, points in Mississippi, having an immediately prior or subsequent movement by air; (g) between Mobile, Ala., on the one hand, and, on the other, points in Florida on and west of U.S. Highway 231, and points in Alabama and Mississippi, having an immediately prior or subsequent movement by air; and (2) *radiopharmaceuticals, radioactive; drugs, chemicals, sources, isotopes, related supplies and accessories and chemicals*, between Arlington Heights, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Missouri, Ohio, and Wisconsin. NOTE: Applicant states that a portion of the requested authority could be tacked with certain existing authorities, however, applicant does not at present have any intentions to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant now holds contract carrier authority under its No. MC 112750 and subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 111812 (Sub-No. 467), filed February 3, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsite of Pewter Pot Restaurants, Burlington, Mass., to points in New York, Pennsylvania, New Jersey, Delaware, West Virginia, Maryland, Ohio, Indiana, Kentucky, Tennessee, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois,

FEB 25 72 XUM

Kansas, and Nebraska. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked under Sub 276 at Fairmont, Minn.; Sub 368 at Chicago, Ill.; Sub 391 at Elk Grove Village, Ill., to States west of the Continental Divide. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 112713 (Sub-No. 140), filed January 20, 1972. Applicant: YELLOW FREIGHT SYSTEM, INC., 92d at State Line, Post Office Box 8462, Kansas City, MO 64114. Applicant's representative: John M. Records (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, automobiles, cotton, lumber, household goods as defined in Practices of Motor Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the junction of Interstate Highway 40 and Texas Highway 70 near Boydston, Tex., and Lubbock, Tex., from the junction of Interstate Highway 40 and Texas Highway 70 over Texas Highway 70 to junction with Texas Highway 256, thence over Texas Highway 256 to junction Texas Highway 207, thence over Texas Highway 207 to junction U.S. Highway 62, thence over U.S. Highway 62 to Lubbock, Tex., and return over the same route, serving no intermediate points, and serving the junction of Interstate Highway 40 and Texas Highway 70 for the purpose of joinder only, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Dallas, Tex.

No. MC 112796 (Sub-No. 6), filed January 13, 1972. Applicant: ELMER G. BRAKE, INC., 220 Wholesale Street, Clarksburg, WV 26301. Applicant's representative: John M. Friedman, Post Office Box 426, Hurrican, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass*, flat, not bent, under 220 united inches, in boxes or crates, from the plantsite of Guardian Industries Corp., Ash Township at or near Carleton, Mich., to Clarksburg, W. Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.; Pittsburgh, Pa., or Washington, D.C.

No. MC 113388 (Sub-No. 97), filed January 25, 1972. Applicant: LESTER C. NEWTON TRUCKING CO., a corporation, Post Office Box 618, Seaford, DE 19973. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), *drugs, rubber, and plastic articles*, from Altavista, Va., to points in Maryland, Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 230), filed January 31, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed urea, fertilizer, and fertilizer materials*, dry in bags, from Omaha and Nebraska City, Nebr., to points in South Dakota, Minnesota, Wisconsin, Iowa, Missouri, and Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 113410 (Sub-No. 73), filed January 21, 1972. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road oil and asphalts*, in bulk, in tank vehicles, from Minneapolis, St. Paul, Minn., and 10 miles thereof, to points in North Dakota, South Dakota, on and east of U.S. Highway 83; points in Iowa on and north of U.S. Highway 30; points in Wisconsin; (2) *sulfuric acid*, in bulk, in tank vehicles, from Charles City, Iowa, to points in Minnesota; (3) *propane and mixtures thereof*, in bulk, in tank vehicles, from Junction City, Wis., to points in Minnesota; and (4) *lubricating oil*, in bulk, in tank vehicles, from Minneapolis, and St. Paul, Minn., and 10 miles thereof, to points in North Dakota, South Dakota, on and east of U.S. Highway 83; points in Iowa on and north of U.S. Highway 30, and points in Wisconsin. NOTE: Applicant states tacking possibilities exist, but it does not contemplate tacking at the present and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 113434 (Sub-No. 50), filed January 27, 1972. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used in the manufacture, distribution, production, and sales of foodstuffs (except commodities in bulk), from points in Pennsylvania, Indiana, and Illinois, to Lawton, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 113434 (Sub-No. 51), filed January 27, 1972. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and cider stock*, in bulk, in tank vehicles, between Muscatine, Iowa, on the one hand, and, on the other, Bowling Green and Fremont, Ohio, and Pittsburgh, Pa. NOTE: Applicant states it is presently authorized to provide service between Muscatine, Iowa, and Pittsburgh, Pa., and Bowling Green and Fremont, Ohio, by using the gateway of Holland, Mich., and that this application is being filed to eliminate such gateway. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., Chicago, Ill., or Washington, D.C.

No. MC 115841 (Sub-No. 423), filed January 25, 1972. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 10327, Zip 35202, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), (2) *animal feeds and pet foods* (except in bulk), and (3) *agricultural commodities* the transportation of which is exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the commodities in (1) and (2) above, from the plantsite and/or warehouse facilities utilized by Holly Farms Poultry Industries, Inc., located at or near Wilkesboro, N.C., to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Iowa, Nebraska, Kansas, Missouri, Michigan, Wisconsin, and Ohio), restricted to traffic originating at the above-named plantsite(s) and warehouse facilities, and destined to the named-destination territory. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 116073 (Sub-No. 217), filed January 26, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings, complete or in sections, mounted on wheeled undercarriages*, from points in Park County, Mont., to points in the United States including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Helena, Mont.

No. MC 116073 (Sub-No. 219), filed January 28, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements and from points in Manatee, Dade, and Pinellas Counties, Fla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 116073 (Sub-No. 220), filed January 31, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from New Plymouth, Idaho, to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 116164 (Sub-No. 6), filed January 28, 1972. Applicant: ARROW TRANSPORTATION, a corporation, 1911 Northeast 58th Avenue, Des Moines, IA 50313. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, (1) from Adel, Des Moines, Fort Dodge, Kalo, Ottumwa, and Redfield, Iowa, to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) from Mason City, Iowa, to points in Indiana, Michigan, and North Dakota, all under continuing contracts with Can-Tex Division of Harsco Corp.; Kalo Brick & Tile Co.; and United Brick & Tile Co. NOTE: Applicant states that the requested authority duplicates authority in MC 116164 (Sub-No. 2) and that intent is to supersede the Sub-No. 2 permit to the extent it is duplicated. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 116273 (Sub-No. 151), filed January 21, 1972. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: Arnold Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from Chicago, Ill., to points in Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117147 (Sub-No. 6), filed January 31, 1972. Applicant: STARR'S TRANSPORTATION, INC., Upper Main Street, North Troy, VT 05859. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Material, equipment, and supplies* (except commodities in bulk), used or useful in the manufacture or distribution of lumber, forest products, and manufactured wood products, from points in New Hampshire, Maine, Massachusetts, Vermont, Connecticut, Pennsylvania, Michigan, Ohio, North Carolina, New Jersey, Maryland, Virginia, South Carolina, Kentucky, Rhode Island, New York, Delaware, West Virginia, Indiana, Illinois, Wisconsin, and the District of Columbia, to Hancock, Vt., under contract with Weyerhaeuser Co. of Chicago, Ill. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 117439 (Sub-No. 41), filed January 31, 1972. Applicant: BULK TRANSPORT, INC., U.S. Highway 190, Post Office Box 89, Port Allen, LA 70767. Applicant's representative: John Schwab, Post Office Box 3036, Baton Rouge, LA 70821. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield drilling mud*, in bulk, from New Orleans, La., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 117815 (Sub-No. 186), filed January 27, 1972. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Kalona, Iowa, to points in Minnesota, Wisconsin, Illinois, Indiana, Michigan, Kansas, Nebraska, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 117991 (Sub-No. 4), filed January 31, 1972. Applicant: ZAVITZ BROS. LIMITED, Rural Route No. 1, Wainfleet, ON, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* when mixed therewith, from Albany, N.Y., to the United States-Canada international boundary at the Niagara and St. Lawrence River Crossings in New York State. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 118159 (Sub-No. 119), filed January 27, 1972. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: Jack R. Anderson, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lubbock, Tex., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee (except Memphis), restricted to traffic originating at the plantsite and warehouse facilities of Texas Meat Packers, Inc. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.; Fort Worth, Tex., or New Orleans, La.

No. MC 118159 (Sub-No. 120), filed January 27, 1972. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office Box 10216, New Orleans, LA 70121. Applicant's representative: Jack R. Anderson, 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food and related pet items*, from the plantsite and warehouse facilities of Lipton Pet Foods, Inc., at or near Golden Meadow, Lockport, or New Orleans, La., to points in Alabama, Florida, Georgia, Michigan, North Carolina, Ohio, South Carolina, and Virginia, restricted to traffic originating at the plantsite and warehouse facilities of Lipton Pet Foods, Inc., at the above-named

V 37 38 FEB 25 72 XUM

origins. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Dallas, Tex., or Tulsa, Okla.

No. MC 118831 (Sub-No. 87), filed January 31, 1972. Applicant: CENTRAL TRANSPORT, INCORPORATED, Box 5044, High Point, NC 27262. Applicant's representative: Richard E. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl Terephthalate*, in bulk, from Gibbstown, N.J., to points in Lenoir County, N.C. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 119226 (Sub-No. 31), filed January 12, 1972. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Applicant's representative: Loser & Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils*, in bulk, in tank vehicles, from Bellevue, Ohio, to Louisville, Ky., and (2) *Dry sugar*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Kentucky, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119654 (Sub-No. 19), filed January 27, 1972. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Applicant's representative: Robert C. Smith, 711 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral wool, rock wool, slag, plain or saturated*, with or without binder, in bulk, in bags; *batts or blankets* with or without backing and/or covering, loose in packages; and, (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Alexandria, Ind., and points in Ohio, Indiana, Illinois, Michigan, Missouri, Kentucky, Tennessee, Wisconsin, Minnesota, North Dakota, South Dakota, Florida, Arkansas, Delaware, Georgia, Kansas, Louisiana, Maryland, Mississippi, New Jersey, New York, Iowa, South Carolina, North Carolina, Pennsylvania, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 123048 (Sub-No. 206), filed January 25, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (2) *agricultural implements and farm machinery*, (3) *attachments* for the commodities described in (1) and (2) above, (4) *parts of the commodities* described in (1), (2), and (3) above, (5) *cabs* for tractors and agricultural implements and farm machinery and (6) *castings*, from Charles City, Iowa, to ports of entry on the United States-Canada boundary line in Montana, North Dakota, Minnesota, New York, Michigan, Vermont, and Maine. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 123048 (Sub-No. 207), filed January 31, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, (2) *agricultural implements and farm machinery*, (3) *parts, attachments and accessories* for tractors, farm machinery and agricultural implements and (4) *equipment* designed for use with tractors, from Winneconne and Oshkosh, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 123392 (Sub-No. 34), filed January 28, 1972. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Amarillo, Tex. 79106. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. 79109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous hydrogen chloride* in bulk, from Deer Park, Tex., to San Diego and Los Angeles, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 123615 (Sub-No. 5), filed January 28, 1972. Applicant: TRANSPET, INC., 600 Fourth Street, Harrison, NJ 07029. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, animal bone, spent*, from Columbus, Ohio, to points in Essex and Hudson Counties, N.J.; (2) *soap, insecticides, and grooming aids for pets*, from Danville, Ill., to points in Essex and Hudson Counties, N.J.; and (3) *pet supplies, pet foods, pet tonics, pet insecticides, and pet accessories*, from Harrison and Bloomfield, N.J., to Monroe, Mich., under contract with Sternco Industries, Inc.; Hartz Mountain Products Corp.; Pet Need, Inc.; Allied-American Bird Co.; and Aquarium Supply Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J., or Washington, D.C.

No. MC 124111 (Sub-No. 40), filed January 27, 1972. Applicant: OHIO EASTERN EXPRESS, INC., Post Office Box 2297, 300 West Perkins Avenue, Sandusky, OH 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Act when transported in mixed loads with bananas, from Charleston, S.C., and its commercial zone, to points in New York, New Jersey, Illinois, Indiana, Michigan, Ohio, Pennsylvania, West Virginia, Maryland, Wisconsin, Louisville, Ky., and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y., or Washington, D.C.

No. MC 124775 (Sub-No. 7), filed January 28, 1972. Applicant: HRIBAR TRUCKING, INC., Route 1, Box 82, Caledonia, WI 53108. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk; (1) from La Crosse, Wis., to points in Minnesota; and (2) from Minneapolis and St. Paul, Minn., to points in Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126305 (Sub-No. 39), filed January 25, 1972. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Rural Delivery 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm and industrial equipment, materials, and supplies* used in connection therewith, from points in Virginia east of U.S. Highway 258 and the Chesapeake Bay, points in North Carolina east of U.S. Highway 301 and north of U.S. Highway 264, to points in Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va., or Washington, D.C.

No. MC 126780 (Sub-No. 7), filed January 31, 1972. Applicant: MACK E. BURGESS, doing business as BUILDERS' TRANSPORT, 409 14th Street SW., Post Office Box 2805, Great Falls, MT 59403. Applicant's representative: Howard C. Burton, 502 Strain Building, Post Office Box 2265, Great Falls, MT 59403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum wallboard, and gypsum products and materials and supplies* used in the manufacture, distribution, and installation thereof, from the plantsite of Georgia-Pacific Corp. located at or near Lovell, Wyo., to points in South Dakota and North Dakota, under contract with Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR 97204. NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls or Billings, Mont.

No. MC 127505 (Sub-No. 50), filed January 26, 1972. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route No. 2, Mendota, Ill. 61342. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic foam articles, liquid plastic, and wallboard* (restricted against the transportation of commodities in bulk and those which because of size or weight require special equipment or handling), from Bloomington, Ill., to points in Alabama, Colorado, Florida, Georgia, Idaho, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Carolina, South Dakota, Utah, Washington, Wyoming, and the Kansas City, Mo., commercial zone; and (2) *household appliances*, in containers, from Louisville, Ky., to points in Madison and St. Clair Counties, Ill., Iowa, and St. Louis County, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Toledo, Ohio.

No. MC 129282 (Sub-No. 12) (Correction), filed November 18, 1971, published in the FEDERAL REGISTER, issue of February 10, 1972, and republished as corrected this issue. Applicant: BERRY TRANSPORTATION, INC., Post Office Box 1824, Longview, TX 75601. Applicant's representative: Fred S. Berry (same address as applicant). NOTE: The purpose of this republication is to show the correct docket number assigned thereto as shown above, in lieu of 129236 (Sub-No. 1) which was in error. The rest of the notice remains as previously published.

No. MC 129459 (Sub-No. 9), filed January 26, 1972. Applicant: KEARNEY'S TRUCKING SERVICE, INC., U.S. Alternate Route 611, Portland, Pa. 18331. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk from Elizabeth, N.J., to points in New York, New Jersey, Pennsylvania, Maryland, Delaware, Connecticut, Massachusetts, and Rhode Island, under contract with Diamond Crystal Salt Co. NOTE: Applicant also holds common carrier authority under MC 134616, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129531 (Sub-No. 2), filed January 24, 1972. Applicant: CROWN PRINCE TRANSPORTATION COMPANY, INC., 2800 East Eighth Street, Post Office Box 550, North Platte, NE 69101. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except commodities in bulk), between the plantsites or facilities utilized by Allied Mills, Inc., at or near Decatur, Guntersville, and Troy, Ala.; Danville, Ark.; Gainesville, Ga.; Bartonville, Bushnell, East St. Louis, Mendota, and Taylorville, Ill.; Castleton and Fort Wayne, Ind.; Iowa City, Mason City, and Postville, Iowa; Elwood and Junction City, Kans.; Franklinton, La.; Laurel, Miss.; Worthington, Minn.; Cozad, Darr, North Platte, and Omaha, Nebr.; Arcanum and Sebring, Ohio; Everson and Lancaster, Pa.; Alexander, Buffalo, and Sangerfield, N.Y.; Asheville and Selma, N.C.; Memphis, Tenn.; Cuero, Fort Worth, and Sherman, Tex.; Portsmouth, Va.; and Janesville, Wis. Restriction: Restricted to performance of service under a continuing contract or contracts with Allied Mills, Inc., and its subsidiaries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134414 (Sub-No. 4), filed January 19, 1972. Applicant: FRANCIS MOONEY TRUCKING, INC., Post Office Box 441, Dillon, MT 59725. Applicant's representative: J. F. Meglen, Post Office Box 1518, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *such commodities* as are otherwise exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipment with bananas, from points in Los Angeles County, Calif., and King County, Wash., to Billings, Butte, Great Falls, Havre, and Miles City, Mont.; and Casper, Wyo. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and, therefore, does not identify the points and territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 134922 (Sub-No. 23), filed January 26, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: George Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trasporting: *Toilet preparations and toilet articles* in vehicles equipped with mechanical refrigeration, from Elizabethton, Tenn., to Dallas, Fort Worth, Houston, San Antonio, and El Paso, Tex.; Tulsa and Oklahoma City, Okla.; Kansas City, Mo.; Denver, Colo.; Salt Lake City, Utah; Reno and Las Vegas, Nev.; Phoenix and Tucson, Ariz.; Los Angeles and San Francisco, Calif.; Pocatello and Boise, Idaho; Billings, Great Falls, and Butte, Mont.; Spokane, Seattle, and Yakima, Wash.; Portland, Oreg.; and points in the commercial zones of the above-named points as defined by the Commission, restricted to traffic originating at Elizabethton, Tenn., and destined to the above-named points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Detroit, Mich.

No. MC 135007 (Sub-No. 13), filed January 27, 1972. Applicant: AMERICAN TRANSPORT, INC., Post Office Box 37406, Millard, NE 68137. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding and materials and supplies* used in the installation thereof, from Derby and Shelton, Conn., to points in Iowa, Missouri, Arkansas, Louisiana, Nebraska, Kansas, Oklahoma, Texas, Wyoming, Colorado, New Mexico, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Utah, and South Dakota, under contract with William Volker & Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Burlingame, Calif.

No. MC 135153 (Sub-No. 14), filed January 31, 1972. Applicant: GREAT OVERLAND, INC., Stead Facility, Reno, Nev. 89506. Applicant's representative: Harley E. Laughlin, Post Office Box 10950, Reno, NV 89510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meatpackinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except

VOL 37 NO 38 FEB 25 72 XUM

hides and commodities in bulk), from the plantsites and storage facilities of Iowa Beef Processors, Inc., at or near Emporia, Kans., to points in New Jersey and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 135153 (Sub-No. 15), filed February 1, 1972. Applicant: GREAT OVERLAND, INC., Stead Facility, Reno, Nev. 89506. Applicant's representative: Harley E. Laughlin, Post Office Box 10950, Reno, NV 89510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as defined by the Commission (except commodities in bulk and hides), from points in Dawson County, Nebr., to points in Illinois, Connecticut, Massachusetts, New York, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Missouri, Pennsylvania, Ohio, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 135153 (Sub-No. 16), filed February 1, 1972. Applicant: GREAT OVERLAND, INC., Stead Facility, Reno, Nev. 89506. Applicant's representative: Harley E. Laughlin, Post Office Box 10950, Reno, NV 89510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined by the Commission, from the plantsite and storage facilities used by National Beef Packing Co. at or near Liberal, Kans., to points in Massachusetts, Connecticut, Vermont, New Hampshire, Maine, New York, Rhode Island, Pennsylvania, New Jersey, and Maryland. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 135684 (Sub-No. 3), filed January 31, 1972. Applicant: BASS TRANSPORTATION CO., INC., Post Office Box 391, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, restricted against the transportation of commodities in bulk, in tank vehicles; limited to a transportation service to be performed with Needham Packing Co., Inc., Sioux City, Iowa, from the plant and warehouse facilities of Needham Packing Co., Inc., located at West Fargo, N. Dak.; Fargo, N. Dak.; Sioux City, Iowa; and Omaha, Nebr., to points in Georgia and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 87720 Sub 2 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135759 (Sub-No. 1) (Clarification) filed September 8, 1971, published FEDERAL REGISTER, issues of October 15, 1971, and January 20, 1972 and republished as Clarified this issue. Applicant: K & C TRANSPORTATION, INC., Ninth Floor, Loyalty Building, Portland, Oreg. 97204. Applicant's representative: Carol Hewitt (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Books and periodicals, and library carts*, between Blackwood, N.J., on the one hand, and on the other, points in Kings, Nassau, New York, Bronx, Queens, Richmond, Rockland, and Suffolk Counties, N.Y.; Luzerne, Delaware, Philadelphia, and Lehigh Counties, Pa.; Suffolk and Middlesex Counties, Mass.; Burlington, Mercer, Middlesex, Somerset, Hudson, Essex, Passaic, Bergen, and Morris Counties, N.J.; Baltimore, Carroll, Anne Arundel, and Clarke Counties, Md.; New Haven County, Conn.; and in Delaware; and (2) *books, periodicals, and library carts*, between Blackwood, N.J.; Marion, Ohio; Zion, Ill.; Denver, Colo.; and Beaverton, Oreg.; under contract with Richard Abel & Co., Inc. NOTE: The purpose of this republication is to correctly set forth the authority requested in this application. The publication of January 20, 1972, was in error. The authority requested is as shown above. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136119 (Sub-No. 1), filed January 20, 1972. Applicant: D H S, INC., Citizen's State Bank Building, Parsons, Tenn. 38363. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigeration and freezer equipment, and parts components, attachments, and accessories therefor*, from the plant and warehouse sites of Kolpak Industries, Inc., at or near Decaturville and Flat Woods, Tenn., to points in the United States (except Alaska and Hawaii); and, (2) *urethane modular panels, and apparatus, accessories, moldings, trim, and other materials* used in installation, erection, or other application therefor, from the plant and warehouse sites of the Dalton Co. located in Perry and Decatur Counties, Tenn., to points in the United States (except Alaska and Hawaii); and (3) *materials, components, supplies, parts, attachments, and accessories*, used in the manufacture, erection, installation, shipments and testing of refrigeration and freezer equipment and of urethane modular panels and parts, components, attachments and accessories therefor, from points in the United States (except Alaska and Hawaii) to the named plantsites in (1) and (2) above. The proposed service would be performed pursuant to continuing contracts between applicant and (1) Kolpak Industries, Inc.; and (2) Dalton Co. If a hearing is deemed necessary, applicant did not specify.

No. MC 136196 (Sub-No. 1), filed January 21, 1972. Applicant: T. E. QUINN TRUCK LINES LIMITED, Post Office Box 401, Niagara Falls, ON Canada. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany N.Y., to ports of entry on the international boundary line between the United States and Canada located in New York. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136221 (Sub-No. 2), filed January 10, 1972. Applicant: H. L. STANSELL, INC., 1015 Illinois Avenue, Palm Harbor, FL 33563. Applicant's representative: David C. Venable, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Composition floor covering and adhesives*, from Brooklyn, N.Y., and South Plainfield, N.J., to points in Charlotte, Citrus, Collier, De Soto, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Lake, Lee, Manatee, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., restricted to service provided under a continuing contract with Crest Flooring Distributor, Inc., of Tampa, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 136234 (Sub-No. 1), filed January 28, 1972. Applicant: BURKHART ENTERPRISES, INC., Post Office Box 6131, Route 8, Asbury Road, Knoxville, TN 37914. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ores and concentrates and agricultural lime and limestone* having subsqeuent movement by river barge or vessel, from New Market, Mascot, and Jefferson City, Tenn., to barge loading dock on French Broad River, Knoxville, Tenn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 136293 (Sub-No. 2), filed January 20, 1972. Applicant: LOUIE SENSKE AND JIM SENSKE, a partnership, doing business as SENSKE & SON TRANSFER, 117 Fourth Avenue North, Crookston, MN 56716. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and malt beverage containers and cartons, bottle and can openers, advertising matter and brewery products*, when moving therewith, from St. Louis, Mo., to Crookston, Minn., and *empty containers and cartons, advertising matter, spoiled malt beverages, and pallets*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 136357, filed January 11, 1972. Applicant: BEST TRANSPORTATION CORPORATION, South Washington Avenue at River Street, Scranton, PA 18505. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter*, from the facilities of the Haddon Craftsmen, Inc., in Lackawanna County, Pa., to Bayonne, Belleville, Bloomfield, Cherry Hill, Clifton, Cranbury, Old Tappan, Paramus, Pine Brook, Rahway, Somerville, Totowa, Wayne, Weehawken, West Caldwell, and Westwood, N.J.; New York, N.Y.; and Westminster, Md.; and (2) *materials and supplies* used or useful in the manufacture or distribution of printed matter, from points in New York, New Jersey, and Maryland, to the facilities of the Haddon Craftsmen, Inc., in Lackawanna County, Pa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136360, filed January 10, 1972. Applicant: HIGHWAY MESSENGER & DELIVERY SERVICE, INC., 4 San Road, Warren, NJ 07060. Applicant's representative: Edwin D. Kunzman, 9 Watchung Avenue, Union Building, Plainfield, NJ 07060. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General merchandise, small appliances and housewares*, between East Brunswick, N.J., and Hicksville, Long Island, N.Y., under contract with Supermarkets General Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC. 136372 (Sub-No. 2) filed January 28, 1972. Applicant: WILLIAM WALSH AND WILLIAM ANSON, a partnership, doing business as B & B TRUCK LEASING & STORAGE CO., 190 16th Avenue, Paterson, NJ 07501. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, from Paterson, N.J., to New York, N.Y., under contract with Coral Dyeing & Finishing, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 136377, filed January 27, 1972. Applicant: DYNE & LENIHAN TRUCKING, INC., Route 17, Ramsey, N.J. 07446. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brake shoes and rough iron castings*, in dump vehicles, from Baltimore, Md., to New York, N.Y.; and (2) *scrap brake shoes*, in dump vehicles, from New York, N.Y., to Baltimore, Md., under contract with Abex Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136378, filed January 24, 1972. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, AL 36801. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt liquors, beer and advertising materials* shipped therewith, from St. Louis, Mo.; Miami, Jacksonville, and Tampa, Fla.; to points in Barbour, Lee, and Russell Counties, Ala.; and (2) *returned bottles and returned pallets*, from points in Barbour, Lee, and Russell Counties, Ala., to St. Louis, Mo.; Miami, Jacksonville, and Tampa, Fla.; under contract with R & L Budweiser Distributing Co., Inc.; R & L Budweiser Distributing Co., Eufaula, Inc., and R & L Budweiser—Phenix City, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala., or Atlanta, Ga.

No. MC 136379, filed January 26, 1972. Applicant: JAY WATERS, 1529 North Broadway, Everett, WA 98201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shake and shingles*, from points in Snohomish, Whatcom, and Skagit Counties, Wash., to points in California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Everett or Seattle, Wash.

No. MC 136380, filed January 19, 1972. Applicant: SOUTHERN CARTAGE, INC., Post Office Box 3117, 401 Jackson Avenue West, Knoxville, TN 37917. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Hawkins, Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn., restricted to the transportation of traffic having a prior or subsequent movement by air, freight forwarder, or rail. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Knoxville or Kingsport, Tenn.

No. MC 136384, filed January 31, 1972. Applicant: PALMER MOTOR EXPRESS, INC., Post Office Box 103, Savannah, GA 31402. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods) as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment; (1) from Metter, Ga., to Statesboro, Ga., over Georgia State Highway 46 via Register, Ga., thence to the junction of Georgia Highway 46 with U.S. Highway Nos. 25 and 301, approximately 1 mile southeast of Register, Ga., thence northeastward over U.S. Highways 25 and 301 to Statesboro, Ga., and return over the same route, serving all intermediate points; (2) from Statesboro, Ga., to Savannah, Ga., over U.S. Highway No. 80 (Georgia State Highway No. 26), and return over the same route serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 136385, filed February 1, 1972. Applicant: HALL TRUCK LINES, INC., 517 West Ordnance Road, Ankeny, IA 50021. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Tama, Iowa, to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin), restricted to traffic originating at Tama, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 136386, filed January 26, 1972. Applicant: GO LINES, INC., 13920 Mount McClellan Street, Reno, NV 89506. Applicant's representative: LeRoy H. Batson, 13920 Mount McClellan Street, Reno, NV 89506. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by wholesale and retail import business houses; (1) from Glassboro, N.J.; Houston, Tex.; Fort Worth, Tex.; Anaheim, Calif.; and Rochelle Park, N.J.; to points in the United States (except Hawaii); and (2) from points in Nevada to points in the United States (except Hawaii). NOTE: Applicant intends to tack paragraphs (1) and (2) for purposes of providing a storage in transit service at points in Nevada. If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

No. MC 136386 (Sub-No. 1), filed January 31, 1972. Applicant: GO LINES INC., 13920 Mount McClellan Street, Reno, NV 89506. Applicant's representative: LeRoy H. Batson (same address as applicant). Authority sought to operate

FEB 25 72 XUM

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, accessories, attachments, and parts therefor*, from points in Washoe County, Nev., to points in the United States including Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Carson City, Nev.

MOTOR CARRIERS OF PASSENGERS

No. MC 2890 (Sub-No. 44), filed February 4, 1972. Applicant: AMERICAN BUSLINES, INC., 315 Continental Avenue, Dallas, TX 75207. Applicant's representative: D. Paul Stafford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Columbiana, Franklin, Muskingham, Guernsey, Harrison, Jefferson, Licking, Portage, and Summit Counties, Ohio, and extending to points in the United States (including Alaska, but excluding Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., and Pittsburgh, Pa.

No. MC 106531 (Sub-No. 14), filed January 31, 1972. Applicant: BLUE BIRD COACH LINES, INC., 502-504 North Barry Street, Olean, NY 14760. Applicant's representative: Ronald W. Malin, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Erie County, Pa., and extending to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Erie, Pa.

No. MC 134243 (Sub-No. 2), filed January 27, 1972. Applicant: MOORE BROS. TRANSPORTATION CO., INC., 740 West Broad Street, High Point, NC 27260. Applicant's representative: D. P. Whitley, Jr., Post Office Box 569, High Point, NC 27261. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in round trip charter operations beginning in points in Rowan, Davidson, Guilford, and Alamance Counties, N.C., and extending to points in Florida, Alabama, Louisiana, Mississippi, Tennessee, Kentucky, Arkansas, Texas, New Mexico, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, New Hampshire, Rhode Island, Maine, Vermont, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Greensboro or High Point, N.C.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12830 (Sub-No. 2), filed January 28, 1972. Applicant: CANTON AUTOMOBILE CLUB, INC., doing business as CANTON AUTOMOBILE CLUB, 2722 Fulton Drive NW., Canton, OH 44711. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Suite 1660, Columbus, OH 43215. For a license (BMC-5) to engage in operations as a *broker*, at Canton and Wooster, Ohio, in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Summit and Wayne Counties, Ohio, and extending to points in the United States, including Alaska but excluding Hawaii.

APPLICATIONS FOR POSTAL CERTIFICATES

Interstate Commerce Commission, No. MC-137000 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed June 21, 1971. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 410 North 10th Street, Post Office Box 212, Billings, MT 59103. Applicant's representative: Dale Berry, Post Office Box 212, Billings, MT 59103. By application filed June 21, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Billings and Butte, Mont.; (1) over Interstate Highway 90 (also over U.S. Highway 10), serving the intermediate points of Livingston and Bozeman, Mont.; and (2) from Billings over U.S. Highway 87 to Great Falls, Mont., thence over Interstate Highway 15 (also over U.S. Highway 91) to Butte, and return over the same route, serving the intermediate points of Livingston, Great Falls, and Helena, Mont. Appended to the application are copies of two postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Routes Nos. 59013 and 59093 relating to service between Billings and Butte. Applicant holds motor carrier authority in Nos. MC-129264 and MC-129350. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

Interstate Commerce Commission, No. MC-137001 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed June 23, 1971. Applicant: MAIL SERVICE, INC., 6801 South 13th Street, Milwaukee, WI 53221. Applicant's representative: Leonard J. Lewensohn (same address as applicant). By application filed June 23, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between points in Milwaukee County, Wis., on the one hand, and, on the other, points in Cook County, Ill., over irregular routes. Appended to the application is a document referring a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 53025 relating to service from Milwaukee, Wis., to Chicago, Ill. Applicant is a wholly owned affiliate of Checker Express Co., No. MC-68960. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137002 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed July 6, 1971. Applicant: WILLIAM DORRIS JOHNSTON, doing business as W. D. Johnston, 1512 Baurline, Post Office Box 2145, Fort Worth, TX 76101. Applicant's representative: G. A. Braswell, 512 Candlewood Road, Fort Worth, TX 76103. By application filed July 6, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Fort Worth and Amarillo, Tex., from Fort Worth over the Dallas-Fort Worth Turnpike (also over Texas Highway 183) to Dallas, thence over Texas Highway 114 through Roanoke, Tex., to junction U.S. Highway 287, thence over U.S. Highway 287 to Amarillo, Tex., and return over the same route, serving the intermediate points of Irving, Dallas, Wichita Falls, Vernon, Quanah, Childress, and Memphis, Tex. Appended to the application is a copy of a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 75212 (formerly Route No. 48790) relating to service between (a) Dallas Truck Facility—Amarillo/Childress, and (b) Fort Worth Truck Facility—Amarillo/Wichita Falls. Any interested person desiring to participate may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137003 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed July 26, 1971. Applicant: TRANSPORT SALES, INC., a Connecticut corporation, Post Office Box 256, 59 Pepperidgetree Road, Watertown, CT 06795. By application filed July 26, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between points in Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. Appended to the application is a copy of a postal contract entity subcontracted to applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 02011 relating to service between the termini of Boston, Mass., and

North Jersey T.T. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

Interstate Commerce Commission, No. 137004 (notice of filing an application for a postal certificate of public convenience and necessity), filed August 5, 1971. Applicant: MR. MESSENGER, INC., a Rhode Island corporation, 10 Messenger Drive, Warwick, R.I. 02888. Applicant's representative: Frank E. Lanza, 15 North Pearson Drive, Warwick, RI 02888. By application filed August 5, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Providence and Foster, R.I., over U.S. Highway 6. Appended to the application is a copy of a postal contract issued to Plantations Enterprises, Inc., having the same address as applicant, which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 02832 relating to service in or between Providence and Foster, R.I. The relationship of Plantations Enterprises, Inc., to applicant is not shown. Applicant holds motor carrier authority in No. MC-117243. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137005 (notice of filing an application for a postal certificate of public convenience and necessity), filed August 9, 1971. Applicant: JOHN J. BARRY, 62 Pleasant Street, Paxton, MA 01612. Applicant's representative: Arthur A. Wentzell, Post Office Box 764, Worcester, MA 01613. By application filed August 9, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Worcester, Mass., and Willimantic, Conn., from Worcester over Massachusetts Highway 12 to junction Connecticut Highway 52, thence over Connecticut Highway 52 to junction U.S. Highway 6, thence over U.S. Highway 6 to Willimantic, and return over the same routes; (a) serving the intermediate and off-route points of Auburn and Webster, Mass., in connection with service from Worcester to Willimantic; and (b) serving the intermediate and off-route points of Brooklyn, Danielson, Putnam, North Grosvenordale, Conn., and Webster, Oxford, and North Oxford, Mass., in connection with service from Willimantic to Worcester. Appended to the application is a copy of a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date, covering Star Route No. 01537 relating to service in or between Worcester, Mass., and Willimantic, Conn. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137006 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed August 12, 1971. Applicant: JOHN E. COWLES, 385 Bledon Road, Hamden, CT 06514. By application filed August 12, 1971, applicant seeks a Postal Certificate of public convenience and necessity to transport *Mail* in the following territory: (1) Between New Haven, Conn., and New York, N.Y., from New Haven over Interstate Highway 95 (also over U.S. Highway 1) to New York, N.Y., serving all intermediate points; and (2) serving points in New Haven, Hartford, and Fairfield Counties, Conn. Appended to the application are copies of four postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 6419 relating to service in or between New Haven, Conn., terminal, and A.M.F. Kennedy, N.Y.; Route No. 06446 relating to service in or between New Haven, Conn., and North Branford, Conn.; Route No. 06448 relating to service in or between New Haven, Conn. (Terminal), and Marion, Conn.; and Route No. 06596 relating to service in or between New Haven, Conn., Terminal, and Westport, Conn. Although the application states that applicant is doing business as J&B Leasing, the indicated postal contracts apparently are issued only in the name of applicant as an individual. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137008 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 7, 1971. Applicant: LAKE ERIE TRANSPORTATION CO., INC., 1751 Fuhrmann Boulevard, Post Office Box 1945, Buffalo, NY 14219. Applicant's representative: John A. Bauer, Post Office Box 83, Hamburg, NY 14075. By application filed September 7, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Buffalo, N.Y., and Boston, Mass., over Interstate Highway 90, serving the intermediate and off-route points of Rochester, Syracuse, Utica, and Albany, N.Y., and Lee and Springfield, Mass. Appended to the application is a copy of a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route 02029 relating to service between Boston and Buffalo. Applicant also seeks authority covering unspecified experimental and temporary routes serving Washington, D.C., and Cincinnati, Ohio, as well as unspecified experimental routes in case of rail strikes or work stoppages. Applicant is affiliated with Letco Bulk Carriers, Inc. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC-137007 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 1, 1971. Applicant: JENNINGS O. KNOTTS, 502 Sumner Street, Fostoria, OH 44830. By application filed September 1, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: (1) Between Marion and Mansfield, Ohio, from Marion over U.S. Highway 30S to junction U.S. Highway 30, thence over U.S. Highway 30 to Mansfield, and return over the same routes; (2) between Fostoria and Mansfield, Ohio, from Fostoria over Ohio Highway 18 to junction Ohio Highway 100, thence over Ohio Highway 100 to Bucyrus, Ohio, thence over U.S. Highway 30N to Mansfield, and return over the same routes, serving the intermediate points of Tiffin, Bucyrus, and Crestline, Ohio, and the off-route points of North Robinson and Galion, Ohio; (3) from Mansfield, Ohio, in a circular route, to Mansfield, Ohio: From Mansfield over U.S. Highway 30N to Crestline, Ohio, thence over Ohio Highway 61 to Shelby, Ohio, and thence over Ohio Highway 39 to Mansfield. Appended to the application are copies of three postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 43391 relating to service from Marion, Ohio, WTS, to Mansfield, Ohio, Annex.; Route No. 44833 relating to service between Mansfield and Fostoria, Ohio; and Route No. 44637 relating to service from Shelby to Mansfield, Ohio. Although applicant indicates that his trade name is J & E Trucking Co., the three contracts are issued in his individual name only. Any interested person desiring to oppose the application file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

Interstate Commerce Commission, No. MC-137009 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 15, 1971. Applicant: JOHN HEYWOOD THOMPSON, JR., AND JOHN HEYWOOD THOMPSON III, a partnership, 108 Clearview Drive, Atlanta, TX 75551. Applicant's representative: Gerald A. Braswell, 512 Candlewood Road, Fort Worth, TX 76103. By application filed September 15, 1971, applicant

FEB 25 72

seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Dallas and El Paso, Tex., from Dallas over the Fort Worth-Dallas Turnpike to Fort Worth, thence over U.S. Highway 80 to junction Interstate Highway 20, thence over Interstate Highway 20 (also over U.S. Highway 80 or Interstate Highway 10) to El Paso, and return over the same routes, serving the intermediate points of Fort Worth, Abilene, Midland, Odessa, Pecos, and Van Horn, Tex. Appended to the application is a copy of a postal contract held by applicants which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 15218 relating to service in or between Dallas and El Paso, Tex. Applicants state that each partner operates or has an interest in other postal contracts as to which additional applications are being prepared.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

Interstate Commerce Commission, No. MC–137010 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed September 28, 1971. Applicant: LOUIS CLAIBOURNE HUNT, 1616 Kent Street, Durham, NC 27707. By application filed September 28, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: Between Durham, N.C., and the Raleigh-Durham Airport, also serving the Research Triangle Post Office at Durham. Appended to the application is a postal contract held by applicant which was in effect on July 1, 1971, the critical "grandfather" date: Route No. 277BD relating to service from Durham, N.C., to the Raleigh-Durham Airport. Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of the publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant.

Interstate Commerce Commission, No. MC–137011 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed December 6, 1971. Applicant: NORTH STAR LINE, INC., a Michigan corporation, 341 Ellsworth Avenue SW., Grand Rapids, MI 49502. Applicant's representative: William W. Post (same address as applicant). By application filed December 6, 1971, applicant seeks a postal certificate of public convenience and necessity to transport *Mail* in the following territory: (1) Between Fort Wayne, Ind., and Sault Ste. Marie, Mich., from Fort Wayne over Interstate Highway 69 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction Interstate Highway 194, thence over Interstate Highway 194 to Battle Creek, Mich., thence over Michigan Highway 37 to Grand Rapids, Mich., thence over U.S. Highway 131 to Petoskey, Mich., thence over U.S. Highway 31 to Mackinaw City, Mich., thence over Interstate Highway 75 to Sault Ste. Marie, Mich., and return over the same route, serving all intermediate points; (2) between Lansing, Mich., and Petoskey, Mich., from Lansing over U.S. Highway 27 to Clare, Mich., thence over Michigan Highway 115 to junction Michigan Highway 37, thence over Michigan Highway 37 to Traverse City, Mich., thence over U.S. Highway 31 to Petoskey, Mich., and return over the same route, serving all intermediate points;

(3) Between Holland, Mich., and Traverse City, Mich., over U.S. Highway 31, serving all intermediate points and the off-route points of Ludington and Frankfort, Mich; (4) between Grand Rapids, Mich., and Lansing, Mich., from Grand Rapids over Michigan Highway 21 to Ionia, Mich., thence over Michigan Highway 66 to junction Interstate Highway 96, thence over Interstate Highway 96 to Lansing, Mich., and return over the same route, serving all intermediate points; (5) between Flint, Mich., and Ann Arbor, Mich., from Flint over U.S. Highway 23 to junction Michigan Highway 78, thence over Michigan Highway 78 to Flint, Mich., and return over the same routes, serving all intermediate points and the off-route points of Brighton and Fenton, Mich.; (6) between Lansing, Mich., and Toledo, Ohio, from Lansing over U.S. Highway 127 to Jackson, Mich., thence over Michigan Highways 50 and 52 to Adrian, Mich., thence over U.S. Highway 223 to Toledo, Ohio, and return over the same route, serving all intermediate points;

(7) Between Jackson, Mich., and Detroit, Mich., from Jackson over Interstate Highway 94 to Ann Arbor, thence over Michigan Highway 17 to junction Willow Run Expressway, thence over Willow Run Expressway to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich., and return over the same routes, serving all intermediate points and the offroute point of Metropolitan Wayne County Airport. NOTE: Routes Nos. 5, 6, and 7 are being transferred to North Star Line, Inc., from Short Way Lines, Inc., in Docket No. MC–F–11261.

Appended to the application are copies of two postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 49303 relating to service between Detroit, Lansing, Grand Rapids, Cadillac, and Traverse City, Mich., and Sault Ste. Marie, Muskegan, and Holland, Mich.; Route No. 49314 relating to service between Traverse City and Grand Rapids/Lansing, Mich. Applicant holds motor carrier authority in No. MC–41257.

Any interested person desiring to oppose the application may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-2719 Filed 2-24-72;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

1 CFR

	Page
Appendix B	3983

3 CFR

	Page
PROCLAMATIONS:	
2032 (see PLO 5158)	3058
2372 (see PLO 5158)	3058
2761A (see Proc. 4102)	2417
2929 (see Proc. 4102)	2417
3140 (see Proc. 4102)	2417
3967 (see Proc. 4102)	2417
4102	2417
4103	2489
4104	2643
4105	2831
4106	2921
4107	3165
4108	3613
4109	3615
4110	3617
4111	3619
4112	3621
EXECUTIVE ORDERS:	
January 27, 1913 (partially revoked by PLO 5159)	3184
5237 (partially revoked by PLO 5155)	2840
5327 (see PLO 5157)	3057
7295 (see PLO 5162)	3185
8592 (see PLO 5162)	3185
11183 (amended by EO 11648)	3623
11248 (amended by EO 11641)	2421
11345 (amended by EO 11646)	2925
11410 (see EO 11648)	3623
11568 (see EO 11642)	2565
11641	2421
11642	2565
11643	2875
11644	2877
11645	2923
11646	2925
11647	3167
11648	3623
11649	3625
11650	3739
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of January 27, 1972	2567
Memorandum of February 9, 1972	3627

5 CFR

	Page
213	2423, 2491, 2841, 2842, 2879, 3049, 3741, 3801
532	3409
550	3355
PROPOSED RULES:	
900	2589

6 CFR

	Page
101	2491, 2678, 3913
102	2478
200	2479
201	3357
300	2842, 3410, 3827, 3828, 3913
301	3828, 3829
305	3915
311	2480
401	3741

7 CFR

	Page
7	3349
51	2745
53	2745
501	2423
502	2424
701	2833
706	2491
722	3171, 3420
724	2745, 3422, 3507
725	3891
726	2496
729	2645, 2765, 3629
795	3049
811	2659, 3629
905	2660
906	2765, 3049
907	2569, 2927, 3507, 3742, 3891
908	3892
910	2426, 2766, 2834, 3171, 3742
928	2927
981	3983
982	3630
993	3349
1001	2928
1002	2929
1004	2929
1006	2930
1007	2930
1011	2930
1012	2930
1013	2931
1015	2931
1030	2931
1032	2932
1033	2932
1036	2932
1040	2932
1043	2933
1044	2933
1046	2933
1049	2933
1050	2934
1060	2934
1061	2934
1062	3631
1063	2934
1064	2935
1065	2497, 2935
1068	2935
1069	2935
1070	2936
1071	2936
1073	2936
1075	2936
1076	2937
1078	2937
1079	2937
1090	2937
1094	2938, 2944
1096	2938
1097	2938
1098	2938
1099	2939
1101	2939
1102	2939
1103	2939
1104	2940
1106	2940
1108	2940
1120	2940
1124	2940
1125	2941
1126	2941
1127	2941

7 CFR—Continued

	Page
1128	2941
1129	2942
1130	2942
1131	2942
1132	2942
1133	2943
1134	2943
1136	2943
1137	2943
1138	2944
1427	3742
1806	2879
1822	3801
1823	2879, 3172
1871	2569
1890	3171
1890i	3172
PROPOSED RULES:	
29	3362
51	3363, 3642
59	2775, 3187
81	2778
225	3440
271	3545
724	3438
726	2773
729	2774
906	3643
909	3366
945	2844
966	2845
982	2515
987	2890, 3439
991	3440
993	2515, 3644
1001	3187
1002	3187
1046	2969
1061	3536
1068	3536
1079	3830
1137	3545
1421	2844, 3753
1434	2775
1446	2844
1464	3439
1481	2890
1701	2846, 3546

8 CFR

	Page
100	3744
214	2766
238	2766, 3744
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

	Page
11	2426
51	3507
73	2945
76	3600
82	2429, 2498, 3050
97	2430, 3410
113	2430
204	3631
301	2661
311	2661
315	2661

FEB 25 72

9 CFR—Continued

PROPOSED RULES:

316 2779
317 2779

10 CFR

20 3985
30 3985
40 3985
70 3985
71 3985
140 3423

PROPOSED RULES:

50 3646

12 CFR

556 3987
563 3508
701 2946, 3174, 3508

PROPOSED RULES:

529 2447
545 3549
750 2594

13 CFR

107 3950
120 2569
123 2947

PROPOSED RULES:

121 3768, 3993

14 CFR

25 3969
37 3973
39 2498, 2570, 2662, 2835, 2880, 3409, 3508, 3631, 3986
71 2570–2572, 2835–2837, 2952, 2953, 3050, 3349, 3409, 3509, 3631, 3632, 3745, 3746
73 2499, 2837
75 2499, 2500, 2572, 2767, 3510
93 2953
95 2573
97 2662, 3174, 3510
121 2500, 3974
221 2664
241 2501

PROPOSED RULES:

61 2523
67 2523
71 2524, 2587, 2682, 2683, 3059, 3367, 3441–3443, 3548, 3645, 3763, 3764
73 2847
103 2587, 2588
121 2523, 2684
127 2523
159 3059
183 2523
1245 3918

15 CFR

377 2430
386 3175
390 3511
602 3892
701 3892

PROPOSED RULES:

7 2846
500 3726
610 3644

16 CFR

13 2575, 2576, 2578–2581, 2953

16 CFR—Continued

PROPOSED RULES:

302 3443
425 2848
429 3551
432 2454, 2849

17 CFR

1 3802
241 3050

PROPOSED RULES:

230 2596, 2598
239 2596, 2598
240 3059, 3446, 3992
249 3992

18 CFR

2 2502, 2954

PROPOSED RULES:

101 2451
104 2451
105 2451
141 2451
201 3992
204 3992
205 3992
260 2451, 3193, 3992

19 CFR

10 3896
12 2430, 2665
16 3802
21 3423
24 3425

PROPOSED RULES:

1 2443
11 2509
134 2509

20 CFR

404 3425
614 2434
617 2434

PROPOSED RULES:

405 3492
620 2684

21 CFR

1 3175
3 2503, 3175, 3746
8 3177, 3896
121 2437, 2958–2960, 3177, 3746, 3987
135 2961, 3053, 3426
135b 3053
135c 3178, 3426
135e 2960, 2961, 3633
141c 2665
141d 3178
144 2960
146a 2665, 3178, 3426
146c 2665
146d 3178
146e 2665, 3179, 3426
1481 3179
148n 2665
149a 2438
295 3427

PROPOSED RULES:

15 3189
17 3189
31 3644
121 3060, 3368
130 2969
135 2444
191 3645

22 CFR

41 2439, 3053

PROPOSED RULES:

Ch. VIII 3870

24 CFR

43 3633
110 3429
235 3747
275 3185
600 2665
1710 2768
1911 3350
1914 2505, 2881, 3748
1915 2505, 2882, 3749

PROPOSED RULES:

235 3548
420 3546

25 CFR

221 2506

PROPOSED RULES:

43h 2679
221 3060

26 CFR

1 2506
12 3511
301 2481, 2506, 3746

PROPOSED RULES:

1 2773, 3526, 3530
12 3526
301 3530

28 CFR

0 3180
9 2768
45 2769

29 CFR

511 3430
727 3180
1904 2439
1910 3053, 3431, 3512
1926 3431, 3512, 3989

PROPOSED RULES:

460 2443, 3759
1910 3830, 3992
1926 2443

30 CFR

PROPOSED RULES:

80 2968

31 CFR

316 2554
500 3520
505 3520

32 CFR

215 3637
1452 3181
1467 3747
1801 2672
1808 2673, 3640

PROPOSED RULES:

1499 2849

32A CFR

Ch. X:
OI Reg. 1 2439

33 CFR

3 3350
117 2838, 3897
199 3433
207 3750

PROPOSED RULES:

110 2446, 2447, 2587, 2890
117 2521, 2522
154 3763
155 3763
156 3763

36 CFR

6 3350, 3827

PROPOSED RULES:

7 3438

37 CFR

2 2880, 3897
202 3055

PROPOSED RULES:

1 2520

38 CFR

0 3435
1 2676
8 3352

PROPOSED RULES:

1 3552

39 CFR

Ch. I 2423
135 3521
273 3352
619 3056

40 CFR

1 3898
52 2581
85 2432
106 2433
180 2676, 2839, 2883, 3181, 3352, 3988, 3989

PROPOSED RULES:

6 3367
80 3882
164 3060

41 CFR

1–2 2769
1–7 2769
1–12 2769
1–16 2771
3–1 3353
3–2 3353
5A–1 3182
5A–2 3182
5A–8 2507
5A–72 3183
5A–73 2441, 3183
6–1 3640

41 CFR—Continued

7–1 3521
7–4 3803
7–5 3803
7–7 3803
7–8 3823
7–16 3521, 3823
8–14 2508
8–74 2508
9–1 3435
9–5 3435
9–7 3435
9–59 3436
15–1 3989
101–11 2962
101–25 3524
101–27 2771
101–40 3827
114–32 3990
114–38 3990
114–45 3990

PROPOSED RULES:

14–10 2680
15–9 3764
50–250 3759
60–7 2847
60–9 3753

42 CFR

55 3901

PROPOSED RULES:

51 3759
51b 2970
54 2970
73 3916

43 CFR

2 2677
25 3183

PUBLIC LAND ORDERS:

1272 (modified by PLO 5161) 3185
2732 (amended by PLO 5160) 3184
4522 (amended by PLO 5157) 3057
5154 2677
5155 2840
5156 3056
5157 3057
5158 3058
5159 3184
5160 3184
5161 3185
5162 3185

45 CFR

102 2882
170 2882
1015 2840

PROPOSED RULES:

118 2779
143 2779
220 2445
222 2445
415 2986

46 CFR

308 3436
381 3641

PROPOSED RULES:

10 3763
12 3190, 3763
31 3763
66 2681
71 3763
91 3763
176 3763
187 3763
189 3763
193 2682

47 CFR

1 3277, 3991
2 2771, 3437
15 3277
21 2583, 3277, 3354
73 3991
74 3278
76 3278
78 3292
83 2884
91 3297
211 2771

PROPOSED RULES:

73 2524, 2790, 2891, 3548
76 3190, 3192
81 2524

49 CFR

173 2885, 3524
174 2886, 3524
177 2886, 3524
178 2886, 3524
179 3058
386 3905
553 3632
571 3185, 3905, 3911
1033 2677, 3354
1211 2841
1311 3354

PROPOSED RULES:

173 2588
178 2588
1056 3446
1322 3446

50 CFR

28 2964, 3436
32 3524
33 2441, 2502, 2841, 2964, 2967, 3437
280 2516

PROPOSED RULES:

17 2589
280 2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	3
2637–2737	4
2739–2823	5
2825–2867	8
2869–2913	Feb. 9
2915–3041	10
3043–3157	11
3159–3341	12
3343–3401	15
3403–3500	16
3501–3606	Feb. 17
3607–3732	18
3733–3795	19
3797–3884	23
3885–3976	24
3977–4061	25

FEB 25 72 XUM

Public Papers of the Presidents of the United States

Contents

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

Published by

Office of the Federal Register
National Archives and Records Service
General Services Administration

Order from

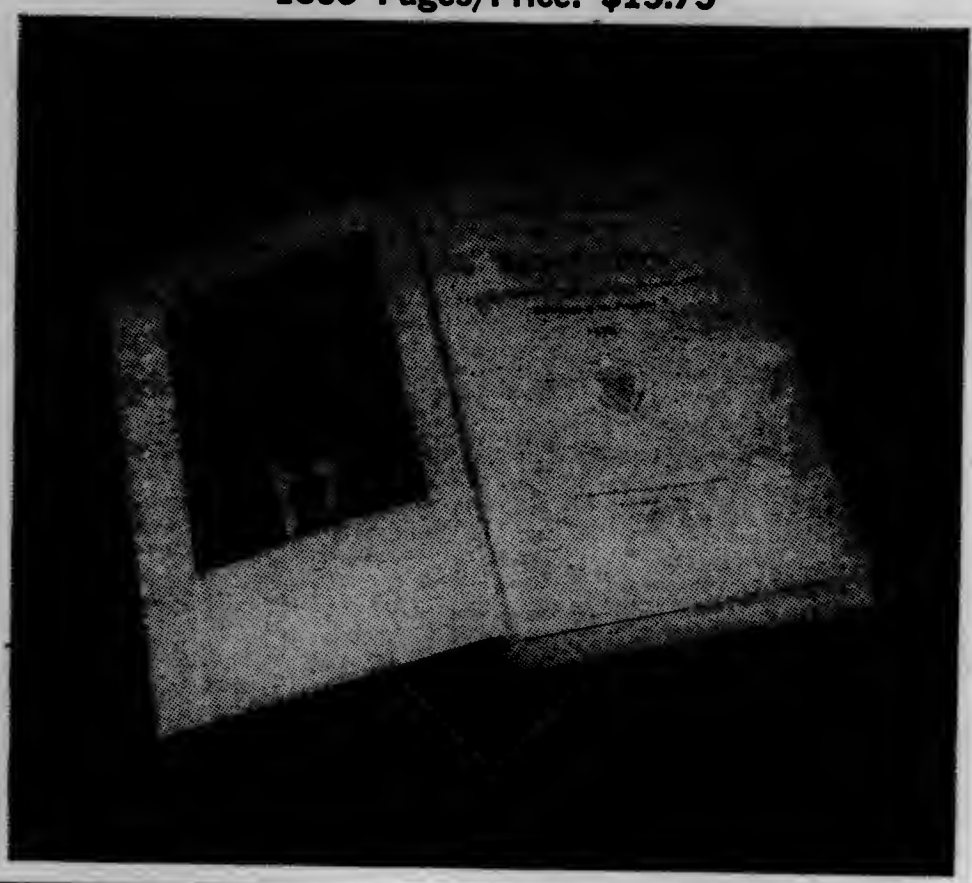
Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Prior Volumes

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson, and the first year of President Nixon are available at varying prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Richard Nixon/1970

1305 Pages/Price: $15.75



federal register

SATURDAY, FEBRUARY 26, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 39

Pages 4063–4131

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

DAIRY PRODUCTS—USDA increases fees for voluntary inspection and grading service; effective 3–1–72 4069

CUSTOM PROCESSED MEAT—USDA minimizes labeling requirements; effective 2–26–72 4070

AIRMAN MEDICAL STANDARDS—FAA clarifying definitions of mental and neurologic conditions; effective 4–26–72 4071

VEHICLE FORFEITURES—Customs Bur. amendment on mitigation and remission decisions; effective 2–26–72 4077

FOOD ADDITIVES—FDA provides for safe use of stabilizing substance in food contact materials; comments within 30 days 4077

FLOOD INSURANCE—HUD additions to hazard areas and insurance eligibility lists (2 documents) 4079, 4080

MARITIME OIL POLLUTION RESPONSIBILITY—
- FMC clarifying amendment regarding insurer's liability; effective 2–26–72 4081
- FMC notice of voluntary revocation of certificates 4116

TELECOMMUNICATIONS—
- FCC amendment reflecting development of a "common system" Microwave Landing System; effective 3–31–72 4082
- FCC additions to FM Table of Assignments; effective 3–31–72 4082

(Continued inside)

V 37 ▪ 39 FEB 26 72 XUM

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1972)

Title 22—Foreign Relations $1.75
Title 26—Internal Revenue Part 1 (§§ 1.301–1.400) 1.00
Title 26—Internal Revenue (Parts 500–599) 1.75

[A Cumulative checklist of CFR issuances for 1972 appears in the first issue of the Federal Register each month under Title 1].

**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**

FEDERAL REGISTER
Area Code 202 Phone 962–8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

HIGHLIGHTS—Continued

CUSTOMS AND NAVIGATION—Customs Bur. proposed revision of enforcement regulations; comments within 60 days 4084

SCHOOL BREAKFAST PROGRAM—USDA stresses child nutrition efforts in proposal on school eligibility criteria and reimbursement rates; comments within 30 days 4091

NEW ANIMAL DRUGS—FDA proposes warning statement for intramammary infusion of corticosteroids; comments within 60 days 4095

STOCK AND BANKING ACTIVITIES—FRS proposals concerning the list of OTC Margin Stocks and the leasing of real property by bank holding companies (2 documents); comments by 3–17–72 and 3–24–72, respectively 4097, 4098

ECONOMIC STABILIZATION—IRS notices on Price Comm. rulings concerning allocation of allowable costs to residence occupied by owner and cost justified price increases (2 documents) 4099

HANDICAPPED CHILDREN'S EARLY EDUCATION PROGRAM—HEW notice of closing date for certain applications 4106

COMMISSION ON HIGHWAY BEAUTIFICATION—Comm. announcement for 3–20–72 hearing in St. Louis 4110

ENVIRONMENT—
Council on Environmental Quality listing of impact statements 4110
Interior Dept. notice of availability of report 4104
AEC notice of availability of report 4107

STRATEGIC AND CRITICAL MATERIALS—OEP listing 4123

CERAMIC ARTICLES—Tariff Comm. reports serious injury to domestic producers due to increased imports 4125

EARLY CHILDHOOD EDUCATION—HEW proposes planning grants for expansion of Follow Through Program; comments within 15 days 4105

Contents

AGRICULTURE DEPARTMENT
See Animal and Plant Health Service; Consumer and Marketing Service; Food and Nutrition Service.

ANIMAL AND PLANT HEALTH SERVICE
Rules and Regulations
Exotic Newcastle disease; and psittacosis or ornithosis in poultry; areas quarantined 4070

ATOMIC ENERGY COMMISSION
Notices
Jersey Central Power and Light Co.; availability of applicant's environmental report 4107
Virginia Electric and Power Co.; order of Board scheduling prehearing conference 4107

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service:
Department of Housing and Urban Development 4069
Environmental Protection Agency 4069
Equal Employment Opportunity Commission 4069
Notices
Manpower shortages; listings:
Professor of Military History, U.S. Military Academy, West Point, N.Y. 4109
Textile Technologist, Bureau of Customs 4109
Noncareer executive assignments; grants of authority, revocations of authority, and title changes (20 documents) 4107–4109

COMMERCE DEPARTMENT
See Import Programs Office.

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Dairy products; inspection and grading services; fees and charges 4069
Labeling; custom prepared products 4070
Lemons grown in California and Arizona; handling limitation 4070
Proposed Rule Making
Valencia oranges grown in Arizona and California; size regulations 4091

CUSTOMS BUREAU
Rules and Regulations
General provisions; Customs Agency Service offices 4076
Vehicle forfeitures; requirements on petition for relief 4077
Proposed Rule Making
Enforcement; customs and navigation laws 4084

EDUCATION OFFICE
Notices
Grants to State educational agencies for development of successful follow through program models; proposed standards and closing date 4105
Handicapped Children's Early Education Program; closing date for receipt of applications 4106

EMERGENCY PREPAREDNESS OFFICE
Notices
Strategic and critical materials; listing 4123

ENVIRONMENTAL PROTECTION AGENCY
Proposed Rule Making
Patents, data, and copyrights; patents and inventions; correction 4096

ENVIRONMENTAL QUALITY COUNCIL
Notices
Environmental impact statements; public availability 4110

(Continued on next page)

V37-39
FEB 26 72
XUM

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Alterations:
- Control zones and transition areas (6 documents) 4073, 4074
- Federal airway segments 4072
- Restricted areas (3 documents) .. 4075, 4076

Designations:
- Area high routes 4076
- Federal airway and jet route segments 4075
- Federal airway segment 4073
- Reporting point 4075
- Transition area 4075

Medical standards and certification; terminology and separation of disqualifying mental and neurologic conditions 4071

Revocation; Federal airway segment 4073

Proposed Rule Making

Transition areas:
- Designation and alteration 4096
- Designations (2 documents) .. 4095, 4096

Notices

Flight Service Station at Imperial, Nebraska Municipal Airport; decommissioning 4107

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

FM broadcast stations; table of assignments; Opp and Ozark, Ala 4082

Frequency allocation and radio treaty matters; "common system" microwave landing system 4082

Notices

Common carrier services information; domestic public radio services applications accepted for filing 4113

Station KUTV, Salt Lake City; "prime time waiver"; certain NBC movies 4112

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations

Flood insurance program:
- Areas eligible for sale of insurance 4079
- Identification of special hazard areas 4080

FEDERAL MARITIME COMMISSION

Rules and Regulations

Financial responsibility for oil pollution cleanup; clarifying language in certificate of insurance form 4081

Notices

Certificates of financial responsibility (oil pollution); certificates revoked 4116

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Continental Oil Co. et al 4118
- Getty Oil Co. et al 4120
- Gray, Fred H., et al 4119
- Humble Oil and Refining Co. et al 4119

FEDERAL RESERVE SYSTEM

Proposed Rule Making

Bank holding companies; nonbanking activities 4098

Securities credit transactions; requirements for continued inclusion on list of OTC margin stocks 4097

Notices

Acquisition of banks:
- First Southwest Bancorporation, Inc.; denial 4121
- First United Bancorporation, Inc.; application 4121
- Huntington Bancshares Inc.; approval 4121
- United Banks of Colorado, Inc.; approval 4121
- United Jersey Banks; approval .. 4122

FISCAL SERVICE

Notices

Houston General Insurance Company; surety companies acceptable on Federal bonds 4099

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; antioxidants and/or stabilizers for polymers 4077

Proposed Rule Making

Corticosteroid drugs; labeling; warning statements 4095

FOOD AND NUTRITION SERVICE

Proposed Rule Making

School breakfast and nonfood assistance programs and State administrative expenses; school eligibility criteria and reimbursement 4091

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Contracting officer's decision under disputes clause 4077

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration; Social Security Administration.

HIGHWAY BEAUTIFICATION COMMISSION

Notices

Highway beautification; notice and location of public hearing .. 4110

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Insurance Administration.

Notices

Acting Regional Administrator, Region VI (Fort Worth); designations 4107

IMPORT PROGRAMS OFFICE

Notices

Applications for duty-free entry of scientific articles; Presbyterian-St. Luke's Hospital et al .. 4100

Decisions on applications for duty-free entry of scientific articles:
- Emory University 4101
- Erie County Laboratory 4102
- Forest Service 4102
- State University College 4102
- University of Alabama 4103
- University of Hawaii 4103
- University of Maryland 4104
- University of Texas 4104

INTERIOR DEPARTMENT

See also National Park Service; Oil and Gas Office.

Notices

Proposed Oil Shale Retort Research Project, Anvil Points, Colo.; availability of final environmental statement 4104

INTERNAL REVENUE SERVICE

Notices

Price Commission rulings:
- Allocation of allowable costs to residence occupied by owner .. 4099
- Service organizations—cost justified price increases 4099

INTERSTATE COMMERCE COMMISSION

Notices

Assignment of hearings (2 documents) 4126

Motor carriers:
- Temporary authority applications (2 documents) 4126
- Transfer proceedings 4127

NATIONAL PARK SERVICE

Rules and Regulations

Vehicles, traffic safety, and special regulations; mufflers, hitchhiking, and pets 4078

OIL AND GAS OFFICE

Rules and Regulations

Oil import regulation; Canadian imports; correction 4078

SECURITIES AND EXCHANGE COMMISSION

Notices

E.I. Du Pont de Nemours and Co.; filing of application for order exempting proposed transaction 4123

SMALL BUSINESS ADMINISTRATION

Notices

Declaration of disaster loan areas:
- Arkansas 4124
- Mississippi 4124

Surrender of licenses:
- SBIC of the Eastern States, Inc. 4124
- Security Small Business Investment Co 4125

SOCIAL SECURITY ADMINISTRATION

Proposed Rule Making

Federal health insurance for aged; conditions for coverage of services of independent laboratories; correction 4095

TARIFF COMMISSION

Notices

Ceramic articles; reports to the President 4125

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Customs Bureau; Fiscal Service; Internal Revenue Service.

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

5 CFR
213 (3 documents) 4069

7 CFR
58 4069
910 4070
PROPOSED RULES:
220 4091
908 4091

9 CFR
82 4070
317 4070

12 CFR
PROPOSED RULES:
207 4097
220 4097
221 4097
225 4098

14 CFR
67 4071
71 (12 documents) 4072–4075
73 (3 documents) 4075, 4076
75 (2 documents) 4075, 4076
PROPOSED RULES:
71 (3 documents) 4095, 4096

19 CFR
1 4076
171 4077
PROPOSED RULES:
1 4084
4 4084
8 4084
23 4084
123 4084
161 4084
162 4084

20 CFR
PROPOSED RULES:
405 4095

21 CFR
121 4077
PROPOSED RULES:
135 4095

24 CFR
1914 4079
1915 4080

32A CFR
Ch. X:
OI Reg. 1 4078

36 CFR
4 4078
7 4078

41 CFR
5B–1 4077
5B–16 4077
PROPOSED RULES:
15–9 4096

46 CFR
542 4081

47 CFR
2 4082
73 4082

V37-39
FEB 26 72
XUM

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 of Schedule C is amended to reflect the following headnote change: from Office of the Assistant Administrator (for Standards and Enforcement) and General Counsel to Office of the Assistant Administrator for Enforcement and General Counsel.

Effective on publication in the FEDERAL REGISTER (2–26–72), the headnote of paragraph (d) of § 213.3318 is amended as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * * *

(d) *Office of the Assistant Administrator for Enforcement and General Counsel.* * * *

* * * * * *

(5 U.S.C. sections 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2912 Filed 2–25–72;8:51 am]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is amended to show that one additional position of Special Assistant to a Member of the Commission is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–26–72), paragraph (f) of § 213.3377 is amended as set out below.

§ 213.3377 Equal Employment Opportunity Commission.

* * * * * *

(f) One Special Assistant to each of two members of the Commission.

* * * * * *

(5 U.S.C. sections 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2913 Filed 2–25–72;8:51 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Special Assistant to the Assistant to the Secretary for Congressional Relations is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (2–26–72), subparagraph (22) of paragraph (a) of § 213.3384 is revoked.

(5 U.S.C. sections 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–2914 Filed 2–25–72;8:51 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products

FEES AND CHARGES

The Agricultural Marketing Act of 1946 authorizes official inspection and grading service of dairy products. Such inspection and grading service is voluntary and is made available only upon request of financially interested parties upon payment of a fee. The Act requires such fees to be reasonable and, nearly as possible, to cover the cost of performing the services. Recent salary increases for Federal employees and other rising costs of maintaining the inspection and grading service have made it necessary to reevaluate and increase fees charged for inspection and grading services in order to more nearly recover costs of rendering the service.

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–27) the provisions of Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products: 7 CFR 58.43 and 58.44, are hereby amended to read as follows:

§ 58.43 Fees for inspection, grading and sampling.

Except as otherwise provided in this section and §§ 58.39, 58.44, 58.45, and 58.46, charges shall be made for inspection, grading and sampling service at the hourly rate of $10.60 for service performed between 6 a.m. and 6 p.m., and $11.60 for service performed between 6 p.m. and 6 a.m., for the time required to perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports, and travel of the inspector or grader in connection with the performance of the service. When the Administrator determines it feasible, he may set a minimum charge based on average time for specific types of service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

§ 58.44 Fees for laboratory analysis.

Except as otherwise provided in this section and §§ 58.45 and 58.46, charges shall be made for laboratory analysis at the hourly rate of $11.60 for the time required to perform the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued. The following minimum rates based on average time required to perform the test specified shall apply unless the actual time required to perform the test is greater than the minimum set forth:

(a) Dry milk and related products:

Total fat (ether extractions)	$2.10
Moisture	1.60
Titratable acidity	.80
Solubility index	1.05
Scorched particles	1.05
Bacterial plate count	2.10
Bacterial direct microscopic count	3.15
Flavor	.55
Whey protein nitrogen	5.25
Vitamin A	10.50
Alkalinity of Ash	11.60
Dispersibility	5.25
Coliform (solid media)	2.10
Salmonella	8.40
Phosphatase	11.60
Oxygen	6.30
Density	.80

(b) Condensed milk and related products:

Fat (ether extraction)	$3.15
Total solids	2.10
Sugar (sucrose)	11.60
Net weight (per can)	11.30
Flavor, color, body, texture	.80

(c) Cheese and related products:

Moisture	$2.10
Moisture in duplicate	3.15
Total fat (ether extraction)	3.70
Moisture and fat (dry basis) complete	5.80

V 37 39 FEB 26 72 XUM

(d) Butter and related products:

Moisture	$2.10
Fat	4.20
Salt	2.10
Complete Kohman analysis	6.30
Fat and moisture (same sample)	5.25
Flavor, odor, body, texture	1.05
Peroxide value	11.60
Free fatty acid	5.25
Yeast and mold	2.65
Proteolytic count	2.65

(e) Corn soya milk:

Sieve test	$2.10
Density	.80
Bostwick—uncooked	2.65
Bostwick—cooked	5.25
Protein (Kjeldahl)	5.25
Fat (Soxhlet)	3.70
Moisture	1.60
Crude fiber	7.35
Flavor	.55

The need for the increase in fees and the account thereof are dependent upon the facts within the knowledge of the Consumer and Marketing Service. Therefore, pursuant to the Administrative Procedure Act (5 U.S.C. 553) it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

This amendment shall become effective March 1, 1972, with respect to the inspection and grading service rendered on and after that date.

Done at Washington, D.C., this 22d day of February 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-2948 Filed 2-25-72;8:54 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 522]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.822 Lemon Regulation 522.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 22, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 27, through March 4, 1972, is hereby fixed at 220,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 23, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2946 Filed 2-25-72;8:54 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 82.3(a) the reference to Florida in the introductory paragraph and paragraph (a)(5) relating to Florida are deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended, 36 F.R. 20707)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Dade County, Fla., from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from or through quarantined areas, as contained in 9 CFR Part 82, as amended, will not apply to the excluded portion of said county. No areas in Florida remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of February 1972.

F. J. MULHERN,
Administrator,
Animal and Plant Health Service.

[FR Doc.72-2950 Filed 2-25-72;8:54 am]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

Labeling Requirements for Custom Prepared Products

On September 17, 1971, there was published in the FEDERAL REGISTER (36 F.R. 18583; F.R. Doc. 71-13712) a notice that the Department was considering a proposal to amend § 317.16 of the Federal meat inspection regulations (9 CFR Part 317).

Statement of considerations. The proposed amendment was to change the provisions of the regulations specifying requirements for labeling custom processed meat and meat food products prepared under an exemption from inspection under the Act.

A period of 60 days was allowed for filing written data, views or arguments by interested persons. The Department received 80 written comments, 78 of them favoring the amendment, from various groups representing consumers, affected industries, trade organizations and a State government.

After considering all information available to the Department, including the comments received pursuant to the notice, § 317.16 of the Federal meat inspection regulations (9 CFR 317.16) issued under section 21 of the Federal Meat Inspection Act (21 U.S.C. 621) is hereby amended to read as follows:

§ 317.16 Labeling and containers of custom prepared products.

Products that are custom prepared under § 303.1(a)(2) of this subchapter must be packaged immediately after preparation and must be labeled (in lieu of information otherwise required by this Part 317) with the words "Not For Sale" in lettering not less than three-eighth inch in height. Such exempted custom prepared products or their containers may bear additional labeling provided such labeling is not false or misleading.

The foregoing amendment relieves restrictions heretofore contained in the Federal meat inspection regulations and shall become effective upon publication in the FEDERAL REGISTER (2–26–72).

Done at Washington, D.C., on February 22, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-2949 Filed 2-25-72;8:54 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11433, Amdt. 67-9]

PART 67—MEDICAL STANDARDS AND CERTIFICATION

Terminology and Separation of Disqualifying Mental and Neurologic Conditions

The purpose of these amendments to Part 67 of the Federal Aviation Regulations is (1) to revise the terminology used to denote mental and neurologic conditions that disqualify applicants for medical certificates, to conform with current usage in the medical profession; and (2) to separate what have been termed "nervous system" conditions into mental and neurologic disorders as two distinct groups of disqualifying conditions.

Interested persons have been afforded an opportunity to participate in the making of these amendments by a notice of proposed rule making (Notice 71-30) issued on September 28, 1971, and published in the FEDERAL REGISTER on October 5, 1971 (36 F.R. 19396). Due consideration has been given to all comments presented in response to that notice.

Two public comments were received in response to the notice. Each was from an aviation trade association, and each concurred in the proposed amendments.

As stated in the notice, a disparity has existed between the terminology used in the standards involving mental disorders and currently accepted psychiatric terminology. As a result, difficulty has existed in applying the latter terminology to these mental disabilities although the basic definitions have remained essentially unchanged. To avoid the recurrence of these difficulties, particularly in enforcement actions, and to update the regulations, these amendments revise the terminology describing the mental requirements, as proposed in the notice, to conform with the terminology generally used by specialists in that branch of medicine as contained in the Manual published by the American Psychiatric Association, "Diagnostic and Statistical Manual of Mental Disorders (second edition 1968)." It is intended that use of that terminology will reduce confusion and ambiguity in the use and application of psychiatric terms by enumerating and defining disqualifying mental disorders in conformity with the terminology used in the current practice of psychiatry.

The proposed changes were reviewed and approved by a committee of the American Psychiatric Association, and that committee indicated that the changes may be considered essentially semantic.

Additionally, as proposed, these amendments separate "mental condition" and "neurologic condition" under the appropriate sections of Part 67 to clarify the applicable standards, as well as to recognize a division in professional specialization in disorders of a mental or neurologic nature. It is anticipated that this separation will also facilitate the gathering and analysis of statistical information relating to airman applicants who have been issued or denied medical certificates where mental or neurologic histories or conditions are concerned. As the neurologic terminology previously used is acceptable, no change is made in the enumeration of disqualifying neurologic disorders.

In consideration of the foregoing, Part 67 of the Federal Aviation Regulations is amended, effective April 26, 1972, as follows:

1. Paragraph (d) of § 67.13 is amended to read as follows:

§ 67.13 First-class medical certificate.

* * * * *

(d) *Mental and neurologic*—(1) *Mental.* (i) No established medical history or clinical diagnosis of any of the following:

(*a*) A personality disorder that is severe enough to have repeatedly manifested itself by overt acts.

(*b*) A psychosis.

(c) Alcoholism. As used in this section, "alcoholism" means a condition in which a person's intake of alcohol is great enough to damage his physical health or personal or social functioning, or when alcohol has become a prerequisite to his normal functioning.

(*d*) Drug dependence. As used in this section, "drug dependence" means a condition in which a person is addicted to or dependent on drugs other than alcohol, tobacco, or ordinary caffeine-containing beverages, as evidenced by habitual use or a clear sense of need for the drug.

(ii) No other personality disorder, neurosis, or mental condition that the Federal Air Surgeon finds—

(*a*) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(*b*) May reasonably be expected, within 2 years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(2) *Neurologic.* (i) No established medical history or clinical diagnosis of either of the following:

(*a*) Epilepsy.

(*b*) A disturbance of consciousness without satisfactory medical explanation of the cause.

(ii) No other convulsive disorder, disturbance of consciousness, or neurologic condition that the Federal Air Surgeon finds—

(*a*) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(*b*) May reasonably be expected, within 2 years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

* * * * *

2. Paragraph (d) of § 67.15 is amended to read as follows:

§ 67.15 Second-class medical certificate.

* * * * *

(d) *Mental and neurologic*—(1) *Mental.* (i) No established medical history or clinical diagnosis of any of the following:

(*a*) A personality disorder that is severe enough to have repeatedly manifested itself by overt acts.

(*b*) A psychosis.

(c) Alcoholism. As used in this section, "alcoholism" means a condition in

V 37 N 39 FEB 26 72 XUM

which a person's intake of alcohol is great enough to damage his physical health or personal or social functioning, or when alcohol has become a prerequisite to his normal functioning.

(d) Drug dependence: As used in this section, "drug dependence" means a condition in which a person is addicted to or dependent on drugs other than alcohol, tobacco, or ordinary caffeine-containing beverages, as evidenced by habitual use or a clear sense of need for the drug.

(ii) No other personality disorder, neurosis, or mental condition that the Federal Air Surgeon finds—

(a) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(b) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(2) *Neurologic.* (i) No established medical history or clinical diagnosis of either of the following:

(a) Epilepsy.

(b) A disturbance of consciousness without satisfactory medical explanation of the cause.

(ii) No other convulsive disorder, disturbance of consciousness, or neurologic condition that the Federal Air Surgeon finds—

(a) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(b) May reasonably be expected, within two years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

• • • • •

3. Paragraph (d) of § 67.17 is amended to read as follows:

§ 67.17 Third-class medical certificate.

• • • • •

(d) *Mental and neurologic.*—(1) *Mental.* (i) No established medical history or clinical diagnosis of any of the following:

(a) A personality disorder that is severe enough to have repeatedly manifested itself by overt acts.

(b) A psychosis.

(c) Alcoholism: As used in this section, "alcoholism" means a condition in which a person's intake of alcohol is great enough to damage his physical health or personal or social functioning, or when alcohol has become a prerequisite to his normal functioning.

(d) Drug dependence: As used in this section, "drug dependence" means a condition in which a person is addicted to or dependent on drugs other than alcohol, tobacco, or ordinary caffeine-containing beverages, as evidenced by habitual use or a clear sense of need for the drug.

(ii) No other personality disorder, neurosis, or mental condition that the Federal Air Surgeon finds—

(a) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(b) May reasonably be expected, within 2 years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

(2) *Neurologic.* (i) No established medical history or clinical diagnosis of either of the following:

(a) Epilepsy.

(b) A disturbance of consciousness without satisfactory medical explanation of the cause.

(ii) No other convulsive disorder, disturbance of consciousness, or neurologic condition that the Federal Air Surgeon finds—

(a) Makes the applicant unable to safely perform the duties or exercise the privileges of the airman certificate that he holds or for which he is applying; or

(b) May reasonably be expected, within 2 years after the finding, to make him unable to perform those duties or exercise those privileges;

and the findings are based on the case history and appropriate, qualified, medical judgment relating to the condition involved.

• • • • •

4. The first sentence in paragraph (d) of § 67.19 is amended to read as follows:

§ 67.19 Special issue: operational limitations.

• • • • •

(d) Except for air traffic control tower operators, this section does not apply to an applicant who fails to meet the requirements of § 67.13 (d) (1) (i), (d) (2) (i), (e) (1), or (f) (1), § 67.15 (d) (1) (i), (d) (2) (i), (e), or (f) (1), or § 67.17 (d) (1) (i), (d) (2) (i), (e), or (f) (1). • • •

• • • • •

5. The second sentence in paragraph (b) of § 67.25 is amended to read as follows:

§ 67.25 Delegation of authority.

• • • • •

(b) • • • Except where the applicant does not meet the standards of § 67.13 (d) (1) (i), (d) (2) (i), (e) (1), or (f) (1), § 67.15 (d) (1) (i), (d) (2) (i), (e), or (f) (1), or § 67.17 (d) (1) (i), (d) (2) (i), (e), or (f) (1), any action taken under this paragraph other than by the Federal Air Surgeon is subject to reconsideration by the Federal Air Surgeon. • • •

• • • • •

6. The first sentence in paragraph (b) (3) of § 67.27 is amended to read as follows:

§ 67.27 Denial of medical certificate.

• • • • •

(b) • • •

(3) By the Chief, Aeromedical Certification Branch, Civil Aeromedical Institute, or a Regional Flight Surgeon is considered to be a denial by the Administrator under that section of the Act where the applicant does not meet the standards of § 67.13 (d) (1) (i), (d) (2) (i), (e) (1), or (f) (1), § 67.15 (d) (1) (i), (d) (2) (i), (e), or (f) (1), § 67.17 (d) (1) (i), (d) (2) (i), (e), or (f) (1). • • •

• • • • •

(Secs. 313(a), 601, 602, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1422; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 14, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-2847 Filed 2-25-72;8:47 am]

[Airspace Docket No. 71-WE-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segments

On December 9, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23398) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 135 and 137.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

Section 71.123 (37 F.R. 2009) is amended as follows:

a. In V-135 "to Tonopah." is deleted and "to Tonopah, excluding the airspace above 9,000 feet MSL between Yuma and Parker." is substituted therefor.

b. In V-137 "Salinas, Calif." is deleted and "Salinas, Calif., excluding the airspace above 7,000 feet MSL, between Imperial and the intersection of the Thermal 122° and the Julian, Calif., 055° radials." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 17, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2858 Filed 2-25-72;8:46 am]

[Airspace Docket No. 71-SW-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway Segment

On December 8, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23312) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate VOR Federal airway No. 102 south alternate.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.123 (37 F.R. 2009) V-102 is amended by deleting all before "Hobbs, N. Mex.;" and substituting "From Salt Flat, Tex., via Carlsbad, N. Mex., including a south alternate via INT Salt Flat 085° and Carlsbad 220° radials;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 17, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2856 Filed 2-25-72;8:46 am]

[Airspace Docket No. 71-SO-177]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway Segment

On December 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 24007) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 243 west alternate segment between Jacksonville, Fla., and Waycross, Ga.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.123 (37 F.R. 2009) V-243 is amended by deleting all between "Waycross, Ga., 126° radials;" and "Vienna, Ga.," and substituting "Waycross;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 17, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2854 Filed 2-25-72;8:46 am]

[Airspace Docket No. 71-AL-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 10, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23576) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Bettles, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

1. In § 71.171 (37 F.R. 2056) the Bettles control zone is amended to read:

BETTLES, ALASKA

Within a 5-mile radius of the Bettles Airport (latitude 66°54'57" N., longitude 151°31'31" W.); within 4 miles each side of the Bettles RBN 214° bearing extending from the 5-mile-radius zone to 8.5 miles southwest of the RBN; and within 3 miles each side of the Bettles VORTAC, 227° radial extending from the 5-mile-radius zone to 9.5 miles southwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), of Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on February 14, 1972.

JACK. G. WEBB,
Director, Alaskan Region.

[FR Doc.72-2853 Filed 2-25-72;8:46 am]

[Airspace Docket No. 71-AL-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 7, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23238) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Big Delta, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

A portion of the narrative description of the Big Delta, Alaska, transition area was inadvertently omitted in the published NPRM. The map depiction as distributed was correct. This oversight in description of the controlled airspace was minor in nature with no substantial change in the overall airspace proposal. It is therefore determined that this corrected description would impose no additional burden on any person and further notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In 71.171 (37 F.R. 2056) the Big Delta, Alaska, control zone is amended to comprise that airspace within a 5-mile radius of the Allen AAF, Fort Greeley, Alaska (latitude 63°59'37" N., longitude 145°43'08" W.) and within 4.5 miles each side of the Big Delta VORTAC 040° radial extending from the 5-mile-radius zone to 11 miles northeast. This control zone is effective from 0600 to 2200 local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

In 71.181 (37 F.R. 2143) the Big Delta, Alaska, transition area is amended to comprise that airspace extending upward from 700 feet above the surface within 9.5 miles each side of the Big Delta VORTAC 220° and 040° radials extending from 2 miles southwest to 18.5 miles northeast of the Big Delta VORTAC; and within a 16.5-mile radius of the Big Delta VORTAC extending clockwise from the 309° radial to the 006° radial.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on February 14, 1972.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.72-2848 Filed 2-25-72;8:45 am]

[Airspace Docket No. 71-AL-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 10, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23577) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Fort Yukon, Alaska, terminal airspace structure.

VOL 37 NO 39 FEB 26 72 XUM

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

1. In § 71.171 (37 F.R. 2056), the Fort Yukon control zone is amended to read:

FORT YUKON, ALASKA

Within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'16" N., longitude 145°14'59" W.) and within 3 miles south and 4.5 miles north of the Fort Yukon 076° radial extending from the 5-mile-radius zone to 10.5 miles east of the Fort Yukon VORTAC and within 3 miles each side of the Fort Yukon VORTAC 214° radial extending from the 5-mile-radius zone to 8.5 miles southwest of the VORTAC. This control zone is effective from 0800 to 1700 local time daily except Sunday; or during the specific days and times established in advance by Notice to Airmen. The effective times will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

2. In § 71.181 (37 F.R. 2143), the Fort Yukon transition area is amended to read:

FORT YUKON, ALASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fort Yukon Municipal Airport (latitude 66°34'16" N., longitude 145°14'59" W.) and within 3 miles south and 4.5 miles north of Fort Yukon 076° radial extending from the 5-mile-radius area to 10.5 miles east of the Fort Yukon VORTAC and within 3 miles each side of the Fort Yukon VORTAC 214° radial extending from the 5-mile-radius area to 8.5 miles southwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on February 14, 1972.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.72-2850 Filed 2-25-72;8:46 am]

[Airspace Docket No. 71-AL-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 10, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23577) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Farewell, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

1. In § 71.171 (37 F.R. 2056) the Farewell control zone is amended to read:

FAREWELL, ALASKA

That airspace within a 5-mile radius of Farewell Airport (latitude 62°30'30" N., longitude 153°52'30" W.) and within 3.5 miles each side of the Farewell RR northwest course extending from the 5-mile-radius zone to 8.5 miles northwest of the RR. This control zone is effective from 0745 to 1545 local time daily, or during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

2. In § 71.181 (37 F.R. 2143) the Farewell transition area is amended to read:

FAREWELL, ALASKA

That airspace extending upward from 1,200 feet above the surface within 9.5 miles northeast and 5 miles southwest of the Farewell RR southeast and northwest courses extending from 6 miles southeast to 18.5 miles northwest of the RR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on February 14, 1972.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.72-2852 Filed 2-25-72;8:46 am]

[Airspace Docket No. 71-AL-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 10, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23578) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the McGrath, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

1. In § 71.171 (37 F.R. 2056) the McGrath control zone is amended to read:

MCGRATH, ALASKA

That airspace within a 5-mile radius of the McGrath Airport (latitude 62°75'15" N., longitude 155°36'06" W.) and within 5 miles northeast and 3 miles southwest of the McGrath VORTAC 123° radial extending from the 5-mile-radius zone to 10 miles southeast of the VORTAC; and within 4 miles each side of the McGrath VORTAC 008° radial extending from the 5-mile-radius zone to 18 miles north of the VORTAC.

2. In § 71.181 (37 F.R. 2143) the McGrath transition area is amended to read:

MCGRATH, ALASKA

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 3 miles southwest of the McGrath VORTAC 123° radial extending from the control zone extension to 12.5 miles southeast of the VORTAC; within 4 miles each side of the McGrath VORTAC 008° radial extending from the control zone extension to 14.5 miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 21.5-mile radius of the McGrath VORTAC extending clockwise from the 344° radial to the 236° radial of the VORTAC; within a 12-mile radius of the McGrath VORTAC extending clockwise from the 236° radial to the 344° radial of the VORTAC; and within 9.5 miles east and 4.5 miles west of the McGrath VORTAC 008° radial extending from the 21.5-mile-radius area to 23 miles north of the VORTAC.

(Sec. 307(a), of Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), of Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on February 14, 1972.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.72-2851 Filed 2-25-72;8:46 am]

[Airspace Docket No. 71-AL-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On December 10, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 23578) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would alter the Nenana, Alaska, terminal airspace structure.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056) the Nenana, Alaska, control zone is amended to comprise that airspace within a 5-mile radius of the Nenana Airport (latitude 64°32'56" N., longitude 149°04'24" W.); and within 4 miles each side of the Nenana RR southeast course extending from the 5-mile-radius zone to 8.5 miles southeast of the RR. This control zone is effective from 0545 to 2145 local time daily, or during the specific days and times established in advance by Notice to Airmen. The effective time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

In § 71.181 (37 F.R. 2143) the Nenana, Alaska, transition area is amended to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Nenana Airport (latitude 64°32'56" N., longitude 149°04'24" W.); and within 4 miles each side of the Nenana RR southeast course extending from the 5-mile-radius area to 10.5 miles southeast of the RR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on February 14, 1972.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.72-2849 Filed 2-25-72;8:46 am]

[Airspace Docket No. 71-SO-187]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On January 8, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 287), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Roanoke Rapids, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

ROANOKE RAPIDS, N.C.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Halifax County Airport (lat. 36°26'29" N., long. 77°43'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued at East Point, Ga., on February 15, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-2855 Filed 2-25-72;8:46 am]

[Airspace Docket No. 72-SW-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a reporting point at Pinon, N. Mex.

A position report is needed to assist in the control of aircraft entering or leaving the terminal areas at El Paso, Tex., and Roswell, N. Mex. Therefore, action is taken herein to designate Pinon, N. Mex., as a reporting point.

Since this amendment is minor in nature, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.203 (37 F.R. 2311) "Pinon, N. Mex." is added.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 17, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2857 Filed 2-25-72;8:46 am]

[Airspace Docket No. 71-WA-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Federal Airway and Jet Route Segments

On November 23, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22241) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate segments to VOR Federal airway Nos. 352, 346, and Jet Route No. 552.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the Department of the Air Force.

The comments received from the Military Airlift Command, Westover Air Force Base; 20th Air Division; 9th Air Force; 21st Air Force; and the Air Force Reserve interposed no objections to the proposed designations. The comments received from the 2d Air Force and the 21st Air Division objected to the proposals. They contend that the airway and Jet Route segments would lie across four refueling areas and would have an adverse impact on training activities conducted in the areas of concern. The 2d Air Force stated that they would withdraw their objection to the proposals if they could obtain assurance that the proposals will not adversely affect training and operational requirements. The 21st Air Division recommended consideration be given to locating any additional air routes, if needed, to the north of proposed alignment of J-552.

The proposed airway and Jet Route segments are designed to provide for the movement and control of transborder IFR air traffic. It is anticipated that a very low volume of traffic will be processed on these proposed routes. The FAA is of the opinion that the limited volume of IFR traffic which will be cleared via the proposed routes by air traffic control should cause no adverse effect to the Air Force training and refueling activities.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

1. Section 71.123 (37 F.R. 2009) is amended by adding the following:

a. V-346 From St. Georges, Quebec, Canada, to Millinocket, Maine, excluding the portion within Canada.

b. V-352 From St. Georges, Quebec, Canada, to Houlton, Maine, excluding the portion within Canada.

2. Section 75.100 (37 F.R. 2362) is amended by adding the following:

Jet Route No. 552 (St. Georges, Quebec, Canada, to Port Menier, Quebec, Canada) from St. Georges, Quebec, Canada, to Port Menier, Quebec, Canada, RBN, excluding the portion within Canada.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 17, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2863 Filed 2-25-72;8:47 am]

[Airspace Docket No. 72-SO-5]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to reduce the designated altitudes of the Lake George, Fla., Restricted Area R-2907 and Pinecastle, Fla., Restricted Area R-2910.

The Department of the Navy has concurred in the proposal to lower the designated altitudes of R-2907 and R-2910 to flight level 230.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30-days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (2-26-72) as hereinafter set forth.

Section 73.29 (37 F.R. 2344) is amended as follows:

a. In R-2907, Lake George, Fla., Subarea A, the Designated Altitudes is altered by deleting "Surface to FL 240." and substituting "Surface to FL 230" therefor.

b. In R-2910, Pinecastle, Fla., the Designated Altitudes is altered by deleting "Surface to FL 240" and substituting "Surface to FL 230" therefor.

V 37-39
FEB 26 72
XUM

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 17, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2860 Filed 2-25-72;8:47 am]

[Airspace Docket No. 72-GL-10]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment is to change the name and using agency of the Camp Atterbury, Ind., Restricted Area R-3401.

Camp Atterbury, Ind. R-3401 has been discontinued as a Department of the Army installation and has been changed to the Atterbury Reserve Forces Training Area under the jurisdiction of the Adjutant General of Indiana. There is no change to the activities conducted within the restricted area.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (2-26-72), as hereinafter set forth.

In § 73.34 (37 F.R. 2353) the Camp Atterbury, Ind., Restricted Area R-3401 is amended by changing the name of the area from "Camp Atterbury, Ind.," to "Atterbury Reserve Forces Training Area, Ind." and changing the using agency from "Commanding Officer, Camp Atterbury, Ind." to "Adjutant General, State of Indiana, Indianapolis, Ind."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 17, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2859 Filed 2-25-72;8:47 am]

[Airspace Docket No. 72-SW-5]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to extend the time of designation of the White Sands Proving Grounds, N. Mex., R-5107F and the White Sands Proving Grounds, N. Mex., R-5107G as joint-use airspace restricted areas for an indefinite period of time.

The restricted areas were changed from sole-use to joint-use restricted areas for a test period that expires May 23, 1972. The Department of the Air Force has concurred in the indefinite extension of the time of designation.

Since these amendments will relieve a burden on the public by extending joint-use of the areas for an indefinite period of time, notice and public procedure hereon are unnecessary and may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (2-26-72), as hereinafter set forth.

Section 73.51 (37 F.R. 2361) is amended as follows:

a. In R-5107F, White Sands Proving Grounds, N. Mex., the Time of Designation is altered by deleting "from August 19, 1971, to May 23, 1972."

b. In R-5107G, White Sands Proving Grounds, N. Mex., the Time of Designation is altered by deleting "from August 19, 1971, to May 23, 1972."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 17, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2861 Filed 2-25-72;8:47 am]

[Airspace Docket No. 71-WA-20A]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On June 5, 1971, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (36 F.R. 10984) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate six area high routes in the United States (J982R, J980R, J981R, J983R, J984R, and J985R). J982R was designated, effective January 6, 1972. The proposal to designate J980R (Los Angeles, Calif., to St. Louis, Mo.) as an area high route is hereby withdrawn since it is coincident with J981R (Los Angeles, Calif., to Washington, D.C.) west of St. Louis, Mo.

The other four routes (J981R, J983R, J984R, and J985R) are designated herein. Minor adjustments are made to some waypoint descriptions, and some of the reference facilities are changed from those proposed in the notice to provide better signal coverage. Slight adjustments are made to the southeastern segments of J983R and J984R in order to conform to revised terminal area procedures.

Since these changes are minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

In § 75.400 (37 F.R. 2400) the following area high routes are added:

Waypoint name	North Lat./ West Long.	Reference facility
J981R Los Angeles, Calif., to Washington, D.C.		
Seal Beach, Calif.	33°47'00"/118°03'14"	Oceanside, Calif.
Parker, Calif.	34°06'07"/114°40'53"	Needles, Calif.
Prescott, Ariz.	34°42'09"/112°28'46"	Phoenix, Ariz.
Two Wells, N. Mex.	35°13'59"/106°47'53"	St. Johns, Ariz.
Torreon, N. Mex.	35°41'34"/107°03'49"	Albuquerque, N. Mex.
Springer, N. Mex.	36°15'07"/104°46'52"	Las Vegas, N. Mex.
Sofia, N. Mex.	36°25'38"/104°01'41"	Tucumcari, N. Mex.
Larrabee, Kans.	37°10'36"/100°29'46"	Garden City, Kans.
Wichita, Kans.	37°43'40"/97°27'11"	Pioneer, Okla.
Tightwad, Mo.	38°21'43"/93°34'00"	Springfield, Mo.
Hawk, Mo.	38°42'35"/90°55'59"	Farmington, Mo.
Marine, Ill.	38°43'46"/89°51'51"	Capital, Ill.
Sparksville, Ind.	38°46'02"/86°22'34"	Indianapolis, Ind.
Saint Paul, Ky.	38°42'02"/82°53'43"	Charlestown, W. Va.
Front Royal, Va.	39°05'26"/78°12'02"	Casanova, Va.
J983R Miami, Fla., to New Orleans, La.		
Hialeah, Fla.	26°11'22"/80°42'24"	Vero Beach, Fla.
Sarasota, Fla.	27°23'51"/82°33'16"	Sarasota, Fla.
Neptune, La.	28°36'40"/87°38'36"	Crestview, Fla.
New Orleans, La.	30°01'47"/90°10'20"	New Orleans, La.
J984R Houston, Tex., to Miami, Fla.		
Humble, Tex.	29°57'24"/95°20'44"	Houston, Tex.
Leeville, La.	29°10'30"/90°06'14"	Leeville, La.
Neptune, La.	28°36'40"/87°38'36"	Crestview, Fla.
Sarasota, Fla.	27°23'51"/82°33'16"	Sarasota, Fla.
Reptile, Fla.	26°10'36"/81°06'53"	Palm Beach, Fla.
J985R San Antonio, Tex., to Phoenix, Ariz.		
San Antonio, Tex.	29°38'38"/98°27'40"	Austin, Tex.
Telegraph, Tex.	30°06'45"/100°00'31"	Junction, Tex.
Ft. Stockton, Tex.	30°57'07"/102°58'31"	Wink, Tex.
Toyah, Tex.	31°31'23"/104°03'00"	Wink, Tex.
Organ, N. Mex.	32°14'48"/106°52'20"	Truth or Consequences, N. Mex.
Sheldon, Ariz.	32°47'55"/109°05'10"	San Simon, Ariz.
Phoenix, Ariz.	33°25'53"/111°53'17"	Phoenix, Ariz.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 16, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2862 Filed 2-25-72;8:47 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-66]

PART 1—GENERAL PROVISIONS

Customs Agency Service Offices

In order to facilitate and improve enforcement, it is desirable to activate a Customs Agency Service suboffice at Baton Rouge, Louisiana.

To effect this change the table in § 1.5 of the Customs regulations is amended by adding "Resident Special Agent, Baton Rouge, Louisiana" in the column headed "Suboffices" for District No. 6.

(80 Stat. 379, R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 66, 1624)

This activation of an additional Customs Agency Service suboffice relates to agency management. It is advantageous to dispense with the delayed effective date, notice, and public procedure requirements as provided in 5 U.S.C. 553, so that the suboffice might be operational as soon as possible.

Effective date. This Treasury Decision shall become effective upon publication in the FEDERAL REGISTER (2-26-72).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 16, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2871 Filed 2-25-72;8:48 am]

[T.D. 72-67]

PART 171—FINES, PENALTIES, AND FORFEITURES

Vehicle Forfeitures; Requirements on Petition for Relief

On December 15, 1971, notice of change in policy relating to mitigation and remission decisions on vehicle forfeitures was published by the Treasury Department in the FEDERAL REGISTER (36 F.R. 23800) which became effective upon publication.

Section 171.13 of the Customs regulations provides that a petitioner holding a chattel mortgage or conditional sales contract covering seized property shall submit with his petition evidence showing whether prior to the financial transaction an inquiry of at least one enforcement agency in the locality where the purchaser most recently resided, or resided in the past year, was made as to the purchaser's criminal record and reputation for commercial crime, and a responsive reply received. However, pursuant to the aforementioned change in policy, it is no longer necessary for the petitioner to make inquiry as prescribed.

To conform the Customs regulations, § 171.13, paragraph (b) is amended as set forth below:

§ 171.13 Additional evidence required with certain petitions.

* * * * *

(b) *Petitioner holding chattel mortgage or conditional sales contract.* A petitioner holding a chattel mortgage or conditional sales contract covering the seized property shall submit with his petition evidence showing that:

(1) He has an interest in such property, as owner or otherwise, which he acquired in good faith; and

(2) He had at no time any knowledge or reason to believe that the property was being or would be used in violation of Customs or other laws of the United States.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Because this amendment conforms with a change in policy previously published in the FEDERAL REGISTER, and because it relieves a restriction, notice, and public procedure thereon are unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (2-26-72).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 16, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-2872 Filed 2-25-72;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

CONTRACTING OFFICERS DECISION UNDER DISPUTES CLAUSE

Pursuant to the procedures related to appealing contracting officer's decision under a Disputes clause, including timeliness and transmittal, Subparts 5B-1.3 and 5B-16.9 are amended by adding new sections.

PART 5B-1—GENERAL

The table of contents for Part 5B-1 is amended by adding the following new entries:

Sec.
5B-1.318 Disputes clause.
5B-1.318-1 Contracting officer's decision under a Disputes clause.

Subpart 5B-1.3—General Policies

Sections 5B-1.318 and 5B-1.318-1 are added to read as follows:

§ 5B-1.318 Disputes clause.

§ 5B-1.318-1 Contracting officer's decision under a Disputes clause.

(a) The adequacy of the contracting officer's decision under the Disputes clause, as required by § 1-1.318-1, and of the contents of any subsequent notice of appeal, as provided for by § 5-60.202, shall be properly insured. Accordingly, the following paragraphs shall be set forth in all contracting officer's decisions subject to a Disputes clause:

This decision is made in accordance with the Disputes clause and shall be final and conclusive as provided therein, unless a written Notice of Appeal addressed to the Administrator of General Services is mailed or otherwise furnished to the Contracting Officer. The Notice of Appeal, which is to be signed by you as the contractor or by an attorney acting on your behalf, and which may be in letter form, should indicate that an appeal is intended, should refer to this decision, and should identify the contract by number. The Notice of Appeal should include a statement of the reasons why the decision is considered to be erroneous.

In the event you desire to file an appeal from this decision, there is enclosed for your convenience GSA Form 2465, Notice of Appeal, in triplicate, for completion and signature. All the items of information requested must be supplied. If sufficient space is not available on this form for each item, please attach a supplemental sheet or sheets. Also attached is an additional copy of the form which should be completed and retained for your files. The Notice of Appeal is to be signed by the appellant personally if an individual, or, if not, by an authorized officer or duly authorized representative of the appellant organization and submitted in triplicate to the Contracting Officer.

The Notice of Appeal must be mailed or otherwise furnished to the Contracting Officer within 30 days from receipt of this decision or your appeal shall be considered untimely.

(b) Notice of appeal action under the above circumstances may be effected by use of GSA Form 2465, Notice of Appeal, as illustrated by § 5B-16.950-2465.

PART 5B-16—PROCUREMENT FORMS

The table of contents for Part 5B-16 is amended by the addition of a new entry as follows:

Sec.
5B-16.950-2465 GSA Form 2465, Notice of Appeal.

GSA Form 2465, Notice of Appeal is filed as part of the original document. Copies are available from the Business Service Center in any regional office of the General Services Administration.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (2-26-72).

Dated: February 9, 1972.

A. F. SAMPSON,
Commissioner, Public Building Service.

[FR Doc.72-2816 Filed 2-25-72;8:54 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2691) filed by American Hoechst Corp., Post Office Box 2500, Somerville, N.J. 08876, formerly at 777 Third Avenue, New York, N.Y. 10017, and other relevant material, concludes that § 121.2566 should be amended as set forth below to

V 37 I 39 FEB 26 72 XUM

extend the permitted conditions for the safe use of the substance specified below as a stabilizer in certain semirigid and rigid polyvinyl chloride materials used in the manufacture of food contact articles.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566 is amended by revising the text in the "limitations" column in paragraph (b) for poly[(1,3-dibutyldistannthianediylidene)-1,3-dithio] to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

List of substances	Limitations
* * *	* * *
Poly [(1,3-dibutyldistannthianediylidene)-1,3-dithio] having the formula $[C_4H_{10}Sn_2S_3]_n$ where n averages 1.5–2 and produced so as to meet the following specifications: Softening point, 130–145° C.; volatile components at 150° C., less than 1.0 percent; sulphur (sulfide) content in the range 20.5–22.0 percent; tin content in the range 52.0–53.2 percent.	For use only at levels not to exceed 0.2 percent by weight in polyvinyl chloride resin where such resin constitutes not less than 98.7 percent of a finished semirigid or rigid polyvinyl chloride food-contact surface, provided that the finished food-contact article is employed only to package meat, cheese, and food types I, VIII, and IX as described in table 1 of § 121.2526(c). The finished food-contact article containing this stabilizer, when extracted with refined cottonseed oil at 120° F. for 48 hours, using a volume-to-surface ratio of 2 milliliters per square inch of surface tested, shall yield tin (Sn) not to exceed 0.0005 milligram per square inch of food-contact surface.
* * *	* * *

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (2–26–72).

Dated: February 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–2906 Filed 2–25–72;8:50 am]

Title 36—PARKS, FORESTS AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 4—VEHICLES AND TRAFFIC SAFETY

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Mufflers, Hitchhiking, and Pets

On page 14700 of the FEDERAL REGISTER of August 10, 1971, there was published a proposal of rule making to revise § 4.12 of Title 36 of the Code of Federal Regulations concerning mufflers and to amend § 7.16, entitled Yosemite National Park, to further restrict presence of pets in the park and to permit hitchhiking. Interested persons were given 30 days to submit written comments on the proposal.

After careful analysis of comments submitted and review of park management needs, it has been concluded that the proposed amendment concerning restrictions on presence of dogs and cats is not necessary at this time for Yosemite National Park. Therefore this proposed amendment is not adopted. It has been further determined that the proposed restrictions concerning mufflers and relaxation of the prohibition against hitchhiking in Yosemite National Park are needed at this time. However, a clause has been added to the hitchhiking provision to allow the Superintendent to designate by posting those areas where hitchhiking is not permitted in Yosemite National Park. Therefore, the proposal is hereby adopted, as amended, and is set forth below.

The revision of § 4.12 and amendment of § 7.16 will take effect 30 days after publication of this notice in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535, as amended; 16 U.S.C. 3; 41 Stat. 732; 16 U.S.C. 61)

Section 4.12 is hereby revised to read as follows:

§ 4.12 Mufflers.

(a) Every motor vehicle shall be equipped with a muffler in good working order any time the motor vehicle is operating.

(b) Operating a motor vehicle equipped with a muffler cut-out, bypass, or similar device is prohibited.

Section 7.16 is hereby amended by addition of paragraph (d) to read as follows:

§ 7.16 Yosemite National Park.

* * * * *

(d) Hitchhiking or the soliciting of transportation is permitted off the roadway on the shoulder, except in those areas where the Superintendent prohibits such activities by the posting of appropriate signs.

* * * * *

LAWRENCE C. HADLEY,
Acting Director, National Park Service.

[FR Doc.72–2898 Filed 2–25–72;8:49 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter X—Office of Oil and Gas, Department of the Interior

[Oil Import Reg. 1 (Revision 5) Amdt. 40]

OI REG. 1—OIL IMPORT REGULATION

Canadian Imports—Districts I–IV

Amendment 40 to Oil Import Regulation 1 (Revision 5) was published in the FEDERAL REGISTER for February 1, 1972 (37 F.R. 2439). Item 3 of Amendment 40 was intended to provide for the revocation as of March 1, 1972 of section 29A of the regulation (relating to partial allocations of Canadian imports). Through an error the year 1973 was specified. The first sentence of item 3 should read as follows:

3. Section 29A of Oil Import Regulation 1 (Revision 5) is revoked as of March 1, 1972.

HOLLIS M. DOLE,
Assistant Secretary of the Interior.

FEBRUARY 23, 1972.

[FR Doc.72–3009 Filed 2–25–72;8:54 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Lowndes	Benton				Feb. 25, 1972.
Arizona	Yavapai	Prescott				Do.
California	Santa Barbara	Santa Barbara				Do.
Florida	Broward	Lighthouse Point				Do.
Illinois	De Kalb	De Kalb				Do.
Massachusetts	Bristol	New Bedford				Do.
Do	Middlesex	Newton				Do.
Minnesota	Washington	St. Mary's Point	1 27 163 6314 01	Minnesota Conservation Department, Division of Waters, Soils, and Minerals, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R–210 State Office Bldg., St. Paul, Minn. 55101.	Office of the Mayor, Village of St. Mary's Point, Route 1, Lakeland, Minn. 55043.	Do.
Missouri	St. Louis	Fenton				Do.
New Jersey	Middlesex	Monroe Township.				Do.
Do	Somerset	Greenbrook Township.				Do.
Do	Bergen	Emerson Borough.				Do.
Do	do	New Milford Borough.				Do.
Pennsylvania	Delaware	Birmingham Township.				Do.
Do	do	Concord Township.				Do.
Do	do	Radnor Township.				Do.
Do	Cumberland	Monroe Township.				Do.
Do	do	Mount Holly Springs Borough.				Do.
Do	Bucks	Chalfont Borough.				Do.
Do	do	Plumstead Township.				Do.
Do	Lehigh	Upper Saucon Township.				Do.
Oregon	Grant	John Day				Do.
Tennessee	Marion	Jasper	1 47 115 1220 01 through 1 47 115 1220 05	Tennessee State Planning Commission, Room C2–208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Town Hall, Town of Jasper, Jasper, Tenn. 37347.	Do.
Do	Rhea	Spring City				Do.
Texas	Dallas	Farmers Branch				Do.
Do	Dawson	Lamesa				Do.
Do	Lamar	Paris				Do.
Wisconsin	Buffalo	Cochrane	1 55 011 1070 01.	Department of Natural Resources, Post Office Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Village Hall, Village of Cochrane, Cochrane, Wis. 54662.	Do.
Do	Vernon	Genoa	1 55 123 1870 01.	do	Office of the Village Clerk, Village Hall, Village of Genoa, Genoa, Wis. 54632.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 406–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 17, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–2818 Filed 2–25–72;8:45 am]

V 37-39 FEB 26 72 XUM

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
...	...	...	...	...	...	...
Alabama	Lowndes	Benton				Feb. 25, 1972.
Arizona	Yavapai	Prescott				Do.
California	Santa Barbara	Santa Barbara				Do.
Florida	Broward	Lighthouse Point.				Do.
Illinois	De Kalb	De Kalb				Do.
Massachusetts	Bristol	New Bedford				Do.
Do	Middlesex	Newton				Do.
Minnesota	Washington	St. Mary's Point	H 27 163 6314 01	Minnesota Conservation Department, Division of Waters, Soils, and Minerals, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of the Mayor, Village of St. Mary's Point, Route 1, Lakeland, Minn. 55043.	Mar. 24, 1971.
Missouri	St. Louis	Fenton				Feb. 25, 1972.
New Jersey	Middlesex	Monroe Township				Do.
Do	Somerset	Greenbrook Township.				Do.
Do	Bergen	Emerson Borough.				Do.
Do	do	New Milford Borough.				Do.
Pennsylvania	Delaware	Birmingham Township.				Do.
Do	do	Concord Township.				Do.
Do	do	Radnor Township.				Do.
Do	Cumberland	Monroe Township.				Do.
Do	do	Mount Holly Springs, Borough.				Do.
Do	Bucks	Chalfont Borough				Do.
Do	do	Plumstead Township.				Do.
Do	Lehigh	Upper Saucon Township.				Do.
Oregon	Grant	John Day				Do.
Tennessee	Marion	Jasper	H 47 115 1220 01 through H 47 115 1220 05.	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Town Hall, Town of Jasper, Jasper, Tenn. 37347.	July 31, 1971.
Do	Rhea	Spring City				Do.
Texas	Dallas	Farmers Branch				Feb. 25, 1972.
Do	Dawson	Lamesa				Do.
Do	Lamar	Paris				Do.
Wisconsin	Buffalo	Cochrane	H 55 011 1070 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Village Hall, Village of Cochrane, Cochrane, Wis. 54622.	Mar. 24, 1971.
Do	Vernon	Genoa	H 55 123 1870 01	do	Office of the Village Clerk, Village Hall, Village of Genoa, Genoa, Wis. 54632.	May 8, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: February 17, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-2819 Filed 2-25-72;8:45 am]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 27, Amdt. 6; Docket No. 71-84]

PART 542—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Clarifying Language in Certificate of Insurance Form

On September 30, 1970, the Federal Maritime Commission published in the FEDERAL REGISTER (35 F.R. 15216) regulations to implement the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97). These regulations (Commission General Order 27), including subsequent amendments, set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including certain barges of equivalent size, using any port or place in the United States or the navigable waters of the United States must evidence financial responsibility to meet the liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. The regulations also set forth the qualifications required by the Commission for issuance of Certificates, including master Certificates, evidencing such financial responsibility.

The present rule making proceeding was instituted by notice served in the FEDERAL REGISTER (36 F.R. 21524) on November 10, 1971, to amend the language of Commission "master" Certificate of Insurance Form FMC-225A, which is incorporated by reference into § 542.5(a) of General Order 27. The Commission took this action at the request of certain marine underwriters who believe that the current wording of Form FMC-225A may be subjected to some misinterpretation as regards the full extent of an insurer's liability. Specifically, the Commission was urged to make it absolutely clear in Form FMC-225A that an insurer's liability thereunder would not in any event exceed $100 per gross ton of a given vessel or a maximum amount to be specified on the form, whichever is the lesser. While the Commission expressed its view "that the present language of Form FMC-225A was sufficiently clear in this regard,"[1] it explained, in the notice of proposed rule making, that it was nevertheless "willing to accept and include clarifying modifications to the present language."

[1] In this regard, we would point out that not one comment was received regarding Form FMC-225A when it was proposed as part of a Commission rule making in Docket No. 71-14, although ample time was allowed for comment.

The only comments received in response to the Commission's notice of proposed rule making in this proceeding were submitted by the Shipbuilders Council of America (Council). Rather than interposing any objection to the inclusion of the proposed clarifying language in Form FMC-225A, the Council's comments constitute a broad attack on the concept of holding shipyards responsible for vessels under construction or undergoing conversion or repair.

The position taken by the Council would indicate that it has misconstrued the scope of prior Commission regulations, especially those relating to the issuance of a "master" Certificate, and the effect of the presently proposed revisions in Form FMC-225A. Shipyards are not now required, nor is it here proposed that they be required, to obtain "master" Certificates or otherwise evidence oil pollution cleanup financial responsibility for all vessels in the yard. The Commission's regulations providing for the issuance of Certificates "to persons engaged in the construction, sale, or scrapping of vessels" must be read in conjunction with the other substantive provisions of General Order 27. Presently, under the Commission's regulations, only an "owner or operator" (defined therein) of a vessel is required to establish financial responsibility for oil pollution cleanup. Thus, whether or not a shipyard must under existing rules procure from the Commission and maintain a Certificate of financial responsibility for a vessel is dependent upon its status with regard to that vessel.

In providing for the issuance of a master Certificate, the Commission was merely establishing a procedure:

> • • • which would allow a person owning or operating vessels as a builder, scrapper, or seller to apply for and be issued a Certificate covering all of his vessels, up to a specified maximum gross tonnage, which he may from time to time hold for the purposes of construction, sale, or scrapping.[2]

And in establishing such a procedure, the Commission explained its reason as follows:

> Section 542.6(a) of General Order 27 • • • provides for the issuance of separate Certificates to cover specific vessels for every owner or operator subject to the General Order. In order to obtain separate Certificates it is necessary for an applicant desiring such Certificates to file with the Commission specific information with respect to each vessel, including evidence of the applicant's financial responsibility, e.g., acceptable evidence of insurance. The time required for the applicant to obtain, prepare, and file such information and evidence, and the time required by the Commission to process the data and issue Certificates may work an unnecessary burden on those applicants who acquire vessels for purposes of construction, scrapping or sale.

The prearranged coverage evidenced by a Form FMC-225A, and the resultant issuance of a "master" Certificate of Financial Responsibility (Oil Pollution) by the Commission, was intended to relax existing requirements and to permit a scrapper, for example, to bid on and/or purchase directly, and at a moment's notice, any available vessel. Such procedure did away with the necessity of arranging separate insurance coverage and obtaining separate oil pollution certificates for each individual vessel acquired or proposed to be acquired.[3] Whether or not a person qualified to obtain a "master" Certificate actually does so, however, is entirely optional on his part. Therefore, the Council's suggestions to the contrary notwithstanding, it is clear that the Commission's regulations providing for the issuance of master Certificates "to persons engaged in the construction, sale or scrapping of vessels" was in no way intended to cause the shifting of liabilities or otherwise affect the substantive rights of any parties.

Likewise, the Council's appraisal of this proceeding as one having "substantive effects" is clearly unwarranted and manifestly incorrect. The sole purpose of this rule making, as was emphasized in the notice thereof, is in fact to clarify an alleged ambiguity in the existing insurance Form FMC-225A as it relates to the extent of an insurer's liability. The change proposed is one purely technical in nature and in no way affects the substantive rights of any parties.

The basic question sought to be litigated by the Council, namely, which party, as between the shipyard and the vessel owner or operator, should bear the burden of obtaining oil pollution cleanup coverage for a vessel in the yard for conversion or repair, is simply not at issue herein. Thus, while some of the Council's comments are not without merit, they are not relevant to the rule making before the Commission and are more properly the subject of a separate proceeding and petition. To delay the final promulgation of the technical changes proposed herein pending the resolution of the many and complex issues raised in Council's comments would serve no purpose, regulatory or otherwise. The Commission will, however, carefully consider the comments made by the Council to determine what action, if any, should be taken in response thereto.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 11(p) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97), Commission Form FMC-225A, incorporated by reference into § 542.5(a) of Title 46 CFR, is amended to read as follows: [4]

---------- (hereinafter
(Name of Insurer)
called "the Insurer"), in accordance with the provisions of section 11(p)(1) of the Federal

[2] An applicant for a master Certificate may of course elect to evidence financial responsibility by means other than insurance.

[3] Docket No. 71-14—"Provision for Issuance of Master Certificates and Other Changes."

[4] Since no substantive change is involved, the Commission will continue to view as valid any Form FMC-225A currently on file with the Commission until such documents are terminated in the normal course of events or are substituted by new Forms FMC-225A containing the herein promulgated clarifications.

V 37 39 FEB 26 72 XUM

Water Pollution Control Act, as amended (hereinafter called "the Act"), hereby certifies that ---------- (hereinafter called "the Assured"), with respect to any vessel which the Assured may from time to time hold, as owner or operator, during the life of this Certificate of Insurance, for purposes of construction, scrapping or sale (hereinafter called "the Vessel"), is insured by the Insurer in the amount of $100 per gross ton of the Vessel or $----------, whichever is the lesser, against liability to the U.S. Government arising under section 11(f) of the Act.

The Insurer consents to be sued directly by the U.S. Government in respect of any claim against the Assured, arising with respect to the Vessel under section 11(f) of the Act; provided, however, that in any such direct action (a) its liability shall not exceed $100 per gross ton of the tonnage of the Vessel in respect of which the claim is made or the amount stipulated above, whichever is the lesser, and (b) it shall be entitled to invoke all rights and defenses as set forth in section 11(f)(1) of the Act which would have been available to the Assured if the action had been brought against the Assured by the U.S. Government, and shall also be entitled to invoke all rights and defenses which would have been available to the Insurer if the action had been brought against the said Insurer by the Assured.

---------- with offices at ---------- is hereby designated as the legal agent of the Insurer for service of process in any direct action.

This Certificate of Insurance shall be applicable only in relation to events giving rise to a claim by the U.S. Government against the said Assured under section 11(f) of the Act in respect of the Vessel, occurring on or after the below specified effective date of this Certificate of Insurance and before the expiration date of this Certificate of Insurance, which shall be the earlier of the following:

(a) The date whereon Federal Maritime Commission (FMC) withdraws its master Certificate of Financial Responsibility (Oil Pollution) covering the Vessel.

(b) A date 30 days after the date of receipt by FMC of notice in writing that the Insurer has elected to terminate the insurance evidenced by this Certificate of Insurance and has so notified the Assured.

(c) The date substitute evidence of financial responsibility has been accepted by FMC.

Effective date. In view of the fact that the amendments in Form FMC-225A promulgated herein in no way substantially change any existing requirements but are merely for the purpose of making clearer the Commission's intent and to more closely relate the language of the form to the language of the enabling statute, the Commission believes good cause exists for the amendments promulgated herein to become effective on less than 30 days' notice. Accordingly, these amendments shall become effective upon publication in the FEDERAL REGISTER (2-26-72).

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant to the Secretary.

[FR Doc.72-2938 Filed 2-25-72;8:54 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19280; FCC 72-153]

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Development of a "Common System" Microwave Landing System

Report and order. In the matter of amendment of Part 2 of the Commission's rules to reflect development of a "common system" Microwave Landing System in the bands 5.0-5.25 GHz and 15.4-15.7 GHz, Docket No. 19280.

1. On June 30, 1971, the Commission adopted a notice of proposed rule making in the above entitled proceeding which was published in the FEDERAL REGISTER on July 9, 1971 (36 F.R. 12914). The Notice proposed to add a new footnote (US118) to the Table of Frequency Allocations, § 2.106 of the Commission's rules, for the purpose of reserving the bands 5.0-5.25 GHz and 15.4-15.7 GHz for the development of the Microwave Scanning Landing Guidance System (LGS) which will be part of the national/international "common system." Interested parties were invited to file comments on or before August 13, 1971, and reply comments on or before August 24, 1971.

2. Timely comments were received from the Federal Aviation Administration (FAA) and jointly from the Air Transportation Association of America (ATA) and Aeronautical Radio, Inc. (ARINC). All three parties stated that they were in full support of the proposed footnote. However, the ATA/ARINC response stated there may be a potential problem with the Commission's proposal in the 5.0-5.25 GHz band arising from footnote 383B which was added to the international Table of Frequency Allocations at the recently completed World Administrative Radio Conference on Space Telecommunications (WARC-ST).

3. This footnote would permit transmission from earth stations to satellites in the aeronautical mobile (R) service. The possible inclusion of this provision into the national allocation table will be the subject of a later rule making proceeding treating the overall results of the space conference. However, it should be noted here that the system contemplated by footnote 383B, if implemented nationally, would require earth stations at perhaps no more than two sites within the conterminous United States. Such stations conceivably could be located away from airports, but in any case would be thoroughly coordinated prior to installation to insure compatibility with existing and planned landing guidance systems in accordance with national priorities as prescribed in footnote US118 adopted herein.

4. *Accordingly, it is ordered,* That pursuant to the authority contained in section 303 (b), (c), and (r) of the Communications Act of 1934, as amended, that effective March 31, 1972, Part 2 of the Commission's rules is amended as set forth below:

It is further ordered, That this proceeding is hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: February 16, 1972.

Released: February 22, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 2.106, footnote designator US118 is added in column 6 for the frequency bands 5000-5250 MHz and 15.4-15.7 GHz, and US118 added to read as follows:

US118—In the bands 5.0-5.25 GHz and 15.4-15.7 GHz, a "common system" Microwave Landing System is planned which is expected to have worldwide application. It is anticipated that operational implementation will begin about 1976. Nationally, such an agreed common system shall have priority over any other system in these bands.

[FR Doc.72-2907 Filed 2-25-72;8:51 am]

[Docket No. 19326; FCC 72-165]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Opp and Ozark, Ala.

Report and order. In the matter of amendment of § 73.202, *Table of Assignments,* FM Broadcast Stations (Opp and Ozark, Ala.), Docket No. 19326, RM-1742, RM-1679.

1. On September 29, 1971, the Commission adopted a notice of proposed rule making (FCC 71-1007, released October 5, 1971) in the above-entitled matter. Interested parties were afforded an opportunity to comment on or before November 15, 1971, and to reply to such comments on or before November 26, 1971. No comments of any kind were received.

2. The notice discussed the amendment of § 73.202 of our rules in respect to two FM channel allocations. Each will be discussed seriatim below. All population statistics cited are from the 1970 U.S. Census.

RM-1742, OPP, ALA.

3. On February 2, 1971, Opp Broadcasting, Inc. (Opp Broadcasting) filed a petition requesting the assignment of FM Channel 272A to Opp, Ala. The notice of proposed rule making cited above set out the proposal for exploration in this rule making proceeding. No other revisions in our Table of Assignments were proposed.

4. Opp, Ala. (the second largest community in Covington County, population 33,281) has 6,270 residents. The only aural facility located in Opp is daytime-only standard broadcast Station WAMI, licensed to petitioner. Our FM Table of Assignments, at the present time, does not provide an FM assignment for the community.

5. In view of the fact that petitioner filed no comments in response to our notice we must assume that it relies on the facts and allegations its petition contains. In that instrument Opp Broadcasting advances the need of Opp for an FM assignment by pointing out that such a facility could provide Opp and its surrounding area with a first full-time local aural service. The petition suggests that a community the size of Opp certainly requires a full-time radio service and that such an additional station, as that proposed, could be a valuable second voice to that of WAMI. The petition concludes by indicating the proposed facility could not only provide the area with weather information and warning service in case of a National Defense emergency but could in addition enrich the community with broadcasts concerning election results, public meetings, local sports, educational events, and news.

6. In light of the facts that our proposed action: was unopposed; will bring Opp its first opportunity for local commercial FM service; and provides for the interest in activating a local FM commercial service at Opp, voiced by petitioner; we find it is in the public interest to amend § 73.202 of our rules with respect to Opp. Therefore, we assign Channel 272A to Opp, Ala.[1]

RM-1679, OZARK, ALA.

7. On August 18, 1970, Wade B. Sullivan Broadcasting Co. (Sullivan Broadcasting) filed a petition (amended on November 24, 1970, and August 18, 1971) requesting the assignment of FM Channel 272A at Ozark, Ala. In view of our proposed assignment of Channel 272A to Opp, Ala., and the fact that Ozark is but 38 miles distant from Opp, Channel 272A could not be proposed to be assigned to both communities. Therefore, our notice proposed to assign FM Channel 280A to Ozark. No other revisions in our Table of Assignments were needed or proposed.

8. Dale County, Ala., with a population of 51,157 contains the small city of Ozark, which is its county seat, population 13,146. There are two daytime-only standard broadcast stations in the community, WAYD, licensed to petitioner and WOZK, licensed to Ozark Broadcasting Corp. Ozark Broadcasting Corp. also holds a license for Ozark's only FM allocation, Channel 285A, WOAB.

9. In this proceeding, Sullivan Broadcasting filed no comments in response to our notice of proposed rule making. In light of this fact we will pass judgment on the proposal set out in our Notice as supported by the material in the petition and the amendments thereto. In its filings Sullivan Broadcasting asserts the public interest in its request of an FM assignment for Ozark primarily by listing various facts about the community. For example, concerning economics, it alleges that the community has: four banks, total deposits $40,819,000; assessed property valuations, $13,362,920; postal receipts, $422,175; retail sales, $38 million; and telephones in service 6,910. A variety of other facts such as the number of schools, churches, parks, library facilities and the existence of nearby Fort Rucker are also presented. The community appears to have an economy based primarily on agriculture and manufacturing of textile and wood products. From the substantial nature of Ozark, Sullivan Broadcasting concludes that it requires a second local FM facility which in nighttime hours can provide a choice of local radio programing.

10. We have examined the needs of Ozark for an additional broadcast facility in light of its existing two daytime-only services and one full-time FM service. On the overall view, since no objections have been presented or present themselves, we have come to the judgment that it is in the public interest to assign a second FM channel to Ozark. A new FM service will provide the community (petitioner has stated that it will activate a newly assigned channel) with an alternative voice, in nighttime hours, to that of Ozark's existing FM station, WOAB. Two local FM services will be able to provide a variety of news, views and entertainment. Therefore, we assign Channel 280A to Ozark, Ala.

11. Authority for the actions taken herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended:

12. *Accordingly, it is ordered,* That effective March 31, 1972, the FM Table of Assignments in § 73.202 of the Commission's rules is amended, insofar as the cities listed below are concerned, to read as follows:

City:	Channel No.
Opp, Ala.	272A
Ozark, Ala.	280A, 285A

13. *It is further ordered,* That this proceeding (Docket No. 19326, RM-1742, RM-1679) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: February 16, 1972.

Released: February 22, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
BEN F. WAPLE,
Secretary.

[FR Doc.72-2908 Filed 2-25-72;8:51 am]

[1] Commissioners Johnson and H. Rex Lee absent.

[1] The transmitter site of this assignment must be located 2 miles northeast of Opp because of the assignment of Channel 272A at Milton, Fla.

[2] Commissioners Johnson and H. Rex Lee absent.

FEB 26 72

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 1, 4, 8, 23, 123, 161, 162]

ENFORCEMENT

Customs and Navigation Laws

Notice is hereby given that under the authority of 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66), and section 624, 46 Stat. 758 (19 U.S.C. 1624), it is proposed to amend the Customs Regulations relating to enforcement of Customs and navigation laws.

The proposed revision follows a new format, and is part of the general revision of the Customs Regulations. In addition to changes required by the reorganization of the Customs Service, changes or additions are proposed to clarify the scope of a number of provisions. Accordingly, the proposed revision is set forth below:

PART 1—GENERAL PROVISIONS

Part 1 is amended by adding § 1.9 to read as follows:

§ 1.9 Identification cards.

(a) Each Customs employee, other than an officer of the Customs Agency Service, who needs identification in the performance of his official duties shall be furnished an identification card on Customs Form 3135.

(b) The Commissioner will issue identification cards in appropriate cases to principal field officers. Each principal field officer shall be the issuing officer for the employees under his jurisdiction.

(c) Special identification cards signed by the Commissioner shall be issued to officers of the Customs Agency Service. All officers of the Customs Agency Service are authorized to carry weapons in the performance of their official duties, and specific authorization is therefore omitted from their identification cards.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

§ 4.12 [Amended]

In § 4.12(a)(5), the first sentence is amended by substituting "162.31" for "23.23" and the second sentence is amended by substituting "162.43" for "23.12".

Part 4 is amended by adding § 4.66b to read as follows:

§ 4.66b Pollution of coastal and navigable waters.

(a) When any Customs officer has reason to believe that any refuse matter is being or has been deposited in navigable waters in violation of section 13 of the Act of March 3, 1899 (33 U.S.C. 407), or that oil is being or has been discharged into or upon the coastal navigable waters of the United States in violation of the Oil Pollution Act of 1924 (33 U.S.C. 431–437) he shall promptly furnish to the district director a full report of the incident, together with the names of the witnesses, and, when practicable, a sample of the material discharged from the vessel in question.

(b) The district director shall forward this report immediately, without recommendation, to the District Engineer of the Department of the Army (at New York to the Supervisor of New York Harbor) for his decision as to prosecution and a copy of each such report shall be furnished to the bureau.

(c) If the vessel involved is of American registry, a copy of the report shall be furnished also to the District Commander of the Coast Guard district concerned.

(Sec. 13, 30 Stat. 1152, sec. 7, 43 Stat. 605, as amended; 33 U.S.C. 407, 436)

Part 4 is amended by adding § 4.100 to read as follows:

§ 4.100 Licensing of vessels of less than 30 net tons.

(a) The application for a license to import merchandise in a vessel of less than 30 net tons in accordance with section 6, Anti-Smuggling Act of August 5, 1935, shall be addressed to the Secretary of the Treasury and delivered to the district director of the district in which are located the ports where foreign merchandise is to be imported in such vessel.

(b) The application shall contain the following information:

(1) Name of the vessel, rig, motive power, and home port.

(2) Name and address of the owner.

(3) Name and address of the master.

(4) Net tonnage of the vessel.

(5) Kind of merchandise to be imported.

(6) Country or countries of exportation.

(7) Ports of the United States where the merchandise will be imported.

(8) Whether the vessel will be used to transport and import merchandise from a hovering vessel.

(9) Kind of document under which the vessel is operating.

(c) If the district director finds that the applicant is a reputable person and that the revenue would not be jeopardized by the issuance of a license, he may issue the license for a period not to exceed 12 months, incorporating therein any special conditions he believes to be necessary or desirable, and deliver it to the licensee.

(d) The master or owner shall keep the license on board the vessel at all times and exhibit it upon demand of any duly authorized officer of the United States. This license is personal to the licensee and is not transferable.

(e) The Secretary of the Treasury or the district director in whose office the license was issued may revoke the license if any of its terms have been willfully or intentionally violated or for any other cause which may be considered prejudicial to the revenue or otherwise against the interest of the United States.

(Sec. 6, 49 Stat. 519; 19 U.S.C. 1706)

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

§ 8.25 [Amended]

In § 8.25, the last sentence in paragraph (d) is amended by substituting "162.51" for "23.20".

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS [DELETED]

Chapter I of Title 19 is amended by deleting Part 23.

PART 123—CUSTOMS RELATIONS WITH CANADA AND MEXICO

§ 123.71 [Amended]

In § 123.71, the last sentence is amended by substituting "Subpart B of Part 162", for "§ 23.11".

PART 161—GENERAL ENFORCEMENT PROVISIONS

Chapter I of Title 19 is amended by adding a new Part 161 to read as follows:

Sec.
161.0 Scope.

Subpart A—General Provisions

161.1 Customs supervision.
161.2 Enforcement for other agencies.
161.3 Prosecution for violation of Customs laws.
161.4 Bribery of Customs officers and employees.
161.5 Compromise of Government claims.

Subpart B—Informer's Compensation

161.11 Claim for compensation by informer.
161.12 Filing of claim.
161.13 Limitation on claims.
161.14 Payment of claims.
161.15 Informer's name confidential.

AUTHORITY: The provisions of this Part 161 issued under 60 Stat. 379, R.S. 251, as amended, sec. 624, 46 Stat. 759, 5 U.S.C. 301, 19 U.S.C. 66, 1624. Statutory provisions interpreted or applied and additional authority are cited in parentheses following the sections affected.

§ 161.0 Scope.

The provisions of this part set forth the authority and responsibility of Customs officers in the enforcement of Customs laws of the United States. Also included are provisions relating to import and export controls enforced for other administering agencies, prosecution for violation of Customs laws, bribery of Customs officers and employees, the compromise of Government claims and informer's compensation.

Subpart A—General Provisions

§ 161.1 Customs supervision.

Whenever any action or thing is required by the regulations in this chapter, or by any provision of the Customs or navigation laws, to be done or maintained under the supervision of Customs officers, such supervision shall be carried out as prescribed in the regulations of this chapter, or by instructions from the Secretary of the Treasury, or the Commissioner of Customs in particular cases. In the absence of a governing regulation or instruction, supervision shall be direct and continuous, or by such occasional verification as the principal Customs field officer shall direct if such officer shall determine that less intensive supervision will ensure proper enforcement of the law and protection of the revenue. Nothing in this section shall be deemed to warrant any failure to direct and furnish required supervision or to excuse any failure of a party in interest to comply with prescribed procedures for obtaining any required supervision.

(Sec. 22, 67 Stat. 520; 19 U.S.C. 1646a)

§ 161.2 Enforcement for other agencies.

(a) *Laws enforced by Customs Service for administering agencies.* Some of the laws enforced in whole or in part by the Customs Service for administering agencies are:

(1) Importations and exportations of arms, ammunition, implements of war, helium gas, and other munitions of war are governed by laws administered by the Internal Revenue Service and Department of State;

(2) Importations and exportations of controlled substances are governed by laws administered by the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(3) Importations and exportations of gold are governed by laws administered by the Department of the Treasury;

(4) Importations and exportations of atomic energy source material, fissionable material, and equipment and devices for utilizing or producing fissionable material are subject to laws administered by the Atomic Energy Commission; and

(5) The exportation of articles, other than those previously mentioned herein, are subject to requirements of laws administered by the Department of Commerce.

(b) *Seizure for violation of law.* When articles are imported or are intended to be, are being, or have been exported from the United States in violation of law, such articles and any vessel, vehicle, or aircraft knowingly used in their transportation shall be seized and proceeded against.

(Sec. 5(b), 40 Stat. 415, as amended, 62 Stat. 716, sec. 502, 68 Stat. 1140, sec. 1, 40 Stat. 223, as amended, sec. 4, 48 Stat. 340, secs. 4, 7, 60 Stat. 759, 764, sec. 414, 68 Stat. 848, as amended; 12 U.S.C. 95a, 18 U.S.C. 545, 19 U.S.C. 1595(a), 22 U.S.C. 401, 31 U.S.C. 443, 42 U.S.C. 1804, 1807, 22 U.S.C. 1934)

§ 161.3 Prosecution for violation of Customs laws.

When there is a seizure or other violation of the Customs laws which requires legal proceedings by civil or criminal action, the district director or special agent in charge of the area involved shall furnish a report to the United States attorney in accordance with section 603, Tariff Act of 1930, as amended (19 U.S.C. 1603). Action shall be taken under section 545, title 18, United States Code, only when there is clear indication of a violation of some specific provision of law.

(Sec. 603, 46 Stat. 754, as amended, sec. 1, 62 Stat. 716; 18 U.S.C. 545, 19 U.S.C. 1603)

§ 161.4 Bribery of Customs officers and employees.

If, upon investigation, it is determined that money or anything of value was given, offered, or promised to a Customs officer or employee with the intent to control or influence such officer or employee in the performance of his official duties, the matter shall be referred to the United States attorney for prosecution under section 201, title 18, United States Code.

(Sec. 1, 76 Stat. 1119, as amended; 18 U.S.C. 201)

§ 161.5 Compromise of Government claims.

(a) *Offer.* An offer made pursuant to section 617, Tariff Act of 1930, as amended (19 U.S.C. 1617), in compromise of a Government claim arising under the Customs laws and the terms upon which it is made shall be stated in writing addressed to the Commissioner of Customs. The offer shall be limited to the civil liability of the proponent in the matter which is the subject of the Government's claim.

(b) *Deposit of specific sum tendered.* No offer in which a specific sum of money is tendered in compromise of a Government claim under the Customs laws will be considered by the Commissioner of Customs until due notice is received that such sum has been properly deposited in the name of the person submitting the offer with the Treasurer of the United States or a Federal Reserve bank. A proponent at a distance from a Federal Reserve bank may perfect his offer by tendering a bank draft for the amount of the offer payable to the Secretary of the Treasury for collection and deposit. If the offer is rejected, the money will be returned to the proponent.

(Sec. 617, 46 Stat. 757, as amended; 19 U.S.C. 1617)

Subpart B—Informer's Compensation

§ 161.11 Claim for compensation by informer.

(a) *Persons not officers of United States.* Any person not an officer of the United States who, in accordance with section 619, Tariff Act of 1930, as amended (19 U.S.C. 1619), detects, seizes, and reports any vessel, vehicle, merchandise, or baggage subject to seizure and forfeiture under the Customs or navigation laws, or who furnishes original information concerning any fraud upon the Customs revenue or a violation of the Customs or navigation laws perpetrated or contemplated, may file a claim for an award of compensation. Any Customs officer to whom the information is furnished shall advise the informant of his right to claim such an award.

(b) *Officer of the United States.* Officers of the United States are precluded by section 620, Tariff Act of 1930 (19 U.S.C. 1620) from directly or indirectly receiving or contracting for any portion of a compensation award.

(Sec. 619, 620, 46 Stat. 758, as amended; 19 U.S.C. 1619, 1620)

§ 161.12 Filing of claim.

A claim for an award of compensation shall be filed in duplicate on Customs Form 4623 with the district director, but any Customs officer may receive such a claim for transmittal to the district director. Additional copies of the claim required by the district director shall be furnished on demand. Application may be made directly to the Commissioner of Customs where for any reason a claim has not been transmitted by the district director to the Commissioner. No claim for compensation shall be forwarded to the Commissioner unless a sum of not less than $5 is available for an award.

(Sec. 619, 46 Stat. 756, as amended; 19 U.S.C. 1619)

§ 161.13 Limitation on claims.

Claimants may be paid 25 per centum of the net amount recovered from duties withheld, or any fine, penalty, or forfeiture incurred, but such amount shall not exceed $50,000 regardless of the number of recoveries growing out of the information furnished.

(Sec. 619, 46 Stat. 758, as amended; 19 U.S.C. 1619)

§ 161.14 Payment of claims.

No claim under section 619, Tariff Act of 1930, as amended (19 U.S.C. 1619), shall be paid until the amount recovered has been deposited in the proper account. Claims shall not be paid out of the proceeds of sale.

(Sec. 619, 46 Stat. 758, as amended; 19 U.S.C. 1619)

§ 161.15 Informer's name confidential.

The informer's name and address shall be kept confidential. No files nor information concerning the informer shall be permitted to get into the possession of unauthorized persons. No information shall be revealed which might aid the offenders in identifying the informer.

PART 162—INSPECTION, SEARCH, AND SEIZURE

Chapter I of Title 19 is amended by adding a new Part 162 to read as follows:

Sec.
162.0 Scope.

FEB 26 72
XUM

Subpart A—Inspection, Examination, and Search

Sec.
162.1 Inspection of importer's books, records, and other papers.
162.2 Examination of importer and others.
162.3 Boarding and search of vessels.
162.4 Search for letters.
162.5 Search of arriving vehicles and aircraft.
162.6 Search of persons, baggage, and merchandise.
162.7 Search of vehicles, persons or beasts.

Subpart B—Search Warrants

162.11 Authority to procure warrant.
162.12 Service of search warrant.
162.13 Search of rooms not described in warrant.
162.14 Removal of letters and other documents.
162.15 Receipt for seized property.

Subpart C—Seizures

162.21 Responsibility and authority for seizures.
162.22 Seizure of conveyances.

Subpart D—Procedure When Fine, Penalty or Forfeiture Incurred

162.31 Notice of fine, penalty or forfeiture incurred.
162.32 Where petition for relief not filed.

Subpart E—Treatment of Seized Merchandise

162.41 Merchandise entered by false invoice, declaration, other document or statement subject to forfeiture.
162.42 Proceedings by libel.
162.43 Appraisement.
162.44 Release on payment of appraised value.
162.45 Summary forfeiture where value not over $2,500: Notice of seizure and sale.
162.46 Summary forfeiture where value not over $2,500: Disposition of goods.
162.47 Claim for property subject to summary forfeiture.
162.48 Summary sale of perishable and other property valued not over $2,500.
162.49 Forfeiture by court decree.
162.50 Forfeiture by court decree: Disposition.
162.51 Disposition of proceeds of sale of forfeited property.

Subpart F—Controlled Substances, Narcotics, and Marihuana

162.61 Importing and exporting controlled substances.
162.62 Permissible controlled substances on vessels, aircraft and individuals.
162.63 Arrests and seizures.
162.64 Custody of controlled substances.
162.65 Penalties for failure to manifest narcotic drugs or marihuana.
162.66 Penalties for unlading narcotic drugs or marihuana without a permit.

AUTHORITY: The provisions of this Part 162 issued under 80 Stat. 379, R.S. 251, as amended, sec. 624, 46 Stat. 759, 5 U.S.C. 301, 19 U.S.C. 66, 1624. The provisions of subpart B also issued under sec. 595, 46 Stat. 752, as amended; 19 U.S.C. 1595. Statutory provisions interpreted or applied and additional authority are cited in parentheses following the sections affected.

§ 162.0 Scope.

This part sets forth the provisions for the inspection, examination, and search of persons, vessels, aircraft, vehicles, and merchandise involved in importation, for the seizure of property and the forfeiture and sale thereof. It also contains provisions for Customs enforcement of the controlled substances, narcotics and marihuana laws. Provisions relating to petitions for remission or mitigation of fines, penalties, and forfeitures incurred are contained in Part 171 of this chapter.

Subpart A—Inspection, Examination, and Search

§ 162.1 Inspection of importer's books, records, and other papers.

Before demanding an inspection of any importer's books, correspondence, or records pursuant to section 511, Tariff Act of 1930, as amended (19 U.S.C. 1511), which authorizes such inspections and the prohibition of importations of merchandise or the withholding of delivery of merchandise for an importer failing to permit a duly accredited officer to inspect books, correspondence, or other records, the investigating officer shall present a written request for such inspection signed by the Commissioner of Customs, Regional Commissioner of Customs, district director of Customs, or judge of the U.S. Customs Court.

(Sec. 511, 46 Stat. 733 as amended; 19 U.S.C. 1511)

§ 162.2 Examination of importer and others.

The citation of a person to appear and testify pursuant to section 509, Tariff Act of 1930, as amended (19 U.S.C. 1509), authorizing such examination, shall be in writing and signed by the district director. It shall indicate clearly the merchandise or entries concerning which the examination will be held and the documents required to be presented. It shall be addressed to the person to be examined and shall state the specific time when and place where his personal appearance is required. Such citation shall be served in person or by registered or certified mail.

(Sec. 509, 46 Stat. 733, as amended; 19 U.S.C. 1509)

§ 162.3 Boarding and search of vessels.

(a) *General authority.* A Customs officer, for the purpose of examining the manifest and other documents and papers and examining, inspecting and searching the vessel, may at any time go on board:

(1) Any vessel at any place in the United States or within the Customs waters of the United States;

(2) Any American vessel on the high seas, when there is probable cause to believe that such vessel is violating or has violated the laws of the United States; or

(3) Any vessel within a Customs-enforcement area designated such under the provisions of the Anti-Smuggling Act (Act of August 5, 1935, as amended, 49 Stat. 517; 19 U.S.C. 1701, 1703–1711), but Customs officers shall not board a foreign vessel upon the high seas in contravention of any treaty with a foreign government, or in the absence of a special arrangement with the foreign government concerned.

(b) *Search of army or navy transport.* If the district director or special agent in charge believes that sufficient grounds exist to justify a search of any army or navy transport, the facts shall be reported to the commanding officer or master of such transport with a request that he cause a full search to be made, and advise the district director or special agent in charge of the result of such search. If, after the cargo has been discharged, passengers and their baggage landed, and the baggage of officers and crewmembers examined and passed, the district director or special agent in charge believes that sufficient grounds exist to justify the continuance of Customs supervision of the vessel, the commanding officer of the vessel shall be advised accordingly.

(Secs. 455, 581, 46 Stat. 716, as amended, 747, as amended; 19 U.S.C. 1455, 1581)

§ 162.4 Search for letters.

A Customs officer may search vessels for letters which may be on board or may have been conveyed contrary to law on board any vessel or on any post route, and shall seize such letters and deliver them to the nearest post office or detain them subject to the orders of the postal authorities.

(Secs. 904, 905, 74 Stat. 587; 39 U.S.C. 904, 905)

§ 162.5 Search of arriving vehicles and aircraft.

A Customs officer may stop any vehicle and board any aircraft arriving in the United States from a foreign country for the purpose of examining the manifest and other documents and papers and examining, inspecting, and searching the vehicle or aircraft.

(Sec. 561, 46 Stat. 747, as amended, sec. 1109, 72 Stat. 799, as amended; 19 U.S.C. 1581, 49 U.S.C. 1509)

§ 162.6 Search of persons, baggage, and merchandise.

All persons, baggage, and merchandise arriving in the Customs territory of the United States from places outside thereof are liable to inspection and search by a Customs officer. District directors and special agents in charge are authorized to cause inspection, examination, and search to be made under section 467, Tariff Act of 1930, as amended (19 U.S.C. 1467), of persons, baggage, or merchandise, even though such persons, baggage, or merchandise were inspected, examined, searched, or taken on board the vessel at another port or place in the United States or the Virgin Islands, if such action is deemed necessary or appropriate.

(Secs. 461, 466, 46 Stat. 717, 727, as amended, sec. 11, 52 Stat. 1083, as amended; 19 U.S.C. 1461, 1467, 1466)

§ 162.7 Search of vehicles, persons, or beasts.

A Customs officer may stop, search, and examine any vehicle, person, or beast, or search any truck or envelope

wherever found, in accordance with section 3061 of the Revised Statutes (19 U.S.C. 482).

Subpart B—Search Warrants

§ 162.11 Authority to procure warrants.

Customs officers are authorized to procure search warrants under the provisions of section 595, Tariff Act of 1930, as amended (19 U.S.C. 1595). However, a Customs officer who is lawfully on any premises and is able to identify merchandise which has been imported contrary to law may seize such merchandise without a warrant. If merchandise is in a building on the boundary, see § 123.71 of this chapter.

§ 162.12 Service of search warrant.

A search warrant shall be served in person by the officer to whom it is issued and addressed. In serving a search warrant, the officer shall leave a copy of the warrant with the person in charge or possession of the premises, or in the absence of any person, the copy shall be left in some conspicuous place on the premises searched.

§ 162.13 Search of rooms not described in warrant.

When a Customs officer is acting under a warrant to search the rooms in a building occupied by persons named or described in the warrant, no search shall be made of any rooms in such building which are not described in the warrant as occupied by such persons.

§ 162.14 Removal of letters and other documents.

Customs officers to whom a warrant is issued to search for and seize merchandise are without authority to remove letters and other documents and records, unless they themselves are instruments of crime and are seized as an incident to a lawful arrest.

§ 162.15 Receipt for seized property.

A receipt for property seized under a search warrant shall be left with the person in charge or possession of the premises, or in the absence of any person, the receipt shall be left in some conspicuous place on the premises searched.

Subpart C—Seizures

§ 162.21 Responsibility and authority for seizures.

(a) *Seizures by Customs officers.* Any Customs officer having reasonable cause to believe that any law, the enforcement of which is within the jurisdiction of the Customs Service, has been violated by reason of which any property has become subject to forfeiture, shall seize such property if available. A receipt for seized property shall be given at the time of seizure to the person from whom the property is seized.

(b) *Seizure by persons other than Customs officers.* The district director may adopt a seizure made by a person other than a Customs officer if such district director has reasonable cause to believe that the property is subject to forfeiture under the Customs laws.

(c) *Seizure by State official.* If a duly constituted State official has seized any merchandise, vessel, aircraft, vehicle, or other conveyance under provisions of the statutes of such State, such property shall not be seized by a Customs officer unless the property is voluntarily turned over to him to be proceeded against under the Federal statutes.

(R.S. 3061, secs. 581, 582, 602, 46 Stat. 747, as amended, 748, 754, as amended; 19 U.S.C. 482, 1581, 1582, 1602)

§ 162.22 Seizure of conveyances.

(a) *General applicability.* If it shall appear to any officer authorized to board conveyances and make seizures that there has been a violation of any law of the United States whereby a vessel, vehicle, aircraft, or other conveyance, or any merchandise on board of or imported by such vessel, vehicle, aircraft, or other conveyance is liable to forfeiture, the officer shall seize such conveyance and arrest any person engaged in such violation. Common carriers are exempted from seizure except under certain specified conditions as provided for in section 594, Tariff Act of 1930 (19 U.S.C. 1594).

(b) *Facilitating importation contrary to law.* Every vessel, vehicle, animal, aircraft, or other conveyance which is being or has been used in, or to aid or facilitate, the importation, bringing in, unlading, landing, removal, concealing, harboring, or subsequent transportation of any article which is being, or has been introduced or attempted to be introduced into the United States contrary to law, shall be seized and held subject to forfeiture, and any person who directs, assists financially or otherwise, or is in any way concerned in any such unlawful activity shall be liable to a penalty equal to the value of the article or articles involved.

(c) *Common carrier clearance.* Unless specifically authorized by law, clearance of vessels within the common carrier exception of section 594, Tariff Act of 1930 (19 U.S.C. 1594), shall not be refused for the purpose of collecting a fine imposed upon the master or owner, unless either of them was a party to the illegal act. The Government's remedy in such cases is limited to an action against the master or owner.

(d) *Retention of vessel or vehicle pending penalty payment.* If a penalty is incurred under section 460, Tariff Act of 1930, as amended (19 U.S.C. 1460), by a person in charge of a vessel or vehicle and the vessel or vehicle is not subject to seizure, such vessel or vehicle may be held by the district director under section 594, Tariff Act of 1930, until the penalty incurred by the person in charge has been settled.

(e) *Maritime Administration vessels; exemption from penalty.* (1) When a vessel owned or chartered under bareboat charter by the Maritime Administration and operated for its account becomes liable for the payment of a penalty incurred for violation of the Customs revenue or navigation laws, clearance of the vessel shall not be withheld nor shall any proceedings be taken against the vessel itself looking to the enforcement of such liability.

(2) This exemption shall not in any way be considered to relieve the master of any such vessel or other person incurring such penalties from personal liability for payment.

(Sec. 1, 62 Stat. 717, secs. 459, 460, 594, 46 Stat. 717, as amended, 751, secs. 1, 3–8, 49 Stat. 517, 518, 519, as amended, 520; 16 U.S.C. 546, 19 U.S.C. 1459, 1460, 1594, 1701, 1703–1708)

Subpart D—Procedure When Fine, Penalty, or Forfeiture Incurred

§ 162.31 Notice of fine, penalty, or forfeiture incurred.

(a) *Notice.* Written notice of any fine or penalty incurred as well as any liability to forfeiture shall be given to each party that the facts of record indicate has an interest in the claim or seized property. The notice shall also inform each interested party of his right to apply for relief under section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), or any other applicable statute authorizing mitigation of penalties or remission of forfeitures, in accordance with Part 171 of this chapter.

(b) *Demand for deposit in case of smuggled articles of small value.* In the case of smuggled articles of small value, demand shall be made for immediate deposit of an amount equivalent to the domestic value of the articles on account of the liability to a penalty incurred as distinct from liability of the goods to forfeiture. Such sum shall be deposited whether or not a petition for relief is filed in accordance with Part 171 of this chapter. A demand for deposit need not be made in connection with any liability incurred by the master of a vessel under the provisions of section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453).

§ 162.32 Where petition for relief not filed.

(a) *Fines and penalties.* If the person liable for a fine or penalty for any violation of the Customs or navigation laws fails to petition for relief in accordance with Part 171 of this chapter, or pay or arrange to pay the penalty within 60 days from the date of mailing of the notice of violation as provided in section 162.31, the case shall be referred immediately to the U.S. attorney for appropriate action unless other action is expressly authorized by the Commissioner of Customs. However, if it appears that the person liable for the penalty is absent from the United States or during the 60-day period was absent for more than 30 days, the district director may withhold referral for a further reasonable time.

(b) *Appraised value of seized property exceeds $2,500.* When the appraised value of seized property exceeds $2,500 and neither a petition for relief in accordance with Part 171 of this chapter nor an offer to pay the domestic value as provided for in section 162.44 is made within a reasonable time, the district director shall report the facts to the U.S. attorney for the judicial district in which the seizure was made.

FEB 26 72

(Secs. 603, 610, 46 Stat. 754, as amended, 755, as amended; 19 U.S.C. 1603, 1610)

Subpart E—Treatment of Seized Merchandise

§ 162.41 Merchandise entered by false invoice, declaration, other document or statement subject to forfeiture.

(a) *Election to proceed against merchandise or value when forfeiture incurred.* When merchandise or the value thereof is subject to forfeiture under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), including any article seized under the provisions of section 499, Tariff Act of 1930, as amended (19 U.S.C. 1499), the district director may elect to proceed against the merchandise or its domestic value. However, if the merchandise is in the possession of an innocent purchaser, it shall not be seized. In such cases, or when the merchandise is not available for seizure, the district director shall proceed to recover the domestic value.

(b) *Claim for domestic value unpaid.* If a claim for domestic value is made by the district director, and it is not paid or settled as prescribed in this part or Part 171 of this chapter, the claim shall be forwarded to the U.S. attorney for appropriate action.

(c) *Liability for duties unaffected by forfeiture.* When an entry covering merchandise subject to the provisions of section 592, Tariff Act of 1930, as amended, has been made, it shall be liquidated and the duties collected as though no forfeiture had been incurred. Appraisement of the merchandise or liquidation of the entry shall not be withheld because of the pending forfeiture proceedings. When merchandise not covered by an entry is subject to section 592, Tariff Act of 1930, as amended, a demand shall be made on the importer for payment of the duty estimated to be due on such merchandise in addition to the seizure of the merchandise or the demand for forfeiture value. Any applicable internal revenue tax shall also be demanded unless the merchandise is to be, or has been, forfeited.

§ 162.42 Proceedings by libel.

If seizure is made under a statute which provides that the property may be seized and proceeded against by libel, the summary forfeiture procedures set forth in §§ 162.45, 162.46, and 162.47 do not apply. Such cases shall be referred to the U.S. attorney. The district director may request the U.S. attorney to seek a decree of forfeiture providing for delivery of the property to the district director for sale or other appropriate disposition, if such property is not to be retained for official use.

§ 162.43 Appraisement.

(a) *Property under seizure and subject to forfeiture.* Seized property shall be appraised as required by section 606, Tariff Act of 1930, as amended (19 U.S.C. 1606). The term "domestic value" as used therein shall mean the price at which such or similar property is freely offered for sale at the time and place of appraisement, in the same quantity or quantities as seized, and in the ordinary course of trade. If there is no market for the seized property at the place of appraisement, such value in the principal market nearest to the place of appraisement shall be reported.

(b) *Property not under seizure.* With respect to property not under seizure, the basis for the claim for forfeiture value or for assessment of penalty is the domestic value as defined in paragraph (a) of this section, except that the value shall be fixed as of the date of the violation. In the case of entered merchandise, the date of the violation shall be the date of the entry, or the date of the filing of the document, or the commission of the act forming the basis of the claim, whichever is later.

(c) *Prohibited importation.* For the purpose of condemnation or forfeiture only, the value of all seized merchandise, the importation of which is prohibited, shall be held not to exceed $2,500. However, seized merchandise, the importation of which is absolutely prohibited, shall be appraised at its foreign-market value, since such merchandise has no domestic value.

(Secs. 606, 608, 46 Stat. 754, as amended, 755 as amended; 19 U.S.C. 1606, 1608)

§ 162.44 Release on payment of appraised value.

(a) *Value exceeding $50,000.* Any offer to pay the appraised domestic value of seized merchandise in order to obtain the immediate release of property which was seized under the Customs laws and exceeding $50,000 in appraised domestic value, or which was seized under the navigation laws, shall be in writing, addressed to the Commissioner of Customs, signed by the claimant or his attorney, and shall contain an asset to forfeiture and a waiver of further proceedings. It shall be submitted in duplicate to the district director for the district in which the property was seized. Proof of ownership shall be submitted with the application if the facts in the case make such action necessary.

(b) *Value not over $50,000*—(1) *Authority to accept offer.* The district director is authorized to accept a written offer pursuant to section 614, Tariff Act of 1930, as amended (19 U.S.C. 1614), to pay the appraised domestic value of property seized under the Customs laws and to release such property if:

(i) The appraised domestic value of the seized property does not exceed $50,000;

(ii) The district director is satisfied that the claimant has, in fact, a substantial interest in the property;

(iii) Entry of the seized property into the commerce of the United States is not prohibited by law; and

(iv) The claimant or his attorney has executed an assent to forfeiture and a waiver of further proceedings on Customs Form 4607.

(2) *Referral of offer.* The district director shall refer to the Commissioner of Customs any offer where it appears that the claimant does not have a substantial interest in the seized property or where it appears it would not be in the best interest of the United States to accept.

(c) *Retention of property.* The district director shall retain custody of the property pending payment of the amount of the offer when the application is approved.

(Sec. 614, 46 Stat. 757, as amended; 19 U.S.C. 1614)

§ 162.45 Summary forfeiture where value not over $2,500: Notice of seizure and sale.

(a) *Contents.* The notice required by section 607, Tariff Act of 1930, as amended (19 U.S.C. 1607), of seizure and intent to forfeit and sell or otherwise dispose of according to law property not exceeding $2,500 in value shall:

(1) Describe the property seized and in the case of motor vehicles, specify the motor and serial numbers;

(2) State the time, cause, and place of seizure;

(3) State that any person desiring to claim the property must appear at a designated place and file with the district director within 20 days from the date of the first publication of the notice a claim to such property and a bond in the sum of $250, in default of which the property will be disposed of in accordance with the law; and

(4) State the name and place of residence of the person to whom any vessel or merchandise seized for forfeiture under the navigation laws belongs or is consigned, if that information is known to the district director.

(b) *Publication.* When the appraised value of any property in one seizure from one person other than narcotics and dangerous drugs exceeds $250, the notice shall be published in a newspaper of general circulation in the Customs district and the judicial district in which the property was seized for at least 3 successive weeks. In all other cases, the notice shall be published by posting in a conspicuous place accessible to the public in the customhouse nearest the place of seizure and in the customhouse at the headquarters port for the Customs district, with the date of posting noted thereon, and shall be kept posted for at least 3 successive weeks. Articles of small value of the same class or kind included in two or more seizures shall be advertised as one unit.

(c) *Delay of publication.* Publication of the notice of seizure and intent to summarily forfeit and dispose of goods valued not over $2,500 may be delayed for a period not to exceed 60 days in those cases where the district director has reason to believe that a petition for administrative relief in accord with Part 171 of this chapter will be filed.

§ 162.46 Summary forfeiture where value not over $2,500: Disposition of goods.

(a) *General.* If no petition for relief from the forfeiture is filed in accordance with the provision of Part 171 of this chapter, or if a petition was filed and has been denied, and the property is not retained for official use, it shall be disposed of in accordance with section 609, Tariff Act of 1930, as amended (19 U.S.C. 1609).

(b) *Articles required to be inspected by other Government agencies.* Before seized drugs, insecticides, seeds, plants, nursery stock, and other articles required to be inspected by other Government agencies are sold, they shall be inspected by a representative of such agency to ascertain whether or not they meet the requirements of the laws and regulations of that agency, and if found not to meet such requirements, they shall be destroyed forthwith.

(c) *Sale*—(1) *General.* If the forfeited property is cleared for sale, it shall be sold in accordance with the applicable provisions of Part 20 of this chapter. The district director may postpone the sale of small seizures until he believes the proceeds of a consolidated sale will pay all expenses.

(2) *Transfer to another district for sale.* Property shall be moved to and sold in such other Customs district as the Commissioner of Customs may direct pursuant to the provisions of section 611, Tariff Act of 1930 (19 U.S.C. 1611), if:

(i) The laws of a State in which property is seized and forfeited prohibit the sale of such property; or

(ii) The Commissioner is of the opinion that the sale of forfeited property may be made more advantageously in another Customs district.

(d) *Destruction.* If, after summary forfeiture of property is completed, it appears that the proceeds of sale will not be sufficient to pay the costs of sale, the district director may order the destruction of the property. Any vessel or vehicle summarily forfeited for violation of any law respecting the Customs revenue may be destroyed in lieu of the sale thereof when such destruction is authorized by the Commissioner of Customs to protect the revenue.

(Secs. 609, 611, 46 Stat. 755, as amended, sec. 5, 49 Stat. 519; 19 U.S.C. 1609, 1611, 1705)

§ 162.47 Claim for property subject to summary forfeiture.

(a) *Filing of claim.* Any person desiring to claim under the provisions of section 608, Tariff Act of 1930 (19 U.S.C. 1608), seized property not exceeding $2,500 in value and subject to summary forfeiture, shall file a claim to such property with the district director within 20 days from the date of the first publication of the notice prescribed in section 162.45.

(b) *Bond for costs.* The bond in the penal sum of $250 required by section 608, Tariff Act of 1930, to be filed with a claim for seized property shall be on Customs Form 4615. There shall be endorsed on the bond a list or schedule in substantially the following form which shall be signed by the claimant in the presence of the witnesses to the bond, and attested by the witnesses:

List or schedule containing a particular description of seized article, claim for which is covered by the within bond, to wit:

The foregoing list is correct.

----------, Claimant

Attest:

(c) *Claimant not entitled to possession.* The filing of a claim and the giving of a bond pursuant to section 608, Tariff Act of 1930, shall not be construed to entitle the claimant to possession of the property. Such action only stops the summary forfeiture proceeding.

(d) *Report to the U.S. attorney.* When the claim and bond are filed within the 20-day period, the district director shall report the case to the U.S. attorney for the institution of condemnation proceedings.

(Sec. 608, 46 Stat. 755, as amended; 19 U.S.C. 1608)

§ 162.48 Summary sale of perishable and other property valued not over $2,500.

Seized property which is perishable or otherwise enumerated in section 612, Tariff Act of 1930, as amended (19 U.S.C. 1612), and is valued at not over $2,500 shall be advertised for sale and sold at public auction at the earliest possible date. The district director shall proceed to give notice by advertisement of the summary sale for such time as he considers reasonable. This notice shall be of sale only and not notice of seizure and intent to forfeit. The proceeds of the sale shall be held subject to the claims of parties in interest in the same manner as the seized property would have been subject to such claims.

(Sec. 612, 46 Stat. 756, as amended; 19 U.S.C. 1612)

§ 162.49 Forfeiture by court decree.

(a) *Report to the U.S. attorney.* When it is necessary to institute legal proceedings in order to forfeit seized property, or to forfeit the value of property subject to forfeiture, the district director or the special agent in charge of the area involved shall furnish a report to the U.S. attorney in accordance with the provisions of section 603, Tariff Act of 1930, as amended (19 U.S.C. 1603).

(b) *Bonding of seized property.* When a claimant desires to file a bond for the release of seized property which is the subject of a court proceeding, he shall be referred to the U.S. attorney. The Government is entitled to recover the penal sum of the bond if forfeiture is then decreed.

(Sec. 201, 72 Stat. 1412; 26 U.S.C. 5688(c))

§ 162.50 Forfeiture by court decree: Disposition.

(a) *Sale.* Forfeited property decreed by the court for sale or disposition by the district director shall be disposed of in the same manner as property summarily forfeited. (See § 162.46.)

(b) *Transfer to other districts for sale.* If the laws of the State in which property is seized and forfeited prohibit the sale of such property, or if the Commissioner of Customs is of the opinion that the sale of forfeited property may be made more advantageously in another Customs district, application may be made to the court to permit disposition in accordance with the provisions of section 611, Tariff Act of 1930 (19 U.S.C. 1611). If the court permits such disposition, the property shall be moved to and sold in such other district as the Commissioner may direct provided it has been cleared for sale.

(c) *Destruction*—(1) *Proceeds of sale not sufficient.* Property forfeited under a decree of any court may be destroyed if it is provided in the decree of forfeiture that the property shall be delivered to the Secretary of the Treasury or the Commissioner of Customs for disposition in accordance with section 611, Tariff Act of 1930 (19 U.S.C. 1611).

(2) *For protection of the revenue.* Any vessel or vehicle forfeited under a decree of any court for violation of any law respecting the Customs revenue may be destroyed in lieu of sale when such destruction is authorized by the Commissioner of Customs to protect the revenue if it is provided in the decree of forfeiture that the property shall be delivered to the Secretary of the Treasury or Commissioner of Customs for disposition under the provisions of 19 U.S.C. 1705.

(Sec. 611, 46 Stat. 755, sec. 5, 49 Stat. 519; 19 U.S.C. 1611, 1705)

§ 162.51 Disposition of proceeds of sale of forfeited property.

(a) *Payment of expense incurred.* Expenses incurred by Customs officers in connection with seizures and forfeitures shall be paid from the Customs appropriation. In the event that the forfeited property has been authorized for transfer to another Federal agency for official use, the receiving agency shall reimburse the Customs appropriation for the costs incurred for moving and storing such property from the date of seizure to the date of delivery. If the property is cleared for sale, the Customs appropriation shall be reimbursed from the proceeds of the sale for all expenses paid from such appropriation in connection with the seizure and forfeiture of such property.

(b) *Distribution of proceeds.* If the forfeiture and sale of property is pursuant to court proceedings, or the imposition of a fine or penalty results from a prosecution instituted in a civil or criminal case under the Customs laws, the sum recovered, after deducting all proper charges for marshal's fees, court costs, and other similar costs, is payable to the district director who shall distribute it without delay in accordance with section 613, Tariff Act of 1930, as amended (19 U.S.C. 1613).

Subpart F—Controlled Substances, Narcotics, and Marihuana

§ 162.61 Importing and exporting controlled substances.

It shall be unlawful to import to or export from the United States any controlled substance or narcotic drug listed

FEB 26 72 XUM

in schedules I through V of the Controlled Substances Act (Sec. 202, 84 Stat. 1247; 21 U.S.C. 812), unless there has been compliance with the provisions of said Act, the Controlled Substances Import and Export Act and the regulations of the Bureau of Narcotics and Dangerous Drugs.

(Secs. 1002, 1003, 1007, 84 Stat. 1285, 1286, 1288; 21 U.S.C. 952, 953, 957)

§ 162.62 Permissible controlled substances on vessels, aircraft, and individuals.

Upon compliance with the provisions of the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801), the Controlled Substances Import and Export Act (84 Stat. 1285; 21 U.S.C. 951), and the regulations of the Bureau of Narcotics and Dangerous Drugs (21 CFR 301.28, 301.29, 311.28), controlled substances listed in schedules I through V of the Controlled Substances Act may be held:

(a) On vessels engaged in international trade in medicine chests and dispensaries.

(b) In aircraft operated by an air carrier under a certificate or permit issued by the Federal Aviation Administration for stocking in medicine chests and first aid packets.

(c) By an individual where lawfully obtained for personal medical use or for administration to an animal accompanying him to enter or depart the United States.

(Secs. 1002, 1006, 84 Stat. 1285, 1288; 21 U.S.C. 952, 956)

§ 162.63 Arrests and seizures.

Arrests and seizures under the Controlled Substances Act (84 Stat. 1242, 21 U.S.C. 801) and the Controlled Substances Import and Export Act (84 Stat. 1285, 21 U.S.C. 951), shall be handled in the same manner as other Customs arrests and seizures. Controlled substances imported contrary to law shall be seized and forfeited in the manner provided in sections 607 and 608, Tariff Act of 1930, as amended (19 U.S.C. 1607, 1608). (See §§ 162.42 and 162.45.)

(Sec. 511(d), 1016, 84 Stat. 1277, 1291; 21 U.S.C. 881(d), 966)

§ 162.64 Custody of controlled substances.

All controlled substances seized by a Customs officer shall be delivered immediately into the custody of the district director in whose district the seizure is made, together with a full report of the circumstances of the seizure.

(Sec. 511(d), 1016, 84 Sat. 1277, 1291; 21 U.S.C. 881(d), 966)

§ 162.65 Penalties for failure to manifest narcotic drugs or marihuana.

(a) *Cargo or baggage containing unmanifested narcotic drugs or marihuana.* When a package of regular cargo or a passenger's baggage otherwise properly manifested is found to contain any narcotic drug or marihuana imported for sale or other commercial purpose and not shown as such on the manifest, the penalties prescribed in section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), shall be assessed with respect to such narcotic drug or marihuana.

(b) *Unmanifested narcotic drugs.* When an unmanifested narcotic drug is found on board of, or after having been unladen from, a vessel or vehicle the penalties prescribed in section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), shall be assessed. The penalty shall be applied without exception and without regard to any question of negligence or responsibility.

(c) *Notice and demand for payment of penalty.* A written notice and demand for payment of the penalty for failure to manifest incurred under section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), together with a copy of section 584, shall be sent to the master of the vessel or the person in charge of the vehicle and to the owner of the vessel or vehicle. In the case of a vessel, if bond has been given, the notice also shall be sent to each surety. When a petition for relief from such penalty has been filed in accordance with Part 171 of this chapter, and a decision has been made thereon, the district director shall send notice of such decision to the interested persons together with a demand for any payment required under the terms of such decision.

(d) *Referral to the U.S. attorney.* If the penalty incurred under section 584, is not paid or a petition filed as provided in Part 171 of this chapter, or if payment is not made in accordance with the decision on a petition or a supplemental petition, the district director shall refer the case to the U.S. attorney for appropriate action.

(e) *Withholding clearance of vessel.* Where a penalty has been incurred under section 584, Tariff Act of 1930, as amended, for failure to manifest narcotic drugs, clearance of the vessel involved shall be withheld until the penalty is paid or a bond satisfactory to the district director is given for the payment thereof unless

(1) The narcotics were discovered in a passenger's baggage and the district director is satisfied that neither the master nor any of the officers nor the owner of the vessel knew or had any reason to know or suspect that the narcotics had been on board the vessel, or

(2) Prior authority for the clearance without payment of the penalty or the furnishing of the bond is obtained from the Bureau.

(Sec. 584, 46 Stat. 748, as amended, secs. 1010, 1011, 84 Stat. 1290; 19 U.S.C. 1584, 21 U.S.C. 960, 961)

§ 162.66 Penalties for unlading narcotic drugs or marihuana without a permit.

In every case where a narcotic drug or marihuana is unladen without a permit, the penalties prescribed in section 453, Tariff Act of 1930, as amended (19 U.S.C. 1453), shall be assessed. Penalties shall be assessed under this section when a package of regular cargo or a passenger's baggage otherwise covered by a permit to unlade is found to contain any narcotic drug or marihuana imported for sale or other commercial purpose and not specifically covered by a permit to unlade.

For ready comparison there is annexed to this notice a parallel reference table showing the relation of sections in the proposed Parts 161 and 162 to 19 CFR Part 23.

Prior to the adoption of the revision, consideration will be given any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. Written material or suggestions will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)) at the Division of Regulations of the Bureau of Customs, Washington, D.C. during regular business hours.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: February 16, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Parts 161 and 162 to 19 CFR Part 23)

Proposed Part 161 section	*19 CFR section*
161.0	New.
161.1	23.35.
161.2(a)	23.31 (a)–(c).
161.2(b)	23.31(d).
161.3	23.21(a); 23.8
161.4	23.30.
161.5	23.26.
161.11	23.27 (a).
161.12	23.27 (b), (c) and (e).
161.13	New.
161.14	23.27 (d).
161.15	New.
162.0	New.
162.1	23.28.
162.2	23.29.
162.3(a)	23.1(a).
162.3(b)	23.1(c).
162.4	23.1(c).
162.5	23.1(d).
162.6	23.1(e).
162.7	23.1(d).
162.11	New; 23.11(g).
162.12	23.11 (e) and (f).
162.13	23.11(d).
162.14	23.11(c).
162.15	23.11(a).
162.21(a)	23.11(a).
162.21(b)	23.11(a).
162.21(c)	23.11(b).
162.22	23.3 (a)–(d); 23.10.
162.31(a)	23.23(a).
162.31(b)	23.23(b).
162.32(a)	23.23(c).
162.32(b)	23.21(b).
162.41(a)	23.6 (a) and (c).
162.41(b)	23.6(b).
162.41(c)	23.6(d).
162.42	23.17(d).
162.43(a)	23.12 (a) and (b).
162.43(b)	23.12(e).
162.43(c)	23.12 (d) and (c).
162.44(a)	23.14(b).
162.44(b)	23.14(a).
162.44(c)	23.14CM.
162.45(a)	23.16(a).
162.45(b)	23.16(a).
162.45(c)	New.
162.45(d)	New.
162.46(a)	23.17(a).
162.46(b)	23.16(b).
162.46(c)(1)	23.17 (b) and (c).
162.46(c)(2)	23.19(a).
162.46(d)	23.19 (b) and (c).
162.47(a)	New.
162.47(b)	23.13(a).
162.47(c)	23.13(b).
162.47(d)	23.21(c).
162.48	23.18.
162.49(a)	23.21(a).
162.49(b)	23.22.
162.50(a)	New.
162.50(b)	23.19(a).
162.50(c)	23.19(b).
162.51	23.20 (a) and (b).
162.61	23.9 (i) and (k).
162.62	23.9(h).
162.63	23.9(b).
162.64	23.9(j).
162.65(a)	23.9(b).
162.65(b)	23.9(a).
162.65(c)	23.9 (f) and (g).
162.65(d)	23.9(f).
162.65(e)	23.9(e).
162.66	23.9 (c) and (d).

[FR Doc.72-2941 Filed 2-25-72;8:54 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Size Regulation

Notice is hereby given that the Department is considering a proposed size regulation for Valencia oranges grown in Arizona and designated part of California, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR 908) regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposed regulation was proposed by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed regulation would limit the handling of Valencia oranges grown in District 3 to Valencia oranges measuring 2.32 inches or larger.

The proposed regulation is as follows:

§ 908.675 Valencia Orange Regulation 375.

(a) Order: From March 17, 1972, through January 15, 1973, no handler shall handle any Valencia oranges, grown in District 3, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges in any type of container may measure smaller than 2.32 inches in diameter.

(b) As used in this section "handle", "handler", and "District 3" each shall have the same meaning as when used in the said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 7th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: February 23, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-2947 Filed 2-25-72;8:54 am]

Food and Nutrition Service

[7 CFR Part 220]

SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Proposed School Eligibility Criteria and Reimbursement Rates

Notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend the regulations governing the operation of the School Breakfast Program for the purpose of implementing the Child Nutrition Act of 1966, as amended by Public Law 92–32, and for other purposes. Comments, suggestions or objections are invited and may be delivered within 30 days after publication hereof to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than the 30th day after publication hereof. Communications should identify the section and paragraph on which comments, etc., are offered.

All comments, suggestions, or objections will be considered before the final amendments are published. All written submissions received pursuant to this notice will be made available for public inspection at the Office of Director, Child Nutrition Division, during the regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27 (b)).

The proposed amendments, with the proposed effective date as stated, are as follows:

1. In § 220.2, paragraph (b) is revoked, paragraphs (f) and (o) are revised, new paragraphs (i–1), and (o–1) are added, paragraph (q) is revised, and a new paragraph (q–1) is added, as follows:

§ 220.2 Definitions.

* * * * *

(b) [Revoked]

* * * * *

(f) "Cost of obtaining food" means the cost of obtaining agricultural commodities and other food for consumption by children during any fiscal year. Such costs may include, in addition to the purchase price of agricultural commodities and other food, the cost of processing, distributing, transporting, storing, or handling any food purchased for, or donated to, the School Breakfast Program.

* * * * *

(i–1) "Free breakfast" means a breakfast for which neither the child nor any member of his family pays or is required to work in the school or in the school's food service.

* * * * *

(o) "Participation rate" means a number equal to the number of lunches meeting the minimum requirements prescribed for a Type-A lunch in § 210.10 of this chapter served in the fiscal year beginning 2 years immediately prior to the fiscal year for which the funds are appropriated, by schools participating in the program as determined by the Secretary.

(o–1) "Reduced price breakfast" means a breakfast which meets all of the following criteria: (1) The price shall be less than the full price of the breakfast, (2) the price shall not exceed 10 cents, and (3) neither the child nor any member of his family shall be required to supply an equivalent value in work for the school or the school's food service.

* * * * *

(q) "School" means an educational unit of high school grade or under operating under public or nonprofit private ownership in a single building or complex of buildings and, with respect to Puerto Rico, also includes a nonprofit child-care center certified as such by the Governor of Puerto Rico. The term "high school grade or under" includes classes of preprimary grade when they are conducted in a school having classes of primary or higher grade, or when they are recognized as a part of the educational system in the State, regardless of whether such preprimary grade classes are conducted in a school having classes of primary or higher grade.

(q–1) "School Food Authority" means the governing body which is responsible for the administration of one or more schools and which has the legal authority to operate a breakfast program therein. The term "School Food Authority" also includes a nonprofit agency to which such governing body has delegated authority for the operation of a breakfast program in a school.

* * * * *

2. In § 220.4, paragraph (a) is revised, as follows:

FEB 26 72
XUM

§ 220.4 Apportionment of funds to States.

(a) Except when otherwise authorized by law, any Federal funds made available for the purposes of section 4 of the Act for any fiscal year shall be apportioned among the States in accordance with the provisions of section 4 of the Act.

• • • • •

3. Section 220.5 is amended to delete the word "schools" in the second and fifth sentences and substitute in lieu thereof the words "School Food Authorities". The first sentence of this section is revised, as follows:

§ 220.5 Payments to States.

Funds apportioned or allocated to any State for the School Breakfast Program, except funds withheld for nonprofit private schools, shall be made available by means of Letters of Credit issued by FNS to appropriate Federal Reserve Banks in favor of the State Agency. • • •

§ 220.6 [Amended]

4. Section 220.6 is amended to delete the word "schools" and substitute in lieu thereof "School Food Authorities".

5. In § 220.7, paragraph (d) is amended to delete the word "school" wherever it appears and to substitute in lieu thereof the words "School Food Authority"; and to delete the words "attendance units" and substitute therefor the word "schools"; and paragraphs (a), (a–1), (b), (c), the opening sentence of paragraph (e), subparagraph (4) and subdivision (i) (b) of subparagraph (12) of paragraph (e), and the second sentence of paragraph (f) are revised, as follows:

§ 220.7 Requirements for participation.

(a) The School Food Authority shall make written application to the State Agency, or FNSRO where applicable, for any school in which it desires to operate the School Breakfast Program, if such school did not participate in the Program in the prior fiscal year. The School Food Authority shall also submit for approval, either with the application or at the request of the State Agency, or FNSRO where applicable, a free and reduced price policy statement in accordance with Part 245 of this chapter. Applications for the School Breakfast Program shall not be approved in the absence of an approved free and reduced price policy statement.

(a–1) A school which also operates under the National School Lunch Program shall apply the same set of eligibility criteria so that children who are eligible for free lunches shall also be eligible for free breakfasts and children who are eligible for reduced price lunches shall also be eligible for reduced price breakfasts.

(b) Applications shall include the name and address of the School Food Authority and of each school in which the School Breakfast Program will be operated, and the following information with respect to each such school: (1) The planned beginning date of breakfast service under the program; (2) the estimated avearge daily enrollment; (3) the full breakfast price to be charged and the reduced price to be charged children eligible for reduced price breakfasts; (4) if the school is not particpating in the National School Lunch Program, the estimated number of children in such school who will be eligible for free and reduced price breakfasts under the eligibility standards proposed in the free and reduced price policy statement submitted for approval. The application shall also include such information as is necessary to determine if each of the schools included in the application should be given first consideration under the provisions of paragraph (c) of this section. Such information shall include if applicable: (i) Data to demonstrate that the applicant school draws its attendance from areas in which poor economic conditions exist, including but not limited to, pertinent data from Model City target areas within the community, departments of welfare, zoning commissions, census tracts, or the school system itself; (ii) data to demonstrate that the school has a substantial portion of enrolled children who travel long distances daily including, but not limited to, the percentage of such children whose travel time to school is between 30 minutes and 1 hour and the percentage of such children whose travel time to school exceeds 1 hour; and (iii) data to demonstrate that there is or is not a special need for improving the nutrition and dietary practices of children of working mothers and children from low-income families including, but not limited to, the percentage of the mothers of enrolled children who are engaged in work outside the home, the percentage of families whose children will meet the school's eligibility criteria for breakfasts free and at a reduced price, and available data concerning the nature and the extent of the special need to improve the nutrition and dietary practices as reflected in surveys or other evaluations of the nutritional status, the food consumption patterns, or the food habits of the children from low-income families eligible for breakfast free or at a reduced price and from families with mothers who work outside the home. If the application requests that the school be determined to be in circumstances of severe need where the rates of reimbursement set forth in paragraph (b) of § 220.9 are insufficient to permit the school to carry on an effective School Breakfast Program, such request must be accompanied by such data as will permit the State agency, or FNSRO where applicable, to determine that the school is an especially needy school under the provisions of paragraph (b–1) of § 220.9.

(c) In selecting schools, the State Agency, or FNSRO where applicable, to the extent practicable shall utilize the information supplied by the School Food Authorities to provide first consideration to those schools drawing attendance from areas in which poor economic conditions exist, to those schools to which substantial proportions of the children enrolled must travel long distances daily, and to those schools in which there is a special need for improving the nutrition and dietary practices of children of working mothers and children from low income families. If sufficient funds are available, consideration shall be given to other schools.

• • • • •

(e) Each School Food Authority for schools selected for participation in the School Breakfast Program shall enter into a written agreement with the State Agency on a form approved by FNSRO, or, in those States in which FNSRO administers the breakfast program with respect to nonprofit private schools, each School Food Authority for such private schools shall enter into a written agreement with the Department. Such agreements shall provide that the School Food Authority shall, with respect to participating schools under its jurisdiction: • • • (4) supply breakfasts without cost or at reduced price to all children who are determined by the School Food Authority to be unable to pay the full price thereof in accordance with the free and reduced price policy statements approved under Part 245 of this chapter; • • • (12) • • • (i) • • • (b) daily number of breakfasts served free and daily number of breakfasts served at a reduced price to children meeting the school's approved eligibility standards • • •

(f) • • • The School Food Authority of the school in which the breakfast program is operated may request reimbursement in connection with all the breakfasts served, except that, where such school serves children from both public and nonprofit private schools in a State where FNSRO administers the School Breakfast Program with respect to nonprofit private schools, the School Food Authority of the public school shall file a separate claim with the State Agency and the School Food Authority of the private school shall file a separate claim with FNSRO for breakfasts served to their respective participating children.

6. In § 220.9, paragraph (b) is revised, new paragraphs (b–1), (b–2), and (b–3) are added, and paragraph (c) is revised, to read as follows:

§ 220.9 Reimbursement payment.

• • • • •

(b) Reimbursement for free and reduced price breakfasts shall be paid only for such breakfasts served in school to children meeting the school's approved eligibility standards under Part 245 of this chapter. Except as otherwise provided in paragraph (b–1) of this section, the maximum rate of reimbursement for a free breakfast shall be 20 cents and the maximum rate of reimbursement for a reduced price breakfast shall be 15 cents. The maximum rate of reimbursement for all other breakfasts served in school to children shall be 5 cents.

(b–1) A school participating in the School Breakfast Program may be considered for a rate of reimbursement in excess of 20 cents for free breakfast and 15 cents for a reduced price breakfast served in school to children meeting the school's eligibility standards for such breakfasts if it is an especially needy school. An especially needy school is one which establishes to the satisfaction of the State Agency, or FNSRO where applicable, that it would be financially unable to support the service of such free and reduced price breakfasts at the maximum rates set forth in paragraph (b) of this section because of: (1) The need to serve an especially high percentage of such free and reduced price breakfasts; or (2) unusual costs required to provide a breakfast in the school in spite of the observance of good management practices; or (3) other unusual factors indicative of a special financial need. The State Agency, or FNSRO where applicable, shall determine that the impact of such factors on the per-breakfast cost of providing a breakfast in the school is such that it is financially unable to support the service of such free and reduced price breakfasts after taking into consideration the per-breakfast revenues available from School Breakfast Program reimbursement, from State and local revenues, including revenues from the sale of fully paid and reduced price breakfasts, and from the effective utilization of commodities available under Part 250 of this chapter. The State Agency, or FNSRO where applicable, shall also determine to its satisfaction that revenues available to support the service of breakfasts sold at regular prices in the school are sufficient to cover the cost of such service. Upon such determinations, the State Agency, or FNSRO where applicable, may assign rates of reimbursement which are in excess of the rates specified in paragraph (b) of this section and which, together with revenues available from other sources, will finance up to 100 per centum of the cost of operating the school's nonprofit breakfast program: *Provided, however,* That the total reimbursement shall not exceed 25 cents for each free breakfast and 20 for each reduced price breakfast served in school to children eligible for such breakfasts. The State Agency, or FNSRO where applicable, shall maintain on file for review the data to support its determination that a school is an especially needy school.

(b–2) Within the maximum rates of reimbursement set forth in paragraphs (b), (b–1), and (c) of this section, in each fiscal year, the State Agency, or FNSRO where applicable, shall initially assign rates of reimbursement at levels which will permit reimbursement from funds available under § 220.4 for the total number of breakfasts eligible for reimbursement, including free and reduced price breakfasts, which it is estimated will be served in participating schools in the States in such fiscal year. At a minimum, the estimate of the number of such breakfasts to be served in a fiscal year shall take into account the estimated number of such breakfasts to be served in schools which are expected to apply and be approved for participation in the School Breakfast Program during such fiscal year and the estimated number of such breakfasts to be served in schools which participated in the preceding fiscal year.

(b–3) Each fiscal year, promptly following the receipt of Claims for Reimbursement covering operations for the month of November and for such later months as is necessary, each State Agency, or FNSRO where applicable, shall revise its estimates of the total number of breakfasts eligible for reimbursement to be served in participating schools in such fiscal year. Based upon such revised estimates, each State Agency, or FNSRO where applicable, shall make such adjustments in assigned rates of reimbursement as are necessary to permit reimbursement from such funds for the total number of such breakfasts it is estimated will be served in participating schools in the State in such fiscal year.

(c) Schools participating in the School Breakfast Program shall be reimbursed on the basis of the number of breakfasts served in school to children times the assigned rate, except that schools not approved for a rate higher than 20 cents for a free breakfast and 15 cents for a reduced price breakfast may not be reimbursed in an amount exceeding the cost of obtaining food during the fiscal year.

§ 220.10 [Amended]

7. Section 220.10 is amended to delete the word "schools" and substitute in lieu thereof the words "School Food Authorities."

8. In § 220.11, paragraph (a) is amended to delete the word "schools" and substitute in lieu thereof the words "School Food Authorities," and paragraph (c) is amended to delete the word "school" the first time it appears and substitute in lieu thereof the words "School Food Authority"; and paragraph (b) is revised and a new paragraph (d) is added, as follows:

§ 220.11 Reimbursement procedure.

• • • • •

(b) Except as otherwise provided in paragraph (c) of this section, the Claim for Reimbursement shall include the following items: (1) The month and year for which claim is made; (2) the name and address of the School Food Authority and of each school in which the School Breakfast Program operated; (3) the average daily attendance; (4) the number of days that breakfasts were served; (5) the total number of breakfasts served; (6) the total number of breakfasts served at a reduced price to children meeting the school's eligibility standards for such breakfasts; (7) the total number of breakfasts served free to children meeting the school's eligibility standards for such breakfasts; (8) the amount of reimbursement claimed; (9) the cost of obtaining food; and (10) income from the sale of breakfasts.

• • • • •

(d) Notwithstanding any other provision of this section, the State Agency, or FNSRO where applicable, may advance funds available for the School Breakfast Program to a School Food Authority in an amount equal to the reimbursement estimated for the total number of breakfasts, including free and reduced price breakfasts, to be served to children for 1 month. The advance may be made not more than 30 days prior to the last day of the month for which reimbursement is estimated. The State Agency, or FNSRO where applicable, shall make necessary downward adjustments in a subsequent Claim(s) for Reimbursement submitted by the School Food Authority for the fiscal year to insure that the total amount of reimbursement received by the School Food Authority for the fiscal year is based on the number of breakfasts, including the free and reduced price breakfasts, served to children times the respective rates of reimbursement assigned by the State Agency, or FNSRO where applicable, in accordance with § 220.9.

§ 220.14 [Amended]

9. In § 220.14, paragraph (a) is amended to add the words "the School Food Authority of" immediately before the words "any nonprofit private school" and paragraph (b) is amended to delete the word "school" and substitute in lieu thereof the words "School Food Authority."

§ 220.15 [Amended]

10. Section 220.15 is amended to add the words "the School Food Authorities of" immediately before the word "schools," and to add the words "purchase or rental of" after the words "cost of."

11. In § 220.16, paragraphs (a), (b), and (c) are revised, as follows:

§ 220.16 Requirements for participation.

(a) The School Food Authority shall make written application to the State Agency, or FNSRO where applicable, for any school which it desires to participate in the Nonfood Assistance Program. Applications shall include the name and address of the School Food Authority and of each school in which the Nonfood Assistance Program will be operated, and the following information with respect to each such school: (1) Data to demonstrate that the school draws its attendance from areas in which poor economic conditions exist, including, but not limited to, pertinent data from Model City target areas within the community, departments of welfare, zoning commissions, census tracts, or the school system itself; (2) a detailed description of the type(s) of equipment needed to provide a food service to the children; (3) in addition, if the school has some equipment, a list of the equipment which is grossly inadequate and the impact of inadequacies or lack of equipment on the effectiveness of the school's food service program, including, but not limited to, the inability to serve participating children under a timely or reasonable schedule, the inability to effectively utilize commodities donated under Part 250 of this chapter, or the inability to provide the variety or types

FEB 26 72

of food to meet ethnic, religious, or physical needs of children enrolled in the school; (4) the vendor's statement on the estimated rental or purchase cost(s) of such equipment, including installation; (5) if the equipment is to be rented, the reasons why the school does not find that the purchase of such equipment would be more advantageous; (6) the anticipated delivery and installation date; (7) a description of the source of the State or local funds which will be used to meet a share of the cost of the equipment obtained under the Nonfood Assistance Program, and the manner in which payment will be made to the vendor; and (8) the names and address of any schools under the jurisdiction of the School Food Authority which will be served by the school in which the Nonfood Assistance Program will be operated, the average daily attendance of each school, and data to demonstrate that such schools do or do not draw their attendance from areas in which poor economic conditions exist.

(b) A school shall be selected for participation in the Nonfood Assistance Program on the basis of: (1) The relative need of the school for assistance in acquiring equipment based upon the information supplied for that school and for other schools in the application submitted by the School Food Authority; and (2) the amount of funds available to the State Agency, or FNSRO where applicable.

(c) The School Food Authority of schools selected for participation shall enter into a written agreement, on a form approved by CND, with the State Agency, or FNSRO where applicable. The School Food Authority shall agree to: (1) Participate in the School Breakfast Program or the National School Lunch Program, or both; (2) if it participates only in the School Breakfast Program, work toward participating in the National School Lunch Program; (3) maintain full and accurate records to account for the receipt and use of all funds in connection with the equipment acquired under the Nonfood Assistance Program; (4) if it is a School Food Authority of a nonprofit private school, provide at least one-fourth of the purchase price of such equipment; (5) if it is the School Food Authority of a nonprofit private school, use such equipment principally in connection with the school's nonprofit feeding programs under the School Breakfast Program and under the National School Lunch Program; (6) if it is a School Food Authority of a nonprofit private school, in the event such equipment is no longer so used, transfer it with the approval of the State Agency, or FNSRO where applicable, to another School Food Authority of a nonprofit private school participating in any programs authorized by the Act or the National School Lunch Act, as amended, or to any other school participating in any of the programs authorized by such Acts (failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States).

* * * * *

12. In § 220.18, paragraph (a) is amended to delete the word "schools" and substitute in lieu thereof the words "School Food Authorities", paragraph (b) is amended to delete the word "school's" and substitute in lieu thereof the words "School Food Authority's", and paragraph (c) is amended to delete the word "school" and substitute in lieu thereof the words "School Food Authority"; and subparagraph (1) of paragraph (a) is revised as follows:

§ 220.18 Reimbursement procedure.

(a) * * * (1) The name and address of the School Food Authority and of each school participating in the Nonfood Assistance Program; * * *

* * * * *

§ 220.21 [Amended]

13. In § 220.21, paragraph (a) is amended to delete the words "local school districts" and substitute in lieu thereof the words "School Food Authorities and schools", and paragraph (b) is amended to add the words "School Food Authorities," following the words "such distributing agency to".

14. Section 220.22 is revised to read as follows:

§ 220.22 State Agency justification for State administrative expense funds.

FNS shall determine the amount of State administrative expense funds needed by each State based on justification for such funds as revealed in the State Agency plan of child nutrition program operations submitted under § 210.4a of this chapter.

15. In § 220.24, paragraph (a) is amended to delete the word "schools" and substitute in lieu thereof the words "School Food Authorities" and paragraph (e) is amended to delete the word "schools" and substitute in lieu thereof the words "School Food Authorities"; and paragraph (a–1) is revised to read as follows:

§ 220.24 Special responsibilities of State Agencies.

* * * * *

(a–1) Each State Agency, or FNSRO where applicable, shall require each School Food Authority of a school participating in the School Breakfast Program to develop and file for review a written free and reduced price breakfast policy statement in accordance with Part 245 of this chapter.

* * * * *

16. In § 220.25, the heading and paragraphs (a), (b), and (f) are amended to delete the words "school" or "schools" wherever they appear and to substitute in lieu thereof the words "School Food Authority" or "School Food Authorities", respectively; and paragraph (g) is revised to read as follows:

§ 220.25 Claims against School Food Authorities.

* * * * *

(g) With respect to School Food Authorities of schools in which the program is administered by FNSRO, when FNSRO disallows a claim or a portion of a claim, or makes a demand for refund of an alleged overpayment, it shall notify the School Food Authority of the reasons for such disallowance or demand and the School Food Authority shall have full opportunity to submit evidence or to file reclaims for any amounts disallowed or demanded in the same manner afforded in this section to School Food Authorities of schools in which the program is administered by State Agencies.

* * * * *

17. In § 220.28, paragraph (a) is amended to delete the word "school" and substitute in lieu thereof the words "School Food Authority", and paragraph (b) is revised to read as follows:

§ 220.28 Other provisions.

* * * * *

(b) Any or all of the provisions of this part may be withdrawn, or amended, at any time by the Department: *Provided, however,* That any withdrawal or amendment shall not be made without due prior notice in writing to the State Agencies and to the School Food Authorities of nonprofit private schools with respect to which the Program is administered by FNSRO: *And provided further,* That no change in the requirements for breakfasts which increases food costs or which decreases the maximum rates of reimbursement shall become effective less than 60 days after publication of notice thereof, except when such changes are required by law.

* * * * *

18. In § 220.29, the opening sentence is amended to delete the word "Schools" and substitute in lieu thereof the words "School Food Authorities"; and paragraph (b) is revised to read as follows:

§ 220.29 Program information.

* * * * *

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and the Virgin Islands:

Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, GA 30309.

* * * * *

Effective date: July 1, 1972.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: February 23, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-2951 Filed 2-25-72;8:54 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 135]

CORTICOSTEROID DRUGS

Labeling Requirements; Warning Statements

Corticosteroid drugs for oral and injectable use in animals are presently subject to labeling requirements under § 135.101 of the new animal drug regulations. The regulation cites certain side effects from the use of these drugs. New information reveals that use of corticosteroid-containing drugs by intramammary infusion has resulted in similar side effects in treated cattle.

Accordingly, the Commissioner of Food and Drugs has concluded that the labeling requirements for corticosteroid drugs presently provided for in § 135.101 should be revised to include warnings regarding these potentially serious side effects from the use of corticosteroid drugs by intramammary infusion.

If the proposal as set forth below is adopted, all holders of new animal drug applications deemed approved pursuant to section 512(c) of the Federal Food, Drug, and Cosmetic Act will be required to submit revised labeling within 60 days of issuance of a final order based upon this proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 135.101 be amended to read as follows:

§ 135.101 Corticosteroids for oral, injectable, and intramammary use in animals; warnings; labeling requirements.

(a) The Food and Drug Administration has received reports concerning side effects associated with the oral, injectable and intramammary use of corticosteroid drugs in animals. The use of these drugs has resulted in premature parturition when administered during the last trimester of pregnancy. Premature parturition may be followed by dystocia, fetal death, retained placenta, and metritis. These drugs, unless they are intended for intramammary use are required to carry the veterinary prescription legend and are subject to the labeling requirements of § 1.106(c) of this chapter.

(b) In view of these potentially serious side effects, the Commissioner of Food and Drugs has concluded that the labeling on or within the package from which the product is to be dispensed, and any other labeling furnishing or purporting to furnish information for the use of these preparations, should bear conspicuously;

(1) If subject to the labeling requirements of § 1.106(c) of this chapter the following warning statement:

WARNING: Clinical and experimental data have demonstrated that corticosteroids administered orally or by injection to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(2) If intended for intramammary use, the following warning statement:

WARNING: Studies have demonstrated that corticosteroids may cause abortion or premature birth when given during the last third of pregnancy and also may lead to difficulty in giving birth, death of fetus, retained afterbirth and infection of the uterus. Therefore, to prevent these side effects, this preparation should not be administered during the last third of pregnancy.

The label revisions described above should be placed into effect at the earliest possible time and may be implemented without prior approval as provided for in § 135.13a (d) and (e).

(c) Approved new animal drug applications which have not been supplemented in accordance with paragraph (b) of this section within 60 days following the date of publication of this statement of policy in the FEDERAL REGISTER will be subject to provisions of section 512(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: February 15, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2905 Filed 2-25-72;8:50 am]

Social Security Administration

[20 CFR Part 405]

[Regs. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Proposed Conditions for Coverage of Services of Independent Laboratories

Correction

In F.R. Doc. 72–2298 appearing at page 3492 in the issue of Wednesday, February 16, 1972, make the following changes:

1. In § 405.1305(a)(3)(ii), line 3, the word "and" should read "or".

2. In § 405.1315(c)(1), line 2, preceding "procedures" insert "laboratory".

3. In § 405.1315(d)(4), line 3, the word "is" should read "in".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72–CE–4]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lebanon, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Jones Lebanon Airport, Lebanon, Mo. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Lebanon, Missouri.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is added:

LEBANON, MO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lebanon, Mo., Airport located at latitude 37°38'56" N., longitude 92°39'06" W., and within 3 miles either side of the 182° bearing from the Lebanon Airport extending from 5 miles to 8.5 miles, and that airspace extending upward from 1,200 feet above the surface within 9.5 miles west and 4.5 miles east of the 182° bearing from the Lebanon Airport extending from the airport to 18.5 miles south.

FEB 26 72
XUM

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348); and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on February 8, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-2865 Filed 2-25-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-13]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the McRae, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The McRae transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Telfair-Wheeler Airport (lat. 32°05'46" N., long. 82°52'55" W.); within 3 miles each side of the 030° bearing from McRae RBN (lat. 32°05'40" N., long. 82°53'02" W.), extending from the 7-mile-radius area to 8.5 miles northeast of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Telfair-Wheeler Airport. A prescribed instrument approach procedure to this airport, utilizing the McRae (Private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on February 14, 1972.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.72-2866 Filed 2-25-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-162]

TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would designate a transition area at Naples, Fla., and alter the 1,200-foot floor portion of the Florida transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration Post Office Box 20636, Atlanta, GA 30320 All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

Section 71.181 would be amended as follows:

1. The Naples, Fla., transition area would be added as follows: That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Naples Municipal Airport (lat. 26°-09'10" N., long. 81°46'30" W.); within 3 miles each side of the 041° and 228° bearings from the Naples RBN, extending from the 6.5-mile-radius area to 8.5 miles northeast and southwest of the RBN.

2. The 1,200-foot floor portion of the Florida transition area would be altered to include the airspace 4.5 miles southeast of and 8.5 miles northwest of the 228° bearing from the Naples RBN (lat. 26°09'00" N., long. 81°46'31" W.), extending from the RBN to 18.5 miles southwest of the RBN.

The proposed Naples transition area and alteration of the Florida transition area are needed to provide controlled airspace for two proposed instrument approach procedures to the Naples Municipal airport.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 16, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2867 Filed 2-25-72;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[41 CFR Part 15-9]

PATENTS, DATA, AND COPYRIGHTS

Patents and Inventions

Correction

In F.R. Doc. 72-2630 appearing at page 3764 in the issue for Saturday, February 19, 1972, in Appendix A, paragraph G

Withholding of payment, second line, insert the word "not" following "does".

FEDERAL RESERVE SYSTEM

[12 CFR Parts 207, 220, 221]

[Regs. G, T, and U]

SECURITIES CREDIT TRANSACTIONS

Requirements for Continued Inclusion on List of OTC Margin Stocks

The Board of Governors proposes to amend Parts 207, 220, and 221 in order to implement the requirements for a stock's continued inclusion on the List of OTC Margin Stocks as follows:

1a. Section 207.2(f)(3) of Part 207, Securities Credit by Persons other than Banks, Brokers or Dealers, would be amended as set forth below:

§ 207.2 Definitions.

* * * * * *

(f) OTC margin stock:

* * * * * *

(3) The Board shall from time to time remove from the list described in subparagraph (2) of this paragraph (f) stocks that cease to:

(i) Exist or of which the issuer ceases to exist, or

(ii) Meet substantially the provisions of subparagraph (1) of this paragraph (f) and § 207.5(e) (the Supplement to Regulation G).

* * * * *

b. Paragraph (e) of § 207.5 would be added as set forth below:

§ 207.5 Supplement.

* * * * *

(e) *Requirements for continued inclusion on list of OTC margin stock.* Except as provided in subparagraph (4) of § 207.2(f), such stock shall meet the requirements that:

(1) The stock continues to be subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934,

(2) Four or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities and Exchange Act of 1934 (15 U.S.C. 78e),

(3) There continue to be 1,000 or more holders of record of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock,

(4) The issuer continues to be a U.S. Corporation,

(5) Daily quotations for both bid and asked prices for the stock are continuously available to the general public; and shall meet three of the four additional requirements that:

(6) 400,000 or more shares of such stock remain outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the stock,

(7) The shares described in subparagraph (6) of this paragraph continue to have a market value in the aggregate of at least $5 million,

(8) The minimum average bid price of such stock, as determined by the Board, is at least $5 per share, and

(9) The issuer continues to have at least $2.5 million of capital, surplus, and undivided profits.

2a. Section 220.2(e)(3) of Part 220, Credit by Brokers and Dealers, would be amended as set forth below:

§ 220.2 Definitions.

* * * * * *

(e) * * *

(3) The Board shall from time to time remove from the list described in subparagraph (2) of this paragraph (e) stocks that cease to:

(i) Exist or of which the issuer ceases to exist, or

(ii) Meet substantially the provisions of subparagraph (1) of this paragraph (e) and of § 220.8(h) (the Supplement to Regulation T).

* * * * *

b. Paragraph (h) of § 220.8 would be added as set forth below:

§ 220.8 Supplement.

* * * * *

(h) *Requirements for continued inclusion on list of OTC margin stock.* Except as provided in subparagraph (4) of § 220.2(e), OTC margin stock shall meet the requirements that:

(1) The stock remains subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934,

(2) Four or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities and Exchange Act of 1934 (15 U.S.C. 78e),

(3) There continue to be 1,000 or more holders of record of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock,

(4) The issuer continues to be a U.S. Corporation,

(5) Daily quotations for both bid and asked prices for the stock are continuously available to the general public; and shall meet 3 of the 4 additional requirements that:

(6) 400,000 or more shares of such stock remain outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the stock,

(7) The shares described in subparagraph (6) of this paragraph continue to have a market value in the aggregate of at least $5 million,

(8) The minimum average bid price of such stock, as determined by the Board, is at least $5 per share, and

(9) The issuer continues to have at least $2.5 million of capital, surplus, and undivided profits.

3a. Section 221.3(d)(3) of Part 221, Credit by Banks for the Purpose of Purchasing or Carrying Margin Stock, would be amended as set forth below:

§ 221.3 Miscellaneous provisions.

* * * * * *

(d) *OTC margin stock.* * * *

(3) The Board shall from time to time remove from the list described in subparagraph (2) of this paragraph (d) stocks that cease to:

(i) Exist or of which the issuer ceases to exist, or

(ii) Meet substantially the provisions of subparagraph (1) of this paragraph (d) and of § 221.4(e) (the Supplement to Regulation U).

b. Paragraph (e) of § 221.4 would be added as set forth below:

§ 221.4 Supplement.

* * * * *

(e) *Requirements for continued inclusion on list of OTC margin stock.* Except as provided in subparagraph (4) of § 221.3(d), OTC margin stock shall meet the requirements that:

(1) The stock remains subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934,

(2) Four or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities and Exchange Act of 1934 (15 U.S.C. 78e),

(3) There continue to be 1,000 or more holders of record of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock,

(4) The issuer continues to be a U.S. Corporation,

(5) Daily quotations for both bid and asked prices for the stock are continuously available to the general public; and shall meet three of the four additional requirements that:

(6) 400,000 or more shares of such stock remain outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the stock,

(7) The shares described in subparagraph (6) of this paragraph continue to have a market value in the aggregate of at least $5 million,

(8) The minimum average bid price of such stock, as determined by the Board, is at least $5 per share, and

(9) The issuer continues to have at least $2.5 million of capital, surplus, and undivided profits.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to

be received not later than March 24, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, February 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2883 Filed 2-25-72;8:49 am]

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Nonbanking Activities

The Board of Governors is considering further implementation of its regulatory authority under section 4(c)(8) of the Bank Holding Company Act to permit bank holding companies to lease real property under certain conditions. In this connection, the Board noted that it has received an application from First Chicago Corp., Chicago, Ill., to engage, through its subsidiary, First Chicago Leasing Corp., in the leasing of real property in a manner somewhat similar to that which would be authorized by the following proposed regulation for bank holding companies generally, subject to the procedures of § 225.4(b) of Regulation Y.

Accordingly, the Board proposes to amend § 225.4(a) of Regulation Y to permit bank holding companies, subject to the procedures of § 225.4(b), to engage in the leasing of real property under certain conditions. The text of the proposed amendment reads as follows:

§ 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.* * * * The following activities have been determined by the Board to be so closely related to banking or managing or controlling banks as to be a proper incident thereto:

* * * * * *

(12) Leasing real property where:

(i) The property to be leased is acquired specifically for the leasing transaction under consideration;

(ii) The lease is on a net lease basis and the effect of the transaction will be to compensate the lessor for not less than the lessor's full investment in the property;

(iii) The lessee has an option to purchase the property at the expiration of the lease;

(iv) In the event the lessee fails to exercise the aforesaid option, the real property assets shall be liquidated as soon as practicable and, in no event, later than one year from the expiration of the lease;

(v) The aggregate investment in such real property by the bank holding company and its subsidiaries shall at no time exceed 5 percent of the equity capital of the bank holding company.

* * * * * *

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 17, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

By order of the Board of Governors, February 18, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2884 Filed 2-25-72;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1971 Rev., Supp. 13]

HOUSTON GENERAL INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds

The Houston Fire and Casualty Insurance Company, a Texas corporation, which was issued a Certificate of Authority as an acceptable surety on Federal bonds December 27, 1971 (36 F.R. 25437, December 31, 1971) has changed its name to Houston General Insurance Company effective 11:59 p.m., December 31, 1971. Concurrently, two affiliated insurance companies, General Insurance Corporation, and Associated Employers Insurance Company, both Texas corporations, were merged into Houston General Insurance Company which is the surviving corporation.

A new Certificate of Authority as an acceptable surety on Federal bonds effective January 1, 1972 has been issued to Houston General Insurance Company under sections 6 to 13 of title 6 of the United States Code, to replace the Certificate issued December 27, 1971 to the Company under its former name Houston Fire and Casualty Insurance Company. The underwriting limitation of $568,000 previously established for the company (36 F.R. 25437, December 31, 1971) remains unchanged.

The change in name of Houston Fire and Casualty Insurance Company does not affect its status or liability with respect to any obligations in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to the Certificate issued by the Secretary of the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: February 22, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-2870 Filed 2-25-72;8:47 am]

Internal Revenue Service

[Price Commission Ruling 1972-75]

ALLOCATION OF ALLOWABLE COSTS TO RESIDENCE OCCUPIED BY OWNER

Price Commission Ruling

Facts. The owner of a small apartment building containing six residences lives in one of those residences and leases another residence in the building to a relative for a nominal rent. The other four residences are leased on month-to-month terms. The property taxes on the building have been increased with the first installment of that increase payable on June 1, 1972. The landlord wishes to increase the monthly rent of his tenants to reflect that increase.

Issue. In allocating the increase in property taxes to each residence in the building must the landlord allocate some of that increase to the residences he and his relative occupy? If so, what is the method of allocation which must be used.

Ruling. The owner of the residence must allocate the increase in property taxes to all of the residences in the building. The fair rental value of an owner-occupied residence or residence rented at a nominal rent is used in allocating the increase in allowable costs to each residence.

Economic Stabilization Regulations, 6 CFR 301.102(b)(3), 36 F.R. 25386 (December 30, 1971), states, "The increase in allowable costs determined for a multiple-unit residential housing structure or complex shall be prorated to individual residences." The method of proration is found in § 301.102(b)(4) of the regulations. This section, as illustrated by the examples which follow it, requires that the increase in allowable costs, such as property taxes, be allocated to the monthly rent of a residence. The increase in allowable costs allocable to a particular residence is determined by multiplying a fratcion times the increase in allowable costs divided by 12.

The increase in allowable costs is calculated under § 301.102(b)(2) of the regulations. This increase is the difference between the allowable costs charged during the 12 months immediately prior to the date the first installment of the increased cost is payable after December 28, 1971, and the allowable costs which will be charged during the 12 months beginning with the date the first installment of the increased costs is payable after December 28, 1971. The increase is considered payable on the date the taxing authority begins to impose an interest or penalty charge on the payment.

The fraction which is multiplied times this increase in allowable costs divided by twelve is determined under § 301.102(b)(4) of the regulations. The numerator of that fraction is the rent "charged or chargeable" for the residence during the 12-month period before the first installment of the increase in allowable costs is payable after December 28, 1971. The denominator of that fraction is the rent "charged or chargeable" for all residences or other rental units in the structure, which are subject to the increase in the allowable costs, during the 12-month period before the first installment of the increase is payable after December 28, 1971.

If the owner of the structure lives in a residence in the structure, or a residence is being rented at a nominal monthly rent because of the absence of an arms-length transaction, the fair rental value of both the owner's residence and the nominal rent residence is considered the "rent chargeable" and will be used in the allocation fraction.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 23, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 23, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-2936 Filed 2-25-72;8:51 am]

[Price Commission Ruling 1972-76]

SERVICE ORGANIZATIONS—COST JUSTIFIED PRICE INCREASES

Price Commission Ruling

Facts. Company X, a service organization, has the following history of cost and price increases. On July 1, 1971, it incurred increased costs on "Group A" services provided to its retail class of purchasers. It increased prices to that class of purchasers in August. On July 1, 1971, it also incurred and is continuing to incur increased costs on "Group A," services provided to its wholesale class of purchasers. Its last price increase on "Group A" services to its wholesale class of purchasers was in June.

Issue. May Company X now increase prices above the base price to either class of purchasers on "Group A" services?

Ruling. Company X may increase prices above the base price on "Group A" services to its wholesale class of purchasers but not to its retail class of purchasers.

Economic Stabilization Regulations, 6 CFR 300.14, 37 F.R. 775 (January 19, 1972) states the rule governing price increases which may be made by service organizations other than providers of health services and insurers. That rule is:

A service organization may charge a price in excess of the base price only to reflect increases in allowable costs that is incurred since the last price increase in the item concerned, or that is incurred after January 1, 1971, whichever was later, and that it is continuing to incur, reduced to reflect productivity gains, and only to the extent that the increased price does not result in an increase in its profit margin over that which prevailed during the base period."

Economic Stabilization Regulations, 6 CFR 300.405, 36 F.R. 23974 (December 16, 1971), defines the base price to be, "The highest price charged by the seller to a specific class of purchasers in a substantial number of transactions involving that personal property or service during the freeze base period." Interpreted in light of this section, § 300.14 of the regulations permits a price increase for a service sold to a particular class of purchasers above the base price to reflect only cost increases which the seller is required to bear and is continuing to bear in providing the service to that class of purchasers since the last price increase to that class of purchasers.

Company X has increased its price above the base price on "Group A" services to its retail class of purchasers since the most recent cost increase it has been required to bear in providing those services to the retail class. Therefore Company X cannot increase its price again on "Group A" services sold to the retail class until it incurs additional cost increases related to those services when sold to that class.

Company X has not increased its price above the base price on "Group A" services to its wholesale class of purchasers since the most recent cost increase it has been required to bear and is continuing to bear in providing those services to the wholesale class. Therefore Company X can increase its price on "Group A" services sold to the wholesale class to reflect such cost increases.

Price Commission Ruling 1972–13, 37 F.R. 765 (January 18, 1972), illustrates the manner in which such cost increases may be reflected in increased prices.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: February 23, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: February 23, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–2937 Filed 2–25–72;8:51 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

PRESBYTERIAN-ST. LUKE'S HOSPITAL ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used in being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 70–00576–33–43780. Applicant: Presbyterian-St. Luke's Hospital, 1753 West Congress Parkway, Chicago, IL 60612. Article: Incubator-slide containing MacConkeys nutrient agar. Manufacturer: Raerad Products, Sweden. Intended use of article: The article will be used to detect asymptomatic Bacteruria in a detection program. Application received by Commissioner of Customs: March 30, 1970.

Docket No. 72–00260–33–46040. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Texas Medical Center, Houston, TX 77025. Article: Electron microscope, Model EM 801A. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine biological tissues in studies of membrane structure and function at the molecular level. The article will also be used as a diagnostic agent in eye pathology. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00261–87–78700. Applicant: University of Washington, Civil Engineering Department, Room 121, More Hall, Seattle, Wash. 98195. Article: Theodolite. Manufacturer: Kern & Co. Ltd., Switzerland. Intended use of article: The article is intended to be used in civil engineering courses dealing with precision positions where accuracies of reading to 0.7'' are needed, such as in error analysis. Research and special student studies will use the article in work such as photo control and glacier movement research. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00262–01–77030. Applicant: University of Colorado, Purchasing Services Department, Regent Hall, Room 122, Boulder, Colo. 80302. Article: NMR spectrometer, Model PS–100 and accessories. Manufacturer: JEOLCO, Ltd., Japan. Intended use of article: The article is intended to be used in physical chemical and structural studies on organic and inorganic compounds containing H^1, F^{19}, C^{13} and Si^{29} in natural abundance and ultimately Cl^{36}, H^2 (deuterium), P^{31} and other magnetic nuclei. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00263–33–42800. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Pulsed bending magnet. Manufacturer: Brown Boveri, Switzerland. Intended use of article: The article will be used to promote efficient operation of the Zero Gradient Synchrotron (ZGS) through time sharing the beam among a number of experiments during a single ZGS pulse. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00264–01–77030. Applicant: Rhode Island College, Providence, R.I. Article: NMR spectrometer, Model JNM–MH–60–II. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in chemistry courses for structure determination, reaction mechanisms, synthesis, structure/property correlations as well as development of laboratory skills including nuclear magnetic resonance spectrometry, kinetics, thermodynamics, bonding, and structural theory. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00265–33–43780. Applicant: Tufts University, Department of Medicine, Lemuel Shattuck Hospital, Jamaica Plain, Boston, Mass. 02203. Article: Ultrafilter for ascites. Manufacturer: Rhone Poulenc, France. Intended use of article: The article is intended to be used in removing peritoneal fluid, preparation of an ultrafiltrate of this fluid and prompt return intravenously to lower portal pressure and to improve plasma volume in the hope of aiding hepatorenal syndrome. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00266–33–43400. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Micromanipulator. Manufacturer: AB Transvertex, Sweden. Intended use of article: The article is intended to be used in experiments on the central nervous system of the cat to investigate the anatomical and physiological properties of single nerve cells in the visual cortex, a region of the brain that is concerned with the processing of visual information. The article will be used in these experiments to hold the microelectrode and advance it into the brain thus permitting rapid and precisely controlled movements of the microelectrode as it approaches and penetrates the nerve cells. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00267–33–46040. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, CA 90033. Article: Electron microscope, Model HU–12. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for electron microscopy screening of breast milk for B- and C-type particles from lactating mothers whose mothers have a history of breast or other cancer. Application received by Commissioner of Customs: November 30, 1971.

Docket No. 72–00268–01–07520. Applicant: American National Red Cross, Blood Research Laboratory, 9312 Old Georgetown Road, Bethesda, MD 20014. Article: Microcalorimeter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the measurement of heat changes in a number of processes related to the biochemistry and physiology of blood. These include:

(1) Determination of energy changes during the reaction of platelets with a variety of agents important in adhesion and aggregation and the measurement of the effect of pharmacological inhibitors.

(2) Energy changes involved in the effect of various reagents and procedures on red cells from patients suffering from sickle cell anemia.

(3) Enthalpy changes involved in additives of interest in the freezing-preservation of red cells and platelets and their applicability to the freezing-preservation of intact organs.

(4) Thermodynamics of antibody reactions with red cell antigens.

(5) Thermodynamics of metal binding and aggregation-disaggregation phenomenon in the urinary glycoprotein derived from renal tubules.

Application received by Commissioner of Customs: December 3, 1971.

Docket No. 72–00270–33–46040. Applicant: Institute for Medical Research, Copewood Street, Camden, N.J. 08103. Article: Electron microscope, Model JEM–100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in studies of a virus in mouse milk that transmits mammary cancer from mother to daughter to determine the fine structure of viruses for identification purposes. Application received by Commissioner of Customs: December 7, 1971.

Docket No. 72–00271–33–46040. Applicant: Veterans Administration Hospital, 510 East Stoner Avenue, Shreveport, LA 71130. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article is intended to be used in studies on the ultrastructure of human tumors, human neoplasms, lesions, melanosomes, premelanosomes cytoplasmic aggregates etc. related to discovery of basic facts about human disease. Application received by Commission of Customs: December 7, 1971.

Docket No. 72–00272–33–46040. Applicant: Harvard University, School of Public Health, 665 Huntington Avenue, Boston, MA 02115. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article will be used to examine biological material as part of a major research effort on the response of pulmonary alveolar macrophages to inhaled particles, as well as for other studies on the biological properties and defense mechanics of mature and developing lungs. Application received by Commissioner of Customs: December 7, 1971.

Docket No. 72–00273–56–17500. Applicant: University of Washington, Department of Oceanography, Seattle, Wash. 98195. Article: Recording current meter, Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used for studies of the vertical and horizontal water structure off the Washington coast, estuarine circulation in Puget Sound and flow in the Columbia River and adjacent areas. The article will also be used in the course Ocean 360: Methods and instruments in oceanography, to familiarize students with methods of measuring environmental parameters. Application received by Commissioner of Customs: December 7, 1971.

Docket No. 72–00274–33–46040. Applicant: Veteran's Administration Hospital, 800 Stadium Road, Columbia, MO 65201. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD., The Netherlands. Intended use of article: The article is intended to be used as a diagnostic instrument in the practice of human pathology which is aimed toward offering early valid diagnoses so that early appropriate treatment of human disease can be accomplished. Specifically, it will be used in the ultrastructural diagnosis of human renal biopsies of individuals with primarily glomerular or vascular diseases. Application received by Commissioner of Customs: December 7, 1971.

Docket No. 72–00275–33–46040. Applicant: University of Louisville School of Medicine, 301 East Walnut Street, Louisville, KY 40202. Article: Electron microscope, EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in studies of biological tissues both human and animal. Experiments to be pursued will center around:

(a) Normal and pathological human ocular and animal tissue.

(b) Ocular animal tissue with regard to immune mechanisms.

(c) Reaction of tissues to specific experimental disease states—specifically diabetes.

(d) Animal ocular tissue reactions to physical modalities.

(e) Ocular changes in eye bank eyes from such disorders as tumors, glaucoma, etc.

(f) Ocular genetic disease states and

(g) Other studies as indicated resulting from findings in above research projects.

The article will also be used for the teaching of senior medical students and resident physicians in the specialty of ophthalmology. Application received by Commissioner of Customs: December 10, 1971.

Docket No. 72–00276–33–46040. Applicant: George Washington University Medical School, 1335 H Street NW., Washington, DC. Article: Electron microscope, Model AEI 801. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine the thickness of the full cortex of the central nervous system of new born hamsters and rats. Other studies include observing the morphology of the synaptic junctions and the changes that might take place in the associated membranes and vesicles after nonionizing radiation; and mitochondrial cristae in the heart and liver. Application received by Commissioner of Customs; December 9, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2876 Filed 2–25–72;8:48 am]

EMORY UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00621–33–46040. Applicant: Emory University, Anatomy Department, Atlanta, Ga. 30322. Article: Electron microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for the teaching and training of graduate students, medical students, and postdoctoral fellows as well as for research on the structure and function of normal and dystrophic developing skeletal muscles; studies on the structure of normal and myopathic cardiac (heart) muscle; and studies on the autoimmune destruction of sperm.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated November 19, 1971, that the relative simplicity

of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2874 Filed 2–25–72;8:48 am]

ERIE COUNTY LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00013–33–46040. Applicant: Erie County Laboratory, 100 City Hall, Buffalo, NY 14221. Article: Electron microscope, Model EM–9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to study the ultrastructure of tumors and diseased organs compared with the findings of light-microscopic examinations. The materials involved in these studies are taken from humans and animals and subject to gross, histologic and electron-microscopic studies in order to get new understanding of disease and the mechanics of disease.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a continuous magnification from 0 to 60,000 magnifications, without changing the pole-piece. The most closely comparable domestic instrument is the Model EMU–4C manufactured by the Forgflo Corp. The Model EMU–4C, with its standard pole-piece, has a specified range from 1,400 to 240,000 magnifications. For survey and scanning, the lower end of this range can be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU–4C that for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications, an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU–4C requires a break in the vacuum of the column. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 30, 1971, that the applicant requires the capability of taking high-quality micrographs at low magnifications in order to achieve the purposes for which the article is intended to be used.

HEW further advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the experiment. Therefore, the capability of moving from 0 to 60,000 magnifications without changing pole-pieces, while at the same time providing high-quality micrographs at low magnifications, is considered to be a pertinent characteristic. For these reasons, we find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2875 Filed 2–25–72;8:48 am]

FOREST SERVICE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00040–63–46500. Applicant: USDA Forest Service, 359 Main Road, Delaware, OH 43015. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of Article: The article will be used to produce ultrathin sections of woody and fungus tissues for electron microscope in investigations of virus and mycoplasma disease of woody plants and several fungus diseases. The article will also be used to instruct graduate students in the use of the ultramicrotome.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec.

We are advised by HEW in its memorandum of January 28, 1972, that cutting speeds in excess of 4 mm./sec. are pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2882 Filed 2–25–72;8:49 am]

STATE UNIVERSITY COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00023–33–46040. Applicant: State University College, Department of Biological Sciences, Brockport, N.Y. 14420. Article: Electron microscope, Model HS–8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in research involving anomalous mitosis in mammalian cell membrane dynamics, ultrastructure of antennae of various crustacea, adrenergic innervation of the heart, morphogenetic changes in cells due to growth regulators, enzyme inhibition in chick lens development. The article will also be utilized as a tool to determine cause of desiccation and heat resistance in unicellular algae. In addition the article will be used in teaching programs at several levels.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 14, 1972, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2877 Filed 2–25–72;8:48 am]

UNIVERSITY OF ALABAMA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00466–65–46040. Applicant: University of Alabama, in Birmingham, 1919 Seventh Avenue South, Birmingham, AL 35233. Article: Electron microscope, Model JEM–50B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used primarily as a teaching tool to study the microstructures of solid materials such as aluminum, steel, copper, ceramics, etc. These studies will permit the student to correlate the structure with current theories. The course is entitled electron microscopy and consists of lecture and laboratory.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated August 20, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or appartus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2878 Filed 2–25–72;8:48 am]

UNIVERSITY OF HAWAII

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00609–33–46040. Applicant: University of Hawaii, School of Medicine, 3675 Kilauea Avenue, Honolulu, HI 96816. Article: Electron microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for research in a study of guinea pig (tuberculoid analagous) and peritoneal macrophage response (immunized and unimmunized) to *M. Lepraemurium* and to step-wise defatted bacilli fractions to be conducted in tandem with, and as a prototype of, a similar evaluation of tuberculoid and lepromatous macrophage reaction to *M. Leprae* in human patients utilizing the Rebuk window technique. The article will also be used in teaching (1) pathology courses, and (2) to train medical students and postdoctoral residents and associates in a research project requiring the use of an electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated November 19, 1971, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational

purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2879 Filed 2–25–72;8:48 am]

UNIVERSITY OF MARYLAND

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00028–72–46040. Applicant: University of Maryland, Baltimore County, 5401 Wilkens Avenue, Catonsville, MD 21228. Article: Electron microscope, EM–9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for routine specimen examination and selection of favorable specimens which will then be examined at high resolution in a larger research microscope. The specimens employed will be primarily thin tissue or cell sections with some whole mount microbial and viral preparations, as well. The article will also be used as an educational microscope in a course for advanced undergraduate and graduate students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 14, 1972, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2880 Filed 2–25–72;8:48 am]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00029–33–46040. Applicant: The University of Texas at Arlington, Tex. 76010. Article: Electron microscope, Model EM 9S. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in the investigation of spermatogenesis, spermeogenesis, and the fine structure cytochemistry of the reproductive ducts and androgenic glands of certain crustaceans; the cytopathology of virus-infected drosophila. In addition the article will be used for training students in a course entitled "Biological Electron Microscope."

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corp. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 14, 1972, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–2881 Filed 2–25–72;8:48 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[FES 72–3]

PROPOSED OIL SHALE RETORT RESEARCH PROJECT, ANVIL POINTS, COLO.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Mines, Department of the Interior has prepared a final environmental statement concerning a proposal by Development Engineering, Inc. of Denver, Colo., for reactivation, under a lease for research purposes, of its Anvil Points Oil Shale Research Facility near Rifle, Colo.

The research proposed to be conducted includes the construction of a vertical kiln retort and the mining, crushing, retorting, and disposal of probably no more than 600,000 tons of oil shale. Research would also be conducted on techniques of waste management.

Single copies of the Final Statement are available from:

Director, Bureau of Mines, Room 4614, Department of the Interior, Washington, D.C. 20240.
Research Director, Denver Mining Research Center, Bureau of Mines, Denver, Colo. 80215.
Research Director, Laramie Energy Research Center, Bureau of Mines, Laramie, Wyo. 82070.

In requesting this document, please refer to the Statement number above.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

FEBRUARY 18, 1972.

[FR Doc.72–2896 Filed 2–25–72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

GRANTS TO STATE EDUCATIONAL AGENCIES FOR DEVELOPMENT OF SUCCESSFUL FOLLOW THROUGH PROGRAM MODELS

Proposed Standards and Closing Date

Notice is hereby given with respect to the following matters relating to the administration of the Follow-Through Program authorized under section 222(a)(2) of Title II of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2809(a)(2)). (As provided in section 222(a)(2) of the Act, the Director of the Office of Economic Opportunity and the Secretary of Health, Education, and Welfare have entered into a Memorandum of Understanding, published June 14, 1969, at 34 F.R. 9408, under which the Follow Through Program is administered by the Secretary through the U.S. Commissioner of Education.) The matters proposed herein will, if adopted, operate as interim standards pending the publication of comprehensive Follow Through Regulations which are currently being developed.

I—GENERAL PURPOSE OF GRANTS

A. Pursuant to section 231(c) of the Act (42 U.S.C. 2824(c)), the Commissioner is authorized, in order to coordinate the use of State funds and Follow Through funds, to enter into agreements with States or State agencies, pursuant to which they would act as agents of the United States for the purpose of providing financial assistance to eligible local recipients of Follow Through project grants, in connection with specific projects or programs involving the common or joint use of such State and Federal funds.

B. In order to plan for potential proliferation of model projects for early childhood education which have been developed in the Follow Through Program and which may prove successful in a variety of educational settings, the Commissioner of Education will make planning grants to State educational agencies to enable them to develop mechanisms whereby all available Federal, State, and local resources could be coordinated in such a manner as to expand the number of schools and children to be served by such projects. For the purpose of this notice the term "State" includes the 50 States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands. These planning grants will be an amount not to exceed $50,000 to each of the five States selected for participation in fiscal year 1972. If current results from the national longitudinal evaluation of Follow Through demonstrate the desirability of proliferation of Follow Through type projects, additional funds for implementation may be provided to those States whose plans are approved and/or to other of the 50 States. If the data warrants proliferation and implementation funds are made available to a State, upon receipt of such funds the State educational agency, acting as the agent of the Federal Government, could be authorized to make operational grants, from such funds, to local educational agencies within that State, which grants will provide for the joint and coordinated use of the Federal funds so provided with available State and local funds. Since section 231(c) of the Act contemplates such joint and coordinated use of State and Federal funds, State level funds must be available for use in conjunction with proposed Follow Through project funds.

C. Potential Follow Through projects funded in accordance with the preceding plan would have the same comprehensive program components as currently operating Follow Through projects, including community and parental involvement. Each new project established would begin with classes at the entry level (kindergarten or first grade). In the second and subsequent years, an additional grade level would be added through the third grade. Where budget priorities indicate that sufficient funds will be available, projects could begin with the first two grade levels. Although the total number of potential projects to be developed and children to be served will not be a primary consideration in reviewing plans, a maximum number of 5,000 children within the State should be considered in planning for the first operational year. The quality of the potential projects planned will be the primary consideration.

(42 U.S.C. 2809(a)(2); 42 U.S.C. 2824; 34 F.R. 9408).

II—SPECIFIC REQUIREMENTS OF THE PLAN

A. The duration of the study effort to be made pursuant to a planning grant will be approximately 6 months. A two-phase program is anticipated. Each grantee must submit an interim report of the results of initial planning to the Office of Education by the 15th of May 1972. The second phase will end with the completion of the planning study by the 31st of July 1972.

B. The overall objective of this study effort is to develop a model for State educational agency planning and administration of Follow Through projects in local school districts in the context of an agency relationship pursuant to section 231(c) of the Act. The model shall describe the process by which State educational agencies might assist local educational agencies in planning and implementing an expanded Follow Through Program.

C. In preparing its proposal for a planning grant under this notice, a State educational agency shall consider the following factors with respect to the planning and administering of Follow Through projects. Such proposals shall specify in such detail as the Commissioner may determine how each such factor will be taken into account in the planning process:

1. *Identification and selection of local* for which the planning grant is awarded. State educational agencies, with the assistance of State Economic Opportunity Offices, shall conduct an analysis of all local educational agencies and other potential grantees within the State in order to determine their potential eligibility for Follow Through projects. Additional screening will also be necessary to determine which communities might have sufficient numbers of low-income children and sufficient parental and community interest to support a comprehensive program. The planning grant proposal should specifically prescribe (a) the manner in which the State educational agency proposes to accomplish the above tasks and (b) the specific manner in which complete and satisfactory project applications might be developed and submitted by the communities selected.

2. *Selection of sponsors.* The State educational agency's proposal shall indicate the manner in which appropriate sponsors might be selected, involving at least (a) two or more visits by State, local, and parent representatives to observe on a first-hand basis different sponsor approaches and (b) other direct contact with sponsor representatives and existing project personnel, if necessary. Exemplary Follow Through projects which are currently operating should serve as models which might be adopted for proposed projects. The proposal shall also indicate the nature of the potential relationships of sponsors, the State educational agency, and the local projects.

3. *State technical assistance.* The proposal shall provide for the establishment within the State educational agency of a Follow Through Program Office (if one does not already exist), to operate in conjunction with the Title I Program Office. Since a large number of local projects might be established in ensuing years, substantial technical assistance should be made available to local projects in the planning, financial management, educational implementation, in-service training, facilities rearrangement and all other aspects necessary to successfully implement a Follow Through project. It is anticipated that States might use specialized consultants and university support to assist in local planning.

4. *Monitoring.* The proposal for a planning grant shall enumerate the numbers and qualifications of staff potentially available for administering the Follow Through Program in the State educational agency and State Economic Opportunity Office, as well as any consultant support necessary for successful planning and possible implementation of Follow Through projects. The proposal should include the nature and frequency of State visits to local projects and the reporting requirements that the State anticipates imposing. A State educational agency awarded a planning grant shall design an evaluation effort in order to ensure the quality of education and consistency of all potential Follow Through projects throughout the State.

FEB 26 72
XUM

5. *Innovative nature of projects.* Follow Through is an innovative and comprehensive program. The successful replication of Follow Through almost certainly will require that school systems and communities make substantial and lasting changes in traditional procedures and attitudes—changes in the classroom, in the range of comprehensive services, in the identification of resources and in interaction between school, parents, and community. The State proposal shall, therefore, specify how the State educational agency proposes to face this issue and shall clearly indicate the ways in which such changes might be sustained.

6. *Project costs and sources of funds.* The initial phase of the State's planning efforts shall include an analysis of Follow Through costs. In particular, an analysis of the costs of Follow Through projects currently being carried out in the State should be made in order to identify "core components," i.e., the essential cost elements which are peculiar to Follow Through projects, such as costs related to teacher aides, specialized Follow Through teachers, parental involvement, PAC groups, community services, sponsors, and consultant services. In addition, the extent to which certain other existing Follow Through services and costs might be assumed by other Federal, State, and local projects shall be considered in the planning process. These cost elements would include such items as administrative expenses, plant costs, food, transportation, equipment, remodeling, some consultant expenses, and the regular teaching staff. The State must provide an analysis of these and other sources of funds that might be directed toward the establishment of Follow Through projects, including attention to the insuring of timely and sufficient contributions of State funds to the programs or projects which might be involved. This task represents a substantial effort in the overall planning study. The grantee shall also make a cost reduction analysis of proposed project activities. This should be designed to establish a basis for reducing the per pupil Follow Through expenditure to the lowest possible level consistent with successful replication. Shared funding, i.e., Title I and Follow Through, should be considered in constructing the proposed project budget.

7. *Scope and budget of planning study.* The Office of Education plans to make variable sums of money available to each of the five States selected for conduct of this planning study. Each State educational agency which is awarded a planning grant may budget a maximum of $50,000 for the conduct of the planning study. If the applicant State is also a current recipient of a Follow Through technical assistance grant, such State should, if possible, reprogram its technical assistance grant funds so that the major portion might be applied toward this study effort. A detailed budget for the planning study shall be constructed within the preceding limitation, in such format as may be prescribed by the Commissioner, and submitted with the planning proposal.

(42 U.S.C. 2824)

III—Review of the Proposals

Proposals submitted will be reviewed by an evaluation committee of education and management experts. Up to 20 points will be awarded on the basis of each of the five criteria below for a possible maximum of 100 points:

A. Potential value of study results as a "model" State/local approach to the successful proliferation and possible implementation of Follow Through projects in other States under section 231(c) of the Act.

B. Soundness of procedures proposed for (1) identification of local communities and agencies with good potential for possible implementation of the comprehensive Follow Through Program; (2) needs assessment of potential Follow Through populations with priority given to those with greatest economic and educational needs and within this context, diversity of geographic location, pupil population and local educational environment; and (3) enabling potential projects and communities to select and associate themselves with sponsors.

C. Potential capacity to conduct a comprehensive review of project cost elements and to reduce project costs (or the portion of costs covered by Follow Through and Title I funds) substantially below the current Follow Through level (including the capacity of the applicant to provide a sufficient contribution of State funds under a replication mechanism), while successfully implementing Follow Through Program components.

D. Anticipated quality of working relations between the State educational agency, State Economic Opportunity Office and other affected State agencies and between State agencies, local agencies, and communities. The nature and extent of provisions for effective technical assistance to projects will be evaluated. The committee will consider the extent to which the proposal provides for the range of present and/or potential "Stakeholders" in Follow Through projects to be represented by persons participating in drawing up the plan, i.e., parents (especially low-income parents), administrators, teachers, community action agencies, other community agencies, and State and local officials. The Office of Education will consider the qualifications of persons participating in the study, as well as the diversity of location, pupil population and local educational environment, in order to ensure the widest possible variety of responsive proposals.

E. Soundness of the management plan by which State administration and local program effectiveness are to be measured, including: Proposed procedures for establishing statewide performance criteria of expected student achievement gains resulting from the program; procedures for assisting local education agencies in establishing measurable program objectives related to student achievement; procedures for installing in each proposed project a systems approach to management that insures continuous monitoring of cost-effectiveness and budgeting based upon established program objectives; and procedures for cycling local project evaluation data based upon performance objectives into subsequent program planning.

IV—Additional Information

A detailed request for proposals concerning the above described planning grants has been sent to each State educational agency. Additional information concerning the grants, including the format in which States should submit proposals, is contained in that document. Copies thereof may be obtained from the address indicated below.

The Commissioner has determined that it is necessary to establish a cutoff date for the receipt of applications under this notice. Accordingly, applications must be received by the Follow Through Program, Room 3642, ROB 3, 7th and D Streets SW., Washington, DC 20202, postmarked no later than the 30th day following the final publication of this notice in the Federal Register.

Interested persons are invited to submit written comments, suggestions, or objections regarding the standards and requirements contained in this notice, to the Director, Follow Through Program, Room 3642, ROB 3, 7th and D Streets SW., Washington, DC 20202. Comments received in response to this notice will be available for public inspection at the preceding office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material received not later than 15 days after the publication of this notice in the Federal Register will be considered.

Dated: February 10, 1972.

S. P. Marland, Jr.,
U.S. Commissioner of Education.

Approved: February 23, 1972.

Elliot L. Richardson,
Secretary of Health, Education, and Welfare.

[FR Doc.72-2999 Filed 2-25-72;8:54 am]

HANDICAPPED CHILDREN'S EARLY EDUCATION PROGRAM

Notice of Closing Date for Receipt of Applications

Pursuant to the authority contained in section 623 of the Education of the Handicapped Act (84 Stat. 183, 20 U.S.C. 1423), notice is hereby given that the U.S. Commissioner of Education has established a final closing date for receipt of applications for model demonstration early education projects under the Handicapped Children's Early Education Program. Such applications must be postmarked on or before the 30th day following the publication of this notice in the Federal Register, or on or before February 16, 1972, whichever is later.

Regulations governing such applications and other programs and projects authorized under Part C of the Act are being developed, and will be published in the Federal Register as notice of proposed rule making, subject to public comment, as soon as they have been completed.

Dated: February 18, 1972.

S. P. Marland, Jr.,
U.S. Commissioner of Education.

[FR Doc.72-2893 Filed 2-25-72;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-151]

ACTING REGIONAL ADMINISTRATOR, REGION VI (FORT WORTH)

Designations

The officers appointed to the following listed positions in Region VI (Fort Worth) are hereby designated to serve as Acting Regional Administrator, Region VI, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Housing Production and Mortgage Credit.

These designations supersede the designations effective October 30, 1969 (34 F.R. 19150-19151, Dec. 3, 1969).

Effective date. These designations shall be effective as of August 23, 1970.

Richard L. Morgan,
Regional Administrator.

[FR Doc.72-2892 Filed 2-25-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FLIGHT SERVICE STATION AT IMPERIAL, NEBR. MUNICIPAL AIRPORT

Notice of Decommissioning

Notice is hereby given that on or about February 26, 1972, the Flight Service Station at Imperial, Nebr. Municipal Airport, Imperial, Nebr., will discontinue operation as an FAA facility. Service to the aviation public of Imperial, Nebr., formerly provided by this facility will be provided by the North Platte, Nebr. Flight Service Station. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Kansas City, Mo., on February 16, 1972.

John M. Cyrocki,
Director, Central Region.

[FR Doc.72-2869 Filed 2-25-72;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-363]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Applicant's Environmental Report—Construction Permit Stage, January 24, 1972," for the Forked River Nuclear Generating Unit 1, submitted by the Jersey Central Power and Light Co., has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Ocean County Library, 15 Hooper Avenue, Toms River, NJ 08753. The report is also being made available to the public at the Division of State and Regional Planning, Department of Community Affairs, Post Office Box 1978, Trenton, NJ 08625, and at the Ocean County Planning Board, Courthouse Square, Toms River, N.J. 08753.

This report discusses environmental considerations related to the proposed construction of the Forked River Nuclear Generating Unit 1 located in Lacey Township, Ocean County, N.J.

After the reports have been analyzed by the Commission's Director of Regulation or his designee, a draft statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the Federal Register a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 22d day of February 1972.

For the Atomic Energy Commission.

Richard C. DeYoung,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2910 Filed 2-25-72;8:54 am]

[Docket No. 50-280]

VIRGINIA ELECTRIC AND POWER CO.

Order of the Board Scheduling Prehearing Conference

In the matter of Virginia Electric and Power Co. (Surry Power Station Unit 1), Docket No. 50-280.

A prehearing conference in the above matter will be held on March 10, 1972 at 10 a.m., local time, in the North Ballroom, Williamsburg Conference Center, Williamsburg, Va. 23185.

This prehearing conference and the evidentiary hearing which it anticipates will be held in accordance with a Commission Memorandum and Order dated November 18, 1971. At that time the Commission stated:

> As to the scope of the ensuing hearing, we agree with the regulatory staff and the applicant that the issue for adjudicatory consideration should be that matter to which the intervention petition and contest of the license grant is specifically confined. We would state that hearing issue as suggested by the regulatory staff in its response to the petition:
>
> Whether, with regard to the disputed welds and welding practices, there is a reasonable assurance that the activities which would be authorized by an operating license can be conducted without endangering the health and safety of the public.

Dated at Washington, D.C., this 22d day of February 1972.

For the Atomic Safety and Licensing Board.

James R. York,
Chairman.

[FR Doc.72-2873 Filed 2-25-72;8:48 am]

CIVIL SERVICE COMMISSION

CIVIL AERONAUTICS BOARD

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Civil Aeronautics Board to fill by noncareer executive assignment in the excepted service the position of Special Assistant to Director, Bureau of Economics, Office of Director.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.72-2915 Filed 2-25-72;8:52 am]

DEPARTMENT OF THE AIR FORCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Air Force to fill by noncareer executive assignment in the excepted service the position of Special Assistant for Environmental Quality, Office of the Assistant Secretary (Installations and Logistics), Office of the Secretary of the Air Force.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.72-2917 Filed 2-25-72;8:52 am]

V 37 N 39 FEB 26 72 XUM

DEPARTMENT OF THE ARMY

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "Special Assistant to the Chief of Legislative Liaison for Legislative Affairs" to "Special Assistant for Legislative Affairs, Office, Secretary of the Army."

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2935 Filed 2-25-72;8:53 am]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Commissioner of Patents, Patent Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2916 Filed 2-25-72;8:52 am]

DEPARTMENT OF COMMERCE

Notice of Title Change in Noncareer Executive Assignment

By notice of January 7, 1971, F.R. Doc. 71-244 the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Director of Policy Analysis, Office of the Secretary, Office of the Special Assistant to the Secretary for Policy Development. This is notice that the title of this position is now being changed to Deputy Director, Office of Policy Development, Office of the Special Assistant to the Secretary for Policy Development, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2934 Filed 2-25-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator for Development, Public Health Service, Health Services and Mental Health Administration, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2920 Filed 2-25-72;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Health Policy Implementation, Office of the Secretary, Office of the Assistant Secretary for Health and Scientific Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2928 Filed 2-25-72;8:53 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of September 9, 1970, F.R. Doc. 70-11901 the Civil Service Commission authorized the Department of Housing and Urban Development to fill by noncareer executive assignment the position of Director, Housing Programs Management Division, Renewal and Housing Management, Office of Housing Management. This is notice that the title of this position is now being changed to Director, Office of Housing Programs, Housing Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2897 Filed 2-25-72;8:51 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Commissioner, Bureau of Indian Affairs, Office of the Commissioner.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2931 Filed 2-25-72;8:53 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Programs, Office of the Secretary, Office of the Assistant Secretary—Mineral Resources.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2930 Filed 2-25-72;8:53 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Mineral Resources (Minerals and Energy Policy), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2921 Filed 2-25-72;8:52 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of

the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Analysis and Evaluation Section, Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2929 Filed 2-25-72;8:53 am]

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Special Litigation Section, Internal Security Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2922 Filed 2-25-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of General Counsel, Federal Aviation Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2925 Filed 2-25-72;8:53 am]

FARM CREDIT ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Farm Credit Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Cooperative Bank Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2932 Filed 2-23-72;8:53 am]

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Commission on Libraries and Information Science to fill by noncareer executive assignment in the excepted service the position of Executive Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2924 Filed 2-25-72;8:52 am]

OFFICE OF MANAGEMENT AND BUDGET

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Assistant to the Economist, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2923 Filed 2-25-72;8:52 am]

OFFICE OF TELECOMMUNICATIONS POLICY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Telecommunications Policy to fill by noncareer executive assignment in the excepted service the position of Assistant Director for International Communications and Executive Direction.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2919 Filed 2-25-72;8:52 am]

PAY BOARD

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Pay Board to fill by noncareer executive assignment in the excepted service the position of General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2918 Filed 2-25-72;8:52 am]

WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the White House Conference on Children and Youth to fill by noncareer executive assignment in the excepted service the position of National Chairman, White House Conference on Children and Youth.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2933 Filed 2-25-72;8:53 am]

PROFESSOR OF MILITARY HISTORY, MILITARY ACADEMY, WEST POINT

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. section 5723, the Civil Service Commission found on February 4, 1972, a manpower shortage for a single position of Professor of Military History, GS-1710-15, U.S. Military Academy, West Point, N.Y. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2927 Filed 2-25-72;8:53 am]

TEXTILE TECHNOLOGIST, BUREAU OF CUSTOMS

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found on January 29, 1972, a manpower shortage for a position of Textile Technologist, GS-1384-12, Bureau of Customs, Region IV, Miami, Fla.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2926 Filed 2-25-72;8:53 am]

V37-39 FEB 26 72 XUM

COMMISSION ON HIGHWAY BEAUTIFICATION

HIGHWAY BEAUTIFICATION

Notice and Place of Public Hearing

FEBRUARY 22, 1972.

Notice is hereby given that the Commission on Highway Beautification will have its third public hearing in St. Louis on March 20, 1972.

St. Louis was chosen as a hearing site in order to give interested parties in the Midwest and Southwest an opportunity to present their views to the members of the Commission on the important issue of highways and their relationship to the environment. Among other things, the Commission is particularly interested in learning about the position of States in this region which face Federal penalties for failure to comply with the Highway Beautification Act of 1965, and problems of compliance with that Act in States with extensive rural and unzoned areas.

The Commission was established by the Federal-Aid Highway Act of 1970 (Public Law 91-605). It has 11 members—four from the Senate, four from the House of Representatives, and three appointed by the President. Congressman Jim Wright (D), Texas, is the Chairman. The four Commissioners from the Senate are Birch Bayh (D), Indiana; Mike Gravel (D), Alaska; James Buckley (R), New York; and Lowell Weicker (R), Connecticut. The House members are Chairman Wright; Ed Edmondson (D), Oklahoma; Don Clausen (R), California; Fred Schwengel (R), Iowa. The public members are Alfred Bloomingdale, Chairman of the Board, A. B. Enterprises, Los Angeles, Calif.; Mrs. Marion Fuller Brown, member of the Maine Legislature, York, Maine; and Michael Rapuano, landscape architect, Newton, Pa., and New York City.

The Act directed the Commission to:

(1) Study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system;

(2) Review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards;

(3) Compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future;

(4) Study problems relating to the control of onpremise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public;

(5) Study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out a highway beautification program; and

(6) Recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

A report of the Commission's findings will be submitted to the President and the Congress no later than August of this year.

This is the third in a series of hearings to be held in different sections of the country during 1972. Additional hearings are planned for Meriden, Connecticut, and Rochester, New York in mid-April and Washington, D.C., in mid-May.

The hearing is scheduled for 9:30 a.m. at the Gateway Arch, Jefferson National Expansion Memorial, St. Louis, Missouri. This site was selected in conjunction with the one hundredth anniversary of the National Park Service.

This is an open hearing and the public is invited both to attend and to participate. The hearing will be one day in length. Those interested in testifying are requested to contact the Commission at 1121 Vermont Avenue NW., Washington, DC 20005, by March 13, and if possible, to submit a copy or a brief summary of their testimony by that date.

LEO A. BYRNES,
Staff Director and Counsel.

[FR Doc.72-2904 Filed 2-25-72;8:50 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council on Environmental Quality February 7–February 11, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250 (202) 388-7803.

AGRICULTURAL RESEARCH SERVICE

Draft, February 3

Removal of Canada plum to control green peach aphid in Aroostook and Penobscot Counties, Maine. The overwintering host plant (Canada plum) of the green peach aphid will be removed by chemical and mechanical methods from certain test areas in Maine. The trees will be cut and the stumps painted with ammonium sulfamate. Trees left uncut will be sprayed with the insecticide demeton. (ELR Order No. 1808, 10 pages) (NTIS Order No. PB-206 386-D)

FOREST SERVICE

Draft, February 4

Application for Class A Special Use Permit to construct a road in the Coulter Creek Drainage, Chelan County, Wash. The Pack River Co. of Peshastin, Wash., has requested a special use permit from the Forest Service for construction of a road in this drainage for logging and other land management purposes. (ELR Order No. 1741, 22 pages) (NTIS Order No. PB-206 376-D)

Draft, January 28

1972 Siskiyou National Forest Herbicide Program, Josephine, Curry, and Coos Counties, Oreg. The selective herbicides 2,4-D, 2,4,5-T, or atrazine will be applied to 213 separate tracts totaling 11,858 acres during one of two application seasons. Reduction of vegetative competition to increase survival of newly planted conifer seedlings is the treatment objection. (ELR Order No. 1801, 16 pages) (NTIS Order No. PB-206 404-D)

RURAL ELECTRIFICATION ADMINISTRATION

Draft, February 3

Hilton Head Island, Beaufort County, S.C. Installation of a 20-mw. emergency gas turbine, a 250,000 gallon oil storage tank, oil truck unloading facilities, a stepup transformer, and 3,300 feet of 69-ky. transmission line. (ELR Order No. 1782, 28 pages) (NTIS Order No. PB-206 398-D)

Final, February 9

Hayden, Colo. Construction of a 250-mw. coal fueled electrical generating station, assisted by a $12 million loan from REA. Comments made by USDA, Army COE, EPA, FPC, and various State agencies. (ELR Order No. 1827, 37 pages) (NTIS Order No. PB-206 795-F)

SOIL CONSERVATION SERVICE

Final, January 31

Hurricane Creek Watershed Project Measure, Hopkins County, Ky. Acceleration of present land treatment program, installation of three floodwater retarding structures, and improvement of 4 miles of channel. Will inundate 1 mile of intermittent streams. Comments made by EPA, DOI, Army COE, various State of Kentucky agencies. (ELR Order No. 1783, 13 pages) (NTIS Order No. 203 511-F)

Final, February 3

Sweetwater Creek watershed project, McNinn, Monroe, and Louden Counties, Tenn. Conservation land treatment measures and the installation of nine floodwater retarding structures supplemented by about 42.3 miles of channel improvement for flood control. (ELR Order No. 1811, 14 pages) (NTIS Order No. PB-206 396-F)

DEPARTMENT OF DEFENSE

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, (202) 693-6346.

Draft, February 2

Flushing Bay and Creek, Borough of Queens, New York City. Maintenance dredging of the existing Federal project, the spoil will probably be disposed in the approved dumping grounds in the Atlantic Ocean. (ELR Order No. 1784, 7 pages) (NTIS Order No. PB-206 391-D)

Draft, January 31

Tarrytown Harbor, N.Y. Maintenance action consisting of dredging an existing Federal navigation channel, spoil will be disposed of in the Atlantic Ocean. (ELR Order No. 1785, 7 pages) (NTIS Order No. PB-206 395-D)

Westchester Creek, N.Y. Maintenance action consisting of dredging the existing Federal channel to its authorized project dimensions. Spoil from the channel will be deposited in Eaton's Neck disposal area unless the contractor finds a suitable upland site and he has the approval of the land owners and concerned governmental agencies. (ELR Order No. 1786, 7 pages) (NTIS Order No. PB-206 394-D)

New York and New Jersey channels, navigation project. Maintenance action consisting of dredging New York and New Jersey channels to their authorized project dimensions. The dredged spoils will be deposited in the designated disposal area in the Atlantic Ocean. (ELR Order No. 1787, 9 pages) (NTIS Order No. PB-206 393-D)

Harlem River Channel, N.Y. Maintenance action consisting of dredging the existing Federal Channel in the Harlem River, to its authorized project dimensions. The spoil will be deposited in the approved dumping area in Eaton's Neck disposal area in the Long Island Sound. (ELR Order No. 1788, 9 pages) (NTIS Order No. PB-206 399-D)

New York Harbor, N.Y. Dredging the Federal Channel in New York Harbor to its authorized project dimensions. The spoil will be deposited in the approved dumping grounds in the Atlantic Ocean. (ELR Order No. 1789, 8 pages) (NTIS Order No. PB-206 403-D)

Draft, February 1

New York Harbor Anchorages, N.Y. Improvement by dredging of two existing anchorage areas in New York Harbor to permit use by freighters and oil tankers of greater length and draft. The project involves dredging of a 1,260-acre area and most directly affects the States of New York and New Jersey. (ELR Order No. 1792, 25 pages) (NTIS Order No. PB-206 400-D)

Draft, February 3

Diking District No. 1, Wahkiakum County, Wash. Raising portions of levee, filling ditch behind levee; repairing, replacing tide boxes; and adding new pumping stations, repairing existing ones, with the intention of providing better flood control. (ELR Order No. 1809, 12 pages) (NTIS Order No. PB-206 389-D)

Flood Protection Project, Douglas and Leavenworth Counties, Kans. Construction of levees, channel improvements, bridge replacements and alterations, road raises and relocations, and interior drainage structures. (ELR Order No. 1812, 47 pages) (NTIS Order No. PB-206 390-D)

Draft, February 4

Munday, Tex. Improvement and enlargement of existing channels of Lake Creek watershed to intercept and direct flood waters from Munday. (ELR Order No. 1819, 3 pages) (NTIS Order No. PB-206 460-F)

Draft, February 7

Mississippi River, East Bank, Warren to Wilkinson Counties, Miss. Construction of 12.4 miles of levee, a 300 c.f.s. pumping plant, 12 miles of channel improvement, three 8-foot floodgates, and a conservation weir. (ELR Order No. 1828, 19 pages) (NTIS Order No. PB-260 461-D)

Final, February 2

Hillsdale Lake, Big Bull Creek, Kans. Initiate construction on receipt of funds of a dam and lake in Miami County, Kans. Environmental impacts includes stream control and flow alterations, temporary soil erosion, turbidity and noise during construction, downstream flood control, provision of a 4,580-acre lake; altered traffic patterns, etc. Comments made by DOT, DOI, USDA, EPA, various State of Kansas agencies, and University of Kansas. (ELR Order No. 1796, 55 pages) (NTIS Order No. PB-202 917-F)

Final, February 10

Small Navigation Project, Andrews River, Harwich, Mass. Construction of a jetty and retaining wall to prevent shoaling of entrance channel. Comments made by DOC, DOI. (ELR Order No. 1833, 6 pages) (NTIS Order No. PB-202 919-F)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, DC 20460, (202) 755-0940.

Draft, February 4

Wastewater facilities, Ausin, Tex. Construction of a deep tunnel interceptor and enlargement of existing wastewater treatment plant. The tunnel will intercept overloaded trunk sewer wastewater flows and convey them to the proposed wastewater treatment plant. (ELR Order No. 1791, 48 pages) (NTIS Order No. PB-206 401-D)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, (202) 755-6186.

Final, February 8

Wayne County, N.Y. Development of a new community over a 20-year period, with a HUD guaranteed $20 million loan. Townships of Walworth and Macedon. Comments made by USDA, FPC, DOT, and regional offices. (ELR Order No. 1834, 28 pages) (NTIS Order No. PB-204 845-F)

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343-6416.

BUREAU OF RECLAMATION

Final, February 4

Navajo Project, Ariz. Construction of three units, 2,310-mw. coal burning generating station to supply electrical energy for the Southwest. Construction also of a 78-mile railway to haul coal from the Black Mesa Coal Mine (a strip mine) to the station, and 800 miles of 500-kv. transmission line. Station will consume a maximum of 34,000 acre-feet of cooling water annually from Lake Powell, emit 210 tons of SO_x and 204 tons of NO_x per day until removal systems are developed and produce an estimated 1,815 tons of waste ash per day. Comments made by USDA, DOI, HEW, FPC, DOT, TVA, Governors of Arizona, California, Colorado, Nevada, New Mexico, and Utah and numerous agencies of these States. (ELR Order No. 1781, 337 pages) (NTIS Order No. PB-203 228-F)

BUREAU OF SPORT FISHERIES AND WILDLIFE

Draft, February 4

Designation as wilderness 32,500 acres within the Bosque del Apache National Wildlife Refuge in Socorro County, N. Mex. (ELR Order No. 1797, 26 pages) (NTIS Order No. PB-206 375-D)

Designation as wilderness 4,596 acres of the 22,666-acre Moosehorn National Wildlife Refuge, Washington County, Maine. (ELR Order No. 1798, 25 pages) (NTIS Order No. PB-206 378-D)

Designation as wilderness 23,000 acres of the Cape Romain National Wildlife Refuge, located in Charleston County, S.C., within the National Wilderness Preservation System. (ELR Order No. 1799, 25 pages) (NTIS Order No. PB-206 382-D)

NATIONAL PARK SERVICE

Draft, February 4

National Park Service proposes that a corridor 6.8 miles in length between Grand Teton and Yellowstone National Parks in Teton County, Wyo., be designated as John D. Rockefeller, Jr., National Memorial Parkway. In addition, it is proposed that certain connecting roads within these national parks be designated by secretarial action as Rockefeller Parkway. (ELR Order No. 1780, 20 pages) (NTIS Order No. PB-206 397-D)

Draft, February 5

Big Cypress National Fresh Water Reserve, Fla. Federal Government will acquire requisite legal interest in 585,000 acres in Big Cypress Watershed in Collier, Monroe, and Dade Counties, critical to protection of freshwater resource of Everglades National Park, estuarine regions, and cities of southwest Florida. (ELR Order No. 1805, 80 pages) (NTIS Order No. PB-206 380-D)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,[1] Director, Office of Program Coordination, 400 Seventh Street SW., Washington, DC 20590, (202) 462-4357.

FEDERAL AVIATION ADMINISTRATION

Draft, February 7

Garner Field, Uvalde, Tex. Acquire land for airport development and clear zones; strengthening and extending of runway, installation of medium intensity lighting, VASI system, and security fencing. (ELR No. 1807, 31 pages) (NTIS Order No. PB-206 386-D)

Lawton Municipal Airport, Comanche County, Okla. Extending, widening, and strengthening present runway, installation of high intensity lighting and acquiring land for south clear zone. (ELR Order No. 1810, 41 pages) (NTIS Order No. PB-206 392-D)

Carnegie Airport, Caddo County, Okla. Construction of new airport facility for use by light propeller driven aircraft. (ELR Order No. 1813, 13 pages) (NTIS Order No. PB-206 373-D)

Final, February 8

Andrews County Airport, Andrews, Tex. Overlay existing 75' x 4,000' N/S runway and extend to 5,200 feet; acquire land to extend runway, replace existing runway lighting, install airport beacon, and VASI land air. Total estimated cost: $197,761. Comments made by DOI, USDA, HEW, DOT, EPA, County of Andrews. (ELR Order No. 1808, 36 pages) (NTIS Order No. PB-201 576-F)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

V37-39 FEB 26 72 XUM

FEDERAL HIGHWAY ADMINISTRATION

Draft, February 2

Toledo—Downtown Distributor—S.R.-112: Lucas County, Ohio. Construction of a 0.9 mile limited access highway, starting at I-75 and extending across portion of Toledo, Ohio, to end in two downtown exit ramps and one entrance ramp. Project U-1135(1), LUC-112-0.00. (ELR Order No. 1790, 18 pages) (NTIS Order No. PB-206 402-D)

Draft, February 3

Interstate Route 77 from Columbia to Rock Hill, S.C. South Carolina Highway Department in cooperation with Federal, State, and local governments plans to construct a new highway as a part of the Interstate and Defense Highway System between Columbia and Rockhill (60 miles in length). (ELR Order No. 1793, 28 pages) (NTIS Order No. PB-206 388-D)

U.S. Highway 59: Cass and Bowie Counties, Tex. Reconstruction of 13 miles of U.S. Highway 59 from Farm to Market Road 2794 in Queen City, north to 2.4 miles north of Sulphur River. Improvement will consist of the addition of two lanes and reconstruction of the existing facility where necessary. Requires relocation of 10 families. (ELR Order No. 1794, 28 pages) (NTIS Order No. PB-206 387-D)

Draft, February 2

Defiance Railroad Grade Separation Replacement: Defiance County, Ohio. Construction of a four-lane facility with necessary turning lanes and traffic control items, etc. Project UG-649 ( ), DEF-15-14.09 (ELR Order No. 1795, 14 pages) (NTIS Order No. PB-206 405-D)

Wilson Mills Road, CH 8: Geauga County, Ohio. Project consists of widening and resurfacing the existing road and correcting sight distances, from Caves Road to S.R. 306 (1.30 miles). Project S. 1617 (1). (ELR Order No. 1800, 6 pages) (NTIS Order No. PB-206 406-D)

Draft, February 7

Route CC, Ozark County, Mo. Construction of a highway facility, includes a bridge over the North Fork White River. Project begins approximately 2.5 miles east of Route 181 and the community of Dora, then traverses easterly 2.5 miles to Hammond Camp. (ELR Order No. 1802, 29 pages) (NTIS Order No. PB-206 383-D)

Draft, February 8

St. Marys South Connector: Auglaize County, Ohio. Construction of a new east-west street across the southern part of the city of St. Marys. Project SU 1638 (1). (ELR Order No. 1806, 10 pages) (NTIS Order No. PB-206 377-D)

Draft, February 9

State Highway 350: Howard County, Tex. Improvements consisting of construction of a railroad overpass and approaches (0.9 mile). Displacement of four businesses. (ELR Order No. 1814, 22 pages) (NTIS Order No. PB-206 379-D)

Draft, February 8

State Highway 71: Fayette County, Tex. Development of present two-lane S.H. 71 to a four-lane divided highway, from 1.6 miles east of West Point to the Bastrop County line. Total length, 6.9 miles. (ELR Order No. 1815, 21 pages) (NTIS Order No. PB-206 374-D)

Draft, February 10

Interstate Route 91: Hartford-Windsor, Conn. Reconstruction of a 9-mile section of I.R. 91 and the construction of 1 mile of I.R. 291 and interchange in Windsor created at their junction. (ELR Order No. 1829, 55 pages) (NTIS Order No. PB-206 462-D)

Final, February 9

Routes 83 and 94: Town of Glastonbury, Conn. Reconstruction of 0.39 mile of Route 83 and 0.54 mile of Route 94 at intersection in Glastonbury. Six acres of meadow and woods required for right-of-way. Project No. SU-S-9(5). Comments made by DOI, OE, three State agencies. (ELR Order No. 1818, 57 pages) (NTIS Order No. PB-201 529-F)

L.R. 1036 Spur F: Berks County, Pa. Construction of a limited access four-lane divided highway. Comments made by EPA, HUD, DOI. (ELR Order No. 1820, 62 pages) (NTIS Order No. PB-199 239-F)

T.H. 94: Stearns County, Minn.: Construction of 18 miles of four-lane T.H. 94. Displacement of farmsteads will hasten trend away from agricultural land use. Project F094-3(D), 7380. Comments made by Army COE, EPA, DOT, and USDA. (ELR Order No. 1821, 90 pages) (NTIS Order No. PB-201 307-F)

Haywood Road and Howell Road: Greenville County, S.C. Construction of 1.5 miles of roadway between Haywood Road and Howell Road. Comments made by HUD and County agencies. (ELR Order No. 1822, 9 pages) (NTIS Order No. PB-198 844-F)

State Route 29: Scott County, Tenn. Reconstruction of 3 miles of U.S. 27, from two- to four-lane divided highway. Relocation of nine families. Comments made by USDA, TVA, various State of Tennessee agencies. Project F-031-1( ). (ELR Order No. 1823, 23 pages) (NTIS Order No. PB-200 220-F)

Briley Parkway, Davidson County, Tenn. Construction of 11.7 miles of circumferential urban expressway around the Nashville Central Business District. The displacement of 41 families and two businesses will result. Comments made by USDA, Army COE, FHWA, FAA, TVA, and several State agencies. (ELR Order No. 1824, 40 pages) (NTIS Order No. PB-206 459-F)

Interstate Route 410: St. Charles Parish, La. State Project No. 700-07-72. Construction of 10.4 miles of Interstate 410. Approximately 378 acres of agricultural, timber, and freshwater marsh land will be required for right-of-way. Comments made by USDA, Army COE, GSA, HEW, DOI, and two State agencies. (ELR Order No. 1825, 37 pages) (NTIS Order No. PB-198 980-F)

Beloit—Elkhorn Road; S.T.H. 15: Rock and Walworth Counties, Wis. Construction of 26 miles of four-lane Highway 15. Approximately 1,250 acres will be required for right-of-way. Comments made by EPA, HEW, HUD, DOI. Project I.D. 1093-0-00, I.D. 1091-0-00, F 015-1( ). (ELR Order No. 1826, 53 pages) (NTIS Order No. PB-201 380-F)

Pikeville-South Williamson Road U.S. No. 119: Pike County, Ky. Construction of a 1.79 miles, four-lane segment of the Appalachian Developmental Highway System. Will necessitate the use of 70 acres right-of-way and the relocation of 26 residences, three businesses, and one cemetery. APD 506 (9) AP 98-83-19L. Comments made by Army COE, DOI, EPA, HUD, DOI. (ELR Order No. 1830, 32 pages) (NTIS Order No. PB-202 003-F)

Howdershell Road Extension: St. Louis County, Mo. Reconstruction of Howdershell Road. Project T-4189(36). Comments made by EPA, DOI. (ELR Order No. 1831, 16 pages) (NTIS Order No. PB-203 105-F)

Coyles Corners—Short Clove S.H. 9005: Rockland County, N.Y. Reconstruction of 0.7 mile of Route 304, presently two lanes, to four-lane divided highway. Residences will be displaced. Project No. 8155.00. Comments made by HUD and DOI. (ELR Order No. 1832, 27 pages) (NTIS Order No. PB-200 805-F)

S.R. 43: Montgomery County, Ind. Improvement of 3.2 miles of four-lane divided highway. Displacement of four businesses, 13 residences, damage to 15 residences. Project 191(15) P.E. Comments made by EPA, DOI, USDA, and HUD. (ELR Order No. 1835, 13 pages) (NTIS Order No. PB-202 126-F)

S.R. 112, Jim Creek Bridge Replacement: Clallam County, Wash. Replacement of existing timber bridge with large arch culvert and construction of 350 feet of approach roadway. Comments made by State of Washington, EPA, DOI, and HUD. (ELR Order No. 1836, 6 pages) (NTIS Order No. PB-201 991-F)

U.S. 176: Spartanburg County, S.C. Widening of U.S. 176 from two to four lanes for a distance of 5 miles. Comments made by HUD, local, and regional agencies. (ELR Order No. 1837, 11 pages) (NTIS Order No. PB-206 443-F)

U.S. 431: Henry County, Ala. Construction of 11.8 miles of two-lane U.S. 431 in Headland extending northerly to a point approximately 1.5 miles south of Abbeville city limits. Project F-129(6). Comments made by USDA, DOI, EPA. (ELR Order No. 1838, 12 pages) (NTIS Order No. PB-202 076-F)

S.H. Spur 354: Dallas County, Tex. Reconstruction of traffic circle from two to four lanes. Will require 17 acres of right-of-way and the displacement of five businesses. Comments made by EPA, HEW. Project T 9001(5). (ELR Order No. 1839, 16 pages) (NTIS Order No. PB-199 244-F)

U.S.-31: Berrien County, Mich. Relocation of U.S.-31—total of 9.4 miles of construction. Will involve land erosion and sedimentation of St. Joseph River. F 47-1( ). Comments made by Army COE, HUD, DOI, USDA, and State of Indiana Highway Commission. (ELR Order No. 1840, 53 pages) (NTIS Order No. PB-206 442-F)

State Route 36: Unicoi County, Tenn. Construction of 3.79 miles of four-lane limited access highway. Requires the rechanneling of two creeks, and one river. Displacement of 55 families, one church. Project APD-036-1(5), 86001-1205-64, and 86003-1202-64. Comments made by Army COE, DOI, DOT, HUD, DOT, DOC, HEW, TVA, and State agencies. (ELR Order No. 1841, 108 pages) (NTIS Order No. PB-202 640-F)

E. PHILIP SOPER,
Acting General Counsel.

[FR Doc.72-2632 Filed 2-25-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 72-166]

STATION KUTV, SALT LAKE CITY

Memorandum Opinion and Order Regarding "Prime Time Waiver" in Connection With NBC Movies

In the matter of request for waiver of the "prime time access rule," § 73.658(k) of the Commission's rules, for Station KUTV, Salt Lake City, in connection with 6 NBC movies.

1. This matter involves a request, filed on January 24, 1972 and supplemented on January 31, 1972, by KUTV, Inc., licensee of Station KUTV, Salt Lake City, Utah, for waiver of the "prime time access rule," § 73.658(k) of the Commission's rules. The requested waiver, as supplemented in the second filing, is in connection with NBC's Saturday night movie program on the last two Saturdays in February and the four Saturdays in March 1972, when NBC has scheduled movies which will run more than the customary two hours (2½ hours on five nights, 2 hours 15 minutes on one night). This presents the same problem as we have noted in other recent requests by Salt Lake City stations, whose prime time hours are 7-11 p.m. m.t.:[1] That they must present during their "prime time period" (i.e., between 10 and 11 p.m.) network material which occurs after prime time in the rest of the United States. We have applied the rule rather liberally in these situations, and have granted one request for KCPX in connection with an ABC evening football game plus news, one for KSL in connection with a CBS movie over two hours, and two for KUTV (one for two NBC "special" programs, and 2 days for NBC Winter Olympic coverage).

2. However, the present request must be viewed in a different light. First of all, it is for six occasions, whereas the others were for one or two. Second, there is nothing "special" or "extraordinary" about the NBC programing which prompts the waiver request; rather, it is regular programing which simply runs longer than it has in the past, which it might do on any number of Saturdays in the future. Third, it appears from its filing that KUTV takes advantage of the special time circumstances of its situation to present a large amount of NBC programs, both during the designated 7-11 "prime time" hours and earlier. It appears that it devotes all of the 5 hours between 5 and 10 p.m. m.t. on Saturdays to NBC material—½ hour of news, 1½ hours of prime time material originating on other evenings but delayed until Saturdays, and 3 hours of Saturday prime-time material (the 1-hour "Emergency" program plus the NBC movie, which up to now has run no more than 2 hours). It seeks by this waiver request to make the total 5½ (or 5¼ on one occasion) out of the 6 hours between 5 and 11 p.m. m.t. Thus, while it is under 21 hours weekly for the 7-11 "prime time" period, it presents considerable NBC prime-time material during the hours just before this.

3. In our judgment, the requested waiver cannot be justified under the circumstances, taking into account the impingement on the availability of prime time to nonnetwork sources which would be entailed on six occasions, and also the fact that KUTV could achieve compliance with the 3-hour limitation without either cutting short the movie or omiting any NBC Saturday night prime-time material.

4. There is one other circumstance involved here, which KUTV urges as it did earlier in connection with its recent request concerning Winter Olympic coverage. That is its position as feeding NBC programing to some 10 other stations in smaller markets in the Mountain time zone (Idaho, Montana, and Wyoming). We are not persuaded that, under the circumstances, this is enough to justify grant of the waiver as requested. However, in an informal submission since its January 31 filing, KUTV has asked that if its request is denied, at least the other stations have time to make alternate arrangements if they wish to do so. Accordingly, it appears appropriate to grant waiver as requested for the first 3 weeks (February 19 and 26, and March 4) while denying the waiver for other dates. This will give KUTV and the other stations nearly 4 weeks notice so that they can make alternative arrangements.

5. In view of the foregoing: *It is ordered*, That waiver of § 73.658(k) of the Commission's rules is granted to Station KUTV, Salt Lake City, Utah, to present up to 3½ hours of NBC programs during prime time on Saturdays, February 19 and 26 and March 4, 1972; and waiver of this rule is denied with respect to the other Saturdays in March.

Adopted: February 16, 1972.

Released: February 22, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-2909 Filed 2-25-72;8:51 am]

[1] On October 6, 1971 (FCC 71-1038), the Commission recognized the special circumstances of Mountain zone stations and gave them permission to redesignate their prime hours as 6 to 10 m.t. Denver and Phoenix stations have done this, but the Salt Lake City stations decided not to do so.

[2] Commissioners Nicholas Johnson and H. Rex Lee absent.

[Report 584]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

FEBRUARY 22, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

V 37 I 39 FEB 26 72 XUM

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

5097–C2–P–72—United Telephone Co. of Florida (KLJ354), for additional facilities to operate on 152.60 MHz and change the antenna system located at 1520 Lee Street, Fort Myers, FL.

5103–C2–P–72—Beep Communication Systems, Inc. (New), for a new two-way station to be located at 110–11 Queens Boulevard, Forest Hills, NY, to operate on 152.18 MHz.

5104–C2–P–72—Mobilfone Radio System (KEA254), for additional facilities to operate on 152.18 MHz at location No. 3: 110–11 Queens Boulevard, Forest Hills, NY.

5105–C2–P–(3)–72—Westcol Radio Dispatch (KAD511), replace transmitter operating on 152.03 MHz, change the antenna system and relocate facilities from location No. 1 to a new site described as location No. 5: Monument Peak, 2 miles southeast of Rio Blanco, Colo., also at same location, establish repeater facilities to operate on 459.10 MHz and at a new site described as location No. 6: 17 miles east of Grand Junction, Colo., establish control facilities to operate on 454.10 MHz.

5216–C2–P–72—Professional Administrative Services, Inc. (KIG300), add standby facilities to operate on 43.58 MHz, at the First National Bank Building, 2 Peachtree Street, Atlanta, GA.

5217–C2–P–72—Rogers Radio Communication Services, Inc. (KSA262), add standby facilities on 152.12 MHz at location No. 1: Pittsfield Building, 55 East Washington Street, Chicago, IL.

5218–C2–P–72—Airsignal International of Pittsburgh Pennsylvania, Inc. (New), for a new one-way station to be located at 1715 Grandview Avenue, Pittsburgh, PA, to operate on 158.70 MHz.

5237–C2–P–(3)–72—Rogers Radio Communication Services, Inc. (KSA262), replace transmitters, change the antenna system and relocate facilities on 152.03, 152.12, and 152.15 MHz from location No. 1 to a new site described as The John Hancock Center, Chicago, Ill.

5239–C2–P–(2)–72—Kidd's Communications, Inc. (KMA257), change the antenna system and relocate facilities operating on 72.70 and 459.15 MHz (control) at location No. 7 to: 1226 High Street, Delano, CA.

5244–C2–P–72—Mobile Radiotelephone Corp. (KIY725), for additional facilities to operate on 152.12 MHz, located on Highway No. 116, 2.1 miles east of Grifton, N.C.

5245–C2–MP–72—Advanced Electronics (KSV927), relocate facilities operating on 158.70 MHz to San Pedro Hill, San Pedro, Calif.

5247–C2–TC–(3)–72—Tel-Missouri, Inc. Consent to transfer of control from Richard Park Whitton and Carolyn Wood Whitton, Transferors, to Tel-Illinois, Inc., Transferee. Stations: KAA888, KDN396 (one-way), and KRS636 (one-way) all in St. Louis, Mo.

Renewal of license expiring Apr. 1, 1973. Term: Apr. 1, 1972, to Apr. 1, 1974. Mobile Radio Communications of Gary KSD311 and KSD315 (one-way), Gary, Ind. The Champaign National Bank, Executor of the Last Will and Testament of L. Frank Stewart, KSJ811, Champaign, Ill.

Major Amendment

4246–C2–MP–71—RCC of Virginia, Inc. (KRS676), replace transmitter and change the antenna system located at 2215 Jefferson Davis Boulevard, Fredericksburg, VA. See Public Notice dated Feb. 16. 1971, Report No. 531.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference. Frequency 158.70 MHz.

Kansas and Missouri

Mobile Radio Communications Inc. (KSV904), 324–C2–MP–72.
The Allied Companies, Inc. (New), 507–C2–P–72.

RURAL RADIO SERVICE

5098–C1–ML–72—United Telephone Co. of Florida (WQI57), add frequency 157.86 MHz communicating with Station KLJ354, Fort Myers, Fla., located at Cabbage Key Island, 4.25 miles west of Pineland, Fla.

5099–C1–ML–72—United Telephone Co. of Florida (WHJ25), same except, located at 3.9 miles west-northwest of Pineland, Mondongo Island, Fla.

5232–C1–P–72—Continental Telephone Co. of California (KZS90), replace transmitter operating on 157.89 MHz and add frequency 158.01 MHz communicating with Station KOF901, Boulder, Nev.

RURAL RADIO SERVICE—continued

5238–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPZ94), replace the transmitter operating on 157.98 MHz and add frequencies 157.77, 157.83, 157.86, 157.89, 157.92, and 158.07 MHz communicating with Station KOA607, Phoenix, Ariz.

5245–C1–P/L–72—Atlas Radiophone (New), for a new rural subscriber station to operate on 459.30 MHz with (15 units) in any temporary fixed location within territory of applicant.

5247–C1–TC–72—Tel-Missouri, Inc. Consent to transfer of control from Richard Park Whitton and Carolyn Wood Whitton, Transferors, to Tel-Illinois, Inc., Transferee. Station: KBO86 (Temp-Fixed).

Major Amendment

2359–C1–P/ML–71—United Telephone Co. of Florida (KJC34), amend to add 157.86 MHz. See Public Notice dated Nov. 9, 1970.

POINT-TO-POINT MICROWAVE RADIO SERVICE

5100–C1–P–72—New England Telephone & Telegraph Co. (KOK89), on Dutton Hill, 2.6 miles southwest of Gray, Maine. C.P. to add frequencies 6256.5V and 6197.2V MHz toward Bowdoin, Maine.

5101–C1–P–72—New England Telephone & Telegraph Co. (KCO96), on Whitten Hill, 4.9 miles northwest of the village of Bowdoin Center, Maine. C.P. to add frequencies 6004.5V and 5945.2V MHz toward Gray, Maine, and 6004.5H and 5945.2H MHz toward Vassalboro, Maine.

5102–C1–P–72—New England Telephone & Telegraph Co. (KCO97), on Telco Hill, 3 miles northeast of the village of East Vassalboro, Maine. C.P. to add frequencies 6256.5H and 6197.2H MHz toward Bowdoin, Maine.

American Telephone & Telegraph Co., 32 applications for permits to construct additional Western Electric Co. Type TH and Type TD–2/TD–3 radio relay channels for telephone use between Oakland, Calif., and Lodi, Calif.; Lodi, Calif., and Salt Lake City Junction, Utah; Longmont, Calif., and Buckhorn Mountain, Colo.; and Buckhorn Mountain, and Prospect Valley, Colo.

5106–C1–P–72—American Telephone & Telegraph Co. (KNK99), 1587 Franklin Street, Oakland, CA. C.P. to add frequency 6256.5H MHz toward Round Top, Calif.

5107–C1–P–72—American Telephone & Telegraph Co. Round Top, 1.5 miles east of Oakland, Calif. C.P. to add frequencies 6004.5V MHz toward Oakland, Calif., and 6004.5H MHz toward Clayton, Calif.

5108–C1–P–72—American Telephone & Telegraph Co. (KNK97), 3.7 miles east of Clayton, Calif. C.P. to add frequencies 6256.5V MHz toward Round Top, Calif., and 6256.5H MHz toward Lodi, Calif.

5109–C1–P–72—American Telephone & Telegraph Co. (KNK96), 1.2 miles west-northwest of Lodi, Calif. C.P. to add 6004.5V MHz toward Clayton, Calif., and 6004.5H and 6123.1H MHz toward Ben Bolt, Calif.

5110–C1–P–72—American Telephone & Telegraph Co. (KNK95), 3 miles northwest of Latrobe, Calif. C.P. to add frequencies 6256.5V and 6375.2V MHz toward Lodi, Calif., and 6256.5H and 6375.2H MHz toward Union Hill, Calif.

5111–C1–P–72—American Telephone & Telegraph Co. (KNK94), 1.7 miles east of Pollock Pines, Calif. C.P. to add 6004.5V and 6123.1V MHz toward Ben Bolt, Calif., and 6004.5H and 6123.1H MHz toward Echo Summit, Calif.

5112–C1–P–72—American Telephone & Telegraph Co. (KNK93), 4.5 miles south-southwest of Meyers, Calif. C.P. to add 6256.5V and 6375.2V MHz toward Union Hill, Calif., and 6256.5H and 6375.2H MHz toward Topaz Lake, Nev.

5113–C1–P–72—American Telephone & Telegraph Co. (KPW86), 11 miles west-southwest of Wellington, Nev. C.P. to add frequencies 6004.5V and 6123.1V MHz toward Echo Summit, Calif., and 6004.5H and 6123.1H MHz toward Wassuk, Nev.

5114–C1–P–72—American Telephone & Telegraph Co. (KPW85), 5.5 miles southwest of Schurz, Nev. C.P. to add 6256.5V and 6375.2V MHz toward Topaz Lake, Nev., and 6256.5H and 6375.2H MHz toward Kinkaid, Nev.

5115–C1–P–72—American Telephone & Telegraph Co. (KPW84), 11 miles east of Hawthorne, Nev. C.P. to add 6004.5V and 6123.1V MHz toward Wassuk, Nev., and 6004.5H and 6123.1H MHz toward Table Mountain, Nev.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

5116–C1–P–72—American Telephone & Telegraph Co. (KPW83), 11 miles northeast of Mina, Nev. C.P. to add 6256.5V and 6375.2V MHz toward Kinkaid, Nev., and 6256.5H and 63.75.2H MHz toward Gilbert, Nev.

5117–C1–P–72—American Telephone & Telegraph Co. (KPW82), 6.3 miles north of Gilbert, Nev. C.P. to add 6004.5V and 6123.1V MHz toward Table Mountain, Nev., and 6004.5H and 6123.1H MHz toward Booker, Nev.

5118–C1–P–72—American Telephone & Telegraph Co. (KPW81), 2.6 miles northeast of Tonopah, Nev. C.P. to add 6256.5V and 6375.2V MHz toward Gilbert, Nev., and 6256.5H and 6375.2H MHz toward Stone Cabin, Nev.

5119–C1–P–72—American Telephone & Telegraph Co. (KPW80), 21 miles southwest of Warm Springs, Nev. C.P. to add 6004.5V and 6123.1V MHz toward Booker, Nev., and 6004.5H and 6123.1H MHz toward Warm Springs, Nev.

5120–C1–P–72—American Telephone & Telegraph Co. (KPW79), 2.2 miles west of Warm Springs, Nev. C.P. to add 6256.5V and 6375.2V MHz toward Stone Cabin, Nev., and 6256.5H and 6375.1H MHz toward Lockes, Nev.

5121–C1–P–72—American Telephone & Telegraph Co. (KPW78), 5.8 miles west-southwest of Lockes, Nev. C.P. to add 6004.5V and 6123.1V MHz toward Warm Springs, Nev., and 6004.5H and 6123.1H MHz toward Currant, Nev.

5122–C1–P–72—American Telephone & Telegraph Co. (KPW77), 11.6 miles northeast of Currant, Nev. C.P. to add 6256.5V and 6375.2V MHz toward Lockes, Nev., and 6256.5H and 6375.2H MHz toward Murry Summit, Nev.

5123–C1–P–72—American Telephone & Telegaph Co. (KPW76), 1.4 miles west of Ely, Nev. C.P. to add 6004.5V and 6123.1V MHz toward Currant, Nev., and 6004.5H and 6123.1H MHz toward Connors Pass, Nev.

5124–C1–P–72—American Telephone & Telegraph Co. (KPW28), 20 miles southeast of Ely, Nev. C.P. to add 6256.5V and 6375.2V MHz toward Murry Summit, Nev., and 6256.5H and 6375.2H MHz toward Sacramento Pass, Nev.

5125–C1–P–72—American Telephone & Telegraph Co. (KPW27), 14 miles northwest of Baker, Nev. C.P. to add 6004.5V and 6123.1V MHz toward Connors Pass, Nev., and 6004.5H and 6123.1H MHz toward Confusion Mountain, Utah.

5126–C1–P–72—American Telephone & Telegraph Co. (KPW26), 25.3 miles east-northeast of Garrison, Utah. C.P. to add 6256.5V and 6375.2V MHz toward Sacramento Pass, Nev., and 6256.5H and 6375.2H MHz toward Clear Lake, Utah.

5127–C1–P–72—American Telephone & Telegraph Co. (KPW25), 8.7 miles west-southwest of Clear Lake, Utah. C.P. to add 6004.5V and 6123.1V MHz toward Confusion Mountain, Utah, and 6004.5H and 6123.1H MHz toward Delta, Utah.

5128–C1–P–72—American Telephone & Telegraph Co. (KPW24), 4.4 miles south-southeast of Delta, Utah. C.P. to add 6256.5V and 6375.2V MHz toward Clear Lake, Utah, and 6256.5H and 6375.2H MHz toward Scipio, Utah.

5129–C1–P–72—American Telephone & Telegraph Co. (KPM69), 5 miles southwest of Scipio, Utah. C.P. to add 6004.5V and 6123.1V MHz toward Delta, Utah, and 6004.5H and 6123.1H MHz toward Levan, Utah.

5130–C1–P–72—American Telephone & Telegraph Co. (KPM68), 5.5 miles north-northwest of Levan, Utah. C.P. to add 6256.5V and 6375.2V MHz toward Scipio, Utah, and 6256.5H and 6375.2H MHz toward Payson, Utah.

5131–C1–P–72—American Telephone & Telegraph Co. (KPM67), 5.5 miles northwest of Payson, Utah. C.P. to add 6004.5V and 6123.1V MHz toward Levan, Utah, and 6004.5H and 6123.1H MHz toward Riverton, Utah.

5132–C1–P–72—American Telephone & Telegraph Co. (KPM66), 0.5 mile west of Riverton, Utah. C.P. to add 6256.5V and 6375.2V MHz toward Payson, Utah, and 6256.5H and 6375.2H MHz toward Salt Lake City Junction, Utah.

5133–C1–P–72—American Telephone & Telegraph Co. (KOB26), 3100 Kennedy Drive, Salt Lake City Junction, Utah. C.P. to add 6004.5V and 6123.1V MHz toward Riverton, Utah.

5134–C1–P–72—American Telephone & Telegraph Co. (KAM69), 9 miles southeast of Greeley, Colo. C.P. to add 3730V MHz toward Prospect Valley, Colo.

5135–C1–P–72—American Telephone & Telegraph Co. (KAC61), 8 miles west of Bellvue, Colo. C.P. to add 3770H MHz toward Greeley, Colo., and 4090V MHz toward Timnath, Colo.

5136–C1–P–72—American Telephone & Telegraph Co. (KZI45), 5 miles north-northeast of Timnath, Colo. C.P. to add 4050 MHz toward Buckhorn Mountain, Colo., and Longmont, Colo.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

5137–C1–P–72—American Telephone & Telegraph Co. (KZI44), 3.3 miles north-northeast of Mead, Colo. C.P. to add 4090V MHz toward Timnath, Colo.

INFORMATIVE: Nebraska Consolidated Communications Corp. is filing 12 applications proposing an extension of its previously filed for network television distribution system in the State of Texas (Of. FCC Files Nos. 1622/1839–C1–P–72 Public Notice Report No. 565, Oct. 12, 1971) to serve San Antonio south to Harlingen, Tex., and intermediate points.

5138–C1–P–72—Nebraska Consolidated Communications Corp. C.P. for a new fixed station near junction of Highways 10 and 37, San Antonio, Tex., at latitude 29°24'22" N., longitude 98°26'36" W. Frequencies 3890V, 3970V, 4050V, and 4130V on azimuth 167°12' toward Fairview, Tex.

5139–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station at Fairview, Tex., at latitude 29°01'40" N., longitude 98°20'44" W. Frequencies 3770H, 3850H, 3930H, and 4010H on azimuth 113°13' toward Karnes City, Tex., and 3710H on azimuth 347°14' toward San Antonio, Tex.

5140–C1–P–73—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 1.5 miles south-southwest of Karnes City, Tex., at latitude 28°51'39" N., longitude 97°54'19" W. Frequencies 3730H, 3810H, 3890H, and 3970H MHz on azimuth 165°12' toward Beeville, Tex., and 3710H on azimuth 293°25' toward Fairview, Tex.

5141–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 4.5 miles north-northwest of Beeville, Tex., at latitude 28°27'54" N., longitude 97°47'13" W. Frequencies 3770H, 3850H, 3930H, and 4010H on azimuth 146°50' toward Sinton, Tex., and 3750H on azimuth 345°15' toward Karnes City, Tex.

5142–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 1 mile east-southeast of Sinton, Tex., at latitude 28°01'39" N., longitude 97°29'21" W. Frequencies 3790H, 3870H, 3950H, and 4030H on azimuth 207°24' toward Robstown, Tex., and 3730V on azimuth 328°59' toward Beeville, Tex.

5143–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 1 mile east of Robstown, Tex., at latitude 27°46'43" N., longitude 97°38'03" W. Frequencies 4090H and 4170H on azimuth 194°53' toward Kingsville, Tex., and 4070V on azimuth 27°20' toward Sinton, Tex.

5144–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 10 miles east of Kingsville, Tex., at latitude 27°31'30" N., longitude 97°42'35" W. Frequencies 4050H and 4130H on azimuth 206°45' toward Riviera, Tex., and 3730V on azimuth 14°50' toward Robstown.

5145–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 4 miles southwest of Riviera, Tex., at latitude 27°15'32" N., longitude 97°51'35" W. Frequencies 4090H and 4170H on azimuth 164°20' toward Armstrong, Tex., and 3770V on azimuth 26°41' toward Kingsville, Tex.

5146–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station at Armstrong, 1 mile east of Tuscotte Station, Tex., at latitude 27°00'50" N., longitude 97°46'59" W. Frequencies 4050H and 4130H on azimuth 188°23' toward Norias, Tex., and 3730V on azimuth 344°22' toward Riviera, Tex.

5147–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 3 miles west-southwest of Norias, Tex., at latitude 26°45'30" N., longitude 97°-49'30" W. Frequencies 4090H and 4170H on azimuth 163°33' toward Raymondville, Tex., and 3770V on azimuth 5°22' toward Armstrong, Tex.

5148–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 1 mile northeast of Raymondville, Tex., at latitude 26°30'00" N., longitude 97°-44'25" W. Frequencies 4110H and 4030H on azimuth 173°55' toward Harlingen, Tex., and 4110V on azimuth 343°35' toward Norias, Tex.

5149–C1–P–72—Nebraska Consolidated Communications Corp. (New), C.P. for a new fixed station 1 mile east of junction of Highways 77 and 83, Harlingen, Tex., at latitude 26°11'40" N., longitude 97°42'15" W. Frequencies 4070H on azimuth 353°56' toward Raymondville, Tex.

4350–C1–R–72—The Bell Telephone Co. of Pennsylvania (KOC47), within the territory of grantee. Renewal of a Developmental license expiring Mar. 1, 1972. Mar. 11, 1972, to Mar. 11, 1973.

Major Amendments—Continued

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

The following applicant proposes to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

5233–C1–P–72—Colony Communications, Inc. (New), Potter Hill Road, Westerly (Washington), R.I. latitude 41°24'30" N. longitude 71°48'37" W. Frequencies 2150.20 (aural) 2152.325 (visual) toward various receiving points within system and 2104.00 (aural) 2158.50 (visual) toward various receiving points within system.

5237–C1–MP–72—American Telephone & Telegraph Co. (KQQ32), 1.2 miles southeast of Blue Ball, Ohio. Modification of C.P. to change polarization from V to H on frequency 6315.9H MHz toward Wilmington, Ohio, and H to V on frequency 3870V MHz toward Shandon, Ohio.

5238–C1–MP–72—American Telephone & Telegraph Co. (KQO72), 3.2 miles northeast of Washington Court House, Ohio. Modification of C.P. to change polarization from V to H on frequency 6315.9H MHz toward Frankfurt, Ohio.

5239–C1–MP–72—American Telephone & Telegraph Co. (KAN22), 2.5 miles north of Portsmouth, Iowa. Modification of C.P. to change polarization from V to H on frequency 4030H MHz toward Elkhorn, Iowa.

5230–C1–MP–72—American Telephone & Telegraph Co. (KAB30), 3 miles south of Elkhorn, Iowa. Modification of C.P. to change polarization from V to H on frequency 4070H MHz toward Portsmouth, Iowa.

5231–C1–P–72—Laredo Microwave, Inc. (KLH79), 12 miles west of Encinal, Tex., at latitude 27°59'37" N. longitude 99°32'13" W. C.P. to change frequency from 6226.8 to 5962.6V MHz on azimuth 176°44'.

4240–C1–P–72—The Pacific Telephone & Telegraph Co. (KMN21), Sugar Loaf Mountain, 4 miles south-southwest of Delta, Calif. C.P. to add frequency 4070H MHz toward Redding, Calif., on azimuth 172°36'.

5241–C1–P–72—Western States Telephone Co., Inc. (New), Old Highway 44, Cuba, N. Mex. C.P. for a new station to add frequency 2115.6V MHz toward Jemez, N. Mex., on latitude 35°01'36" N., longitude 106°57'17" W.

5242–C1–P–72—The Pacific Telephone & Telegraph Co. (KMQ36), 1587 Franklin Street, Oakland, CA. C.P. to add frequency 6226.8H MHz toward San Francisco, Calif.

5243–C1–P–72—The Pacific Telephone & Telegraph Co. (KNB83), 99 Moultrie Street, San Francisco, CA. C.P. to add frequency 5974.8V MHz toward Oakland, Calif.

Major Amendments

4532–C1–P–70—Southern Pacific Communications Co. (New), Mount Vaca, 7 miles northwest of Vacaville, Calif. Delete frequencies 6212.1H and 6330.6H MHz toward Sacramento and change polarization of frequency 6315.9 MHz toward San Francisco to vertical.

4533–C1–P–70—Southern Pacific Communications Co. (New), 1 Market Street, San Francisco, CA. Change frequency to 6004.5V MHz toward Mount Vaca; delete frequency 11,175V MHz toward Oakland and frequency 6123.1V MHz toward Loma Prieta.

4534–C1–P–70—Southern Pacific Communications Co. (New), Seventh and Bay Streets, Oakland, CA. Delete frequency 11,625V MHz toward San Francisco.

4538–C1–P–70—Southern Pacific Communications Co. (New), Southern Pacific Depot, Stockton, Calif. Delete frequency 6034.2H MHz toward Tracy.

4539–C1–P–70—Southern Pacific Communications Co. (New), Southern Pacific Yard, Tracy, Calif. Delete frequency 6404.8H MHz toward Stockton.

4545–C1–P–70—Southern Pacific Communications Co. (New), Southern Pacific Yard, Famoso, Calif. Delete frequency 5974.8H MHz toward Pampa Peak.

4547–C1–P–70—Southern Pacific Communications Co. (New), Pampa Peak, 3 miles north of Bena, Calif. Delete frequency 6286.2H MHz toward Famoso; frequency 6256.5H MHz toward Bakersfield and frequency 6404.8H MHz toward Oak Creek Pass.

4548–C1–P–70—Southern Pacific Communications Co. (New), Southern Pacific Depot, Bakersfield, Calif. Delete frequency 6004.5H MHz toward Pampa Peak.

4549–C1–P–70—Southern Pacific Communications Co. (New), Oak Creek Pass, 6 miles southeast of Tehachapi, Calif. Delete frequency 6152.8H MHz toward Pampa Peak and frequency 6034.2V MHz toward Lancaster.

4550–C1–P–70—Southern Pacific Communications Co. (New), Southern Pacific Yard, Lancaster, Calif. Delete frequency 6286.2V MHz toward Oak Creek Pass and frequency 6404.8V MHz toward Holiday Hill.

6494–C1–P–70—Southern Pacific Communications Co. (New), Holiday Hill, 2 miles southwest of Wrightwood, Calif. Delete frequency 6093.5V MHz toward Lancaster; frequency 6123.1H MHz toward Los Angeles and delete frequencies 6004.5H and 6123.1H toward Running Springs.

6495–C1–P–70—Southern Pacific Communications Co. (New), 610 South Main Street, Los Angeles, Calif. Delete frequency 6375.2V MHz toward Holiday Hill and frequency 11,585H MHz toward Long Beach.

4553–C1–P–70—Southern Pacific Communications Co. (New), Seventh and Pico Streets, Long Beach, Calif. Delete frequency 11,085H MHz toward Los Angeles.

All other particulars same as reported on Public Notices dated Feb. 16, 1970; Mar. 9, 1970; May 4, 1970; Nov. 23, 1970; Apr. 27, 1970; May 25, 1970; Dec. 21, 1970; Mar. 15, 1971 and Aug. 2, 1971.

5478–C1–P–71—Southwestern Bell Telephone Co. (KYJ47), change frequencies from 6308.4 and 11,685 MHz to 6286.2V MHz toward Old Austin, Ark.

5479–C1–P–71—Southwestern Bell Telephone Co. (New), change frequencies from 6056.4 and 10,755 MHz to 6034.2H MHz toward Little Rock, Ark., and 6071.2 and 10,956 to 6034.2V MHz toward Searcy, Ark.

5480–C–P–71—Southwestern Bell Telephone Co. (New), change frequencies from 6338.3 and 11,405 MHz to 6286.2H MHz toward Old Austin, Ark.

All other particulars same as reported in public notice, Report No. 538, dated Apr. 5, 1971.

Corrections

4759–C1–P–72—Electro-Media Multipoint Service, Inc. (New), correct to add city and State: Salt Lake City, Utah. All other terms same as listed in Report No. 582, dated Feb. 7, 1972.

Under Informative Items

Maryland—Berlin:

For American Communication's & Electronics Corp. (New), correct file number to read: 3228–C1–P–72.

[FR Doc.72–2799 Filed 2–25–72;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR, and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01011---	Aktieselskabet Det Ostasiatiske Kompagni: Poona.
01039---	Den Norske Amerikalinje A/S: Tyrifjord.
01061---	Van Nievelt, Goudriaan & Co., Stoomvaart Maatschappij (Hamburg) G.m.b.H.: Spica.

Certificate No.	Owner/operator and vessels
01054---	Wilhelm Wilhelmsen—Continued
	Tagus.
	Tagaytay.
	Troll Forrest.
	Tanabata.
	Takara.
	Teheran.
	Tuarey.
	Troms.
	Toscana.
	Toluma.
	Tibetan.
	Tiberius.
	Templar.
	Taurus.
	Tarim.
	Tamano.
	Tabriz.
	Tortugas.
	Torrens.
	Toronto.
	Toro.
	Torreador.
	Tsebo.
	Tirranna.
	Tijuca.
	Tiber.
	Talleyrand.
	Tampa.
	Tamerlane.
	Titus.
01092---	Thor Dahls Hvalfangerselskap A/S:
	Thorahelmer.
	Thorstar.
01093---	Buckingham Tanker Co., Ltd.:
	Warwick Fort.
01097---	Glendon Shipping Co., Ltd.:
	Beaufort Sea.
	Greenland.
01247---	Tonnevolds Tankrederi A/S:
	Thorunn.
01268---	Tonnevolds Rederi A/S:
	Thordis.
01291---	Elcapitaine Inc.:
	Fontini L.
01334---	American President Lines, Ltd.:
	President McKinley.
	President Taft.
01341---	John I. Jacobs & Co., Ltd.:
	Oakwood.
01360---	Midland Enterprises Inc.:
	Eastern 3.
01464---	Christian Salvesen Ltd.:
	Salvada.
01561---	Lubeck Linie Aktiengesellschaft:
	Senator Possehl.
	Hanse.
01744---	Valida Compania Naviera S.A. Panama:
	Taxiarchis.
01760---	Kornelius Olsen:
	Puna.
	Pisang.
01806---	Partenreederei M/S "Cimbria", Managers: Christian F. Ahrenkiel:
	Cimbria.
01861---	BP Tanker Co., Ltd.:
	British Oak.
01910---	Deutsche Dampfschiffahrts-Gesellschaft "Hansa":
	Spitzfels.
	Neidenfels.
	Braunfels.
01983---	Aktiebolaget August Leffler & Son:
	Tigris.
01985---	Aktiebolaget Svenska Atlant Linien:
	Blankaholm.
	Vretaholm.
02016---	A. L. Mechling Barge Lines Inc.:
	JIH–2.
	JIH–3.
	JIH–4.
	JIH–5.
	JIH–6.
	JIH–7.
02016---	A. L. Mechling Barge Lines, Inc.—Continued
	JIH–15.
	JIH–17.
	JIH–18T.
02136---	A/S Anatina:
	Anatina.
02156---	Lorentzens Skibs A/S:
	Alette Stove.
02157---	St. George Shipping Corp.:
	Panagiotis K.
02236---	John T. Essberger:
	Ubena.
02242---	Dal Deutsche Afrika-Linien G.m.b.H. & Co.:
	Tanganyika.
02246---	Blue Star Line Ltd.:
	Caledonia Star.
02247---	Union International Co., Ltd.:
	Imperial Star.
02332---	Lykes Bros. Steamship Co., Inc.:
	Sue Lykes.
02338---	Central Gulf Steamship Corp.:
	S/S Green Bay.
	S/S Green Island.
02354---	Armatrice Santa Lucia S.p.A.:
	Vioca.
02416---	Boland & Cornelius, Inc.:
	Chicago Trader.
	Joe S. Morrow.
	William A. Reiss.
	John P. Reiss.
	Otto M. Reiss.
	Raymond H. Reiss.
	George D Goble.
02430---	The Buckeye Steamship Co.:
	Buckeye Pacific.
02448---	Rederiaktiebolaget Nordstjernan:
	Los Angeles.
	Paraguay.
02585---	Koch Refining Co.:
	GOC 1.
02602---	Fyffes Group Ltd.:
	Golfito.
02663---	Partenreederei MC "Braunsfeld" ("Nicosia") Korrespondentreeder Hans Kruger G.m.b.H.:
	Nicosia.
02707---	Ernst Komrowski Reederei:
	Balkan.
02849---	Herald Shipping Lines, Ltd.:
	Ise.
02942---	Seereederei "Frigga" Aktiengesellschaft:
	Anita Thyssen.
02956---	Ashland Oil, Inc.:
	MOS 104.
	Ellis 2003.
	Ellis 2004.
02958---	Kawasaki Kisen K.K.:
	Tomishima Maru.
	Yashiokawa Maru.
02961---	Kobe Kisen Kabushiki Kaisha:
	Nikkoh Maru.
02999---	Ormos Maritime Co., Ltd., Cyprus:
	Jane.
03006---	Rederi AB Wallstank:
	Soya-Atlantic.
03019---	Gulf-Canal Lines, Inc.:
	Beverly Ann.
03020---	Western Pacific Shipping Corp.:
	Hispaniola.
03090---	Malaysia Overseas Lines Ltd., Liberia:
	Oriental Lady.
	Oriental Warrior.
	Oriental Ruler.
03111---	Hvalfangeraktieselskapet "Rosshavet":
	Ross Cape.
03152---	Mundial Comp. Naviera:
	Pationik.
03214---	Salenrederierna Aktiebolag:
	Hispaniola.
	Sea Scout.
03277---	Duncan Bay Tankships Ltd.:
	Cedros Pacific.
03301---	Prudential-Grace Lines, Inc.:
	Santa Regina.
03404---	Helios Shipping Co., S.A.:
	Alexandros S.
03415---	Chiyoda Kisen K.K.:
	Mikasa Maru.
	Mishima Maru.
03436---	Iino Kaiun K.K.:
	Olympus.
03447---	K.K. Kyokuyo:
	Taishim Maru No. 12.
	Taishim Maru No. 22.
	Taishim Maru No. 23.
03453---	Kyosei Kisen Kabushiki Kaisha:
	Seisho Maru.
	Seizan Maru.
	Yeikaku.
03496---	OSG International Inc., Liberia:
	Tyne Ore.
03501---	Osaka Shosen Mitsui Senpaku K.K.:
	Santos Maru.
	Nagaosan Maru.
	Akashisan Maru.
03502---	Shinyei Senpaku K.K.:
	Azuchisan Maru.
03611---	Villain & Fassio e Compagnia Internazionale di Genova Societa Riunite di Navigazione S.p.A.:
	Nando Fassio.
03623---	Smith-Rice Derrick Barges, Inc.:
	Derrick Barge 6.
03632---	A/S Turid:
	Skauna.
03660---	Sea Liberties, Inc., New York:
	Overseas Explorer.
03661---	Overseas Carriers Corp., New York:
	Overseas Daphne.
03727---	Continental Oil Co.:
	Bill Lueck.
03733---	Great Lakes Dredge & Dock Co.:
	William P. Feeley.
03736---	Marven Steamship Corp.:
	Oswego Liberty.
	Oswego Independence.
03814---	Reymar Compania Naviera S.A.:
	Epheeos.
03841---	American Export Isbrandtsen Lines, Inc.:
	S/S Flying Endeavor.
	Container Despatcher.
03865---	Oceanic Navigating Co., Ltd.:
	Aegis Strength.
03875---	Ingram Ocean Systems Inc.:
	Martha B. Ingram.
03915---	Mobil Oil Corp.
	Syosset.
	Colina.
03923---	Shinwa Kauin Kaisha, Ltd.:
	Toyokuni.
04002---	Compagnie des Messageries Maritimes:
	Tahitien.
04077---	Fritzen Schiffsagentur und Bereederungs-UMBG:
	Stolt Fritzen.
04105---	Safety Shipping Co., S.A.:
	Liviana.
04107---	True Mariners, S.A.:
	Juliana.
04118---	Mon River Towing, Inc.:
	MRT–21.
04163---	Cenac Towing Co. Inc.:
	E.A.C. 151.
	E.A.C. 152.
04173---	Foss Launch & Tug Co.:
	Foss 160.
04209---	Sea-Cargo Navigation Ltd.:
	Esperanza.
04276---	Rivtow Straits Ltd.:
	Rivtow Viking.
	Rivtow Carrier.
04290---	Angela Shipping Corp.:
	Angela.
04298---	Utah Construction & Mining Co.:
	Franciscan.
04359---	Reederei Nord Klaus E. Oldendorff:
	Ingrid.

V37#39 FEB 26 72 XUM

Certificate No.	Owner/operator and vessels
04391	Columbia Steamship Co., Inc.: Columbia Trader.
04398	Hapag-Lloyd Aktiengesellschaft: Gottingen. Bremen. Pratita. Lindenstein.
04423	San Juan Carriers, Ltd.: S/S San Juan Prospector. S/S San Juan Exporter. S/S San Juan Traveler. S/S San Juan Venturer. S/S San Juan Vanguard. S/S Marconafio Merchant.
04433	Allied Chemical Corp.: ETT 114. HTC 101. WHAL No. 2.
04516	Shunkai Gyogyo Kabushiki Kaisha: Chiyo Maru No. 26.
04564	Yamshita-Shinnihon Kisen Kaisha: Hiyeharu Maru.
04638	McAllister Bros. Inc. (Delaware): McAllister 21.
04676	Nabieradde Canarias, S.A.: Playa de la Aldea. Playa de los Cristianos. Playa de Jandia.
04705	Deutsch-Nordische Schiffahrtsgesellschaft m.b.H.: Sagajo.
04750	Tosui Enyo Gyogyo Kabushiki Kaisha: Tosuimaru No. 8.
04794	Sea King Corp.: Grand State.
04921	Cod Towing Co.: Cape Cod.
04922	Shasta Barge Co.: Shasta.
04925	Largo Towing Co.: Key Largo.
04927	May Towing Co.: Cape May.
04926	West Towing Co.: Key West.
04926	Rainier Barge Co.: Rainier.
04929	Shavano Barge Co.: Shavano.
04930	Keith S. Edwards—doing business as Delta Barge Line: George E. Hiram King. Trinity. Curtis Jr. C. W. Dove.
04989	Rederij M.S. "Atlantic": Atlantic.
05026	Naviera Maritima Fluvial S.A.: Alisios.
05036	Companhia Nacional de Navegacao: Porto Amelia.
05100	Coral Petroleum Co., Ltd.: Esso Andina.
05161	Dolphin Shipping Co.: Bluedolphin.
05169	Mid-Pacific Compania Naviera S.A.: South Venture.
05224	Sulina Compania Naviera Corp.: Kerkennah.
05277	Skips A/S Abu and Hvalfangstselskapet Blaahval: Magna.
05288	Evansville Materials Inc.: Dredge No. 7.
05348	Yellow Globe Shipping S.A.: Tropico. Troicalia.
05562	Mesa Industri-of Skipsservice A/S: Elisabeth.
05725	Etmariners Co., Ltd.: Kaptastamati.
05741	Willi Maurer: Mia Maurer.
05803	Partenreederei MS "Brunsgard": Brunsgard.
05865	Chelsea Compania Naviera S.A.: Aegis Strength.
05948	Estrellamar Compania Maritima S.A., Panama R.P.: Sunday.
06092	John W. Stone Oil Distributor Inc.: S No. 3.
06109	Anglomar Shipping Co., Ltd., London: Stolt Lion.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-2939 Filed 8-25-72;8:54 am]

FEDERAL POWER COMMISSION

[Docket No. G-5766 etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 15, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5766 C 1-17-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	[2] 11.0	14.65
G-7223 C 12-29-71	Chevron Oil Co., Western Division, Post Office Box 599, Denver, CO 80201.	El Paso Natural Gas Co., acreage in Lea County, N. Mex.	[2] 11.0	14.65
G-18726 D 2-4-72	Mobil Oil Corp. (Operator) et al., Post Office Box 1774, Houston, TX 77001.	Transwestern Pipeline Co., Ellis County Area, Ellis County, Okla.	Assigned	.....
CI61-966 D 1-31-72	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, TX 77001.	Northern Natural Gas Co., Fellsburg Field, Edward County, Kans.	Assigned	.....
CI62-71 C 2-7-72 [3]	Marathon Oil Co. et al., 539 South Main St., Findlay, OH 45840.	Texas Gas Transmission Corp., Calhoun Field, Lincoln and Jackson Parishes, La.	26.0	15.025
CI69-1117 D 2-7-72	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102 (partial abandonment).	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Blocks 33 and 34, Grand Isle Area, Offshore Louisiana.	(3)	.....
CI72-386 12-27-71 [4]	Gulf Energy & Development Corp., 506 Broadway National Bank Bldg., 1177 Northeast Loop 410, San Antonio, TX 78209.	United Gas Pipe Line Co., acreage in Bee County, Tex.	24.0	14.65
CI72-461 (G-6352) F 1-24-72 [4]	Duer Wagner & Co. (successor to Continental Oil Co.), [5] 909 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	United Gas Pipe Line Co., South Cabeza Creek Field, Goliad County, Tex.	19.0	14.65
CI72-470 (G-4579) F 1-27-72	Amoco Production Co. (successor to Cities Service Oil Co., Operator) et al., Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., Hugoton Field, Haskell County, Kans.	[6] 12.0	14.65
CI72-477 1-28-72 [7]	Texas Oil & Gas Corp., Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, Los Mogotes Field, Zapata County, Tex.	17.0638	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 10, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI72-479 B 2-3-72	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Natural Gas Pipeline Co. of America, Clayton Field, Live Oak County, Tex.	Depleted	.....
CI72-481 B 2-2-72	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Depleted	.....
CI72-483 2-1-72 [8]	CRA International, Ltd., Fourth National Bank Bldg., Tulsa, Okla. 74119.	Panhandle Eastern Pipe Line Co., Hansford Field, Hansford County, Tex.	[9] 18.45	14.65
CI72-484 B 2-1-72	Briscoe Valley Development Association, 1033 Rhawn St., Philadelphia, PA 19111.	Consolidated Gas Supply Corp., Williams District, Wood County, W. Va.	(3)	.....
CI72-485 B 2-2-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Depleted	.....
CI72-486 B 2-1-72	Lorne and Patterson, 626 Meadows Bldg., Dallas, Tex. 75206.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in Nueces County, Tex.	Depleted	.....
CI72-487 2-2-72 [10]	Champlin Petroleum Co., Post Office Box 9365, Fort Worth, TX 76107.	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	16.0	14.65
CI72-488 B 2-3-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Depleted	.....

[1] Casinghead gas.
[2] Applicant proposes to sell gas from additional acreage and gas made available by cessation of field cycling operations.
[3] Acreage is nonproductive.
[4] Applicant proposes to purchase gas from Gibraltar Oil Corp. in Live Oak County, Tex., gather and deliver the gas to United Gas Pipe Line Co. in Bee County, Tex.
[5] Application previously noticed Feb. 8, 1972, in G-2629 et al. By letter filed Feb. 3, 1972, applicant amended its application to change the successor in interest from Continental Oil Co. et al., to "Continental Oil Company."
[6] Price as filed by Assignor, Cities Service Oil Co. (Operator) et al.
[7] Applicant proposes to continue the sale of its own gas heretofore authorized in Docket No. CI62-1544 to be made pursuant to Amerada Hess Corp. (Operator) et al.
[8] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-14287 to be made pursuant to Nafco Oil & Gas Inc., FPC Gas Rate Schedule No. 14.
[9] Includes 0.45 cent per Mcf tax reimbursement.
[10] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-15531 to be made pursuant to Kirby Petroleum Co. (Operator) et al., FPC Gas Rate Schedule No. 11.

[FR Doc.72-2749 Filed 2-25-72;8:45 am]

[Docket No. CS72-687 etc.]

FRED H. GRAY ET AL.

Notice of Applications for "Small Producer" Certificates [1]

FEBRUARY 15, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 9, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to 15 of the Natural Gas Act and the Commission's rules of practice and procedure, the jurisdiction conferred upon the Federal Power Commission by sections 7 and a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-687	2-2-72	Fred H. Gray et al., 2322 Line, Shreveport, LA 71104.
CS72-688	2-2-72	Capitol Oil Corp., 6116 North Central Expressway, Dallas, TX 75206.
CS72-689	2-2-72	The First National Bank of Midland, Trustee—Trust No. 558, 1006 Midland National Bank Bldg., Midland, Tex. 79701.
CS72-690	2-2-72	Frank P. Parish, Route 1, Taneytown, Md. 21787.
CS72-691	2-2-72	H.A. & Jody N. Koch, d./b./a. Koch Production Co., Box 350, Worland, WY 82401.
CS72-692	2-3-72	Maurice R. Bullock, 1026 Midland National Bank Bldg., Midland, Tex. 79701.
CS72-693	2-4-72	W.H. Hightower, Post Office Box 1755, Midland, TX 79701.
CS72-694	2-4-72	Consolidated Oil & Gas, Inc., 1860 Lincoln St., Suite 1208, Denver, CO 80203.
CS72-695	2-4-72	William T. Campbell, 528 Capital National Bank Bldg., Houston, Tex. 77002.
CS72-696	2-4-72	Greenbrier 72 Limited, 3330 Republic National Bank Tower, Dallas, Tex. 75201.
CS72-697	2-4-72	Timedarford Oil Corp., Post Office Box 1097, Midland, TX 79701.
CS72-698	2-7-72	Mary Newton Wofford, 1009 San Jacinto Bldg., Houston, Tex. 77002.
CS72-699	2-7-72	Robert Brandt, 1365 First National Center, Oklahoma City, Okla. 73102.
CS72-700	2-7-72	W. O. Helms, Empire State Bldg., 350 Fifth Ave., Room 6001, New York, N Y 10001.
CS72-701	2-7-72	Frio Production Co., Post Office Box 299, Alice, TX 78332.

[FR Doc.72-2750 Filed 2-25-72;8:45 am]

[Docket No. RI72-177 et al.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 16, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

V 37 ■ 39 FEB 26 72 XUM

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72-177..	Humble Oil & Refining Co.	296	[1] 6	El Paso Natural Gas Co. (Walker Hollow Unit, Uintah County, Utah).	.....	1-17-72	3-20-72	[3] Accepted	.....	.....	R170-870.
			7		$24,911	1-17-72	.....	3-21-72	19.5	[3] 21.75	R170-870.
RI72-178..	Pubco Petroleum Corp.	17	1	Mountain Fuel Supply Co. (West Side Canal Area Field, Moffat County, Colo.).	1,632	1-17-72	.....	3-19-72	15.0	16.0	.....

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Amendatory agreement containing new pricing, quality, and term provisions.
[2] Includes 1.25 cents upward adjustment for B.t.u. content.
[3] Accepted to be effective on the date shown in the "Effective Date" column.

The proposed increased rates of Humble and Pubco relate to sales outside the southern Louisiana area and do not exceed the corresponding rate filing limitation for increased rates in southern Louisiana. They are therefore suspended for a period ending 61 days from the date of filing, or 1 day from the contractual due date, whichever is later.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.72-2751 Filed 2-25-72;8:45 am]

[Docket No. RI72-179 etc.]

GETTY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 17, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI72-179..	Getty Oil Co.	104	[1] [2] 18	El Paso Natural Gas Co. (Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	$57,947	1-18-72	.....	3-20-72	14.0578	21.33	RI69-542.
RI72-180..	Mobil Oil Corp.	17	24	Northern Natural Gas Co. (Blinebry and Tubb Fields, Lea County, N. Mex.) (Permian Basin).	14,700	1-25-72	.....	3-27-72	16.1576	[3] 16.8050	RI71-606.
	do	80	9	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex., Permian Basin).	350	1-25-72	.....	3-27-72	[4] 14.03	[3] 16.76075	
RI70-1113.	Texaco, Inc.	306	2-2	Colorado Interstate Gas Co. (Table Rock (Below Almond) Field, Sweetwater County, Wyo.).	(956)	1-27-72	1-31-72	[5] Accepted	[6] 17.265	[3] 17.1275	RI70-1113.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Not applicable to acreage added by Supplements Nos. 3 through 8 and 10 which are dated after Apr. 3, 1961.
[2] Applicable to high pressure gas only. Low pressure gas price is 22 cents plus tax reimbursement.
[3] Increase based on the increase in the Bureau of Labor Statistics Wholesale Price Index for all commodities other than farm products and food.
[4] 13.68 cents at 14.65 p.s.i.a.
[5] Accepted subject to the existing suspension proceeding in Docket No. RI70-1113 to be effective Jan. 31, 1972, the requested effective date.
[6] The pressure base is 14.65 p.s.i.a.

The proposed increase to 21.33 cents per Mcf was fractured to avoid a suspension period of longer than 1 day by Getty for a sale to El Paso in San Juan Basin and is based on a favored-nations clause which was allegedly activated by Amoco Production Co.'s favored nations increases which were suspended in Docket No. RI72-70 and became effective subject to refund on November 14, 1971.[1] El Paso is expected to protest this favored-nation increase, as it has previous filings, on the basis that it is not contractually authorized. In view of the contractual problem presented, the hearing herein shall concern itself with the contractual basis for this favored-nation filing as well as the justness and reasonableness of the proposed increased rate. The proposed increase does not exceed the corresponding rate filing limitations imposed in southern Louisiana and is suspended for 1 day, provided Getty within 30 days of the issuance of this order files a document waiving its right to file for any increase for 1 year, subject to the two exceptions permitted in the Commission's order issued December 17, 1971, in Amoco Production Company, Docket No. RI72-70. In the event Getty does not file the required waiver, the suspension period for the proposed increase, without further order of this Commission, will be 5 months from the expiration of the statutory notice period.

Texaco has been collecting a double amount of the contractually due reimbursement for taxes applicable to future production as well as past production back to January 1, 1968, for sales under its FPC Gas Rate Schedule No. 396. Since tax reimbursement applicable to past production has been recovered, Texaco has filed a rate decrease reducing its rate so as to provide for tax reimbursement for future production only. Consistent with Commission action on similar filings, the proposed decrease is accepted for filing subject to refund in existing suspension proceedings to be effective as of the requested effective date.

Mobil's increases do not exceed the corresponding rate filing limitations imposed in southern Louisiana and therefore they are suspended herein for 1 day.

All of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.72-2793 Filed 2-25-72;8:45 am]

[1] Amoco's increases allegedly were triggered by the Aztec Oil & Gas Co.'s unilateral increase which was suspended in Docket No. RI71-744.

FEDERAL RESERVE SYSTEM

FIRST SOUTHWEST BANCORPORATION, INC.

Order Denying Acquisition of Banks

First Southwest Bancorporation, Inc., Waco, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the successors by reorganization to Bellmead State Bank, Waco, and East Texas Bank & Trust Co., Longview, and the successors by merger to Kilgore National Bank, Kilgore, and Sabine National Bank of Port Arthur, Port Arthur, all in Texas.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the applications are denied for the reasons set forth in the Board's Statement [1] of this date.

By order of the Board of Governors,[2] February 18, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2885 Filed 2-25-72;8:49 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

FIRST UNITED BANCORPORATION, INC.

Acquisition of Banks

First United Bancorporation, Inc., Fort Worth, Tex., has applied for the Board's approval, in three separate applications as set forth below, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)):

(1) To acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Fort Worth, Fort Worth, Tex.;

(2) To acquire indirectly 24.3 percent of the voting shares of Seminary State Bank, Fort Worth, Tex. (applicant presently owns 24 percent of the voting shares of this bank); and

(3) To acquire indirectly 27 percent of the voting shares of Security State Bank, Fort Worth, Tex. (applicant presently owns 24 percent of the voting shares of this bank). The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 13, 1972.

Board of Governors of the Federal Reserve System, February 22, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2886 Filed 2-25-72;8:49 am]

HUNTINGTON BANCSHARES INC.

Order Approving Acquisition of Bank

Huntington Bancshares Inc., Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First National Bank of Wadsworth, Wadsworth, Ohio (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant has 10 subsidiary banks holding aggregate deposits of approximately $880.9 million, representing 4 percent of the commercial bank deposits in Ohio. Acquisition of Bank would increase applicant's control of commercial bank deposits in the State by approximately 0.1 percent, and applicant's rank as the sixth largest banking organization in the State would remain unchanged. Bank ($22.2 million in deposits) is the eleventh largest of 14 banks in the Akron banking market (approximated by Summit and Portage Counties and the city of Wadsworth), controlling 1.6 percent of market deposits. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through December 31, 1971.)

The nearest subsidiary of applicant to Bank is the Portage National Bank (Portage Bank) in Kent, located 25 miles northeast of Bank. Although Portage Bank competes in the Akron banking market, holding 4.6 percent of market deposits, direct competition between Bank and Portage Bank is not substantial due to the location of the city of Akron and 60 banking offices of other banking institutions in the area intervening between Bank and Portage Bank and the absence of any overlap in the service areas of the two banks. Consummation of the proposed acquisition would not, therefore, eliminate substantial existing competition. Furthermore, the development of potential competition appears unlikely, in view of application of the State's restrictive branching law and in view of the sizable number of intervening banking offices separating them.

The financial and managerial resources and future prospects of applicant and Bank are satisfactory and consistent with approval of the application. Applicant intends to provide Bank's customers with a qualified trust officer and to assist Bank in the provision of international banking services, as well as to assist Bank in locating future branch sites. Considerations relating to the convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that the transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] February 18, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2887 Filed 2-25-72;8:49 am]

UNITED BANKS OF COLORADO, INC.

Order Approving Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Maisel.

V37-39 FEB 26 72 XUM

shares of The St. Vrain Valley Bank, Longmont, Colo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls 10 banks with aggregate deposits of $684.7 million, which amounts to 14.9 percent of the total commercial bank deposits in Colorado.

Bank (deposits $6.8 million) is the smallest of three banks in Longmont and the eighth largest of nine banking organizations in Boulder County, holding 2.9 percent of deposits in commercial banks in that county. Applicant's nearest subsidiary is located 15 miles from Bank in the city of Boulder, and holds 11.8 percent of the deposits in Boulder County. Consummation of the proposed transaction would increase applicant's share of deposits to 14.7 percent. However, the largest and second largest banking organizations in the county control 40.9 percent and 15.6 percent of deposits, respectively, and affiliation with applicant should enable Bank to compete more effectively with these two larger banking organizations and with the larger banks in Longmont. It appears that consummation of the proposal would not eliminate any meaningful existing competition, and in view of the distance involved and Colorado's laws prohibiting branching, it does not appear that any such competition is likely to develop.

Applicant intends to enlarge Bank's lending capacity through participations, to assist Bank in making agricultural loans, to provide trust services through applicant's lead bank, and to aid Bank in advertising and market research. Considerations related to the convenience and needs of the community to be served lend some weight in favor of approval. Considerations related to the financial and managerial resources and future prospects of applicant and its present subsidiaries and of Bank are generally satisfactory and consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] February 18, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2888 Filed 2-25-72;8:49 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Maisel.

UNITED JERSEY BANKS

Order Approving Acquisition of Bank

United Jersey Banks, Hackensack, N.J., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The City National Bank of Millville, Millville, N.J. (City National). The bank into which City National is to be merged has no significance except as a means of acquiring all of the shares of City National. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of shares of City National.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, with nine subsidiary banks holding aggregate deposits of $956.9 million, is the largest banking organization in New Jersey with 6.1 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through November 30, 1971.) Consummation of the proposed acquisition of City National (deposits of $12.4 million) would increase only slightly Applicant's share of statewide commercial bank deposits.

Applicant, through its subsidiary, The Cumberland National Bank of Bridgeton, N.J. (Cumberland National), is the fifth largest banking organization within the relevant market (which is approximated by Cumberland County and adjacent portions of Salem, Gloucester, and Atlantic Counties) with 12.3 percent of deposits. Approval of the acquisition of City National, the smaller of two banks in Millville and the eighth largest bank in the market, would result in applicant becoming the largest of 12 banking organizations in the market with 17.2 percent of deposits.

Although City National and Cumberland National (deposits of $25.5 million) are located 11 miles apart, there appears to be no significant existing competition between the two banks. Moreover, based on the facts of record, it is considered unlikely that potential competition would develop between applicant and Bank since applicant is unlikely to enter Millville by chartering a new bank and since de novo branching into Millville is barred by the home office protection provision of the New Jersey Banking Statute. Nevertheless, unconditioned approval of this application would appear to have an adverse competitive impact in that home office protection could be perpetuated in Millville thus foreclosing competitors from branching into Millville. This possible anticompetitive effect of approval could be eliminated if home office protection were not perpetuated. Accordingly, approval of the application is conditioned upon applicant filing a merger application and, subject to supervisory approval, merging City National into Cumberland National within 1 year of the date of this order so as to remove home office protection from Millville unless, within such 1-year period, there is a change in New Jersey law which would accomplish the same result. On that basis and after consideration of the record, the Board concludes that no significant adverse competitive effects are likely to result from approval of the application.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and the proposed subsidiary appear to be satisfactory. Applicant's ability to provide City National with management succession lends some weight for approval. Applicant proposes to expand City National's trust and investment services, to expand City National's commercial loan programs to include new types of loans, such as accounts receivable financing and construction financing, to provide data processing services, and to improve facilities. Convenience and needs factors, therefore, lend some weight toward approval.

It is the Board's judgment that the proposed acquisition as conditioned is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[2] This order is entered on the condition that United Jersey Banks will file a merger application and, subject to supervisory approval, merge The City National Bank of Millville, Millville, N.J., into The Cumberland National Bank of Bridgeton, Bridgeton, N.J., within 1 year of the date of this order so as to remove home office protection from Millville unless, within such 1-year period, there is a change in New Jersey law which would accomplish the same result.

The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[3] February 17, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-2889 Filed 2-25-72;8:49 am]

[1] Dissenting Statement of Governor Robertson filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[2] Voting for this action: Chairman Burns and Governors Daane, Maisel, and Sheehan. Voting against this action: Governor Robertson. Absent and not voting: Governors Mitchell and Brimmer.

OFFICE OF EMERGENCY PREPAREDNESS

LIST OF STRATEGIC AND CRITICAL MATERIALS

Pursuant to section 2(a) of the Strategic and Critical Materials Stock Piling Act, as amended (Public Law 520, 79th Congress), the Director of OEP is authorized and directed to determine from time to time which materials are strategic and critical under the provisions of this Act. Listed below are the materials that have been determined to be strategic and critical under the provisions of this Act.

1. Aluminum.
2. Aluminum Oxide:
a. Aluminum oxide, fused, crude.
b. Aluminum oxide, abrasive grain.
3. Antimony.
4. Asbestos, Amosite.
5. Asbestos, Chrysotile.
6. Bauxite, metal grade, Jamaica type.
7. Bauxite, metal grade, Surinam type.
8. Bauxite, refractory grade.
9. Beryl:
a. Beryl ore.
b. Beryllium copper master alloy.
c. Beryllium metal.
10. Bismuth.
11. Cadmium.
12. Castor oil:
a. Castor oil.
b. Sebacic acid.
13. Chromite, chemical grade.
14. Chromite, metallurgical grade:
a. Chromite, metallurgical grade.
b. Chromium, ferro, high carbon.
c. Chromium, ferro, low carbon.
d. Chromium, ferro, silicon.
15. Chromite, refractory grade.
16. Chromium, metal.
17. Cobalt.
18. Columbium:
a. Columbium concentrates.
b. Columbium carbide powder.
c. Columbium, ferro.
d. Columbium, metal.
19. Copper:
a. Copper oxygen-free high conductivity.
b. Copper, other.
c. Beryllium copper master alloy.
20. Cordage fibers, Abaca.
21. Cordage fibers, Sisal.
22. Diamond dies, small:
a. Smaller than 0.0004 inch.
b. From 0.0004 to 0.00059 inch.
c. From 0.0006 to 0.00079 inch.
23. Diamond, industrial: crushing bort.
24. Diamond, industrial: stones.
25. Feathers and Down:
a. Down.
b. Feathers.
26. Fluorspar, acid grade.
27. Fluorspar, metallurgical grade.
28. Graphite, natural—Ceylon, Amorphous lump.
29. Graphite, natural—Malagasy, crystalline:
a. Graphite, natural—Malagasy, crystalline fines.
b. Graphite, natural—Malagasy, crystalline flakes.
30. Graphite, natural—other than Ceylon and Malagasy crystalline.
31. Iodine.
32. Jewel bearings.
33. Lead.
34. Manganese, battery grade, natural ore.
35. Manganese, battery grade, synthetic dioxide.
36. Manganese ore, chemical grade, type A.
37. Manganese ore, chemical grade, type B.
38. Manganese ore, metallurgical grade:
a. Manganese ore, metallurgical grade.
b. Manganese, Ferro, high carbon.
c. Manganese, Ferro, low carbon.
d. Manganese, Ferro, medium carbon.
e. Manganese Silicon.
f. Manganese metal, Electrolytic.
39. Mercury.
40. Mica, Muscovite block, stained and better.
41. Mica, Muscovite film, first and second qualities.
42. Mica, Muscovite splittings.
43. Mica, Phlogopite block.
44. Mica, Phlogopite splittings.
45. Molybdenum:
a. Molybdenum disulphide.
b. Molybdenum, ferro.
c. Molybdic oxide.
46. Nickel.
47. Opium:
a. Opium gum.
b. Opium, alkaloids and salts.
48. Platinum group metals, Iridium.
49. Platinum group metals, Palladium.
50. Platinum group metals, Platinum.
51. Pyrethrum.
52. Quartz crystals.
53. Quinidine.
54. Quinine.
55. Rubber.
56. Rutile.
57. Sapphire and ruby.
58. Shellac.
59. Silicon carbide, crude.
60. Silver.
61. Sperm Oil.
62. Talc, Steatite block and lump.
63. Tantalum:
a. Tantalum minerals.
b. Tantalum carbide powder.
c. Tantalum metal.
64. Thorium oxide.
65. Tin.
66. Titanium sponge.
67. Tungsten:
a. Tungsten ores and concentrates.
b. Tungsten carbide powder.
c. Tungsten, ferro.
d. Tungsten metal powder, carbon reduced.
e. Tungsten metal powder, hydrogen reduced.
68. Vanadium:
a. Vanadium, ferro.
b. Vanadium pentoxides.
69. Vegetable Tannin extract, Chestnut.
70. Vegetable Tannin extract, Quebracho.
71. Vegetable Tannin extract, Wattle.
72. Zinc.

Dated: February 18 1972.

G. A. LINCOLN, *Director, Office of Emergency Preparedness.*

[FR Doc.72-2911 Filed 2-25-72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3058]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

FEBRUARY 18, 1972.

Notice is hereby given that E. I. du Pont de Nemours and Co. (Applicant), a Delaware corporation, has filed an application pursuant to Section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a), the proposed grant to Mitsui Fluorochemicals Co., Ltd. (formerly Nitto Fluorochemicals Co., Ltd.) (hereinafter MFC), a Japanese corporation, of exclusive rights in Japan to certain technical information and Japanese patents required for the manufacture and sale by MFC of certain fluorocarbon plastic materials.

All interested persons are referred to the application on file with the Commission for a full statement of the representations contained therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28.4 percent of the outstanding common stock of Applicant, which in turn owns 50 percent of the outstanding common stock of MFC. Under section 2(a)(9) of the Act, Applicant and MFC are presumed to be controlled by Christiana and under section 2(a)(3) of the Act, are also affiliated persons of Christiana.

MFC was organized in April of 1963 pursuant to a 1962 agreement between Applicant and Nitto Fluorochemicals Co., Ltd. (Nitto), whereby each would have a 50 percent interest in MFC. In 1966, Nitto sold its 50 percent interest in MFC to Mitsui Petrochemical Industries, Ltd. and MFC assumed its present name. Under the 1962 agreement between Applicant and Nitto, which became effective upon MFC's formation in 1963, Applicant provided MFC, exclusively in Japan, with certain technical information and an exclusive license to manufacture specified types of fluorocarbon plastic materials including certain polymeric materials (hereinafter 1963 Polymers). In return for the above mentioned information and license, MFC agreed to pay to Applicant a 5 percent royalty on all 1963 Polymers sold by it during a 10 year period scheduled to end June 30, 1975, but which might be extended to no later than June 30, 1979. Applicant represents that because the 1962 agreement was entered into prior to the time of any affiliation between it and MFC, it was not necessary to file an application pursuant to, nor were the transactions described above in violation of, the provisions of section 17 of the Act.

The proposed transaction for which Applicant has requested an exemptive order involves an agreement between Applicant and MFC dated April 21, 1971, whereby Applicant will provide MFC with certain additional technical information required to manufacture high surface area fluorocarbon polymeric materials (HSA Polymers) and will grant to MFC and any sublicensee of MFC an exclusive license in Japan to import, make, use, and sell HSA Polymers. Applicant will reserve to itself and to its customers the right to import, use or sell in Japan any quantity of HSA Polymers made by Applicant, including any article or product made using Applicants' HSA Polymers as an intermediate.

V 37 I 39 FEB 26 72 XUM

MFC has agreed to pay Applicant, in consideration for the granting of this exclusive license, a royalty of 2 percent of the "net selling price", as described in the application, of all quantities of HSA Polymers used or sold by MFC on any sublicensee during the 5½-year period from July 1, 1975 through December 31, 1980. Applicant has agreed to defer the 2 percent royalties on the HSA Polymers until the expiration of the royalty period for the 1963 Polymers. Applicant projects that total royalties on HSA Polymers will amount to approximately $500,000.

MFC is currently producing and selling HSA Polymers with the understanding that the transfer to MFC by Applicant of the technical information and the license must be deemed nonexclusive so as not to represent a sale and purchase of property prohibited by section 17(a) of the Act.

Applicant represents that the royalty rate and other provisions of the proposed license were negotiated at arm's length, and Applicant believes that the terms of the proposed transaction are fair to both Applicant and MFC.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company from purchasing from such company or any company controlled by such registered investment company any security or other property, with certain exceptions not here applicable. Section 17(b) of the Act provides that the Commission shall issue an order exempting a proposed transaction from one or more provisions of section 17(a) if the Commission finds, upon application, that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, not later than March 9, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-2903 Filed 2-25-72;8:50 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 879; Class B]

ARKANSAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to homes and business property located in the State of Arkansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Baxter, Boone, Carroll, Conway, Crawford, Franklin, Fulton, Hempstead, Howard, Izard, Johnson, Little River, Logan, Madison, Marion, Miller, Montgomery, Newton, Perry, Polk, Scott, Sebastian, Sevier, Stone, and Yell Counties, Ark., suffered damage or destruction resulting from heavy rains and floods on December 9, 1971.

OFFICE

Small Business Administration District Office, 600 West Capital Avenue, Little Rock, AR 72201.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1972.

Dated: February 11, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-2899 Filed 2-25-72;8:50 am]

[Declaration of Disaster Loan Area 878; Class B]

MISSISSIPPI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1971, because of the effects of certain disasters damage resulted to homes and business property located in the State of Mississippi;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Amite, Copiah, Franklin, Lawrence, Lincoln, Marion, Pike, Walthall, and Wilkinson Counties, Miss., suffered damage or destruction resulting from heavy rains and floods on December 3, 1971.

OFFICE

Small Business Administration District Office, 245 East Capitol Street, Jackson, MS 39205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1972.

Dated: February 11, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-2900 Filed 2-25-72;8:50 am]

[License No. 03/03-0037]

SBIC OF THE EASTERN STATES, INC.

Notice of License Surrender

Notice is hereby given that SBIC of the Eastern States, Inc., c/o Becker Clothing Corp., 1216 Arch Street, Philadelphia, PA 19107, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Small Business Administration Rules and Regulations governing small business investment companies (13 CFR 107.105 (1971)).

SBIC of the Eastern States, Inc., was licensed as a small business investment company on December 10, 1962, to operate solely under the Small Business Investment Act of 1958 (the act), as amended (15 U.S.C. 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and the franchises therefrom are canceled.

Dated: February 16, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-2901 Filed 2-25-72;8:50 am]

[License No. 03/04-0060]

SECURITY SMALL BUSINESS INVESTMENT CO.

Notice of License Surrender

Notice is hereby given that Security Small Business Investment Co., 4023 Chain Bridge Road, Fairfax, VA 22030, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Regulations governing small business investment companies (13 CFR 107.105 (1971)).

Security Small Business Investment Co. was licensed as a small business investment company on June 12, 1962, to operate solely under the Small Business Investment Act of 1958 (the act), as amended (15 U.S.C., 661 et seq.), and the Regulations promulgated thereunder.

Under the authority vested by the act, and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and the franchises derived therefrom are canceled.

Dated: February 18, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-2902 Filed 2-25-72;8:50 am]

TARIFF COMMISSION

CERAMIC ARTICLES

Report to the President

FEBUARY 22, 1972.

Earthenware industry found seriously injured.

The Tariff Commission today reported to the President the results of its investigation (TEA-I-22) under the Trade Expansion Act of 1962 of a petition for an increase in import restrictions on earthen and china table and kitchen articles.

The Commission found, by majority vote, that the domestic industry producing earthen table and kitchen articles is being seriously injured by increased imports resulting from trade-agreement concessions on certain of the articles concerned. Further, a majority of the Commission found that the rates of duty on imports of those articles should be increased approximately 90 percent, which would establish the same rates of duty which were in effect in 1967 prior to the so-called Kennedy Round reductions. Chairman Bedell, Vice Chairman Parker, and Commissioners Moore and Young constituted the majority; Commissioners Sutton and Leonard dissented from the finding.

The Commission found, by unanimous vote, that the domestic industry producing household china table and kitchen articles is not being seriously injured, or threatened with serious injury, by increased imports resulting from trade-agreement concessions on any of the articles concerned.

With respect to the affirmative finding respecting the earthenware industry, Chairman Bedell, Vice Chairman Parker, and Commissioners Moore and Young found that several categories of the ceramic table and kitchen articles covered by the investigation are, as a result in major part of trade-agreement negotiations, being imported into the United States in such increased quantities as to cause serious injury to the domestic industry producing earthen table and kitchen articles. The categories of articles involved in this finding (and the item number under which the articles are classifiable in the Tariff Schedules of the United States (TSUS)) are as follows: (1) Earthen dinnerware valued over $12 but not over $22 per norm[1] (533.28 (part)); (2) earthen mugs and miscellaneous articles (533.31); (3) earthen nondinnerware articles (not available in sets) except very high-valued ware (533.33 to 533.36, and 533.38 (part)); (4) china mugs and miscellaneous articles (533.71); and (5) china nondinnerware articles of low and medium value (533.73 and 533.75). The categories encompass the bulk of the earthen dinnerware, and the bulk of the earthen and china nondinnerware articles imported into the United States.

The four Commissioners also found that the rates of duty applicable to the categories of articles indicated would have to be increased to the pre-Kennedy Round rates of duty in order to remedy the serious injury. The present rates and the increased rates found by the Commissioners for each of the categories of articles concerned are shown at the end of this release.

Earthen table and kitchen articles are currently produced in the United States at 18 plants. Four are located in Ohio, three in California and West Virginia, two in Pennsylvania, and one each in Arizona, Kentucky, Michigan, New Jersey, Oklahoma, and Tennessee. As a result of the finding of the majority of the Tariff Commission, the President may, under the Trade Expansion Act, certify the firms and workers involved as eligible to apply for adjustment assistance.

A part of the material contained in the Commission's report to the President may not be made public since it includes information that would disclose the operations of individual firms. The Commission, therefore, is releasing to the public only those portions of the report that do not contain such information.

Copies of the public report (TC Publication 466), which contain statements of the reasons for the Commissioners' findings, will be released as soon as possible. Copies will be available upon request as long as the supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436.

The present rates of duty and the increased rates of duty found by the Commissioners making an affirmative determination for each of the categories of articles concerned are as follows:

TSUS item	Brief description	Present rate	Proposed rate
	Earthenware:		
533.28 (part)	Dinnerware, over $12 but not over $22 per norm.	5 cents per dozen pieces plus 10.5 percent ad val.	10 cents per dozen pieces plus 21 percent ad val.
	Nondinnerware:		
533.31	Mugs, steins, etc	5 cents per dozen pieces. plus 12.5 percent ad val.	10 cents per dozen pieces plus 25 percent ad val.
	Other:		
533.33	Low-valued ware	do	Do.
533.35	Medium-valued ware	10 cents per dozen pieces plus 21 percent ad val.	10 cents per dozen pieces plus 40 percent ad val.
533.36	do	do	10 cents per dozen pieces plus 22 percent ad val.
533.38 (part)	Part of high valued ware[1]	5 cents per dozen pieces plus 11 percent ad val.	Do.
	Chinaware:		
	Nondinnerware:		
533.71	Mugs, steins, etc	22.5 percent ad val	45 percent ad val.
	Other:		
533.73	Low-valued ware	5 cents per dozen pieces plus 22.5 percent ad val.	10 cents per dozen pieces plus 45 percent ad val.
533.75	Medium-valued ware	5 cents per dozen pieces plus 30 percent ad val.	10 cents per dozen pieces plus 60 percent ad val.

[1] The term "norm" means a specified set made up of the 77 pieces listed in the headnotes to the Tariff Schedules of the United States. The value per norm shown above represents the aggregate value of the 77 pieces in the country of manufacture. The U.S. retail price of imported earthen dinnerware valued for duty purposes at between $12 and $22 per norm would range from approximately $25 to $50 for a 45-piece set.

[1] Cups valued over $1.70 but not over $3.10 per dozen; saucers valued over $0.95 but not over $1.75 per dozen; plates not over 9 inches in maximum diameter valued over $1.55 but not over $2.85 per dozen; plates over 9 but not over 11 inches in maximum diameter valued over $2.55 but not over $4.55 per dozen; and other articles valued over $3.40 but not over $6.20 per dozen.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-2811 Filed 2-25-72;8:45 am]

V 37-39 FEB 26 72 XUM

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 23, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135993, K & T Air Freight, Inc., now being assigned hearing April 24, 1972, at Lansing, Mich., in a hearing room to be designated later.

MC 61592 Sub 219, Jenkins Truck Line, now assigned February 24, 1972, at Salt Lake City, Utah, canceled and application dismissed.

MC 107515 Sub 759, Refrigerated Transport, now assigned March 6, 1972, at Dallas, Tex., postponed indefinitely.

MC 135772, Barrett Transfer & Storage Co., assigned for hearing April 24, 1972, at Seattle, Wash., in a hearing room to be later designated.

MC 61592 Sub 233, Jenkins Truck Line, Inc., assigned March 6, 1972, MC 124174 Sub 85, Momsen Trucking Co., assigned March 13, 1972, and MC 135960, Jacob Seckett, doing business as Fleetwood Ski & Sports Club, assigned March 8, 1972, at Chicago, Ill., will be in Room 1992, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 61592 Sub 232, Jenkins Truck Line, Inc., assigned March 7, 1972, and MC 113678 Sub 434, Curtis, Inc., assigned March 15, 1972, at Chicago, Ill., will be held in Room 1614, U.S. Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 74361 Sub 9, Bob Mendenhall, doing business as Oklahoma Border Express, assigned for hearing April 24, 1972, at Oklahoma City, Okla., in a hearing room to be later designated.

MC 99565 Sub 10, Fore Way Express, Inc., assigned for hearing April 24, 1972, at Madison, Wis., in a hearing room to be later designated.

MC 96952 Sub 25, General Transfer, now being assigned hearing April 24, 1972, at Indianapolis, Ind., in a hearing room to be designated later.

MC 111375 Sub 57, Pirkle Refrigerated Freight Lines, Inc., assigned for hearing on May 8, 1972, at Milwaukee, Wis., in a hearing room to be later designated.

MC 61592 Sub 216, Jenkins Truck Line, Inc., assigned for hearing May 3, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 135334, Lilliam Koppel, doing business as USA Driveaway, assigned for hearing May 1, 1972, at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2945 Filed 2-25-72;8:54 am]

ASSIGNMENT OF HEARINGS

Correction

In F.R. Doc. 72-2536 appearing at page 3717 in the issue of Friday, February 18, 1972, the text of the final three paragraphs, the signature, and the file line were inadvertently printed in the first column of page 3718 and should be transferred to appear in the third column of page 3717 following the text of MC 117940; the text of MC 1515 and MC 127372 should be transferred to appear under the "Motor Carriers of Property" heading in the first column of page 3718.

[Notice 22]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In F.R. Doc. 72-2534 appearing at page 3717 in the issue of Friday, February 18, 1972, the text of MC 1515 and MC 127372 were inadvertently printed in the third column of page 3717 and should be transferred to replace the material following the "Motor Carriers of Property" heading in the first column of page 3718; the text, signature, and file line now appearing under that heading should be transferred to the third column of page 3717 to follow the text of MC 117940.

[Notice 28]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 22, 1972.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1756 (Sub-No. 20 TA), filed February 9, 1972. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, NJ 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans and can ends*, from Hillside, Jersey City, Edison Township, N.J., to Lynbrook, Farmingdale, Long Island, Pelham Manor and Tuckahoe, N.Y., for American Can Co., for 180 days. Supporting shipper: American Can Co., American Lane, Greenwich, Conn. 06830. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 51146 (Sub-No. 257 TA), filed February 9, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *comomn carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers and metal container ends*, from LaPorte, Ind., to Frankenmuth, Mich., for 180 days. Supporting shipper: National Can Corp., 5959 South Cicero Avenue, Chicago, IL 60638 (Joseph L. Rich, Eastern Region Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 117686 (Sub-No. 131 TA), filed February 9, 1972. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and coconuts, plantains, pineapples, and other agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from Tampa, Fla., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940, Miami, FL 33101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 119493 (Sub-No. 90 TA), filed February 7, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Springfield, Mo., to points in Arkansas, Kansas, and Oklahoma, for 180 days. Supporting shipper: Willchemco, Inc., National Bank of Tulsa Building, Tulsa, Okla. 74103. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 125441 (Sub-No. 4 TA), filed December 27, 1971. Applicant: ERNEST D'ANGELO, Main Street, Reserve Mines, Cape Breton, Nova Scotia, Canada. Applicant's representative: Kennth B. Williams, 111 State Street,, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to points on the international boundary between the United States and Canada at or near Houlton and Calais, Maine, restricted to shipments destined to points in Canada, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, ME 04112.

No. MC 128857 (Sub-No. 4 TA), filed February 7, 1972. Applicant: G. L. GIBBONS, doing business as GIBBONS TRUCKING SERVICE, Post Office Box 5861, Tucson, AZ 85703. Office: 11601 North Cosa Grande Highway, Rillito, AZ 85264. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from the site of the Southern California Edison Power Plant at the south tip of Nevada to points in Arizona, for 180 days. Supporting shipper: Associated Southern Investment Co., 100 Long Beach Boulevard, Long Beach, CA 90802. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 128893 (Sub-No. 1 TA), filed February 9, 1972. Applicant: SAM W. CARROLL, doing business as CARROLL TRUCKING, Rural Route 1, Box 1018, Umatilla, FL 32784. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles or jars and honey* when in mixed shipments with glass bottles or jars, from the plantsite or storage facilities of Kerr Glass Co. at Plainfield, Ill., to the plantsite or storage facilities of Sioux Honey Association at or near Waycross, Ga., and Temple, Tex., under continuing contract or contracts with Sioux Honey Association, for 180 days. Supporting shipper: Sioux Honey Association, Post Office Box 1107, Sioux City, IA. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 133065 (Sub-No. 11 TA), filed February 9, 1972. Applicant: GERALD ECKLEY, doing business as ECKLEY TRUCKING AND LEASING, Post Office Box 156, Mead, NE 68041. Applicant's representative: Ackley & Peterson, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bar mesh, fertilizer wagons and spreaders, and related parts*, from the plantsite and storage facilities of the Behlen Manufacturing Co. at or near Columbus, Nebr., to points in the United States (except Alaska, Hawaii, and Nebraska), under continuing contract with Behlen Manufacturing Co., for 180 days. Supporting shipper: James E. Weldon, Transportation Manager, Behlen Manufacturing Co., Columbus, Nebr. 68601. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 133095 (Sub-No. 22 TA), filed February 9, 1972. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, 2603 West Euless Boulevard, Euless, TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Boston, Mass., and West Reading, Pa., to Memphis, Tenn., Little Rock, Ark., Tulsa, Okla., Dallas and Odessa, Tex., and Los Angeles and San Francisco, Calif., for 180 days. Supporting shipper: Schrafft Candy Co., 529 Main Street, Charlestown District, Boston, MA 02129. Send protests to: H. C. Morrison, Sr., Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-2944 Filed 2-25-72;8:54 am]

[Notice 21]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73152. By order of February 14, 1972, the Motor Carrier Board approved the transfer to Berry Van Lines, Inc., 747 North Dupont Highway, Dover, DE 19901 of that portion of the operating rights in Certificate No. MC-133536 (Sub-No. 2), issued December 1, 1969, to Dover Moving & Storage, Inc., 753 North Dupont Highway, Dover, DE 19901, authorizing the transportation of general commodities, with exceptions, from Baltimore, Md., and Philadelphia, Pa., to Dover, Wyoming, and Georgetown, Del., and from points in Pennsylvania, Maryland, and the District of Columbia within 90 miles of Wyoming, Del., to Wyoming, Del., agricultural commodities, from points in Kent and Sussex Counties, Del., and Allen, Md., to Baltimore, Md., Newark, N.J., Philadelphia, Pa., New York, N.Y., and Washington, D.C.; from points in Kent and Sussex Counties, Del., to Baltimore, Md., Philadelphia, Pa., and the District of Columbia; grain, from points in Kent County, Del, to Philadelphia, Pa., Ellicott City, and Baltimore, Md.; and canned goods, apple butter, ketchup, pickles, vinegar, lumber, shingles, coal, tomato plants, empty cartons, concrete pipe and machinery, insecticides and spray materials, fertilizer, and radio cabinets, from specified points in Delaware, North Carolina, Virginia, Pennsylvania, Georgia, New Jersey, Maryland, and the District of Columbia, to specified points and areas in Delaware, Virginia, Maryland, New York, New Jersey, Pennsylvania, and the District of Columbia.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 72-2943 Filed 2-25-72;8:54 am]

VOL 37 NO 39 FEB 26 72 XUM

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY.

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

1 CFR

Page

Appendix B 3983

3 CFR

PROCLAMATIONS:

2032 (see PLO 5158) 3058
2372 (see PLO 5158) 3058
2761A (see Proc. 4102) 2417
2929 (see Proc. 4102) 2417
3140 (see Proc. 4102) 2417
3967 (see Proc. 4102) 2417
4102 2417
4103 2489
4104 2643
4105 2831
4106 2921
4107 3165
4108 3613
4109 3615
4110 3617
4111 3619
4112 3621

EXECUTIVE ORDERS:

January 27, 1913 (partially revoked by PLO 5159) 3184
5237 (partially revoked by PLO 5155) 2840
5327 (see PLO 5157) 3057
7295 (see PLO 5162) 3185
8592 (see PLO 5162) 3185
11183 (amended by EO 11648) 3623
11248 (amended by EO 11641) 2421
11345 (amended by EO 11646) 2925
11410 (see EO 11648) 3623
11568 (see EO 11642) 2565
11641 2421
11642 2565
11643 2875
11644 2877
11645 2923
11646 2925
11647 3167
11648 3623
11649 3625
11650 3739

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of January 27, 1972 2567
Memorandum of February 9, 1972 3627

5 CFR

213 ..... 2423, 2491, 2841, 2842, 2878, 3049, 3741, 3801, 4069
532 3409
550 3355

PROPOSED RULES:

900 2589

6 CFR

101 ..... 2491, 2678, 3913
102 2478
200 2479
201 3357
300 ..... 2842, 3410, 3827, 3828, 3913
301 ..... 3828, 3829
305 3915
311 2480
401 3741

7 CFR

7 3349
51 2745
53 2745
58 4069
501 2423
502 2424
701 2833
706 2491
722 ..... 3171, 3420
724 ..... 2745, 3422, 3507
725 3891
726 2496
729 ..... 2645, 2765, 3629
795 3049
811 ..... 2659, 3629
905 2660
906 ..... 2765, 3049
907 ..... 2569, 2927, 3507, 3742, 3891
908 3892
910 ..... 2426, 2766, 2834, 3171, 3742, 4070
928 2927
981 3983
982 3630
993 3349
1001 2928
1002 2929
1004 2929
1006 2930
1007 2930
1011 2930
1012 2930
1013 2931
1015 2931
1030 2931
1032 2932
1033 2932
1036 2932
1040 2932
1043 2933
1044 2933
1046 2933
1049 2933
1050 2934
1060 2934
1061 2934
1062 3631
1063 2934
1064 2935
1065 ..... 2497, 2935
1068 2935
1069 2935
1070 2936
1071 2936
1073 2936
1075 2936
1076 2937
1078 2937
1079 2937
1090 2937
1094 ..... 2938, 2944
1096 2938
1097 2938
1098 2938
1099 2939
1101 2939
1102 2939
1103 2939
1104 2940
1106 2940
1108 2940
1120 2940
1124 2940
1125 2941
1126 2941

7 CFR—Continued

Page

1127 2941
1128 2941
1129 2942
1130 2942
1131 2942
1132 2942
1133 2943
1134 2943
1136 2943
1137 2943
1138 2944
1427 3742
1806 2879
1822 3801
1823 ..... 2879, 3172
1871 2569
1890 3174
1890i 3172

PROPOSED RULES:

29 3362
51 ..... 3363, 3642
59 ..... 2775, 3187
81 2778
220 4091
225 3440
271 3545
724 3438
726 2773
729 2774
906 3643
908 4091
909 3366
945 2844
966 2845
982 2515
987 ..... 2890, 3439
991 3440
993 ..... 2515, 3644
1001 3187
1002 3187
1046 2969
1061 3536
1068 3536
1079 3830
1137 3545
1421 ..... 2844, 3753
1434 2775
1446 2844
1464 3439
1481 2890
1701 ..... 2846, 3546

8 CFR

100 3744
214 2766
238 ..... 2766, 3744
332 2767
332d 2767
334 2767
334a 2767
339 2767
341 2767
342 2767

9 CFR

11 2426
51 3507
73 2945
76 3600
82 ..... 2429, 2498, 3050, 4070
97 ..... 2430, 3410
113 2430
204 3631

9 CFR—Continued

Page

301 2661
311 2661
315 2661
317 4070

PROPOSED RULES:

316 2779
317 2779

10 CFR

20 3985
30 3985
40 3985
70 3985
71 3985
140 3423

PROPOSED RULES:

50 3646

12 CFR

556 3987
563 3508
701 ..... 2946, 3174, 3508

PROPOSED RULES:

207 4097
220 4097
221 4097
225 4098
529 2447
545 3549
750 2594

13 CFR

107 3950
120 2569
123 2947

PROPOSED RULES:

121 ..... 3768, 3993

14 CFR

25 3989
37 3973
39 ..... 2498, 2570, 2662, 2835, 2880, 3409, 3508, 3631, 3986
67 4071
71 ..... 2570–2572, 2835–2837, 2952, 2953, 3050, 3349, 3409, 3509, 3631, 3632, 3745, 3746, 4072–4075
73 ..... 2499, 2837, 4075, 4076
75 ..... 2499, 2500, 2572, 2767, 3510, 4075, 4076
93 2953
95 2573
97 ..... 2662, 3174, 3510
121 ..... 2500, 3974
221 2664
241 2501

PROPOSED RULES:

61 2523
67 2523
71 ..... 2524, 2587, 2682, 2683, 3059, 3367, 3341–3343, 3548, 3645, 3763, 3764, 4095, 4096
73 2847
103 ..... 2587, 2588
121 ..... 2523, 2684
127 2523
159 3059
183 2623
1245 3916

15 CFR

Page

377 2430
386 3175
390 3511
602 3892
701 3892

PROPOSED RULES:

7 2846
500 3728
610 3644

16 CFR

13 ..... 2575, 2576, 2578–2581, 2953

PROPOSED RULES:

302 3443
425 2848
429 3551
432 ..... 2454, 2849

17 CFR

1 3802
241 3050

PROPOSED RULES:

230 ..... 2596, 2598
239 ..... 2596, 2598
240 ..... 3059, 3446, 3992
249 3992

18 CFR

2 ..... 2502, 2954

PROPOSED RULES:

101 2451
104 2451
105 2451
141 2451
201 3992
204 3992
205 3992
260 ..... 2451, 3193, 3992

19 CFR

1 4076
10 3896
12 ..... 2430, 2665
16 3802
21 3423
24 3425
171 4077

PROPOSED RULES:

1 ..... 2443, 4084
4 4084
8 4084
11 2509
23 4084
123 4084
134 2509
161 4084
162 4084

20 CFR

404 3425
614 2434
617 2434

PROPOSED RULES:

405 ..... 3492, 4095
620 2684

21 CFR

1 3175
3 ..... 2503, 3175, 3746
8 ..... 3177, 3896
121 ..... 2437, 2958–2960, 3177, 3746, 3987, 4077
135 ..... 2961, 3053, 3426
135b 3053

21 CFR—Continued

Page

135c 3178, 3426
135e 2960, 2961, 3633
141c 2665
141d 3178
144 2960
146a 2665, 3178, 3426
146c 2665
146d 3178
146e 2665, 3179, 3426
148i 3179
148n 2665
149a 2438
295 3427

PROPOSED RULES:

15 3189
17 3189
31 3644
121 ..... 3060, 3366
130 2969
135 ..... 2444, 4095
191 3645

22 CFR

41 ..... 2439, 3053

PROPOSED RULES:

Ch. VIII 3870

24 CFR

43 3633
110 3429
235 3747
275 3185
600 2665
1710 2768
1911 3350
1914 ..... 2505, 2881, 3748, 4079
1915 ..... 2505, 2882, 3749, 4080

PROPOSED RULES:

235 3548
420 3546

25 CFR

221 2506

PROPOSED RULES:

43h 2679
221 3060

26 CFR

1 2506
12 3511
301 ..... 2481, 2506, 3746

PROPOSED RULES:

1 ..... 2773, 3526, 3530
12 3526
301 3530

28 CFR

0 3180
9 2768
45 2769

29 CFR

511 3430
727 3180
1904 2439
1910 ..... 3053, 3431, 3512
1926 ..... 3431, 3512, 3989

PROPOSED RULES:

460 ..... 2443, 3759
1910 ..... 3830, 3992
1926 2443

V 37-39 FEB 26 72 XUM

30 CFR

PROPOSED RULES:

80 — 2968

31 CFR

316 — 2554
500 — 3520
505 — 3520

32 CFR

215 — 3637
1452 — 3181
1467 — 3747
1801 — 2672
1808 — 2673, 3640

PROPOSED RULES:

1499 — 2849

32A CFR

Ch. X:
OI Reg. 1 — 2439, 4078

33 CFR

3 — 3350
117 — 2838, 3897
199 — 3433
207 — 3750

PROPOSED RULES:

110 — 2446, 2447, 2587, 2890
117 — 2521, 2522
154 — 3763
155 — 3763
156 — 3763

36 CFR

4 — 4078
6 — 3350, 3827
7 — 4078

PROPOSED RULES:

7 — 3438

37 CFR

2 — 2880, 3897
202 — 3055

PROPOSED RULES:

1 — 2520

38 CFR

0 — 3435
1 — 2676
8 — 3352

PROPOSED RULES:

1 — 3552

39 CFR

Ch. I — 2423
135 — 3521
273 — 3352
619 — 3056

40 CFR

1 — 3898
52 — 2581
85 — 2432
106 — 2433
180 — 2676, 2839, 2883, 3181, 3342, 3968, 3989

40 CFR—Continued

PROPOSED RULES:

6 — 3387
80 — 3882
164 — 3060

41 CFR

1-2 — 2769
1-7 — 2769
1-12 — 2769
1-16 — 2771
3-1 — 3353
3-2 — 3353
5A-1 — 3182
5A-2 — 3182
5A-8 — 2507
5A-72 — 3183
5A-73 — 2441, 3183
5B-1 — 4077
5B-16 — 4077
6-1 — 3640
7-1 — 3521
7-4 — 3803
7-5 — 3803
7-7 — 3803
7-8 — 3823
7-16 — 3521, 3823
8-14 — 2508
8-74 — 2508
9-1 — 3435
9-5 — 3435
9-7 — 3435
9-59 — 3436
15-1 — 3989
101-11 — 2962
101-25 — 3524
101-27 — 2771
101-40 — 3827
114-32 — 3990
114-38 — 3990
114-45 — 3990

PROPOSED RULES:

14-10 — 2680
15-9 — 3764, 4096
50-250 — 3759
60-7 — 2847
60-9 — 3753

42 CFR

55 — 3901

PROPOSED RULES:

51 — 3759
51b — 2970
54 — 2970
73 — 3916

43 CFR

2 — 2677
25 — 3183

PUBLIC LAND ORDERS:

1272 (modified by PLO 5161) — 3185
2732 (amended by PLO 5160) — 3184
4522 (amended by PLO 5157) — 3057
5154 — 2677
5155 — 2840
5156 — 3056
5157 — 3057
5158 — 3058
5159 — 3184
5160 — 3184
5161 — 3185
5162 — 3185

45 CFR

102 — 2882
170 — 2882
1015 — 2840

PROPOSED RULES:

118 — 2779
143 — 2779
220 — 2445
222 — 2445
415 — 2986

46 CFR

308 — 3436
381 — 3641
542 — 4081

PROPOSED RULES:

10 — 3763
12 — 3190, 3763
31 — 3763
66 — 2681
71 — 3763
91 — 3763
176 — 3763
187 — 3763
189 — 3763
193 — 2682

47 CFR

1 — 3277, 3991
2 — 2771, 3437, 4082
15 — 3277
21 — 2583, 3277, 3354,
73 — 3991, 4082
74 — 3278
76 — 3278
78 — 3292
83 — 2884
91 — 3297
211 — 2771

PROPOSED RULES:

73 — 2524, 2790, 2891, 3548
76 — 3190, 3192
81 — 2524

49 CFR

173 — 2885, 3524
174 — 2886, 3524
177 — 2886, 3524
178 — 2886, 3524
179 — 3058
386 — 3905
553 — 3032
571 — 3185, 3905, 3911
1033 — 2677, 3354
1211 — 2841
1311 — 3354

PROPOSED RULES:

173 — 2588
178 — 2588
1056 — 3446
1322 — 3446

50 CFR

28 — 2964, 3436
32 — 3524
33 — 2441, 2502, 2841, 2964, 2967, 3437
280 — 2516

PROPOSED RULES:

17 — 2589
280 — 2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

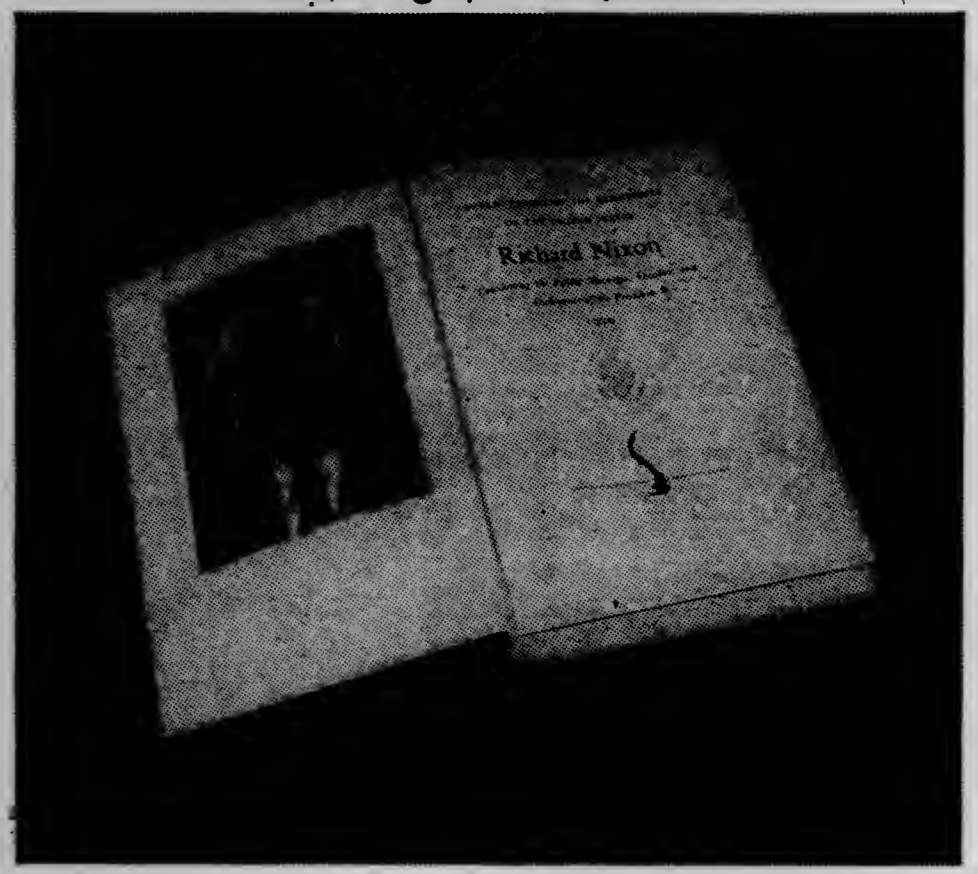
Pages	Date	Pages	Date	Pages	Date
2411–2482	Feb. 1	2869–2913	Feb. 9	3501–3606	Feb. 17
2483–2557	2	2915–3041	10	3607–3732	18
2559–2636	3	3043–3157	11	3733–3795	19
2637–2737	4	3159–3341	12	3797–3884	23
2739–2823	5	3343–3401	15	3885–3976	24
2825–2867	8	3403–3500	16	3977–4061	25
				4063–4131	26

V 37 39
FEB 26 72
XUM

Public Papers of the Presidents of the United States

Richard Nixon/1970

1305 Pages/Price: $15.75



Contents

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

Published by

Office of the Federal Register
National Archives and Records Service
General Services Administration

Order from

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Prior Volumes

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson, and the first year of President Nixon are available at varying prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

C1

federal register

TUESDAY, FEBRUARY 29, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 40
Pages 4133–4238

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

NATIONAL DEFENSE CONTRACTS—GAO revision of rules to improve methods of determining and reporting costs 4139

UNFAIR TRADE PRACTICES—FTC cease and desist orders against false advertising in credit arrangements (3 documents) 4182, 4184, 4185

CARGO SECURITY—Treasury Dept. sets up control procedures for unlading and container stations 4186

DRUGS—
FDA notice of its reevaluation of a sulfate powder 4224
FDA amendment to reflect its reevaluation of the sulfate powder 4188

NARCOTICS—Justice Dept. amendment to require inventory reports on a certain category of drugs; effective 2–29–72 4189

LIFE INSURANCE COMPANIES—IRS amendments to bring the rules for contingency reserves into line with the Tax Reform Act 4189

GOVERNMENT LIFE INSURANCE—
VA amendments defining the terms "widow", "child" and "parent"; effective 12–15–71 4194
VA amendment explaining the premium waiver; effective 1–1–72 4194

(Continued inside)

V37-40 FEB 29 72 XUM

Now Available

LIST OF CFR SECTIONS AFFECTED

1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Price: $6.75

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

FEDERAL REGISTER

Area Code 202 Phone 962-8626

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended (44 U.S.C. 1510). The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

AIRCRAFT MATERIALS—FAA proposal to ease the tight requirements for tolerance marking; comments by 5–29–72 4217

SERIES TYPE SHAREHOLDERS—SEC proposals for fair treatment especially in voting practices; comments by 3–31–72 4219

BRAZILIAN COFFEE EXPORT AGREEMENT—Commerce Dept. notice requesting production information from U.S. manufacturers; responses within 15 days 4223

INCOME TAX—Treasury rule to cover rate changes within the year 4190

Contents

AGRICULTURE DEPARTMENT
See Consumer and Marketing Service.

ARMY DEPARTMENT
See Engineers Corps.

ATOMIC ENERGY COMMISSION
Notices
Commonwealth Edison Co.; supplemental environmental reports; availability 4225
Wisconsin Electric Power Co. and Wisconsin Michigan Power Co.; reconvening of hearing 4226

CIVIL AERONAUTICS BOARD
Notices
International Air Transport Association; orders relating to:
Fare matters 4226
Passenger fares 4228
Mohawk Airlines, Inc.; order regarding exemption and certificate amendment and petition for show cause order 4228

CIVIL SERVICE COMMISSION
Notices
Grants and/or revocation of authority to make noncareer executive assignments:
Cost of Living Council (2 documents) 4228
Commerce Department (2 documents) 4228, 4229
Health, Education, and Welfare Department 4229
Interior Department (3 documents) 4229

COMMERCE DEPARTMENT
See also International Commerce Bureau; National Oceanic and Atmospheric Administration.
Notices
Production of soluble coffee; solicitation of certified information 4223

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Domestic rabbits, poultry, and edible products thereof; grading and inspection 4174
Meat inspection; voluntary inspection and certification service 4179
Milk in certain marketing areas:
Boston regional and New York-New Jersey 4175
Southeastern Minnesota-Northern Iowa, and Minneapolis-St. Paul 4176
Proposed Rule Making
Domestic dates produced or packed in Riverside County, Calif 4196
Milk in certain marketing areas:
Chicago regional and Indiana 4208
Middle Atlantic 4196

COST ACCOUNTING STANDARDS BOARD
Rules and Regulations
National defense contracts; cost accounting standards 4139

CUSTOMS BUREAU
Rules and Regulations
Security of cargo in unlading areas and clearance of containerized cargo 4186

DEFENSE DEPARTMENT
See Engineers Corps.

ENGINEERS CORPS
Rules and Regulations
St. Marys Falls Canal and Locks, Mich.; restrictions on transit of vessels 4194

FEDERAL AVIATION ADMINISTRATION
Rules and Regulations
Airworthiness directives:
Gates Learjet Model 23 airplanes 4180
McDonnell Douglas Model DC–3, DC–3A, DC–3C, and DC–3D Series airplanes 4180
Federal airways, reporting points, jet routes and area high routes; editorial change 4181
Jet route segments; designation 4181
Standard instrument approach procedures; recent changes and additions 4181
Transition areas:
Alteration and revocation 4180
Designation 4180
Proposed Rule Making
Aerostar Models 600 and 601 Series airplanes; airworthiness directive 4217
Control zone; alteration 4218
Transition areas; designations (2 documents) 4218
Weight marking requirement; revision 4217

FEDERAL HOME LOAN BANK BOARD
Notices
Orbanco, Inc.; receipt of application for approval of acquisition of control of Franklin Savings and Loan Association 4229

FEDERAL MARITIME COMMISSION
Proposed Rule Making
Independent ocean freight forwarders; licensing requirement; comment time extended 4219
Notices
Trans-Pacific Freight Conference of Japan; agreement filed 4229

FEDERAL RESERVE SYSTEM
Notices
American Trading Co.; order approving retention of bank 4230
Bank acquisitions:
American General Insurance Co 4230
First National Bancorporation, Inc 4231
Texas Commerce Bancshares, Inc 4231
Commerce Union Bank; order approving application for merger of banks 4230
Fidelity American Bankshares, Inc.; proposed acquisition of Columbia Life Insurance Co 4230
Financial Securities Corp.; remaining a bank holding company and retention of shares of bank 4231
Tennessee Valley Bancorp, Inc.; order approving formation of bank holding company 4231

(Continued on next page)

V 37-40
FEB 29 72
XUM

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices:
- Kustom Enterprises, Inc., et al — 4182
- Spiegel, Inc — 4184
- Stewart Brothers & Alward Co., et al — 4185

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

- Neomycin sulfate sterile powder — 4188

Notices

- Neomycin sulfate sterile powder; drug efficacy study implementation — 4224

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

- Wage and price standards; maximum permissible escalation — 4194

Notices

- Secretary of Defense; delegation of authority — 4232

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Social Security Administration.

Notices

- Safety Management Office; establishment — 4225

INTERIOR DEPARTMENT

Notices

- Mines Bureau; proposed project to demonstrate feasibility of hydraulic backfilling of mine voids; availability of draft environmental statement — 4222
- National Park Service; draft master plans and preliminary wilderness proposals; availability of draft environmental statements:
  - Grand Teton National Park, Wyoming — 4222
  - Yellowstone National Park, Wyoming, Idaho, and Montana — 4222

INTERNAL REVENUE SERVICE

Rules and Regulations

Income tax:
- Changes in rates during taxable year — 4190
- Special contingency reserves of life insurance companies — 4189

INTERNATIONAL COMMERCE BUREAU

Notices

- Hagn, Roland; order denying export privileges for indefinite period — 4222

INTERSTATE COMMERCE COMMISSION

Notices

- Assignment of hearings — 4234
- Fourth section applications for relief — 4235

JUSTICE DEPARTMENT

See Narcotics and Dangerous Drugs Bureau.

LABOR DEPARTMENT

Notices

Extended unemployment compensation; termination:
- Idaho — 4234
- Rhode Island — 4234

NARCOTICS AND DANGEROUS DRUGS BUREAU

Rules and Regulations

- Narcotic controlled substances; records and reports of registrants — 4189

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Loan applications:
- Hunter, Gary L. and Ethel P — 4223
- Selders, Wilbert — 4223

SECURITIES AND EXCHANGE COMMISSION

Proposed Rule Making

- Series type investment company shareholders; fair and equitable treatment — 4219

Notices

Hearings, etc.:
- Applied Devices Corp — 4232
- Ecological Science Corp — 4232
- E. I. Du Pont de Nemours and Co — 4232
- Great Lakes Gas Transmission Co — 4233
- Mosler Fund, Inc — 4234

SOCIAL SECURITY ADMINISTRATION

Notices

- Guyana; foreign social insurance or pension system; finding — 4225

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See Customs Bureau; Internal Revenue Service.

VETERANS ADMINISTRATION

Rules and Regulations

- Servicemen's group life insurance; definitions — 4194
- United States government life insurance and national service life insurance; premium waiver — 4194

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1972, and specifies how they are affected.

4 CFR
331 — 4143
351 — 4145
400 — 4171
401 — 4172
402 — 4173

7 CFR
54 — 4174
70 — 4174
81 — 4174
1001 — 4175
1002 — 4175
1061 — 4176
1068 — 4176

PROPOSED RULES:
987 — 4196
1004 — 4196
1030 — 4208
1049 — 4208

9 CFR
307 — 4179
350 — 4179
355 — 4179

14 CFR
39 (2 documents) — 4180
71 (3 documents) — 4180, 4181
75 (2 documents) — 4181
97 — 4181

PROPOSED RULES:
37 — 4217
39 — 4217
71 (3 documents) — 4218

16 CFR
13 (3 documents) — 4182, 4184, 4185

17 CFR
PROPOSED RULES:
270 — 4219

19 CFR
19 — 4186

21 CFR
148i — 4188
304 — 4189

26 CFR
1 (2 documents) — 4189, 4190

33 CFR
207 — 4194

38 CFR
6 — 4194
8 — 4194
9 — 4194

41 CFR
1–1 — 4194

46 CFR
PROPOSED RULES:
510 — 4219

V 37-40 FEB 29 72 XUM

Rules and Regulations

Title 4—ACCOUNTS

Chapter III—Cost Accounting Standards Board

COST ACCOUNTING STANDARDS, RULES, AND REGULATIONS

General comments. The purpose of the regulations promulgated today by the Cost Accounting Standards Board is to implement section 719 of the Defense Production Act of 1950, as amended, 50 U.S.C. app. 2168, which provides for development of Cost Accounting Standards to be used in connection with negotiated national defense contracts and for disclosure of cost accounting practices to be used in such contracts. The Board believes the materials being promulgated today constitute a significant initial step toward accomplishing one of its major objectives—improved cost accounting and the proper determination of the cost of negotiated defense contracts. The regulations spell out contract coverage (Part 331), disclosure requirements (Part 351), a compilation of Definitions (Part 400), and two Cost Accounting Standards, one calling for consistency in estimating, accumulating, and reporting costs (Part 401), and the other calling for consistency in allocating costs incurred for the same purpose (Part 402).

Development of the material being promulgated today began many months ago with extensive research. It included examining publications on the subject, conferring with knowledgeable representatives of various Government agencies, Government contractors, industry associations, and professional accounting associations, and identifying and considering all available viewpoints. From this research, the initial versions of the material now being published were developed. As a part of the continuing research effort, these initial drafts were sent to 81 agencies, associations, and Government contractors which had expressed interest in assisting the Board in its work, and their comments were solicited. Some national defense contractors field-tested the material to see how it would apply to and affect their operations and advised the Board of their findings. In each step of the research process, the Board and its staff have urged and received active participation and assistance by Government, industry, and accounting organizations. Their cooperative efforts contributed in large measure to the exposure draft published in the December 30, 1971, FEDERAL REGISTER for comment.

To better assure that all who might want to comment had an opportunity to do so, the Board supplemented the FEDERAL REGISTER notice by sending copies of the FEDERAL REGISTER materials directly to about 175 organizations and individuals who had expressed interest or had provided assistance in the development of the published material. Also, a press release was distributed announcing the publication, which resulted in numerous articles in journals. The Board availed itself of all opportunities to publicize the proposals and solicit comments on them.

Written comments in response to the published material were requested by February 4, 1972. Comments were received from 105 sources, including Government agencies, professional associations, industry associations, public accounting firms, individual companies, and others. The Board appreciates the obvious care and attention devoted by commentators, and as will be seen below, the Board has greatly benefited from the comments received.

Many of the comments received were addressed to all parts of the proposed Board rules as well as to the question of public availability of the Disclosure Statements. All of the comments received have been carefully considered by the Board taking into account the requirements of section 719. Understandably, many of the comments were addressed to issues which recur in two or more of the proposed parts while others dealt only with specific sections. Comments which dealt with 11 general issues are discussed separately below followed by a section-by-section analysis of other comments. Appropriate changes have been made in the material promulgated based on the Board's disposition of the comments received.

Those comments and suggestions received which are of particular significance are discussed below.

1. *Public availability of disclosure statement.* In a special notice in the notice of proposed rule making, the Board sought comments to assist it in its determination of whether Disclosure Statements submitted by defense contractors and subcontractors should be available to the general public, pursuant to the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552) or whether such information was properly within one of the statutory exceptions to the legal requirement for public availability.

With few exceptions, both Government and industry commentators urged that the Disclosure Statements not be made available to the general public. Numerous arguments were presented. Among them were that public disclosure by a Government official would violate 18 U.S.C. 1905 (a provision in the Criminal Code making it a crime for a Government official to make certain matters public in certain circumstances), thus making disclosure improper under an exception to the requirement for public availability set out in 5 U.S.C. 552(b)(3); that the cost accounting practices were trade secrets or property of considerable value and that disclosure would deprive the company of their value without compensation; that disclosure would reduce competition; and that the public might be misled in that it might construe disclosures respecting the defense segment of a contractor's business as representative of his entire business organization.

An argument in favor of making the Disclosure Statements available to the public was made by a public interest group. It argued that 5 U.S.C. 552 clearly applies to Disclosure Statements, which do not fall within any exception to public availability; that the public requires access to Disclosure Statements in order to consider adequately and comment intelligently on any Cost Accounting Standards proposed by the Board; that public availability would enhance competition; that Disclosure Statements which are ultimately approved will form a body of precedents to guide others in complying with future Board Standards and that public availability will enable citizens and the Congress to hold both the Board and contracting officials accountable for implementation of section 719. A few commentators stated that they favored, or could see no harm to companies from, public availability of contractors' disclosed practices.

The Board is especially impressed with arguments that cost accounting practices have never been made public, that companies have regarded and treated them as confidential, and that a company's competitive position would be damaged by public disclosure of its cost accounting practices. Since disclosure will be required of many companies or divisions of companies whose principal competitors are not subject to Board regulations, the Board recognizes there might arise competitive disadvantage to the disclosing company or division if its competitors may see its disclosure but need make none themselves. The Board has, in light of these latter arguments, concluded that information received in response to Disclosure Statements is within the exception set forth at 5 U.S.C. 552(b)(4) and that the Board will not make Disclosure Statements public in any case when the company or segment files its statement specifically conditioned on the Government's agreement to treat the Disclosure Statement as confidential information.

A provision to this effect has been added at § 351.4(d) of Part 351. Additionally, paragraph (a)(1) of the contract clause set forth at § 331.5 has been modified to this effect, and a provision added to it so that subcontractors may submit Disclosure Statements directly to the contracting officer.

While the Board has concluded that public availability of the Disclosure Statements of identified contractors is not required, it will, nevertheless, implement its announced intention of compiling statistical summaries of disclosure

V 37 I 40 FEB 29 72 XUM

data and making those studies available to the public. The Board believes that the creation of a data bank of cost accounting practices will greatly benefit the Board's own research efforts and the formulation of Cost Accounting Standards; summaries of these data or studies of them should also prove to be of great value to the public. Aggregated information not identified to particular contractors will, therefore, be made available to the public.

2. *Contractor-subcontractor relationships.* Several commentators, stating that contractors cannot dictate the cost accounting practices of their subcontractors at any tier, urged that the Board not hold contractors responsible for increased costs to the United States arising from the failure of subcontractors to follow Cost Accounting Standards or disclosed cost accounting practices. Several commentators also urged that the contractor not be subject to the possibility of a default termination by reason of the actions or inactions of any of its subcontractors at any tier. Finally, some commentators urged that the Board establish a novel concept of privity between the contracting agency and subcontractors with respect to any concerns stemming from Board rules, regulations, and Cost Accounting Standards.

The Board has dealt with many of the issues touched on by these commentators in its conclusions, discussed below, respecting the phasing of applicability and the proposed termination-for-default language in the Contract Clause. The Board is also mindful of the desirability of its maintaining neutrality with respect to contracting policies outside its jurisdiction; thus it should avoid establishing a standard or policy which would influence decisions of whether work should be performed in-house or subcontracted. A Board policy permitting contractors to avoid responsibility for the actions of their subcontractors could surely have such an impact.

The Board reaffirms the established principle that prime contractors are responsible to the Government for performance of their contracts in all required respects and urges that contractors who are fearful of deficiencies in their subcontractors' performances protect themselves by use of whatever means they currently employ under other flowdown contractual requirements.

3. *Exemptions.* Many commentators urged the Board to provide exemptions either to the requirement to file a Disclosure Statement or to both that requirement and the requirement to follow Cost Accounting Standards. Exemptions were urged for subcontractors below the first tier, subcontractors with small amounts of defense contracting business, producers of basic or raw materials, colleges and universities, construction contractors, firms which would qualify as small businesses, and others.

The Board has long been concerned with the question of appropriate exemptions. It has specifically requested interested groups to offer suggestions for criteria for use by the Board in considering exemptions. It also requested its staff to study exemptions and has discussed the staff investigations at Board meetings. In light of these studies and the comments received, the Board has found no persuasive reasons for issuing blanket or class exemptions at this time.

The Board recognizes, however, that individual Cost Accounting Standards may by their nature be inapplicable or inappropriate to certain classes or categories of defense contractors or contracts. The Board will continue to consider exemptions from individual proposed Cost Accounting Standards as appropriate.

With respect to the requirement to submit a Disclosure Statement, the Board's proposed regulation provides a phasing of that requirement. The Board remains convinced that a company which together with its subsidiaries received prime contract awards of negotiated national defense contracts including supplemental awards during Federal fiscal year 1971 totaling more than $30 million should be required to submit a Disclosure Statement as soon as Part 351 of the Board's regulations becomes effective. In order to provide both to other contractors and to Government agencies adequate time within which to study the use of Disclosure Statements, however, the Board will defer determination of the date after which other affected contractors and subcontractors may be required to file Disclosure Statements. From time to time, the Board will announce the dates of applicability to other contractors and subcontractors.

4. *Applicability date of standards, rules, and regulations.* A related issue raised by many commentators is a request that Cost Accounting Standards be made applicable 90 days after issuance or at the beginning of the contractor's next fiscal year, whichever is later. In order to provide the maximum benefits from use of Cost Accounting Standards, the Board has decided not to adopt any rule which would automatically delay the effective date of Cost Accounting Standards beyond the dates contemplated in section 719(h). That section provides a minimum of 4 months' notice from the date of promulgation, to contractors of the likely applicability of a Cost Accounting Standard. The Board regards this as an adequate time for companies to prepare for use of the standard. The Board nevertheless recognizes that certain standards by their nature may require deferring applicability to the beginning of a contractor's fiscal year next following the effective date, and in such cases that applicability will be stated in the standards concerned.

5. *Agency administrative responsibility.* Many commentators, noting the Board's statutory responsibility to promote uniformity and consistency in cost accounting practices used in defense contracting and subcontracting, have suggested that uniformity would be promoted by giving the Board or another single Federal agency the sole implementing responsibility respecting Board regulations. Thus, some commentators recommended that the Board itself issue regulations prescribing the frequency of submission of Disclosure Statements and where they must be submitted. Other commentators urged that the Board issue a single regulation prescribing exact methods by which increased costs to the United States will be determined. Other commentators urged that the Board prescribe methods by which advance agreements affecting more than one contract shall be made, some commentators urging that the Board itself make those agreements. Others urged that the Board rule that the contracting agencies must act to approve or disapprove Disclosure Statements within a stated period of time. And finally, some commentators urged that the Board itself be the sole agency to approve the cost accounting practices disclosed through submission of a Disclosure Statement.

The Board finds these recommendations cogent. It also recognizes that to act pursuant to them would require a Board regulation directed to the administrative and contracting procedures of many Federal agencies and in some cases—such as the recommendation for Board approval of disclosed cost accounting practices—substitute a Board regulation for the exercise of contracting officers' discretion.

The Board, therefore, has decided not to implement at this time the suggestions set forth in this connection. The Board nevertheless will watch closely during the early implementation by contracting agencies of Board rules, regulations, and Cost Accounting Standards so that it may become aware of any diversity of regulations or actions by contracting agencies. If the Board finds that an unacceptable amount of diversity has arisen, it will be prepared to reconsider the recommendations that the Board issue its own regulations in many of the areas left by Board regulations to the discretion of contracting agencies.

Many commentators have expressed concern about the problems which could arise from inconsistent actions by different Federal agencies respecting disclosed practices, changes in practices, and equitable adjustment of contract prices and costs. The Board has directed its staff to work with representatives of relevant Federal agencies with the objective of obtaining designation of a single contracting officer for each contractor or major component thereof in order to achieve consistent practices within the standards issued by the Board.

6. *Contract modifications.* Several commentators have urged that negotiated contract changes and amendments over $100,000 to contracts which are themselves not subject to Board jurisdiction should not be covered. One commentator pointed out that in a long-term contract, most changes represent "instead of" type changes with cost of price adjustments only for the incremental effect of the change. This commentator stated that there is no practical way separately to identify these incremental costs.

The Board is persuaded that for the time being it should not cover negotiated modifications to contracts exempt at their inception. It has, therefore, eliminated coverage for the time being of such contract modifications. In doing so, however, the Board intends that the annual extension of existing negotiated contracts and similar contract modifications would not be exempt from the Board's rules, regulations, and Cost Accounting Standards.

7. *Definitions.* The Board is also persuaded of the value of one commentator's suggestion that the Board provide a compilation of definitions of the words or phrases defined in individual Cost Accounting Standards, making those definitions applicable to all such standards. Consequently, a new Part 400 has been added, and all terms defined in Parts 401 and 402 have been placed in it, although they also remain in the particular standards in which they are defined. As more standards are added, any terms defined in them will also be added to Part 400. However, terms defined in Parts 331 and 351 are not included in the glossary of definitions, nor are terms used in those parts necessarily to bear the meanings ascribed to those terms in Part 400.

8. *Application to individual contracts.* Several commentators urged that the Board adopt the date of final agreement on a negotiated price as a cut-off date for the disclosure of cost accounting practices. The Board has reviewed the merits of selecting that date rather than the date of award to establish the date as of which the contractor's Disclosure Statement must accurately reflect his cost accounting practices, at least with respect to those contracts where cost or pricing data have been submitted pursuant to Public Law 87-653. The Board has decided to use the date of final agreement on price, as shown on the signed certificate of current cost or pricing data, with respect to contractors who have submitted cost or pricing data, and to use the date of award of the contract for all other contractors. In addition, the Board has concluded that it is appropriate to use those dates to establish which Cost Accounting Standards shall be applicable to the proposal and to the contract at its inception. Appropriate changes in Parts 331, 351, and 401 have been made to reflect this decision.

9. *Price adjustments.* Many commentators stated that where a contractor's departure from existing disclosed practices is occasioned by the contractor's wish to adopt a newly issued Cost Accounting Standard for all contracts, the Government should be willing to provide upward price adjustment whenever an existing contract is rendered thereby more expensive to perform. The view was often expressed that contractors could not maintain one accounting practice for contracts subject to a particular Cost Accounting Standard, but a different practice for contracts not so subject; therefore, it was alleged, once a contractor had to adopt a standard for any one contract, he would of necessity adopt it for all contracts and amend his Disclosure Statement accordingly.

The Board notes in this connection that the Cost Accounting Standard at Part 402 requires consistency in the allocation of all direct and indirect costs under all covered contracts. If a Cost Accounting Standard were issued which required a company to modify its disclosed cost accounting practices with respect to its earlier practice of allocating direct and indirect costs, Part 402 would require amendment of existing disclosed practices so as to meet that requirement. In such a case, the Board believes it would be unfair to deny an equitable price adjustment arising from such amendment.

Further, the Board has been persuaded by the strong arguments from industry commentators that companies with more than one contract, subject to different Cost Accounting Standards, cannot maintain multiple records to account for each contract related to its set of standards. Another industry commentator stated that the vast majority of companies must apply any required cost accounting practices across their total business, and that it would be impractical if not impossible for companies to apply different practices to different contracts. The Board has accommodated this view by enabling contractors to apply uniform practices to all covered contracts. Such application will also serve to improve cost accounting practices for all contracts.

The Board has consequently modified both Part 331 and Part 351 to provide three things: First, that a contractor's practices disclosed for any contract shall be the same as the practices currently disclosed and applied on all other covered contracts and subcontracts being performed by that contractor. Second, that a contractor must amend his disclosure of cost accounting practices as new standards are issued and become applicable to new contracts if a change in practices is necessary, so that, at any given time, the same practices prevail under all of the contractor's existing contracts and subcontracts subject to Board jurisdiction. Similarly, contractors must amend Disclosure Statements to reflect any change in practices disclosed under later contracts. Third, that for those amendments of disclosed practices applicable to a particular contract which are occasioned by the issuance of a new Cost Accounting Standard, the Government will equitably adjust the contract price in accordance with the changes clause in the contract or reimburse any increased costs under that contract.

In view of the phasing of the requirement to file a Disclosure Statement, the Board has adopted a contract provision that will provide equitable adjustments in appropriate cases when a contractor who has not yet filed a Disclosure Statement is required to change his established cost accounting practices to comply with newly issued Cost Accounting Standards. On the other hand, any departure from disclosed cost accounting practices which is not required by a newly issued Cost Accounting Standard will not be subject to equitable price adjustment, but only to price adjustment downward in the event that that departure would otherwise result in increased costs being paid by the United States. The Board wishes to emphasize that if the parties to a contractual negotiation mutually agree to a price based on exclusion of costs which are allocable under the contractor's disclosed cost accounting practices, such agreement shall not affect the requirement for conformity with Board rules, regulations, and Cost Accounting Standards in the contractor's allocation of costs between the contract being negotiated and other work.

10. *Materiality.* The Board notes that many commentators urged that a concept of materiality be incorporated in the Board's regulations, to the end that minimal or insignificant modifications of or failures to use disclosed cost accounting practices would not be subject to price adjustment.

The Board agrees that the administration of its rules, regulations, and Cost Accounting Standards should be reasonable and not seek to deal with insignificant amounts of cost. Since this rule of common sense is already practiced by the Government, the Board does not believe that there is any need to attempt to formulate and state in acceptable concept of materiality applicable to all Board rules, regulations, and standards, although the Board might consider doing so if subsequent events indicate the necessity therefor. The Board does recognize that in particular standards a "materiality" statement may be useful, and in such cases, it will include one. See for example the addition at § 402.50(e).

11. *Additional requirements by agencies.* As a final general point, concern was expressed that Federal agencies might require submission of cost proposals in ways inconsistent with the cost accounting practices of some or all of the potential offerors. The Board recognizes that this has happened in the past, but it notes that Board rules, regulations, and Cost Accounting Standards are to be used by relevant Federal agencies as well as by contractors and subcontractors, and it believes that henceforth requests for proposals must be fully consistent with such rules, regulations, and standards, although of course the Federal agency may ask for supplementary information to accompany proposals if this is needed to meet the agency's requirements.

Other Comments

Section 331.2 Definitions. A few commentators recommended modifying the definition of "relevant Federal agency." Their purpose was to assure that agencies such as the General Accounting Office and the Renegotiation Board were excluded from the definition of such agencies. Those recommendations have not been accepted, since the Board believes the General Accounting Office, the Renegotiation Board, and other agencies whose responsibilities include review, approval, or other action affecting national

VOL 37 NO 40 FEB 29 72 XUM

defense procurements are within the meaning of "relevant Federal agencies."

One Federal agency urged that the definition of "national defense" be supplemented at the end by adding the phrase "including R. & D. and services." The Board believes this addition unnecessary, in light of the definition at § 331.2 (b) of "defense contractor," and the definition of "material" set out in 50 U.S.C. App. 2152 as including "technical information." The Board, of course, agrees that contractors for research and development as well as other services are national defense contractors in light of these definitions.

Several commentators urged that the definition of "negotiated subcontract" at § 331.2(f) be broadened to reflect what the commentators believed was the Board's purpose in this definition, that of precluding jurisdiction over subcontracts made after adequate price competition. That is not the Board's intention; instead, the Board intended to exclude from the term "negotiated subcontract" only a subcontract made under conditions which are as close to the conditions governing Federal advertised contracts as possible. Accordingly, the Board has not accepted these suggestions, but it has added language to clarify its intention.

In connection with this comment, the Board notes that several commentators urged that the Board exempt altogether from its jurisdiction any contract made after adequate price competition. The Board believes that any such exemption would be unwarranted and undesirable in view of the legislative history of section 719.

Section 331.5 Contract clause. The major changes in the contract clause urged by commentators have already been discussed in points 2 and 9 of the discussion of general comments. Commentators raised a number of additional points with respect to this contract clause. A great many commentators objected to the provision in paragraph (e) for termination for default. Many commentators urged that the requirement to repay increased costs to the United States should be deemed the sole remedy for a refusal or failure to comply with the requirements of the contract clause. While that remedy may be adequate for almost all cases involving a failure to follow Cost Accounting Standards or disclosed cost accounting practices, it would not be adequate to meet other possible situations, where, for example, a contractor refused to make a post-award submission of a Disclosure Statement or refused to grant access to records as required by the contract clause. In view of the fact that breach of any of the requirements of this clause would be a breach of a material condition of the contract, the default clause generally applicable to performance of the contract provides adequate coverage. Consequently, the Board has deleted the specific termination language in this contract clause as requested by many commentators.

Some commentators urged deletion or modification of paragraph (c) of the contract clause, which the Board has not done, since that language is prescribed by section 719(j). Other commentators urged that the Board set forth a specific period during which contractor and subcontractor documents, papers, or records relating to compliance with Cost Accounting Standards must be retained. The Board believes that there is no need to do so, since the general records retention requirements of any particular contract will establish that period.

One Federal agency requested that the disputes language in paragraph (d) be modified to accommodate that agency's practice of permitting subcontractors to bring contract disputes directly to that agency's Board of Contract Appeals. The Board has accepted this recommendation. Two Federal agencies recommended deletion of the definitions in this contract clause as unnecessarily duplicating § 331.2. The Board agrees and has made the deletion, except that the definition of "negotiated subcontractor" has been retained in the contract clause for the convenience of contractors and subcontractors.

Other suggestions were received in which the Board was urged to modify other language in the contract clause which is taken directly from provisions in section 719. Preferring to use the statutory language, the Board has not accepted these suggestions. It has, however, modified its proposal in paragraph (b) so as to adopt the statutory language, as urged by one commentator.

Section 331.6 Post award disclosure. Two Federal agencies urged that the contracting agencies be authorized to make awards whenever the head of the agency concluded that it was impractical to secure a Disclosure Statement from a contractor or from a subcontractor. Recognizing that any avoidable delays in making procurements are undesirable, the Board has accepted this recommendation. The Board does not expect that the authority thus provided to agency heads will be abused, and it will be informed of all actions taken pursuant to this authority.

Section 351.14 Disclosure statement. Several commentators pointed out that the statement was too detailed or complex, or urged that the Statement be modified to require only a statement of cost accounting policy and philosophy. The Board believes that such generalized and unspecific statements would not assist it adequately in performance of its responsibilities. Further, in order to permit the statutory requirements of disclosure of cost accounting practices and consistency to be met, the Board concluded that the extent of detail now called for in the Disclosure Statement is necessary.

Two commentators suggested that references to ASPR, the Internal Revenue Code and financial accounting be deleted from the Disclosure Statement since the contractors stated they are irrelevant to their cost accounting practices. The Board did not agree with these suggestions for the reason that in most cases the regulations have been referred to in the Statement in lieu of redefining certain words, such as "Independent Research and Development Costs." Furthermore, with particular respect to the Internal Revenue Code, the Board cannot ignore that income tax considerations often influence cost accounting practices, such as those for depreciation.

The Board has deleted the item in the statement calling for an explanation of the difference between commercial and Government cost accounting practices since the Board agrees with several commentators that inclusion of such information in the Disclosure Statement is not needed.

An educational institution and one association pointed out that the terminology in the Disclosure Statement was not responsive to the special circumstances of educational institutions. The Board made appropriate word-changes to a number of items in the statement to accommodate educational institutions.

By far, the majority of the comments addressed to the Disclosure Statement dealt with suggestions for clarification of terminology and intent of the various items in the statement. The Board considered each comment and made appropriate revisions to the statement. The part most affected by these revisions is Part IV—Indirect Costs. Several items in the part were rearranged in sequence to improve clarity, and instructions covering the items in Part IV were restated.

Section 401.20 Purpose. Commentators stated that the purpose of the standard would require each contractor to revise his formal system of accounts in order to maintain them on a basis used for estimating Government contracts. The Board did not intend that requirement. The standard does not contain any requirement that a contractor must revise his formal system of accounts. Cost accounting records are supplemental to, and generally subsidiary to a contractor's financial records. However, it is necessary that the cost accounting records be reconcilable to the contractor's general financial records.

Two commentators believed that the term "practices" in the phrase "Practices used in estimating costs in pricing proposals" could be confused as including estimating techniques relating to quantitative determination as well as the cost accounting practices used in estimating. The Board does not agree, because nothing in the standard precludes the use of any quantitative estimating tools.

Section 401.50 Techniques for application. Several commentators believed there may be an inconsistency between the requirements of the standard and the ability to make changes to established cost accounting practices. The Board intends that compliance with respect to proposals shall be determined as of the award date of the contract or as of the date of final agreement on price if the contractor has submitted cost or pricing data pursuant to Public Law 87-653. Modifications of established cost accounting practices for accumulating and reporting costs are permitted by other regulations of the Cost Accounting Standards Board without causing a violation of this standard. The Board has modified the standard to express these intentions.

Section 401.60 Illustration. An illustration has been added to this section to emphasize a requirement of the standard that any significant cost must be accumulated and reported in sufficient detail to permit its comparison with the estimates made therefor.

Part 402 Title. One commentator pointed out that the definition of the word "allocate" covered all of the actions encompassed by the word "charge" and, therefore the title of the standard should be changed to delete the words "charging and." The Board agrees and has made the appropriate change here and elsewhere throughout the standard.

Section 402.40 Fundamental requirement. A number of commentators suggested a change to the standard to eliminate the requirement that direct and indirect costs be consistently allocated to all final cost objectives. Making the standard applicable only to individual contracts would permit a choice to be made solely on the basis of short-term economic benefit; the Board therefore has not adopted the suggestion.

Section 402.50 Techniques for application. Several commentators noted that the standard discusses the required treatment of incurred costs but does not cover estimated costs. The Board intends that both types of costs be covered by the standard and has therefore added a new paragraph to this section to make that intention clear.

A number of commentators suggested that the concept of materiality be included in the standard to allow the handling of minor direct cost items as indirect costs similar to the treatment accorded materiality in current ASPR regulations. The Board agrees, and has included a materiality statement in this section.

Several commentators did not understand the relationship of this standard to the Disclosure Statement. (This relationship is set out in paragraph (b).) The Board intends to allow the contractor to disclose the cost accounting practices and criteria appropriate to his own situation while at the same time imposing the requirement that he adhere consistently to the choices once made. The Disclosure Statement is the vehicle by which the contractor describes the criteria and circumstances which define costs which are or are not incurred for the same purpose.

Effective date and application. For the convenience of readers, the following summarizes the effective dates set forth in § 331.8, § 351.4(e), and Parts 400, 401, and 402, which were transmitted to the Congress on February 24, 1972, pursuant to section 719(h)(3) of the Defense Production Act of 1950 as amended. After the expiration of a period of 60 calendar days of continuous session following the date of transmittal to the Congress, the regulations herein promulgated shall take effect as set forth in those regulations, unless there is passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the proposed standards, rules, or regulations.

1. The provisions of § 331.4 are to be included in all solicitations issued on or after July 1, 1972 which are likely to lead to contracts covered by standards, rules, and regulations of the Cost Accounting Standards Board.

2. The provisions of § 331.5 are to be included in all contracts resulting from solicitations covered by 1 above. In addition, these provisions are to be included in any other contract which is within the jurisdiction of the Cost Accounting Standards Board and which is awarded after October 1, 1972.

3. The provisions of Part 351 will be applicable to any contractor who submits a proposal which results in contracts containing the clause in § 331.5 and whose net awards of negotiated national defense prime contracts during Federal fiscal year 1971 totaled more than $30 million. Contractors whose net awards were less than that amount may be required to complete or submit a Disclosure Statement as the Board announces extensions of this requirement to such contractors.

4. Any contractor having a contract awarded prior to July 1, 1972, which contains a clause which already incorporates requirements governing submission of Disclosure Statements and application of Cost Accounting Standards will be required to comply with the provisions of that clause. In this connection, such contractor and the respective contracting agencies whose contracts contain such a clause should review those contracts to determine whether negotiations should be instituted to make Parts 400 through 402 applicable to them.

SUBCHAPTER C—PROCUREMENT PRACTICES

PART 331—CONTRACT COVERAGE

Sec.
331.1 Purpose and scope.
331.2 Definitions.
331.3 Applicability.
331.4 Solicitation notice.
331.5 Contract clause.
331.6 Post-award disclosure.
331.7 Interpretation.
331.8 Effective date.

AUTHORITY: The provisions of this Part 331 are issued under 84 Stat. 796, sec. 103; 50 U.S.C. App. 2168.

§ 331.1 Purpose and scope.

The regulations contained in this part are promulgated to implement the standards and the rules and regulations established by the Cost Accounting Standards Board pursuant to 50 U.S.C. App. 2168 (Public Law 91-379, August 15, 1970). The requirements set forth herein shall be binding upon all relevant Federal agencies and upon defense contractors and subcontractors.

§ 331.2 Definitions.

(a) A "relevant Federal agency" is any Federal agency making a national defense procurement and any agency whose responsibilities include review, approval, or other action affecting such a procurement.

(b) A "defense contractor" is any contractor entering into a contract with the United States for the production of material or the performance of services for the national defense.

(c) A "defense subcontractor" is any person other than the United States who contracts, at any tier, to perform any part of a defense contractor's contract.

(d) "National defense" is any program for military and atomic energy production or construction, military assistance to any foreign nations, stockpiling, space, and directly related activity.

(e) The definition of "established catalog or market prices of commercial items sold in substantial quantities to the general public" set out in the Armed Services Procurement regulation (32 CFR 3.807-1(b)), in effect at the date of the contract, shall be used.

(f) A "negotiated subcontract" is any subcontract except a firm fixed-price subcontract made by a contractor or subcontractor after receiving offers from at least two firms not associated with each other or such contractor or subcontractor, providing (1) the solicitation to all competing firms is identical, (2) price is the only consideration in selecting the subcontractor from among the competing firms solicited, and (3) the lowest offer received in compliance with the solicitation from among those solicited is accepted.

(g) A "Disclosure Statement" is the Disclosure Statement required by Cost Accounting Standards Board regulation (Part 351 of this chapter).

§ 331.3 Applicability.

The head of each relevant Federal agency shall cause or require the clause set forth in § 331.5 captioned COST ACCOUNTING STANDARDS to be inserted in all negotiated defense contracts in excess of $100,000, other than contracts entered into by the agency where the price is based on: (a) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation. Additionally, all solicitations, likely to result in a contract in which the clause set forth in § 331.5 must be inserted, shall include the notice set forth in § 331.4 captioned DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION.

§ 331.4 Solicitation notice.

DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

Any contract in excess of $100,000 resulting from this solicitation, except contracts where the price negotiated is based on: (1) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation, will be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal, which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation unless, in compliance with agency procedures, the offeror has al-

VOL 37 NO 40 FEB 29 72 XUM

ready submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal, or unless post-award submission has been authorized by the Contracting Officer in accordance with regulations of the Cost Accounting Standards Board (see 4 CFR 331.7). If an applicable Disclosure Statement has already been submitted, the offeror may satisfy the requirement for submission by providing the following information: [1]

CERTIFICATION (APPLICABLE ONLY TO PROPOSALS RESULTING IN CONTRACTS SUBJECT TO COST ACCOUNTING STANDARD BOARD REQUIREMENTS)

By submission of this offer, the offeror certifies that his practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

§ 331.5 Contract clause.

The following clause shall be inserted in all contracts subject to Cost Accounting Standards Board requirements:

COST ACCOUNTING STANDARDS

(a) Unless the Cost Accounting Standards Board has prescribed rules or regulations exempting the contractor or this contract from standards, rules, and regulations promulgated pursuant to 50 U.S.C. App. 2168 (Public Law 91–379, August 15, 1970), the contractor, in connection with this contract shall:

(1) By submission of a Disclosure Statement, disclose in writing his cost accounting practices as required by regulations of the Cost Accounting Standards Board. The required disclosures must be made prior to contract award unless the Contracting Officer provides a written notice to the contractor authorizing post-award submission in accordance with regulations of the Cost Accounting Standards Board. The practices disclosed for this contract shall be the same as the practices currently disclosed and applied on all other contracts and subcontracts being performed by the contractor and which contain this Cost Accounting Standards clause. If the contractor has notified the Contracting Officer that the Disclosure Statement contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement will be protected and will not be released outside of the Government.

(2) Follow consistently the cost accounting practices disclosed pursuant to (1) above in accumulating and reporting contract performance cost data concerning this contract. If any change in disclosed practices is made for purposes of any contract or subcontract subject to Cost Accounting Standards Board requirements, the change must be applied prospectively to this contract, and the Disclosure Statement must be amended accordingly. If the contract price or cost allowance of this contract is affected by such changes, adjustment shall be made in accordance with subparagraph (a) (4) or (a) (5) below, as appropriate.

(3) Comply with all Cost Accounting Standards in effect on the date of awards of this contract or if the contractor has submitted cost or pricing data, on the date of final agreement on price as shown on the contractor's signed certificate of current cost or pricing data. The contractor shall also comply with any Cost Accounting Standard which hereafter becomes applicable to a contract or subcontract of the contractor. Such compliance shall be required prospectively from the date of applicability to such contract or subcontract.

(4) (A) Agree to an equitable adjustment as provided in the changes clause of this contract if the contract cost is affected by a Disclosure Statement change which the contractor is required to make pursuant to (3) above. If the contractor has not been required to file a Disclosure Statement but is required pursuant to (a) (3) above to change an established practice, then an equitable adjustment shall similarly be agreed to.

(B) Negotiate with the contracting officer to determine the terms and conditions under which any Disclosure Statement change other than changes under (4) (A) above may be made. A change to a Disclosure Statement may be proposed by either the Government or the contractor, provided, however, that no agreement may be made under this provision, that will increase costs paid by the United States under this contract.

(5) Agree to an adjustment of the contract price or cost allowance, as appropriate, if he or a subcontractor fails to comply with an applicable Cost Accounting Standard or to follow any practice disclosed pursuant to subparagraphs (a) (1) and (a) (2) above and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Public Law 92–41, 85 Stat. 97, or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

(b) If the parties fail to agree whether the contractor or a subcontractor has complied with an applicable Cost Accounting Standard, rule, or regulation of the Cost Accounting Standards Board and as to any cost adjustment demanded by the United States, such failure to agree shall be a dispute concerning a question of fact within the meaning of the disputes clause of this contract.

(c) The contractor shall permit any authorized representatives of the head of the agency, of the Cost Accounting Standards Board, or of the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause.

(d) The contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b), and shall require such inclusion in all other subcontracts of any tier, except that this requirement shall apply only to negotiated subcontracts in excess of $100,000 where the price negotiated is not based on:

(i) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or

(ii) Prices set by law or regulation.

However, if this is a contract with an agency which permits subcontractors to appeal final decisions of the contracting officer directly to the head of the agency or his duly authorized representative, then the contractor shall include the substance of paragraph (b) as well.

NOTE: In any case where a subcontractor determines that the Disclosure Statement information is privileged and confidential and declines to provide it to his contractor or higher tier subcontractor, the contractor may authorize direct submission of that subcontractor's Disclosure Statement to the same Government offices to which the contractor was required to make submission of his Disclosure Statement. Such authorization shall in no way relieve the contractor of liability as provided in paragraph (a) (5) of this clause. In view of the foregoing and since the contract may be subject to adjustment under this clause by reason of any failure to comply with rules, regulations, and Standards of the Cost Accounting Standards Board in connection with covered subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. However, the inclusion of such a clause and the terms thereof are matters for negotiation and agreement between the contractor and the subcontractor, provided that they do not conflict with the duties of the contractor under its contract with the Government. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification to be submitted by his subcontractors.

(e) The terms defined in § 331.2 of Part 331 of Title 4, Code of Federal Regulations (4 CFR 331.2) shall have the same meanings herein. As there defined, "negotiated subcontract" means "any subcontract except a firm fixed-price subcontract made by a contractor or subcontractor after receiving offers from at least two firms not associated with each other or such contractor or subcontractor, providing (1) the solicitation to all competing firms is identical, (2) price is the only consideration in selecting the subcontractor from among the competing firms solicited, and (3) the lowest offer received in compliance with the solicitation from among those solicited is accepted."

§ 331.6 Post-award disclosure.

(a) As specified in the solicitation notice and contract clause set forth in § 331.5, Disclosure Statements must be submitted by offerors required to make disclosure prior to contract award unless the contracting officer authorizes in writing post-award submission. As specified in the contract clause set forth in § 331.5, Disclosure Statements must be submitted by prospective subcontractors required to make disclosure prior to subcontract award unless the contracting officer at the request of the contractor authorizes in writing post-award submission.

(b) Post-award submission may be authorized only when the contracting officer has made a written determination that such authorization is essential (1) to the national defense, (2) because of the public exigency, or (3) to avoid undue hardship. Each determination shall set forth facts which clearly support the determination to authorize post-award submission, and a copy of the determination shall be included in the contract file. Authorization issued pursuant to this paragraph shall specify the time, not to exceed 90 days after contract or subcontract award, by which disclosure must be made.

(c) In the event the agency head determines that it is impractical to secure a required Disclosure Statement in accordance with the contract clause and this section, he may authorize award of such contract or subcontract. He shall within 30 days thereafter submit a report to the Cost Accounting Standards Board, setting forth all material facts. The authority in this § 331.6(c) shall not be delegated.

§ 331.7 Interpretation.

(a) Increased costs paid by the United States as referred to in paragraph (a) (5) of the Cost Accounting Standards clause in § 331.5 shall be deemed to have resulted whenever the cost paid by the Government results from application of practices other than the contractor's disclosed practices or from failure to comply with applicable Cost Accounting Standards, and such cost is higher than it would have been had the disclosed practices been followed or applicable Cost Accounting Standards been complied with.

(b) In negotiated firm fixed-price type contracts, however, "increased costs" cannot be interpreted in terms of a higher level of costs reimbursed during contract performance, since in such contracts the price to be paid would normally be the price agreed to. That price will have been based on the requirement that the contractor use his disclosed practices and comply with applicable Cost Accounting Standards. Subsequently, if the contractor fails during contract performance to follow his disclosed practices or to comply with applicable Cost Accounting Standards, any increased cost to the United States by reason of that failure must be measured by the difference between the cost estimates used in negotiations and the cost estimates that would have been used had the contractor proposed on the basis of the practices actually used during contract performance. (In cases where an offset of decreased costs allocated to firm fixed-price contracts against increased costs allocated to cost reimbursement type contract may be involved, the provisions of paragraph (f) of this section shall apply.)

(c) The statutory requirement underlying this interpretation is that the United States not pay increased costs, including a profit enlarged beyond that in the contemplation of the parties to the contract when the contract costs, price, or profit is negotiated, by reason of a contractor's failure to use applicable Cost Accounting Standards or to follow his disclosed practices. In making price adjustments under paragraph (a) (5) of the Cost Accounting Standards clause in § 331.5, in fixed-price or cost-reimbursement incentive contracts, or contracts providing for prospective or retroactive price redetermination, the Federal agency shall apply this requirement appropriately in the circumstances.

(d) The contractor and the contracting officer may enter into an agreement as contemplated by paragraph (a) (4) (B) of the Cost Accounting Standards clause in § 331.5, covering a change in practice proposed by the Government or the contractor for all of the contractor's contracts for which the contracting officer is responsible, provided that the agreement does not permit any increase in the cost paid by the Government. Such agreement may be made final and binding, notwithstanding the fact that experience may subsequently establish that the actual impact of the change differed from that agreed to.

(e) To facilitate agreements with a contractor who has a large number of contracts affected by a proposed change in his disclosed cost accounting practices or affected by application of Cost Accounting Standards, contracting agencies are urged to establish procedures under which the contractor may seek, and in proper cases obtain, agreement with a single official concerning the impact of the proposed change or application of standards upon all such contracts of that agency.

(f) In one circumstance an adjustment to the contract price or of cost allowances pursuant to paragraph (a) (4) (B) of the Cost Accounting Standards clause in § 331.5 may not be required when an amendment to disclosed practices is estimated to result in increased costs being paid under a particular contract by the United States. This circumstance may arise when a contractor is performing two or more contracts, subject to Cost Accounting Standards Board rules, regulations, and standards, with an agency or agencies of the United States, and when he proposes to change a practice disclosed for all such contracts. The amendment may increase the cost paid under one or more of the contracts, while decreasing the cost paid under one or more of the contracts. In such case, the Government will not pursuant to paragraph (a) (4) (B) require price adjustment for any increased costs paid by the United States so long as the costs decreased under one or more contracts are at least equal to the increased cost under the other affected contracts, provided that the contractor and all affected contracting officers agree on the method by which the price adjustments are to be made for all affected contracts. In this situation, the contracting agencies would, of course, require an adjustment of the contract price or cost allowances, as appropriate, to the extent that the increases under certain contracts were not offset by the decreases under the remaining contracts.

(g) Where, through inadvertence, the contractor has failed to use applicable Cost Accounting Standards or to follow his disclosed practices and has not notified his contracting officer or officers of that failure, if the result of that failure is to increase costs paid under one or more contracts, while decreasing costs paid under one or more contracts, the contracting officer or officers of the agency or agencies concerned are urged, in the interest of administrative convenience, to negotiate the adjustment of the contract prices or cost allowances, as appropriate, of the affected contracts by requiring repayment of only the difference between the estimated price increases and the estimated price decreases, together with any applicable interest.

§ 331.8 Effective date.

The Disclosure Statement requirement at § 331.4 shall be included in all applicable solicitations issued on or after July 1, 1972, and all resulting contracts shall contain the contract clause at § 331.5. In any event, any other contract which is within the jurisdiction of the Cost Accounting Standards Board and which is awarded on or after October 1, 1972, shall contain that contract clause. Relevant Federal agencies shall notify the Cost Accounting Standards Board not later than June 1, 1972, of the action taken to implement this regulation.

[1] (The agency issuing the solicitation should specify the data which it will accept if any in lieu of resubmission of a Disclosure Statement already submitted.)

SUBCHAPTER E—DISCLOSURE STATEMENT

PART 351—BASIC REQUIREMENTS

Sec.

351.1 [Reserved]
351.2 Purpose.
351.3 Definitions.
351.4 Filing requirements.
351.5 Contract awards.
351.6 Forms.
351.7 Submission.
351.8 Incorporation of Disclosure Statement.
351.9 Adequacy of Disclosure Statement.
351.10 Effect of filing Disclosure Statement.
351.11 Early filing.
351.12 Amendment of Disclosure Statement.
351.13 Instructions and information.
351.14 Disclosure Statement.

AUTHORITY: The provisions of this Part 351 are issued under 84 Stat. 796, sec. 103; 50 U.S.C. App. 2168.

§ 351.1 [Reserved]

§ 351.2 Purpose.

This regulation is promulgated pursuant to section 719 of the Defense Production Act of 1950, as amended by 84 Stat. 796 (Public Law 91–379), to provide the means by which affected persons can satisfy the requirements established by that law for disclosure of their cost accounting practices and to promulgate the Disclosure Statement form. The regulation also sets forth the administrative procedures to be followed by the Cost Accounting Standards Board and relevant Federal agencies in connection with such disclosures.

§ 351.3 Definitions.

A "profit center" is the smallest organizationally independent segment of a company which has been charged by management with profit and loss responsibilities.

§ 351.4 Filing requirement.

(a) The requirements of this part are applicable to all defense contractors who enter into negotiated national defense contracts with the United States in excess of $100,000 other than contracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. A separate Disclosure Statement must be submitted covering the practices of each of the contractor's profit centers, divisions, or similar organizational units whose costs included in the total price of any contract exceed $100,000, except where such costs are based on (i) established catalog or market prices of commercial items sold in substantial quantities to the general public or (ii) prices set by law or regulation. If the cost accounting practices under contracts are identical for more than one organizational unit, then only one Statement need be submitted for those units, but each such organizational unit must be identified. A Disclosure Statement will also be required for each Corporate or Group Office whose costs are allocated to one or more corporate segments performing contracts covered by Public Law 91–379.

V 37 N 40 FEB 29 72 XUM

(b) The requirements also apply to each subcontractor of whatever tier under a prime contract subject to these provisions provided the subcontract would, if it were a prime contract with the United States, be covered by the above statement of applicability for negotiated national defense contracts.

(c) The practices disclosed pursuant to these requirements shall be followed on all contracts and subcontracts subject to Public Law 91-379 being performed by the contractor or subcontractor.

(d) The Cost Accounting Standards Board will not make Disclosure Statements public in any case when the contractor files its statement specifically conditioned on the Government's agreement to treat the Disclosure Statement as confidential information.

(e) Every contractor and subcontractor covered by this subchapter must submit a Disclosure Statement as a condition of contracting. In order to minimize the administrative burdens upon contracting agencies, the initial requirement for filing is a phased requirement. Each company which together with its subsidiaries received net awards of negotiated national defense prime contracts during Federal fiscal year 1971 (July 1, 1970 through June 30, 1971) totaling more than $30 million must submit completed Disclosure Statements prior to receipt of any contract containing the clause set forth in § 331.5 of this chapter. From time to time, the Board will announce the dates of applicability to other contractors and subcontractors. Because a failure to submit an adequate, timely Disclosure Statement may result in the denial of a contract or subcontract award, relevant Federal agencies should act promptly to assure that affected companies submit Disclosure Statements as prescribed herein at the earliest possible time.

§ 351.5 Contract awards.

(a) After October 1, 1972, no relevant Federal agency shall award any national defense contract subject to this regulation to any contractor who during Federal fiscal year 1971 received net awards of negotiated contracts totaling $30 million or more unless such contractor has submitted a completed Disclosure Statement as required herein. As set forth in the contract clause at § 331.5 of this chapter, the contracting officer may, in certain circumstances, authorize post-award submission, notwithstanding the requirement of this section.

(b) No subcontract shall be awarded to any subcontractor required to file a Disclosure Statement pursuant to the filing requirement of § 351.4 unless the subcontractor has satisfied that requirement by submitting such Statement to the Government in the manner prescribed by agency regulations and agreed to with the prime contractor under whom the subcontract is to be awarded.

§ 351.6 Forms.

Disclosure Statements shall contain complete and accurate responses to the items set forth in § 351.14. For the convenience of persons required to submit Disclosure Statements, the Cost Accounting Standards Board has devised a form, Form No. CASB-DS-1, which should be used. Copies of the form may be requested by relevant Federal agencies for distribution to affected contractors and subcontractors from the Administrative Officer of the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548. If for any reason, copies of the form cannot be obtained, the required information shall be supplied in a form substantially in accord with the arrangement set forth in § 351.14.

Each national defense contractor shall submit a copy of each Disclosure Statement, and any amendments thereto in accordance with the method prescribed by each Federal agency for which the contractor is performing or proposes to perform contracts subject to the rules, regulations, and standards of the Cost Accounting Standards Board. Concurrently, a copy shall also be submitted to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548.

§ 351.8 Incorporation of Disclosure Statement.

Every solicitation subject to the standards, rules, and regulations of the Cost Accounting Standards Board shall contain a provision allowing the contractor to identify and incorporate by reference, a Disclosure Statement already on file which will be applicable to that solicitation. Such identification and incorporation shall satisfy the requirement for disclosure as a condition of contracting. Agencies may, nonetheless, require submission of additional copies of such Disclosure Statement to the extent deemed necessary.

§ 351.9 Adequacy of Disclosure Statement.

Federal agencies shall prescribe regulations by which each will determine that a Disclosure Statement has adequately disclosed the practices required to be disclosed by Cost Accounting Standards Board's standards, rules, and regulations. Agencies are urged to coordinate development of such regulations. The disclosure Statement submitted to the Cost Accounting Standards Board in accord with § 351.7, is for evaluation and development of Board programs only. Consequently, such submission to the Board does not satisfy the requirement for disclosure as a condition of contracting, nor does any action by the Board with respect to such statement constitute a finding of any kind regarding the adequacy of the statements as submitted.

§ 351.10 Effect of filing Disclosure Statement.

Unless the Federal agency involved provides otherwise either by regulation or by specific notice to the contractor involved, a Disclosure Statement submitted to the agency or incorporated by reference shall be presumed adequate to meet the requirement that disclosure be made as a condition of contracting. The fact that the condition of contracting has been met shall serve only to establish what the contractor's cost accounting practices are or are proposed to be. In the absence of specific regulation or agreement, a disclosed practice shall not, by virtue of such disclosure, be deemed to have been approved by the agency involved as a proper, approved or agreed practice for pricing proposals or accumulating and reporting contract performance cost data.

§ 351.11 Early filing.

In order to permit orderly processing of Disclosure Statements, all prospective contractors and subcontractors are urged to submit Disclosure Statements as soon as possible. Notwithstanding such early filings, contractors will be bound to adhere to disclosed practices only with respect to contracts under which the contractor would otherwise be required to adhere to his disclosed practices pursuant to § 351.4.

§ 351.12 Amendment of Disclosure Statement.

(a) Disclosure Statement amendments may be submitted at any time. Contractors are reminded, however, that any amendments to Disclosure Statements must be made applicable prospectively to all contracts and subcontracts subject to Cost Accounting Standards. For this reason, all relevant Federal agencies are strongly urged to establish interagency procedures for promptly coordinating agency activities stemming from changes in disclosed practices.

(b) Disclosure Statements must be amended for practices that must be changed to comply with Cost Accounting Standards which become applicable subsequent to the initial filing of the Disclosure Statements. Equitable adjustment of contract price or cost allowance will be made as set out in paragraph (a)(4)(A) of § 331.5 of this chapter.

(c) Disclosure Statements must also be amended for changes in practices voluntarily agreed to by the parties. In this event, the contractor and the contracting officer(s) may enter into an agreement as contemplated by paragraph (a)(4)(B) of § 331.5 of this chapter. Such agreement may specify the impact that a Government or contractor proposed change in practice shall be deemed to have on costs paid under one or more existing contract(s) for which the contracting officer(s) is responsible. Such agreement may be made final and binding, notwithstanding the fact that experience may subsequently establish that actual impact of the change differed from that agreed to.

(d) Amendments shall be submitted to the same offices, including the Cost Accounting Standards Board, to which submission would have to be made were an original Disclosure Statement being filed. Revised data for Items 1.4.0 through 1.7.0, 8.1.0 and 8.2.0 must be submitted annually at the beginning of the contractor's fiscal year. If fewer than five of the other items in the Disclosure Statement on file are changed, a letter notice precisely identifying the Disclosure Statement, the specific items being amended, and the nature of the changes will suffice. If five or more items are changed, the entire Disclosure Statement shall be resubmitted. Resubmitted Disclosure Statements must be accompanied by a notation specifying the items which have been changed and the nature of the change.

§ 351.13 Instructions and information.

The following instructions and information shall be used by persons completing Disclosure Statements.

INSTRUCTIONS AND INFORMATION

(a) This Disclosure Statement has been designed to meet the requirements of Public Law 91-379, and persons completing it are to describe their contract cost accounting practices. For timing of requirement to file a Disclosure Statement, see § 351.4. A statement must be submitted by all defense contractors who enter into negotiated national defense contracts with the United States in excess of $100,000 other than contracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. A separate Disclosure Statement must be submitted covering the practices of each of the contractor's profit centers, divisions, or similar organizational units, whose costs included in the total price of any contract exceed $100,000, except where such costs are based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. If the cost accounting practices under contracts are identical for more than one organizational unit, then only one statement need be submitted for those units, but each such organizational unit must be identified. A Disclosure Statement will also be required for each corporate or group office when costs are allocated to one or more corporate segments performing contracts covered by Public Law 91-379, but only Part VIII of the statement need be completed.

(b) The statement must be signed by an authorized signatory of the reporting unit.

(c) The disclosure of a cost accounting practice by a contractor does not determine the allowability of particular items of cost. Irrespective of the practices disclosed by a contractor, the question of whether or not, or the extent to which, a specific element of cost is allowed under a contract remains for consideration in each specific instance. Contractors are cautioned that the determination of the allowability of cost items will remain a responsibility of the contracting officers pursuant to the provisions of the applicable procurement regulations.

(d) Unless the Federal agency involved provides otherwise, either by regulation or by specific notice to the contractor involved, a Disclosure Statement submitted to the agency or incorporated by reference should be presumed adequate to meet the requirement that disclosure be made as a condition of contracting. In the absence of specific regulations or agreement, a disclosure practice should not, by virtue of such disclosure, be deemed to have been approved by the agency involved as a proper, approved, or agreed practice for pricing proposals or accumulating and reporting contract performance cost data.

(e) The individual Disclosure Statement may be used in audits of contracts or in negotiation of prices leading to contracts. The authority of the audit agencies and the contracting officers is in no way abrogated by the material presented by the contractor in his Disclosure Statement. Contractors are cautioned that their disclosures in response to the items herein must be complete and accurate; the practices disclosed may have a significant impact on ways in which contractors will be required to comply with Cost Accounting Standards.

(f) This Disclosure Statement should be answered by checking the appropriate box or inserting the applicable Code letter which most nearly describes the reporting unit's cost accounting practices. Part I of the statement asks for general information concerning the reporting unit. Part VIII covers Corporate and Group (Intermediate) offices whose costs are allocated to one or more segments performing contracts covered by Public Law 91-379. Part VIII should be completed by each such office, and care should be taken to insure proper identification of such offices on the cover of the Disclosure Statement. In short, while a Corporation or group office may have more than one reporting unit submitting Disclosure Statements, only one statement need be submitted to cover the Corporate or Group Office operations.

(g) A number of questions in this statement may need narrative answers requiring more space than is provided. In such instances, the reporting unit should use the continuation sheets provided or a facsimile thereof. The number of the question involved should be indicated and the same coding required to answer the questions in the statement should be used in presenting the answer in the continuation sheet. The reporting unit should indicate on the last continuation sheet used, the number of such sheets that were used.

(h) Contractors to whom Public Law 91-379 is applicable are required to follow consistently their disclosed practices in pricing contract proposals and in accumulating and reporting contract performance cost data. If deviation from disclosed practices results in increased costs being paid by the Government, contractors will be required to repay to the Government the amount of the increased costs together with interest charges.

(i) Public Law 91-379 contains an access to records clause, section 719(j) of the Law states:

"For the purpose of determining whether a defense contractor or subcontractor has complied with duly promulgated cost accounting standards and has followed consistently his disclosed cost accounting practices, any authorized representative of the head of the agency concerned, of the Board, or of the Comptroller General of the United States shall have the right to examine and make copies of any documents, papers, or records of such contractor or subcontractor relating to compliance with such cost accounting standards and principles."

§ 351.14 Disclosure Statement.

The data which are required to be disclosed are set forth in detail in the Disclosure Statement form CASB-DS-1 which will be devised by the Cost Accounting Standards Board and will be arranged substantially as set forth below.

	COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	COVER SHEET AND CERTIFICATION
0.1	Company or Reporting Unit. Name Street Address City, state, & zip code Division or subsidiary of (if applicable)	
0.2	Reporting Unit is: (Check one.) A. [ ] Corporate (Home) office B. [ ] Group office C. [ ] Division or subsidiary D. [ ] Other	
0.3	Official to Contact Concerning this Statement. Name and title Phone number (incl. area code and extension)	
0.4	Date of: This statement Most recent prior statement	

CERTIFICATION

I certify that to the best of my knowledge and belief this Statement is the complete and accurate disclosure as of the above date by the above-named organization of its cost accounting practices, as required by the Disclosure Regulation of the Cost Accounting Standards Board under 50 U.S.C. App. 2168, Public Law 91-379, (4 CFR 351).

(Name)

(Title)

- THE PENALTY FOR MAKING A FALSE STATEMENT IN THIS DISCLOSURE IS PRESCRIBED IN 18 U.S.C. 1001.

FORM CASB-DS-1

V 37 140 FEB 29 72 XUM

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	INDEX

		Page
PART I -	General Information	1
PART II -	Direct Costs	4
PART III -	Direct Vs. Indirect	11
PART IV -	Indirect Costs	14
PART V -	Depreciation and Capitalization Practices	21
PART VI -	Other Costs and Credits	26
PART VII -	Deferred Compensation and Insurance Costs	29
PART VIII -	Corporate or Group Expenses	38
	Continuation Sheet	

FORM CASB-DS-1

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART I - GENERAL INFORMATION

Item No.	ITEM DESCRIPTION
	Instructions for Part I Sales data for this part should cover the most recently completed fiscal year of the reporting unit. "Government Sales" includes sales under both prime contracts and subcontracts. "Annual Total Sales" includes intracorporate transactions. Educational institutions may skip Items 1.4.0 and 1.6.0, and consider sales as used in Items 1.5.0 and 1.7.0 to refer to research revenues. Estimates are permitted for Items 1.4.0 through 1.7.0.
1.1.0	Type of Business Entity of Which the Reporting Unit is a Part. (Check one.) A. [ ] Corporation B. [ ] Partnership C. [ ] Proprietorship D. [ ] Not-for-profit organization E. [ ] Joint venture F. [ ] Educational institution
1.2.0	Predominant Type of Government Sales. (Check one.) A. [ ] Manufacturing B. [ ] Research and Development C. [ ] Construction D. [ ] Services Y. [ ] Other (specify) _____
1.3.0	Principal Product or Service Sold to the Government. (Specify name of product or service and enter code from instructions.) Name _____ Code [ ][ ][ ][ ]
1.4.0	Annual Total Sales (Government and Commercial). (Check one.) A. [ ] Less than $1 million B. [ ] $1-$10 million C. [ ] $11-$25 million D. [ ] $26-$50 million E. [ ] $51-$100 million F. [ ] $101-$200 million G. [ ] $201-$500 million H. [ ] Over $500 million

FORM CASB-DS-1 - 1 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART I - GENERAL INFORMATION

Item No.	ITEM DESCRIPTION
1.5.0	Annual Total Government Sales. (Check one.) A. [ ] Less than $1 million B. [ ] $1-$10 million C. [ ] $11-$25 million D. [ ] $26-$50 million E. [ ] $51-$100 million F. [ ] $101-$200 million G. [ ] $201-$500 million H. [ ] Over $500 million
1.6.0	Government Sales (Item 1.5.0) as Percentage of Total Sales (Item 1.4.0). (Check one.) A. [ ] Less than 10% B. [ ] 10%-50% C. [ ] 51%-80% D. [ ] 81%-95% E. [ ] Over 95%
1.7.0	Government Subcontract Sales as Percentage of Total Government Sales (Item 1.5.0). (Check one.) A. [ ] Less than 10% B. [ ] 10%-50% C. [ ] 51%-80% D. [ ] 81%-95% E. [ ] Over 95%
1.8.0	Description of Your Cost Accounting System for Government Contracts and Subcontracts. (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.) A. [ ] Standard costs - Job order B. [ ] Standard costs - Process C. [ ] Actual costs - Job order D. [ ] Actual costs - Process order Y. [ ] Other(s) (Describe on a continuation sheet.)
1.9.0	Integration of Cost Accounting with Financial Accounting. The cost accounting system is: (Check one. If B or C is checked, describe on a continuation sheet the costs which are accumulated on memorandum records.) A. [ ] Integrated with financial accounting records (Subsidiary cost accounts are all reconcilable to general ledger control accounts.)

FORM CASB-DS-1 - 2 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART I - GENERAL INFORMATION

Item No.	ITEM DESCRIPTION
1.9.0	Continued B. [ ] Not integrated with financial accounting (Cost data are accumulated on memorandum records.) C. [ ] Combination of A and B above
1.10.0	Unit or Job Costs. Is your cost accounting system capable of producing unit or job lot costs during contract performance? (Check one.) A. [ ] Yes (If Yes, describe on a continuation sheet the method used or which could be used to arrive at such costs.) B. [ ] No (Interim repricing not involved.) C. [ ] No (Interim repricing involved. Describe on a continuation sheet the manner in which interim repricing is developed.)
1.11.0	Year, Month, Day on Which Your Most Recent Fiscal Year Ended. (Enter in blocks below. Use numeric terms, e.g., 710630 for June 30, 1971; 711231 for December 31, 1971.) [ ][ ][ ][ ][ ][ ]

FORM CASB-DS-1 - 3 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART II - DIRECT COSTS

Item No.	ITEM DESCRIPTION
	Instructions for Part II This part covers three major elements of direct costs, i.e., Direct Materials, Direct Labor, and Other Direct Costs. It is not the intent here to spell out or define the three elements of direct costs. Rather, contractors should disclose practices based on their own definitions of what costs are, or will be, charged directly to Government contracts or similar cost objectives as Direct Materials, Direct Labor, or Other Direct Costs. For example, some contractors may charge or classify purchased labor of direct nature, as "Direct Materials" for purposes of pricing proposals, requests for progress payments, claims for cost reimbursement, etc.; some other contractors may classify the same cost as "Direct Labor," and still others as "Other Direct Costs." In these circumstances, it is expected that contractors will disclose practices consistent with their own classifications of Direct Materials, Direct Labor, and Other Direct Costs.
2.1.0	Description of Direct Materials. Direct Materials as used here are not limited to those items of materials actually incorporated into the end product; they also include materials, consumable supplies, and other costs when charged to Government contracts or similar cost objectives as Direct Materials. (Describe on a continuation sheet the principal classes of materials and service costs which are charged as direct materials; group the materials and service costs by those which are incorporated in an end product and those which are not.)
2.2.0	Method of Charging Direct Materials.
2.2.1	Direct Charge Not Through an Inventory Account at: (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.) A. [ ] Standard costs (Describe the type of standards used, e.g., current standards, basic standards, etc., on a continuation sheet.) B. [ ] Actual costs Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable

FORM CASB-DS-1 - 4 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART II - DIRECT COSTS

Item No.	ITEM DESCRIPTION
2.2.2	Charged from Central or Common, Company-owned Inventory Account at: (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.) A. [ ] Standard costs (Describe the type of standards used on a continuation sheet.) B. [ ] Average costs C. [ ] First in, first out D. [ ] Last in, first out Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable
2.3.0	Timing of Charging Direct Materials Incorporated in End Product. (Check the appropriate block(s) to indicate the point in time at which materials incorporated in the end product are charged to Government contracts or similar cost objectives, and if more than one block is checked, explain on a continuation sheet.) A. [ ] When orders are placed B. [ ] When material is received, or when fabricated, if fabricated in-house C. [ ] When material is issued or released to jobs D. [ ] When consumed or incorporated in end product E. [ ] When invoices are vouchered or paid Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable
2.4.0	Variances from Standard Costs for Direct Materials. (Do not complete this item unless you use a standard cost method, i.e., you have checked Block A of Item 2.2.1 or 2.2.2. Check the appropriate block(s) in Items 2.4.1, 2.4.2, 2.4.3 and 2.4.4, and if more than one block is checked, explain on a continuation sheet.)
2.4.1	Type of Variance. A. [ ] Price B. [ ] Usage C. [ ] Combined (A and B) Y. [ ] Other(s) (Describe on a continuation sheet.)

FORM CASB-DS-1 - 5 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART II - DIRECT COSTS

Item No.	ITEM DESCRIPTION
2.4.2	Method of Accumulating Variance. A. [ ] Plant-wide basis B. [ ] By department C. [ ] By product or product line D. [ ] By contract Y. [ ] Other(s) (Describe on a continuation sheet.)
2.4.3	Method of Disposing of Variance. (Describe on a continuation sheet the basis for, and the frequency of, the disposition of the variance.) A. [ ] Prorated between inventories and cost of goods sold B. [ ] Charged or credited only to cost of goods sold C. [ ] Charged or credited only to overhead Y. [ ] Other(s) (Describe on a continuation sheet.)
2.4.4	Revisions. Standard costs for direct materials are revised: A. [ ] Semiannually B. [ ] Annually C. [ ] Revised as needed, but at least once annually Y. [ ] Other(s) (Describe on a continuation sheet.)

FORM CASB-DS-1 - 6 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART II - DIRECT COSTS

Item No.	ITEM DESCRIPTION
2.5.0	Method of Charging Direct Labor. (Check the appropriate block(s) for each Direct Labor Category to show how such labor is charged to Government contracts or similar cost objectives, and if more than one block is checked, explain on a continuation sheet. Also describe on a continuation sheet the principal classes of labor or costs that are, or will be, included in Manufacturing Labor, Engineering Labor, and Other Direct Labor, as applicable.)

	Direct Labor Category		
	Manufacturing (1)	Engineering (2)	Other Direct (3)
A. Individual/actual rates	[ ]	[ ]	[ ]
B. Average rates (Describe the type of average rates on a continuation sheet.)	[ ]	[ ]	[ ]
C. Standard costs/rates (Describe the type of standards used on a continuation sheet.)	[ ]	[ ]	[ ]
Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
Z. Labor category is not applicable	[ ]	[ ]	[ ]

Item No.	ITEM DESCRIPTION
2.6.0	Variances from Standard Costs for Direct Labor. (Do not complete this item unless you use a standard cost/rate method, i.e., you have checked Block C of Item 2.5.0 for any direct labor category. Check the appropriate block(s) in each column of Items 2.6.1, 2.6.2 and 2.6.3, and in Item 2.6.4. If more than one is checked, explain on a continuation sheet.)

2.6.1 Type of Variance.	Direct Labor Category		
	Manufacturing (1)	Engineering (2)	Other Direct (3)
A. Rate	[ ]	[ ]	[ ]
B. Efficiency	[ ]	[ ]	[ ]
C. Combined (A and B)	[ ]	[ ]	[ ]

FORM CASB-DS-1 - 7 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART II - DIRECT COSTS

Item No.	ITEM DESCRIPTION			
2.6.1	Continued			
	Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Labor category is not applicable	[ ]	[ ]	[ ]
2.6.2	Method of Accumulating Variance.	Direct Labor Category: Manufacturing (1)	Engineering (2)	Other Direct (3)
	A. Plant-wide basis	[ ]	[ ]	[ ]
	B. By department	[ ]	[ ]	[ ]
	C. By product or product line	[ ]	[ ]	[ ]
	D. By contract	[ ]	[ ]	[ ]
	Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Labor category is not applicable	[ ]	[ ]	[ ]
2.6.3	Method of Disposing of Variance. (Describe on a continuation sheet the basis, for, and the frequency of, the disposition of the variance.)	Direct Labor Category: Manufacturing (1)	Engineering (2)	Other Direct (3)
	A. Prorated between inventories and cost of goods sold	[ ]	[ ]	[ ]
	B. Charged or credited only to cost of goods sold	[ ]	[ ]	[ ]

FORM CASB-DS-1 - 8 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART II - DIRECT COSTS

Item No.	ITEM DESCRIPTION			
2.6.3	Continued			
	C. Charged or credited only to overhead	[ ]	[ ]	[ ]
	Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
	Z. Labor category is not applicable	[ ]	[ ]	[ ]

2.6.4 Revisions. Standard costs for direct labor are revised:

A. [ ] Semiannually B. [ ] Annually

C. [ ] Revised as needed, but at least once annually Y. [ ] Other(s) (Describe on a continuation sheet.)

2.7.0 Credits to Contract Costs. When Government contracts or similar cost objectives are credited for the following circumstances, are the rates of direct labor, direct materials, other direct costs and applicable indirect costs always the same as those for the original charges? (Check one block for each circumstance, and for each "No" answer, explain on a continuation sheet how the credit differs from original charge.)

Circumstance	A. Yes	B. No	Z. Not Applicable
(a) Transfers to other jobs/ contracts	[ ]	[ ]	[ ]
(b) Unused or excess materials remaining upon completion of contract	[ ]	[ ]	[ ]

FORM CASB-DS-1 - 9 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART II - DIRECT COSTS

Item No.	ITEM DESCRIPTION
2.8.0	Interorganizational Transfers.

This item is directed only to those materials, supplies, and services which are, or will be, transferred to you from divisions, subsidiaries, or affiliates under common control with you.

(Check the appropriate block(s) in each column to indicate the basis used by you as transferee to charge the cost or price of interorganizational transfers of materials, supplies, and services to Government contracts or similar cost objectives. If more than one block is checked, explain on a continuation sheet. Full cost means the cost incurred as set forth in ASPR 15-205.22(a) or other pertinent procurement regulations.)

Basis	Materials (1)	Supplies (2)	Services (3)
A. At full cost excluding transferor's general and administrative (G&A) expenses	[ ]	[ ]	[ ]
B. At full cost including transferor's G&A expenses	[ ]	[ ]	[ ]
C. At full cost (A or B above) plus a markup percentage	[ ]	[ ]	[ ]
D. At established catalog or market price or prices based on adequate competition	[ ]	[ ]	[ ]
Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
Z. Interorganizational transfers are not applicable	[ ]	[ ]	[ ]

FORM CASB-DS-1 - 10 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART III - DIRECT VS. INDIRECT

Item No.	ITEM DESCRIPTION
3.1.0	Criteria for Determining How Costs are Charged to Government Contracts or Similar Cost Objectives. (Describe on a continuation sheet your criteria for determining whether costs are charged directly or indirectly.)
3.2.0	Treatment of Costs of Specified Functions, Elements of Cost, or Transactions. (For each of the functions, elements of cost or transactions listed in Items 3.2.1, 3.2.2, and 3.2.3, enter one of the Codes A through F, or Y, to indicate how the item is treated. Enter Code Z in those blocks that are not applicable to you. Also, specify the name(s) of the indirect pool(s) for each function, element of cost, or transaction Coded E or F. If Code E, Sometimes direct/Sometimes indirect, is used and if there is a deviation from the criteria described in response to Item 3.1.0, explain on a continuation sheet the circumstances involved which cause the deviation.)

Treatment Code

A. Direct material
B. Direct labor
C. Direct material and labor
D. Other direct costs
E. Sometimes direct/ Sometimes indirect
F. Indirect only
Y. Other(s) (Describe on a continuation sheet.)
Z. Not applicable

3.2.1 Functions, Elements of Cost, or Transactions Relative to Direct Materials	Treatment Code	Name of Pool(s)
(a) Cash discounts on purchases	[ ]	
(b) Freight in	[ ]	
(c) Income from sale of scrap	[ ]	
(d) Income from sale of salvage	[ ]	
(e) Incoming material inspection	[ ]	
(f) Inventory adjustments	[ ]	
(g) Purchasing	[ ]	
(h) Trade discounts, refunds, rebates, and allowances on purchases	[ ]	

FORM CASB-DS-1 - 11 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART III - DIRECT VS. INDIRECT

Item No.	ITEM DESCRIPTION	Treatment Code	Name of Pool(s)
3.2.2	Functions, Elements of Cost, or Transactions Relative to Direct Labor		
	(a) Health insurance	[ ]	
	(b) Holiday differential (premium pay)	[ ]	
	(c) Overtime premium pay	[ ]	
	(d) Pension costs	[ ]	
	(e) Shift premium pay	[ ]	
	(f) Training	[ ]	
	(g) Travel and subsistence	[ ]	
	(h) Vacation pay	[ ]	
3.2.3	Functions, Elements of Cost, or Transactions Miscellaneous		
	(a) Design engineering (in-house)	[ ]	
	(b) Drafting (in-house)	[ ]	
	(c) Computer operations (in-house)	[ ]	
	(d) Contract administration	[ ]	
	(e) Freight out (finished product)	[ ]	
	(f) Line (or production) inspection	[ ]	
	(g) Packaging and preservation	[ ]	
	(h) Preproduction costs and start-up costs	[ ]	
	(i) Production shop supervision	[ ]	

FORM CASB-DS-1 - 12 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART III - DIRECT VS. INDIRECT

Item No.	ITEM DESCRIPTION	Treatment Code	Name of Pool(s)
3.2.3	Continued		
	(j) Professional services (consultant fees)	[ ]	
	(k) Purchased labor of direct nature (on premises)	[ ]	
	(l) Purchased labor of direct nature (off premises)	[ ]	
	(m) Rearrangement costs	[ ]	
	(n) Rework costs	[ ]	
	(o) Royalties	[ ]	
	(p) Scrap work	[ ]	
	(q) Special test equipment (as defined in ASPR 15-205.40 or other pertinent procurement regulations)	[ ]	
	(r) Special tooling (as defined in ASPR 15-205.40 or other pertinent procurement regulations)	[ ]	
	(s) Subcontract costs	[ ]	
	(t) Warranty costs	[ ]	
3.3.0	Other Costs Charged Direct to Contracts. (Describe on a continuation sheet all other significant functions, elements of cost, or transactions charged to Government contracts or similar cost objectives as direct material, direct labor or other direct costs. Do not include functions or costs covered in Items 2.1.0, 2.5.0, and 3.2.0 which are always charged direct. Describe also whether there are any deviations from the criteria set out in Item 3.1.0 with respect to any continuation sheet items.)		

FORM CASB-DS-1 - 13 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART IV - INDIRECT COSTS

Item No.	ITEM DESCRIPTION
	Instructions for Part IV
	For the purpose of this part, indirect costs have been divided into three categories: (i) manufacturing, engineering, and comparable indirect costs, (ii) general and administrative (G&A) expenses, and (iii) service center costs, as defined in Item 4.3.0. The term "overhead," as used in this part, refers only to the first category of indirect costs.
	The following Allocation Base Codes are provided for use in connection with Items 4.1.0, 4.2.0 and 4.3.0. Educational institutions, to which ASPR XV, Part 3 applies, may enter Code Y for Items 4.1.0(n), 4.2.0(n) and 4.3.0(1), and describe on a continuation sheet the indirect cost pools and the bases for allocating such pools of expenses to Government contracts or similar cost objectives.
	A. Sales B. Cost of sales C. Cost input (direct material, direct labor, other direct costs and applicable overhead) D. Total cost incurred (cost input plus G&A expenses) E. Prime cost (direct material, direct labor and other direct cost) F. Processing or conversion cost (direct labor and applicable overhead) G. Direct labor dollars H. Direct labor hours I. Machine hours J. Usage K. Unit of product L. Direct material cost M. Total payroll dollars (direct and indirect employees) N. Headcount or number of employees (direct and indirect employees) O. Square feet Y. Other(s) or more than one basis (Describe on a continuation sheet.) Z. Pool not applicable
4.1.0	Overhead Pools and Allocation Bases. (Enter for each type of overhead pool one of the Allocation Base Codes A through O or Y, to indicate the basis for allocating such pool of expenses to Government contracts or similar cost objectives, i.e., allocation to these final cost objectives without any intermediate allocations. Enter Code Z in those blocks for types of pools that are not applicable to the reporting unit; however, if you use a single plant-wide pool, Lines (b) through (n) may be left blank.)

Type of Pool	Allocation Base Code
(a) Single, plant-wide pool (If an entry other than "Z" is made here, skip to Item 4.2.0)	[ ]

FORM CASB-DS-1 - 14 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART IV - INDIRECT COSTS

Item No.	ITEM DESCRIPTION	Allocation Base Code
4.1.0	Continued	
	Type of Pool	
	(b) Manufacturing	[ ]
	(c) Engineering	[ ]
	(d) Manufacturing and Engineering	[ ]
	(e) Tooling	[ ]
	(f) Off-site or out-plant (geographical pool)	[ ]
	(g) Field service	[ ]
	(h) Material handling	[ ]
	(i) Departmental/shop	[ ]
	(j) Subcontract administration	[ ]
	(k) Use and occupancy	[ ]
	(l) Quality control	[ ]
	(m) Fringe benefits	[ ]
	(n) Other pools (Enter Code Y on this line if other pools are used and identify on a continuation sheet each such pool and its Allocation Base Code. If no other pools are used, enter Code Z.)	[ ]
4.2.0	Reporting Unit's G&A Pools and Allocation Bases. (Enter for each type of G&A pool one of the Allocation Base Codes A through O, or Y, listed on Page 14 to indicate the basis for allocating G&A to Government contracts or similar cost objectives, i.e., allocation to these final cost objectives without any intermediate allocations. Enter Code Z in those blocks for types of pools that are not applicable to the reporting unit; however, if an entry other than "Z" is made on Line (a), (b), (c) or (d), Lines (e) through (n) may be left blank.)	
	Type of Pool	
	(a) Single G&A pool only	[ ]

FORM CASB-DS-1 - 15 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART IV - INDIRECT COSTS

Item No.	ITEM DESCRIPTION
4.2.0	Continued

No Separate G&A Pool	Allocation Base Code
(b) Combined with single, plant-wide overhead pool	[ ]
(c) Combined with manufacturing overhead	[ ]
(d) Combined with engineering overhead	[ ]
More Than One Pool	
(e) General and administrative	[ ]
(f) Commercial - General and administrative	[ ]
(g) Government - General and administrative	[ ]
(h) Selling or marketing expense	[ ]
(i) Independent research and development (IR&D) costs	[ ]
(j) Bidding and proposal (B&P) costs	[ ]
(k) IR&D and B&P costs	[ ]
(l) Spares administration	[ ]
(m) Corporate or home office expense	[ ]
(n) Other pools (Enter Code Y on this line if other pools are used and identify on a continuation sheet each such pool and its Allocation Base Code. If no other pools are used, enter Base Code Z.)	[ ]

4.3.0 Service Centers and Allocation Bases.

Service centers are departments or other functional units which perform specific technical and/or administrative services for the benefit of other units within a reporting unit.

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART IV - INDIRECT COSTS

Item No.	ITEM DESCRIPTION
4.3.0	Continued

Category Code

Generally, costs incurred by such centers are, or can be, charged or allocated (i) partially to specific final cost objectives as direct costs and partially to other indirect cost pools (such as a manufacturing overhead pool) for subsequent reallocation to several final cost objectives, referred to herein as Category "A", and (ii) only to several other indirect cost pools (such as manufacturing overhead pool, engineering overhead pool and G&A expense pool) for subsequent reallocation to several final cost objectives, referred to herein as Category "B".

Rate Code

Some service centers may use predetermined billing or costing rates to charge or allocate the costs (Rate Code A) while others may charge or allocate on an actual basis (Rate Code B).

(Enter in Column (1) for each service center, Code A or B to indicate the category of pool. Enter in Column (2) one of the Allocation Base Codes A through O, or Y, listed on Page 14, to indicate the basis of charging or allocating service center costs. Enter in Column (3) Rate Code A or B to describe the costing method used. Enter Code Z in Column (1) only, if any service center is not applicable to the reporting unit.)

Service Center	Category Code (1)	Allocation Base Code (2)	Rate Code (3)
(a) Scientific computer operations	[ ]	[ ]	[ ]
(b) Business data processing	[ ]	[ ]	[ ]
(c) Photography services	[ ]	[ ]	[ ]
(d) Reproduction services	[ ]	[ ]	[ ]
(e) Art services	[ ]	[ ]	[ ]
(f) Technical typing services	[ ]	[ ]	[ ]
(g) Communication services	[ ]	[ ]	[ ]
(h) Facility services (maintenance, etc.)	[ ]	[ ]	[ ]

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART IV - INDIRECT COSTS

Item No.	ITEM DESCRIPTION
4.3.0	Continued

Service Center	Category Code (1)	Allocation Base Code (2)	Rate Code (3)
(i) Auto pool services	[ ]	[ ]	[ ]
(j) Company aircraft services	[ ]	[ ]	[ ]
(k) Wind tunnels	[ ]	[ ]	[ ]
(l) Other service centers (Enter Code Y on this line if other service centers are used and identify on a continuation sheet each such service center, its Category Code, Allocation Base Code, and Rate Code. If no other service centers are used, enter Code Z.)	[ ]	[ ]	[ ]

4.4.0 Treatment of Variances from Actual Cost (Underabsorption or Overabsorption). Where predetermined billing or costing rates are used to charge costs of service centers to Government contracts or other indirect cost pools (Rate Code A in Column (3) of Item 4.3.0), variances from actual costs are: (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.)

A. [ ] Prorated to users on the basis of charges made, at least once annually

B. [ ] All charged or credited to indirect cost pool(s) at least once annually

Y. [ ] Other(s) (Describe on a continuation sheet.)

Z. [ ] Service center is not applicable to reporting unit

4.5.0 Major Types of Indirect Costs. (For each pool coded other than Z in Items 4.1.0, 4.2.0, and 4.3.0, list on a continuation sheet the major functions, activities, and elements of cost included.)

4.6.0 Allocation Base. (For each allocation base code used in Items 4.1.0, 4.2.0 and 4.3.0, describe on a continuation sheet the makeup of the base; for example, if direct labor dollars is used, are overtime premium, fringe benefits, etc., included?)

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART IV - INDIRECT COSTS

Item No.	ITEM DESCRIPTION
4.7.0	Application of Overhead and G&A Rates to Specified Transactions or Costs.

This item is directed to ascertaining your practice in special situations where, in lieu of establishing a separate indirect cost pool, allocation is made from an established overhead or G&A pool at less than the normal full rate for that pool. The term "less than full rate" below applies to this type of indirect cost allocation practice. The term does not apply to situations where, as in some cases of off-site activities, etc., a separate indirect cost pool and base are used and the rate of such activities is lower than the "in-house" rate.

(For each of the transactions or costs listed below, enter one of the following codes to indicate your indirect cost allocation practice with respect to that transaction or cost. If Code A, Less than full rate, is entered, describe on a continuation sheet the major types of expenses that are covered by such a rate. If Code B, Full rate, is entered, identify on a continuation sheet the pool(s) reported under Items 4.1.0, 4.2.0 and 4.3.0 which are applicable. If Code C, Combination of A and B, is entered, describe on a continuation sheet the applicable expense and pool data.)

Rate Code

A. Less than full rate
B. Full rate
C. Combination of A and B
D. No overhead or G&A is applied
Z. Transaction or cost is not applicable to reporting unit

Transaction or Cost to Which Indirect Costs May Be Allocated	Rate Code
(a) Subcontract costs	[ ]
(b) Purchased labor	[ ]
(c) Government-furnished materials	[ ]
(d) Interorganizational transfers in	[ ]
(e) Interorganizational transfers out	[ ]
(f) Self-constructed depreciable assets	[ ]

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART IV - INDIRECT COSTS

Item No.	ITEM DESCRIPTION
4.7.0	Continued
	(g) Labor on installation of assets [ ]
	(h) Off-site work [ ]
	(i) Other transactions or costs (Enter Code A on this line if there are other transactions or costs to which less than full rate is applied. List such transactions or costs on a continuation sheet, and for each describe the major types of expenses covered by such a rate. If there are no other such transactions or costs, enter Code Z.) [ ]
4.8.0	Independent Research and Development (IR&D) and Bidding and Proposal (B&P) Costs.
4.8.1	Independent Research and Development. IR&D costs are defined in ASPR 15-205.35 or other pertinent procurement regulations, as revised. The full rate of all allocable manufacturing, engineering, and/or other overhead is applied to IR&D costs as if IR&D projects were under contract, and the "burdened" IR&D costs are: (Check one.)
	A. [ ] Allocated to Government contracts or similar cost objectives as part of the G&A rate
	B. [ ] Allocated as a separate IR&D rate
	C. [ ] Transferred to the corporate or home office level. The corporate or home office level IR&D costs are subsequently allocated back to the reporting unit for allocation as part of the unit's G&A rate
	D. [ ] Treated the same as C above, except that the IR&D costs are allocated as a separate IR&D rate
	Y. [ ] Other (Describe on a continuation sheet.)
	Z. [ ] Not applicable
4.8.2	Bidding and Proposal. B&P costs as defined in ASPR 15-205.3 or other pertinent procurement regulations, as revised, are treated as follows: (Check one.)
	A. [ ] Same as IR&D costs as checked above
	Y. [ ] Other (Describe on a continuation sheet.)

FORM CASB-DS-1

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART V - DEPRECIATION AND CAPITALIZATION PRACTICES

Item No.	ITEM DESCRIPTION
5.1.0	Depreciating Tangible Assets for Government Contract Costing. (For each of the asset categories listed on Page 22, enter a code from A through G in Column (1) describing the method of depreciation (Code F for assets that are expensed); a code from A through E in Column (2) describing the basis for determining useful life; a code from A through C in Column (3) describing how depreciation methods or use charges are applied to property units; and a Code A, B or C in Column (4) indicating whether or not residual value is deducted from the total cost of depreciable assets. Enter Code Y in each column of an asset category where another or more than one method applies. Enter Code Z in Column (1) only, if an asset category is not applicable.)

Column (1) - Depreciation Method Code

A. Straight-line
B. Declining balance
C. Sum-of-the-years digits
D. Machine hours
E. Unit of production
F. Expensed at acquisition
G. Use charge
Y. Other or more than one method (Describe on a continuation sheet.)
Z. Asset category is not applicable

Column (2) - Useful Life Code

A. U.S. Treasury Department "guideline lives"
B. Replacement experience
C. Term of Lease
D. Engineering estimate
E. As prescribed for use charge by the Office of Management and Budget Circular No. A-21.
Y. Other or more than one method (Describe on a continuation sheet.)

Column (3) - Property Units Code

A. Individual units are accounted for separately
B. Applied to groups of assets with similar service lives
C. Applied to groups of assets with varying service lives
Y. Other or more than one method (Describe on a continuation sheet.)

Column (4) - Residual Value Code

A. Residual value is deducted
B. Residual value is covered by the depreciation method (e.g., declining balance)
C. Residual value is not deducted
Y. Other or more than one method (Describe on a continuation sheet.)

FORM CASB-DS-1

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART V - DEPRECIATION AND CAPITALIZATION PRACTICES

Item No.	ITEM DESCRIPTION
5.1.0	Continued

Asset Category	Depreciation Method Code (1)	Useful Life Code (2)	Property Units Code (3)	Residual Value Code (4)
(a) Land improvements	[ ]	[ ]	[ ]	[ ]
(b) Building	[ ]	[ ]	[ ]	[ ]
(c) Building improvements	[ ]	[ ]	[ ]	[ ]
(d) Leasehold improvements	[ ]	[ ]	[ ]	[ ]
(e) Machinery and equipment	[ ]	[ ]	[ ]	[ ]
(f) Furniture and fixtures	[ ]	[ ]	[ ]	[ ]
(g) Automobiles and trucks	[ ]	[ ]	[ ]	[ ]
(h) Data processing equipment	[ ]	[ ]	[ ]	[ ]
(i) Programming/reprogramming costs	[ ]	[ ]	[ ]	[ ]
(j) Patterns and dies	[ ]	[ ]	[ ]	[ ]
(k) Tools	[ ]	[ ]	[ ]	[ ]
(l) Other depreciable asset categories (Enter Code Y on this line if other asset categories are used and enumerate on a continuation sheet each such asset category and the applicable codes. Otherwise enter Code Z.)	[ ]	[ ]	[ ]	[ ]

FORM CASB-DS-1

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART V - DEPRECIATION AND CAPITALIZATION PRACTICES

Item No.	ITEM DESCRIPTION
5.2.0	Depreciation Practices for Costing, Financial Accounting, and Income Tax. Are depreciation practices the same for costing Government contracts as for financial accounting and income tax? (Check one block on each line. Educational institutions and not-for-profit organizations need not complete this item.)

Financial Accounting	A. Yes	B. No
(a) Methods	[ ]	[ ]
(b) Useful lives	[ ]	[ ]
(c) Property units	[ ]	[ ]
(d) Residual values	[ ]	[ ]
Income Tax		
(e) Methods	[ ]	[ ]
(f) Useful lives	[ ]	[ ]
(g) Property units	[ ]	[ ]
(h) Residual values	[ ]	[ ]

Item No.	ITEM DESCRIPTION
5.3.0	Fully Depreciated Assets. Is a usage charge for fully depreciated assets charged to Government contracts? (Check one. If Yes, describe the basis for the charge on a continuation sheet.)

A. [ ] Yes B. [ ] No Z. [ ] Not applicable

Item No.	ITEM DESCRIPTION
5.4.0	Treatment of Gains and Losses on Disposition of Depreciable Property. Gains and losses are: (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.)

A. [ ] Credited or charged currently to the same overhead or G&A pools to which the depreciation of the assets was charged

B. [ ] Taken into consideration in the depreciation cost basis of the new items, where trade-in is involved

C. [ ] Not accounted for separately, but reflected in the depreciation reserve account.

FORM CASB-DS-1

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART V - DEPRECIATION AND CAPITALIZATION PRACTICES

Item No.	ITEM DESCRIPTION
5.4.0	Continued D. [ ] Credited or charged to Other (Miscellaneous) Income and Expense accounts Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable
5.5.0	Capitalization or Expensing of Specified Costs. (Check one block on each line to indicate your practices regarding capitalization or expensing of specified costs incurred in connection with capital assets. If the same specified cost is sometimes expensed and sometimes capitalized, check both blocks and describe on a continuation sheet the circumstances when each method is used.)

Cost	A. Expensed	B. Capitalized
(a) Freight-in	[ ]	[ ]
(b) Installation costs	[ ]	[ ]
(c) Sales taxes	[ ]	[ ]
(d) Excise taxes	[ ]	[ ]
(e) Architect-engineer fees	[ ]	[ ]
(f) Overhauls (extraordinary repairs)	[ ]	[ ]
(g) Major modifications or betterments	[ ]	[ ]

5.6.0	Criteria for Capitalization. (Enter (a) the minimum dollar amount of expenditures for acquisition, addition, alteration and improvement of depreciable assets, capitalized, and (b) the minimum number of expected life years of capitalized assets. Use leading zeros for dollar amount, e.g., 0150 for $150. If more than one dollar amount or number applies, show the information for the majority of your depreciable assets, and enumerate on a continuation sheet the dollar amounts and/or number of years for each category or subcategory of assets involved which differ from those for the majority of assets.) (a) Minimum dollar amount [ ][ ][ ][ ] (b) Minimum life years [ ]

FORM CASB-DS-1 - 24 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART V - DEPRECIATION AND CAPITALIZATION PRACTICES

Item No.	ITEM DESCRIPTION
5.7.0	Group or Mass Purchase. Are group or mass purchases (initial complement) of similar items, which individually are less than the capitalization amount indicated above, capitalized? (Check one.) A. [ ] Yes B. [ ] No

FORM CASB-DS-1 - 25 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VI - OTHER COSTS AND CREDITS

Item No.	ITEM DESCRIPTION
6.1.0	Method of Charging and Crediting Vacation, Holiday and Sick Pay. (Check the appropriate block(s) in each column of Items 6.1.1 and 6.1.2 to indicate the method used to charge, or credit any unused or unpaid, vacation, holiday, or sick pay for direct and indirect labor. If more than one method is checked, explain on a continuation sheet.)

6.1.1 Charges	Direct Labor (1)	Indirect Labor (2)
A. When accrued (earned)	[ ]	[ ]
B. When taken	[ ]	[ ]
Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]

6.1.2 Credits for Unused or Unpaid Vacation, Holiday, or Sick Pay		
A. Credited to Government contracts at least once annually	[ ]	[ ]
B. Credited to indirect cost pools at least once annually	[ ]	[ ]
C. Credited to Other (Miscellaneous) Income	[ ]	[ ]
D. Not Credited	[ ]	[ ]
Y. Other(s) (Describe on a continuation sheet.)	[ ]	[ ]

6.2.0	Supplemental Unemployment (Extended Layoff) Benefit Plans. Costs of such plans are charged to Government contracts: (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.) A. [ ] When actual payments are made directly to employees B. [ ] When accrued (book accrual or funds set aside but no trust fund involved) C. [ ] When contributions are made to a nonforfeitable trust fund D. [ ] Not charged

FORM CASB-DS-1 - 26 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VI - OTHER COSTS AND CREDITS

Item No.	ITEM DESCRIPTION
6.2.0	Continued Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable
6.3.0	Severance Pay. Costs of normal turnover severance pay, as defined in ASPR 15-205.39(b)(1) or other pertinent procurement regulations, which are charged directly or indirectly to Government contracts, are based on: (Check the appropriate block(s) and if more than one is checked, explain on a continuation sheet.) A. [ ] Actual payments made B. [ ] Accrued amounts on the basis of past experience C. [ ] Not charged Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable
6.4.0	Incidental Receipts. (Check the appropriate block(s) to indicate the method used to account for receipts from renting real and personal property or selling services when related costs have been charged to Government contracts. If more than one is checked, explain on a continuation sheet.) A. [ ] The entire amount of the receipt is credited to the same indirect cost pools to which related costs have been charged B. [ ] The amount of the receipt, less an allowance for profits, is credited to the same indirect cost pools to which related costs have been charged; the profits are credited to Other (Miscellaneous) Income C. [ ] The entire amount of the receipt is credited directly to Other (Miscellaneous) Income Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable

FORM CASB-DS-1 - 27 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VI - OTHER COSTS AND CREDITS

Item No.	ITEM DESCRIPTION
6.6.0	Proceeds from Employee Welfare Activities. Employee welfare activities include all of those activities set forth in ASPR 15-205.10(a) or other pertinent procurement regulations. (Check the appropriate block(s) to indicate the practice followed in accounting for the proceeds from such activities. If more than one is checked, explain on a continuation sheet.) A. [ ] Proceeds are turned over to an employee-welfare organization or fund; such proceeds are reduced by all applicable costs such as depreciation, heat, light and power B. [ ] Same as above, except the proceeds are not reduced by all applicable costs C. [ ] Proceeds are credited at least once annually to the appropriate indirect cost pools to which costs have been charged D. [ ] Proceeds are credited to Other (Miscellaneous) Income Y. [ ] Other(s) (Describe on a continuation sheet.) Z. [ ] Not applicable

FORM CASB-DS-1 - 28 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS

Item No.	ITEM DESCRIPTION
	Instructions for Part VII This part covers pension costs and certain types of deferred incentive compensation and insurance costs. Some organizations may record all of these costs at the corporate or home office level, while others may record them at subordinate organization levels. Still others may record a portion of these costs at the corporate or home office level and the balance at subordinate organization levels. Reporting units, therefore, should obtain the necessary information from the organizational level at which such costs are recorded.
7.1.0	Pension Costs. The actuarial terms used in this item are defined in Opinion Number 8 of the Accounting Principles Board, American Institute of Certified Public Accountants.
7.1.1	Pension Plans Charged to Government Contracts. Does your organization have one or more pension plans whose costs are charged to Government contracts? (Check one.) A. [ ] Yes (If Yes, list each such plan on a continuation sheet. Indicate the approximate number and type of employees covered by each plan and whether the plan is, or is not, qualified under Internal Revenue Service criteria. Complete Items 7.1.2 through 7.1.9 for the three plans covering the greatest number of employees whose pension costs are charged to Government contracts.) B. [ ] No (If No, skip to Item 7.2.0.)
7.1.2	Extent of Funding. (Check one block for each plan. In the event the amount funded for each plan is different from the amount charged on the books of account, describe the difference on a continuation sheet.)

	Plan I	Plan II	Plan III
A. Normal costs only	[ ]	[ ]	[ ]
B. Normal costs plus interest on past or prior service costs	[ ]	[ ]	[ ]
C. Normal costs plus an amortized portion of past or prior service costs	[ ]	[ ]	[ ]
Y. Other (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
Z. Not applicable	[ ]	[ ]	[ ]

FORM CASB-DS-1 - 29 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS

Item No.	ITEM DESCRIPTION
7.1.3	Actuarial Cost Method. (Check one block for each plan to show the method used to compute normal and past or prior service costs.)

	Plan I	Plan II	Plan III
A. Accrued benefit cost	[ ]	[ ]	[ ]
B. Aggregate	[ ]	[ ]	[ ]
C. Attained age--initial liability frozen	[ ]	[ ]	[ ]
D. Attained age--initial liability not frozen	[ ]	[ ]	[ ]
E. Entry age--initial liability frozen	[ ]	[ ]	[ ]
F. Entry age--initial liability not frozen	[ ]	[ ]	[ ]
G. Individual level premium	[ ]	[ ]	[ ]
Y. Other (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
Z. Not applicable	[ ]	[ ]	[ ]

7.1.4 Frequency of Actuarial Reevaluations. (Check one block for each plan.)

	Plan I	Plan II	Plan III
A. Annually	[ ]	[ ]	[ ]
B. 2 - 3 years	[ ]	[ ]	[ ]
C. 4 - 5 years	[ ]	[ ]	[ ]
Y. Other (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
Z. Not applicable	[ ]	[ ]	[ ]

FORM CASB-DS-1 - 30 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS

Item No.	ITEM DESCRIPTION
7.1.5	Criteria for Changing Actuarial Computations and Assumptions. (Describe on a continuation sheet your criteria for determining when actuarial assumptions and computations for your funded plan(s) are changed.)
7.1.6	Amortization of Past or Prior Service Costs. (Check one block for each plan to show the period over which past or prior service costs are amortized.)

	Plan I	Plan II	Plan III
A. 10 years or less	[ ]	[ ]	[ ]
B. 11 - 20 years	[ ]	[ ]	[ ]
C. 21 - 40 years	[ ]	[ ]	[ ]
Y. More than one amortization schedule (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
Z. Not applicable	[ ]	[ ]	[ ]

7.1.7 Adjustment for Actuarial Gains and Losses. (Check one block for each plan to show the period for which costs are adjusted for actuarial gains and losses. If actuarial losses for a plan are treated differently from actuarial gains, describe the difference on a continuation sheet.)

	Plan I	Plan II	Plan III
A. Adjustment of past service costs	[ ]	[ ]	[ ]
B. Adjustment of current year's costs	[ ]	[ ]	[ ]
C. Adjustment of future years' costs	[ ]	[ ]	[ ]
Y. Other (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
Z. Not applicable	[ ]	[ ]	[ ]

FORM CASB-DS-1 - 31 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS

Item No.	ITEM DESCRIPTION
7.1.8	Unrealized Gains and Losses. Do the actuarial gains and losses reported in Item 7.1.7 above include unrealized gains and losses? (Check one block for each plan. If Yes is checked, describe the method of recognition of such gains and losses on a continuation sheet.)

	Plan I	Plan II	Plan III
A. Yes	[ ]	[ ]	[ ]
B. No	[ ]	[ ]	[ ]
Z. Not applicable	[ ]	[ ]	[ ]

7.1.9 Amortization of Actuarial Gains and Losses. (Check one block for each plan to show the period over which actuarial gains and losses are amortized. If the amortization of actuarial losses for a plan is treated differently from the amortization of actuarial gains, describe the difference on a continuation sheet.)

	Plan I	Plan II	Plan III
A. 10 years or less	[ ]	[ ]	[ ]
B. 11 - 20 years	[ ]	[ ]	[ ]
C. More than 20 years	[ ]	[ ]	[ ]
Y. Other (Describe on a continuation sheet.)	[ ]	[ ]	[ ]
Z. Not applicable	[ ]	[ ]	[ ]

7.2.0 Deferred Incentive Compensation Charged to Government Contracts.

7.2.1 Deferred Incentive Compensation. Does your organization award deferred incentive compensation (i.e., profit sharing, stock bonus, etc.) which is charged to Government contracts? (Check one.)

A. [ ] Yes (If Yes is checked, list each plan by name or title on a continuation sheet and show the approximate number and type of employees covered. Complete Items 7.2.2 and 7.2.3 for the three plans covering the greatest number of employees whose deferred incentive compensation cost is charged to Government contracts.)

B. [ ] No (If No is checked, skip to Item 7.3.0.)

FORM CASB-DS-1 - 32 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS

Item No.	ITEM DESCRIPTION
7.2.2	Qualification of Plan. (Check one block for each plan.)

	Plan I	Plan II	Plan III
A. Qualifies under section 401(a) of the Internal Revenue Code of 1954, as amended	[ ]	[ ]	[ ]
B. Does not qualify under section 401(a) of the Internal Revenue Code of 1954, as amended	[ ]	[ ]	[ ]

7.2.3 Method of Charging Costs to Government Contracts. (Check one block for each plan.)

	Plan I	Plan II	Plan III
A. When accrued	[ ]	[ ]	[ ]
B. When contributions are made to a trust fund	[ ]	[ ]	[ ]
C. When paid directly to employees	[ ]	[ ]	[ ]
D. When other "nonqualified" payments are made	[ ]	[ ]	[ ]
Y. Other or more than one method (Describe on a continuation sheet.)	[ ]	[ ]	[ ]

7.3.0 Employee Group Insurance Charged to Government Contracts. (Includes coverage for life, hospital, surgical, medical, long-term disability, accident, etc.)

7.3.1 Method of Providing Insurance. (Check one.)

A. [ ] All by purchase

B. [ ] All self-insured (If checked, skip to Item 7.4.0.)

C. [ ] Combination of A and B above (Describe on a continuation sheet.)

Z. [ ] Not applicable (If checked, skip to Item 7.5.0.)

FORM CASB-DS-1 - 33 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS

Item No.	ITEM DESCRIPTION
7.3.2	Type of Purchased Insurance Plans. (Check one.)

A. [ ] Retrospective rating (also called experience rating plan or retention plan)

B. [ ] Manually rated

Y. [ ] Other or more than one type (Describe on a continuation sheet.)

7.3.3 Treatment of Earned Refunds and Dividends from Purchased Insurance Plans. Refunds are also called experience rating credits or retroactive rating credits. All earned refunds and dividends allocable to Government contracts: (Check one.)

A. [ ] Are credited directly or indirectly to contracts in the policy year earned, in the same manner as the premiums are charged

B. [ ] Are credited directly or indirectly to contracts in the year received in the same manner as the premiums are charged, not necessarily in the year earned

C. [ ] Which are estimated to be received in the future are accrued each year, as applicable, to currently reflect the net annual cost of the insurance

D. [ ] Or portions thereof are not credited or refunded to the contractor each year and are retained by the carriers as reserves. (If D is checked, describe on a continuation sheet (i) the purposes of the reserves, other than "claims reserves" retained by carriers and (ii) whether such reserves are refundable on call or upon termination of the policies, clauses, or auxiliary agreements which provide for reserve retentions.)

Y. [ ] Other or more than one method (Describe on a continuation sheet.)

7.3.4 Employee Contributions (Contributory Purchased Insurance Plans). (Check one.)

A. [ ] Plans provide that employees contribute fixed amount, employer is responsible for balance

B. [ ] Plans provide for fixed percentage participation by both employer and employee

FORM CASB-DS-1 - 34 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS

Item No.	ITEM DESCRIPTION
7.3.4	Continued

Y. [ ] Other or more than one method (Describe on a continuation sheet.)

Z. [ ] Not applicable

7.3.5 Employee Sharing in Refunds and Dividends (Contributory Purchased Insurance Plans). (Check one.)

A. [ ] Employees do not participate in refunds and dividends unless employer's contribution is less than the refunds and dividends

B. [ ] Employees share in refunds and dividends in the same fixed amount or percentage ratio as their contributions to premium costs

C. [ ] Employees do not share in refunds and dividends

Y. [ ] Other or more than one method (Describe on a continuation sheet.)

Z. [ ] Not applicable

7.4.0 Self-Insurance Programs (Employee Group Insurance). Costs of the self-insurance programs are charged to Government contracts: (Check one.)

A. [ ] When accrued (book accrual only)

B. [ ] When contributions are made to a nonforfeitable fund

C. [ ] When contributions are made to a forfeitable fund

D. [ ] When the benefits are paid to employees

E. [ ] When amounts are paid to an employee welfare plan or union

Y. [ ] Other or more than one method (Describe on a continuation sheet.)

Z. [ ] Not applicable

FORM CASB-DS-1 - 35 -

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS
Item No.	ITEM DESCRIPTION
7.5.0	Workmen's Compensation, Liability and Casualty Insurance (Purchased Insurance Only). All allocable earned refunds and dividends under retrospectively rated workmen's compensation and liability insurance policies, and dividends and deposit refunds under casualty insurance policies, are: (Check one.) A. [ ] Credited directly or indirectly to Government contracts in the year earned B. [ ] Credited directly or indirectly to Government contracts in the year received, not necessarily in the year earned C. [ ] Accrued each year, as applicable, to currently reflect the net annual cost of the insurance D. [ ] Not credited or refunded to the contractor but are retained by the carriers as reserves Y. [ ] Other or more than one method (Describe on a continuation sheet.) Z. [ ] Not applicable
7.6.0	Self-Insurance Programs (Workmen's Compensation, Liability and Casualty Insurance)
7.6.1	Workmen's Compensation and Liability. Costs of such self-insurance programs are charged to Government contracts: (Check one.) A. [ ] When claims are paid or losses are incurred (no provision for reserves) B. [ ] When provisions for reserves are recorded based on the present value of the liability C. [ ] When provisions for reserves are recorded based on the full or undiscounted value, as contrasted with present value, of the liability D. [ ] When funds are set aside or contributions are made to a fund Y. [ ] Other or more than one method (Describe on a continuation sheet.) Z. [ ] Not applicable

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VII - DEFERRED COMPENSATION AND INSURANCE COSTS
Item No.	ITEM DESCRIPTION
7.6.2	Casualty Insurance. Costs of such self-insurance programs are charged to Government contracts: (Check one.) A. [ ] When losses are incurred (no provision for reserves) B. [ ] When provisions for reserves are recorded based on replacement costs C. [ ] When provisions for reserves are recorded based on reproduction cost new less observed depreciation (market value) excluding the value of land and other indestructibles D. [ ] Losses are charged to retained earnings with no charge to contracts (no provision for reserves) Y. [ ] Other or more than one method (Describe on a continuation sheet.) Z. [ ] Not applicable

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VIII - CORPORATE OR GROUP EXPENSES
Item No.	ITEM DESCRIPTION
	FOR CORPORATE (HOME) OFFICE, OR GROUP (INTERMEDIATE MANAGEMENT) OFFICE, AS APPLICABLE (Includes home office type operations of joint ventures, partnerships, etc.) Sales data for this part should cover the most recently completed fiscal year. For a corporate (home) office, such data should cover the entire corporation. For a group office, they should cover the subordinate organizations managed by that group office. "Government Sales" includes sales under both prime contracts and subcontracts.
8.1.0	Annual Total Sales (Government and Commercial). (Check one.) A. [ ] Less than $50 million B. [ ] $50-$100 million C. [ ] $101-$200 million D. [ ] $201-$500 million E. [ ] $501 million-$1 billion F. [ ] Over $1 billion
8.2.0	Approximate Percentage of Government Sales to Annual Total Sales. (Check one.) A. [ ] Less than 5% B. [ ] 5%-10% C. [ ] 11%-25% D. [ ] 26%-50% E. [ ] 51%-80% F. [ ] Over 80%
8.3.0	Expenses or Pools of Expenses and Methods of Allocation. For classification purposes, three methods of allocation are defined: (i) Directly Chargeable--those expenses that are charged to specific corporate segments for centrally performed or purchased services; (ii) Separately Allocated --those individual or groups of expenses which are allocated only to a limited group of corporate segments; and (iii) Overall Allocation--the remaining expenses which are allocated to all or most corporate segments on an overall basis. Corporate segments, as used here, refer to divisions, product departments, plants, or profit centers of a corporation with production and, usually, profit responsibility, reporting to corporate headquarters directly or through intermediate organizations. The term includes Government-owned, contractor-operated (GOCO) plants, foreign operations, subsidiary corporations and joint ventures.

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VIII - CORPORATE OR GROUP EXPENSES
Item No.	ITEM DESCRIPTION

Allocation Base Codes

A. Sales	I. Machine hours
B. Cost of sales	J. Usage
C. Cost input (direct material, direct labor, other direct costs and applicable overhead)	K. Unit of product
D. Total cost incurred (cost input plus G&A expenses)	L. Direct material cost
E. Prime cost (direct material, direct labor, and other direct costs)	M. Total payroll dollars (direct and indirect employees)
F. Processing or conversion cost (direct labor and applicable overhead)	N. Headcount or number of employees (direct and indirect employees)
G. Direct labor dollars	O. Square feet
H. Direct labor hours	Y. Other or more than one basis (Describe on a continuation sheet)

(Enter the type of expenses or the name of the expense pool(s) and one of the Allocation Base Codes A through O, or Y, to indicate the basis of allocation. Use a continuation sheet if additional space is required.)

	Type of Expenses or Name of Pool of Expenses	Allocation Base Code
8.3.1	Directly Chargeable	
	(a)	[ ]
	(b)	[ ]
	(c)	[ ]
	(d)	[ ]
	(e)	[ ]
8.3.2	Separately Allocated	
	(a)	[ ]
	(b)	[ ]
	(c)	[ ]
	(d)	[ ]
	(e)	[ ]

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	CONTINUATION SHEET Page of Pages
Item No.	ITEM DESCRIPTION

FORM CASB-DS-1

COST ACCOUNTING STANDARDS BOARD DISCLOSURE STATEMENT REQUIRED BY PUBLIC LAW 91-379	PART VIII - CORPORATE OR GROUP EXPENSES
Item No.	ITEM DESCRIPTION
8.3.3	Overall Allocation (a) [ ] (b) [ ] (c) [ ] (d) [ ] (e) [ ]
8.4.0	Major Types of Expense. (For each pool reported in Items 8.3.1, 8.3.2 and 8.3.3, list on a continuation sheet the major functions, activities, and elements of cost included.)
8.5.0	Allocation Base. (For each Allocation Base used in Items 8.3.2 and 8.3.3, describe on a continuation sheet the makeup of the base; for example, if direct labor dollars is used, are overtime premium, fringe benefits, etc., included?)
8.6.0	Overall Allocation. Are expenses in this category, Item 8.3.3, allocated to all corporate segments? (Check one. If No is checked, list on a continuation sheet the names of excluded corporate segments and the reasons for their exclusion from the allocation.) A. [ ] Yes B. [ ] No
8.7.0	Transfer of Expenses. Are there normally transfers of expenses from corporate segments to corporate or group office? (Check one. If Yes is checked, identify on a continuation sheet the classifications of expense, the names of the corporate segments incurring the expense, and the corporate or group office pools in which the expenses are included.) A. [ ] Yes B. [ ] No
8.8.0	Fixed Management Charges. Are fixed amounts of expenses charged to any corporate segments in lieu of a prorata or allocation basis? (Check one. If Yes is checked, list on a continuation sheet the names of such corporate segments and the basis for making fixed management charges.) A. [ ] Yes B. [ ] No
8.9.0	Government-Owned/Contractor-Operated (GOCO) Plants. Are corporate or group office expenses allocated to GOCO plants? (Check one. If Yes is checked, describe on a continuation sheet the types of expenses involved and the method of allocation.) A. [ ] Yes B. [ ] No C. [ ] Not applicable

FORM CASB-DS-1

FEDERAL REGISTER, VOL. 37, NO. 40—TUESDAY, FEBRUARY 29, 1972

APPENDIX

PRINCIPAL PRODUCT OR SERVICE CODE

(For Item 1.3.0 of the Disclosure Statement)

The following codes and classification descriptions have been selected from the Standard Industrial Classification Manual, 1967, Executive Office of the President (Bureau of the Budget), which is used by U.S. Government agencies to classify establishment data by industry.

For the most part, only those industries which account for a major portion of defense contracting are specifically identified to a significant 4-digit level, that is, a code whose last two digits are each greater than zero. Where the specific industries are not relatively large in defense contracting terms, either a group code (ending in zero) or a major group code (ending in two zeros) is used. An exception to this rule is made when only one specific industry is assignable to a group, e.g., Metal Cases, Code 3411, is used because it is the only industry in Group 3410. One other exception applies to the group code rule: When a specific industry code is used and the group has two or more specific industries, the remaining industry codes within the group are consolidated into a group code ending in zero, e.g., Industrial Gases, is separately identified as Code 2813 and the remaining industries in the group are consolidated into a Group Code 2810 for all other industrial organic and inorganic chemicals.

To obtain the appropriate code for entry in Item 1.3.0 of the Disclosure Statement, each reporting organization should first examine the list of major-group descriptions below to determine which apply to the organization's products or services. Second, the specific codes and descriptions for the major group or groups should be reviewed to select the one code that most nearly identifies the product or service which accounted for most of the organization's sales or shipments in the base fiscal year used for the Disclosure Statement.

If research and development or modification and overhaul is associated with a product, use a specific manufactured product code (Codes 1911 through 3900) rather than a service code. For example, development work associated with aircraft should be coded 3721 (aircraft) rather than 7391 (commercial research and development laboratories).

Following are the major groups whose codes and descriptions are included:

I—Manufactured Products

19 Ordnance and Accessories.
20 Food and Kindred Products.
21 Tobacco Manufactures.
22 Textile Mill Products.
23 Apparel.
24 Lumber and Wood Products except Furniture.
25 Furniture and Fixtures.
26 Paper and Allied Products.
27 Printing, Publishing and Allied Industries.
28 Chemicals and Allied Products.
29 Petroleum Refining.
30 Rubber and Miscellaneous Plastic Products.
31 Leather and Leather Products.
32 Stone, Clay, Glass and Concrete Products.
33 Primary Metal Industries.
34 Fabricated Metal Products, except Ordnance Machinery and Transportation Equipment.
35 Machinery, except Electrical.
36 Electrical Machinery, Equipment and Supplies.
37 Transportation Equipment.
38 Professional, Scientific and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks.
39 Miscellaneous Manufactures.

II—Construction and Services

15 Building Construction.
16 Construction, other than Building Construction.
17 Construction, Special Trade Contractors.
40 Railroad Transportation.
42 Motor Freight Transportation and Warehousing.
44 Water Transportation.
45 Transportation by Air.
47 Transportation Services.
48 Communication.
73 Miscellaneous Business Services.
80 Medical and Other Health Services.
82 Educational Services.

PRINCIPAL PRODUCT OR SERVICE CODE

SECTION I—MANUFACTURED PRODUCTS

Code	Description
	19. ORDNANCE AND ACCESSORIES
1911	*Guns, Howitzers, Mortars, and Related Equipment.* Artillery having a bore over 30 mm, or over 1.18 inches, and components.
1925	*Guided Missiles and Space Vehicles.* Completely assembled guided missiles and space vehicles. Excludes guided missile and space vehicle engines and engine parts (Code 3722); ground and airborne guidance, checkout and launch electronic systems and components (Code 3662); and guided missile and space vehicle airframes, nose cones, and space capsules (Code 3729).
1929	*Ammunition, Except for Small Arms.* Ammunition over 30 mm or 1.18 inches, and also bombs, mines, torpedoes, grenades, depth charges, chemical warfare projectiles, and component parts. Excludes explosives (Code 2892).
1931	*Tanks and Tank Components.* Complete tanks and specialized components for tanks. Excludes military vehicles other than tanks (Code 3711) and tank engines (Code 3519).
1941	*Sighting and Fire Control Equipment.* Includes bomb sights, percentage correctors, wind correctors, directors, and sound locators. Excludes computers and computer systems (Code 3573).
1951	*Small Arms.* Small firearms having a bore 30 mm or 1.18 inches and below, and parts for small firearms. Includes certain weapons over 30 mm which are carried and employed by the individual, such as grenade launchers and heavy field machine guns.
1961	*Small Arms Ammunition.* Ammunition for small arms as defined in Code 1951.
1999	*Ordnance and Accessories, Not Elsewhere Classified.* Examples include flame throwers, Y-guns, and smoke generators.
	20. FOOD AND KINDRED PRODUCTS
2000	Foods and beverages for human consumption, and certain related products, such as manufactured ice, chewing gum, and prepared feeds for animals.
	21. TOBACCO MANUFACTURES
2100	Cigarettes, cigars, smoking and chewing tobacco, and snuff.
	22. TEXTILE MILL PRODUCTS
2200	Includes any of the following: (1) Yarn, thread, braids, twine, and cordage; (2) broad woven fabric, narrow woven fabric, knit fabric, and carpets and rugs from yarn; (3) dyeing and finishing fiber, yarn, fabric and knit apparel; (4) coating, waterproofing, or otherwise treating fabric; (5) the integrated manufacture of knit apparel and other finished articles from yarn; and (6) the manufacture of felt goods, lace goods, bonded-fiber fabrics, and miscellaneous textiles.
	23. APPAREL
2300	Clothing and other finished products fabricated by cutting and sewing purchased or government-furnished textile fabrics and related materials, such as leather, rubberized fabrics, plastics, and furs.
	24. LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE
2400	Poles, timber and pulpwood, sawmill and planing mill products, flooring, cooperage, millwork, plywood, prefabricated buildings, and wooden containers.
	25. FURNITURE AND FIXTURES
2500	Household, office, public building and restaurant furniture, and office and store fixtures.
	26. PAPER AND ALLIED PRODUCTS
2600	Pulps from rags and from wood and other cellulose fibers; paper and paperboard including building paper and building board, paper bags, boxes, and envelopes.
	27. PRINTING, PUBLISHING AND ALLIED INDUSTRIES
2700	Printing, such as by letterpress, lithography, gravure or screen; bookbinding, typesetting, engraving, and electrotyping; and newspaper, periodical, and book publishing.
	28. CHEMICALS AND ALLIED PRODUCTS
2813	*Industrial Gases.* Gases in compressed liquid, and solid forms. Excludes fluorine and ammonia (Code 2810).
2810	*Industrial Organic, Inorganic Chemicals, Except Industrial Gases.*
2820	*Plastic Materials and Synthetic Resins, Synthetic Rubber, Synthetic and Other Man-Made Fibers, Except Glass Fibers.*
2830	*Drugs and Pharmaceuticals.*
2840	*Soaps, Detergents, and Cleaning Preparations.*
2850	*Paints, Varnishes, Lacquers, and Enamels.*
2860	*Agricultural Chemicals.* Fertilizers and pesticides.
2892	*Explosives.*
2890	*Chemicals, Not Elsewhere Classified.*
	29. PETROLEUM REFINING
2900	Petroleum, paving and roofing materials (asphalt and tar), and lubricating oils and greases.
	30. RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS
3000	Products from natural, synthetic or reclaimed rubber; and miscellaneous finished plastic products.

FEB 29 72 XUM

31. LEATHER AND LEATHER PRODUCTS

3100 Includes finished leather and artificial leather products, and also the tanning, currying, and finishing of hides and skins.

32. STONE, CLAY, GLASS, AND CONCRETE PRODUCTS

3200 Flat glass and other glass products, cement, structural clay products, pottery, concrete, and gypsum products, cut stone, abrassive and asbestos products.

33. PRIMARY METAL INDUSTRIES

3310 *Products of Blast Furnaces, Steel Works, and Rolling and Finishing Mills.*
3320 *Iron and Steel Foundry Products.*
3330 *Primary Smelting and Refining of Nonferrous Metals.*
3340 *Secondary Smelting and Refining of Nonferrous Metals.*
3350 *Rolling, Drawing, and Extruding of Nonferrous Metals.*
3360 *Nonferrous Foundry Products.*
3390 *Miscellaneous Primary Metal Products.* Iron, steel, and nonferrous forgings, and primary metal products, not elsewhere classified.

34. FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

3411 *Metal cans.*
3420 *Cutlery, Hand Tools and General Hardware.*
3430 *Heating Apparatus (Except Electrical) and Plumbing Fixtures.*
3440 *Fabricated Structural Metal Products.*
3450 *Screw Machine Products and Bolts, Nuts, Screws, Rivets, and Washers.*
3461 *Metal Stamping.*
3470 *Coating, Engraving, and Allied Services.*
3481 *Miscellaneous Fabricated Wire Products.*
3490 *Miscellaneous Fabricated Metal Products.* Barrels, drums, kegs, and pails; safes and vaults; steel springs; valve and pipe fittings, except brass goods and other fabricated metal products, not elsewhere classified.

35. MACHINERY, EXCEPT ELECTRICAL

3510 *Engines and Turbines.* Steam engines; steam, gas, and hydraulic turbines; steam, gas and hydraulic turbine generator set units; and internal combustion engines not elsewhere classified. Excludes aircraft and rocket engines (Code 3722) and automotive engines (Code 3714).
3522 *Farm Machinery and Equipment.*
3531 *Construction Machinery and Equipment.* Includes heavy machinery and equipment, such as bulldozers, concrete mixers, cranes, dredging machinery, pavers and power shovels.
3532 *Mining Machinery and Equipment.*
3533 *Oil Field Machinery and Equipment.*
3534 *Elevators and Moving Stairways.*
3535 *Conveyors and Conveying Equipment.*
3536 *Hoists, Industrial Cranes and Monorail Systems.*
3537 *Industrial Trucks, Tractors, Trailers and Stackers.*
3540 *Metal working Machinery and Equipment.*
3550 *Special Industry Machinery, Except Metalworking.*
3560 *General Industrial Machinery and Equipment.*
3573 *Electronic Computing Equipment.* Includes general purpose electronic analog computers as well as electronic digital computers. The electronic computers may be used for data processing or may be incorporated as components into control equipment for industrial use, and as components of equipment used in weapons and weapons systems, space and oceanographic exploration, transportation and other systems. Electronic computer systems contain high speed arithmetic and program control units, on-line information storage devices and input/output equipment. Examples of input/output equipment are converters (card and/or tape), readers and printers. Examples of storage devices are magnetic drums and disks, magnetic cores, and magnetic film memories.
3570 *Office, Computing and Accounting Machines, Except Electronic Computing Equipment (Code 3573).*
3580 *Service Industry Machines.*
3599 *Miscellaneous Machinery, Except Electrical.*

36. ELECTRICAL MACHINERY, EQUIPMENT AND SUPPLIES

3611 *Electric Measuring Instruments and Test Equipment.* Pocket, portable, panel-board, and graphic recording instruments for measuring electricity, such as voltmeters, ammeters, watt meters, watt-hour meters, demand meters, and other meters and indicating instruments. Also includes analyzers for testing the electrical characteristics of internal combustion engines and radio apparatus.
3612 *Power, Distribution, and Specialty Transformers.* Excludes radio frequency or voice frequency transformers, coils or chokes (Code 3679).
3613 *Switchgear and Switchboard Apparatus.*
3621 *Motors and Generators.* Electric motors (except starting motors) and power generators; motor generators sets; railway motors and control equipment; and motors, generators, and control equipment for gasoline, electric, and oil electric busses and trucks.
3622 *Industrial Controls.* Motor starters and controllers, control accessories, electronic controls and other industrial controls. Excludes automatic temperature controls (Code 3822).
3620 *Electrical Industrial Apparatus, Except Motors and Generators (Code 3621) and Industrial Controls (Code 3622).*
3630 *Household Appliances.*
3640 *Electric Lighting and Wiring Equipment.*
3651 *Radio and Television Receiving Sets, Except Communication Types.* Electronic equipment for home entertainment. Includes public address systems, and music distribution apparatus except records.
3652 *Phonograph Records.*
3661 *Telephone and Telegraph Apparatus.*
3662 *Radio and Television Transmitting, Signaling, and Detection Equipment and Apparatus.* Radio and television broadcasting equipment; electric communication equipment and parts, except telephone and telegraph; electronic field detection apparatus, light and heat emission operating apparatus, object detection apparatus and navigational electronic equipment, and aircraft and missile control systems; and high energy particle accelerator systems and equipment designed and sold as a complete package for radiation therapy, irradiation, radiographic inspection, and research (linear accelerators, betatrons, dynamotrons, Vandergraff generators, resonant transformers, insulating core transformers, etc.); high energy particle electronic equipment and accessories sold separately for the construction of linear accelerators, cyclotrons, synchrotrons, and other high energy research installations (transmitters/modulators, accelerating waveguide structures, pulsed electron guns, vacuum systems, cooling systems, etc.); other electric and electronic communication and signaling products, not elsewhere classified. Excludes transmitting tubes (Code 3673).
3671 *Radio and Television Receiving Type Electron Tubes Except Cathode Ray.*
3672 *Cathode Ray Picture Tubes.*
3673 *Transmitting, Industrial, and Special Purpose Electron Tubes.*
3674 *Semiconductors and Related Devices.* Semiconductor and related solid state devices, such as semiconductor diodes and stacks, including rectifiers, integrated microcircuits (semiconductor networks), transistors, solar cells, and light sensitive semiconductor (solid state) devices.
3679 *Electronic Components and Accessories, Not Elsewhere Classified.* Establishments primarily engaged in manufacturing specialty resistors for electronic end products; inductors, transformers, and capacitors and other electronic components, not elsewhere classified.
3690 *Miscellaneous Electrical Machinery, Equipment, and Supplies.* Includes storage and primary batteries, X-ray apparatus, electrical equipment for internal combustion engines and miscellaneous electrical machinery, equipment and supplies, not elsewhere classified.

37. TRANSPORTATION EQUIPMENT

3711 *Motor Vehicles.* Complete passenger automobiles, trucks, commercial cars and buses, and special purpose motor vehicles.
3714 *Motor Vehicle Parts and Accessories.*
3715 *Truck Trailers (Full).*
3721 *Aircraft.* Complete aircraft. Also includes factory type modification and overhaul of aircraft.
3722 *Aircraft Engines and Engine Parts.*
3723 *Aircraft Propellers and Propeller Parts.*
3729 *Aircraft Parts and Auxiliary Equipment, Not Elsewhere Classified.*
3731 *Ship Building and Repairing.* Ships, barges, and lighters, whether propelled by sail or motor power or towed by other craft. Also includes the conversion and alteration of ships.
3732 *Boat Building and Repairing.*
3740 *Railroad Equipment.*
3750 *Motorcycles, Bicycles and Parts.*
3790 *Miscellaneous Transportation Equipment.*

38. PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS; PHOTOGRAPHIC AND OPTICAL GOODS; WATCHES AND CLOCKS

3811 *Engineering, Laboratory, and Scientific and Research Instruments and Associated Equipment.* Laboratory, scientific, and engineering instruments such as nautical, navigational, aeronautical, surveying, drafting, and instruments for laboratory work and scientific research (except optical instruments Code 3831).

3821 *Mechanical Measuring and Controlling Instruments, Except Automatic Temperature Controls.*
3822 *Automatic Temperature Controls.* Automatic temperature controls activated by pressure, temperature, level, flow, time, or humidity (including pneumatic controls) of the type principally used as components of air conditioning, refrigeration, and comfort heating, or as components of household appliances. Excludes industrial electric controls (Code 3620).
3831 *Optical Instruments and Lenses.* Optical lenses and prisms, and optical instruments such as microscopes, telescopes, field and opera glasses; and optical measuring and testing instruments such as refractometers, spectrometers, spectroscopes, colorimeters, polariscopes.
3840 *Surgical, Medical, and Dental Instruments and Supplies.*
3851 *Ophthalmic Goods.*
3861 *Photographic Equipment and Supplies.* Photographic apparatus, equipment, parts, attachments, and accessories, such as still and motion picture cameras and projection apparatus; photocopy and microfilm equipment; blueprinting and diazotype (white printing) apparatus and equipment; and other photographic equipment; and sensitized film, paper, cloth, and plates, and prepared photographic chemicals for use therewith.
3871 *Watches, Clocks, Clockwork Operated Devices, and Parts Except Watchcases.* Clocks (including electric) watches, mechanisms for clockwork operated devices, and clock and watch parts.

39. MISCELLANEOUS MANUFACTURERS

3900 Manufacture of products not classified in any other major manufacturing groups, i.e., from Code 1911 through 3871. Includes jewelry, silverware, musical instruments, toys, sporting and athletic goods and other miscellaneous manufactured products.

II.—CONSTRUCTION AND SERVICES

Code *Description*

15. BUILDING CONSTRUCTION—GENERAL CONTRACTORS

1500 Construction of residential, farm, industrial, commercial, public or other buildings.

16. CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION—GENERAL CONTRACTORS

1600 Heavy construction, such as highways and streets, bridges, sewers, railroads, airports, and other types of construction work, except buildings.

17. CONSTRUCTION—SPECIAL TRADE CONTRACTORS

1700 Specialized construction activities, such as plumbing, painting, plastering, carpentering, electrical, etc.

40. RAILROAD TRANSPORTATION

4000 Transportation by line-haul railroad and certain services allied to rail transportation, such as sleeping and dining car services, railway express, and switching and terminal services.

42. MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING

4200 Local or long-distance trucking, transfer, and draying services, or storage of farm products, furniture and other household goods, or commercial goods of any nature. Also includes operation of terminal facilities for handling freight, with or without maintenance facilities.

44. WATER TRANSPORTATION

4468 *Marine Cargo Handling.*—Services directly related to marine cargo handling from the time cargo, for or from a vessel, arrives at shipside, dock, pier, terminal, staging area, or intransit area until cargo loading or unloading operations are completed. Includes the operation and maintenance of piers, docks, and associated buildings and facilities.
4400 *Water Transportation, Except Marine Cargo Handling*—Freight and passenger transportation on the open seas or inland waters, and incidental services such as lighterage, towing, and canal operation. Also includes excursion boats, sightseeing boats, and water taxis.

45. TRANSPORTATION BY AIR

4582 *Airports and Flying Fields*—Operation and maintenance of airports and flying fields and/or the servicing, repairing (except on a factory basis), and storing of aircraft at such airports. Excludes modification and factory type overhaul of aircraft (Code 3721).
4500 *Transportation by Air, Except Airports and Flying Fields.* Domestic and foreign transportation by air and also terminal services.

47. TRANSPORTATION SERVICES

4700 Services incidental to transportation, such as forwarding, packing and crating, and rental of railroad cars.

48. COMMUNICATION

4800 Point-to-point communication service whether by wire or radio, and whether intended to be received aurally or visually; and radio broadcasting and television. Services for the exchange or recording of messages are also included.

73. MISCELLANEOUS BUSINESS SERVICES

7391 *Commercial Research and Development Laboratories.* Research and development activities on a fee or contract basis. Research and development laboratories of companies which manufacture the products developed from their research activities are classified as auxiliary to the manufacturing establishments served.
7392 *Business, Management, Administrative and Consulting Services.* Business and management administrative and consulting services, such as business analyzing business research, efficiency experts, fashion designing and consulting, industrial management, market research, personnel management, public relations counselors, sales engineers, statistical services, tax consultation, and traffic consultants.
7394 *Equipment Rental and Leasing Services.* Includes electronic equipment rental.
7300 Other miscellaneous business services, such as advertising, mailing, stenographic, employment agency, commercial testing and protective services.

80. MEDICAL AND OTHER HEALTH SERVICES

8000 Medical, surgical, and other health service to persons.

82. EDUCATIONAL SERVICES

8221 *Colleges, Universities, and Professional Schools.* Tuition fees at colleges, universities, and professional schools granting academic degrees and requiring for admission at least a high school diploma or equivalent general academic training.
8200 *Other Educational Services.* Excludes services involving colleges, universities, and professional schools and also excludes research and development activities of such institutions (Code 8921).

89. MISCELLANEOUS SERVICES

8911 *Engineering and Architectural Services.* Services of a professional nature in the fields of engineering and architecture.
8921 *Nonprofit Educational and Scientific Research Agencies.* Research at nonprofit establishments including educational institutions.
8900 *Other Miscellaneous Services.*

SUBCHAPTER G—COST ACCOUNTING STANDARDS

PART 400—DEFINITIONS

Sec.
400.1 Definitions.
400.2 Effective date [Reserved]

AUTHORITY: The provisions of this Part 400 are issued under 84 Stat. 796, sec. 103; 50 U.S.C. App. 2168.

§ 400.1 Definitions.

(a) This part defines various terms used in standards promulgated by the Cost Accounting Standards Board. Unless the text of a particular standard demands a different definition or the definition is expressly modified for a particular standard, terms defined herein whenever used in any standard shall have the meanings ascribed to them in this part. For convenience, the definitions of terms which are prominent in an individual standard are reprinted in that standard. The selection or non-selection of a particular definition to be reprinted in an individual standard, however, does not affect the applicability of all definitions in this part to that standard.

Accumulating Costs. The collecting of cost data in an organized manner, such as through a system of accounts.

Actual Costs. Amounts determined on the basis of costs incurred as distinguished from forecasted costs. Includes standard costs properly adjusted for applicable variances.

Allocate. To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

Cost Objective. A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

Direct Cost. Any cost which is identified specifically with a particular final cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor.

FEB 29 72 XUM

Costs identified specifically with a contract are direct costs of that contract. All costs identified specifically with other final cost objectives of the contractor are direct costs of those cost objectives.

Estimating Costs. The process of forecasting a future result in terms of cost, based upon information available at the time.

Final Cost Objective. A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation system, is one of the final accumulation points.

Indirect Cost. Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

Indirect Cost Pools. Groupings of incurred costs identified with two or more cost objectives but not identified specifically with any final cost objective.

Pricing. The process of establishing the amount or amounts to be paid in return for goods or services.

Proposal. Any offer or other submission used as a basis for pricing a contract, contract modification or termination settlement or for securing payments thereunder.

Reporting Costs. Provision of cost information to others. The reporting of costs involves selecting relevant cost data and presenting it in an intelligible manner for use by the recipient.

§ 400.2 Effective date [Reserved]

PART 401—COST ACCOUNTING STANDARD—CONSISTENCY IN ESTIMATING, ACCUMULATING AND REPORTING COSTS

Sec.
401.10 General applicability.
401.20 Purpose.
401.30 Definitions.
401.40 Fundamental requirement.
401.50 Techniques for application.
401.60 Illustrations.
401.70 Exemptions.
401.80 Effective date.

AUTHORITY: The provisions of this Part 401 are issued under 84 Stat. 796, sec. 103; 50 U.S.C. App. 2168.

§ 401.10 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on: (a) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 401.20 Purpose.

The purpose of this Cost Accounting Standard is to insure that each contractor's practices used in estimating costs for a proposal are consistent with cost accounting practices used by him in accumulating and reporting costs. Consistency in the application of cost accounting practices is necessary to enhance the likelihood that comparable transactions are treated alike. With respect to individual contracts, the consistent application of cost accounting practices will facilitate the preparation of reliable cost estimates used in pricing a proposal and their comparison with the costs of performance of the resulting contract. Such comparisons provide one important basis for financial control over costs during contract performance and aid in establishing accountability for costs in the manner agreed to by both parties at the time of contracting. The comparisons also provide an improved basis for evaluating estimating capabilities.

§ 401.30 Definitions.

(a) The following definitions of terms which are prominent in this standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in subparagraph (b) of this paragraph.

(1) *Accumulating Costs.* The collecting of cost data in an organized manner, such as through a system of accounts.

(2) *Actual Cost.* Amounts determined on the basis of costs incurred as distinguished from forecasted costs. Includes standard costs properly adjusted for applicable variances.

(3) *Estimating Costs.* The process of forecasting a future result in terms of cost, based upon information available at the time.

(4) *Indirect Cost Pools.* Groupings of incurred costs identified with two or more cost objectives but not identified specifically with any final cost objectives.

(5) *Pricing.* The process of establishing the amount or amounts to be paid in return for goods or services.

(6) *Proposal.* Any offer or other submission used as a basis for pricing a contract, contract modification or termination settlement or for securing payments thereunder.

(7) *Reporting Costs.* Provision of cost information to others.

The reporting of costs involves selecting relevant cost data and presenting it in an intelligible manner for use by the recipient.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this standard: None.

§ 401.40 Fundamental requirement.

(a) A contractor's practices used in estimating costs in pricing a proposal shall be consistent with his cost accounting practices used in accumulating and reporting costs.

(b) A contractor's cost accounting practices used in accumulating and reporting actual costs for a contract shall be consistent with his practices used in estimating costs in pricing the related proposal.

(c) The grouping of homogeneous costs in estimates prepared for proposal purposes shall not per se be deemed an inconsistent application of cost accounting practices under paragraphs (a) and (b) of this section when such costs are accumulated and reported in greater detail on an actual cost basis during contract performance.

§ 401.50 Techniques for application.

(a) The standard allows grouping of homogeneous costs in order to cover those cases where it is not practicable to estimate contract costs by individual cost element or function. However, costs estimated for proposal purposes shall be presented in such a manner and in such detail that any significant cost can be compared with the actual cost accumulated and reported therefor. In any event the cost accounting practices used in estimating costs in pricing a proposal and in accumulating and reporting costs on the resulting contract shall be consistent with respect to: (1) The classification of elements or functions of cost as direct or indirect; (2) the indirect cost pools to which each element or function of cost is charged or proposed to be charged; and (3) the methods of allocating indirect costs to the contract.

(b) Adherence to the requirement of § 401.40(a) of this standard shall be determined as of the date of award of the contract, unless the contractor has submitted cost or pricing data pursuant to Public Law 87-653, in which case adherence to the requirement of § 401.40(a) shall be determined as of the date of final agreement on price, as shown on the signed certificate of current cost or pricing data. Notwithstanding § 401.40 (b), changes in established cost accounting practices during contract performance may be made when authorized by standards, rules, and regulations issued by the Cost Accounting Standards Board.

§ 401.60 Illustrations.

(a) The following examples are illustrative of applications of cost accounting practices which are deemed to be consistent.

Practices used in estimating costs for proposals	*Practices used in accumulating and reporting costs of contract performance*
1. Contractor estimates an average direct labor rate for manufacturing direct labor by labor category or function.	1. Contractor records manufacturing direct labor based on actual cost for each individual and collects such costs by labor category or function.
2. Contractor estimates an average cost for minor standard hardware items, including nuts, bolts, washers, etc.	2. Contractor records actual cost for minor standard hardware items based upon invoices or material transfer slips.
3. Contractor uses an estimated rate for manufacturing overhead to be applied to an estimated direct labor base. He identifies the items included in his estimate of manufacturing overhead and provides supporting data for the estimated direct labor base.	3. Contractor accounts for manufacturing overhead by individual items of cost which are accumulated in a cost pool allocated to final cost objectives on a direct labor base.

(b) The following examples are illustrative of application of cost accounting practices which are deemed not to be consistent.

Practices used for estimating costs for proposals	*Practices used in accumulating and reporting costs of contract performance*
4. Contractor estimates a total dollar amount for engineering labor which includes disparate and significant elements or functions of engineering labor. Contractor does not provide supporting data reconciling this amount to the estimates for the same engineering labor cost functions for which he will separately account in contract performance.	4. Contractor accounts for engineering labor by cost function, i.e., drafting, designing, production engineering, etc.
5. Contractor estimates engineering labor by cost function, i.e., drafting, production engineering, etc.	5. Contractor accumulates total engineering labor in one undifferentiated account.
6. Contractor estimates a single dollar amount for machining cost to cover labor, material and overhead.	6. Contractor records separately the actual cost of machining labor and material as direct costs, and factory overhead as indirect costs.

§ 401.70 Exemptions.

None for this standard.

§ 401.80 Effective date [Reserved]

PART 402—COST ACCOUNTING STANDARD—CONSISTENCY IN ALLOCATING COSTS INCURRED FOR THE SAME PURPOSE

Sec.
402.10 General applicability.
402.20 Purpose.
402.30 Definitions.
402.40 Fundamental requirement.
402.50 Techniques for application.
402.60 Illustrations.
402.70 Exemptions.
402.80 Effective date.

AUTHORITY: The provisions of this Part 402 are issued under 84 Stat. 796, sec. 103; 50 U.S.C. App. 2168.

§ 402.10 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof, and by all relevant Federal agencies in estimating, accumulating and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commerical items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 402.20 Purpose.

The purpose of this standard is to require that each type of cost is allocated only once and on only one basis to any contract or other cost objective. The criteria for determining the allocation of costs to a product, contract, or other cost objective should be the same for all similar objectives. Adherence to these cost accounting concepts is necessary to guard against the overcharging of some cost objectives and to prevent double counting. Double counting occurs most commonly when cost items are allocated directly to a cost objective without eliminating like cost items from indirect cost pools which are allocated to that cost objective.

§ 402.30 Definitions.

(a) The following definitions of terms which are prominent in this standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section.

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Cost Objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the costs of processes, products, jobs, capitalized projects, etc.

(3) *Direct Cost.* Any cost which is identified specifically with a particular final cost objective. Direct costs are not limited to items which are incorporated in the end product as material or labor. Costs identified specifically with a contract are direct costs of that contract. All costs identified specifically with other final cost objectives of the contractor are direct costs of those cost objectives.

(4) *Final Cost Objective.* A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation system, is one of the final accumulation points.

(5) *Indirect Cost.* Any cost not directly identified with a single final cost objective, but identified with two or more final cost objectives or with at least one intermediate cost objective.

(6) *Indirect Cost Pools.* Groupings of incurred costs identified with two or more cost objectives but not identified specifically with any final cost objective.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this standard: None.

§ 402.40 Fundamental Requirement.

All costs incurred for the same purpose, in like circumstances, are either direct costs only or indirect costs only with respect to final cost objectives. No final cost objective shall have allocated to it as an indirect cost any cost, if other costs incurred for the same purpose, in like circumstances, have been included as a direct cost of that or any other final cost objective. Further, no final cost objective shall have allocated to it as a direct cost any cost, if other costs incurred for the same purpose, in like circumstances, have been included in any indirect cost pool to be allocated to that or any other final cost objective.

§ 402.50 Techniques for application.

(a) The Fundamental Requirement is stated in terms of cost incurred and is equally applicable to estimates of costs to be incurred as used in contract proposals.

(b) The Disclosure Statement to be submitted by the contractor will require that he set forth his cost accounting practices with regard to the distinction between direct and indirect costs. In addition, for those types of cost which are sometimes accounted for as direct and sometimes accounted for as indirect, the contractor will set forth in his Disclosure Statement the specific criteria and circumstances for making such distinctions. In essence, the Disclosure Statement submitted by the contractor, by distinguishing between direct and indirect costs, and by describing the criteria and circumstances for allocating those items which are sometimes direct and sometimes indirect, will be determinative as to

FEB 29 72 XUM

whether or not costs are incurred for the same purpose. Disclosure Statement as used herein refers to the statement required to be submitted by contractors as a condition of contracting as set forth in Part 351 of this chapter.

(c) In the event that a contractor has not submitted a Disclosure Statement the determination of whether specific costs are directly allocable to contracts shall be based upon the contractor's cost accounting practices used at the time of contract proposal.

(d) Whenever costs which serve the same purpose cannot equitably be indirectly allocated to one or more final cost objectives in accordance with the contractor's disclosed accounting practices, the contractor may either: (1) Use a method for reassigning all such costs which would provide an equitable distribution to all final cost objectives, or (2) directly assign all such costs to final cost objectives with which they are specifically identified. In the event the contractor decides to make a change for either purpose the Disclosure Statement shall be amended to reflect the revised accounting practices involved.

(e) Any direct cost of minor dollar amount may be treated as an indirect cost for reasons of practicality where the accounting treatment for such cost is consistently applied to all final cost objectives, provided that such treatment produces results which are substantially the same as the results which would have been obtained if such cost had been treated as a direct cost.

§ 402.60 Illustrations.

(a) Illustrations of costs which are incurred for the same purpose:

(1) Contractor normally allocates all travel as an indirect cost and previously disclosed this accounting practice to the Government. For purposes of a new proposal, contractor intends to allocate the travel costs of personnel whose time is accounted for as direct labor directly to the contract. Since travel costs of personnel whose time is accounted for as direct labor working on other contracts are costs which are incurred for the same purpose, these costs may no longer be included within indirect cost pools for purposes of allocation to any covered Government contract. Contractor's Disclosure Statement must be amended for the proposed changes in accounting practices.

(2) Contractor normally allocates planning costs indirectly and allocates this cost to all contracts on the basis of direct labor. A proposal for a new contract requires a disproportionate amount of planning costs. The contractor prefers to continue to allocate planning costs indirectly. In order to equitably allocate the total planning costs, the contractor may use a method for allocating all such costs which would provide an equitable distribution to all final cost objectives. For example, he may use the number of planning documents processed rather than his former allocation base of direct labor. Contractor's Disclosure Statement must be amended for the proposed changes in accounting practices.

(b) Illustrations of costs which are not incurred for the same purpose:

(1) Contractor normally allocates special tooling costs directly to contracts. The costs of general purpose tooling are normally included in the indirect cost pool which is allocated to contracts. Both of these accounting practices were previously disclosed to the Government. Since both types of costs involved were not incurred for the same purpose in accordance with the criteria set forth in the contractor's Disclosure Statement, the allocation of general purpose tooling costs from the indirect cost pool to the contract, in addition to the directly allocated special tooling costs is not considered a violation of the standard.

(2) Contractor proposes to perform a contract which will require three firemen on 24-hour duty at a fixed-post to provide protection against damage to highly inflammable materials used on the contract. Contractor presently has a fire fighting force of 10 employees for general protection of the plant. Contractor's costs for these latter firemen are treated as indirect costs and allocated to all contracts; however, he wants to allocate the three fixed-post firemen directly to the particular contract requiring them and also allocate a portion of the cost of the general firefighting force to the same contract. He may do so but only on condition that his disclosed practices indicate that the costs of the separate classes of firemen serve different purposes and that it is his practice to allocate the general firefighting force indirectly and to allocate fixed-post firemen directly.

§ 402.70 Exemption.

None for this standard.

§ 402.80 Effective date [Reserved]

Effective date. Unless a different date is established in connection with a specific part or section, the regulations promulgated herein shall be effective July 1, 1972.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.72-3001 Filed 2-28-72;8:54 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the statutory authorities cited below, the fees relating to inspection are hereby amended to reflect increases in Federal employees' salaries authorized by the Economic Stabilization Act Amendments of 1971, Public Law 92-210, Executive Order 11637, approved January 9, 1972, and to raise laboratory testing fees to a level that will more adequately cover the cost of the service provided.

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Paragraphs (d) and (e) of § 54.101 are revised to read as follows:

§ 54.101 On a fee basis.

* * * * *

(d) The charges for inspection service will be based on the time required to perform such services. The hourly rate shall be $9.28 for base time and $9.28 for overtime or holiday work.

(e) Charges for any laboratory analysis or laboratory examination of rabbits under this part related to the inspection service shall be $12.84 per hour.

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Section 70.131(d) is revised to read as follows:

§ 70.131 On a fee basis.

* * * * *

(d) The charges for inspection services will be based on the time required to perform such services. The hourly rate shall be $9.28 for base time and $9.28 for overtime and holiday work.

Section 70.133 is revised to read as follows:

§ 70.133 Laboratory analysis.

(a) Fees and charges for any laboratory analysis or examination, performed by the Poultry Division in connection with grading of poultry or poultry products, or inspection of egg products, made under this part shall be assessed and collected in accordance with the provisions for fees and charges for such services as contained in Part 55 of this chapter.

(b) Charges for any laboratory analysis or laboratory examination, performed by the Meat and Poultry Inspection Program, in connection with inspection of poultry or poultry products under this part shall be $12.84 per hour.

(60 Stat. 1090, as amended; 7 U.S.C. 1624)

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Section 81.170 is revised to read as follows:

§ 81.170 Overtime inspection service.

When operations in an official establishment require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official establishment shall give reasonable advance notice to the inspector in charge for any overtime service necessary and shall pay the Secretary for such overtime at the rate of $9.28 per hour to cover the cost thereof.

Section 81.171(a) is revised to read as follows:

§ 81.171 Holiday inspection service.

(a) When an official establishment requires inspection service on a holiday, such service is considered holiday work. The official establishment shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Secretary therefor at the rate of $9.28 per hour. Service in excess of 8 hours for that day is considered overtime and shall be paid for at the overtime rate.

* * * * *

Section 81.172 is revised to read as follows:

§ 81.172 Supervisor overtime or holiday service.

When, because an establishment requires overtime service as provided in § 81.170 or requires holiday service as provided in § 81.171, a station supervisor (veterinarian) is required to work overtime or on a holiday, in the establishment, in order to supervise the service or to make final condemnation, the establishment shall pay the Secretary for such overtime or holiday work at the rate of $9.28 per hour.

(71 Stat. 441, as amended; 21 U.S.C. 451 et seq.)

It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under 5 U.S.C. 553, it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

The amendment shall become effective on March 5, 1972.

Done at Washington, D.C., on February 24, 1972.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.72-2986 Filed 2-28-72;8:48 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Orders 1, 2; Dockets Nos. AO-14-A51, AO-71-A64]

PART 1001—MILK IN BOSTON REGIONAL MARKETING AREA

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Order Amending Orders

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are made with respect to each of the aforesaid orders:

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the aforesaid orders effective not later than March 1, 1972. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued January 20, 1972, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued February 9, 1972. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending each of the aforesaid orders effective March 1, 1972, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as herbey amended; and

(3) The issuance of the order amending each of the specified orders is approved or favored by at least two-thirds of the producers who, during the determined representative period, were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Boston Regional and New York-New Jersey marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended, as follows:

1. In § 1001.65, paragraph (c) is revised as follows:

§ 1001.65 Basic blended price.

* * * * *

(c) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 20 cents in March, 30 cents in April, and 40 cents in May and June.

* * * * *

2. In § 1002.71, paragraph (c) is revised as follows:

§ 1002.71 Computation of the uniform price.

* * * * *

(c) Subtract for each of the months of March, April, May, and June an

amount computed by multiplying the total hundredweight of pool milk for the month by 20 cents in March, 30 cents in April, and 40 cents in May and June;

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1972.

Signed at Washington, D.C., on February 23, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-2988 Filed 2-28-72;8:48 am]

[Milk Order 67, 68; Docket Nos. AO-367-A4, AO-178-A27]

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Amending Orders

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) and Minneapolis-St. Paul marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the orders effective not later than March 1, 1972. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the respective marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued January 20, 1972, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued February 11, 1972. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the orders effective March 1, 1972, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending each of the specified orders is approved or favored by at least two-thirds of the producers who, during the determined representative period, were engaged in the production of milk for sale in the respective marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Southeastern Minnesota-Northern Iowa (Dairyland) and Minneapolis-St. Paul marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the aforesaid orders, as amended, and as hereby further amended, as follows:

In § 1061.11, paragraph (a) (1) and (2) and the introductory text of paragraph (b) are revised as follows:

§ 1061.11 Pool plant.

• • • • •

(a) • • •

(1) Not less than 10 percent of such receipts is disposed of from such plant as Class I milk in the marketing area as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants; and

(2) Not less than 30 percent during the months of February–August and 40 percent during the months of September–January of such receipts is disposed of as Class I milk as route disposition. Such disposition is to be exclusive of receipts of packaged fluid milk products from other pool distributing plants.

(b) A supply plant from which not less than 30 percent of its total Grade A milk receipts from dairy farmers during the month is delivered as fluid milk products to pool plants pursuant to paragraph (a) of this section subject to subparagraphs (1) and (2) of this paragraph:

• • • • •

1. In § 1068.9, paragraph (c) is revised as follows:

§ 1068.9 Pool plant.

• • • • •

(c) Upon written request by the handler to the market administrator, received or postmarked on or before the last day of any month, any plant qualified as a pool plant pursuant to paragraph (b) of this section may be withdrawn from pool plant status beginning with the next month. Any such plant withdrawn from automatic pool plant status may not regain such status prior to the next September 1 and then only by meeting the requirements set forth in the first proviso of paragraph (b) of this section in the same manner as a plant qualifying for pool plant status for the first time.

2. Section 1068.11 is revised as follows:

§ 1068.11 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, and whose milk is received at a pool plant as producer milk directly from the farm; or diverted from a pool plant to a nonpool plant subject to the rules in § 1068.12. "Producer" shall not include the milk of any person produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and the handler diverting such milk and the operator of the pool plant have each requested Class II classification on the reports filed with their respective market administrators. Neither shall it include the milk of any person produced by him which is diverted to an other order plant if such person is designated as a producer with respect to such milk under the other order.

3. Section 1068.12 is revised as follows:

§ 1068.12 Producer milk.

"Producer milk" means the skim milk and butterfat in Grade A milk:

(a) Received at a pool plant directly from a dairy farmer; and

(b) Diverted from a pool plant to a nonpool plant (except a producer handler plant or an other order plant) subject to the following conditions:

(1) Such milk shall be priced at the location of the nonpool plant to which diverted;

(2) In any month that less than 6 days' production of a producer is delivered to pool plants the quantity of milk of the producer diverted during the month that exceeds that delivered to pool plants shall not be producer milk;

(3) During the months of September through November, a cooperative association handler may divert for his account the milk of any member producer. The total quantity of producer milk diverted by such handler in excess of 10 percent of the milk received from member producers at pool plants during the month shall not be producer milk;

(4) During the months of December through August, a cooperative association handler may divert for his account the milk of any member producer. The total quantity of producer milk diverted by such handler in excess of 25 percent of the milk received from member producers at pool plants during the month shall not be producer milk;

(5) During the months of September through November, the operator of a pool plant, other than a cooperative association, may divert for his account the milk of any producer other than a member of a cooperative association. The total quantity of producer milk diverted by such handler in excess of 10 percent of the milk received at such pool plant during the month from producers who are not members of a cooperative association shall not be producer milk;

(6) During the months of December through August, the operator of a pool plant, other than a cooperative association, may divert for his account the milk of any producer other than a member of a cooperative association. The total quantity of producer milk diverted by such handler in excess of 25 percent of the milk received at such pool plant during the month from producers who are not members of a cooperative association shall not be producer milk; and

(7) The diverting handler shall designate the dairy farmers whose milk is not producer milk pursuant to subparagraphs (3), (4), (5), and (6) of this paragraph. If the handler fails to make such designation, no milk diverted by him shall be producer milk.

4. In § 1068.13, a new paragraph (a–1) is added as follows:

§ 1068.13 Handler.

• • • • •

(a–1) Any cooperative association with respect to milk of its members diverted for its account from a pool plant to a nonpool plant subject to the provisions of § 1068.12.

• • • • •

5. In § 1068.30, paragraph (a)(1) is revised and a new paragraph (d) is added as follows:

§ 1068.30 Monthly reports of receipts and utilization.

(a) • • •

(1) The quantities of skim milk and the quantities of butterfat contained in milk received from producers (including diverted milk, and such handler's own production) producer-handlers' and other pool plants.

• • • • • •

(d) On or before the 10th day of each month and in detail as prescribed by the market administrator each handler specified in § 1068.13(a–1) shall report to the market administrator for the preceding month the utilization of all skim milk and butterfat in diverted producer milk pursuant to § 1068.12.

6. In paragraph (b)(5) of § 1068.41, a new subdivision (vii) is added as follows.

§ 1068.41 Classes of utilization.

• • • • •

(b) • • •

(5) • • •

(vii) 1.5 percent of producer milk diverted to a nonpool plant pursuant to § 1068.12 except that if the operator of the nonpool plant to which the milk is diverted accounts for such milk on the basis of farm weights, the applicable percentage shall be 2 percent; and

• • • • •

7. Section 1068.44 is revised as follows:

§ 1068.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler, subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1068.46(a)(7) and the corresponding step of § 1068.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1068.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1068.46(a)(6) or (7) and the corresponding steps of § 1068.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted from a pool plant to a nonpool plant that is not an other order plant or a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph.

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1068.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred or diverted shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular sources of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred or diverted shall be classified as Class II milk;

(d) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in

FEB 29 72
XUM

subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1068.41.

8. In § 1068.46(a), subparagraphs (1), (4), (5), and (6) are revised as follows:

§ 1068.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(1) Subtract from the total pounds of skim milk classified:

(i) From Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

(ii) From Class II the pounds of skim milk classified as Class II milk pursuant to § 1068.41(b)(5);

* * * * *

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to subparagraph (1)(i) of this paragraph;

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association as a handler pursuant to the proviso of § 1068.13(a), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Add to the remaining pounds of skim milk the pounds subtracted pursuant to subparagraph (1)(ii) of this paragraph;

(6) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (1)(i) or (4)(i) of this paragraph;

* * * * *

9. Section 1068.55 is revised as follows:

§ 1068.55 Location adjustments to handlers.

The Class I price for producer milk and other source milk (for which a location adjustment is applicable) received at a plant located at least 35 miles (as determined by the market administrator) from the Minnesota Transfer Viaduct at University Avenue in St. Paul, Minn., shall be reduced by an amount indicated below.

Plant location (miles)	*Amount of deduction (cents)*
Less than 35	0
35 but less than 45	6

For distances of 45 miles or more, an additional 1.5 cents for each 10 miles or fraction thereof beyond 45 miles.

9a. In § 1068.62, paragraph (a) is revised as follows:

§ 1068.62 Milk under more than one Federal order.

* * * * *

(a) The Secretary determines that a greater quantity of milk in fluid form is disposed of from such plant to a regulated marketing area as defined in another order issued pursuant to the Act either on routes or to pool plants qualified on the basis of route disposition than is disposed of from such plant in the Minneapolis-St. Paul marketing area either on routes or to pool plants qualified on the basis of route disposition.

* * * * *

10. In § 1068.64, subdivision (i) of paragraph (a)(1) and paragraph (b)(2) are revised as follows:

§ 1068.64 Obligations of handlers operating a partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1068.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. No obligation shall apply to Class I milk transferred to a pool plant or an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which such milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1068.70(d) and a credit in the amount specified in § 1068.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

* * * * *

(b) * * *

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order;

* * * * *

11. In § 1068.70, paragraph (d) is revised as follows:

§ 1068.70 Computation of the net pool obligation of each pool handler.

* * * * *

(d) Add the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent volume was received of the skim milk and butterfat subtracted from Class I pursuant to § 1068.46(a)(6) and the corresponding step of § 1068.46(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any other payment obligation under this or any other order.

12. In § 1068.71, paragraph (a) is revised as follows:

§ 1068.71 Computation of uniform price.

* * * * *

(a) Combine into one total the values computed pursuant to § 1068.70 for all handlers who filed reports pursuant to § 1068.30 for the month and who made the payments pursuant to § 1068.84 for the preceding month;

* * * * *

13. Section 1068.82 is revised as follows:

§ 1068.82 Location adjustments to producers and on nonpool milk.

(a) In making payments pursuant to § 1068.80 (b) and (c) for milk received at a pool plant located 35 miles or more from the Minnesota Transfer Viaduct at University Avenue in St. Paul, Minn., each handler shall deduct from the applicable price payable to such producers an amount in accordance with the location of the plant based on the rates set forth in § 1068.55; and

(b) For the purpose of computations pursuant to §§ 1068.84 and 1068.85, the uniform price shall be adjusted at the rates set forth in § 1068.55 applicable at the location of the nonpool plant from which the milk was received, except that the uniform price shall not be less than the Class II price.

14. Section 1068.90 is revised as follows:

§ 1068.90 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 15th day after the end of the month 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk (including such handler's own production); (b) other source milk allocated to Class I pursuant to § 1068.46(a)(3) and (6) and the corresponding steps of § 1068.46(b) except such other source milk on which no handler obligation applies pursuant to § 1068.70(d); and (c) Class I route disposition in the marketing area by partially regulated distributing plants that exceeds the Class I milk:

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order pursuant to the Act; and

(2) Specified in § 1068.64(b)(2)(ii).

15. Section 1068.92 is revised as follows:

§ 1068.92 Adjustment of overdue accounts.

Any unpaid obligation of a handler pursuant to §§ 1068.64, and 1068.84, and 1068.86(a), for which remittance has not been made by the close of business on the next day following the date specified for such payment shall be increased three-fourths of 1 percent for each month and any remaining amount due shall be increased at a similar rate on the corresponding day of each month thereafter until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid charges previously made pursuant to this section; and for the purpose of this section any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due, shall be considered to have been payable by the date it would have been due if the report had been filed when due.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: March 1, 1972.

Signed at Washington, D.C., on February 24, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-2987 Filed 2-28-72;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service, Department of Agriculture

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the statutory authorities cited below, the fees relating to inspection are hereby amended to reflect increases in Federal employees salaries authorized by the Economic Stabilization Act Amendments of 1971, Public Law 92-210, and Executive Order 11637, approved January 9, 1972, and to raise laboratory testing fees to a level that will more adequately cover the cost of the service provided.

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 307—FACILITIES FOR INSPECTION

Section 307.6(a) is revised to read as follows:

§ 307.6 Overtime work of Program inspectors.

(a) The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of a Program inspector on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the Program inspector to furnish inspection service during such overtime period, and shall pay the Administrator therefor $9.28 per hour per Program inspector to reimburse the Program for the cost of the inspection services so furnished.

* * * * *

(81 Stat. 584; 46 Stat. 689; 19 U.S.C. 1306; 21 U.S.C. 621)

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

PART 350—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCTS

Section 350.7(c) is revised to read as follows:

§ 350.7 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of $9.28 per hour for base time, $9.28 per hour for overtime including Saturdays, Sundays, and holidays, and $12.84 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service. Where appropriate, this time will include but will not be limited to the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative work week.

* * * * *

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA: INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Section 355.12 is revised to read as follows:

§ 355.12 Charge for service.

The fees to be charged as collected by the Administrator shall be $9.28 per hour for base time, $9.28 per hour for overtime including Saturdays, Sundays, and holidays, and $12.84 per hour for laboratory service to reimburse the Service for the cost of the inspection services so furnished.

(Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the services must increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and marketing Service. Therefore, under 5 U.S.C. 553, it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

The amendments shall become effective on March 5, 1972.

Done at Washington, D.C., on February 24, 1972.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.72-2985 Filed 2-28-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-8-AD; Amdt. 39-1397]

PART 39—AIRWORTHINESS DIRECTIVES

Gates Learjet Model 23 Airplanes

There have been fatigue failures of the flap actuator rod ends on Gates Learjet Model 23 airplanes. Failure of the rod end will result in immediate symmetrical flap retraction.

Since the condition described herein is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued requiring replacement of the flap actuator rod ends on these model airplanes. In addition, the type design data and the airplane service manual are being revised to specify a mandatory retirement life at 2,500 hours for this part. Gates Learjet Service Bulletin No. 23-231 dated February 17, 1972, pertains to the subject matter of this AD.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new AD:

GATES LEARJET. Applies to Model 23 airplanes, Serial No. 23-003 through 23-089, except those airplanes which have been modified to incorporate the Gates Learjet Model 24 Flap System.

Compliance: Required as indicated, unless already accomplished.

To prevent loss of flaps:

(1) Within 25 hours' time in service after the effective date of this AD on those airplanes with 4,000 or more hours in service,

(2) Within 150 hours' time in service after the effective date of this AD, but no later than 4,025 hours' total airplane time, whichever occurs first, on those airplanes having between 3,851 and 3,999 hours' time in service, and

(3) Within the next 150 hours' time in service after the effective date of this AD on those airplanes having between 2,350 and 3,850 hours' time in service, accomplish the following:

Replace the flap actuator rod end with a new part in accordance with Gates Learjet Service Bulletin 23-231, dated February 17, 1972, or any equivalent part approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.

NOTE: The type design data and the airplane service manual are being revised to specify a mandatory retirement life of 2,500 hours for the flap actuator rod end for applicable aircraft.

This amendment becomes effective February 29, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on February 18, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-2972 Filed 2-28-72;8:46 am]

[Airworthiness Docket No. 69-WE-7-AD, Amdt. 39-1396]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-3, DC-3A, DC-3C, and DC-3D Series Airplanes

Amendment 39-799 (34 F.R. 12159), AD 69-15-4, as amended, requires periodic inspections and repair of the wing center section in the area between stations 94.250 and 127.750, left and right sides, and from the lower front spar cap aft to the lower center spar on all Douglas Model DC-3, DC-3A, DC-3C, DC-3D, series aircraft. After issuing Amendment 39-799, the agency became aware that certain DC-3 type aircraft, which had cracks in the vicinity of stations 94.250 and 127.750, were previously repaired by installing a steel doubler instead of the aluminum doubler specified in Douglas Service Bulletin 229. The steel doubler, if not removed prior to performing the X-ray inspection per the AD, precludes compliance with that portion of AD 69-15-4. Periodic removal and installation of the steel doubler could subsequently result in a deleterious effect on the structural integrity of the wing. Therefore, the AD is being amended to require that the steel doubler be removed prior to the X-ray inspection and replaced with an aluminum doubler in accordance with Douglas Service Bulletin 263.

Since this amendment provides a clarification only, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations, Amendment 39-799 (34 F.R. 12159), AD 69-15-4, is further amended by adding, after the second sentence of paragraph (a) ending in "Chief, Aircraft Engineering Division," etc., the following:

On aircraft which have steel doublers installed in lieu of the aluminum doublers specified in Douglas Service Bulletin 229 and/or 263, or later FAA-approved revisions, remove the steel doublers prior to accomplishing the X-ray inspection. Steel doublers must be replaced with aluminum doublers in accordance with Douglas Service Bulletin 263.

This amendment becomes effective February 29, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on February 16, 1972.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.72-2971 Filed 2-28-72;8:46 am]

[Airspace Docket No. 71-SW-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Revocation of Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Dallas-Fort Worth, Tex., transition area and revoke the Bridgeport, Tex., transition area.

On January 8, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 286) stating the Federal Aviation Administration proposed to alter controlled airspace in the vicinity of Bridgeport, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Dallas-Forth Worth, Tex., transition area is amended by deleting "to longitude 97°28'00" W.; thence N. to point of beginning." and substituting therefor "to latitude 32°55'00" N.; to latitude 33°13'00" N., longitude 97°56'00" W.; to latitude 33°15'30" N.; longitude 97°49'00" W.; to point of beginning."

In § 71.181 (37 F.R. 2143), the Bridgeport, Tex., transition area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 18, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-2975 Filed 2-28-72;8:47 am]

[Airspace Docket No. 71-SW-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate a 700-foot transition area at Mineola, Tex.

On January 5, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 91) stating the Federal Aviation Administration proposed to designate a 700-foot transition area at Mineola, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

MINEOLA, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Wisener Airport (latitude 32°40'47" N., longitude 95°30'45" W.) and within 2 miles each side of the Quitman, Tex., VORTAC 211° radial extending from the airport to 6 miles northeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on February 18, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-2974 Filed 2-28-72;8:47 am]

[Airspace Docket No. 72-SW-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Editorial Change to Federal Airways, Reporting Points, Jet Routes and Area High Routes

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to make an editorial change of the name Ponca City, Okla., to Pioneer, Okla, wherever it appears in these parts.

A policy to eliminate the duplication of names for air navigation aids has been adopted by the Federal Aviation Administration. Therefore, action is taken herein to change the name of Ponca City, Okla., to Pioneer, Okla., in compliance with that policy.

Since these amendments are minor in nature, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 and Part 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

1. Section 71.123 (37 F.R. 2009) is amended as follows:

a. In V-74 "Ponca City, Okla." is deleted wherever it appears and "Pioneer, Okla." is substituted therefor.

b. In V-77 "Ponca City, Okla." is deleted wherever it appears and "Pioneer, Okla." is substituted therefor.

c. In V-190 "Ponca City, Okla." is deleted wherever it appears and "Pioneer, Okla." is substituted therefor.

d. In V-516 "Ponca City, Okla." is deleted and "Pioneer, Okla." is substituted therefor.

2. In § 71.203 (37 F.R. 2311) Ponca City, Okla." is deleted and "Pioneer, Okla." is substituted therefor.

3. Section 75.100 (37 F.R. 2382) is amended as follows:

In J-23 "Ponca City, Okla." is deleted and "Pioneer, Okla." is substituted therefor.

4. Section 75.400 (37 F.R. 2400) is amended as follows:

In J982R "Wichita, Kans. 37 43 40/97 27 11 Ponca City, Okla." is deleted and "Wichita, Kans. 37 43 40/97 27 11 Pioneer, Okla." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 22, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2973 Filed 2-28-72;8:46 am]

[Airspace Docket No. 72-WA-5]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route Segments

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to designate Jet Route Nos. 587 and 588 between Sault Ste. Marie, Mich., and the United States/Canadian Border.

The Canadian Ministry of Transport has advised that there is a need for the designation of Jet Route No. 587 from Kleinburg, Ontario, Canada, to Sault Ste. Marie, Mich., and Jet Route No. 588 from Sault Ste. Marie, Mich., to Stirling, Ontario, Canada, for the movement of transborder air traffic between these points.

Accordingly, action is taken herein to designate these requested Jet Route segments.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations, is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

Section 75.100 (37 F.R. 2382) is amended by adding the following:

a. Jet Route No. 587 (Kleinburg, Ontario, Canada, to Sault Ste. Marie, Mich.) (Joins Canadian High Level Airway No. 587) From Kleinburg, Ontario, Canada, via INT Kleinburg 325° and Sault Ste. Marie, Mich., 110° radials; to Sault Ste. Marie, Mich., excluding the portion within Canada.

b. Jet Route No. 588 (Sault Ste. Marie, Mich., to Stirling, Ontario, Canada) (Joins Canadian High Level Airway No. 588). From Sault Ste. Marie, Mich., via INT Sault Ste. Marie 110° and Stirling, Ontario, Canada, 297° radials; to Stirling, excluding the portion within Canada.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on February 22, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-2976 Filed 2-28-72;8:47 am]

[Docket No. 11740, Amdt. No. 797]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective March 23, 1972.

Ainsworth, Nebr.—Ainsworth Municipal Airport; VOR-A, Amdt. 1; Revised.

Auburn, Ind.—Auburn-De Kalb Airport; VOR-A, Amdt. 3; Revised.

No. 40——7

FEB 29 72
XUM

Auburn, Ind.—Auburn-De Kalb Airport; VOR Runway 9, Amdt. 2; Revised.
Ely, Nev.—Ely-Yelland Field; VOR-A, Amdt. 1; Revised.
Indianapolis, Ind.—Indianapolis Brookside Airpark; VOR Runway 36, Amdt. 1; Revised.
Kingman, Ariz.—Kingman Municipal Airport; VOR Runway 21, Amdt. 1; Revised.
Lufkin, Tex.—Angelina County Airport; VOR Runway 33, Amdt. 10; Revised.

2. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective March 23, 1972.

Montgomery, Ala.—Dannelly Field; Radar-1, Amdt. 5; Revised.

(Secs. 307, 313, 601, 1110 Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on February 16, 1972.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.72-2868 Filed 2-28-72;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8846]

PART 13—PROHIBITED TRADE PRACTICES

Kustom Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–30 Connections or arrangements with others; 13.15–190 Manufacturing nature; § 13.30 *Composition of goods:* 13.30–75 Textile Fiber Products Identification Act; § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements:* 13.73–90 Textile Fiber Products Identification Act; 13.73–92 Truth in Lending Act; § 13.75 *Free goods or services;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices:* 13.155–100 Usual as reduced, special, etc.; § 13.255 *Surveys.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; § 13.1230 *Identity.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1485 *Manufacturer's operations;* Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1683 *Individual's special selection or situation;* § 13.1757 *Surveys;* Misrepresenting oneself and goods—Prices: § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act; 13.1852–75 Truth in Lending Act; § 13.1892 Sales contract, right-to-cancel provision.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147, 72 Stat. 1717, 15 U.S.C. 45, 1601–1605, 70) [Cease and desist order, Kustom Enterprises, Inc., et al., Wheat Ridge, Colo., Docket No. 8846, Jan. 24, 1972]

In the Matter of Kustom Enterprises, Inc., a Corporation, and Joseph A. Padilla, Thomas M. Roth and Sherri Roth, Individually and as Officers of Said Corporation, and Marketing Enterprises, Inc., a Corporation, and Eugene DeWitt, and Julian Chavez, Individually and as Officers of Said Corporation

Order requiring two Wheat Ridge, Colo., corporations selling and distributing residential carpeting and carpet padding to cease using telephone calls or free gifts to gain access to the homes of prospective purchasers, misrepresenting that they are the exclusive franchisee of carpet manufacturers or that a prospect's home has been specially selected for a test installation, making deceptive guarantees, failing to disclose that the selling price of carpet is by the square yard, failing to give notice that any sales contract may be rescinded within 3 days, and negotiating any note to a finance company prior to midnight of the fifth day. Respondents are also required to make all disclosure required by Regulation Z of the Truth in Lending Act and comply with the misbranding and advertising provisions of the Textile Fiber Products Identification Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents Kustom Enterprises, Inc., a corporation, and its successors and assigns, and its officers, and Joseph A. Padilla, Thomas M. Roth, and Sherri Roth, individually and as officers of said corporation, and respondents Marketing Enterprises, Inc., a corporation, and its successors and assigns, and its officers, and Eugene DeWitt and Julian Chavez, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution, or installation of carpeting, carpet padding, or floor coverings, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents are conducting a telephone survey when prospective purchasers are called by telephone; or representing, in any manner, that the purpose of said telephone calls is other than to obtain leads or prospects as to persons who may be interested in the purchase of carpeting, carpet padding, floor coverings, or other merchandise or services sold by respondents.

2. Representing, directly or by implication, that respondents' representatives will call on prospective purchasers in their homes for the purpose of delivery of a free gift; or misrepresenting, in any manner, the purpose of respondents' representatives' calls.

3. Failing to disclose to prospective purchasers that respondents' salesmen will call on them at their homes for the purpose of selling respondents' products.

4. Using, in any manner, a sales plan, telephone solicitation plan, scheme or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of carpeting, carpet padding, floor coverings, or other merchandise or services.

5. Representing, directly or by implication, that respondents operate or do business as an exclusive franchisee of, or exclusive sales outlet for, the manufacturer of carpeting and carpet padding; or misrepresenting, in any manner, the nature, scope or character of respondents' business.

6. Representing, directly or by implication, that carpeting and carpet padding sold by respondents have been developed exclusively for their sales operations through a special manufacturing process by their franchising manufacturer, or that such carpeting or carpet padding was developed by the manufacturer thereof exclusively for commercial use to be sold only to establishments such as hotels, motels, casinos, restaurants, and theaters, or that such carpeting and carpet padding are of commercial grade and quality.

7. Representing, directly or by implication, that respondents' carpeting and carpet padding are being offered for sale, or sold, for the first time to homeowners for residential use; or misrepresenting, in any manner, the length of time respondents' carpeting or carpet padding has been offered for sale or sold to homeowners.

8. Representing, directly or by implication, that the homes of prospective purchasers have been specially selected to be used as test homes for the installation of respondents' carpeting and carpet padding or that thereafter they will be used for demonstration or advertising purposes.

9. Representing, directly or by implication, that reductions or discounts from respondents' regular or usual selling prices are contingent upon purchasers signing a contract during the initial visit by respondents' salesmen, or upon purchasers agreeing to allow their names or homes to be used by respondents for advertising or promotional purposes; or misrepresenting, in any manner, that respondents' offer of products is limited as to time or in any other manner, unless such limitations are, in fact, imposed and in good faith adhered to.

10. Representing, directly or by implication, that any price for respondents' carpeting, carpet padding, or for the installation thereof, or other merchandise or services, is a special or reduced price, unless such price constitutes a significant reduction from the price at which such merchandise or services have been sold, or offered for sale by the respondents for a reasonably substantial period of time in the recent, regular course of their business.

11. Representing, directly or by implication, that carpeting or carpet padding, of like grade and quality as that sold by respondents, is not available to purchasers through normal retail outlets.

12. Representing, directly or by implication, that respondents' carpeting will not fade, mat, snag heels, attract dirt or dust, generate static electricity, or show stains as other carpeting of like grade and quality; or misrepresenting, in any manner, the quality features or characteristics of products sold by respondents.

13. Representing, directly or by implication, that any of respondents' carpeting, carpet padding or other products or installations thereof, are guaranteed, unless the true nature, extent, and duration of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; or making any direct or implied representation that any of respondents' products are guaranteed, unless in each instance a written guarantee is given to the purchaser, containing provisions fully equivalent to those contained in such representations, and unless respondents promptly fulfill all of their obligations under the terms of such guarantee.

14. Representing, directly or by implication, that respondents' carpeting is cut to fit the purchaser's home after the sale thereof, and before the carpeting is delivered to the purchaser's home for installation.

15. Representing, directly or by implication, that carpeting of the type sold by respondents is sold only by the unit, and not by the square yard; or misrepresenting, in any manner, methods used by respondents in the measurement of purchasers' homes for carpeting and carpet padding or the installation thereof, or in determining respondents' selling prices as based upon such measurements.

16. Failing to disclose that respondents' carpeting and carpet padding are sold by the square yard, and the selling price per square yard of such products.

17. Representing, directly or by implication, that the prices charged for respondents' carpeting, carpet padding, and the installation thereof, are lower than those charged by their competitors for products of like grade and quality and for like installation, unless respondents' prices are, in fact, substantially lower than those charged for such products and services in the trade area, during the same period of time, by their competitors for similar products and the installation thereof.

18. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 10 and 17 of this order are based, and (b) from which the validity of any savings claims, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 10 and 17 of this order can be determined.

19. Representing, directly or by implication, that respondents' carpeting and carpet padding have any performance characteristics, or are superior in quality or performance to other products, unless each such characteristic was fully and completely substantiated by competent scientific tests, the results of which are in writing and available for inspection, and the basis of comparison is clearly and specifically stated, and the comparison is based on identical conditions of use.

20. Failing to clearly and conspicuously incorporate the following statement on the face of all sales contracts, promissory notes or other evidence of indebtedness executed by or on behalf of respondents' customers:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby notwithstanding any contractual provisions or other agreement to the contrary.

21. Contracting for any sale, whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise, which shall become binding on the buyer, prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

22. Failing to disclose orally, prior to the time of sale and in writing on any trade acceptance, conditional sales contract, promissory note or other instrument executed by the buyer, with such conspicuousness and clarity as is likely to be observed and read by such buyer, that the buyer may rescind or cancel the sale by directing or mailing a notice of cancellation to respondents' address prior to midnight of the third day, excluding Sundays and legal holidays, after the date of the sale. Upon such cancellation, the burden shall be on respondents to return any payments received from the buyer.

23. Failing to provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

24. Negotiating any trade acceptance, conditional sales contract, promissory note, or other instrument of indebtedness to a finance company or other third party, prior to midnight of the fifth day, excluding Sundays and legal holidays, after the date of execution by the buyer.

25. Failing, in any transaction, to delay the performance and the causing or permitting of performance of any of the following actions, until the cancellation period has expired and respondents have reasonably satisfied themselves that no customer to the transaction has exercised his right of cancellation:

a. Making any physical changes in the property of the customer;

b. Performing any work or service for the customer; or

c. Making any deliveries to the residence of the customer.

Provided, however, That nothing contained in Part I of this order shall relieve respondents of any additional obligations respecting contracts required by Federal law or the law of the State in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the State in which such different obligations are required. The Commission, upon proper showing, shall make such modifications as may be warranted in the premises.

II. *It is further ordered,* That respondents Kustom Enterprises, Inc., and Marketing Enterprises, Inc., corporations, and their successors and assigns, and their officers, and Joseph A. Padilla, Thomas M. Roth, and Sherri Roth, individually and as officers of the respondent Kustom Enterprises, Inc., and Eugene DeWitt and Julian Chavez, individually and as officers of the respondent Marketing Enterprises, Inc., and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with any extension of consumer credit or any advertisement to aid, assist or promote, directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make all disclosures required to be made by § 226.8 of Regulation Z, as required thereby.

2. Failing, in any consumer credit transaction in which a security interest is or will be retained or acquired in real property, which is used or is expected to be used as the principal residence of the customer, to provide each customer, who has the right to rescind that transaction pursuant to the provisions of § 226.9(a) of Regulation Z, with copies of the notice of right to rescind, in the number, manner and form prescribed in §§ 226.9(b) and 226.9(f) of Regulation Z, as required by § 226.9(b) thereof.

3. Failing, in any consumer credit transaction in which a security interest is or will be retained or acquired in real property, which is to be used or is expected to be used as the principal residence of the customer, to delay the performance and the causing or permitting of performance of any of the following actions until the rescission period has expired and respondents have reasonably satisfied themselves that no customer to the transaction has exercised his right of rescission:

a. Making any physical changes in the property of the customer;

b. Performing any work or service for the customer; or

V37-40 FEB 29 72 XUM

c. Making any deliveries to the residence of the customer if the creditor has retained or will acquire a security interest other than one arising by operation of law, except as provided in § 226.9(e) of Regulation Z, in instances where the customer modifies or waives his right to rescind, as required by § 226.9(c) of Regulation Z.

4. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

III. *It is further ordered*, That respondents Kustom Enterprises, Inc., a corporation, and its successors and assigns, and Joseph A. Padilla, Thomas M. Roth, and Sherri Roth, individually and as officers of said corporation, and respondents Marketing Enterprises, Inc., a corporation, and its successors and assigns, and Eugene DeWitt and Julian Chavez, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

1. Misbranding textile fiber products by failing to stamp, tag, label or otherwise identify such products as to each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act, in a clear, legible and conspicuous manner, as to:

a. The true generic name of the fibers present;

b. The percentage of each fiber present, by weight, in the total fiber content of said textile fiber product, exclusive of ornamentation, not exceeding five (5) per centum by weight of the total fiber content.

c. The name, or other identification issued and registered by the Commission, of the manufacturer of the textile fiber products.

2. Falsely and deceptively advertising fiber products by:

a. Making any representation by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

b. Using a fiber trademark in advertising textile fiber products containing only one fiber, without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of their respective operating divisions.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, or sale, of any product, or in the consummation of any extension of consumer credit, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations, or any of them, which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: January 24, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-2982 Filed 2-28-72;8:47 am]

[Docket No. C-2123]

PART 13—PROHIBITED TRADE PRACTICES

Spiegel, Inc.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1892 Sales contract, right-to-cancel provision; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Spiegel, Inc., Chicago, Ill., Docket No. C-2123. Jan. 3, 1972]

In the Matter of Spiegel, Inc., a corporation.

Consent order requiring a Chicago, Ill., catalog retailer to cease violating the Truth in Lending Act by failing to disclose in its credit life and disability insurance its annual percentage rate, the method of computing its finance charges, and failing to comply with other provisions of Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Spiegel, Inc., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or in connection with any advertisement to aid, promote, or assist directly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), shall cease and desist from:

1. Failing, in any credit transaction, to include and to itemize the amount of premiums for credit life and disability insurance as part of the finance charge, unless the amount of such premiums is excluded from the finance charge because of appropriate exercise of the option available pursuant to Section 226.4 (a) (5) of Regulation Z.

2. Failing, on any periodic statement (except in the case of an account which it deems to be uncollectible or with respect to which delinquency collection procedures have been instituted),

(a) To clearly and conspicuously disclose the correct amount of the finance charge determined in accordance with § 226.4 of Regulation Z, and to itemize and identify such finance charge as required by § 226.7(b) (4) of Regulation Z;

(b) To disclose the "annual percentage rate" computed in accordance with § 226.5 of Regulation Z, as required by § 226.7(b) (6) of Regulation Z;

(c) To disclose the date by which or the period, if any, within which payment of the "new balance" may be made to avoid additional finance charges, as required by § 226.7(b) (9) of Regulation Z; and

(d) To disclose the lower balance to which the periodic rate applies, when application of the periodic rate does not yield an amount equal to the minimum finance charge, as required by § 226.7(b) (5) of Regulation Z.

3. Separating the disclosures so as to confuse or mislead the customer or obscure or detract attention from the required disclosure of the method of computing finance charges, pursuant to § 226.7(c) (4) of Regulation Z, by representing that it computes the finance charge in any manner other than that actually used by respondent.

4. Representing in any advertisement, catalog, or brochure, directly or by implication, that no downpayment is required without clearly and conspicuously setting forth, in the terminology prescribed in § 226.7(b) of Regulation Z, each item required by § 226.10(c) of Regulation Z, or, as an alternative to the foregoing.

Failing to refer to a schedule or statement of credit terms containing the disclosures required by § 226.10(c) of Regulation Z by incorporating in immediate conjunction with the representation that no downpayment is required, pursuant to § 226.10(b) of Regulation Z, a statement similar to the following:

If you elect credit, see credit terms on page -------.

5. Failing, in a schedule of credit terms in any of its catalogs or other multiple page advertisements, to disclose the lower balance to which the periodic rate applies, when application of the periodic rate does not yield an amount equal to the minimum finance charge, as required by § 226.10(c) (4) of Regulation Z.

6. Failing, in any consumer credit transaction or advertisement, to make the disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, and 226.10 of Regulation Z.

It is further ordered, That respondent, in connection with each sale of credit life insurance written in connection with its credit sales on or after July 1, 1969 in which respondent failed to obtain a specific dated and separately signed affirmative written indication of the customer's desire for such insurance and thereafter failed to include the charges for such insurance in the amount of finance charge debited to the customer's account monthly, shall mail to each customer to whom such sale of credit life insurance was made and whose account is in open or current status, the following notice, and accompanying letter.

We hereby supply you with the following information concerning your credit life insurance policy:

1. The cost of credit life insurance which has been charged to you since you opened this account with Spiegel, Inc. is 13 cents per hundred dollars of the unpaid balance.

2. Such insurance was not and is not required as a condition to Spiegel's extending credit to you.

3. You have a right to request cancellation of this policy. You may exercise your right to cancel by signing (on line 1) that portion of the enclosed notice canceling your credit life insurance policy and returning it to Spiegel, Inc., in the accompanying self-addressed envelope. Such cancellation is effective when received by Spiegel, Inc. You understand that once having canceled you will have no rights under the policy even though the policy may have been in effect up to the time of cancellation.

4. If you desire to continue your credit life insurance policy, you should sign that portion of the enclosed notice (on line 2) which indicates your desire for insurance coverage and return it to Spiegel, Inc., in the accompanying self-addressed envelope.

CREDIT LIFE INSURANCE NOTICE

I hereby request cancellation of my credit life insurance covering the above account. I understand that upon receipt of this cancellation I will have no benefits under any insurance policy with respect to the above account.

Date ----------

(1) ----------
Signature of customer in whose name account is recorded.

"I desire to continue my credit life insurance policy

Date ----------

(2) ----------
Signature of customer in whose name account is recorded.

It is important that you return this notice before ----------.

Respondent's obligations under this provision shall not be fulfilled until each customer affected by it has returned the notice specified herein: *Provided*, That as long as respondent can demonstrate that any such customer cannot be contacted or that any such customer failed to reply after respondent expended reasonable efforts, in writing or orally, to effect such reply monthly for a period of 4 months after mailing the notice to such customer, respondent shall have complied with this provision.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent at its general offices in Chicago who are engaged as head of the particular department, in the extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said copy of this order from each such person.

It is further ordered, That the respondent notify the Commission at least thirty (30) days prior to any proposed change in its corporate form, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other changes in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: January 3, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-2983 Filed 2-28-72;8:47 am]

[Docket No. C-2124]

PART 13—PROHIBITED TRADE PRACTICES

Stewart Brothers & Alward Co., et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 Formal regulatory and statutory requirements: 13.1623–95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Stewart Brothers & Alward Co. et al., Newark, Ohio, Docket No. C-2124, Jan. 3, 1972]

In the Matter of Stewart Brothers & Alward Co., a Corporation, and Walter T. Brown, Floyd F. Layman, Helen (NMI) Reitter, and Howard W. Kraner, Individually and as Officers of Said Corporation

Consent order requiring a Newark, Ohio, dealer in furniture and appliances to cease violating the Truth in Lending Act by failing to properly use on its installment contracts the terms "finance charge," "cash down payment," "unpaid balance of cash price," "deferred payment price" and other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Stewart Brothers & Alward Co., a corporation, and its officers, and Walter T. Brown, Floyd F. Layman, Helen (NMI) Reitter, and Howard W. Kraner, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly, any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing to print the term "Finance Charge" more conspicuously than other terminology where such term is required to be used, as required by § 226.6(a) of Regulation Z;

(2) Failing to make full disclosures before the transaction is consummated and to furnish the customers with a duplicate of the instrument or a statement by which the required disclosurers are made, as required by § 226.8(a) of Regulation Z;

(3) Failing to disclose the amount of any odd monthly payment, as required by § 226.8(b) (3) of Regulation Z;

(4) Failing to disclose the amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments, as required by § 226.8(b) (4) of Regulation Z;

(5) Failing to employ the term "Cash Down Payment" to describe any down payment in money and to disclose the amount of the "Total Down Payment", using that term, as required by § 226.8 (c) (2) of Regulation Z;

(6) Failing to employ the term "Unpaid Balance of Cash Price" to describe the difference between the cash price and total down payment, as required by § 226.8(c) (3) of Regulation Z;

(7) Failing to employ the term "Amount Financed" to describe the balance financed and to disclose such amount, as required by § 226.8(c) (7) of Regulation Z;

VOL 37 NO 40 FEB 29 72 XUM

(8) Failing to employ the term "Deferred Payment Price" to describe the sum of the cash price, all other charges which are included in the amount financed but are not a finance charge under § 226.4 of Regulation Z, and the total amount of the finance charge, if any, as required by § 226.8(c)(8)(ii) of Regulation Z;

(9) Failing to make the disclosures to the extent applicable as prescribed under § 226.8 of Regulation Z, when an existing obligation is increased, as required by § 226.8(j) of Regulation Z;

(10) Failing to give notice of right to rescind in credit transactions in which a security interest is or will be retained or acquired in any real property which is used or is expected to be used as the principal residence of the customer by furnishing two copies of such notice in the form as set forth in § 226.9(b) of Regulation Z, as required by § 226.9 of Regulation Z;

(11) Stating in advertising the amount of the down payment required or that no down payment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, without stating all of the following items in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(i) The cash price.

(ii) The amount of the down payment required or that no down payment is required, as applicable.

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

(iv) The amount of the finance charge expressed as an annual percentage rate.

(v) The deferred payment price.

(12) Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with § 226.4 and § 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That Respondents deliver a copy of this Order to cease and desist to all present and future personnel of Respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that Respondents secure a signed statement acknowledging receipt of said Order from each such person.

It is further ordered, That Respondents notify the Commission at least thirty (30) days prior to any proposed change in the Corporate Respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor Corporation, the creation or dissolution of subsidiaries or any other change in the Corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That the Respondents herein shall, within sixty (60) order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the Order to Cease and Desist contained herein.

It is further ordered, That the Respondents herein shall, within sixty (60) days after service upon them of this Order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this Order.

Issued: January 3, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-2984 Filed 2-28-72;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-68]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Security of Cargo in Unlading Areas and Clearance of Containerized Cargo

On September 14, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 18410) whose stated purpose was to:

(1) Incorporate established procedures, instituted on a provisional basis, for transporting containerized cargo from the place of unlading to a designated container station for the purpose of breaking bulk and redelivering the cargo;

(2) Make applicable to independent container station operators the procedures relating to the security of cargo in unlading areas contained in the aforementioned Treasury decision (T.D. 71-39).

Interested persons were given the opportunity to submit written comments, suggestions, or objections regarding the proposed regulations. After consideration of all such relevant matters as were presented, the proposed regulations, with a modification of § 19.40 to clarify at which places a container station may be established, are hereby adopted as set forth below.

Effective date. These amendments shall become effective 30 days following the date of their publication in the FEDERAL REGISTER.

[SEAL] MYLES J. AMBROSE, *Commissioner of Customs.*

Approved: February 17, 1972.

EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

1. The title of Part 19 is amended to read as set forth above.

2. Part 19 is amended by adding a new centerhead and §§ 19.40 through 19.49 to read as follows:

CONTAINER STATIONS

§ 19.40 Establishment of container stations.

A container station, independent of the importing carrier, may be established at any port or portion of a port, or any other area under the jurisdiction of a district director upon the filing of an application therefor and its approval by the district director and the posting, in the sum of $25,000 or such larger amount as the district director shall determine, of a bond in the following format:

Port of _____
No. _____

BUREAU OF CUSTOMS

CONTAINERIZED CARGO BOND (TERM)

Know All Men By These Presents:

That: [1] _____, of _____, as principal, and [1] _____ of _____ and _____ of _____, as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars ($_____), for payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____, 19__.

Whereas, the above-bounden principal has requested, or will request, permission to remove imported containers, truck trailers, lift vans or vehicles (hereinafter referred to as containers) containing merchandise or baggage (hereinafter referred to as merchandise) from the place of unlading from an importing vessel, vehicle or aircraft of the _____ for transportation to the _____ terminal(s) at _____ for a period beginning on the _____ day of _____, 19__, and ending on the _____ day of _____, 19__, both days inclusive; and

Whereas, the above-bounden principal has requested, or will request, the assignment of Customs officers or employees to overtime duty at night or on Sunday or a holiday pursuant to the provisions of the Tariff Act of 1930, as amended, the Act of February 13, 1911, as amended, or any other act, or acts and regulations relating thereto, in effect at the time of such duty, on behalf of the herein referred to containers, and the merchandise therein;

Now, Therefore, the Condition of This Obligation is Such That—

(1) If the above-bounden principal shall pay such sums as are chargeable under law and regulations for any services as may be performed for said containers and the merchandise therein by Customs officers or employees and shall promptly pay any duties, charges, exactions, penalties, or other sums found legally due the United States by said principal on account of said containers and the merchandise therein;

(2) And if the above-bounden principal shall exonerate and hold harmless the United States and its officers from, or on account of, any risk, loss, or expense of any kind or description which might occur or be occasioned by reason of the granting of any special license to discharge or take on such merchandise in said containers at night or on Sunday or holiday, as well as from any loss or damage resulting from fraud or negligence on the part of any officer, agent, or other person employed by the above-bounden principal, by reason of the granting of any special license;

(3) And if the principal shall make prompt report of arrival of the containers and the merchandise therein by delivery of the manifest, and permit to transfer, to the district director or other proper customs officer to whom the containers and the merchandise therein are consigned in said manifest or permit to transfer, or by other notice satisfactory to the district director;

(4) And if the said principal shall, in the event of failure to comply with any or all of the conditions referred to in this instrument, pay to the United States as liquidated damages an amount equal to the value of the nondutiable merchandise with respect to which there shall have been default, the damages on any one shipment not to exceed $500, and shall pay an amount equal to the duties on such dutiable merchandise as may be involved in the default (it being understood and agreed that the amount to be collected in either case shall be based upon the quantity and value of such merchandise in the containers as determined by the district director of Customs, and that the decision of the district director of Customs as to the status of such merchandise whether free or dutiable, together with the rate and amount of duty and tax, shall also be binding on all parties to this obligation; it is further understood and agreed that liability under this instrument attaches for all shortages whether discovered before or after the filing of any form of entry); provided that when delivery shall have been made of any dutiable merchandise in the containers to the ultimate consignee, owner, or other person without permit or release having been issued by the district director or other proper officer of the Customs, the principal shall pay, in addition to the duties on such merchandise a sum equal to 25 per centum of the duties on the merchandise so delivered; and shall pay any internal revenue taxes or other taxes accruing to the United States on the merchandise which is the subject of the default together with all costs, charges, penalties, and expenses caused by the failure to comply with the conditions of this obligation;

(5) And if pursuant to proper permit by the district director of Customs the above-bounden principal shall remove imported containers from the place of unlading from importing vessels, vehicles, or aircraft and land, place, or store any merchandise in the containers in the above-mentioned terminal(s) of the principal or on lighters, piers, landing places, or spaces adjoining thereto, or such other places permitted by the district director on special request made by the principal hereon, and shall retain such merchandise in the containers at such places until a permit for the removal thereof is granted, and, in the event that any such merchandise in the containers shall be removed therefrom before proper permits have been issued, shall pay all duties, taxes, charges, and exactions accruing on any part of the merchandise in the containers so removed; or in the event the merchandise in the containers so removed is free of duty, shall pay as liquidated damages an amount equal to the value of such merchandise contained in the containers, the damages on any one shipment not to exceed $500 (it being understood and agreed that the amount to be collected in either case shall be based upon the quantity and value of such merchandise in the containers as determined by the district director, and that the decision of the district director as to the status of such merchandise, whether free or dutiable, together with the rate and amount of duties, taxes, charges, and exactions also shall be binding on all parties to this obligation; it is further understood and agreed that liability under this instrument attaches for all shortages whether discovered before or after the filing of any form of entry);

(6) And if the said principal shall pay the necessary expense of such seals, locks, and other proper fastenings as may be prescribed and required by the district director for securing the transportation and safekeeping or storage of such merchandise contained in the containers as may be placed in the custody of the principal, in such terminals, stations, buildings, rooms, warehouses, elevators, safes, trunks, pouches, or other things for, and places of, keeping or storage, as may be authorized and used by the principal for that purpose;

Then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

_____ (Name) _____ (Address)

[SEAL] _____ (Name) _____ (Address)
(Principal)

_____ (Name) _____ (Address)

[SEAL] _____ (Name) _____ (Address)
(Surety name and number)

_____ (Name) _____ (Address)

[SEAL] _____ (Name) _____ (Address)
(Surety name and number)

(Secs. 450, 499, 623, 46 Stat. 715, as amended, 728, as amended, 759, as amended; 19 U.S.C. 1450, 1499, 1623)

§ 19.41 Movement of containerized cargo to a container station.

Containerized cargo may be moved from the place of unlading to a designated container station prior to the filing of an entry therefor or the permitting thereof (see § 15.8 of this chapter) for the purpose of breaking bulk and redelivery of the cargo.

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

§ 19.42 Application for transfer of merchandise.

The container station operator may file an application for the transfer of a container intact to the station. The application shall be in duplicate in the following or substantially similar format:

BUREAU OF CUSTOMS

APPLICATION AND PERMIT TO TRANSFER CONTAINERIZED CARGO TO A CONTAINER STATION

Date _____

Application is made to transfer the containers and their contents listed below which arrived on _____ (Carrier) on _____ (Date) at Pier _____ to the _____ (Container station)

An abstract of the carrier's manifest covering the containers by B/L No., marks, numbers, contents, consignee, etc., is attached hereto.

LIST OF CONTAINERS BY MARKS AND NUMBERS ONLY

_____

_____

_____

_____
(Signature of authorized agent of container station)

We concur: _____
(Signature of agent of importing carrier)

TRANSFER RECORD

Delivered to _____ (cartman) C.H.L. No. _____ in apparent good order and condition except as noted:

Truck No.	Container numbers	Date	Signature of Inspector	Signature of cartman	Received signature container operator

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

§ 19.43 Filing of application.

The application, listing the containers by marks and numbers, may be filed at the customhouse or with the discharging inspector at the place where the container is unladen, as designated by the district director.

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

§ 19.44 Importing carrier concurrence.

The importing carrier (who, with the operator, remains jointly and severally liable for the proper delivery of the merchandise until it is permitted in accordance with § 15.8 of this chapter) shall indicate its concurrence in the transfer of the merchandise either by signing the application for transfer or by physically turning the merchandise over to the operator. The importing carrier shall furnish an abstract manifest showing the bill of lading number, the marks and numbers of the container, and the usual manifest description for each shipment in the container. The importing carrier will be responsible for ascertaining that the person to whom a container is delivered for transfer to the container station is an authorized representative of the operator.

(Sec. 448, 46 Stat. 714, as amended; 19 U.S.C. 1448)

[1] If the principal or surety is a corporation, the name of the State in which incorporated also shall be shown.

VOL 37 NO 40 FEB 29 72 XUM

§ 19.45 Transfer of merchandise, approval and method.

Approval of the application by the district director shall serve as a permit to transfer the container and its contents to the station. The merchandise may only be transferred to a container station by a bonded cartman or bonded carrier. The cartman or carrier shall receipt for the merchandise on both copies of the application.

(Secs. 551, 565, 46 Stat. 742, as amended, 747 as amended; 19 U.S.C. 1551, 1565)

§ 19.46 Employee lists.

A permit shall not be granted to an operator to transfer a container or containers to a container station, if the operator, within 30 calendar days after the date of receipt of a written demand by the district director, does not furnish a written list of names, addresses, social security numbers, and dates and places of birth of persons employed by him in connection with the movement, receipt, storage or delivery of imported merchandise. Having furnished such a list, no new permit shall be issued to an operator who has not within 10 calendar days after the employment of any new personnel employed in connection with the movement, receipt, storage, or delivery of imported merchandise advised the district director in writing of the names, addresses, social security numbers, and dates and places of birth of such new employees. The operator shall, within 10 calendar days, advise the district director if the employment of any employee is terminated. A person shall not be deemed to be employed by an operator if he is an officer or employee of an independent contractor engaged by the operator to move, receive, store, deliver, or otherwise handle imported merchandise.

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

§ 19.47 Security.

The space to be used for the purposes of breaking bulk and delivering cargo shall be properly secured against access by unauthorized persons, including persons not on the list of current employees furnished to the district director by the container station operator, the principal on the bond, as required by § 19.46. A suitable working and office space for the use of Customs officers and employees performing functions in the area shall also be provided.

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

§ 19.48 Withdrawal of privileges.

If discrepancies are discovered which indicate that the revenue may be endangered or there is a failure to retain or secure the designated examination packages, the privileges of a container station operator granted by this subpart may be revoked pursuant to the procedure stated in § 19.3(e).

(Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

§ 19.49 Entry of containerized merchandise.

Merchandise not entered within the lay order period, or extension thereof, shall be placed in general order. The importing carrier shall issue carrier's certificates for individual shipments in a container. Entries covering merchandise transferred to a container station shall clearly show that the merchandise is at the container station.

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

(R.S. 251, as amended, secs. 555, 556, 624, 644, 46 Stat. 743, as amended, 759, 761; 19 U.S.C. 66, 1551, 1556, 1624, 1644)

[FR Doc.72-3016 Filed 2-28-72;8:51 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

[DESI 7837]

PART 148i—NEOMYCIN SULFATE

Neomycin Sulfate Sterile Powder

In a notice (DESI 7837) published in the FEDERAL REGISTER of May 13, 1970 (35 F.R. 7837), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Mycifradin Sulfate containing neomycin sulfate sterile powder; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 7-837).

2. Neomycin sulfate sterile powder; Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114 (NDA 11-596).

3. Neomycin sulfate sterile powder; E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 60-366).

4. Neomycin sulfate sterile powder; Pure Laboratories, Inc., 59 Intervale Road, Parsippany, N.J. 07054 (No NDA number).

The notice stated that the drugs were regarded as probably effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications. In a notice published elsewhere in this issue of the FEDERAL REGISTER, the Food and Drug Administration announces that these claims have been reevaluated. As a result of this reevaluation, no effective indications remain for other than the intramuscular route of administration and packages containing 5 or 10 grams of sterile powder are not appropriate for preparation of solutions for intramuscular administration. Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to reflect these conclusions.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148i is amended in § 148i.1 by revising paragraph (a)(2) to read as follows:

§ 148i.1 Neomycin sulfate.

(a) • • •

(1) • • •

(2) *Packaging.* In addition to the requirements of § 148.2 of this chapter, each immediate container shall contain 0.35 gram of neomycin.

• • • • • •

Any person who will be adversely affected by this amendment to the antibiotic drug regulations may file objections to this order requesting a hearing and showing reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended, and shall include a well organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order making findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701 (f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

Dated: February 17, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2965 Filed 2-28-72;8:46 am]

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 304—RECORDS AND REPORTS OF REGISTRANTS

Narcotic Controlled Substances

A notice was published in the FEDERAL REGISTER on December 8, 1971 (36 F.R. 23304), proposing amendments to Part 304 of Title 21 of the Code of Federal Regulations. A notice extending the time for filing comments on this proposal was published in the FEDERAL REGISTER on January 6, 1972 (37 F.R. 144).

In light of the comments received from various manufacturers of controlled substances, the Director has determined not to finalize the proposed amendments. The Bureau will review the entire reporting system and propose new amendments in the near future.

In order to satisfy U.S. obligations under the Single Convention on Narcotic Drugs, however, certain amendments to § 304.32 are required. These amendments are intended to obtain information regarding inventories of Schedule III narcotic drugs. Many distributors and exporters voluntarily provided the Bureau with this information as of December 31, 1971. Because of U.S. treaty mandates, it will be necessary to require those distributors and exporters who have not already submitted this information to do so. If an inventory of Schedule III narcotics as of December 31, 1971, is not available, a new inventory should be taken of these items and submitted in lieu of a December 31 inventory.

Therefore, under the authority vested in the Attorney General by sections 301, 307, 501(b), and 1008(d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs, by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that:

1. Section 304.22 be amended by substituting the words "Schedules I, II and III" for the words "Schedules I and II" in paragraphs (a), (b), (c), and (d).

2. Every registered distributor and every registered exporter who has not by this date submitted as part of his December 31, 1971, monthly report, an inventory on BND Form 235c of narcotic controlled substances listed in Schedule III shall file an amended report with such an inventory (either as of December 31, 1971, or later, with the date of inventory noted) on or before March 15, 1972. Such amended report shall be filed with the Distribution Audit Branch, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Washington, D.C. 20537.

This order is effective upon the date of its publication in the FEDERAL REGISTER (2-29-72).

Dated: February 24, 1972.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.72-3017 Filed 2-28-72;8:51 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7163]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Special Contingency Reserves of Life Insurance Companies

On November 4, 1971, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 805 and 810 of the Internal Revenue Code of 1954 (relating to special contingency reserves of life insurance companies) to reflect the changes made by section 907(a) of the Tax Reform Act of 1969 (83 Stat. 715) was published in the FEDERAL REGISTER (36 F.R. 21206). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: February 19, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 805 and 810 of the Internal Revenue Code of 1954 to section 907(a) of the Tax Reform Act of 1969 (83 Stat. 715), such regulations are amended as follows:

PARAGRAPH 1. Section 1.805 is amended by revising paragraph (e)(4) and by revising the historical note. These revised provisions read as follows:

§ 1.805 Statutory provisions; life insurance companies; policy and other contract liability requirements.

SEC. 805. *Policy and other contract liability requirements.* • • •

• • • • • •

(e) *Interest paid.* • • •

(4) *Interest on certain special contingency reserves.* Interest for the taxable year on special contingency reserves under contracts of group term life insurance or group health and accident insurance which are established and maintained for the provision of insurance on retired lives, for premium stabilization, or for a combination thereof

[Sec. 805 as amended by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 43); sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 118); sec. 7, Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 628); sec. 907(a), Tax Reform Act 1969 (83 Stat. 715)]

PAR. 2. Section 1.805-8 is amended by revising paragraph (b)(4) to read as follows:

§ 1.805-8 Interest paid.

• • • • • •

(b) *Interest paid defined.* • • •

(4) Interest for the taxable year on special contingency reserves under contracts of group term life insurance or group health and accident insurance which are established and maintained for the provision of insurance on retired lives, for premium stabilization, or for a combination thereof.

PAR. 3. Section 1.810 is amended by adding new subsection (c)(6) and by revising the historical note to read as follows:

§ 1.810 Statutory provisions; life insurance companies; rules for certain reserves.

SEC. 810. *Rules for certain reserves.*

• • • • • •

(c) *Items taken into account.* • • •

(6) Special contingency reserves under contracts of group term life insurance or group health and accident insurance which are established and maintained for the provision of insurance on retired lives; for premium stabilization, or for a combination thereof.

• • • • • •

[Sec. 810 as added by sec. 2, Life Insurance Company Income Tax Act 1959 (73 Stat. 125); amended by section 907(a), Tax Reform Act 1969 (83 Stat. 715)]

PAR. 4. Section 1.810-2 is amended by adding a new subparagraph (6) to paragraph (b) and by revising examples (1) and (3) of paragraph (d) thereof to read as follows:

§ 1.810-2 Rules for certain reserves.

• • • • • •

(b) *Items taken into account.* • • •

(6) Special contingency reserves under contracts of group term life insurance or group health and accident insurance which are established and maintained for the provision of insurance on retired lives, for premium stabilization, or for a combination thereof.

• • • • • •

(d) *Illustration of principles.* The provisions of section 810 (a) and (b) and this section may be illustrated by the following examples:

Example (1). Assume the following facts with respect to R, a life insurance company:

Sum of items described in section 810 (c) (1) through (6) at beginning of taxable year	$940
Sum of items described in section 810 (c) (1) through (6) at end of taxable year	1,060
Required interest (as defined in section 809(a)(2))	70
Investment yield (as defined in section 804(c))	100
Amount of investment yield not included in gain or loss from operations for the taxable year by reason of section 809(a)(1)	70

In order to determine the adjustment for decrease or increase in the sum of the items described in section 810(c) for the taxable year, R must first reduce the sum of such items at the end of the taxable year ($1,060) by the amount of investment yield ($70) not included in gain or loss from operations for the taxable year by reason of section 809(a)(1). Since the adjusted sum of such items at the end of the taxable year, $990 ($1,060

V 37 140 FEB 29 72 XUM

minus $70), exceeds the sum of such items at the beginning of the taxable year, $940, the excess of $50 ($990 minus $940) shall be taken into account as a net increase under section 809(d)(2) and paragraph (a)(2) of § 1.809–5 in determining gain or loss from operations.

* * * * *

Example (3). Assume the following facts with respect to S, a life insurance company:

Sum of items described in section 810 (c) (1) through (6) at beginning of taxable year	$1,970
Sum of items described in section 810 (c) (1) through (6) at the end of taxable year	2,040
Required interest (as defined in section 809(a)(2))	60
Investment yield (as defined in section 804(c))	40
Amount of investment yield not included in gain or loss from operations by reason of section 809(a)(1)	40

Under the provisions of section 809(a)(1), since the required interest ($60) exceeds the investment yield ($40), the share of each and every item of investment yield set aside for policyholders and not included in gain or loss from operations for the taxable year shall be 100 percent. Thus, applying the provisions of section 810 (a) and (b), the sum of the items described in section 810(c) at the end of the taxable year ($2,040) must first be reduced by the entire amount of the investment yield ($40) in order to determine the net increase or decrease in the sum of such items for the taxable year. Since the adjusted sum of such items at the end of the taxable year, $2,000 ($2,040 minus $40), is greater than the sum of such items at the beginning of the taxable year, $1,970, the excess of $30 ($2,000 minus $1,970) shall be taken into account as a net increase under section 809(d)(2) and paragraph (a)(2) of § 1.809–5 in determining gain or loss from operations. No additional deduction is allowed under section 809(d) for the amount ($20) by which the required interest exceeds the investment yield for the taxable year.

* * * * *

[FR Doc.72–2981 Filed 2–28–72;8:47 am]

[T.D. 7164]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Changes in Rates During a Taxable Year

On December 16, 1971, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) to conform the regulations to changes made by section 132 of the Revenue Act of 1964 (78 Stat. 25, 30) and section 803(e) of the Tax Reform Act of 1969 (83 Stat. 487, 685) was published in the FEDERAL REGISTER (36 F.R. 23935). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

(Sec. 7805 of the Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: February 19, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 21(d) of the Internal Revenue Code of 1954 to section 132 of the Revenue Act of 1964 (78 Stat. 25, 30) and section 803(e) of the Tax Reform Act of 1969 (83 Stat. 487, 685) such regulations are amended as follows:

PARAGRAPH 1. Section 1.21 is amended by deleting paragraph 1(d) applicable to taxable years beginning before January 1, 1954, and ending after December 31, 1953, and adding paragraph (d) *Changes Made by Revenue Act of 1964* and paragraph (d) *Changes Made by Tax Reform Act of 1969 in Case of Individuals* and by adding a historical note. These amended provisions read as follows:

§ 1.21 Statutory provisions; effect of changes.

(a) *General rule.* * * *

* * * * *

(d) *Changes Made by Revenue Act of 1964*—(1) *Individuals.* In applying subsection (a) to the taxable year of an individual beginning in 1963 and ending in 1964—

(A) The rate of tax for the period on and after January 1, 1964, shall be applied to the taxable income determined as if part IV of subchapter B (relating to standard deduction for individuals), as amended by the Revenue Act of 1964, applied to taxable years ending after December 31, 1963, and

(B) Section 4 (relating to rules for optional tax), as amended by such Act, shall be applied to taxable years ending after December 31, 1963.

In applying subsection (a) to a taxable year of an individual beginning in 1963 and ending in 1964, or beginning in 1964 and ending in 1965; the change in the tax imposed under section 3 shall be treated as a change in a rate of tax.

(2) *Corporations.* In applying subsection (a) to a taxable year of a corporation beginning in 1963 and ending in 1964, if—

(A) The surtax exemption of such corporation for such taxable year is less than $25,000 by reason of the application of section 1561 (relating to surtax exemptions in case of certain controlled corporations), or

(B) An additional tax is imposed on the taxable income of such corporation for such taxable year by section 1562(b) (relating to additional tax in case of component members of controlled groups which elect multiple surtax exemptions),

the change in the surtax exemption, or the imposition of such additional tax, shall be treated as a change in a rate of tax taking effect on January 1, 1964.

(d) *Changes Made by Tax Reform Act of 1969 in Case of Individuals.* In applying subsection (a) to a taxable year of an individual which is not a calendar year, each change made by the Tax Reform Act of 1969 in part I or in the application of part IV or V of subchapter B for purposes of the determination of taxable income, shall be treated as a change in a rate of tax.

[Sec. 21 as amended by sec. 132, Rev. Act 1964 (78 Stat. 31); sec. 803(e), Tax Reform Act, 1969 (83 Stat. 487)]

PAR. 2. Section 1.21–1 is amended by revising paragraphs (a), (c), (d), (h), (k), and (n). These revised provisions read as follows:

§ 1.21–1 Changes in rate during a taxable year.

(a) Section 21 applies to all taxpayers, including individuals and corporations. It provides a general rule applicable in any case where (1) any rate of tax imposed by chapter 1 of the Code upon the taxpayer is increased or decreased, or any such tax is repealed, and (2) the taxable year includes the effective date of the change, except where that date is the first day of the taxable year. For example, the normal tax on corporations under section 11(b) was decreased from 30 percent to 22 percent in the case of a taxable year beginning after December 31, 1963. Accordingly, the tax for a taxable year of a corporation beginning on January 1, 1964, would be computed under section 11(b) at the new rate without regard to section 21. However, for any taxable year beginning before January 1, 1964, and ending on or after that date, the tax would be computed under section 21. For additional circumstances under which section 21 is not applicable, see paragraph (k) of this section.

* * * * *

(c) If the rate of tax is changed for taxable years "beginning after" or "ending after" a certain date, the following day is considered the effective date of the change for purposes of section 21. If the rate is changed for taxable years "beginning on or after" a certain date, that date is considered the effective date of the change for purposes of section 21. This rule may be illustrated by the following examples:

Example (1). Assume that the law provides that a change in a certain rate of tax shall be effective only with respect to taxable years beginning after December 31, 1969. The effective date of change for purposes of section 21 is January 1, 1970, and section 21 must be applied to any taxable year which begins before and ends on or after January 1, 1970.

Example (2). Assume that the law provides that a change in a certain rate of tax shall be applicable only with respect to taxable years ending after December 31, 1970. For purposes of section 21, the effective date of change is January 1, 1971, and section 21 must be applied to any taxable year which begins before and ends on or after January 1, 1971.

Example (3). Assume that the law provides that a change in a certain rate of tax shall be effective only with respect to taxable years beginning on or after January 1, 1971. The effective date of change for purposes of section 21 is January 1, 1971, and section 21 must be applied to any taxable year which begins before and ends on or after January 1, 1971.

(d) If a tax is repealed, the repeal will be treated as a change of rate for purposes of section 21, and the rate for the period after the repeal (for purposes of computing the tentative tax with respect to that period) will be considered zero. For example, the Tax Reform Act of 1969 repealed section 1562, which imposed a 6 percent additional tax on controlled corporations electing multiple surtax exemptions, effective for taxable years beginning after December 31, 1974. For such controlled corporations having taxable years beginning in 1974 and ending in 1975, the rate for the period ending before January 1, 1975, would be 6 percent; the rate for the period beginning after December 31, 1974, would be zero. However, subject to the rules stated in this section, section 21 does not apply to the imposition of a new tax. For example, if a new tax is imposed for taxable years beginning on or after July 1, 1972, a computation under section 21 would not be required with respect to such new tax in the case of taxable years beginning before July 1, 1972, and ending on or after that date. If the effective date of the imposition of a new tax and the effective date of a change in rate of such tax fall in the same taxable year, section 21 is not applicable in computing the taxpayer's liability for such tax for such year unless the new tax is expressly imposed upon the taxpayer for a portion of his taxable year prior to the change in rate.

* * * * *

(h)(1) Section 21 is applicable only if the rate of tax imposed by chapter 1 changes. Sections in which rates of tax are specified or incorporated by reference include the following: 1, 2, 3, 11, 511, 531, 541, 821, 831, 871, 881, 1201, and 1348 (for taxable years beginning after December 31, 1970). Except as provided in subparagraph (3) of this paragraph, section 21 is not applicable with respect to changes in the law relating to deductions from gross income, exclusions from or inclusions in gross income, or other items taken into account in determining the amount or character of income subject to tax. Moreover, section 21 is not applicable with respect to changes in the law relating to credits against the tax or with respect to changes in the law relating to limitations on the amount of tax. Section 21 is applicable, however, to all those computations specified in the section providing the rate of tax which are implicit in determining the rate, for example, if one of the tax brackets in the tax tables under section 3 were to be changed, section 21 would be applicable to that change. Thus, if the bracket relating to "at least $4,200 but not less than $4,250" for heads of households should be changed to increase or decrease the last sum specified, with corresponding changes being made in subsequent brackets, section 21 would be applicable. The enactment of sections 1561 and 1562 is considered a change in section 11(d) which constitutes a change in rate for the period ending after December 31, 1963. The amendment of section 1561 and the repeal of section 1562 by the Tax Reform Act of 1969 is considered a change in section 11(d) which constitutes a change in rate for the period ending after December 31, 1974. The repeal of the 2 percent additional tax imposed under section 1503 on corporations filing consolidated returns constitutes a change in rate for the period ending after December 31, 1963. The addition to the Code of section 1348 (relating to 50 percent maximum rate on earned income) is a change in rate to which section 21(a) is applicable.

(2) Ordinarily, both the old and the new rates are applied to the same amount of taxable income. However, where the rate of tax is itself taken into account in determining taxable income (for example, the special deduction for Western Hemisphere trade corporations under section 922), the taxable income used in determining the tentative tax employing the rate before the effective date of change shall be determined by reference to that rate of tax, and the taxable income for the purpose of determining the tentative tax employing the rate for the period on and after the effective date of the change shall be determined by reference to the new tax rate.

(3) Section 21 is applicable with respect to changes in the law relating to the standard deduction for individuals provided in part IV of subchapter B and to the deduction for personal exemptions for individuals provided in part V of subchapter B.

* * * * *

(k) Section 21 does not apply in the following situations:

(1) The provisions of section 21 do not apply to the imposition of the tax surcharge by section 51. The proration rules of section 51(a) apply in the case of a taxable year ending on or after the effective date of the surcharge and beginning before July 1, 1970.

(2) The provisions of section 21 do not apply to the imposition of the minimum tax for tax preferences by section 56. The proration rules of section 301(c) of the Tax Reform Act of 1969 (83 Stat. 586) apply in the case of a taxable year beginning in 1969 and ending in 1970.

* * * * *

(n) The application of section 21 may be illustrated by the following examples:

Example (1). A, a married taxpayer filing a joint return, reports his income on the basis of a fiscal year ending June 30. For his fiscal year ending June 30, 1970, A reports taxable income (exclusive of capital gains and losses) of $50,000 and net long-term capital gain (section 1201 gain) of $75,000. The rate of tax on capital gains under section 1201(b) relating to the alternative tax has been increased from 25 percent to a maximum rate of 29½ percent with respect to gain in excess of $50,000 and the effective date of the change in rate is January 1, 1970. The income tax for the taxable year ended June 30, 1970, would be computed under section 21 as follows:

TENTATIVE TAX

Taxable income exclusive of capital gains and losses	$50,000	
Long-term capital gain	75,000	
	125,000	
Deduct 50% of long-term capital gain	37,500	
Taxable income	87,500	
Tax under section 1 (1969 and 1970 rates)		37,690

ALTERNATIVE TAX UNDER SECTION 1201(b) (1969 RATES)

Taxable income ($50,000+50% of $75,000)		$87,500
Less 50% of long-term capital gain		37,500
Taxable income exclusive of capital gains		50,000
Partial tax (tax on $50,000)		17,060
Plus 25% of $75,000		18,750
Alternative tax under section 1201 (b) at 1969 rates		35,810

ALTERNATIVE TAX UNDER SECTION 1201(b) (1970 RATES)

STEP I

Taxable income ($50,000 + 50% of $75,000)	$87,500	
Deduct 50% of net section 1201 gain	37,500	
	50,000	
Tax on $50,000 (taxable income exclusive of capital gains)		$17,060

STEP II

(a) Net section 1201 gain	75,000	
(b) Subsection (d) gain	50,000	
25% of $50,000 (lesser of (a) or (b))		12,500

STEP III

(c) 29½% of $25,000 (excess of (a) over (b))		7,375
(d) Ordinary income	$50,000	
50% of net section 1201 gain	37,500	
	87,500	
Tax on $87,500		37,690
Ordinary income	$50,000	
50% of subsection (d) gain	25,000	
	75,000	
Tax on $75,000		30,470
Difference		7,220
Lesser of (c) or (d)		7,220
Alternative tax (total of 3 Steps) at rates effective on and after January 1, 1970		86,780

Since the alternative tax is less than the tax imposed under section 1 for both the period in 1969 and the period in 1970, the alternative tax applies for both periods. Thus, since the effective date of the change in the rate of tax on capital gains is January 1, 1970, the old rate of alternative tax is effective for 184 days of the taxable year and the new rate of alternative tax is effective for 181 days of the taxable year. The alternative taxes are apportioned as follows:

1969—184/365 of $35,810	$18,052.16
1970—181/365 of $36,780	18,238.85
	36,291.01

V 37 140 FEB 29 72 XUM

Tax surcharge (See § 1.51-1 (d)(1)(i))		2,729.26
Total tax for the taxable year		39,020.29

Example (2). B, a single individual not a head of a household, has a taxable year ending March 31. For the taxable year ending March 31, 1971, B has adjusted gross income of $18,500. His computation of the tax imposed is as follows:

1970 TENTATIVE TAX

Adjusted gross income		$18,500.00
Less:		
Standard deduction	$1,000.00	
Personal exemption	625.00	1,625.00
Taxable income under 1970 deduction provisions		$16,875.00
Tax on $16,875 (1970 rates)		
Tax on first $16,000	4,330.00	
42 percent of $875	367.50	
Tentative tax at rates and deduction provisions effective on or after January 1, 1970		4,697.50

1971 TENTATIVE TAX

Adjusted gross income		$18,500.00
Less:		
Standard deduction	$1,500	
Personal exemption	650	2,150.00
Taxable income under 1971 deduction provisions		16,350.00
Tax on $16,350 (1971 rates)		
Tax on first $16,000	3,830	
34 percent of $350	119	
Tentative tax at rates and deduction provisions effective on or after Januray 1, 1971		3,949.00

The 1970 and 1971 tentative taxes are apportioned as follows:

1970—275/365 of $4,697.50	3,539.21
1971—90/365 of $3,949.00	973.73
	4,512.94
Tax surcharge (see § 1.51-1 (d)(1)(i))	56.26
Total tax for the taxable year	4,569.20

Example (3). H and W, husband and wife, have a foster child, C, who qualifies as a dependent under section 152(b)(2) for the period beginning after December 31, 1969. H and W file a joint return on the basis of a taxable year ending August 31. For the taxable year ending August 31, 1970, H and W have adjusted gross income of $12,500. Their computation of the tax imposed is as follows:

1969 TENTATIVE TAX

Ajusted gross income		$12,500.00
Less:		
Standard deduction	$1,000.00	
Personal exemption (2)	1,200.00	2,200.00
Taxable income under 1969 deduction provisions		10,300.00
Taxable income reduced by one-half		5,150.00
Tax on $5,150 (1969 rates)		
Tax on first $4,000	$690.00	
22 percent of $1,150	253.00	943.00
Twice the tax on $5,150	1,886.00	
Tentative tax at rates and deduction provisions effective on or after January 1, 1969		1,886.00

1970 TENTATIVE TAX

Ajusted gross income		$12,500.00
Less:		
Standard deduction	$1,000.00	
Personal exemption (3)	1,875.00	2,875.00
Taxable income under 1970 deduction provisions		9,625.00
Tax on $9,625 (1970 rates)		
Tax on first $8,000	$1,380.00	
22 percent of $1,625	357.50	
Tentative tax at rates and deduction provisions effective on or after January 1, 1970		1,737.50

The 1969 and 1970 tentative taxes are apportioned as follows:

1969—122/365 of $1,886	$630.39
1970—243/365 of $1,737.50	1,156.75
	1,787.14
Tax surcharge (See § 1.51-1(d)(1)(i))	104.05
Total tax for the taxable year	1,891.19

Example (4). B, a single individual with one exemption, reports his income on the basis of a fiscal year ending June 30. For fiscal year ending June 30, 1971, B reports adjusted gross income of $250,000, consisting of earned net income of $240,000 and investment income of $10,000. In addition, on April 24, 1971, stock was transferred to B pursuant to his exercise of a qualified stock option, and the fair market value of such stock at that time exceeded the option price by $175,000. This $175,000 constitutes an item of tax preference described in section 57(a)(6). B claims itemized deductions in the amount of $34,000. By reason of section 1348, the maximum rate of tax on earned taxable income for a taxable year beginning after 1970 but before 1972 is 60 percent. The income tax for the taxable year ending June 30, 1971, would be computed under section 21 as follows:

1970 TENTATIVE TAX

Adjusted gross income		$250,000.00
Less:		
Itemized deductions	$34,000.00	
Personal exemption	625.00	34,625.00
Taxable income under 1970 deduction provisions		215,375.00
Tax on $215,375 (1970 rates)		
Tax on first $100,000	$55,490.00	
70 percent of $115,375	80,762.50	
Tentative tax at rates and deduction provisions effective on or after January 1, 1970		136,252.50
Minimum tax:		
Total tax preference items		175,000.00
Less:		
Exemption	$30,000.00	
Income tax	136,252.50	166,252.50
Subject to 10 percent tax		8,747.50
10 percent tax		874.75
Total tentative tax ($136,252.50+$874.75)		137,127.25

1971 TENTATIVE TAX

Adjusted gross income		$250,000.00
Less:		
Itemized deductions	$34,000.000	
Personal exemption	650.00	34,650.00
Taxable income under 1971 deduction provitions		215,350.00
(a) Tax on highest amount of taxable income on which rate does not exceed 60 percent ($50,000) (1971 rates)		20,190.00
(b) Earned taxable income: ($215,350 × $240,000/$250,000)	206,736.00	
Less: Tax preference offset: ($175,000 −$30,000)	145,000.00	
	$61,736.00	
(c) 60% of the amount by which $61,736 exceeds $50,000		7,041.60
(d) Tax on $215,350 (1971 rates)		
Tax on first $100,000	$53,090.00	
70% of $115,350	80,745.00	
Total	$133,835.00	
(e) Tax on $61,736 (1971 rates)		
Tax on first $60,000	$26,390.00	
64% of $1,736	1,111.04	
Total	$27,501.04	
(f) Excess of $133,835 over $27,501.04		106,333.96
Tentative tax (total of Steps (a), (c), and (f)) at rates and deduction provisions effective on or after January 1, 1971		133,565.56
Minimum tax:		
Total tax preference items		175,000.00
Less:		
Exemption	$30,000.00	
Income tax	133,565.56	163,565.56
Subject to 10 percent tax		11,434.44
10 percent tax		1,143.44
Total tentative tax ($133,565.56+$1,143.44)		134,709.00

The 1970 and 1971 tentative taxes are apportioned as follows:

1970—184/365 of $137,127.25	69,127.16
1971—181/365 of $134,709	66,800.90
Total tax for the taxable year	135,928.06

Example (5). The surtax exemption of corporation M (one of 4 subsidiary corporations of W corporation), which files its income tax returns on the basis of a fiscal year ending March 31, 1964, is less than $25,000, by reason of section 1561 of the Code applicable to taxable years ending after December 31, 1963, and beginning before January 1, 1975. The taxable income of corporation M is $100,000, and the amount of the surtax exemption determined under the new rule for the 1964 taxable year is $5,000 ($25,000÷5). M's income tax liability for the taxable year ending March 31, 1964, is computed as follows:

1963 TENTATIVE TAX

Taxable income		$100,000
Normal tax on $100,000 (1963 rates) 30 percent of $100,000	$30,000	
Surtax on $75,000 (1963 rates and $25,000 surtax exemption) 22 percent of $75,000	16,500	
Total tentative tax at rates and surtax exemption effective before January 1, 1964		46,500

1964 TENTATIVE TAX

Taxable income		$100,000
Normal tax on $100,000 (1964 rates) 22 percent of $100,000	$22,000	
Surtax on $95,000 (1964 rates and a $5,000 surtax exemption) 28 percent of $95,000	26,600	
Total tentative tax at rates and surtax exemption effective after January 1, 1964		48,600

The 1963 and 1964 tentative taxes are apportioned as follows:

1963—275/366 of $46,500	$34,938.52
1964—91/366 of $48,600	12,083.61
Total tax for the taxable year	47,022.13

M has the same amount of taxable income in 1965. Its income tax liability for the fiscal year ending March 31, 1965, is computed as follows:

1964 TENTATIVE TAX

Taxable income		$100,000
Normal tax on $100,000 (1964 rates) 22 percent of $100,000	$22,000	
Surtax on $95,000 (1964 rates and a $5,000 surtax exemption) 28 percent of $95,000	26,600	
Total tentative tax at the 1964 rates		48,600

1965 TENTATIVE TAX

Taxable income		$100,000
Normal tax on $100,000 (1965 rates) 22 percent of $100,000	$22,000	
Surtax on $95,000 (1965 rates and a $5,000 surtax exemption) 26 percent of $95,000	24,700	
Total tentative tax at the 1965 rates		46,700

The 1964 and 1965 tentative taxes are apportioned as follows:

1964—275/365 of $48,600	$36,616.44
1965—90/365 of $46,700	11,515.07
Total tax for the taxable year	48,131.51

Example (6). Assume the same facts as in example (5), except that M elected the additional tax under section 1562 for its fiscal year ending March 31, 1964. M's tax liability is completed as follows:

1963 TENTATIVE TAX

Taxable income		$100,000
Normal tax on $100,000 (1963 rates) 30 percent of $100,000	$30,000	
Surtax on $75,000 (1963 rates and $25,000 surtax exemption) 22 percent of $75,000	16,500	
Total tentative tax at rates and surtax exemption effective before January 1, 1964		46,500

1964 TENTATIVE TAX

Taxable income		$100,000
Normal tax on $100,000 (1964 rates) 22 percent of $100,000	$22,000	
Surtax on $95,000 (1964 rates and $5,000 surtax exemption) 26 percent of $95,000	24,700	
Total tentative tax at rates and surtax exemption effective after January 1, 1964		46,700
Surtax on $75,000 (1964 rates and $25,000 surtax exemption) 28 percent of $75,000	21,000	
Additional tax on $25,000 6 percent of $25,000	1,500	
Total tentative tax at rates and surtax exemption effective on and after January 1, 1964		44,500

The 1963 and 1964 tentative taxes are apportioned as follows:

1963—275/366 of $46,500	$34,938.52
1964—91/366 of $44,500	11,064.21
Total tax for the taxable year	46,002.73

Example (7). The surtax exemption of corporation M (one of 4 subsidiary corporations of W corporation), which files its income tax returns on the basis of a fiscal year ending March 31, is for its taxable year ending March 31, 1975, $25,000 because M elects the additional tax under section 1562 for the period April 1, 1974, through December 31, 1974. Section 1562 is repealed effective for the period on or after January 1, 1975. The taxable income of corporation M is $100,000. M's tax liability for the taxable year ending March 31, 1975, is computed as follows:

1974 TENTATIVE TAX

Taxable income		$100,000
Normal tax on $100,000 (1974 rates) 22 percent of $100,000	$22,000	
Surtax on $75,000 (1974 rates and $25,000 surtax exemption) 26 percent of $75,000	19,500	
Additional tax on $25,000 6 percent of $25,000	1,500	
Total tentative tax at rates and surtax exemption effective on and after January 1, 1974		43,000

1975 TENTATIVE TAX

Taxable income		$100,000
Normal tax on $100,000 (1975 rates) 22 percent of $100,000	$22,000	
Surtax on $95,000 (1974 rates and $5,000 surtax exemption) 26 percent of $95,000	24,700	
Total tentative tax at rates and surtax exemption effective on and after January 1, 1975		46,700

The 1974 and 1975 tentative taxes are apportioned as follows:

1974—275/365 of $43,000	$32,397.26
1975— 90/365 of $46,700	11,515.07
Total tax for the taxable year	43,912.33

[FR Doc.72-3028 Filed 2-28-72;8:52 am]

VOL 37 NO 40 FEB 29 72 XUM

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

St. Marys Falls Canal and Locks, Mich.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.441 prescribing regulations for the security of St. Marys Falls Canal and Locks, Mich., is hereby amended with respect to paragraph (b), revoking subparagraph (1) effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.441 St. Marys Falls Canal and Locks, Mich.; security.

* * * * *

(b) *Restrictions on transit of vessels.*

(1) [Revoked]

* * * * *

[Regs. Feb. 16, 1972, 1522-01 DAEN-CWO-N]
(Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-3062 Filed 2-28-72;8:52 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—U.S. GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Premium Waiver

Chapter I is amended as follows:

1. In § 6.185, paragraph (m) is added to read as follows:

§ 6.185 Premium waiver on U.S. Government life insurance under section 622 of the National Service Life Insurance Act, as amended, and section 724 of title 38, United States Code.

* * * * *

(m) In any case in which insurance matures by death on or after January 1, 1972, while in force under this section, there shall be placed as an indebtedness against such insurance the amount of premiums, less dividends, waived on or after that date which, unless otherwise paid, shall be deducted from the proceeds. In such case the liability of the Government under 38 U.S.C. 724(b) shall be reduced by the amount so deducted from the proceeds.

2. In § 8.113, paragraph (n) is added to read as follows:

§ 8.113 Premium waiver under section 622 of the National Service Life Insurance Act, as amended, and section 724 of title 38, United States Code.

* * * * *

(n) In any case in which insurance matures by death on or after January 1, 1972, while in force under this section, there shall be placed as an indebtedness against such insurance the amount of premiums, less dividends, waived on and after that date which, unless otherwise paid, shall be deducted from the proceeds. In such case, the liability of the Government under 38 U.S.C. 724(b) shall be reduced by the amount so deducted from the proceeds.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective January 1, 1972.

Approved: February 22, 1972.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.72-2998 Filed 2-28-72;8:49 am]

PART 9—SERVICEMEN'S GROUP LIFE INSURANCE

Definitions

In § 9.1, paragraph (u) is added to read as follows:

§ 9.1 Definitions.

* * * * *

(u) The following definitions of the terms widow, widower, child, and parent for Servicemen's Group Life Insurance purposes apply only to such insurance on the life of an insured member who dies on or after December 15, 1971.

(1) The term "widow" or "widower" means a person who is the lawful spouse of the insured member at the time of his death.

(2) The term "child" means a legitimate child, a legally adopted child, an illegitimate child as to the mother, or an illegitimate child as to the alleged father, only if (i) he acknowledged the child in writing signed by him; or (ii) he has been judicially ordered to contribute to the child's support; or (iii) he has been, before his death, judicially decreed to be the father of such child; or (iv) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child, or (v) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as the father of the child.

(3) The term "parent" means a father of a legitimate child, mother of a legitimate child, father through adoption, mother through adoption, mother of an illegitimate child, and father of an illegitimate child but only if (i) he acknowledged paternity of the child in writing signed by him before the child's death; or (ii) he has been judicially ordered to contribute to the child's support; or (iii) he has been judicially decreed to be the father of such child; or (iv) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the claimant was the informant and was named as father of the child; or (v) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the claimant was named as father of the child. No person who abandoned or willfully failed to support a child during his minority, or consented to his adoption may be recognized as a parent for the purpose of the Servicemen's Group Life Insurance program. However, the immediately preceding sentence shall not be applied so as to require duplicate payments in any case in which insurance benefits have been paid prior to receipt by the Office of Servicemen's Group Life Insurance of sufficient evidence to clearly establish that the person so paid could not qualify as a parent solely by reason of such sentence.

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective December 15, 1971.

Approved: February 22, 1972.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.72-2967 Filed 2-28-72;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

[Federal Procurement Reg. Temporary Reg. 24]

PART 1-1—GENERAL

Compliance With Wage-Price Controls

FEBRUARY 22, 1972.

To: Heads of Agencies; Subject: Compliance with wage-price controls.

1. *Purpose.* This regulation amends the Federal Procurement Regulations to provide for appropriate notice to be placed in all solicitations to insure that contractors are familiar with the guidelines established by the Price Commission and the Pay Board regarding maximum escalation permitted in wage rates and in price increases.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (2-29-72).

3. *Expiration date.* This regulation will continue in effect until canceled.

4. *Background.* On December 28, 1971, the Chairman, Regulations and Purchasing Review Board, requested that each Federal agency establish procedures for notifying contractors and subcontractors of permissible levels of escalation of wage rates and of price increases. The wage standard limits annual aggregate increases in rates to a maximum of 5.5 percent unless specific exceptions have been granted by the Pay Board. The price standard limits average price increases across the economy to a rate of not more than 2.5 percent per year after adjusting for cost increases, offsetting productivity gains, and considering allowable profit margins. Annual productivity gains are estimated to be 3 percent or higher for the economy during the next 2 years. Use of the procedures prescribed by this regulation will satisfy the agency responsibilities requested by the Regulations and Purchasing Review Board.

5. *Effects on other issuances.* This temporary regulation supplements FPR Temporary Regulation 23. It also applies to future amendments of that regulation.

6. *Explanation of change.* Section 1-1.321-8 is added as follows:

§ 1-1.321-8 Maximum permissible escalation in wage and price standards.

(a) Each new solicitation or contract award which exceeds $2,500 and is subject to the contract requirements of FPR Temporary Regulation 23, and future amendments of that regulation, shall include a cover sheet or appropriate addendum containing the following notice:

NOTICE OF MAXIMUM PERMISSIBLE ESCALATION IN WAGE AND PRICE STANDARDS

Bidders are advised of standards established under Executive Orders 11615, 11627, and 11640 setting maximum permissible percentages of escalation in wage rates and price increases. Such standards call for wage rate increases of no more than 5.5 percent per annum unless specific exceptions have been granted by the Pay Board. The price standard established by the Price Commission has the objective of holding economy-wide price increases to 2.5 percent per annum (3 percent per annum in the case of small business firms). To achieve this target, firms are allowed to increase prices to reflect allowable costs incurred since the last price increase or since January 1, 1971, whichever was later, and such costs as firms are continuing to incur, adjusted to reflect productivity gains. These price increases may not result in profit margins on sales which exceed the firm's profit margins for the highest 2 of the last 3 fiscal years ending before August 15, 1971. Average productivity gains are estimated to be 3 percent or higher for the economy annually for 1972 and 1973.

(b) In the pricing of contracts involving the submission of cost or pricing data, contracting officers shall not recognize any amounts for annual aggregate pay increases in excess of 5.5 percent unless the prospective contractor can demonstrate that such increases have been allowed by the Pay Board. Lesser amounts should be negotiated to the extent practicable. The responsibility for complying with applicable standards in these and other negotiated contracts rests with contractors pursuant to the contract and certification requirements of FPR Temporary Regulation 23, and future amendments of that regulation.

7. *Application to grants.* The Federal Procurement Regulations are not mandatorily applicable to grants, i.e., grants which are not in the form of contracts, but the Regulations and Purchasing Review Board has indicated that using the procedures prescribed in this regulation would satisfy agency responsibilities in connection with grants.

ROD KREGER,
Acting Administrator of General Services.

FEBRUARY 22, 1972.

[FR Doc.72-3006 Filed 2-28-72;8:50 am]

V 37 N 40
FEB 29 72
XUM

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Disposition of Restricted and Other Marketable Dates by Export or Diversion

Notice is hereby given of a proposal to authorize the exportation to groups of countries of restricted and other marketable dates certified as meeting the minimum grade requirements for restricted date for further processing. The proposal is pursuant to § 987.55 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 987.155(a) of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 36 F.R. 23137; 37 F.R. 1159) as follows:

1. In subparagraph (1), add "or (5)" immediately after "subparagraph (2)".

2. Add a new subparagraph (5) reading as follows:

§ 987.155 Disposition of restricted and other marketable dates by export or diversion.

(a) • • •

(5) Restricted and other marketable dates certified as meeting the then current grade requirements in § 987.203(b) (2) for restricted dates for further processing may be exported (i) to the following designated date producing and processing countries of North Africa: Morocco, Algeria, Tunisia, Libya, Egypt, and Sudan, and (ii) to the following designated date processing and consuming countries north of the Mediterranean Sea: Spain, France, Belgium, West Germany, Italy, and Greece. Additional such date producing and processing and date processing and consuming countries may from time to time be similarly designated, after which such certified dates may be exported to such countries.

Dated: February 24, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-3019 Filed 2-28-72;8:51 am]

[7 CFR Part 1004]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Notice of Proposed Changes in Codification of the Order

Notice is hereby given that a regrouping and recodifying of the provisions of the marketing order, issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), regulating the handling of milk in the Middle Atlantic marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed changes should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The regrouping of provisions together with the redesignation of section numbers (and codified subunits) of the Middle Atlantic Order 4 (Part 1004) is intended to result in a more compact order and a more precise grouping of related order provisions. No substantive change in the order provisions is being made.

The need for rearrangement of the order provisions in large part reflects the cumulative effect of past amendments which have resulted in a number of unused subunits which disrupt the continuity of the order. The redesignation of codified units will also accommodate future changes in the order.

The proposed restructured Middle Atlantic Order No. 4, without substantive change, is set forth below:

Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1004.1 General provisions.

DEFINITIONS

1004.2 Middle Atlantic marketing area.
1004.3 Route disposition.
1004.4 Plant.
1004.5 [Reserved]
1004.6 [Reserved]
1004.7 Pool plant.
1004.8 Nonpool plant.
1004.9 Handler.
1004.10 Producer-handler.
1004.11 Dairy farmer.
1004.12 Producer.
1004.13 Producer milk.
1004.14 Other source milk.
1004.15 Fluid milk product.
1004.16 [Reserved]
1004.17 Filled milk.
1004.18 Exempt milk.
1004.19 Certified milk.
1004.20 Cooperative association.

HANDLER REPORTS

1004.30 Reports of receipts and utilization.
1004.31 [Reserved]
1004.32 Other reports.

CLASSIFICATION OF MILK

1004.40 Classes of utilization.
1004.41 Shrinkage.
1004.42 Classification of transfers and diversions.
1004.43 General rules.
1004.44 Classification of producer milk.
1004.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1004.50 Class prices.
1004.51 Basic formula price.
1004.52 Location differentials to handlers.
1004.53 Announcement of class prices and producer butterfat differential.
1004.54 Equivalent prices or indexes.

UNIFORM PRICES

1004.60 Pool obligation of each pool handler.
1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.
1004.62 Announcement of weighted average price and uniform prices for base milk and excess milk.

PAYMENTS FOR MILK

1004.70 Producer-settlement fund.
1004.71 Payments to the producer-settlement fund.
1004.72 Payments from the producer-settlement fund.
1004.73 Payments to producers and to cooperative associations.
1004.74 Butterfat differential.
1004.75 Location differentials to producers and on nonpool milk.
1004.76 Payments by a handler operating a partially regulated distributing plant.
1004.77 Adjustment of accounts.
1004.78 [Reserved]
1004.79 Direct delivery differential.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1004.85 Assessment for order administration.
1004.86 Deduction for marketing services.

BASE-EXCESS PLAN

1004.90 Base milk.
1004.91 Excess milk.
1004.92 Computation of base for each producer.
1004.93 Base rules.
1004.94 Relinquishing a base.
1004.95 Announcement of base.

ADVERTISING AND PROMOTION PROGRAM

1004.110 Agency.
1004.111 Composition of the Agency.
1004.112 Term of office.
1004.113 Selection of Agency members.
1004.114 Agency operating procedure.
1004.115 Powers of the Agency.
1004.116 Duties of the Agency.
1004.117 Advertising, research, education, and promotion program.
1004.118 Limitation of expenditures by the Agency.
1004.119 Personal liability.
1004.120 Procedure for requesting refunds.
1004.121 Duties of the market administrator.
1004.122 Liquidation.

Subpart—Order Regulating Handling

GENERAL PROVISIONS

§ 1004.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1004.2 Middle Atlantic marketing area.

"Middle Atlantic marketing area" (hereinafter called the "marketing area") means all territory within the boundaries of the following places, including piers, docks and wharves and territory within such boundaries occupied by government (municipal, State, or Federal) reservations, installations, institutions or other similar establishments:

(a) The District of Columbia.

(b) The State of Delaware.

(c) In the State of Maryland:

(1) The counties of:

Anne Arundel.	Howard.
Baltimore.	Kent.
Calvert.	Montgomery.
Caroline.	Prince Georges.
Carroll.	Queen Annes.
Cecil.	Somerset.
Charles.	St. Marys.
Dorchester.	Talbot.
Frederick.	Wicomico.
Harford.	Worcester.

(2) The city of Baltimore.

(3) Fort Ritchie.

(d) In the State of New Jersey:

(1) The counties of:

Atlantic.	Cumberland.
Burlington.	Gloucester.
Camden.	Mercer.
Cape May.	Salem.

(2) In Ocean County:

(i) The townships of:

Eagleswood.	Ocean.
Lacey.	Stafford.
Long Beach.	Union.
Little Egg Harbor.	

(ii) The boroughs of:

Barnegat Light.	Ship Bottom.
Beach Haven.	Tuckerton.
Harvey Cedars.	

(e) In the State of Pennsylvania:

(1) The counties of:

Delaware.	Philadelphia.

(2) In Montgomery County:

(i) The townships of:

Springfield.	Abington.
Cheltenham.	Lower Merion.
Lower Moreland (south of the Trenton cutoff of the Pennsylvania Railroad only).	Upper Moreland (south of the Trenton cutoff of the Pennsylvania Railroad only).

(ii) The boroughs of:

Bryn Athyn.	Rockledge.
Narberth.	Jenkintown.

(3) In Bucks County:

(i) The townships of:

Bensalem.	Lower Makefield.
Bristol.	Lower Southampton.
Falls.	Middletown.

(ii) The boroughs of:

Bristol.	Morrisville.
Hulmeville.	Penndel.
Langhorne.	Tullytown.
Langhorne Manor.	Yardley.

(f) In the State of Virginia:

(1) The counties of:

Arlington.	London.
Fairfax.	Prince William.

(2) The cities of:

Alexandria.	Fairfax.
Falls Church.	

§ 1004.3 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery through a distribution depot, by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

§ 1004.4 Plant.

"Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, processing or packaging of milk or milk products (including filled milk). However, a separate facility used only for the purpose of transferring bulk milk from one tank truck to another tank truck or only as a distribution depot for fluid milk products in transit for route distribution shall not be included under this definition.

§ 1004.5 [Reserved]

§ 1004.6 [Reserved]

§ 1004.7 Pool plant.

Except as provided in paragraph (f) of this section, "pool plant" means a plant (except a producer-handler plant or the plant of a handler pursuant to § 1004.9 (e)) specified in paragraphs (a) through (e) of this section.

(a) A plant from which during the month a volume not less than 50 percent of its receipts described in subparagraph (1) or (2) of this paragraph is disposed of as Class I milk (except filled milk) and a volume not less than 10 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area;

(1) Milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.12, by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) and from a cooperative in its capacity as a handler pursuant to § 1004.9(c); or

(2) In the case of a plant with no receipts described in subparagraph (1) of this paragraph, receipts of fluid milk products (other than filled milk) from other plants.

(b) Any plant not meeting the conditions of paragraph (a) of this section from which during the month a quantity of fluid milk products (other than filled milk) not less than the applicable percentage (as specified in subparagraph (1) of this paragraph) of such plant's receipts of milk from dairy farmers (including milk diverted as producer milk pursuant to § 1004.12 by either the plant operator or by a cooperative association) and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) is moved to a plant(s) meeting the percentage disposition requirements specified in paragraph (a) of this section with respect to its total receipts of fluid milk products (other than filled milk) from dairy farmers, cooperative associations as handlers pursuant to § 1004.9(c) and from other plants. However, a plant shall not qualify pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order.

(1) The applicable percentage for the purpose of this paragraph shall be:

(i) 50 percent for any month of September through February; and

(ii) 40 percent for any month of March through August.

(c) A reserve processing plant which was a pool plant under the Delaware Valley, Upper Chesapeake Bay or Washington, D.C., orders in each of the 12 months preceding the effective date of this order which does not meet the conditions for pool status pursuant to paragraph (a) or (b) of this section shall continue to hold such status in each consecutive succeeding month in which:

(1) It is owned and operated by a handler who also operates a plant qualified pursuant to paragraph (a) of this section;

(2) The handler files a written request with the market administrator on or before the effective date of this order requesting pool status for such plant under this paragraph;

(3) The plant does not qualify as a pool plant pursuant to the provisions of another Federal order;

(4) The plant, in combination with a distributing plant of such handler, meets the performance standards of paragraph (a) of this section;

(5) No plant of such handler is a means for qualification of any other

V 37 40 FEB 29 72 XUM

plant for pooling pursuant to paragraph (b) of this section; and

(6) The handler notifies the market administrator each month, at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator, with respect to any receipts from dairy farmers delivering to such plant not meeting the health requirements for disposition as fluid milk in the marketing area.

(d) A reserve processing plant operated by a cooperative association at least 70 percent of the members of which are producers whose milk is received throughout the month at plants qualified pursuant to paragraphs (a), (b), or (e) of this section (including the milk of such producers which is delivered to such plants by the cooperative in its capacity as a handler pursuant to § 1004.9 (c): *Provided,* That such cooperative shall notify the market administrator each month, at the time of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator, with respect to any receipts from dairy farmers delivering to such plant not meeting the health requirements for disposition as fluid milk in the marketing area.

(e) Subject to the conditions of subparagraph (1) of this paragraph, a plant that was qualified pursuant to paragraph (b) of this section during each of the immediately preceding months of September through February shall remain so qualified during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and each subsequent month of such period during which it does not otherwise qualify pursuant to said paragraph (b):

(1) The automatic pooling status of any plant pursuant to this paragraph shall be canceled beginning on the first day of any month during the March through August period in which another supply plant is qualified for pooling through shipments to the same plants through which such automatic pooling status was acquired.

(f) A plant specified in subparagraph (1) or (2) of this paragraph shall, except as provided in § 1004.32(f) and § 1004.71(c) of this part, be exempt from the provisions of this part:

(1) Any plant qualified pursuant to paragraph (a) of this section which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk, except filled milk, is disposed of from such plant as route disposition in the Middle Atlantic marketing area than is so disposed of in a marketing area regulated pursuant to such other order; or

(2) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to paragraphs (a) or (b) of this section.

§ 1004.8 Nonpool plant.

"Nonpool plant" means a plant other than a pool plant. The following categories of nonpool plants are further defined:

(a) "Other order plant" means a plant that is fully subject to the pricing and payment provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a plant which is not a pool plant, a producer-handler plant, an other order plant, or the plant of a handler pursuant to § 1004.9(e), from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a plant which is not a pool plant, a producer-handler plant, an other order plant, or the plant of a handler pursuant § 1004.9(e), from which fluid milk products are shipped during the month to a plant qualified under § 1004.7.

§ 1004.9 Handler.

"Handler" means any person described in paragraphs (a) through (f) of this section. Any person in his capacity as the operator of a pool plant or a cooperative association in its capacity as a handler pursuant to paragraph (b) or (c) of this section shall be a "pool handler".

(a) Any person in his capacity as the operator of:

(1) A pool plant;

(2) A partially regulated distributing plant;

(3) An unregulated supply plant; or

(4) An other order plant.

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1004.12 to a nonpool plant for the account of such cooperative association.

(c) Any cooperative association with respect to the milk of its producer members which is delivered from the farm to the pool plant of another person in a tank truck owned and operated by or under contract to such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator in writing prior to the first day of the month that the plant operator will be responsible for payment for the milk and is purchasing the milk on the basis of farm weights determined by farm bulk tank calibrations and butterfat tests based on samples taken at the farm. Milk for which the cooperative association is qualified pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered.

(d) A producer-handler.

(e) A governmental agency in its capacity as the operator of a plant with route disposition in the marketing area.

(f) Any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant.

§ 1004.10 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a plant with route disposition in the marketing area, and who meets the conditions of paragraphs (a), (b), and (c) of this section:

(a) The sole source of supply of fluid milk products is his own farm production and transfers of such products from pool plants;

(b) The quantity of fluid milk products received from pool plants during the month does not exceed 10,000 pounds; and

(c) Such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

(d) Sections 1004.40 through 1004.45, 1004.50 through 1004.54, 1004.60 through 1004.62, 1004.70 through 1004.79, 1004.85 and 1004.86, 1004.90 through 1004.95, and 1004.110 through 1004.122 shall not apply to a producer-handler.

§ 1004.11 Dairy farmer.

"Dairy farmer" means any person who produces milk which is delivered in bulk to a plant. A dairy farmer shall be a "dairy farmer for other markets" with respect to milk reported pursuant to § 1004.7(c)(6) or the proviso of paragraph (d) of said § 1004.7.

§ 1004.12 Producer.

Subject to the conditions of paragraph (d) and the exceptions of paragraph (e) of this section, "producer" means any person described in paragraphs (a) through (c) of this section.

(a) A dairy farmer with respect to milk which is received at a pool plant directly from the farm including milk received at a pool plant pursuant to § 1004.7 (c) or (d) as milk diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e).

(b) A dairy farmer with respect to milk received by a cooperative association in its capacity as a handler pursuant to § 1004.9(c).

(c) A dairy farmer with respect to milk which is diverted to a nonpool plant (other than a producer-handler plant) in accordance with the conditions of subparagraphs (1) and (2) of this paragraph.

(1) During any month of March through August.

(2) Not more than 10 days production during any month of September through February unless all of the diversions of member and nonmember milk, as the case may be, are pursuant to subdivision (i) or (ii), respectively, of this subparagraph and they fall within the limits prescribed thereunder. If a handler diverting milk pursuant to this subparagraph diverts milk of any dairy farmer in excess of the limits prescribed such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant.

(i) All of the diversions of milk of members of a cooperative association to nonpool plants are for the account of such cooperative association and the amount of member milk so diverted does not exceed 25 percent of the volume of milk of all members of such cooperative association received at all pool plants during such month.

(ii) All of the diversions of milk of dairy farmers who are not members of a cooperative association diverting milk for its own account during the month are diversions by a handler in his capacity as the operator of a pool plant from which the quantity of such nonmember milk so diverted does not exceed 25 percent of the total of such nonmember milk delivered to such handler during the month.

(d) Milk which is diverted in accordance with the provisions of this section shall be deemed to have been received by the handler for whose account it is diverted at a pool plant at the location of the plant from which it is diverted, except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.75 and the direct-delivery differential pursuant to § 1004.79, milk which is diverted in the manner described in subparagraph (1), (2), or (3) of this paragraph shall be treated as though received at the location of the plant to which diverted.

(1) Diverted from a pool plant at which no location adjustment credit is applicable to a plant at which a location adjustment credit is applicable.

(2) Diverted from a pool plant at which a location adjustment credit is applicable to a plant at which a greater location adjustment credit is applicable.

(3) Diverted from a pool plant in the direct-delivery zone to a plant outside such direct-delivery zone.

(e) This definition shall not include a:

(1) Producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Dairy farmer for other markets;

(3) Government agency which is a handler pursuant to § 1004.9(e);

(4) Dairy farmer with respect to milk reported as milk diverted to an other order plant if any portion of such dairy farmer's milk so moved is assigned to Class I under the provisions of such other order; or

(5) Dairy farmer with respect to milk physically received at a pool plant as diverted milk from an other order plant if all of the milk so received from such dairy farmer is assigned to Class II and the milk is treated as producer milk under the provisions of such other order.

§ 1004.13 Producer milk.

"Producer milk" means any skim milk or butterfat contained in milk:

(a) Received at a pool plant directly from producers (including milk received at a pool plant pursuant to § 1004.7 (c) or (d) as milk diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e);

(b) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1004.9(c); or

(c) Diverted to a nonpool plant in accordance with the provisions of § 1004.12.

§ 1004.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts in the form of fluid milk products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1004.9(c);

(b) Receipts (including any Class II product produced in the handler's plant during a prior month) in a form other than as a fluid milk product which are reprocessed, converted, or combined with another product during the month; and

(c) Receipts in a form other than a fluid milk product for which the handler fails to establish a disposition.

§ 1004.15 Fluid milk product.

"Fluid milk product" means milk, skim milk (including concentrated and reconstituted milk or skim milk), buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), filled milk, and (except ice cream, ice cream mixes, ice milk mixes, milkshake mixes, eggnog, yogurt, condensed or evaporated milk, and any product which contains 6 percent or more nonmilk fat [or oil]) any mixture in fluid form of cream and milk or skim milk containing less than 10 percent butterfat: *Provided,* That when the product is modified by the addition of nonfat milk solids, the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of unmodified product of the same nature and butterfat content.

§ 1004.16 [Reserved]

§ 1004.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product; and contains less than 6 percent nonmilk fat (or oil).

§ 1004.18 Exempt milk.

"Exempt milk" means bulk fluid milk products received at a pool plant or a partially regulated distributing plant from the plant of a handler pursuant to § 1004.9(e) for processing and packaging and for which an equivalent quantity of packaged fluid milk products is returned to such handler during the month.

§ 1004.19 Certified milk.

"Certified milk" is milk which is produced, packaged, and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Milk Commissions, Inc.

§ 1004.20 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or milk products for its members; and

(c) Has its entire activities under the control of its members.

HANDLER REPORTS

§ 1004.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk (including such handler's own production);

(ii) Receipts of fluid milk products from other pool plants and milk received from a cooperative association for which it is a handler pursuant to § 1004.9(c); and

(iii) Receipts of other source milk;

(2) Inventories of fluid milk products on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the area;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of producer milk; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(c) Each producer-handler and each handler pursuant to § 1004.9(e) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(d) On or before the eighth day after the end of each month, each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1004.9 (b) or (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants; and

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler.

§ 1004.31 [Reserved]

VOL 37-40 FEB 29 72 XUM

§ 1004.32 Other reports.

(a) Each pool handler shall report to the market administrator in detail and on forms prescribed by the market administrator as follows:

(1) On or before the 25th day after the end of the month for each pool plant, his producer payroll for such month which shall show for each producer:

(i) His name and address;

(ii) The total pounds of milk received from such producer;

(iii) The average butterfat content of such milk; and

(iv) The net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the market administrator a report stating the producer's name and post office address, the health department permit number, if applicable, the date on which the changes took place, and the farm and plant location involved.

(c) In making payments to producers pursuant to § 1004.73(a)(2), or to a cooperative association pursuant to § 1004.73(b), each pool handler shall furnish such producer or cooperative association with respect to each of its producer members from whom the handler received milk during the month, a written statement showing:

(1) The month and the identity of the handler and the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to such producer is required under § 1004.73(a)(2);

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The nature and amount of any deductions made in payment due such producer; and

(6) The net amount of the payment to the producer.

(d) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1004.76(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

(e) On or before the 20th day after the end of the month, each handler pursuant to § 1004.9(f) shall report to the market administrator, in the detail and on forms prescribed by the market administrator, all transactions wherein milk was bought or dealt in, giving the following information:

(1) The name and address of any cooperative association or producer for whom the handler by either purchase or direction caused milk of producers to be moved to a plant;

(2) The total pounds of milk involved in the transaction, and the average butterfat content of such milk; and

(3) Such other information with respect to such transaction as the market administrator may prescribe.

(f) Each handler operating a plant described in § 1004.7(f) shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of other reports specified in this section or in § 1004.30) and allow verification of such reports by the market administrator.

CLASSIFICATION OF MILK

§ 1004.40 Classes of utilization.

Subject to the conditions set forth in §§ 1004.41 through 1004.44, all skim milk and butterfat required to be reported by a handler pursuant to §§ 1004.30 and 1004.32 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat;

(1) Disposed of as a fluid milk product except as provided in paragraph (b) (2), (3), or (7) of this section;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in fluid milk products which are dumped, if the handler gives the market administrator such advance notice of intent to dump as the market administrator may prescribe;

(4) Contained in inventory of fluid milk products in bulk which are on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.41(b)(1), but not to exceed the following:

(i) Two percent of producer milk received at a pool plant; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1004.9(c); plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lots from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing provisions of such other order); plus

(v) One and one-half percent of receipts from dairy farmers for other markets pursuant to § 1004.11 and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(vii) One-half of 1 percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.9(c);

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.41(b)(2);

(7) Disposed of in bulk fluid milk products to manufacturing establishments such as bakeries, candy factories, soup factories, and similar establishments at which fluid milk products were used only in the manufacture of food products other than milk products; and

(8) In skim milk represented by the nonfat milk solids added to a fluid milk product for fortification which is in excess of the volume included within the fluid milk product definition pursuant to § 1004.15.

§ 1004.41 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1004.40(b)(5); and (2) skim milk and butterfat in other source milk, exclusive of that specified in § 1004.40(b)(5)

§ 1004.42 Classification of transfers and diversions.

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if diverted from a pool plant pursuant to § 1004.7 (a), (b), or (e) to a pool plant pursuant to § 1004.7 (c) or (d), or transferred from a pool plant or by a cooperative association as a handler pursuant to § 1004.9(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers (or by the handler if such transaction is between two pool plants of the same handler) in their reports pursuant to § 1004.30(a) for the month, subject to the conditions of subparagraphs (1), (2), and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1004.44(a)(5), the skim milk and butterfat so transferred or diverted shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1004.44(a)(9) or (10), and the corresponding steps of § 1004.44(b), the skim milk and butterfat so transferred or diverted up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk if transferred or diverted from a pool plant or delivered by a cooperative association in the capacity as a handler pursuant to § 1004.9(c) to a handler pursuant to § 1004.9(e);

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is not an other order plant, a producer-handler plant, or the plant of a handler pursuant to § 1004.9(e), unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph;

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1004.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from other order plants;

(ii) Any route disposition in the marketing area of an other order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and other order plants not regulated by such order;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to the receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool pool plant from all pool and other order plants; and

(iv) Any remaining receipts from pool plants or other order plants shall be assigned to Class II: *Provided*, That if on inspection of the books and records of the nonpool plant the market administrator finds that the remaining unassigned receipts at such plant exceed the available Class II utilization, the transfer shall be classified as Class I up to the amount of such excess.

(e) As follows, if transferred to another order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, skim milk and butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1004.40.

§ 1004.43 General rules.

(a) Each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1004.30(a) by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1004.9 (b) and (c) and was not received at a pool plant.

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products plus all the water originally associated with such solids.

§ 1004.44 Classification of producer milk.

After making the computations pursuant to § 1004.43, the market administrator each month shall determine the classification of milk received from producers by each cooperative association handler pursuant to § 1004.9 (b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1004.9(c) at each pool plant for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1004.40(b)(5);

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form and receipts of exempt milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants, except that to be subtracted pursuant to subparagraph (5) (vi) of this paragraph as follows:

(i) From Class II milk, the lesser of the pounds remaining, or 2 percent of such receipts; and

(ii) From Class I milk the remainder of such receipts;

(4) Except for the first month this order is effective, with respect to plants which in the immediately preceding month were either unregulated plants or pool plants under Orders 3 or 16, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.11 and from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(iv) Receipts (other than exempt milk) of fluid milk products from a handler pursuant to § 1004.9(e);

(v) Receipts of reconstituted skim milk in filled milk from unregulated supply plants;

(vi) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual-handler pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor plant and is not assigned under this step at a plant regulated under another market pool order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

V 37-40 FEB 29 72 XUM

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in any case to exceed the pounds of skim milk remaining in Class II.

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.9(c), and in receipts in bulk from other order plants; and

(c) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(*2*) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in remaining receipts of fluid milk products in bulk from an other order plant which are in excess of similar movements to such plant, if such receipts were classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products not subtracted pursuant to subparagraph (4) of this paragraph) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants and from other order plant(s) if not classified or priced pursuant to the order regulating such plant, that were not subtracted pursuant to subparagraph (6) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in remaining receipts of fluid milk products in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar movements to the same plant, pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1004.45(b); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case, the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) according to the classification assigned pursuant to § 1004.42(a); and

(12) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

§ 1004.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) On or before the 15th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month;

(b) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(c) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1004.44 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(d) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

CLASS PRICES

§ 1004.50 Class prices.

Subject to the provisions of § 1004.52 the minimum class prices per hundredweight of milk containing 3.5 percent butterfat for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78.

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month of a butter-powder formula price computed pursuant to subparagraphs (1) through (3) of this paragraph.

Month	*Amount*
January	+$0.05
February	+.04
March	−.03
April	−.07
May	−.10
June	−.09
July	+.05
August	+.12
September	+.08
October	+.08
November	+.08
December	+.08

(1) Multiply by 4.2 the Chicago butter price specified in § 1004.51;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 48 cents, and round to the nearest cent.

§ 1004.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1004.52 Location differentials to handlers.

(a) For that milk received from producers and from a cooperative association in its capacity as a handler pursuant to § 1004.9(c) at a pool plant located 55 miles or more by shortest highway distance from the city hall in Philadelphia, Pa., and also 75 miles or more by the shortest highway distance from the nearer of the zero milestone in Washington, D.C., or the city hall in Baltimore, Md. (all such distance to be determined by the market administrator), and which is assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the Class I price shall be reduced at the rate of 1.5 cents per 10-mile distance or fraction thereof that such plant location is from the nearest of such basing points.

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant from producers, cooperative associations pursuant to § 1004.9(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, and from dairy farmers for other markets pursuant to § 1004.11. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply: *Provided,* That for the purposes of this paragraph, transfers from a pool plant to a second pool plant which are in turn transferred to a third pool plant shall be treated as though the transfer was direct from the originating plant to the plant of final receipt.

§ 1004.53 Announcement of class prices and producer butterfat differential.

On or before the fifth day of each month the market administrator shall publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(a) The Class I price for the following month, and for the first month for which this paragraph is effective, the Class I price for the current month;

(b) The Class II price for the preceding month; and

(c) The producer butterfat differential for the preceding month.

§ 1004.54 Equivalent prices or indexes.

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

UNIFORM PRICES

§ 1004.60 Pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant, and of each cooperative association handler pursuant to § 1004.9 (b) and (c) with respect to milk which was not received at a pool plant, shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1004.9(c) and allocated pursuant to § 1004.44(a)(11) and the corresponding step of § 1004.44 (b) and the quantity of producer milk in each class, as computed pursuant to § 1004.44(c), by the applicable class prices (adjusted pursuant to § 1004.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1004.44(a)(12) and the corresponding step of § 1004.44(b) by the applicable class prices adjusted by the applicable differentials pursuant to §§ 1004.52, 1004.74, and 1004.79;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(7) and the corresponding step of § 1004.44(b) for the current month;

(2) Multiply the difference between the applicable Class I price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(4) and the corresponding step of § 1004.44(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.44(a)(5) and the corresponding step of § 1004.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to § 1004.44 (a)(5) (v) and (vi) and the corresponding step of § 1004.44(b) the Class I price shall be adjusted to the location of the transferor plant but not less than the Class II price; and

(e) Add an amount equal to the value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.44(a)(9) and the corresponding step of § 1004.44(b) (excluding receipts from partially-regulated distributing plants for which disposition a specific allocation is made to Federal order receipts from this or any other order) adjusted for the location of the nearest plant from which such types of receipts were received.

§ 1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.

(a) For each month the market administrator shall compute the weighted average price per hundredweight of milk received from producers as follows:

(1) Combine into one total the values computed pursuant to § 1004.60 for all handlers who filed the reports prescribed by § 1004.30 for the month and who

FEB 29 72
XUM

made the payments pursuant to § 1004.71 for the preceding month;

(2) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.75;

(3) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to subparagraph (1) of this paragraph by 5 cents;

(4) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total hundredweight of producer milk included pursuant to subparagraph (1) of this paragraph; and

(ii) The total hundredweight for which a value is computed pursuant to § 1004.60(e).

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight.

(b) For each month after February 1971 the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers, each of 3.5 percent butterfat content, f.o.b. market, as follows:

(1) Compute the aggregate value of excess milk for all handlers included in the computations pursuant to paragraph (a) of this section as follows:

(i) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents.

(ii) Multiply the remaining hundredweight quantity of excess milk by the Class I price less 5 cents; and

(iii) Add together the resulting amounts:

(2) Divide the total value of excess milk obtained in subparagraph (1) of this paragraph by the total hundredweight of such milk and round to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations of subparagraphs (1) through (4) of paragraph (a) of this section subtract an amount computed by multiplying the hundredweight of milk specified in § 1004.61(a)(5)(ii) by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in subparagraph (2) of this paragraph by the hundredweight of excess milk, from the amount computed pursuant to subparagraph (3) of this paragraph;

(5) Divide the amount calculated pursuant to subparagraph (4) of this paragraph by the total hundredweight of base milk for handlers included in these computations: *Provided*, That if the resulting price should exceed the Class I price by more than the amount deducted pursuant to subparagraph (6) of this paragraph the aggregate amount in excess thereof shall be included in the computation of the excess price pursuant to subparagraph (1) of this paragraph, except that if by such addition the excess price should exceed the base price then the aggregate amount of the excess shall be prorated to the aggregate values of base milk and excess milk on the basis of the respective volumes of base and excess milk; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to subparagraph (5) of this paragraph. The resulting figure shall be the uniform price for base milk.

§ 1004.62 Announcement of weighted average price and uniform prices for base milk and excess milk.

On or before the 13th day of each month, the market administrator shall publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the weighted average price and uniform prices for base milk and excess milk computed pursuant to § 1004.61 for the preceding month.

Payments for Milk

§ 1004.70 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1004.71, 1004.76, and 1004.77 and out of which he shall make all payments from such fund pursuant to §§ 1004.72 and 1004.77: *Provided*, That the market administrator shall offset the payment due to a handler against payment due from such handler.

§ 1004.71 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1004.60 for such handler;

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.9(c) at the applicable uniform price(s) pursuant to § 1004.61 adjusted by location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.9(c), the amount due from other handlers pursuant to § 1004.73(d), exclusive of differential butterfat values; and

(2) The value at the weighted average price plus 5 cents, adjusted by the applicable location differential on nonpool milk pursuant to § 1004.75(b) (not to be less than the value of the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.60(e).

(c) Each handler operating a plant specified in § 1004.7(f)(1) if such plant is subject to the classification and pricing provisions of another order which provides for individual-handler pooling, shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of on routes in the marketing area which was allocated to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant on routes in the marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area; and

(2) Compute the value of the quantity assigned in subparagraph (1) of this paragraph to Class I disposition in this area, at the Class I price under this part applicable at the location of the other order plant and subtract its value at the Class II price.

§ 1004.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.71(b) exceeds the amount computed pursuant to § 1004.71(a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1004.73 Payments to producers and to cooperative associations.

(a) Except as provided in (b) and (d) of this section, each pool handler shall make payment as specified in subparagraphs (1) and (2) of this paragraph to each producer from whom milk is received.

(1) On or before the last day of each month at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 20th of the following month at not less than the uniform price for base milk computed pursuant to § 1004.61(b)(3) through (6) with respect to base milk received from such producer and not less than the excess price determined pursuant to § 1004.61(b)(1) and (2) for excess milk received from such producers subject to the following adjustments: *Provided*, That from the effective date hereof through February 1971, such payment shall be at not less than the weighted average price with respect to milk received from producers, also subject to the following adjustments:

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph;

(iii) The butterfat differential computed pursuant to § 1004.74; and

(iv) Less the location differential received pursuant to § 1004.75: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1004.72 for such month he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler;

(d) Each handler who receives milk from a cooperative association handler pursuant to § 1004.9(c), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a)(1) of this section; and

(2) A final payment equal to the value of such milk at the uniform price(s) adjusted by the applicable differentials pursuant to §§ 1004.74 and 1004.75, less the amount of partial payment on such milk.

§ 1004.74 Butterfat differential.

In making the payments to producers and cooperative associations required pursuant to § 1004.73, each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential an amount per hundredweight which shall be computed by the market administrator as follows: Multiply by 0.115 and round to the nearest one-tenth cent the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department for the month.

§ 1004.75 Location differentials to producers and on nonpool milk.

(a) Subject to the exception pursuant to § 1004.12(d), for that milk received from producers and from cooperative association handlers pursuant to § 1004.9(c) at a pool plant located 55 miles or more from the city hall in Philadelphia, Pa., and also at least 75 miles from the nearer of the zero milestone in Washington, D.C., or the city hall in Baltimore, Md. (all distances to be the shortest highway distance as determined by the market administrator), the uniform price for base milk computed pursuant to § 1004.61(b) shall be reduced 1.5 cents for each 10 miles distance or fraction thereof that such plant is from the nearest of such basing points.

(b) For purposes of computations pursuant to §§ 1004.71 and 1004.72 the weighted average price shall be reduced at the rate set forth in paragraph (a) of this section applicable at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.60(e).

§ 1004.76 Payments by a handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producers-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1104.30(b) and 1004.32(d) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1004.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant, a cooperative association as a handler pursuant to § 1004.9(b), or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class II price. There shall be included in the obligation so computed a charge in the amount specified in § 1004.60(e) and a credit in the amount specified in § 1004.71(b)(2) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class II price, unless an obligation with respect to such plant is computed as specified below in this subparagraph; and

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1004.30(b) and 1004.32(d) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1004.7(b) with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants; cooperative associations in their capacity as handlers pursuant to § 1004.9(b), and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(4) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), subtract its value at the weighted average price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (but not less than the Class II price), less the value of such skim milk at the Class II price.

§ 1004.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of

FEB 29 72 XUM

any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1004.78 [Reserved]

§ 1004.79 Direct-delivery differential.

For producer milk received at a plant located within 55 miles of the city hall in Philadelphia, Pa., the handler in making payments to producers and cooperative association handlers pursuant to § 1004.9(c), in addition to any amounts required by other provisions of this part, shall pay 6 cents per hundredweight of milk so received.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1004.85 Assessment for order administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 20th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1004.9(c), and a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant) with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1004.9(c), and milk transferred in bulk from a pool plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1004.44(a) (5) and (9) and the corresponding step of § 1004.44(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants, cooperative associations as handlers pursuant to § 1004.9(b), and other order plants assigned to such disposition.

§ 1004.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, is making payments directly to producers for milk (other than milk of his own production) pursuant to § 1004.73(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 20th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers pursuant to § 1004.73(a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

BASE-EXCESS PLAN

§ 1004.90 Base milk.

"Base milk" means milk received from a producer by a pool handler which is not in excess of such producer's daily base computed pursuant to § 1004.92 multiplied by the number of days in such month on which such producer's milk was so received: *Provided,* That with respect to any producer on every-other-day delivery, the day of nondelivery prior to a day of delivery, although such prior day is in the preceding month, shall be considered as a day of delivery for purposes of this paragraph.

§ 1004.91 Excess milk.

"Excess milk" means milk received from a producer by a pool handler which is in excess of base milk received from such producer during the month.

§ 1004.92 Computation of base for each producer.

After February 1971, for each month of the year, the market administrator shall compute, subject to the rules set forth in § 1004.93, a base for each producer described in paragraphs (a) through (d) of this section by dividing the applicable quantity of milk receipts specified in such paragraph by 153 (by 154 in the case of a producer on every-other-day delivery schedule who delivered August 1) less the number of days, if any, during the applicable base-forming period of August through December for which it is shown that the day's production of milk of such producer was not received by a pool handler as described in the applicable paragraphs (a) through (d) of this section under which such producer's base is computed: *Provided,* That in no event shall the number of days used to compute a producer's base pursuant to this section be less than 120.

(a) For any producer, except as provided in paragraphs (b) through (e) of this section, the quantity of milk receipts shall be the total pounds of producer milk received by all pool handlers from such producer during the preceding months of August through December;

(b) Except as provided in paragraph (c) of this section, for any producer whose milk was received at a plant which first became a pool plant after the beginning of the preceding August–December period, which plant was a pool plant for at least 120 days during such period, the quantity of milk receipts to be used in the computation of such producer's base shall be the total pounds of milk received from such dairy farmer at such plant during the entire August–December period.

(c) For any producer who on August 1 was an Order 2 (New York-New Jersey) producer and who held such status in all or part of the 2 months of August and September and who otherwise was a producer only under this part for all of the remaining August through December period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer by pool handlers under both orders throughout the August–December period.

(d) For any producer whose milk was received during the preceding August through December period at a plant which became a pool plant pursuant to § 1004.7(a) during or after such August through December period, the quantity of milk receipts shall be the total pounds of milk received from such dairy farmer during such August–December period by pool handlers as producer milk and at such plant as a nonpool plant.

(e) Any producer who made no qualifying milk deliveries during the base-forming period of August through December, or who relinquishes his established base pursuant to § 1004.94, shall have a base reflecting the percentage of his average daily deliveries of producer milk each month as set forth in the following table. A new base is earned on the basis of his milk deliveries during the subsequent August through December period.

Month	Percentage of production as base
January and February	60
March through June	50
July	60
August through November	70
December	60

§ 1004.93 Base rules.

After February 1971, the following rules shall apply in connection with the establishment of bases:

(a) A base computed pursuant to paragraph (a) through (d) of § 1004.92 (except as provided in paragraph (e) of said section) shall be effective for the subsequent months of March through February, inclusive.

(b) A base computed pursuant to paragraphs (a) through (d) of § 1004.92 may be transferred only in its entirety to another dairy farmer and only upon discontinuance of milk production because of the entry into military service of the baseholder.

(c) Base transfers shall be accomplished only through written application to the market administrator on forms prescribed by the market administrator and shall be signed by the baseholder and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, except as provided in paragraph (e), the entire base only is transferrable and only upon receipt of such application signed by all joint holders.

(d) If a producer operates more than one farm and milk is received from each

at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.9 (b) or (c), he shall establish a separate base with respect to producer milk delivered from each such farm.

(e) Only one base shall be allocated with respect to milk produced by one or more persons where a dairy farm is jointly owned or operated: *Provided,* That in the case of a base established jointly, if a copy of the partnership agreement setting forth as a percentage of the total interest of the partners in the base is filed with the market administrator before the end of the base-forming period, then upon termination of the partnership agreement each partner will be entitled to his stated share of the base to hold in his own right or to transfer in conformity with the provisions of paragraph (b) or (c) of this section (including transfer to a partnership of which he is a member). Such termination of partnership shall become effective as of the end of any month during which an application for such division of base signed by each member of such partnership is received by the market administrator.

(f) Two or more producers with bases may combine such bases upon the formation of a bona fide partnership operating from one farm. Such a combination shall be considered a joint base under paragraph (e) above.

(g) Subject to approval by the market administrator, the name of the baseholder may be changed to that of another member of the baseholder's immediate family but only under circumstances where the base would be applicable to milk production from the same herd and on the same farm.

§ 1004.94 Relinquishing a base.

After February 1971, a producer holding an established base can, upon notification to the market administrator, relinquish his established base and be paid pursuant to the provisions of § 1004.92(e) beginning with the first day of the month in which such notification is received by the market administrator and extending until March 1, next.

§ 1004.95 Announcement of base.

On or before February 25 of each year, the market administrator shall notify each producer, the handler receiving his milk and the cooperative association of which he is a member of the daily base established by such producer;

ADVERTISING AND PROMOTION PROGRAM

§ 1004.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1004.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1004.111 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1004.113(b) is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers that have elected not to combine pursuant to § 1004.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1004.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1004.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating membership and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1004.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1004.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1004.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1004.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1004.110 and 1004.117.

§ 1004.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1004.110 and 1004.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

FEB 29 72

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1004.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1004.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1004.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1004.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1004.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

(d) A producer, located in a State which has a State advertising and promotion program in which producers are required to participate unless they are participating in an advertising and promotion program under a Federal order, may (in lieu of a refund request) authorize the market administrator to pay to the State the amount of his required participation not in excess of 5 cents per hundredweight.

§ 1004.121 Duties of the market administrator.

Except as specified in § 1004.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1004.113(c);

(b) Set aside the amounts subtracted under § 1004.61(a)(3) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraph (3) of this paragraph; payments, if any, to producers or states pursuant to subparagraph (2) of this paragraph; and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to §1004.61(a)(3).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1004.120 or make payment to any State on behalf of any producer for which specific authorization has been received pursuant to § 1004.120 (d). Such refund or payment, as the case may be, shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1004.61(a)(3) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1004.110 through 1004.122).

(d) Audit the Agency's records of receipts and disbursements.

§ 1004.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1004.70.

Signed at Washington, D.C., on February 24, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-3021 Filed 2-28-72;8:51 am]

[7 CFR Parts 1030, 1049]

[Docket No. AO-361-A5, AO-319-A18]

MILK IN THE CHICAGO REGIONAL AND INDIANA MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Chicago Regional and Indiana marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Des Plaines, Ill., on November 16, 1971, pursuant to notice thereof which was issued October 28, 1971 (36 F.R. 20981).

The material issues on the record of the hearing relate to:

1. Adoption of an advertising and promotion program as authorized under Public Law 91-670; and

2. The specific terms and provisions necessary to implement such program under the Chicago Regional and Indiana orders.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Adoption of an advertising and promotion program.* The Chicago Regional and Indiana orders should be amended to provide for an advertising and promotion program in each market. The program for each market should be administered by an agency organized by producers and producers' cooperative associations and financed by producer moneys deducted from the pool proceeds.

Public Law 91-670 (Title I, § 101) approved January 11, 1971, amended the Agricultural Marketing Agreement Act by adding a new paragraph (I) in section 608c(5) to provide that a Federal milk order may, with the approval of producers on the market, include provisions for "establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order."

The adoption of such a program under the Chicago Regional order was proposed by Central Milk Producers Cooperative, a common marketing agency for 16 cooperatives whose member producers supply a substantial majority of the milk pooled under the order. The proposed adoption of an advertising and promotion program under the Indiana order was made by the Hoosier Milk Marketing Agency, Inc., a federation consisting of three cooperatives whose producer members supply a substantial majority of the milk pooled under the order. Thus, in each market the adoption of an advertising and promotion program has wide support among producer organizations.

Under the proposals supported at the hearing and as herein adopted the advertising and promotion program in each market will be funded through a 5 cents per hundredweight assessment each month on producer milk pooled during such month. The market administrator will deduct the monies from the producer-settlement fund in the computation of the uniform price. Funds so deducted, except for certain reserves withheld to cover refunds and administrative costs incurred by the market administrator, will be turned over to and expended by an agency organized by producers and producers' cooperative associations. The agency will be responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act as prescribed in the order.

Any producer not desiring to participate in the program, upon proper application, will be eligible for refund of the assessments made against his proportionate share of total producer marketings of milk, such refunds to be made by the market administrator on a quarterly basis. Also, the program as adopted will allow adjustments or credits in connection with mandatory checkoff for similar types of programs, if required under authority of any State law.

The principal reasons cited by proponents for the establishment of an advertising and promotion program under each of the orders were:

(1) *Decline in per capita consumption.* There has been a long-term decline in per capita consumption of milk and milk products in the United States. Per capita civilian disposition of milk solids in all dairy products combined declined 9 percent over the last decade, 61.8 pounds in 1970 compared to 67.9 pounds in 1960. For 8 of the years from 1960 to 1970 per capita disposition of milk solids was less than during the prior year. Per capita sales of cheese and frozen dairy products have increased slightly in recent years, but not by enough to offset the decline in sales of the remaining dairy products. Sales of fluid milk products, which account for about half of the disposition of all dairy products, has tended to decline on a per capita basis.

Average monthly packaged Class I sales by handlers regulated under the Chicago Regional order declined from 296.75 million pounds in 1969 to 285.65 million pounds in 1970. For the Indiana market there was a slight increase in Class I sales from 1969 to 1970, 102.52 million pounds per month in 1969 compared to 104.12 million pounds per month in 1970. In 1971 Class I sales by Chicago Regional handlers continued to decline while Class I sales by Indiana handlers continued to increase. For the period January–October Chicago Regional handlers Class I sales were 0.8 percent less in 1971 than in 1970. For the same period Indiana handlers Class I sales increased by 1.8 percent from 1970 to 1971. (Official notice is taken of "Federal Milk Order Market Statistics—October 1971.")

Recent expenditures for advertising and promotion by producers supplying the Indiana market have been about three times more per hundredweight of Class I sales than has been the case for the Chicago Regional market. This could account for the different Class I sales trends in these markets. Proponents contend that a declining trend in per capita consumption of milk and dairy products can be diminished or reversed by increased expenditures for advertising and promotion of milk and dairy products.

(2) *The shifting trend from home delivery to store sales.* There has been a steadily increasing trend toward sales of milk out of stores and a decline in home deliveries of milk. Home delivery sales now account for less than 20 percent of total packaged fluid milk sales. Consequently, there is little direct contact with consumers by sales persons employed by processors of dairy products as was the case prior to the shift to selling milk primarily through chain stores.

The sale of milk through stores has placed it in more direct competition with other foods and beverages purchased by consumers. Most of such other competing foods and beverages are widely promoted and advertised. Much of the milk sold through stores is packaged under private label brands of such stores and receives little promotion and advertising by either the processors or stores. It is proponents' position, therefore, that in such a competitive environment, dairy farmers must do a more comprehensive and effective job of promoting milk and milk products.

(3) *Insufficient funds for promotional programs.* In the Chicago Regional market, Central Milk Producers Cooperative set aside $400,000 for use in dairy promotion in the year ended August 1971. Effective September 1971, Central Milk Producers Cooperative's promotion expenditure was increased by two-thirds. In addition, many dairy farmers have supported dairy promotion through contributions to the American Dairy Association, the national office of which contributed $90,000 to nonadvertising program promotion in the Chicago market for the year 1971.

In the Indiana market cooperatives spent about $240,000 during the year ending August 1971 for educational programs and in the promotion and advertising of fluid milk and dairy products. In addition, dairy farmers contributed $160,000 in support of advertising and educational programs through the American Dairy Association and National Dairy Council, for a total of $400,000.

Proponents contend that such expenditures in these markets are below the optimum effective promotion level of 5 cents per hundredweight that they believe is supported by certain marketing research studies.[1] Based on 1970 marketings current advertising and promotion

[1] A 1965 study by Clement, Henderson, and Eley on the value of advertising and published in USDA bulletin ERS No. 259, "The Effect of Different Levels of Promotional Expenditures on Sales of Fluid Milk"; and a followup study published in 1967 as USDA Marketing Research Report No. 805 "Consumer Response to Various Levels of Advertising for Fluid Milk."

V 37 40 FEB 29 72 XUM

expenditures are equivalent to a rate of 2.2 cents per hundredweight of producer milk in the Indiana market, but only 0.9 cent in the Chicago market.

In view of the foregoing, it is concluded that a program essentially as producers purpose, but with specified modifications discussed below, should be adopted in each of these markets.

2. *Terms and provisions.* The proposed rate of 5 cents per hundredweight on producer milk, suggested by proponents, is a reasonable assessment on the marketings of producers for promoting the consumption of the milk they produce and is adopted. Such assessment rate represents less than 1 percent of the uniform prices paid to producers in these markets. The 5 cents per hundredweight rate, however, should provide annual totals of about $3,500,000 under the Chicago Regional order and $800,000 under the Indiana order for use on producer-sponsored advertising and promotion programs.

The enabling legislation specifically provides that the promotion funds deducted from the pool proceeds "shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order."

A definition of "Agency" therefore is incorporated in the order to identify the administrative body organized by producers and producers' cooperatives that will be authorized to expend funds for advertising and promotional activities.

The Agency, under the terms prescribed herein, is responsible for administration of the terms and provisions of the program within the scope of its authority. Subject to the approval of the Secretary, it also is empowered to enter into contracts and agreements with persons or organizations as deemed necessary to carry out such program. In addition, the Agency may recommend to the Secretary amendments to the terms of the program, and make such rules and regulations as are necessary to carry out its stated objectives.

The powers, duties, and functions specifically assigned to the Agency under the terms herein adopted are of a nature and scope to provide participating producers on the market full and necessary authority through their representatives on the Agency to develop and administer advertising and promotion programs, designed to accomplish the purposes of Public Law 91–670.

The Act states that the Agency "• • • may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order." The guidelines concerning this matter are set forth in the amendments to the two orders. Under the terms of such amendments, the Agency will develop and submit to the Secretary for approval programs or projects that may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects, for advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers supplying the market; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all the producers supplying the market.

Under such authority proponents envisioned the Agency would utilize the services of the American Dairy Association, Dairy Council, Milk Foundation, and other such organizations. However, the extent to which the Agency may wish to employ the services of existing organizations engaged in milk promotional activities is a matter to be determined by the Agency.

Agency members are to be selected from producers who participate in the program. Representation on the Agency as it relates to cooperatives may include, however, individuals not directly engaged in the production of milk, e.g., employees of the cooperative.

Under the Chicago Regional order each cooperative that represents at least 1.5 percent of the participating producers (producers who have not requested refunds) will be authorized an Agency representative, plus one additional Agency representative for each full 5 percent of the participating producers, in excess of 1.5 percent, that such cooperative represents. For the purpose of meeting the percentage requirements any cooperative association, including a cooperative having less than the required 1.5 percent of the producers participating in the program, may elect to combine its participating membership with that of one or more other cooperatives.

The participating producer members of any cooperative association(s) having less than the required 1.5 percent that elects not to combine, as discussed above, and nonmember producers, together will be authorized one Agency representative if such producers constitute 1.5 percent of the total number of participating producers under the order, plus one additional Agency representative for each additional full 5 percent that such producers constitute of all participating producers. For the purpose of the Agency's initial formation, all producers under the order would be considered as participating producers.

With the present number and size of cooperatives in the market, the above procedure will result in a maximum of 24 members on the Agency. Eleven different cooperatives representing over 90 percent of the producers on the market will be eligible to select 21 of the Agency representatives. In addition, should cooperatives with less than 1.5 percent of the producers elect to combine, two additional representatives of cooperatives could be placed on the Agency.

The above procedure is modified slightly from the proposed procedure set forth in the hearing notice. Under that procedure a cooperative would be required to have at least a full 5 percent of the participating producers to be eligible to name an Agency representative. Such procedure, however, would result in only five cooperatives, representing three-fourths of the producers, being eligible to name agency representatives without combining for such purpose. The procedure adopted assures broader producer representation on the Agency. Yet it does not result in too large an Agency for a market with over 16,000 producers.

Because of the smaller number of producers on the market, proponents proposed that the Agency for the Indiana market be about half the size of the Agency for the Chicago Regional market. Specifically they proposed that a cooperative represent a full 10 percent of the participating producers to be eligible to name an Agency representative. Such procedure, however, would result in only two of the seven cooperatives being large enough to independently select a representative. If on the other hand a procedure like the one adopted for the Chicago Regional market, but with minimums of 3 and 10 percent of the total participating producers for the initial and additional representatives were adopted, five of the seven cooperatives would be eligible to independently name representatives. Moreover, about 90 percent of the producers belong to cooperatives having at least 3 percent of the producers on the market compared to 70 percent belonging to cooperatives with 10 percent or more producers.

This modified procedure will assure broader producer representation on the Agency for the Indiana market and should therefore be adopted. With the present structure of producer membership in cooperatives on the market, this procedure will result in an Agency of 11 members, 10 being selected by cooperatives and one by nonmember producers.

Under the terms of the program as herein provided, the selection of cooperative representatives for the Agency will be entirely at the discretion of the cooperative(s). Each cooperative association authorized one or more representatives on the Agency shall notify the market administrator of the name and address of each representative selected who shall serve at the pleasure of the cooperative.

The market administrator will conduct a referendum annually to determine the representation on the Agency of participating nonmember producers and participating producer members of cooperative associations having less than the required percent of the producers participating in the program and not electing to combine membership for purposes of selecting Agency representation.

Within 30 days after the effective date of the amended order and annually thereafter, the market administrator shall give notice to all such producers (members and nonmembers) of their opportunity to nominate Agency members and shall specify the number of representatives that such nonmember and member producers together are authorized.

Following the closing dates for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall then conduct a referendum in which each individual producer (member or nonmember) shall have one vote.

Since cooperative associations may freely elect to combine or not combine for purposes of selecting Agency representation, it is provided in the case of a cooperative with less than the required percent of the participating producers that does not combine, that the balloting of its participating producer members shall be on an individual basis, the same as for nonmembers. This procedure will tend to promote equity among such members and nonmember producers in the selection of representation.

Election to Agency membership will be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes.

Each person selected for the Agency shall qualify by filing with the market administrator a written acceptance of his willingness and intention to serve in such capacity. It is anticipated that any eligible nominee included on the list, which the market administrator is required to circulate to the participating nonmember producers and certain participating member producers in the conduct of the referendum as discussed elsewhere in these findings, would advise the market administrator promptly if he were not willing to be a nominee. Notwithstanding, the possibility remains that a person elected to membership or so designated by a cooperative, is unable to, or may not wish to accept the position. This requirement, therefore, is necessary in order that the market administrator will know whether or not the position has been filled. Such acceptance should be filed promptly after notification in order that the formation of the Agency can be prompt.

Proponents proposed a geographic basis for apportioning the number of representatives among the participating nonmember producers and participating members of the smaller cooperatives (less than the required minimum percent of all participating producers) who elect not to combine.

With the procedure adopted herein, about 90 percent of the producers in each market would be represented by cooperatives. Thus, there would be only one Agency representative to be selected by referendum in the Indiana market and one or two in the Chicago market. Any provision for geographic division of producers for referendum purposes in this circumstance has little, if any, significance.

The term of office of each member of the Agency as herein adopted is 1 year, or until a replacement is designated by the cooperative association or is elected. This term of office is necessary because of the annual reapportionment of representation on the basis of producer participation in the program.

It is possible that an elected representative may leave the market or otherwise be unable to complete his term of office. It is desirable, therefore, that some procedure be provided for filling the vacancy. It is concluded appropriate in such circumstance that the market administrator appoint as his replacement the then currently participating producer who received the next highest number of eligible votes in the referendum.

Actions to be taken by the Agency are of such importance that a majority of representatives should be required to be present at any meeting to constitute a quorum, and any action taken by the Agency should require at least a majority of concurring votes of those present and voting. The provisions herein adopted so provide.

Proponents suggested that to insure a high degree of agreement on the actions of the Agency more than a simple majority approval would be appropriate. The Agency may wish to so provide in the rules of its conduct. With the program depending on voluntary participation, however, presumably the Agency will strive to reach general agreement among its members on its actions, irrespective of the percentage of approval set as being mandatory.

The Agency's duties set forth in the order are generally necessary for the discharge of its responsibilities. It is intended that activities undertaken by the Agency shall be confined to those reasonably necessary to carry out its responsibilities as prescribed under the program.

Congress clearly contemplated that producer activities under Public Law 91–670 would be under direct surveillance of the Secretary. It was specifically provided that "all funds collected under this subparagraph (I) shall be separately accounted for and shall be used only for the purposes for which they are collected."

It is essential, therefore, that the Agency prepare and submit to the Secretary for his approval, budgets showing projected amounts of available funds and how such funds are to be disbursed. Proponents proposed that budgets be prepared and submitted for approval on a quarterly basis. The Agency must be in a position to develop firm plans and make commitments covering a sufficient forward period to insure a continuing, viable program. A calendar quarter is concluded to be the minimum practical period for achieving this end, and it is provided, therefore, that a budget shall be submitted to the Secretary for his approval prior to each quarterly period.

All the possible promotion and other authorized project activities which the Agency may wish to pursue, cannot be anticipated at this time. Therefore, the authority for the Agency to establish programs and projects is purposely left broad and flexible to facilitate the timely development of such programs suitable to prevailing circumstances in the particular market.

Any promotion program or project the Agency may consider must comport with the terms and conditions of the order and be evaluated in terms of cost, the statutory objectives to be accomplished, the time required to complete the program or project and other such factors, in order to arrive at a sound decision as to whether the program or project is justified.

The required budget submissions will permit the Secretary to evaluate projected programs in terms of the declared policy of the Act and also will serve as policy guidelines for Agency members in the conduct of their operations for each ensuing quarterly period. This will be particularly helpful in the transition of Agency membership as the terms of office of individual members expire.

The Agency appropriately must follow prudent operating procedures in the furtherance of the best interests of producers. It is required therefore that it shall keep minutes of its meetings, and such other books and records as will clearly reflect all its transactions, and on request shall submit such books and records to the Secretary for his examination. It also shall provide for the bonding of all persons handling Agency funds with surety thereon satisfactory to the Secretary.

Proponents would have included specific terms that would require the Agency to publish annually an accounting of funds collected and the use made thereof, and to prepare and make available to producers, handlers, and consumers, statistics and information concerning the operation of the program. Since the activities of the Agency are under the direct supervision of the Secretary, it is not necessary to prescribe these additional requirements, as suggested by proponents.

The Agency presumably will keep producers on the market fully informed of its milk promotional plans, projects, and activities. Since most of the members on the Agency will represent cooperatives, it may be expected that they will keep their members informed of the activities of the Agency. The degree of producer participation in the program, and thus its relative success, will be dependent in large part upon the interest and confidence it generates among producers. In view of these considerations, it does not appear necessary to prescribe specific informational releases to producers and other parties.

It is possible that the Agency may find it desirable to enlist the aid of individuals with special talents who might be helpful in program and project planning by virtue of their particular knowledge, skills, or expertise on matters directly involved with the advertising and promotion programs. Provision is made, therefore, whereby the Agency, at its pleasure, may establish an advisory committee(s) of persons other than Agency members. Such a committee(s) may include, but would not necessarily be limited to, persons drawn from universities, land grant colleges, or extension services, public officials, and others in the dairy industry. Such committee(s) could make recommendations and participate in the deliberations of the Agency but would have no voting rights.

FEB 29 72 XUM

It would not be expected that the market administrator or his staff or other officials of the U.S. Department of Agriculture would serve on such a committee(s) since the activities of the Agency are under surveillance of the Department.

The Agency should be authorized to incur reasonable expenses in its administration of the program, including the employment and the fixing of compensation of any person necessary to the exercise of its powers and performance of its duties. For example, one full-time person might be needed to handle its record-keeping and bookkeeping functions. The costs of office space also may be involved, or the Agency may find it necessary to retain the services of an attorney from time to time to assist in the preparation of contracts. Other Agency costs could be expected to involve miscellaneous office costs usually associated with a business office.

It is, of course, appropriate and necessary that Agency representatives be reimbursed for reasonable expenses incurred in attending meetings. This could involve the establishment by the Agency of per diem and mileage rates and would include expenses for meals and lodging. Proponents suggested that such expenses should be the responsibility of the individuals or of the organizations represented on the Agency. It would be unreasonable, however, to require a nonmember producer representative of the Agency to bear such expenses incurred in the interest of all producers on the market.

It was proposed, and it is here adopted, that the amount of money utilized by the Agency for its expenses in administering the program shall not exceed 5 percent of the funds received by the Agency from the market administrator. This establishes a reasonable limitation on Agency costs and assures producers that the funds collected from the pool will be expended primarily on advertising and promotion.

Because Agency members are handling funds otherwise payable to producers they should have assurance that they will not be personally liable for the impact of their official acts except for willful misconduct, gross negligence, or criminal acts.

To insure that Agency funds are used only for the purpose contemplated by the Congress, it also is provided that Agency funds shall not be used for political activity or for influencing governmental policy or action.

It is possible that at some later date producers could request termination of the program, or that such provisions could be terminated by the Secretary on a finding that they no longer tend to effectuate the purposes of the Act. For example, proponents suggested that this may be appropriate if producer participation in the program falls below a percentage needed to make the program successful.

In the event that the provisions of the advertising and promotion program are terminated in their entirety, any remaining uncommitted funds applicable thereto should revert to the producer-settlement fund for distribution to producers since such monies are derived solely from funds otherwise due producers.

Proponents suggested that the market administrator's expenses in connection with the advertising and promotion program be charged against the administrative fund derived from assessments on handlers. Such funds, however, should not be used for costs directly related to the administration of the advertising and promotion program. The program is sponsored by producers on a voluntary basis; therefore, any expenses attendant to its administration appropriately should be borne by producers.

The statutory authority under Public Law 91–670 supports this position and makes it clear that this is intended to be strictly a producer program. In part, the law states that "Establishing or providing for establishment of * * * programs * * *, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. * * * All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected."

As adopted herein, all administrative costs associated with the program would be reimbursable to the market administrator from the advertising and promotion program funds before such funds are turned over to the Agency.

Public Law 91–670 provides that: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

As adopted herein, any producer desiring a refund on the assessments made against his marketings must submit to the market administrator his signed request in the form prescribed by the market administrator within the first 15 days of the month (December, March, June, or September) preceding the calendar quarter for which refund is requested.

Congress clearly intended that producers not wishing to participate in the promotion program could get their money refunded with no unnecessary impediments. It must be recognized, however, that there is necessarily a significant cost in making refunds and, in addition, that any promotion program could have only limited success unless the monies to be available for it are known in time to make firm forward plans and commitments."

Refunding on a quarterly basis, rather than on the basis of each monthly reporting period, will result in significant savings in administrative cost by reducing by eight the number of times each year the market adminstrator would be required to make refunds.

The quarterly refund procedure, together with the requirement that refund requests be made within the first 15 days of the month immediately preceding the calendar quarter, will enable the Agency to make quarterly budget estimates for each ensuing calendar quarter with reasonable assurance of the amount of money available for expenditure in that quarter.

The refund request procedure as proposed (e.g., a request filed with the market administrator during the first 15 days of the month preceding the beginning of each calendar quarter) could not accommodate new producers who might not wish to participate in the program during their first few months on the market. Therefore, until the initial quarter for which a new producer could comply with the regular refund request procedure, such producer should be granted a refund on his marketings upon proper application filed with the market administrator at any time prior to the next refund notification period.

Since the program is voluntary there is need for the market administrator to advise each producer promptly of the advertising and promotion program when effectuated and thereafter with respect to new producers. To insure that producers have an awareness of the program, it is provided that the market administrator shall accomplish such notification by forwarding to each producer a copy of the provisions establishing the advertising and promotion program.

Proponents recognized the possibility that the production units of some producers under the order could be in States that have mandatory checkoffs for similar advertising and promotion programs under State law. They held that in such circumstances a double assessment was not intended and that such producers appropriately should be refunded from the program under the Federal order an amount equal to such State assessment, but not in excess of the 5-cent assessment under this program. This procedure is provided for in the statute and should be adopted.

Proponents suggested that the order should permit the Agency to authorize producers the option to designate in writing the crediting of not more than 2 cents per hundredweight of milk marketed by such individual producers to a State or area unit of the American Dairy Association. Such procedure would involve significant administrative expense and thereby detract from one of the principal benefits of adopting an advertising and promotion program under the order—the elimination of setting aside advertising funds on the basis of individual producer accounts by making a single marketwide assessment in the computation of the uniform price. Moreover, the Agency has authority to decide the proportion of available program funds it wishes to use on programs of various units of the American Dairy Association or any other similar organization.

Proponents suggested that the order require a public listing of nonparticipating producers at any time such producers

amount to as much as 10 percent of all producers on the market. They contend this is necessary for a proper evaluation of the operation and acceptance of the program. Since this is a voluntary program, there should be no provision for public listing or disclosure by the market administrator regarding the status of individual producers that possibly could cause embarrassment to a producer who elects not to be part of the program. It will be encumbent upon the participants, through their Agency, to conduct programs in a manner and of a nature to set the climate for maximum participation by producers.

To implement the advertising and promotion program appropriately, it is necessary that certain provisions of the current orders be modified. The procedure for computing the weighted average price must be modified by the addition of a new paragraph prescribing the deduction of an amount computed by multiplying by 5 cents the total hundredweight of producer milk. It is through this procedure that the advertising and promotion funds are reserved in the producer-settlement fund. This, of course, has the result of reducing the weighted average price by approximately 5 cents.

It also is necessary that appropriate corollary changes be made in order that the obligation of a partially regulated handler and the obligation of any handler with respect to other source milk allocated to Class I (on which the pool obligation is the difference between the Class I and weighted average price) will not be increased by 5 cents because of the change in the weighted average price.

It is recognized further that, unless otherwise provided for, an audit adjustment involving any handler's balance of payment to or from the producer-settlement fund could also require adjustments in the monies to be turned over to the program or refunded to producers, as the case may be. However, such adjustment normally would not involve sufficient volumes of milk to significantly affect the monies available to the program. For this reason and because of the substantial administrative costs that would be involved in reflecting audit adjustments in adjusted payments to the program, it is intended that such audit adjustments shall not result in adjustment of funds available to the program.

Other administrative provisions not hereinbefore specifically discussed are necessary and incidental to insure the proper functioning of the order to accommodate the promotion program as here established.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the Chicago Regional and Indiana marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. In § 1030.60, paragraph (b)(5) is revised as follows:

§ 1030.60 Obligation of handler operating a partially regulated distributing plant.

* * * * * * *

(b) * * *

(5) From the value of such milk at the Class I milk price (after deducting the location adjustment rate for the zone in which the nonpool plant is located) substract its value at the uniform price at the same location plus 5 cents or at the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

2. In § 1030.71, a new paragraph (d) is added as follows:

§ 1030.71 Computation of uniform price.

* * * * * * *

(d) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

* * * * * * *

3. In § 1030.84, paragraph (b)(2) is revised as follows:

§ 1030.84 Payments to the producer-settlement fund.

* * * * * * *

(b) * * *

(2) The value at the uniform price applicable at the location of the plant from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1030.70 (e).

4. Immediately following § 1030.88, a new centerhead and new §§ 1030.100 through 1030.112 are added as follows:

Advertising and Promotion Program

§ 1030.100 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1030.111 (b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1030.101 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1030.103(b) with 1.5 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency representative plus one additional Agency representative for each additional full 5 percent of the participating member producers it represents. Cooperative associations with less than 1.5 percent of the total participating producers that have elected not to combine pursuant to § 1030.103(b), and participating producers who are not members of cooperatives are authorized to select from such

V 37 N 40 FEB 29 72 XUM

group, in total, one Agency representative for the first full 1.5 percent plus one additional Agency representative for each additional full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1030.102 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1030.103 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 1.5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1030.101 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 1.5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1030.104 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting unless the Agency determines that more than a simple majority shall be required.

§ 1030.105 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1030.100;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1030.100 and 1030.107.

§ 1030.106 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1030.100 and 1030.107 of this part;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1030.107 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1030.108 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1030.111(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1030.109 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1030.110 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) a dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1030.111 Duties of the market administrator.

Except as specified in § 1030.106, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1030.103(c);

(b) Set aside the amounts subtracted under § 1030.71(d) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1030.71(d).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1030.110. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1030.71(d) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1030.100 through 1030.112).

(d) Audit the Agency's records of receipts and disbursements.

§ 1030.112 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1030.83.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. In § 1049.82, paragraph (a)(5) is revised as follows:

§ 1049.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * * *

(a) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location plus 5 cents or the Class II price, whichever is greater, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price;

* * * * *

2. In § 1049.71, a new paragraph (c-1) is added as follows:

§ 1049.71 Computation of uniform prices.

* * * * *

(c-1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

* * * * *

3. In § 1049.82, paragraph (b)(2) is revised as follows:

§ 1049.82 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1049.70(e).

4. Immediately following § 1049.88, a new centerhead and new §§ 1049.100 through 1049.112 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1049.100 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1049.111(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1049.101 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1049.103(b) with 3 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency representative plus one additional Agency representative for each additional full 10 percent of the participating member producers it represents. Cooperative associations with less than 3 percent of the total participating producers that have elected not to combine pursuant to § 1049.103(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for the first full 3 percent plus one additional Agency representative for each additional full 10 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1049.102 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1049.103 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 3 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1049.101 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 3 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case

FEB 29 72
XUM

may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1049.104 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1049.105 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1049.100;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1049.100 and 1049.107.

§ 1049.106 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1049.100 and 1049.107;

(c) Keep minutes, books, and records, and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1049.107 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1049.108 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1049.111(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1049.109 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1049.110 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1049.111 Duties of the market administrator.

Except as specified in § 1049.106, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1049.103(c);

(b) Set aside the amounts subtracted under § 1049.71(c-1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the adminstration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1049.71(c-1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1049.110. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1049.71(c-1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1049.100 through 1049.112).

(d) Audit the Agency's records of receipts and disbursements.

§ 1049.112 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1049.81.

Signed at Washington, D.C., on February 24, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-3020 Filed 2-28-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 37]

[Docket No. 11741; Notice No. 72-5]

REVISION OF WEIGHT MARKING REQUIREMENT

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending § 37.7(d)(3) of the Federal Aviation Regulations to revise the general weight marking requirement applicable to articles for which a TSO authorization has been issued.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before May 29, 1972, will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 37.7(d)(3) requires TSO articles to be marked with the weight of the article to the nearest one-tenth of a pound. Bendix Avionics Division of the Bendix Corp. has filed a petition for rule making requesting that § 37.7(d)(3) be amended to permit a weight marking tolerance of 0.2 pounds or 3 percent, whichever is greater. Bendix states that the present requirement imposes an undue burden on the TSO manufacturer, particularly with respect to articles that weigh approximately 50 pounds since scale calibration and tolerances must be held to well under 2 percent. Bendix further states that as a result of this tight tolerance each article must be individually weighed and this creates nameplate engraving problems and requires special handling.

Under the present regulation the weight marking tolerance is only 1.6 ounces and this tolerance applies regardless of the weight of the article. Thus, as the weight of an article increases the allowed tolerance becomes a smaller percentage of the overall weight thereby increasing the difficulty in producing the article within the present weight tolerance. The FAA believes that any increase in aircraft weight resulting from the increased TSO weight tolerance proposed by Bendix will be minimal and will not adversely affect the weight and balance analysis of the aircraft or affect flight safety. Therefore, the FAA proposes to amend § 37.7(d)(3) to permit TSO articles to be marked with their weight to within 0.2 pounds or 3 percent of the articles' weight, whichever is greater.

In consideration of the foregoing, it is proposed to amend § 37.7(d)(3) of the Federal Aviation regulations to read as hereinafter set forth.

§ 37.7 General rules governing holders of TSO authorizations.

* * * * * * *

(d) * * *

(3) The nominal weight of the article which must be within ±0.2 pounds or ±3 percent of the actual weight, whichever is greater.

* * * * * * *

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on February 18, 1972.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.72-2977 Filed 2-28-72;8:47 am]

[14 CFR Part 39]

[Airworthiness Docket No. 72-SW-12]

AEROSTAR MODELS 600 AND 601 SERIES AIRPLANES

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Aerostar Models 600 and 601 series airplanes. There have been instances where fuel siphoned past the filler cap on the fuselage tank and flowed rearward into the baggage compartment on Aerostar Models 600 and 601 series airplanes. This could have resulted in a fire or explosion due to the proximity of ignition sources. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed airworthiness directive would require inspections of the fuel filler neck for a bent flange, and painting an indexing stripe on the cap and fuselage of these aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before March 24, 1972, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, TX, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

AEROSTAR: Applies to all Models 600 and 601 airplanes, serial numbers 60-0001 and up, and 61-0001 and up, certificated in all categories.

Compliance required within the next 50 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent siphoning of fuel from the fuselage fuel tank and flowing into the baggage compartment, thereby creating a fire hazard, accomplish the following:

a. Inspect the fuselage fuel tank filler neck for a bent flange adjacent to the 7/16-wide slot in the upper left position (See Fig. 1).

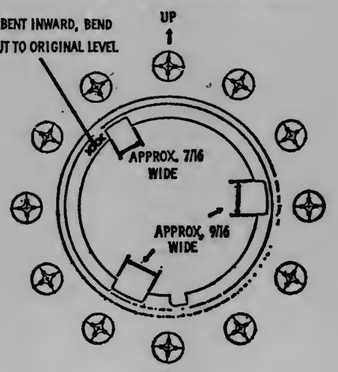


FIGURE 1.

V 37-40 FEB 29 72 XUM

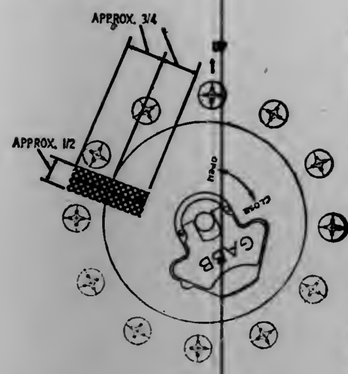


FIGURE 2.

If bent, straighten to its original level.

b. Replace the cap taking care that the narrow tang on the cap enters the narrow slot in the upper left position of the neck. When the cap is inserted properly, the locking handle will be in the position shown in Fig. 2.

c. Paint an indexing stripe on the cap and fuselage side to the dimensions shown in Fig. 2. This stripe may be in any position around the cap as desired. The color of the stripe must contrast with the paint on the fuselage in this area.

d. The compliance time for this AD may be adjusted up to a maximum of 20 hours to coincide with the aircraft's annual or 100 hour scheduled inspection.

Issued in Fort Worth, Tex., on February 16, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-2864 Filed 2-28-72;8:45 am]

[46 CFR Part 510]

[Airspace Docket No. 72-GL-3]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at French Lick, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Room 18, 3158 Des Plaines Avenue, Des Plaines, IL 60018.

A new public use instrument approach procedure has been developed for the French Lick Municipal Airport, French Lick, Ind., based on a privately-owned NDB. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at French Lick, Ind. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

FRENCH LICK, IND.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the French Lick Municipal Airport (latitude 38°30'26" N., longitude 86°37'59" W.) and within 3 miles each side of the 076° bearing from the French Lick Municipal Airport extending from the 6½-mile radius to 8 miles northeast.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., February 7, 1972.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.72-2978 Filed 2-28-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-8]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to designate a transition area at Peebles, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Room 18, 3158 Des Plaines Avenue, Des Plaines, IL 60018.

A new private use instrument approach procedure based on the York VOR has been developed for the General Electric Airport, Peebles, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Peebles, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is added:

PEEBLES, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of General Electric Airport (latitude 38°55'25" N., longitude 83°19'40" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on February 4, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-2979 Filed 2-28-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-11]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Laredo, Tex., control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace & Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Laredo, Tex., control zone is amended by deleting "to 16 miles northwest of VORTAC, within 2 miles each side of the Laredo VORTAC 149°" and substituting therefor "to 16 miles northwest of the VORTAC; within 2 miles each side of the Laredo ILS localizer northwest course extending from the ILS localizer site (latitude 27°36'12.6" N., longitude 99°35'50.2" W.) to 7 miles northwest; within 2 miles each side of the VORTAC 149°".

Alteration of the control zone will provide a small additional amount of controlled airspace necessary to accommodate the ILS RWY 15 approach procedure proposed at Laredo International Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on February 18, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-2980 Filed 2-28-72;8:47 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 510]

[Docket No. 72-4]

INDEPENDENT OCEAN FREIGHT FORWARDERS

Proposed Licensing Requirements; Further Enlargement of Time To File Comments

FEBRUARY 23, 1972.

Upon request of representatives of certain freight forwarder associations, and good cause appearing, time within which interested persons may submit views and comments in response to the notice of proposed rule making in this proceeding (37 F.R. 678; January 15, 1972) is enlarged to and including March 27, 1972. The Bureau of Hearing Counsel shall file reply to comments on or before April 7, 1972. Answers to Hearing Counsel's replies shall be submitted on or before April 14, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 72-3022 Filed 2-28-72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release IC-6998]

FAIR AND EQUITABLE TREATMENT OF SERIES TYPE INVESTMENT COMPANY SHAREHOLDERS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 18f-2 [17 CFR 270.18f-2] under the Investment Company Act of 1940 (Act), as amended by the Investment Company Amendments Act of 1970 (1970 Act), Public Law 91-547 [84 Stat. 1413]. The proposed rule would implement the provisions of the second sentence of section 18(f)(2) of the Act [15 U.S.C. 80a-18(f)(2)] which was added by the 1970 Act [84 Stat. 1421]. The amendment authorizes the Commission to adopt rules to require registered investment companies of the series type, as a requisite for taking action on a matter requiring shareholder action, to obtain the approval of the holders of each individual class or series of its stock which would be affected by such matter. The proposed rule has special provisions concerning advisory contracts subject to section 15(a) [of the Act], and investment policies, subject to section 13 [of the Act], including exceptions from certain provisions of these sections. Also, an exemption from the separate voting requirements of the rule would be provided for the submission of independent public accountants to shareholders required by section 32(a) of the Act.

Section 18(f)(1) of the Act [15 U.S.C. 80a-18(f)(1)] makes it unlawful for any registered open-end investment company to issue or sell any senior security. However, section 18(f)(2) [of the Act] excludes from the definition of senior security "a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series." Investment companies issuing such securities are commonly known as "series companies." The individual series of such a company are, for all practical purposes, separate investment companies. Each series of stock represents a different group of stockholders with an interest in a segregated portfolio of securities. Shareholders of series companies generally have only one vote and matters requiring shareholder action are generally decided by vote of a specified percentage of the outstanding securities of such companies, irrespective of series. In this connection, both the Senate and House Committee reports accompanying bills which eventually became the 1970 Act pointed out that

> • • • matters affecting the interest of holders of shares of a particular series are voted on by the holders of shares of all existing series and such vote may be controlled by the holders of an unaffected series. In effect, the shareholders of different series whose interest may be inconsistent are lumped together.[1]

In order to remedy this situation and thereby to insure fair and equitable treatment of the holders of each class or series of stock of such companies, the 1970 Act amended section 18(f)(2) of the Act to give the Commission specific authority by rule, regulation or order to require that any matter affecting shareholders of any series of shares issued by such companies be voted upon separately by such series.[2] The legislative history of this amendment contemplates that the election of directors may be included among those matters upon which a separate vote may be required.[3] The legislative history also states that it is not intended that any rule would relieve a company of any requirements with respect to voting that may be applicable under State law.[4]

The proposed rule would implement this amendment by providing in paragraph (a) that any matter required to be submitted to all holders of the outstanding voting securities of a series company shall not be deemed to have been effectively acted upon unless approved by a majority of the holders of the outstanding voting securities of each class or series of stock affected by such matter. Generally, this will include proposed changes in investment policy, the

[1] Senate Rep. 91-184, 91st Cong., first session (1969), p. 38 (hereafter referred to as "Senate Report"); and House Rep. 91-1382, 91st Cong., second session (1970), p. 28 (hereafter referred to as "House Report").

[2] The text of the mandatory language of section 18(f)(2) of the Act reads as follows: "For the purpose of insuring fair and equitable treatment of the holders of the outstanding voting securities of each class or series of stock of such company, the Commission may by rule, regulation, or order direct that any matter required to be submitted to the holders of the outstanding voting securities of such company shall not be deemed to have been effectively acted upon unless approved by the holders of such percentage (not exceeding a majority) of the outstanding voting securities of each class or series of stock affected by such matter as shall be prescribed in such rule, regulation or order."

[3] In this regard, the Senate and House Committee Reports state: "Although it is contemplated that any such rule may provide that approval of stockholders holding a certain percentage of stock is necessary for the election of directors, it is not intended that the authority granted by this amendment would be used to require that a company set up groups of individuals for each series with functions similar to those of the company's overall board of directors." Senate Report, pp. 38-39, and House Report, p. 28.

[4] See Senate Report, p. 39, and House Report, p. 28.

V37-40 FEB 29 72 XUM

election of directors, approval of advisory contracts and matters required by State law (e.g., approval of mergers and reorganizations) or otherwise to be submitted for shareholder approval.

Paragraph (b) of the proposed rule provides that, for the purposes of paragraph (a), a class or series of stock will be deemed to be affected by such a matter unless it is clear that (1) the interests of each class or series in the matter are identical, or (2) the matter does not affect any interest of such class or series. Therefore, in matters not affecting all series alike, a registered series investment company could not take any action requiring shareholder approval without the affirmative vote of the holders of a majority of the outstanding voting securities of each series of stock which would be affected by such action. Of course, in the event that a particular series would not be affected by a matter requiring shareholder action, a vote of the majority of the outstanding voting securities of such unaffected series would not be required by paragraph (a). For the purposes of the rule, a majority of the outstanding voting securities of a class or series would be computed in the manner set forth in section 2(a)(42) of the Act (15 U.S.C. 80a-2(a)(42)).

Paragraph (c) of the proposed rule would modify paragraph (a) as applied to investment advisory contracts which must be submitted for shareholder approval. This paragraph is intended to prevent the holders of a particular series from exercising a veto power over the advisory contract as it pertains to other series which have approved the contract.[5] This paragraph would also afford a series company an exemption[6] from the requirement in section 15(a) of the Act (15 U.S.C. 80a-15(a)) that a majority of the outstanding voting securities of the investment company approve an advisory contract. This would enable the advisory contract to be operative with respect to a series whose holders have approved the contract without also having to obtain the approval of a majority of the outstanding voting securities of the investment company, irrespective of series.[7]

[5] Since, in the ordinary case, the holders of one series might have an interest in an advisory contract which is inconsistent with or different from another series, paragraph (a), without the provisions of paragraph (c), would require that a majority of the holders of each series approve the contract before it could become effective.

[6] Section 6(c) of the Act (15 U.S.C. 80a-6(c)) authorizes the Commission by rules and regulations, to exempt conditionally or unconditionally any person, security, or transaction or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

[7] If applicable State law requires approval by the outstanding voting securities of the series company, this rule would not affect that requirement.

In order to achieve these purposes, paragraph (c) would provide that a matter relating to the submission of an advisory contract for which section 15(a) [of the Act] requires shareholder approval shall be deemed to be effectively acted upon for the purposes of the Act with respect to any series which approves such matter notwithstanding (1) that such matter has not been approved by the holders of a majority of the outstanding voting securities of any other series affected by such matter and (2) that such matter has not been approved by the vote of a majority of the outstanding voting securities of such company.

The proposed rule would not require that each series have a separate investment adviser. However, the rule would prevent the holders of such particular series from having to accept an investment adviser or advisory contract which they reject. In this connection, the board of directors of the investment company, in the exercise of its fiduciary obligations, would be required to plan and take appropriate actions to protect the interests of the holders of any series which does not approve an advisory contract, e.g., obtain the services of a more suitable investment adviser to manage the portfolio of such series or renegotiate the terms of the advisory contract.

Paragraph (d) of the proposed rule would provide similar treatment for matters relating to the approval of changes in investment policies of series companies under section 13 of the Act (15 U.S.C. 80a-13).

Paragraph (e) of the proposed rule would provide an exemption from the separate voting requirements of paragraph (a) for the submission of an independent public accountant to shareholders required by section 32(a) of the Act. Such matter is not one in which series would generally have inconsistent interests since their primary concern is obtaining the services of a competent accountant who will give them an accurate picture of the financial condition of their series and company.

The operation of the proposed rule is demonstrated in the following examples:

(1) Assume that an investment company issues two series of stock, one series for capital growth and the other for income. The company solicits proxies on behalf of present directors who are up for re-election. Since one series may be dissatisfied with the operations of the investment company as it relates to that series, the election of the board of directors is generally the type of matter in which each series might have an interest which is different from or inconsistent with that of other series, within the meaning of paragraph (b) of the rule. Therefore, paragraph (a) would require that a majority of the holders of the outstanding voting securities of both the income and growth series vote in favor of the re-election of the board of directors before such election could be deemed effective.

(2) Assume that changes have been made in the investment advisory contract with the same investment company, thus requiring the contract to be submitted to shareholders for approval. Also assume that the company has had an unfavorable investment record on its income series and a relatively favorable record on its growth series. There is a substantial possibility that the holders of the income series might have an interest in the approval of the contract and the adviser which is inconsistent with the interest of the holders of the growth series. Thus, the provisions of paragraph (a) of the proposed rule would require that the contract be approved by a majority of the holders of each series. However, paragraph (c) would permit the advisory contract to become operative as to the growth series if a majority of the holders of such series were to approve the contract, even though a majority of the holders of the income series does not so approve. In addition, because of the exemption from section 15(a) of the Act, the contract could become effective as to the growth series even though a majority of the outstanding voting securities of the company does not approve the contract. Of course, the advisory contract would not become effective as to the income series. The text of the proposed Commission action is indicated below:

Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding a new § 270.18f-2 reading as follows:

§ 270.18f-2 Fair and equitable treatment for holders of each class or series of stock of series investment companies.

(a) For purposes of this § 270.18f-2 a series company is a registered open-end investment company which, in accordance with the provisions of section 18(f)(2) of the Act, issues two or more classes or series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series. Any matter required to be submitted by the provisions of the Act or of applicable State law, or otherwise, to the holders of the outstanding voting securities of a series company shall not be deemed to have been effectively acted upon unless approved by the holders of a majority of the outstanding voting securities of each class or series of stock affected by such matter.

(b) For the purposes of paragraph (a) of this § 270.18f-2, a class or series of stock will be deemed to be affected by such a matter, unless it is clear that (1) the interests of each class or series in the matter are identical, or (2) the matter does not affect any interest of such class or series.

(c) With respect to the submission of an investment advisory contract to the holders of the outstanding voting securities of a series company for the approval required by section 15(a) of the Act, such matter shall be deemed to be effectively acted upon with respect to any class or series of securities of such company if a majority of the outstanding voting securities of such class or series vote for the approval of such matter, notwithstanding (1) that such matter has not been approved by the holders of a majority of the outstanding voting securities of any other class or series affected by such matter and (2) that such matter has not been approved by the vote of a majority of the outstanding voting securities of such company.

(d) With respect to the submission of a change in investment policy to the holders of the outstanding voting securities of a series company for the approval required by section 13 of the Act, such matter shall be deemed to have been effectively acted upon with respect to any class or series of such company if a majority of the outstanding voting securities of such class or series vote for the approval of such matter, notwithstanding (1) that such matter has not been approved by the holders of a majority of the outstanding voting securities of any other class or series affected by such matter and (2) that such matter has not been approved by the vote of a majority of the outstanding voting securities of such company.

(e) The submission to shareholders of the selection of the independent public accountant of a series company required by section 32(a) of the Act shall be exempt from the separate voting requirement of paragraph (a) of this § 270.18f-2.

The proposed rule would be adopted pursuant to the authority granted to the Commission in sections 6(c), 13, 15(a), 18(f)(2), 32(a), and 38(a) of the Investment Company Act. All interested persons are invited to submit, in writing, views and comments with respect to the proposed amendments to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before March 31, 1972. All communications with respect to the proposed amendments should refer to File No. S7-427. Such communications will be available for public inspection.

(Secs. 6(c), 13, 15(a), 18(f)(2), 32(a), 38(a); 54 Stat. 800, 811, 812, 817, 838, 841; 15 U.S.C. 80a-6(c), 80a-13, 80a-15(a), 80a-18(f)(2), 80a-37(a); Sec. 10, Public Law 91-547, 84 Stat. 1421)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

FEBRUARY 17, 1972.

[FR Doc.72-3015 Filed 2-28-72;8:50 am]

V 37-40 FEB 29 72 XUM

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[DES 72-37]

PROPOSED PROJECT TO DEMONSTRATE FEASIBILITY OF HYDRAULIC BACKFILLING OF MINE VOIDS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Mines, Department of the Interior, has prepared a draft environmental statement concerning the conduct of a demonstration project to test the Dowell hydraulic injection process for backfilling mine voids. Written comments are invited for a period of 30 days after publication of this notice.

The proposed project to be conducted includes the crushing and water slurry injection of 300 thousand cubic yards of coal mine refuse into flooded and dry mine voids in the Clark and New County coal beds beneath Scranton, Pa. Sufficient information would be developed to evaluate the economic feasibility of the process and to identify the technical problems inherent in this method for mine subsidence control.

Single copies of the draft statement are available from:

Director, Bureau of Mines, Room 4614, Department to the Interior, Washington, D.C. 20240.

Chief, Environmental Affairs Field Office, Veterans Building, 19 North Main Street, Wilkes Barre, PA 18701.

In requesting this document, please refer to the statement number above.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

FEBRUARY 18, 1972.

[FR Doc.72-3058 Filed 2-28-72;8:52 am]

[DES 72-36]

DRAFT MASTER PLAN AND PRELIMINARY WILDERNESS PROPOSAL YELLOWSTONE NATIONAL PARK, WYO., IDAHO, AND MONT.

Notice of Availability of Draft Environmental Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared draft environmental statements for a Draft Master Plan and a Preliminary Wilderness Proposal for Yellowstone National Park, Wyo., Idaho, and Mont., and invites written comment within thirty (30) days of this notice.

The draft environmental statements consider the management and public use of Yellowstone National Park; and the establishment of wilderness comprising about 1,963,000 acres within Yellowstone National Park. The park is located in Park and Teton Counties, Wyo.; in Fremont County, Idaho; and in Gallatin and Park Counties, Mont.

Copies are available from and for inspection at the following locations: Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102; and Yellowstone National Park, Yellowstone National Park, Wyo. 82190.

Dated: February 25, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-3064 Filed 2-28-72;8:52 am]

[DES 72-31]

DRAFT MASTER PLAN AND PRELIMINARY WILDERNESS PROPOSAL, GRAND TETON NATIONAL PARK, WYO.

Notice of Availability of Draft Environmental Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared draft environmental statements for a Draft Master Plan and a Preliminary Wilderness Proposal for Grand Teton National Park, Wyo., and invites written comment within thirty (30) days of this notice.

The draft environmental statements consider the management and public use of Grand Teton National Park; and the establishment of wilderness comprising about 110,700 acres within the Grand Teton National Park, Teton County, Wyo.

Copies are available from or for inspection at the following locations: Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102; and Grand Teton National Park, Box 67, Moose, WY 83012.

Dated: February 25, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-3065 Filed 2-28-72;8:52 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 26(71)-7]

ROLAND HAGN

Order Denying Export Privileges for an Indefinite Period

In the matter of Roland Hagn, 27 rue Mozart, 78 Fontenay-le-Fleury, France, Respondent.

The Director, Compliance Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an Indefinite Denial Order was referred to the Compliance Commissioner, Bureau of International Commerce, who, after consideration of the evidence, has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent Roland Hagn is a resident of Fontenay-le-Fleury, near Paris, France; that he is a consulting engineer in activities connected with electronics; that in May 1970 he placed an order with a French supplier for U.S.-origin strategic electronic equipment valued at approximately $57,000; and that said equipment was exported from the United States in December 1970 and was subsequently diverted to an unauthorized destination. The evidence presented further shows that in May 1971 the respondent ordered from a U.S. supplier $7,000 worth of strategic electronic items. The Compliance Division is conducting an investigation into these transactions to ascertain with respect to the December 1970 exportation whether there were knowing violations of the Export Control Regulations, and if so, who are the parties responsible and with respect to the May 1971 transaction, whether such violations were intended.

It is impracticable to subpoena the respondent, and relevant and material interrogatories relating to his participation in the above transactions were served on him pursuant to § 388.15 of the Export Control Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to said transactions. Said respondent has failed to furnish responsive answers to said interrogatories or to furnish the documents requested, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 388.15 of the Export Control Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, representatives, and partners, and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondent may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner, at Washington, D.C., at the earliest convenient date.

This order shall become effective on February 29, 1972.

Dated: February 22, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-3091 Filed 2-28-72;9:59 am]

National Oceanic and Atmospheric Administration

[Docket No. S-573]

GARY L. HUNTER AND ETHEL P. HUNTER

Notice of Loan Application

FEBRUARY 23, 1972.

Gary L. Hunter and Ethel P. Hunter, Post Office Box 254, Depoe Bay, OR 97341, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 51 feet in length, to engage in the fishery for salmon, albacore, shrimp, bottomfish, and Dungeness crab off the coasts of California, Oregon, and Washington, and for crabs off the coast of Alaska.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c. Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc. 72-3003 Filed 2-28-72;8:49 am]

[Docket No. S-574]

WILBERT SELDERS

Notice of Loan Application

FEBRUARY 23, 1972.

Wilbert Selders, Route 2, Box 828, Coos Bay, OR 97420, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 48 feet in length, to engage in the fishery for salmon, albacore, and Dungeness crab off the coasts of California, Oregon, and Washington.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised); and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.72-3004 Filed 2-28-72;8:49 am]

Office of the Secretary

PRODUCTION OF SOLUBLE COFFEE

Solicitation of Certified Information

In accordance with the Agreement Concerning Brazilian Exports of Soluble Coffee to the United States dated April 2, 1971 (TIAS 7118, 22 UST 654), the U.S. Government is soliciting information from manufacturers of soluble coffee about their domestic production of soluble coffee during calendar years 1970 and 1971. Under this agreement, the Brazilian Coffee Institute will allocate among U.S. manufacturers of soluble coffee the right to purchase specified quantities of green coffee free of the Brazilian export tax, on the basis of

V 37-40
FEB 29 72
XUM

their average share of soluble coffee production in the United States. U.S. manufacturers of soluble coffee wishing to share in the special allocation are requested to supply the following information for the calendar years 1970 and 1971, separately:

1. Pounds of green coffee roasted by the respondent for the production of soluble coffee in the United States.

2. Location of plant or plants at which the above coffee was roasted.

The accuracy of such information must be certified by an authorized officer of the respondent subject to the penalties provided in 18 U.S.C. 1001 for making any false statements in any matter within the jurisdiction of a Department of the United States. Information so provided will be made available to the public for inspection and transmitted to the Government of Brazil as a basis for its allocations. In order that the information can be forwarded to the Government of Brazil as soon as possible, it must be received by certified mail no later than 15 working days from the date of publication of this notice in the FEDERAL REGISTER. Responses should be addressed to:

OIP 280, U.S. Department of Commerce, Washington, D.C. 20230. Attention: Coffee.

Dated: February 22, 1972.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources, U.S. Department of Commerce.

[FR Doc.72-3002 Filed 2-28-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 7837]

NEOMYCIN SULFATE STERILE POWDER

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-up Notice

In a notice (DESI 7837) published in the FEDERAL REGISTER of May 13, 1970 (35 F.R. 7464), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Mycifradin Sulfate containing neomycin sulfate sterile powder; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 7-837).

2. Neomycin sulfate sterile powder; Philadelphia Laboratories, Inc., 9815 Roosevelt Boulevard, Philadelphia, Pa. 19114 (NDA 11-596).

3. Neomycin sulfate sterile powder; E. R. Squibb and Sons, Inc., Georges Road, New Brunswick, N.J. 08903 (NDA 60-366).

4. Neomycin sulfate sterile powder; Pure Laboratories, Inc., 59 Intervale Road, Parsippany, N.J. 07054 (No. NDA number).

The notice stated that the drugs were regarded as probably effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications.

Based upon a reevaluation of these preparations, the Commissioner finds it appropriate to amend the announcement of May 13, 1970, as follows:

1. The effectiveness classification of the following indications is changed from probably effective to effective: For intramuscular use in the treatment of urinary tract infections due to susceptible strains of the following organisms: *Pseudomonas aeruginosa, Klebsiella pneumoniae, Proteus vulgaris, Escherichia coli,* and *Enterobacter aerogenes.*

2. The labeling guidelines are changed to read as follows:

NEOMYCIN SULFATE STERILE POWDER FOR INTRAMUSCULAR USE ONLY

WARNING

In Patients With Impaired Kidney Function or With Prerenal Azotemia, Systemic Use of Neomycin Sulfate May Result in Irreversible Deafness and/or Renal Damage, Even With Conventional Doses. Use Only With Extreme Caution in the Presence of Impaired Renal Function.

Parenteral neomycin sulfate should not be given concurrently or in series with other ototoxic and/or neurotoxic drugs such as streptomycin, kanamycin, polymyxin B, colistin and viomycin, because the toxicity may be additive.

The neurotoxicity of neomycin can result in respiratory paralysis from neuromuscular blockade, especially when the drug is given to patients simultaneously receiving anesthetics or muscle relaxants.

Usage in Pregnancy

The safety of this drug in human pregnancy has not been established.

DESCRIPTION

Neomycin is an antibiotic obtained from the metabolic products of the actinomycete *Streptomyces fradiae.*

ACTIONS

(Data on absorption, metabolism, and antimicrobial activity to be supplied by the manufacturer. All quantitative references to the drug should be qualified by appropriate nomenclature, e.g. neomycin sulfate or neomycin base.)

If the Kirby-Bauer method of disc susceptibility is used, a 30 mcg. disc should give a zone of 17 mm. or more when the organism is susceptible to neomycin.

INDICATIONS

Neomycin sulfate may be indicated in treatment of urinary tract infections due to susceptible strains of the following organisms: *Pseudomonas aeruginosa, Klebsiella pneumoniae, Proteus vulgaris, Escherichia coli,* and *Enterobacter aerogenes.* Because of its potential toxicity it should be reserved for hospitalized cases in which no other antimicrobial agent is effective.

CONTRAINDICATIONS

Neomycin sulfate is contraindicated in patients known to be sensitive to it.

WARNINGS

(See "Warning" box.)

PRECAUTIONS

Neomycin sulfate is potentially nephrotoxic. Urinary examinations for albumin, casts, and cells should be made before starting therapy and daily; BUN and audiometric determinations should also precede therapy and be repeated during neomycin sulfate administration. Inadequate renal function interferes with neomycin excretion, producing high blood levels which increase the risk of both ototoxicity and nephrotoxicity (see "Warning" box).

The possibility of acute toxicity increases in premature infants and neonates.

Avoid concurrent use of curariform muscle relaxant drugs and drugs which potentiate neuromuscular blocking effects (ether, tubocurarine, succinylcholine, gallamine, decamethonium and sodium citrate). If signs of respiratory paralysis appear, respiration should be assisted as required, and the drug discontinued.

As with other antibiotics, use of this drug may result in overgrowth of nonsusceptible organisms, including fungi. If superinfection occurs, appropriate therapy should be instituted.

ADVERSE REACTIONS

Hypersensitivity reactions, primarily skin rashes, have been reported. Irreversible deafness and/or renal damage have been reported following extended and/or high dosage therapy with neomycin sulfate.

DOSAGE AND ADMINISTRATION

TO BE ADMINISTERED INTRAMUSCULARLY ONLY

Therapy should not be continued beyond 10 days. The total daily dose should not exceed 1 gram of neomycin sulfate.

Adults. 15 mg. neomycin sulfate/kg./day, divided in four equally spaced doses.

Premature and full-term newborn infants. 4 mg. neomycin sulfate/kg./day, divided in four equally spaced doses.

Older infants and children. 7.5-15 mg. neomycin sulfate/kg./day, divided in four equally spaced doses.

Preparation of solutions: To be supplied by manufacturer.

HOW SUPPLIED

To be supplied by the manufacturer.

Batches of the drug for which certification is requested should provide for labeling information in accord with labeling guidelines developed on the basis of this reevaluation of the drug and published in this announcement.

The remaining probably effective indication and the possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of this drug has been submitted pursuant to the notice of May 13, 1970. No effective indications remain for other than the intramuscular route of administration.

Batches of such drugs with labeling bearing indications for which substantial evidence of effectiveness is lacking are no longer acceptable for certification or release. Packages containing 5 or 10 grams of sterile powder are considered inappropriate sizes for preparation of solutions for intramuscular administration and will no longer be certified or released.

Any person who will be adversely affected by the deletion from labeling of the indications for which the drug has been reclassified from probably or possibly effective to lacking substantial evidence of effectiveness may, within 30 days after the date of publication of this notice in the FEDERAL REGISTER, petition for the issuance of a regulation providing for other certification of the drug for such indications. The petition must be supported by a full factual and well documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: February 17, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-2966 Filed 2-28-72;8:46 am]

Office of the Secretary

OFFICE OF SAFETY MANAGEMENT

Statement of Organization, Functions, and Delegation of Authority

The Statement of Organization, Functions, and Delegations of Authority of the Department is amended to establish the Office of Safety Management under the Assistant Secretary for Administration and Management.

The following new section is added to Chapter 1-U "The Assistant Secretary for Administration and Management", to read as follows:

SECTION 1U011001: The Office of Safety Management, headed by a Director reports to the Deputy Assistant Secretary for Administration, and is responsible for the management of a Department-wide occupational safety and health program in accordance with section 7902 of title 5 United States Code, section 19(a) of the Occupational Safety and Health Act of 1970, and section 1 of Executive Order 11612. Specifically this office:

Develops and promulgates plans, policies, standards, and procedures for the Department-wide Safety Program;

Represents the Department on the Federal Safety Advisory Council, Federal Fire Council, and provides official Department representation to the Department of Labor, General Services Administration and other Federal agencies;

Provides Department liaison with the National Fire Protection Association, National Safety Council, and other outside organizations;

Advises top management of the Department on all matters pertaining to the management and direction of the Department Safety Program and provides technical assistance to the operating agencies, regional offices, and field installations in all areas of safety management;

Plans and administers a Safety Management Information System;

Coordinates safety education and training activities throughout the Department;

Prepares the Department's position on proposed legislation concerning safety and fire protection; and

Coordinates and monitors research for development of new accident prevention methods and concepts.

Dated: February 18, 1972.

RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

[FR Doc.72-2968 Filed 2-28-72;8:46 am]

Social Security Administration

GUYANA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that Guyana beginning September 29, 1969, has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Guyana, who leave Guyana, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Guyana has in effect beginning with September 29, 1969, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding with respect to Guyana published in the FEDERAL REGISTER of April 5, 1967 (32 F.R. 5592).

Dated: February 18, 1972.

HUGH F. MCKENNA,
Director, Bureau of Retirement and Survivors Insurance.

[FR Doc.72-3027 Filed 2-28-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-373, 50-374]

COMMONWEALTH EDISON CO.

Notice of Availability of Applicant's Supplemental Environmental Reports

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that "Supplements 1 and 2 to Environmental Report for La Salle County Station Units 1 and 2," dated January 17, 1972, and February 14, 1972, respectively, by the Commonwealth Edison Co. are being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Reddicks Public Library, 100 West Lafayette Street, Ottawa, IL 61350. The supplements are also being made available at the Office of Planning and Analysis, Executive Office of the Governor, Room 614, State Office Building, Springfield, Ill. 62706. Supplement 1, consisting of page changes, in addition to Supplement 2, a report, update and provide supplemental information to the Environmental Report for the proposed construction of the La Salle County Nuclear Power Station Units 1 and 2 to be located in Brookfield Township, La Salle County, Ill. Notice of availability of the applicant's report entitled "Environmental Report for La Salle County Station Units 1 and 2," dated November 4, 1971, was published in the FEDERAL REGISTER on January 22, 1972 (37 F.R. 1073).

After these supplements have been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal Agencies and State and local officials will be available when received.

Dated at Bethesda, Md., this 22d day of February 1972.

VOL 37 NO 40 FEB 29 72 XUM

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-2955 Filed 2-28-72;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WESTERN MICHIGAN POWER CO.

Order of the Board Concerning Reconvening of Hearing

In the matter of Wisconsin Electric Power Co., and Wisconsin Michigan Power Co. (Point Beach Nuclear Plant, Unit 2), Docket No. 50-301.

The evidentiary hearing in the above captioned matter will reconvene on March 21, 1971, at 10 a.m. in Manitowoc, Wis. This advance notice is being issued in order that all parties will have ample notice of the reconvening of the public hearing in this proceeding. An order will be issued shortly setting the place of hearing and stating the agenda for the subsequent session.

The Board notes that all parties are represented by counsel and in the case of the intervenors by four counsel who have all filed notices of appearance.

Issued: February 23, 1972, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.72-2956 Filed 2-28-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 72-2-59]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority February 16, 1972.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to fare matters, Docket 23486, Agreement CAB 22663.[1]

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The subject portions of the agreement, which have been designated under the CAB agreement number assigned above, were adopted as a result of various IATA meetings, including the Composite Passenger Traffic Conference held at Miami in September and October of 1971.

To the extent they apply directly or indirectly in air transportation as defined by the act, the resolutions embodied in those portions of the agreement now under consideration involve administrative, procedural, or technical provisions which do not affect basic fare levels. The majority of resolutions, however, relate to provisions governing special fares intended for application in various world geographic areas and precluding, by their terms, combinations with fares in air transportation; in accordance with past policy, we are herein disclaiming jurisdiction with respect to such resolutions.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB 22663	IATA No.	Title	Application
R-52	001	Permanent Effectiveness Resolution (Amending)	Worldwide.
R-31	001b	North and Central Pacific—Special Effectiveness Resolution (Tie-in).	3/1 (N/C Pac.); 1/2/3 (N/C Pac.).
R-53	001b	TC1—Special Effectiveness Resolution (Tie-in)	1.
R-54	001b	TC3—Special Effectiveness Resolution (Tie-in)	3.
R-55	001b	South Pacific—Special Effectiveness Resolution (Tie-in)	3/1 (S. Pac.); 1/2/3 (S. Pac.).
R-144	001b	North Atlantic—Special Effectiveness Resolution (Tie-in)	1/2 (N. Atl.).
R-145	001b	do	1/2/3 (N. Atl.).
R-250	001b	JT23—Special Effectiveness Resolution (Tie-in)	2/3.
R-251	001b	JT123—Special Effectiveness Resolution (Tie-in)	1/2/3 (between 2 and 3 via 1).
R-56	001d	Special Emergency Escape for TC3 Agreements (New)	3.
R-57	001d	Special Emergency Escape for South Pacific Agreements (New).	3/1 (S. Pac.).
R-253	001L	JT23 Escape Resolution (New)	2/3.
R-254	001LL	do	2/3.
R-146	001w	North Atlantic Expiry (Revalidating and Amending)	1/2 (N. Atl.).
R-33	003	Standard Rescission Resolution	3/1 (N/C Pac.); 1/2/3 (N/C Pac.).
R-70	047	General Applicability Resolution (Amending)	Worldwide.
R-276	076z	Form of Application for Affinity Group Fares (Amending)	2/3; 1/2/3.
R-115	102	Passenger Expenses En Route (Revalidating and Amending)	1; 3; 1/2 (S. Atl.); 3/1 (S. Pac.); 1/2/3 (except N/M Atl.).
R-291	102	do	2/3.
R-116	115d	Meeting Non-IATA Competition—Passenger (Revalidating and Amending).	3.
R-117	115f	Meeting Non-IATA Competition—Practices (Revalidating and Amending).	3.

2. It is not found that the following resolutions, which are incorporated in the agreement as indicated and which do not directly affect air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB 22663	IATA No.	Title	Application
R-118	001h	South Atlantic Special Effectiveness Resolution (Tie-in)	1/2 (S. Atl.); 1/2/3 (via Atl. except between 2 and 3 via 1).
R-190	001b	TC2—Special Effectiveness Resolution (Tie-in)	2.
R-119	001dd	South Atlantic Escape for Normal and Special Fares (New)	1/2 (S. Atl.); 1/2/3 (S. Atl.).
R-191	001L	TC2 Special Escape Resolution (New)	2.
R-120	001t	Seating Density Resolution (New)	1/2 (S. Atl.); 1/2/3 (S. Atl.).
R-62	002	Standard Revalidation Resolution	2.
R-121	002	do	1/2 (S. Atl.); 1/2/3 (S. Atl.).
R-192	002	do	2 (except Europe).
R-123	003	Standard Rescission Resolution	1/2 (S. Atl.); 1/2/3 (S. Atl.).
R-197	014a	Construction Rule for Passenger Fares (Revalidating and Amending).	2 (except Europe).
R-124	050	First Class Conditions of Service (Revalidating and Amending).	1/2 (S. Atl.); 1/2/3 (S. Atl.).
R-126	060	Economy Class Conditions of Service Revalidating and Amending).	1/2 (S. Atl.); 1/2/3 (S. Atl.).
R-114	100	Conditions of Service—in-flight Entertainment (Revalidating and Amending).	2.
R-247	115c	Meeting Non-IATA Competition in the Middle East (Revalidating).	2.

3. It is not found that the following resolutions, which are incorporated in the agreement as indicated, affect air transportation within the meaning of the Act:

Agreement CAB 22663	IATA No.	Title	Application
R-40	077h	JT31 Individual Fares For Ships' Crews (Revalidating and Amending).	3/1 (N/C Pac.).
R-224	080	TC2 45 Day Individual Inclusive Tour Fares—Europe/Middle East to Africa (Revalidating and Amending).	2.
R-100	080o	TC1 21 Day Individual Inclusive Tour Fares From Bermuda/Bahamas to Mexico (Revalidating and Amending).	1.
R-225	081a	TC2 14 Day Group Inclusive Tour Fare, Israel to Europe (Revalidating and Amending).	2.
R-226	081c	TC2 Group Inclusive Tour Fares—Europe to Israel/Iran (Revalidating and Amending).	2.
R-227	081co	TC2 Group Inclusive Tour Fares—Europe to Middle East (Excluding Israel) (Revalidating and Amending).	2.
R-228	081d	T2 Group Inclusive Tour Fares, Europe to Israel (Revalidating and Amending).	2.
R-229	081e	TC2 Group Inclusive Tour Fare Europe to Middle East (Excluding Israel) (Revalidating and Amending).	2.
R-230	081f	TC2 Group Inclusive Tour Fares—Within Africa (Revalidating and Amending).	2.
R-130	081k	South Atlantic 28 Day Group Inclusive Tour Fares (Revalidating and Amending).	1/2 (S. Atl.).
R-231	081m	TC2 Group Inclusive Tour Fare Scandinavia/Finland to Israel (Revalidating and Amending).	2.
R-232	081p	TC2 One Month Group Inclusive Tour Fares—Europe/Middle East to Africa (Revalidating and Amending).	2.
R-233	081pp	Nine Day and One Month Special Group Inclusive Tour Fares—TC2 One Month Middle East to Africa (Revalidating and Amending).	2.
R-234	081q	TC2 One Month Group Inclusive Tour Fares—Europe/Middle East to West Africa and West Central Africa (Revalidating and Amending).	2.
R-235	081r	TC2 45 Day Group Inclusive Tour Fares—Middle East to Europe (Revalidating and Amending).	2.
R-236	081s	T2 14 Day Group Inclusive Tour Fares—Iran to Europe (Revalidating and Amending).	2.
R-237	081u	TC2 One Month Group inclusive Tour Fare, Europe/Middle East to West Africa and West Central Africa (Revalidating and Amending).	2.
R-238	081v	TC2 One Month Group Inclusive Tour Fares—Africa to Middle East (Revalidating and Amending).	2.
R-239	081w	T2 Overland Mileage Group Inclusive Tour Fares—Southern Africa to Europe/Middle East (Revalidating and Amending).	2.
R-240	081z	Group Inclusive Tours From Scandinavia (New)	2.
R-241	084r	TC2 60 Day Pilgrim Fares—Middle East (Revalidating and Amending).	2.
R-242	090a	JT23 Revalidating and Amending	2.
R-238	090b	JT23 45 Day Pilgrim Fares (Revalidating and Amending)	2/3.
R-110	091f	TC3 Family Fares—Australia-New Zealand (Revalidating and Amending).	3.
R-243	091i	TC2 Family Fares—Europe to Middle East (Revalidating and Amending).	2.
R-111	092	Student Fares (Revalidating and Amending)	1/2 (S. Atl.); 1/2 (N. Atl.)
R-180	092	Student Fares (Revalidating and Amending)	2.
R-244	092	Student Fares (Revalidating and Amending)	2.
R-112	092a	TC3 Youth Fares (New)	2.
R-245	092b	TC3 Youth Fares—Middle East (New)	2.
R-246	093	TC3 Teachers Fares (Revalidating and Amending)	2.
R-232	001ff	JT23 Escape Resolution (New)	2/3.
R-193	002	Standard Revalidation Resolution (Revalidating and Amending).	2.
R-194	002	do	2.
R-195	002	Standard Resolution	2.
R-196	002	do	2.
R-197	002a	Special Revalidation Resolution—South Atlantic	1/2 (S. Atl.);
R-198	010	Spanish Fares to/from United Kingdom (Revalidating and Amending).	2.
R-82	070l	TC1 21 Day Excursion Fare Canada-Bermuda/Caribbean (Revalidating and Amending).	1:
R-202	070j	TC2 90 Day Excursion Fares, Southern Africa to Europe/Middle East (Revalidating and Amending).	2.
R-203	070k	TC2 90 Day Excursion Fares—United Kingdom/Ireland to Southern Africa (Revalidating and Amending).	2.
R-204	070m	TC2 45 Day Excursion Fares Europe/Middle East to Mozambique (Revalidating and Amending).	2.
R-205	070r	TC2 45 Day Excursion Fare Southern Africa to Europe/Middle East (Revalidating and Amending).	2.
R-206	070rr	TC2 45 Day Excursion Fares Europe/Middle East to Southern Africa (Including Angola) (Revalidating and Amending).	2.
R-207	070s	TC2 40 and 45 Day Excursion Fares, Africa to Europe/Middle East (Revalidating and Amending).	2.
R-208	070w	TC2 90 Day Excursion Fares, United Kingdom/Ireland—Central Africa (Revalidating and Amending).	2.
R-128	070y	South Atlantic 60 Day Economy Class Excursion Fares (Revalidating and Amending).	1/2 (S. Atl.).
R-163	070z	North Atlantic Excursion Fares, Iceland to Greenland (Revalidating and Amending).	1/2 (N. Atl.).
R-268	071o	JT23 90, 120 Day Excursion Fares, United Kingdom to India/Pakistan/Ceylon/Afghanistan/Nepal (Revalidating and Amending).	2/3.
R-209	071h	TC2 45 Day Excursion Fares, East Africa/Mauritius to Europe (Revalidating and Amending).	2.
R-210	071k	TC2 90 Day Excursion Fares—Africa to Europe (Revalidating and Amending).	2.
R-211	071m	TC2 30 Day Excursion Fares—Africa/Middle East to Europe (Revalidating and Amending).	2.
R-85	071p	TC2 45 Day Excursion Fare from Pakistan (New)	3.
R-212	071r	TC2 45 Day Excursion Fare from Europe to Africa (New)	2.
R-213	071s	TC2—21, 28, and 35 Day Excursion Fares, West and West Central Africa to Europe (New).	2.
R-270	071t	JT23 180 Day Excursion Fares—Australia/New Zealand-Europe/Middle East (New).	2/3; 1/2/3.
R-271	071u	JT23—120 Day Excursion Fare from Pakistan (New)	2/3.
R-272	071w	JT23 35 Day Excursion Fares—Afghanistan and London (New)	2/3.
R-214	072b	TC2 Creative Fares Except Europe (Revalidating and Amending).	2/3.
R-215	072d	TC2 Creative Fares, Europe-Middle East (Revalidating and Amending).	2.
R-216	073b	TC2 Excursion Fares Nicosia to London (Revalidating and Amending).	2.
R-217	073c	TC2 Creative Fares—United Kingdom/Ireland—Nicosia (Revalidating and Amending).	2.
R-218	073e	TC2 28 Day Individual Fares United Kingdom to Nicosia (Revalidating).	2.
R-86	075f	TC3 Public Group Travel—New Zealand—Australia (New)	3.
R-89	075k	TC3 Common Interest Group Travel—Australia-New Zealand	2.
R-219	075k	TC2 42 Day Fares, Nicosia to London (Replacing)	2.
R-90	075L	TC1 30 Day Group Excursion Fares (Within South America) (Revalidating and Amending).	1.
R-278	075p	JT23 14 Day Group Fares—Mauritius to Bombay (Revalidating and Amending).	2/3.
R-220	076bb	TC2 8 Day Affinity Winter Group Fare Europe to Middle East (Revalidating and Amending).	2.
R-221	076k	Affinity Group Fares, Ethiopia to Europe/Middle East and within Africa (Revalidating and Amending).	2.
R-129	076r	South Atlantic Affinity Group Fare (Revalidating and Amending).	1/2 (S. Atl.)
R-222	076t	Affinity Group Fare—Johannesburg—Europe (New)	2/
R-223	077a	TC2 Group Fare for Seamen (Revalidating and Amending)	2/

[1] Agreement C.A.B. 22663, R-31; R-33; R-40; R-52 through R-57; R-62; R-70; R-82; R-85; R-86 through R-90; R-100; R-110 through R-112; R-114 through R-126; R-126; R-128 through R-130; R-144 through R-146; R-163; R180; R-190 through R-193; R-202 through R-247; R-250 through R-254; R-268 through R-273; R-276; R-288; and R-291.

Accordingly, it is ordered, That:

1. Action on those portions of Agreement CAB 22663 set forth in finding paragraph 1 above be and hereby is deferred with a view toward eventual approval;

2. Those portions of Agreement CAB 22663 described in finding paragraph 2 above be and hereby are approved; and

3. Jurisdiction is disclaimed with respect to portions of Agreement CAB 22663 set forth in finding paragraph 3 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-2940 Filed 2-28-72;8:45 am]

V37-40 FEB 29 72 XUM

[Docket No. 22628; Order 72-2-68]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority February 17, 1972.

By Order 71-12-27, dated December 7, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by Traffic Conference 1 of the International Air Transport Association (IATA). The agreement amends an existing resolution governing economy-class fares within the Western Hemisphere by the inclusion of a specified fare reflecting new direct service between Mazatlan and Denver.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71-12-27 will herein be made final:

Accordingly, it is ordered, That:

Agreement CAB 22824 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc. 72-3007 Filed 2-25-72;8:49 am]

[Docket No. 23768; Order 72-2-84]

MOHAWK AIRLINES, INC.

Order Regarding Applications for an Exemption, a Certificate Amendment and a Petition for a Show Cause Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 23rd day of February 1972.

Mohawk Airlines, Inc. (Mohawk), has filed an application on August 30, 1971, requesting an amendment of its certificate of public convenience and necessity for route 94 to authorize nonstop service between Binghamton and Watertown, N.Y.[1] Contemporaneously, the carrier has filed an application requesting the same authority by show cause procedures and, in the alternative, by exemption.

Mohawk states, inter alia, that it presently has nonstop authority between almost all points served in upstate New York, except Watertown-Binghamton; that it is the only certificated carrier at these particular points; that the authority requested will permit Mohawk to provide conveniently timed service to meet the needs of passengers between Watertown and Binghamton, on the one hand, and New York on the other; that the requirement that Syracuse be served on flights between Watertown and Binghamton as a segment junction point increases the overall subsidy need for this service by $85,000; that as the Watertown-Syracuse market is now well served by Air North, Mohawk's unneeded service in this market would only divert revenues from the commuter operator.

No answers in opposition to Mohawk's applications have been filed.

Mohawk's application falls within the category of cases which Subpart M of the procedural regulations was originally designed to handle, and should, therefore, have been filed under that procedure. Moreover, in Order 70-10-127, dated October 28, 1970, the Board placed all local service carriers on notice that applications of this type would be processed under Subpart M procedures regardless of the procedural labels invoked by the applicant. In this instance, however, we have decided not to require the application to be refiled under Subpart M since this might unnecessarily delay what has heretofore been an unopposed request for a route adjustment in a monopoly market.[2] Instead, we have decided to proceed under Subpart M, with Mohawk's application standing as a Subpart M application.[3]

Appropriate forecasts, however, shall be required in accordance with Rule 1304 of the Board's rules of practice.[4] Pending the receipt of these financial projections, and based on our analysis of the situation to date, it is our tentative intention to grant the application if no adverse answer requiring a hearing is filed, and otherwise to direct that the application be heard on an expedited basis.

Accordingly, it is ordered, That:

1. Within 20 days of the date of this order, Mohawk shall file a supplement to its application and petition in Docket 23768, setting forth a 2-year forecast for Mohawk's proposal, and complying fully with Rule 1307(a) of the Board's rules of practice;

2. Any interested persons may, within 25 days after the filing by Mohawk of its supplemental application, file with the Board an answer to said application, such answers to comply with the provisions of Rules 1306 and 1307(a) of the Board's rules of practice;

3. If answers opposing the application and requesting a hearing are filed pursuant to paragraph 2, and the Board determines that a hearing is required, Mohawk's application will be considered by the Board under the expedited procedures of Subpart M of its rules of practice, specifically Rules 1308-1315;

4. In the event no such answers are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter a final order; and

5. A copy of this order shall be served upon the following persons: Air North, Inc., American Airlines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., and Command Airways, Inc., the cities of Watertown, Syracuse, Binghamton, and New York, and the Port of New York Authority.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-3008 Filed 2-28-72;8:49 am]

[1] Mohawk has existing one-stop authority between these points via Syracuse.

[2] Because Mohawk's application is unopposed, no provision will be made for statements seeking dismissal pursuant to Rule 1305.

[3] We believe it is appropriate to move forward with a view toward approval where the removal of a restriction on a carrier's operating authority is requested, where the carrier is the only one operating in the market and no other carrier objects, and there is no clear showing that the restriction should be retained. Cf: Service to Lincoln, Nebr., Order 71-4-75, Apr. 13, 1971, at p. 7.

[4] Mohawk's original application includes an estimate purporting to demonstrate an increase in subsidy need of $85,000 if service to Syracuse is required on flights between Watertown-Binghamton and New York. On the basis of the carrier's various submissions, we can find no basis for concluding that Mohawk would provide Watertown-New York service over such a routing, with a resulting increase in subsidy need, absent the requested authority, particularly in view of the fact that Mohawk could continue to serve the Watertown-New York market over Utica without the requested authority.

CIVIL SERVICE COMMISSION

COST OF LIVING COUNCIL

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Cost of Living Council to fill by noncareer executive assignment in the excepted service the position of Assistant General Counsel for Legal and Enforcement Matters.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2992 Filed 2-28-72;8:48 am]

COST OF LIVING COUNCIL

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Cost of Living Council to fill by noncareer executive assignment in the excepted service the position of General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2991 Filed 2-28-72;8:48 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of the Census.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2995 Filed 2-28-72;8:48 am]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator for Management, Social and Economic Statistics Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2990 Filed 2-28-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Administrator (Medical Affairs), Public Health Service, Health Services and Mental Health Administration, Office of the Administrator, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2996 Filed 2-28-72;8:48 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary—Mineral Resources, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2997 Filed 2-28-72;8:48 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Mineral Resources (Mineral Programs), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2993 Filed 2-28-72;8:48 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-2994 Filed 2-28-72;8:48 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. 117]

ORBANCO, INC.

Notice of Receipt of Application

FEBRUARY 24, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Orbanco, Inc., Portland, Oreg., a bank holding company, for approval of acquisition of control of the Franklin Savings and Loan Association, Seattle, Wash., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a (e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash by Orbanco, Inc., of the outstanding stock of Franklin Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.72-3000 Filed 2-28-72;8:49 am]

FEDERAL MARITIME COMMISSION

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue, Washington, DC 20036.

Agreement No. 150-55 modifies the basic agreement of the Trans-Pacific Freight Conference of Japan by amending Article 25(d) (1) and (2) to permit the Conference's Neutral (self-policing) Body to investigate the records of Members' container yards, container freight systems, and terminal receiving system operators.

Dated: February 24, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-3023 Filed 2-28-72;8:51 am]

V37-40 FEB 29 72 XUM

FEDERAL RESERVE SYSTEM

AMERICAN GENERAL INSURANCE CO.

Acquisition of Bank

American General Insurance Co., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirectly 100 percent of the voting shares of the successor by merger to North Freeway Bank, Houston, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 15, 1972.

Board of Governors of the Federal Reserve System, February 23, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2957 Filed 2-28-72;8:45 am]

AMERICAN TRADING CO.

Order Approving Retention of Bank

American Trading Co., Brunswick, Ga., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)) to retain[1] 50.6 percent of the voting shares of State Bank of Kingsland, Kingsland, Ga. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Prior to its acquisition of Bank, applicant had been engaged in selling excess capital stock of the American National Bank of Brunswick resulting from severance of that bank from the Citizens and Southern Holding Co. Bank, with deposits of $3.6 million representing 0.05 percent of deposits held by commercial banks in Georgia, is the fourth largest of eight commercial banks located in the Kingsland banking market which is approximated by Camden and northeastern Charlton Counties in Georgia and northern Nassau County in Florida, and holds approximately 10.3 percent of commercial bank deposits in that market. (Banking data are as of June 30, 1971.)

Inasmuch as the acquisition constituted a corporate reorganization and reflected no expansion of corporate interests or significant change in the character of the banking facilities involved, consummation of the transaction eliminated neither existing nor potential competition, nor does it appear that there have been any adverse effects on any bank in the area.[2]

The financial and managerial resources and prospects of applicant and Bank are regarded as satisfactory and consistent with approval of the application in view of applicant's commitment to raise $200,000 in additional equity capital within 60 days of approval of this application in order to significantly reduce the debt which it incurred in order to purchase shares of Bank. The convenience and needs of the communities involved have been beneficially affected by the acquisition in that, with the aid of applicant's affiliate, Brunswick Bank, Bank has instituted a mortgage lending program, modernized certain of its operations, and secured a successor to its president who intends to retire this year. It is the Board's judgment that the transaction was in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above.

By order of the Board of Governors,[3] February 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2958 Filed 2-28-72;8:45 am]

COMMERCE UNION BANK

Order Approving Application for Merger of Banks

Commerce Union Bank, Nashville, Tenn., a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Broadway State Bank, Nashville, Tenn., under the charter and name of the former. As an incident to the merger, the present offices of Commerce Union Bank will continue as branches thereof.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date relating to the application of Tennessee Valley Bancorp, Inc. to become a bank holding company, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] February 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2959 Filed 2-28-72;8:45 am]

FIDELITY AMERICAN BANKSHARES, INC.

Proposed Acquisition of Columbia Life Insurance Co.

Fidelity American Bankshares, Inc., Lynchburg, Va., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Columbia Life Insurance Co., Phoenix, Ariz. Notice of the application was published on January 18, 1972, in The Daily Advance, a newspaper circulated in Lynchburg, Va.

Applicant states that the proposed subsidiary would engage in the activities of underwriting, as reinsurer of credit life and disability insurance issued in connection with extensions of credit by credit granting subsidiaries of applicant.

Such activities have not been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies and are the subject of the Board's order of January 21, 1972, providing notice of a hearing regarding insurance underwriting activities to be conducted by designated staff members of the Board at the Board building at 20th Street and Constitution Avenue on March 24, 1972, beginning at 10 a.m. (37 F.R. 2542).

The issues involved in the present application will be considered in connection with that proceeding. Interested persons are invited to participate, either by presenting material orally at the hearing or through submission of written comments on the matter to be received by the Board's Secretary on or before April 10, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

Persons, in addition to applicant, who are interested in participating in the hearing by presenting material orally, should inform the Secretary of the Board in writing not later than March 9, 1972.

Board of Governors of the Federal Reserve System, February 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2960 Filed 2-28-72;8:45 am]

[1] On Apr. 5, 1971, applicant without prior Board approval acquired the shares of Bank which it has applied to retain. On June 22, 1971, the Board, in order to avoid impositions of undue hardship, ordered that any company which acquired a bank between Dec. 31, 1970, and June 22, 1971, without first securing prior Board approval because of lack of knowledge of that requirement might file for such approval by Aug. 31, 1971. Applicant apparently lacked knowledge of the requirements of the Act at the time it acquired the shares of Bank, and had filed a tentative application with the Federal Reserve Bank of Atlanta by Aug. 31, 1971.

[2] Applicant is affiliated with American National Bank of Brunswick, Brunswick, Ga. (Brunswick Bank). However Bank and Brunswick Bank serve different markets, are separated by approximately 40 miles and by intervening banks, and are prohibited by restrictive branching laws from establishing branches in each other's market area.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Maisel.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Maisel.

FINANCIAL SECURITIES CORP.

Remaining a Bank Holding Company and Retention of Shares of Bank

Financial Securities Corp., Lake City, Tenn., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to remain a bank holding company through the retention of 65.12 percent (32,562) of the voting shares of First Farmers Bank, Athens, Tenn., and 50.56 percent (12,640) of the voting shares of First National Bank of Anderson County, Lake City, Tenn. In a reorganization of stock interest, applicant acquired the aforementioned shares in August 1971, from the Athens Financial Co., a partnership, on the mistaken belief that such a corporate reorganization did not require Board approval. The present application is for the Board's approval of the reorganization of the partnership into a corporation.

The partnership, the Athens Financial Co., acquired the aforementioned 50.56 percent interest in the First National Bank of Anderson County and 33.52 percent of the aforementioned 65.12 percent interest in the First Farmers Bank prior to December 31, 1970, and such acquisitions did not require Board approval since a partnership did not fall within definition of "company" in the Bank Holding Company Act until that date. After that date, a partnership does fall within the definition of "company", and the Board's prior approval to acquire shares in a bank is required.

Financial Securities Corp. has also applied for the Board's approval under section 3(a)(3) of the Bank Holding company Act (12 U.S.C. 1842(a)(3)) to retain 31.6 percent of the voting shares of First Farmers Bank, Athens, Tenn., which were acquired by the Athens Financial Co. in January 1971. The partnership made this acquisition on the mistaken belief that such action did not require Board approval. By order dated June 22, 1971, the Board authorized any company which, between December 31, 1970, and June 22, 1971, took action requiring prior Board approval, without such approval, to apply to the Board for subsequent approval of that action if certain conditions are present. Whether these conditions are met in this case is currently under study.

The factors that are considered in acting on these applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 13, 1972.

Board of Governors of the Federal Reserve System, February 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2961 Filed 2-28-72;8:45 am]

FIRST NATIONAL BANCORPORATION, INC.

Acquisition of Bank

The First National Bancorporation, Inc., Denver, Colo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The East Colorado Springs National Bank, Colorado Springs, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 15, 1972.

Board of Governors of the Federal Reserve System, February 23, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2962 Filed 2-28-72;8:46 am]

TENNESSEE VALLEY BANCORP, INC.

Order Approving Formation of Bank Holding Company

Tennessee Valley Bancorp, Inc., Nashville, Tenn., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to Commerce Union Bank, Nashville, Tenn. (bank).

The bank with which Bank will merge has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. Pursuant to the Board's request for his views and recommendation, the Superintendent of Banks for the State of Tennessee responded that he had no objection to the application. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a newly organized corporation formed for the purpose of becoming a bank holding company. Bank, with deposits of $362.9 million as of June 30, 1971, is the fourth largest bank in the Nashville banking market and the seventh largest bank in the State of Tennessee.

Inasmuch as the proposal constitutes a corporate reorganization and reflects no expansion of corporate interests or significant change in the character of the banking facilities involved, consummation of the proposal would eliminate neither existing nor potential competition; nor does it appear that there would be any adverse effects on any bank in the area.

The financial and managerial resources and prospects of applicant and Bank are regarded as generally satisfactory and consistent with approval of the application. The convenience and needs of the communities involved would not be immediately affected by consummation of this proposal but improved services may be provided in the future under the more flexible corporate structure of the holding company. It is the Board's judgment that the transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] February 22, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2963 Filed 2-28-72;8:46 am]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to North Freeway Bank, Houston, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Maisel.

V37-40
FEB 29 72
XUM

to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 15, 1972.

Board of Governors of the Federal Reserve System, February 23, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-2964 Filed 2-28-72;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-137]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Colorado Public Utilities Commission in a proceeding (Application No. 25457) involving the application of the Mountain States Telephone and Telegraph Co. for increased rates.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 22, 1972.

ROY KREGER,
Acting Administrator of General Services.

[FR Doc.72-3005 Filed 2-28-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3822]

APPLIED DEVICES CORP.

Order Suspending Trading

FEBRUARY 22, 1972.

The common stock $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, and otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 23, 1972 through March 3, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-3010 Filed 2-28-72;8:49 am]

[File No. 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

FEBRUARY 22, 1972.

The common stock, 2-cent par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 23, 1972 through March 3, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-3011 Filed 2-28-72; 8:50 am]

[812-3058]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

FEBRUARY 23, 1972.

Notice is hereby given that E. I. du Pont de Nemours and Co. (Applicant), a Delaware corporation, Wilmington, Del. 19898, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a), the proposed grant to Mitsui Fluorochemicals Co., Ltd. (formerly Nitto Fluorochemicals Co., Ltd.), (hereinafter MFC), a Japanese corporation, of exclusive rights in Japan to certain technical information and Japanese patents required for the manufacture and sale by MFC of certain fluorocarbon plastic materials.

All interested persons are referred to the application on file with the Commission for a full statement of the representations contained therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28.4 percent of the outstanding common stock of Applicant, which in turn owns 50 percent of the outstanding common stock of MFC. Under section 2(a)(9) of the Act, Applicant and MFC are presumed to be controlled by Christiana and under section 2(a)(3) of the Act, are also affiliated persons of Christiana.

MFC was organized in April of 1963 pursuant to a 1962 agreement between Applicant and Nitto Fluorochemicals Co., Ltd. (Nitto), whereby each would have a 50 percent interest in MFC. In 1966, Nitto sold its 50 percent interest in MFC to Mitsui Petrochemical Industries, Ltd., and MFC assumed its present name. Under the 1962 agreement between Applicant and Nitto, which became effective upon MFC's formation in 1963, Applicant provided MFC, exclusively in Japan, with certain technical information and an exclusive license to manufacture specified types of fluorocarbon plastic materials including certain polymeric materials (hereinafter "1963 Polymers"). In return for the above-mentioned information and license, MFC agreed to pay to Applicant a 5 percent royalty on all 1963 Polymers sold by it during a 10-year period scheduled to end June 30, 1975, but which might be extended to no later than June 30, 1979. Applicant represents that because the 1962 agreement was entered into prior to the time of any affiliation between it and MFC, it was not necessary to file an application pursuant to, nor were the transactions described above in violation of, the provisions of section 17 of the Act.

The proposed transaction for which Applicant has requested an exemptive order involves an agreement between Applicant and MFC dated April 21, 1971, whereby Applicant will provide MFC with certain additional technical information required to manufacture high surface area fluorocarbon polymeric materials (HSA Polymers) and will grant to MFC and any sublicensee of MFC an exclusive license in Japan to import, make, use and sell HSA Polymers. Applicant will reserve to itself and to its customers the right to import, use or sell in Japan any quantity of HSA Polymers made by Applicant, including any article or product made using Applicants' HSA Polymers as an intermediate.

MFC has agreed to pay Applicant, in consideration for the granting of this exclusive license, a royalty of 2 percent of the "net selling price", as described in the application, of all quantities of HSA Polymers used or sold by MFC on any sublicensee during the 5½-year period from July 1, 1975, through December 31, 1980. Applicant has agreed to defer the 2-percent royalties on the HSA Polymers until the expiration of the royalty period for the 1963 Polymers. Applicant projects that total royalties on HSA Polymers will amount to approximately $500,000.

MFC is currently producing and selling HSA Polymers with the understanding that the transfer to MFC by Applicant of the technical information and the license must be deemed nonexclusive so as not to represent a sale and purchase of property prohibited by section 17(a) of the Act.

Applicant represents that the royalty rate and other provisions of the proposed license were negotiated at arm's length, and Applicant believes that the terms of the proposed transaction are fair to both Applicant and MFC.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company from purchasing from such company or any company controlled by such registered investment company any security or other property, with certain exceptions not here applicable. Section 17(b) of the Act provides that the Commission shall issue an order exempting a proposed transaction from one or more provisions of section 17(a) if the Commission finds, upon application, that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, not later than March 11, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-3012 Filed 2-28-72;8:50 am]

[70-5073]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Filing and Order for Hearing on Application for Exception From Competitive Bidding

FEBRUARY 23, 1972.

Notice is hereby given that Great Lakes Gas Transmission Co. (Great Lakes), 1 Woodward Avenue, Detroit, MI 48226, a nonutility subsidiary company of American Natural Gas Co. (American Natural), a registered holding company, has filed an application and an amendment thereto with this Commission for an exception from the competitive bidding requirements of Rule 50 promulgated under the Public Utility Holding Company Act of 1935 (Act). All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Great Lakes' capital stock, currently outstanding in the aggregate par amount of $50 million, is owned in equal shares by American Natural and Trans-Canada Pipe Lines Ltd. (Trans-Canada), a nonaffiliated company. Apart from common stock, Great Lakes' capitalization consists entirely of bank loans; it is presently authorized to issue notes totaling $265 million, of which $240 million due December 31, 1973, have been issued to date (see Holding Company Act Release No. 17097).

Great Lakes owns and operates a natural gas pipeline system running from a point on the international boundary between the United States and Canada near Emerson, Manitoba, through Minnesota, Wisconsin, and Michigan, to points on the boundary near St. Clair, Mich., and Sault Ste. Marie, Mich. At Emerson, St. Clair, and Sault Ste. Marie, Great Lakes' pipeline connects with the pipeline facilities of Trans-Canada, for which Great Lakes provides west-to-east transportation service. In addition, Great Lakes sells natural gas to subsidiary companies of American Natural and other gas companies in the United States.

In order to meet construction schedules provided for in the certificating orders by the Federal Power Commission (FPC), Great Lakes financed construction of the pipeline through the sale of common stock and through short-term bank loans. Although construction costs and interest rates were greater than anticipated, Great Lakes was required by Canadian Government order to maintain a "moratorium" on rate increases until November 1, 1971, for services rendered to Trans-Canada. Great Lakes incurred net losses of $1,036,790 in 1969 and $2,150,519 in 1970. The net income for the first 6 months of 1971 was $283,000 resulting in an earned surplus deficit of $811,000.

The period during which rate increases were prohibited has expired. Pursuant to a settlement order with the FPC, Great Lakes is allowed until December 31, 1973, to adjust its rates periodically to reflect its cost of capital, including interest.

Great Lakes now proposes to refinance approximately $200 million of its short-term bank debt with privately placed long-term debt. Great Lakes requests an exception from the competitive bidding requirements of Rule 50 in order to negotiate for the private sale of such securities (See Holding Company Act Release No. 16832). The issuance of such securities will be the subject of a further application.

Great Lakes management and its financial consultants are of the opinion that the company can not accomplish such long-term financing through a public offering because of, among other things, the magnitude of the proposed financing, absence of an earnings record, the accumulated earnings deficit, and because it is improbable that earnings will improve significantly over the next few years.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed exception from competitive bidding.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed exception; all interested persons be afforded an opportunity to be heard; and that the application should not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on April 11, 1972, at 10 a.m., at the office of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held:

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

Whether generally the type and amount of the proposed debt securities meet the standards of the Act;

V37-40
FEB 29 72
XUM

Whether the requested exception meets the standards of paragraph (a)(5) of Rule 50; and

What terms or conditions, if any, the Commission's order should contain:

It is further ordered, That any person, other than applicant, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before April 6, 1972, a written request relative thereto, as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings:

It is further ordered, That jurisdiction be, and it hereby is, reserved to separate, in whole or in part, either for hearing or for disposition, any issues or questions which may arise in these proceedings and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved:

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to the Federal Power Commission and the U.S. Department of Justice, and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-3013 Filed 2-28-72;8:50 am]

[811-1805]

MOSLER FUND, INC.

Notice of Proposal To Terminate Registration

FEBRUARY 22, 1972.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act) to declare by order on its own motion that The Mosler Fund, Inc. (Fund), 250 Park Avenue, New York, NY 10017, has ceased to be an investment company. The Fund filed its Notification of Registration on Form N-8A on February 5, 1969, and was thereby registered under the Act as a management, open-end, diversified investment company.

Information available in the files of the Commission reveals that Fund has neither assets nor shareholders.

In light of the above, the staff pursuant to Rule 479 under the Securities Act of 1933 (1933 Act) was required to send notice by certified mail, return receipt requested, to the registrant and the agent for service reflected in the Securities Act registration statement. The 30-day time period provided by the rule has elapsed and no response has been received to the staff's notice. The Commission, as a result, declared Fund's registration statement under the 1933 Act abandoned, and issued an order to that effect on February 1, 1972.

Section 8(f) of the Act provides, in pertinent part, that when the Commission finds a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 14, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Fund at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in this notice, unless an order for a hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-3014 Filed 2-28-72;8:50 am]

DEPARTMENT OF LABOR

Office of the Secretary

IDAHO

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, Title II of Public Law 91-373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that H. Fred Garrett, Executive Director of the Idaho State Employment Department, has determined that there was a State "on" indicator in Idaho for the week beginning January 2, 1972, and that an extended benefit period began in the State with the week beginning January 23, 1972. This does not affect the extended benefit period which became effective the week beginning January 2, 1972, as a result of the national "on" indicator (See 36 F.R. 25074), but extends the extended benefit period until the third week after the first week for which there is both a state "off" indicator and a national "off" indicator.

Signed at Washington, D.C., this 22d day of February 1972.

J. D. HODGSON, *Secretary of Labor.*

[FR Doc.72-2970 Filed 2-28-72;8:46 am]

RHODE ISLAND

Notice of Termination of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, Title II of Public Law 91-373, establishes a program of extended unemployment compensation which provides for payment to unemployed workers who have received all of the regular compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Act, notice is hereby given that Mary C. Hackett, Director of the Rhode Island Department of Employment Security, has determined that there was a State "off" indicator in Rhode Island for the week ending January 15, 1972 and that an extended benefit period terminated in the State with the week ending February 5, 1972. This, however, does not terminate in Rhode Island the extended benefit period in effect in all States as a result of the national "on" indicator which became effective the week beginning January 2, 1972. (36 F.R. 25074).

Signed at Washington, D.C., this 22d day of February 1972.

J. D. HODGSON, *Secretary of Labor.*

[FR Doc.72-2969 Filed 2-28-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

FEBRUARY 24, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only

once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133488 Sub 1, R.F.P. Trucking, Inc., now assigned February 28, 1972, at Boston, Mass., is canceled and transferred to Modified Procedure.

MC 107583 Sub 49, Salem Transportation, now being assigned hearing May 1, 1972, at Trenton, N.J., in a hearing room to be designated later.

MC-F-11170, Hyman Freightways—Control—Tri D Truck Line, assigned March 6, through March 10, will be held in Room 140, 601 East 12th Street, assigned March 8, 1972, will be held in Room 147B, 601 East 12th Street, assigned March 13, through March 17, 1972, will be held in Room 302, 911 Walnut Street, Kansas City, MO.

MC 61592 Sub 236, Jenkins Truck Line, Inc., now assigned March 3, 1972, at Los Angeles, Calif., canceled and the application is dismissed.

No. 35473, Flour, Arkansas City, Kans., to Memphis, Tenn., continued to February 24, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 120080 Sub 4, Morgan Express, Inc., assigned for continued hearing March 20, 1972, at the Dauphine Orleans Motor Hotel, 415 Dauphine Street, New Orleans, LA.

MC 107295 Sub 562, Pre-Fab Transit Co., MC 114552 Sub 60, Senn Trucking Co., and MC 115840 Sub 70, Colonial Fast Freight Lines, Inc., assigned for hearing April 18, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 121533 Sub 6, Western Hauling, Inc., now assigned March 6, 1972, at Seattle, Wash., postponed to April 4, 1972, in Room 1155, Federal Office Building, 909 First Avenue, Seattle, WA.

MC 103993 Sub 629, Morgan Drive-Away, Inc., Now assigned February 28, 1972, at Omaha, Nebr., is canceled and application is dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-3025 Filed 2-28-72;8:51 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 24, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42358—*Phosphates between points in southwestern, southern, Illinois Freight Association, and western Trunklines territories.* Filed by Southwestern Freight Bureau, agent (No. B-295), for interested rail carriers. Rates on diammonium phosphate, monoammonium phosphate, and superphosphate, in carloads, as described in the application, between points in southwestern territory (including Mississippi River crossings, Memphis, Tenn., and south), also between points in southwestern territory, on the ALM, MKT, PVS, SSW, and TM, on the one hand, and points in Illinois Freight Association, and western trunkline territories, on the CEI, KCS, MKT, MP, and SSW, on the other.

Grounds for relief—Market competition and carrier competition.

Tariff—Supplement 46 to Southwestern Freight Bureau, agent, tariff ICC 4941. Rates are published to become effective on March 21, 1972.

FSA No. 42359—*Cinders to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-296), for interested rail carriers. Rates on cinders, clay or shale, in open-top cars, as described in the application, from Arkalite and Edmondson, Ark., also Alexandria and Erwinville, La., to points in southern territory.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 140 to Southwestern Freight Bureau, agent, tariff ICC 4797. Rates are published to become effective on March 21, 1972.

FSA No. 42360—*Iron or steel scrap between points in Illinois and southern Wisconsin, also Chicago, Ill.* Filed by the Chicago and North Western Railway Co. (No. 105), for interested rail carriers. Rates on iron or steel scrap, in carloads, as described in the application, between points in Illinois and southern Wisconsin, on the one hand, and Chicago, Ill., on the other.

Grounds for relief—Market competition.

Tariffs—Supplements 32, 102, and 100 to Chicago and North Western Railway Co. tariffs ICC 5655, 11450, and 11464, respectively. Rates are published to become effective on April 3, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-3026 Filed 2-28-72;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

1 CFR — Page

Appendix B ... 3983

3 CFR

PROCLAMATIONS:

2032 (see PLO 5158) ... 3058
2372 (see PLO 5158) ... 3058
2761A (see Proc. 4102) ... 2417
2929 (see Proc. 4102) ... 2417
3140 (see Proc. 4102) ... 2417
3967 (see Proc. 4102) ... 2417
4102 ... 2417
4103 ... 2489
4104 ... 2643
4105 ... 2831
4106 ... 2921
4107 ... 3165
4108 ... 3613
4109 ... 3615
4110 ... 3617
4111 ... 3619
4112 ... 3621

3 CFR—Continued — Page

EXECUTIVE ORDERS:

January 27, 1913 (partially revoked by PLO 5159) ... 3184
5237 (partially revoked by PLO 5155) ... 2840
5327 (see PLO 5157) ... 3057
7295 (see PLO 5162) ... 3185
8592 (see PLO 5162) ... 3185
11183 (amended by EO 11648) ... 3623
11248 (amended by EO 11641) ... 2421
11345 (amended by EO 11646) ... 2925
11410 (see EO 11648) ... 3623
11568 (see EO 11642) ... 2565
11641 ... 2421
11642 ... 2565
11643 ... 2875
11644 ... 2877
11645 ... 2923
11646 ... 2925

3 CFR—Continued — Page

EXECUTIVE ORDERS—Continued

11647 ... 3167
11648 ... 3623
11649 ... 3625
11650 ... 3739

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of January 27, 1972 ... 2567
Memorandum of February 9, 1972 ... 3627

4 CFR

331 ... 4143
351 ... 4145
400 ... 4171
401 ... 4172
402 ... 4173

V 37 40 FEB 29 72 XUM

5 CFR

	Page
213	2423, 2491, 2841, 2842, 2879, 3049, 3741, 3801, 4069
532	3409
550	3355
PROPOSED RULES:	
900	2589

6 CFR

	Page
101	2491, 2678, 3913
102	2478
200	2479
201	3357
300	2842, 3410, 3827, 3828, 3913
301	3828, 3829
305	3915
311	2480
401	3741

7 CFR

	Page
7	3349
51	2745
53	2745
54	4174
58	4069
70	4174
81	4174
501	2423
502	2424
701	2833
706	2491
722	3171, 3420
724	2745, 3422, 3507
725	3891
726	2496
729	2645, 2765, 3629
795	3049
811	2659, 3629
905	2660
906	2765, 3049
907	2569, 2927, 3507, 3742, 3891
908	3892
910	2426, 2766, 2834, 3171, 3742, 4070
928	2927
981	3983
982	3630
993	3349
1001	2928, 4175
1002	2929, 4175
1004	2929
1006	2930
1007	2930
1011	2930
1012	2930
1013	2931
1015	2931
1030	2931
1032	2932
1033	2932
1036	2932
1040	2932
1043	2933
1044	2933
1046	2933
1049	2933
1050	2934
1060	2934
1061	2934, 4176
1062	3631
1063	2934
1064	2935
1065	2497, 2935
1068	2935, 4176
1069	2935
1070	2936
1071	2936
1073	2936
1075	2936
1076	2937
1078	2937
1079	2937
1090	2937
1094	2938, 2944
1096	2938
1097	2938
1098	2938
1099	2939
1101	2939
1102	2939
1103	2939
1104	2940
1106	2940
1108	2940
1120	2940
1124	2940
1125	2941
1126	2941
1127	2941
1128	2941
1129	2942
1130	2942
1131	2942
1132	2942
1133	2943
1134	2943
1136	2943
1137	2943
1138	2944
1427	3742
1806	2879
1822	3801
1823	2879, 3172
1871	2569
1890	3174
1890l	3172
PROPOSED RULES:	
29	3362
51	3363, 3642
59	2775, 3187
81	2778
220	4091
225	3440
271	3545
724	3438
726	2773
729	2774
906	3643
908	4091
909	3366
945	2844
966	2845
982	2515
987	2890, 3439, 4196
991	3440
993	2515, 3644
1001	3187
1002	3187
1004	4196
1030	4208
1046	2969
1049	4208
1061	3536
1068	3536
1079	3830
1137	3545
1421	2844, 3753
1434	2775
1446	2844
1464	3439
1481	2890
1701	2846, 3546

8 CFR

	Page
100	3744
214	2766
238	2766, 3744
332	2767
332d	2767
334	2767
334a	2767
339	2767
341	2767
342	2767

9 CFR

	Page
11	2426
51	3507
73	2945
76	3600
82	2429, 2498, 3050, 4070
97	2430, 3410
113	2430
204	3631
301	2661
307	4179
311	2661
315	2661
317	4070
350	4179
355	4179
PROPOSED RULES:	
316	2779
317	2779

10 CFR

	Page
20	3985
30	3985
40	3985
70	3985
71	3985
140	3423
PROPOSED RULES:	
50	3646

12 CFR

	Page
556	3987
563	3508
701	2946, 3174, 3508
PROPOSED RULES:	
207	4097
220	4097
221	4097
225	4098
529	2447
545	3549
750	2594

13 CFR

	Page
107	3950
120	2569
123	2947
PROPOSED RULES:	
121	3768, 3993

14 CFR

	Page
25	3969
37	3973
39	2498, 2570, 2662, 2835, 2880, 3409, 3508, 3631, 3986, 4180
67	4071
71	2570–2572, 2835–2837, 2952, 2953, 3050, 3349, 3409, 3509, 3631, 3632, 3745, 3746, 4072–4075, 4180, 4181
73	2499, 2837, 4075, 4076

14 CFR—Continued

	Page
75	2499, 2500, 2572, 2767, 3510, 4075, 4076, 4181
93	2953
95	2573
97	2662, 3174, 3510, 4181
121	2500, 3974
221	2664
241	2501
PROPOSED RULES:	
37	4217
39	4217
61	2523
67	2523
71	2524, 2587, 2682, 2683, 3059, 3367, 3341–3343, 3548, 3645, 3763, 3764, 4095, 4096, 4218
73	2847
103	2587, 2588
121	2523, 2684
127	2523
159	3059
183	2523
1245	3918

15 CFR

	Page
377	2430
386	3175
390	3511
602	3892
701	3892
PROPOSED RULES:	
7	2846
500	3726
610	3644

16 CFR

	Page
13	2575, 2576, 2578–2581, 2953, 4182, 4184, 4185
PROPOSED RULES:	
302	3443
425	2848
429	3551
432	2454, 2849

17 CFR

	Page
1	3802
241	3050
PROPOSED RULES:	
230	2596, 2598
239	2596, 2598
240	3059, 3446, 3992
249	3992
270	4219

18 CFR

	Page
2	2502, 2954
PROPOSED RULES:	
101	2451
104	2451
105	2451
141	2451
201	3992
204	3992
205	3992
260	2451, 3193, 3992

19 CFR

	Page
1	4076
10	3896
12	2430, 2665
16	3802

19 CFR—Continued

	Page
19	4186
21	3423
24	3425
171	4077
PROPOSED RULES:	
1	2443, 4084
4	4084
8	4084
11	2509
23	4084
123	4084
134	2509
161	4084
162	4084

20 CFR

	Page
404	3425
614	2434
617	2434
PROPOSED RULES:	
405	3492, 4095
620	2684

21 CFR

	Page
1	3175
3	2503, 3175, 3746
8	3177, 3896
121	2437, 2958–2960, 3177, 3746, 3987, 4077
135	2961, 3053, 3426
135b	3053
135c	3178, 3426
135e	2960, 2961, 3633
141c	2665
141d	3178
144	2960
146a	2665, 3178, 3426
146c	2665
146d	3178
146e	2665, 3179, 3426
148i	3179, 4188
148n	2665
149a	2438
295	3427
304	4189
PROPOSED RULES:	
15	3189
17	3189
31	3644
121	3060, 3366
130	2969
135	2444, 4095
191	3645

22 CFR

	Page
41	2439, 3053
PROPOSED RULES:	
Ch. VIII	3870

24 CFR

	Page
43	3638
110	3429
235	3747
275	3185
800	2665
1710	2768
1911	3350
1914	2505, 2881, 3748, 4079
1915	2505, 2882, 3749, 4080
PROPOSED RULES:	
235	3548
420	3546

25 CFR

	Page
221	2506
PROPOSED RULES:	
43h	2679
221	3060

26 CFR

	Page
1	2506, 4189, 4190
12	3511
301	2481, 2506, 3746
PROPOSED RULES:	
1	2773, 3526, 3530
12	3526
301	3530

28 CFR

	Page
0	3180
9	2768
45	2769

29 CFR

	Page
511	3430
727	3180
1904	2439
1910	3053, 3431, 3512
1926	3431, 3512, 3989
PROPOSED RULES:	
460	2443, 3759
1910	3830, 3992
1926	2443

30 CFR

	Page
PROPOSED RULES:	
80	2968

31 CFR

	Page
316	2554
500	3520
505	3520

32 CFR

	Page
215	3637
1452	3181
1467	3747
1801	2672
1808	2673, 3640
PROPOSED RULES:	
1499	2849

32A CFR

	Page
Ch. X:	
OI Reg. 1	2439, 4078

33 CFR

	Page
3	3350
117	2838, 3897
199	3433
207	3750, 4194
PROPOSED RULES:	
110	2446, 2447, 2587, 2890
117	2521, 2522
154	3763
155	3763
156	3763

36 CFR

	Page
4	4078
6	3350, 3827
7	4078
PROPOSED RULES:	
7	3438

V 37-40 FEB 29 72 XUM

37 CFR

	Page
2	2880, 3897
202	3055
PROPOSED RULES:	
1	2520

38 CFR

	Page
0	3435
1	2676
6	4194
8	3352, 4194
9	4194
PROPOSED RULES:	
1	3552

39 CFR

	Page
Ch. I	2423
135	3521
273	3352
619	3056

40 CFR

	Page
1	3898
52	2581
85	2432
106	2433
180	2676, 2839, 2883, 3181, 3352, 3988, 3989
PROPOSED RULES:	
6	3367
80	3882
164	3060

41 CFR

	Page
1–1	4194
1–2	2769
1–7	2769
1–12	2769
1–16	2771
3–1	3353
3–2	3353
5A–1	3182
5A–2	3182
5A–8	2507
5A–72	3183
5A–73	2441, 3183
5B–1	4077
5B–16	4077
6–1	3640
7–1	3521
7–4	3803
7–5	3803
7–7	3803
7–8	3823
7–16	3521, 3823
8–14	2508
8–74	2508
9–1	3435
9–5	3435
9–7	3435
9–59	3436
15–1	3989
101–11	2962
101–25	3524
101–27	2771
101–40	3827
114–32	3990
114–38	3990
114–45	3990
PROPOSED RULES:	
14–10	2680
15–9	3764, 4096
50–250	3759
60–7	2847
60–9	3753

42 CFR

	Page
55	3901
PROPOSED RULES:	
51	3759
51b	2970
54	2970
73	3916

43 CFR

	Page
2	2677
25	3183
PUBLIC LAND ORDERS:	
1272 (modified by PLO 5161)	3185
2732 (amended by PLO 5160)	3184
4522 (amended by PLO 5157)	3057
5154	2677
5155	2840
5156	3056
5157	3057
5158	3058
5159	3184
5160	3184
5161	3185
5162	3185

45 CFR

	Page
102	2882
170	2882
1015	2840
PROPOSED RULES:	
118	2779
143	2779
220	2445
222	2445
415	2986

46 CFR

	Page
308	3436
381	3641
542	4081
PROPOSED RULES:	
10	3763
12	3190, 3763
31	3763
66	2681
71	3763
91	3763
176	3763
187	3763
189	3763
193	2682
510	4219

47 CFR

	Page
1	3277, 3991
2	2771, 3437, 4082
15	3277
21	2583, 3277, 3354,
73	3991, 4082
74	3278
76	3278
78	3292
83	2884
91	3297
211	2771
PROPOSED RULES:	
73	2524, 2790, 2891, 3548
76	3190, 3192
81	2524

49 CFR

	Page
173	2885, 3524
174	2886, 3524
177	2886, 3524
178	2886, 3524
179	3058
386	3905
553	3632
571	3185, 3905, 3911
1033	2677, 3354
1211	2841
1311	3354
PROPOSED RULES:	
173	2588
178	2588
1056	3446
1322	3446

50 CFR

	Page
28	2964, 3436
32	3524
33	2441, 2502, 2841, 2964, 2967, 3437
280	2516
PROPOSED RULES:	
17	2589
280	2890

LIST OF FEDERAL REGISTER PAGES AND DATES—FEBRUARY

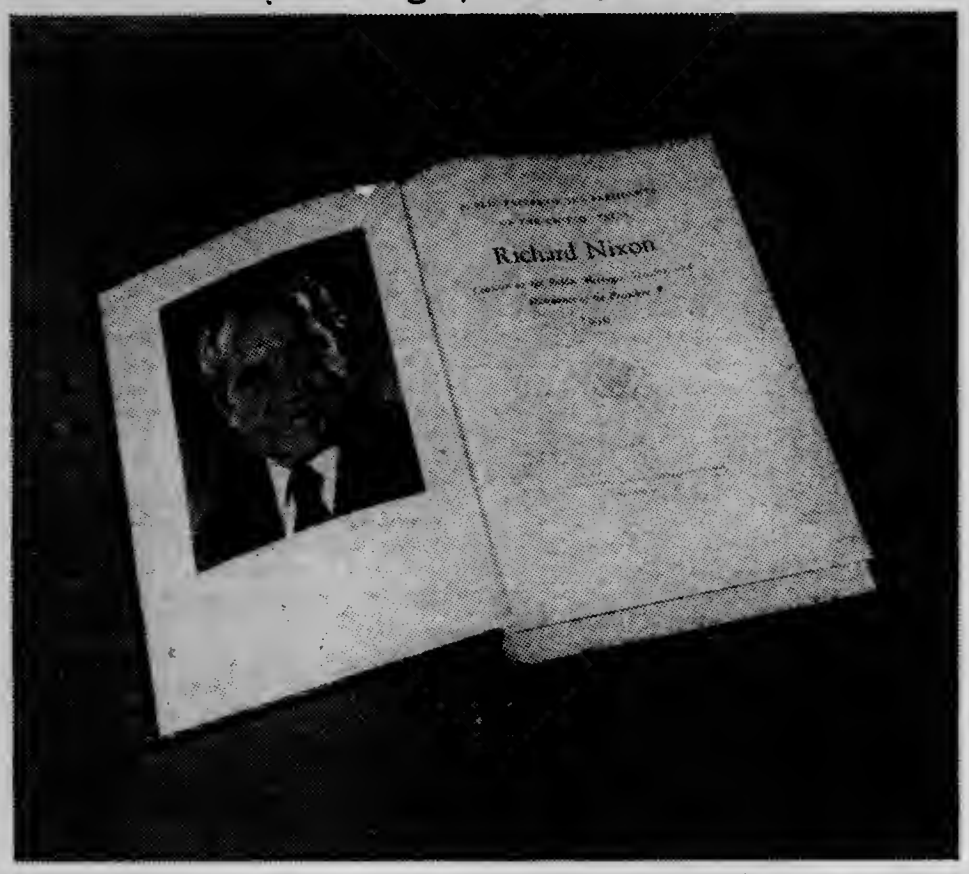
Pages	Date
2411–2482	Feb. 1
2483–2557	2
2559–2636	3
2637–2737	4
2739–2823	5
2825–2867	8
2869–2913	9
2915–3041	Feb. 10
3043–3157	11
3159–3341	12
3343–3401	15
3403–3500	16
3501–3606	17
3607–3732	Feb. 18
3733–3795	19
3797–3884	23
3885–3976	24
3977–4061	25
4063–4131	26
4133–4238	29

V 37-40 FEB 29 72 XUM

Public Papers of the Presidents of the United States

Richard Nixon/1970

1305 Pages/Price: $15.75



Contents

- Messages to the Congress
- Public speeches and letters
- The President's news conferences
- Radio and television reports to the American people
- Remarks to informal groups

Published by

Office of the Federal Register
National Archives and Records Service
General Services Administration

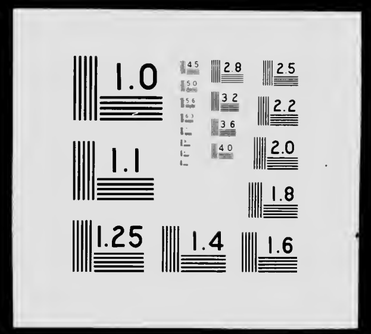
Order from

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

Prior Volumes

Volumes covering the administrations of Presidents Truman, Eisenhower, Kennedy, Johnson, and the first year of President Nixon are available at varying prices from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 / 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.